



Township of South Frontenac Council Meeting Agenda



TIME: 7:00 PM,
DATE: Tuesday, June 20, 2023
PLACE: Council Chambers/Virtual Via Zoom .

1. Call to Order
 - a) Resolution
2. Declaration of pecuniary interest and the general nature thereof
3. Approval of Agenda
 - a) Resolution
4. Scheduled Closed Session
5. Recess
6. Public Meeting
 - a) Resolution - Public Meeting to Order
 - b) Notice of Collection and Public Meeting Introduction 6 - 46
 - c) **Public Meeting - Zoning By-law Amendment Application - PL-ZBA-2023-0048, Bob's Lake Co-Operative (ZanderPlan), Bedford District** 47 - 63

This report provides Council with information about Zoning By-law Amendment Application PL-ZBA-2023-0048 for Bob's Lake Co-Operative properties on Badour Road, Co-op Lane, Donalds Lane and Nightingale Lane. If approved, the zone on the properties would be changed from Limited Service Residential – Waterfront Special Provision (RLSW-3) to a new RLSW-XX zone.
 - d) **Public Meeting - Zoning By-law Amendment Application - PL-ZBA-2023-0049, Michael Deodato (Beach) 5356 New Morin Road Unit A** 64 - 70

This report provides Council with information about Zoning By-law Amendment Application PL-ZBA-2023-0049 for a property municipally known as 5356 New Morin Road Unit A. If approved, the zone on a portion of the subject lands would be changed from Rural (RU) to Rural – Special Provision (RU-73).

Council will review the proposal and invite public input at the statutory public meeting. Staff are recommending that Council pass a by-law during the Council meeting in which the public meeting is held, per Procedural By-law as Amended by By-law 2023-44, as the planning matter is technical in nature (i.e. required to fulfill a condition of consent approval).
 - e) **Public Meeting - Zoning By-law Amendment Application - PL-ZBA-2023-0058, Dianna Smith (Boulevard Group), 1006 Busch Lane Unit A** 71 - 76

This report provides Council with information about Zoning By-law Amendment Application PL-ZBA-2023-0058 for a property

municipally known as 1006 Busch Lane Unit A. If approved, a holding symbol would be placed on the Rural (RU) zone on a portion of the subject lands.

Council will review the proposal and invite public input at the statutory public meeting. Staff are recommending that Council pass a by-law during the Council meeting in which the public meeting is held, per Procedural By-law as Amended by By-law 2023-44, as the planning matter is technical in nature (i.e. it fulfills a condition of consent approval).

f) Resolution - Close Public Meeting

7. Delegations

a) Darlene Clement will be present to speak to Council regarding support for the Sydenham Highschool Reunion. 77 - 82

8. Briefings

9. Approval of Minutes

a) Resolution 83 - 93

10. Reports Requiring Action

a) **Municipally Significant Event Designation for the Bellrock Community Hall – Summer Social Fundraising Event** 94 - 96

That Council designate the Bellrock Community Hall – Summer Social Fundraising Event as municipally significant in support of an Alcohol & Gaming Commission of Ontario, Special Occasion Permit Application.

b) **EA-2023-002 (Hulse) – Encroachment Agreement Request** 97 - 109

That Council approve, in principle, the draft Encroachment Agreement, attached as Attachment #5, to recognize the encroachment of the accessory building, being a detached garage and a portion of the driveway; and

That Council direct staff to prepare a subsequent report containing a by-law and complete Encroachment Agreement for Council approval following the conclusion of the sale of 195 Riders Lane.

c) **Noise By-law Exemption Requests** 110 - 120

That Rose Hahn be granted an exemption from Section 3 Clause f) of By-law Number 2015-41, As Amended, “A By-Law To Prohibit And Regulate Noise Within The Township Of South Frontenac”, to permit amplified music for a Celebration of Life on July 8, 2023 from 2:00 pm to 11:00 pm., at 1001 Lines Lane, Perth Road.

That Ryan Arcand be granted an exemption from Section 3 Clause f) of By-law Number 2015-41, As Amended, “A By-Law To Prohibit And Regulate Noise Within The Township Of South Frontenac”, to permit a home based wedding with live music, followed by amplified music from 1:00 pm on July 15, 2023 until 1:00 am on July 16, 2023, at 2535 Sands Road, Battersea.

That Charlene Lyon be granted an exemption from Section 3 clauses e) and f) of By-law Number 2015-41, As Amended, “A By-Law To Prohibit And Regulate Noise Within The

Township Of South Frontenac”, to permit a motorcycle rally and amplified music from 9:00 am to 11:00 pm on August 4, 5, 6 and 7, 2023 at 4625 Wolfe Swamp Road, Harrowsmith.

- d) **Gravel Road Granular Renewal Program - 2023** 121 -
125

That Council direct staff to advance the proposed gravel road renewal program on Ramparts Road, Burrige Road, and Garrett Road as part of the 2023 program.

- e) **Municipally Significant Event Designation for 2023 Frontenac Farmers Market Special Events** 126 -
128

That Council designate the Frontenac Farmers Market Special Events on July 14th, August 4th, and October 13th, 2023, from 3:00 pm – 7:00 pm at Centennial Park in Harrowsmith as municipally significant as required by the Alcohol & Gaming Commission of Ontario (AGCO) for a Special Occasion Permit (SOP) for the sale and consumption of alcohol at the events.

- f) **Award of Tender PS-2023-18 Glendower Net Sport Courts Upgrades** 129 -
131

That Council approved the bid submission from Jeff Wallen’s Construction in the amount of \$177,967.05 (including HST Rebate) for tender PS-2023-18 – Glendower Net Sport Court Upgrades;

That Council authorize the Public Services Department to enter into an agreement with Jeff Wallen’s Construction for a revised contract amount of \$154,521.54 (including HST rebate); and

That Council authorize a project budget increase in the amount of \$34,521.54 to be funded from the Asset Investment Reserve.

- g) **Davidson Beach Access Improvements** 132 -
136

That Council accept the recommendation of the Public Services Department to proceed with minor site improvements to the Davidson Beach pathway to improve access.

- h) **Speed Limit Reviews – Various Roadways (2023)** 137 -
144

That Council approve the staff recommendation for the implementation of speed limit changes as proposed on Lower Round Lake Road, Perth Road (west of Devil Lake), Petworth Road, Carrying Place, and Westport Road; and

That Council direct staff to prepare an amendment to the Roads, Traffic and Parking Bylaw 2000-01 to incorporate the proposed speed limit change on all five sections of road.

11. Advisory Committee Reports or Minutes

12. Reports Requiring Approval of By-laws

- a) **Zoning By-law Amendment Application - PL-ZBA-2023-0049, Michael Deodato (Beach) 5356 New Morin Road Unit A**

That By-law 2023-52 to amend the zoning on lands known as 5356 New Morin Road Unit A, Part of Lot 1, Concession 8, District of Portland, Township of South Frontenac be given first and second reading; and

That By-law 2023-52 be given third reading, signed and sealed.

- b) **Zoning By-law Amendment Application - PL-ZBA-2023-0058,
Dianna Smith (Boulevard Group), 1006 Busch Lane Unit A**

That By-law 2023-53 to amend the zoning on lands known as 1006 Busch Lane Unit A, Part of Lot 9, Concession 10, District of Loughborough, Township of South Frontenac be given first and second reading; and

That By-law 2023-53 be given third reading, signed and sealed.

- c) **Subdivision Agreement – Hartington Subdivision –Township of South Frontenac (Hartington) – County File #10T-2013/002** 145 -
200

That By-law 2023-54 to authorize the Mayor and Clerk to enter into a subdivision agreement with 1278840 Ontario Limited for the Hartington Phase 1 Plan of Subdivision be given first and second reading; and

That By-law 2023-54 be given third reading, signed and sealed.

- d) **Amendments to Water Services Charges By-law** 201 -
204

That By-law 2023-55, attached as Exhibit A, being “A By-law To Amend By-law 2009-08, As Amended, “A By-law Respecting Water Service Charges in South Frontenac Township” be given first and second reading; and

That By-law 2023-55 be given third reading, signed and sealed.

13. Reports for Information

- a) **Bill 97 and Draft Provincial Policy Statement (2023) - Update** 205 -
This report summarizes the effect of Bill 97, Helping Homebuyers, 210
Protecting Tenants Act, 2023 and proposed updates to the Provincial
Planning Statement (2023).

- b) **Public Services Department Quarterly Update** 211 -
The purpose of this report is to provide Council with the Public 215
Services Department second quarter update.

14. Committee of the Whole

15. Information Items

16. Notice of Motions

- a) **Notice of Motion – Regulation of Floating Homes** 216 -
226

17. Rise and Report regarding County Council and External Boards

- a) County Council
b) Cataraqui Region Conservation Authority
c) Quinte Conservation Authority
d) Rideau Valley Conservation Authority

18. Announcements/Statements by Councillors

19. Closed Session (if requested)

20. Confirmatory By-law

a) Resolution

227

21. Adjournment

a) Resolution

Natural, Vibrant and Growing - A Progressive Rural Leader
Please contact the Township Clerk at jthompson@southfrontenac.net regarding
questions related to the agenda.

Notice of Collection

- Personal information, as defined by the *Municipal Freedom of Information and protection of Privacy Act (MFIPPA)*, including (but not limited to names, addresses, opinions and comments, is collected under the authority of the *Municipal Act, 2001, Planning Act* and in accordance with *MFIPPA*.
- All personal information may form part of the meeting agendas and minutes, and therefore will be made available to members of the public at the meetings, through requests, and through the website of the Corporation of the Township of South Frontenac.
- Questions regarding the collection, use and disclosure of this personal information may be directed to the Township Clerk.

Public Meeting Statement

- If a person or public body would otherwise have an ability to appeal the decision of Council of the Township of South Frontenac to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Township before the by-law is passed, the person or public body is not entitled to appeal the decision.
- If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Township before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal.
- If you wish to be notified of the Township's decision on the Zoning By-law Amendment submit a request to the Township Clerk by email care of planning@southfrontenac.net.
- Appeals must be filed with the Clerk within 20 days of the notice of decision. The notice of appeal must set out the reasons for the appeal and be accompanied by the fee required by the Tribunal.



**SOUTH
FRONTENAC**

Public Meeting

under the Planning Act

Tuesday, June 20, 2023
7:00 p.m. Council Meeting

Meeting Format

- Planner reviews proposal and delivers report
- Public questions and comments
- Council questions and comments
- Close public meeting



PL-ZBA-2023-0048

Applicant: Bob's Lake Co-operative

Agent: ZanderPlan

Property: Badour Road, Co-op Lane, Donalds Lane, Nightingale Lane



Bob's Lake Co-operative Camps Inc.

Zoning By-law Amendment
Public Meeting June 20, 2023

Presentation Outline

- ▶ Co-op History
- ▶ Site location
- ▶ Zoning By-Law Amendment
- ▶ Official Plan context
- ▶ Supporting studies
- ▶ Summary

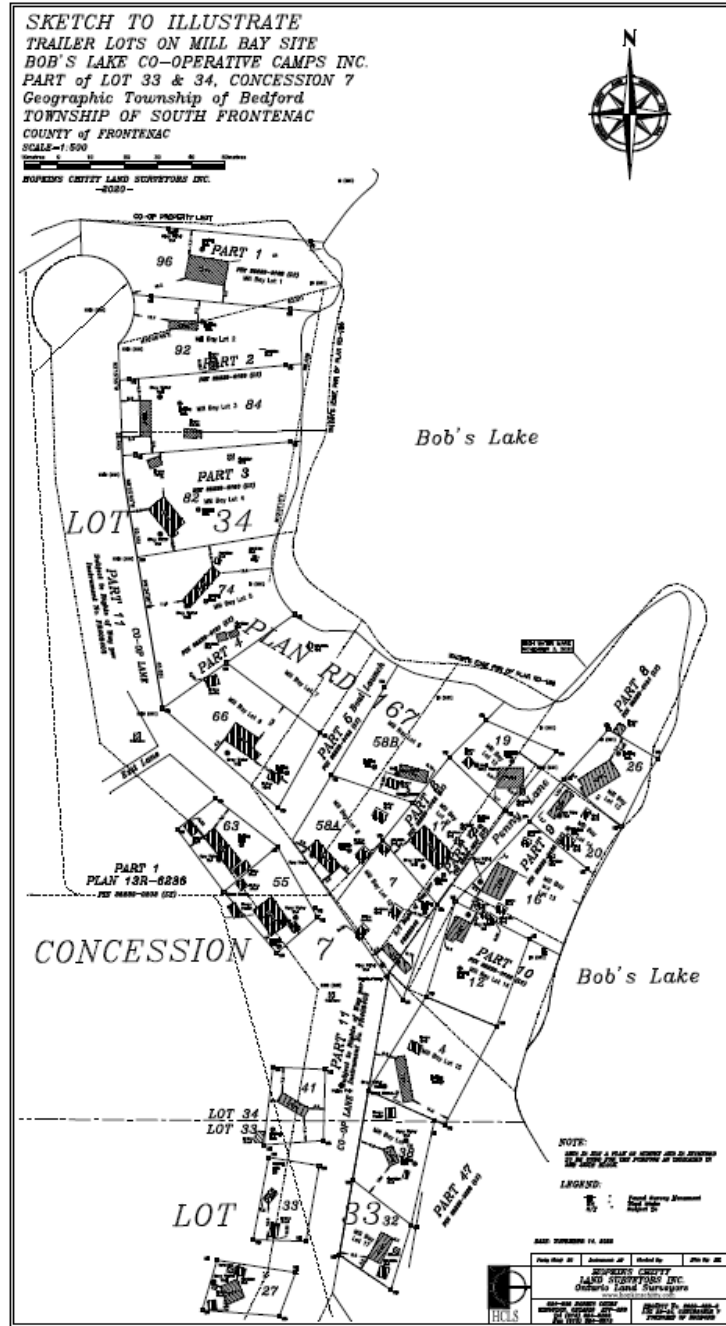
Co-op History

- ▶ Camp Holiday was established on the site around 1972
- ▶ Trailer owners established the co-op in August of 1983 as a not-for-profit organization: Bob's Lake Co-operative Camps Inc.
- ▶ The co-op was legally established and became a for-profit corporation between 2007-2009
- ▶ Corporation has no debt, and has established a reserve fund for their needs
- ▶ Co-op paid almost \$19,000 in taxes to South Frontenac in 2022
- ▶ Managed by a Board of Directors and governed by By-laws

Site Location

- ▶ Part of Lots 32, 33 and 34, Concession 6, Geographic Bedford
- ▶ Approximately 54 acres of land over 7 roll numbers, on both sides of Badour Road, fronting to Bob's Lake
- ▶ Only three parcels have trailers on them: Nightengale Lane, Mill Bay and Donald's Lane

Mill Bay



Current Zoning

RLSW-3 (Part Lot 32, Concession 6, Part of Lots 33 and 34, Concession VII, Bedford District - Bob's Lake Co-operative Limited)

Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-3) shall be used only in accordance with the following:

- i) Notwithstanding that the lands zoned RLSW-3 are inclusive of several parcels, the above named uses shall be permitted only as outlined in this by-law according to identification by R-Plan and Part numbers.
- ii) Permitted uses shall include a total of fifty-two (52) campsites for recreational vehicles, inclusive of all parcels other than Plan R6236, Part 5.
- iii) A maximum of ten (10) campsites shall be permitted on the portion of the lands located on Plan R98, Pts. 3-17 and R-166, Pts. 1 and 3.
- iv) No trailers will be permitted on Plan R6236, Part 5.

Zone Provisions

- i) Replacement of any existing trailers on the subject property will be subject to a minor variance application to determine the appropriateness of the size of the replacement trailer and location thereof.

All other provisions of this by-law shall apply.

Zoning By-law Amendment

- ▶ Current zoning requires a Minor Variance each time a trailer is replaced on site
- ▶ This requirement is cumbersome and has not been actively enforced over the years
- ▶ Revised site-specific zone would better recognize the existing circumstances onsite, and aid in regulating any new development including the replacing of trailers

Proposed site-specific zone

▶ SPECIAL RSLW – Exception:

▶ *Part of Lot 32, Concession 6, Part of Lots 33 and 34, Concession 7, Geographic Bedford – Bob’s Lake Co-operative Limited*

▶ *Notwithstanding any provisions of this By-law to the contrary, on the lands zoned Limited Service Residential Waterfront – Exception (RSLW-x), only the following uses shall be permitted, and the following special provisions shall apply:*

▶ Permitted Uses:

- 1. Docks shall be permitted, provided they do not interfere with neighbouring docks and are not a hazard to navigation.*
- 2. A maximum of fifty-two (52) sites for travel trailers shall be permitted, inclusive of all parcels within the holding other than Part 5 on Plan R6236.*
- 3. A maximum of ten (10) of the sites for travel trailers shall be permitted on the lands located on Plan R98, Parts 3-17, and Plan R166, Parts 1 and 3.*
- 4. On each site, a maximum of one installed travel trailer, plus accessory buildings and one sleep cabin shall be permitted.*
- 5. No travel trailers shall be permitted on Part 5, Plan R6236.*

▶ Special Zone Provisions:

- 1. For the purposes of this Exception zone, a Travel Trailer shall be considered the principal use on each site.*
- 2. As the principal use on each site, a Travel Trailer shall be considered a building for the purposes of Sections 5.10 Legal Non-Complying Uses and Section 5.11 Replacement of Buildings and Structures of this By-law.*
- 3. All other provisions of this By-law shall apply.*

Official Plan

- ▶ Property falls in the Rural designation in the Township's Official Plan
- ▶ Small area in the northeast corner is designated Environmental Protection - not impacted by campsites
- ▶ Residential, rural commercial and recreational uses such as trailer parks are permitted
- ▶ All parking is accommodated onsite, and the use is screened from the road
- ▶ Natural vegetation is retained; no new development proposed

Supporting Information

- ▶ Planning Rationale prepared by ZanderPlan Inc.
- ▶ Servicing analysis and Existing Conditions Report prepared by WSP - summary of private servicing onsite
- ▶ Site survey and site plans prepared by Hopkins Chitty Land Surveyors

Summary

- ▶ Proposed Zoning By-law Amendment recognizes the existing uses onsite and provides a framework for future uses
- ▶ Aligns with the By-laws of the Co-operative
- ▶ Meets the intent of the Official Plan policies
- ▶ Site will be subject to Site Plan Control approval





Department, Agency and Public Comments

- Building Services – comments forthcoming
- Rideau Valley Conservation Authority – no objection
- Public comments – none received to date

Next Steps

- South Frontenac Council should receive comments from the public
- A report with a recommendation will be brought to a future Council meeting



Public Questions and Comments

If you are joining virtually and would like to speak:

- Use “Raise Hand” feature at the bottom of your screen.
- Dial*9 (star nine) for phone.
- Please wait to speak until you hear your name and your microphone has been unmuted.

Council Questions and Comments

PL-ZBA-2023-0049

Applicant: Michael Deodato

Agent: Gary Beach

Property: 5356 New Morin Road Unit A



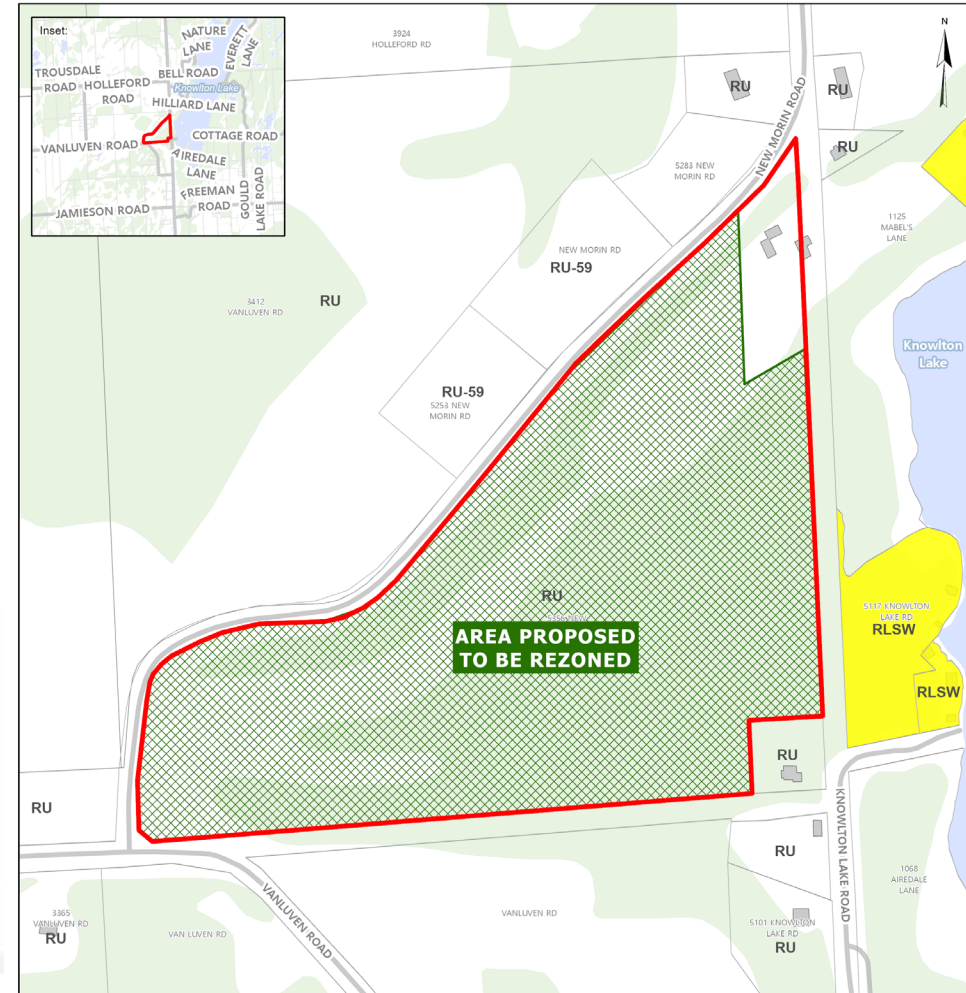
Property Location

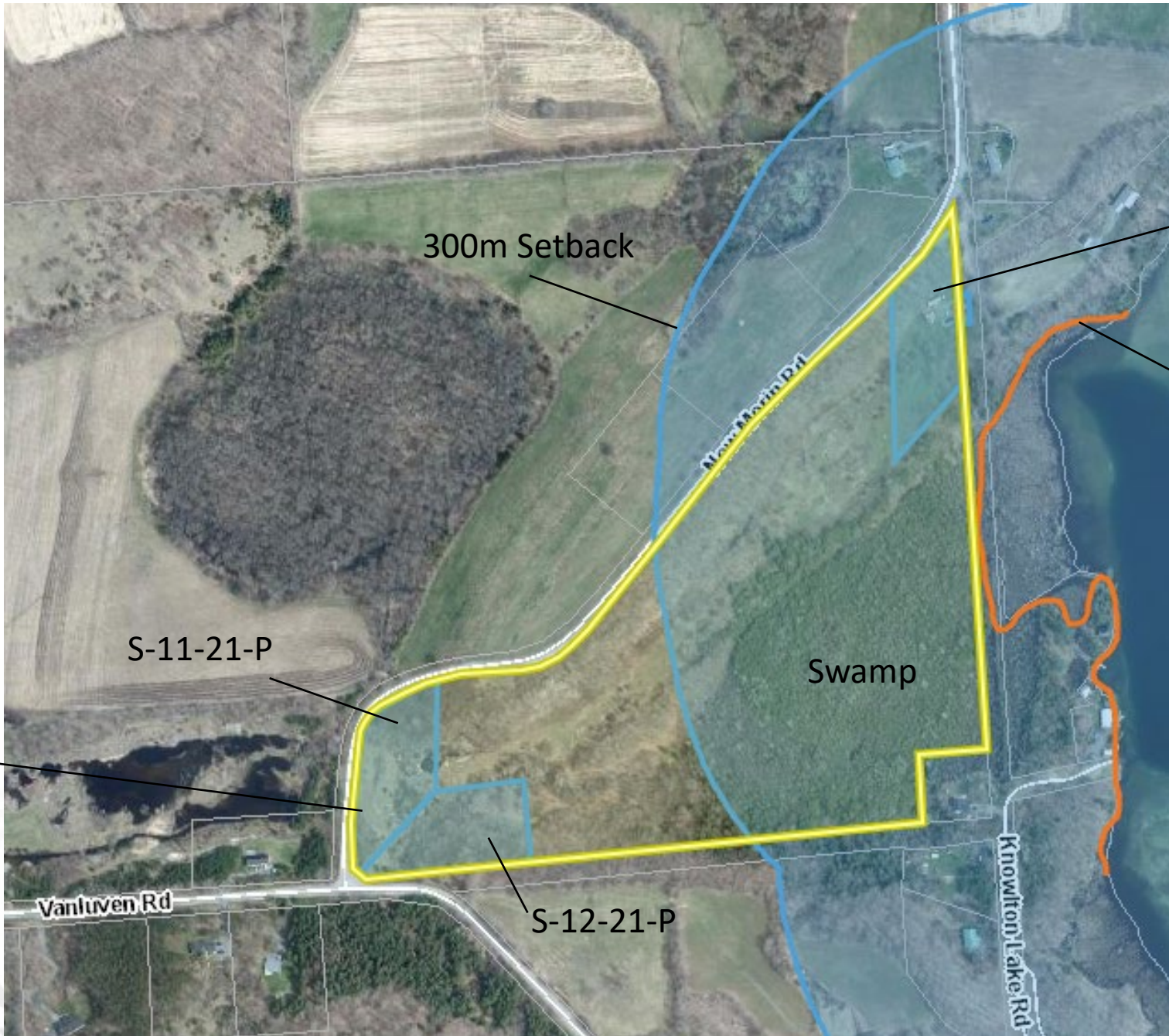
- Northwest of Sydenham
- Near Knowlton Lake
- 17.6 ha (43.5 acres)
- 800 metres frontage



Proposal

- New residential lot approved in April 2023
- Existing Zone – RU
- Proposed Zone – RU-73
- Require any sewage system on the retained parcel to be setback a minimum 300 metres from the highwater mark of Knowlton Lake





300m Setback

S-13-21-P

Highwater Mark of Knowlton Lake

S-11-21-P

Swamp

Approximate Entrance Location

S-12-21-P

Vanluven Rd

Knowlton Lake Rd



Looking west on retained parcel



Entrance and old sand pit

Department, Agency and Public Comments

- Ministry of the Environment, Conservation and Parks
 - Rezoning implements their comments
 - No concerns with retained parcel as it contains a suitable location for sewage system more than 300m from the lake/wetland
- Cataraqui Conservation – no objection
- Public comments – none received to date

Policy Framework

Provincial Policy Statement



Frontenac County Official Plan



Township of South Frontenac
Official Plan



Development on At-Capacity
Lake Trout Lakes



Next Steps

- South Frontenac Council should receive comments from the public
- Staff recommendation to pass a by-law tonight



Public Questions and Comments

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Council Questions and Comments

PL-ZBA-2023-0058

Applicant: Dianna Smith

Agent: Boulevard Group

Property: 1006 Busch Lane Unit A

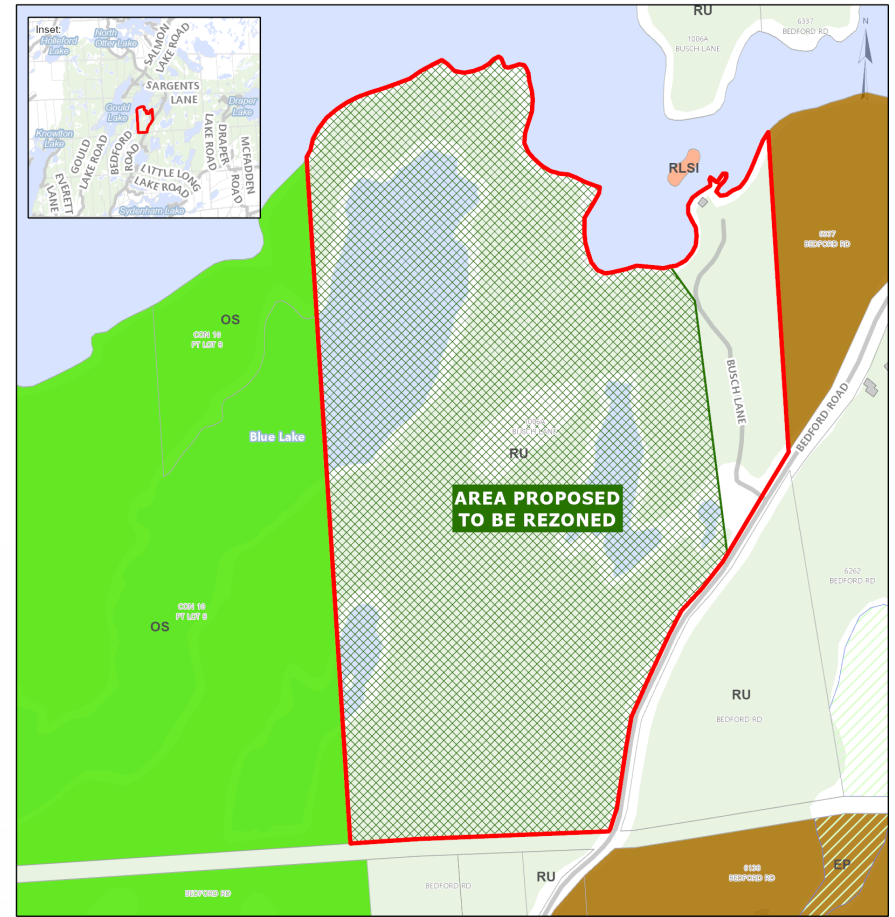


Location



Proposal

- Severance of three seasonal dwellings approved in May 2023
- Existing Zone – RU
- Proposed Zone – RU-H
 - a holding symbol to be placed on the RU zone on the retained lands
 - to be removed only after an environmental impact assessment and an archaeological assessment are completed to the satisfaction of the Township





Department, Agency and Public Comments

- Cataraqui Conservation – no objection to the consent application
- Public comments – none received to date

Policy Framework

Provincial Policy Statement



Frontenac County Official Plan



Township of South Frontenac
Official Plan



Resource-based Recreational
Uses
Environmentally Sensitive Areas
Archaeological Resources



Next Steps

- South Frontenac Council should receive comments from the public
- Staff recommendation to pass a by-law tonight

Public Questions and Comments

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- Use “Raise Hand” feature at the bottom of your screen.
- Dial*9 (star nine) for phone.
- Please wait to speak until you hear your name and your microphone has been unmuted.

Council Questions and Comments

Adjourn Public Meeting



Township of South Frontenac Staff Report



To: Council

Prepared by: Development Services Department

Date of Meeting: June 20, 2023

Public Meeting for Zoning By-law Amendment Application
Subject: PL-ZBA-2023-0048, Bob's Lake Co-Operative (ZanderPlan),
 Bedford District

Summary

This report provides Council with information about Zoning By-law Amendment Application PL-ZBA-2023-0048 for Bob's Lake Co-Operative properties on Badour Road, Co-op Lane, Donalds Lane and Nightingale Lane. If approved, the zone on the properties would be changed from Limited Service Residential – Waterfront Special Provision (RLSW-3) to a new RLSW-XX zone.

Consistent with Council's Procedural By-law, Council will receive comments from the public on the application through the public meeting. Staff will bring a more detailed report considering applicable policy and public comments, as well as providing a recommendation to Council on this application at a future meeting.

Recommendation

This report is for information only.

Background

Bob's Lake Co-Operative owns several properties on Bob's Lake in the area of Badour Road. The location of these properties is shown on attachment 1.

The subject lands were used as a trailer park since the 1970s. Bob's Lake Co-Operative took over operation and management of the trailer park in the 1980s. The Co-Operative has provided a brief history of the organization and the property (attachment 2). The predecessor to the current RLSW-3 zone on the properties was passed in 1988. It was intended that the location of campsites and trailers would eventually be regulated using site plan control.

The RLSW-3 zone permits a total of 62 campsites for recreational vehicles on these properties. The RLSW-3 zone requires the replacement of existing trailers on the properties to be subject to a minor variance application to determine the appropriateness of

the size and location of the replacement trailer. The purpose of the rezoning application is to clarify the zoning on the properties through a new RLSW-XX zone that would better reflect the current and potential uses, and eliminate the need for a minor variance when trailers are replaced. No new development is proposed at this time.

Under the Planning Act, a public meeting is required to be held to receive comments from the public on the proposed rezoning.

Property Description

Bob's Lake Co-Operative properties are located on Badour Road, Co-op Lane, Donalds Lane and Nightingale Lane. All of the properties contain shorelines with variable heights, but most are high and steep. The main property is on Co-op Lane. It is approximately 40.5 acres in area and forested. The property contains 23 trailers plus accessory buildings and structures. The Donalds Lane property is approximately 7.5 acres in area and contains eight trailers plus accessory buildings and structures. The Nightingale Lane property is approximately 3.5 acres in area and contains seven trailers plus accessory buildings and structures. There are several docks and water access points associated with the campsites.

Related Applications

The properties are not subject to any other applications under the Planning Act.

Supporting Documentation

An existing conditions report, sketches illustrating the trailer lots, and a planning report were submitted in support of the rezoning application.

Existing Conditions Report

An Existing Conditions Report (WSP, October 28, 2019) documents the location of all trailers, roadways and services. It includes a preliminary hydrogeological assessment and provides recommendations to ensure the existing site is functioning properly and meets all required guidelines and codes. The report is available for viewing on request of Planning Services due to the file size.

The report indicates that the existing roadways are approximately 6 metres wide and in good to excellent condition. There are waterlines that are fed by two wells. Each campsite has an individual connection to the waterlines. Monthly water quality testing is conducted between April and October each year by the Co-Operative.

The report inventoried 52 on-site sewage systems. The campsites are serviced by a variety of on-site sewage systems including outhouses and privies (Class 1), greywater systems (Class 2), septic tank and leaching bed systems (Class 4), and holding tanks (Class 5).

The report recommendations include that granular driveways be installed on each campsite to reduce soil erosion potential, that on-going monthly water quality testing be continued, that high-level alarms be installed on all existing holding tanks, and that the Co-Operative should enter into a written agreement with a local licensed sewage hauler for each parcel.

Sketches Illustrating Trailer Lots

Three sketches illustrating the trailer lots on Co-op Lane, Donalds Lane and Nightingale Lane (Hopkins Chitty Land Surveyors, 2020) were submitted to identify the location of trailers and accessory buildings on each of the trailer lots (i.e. campsites). The sketches are attachment 3 to this report.

Planning Report

A Planning Report (ZanderPlan, April 11, 2023) was submitted in support of the subject application. The report is attachment 4.

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 also includes draft by-law wording.

Department and Agency Comments

Building Services will provide comments as it relates to existing and future sewage systems before Council is asked to make a decision on the application.

Rideau Valley Conservation Authority staff indicated on May 29, 2023, that they had no objection to the application within the context of natural hazard policies, O. Reg. 174/06 under the Conservation Authorities Act, and the Mississippi-Rideau Source Water Protection Plan.

Public Comments

No comments were received from the public at the time of writing this report.

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

Climate Considerations

- Not applicable to this report.
- This initiative supports climate change mitigation/adaption efforts in South Frontenac; and/or impacts the Township's resilience to climate change.

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

Attachments

1. Location map
2. History of the Co-Op (June 1, 2023)
3. Sketches illustrating the trailer lots on Co-op Lane, Donalds Lane and Nightingale Lane (Hopkins Chitty Land Surveyors, 2020)
4. Planning Report (ZanderPlan, April 11, 2023)

Approvals

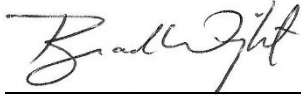
Report Prepared By:

Christine Woods, MCIP, RPP, Senior Planner

Township of South Frontenac

Staff Report - PL-ZBA-2023-0048, Bob's Lake Co-Operative (ZanderPlan), Bedford District

Submitted By:

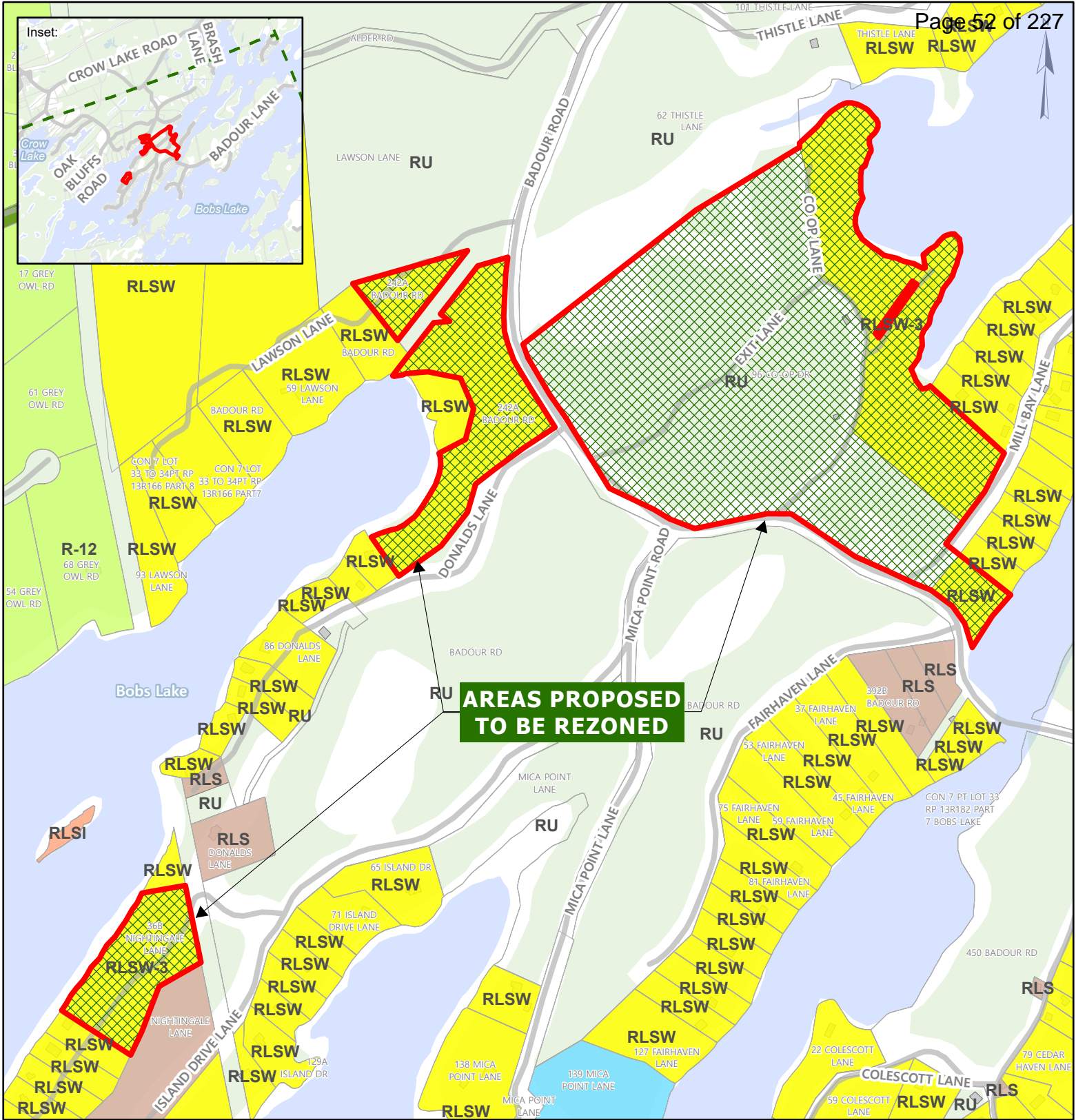



Brad Wright
Director of Development Services

Approved By:



Louise Fragnito, CPA, CGA
Chief Administrative Officer





SOUTH FRONTENAC

(BOBS LAKE COOP-ERATIVE) (ZANDERPLAN)

BADOUR ROAD

PL-ZBA-2023-0048

LEGEND

| | | | | | | |
|---------------|--------------------|---------|---------------------|-------------|-----------|------|
| Subject Lands | Area to be Rezoned | Parcels | Building Footprints | Wooded Area | Waterbody | Road |
|---------------|--------------------|---------|---------------------|-------------|-----------|------|

| | | | |
|------------------------------------|--|--|---|
| Zoning | PIT 'B' ZONE (PB) | LIMITED SERVICE RESIDENTIAL - ISLAND ZONE (RLSI) | URBAN COMMERCIAL ZONE (UC) |
| AGRICULTURAL ZONE (A) | QUARRY 'A' ZONE (QA) | LIMITED SERVICE RESIDENTIAL - WATERFRONT ZONE (RLSW) | URBAN INDUSTRIAL ZONE (UI) |
| COMMUNITY FACILITY ZONE (CF) | QUARRY 'B' ZONE (QB) | RECREATIONAL RESORT COMMERCIAL ZONE (RRC) | URBAN MULTIPLE RESIDENTIAL ZONE (UMR) |
| ENVIRONMENTAL PROTECTION ZONE (EP) | RESIDENTIAL ZONE (R) | RURAL ZONE (RU) | URBAN RESIDENTIAL ZONE - FIRST DENSITY ZONE (UR1) |
| MOBILE HOME RESIDENTIAL ZONE (MHR) | RURAL COMMERCIAL ZONE (RC) | WATERFRONT RESIDENTIAL ZONE (RW) | URBAN RESIDENTIAL ZONE - SECOND DENSITY (UR2) |
| OPEN SPACE - PUBLIC ZONE (OS) | RURAL INDUSTRIAL ZONE (RI) | SALVAGE YARD INDUSTRIAL ZONE (SI) | WASTE DISPOSAL ZONE (WD) |
| OPEN SPACE - PRIVATE ZONE (OSP) | LIMITED SERVICE RESIDENTIAL ZONE (RLS) | TEMPORARY USE ZONE (TUZ) | |
| PIT 'A' ZONE (PA) | | | |

0 30 60 120 m

Scale: 1:6,000

Around 1972, Camp Holiday came into being. It was owned by people in the U.S. and administered by Ted Orton. At that time, the Camp included all the land along Badour Rd to the end of Nightingale or possibly farther and what we call today the Mill Bay site.

At some point, taxes were not paid and some of the land was sold by the Township for non payment of taxes. The people with trailers on the land that was sold for unpaid taxes were forced to move. Out of this the Co-op was born when several people secured a loan from the Badour sisters and purchase the land now owned by the Co-op.

The present-day Co-op was formed on 19-of August 1983 in Bedford Township. I am told that the tax sale caused more than a few hard feelings among the members and the purchasers of the land.

At that time, the Co-op was a NOT-for- Profit Corporation. In 2007-2009, a proper share agreement was instituted by the Co-op Members and the Co-op legally became a For-Profit Corporation. The Co-op is dully a registered corporation. The loan to the Badour sisters was paid off before I arrived in 2004.

At this time, we have no debt owing to anyone. As a corporation, we carry a reserve that we feel is sufficient to meet our requirements, and we are working to build it up for the future. Last year the Co-op paid \$18,923.00 in taxes to the township.

The Co-op consists of approximately 54 acres on 7 roll numbers within the Township. Trailers are located on only three sites, utilizing approximately one third of the land area. The Co-op is managed by a Board of Directors of up to 11 volunteer Members with an annual AGM in May of each year. We have an auditor who reviews our financial records annually.

We are governed by our Bylaws that follow the Cooperative Corporations Act of Ontario. We have restrictions on trailer size and do not allow converted buses or similar. We also have a process to pre-approve buildings like sheds to ensure that they meet both Township and Co-op standards before they are installed.

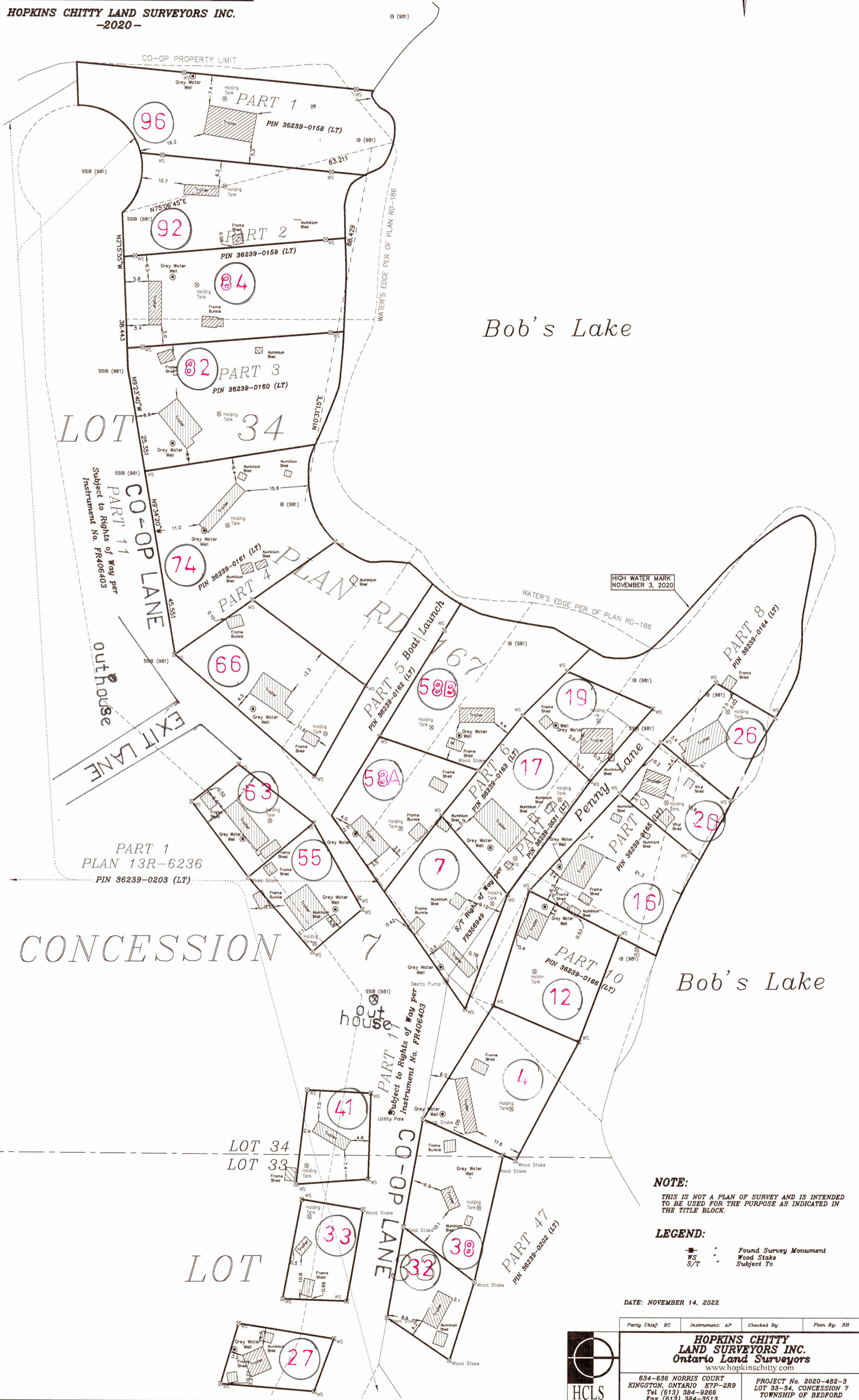
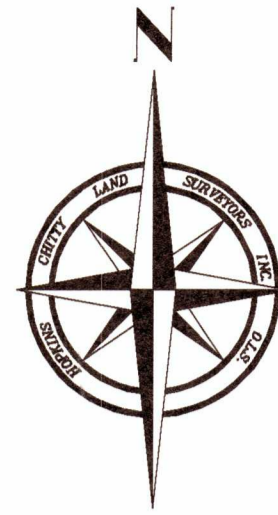
The current zoning came into being at the time of the Amalgamation of Townships. That zoning requires us to get a minor variance when a trailer is replaced. Since we are a trailer park and people come and go, trailers are replaced from time to time. The present zoning makes it cumbersome and costly to do this, which is why we are seeking to update the zoning.

SKETCH TO ILLUSTRATE
 TRAILER LOTS ON MILL BAY SITE
 BOB'S LAKE CO-OPERATIVE CAMPS INC.
 PART of LOT 33 & 34, CONCESSION 7
 Geographic Township of Bedford
 TOWNSHIP OF SOUTH FRONTENAC
 COUNTY of FRONTENAC

SCALE=1:500



HOPKINS CHITTY LAND SURVEYORS INC.
 -2020-



NOTE:
 THIS IS NOT A PLAN OF SURVEY AND IS INTENDED
 TO BE USED FOR THE PURPOSE AS INDICATED IN
 THE TITLE BLOCK.

LEGEND:
 ■ Found Survey Monument
 WS Wood Stake
 S/T Subject To

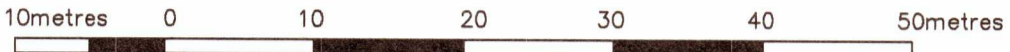
DATE: NOVEMBER 14, 2022

| | | | |
|---|----------------|--|-------------|
| Party Chief: BC | Instrument: AP | Checked By: | Plan By: RH |
| HOPKINS CHITTY LAND SURVEYORS INC. Ontario Land Surveyors | | | |
| www.hopkinschitty.com | | | |
| 634-636 NORRIS COURT KINGSTON, ONTARIO K7P-2R9 Tel: (613) 384-3266 Fax: (613) 384-3513 | | PROJECT No. 2020-482-3 LOT 33-34, CONCESSION 7 TOWNSHIP OF BEDFORD | |

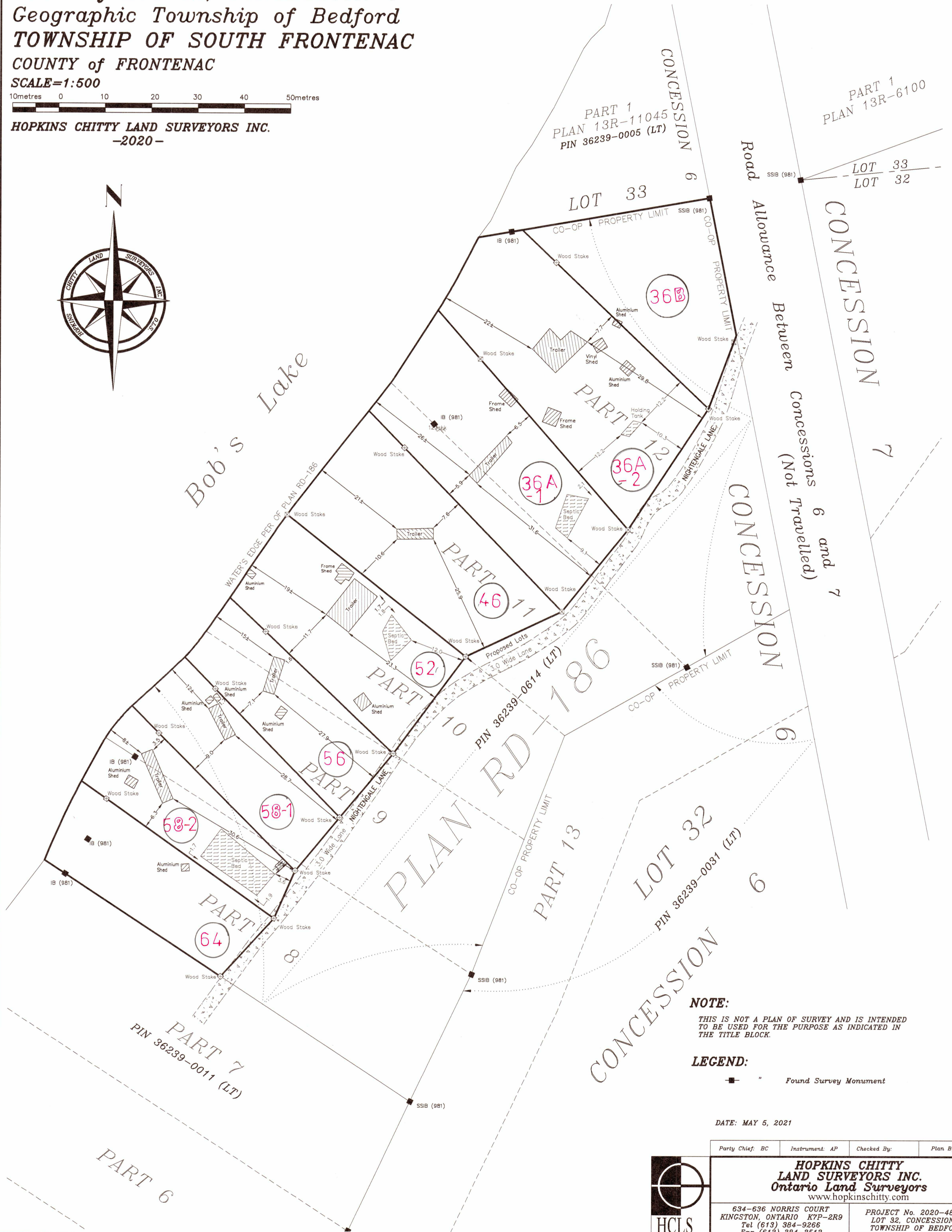
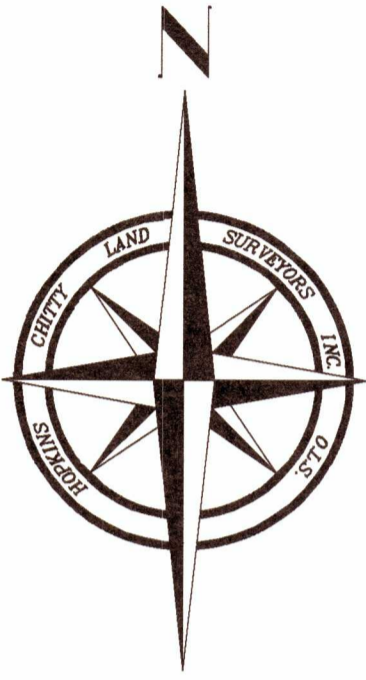
SKETCH TO ILLUSTRATE
TRAILER LOTS ON NIGHTENGALE LANE SITE
BOB'S LAKE CO-OPERATIVE CAMPS INC.

PART of LOT 32, CONCESSION 6
Geographic Township of Bedford
TOWNSHIP OF SOUTH FRONTENAC
COUNTY of FRONTENAC

SCALE=1:500



HOPKINS CHITTY LAND SURVEYORS INC.
-2020-



NOTE:

THIS IS NOT A PLAN OF SURVEY AND IS INTENDED TO BE USED FOR THE PURPOSE AS INDICATED IN THE TITLE BLOCK.

LEGEND:

■ " Found Survey Monument

DATE: MAY 5, 2021

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| Party Chief: BC | Instrument: AP | Checked By: | Plan By: RH |
| HOPKINS CHITTY LAND SURVEYORS INC. Ontario Land Surveyors www.hopkinschitty.com | | | |
| 634-636 NORRIS COURT KINGSTON, ONTARIO K7P-2R9 Tel (613) 384-9266 Fax (613) 384-3513 | | PROJECT No. 2020-482-2 LOT 32, CONCESSION 6 TOWNSHIP OF BEDFORD | |





April 11, 2023

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

To Whom it May Concern:

**RE: Zoning By-Law Amendment
Part of lot 32, Con 6, Part of Lots 33 and 34, Concession 7
Geographic Township of Bedford
Township of South Frontenac
Applicants: Bob's Lake Cooperative Camps Inc.**

ZanderPlan has been retained by Bob's Lake Cooperative Camps Inc (the "Co-op") to assist with a Zoning By-law Amendment for the lands known as the Bob's Lake Co-op in the Township of South Frontenac. The lands are located on the west end of Bob's Lake, northwest of the Village of Westport, and consist of multiple parcels on either side of Badour Road. The lands are used for seasonal trailers on private services, and are currently zoned Limited Service Residential – Waterfront – Exception (RLSW-3). The purpose of the application is to place the lands in a new RLSW – Exception zone that better reflects the uses on the site. In consultation with Township staff, draft wording for the new Exception zone is included in this submission.

SUBJECT PROPERTY

The subject lands include a number of separate parcels located on either side of Badour Road, fronting to Bob's Lake. Trailers have been located on the subject lands since the early 1970s. There are three main parcels containing trailers which are affected by this Zoning Amendment, as shown in the images extracted from Frontenac Maps at Figures 1, 2 and 3 below. The property is owned and managed by the Cooperative organization, and includes a total of 37 trailers with associated private servicing and accessory buildings and structures. The site is also serviced with hydro to the trailers. The main access to the parcels comes from Badour Road, a year-round road maintained by the Township of South Frontenac. The individual trailer sites are serviced via internal roads which are maintained by the Co-op. There are two existing wells onsite, with waterlines in place to service individual trailer sites. There are a number of existing wastewater systems on site including holding tanks, Class 4 septic systems, composting toilets, privies and other Class 1 systems, as well greywater systems on some sites.

The majority of the property is in a natural state, save for the placement of the trailers and accessory buildings, with significant mature trees and vegetation throughout. The lands include

rolling terrain and rock outcrops consistent with the Canadian Shield. While there are a number of docks and water access points associated with the trailers, the shoreline areas are also largely in a natural state.



Figure 1: parcel at 1029-030-020-93200



Figure 2: parcel at 1092-030-020-71200



Figure 3: parcel at 1029-030-020-73500

DEVELOPMENT PROPOSAL

There are no immediate development plans for the site, since the majority of the trailer sites are already occupied. However, the Coop is seeking to clarify the zoning on the subject lands through a new site-specific zone which better reflects the current and potential uses, and eliminates the need for a Minor Variance when trailers are replaced.

PROVINCIAL POLICY STATEMENT, 2020

Planning decisions in Ontario are required to be consistent with the policies in the 2020 Provincial Policy Statement (PPS), as issued under the authority of Section 3 of the *Planning Act*. The following policies are relevant to this proposal.

Section 1 of the PPS speaks to Building Strong Healthy Communities. The Coop use contributes to a healthy community by providing a rural recreational land use that is located in a natural setting with minimal disturbance. The site includes internal roads and trailer sites, connecting to a public municipal road where no access concerns have been identified. The property is in a rural area, where the policies of Section 1.1.4 would recognize an intent to provide opportunities for rural activities including tourism and recreation. Per Section 1.1.5, resource-based recreational uses, such as trailer sites on waterfront lands, are permitted in rural areas. Section 1.6 references servicing. As municipal services are not available in this area, and the



property includes a seasonal recreational campground, private servicing is appropriate. As described in greater detail later in this report, the onsite servicing has been evaluated by WSP and no concerns were identified.

Section 2.0 of the PPS speaks to the Wise Use and Management of Resources. With regard to Section 2.1 Natural Heritage, an unevaluated wetland is noted in the northeast portion of the site; however, it is fully outside of the developed area, no new development is proposed on the site, and no impacts are anticipated. Section 2.2 references Water. The site is currently serviced with private drinking water wells shared by the trailer sites. Surface water sheet drains to the Lake, and the site is in a natural state. With regard to Section 2.3 Agriculture, there are no agricultural lands or activities on or in proximity to the site. Section 2.4 references Minerals and Petroleum, and Section 2.5 references Mineral Aggregate Resources. There are no known minerals, petroleum or aggregate resources on or within proximity to the subject lands. Section 2.6 speaks to Cultural Heritage and Archaeology. While the subject lands are located on a waterbody, there has been trailer/campsite activity on the site since the early 1970s. The sites are fully developed and no new development is proposed at this time.

Section 3.0 speaks to Protecting Public Health and Safety. There are no identified Natural Hazards on the subject lands that would be affected by Section 3.1, and no identified Human-Made Hazards that would be affected by the policies of Section 3.2

Overall, the proposed Zoning By-law Amendment, to clarify the policies and uses for the existing cooperative site, would be consistent with the policies in the 2020 Provincial Policy Statement.

TOWNSHIP OF SOUTH FRONTENAC OFFICIAL PLAN

The subject lands fall in the Rural designation under the Township's current Official Plan. A portion of the northeast corner of the site is designated as Environmental Protection. The Rural policies are included at Section 5.7 of the Plan, where it is noted that residential, rural commercial and recreational uses are permitted. While the Coop use is not commercial in nature, it does meet the general intent of the Rural Commercial policies of Section 5.7.5 as a recreational/resort type use, ie a trailer park. However, the site does not include any of the other accessory uses that might go with a commercial operation, such as a restaurant or store. Per Section 5.7.5(ii), there is sufficient parking on the lands to meet the needs of the Coop, and there is significant vegetative screening/buffering in place between the site and the main township road.

Per Section 5.7.5(iii), the natural setting and vegetation has been retained on site, allowing the Coop to blend in to the rural environment. Section 5.7.5(iii)(a)(2) references a maximum of 50

P.O. Box 20148 Perth, Ontario K7H 3M6 ph. 613-264-9600 fax: 613-264-9609 www.zanderplan.com



campsites. The current zoning on the site permits a total of 52 sites, and this is proposed to be carried forward to the new site-specific zone. This is appropriate on the subject property as the sites are spread over several parcels and several waterfront areas, and do not result in a concentration of trailers in one waterfront area. Subsection (3) references frontage for the sites on the internal road. All sites are existing. Subsection (4) indicates that development should be more than 50 metres from the high water mark. The site is fully developed with trailer sites, and no new development is planned within 50 metres of the high water mark. Subsection (5) references a maximum lot coverage of 25% for the campsites. Given the large size of the subject lands, the lot coverage is well under 25%.

The northeast corner of the site is designated as Environmental Protection, to recognize the wetland area. This feature is mapped as an unevaluated wetland on Provincial mapping, and is entirely outside of the trailer sites that exist on the subject lands. No new development is proposed that would impact the local wetland area.

Overall, the existing Coop use on the site is permitted within the Township's Official Plan, and the proposed zoning by-law amendment would meet the intent of the Official Plan policies.

TOWNSHIP OF SOUTH FRONTENAC ZONING BY-LAW

The subject lands are currently zoned Limited Service Residential Waterfront – Exception (RLWS-3) under By-law 2003-75 of the Township of South Frontenac. This site specific zone includes the following provisions:

RLSW-3 (Part Lot 32, Concession VI, Part of Lots 33 and 34, Concession VII, Bedford District - Bob's Lake Co-operative Limited)

Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-3) shall be used only in accordance with the following:

- *Notwithstanding that the lands zoned RLSW-3 are inclusive of several parcels, the above named uses shall be permitted only as outlined in this by-law according to identification by R-Plan and Part numbers.*
- *Permitted uses shall include a total of fifty-two (52) campsites for recreational vehicles, inclusive of all parcels other than Plan R6236, Part 5.*
- *A maximum of ten (10) campsites shall be permitted on the portion of the lands located on Plan R98, Pts. 3-17 and R-166, Pts. 1 and 3.*
- *No trailers will be permitted on Plan R6236, Part 5.*

ZONE PROVISIONS



- *Replacement of any existing trailers on the subject property will be subject to a minor variance application to determine the appropriateness of the size of the replacement trailer and location thereof.*

All other provisions of this by-law shall apply.

The current Zone includes references to campsites on several surveyed parcels, which is useful given the fragmented nature of the lands; these survey references are proposed to be carried into the new Zone. The current Zone was determined to be unduly restrictive, requiring a minor variance application for the replacement of each trailer, and failing to give consideration to accessory buildings and uses that are unique to the cooperative site.

In consultation with Township staff, draft wording for a new site-specific zone has been prepared, with a goal to better clarifying the uses and policies that would apply to the site. One key change is to refer to “sites” within the land holding, rather than campsites which is not defined in the Township’s Zoning By-law.

The following wording for the site specific zone is proposed:

SPECIAL RSLW – Exception:

Part of Lot 32, Concession 6, Part of Lots 33 and 34, Concession 7, Geographic Bedford – Bob’s Lake Co-operative Limited

Notwithstanding any provisions of this By-law to the contrary, on the lands zoned Limited Service Residential Waterfront – Exception (RSLW-x), only the following uses shall be permitted, and the following special provisions shall apply:

Permitted Uses:

- 1. Docks shall be permitted, provided they do not interfere with neighbouring docks and are not a hazard to navigation.*
- 2. A maximum of fifty-two (52) sites for travel trailers shall be permitted, inclusive of all parcels within the holding other than Part 5 on Plan R6236.*
- 3. A maximum of ten (10) of the sites for travel trailers shall be permitted on the lands located on Plan R98, Parts 3-17, and Plan R166, Parts 1 and 3.*
- 4. On each site, a maximum of one installed travel trailer, plus accessory buildings and one sleep cabin shall be permitted.*
- 5. No travel trailers shall be permitted on Part 5, Plan R6236.*

Special Zone Provisions:

- 1. For the purposes of this Exception zone, a Travel Trailer shall be considered the principal use on each site.*



2. *As the principal use on each site, a Travel Trailer shall be considered a building for the purposes of Sections 5.10 Legal Non-Complying Uses and Section 5.11 Replacement of Buildings and Structures of this By-law.*
3. *All other provisions of this By-law shall apply.*

SERVICING REPORT

WSP was retained by the Coop to evaluate the private servicing on the subject lands. They conducted an extensive analysis of the wells and septic systems onsite, culminating in an Existing Conditions Report (November 5, 2019) and an associated set of Existing Conditions Site Plans. The Report and Plans, included in this submission, evaluate the water, sanitary and stormwater conditions on the site, and include a preliminary hydrogeological investigation. No significant servicing concerns were identified. The WSP reports provides some recommendations related to servicing, which could be included in a future Site Plan Control agreement.

SUMMARY

The Cooperative is proposing to re-zone the subject lands to a new Limited Service Residential Waterfront – Exception zone to better reflect the current and future uses on the site. No new development is proposed at this time. The trailers will continue to be serviced with private wells and septic systems. The Zoning Amendment is consistent with the 2020 Provincial Policy Statement, and meets the intent of the policies in the Official Plans for the County of Frontenac and the Township of South Frontenac, as well as meeting the intent of the Township’s Zoning By-law. The proposal better reflects the site conditions and existing and future development, and represents good land use planning.

Should you require any additional information, please don’t hesitate to contact the undersigned.

Sincerely,

Tracy Zander, M.Pl, MCIP, RPP

Township of South Frontenac Staff Report



To: Council

Prepared by: Development Services Department

Date of Meeting: June 20, 2023

Zoning By-law Amendment Application

Subject: PL-ZBA-2023-0049, Michael Deodato (Beach) 5356 New Morin Road Unit A

Summary

This report provides Council with information about Zoning By-law Amendment Application PL-ZBA-2023-0049 for a property municipally known as 5356 New Morin Road Unit A. If approved, the zone on a portion of the subject lands would be changed from Rural (RU) to Rural – Special Provision (RU-73).

Council will review the proposal and invite public input at the statutory public meeting. Staff are recommending that Council pass a by-law during the Council meeting in which the public meeting is held, per Procedural By-law as Amended by By-law 2023-44, as the planning matter is technical in nature (i.e. required to fulfill a condition of consent approval).

Recommendation

THAT By-law 2023-52 to amend the zoning on lands known as 5356 New Morin Road Unit A, Part of Lot 1, Concession 8, District of Portland, Township of South Frontenac be given first and second reading; and

That By-law 2023-52 be given third reading, signed and sealed.

Background

The subject application is related to consent application S-13-21-P for the creation of a new lot that contains an existing dwelling. The consent application was approved by the Committee of Adjustment in April 2023. The severed parcel is 0.9 hectares in size and the retained parcel is 116.7 hectares in size. The purpose of the rezoning application is to implement a condition that requires the zone on the retained parcel to be changed from Rural (RU) to Rural – Special Provision (RU-73) to require any sewage system on the retained parcel to be setback a minimum 300 metres from the highwater mark of Knowlton Lake.

Under the Planning Act, a public meeting is required to be held to receive comments from the public on the proposed rezoning.

Property Description

The subject property is located east of New Morin Road, just north of the intersection with Vanluven Road. There are two unopened road allowances abutting the subject property. The first unopened road allowance abuts the southern property line, and extends from Vanluven Road east to Knowlton Lake Road. The second unopened road allowance abuts the eastern property line, and extends south from New Morin Road to Knowlton Lake Road.

The frontage of the property consists of a high, steep, forested ridge that slopes to the east in the direction of Knowlton Lake. There is a wide, sparsely vegetated plateau at the bottom of the ridge. Then, there is another forested ridge that slopes towards a large treed swamp that is adjacent to the lake. There is a watercourse on the south portion of the property that is connected to the swamp.

The north end of the subject property is developed with a single detached dwelling. The dwelling is accessed off the unopened road allowance. The south end of the subject property was historically used for mineral aggregate extraction (i.e. a sand pit). The pit was accessed from an entrance off New Morin Road just north of Vanluven Road.

There are several vacant and developed residential lots along New Morin Road, Vanluven Road and off the north-south unopened road allowance. There are also several agricultural properties.

Related Applications

The property is subject to consent applications S-11-21-P, S-12-21-P and S-13-21-P. Applications S-11-21-P and S-13-21-P have not been taken to the Committee of Adjustment for a decision as there are outstanding matters to be addressed.

Department and Agency Comments

Ministry of Environment, Conservation and Parks (MECP) staff have no objection to the rezoning application as it implements their comments on application S-13-21-P. They had indicated that if there is a suitable location for a sewage system on the retained parcel at least 300 metres from Knowlton Lake, which is an at-capacity lake trout lake, then the retained parcel would meet the conditions for a new lot as defined in the Lake Capacity Handbook.

Cataraqui Conservation staff have no objection to the approval of the rezoning application.

Public Services and Building Services were not circulated the rezoning application as they had no objection to the approval of consent application S-13-21-P.

Public Comments

No comments were received from the public on the rezoning application at the time of writing this report.

Planning Analysis

The proposed zoning by-law amendment 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.

The Committee of Adjustment had consideration for these planning documents in the decision to grant provisional approval to the consent application.

The Provincial Policy Statement 2020 (Section 1.1.5) and the County of Frontenac Official Plan (Section 3.3) permit residential development, including lot creation that is locally appropriate, in rural areas. The Township of South Frontenac Official Plan may permit a maximum of three new rural residential lots to be created through the consent process.

The PPS also requires planning authorities to consider environmental lake capacity, and to restrict development and site alteration in and near sensitive surface water features and sensitive groundwater features such that these features and their related hydrologic functions will be protected, improved or restored. It is our understanding that this policy applies to at-capacity lake trout lakes.

The County Official Plan (section 7.1.4.4) does not permit new lot creation within 300 metres of at-capacity lake trout lakes, but does allow for exceptions such as permitting development on lots of record within 300 metres of the lakes. The Township Official Plan (section 5.2.8) conforms to the County Official Plan policies on at-capacity lake trout lakes.

The subject property is not a waterfront property as it is separated from Knowlton Lake by an unopened road allowance. However, a portion of the lands are within 300 metres of the lake and a marsh wetland that is connected to the lake. The lands also drain toward the wetland and lake. The subject property contains a watercourse that drains into a treed swamp that is adjacent to the marsh wetland.

MECP staff had provided an opinion that the 300 metre setback for sewage systems/lot creation should be measured from the western edge (highwater mark) of the marsh wetland identified in a July 2021 Environmental Impact Assessment prepared by Ecological Services.

Severing the existing dwelling and sewage system from the subject property left a vacant retained parcel. The retained parcel, although large in area, contains significant physical limitations for development in the form of two high, steep ridges. Planning staff used Frontenac Maps to confirm that there is an area in the southwest corner of the retained parcel that would be more than 300 metres from the lake and wetland. This area is between 2 and 4 hectares in area. The criteria for new lot creation where sewage systems would be more than 300 metres from Knowlton Lake has been satisfied.

The retained parcel is a lot of record. The Township Official Plan exempts development on lots of record from the 300 metre setback from an at-capacity Lake Trout Lake. Therefore, the zone on the retained parcel must be amended to require any sewage system to be setback a minimum of 300 metres from Knowlton Lake in order to ensure conformity with the PPS, County Official Plan and Township Official Plan.

Conclusion

It is the opinion of staff that 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 lands.

Staff are recommending that Council pass a by-law during the Council meeting in which the public meeting is held, per Procedural By-law as Amended by By-law 2023-44, as the planning matter is technical in nature. Specifically, the Committee of Adjustment had consideration for all applicable policy in the decision to grant provisional approval to the consent application, and the by-law will fulfill one of their conditions.

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

Climate Considerations

- Not applicable to this report.
- This initiative supports climate change mitigation/adaption efforts in South Frontenac;

Township of South Frontenac

Staff Report - **PL-ZBA-2023-0049, Michael Deodato** (Beach) 5356 New Morin Road Unit A

and/or impacts the Township's resilience to climate change.

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 e-mail to prescribed persons and public bodies

Attachments

1. By-law 2023-52

Approvals

Report Prepared By:

Christine Woods, MCIP, RPP, Senior Planner

Submitted By:



Brad Wright
Director of Development Services

Approved By:



Louise Fragnito, CPA, CGA
Chief Administrative Officer

**TOWNSHIP OF SOUTH FRONTENAC
BY-LAW 2023-52**

BEING A BY-LAW TO AMEND BY-LAW 2003-75, AS AMENDED, TO REZONE LANDS FROM RURAL (RU) TO RURAL SPECIAL PROVISION (RU-73) ON LANDS DESCRIBED AS 5356 NEW MORIN ROAD UNIT A, PART LOT 1, CONCESSION 8, DISTRICT OF PORTLAND: DEODATO

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 "A" to Zoning By-law Number 2003-75 as amended, is hereby further amended by changing the zoning from Rural (RU) to Rural Special Provision (RU-73) 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 RU-73 (Part Lot 1, Concession 8, District of Portland: Deodato) immediately after the last Rural Special Provision section to read as follows:

RU-73 (Part Lot 1, Concession 8, District of Portland: Deodato)

Notwithstanding the provisions of Section 7 or any other position of this By-law to the contrary, on lands zoned Rural Special Provision (RU-73), the following provisions apply:

- For any sewage system
 - a. Setback from highwater mark of Knowlton Lake (Minimum) 300 Metres (984.3 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 20th day of June, 2023.

Read a first and second time this 20th day of June, 2023.

Read a third time and finally passed this 20th day of June, 2023.

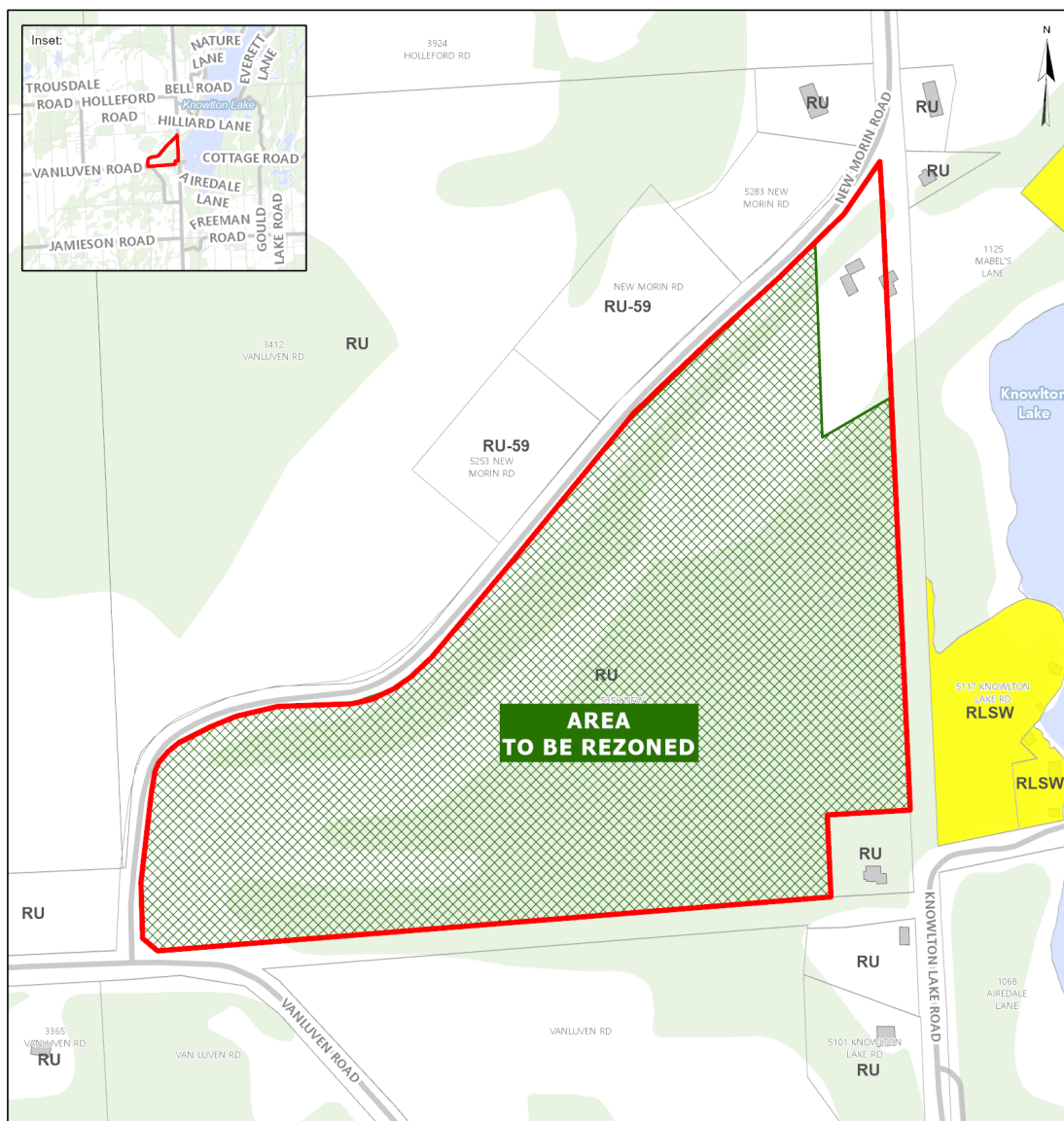
**THE CORPORATION OF THE
TOWNSHIP OF SOUTH FRONTENAC**

Ron Vandewal, Mayor

James Thompson, Clerk

Schedule 1

This is Schedule "1" to By-law No. 2023-52



| | | | | | | | | | | |
|---|---|--|---|--|---|--|---|--|--|--|
| <p>SOUTH FRONTENAC</p> <p>(5006755 ON. LTD.) (BEACH) 5356 NEW MORIN ROAD UNIT A PL-ZBA-2023-0049</p> <p>Scale: 1:4,000</p> | <p>LEGEND</p> <p> Subject Lands</p> <p> Area to be Rezoned</p> <p> Parcels</p> <p> Building Footprints</p> <p> Wooded Area</p> <p> Waterbody</p> <p> Road</p> | | <p>Zoning</p> <p> AGRICULTURAL ZONE (A)</p> <p> COMMUNITY FACILITY ZONE (CF)</p> <p> ENVIRONMENTAL PROTECTION ZONE (EP)</p> <p> MOBILE HOME RESIDENTIAL ZONE (MHR)</p> <p> OPEN SPACE - PUBLIC ZONE (OS)</p> <p> OPEN SPACE - PRIVATE ZONE (OSP)</p> <p> PIT 'A' ZONE (PA)</p> | | <p> PIT 'B' ZONE (PB)</p> <p> QUARRY 'A' ZONE (QA)</p> <p> QUARRY 'B' ZONE (QB)</p> <p> RESIDENTIAL ZONE (R)</p> <p> RURAL COMMERCIAL ZONE (RC)</p> <p> RURAL INDUSTRIAL ZONE (RI)</p> <p> LIMITED SERVICE RESIDENTIAL ZONE (RLS)</p> | | <p> LIMITED SERVICE RESIDENTIAL - ISLAND ZONE (RLSI)</p> <p> LIMITED SERVICE RESIDENTIAL - WATERFRONT ZONE (RLSW)</p> <p> RECREATIONAL RESORT COMMERCIAL ZONE (RRC)</p> <p> RURAL ZONE (RU)</p> <p> WATERFRONT RESIDENTIAL ZONE (RW)</p> <p> SALVAGE YARD INDUSTRIAL ZONE (SI)</p> <p> TEMPORARY USE ZONE (TUZ)</p> | | <p> URBAN COMMERCIAL ZONE (UC)</p> <p> URBAN INDUSTRIAL ZONE (UI)</p> <p> URBAN MULTIPLE RESIDENTIAL ZONE (UMR)</p> <p> URBAN RESIDENTIAL ZONE - FIRST DENSITY ZONE (UR1)</p> <p> URBAN RESIDENTIAL ZONE - SECOND DENSITY (UR2)</p> <p> WASTE DISPOSAL ZONE (WD)</p> | |
| | <p><small>Produced by the County Frontenac under license with the Ontario Ministry of Natural Resources © King's Printer for Ontario, 2022. While the County makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only. UTM Projection NAD 83 Date: 2023-05-31</small></p> | | | | | | | | | |

Passed this 20th day of June, 2023

Ron Vandewal, Mayor

James Thompson, Clerk

Township of South Frontenac Staff Report



To: Council

Prepared by: Development Services Department

Date of Meeting: June 20, 2023

Zoning By-law Amendment Application

Subject: PL-ZBA-2023-0058, Dianna Smith (Boulevard Group), 1006 Busch Lane Unit A

Summary

This report provides Council with information about Zoning By-law Amendment Application PL-ZBA-2023-0058 for a property municipally known as 1006 Busch Lane Unit A. If approved, a holding symbol would be placed on the Rural (RU) zone on a portion of the subject lands.

Council will review the proposal and invite public input at the statutory public meeting. Staff are recommending that Council pass a by-law during the Council meeting in which the public meeting is held, per Procedural By-law as Amended by By-law 2023-44, as the planning matter is technical in nature (i.e. it fulfills a condition of consent approval).

Recommendation

THAT By-law 2023-53 to amend the zoning on lands known as 1006 Busch Lane Unit A, Part of Lot 9, Concession 10, District of Loughborough, Township of South Frontenac be given first and second reading; and

That By-law 2023-53 be given third reading, signed and sealed.

Background

The subject application is related to consent application PL-BDJ-2023-0028 for the creation of a new lot that contains three existing seasonal dwellings and for the creation of a right-of-way to access the retained lands. The severed parcel is 2.8 hectares in size and contains the dwellings. The retained parcel is 34.8 hectares in size and vacant. The consent application was approved by the Director of Development Services in May 2023. The purpose of the rezoning application is to implement a condition that requires a holding symbol to be placed on the RU zone on the retained lands, to be removed only after an environmental impact assessment and an archaeological assessment are completed to the satisfaction of the Township.

Under the Planning Act, a public meeting is required to be held to receive comments from the public on the proposed rezoning.

Property Description

The subject property is located north of Sydenham on Bedford Road and Gould Lake. The property is 37.6 hectares in size. The property has approximately 470 metres of frontage on Bedford Road and approximately 586 metres of frontage on Gould Lake. There are three seasonal dwellings on the property, which are accessed by a private driveway known as Busch Lane.

The terrain of the property consists of undulating topography, rock outcrops and forest. There is a series of large ponds and wetland on the property, which drain into Gould Lake. The wetland is designated Environmental Protection. The property abuts Gould Lake Conservation Area.

Department and Agency Comments

Cataraqui Conservation staff had no objection to the approval of PL-BDJ-2023-0028.

Public Services and Building Services were not circulated the rezoning application as they had no objection to the approval of consent application PL-BDJ-2023-0028.

Public Comments

No comments were received from the public at the time of writing this report.

Planning Analysis

The proposed zoning by-law amendment 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.

The Director of Development Services had consideration for these planning documents in the decision to grant provisional approval to the consent application.

The Provincial Policy Statement 2020 (PPS) allows both residential lot creation that is locally appropriate and resource-based recreational uses on rural lands. The County Official Plan and the Township Official Plan also permit residential development and resource-based recreational uses in the Rural designations.

The severed parcel met all applicable requirements for new lot creation. The three seasonal dwellings on the parcel pre-date Zoning By-law No. 2003-75 so they are legal non-conforming uses related to the number of dwellings on the property (only one dwelling is permitted on a property in the Rural zone) and their location relative to the highwater mark of Gould Lake (they are less than 30 metres from the highwater mark). The status of these buildings as legal non-conforming uses does not change as a result of the consent application.

The retained parcel is proposed to be used for recreational purposes, with the potential for future residential development. Conservation and open space uses are permitted uses in the Rural designation and the Rural zone.

The retained parcel will contain a series of large ponds and wetland on the property, which drain into Gould Lake. It will also abut Gould Lake Conservation Area. There is a high probability of these lands containing significant wildlife habitat and habitat for endangered species and threatened species. In conformity with section 5.2.7(a) of the Official Plan, and in recognition of the sensitivity of the area, one of the conditions of approval of the consent application was that a holding symbol be placed on the retained parcel in order to restrict its development until such time as an environmental impact assessment (EIA) is completed for the parcel which demonstrates that there would be no negative impact on any identified natural features and their ecological functions. An EIA would also need to demonstrate no negative impact on Gould Lake Conservation Area, per section 1.5(d) of the PPS.

The property has archaeological potential due to its proximity to Gould Lake. The proposed holding symbol would also restrict its development until such time as an archaeological assessment is completed for the parcel, specifically for any proposed development envelope and area of site disturbance.

A holding symbol was a recommended condition of approval instead of requiring an EIA and archaeological assessment upfront in support of the consent application due to the size of the retained parcel and because there are no immediate development plans. The holding symbol will allow the scale and scope of these studies to match the eventual development plans for the retained parcel.

Conclusion

It is the opinion of staff that 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 lands.

Staff are recommending that Council pass a by-law during the Council meeting in which the public meeting is held, per Procedural By-law as Amended by By-law 2023-44, as the planning matter is technical in nature. Specifically, the Director of Development Services had consideration for all applicable policy in the decision to grant provisional approval to the consent application, and the by-law will fulfill one of their conditions.

Financial Implications

Not applicable.

Relationship to Strategic Plans

Not applicable to this report.

Township of South Frontenac

Staff Report - PL-ZBA-2023-0058, Dianna Smith (Boulevard Group), 1006 Busch Lane Unit A

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

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

Climate Considerations

Not applicable to this report.

This initiative supports climate change mitigation/adaption efforts in South Frontenac; and/or impacts the Township's resilience to climate change.

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 e-mail to prescribed persons and public bodies

Attachments


1. By-law 2023-53

Approvals

Report Prepared By:

Christine Woods, MCIP, RPP, Senior Planner

Submitted By:



Brad Wright

Director of Development Services

Approved By:



Louise Fragnito, CPA, CGA

Chief Administrative Officer

**TOWNSHIP OF SOUTH FRONTENAC
BY-LAW 2023-53**

BEING A BY-LAW TO AMEND BY-LAW 2003-75, AS AMENDED, TO PLACE A HOLDING SYMBOL ON THE RURAL (RU) ZONE ON LANDS DESCRIBED AS 1006 BUSCH LANE UNIT A, PART LOT 9, CONCESSION 10, DISTRICT OF LOUGHBOROUGH: SMITH

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 "B" to Zoning By-law Number 2003-75 as amended, is hereby further amended by adding a holding symbol (-H) to the RU zone on the lands shown on Schedule "1".
2. **THAT** the holding symbol (-H) shall be removed by by-law to permit development only after an Environmental Impact Assessment and Archaeological Assessment are prepared to the satisfaction of the Township.

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 20th day of June, 2023.

Read a first and second time this 20th day of June, 2023.

Read a third time and finally passed this 20th day of June, 2023.

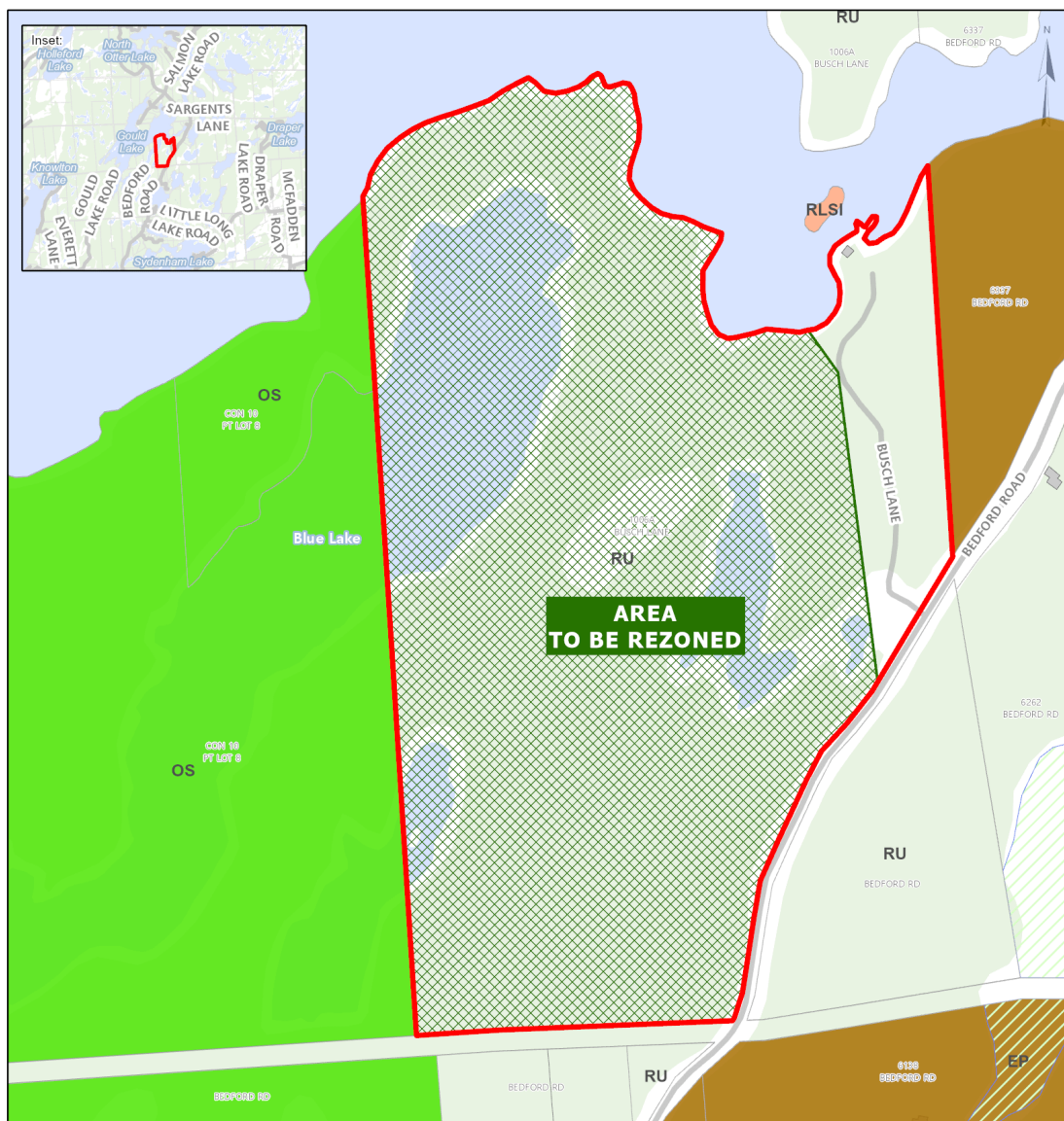
**THE CORPORATION OF THE
TOWNSHIP OF SOUTH FRONTENAC**

Ron Vandewal, Mayor

James Thompson, Clerk

Schedule 1

This is Schedule "1" to By-law No. 2023-53



| | | | | |
|---|---|---|---|---|
| <p>SOUTH FRONTENAC</p> <p>(SMITH) (BOULEVARD GROUP) 1006 BUSCH LANE PL-ZBL-2023-0058</p> <p>0 25 50 100 m Scale: 1:5,000</p> | <p>LEGEND</p> <ul style="list-style-type: none"> Subject Lands Area to be Rezoned Parcels Building Footprints Wooded Area Waterbody Road | | | |
| | <p>Zoning</p> <ul style="list-style-type: none"> AGRICULTURAL ZONE (A) COMMUNITY FACILITY ZONE (CF) ENVIRONMENTAL PROTECTION ZONE (EP) MOBILE HOME RESIDENTIAL ZONE (MHR) OPEN SPACE - PUBLIC ZONE (OS) OPEN SPACE - PRIVATE ZONE (OSP) PIT 'A' ZONE (PA) | <ul style="list-style-type: none"> PIT 'B' ZONE (PB) QUARRY 'A' ZONE (QA) QUARRY 'B' ZONE (QB) RESIDENTIAL ZONE (R) RURAL COMMERCIAL ZONE (RC) RURAL INDUSTRIAL ZONE (RI) LIMITED SERVICE RESIDENTIAL ZONE (RLS) | <ul style="list-style-type: none"> LIMITED SERVICE RESIDENTIAL - ISLAND ZONE (RLSI) LIMITED SERVICE RESIDENTIAL - WATERFRONT ZONE (RLSW) RECREATIONAL RESORT COMMERCIAL ZONE (RRC) RURAL ZONE (RU) WATERFRONT RESIDENTIAL ZONE (RW) SALVAGE YARD INDUSTRIAL ZONE (SI) TEMPORARY USE ZONE (TUZ) | <ul style="list-style-type: none"> URBAN COMMERCIAL ZONE (UC) URBAN INDUSTRIAL ZONE (UI) URBAN MULTIPLE RESIDENTIAL ZONE (UMR) URBAN RESIDENTIAL ZONE - FIRST DENSITY ZONE (UR1) URBAN RESIDENTIAL ZONE - SECOND DENSITY (UR2) WASTE DISPOSAL ZONE (WD) |

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Passed this 20th day of June, 2023

Ron Vandewal, Mayor

James Thompson, Clerk



SHS 150TH ANNIVERSARY

***CONNECTING AND SUPPORTING SOUTH FRONTENAC
COMMUNITY MEMBERS IN EDUCATION, SPIRIT AND HERITAGE***

WHAT SHS MEANS TO OUR COMMUNITIES



- Families, partnerships, fun, inclusivity, rural heritage
- Generations of students from the same families who connect through SHS
- Grads and staff who live and work in our township
- Sports heroes – ‘The Farmers Win the Cup’, Olympic athletes, NHL players, Track and Field champs, coaches and players for local sports leagues across the generations
- A social and community hub throughout the generations

WHY IS SHS UNIQUE AND SPECIAL TO SOUTH FRONTENAC TOWNSHIP?



- In Kingston and area
 - Oldest school with the same name and location in Kingston and area
 - First high school in the area to admit women
 - First rural high school
 - Largest catchment area

OUR PARTNERSHIP THROUGH THE YEARS



- The Township provided \$2000 to fund the original Sydenham High School in 1873
- Many past and current councillors/staff are SHS grads
- We are inclusive of all residents in the reunion activities

HOW THE TOWNSHIP CAN SUPPORT THE SHS 150TH ANNIVERSARY



- Fund the Family Fun Day on August 26 in the amount of \$2500 for:
 - Bouncy castles
 - Face painting
 - Snacks and refreshments
 - Softball tournament
 - Golden Eagles fun games – soccer, field hockey, basketball, volleyball
 - Family Swim at The Point

THANK YOU FOR CONTINUING OUR 150
YEAR PARTNERSHIP WITH SHS

GO EAGLES!



Minutes of Council
May, 30, 2023



**Township of South Frontenac
Special Council Meeting
Minutes**



Meeting # 22

Time: 7:00 p.m.

Location: Council Chamber/Virtual Meeting

Present: Mayor Ron Vandewal, Ray Leonard, Steve Pegrum, Charlene Godfrey (Virtual), Norm Roberts, Randy Ruttan, Ron Sleeth, Scott Trueman

Absent: Doug Morey

Staff: Louise Fragnito - Chief Administrative Officer, James Thompson - Clerk, Michelle Hannah - Deputy Clerk, Brad Wright - Director of Development Services, Darcy Knott - Director of Fire and Emergency Services, Kyle Bolton - Director of Public Services, Shelley Stedall - Director of Corporate Services and Treasurer

1 Call to Order

a) Resolution

Resolution No. 2023:22:01

Moved by Councillor Roberts

Seconded by Councillor Leonard

That the Special Council meeting of May 30, 2023 be called to order at 7:00 p.m.

Carried

2 Declaration of pecuniary interest and the general nature thereof

a)

There were none.

3 Approval of Agenda

a) Resolution

Resolution No. 2023:22:02

Moved by Councillor Pegrum

Seconded by Deputy Mayor Sleeth

That the agenda be approved, as presented.

Carried

4 Public Meeting

a) Resolution - Public Meeting to Order

Resolution No. 2023:22:03

Moved by Councillor Ruttan

Seconded by Councillor Roberts

That the public meeting held under Section 17 of the Planning Act regarding the draft New Official Plan for the Township of South Frontenac be called to order at 7:02 p.m.

Carried

Minutes of Council
May, 30, 2023

b) Statutory Public Meeting - Draft New Official Plan

Pursuant to Section 17 of the Planning Act, R.S.O. 1990, as amended, a Statutory Public Meeting was held on May 30, 2023, in person at the Township Council Chambers and virtually on Zoom, to present and seek input on a draft new Official Plan for the Township.

Brad Wright, Director, Development Services and Representatives from Dillon Consulting conducted a PowerPoint presentation regarding the draft Official Plan.

Deputy Mayor Sleeth referenced Bill 97 and noted that it appears that the Provincial Government will permit three severances of prime agricultural land provided that certain conditions are met. He requested that staff review this matter further. He spoke to hamlet development and indicated that the draft Official Plan is requiring a minimum lot size of two acres in hamlets. He noted that in most hamlets there are no remaining two acre lots and indicated that there is a need for flexibility regarding infill.

Mayor Vandewal stated that the Provincial Government has changed the rules with respect to severances on two occasions over the past year and indicated that it is difficult for municipalities to keep adjusting to the changes in legislation. He stated that the Township has limited ability to influence land use policy due to Provincial legislation. He requested further information regarding proposed hamlet and subdivision minimum lot size and whether communal services would influence minimum lot size. He indicated that he does not believe that lot creation on marginally useful agricultural land should be limited and requested that staff review this matter further. He noted that if a property owner has not yet utilized their three severances, they would continue to remain available. Mayor Vandewal expressed that he is not comfortable with the draft Official Plan in its current format.

The Mayor afforded members of the public with an opportunity to provide comment.

Nancy Myers questioned if there is a provincial definition of agricultural land and questioned if all municipalities abide by the same standards regarding agricultural land. She referenced water quality and questioned if the draft Official Plan includes policies related to trout sensitive lakes as well as general protections. She stated that she is impressed with the work completed to date on the draft Official Plan.

Jerri Jerreat commented that she believes that the draft Official Plan is amazing. She suggested that perhaps there is an opportunity to design a true village in Inverary. She stated that she is supportive of the policies related to hamlets. She indicated that Inverary is currently spread out and does not have the feel of a village. She questioned if the Township of South Frontenac could purchase land to complete the village and develop communal and affordable housing. She asked whether consideration could be given to the construction of seniors housing in Inverary. She mentioned that accepting cash-in-lieu of parkland should be prohibited. She suggested that permeable surfaces and tree protection should be promoted in the Official Plan. She stated that the mixture of housing types in future neighbourhoods should be revisited due to the housing crisis.

Representatives from the Dog and Cranberry Lake Association indicated that the Association is generally pleased with the draft Official Plan. She thanked staff for their work on the project to date. She spoke in support of Section 5. of the draft Official Plan. She referenced Section 7. Of the draft Official Plan and noted that consideration should be given to a septic inspection program.

John Armstrong, Masonry Council of Ontario, stated that he believes that the draft Official Plan is a strong document. He noted that due to Bill 23, design standards for the most part are exempt from the site plan control process. He spoke to the pre-consultation process and suggested that the process be amended to require that proposals be compliant with urban design guidelines which would conform to Bill 23 requirements.

Tim Almeida provided three items of correspondence to the Clerk. A copy of the documents are attached to the original set of minutes located in the Clerk's Department. Tim Almeida advised Council that he attended an Official Plan, Open House. He stated that he is concerned about the proposal to designate some areas around Inverary as agricultural land. He elaborated that the proposal impacts his property and noted that his plans for his property do not include an agricultural use. He requested that his property be removed from the agricultural designation. He mentioned that he was not consulted regarding the proposed designation. He requested that his property retain the current rural designation.

Jeff Hall stated that he would like to echo the comments provided by members of Council regarding marginal agricultural land. He stated that the proposed policies related to accessory dwelling units appear to be a solution suitable for a city that is being pushed on a rural area. He indicated that he does not believe that accessory dwelling units should be developed in the rural area. He requested that further discussion occur regarding this matter. Mayor Vandewal clarified that accessory dwelling units must meet water and septic requirements to receive approval.

Louise Langlais requested that the draft Official Plan permit backyard chickens. Mayor Vandewal explained that this matter is governed by the Zoning By-law.

Roger Romero stated that he appreciates the work that has been completed to date on the draft Official Plan. He suggested that consideration be given to an accountability framework related to creation of sustainable housing. He sought further information regarding public consultation regarding planning matters. He stated that policies related to water bodies should include streams and wetlands. He emphasized the importance of addressing environmental concerns.

Jane Brown referenced Bill 23 and spoke to the impact of the legislation on conservation authorities. She questioned if the Township has raised concerns with the Provincial government regarding this matter. Mayor Vandewal noted that as Warden of the County of Frontenac he prepared a motion which requested that the Eastern Ontario Wardens Caucus and townships within the County of Frontenac request that the Provincial Government review this matter. He stated that the MPP was also consulted regarding this issue.

Christine Woods, Senior Planner, provided a high-level response to the questions and comments raised by members of the public. She noted that the issues raised by members of the public and Council would be considered as staff prepares the final draft of the Official Plan.

Fran Willis commented that Council has little authority regarding planning matters as the Provincial Government has most of the control. In response to a question, staff provided further clarification regarding Bill 23. She stated that it is important for members of the public to provide comment regarding subdivision plans.

Taylor Orser thanked staff for their work related to the preparation of the draft Official Plan. He stated that he commends the Township for expanding the agricultural areas. He expressed concern that Bill 97 will further impact

Minutes of Council
May, 30, 2023

agricultural areas. He indicated that it is unfortunate that a municipality cannot create policies that are stricter than the PPS. He stated that if the Provincial Government should provide funding for communal services for hamlets as they are requiring additional homes to be built. He noted that he supports increasing density in hamlets. He spoke to the importance of protecting agricultural land. He indicated that there is little agricultural land in the country and it cannot be used for development. He suggested that MDS calculations should occur from the property line rather than the livestock facilities.

Councillor Ruttan stated that Township of South Frontenac residents need to be aware that often Council does not have the ability to influence planning decisions. He stated that staff are doing a great job given the constraints imposed by the Provincial Government.

c) Notice of Collection

The Deputy Clerk reviewed the Notice of Collection for the Public Meeting.

d) Resolution - Close Public Meeting

Resolution No. 2023:22:04

Moved by Councillor Pegrum

Seconded by Councillor Roberts

That the public meeting held under Section 17 of the Planning Act regarding the draft New Official Plan for the Township of South Frontenac be closed at 8:37 p.m.

Carried

5 Reports Requiring Action

a) Statutory Public Meeting – Draft Official Plan

Resolution No. 2023:22:05

Moved by Councillor Pegrum

Seconded by Councillor Leonard

That Council direct staff to engage the Heritage Advisory Committee and Lake Ecosystems Advisory Committee for input and comment; and

That Council endorse next steps identified by staff in the Project Overview, Timeline and Milestones Table outlined in the Report and bring back a recommendation report in Fall 2023 to consider the adoption of the Official Plan.

Carried

6 Confirmatory By-law

a) Resolution

Resolution No. 2023:22:06

Moved by Councillor Leonard

Seconded by Councillor Roberts

That By-law 2023-46, being a by-law to confirm generally all actions and proceedings of the Council of the Township of South Frontenac, be given first and second reading.

Carried

Resolution No. 2023:22:07

Moved by Deputy Mayor Sleeth

Seconded by Councillor Ruttan

Minutes of Council
May, 30, 2023

That By-law 2023-46, being the confirmatory by-law, be given third reading,
signed and sealed.

Carried

7 Adjournment

a) Resolution

Resolution No. 2023:22:08

Moved by Deputy Mayor Sleeth

Seconded by Councillor Roberts

That the Council meeting of May 30, 2023 be adjourned at 8:40 p.m.

Carried

Ron Vandewal, Mayor

James Thompson, Clerk



Township of South Frontenac Council Meeting Minutes



Meeting # 23

Time: 7:00 p.m.

Location: Council chambers / Zoom

Present: Charlene Godfrey, Ray Leonard, Doug Morey, Steve Pegrum, Randy Ruttan, Ron Sleeth, Scott Trueman, Mayor Ron Vandewal

Absent: Norm Roberts

Staff: Louise Fragnito - Chief Administrative Officer, James Thompson - Clerk, Michelle Hannah - Deputy Clerk, Kyle Bolton - Director of Public Services, Shelley Stedall - Director of Corporate Services and Treasurer (virtually), Christine Woods - Senior Planner (virtually).

1 Call to Order

a) Resolution

Resolution No. 2023:23:01

Moved by Councillor Ruttan

Seconded by Councillor Leonard

That the Council meeting of June 6, 2023 be called to order at 7:00 p.m.

Carried

2 Declaration of pecuniary interest and the general nature thereof

a) There were none

3 Approval of Agenda

a) Resolution

Resolution No. 2023:23:02

Moved by Councillor Trueman

Seconded by Councillor Pegrum

That the agenda be approved, as presented.

Carried

4 Scheduled Closed Session

a) There was none.

5 Recess

a) There was none.

6 Public Meeting

a) Resolution - Public Meeting to Order

Resolution No. 2023:23:03

Minutes of Council
June, 6, 2023

Moved by Councillor Godfrey
Seconded by Councillor Morey
That the public meeting be called to order.

Carried

b) Notice of Collection

The Deputy-Clerk reviewed the Notice of Collection for the Public Meeting.

c) **Public Meeting:** The Council of the Township of South Frontenac hosted a public meeting at 7 pm on June 6, 2023 regarding proposed amendments to Bulk Water Rates (By-law 2009-08)

In response to a question from Councillor Godfrey, Kyle Bolton advised that initially residents will be required to purchase and reload the FOB at municipal offices.

In response to questions from Mayor Vandewal, Kyle Bolton advised that the main objective for the bulk water program is to increase the use of the water system and to offer a fair rate to residents. He clarified that the program is not achieving cost recovery at this time. He provided further explanation regarding water rates.

The Mayor afforded members of the public with an opportunity to provide comment.

Members of the public did not provide comment.

d) Resolution - Close Public Meeting

Resolution No. 2023:23:04
Moved by Councillor Ruttan
Seconded by Councillor Leonard
That the public meeting be closed.

Carried

7 Delegations

a) Alan Revill was present to speak to Council regarding short term rental accommodations.

Correspondence provided by Alan Revill is attached to the original set of minutes located in the Clerk's Department.

b) John Kemp was present to speak to Council regarding short term rental accommodations.

8 Briefings

a) There were none.

9 Approval of Minutes

a) Resolution

Resolution No. 2023:23:05
Moved by Councillor Morey
Seconded by Councillor Godfrey

Minutes of Council
June, 6, 2023

That the minutes of the May 16, 2023 Council meeting be approved.

Carried

10 Reports Requiring Action

- a) Property Disposition 1017 Irish Lane (LeClair)

Resolution No. 2023:23:06
Moved by Councillor Godfrey
Seconded by Councillor Morey

That Council support, in principle, the transfer of the lands intended to be Transferred to Terry LeClair in 2004; and

That Council direct staff to prepare a subsequent report and by-law once the lands have been surveyed.

Carried

- b) 2023 Private Lane Upgrade Assistance Program

Resolution No. 2023:23:07
Moved by Councillor Leonard
Seconded by Deputy Mayor Sleeth

That Council approve the grant subsidies for the 2023 Private Lane Upgrade Assistance Program for the initial 32 recipients as outlined in the June 6th, 2023 report totalling \$135,885.84.

Carried

11 Advisory Committee Reports or Minutes

- a) **Recreation & Leisure Services Committee**

- a) Summer Program Updates and Recommendations for 2024

Note: The following report was presented to the Committee on May 25, 2023.

Resolution No. 2023:23:08
Moved by Councillor Leonard
Seconded by Councillor Pegrum

That Council approve the expansion of the Day Camp program to the McMullen Beach Site with space for 25 campers for 2024; and

That Council endorse the extension of the recruitment and retention plan for qualified Swim Instructors and Lifeguards into 2024.

Carried

12 Reports Requiring Approval of By-laws

- a) RC-21-07 (Badura) –Application to stop up, close and transfer a portion of an Unopened Road Allowance between Concessions 9 & 10, Lot 19; Storrington

Resolution No. 2023:23:09
Moved by Councillor Pegrum
Seconded by Councillor Leonard

That By-law 2023-47 being a by-law to stop up, close and transfer Part 1 Plan 13R22865, being a portion of the unopened road allowance between Concessions 9 & 10, Lot 19, Township of South Frontenac be given first and second reading.

Carried

Minutes of Council
June, 6, 2023

Resolution No. 2023:23:10
Moved by Deputy Mayor Sleeth
Seconded by Councillor Godfrey
That By-law 2023-47 be given third reading, signed and sealed.

Carried

b) Property Disposition – 2041 Eel Bay Road (Thake)

Resolution No. 2023:23:11
Moved by Councillor Trueman
Seconded by Councillor Godfrey
That By-law number 2023-48, being a By-law to stop up, close and transfer ownership of Parts 14, 15, 16, 17 and 20 13R13072 being a portion of road allowance, be given first and second reading.

Carried

Resolution No. 2023:23:12
Moved by Councillor Leonard
Seconded by Councillor Pegrum
That By-law number 2023-48 be given third reading, signed and sealed.

Carried

c) LCS-2023-01 (1059873 Ontario Ltd.) (Matias) Licence Agreement Application, 0.3 metre reserve, Willowbrook Subdivision, Phase 2, Storrington

Resolution No. 2023:23:13
Moved by Councillor Morey
Seconded by Councillor Ruttan
That By-law 2023-49 being a By-law to direct the Mayor and the Clerk to enter into a Licence Agreement with the applicant for the 0.3 metre reserve on Willowbrook Drive, Block 12 on Plan 13M105 be given first and second reading.

Carried

Resolution No. 2023:23:14
Moved by Councillor Trueman
Seconded by Councillor Godfrey
That By-law 2023-49 be given third reading, signed and sealed.

Carried

d) Zoning By-law Amendment Application - PL-ZBA-2023-0040, 5006610 Ontario Ltd (Tchegus, Way, Babcock), 2496 Rutledge Road

Resolution No. 2023:23:15
Moved by Councillor Leonard
Seconded by Councillor Ruttan
That By-law 2023-50 to amend the zoning on lands known as 2496 Rutledge Road, Part of Lot 7, Concession 5, District of Loughborough, Township of South Frontenac be given first and second reading.

Carried

Resolution No. 2023:23:16
Moved by Councillor Pegrum
Seconded by Councillor Morey
That By-law 2023-50 be given third reading, signed and sealed.

Carried

13 Reports for Information

Minutes of Council
June, 6, 2023

- a) Award of Tender # PS-2023-04 Traffic Sign Inventory & Retro-Reflectivity Testing
- The report provided background on the budget and award of contract for the annual traffic sign inventory and reflectivity testing.
- 14 Committee of the Whole
- 15 Information Items
- a) Correspondence received from Rideau Valley Conservation Authority
- b) Correspondence received from Gloucester Pool Cottagers' Association regarding Unregulated Floating Homes: Briefing for Municipalities
- 16 Notice of Motions
- a) Councillor Ruttan submitted a notice of motion regarding Floating Homes to be considered at the next Council meeting.
- There were none.
- 17 Rise and Report regarding County Council and External Boards
- a) Cataraqui Region Conservation Authority
- Deputy Mayor Sleeth provided an update regarding recent CRCA meetings.
- b) Rideau Valley Conservation Authority
- Councillor Godfrey advised that the RVCA will host an information session regarding watershed on June 22, 2023 at Foley Mountain in Westport.
- 18 Announcements/Statements by Councillors
- a)
- Deputy Mayor Sleeth commended Public Service staff for arranging the Municipal Infrastructure Tour.
- Councillor Leonard noted that the Summer Kick off Festival was a great success.
- Mayor Vandewal commended Public Works staff and volunteers for their work on the Summer Kick off Festival.
- 19 Closed Session (if requested)
- a)
- There was none.
- 20 Confirmatory By-law
- a) Resolution
- Resolution No. 2023:23:17
Moved by Councillor Godfrey
Seconded by Councillor Ruttan
That By-law 2023-51, being the confirmatory by-law, be given third reading, signed and sealed.

Carried

Minutes of Council
June, 6, 2023

Resolution No. 2023:23:18

Moved by Deputy Mayor Sleeth

Seconded by Councillor Leonard

That By-law 2023-51, being a by-law to confirm generally all actions and proceedings of the Council of the Township of South Frontenac, be given first and second reading.

Carried

21 Adjournment

a) Resolution

Resolution No. 2023:23:19

Moved by Councillor Ruttan

Seconded by Councillor Leonard

That the Council meeting of June 6, 2023 be adjourned at 8:25 p.m.

Carried

Ron Vandewal, Mayor

James Thompson, Clerk

Township of South Frontenac Staff Report



To: Council

Prepared by: Public Services Department

Date of Meeting: June 20, 2023

Subject: **Municipally Significant Event Designation for the Bellrock Community Hall – Summer Social Fundraising Event**

Summary

This report recommends that Council designate the Bellrock Community Hall – Summer Social Fundraising Event as a municipally significant event as required by the Alcohol & Gaming Commission of Ontario (AGCO) to issue a Special Occasion Permit for the sale and consumption of alcohol at the event.

Recommendation

That Council designate the Bellrock Community Hall – Summer Social Fundraising Event as municipally significant in support of an Alcohol & Gaming Commission of Ontario, Special Occasion Permit Application.

Background

The Bellrock Community Hall is in the process of organizing a Summer Social Fundraising Event on August 26, 2023 from approximately 4:00 p.m. to 9:00 p.m. The purpose of the event is to raise money for the Bellrock Community Hall and Garden. The event will feature live music and a silent auction. The consumption of alcohol will not be permitted outside of the facility. It is estimated that between seventy to two-hundred people will attend over the course of the event. The event organizers have indicated that bartenders will be required to undertake Smart Serve Training prior to the event. As the event will take place inside of Bellrock Hall, a Noise By-law Exemption is not required.

Discussion/Analysis

[The Alcohol and Gaming Commission of Ontario](#) (AGCO) defines fines a public event as follows:

“Public Events may be held for events of significance and/or to raise funds for charitable purposes and objects that benefit the public-at-large (i.e. advancement of education, religion, relief of poverty, charitable purposes benefiting the community) or for a tailgate event that is held in connection with and in proximity to, an eligible live sporting event.

Public Event permits can be issued:

- To registered charities
- To non-profit organizations whose object is to promote charitable, educational, religious or community objects, or
- For events of municipal, provincial, national or international significance.
- For a tailgate event held at outdoor premises that are at ground level, where the event is held in connection with, and in proximity to, a live professional, semi-professional or post-secondary sporting event. For more information on tailgate events, please see the AGCO's Tailgate Event Guide."

The AGCO offers the following definition of a municipal significant event:

"An event of municipal significance requires a designation by the municipality in which the event will take place. Applications must be accompanied by either a municipal resolution or a letter from a delegated municipal official designating the event as municipally significant.

- In order to be recognized as an event of provincial, national or international significance, it must be designated as such by the AGCO.
- Public events may be advertised to the public.
- Alcohol may be sold at a profit (to allow for fundraising)."

To secure the proper permits and approvals for a public event, it must be designated as municipally significant by the Township. To stay consistent with previously approved declarations of municipally significant event requests and to mitigate potential risks associated with alcohol consumption the Township will request the following as a minimum requirement of the approval:

- Event host must notify all local emergency services of the event
- Must have a minimum of one designated security person (paid or volunteer)
- Persons serving alcohol must have Ontario Smart Serve Licence
- All other conditions set by the AGCO permit

Township staff are comfortable recommending that Council designate the Bellrock Community Hall – Summer Social Fundraising Event as municipally significant as the event will be accessible to the general public and is being organized to enhance or promote a local community asset.

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.

Climate Considerations

- Not applicable to this report.
- This initiative supports climate change mitigation/adaption efforts in South Frontenac; and/or impacts the Township’s resilience to climate change.

Attachments

None.

Notice/Consultation

- Clerk’s Department

Approvals

Submitted By:



Kyle Bolton
Director of Public Services

Approved By:



Louise Fragnito, CPA, CGA
Chief Administrative Officer

Township of South Frontenac Staff Report



To: Council

Prepared by: Office of the Clerk

Date of Meeting: June 20, 2023

Subject: EA-2023-002 (Hulse) – Encroachment Agreement Request

Summary

The Report provides background information and recommends approval in principle of an Encroachment Agreement to recognize the existing encroachment of an accessory building, being a detached garage and the existing driveway over a Township owned unopened road allowance.

Recommendation

That Council approve, in principle, the draft Encroachment Agreement, attached as Attachment #5, to recognize the encroachment of the accessory building, being a detached garage and a portion of the driveway; and

That Council direct staff to prepare a subsequent report containing a by-law and complete Encroachment Agreement for Council approval following the conclusion of the sale of 195 Riders Lane.

Background

In December of 1997, Mr. & Mrs. Hulse purchased the property municipally known as 195 Riders Lane, Tichborne. The property is located on Bobs Lake as outlined in Attachment #1 of the Report. The owners are seeking to sell their property and through a title search they have become aware that they do not own an unopened road allowance bisects their property which they thought to be part of their property. Due to an error in a historic survey, it was assumed that this piece of land belonged to 195 Riders Lane. As such, the GIS mapping appears to encompass this portion of land as part of 195 Riders Lane.

In 2002, the owners of 195 Riders Lane applied for a building permit for an accessory building, being a detached garage. A portion of the garage was constructed on the Township owned, unopened road allowance.

Following conversations with both the owner and their representation, staff provided information regarding the options available to rectify the encroachment. The owner has chosen to enter into an Encroachment Agreement to ensure the encroachment is recognized and legally permitted by the Township. A document found in the property file

demonstrates that in the past a query was made with respect to purchasing the unopened road allowance, however, the document illustrates that staff advised that Council does not usually sell road allowances that lead to water.

Discussion/Analysis

The unopened road allowance is aligned from east to west along a large piece of land. The road allowance begins and ends in Bobs Lake. The unopened road allowance is known as Part Road Allowance between Lot 20 and Lot 21, Concession 2; Bedford; Part Road Allowances between Lot 20 and Lot 21, Concession 3 Bedford, Parts 4, 9, 10 & 35 13R4646 & lying west of Part 46, 13R4646, the survey is attached to the Report as Attachment #2.

The benefitting property is located at Part Lot 20 & 21, Concession 3, being Part 1 on Plan 13R11704, District of Bedford and is municipally known as 195 Riders Lane, R-Plan 13R11704 as outlined in Attachment #3 of the Report.

The property is developed with a home and a detached garage. Attachment #4 of the Report provides an aerial photo showing the encroachment of the garage and the driveway.

The owners are requesting that Council approve the Encroachment Agreement in principle as they are trying to sell their property. It is inherent to note that encroachment agreements are not transferrable and become void upon sale of a property. As such, the current owners are hoping to have the agreement drafted and agreed to by Council in principle, with the understanding that the formal by-law and encroachment agreement will be presented to Council following the closing of the real estate transaction for 195 Riders Lane.

Financial Implications

The application fee has been paid by the current owner. The owner will be responsible for all legal fees, including the cost to register the by-law and agreement on title.

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.

Climate Considerations

- Not applicable to this report.
- This initiative supports climate change mitigation/adaption efforts in South Frontenac;

and/or impacts the Township's resilience to climate change.

Notice/Consultation

- None

Attachments

Attachment #1 – Location Map

Attachment #2 – Survey 13R4646

Attachment #3 – Survey 13R11704

Attachment #4 – Aerial Image of property

Attachment #5 – Draft Encroachment Agreement

Approvals

Prepared By:



Michelle Hannah
Deputy Clerk

Submitted By:



James Thompson
Clerk

Approved By:



Louise Fragnito, CPA, CGA
Chief Administrative Officer



Legend

- Assessment Parcels
- Location Labels
- Citations

1: 2,204



0.1 0 0.06 0.1 Kilometers

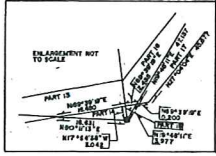
WGS_1984_Web_Mercator_Auxiliary_Sphere
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

PLAN MATERIAL
 PLASTIC MATERIAL DILAR
 GAUGE 0.08mm
 INK KOH-1-NOOR
 SURVEYORS CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE REGULATORY ACT AND THE REGULATIONS MADE THEREUNDER.
 2. THE SURVEY WAS COMPLETED ON THE 15th DAY OF JULY 1981.
 N.B. CAMPBELL
 ONTARIO LAND SURVEYOR
 ELEMENA, ONTARIO
 DATE: JULY 15, 1981
 BEARING NOTE:
 BEARINGS SHOWN HEREON ARE APPROXIMATELY DERIVED FROM AN INSTRUMENT NUMBERED 118987 ON THE NORTH EAST CORNER OF LOT 20, CONCESSION 2, TOWNSHIP OF BEDFORD, COUNTY OF FRONTENAC.



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

PLAN OF SURVEY
 OF
 PART OF LOTS 20 AND 21
 CONCESSIONS 2 AND 3
 AND
 PART OF THE ROAD ALLOWANCE
 BETWEEN LOTS 20 AND 21
 CONCESSIONS 2 AND 3
 AND
 PART OF THE ROAD ALLOWANCE
 BETWEEN CONCESSIONS 2 AND 3
 BETWEEN LOTS 21
 TOWNSHIP OF BEDFORD
 COUNTY OF FRONTENAC

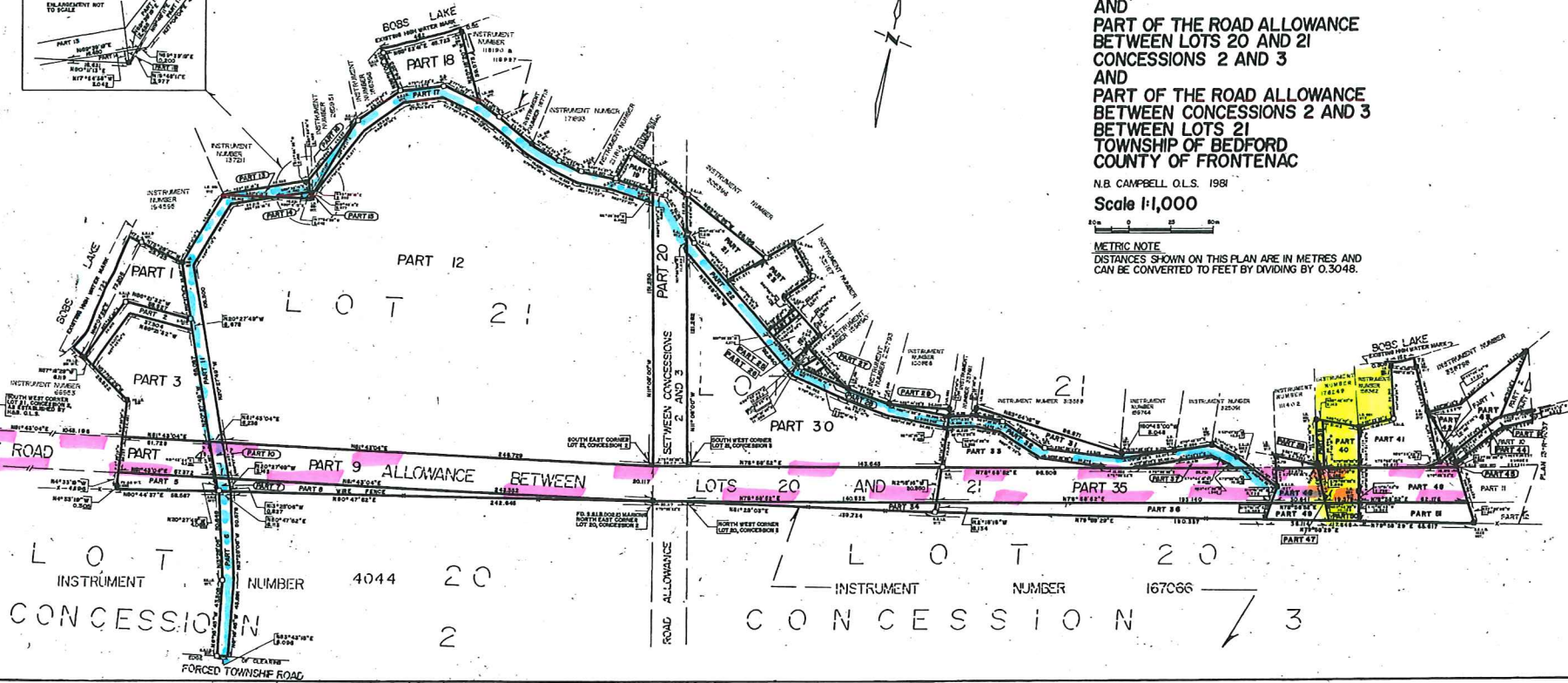
N.B. CAMPBELL O.L.S. 1981

Scale 1:1,000

METRIC NOTE
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

| PART | LOT | CONCESSION | INSTRUMENT NUMBER | AREA |
|------|-----|------------|-------------------|-------|
| 1 | 21 | 2 | 222900 | 2291 |
| 2 | 21 | 2 | 222900 | 4816 |
| 3 | 21 | 2 | 222900 | 3406L |
| 4 | 20 | 2 | 4044 | 201L |
| 5 | 20 | 2 | 4044 | 2874L |
| 6 | 20 | 2 | 4044 | 2742 |
| 7 | 20 | 2 | 4044 | 2742 |
| 8 | 20 | 2 | 4044 | 2742 |
| 9 | 20 | 2 | 4044 | 2742 |
| 10 | 20 | 2 | 4044 | 2742 |
| 11 | 21 | 2 | 222900 | 2291 |
| 12 | 21 | 2 | 222900 | 4816L |
| 13 | 21 | 2 | 222900 | 3406L |
| 14 | 21 | 2 | 222900 | 201L |
| 15 | 21 | 2 | 222900 | 2874L |
| 16 | 21 | 2 | 222900 | 2742L |
| 17 | 21 | 2 | 222900 | 2742L |
| 18 | 21 | 2 | 222900 | 2742L |
| 19 | 21 | 2 | 222900 | 2742L |
| 20 | 21 | 2 | 222900 | 2742L |
| 21 | 21 | 2 | 222900 | 2742L |
| 22 | 21 | 2 | 222900 | 2742L |
| 23 | 21 | 2 | 222900 | 2742L |
| 24 | 21 | 2 | 222900 | 2742L |
| 25 | 21 | 2 | 222900 | 2742L |
| 26 | 21 | 2 | 222900 | 2742L |
| 27 | 21 | 2 | 222900 | 2742L |
| 28 | 21 | 2 | 222900 | 2742L |
| 29 | 21 | 2 | 222900 | 2742L |
| 30 | 21 | 2 | 222900 | 2742L |
| 31 | 21 | 2 | 222900 | 2742L |
| 32 | 21 | 2 | 222900 | 2742L |
| 33 | 21 | 2 | 222900 | 2742L |
| 34 | 21 | 2 | 222900 | 2742L |
| 35 | 21 | 2 | 222900 | 2742L |
| 36 | 21 | 2 | 222900 | 2742L |
| 37 | 21 | 2 | 222900 | 2742L |
| 38 | 21 | 2 | 222900 | 2742L |
| 39 | 21 | 2 | 222900 | 2742L |
| 40 | 21 | 2 | 222900 | 2742L |
| 41 | 21 | 2 | 222900 | 2742L |
| 42 | 21 | 2 | 222900 | 2742L |
| 43 | 21 | 2 | 222900 | 2742L |
| 44 | 21 | 2 | 222900 | 2742L |
| 45 | 21 | 2 | 222900 | 2742L |
| 46 | 21 | 2 | 222900 | 2742L |
| 47 | 21 | 2 | 222900 | 2742L |
| 48 | 21 | 2 | 222900 | 2742L |
| 49 | 20 | 2 | 4044 | 201L |
| 50 | 20 | 2 | 4044 | 2874L |
| 51 | 20 | 2 | 4044 | 2742L |
| 52 | 20 | 2 | 4044 | 2742L |
| 53 | 20 | 2 | 4044 | 2742L |
| 54 | 20 | 2 | 4044 | 2742L |
| 55 | 20 | 2 | 4044 | 2742L |
| 56 | 20 | 2 | 4044 | 2742L |
| 57 | 20 | 2 | 4044 | 2742L |
| 58 | 20 | 2 | 4044 | 2742L |
| 59 | 20 | 2 | 4044 | 2742L |
| 60 | 20 | 2 | 4044 | 2742L |
| 61 | 20 | 2 | 4044 | 2742L |
| 62 | 20 | 2 | 4044 | 2742L |
| 63 | 20 | 2 | 4044 | 2742L |
| 64 | 20 | 2 | 4044 | 2742L |
| 65 | 20 | 2 | 4044 | 2742L |
| 66 | 20 | 2 | 4044 | 2742L |
| 67 | 20 | 2 | 4044 | 2742L |
| 68 | 20 | 2 | 4044 | 2742L |
| 69 | 20 | 2 | 4044 | 2742L |
| 70 | 20 | 2 | 4044 | 2742L |
| 71 | 20 | 2 | 4044 | 2742L |
| 72 | 20 | 2 | 4044 | 2742L |
| 73 | 20 | 2 | 4044 | 2742L |
| 74 | 20 | 2 | 4044 | 2742L |
| 75 | 20 | 2 | 4044 | 2742L |
| 76 | 20 | 2 | 4044 | 2742L |
| 77 | 20 | 2 | 4044 | 2742L |
| 78 | 20 | 2 | 4044 | 2742L |
| 79 | 20 | 2 | 4044 | 2742L |
| 80 | 20 | 2 | 4044 | 2742L |
| 81 | 20 | 2 | 4044 | 2742L |
| 82 | 20 | 2 | 4044 | 2742L |
| 83 | 20 | 2 | 4044 | 2742L |
| 84 | 20 | 2 | 4044 | 2742L |
| 85 | 20 | 2 | 4044 | 2742L |
| 86 | 20 | 2 | 4044 | 2742L |
| 87 | 20 | 2 | 4044 | 2742L |
| 88 | 20 | 2 | 4044 | 2742L |
| 89 | 20 | 2 | 4044 | 2742L |
| 90 | 20 | 2 | 4044 | 2742L |
| 91 | 20 | 2 | 4044 | 2742L |
| 92 | 20 | 2 | 4044 | 2742L |
| 93 | 20 | 2 | 4044 | 2742L |
| 94 | 20 | 2 | 4044 | 2742L |
| 95 | 20 | 2 | 4044 | 2742L |
| 96 | 20 | 2 | 4044 | 2742L |
| 97 | 20 | 2 | 4044 | 2742L |
| 98 | 20 | 2 | 4044 | 2742L |
| 99 | 20 | 2 | 4044 | 2742L |
| 100 | 20 | 2 | 4044 | 2742L |

PLAN 13-R-4646
 RECEIVED AND DEPOSITED
 DATE July 16, 1981
 N.B. CAMPBELL
 ONTARIO LAND SURVEYOR
 DIVISION OF FRONTENAC MAP 13
 I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT.
 DATE JULY 15, 1981
 N.B. CAMPBELL
 ONTARIO LAND SURVEYOR



LOT 21
 INSTRUMENT NUMBER 4044
 CONCESSION 2

LOT 20
 INSTRUMENT NUMBER 167066
 CONCESSION 3

PLAN COMPLETED
 ON JULY 15, 1981
 AND FILED IN THE OFFICE OF
 N.B. CAMPBELL
 ONTARIO LAND SURVEYOR
 ELEMENA, ONTARIO
 AS FILE NUMBER 8-22-37

LEGEND
 DASHED LINES DENOTE THE SQUARE
 FOR THE ROAD 20 AND 21
 P.L.S. DENOTES CORNER SQUARE
 L.B. DENOTES CORNER SQUARE
 L.S. DENOTES CORNER SQUARE
 S.S. DENOTES CORNER SQUARE
 C.C. DENOTES CORNER SQUARE
 P.O. DENOTES CORNER SQUARE
 W.F. DENOTES CORNER SQUARE
 R.A. DENOTES CORNER SQUARE

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT.
 DATE August 4th 1993
 JOHN F. GOLTZ O.L.S.

PLAN 13R-11704
 RECEIVED AND DEPOSITED
 DATE August 16, 1993
 JOHN F. GOLTZ O.L.S.
 LAND REGISTRAR FOR THE REGISTRY DIVISION OF FRONTENAC (13)

| PART | DESCRIPTION | INST. | AREA(ACRES) |
|------|--------------------|--------|-------------|
| 1 | PT. Lot 21, Con. 3 | 156362 | 0.39 |

PART 1 IS SUBJECT TO A TELEPHONE SERVICE LINE (NO REGISTERED EASEMENT).

PLAN OF SURVEY OF PART OF
 LOT 21, CONCESSION 3
 TOWNSHIP OF BEDFORD
 COUNTY OF FRONTENAC

SCALE: 1" = 20'
 JOHN F. GOLTZ O.L.S.
 1993

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

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER.
 2. THE SURVEY WAS COMPLETED ON THE 27th DAY OF JULY, 1993

August 4th 1993
 JOHN F. GOLTZ
 ONTARIO LAND SURVEYOR

LEGEND AND NOTES

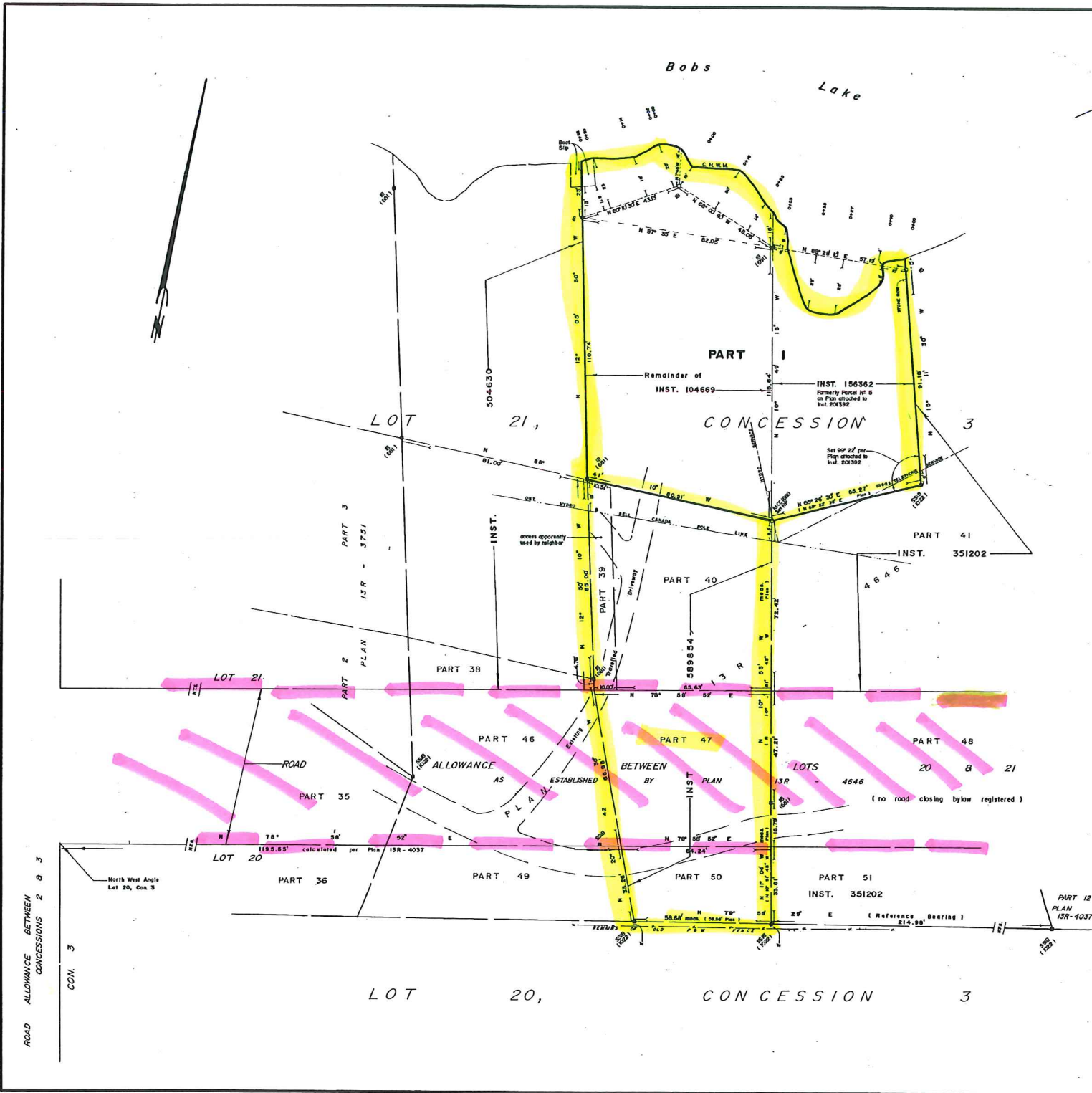
- ⊕ denotes MONUMENT FOUND
- ⊙ denotes MONUMENT PLANTED
- |— denotes IRON BAR
- |—|— denotes STANDARD IRON BAR
- |—|—|— denotes SHORT STANDARD IRON BAR
- RP denotes ROCK POST
- CC denotes CUT CROSS
- IP denotes IRON PIPE
- 16. denotes FOUND
- Acc. denotes ACCEPTED
- P&W denotes POST AND WIRE
- N.T.S. denotes NOT TO SCALE
- CHWM denotes CONTROLLED HIGH WATER MARK
- PLAN denotes PLAN 13R-4646

BEARINGS ARE ASTROMOMIC, DERIVED FROM THE SOUTHERLY LIMIT OF PARTS 20 & 21 PLAN 13R-4646, SHOWN TO BE N 79° 54' 29" E.
 TIES TO CHWM ARE PERPENDICULAR TO TRANSVERSE LINES UNLESS SHOWN OTHERWISE.

JOB # 93-101
 THIS PLAN WAS PREPARED FOR: COLLINS S/O DUFF

FROM THE OFFICE OF:
 JOHN GOLTZ SURVEYING INC.
 JOHN F. GOLTZ ONTARIO LAND SURVEYOR
 BOX 388, PERTH, ONTARIO 267-6366

EXAMINED: JFG CHECK:

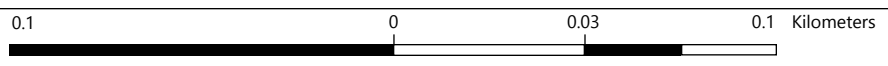




Legend

- Assessment Parcels
- Location Labels

88 HORTHV LANE 1: 1,128



WGS_1984_Web_Mercator_Auxiliary_Sphere
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Encroachment Agreement

Made this _____ day of _____, 2023

BETWEEN

Hereinafter called the "Owner (Licensee)"

OF THE FIRST PART

-and-

THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC

Hereinafter called the "Municipality (Licensor)"

OF THE SECOND PART

WHEREAS the Owner is the registered owner of lands located in the Township of South Frontenac more particularly described in Schedule "A" (the "Owner's Lands");

AND WHEREAS the Municipality is the registered owner of the Road Allowance, more particularly described in Schedule "B" (the "Road Allowance");

AND WHEREAS By-Law 2023-XX authorized this agreement to be entered into between Owner with the Municipality on the terms set out;

AND WHEREAS the Municipality is authorized to enter into this agreement and register it against the title to the severed lands, pursuant to Section 5.3 of the *Municipal Act*, 2001 c. 25;

NOW THEREFORE WITNESSETH that in consideration of the mutual covenants and agreements contained herein, the parties agree each with the other as follows:

1. The Owner covenants and agrees to the following conditions for an encroachment agreement for a part of the existing accessory structure, being a detached garage at the property described in Schedule A to this agreement, to occupy a portion of the road allowance between Lots 20 & 21, Concession 3, District of Bedford, as described in schedule B to this agreement. And agree to comply with the conditions of By-Law 2023-XX, A By-law to Authorize the Encroachment of a dwelling on Part of the Road Allowance between Lots 20 & 21, Concession 3, District of Bedford.
2. The Owner hereby covenants and agrees for ourselves, heirs, executors and assigns to indemnify and keep indemnified the Licensor against all actions, suits, claims and demands which may be brought or made against the Licensor, and against all loss, costs, damages, charges or expenses whatever which may be sustained, incurred or paid by the Licensor in consequence of the above-mentioned encroachment, and the Licensees hereby grant to the Licensor full power and authority to settle any such action, suit, claim or demand on such terms as the Licensor deems appropriate, and to pay to the Licensor on demand all moneys paid by it in pursuance of any such settlement and also such sums as shall represent the reasonable costs or the Licensor or its Solicitor in defending or settling any such action suit, claim or demand, and this agreement shall not be alleged as a defense by the Licensees in any action by any person for actual damage suffered by reason of the permission hereby granted to maintain the above-mentioned encroachment.

3. We further covenant and agree that this agreement applies only to the structure existing of this date, and indicated on the attached GIS mapping in Schedule C, and not to any other development on the property. If the portion of the structure which encroaches into the road allowance is removed, it cannot be rebuilt within the road allowance, and no additional development, beyond that indicated on the GIS mapping shall occur within the road allowance. The detached garage was constructed in 2002 and is 89 square meters in size (960 square feet) and shall not be enlarged within the unopened road allowance.
4. This Agreement shall be registered against the title to the Owner's Lands, as Schedule A to by-law 2023-XX and the Municipality shall be entitled to enforce its provisions against the Owner and, in respect of the obligations affecting the Owner's Lands.
5. If the Owner fails or refuses for any reason to comply with any requirements of this agreement, the Owner shall be in default and the Municipality may, on seven (7) days notice, require the Owner to remedy the default, failing which the Municipality may, without further notice and without prejudice to any other rights and remedies available to it, do such things and perform such work as is necessary to rectify the default.
6. Any account rendered by the Municipality for work done shall be paid by the Owner within thirty (30) days of the day of billing, and, if the Owner fails to pay, interest shall be charged on the amount outstanding at the rate of one and a quarter percent (1.25%) per month (15% per annum) on the first day of each calendar month following the date the account was due. Any payments received on accounts rendered shall be applied first to any outstanding interest which may have accrued, and the balance shall be applied to reduce the principal amount outstanding.
7. If the Municipality incurs any expense arising out of the terms of this Agreement, the Municipality may recover the amount in the same manner as municipal taxes or by action, pursuant to Section 326 of the *Municipal Act*.
8. All costs necessary to fulfill any condition of this agreement, and all costs incurred by the Municipality in connection with the preparation, execution, registration or enforcement of this Agreement shall be paid by the Owners.
9. This Agreement may be deleted from title upon the written consent of the Municipality to the owner's legal representation.
10. This Agreement shall become null and void if the Owner's Lands are sold, transferred, or otherwise disposed of.

IN WITNESS WHEREOF the Parties hereto have hereunto set their hands and seals as of the day and year first written above.

SIGNED, SEALED AND DELIVERED
In the presence of:

Witness

Owner

Witness

Owner

THE CORPORATION OF THE
TOWNSHIP OF SOUTH FRONTENAC

Per:

Ron Vandewal – Mayor

James Thompson – Clerk

We have the authority to bind the corporation.

Schedule A

The Owner's Lands:

Part Lot 20 and 21, Concession 3, Parts 39, 40, 47 & 50, Plan 13R4646 and Part 1 Plan 13R11704

PIN: 36240-0188

Municipal Address: 195 Riders Lane

Schedule B

The Road Allowance:

Part of the road allowance between Lots 20 & 21, Concession 3, District of Bedford

Schedule C



Township of South Frontenac

Staff Report



To: Council

Prepared by: Office of the Clerk

Date of Meeting: June 13, 2023

Subject: Noise By-law Exemption Requests

Summary

The purpose of the Report is to provide Council with background information necessary for consideration of three [Noise By-law](#) exemption requests related to 1001 Lines Lane, Perth Road, 2535 Sands Road, Battersea and 4625 Wolfe Swamp Road, Harrowsmith.

Recommendation

That Rose Hahn be granted an exemption from Section 3 Clause f) of By-law Number 2015-41, As Amended, “A By-Law To Prohibit And Regulate Noise Within The Township Of South Frontenac”, to permit amplified music for a Celebration of Life on July 8, 2023 from 2:00 pm to 11:00 pm., at 1001 Lines Lane, Perth Road.

That Ryan Arcand be granted an exemption from Section 3 Clause f) of By-law Number 2015-41, As Amended, “A By-Law To Prohibit And Regulate Noise Within The Township Of South Frontenac”, to permit a home based wedding with live music, followed by amplified music from 1:00 pm on July 15, 2023 until 1:00 am on July 16, 2023, at 2535 Sands Road, Battersea.

That Charlene Lyon be granted an exemption from Section 3 clauses e) and f) of By-law Number 2015-41, As Amended, “A By-Law To Prohibit And Regulate Noise Within The Township Of South Frontenac”, to permit a motorcycle rally and amplified music from 9:00 am to 11:00 pm on August 4, 5, 6 and 7, 2023 at 4625 Wolfe Swamp Road, Harrowsmith.

Background

On April 11, 2023, Council approved By-law 2023-29 which amended the Noise By-law to permit any person to submit a Noise By-law Exemption Request Application up to four weeks in advance of the event to the Clerk’s Department requesting an exemption from any of the prohibitions described in the General Prohibitions Section of the By-law. Furthermore, By-law 2023-29 outlines that a Council approved exemption will be in effect for the dates and times specified, and Council may impose any conditions that it considers appropriate. A Council approved exemption shall be invalid if these conditions are contravened.

Discussion/Analysis

Staff received a Noise By-law exemption application from the Rose Hahn, 1001 Lines Lane, Perth Road on June 1, 2023. The application is seeking exemption from Section 3 Clause

f) of the Noise By-law to permit amplified music during a celebration of life from 2:00 pm to 11:00 pm on July 8, 2023.

Staff received a Noise By-law exemption request from Ryan Arcand, 2535 Sands Road, Battersea on June 2, 2023. The application is seeking exemption from Section 3 Clause f) of the Noise By-law for a family wedding at their home. During the wedding there will be live music followed by amplified music from 1:00 pm on July 15, 2023 until 1:00 am on July 16, 2023.

Staff received a Noise By-Law exemption request from Charlene Lyon, 4625 Wolfe Swamp Road, Harrowsmith on June 2, 2023. The application is seeking exemption from Section 3 Clauses e) and f) for a National Charity Rally hosted by the Canadian Motorcycle Cruisers Group. The application is requesting that a motorcycle ride and amplified music be exempt from the By-law from 9:00 am to 11:00 pm on August 4, 5, 6 and 7, 2023.

The following provides as summary of Section 3. Clauses e) and f) of By-Law 2015-41:

3. No person shall emit, cause or permit the emission of noise resulting from an act listed herein, and which noise is clearly audible at a point of reception;
 - e) The operation of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding five minutes, while such vehicle is stationary in a Residential Area unless:
 - (i) The original equipment manufacturer specifically recommends a stronger idling period for normal and efficient operation of the motor vehicle in which case such recommended period shall not be exceeded;
 - (ii) The operation of such engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to operation of a ready-mix concrete truck, lift platforms, or refuse compactors and heat exchange systems normal operation;
 - (iii) Weather conditions justify the use of heating or refrigerating systems powered by the motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo;
 - (iv) Prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine;
 - (v) The idling is for the purpose of cleaning and flushing the radiator and associated circulation system for seasonal change of antifreeze, cleaning of the fuel system, carburetor or the like, when such work is performed other than for profit;
 - f) The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electromechanical transducers, and intended for the production, reproduction or amplification of sound in such a manner as to disturb the peace and comfort of a person or persons at the point of reception;

Relationship to Strategic Plans

- Not applicable to this report.
- This initiative is supported by the following priorities of the 2019-2022 Strategic Plan.
 - Choose an item.

Climate Considerations

- Not applicable to this report.

Notice/Consultation

- Frontenac Municipal Law Enforcement

Attachments

- a) *Exhibit A – Noise By-law Exemption Requests*

Approvals

Prepared By:



Michelle Hannah
Deputy Clerk

Submitted By:



James Thompson
Clerk

Approved By:



Louise Fragnito, CPA, CGA
Chief Administrative Officer

Michelle Hannah

From: Rosanne Hahn [REDACTED]
Sent: June 6, 2023 3:33 PM
To: Michelle Hannah
Subject: Re: Noise By-Law Exemption Request

Michelle,
On further thought, it may be best to add there may be music from a Bluetooth speaker.
Thank you,
Rosanne Hahn

Sent from my iPhone

On Jun 6, 2023, at 8:21 AM, Michelle Hannah <mhannah@southfrontenac.net> wrote:

Hi Roseanne,

Thank you for the information. Will there be amplified music that will require the exemption from the noise by-law?

Thanks,

Michelle

<image001.png>

Michelle Hannah

Deputy Clerk

Township of South Frontenac

p: +613-376-3027 ext. 2222

e: mhannah@southfrontenac.net

a: 4432 George St., Box 100, Sydenham, ON, K0H 2T0

www.southfrontenac.net

<image002.png> <image003.png>

<image005.png>Please consider the environment before printing this email

From: Rosanne Hahn [REDACTED]
Sent: Monday, June 5, 2023 5:18 PM

To: Michelle Hannah <mhannah@southfrontenac.net>

Subject: Re: Noise By-Law Exemption Request

Applicant Information:

Rosanne Hahn

No Organization

Address: 1001 Lines Lane

Perth Road, ON K0H 2 L0

[REDACTED]

[REDACTED]

Event Name: Celebration of Life for Steve "Whip" Hahn

Event Address: same as above

Event Date: July 8, 2023

Time: 2 pm - 11 pm

Description:

Celebration of life, possibly 50-100 people attending throughout the day. The celebration will be inside as well as outside.

Hope this helps, please let me know if you have further questions,

Thank you,

Rosanne Hahn

Sent from my iPhone

On Jun 5, 2023, at 11:14 AM, Rosanne Hahn [REDACTED] wrote:

Will do,

Thank you 😊

Sent from my iPhone

On Jun 5, 2023, at 10:43 AM, Michelle Hannah
<mhannah@southfrontenac.net> wrote:

Okay, thank you.

You can also just type it out in an email if that is easier.

Thank you,

Michelle



**SOUTH
FRONTENAC**

Noise By-Law Exemption Request

Applicant Information

All fields marked with * are required and must be filled, failure to do so may delay the process or may cause the requested to be denied.

Name*

Ryan

First Name

Arcand

Last Name

Organization

None

Address*

Street Address

2535 Sands Rd

2535 Sands Rd

Battersea

Town

ON

Province

K0H 1H0

Postal Code

Telephone Number*

[REDACTED]

(000)-000-0000

Email*

[REDACTED]

example@example.com



**SOUTH
FRONTENAC**

Noise By-Law Exemption Request

Event Details

Event Name*

Arcand/Smith Wedding

Example: Smith Wedding

Event Address*

2535 Sands Rd

Street Address

Street Address 2

Battersea

K0H 1H0

Town

Postal Code

Event Date*

July

15

2023

Month

Day

Year

Event Start/End Time*

1

am

until

1

am

Hour : Minutes

AM/PM

Hour : Minutes

AM/PM

Describe your event and why a noise exemption is required. You may include additional event dates and times and any information you believe is important.*

The event will be a home based wedding, live music will be playing until 8pm followed by amplified music until 1am. The event will have approx. 70 guests. Parking will be limited and shuttle transportation has been provided to reduce a parking nuisance to neighbours.



**SOUTH
FRONTENAC**

Noise By-Law Exemption Request

Notice of Collection

Personal information, as defined in the *Municipal Freedom of Information and Protection of Privacy Act*, is collected under the authority of the *Municipal Act, 2001*, and in accordance with *MFIPPA*. Personal information collected on the application may form part of the publicly available Council meeting agendas and minutes. Questions regarding the collection, use, and disclosure of this personal information may be directed to James Thompson, Clerk at 613-376-3027 extension 2239 or jthompson@southfrontenac.net

From: Charlene
Sent: Friday, June 2, 2023 1:34 PM
To: James Thompson <jthompson@southfrontenac.net>
Subject: Noise exemption request

Good Morning James,

Sorry for the delay in getting back to you regarding requesting a noise bylaw exemption for our motorcycle rally.taking place August 4th to Sunday August 6th.The rally is located at 4625 Wolf Swamp Rd in Harrowsmith. We have a DJ who will be playing music throughout the weekend as well as some campers and motorbike rides. I have attached our request for donation letters explaining what our rally is raising money for. I am looking forward to hearing from you.





Mark Vass
1st Officer

Lisa Vass
Financial Officer

Chris VanderZwan
3rd Officer

Charlene Lyon
4th Officer

Todd Lyon
Sr. Road Captain

Hello and thank you for your time,

The 072 (1000 Island) chapter of the family motorcycle group called Canadian Motorcycle Cruisers are hosting the national rally right here in the Kingston area this summer. We gather for some family fun every year on the Civic weekend arriving August 4th events happening August 5th 6th leaving the 7th) and this year it is our turn.

We will be riding, showing off our beautiful city and surrounding area and our attractions. We will be camping, singing, playing games, riding and let's not forget raising funds for local children's charities.

We will have an auction table filled with items donated by you and fellow businesses to help us raise funds for a local charity "Child Life Program" at Kingston Health Sciences Center (KGH) as well as the Children's Wish Foundation of Canada. We are expecting 300 riders/passengers to attend this event. We would love to partner with you to make this a huge success. As a local in-kind sponsor your company logo/name will be displayed on a banner on site as well as on the printed material that is included in our welcome packages.

All donations are appreciated no matter the size. auction items, game prizes, water/pop/juice. Whatever you can afford to contribute to make this event a success for these charities is very much appreciated.

You can contact us at [REDACTED] or by calling one of us directly to pick up your donation.

Sincerely,

CMC 072 Team

Township of South Frontenac Staff Report



To: Council

Prepared by: Public Services Department

Date of Meeting: June 13, 2023

Subject: Gravel Road Granular Renewal Program - 2023

Summary

This report provides recommendations for candidate projects for gravel road granular renewal program to be completed as part of the 2023 Capital Works Program.

Recommendation

That Council direct staff to advance the proposed gravel road renewal program on Ramparts Road, Burridge Road, and Garrett Road as part of the 2023 program.

Background

On December 13th, 2022, WSP / Golder carried out a presentation of the 2022 Comprehensive Road Needs Study at a regular meeting of the Committee of the Whole. This study provided a qualitative assessment of the condition of over 800km of Township roadways using Ministry of Transportation approved methodologies. Each of the three classes of asphalt, surface treated, and gravel roads were rated. A summary of the study findings is included in Table 1 below for reference:

Table 1 - Average PCI Ratings

| Asset Category | Total Length (km) | Network (%) | Scoring Method | Average PCI Rating | General Rating |
|-----------------------|--------------------------|--------------------|-----------------------|---------------------------|-----------------------|
| Asphalt | 162.4 | 20 | MTO SP-022 | 75 | Good |
| Surface Treated | 444.0 | 56 | MTO SP-021 | 71 | Good |
| Gravel | 195.4 | 24 | MTO SP-025 | 57 | Fair |

At the conclusion of the meeting staff recommended that the technical report be summarized and made available to the public on the Engage South Frontenac. The intent at the time was to make the information available to the public prior to any decisions relating to the final study.

On February 14th, 2023, staff brought forward the 2022 Comprehensive Roads Needs Study formally to Township Council and the following motion was carried for further action:

That Council receive the 2022 Comprehensive Road Needs Study prepared by WSP/Golder and dated December 8th, 2022, for information

That Council direct staff to develop a new 5-year capital plan for hard surface roads which will be informed by the findings of the WSP Golder Report

That Council direct staff to develop a new capital plan for gravel roads assets which will be informed by the findings of the WSP Golder Report; and

That staff utilize the Gravel Roads Classification Matrix tool when considering upgrading gravel roads to a hard surface.

On May 2nd, 2023, staff brought forward a draft 5-year capital plan to Council for hard surfaced roads for the years 2023 through 2027. This plan was received by Council and provided recommendations toward the advancement of pre-engineering work on the 2024 candidate projects. These actions otherwise served to fulfill the second of four recommendations approved by Council on February 14th.

The purpose of this staff report is to provide staff recommendations with respect to candidates to be considered under the Township's new Gravel Road Granular Renewal program included in the 2023 Budget. This project included \$300,000 in funding aimed to fund gravel surface improvements and roadside drainage conditions on approximately 7-10km of gravel roads depending on width. A copy of the capital budget detail sheet has been included as Appendix A.

Staff will be evaluating Township resources as part of the new gravel road granular renewal program and will be presenting a new five-year capital plan in the fourth quarter of 2023.

Discussion/Analysis

The Public Services Department has worked over the past several months on screening gravel road renewal candidate projects for 2023. This review process considered various factors such as:

- a) PCI ratings taken as snapshots from the 2022 Road Needs Study
- b) Field review of gravel base materials (ie. are adequate material present to allow for proper crowning of roadways during grading operations)
- c) Areas prone to deformation of the road base (wash boarding, rutting and distortion)
- d) Drainage complexity (right of way width, legal drainage outlets, anticipated permit requirements etc.)
- e) Routes that present challenges to winter maintenance operations
- f) Input from operational staff who perform daily maintenance on the assets

g) Ability to meet 2023 program objectives and available funding targets

As part of the 2023 Program, Public Services are recommending the following gravel roads for capital improvements:

| Road / Asset ID | Details | Estimated Cost |
|----------------------------------|--|----------------|
| Ramparts Road (43510 / 45325) | <ul style="list-style-type: none"> Battersea Road to Ramparts Lane (1.9km) Local Road - AADT of 172 Roadside ditching, rock removals, moderate widening and resurfacing with 100mm granular | \$113,000 |
| Burrige Road (40900) | <ul style="list-style-type: none"> Green Bay Road to Dewitt Road (3.8km) Local Road - AADT of 151 Roadside ditching, rock removals, moderate widening and resurfacing with 100mm granular | \$133,000 |
| Garrett Road (42400) | <ul style="list-style-type: none"> Westport Road to Green Bay Road (2.2km) Local Road - AADT of 72 Resurfacing with 100mm granular only | \$49,000 |
| Total Length = 7.9km | | \$295,000 |
| Available Budget | | \$300,000 |

The upgrade program presented above fits the program objectives outlined in the 2023 budget and will enact major improvements on approximately 7.9km or 4% of the overall gravel road network. All the gravel road upgrades will be scheduled to commence late August. Ramparts Road and Burrige Road would take approximately 5 to 6 weeks to complete.

Financial Implications

The proposed Gravel Road Granular Renewal program will achieve approximately 7.9km of road upgrades in 2023 at an estimated cost of \$295,000 and will fall within the total budget forecast of \$300,000. The detailed capital budget sheet for the project has been included as Appendix A.

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 that meets the community's needs while maintaining the integrity of our natural environment.

Climate Considerations

Climate change has shown that milder winters will be more frequent and that more freeze thaw events can be expected into the future. These weather conditions will place increased challenges on the maintenance of gravel road assets and will continue to expose vulnerabilities in the networks where poor base conditions and poor drainage conditions exist. The introduction of the new gravel road renewal program will not only help the municipality meet its maintenance obligations under the Ontario Minimum Maintenance Standards but will also improve the performance of the road network over time by lowering maintenance demand.

This initiative supports climate change mitigation/adaption efforts in South Frontenac; and/or impacts the Township's resilience to climate change.

Notice/Consultation


- Director of Corporate Services & Treasurer
- Manager of Operations and Fleet

Attachments

Appendix A – Capital Project Detail Sheet – Gravel Road Granular Renewal # 23-52

Approvals

Submitted By:



W. Troy Dunlop, C.E.T.
 Manager of Technical Services and
 Infrastructure

Reviewed By:



Kyle Bolton, C.E.T.
 Director of Public Services

Approved By:



Louise Fragnito, CPA, CGA
 Chief Administrative Officer

Capital Project Detail Sheet

Project Information

Project Name: **Gravel Road Granular Renewal**

Type of Project: Local Roadway

Project Number: **23-52**

Basis for Activity: Service Level Change

Department: 3100 - Structures

Relationship to Strategic Plan: N/A

Description: Allocation of enhanced dedicated capital funding toward the improvements to gravel roads through re-gravelling (100mm), widenings and introducing new roadside drainage improvements on priority roads identified in the 2022 Road Needs Study.

Rationale: The development of a dedicated capital contribution towards gravel road upgrades is a key recommendation of the 2022 Road Needs Study. These investments will improve customer level of service levels and will work toward reducing unplanned maintenance costs over time.

New annual investment of \$300,000 is proposed for 2023. \$200,000 (66%) will go towards new gravel (1200t/km) for approximately 7 - 10km depending on width (labour, equipment and materials) \$100,000 (34%) will be directed toward targeted roadside drainage improvements (contracted services)

Staff Contact: Troy Dunlop (tdunlop)

Project Finances

| Description | | Actuals | Budget | | | | | | |
|-----------------------------|------------------------|--------------------------|----------------|----------------|----------------|----------|----------|----------|----------|
| | | Expensed to Current Year | Total Project | Prior Approved | 2023 | 2024 | 2025 | 2026 | 2027 |
| 50100 - Wages | Expenses / Expenditure | 0 | 37,000 | 0 | 37,000 | 0 | 0 | 0 | 0 |
| 53310 - Materials | Expenses / Expenditure | 0 | 120,000 | 0 | 120,000 | 0 | 0 | 0 | 0 |
| 55290 - Contracted Services | Expenses / Expenditure | 0 | 100,000 | 0 | 100,000 | 0 | 0 | 0 | 0 |
| 58001 - Internal Equipment | Expenses / Expenditure | 0 | 43,000 | 0 | 43,000 | 0 | 0 | 0 | 0 |
| Total | | 0 | 300,000 | 0 | 300,000 | 0 | 0 | 0 | 0 |

Township of South Frontenac Staff Report



To: Council

Prepared by: Public Services Department

Date of Meeting: June 20, 2023

Subject: **Municipally Significant Event Designation for 2023 Frontenac Farmers Market Special Events**

Summary

This report recommends that Council designate the Frontenac Farmers Market Special Events on July 14th, August 4th, and October 13th, 2023, from 3:00 pm – 7:00 pm as municipally significant as required by the Alcohol & Gaming Commission of Ontario (AGCO) for a Special Occasion Permit (SOP) for the sale and consumption of alcohol at the events.

Recommendation

That Council designate the Frontenac Farmers Market Special Events on July 14th, August 4th, and October 13th, 2023, from 3:00 pm – 7:00 pm at Centennial Park in Harrowsmith as municipally significant as required by the Alcohol & Gaming Commission of Ontario (AGCO) for a Special Occasion Permit (SOP) for the sale and consumption of alcohol at the events.

Background

The Frontenac Farmers Market hosted a season kickoff event on May 19th, 2023, which featured a beer garden in addition to many other added-value elements. The event was a great success and featured over 40 vendors and hundreds of attendees. Following the success of the kickoff event and positive feedback from vendors and attendees alike, the market organizers feel there is potential for an occasional beer garden programme throughout the season to supplement market activities and increase the positive economic impact of the market.

The special events in which they intend to have a beer garden have been scheduled for July 14th, August 4th, and October 13th, from 3:00 pm – 7:00 pm in Centennial Park, Harrowsmith. As per the AGCO SOP application processes, public events must be designated as municipally significant to grant the permit.

Discussion/Analysis

Throughout the summer, the Frontenac Farmers Market will feature local farm and artisan vendors, live music, kid's activities, and prepared food vendors. In addition to these added-

value elements, the market has indicated the desire to host occasional local craft beer vendors in beer-garden style events. The special events will aim to promote the market as a destination for residents and visitors of South Frontenac. The goal of the beer garden is to create an atmosphere for networking and community connection, encouraging market attendees to stay for a longer period and engage with the vendors and activities, thereby increasing attendee spending and bolstering the economic benefits of the market.

The special events coincide with themes including the 'dog days of summer' on July 14th, the 'Civic Holiday Celebration' on August 4th, and 'Octoberfest' on October 13th.

Organizers are working towards contracting local and regional based craft beer businesses to join the events, giving first right of refusal to Frontenac based businesses. The events will be an important cultural and economic development endeavor as it supports the hyperlocal food supply system and other small businesses.

The Frontenac Farmers Market has indicated the following measures to mitigate potential risks for the beer garden:

- At least one designated security person on shift during the event.
- A menu of local, craft beer will be served. No hard liquor will be permitted.
- No outside alcohol will be permitted on-site.

To secure the proper permits and approvals for a public event, it must be designated as municipally significant by the Township. As a part of the AGCO SOP permitting process, the event host must notify all local emergency services of the event. They must also have security (paid or volunteer) at the event to mitigate risks associated with alcohol consumption. All vendors serving alcohol must have their Ontario Smart Serve Licence and follow the provincial and federal regulations. All other conditions set by the AGCO will also be followed by the event host and vendors.

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: 4. Be a catalyst for the creation of vibrant, complete communities.

Climate Considerations

- Not applicable to this report.

Township of South Frontenac

Staff Report - Municipally Significant Event Designation for 2023 Frontenac Farmers Market Special Events

This initiative supports climate change mitigation/adaption efforts in South Frontenac; and/or impacts the Township's resilience to climate change.

Attachments

None.

Notice/Consultation

- Clerks Department
- Tarra Williamson, Frontenac Farmers Market Coordinator

Approvals

Submitted By:



Amanda Pantrey
Recreation & Events Coordinator

Reviewed By:



Kyle Bolton, C.E.T.
Director of Public Services

Approved By:



Louise Fragnito, CPA, CGA
Chief Administrative Officer

Township of South Frontenac

Staff Report



To: Council

Prepared by: Public Services Department

Date of Meeting: June 20, 2023

Subject: **Award of Tender PS-2023-18 Glendower Net Sport Courts Upgrades**

Summary

This report provides a recommendation for the award the contract PS-2023-18 for the upgrades to the Glendower Net Sport Courts.

Recommendation

That Council approved the bid submission from Jeff Wallen's Construction in the amount of \$177,967.05 (including HST Rebate) for tender PS-2023-18 – Glendower Net Sport Court Upgrades;

That Council authorize the Public Services Department to enter into an agreement with Jeff Wallen's Construction for a revised contract amount of \$154,521.54 (including HST rebate); and

That Council authorize a project budget increase in the amount of \$34,521.54 to be funded from the Asset Investment Reserve.

Background

Council approved the resurfacing of the Glendower net sport courts as part of the 2023 Capital budget process. The resurfacing of the Glendower Courts will provide the northern area of South Frontenac with a revitalized space that offers a double tennis court and four pickleball courts with plans to add two basketball net systems as part of the 2024 capital budget. Once both the Glendower Court and McMullen Courts are complete the Township will have the following Net Sport courts available for the use by residents and visitors.

- 14 Standalone Pickleball Courts
- 4 Standalone Tennis Courts
- 4 Pickleball/2 Tennis Combination Courts

Discussion/Analysis

A tender for the Glendower Net Sport Courts Upgrades as publicly advertised and closed on May 17, 2023 with one (1) complete submissions.

The results of the tender bid are in the table below:

| COMPANY NAME (BIDDER) | BID PRICE (NET OF HST REBATE) |
|--|-------------------------------|
| JEFFREY G. WALLENS CONSTRUCTION | \$177,967.05 |

Staff completed a detailed review of the Jefferey Wallen's Construction bid submission and found their tender bid to be balanced. Jeff Wallen's Construction with the support of sub-contractor Court Contractors Ltd was the sole bidder for this phase of the project. Jeff Wallen's Construction is a very reputable company that has experience in overseeing construction projects of varying complexity. Court Contractors Ltd is an Ontario Tennis Association approved company that has specialized in this type of work since 1973. Township Staff has full confidence in the experience and expertise of these companies to meet the project specifications and create a premiere facility for South Frontenac residents.

Consideration was given to cancelling the project and re-tendering for 2024. This would however delay the project being completed by another year and would not necessarily result in costs savings.

A meeting was held with Jeff Wallen's to discuss the tender submission as these companies are also completing the resurfacing portion of the McMullen Court project in Verona. A savings of \$25,446 (Including HST rebate) was identified that wouldn't compromise the quality of work by capitalizing on bulk material orders and shared mobilization costs for both projects. Proceeding with the contract will ensure the Glendower court upgrades are completed this year, benefit from the economies of scale of the two projects, and brings all the courts in the Township to the same surface standard.

Financial Implications

Capital project 23-89 has a budget of \$120,000 which is insufficient to complete the project. The additional \$34,521.54 will be funded from the Asset Investment Reserve. A detailed breakdown of the revised project budget is provided below:

| ACTIVITY | COST (\$) |
|--|------------------|
| Jeff Wallen's Construction Tender Bid | \$177,967 |
| Negotiated Savings | \$25,446 |
| Revised Project Budget (Including HST rebate) | \$152,521 |
| | |
| Approved Budget (2022) | \$120,000 |
| Estimated Shortfall | \$32,521 |

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 that meets the community's needs while maintaining the integrity of our natural environment.

Climate Considerations

- Not applicable to this report.
- This initiative supports climate change mitigation/adaption efforts in South Frontenac; and/or impacts the Township's resilience to climate change.

By replacing the current black asphalt surface with a coloured surface using acrylic, water-based materials there is a positive mitigative result. In addition to the materials having low levels of volatile organic compounds, the colour rubberized material reduces the 'heat island' effect typically experienced with the black top asphalt. The result is a safer more enjoyable playing surface that reduces impact on the users and environment.

Notice/Consultation

- Manager of Recreation and Facilities
- Director of Corporate Services & Treasurer

Approvals

Submitted By:



Kyle Bolton
 Director of Public Services

Approved By:



Louise Fragnito, CPA, CGA
 Chief Administrative Officer

Township of South Frontenac Staff Report



To: Council

Prepared by: Public Services Department

Date of Meeting: June 20, 2023

Subject: Davidson Beach Access Improvements

Summary

This report provides a recommendation for the proposed access improvements to Davidson Beach.

Recommendation

That Council accept the recommendation of the Public Services Department to proceed with minor site improvements to the Davidson Beach pathway to improve access.

Background

As per the Recreation and Leisure Parks Master Plan, Davidson Beach is described as a beloved community recreation spot that could accurately be described as a 'hidden gem' – for the clear blue waters and the unmarked entrance and long, steep pathway to the beach that make it both difficult to find and to access. From the road entrance, it is a short drive to a small gravel parking lot. From there, beachgoers walk down a very steep and long dirt pathway to the beach area. The beach has a sandy area, as well as a forested area with pathways throughout. People can set up on the rocks and enter the water.

In 2021, Council approved \$50,000 as part of the Capital Budget to support improvements for access to the site. These funds continued to be carried over until a thorough assessment of the site could be completed.

Discussion/Analysis

The existing pathway to the beach consists of a steep grade that has a slope of 24.5% at its steepest point. If the desire was to make this site fully accessible the target slope for an accessible pathway would be maximum 8.33%, which would require a significant investment including the removal of many trees and substantial rock excavation to allow the pathway to snake down the elevation at an acceptable slope. A project of this scope would require significantly more budget to complete.

Given the substantial costs and significant site changes required to make an accessible pathway, staff are proposing the existing budget be used for minor site improvements to help improve access. An internal review of the site was conducted by the department's Operations Technologist and the following options were provided to improve access to the site:

- Ditching to improve drainage down the path and reduce washouts in the surface material
- New pathway surface with proper crown to direct water to the ditches
- Potential hand railing to assist pedestrians while walking
- Potential rest area with a pad and bench at the mid point of the pathway for breaks

Staff therefore recommend a plan for these minor improvements be developed that is within the approved budget and the work be completed by the end of the year.

Financial Implications

Capital project 20-41 has an approved budget of \$50,000.

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 that meets the community's needs while maintaining the integrity of our natural environment.

Climate Considerations

Not applicable to this report.

This initiative supports climate change mitigation/adaption efforts in South Frontenac; and/or impacts the Township's resilience to climate change.

Notice/Consultation

- Operations Technologist

Attachments

- Appendix A – Site Photos

Approvals

Submitted By:



Tim Laprade

Manager of Recreation and Facilities

Reviewed By:



Kyle Bolton, C.E.T.
Director of Public Services

Approved By:



Louise Fragnito, CPA, CGA
Chief Administrative Officer





Township of South Frontenac Staff Report



To: Council

Prepared by: Public Services Department

Date of Meeting: June 13, 2023

Subject: Speed Limit Reviews – Various Roadways (2023)

Summary

This report summarizes the outcome of the speed limit reviews that were carried out in response to seven separate petitions received in the summer and fall of 2022.

Recommendation

That Council approve the staff recommendation for the implementation of speed limit changes as proposed on Lower Round Lake Road, Perth Road (west of Devil Lake), Petworth Road, Carrying Place, and Westport Road; AND

That Council direct staff to prepare an amendment to the Roads, Traffic and Parking Bylaw 2000-01 to incorporate the proposed speed limit change on all five sections of road.

Background

During the summer and fall of 2022 the Public Services received an abnormally high volume of petitions for speed limit reductions leading into and following the 2022 fall elections. A total of seven (7) individual petitions were received and the details are summarized below:

| No. | Road Name | Length (km) | Current Speed | Requested Speed | Petition Details |
|-----|---|-------------|--------------------|-------------------|---------------------|
| 1. | Lower Round Lake Road | 3.6km | 80km/hr (unposted) | 60km/hr | 63 signatures |
| 2. | Silverwood Drive | 0.9km | 50km/hr | 40km/hr | 30 signatures |
| 3. | Perth Road (Devil Lake boat ramp to west boundary) | 4.0km | 80km/hr (unposted) | 70km/hr | 3 Lane Associations |
| 4. | Perth Road (Holmes Road to Davidson Road) | 1.7km | 80km/hr | 60km/hr | 15 signatures |
| 5. | Petworth Road (Road 38 to Kerr Road) | 3.7km | 80km/hr (unposted) | 60km/hr | 53 signatures |
| 6. | Carrying Place Road (Burnt Hills Road to West End) | 5.9km | 80km/hr (unposted) | 50km/hr & 30km/hr | 30 signatures |
| 7. | Westport Road (west end of Wolfe Lake to Bresee Road) | 5.3km | 80km/hr (unposted) | 60km/hr | 11 signatures |

During the fall of 2022, Public Services staff communicated with all seven (7) of the petition leads and met in person with four of the contacts to seek further information and clarity on their requests. At the time staff advised the parties that an unusually high volume of petitions had been received and that they would be reviewed in the order they were received. Staff further advised that the results would ultimately be presented in the new year to the new Council.

Safe Roads Engineering was retained in March of 2023 to initiate these technical reviews and clear the backlog of requests in a timely manner.

Discussion/Analysis

The Township of South Frontenac does not currently have an established policy for the management of posted speed limits however speed limit changes have traditionally followed the Canadian Guidelines for Establishing Posted Speed Limits by the Transportation Association of Canada (TAC), 2009. This is similar to the policy used by the City of Kingston's traffic division as part of their Guidelines for Establishing Posted Speed Limits. It should be noted that a new policy will be presented to Council in the third quarter of 2023 to set the Townships process and timelines for future reviews for consistency.

The TAC guideline currently being used is an assessment tool that looks at eleven (11) characteristics of a roadway and assigns an overall risk score based on an "objective and measurable" review of the characteristics of any roadway corridor. Items included within the TAC assessment tool are listed as follows:

- Geometry (Horizontal)
- Geometry (Vertical)
- Average Lane Width
- Roadside Hazards
- Pedestrian Exposure
- Cyclist Exposure
- Pavement Surface
- Number of Intersections
- Number of Private Access Driveways
- Number of Interchanges
- On-Street Parking

Safe Roads Engineering carried out a detailed technical review of the seven (7) speed limit review areas and evaluated each of the road segments using the TAC assessment tool. In one of the cases, Westport Road was split into two zones for evaluation. Each of the zones on Westport Road had distinctly different road characteristics which warranted this approach. The results of these evaluations, risk scores, and outcomes are listed below:

| No. | Road Name | AADT | Risk Score | Current Speed | Speed Request | TAC Speed Limit |
|-----|--|------|------------|-----------------------|----------------------|-----------------|
| 1. | Lower Round Lake Road | 780 | 30 | 80km/hr (unposted) | 60km/hr | 60km/hr |
| 2. | Silverwood Drive | 594 | 32 | 50km/hr | 40km/hr | *60km/hr |
| 3. | Perth Road (Devil Lake boat ramp to west boundary) | 1764 | 36 | 80km/hr (unposted) | 70km/hr | 70km/hr |
| 4. | Perth Road (Holmes Road to Davidson Road) | 7842 | 29 | 80km/hr | 60km/hr | 80km/hr |
| 5. | Petworth Road (Road 38 to Kerr Road) | 729 | 27 | 80km/hr (unposted) | 60km/hr | 60km/hr |
| 6. | Carrying Place Road (Burnt Hills Road to West End) | 297 | 27 | 80km/hr (unposted) | 50km/hr / 30km/hr | 60km/hr |
| 7A | Westport Road (west end of Wolfe Lake to Civic 4367) | 750 | 42 | 80km/hr (unposted) | 60km/hr | 60km/hr |
| 7B | Westport Road (Civic 4367 to Bresee Road) | 750 | 27 | 80km/hr (unposted) | 60km/hr | 80km/hr |

*Note – The speed limit on Silverwood is not recommended to be increased despite the findings.

Based on the outcomes, the TAC assessment tool supports speed limit changes on Sites 1, 3, 5, 6 and 7A. No changes are otherwise recommended on Sites 2, 4 and 7B. It should be noted that although the speed limit recommendation on Silverwood Drive was calculated at 60km/hr staff are recommending that the 50km/hr zone remain.

Township staff have shared the speed limit review outcomes and recommendations with all petition leads including those whose recommendations are not supported. Staff are therefore recommending that Council support the implementation of the new speed limit zones and that staff be directed to prepare the necessary amendments to the Roads, Traffic and Parking Bylaw 2000-01.

Financial Implications

The process of carrying out the speed reviews under this petition included background research, correspondence, site meetings, site evaluations, and preparation of final reports. The cost for this analysis was approximately \$1,240 per site which is comparative of the internal expenses to carry out these reviews.

The estimated costs for labour and material to supply and install new speed limit signs along all five road segments is expected to be approximately \$4,000.

The cost for the speed reviews and sign installations are both covered in the 2023 operating budget.

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):

Climate Considerations

Not applicable to this report.

This initiative supports climate change mitigation/adaption efforts in South Frontenac; and/or impacts the Township’s resilience to climate change.

Notice/Consultation

- Safe Roads Engineering
- Petition Holders(s)
- Manager of Operations and Fleet

Attachments

- Appendix A – Speed Limit Review Locations and Descriptions

Approvals

Submitted By:

Reviewed By:



W. Troy Dunlop, C.E.T.
Manager of Technical Services and
Infrastructure

Kyle Bolton, C.E.T.
Director of Public Services

Approved By:



Louise Fragnito, CPA, CGA
Chief Administrative Officer

Appendix A - Speed Limit Review Locations and Descriptions

The following are excerpts from the Safe Road Engineering Technical Report dated April 28, 2023.

3. STUDY AREAS

3.1 SITE 1 – LOWER ROUND LAKE ROAD

Lower Round Lake Road is an undivided rural local road with an unposted speed limit of 80 km/h with a request to reduce the speed limit to 60 km/h. The road is generally flat with a sharp right-angle curve approximately midway down its length as seen in Figure 2.



Figure 2 – Site Location #1 Lower Round Road

3.2 SITE 2 – SILVERWOOD DRIVE

Silverwood Drive is a rural local road with a posted speed limit of 50 km/h and has a request to reduce the speed limit to 40 km/h. This street is generally straight with some hills and a curve near the end as shown in Figure 3.



Figure 3 - Site Location #2 Silverwood Drive

3.3 SITE 3 – PERTH ROAD

Perth Road is a major arterial roadway with a posted speed limit of 80 km/h and request to reduce the speed limit to 70 km/h. This road meanders through the Township over rolling terrain between woodlands, rock cuts, and lakes. It is a main thoroughfare through the Township as shown in Figure 4.



Figure 4 - Site Location #3 Perth Road

3.4 SITE 4 – PERTH ROAD

Perth Road is an arterial roadway with a posted speed limit of 80 km/h and request to reduce the speed limit to 60 km/h. This section of roadway is straight with good sightlines, and travels through a hamlet as shown in Figure 5.



Figure 5 - Site Location #4 Perth Road

3.5 SITE 5 – PETWORTH ROAD

This road is an rural collector roadway with an unposted speed limit of 80 km/h with a request to reduce the speed limit to 60 km/h. The road is a straightaway and generally flat with one large, vertical crest curve within these limits but has several residences and roads that “T” into it as shown in Figure 6.



Figure 6 - Site Locations #5 Petworth Road

3.6 SITE 6 – CARRYING PLACE ROAD

Carrying Place Road has an unposted speed limit of 80 km/h with a request for a two-stage speed reduction to 50 km/hr and finally 30 km/h. The road is lower volume in nature, meanders through the Township while having several sharp curves followed by straightaway sections. As shown in Figure 7, the road passes the Serenity Bay Camp, which is a getaway location for families.

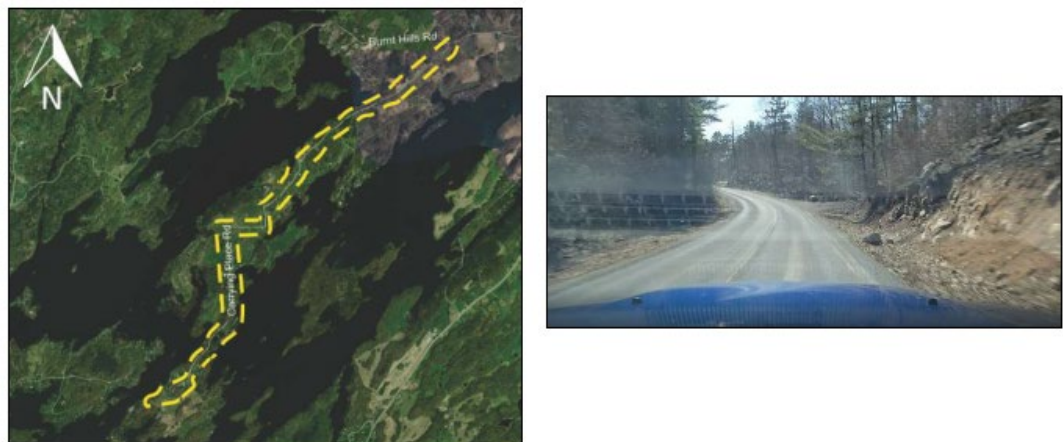


Figure 7 - Site Location #6 Carrying Place Road

3.7 SITE 7 – WESTPORT ROAD

This road is an arterial roadway with an unposted speed limit of 80 km/h with a request to reduce the speed limit to 60 km/h. This roadway hugs Wolfe Lake and winds through the Township with sections of poor sight

lines. The road also traverses some rolling terrain that is shown in Figure 8. Given the difference in the geometry of the western portion of this site vs. the eastern portion, where there are not so many sharp horizontal curves, this site will be evaluated under two separate sections:

- ◆ Site 7A – Western Portion (west limits of Wolfe Lake to just east of 4367 Westport Road)
- ◆ Site 7B – Eastern Portion (just east of 4367 Westport Road to Bresee Road)



Figure 8 - Site Location #7 Westport Road

Township of South Frontenac

Staff Report



To: Council

Prepared by: Development Services Department

Date of Meeting: June 20, 2023

Subject: **Subdivision Agreement – Hartington Subdivision –Township of South Frontenac (Hartington) – County File #10T-2013/002**

Summary

This report recommends that Council pass a by-law to authorize the Mayor and Clerk to enter into a subdivision agreement for the Hartington Phase 1 Plan of Subdivision.

Recommendation

That By-law 2023-54 to authorize the Mayor and Clerk to enter into a subdivision agreement with 1278840 Ontario Limited for the Hartington Phase 1 Plan of Subdivision be given first and second reading; and

That By-law 2023-54 be given third reading, signed and sealed.

Background

The original application for the Hartington subdivision was appealed to the Ontario Municipal Board (OMB) by the applicant (1278804 Ontario Inc.) for failure of the County of Frontenac to make a decision. The Local Planning Appeal Tribunal issued a decision on November 15, 2018, approving the draft Plan of Subdivision with conditions. The conditions of draft plan approval are attached to this report (Attachment 1).

The developer has been active throughout 2020 and 2021 to fulfill the conditions of draft plan approval. The developer pursued a pre-servicing agreement to facilitate the installation of the road and stormwater management ahead of entering into a full subdivision agreement. This is a practice that is commonly used in other municipalities and has been used on other subdivisions (e.g. ValleyView Estates, Sydenham) in the Township. Work has been ongoing and the developer is ready to proceed with a subdivision agreement. The developer has provided all of the requirements requested by the Township to date.

Discussion/Analysis

The draft plan is for thirteen (13) residential lots and an internal street, with frontage on Boyce Road within the settlement area of Hartington. Attachment 2 shows the location of the subject property on which the plan of subdivision is proposed. Attachment 3 is the draft plan of subdivision that shows the lot layout, the proposed street, and blocks for the stormwater management facility, as well as the connection to the K&P Trail.

The Hartington Subdivision proposes to create 13 residential lots within one of the Township Settlement Areas. The Provincial Policy Statement 2020, County Official Plan and the Township Official Plan all direct growth to settlement areas. Now that all draft plan conditions have been satisfied, Township staff are of the opinion that it would be appropriate for the Township to enter into a subdivision agreement with the developer of the Hartington subdivision. Approval for the Hartington Subdivision helps further the Township's goal to focus development in settlement areas in a way that balances growth with meeting the community's need for housing, while maintaining the integrity of our natural environment.

Subdivision Agreement

Township Council is the approval authority for the subdivision agreement and any pre-servicing agreement required for this development. The agreements would address any financial requirements outlined in the draft plan conditions. The subdivision agreement is attachment 4 to this report.

The following staff/agencies provided comments on the subdivision agreement:

Paul McCoy, Quinte Conservation
 Joe Gallivan, County of Frontenac
 Christine Woods, Senior Planner
 Township's solicitor
 Troy Dunlop, Manager of Engineering and Capital Projects
 Kyle Nielissen, Forefront Engineering, on behalf of the developer

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

Notice/Consultation

The following staff were consulted in the preparation of this report:

- Troy Dunlop, Manager of Engineering & Capital Projects
- Christine Woods, Senior Planner
- Tom Fehr, Planner
- Joe Gallivan, Director of Planning & Development, County of Frontenac

Attachments

1. Conditions of draft plan approval
2. Location Map – Subject Property - Hartington Draft Plan of Subdivision
3. Hartington - Draft Plan of Subdivision
4. Hartington – Subdivision Agreement
5. Hartington – By-law 2023-54

Approvals

Submitted By:



Brad Wright
Director of Development Services

Approved By:



Louise Fragnito, CPA, CGA
Chief Administrative Officer

ATTACHMENT 1

44 B

DRAFT CONDITIONS – REVISED**1. Approved Draft Plan:**

A. That this draft plan approval applies to the draft plan of proposed subdivision dated September 18, 2015 prepared and certified by Forefront Engineering Inc., and Smith & Smith Surveyors, comprising a total of thirteen residential lots, two blocks and a new street.

2. Subdivision Agreement:

A. That the owner of the subject land enters into a subdivision agreement with the Township of South Frontenac, prepared to the satisfaction of the Township, to be registered on title of the subject land. A copy of the subdivision agreement shall be provided to the County of Frontenac by the Township of South Frontenac.

B. That the subdivision agreement include text to the satisfaction of the Township, which text shall be registered on the title of all lots, that all Agreements of Purchase and Sale include provisions advising that a farming operation exists in the adjacent areas and that adverse effects may be experienced.

3. Financial Requirements:

A. That the Owner agrees in writing to satisfy all the requirements, financial and otherwise of the Township concerning the provision/upgrading of roads, installation of services and drainage, in accordance with the Township's standards and procedures, and that this shall be reflected in the subdivision agreement.

B. That the Owner shall reimburse the Township of South Frontenac and County of Frontenac for all legal, engineering, planning, administrative expenses and permit fees including the cost of any peer review(s) that the Township of South Frontenac or County of Frontenac may require in relation to the plan of subdivision.

4. Access

A. That the road allowance included in this draft plan shall be identified as Street 'A' and shall be constructed to Township standards for new public roads with paved asphalt surfacing and that the road be dedicated as a public highway.

B. That the new internal road identified as 'Street 'A' be named to the satisfaction of the Township.

C. That the Owner agree in the subdivision agreement that Boyce Road be upgraded at the entrance to the subdivision to the Township's satisfaction to facilitate ingress and egress.

D. That the subdivision agreement shall provide that 0.3 metre reserves be identified by survey at the following locations: (i) along Lot 13 where the lot abuts the road allowance of Boyce Road – 1foot reserve; and (ii) around the circumference of the turning bulb at the south end of Street 'A'; and (iii) along the east lot line of 4023 Boyce Rd. where the said lot abuts Street "A", all to be held in trust by the Township for the purpose of denying additional access onto Boyce Road and the undeveloped lands to the south.

E. That the Owner install a 1.5 metre wide concrete sidewalk along the side of the new road allowance from the northern limit of Street 'A' (i.e., from Boyce Road), to the southern limit of Lot 7.

F. That the Owner agree in the subdivision agreement that all entrances to the lots including entrance culverts be located and constructed to the satisfaction of the Township.

G. That the Owner convey to the Township a 10 metre wide Block free and clear of all encumbrances along the south lot line of Lot 7 from the south end Street 'A' to the K&P Trail to provide access from the subdivision to the Trail, with a walkway to be constructed by the Owner to the satisfaction of the County of Frontenac 3.0 metres wide with stone dust surface within the 10 metre wide Block. Landscaping and buffering along the full length of the Block on both the north and south sides shall be constructed and installed by the Owner to the satisfaction of the County of Frontenac.

H. That, prior to final approval, the Township shall be satisfied that all servicing issues are resolved such as road, sidewalk and walkway construction.

5. On-Site Sewage Disposal and Water Systems:

A. That the subdivision agreement includes a requirement that any abandoned wells must be decommissioned according to MOECC regulations.

B. That the recommendations outlined in the letter dated December 12, 2014 from KFL&A Public Health to Terry Grant Construction 1278804 Ontario Inc., be addressed to the satisfaction of the Township for the thirteen-lot development.

C. That all requirements and recommendations specified in the Hydrogeological Study, Servicing Options and Terrain Analyses Report, dated October 31, 2013, from ASC Environmental, updated by covering letter dated October 7, 2015 from ASC Environmental, and all associated drawings be complied with for the thirteen-lot development.

D. That the recommendations of the Natural Heritage Report, dated August 27, 2013 from Ecological Services, be complied with for as they apply to the thirteen-lot development.

E. Prior to final approval, that the County of Frontenac and its peer review agency, Malroz Engineering

Inc., be satisfied that all matters outlined below have been addressed:

- (i) The Ownershall report elevated chloride and sodium levels to the Medical Officer of Health;
- (ii) The subdivision agreement shall require that pre-filtration and disinfection (eg: ultra violet light) be included in drinking water systems to maintain a bacteriological free water supply;
- (iii) The potential presence of sulphur in wells and remedial measures shall be identified to potential buyers in the subdivision agreement;
- (iv) A staggered well orientation shall be implemented to mitigate mutual well interference;
- (v) Each well shall be assessed by a qualified hydrogeologist for water quality and quantity, in accordance with the following:
 - o A minimum pumping rate shall be utilized that is appropriate for the size of residence proposed for the lot in accordance with the D-5-5 guideline for a minimum duration of 6 hours;
 - o Representative neighboring wells and/or nearby wells will be monitored during the pumping test;
 - o The suite of groundwater analytical parameters that will be analysed shall include:
 - For each well, the suite of analyses tested for in the supporting reports
 - For three select wells, PHC, BTEX, volatile organic compounds (VOC) and polycyclic aromatic hydrocarbons (PAH), which would be indicative of contamination associated with a rail line or gas bar;
 - o Each well shall be evaluated for nitrate and nitrite concentrations, and trends in concentration and impact to potable groundwater supplies;
 - o An evaluation of the potential for mining of the potable water aquifer shall be conducted; and,
 - o Conclusions on the sustainability of the water supply aquifer and water quality shall be prepared and supported in a final evaluation report submitted to the County and Township.

F. That Class 4, CAN/BNQ 3680-600 standard septic systems (or an equivalent tertiary treatment system recognized in the Ontario Building Code) that are designed to include nitrogen reduction be installed for each lot in the thirteen-lot development.

G. That prior to final plan approval, soil investigations shall be undertaken by a soils scientist or other suitably qualified professional to ensure that the proposed lots are

suitable for individual on-site sewage treatment disposal systems and to identify the level of treatment required for each lot, all to the satisfaction of the Township of South Frontenac. The investigation shall include test pits on each lot. If the test pit for the soils investigation identifies the possible presence of karst, an assessment of the significance of the observations shall be evaluated by bore holes cored into the bedrock. The resulting report shall identify any constraints to the development and shall be submitted to the Township Chief Building Official and KFL&A Health Unit.

That the subdivision agreement shall contain provisions to place the following restrictions on development:

1. Prior to the issuance of a building permit for a septic system for any lot, the lot owner shall provide engineering details for an on-site sewage disposal system designed in accordance with Condition 5.F to service the subject lot for review and approval by the KFL&A Health Unit.
2. No building permit shall be issued for any lot within the plan of subdivision until the lot owner has provided satisfactory evidence to the Chief Building Official for the Township that the following requirements have been met:
 - a. That the design of aforesaid sewage disposal system shall be undertaken by a contractor certified by the manufacturer and/or fully familiar with such systems;
 - b. That the installation of the aforesaid sewage disposal system shall be undertaken by a contractor certified by the manufacturer of the system;
 - c. That the lot owner has been provided with a detailed information package which outlines the nature, operation and maintenance requirements of the aforesaid sewage disposal system.

H. That prior to final plan approval, hydrogeological investigations by a qualified professional shall be undertaken to ensure that the proposed lots within the subdivision have a suitable water supply from individual wells in terms of water quantity, quality and interference and that the Ontario Drinking Water Quality Standards are met on a lot by lot basis, all to the satisfaction of the County of Frontenac.

6. Stormwater

A. That as part of the subdivision agreement a Final Stormwater Management Report and detailed engineering drawings addressing grading, drainage and stormwater

management be submitted to the satisfaction of the Township and Quinte Conservation Authority for the thirteen-lot development. The site drainage, design, construction and maintenance shall be in accordance with the recommendations contained in the final Stormwater Management Report, with all final designs incorporated into the subdivision agreement.

B. That all legal matters associated with tying the stormwater from the development into the Pleasant Valley Municipal Drain system be resolved to the satisfaction of the Township.

7. Parkland Dedication:

A. That the Owner convey up to five percent of the land included in the plan to the Township for park purposes. Alternatively, the Township may require cash-in-lieu for all or a portion of the conveyance.

8. Human Remains:

A. The subdivision agreement shall contain a clause providing that any owner(s) be advised, and also that a notice be placed in the purchase and sale agreement alerting any prospective purchasers that in the event that human remains are discovered during construction or site development of a lot, that the Owner shall immediately contact the OPP, the Ministry of Tourism, Culture and Sport and the Registrar or Deputy Registrar of the Cemeteries Unit of the Ministry of Consumer Services (or the applicable agencies at the time of final approval).

9. Archaeological Resources:

A. That all recommendations of the Archaeological Assessment (Stage 1 & 2) Reports, dated September 16, 2013 by Archeoworks Inc. be implemented to the satisfaction of the Township for the thirteen-lot development.

B. That if during the process of development any archaeological resources or human remains of Aboriginal interest are encountered, the Algonquins of Ontario Consultation Office will be contacted immediately at:

Algonquins of Ontario Consultation Office
31 Riverside Drive, Suite 101
Pembroke, Ontario K8A 8R6
Telephone: (613) 735-3759
Fax: (613) 735-6307
email: algonquins@nrtco.net

10. Utilities and On-Site Works

- A. That the Owner agree in the subdivision agreement that Centralized Community Mail Boxes be installed at a location on the road allowance of Street 'A' near the entrance to the development at Boyce Road along the west side of the road allowance of the new road and to the satisfaction of the Township and in accordance with Canada Post specifications.
- B. That the Owner agree in the subdivision agreement that all servicing including telephone, internet, Hydro, etc. generally be installed underground.
- C. That the Owner agree in the subdivision agreement that street signage and lighting shall be installed to the satisfaction of the Township including lighting at the turning bulb at the south end of the development and at the entrance to the development at Boyce Road such lighting to also illuminate the mail boxes to be located there.

11. Revisions to Draft Plan:

- A. That Prior to Final Subdivision Approval, the Owner shall submit a revised Block Plan, if required, to reflect any significant alterations caused from this Draft Plan Approval.
- B. That where final engineering design(s) result in minor variations to the Plan (e.g., in the configuration of lots, etc.), these may be reflected in the Final Plan subject to the satisfaction of the Township of South Frontenac and the County of Frontenac.
- C. Prior to final approval and any site alteration, the Owner shall submit the following to the satisfaction of the County of Frontenac, Township of South Frontenac and the Quinte Conservation Authority:
1. Stormwater Management and Report and Plans;
 2. General Servicing, Grading and Drainage Plans including sidewalk and trail details;
 3. A Composite Utility Plan (for applicable utility providers);
 4. Individual Lot Servicing and Grading Plans;
 5. Tree Preservation Plans;
 6. Landscaping Design Plans;
 7. Internal Road Construction Plan Drawings;
 8. An Erosion and Sediment Control Plan.
- D. That the Owner shall agree in the Subdivision Agreement to carry out or cause to be carried out the recommendations and requirements contained within the plans, studies, and reports described above to the satisfaction of the County of Frontenac, the Township of South Frontenac and the Quinte Conservation Authority.

E. The Draft Plan may be subject to revisions, including a reduction of building lots, in order to address study findings at the detailed engineering design stage and satisfy all the Conditions of Approval set out above and in Section 12 (General Conditions).

12. General Conditions:

A. That prior to final approval, the County of Frontenac is to be advised by the Township that this proposed subdivision conforms to the Zoning By-law in effect of the Township of South Frontenac.

B. That when requesting final Approval from the County of Frontenac, the Owner shall accompany such request with the required number of originals and copies of the Final Plan, together with a surveyor's certificate stating that the lots/blocks thereon conform to the frontage and area requirements of the Zoning By-Law.

C. That the Owner submit a draft Plan of Subdivision Declaration for approval by the Township and County to ensure all conditions of approval will be satisfied.

13. Clearance Letters:

A. That Prior to Final Subdivision Approval, the County of Frontenac shall be advised that all Conditions of Draft Plan Approval have been satisfied; the clearance memorandum shall include a brief statement detailing how each Condition has been met.

B. That Prior to Final Subdivision Approval, the County is to be advised in writing by the Township of South Frontenac the method by which conditions 1 to 13 have been satisfied.

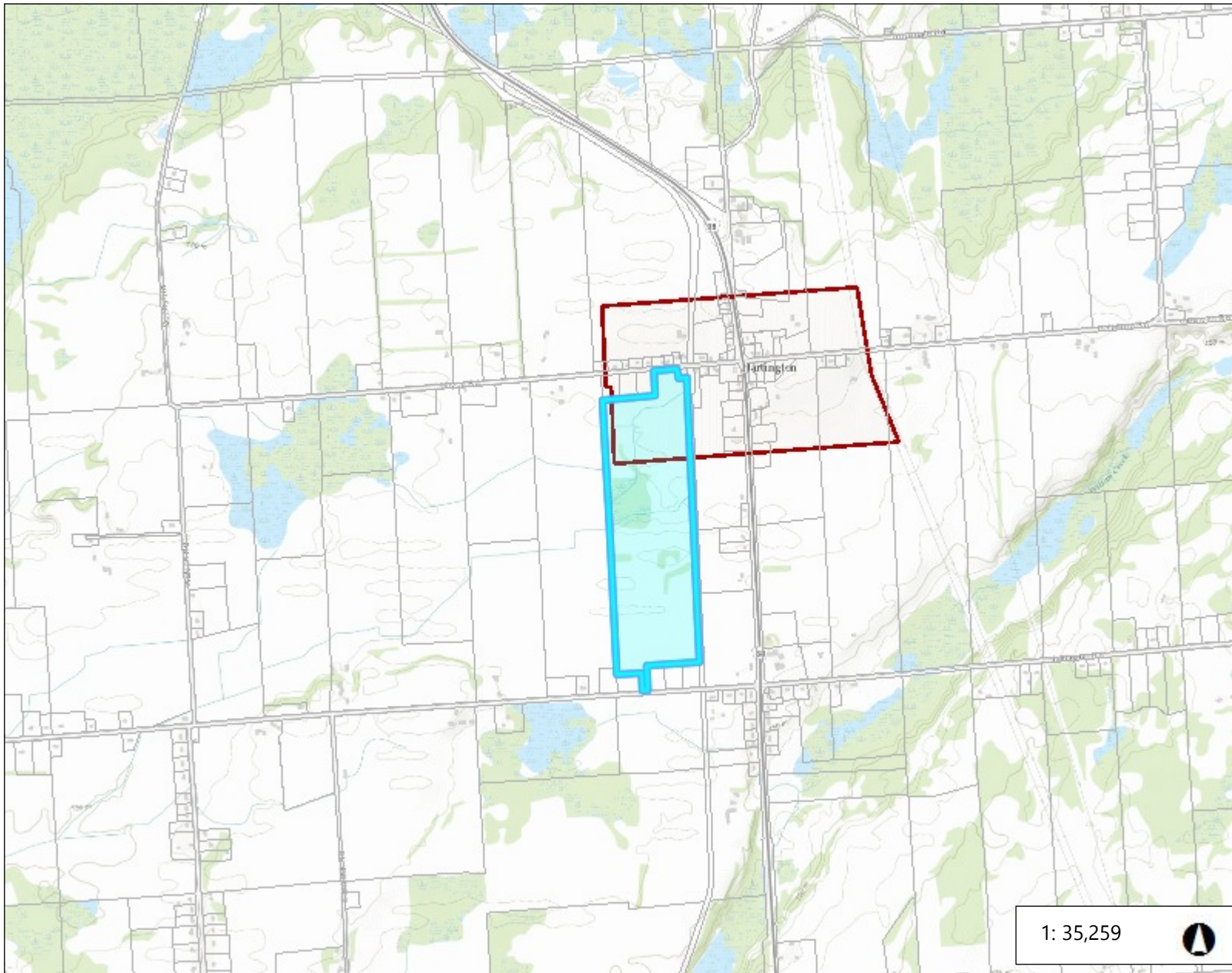
C. That Prior to Final Subdivision Approval, the County is to be advised in writing by KFL&A Public Health the method by which condition 5B has been satisfied.

D. That Prior to Final Subdivision Approval, the County is to be advised in writing by the Quinte Conservation Authority the method by which condition 6A has been satisfied.

14. Lapsing Provisions:

A. That pursuant to Section 51(32) of the *Planning Act*, this Draft Plan Approval shall lapse at the expiration of three (3) years from the date of issuance of Draft Plan Approval if final approval has not been given, unless an extension is requested by the Owner and, subject to review, granted by the approval authority.

B. That pursuant to Section 51(33) of the *Planning Act*, the Owner may submit a request to the approval authority for an extension of the Draft Plan Approval. The extension period may be for a period of one (1) to three (3) years subject to the approval by the County of Frontenac. Request for any extension shall be provided no less than six (6) weeks prior to the lapsing date.



Legend

- Assessment Parcels
- Settlement Area Citations

1: 35,259



1.8 0 0.90 1.8 Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

PLAN of SUBDIVISION of
PART of LOT 7, CONCESSION 7
Geographic Township of Portland
TOWNSHIP OF SOUTH FRONTENAC
COUNTY of FRONTENAC

SCALE = 1:1000



HOPKINS CHITTY LAND SURVEYORS INC.

-2021-

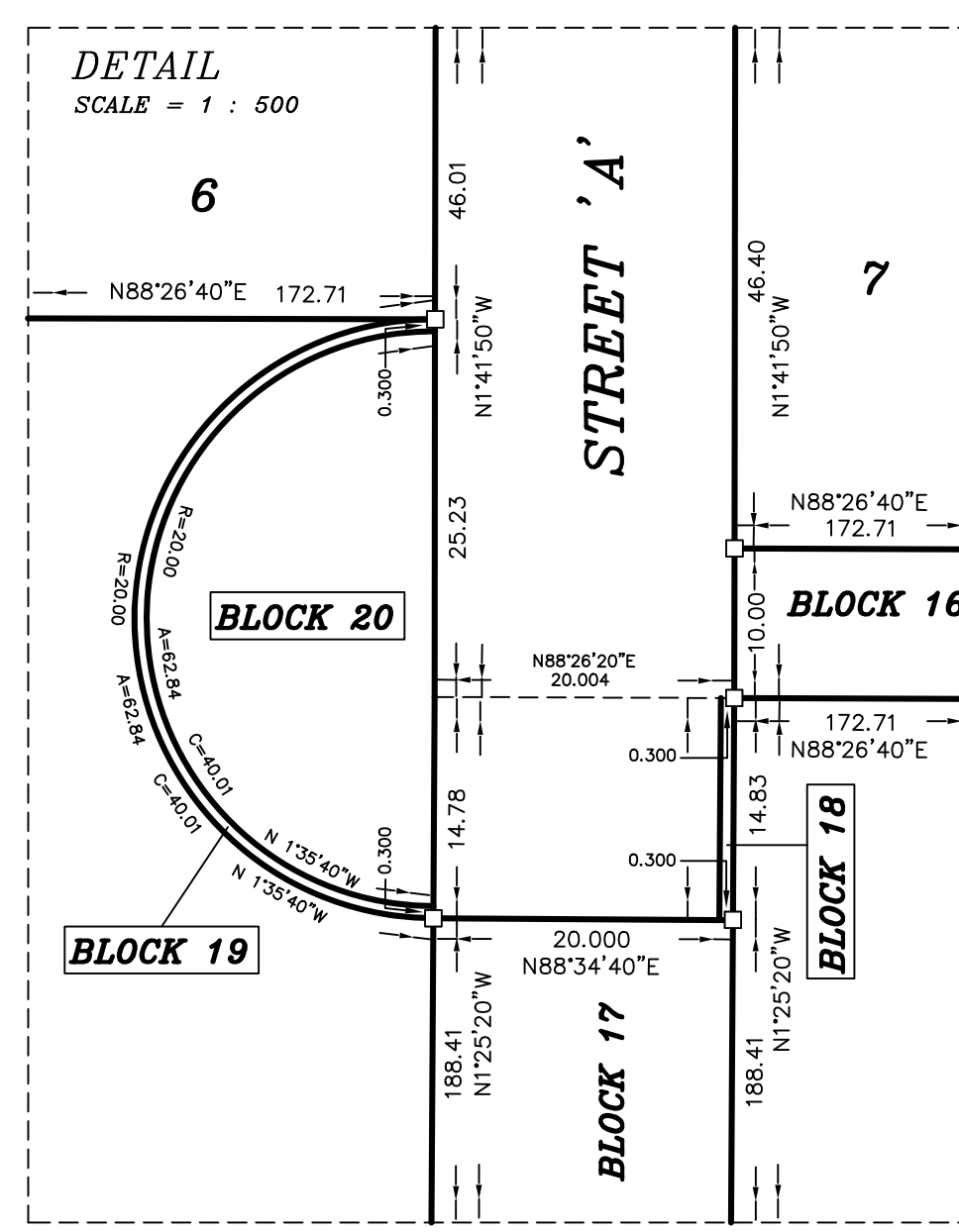
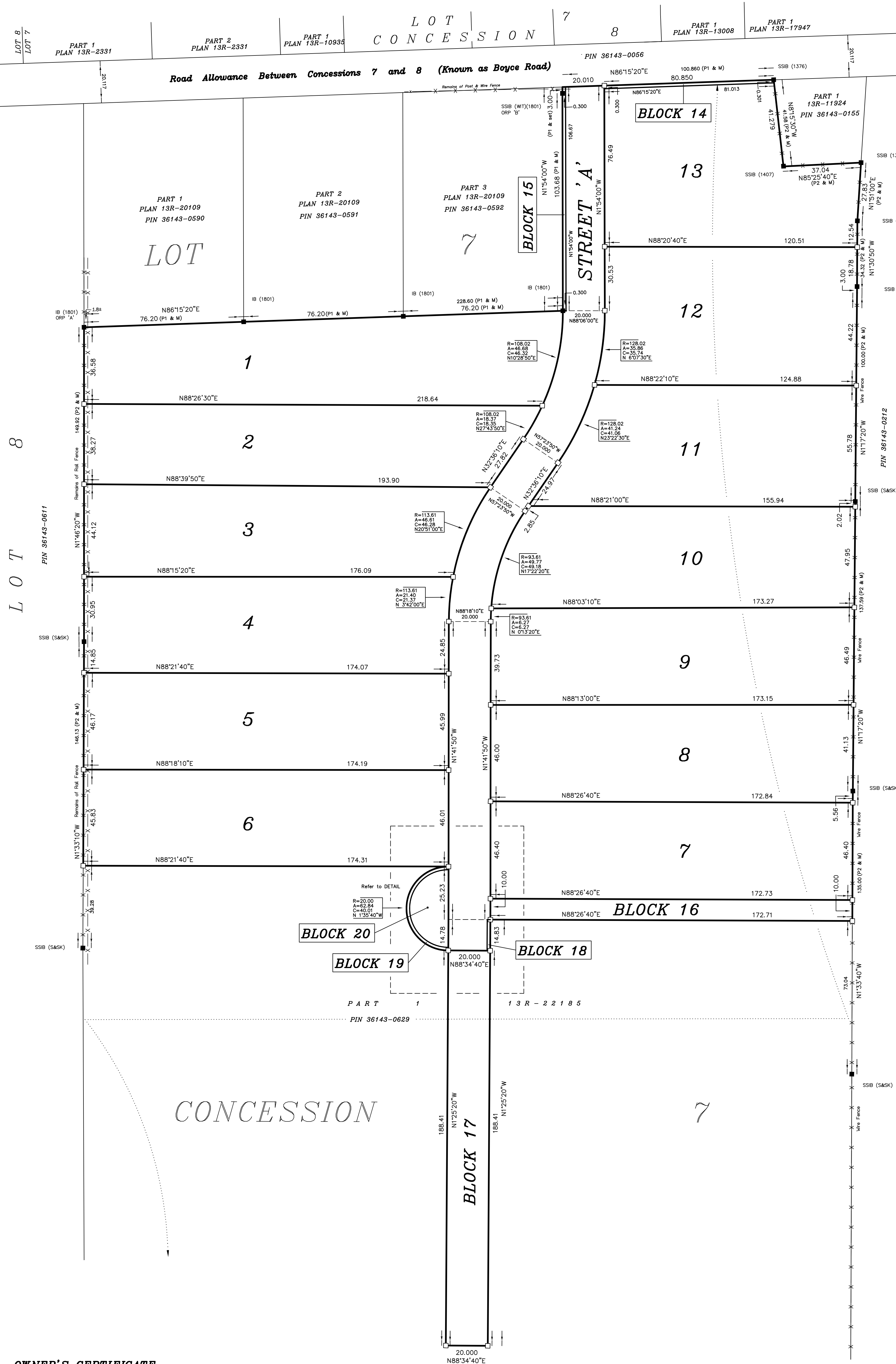


PLAN 13M-

I CERTIFY that this PLAN 13M- is REGISTERED in the LAND TITLES OFFICE for the LAND TITLES DIVISION of FRONTENAC (No. 13) at O'CLOCK on the day of , 2021 AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER ????? AND REQUIRED CONSENTS ARE REGISTERED as PLAN DOCUMENT No.

LAND REGISTRAR

THIS PLAN COMPRISES PART OF PIN 36143-0629. LOTS 1 TO 13, ALL INCLUSIVE, BLOCKS 14 TO 20, ALL INCLUSIVE, AND THE STREET NAMED STREET 'A'.



- LEGEND:**
- SSIB (S&SK) denotes Planted Survey Monument
 - SSIB (S&SK) denotes Found Survey Monument
 - SSIB (S&SK) denotes Standard Iron Bar
 - SSIB (S&SK) denotes Short Standard Iron Bar
 - IB (S&SK) denotes Iron Bar
 - IB (S&SK) denotes Iron Bar (round)
 - RB (S&SK) denotes Rock Bar
 - RP (S&SK) denotes Rock Post
 - (WIT) denotes Witness
 - (M) denotes Measured
 - (R.P.) denotes Registered Plan
 - (HP) denotes Hydro Pole
 - 1376 denotes Peter S. Hopkins, O.L.S.
 - 1407 denotes M. Peter Allen, O.L.S.
 - S&SK denotes Smith & Smith (Kingston) Ltd., O.L.S.
 - 1801 denotes Dan J. Cormier, O.L.S.
 - P1 denotes Plan 13R-20109
 - P2 denotes Plan 13R-22185

OBSERVED REFERENCE POINTS (ORP'S):
UTM ZONE 18, NAD83 (CSRS) (2010.0)
COORDINATES TO RURAL ACCURACY PER SEC. 14(2) OF O.REG. 216/10

| POINT ID | NORTHING | EASTING |
|----------|-----------|----------|
| ORP A | 4922093.8 | 366595.3 |
| ORP B | 4922212.3 | 366819.9 |

COORDINATES CANNOT, IN THEMSELVES BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS "A" AND "B" BY REAL TIME NETWORK (RTN) OBSERVATIONS UTM ZONE 18, (75° WEST LONGITUDE) NAD83 (CSRS) (2010.0)

FOR BEARING COMPARISONS, A ROTATION OF 1°14'50" CLOCKWISE WAS APPLIED TO BEARINGS ON PLAN 13-13008.

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99982.

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT:

1. LOTS 1 TO 13, ALL INCLUSIVE AND BLOCKS 14 TO 20, ALL INCLUSIVE, AND THE STREET NAMED STREET 'A' HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.

2. THE STREET IS HEREBY DEDICATED TO THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC.

DATED THE DAY OF , 2021.

1278804 ONTARIO INC.

TERRY GRANT - President
T. GRANT CUSTOM HOMES
(I HAVE THE AUTHORITY TO BIND THE CORPORATION)

MUNICIPAL CERTIFICATE

APPROVED UNDER SECTION 51, OF THE PLANNING ACT, 1990 BY THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC

THIS THE DAY OF 2021.

*** - MAYOR

*** - CLERK
(I HAVE THE AUTHORITY TO BIND THE CORPORATION)

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

- 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.
- The SURVEY was completed on the 9th day of 2021

HOPKINS CHITTY LAND SURVEYORS INC.
DATE:

THOMAS MACDONALD - O.L.S.



| Party Chief: DM | Instrument: A7 | Checked By: TCM | Plan By: TE |
|---|----------------|--|-------------|
| HOPKINS CHITTY LAND SURVEYORS INC. Ontario Land Surveyors www.hopkinschitty.com | | | |
| 634-636 NORRIS COURT KINGSTON, ONTARIO K7P-2R9 Tel: (613) 364-9266 Fax: (613) 364-3513 | | PROJECT No. 2020-106 PART LOT 7, CON. 7 Township of Portland | |

**TOWNSHIP OF SOUTH FRONTENAC
SUBDIVISION AGREEMENT**

THIS AGREEMENT made in **QUADRUPPLICATE** on the ____ day of _____, 2023
BETWEEN:

1278840 ONTARIO LIMITED

(the **“OWNER”**)

OF THE FIRST PART

- and -

THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC

(the **“MUNICIPALITY”**)

OF THE SECOND PART

WHEREAS the Owner has received approval from the Ontario Municipal Board (file No. 10T-2013-002) for a plan of subdivision for lands described in Schedule “A”;

AND WHEREAS approval of the plan of subdivision has been given on the condition that the Owner enter into this Agreement with the Municipality in accordance with section 51(26) of the *Planning Act*, RSO 1990, chapter P-13, as amended;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants herein contained and other good and valuable consideration, the sufficiency of which is acknowledged, the parties agree with each other as follows:

TERMS DEFINED

1. In this Agreement:

- (a) **“Chief Building Official”** shall mean the officer or employee of the Municipality for the time being appointed by By-Law with the duty of enforcing the provisions of the *Building Code Act*, Building By-Law, and other similar By-Laws of the Municipality.
- (b) **“Council”** shall mean the elected Council of the Municipality;
- (c) **“Final Certificate of Approval of the Works”** means the certificate to be issued by the Municipal Engineer not sooner than one (1) year after the date the Preliminary Certificate of Approval of the Works has been issued, and after the Municipal Engineer has verified by a final inspection of the Works that they have been constructed and maintained by the Owner in accordance with this Agreement, that all deficiencies have been addressed and the works are ready to be assumed by the

- Municipality;
- (d) **“Lands”** shall mean those lands of the Owner described in Schedule “A”;
 - (e) **“Maintain”** includes repair;
 - (f) **“Municipality”** means the Corporation of the Township of South Frontenac;
 - (g) **“Municipal Engineer”** means the Director of Public Services of the Municipality or such other person acting in the capacity, or the consulting engineer appointed for that purpose by Council, and any authority granted to the Municipal Engineer by this Agreement shall be exercised in accordance with generally accepted engineering principles and without undue delay;
 - (h) **“Municipal Specifications”** shall mean the “Design and Standards” manual, as amended from time to time, for the Township of South Frontenac which provides a detailed description of construction, materials and workmanship of works to be carried out by the Owner as prescribed by the Municipality or such other additional requirements which may be specified by the Municipality;
 - (i) **“Owner”** includes an individual, a partnership, a corporation, an association, a joint venture, a co-tenant, a trustee, or any agent or contractor carrying out any works for the Owner, and all subsequent owners of part of the Lands and wherever the singular is used it shall be construed to include the plural;
 - (j) **“Plan”** or **“Plan of Subdivision”** or **“Subdivision”** means the plan of subdivision approved by the County of Frontenac for the Lands described in Schedule “A”;
 - (k) **“Preliminary Certificate of Approval of the Works”** means the certificate to be issued by the Municipal Engineer after all the Works have been constructed in accordance with this Agreement and have been inspected by the Municipal Engineer and approved for use prior to the commencement of the Warranty Period;
 - (l) **“Road”** shall mean those public roads or any part or parts thereof, any day lighting triangles, temporary circles, and any areas of road widening shown or laid out on the Plan of Subdivision, and the use of “Street” or “Public Highway” shall be synonymous with “Road”;
 - (m) **“Warranty Period”** means the period of time between the date of the Preliminary Certificate of Approval of the Works and the date of the Final Certificate of Approval of the Works, but in no event shall it be less than one (1) year; and
 - (n) **“Works”** means the whole works, services, materials, matters and things required to be done or supplied by the Owner in accordance with this Agreement except for the final grading of lots for which lot grading certificates will be supplied by applicants for building permits.

ORDER OF PROCEDURE

2. As a condition of this Agreement and without which this Agreement shall have no effect, the Owner shall:

- (a) execute and deliver this agreement to the Municipality;
- (b) obtain a consent and postponement to registration of this Agreement in a form satisfactory to the Municipality from the holder of any mortgage or other encumbrance of the Lands that will be outstanding on the date of registration of the Plan;
- (c) deposit with the Municipality the security and proof of insurance required by this Agreement;
- (d) pay in full all outstanding taxes, fees and charges, drainage costs and unamortized local improvement charges on the Lands;
- (e) pay in full all outstanding invoices issued by the Municipality with respect to the Plan;
- (f) pay to the Municipality the amount of cash to be given in lieu of parkland, or deposit with the Municipality the executed deeds for the parklands, whichever is applicable and prescribed by this Agreement;
- (g) deliver to the Municipality an original, signed copy and a 215.9 mm X 355.6 mm (8½" X 14") reduced copy of the final Plan forwarded to the Municipality for registration; and
- (h) deliver to the Municipality draft reference plans of survey illustrating all easements and 0.3 metre wide reserves not shown on the Plan, and all deeds and grants of easement executed in favour of the Municipality or any other public authority required by this Agreement in a form satisfactory to the Municipality.

3. Prior to starting construction of the Works in the Plan, the Owner shall:

- (a) fulfill all of the conditions required by Clause 2 above unless otherwise approved in writing by the Municipality;
- (b) notify the Municipal Engineer in writing at least seventy-two hours (72) hours prior to the start of construction;
- (c) provide written confirmation to the Municipality that the tree preservation plan set out in Schedule "T", if applicable, has been complied with; and
- (d) Have in place all erosion and sedimentation measures to the satisfaction of the Municipal Engineer.

4. The Owner agrees that it shall not apply for any permits for the construction of buildings within the Plan until it has:

- (a) received final approval of the Plan from the County or the Ontario Land Tribunal;
- (b) received the required approvals from all applicable utility companies and regulatory agencies; (The SWM pond and channel re-alignments require a permit from Quinte Conservation)
- (c) registered the Plan and the reference plans of survey referred to in Clause 2(h) above and all lands required to be transferred to the Municipality have been completed including the conveyance of a 10-metre wide Block free and clear of all encumbrances along the south lot line of Lot 7 from the south end of Bittersweet Drive to the K&P Trail;
- (d) delivered copies of the final plan of subdivision and any reference plans and engineering plans referred to in this Agreement in an electronic format acceptable to

the Municipality, including two (2) full sized hard copies of all engineering drawings, duly stamped by the Owner's engineer produced at the original scale on reproducible material such as "Mylar" or "chronoflex" together with reproducible reductions measuring 8½" X 14" and an AutoCAD electronic copy suitable to the Municipality;

- (e) submitted a lot grading plan for review by the Municipal Engineer; and
- (f) complied with all requirements for issuing a building permit as set out in this Agreement and the Ontario Building Code.

ATTACHED SCHEDULES

5. The following Schedules are attached to and form part of this Agreement:

| | |
|-----------------------|--|
| Schedule "A" - | Description of Lands |
| Schedule "B" - | Description and Cost of Works to be Constructed and Financial Security |
| Schedule "C" - | Description of Phases of Development |
| Schedule "D" - | Time Schedule for Construction of Works |
| Schedule "E" - | List of Approved Plans for Works to be Constructed |
| Schedule "F" - | Approved Stormwater Management Plan |
| Schedule "G" - | Lands to be conveyed for Parkland or Cash in Lieu |
| Schedule "H" - | Grants of Easement and Other Public Lands |
| Schedule "I" - | Parkland, Fencing, Landscaping and Tree Preservation Requirements |
| Schedule "J" - | Special Conditions |
| Schedule "K" - | Notice to Subsequent Purchasers |

6. Any plans referred to in any of the Schedules are incorporated by reference into this Agreement. The originals of all plans incorporated by reference in this Agreement are on file in the offices of the Municipality and, in the event of any conflict, the originals on file shall govern. The dates of the approved plans shown on Schedule "E" represent the approved drawings at the date of the signing of this Agreement. Such drawings may be subject to future revisions with the approval of the Municipal Engineer without modification to this Agreement, and upon approval shall form the approved drawings for purposes of this Agreement. A final set of drawings approved by the Municipal Engineer stamped as "As Constructed" shall be retained at the Municipal Office to reflect all amendments approved by the Municipal Engineer.

CONSTRUCTION OF WORKS

Scope of Work

7. All works shall be designed and constructed in accordance with Municipal Specifications and to the satisfaction of the Municipality.

8. The Owner shall construct and maintain all of the Works described in Schedule “B” according to the plans and specifications in Schedules “E”, “F” and “I” in a good and workmanlike manner, to the satisfaction of the Municipal Engineer according to Municipal Specifications.
9. If, at any time during construction or maintenance of the Works, the Municipal Engineer determines that modifications to the Works are necessary to provide adequately any of the public services required by the Plan, the Owner shall construct such additional works to the satisfaction of the Municipal Engineer.

Roads

10. The Owner shall construct the granular base course of all roads according to the plans and specifications in Schedules “E” and Municipal Specifications.
11. The Owner shall install asphalt on all roads, where required by the Approved Drawings, when directed by the Municipal Engineer and to the satisfaction of the Municipal Engineer.
12. The Owner shall not cut any roads assumed by the Municipality without the prior written consent of the Municipal Engineer, and all roads shall be restored to the satisfaction of the Municipal Engineer as soon as possible after completion of the Work.
13. All dead-ends and open sides of road allowances in the Subdivision shall be terminated in 0.3 metre reserves, conveyed to the Municipality and held in trust by the Municipality until required for future road allowances or the development of adjacent lands.
14. Where work is performed on existing roads outside the Plan of Subdivision, they shall be reinstated to their prior condition by the Owner to the satisfaction of the Municipal Engineer.
15. If, in the opinion of the Municipal Engineer, it is necessary to change the grade of existing roads adjacent to or abutting the Subdivision because of the development of the Subdivision, the Owner shall grade to sub-grade and reconstruct the roads in the manner and within the time stipulated by the Municipal Engineer and according to Municipal Specifications.

Storm Water Management System

16. The Owner shall construct the storm water management system to service the land in the Subdivision and adjacent road allowances according to the plans and specifications set out in Schedules “E” and “F” and Municipal Specifications, and shall maintain the system until the Final Certificate of Approval of the Works has been issued.

Grading, Landscaping and Parkland Development

17. Upon substantial completion of any ditches, culverts, sidewalks and roads, the Owner shall plant seed in accordance with Municipal Specifications, if any, on all boulevards and other untraveled parts of the public highway as identified in Schedule "E" as soon as possible during the first available planting season or such later date as may be authorized by the Municipal Engineer, and shall maintain the seed and ensure appropriate growth, including re-seeding as necessary, until the Final Certificate of Approval of the Works has been issued.
18. The Owner shall rough grade to the satisfaction of the Municipal Engineer any lots or blocks for which a building permit has not been issued on the date the Preliminary Certificate of Approval of the Works is issued. These lots or blocks shall be seeded, maintained and signed to prohibit dumping.
19. Any landscaping and parkland development shall be carried out, if applicable, in accordance with the plans and specifications set out in Schedule "I" and Municipal Specifications.

Warning Signs

20. Prior to construction of the Works, signs satisfactory to the Municipal Engineer having dimensions of 1 metre by 0.6 metres (2 feet by 3 feet) shall be provided and erected by the Owner at the entrance to the Subdivision which shall read as follows:

"Road Not Assumed by Municipality - Use at Your Own Risk"

or such other wording as may be approved by the Municipality. These signs shall not be removed without authorization of the Municipal Engineer.

Street Signs and House Numbers

21. The names of all streets shall be approved by the Municipality for civic addressing purposes and all approved street names within the Plan shall be as approved.
22. The Owner shall, within fourteen (14) days from completion of the granular base course of a road, install to the satisfaction of the Municipal Engineer all street and traffic signs for the road of a size and shape satisfactory to the Municipal Engineer and in accordance with Municipal Specifications.
23. The Chief Building Official shall allocate all house numbers for use within the Plan of Subdivision. To obtain house numbers, the Owner shall furnish the Chief Building Official with a copy of the registered Plan upon which the Chief Building Official shall designate the proper house number or numbers for each lot. The Owner agrees that it shall obtain civic addresses for each Lot prior to applying for any building permit for any structure within the Plan. The Owner shall advise each purchaser of a subdivision lot of its correct house number.

Public Utilities

24. All utility lines shall be installed underground unless otherwise specified.

Erosion and Sediment Control During Construction

25. Erosion control measures shall be incorporated into the construction plans and specifications in order to control the quality of storm runoff from the Plan during construction. These measures may include:

- (a) The installation of silt fences wherever there is a possibility of runoff from the construction site onto adjacent streets or properties;
- (b) The installation of straw bale barriers wherever there is a possibility of runoff from the construction site into the municipal storm water system;
- (c) Fencing the work area to maintain construction activities within the predefined areas;
- (d) Locating stockpiles of excavated material or granulars so as to minimize the possibility of runoff beyond the construction zone, and/or containing stockpiles within silt fences; and
- (e) All other works identified in Schedule "E".

26. The erosion and sediment control measures shall be installed prior to construction and maintained and monitored by the contractor during construction and until a good growth of vegetation is obtained on all grassed areas and until the new hard surfaced areas are constructed and the site works are completed.

27. All areas disturbed by construction are to be reinstated as soon as possible or as approved by the Municipal Engineer.

PHASING OF DEVELOPMENT

28. The Owner shall develop the Subdivision in phases as set out in Schedule "C", if applicable.

29. Where applicable, for the purpose of this agreement, each phase, including construction of the Works in that phase, shall be undertaken as a separate plan of subdivision and the Owner shall enter a separate subdivision Agreement with the Municipality for any subsequent phase.

30. Where applicable, and without limiting the generality of the foregoing, the Owner shall, before proceeding with construction of a subsequent phase:

- (a) Execute and register on title a subdivision agreement to the satisfaction of the Municipality;
- (b) obtain a release of the holding symbol "H" from the zoning of the lands in the phase, if applicable;
- (c) obtain the release of any 0.3 m reserves necessary to permit development;

- (d) deposit security prescribed by the subdivision agreement in an amount equal to the cost of the Work in the phase as estimated by the Municipal Engineer immediately prior to the start of construction;
- (e) obtain the prior written consent of the Municipality; and
- (f) comply with all other requirements of the subdivision agreement.

UTILITY APPROVALS AND COSTS

31. Prior to registration of the Plan, the Owner shall submit to Hydro One, Bell Canada and any other applicable utility company all plans required for their approval; shall obtain the approval of all applicable provincial and federal regulation authorities; and shall indemnify the Municipality against all related fees and other charges.
32. The Owner shall bear the expense of all offsite work attributable to the Subdivision resulting from the approved works identified in Schedule "E".

DRILLING AND BLASTING

33. Prior to any blasting for the installation of the Works, the Owner shall notify the Municipal Engineer in writing seventy-two (72) hours before the intended commencement of blasting, and shall provide a certificate of insurance with the Municipality as an additional insured and satisfactory to the Municipality for damage and liability resulting from the blasting.
34. If any blasting is to be carried out within 120 metres (393 feet) of an occupied building, the Owner shall give written notice of the period of blasting to the owner & occupant at least two (2) days prior to the start of blasting.
35. All drilling shall be wet drilling.

USE AND MAINTENANCE OF ROADS

36. The Owner shall, as and where required by the Municipal Engineer, construct and maintain access roads to the Subdivision for the purpose of construction of services and buildings. The Owner shall also maintain and repair these roads and all other roads within or adjoining the Subdivision to the satisfaction of the Municipal Engineer. For greater certainty, such maintenance and repair shall include the placing of dust palliatives, the control of erosion and sedimentation runoff, and the removal of mud and other materials carried out onto paved streets, and the repair of any damage caused. If the roads are not maintained to the Municipality's satisfaction, the Municipality may take the necessary action to rectify the problem at the Owner's expense. The Owner shall not permit use by construction vehicles of any streets assumed by the Municipality adjacent to the Subdivision if alternate routes are available.

37. The Owner shall not restrict and shall ensure that no person working in the Subdivision restricts the normal traffic in or outside the Subdivision without the prior written consent of the Municipality.

REPAIR AND RELOCATION OF EXISTING SERVICES

38. The Owner shall repair any damage caused by the Owner to any existing road, structure, services or works owned or operated by the Municipality and shall pay for all costs related to the relocation of any existing utilities or services in or outside the Subdivision as may be necessary to accommodate the Subdivision.

DRAINAGE

39. The drainage of surface water on the lots and blocks in the Plan is the sole responsibility of the Owner and all subsequent purchasers, who shall provide and maintain adequate drainage of surface water and shall comply with the Grading Plan North Plan and Grading Plan South Plan as set out in Schedule "F".
40. The Lot Grading and Drainage Plans may be amended from time to time on conditions approved by the Municipal Engineer, such amendments shall not require an amendment of this Agreement and all approved Lot Grading and Drainage Plans shall be incorporated by reference into this Agreement upon approval by the Municipal Engineer. All Lot Grading and Drainage Plans shall be kept in the offices of the Municipality and such drawings shall govern in the event of any dispute.
41. The Owner shall construct all Works in accordance with the Lot Grading and Drainage Plans and specifications set- out in Schedule "F", and Municipal Specifications, and the Owner shall maintain sufficient interim drainage and outlets for adequate drainage including the installation and removal of culverts when required by the Municipal Engineer, until the Final Certificate of Approval of the Works has been issued.
42. The Owner agrees that if the drainage works result in drainage or a change of drainage through private third party lands, all work shall be carried out with the approval of and to the satisfaction of the private owners affected and the Municipal Engineer. Any easements acquired by the Owner over third party lands for that purpose shall be conveyed to the Municipality. The Owner shall demonstrate to the satisfaction of the Municipal Engineer that there is a legal and adequate outlet for all drainage.
43. The Owner shall not interfere with or alter any existing drain or water course except in accordance with the Lot Grading and Drainage Plans or with the prior written permission of the Municipal Engineer, but any interference shall not relieve the Owner of responsibility for any

damage caused by the interference and the Owner shall indemnify the Municipality against any claims against the Municipality relating to the damage.

44. All contracts of sale by the Owner of any lot within the Subdivision shall contain the following provision, which shall be incorporated in all deeds from the Owner so that it shall be a covenant running with the land for the benefit of the remaining land in the Subdivision:

The Transferees, for themselves, their heirs, executors, administrators, successors and assigns, covenant and agree that they will not alter the grading of the lands described herein nor interfere with any drains established on the lands, except in accordance with the approved Lot Grading and Drainage Plans, without the written consent of the Municipality and further that the Transferee will maintain any such alterations approved by the Municipality. This covenant is for the benefit of all other lands in the Subdivision and shall run with the title to these lands.

45. The Owner agrees to the “buy-in” amount and conclusions of the “Engineer’s Report for the Subsequent Division of Lands, Pleasant Valley Municipal Drain, Township of South Frontenac”, prepared by Robinson Consultants Inc. February 2022. As per the report, a “Buy-In” amount as prescribed by Section 65 of the Drainage Act was calculated and adjusted for inflation to \$16,930 (in 2022 dollars). This amount is to be paid by the Owner as a buy-in amount with the proceeds used in the performance of the required maintenance of the drain.

CONSTRUCTION REFUSE AND FILL

46. The Owner shall promptly dispose of all construction refuse and debris within the Subdivision according to the waste disposal and recycling by-laws of the Municipality in effect from time to time. If refuse is not removed within forty-eight (48) hours’ notice from the Municipality, the Municipality may remove the refuse and debris at the expense of the Owner. Under no circumstances shall garbage or rubbish of any kind be disposed of by burning on-site or burying on-site.
47. The Owner shall neither deposit nor permit to be deposited surplus fill on public lands within the Subdivision. Furthermore, the Owner shall neither remove nor permit to be removed, any fill, top soil, trees or shrubs from public lands, other than roads, without the written consent of the Municipal Engineer.

COMMENCEMENT, PROGRESS AND COMPLETION OF WORK

48. The Owner shall not start construction of the Works until the Municipal Engineer has received at least seventy-two (72) hours prior written notice of the intention to commence work, and should for any reason there be a cessation or interruption of work, as determined by the Municipal

Engineer, acting reasonably, the Owner shall not resume work until at least forty-eight (48) hours written notice of the intention to resume is again given to the Municipal Engineer.

49. The construction of the Works shall be carried out with reasonable speed and, in any event, the Owner undertakes to complete the Works in time sufficient to:
- (a) obtain the Preliminary Certificate of Approval of the Works within one (1) year from the date of registration of the Plan; and
 - (b) obtain the Final Certificate of Approval of the Works within two (2) years from the date of registration of the Plan;
- or by such later dates as the Owner and Municipality may mutually agree upon in writing.
50. Notwithstanding the foregoing, the Owner agrees to carry out construction of the Works according to the detailed time schedule of works set out in Schedule “D”, and if there is any conflict between the requirements set out above and Schedule “D”, the provisions of Schedule “D” shall prevail.
51. A request for an extension of time may be made and shall be submitted in writing to the Municipal Engineer no less than fourteen (14) days prior to the date of compliance stating the reasons why compliance is not possible and shall state when the requirements and obligations will be completed. The Municipal Engineer may approve, amend or reject the request for such extension on such terms as the Municipal Engineer considers reasonable.
52. If, in the opinion of the Municipality, the Owner is not undertaking or causing to be undertaken the work required by this Agreement within the specified time, or so that it may be completed within the specified time, or should the Owner neglect or abandon any of the work before its completion, or unreasonably delay the work so that the conditions of this Agreement are being violated or carelessly executed, or should the Owner make, in the opinion of the Municipality, default in any manner in the performance of any of the terms of this Agreement, then the Municipality shall, unless prevented by urgent circumstances, notify the Owner in writing of the default, failure, delay or neglect.
53. If, in the opinion of the Municipal Engineer, the conditions of this Agreement are being violated or carelessly executed, or should the Owner neglect or fail to renew or again perform work as may be rejected by the Municipal Engineer as being or having become defective or unsuitable, or should the Owner fail to carry out any maintenance required by this Agreement, or should the Owner make, in the opinion of the Municipal Engineer, default in any manner in the performance of any of the terms of this Agreement, then the Municipal Engineer shall, unless prevented by urgent circumstances, notify the Owner in writing of the default, failure, delay or neglect.
54. Where the Municipality or Municipal engineer send the notice as required in sections 51 and 52 above

and where the Owner takes no steps to rectify, or takes inadequate action to rectify within seven (7) clear days after the notice, then the Municipal Engineer shall have full authority and power to immediately purchase any materials and to employ any tools, machinery and workmen as in his/her opinion shall be required for the proper completion of the work at the cost and expense of the Owner. The cost of such work shall be calculated by the Municipality, whose decision shall be final and shall include a management fee of twenty per cent (20%) of the labour and material value. It is hereby declared and agreed that the assumption by the Owner of the obligations set out in this clause is a consideration without which the Municipality would not have executed this Agreement. The exercise of the rights contained in this section shall be at the sole and unfettered discretion of the Municipality and its exercise shall not be subject to any claims by the Owner for any reason.

55. Any entry upon the Lands by the Municipality or its agents prior to the date of the Preliminary Certificate of Approval of the Works shall be as agent for the Owner and shall not be construed for any purpose whatsoever as an acceptance or assumption of the Works by the Municipality.

INSPECTION AND TESTING OF WORKS

56. Prior to the approval of a final lot grading certificate for a lot or block in the Plan of Subdivision, the Municipal Engineer may enter onto the lot or block and inspect the Works and the lot grading of the lot or block at such times and with such duration and frequency as the Municipal Engineer considers advisable to ensure that the Works and the lot grading are being constructed and maintained in accordance with this Agreement. If during inspections or testing the Municipal Engineer perceives that construction or maintenance, whether by method or otherwise, constitutes a potential danger to life or property, is not in conformity with the Approved Drawings or construction maintenance does not conform to acceptable practice in order to meet Municipal Specifications, the Municipal Engineer shall have the authority to order stop work by verbal notice to the contractor and/or the Owner's consulting engineer, such notice to be confirmed in writing as soon as possible thereafter, and to order such remedial action as the Municipal Engineer considers advisable. Neither the Municipality nor the Municipal Engineer shall be liable for any damages resulting from a stop work order. The Owner shall deliver a copy of this clause to each and every contractor engaged in construction of the Works.

57. Any Work not examined to the satisfaction of the Municipal Engineer prior to backfilling shall be excavated at the Owner's cost.

EMERGENCY REPAIRS

58. Employees or agents of the Municipality may enter the Subdivision at any time or from time to time prior to the date of the Preliminary Certificate of Approval of the Works for the purpose of making emergency repairs to any of the Works, and such entry and repair shall not be deemed an

acceptance of the Works by the Municipality or an assumption by the Municipality of any liability in connection therewith or a release of the Owner from any obligations under this Agreement. The Owner shall pay all costs for emergency repairs.

USE OF WORKS BY MUNICIPALITY

59. The Works may be used by the Municipality or any other authorized persons prior to the date of the Preliminary Certificate of Approval of the Works for the purposes for which the Works were designed. Such use shall not be deemed an acceptance of the Works by the Municipality and shall not in any way relieve the Owner of its obligations with respect to construction and maintenance of the Works, but the Owner shall not be liable for any negligent conduct of the Municipality, its servants, agents or employees.
60. The Owner further acknowledges that the Municipality may inadvertently damage or interfere with the Work in the course of using them, and the Owner hereby waives all claims against the Municipality that it might have arising from normal and reasonable use, interference or damage.

WINTER ROAD MAINTENANCE

61. Prior to the date of the Preliminary Certificate of Approval of the Works, the Owner shall be responsible for all winter road maintenance within the Plan. The Municipality shall remove snow from roads within the Subdivision in conjunction with normal snow removal operations elsewhere in the Municipality only where the first lift of asphalt has been installed by the Owner to the satisfaction of the Municipal Engineer.
62. The removal of snow from roads within the Subdivision prior to the date of the Preliminary Certificate of Approval of the Works shall not be construed for any purpose whatsoever as an acceptance or assumption of the Works or roads by the Municipality.

ASSUMPTION OF WORKS

63. When the subdivision Works have been completed to such a degree that a Preliminary Certificate of Approval of the Work could reasonably be given, then the Owner may request in writing that the Municipality give such Preliminary Certificate of Approval. The Municipal Engineer shall inspect the Works and may require third party inspections, testing and certification of the Works or any component thereof. Provided that the Works have been completed in accordance with the specifications and standards stipulated by this Agreement, and have been certified to the Municipality by the Consulting Engineer as compliant with all Approved Plans, then the Municipality shall give such Preliminary Certificate of Approval of the Work by written notice to the Owner.
64. Ownership of the Works shall vest in the Municipality upon the Preliminary Certificate of

Approval of the Work being issued and, subject to the Owner's continuing obligations to maintain the Works in accordance with this Agreement, the Owner shall have no further claims or rights to the Works.

WARRANTY OF WORKS

65. The Owner shall, at its expense, correct any and all deficiencies and malfunctions and generally maintain and keep in a good state of repair each part of the Works for a minimum period of twelve (12) months from the date of issuance of the Preliminary Certificate of Approval.

FINAL ACCEPTANCE OF WORKS

66. Upon expiry of the twelve (12) month warranty period, the Owner may apply to the Municipality for a Final Certificate of Approval of the Works. The Municipality shall conduct a final inspection(s) and shall issue the Final Certificate of Approval for the Works only where the following conditions have been met:
- (a) The subdivision Works are completed to the satisfaction of the Municipal Engineer, including the finished course of asphalt where applicable;
 - (b) The Owner's Engineer provides written certification to the Municipality that the subdivision Works have been constructed in accordance with the Approved Plans and Municipal Standards and that all grades and levels within the road allowances and swales have been established in accordance with the Approved Plans, to the satisfaction of the Municipal Engineer.
 - (c) The Owner provides two (2) full sized hard copies of "as constructed" engineering drawings, duly stamped by the Owner's engineer produced at the original scale on reproducible material such as "Mylar" or "chronoflex" together with reproducible reductions measuring 8½" X 14" and an AutoCAD electronic copy suitable to the Municipal Engineer;
 - (d) The Owner provides an up-to-date certificate from a qualified Ontario Land Surveyor stating that all survey monumentation for corners, bends, and beginnings and ends of curves for streets, easements to the municipality, parklands and other public lands shown on the Plan of Subdivision or any reference plan have been found and were in place on the date of the surveyor's certificate;
 - (e) The Owner provides a certificate from a qualified Ontario Land Surveyor confirming that the lots within the Plan conform to the minimum lot frontage and lot area requirements of the applicable zoning by-law and comply with the Minimum Distance Separation requirements;
 - (f) The Owner has paid all outstanding invoices, costs, taxes, fees and charges of the Municipality related to the Owner's Lands and this Agreement;
 - (g) The Owner provides a Statutory Declaration that all accounts for work and materials, taxes, levies, fees and all other costs directly related to the provision of the subdivision works have been paid, except statutory holdbacks, and that there are no claims for liens or otherwise for work done or material supplied for or on behalf of the Owner; and

- (h) The Owner provides written confirmation there are no constructions liens on any municipal property associated with the Works.

ENGINEERING SERVICES

67. The Owner shall employ a Professional Engineer for the Term of this Agreement (hereinafter “Owner’s Engineer”) licensed and in good standing with the Professional Engineers of Ontario to supervise all engineering functions, including but not limited to:
- (a) the preparation of calculations, contours, designs, plans and specifications;
 - (b) the preparation and furnishing of all required drawings;
 - (c) the preparation of the necessary contracts;
 - (d) the obtaining of all required federal, provincial and municipal approvals;
 - (e) the provision of the field layout, contract administration and construction supervision;
 - (f) the maintenance of all records of construction and inspections and upon completion to advise the Municipal Engineer of all construction changes and to prepare all final and “as constructed” plans and drawings as may be required by the Municipal Engineer;
 - (g) acting as the Owner’s representative in all matters pertaining to the construction;
 - (h) reviewing all lot grading and drainage plans and preparing all lot grading certificates in accordance with section 75; and
 - (i) the coordinating and scheduling to comply with the timing provisions of this Agreement and the requirements of the Municipal Engineer for the Works.
68. The Owner agrees to implement the recommendations of any Environmental Impact Assessment, Geotechnical Study or other study or peer review required by the Municipality and certified by a professional engineer or other qualified professional, to the satisfaction of the Municipality.
69. The Owner shall furnish all plans, specifications, designs, calculations, contours, or other information pertaining to the Works as the Municipal Engineer may require. No contract shall be awarded and no work shall commence or be continued without the prior written approval of the design and inspection of the work by the Municipal Engineer.
70. All inspections of the Works shall be performed by the Municipal Engineer whose determination of whether the Works have been constructed according to Municipal Specifications shall be final.

MATERIALS TESTING

71. The Municipal Engineer may require any qualitative or quantitative tests of any materials which have been or are proposed to be used in the construction of the Works, or may require soil tests to be carried out at the Owner’s expense but this shall not relieve the Owner of its responsibility

to carry out any tests required by good engineering practice.

ZONING AND BUILDING RESTRICTIONS

72. Nothing in this Agreement shall relieve the Owner of any obligation to comply with all applicable zoning and building by-laws in effect from time to time.
73. All construction within the subdivision shall be carried out in accordance with any noise by-law of the Municipality that may be in effect from time to time.
74. The Owner agrees to display in a conspicuous place in all sales offices established for the sale of buildings or lands within the Subdivision all of the following:
- (a) A zoning map or schedule displaying current zoning, including all relevant text from the By-law for all land in and adjacent to the Subdivision.
 - (b) A print of the registered Plan of Subdivision with the following information clearly labelled on it:
 - (i) the permitted uses for all blocks on the plan;
 - (ii) the location of all proposed non-residential uses; and
 - (iii) the location of all proposed medium and high density residential uses.
 - (c) A print of the approved Lot Grading and Drainage Plans.
75. The Owner shall also ensure that the foregoing information concerning permitted and proposed uses is communicated to all prospective purchasers by:
- (a) posting signs of a size and type satisfactory to the Municipality on the lands in the Plan; and
 - (b) providing this information in writing to all prospective purchasers.

If a builder other than the Owner intends to construct and sell buildings on lots within the Plan, the Owner shall take such action as is necessary to ensure the foregoing requirements are met.

REQUIREMENTS FOR BUILDING PERMITS

76. No Owner agrees that it shall not apply for any building permit shall for a lot or block within the Subdivision until:
- (a) the Preliminary Certificate of Approval of the Works has been issued;
 - (b) all drainage works shown on the stormwater management plan in Schedule "F" which, in the opinion of the Municipal Engineer should be constructed prior to the issue of

- a building permit, have been constructed;
- (c) a lot grading plan for the Lot or Block that shall contain a certificate stamped by the Owner's Engineer, satisfactory to the Municipal Engineer, confirming that the lot grading plan has been reviewed by the Owner's Engineer and is in general conformance with the approved Lot Grading and Drainage Plan. The lot grading plan for the Lot or Block shall illustrate the following:
- (i) all proposed buildings and structures and their elevations;
 - (ii) existing and final grades;
 - (iii) driveways;
 - (iv) natural features and vegetation, existing and removed; and
 - (v) the method of disposing of stormwater.
- (d) a non-interest bearing refundable deposit of three thousand dollars (\$3,000) cash or other suitable security has been posted with the Municipality for the lot or block for which a permit has been applied to ensure the following:
- (i) the cost to repair any damage done to the Works by the applicant, its contractors, employees or workmen, including road cleaning;
 - (ii) delivery to the Municipality of a lot grading certificate in the form prescribed by the Municipality and signed by the Owner's Engineer on which is indicated:
 - (1) the lot or block and plan number to which the certificate applies;
 - (2) the designed grades and elevations prescribed by the Lot Grading and Drainage Plans for the lot or block corners and the building line;
 - (3) the actual grades and elevations for the lot or block corners, the building corners and any other locations as noted on the Subdivision Lot Grading Plan;
 - (4) a statement that the lot grades and elevations shown are correct;
 - (5) arrows showing the direction of overland drainage flow; and
 - (6) a certificate stamped by the Owner's Engineer confirming the grading conforms approved Lot Grading and Drainage Plan.
- (e) all lot levies, development charges, water and sewer rates and other charges attributable to the lot or block have been paid in full; and
- (f) all other normal requirements of the Municipality prescribed by the *Ontario Building Code Act* have been complied with.

77. If the Municipal Engineer rejects a lot grading certificate, the cost for any further review of it shall be deducted from the deposit.

78. If any repairs for damage to the Works, other than emergency repairs that shall be carried out immediately, are not carried out within seven (7) days of written notice to the permit applicant and registered owner of the land, the Municipal Engineer may without further notice, take such

action as he or she deems necessary to carry out the repairs, complete the work or remedy any defective work, and the permit applicant and registered owner of the land shall be jointly and severally liable for all costs incurred by the Municipality, which the Municipality may deduct from the deposit in addition to any other remedies available to it, including adding such costs to the tax roll of the land and collecting them in like manner as municipal taxes in accordance with Section 446 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

79. If any yards remain unseeded or ungraded, or if a lot grading certificate has not been delivered two (2) years from the date on which the building permit was issued, the Municipality may, on at least thirty (30) days prior written notice to the applicant and the registered owner of the lot or block take such action as it deems necessary to complete the work or remedy any defective work, and the applicant and registered owner of the land shall be jointly and severally liable for all costs incurred by the Municipality which the Municipality may, in addition to any other remedies available to it, deduct all or a portion of said costs from the deposit provided for in Section 75(d) above. The Municipality shall, upon being satisfied that the lot grading certificate has been issued, release any security being held on account of the said lot for lot grading.
80. The Owner agrees not to apply for a building permit until all of its obligations related thereto contained in this Agreement are fulfilled. The Owner further agrees that it shall not undertake any grading that does not comply with the approved Lot Grading and Drainage Plan and any lot grading plan submitted in support of a building permit as required for in Section 75(c).

SPECIAL CONDITIONS

81. In addition to all other provisions of this Agreement, the Owner shall also comply with those special conditions related to development of the Subdivision set out in Schedule "J" attached hereto.

CONVEYANCE OF PARKLANDS OR CASH IN LIEU

82. The Owner shall make a cash payment to the Municipality in lieu of granting lands thereof for parkland as provided by the Planning Act in accordance with Schedule "G", as applicable. The payment shall be provided to the Municipality prior to registration of the Plan of Subdivision.

GRANTS OF EASEMENT AND OTHER PUBLIC LANDS

83. The Owner shall obtain and grant to the Municipality and any other required public authority or utility company, those lands, easements, and 0.3 metre wide reserves described in Schedule "H" as may be required for utility, drainage or access purposes, free of all charges and encumbrances. The executed deeds for the lands and grants of easement together with any reference plans of survey necessary to describe them with the registered number of the plans left blank for later

completion, shall be delivered to and approved by the Municipality prior to registration of the Plan of Subdivision.

RESTRICTION ON TRANSFERS

84. The Owner shall not transfer title to any lots or blocks within the Plan until after this Agreement, all deeds, grants or easement and 0.3 metre reserves in favour of the Municipality and any other applicable public authority and utility company, and related reference plans of survey have been registered.

OWNERS' LIABILITIES AND INDEMNITY

85. The Owner shall indemnify the Municipality against all actions, causes of action, suits, claims and demands whatsoever which may arise from the actions of the Owner and not caused by the negligent acts of the Municipality, its employees, servants and agents until the Preliminary Certificate of Approval of the Works has been issued, and thereafter for any reason arising from the Owner's maintenance of or failure to maintain the Works until the Final Certificate of Approval of the Works has been issued.

OWNER'S EXPENSE

86. It is the intent of this Agreement that the Municipality shall not incur any expense for the development of the Subdivision and every obligation of the Owner under this Agreement shall be deemed to include the words "at the expense of the Owner", unless specifically stated otherwise.

MUNICIPALITY'S LEGAL, PLANNING, ENGINEERING AND ADMINISTRATIVE COSTS

87. The Owner agrees to pay the legal, engineering, landscape architectural, planning and administrative costs incurred by the Municipality to process the Plan including but not limited to the preparation of this Agreement and all plans and specifications, and the supervision and inspection of the Works and the Municipality shall provide copies of any invoices for such costs.

PAYMENT OF ACCOUNTS

88. All invoices, costs and expenses received or incurred by the Municipality and payable by the Owner shall be paid by the Owner within thirty (30) days of the Municipality's invoice or demand for payment to the Owner, failing which the Owner shall be default under this Agreement and shall continue in default until payment plus all accrued interest is made in full.

89. Interest shall be paid by the Owner on all overdue amounts at the same rate per annum and

calculated in the same manner as the Municipality charges on overdue municipal taxes and any payments received shall be applied first on account of accumulated interest and then on the outstanding amount.

FINANCIAL REQUIREMENTS

90. The Owner agrees to satisfy all the requirements, financial and otherwise, of the Municipality concerning the provision of municipal services including fencing, lighting, landscaping, sidewalks, roads, installation of services, signage, utilities and provisional drainage.
91. As a condition of this Agreement and without which this Agreement shall have no effect, the Owner shall deposit with the Treasurer of the Municipality as security for the performance of the Owner's obligations under this Agreement, an irrevocable security issued by a Canadian chartered bank or any other similar form of security issued by a financial institution acceptable to the Municipality in a form approved by the Municipality and in an amount equal to one hundred percent of the estimated cost of the Works, including without limitation all estimated costs of inspections and testing and ten (10) percent of the total Security for Municipal administration, as set out in Schedule "B". If such letter of credit contains an expiry or termination date, then until the Final Certificate of Approval of the works is issued by the Municipality, the Owner shall continue to redeposit new irrevocable letters of credit. If the Owner fails to deposit new letters of credit within thirty (30) days prior to the expiration date of the letter of credit, such failure shall be deemed to be a breach of this Agreement by the Owner and the Municipality shall without further notice call upon the whole or any part of the existing letters of credit, notwithstanding anything herein otherwise contained.
92. After having first notified the Owner, the Municipality may at any time authorize the use of the whole or part of the security deposit to pay the cost of any work that the Municipality deems necessary to rectify default by the Owner or its assigns, or to pay the cost of any matter for which the Owner is liable under this Agreement, whether such cost is in relation to construction or installation of any works or service or any defects or required maintenance.

RELEASE OF SECURITIES

93. The Owner may, when not in default, and in no event earlier than the issuance of the Preliminary Certificate of Approval of the Works, apply to the Municipality, for releases of its security at regular intervals, and each application shall include an up-to-date estimate of the cost to complete the Works verified by the Owner's engineer and the Municipal Engineer.
94. Upon receipt of an application, the Municipal Engineer may authorize the release of such portion of the security as the Municipal Engineer may, in all of the circumstances consider reasonable, but without limiting its generality, the following rules shall apply:

- (a) The amount of the security retained by the Municipality excluding any amounts held for warranty or *Construction Lien Act* purposes, shall not, at any time, be less than the up-to-date estimated cost to complete the Works.
- (b) The Municipality shall deduct the following amounts from the security otherwise available for release:
 - (i) ten percent (10%) of the value of the work performed since the date of the last release as determined by the Municipal Engineer, which the Municipality shall hold pursuant to Part IV of the *Construction Lien Act*;
 - (ii) an amount sufficient to satisfy any construction liens of which the Municipality has notice in respect to any portion of the Works located on a public street or highway, or on any lands conveyed Municipality or any other public authority; and
 - (iii) twenty percent (20%) of the value of the Work, which the Municipality shall hold as security for the Owner's obligations during the Warranty Period.

INSURANCE

95. As a condition of this Agreement, the Owner shall keep in force until the Final Certificate of Approval of the Works has been issued, a comprehensive policy of public liability and property damage insurance acceptable to the Municipal provides insurance coverage in respect of any one occurrence to the limit of at least five million dollars (\$5,000,000.00) exclusive of interest and costs, against loss or damage resulting from bodily injury to, or death of one or more persons and loss of or damage to property. The policy shall name the Municipality as an additional insured.
96. The policy shall provide coverage against all claims for all damage or injury including death to any person or persons or damage to any property of the Municipality or any other public or private property resulting from or arising out of any act or omission on the part of the Owner or any of its servants or agents during the construction or maintenance of the Works. The policy shall include completed operations coverage liability, blanket written contractual liability with respect to non-owned licensed vehicles and shall have no exclusion pertaining to shoring, blasting (unless a separate certificate of insurance for blasting is provided prior to the start of blasting), excavating, underpinning, demolition, pile driving, caisson work and work below ground surface including tunnelling and grading. The issuance of a policy of insurance shall not be construed as relieving the Owner from responsibility for other or larger claims, if any, for which the Municipality may be held responsible.
97. The Owner shall provide the Municipality with a Certificate of Insurance in a form satisfactory to the Municipality together with such proof as the Municipality may require that all premiums on the policies of insurance have been paid and that they are in full force and effect. If the Owner

fails to pay premiums or otherwise keep the policies in force, the Municipality may pay premiums or take out additional policies as it considers necessary, and the Owner shall pay all costs.

CONSTRUCTION LIENS

98. The Owner shall hold back from its payment to any persons who may supply services or materials in connection with the construction or maintenance of the Works, all amounts required by the *Construction Act*, and shall indemnify the Municipality against any claims, actions or demands in connection with the Works and all costs reasonably incurred by the Municipality as a result thereof.
99. If any lien is claimed pursuant to the *Construction Act* for the supply of services or material in connection with the construction or maintenance of any portion of the Works located on a public street or highway or any lands owned by the Municipality or any other public authority, the Owner shall be considered in default under this Agreement and shall continue to be in default until all liens are discharged, and the Municipality may, in its absolute discretion, use the security deposited by the Owner to pay into court any amounts required to discharge all liens plus costs.
100. The Owner shall have the certificate or declaration of its engineer that construction of the Works has been substantially performed published in a construction trade newspaper in accordance with the *Construction Act* and shall provide the Municipality with proof of publication, but neither the issue or publication of such certificate or declaration shall impose any obligation on either the Municipality or the Municipal Engineer to issue either a Preliminary Certificate of Approval of Underground Services, a Preliminary Certificate of Approval of the Works or a Final Certificate of Approval of the Works, as the case may be.

DEFAULT PROVISIONS

101. Whenever the Owner is deemed by the terms of this Agreement to be in default, the Municipality will make best efforts, unless prevented by urgent circumstances, to give the Owner notice of the default including a brief description of the remedial action required and the date by which such remedial action shall be completed.
102. If the Owner fails or refuses to remedy the default within the time prescribed in the notice, the Municipality shall have the right in addition to any other remedies available to it and without further notice to the Owner to use any security to remedy the default and recover all costs and damages incurred by and all amounts owing to the Municipality.

REGISTRATION

103. The Owner consents to the registration of this Agreement by the Municipality against the title to

the Lands.

104. The Municipality shall register this Agreement and any deeds or grants of easement or rights-of-way in favour of the Municipality without undue delay after registration of the Plan.

NOTICE TO SUBSEQUENT OWNERS AND PURCHASERS

105. In accordance with Section 51(26) of the *Planning Act*, all of the terms and conditions of this Agreement may be enforced against the Owner and any and all subsequent owners of any lot, block or part thereof in the Plan.
106. In addition, each and every subsequent owner of the Lands or a part thereof acknowledges notice of all of the provisions of this Agreement and, in particular, those provisions set out in Schedule “K”.

ARBITRATION

107. Any dispute between the parties with respect to this Agreement shall, at the request of a party, be submitted to arbitration pursuant to the *Arbitration Act*, and the decision of the arbitrator or, if more than one, the decision of a majority shall be final and binding on the parties.
108. Each party shall pay its own costs of the arbitration and shall share equally the costs of the arbitrator(s).

CANCELLATION OF AGREEMENT

109. If the Plan of Subdivision is not registered within one (1) year from the date of this Agreement, the Municipality may, at its option, declare this Agreement to be null and void.

TIME OF THE ESSENCE

110. Time shall be of the essence of this Agreement.

LEGAL NOTICE TO OWNER

111. Any notice required to be given by the parties to this Agreement shall be given by registered mail at the address for service of the parties on the title page of this Agreement, or at such other addresses as the parties may specify from time to time, (provided that in the event of a postal disruption, notice shall only be given by hand) and shall be deemed to have been delivered on the third day after the date of deposit in the post office).

FURTHER ASSURANCES

112. The parties shall, upon reasonable request of the other, execute any further documents as may be required for the more perfect and absolute performance of the terms and conditions of this Agreement.

SUCCESSORS AND ASSIGNS

113. This Agreement shall be binding upon and enure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as at the date first set out above.

SIGNED, SEALED AND
DELIVERED

**THE CORPORATION OF
THE TOWNSHIP OF SOUTH
FRONTENAC**

Per:

Ron Vandewal, Mayor

James Thompson, Clerk

We have the authority to bind the Corporation

1278804 ONTARIO LIMITED

Per:

Terry Grant, President

I have the authority to bind the Corporation

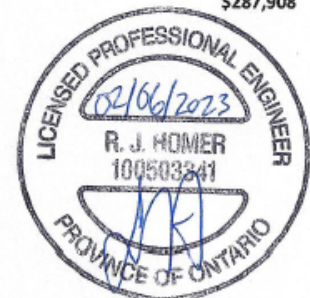
SCHEDULE "A" OF SUBDIVISION AGREEMENT

DESCRIPTION OF LANDS

LOTS 1 TO 13 INCLUSIVE, BLOCKS 14, 15, 16, 17, 18, 19 20, AND STREET "A" AS SHOWN ON PLAN 13M-____, PART OF LOT 7, CONCESSION 7, GEOGRAPHIC TOWNSHIP OF PORTLAND, TOWNSHIP OF SOUTH FRONTENAC, COUNTY OF FRONTENAC.

SCHEDULE "B" OF SUBDIVISION AGREEMENT**COST OF WORKS****Hartington Subdivision
Township of South Frontenac**

| <u>Item</u> | <u>Initial Estimate</u> | <u>Cost to Complete</u> |
|--|-------------------------|-------------------------|
| Removals, Clearing and Grubbing | \$10,000 | \$0 |
| Topsoil Stripping and Stockpiling (ROW) | \$6,560 | \$0 |
| Excavation and Grading | \$34,200 | \$5,000 |
| Erosion Control and Tree Protection | \$15,000 | \$5,000 |
| Granular Base Roads | \$117,160 | \$10,000 |
| Base Asphalt | \$66,136 | \$0 |
| Surface Asphalt | \$70,860 | \$70,860 |
| Storm Sewer System | \$45,980 | \$5,000 |
| Stormwater Management Facility | \$77,680 | \$0 |
| Stormwater Management Facility Final Cleanout | \$5,000 | \$5,000 |
| Municipal Drain Cleanout | \$3,700 | \$0 |
| Concrete Sidewalk and Walkways | \$67,566 | \$67,566 |
| Utilities | \$84,655 | \$0 |
| Streetlight System | \$22,720 | \$1,500 |
| Topsoil, Seed, Sod | \$42,933 | \$42,933 |
| Boulevard Tree Planting | \$7,800 | \$7,800 |
| Signage | \$600 | \$0 |
| Offsite Works | \$17,260 | \$8,630 |
| Subtotal | \$695,810 | \$229,289 |
| Total Servicing Cost | \$695,810 | \$229,289 |
| Contingencies (5% of Construction Cost) | \$34,791 | \$11,464 |
| Engineering/Inspection/Testing (7% of Construction Cost) | \$48,707 | \$16,050 |
| HST (1.76%) | \$13,716 | \$4,520 |
| Subtotal | \$793,023 | \$261,323 |
| Value of Work Complete | | \$531,700 |
| Cost to Complete | | \$261,323 |
| Maintenance holdback (5% of works completed) | | \$26,585 |
| Lien holdback (10% of works completed) | | \$0 |
| TOTAL FOR SECURITY PURPOSES | | \$287,908 |



SCHEDULE "C" OF SUBDIVISION AGREEMENT

DESCRIPTION OF PHASES OF DEVELOPMENT

The subdivision shall be developed in one phase.

SCHEDULE "D" OF SUBDIVISION AGREEMENT

TIME SCHEDULE FOR CONSTRUCTION OF WORKS

1. Construction of the Subdivision shall commence forthwith upon registration of the Plan.

SCHEDULE “E” OF SUBDIVISION AGREEMENT

APPROVED PLANS FOR WORKS TO BE CONSTRUCTED

List of Drawings

THE ORIGINAL PLANS LISTED IN THIS SCHEDULE AND INCORPORATED BY REFERENCE INTO THIS AGREEMENT ARE NOW ON FILE IN THE MUNICIPAL OFFICES AND SHALL GOVERN IN THE EVENT OF ANY DISPUTE.

| | |
|-------------------------|--|
| Dwg. Cover Sheet | Cover Sheet |
| Dwg. No. GEN | General Plan -Scale 1:1250 – Dated July 2020 -Revision – Dated, Jan. 25, 2023 -Prepared by Forefront Engineering Inc. |
| Dwg. No. G1 | Grading Plan North -Scale 1:750 – Dated July 2020 -Revision – Dated Jan. 25, 2023 -Prepared by Forefront Engineering Inc. |
| Dwg. No. G2 | Grading Plan South -Scale 1:750 – Dated July 2020 -Revision – Dated Jan. 25, 2023 -Prepared by Forefront Engineering Inc. |
| Dwg. No. PP01 | Bittersweet Drive Plan and Profile 0+000.00 to 0+650.00 -Scale H1:1000, V1:100 – Dated July 2020 -Revision – Dated Jan. 25, 2023 -Prepared by Forefront Engineering Inc. |
| Dwg. No. SWM | Stormwater Management Plan and Profile -Scale H1:300, V1:25 – Dated July 2020 -Revision – Dated Jan. 25, 2023 -Prepared by Forefront Engineering Inc. |
| Dwg. No. STM | Post-Development Catchment Areas -Scale 1:2500 – Dated July 2020 -Revision – Dated Jan. 25, 2023 -Prepared by Forefront Engineering Inc. |
| Dwg. No. ER | Erosion and Sediment Control Plan -Scale 1:1000 – Dated July 2020 -Revision – Dated Jan. 25, 2023 -Prepared by Forefront Engineering Inc. |
| Dwg. No. U | Utility Plan -Scale 1:1000 – Dated July 2020 -Revision – Dated Jan. 25, 2023 -Prepared by Forefront Engineering Inc. |
| Dwg. No. D1 | Details 1 -Scale NTS – Dated July 2020 -Revision – Dated Jan. 25, 2023 -Prepared by Forefront Engineering Inc. |
| Dwg. No. D2 | Drainage Channel Improvements -Scale 1:750 – Dated July 2020 -Revision – Dated Jan. 25, 2023 -Prepared by Forefront Engineering Inc. |

Dwg. No. L1 **Tree Preservation Plan**
-Scale 1:1000 – Dated July 2020
-Revision – Dated Jan. 25, 2023
-Prepared by Forefront Engineering Inc.

Dwg. No. L2 **Boulevard Tree Planting Plan**
-Scale 1:1000 – Dated July 2020
-Revision – Dated Jan. 25, 2023
-Prepared by Forefront Engineering Inc.

Dwg. No. L3 **Stormwater Management Facility Landscaping Plan**
-Scale 1:250 – Dated July 2020
-Revision – Dated Jan. 25, 2023
-Prepared by Forefront Engineering Inc.

SCHEDULE "F" OF SUBDIVISION AGREEMENT

APPROVED STORMWATER MANAGEMENT PLAN

Hartington Subdivision Stormwater Management Report

Dated June 2021

Prepared by Forefront Engineering Inc., Kingston, Ontario

**THE ORIGINAL PLANS LISTED IN THIS SCHEDULE ARE NOW ON FILE
IN THE MUNICIPAL OFFICES AND SHALL GOVERN IN THE EVENT OF
ANY DISPUTE.**

SCHEDULE "G" OF SUBDIVISION AGREEMENT

LANDS TO BE CONVEYED FOR PARKLAND OR CASH IN LIEU

The Owner shall make a cash payment of twenty two thousand dollars (\$22,000.00) to the Municipality in lieu of granting lands prior to registration of the Plan.

SCHEDULE "H" OF SUBDIVISION AGREEMENT**CONVEYANCES, GRANTS OF EASEMENT AND RELATED MATTERS****0.3 METRE RESERVES**

The Owner shall convey Blocks 14, 15, 18 and 19 on Plan 13M- to the Municipality in fee simple, free and clear of all encumbrances, for the purpose of 0.3 metre reserves to control additional access to the plan of subdivision.

WALKWAY

The Owner shall convey Block 16 on Plan 13M- to the Municipality in fee simple, free and clear of all encumbrances, for the purpose of a walkway.

STORM WATER MANAGEMENT

The Owner shall convey to the Municipality an easement described as Parts 1 to 6 on Plan 13R- , and Blocks 17, 21, and 22 on Plan 13M- for the purposes of storm water management and associated 3.0 metre stone dust access road.

[NTD: Required]

SCHEDULE "P" OF SUBDIVISION AGREEMENT
PARKLAND, FENCING, LANDSCAPING AND
TREE PRESERVATION REQUIREMENTS

SEE PLANS LISTED IN SCHEDULE "E"

In addition to the foregoing,

1. The Owner shall protect all trees within the Plan of Subdivision existing as of the date of the execution of this Agreement, including the installation of protective fencing, if necessary, in accordance with the Tree Preservation Plan and OPSS.MUNI 801(Construction Specification for the Protection of Trees), but in the event of a conflict between them, the decision of the Municipal Engineer will be final.
2. The Owner shall replace all existing trees that are damaged or have died during construction of the Works with a tree of a type and size satisfactory to the Municipality. This provision shall not apply to any trees removed to facilitate road construction or storm water facility construction.
3. The Owner shall plant one tree in the front yard of each of Lots 1 to 13, in accordance with the Boulevard Tree Planting Plan, to the satisfaction of the Township.
4. Notwithstanding anything to the contrary in this Agreement, all plantings shall be subject to a warranty period of twenty-four (24) months from the date of satisfactory installation as determined by the Municipality.

SCHEDULE "J" OF SUBDIVISION AGREEMENT**SPECIAL CONDITIONS****CONSTRUCTION OF DRAINAGE SWALES**

1. The Owner shall construct and seed such rear yard swales and swales along the boundaries of the Subdivision as part of the underground services as the Municipal Engineer considers advisable, and the Owner acknowledges that the Preliminary Certificate of Approval of Underground Services will not be issued until such work has been completed to the satisfaction of the Municipal Engineer.

CERTIFIED FOOTING ELEVATION

2. Prior to the pouring of footings for any building within the Plan of Subdivision, the Owner shall provide a certificate provided by a qualified Professional Engineer or Ontario Land Surveyor confirming that the elevation of the underside of the footing of the building will accommodate the minimum basement floor elevation specified on the Grading Plan North and Grading Plan South plans.

ON-SITE SEWAGE DISPOSAL SYSTEMS

3. All on-site sewage disposal systems shall be installed in accordance with all applicable law and in accordance with any permits issued by the approval authority.
4. The Owner agrees that any existing wells and/or septic systems present on the Plan that are not to be used as part of the Plan of Subdivision shall be decommissioned in accordance with all applicable laws.
5. The Owner shall provide the General Plan, and the Grading Plan North, and Grading Plan South showing, without limitation, the location of the house or other primary structure, well, and primary and alternate sewage system locations for each Lot to all purchasers of lots in the Plan.
6. The Owner agrees all onsite sewage disposal systems are to be located in the areas designated on the General Plan. Either primary or alternate locations may be used.
7. The Owner agrees that the locations for the primary and alternate sewage system shall be reserved and maintained solely for that purpose. No construction of wells, homes, driveways, pools, garages, utilities or other structures shall take place within the areas reserved for the primary and alternate sewage system.
8. The Owner acknowledges and agrees that any deviation from the location on the approved Grading Plan North and Grading Plan South may require the submission of an engineering report and/or design as well as a terrain analysis, including an impact assessment on adjacent properties to support the proposed changes to the satisfaction of the approval authority.
9. The Owner acknowledges and agrees that:

- (a) Each lot shall be serviced by a Class 4, CAN/BNQ 3680-600 standard septic system (or an equivalent tertiary treatment system recognized in the Ontario Building Code) that is designed to include nitrogen reduction.
- (b) Prior to the issuance of a building permit for a septic system for any lot, the lot owner shall provide engineering details for an on-site sewage disposal system designed in accordance with the above condition to service the subject lot for review and approval by the Municipality.
- (c) Existing soil conditions will necessitate the importation of suitable fill for the installation of sewage systems, resulting in fully raised sewage systems. As the sewage systems are raised, pumps may be required.
- (d) No building permit shall be issued for any lot within the plan of subdivision until the lot owner has provided satisfactory evidence to the Chief Building Official for the Township that the following requirements have been met:
 - (i) That the design of aforesaid sewage disposal system shall be undertaken by a contractor certified by the manufacturer and/or fully familiar with such system;
 - (ii) That the installation of the aforesaid sewage disposal system shall be undertaken by a contractor certified by the manufacturer of the system;
 - (iii) That the lot owner has been provided with a detailed information package which outlines the nature, operation and maintenance requirements of the aforesaid sewage disposal system.

10. The Owner acknowledges the recommendations from the letter dated December 12, 2014 from KFL&A Public Health to Terry Grant Construction 1278804 Ontario Inc., be addressed to the satisfaction of the Township for the thirteen-lot development.

ON-SITE WATER SYSTEMS AND WELLS

11. The Owner acknowledges the following:
- (a) On-site wells shall be fully grouted to minimum MOE Regulation 903 (amended) requirements to provide a seal in the soils and upper fractured limestone bedrock.
 - (b) Finished grading shall be such that surface runoff in general and specifically in the vicinity of the septic beds is directed away from wellheads.
 - (c) The use of ultraviolet (UV) disinfection, or similar treatment, is encouraged to ensure the drinking water supply is free from microbiological contamination. Water treatment may be required for aesthetic parameters including elevated chloride and sodium levels, sulphur, fluoride, and iron.
12. The Owner acknowledges the requirements and recommendations specified in the Hydrogeological Study Servicing Options and Terrain Analyses Report, dated October 31, 2013, from ASC Environmental, updated by covering letter dated October 7, 2015 from ASC Environmental, and all associated drawings be complied with for the thirteen -lot development.

TELECOMMUNICATION SERVICES

13. Prior to commencing any work within the Plan, the Owner must confirm that sufficient wire line communication/telecommunication infrastructure is currently available within the

proposed development to provide those services to the proposed development.

14. The Owner is advised that if that infrastructure is not available, the Owner may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Owner elects not to do so, the Owner shall demonstrate to the Municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable the effective delivery of communication/telecommunication services for emergency management services such as 911 Emergency Services, at a minimum.
15. The Owner agrees to grant to Bell Canada any easements that may be required for telecommunication services. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements. The Owner acknowledges and agrees that said easements may be subject to final servicing decisions.
16. The Owner agrees to enter into any and all servicing agreements (Letter of Understanding) as required to service the lands within this Plan, with Bell Canada or another utility service provider, to comply with any underground servicing conditions imposed by the Municipality and if no such conditions are imposed, the Owner shall advise the Municipality of the arrangements made for such servicing. Executed copies of all servicing agreements shall be provided to the Municipality prior to Final Approval of the Plan.

ACCESS

17. The Owner shall upgrade Boyce Road at the entrance to the subdivision to facilitate ingress and egress to the satisfaction of the Municipality.
18. The Owner shall install a 1.5 metre wide concrete sidewalk along the west side of the new road allowance from the northern limit of Bittersweet Drive to the southern limit of Lot 6.
19. The Owner shall locate and construct all entrances to the lots include entrance culverts to the satisfaction of the Municipality.

WALKWAY

20. The Owner shall construct a walkway on Block 16 in accordance with the G2 – Grading Plan South and D1 – Details 1 as indicated in the Hartington Subdivision Stormwater Management Report, prepared by Forefront Engineering Inc., November 2020, to the satisfaction of the Municipality.
21. The Owner shall construct and install landscaping along the stormwater management pond and access road in accordance with L3-Stormwater Management Facility Landscape Plan, prepared by Forefront Engineering Limited, dated June 14, 2021, to the satisfaction of the Municipality.

UTILITIES AND ON-SITE WORKS

22. The Owner shall supply and install street lighting in accordance with the Municipality's engineering standards and specifications and to the satisfaction of the Municipality including lighting at the turning bulb at the south end of the development and at the entrance to the development at Boyce Road. The required lighting shall also be satisfactory to illuminate the mail boxes to be located at Boyce Road.
23. The Owner shall supply and install street name signage and traffic control signage to the

satisfaction of the Municipality.

24. The Owner shall install a Canada Post Centralized Community Mailbox at a location on the road allowance of Bittersweet Drive near the entrance to the development at Boyce Road along the west side of the road allowance of the new road to the satisfaction of the Municipality and in accordance with Canada Post specifications.
25. All servicing, including telephone, internet, Hydro, etc., shall be installed underground.
26. The Owner agrees to obtain permits or approvals as may be required from any federal, provincial, municipal or local authority and to file copies thereof with the Municipality.

NATURAL ENVIRONMENT

27. The Owner acknowledges that site clearing shall take place outside of the bird breeding season (early-April to early-August) to avoid contravening the *Migratory Birds Convention Act*.
28. The Owner acknowledges the recommendations from the Natural Heritage Report, dated August 27, 2013 from Ecological Services, be complied with for as they apply to the thirteen-lot development.

ARCHAEOLOGICAL AND HUMAN REMAINS

29. Any purchaser shall be advised, and a notice shall be placed in the purchase and sale agreement alerting any prospective purchasers:
 - That in the event that human remains are discovered during construction or site development of a lot, that the property owner shall immediately contact the Township of South Frontenac's Development Services Department, the Ontario Provincial Police (OPP), the Minister of Heritage, Sport, Tourism and Culture, and the Registrar or Deputy Registrar of the Cemeteries Unit of the Ministry of Consumer Services (or the applicable agencies at the time of final approval).
 - That if during the process of development any archaeological resources or human remains of Aboriginal interest are encountered, the Algonquins of Ontario Consultation Office will be contacted immediately at:

Algonquins of Ontario Consultation Office

31 Riverside Drive, Suite 101

Pembroke, Ontario K8A 8R6

Telephone: (613) 735-3759

Fax: (613) 735-6307

Email: algonquins@tanakiwin.com

SCHEDULE “K” OF SUBDIVISION AGREEMENT

NOTICE TO SUBSEQUENT PURCHASERS

Each owner and subsequent owner of any lot, block or part thereof against the title of which this Agreement has been registered is hereby given notice that the following clauses in the Agreement to which this schedule forms a part may contain provisions and impose obligations that may affect the individual's ownership and use of such lot, block or part thereof.

| <u>Item</u> | <u>Brief Description</u> |
|---|---|
| Proximity to farming operation | A farming operation exists in the areas adjacent to the subdivision and that adverse effects including odour and noise may be experienced. |
| Drilling and Blasting | No person shall drill or blast without first notifying the Municipal Engineer and delivering a certificate of insurance. Notice to adjoining properties may be required. |
| Drainage | All grading and landscaping of lots must be carried out strictly in accordance with the Grading Plan North and Grading Plan South. |
| Construction Refuse and Fill | The Owner shall remove all construction refuse from the job site at its own expense and dispose of it in accordance with the municipal by-laws. No fill shall be deposited on or removed from public lands without the consent of the Municipal Engineer. |
| Commencement, Progress and Completion of Work | Subject to the detailed time schedule in Schedule “D” the Owner shall install all underground services within one (1) year and complete construction of the subdivision within two (2) years from the date on which the plan of subdivision is registered or such later date as may be agreed on. |

| | |
|-----------------------------------|--|
| Inspection of Works | The Municipal Engineer has the authority to enter onto the property for the purpose of inspecting the Works and lot grading and may order stop work by verbal notice to any person where it is perceived that any construction constitutes a potential danger to life or property or is otherwise in contravention of the Subdivision Agreement. |
| Winter Road Maintenance | Prior to the Municipality assuming the roads and services within the Plan, the Municipality reserves the right to determine if it will carry out snow removal. |
| Warranty of Works | It is the responsibility of the Owner to maintain all services installed in the subdivision until the Final Certificate of Approval of the Works is issued. |
| Zoning and Building Restrictions | All construction shall comply with all applicable by-laws including the zoning, building and noise by-laws. The Owner and all builders must communicate information about proposed land uses in the subdivision to all prospective purchasers. |
| Requirements for Building Permits | No building permits shall be issued until all of the requirements specified have been complied with including payment of a refundable deposit. |
| Special Conditions | Land in the subdivision shall be subject to the Special Conditions set out in Schedule “J”. |
| Easements | Schedule “H” sets out a list of those lots that will be subject to public and utility easements and reserves. |
| Human Remains | All owners are advised that in the event that human remains are discovered during construction, that all work shall immediately stop and the appropriate authorities shall be |

contacted in accordance with condition 28 in
Schedule “J”.

**TOWNSHIP OF SOUTH FRONTENAC
BY-LAW NUMBER 2023-54**

**BEING A BY-LAW TO AUTHORIZE THE MAYOR AND THE CLERK TO
EXECUTE A SUBDIVISION AGREEMENT BETWEEN THE CORPORATION
OF THE TOWNSHIP OF SOUTH FRONTENAC AND 1278840 ONTARIO LIMITED**

WHEREAS a Subdivision Agreement has been prepared to the satisfaction of the Township of South Frontenac;

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

1. **THAT** the Mayor and the Clerk are hereby authorized to execute a Subdivision Agreement between the Corporation of the Township of South Frontenac and 1278840 Ontario Limited, a copy of which is attached hereto forming part of this by-law.
2. **THAT** this Agreement shall be registered on title of the properties Lots 1 to 13 inclusive, Blocks 14, 15, 16, 17, 18, 19 20, and Street "A" as shown on Plan 13M-____, Part of Lot 7, Concession 7, Geographic Township of Portland, Township of South Frontenac, County of Frontenac included under Appendix A.
3. THIS BY-LAW shall come into force and effect in accordance with section 51 of the Planning Act 1990, either upon the date of passage or as otherwise provided by the said section 51.

Dated at the Township of South Frontenac this 20th day of June, 2023.

Read a first and second time this 20th day of June, 2023.

Read a third time and finally passed this 20th day of June, 2023.

**THE CORPORATION OF THE
TOWNSHIP OF SOUTH FRONTENAC**

Ron Vandewal, Mayor

James Thompson, Clerk

APPENDIX A

PLAN of SUBDIVISION of
PART of LOT 7, CONCESSION 7
 Geographic Township of Portland
TOWNSHIP OF SOUTH FRONTENAC
 COUNTY of FRONTENAC

SCALE = 1:1000



HOPKINS CHITTY LAND SURVEYORS INC.
 -2021-

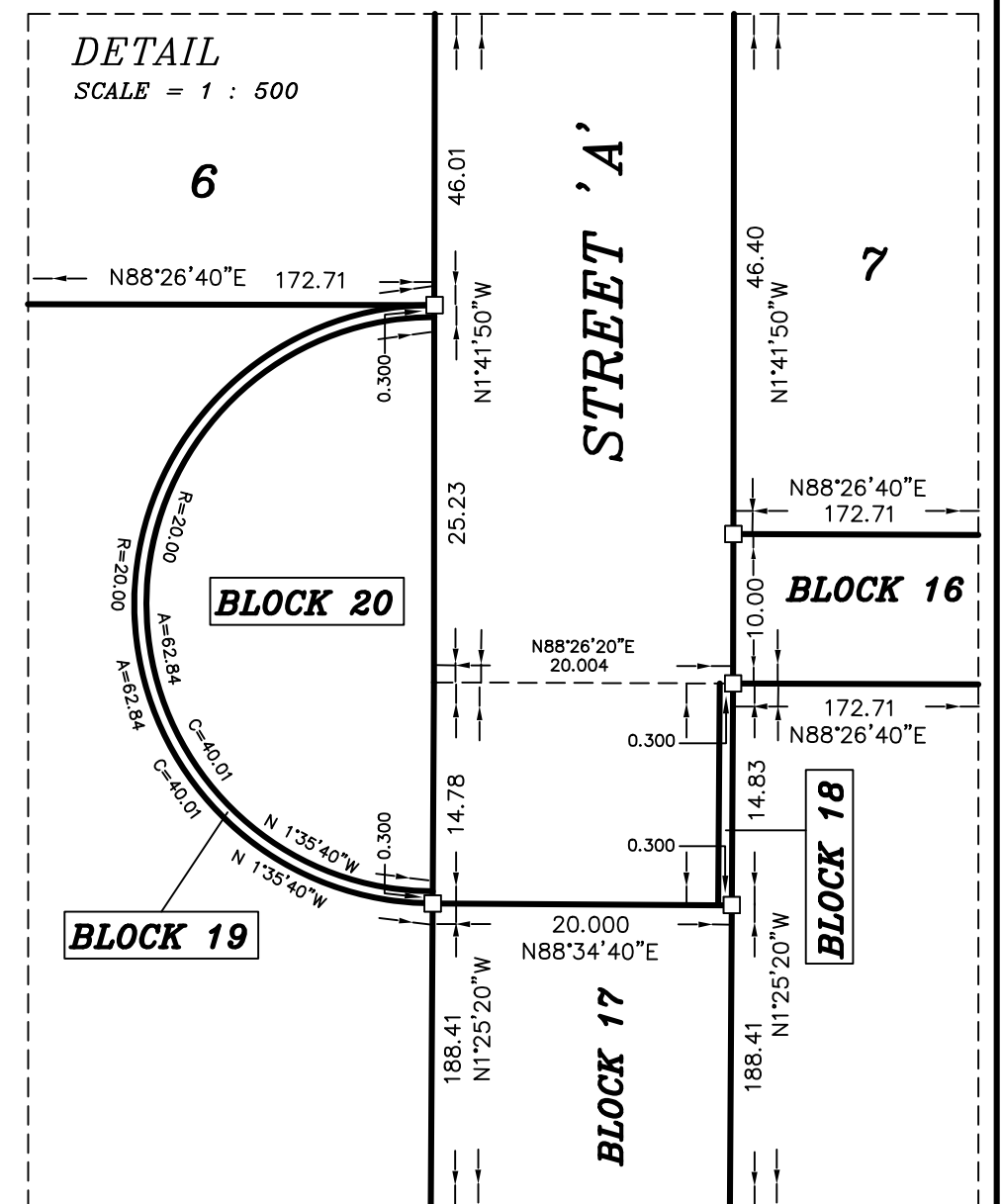
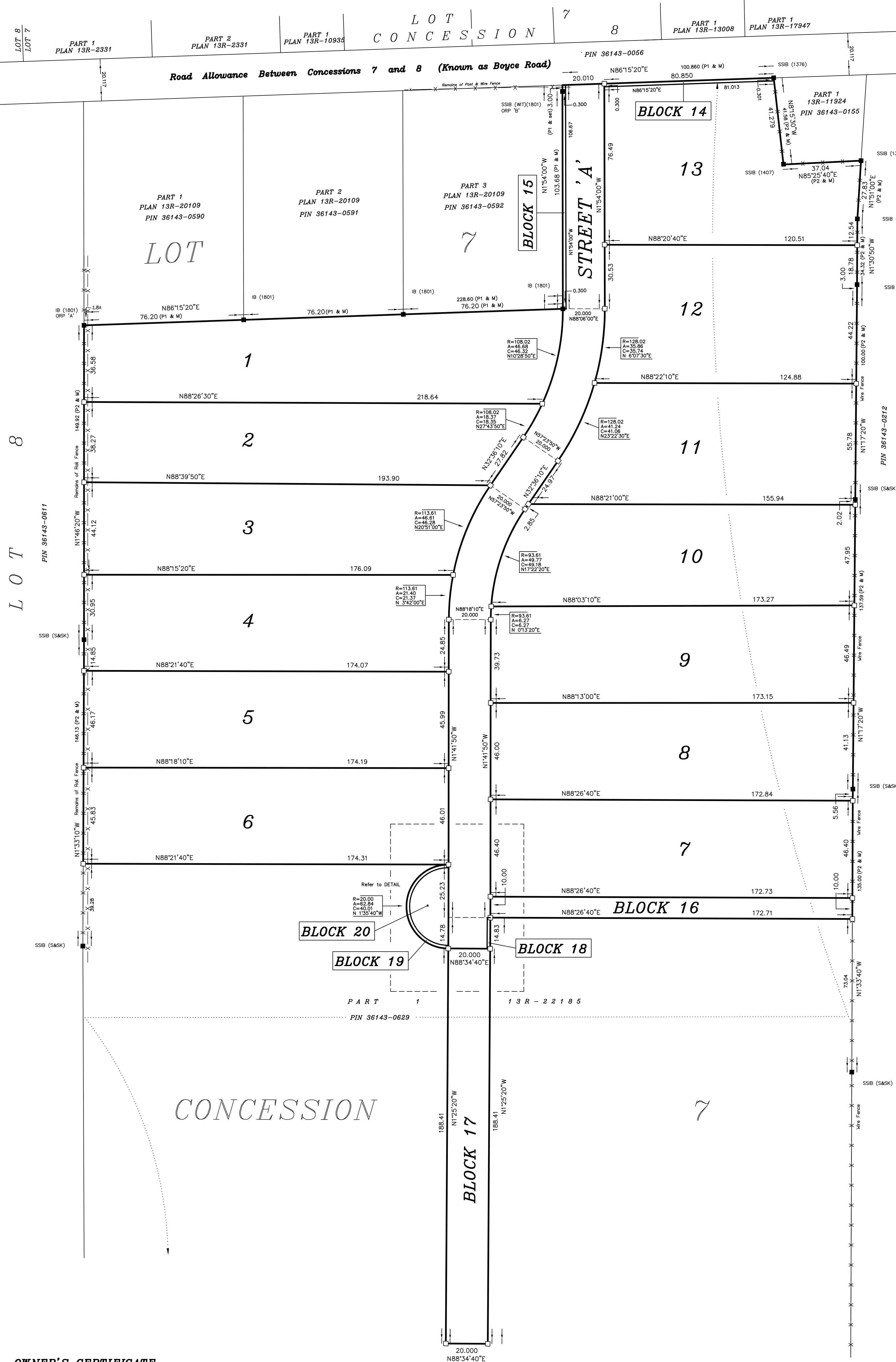


PLAN 13M-

I CERTIFY that this PLAN 13M- is REGISTERED in the LAND TITLES OFFICE for the LAND TITLES DIVISION of FRONTENAC (No. 13) at O'CLOCK on the day of , 2021 AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER ????? AND REQUIRED CONSENTS ARE REGISTERED as PLAN DOCUMENT No.

LAND REGISTRAR

THIS PLAN COMPRISES PART OF PIN 36143-0629. LOTS 1 TO 13, ALL INCLUSIVE, BLOCKS 14 TO 20, ALL INCLUSIVE, AND THE STREET NAMED STREET 'A'.



LEGEND:

- SSIB'S PLANTED DUE TO INSUFFICIENT OVERBURDEN
- denotes Planted Survey Monument
 - Found Survey Monument
 - SIB Standard Iron Bar
 - SSIB Short Standard Iron Bar
 - IB Iron Bar
 - IB# Iron Bar (round)
 - RB Rock Bar
 - RP Rock Post
 - (WIT) Witness
 - (M) Measured
 - (R.P.) Registered Plan
 - (HP) Hydro Pole
 - 1376 Peter S. Hopkins, O.L.S.
 - 1407 M. Peter Allen, O.L.S.
 - S&SK Smith & Smith (Kingston) Ltd., O.L.S.
 - 1801 Dan J. Comier, O.L.S.
 - P1 Plan 13R-20109
 - P2 Plan 13R-22185

OBSERVED REFERENCE POINTS (ORP'S):
 UTM ZONE 18, NAD83 (CSRS) (2010.0)
 COORDINATES TO RURAL ACCURACY PER SEC. 14(2) OF O.REG. 216/10

| POINT ID | NORTHING | EASTING |
|----------|-----------|----------|
| ORP A | 4922093.8 | 366595.3 |
| ORP B | 4922212.3 | 366819.9 |

COORDINATES CANNOT, IN THEMSELVES BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS "A" AND "B" BY REAL TIME NETWORK (RTN) OBSERVATIONS UTM ZONE 18, (75° WEST LONGITUDE) NAD83 (CSRS) (2010.0)

FOR BEARING COMPARISONS, A ROTATION OF 1°14'50" CLOCKWISE WAS APPLIED TO BEARINGS ON PLAN 13-13008.

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99982.

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT:

1. LOTS 1 TO 13, ALL INCLUSIVE AND BLOCKS 14 TO 20, ALL INCLUSIVE, AND THE STREET NAMED STREET 'A' HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.

2. THE STREET IS HEREBY DEDICATED TO THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC.

DATED THE DAY OF , 2021.

1278804 ONTARIO INC.

TERRY GRANT - President
 T. GRANT CUSTOM HOMES
 (I HAVE THE AUTHORITY TO BIND THE CORPORATION)

MUNICIPAL CERTIFICATE

APPROVED UNDER SECTION 51, OF THE PLANNING ACT, 1990 BY THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC

THIS THE DAY OF 2021.

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

- 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.
- The SURVEY was completed on the 9th day of 2021

HOPKINS CHITTY LAND SURVEYORS INC.

DATE:

THOMAS MACDONALD - O.L.S.

*** - MAYOR

*** - CLERK

(I HAVE THE AUTHORITY TO BIND THE CORPORATION)



| Party Chief: DM | Instrument: A7 | Checked By: TCM | Plan By: TE |
|---|----------------|--|-------------|
| HOPKINS CHITTY LAND SURVEYORS INC. Ontario Land Surveyors www.hopkinschitty.com | | | |
| 634-636 NORRIS COURT KINGSTON, ONTARIO K7P-2R9 Tel (613) 364-9266 Fax (613) 364-3513 | | PROJECT No. 2020-106 PART LOT 7, CON. 7 Township of Portland | |

Township of South Frontenac

Staff Report



To: Council

Prepared by: Public Services Department

Date of Meeting: June 20, 2023

Subject: **Amendments to Water Services Charges By-law**

Summary

The purpose of the Report is to recommend approval of proposed amendments to Bylaw 2009-08 As Amended, 'A By-Law Respecting Water Service Charges in South Frontenac Township, attached as Exhibit A of the Report.

Recommendation

That By-law 2023-55, attached as Exhibit A, being "A By-law To Amend By-law 2009-08, As Amended, "A By-law Respecting Water Service Charges in South Frontenac Township" be given first and second reading; and

That By-law 2023-55 be given third reading, signed and sealed.

Background

At the June 6, 2023 meeting of Council, a public meeting was held in accordance with By-law 2016-73 regarding the proposed amendments to the bulk water rate of the Water Service Charges By-law 2009-08, As Amended.

Discussion/Analysis

No comments were received from the public regarding the By-law amendments before or during the Public Meeting. During deliberation of this matter at the June 6, 2023 Meeting, a question was asked by Council regarding what the proposed bulk water rate was compared to the current Residential rate for a house. It was answered at the meeting that the residential consumption rate is \$0.49/m³ which is lower than the proposed bulk water rate of \$2.25/M³.

The proposed amendments as outlined in By-law 2023-55, attached as Exhibit A reflect the proposed amendments presented to Council on May 2, 2023 and the Public Meeting on June 6, 2023. Staff therefore recommend Council proceed with the proposed amendments to By-law 2009-08 As Amended.

Financial Implications

None.

Relationship to Strategic Plan

- Not applicable to this report.
- This initiative is supported by the following priorities of the 2019-2022 Strategic Plan.
 - Priority: Choose an item.

Climate Considerations

- Not applicable to this report.

Attachments

Exhibit A – By-law 2023-55 - A By-Law to Amend By-Law 2009-08, As Amended, 'A By-law Respecting Water Service Charges in South Frontenac Township'

Approvals

Submitted By:



Kyle Bolton, CET
Director of Public Services

Approved By:



Louise Fragnito, CPA, CGA
Chief Administrative Officer

**TOWNSHIP OF SOUTH FRONTENAC
BY-LAW 2023-55**

A BY-LAW TO AMEND SCHEDULE B OF BY-LAW 2009-08, AS AMENDED

WHEREAS the Municipal Council of the Township of South Frontenac deems it expedient to amend By-law 2009-08, As Amended, as it relates to the replacement of Schedule B for the purposes of updating bulk water rates.

**NOW THEREFORE THE TOWNSHIP OF SOUTH FRONTENAC BY ITS COUNCIL,
HERBY ENACTS AS FOLLOWS:**

1. THAT Schedule B be revoked and replaced with Schedule B dated June 20, 2023.
2. THIS BY-LAW shall come into force and effect on July 1st, 2023.

Dated at the Township of South Frontenac this 20 day of June, 2023.

Read a first and second time this 20 day of June, 2023.

Read a third time and finally passed this 20 day of June, 2023.

**THE CORPORATION OF THE
TOWNSHIP OF SOUTH FRONTENAC**

Ron Vandewal, Mayor

James Thompson, Clerk

SCHEDULE B to BY-LAW 2023-55**SOUTH FRONTENAC TOWNSHIP****SCHEDULE OF MISCELLANEOUS WATER SERVICE CHARGES**

| | |
|---|---|
| 1. Water Service Permit | Per Connection \$25.00 |
| 2. Water Service Inspection | Per Connection \$25.00 |
| 3. Water Meter | Residential \$150.00 ICI – Cost of meter plus \$50 administration fee |
| 4. Water Meter Testing at customer's request | Regular hours \$25.00 After hours \$75.00 |
| 5. Turning Water Service On/Off for maintenance or repair | Regular hours \$25.00 After hours \$75.00 |
| 6. Bulk Water User (Commodity Charge) | \$2.25 per cubic meter (1,000L) |
| 7. Bulk Water FOB Device | First FOB Free per property owner account |
| 8. Bulk Water FOB Device (Replacement) | \$25.00 for each replacement device |

Township of South Frontenac Staff Report



To: Council

Prepared by: Development Services Department

Date of Meeting: June 20, 2023

Subject: **Bill 97 and Draft Provincial Policy Statement (2023) - Update**

Summary

This report summarizes the effect of Bill 97, *Helping Homebuyers, Protecting Tenants Act, 2023* and proposed updates to the Provincial Planning Statement (2023).

Recommendation

For information only.

Background

The province recently introduced Bill 97, the Helping Homebuyers, Protecting Tenants Act. Bill 97 proposes updates to the Planning Act, in addition to several other pieces of provincial legislation.

The province also recently released a new draft Provincial Policy Statement (PPS) 2023 for review and comment via the Environmental Registry of Ontario (ERO). The new draft PPS follows the province's 2022 consultations where the government proposed to integrate the PPS with the 'A Place to Grow: Growth Plan for the Greater Golden Horseshoe' into a new province-wide policy instrument. The stated intent of the review is to determine the best approach that would enable municipalities to accelerate the development of housing and increase housing supply (including rural housing), through a more streamlined province-wide planning policy framework.

Discussion

On April 6, 2023, the province introduced Bill 97, *the Helping Homebuyers, Protecting Tenants Act*. Bill 97 proposes changes to several pieces of legislation, including the Planning Act and the Development Charges Act. Bill 97 builds off other recent changes to the Planning Act, including changes in 2022 through Bills 109 and 23.

Proposed Bill 97 Changes

Agricultural Lot Severances

The most significant change affecting South Frontenac in the new PPS is the proposal to allow for residential lot creation in prime agricultural areas. The PPS currently prohibits creating new vacant residential lots in prime agricultural areas. Only existing surplus farm residences can be severed from the main farm holding, with a condition that the retained land

be rezoned to prohibit residential development. While this policy would remain in place, the 2023 draft PPS would also allow for new residential lot creation in prime agricultural areas, provided that:

- Agriculture is the principal use of the existing lot or parcel of land;
- The total number of lots created from a lot or parcel of land as it existed on January 1, 2023 does not exceed three;
- Any residential use is compatible with, and would not hinder, surrounding agricultural operations; and
- Any new lot:
 - Is located outside of a specialty crop area;
 - Complies with the minimum distance separation formulae;
 - Will be limited to the minimum size needed to accommodate the use while still ensuring appropriate sewage and water services;
 - Has existing access on a public road, with appropriate frontage for ingress and egress; and
 - Is adjacent to existing non-agricultural land uses or consists primarily of lower-priority agricultural lands.

The PPS also specifically states that Official Plans and Zoning By-laws may not contain provisions that are more restrictive than the above policies except to address public health or safety.

The draft PPS would also allow for additional residential units on agricultural properties. Specifically, up to two additional residential units may be permitted in prime agricultural areas, provided that:

- Any additional residential units are within, attached to, or in close proximity to the principal dwelling;
- Any additional residential unit complies with the minimum distance separation formulae;
- Any additional residential unit is compatible with, and would not hinder, surrounding agricultural operations; and
- Appropriate sewage and water services will be provided.

The overall proposal is a significant change overturning decades of provincial policy that strongly discouraged or prohibited scattered residential development in prime agricultural areas. Staff do not support the proposed policy change, which is anticipated to create additional conflicts between farmers and residents, discourage development within villages, and reduce the ability of livestock facilities to expand. Hundreds of non-farm residential lots could be created within the Township's agricultural areas. The criteria proposed are open to interpretation (such as being "adjacent to existing non-agricultural uses") and do not consider other resources such as aggregate.

Staff Comments

The current PPS and the Township's Official Plan do not permit residential lot creation on lands located in defined prime agricultural areas. These policies exist to ensure that agricultural lands are preserved and protected, and to ensure that modern agricultural practices are not impacted by nearby sensitive (residential) land uses.

It is important to consider that the existing lot creation policies of the PPS were initially created with input from the Ontario Federation of Agriculture to address concerns associated with loss of good quality agricultural land and to reduce conflict between modern agricultural practices near sensitive land uses (residential). Residential lot creation in prime agricultural areas has also been discouraged since the Country Side Planning/Foodland Guidelines that were issued by the Province of Ontario in the 1970s.

The creation of new residential lots in predominately agricultural areas will effectively push the construction of new barns and manure storage areas to the middle of an average agricultural parcel, which is less efficient and less practical for agricultural producers. In addition to this, new sensitive land uses will create more areas of conflict with normal farm practices. This could include ingress and egress of large agricultural equipment and transportation, spreading of manure, bird and rodent mitigation devices (e.g., air cannons), and instances of early morning and late-night harvest or crop management.

Other Changes

The Planning Act changes proposed through Bill 97 are not as extensive as the changes approved in 2022 through Bills 109 and 23. Some of the Bill 97 changes correct or update changes made through Bills 109 and 23. A summary of some of the relevant changes are as follows:

1. Updates to the implementation timeframe for planning application refund dates introduced through Bill 109. Bill 97 changes the refund initiation date for zoning amendments and site plan applications from January 1, 2023, to July 1, 2023. The amendment would also allow for regulations to designate municipalities as being exempt from the refund requirements.
2. Updates to the definition of "area of employment" to further refine areas of employment to manufacturing and warehousing, but not to include institutional uses or commercial uses, except where such commercial uses are associated with the manufacturing or warehousing.
3. Clarification on the parking requirements for additional residential units based on the Bill 23 changes. Bill 97 makes it clear that municipal official plans and zoning bylaws can require more than one parking space for the primary residential unit.
4. Changes to the site plan provisions for residential developments of no more than 10 residential units, to prescribe areas where site plan control could still be utilized for smaller numbers of residential units.

Proposed PPS Changes

Affordable housing

The 2023 PPS has removed the definition for “affordable” as it pertains to both rental and home ownership.

Staff Comment: Staff has concerns with this change, as it drives the housing policies further away from a measure of affordability that is tied back to income. In the Bill 23 changes to the Development Charges Act, the province introduced a new measure of ‘affordability’ which is 80% or less of market value. Staff believe that this definition partnered with the removal of “affordable” from the PPS could severely hamper the efforts to produce housing that is truly affordable to large segments of the population.

Employment land conversions and employment changes

Together with the changes in Bill 97, the draft PPS scopes employment areas to industrial and warehousing uses, including ancillary retail and office uses. The previous definition included other types of employment in these areas, including offices. These changes would have the effect of prohibiting standalone commercial or institutional uses in designated employment areas. Also, the draft PPS appears to have lessened the restrictions regarding the separation between employment areas and sensitive land uses.

Staff comment: The Township’s Draft Official Plan defines Employment Areas as those areas designated in an official plan for cluster of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Currently, the definition of Employment Lands in the Draft Official Plan conflicts with the proposed PPS 2023 as it specifically permits standalone offices to be located within its designated Employment Area. Staff will consider revisions to the draft Official Plan to align with the proposed PPS (2023).

Climate change

The PPS section on climate change has been largely re-written, though the newly worded policies appear to be very similar in intent to the former policies i.e., requiring planning authorities to reduce greenhouse gas emissions and prepare for climate change impacts. Aside from the dedicated climate change section of the PPS, there are a number of sections which reference the “impacts of a changing climate”, such as the servicing and stormwater sections, which are proposed to be deleted. Other changes have removed wording in the waste management policies regarding reduction, reuse, and recycling objectives.

Staff Comment: Staff would request that the province take an increased leadership role both in this section of the PPS, to require more action on greenhouse gas emissions, climate change mitigation, adaptation, and resiliency. Servicing, stormwater, and waste management are all great opportunities to further include climate change direction. Policies

on green development standards, or other supportive tools, would assist municipalities in implementing this policy direction.

Finally, the province has introduced a new definition for “low impact development” in the PPS, as it pertains to stormwater management. It is of staff opinion that this is a long overdue addition to the definitions in the PPS, which provides direction to municipalities to promote lot level conveyance of stormwater and less focus on end-of-pipe solutions.

Servicing

There are changes to the servicing policies in the draft 2023 PPS. While the servicing hierarchy appears to have remained intact, there are several changes to this section, which are unclear in their interpretation. For example, the policies note that municipal services can include both centralized and decentralized servicing systems, without defining either term.

There have also been changes to the partial servicing provisions which no longer contain a limitation on extending partial services into rural areas. In the draft PPS servicing policies relating to settlement areas, references to infilling and minor rounding out for the use of individual on-site services have been deleted.

Staff Comment: Staff request that the province consider adding some additional definitions to clarify terms such as centralized servicing systems, decentralized servicing systems, infilling, and minor rounding out. Some of these terms are not new to the PPS, but having definitions would save future interpretation conflicts. Staff also recommend that increased emphasis be placed on the financial viability of servicing infrastructure and coordination with municipal asset management planning.

Natural heritage policies

The draft PPS 2023 does not include updated natural heritage policies. The province has noted that these policies are to follow. At the time of drafting this report, these policies had not yet been released and nor were staff aware of the timeline for releasing such policies. It is difficult to understand the full scope of the new PPS, with such a major component of the PPS still outstanding.

Staff Comment: Staff encourage the province to consider putting this PPS review ‘on hold’ or delaying the final comment deadline until such time as those draft policies have been released and stakeholders such as municipalities have had the opportunity to review and bring reports to their respective councils, boards, or clients. Staff will monitor this matter and advise when the draft natural heritage policies are released.

This policy section has major implications on planning in South Frontenac with its large rural geography.

Financial Implications

Staff time will be required to implement the changes into the Official Plan

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.

Climate Considerations

- Not applicable to this report.
- This initiative supports climate change mitigation/adaption efforts in South Frontenac; and/or impacts the Township's resilience to climate change.

Notice/Consultation

The following staff have been consulted in the preparation of this report:

- Christine Woods, Senior Planner
- Noah Perron, Planner
- Mike Kelly, Planning Intern

Attachments

None

Approvals

Submitted By:



Brad Wright
 Director of Development Services

Approved By:



Louise Fragnito, CPA, CGA
 Chief Administrative Officer

Township of South Frontenac Staff Report



To: Committee of the Whole

Prepared by: Public Services Department

Date of Meeting: June 13, 2023

Subject: Public Services Department Quarterly Update

Summary

The purpose of this report is to provide Council with the Public Services Department second quarter update.

Recommendation

This report is for information only.

Background

The Public Services Department will be providing quarterly updates to Council on department items that pertain to Council initiatives, the strategic plan, and capital & operating projects.

Discussion/Analysis

Engineering & Capital Projects

- The Public Services Department has been diligently working on procuring goods and services since the 2023 budget was approved. Since March the department has issued over 40 procurements in the form of request for quotations (RFQ), request for tender (RFT), and request for proposals (RFP) for various capital and operating projects. A capital projects update is attached as Appendix A.
- Road construction on Alton Road, North Shore Road, and Sunbury Road projects started in May and are well underway. The Battersea Road project is nearing completion with surface treatment scheduled to be completed by the end of June weather permitting.
- Winter sand material has been tendered and awarded for the 2023-2024 winter season. Stockpiling of the material for winter operations will commence once the dome fabric material has been replaced on the Keeley and Storrington domes.

Operations & Fleet

- Operations staff transitioned from winter to spring with guiderail repairs and shoulder grading on arterial roads. The gravel road dust suppression program was completed in May which consists of grading and watering the road followed with an application of calcium chloride.
- The roadside mowing program began on May 29, 2023 with the two new roadside mowing tractors focusing on a first pass on all the arterials roads before moving into the local roads by district. The roadside mowing plan is in the final stages of review and includes safe operating procedures, route maps per district, and sets a level of service for arterial and local roads. The Township has over 1,500KM of roadside shoulders to cut and will be monitoring progress with the two tractors.

| Roadside Mowing Program | | |
|--------------------------------|---------------------|------------------------------|
| | Road length (km) | Roadside length (X2) (km) |
| Arterial Roads | 183 | 365 |
| Locals - Bedford | 161 | 321 |
| Locals - Loughborough | 126 | 251 |
| Locals - Portland | 145 | 289 |
| Locals - Storrington | 154 | 308 |
| Total | | 1,535 |

- New to the 2023 operating budget was the addition of a gravel shoulder restoration program for the arterial roads. The objective of this program was to preserve the edge of pavement on Good to Fair rated asphalt roads by re-establishing a 6% crossfall, removing rounding material, and placement of a new 2-3" thick lift of new aggregate material with a shoulder spreader. A 3.7KM section of Battersea Rd from Washburn Rd to Mount Chesney Rd was completed in May.

Recreation & Facilities

- Touch the Truck was held on May 3rd at the Keeley Road Public Services Complex. Despite the rainy weather, attendance was strong with about 730 guests. To alleviate parking pressures, a shuttle bus was donated by Robert Hogan's Bus Lines, and it was very well used. The event raised \$1,649.31 and 230 lbs. of food for Southern Frontenac Community Services.
- The Centennial Park Grand Pavilion is now in service. The space hosts the Frontenac Farmers Market that officially kicked off for the season on May 19th. The Market is hosted every Friday afternoon from 3:00 pm – 7:00 pm from May to October. The Market has over 40 vendors and will feature weekly special activities including live music, prepared food, kids' activities, and more. The Grand Pavilion

enables the market to supply shade, power, and a significant landmark to center vendors around.

- The Summer Kickoff Music Festival was hosted on May 27th and was a huge success. Attendance was estimated at 1,800 people and community feedback has been very positive. The event hosted 12 food and drink vendors, all of whom reported amazing sales and in fact many sold out of product. There were 6 performers, all of whom live in South Frontenac or neighboring municipalities, and the reception to the line-up was also positive. Though the event included alcohol and went later into the evening, there were no incidents reported and security was maintained through the entire event via the Frontenac OPP. The event was staffed by full-time employees, summer students, contracted services, and a team of volunteers.

- The Recreation Service Fee & Facility Allocation Project is well underway. Many Staff and most Councillors have participated in interviews with the Consulting Team of Sierra Planning. The next phase of the project involves public engagement, including an opportunity for input from the user groups that frequently book South Frontenac facilities, as well as all members of the public to help inform the plan. The end goal of the Project is to make recommendations and an action plan to present to Council that ensures that all recreational service delivery is fair, efficient, equitable, sustainable, and transparent across all services and facilities that are managed/owned by the Township. More information can be found at www.engagefrontenac.ca/recreation-fee-and-facility-study.

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:

Climate Considerations

- Not applicable to this report.
- This initiative supports climate change mitigation/adaption efforts in South Frontenac;

and/or impacts the Township's resilience to climate change.

Notice/Consultation

- Manager of Operations & Fleet
- Manager of Recreation & Facilities
- Manager of Engineering & Capital Projects

Attachments

Appendix A – Capital Project Update

Approvals

Submitted By:



Kyle Bolton, C.E.T.
Director of Public Services

Approved By:



Louise Fragnito, CPA, CGA
Chief Administrative Officer

| 2023 Capital Works Update - Public Services Department | | | | | |
|--|---|---------------|-------------------------|-----------------------|--|
| PROJECT # | PROJECT NAME | STAFF CONTACT | AWARDED TO | FORECASTED COMPLETION | COMMENTS |
| FLEET | | | | | |
| 21-19 | Half Ton Truck | B. Kirk | Petrie Ford | Q4 2023 | Contract awarded. Units to arrive November or December 2023 |
| 22-01 | Preorder Two Tandems (2023 delivery) | B. Kirk | Rush Truck Centres | COMPLETED Q2 | Received both trucks in May |
| 22-15 | Half Ton Truck | B. Kirk | Petrie Ford | Q4 2023 | Contract awarded. Units to arrive November or December 2023 |
| 22-16 | 3/4 Ton Truck (Revised to One Ton) | B. Kirk | Gananogue Motors | Q4 2023 | Contract awarded. Units to arrive October 2023 |
| 23-70 | Bulldozer | B. Kirk | | | |
| 23-71 | Tandem Dump Truck/Plow | B. Kirk | | | |
| 23-72 | 72-Asphalt Hot Box | B. Kirk | | | |
| 23-73 | 1/2 Ton Truck | B. Kirk | Petrie Ford | Q4 2023 | Contract awarded. Units to arrive November or December 2023 |
| 23-74 | 3/4 Ton Truck (Revised to One Ton) | B. Kirk | Gananogue Motors | Q4 2023 | Contract awarded. Units to arrive October 2023 |
| 23-75 | Tandem Axle Utility Trailer | B. Kirk | | COMPLETED Q1 | Trailer purchased and in service. |
| 23-77 | Snow Blower Attachment | B. Kirk | | | |
| 23-78 | Light Duty SUVs (2) | B. Kirk | Petrie Ford | Q4 2023 | Ordered. 5-6 Months to Delivery |
| 23-31 | Light Duty Vehicle Hoist | B. Kirk | | COMPLETED Q1 | Hoist installed and in service |
| 23-34 | Automatic Vehicle Location System (AVL) | B. Kirk | | | |
| ROADS INFRASTRUCTURE | | | | | |
| 20-R01 | Buck Bay Road Bridge | T. Dunlop | Willis Kerr | Q3 2023 | Awaiting As-constructed Drawings |
| 19-R05 | Fish Creek Road Bridge | T. Dunlop | | Q3 2024 | Outstanding Federal, Provincial Approvals |
| 21-R01 | Battersea Road | T. Dunlop | Len Corcoran Excavating | Q3 2023 | Road vertical alignment construction finished June. Project completion July 31st |
| 21-R06 | Battersea - New Sidewalks / Sidewalk Construction | T. Dunlop | Jewell Engineering | Q4 2023 | Sidewalk Design Complete, Tender June 2023 |
| 21-R07 | Guideraill Program | T. Dunlop | | Q1 2024 | Reviewing Site Selection (3 New Lights) |
| 21-R08 | Streetlights (includes 18-17/19-14/20-20) / Streetlight Program | T. Dunlop | | Q3 2023 | RFQ to be issued Field Assessments |
| 22-17 | 12th Con Bridge (B32) Repair | T. Dunlop | | Q4 2023 | RFQ to be issued for design and permits. Fall project |
| 22-18 | Eagle Creek Culvert (B31) Design | T. Dunlop | HP Engineering | Q4 2023 | Design underway - Fall Public Meeting required. |
| 22-19 | Opinicon Road Culvert (C12) Design | T. Dunlop | HP Engineering | Q4 2023 | Detailed design underway, obtaining permits CRCA |
| 22-20 | Burego Lane Culverts (B6) Replacement | T. Dunlop | Township Forces | Q3 2023 | Design/Permits in Place / Awaiting In Water Window |
| 22-29 | Alton Road West (Design - Local Rds) | T. Dunlop | Township Forces | Q3 2023 | Ditching near complete, entrance and road culverts being replaced |
| 22-58 | Buck Lake Accident | K. Bolton | Greer Galloway Group | TBD | Geotechnical Field Work Complete May 2023 |
| 23-40 | Sunbury Road (Battersea Rd to Factory Rd) | T. Dunlop | GIP Inc. | Q3 2023 | Entrance and road culverts being replaced. Project completion Sept 29, 2023 |
| 23-42 | North Shore Road (Hewlett Packard Road to Convery Lane) | T. Dunlop | Township Forces | Q3 2023 | Road surface pulverized. Township mobilize to site June 5th week. |
| 23-43 | Surface Treatment (LCB) Preservation | T. Dunlop | Miller Paving Ltd. | Q3 2023 | Mobilize first week of July. Contract Completion Deadline Sept 8, 2023 |
| 23-44 | Culvert Replacement Wilmer Road | T. Dunlop | Greer Galloway Group | Q3 2023 | Design / Permits Underway |
| 23-46A | Various Bridges & Culverts | T. Dunlop | | Q4 2023 | RFQ's being Prepared in June |
| 23-46B | Bracken Culvert | T. Dunlop | | Q4 2023 | RFQ's being Prepared in June |
| 23-46C | Claire Road Culvert | T. Dunlop | | Q4 2023 | RFQ's being Prepared in June |
| 23-46D | Maynard Bridge | T. Dunlop | | Q4 2023 | RFQ's being Prepared in June |
| 23-49 | Transportation Master Plan | T. Dunlop | | Q4 2024 | RFP to be Issued in Fall - Completion of OP Review |
| 23-50 | Pre-Engineering Roads 2024 | T. Dunlop | | Q2 2024 | Projects Endorsed by Council on May 2nd. Issue RFQ's in July |
| 23-51 | Pleasant Valley Municipal Drain - Drainage Act Maintenance | T. Dunlop | Robinson Consulting | Q3 2023 | Awaiting update on Design from Robinson (Scope/scale of clean-out) |
| 23-52 | Gravel Road Granular Renewal | T. Dunlop | Township Forces | Q4 2023 | Pending Council review on June 13th on candidate roads |
| 23-53 | Sydenham Drinking Water System | T. Dunlop | Utilities Kingston | Q4 2023 | Various activities over Summer/Fall |
| 23-55 | Traffic Counter Units | T. Dunlop | Stinson | COMPLETE | Received delivery of units in May 2023 |
| 23-56 | Road 38 Preliminary Design | T. Dunlop | Safe Roads Engineering | Q4 2023 | Contract awarded to Safe Roads Engineering May 2023 |
| 21-R09 | Arterial Reserve (Road 38) | T. Dunlop | N/A | Q4 2023 | Transfer to Asset Reserve at Year End |
| 23-30 | Electronic Portable Message Boards | K. Bolton | Stinson | COMPLETE | Received delivery of units in May 2023 |
| 23-33 | Speed Monitoring Radar Sensor (OPP) | T. Dunlop | | Q3 2023 | Quotes to be issued June |
| FACILITIES | | | | | |
| 20-27 | Town Hall - Accessible Entrance Ramp & Front Step | T. Laprade | | Q3 2023 | Deficiencies remaining |
| 21-01 | New Firehall - replacing Station 8 | T. Laprade | | Q3 2023 | Deficiencies remaining |
| 23-08 | Town Hall Expansion Design | T. Laprade | | Q4 2023 | RFP issued for Architect |
| 21-37 | Petworth Mill Improvements* | T. Laprade | | Q4 2023 | RFQ issued for demolition design |
| 22-35 | Bellrock Mill Improvements | T. Laprade | | Q4 2023 | RFQ issued for demolition design |
| 22-32 | New Monitoring Wells & Land / Water Rights Purchase | T. Dunlop | Cambium | Q4 2023 | Legal Survey Complete, Drill Wells Summer 2023 |
| 22-33 | Storrington Yard - Fabric Replacement on Sand Dome / Storrington Yard - Fabric Replacement on Salt Dome | T. Laprade | Barrett's Farm | Q3 2023 | Material Ordered. Work scheduled for mid July |
| 22-36 | New Docks - Battersea Village | T. Laprade | Township Forces | COMPLETED Q2 | |
| 23-67 | Fabric Roof Panels (3) - Keeley Road Sand/Salt Dome | T. Laprade | Barrett's Farm | Q3 2023 | Material Ordered. Work to follow Storrington |
| 23-60 | Verona Medical Clinic - Construction 2nd floor accessible entrance | T. Laprade | | Q4 2023 | |
| 23-63 | Sydenham - Station 5 - Renovations/Repairs | T. Laprade | | Q4 2023 | |
| 23-65 | Storrington Yard Fuel System | T. Laprade | | Q4 2023 | |
| 23-66 | Building Condition Assessment Update | T. Laprade | | Q4 2023 | RFP being prepared in July |
| SYDENHAM WATER | | | | | |
| 18-18 | Water Hauling Station & Mill Pond Drinking Station | T. Dunlop | Utilities Kingston | Q3 2023 | Water rates to be set June 2023. Targeting commissioning early July |
| 22-53 | SCADA & PLC | T. Dunlop | Utilities Kingston | Q1 2024 | UK has ordered hardware for this project. |
| 22-54 | Serpentine Piping | T. Dunlop | | | Project to be initiated in 2024. Deadline for completion March 2026. |
| RECREATION | | | | | |
| 20-41 | Davidson Beach - Access Road to swim area | T. Laprade | Township Forces | Q4 2023 | Report to Council on next steps |
| 21-25 | Battersea Park Gates | T. Laprade | | | |
| 22-38 | McMullen - Verona Court Project | T. Laprade | Craine's/Wallen's | Q3 2023 | Construction Underway |
| 22-39 | Centennial Multipurpose Facility Two Cover / Roof | T. Laprade | | COMPLETE Q2 | |
| 22-43 | Consulting Fee - User Fee & Facility Allocation Policy | T. Laprade | Sierra Planning | Q4 2023 | Study underway |
| 22-44 | Recreation Software | T. Laprade | | | |
| 23-80 | Boat Launch/Water Access Review | T. Laprade | | Q4 2023 | RFQ being prepared for July |
| 23-83 | Glendower Heritage Garden | T. Laprade | J&J Landscape | Q3 2023 | |
| 23-84 | Storrington Centre Audio Equipment | T. Laprade | | Q3 2023 | Ordered |
| 23-85 | Storrington Centre Exterior Renovations | T. Laprade | | Q3 2023 | Requesting quotes for repairs |
| 23-86 | Centennial Park Accessible Washrooms - Design work | T. Laprade | | Q4 2023 | |
| 23-87 | Glendower Park: Removal of old Equipment | T. Laprade | | | |
| 23-88 | Purchase of materials for Picnic Tables | T. Laprade | Township Forces | COMPLETE Q2 | |
| 23-89 | Glendower Community Court Renewal | T. Laprade | Wallen's | Q3 2023 | Report to Council |
| 23-100 | Centennial Park Playground Renewal | T. Laprade | Fort Co Ltd | Q3 2023 | Work scheduled to follow playground equipment |
| 23-101 | Inverary Playground Equipment Replacement | T. Laprade | Henderson | Q3 2023 | Material ordered |
| 23-103 | Princess Anne Repairs | T. Laprade | | | |
| 23-104 | Centennial Park Diamond and Soccer Bleacher Replace. | T. Laprade | Sport Systems Canada | Q3 2023 | Material ordered |
| 23-105 | McMullen Park Building Remediation | T. Laprade | | | |

Township of South Frontenac

Staff Report



To: Council

Prepared by: Office of the Clerk

Date of Meeting: June 20, 2023

Subject: Notice of Motion – Regulation of Floating Homes

Summary

At the June 6, 2023, Council meeting, Councillor Ruttan submitted a notice of motion which requested that Council give consideration to a recommendation requesting that Transport Canada amend legislation related to floating containers and/or floating homes in Ontario. Additionally, Councillor Ruttan requested that staff report back to Council regarding the ability of the Township of South Frontenac to regulate floating containers and/or floating homes.

Recommendation

That Council approve the following recommendations:

1. Whereas Transport Canada issued by Order of the Port of Victoria Harbour Master, on November 1, 2001, the Standards for Float Homes, and Live Aboard Vessels in Victoria Harbour; and

Whereas Transport Canada has yet to apply the same standards to floating containers and/or floating homes in Ontario;

Therefore Be It Resolved That Council authorize staff to draft and send a letter to Transport Canada and the Minister of Transportation, requesting that Transport Canada apply the same standards as outlined within the Standards for Float Homes and Live-Aboard Vessels in Victoria Harbour; and

That a copy of the letter be provided to Scott Reid, M.P., Lanark-Frontenac-Kingston.

2. That Development Services staff prepare a Report to Council regarding the ability of the Township of South Frontenac to regulate floating containers and/or floating homes.

Background

At the June 6, 2023, Council meeting, Councillor Ruttan served a notice of motion requesting that Council give consideration to a motion requesting that Transport Canada amend legislation related to floating containers and/or floating homes in Ontario. The proposed motion also requested that staff report back to Council regarding the ability of the Township of South Frontenac to regulate floating containers and/or floating homes.

Discussion/Analysis

The Council Procedural By-law 2017-76, As Amended outlines the process regarding the procedural administration of a Notice of Motion.

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

The notice of motion was submitted in response to the correspondence received from the Gloucester Pool Cottagers' Association regarding Unregulated Floating Homes: Briefing for Municipalities. A copy of the correspondence is attached as Exhibit A of the Report.

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

Attachments

Exhibit A – Correspondence received from the Gloucester Pool Cottagers' Association regarding Unregulated Floating Homes: Briefing for Municipalities

Approvals

Submitted By:



James Thompson
Clerk

Approved By:



Louise Fragnito, CPA, CGA
Chief Administrative Officer



1 Nicholson's Road
 RR1 Port Severn, Ontario
 LOK 1S0
 Mail: gpca@gmail.com
<https://gpca.wildapricot.org/>

Unregulated Floating Homes: Briefing for Municipalities

May 12, 2023

The Problem:

Lakes and rivers in Ontario are facing a new threat: unregulated float homes. Municipalities, property associations and thousands of individual residents are deeply concerned by the potential environmental, social, economic, and public safety impact(s) these structures can cause to our waterways, if left unregulated.

The Ontario Government has recently consulted Ontarians on this matter and appears willing to bring these floating homes under regulation. But its hands are tied.

The problem is that in Ontario, Transport Canada classifies such structures as "vessels", while in British Columbia, Transport Canada classifies them as "float homes". There is, accordingly, a lack of national consistency in Transport Canada's oversight of these structures.

As a result, in Ontario, as a "vessel", these structures are currently exempt from all forms of municipal oversight and regulation, including building code adherence, building permitting, environmental protection, navigation and public safety, taxation and location management.

These structures are used exclusively for residential purposes and are NOT primarily intended



for or even usable in navigation. There are multiple versions: they may consist simply of shipping containers welded together and floating on Styrofoam; some are stabilized to the lakebed by steel stakes to elevate above mean water level and remain completely stationary with docks affixed to them (refer to picture), while others are two storey residential structures. None of these float homes, however, behave as a vessel and as such they should not be classified as "vessels".

But in British Columbia, where Transport Canada classifies them as “float homes”, these structures must conform to strict building standards and can be duly regulated by the province and municipalities to ensure adherence to building codes, environmental protection, and location management.

What Do We Want to See?

1. Floating structures which are primarily intended for residential use, to be classified as “float homes” as defined under Transport Canada’s “Standards for Float Homes and Live-Aboard Vessels in Victoria Harbour¹”
2. Any of these structures in Ontario currently classified as “vessels” to be re-classified as float homes.

What Are We Doing?

To protect Ontario’s waterways on this issue, thousands of individual cottagers and waterfront residents, multiple cottage associations, as well as numerous municipalities and other stakeholders, are making their concerns known.

Specifically, we are writing to the federal Minister of Transport, submitting a Petition to the House of Commons, engaging individual Members of Parliament, and working with cottage associations.

Municipalities, too, have a critical role to play.

These float homes are not “vessels”. **We urgently need your help!**

What Can Your Municipality Do to Help?

As a Municipality with a significant population of waterfront residents and cottagers, you can take steps to urge the federal Minister of Transport to de-classify these structures as “vessels”.

An important step would be to pass a Council Resolution in favour of the re-classification of these structures as float homes. This step has already been taken by several Ontario municipalities, including the Township of Georgian Bay and the Township of Lake of Bays.

For example, the Lake of Bays passed the first resolution of this kind in April of 2022. This resolution resulted in their municipal letter to the Minister of Transport (*Appendix A*). The Lake of Bays letter was shared with the Association of Municipalities of Ontario.

The Township of Georgian Bay (TGB) has published two documents, their resolution passed April 3, 2023 (*Appendix B*), and the resulting letter to the Minister of Transport on April 25, 2023 (*Appendix C*). TGB’s resolution requests Transport Canada apply the same standards to float

¹ “Standards for Float Homes and Live-Aboard Vessels in Victoria Harbour”, Transport Canada, November 2001

homes as they do in British Columbia. Their letter requests that Transport Canada correct the disparity in float home classification that exists between British Columbia and Ontario.

Once these structures have been re-classified as “float homes”, Municipalities may proceed to enact and enforce by-laws pertaining to them. This authority to act by a Municipality was confirmed in the case of *Glaspell v. Ontario* (2015), which concluded that “a municipality is empowered to enact by-laws that regulate the use of land in the municipality including land in the municipality covered by water (i.e. lakebeds)...and regulate the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the Township..”.

The Township of Georgian Bay has been a leading advocate for this reclassification, and in fact their council passed the appropriate changes to their by-laws (sections 3.2 and 4.6) so that they will be ready to effectively manage float homes as float homes once they have been reclassified from vessels to float homes.

Mayor Peter Koetsier of Georgian Bay Township has generously offered his time to any municipal leaders that may have questions about float homes, or the strategy pursued by the Township of Georgian Bay to eventually use these municipal by-laws tools in managing float homes once they have been de-classified as vessels.

As President of the Gloucester Pool Cottagers’ Association and Founder of the Float Homes not Vessels Coalition, I am absolutely focused on ensuring that as a municipal leader, you have a complete picture of the issue, risks of not doing anything and benefits of the solution path we are pursuing. Should you have any questions arising from this ask, please reach out to me and I’ll be happy to discuss with you.

Most Sincerely,



Cheryl Elliot-Fraser

President

Gloucester Pool Cottagers’ Association (GPCA)

president.gpca@gmail.com

Founder of Float Homes not Vessels Coalition

Appendix A



T 705-635-2272 TOWNSHIP OF LAKE OF BAYS
 TF 1-877-566-0005 1012 Dwight Beach Rd
 F 705-635-2132 Dwight, ON P0A 1H0

April 12, 2022

Via email: TC.MinisterofTransport-MinistredesTransports.TC@tc.gc.ca

Minister of Transport Canada
 5th Floor
 777 Bay St.
 Toronto, ON
 M7A 1Z8

Dear Hon. Omar Alghabra,

RE: Notice of Motion – Floating Accommodations

On behalf of the Council of the Corporation of the Township of Lake of Bays, please be advised that the above-noted motion was presented at the last regularly scheduled Council meeting on April 12, 2022 and the following resolution was passed.

“Resolution #8(a)/04/12/22

WHEREAS floating accommodations have become a growing concern in that they will affect the environment, character, tranquillity and the overall enjoyment of Lake of Bays and regulating these floating accommodations is a top priority for the Township of Lake of Bays;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Lake of Bays hereby requests that Transport Canada amend the Canada Shipping Act 2001 by adding the following to the Act:

- All vessel greywater be discharged into a holding tank and disposed of as per Provincial regulations for new vessels; and
- All floating accommodations are required to conform to all Provincial and municipal regulations and by-laws.

...2



T 705-635-2272 TOWNSHIP OF LAKE OF BAYS
 TF 1-877-566-0005 1012 Dwight Beach Rd
 F 705-635-2132 Dwight, ON P0A 1H0

Page 2

AND FURTHER THAT the Council of the Corporation of the Township of Lake of Bays hereby requests that Northern Development, Mines, Natural Resources and Forestry (NDMNR) amend Ontario Regulation 161/17 to include the following:

- Post signs to restrict floating accommodation/camping on the water in southern Ontario (Muskoka south) and that a permit from the NDMNR is required and a permit will not be granted without the consent of the local municipality;
- Camping is reduced from 21 days to 7 days;
- Not permit any camping on the water within 300m of a developed lot or within a narrow water body of 150m; and
- Should a municipality have more restrictive by-laws related to camping, these by-laws would apply.

AND FURTHER, THAT Council hereby directs the Clerk to forward this resolution to the Minister of Transport Canada, the Premier of Ontario, Scott Aitchison, MP, Norm Miller, MPP, Minister of Northern Development, Mines, Natural Resources and Forestry (NDMNR), Association of Municipalities of Ontario and all municipalities in Ontario.

Carried.”

In accordance with Council's direction, I am forwarding you a copy of the resolution for your reference.

Please do not hesitate to contact me should you have any questions or require clarification in this regard.

Sincerely,

Carrie Sykes, *Dipl. M.A., CMO, AOMC*,
 Director of Corporate Services/Clerk

CS/iv

Copy to: Premier of Ontario
 Member of Parliament,
 Local member of Provincial Parliament
 Minister of Northern Development, Mines, Natural Resources & Forestry
 Association of Municipalities
 Municipalities in Ontario

Appendix B



The Township of Georgian Bay
Resolutions
 Council - 03 Apr 2023

Item 13.(e)

Date: April 3, 2023

C-2023-157

Moved by Councillor Kristian Graziano
Seconded by Councillor Allan Hazelton

WHEREAS Transport Canada issued by Order of the Port of Victoria Harbour Master, on November 1st, 2001, the Standards for Float Homes, and Live Aboard Vessels in Victoria Harbour.

WHEREAS Transport Canada has yet to apply the same standards to floating containers and/or floating homes in Ontario.

WHEREAS it was recommended by MP Valerie Bradford (Kitchener South Hespeler) that the Township of Georgian Bay draft a letter to the Federal Minister of Transportation, The Honourable Omar Alghabra, requesting that the same standards be applied to floating homes/containers in Ontario.

NOW THEREFORE BE IT RESOLVED that council authorize staff to draft and send a letter to Transport Canada and the Minister of Transportation, requesting that Transport Canada apply the same standards as outlined within the Standards for Float Homes and Live-Aboard Vessels in Victoria Harbour; and

BE IT FURTHER RESOLVED that a copy of the same letter be copied to our MP, Mr. Scott Aitchison.

Carried Defeated Recorded Vote Referred Deferred

Recorded Vote:

| | For | Against | Absent |
|------------------------------|-----|---------|--------|
| Councillor Brian Bocek | | | |
| Councillor Peter Cooper | | | |
| Councillor Kristian Graziano | | | |
| Councillor Allan Hazelton | | | |
| Councillor Stephen Jarvis | | | |
| Councillor Steven Predko | | | |
| Mayor Peter Koetsier | | | |

Peter Koetsier, Mayor

Appendix C



The Corporation of the Township of Georgian Bay

99 Lone Pine Road, Port Severn, ON L0K 1S0
 Phone (705) 538-2337 • Fax (705) 538-1850
 1-800-567-0187
 E-mail • clerks@gbtownship.ca
 Web • www.gbtownship.ca

April 25, 2023

Transport Canada
 330 Sparks Street
 Ottawa, ON K1A 0N5

questions@tc.gc.ca

The Honourable Omar Alghabra
 Minister of Transportation
 506-10 Kingsbridge Garden Circle
 Mississauga, ON L5R 3K6

omar.alghabra@parl.gc.ca

Dear Sirs:

Re: Standards for Float Homes and Live Aboard Vessels

The Township of Georgian Bay is requesting the assistance of Transport Canada in resolving the issue of "Floating Accommodations" or "Floating Cottages" on our federal waterways. In November of 2001, Transport Canada issued by Order of the Port of Victoria Harbour Master, the Standards for Float Homes, and Live Aboard Vessels in Victoria Harbour British Columbia. As Ontario has seen an influx of these "Float Homes", the Township of Georgian Bay would like to see Transport Canada apply the same standards and take further accountability for the federal bodies of water in Ontario.

As Transport Canada is aware from the standards set in Victoria Harbour, float homes and live-aboard vessels pose a risk to the environment and the safety of residents. Transport Canada states they promote safe, secure, efficient, and environmentally responsible transportation. It is therefore essential that regulations are established and enforced to ensure that all residents living on float homes and live-aboard vessels in Ontario are complying with the same regulations. As well, these standards would provide much-needed clarity and consistency for those who live on boats, as well as for marina operators, and boat builders who are involved in the industry.

In addition to providing greater consistency and clarity, the adoption of these standards would also help to ensure the safety and well-being of those

who live on boats. By requiring the use of safe and reliable materials, ensuring fire safety measures, and regulating sewage disposal, these standards would help to minimize the risks associated with living on the water.

Yours very truly, _____

A handwritten signature in black ink, appearing to read 'Peter Koetsier', written over a horizontal line.

Peter Koetsier, Mayor

cc: MP Scott Aitchison scott.aitchison@parl.gc.ca

**TOWNSHIP OF SOUTH FRONTENAC
BY-LAW 2023-56**

**A BY-LAW TO CONFIRM GENERALLY ALL ACTIONS AND PROCEEDINGS OF
THE SPECIAL COUNCIL MEETING OF THE CORPORATION OF THE TOWNSHIP
OF SOUTH FRONTENAC ON JUNE 20, 2023**

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 June 20, 2023 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 June 20, 2023 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 June 20, 2023 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 20 day of June 2023.

Read a third time and finally passed this 20 day of June, 2023.

**THE CORPORATION OF THE
TOWNSHIP OF SOUTH FRONTENAC**

Ron Vandewal, Mayor

James Thompson, Clerk