

Meeting No. 36
Time: 7:00 p.m.
Location: Sydenham

Present: **Mayor** **Gary Davison**
 Deputy Mayor **John McDougall**
 Councillors, **Allan McPhail**
 Cam Naish
 Bill Robinson
 Ron Vandewal
 Larry York
 Del Stowe
 Mark Tinlin

Staff: **Wayne Orr, CAO, Lindsay Mills, Planner, Mark Segsworth, Public Works Manager, Judy Herrington, Executive Assistant**

1. Call to Order

Resolution No. 2012-36-01

Moved by Councillor Robinson Seconded by Councillor Vandewal

THAT the Council meeting of November 6th, 2012 be convened at 7:00 p.m.

Carried.

2. Declarations of Pecuniary Interest

Councillor Robinson declared a pecuniary interest with respect to the Accounts Payable.

Mayor Davison declared a conflict of interest with respect to item 8(c).

3. Scheduled Closed Session - nil

4. Recess

5. Public Meeting

Resolution No. 2012-36-02

Moved by Councillor Vandewal Seconded by Councillor Robinson

THAT a public meeting be held to discuss planning matters related to:

- **Review of Application for Zoning By-law Amendment in Part of Lot 24, Concession IV, Storrington District, Township of South Frontenac: 1073650 Ontario Inc. (Beach)**
- **Review of Application for Zoning By-law Amendment in Part of Lots 23 & 24, Concession VI & VII, Loughborough District, Township of South Frontenac: 1073650 Ontario Inc. (Beach)**

Carried.

- (a) Review of Application for Zoning By-law Amendment in Part of Lot 24, Concession IV, Storrington District, Township of South Frontenac: 1073650 Ontario Inc. (Beach)**

Lindsay Mills, Planner, explained that the recommendation is that Council approve a zoning by-law amendment that would rezone a portion of land from Rural Zone (RU) to Limited Service Residential Zone (RLS). The rezoning is a condition of approval of three consent applications to create

three new residential lots and it would recognize that, even though the lots front on a public road, they would be accessed by a private lane.

The proposed new lots were given provisional consent approval by the Committee of Adjustment and would be 5.9 acres, 6.2 acres and 7.2 acres respectively.

The reason the lots require access from a private lane is that the topography of the land does not permit a building envelope at the public road. A very steep embankment exists near the road requiring any dwellings to be located near the rear of the properties down the embankment necessitating access here by way of a private lane.

The proposal appears to meet the intent of the Official Plan only in terms of the use, minimum size and frontage standards for lot creation.

He said that the attached zoning amending By-law No. 2012-64 would rezone the area of the proposed new lots from Rural (RU) Zone to Limited Service Residential (RLS) Zone.

There were no comments from Council.

Comments from the public are as follows:

Mike Voith asked where the houses would be located. Lindsay Mills responded that houses would be located at the rear of the lots.

Mike Voith asked what the distance of the houses from the lake would be. Lindsay Mills responded houses would be 339 metres from the lake.

Mike Voith asked what does “limited service lane” mean. Lindsay Mills responded that the term means that the Township does not service the lane.

Mike Voith asked if more lots could be divided on the southern portion and be serviced by the private lane. Lindsay Mills responded no and explained that no more severances would be allowed under this Official Plan as the maximum number of severances has been reached.

Mike Voith asked if more lots could be divided under a future Official Plan. Lindsay Mills responded yes.

Jeff Peters commented that backfilling would not be allowed next to a lake. Lindsay Mills responded that the Official Plan does not allow back lot development. Jeff Peters asked what the difference is in this situation and would the same rules not apply? Lindsay Mills responded that it does not apply in this situation because these are not waterfront lots and not back lots.

Jeff Peters asked if you can't develop on one side of the lot, then why not on the other. Mayor Davison responded that is because these are not waterfront lots. They are lots that do not lead to water.

Jeff Peters said that we are still operating under the old Official Plan 2005 and asked when the 2010 Official Plan will be finalized. Mayor Davison said that a revised Official Plan has been finalized and sent in, but has not yet been approved by MMAH due to some recommended changes.

Jeff Peters said that the topography of the lots is very steep in most places and the lake is utrophic with an average depth of less than 10 feet. Every time the soil surface is disturbed, sediment carrying phosphorus is deposited in the lake. The 1991 Watershed Study said that this lake is

loaded with phosphorus and that it is prudent to be careful of the cumulative affect of development on the lake. Lindsay Mills said that our Official Plan addresses cumulative affects. Mayor Davison said that the development will be set back from the lake more than 1,000 feet and complies with our Official Plan and government regulations.

Jeff Peters said that regardless, sediment containing phosphorus ends up in the lake every time it rains and he is concerned about this. Some lakes are better suited to development than others. This lake is not suited to development.

Councillor Stowe asked if the Cataraqui Conservation Authority was contacted for their input. Lindsay Mills responded that they were not contacted because these are not waterfront lots.

Calvin Blackshaw lives across the street from the lots. He asked if he would be able to use the private lane to access the lake. Lindsay Mills responded that he could not because it is private land.

There were no more comments.

(b) Review of Application for Zoning By-law Amendment in Part of Lots 23 & 24, Concession VI & VII, Loughborough District, Township of South Frontenac: 1073650 Ontario Inc. (Beach)

Lindsay Mills, Planner, explained that the recommendation is that Council defer decision on a zoning by-law amendment that would rezone a portion of land from Rural Zone (RU) to a Special Limited Service Residential-Waterfront Zone (RLSW). The rezoning is a condition of approval of three consent applications to create three new waterfront residential lots with a special setback from the high-water mark of Loughborough Lake. Deferral is recommended because one of the lots must be surveyed to ensure that a proper building envelope exists.

Lindsay Mills explained that he was seeking comments only tonight and that the matter would be brought back to Council for final approval.

The lots would be accessed by a new lane constructed from North Shore Road through the property. The lane is already substantially completed and appears to be constructed to a high standard (minimum Township lane standards).

The land is designated Rural in the Official Plan with many wetland intrusions some of which are designated Provincially Significant Wetland (PSW). The Official Plan specifies that any proposed development within 120 metres of any PSW must be supported by an environmental study that proves there will be no negative impacts on the natural features or ecological functions of the wetland. The applicant submitted a report from Rob Snetsinger of Ecological Services. The report dated December 2011, concludes that the three lots can be created and would have no negative impacts. The report also lists recommendations and mitigation measures that should be followed including a 40 metre minimum setback from Loughborough Lake for any development.

The proposal appears to generally meet the intent of the Official Plan in terms of the use, minimum size and frontage standards for lot creation. However, a building envelope must be proven on the westernmost proposed lot and, accordingly, the by-law should not be passed at this time. By deferring the decision on the by-law, the applicant will have an opportunity to identify a building envelope as required and perhaps adjust the area of the lot(s) to accommodate the building location. If the lot lines

need to be adjusted then the zoning cannot be applied until the boundaries are known.

Mayor Davison asked how wet is the property. Lindsay Mills said that we are currently experiencing dry conditions and the property is still wet. He showed a photograph taken that day that showed water on the land. Lindsay read the Official Plan's definition of a wetland. He said that if the area is categorized as a wetland, development has to be 30 metres back from the wetland. Lindsay said he thought there is a building envelope somewhere on the subject lot, however, the lot lines may need to be changed.

Mayor Davison said a designation could be made similar to Valleyview Estates.

Lindsay Mills said that the Official Plan states that the lot should always respect the setback otherwise the lot should not be created.

Councillor York said that it was a very dry summer and the water levels will likely be more normal next year and at that time, the property could be looked at again.

Councillor McPhail asked if the road allowance on North Shore Road still exists. Lindsay Mills responded that yes it still exists.

Councillor McPhail asked if there is an agreement to cross that road allowance. Lindsay Mills responded that he thinks there is an agreement.

Councillor McPhail said that none of the report or attachments shows a road allowance and that this information would be nice to know up front. Lindsay Mills said there are lots of conditions governing the creation of the lots.

Councillor Vandewal said that there are conditions, but the road has been built and if Council says no to the by-law amendment, then there is a beautiful road built going to nowhere. The applicant must have felt that conditions were attainable otherwise he wouldn't have built the road.

Lindsay Mills read a letter from a neighbour, Matt Rainey, who said that this is a shallow water development and setbacks must be respected.

Councillor Vandewal said this was discussed at the Committee of Adjustment meeting where concern was expressed regarding the creation of the road. The road has been built to specific guidelines. Shallow water development was also addressed and it was determined that this is not a shallow water issue.

Mayor Davison said that the building site may not encroach on the wetland.

Nona Mariotti, Battersea Lake Association has expressed her concerns previously regarding protection of wetlands. She said as stewards of the lake, it is important to be informed about development that will impact wetlands. If Lindsay Mills says Mr. Beach is not infringing on the wetlands, then he deserves an opportunity to speak. She said, we as the public, also deserve a chance to speak. She has not measured the distance of the setback from the wetlands; however, she has walked outside the property boundaries. She said these are designated wetlands, and there are strict guidelines on where you are allowed to build. She said that if Mr. Beach needs these 3 lots, maybe he will have to go to the other side to have a look. She reiterated we have to be stewards of the lake and ensure people

follow the guidelines. She said if Lindsay Mills says it is okay, then we need to see what is the next step.

Gary Beach addressed Council. He said we did a fine job regarding creating the access. The Cataraqui Conservation Authority said it was poor drainage and that it was fine to develop as long as he was 15 metres back which is the required setback. He said the minimum setback for a home is 40 metres from the lake for the septic system. He said if there are new standards, he has not seen them yet. He is trying to ensure they do not negatively impact the lake.

Jeff Peters said that research shows that any septic system that is less than 300 metres from a lake will have a negative impact on a lake. He said statistics show that 8 kilograms of phosphorous per person gets into the lake through septic systems.

Jeff Peters also noted that you don't need a permit to build a road and building a road before approval is provided is like putting the cart before the horse. He wonders why the huge hurry. He said sooner or later someone will be "burned" if their lots do not meet the conditions of the Official Plan. He said that roads built too close to lakes are not good for lakes.

Lindsay Mills noted that our Official Plan states 30 metres minimum.

Jeff Peters asked if you can build a road next to a wetland.

Lindsay Mills said this road is built according to the specifications of the Official Plan and will not impact the lake. He said there is a rise of land along one side of the road and a great distance on the other side from any wetland so there will be no effect from the road.

Resolution No. 2012-36-03

Moved by Councillor Vandewal Seconded by Councillor Robinson

THAT an opportunity having been provided to discuss planning matters, that the public meeting be closed.

Carried.

6. Approval of Minutes

Resolution No. 2012-36-04

Moved by Councillor Tinlin

Seconded Councillor Vandewal

THAT Council approve the following minutes:

- **Minutes of the October 9th, 2012 Committee of the Whole meeting**
- **Minutes of the October 16th, 2012 Council meeting**
- **Minutes of the October 23rd, 2012 Committee of the Whole meeting**

Carried.

7. Business Arising from the Minutes - nil

8. Reports Requiring Action

(a) Accounts

Resolution No. 2012-36-05

Moved by Councillor McPhail

Seconded by Councillor Tinlin

THAT Council receive for information the listing of the Accounts Payable and Payroll dated November 6th, 2012 in the amount of \$854,614.51.

Carried.

- (b) Report from Lindsay Mills, Planner re: Assumption of Road in Silverbrook Estates Subdivision Plan 13M-42, Loughborough District, Township of South Frontenac, (See By-law No. 65)**
- (c) Report from Anne Levac, Assistant Planner, re: Crossing of Unopened Road Allowance between Lots 6 and 7, Concession 14, District of Loughborough, (See By-law No. 66)**
- (d) Report from Mark Segsworth, Public Works Manager, re: Waste Disposal Site Operation Review Recommendations**

Resolution No. 2012-36-06

Moved by Councillor McPhail Seconded by Councillor Tinlin

THAT Council adopt the seven (7) recommendations in principle of the Public Services Committee as discussed at the Committee of the Whole meeting on October 30, 2012 and presented in the report dated November 6, 2012,

AND THAT a site be open for four hours on Sunday during the summer with no total increase in hours, June to Labour Day.

	YES	NO	ABSTAIN
J. McDougall	✓		
A. McPhail	✓		
C. Naish	✓		
B. Robinson		✓	
D. Stowe	✓		
M. Tinlin	✓		
R. Vandewal	✓		
L. York	✓		
G. Davison	✓		

Carried.

- (e) Report from Mark Segsworth, Public Works Manager, re: Extended Hours of Operation for Household Hazardous Waste Depot**

Resolution No. 2012-36-07

Moved by Councillor McPhail Seconded by Councillor Tinlin

THAT Council accept the proposal of Brendar Environmental to provide Household Hazardous Waste Depot services for the period November 1 to March 31 on the second and fourth Thursday of the month at the current rate of \$565 per event, plus all applicable taxes;

AND THAT this period of collection be evaluated and reported to Council.

Carried.

- (f) Report from Mark Segsworth, Public Works Manager, re: RFP #P06-2012 Engineering Services for Bedford Patrol Yard Improvements**

Resolution No. 2012-36-08

Moved by Councillor Tinlin

Seconded by Councillor McPhail

THAT Council approve the submission of Asterisk Engineering Corporation for RFP #P06-2012 Engineering Services for Bedford Patrol Yard Improvements, for a total of \$71,896.25, including taxes.

Carried.

- (g) Report from Wayne Orr, Chief Administrative Officer, re: Electoral Boundaries Reform**

Resolution No. 2012-36-09

Moved by Councillor Tinlin

Seconded by Councillor McPhail

THAT Council support County of Frontenac Resolution 284-12.

Carried.

- (h) Report from Wayne Orr, Chief Administrative Officer, re: Advances for Councillors**

Resolution No. 2012-36-10

Moved by Councillor Vandewal

Seconded by Councillor Robinson

THAT Council adopt the recommendation from the Corporate Services Committee and no longer permit cash advances against either a Councillor's per diem or honorarium entitlement.

Carried.

9. Committee Meeting Minutes

Resolution No. 2012-36-11

Moved by Councillor Naish

Seconded by Deputy Mayor McDougall

THAT Council approve the following committee minutes:

- **South Frontenac Portland Recreation Committee Minutes, April 30th, 2012**
- **South Frontenac Portland Recreation Committee Minutes, May 28th, 2012**
- **Public Services Committee Minutes, September 18th, 2012**
- **South Frontenac Portland Recreation Committee Minutes, September 24th, 2012**
- **Storrington District Recreation Committee Minutes, September 24th, 2012.**

Carried.

10. By-laws

(a) Resolution No. 2012-36-12

Moved by Deputy Mayor McDougall

Seconded by Councillor Naish

THAT By-law 2012-64, being a by-law to amend By-law Number 2003-75, as amended, to rezone lands from Rural Zone (RU) to Limited Service Residential Zone (RLS); Part Lot 24, Concession IV, District of Storrington: 1073650 Ontario Inc. Beach be given a first and second reading this 6th day of November 2012.

Carried.

Resolution No. 2012-36-13

Moved by Councillor Naish

Seconded by Deputy Mayor McDougall

THAT By-law No. 2012-64, being a by-law to amend By-law Number 2003-75, as amended, to rezone lands from Rural Zone (RU) to Limited Service Residential Zone (RLS); Part Lot 24, Concession IV, District of Storrington: 1073650 Ontario Inc. Beach be given a third and final reading this 6th day of November 2012.

Carried.

- (b) Resolution No. 2012-36-14
Moved by Deputy Mayor McDougall Seconded by Councillor Naish**

THAT By-law 2012-65, being a by-law to assume the public works in the Silverbrook Estates Subdivision; Plan 13M-42 and to transfer ownership of Lot #1 in Plan 13M-42 from the Township of South Frontenac to Silverbrook Estates Inc. be given a first and second reading this 6th day of November 2012.

Carried.

- Resolution No. 2012-36-15
Moved by Councillor Naish Seconded by Deputy Mayor McDougall**

THAT By-law 2012-65, being a by-law to assume the public works in the Silverbrook Estates Subdivision; Plan 13M-42 and to transfer ownership of Lot #1 in Plan 13M-42 from the Township of South Frontenac to Silverbrook Estates Inc. be given a third and final reading this 6th day of November 2012.

Carried.

- (c) Resolution No. 2012-36-16
Moved by Councillor York Seconded by Councillor Stowe**

THAT By-law No. 2012-66, being a by-law to permit use of Unopened Road Allowance between Lot 6 and 7, Concession 14, District of Loughborough be given a first and second reading this 6th day of November 2012.

Carried.

- Resolution No. 2012-36-17
Moved by Councillor Stowe Seconded by Councillor York**

THAT By-law No. 2012-66, being a by-law to permit use of Unopened Road Allowance between Lot 6 and 7, Concession 14, District of Loughborough be given a third and final reading this 6th day of November 2012.

Carried.

11. Reports for Information

- (a) Report from Wayne Orr, Chief Administrative Officer, re 2013 Capital Budget compared to 2012**
- (b) Report from Wayne Orr, Chief Administrative Officer, re: 2013 Capital Budget – Fire Vehicle Replacement Plan**
- (c) Reserve Policy and Definitions**

12. Information Items

- (a) Letter from Kathy Thomas, October 27, 2012 re Day Farm**
- (b) Letter from Fred Zettler, October 29, 2012 re Day Farm Illegal Activity**
- (c) Letter from Roxanne Wright, October 30, 2012 re Bill Day**

13. New Business

- (a) **Councillor McPhail said that he feels that further discussion should occur regarding crossing unopened road allowances. A proper procedure needs to be established. Wayne Orr said that this will be included on the Committee of the Whole Agenda for the meeting on November 27th which will have a planning focus.**
- (b) **In conversation with the City, the CAO updated the City on work being done by the Township Public Works Managers as it relates to the potential for a Frontenac Corridor.**

14. Closed Session

Resolution No.: 2012-36-18

Moved by Councillor Naish

Seconded by Deputy Mayor McDougall

THAT an In-Camera meeting be held for personal matters about an identifiable individual.

Carried.

Resolution No.: 2012-36-19

Moved by Deputy Mayor McDougall

Seconded by Councillor Naish

THAT the meeting move out of In-Camera and return to Open Session.

Carried.

15. Confirmatory By-law

Resolution No: 2012-36-20

Moved by Councillor York

Seconded by Councillor Stowe

THAT By-law 2012-67, being a by-law to confirm generally previous actions of the Council of the Township of South Frontenac, be given first and second reading this 6th day of November 2012.

Carried.

Resolution No: 2012-36-21

Moved by Councillor Stowe

Seconded by Councillor Naish

THAT By-law 2012-67, being a by-law to confirm generally previous actions of the Council of the Township of South Frontenac, be given a third and final reading this 6th day of November 2012.

Carried.

16. Adjournment

Resolution No. 2012-36-22

Moved by Councillor Stowe


Seconded by Councillor York

THAT the Council meeting of November 6th, 2012 be adjourned at 9:07 p.m.

Carried.



Mayor



Clerk-Administrator