

Minutes of Council  
December, 1, 2020

Time: 7:00 PM

Location: Electronic Participation



## Meeting # 33

### Council Members

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

**Present Via Electronic Participation:** Pat Barr, Doug Morey

**Staff Present in Council Chambers:** Claire Dodds - Director of Development Services/Acting CAO, Angela Maddocks - Clerk, Louise Fragnito - Director of Corporate Services & Treasurer, Darcy Knott - Director of Fire and Emergency Services, Mark Segsworth - Director of Public Services, Christie Woods - Senior Planner, Anna Geladi - Planner

1. Call to Order and Roll Call
- a) Resolution

The Clerk conducted the roll call as outlined in the attendance below.

Resolution No. 2020-33-01

Moved by Councillor Morey

Seconded by Councillor Ruttan

That the Council meeting of December 1, 2020 be called to order at 7:00 p.m.

Carried

2. Declaration of Office - Deputy Mayor
- a) Councillor Leonard took the "Declaration of Office" to commence his term as Deputy Mayor from December 1, 2020 to May 31, 2021.
3. Declaration of pecuniary interest and the general nature thereof
- a) There were no declarations reported.
4. Approval of Agenda
- a) Resolution

Resolution No. 2020-33-02

Moved by Councillor Sutherland

Seconded by Councillor Barr

That the agenda for the December 1, 2020 Council meeting be approved.

Carried

5. Scheduled Closed Session - not applicable
6. \*\*\*Recess\*\*\* - not applicable
7. Delegations - not applicable

8. Public Meeting
  - a) Resolution - Open Public Meeting and Statement

Resolution No. 2020-33-03

Moved by Councillor Roberts

Seconded by Deputy Mayor Leonard

That a public meeting be held to allow for input into applications for Zoning By-law Amendments, file #'s Z-20-09, Z-20-10 and Z-20-12.

Carried

- b) Z-20-09 - Con 11, Part Lot 7, Portland District - Rezone from (RU) Rural to (RLSW) Limited Services Residential - Waterfront - Silver Rock Lane

Anna Geladi presented the report regarding this application noting that this a condition of consent application S-29-20-P to create a waterfront residential lot on Silver Rock Lane, with provisional approval granted subject to conditions on November 6, 2020. One of these conditions included the requirement for the severed parcel be rezoned from Rural (RU) zone to Limited Service Residential – Waterfront (RLSW) zone to recognize this new waterfront lot is accessed via a private lane.

The intent of the Limited Service Residential Waterfront Zone is to recognize residential development on private lanes. In a Limited Service Residential Waterfront Zone, the RLSW zoning states that there is no commitment or requirement by the municipality to assume responsibility for ownership or maintenance of any private lane. Due to road condition of privately maintained roads, there is no commitment or requirement by the municipality to ensure that emergency vehicles are able to access privately owned roads.

Quinte Conservation and KFL&A Public Health confirmed that they did not need to be circulated the rezoning application as they were circulated on the consent application. These agencies had no objections to the approval of the consent application that resulted in the creation of the subject property. At the time of writing, no formal comments have been received from the public. The intent of the public meeting is to receive comments from the public.

Ms. Geladi noted that this proposal is consistent with this direction of the Provincial Policy Statement, the direction of the County Official Plan. With respect to the Township Official Plan, it was noted that little Mud Lake contains a large, unevaluated wetland. A preliminary Environmental Impact Assessment (section 5.2.11) was not required by Township Staff, in consultation with Quinte Conservation Staff, since there is a building envelope on the severed parcel beyond the required minimum 30 metre setback from the high water mark of Little Mud Lake and the wetland. The provisional approval of the consent application requires a development agreement to be registered on title. The development agreement will include provisions about maintaining a vegetative buffer from the wetland and implementing best management practices during construction. Ontario Regulation 319/09, Quinte Conservation's regulation on development, interference with wetlands, and alterations to shorelines and watercourses, also includes requirements that can ensure that the lands within 30 metres of the wetland are conserved.

She further noted that upon review of this re-zoning application, it was noted by staff that the retained parcel is also zoned Rural and relies on access via a private lane (Silver Rock Lane) as it is separated by an unopened road allowance from the travelled portion of Hinchinbrooke Road North. The retained parcel is currently developed with a single detached dwelling and associated septic system. This development occurred prior to the passing of our current Township Zoning By-law. For the same reasons that Staff recommend the severed parcel be re-zoned, it is recommended that Council

use their authority under section 34(17) of the Planning Act to extend the RLSW zoning to the retained parcel without need for further public circulation.

There were no comments from Council or the public.

- c) Z-20-10 - Con 2 Part of Lot 4, Loughborough District - Rezone from (RU) Rural to (RU-60) Rural - Special Provision - 3708 Stage Coach Rd.

Anna Geladi provided an overview of this application noting that the subject property (municipally known as 3708 Stage Coach Road) is subject to consent application S-28-20-L to create one new residential parcel. Provisional approval of this application was granted subject to conditions on October 30, 2020 and a condition of the provisional approval requires the subject lands (severed parcel) to be rezoned to a site-specific zone that will require a dwelling to be set back a minimum 112 metres (367 feet) from the barn at 3654 Stage Coach Road. The subject lands (severed parcel) is bordered by the proposed retained lot (municipally known as 3708 Stage Coach Road) to the north and east, a neighbouring lot to the south, and Stage Coach Road to the west. As part of the consent review, staff calculated Minimum Distance Separation (MDS I) setbacks for neighbouring livestock barns. There are two barns located at 3654 Stage Coach Road. Staff calculated MDS I Setbacks using the closest location of the barns and a total capacity of both barns to house 12 horses. The required separation distance is 112 metres (367 feet) between the proposed residential lot and the closest barn at 3654 Stage Coach Road. The actual separation distance is only 92 metres (302 feet). Staff reviewed the size of the severed parcel and determined that there is a 0.5 hectare building envelope that can be accommodated outside of the required 112 metre (367 feet) separation distance which complies with the MDS guidelines.

A site-specific Rural zone is required to ensure that any dwelling will be set back a minimum of 112 metres (367 feet) from the closest barn at 3654 Stage Coach Road. KFL&A Public Health had no objection to the approval of Consent Application S-28-20-L. The rezoning application was not circulated to Public Health given its scope.

She noted that a public comment was received on the consent application with respect to MDS I calculations. The owners of 3654 Stage Coach Road had concerns about how MDS would be calculated for their property and the impact it would have on their ability to expand. The comment was resolved prior to the provisional approval of the consent, and through the condition requiring the severed parcel (subject lands) to be rezoned to ensure a new dwelling on the severed lot would be constructed at a minimum setback of 112 metres (367 feet) from the closest barn on 3654 Stage Coach Road. At the time of writing, no comments on the rezoning application have been received from the public.

KFL&A Public Health had no objection to the approval of Consent Application S-28-20-L. The rezoning application was not circulated to Public Health given its scope. The proposed development is consistent with these directions of the PPS. The proposed development is consistent with the direction of the County Official Plan and is consistent with policies that apply to new lot creation and non-farm development near livestock facilities under the Townships Official Plan.

Councillor Sutherland sought clarity on the MDS calculations, specifically constraints on the farm expansion.

Anna Geladi explained that MDS 1 applies when new lots are created. Currently the existing farm houses 6 horses the capacity of the barn allows for 12, any expansion would be subject to MDS 2 that would be considered at the time of expansion of existing barns.

Mayor Vandewal asked if MDS for horses is different than for cows. Anna Geladi explained that the calculation is based on nutrient units which is calculated differently for each type of animal.

Councillor Revill noted that the calculation is different for horses, cows and pigs.

Deputy Mayor Leonard asked for clarity, if the current horse farmer were to sell the farm to a dairy or a beef farmer they would be limited. Ms. Geladi explained that the calculation would be based on MDS 2 guidelines as the lot has already been created.

There were no comments from the public.

- d) Z-20-12 - Rezone from (RW) Waterfront Residential to (RLSW-127) Limited Service Residential - Waterfront - 1012 Hill Lane (Loughborough District)

Christine Woods provided an overview of this application. The subject property is a 5156 square metre (1.3 acre) lot of record that is part of a 1968 plan of subdivision. The property has frontage on Eel Bay of Sydenham Lake. This portion of the bay is a provincially significant wetland. The property abuts an unopened road allowance. This road allowance contains Hill Lane, which is a private lane. The property does not appear to have legal access over the road allowance to the lane. The subject property is located on a peninsula that consists of a high, steep bedrock outcrop. The peninsula is 65 metres wide at the widest spot. The perimeter of the peninsula is tree covered. A cleared plateau at the top of the outcrop is approximately 5 metres above Sydenham Lake. There is little to no soil on the plateau.

There is an existing gazebo and deck at the southwest end of the property, at the top of bank, approximately 10.5 metres from the highwater mark. The Owner proposes to construct a 187.6 square metre (2019 square foot) dwelling with a loft and an attached garage. A sewage system with Level IV treatment would be installed south of the dwelling. Ms Woods further explained that the Owner has requested a zoning by-law amendment to change the zoning on the subject property to Limited Service Residential – Waterfront (RLSW) which is a zone that is applicable to properties that have frontage on a private lane and/or a navigable waterway (e.g. water access only). The special provision (RLSW-127) is required to permit the proposed development with variations from the standard RLSW zone provisions as well as general provisions. The proposed development requires variations from the front yard depth and setbacks from the high water mark and floodline provisions of the RLSW zone, and from the setback from the top of bank. The application also requested that the amendment recognize the existing undersized lot area and reduced frontage of the property, as well as recognize the location and setbacks of the existing gazebo and deck.

An Environmental Impact Assessment (Ecological Services, July 27, 2020) was submitted in support of the rezoning application and it identified that the subject lands contain significant wildlife habitat and are within the 120 metre adjacent lands to a provincially significant wetland and to fish habitat. The report demonstrated that the proposed development would have no negative impacts on the features nor on their ecological functions subject to several mitigation measures.

Comments from the Cataraqui Conservation Authority have not been received to date. KFL&A Public Health indicated on November 16, 2020, that it has no objections to the proposed zoning by-law amendment following receipt of additional information on the sewage system design. With respect to the Provincial Policy Statement, the EIA demonstrated that the proposed development would have no negative impacts on the features nor on their

ecological functions subject to mitigation measures. The proposed development is consistent with these directions of the PPS

The proposed development is consistent with these directions of the County Official Plan which requires development and site alteration to generally be directed to areas that are not impacted by flooding and erosion hazards. The Township consults with Cataraqui Conservation on matters of natural hazards. Cataraqui Conservation has yet to provide comment on this application.

This zoning by-law amendment as it relates to the dwelling and sewage system would be consistent with the Township's Official Plan policies on environmentally sensitive areas. The existing gazebo and deck are located at the top of bank of a high, steep slope (i.e. zero metre setback from top of bank), and therefore may be on lands that are subject to shoreline erosion hazards. The request to recognize the location and setbacks of the existing gazebo and deck should be revisited following receipt of comments from Cataraqui Conservation.

A site plan agreement is required to ensure that the environmental policies of the Township are addressed to the satisfaction of Council, as the *Planning Act* does not permit conditions to be attached to a decision on a zoning by-law amendment application. This agreement is also required to implement the recommendations of the EIA.

Ms. Woods noted that there is a property access issue, the property abuts an unopened road allowance. It does not have frontage on a private lane or assumed public road. With the proper zoning in place, the Owner would still need to address the Zoning By-law provisions regarding access to a property before a building permit could be issued (section 5.25.3). The Zoning By-law suggests that this should be accomplished by the Owner entering into a license agreement with the Township for use of the unopened road allowance.

Another option that could be considered to provide more permanent access is for Council to consider selling a portion of the road allowance to the Owner to provide clear access and frontage on Hill Lane. This arrangement would be a more permanent solution to access than a license agreement as a license agreement is not transferrable to a new purchaser. A challenge that would need to be considered and addressed if Council considered transferring the road allowance is that there are existing buildings on neighbouring properties which appear to be encroaching on the road allowance.

There are several items that require further review and consideration before Council is asked to pass a by-law to change the zone on the subject property from RW to RLSW-127.

Councillor Sutherland understood the recommendation for deferral, but with the relocation of the road allowance he asked if there was actual an road allowance on the bay. Public access to Eel Bay should be considered. He questioned the lot coverage calculation. He questioned the turtle exclusion fencing and if there were permits issued for the gazebo and deck as they both lie within 10 metres of a provincially significant wetland and suggested that they should be removed as a condition.

Ms. Woods indicated that the exact location of the road allowance would need to be determined through a survey. The lot coverage calculation was completed and she confirmed that it is less than 5%. The turtle nesting occurs on the slope and on the plateau and the purpose of the fencing is to keep the turtles from nesting during the construction period and could be removed afterwards. There is no evidence of a building permit being obtained for the existing structures on the property.

Mayor Vandewal was not in support of issuing a licensing agreement for access. He felt it should be dealt with by closing the road allowance.

Tess Gilchrist, agent for the owner from IBI Group indicated that they are happy to work with Council and staff to resolve the concerns raised. With respect to access, at the time these parcels were created through the plan of subdivision, the parcel that is now owned by the township (in the centre) provides access to Hill Lane was always intended to provide access to this parcel it was simply that this property was not developed at that time and therefore was not extended to this parcel. She noted that they will be interested in discussing and addressing the mitigation measures raised in the EIA and await the comments from the Conservation Authority.

Councillor Morey noted there is not very much soil on the top of this property and it appears like there has been tree removal and he questioned how the tertiary septic system would be placed at the top of this hill along with a leaching bed in such a small area.

Ms. Woods indicated that the sewage system would be located to the south where there is room and that the system will be designed by an engineer who specializes in sewage systems. The system will have a Level 4 system that ensures water quality is being met.

Joanne Saunders (attending virtually) had no objection to the property being developed but as an adjacent property owner she agreed that the lane was always intended to be there. The mapping would need to be changed to more accurately reflect her lot line.

e) Resolution - Close Public Meeting

Resolution No. 2020-33-04

Moved by Councillor Revill

Seconded by Councillor Sutherland

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

Carried

9. Approval of Minutes - not applicable

10. Business Arising from the Minutes - not applicable

11. Reports Requiring Action

a) 2020 Private Lane Upgrading Assistance

Resolution No. 2020-33-05

Moved by Councillor Sleeth

Seconded by Councillor Revill

That Council approve payments totaling \$100,083.53 as outlined in the Director of Public Services report dated December 1, 2020 for the 2020 Private Lane Upgrading Assistance Program; and

That the balance of available funds in the amount of \$7181.14 be carried over to the 2021 Private Lane Upgrading Assistance Program.

Carried

b) Capital Budget Re-Allocation

Mayor Vandewal requested a recorded vote on this resolution. (Councillor Barr was not connected via electronic participation at the time the vote was taken).

Councillor Revill, Councillor Ruttan, Councillor Sleeth and Councillor Sutherland voted in favour of the resolution. Deputy Mayor Leonard, Councillor Morey, Councillor Roberts and Mayor Vandewal voted against the resolution. The tie vote resulted in the resolution being lost.

Resolution No. 2020-33-06

Moved by Councillor Revill

Seconded by Councillor Morey

That Council re-allocate \$536,000 of unexpended funds from the Sunbury Village Project (\$140,000), 2020 Hard Surface Preservation (\$116,000), Petworth Culvert Project (\$36,000) and 2019 Contingency funds (\$244,000), to fund 2020 cost overruns for the Green Bay Causeway and North Shore Road projects.

Lost

- c) SP-04-20-S - 1809505 Ontario Limited - Application for Site Plan Control - 3832 Davidson Road

See By-law 2020-70

12. Committee Meeting Minutes

- a) Bellrock Community Hall Committee meeting held October 15, 2020  
b) Police Services Board meeting held October 22, 2020

Councillor Sutherland requested more information on the "e-ticketing" system.

Resolution No. 2020-33-07

Moved by Deputy Mayor Leonard Seconded by Councillor Sleeth

That Council receives for information the minutes of the following committee meetings:

- Police Services Board meeting held October 22, 2020
- Bellrock Community Hall Committee meeting held October 15, 2020.

Carried

13. By-laws

- a) By-law 2020-70 - Site Plan Control Agreement - 3832 Davidson Road

Resolution No. 2020-33-08

Moved by Councillor Ruttan

Seconded by Councillor Revill

That By-law 2020-70 be given first and second reading.

Carried

Resolution No. 2020-33-09

Moved by Councillor Sleeth

Seconded by Councillor Roberts

That By-law 2020-70, being a by-law to authorize the Mayor and the Clerk to execute a site plan agreement between the Corporation of the Township of South Frontenac and 1809505 Ontario Limited, be given third reading, signed and sealed.

Carried

14. Reports for Information

- a) Fire Department Capital Budget

Darcy Knott responded to questions that Council had with regard to vehicle replacement , volunteer recruitment, 1500 vs. 2500 gallon tanker and his rationale for some of the budget items.

b) Fleet Capital Asset Management Plan

15. Information Items

a) Dr. Stefan Pehringer, Austrian Ambassador to Canada, re: Support for Stocksport in South Frontenac

16. Notice of Motions - not applicable

17. Announcements/Statements by Councillors

a) Councillor Sutherland asked the Acting CAO about the availability of mapping that would indicate the existing levels of broadband service. He had recently participated in a webinar offered by ROMA regarding resource for broadband connectivity that he felt was very informative.

Claire Dodds indicated that she would ensure that Mr. Carbone provided an update on this increasingly important initiative.

Councillor Ruttan asked about clarity in the difference between 4G technology and 5G.

b) Councillor Sleeth asked the Director of Public Services about the start time for the Public Services Committee tour on Friday.

c) Mayor Vandewal noted the upcoming Santa Claus Parade in Battersea (not publicly advertised as it's meant mainly for village residents due to pandemic restrictions) and the Parade of Lights drive through at Centennial Park on December 12 starting at 5:30 pm

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

a) Wilma Kenny sought clarity from Darcy Knott about the difference between the 1500 gal and 2500 gal tanker trucks and how many lanes could this tanker access.

Mr. Knott noted that larger apparatuses cannot currently access private lanes whether it be a 1500 gallon or 2500 gallon.

19. Closed Session - not applicable

20. Confirmatory By-law

a) By-law 2020-71

Resolution No. 2020-33-10

Moved by Councillor Roberts

Seconded by Deputy Mayor Leonard

That By-law 2020-71, 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 1 day of December, 2020.

Carried

Resolution No. 2020-33-11

Moved by Councillor Revill

Seconded by Councillor Sutherland

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That By-law 2020-71, being the confirmatory by-law, be given third reading,  
signed and sealed this 1 day of December, 2020.

Carried

21. Adjournment

a) Resolution

Resolution No. 2020-33-12

Moved by Councillor Sutherland

Seconded by Councillor Morey

That the December 1, 2020 Council meeting be adjourned at 8:25 pm.

Carried

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Ron Vandewal , Mayor

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Angela Maddocks, Clerk