

Minutes of Council
March, 3, 2020

Time: 7:00 PM

Location: Council Chambers



Meeting # 6

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

Staff: Neil Carbone - Chief Administrative Officer, Angela Maddocks - Clerk, Claire Dodds - Director of Development Services, Tom Berriault - Chief Building Official

1. Call to Order

a) Resolution

Resolution No. 2020-6-01

Moved by Councillor Sleeth

Seconded by Councillor Morey

That the Council meeting of March 3, 2020 be called to order at 7:00 p.m.

Carried

2. Declaration of pecuniary interest and the general nature thereof

a) Councillor Barr declared a pecuniary interest with respect to Agenda Item 13 a) Accounts Payable and Payroll Listing.

b) Councillor Leonard declared a pecuniary interest with respect to Agenda Item 13 a) Accounts Payable and Payroll Listing.

3. Approval of Agenda

a) Resolution

Resolution No. 2020-6-02

Moved by Councillor Sleeth

Seconded by Councillor Morey

That the agenda for the March 3, 2020 Council meeting be approved as presented.

Carried

4. Scheduled Closed Session - n/a

5. ***Recess*** - not applicable

6. Delegations - not applicable

7. Public Meeting

a) Statement and Resolution

The Clerk provided direction to those in attendance about the process to make written submissions before the by-law is passed, how to request to be added to the notification list and the process to appeal the decision of Council to the Local Planning Appeal Tribunal.

Resolution No. 2020-6-03

Moved by Councillor Morey

Seconded by Councillor Sleeth

That a public meeting be held to provide an opportunity for input on planning matters related to:

- Rezoning Application Z-19/11 - Plan 13M-56, Lots 22- 32, Lyons Landing, Storrington District
- Rezoning Application Z-20/01 - Concession 13, Pt Lot 5, 4462 Wilmer Rd, Loughborough District

Carried

b) Z-19/11-Zoning By-law Amendment for Plan 13M-56 Lots 22-32 - Lyons Landing - (Garrison & Card)

Claire Dodds explained that the developer is requesting the front yard setback be reduced to 10m (33 feet) to allow for the construction of a dwelling and septic system closer to the street than the existing R-10 zoning permits. This change would allow a house to be built on the more level portion of these lots and avoid the need to excavate into the toe of the slope that separates the rear of Lots 22-32 (inclusive) on Kona Crescent from the lots they back onto on Kahala Court. She noted that when the lots were rezoned to R-10 in 2004, the significant topographic constraints on these lots were not considered when the 20m front yard setback was applied to Phase 2 of Lyons Landing Plan of Subdivision. Applying the existing R-10 zone provisions to Lots 22-32 makes these lots significantly more difficult and costly to develop.

The site plan prepared by Josselyn Engineering (dated January 21, 2020) illustrates how the placement of the building envelope including septic and private well will be accommodated relative to the toe of the slope with the reduced 10m front yard setback.

The proposed Residential Special Provision Zone (R-30) will establish a minimum front yard setback of 10m (33 feet). All other setbacks (10m side & rear yard) and frontage (55m) for Lots 22 to 32 (inclusive) will be the same as the distances that apply to lots zoned R-10 on the south of Kona Crescent.

This application is supported by the regulation and guidelines set out in Provincial Policy Statement. The County of Frontenac Official plan and the Township of South Frontenac's Official Plan and Zoning By-law. There were no objections received from agency circulation and no formal comments received from the public at the time the report was prepared.

Deputy Mayor Sutherland wondered about the possibility of communal servicing given the proximity to other development. Claire Dodds noted that communal servicing would be outside the scope of this application as these lots infill this subdivision.

Councillor Sleeth was concerned about run-off due to the reduced setback. Ms. Dodds indicated that the developer is able to demonstrate adequate separation distance.

Councillor Revill asked if the Director had been to the site. Ms. Dodds indicated that she had attended the site and found some variation in topography on these lots but that the drawing provided an accurate portrayal of the toe of the slope.

Mayor Vandewal asked if some of the lots could be built on without the rezoning and Ms. Dodds confirmed that development could occur however the building envelope would not be ideal to have a septic system so close to the

slope at the rear of these lots.

John Williamson, owner of property to the north of Lyons Landing had no objection to the rezoning but wished to note the drainage ditch near the tree line. He was concerned about the lot sizes and run-off. He stated that there are already well problems in the area and the lots to the east will drain to the lake.

Claire Dodds confirmed Mayor Vandewal observation that the lot lines cannot be changed now, the lots exist in an approved subdivision. She noted that the zoning would be approached differently if this was a brand new application, however this scenario provides minimal impact.

John Mills, 1068 Kona Crescent noted that he understand the reason for the rezoning and the financial aspect of developing the lots and the need to limit blasting. It makes sense to build on a flatter surface. He moved to the area in December 2019 and likes the rural setting. While he felt it should have been considered back in 2004, in order to maintain the rural character he suggested a visual buffer (trees) be required between Kona and Kahala. He felt that the reduced setback will result in two storey dwellings being constructed on these lots and expressed concern about light pollution.

Don Lawrence, living on Kam Avenue, was concerned about adequate parking with the reduced front yard setback. He felt it was typical in rural areas to have "toys" and there is a need to ensure there is parking space available for other types of vehicles.

Michael Lessard, 1029 Kam Avenue, noted that his own house is setback farther and he wants to make sure the rural character is maintained. He felt the reduced setback would necessitate 2 storey homes which he felt are not rural. He expressed concern about run off between the ditches and septic. He noted that the developer has already drilled wells on most of these lots. He wondered about the drainage of the lots on the southeast part as they are close to the lake and there is an existing drop off.

Claire Dodds noted that the lots on the east side of Kona Crescent encroached within the 120 metre buffer. of the provincially significant wetland. She explained that this change to the front yard moves the building envelope a little further away from the wetland.

Councillor Ruttan asked for clarity as he felt these lots were being developed this way to be more feasible and cheaper for the developer. Ms. Dodds explained that it is not the township's role to assess the costs to the developer, but to evaluate the proposal put forward based on good planning principles. The 10 metres gives a viable building envelope and consideration to the overall impact on existing lots.

Councillor Ruttan asked about the run off concerns and if there is a drainage plan. He asked if neighbours would be able to comment at the building permit application stage. Claire Dodds explained that building permit applications are not subject to public comment and are not required to be circulated. There is nothing that prohibits a two storey dwelling currently, and the septic grading will be addressed at the time the building permit is applied for.

Mayor Vandewal agreed that this approach has the least amount of impact; there will not be any blasting required.

Councillor Sleeth asked if any of the lots could accommodate the house to be constructed further back.

Claire Dodds suggested that more analysis of the lots could be required and that the feedback from the public comments will be considered. There is still a

need to meet side lot setbacks. She indicated that she can't speak to why this was not asked for in 2004 but is looking for a workable solution at this time to facilitate these lots to be built on.

- c) Z-20/01- Zoning By-law Amendment for Concession 13, Lot 5 - 4462 Wilmer Rd (McGibbon)

Claire Dodds explained that the property at 4462 Wilmer Road is currently zoned Rural – Special Provisions (RU-42), this zoning was put in place in 2010 to permit a second residential unit in an accessory building for a temporary period of 3 years. The owners would like to continue to keep the existing second residential unit on the property and have now submitted an application requesting the zoning change on the property from the existing Rural – Temporary Zone (RU-42) to a new Rural – Special Provision zone (RU-58) to allow them to permanently keep this second residential unit on the property. The property is a 17 acre rural residential property that includes a single detached dwelling, barn, shed and garage. The second residential dwelling is located within the existing garage on the property and shares water, hydro and septic services with the primary residential unit and is accessed with the same driveway as the existing single detached dwelling on the property. Ms. Dodds spoke to the changes the Province made in 2016 to the Planning Act to allow second units in designations or zones that permit detached, semi-detached or row houses, as well as in accessory structures provided there is not already a second unit in the primary dwelling. South Frontenac will be establishing a policy to permit second units in both the Official Plan Update and Zoning By-law but presently this is the process in place to address the secondary unit. There were no objections to this application from either KFL& A Public Health or CRCA.

Mayor Vandewal noted his concern about trying to separate the two units in the future.

Claire Dodds indicated in this scenario the second unit shared the same driveway, septic systems and well and the buildings are clustered together. This layout is unlikely to put future pressure for a consent to separate the 2 units.

There were no comments from the public.

- d) Resolution

Resolution No. 2020-6-04

Moved by Councillor Morey

Seconded by Councillor Sleeth

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

Carried

8. Approval of Minutes

- a) February 18, 2020 Council Meeting

Resolution No. 2020-6-05

Moved by Deputy Mayor Sutherland

Seconded by Councillor Barr

That the minutes of the February 18, 2020 Council meeting be approved.

Carried

9. Business Arising from the Minutes

- a) Notice of Motion - Ontario Building Code - Part 8 - In-house Capacity

Resolution No. 2020-6-06

Moved by Deputy Mayor Sutherland

Seconded by Councillor Barr

Whereas KFL & A Public Health have provided notification of their intent to terminate the agreement to carry out the municipality's responsibility for sewage systems under the Ontario Building Code Act and attendant regulations effective January 1, 2021;

And whereas the Township of South Frontenac recognizes the importance of protecting the environment and the installation and monitoring of septic systems;

And whereas the Township of South Frontenac recognizes the requirement to provide this service;

And whereas the overarching priorities in the Township's Strategic Plan include 1) Promote and support growth that meets the community's needs while maintaining the integrity of the natural environment; 2) Ensure the organizational capacity to deliver cost-effective services in a changing world; and, 3) Position South Frontenac as a regional leader;

Be it resolved that the Council of the Township of South Frontenac request that staff provide a report that considers the Township's capacity to administer Part 8 of the Building Code (septic inspections) in-house, with consideration for associated costs, including training, physical space, data from KFL&A Public Health and other implications.

Carried

10. Reports Requiring Action

a) Assumption of Road Widening

See By-law 2020-10

b) Development Services - Land Management Software

Resolution No. 2020-6-07

Moved by Councillor Barr

Seconded by Deputy Mayor Sutherland

That Council award the contract for the Municipal Land Management Software to Harris/CityView in the amount of \$216,377 exclusive of HST.

That Council approve the updated project budget for 2020/21.

And that the 2020 Township portion of the project be funded from the Building Reserve in the amount of \$31,354 and from the Working Funds Reserve (Modernization Grant) in the amount of \$47,257.

Carried

c) Rural Economic Development Fund - RED5-09115

See By-law 2020-11

11. Committee Meeting Minutes

a) Public Services Committee meeting held January 16, 2020

Resolution No. 2020-6-08

Moved by Councillor Barr
Seconded by Deputy Mayor Sutherland
That Council receives for information the minutes of the January 16, 2020 Public Services Committee meeting.

Carried

12. By-laws

a) By-law 2020-10 - Assumption of Road Widening

Resolution No. 2020-6-09

Moved by Councillor Leonard

Seconded by Councillor Roberts

That the following by-laws be given first and second reading:

- By-law 2020-10
- By-law 2020-11

Carried

Resolution No. 2020-6-10

Moved by Councillor Roberts

Seconded by Councillor Leonard

That By-law 2020-10, being a by-law to assume as common and public highway certain lands in the Township of South Frontenac, pursuant to Section 31 (6) of the Municipal Act, 2001, be given third reading, signed and sealed.

Carried

b) By-law 2020-11 - RED Funding Agreement

Resolution No. 2020-6-11

Moved by Councillor Leonard

Seconded by Councillor Roberts

That By-law 2020-11, being a by-law to authorize the execution of an agreement with Her Majesty the Queen in Right of the Province of Ontario, as represented by the Minister of Agriculture, Food and Rural Affairs under the Rural Economic Development (RED) program - "Open for Business South Frontenac: Streamlining Development Approvals for Rural Economic Growth", be given third reading signed and sealed.

Carried

13. Reports for Information

a) Accounts Payable and Payroll Listing

14. Information Items

a) Proposed Regulatory Changes under the Aggregate Resources Act

b) Letter of Thanks from Duncan Sinclair

c) Honourable Steve Clark, Minister of Municipal Affairs and Housing, re: Provincial Policy Statement 2020

Claire Dodds indicated that she is reviewing the changes and will bring a report back to Council on the highlights and changes to the PPS.

15. Notice of Motions

a) While not a formal notice of motion, Deputy Mayor Sutherland asked that cautionary signage regarding handwashing and coughing be posted at municipal buildings in light of the corona virus concerns. Staff will reach out to

the local health unit for some public information material.

16. Announcements/Statements by Councillors

- a) Neil Carbone commended Claire Dodds and Tom Berriault and all the Development Services staff for their patience during their departmental transitions that include remodeling and re-configuring work spaces while handling day to day operations and assessing candidates for new positions.
- b) Deputy Mayor Sutherland voiced his concern about a property owner on Sydenham Lake who has clear cut all trees on their lot with no consideration to protecting the shoreline. He encouraged staff and fellow Council members to take a look as it is visible from the Cataraqui Trail and The Point.

17. Question of Clarity (from the public on outcome of agenda items) - not applicable

18. Closed Session

- a) As permitted by the Municipal Act, Section 239.2 (b) personal matters about an identifiable individual, including municipal or local board employees and (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board and to approve minutes of the February 28, 2020 closed session.

Resolution No. 2020-6-12

Moved by Councillor Roberts

Seconded by Councillor Leonard

That Council move into closed session as permitted by the Municipal Act, Section 239.2 (b) and (k) and to approve the minutes of the February 18, 2020 Closed Session.

Carried

- b) Minutes of February 18, 2020 Closed Session

- c) Verbal Report - Identifiable Individual

- d) Verbal Report - Contract Negotiation

- e) Resolution - Move out of Closed Session

Resolution No. 2020-6-14

Moved by Councillor Ruttan

Seconded by Councillor Revill

That Council move out of closed session.

Carried

19. Confirmatory By-law

- a) By-law 2020-12

Resolution No. 2020-6-15

Moved by Councillor Revill

Seconded by Councillor Ruttan

That By-law 2020-12, 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 3 day of March, 2020.

Carried

Resolution No. 2020-6-16

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Moved by Councillor Ruttan
Seconded by Councillor Revill

That By-law 2020-12, being a by-law to confirm generally previous actions of the Council of the Township of South Frontenac, be given third reading, signed and sealed this 3rd day of March 2020.

Carried

20. Adjournment

a) Resolution

Resolution No. 2020-6-17

Moved by Councillor Revill

Seconded by Councillor Ruttan

That the Council meeting of March 3, 2020 be adjourned at 8:26 p.m.

Carried

Ron Vandewal, Mayor

Angela Maddocks, Clerk