

Minutes of Council
February, 1, 2022

Time: 7:00 PM

Location: Electronic Participation/Council Chambers



Meeting # 8

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

Staff Present in Council Chambers: Louise Fragnito - Interim Chief Administrative Officer, Angela Maddocks - Clerk, Claire Dodds - Director of Development Services, Neil Carbone - Advisor to the CAO.

Staff Present via Electronic Participation: Christine Woods - Senior Planner

1. Call to Order and Roll Call

a) **Resolution**

Resolution No. 2022-08-01

Moved by Councillor McDougall

Seconded by Councillor Sutherland

That the February 1, 2022 Council meeting be called to order at 7:00 p.m.

Carried

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

2. Declaration of pecuniary interest and the general nature thereof

a) There were no declarations reported.

3. Approval of Agenda

a) **Resolution**

Resolution No. 2022-08-02

Moved by Councillor Roberts

Seconded by Councillor Leonard

That the agenda for the February 1, 2022 Council meeting be approved.

Carried

4. Scheduled Closed Session - not applicable

5. Delegations - none

6. Public Meeting

a) **Resolution and Public Meeting Statement**

Resolution No. 2022-08-03

Moved by Councillor Sutherland

Seconded by Councillor Roberts

That a public meeting be held to allow for input on planning matters related to Zoning By-law Amendment Applications:

- Z-21-25
- Z-21-27
- Z-21-29
- Z-21-30

Carried

b) **Zoning By-law Amendment Application Z-21-25 - 3607 Stage Coach Road (Adams)**

Christine Woods, Senior Planner reviewed the proposal to change the zone on the subject property from Rural to Rural – Special Provision to permit a secondary dwelling unit on the property. The applicants propose to construct a 100 square metre addition to the existing dwelling for a secondary dwelling unit. The subject property is located on Stage Coach Road between Railton Road and Forest Road and is 8.5 hectares (21 acres) in area and has approximately 99 metres of road frontage. The lands consist of agricultural fields and forest. The existing dwelling is located in the middle of the property, 300 metres from the road. There are several residential properties along Stage Coach Road, however, there are no neighbouring dwellings in the immediate area of the subject dwelling.

The application did not meet the criteria for circulation to Public Services.

Building Services reviewed the application for the performance level of the existing sewage system on the property, and confirmed that the sewage system will need to be upgraded or a new system constructed to accommodate a secondary dwelling unit. The owner will need to submit a building permit application for the secondary dwelling unit as well as an application to construct a new system if the rezoning application is approved by Council. No comments have been received from members of the public to date. The proposal meets or will meet the intent of the above considerations. The secondary dwelling unit is proposed to be located within an addition to the existing dwelling on the property. The existing driveway and well will be used to service the secondary dwelling unit.

Regarding on-site water services, the Provincial Guideline D-5-5 Private Wells: Water Supply Assessment explains how to calculate the minimum pumping test rate and well yield required for a particular development based on a peak demand rate for each person and the likely number of persons (based on number of bedrooms plus one) per well. The Owner provided a copy of the well record that recommends a pumping rate of 8 gallons per minute (36.3 litres per minute). This pumping rate was greater than that required by the guidelines (i.e. 26.25 litres per minute based on 3.75 litres per minute per person multiplied by 7), which suggests that the existing well can produce an adequate volume of water for both the primary dwelling and the secondary dwelling unit. Drinking water quality (potable water) will need to be confirmed as part of the required permit under the Ontario Building Code. Any water quality concerns can generally be addressed through an appropriate water treatment unit. A sewage system(s) that complies with the Ontario Building Code will be required to service the single detached dwelling and the secondary dwelling unit.

From a planning perspective, this proposal meets the intent of the Provincial Policy Statement 2020, County of Frontenac Official Plan, and Township of South Frontenac Official Plan, as well as the provisions of Zoning By-law No. 2003-75.

Councillor Sutherland indicated that he generally supports secondary dwellings and he felt this was completely appropriate use for this property.

Councillor Roberts asked that in future to include both metric and imperial measurements in their reports.

Deputy Mayor Revill was supportive of this application as it meets the criteria outlined in the Provincial Policy Statement and the residential buildings will be near the centre of the property and have minimal impact for neighbours.

Mayor Vandewal asked about the new Official Plan and would these types of applications still have to come to Council. Christine Woods, Senior Planner explained that the new Official Plan would include criteria that would allow secondary dwelling units as of right so the majority of times it is not anticipated that a rezoning application would be required.

Mayor Vandewal was supportive of this application.

Other than the applicant, Mr. Adams, there were no members of the public registered to speak to this application.

c) **Zoning By-law Amendment Application Z-21-27 - 3579 Quinn Road East (Cumming)**

Christine Woods, Senior Planner, reviewed this proposal to change the zone on the subject property from Rural to Rural – Special Provision to permit a secondary dwelling unit on the property. The applicants propose to construct a 75 square metre addition to the existing dwelling for a secondary dwelling unit. The subject property is located on Quinn Road East, which is off Road 38 south of Harrowsmith. The property is 0.6 hectares (1.43 acres) in area and has approximately 57 metres of road frontage. The lands consist of a treed slope. There is an existing 215 square metre dwelling on the property. There are several residential properties along Quinn Road in the area of the subject property, however, the majority of the area is agricultural.

The application did not meet the criteria for circulation to Public Services.

Building Services reviewed an application for the performance level of the existing sewage system on the property, and confirmed that the sewage system will need to be upgraded or a new system constructed to accommodate a secondary dwelling unit. The owner will need to submit a building permit application for the secondary dwelling unit as well as an application to construct a new system if the rezoning application is approved by Council.

No comments have been received from members of the public to date.

The proposal meets or will meet the intent of the Provincial Policy Statement 2020, County of Frontenac Official Plan, and Township of South Frontenac Official Plan, as well as the provisions of Zoning By-law No. 2003-75.

The secondary dwelling unit is proposed to be located within an addition to the existing dwelling on the property. It will use the existing driveway for access, as well as the well and sewage system for servicing.

Regarding on-site water services, the Provincial Guideline D-5-5 Private Wells: Water Supply Assessment explains how to calculate the minimum pumping test rate and well yield required for a particular development based on a peak demand rate for each person and the likely number of persons (based on number of bedrooms plus one) per well. The Owner provided a copy of a well pump test that included a professional opinion that the well can produce 8.19 gallons per minute (37.2 litres per minute). This pumping rate was greater than

that required by the provincial guideline (i.e. 18.75 litres per minute based on 3.75 litres per minute per person multiplied by 5), which suggests that the existing well can produce an adequate volume of water for both the primary dwelling and the secondary dwelling unit.

Drinking water quality (potable water) will need to be confirmed as part of the required permit under the Ontario Building Code. Any water quality concerns can generally be addressed through an appropriate water treatment unit.

A sewage system(s) that complies with the Ontario Building Code will be required to service the single detached dwelling and the secondary dwelling unit.

Councillor Leonard was familiar with the property and was supportive of the rezoning.

Mayor Vandewal felt that in comparison to the previous application this has a larger footprint on a smaller lot, but noted that he is supportive of the recommendations from planning staff.

Other than the applicant, Mr. Cumming there was not anyone registered to speak to this application

d) **Zoning By-law Amendment Application Z-21-29 - Concession 8, Part of Lot 3 (Orser)**

Christine Woods, Senior Planner, reviewed this proposal to change the zone on the subject property from Rural to Limited Services Residential to allow a building permit to be issued for the property. The effect of the proposed by-law would be to facilitate the construction of a single detached dwelling. The subject property is 13 hectares (32 acres) in area and has approximate 700 metres of frontage on Everett Lane near Knowlton Lake. The property is generally level and forested, except for approximately 3.5 hectares of unevaluated wetlands through the centre of the property, and a high bedrock escarpment along the western lot line. The deciduous forested area was farmed at one time. The property does not have any water frontage.

The property is accessed from Everett Lane, a privately maintained year-round lane. The topography of the lane is generally level from Gould Lake Road to the west end of the subject property. The lane then travels along the bottom of the escarpment.

This application did not meet the criteria for circulation to Public Services and Building Services.

Planning staff have received questions about the application from several members of the public. The questions related to what considerations are there for environmental impact and at-capacity lake status, what type of development is permitted in the Limited Service Residential zone, and whether the property could be subdivided.

The report noted that approximately half of the property is located within 300 metres of Knowlton Lake, which is an at-capacity lake trout lake. The Township Official Plan policies permit new development on lots of record adjacent to at-capacity (highly sensitive) lake trout lakes subject to a minimum 30 metre setback from the highwater mark of the lake, or a minor variance to this setback. The subject property is a lot of record and any development on this property will be located more than 50 metres from the lake. Therefore, the Lake Trout Lake policies have been addressed.

Ms. Woods noted that members of the public asked whether the rezoning application could facilitate future division of the subject property. She explained that changing the zone on this property would allow a building permit to be issued for one dwelling. It is the understanding of staff that the applicant intends to either build a home on the property themselves, or to sell the property as a building lot. A rezoning would not facilitate further subdivision of the property.

As indicated above, approximately half of the property is located within 300 metres of Knowlton Lake, which is an at-capacity lake trout lake. Lot creation is not permitted within 300 metres of the lake unless any sewage systems would be located outside this area. The proximity to the lake, in addition to the size and orientation of the wetlands on the property, significantly impact the development potential of the property. There were public concerns about a structure being built on this property and then bringing their business onto the property and using private lane that is maintained by other property owners.

In addition, any division of the property would need to be through a plan of subdivision or a plan of vacant land condominium, as severances for non-waterfront lots on private lanes are not permitted.

Should a plan of subdivision or plan of condominium application be submitted, numerous studies including a hydrogeological assessment, terrain analysis, environmental impact assessment, species at risk assessment and traffic impact study would be required. A decision on any future plan of subdivision or plan of condominium would be made by the County of Frontenac with input from South Frontenac Council and would go through a fulsome public consultation process.

Ms. Woods assessed the proposal against the applicable applicable policies of the Provincial Policy Statement 2020, County of Frontenac Official Plan, and Township of South Frontenac Official Plan, as well as the provisions of Zoning By-law No. 2003-75.

The Township Official Plan suggests that the type and amount of development on 'Rural' lands must maintain the rural character, natural heritage, and cultural landscape in the Township. The Official Plan permits some limited service residential development in the form of single detached dwellings and seasonal dwellings on properties accessed from a private road.

The subject property is currently zoned Rural, which allows a variety of uses and buildings. However, section 6.12 of the Township Official Plan and section 5.25 of Zoning By-law 2003-75 do not permit a building permit to be issued for a property on a private lane unless the property is a lot of record and is in a limited service residential zone (i.e. RLS, RLSW or RLSI).

In a Limited Service Residential (RLS) Zone, there is no commitment or requirement by the Municipality to assume responsibility for ownership or maintenance of any private lane. It is noted that Everett Lane is located over a Township-owned road allowance that was never assumed. Due to road conditions 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. The intent of the RLS Zone is to recognize non-waterfront residential development on private lanes. The RLS Zone permits a seasonal dwelling or a single detached (year-round) dwelling, accessory buildings, and a home occupation.

The report noted that the Provincial Policy Statement states that natural features and areas shall be protected for the long term. As with any property that contains natural features such as wetlands and forest, there is the potential for wildlife habitat, including habitat of species at risk (e.g. grey ratsnake). Landowners are responsible to comply with the provisions of the

Endangered Species Act, 2007, including those that provide protection for individual members of a species and their habitat if that species is listed on the Species at Risk in Ontario list as extirpated, endangered or threatened. If an activity may cause adverse impacts to a species at risk and/or their habitat, authorization under the ESA may be required prior to conducting the activity.

Councillor Sleeth asked about the distance between the location of the wetlands (the environmental protection designation) and the proposed location of the building. Ms. Woods indicated that it would be located on the edge of the EP designated area. Any development would have to be 30 metres from the wetland.

Deputy Mayor Revill noted the access from Everett Lane and the proposed location of the house would be further back from any of the other residences on the lane.

Councillor Sutherland asked for clarity that this is not a back lot development on a private lane and that the only reason this is being permitted is because it is a lot of record. The Planner confirmed that back lot development is when a new lot is created that does not have frontage on the lane however this is a lot of record and in existence for more than 40 years. The current Official Plan and Zoning By-law does allow for a property to be rezoned for residential development.

Councillor Sutherland asked for the speculated commercial use on this property. Ms. Woods noted that the RLS zone is very restrictive as to its uses. a home occupation would be a business use that is secondary to the residential use within the structure. A home industry which is what is concerning to nearby residents is not permitted on this property if the zoning is changed.

Councillor Sutherland asked about individuals who have joined virtually and how they are tracked to be made aware of a decision being made. Ms. Woods explained the process of tracking names and contact information for the purposes of appealing a decision.

Mayor Vandewal was also concerned about potential back lot development.

Tracey Riley was concerned about the environmental protection issue and how the mapping was not necessarily accurate but noted the Planner had answered her questions about the discrepancy. There appeared to be a larger area within the EP portion. She noted there are several ponds that drain into Knowlton lake. She was concerned about having regard for natural heritage features.

Councillor McDougall asked for clarity on the environmental protection designation. Ms. Woods will contact the conservation authority to assess the need for an environmental impact study.

e) **Zoning By-law Amendment Application Z-21-30 - 4360 Sydenham Mill St (Hippolyte & Gianotti)**

Christine Woods, Senior Planner reviewed this proposal to change the zone on the subject property from Urban Commercial (UC) to Urban Residential – First Density (UR1) to legally permit the existing single detached dwelling on the property. The applicants are requesting this change to address financing requirements.

The subject property is located on Sydenham Mill Street in the Sydenham Settlement Area. It is south of the main commercial area. The property is surrounded by residential uses.

The subject property is 1052 square metres (0.26 acres) in area and has approximately 16.5 metres of road frontage. The property is developed with a single detached dwelling, a “barn” and a gazebo. The dwelling is serviced by municipal water and a private sewage system.

This application did not meet the criteria for circulation to Public Services and Building Services.

No comments have been received from members of the public to date.

The proposed rezoning needs to be assessed against the applicable policies of the Provincial Policy Statement 2020, County of Frontenac Official Plan, and Township of South Frontenac Official Plan, as well as the provisions of Zoning By-law No. 2003-75.

The policies indicate that rural settlement areas, such as Sydenham, must be the focus of growth and development, and that their vitality and regeneration must be promoted. These policies also promote healthy, integrated and viable rural areas that are supported by accommodating an appropriate range and mix of housing in rural settlement areas, as well as by promoting opportunities for a varied and balanced industrial/commercial base in rural settlement areas.

The subject property is zoned Urban Commercial (UC). The UC zone permits one dwelling unit in the form of an apartment as an accessory use in buildings in which commercial uses are permitted. The zone does not permit standalone residential uses without a commercial use occurring on the property. Therefore, the subject dwelling is a legal non-conforming use and can continue to be used for residential purposes.

In Loughborough Township Zoning By-law 89-75, through By-law 93-51, this property was zoned Residential General Exception (RG-8). The RG-8 zone allowed 460 square feet of floor space on the ground floor of the house to be used as a craft and gift shop. The property was incorporated into the UC zone in Zoning By-law 2003-75 as a result of this site-specific zone. It is unknown how long the craft and gift shop was in existence. However, it was solely a dwelling in 2004 when the property was purchased by the previous owners. The applicant indicated that the single detached dwelling on the subject property dates back to 1905.

The properties immediately to the north and south are subject to site-specific UC zones corresponding with previous site-specific RG zones (one for an office and two dwelling units, the other for a reduced side yard for a deck on the dwelling). Both properties are also developed with single detached dwellings that are currently used for residential purposes.

Changing the zoning to residential would assist the applicant with financing. Many financial institutions will often require legal non-conforming residential uses on commercially zoned property to be financed at a commercial rate. These financial institutions will only finance a property at a residential rate if the property is zoned residential. Supporting this application will assist the applicant to facilitate investment in this residential property.

Legally permitting the existing dwelling on the property would not change the continued use of the property nor the character of the neighbourhood.

Mayor Vandewal noted he was surprised how large the parcel actually was when he conducted a site visit.

There were no other comments from the public.

f) **Close Public Meeting - Resolution**

Resolution No. 2022-08-04

Moved by Councillor McDougall

Seconded by Councillor Ruttan

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

Carried

7. Approval of Minutes - none

8. Business Arising from the Minutes - none

9. Reports Requiring Action

a) **Rogers Telecommunications Tower Proposal Project C8552- Opicon Rd & Maple Leaf Rd**

Resolution No. 2022-08-05

Moved by Councillor Ruttan

Seconded by Deputy Mayor Revill

That the Township of South Frontenac concur with the proposal by Rogers Communications Canada Inc. to erect a wireless communication installation on lands known as RP 13R12105, Parts 3 & 7 and RP 1318104, Parts 2 & 3, Concession 10, Part Lots 20 to 22, Loughborough District, South Frontenac (PIN 36282-0289); and,

That the proposal is compliant with the requirements of ISED Canada's default protocol CPC-2-0-03 Issue 5 (July 2014) "Radiocommunication and Broadcasting Antenna Systems", and all obligations for the municipal and public consultation requirements have been met; and,

That staff send a statement of concurrence to Rogers Communication Inc. and Innovation, Science and Economic Development Canada.

Carried

b) **Rogers Telecommunications Tower Proposal Project C8689 - Dewitt Road & Timmerman's Island**

Resolution No. 2022-08-06

Moved by Deputy Mayor Revill

Seconded by Councillor McDougall

That the Township of South Frontenac concur with the proposal by Rogers Communications Canada Inc. to erect a wireless communication installation on lands known Part Lot 25, Concession 6, Bedford District, South Frontenac (PIN 36240-0040); and,

That that the proposal is compliant, with the requirements of ISED Canada's default protocol CPC-2-0-03 Issue 5 (July 2014) "Radiocommunication and Broadcasting Antenna Systems", and all obligations for the municipal and public consultation requirements have been met; and,

That staff send a statement of concurrence to Rogers Communication Inc. and Innovation, Science and Economic Development Canada.

Carried

c) **Rogers Telecommunications Tower Proposal Project C8691 - Devil Lake Rd at Little Wolfe Lake**

Resolution No. 2022-08-07

Moved by Councillor Sleeth

Seconded by Councillor Morey

That the Township of South Frontenac concur with the proposal by Rogers Communications Canada Inc. to erect a wireless communication installation on lands known as 1352 Devil Lake Road, Part Lot 12-13, Concession 11, Bedford District, South Frontenac (PIN 36247-0152); and,

That the proposal is compliant, with the requirements of ISED Canada's default protocol CPC-2-0-03 Issue 5 (July 2014) "Radiocommunication and Broadcasting Antenna Systems", and all obligations for the municipal and public consultation requirements have been met; and,

That staff send a statement of concurrence to Rogers Communication Inc. and Innovation, Science and Economic Development Canada.

Carried

d) **Rogers Telecommunications Tower Proposal Project C8721 - S Frontenac Road 8 (Westport Rd) & White Lake Rd**

Resolution No. 2022-08-08

Moved by Councillor Morey

Seconded by Councillor Sleeth

That the Township of South Frontenac concur with the proposal by Rogers Communications Canada Inc. to erect a wireless communication installation on lands known as 1985A/B Westport Road, Parts of Lot 11& 12, Concession 3, Bedford District, South Frontenac (PIN 36243-0185); and,

That that the proposal is compliant, with the requirements of ISED Canada's default protocol CPC-2-0-03 Issue 5 (July 2014) "Radiocommunication and Broadcasting Antenna Systems", and all obligations for the municipal and public consultation requirements have been met; and,

That staff send a statement of concurrence to Rogers Communication Inc. and Innovation, Science and Economic Development Canada.

Carried

e) **Select CAO Recruitment Firm**

Resolution No. 2022-08-09

Moved by Councillor Roberts

Seconded by Councillor Leonard

That Council award a contract for the recruitment of a Chief Administrative Officer (CAO) to Waterhouse Executive Search in the amount of \$23,250.00 plus HST, in accordance with the terms and conditions outlined in the proposal reviewed by Council in Closed Session on January 25th, 2022.

Carried

10. Committee Meeting Minutes - none

11. By-laws

a) **By-law 2022-11 - Appoint Council members to Committee of Adjustment**

Member nominated	District	Nomination moved by	Nomination Seconded by	Nomination accepted
Deputy Mayor Revill	B	J. McDougall	D. Morey	Yes

Councillor Ruttan	L	R. Sutherland	A. Revill	Yes
Councillor Morey	P	R. Leonard	J. McDougall	Yes
Councillor Roberts	S	R. Sleeth	R. Leonard	Yes

Resolution No. 2022-08-10

Moved by Councillor Sutherland

Seconded by Councillor McDougall

That By-law 2022-11, being a by-law to appoint Council members to the Committee of Adjustment, be given first and second reading.

Carried

Resolution No. 2022-08-11

Moved by Councillor Morey

Seconded by Councillor Sleeth

That By-law 2022-11, be given third reading, signed and sealed.

Carried

12. Reports for Information

a) **4th Quarter 2021- Building Services Report**

- This report summarized the delivery of Building Services within the Development Services Department between October 1, 2021, and December 31, 2021 for the 4th Quarter of 2021 as well as a year-end summary for 2021.

b) **4th Quarter 2021 - Planning Services Report**

- This report documented the delivery of Planning Services within the Development Services Department between October 1, 2021 and December 31, 2021 for the 4rd Quarter of 2021 and summarizes trends in planning services delivered in 2021.

13. Information Items

a) **Cataraqui Conservation Municipal Levies - South Frontenac Apportionment 2022**

14. Notice of Motions

- a) Deputy Mayor Revill asked for a report from the Director of Fire and Emergency Services on the volume of medical calls conducted by South Frontenac Fire Services.
- b) Mayor Vandewal served a notice of motion that the two planning positions be separated from the budget and asked that staff provide comparators from other municipalities based on staffing versus application volumes.

15. Announcements/Statements by Councillors

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

- a) There were no members of the public connected virtually at this point in the meeting.

17. Closed Session - not applicable

18. Confirmatory By-law

a) **By-law 2022-12**

Resolution No. 2022-08-12

Moved by Councillor Ruttan

Seconded by Deputy Mayor Reville

That By-law 2022-12, being a by-law to confirm generally all actions and proceeding of the Council of the Corporation of the Township of South Frontenac, be given first and second reading,

Carried

Resolution No. 2022-08-13

Moved by Councillor Sleeth

Seconded by Councillor Morey

That By-law 2022-12, being a by-law to confirm generally all actions and proceeding of the Council of the Corporation of the Township of South Frontenac, be given third reading, signed and sealed.

Carried

19. Adjournment

a) **Resolution**

Resolution No. 2022-08-14

Moved by Councillor Roberts

Seconded by Councillor Leonard

That the Council meeting of February 1, 2022 be adjourned at 7:59 p.m.

Carried

Ron Vandewal, Mayor

Angela Maddocks, Clerk