

**Minutes of Committee of the Whole
June 8, 2021**



Time: 7:00 pm

Location: Council Chambers/Electronic Participation

Meeting # 21

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

Staff (Present in Council Chambers): Neil Carbone - Chief Administrative Officer, Angela Maddocks - Clerk, Darcy Knott - Director of Fire and Emergency Services

Staff (Present via Electronic Participation): Claire Dodds - Director of Development Services, Christine Woods - Senior Planner

1. Call to Order and Roll Call

- a) The Clerk conducted the roll call as outlined in the attendance noted above.
- b) Motion

Moved by Councillor Morey

Seconded by Councillor Sleeth

That the June 8, 2021 Committee of the Whole meeting be called to order at 7:02 pm.

Carried

2. Declaration of pecuniary interest and the general nature thereof

- a) There were no declarations reported.

3. Approval of Agenda

- a) Motion

Moved by Councillor Revill

Seconded by Councillor Ruttan

That the agenda for the June 8, 2021 Committee of the Whole meeting be approved as presented.

Carried

4. Scheduled Closed Session - not applicable

5. Public Meeting

- a) Motion

Moved by Deputy Mayor Barr

Seconded by Councillor Sutherland

That a public meeting be held to allow for input on planning matters related to:

- Z-21-08 - Zoning By-law Amendment - 2623 Green Bay Road
- Township Initiated Administrative Amendments to By-law 2003-75

b) Public Meeting Statement

The Clerk provided direction about oral or written submissions with respect to the Zoning By-law amendments being heard and the appeal process to the Local Planning Appeals Tribunal once a decision has been made on these applications.

c) Z-21-08 - Zoning By-law Amendment - 2623 Green Bay Road - Powis

Christine Woods, Senior Planner presented this application. She noted that the subject property is 70 hectares (173 acres) in area. The lands consist of forest and open fields. The property surrounds a non-operating (closed) Township landfill on Green Bay Road. The property is developed with a single detached dwelling, an accessory detached garage and an accessory storage building. She clarified that the application is to change the RU Rural zoning to Rural - Special Provision (RU-XX) to permit an additional dwelling unit in an ancillary building. She apologized that the notice that was circulated identified this building as a mobile home, however this is an error and a prefabricated home is what is being proposed. She indicated where the existing structure is located and where the proposed structures are to be located if approved.

The Building Department has no objection to this application. Public Services staff comments on the proximity of the proposed additional dwelling were not received at the time of writing the report. However since then it has been determined that the applicant will be required to undertake a study with regard to ground water issues due to close proximity to an existing landfill.

Michael Dobmeier, 61 Buckert Lane, had inquired about the site specific zone covering the entire property and whether the zone would allow a third dwelling in the future although he had no objection to the proposal. Ms. Woods explained that the planning framework and this zoning would not allow additional dwellings.

In terms of the policy framework, the Planning Act, the Provincial Policy Statement and the County of Frontenac Official Plan encourage additional residential units. The Township Official Plan states no development shall be permitted within 500 metres of the fill area of a sanitary landfill unless a study has been completed to the satisfaction of the Township indicating that the landfill operation, including any groundwater contamination, will not have an adverse impact on the proposed development. The proposed additional dwelling unit would be more than 60 metres to the shared property line with a landfill. In her opinion conditions can be met for the additional dwelling - maintain rural character and support housing goals. The applicant will be required to undertake a study that shows the landfill will not have an adverse affect on the proposed development such as groundwater contamination and methane gases, this will need to be peer reviewed as well. Public Services staff in consultation with the Ministry of the Environment Conservation and Parks has indicated that this study should be done in order to support the second dwelling unit as it will be located within 500 metres of the landfill.

Mayor Vandewal asked if this creates the potential in the future to sever since there is a potential for two stand alone dwellings.

Ms. Woods clarified that there is a shared driveway and a well and hydro connection. A sewage system will not be shared due to the topography of the land. In theory they could apply in the future but the township would consider it on it's own merits at that time but they would need to ensure adequate water.

The Clerk confirmed a number of people had registered to attend this meeting virtually.

Gilbert Boehm did not have any comment.

Mr. Dobemeier thanked the Senior Planner for providing clarity on his previous concerns but had no further comments.

Sandra Frost had no comments.

Jonathan Price had no comments on this application.

d) Z-21-06 Township Initiated Administrative Amendments to By-law 2003-75

Christine Woods, Senior Planner presented her report on this township initiated amendment to consider emerging issues and specific situations, general and/or technical changes to clarify by-law requirements. The proposed amendments are expected to clarify by-law requirements for staff and applicants and will streamline the development process. The existing zone RLS- 2 zone applies to properties with frontage on public roads that are not winter maintained and restricts residential development to seasonal dwellings. Roads that have been updated in the winter maintenance program include Hanna Road, Steele Road, Lake Road, James Wilson Road and Timmerman Road, however there are zones on some of these properties that are restricted and are accessed year round but the development is restricted. The proposal is to change 36 properties to RU, RW, RLS or RLSW. Supportive comments have been received from landowners however there was concern about potential change to assessment and taxes. These properties are typically used in a residential manner and it is not anticipated that this will change. Ms. Woods noted that the change to a year round road access may have an impact on the assessment.

The second amendment is to correct site specific zone errors for 12 properties, to clean up the text where there are duplicate zones or incorrect references and expansion of zone to reflect approval or use.

The third amendment is to update the minimum distance separation (MDS) for livestock facilities to be consistent with the provincial guidelines. Ms. Woods explained that the MDS 1 setback will not be applied to new development within settlement areas, and the MDS II setback will not be reduced except in limited site specific circumstances. The amendment could clarify that the seven cemeteries in South Frontenac are Type A land uses for calculating MDS II setbacks.

The fourth amendment is to remove the requirement for site-specific zoning for group homes as it is currently not in keeping with the Ontario Human Rights Code. Group Homes would be removed from the "Community Facility" zone and be listed as a permitted use in all residential zones on public roads. There will be parking requirements added to the general provisions. Supportive comments have been received on this change.

Councillor Revill questioned the MDS II calculation that it is still to be applied in settlement areas and he felt this was contradictory, was this a provincially mandated change or just the township. Ms. Woods clarified that neither should be applied and these are not to be applied in settlement areas as per provincial guidelines. MDS I and II are not to be applied to settlement areas as this is the area where growth is directed.

Jonathan Price indicated that a section of his property is on a road that is not currently maintained and he questioned then whether only a portion of his

property would be rezoned or the entire parcel. Ms. Woods indicated that without knowing specifically where Mr. Price's property is located that generally the zone would be changed to the entire property, either a Rural Zone or a Waterfront Residential Zone

Gilbert Boehm asked about the changes in zoning regarding the winter maintenance and the possibility of MPAC reassessing the value of his property; is this simply because of the zoning change or is the zone change a basis for some of the properties to sell for higher amounts.

Ms. Woods interpreted that the change in assessment would be based on the zone change but the fact that the road is now year round maintained which can create a higher value to those properties located on the road.

Mr. Boehm asked if MPAC would be notified of the zoning change and would they then reassess all properties based on the zoning change to acknowledge that it is on a year round maintained road. He suspected that they would experience an increase in the current value assessment.

Ms. Woods reported that MPAC zoning is not advised of zoning changes. Ms. Dodds clarified that MPAC may become aware of the change in the year round maintenance but she did not believe that this type of zone change would trigger an increase or reassessment from MPAC.

Cyrus Mavalwala has an active farm on more than half of his property and he asked if the changes would affect what their property is currently zoned to permit and if a future opportunity such as a hotel would be affected by this change. Will this keep all existing opportunities within his existing zoning, or is this changing things? He anticipates the reassessment by MPAC next year.

Ms. Woods confirmed a previous conversation with Mr. Mavalwala who owns property on Hanna Road which is one of those that most of the property is actively farmed and most of the surrounding houses and cottages are along the shoreline of Wolfe Lake. The RLS2 zone allows a seasonal dwelling, agriculture uses and conservation uses, as generally there isn't as much activity happening in the winter months. Changing the zone to RSLW does not permit agriculture as a use however this particular property would be allowed to continue as an agriculture use. She interpreted that this zoning change would not affect the agriculture operation however she confirmed that it is not zoned to permit a hotel. Mr. Mavalwala was concerned about the possible short term interruption of his farming operation and what effect there might be. Christine Woods confirmed that it is an actively farmed area and it is best practice to allow land to remain fallow for a few years, it would still continue to be agriculture. Mr. Mavalwala asked about property close to his at the end of Hanna Road currently RLS and it has waterfront, he wondered why this parcel was not begin zoned the same as the rest. Ms. Woods clarified that this zone is intended to be within the Rural zone to recognize the size of the lot and that the majority of it has an agricultural use.

- e) Motion - Close public meeting

Moved by Deputy Mayor Barr

Seconded by Councillor Sutherland

That having provided an opportunity for input on planning matters, the public meeting be closed.

Carried

- 6. Delegations - none
- 7. Reports Requiring Direction

a) • Open Air Burning Permit System and By-law

Council had several concerns about implementing a new system and the proposed changes to the burning by-law. These concerns included the following:

- Data and statistics regarding how this system ensures compliance
- statistics and data from similar sized municipalities would be helpful
- What is the actual cost of the proposed Open Air Burning Permit System? What is the annual cost based on notifications?
- Initially should there be no fee to obtain a burning permit to encourage buy in
- will there be a way in which individuals who have been incorrectly fined/penalized be provided details on how to appeal?
- assumptions that all residents have access to internet to purchase, how and where will they obtain permits in person
- How will camp fires be addressed? Will a burning permit be required for them and won't be this be difficult to regulate
- could the use of mobile signage work better than the proposed new system? sharing information with lake associations, on the website and social media can be utilized more
- public consultation is important, lots of seasonal residents that need to have input on proposed changes
- the township telephone greeting isn't being kept accurate
- information could also be included in tax bill inserts
- the more "buy-in" you have for the permitting system, the more expensive it is to operate
- cautious approach, make sure there is evidence that this system works and compliance is achieved
- there's already many several updates to the fire ban status in 2021 that would have been expensive if this program was in place.
- are there other permit systems on the market?
- input on the public engagement/consultation portion is requested
- this is an educational program, no proof of cost savings

The Director confirmed that the intent of the program is to achieve a net zero; the initial cost of \$15,000 included an expected 1000 users with notifications built into that cost.

Answers to Council's questions and the data and information from public consultation will come back to a Committee of the Whole meeting.

An amendment was proposed to the motion by Councillor Revill and seconded By Councillor Ruttan to remove the last paragraph of the original motion and to provide more context to Council's expectations.

Moved by Councillor Ruttan

Seconded by Councillor Revill

That Committee of the Whole provides feedback to staff regarding the original burn permit proposal and amended Burning By-law 2020-54; and

That Committee of the Whole supports moving ahead with community consultation on the proposed Open Air Burning Permit System; and,

That based on the community consultation, Committee of the Whole supports staff bringing forward an amended Open Air Burning By-law for consideration by Council.

Moved by Councillor Revill

Seconded by Councillor Ruttan

Amendment:

That Committee of the Whole provides feedback to staff regarding the original burn permit proposal and amended Burning By-law 2020-54; and

That the Committee of the Whole supports moving ahead with community consultation on the proposed Open Air Burning Permit System **including statistical information on costs after the public consultation is completed.**

Carried - as amended

b) Council & Committee Procedures Review

This is one of the CAO's objectives for 2021.

Comments about the review include:

- Strong support to maintain the standing committee structure that currently exists although there was support to consider other options.
- Only the Public Services Committee has conducted regularly scheduled meetings - this is worth maintaining
- There should be more Committee of the Whole meetings to allow for more productive conversation.
- Accountability and transparency needs to be considered, decisions are being made without opportunity for detailed discussions
- Efficiencies for productivity at the committee level could be looked at

Moved by Councillor Roberts

Seconded by Councillor Leonard

That Committee of the Whole supports a review of the Township's Council, COTW and Standing Committee Structures to be brought forward to Council along with recommendations for possible changes.

Carried

8. Reports for Information

a) Building Department Stats - May 2021

A request to separate the Part 8 statistics from other building/construction statistics.

b) Planning Department Stats - May 2021

Mayor Vandewal felt the data collected for phone and email inquiries did not need to be included.

Updates on the status of subdivision/plan of condominium applications would be helpful.

9. Rise & Report from Committees of Council

a) Frontenac County Council

Councillor Revill reported that the June 16, 2021 meeting will be in person. The County has received approval for infrastructure funding for the K & P Trail.

b) Frontenac Community Arena Board

Councillor Roberts reported that the floor has been poured and that officially it can be shared that a grant has been received for this project. The next board meeting is scheduled for June 16. Arena staff are looking forward to the fall when the facility can be enjoyed by the public again.

Councillor Leonard reported that the boards have gone up around the floor area.

c) Police Services Board

Councillor Sleeth reported that recruitment will be underway for a new Detachment Commander as Sharron Brown is retiring. He noted that a new structure for Police Services Board composition has been approved recently.

Mayor Vandewal indicated that someone at the local detachment has been appointed as "Acting Detachment Commander" in the interim and an introductory meeting is scheduled for next week.

d) South Frontenac Museum Committee

Councillor Leonard reported that the flower bed has been planted at the museum. There has been discussion about further clean up of the Petworth Mill.

10. Information Items - none

11. Notice of Motions - none

12. Announcements/Statements by Councillors

a) Councillor Sleeth expressed his disappointment about the delay in roadside mowing this year. He suggested that every other municipality has already done all of their roads and South Frontenac has only just started the main roads. He felt this didn't look good to visitors in the area.

b) Mayor Vandewal clarified that this portion of the agenda is sometimes misused. Some of the items can as easily be addressed through reaching out to staff directly.

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

a) There were no questions of clarity.

14. Closed Session - not applicable

15. Adjournment

a) Motion

Moved by Councillor Leonard

Seconded by Councillor Roberts

That the Committee of the Whole meeting of June 8, 2021 be adjourned at 8:48 p.m.

Carried