

Minutes of Council
July, 13, 2021

Time: 7:00 PM

Location: Electronic Participation/Council Chambers



Meeting # 25

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

Staff Present in Council Chambers: Neil Carbone - Chief Administrative Officer, Angela Maddocks - Clerk, Claire Dodds - Director of Development Services, Troy Dunlop - Manager of Technical Services and Infrastructure, Darcy Knott - Director of Fire and Emergency Services, Christie Woods - Senior Planner, Jamie Brash - Manager of Facilities and Solid Waste (joined virtually at 8:00 pm)

1. Call to Order and Roll Call

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

Resolution No. 2021-25-01

Moved by Councillor Sleeth

Seconded by Councillor Morey

That the Council meeting of July 13, 2021 be called to order at 7:10 p.m.

Carried

2. Declaration of pecuniary interest and the general nature thereof

- a) Councillor Sleeth declared a pecuniary interest with respect to agenda items 9 e) and 10 c).

3. Approval of Agenda

- a) Resolution

Resolution No. 2021-25-02

Moved by Councillor Revill

Seconded by Councillor Sutherland

That the agenda for the July 13, 2021 Council meeting be approved reflecting the suspension of the Procedural By-law rules to allow delegations to be heard prior to the public meeting.

Carried

4. Scheduled Closed Session - not applicable

5. Delegations

- a) Southern Frontenac Community Services Corporation - Future Plans to continue supporting residents of South Frontenac/Funding Request
 - David Townsend - Executive Director
 - Laura Fitzgerald - Fund Development & Communications Coordinator
 - Duncan Sinclair - Board Member

The presentation included details on the many services offered by Southern Frontenac Community Services. They continue to be challenged for adequate office space despite applying for capital funding to expand their existing facility. The increasing demands for support and the population growth estimated until 2036 indicate a continued need for all programs as seniors prefer to age at home with flexible health and personal care options. A review of their plans to expand and enhance their building includes a \$1.5 million fundraising goal. They noted that for a capital construction project, securing government grants and funding opportunities are harder to come by. They will be reaching out to the township and to the community, the people who care about our community for contributions and support.

Mr. Townsend indicated that they will be coming back to Council to further discuss their capital funding project that will include projections for future operational funding.

Mayor Vandewal thanked all the SFCS staff and board members for their presentation.

6. Public Meeting

a) Resolution and Public Meeting Statement

The Clerk provided direction on how to make oral or written submissions on the Zoning By-law Amendment being heard, how to request notification of the decision and the process to appeal the decision of Council and the manner in which to file the appeal.

Resolution No. 2021-25-03

Moved by Councillor Sutherland

Seconded by Deputy Mayor Barr

That a public meeting be held to allow for comments and input into planning matters related to Zoning By-law Amendment Z-21-10 in Concession 9, Part Lot 20, Storrington District.

Carried

b) Z-21-10 - Zoning By-law Amendment for Concession 9, Part Lot 20, Christel Lane (2290998 Ontario Inc)

Christine Woods, Senior Planner reviewed the rezoning application noting that the subject property is located at the end of Christel Lane, off Osborne Lane, which is off Burnt Hills Road. The property has water frontage on Dog Lake. The north end of the property consists of forested rock outcrops and an open field. The south end of the property consists of a high, bedrock plateau that is surrounded on three sides by the lake. The surrounding properties are developed with seasonal dwellings. The subject lands are subject to consent application S-02-20-S to create one residential lot. Provisional approval of the consent application was granted subject to conditions by the Director of Development Services on May 17, 2021 as this consent application met the criteria of an undisputed consent based on Delegation By-law 2020-27. Condition 16 requires the severed parcel and the retained parcel to be rezoned. The new zoning would bring the parcels into conformity with the Zoning By-law.

The new residential lot (severed parcel) consists of approximately 1.2 hectares (3 acres) of land with 76 metres of frontage along Christel Lane and 134 metres of water frontage on Dog Lake. The severed parcel is vacant. The severed parcel needs to be rezoned from Rural (RU) to Limited Service Residential – Waterfront (RLSW) to recognize that the parcel fronts onto a private lane. The RLSW zone must have a special provision (RLSW-XX) to

require a dwelling to be set back a minimum of 40 metres from the highwater mark of the northern shoreline of Dog Lake and 30 metres from the highwater mark of the southern shoreline. The 40 metre setback was recommended in a report by Ecological Services (March 18, 2021) in support of the consent application. The building envelopes and sewage system locations on the severed parcel and the retained parcel were identified. Photos of the property were viewed that provided those in attendance with the visual understanding of the landscape.

Building Services was not circulated the rezoning application, as they had no objection to the approval of consent application S-02-20-S when they reviewed it earlier in 2021. It was confirmed that there is one suitable location for a sewage system on the severed parcel and on the retained parcel. It is intended that these locations would be expressly reserved for the sewage system through site plan control, which is a requirement of the provisional approval of the consent application (Condition 9). The site plan control application will be brought forward to Council for a decision once it has been submitted.

Cataraqui Conservation had no objection to the approval of consent application S-02-20-S when they reviewed it earlier in 2021. Their position was conditional on future development being setback in accordance with the findings of the Ecological Services report (March 18, 2021). They confirmed, through the Rideau Waterway Development Review Team with Parks Canada, that they have no objection to the rezoning application.

The retained parcel consists of approximately 1.2 hectares (3 acres) of land with 81 metres of frontage along Christel Lane and 91 metres of water frontage on Dog Lake. The retained parcel is vacant. The severed parcel needs to be rezoned from Rural (RU) to Limited Service Residential – Waterfront (RLSW) to recognize that the parcel fronts onto a private lane. There were no comments were received from the public on consent application S-02-20-S, however on this application, Bob Volpe and Sue Keefe, owners of 131 Christel Lane, expressed concerns about the aggressive development plans for the area, including blasting and site alteration. In their written correspondence, they urged Council to limit development of additional lakefront properties through regulations that minimize environmental burdens on the water and natural shore areas.

Ms. Woods noted that waterfront development will be an area of focus in the current Official Plan update process. Work is also being done to develop a shoreline protection by-law.

With respect to the Provincial Policy Statement, Ms. Woods noted that the Director of Development Services had consideration for the 2020 PPS in the decision to grant draft approval to consent application S-02-20-S. The proposal to rezone the lands through application Z-21-10 is consistent with the 2020 PPS, including Section 2, which encourages the protection of natural heritage, water, and agricultural resources for their economic, environmental and social benefits, and also Section 3, which directs development to areas that are not impacted by flooding hazards and erosion hazards.

Ms. Woods explained that residential development on the severed parcel would be required to be setback a minimum 40 metres from the highwater mark of the northern shoreline of Dog Lake, and 30 metres from the highwater mark of the southern shoreline, as recommended in a report by Ecological Services (March 18, 2021) in support of the consent application. Buildings and structures would also need to be setback a minimum of 15 metres from the top of bank of the steep slopes on the property. The proposed development is consistent with these directions of the County Official Plan.

The new zoning would bring the severed parcel and the retained parcel into conformity with the Official Plan and Zoning By-law. The intent of the RLSW zone is to recognize residential development on a waterfront property that is accessed by a private lane. This allows building permits to be issued for buildings and structures. Section 6.12 of the Official Plan allows the issuance of a building permit on vacant lots that are in a Limited Service Residential zone. Similarly, section 5.25 of the Zoning By-law indicates that building permits may be issued on a lot with frontage on a private lane and/or a navigable waterway if the lands are zoned RLSW.

The applicant retained Ecological Services to perform an analysis using the Assessment of Municipal Site Evaluation Guidelines for Waterfront Development in Eastern Ontario's Lake Country (Hutchinson Environmental Ltd., 2014). Site characteristics including soil texture and depth, slope and vegetation were taken into consideration to determine an appropriate horizontal setback between development and the shoreline of lakes on the Precambrian Shield.

As indicated previously, there is one suitable location for a sewage system on the severed parcel and on the retained parcel. While the General Provisions of the Zoning By-law require sewage system to be set back a minimum 30 metres from the highwater mark of a waterbody, Ecological Services determined that a minimum 40 metre setback from the highwater mark of the northern shoreline should be applied to buildings on the severed parcel, and that a minimum 30 metre setback from the highwater mark of the southern shoreline should be applied to buildings on both the severed and retained parcels. This was based on site characteristics in the proposed building locations (e.g. there is little soil and vegetation, steep slopes), and the demonstration that the topography of the site allows runoff to be directed in such a way to have a long circuitous route to the lake. The 40 metre setback for buildings and structures is reflected in the draft by-law.

All other provisions of the Zoning By-law would apply to the parcels, including minimum setbacks from property lines and top of bank, and maximum lot coverage.

Provisional approval requires the applicant to apply for, and enter into, a site plan agreement with the Township to address the development of the lot and environmental standards of the Township, including reserving areas for sewage systems, identifying building envelopes, controlling runoff, and maintaining natural vegetation buffers. The site plan control application will be brought forward to Council for a decision once it has been submitted.

Over all, this rezoning application is consistent with the Provincial Policy Statement 2020, the County of Frontenac Official Plan, and the Township of South Frontenac Official Plan. It also represents appropriate planning for the subject lands.

Concerns from Bob Volpe and Sue Keefe, owners of 13 Christel Lane, were included in the presentation. They expressed concerns about the aggressive development plans for the area and urged Council to limit development of additional lakefront properties through regulations that minimize environmental burdens on the water and natural shore areas.

Roger Badura, owner of property at 110 Christel Lane, noted that the first two parcels next to his owned by Mr. Beach can't be developed and he felt all the construction for these two lots were for nothing. His family has had this cottage for three generations and the scenery has been disrupted for essentially no reason.

Julian Barrons, 135 Christel Lane, fourth generation owner of the family property. Two letters have been issued as official record of their concerns. His family has witnessed significant impact on the Dog Lake and the surrounding watershed. The applicant has conducted significant blasting in this area, scaring the natural beauty of the area. There have been a series of new roads and pathways that infringe on wildlife which he felt was in direct conflict of the township's strategic initiative of "natural, vibrant and growing". He felt this should be enough evidence to deny this application. He noted that the presence of the common five-lined skink (photos provided) found within fifty yards of the proposed development is identified as a species at risk. He felt it is abundantly clear that the developer has not conducted the legally required due diligence with respect to the Ontario Endangered Species Act.

Michelle Boussiers, registered just to virtually attend the meeting.

Susan Keefe, 131 Christel Lane adjacent to the properties being considered for rezoning. Her family owned this property since 1966 and has become the family home. She felt her family has been responsible home owners for the Dog Lake area. She stated that her family is aware of environmental, cultural, economical interests and these areas need to be balanced and she urged Council to consider these as well.

Bob Volpe, reiterated the environmental, cultural and economic interest that Susan Keefe spoke of. He was concerned about the trends of environmental disruption that is allowed to create waterfront lots. There were a lot of rocks blasted from this property to create the entryway is quite significant, none of this is presented in the photos supplied in the presentation. The face of the stone that was blasted out and then filled back in to create a swale was his example of how he felt this development was atrocious and was an extreme disruption to the area. He hoped that the Official Plan updates will have regard for these types of situations. He felt this application was coming in just "under the wire" of implementing the new Official Plan and asked how close the township was to completing this. He had concerns about the process; the applicant did not discuss the potential impact on the adjacent properties. The aerial mapping in the presentation indicated the split in their property by the road allowance, his lot is significantly down hill from where these lots are proposed. He understood that the sites that were tested did not meet the qualifications for a septic system. He wondered how the sites that failed and those on the photos provided are related as he felt there is a lack of information - what is the difference between the previous site that failed and the approved sites? Due to the terrain, Mr. Volpe indicated that the approved septic sites are directly behind his property and the downhill slope threatens the well on his property (northern boundary of the proposed lots). His family is being encroached upon both from all angles, space wise and from a geological perspective. He urged Council to conduct a site visit to visualize the septic system locations. His final environmental issue is the endangered species noted by Julian Barrons and that rat snakes extend along the lots in questions.

Mr. Barrons echoed the concern of Mr. Volpe regarding the potential negative impact to his well.

Gary Beach, the applicant, wondered why his comments had not been included in the agenda like the others. He indicated that he would appreciate his comments being circulated to those in attendance virtually who have expressed concern. Mr. Beach indicated that he had reached out to Mr. Volpe and Ms. Keefe extensively in the past and felt he had been transparent. He referred to Shield Shores subdivision that required blasting as well noting this is normal in this terrain. The relocation of Christel Lane and the previous two lots have only been delayed by COVID. He wished to highlight that the adjacent property owners had their legal access changed by the registry office to land titles, the "meets and bounds" descriptions were not followed due to the

topography. These descriptions have been corrected due to his previous development and the requirement to build an extended township lane. He was surprised that he had not heard of these concerns previously. He noted that an argument could be made to older septic systems near lakes that may have more environmental impact. Mr. Beach indicated he was happy to address any further comments.

Christine Woods, addressed some of the comments. The common five-lined skink is the only natural native lizard to Ontario and is a specie of concern and is not a species at risk in Eastern Ontario and not protected in the Act. Julian Barrons felt there were better qualified individuals to respond to this. Ms. Woods indicated her information was taken directly from the Ontario Ministry website about the species. the species in the Windsor area are endangered but not this area. With respect to the comments regarding the new Official Plan, there will be an opportunity for public input next month to get a sense of what direction the township should go in terms of policy regarding growth and development and protecting the environmental. At this time it is inappropriate to consider this application relative to an Official Plan that does not exist. She noted that the township is working towards a shoreline protection by-law however it is no where near being in place to consider it with this application. Ms. Woods reported that she is unaware of original sites for a sewage system but confirmed that there are approved sites which must meet minimum code requirements between sewage systems and wells and can be met on both lots, and will be included in the site plan control.

Ms. Woods reviewed the policy framework and how this application was assessed based on the Provincial Policy Statement, the Frontenac County Official Plan and the Township of South Frontenac's Official Plan. She noted that Council has the discretion on whether or not to support the rezoning application and the future site plan control application. Staff will not be able to sign off on the consent approval without Council's approval on the rezoning and site plan.

Councillor Revill noted that one of the conditions of consent was to rezone and that due to previous experience Council does not have the right to deny a rezoning only apply conditions.

Claire Dodds, Director of Development Services stated that Council has one of three decisions to make with regard to a rezoning application, approve with conditions, deny, or defer for more information. She noted that the applicant can appeal if a decision is not made in a timely fashion.

Councillor Sleeth asked about the grade of the road going up on the plateau and if Fire Services have reviewed this to determine if fire equipment can access the lane. Christine Woods responded that the lane would have to be built to township standards to allow for emergency vehicles. Councillor Sleeth asked about there only being one viable site for a septic system. Ms. Woods confirmed that each lot (severed and retained) has one suitable location and while it is ideal to have more than one, a secondary site is only required in plans of subdivisions and not consents.

Councillor Sutherland indicated that there appears that a few documents were not received by Council and asked when they would be made available. Ms. Woods noted that typically public comments would be summarized in her report but in this case they will be forwarded to Council. Secondly, Councillor Sutherland asked about when the environmental assessment was done before the road was put in and did it assess for hibernaculum. Ms. Woods indicated that it was not an environmental impact assessment but rather to consider what setback would be appropriate from Dog Lake for buildings and structures. Councillor Sutherland suggested that there may have been some impact on the five lined skink habitat when blasting was done. He inquired about there being

a "no-cut" provision on the shoreline between the house and the lands in between the septic and the shore. Ms. Woods indicated that this (naturalized vegetation buffer) could be itemized in the site plan; Councillor Sutherland strongly supported this being included.

Councillor Sleeth asked about the required distance between wells and septic system and how this is regulated. Ms. Woods clarified that where a well has a well casing deeper than six metres, then a septic system can be installed within 15 metres of the well regardless of whether or not it is on the same property. If a well does not have casing of six metres and does not meet the regulation then the system needs to be a minimum of 30 metres from the well.

Councillor Sutherland referred to a skink habitat that stopped a development a number of years ago near Tamworth as it had been listed as an endangered species. He questioned the potential for this area to be a rat snake habitat and wondered how to go about getting the Ministry to investigate this and whose responsibility is it to do so. Ms. Woods reported that it is the landowners responsibility to ensure that they are meeting the requirements of the Endangered Species Act. It would be up to the person who has concerns to contact the Ministry directly.

Roger Badura asked about the requirement of the landowner to meet the requirement of the Endangered Species Act and did that apply to 110 Christel Lane and if there had been any review done by the ministry on the existing two lots. Ms. Woods confirmed that every land owner has the responsibility to adhere to these regulations however she was not familiar with these property Mr. Badura is referencing and could not speak to these applications.

Sue Keefe asked about next steps. Mayor Vandewal explained that all of these concerns and comments will be considered and included in the decision.

Michelle Boussiers asked about the rerouting of Christel Lane over the past several years and the impact it may have on emergency vehicles access. She asked if the township had signed off on those changes to the lane. She felt she had not received adequate notification about any of these applications and asked if she would receive copies. Mayor Vandewal explained that copies of all documents related to an application are not circulated but suggested that through an email request she can clarify with staff what she is looking for. Ms. Woods confirmed that any changes the lane would have had to have complied with the township's private lane standards for emergency vehicle access.

c) Resolution - Close Public Meeting

Resolution No. 2021-25-04

Moved by Councillor Leonard

Seconded by Councillor Roberts

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

Carried

7. Approval of Minutes

a) June 1, 2021 Council Meeting

Resolution No. 2021-25-05

Moved by Councillor Morey

Seconded by Councillor Sleeth

That the minutes of the June 1, 2021 Council meeting be approved as presented.

Carried

b) June 8, 2021 Committee of the Whole Meeting

Resolution No. 2021-25-06

Moved by Councillor Morey

Seconded by Councillor Revill

That the minutes of the June 8, 2021 Committee of the Whole meeting be approved.

Carried

8. Business Arising from the Minutes

a) Notice of Motion - Environmental Assessment - Stars Corners intersection

At this time Mayor Vandewal turned the Chair over to Deputy Mayor Barr. Once the motion was discussed and voted upon he resumed as Chair of the meeting.

Resolution No. 2021-25-07

Moved by Mayor Vandewal

Seconded by Councillor Leonard

Whereas the intersection of Yarker Road and Wilton Road has been identified as a higher risk intersection: and,

Whereas the municipality intendeds to explore realignment options on this intersection,

Be it resolved that Council request a report from staff outlining the process and options to improve the safety of this intersection, including how options such as a four way stop, round-about or other alternatives will be assessed.

Carried

9. Reports Requiring Action

a) 2021 Private Lane Assistance Program

Resolution No. 2021-25-08

Moved by Councillor Roberts

Seconded by Councillor Leonard

That Council approve the grant subsidies for the 2021 Private Lane Upgrade Assistance Program as outlined in Option 3 totalling \$107,098.01.

Carried

b) Tender PS-2021-11 - Paint Booth Exhaust and Radio Tower Removal

Resolution No. 2021-25-09

Moved by Councillor Sleeth

Seconded by Councillor Morey

That Council approve the tendered bid from Tolles Ltd., in the amount of \$147,500.00 plus HST, for the removal of the Paint Booth Exhaust System & Radio Tower at the Keeley Road Patrol Yard.

Carried

c) Application for Draft Plan of Subdivision Approval 10T-2020/002 (Willowbrook Estates - Phase 2)

Resolution No. 2021-25-10

Moved by Councillor Sleeth

Seconded by Councillor Morey

That South Frontenac Council recommend the County of Frontenac approve plan of subdivision application 10T-2020/002 with the conditions outlined in the Planning Report prepared by the Senior Planner and dated July 8, 2021.

Carried

- d) Deeming By-law - Deem Lots 18 and 19 on Plan 1315 NOT to be in a plan of subdivision for the purpose of applying 50(3) of the Planning Act

See By-law 2021-36

- e) Zoning By-law Amendment - Z-21-05 - 5056 Battersea Road (Reynolds)

See By-law 2021-37.

- f) Z-21-06 Township-initiated Administrative Amendments to the Text and Schedules of Zoning By-law No. 2003-75

See By-law 2021-38 also.

10. Committee Meeting Minutes - none

11. By-laws

- a) First and Second Readings of By-laws

Resolution No. 2021-25-11

Moved by Councillor Revill

Seconded by Councillor Morey

That By-laws 2021-36, 2021-37 and 2021-38 be given first and second reading.

Carried

- b) By-law 2021-36 - Deem part of Plan 1315, Lot 18 and 19 not to be part of Registered Plan of Subdivision

Resolution No. 2021-25-12

Moved by Councillor Sutherland

Seconded by Deputy Mayor Barr

That By-law 2021-36, being a by-law to deem part of the Plan of Subdivision No. 1315, not to be a registered plan of subdivision, Plan 1315, Lot 18 and 19, Storrington District, be given third reading, signed and sealed.

Carried

- c) By-law 2021-37 - Rezone Concession 9, Part Lot 9, 5056 Battersea Road

Councillor Sleeth was not in the Council Chambers during the discussion and approval of the resolution. He returned to the Council Chambers for the next agenda item.

Resolution No. 2021-25-13

Moved by Councillor Roberts

Seconded by Councillor Leonard

That By-law 2021-37, being a by-law to amend By-law 2003-75, as amended, to rezone land from Urban Residential First Density (UR1) to Urban Residential First Density - Special Provision (UR1-20 and UR1-21-H) Concession 9, Part Lot 9, 5056 Battersea Road, be given third reading, signed and sealed.

Carried

- d) By-law 2021-38 - Township Initiated Amendments to By-law 2003-75

Resolution No. 2021-25-14

Moved by Councillor Roberts

Seconded by Councillor Sutherland

THAT Council confirms that there be no further notice of any changes made to By-law 2021-38 since the public meeting, pursuant to Section 34 (17) of the Planning Act.

Carried

Resolution No. 2021-25-15
Moved by Councillor Revill
Seconded by Councillor Sleeth

That By-law 2021-38, being a by-law to amend By-law 2003-75, as amended, to effect a number of changes to correct mapping and text errors that have been identified, to reflect the township's public road winter maintenance program and to ensure current provincial policy and guidance on minimum distance separations for livestock facilities as well as group homes are appropriately reflected, be given third reading, signed and sealed.

Carried

12. Reports for Information

- a) Development Services Quarterly Reports - 2nd Quarter
- b) Surplus sale of 2009 Fort Garry Kenworth Squad

13. Information Items

- a) CRCA Comments on Environmental Registry Posting 019-2986 Regulatory Proposals under the Conservation Authorities Act

14. Notice of Motions

- a) There were no notices of motion served.

15. Announcements/Statements by Councillors

- a) Councillor Sleeth noted a safety issue in the village of Battersea and believes a resolution has been found that is suitable to both the owner and the township.

He also relayed appreciation from residents regarding improvements to Carrying Place Road and commended the staff in Public Services for their professionalism in this project.

16. Question of Clarity

Members of the public are provided an opportunity to ask a question of clarity about an agenda item.

- a) Members of the public are provided an opportunity to ask a question of clarity about an agenda item; there were no questions of clarity from the public.

17. Closed Session - not applicable

18. Confirmatory By-law

- a) By-law 2021-39

Resolution No. 2021-25-16
Moved by Councillor Sutherland
Seconded by Councillor Morey

That By-law 2021-39, being a by-law to confirm generally all actions and proceedings of the Council of the Corporation of the Township of South Frontenac on July 13, 2021, be given first and second reading.

Carried

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Resolution No. 2021-25-17

Moved by Councillor Roberts

Seconded by Deputy Mayor Barr

That By-law 2021-39, the confirmatory by-law, be given third reading, signed and sealed.

Carried

19. Adjournment

a) Resolution

Resolution No. 2021-25-18

Moved by Councillor Morey

Seconded by Deputy Mayor Barr

That the Council meeting of July 13, 2021 be adjourned at 9:02 p.m.

Carried

Ron Vandewal, Mayor

Angela Maddocks, Clerk