



FRONTENAC

Notice of Decision with Respect to an Official Plan Amendment under Section 17(35) and 21 of the Planning Act

Municipality: Township of Frontenac Islands

Date of Decision: February 21, 2018

Date of Notice: March 1, 2018

Last Date of Appeal: March 21, 2018

File No: OP-1-18

Take Notice that on February 21, 2018, the Council of the Corporation of the County of Frontenac approved all of Amendment No. 4 to the Official Plan for the Municipality of the Township of Frontenac Islands, as adopted by the Township of Frontenac Islands By-law 2017A.

Purpose and Effect of the Official Plan Amendment: The purpose of the amendment is to implement the recommendations of the Private Roads (Lanes) Study: Final Report and Recommendations (2016). The OPA amends the Transportation policies of the Plan and adds new Private Lane policies to the Rural policies of the Plan in order to guide development on new and existing private lanes in the Township. The amendment includes policies for private lane construction standards, infilling and extension of new lots on existing lands, new private lands, assumption of private lanes, and private lane monitoring. As such, the policy addresses health and safety concerns while promoting development.

Explanation of the Effect of Written and Oral Submissions Had on the Decision: Submissions and comments received at the Township level were considered by the County of Frontenac in the approval of the amendment.

When and How to File an Appeal: Notice to appeal the decision to the Ontario Municipal Board must be filed no later than 20 days from the date of this notice as the last date of appeal.

The notice of appeal should be sent to the person and address shown below and it must:

- (1) set out the reasons for the appeal;
- (2) indicate the name and address of the appellant;
- (3) Contain the completed Appellant Form (A1), which can be obtained directly from the Ontario Municipal Board website (www.omb.gov.on.ca); and
- (4) be accompanied by a fee prescribed under the *Ontario Municipal Board Act* in the amount of \$300.00, payable by certified cheque to the Minister of Finance, Province of Ontario.

Contact for Appeal: Jannette Amini, Manager of Legislative Services/Clerk

County of Frontenac
2069 Battersea Road
Glenburnie, Ontario
K0H 1S0

Tel: (613) 548-9400
Fax: (613) 548-8460

Who Can File an Appeal?

Only individuals, corporations or public bodies may appeal a decision of the approval authority to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No personal or public body shall be added as a party to the hearing of the appeal unless, before the plan was adopted, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

When the Decision is Final: The decision of the County of Frontenac is final if a notice of appeal is not received by 4:00pm on the last day of appeal noted above.

Other Related Applications: There are no related applications regarding this file.

Additional Information: Additional information about the application is available for public inspection during the regular office hours at the County of Frontenac Planning and Economic Development Department at the address noted below.

Dated at the County of Frontenac this 1st day of March, 2018.




Decision

With respect to an Official Plan Amendment

Subsection 17(34) of the Planning Act

Amendment No. 4 to the Official Plan for the Township of Frontenac Islands, as adopted by Township of Frontenac Islands By-Law No. 2017A is hereby approved. This approval was authorized by Frontenac County Council on February 21, 2018.

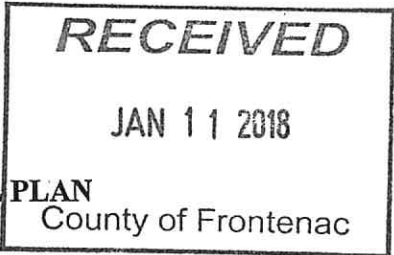
Dated at the County of Frontenac this 27 day of February, 2018.



Ron Higgins, Warden
County of Frontenac



Jannette Amini, County Clerk
County of Frontenac



AMENDMENT NUMBER 4 TO THE OFFICIAL PLAN
FOR THE
CORPORATION OF THE TOWNSHIP OF FRONTENAC ISLANDS

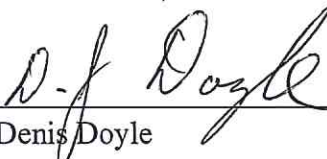
BY-LAW NO. 2017A

Private Lane Policies
OFFICIAL PLAN AMENDMENT

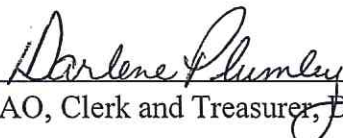
THIS DOCUMENT ACCEPTED AS A TRUE COPY
NAME Darlene Plymley
DATE 13/12/17
THE TOWNSHIP OF FRONTENAC ISLANDS

AMENDMENT NUMBER 4 TO THE OFFICIAL PLAN
FOR THE
CORPORATION OF THE TOWNSHIP OF FRONTENAC ISLANDS

The attached explanatory text, constituting Amendment Number 4 to the Official Plan of the Township of Frontenac Islands was prepared by the Council of the Township of Frontenac Islands under the provisions of Sections 17 and 21 of the *Planning Act, R.S.O. 1990, as amended*.



Mayor, Denis Doyle



CAO, Clerk and Treasurer, Darlene Plumley

THE CORPORATION OF THE TOWNSHIP OF FRONTENAC ISLANDS

BY-LAW NUMBER 2011-28

Being a By-law to Adopt Official Plan Amendment Number 4 to the Official Plan for the Township of Frontenac Islands

WHEREAS Amendment Number 4 to the Official Plan for the Township of Frontenac Islands has been supported by the Council of the Corporation of the Township of Frontenac Islands;

AND WHEREAS the Minister of Municipal Affairs and Housing is the approval authority for Official Plan Amendments for the Township of Frontenac Islands under the *Planning Act, R.S.O. 1990, as amended*;

AND WHEREAS The Corporation of the Township of Frontenac Islands has provided a copy of the proposed Amendment Number 4, to the Ministry of Municipal Affairs and Housing pursuant to 17(15)(a) of the *Planning Act, R.S.O. 1990 as amended*;

NOW THEREFORE, the Council of the Corporation of the Township of Frontenac Islands, in accordance with the provisions of Sections 17 and 21 of the *Planning Act, R.S.O. 1990, as amended*, hereby enacts as follows:

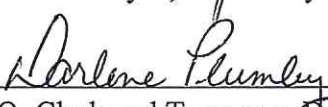
10. THAT Amendment Number 4 to the Official Plan of the Township of Frontenac Islands, consisting of the attached explanatory text and text amendments, is hereby adopted.
11. THAT the Clerk be authorized and directed to make application to the Ministry of Municipal Affairs and Housing for approval of Official Plan Amendment Number 4 for the Corporation of the Township of Frontenac Islands.
12. THAT this by-law shall come into force and take effect on the date of the final passing, subject to the provisions of Section 17 and the regulations under the *Planning Act, R.S.O. 1990 as amended*.

READ a first and second time this 13 day of Nov, 2016 ^{DP}

READ a third time and finally passed this 13 day of Nov, 2016 ^{DP}



Mayor, Denis Doyle



CAO, Clerk and Treasurer, Darlene Plumley

AMENDMENT NUMBER 4 TO THE OFFICAL PLAN
FOR THE CORPORATION OF THE TOWNSHIP OF FRONTENAC ISLANDS
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PART B – THE AMENDMENT consisting of the following text constitutes Amendment Number 4 to the Official Plan for Township of Frontenac Islands.

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THE APPENDICES – The appendices do not constitute part of this amendment.

APPENDIX A- Certification of Compliance with Public Involvement and Notice Requirements	
APPENDIX B- Notice of Public Meeting	(Not Attached)
APPENDIX C- Minutes of the Public Meeting	(Not Attached)
APPENDIX D- Written Submissions	(Not Attached)
APPENDIX E- Certification of True Copy	(Not Attached)

PART A – THE PREAMBLE

The title of this amendment is “AMENDMENT NO. 4” to the Official Plan of the Township of Frontenac Islands hereinafter referred to as “AMENDMENT NO. 4”.

- PURPOSE

The purpose of Amendment No. 4 is to amend the Official Plan of the Township of Frontenac Islands to include new Private Lane policies and update existing Transportation policies in the Township of Frontenac Islands.

- LOCATION

Private Lane policies will apply to all existing and proposed private lanes in all parts of the Township.

- BASIS OF THE AMENDMENT

The purpose of the amendment is to implement the recommendations of the Private Roads (Lanes) Study: Final Report prepared for the County of Frontenac and the Township of Frontenac Islands, dated June 15, 2016. The recommendations of the Private Roads (Lanes) Study will include amendments to the Transportation policies of the Plan and the addition of new Private Lane policies to the Rural policies of the Plan in order to guide development on new and existing private lanes in the Township.

The Private Roads (Lanes) Study contains the following conclusions and recommendations applicable to the Township of Frontenac Islands:

Seasonal vs. Permanent Residential Screening

Prior to the review of an application for new lot development that would result in the infilling or minor extension of an existing private lane, an assessment of permanent and seasonal residential land use should be completed for the entire lane. Where a majority of existing development on a private lane is determined to be permanent residential, or where the private lane is located in an area where conversion rates will likely result in a majority of permanent residential development in the future, no new lot development in the form of limited infilling or minor extensions shall be permitted unless the private is developed within a common element or vacant land condominium and the lane is constructed to the Township’s private lane standard.

Private Lane Standards

A private lane standard has been developed in consultation with each of the Township’s public works department staff. This standard should be the minimum standard accepted for new private

lanes, major extensions of existing private lanes or for new lot development on existing lanes where a majority of existing land use is permanent residential. Where the Township's private lane standard is greater than the connecting public road, Council may approve development on condition that the private lane is constructed to a standard which is equal to the connecting public road. For limited infilling and minor extensions to existing private lanes, the lanes should be constructed to a standard which is considered acceptable for emergency service delivery by the Township's public works and fire department staff.

Rural Service Levels

A review of legal mechanisms for the long-term maintenance of private lane standards through new lot development concludes that common element agreements should most appropriately be implemented where a new lane or a major extension to an existing lane is proposed as part of an application for subdivision or vacant land condominium. Development agreements should be implemented as a condition of consent for infilling and minor extensions to existing private lanes.

Infilling and Extension of New Lots on Existing Lanes

There is limited development potential for infilling and extensions on existing private lanes. Approximately 72% of all existing private lanes in the Township of Frontenac Islands have no infilling potential and approximately 77% of all existing private lanes have no extension potential. This Study supports infilling and minor extensions of existing private lanes up to three (3) lots. Major extensions of existing private lanes involving four (4) or more new lots should take place by a plan of subdivision or condominium. Additional consents, above the number of consents that may be granted per holding, should be allowed where the creation of additional lots will complete the development potential of the lane.

Conditions of development approval can be implemented for new lots created through infilling and extensions in order to improve the standard of existing deficient lanes. The scale of new lot development created as a result of infilling and extensions is quite limited, when compared to the scale of existing development on private lanes throughout the Township of Frontenac Islands. Therefore, new lot development through infilling and limited extensions will serve to increase the suitability of existing lanes for the provision of emergency service vehicles with minimal financial impacts on local municipalities over the long-term.

New Private Lanes

There is still a significant amount of undeveloped shoreline in the Township of Frontenac Islands. A common elements condominium should be required for any new private lane development. This approach establishes the ownership and maintenance of the lane among all owners, and provides a legal obligation to ensure that sufficient funds are in place to ensure the ongoing maintenance of the lane in perpetuity.

Assumption of Private Lanes

Prior to the assumption of a private lane as a public road, this Study recommends that Council conduct a financial assessment of the long-term capital and operating costs of assuming a private lane as a public road. No private lane should be assumed into a municipal road system unless Council is satisfied that the annual maintenance or long-term operating costs will not place an undue burden on the costs of operating the municipality's road system.

Private Lane Monitoring

Although there are challenges to controlling the conversion of seasonal residential dwellings to permanent residential use, it is possible to monitor the location of where these trends are occurring and anticipate where this trend is likely to occur in the future. This Study provides a detailed inventory and data base of information on every identified private lane in the Township of Frontenac Islands. This data should be used to assess permanent and seasonal residential land use trends on an existing lane at the time that applications for new lot development are received for infilling or extension purposes. This inventory and data base should also be updated at the time that each local official plan is reviewed in order to evaluate changes in land use patterns on private lanes, and to assess development activity, future development potential, and seasonal to permanent residential conversion trends. The intent of this evaluation will be to monitor the effectiveness of the local municipal private lane policies.

PART B – THE AMENDMENT

- INTRODUCTORY STATEMENT

All of this part of the document entitled "Part B – The Amendment" consisting of the following text is AMENDMENT NO. 4 to the Official Plan of the Township of Frontenac Islands.

- DETAILS OF THE AMENDMENT

Item 1:

Subsection 3.4.2.1 3. of Section 3.4.2 "Roads" of the Official Plan is amended by deleting this section in its entirety and adding a new Subsection 3.4.2.1 3. immediately after Subsection 3.4.2.1 2. as follows:

“3. *Private Lanes*

(a) *Private Lane Standards*

The road construction standard included in this Plan as Schedule “C” shall be deemed to be the “Township’s standards for new private lanes” for the purposes of Section 5.2.4.1 5.

(b) *Private Lane Assumptions*

Council will consider the assumption of a private lane as a public road provided that the road is brought up to the Township’s municipal road standard. Prior to the assumption of a private lane as a public road, Council will conduct a financial assessment of the long-term capital and operating costs for servicing the road. This assessment will include an estimate of the annual maintenance costs, repair costs and the long term life cycle replacement costs of assuming the private lane as a public road, and the impact of these costs on the operation of the Township’s roads system. The financial assessment will be carried out by a qualified professional, at the expense of the individual or group petitioning for the private lane to be assumed as a public road. No private lane will be assumed into the Township’s road system unless Council is satisfied that the annual maintenance or long term capital and operating costs will not place an undue burden on the costs of operating the Township’s road system.”

Item 2:

Subsection 5.2.2 of Section 5.2 “Rural” of the Official Plan is amended by adding the following sentence immediately after the last sentence of the paragraph as follows:

“The development of new waterfront limited service residential lots on private lands shall be permitted in accordance with the Shoreland Area policies of the Rural designation.”

Item 3:

Subsection 5.2.4.1 5. of Section 5.2.4 “Shoreland Areas” of the Official Plan is amended by deleting this section in its entirety and adding the following:

“5. Limited service residential development is generally located in the “Rural Area” (Shoreland Areas) of the Township on a body of water or a natural watercourse, where the primary means of access is from a private lane. The development of new “waterfront limited service residential lots” on private lanes shall be considered for approval based on the Private Lane policies of this plan.

(a) *Seasonal vs. Permanent Residential Screening Policy*

Prior to the review of an application for new lot development that would result in the infilling or minor extension of an existing private lane, an assessment of permanent and seasonal residential land use should be completed for the entire lane. Where a majority of existing development on a private lane is determined to be permanent residential, or where the private lane is located in an area where conversion rates will likely result in a majority of permanent residential development in the future, no new lot development in the form of limited infilling or minor extensions shall be permitted unless:

- i. The private lane is constructed to the Private Lane Construction Standards set out in Schedule "C" to this Plan.*
- ii. The existing private lane is developed within a common element condominium pursuant to the Condominium Act, 1998, as amended, and connects directly to an existing public road.*

(b) Infilling

Where a majority of existing development on a private lane is seasonal residential, severances for new "infill" lots may be permitted along existing private lanes, provided that the condition of the lane abutting the new lot(s) is improved to the Private Lane Construction Standards set out in Schedule "C" to this Plan. In addition, the whole of the lane travelled on reach the new proposed lot(s) will be required to be improved to a minimum standard to allow accessibility to the new lot(s) by emergency service vehicles.

(c) Private Lane Extensions

New lot development on "extensions" of existing private lanes may be permitted in accordance with the Category "A" or Category "B" policies for private lane extensions. The determination of whether the Category "A" or "B" policies apply to a given private lane extension shall be based upon an assessment of the overall future development potential of the private lane extension. The Category "A" private lane policies apply where an assessment of the development potential of the private lane concludes that minor extension of one (1), two (2) or three (3) new lots will complete the development potential of the private lane. The Category "B" private lane policies will apply where an assessment of the development potential of the private lane concludes that four (4) or more lots may be created from the private lane extension. Where a private lane has been assessed as having

potential for extension of four (4) or more lots, the Category "A" policies will not apply.

i. Category "A" (Minor) Private Lane Extensions

(I) Severances for one (1) or two (2) new lots on an extension to an existing private lane that would complete the development potential of the lane may be permitted provided that the extension is designed and constructed in accordance with the Private Lane Construction Standards set out in Schedule "C" to this Plan. In addition, the whole of the existing lane travelled to reach the proposed new lot(s) will be required to be constructed to a standard that would allow accessibility to the new lot(s) by emergency vehicles.

(II) Severance for a private land extension resulting in the creation of three (3) new lots completing the development potential of the lane may be permitted provided that the private lane extension and the whole of the existing lane travelled to reach the new proposed lots will be required to be improved to the Private Lane Construction Standards set out in Schedule "C" to this Plan.

(III) The new lane may only be constructed to the point of access to the last lot on the lane rather than along the full lot frontage for the lot, as required by the implementing zoning by-law.

(IV) Notwithstanding the maximum number of land severances per holding permitted in Section 5.2.4.2. 10. up to three (3) new limited service residential lots may be permitted per private lane, provided that the creation of the proposed lots completes the development potential of the private lane.

ii. Category "B" (Major) Private Lane Extensions

(I) New development on extensions of private lanes having the potential for the creation of four (4) or more limited service residential lots may be created by a plan of subdivision or condominium, where the private lane shall be created as a common element condominium and managed by a condominium corporation.

(II) The private lane extension for the proposed lots and the whole of the existing lane travelled on to reach the new proposed lots will

be required to be improved to the Private Lane Construction Standards set out in Schedule "C" to this Plan or such other standard deemed appropriate by the Township.

(III) The owner of the existing private lane and all persons having an existing right-of-way (including unregistered rights of ways that have been legally obtained over time through actual usage) over the existing private lane will have to consent to the creation of the condominium. If this requirement cannot be fulfilled, then a major extension of an existing private lane cannot be granted.

(d) New Private Lanes

Lot development on new private lanes may be permitted by severance, or by a registered plan of condominium, provided that the new private lane intersects with an existing public road, and is designed and constructed in accordance with the Private Lane Construction Standards set out in Schedule "C" to this Plan and provided that the entire lane is governed by a condominium agreement.

(e) Private Lane Condition of Severance or Condominium Approval

As a condition of severance or condominium approval for all waterfront limited service residential lots, the owner of the subject property shall enter into an agreement with the Township to construct the private lane to the Private Lane Construction Standards set out in Schedule "C" to this Plan or such other standards which are determined to be appropriate for emergency service delivery. The agreement shall be registered against the title to the lots and include provisions acknowledging:

- i. The Township does not maintain or repair the private lane.*
- ii. The Township does not provide municipal services normally associated with public roads.*
- iii. The owners are responsible for all costs necessary to maintain the private lane.*
- iv. The Township is not responsible for any loss or damage created by the owner's failure to maintain the private lane.*
- v. The owners agree to indemnify the Township for any loss or damage."*

Item 4:

Subsection 6.3.1 4. of Section 6.3 “Criteria for Assessing Land Division Applications” of the Official Plan is amended by deleting the last sentence of the paragraph in its entirety and replacing it with the following sentence:

“In the case of development on Private Lanes, the policies of Section 5.2.4.1 5. shall apply.”

Item 5:

Subsection 6.3.1 7. of Section 6.3 “Criteria for Assessing Land Division Applications” of the Official Plan is amended by adding “Unless otherwise stated in this Plan” to the beginning of the last sentence in the last paragraph as follows:

“Unless otherwise stated in this Plan, it shall further be the policy of this Plan that a Plan of Subdivision shall be required if the effect of the severance would be to create three or more additional lots.”

Item 6:

That the “Private Lane Construction Standards” listed below, be added as “Schedule “C” to the Official Plan.

“Private Lane Construction Standards

<i>Right-of-Way width</i>	<i>20.0 m (66 ft)</i>
<i>Width of Clearing,</i>	<i>9.0 m (30 ft)</i>
<i>Surface Width,</i>	<i>6.0 m (20 ft)</i>
<i>Surface Material</i>	<i>Crushed stone</i>
<i>Depth of Surface Material, (Gran. “A”)</i>	<i>100 mm (4 in)</i>
<i>Depth of Base Material/Cover over bedrock (Gran. “B”)</i>	<i>150 mm (6 in)</i>
<i>Depth of Base Material / (Gran. “B”)</i>	<i>300 mm (12 in)</i>
<i>Granular Shoulder, Including Rounding</i>	<i>1.0m (3 ft)</i>

<i>Crown, Minimum</i>	2%
<i>Cross Culvert</i>	400 mm (16 in) - 300mm (12 in) minimum cover
<i>Culvert Material</i>	Aluminized Corrugated steel pipe/High density polyethylene (double wall)
<i>Maximum Vertical Grade</i>	12% (1:8) Minimum vertical curve length subject to design speed requirements
<i>Horizontal Turning Radius</i>	Minimum centerline radius 12.0 m (40.0 ft) – Subject to design speed requirements
<i>Ontario Building Code requirements</i>	Safe passage of emergency vehicles Maximum change of gradient not more than 1 in 12.5 (8%) over a minimum distance of 15 m (50 ft). Turnaround for dead-end portion of road more than 90.0m (295 ft) long.
<i>Ditches, Minimum Depth from Road Centerline to Bottom of Ditch</i>	0.5 m (1.5 ft) or 0.15 m (6 in) below bottom of granular B whichever is lower
<i>Overhead Clearance Height</i>	5.0 m (16 ft) minimum"


- IMPLEMENTATION AND INTERPRETATION

The implementation of this amendment shall be in accordance with the provisions of the Planning Act. The further implementation and associated interpretation of this amendment shall be in accordance with the relevant text and mapping schedules of the existing Official Plan of the Township of Frontenac Islands and applicable legislation.

APPENDIX A

**CERTIFICATION OF COMPLIANCE WITH PUBLIC INVOLVEMENT AND NOTICE
REQUIREMENTS**

I, Darlene Plumley, CAO, Clerk and Treasurer, hereby certify that the requirements for the giving of notice, and the holding of at least one public meeting as set out in Subsection 17(15) of the *Planning Act, R.S.O. 1990, as amended* and giving of notice as set out in Section 17(24) of the *Planning Act, R.S.O. 1990, as amended* have been complied with.



CAO, Clerk and Treasurer, Darlene Plumley