

Special Council Agenda

Application for Official Plan Amendment and Zoning By-law Amendment: Ompah Palmerston Cottage Co-operative Ltd.

10:00 a.m.- Tuesday, August 12, 2025
Council Chambers
[Zoom Meeting Registration](#)

1. Call to Order

2. Traditional Land Acknowledgement

We begin this gathering by acknowledging and celebrating these traditional lands as a gathering place of the first peoples and their ancestors who are entrusted to care for Mother Earth since time immemorial. We do so respecting both the land and the Indigenous People who continue to walk with us through this world. Today, the Township of North Frontenac is committed to working with Indigenous Peoples and all residents to pursue a united path of reconciliation.

3. Opening Remarks and Purpose of Meeting

- a) Chair's Opening Remarks 3
[Opening Remarks](#)

4. Approval of Agenda

- a) August 12, 2025

Be It Resolved That Council approves the Agenda for the Special Meeting regarding an Official Plan Amendment Application and a Zoning By-law Amendment Application dated August 12, 2025, as circulated.

5. Disclosure of Pecuniary Interest and General Nature Thereof

6. Presentation - County of Frontenac Planning Staff

- a) Application for Official Plan Amendment and Zoning By-law Amendment 4 - 292
- Ompah Palmerston Cottage Co-operative Ltd.

Be It Resolved That Council receives for information the Planning Report prepared by Jennie Kapusta, Community Planner with the County of Frontenac, regarding the Official Plan Application File OP#02/22 and Zoning By-law Amendment File #Z08/22 for Ompah Palmerston Cottage Co-operative; and thanks her for her time spent today.

- [Planning Report](#)
- [Attachment 1 - Draft OPA](#)
- [Attachment 2 - Draft ZBLA](#)
- [Attachment 3 - Key Map](#)

[Attachment 4 - Revised Site Plan May 2025](#)

[Attachment 5 - Memo Re Emergency Services Access](#)

[Attachment 6 - Summary of Public Comments](#)

[Attachment 7 - Policy Review - 1099B Lafolia Lane \(2025-08-12 Council mtg\)](#)

7. Public Forum

8. Confirmatory By-law

- a) Confirming By-law #2025-38 293

Be It Resolved That By-law #2025-38, being a By-law to confirm all actions and proceedings of Council for its Special Meeting held August 12, 2025, be read a first, second, and third time and finally passed.

[2025-38 Confirming By-law](#)

9. Adjournment

- a) Adjournment of Meeting

Be It Resolved That Council adjourns the Meeting at ____ .m. until August 28, 2025 or at the call of the Chair.

**Procedure for Special Meetings
Regarding Proposed Amendments to the
Township of North Frontenac's Official Plan and Zoning By-law**

Opening Remarks

The Council of the Township of North Frontenac is conducting a Special Meeting regarding:

- An application to amend the Township's Official Plan to redesignate a property from Rural Area to a site-specific Rural Cooperative Area 1; and
- An application to amend the Township's Zoning By-law to rezone the subject property from Limited-Service Waterfront (LSW) and Limited Service Rural (LSR) to a site-specific Rural Co-operative Exception Zone (CO-X1).

The format of the Special Meeting is as follows:

1. County Planning staff will providing an overview of the applications, including comments received from outside agencies and members of the public, including recommendations.
2. Council members will ask Planning staff any questions or request clarification.
3. The applicants and/or agent will have an opportunity to ask questions or provide comments at this time.
4. At this point, members of the public will have an opportunity to ask questions or provide comments. Members of the public will remain seated and raise their hand to have an opportunity to address Council. The Chair will recognize each member of the public forward at which time the member will be asked to state their name. Every participant is expected to treat all others in attendance with dignity, understanding, and respect.
5. Virtual attendees will use the raise hand function to indicate they would like to address Council. Members of the public will be brought into the meeting one at a time to address Council.
6. People will be asked to limit their comments/questions to one address of no more than 5 minutes to ensure Council can hear from others in attendance and different points can be expressed. The Public Forum section will be limited to approximately 90 minutes.

Please be advised this meeting is to provide members of the public an opportunity to provide comments in support or in opposition of the proposed amendments.

Any person who wishes to receive a copy of the minutes of the meeting; a copy of the report on the proposed Amendments; or notification of the decision of the proposed Amendments to the Township of North Frontenac's Official Plan or Zoning By-law, should provide their full name, address, email address and contact numbers to the Clerk following the meeting, if they have not already done so. If you are attending the meeting in person, please add your name to the sign in sheet.



Planning Report

To: Mayor and Members of Council

Prepared By: Jennie Kapusta, Community Planner, County of Frontenac

Reviewed By: Sonya Bolton, Manager of Planning, County of Frontenac

Re: Application for Official Plan Amendment and Zoning By-Law Amendment

Address: 1099B Lafolia Lane

Legal Description: Part Lot 30, Concession 4, Palmerston Lake, Geographic Township of Palmerston, Township of North Frontenac

File Number: OP02/22 and Z08/22

Owner(s): Ompah Palmerston Cottage Co-operative Ltd. (c/o Amber and Craig Hall)

Applicant: Same as owners

Agent: ZanderPlan Inc. (c/o Tracy Zander)

Date of Meeting: August 12, 2025

Recommendation – Official Plan Amendment:

That the application for an Official Plan Amendment (File Number OP02/22) for Ompah Palmerston Cottage Co-operative, 1099B Lafolia Lane, be supported; and,

That the Official Plan of the Township of North Frontenac, as amended, be further amended, as per Attachment 1 (Draft By-law and Schedule A to Amend the Township of North Frontenac Official Plan) to redesignate a property described as Part Lot 30, Concession 4, Palmerston Lake, Geographic Township of Palmerston (1099B Lafolia Lane) from Rural Area to a site-specific Rural Cooperative Area 1, be presented to Council for all three readings; and

That Council direct staff to prepare and send the Official Plan Amendment package to the County of Frontenac for approval.

Recommendation – Zoning By-Law Amendment:

That the application for a Zoning By-Law Amendment (File Number Z08/22) for Ompah Palmerston Cottage Co-operative, 1099B Lafolia Lane be approved; and,

That Zoning By-Law Number 55-19 of the Township of North Frontenac, as amended, be further amended, as per Attachment 2 (Draft By-Law and Schedule A to Amend Zoning By-Law Number 55-19); and,

That Council determines that in accordance with Section 34(17) of the Planning Act, no further notice is required prior to the passage of the By-Law; and,

That the amending by-law be presented to Council for all three readings.

Proposal:

An application for an Official Plan Amendment (OPA) has been submitted to redesignate a property described as Part Lot 30, Concession 4, Palmerston Lake, Geographic Township of Palmerston, 1099B Lafolia Lane, (refer to Attachment 3) from Rural Area to a site-specific Rural Cooperative Area 1. The redesignation of the subject property has been submitted concurrently with a Zoning By-Law Amendment (ZBA) to permit the establishment of a rural residential cooperative development known as Ompah Palmerston Cottage Cooperative. The application for the Zoning By-Law Amendment has been submitted to rezone the subject property from Limited-Service Waterfront (LSW) and Limited Service Rural (LSR) to a site-specific Rural Co-operative Exception Zone (CO-X1).

The proposed co-operative is intended to be a family project to be developed in phases, and will include the existing development (a cottage, sleep cabin, boathouse, accessory storage structures and a dock/water access point), plus the construction of seven new cottages (each with their own septic system), a community building, a workshop, two new sleep cabins, a trailer (RV) site, three new communal docks/water access points, two new marine storage sheds, and three gazebos (refer to Attachment 4).

The existing cottage is 74.4 square metres (800 square feet) in area and contains two bedrooms. Each of the proposed new cottages will be a single storey in height, no more than 149 square metres (1,604 square feet) in area and will contain between one to three bedrooms.

Proposal Revisions

This proposal initially included the construction of a boathouse on the southern side of the peninsula; however, because of comments received through the review process, this boathouse has been removed from the proposed development. Instead of a boathouse, the applicants are proposing the construction of two marine storage sheds, one on the north side of the peninsula, at the main water access point, and one on the south side of the peninsula, at the boat parking dock, to accommodate the storage

needs the boathouse was intended to address. Each marine storage shed will have a maximum footprint of 13 square metres (140 square feet) and a minimum waterbody setback of 6 metres (19.7 feet). The site-specific zoning for the property will recognize the maximum of two marine storage sheds, and a reduced waterbody setback for each of 6 metres (19.7 feet) as compared to the 15 metres (49.2 feet) prescribed in the Township Zoning By-law. The reduced waterbody setback is being proposed because of the existing topography of the site and the steep slopes along the peninsula portion of the property.

This site-specific zoning will also recognize the increased number of gazebos (3 vs 1) and docks (3 vs 1) proposed to be permitted on the subject property, as well as recognizing a combined footprint of more than 20 square metres for all waterfront structures within 30 metres of the high-water mark of Palmerston Lake. Each of the proposed docks shall not exceed the maximum provisions for a single dock prescribed in the Township Zoning By-law.

There will be an increased setback (33 metres (108.3 feet)) from the shoreline of Palmerston Lake for all development (including septic systems) located at the western section (end) of the peninsula portion of the property. This increased setback will apply to cottages seven and eight (and their associated septic systems) on the draft site plans (dated June 27, 2022) This increased setback results from the technical review comments received from Mississippi Valley Conservation Authority (MVCA) regarding the submitted Slope Stability Assessment (completed by GEMTEC) of the high steep slopes along the shoreline.

Submission Materials

In addition to the required application forms, the following documents were submitted for review in support of the proposed Official Plan Amendment and Zoning By-Law Amendment:

- Archaeological Assessment (Stages 1 and 2), prepared by Matrix Heritage, completed June 2021
 - Archaeological Clearance Letter from the Ministry of Citizenship and Multiculturalism dated January 3, 2023, confirming no additional assessments are required for the subject property
- Sanitary Servicing Brief, prepared by Kollaard Associates Engineers, completed June 27, 2022
- Environmental Impact Statement, prepared by GEMTEC Consulting Engineers and Scientists, completed August 31, 2021
- Planning Justification Report, prepared by ZanderPlan, completed October 25, 2022
- Slope Stability Assessment (Geotechnical Review), prepared by GEMTEC, completed June 29, 2021

- Site Plan Drawings, prepared by 8478007 Canada Inc. Recon Aerial
- Dock Plans, prepared by the applicant

The above noted documents constituted the first/initial submission to the Township. These documents were circulated to and reviewed by the appropriate technical agencies and Township departments.

These technical reviews raised questions and concerns that needed to be addressed. The applicants worked with the companies they had retained to provide the additional information required. This information was then recirculated for review and comment. This process of review and recirculation occurred several times until it was determined that all required information had been provided and all issues addressed.

The following documents underwent revisions since the initial submission in December 2022:

- Environmental Impact Statement (GEMTEC) – revisions dated March 5, 2024, July 25, 2024 and May 14, 2025
- Slope Stability Assessment (GEMTEC) - revised August 26, 2024, based on comments from MVCA

In addition to the revisions on the above noted documents, the following additional information documents have been provided in support of these applications since the initial submission:

- Stormwater Management Brief prepared by Shade Group Inc – completed December 2023. The Stormwater Management Brief was completed and submitted for review to MVCA, following a request for the information as part of the natural hazards review process of the initial submission.
- Letter from Department of Fisheries and Oceans Canada (DFO) dated July 11, 2024. In March 2024 the applicants submitted requests for review (information gathering forms) for the proposed development to the DFO and the Ministry of the Environment, Conservation and Parks (MECP). This request was submitted because of comments received through the review process of the EIS and it was determined that additional information was required.
- Ministry of the Environment, Conservation and Parks (MECP) email dated April 14, 2025, in response to the submitted Information Gathering Form regarding Species at Risk under the *Endangered Species Act, 2007* (ESA)

All the documents noted above, including the revised versions, are available online at the following link: [Ompah Palmerston Cottage Co-Op](#)

Background and Context

Process

The applications for an Official Plan Amendment and Zoning By-Law Amendment are the subject of this report. The proposal will also be required to go through the Site Plan Control (SPC) process.

An Official Plan Amendment (OPA) is a process to formally change the Township's Official Plan, which is the primary land use planning document that guides development and growth in North Frontenac. When a proposed development does not conform to the existing Official Plan policies, an OPA is required to redesignate land uses to enable a development proposal to proceed.

A Zoning By-law Amendment (ZBA) is required to change the specific zoning regulations that control how land can be used and developed (e.g., height of buildings, setbacks to lot lines or waterbodies). A ZBA must conform to the Official Plan.

Site Plan Control (SPC) is a municipal planning tool that helps to ensure that development proceeds in a safe, orderly, and functional manner. It allows municipalities to review and approve how sites will be developed, focusing on specific elements such as building locations, road access, tree cover maintenance, retention of shoreline vegetation, stormwater management, and implementation of mitigation measures. Any development approved as part of a SPC application must comply with the zoning standards of the property. The approval of a SPC application includes an agreement entered into between the municipality and the property owner and is registered on title to the property. Ontario law requires SPC approval to be done by staff and not by Council.

Development During Planning Application Process

One of the concerns that was raised by members of the public was that there was construction taking place on the subject property throughout this application process and before the OPA and ZBA had been approved.

The property owners are allowed to construct additional structures as accessory uses to the existing dwelling on the property and they applied to construct a garage. The current zoning on the property permits a variety of accessory uses and structures. The garage, for which a Township building permit has been issued, is identified on the proposed site plans as a workshop and meets all requirements of the Zoning By-law.

Additionally, the property owners are permitted to undertake site clearing and tree cutting as part of the management of the subject property without any additional planning approvals, including those proposed through these applications. All new construction and site clearing to date has taken place more than 30 metres from the high-water mark of Palmerston Lake and the inland wetlands identified on the property.

Subject Property

Information Category	Response
Official Plan Designation	Rural Area
Zoning	Limited-Service Waterfront (LSW) and Limited Service Rural (LSR)
Current size (area) of subject property	14.38 hectares (35.52 acres)
Existing road frontage and access	Accessed by Lafolia Lane (private road)
Waterfrontage	1,208 metres (3,963 feet)
Natural heritage features	Coniferous and deciduous woodlands, wetlands, shorelines and open water, and abutting Palmerston Lake, which is a lake trout lake that is not at capacity.
Surrounding land uses	Developed waterfront residential lots along the shoreline of Palmerston Lake, large naturally vegetated rural parcels inland, with some Crown Land along the north shore of Palmerston Lake

Site Context

The subject property, municipally known as 1099B Lafolia Lane is a peninsula that extends into Palmerston Lake, located at the northeast corner of the Hamlet of Ompah. This property is accessed via Lafolia Lane, a private road. At the time of the initial submission in December 2022, the subject property was two separate parcels which were municipally known as 1099A and 1099B Lafolia Lane. The two lots have since merged into one single property as described in the table above.

It appears that the way the property was described in the original EIS submission with the subject property being described as 1099B Lafolia Lane, with an area of approximately 3.13 hectares (7.73 acres), and “being bordered to the east by 1099A Lafolia Lane which is also owned by the client, collectively covering an area of approximately 14.5 hectares (35.8 acres)” caused some confusion as to the exact size of the property to be included in the Rural Co-operative area. In several of the public comments, as well as some of the technical comments received, it was stated that the total lot area for the development was only the 3.13 hectare portion of the property rather than the larger total area.

Planning staff would like to confirm that all reviews were conducted on the entire 14.38 hectare (35.52 acre) parcel owned by the applicants, as identified by the Municipal Property Assessment Corporation.

Existing Development

The subject property is currently developed with a single dwelling (cottage) and several accessory structures including a boathouse, dock, garage and sewage disposal system. These structures are located at the northeastern portion of the property. Lafolia Lane bisects the property and continues as a right-of-way that provides access to several waterfront properties along the shoreline of Palmerston Lake to the east of the subject property. The majority of the property is forested.

Surrounding Land Uses

To the west of the subject property is the Hamlet of Ompah. Within the hamlet boundaries are a mix of residential, commercial and recreational commercial uses in addition to two licenced aggregate operations. There are small developed residential lots along the southern shoreline of Palmerston Lake and inland within the boundaries of Ompah, as well as the surrounding area. On the northern side of Palmerston Lake, outside of the shoreline development, there are large tracts of Crown Land.

Access by Private Lane

The subject property is accessed via a private road, known as Lafolia Lane, and has a legal right-of-way over neighbouring properties along the surveyed path of Lafolia Lane. The existing surveyed width of the lane is less than what would be required if the lane were proposed as new construction today. When evaluating development proposals on private roads, planning staff reference the Frontenac County Private (Roads) Lanes Study and the Township Official Plan to aid in determining a minimum required standard of construction for the private road that accesses the subject property.

The policy framework for private lanes anticipates the review of these types of access in relation to new lot creation (e.g., severances or plans of subdivision). While this proposal is for a cooperative development on one parcel of land, the intent is the same, which is the construction of additional dwellings that need to use the lane for access. The Township's Public Works Department and Fire Department have determined that the existing lane, regardless of the current proposal, does not meet the minimum standards for emergency service access (please refer to the Comments section below for further details).

When these applications were submitted and circulated through the public consultation process, comments were received from the property owners along the portion of Lafolia Lane that must be crossed to access the subject property. These comments objected to the proposal on the basis that it would cause an increase in traffic and would be considered an overburden for the right-of-way. These comments also indicated an

unwillingness to permit the applicants permission to undertake any improvements to the lane where it crosses their property.

Details provided to the Township on the easement registered on title of the subject property do not indicate any limitations on the use of the lane for additional development. The applicants and the neighbours each provided a letter from a lawyer regarding the proposed use and the lawyers opinion on the proposal, whether it exceeds the original intent of the lane use and if there were legal limitations on completing the required upgrades to Lafolia Lane.

Township staff had the Township solicitor review the provided opinions and provide their own legal opinion on the issues raised by the neighbour and the ability to use and upgrade the lane for the proposed development. The response received indicated no legal basis for prohibiting improvements to Lafolia Lane to facilitate the proposed development, and further that this disagreement was a private civil matter that could not be settled through the municipal planning process.

As the lane is currently not accessible for emergency services access, and as the width of the existing right-of-way is insufficient to allow for it to be widened to the full 20 metres surveyed width specified in the policies, planning staff have indicated to the applicant that it must be upgraded to a minimum standard to allow for access for emergency services. Therefore, planning staff are recommending the addition of a holding symbol (H) to the site-specific exception zone, which would not permit the development of any additional cottages on the subject property until the holding symbol is removed from the zoning. The conditions of removal of this holding zone are detailed in the proposed Zoning By-Law Amendment (refer to Attachment 2) and state that the portion of Lafolia Lane required to access the subject property (from Lake Road) be upgraded to a minimum standard for emergency services access to the satisfaction of the Township. Please note, the ability to undertake the work necessary to upgrade the lane to this emergency service standard is strictly a civil issue between the applicant and the owner of the lane.

Pre-application Consultation:

The applicant and their agent/planning consultant (Tracy Zander of ZanderPlan) consulted with Township and County staff prior to submitting these applications. During this pre-application phase, the scope of the proposal was discussed, as well as the requirements for studies and approvals in support of any submitted applications. This pre-application consultation phase took place over a period of several months prior to any formal submissions to the Township.

Public Notice

In accordance with the *Planning Act*, signs were posted on the subject property 20 days in advance of the public meeting, which was held January 13, 2023. In addition, the public meeting notice was mailed out to property owners within 120 metres of the subject property 20 days in advance of the public meeting.

As well as providing public notice, as required under the *Planning Act*, Township staff put together an Engage Frontenac online information page ([Ompah Palmerston Cottage Co-Op](#)). Engage Frontenac is a website that the County and Township use to provide detailed information to the public for projects and proposals that generate significant public interest. This webpage also offers the opportunity to sign up for updates and notifications whenever information is added to the webpage. The intent of this webpage was to provide copies of the application submission materials and the details on the technical peer reviews completed on behalf of the Township. All comments submitted related to these applications have been recorded and reviewed and are available on request to the Township Clerk/Planning Manager.

In addition to the creation of and updates to this online information page, Township staff provided email updates on the progress of this project and the information reports submitted to all those who had requested to be added to the mailing list. Members of the public were able to add themselves to this mailing list by signing up during the statutory public meeting, which was held January 13, 2023, or by submitting a request in writing to Township staff at any point since the submission of these applications.

Since the statutory public meeting was held, there has been considerable back and forth between the applicant, their consultants, and the technical reviewers on the submitted material, particularly the review of natural heritage issues. The only change to the original proposal has been the removal the additional boathouse from the south side of the peninsula and the proposal for two small marine storage sheds on the property instead, as noted in the Proposal section above.

Comments

Following the receipt of the applications for Official Plan and Zoning By-Law Amendments, all supporting documents were reviewed by planning staff and the appropriate technical agencies and/or Township Departments. Summaries of all comments received as of the date of the writing of this report are discussed below.

North Frontenac Public Works Department and Fire Department

These applications were circulated for review to Township staff, specifically for review of the condition of the existing private lane and the ability of emergency services access, as well as what, if any, additional improvements or upgrades are needed to appropriately address firefighting needs.

The Township Public Works Manager and Township Fire Chief visited the subject property multiple times. Former Fire Chief Eric Korhonen visited the property along with Township and County planning staff in spring 2023 to review the proposed development and access. During this site visit, possible alternatives to upgrading the lane for full-size fire trucks (including pumper trucks) were discussed. These options included the installation of dry hydrants along the peninsula and the installation of on-site water storage systems such as underground cisterns/reservoirs.

On a separate occasion (June 7, 2023), Chief Korhonen and Public Works Manager Darwyn Sproule visited the property and reviewed the condition of Lafolia Lane in detail. This inspection divided Lafolia Lane into four distinct sections based on road conditions and characteristics.

Resulting from these site visits was an inspection report that was prepared by former Fire Chief Korhonen and the Public Works Manager that described the minimum required upgrades for each section of Lafolia Lane to facilitate emergency access. Some of these upgrades are required on portions of Lafolia Lane where it is located on property not owned by the applicants. This has presented challenges when it comes to planning for upgrades required to facilitate the proposed development, as noted above in the Background section of this report.

During the review process for these applications, Chief Korhonen retired and was replaced by Fire Chief Adam Robinson, who reviewed the comments provided by former Fire Chief Korhonen, including the upgrades that would be required for Lafolia Lane to provide emergency services access. Following a review of the inspection report and a site visit of his own, Fire Chief Robinson concurred with the requirements provided in the 2023 inspection report.

A formal memo dated March 5, 2025 from Fire Chief Robinson, confirmed that as Lafolia Lane is unable (in its existing condition) to meet the Township's private lane standards for new lane construction it must meet a minimum emergency services access standard. The existing lane, regardless of any development proposal, would not accommodate a full emergency response for fire (i.e., pumper and tanker trucks). This full emergency response is the standard used if a property owner's insurance company requests confirmation of emergency services.

Planning staff completed a map illustrating these separate sections to aid in identifying each section. A copy of the memo, inspection report and map have been included as Attachment 5 to this report.

Frontenac County Paramedics

Paramedic Chief Marc Goudie visited the subject property in November 2024 to review the existing condition of Lafolia Lane from the view of paramedic and ambulance access. Chief Goudie also reviewed the March 5, 2025, memo and inspection report provided by the current Fire Chief and Public Works Manager. A memo dated March 13, 2025, from Chief Goudie noted the above site visit date and confirmed that the assessment of lane conditions provided by Township staff concurred with his observations and that Lafolia Lane is not currently sufficient to accommodate an appropriate level of emergency services access. This memo further noted, that should Lafolia Lane be upgraded per the recommendations of the Fire Chief, that access by Frontenac Paramedics would also be possible.

Septic Approval Authority

The property owners submitted a Site Servicing Report prepared by Kollaard Associates Engineers, dated June 27, 2022, that describes the planned on-site sanitary (septic) servicing. This report noted that each of the eight (8) cottages will have its own Class 4 septic system and determined that the total daily flow rate for the entire site will be less than the 10,000L/day that would require approval by the Ministry of the Environment, Conservation and Parks (MECP).

At the time of the initial submission of the applications and supporting documents, the septic approval authority was the Township of South Frontenac, so the site servicing report was circulated for review to them. Beginning January 2023, the responsibility for septic review was transferred to the Building Department of the Township of North Frontenac. However, as this application had been submitted within the 2022 calendar year, the Township of South Frontenac still provided a review of the site servicing report that was submitted.

The septic review comments from South Frontenac, dated February 6, 2023, noted that the submitted report is generally thorough but does not address whether there is any intent to provide water and sewage services to the proposed workshop, studio, community building, trailer site or the two sleep cabins. It was further noted that the proposed 9450 L/day of daily design sanitary sewage flow listed in the report/brief is only 550 L/day below the 10,000 L/day limit that would require approval from MECP rather than that of the Township. Additionally, this development is proposed to be a phased development, but there is no indication of the total number of phases or what construction is proposed for each phase.

It is the opinion of MECP that accessory structures such as sleep cabins should be considered additional bedrooms when it comes to septic capacity design, and this is not the case for this proposal. However, planning staff would like to note that provided the approval authority is the Township, the final decision on this applicability is at the discretion of the Chief Building Official (CBO). It is the opinion of the Township CBO that accessory structures such as sleep cabins should be considered as additional bedrooms for the purposes of septic system calculation. The requirement to include the sleep cabins in the servicing calculation will be included in the Site Plan Approvals for the proposed development.

The drawings by Kollaard Associates for the site servicing report and the site plans provided from Recon Aerial were determined to be acceptable at this stage, but that more detail will be required in the future, pending approval of the Official Plan and Zoning By-Law Amendments. Provided the above items are addressed during the Site Plan Control stage, the Township of South Frontenac had no objections to the Official Plan and Zoning By-Law Amendments.

As noted above, the review of septic system proposals is now the responsibility of the North Frontenac Building Department. As such, Chief Building Official Don Reed has

reviewed the submitted documents and concurs with the review completed by the Township of South Frontenac.

Planning staff have discussed the servicing review with the applicants and the items of concern that were noted will be addressed, with further details provided when the Site Plan Control application process is undertaken. The applicants are also aware that if at any point the total capacity on the site of the combined septic systems over time reaches 10,000 litres, that they will have to seek approval from MECP.

Mississippi Valley Conservation Authority (MVCA) – Natural Hazards

The OPA and ZBA applications, along with the slope stability report and other supporting material, were circulated to MVCA for review, as conservation authorities have delegated provincial responsibility for regulating development in proximity to identified natural hazards. The natural hazards identified on this property include the high steep slopes along the shoreline of Palmerston Lake and flooding hazards associated with the unevaluated wetlands on the property and Palmerston Lake.

Comments dated May 25, 2023 noted that MVCA does not have any objections to the principle of the proposed development. However, it was requested that recommendations regarding the slope stability assessment be addressed. It was further noted that MVCA staff would provide comments on the anticipated stormwater management plan once it had been circulated.

As is also noted in the Environmental Impact Study (EIS), the subject property is comprised of coniferous and deciduous woodlands, wetlands, shorelines and open water. The shoreline of Palmerston Lake is steep and was determined to meet the criteria for a potentially unstable slope. The applicant's engineer from GEMTEC prepared a Slope Stability Assessment Report, dated June 29, 2021, that established an Erosion Hazard Limit. The report determined that this limit constitutes a safe setback for any proposed development at the site with respect to slope stability. The report also determined that the Erosion Hazard Limit for the slopes along Palmerston Lake will be 33 metres from the toe of the slope (the western tip of the peninsula).

During the MVCA review of the original OPA and ZBA applications, it was determined that a stormwater management review was required. The applicants had GEMTEC complete this stormwater review and provided a report dated December 2023. The GEMTEC report did not raise any significant concerns with regards to stormwater or overland water flow on the property.

The MVCA review of the initial submission confirmed the findings of the EIS regarding the characteristics of the subject property, including a lacustrine wetland that is regulated by MVCA. MVCA staff noted that while the slope stability assessment indicates that the Erosion Hazard Limit for slopes along Palmerston Lake will be 33 metres (108.3 feet) from the toe of the slope (the western tip of the peninsula), the accompanying development site plan showed a 30 metre (98.4 foot) setback for the proposed development. It was requested that the development site plan be updated to

ensure that the proposed development is not located within the minimum required setback.

MVCA provided a Technical Review Memorandum, dated October 16, 2024, for the submitted Slope Stability Assessment (SSA) (original SSA submission dated June 29, 2021, and the SSA first revision dated August 26, 2024) with a focus on risks associated with natural hazards and potential impact on Palmerston Lake. It was noted that GEMTEC now had provided comments on the impacts of the proposed design of the development in the revised submission and provided further details on the structures and locations on the subject property.

Based on all the information provided, MVCA's initial concerns regarding required setbacks have been addressed. MVCA concurs that a 30 metre (98.4 foot) setback is appropriate across the entire site except for the most western limits of the property (point of the peninsula) where a 33 metre (108.3 foot) setback will be required. This added setback reflects the proximity of the proposed dwellings to the identified fish spawning habitat that is located at the tip of the peninsula. The 33 metre setback places the dwellings on the downslope away from the lake limiting negative impacts on the fish habitat as well as the steep slopes down to the shoreline.

Natural Heritage Peer Review (Egis Group on behalf of the Township of North Frontenac)

The Township obtained a peer review of the Environmental Impact Study (EIS) by an independent third party (Egis Group, formerly McIntosh Perry) that was chosen by the applicants from options provided to them by Township staff. Township staff put out a Request for Quote (RFQ) for this peer review. Interested companies then submitted a scope of review and cost for services. These quotes were provided to the applicants for a decision on which consulting firm to proceed with. All costs associated with these reviews were paid for by the applicants. Planning staff would like to note that while the costs for the peer reviews were covered by the applicants, these peer reviews were commissioned by and provided directly to the Township before being provided to the applicants.

This process was undertaken as a result of the Provincial changes that limited conservation authority activities/policies to natural hazards only. Prior to provincial *Bill 23, More Homes Built Faster Act, 2022*, any EIS submitted in support of a planning application would have been circulated to the applicable conservation authority for review. In the case of this proposal, the applicable conservation authority is Mississippi Valley Conservation Authority (MVCA). MVCA reviewed the Slope Stability Assessment and associated Stormwater Management Plan as they addressed natural hazard concerns on the subject property.

This peer review process was a back and forth exchange and included both formal written responses as well as virtual meetings with County and Township staff, the applicants and their agent, and the biologist from Egis (peer review) and environmental scientist from GEMTC (applicant's consultant). All supporting documentation and

studies submitted to the Township were sent to Egis along with the EIS to ensure a full understanding of the proposal and site context when completing their review. The following is the timeline of this process:

- Initial EIS submission from GEMTEC dated August 31, 2021, and submitted December 2022.
- Egis peer review comments dated July 5, 2023
- GEMTEC comment response letter dated October 2, 2023
- EIS revision Number One dated March 5, 2024
- Egis peer review comments dated April 30, 2024
- EIS revision Number Two and GEMTEC comment response letter, both dated July 25, 2024
- Egis peer review comments date November 22, 2024
- EIS revision Number Three and GEMTEC comment response letter, both dated May 13, 2025
- Egis peer review comments dated July 7, 2025

The Request for Review (RFR) to the federal Department of Fisheries and Oceans (DFO) and the Information Gathering Form (IGF) request to the provincial Ministry of Environment, Conservation, and Parks (MECP), were both requested by the applicants and their consultant from Gemtec in March 2024, as a result of the back-and-forth consultation and review process with planning staff and Egis.

The final Egis peer review comments dated July 7, 2025 confirmed that all outstanding items/questions have now been addressed and that Egis reviewed the responses from DFO and MECP. Egis agrees with the recommendations in the EIS and those that have been discussed with Township and County staff as mechanisms for protection of sensitive habitats, including the requirement for obtaining Site Plan Control approval prior to the construction of any additional residential dwellings or sleep cabins. It is the opinion of Egis that the changes that have been made throughout this process are positive with respect to the protection of fish habitat and wildlife habitat, and the clarity provided and the agency review responses received have satisfied the concerns associated with this project.

Ministry of the Environment, Conservation and Parks (MECP)

Palmerston Lake has been provincially designated as a lake-trout lake not at-capacity. Township policies require that new development within 300 metres of a designated lake-trout lake undertake an Environmental Impact Study (EIS) to evaluate potential

negative impacts on the waterbody or other identified natural heritage features (including Species at Risk, Fish Habitat and Significant Wildlife Habitat) and provide mitigation measures, if required. The property owners retained GEMTEC Consulting Engineers and Scientists Limited to complete this EIS. The EIS dated August 31, 2021, was submitted with the applications. The study area identified in this report included the subject property and the adjacent lands encompassing an area of 120 metres beyond the property boundary.

County staff consulted directly with MECP staff in addition to the circulation for review of the submitted application forms and supporting documents. County staff asked questions to confirm the status of Palmerston Lake as a lake trout lake including questions regarding the water sampling schedule and the current water quality.

MECP is the provincial ministry responsible for the monitoring of lake-trout lakes. MECP conducts regular water sampling of designated lakes to ensure that implemented protections and/or mitigation measures (if any) are having the desired effect. The lake trout status of the lake is based on average levels of general water quality, including the levels of phosphorous and dissolved oxygen in the lake. MECP staff stated in email comments dated June 12, 2023 that the dissolved oxygen levels have historically been very good in Palmerston Lake, including the sampling that took place in May 2023. Even if the dissolved oxygen levels were found to be lower than normal for a single sampling event, it is unlikely that one sampling event would cause the average to drop significantly enough to cause the lake to be redesignated as at-capacity. The water sampling results for Palmerston Lake are within the required parameters and MECP has no concerns with the existing conditions.

Additionally, staff asked MECP questions about the septic details provided in the Site Servicing Brief/Report and the inclusion of the proposed sleep cabins and/or the communal buildings into the overall site capacity calculation. The reason County staff asked these questions is because once the daily design capacity for septic servicing reaches 10,000 litres per day for the whole property, the approval authority becomes MECP rather than the Township of North Frontenac.

It is the opinion of MECP that accessory structures such as sleep cabins should be considered additional bedrooms when it comes to septic capacity design, and this is not the case for this proposal. However, planning staff would like to note that provided the approval authority is the Township, the final decision on this applicability is at the discretion of the Chief Building Official (CBO).

Email comments dated April 3, 2024 from MECP, following the second submission of information regarding this proposal, stated no concerns regarding the proposed development as the water quality of the lake is good and the scale of the development would not impact water quality.

It was noted that based on the submitted site servicing plan the septic approval falls below the threshold for MECP approval. The development is proposed to be constructed in phases over a number of years and that building permits for additional

structures would not be issued until the septic design capacity had been confirmed at the time of the submission of the building permit applications. Additionally, all septic tile fields and cottages are proposed to be located beyond the 30 metre setback from the high-water mark, which is what is required for existing properties on lake trout lakes.

In addition to the circulation of the application package, the applicants submitted an Information Gathering Form (IGF) to MECP with regards to Species at Risk (SAR) in March 2024. This RFR discussed the processes and procedures that had been followed during the on-site review for SAR during the EIS process and subsequent peer review.

MECP provided an email response dated April 14, 2025 to this IGF submission. These comments stated that MECP had reviewed the submitted IGF and based on this review, determined “the EIS statement that neither sections 9 nor 10 of the *Endangered Species Act* (ESA) will be contravened appear reasonable and valid and therefore no ESA authorization is required”. It was stated that this conclusion is based on the information provided by GEMTEC on behalf of the applicants. Should any new information be obtained or if on-site conditions change, that the SAR branch of the MECP be contacted for further review. A clause to this effect will be included in the future Site Plan Control agreement for the property.

It was stated by MECP that the applicants remain responsible for ensuring continued compliance with the ESA and may be subject to enforcement action if activities result in any harm to an at-risk species or its habitat. The EIS includes a number of mitigation measures that the applicants have committed to implementing, and MECP stated that such mitigation measures and best practices should be implemented as is deemed appropriate during the development. These mitigation measures will also be included in the future Site Plan Control agreement for the property.

Ministry of Natural Resources and Forestry (MNRF)

These applications were circulated to MNRF for review regarding the identified fish habitat and spawning areas in proximity to the subject property based on feedback received during the consultation with MECP. Email comments dated May 8, 2023 provided the following information.

MNRF provides technical information based on their mandated interest in fisheries management and Lake Trout lakes. Only about one percent of Ontario’s lakes contain Lake Trout, but this represents 20-25% of all Lake Trout lakes in the world. Lake Trout are an important fishery resource in Ontario. Lake Trout lakes are particularly vulnerable to the impacts of human activities, including exploitation, impacts from cottage septic systems, acidification, species introductions, and habitat destruction. Responsibility for fisheries management is shared between the federal and provincial governments. MNRF staff noted that Fisheries and Oceans Canada (DFO) is the lead agency for fish habitat and would need to be consulted to ensure compliance with the fish and fish habitat protection provisions of the *Fisheries Act* should any future activities be proposed in potential fish habitat.

The Provincial Planning Statement stipulates that development and site alteration can be permitted in fish habitat only where it is in accordance with federal or provincial law, and adjacent to fish habitat only where it can be demonstrated that there would be no negative impacts. The Natural Heritage Reference Manual (NHRM, 2014) provides the province's technical guidance regarding the identification and protection of fish habitat.

MNRF confirmed that the littoral zone (the area of the lake that is closest to the shore) adjacent to the end of the peninsula, known as "Gravel Point", on the subject property is a confirmed lake trout spawning area. It was noted that there is information available in Land Information Ontario (LIO) about this area which can be found in the "Fish Activity Layer" that would be a relevant source of information to access and analyze in consideration of this proposal.

While MNRF did not complete a detailed review of the submitted EIS, it was noted that while the EIS documents how impacts may be mitigated to the fish spawning area from construction activity, it would also be important to consider the impacts of the development on the fish spawning area when it is built. It is possible sedimentation, which would have a negative impact on the fish spawning area, that could occur due to increased human use of the area. The more the area is used, the higher the risk of sedimentation occurring. Lake Trout have been noted to frequent the shallow waters of this area and would be easily impacted by activities on land.

MNRF noted that their position is one of providing information and resources to municipalities and the public, and not specific technical comments about individual applications.

Department of Fisheries and Oceans (DFO)

The applicants submitted a Request for Review (RFR) form to DFO in March 2024. A detailed description of the proposal was included with this RFR. A letter dated July 11, 2024 was provided as a formal response to this request. This letter stated that the proposal had been reviewed and that provided the mitigation measures/best practices that were outlined in the response letter are followed, DFO was of the opinion that the proposal is not likely to contravene the development prohibitions and requirements of DFO. These prohibitions include the death of fish by means other than fishing and the harmful alteration, disruption or destruction of fish habitat; and effects to listed aquatic species at risk (SAR), any part of their critical habitat or the residences of their individuals in a manner which is prohibited under sections 32 33 and subsection 58(1) of the *Species at Risk Act*.

A number of mitigation measures were recommended to be implemented to limit the potential for prohibited effects to fish and fish habitat and will be included in the future Site Plan Control agreement for the property:

- Plan in-water works to respect timing windows to protect fish and fish habitat
 - no in-water works between October 1 and July 15

- Capture relocate and monitor for fish trapped within isolated enclosed, or dewatered areas
- Limit impacts on riparian vegetation to those approved for the work, undertaking or activity and revegetate the disturbed area with native species suitable for the site
- Replace/restore any other disturbed habitat features and remediate any impacted areas
- Limit the duration of in-water works so that it does not diminish the ability of fish to carry out one or more of their life processes
- Develop and implement a sediment control plan to minimize sedimentation of the waterbody during all phases of work
- Develop and implement a response plan to avoid a spill of deleterious (harmful/toxic) substances

Public Comments

These applications received significant public interest, and a large volume of comments were received. Township staff documented all comments received and have organized them into a summary table, which is available as Attachment 6 to this report.

Given the volume of comments received, planning staff will be addressing the issues/concerns by theme.

- Natural heritage/environmental features, specifically concerns over impacts of the proposed development on the wetlands, shoreline and lake, wildlife habitat, Species at Risk (SAR), and fish habitat and the spawning area at Gravel Point.
- Confusion over the size of the subject property and concern over the density of the proposed development.
- Proposed use of the property, concerns over having multiple residential dwellings on one property and that the property/development would be used as a commercial resort.
- Impacts to the rural and waterfront character of the area.
- Access to the subject property via the private lane and concerns over the volume of traffic and emergency access.
- Servicing, specifically the use of multiple septic systems and the impact on water quality in Palmerston Lake and whether additional approvals are required because of the number of systems.

- Natural hazards, such as steep slopes, erosion and flooding concerns.
- Cultural heritage, specifically whether local First Nations had been contacted about the proposal.
- Implementation and oversight – Concerns over how the recommendations of the various studies will be implemented as part of the development on the site.

Detailed comments from planning staff about the above issues are provided in the Planning Analysis section below.

As well as the public comments that were received, both a neighbouring landowner and the Palmerston Lake Association submitted their own independent technical reviews of the EIS, prepared by consultants that they had retained. These reviews largely identified concerns similar to those raised by the official peer review undertaken by Egis Group on behalf of the Township.

These additional independent reviews were also provided to Egis Group at the request of planning staff, for information purposes and to ensure that there were no concerns raised that had not already been considered as part of the formal review process. It was determined that there was nothing in these reviews that had not been considered/addressed as part of the back-and-forth review process between the environmental consultant (GEMTEC) retained by the applicants and the peer reviewer (Egis Group) who was working on behalf of the Township.

Conformity and Consistency with Policy Planning Documents

Applications for Official Plan and Zoning By-law amendments are required to be consistent with the Provincial Planning Statement, 2024 and conform to both the County of Frontenac Official Plan and the Township of North Frontenac Official Plan. A full review of the policy documents by staff has been included as Attachment 7 to this report.

Provincial Planning Statement (2024)

The Provincial Planning Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. The PPS promotes efficient land use and development patterns that support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth. Under Section 3 of the Planning Act, all municipal decisions regarding planning applications “shall be consistent with” applicable provincial policy.

It is the opinion of planning staff that the proposal for the Official Plan Amendment and Zoning By-Law Amendment for the subject property is consistent with the PPS. Please refer to Attachment 7 for a full list of policies that are applicable to these applications and the detailed comments from planning staff.

County of Frontenac Official Plan (2016)

The County of Frontenac Official Plan is a framework for guiding development in the County through the management and protection of the natural environment and by providing direction and influence on growth patterns. It is focused on the six themes of economic sustainability, growth management, community building, housing and social services, heritage and culture, and environmental sustainability.

It is the opinion of planning staff that the proposal for the Official Plan Amendment and Zoning By-Law Amendment for the subject property complies with the County Official Plan. Please refer to Attachment 7 for a full list of policies that are applicable to these applications and the detailed comments from planning staff.

Township of North Frontenac Official Plan (2017)

The subject property is designated as Rural in the Township of North Frontenac's Official Plan (2017). The intent of the policies in the Rural designation are to maintain rural character and ensure that properties are adequately serviced. Within the Rural designation, the Plan provides for a supply of land for a diversity of traditional and evolving rural uses including rural residential, recreational oriented uses, and rural commercial and industrial uses.

Usually, the Waterfront Area designation applies to all land within 150 metres (500 feet) of waterbodies, and on islands, where lands are physically or functionally related to the waterfront. The intent is to protect water quality, shoreline amenities, and natural habitat areas. It is unclear to staff as to why the subject property isn't designated as Waterfront Area on the Official Plan's land use schedule. Staff suspect that it is because the subject property touches part of the boundary of the Settlement Area (Hamlet) of Ompah and Section 4.10.2.2.G of the Official Plan states that "the Waterfront Area designation shall be outside the limits of Settlement Area designations". However, Section 4.10.2.3 recognizes that the Waterfront Area boundaries need to be flexible because of varied terrain and development conditions. Given that the subject property is surrounded on three sides by water, staff have reviewed the applications against the Waterfront Area policies of Official Plan in addition to those of the Rural designation.

The Township of North Frontenac Official Plan has the Rural Co-Operative land use as an independent designation rather than it being a land use that is permitted in the Rural designation, even though it generally permits all the uses of the Rural designation. As such, to permit the proposed family co-operative, an Official Plan Amendment (OPA) is required in addition to a Zoning By-Law Amendment (ZBA).

The proposed OPA is planned to be a site-specific land use designation that limits the permitted uses on the property to residential uses only. The commercial and industrial uses of the Rural Co-Operative designation are not ideal for a property that is located in proximity to the identified fish habitat and accessed by a private road. Instead, the revised designation and corresponding Zoning By-law provisions will more appropriately

reflect the planning principles for the waterfront area. A copy of the draft OPA by-law is included as Attachment 1 to this report.

It is the opinion of planning staff that the proposal for the Official Plan Amendment and Zoning By-Law Amendment for the subject property complies with the general intent of the Township Official Plan. Please refer to Attachment 7 for a full list of policies that are applicable to these applications and the detailed comments from planning staff.

Should the proposed OPA by-law be adopted by Township Council, it will still need to be reviewed and approved by Frontenac County Council, as the County is the approval authority for all Official Plan Amendments.

Township of North Frontenac Zoning By-Law Number 55-19 (2019)

The subject property is currently zoned Limited-Service Waterfront (LSW) and Limited Service Rural (LSR) in the Township of North Frontenac Zoning By-Law Number 55-19.

In accordance with the proposed family co-operative use proposed for the property, and the proposed Official Plan Amendment, the property will be rezoned to a site-specific Rural Co-operative Exception Zone 1.

The full Rural Co-operative Zone permits a wide variety of uses including residential, commercial and industrial uses. To reflect the location of the subject property as a waterfront property compared to an inland property, and to implement the proposed site-specific Official Plan designation, the zoning of this property will only permit residential uses and appropriate accessory uses.

In addition to limiting the uses on the property to residential uses, the site-specific zoning will also include provisions limiting the total number of dwellings on the property to eight, and detail the maximum number of marine storage sheds, gazebos, water access points and docks that will be permitted. The zoning will also include the increased 33 metre (108.3 foot) setback for the western end of the peninsula on the property adjacent to the identified fish spawning area for all development, and the reduced 6 metre setback for the marine storage sheds (to be located outside the 33-metre setback from the western end of the peninsula).

The provisions regarding the maximum number of water access points and shoreline structures, as well as the adjusted waterbody setbacks, have been drafted to address the concerns raised by both the public and technical review agencies.

This zoning will also include the addition of a holding symbol (H) to the site-specific exception zone, which would not permit the development of any additional cottages on the subject property until the holding symbol is removed from the zoning. The conditions of removal of this holding zone are detailed in the proposed Zoning By-Law Amendment (refer to Attachment 2) and state that the portion of Lafolia Lane required to access the subject property (from Lake Road) be upgraded to a minimum standard for emergency services access to the satisfaction of the Township, and per the requirements set out in

the inspection report from Township Public Works and Fire Department (refer to Attachment 5).

A copy of the draft amending by-law for the site-specific Rural Co-operative Exception Zone 1 has been included as Attachment 2 to this report.

Overall Country planning staff are of the opinion that the proposed site-specific Zoning By-law amendment will allow for the proper and orderly development of the subject property and align with the overall purpose and intent of the Township's Zoning By-law.

Planning Analysis and Considerations

This application was reviewed against the policies of the Provincial Planning Statement, 2024, the County of Frontenac Official Plan, and the Township of North Frontenac Official Plan. The analysis below summarizes all relevant policies and concerns by theme. A list of all land-use planning policies relevant to these applications can be found as Attachment 7 to this report.

Natural Heritage

A significant factor impacting this proposed development is the protection of fish habitat as a result of the lake trout lake (not at capacity) designation of Palmerston Lake and the fish habitat/spawning areas at the western end of to the subject property, known as Gravel Point. As part of the review of the applications, planning staff consulted with the Ministry of Natural Resources and Forestry (MNR) and the Ministry of the Environment Conservation and Parks (MECP) regarding the existing water quality of the lake and the potential impact the co-op development would have on both the water quality and the fish habitat. As discussed below, the applicants also consulted with the federal Department of Fisheries and Oceans (DFO) as part of this review process.

MECP is responsible for testing the water quality in lake trout lakes. This testing is not done on an annual basis due to the large number of lakes that are monitored in this region, with it taking approximately 10 years to cycle through all the lakes. Palmerston Lake was sampled by MECP in May 2023 for general water quality and phosphorous and September 2023 for water quality, dissolved oxygen and temperature, so the next anticipated sampling year would be 2033. MECP comments noted that historically the water quality of Palmerston Lake is quite good, and their opinion is that even if one sampling event were found to have lower than normal dissolved oxygen levels, it is unlikely to cause the average to drop substantially and the lake to be redesignated as at-capacity.

There is a minimum required waterbody setback of 30 metres (98.4 feet) to Palmerston Lake throughout the subject property, with an increased setback of 33 metres (108.3 feet) at the western end of the peninsula in recognition of the steep slopes and fish spawning habitat located at the point. There is to be no development or site alteration within the 33-metre setback at the point, and the only exceptions to the 30-metre setbacks elsewhere on the property are the proposed water access points and

associated marine storage sheds and waterfront gazebos. Under the current Township Zoning By-law, the gazebos must be at least 3 metres from the highwater mark of the lake. The proposed marine storage sheds are to be 6 metres from the highwater mark of the lake. This is recognized in the proposed site-specific zoning as it is less than the 15 metres required by the Zoning By-law. The steep slopes on the site prevent the marine storage sheds from complying with the 15-metre requirement, and this change has been reviewed through the Environmental Impact Study (EIS). The ongoing requirement to prohibit any clearing of vegetation along the shoreline or within the 33 metre (108.3 feet) setback from the western point of the peninsula will be included in the Site Plan Control agreement.

In addition to Palmerston Lake, the other natural heritage feature identified on the property is the wetland feature located on the south side of the peninsula. The structures and services proposed for this development will all be located greater than 30 metres (98.4 feet) from the mapped edge of this wetland, in keeping with the Township policies for protection of natural features.

A Species at Risk (SAR) review was conducted as part of the Environmental Impact Study (EIS). There were areas identified as potential habitat for SAR, however no SAR were identified within the subject property. See below for further discussion on SAR.

Species at Risk (SAR)

As noted above, an EIS was prepared by the applicants in support of these applications. This EIS identified the potential for SAR on the property and described the field survey and research methods used for evaluation. Questions were raised by the public and in the above noted independent peer reviews about the methods used for data collection and the conclusions drawn regarding the presence of the identified species on the subject property. Similar questions were raised by the Township's formal peer reviewer (Egis Group) and were satisfactorily addressed during the subsequent revisions of the EIS with the provision of additional information and the completion of additional site visits and field surveys.

In addition to the SAR review that was completed through the EIS process, the applicants submitted an Information Gathering Form to MECP. This submission requested an additional review regarding SAR on the subject property and in relation to the proposed development. It was determined that based on the Ministry's review of the submissions the conclusions that there will be no negative impacts on SAR or their habitats, is reasonable and valid and no authorization from MECP is required prior to the start of development on the subject property.

The EIS identified areas on the property that were potential habitat for SAR but no SAR were observed on the subject property. Mitigation measures were provided in the EIS, including limiting the timing of vegetation removal to avoid the active seasons for breeding and migration of identified species. All mitigation measures outlined in the Environmental Impact Study (EIS), and in recommendations from DFO and MECP, will

be implemented through the Site Plan Control agreement that the owners will be required to enter into with the Township.

Planning staff would like to note that regardless of any formal identification and assessment of SAR on the subject property, there are Provincial regulations governing the protection of SAR should they be identified at any point on the subject property. This means that if any SAR are identified or documented during the construction phases of the development, there are specific procedures that must be followed to limit and/or mitigate negative impacts. These requirements will be outlined in the future Site Plan Control agreement for the property.

Fish Habitat, Lake Trout, and Lake Capacity for Development

As discussed above, Palmerston Lake is provincially designated as a lake trout lake, not at-capacity. This means there are some concerns regarding fish habitat and the potential impact of new development, but that additional development can be supported provided appropriate reviews take place and mitigation measures are implemented if required.

Following guidance from MECP, the Township Official Plan contains policies specific to lake trout lakes, reflecting the added precautions and reviews that should be taken when developing in proximity to these lakes. The main concern for lake trout lakes is the increased phosphorus input that can result from septic systems located in proximity to the shoreline. All new sewage disposal systems on the property will be setback a minimum of 30 metres (98.4 feet) from the high-water mark of the lake and wetlands for most of the property. At the western end of the property (peninsula) there will be an increased 33 metre setback from the shoreline for both the proposed dwellings and the septic systems. The increased setback results from the slope stability study and will ensure there is no negative impact regarding erosion potential for the slopes closest to the identified fish habitat area.

As discussed in the Comments section above, the applicants have consulted with MNRF and DFO regarding the proposed development and potential impacts to the fish habitat and spawning area located at the western end of the peninsula portion of the subject property. As a result of this consultation and comments received, the proposal was revised to remove the boathouse that was to be located on the southern side of the peninsula, and it was replaced with two marine storage sheds, one will be located at the main water access dock on the north side of the peninsula and one will be located at the boat parking dock on the south side of the peninsula.

Both the EIS and the information provided by DFO included recommendations for mitigation measures in addition to the increased waterbody setback noted above. These recommendations include limiting the timing of in-water works to avoid the breeding season, the type of dock construction to be used and suggestions for signage/buoys in the lake to properly identify the fish habitat located at the western end of the peninsula and limit speeds and wake in proximity to this area.

As noted in the SAR section above, all mitigation measures outlined in the Environmental Impact Study (EIS), and in recommendations from DFO and MECP will be implemented through the Site Plan Control agreement that the owners will be required to enter into with the Township. Planning staff would like to note though that the suggestions for signage/buoys for the fish spawning area at Gravel Point is outside the scope of these applications and the future Site Plan Control agreement, as it involves land not owned by the applicant (i.e., the lake bed). The Township also does not have the jurisdiction to place these items in the lake.

Property Size and Density of Proposed Development

Staff received comments from the public about concerns that this proposal is for a dense resort style development that will have significant negative impacts on the rural character of Palmerston Lake and the identified fish habitat at the end of the peninsula, as well as the wetland areas identified within the subject property.

The subject property has a total area of approximately 14.5 hectares (35.8 acres). The property was originally two smaller lots (addressed as 1099A and 1099B Lafolia Lane), that have since merged on title. With the proposed total number of residential dwellings being eight across the entire property, this would represent an average density of 1.8 hectares (4.4 acres) per dwelling, which is more than twice the area required for the creation of a new residential waterfront lot.

As discussed in the Background section above, it appears that the way the property was described in the original EIS submission with the subject property being described as 1099B Lafolia Lane, with an area of “approximately 3.13 hectares (7.73 acres)”, and “being bordered to the east by 1099A Lafolia Lane which is also owned by the client, collectively covering an area of approximately 14.5 hectares (35.8 acres)” caused some confusion as to the exact size of the property to be included in the Rural Co-operative area. In several of the public comments received it was stated that the total lot area for the development was only the “3.13 hectare portion” of the property rather than the larger total area.

Planning staff would like to confirm that regardless of what the lot area is stated as in different reports, all reviews were conducted on the entire 14.38 hectare (35.52 acre) parcel owned by the applicants, as identified by the Municipal Property Assessment Corporation.

Planning staff acknowledge that the residential dwellings will be constructed in clusters along the peninsula rather than evenly distributed throughout the property. This distribution locates the dwellings farther from the wetlands identified on the subject property and will limit the number of cleared areas on the property and allow the proposed dwellings to share a total of three new water access points rather than each of them having their own set of access stairs and cleared activity area. Limiting the additional shoreline access points to three as opposed to seven will aid in limiting negative impacts on Palmerston Lake.

Had this property remained as two separate parcels, each lot would have been entitled, under existing Township policies, to apply for severance of up to three new lots plus the retained parcel. Had these severance applications been submitted, it is possible that the subject property could have been divided into eight separate lots that could have been developed with a residential dwelling and on-site services (without an amendment to the Official Plan and potentially without an amendment to the Zoning By-Law, depending on the lot size and configuration). Each lot would have been entitled to its own water access point and cleared shoreline activity area. The family co-op proposal has the same number of dwellings, but half the water access points as compared to individual lot development of the peninsula and ensures that the development envelopes are situated away from the wetlands and the lake, including Gravel Point and the fish habitat located there.

Concerns over Commercial Uses in a Rural Co-operative Zone

Both the Rural Co-operative designation in the Official Plan and the Rural Co-operative Zone permit a variety of commercial and limited industrial type uses, with the intention that such a co-op could potentially be self-sufficient and provide a source of income for those who have chosen to live within and participate in the co-op.

The location of the subject property on the shoreline of Palmerston Lake, with a peninsula that extends into the lake, raised questions about the appropriateness of these additional commercial and industrial activities. The zoning for residential waterfront properties that is usually in place along the shoreline of waterbodies within the Township does not permit such types of activities.

In recognition of the waterfront location of the property as compared to the inland location of existing rural co-op developments, as well as the lake trout lake status of Palmerston Lake and proximity to the identified fish habitat at the end of the peninsula, both the site-specific Official Plan designation and site-specific zoning will limit the permitted activities on the property to residential uses and appropriate accessory uses.

There have also been some concerns raised about the proposed development being used as a commercial resort. The site-specific policy and zoning for the subject property does not permit this use. If someone were to propose this in the future, additional planning permissions would be needed, including holding a public meeting.

Private Lane and Ability to Access the Property

The subject property is bisected by and accessed by Lafolia Lane, which is a private road. Private roads are not owned or maintained by the Township and prior to the approval for any new development accessed by a private road, an assessment of the quality of the lane access is completed. It is a policy of the Township that no new development be permitted along a private road unless that road meets a minimum standard of construction. The private road development policies are derived from the Frontenac County Private Roads (Lanes) Study (2016) and can be found in the Township Official Plan.

Where new development is proposed and there is no extension to an existing private road required, the minimum standard for construction of the lane is that which facilitates emergency services vehicle access. It is not good planning to approve additional development where the existing access is insufficient. In its current condition, Lafolia Lane is insufficient for access to the existing residential development, let alone any increase in density, as noted in the Comments section above by the Township Public Works and Fire Department, and the Chief of Frontenac Paramedics.

The portions of Lafolia Lane that need to be improved are located on lands that are not owned by the applicants. As noted in the Proposal section above, the abutting neighbours over whose property Lafolia Lane crosses before entering the subject property provided comments objecting to the proposed development on the basis that the increase in traffic would be considered an overburden to the use of the lane. Additionally, they were unwilling to permit works on their lands where Lafolia Lane crosses to upgrade the lane as determined by Township staff to facilitate emergency services access to the subject property.

As discussed above, the Township obtained a legal interpretation on this matter and the legal opinions provided by the applicants and the neighbours regarding the question of whether the applicants have the ability (or the right) to upgrade Lafolia Lane where it crosses over property they do not own. It was determined that the dispute over the ability to complete the required lane upgrades is a civil matter and is not something that can be addressed through the planning process.

As a result, planning staff are recommending the inclusion of a Holding (H) symbol to the proposed site-specific zoning that requires the lane upgrades, as detailed in Attachment 5 to this report, to be completed, before any permits could be issued for the construction of any new residential dwellings.

Rural and Waterfront Character

This re-zoning application and concurrent Official Plan Amendment will result in the development of a total of eight residential dwellings on a property with a total area of approximately 35 acres. This density of development is in keeping with the existing residential development along the shoreline of Palmerston Lake. There are a variety of sizes of lots along the shoreline that are developed with residential dwellings with many lots significantly smaller than the approximately 4 acre average density proposed for this development.

The required setbacks from the highwater mark of Palmerston Lake and limiting the property to only three water access points, will assist in screening the development and buildings from the water.

Overall, these applications are not anticipated to have a negative impact on the rural and waterfront character of the surrounding area.

Servicing (water and sewage)

The applicants have provided a site servicing brief (report) outlining the proposed services for the property. Each dwelling, including the existing cottage will have its own Class 4 sewage disposal system appropriate for the size of the dwelling and any accessory structures that may also be tied into the sewage system. All proposed systems will be installed greater than 30 metres from the shoreline of Palmerston Lake in accordance with Township policies and provisions for new development.

The site servicing brief describes how these services will be configured/located on the subject property and the calculations used to determine daily design flow capacity. As each cottage applies for a building permit, the Township will review the overall site capacity. If capacity ever exceeds 10,000 litres per day, then approval from the provincial Ministry of Environment, Conservation, and Parks (MECP) is required. This will be detailed in the Site Plan Control agreement that the owners will be required to enter into with the Township.

Additionally, the mitigation measures recommended in the EIS, including consideration for advanced phosphorous abatement technologies and systems such as tertiary treatment systems, and site-specific investigation prior to the design of each septic system, shall be included in the Site Plan Control agreement that the owners will be required to enter into with the Township.

Natural Hazards

The natural hazards identified on the subject property are the high steep slopes that lead to the shoreline of the lake on both sides of the peninsula, in addition to the flooding and erosion potential from Palmerston Lake and the identified wetland areas within the property. As part of the review process for this development, an environmental impact study and slope stability assessment were completed to evaluate potential impacts on the identified natural hazards.

The slope stability assessment determined that to ensure appropriate protection of Palmerston Lake from a natural hazards perspective, and to minimize the impact on the slopes along the shoreline and the fish spawning area located at the tip of the peninsula, an increased setback to the shoreline of Palmerston Lake of 33 metres (108.3 feet) at the western end of the peninsula would be required. The remainder of the property will be subject to the existing (standard) zoning setback of 30 metres (98.4 feet) to the highwater mark of the lake.

In addition to the increased waterbody setback at the western end of the peninsula, this development will limit the number of water access points and cleared shoreline activity areas on the property. Had each of the proposed dwellings been located on a separate lot, there could have been up to seven additional water access points constructed on the property. By developing the property as a co-op style development, the applicants have reduced the number of water access points to a total of four (including the existing one in proximity to the existing cottage) that will be shared amongst all dwellings.

Two of the three additional water access points will be located on the northern side of the peninsula (a main shoreline activity area and a smaller swimming dock), and one will be located on the southern side of the peninsula. The one located on the southern side will be a boat parking dock and provide a place for storage of boats, when not actively being used, in a location that limits the potential negative impacts from wind and waves. Each of the water access points are proposed to be accessed by a meandering path rather than a constructed set of stairs.

The original submission included a plan to have a boathouse constructed on the southern side of the peninsula. As a result of the comments received through the technical circulation process and in consideration of limiting regular boat traffic in proximity to the identified fish spawning area, this boathouse was removed from the proposal. To accommodate the storage that would have been provided by the boathouse, the applicants instead are requesting two marine storage sheds, one to be located at the southern water access point and the other to be located at the main shoreline activity area on the northern side of the peninsula. These marine storage sheds will be located a minimum of 6 metres from the high-water mark of the lake, rather than the 15 metres prescribed in the Township Zoning By-law. This reduced setback recognizes the topography along the shoreline that makes it impossible to achieve a greater setback. This reduced setback will be recognized in the site-specific zoning for the property.

Cultural Heritage

A Stage 1 and 2 archaeological assessment was completed for the subject property. This assessment was reviewed by the Ministry of Citizenship and Multiculturalism who provided a clearance letter confirming no further studies were required prior to the development of the site. Standard clauses about how to address the accidental discovery of artifacts or human remains will be included with the Site Plan Control agreement.

These applications and supporting materials/studies were also circulated to the Algonquins of Ontario for review and comment. No response has been received regarding this circulation.

Implementation and Oversight of Development

As noted above, the purpose of the proposed OPA and ZBA is to review whether the proposed development is an appropriate use for the subject property. The details of what goes where, and how detailed servicing is provided are things that cannot be addressed through either the OPA or ZBA, rather these are things that will be addressed through Site Plan Control.

Site Plan Control (SPC) is a municipal planning tool that helps to ensure that development proceeds in a safe, orderly, and functional manner. It allows municipalities to review and approve how sites will be developed, focusing on specific elements such as building locations, road access, tree cover maintenance, retention of shoreline

vegetation, stormwater management, and implementation of mitigation measures. Any development approved as part of a SPC application must comply with the zoning standards of the property. The approval of a SPC application includes an agreement entered into between the municipality and the property owner and is registered on title to the property. Ontario law requires SPC approval to be done by staff and not by Council.

The Site Plan Control agreement must be completed prior to the issuance of any building permits, with the exception of any permit required for any changes to the existing cottage or it's accessory structures.

Permits from MVCA and provincial or federal ministries will also be required as noted in the applicable studies, and those requirements will also be noted in the Site Plan Control agreement.

Conclusion

In support of these applications, the applicant completed numerous assessments to evaluate the proposed development and identify potential impacts on Palmerston Lake and the shoreline/waterfront. After several revisions throughout the review process of these studies, including an environmental impact study, and slope stability assessment, a plan for the development of the lands has been completed that minimizes potential negative impacts on the water quality of the lake and the identified fish habitat at Gravel Point, minimizes the erosion potential of the steep slopes along the shoreline, and maintains the rural and natural character of the waterfront along Palmerston Lake.

Planning staff are of the opinion that the proposed Official Plan and Zoning By-law Amendments are consistent with the Provincial Planning Statement (2024) and meet the intent of both the Frontenac County and Township of North Frontenac Official Plans. All remaining issues, and mitigation measures to be implemented, will be addressed through the Site Plan Control process.

Planning staff are recommending the approval of both the Official Plan Amendment and Zoning By-law Amendment as detailed in the draft by-laws, included with this report as Attachments 1 and 2. Should Township Council support/adopt the proposed Official Plan Amendment, it will still need to be presented to Frontenac County Council for final approval.

Attachments

Attachment 1: Draft By-law and Schedule A to Amend the Township of North Frontenac Official Plan

Attachment 2: Draft By-law and Schedule A to Amend Zoning By-law Number 55-19

Attachment 3: Key Map

Attachment 4: Revised Development Plan from Applicant

Attachment 5: Memo from Fire Chief (March 5, 2025) and Inspection Report and Map from Township Public Works Department and Fire Department Re. Condition of Lafolia Lane (2023)

Attachment 6: Summary of Public Comments

Attachment 7: Policy Review

The Corporation of the Township of North Frontenac

By-Law Number 2025-XX

**A By-Law to Amend the Official Plan for the Township of North Frontenac
(Amendment Number X – Ompah Palmerston Cottage Co-operative, 1099B Lafolia Lane, Part Lot 30, Concession 4, Palmerston Lake, Geographic Township of Palmerston – Redesignate from Rural to Site-Specific Rural Cooperative Area 1)**

Whereas a Public Meeting was held regarding this amendment on January 13, 2023; and,

Whereas the Municipal Council of the Township of North Frontenac deems it appropriate to amend the Official Plan for the Township of North Frontenac, as it relates to a parcel of land located at 1099B Lafolia Lane, Part Lot 30, Concession 4, Palmerston Lake, Geographic Township of Palmerston;

Now Therefore, the Council of The Corporation of the Township North Frontenac, in accordance with the provisions of Section 17 of the *Planning Act, R.S.O. 1990.c.P.13*, as amended, enacts as follows:

1. The Township of North Frontenac Official Plan is hereby amended by the following changes, which shall constitute Amendment Number X to the Official Plan for the Township of North Frontenac:

- a. Amend the Land Use Schedule of the Township of North Frontenac Official Plan by changing the designation of the subject property from Rural to Site-Specific Rural Cooperative Area 1 for those lands shown on Schedule 'A' to this by-law; and,
- b. Amend Section 4.4 of the Township of North Frontenac Official Plan by adding a new sub-section 4.4.6, as follows:

4.4.6 Site Specific Policies

- A. Ompah Palmerston Cottage Co-operative
(Assessment Roll Number (ARN) 1042-100-030-19800)

For those lands identified as 1099B Lafolia Lane, Part Lot 30, Concession 4, Palmerston Lake, Geographic Township of Palmerston (ARN 1042-100-030-19800), only residential uses are permitted. The residential co-operative use of the subject property, and any appropriate accessory uses, will be identified through a site-specific zone in the Township's Zoning By-Law. All other policies of the Official Plan apply, including those associated with the Waterfront Area.

2. The Clerk is hereby authorized and directed to make application to the County of Frontenac for the approval of Official Plan Amendment Number X for The Corporation of the Township of North Frontenac.
3. This by-law shall come into force and take effect on the date that Official Plan Amendment Number X is approved by the Council of The Corporation of the County of Frontenac, subject to the provisions of the *Planning Act, R.S.O, 1990.c.P. 13*, as amended.

Read a first and second time this [redacted] day of [redacted] 2025.

Read a third time and finally passed this [redacted] day of [redacted] 2025.

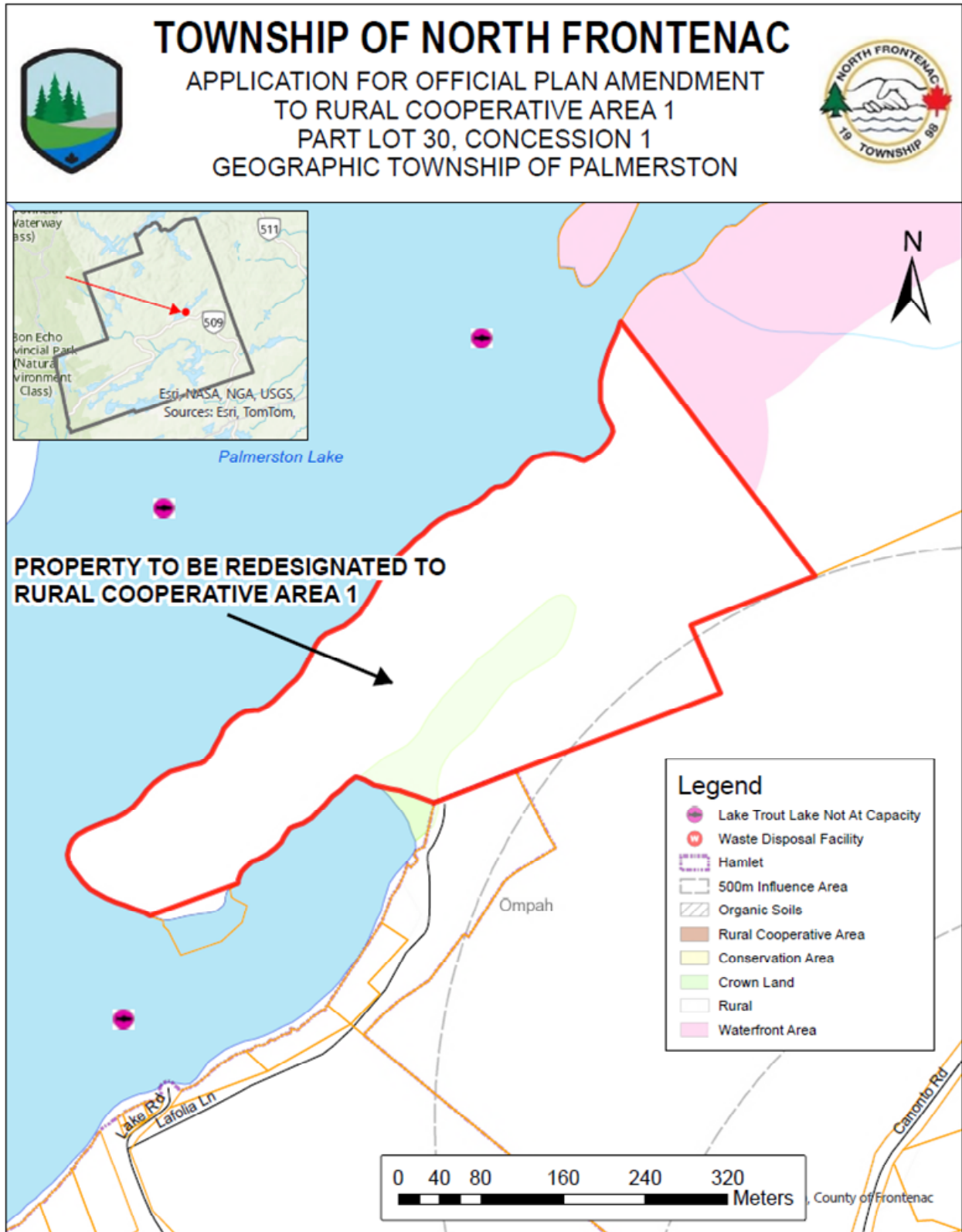
Gerry Lichty, Mayor

Tara Mieske, Clerk

DRAFT

Township of North Frontenac

Schedule 'A' to By-Law Number 2025-XX



The Corporation of the Township of North Frontenac

By-Law Number 25-XX

A By-Law to Amend Zoning By-Law Number 55-19, as amended (Zone Change from Limited Service Waterfront (LSW) and Limited Service Rural (LSR) to a site-specific Rural Co-operative Exception (CO-X1-H) Zone with a Holding Symbol; 1099B Lafolia Lane, Part Lot 30, Concession 4, Palmerston Lake, Geographic Township of Palmerston)

Whereas pursuant to the provisions of Section 34 of the *Planning Act*, RSO 1990, the Council of a Municipality may enact by-laws regulating the use of lands and the erection of buildings and structures thereon; and,

Whereas By-Law Number 55-19 regulates the use of land and the location, use and erection of buildings and structures within the Township of North Frontenac;

Now Therefore the Council of The Corporation of the Township of North Frontenac enacts as follows:

1. By-Law Number 55-19 of The Corporation of the Township of North Frontenac, as amended, is hereby further amended as follows:
 - 1.1 Schedule 'A' of By-Law Number 55-19, as amended, is hereby further amended to change the zoning of the subject lands legally described as Part Lot 30, Concession 4, Palmerston Lake, Geographic Township of Palmerston, Township of North Frontenac, from a Limited Service Waterfront (LSW) Zone and Limited Service Rural (LSR) Zone to a site-specific Rural Co-operative Exception (CO-X1-H) Zone with a Holding Symbol, as shown on Schedule 'A' attached to and forming part of By-Law Number 25-XX;
 - 1.2 By adding the following Sub-section (1) to Section 4.10.5 Rural Co-operative, Exception Zones:
 - (1) **Roll #1042-100-030-19800** (By-Law Number 25-XX)
CO-X1-H – Ompah Palmerston Cottage Cooperative, Part Lot 30 Concession 4, Palmerston Lake, Geographic Township of Palmerston, Township of North Frontenac:
 - (1) Despite the provisions of Sections 4.10.1 and Section 4.10.2 (CO Zone Permitted Uses) to the contrary, on lands zoned **CO-X1-H**, only the following uses are permitted:
 - (a) Permitted Uses – Principal
 - Dwelling – Mobile Home
 - Dwelling – Modular Home
 - Dwelling – Park Model Trailer
 - Dwelling – Single Detached
 - Dwelling – Tiny Home

- (b) Permitted Uses – Accessory
- Accessory Buildings and Structures, as per Section 3.1 and Section 4.10.5(1)(4)
 - Home Based Business
- (2) Despite the provisions of Section 4.10.3(a) (CO Zone, Zone Requirements, All Uses) to the contrary, on lands zoned **CO-X1-H**, the following additional provisions shall apply:
- (a) Maximum number of dwelling units: eight
- (b) Minimum required setback from the western property line/highwater mark of the peninsula known as Gravel Point: 33 metres
- (c) Despite Section 4.10.5(1)(2)(b), the minimum required setback from the highwater mark along all remaining shorelines is 30 metres, unless otherwise indicated.
- (3) Despite the provisions of Section 4.10.4 (CO Zone, Additional Provisions) to the contrary, on lands zoned **CO-X1-H**, the following additional provisions shall apply:
- (a) A maximum of four pedestrian access corridors, each not greater than seven metres in width passing through the natural vegetated buffer (shoreline) shall be permitted.
- (b) A maximum of four waterfront activity areas for residential use may be permitted. One waterfront activity area may have a maximum cleared area of 20 metres of shoreline frontage and all others shall have a maximum cleared area of 15 metres of shoreline frontage.
- (4) Accessory uses, buildings, and structures shall be in accordance with Section 3.1 of the Zoning By-Law, except for the following:
- (a) A maximum of four docks shall be permitted in accordance with Section 3.1.2(b).
- (b) A maximum of three sleep cabins shall be permitted, in accordance with the provisions of Section 3.1.4.
- (c) A maximum of two marine storage sheds shall be permitted, each in accordance with the provisions of Section 3.1.2(e), except that the minimum setback from the highwater mark shall be 6 metres (19.7 feet).
- (d) A maximum of two viewing platforms shall be permitted in accordance with Section 3.1.2(c).

- (e) A maximum of three gazebos shall be permitted, in accordance with Section 3.1.2(c).
- (f) Waterfront structures which are unattached to a main building shall not exceed a combined footprint of more than 100 square metres for all structures within the 30-metre setback from the high-water mark.

(5) Holding Symbol (H)

(a) Prior to the removal of the holding symbol (H) associated with this site-specific zone on Schedule 'A' of By-Law Number 55-19, the following condition must be satisfied:

(1) Access via the private lane to the subject property must be upgraded to an emergency service access standard acceptable to the Township and as detailed in the site plan control agreement.

(b) Until such time as the holding symbol is removed, no additional dwellings and/or sleep cabins are permitted to be erected.

(c) Despite Section 3.20 of Zoning By-Law Number 55-19, the holding symbol does not restrict any renovations or expansions to the existing dwelling on the property, or the development of any other non-habitable accessory structures that are accessory to the existing residential dwelling, provided the development is located outside the minimum required setbacks to the highwater mark.

- 2. That all other provisions of By-Law Number 55-19 shall continue to apply.
- 3. That this by-law shall come into force and take effect on the date of final passing by the Council of the Township of North Frontenac, subject to the provisions of the *Planning Act, R.S.O, 1990*, as amended.

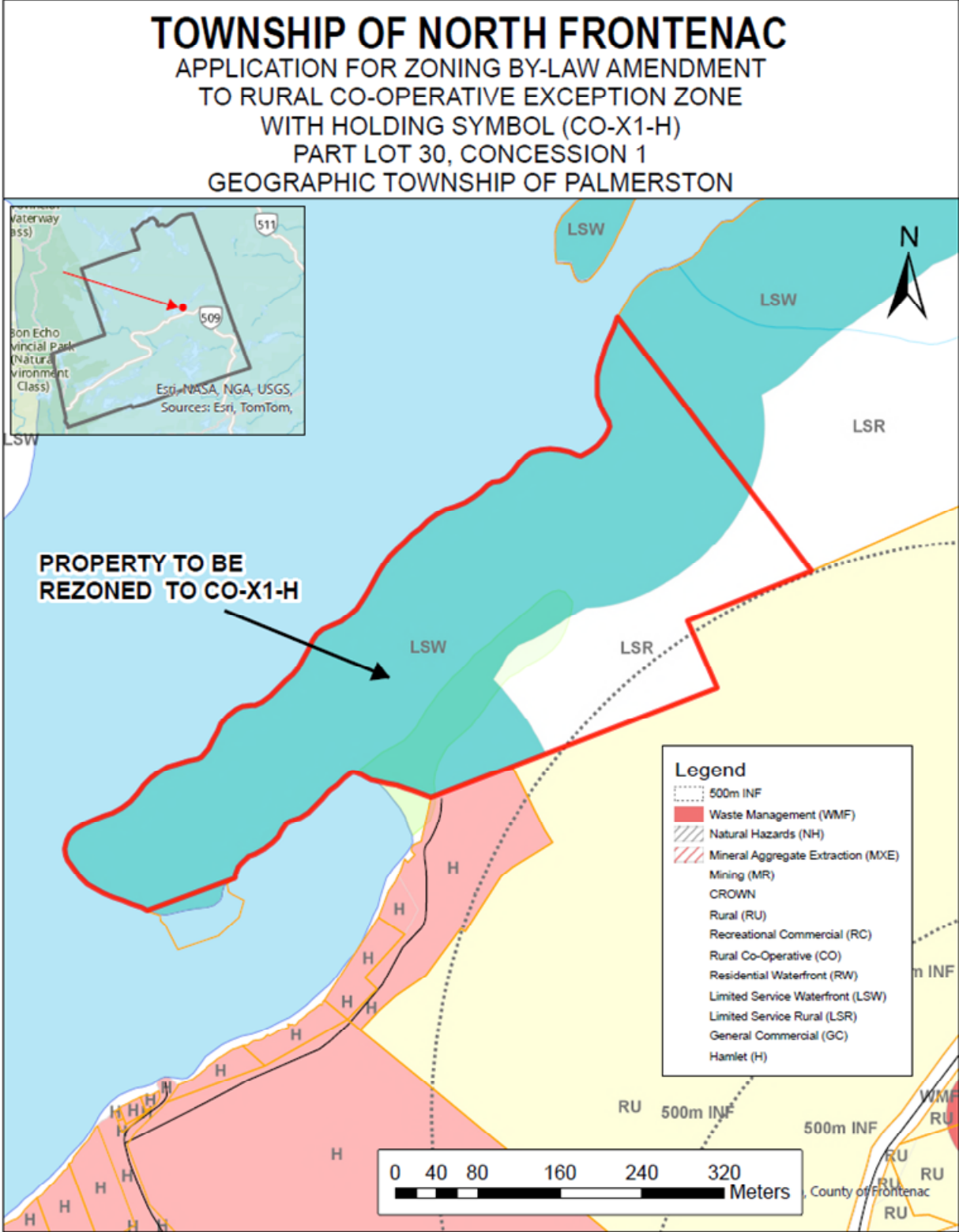
Read a first and second time this ____ day of _____, 2025.

Read a third time and adopted this ____ day of _____, 2025.

Gerry Lichty, Mayor

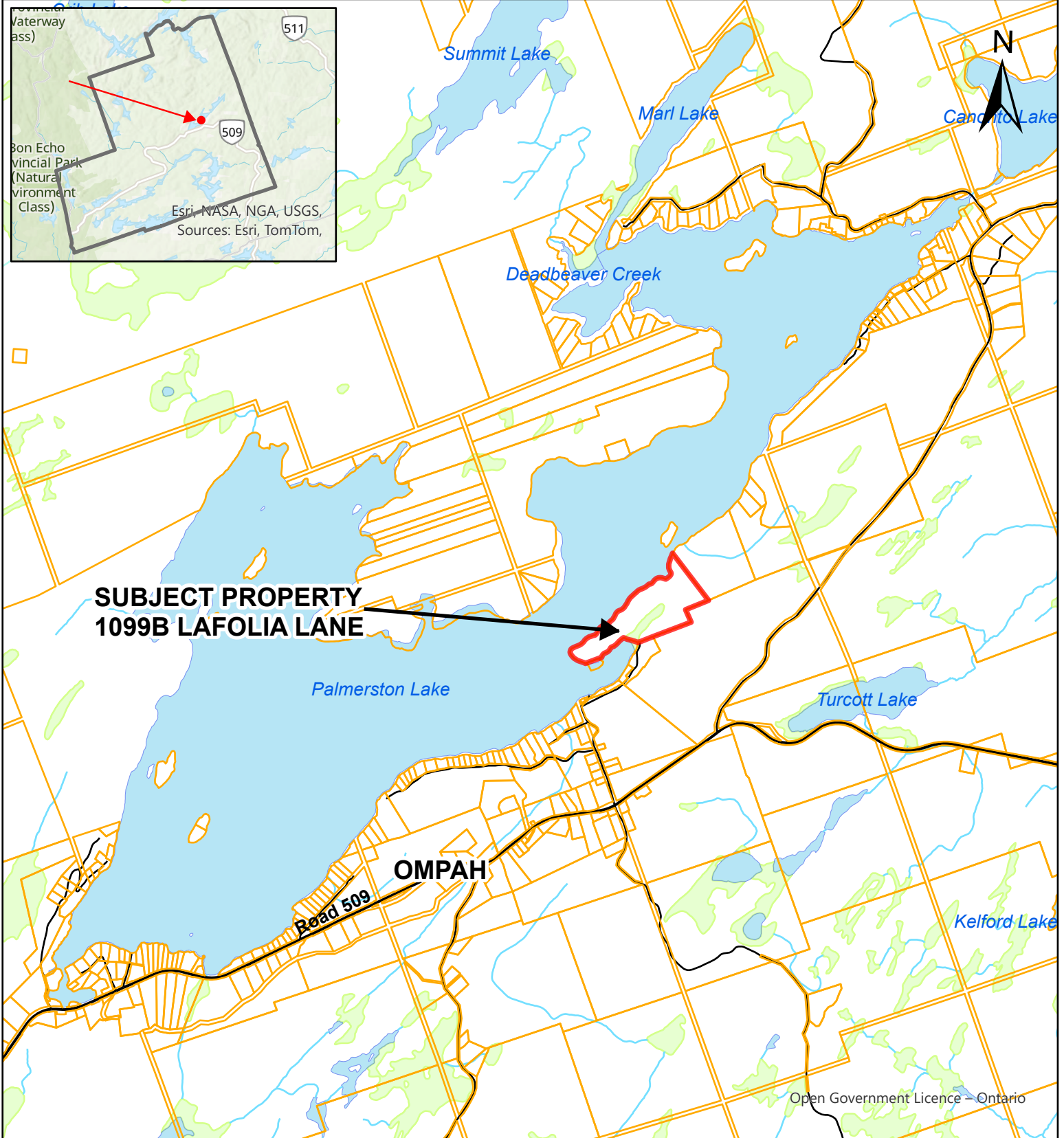
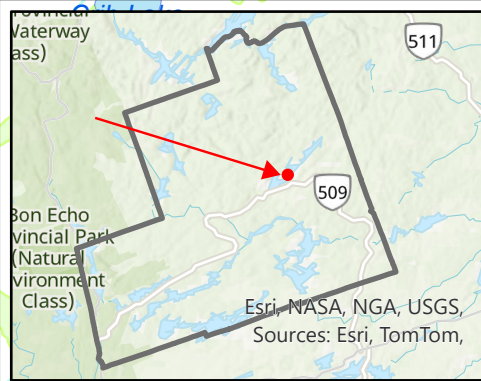
Tara Mieske, Clerk

Township of North Frontenac Schedule 'A' to By-Law Number 25-XX

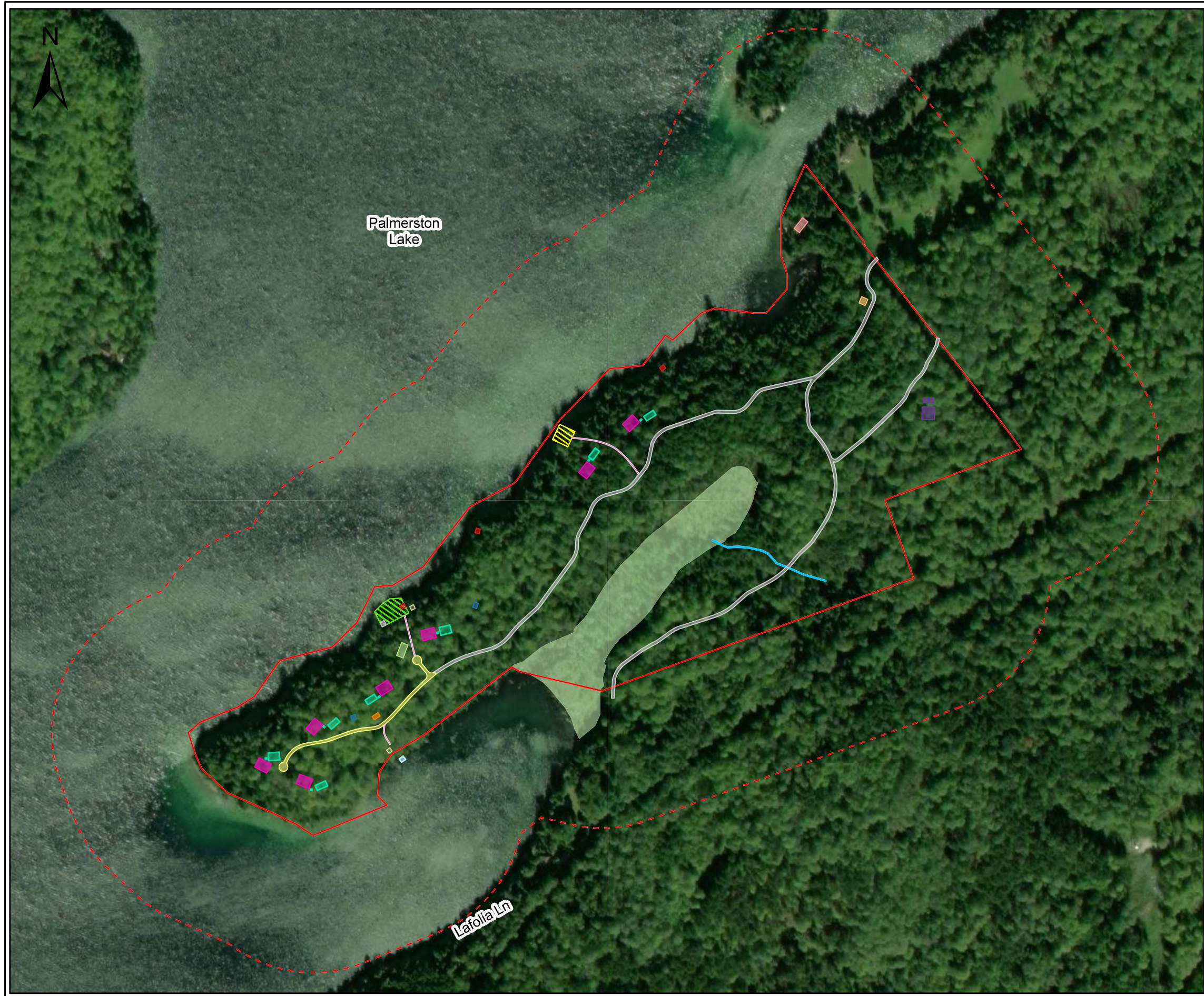


TOWNSHIP OF NORTH FRONTENAC

APPLICATION FOR OFFICIAL PLAN AMENDMENT
AND ZONING BY-LAW AMENDMENT
1099B LAFOLIA LANE, PART LOT 30, CONCESSION 1
GEOGRAPHIC TOWNSHIP OF PALMERSTON

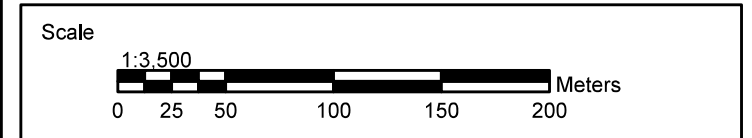


Open Government Licence - Ontario



Legend

- Property Boundary
- Study Area
- Local Wetland
- Watercourse
- Existing Road
- Proposed Road
- Proposed Meandering with Permeable Surface
- Proposed Septic System
- Proposed Waterfront Zones:
- Main Waterfront
- Small Swim Dock
- Proposed Buildings:
- Boat Docks
- Bunkie
- Community Building
- Cottage
- Existing Cottage
- Gazebo
- Studio
- Trailer Site
- Waterfront Storage
- Workshop Meadow
- Marine Storage Shed



GEMTEC
CONSULTING ENGINEERS
AND SCIENTISTS

32 Steacie Drive,
Ottawa, ON K2K 2A9
T: (613) 836-1422
www.gemtec.ca
ottawa@gemtec.ca

Client: Craig and Amber Hall	Project: 100227.001
--	------------------------

Location
**1099B Lafolia Lane,
Palmerston, Ontario**

Drwn By: E.P.	Chkd By: D.P.	Development Plan
------------------	------------------	-------------------------

Date: May 2025	Rev. 2	Figure A.5
© Queen's Printer for Ontario		

Memo

To: Tara Mieske, Clerk/Planning Manager
From: Adam Robinson, Director of Emergency Services/Fire Chief
Date: March 4, 2025
Re: Applications for Official Plan Amendment and Zoning By-Law Amendment
1099B Lafolia Lane, Emergency Services Access

This memo is further to the inspection report about the private lane access to the subject property that was published in June 2023 by Darwyn Sproule, Public Works Manager, and Eric Korhonen, former Director of Emergency Services/Fire Chief (refer to Attachment 1).

I conducted my own inspection of the lane on July 15, 2024, and I concur with the recommendations in the June 2023 inspection report, except for the comments about the dry hydrant installation, which is a topic that requires further discussion at the site plan control agreement stage.

As the existing private lane is unable (in its current configuration) to meet the Township's private lane standards for new lane construction, it must meet a minimum emergency services access standard. The existing lane, regardless of the current development proposal, does not accommodate a full emergency response for fire (i.e., pumper and tanker trucks). This full emergency response is the standard used if a property owner's insurance company requests confirmation of emergency service access. The access to the subject property currently does not meet this standard and I could not issue a letter for the property owner's insurance company confirming that they would be covered by fire service.

The proposed upgrades in inspection report in Attachment 1, and shown on the map in Attachment 2, are the minimum required to bring the private lane up to an emergency services access standard. Once that occurs, the subject property and other existing developments on the lane would have emergency services access, and it would be capable of supporting the construction of the additional seven cottages outlined in the development applications. However, emergency services in the winter may still be difficult, depending on the extent of the private winter maintenance activities that are undertaken.

Please contact me if you require any further information.

Adam Robinson
Director of Emergency Services/Fire Chief



INSPECTION REPORT – EXISTING LANE / RIGHT OF WAY (INFILL)

Applicant: OPA 1/22 and ZBA 8/22 - Cooperative Development - 1099B Lafolia Lane

Location of Lane / ROW – Lafolia Lane (off Lake Road)

Comments provided by: Darwyn Sproule, Public Works Manager and Eric Korhonen, Director of Emergency Service/Fire Chief

Site inspection completed May 18, 2023 (DESFC) and June 7, 2023 (PWM). Divided Lafolia Lane into four distinct sections given the road conditions and characteristics. Sections are numbered commencing at the Lake Road. Existing / proposed road on the point is Section 5. See Attachment #1.

Section 1 0 to 0.4km

- single 8' lane (two wheel paths).
- 9' to 10' top (edge to edge, no shoulders).
- very steep slope on left hand side (LHS) and trees / bank / stone fence on right hand side (RHS).
- Attempts to shore up steep slope and retain road with timbers (very old).
- very little granular.

Concerned with the width, LH shoulder under heavy loads given steep slope, lack of granular and locations with rock exposed along the RHS. Lengthy section of single lane without any pull-offs.

Section 2 0.4 to 0.5+km (entrance at Civic Address 1087)

- single lane (two wheel paths).
- 9' top (edge to edge, no shoulders).
- more moderate slope to level on the LHS and rising bank on RHS.
- Hydro pole on RHS 1.5' from wheel path.
- Hedge with old rail fence on LHS 2' from wheel path. Corner post on LHS 2' from wheel path.
- very little granular.

Concerned with overall width and the lack of granular. Very narrow given hedge and hydro pole.

Section 3 0.5+ to 0.58km (at Civic Address 1099AB / existing gate)

- 9' single lane top (edge to edge, no shoulders).
- Wetland on LHS and moderate bank on RHS.
- very little granular.

Concerned with the width, LH shoulder under repeated heavy loads and the lack of granular.

Section 4 0.58 to 1.1km

- Single lane 9' top (no shoulders).
- Wider clearing width but still trees within 2' of the wheel path / lane.
- Flat to moderate slopes / banks on both sides and more easily widened than other Sections (depending on property limits).
- More granular than other Sections but very little limited to none in some areas.
- Two steep knolls that require corrective action given profile grades, to accommodate low clearance fire trucks.

Concerned with repeated heavy loads given the lack of granular, clearing width and vertical profiles.

Section 5 Existing and Proposed Road on the Point

- Requires clearing width of 9m, and surface width of 6m minimum.
- Culverts 300mm diameter as required for drainage.
- Minimum of 200mm base material over any rock and 100mm of Granular A on surface.
- Horizontal curves and vertical grades (knolls) limited to accommodate emergency vehicles.
- Vehicle turnaround with 10m radius.

Recommendation:

Limited access for regular emergency vehicles (Fire) on Sections 1 to 4. Clearing and surface width are significantly under the requirements of 9m and 6m respectively.

Very concerned with the left hand shoulders within Sections 1 and 3 under repetitive heavy loads. Both locations include steep slopes and or a Wetland.

Lengthy sections of single lane without any pull-offs.

Two locations within Section 4 require corrective action to address the vertical profiles / sharp knolls to accommodate low clearance fire vehicles.

Additional Granular A required throughout.

The existing lane will not accommodate a full emergency response (Fire) using the Townships regular Units (pumpers and tankers).

Emergency response during the winter will be difficult depending on improvements completed and the extent of winter maintenance activities.

Section 5 requirements for the existing / proposed Road provided above.

One Dry Fire Hydrant with a pressurized head could be installed in the bay area (proposed location marked on map). A lane to an installed pad sufficient to hold a tanker or pumper would be required approx. 12 feet from the hydrant.

Darwyn Sproule, P.Eng
Public Works Manager
Township of North Frontenac

Eric Korhonen
Director of Emergency Services /
Fire Chief / CEMC
Township of North Frontenac



Legend

- Assessment Parcels

LAFOLIA LANE

ATTACHMENT NO. 1

1: 9,028

0.5 0 0.23 0.5 Kilometers

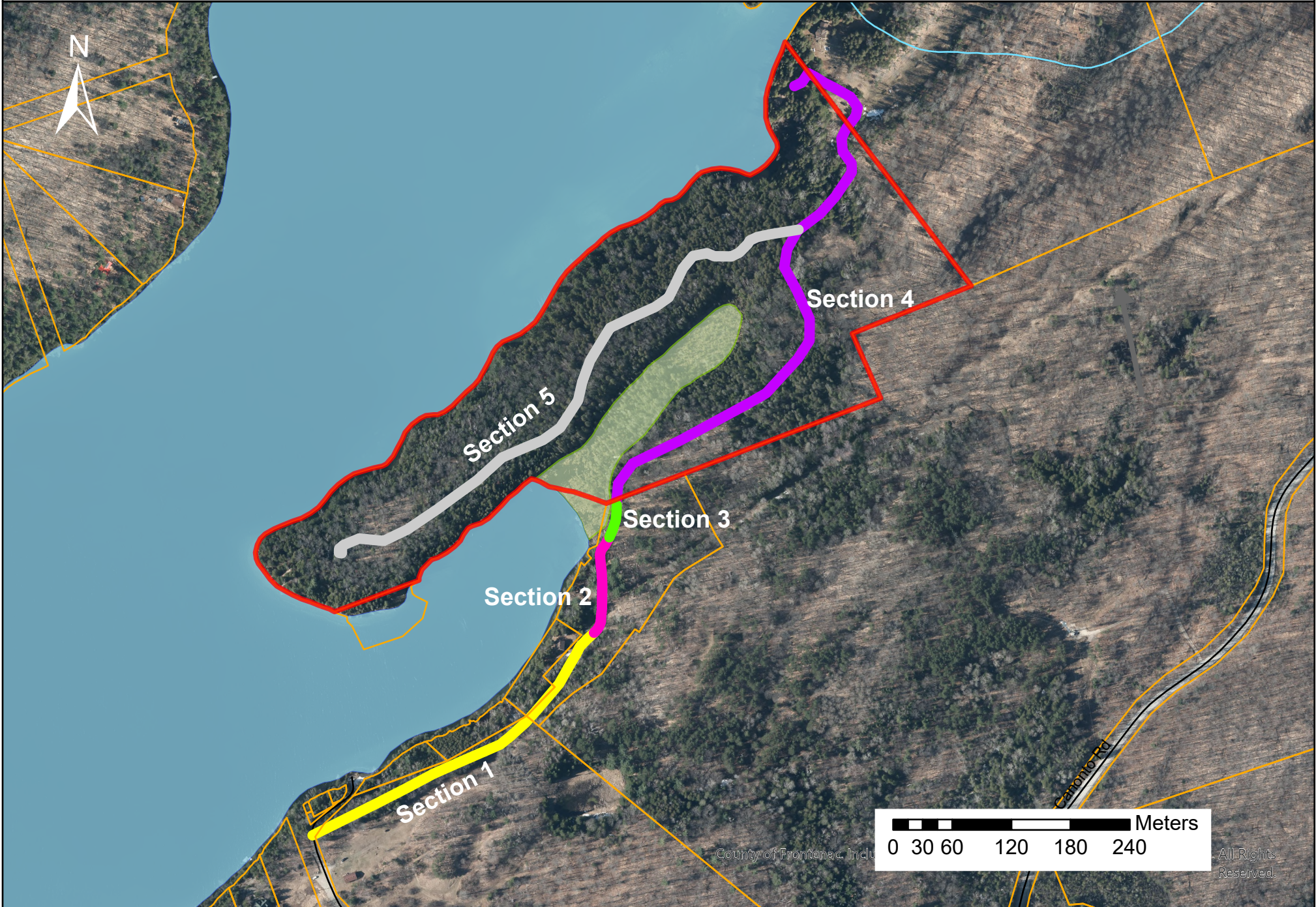
Page 48 of 293



TOWNSHIP OF NORTH FRONTENAC

LAFOLIA LANE

FIRE AND PUBLIC WORKS UPGRADES NEEDED



Date	Public Member/Group	Comment
Jan 12/23	Joanne Allen	<p>Here are the questions:</p> <p>1) Why re-zone versus sub-divide?</p> <p><u>Concern:</u> Whereas the current owners are good land and lake stewards, future consideration should be given as to how a change of zoning opens up the uses for this peninsula to include businesses such as (but not limited to); Construction Yard, Day Nursery, Apartments, Markets, offices, Place of Worship, Retail store, privates school and Wayside pit. (Ref. p. 101 Official Plan)</p> <p>2) What is CO-X1?</p> <p>I could not find that designation defined.</p> <p>3) Does the re-zoning meet the intent of the Official Plan?</p> <p><u>Concern:</u> Sec 4.4 CO Sec 4.4.2 talks to Planning Principles, specifically parts A-C; A. regarding frontage being on a public road that is opened and maintained year-round or a Private Lane. Those are very different features, B. Woodlot land should be preserved and C. talks to buildings where there might be a physical hazard like erosion.</p> <p>4) Regarding LaFolia Lane – is this private lane capable of accommodating the traffic from 7 additional dwellings plus the construction traffic associated with those dwellings and potential future uses?</p> <p>In other words, will the lake, the forest and wetlands as well as the lane support the re-zoning with the intention of the Official Plan remaining intact?</p>
Jan 12/23	John Viets	<p>I am writing to express my concern about this Application. If accepted, there would be considerable damage inflicted on the Ribbon of Life that surrounds our lake. In particular, the siting of the four waterfront areas with access corridors has not been fully examined. The impact this has on the state of the lake has not been discussed.</p> <ul style="list-style-type: none"> • How many people will be occupying the site at a given time? • How many watercraft tied up to how many docks? • What is the difference between this and a subdivision? • How will the co-operative actually operate? <p>I am concerned that neither a current nor any Lakeshore Capacity Assessment report has been included. Has it been assessed whether this development will change the status of the lake's capacity? I am concerned that it may not understand that the 7 metre wide corridors within a 15 metre setback are regulated and the usable area is only 2 metres wide. There needs to be more time for owners on the lakes to assess the impact of this application. Please enable us to meet again to provide additional comments after having more time to digest the document(s)</p>

Jan 12/23

Shaun Hinds

I am writing this email to document my objection to the application to amend the official plan and zoning bylaw(s) by Amber and Craig Hall. Specifics include;
Location – Palmerston Con 4 PT lot 30 Palmerston Lake
Owners – Amber Hall and Craig Hall
Agent – Zander Plan Inc.

Summary Statement

Recent official plans and bylaws related to development on and around lakes and rivers have been carefully written and structured in the interest of imposing constraints that provide protection of these sensitive areas. Several years ago, policies and regulations were limited in those areas outside of cities and towns and as a result high density clusters of dwellings existed along lakes and rivers. As telecommunications, transportation and utility services improved, an increased influx of residents of nearby towns and cities such as Ottawa and Toronto to waterfront properties has occurred. As a result of this influx, many townships incorporated features within their official plans and put in place bylaws to provide structure and standards to new development that ensures the protection of the township's waterfront area's unique physical and environmental character.

While applications to amend official plans and zoning bylaws are a necessary process from time to time to provide private landowners the ability to execute "***Appropriate Development***", the process is not meant to be used to blatantly circumvent the clear and obvious purpose of the official plan and/or bylaws. In terms of waterfront development, throughout Ontario and other jurisdictions across Canada, official plans and bylaws are in place to limit dwelling density. This application is an egregious attempt by a land owner to circumvent one of the most clearly stated objectives of the townships official plan.

That Objective being..... section 4.10 Waterfront area....**The Township is characterized by a landscape with many lakes and rivers. The intent of this Plan is to ensure conservation, protection and enhancement of water resources.**

A few statements and requirements throughout the Official Plan that clearly captures the intent and objective noted above are as follows;

- ***The waterfront area of the Township is an important resource, which will be protected. The waterfront setting consists of open space and low density residential land uses on mainland and island shorelines.***
- ***The Waterfront Area on North Frontenac is a unique resource and asset. On this basis, development – including lot creation – should take place only after careful consideration of those recreational, environmental, socio-economic, and aesthetic qualities which contribute to the attraction of the waterfront and shared enjoyment of its lakes and rivers.***
- ***Limiting the density of buildings and structures in the Waterfront Area is an important part in protecting the character of the lakes and rivers in North Frontenac.***
- ***To protect the character of the waterfront in recognition of the different character of individual lakes.***
- ***To retain and promote the Waterfront's unique recreational character within the context of primarily a single-tier of development.***
- ***To recognize and protect the character of waterbodies within a single tier of development around the shoreline with limited, low density backlot development where access permits.***

- ***Waterfront Area Lot Size The following shall constitute minimum lot requirements, unless otherwise specified: (i) a lot area of 0.8 hectares (2 acres); and, (ii) a water frontage of 77 metres (250 feet***

Lake Trout Waters Not At Capacity

- ***The approval of any new lot with shoreline frontage either by means of severance or through Plan of Subdivision, shall be restricted to one single detached dwelling unit together with accessory buildings and shall be conditional upon the structure, and associated private waste disposal systems meeting required setbacks.***

Observations and Comments

Proposal includes:

- To place 8 cottages, 3 Gazebos, 2 Bunkies, 1 Studio, 1 Workshop, 1 Community Building, a Boat House and a trailer site. Site approx. 70,000 square meters.
- Point area totals approx. 18,000 square meters. The area with original cottage totals approx. 52,000 square meters.
- The width of the peninsula is approx. 80 meters.
- Point/peninsula would have 5 Cottages, a Bunkie, a gazebo, a trailer site and a community building. The main area with the original cottage would have 3 Cottages, 2 gazebos and a Bunkie.
- The point/peninsula would have a cottage density of 1/3,600 sq-m and a total structure density of 1/2000 sq-m. The main area would be a cottage density of 1/26,000.
- My property on Palmerston Lake is a total area of approx. 10,000 square meters and is zoned similar to the applicants property LSW (Limited Service Waterfront) . At an approved density of 1/3,600 sq-m.....This would suggest that it would be acceptable for me to have 2.78 cottages on my property by rezoning to a rural cooperative. Similarly, all property owners in and around Palmerston Lake.....or within North Frontenac should be within their rights to establish a similar co-operative approach to grossly populate an area of their choosing. That is, of course.....if the township approves such a ridiculous application.
- As pressures increase to replace low-density areas to higher density development, townships throughout the area have ensured Official Plan policies are in place to ensure the protection of their respective townships water front area's unique physical and environmental character. The Township of North Frontenac should not amend the official plan or change zoning bylaws that will circumvent the very purpose of the creation of such plans and policies.
- Palmerston Lake is a Cold water lake and is managed as a trout lake. Lake Trout lakes are rare. Only about one percent of Ontario's lakes contain Lake Trout, but this represents 20-25% of all Lake Trout lakes in the world. Many townships (i.e. Rideau Lakes) require a lake impact study for any development proposal that would result in the creation of more than three lots or dwelling units. It should be noted that this application does not include a lake impact study.

Closing Statements

As a property owner of North Frontenac and Palmerston Lake, it is my expectation that the Township and Council does not approve applications to amend the official plan or change bylaws that have the sole purpose of circumventing the stated intent of said bylaws and plan. In approving applications to amend plans and bylaws, staff and council must always do so with the lens of affording all township residents the same flexibility. It would be absurd to think that a township would allow all waterfront land owners the flexibility to develop rural co-operatives. While the applicants agent has chosen to refer to the Provincial Policy

		<p>Statement, 2020 in putting forward a position to support the application, she has not recognized that the Provincial Policy Statement and the province's goal is to increase affordable housing. The agent is being disingenuous to use the Provincial Policy statement to support the creation of a cottage community for a property owner's family and friends. Should the owners, Amber and Craig Hall wish to purchase a large parcel of land zoned for co-operative development to create a co-operative consisting of high density primary residences then I would support the development. Further to this, if the owners submitted an application to rezone their property as cooperative for the purposes of creating high density/low income primary residences then it would be appropriate for their agent/Mrs. Zander to cite the Provincial Policy Statement as the justification for rezoning. A waterfront landowner using the rezoning application process to rezone cooperative, under the argument that the request supports the government's Provincial Policy Statement and the goal to increase affordable housing, as a mechanism or argument to provide family and friends recreational waterfront cottages is absurd. When one considers the official plans and designation of co-operatives throughout townships and municipalities is meant to provide low income/ high density primary housing, it would be unethical for the council of North Frontenac to approve such a brazen request.</p>
Jan 13/23	Kevin Duguay	See Attachment #1
Jan 20/23	Brian Johnson	<p>I understand this proposal has been heard at council. I have been a seasonal resident for over 16yrs now and chose Palmerston Lake as it's clean and quiet. I don't discourage people wanting to build a new place or improve on what they have but in recent years I've seen modest cottages turned into huge 3000-4000 sq ft mansions which to me is a little much for our small lake. People are now Air Bnbing these places more and more causing more issues in the last few years. It's not like someone renting out cottages on their land where they are there to control renters if they are loud or not being good stewards of our lake. Air BNB hosts have little control when they are not at the property when they're renters are there.</p> <p>Now I see this proposal for many cottages with a community building on it with large docks on the water. This has me very concerned as this is a business not a person wanting to build a cottage to have a haven to escape to. Boating traffic will certainly increase and it will have a huge impact on this trout lake.</p> <p>I hope you do the right thing and not allow this to happen. This is not the Muskokas and I feel if you as ask others on the lake they would agree.</p>
Jan 20/23	Hal Rivington	<p>My name is Hal Rivington and I'm a cottage owner on Palmerston Lake. I would like this letter to be recorded and put against this file.</p> <p>I am also partial owner of a camp located on Hydro Line Road which backs Palmerston. Although there are multiple owners the camp is not considered a "Cooperative".</p> <p>My late sister also had owned a cottage on Palmerston and I had a cottage on Mosque Lake at one time.</p> <p>We have fished Lake Trout and enjoyed the water on Palmerston for years. Thus, we are very concerned about the future of Palmerston Lake as we would like to see it enjoyed by our family in the future. I am very knowledgeable about Palmerston Lake. My family started renting cottages from D Dunham (West Palmerston Drive) back in around the late 50's and early 60's. Dee had set up a business to own and operate a cottage rental company (I think he had about 8-10 cottages in all). It's a business. The cottages would never be allowed today to build that close to the water and are grandfathered as they would not meet today's standard.</p>

My family eventually bought a trailer and put it in the Palmerston Lake Trailer Park. That Trailer Park had one well and eventually had independent septic systems installed for each trailer. Again, this is a business. The Trailer Park is also grandfathered it would never be allowed in today's environment. The trailer park has one well and now has a separate septic tank for each trailer (pumped out every year or as required). They also have separate hydro meters.

Other close by examples to what "the Cooperative" is proposing include the Mosque Lake Camp (1950's) which had numerous log cabins scattered on a peninsula on Mosque Lake. This "camp" had many cottages spread over a large area. It was old and has had numerous septic issues over the years. When it was sold and broken up and there was a lot of issues on how to sell cabins separately. Again, this Camp would not have been approved under the existing laws today.

Then we also have Barnes Island (commonly referred to as Burnt Island by the locals) on Palmerston Lake. This "Fishing Resort" was used to bring in Americans to fish Lake Trout back in the 40's. It has under water hydro lines, one septic system (not being used as it was connected to building which burnt down say 3 years ago. There are maybe 5 cabins which were built but I think only one is being used today.

I bring this up because all these properties (resorts) are very similar in both in size and purpose as to what "The Cooperative" is proposing on Gravel Point and these resorts/camps would never pass muster today to get built because of the new laws. The proposal that the "The Cooperative" on Gravel Point put forward does not meet the existing Plan/Laws.

The Township and the County has developed plans and there are laws to help protect the lake, environment and prevent neighbors from getting upset about uncontrolled development.

We believe that this new development (Cooperative/business) is trying to circumvent the existing Plan and in doing so they get around having to put in for a Plan for a proper subdivision. They are trying to enrich themselves by growing a property that should only have maybe 2- 3 cottages on it to one with 8 or more plus bunkies. What they are trying to change includes:

Not having to install a proper access road to the property and be built to proper standards for a subdivision to protect the lake and allow access to snow plows, propane trucks and last but not least would be emergency vehicles including fire trucks. Fire truck access is very important if your plan is to have trailers and campsites on your property.

Not installing a proper road thus not protecting from damage to any of the wetlands that could cause erosion of the land.

Other issues include:

- 1) Having said road (without owners' permission) go over neighbor's property to access 8 cottages, community centre, and numerous "bunkies".
- 2) And not having to utilize existing Township Plans
- 3) And having more than 8 cottages plus bunkies and a community Centre instead of maybe 2-3.
- 4) Docks that are over the size limit.

Also, it was pointed out during the meeting that in the early 90's someone else tried to make more lots out of this property only to have it turned down by the OMB and I imagine by the Township council of the day. Anyway, it wasn't allowed back then and it should not be allowed now.

I attended the meeting January 13th. I was lucky to find out about this meeting. I'm sure many of the cottage owners on/or surrounding Palmerston are not aware of this large resort development and probably (maybe will find out this summer). Many of the owners reside outside of the Ontario and many winter in the USA. I request that this proposal be pushed back until the fall to give adequate time for the owners to respond in kind. I further request that the township send out a letter to all cottage owners on Palmerston and on Canonto to notify them of the biggest proposed change to the Lake in years.

I say that because one of the points made by "The Cooperative" was that they said Palmerston was not at Capacity. Thank God for that. We never want to see it at capacity and that's one of the many reasons we are responding to the application. I really think that "The Cooperative" development does have a large impact not only on Palmerston Lake but on Canonto Lake even more. Palmerston is a cold-water Lake (naturally supports lake trout) while Canonto is a warm water lake which is at capacity and is seeing issues with water quality. Palmerston flows into Canonto.

I hate to say this but the old saying that "shit runs downhill" really applies to what "The Cooperative" is doing by trying to circumvent the existing Plan. Any sites located on the gravel point peninsula (especially the trailer and camp sites) will maybe have outhouses or not. So "The Cooperative" will pump water from lake to the sites and then use that water to drink, wash dishes, and have showers and flush toilets with. The effluent coming from each site will then be ran onto the ground from the trailers/sites and then run down the side of Gravel point back into protected wetlands and then eventually into Palmerston Lake and Canonto (does your coffee taste a little soapy yet?). The soap and detergents will go into the lake. It will then flow from Palmerston down to Canonto causing more issues with their overcapacity lake. This combined with the other resorts on the lake will have a dramatic impact on the lake over time.

Another concern (with so many "family and friends" with dogs) is that because of the lack of proper sanitary facilities (built over time trust us?), visitors won't follow the rules and will bath and wash their hair in the lake. It happens today on the lake from campers coming into Palmerston (at both beaches). At "the Cooperatives presentation" they started off by saying we love the lake and its natural beauty and cleanliness. They said they were concerned with the environment. All good key words to make friends and influence people.

Yet:

Once the public started to comment on the presentation in a negative way "The Cooperative" went on the offensive and started almost attacking their neighbors (not friends I guess).

The issue of their road going across neighbor's property (without permission by the owners to approve an additional 7 cottages using their road) was on full display and when "the Cooperative" said when they drove by their neighbors in the summer and they said at the meeting there was hardly anyone ever there, inferring that added traffic would never be noticed. All that this demonstrated was that "the Cooperative" should mind their own business and not publicly state the owners are not there as this would bring become a beacon for criminals to rob someone. It was uncalled for. Then when talking about emergency access they used as an example the death of another neighbor to demonstrate their property does meet emergency access. This again was totally uncalled for.

On environmental issues they talked about bringing in a mill to clear cut up trees from the roads they are building. They need the roads for the additional cottage lots and they need the wood to build these very large (not approved) docks. I must assume they think this "Cooperative" is almost a "done deal" and that their Plan will be approved?

This from the same people (or should I say "Cooperative"), concerned about shoreline erosion, and that wants to protect wildlife habitat. These same people/"cooperative" that also have the biggest heavy Wake Rider boat on the lake that for sure causes erosion and effects the nesting of birds and wildlife! (So much for the Loons and going for a quiet kayak ride). It looks like they think they have found a loophole so they can circumvent the existing plans that the township has. So, from a piece of property that maybe could have 2- 3 cottages they want 8 plus out buildings to sleep even more people. They will do this by going over landowner rights by trespassing on their property with a road. Granted their existing "cabin road" may be grandfathered by the good intentions of their neighbors but now they are using this foot in the door to have 7 more cottages build (and outbuildings) for their "family and friends" to use and drive on for access (and how many people/cars is that ????)

Also, this "Cooperative" (which is owned by a husband and wife or numbered company) sounds more like a business or business opportunity (to make money) than it does a family buying a cottage. This should not be allowed on our lake or any lake in the township for that matter. Nothing wrong with making money but don't try to twist things by calling it a Cooperative to do so. And then compare their "Cooperative" to a coffee shop franchise. Well, I for one are not buying what they are serving!

If this is approved what's to stop other "Wannabe Cooperatives" from forming on other properties around the lake or in the township to circumvent the official plan, in order to make more lots, circumvent the existing rules in order to make money on the back of our Lake. The impact of development on the lake will destroy it. The cottagers on the lake recognize this but "the Cooperative" doesn't care. They are trying to put lipstick on this pig that they call a Cooperative instead of a subdivision!

The following are some other additional points that need to be considered:

- 1) If (heaven forbid or even better the Township forbids) the issues of taxes (for the Cooperative) should be based upon the same premises as everyone else. There are what would be considered 8 separate lots/building (on waterfront property).
- 2) All of these "family and friends" are going to be using the exiting bathrooms and septic systems that are on the property (must be an older septic system not designed for this many people)? Does the first trailer that's there connected to a septic system? What about other future trailers? Will they have septic systems?
- 3) The existing septic at the existing cabin is probably too small and close to lake and should have a new to code for say 30 plus people?
- 4) The "Community Centre" in the Cooperative (Resort) should also have a large septic system and public washrooms for the "family and friends"
- 5) Since clear cutting for the road has already started (ahead of Plan Approval) where in the plan have you described how many trees and vegetation you are removing since erosion seems to be a concern to "The Cooperative".
- 6) There is a trailer already on the site. Does this trailer have water already from the lake and does it have its own septic system to control human waste and the grey water from dish washing or showering or are you just having the gray water run onto the ground?

- 7) What are your plans for “future use” of the extra lots being added onto the property. Are you putting more trailers on subject lots and if so, for how long? Will they become permanent? How are you going to manage sewage in this resort/trailer park?
- 8) We understand there is one trailer possibly 2 today. Again, how many trailers are you bring in (only one is allowed in the existing plan)
- 9) Gravel Point is a major spawning area for Lake Trout in Palmerston. In fact, I believe eggs and sperm were harvested from the Lake Trout were captured at Gravel Point and then transported to the fish hatchery located at the other end of Palmerston. How do you plan to protect this environmentally sensitive area of the lake that “The Cooperative” boards?
- 10) Are you going to install septic systems for each and every “Bunkie” you are constructing on the property to house all the “family and friends”.
- 11) You said you are going to make these cottages “year-round” so just how much usage do you see for these cottages in “The Cooperative”/resort)
- 12) Are you going to rent cottages and bunkies out?
- 13) Please explain the ownership of “The Cooperative” and how said ownership is planning to assume ownership of each individual cottage?
- 14) There are concerns about boating on the lake. You already have a large Wake Boat (your planned docks may not fit that boat by the way). Are you planning on having Seadoos as well (in the narrowest section of the lake)
- 15) How are you going to control the noise and pollution on such a large Cooperative/Resort?
- 16) Who do we talk to if a neighbor has issues with noise, pollution and boating events? Who is in charge and responsible?
- 17) Will there be individual title and deed for each cottage/Bunkie?
- 18) The docks being planned are quite large and protrude out at a minimum 24 feet not counting and ramps leading to the docks. They will not meet code. You say this is all the docks but what’s to stop someone building more in the future to access the water (in the bay and on the main lake? Will it end up looking like all the other docks on the resorts? (all the stairs built and coming down side of the peninsula)
- 19) The township does not have (nor should it) the resources necessary to control noise, dock building, so how is the cooperative going to mitigate these issues?
- 20) Erosion is a very big concern for this sensitive area on the lake. What’s to stop people from installing steps and trails down to the water from these lots/trailers/cottages/Bunkies etc. in the future?”
- 21) Just the impact of having so many “family and friends” using the property with have a big impact on the erosion of Gravel point (its eroding today). How is “The Cooperative” going to control this?
- 22) Since “The Cooperative” seems more like a business, what happens in the future if it’s sold? Is it sold as one thing or 8?
- 23) If it’s approved what’s to stop the Cooperative from doing more applications and trying to get more changes done in the future?

I’m not a NIMBY. I have no problem with anything being built, as long as it as per the existing Plan and meets all existing laws that are in place. But what I don’t want to see is the zoning (and other amendments) changed for this property. How they try and access that property across a neighbors property is another problem that should stop this property from being rezoned.

Thank you for the time and opportunity to respond to this major file. I trust the council will also see through this deception and not approve this application. The people I know on the lake have all said that they do not want this approved.

Jan 24/23	Steve Hamilton	<p>My wife Janice and I and have a cottage on Palmerston Lake. We are also members of the Palmerston Lake Association and recently became aware that an application has been made to develop land at and around the area of Gravel Point on Palmerston Lake. I am writing this letter to the township because my wife and I are adamantly opposed to this development.</p> <p>We purchased our property in 2014. In 2019 we began the permitting and planning for the construction of our cottage. It began with a well and an approved septic system in 2019 while construction of the cottage began in 2020. The cottage was completed and fully inspected in 2021. This was a challenging and expensive process. We had planned for a 2-bedroom cottage but because it had a walkout basement with future plans for an additional bedroom on that level, the township insisted that the septic system be constructed to accept that additional but future bedroom. In this process we also had to agree that our bunkie or temporary sleeping cabin, be turned permanently into a storage shed. This was all in an effort to ensure that our new septic system did not get used to over its capacity and risk polluting the lake.</p> <p>I have some real concerns about what I have read regarding the development of said property:</p> <ol style="list-style-type: none"> 1. The formation of a “Co-operative” raises a number of reds flags for us. What does that mean? They appear to be planning several cottages and many out-buildings. Why form a Co-operative and not just purchase the property as everyone else has on the lake? I believe that using the term “co-operative” is really just a loophole that hides the real intent; which is to build a resort or rental business without commercial zoning, rules and guidelines, brick and mortar and the expenses of everything else that goes with the development of such a commercial resort. 2. The “co-operative” has applied to construct 7 new cottages, 2 new bunkies, 1 Studio, 1 Community Building, 1 Boathouse, 1 Trailer site and 1 Workshop as well as a number of gazebos and docks. It currently also has an existing cottage, a bunkie and out-buildings. 5 of these new cottages, 1 of the bunkies, the Community Building, the Boathouse and the Trailer site are all concentrated on the south-west end of Gravel Point on the narrow peninsula. When taking into consideration the 30m setback from the high water mark on both sides of this peninsula, there is barely 30m left in order to build everything on the list as well as the proposed access road. The density of this development in this area of the property is something that should be looked at more closely. 3. This proposed development and its density bring other concerns to mind; the first of which is its septic capacity. I can assume that each cottage will have an approved and inspected septic system but what about the bunkies? By their definition, they are sleeping cabins and will contain additional people that cannot fit in one of the other 8 cottages on the property. These inhabitants will also be using the plumbing and will need to be considered when building septic systems. Does the proposal have plans for washrooms and approved and inspected septic systems at the Community Building, the Boathouse, the Trailer site, the Studio and the Workshop. Any Commercial business would have guidelines around these components and structures. If people are around them and possibly even living in them, then there would need to be proper washrooms and septic provisions. 4. Gravel Point is just that. It is an elevated peninsula consisting of loose gravel aggregate surrounded by water. I frequently kayak in close proximity to Gravel Point early on summer mornings. On any calm morning before the lake is busy you will
-----------	----------------	--

		<p>see a family of mergansers and/or loons in this area. I have also seen schools containing thousands of minnows at the same point. This is all part of a sensitive ecosystem that we all enjoy and want to continue to enjoy for the future. Based on what I see in this “Co-operative’s” proposal, if developed, the steep loose gravel slopes of the peninsula have a great risk of creating erosion. This erosion threatens the vegetation that secures the slopes which in turn threatens the riparian zone and water quality in close proximity to Gravel Point. Ultimately this threatens water quality and fish and wildlife habitat throughout the lake.</p> <p>5. The road into this site is also a major concern. I have driven this road, having looked at the property in question when it was for sale several years ago. It begins by following the bottom of a steep slope heading upwards away from the property. It then proceeds well inside the 30m setback and for some time comes in very close proximity to both other cottages and the sensitive wetlands at the back of the bay.</p> <p>We considered this property when it was for sale and were informed by the township that a road built to municipal road standards would be required before the township would allow development to occur here. I am hoping that this is still the case. Whether it is called a “Co-operative” or not Gravel Point is looking like a resort or a real estate development and regardless will need a road to get large numbers of people and emergency services in and out of this area on a road that does not threaten the environmental well-being of the area.</p> <p>As you can see we are very much opposed to the formation of a “Co-operative” on Palmerston Lake. Municipalities have developed rules regarding building codes etc. to protect the health and well-being of each of its citizens and the environment in which we live. We are asking that they continue to be followed in this instance. Palmerston Lake, Ompah and North Frontenac Township in general have become very important to myself and my family and we plan for that to continue for the foreseeable future. We thank-you for the opportunity to weigh in on this proposal.</p>
<p>Jan 25/23</p>	<p>Doug Humfries</p>	<p>Tara and Council,</p> <p>Thank you for the opportunity to provide public input to the subject proposal. I attended the January 13, 2023 public meeting on this proposal via Zoom. I thought it was well organized and run and I made input several times during that meeting. This is now my follow up input for myself and my wife.</p> <p>My wife and I bought a cottage on Palmerston Lake at 1049 West Cottage Drive, Ompah in August 2018. We are members of the Palmerston Lake Association.</p> <p>My wife and I are totally against the subject proposal. We absolutely love every aspect of our Palmerston Lake experience and hope to do so for many years in the future. It is a beautiful, clean, clear, small lake. We have family on the lake and have made some good friends in our lake community. It is a very special place for us in every sense of the word. When we pontoon boat on the lake we love the shoreline view of a combination of natural Crown Land and cottages. My wife loves to kayak very early in the AM while the water is calm and no one else is out yet. One of her favourite routes is to go along our shoreline to Lafolia Lane then across the lake and back. She always has wonderful stories of loons, blue herons, ducks often with their ducklings and other wildlife she regularly sees close up along the shoreline. My point of this background is that when you have a special and unique place like Palmerston Lake that you value it and take very special and thoughtful care of it.</p>

Our reading between the lines so to speak is that this proposal is a blatant attempt to get around North Frontenac zoning, building and development guidelines to make a commercial venture, not a “family and friends co-operative”. The following factors lead us to this assumption that a commercial venture has been well thought out and planned:

- Property was purchased under the name of Ompah Palmerston Cottage Co-Operative Ltd, not under the owner’s names.
- One of the background proposal docs provided to the public had an initial plan of 10 additional cottages...i.e. thinking BIG from the get go. The paring back to still a huge resort type development proposal of 7 new cottages, 2 new bunkies, 1 studio, 1 community building, 1 boathouse, 1 trailer site and 1 workshop as well as a number of gazebos and docks seems to have been due to wanting to get just under the 10,000 L/day daily sewage flow rate so that the septic designs are governed by the Ontario Building Code and the septic permit applications will be made with the Township of North Frontenac.
- The North Frontenac Township has defined a trimmed down but very broad list of co-operative “uses” for this property...single dwelling, mobile home dwelling, private school, bed and breakfast (aka Airbnb) , place of worship, place of assembly, kennel, personal services, live / work setting, office, swimming pool, maple syrup operation, studio. In the January 13th public meeting the owners said “the only uses of co-operative we plan for is as seen on our submitted sties map and in future we may want to have orchard at back of property”. But the North Frontenac Township definition of co-operative “uses” allow them and future owners (if and when the property is sold to someone else) to have a broad range of commercial ventures to develop.

The following are our specific issues with the proposal:

1. Safe road into the site that does not put lives at risk

As we learnt in the January 13th meeting from the Robert’s lawyer, a 1993 application for same Lafolia property to be split into 4 lots and 4 cottages was not approved by the OMB due to the “right of way (road) was inadequate”. I have driven down the road into the site in the winter several years ago and found it to be treacherous. In the January 13th meeting the owners said they already have road access sign off from one of the Township emergency services, it was not clear which one. It was also not clear if that was some form of verbal input or a written approval / sign off? If it indeed is in writing I suggest that doc be made public. Is the road to municipal standards? Heaven forbid that an emergency vehicle is not able to get to and save someone if needed in this proposed large resort style site / village of possibly many people from the total of 8 cottages, 3 bunkies, 1 studio, 1 community building, 1 boathouse, 1 trailer site and 1 workshop.

2. Inadequate septic capacity that results in leakage into and damage to Palmerston Lake

The current proposed plan for the total of 8 cottages is:

“The total daily design sewage flow rate of the property is 9,450 L/day, which is less than 10,000 L/day, therefore the septic system designs are governed by the Ontario Building Code and the septic permit applications will be made with the Township of North Frontenac.”

But this current septic plan does not include the 3 bunkies / sleep cabins /. If included, they would put the flow rate above the 10,000 L/day level. Further the current septic plan does not include the proposed community building, boathouse, trailer site or studio. The reality is that the overall proposal would be well above the 10,000 L/day level.

Importantly, 5 of the proposed new cottages and their respective septic systems are extremely close to each other – all in the very narrow peninsula on the south-west end of Gravel Point. What are the guidelines of how close just 2 let alone 5 septic tanks can be

		<p>to each other? My pragmatic gut feel is that if 5 septic tanks were ever allowed to be as close to each other as they are in the proposed site plan, that they should be much farther back than the normal 30 metres from the shoreline high water mark.</p> <p><u>3. A commercial venture of this magnitude will have a significant negative impact on wildlife and our lake</u></p> <p>It is difficult to fathom the impact of just one season of weekend “full houses” of an Airbnb or resort complex of 8 cottages and 3 bunkies of people who may have little regard for preserving our beautiful, clean, clear lake and wildlife.... because they may be here only as “short term weekend” residents.</p> <p>Given our above concerns of this proposal, we have the following next step asks:</p> <ol style="list-style-type: none">1. Can this written input be distributed to and read by all North Frontenac decision makers for this proposal? I am not sure if this is the current process or if the current process is for the Planning Department to summarize total inputs into a simple number for and number against?2. Can a representative number of North Frontenac decision makers for this proposal make a site visit to “walk the property”? I realize this is a big ask. My thinking is that this proposal is so unique – the access road, the large swamp area in the centre of the site, the very narrow peninsula to potential house so may cottages and septic tanks that it may be extremely useful to physically see the site. I am assuming the current process may be to just evaluate the site based on looking at the paper site plans and not do a “site visit”?3. What would be the impact on this proposal if 50% of Palmerston Lake cottage owners opposed the proposal? My anticipation is that the “oppose” rate would be 50% +. The second part of this ask is to request that a final decision on the proposal is not made before September 30, 2023. This will allow me the time to canvass all Palmerston Lake cottage owners over the summer and ask them to sign a petition to oppose the proposal. <p>Again, thank you for this opportunity to present our view and for considering our proposed next steps. They are made out of the sincerity of Palmerston Lake being an extremely special and unique place for us.</p>
Jan 26/23	Palmerston Lake Association	<p>We are writing on behalf of the Palmerston Lake Association (PLA) and the North Frontenac Lake Association Alliance (NFLAA) concerning the above application. The PLA represents property owners with shoreline on the lake and others who share our interest in responsible stewardship of the lake. The primary objective of our Association is to "promote the preservation of the quality and character of the lake and the surrounding environment". The NFLAA represents the interests of 16 lake associations in North Frontenac and wishes to assess the potential impact of this proposed change in the Official Plan on all lakes in the Township. We attended with interest the Public Meeting on January 13, 2023. Our interest in this application concerns solely the health of our lake, a designated Lake Trout Lake. We understand that the County Planner has requested that questions regarding the application be submitted before February 3. We have received answers to a number of our questions to date and have the following additional questions:</p> <ol style="list-style-type: none">1. We would like to understand why the applicants have chosen to seek this change in zoning versus seeking severances using the Waterfront Area designation (4.10) in the Official Plan? Is it because the minimum lot size restriction in the Limited Service Waterfront (LSW) area would not be satisfied for the five cottages on the peninsula portion of the property? Are there specific uses the applicants intend for the property that are not permitted uses in the LSW area? What other features of the Rural Cooperative zone do they desire that could not be accomplished by leaving the property as a Waterfront Area?

		<ol style="list-style-type: none"> 2. At the meeting, mention was made of an OMB hearing that disallowed an application from previous owners to build four cottages on the property. We believe it is important to understand fully the details surrounding this hearing and the extent to which the findings can be brought to bear on decisions concerning this application. Can the Township provide us with those details? 3. We understand that Mississippi Valley Conservation Authority will only be permitted to report on the natural hazards and regulated wetlands on the site due to Bill 23. Does the Township have a plan to retain an independent consultant to provide a report on natural heritage, lake protection and water quality matters? 4. The 2018 Official Plan was developed using an inclusive community-based process. It identifies Palmerston Lake as a Lake Trout Lake, and, unlike some others in the watershed, as 'under capacity". Can the Township provide us with the data sets that were used to determine that Palmerston Lake was under capacity in 2018? Years have passed since the Official Plan was approved and substantial development of lake front properties has occurred since that time. We have not located any information about the present risk status or carrying capacity of the lake. A solid understanding of the status of this sensitive lake in 2023 is critical before a fully informed decision can be made by Council. Is the Township aware of any current information that would assist in determining the carrying capacity at the present time? 5. The protection and enhancement of lake trout spawning beds is of a critical importance. Apart from lake carrying capacity, what measures can be used to assess the current state and associated risk to spawning beds at gravel point? <p>We would appreciate the opportunity to comment further on the application once we have answers to these questions.</p>
Jan 31/23	Erica Cantelon	<p>I am writing concerning the Hall family and their desire to rezone their family property in Ompah to a Rural Cooperative Zone. My husband and I have known Craig and Amber Hall for almost 30 years and, although we are not involved in the Hall's venture, we would like to share our support for their proposal.</p> <p>They are upstanding citizens in the community and their family has a reputation for helping others. They are honest people, full of integrity and they donate their time to many causes. I know that they will contribute in a positive way in Ompah.</p>
Jan 31/23	Brett Stott	<p>I am writing today to provide my unequivocal support for the Hall family, both in terms of who they are and their intentions with the property at 1099B LaFolia Lane.</p> <p>I've known Craig and Amber for over 22 years now and I say with confidence that there is no one in my life who have had as much of a positive impact on me personally than these two people. We are not family by blood, but they have treated me like family from the time I met them, and I know there are many others who say the same. They are honest, hard-working people whose word is true and who always do their best for the people around them.</p> <p>They conduct their business, Equator Coffee Roasters, the same way they live their lives – with integrity, service, and putting people first, whether it be their staff, customers, local community, the farmers who supply their coffee, and others. Equator is a Certified B Corporation and, if you are unsure of what this means, I encourage you to check it out at https://www.bcorporation.net/. It's not something that is handed out casually and it should give you confidence in the type of people who at the core of this project. With respect to their vision for the peninsula on Palmerston Lake, I've spoken with Craig at length about what he's looking to build and how he's looking to do it. I think they've laid it out beautifully in their PDF in terms of the logistics of the site, and I know how much work they've already put into it, but I would just like to affirm my trust in the people behind this vision.</p>

		<p>For anyone involved in looking at this, whether it be decision makers or stakeholders, like other landowners on the lake who may have concerns, I can tell you with certainty: you can trust the people behind this. They have the utmost respect for this land and the people who share it – not just those who may share the co-op, but their neighbours and others on the lake as well.</p> <p>There's a great quote; I don't know who it's attributed to, but I've heard it in various forms many times, and it goes, "How you do anything is how you do everything". If you are at all unsure of how the Hall family will take the responsibility of managing something like this, take a good look at how they run their business. You'll see the shining beacon that it is in their community. It reflects who they are as people - their character, their people-focused mentality, and their dedication to making a positive impact at every level they can.</p>
Jan 31/23	Mark Peterkins	<p>I just wanted to take a moment to affirm and recommend Craig and Amber Hall and their application before you. My wife and I have been in business with Craig and Amber for more than 10 years and I can personally affirm their character and generosity. They are people of their word. If they say they will or will not do something, it will be so. They've raised some great kids and I believe if you allow them some room for their application they'll be a great asset in your community.</p>
Feb 1/23	James King	<p>The Hall family recently shared with me their plans to create an outdoor co-op on the land they purchased a couple of years ago (1099B LaFolia Lane). The project is called Ompah Palmerston Cottage Cooperative.</p> <p>A project of this size will undoubtedly draw out questions and suspicion from local stakeholders. Some professional, some with unfounded negative emotions. With that in mind, it would be a good idea to send you a message backing up the Hall family's character and capacity to spearhead a project like this.</p> <p>I have known the family for over ten years, and during that time, they displayed a caring, loving, and honest attitude in all that they do, in business and within their social circle. Their word is gold and is guided by love for their fellow neighbour. As business leaders, they are top of their class. If anyone else who knows the family writes to you about this potential project with regards to this family, the messages will only mimic what I am saying.</p>
Feb 1/23	Kevin Loten	<p>I am writing to you on behalf of Craig and Amber Hall and their application to the township for rezoning of 1099B Lafolia Lane [Ompah Palmerston Cottage Co-operative]. I am a frequent visitor to North Frontenac in all seasons. My family and I have enjoyed camping, hiking, four-wheeling, fishing, and boating on or in close proximity to Palmerston Lake for many years.</p> <p>As someone who loves the natural environment of the township and all it has to offer, I want to write to you IN SUPPORT of the application to rezone 1099B Lafolia Lane and the Ompah Palmerston Cottage Co-operative.</p> <p>Having known the applicants, Craig and Amber Hall for almost 30 years, I cannot speak more highly of their character, integrity, and trustworthiness. Their vision to see the property on Palmerston Lake <i>responsibly developed</i> for the purpose of fostering a legacy of family and community relationships in the beautiful setting of North Frontenac reflects the best of what the people of the township already promote and embody. Their dream is to create a co-operative that <i>protects</i> and <i>preserves</i> the environmental beauty of the property while also giving others the opportunity to enjoy it responsibly.</p> <p>The Halls are people of their word. There is no hidden agenda with them. If they say something, you can count on it to be the truth. I they commit to doing something, you can count on them to follow through in a timely and thorough manner.</p> <p>Above all, the Halls value people. This is evident in ways beyond counting. When they first acquired the property in North Frontenac, they quickly became friends with their neighbours, long-time residents at 1099A Lafolia Lane, Doug and Pam Roberts.</p>

		<p>Doug and Pam were the fortunate recipients of Craig and Amber's generosity, kindness, and cooperative spirit. As good neighbours, the Halls were regularly helping Doug with tasks around the property, cutting wood, clearing brush, fixing boats, or cutting grass. I know personally, that Doug was prepared to speak in favour of the Halls application. Unfortunately, Doug passed away on December 30th, and so his support for the rezoning was not heard.</p> <p>The Halls have based their lives and livelihood on putting the needs of others before their own. As owners of a fair-trade coffee business, their model prioritizes a fair wage for coffee growers around the world who would otherwise live in poverty, beholden to corporate landowners. The rigorous standards of fair-trade certification incorporate a blend of social, economic, and environmental criteria. Through the fair-trade business model, the Halls ensure that their partners in Central America, South America, and Africa reap the benefits of their labour with living wages and opportunities for sustainable growth and development for their families.</p> <p>These values of caring for others and the environment are not limited to their business. I know for fact that these same principles will shape and guide everything the Halls imagine for the Ompah Palmerston Cottage Co-Operative. Without a doubt, this will be demonstrated by the special consideration given to the natural environment and through the respect and neighbourly care they will extend to the people of the Palmerston Lake community. I believe the Palmerston Lake community and the township of North Frontenac will be <i>even better</i> than it already is because of the Halls and their vision to steward their land and relationships with respect and consideration.</p> <p>It is my hope that this message will serve to offer support for the Halls and their application for rezoning of 1099B Lafolia Lane.</p>
Feb 1/23	Jim Getman, Barbara (Getman) Derby, Wes Getman	<p>We are opposed to the granting of the zoning change sought in the Proposal.</p> <p>Thanks to the foresight and altruism of family long passed, we've had the privilege of property on Palmerston Lake in all our collective 179 years, as our land was purchased in 1936 and is still seasonally enjoyed by a 5th generation of our family. To say our eyes have seen changes to the lake over these years would be farcical understatement. Change is inevitable of course, whether positive or otherwise, but the Proposal in question is, to us, an inexplicable mutation of the change one should come to expect or understand on the shores of Palmerston Lake.</p> <p>Our hope is that you and Council will consider the following:</p> <ul style="list-style-type: none"> • The Proposal appears to be a, perhaps surreptitious, mechanism in which to develop the subject property for what could be commercial reasons. Other than to skirt existing lake building requirements, why are the applicants seeking this zoning change? Zoning laws and their requirements have evolved over time to protect the lake and are the rules we all adhere to. We do not understand why this Proposal would even be considered given the litany of building and environmental accommodations it would provide to the benefit of one landowner and to the detriment of the rest of the Palmerston Lake community, even if the applicants have no commercial intention. They've represented the Proposal is to accommodate "friends & family". That is merely that - a representation that may or may not be true and is not objectively verifiable as part of the Proposal assessment in any case. If they sell the property, perhaps the next owners will seek commercial use. Their representation is irrelevant. • The negative environmental impacts, including:

		<ul style="list-style-type: none"> ○ Gravel Point is a known Lake Trout spawning area, Palmerston Lake is a designated Trout Lake, and the run-off and other ancillary impacts of such building density¹ on a narrow strip of severely sloped land can have nothing but a negative impact on the resident trout population. ○ The inherent risk of five septic tanks on the narrow strip of Gravel Point. ○ Due to Bill 23, we understand the MVCA will only be allowed to report on limited matters such as regulated wetlands and natural hazards. Is the Township itself intending to perform its own diligence in regard to natural heritage, lake protection and water quality concerns? <ul style="list-style-type: none"> ● The long-term impacts and precedent that a zoning change such as this would have. If the Proposal is accepted, then precedent has been set for others. The nature of things is that invariably, this will be used in the future by others, to the detriment of Palmerston Lake. <p>Lastly, we note that the Proposal applicants have been working on this proposal for years and we, as members of the affected lake public, have been given 30 days to submit questions and concerns. The consultants and other parties hired to support the Proposal have been paid to offer specific points of view on many matters that are, by definition, subjective and not objective. We hope that the Council allows “equal time” for parties in opposition (which we expect to be the entirety of the rest of the Palmerston Lake community who is aware of the Proposal) to engage similar professionals & consultants to offer different perspectives on what is currently a one-sided analysis for which the concluded “impacts” were likely determined before the analysis was done. The protocol for how these matters are judged or determinations are made is not clear to the general public, and we hope that this will be a contemplative, transparent process which allows for the opposing constituencies to fully develop their objections and concerns. In that regard, we respectfully request that the Council please provide the community with the following information:</p> <ul style="list-style-type: none"> ● What exactly is the timeline or process to adjudicate this Proposal? ● What are the factors the Council is weighing to make a determination? ● Is this process defined somewhere in township/county/provincial rules? If so, would it be possible to share those with the Palmerston Lake community so that all interested parties have a thorough understanding and can react accordingly? ● When can we expect to have a status report as to where evaluation of the Proposal stands? <p>We thank you for the opportunity to share our perspectives, which we believe are echoed by the broader Palmerston Lake community.</p>
Feb 2/23	John Livernois and Jannette Hayhoe	<p>We are waterfront property owners on Palmerston Lake who are writing to express our strong opposition to the above-referenced application. We feel that this application is an attempt to circumvent the rules that the rest of us abide by and that are in place to protect the environmental quality of the valuable natural resource that is Palmerston Lake. We believe there is no reason that these rules should be changed to favour one property owner to the detriment of others. On the contrary, there are many reasons the rules should not be changed. In what follows, we outline these reasons. We conclude with an appeal to members of Council to reject this application.</p>

¹ We understand the proposal includes 7 new cottages, 2 new bunkies, 1 studio, 1 community building, 1 boathouse, 1 trailer site and 1 workshop as well as a number of gazebos and docks, in addition to existing structures.

1. Scale and density of cottage development

We believe the proposed development is inconsistent with the intent of the Official Plan for North Frontenac regarding the density of new detached dwelling developments on Palmerston Lake. The Official Plan states that “limiting the density of buildings and structures in the Waterfront Area is an important part in protecting the character of the lakes and rivers in North Frontenac. ... A strong vision through the policies in this Plan to limit density related to these factors is fundamental.” (Section 4.10.3) The application suggests that a density of 8 cottages on a 34-acre property is consistent with the Plan. However, we believe it makes no sense to consider the average density of 8 cottages spread over 34 acres when 5 of the proposed cottages are concentrated on the smallest part of the property, the peninsula area we estimate to have a size somewhere between 5 and 7 acres.¹ Thus, the proposal would create the equivalent of lot sizes somewhere between 1 acre and 1.4 acres on average on this portion of the property. (We use the term ‘equivalent’ because the application is not, strictly speaking, creating new lots, a fact that is irrelevant when it comes to density considerations.) This would clearly violate the 2-acre minimum requirement set out in the zoning by-law, but we would argue that the minimum permissible lot size on this peninsula should be much larger, given the environmentally sensitive nature of the peninsula as outlined below, and should permit 1 or at most 2 detached dwellings on the peninsula, conditional on acquiring suitable road access and satisfying the water-quality and aquatic habitat-impacts that we also outline below.

Gravel point peninsula has steep slopes that are at risk of erosion from any disturbances such as those that would occur during construction and during the occupation and use of the proposed cottages, bunkies, trailer site, communal areas and waterfront clearings. The Environmental Impact Assessment (EIA) commissioned by the applicants points out that “...the slopes are considered unstable under “worst case” conditions. The results of the stability analyses agree with our field observations on May 26, 2021, where a previous slope failure was observed ...”. The peninsula has an average width of about 100 metres which, after the 30-metre setback on both sides, leaves a 40-metre strip, on average, along the top of the slopes for the development of 5 cottages, 5 septic beds, a new road, a community building and at least 2 bunkies. A substantial number of soil-retaining trees would have to be felled on this narrow strip to accommodate these structures. The peninsula consists of Pre-Cambrian bedrock according to the EIA completed by Gemtec and is covered with gravel and a thin layer of soil at the top. All of these factors make the risk of erosion high. Erosion carries with it phosphorus and silt that negatively impact spawning beds. The additional 3-metre setback proposed in the EIA to mitigate the risks caused by the very steep slope at the point of the peninsula seems wholly inadequate.

2. The potential phosphorus impacts on the lake given the scale and density of septic beds on the property cannot be eliminated.

As one of the pristine Lake Trout lakes in North Frontenac, Palmerston Lake, and its Lake Trout population are particularly vulnerable to the effects of human activities, including the effects of increased nutrients from septic systems. The developers’ application proposes the installation of 5 densely-spaced septic systems on the peninsula of Gravel Point. As we have emphasized, this is a steeply-sloped piece of bedrock covered with a thin layer of soil. Even the best septic systems, as they age, do not contain 100% of the phosphorus 100% of the time, particularly during heavy rain events. Thus, the risk of significant nutrient export to the lake is material. As we are sure members of Council are aware, Lake Trout populations are particularly sensitive to increases in phosphorus concentrations.

We feel it is important to keep in mind that the potential for increased nutrient loading to the lake occurs in the context of rising lake temperatures due to global warming. There is strong evidence that rising lake temperatures make them more susceptible to algae growth and make Lake Trout populations more sensitive to changes in their natural ecosystem. There is troubling evidence that this warming may be related to recent outbreaks of toxic blue-green algae in a number of otherwise pristine lakes in Ontario that have never experienced them before. Examples are Dickson Lake, Lake Leveille, and Ryan Lake in Algonquin Park (https://www.algonquinpark.on.ca/news/2017/2017-03-14_algae_bloom_dickson_lavieille_ryan_lakes.php) and Ramsey Lake and Long Lake in the Sudbury area (<https://www.phsd.ca/health-topics-programs/water/blue-green-algaecyanobacteria/>).

The science underlying the cause of these outbreaks is nascent, but the conjecture among some scientists is that global warming is heightening the sensitivity of these lakes to changes in nutrient loadings to the extent that even a minor increase in nutrients is enough to push them over the threshold, leading to blue-green algae blooms. Global warming is happening, our lake is warming, and we have serious concerns that the scale and density of septic systems in this proposal pose an additional risk that could push us over the threshold. This is especially relevant for the relatively shallow bay and wetland behind gravel point.

3. Sewage Flow Rates

The application calculates the flow rate from 8 septic systems based on the number of bedrooms in the proposed 8 cottages to be 9450 litres per day. However, this calculation excludes the 3 bunkies and one trailer site that are also proposed. The 3 sleeping bunkies should surely be considered as 3 additional bedrooms. Adding these to the calculation puts the sewage flow well over the 10,000 litres per day threshold, which we believe means that Ministry of the Environment approval would be required, and that approval would involve a far more detailed assessment of the capacity of the property to assimilate and contain a high-volume flow of sewage into the septic beds.

4. The Potential for a Rental Business

We are concerned that the nature of the proposed development creates an opportunity for the current or future owners to run the development as a rental business. There are obvious reasons for suspecting this is a likely future use of the property given the density of dwellings and the nature of the accessory buildings, public areas, and docks. Our concerns are magnified by a comment made by applicant Amber Hall at the public meeting on January 13, 2023. Although the comment was probably meant to appease the concerns raised by a community member voicing opposition to the proposal on the grounds that it could lead to an Airbnb operation, it had the opposite effect. She responded by saying they have no intention to operate the property as an Airbnb “at this point” (the words in quotation marks are verbatim). She may have just misspoken but it certainly reinforces the concern over the future use of the development.

If the proposed development were operated as a rental business, the potential number of people present on the site at any one time is staggering: 17 cottage bedrooms plus 3 sleeping cabins and 1 trailer site could easily accommodate 40 people or more. The potential negative impacts of this density on increased erosion of the gravel slopes, increased phosphorus runoff, increased noise levels, and increased damage to shorelines from a significant increase in boat traffic should be given careful consideration in evaluating this proposal.

5. Negative Impact on Neighbours

Whether the property is run as a commercial rental business or not, we are very concerned that the sheer volume of people, boat traffic, and noise associated with 7 additional cottages, 3 bunkies, and community buildings would significantly diminish the enjoyment, and market value, of neighbouring properties such as our own property which is directly across the narrowest part of the lake from Gravel Point.

6. Independent Assessments of Lake Capacity, Spawning Beds, Hydrogeological Conditions, and Environmental Impact

To the best of our knowledge, there has not been an independent environmental impact assessment of this proposal. We do not question the integrity of the Gemtec consultants but given that they were hired to support the application, we believe it is important to have an independent assessment. Likewise, we are not aware of any assessment of the impact of the proposal on Lake Trout spawning beds or the impact of the proposal on the “not-at-capacity” status of this Lake Trout lake. Finally, our understanding is that a hydrogeological report may be required where more than four residential lots are proposed and which would produce an effluent flow of greater than 4500 litres per day. (Section 4.19.6 (U) of the Official Plan). We believe there is ample reason to reject the application without needing all of these additional studies. However, given the scale and location of development in this proposal, we believe that it should not be given any serious consideration for approval without first completing these additional studies so that a clear understanding of its likely impacts are documented.

7. Setting a Precedent

Approval of this application would set a precedent for future development on the lake that would, without question, have significant negative and irreversible consequences for water quality and the ability of current property owners to enjoy the use of their properties. The precedent that would be set by allowing this application would make it possible for any property owner with sufficient shoreline and acreage, of which there are many, to apply for any of the many exemptions requested in this application and to develop their properties in a way that is not, in our view, consistent with the long-term sustainability of this valuable natural resource.

8. Conditions have not changed

Finally, we believe there have been no fundamental changes to the conditions on the lake and in the community that would warrant making the proposed amendments to the Official Plan or zoning by-law.

9. Conclusion

We would like to request that Council remain open to further input from concerned citizens in the future about this proposal given the little time we have had to assess the application. We know from speaking with other property owners on the lake that there is strong and widespread opposition to the application but that there has not been sufficient time to discuss the possibility of engaging in collective actions, if necessary, such as seeking expert advice that would level the playing field in responding to the developers’ application.

We would like to conclude by thanking members of Council and township planners for your service to the community and for providing the opportunity for input from the public on this issue. And we thank you for taking the time to consider our concerns. We implore you to reject this application.

Feb 2/23	Scot and Martha Dykema	<p>Our properties, located across the lake on the western shore from the proposed property, are boat access, so we do not have a physical address. We would like to comment on Official Plan Amendment Application #OP 02/22 and Zoning By-Law Amendment Application #Z 08/22.</p> <p>My father-in-law Roger Dykema purchased 100 acres on Palmerston Lake in 1937. The property has over a mile of lake-front and we are proud to say we have maintained the property in its natural state for over 86 years. We own the second largest tracts of land on Palmerston Lake after the Crown Land tract.</p> <p>In 2012, Mr. Jim Bailey from the Ministry of Natural Resources visited us on our property, walked over some of the trails we have created, and pronounced we definitely qualified for the Managed Forest Tax Incentive Plan as we had promoted, maintained and enhanced the restoration of a hardwood forest. As we were completing the paperwork, and came to our citizenship, the endeavor was unable to be completed as we were not Canadian citizens, but American. That doesn't alter the fact that the forest was and is well maintained.</p> <p>In 2013, we attempted a lot extension. At this time the 100 acres consisted of 2 separate parcels: the 2 1/2 acres with our more recent cottage built in 1988 and the 97 1/2 acres with the original 1937 cabin on it. After considerable expense for surveying and associated fees, our surveyor, Paul Miller, formulated new property lines which included both structures on the lot extension and the remaining property we planned to sell. The lot extension would thus be 22 acres and the remaining property would be 78 acres.</p> <p>We have a receipted Transfer FC169102 on 2013 10 17, signed by my husband and myself as well as Clinton (Bud) Clayton, Mayor and Jennifer Duhamel, Clerk/Planning Manager. Subsequent to receiving these papers, the town informed us that we couldn't have 2 structures on a lot extension. Thus we ended up selling the 97 1/2 acres to our granddaughters and we have retained the smaller piece.</p> <p>So now the board is considering the erection of 8 cottages, 3 bunkies, 1 studio, 1 community bldg, 1 boathouse, 1 trailer site, 1 workshop and a floating dock capable of accommodating several boats on 33 acres and we couldn't have 2 structures on 22 acres. Does anyone see a major discrepancy there - other than us? We have reviewed the proposal and note the acknowledgement of the native wildlife habitat. After the departure of the bull-dozers, backhoes, chain saws and chippers, I'm sure all the little critters will be anxious to return to their homes and environs --oops - what homes, what habitat? That's OK- if they swim across the lake we will have the welcome sign out for den-building and habitation.</p> <p>This project was made public 30 days ago, with the publics' opportunity to respond limited to 30 days. I would respectfully request that given the overwhelming complexity and size of this venture, that perhaps we might reserve the right to air further comment beyond the initial 30 day time limit.</p> <p>In short, I am totally perplexed at the time and energy the Town officials have spent considering this proposal. This compound, with the detrimental effects it will most certainly have, most assuredly does not belong on our beautiful, pristine clear lake. I won't take up more time recounting the countless memories we have experienced on Trout Lake (as my husband still calls it). This magical place is the touchstone of our family, now shared by two great grandchildren. I am hoping to be able to look across the</p>
----------	------------------------	---

		lake and see loons nesting (through binoculars) and maybe lucky enough to see eagles landing in the top of a tall pine - as I did several years ago - a youngster (no white yet) and an adult. That sight is far much more preferable than the proposed venture.
Feb 2/23	Shawn Bingley	Honest family oriented people who do what they say they are going to do -respectful of other people and their property This proposal looks to be the best option for the area compared to other more destructive zoning changes options. Looks like they have done their homework and checked all the township planning requirements
Feb 2/23	Ken Hall	<p>I am the Father/Grandfather of the Hall family applying for Re-zoning for the Ompah Palmerston Cottage Co-operative. We have lived in Carleton Place since 1983 on a farm which we purchased with four other families. Our sons all went to local schools until university and maintain good relationships with old friends.</p> <p>My wife and I formerly were members of the North Shore Estates Cottage Association through our ownership of an offshore lot which was part of that cottage development. We were preparing to build a cottage when the death of our son broke our hearts and our plans. We subsequently sold the lot and the young couple who bought it have now built a beautiful cottage on the site. We subsequently bought a cottage on Turtle Lake near Plevna and were there from 2012 to 2020. All to say that we have been residents in North Frontenac for nearly twenty years.</p> <p>Craig Hall is our youngest son and is the moving force in the development of this imaginative plan for a family co-operative. His inspiration for co-operatives comes from his involvement with third world coffee co-operatives which supply Fair Trade Coffee for Equator Coffee. That vision came from a short term humanitarian trip to Latin America when he was a high school student. He moved toward fulfilling that vision by obtaining a degree in international development. That foundation moved him to form Equator Coffee with his wife Amber. Amber was a high school teacher specializing in Math and Computer Science. She taught in Deep River and Arnprior high schools prior to becoming the CFO of Equator. They generously support School Box, providing supplies and schools to communities in Nicaragua and north west Ontario.</p> <p>It is important for you to realize that a Co-operative conserves much more land than developments such as North Shore Estates. Craig has laid out a chart showing exactly how this is accomplished. Co-operatives are grass roots democracies and require personal commitment and co-operation beyond any typical development.</p> <p>I realize that there are people who see more development on the lake as a threat to the environment. You will observe that this plan has been developed with regard to all the guidelines required. I appreciate your concern to protect this beautiful lake from degradation. We share that concern and believe this plan meets all the requirements of the various levels of government and is more conservation friendly than even the other cottage lots that exist. I request your impartial and wise consideration of our application.</p>
Feb 3/23	Doug Howie	<p>I would like to put my support behind the proposed plan for the co-op cottage area. I have enjoyed this area in the past and agree with the proposed addition of relaxation areas along the shoreline of such an amazing lake. This opportunity for others to enjoy nature and the peaceful setting that Craig and Amber have proposed is a bonus for all. I am confident that Craig and Amber would have the best interest of the neighbors in mind with their choice of tenants of the space.</p> <p>Please consider approval of the proposed plan.</p>

Feb 3/23	Janice Arthur	<p>There are many concerns environmentally and socially regarding this possible conversion. I speak as one entirely sympathetic to the cooperative possibility as a benefit both to its members and to the larger community, as Lothlorien Farm has arguably been for the past fifty years.</p> <p>I feel that there are environmental concerns about this conversion that are insufficiently addressed by an independent agency, and since MVCA may no longer comment on these concerns, the Township should hire an advising agency. Of course, I have no expertise in this regard, nor does Township.</p> <p>However, as a former member of the Committee of Adjustment, it surprises me that the proponents feel entitled to uses that are not allowed to other owners of properties in the Limited Service Waterfront Zone. I am referring to Place of Worship and Place of Assembly, and perhaps others. I know that these are allowed in the Rural Cooperative Zone, but that is a much more isolated zone, whereas Palmerston Lake is a community that should have a concern in compatible uses. Anyone may worship as they will – that is a private matter, but a Place of Worship is a church.</p> <p>I also want to refer to the County of Frontenac 2016 Private Roads (Lanes) Study, Section 4.4, which recommends that for either infilling lots or extensions on private lanes, there should be no more than 3 lots without a condominium or subdivision plan. There are considerably more private dwellings than that planned for this cooperative, and the excess traffic on the lane will be a new and possibly intolerable burden on the present cottagers sharing that private lane, especially if some uses attract new traffic.</p> <p>For all of the above reasons, Township should use the cooperative zone very judiciously. I hope you will consider carefully.</p>
Feb 4/23	Mary Nichisti	<p>My name is Mary (Dykema) Nichisti and I am writing this letter to oppose the proposed Gravel Point Official Plan and Zoning By-Law Amendments referred above.</p> <p>I am a third-generation family member of waterfront property owners on Palmerston Lake, which my grandparents originally purchased as 100 acres in 1937 and hand-built a small cabin on it. In 1988, the property was severed into 2.5 acres and 97.5 and my parents built a second cabin just down the shore on the smaller lot. In 2013, my parents applied for, financed a land survey and were approved for a 'lot extension' to reconfigure the property into two separate parcels – one 22-acre lot, which included both buildings and one 78-acre completely wooded lot, which we are proud to say has been virtually undisturbed and in its natural state for well over 85 years. The 'lot extension' did not involve any new structures or change of any kind to the property. To ease the ever-increasing financial cost of maintaining the property for many decades, my parents made the very difficult decision to sell the 78 acres in 2022. We were extremely fortunate enough to sell within our family, thus allowing our precious property to continue to remain 'intact' as a legacy to our children, just as my grandparents / parents had always intended.</p> <p>At the last minute of the finalization of the sale last summer, my parents were informed that they could not have two structures on a 'lot extension'. This - the 'lot extension' which was approved, signed off and completed with the Town (9 years earlier) in 2013. Since the 'lot extension' was now viewed as invalid, we were forced to separate the buildings back onto the original two separate parcels – 2.5 acres and 97.5 acres. Thankfully, we were still able to keep both properties within the family, but at an extremely emotional and financial cost in all aspects to all our family members involved. Needless to say, Palmerston Lake and Ompah have been the absolute heart and soul of our family for over 85 years.</p>

		<p>I'm only explaining our particular situation to make this point in relation to the Gravel Point Co-Op development: How is it that we wished to simply make a quiet land transfer and sale of property within our own family, complied with all the rules and regulations that were approved by the Town and then later learned were not allowed to have two structures – (mind you, that's two <i>long-existing already established structures</i>) on a 'lot extension', BUT the Gravel Point project proposal consisting of seven (7) new cottages, a workshop, studio, two (2) additional sleep cabins, a communal building, storage building, three (3) gazebos, a boat house, trailer site, as well as three (3) communal docks and water access points on basically a quarter of the size of our property – is even given ANY consideration? I understand that as time passes and families expand, it's likely that a new cottage or two will be added to properties. That's natural. But that's something that I would think happens gradually over time. I'm wondering why there are essentially 13+ new buildings, docks, trailer site, etc., being proposed at one time and how big of a family and friends is this Co-Op going to accommodate? My biggest concern (barring the obvious visible scars on the land and negative impact to the flora and fauna) is what kind of a precedence will this set for potential future 'Co-Ops' on the lake? I just hope that we don't get to a point of no return only to realize it after the damage is done.</p> <p>This doesn't even account for the environmental and physical damages that, in my mind, will likely result from the project development. I personally have been fortunate enough to actually see the magic of the renowned Palmerstown Lake indigenous Trout literally spawning in the clear-water shallows at the tip of Gravel Point in the Fall months. There's no doubt (in my mind) that those spawning beds would be disturbed or even disappear with the magnitude of construction/destruction of the proposed 'Co-Op Colony' on Gravel Point.</p> <p>There is a palpable, inexplicable, magical essence that Palmerston Lake has. We, as the temporary care-takers of the Lake, have a responsibility and owe it to protect and preserve it the best way we can.</p>
<p>Feb 6/23</p>	<p>John Patchell</p>	<p>We would like to support Craig and Amber Hall's application for a zoning change of their property at Palmerston Lake.</p> <p>We have known Craig and Amber for four decades and we experienced community with Craig and his family while he was growing up; now he and Amber and their children are among our closest neighbours in Beckwith Township. Craig and Amber have always been wonderful examples of generosity and integrity. We think that the thorough investigation they have made of the property and their proposal of minimal-impact land use in the form of a family co-operative should meet with the overall land-use plan of North Frontenac. We are certain that they would be excellent stewards of the land and would be wonderful neighbours.</p>
<p>April 5/23</p>	<p>North Frontenac Lake Association Alliance</p>	<p>In keeping with our earlier submission to the Township Council on the subject listed above, the NFLAA wishes to continue to contribute to the discussions before a decision is taken on the amendment application.</p> <p>It is our view that, not only is this a matter of significance to Palmerston Lake, but also has potential implications and precedent setting repercussions across the Township. We have three main areas of concern:</p> <ol style="list-style-type: none"> 1. The NFLAA respectfully recommends that the process for reviewing this application should start by first answering the question of why there is a need to change the Official Plan and Zoning for this property. From an examination of the documents, it appears there are ways by which the stated objectives of the applicant can be accommodated within the

		<p>approved OP and Zoning provisions. Until a clear rationale can be provided to justify altering the OP, it seems that all other factors being considered do not have a clear context.</p> <ol style="list-style-type: none"> 2. The NFLAA recommends that a precautionary approach be given greater consideration in view of Bill 23 and the effects it is having on available and long trusted sources of impartial review such as the Mississippi Valley Conservation Authority, among others. While there are several expected studies described in the document going before the April 6 Council, we are hopeful, yet concerned, that Council will have access to impartial advice of the technical, environmental, and social forms needed to make an informed decision. 3. The NFLAA stands in support of the letter submitted by the President of the Palmerston Lake Association dated April 6, 2023. Their letter captures the scope and scale of the issues to be considered before a final decision is taken. The 18 Lake Associations comprising our membership have given their support to our larger Alliance taking an active and supportive role, knowing that, what affects Palmerston Lake, can affect others.
Apr 6/23	Palmerston Lake Association	<p>Thank you for notifying us of the Agenda for the upcoming Council Meeting on April 6 with the attached documents related to the above application. With regard to the County Planner's Report, we look forward to reviewing the peer review of the Environmental Impact Study when it is available. We also look forward to the reviews of septic capacity to be provided by South Frontenac and the Ministry of the Environment, Conservation and Parks (MECP).</p> <p>With regard to Lake Capacity and Water Quality, we understand from a conversation with MECP that they will be conducting testing on Palmerston Lake this coming June with an updated report on Lakeshore Capacity Assessments to follow. We believe it would be prudent to wait until this new capacity assessment is available before any decision on a development of this size is made.</p> <p>With regard to the lake trout spawning area, we have obtained a map from the Ministry of Natural Resources and Forestry (MNRF) which confirms a major spawning bed off gravel point. You can view the map at https://geohub.lio.gov.on.ca/datasets/lio::fish-activity-area/explore?location=45.013466%2C-76.843453%2C14.00 If you click on the map on the blue area around gravel point you will get more information. According to an official at MNRF, the map information is currently accurate. We understand that a permit may be required from the Department of Fisheries and Oceans (DFO) for a development near a lake trout spawning area. We look forward to comments from MNRF regarding the fish spawning area.</p> <p>Further to our letter of January 26 and having reviewed the letter from the applicant of March 10 to the County and the Township and other information provided by the applicant, we still do not understand why they seek this change in zoning versus seeking severances using the Waterfront Area designation (4.10) in the Official Plan. Unless another valid reason is given, we must assume that it is being used to circumvent the requirements of the Limited Service Waterfront (LSW) Zone. We disagree with their statement in the March 10 letter that this is a low-density project. Our concern regarding density relates to the five 1600 square foot cottages, the 800 square foot community building, a 196 square foot bunkie, a boathouse, a gazebo, a storage building, and a trailer site, not to mention two large docks, all on the very environmentally sensitive peninsula, which according to MPAC records is only 8 acres. This clearly would not be allowed in the Waterfront Area where this and other protections are necessary. To state that "the area proposed for cottages is at least 15 acres and not small" as they do in their March 10 letter misses the point. Page 15 of the applicant's own brochure circulated to Council and others clearly shows that only 3 lots could be located on the peninsula</p>

		<p>(assuming all the environmental concerns were addressed). In addition, the statement in the brochure that the Ontario government just made it possible to allow three cottages on a single lot is incorrect. This new provision only applies where municipal water and sewer services are available.</p> <p>It is our understanding that the Rural Cooperative Area was never intended to be applied to what would otherwise be a Waterfront Area. The protections in the Official Plan for the Waterfront Area that are not mentioned in the Rural Cooperative Area are too numerous to list here. Thank you for considering our comments in this matter. We will comment further on the application once all the above information is available.</p>
Apr 27/23	Jenna Khoury-Hanna	See Attachment #2
June 28/23	Stacey Knechtel	<p>Hi. I'd like to introduce myself. My name is Stacey Knechtel. I am one of the friends that are like family types that Craig and Amber refer to in their presentation. Unbeknown to me for some reason, Amber and Craig decided to adopt my family as part of their family. We get to sit alongside their parents, their children, their brothers and sisters over Christmas, New Year's ,Thanksgiving, Easter, Super Bowl and many many other occasions.</p> <p>Craig and Amber are the type of people that invest in other people. Amber taught my daughter how to quilt what she was interested in quilting, they supported my oldest daughter in her art endeavors, supported my business ventures, and advocated for my marriage when it was in trouble.</p> <p>Craig and Amber own and operate a thriving coffee roastery and several cafes. What started off as a dream to help farmers get paid fairly for their hard work and to support the communities of these farmers who supply the beans for the coffee, has turned into a full-fledged business. Proceeds have gone to help coffee farming and Indigenous communities through an organization called School BOX. Amber and Craig have made connections in Costa Rica over the last 20 years and have also done work with the Indigenous communities in that country. Amber and Craig are givers and investors into people. During COVID, Amber made gorgeous custom quilts for her friends, family and employees just to bless them and lift their spirits to remind them they were loved, seen and thought of. She put so much thought into the person she made them for.</p> <p>At the cottage property, Craig has painstakingly laboured to rebuild the docks like the originals. He studied how it was done and then replicated it to preserve the integrity of the property and the shoreline. They have repaired and shored up the road into the property and would welcome investing into the community they chose to be a part of.</p> <p>Craig and Amber are the real deal and have big hearts for investing into people, neighbours and the communities around them. Craig and Amber aren't the type of people to exploit a situation. Craig is a man that likes to research and is brilliant at problem solving. If there are issues, he will figure out a way to solve them so that it will be a win for everyone. I have seen this over and over because that is who he is. That is his nature and character. He is an outside the box thinker at times but he is able to find creative solutions from this vantage point.</p> <p>Amber is a big hearted giver and loves to help. What is the need and how can we meet it? Between the two of them they are a formidable team who any community would love to have in their midst. I am disappointed with the reception these beautiful people have gotten from a community they have chosen to put their gifts to work in. They looked a long time for a place they could settle</p>

		<p>in. They had options, but they chose this location in Ompah to invest their time and resources. Having worked with and in indigenous communities they are familiar with adjusting to the expectations and customs of different communities and finding common ground to build partnership and respect.</p> <p>Let me tell you about Amber's family. Her father is a very sweet man. When I moved into my last apartment, my landlord hadn't secured my back entrance. I didn't feel safe staying my first night without securing that door. I called Harley and he came to look at it, went and got the things he needed and came back to secure the lock on the door so I could sleep there that night. When it was time to settle up payment, he told me no need - just buy him a pair of jeans at Costco in a particular size. This is the generation and heritage that Amber comes from - people helping people, seeing any need and sharing their gifts to help meet the needs of those around them without asking for proper compensation in return. After Amber's mother passed away, her father married a lady who was involved in starting a men's addiction rehabilitation program in Ottawa called Jericho Road. She has been involved in helping many women as well who have been in abusive situations. She has a heart for people and both of them have been involved in helping the community around them. Let me tell you where Craig comes from. I know Craig's father and his mother. They have been pastors in Ottawa for over 50 years. They have invested in people in the city of Ottawa and in the nation of Canada through various initiatives. They are lovely people.</p> <p>Craig And amber have 4 children. Having been there housekeeper for more than 6 years, I got to see and get to know the kids quite well. I have watched Joel listen with a heart of compassion to people and he has a heart to support those who are struggling. I have watched Sam during a youth event serve and wait on people and help in the kitchen many times without being asked rather than sitting and chatting with all of his friends. Ella is quiet and artistic and she's a very sweet and thoughtful girl. Micah is the youngest and I remember as a housekeeper him telling me when he was just really little that if I needed anything just to let him know and he'd help me out. I would say all four of their children have been raised to help and support people around them.</p> <p>They are a people and community focused family who come from people and community focused parents. This is Amber and Craig's heart for the vision they have of this property. They want to develop it to help and invest in the people that are the closest to them.</p>
<p>Aug 3/23</p>	<p>Joan Hayes</p>	<p>I am a concerned Palmerston lake cottager. The planned development of Gravel Point is what I believe a huge environmental tragedy if it is allowed to go forward as planned. When checking the trout lake charts for our lake it shows gravel point as a trout spawning area. There is a loon family that lives in this bay yearly. Turtles and numerous other species live in these wetlands.</p> <p>If a dock is allowed on this location the environmental impact would be enormous. I kayak in this area every day possible and watch the baby loons growing and being trained by their parents. Could you please advise me what environmental studies are being studied and how we can have the greatest impact on ensuring the best outcome for our lake.</p>
<p>Aug 8/23</p>	<p>Susan Major</p>	<p>My name is Susan Major-Macmillan and I have a cottage on Palmerston Lake. I spoke to Brooke Drechsler late last week inquiring about the Lafolia Lane development, as I just heard about it last week from a neighbor. Brooke was kind enough to send me links to the current documentation.</p> <p>I stand with other homeowners when I say we are all concerned about the proposed development. I have reviewed the documents and have the following comments;</p>

		<ul style="list-style-type: none"> ➤ I have spent my whole career in design and construction and when I reviewed the documentation, I quickly conceived that this is a large development for our community, regardless if phased or not. I think their description tries to depict a small family setting, but this construction is substantial. The parcel of land and its surrounding aquatic landscape will be changed for the worst <u>forever</u>. ➤ I support the request made at the Council meeting that you and the Council members take a site visit. The small area at the point is actually quite small for 5 cottages, etc as is planned. I think a site land and water visit would benefit all. ➤ The introduction of 3 beaches will negatively change our lake shoreline forever. Why cut down and clear all vegetation at the shoreline? Can the owners simply install temporary docks like all other lake waterfront owners? ➤ The reports speak to the potential impact on existing wildlife. It states that there will be negative impacts and suggests mitigation. They go to the extent of listing them but my concern is that 'who will manage this and who will police it? Words are easy especially when they are noted with such confidence by the paid consultant, they are however just words. We have to live with the consequences when they are not followed. ➤ The reports state that there will be no aquatic impact. I question this, not only of the amount of construction on the elevated land (runoff can't be stopped) but the deliberate construction of 3 beaches and boathouse contradicts this comment. Plus the proposed boathouse and dock in the bay is the worst location possible. Directly adjacent to the trout breeding bed, wildlife dens and wetlands. The amount of traffic going to this area with a development of this size will be substantial. Question: Why allow a boathouse, I understood that new boathouses were not allowed on the lake. There is an old dilapidated shed in the general location of the new boathouse, is this the basis for them thinking that they could build a new boathouse? ➤ In addition, I saw nowhere any notation about the loon breeding ground. Every year there are loons that are in the bay and just over the weekend I saw a mother loon with her baby in the bay. Are the health and safety of the loons being considered? ➤ I appreciate the level of effort put forward by the proposed development owners, as it appears to be a well-orchestrated bully tactic. They not only want the zoning changed but they want to push the envelope even further with numerous additional buildings and variances. <p>This situation is very disheartening and I hope that the Council and Township Planners consider the environment in making their decision. Please do not let greed get in the way of doing what is right for the lake. Thanks so much for your time Tara, I know I am one small voice in all this and you do not have an easy job.</p>
<p>Sep 17/23</p>	<p>Jim Hayes</p>	<p>See Attachment #3</p>
<p>Sep 21/23</p>	<p>Karen Lemieux</p>	<p>Hi, I am writing to express my concern about the potential large development on the lake. My concerns are twofold.</p> <ol style="list-style-type: none"> 1. I do not believe that this will be a co-operative but rather will become a rental property operation. I would like to know how you are going to confirm that the units will not be used as rentals, and what will the consequences be to the developer if that turns out to be the case. I think we are in agreement that a rental compound of that size would be disruptive and unpleasant for current cottage owners and would not be a positive for our lake.

		<p>2. That area I believe is an ecologically sensitive area. There are loon nests, turtles and I believe that is s spawning area for lake trout. Ice fishing is not allowed on Palmerston in order to protect the fish population. Allowing construction in that area I believe is counter intuitive.</p> <p>I would appreciate your addressing my concerns at your earliest convenience.</p>
Oct 23/23	North Frontenac Lake Association Alliance and Palmerston Lake Association	<p>We are writing on behalf of the Palmerston Lake Association (PLA) and the North Frontenac Lake Association Alliance (NFLAA) to express our concerns about aspects of the process in relation to this application and to provide additional feedback to you specifically regarding the application to amend the Official Plan to designate the lands in question as Rural Co-Operative.</p> <p>While we have spoken of public concerns about the development of this property, we are only now presenting the concerns with more detail. Until recently we had understood that work on this file would only proceed when and if the “private lane issue” was resolved. We now know that work is proceeding, implying that the rezoning is of heightened likelihood if the road access is resolved.</p> <p>Changing the Designation to Rural Co-operative</p> <p>We have not yet received an explanation as to why a change in the zoning to Rural Co-operative should be given consideration. On the contrary, we can think of a number of reasons why the applicants may be seeking the change that would avoid more stringent requirements if they were to submit a plan of subdivision for a Limited Service Waterfront (LSW) zone which is the current designation. We disagree with their statement in their March 10 letter that this is a low-density project. Our concern regarding density relates to the five 1600 square foot cottages, the 800 square foot community building, a 196 square foot bunkie, a boathouse, a gazebo, a storage building, and a trailer site, not to mention two large docks, all on the very environmentally sensitive peninsula, which according to MPAC records is only 8 acres. This clearly would not be allowed in the Waterfront Area where this and other protections are necessary. To state that "the area proposed for cottages is at least 15 acres and not small" as they do in their March 10 letter is misleading. Page 15 of the applicant's own brochure circulated to Council and others clearly shows that only 3 lots could be located on the peninsula under a plan of subdivision (assuming all the environmental concerns were addressed). In addition, the statement in the brochure that the Ontario government just made it possible to allow three cottages on a single lot is incorrect. This new provision only applies where municipal water and sewer services are available.</p> <p>We also wonder if the request to change the zoning to Rural Co-operative is an attempt to avoid the requirements of the Private Lane Policy Section 5.3 E (ii) of the Township’s Official Plan. If the application was for a plan of subdivision in the current LSW Zone, it would appear that this would be a Category “B” Major Private Lane Extension. This is not an infill project. The applicants’ map submitted in their proposal clearly shows an additional five cottages on the extension of the private road. Under paragraph 5.3 E (ii) a. the lane would be required to be managed by a condominium corporation and under paragraph c. if all current users of the lane do not consent, then the extension of the lane cannot be granted. Clearly, the other users have indicated that they would not consent.</p> <p>But the main reason for not allowing a rezoning to Rural Co-operative is that this very environmentally sensitive property directly above a natural lake trout spawning bed is not Rural. It is a peninsula surrounded on three sides by water and is accessed by a narrow isthmus surrounded by wetlands. This property is Waterfront and the zoning should remain as such. As you know, the</p>

		<p>designation of Rural Co-operative was included in the Official Plan to specifically accommodate one property in the countryside where the owners wanted to encourage small businesses. It was never intended to apply to Waterfront property.</p> <p>Procedural Concerns</p> <p>We have further concerns about how the process is evolving. For example, we understood that all the Townships in the County were going to go through the process of retaining a qualified environmental consultant to do peer reviews of Environmental Impact Studies now that the Mississippi Valley Conservation Authority is not able to do so. This begs the question of why then did North Frontenac Township go ahead and select three possible consultants to perform the peer review and then let the applicants choose which one to do it. This in itself is worrisome as it allows for the possibility of bias in the process.</p> <p>We are also told that the peer review is complete, but we are not allowed to see it. Even though transparency has been promised from the beginning, it does not appear to be the case. The PLA and the NFLAA respectfully request the opportunity to access and comment on the peer review document well before any recommendations or decisions are made in this matter.</p> <p>We trust that there will be sufficient opportunities for the PLA and NFLAA to provide further input for the County's and the Township's consideration before any final decisions are made in regards to this application.</p>
Nov 15/23	Ontario Federation of Anglers and Hunters	See Attachment #4
Jan 4/24	Palmerston Lake Association	See Attachment #5
Jan 8/24	Palmerston Lake Association	<p>Thank you for your response to our request for a delegation at a Council meeting. It helps us further understand the process for the review of development applications. While we did have the opportunity to speak at the Public Meeting in January 2023, we only learned of the meeting by word of mouth a few days beforehand and had very little time to prepare. It was suggested to us recently that we request a delegation to speak to Council regarding our concerns. We are disappointed we will not have the opportunity at this time, but we understand your reasoning and appreciate that our comments will be included in the correspondence for Council to consider regarding the application.</p> <p>While we are not opposed to all development, we are opposed to development that could threaten the natural heritage of our lake. In this case, we have concerns that the development as originally proposed at the Public Meeting in January could pose a serious threat to the major lake trout spawning bed surrounding the end of the property as well as threaten the wetlands on the property. We expressed those concerns in the presentation we prepared for a delegation and also included suggestions for Council to consider incorporating into their decision making process. For example, in their review of the application, the Ontario Federation of Anglers and Hunters recommend that the Township request a review of the proposal by the Department of Fisheries and Oceans, amongst other steps that should be taken.</p> <p>We understand that the applicants are preparing a response to the peer review of the EIS and that it will be released to the public as soon as you receive it. We hope, in the spirit of a fair and transparent process, that there will be ample time after that release for all interested parties to respond before the County planner presents their final report and recommendation. We also suggest that</p>

		Council consider holding an additional Public Meeting due to all the concerns about the application expressed by many constituents.
Mar 31/24	Iain Roberts	<p>Thank you very much for keeping me updated and providing the link to the critique reports from technical agencies and response letter/reports from the Co-Operative applicants. I am in the process of reviewing these documents/reports to have a full understanding before providing official feedback. In furtherance of my understanding of the situation I am kindly requesting answers to the below noted questions/comments where possible (as follows):</p> <p>Per the applicant response letter from Zanderplan (ZP) and Gemtec (GT) EIS response reports dated March 2024, Township Lane Inspection report, OPPC/MECP Submission report, as well as the informational gathering form sent to the Ministry of Natural Resources (MNR), application to the Fisheries and Oceans Canada dated March 2024, please see the following questions:</p> <p><u>FROM DOCUMENT LABELED: OPCC Submission One - Technical Comments (Ministry of the Environment, Conservation and Parks (MECP) comments:</u></p> <p>Page 3:</p> <p>"From MECP's perspective, the extra proposed bunkies and or accessory building(s) should be factored into total flows as the black and grey water generated by extra occupants or guest will inherently lead to extra flows if these bunkies are plumbed or unplumbed.</p> <p>People have to shower and otherwise use the existing facilities serviced by the proposed sewage works. This is specifically in light of the fact that the proposal is so close to the 10,000 litres per day threshold for an MECP approval. It appears that the information seems to be incomplete as to possible extension of black or grey water systems to any of the bunkies (how many are proposed) and/or any of the accessory buildings. Typically, in many municipalities a sleeping cabin does not have any sanitary or cooking facilities."</p> <p>I do not see in either the Zanderplan response letter, Gemtec response report dated March 2024, or Kollard Associates original report dated June 2023, where the issue of exceedance of the 10,000 litres per day threshold has been definitively addressed. Has this issue been more specifically addressed in any document or response not yet available? The large scope of this development and the applicants stated openness to accommodating residential cooperative members, friends and family on the property would likely lead to a very large number of people using the sanitation facilities on any given day. Our mainland and island property, 1099A Lafolia Lane, draws our drinking water from the lake and is immediately adjacent to where these planned septic systems are located. We would have great concern about the impact to drinking water quality.</p> <p><u>GEMTEC RESPONSE REPORT DATED MARCH 2024</u></p> <p><u>Page 6 of Gemtec response report:</u></p> <p>- "3.2 Study Area Land Use A review of aerial photographs indicates that the subject property and surrounding area is mainly forested rural, with some lakefront residential dwellings (Figure 1). Historical aerial imagery depicts no observable development between 2009 - 2015."</p> <p>Is there a reason that the report only references observable development up to 2015 and not to present? The referred to existing laneway that now spurs off of Lafolia Lane towards the tip of the peninsula was constructed by the applicants after the applicants purchased the property in 2019. This laneway does transit closer than the 30 meter setback of the lakefront and wetlands at least</p>

on one section and I believe would be important information for the MNR to consider when evaluating the impact of heavy construction equipment operating within the 30 meter setback.

I also note that in the January 13, 2023 Township meeting on this topic it was stated by applicants that: "Ms. Hall advised there has been no construction on the property other than upgrades to the existing dock and laneway." This statement is inconsistent with the late 2019/2020 construction of the lengthy spur road off of Lafolia Lane onto the peninsula by heavy equipment/bulldozer operated by a construction company based out of Plevna.

Page 18 of Gemtec response report:

- "4.4 Fish Habitat The protection of fish and fish habitat is a federal responsibility and is administered by the Department of Fisheries and Oceans Canada (DFO). Fish habitat as defined in the Fisheries Act (Canada, 1985) means, spawning grounds and nursery, rearing food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes." When development is unable to avoid resulting in the harmful alteration, disturbance or destruction (HADD) of fish habitat from typical projects, impacts such as temperature change, sedimentation, infilling, reduction of nutrient and food supply, etc., an authorization under the Fisheries Act is required for the project to proceed. A fisheries assessment was not conducted as part of this EIS, until such time that a fisheries assessment is completed, Palmerston Lake surrounding the property boundary, the local wetland on-site, as well as the unnamed watercourse are assumed to provide fish habitat for a variety of fish species. As previously mentioned in Section 3.4, Palmerston Lake has been identified as a lake trout lake – not at capacity. No other species of fish of significant interest have been identified by the Township or the County."

Per the above from the Gemtec report has the DFO provided comment and/or the noted authorization?

Page 21 of Gemtec response report:

- "The workshop is situated in the easternmost corner of the property, as to reduce any potential impacts from noise levels on the lake."

Have the applicants stated the purpose and frequency of use of this "workshop"? It is my personal experience with the applicants that there will be substantial activity including extensive usage of a commercial grade sawmill, log splitter, and other heavy equipment including a large front loader which have previously been located onsite. As a direct neighbor to this workshop location I would have concerns about substantial and prolonged noise from the workshop activities including sawmilling of trees into lumber on a regular basis.

MNR INFORMATION GATHERING FOR ACTIVITIES REPORT:

- Page 7 of 25 from MNR Information Gathering for Activities report signed by Drew Paulusse from Gemtec:

"Septic tanks shall be installed no closer than 33 meters from the high-water mark of any surface feature and not located in areas of exposed bedrock."

Based on the updated Gemtec report dated March 2024 there appears to be at least a few septic tanks within 33 meters of the water that are shown in their plan schematic A.6. Is there a revised plan schematic forthcoming to address these comments/commitments for the 33 meter set back made in the MNR document?

TOWNSHIP LAFOLIA LANE INSPECTION REPORT CRITIQUE:

- Upon initial review of the above referenced response documents from Zanderplan and Gemtec I note that there is no response or mention to the Township lane inspection report dated June 14, 2023. In the contents of the townships lane inspection report there are major concerns raised about the conditions of Lafolia Lane and its suitability, safety and sustainability to support repeated

transit of heavy load construction equipment as well as Fire/EMS access. After review of the Zanderplan/Gemtec reports I do not see where these issues are addressed and what remediation is being proposed. Our property has deeded/titled right of way access over the entirety of Lafolia lane so increased traffic and road conditions are of great concern.

MCINTOSH PERRY REPORT CRITIQUE

Page 3:

"It is noted there is a lack of field review for fish and fish habitat within Section 2 of the document and subsequently throughout the rest of the EIS. There is a sensitive spawning habitat for Lake Trout off the west end of the property. These habitats are very sensitive to sedimentation which is caused by development. There is some concern that there is a roadway and several buildings that are planned to be constructed within the vicinity of this habitat. On sensitive Lake Trout lakes, setbacks for septic systems are often set at large distances, well over 30 m sometimes up to 300 m. Although this is not listed as a sensitive Lake Trout lake, it is still a critical habitat that needs to be considered. A full impact assessment on the fish and fish habitat of Palmerston Lake as a result of this project needs to be considered, including the construction of three docks and a boathouse. Considerations for reducing impacts to fish and fish habitat could include moving the dwellings and septic systems further from the sensitive habitat to reduce the risk of impacts, consideration for upgraded septic systems, reduction of the number of docks, relocating docks further away from sensitive habitat of fish or other species (Blanding's Turtle habitat, Fen's), eliminating the construction of a boathouse, using green construction considerations when constructing outbuildings, creating awareness packages for owners within the cooperative, etc.

Additionally, amphibian breeding surveys were not completed and therefore it can't be determined if the habitat is Significant Wildlife Habitat for woodland or wetland amphibian species.

While a single-family development or single severance is not likely required to survey for amphibians, a development with larger impacts could aid from this information. While not necessarily suggesting that three amphibian surveys are required, if they are not completed it could be assumed that the habitat is SWH, and the impact assessment be completed with this understanding."

Is this review within the purview of the Fisheries and Oceans Canada (FOC), and or Ministry of Natural Resources (MNR)? Also there are a number of questions raised by the above noted section of the McIntosh Perry report to include additional Septic setbacks, eliminating the boathouse construction, reducing/relocating the number of docks. The Zanderplan letter response dated March 2024 only addresses moving one of the docks to be further away from the most sensitive area and the Gemtec response report only suggests moving the setback to 33 meters for 2 cottages/septic on the tip of the peninsula. Is there an additional response to the other recommendations noted above in a further updated Gemtec report

"Bullet 5 indicates that machinery should be filled a minimum of 33 m from the waters edge. Is machinery expected to access within 33 m of the wetland or watercourse? These impacts should be assessed if this is the case, or the mitigation measure should read no machinery within 33 m of the wetland or watercourse/waterbody."

Page 6:

Per my previous comments the current laneway encroaches within 30 meters of Lake Palmerston on at least one location. I do not see that the Zanderplan or Gemtec revised reports address this point from the McIntosh Perry report stating as noted above "no machinery within 33 meters of the waterbody". Is there additional documentation from Gemtec or Zanderplan where this is addressed?

Page 6:

I note that none of the original application reports, EIS review, or responses by ZP or GT appear to address the substantial amount of Parking spaces that would be required for new residents of the proposed 7 cottages, 2 bunkhouses, community center, etc. The McIntosh Perry report critiquing the submitted plans makes mention of parking on page 6 of their report dated July 2023 - excerpt from page 6 of the report noted below with passage referencing parking underlined.

"Additional questions include:

- Were cumulative impacts considered? This would include an increase in human activity and potential post-construction impacts. Could consider having a walking path with lookout so multiple pathways aren't followed.
- Confirm only 0.75 hectares of disturbance for the construction of 10 cabins, multiple outbuildings, docks, pathways, roadways, parking and boathouse."

Has the issue of residential parking, its locations, and number of parking spots been addressed in a document that is not part of the documents provided?

OTHER GENERAL ITEMS IN QUESTION:

- 1) In previous documentation circulated by the applicants there is mention of the Co-Operative entity having their own set of by-laws that will govern co-operative members behavior, rights and responsibilities, including cooperative members friends, family, visitors, etc. Is a copy of the Cooperatives by-laws available for review by the public? I would like an opportunity to review these by-laws to ensure there are not any deficiencies in the Co-Op's bylaws that would impact neighboring property owners.
- 2) It appears that liability insurance on property is not mandatory in Ontario. This may be of concern if there is an issue with a Cooperative member(s), their pets, visitors actions, or the property itself, that may cause liability on behalf of the individual(s) or the cooperative entity itself. If such a situation were to arise, is there any legal precedent or opinion regarding whether legal recourse would be directed against the individual(s) or against the cooperative? Since the township has an existing Rural Co-operative already in existence, Lothlorien Rural Co-op, this may already be known.
- 3) The Township planning information report dated November 2023 notes that a building permit was issued for a carport garage and is outside the scope of this development plan proposal. Is it possible for me to obtain a copy of the building permit that was issued for this construction including the technical specifications and exact location of the carport and garage for which the building permit was issued? As the residential neighbor immediately adjacent, to the North/East, of the applicant's subject property I have noted during a recent visit to our property that the construction of a very large foundation for this "garage" has been completed.

This newly constructed garage foundation is situated right up against the property boundary line of our two properties - within 3 meters. I would like to ensure that the location and dimensions of the garage is consistent with the planning permit that was issued by the township as the location of the constructed carport/garage is not noted to be at its current location on the original plans. Also, a substantial amount of rock and soil from this project has been bulldozed and left on our side of the property boundary line. Before discussing and requesting our neighbors remove this debris from our property I would like to have a clearer

		<p>picture of the contents and scope of the originally issued building permit. If this request/access to the permit needs to be made in person at township offices I will be able to do so during an upcoming trip to the Ompah property in the next month or so.</p> <p>4) To note again - in the documents provided the applicants made applications for review to the Fisheries and Oceans Canada as well as the Ministry of Natural Resources. Has any documentation or response from either agency been received and available for public review/comment?</p> <p>5) I have engaged with some technical experts to review the erosion, slope, and surface runoff reports from Gemtec and Shade Group. I will revert back with any questions on that report.</p> <p>This email is intended to seek additional information regarding the proposed rezoning and development before providing my official comments in the next few weeks.</p> <p>Please let me know if you have any questions or need any clarifications on the above questions/requests. I recognize and appreciate that you may not be able to answer or comment on some or many of the above noted questions/comments.</p> <p>I am sorry that this is such a lengthy email request!!!! Thank you very much for your assistance!</p>
Apr 26/24	Palmerston Lake Association	<p>Following the release of the applicant's second submission which included the revised Gemtec Environmental Impact Statement of March 5, 2024, the Palmerston Lake Association engaged Hutchinson Environmental Sciences Ltd. (HESL), a reputable Canada-wide Aquatic and Environmental consulting company, to perform a peer review of the revised Gemtec EIS. That review is attached. It is worth noting that the engagement was financed entirely by donations received from 43 property owners on the lake.</p> <p>Although the Hutchinson peer review speaks for itself and should be carefully considered in its entirety, we wish to bring your attention to a few items specifically:</p> <ul style="list-style-type: none"> • The peer review identified concerns in ten separate areas. There are numerous concerns regarding the natural heritage of the property. One of the conclusions is that "without sufficient surveys being conducted, the report lacks comprehensiveness." and "These assessments are standard items to be included when an EIS is undertaken". • With regard to the Lake Trout spawning habitat, in addition to recommending that the location of the boat dock be reconsidered, the peer review comments regarding the ongoing operation of the docks include the following: "Boat and human activity associated with the docks may be extensive with the amount of the proposed development and may impact fish habitat through water disturbance, suspension of sediment, and alteration of habitat through general use. The potential impact must be addressed." • The peer review concludes by saying "... we recommend that a reassessment and revision of the proposal be undertaken. For example, consideration should be given to limiting the overall footprint of the development by reducing the number of buildings and clustering them together and as far away as possible from the numerous sensitive features." <p>We urge the County and the Township to take serious note of all of the findings. As we have reason to believe that some road construction and land clearing may already have taken place, some remedial action may already be necessary.</p> <p>See Attachment #6</p>

Apr 30/24	Joan Hayes	<p>The PLA has presented a very concise list of the numerous concerns surrounding the high density development that we have been opposing. Suffice it to say that we fully agree that a downsizing and extensive further study are all appropriate remediations to the presently proposed plan.</p> <p>I do wish to point out a few other issues that have also been a cause for concern with many property owners. If you look carefully at the public comments in favour of the development, they really are just character references, rather than knowledgeable statements about the actual environmental issues.</p> <p>Upon reviewing these comments I found that 2 of the comments are exact copies of one another which begs the question, who wrote the comment in the first place. The date of the comments was Feb 1,2024 and were written by Kevin Loten and Jim Getman and family. This blatant attempt to sugar coat the real issues makes my level of concern even more heightened. Craig and Amber Hall are self proclaimed good people who we “can trust to do the right thing”. I have a hard time putting trust in copied and pasted comments that claim first hand knowledge of a deceased neighbour’s thoughts.</p> <p>Another issue is the transparency of Tracy Zander. There is documentation that she was involved with the drafting of the new zoning bylaws in 2018.</p> <p>Does this not beg the question of a conflict of interest when suddenly we are faced with an unprecedented threat to the beautiful lake we call home. Does she have an “in” with council and can we trust that the environment will be the first consideration of council not the monetary gains that this massive development will bring to the township.</p> <p>After 35 years on Palmerston Lake and having seen many buildings that clearly did not meet the same criteria that we had to follow when building our cottage in 1991, I hope that council will do the right thing and stop all progress on this project until all of the issues at hand are addressed.</p> <p>The road extension that has already been undertaken should be first on the list of things to be addressed. Was it appropriate, did it damage the wetlands, and how can we fix what has happened.</p> <p>Please do the right thing and consider all of the facts that we as Palmerston Lake residents feel very strongly about.</p>
May 1/24	James Hayes	<p>Gravel Point - Concerns Remain</p> <p>Frontenac Township is in the decision making process of a re-zoning application for a substantial development on Gravel Point, an environmentally delicate 2.9 acre peninsula on Palmerston Lake, 100km northwest of Ottawa. This would allow the applicants, Craig and Amber Hall of the alleged environmentally concerned Equator Coffee Roasters, to develop 8 cottages, 3 Gazebos, 2 Bunkies, 1 Studio, 1 Workshop, 1 Community Building, a Boat House where none previously existed, a trailer site, and 4 docks. Furthermore, the applicants are requesting reduced setbacks and permissions for many of these structures.</p> <p>This development necessitates significant clearing of vegetation on the narrow peninsula, and the addition of roads and paths to docks and gazebos. The peninsula is adjacent to marsh and fen where the Blue Heron, Loon, Common and Hooded Mergansers and others nest. An otter and beaver reside along its shore. Various turtles sun on its southern shore and snapping turtles frequent the area. Peer reviews highlight the potential risk to endangered species including red-headed woodpecker and possibly Blandings Turtles which have been observed on the lake.</p> <p>The Ontario Federation of Anglers and Hunters (OFAH) called the applicant’s Environmental Impact Study “grossly inadequate and may not even meet its legislative requirements” and stated that “there has been blatant disregard for fish habitat during this process.” The McIntosh Perry Peer Review highlighted numerous outstanding risks to fish habitat, flora and fauna, and endangered species.</p>

Lake Trout are an extremely treasured and sensitive resource worldwide. Only about 1% of Ontario's lakes contain Lake Trout and this represents 20-25% of all Lake Trout lakes in the world! The Gravel Point spawning bed is critical to the sustainability of the native indigenous Lake Trout fishery, which is unique in genetic type. An ice-fishing moratorium was declared decades ago because of the sensitive nature of Palmerston Lake's Lake Trout.

The septic beds for three 1200SF cottages are planned directly above the lake's largest Lake Trout Spawning bed, which is the well-known source of ova for the lake's hatchery. The location of this spawning bed is clearly marked on publicly available online ministry maps. It was literally impossible for any environmental professional to have missed the 11,800m² shallow gravel spawning shoals on the point during their significant onsite visits. One must therefore assume that it was conveniently and intentionally absent in the applicants' initial Environmental Impact Study (EIS).

Concerned lake residents have brought this obvious omission to the attention of the township and the applicants, but no changes have been made to the development's footprint or septic systems. Furthermore, the applicants have retained plans for a waterfront un-grandfathered boathouse adjacent to these spawning beds. The most obvious use of this boathouse is for the applicants' ubiquitous wakeboarding boat sporting a loudspeaker system. All of these concerns bring into question the applicant's statements of "trust us" environmental stewardship.

The Frontenac Township's Official Plan states that its mission is to "ensure conservation, protection and enhancement of water resources." DFO Legislation dictates that it is the applicants' responsibility to prove that there will be no detriment to fish habitat. The owners have associated their concern for the environment with their Equators Coffee Roasters business, which claims to have the "highest verified standards of social and environmental performance, transparency, and accountability. Peer Reviews and common sense dictate otherwise.

Septic systems are notoriously poor at removing toxins fatal to spawning beds, so they are often upgraded and set back 300m from shore. The projects' septic beds are max'd out, even when the bunkies are irrationally discounted. Gravel Point is further sensitized because of its poorly overburdened hydrogeological zone. Still, the applicants defiantly plan to build the cottages with only a 33m setback reserved for general waterfront properties. For the anticipated westward facing view, additional vegetation will need to be removed.

Perplexingly, the Township turned down a 2022 application to build two cabins on a 78 acre lot that has been in the family since 1937 on less environmentally sensitive land directly across the lake. Perhaps the Hall's planner, Tracy Zander, has a more operable sense of the township's planning guidelines, since she helped to write them along with Tara Mieske, the planner on this file.

The Township received 113 pages of concerned public objections, a privately funded environmental study, and two critical Peer Review studies. The applicants had nearly a year to review and respond to these, but frantic lakefront dwellers were told they had to wait until the revised application was received before they would be granted access.

		<p>They would then be given 30 days to respond. The township promised, but failed, to post the Public Comments, which includes the OFAH concerns, and the private resident's GDS consultants environmental study. Transparency?</p> <p>"Whereas the OFAH states that "there has been blatant disregard for fish habitat," Zanderplan's recent submissions says they will rely on Gemtec, the professionals who completely missed the lake's major spawning bed, to provide construction advice. The applicants state that their timeline now "far exceeds that which is prescribed and that "the public [has been given] ample opportunity for review and input."</p> <p>Lets move on...nothing happening here...</p> <p>Zanderplan states that it is "not the applicants' intention to use the property for short term rentals." This is the second documented use of the term "intention" when renting is brought into question. So yes, rental is not being ruled out.</p> <p>The Halls statement that the right-of-way property owner has granted passage for this project is vehemently denied by the landowner, who may have granted access to the single cabin on the property, but not to a subdivision.</p> <p>Future builders will reference any precedent this development creates.</p>
Sept 10, 2024	Dave Marchette	<p>I am the president of the Canonto Lake Property Owners Association, and I have recently been in contact with Andrew Waywell, President of the Palmerston Lake Association. Our conversation concerned the proposed zoning change and possible subsequent development on gravel point, Palmerston Lake.</p> <p>The association that I lead is concerned with the ramifications of this zoning change, and so we join with Palmerston in requesting a review meeting of this proposal at the appropriate time in the proposal sequence. Further if council grants the request for a meeting, I would like to be informed of the planned date and time so that I might attend.</p>
2024-09-10	Kathleen Patchell	<p>I hope that after all the extensive due diligence completed in good faith for this project that the Township will vote in favour of the zoning change.</p>
Sept 10, 2024	Karen Lemieux	<p>I would be interested in attending any township meetings relative to this project as I have some questions about the nature of the project particularly given the size of the dock (22 boat slips is as big as the marina which is odd for a family co-operative - what family has 22 boats). Plus, no one has been able to explain the end usage - fractional ownership, rentals??? It all seems a bit sketchy and fishy to me.</p>

<p>October 17, 2024</p>	<p>Kevin M. Duguay MCIP, RPP</p>	<p>Please find attached herewith the following documents, regarding the above-captioned:</p> <ul style="list-style-type: none"> i. Peer Review of the GEMTEC Environmental Impact Statement (EIS), prepared by Sumac Environmental Consulting, dated September 20, 2024. <p>This Peer Review was prepared at the request of Messrs. Peter and Doug Roberts as part of their on-going objection towards the pending OPA and ZBLA Applications.</p> <ul style="list-style-type: none"> ii. Letter from Messrs. Peter and Doug Roberts dated October 3, 2024, which specifically includes preference to the Sumac Environmental Consulting Peer Review document. <p>The consultant team is also reviewing the other recent supplementary reports as posted on the Township “Engage” portal. A summary response, regarding same will be issued under separate cover to your attention.</p> <p>Thanking you in advance for receiving this memorandum and its attached documents.</p> <p>See Attachments #7 and #8</p>
<p>October 22, 2024</p>	<p>Joan Hayes</p>	<p>In reviewing the latest documents made available on Engage Frontenac I was unable to find a response to the information gathering form for activities that may affect species or habitat protected under the endangered species act submitted in March 2024.</p> <p>I have reviewed the latest documents and there seem to be more and more issues that are being avoided by suggesting various mitigation measures. Can you advise how all of these measures will be monitored?</p>

Date Comments Received	Name of Public Member/Organization	Comments
2025-02-02	Jim Hayes	<p>I have grave concerns for the environmental future of Gravel Point on Palmerston Lake, Ompah due to the dense development proposed by Craig and Amber Hall. The vast majority of property owners on the lake share the concern that the project is a severe or even existential environmental threat.</p> <p>I have created an extensive review of these concerns in the hopes that science will prevail over what I perceive is an eroding trail of misleading paperwork. See Attachment #9</p>
2024-02-07	Jim Hayes	<p>I was talking birds with a neighbour and they mentioned casually to me that the Merlins on Gravel Point were so loud that they could be heard clearly from across the lake. The Merlins were heard calling in July 2024.</p> <p>In their initial EIS, Gemtec stated that "While a nest was not actually confirmed, two merlin were observed together within a single tree cavity...The location of the observed merlin was in the southwestern area of the subject property, within the forested peninsula...Significant Wildlife Habitat Criteria Schedules (OMNRF, 2015) states that a 50m radius around the nest is the SWH for each identified merlin nest."</p> <p><u>So there are two Merlin in a tree cavity in the densest area of development, whereas a 50m radius is required if this is a nest.</u></p> <p>In their latest EIS, Gemtec removes any mention of the two Merlins in the tree cavity and attempts to imply that (like most wildlife they have seen) they appear to now be absent. Gemtec states that, "In additional [sic] to the point count surveys described above, <u>additional surveys</u> specifically targeting red-headed woodpecker <u>and merlin</u> were completed on June 18, 2024."</p> <p>The Merlin survey they claim to have done does not meet protocol - especially to imply absence. It is a single test without transects, which would have been at the far end of the peninsula from the tree cavity nest (since Gemtec were leaving). There is no indication that Gemtec checked the nest (or potential nest), which implies they did not, yet <u>the initial observation of two Merlins in their tree cavity have been deleted from the new EIS.</u></p> <p>Please ensure that Egis is aware of this deleted information and corruption of results in the latest Gemtec EIS 2024. Please add this email and the recent review I sent to Public Comments.</p>

2025-02-13	Bert van den Berg & Marie McFaul	<p>Palmerston Lake is a gem in North Frontenac - a clean, cold-water lake readily accessible by road for locals, cottagers and visitors. The Hall's proposed "cooperative" development certainly appears to be an attempt to circumvent the limits on density of development permitted by existing regulations, with damaging consequences for Palmerston Lake.</p> <p>This increased density will result in septic seepage damaging to the nearby Lake Trout spawning bed, and increased forest clearing that will reduce the viability of the nearby wetlands. The proposed boat dock at the edge of the wetland will further disturb the animals that now call this area home (and will likely make the wetland less viable as a place to live).</p> <p>We would ask that this new development be held to the same standards required of other property developments in North Frontenac, and that the proposed "cooperative" zoning not be approved-for (or applied-to) the Hall's property development.</p>
2025-02-25	David Ibbetson	<p>"Lake Trout lakes are rare. Only about one percent of Ontario's lakes contain Lake Trout, but this represents 20-25% of all Lake Trout lakes in the world. The province, therefore, has a great responsibility to manage them wisely".</p> <p>Quote from Ontario govt website at https://www.ontario.ca/page/inland-lakes-designated-lake-trout-management</p> <p>I have recently become aware of the reference development application for a "resort" (aka family use communal development) at an ecologically sensitive site on Palmerston Lake.</p> <p>Having studied the proposal, and having read submissions in opposition to the proposal, I felt it necessary to add my voice to the debate.</p> <p>By way of background, I own property on Palmerston lake a little ways west of the proposed development. I am also familiar with land development, and an investor in such, and therefore I am sympathetic towards the proponents and am in no way a "NIMBY".</p> <p>However, the parameters of this proposal, and the manner in which representation has been made (seemingly deliberate omission and/or understatement of environmental impact) cause me to request that this proposal, as current, be rejected.</p> <p>In summary, I have the following objections:</p> <ol style="list-style-type: none"> 1. The lake trout spawning beds adjacent to the proposed development are a critical factor in lake trout survivability in Palmerston Lake. As a comparison point, winter ice fishing on Palmerston has been banned for years in order to help preserve the declining Lake Trout

		<p>population. How can the township reconcile this ban with sanctioning a dense development directly affecting one of only two known spawning beds on Palmerston?</p> <p>2. The adjacent wetlands are significant habitats for endangered species. I know from my own investment experience that city approvals for developments within setbacks for "wetland" (of much much less environmental significance) have been summarily rejected. I cannot see why the township could argue otherwise in this case.</p> <p>3. The stated use of the proposed development, as a "family and friends" resort is clearly a stepping stone to one of two commercial exit strategies:</p> <p>3.1 A vacation rental operation. 3.2 A sale to a third party for commercial purposes at greatly increased value.</p> <p>Either way, you all know, given the massive financial investment proposed, that this is not a "family and friends" communal property.</p> <p>4. Even neglecting my arguments in 3 above, let's assume that I'm wrong and this is indeed a "family and friends" operation, then the density of occupancy represents both an infringement of the maximum allowed density (when considering the distribution of residences on the property vs the total area of the property alone), and it presents reasonable risk of disturbance and diminution of enjoyment of other residents on nearby properties over and above the environmental risk.</p> <p>It baffles me that this proposal has not yet been formally rejected by the township. I'm sure the planners have reasons, but they are not apparent.</p> <p>I am not anti-development. I am not anti-enjoy-nature. However, this proposal is way beyond one individual or family's desire to enjoy one of the most pristine lakes in our region. If the proponents are truly seeking a long term family property to share with future generations, then surely they will see the rationale in scaling back their proposal to be more in keeping with the magnificent beauty and nature that is Palmerston Lake. If they can compromise in this way I'm sure they will have great times and great neighbours for many decades.</p> <p>On the flip side, if this proposal is approved and contributes to the extinction of lake trout in Palmerston, which township official wants that on his/her resume?</p>
2025-03-04	Joan Dabney Clicker	I am the great granddaughter of Stella Dabney, who with her friend bought Tamarak Island on Lake Palmerston in the 1920s. I believe this year or next we mark 100 years of loving and careful stewardship of Tamarak on this quiet lake. We make a joyful pilgrimage each

		<p>summer to the island to swim, paddle, stargaze, and do whatever upkeep the place needs. We have no electricity and we love it; it's wonderful to step away from technology and enjoy the tranquility and — in a way — step back in time to when nature ruled and the world wasn't buzzing with motors and lights. North Frontenac is a paradise we cherish.</p> <p>I learned only yesterday of the proposed development of Gravel Point, and am writing to express my strong opposition. I have carefully read through the concerns about this development as laid out by the Palmerston Lake Association, and it sounds like it would be thoroughly detrimental to everyone but the developers themselves. The development threatens fragile habitat and the life that relies on it, it threatens thoughtful regulations that protect against overdevelopment, and it threatens the peace and dark night sky that other landowners and visitors have protected, loved, and counted upon for generations. The proposed loosening of regulations to allow this development would open a door to even more disruption of this delicate, beautiful natural place. I see this one development as creating a cascade of issues that will ruin the lake.</p> <p>I do not believe for a moment that the developers need regulations changed in order to come enjoy Lake Palmerston as a family. My extended family have descended upon Tamarak Island, with 12 of us happily crowding into two cabins and easily making do with one dock. I believe the claim that the property will be solely used for family gatherings (and not lucrative vacation rentals and/or corporate retreats) is dishonest, and this first big lie leaves me wondering how else the developers, as community members, might in the future ignore and manipulate other local laws and regulations.</p> <p>The Official Plan was created precisely for the purpose of protecting against such developments doing major, irreparable damage to Palmerston Lake. It was intelligently construed, and a North Star to guide in dealing with proposals like this one. We must be firm, and send a message to these and future lake property buyers that the Official Plan will never be manipulated and undermined to suit their personal wishes.</p> <p>I request that you not allow the development to proceed without some meaningful scaling back that has the endorsement of the Palmerston Lake Association and environmental consultants. Thank you for your time in reading my concerns, and I would be happy to answer any questions you have about the 100-year Dabney family presence in North Frontenac.</p>
2025-03-03	Lewis Dabney	My name is Lewis Dabney, and my great grandmother Stella Dabney published "Two On An Island" in 1931, her story of how she and a dear friend purchased Tamarac and Garden Islands on Palmerston Lake the decade before, and began our family's uninterrupted tradition of spending our summers there, still without electricity or other modern

comforts. We've given copies of it to friends of ours in Ompah over the generations, and I hope you've seen one. It gives a charming view of the life and times and people in Ompah generations ago, along with historic photographs. I've been coming to Tamarac Island (the one in the middle) since 1968. My parents honeymooned there in in September 1958, and my grandparents had a home on Garden Island that burned.

I am writing on my behalf, and on behalf of my mother Sarah (she's 93 and was up on the island this last summer), and my deceased father Lewis, my grandparents Lewis and Crystal, and Stella, as well as my wife and kids, in support of modest, conscientious and lawful development in North Frontenac, mindful of its singular assets- its natural beauty and our respect for same.

More specifically, I am writing to formally express our strong opposition to the proposed development at Gravel Point. The planned changes to the Official Plan, which would rezone Gravel Point from Limited Waterfront to Rural Cooperative, threaten the lake's ecological balance, endanger its iconic lake trout population, and set a dangerous precedent for unsustainable development in the area.

Our understanding through the PLA is that the applicants propose to build five of the seven planned cottages on Gravel Point itself. This level of density—2.5 cottages per hectare—far exceeding the existing zoning by-laws, which limit development to one dwelling per hectare. Moreover, we understand the developer's claim that the density is only 0.7 dwellings per hectare is misleading. In addition to the cottages, the proposed development includes a bunkie, a recreational vehicle site, a communal gazebo, a community building, a boathouse, a waterfront storage facility, two boat docks, and five septic systems—all packed onto this small peninsula. Such an excessive concentration of structures will undoubtedly lead to increased sound and light pollution, greater lake and land traffic, and a significant loss of tree cover—estimated at over 60%—which will further destabilize the environment and increase runoff into the lake, and it's hard to see how this isn't intended for commercial use.

Gravel Point is also directly adjacent to the lake's primary lake trout spawning bed. The disruption caused by this development—through increased human activity, septic system runoff, tree loss, and road expansion—poses a severe risk to the lake trout population. The lake's ecosystem has sustained itself for generations, and introducing this scale of development to such a fragile area will have long-term consequences, potentially devastating one of the lake's most vital natural resources. Why would anyone in the community risk destroying the species that gives us the nickname Trout Lake?

Furthermore, the proposed development borders a significant wetland that serves as crucial habitat for numerous species, including Blanding's turtles, otters, beavers, snapping turtles,

		<p>and blue herons. These species rely on the wetland's delicate balance to thrive, and any large-scale construction nearby will disrupt their habitat, leading to population declines or displacement. Given the ecological significance of this area, it is imperative that it remains protected from high-density development that threatens its integrity.</p> <p>This proposal prioritizes short-term economic gains over the long-term health of the lake and its surrounding environment. The zoning laws exist to protect sensitive areas like Gravel Point, ensuring that development remains in harmony with the natural landscape rather than overwhelming it. Allowing this project to proceed would not only compromise the lake's ecological stability but also set a precedent for future developments that ignore responsible planning principles.</p> <p>I urge you to reject the proposed rezoning and development at Gravel Point. It is critical that we preserve this unique and fragile environment for future generations and maintain the ecological integrity of our lake. I appreciate your time and consideration of this matter, and I welcome any opportunity to discuss it further.</p> <p>For whatever it's worth, Gravel Point is directly visible over my mother's toes when she's lying in her bed on Tamarac Island, as she did with my dad 67 years ago. The light pollution radiating from that part of the lake is already a sad intrusion on skies I knew as dark. I hope my kids will be able to see stars still when they look over their toes.</p>
2025-03-06	Martha Dykema	<p>My name is Martha Dykema and my family has owned 100 acres on Palmerston Lake for over 87 years. The two cottages on the property - one on 2 1/2 acres, and the other on 97 1/2 acres, are the touchstones for our entire family - - sons, daughters, grandchildren, and now 4 great grandchildren.</p> <p>We are proud to have maintained the property in its natural state. A Forest Land Management representative walked the property with us several years ago and pronounced the land was eligible for a tax reduction due to cleared trails and dead-wood removal. As we were completing the paperwork - it was discovered we were not CAD citizens, so no tax reduction.</p> <p>Over the course of our ownership we have paid tens of thousands of tax dollars to the Township of North Frontenac. Some years ago we were running into a financial bind so we decided to sell some of our property. We had the property surveyed for \$7000, and extended the property lines of the smaller piece to encompass both cottages. The new piece would be 23 1/2 acres. When we applied for the change, the Township said we could not have 2 dwellings on one piece of property. Let me repeat that - - we could not have 2 dwellings on 23 1/2 acres. That is somewhat unlike what is proposed for across the lake from us -- the Disney World aberration of multiple cottages, bunkies, trails, docks, septic systems and who knows what else.</p>

		<p>So we sold the 97 1/2 acres to our two granddaughters who are committed to maintaining the property in its natural state.</p> <p>Some years ago I observed two bald eagles - an adult and juvenile (no white head yet) trying to gain a toehold on one of the tallest pines on the Gravel Point peninsula. You can bet that won't be occurring if this proposal is passed. Nor will our magnificent loons be scrabbling together their fragile nests along that shoreline as they have for hundreds of years.</p> <p>I would counsel this council to keep THE most important factor in mind when making your decision - and that is the sanctity and preservation of our beautiful lake and its environs.</p>
--	--	--

Date Comments Received	Name of Public Member/Organization	Comments
March 10, 2025	Joanne Allen	<p>I have been a dissenter of the Gravel Point Development from the beginning of the process. I believe that it is time for me to reiterate some of the key points against both the zoning change and the development of the land and the associated impact on Palmerston Lake.</p> <p>The North Frontenac Township Official Plan states: “Only development that contributes to a healthy, environmentally friendly, prosperous and sustainable community will be encouraged.” It also states that, “Any new development must be considered in light of its effect of its impact on the environmental quality of any lake or river and, in particular, the provisions of Section 4.10.8. Lake Trout Waters.” To that end, there are environment factors that should be considered.</p> <p><u>Environmental Factors:</u> Palmerston Lake’s largest 250m Lake Trout spawning area lies directly below the area of the densest proposed development. This critical environmental asset was apparently omitted from the applicants’ initial Environmental Impact Study (EIS). The spawning area is clearly marked on publicly available MNR maps. The proposed location of the main boat dock is adjacent to the spawning area and in a shallow bullrush aquatic zone. The dock will dramatically increase boat traffic through the spawning area. Nearly 300m² will be cleared for a water activity area and boathouse of the size designated in the proposal. The number of boat slips appears excessive for the use of single families in 8 cottages.</p> <p>Species of concern/Endangered: Blanding Turtle, Red-headed Woodpecker, Eastern Pewee, snapping turtles, Loon (nesting area), otter and beaver corridor and the Black Ash, and the above mentioned Lake Trout.</p> <p>Wetlands (3 separate areas), truthfully I would love for my grandson to be the fourth generation of our family to sit on a log and count minnows, look at frogs and turtles and sing with the swaying grasses. What better way to teach the next generation about nature. With the boat dock extending along that side of the bay, I suspect that the wetlands and all that they nurture will be a thing of the past.</p> <p><u>Zoning Concerns:</u> In terms of the zoning, according to the Hall brochure, “The main function of the co-op zoning is to allow for more cottages.” The applicants propose the creation of a new “Cooperative” zoning by-law (CO-X1) to be used for this development in place of the current Limited Service Waterfront (LSW) which applies to all other lakefront property owners. The creation of a specific by-law (CO-X1) for the applicants is unwarranted, detrimental and unfair to other lake residents.</p> <p>The initial draft of by-law CO-X1 (2023) includes, but is not limited to, such uses as Maple Syrup Processing & Sales, Private School, Place of Worship, and Kennel. The township has assured the public that these special use exemptions will be removed, but the actual wording and restrictions have not been issued, publicly, in writing. How will the township ensure that the development does not become, for example, a for-profit retreat with the community buildings used for public activities?</p>

		<p>The creation of a new “Cooperative” zoning by-law(CO-X1) will be precedent setting. To the best of my knowledge cooperatives in Ontario are land locked not on waterfronts(lakes) hence would be precedent setting not only for Palmerston Lake, a Trout Lake, but if successful would allow them to occur on other Ontario Lakes.</p> <p>In addition to the actual zoning (I believe that the LSW should be retained.), there is an issue of densification. I know that in an urban environment this is encouraged, however in a rural setting, I suspect that most would prefer more space, not less. I believe that the applicants have understated the density of the development that is consolidated onto Gravel Point by including their entire property in the calculation. Although the total acreage is 34, I believe that 5 of the 7 houses lie on 4.5 acres, specifically on Gravel Point. This is greater than their own proposal of 1 dwelling per hectare in real space. This also causes a localized defoliation concern.</p> <p><u>Septic and Effluent Flow Miscalculations:</u></p> <p>There should also be a deep concern for septic and effluent flow. The applicants’ flow calculations omit bunkies, potential bedroom spaces and the community centre. When included, this will not remain below the threshold level of 10,000 litres/day; above this threshold, a higher level of approval is required from the Ministry of the Environment Conservation and Parks (MECP). I believe that, as a cottager, we need to be vigilant with septic AND grey water as well as run off and effluent that can negatively impact the water quality for us and the aquatic life.</p> <p>In conclusion, I appeal to council to take their time to review and question all the data. I would also suggest that a third party, one who is not attached to council nor the applicant(s), would make the review process thorough and even more transparent.</p> <p>It is my hope that the lake and the life that it holds, may be preserved for future generations. It is with gratitude that I thank you for your continued diligence and the protection of our natural resources.</p>
March 12, 2025	Andrew Waywell (Palmerston Lake Association)	<p>The Palmerston Lake Association (PLA) represents over 100 seasonal and permanent residents who are deeply invested in the responsible development and preservation of our lake community. We have prepared this document that summarizes our position on the proposed development of Gravel Point. We would welcome the opportunity to present our position in person and to discuss how we can work together to achieve our shared goals.</p> <p>The PLA believes that waterfront property owners have a right to responsible development of their properties while abiding by the waterfront area zoning regulations that the Township has created to protect the environment and the recreational value of the lakes. We have thoroughly reviewed the reports and submissions related to the Gravel Point development application. We believe the evidence supports the conclusion that the application represents neither responsible development nor compliance with waterfront zoning requirements. We urge the Township to uphold the principles and intent of its land-use policies by rejecting the application in its current form on the following grounds.</p>

1. No reasonable justification has been provided for changing the Official Plan.

The application requests that the Official Plan be amended to permit the property to be rezoned from Limited Service Waterfront to a site-specific Rural Cooperative. We emphasize that a foundational principle set out in the Official Plan is that waterfront areas are distinct from and are not intended to be treated as rural areas: **“The Waterfront Area character differentiates the waterfront area from the rural setting of North Frontenac.”** (Official Plan Sec. 4.10.6). What rationale has been presented that would justify this significant change in land-use principles? The application claims to “... provide planning rationale for the proposed rural cooperative ...” but if one reads the document carefully, no rationale is provided apart from a reference to it being a family project. On this we make two points. First, communal ownership of property is possible within the existing legal and planning framework for the township. An official plan amendment is not required to make communal ownership possible. Second, it is apparent that the primary reason for the amendment request is to make it possible to circumvent the waterfront area zoning by-laws.

The PLA urges the Township to send a clear message to the community that its vision for land use in waterfront areas, as expressed in the Official Plan and zoning by-laws, is unwavering and applies equally and fairly to all property owners. Preferential treatment of individuals is not an acceptable approach to land use policy.

2. The Scale and Density of the Development are Excessive

The applicants want to build 5 of the proposed 7 new cottages on Gravel Point, a narrow, steeply-sloped peninsula of no more than 2 hectares. This amounts to 2.5 cottages per hectare, a density that is more than double the maximum permitted under zoning by-laws (1 dwelling per hectare), and 400% more than what is misleadingly implied in the developer’s application (0.6 dwellings per hectare). To this already excessive density, the applicants want to add a bunkie, a recreational vehicle site, a communal gazebo, a community building, a boat house, waterfront storage building, 2 boat docks, and five septic systems to service the cottages – all on Gravel Point. This is an unreasonable scale and density of development for any 2-hectare waterfront area, but especially for one abutting the only major lake trout spawning bed on the lake and adjacent to a sensitive wetland that provides habitat for a wide diversity of important species. One estimate indicates that this scale of development will require clearing more than 60% of the tree cover on Gravel Point, thereby further exacerbating the risks of silting and septic system runoff that will endanger spawning beds and wildlife habitat. The PLA believes this proposal, as recommended in both EIS peer reviews, needs to be significantly scaled back.

3. Lake Trout at Risk

More than half the Lake Trout population in Palmerston Lake depends on the large Gravel Point spawning bed for its survival. The proposed development threatens this bed. Data collected by Ministry of Natural Resources and Forestry show that the Lake Trout population in Palmerston Lake has been declining in recent years and is

experiencing low reproduction levels. Rising water temperatures, declining oxygen levels, and the growing northern pike population are the likely causes. All of this implies that the future viability of Lake Trout is more dependent than ever on the health of the Gravel Point spawning bed.

The proposed development puts this spawning bed at risk of damage from three sources:

- (1) increased levels of on-going surface runoff causing a gradual siltation of the beds over time due to the ongoing human activity associated with a densely packed set of dwellings and communal structures and the massive clear-cutting required to make room for the proposed structures,
- (2) increased nutrient-rich runoff from several densely spaced septic systems on the narrow strip of peninsula. This creates a material risk that toxic blue-green algae growth will develop in the wetland and small embayment area, as is occurring at an alarming rate in several “pristine” lakes in the region.
- (3) an unprecedented increase in speed-boat traffic adjacent to the spawning bed. The scientific literature clearly indicates that boat traffic damages spawning beds.

The DFO assessment requested by Gemtec does not address any of the above risks to the spawning bed. Instead, it focuses on the impact of a floating dock installation and the impact of construction of what it was led to believe are “small cabins”. Even though DFO clearly misunderstood the scale and density of the proposed construction, we agree that the extensive mitigation actions outlined in their response would reduce the risk of damage during the construction phase. But none of these mitigation actions would have any effect on the 3 ongoing sources of damage to the beds identified above. The DFO report does not change the fact that the proposal, as presented, presents significant on-going risks to the Gravel Point spawning bed that could irrevocably jeopardize the Lake Trout population.

4. Impact on Endangered Species

The reviews by Egis, Hutchinson, and private citizens of the Gemtec EIS raise serious doubts about the veracity of Gemtec’s conclusions regarding the impact of the proposed development on endangered and other species. There are examples of species documented as present in the first Gemtec EIS that no longer appear as present in the second Gemtec EIS. There are examples of survey protocols that are alleged to have not been implemented correctly. And there is overwhelming evidence based on sightings by residents of a rich variety of species present that call into question several of the Gemtec conclusions.

The conclusion we draw from the evidence that has been presented is that the proposed development will disturb or destroy a significant area of habitat for several species, likely including some listed as endangered.

		<p>5. Access road impacts on private rights and wetland</p> <p>To the best of our knowledge, the question of access via the privately-owned lane has not been resolved legally. If it turns out that legal access is denied, the following point is moot. However, if access were to be granted on legal grounds, we believe that access should not be granted on environmental grounds unless the proposed scale of development is scaled back significantly. The access road runs well within the 30-metre setback from the wetland. The increased volume of traffic associated with an eight-fold increase in the number of dwellings, should the development proceed as proposed, will cause an unacceptable risk of harm to the wetland.</p> <p>6. Future uses</p> <p>The applicants' claim that the development is intended for family seems to be designed to appeal to emotions rather than logic. The claim is unverifiable, unenforceable, and should carry no weight in the decision-making process. The proposal has all the markings of a development that could just as easily be used for short-term rentals as for a family compound. There are several large properties on Palmerston Lake and on other lakes in the Township and beyond. Creating planning amendments that facilitate the development of properties suitable for commercial operations such as short-term rentals sets a precedent that could have far-reaching negative impacts on the recreational and environmental quality of lakes in the region.</p> <p>In conclusion, we believe the evidence summarized here provides ample grounds for rejecting the proposal in its current form. We reiterate that we would welcome the opportunity to meet in person to discuss our conclusions and to provide input to the decision-making process on this important issue.</p>
<p>March 19, 2025</p>	<p>Jim Getman, Barbara (Getman) Derby and Wes Getman</p>	<p>We are writing again to reiterate what we said in our previous letter dated February 1, 2023 (see attached) and to amplify on the following points:</p> <ol style="list-style-type: none"> 1. The applicant's request to rezone the property from Limited Service Waterfront to a site-specific Rural Cooperative is ludicrous and has no basis or merit in the sound; fundamental principles set out in the Townships's Official Plan. This is a peninsula- surrounded on 3 sides by water - with the largest Lake Trout Spawning Bed on Palmerston Lake located on its point (Gravel Point). There is no rational basis to approve such an amendment other than for the personal benefit of the applicants at the expense of all the other vested property owners on Palmerston Lake as well as the extremely sensitive environmental area. 2. Associated with the application to rezone the said property is the incredulous request to use the disguise of Rural Cooperative Zoning to build numerous high density structures on the most sensitive point (Gravel Point) of the peninsula. This is a blatant violation of sound; Lake Front Zoning principles. 3. The potential, negative Environmental Impacts are overwhelming regardless of the numerous; unmeasurable mitigants that the applicants suggest. Who's going to monitor any of these?

		The public response to this proposal has been universally opposed to this request. We trust that the Council will act correctly in rejecting this proposal
June 13, 2025	Jim Hayes	See Attachment #10
June 27, 2025	Palmerston Lake Association	See Attachment #11
July 14, 2025	Janice Arthur	<p>You are considering a longstanding application to convert a property on Lafolia Lane, Palmerston Lake to a Rural Cooperative Zone with proposed 8 cottages, also outbuildings and bunkies, and docks, to accommodate, according to the proponents, a family community, all within (as I understand it) an 8 acre environmentally sensitive peninsula.</p> <p>I am writing from two perspectives. I was formerly for a long term a member of North Frontenac Committee of Adjustment, and often was uncomfortable with Minor Variance decisions that egregiously overstepped the bylaws. It's fair to say that I would adhere closer to the bylaws than the planners or other members of the committee. And I would want this proposal for Gravel Point to adhere to the bylaws in terms of density of development (requiring a 2 acre area of influence for each dwelling). Craig and Amber Hall do seem to find density of development inconvenient to their wish for a family habitat.</p> <p>I also write as a 47 year member of Lothlorien Rural Cooperative, a community of which I am very proud. Our goal has always been to live as a supportive community for each other and to live as lightly as possible on our 750 acres. When North Frontenac's bylaws were amended and Lothlorien's inclusion as Rural Cooperative corrected (originally passed by Palmerston N&S Canonto), Jenny Duhamel (then planning clerk) commented that dissolution could be a problem. And indeed, it could. We have lived happily with our legal arrangement for 53 years now. But who knows what the future may bring? We are all at or near 80 years old. No one desires it, but if our Coop dissolved, we would have no difficulty complying with any requirement by Township or County, including 2 acre lots. This should be the standard that you are wanting for this proposed development, especially on sensitive lakefront. Anything less is an incentive for other lakefront owners to propose similar development, a future you surely don't want.</p>
July 30, 2025	Kashwakamak Lake Association	Please see Attachment #12
July 30, 2025	Doug Humphries	<p>I understand that the Township will soon be deciding whether to approve this application and I am writing to ask that it NOT be approved. The resulting density of cottages and structures on Gravel Point greatly exceeds what would otherwise be allowed and will undoubtedly result in damage to this ecologically sensitive area.</p> <p>We feel very fortunate to own a cottage on Palmerston Lake. Our address is 1049 West Cottage Drive, Ompah. We think our classification as a Trout Lake is very special and is one of the key reasons we are against the over density of the application. We pay our taxes on time. Please treat our input to not allow this application seriously.</p> <p>A foundational principle set out in the Official Plan is that Waterfront Areas are distinct from and are not intended to be treated as rural areas. The Rural Co-operative zone was never intended to be used in a Waterfront Area. If this application is approved, the density will be more than double that allowed in any other Waterfront zone.</p>

		I ask that the Mayor and Councillors live up to the Official Plan's stated purpose (s.2.3.10) to "protect and enhance the water quality, shorelines and habitat areas and natural features of [these] lakes and rivers" by rejecting this application.
August 1, 2025	Palmerston Lake Association	https://palmerstonlakeassociation.com/petition-page/ To access link, please hold Control button when clicking on link
August 1, 2025	Joan Hayes	<p>Further to the petition document that I sent yesterday, here are some preliminary results to add to the agenda package.</p> <p>As of July 31,2025 the petition contains signatures from 462 concerned citizens.</p> <p>Many have added comments including the following:</p> <p><u>Selected Comments</u></p> <ul style="list-style-type: none"> - As an Ontario Land Surveyor that works with various governing authorities, I am shocked and extremely shocked to see this proposal. - With a degree in biology and a septic system design/install license, I can confidently say that placing five septic systems in this sensitive fish spawning area is an environmental risk. Additionally, constructing seven cottages along with what would essentially function as a small marina near the wetlands poses a serious threat to the ecosystem. - We thoroughly went through the process of formatting the official plan. There is no reason it should be changed. It was formed to protect our environment & still allow maximum buildings. Anything more than the OP is damaging to the environment. Why make an official plan if it can be changed at a person's request. This is an environmentally sensitive area & should be preserved as much as possible. <p>Please ensure that the mayor and councillors understand that this petition is live and very active. We are receiving more signatures daily and we will send you updated results by August 11,2025 so you have the information for the Special Council Meeting.</p>



560 Romaine Street Peterborough, Ontario K9J 2E3
P (705) 749-6710 C (705) 931-0975
kevin@kmdplanning.com www.kmdplanning.com

Memo

To: The Mayor and Members of the Council of the Township of North Frontenac

From: Kevin M. Duguay, RPP, MCIP

Date: January 13, 2023

Re: **1099A Lafolia Lane (Palmerston Ward)**
Township of North Frontenac (Part Lot 30, Concession 4)
Proposed Official Plan and Zoning By-law Amendment Applications-
Rural Co-op Development (Palmerston Lake)
(KMD File 2023-04)

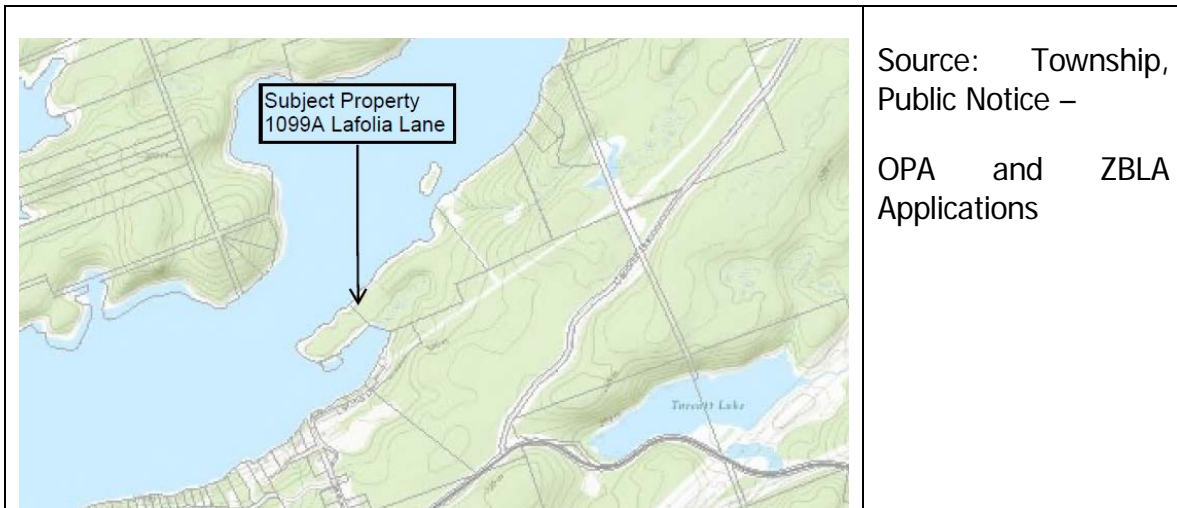
This Memorandum and attached documents have been prepared and filed with the Township regarding the above-captioned proposed waterfront development. I have been retained by Peter Roberts, a owner of property in proximity of the development lands to provided professional planning opinion addressing his objection of said development.

I have been provided all Application documents, background reports- studies through the Township's Clerks office. This has allowed me opportunity to acquire an understanding of the proposed development. Additionally, a site-area tour was carried-out prior to the Township Council meeting.

The Township is processing concurrent Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBLA) Applications regarding the proposed development of the waterfront property known as 1099A Lafolia Lane (Palmerston Lake).

The OPA and ZBLA Applications are scheduled for consideration at the Township's Public-Planning Meeting of January 13, 2023, 9:00 am – virtual format.

The Property



A co-operative waterfront development consisting of a series of cottages, accessory structures, communal buildings, and waterfront located amenity areas/facilities is proposed, having vehicular access by way of a private right-of-way. This vehicular access is problematic as no approval for same has been granted by the owners of adjacent lands upon which the right-of way access is obtained. My clients have retained legal counsel, and they have provided an initial legal opinion in this regard. I have considered this legal opinion (Kinch-Eddie). This opinion, together with my on-going professional work associated with a range of waterfront developments/ land use applications, confirm that the proposed vehicular access is not permitted, nor appropriate.

Initial Planning Opinion

It is my Planning Opinion that the proposed Official Plan and Zoning By-law Amendment Applications do not represent Good Planning and further that, the Applications are:

1. Inconsistent with the policy directives of the 2020 Provincial Policy Statement (2020 PPS);
2. Not in conformity with the policy directives of the County of Frontenac and the Township Official Plans; and
3. Not in conformity with the general purpose and intent of the regulatory provisions of the Township Zoning By-law.

2020 Provincial Policy Statement (2020 PPS)

The following is a summary of pertinent policies of the 2020 PPS as it would pertain to the concerned OPA and ZBLA Applications.

1.1.4 Rural Areas in Municipalities

Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

1.1.4.1 Healthy, integrated and viable *rural areas* should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;
- b) promoting regeneration, including the redevelopment of *brownfield sites*;
- c) accommodating an appropriate range and mix of housing in rural *settlement areas*;
- d) encouraging the conservation and *redevelopment* of existing rural housing stock on *rural lands*;
- e) using rural *infrastructure* and *public service facilities* efficiently;

- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
- g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
- h) conserving biodiversity and considering the ecological benefits provided by nature; and
- i) providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 2.3.

1.1.4.2 In *rural areas*, rural *settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.5 Rural Lands in Municipalities

1.1.5.1 When directing development on *rural lands*, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

1.1.5.2 On *rural lands* located in municipalities, permitted uses are:

- a) the management or use of resources;
- b) resource-based recreational uses (including recreational dwellings);
- c) residential development, including lot creation, that is locally appropriate;
- d) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices*, in accordance with provincial standards;
- e) home occupations and home industries;
- f) cemeteries; and
- g) other rural land uses.

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

The proposed co-op development has a form, scale and density of development that is not locally appropriate (Section 1.1.5.2 (c)). Similarly, this development is not compatible with the existing pattern of area waterfront land uses.

The development is the equivalent of a subdivision or condominium. It encompasses a range of seasonal residential buildings, secondary residential buildings, accessory structures, waterfront amenities and dock facilities. Collectively, this is representative of an overdevelopment of the concerned waterfront property. The "infrastructure", which in my professional opinion this instance means the vehicular right-of-way, is not equipped properly to accommodate the magnitude of development, not has legal entitlement for same been secured.

Official Plan

An OPA Application is required to amend the current designation of the property to Rural Co-op. I have reviewed the applicable policy provisions of the Township Official Plan, particularly Section 4.4.

While this particular land use designation forms part of the Official Plan, it does not necessarily equate into a land use application approval. There is no vehicular access secured for the proposed development, and this is a matter addressed by the Official Plan.

Township Zoning By-law

Several amendments of the Zoning By-Law are required to permit the proposed development. Collectively, some represent a fundamental and significant change in how this waterfront property might otherwise except to be used.

For example, the following require zoning approvals:

- four waterfront docks;
- four accessory structures, within the required 30 metre building setback from the shoreline;
- Walk paths leading to water-front amenity areas;
- Four waterfront amenity areas ;
- A recreational vehicle; and
- Three sleeping cabins.

The forgoing, combined with the existing cottage and the proposed new cottages, represent an over-development of land. The magnitude of development is typical of a tourism commercial – resort use.

Conclusion

It is my professional planning opinion that the Official Plan and Zoning By-law Amendment Applications are not representative of Good Planning and should not be approved.

Additionally, it is my professional planning opinion that the Official Plan and Zoning By-law Amendment Applications are:

1. Inconsistent with the policy directives of the 2020 Provincial Policy Statement (2020 PPS);
2. Not in conformity with the policy directives of the County of Frontenac and the Township Official Plans; and
3. Not in conformity with the general purpose and intent of the regulatory provisions of the Township Zoning By-law.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'K. M. Duguay', with a stylized flourish at the end.

Kevin M. Duguay, MCIP, RPP

Site-Area Photographs Drone Footage – Lafolia Lane



Width of existing Lafolia Lane, creek feature



Width of existing Lafolia Lane creek

Site-Area Photographs Drone Footage – Lafolia Lane



1099A Lafolia Lane – north east view



1099A Lafolia Lane

Site-Area Photographs Drone Footage – Lafolia Lane



Site-Area Photographs Drone Footage – Lafolia Lane



**Wetland feature/East bay area of
Palmerston Lake**



**Wetland featuree/creek connected to east
bay of Palmerston Lake**

Site-Area Photographs Drone Footage – Lafolia Lane



1099B Lafolia Lane – west view



1099B Lafolia Lane – north east view

Site-Area Photographs Drone Footage – Lafolia Lane



Gravel Point Bay shoreline



Gravel Point Bay

From: jenna@kinchlitigation.com
Sent: April 27, 2023 12:50 PM
To: 'Sonya Bolton'
Subject: RE: Official Plan Amendment Application #OP 02/22 and Zoning By-law Amendment Application #Z08/22

Hi Sonya and Tara,

I am attaching our submissions package for you. It includes comments from Peter and David Roberts, a planning opinion and site photographs prepared by Kevin Duguay, a right-of-way opinion prepared by myself and an EIS review prepared by Chris Ellingwood.

Thank you again for your patience while we prepared our materials. I hope that they are helpful while staff review the application and determine what their recommendation to council should be.

Thanks,
Jenna Khoury-Hanna
Kinch Eddie Litigation



PROFESSIONAL CORPORATION

M. Kathleen Kinch

LAWYER/PARTNER

Aaron Eddie

PARALEGAL/MANAGING PARTNER

Jessica Stutt

ASSOCIATE LAWYER

Justin Savoy

LICENSED PARALEGAL

Jenna Khoury-Hanna

ASSOCIATE LAWYER

Allison Bird

LICENSED PARALEGAL

MAILING ADDRESS:
45 Bridge St E., P.O. Box 149, Campbellford, ON, K0L 1L0

PHONE: 705-653-4023 FAX: 705-653-0230

April 27, 2023

VIA EMAIL: tmieske@frontenacounty.ca & sbolton@frontenacounty.ca

Tara Mieske, Clerk/Planning Manager
Township of North Frontenac
6648 Road 506
Plevna, ON K0H 2M0

Sonya Bolton, Manager of Community Planning
Planning and Economic Development
County of Frontenac
2069 Battersea Road
Glenburnie, ON K0H 1S0

Dear Ms. Mieske and Ms. Bolton:

Re: Official Plan Amendment Application #OP 02/22; and Zoning By-law Amendment Application #Z08/22

I have been retained by David and Peter Roberts in relation to the above planning applications. On their behalf, I am submitting a package of written comments that contains the following:

- Written comments prepared by David and Peter Roberts themselves
- A planning report and site photographs prepared by Kevin Duguay, KMD Planning Inc.
- A letter from myself outlining concerns in relation to Lafolia Lane; and
- A peer review of the environmental study conducted by Chris Ellingham, GHD Consulting.

Please feel free to reach out if you have any questions pertaining to our written comments.

Sincerely,

Jenna Khoury-Hanna

Jenna Khoury-Hanna

Barrister & Solicitor

Encl.

**Proposed Amendments to the Township's Official Plan (O.P) and Zoning By-Law
Number 55-19**

Comments Submitted by:

Peter and David Roberts,



April 27, 2023

Subject Land: Part Lot 30, Concession 4, Palmerston Lake Geographic Township of
Palmerston, Township of North Frontenac – 1099A – Lafolia Lane

Applicants: Ompah Palmerston Cottage Co-Operative (Craig & Andrea Hall)

Contents

Introduction:	3
Land Use Planning within a Watershed Context is Essential	3
Longstanding Connection to Ompah and Surroundings	3
Planning Concerns:	4
A Rural Cooperative, Lothlorien Farm Currently Exists	4
Stewardship of the Roberts Property and Surrounding Lands.....	4
Environmental Concerns Regarding the Proposed Development.....	5
Spawning Beds Offshore at the Tip of Gravel Point & Along the Bayside of Gravel Point	5
Trout Spawning Bed Maintenance	5
Other Spawning Beds Adjacent to Gravel Point.....	6
Ground And Surface Water Studies/Septic Tanks and Septic Tile Fields.....	6
Environmental Impacts to Wetlands & Palmerston Lake.....	7
Lafolia Lane Extension Is it a Permitted Road Extension?	7
Damages to Lafolia Lane	7
Alternative Routes to Lafolia Lane to Gravel Point, if Feasible, Offer Partial Solutions	7
Proposed Development Impacts to Gravel Point on-site Wetlands.....	7
Regulated MVCA Wetland on Gravel Point	8
Species at Risk.....	8
Proposed By-Law and Official Plan Exceptions	9
Conclusion.....	9

Introduction:

Please accept the following submission of our concerns regarding the Development of Lands on Gravel Point by the proposed Rural Cooperative Development of Amber and Craig Hall.

Peter and David Roberts reside on, or whose properties abut Lafolia Lane access and/or use Lafolia Lane have a deeded right of way access. We have not provided any consent to the private lane being used as proposed in the application and will not be consenting.

Land Use Planning within a Watershed Context is Essential

It is our view planning decisions/approvals must be considered within the context of a watershed approach to Lake Planning.

Moreover, it is essential for land use planning decisions to strongly consider what is done on the land always affects the Lake - in this case Palmerston Lake, a trout sensitive lake, and a major spawning bed at the tip of Gravel Point, the site of the proposed cooperative development.

We understand that a significant amount of time has elapsed (prior to 2018) since the designation as to whether Palmerston Lake, a trout lake not at capacity evaluation was conducted. Since that time, land use on the lakes shoreline has been developed which cannot but affect the health of Palmerston Lake. Perhaps, Palmerston Lake may now be a "Trout Lake at Capacity". We think it is crucial that all Lakes, particularly Trout Lakes, 1 % of Ontario Lakes, have regular "Capacity Assessments" done.

Regular Lake Capacity Assessments would enable for better land use planning decisions made in current day terms providing for a more accurate assessment as to whether a significant development, such as the proposed Cooperative for Gravel Point's impact on water quality health can be withstood by Palmerston Lake.

In our view land use planning decisions of the magnitude of the Cooperative are better suited to land locked situations rather than Palmerston Lake Shoreline. The fishery of Palmerston Lake is an important driver to the local economy. Impacting its health will have long term and severe economic consequences.

Hence decisions made by way of exceptions to the Official Plan and/or by-laws should/must be viewed in the context of watershed planning rather than in one off situations.

Longstanding Connection to Ompah and Surroundings

We have a longstanding familial connection to the property. David resides at [REDACTED] while Peter resides at [REDACTED]. Property we own in common abuts on the property of Craig and Amber Hall. Our properties have been owned by our family since 1963 and 1982 while the adjacent property [REDACTED] was family owned since the early 1940's.

Our family settled in the area in the 1800's. Our parents, Winton and Gladys Roberts, were permanent year-round residents [REDACTED] for about 20 years. David Roberts was also a permanent resident of Lafolia during the early 1980s. David has been the property owner on Lafolia Lane since 2008. Our parents now David and Peter Roberts pay for the year-round maintenance of Lafolia Lane.

Planning Concerns:

Section 4.4.2, of the N. Frontenac Official Plan, Planning Principles, Rural Cooperative, states that they are subject to frontage on a public road that is opened and maintained year-round, and which is of a reasonable standard of pavement or gravel construction or frontage on an existing private lane further to Private Lane Policies to the O.P. (Section 5.3 Private Lane Policies). Access to the road shall be such that no traffic hazards are created by limited sight lines.

An extension to Lafolia Lane, created by the Hall's, prior to development approval, to Gravel Point, does not fulfill all these O.P. Planning principles. The development fronts on a private road rather than a public road and by way of deeded access across David and Peter's property to the Hall's. It is not known whether its construction prior to approval of the development meets **section 5.3 Private Lane policies in the O.P.** It is not free of traffic hazards created by poor sight lines, shown by drone images and can not accommodate two-way traffic which is of special significance to emergency services.

A Rural Cooperative, Lothlorien Farm Currently Exists

Creating a site specific rural cooperative zone according to the O.P. is addressed in **sections 4.2.1 & 4.4**). A rural cooperative already exists in North Frontenac, **Lothlorien Farm**, situated on River Road/Ardoch Road. It is ~ 700 acres and fronts on a public road with on-going municipal maintenance as opposed to the proposed Hall development on lake frontage and a private road.

If proposed, **Lothlorien Farm** would permit development to occur more readily because it is land locked rather than the proposed development for Gravel Point which is surrounded by water on three sides. Therefore, a land locked Rural Cooperative, serviced by a township road is more suited than a site-specific rural cooperative proposed for this narrow peninsula of land (gravel point) situated on Palmerston Lake.

Locating a rural cooperative on this narrow peninsula risks environmental damage to a trout sensitive lake. As well the proposed development with limited private access requires many by-law and O.P. amendments not suited to lake frontage and therefore as proposed is not suited to lake front development.

Stewardship of the Roberts Property and Surrounding Lands

We (Peter and David Roberts) take stewardship of our lands and surrounding lands very seriously. We share a relationship with the land that is supportive. We have worked with local first nations. The uses of our lands (~136 acres) ensure Indigenous rights are respected. Our lands previously had a **Woodlands Improvement Agreement (WIA)**

under MNR's Woodland Improvement Act, in 1968, and since 1994, a **Forest Management Plan** (MFTIP) supported by a forester. We receive a tax incentive to do so. Regular reports to the Ministry of Natural Resources and Forestry (OMNRF) ensure the practices (forest harvests and uses) support a sustainable source of wood enabling regular harvests to occur while minimizing damage to the natural environment. Moreover, our lands are part of the **Eastern Ontario Model Forest** (a group of approximately 25 owners) in Frontenac and Lanark Counties whose woodlands follow **FSC (Forest sustainability) certification** practices and protocols.

Environmental Concerns Regarding the Proposed Development

In addition to the concerns raised by retained expertise Ms. Khoury-Hanna (lawyer) and Mr. Duguay (Planner), and Biologist, Chris Ellingwood, we have environmental concerns with the proposed application. The **proposed development is requesting significant exceptions** to the by-laws and official plan. Examples of concern from the proposed development on Gravel Point (extra docking and waterfront activity areas and decreasing buffer widths) will take away a significant amount of **shoreline protecting vegetation** along Palmerston Lake a shoreline which supports a trout sensitive lake.

Spawning Beds Offshore at the Tip of Gravel Point & Along the Bayside of Gravel Point

The **Official Plan, policy, section 4.10.8** is in place to protect designated cold and warm water bodies and spawning areas for their fish values. The waters off Gravel Point, the area of the proposed development, is one of the major spawning areas on Palmerston Lake critical to the sustainability of the native indigenous Lake Trout fishery unique in genetic type. This section of the **O.P. states** council can request an impact assessment for the development and its affect on these spawning beds. Has council assisted to set the terms of reference for the impact assessment for the proponents of the development as well requested an independent review of their Environmental Impact Study?

Trout Spawning Bed Maintenance

Trout spawning beds such as those off of Big or Gravel Point, the site of the development are regularly and cooperatively maintained by the Ontario Ministry of Natural Resources and Forestry (OMNRF) in cooperation with the local conservation authority (MVCA). The proposed development puts in jeopardy the critical nature of these spawning beds to the Palmerston Lake trout fishery. To help support a sustainable Palmerston Lake fishery, there is no longer any winter fishing season for the past 10 or more years.

Removal of winter fishing is premised on the fact that the Lake Trout population no longer supports winter fishing. Despite this, Palmerston Lake (locally known as trout lake) is an economic driver for the areas as people come here for its renowned trout fishery through the remainder of the fishing season.

The cliff shores at tip of **Gravel Point** adjacent to the maintained trout spawning beds is proposed an extension to Lafolia Lane and at least 2 dwellings situated within close

proximity to slumping lands toward the lake shore. The proximity of these dwellings and proposed **extension to Lafolia Lane to the tip of the cliff** is of added concern for not only safety and health reasons but protection of the trout fishery. These lands presently slump regularly. As slumping occurs, trees are uprooted and soils, sand and silt wash onto the shoreline and lake (littoral zone) covering the sensitive spawning beds decreasing their ability to support spawning trout viable to a successful trout fishery on Palmerston Lake.

Other Spawning Beds Adjacent to Gravel Point

The Bay adjacent at the south side of **Gravel Point** contains a sand bar with gravelly shoreline and lake bottom substrate. This sand bar area is the proposed site of an activity area including a docking facility to go over top of the existing sand bar. This **docking facility** will destroy the sandbar. At this location and east along the shoreline small mouth bass, another important fish species to the Palmerston Lake Fishery, in spring, can be seen creating redds (nest spawning sites) along this shoreline on the gravelly bottom in shallow waters (30-60 cms.) where spawning occurs.

Ground And Surface Water Studies/Septic Tanks and Septic Tile Fields

Section 3.17.2 of the twp. Of North Frontenac O.P. stipulates that a hydrogeological and water supply assessment study designed to assess the potential risk to groundwater needs to be given close consideration. The existing study done by Kollard Associates, consultants found that septic systems associated with the 7 lots will produce septic effluent close to the permitted effluent level, 9,450L/day, which is close to the 10,000L/day permitted. From the proposed development plan diagrams, it is not possible to tell whether the septic tile beds will be located above the 33-meter-high water mark.

Bunkies on site will result in an exceedance of permitted septic effluent levels. The result would be nutrient contamination potential of ground and surface waters to increase due to the presence of gravelly soils. Overloaded septic systems and or improperly maintained septic systems will malfunction running a high potential risk of them contributing nutrient sources of phosphorous and other nutrients to a nutrient poor (oligotrophic lake) affecting oxygen levels, at certain times of the year affecting survivability of Lake Trout and potential for an increased phosphorous levels.

The proposed development exceeds more than the 5 lot/unit (7 and accessory building) as stipulated in the **Official Plan section 3.17.3 (A-F)**. Hence requires consideration for **water communal services**. The development proposes **individual septic tile beds** and tanks for proposed seasonal dwelling units, However, over time, seasonal use often becomes year-round use and therefore the development density is unsuitable for a narrow gravel point peninsula. Communal water services infrastructure on gravel point would be costly and not readily serviceable via a deeded access from a private road.

Environmental Impacts to Wetlands & Palmerston Lake

Lafolia Lane Extension Is it a Permitted Road Extension?

For the purposes of the proposed rural cooperative development the Hall's extended Lafolia Lane on their property prior to development approval by connecting the existing Lafolia Lane with a new extension off the existing Lafolia Lane onto Gravel Point. This construction was most likely taken so that lots on Gravel Point would front on an existing road as required by the Official Plan. The extension of Lafolia Lane is a new road rather than what the Hall's claim to be an already existing road connected to the Gravel Point lots via a deeded right of way.

Materials from North Frontenac, ***Notice of Complete Application and Public Meeting: Proposed Amendments to the Township 's Official Plan and Zoning By-Law Number 55-19***, contain among other things, an aerial view of the proposed road structure shown as a **black line to the tip of Gravel Point**. This line represents a misnomer in that Lafolia Lane has already been extended (the **blue line**) onto Gravel Point before the proposed development has been approved.

Lafolia Lane extension to access the 7 proposed lots for Gravel Point is connected to a private lane (Lafolia Lane) maintained by Peter and David Roberts with deeded access to Craig and Amber and Pam Roberts the widow of Douglas Roberts (no relation).

Damages to Lafolia Lane

With the development already underway, (road building and lot clearing) vehicular traffic, including construction equipment have increased maintenance costs resulting from damages to the road infrastructure and road surface. If the development is approved the increased cost of maintenance to permit access to the Cooperative will be born by us (Peter and David Roberts).

Alternative Routes to Lafolia Lane to Gravel Point, if Feasible, Offer Partial Solutions

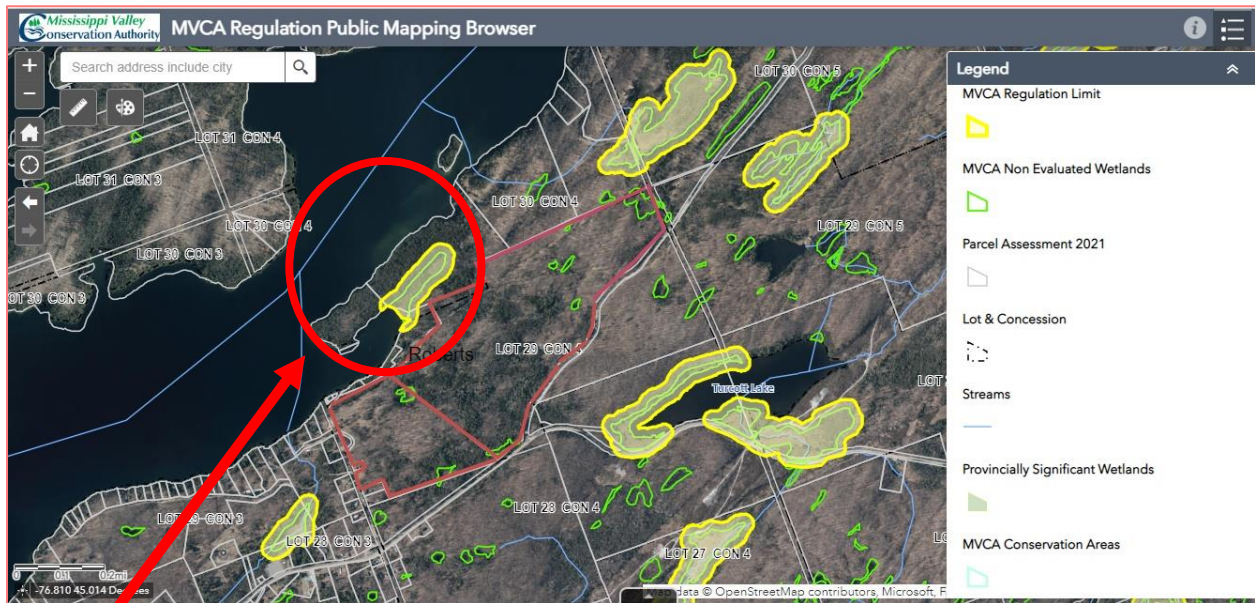
It is unknown to Peter and David Roberts whether another potential route to Gravel Point has been investigated, that of an access point adjacent to the laneway into the old Gary Thomas residence off **Canonto Road**. This access point is a preferred township road rather than private road and presently provides access to at least one cottage on Palmerston Lake.

Assuming this alternate route was feasible, it resolves things in part. It would take traffic off Lafolia Lane, a deeded access to the development, but still does not alleviate the impacts the proposed development will cause alluded to in this submission.

Proposed Development Impacts to Gravel Point on-site Wetlands.

Of concern to Peter and David Roberts is whether **permission was granted** by N. Frontenac/Mississippi Valley Conservation Authority to **construct the road prior to development approval** and if all permitting bodies such as the Mississippi Conservation Authority agreed to its construction adjacent to an **on-sight MVCA regulated wetland**.

From the package sent to adjacent landowners including Peter and David Roberts, December 14, 2022(see illustration in the package), Lafolia Lane outlined in blue on Gravel Point, runs in very close proximity to the regulated MVCA wetland. In addition, Lafolia Lane, as constructed for/by the Hall's, dips below the 30-meter-high water mark near this same point and hence is at risk of being flooded as well as damaging to the wetland.



Regulated MVCA Wetland on Gravel Point

This illustration shows an MVCA regulated wetlands on the Ompah Palmerston Cottage Cooperative (Hall property). Of concern are the impacts from the road development, not only done prior to development approval, but its impacts from being in proximity to the Lafolia laneway extension on Gravel Point.

If this extension to Lafolia laneway is damaged by flooding and/or contributes nutrients to the wetland during construction or after it, they will impact the environmental health of this wetland. Because this wetland has a direct connection to Palmerston Lake it will also contribute nutrients to Palmerston Lake resulting in nutrient and soil contributions to Palmerston Lake which is nutrient poor risking harm to an indigenous Trout sensitive lake.

Species at Risk

The O.P. section (4.10.8D) states council will strive to protect the habitat of vulnerable species and will require an impact assessment and consultation with the Ontario Ministry of Natural Resources and/or Ministry of Environment and Climate Change. The Environmental Impact Assessment done by GEMTEC for the proposed development have limited their identification of species at risk to a **desk top exercise** (on-line

sources), with limited field checks (meandering techniques), and some ground surveys to identify whether species at risk exist on Gravel Point.

These methods have limitations for the identification of plants and animals which maybe at risk on the gravel point development site. For example, a request to **Bird Studies Canada now Birds Canada**, would have identified a local expert who has responsibility for a breeding bird square. This known local person reports all bird life, including species at risk to Birds Canada in Ontario on a regular basis. This person is also responsible for an annual loon survey on Palmerston Lake. Similar on-the ground actions should have been taken to identify the possible presence of wildlife/plants other than birds.

Proposed By-Law and Official Plan Exceptions

It is our perspective that the number of proposed exceptions **to by-law #55-19 and Official Plan Amendments** such as altered setback distances, reductions in the size of and corridors through buffer zones, creation of additional activity areas and increases in the number of permitted bunkies, docks and gazebos will likely cause shoreline erosion on Gravel Point, a narrow peninsula on Palmerston Lake, negatively affecting lake water quality of a trout sensitive lake and negatively affect the **carrying capacity** of the lake to buffer the proposed development.

Standards in by-laws are put in place to serve development done properly while protecting the natural environment. **Permitting exceptions** and lesser standards creates a risk for **serious noncompliance**, creates a need for **site plan control** and **monitoring** and opens the possibly of alternative use of the land by potential future developers on Palmerston Lake building sites.

Materials in the documentation, supporting the proposed development, suggests that the Gravel Point property is large enough to accommodate exceptions to by-laws, will not impact the health of Palmerston, a sensitive trout lake not at capacity, we find subjective and not based in empirical or scientific fact. Permitting these exceptions could lead to other shoreline developments on Palmerston Lake seeking similar exceptions, creating cumulative effects affecting the health of the shoreline, water quality and the fishery of Palmerston Lake.

Conclusion

In short, the overall economic and environmental impact of the proposed development will have a negative impact for the cottagers on the lake, the local economy demonstrate a lack of recognition for indigenous historic land use as well as put at risk cumulative degradation of water quality both for Palmerston and Canonto Lakes.



Kevin M. Duguay
Community
Planning and
Consulting Inc.



560 Romaine Street Peterborough, Ontario K9J 2E3
P (705) 749-6710 C (705) 931-0975
kevin@kmdplanning.com www.kmdplanning.com

Memo

To: The Mayor and Members of the Council of the Township of North Frontenac

From: Kevin M. Duguay, RPP, MCIP

Date: January 13, 2023

Re: **1099A Lafolia Lane (Palmerston Ward)**
Township of North Frontenac (Part Lot 30, Concession 4)
Proposed Official Plan and Zoning By-law Amendment Applications-
Rural Co-op Development (Palmerston Lake)
(KMD File 2023-04)

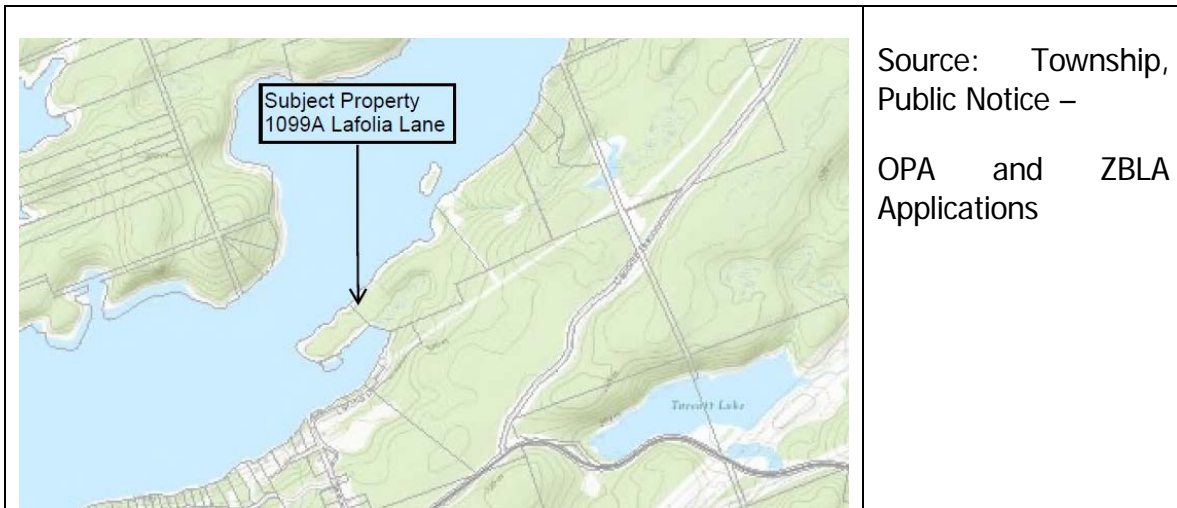
This Memorandum and attached documents have been prepared and filed with the Township regarding the above-captioned proposed waterfront development. I have been retained by Peter Roberts, a owner of property in proximity of the development lands to provided professional planning opinion addressing his objection of said development.

I have been provided all Application documents, background reports- studies through the Township's Clerks office. This has allowed me opportunity to acquire an understanding of the proposed development. Additionally, a site-area tour was carried-out prior to the Township Council meeting.

The Township is processing concurrent Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBLA) Applications regarding the proposed development of the waterfront property known as 1099A Lafolia Lane (Palmerston Lake).

The OPA and ZBLA Applications are scheduled for consideration at the Township's Public-Planning Meeting of January 13, 2023, 9:00 am – virtual format.

The Property



A co-operative waterfront development consisting of a series of cottages, accessory structures, communal buildings, and waterfront located amenity areas/facilities is proposed, having vehicular access by way of a private right-of-way. This vehicular access is problematic as no approval for same has been granted by the owners of adjacent lands upon which the right-of way access is obtained. My clients have retained legal counsel, and they have provided an initial legal opinion in this regard. I have considered this legal opinion (Kinch-Eddie). This opinion, together with my on-going professional work associated with a range of waterfront developments/ land use applications, confirm that the proposed vehicular access is not permitted, nor appropriate.

Initial Planning Opinion

It is my Planning Opinion that the proposed Official Plan and Zoning By-law Amendment Applications do not represent Good Planning and further that, the Applications are:

1. Inconsistent with the policy directives of the 2020 Provincial Policy Statement (2020 PPS);
2. Not in conformity with the policy directives of the County of Frontenac and the Township Official Plans; and
3. Not in conformity with the general purpose and intent of the regulatory provisions of the Township Zoning By-law.

2020 Provincial Policy Statement (2020 PPS)

The following is a summary of pertinent policies of the 2020 PPS as it would pertain to the concerned OPA and ZBLA Applications.

1.1.4 Rural Areas in Municipalities

Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

1.1.4.1 Healthy, integrated and viable *rural areas* should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;
- b) promoting regeneration, including the redevelopment of *brownfield sites*;
- c) accommodating an appropriate range and mix of housing in *rural settlement areas*;
- d) encouraging the conservation and *redevelopment* of existing rural housing stock on *rural lands*;
- e) using rural *infrastructure* and *public service facilities* efficiently;

- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
- g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
- h) conserving biodiversity and considering the ecological benefits provided by nature; and
- i) providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 2.3.

1.1.4.2 In *rural areas*, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.5 Rural Lands in Municipalities

1.1.5.1 When directing development on *rural lands*, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

1.1.5.2 On *rural lands* located in municipalities, permitted uses are:

- a) the management or use of resources;
- b) resource-based recreational uses (including recreational dwellings);
- c) residential development, including lot creation, that is locally appropriate;
- d) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices*, in accordance with provincial standards;
- e) home occupations and home industries;
- f) cemeteries; and
- g) other rural land uses.

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

The proposed co-op development has a form, scale and density of development that is not locally appropriate (Section 1.1.5.2 (c)). Similarly, this development is not compatible with the existing pattern of area waterfront land uses.

The development is the equivalent of a subdivision or condominium. It encompasses a range of seasonal residential buildings, secondary residential buildings, accessory structures, waterfront amenities and dock facilities. Collectively, this is representative of an overdevelopment of the concerned waterfront property. The "infrastructure", which in my professional opinion this instance means the vehicular right-of-way, is not equipped properly to accommodate the magnitude of development, not has legal entitlement for same been secured.

Official Plan

An OPA Application is required to amend the current designation of the property to Rural Co-op. I have reviewed the applicable policy provisions of the Township Official Plan, particularly Section 4.4.

While this particular land use designation forms part of the Official Plan, it does not necessarily equate into a land use application approval. There is no vehicular access secured for the proposed development, and this is a matter addressed by the Official Plan.

Township Zoning By-law

Several amendments of the Zoning By-Law are required to permit the proposed development. Collectively, some represent a fundamental and significant change in how this waterfront property might otherwise except to be used.

For example, the following require zoning approvals:

- four waterfront docks;
- four accessory structures, within the required 30 metre building setback from the shoreline;
- Walk paths leading to water-front amenity areas;
- Four waterfront amenity areas ;
- A recreational vehicle; and
- Three sleeping cabins.

The forgoing, combined with the existing cottage and the proposed new cottages, represent an over-development of land. The magnitude of development is typical of a tourism commercial – resort use.

Conclusion

It is my professional planning opinion that the Official Plan and Zoning By-law Amendment Applications are not representative of Good Planning and should not be approved.

Additionally, it is my professional planning opinion that the Official Plan and Zoning By-law Amendment Applications are:

1. Inconsistent with the policy directives of the 2020 Provincial Policy Statement (2020 PPS);
2. Not in conformity with the policy directives of the County of Frontenac and the Township Official Plans; and
3. Not in conformity with the general purpose and intent of the regulatory provisions of the Township Zoning By-law.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'K. M. Duguay', with a stylized flourish at the end.

Kevin M. Duguay, MCIP, RPP

Site-Area Photographs Drone Footage – Lafolia Lane



Width of existing Lafolia Lane, creek feature



Width of existing Lafolia Lane creek

Site-Area Photographs Drone Footage – Lafolia Lane



1099A Lafolia Lane – north east view



1099A Lafolia Lane

Site-Area Photographs Drone Footage – Lafolia Lane



Site-Area Photographs Drone Footage – Lafolia Lane



**Wetland feature/East bay area of
Palmerston Lake**



**Wetland feature/creek connected to east
bay of Palmerston Lake**

Site-Area Photographs Drone Footage – Lafolia Lane



1099B Lafolia Lane – west view



1099B Lafolia Lane – north east view

Site-Area Photographs Drone Footage – Lafolia Lane



Gravel Point Bay shoreline



Gravel Point Bay



PROFESSIONAL CORPORATION

M. Kathleen Kinch

LAWYER/PARTNER

Aaron Eddie

PARALEGAL/MANAGING PARTNER

Jessica Stutt

ASSOCIATE LAWYER

Justin Savoy

LICENSED PARALEGAL

Jenna Khoury-Hanna

ASSOCIATE LAWYER

Allison Bird

LICENSED PARALEGAL

MAILING ADDRESS:
45 Bridge St E., P.O. Box 149, Campbellford, ON, K0L 1L0

PHONE: 705-653-4023 FAX: 705-653-0230

April 27, 2023

VIA EMAIL: tmieske@frontenacounty.ca & sbolton@frontenacounty.ca

Tara Mieske, Clerk/Planning Manager
Township of North Frontenac
6648 Road 506
Plevna, ON K0H 2M0

Sonya Bolton, Manager of Community Planning
Planning and Economic Development
County of Frontenac
2069 Battersea Road
Glenburnie, ON K0H 1S0

Dear Ms. Mieske and Ms. Bolton:

Re: Official Plan Amendment Application #OP 02/22; and Zoning By-law Amendment Application #Z08/22

I have been retained by David and Peter Roberts in relation to the above planning application (the “Application”) to provide an opinion on their behalf in relation to private right-of-way issues.

Background & History

Lafolia Lane is a private right-of-way or private laneway that provides access for four properties. Two of these properties are owned by David and Peter Roberts, while one is owned by the Applicants. Lafolia Lane currently provides access to four cottages total. Several of these cottages are not used seasonally and instead house year-round residents.

The Roberts’ family has owned property along Lafolia Lane for several generations, and in fact, were the ones who named Lafolia Lane. Peter and David’s parents were permanent year-round residents for about 20 years at [REDACTED], and were the ones that paid for that year-round maintenance at that point.

As of the writing of this opinion, there is no formal shared maintenance agreement between the property owners along Lafolia Lane.



PROFESSIONAL
CORPORATION

M. Kathleen Kinch

LAWYER/PARTNER

Aaron Eddie

PARALEGAL/MANAGING PARTNER

Jessica Stutt

ASSOCIATE LAWYER

Justin Savoy

LICENSED PARALEGAL

Jenna Khoury-Hanna

ASSOCIATE LAWYER

Allison Bird

LICENSED PARALEGAL

MAILING ADDRESS:

45 Bridge St E., P.O. Box 149, Campbellford, ON, K0L 1L0

PHONE:

705-653-4023

FAX:

705-653-0230

General Issues with the Planning Application

The Application contemplates the construction of up to seven cottages, as well as several sleeping cabins and other structures, which shall be accessed by Lafolia Lane. This development would represent more than a doubling of cottages along Lafolia Lane without considering the impact that the added sleeping cabins would also have.

As everyone present heard at the council meeting on January 13, 2023, none of the other property owners along Lafolia Lane are supportive of the Application, and none of them have consented to the proposed use of Lafolia Lane. During that same meeting, Ms. Amber Hall indicated that despite all of the property owners along Lafolia Lane saying the contrary, that they had provided consent to the co-op's use of the Lane. Since the council meeting, I have pulled the easement documents for Lafolia Lane from the Land Registry, which are attached to this letter as **Schedule A**. In these documents, it can clearly be seen that the easement for Lafolia Lane was granted to Barbara Hope Mylemans and Patricia Elizabeth Wilson, who were the prior owners of 1099 Lafolia Lane (the "Property"). While I appreciate that the easement was registered on title, thus giving future owners of the Property access rights, I do not believe that it is an accurate or fair statement to say that the co-op was specifically provided a consent, or that they were given any prior notice as to the Applicant's intentions for the Property. While Peter and David Roberts remain agreeable to Lafolia Lane being used to access the Property as it has been in the past, they are not agreeable, and therefore do not consent, to the increase in the use of Lafolia Lane that would inevitably occur if the proposed development moves forward.

While I will leave the planning-related arguments to Mr. Kevin Duguay, the professional planner hired by Peter and David Roberts to render an opinion on their behalf, I would also like to share that I generally have concerns that the proposed co-operative use for the Property is a workaround of sorts that thwarts the intentions of the planning framework that the County and Township have in place. Typically these types of multi-dwelling projects are managed by way of a planning tool such as a plan of subdivision, which has certain protections and project management built into it, such as whether the land is suitable for the proposed subdivision, the adequacy of utilities, municipal services, and conservation of natural resources. Plans of subdivision usually also include information on any new municipal infrastructure, and ensure that things such as roadways are adequate for the



PROFESSIONAL
CORPORATION

M. Kathleen Kinch

LAWYER/PARTNER

Aaron Eddie

PARALEGAL/MANAGING PARTNER

Jessica Stutt

ASSOCIATE LAWYER

Justin Savoy

LICENSED PARALEGAL

Jenna Khoury-Hanna

ASSOCIATE LAWYER

Allison Bird

LICENSED PARALEGAL

MAILING ADDRESS:

45 Bridge St E., P.O. Box 149, Campbellford, ON, K0L 1L0

PHONE:

705-653-4023

FAX:

705-653-0230

proposed development. By proposing the project as a co-operative, I share Peter and David’s concerns that if allowed to go forward, the Application and the planning frameworks in place will not offer the same level of protection for the current residents of Lafolia Lane. However, the development offered as a plan of subdivision would still not erase the fact that Lafolia Lane remains inadequate to accommodate this type of development, regardless of how it is framed.

I also note that the County of Frontenac undertook a Private Roads (Lanes) Study in 2016, for which they have received a final report containing recommendations. At page 35 of the report, under the heading “infilling”, it reads as follows:

“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 Township’s “standards for new private lanes”. 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.”

Additionally, at page 36 of the same report, it directs that “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**...” (*emphasis added*).

To date, while we have not seen any documents that assess or speak to whether Lafolia Lane is up to the Township’s standards for private lanes, we do have a prior tribunal decision that specifically contains findings pertaining to the adequacy of Lafolia Lane, as elaborated on below. As noted above, there is currently no shared maintenance agreement for Lafolia Lane. Peter and David Roberts are not agreeable to incurring additional costs related to the maintenance of Lafolia Lane due to the increased traffic will occur if the Application is approved, nor are they agreeable to incurring any costs or providing permission for work to be done on Lafolia Lane to bring it up to any sort of municipal standard.



PROFESSIONAL CORPORATION

M. Kathleen Kinch

LAWYER/PARTNER

Aaron Eddie

PARALEGAL/MANAGING PARTNER

Jessica Stutt

ASSOCIATE LAWYER

Justin Savoy

LICENSED PARALEGAL

Jenna Khoury-Hanna

ASSOCIATE LAWYER

Allison Bird

LICENSED PARALEGAL

MAILING ADDRESS:
45 Bridge St E., P.O. Box 149, Campbellford, ON, K0L 1L0

PHONE: 705-653-4023 FAX: 705-653-0230

The OMB Precedent

In 1993, a similar application to this one was made that also relied on Lafolia Lane to support the proposed development. It was subject to an appeal to the then-Ontario Municipal Board (the “OMB”), and a copy of the decision is attached to this letter as **Schedule B**.

In the OMB decision, the Board states the following: “the Board finds that the right-of-way which would provide the only access to the proposed four new lots is inadequate for that purpose. Without adequate access that can be travelled with a reasonable degree of safety and convenience by the purchasers of the new lots, any further development of the subject lands is premature and not in the public interest.” This finding was premised upon the other owners of Lafolia Lane not consenting to the proposed development or to undertake any improvements to the private lane to facilitate acceptable access.

In rendering a decision about the Application before you, it is imperative that County/Township staff and council consider what impact and weight to give the 1993 OMB decision. From my perspective, it is especially notable that this denial was for a much smaller proposed development of four cottages, as opposed to the seven plus several sleeping cabins that is before you now, and that Lafolia Lane was not found to be adequate for that smaller development proposal.

Concluding Remarks

In general, it is considered poor practice for municipalities to approve developments that rely on private laneways. It can impose friction and cause issues between neighbours through increased traffic, increased maintenance (at a shared cost typically), and oftentimes private laneways are not up to a standard that supports increased traffic and use.

In this instance, we have a then-OMB decision that specifically comments on the adequacy of Lafolia Lane, and found that it was inadequate for a smaller proposed development than the one at hand today. The situation then shares many similarities with the situation now – the other owners of Lafolia Lane are not consenting to the



PROFESSIONAL
CORPORATION

M. Kathleen Kinch

LAWYER/PARTNER

Aaron Eddie

PARALEGAL/MANAGING PARTNER

Jessica Stutt

ASSOCIATE LAWYER

Justin Savoy

LICENSED PARALEGAL

Jenna Khoury-Hanna

ASSOCIATE LAWYER

Allison Bird

LICENSED PARALEGAL

MAILING ADDRESS:

45 Bridge St E., P.O. Box 149, Campbellford, ON, K0L 1L0

PHONE:

705-653-4023

FAX:

705-653-0230

proposed development, and refuse to undertake any improvements to the private lane to facilitate acceptable access.

Sincerely,

Jenna Khoury-Hanna

Jenna Khoury-Hanna

Barrister & Solicitor

Properties

PIN 36205 - 0345 LT Interest/Estate Fee Simple Add Easement
Description SERVIENT TENEMENT: PT LT 29 CON 4 PALMERSTON BEING PART 4 PLAN 13R19709; NORTH FRONTENAC FOR THE BENEFIT OF THE DOMINANT TENEMENT; PT LT 30 CON 4 PALMERSTON AS IN FR611089 (FIRSTLY & THIRDLY) NORTH FRONTENAC BEING PIN 36205-0177 (LT) FOR THE PURPOSE OF ACCESS
Address OMPAH

Consideration

Consideration \$0.00

Transferor(s)

The transferor(s) hereby transfers the easement to the transferee(s).

Name ROBERTS, DAVID CHARLES

Address for Service

I am at least 18 years of age.

The property is not ordinarily occupied by me and my spouse, who is not separated from me, as our family residence.

This document is not authorized under Power of Attorney by this party.

Writ Number	Name	Statement
08-0000370	ROBERTS, JOHN DAVID	The party is not one and the same as the party named in this writ and the judgment was less than \$50000

Transferee(s)

Name MYLEMANS, BARBARA HOPE Joint Tenants
Date of Birth [Redacted]
Address for Service [Redacted]

Name WILSON, PATRICIA ELIZABETH Joint Tenants
Date of Birth [Redacted]
Address for Service [Redacted]

Statements

STATEMENT OF THE TRANSFEROR (S): The transferor(s) verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene the Planning Act.

STATEMENT OF THE SOLICITOR FOR THE TRANSFEROR (S): I have explained the effect of the Planning Act to the transferor(s) and I have made inquiries of the transferor(s) to determine that this transfer does not contravene that Act and based on the information supplied by the transferor(s), to the best of my knowledge and belief, this transfer does not contravene that Act. I am an Ontario solicitor in good standing.

STATEMENT OF THE SOLICITOR FOR THE TRANSFEREE (S): I have investigated the title to this land and to abutting land where relevant and I am satisfied that the title records reveal no contravention as set out in the Planning Act, and to the best of my knowledge and belief this transfer does not contravene the Planning Act. I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing.

Signed By

Richard Llewellyn Wright [Redacted] acting for Signed 2019 09 19
Transferor(s)

Tel [Redacted]
Fax [Redacted]

I have the authority to sign and register the document on behalf of the Transferor(s).

Josiah Elliott Sawatsky [Redacted] acting for Signed 2019 09 19
Transferee(s)

Tel [Redacted]
Fax [Redacted]

I have the authority to sign and register the document on behalf of the Transferee(s).

Submitted By

RICHARD L. WRIGHT PROFESSIONAL CORPORATION

2019 09 19

Tel [REDACTED]
Fax [REDACTED]

Fees/Taxes/Payment

<i>Statutory Registration Fee</i>	\$64.40
<i>Provincial Land Transfer Tax</i>	\$0.00
<i>Total Paid</i>	\$64.40

File Number

Transferee Client File Number : 19-256

LAND TRANSFER TAX STATEMENTS

In the matter of the conveyance of: 36205 - 0345 SERVICENT TENEMENT: PT LT 29 CON 4 PALMERSTON BEING PART 4 PLAN 13R19709; NORTH FRONTENAC FOR THE BENEFIT OF THE DOMINANT TENEMENT; PT LT 30 CON 4 PALMERSTON AS IN FR611089 (FIRSTLY & THIRDLY) NORTH FRONTENAC BEING PIN 36205-0177 (LT) FOR THE PURPOSE OF ACCESS

BY: ROBERTS, DAVID CHARLES
TO: MYLEMANS, BARBARA HOPE Joint Tenants
WILSON, PATRICIA ELIZABETH Joint Tenants

1. MYLEMANS, BARBARA HOPE AND WILSON, PATRICIA ELIZABETH

I am

- (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;
(b) A trustee named in the above-described conveyance to whom the land is being conveyed;
(c) A transferee named in the above-described conveyance;
(d) The authorized agent or solicitor acting in this transaction for _____ described in paragraph(s) () above.
(e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for _____ described in paragraph(s) () above.
(f) A transferee described in paragraph () and am making these statements on my own behalf and on behalf of _____ who is my spouse described in paragraph () and as such, I have personal knowledge of the facts herein deposed to.

3. The total consideration for this transaction is allocated as follows:

Table with 2 columns: Description and Amount. Rows include: (a) Monies paid or to be paid in cash \$0.00, (b) Mortgages (i) assumed \$0.00, (ii) Given Back to Vendor \$0.00, (c) Property transferred in exchange \$0.00, (d) Fair market value of the land(s) \$0.00, (e) Liens, legacies, annuities and maintenance charges \$0.00, (f) Other valuable consideration \$0.00, (g) Value of land, building, fixtures and goodwill \$0.00, (h) VALUE OF ALL CHATTELS \$0.00, (i) Other considerations \$0.00, (j) Total consideration \$0.00

4. Explanation for nominal considerations:
o) Transfer of easement or right of way for no consideration.

5. The land is not subject to an encumbrance

6. Other remarks and explanations, if necessary.

- 1. The information prescribed for purposes of section 5.0.1 of the Land Transfer Tax Act is not required to be provided for this conveyance.
2. The transferee(s) has read and considered the definitions of "designated land", "foreign corporation", "foreign entity", "foreign national", "specified region" and "taxable trustee" as set out in subsection 1(1) of the Land Transfer Tax Act. The transferee(s) declare that this conveyance is not subject to additional tax as set out in subsection 2(2.1) of the Act because:
3. (a) This is not a conveyance of land that is located within the "specified region".
4. The transferee(s) declare that they will keep at their place of residence in Ontario (or at their principal place of business in Ontario) such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the Land Transfer Tax Act for a period of at least seven years.
5. The transferee(s) agree that they or the designated custodian will provide such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the Land Transfer Tax Act, to the Ministry of Finance upon request.

PROPERTY Information Record

A. Nature of Instrument: Transfer Easement
LRO 13 Registration No. FC289350 Date: 2019/09/19
B. Property(s): PIN 36205 - 0345 Address OMPAH Assessment 0000000 - 00000000 Roll No
C. Address for Service: [Redacted]
D. (i) Last Conveyance(s): PIN 36205 - 0345 Registration No. FR785817
(ii) Legal Description for Property Conveyed: Same as in last conveyance? Yes [] No [x] Not known []
E. Tax Statements Prepared By: Josiah Elliott Sawatsky [Redacted]

Properties

PIN 36205 - 0197 LT Interest/Estate Fee Simple Add Easement
Description SERVIENT TENEMENT: PT LT 29 CON 4 PALMERSTON BEING PART 5 PLAN
13R19709; NORTH FRONTENAC FOR THE BENEFIT OF THE DOMINANT TENEMENT:
PT LT 30 CON 4 PALMERSTON AS IN FR611089 (FIRSTLY & THIRDLY) NORTH
FRONTENAC BEING PIN 36205-0177 (LT) FOR THE PURPOSE OF ACCESS
Address OMPAH

Consideration

Consideration \$0.00

Transferor(s)

The transferor(s) hereby transfers the easement to the transferee(s).

Name ALLEN, JOANNE IRENE
Address for Service [Redacted]

I am at least 18 years of age.
ALLEN, STEPHEN ARTHUR and I are spouses of one another and are both parties to this document
This document is not authorized under Power of Attorney by this party.

Name ALLEN, STEPHEN ARTHUR
Address for Service [Redacted]

I am at least 18 years of age.
ALLEN, JOANNE IRENE and I are spouses of one another and are both parties to this document
This document is not authorized under Power of Attorney by this party.

Transferee(s)

Name MYLEMANS, BARBARA HOPE Capacity Joint Tenants Share
Date of Birth [Redacted]
Address for Service [Redacted]

Name WILSON, PATRICIA ELIZABETH Capacity Joint Tenants Share
Date of Birth [Redacted]
Address for Service [Redacted]

Statements

STATEMENT OF THE TRANSFEROR (S): The transferor(s) verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene the Planning Act.

STATEMENT OF THE SOLICITOR FOR THE TRANSFEROR (S): I have explained the effect of the Planning Act to the transferor(s) and I have made inquiries of the transferor(s) to determine that this transfer does not contravene that Act and based on the information supplied by the transferor(s), to the best of my knowledge and belief, this transfer does not contravene that Act. I am an Ontario solicitor in good standing.

STATEMENT OF THE SOLICITOR FOR THE TRANSFEREE (S): I have investigated the title to this land and to abutting land where relevant and I am satisfied that the title records reveal no contravention as set out in the Planning Act, and to the best of my knowledge and belief this transfer does not contravene the Planning Act. I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing.

Signed By

Richard Llewellyn Wright [Redacted] acting for Signed 2019 09 19
Transferor(s)

Tel [Redacted]
Fax [Redacted]

I have the authority to sign and register the document on behalf of the Transferor(s).

Josiah Elliott Sawatsky [Redacted] acting for Signed 2019 09 19
Transferee(s)

Tel [Redacted]
Fax [Redacted]

I have the authority to sign and register the document on behalf of the Transferee(s).

The applicant(s) hereby applies to the Land Registrar.

Submitted By

RICHARD L. WRIGHT PROFESSIONAL CORPORATION

2019 09 19

Tel
Fax

Fees/Taxes/Payment

Statutory Registration Fee	\$64.40
Provincial Land Transfer Tax	\$0.00
Total Paid	\$64.40

File Number

Transferee Client File Number : 19-256

LAND TRANSFER TAX STATEMENTS

In the matter of the conveyance of: 36205 - 0197 SERVIENT TENEMENT: PT LT 29 CON 4 PALMERSTON BEING PART 5 PLAN 13R19709; NORTH FRONTENAC FOR THE BENEFIT OF THE DOMINANT TENEMENT: PT LT 30 CON 4 PALMERSTON AS IN FR611089 (FIRSTLY & THIRDLY) NORTH FRONTENAC BEING PIN 36205-0177 (LT) FOR THE PURPOSE OF ACCESS

BY: ALLEN, JOANNE IRENE
ALLEN, STEPHEN ARTHUR
TO: MYLEMANS, BARBARA HOPE Joint Tenants
WILSON, PATRICIA ELIZABETH Joint Tenants

1. MYLEMANS, BARBARA HOPE AND WILSON, PATRICIA ELIZABETH

I am

- (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;
- (b) A trustee named in the above-described conveyance to whom the land is being conveyed;
- (c) A transferee named in the above-described conveyance;
- (d) The authorized agent or solicitor acting in this transaction for _____ described in paragraph(s) () above.
- (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for _____ described in paragraph(s) () above.
- (f) A transferee described in paragraph () and am making these statements on my own behalf and on behalf of _____ who is my spouse described in paragraph () and as such, I have personal knowledge of the facts herein deposed to.

3. The total consideration for this transaction is allocated as follows:

(a) Monies paid or to be paid in cash	\$0.00
(b) Mortgages (i) assumed (show principal and interest to be credited against purchase price)	\$0.00
(ii) Given Back to Vendor	\$0.00
(c) Property transferred in exchange (detail below)	\$0.00
(d) Fair market value of the land(s)	\$0.00
(e) Liens, legacies, annuities and maintenance charges to which transfer is subject	\$0.00
(f) Other valuable consideration subject to land transfer tax (detail below)	\$0.00
(g) Value of land, building, fixtures and goodwill subject to land transfer tax (total of (a) to (f))	\$0.00
(h) VALUE OF ALL CHATTELS -items of tangible personal property	\$0.00
(i) Other considerations for transaction not included in (g) or (h) above	\$0.00
(j) Total consideration	\$0.00

4. Explanation for nominal considerations:
o) Transfer of easement or right of way for no consideration.

5. The land is not subject to an encumbrance

6. Other remarks and explanations, if necessary.

1. The information prescribed for purposes of section 5.0.1 of the Land Transfer Tax Act is not required to be provided for this conveyance.
2. The transferee(s) has read and considered the definitions of "designated land", "foreign corporation", "foreign entity", "foreign national", "specified region" and "taxable trustee" as set out in subsection 1(1) of the Land Transfer Tax Act. The transferee(s) declare that this conveyance is not subject to additional tax as set out in subsection 2(2.1) of the Act because:
3. (a) This is not a conveyance of land that is located within the "specified region".
4. The transferee(s) declare that they will keep at their place of residence in Ontario (or at their principal place of business in Ontario) such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the Land Transfer Tax Act for a period of at least seven years.
5. The transferee(s) agree that they or the designated custodian will provide such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the Land Transfer Tax Act, to the Ministry of Finance upon request.

PROPERTY Information Record

A. Nature of Instrument: Transfer Easement
LRO 13 Registration No. FC289351 Date: 2019/09/19
B. Property(s): PIN 36205 - 0197 Address OMPAH Assessment 1049002 - 03019200
Roll No
C. Address for Service: [REDACTED]
D. (i) Last Conveyance(s): PIN 36205 - 0197 Registration No. FC274314
(ii) Legal Description for Property Conveyed: Same as in last conveyance? Yes No Not known
E. Tax Statements Prepared By: Josiah Elliott Sawatsky
[REDACTED]

Properties

PIN 36205 - 0186 LT Interest/Estate Fee Simple Add Easement

Description SERVICENT TENEMENT: PT LT 29 CON 4 PALMERSTON BEING PART 10 PLAN 13R5131; NORTH FRONTENAC FOR THE BENEFIT OF THE DOMINANT TENEMENT; PT LT 30 CON 4 PALMERSTON AS IN FR611089 (FIRSTLY & THIRDLY) NORTH FRONTENAC BEING PIN 36205-0177 (LT) FOR THE PURPOSE OF ACCESS

Address OMPAH

Consideration

Consideration \$0.00

Transferor(s)

The transferor(s) hereby transfers the easement to the transferee(s).

Name ROBERTS, PETER ARTHUR

Address for Service [REDACTED]

I am at least 18 years of age.

The property is not ordinarily occupied by me and my spouse, who is not separated from me, as our family residence.

This document is not authorized under Power of Attorney by this party.

Transferee(s)	Capacity	Share
----------------------	-----------------	--------------

Name	MYLEMANS, BARBARA HOPE	Joint Tenants
Date of Birth	[REDACTED]	
Address for Service	[REDACTED]	

Name	WILSON, PATRICIA ELIZABETH	Joint Tenants
Date of Birth	[REDACTED]	
Address for Service	[REDACTED]	

Statements

STATEMENT OF THE TRANSFEROR (S): The transferor(s) verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene the Planning Act.

STATEMENT OF THE SOLICITOR FOR THE TRANSFEROR (S): I have explained the effect of the Planning Act to the transferor(s) and I have made inquiries of the transferor(s) to determine that this transfer does not contravene that Act and based on the information supplied by the transferor(s), to the best of my knowledge and belief, this transfer does not contravene that Act. I am an Ontario solicitor in good standing.

STATEMENT OF THE SOLICITOR FOR THE TRANSFEREE (S): I have investigated the title to this land and to abutting land where relevant and I am satisfied that the title records reveal no contravention as set out in the Planning Act, and to the best of my knowledge and belief this transfer does not contravene the Planning Act. I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing.

Signed By

Richard Llewellyn Wright	[REDACTED]	acting for Transferor(s)	First Signed	2019 09 19
--------------------------	------------	--------------------------	--------------	------------

Tel [REDACTED]

Fax [REDACTED]

Richard Llewellyn Wright	[REDACTED]	acting for Transferor(s)	Last Signed	2019 10 28
--------------------------	------------	--------------------------	-------------	------------

Tel [REDACTED]

Fax [REDACTED]

I have the authority to sign and register the document on behalf of the Transferor(s).

Josiah Elliott Sawatsky	[REDACTED]	acting for Transferee(s)	First Signed	2019 09 19
-------------------------	------------	--------------------------	--------------	------------

Tel [REDACTED]

Fax [REDACTED]

Josiah Elliott Sawatsky	[REDACTED]	acting for Transferee(s)	Last Signed	2019 10 28
-------------------------	------------	--------------------------	-------------	------------

Signed By

Tel [Redacted]
Fax [Redacted]

I have the authority to sign and register the document on behalf of the Transferee(s).

Submitted By

RICHARD L. WRIGHT PROFESSIONAL CORPORATION

[Redacted]

2019 10 28

Tel [Redacted]
Fax [Redacted]

Fees/Taxes/Payment

Statutory Registration Fee	\$64.40
Provincial Land Transfer Tax	\$0.00
Total Paid	\$64.40

File Number

Transferee Client File Number : 19-256

LAND TRANSFER TAX STATEMENTS

In the matter of the conveyance of: 36205 - 0186 SERVICENT TENEMENT: PT LT 29 CON 4 PALMERSTON BEING PART 10 PLAN 13R5131; NORTH FRONTENAC FOR THE BENEFIT OF THE DOMINANT TENEMENT; PT LT 30 CON 4 PALMERSTON AS IN FR611089 (FIRSTLY & THIRDLY) NORTH FRONTENAC BEING PIN 36205-0177 (LT) FOR THE PURPOSE OF ACCESS

BY: ROBERTS, PETER ARTHUR
TO: MYLEMANS, BARBARA HOPE Joint Tenants
WILSON, PATRICIA ELIZABETH Joint Tenants

1. MYLEMANS, BARBARA HOPE AND WILSON, PATRICIA ELIZABETH

I am

- (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;
(b) A trustee named in the above-described conveyance to whom the land is being conveyed;
(c) A transferee named in the above-described conveyance;
(d) The authorized agent or solicitor acting in this transaction for _____ described in paragraph(s) () above.
(e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for _____ described in paragraph(s) () above.
(f) A transferee described in paragraph () and am making these statements on my own behalf and on behalf of _____ who is my spouse described in paragraph () and as such, I have personal knowledge of the facts herein deposed to.

3. The total consideration for this transaction is allocated as follows:

Table with 2 columns: Description and Amount. Rows include: (a) Monies paid or to be paid in cash \$0.00, (b) Mortgages (i) assumed \$0.00, (ii) Given Back to Vendor \$0.00, (c) Property transferred in exchange \$0.00, (d) Fair market value of the land(s) \$0.00, (e) Liens, legacies, annuities and maintenance charges \$0.00, (f) Other valuable consideration \$0.00, (g) Value of land, building, fixtures and goodwill \$0.00, (h) VALUE OF ALL CHATTELS \$0.00, (i) Other considerations \$0.00, (j) Total consideration \$0.00

4. Explanation for nominal considerations:
o) Transfer of easement or right of way for no consideration.

5. The land is not subject to an encumbrance

6. Other remarks and explanations, if necessary.

- 1. The information prescribed for purposes of section 5.0.1 of the Land Transfer Tax Act is not required to be provided for this conveyance.
2. The transferee(s) has read and considered the definitions of "designated land", "foreign corporation", "foreign entity", "foreign national", "specified region" and "taxable trustee" as set out in subsection 1(1) of the Land Transfer Tax Act. The transferee(s) declare that this conveyance is not subject to additional tax as set out in subsection 2(2.1) of the Act because:
3. (a) This is not a conveyance of land that is located within the "specified region".
4. The transferee(s) declare that they will keep at their place of residence in Ontario (or at their principal place of business in Ontario) such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the Land Transfer Tax Act for a period of at least seven years.
5. The transferee(s) agree that they or the designated custodian will provide such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the Land Transfer Tax Act, to the Ministry of Finance upon request.

PROPERTY Information Record

A. Nature of Instrument: Transfer Easement
LRO 13 Registration No. FC289349 Date: 2019/09/19
B. Property(s): PIN 36205 - 0186 Address OMPAH Assessment 1049002 - 03018700 Roll No
C. Address for Service: [Redacted]
D. (i) Last Conveyance(s): PIN 36205 - 0186 Registration No. FC152003
(ii) Legal Description for Property Conveyed: Same as in last conveyance? Yes [] No [x] Not known []
E. Tax Statements Prepared By: Josiah Elliott Sawatsky [Redacted]

Tucker v. Frontenac (County) Land Division Committee

Ontario Local Planning Appeal Tribunal Decisions (f/k/a Ontario Municipal Board)

Ontario Municipal Board

R.D.M. Owen

November 10, 1993

File Nos. C 920483, C 920484, C 920485, C 920486

[1993] O.M.B.D. No. 2060

IN THE MATTER OF Alison Tucker, Winton Roberts and Gladys Roberts have appealed to the Ontario Municipal Board under subsection 53(7) of the Planning Act, R.S.O. 1990, c. P. 13, from four decisions of the County of Frontenac Land Division Committee whereby the Committee granted, upon conditions, four applications numbered B-47-92-PA, B-48-92- PA, B-49-92-PA and B-50-92-PA by Douglas Roberts, lands being composed of Lot 30, Concession 4, Township of Palmerston

(2 pp.)

COUNSEL:

Donald C. Schlicter, for Douglas Roberts. Peter J. Trousdale, for Alison Tucker. Timothy J. Wilkin, for Winton and Gladys Roberts.

DISPOSITION as noted on Hearing Sheet and ORDER OF THE BOARD

Despite what appears to be a family feud, the Board prefers and accepts the evidence of the appellants and their planning consultant on the issue of the right-of-way, its location, dimensions, topographical features of curves, hills and its general condition. This evidence supports the written comments made concerning the right-of-way by the Ministry of Natural Resources and the Mississippi Valley Conservation Authority. The appellants' (Winton and Gladys Roberts) years of permanent residence and use of the right-of-way and Mrs. Tucker's continual summer residence lend more weight to their evidence on the issue of the condition and suitability of the right-of-way than that of the applicant who, by comparison, only irregularly and infrequently visits the area. The owners of the right-of-way, who are the appellants herein, will not agree to improve the right-of-way and, without their consent, improvements to it cannot take place. Counsel confirmed that this is the law.

Having carefully considered and weighed the evidence, the Board finds that the right-of-way which would provide the only access to the proposed four new lots is inadequate for that purpose. Without adequate access that can be travelled with a reasonable degree of safety and convenience by the purchasers of the new lots, any further development of the subject lands is premature and not in the public interest. On that basis the Board allows the appeals and refuses the applications for the four consents and the Board so orders.

The Board suggests that the Township and the Land Division Committee give closer "regard" to the Township's Official Plan policies, particularly dealing with the need to rezone seasonal residential uses to that specific zone. Regard should also be had to Policy 4.3 which speaks to the need to consider that development be by way of plan of subdivision rather than consent, where the ownership would be capable and appropriate for division into more

Tucker v. Frontenac (County) Land Division Committee

than three additional residential lots, regardless of the actual application being made. The issue is incremental development. However, the Board will not make a finding on those issues, although raised in this hearing, in light of its earlier finding on the inadequacy of the right-of-way.

R.D.M. OWEN, Vice-Chair

End of Document



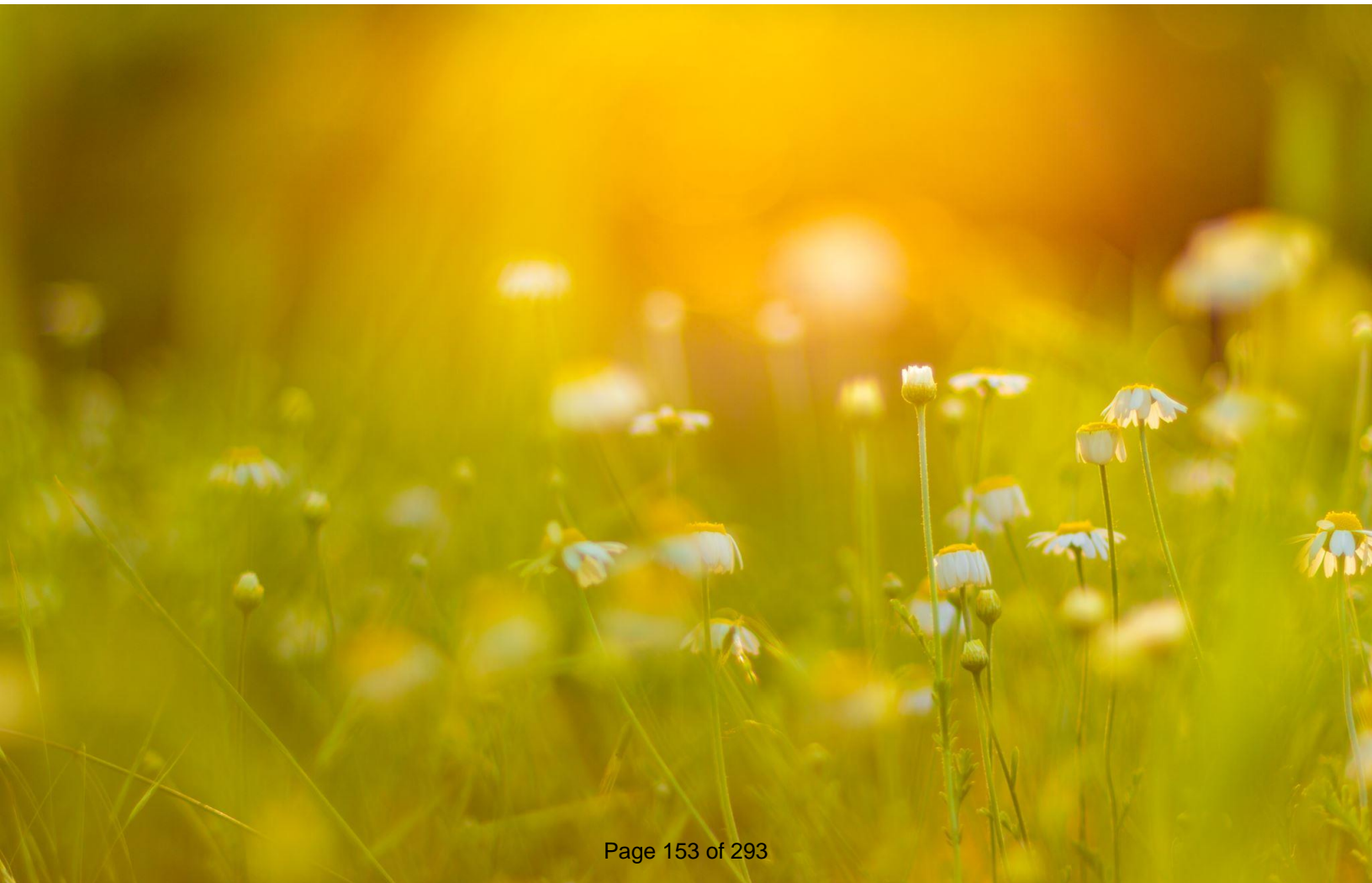
Peer Review of Gemtec Environmental Impact Statement

Zoning Amendment and Cooperative Development
1099B Lafolia Lane, Palmerston Lake, Ontario
Township of North Frontenac

Peter and David Roberts

26 April 2023

➔ **The Power of Commitment**



347 Pido Road, Unit 29
Peterborough, Ontario K9J 6X7
Canada
www.ghd.com



Our ref: 12608860

26 April 2023

Peter and David Roberts

**Project: Environmental Impact Statement
Zoning Amendment and Cooperative Development
1099B Lafolia Lane, Palmerston Lake, Ontario
Township of North Frontenac**

Peer Review of EIS by GHD

Dear Mr. Roberts

GHD is pleased to provide our peer review of the EIS report submitted by the applicant for the development of this property.

If you have any questions, please contact me.

Regards

A handwritten signature in blue ink, appearing to read "C. Ellingwood". The signature is fluid and cursive, written over a light blue horizontal line.

Chris Ellingwood
Senior Terrestrial and Wetland Biologist, GHD

+1 249 749-3317
chris.ellingwood@ghd.com

Contents

1. Background	1
2. Scope of Work	1
3. GHD Peer Review	2
3.1 Purpose and Scope of the EIS	2
3.2 Background Reviews	2
3.3 Field Studies and Methodology	2
3.4 Existing Conditions, Figures and Significant Species/Habitats –	3
3.5 Impact Assessment and Mitigation Measures/Recommendations	4
3.6 Additional Measures/Compensation/Permitting	7
3.7 Species at Risk	7
3.8 Conformity to the County’s Official Plan (OP) Requirements, the Provincial Policy Statement (PPS) –	8
3.9 Summary	8
4. Concluding Statement	8

1. Background

GHD Limited was retained by David and Peter Roberts to conduct a peer review of an Environmental Impact Study (EIS) completed by Gemtec for a proposed shoreline development on Lafolia Lane on Palmerston Lake.

Amendments are proposed to the Township's Official Plan & Zoning By-Law – applicants submitted planning applications to redesignate the subject property from Rural to Rural Cooperative (in the Official Plan) and to rezone the property from Limited Service Rural (LSR) and Limited Service Waterfront (LSW) to a Site-Specific Co-operative Zone (CO). The plan is to develop a rural residential co-operative in phases, which will include one existing building, seven new dwellings & several communal accessory structures.

2. Scope of Work

The scope of our peer review work is as follows:

1. A Peer review of EIS prepared by Gemtec August 31, 2021 for the proposed development

GHD Limited follows a standard format for peer reviews of environmental report. We will provide comment based on the following key issues and components of the EIS.

- **Purpose and Scope of the EIS** – Is the reason for the completion of the EIS and the scope clearly defined in the report?
- **Background Reviews**-Has the author completed a thorough review of available on-line databases, previous reports and other studies to determine potential natural features and Species At Risk, including Geographic Information System (GIS) layers and sought data from agencies such as conservation authority, Ministry of Natural Resources and Forestry (MNR), Ministry of Environment, Conservation and Parks (MECP) and Department of Fisheries and Oceans (DFO).
- **Field Studies and Methodology** – Are there potential deficiencies in the field methods (timing, method, season, level of effort) and targeted surveys for Species at Risk and delineation of natural heritage features. Has the effort focused on key features/species which could be impacted as a result of the proposed development and are significant/key natural heritage features appropriately identified and mapped?
- **Existing conditions, figures and significant species/habitats** – Does the report include detailed lists and text regarding Ecological Land Classification (ELC) communities, plants and wildlife and dates/times of surveys that characterize the site conditions.
- **Impact Assessment and Mitigation Measures/Recommendations** – Have potential environmental impacts of the project been identified, does the EIS propose appropriate mitigation measures to address the potential impacts, and did the authors complete a suitable review to identify potential residual concerns?
- **Additional measures/compensation/permitting**- Does the EIS recommend or discuss any compensation/restoration/rehabilitation requirements or on-site/off-site work, and are any permit recommendations made.
- **Species at Risk**- are federal or provincial Species at Risk including their habitat impacted by the proposed development and are options, mitigation measures and compliance with Ontario Endangered Species Act and federal Species At Risk Act addressed.
- **Conformity to the County's Official Plan (OP) Requirements, the Provincial Policy Statement (PPS)** – Does the application conform to the PPS, and County of Frontenac and Township of North Frontenac requirements for content of an EIS, natural heritage policies and does it include compliance statements with notation of specific sections of the Official Plan.

- **Summary** – Does the EIS generally meet the requirements and standards for an EIS under Township, County and provincial policies and guidelines, are residual impacts expected on significant features as defined under provincial policies and does GHD agree with the conclusions of the report?

GHD conducts peer reviews in keeping with our standard practice for peer reviews. We have formed our opinions and our comments based on a review of the EIS report as presented.

We anticipate that Chris Ellingwood may be required to provide evidence as expert witness for Ontario Land Tribunal (OLT) hearings that may be initiated.

3. GHD Peer Review

3.1 Purpose and Scope of the EIS

Introductory text identifies owners and location of property. Proposal (zoning amendment & future rural coop) clearly defined. Study area identified as existing property (13.46 ha) plus 120m beyond the boundary.

Objective of work is stated as: “to identify and evaluate the significance of natural heritage features as defined in the PPS 2020 both on the property & the broader study area & to assess potential impacts from the proposed plan of subdivision and to recommend appropriate and defensible mitigation measures to ensure the long-term protection of [these] features.”

3.2 Background Reviews

Has the author completed a thorough review of available on-line databases, previous reports and other studies to determine potential natural features and Species At Risk, including GIS layers and sought data from agencies such as conservation authority, MNRF, MECP and DFO?

The authors seemed to have done a thorough background review, for the most part.

Comments:

- Desktop (background) information collection was for features within 1km of property. Information request was not submitted as MNRF was not responding to initial inquiries. Generally GHD will look at a 5 km radius, as records of SAR species is very limited in that part of Eastern Ontario.
- Natural Heritage Information Centre (NHIC) request guide was consulted. Make-a map-cited as 2014 and Land Information Ontario (LIO 2011). NHIC dataset is updated regularly. Is the 2014 date from the website or other source and is more recent data available on-line.
- DFO SAR maps were correct when the EIS was written, but updated 2022 versions now available
- Ontario Breeding Bird Atlas (OBBA) information from 2007 is appropriate, but there is some additional data from the 3rd OBBA that could be considered in addition.
- Is there any information available from previous studies on/adjacent to the site? (OLT hearing was 1993) information or key issues.
- Was MVCA contacted to request information, fisheries or natural heritage data or studies such as lake management studies or subwatershed studies consulted? Were any previous permits sought or obtained from MVCA for the driveway or other works.

3.3 Field Studies and Methodology

Are there potential deficiencies in the field methods (timing, method, season, level of effort) and targeted surveys for Species at Risk and delineation of natural heritage features. Has the effort focused on key features/species which

could be impacted as a result of the proposed development and are significant/key natural heritage features appropriately identified and mapped?

Comments:

- a. A review of the methodologies found that the descriptions of methods used was too brief and did not provide the reviewer with details re survey types and techniques applied or reference to specific protocols used.
- b. The EIS includes a number of descriptions of Species at Risk in the impact section, however the methods/protocols conducted to make those statements are not included in the methodology.
- c. Were any surveys done for five-lined skink and/or efforts to investigate crevices/rocks, etc?
- d. Were there any areas along the shoreline that had suitable turtle nesting characteristics (e.g., sandy soils)? If so, were nest searches conducted?
- e. Were bat cavity tree/snag surveys conducted on trees on the property, particularly where development envelopes are located.
- f. How was the wetland boundary delineated and method used.
- g. Although ELC was completed, collection of detailed botany of each community is not included.
- h. EIS notes that amphibian surveys were not included in scope of report. As back bay provides suitable habitat, as may the fen communities, amphibian surveys should have been conducted.
- i. Compliance with Endangered Species Act does require that sufficient level of effort and established protocols are conducted to show presence/absence. Report should outline which MNRF protocols were used for each species targeted.

3.4 Existing Conditions, Figures and Significant Species/Habitats –

Does the report include detailed lists and text regarding ELC communities, plants and wildlife and dates/times of surveys that characterize the site conditions.

The following comments are provided regarding the adequacy of the mapping and existing conditions

- a. Gemtec found an unnamed watercourse on the site that was not apparent from background literature review. It contained some flow (noted as being slow) and was noted to apparently serve as drainage from higher elevations to the fen wetland. This feature should be included on the figure and if it crosses the existing laneway or future laneway that a detailed description be provided in a result section, including if direct or indirect fish habitat was present and if a culvert was present or will be required.
- b. Fish habitat assessment not conducted, but it was acknowledged Palmerston Lake was fish habitat – including that for lake trout – which are locally significant. Fish list for lake not included.
- c. ELC summary - little mention of ground vegetation in summary table (3.1). Typically a detailed plant list of all species in each community would be included in an EIS.
- d. Wetlands are identified as fens. Fens are considered rare in 5E11 – late summer or early fall survey should likely have been conducted to ensure adequate characterization (per OWES manual for Northern Ontario). A plant list of the wetland would be helpful in understanding the type of fen.
- e. Are additional pockets of wetland present along other parts of shoreline and is bay a submergent wetland based on depths.
- f. Soil sampling in the wetland recommended to confirm mineral versus organic substrate.
- g. How were wetland boundaries delineated in the field.
- h. Hibernaculum investigations were not considered within the ‘scope’ of the EIS – but it was noted candidate reptile hibernacula was present, with impacts to be discussed. Further analysis was not provided in the EIS.

- i. Woodland raptor nesting – considered confirmed due to two merlins being observed in a tree, Is there a recommended buffer required around a nest (eg. 50m radius). Is the nest site protected under Fish and Wildlife Conservation Act or other policies.
- j. Red-headed woodpecker known from broader study area – habitat considered Species of Conservation Concern under Significant Wildlife Habitat criteria (SCC) – but species has been up-listed to endangered recently in Ontario. As such it is likely additional surveys are required and discussion re any suitable/critical habitat on site or potential nest trees be identified, as well as timing windows and mitigation for radius of protection zone around a nest.
- k. Fisheries assessment not conducted. It was assumed the Lake and local wetlands would provide fish habitat.
- l. EIS notes that a site plan/development plan is included in the appendix, but not in appendix.

3.5 Impact Assessment and Mitigation Measures/Recommendations

Have potential environmental impacts of the project been identified, does the EIS propose appropriate mitigation measures to address the potential impacts, and did the authors complete a suitable review to identify potential residual concerns?

Components of project that were considered by Gemtec as outlined in their EIS:

- Tree clearing & initial grubbing.
- Fill placement, elevation grading
- Road construction
- Laneway construction
- Excavation & pouring of foundations
- Construction of cabins, shared buildings and facilities
- Septic installation
- General landscaping

Comments/Notes:

1. Open shore fen considered candidate wetland amphibian breeding habitat. Mitigation measures recommended are a 33m setback. Are there other impacts on amphibian breeding from development, access driveway and shoreline amenities. As surveys for amphibians not conducted for EIS, are impacts on habitat known.
2. Shoreline work is proposed with the proposal of a dock/shoreline areas which could impact candidate denning habitat for otters. (Direct – shoreline clearing, beach development; Indirect – decrease in prey, decreased water quality, habitat fragmentation, human interaction). Also potential impacts from machinery, fill and human disturbance.
3. Mitigation Measures – A 33m setback from local wetlands is recommended in the EIS and guidelines to protect shoreline vegetation. This is in keeping with typical buffer widths.
4. Discussion on protection measures/enforcement and how buffer will be protected during construction and post-construction not clearly described. Main issue/concern regarding shoreline developments from our experience is what mechanisms are in place to prevent tree clearing or other activities on a development site in the buffer and how that is enforced by condominium/association of lot owners or the Township or County.
5. Access to shore and several gazebos, bunkies other structures are shown on the site plans. The impact of those structures on the effectiveness of the buffer and maintaining the ecological functions and integrity of the shoreline should be discussed in detail in the EIS. A statement from Gemtec regarding if those structures are appropriate or not should be discussed in the EIS. Particularly if grading or a level area needs to be created and construction access is needed.

6. Impacts to confirmed merlin nesting habitat in a potential 'nest' tree is located within 50m – loss of woodland clearing/vegetation removal; indirect – habitat fragmentation, increased human presence, human/wildlife interaction, increased noise. Woodland raptor nesting habitat confirmed for a merlin (listed in SWHMiST) is an SWH criteria to be protected from disturbance.
7. Consideration should be given to minimizing/avoiding filling & tree cutting within woodlands, that delimiting be employed instead of complete tree removal where possible. Ideally, cluster buildings rather than spreading them out (to reduce edge habitat) with mature trees (particularly conifers) and snags (trees that may provide being retained to the extent possible.
8. Red-headed woodpecker – some loss of potentially suitable forest habitat on site, loss of forest edge, dead standing trees, increased fragmentation and increased human interaction. Gemtec states one reason for no impact on this species is: *Suitable habitat readily available in broader study area*. RHWO was heard during field work, though not documented by NHIC make-a-map – but it was in the Ontario Breeding Bird Atlas as possible breeding for this atlas square. (Table C7 – Appendix does mention some in 'Ottawa Area.'). Mitigation measures recommended were timing windows/nest surveys. Other measures for wildlife include minimizing footprint & careful placement of structures. Red-headed woodpecker recently uplisted to Endangered in Ontario. Additional discussion of the sighting and if the property may be within the setback distances should be completed to comply with the current ESA regulations.
9. Snapping turtle – page 24 says some in-water work is proposed – this contradicts what was said on page 20 (Section 6.1.2) – with reference being made to installation of docks. Potential impacts – changes to surface water quality & quantity (nutrients, runoff), change in impervious areas; machinery, fill placement and long-term human disturbance. Snapping turtle mitigation measures – development envelopes will ensure forest cover & summer habitat is maintained – Exclusion fencing for turtles is not specifically mentioned, though Section 7.5 does talk about using silt fencing to prohibit wildlife entering the construction area. Also recommended, coverage of stock-piled material to discourage nesting & performance of daily construction sweeps. If there are any potentially suitable nesting areas for turtles (e.g., sand or gravel beaches), measures need to be included to ensure docks & other development are adequately away from them & that such structures do not isolate such areas. There should be no grading/filling in such areas. No dredging of shoreline in sensitive areas, particularly the back bay.
10. For five-lined skink, listed as Special Concern in Ontario, there should be consideration given to retaining natural vegetation, woody debris and structural elements the species may use.
11. Potential impacts to fish habitat/local wetlands in terms of harvesting, increasing phosphorus inputs & other nutrients, species introductions, habitat destruction.
12. SAR – eastern small-footed myotis & little brown myotis – EIS indicates the forest habitat does not meet requirements to support bat maternity colonies – although required bat cavity assessments as per MECP protocols were not conducted to support this conclusion. For tri-colored bat, the EIS does indicate snag density requirements are not met although no indication that plots or cavity trees were checked on site. Mitigation Measures: tree removal outside of May 1 – Sept 1 or roost survey conducted by qualified individual. (Window is appropriate if there are in fact no eastern small-footed myotis. In that case, the active season is April 1 – Sept 30). Trees >25cm DBH are preferred, but EIS doesn't say what avg DBH of woodlands on the site are.
13. Cumulative impacts are considered – stormwater, nutrient loading, loss of forest habitat, increased human presence, human/wildlife interactions, noise to some extent.
14. Gemtec states in EIS:

A fisheries assessment was not conducted as part of this EIS, until such time that a fisheries assessment is completed, Palmerston Lake surrounding the property boundary and local wetlands on-site are assumed to provide fish habitat for both large and small-bodied fish species, respectively. As previously mentioned in Section 3.4, Palmerston Lake has been identified as a lake trout lake – not at capacity. No other species of fish of significant interest have been identified by the township or the county.

- a. Typically for shoreline developments a detailed fish habitat assessment of the entire shoreline is conducted, (lakefront and any back bays) as well as in-season offshore spawning assessments. This assists the developer to know where constraints due to sensitive centrarchid spawning areas, walleye spawning and

known lake trout spawning areas are found. From our review of the EIS those surveys have not been conducted.

- b. The fisheries shoreline assessment is also typically conducted to determine if docks or other water access facilities (boat houses, docks, staircases, shoreline amenities and use by residents) are possible and specifically where they should be located, from a fisheries biologist review. This is not included in the EIS and has not been conducted. The impact on fish habitat is therefore unknown.
 - c. As the shoreline on this site appears to be very steep in parts, with existing erosion evident on the tip of the peninsula, the report would typically discuss potential impacts on the shoreline from residents accessing the shore, with some general guidelines on dock placement and what is and isn't permitted within the shoreline setback. Not included in report.
 - d. In addition a detailed description of the shoreline buffer and recommendations re protection of the buffer, restrictions/prohibitions on tree clearing or limbing, trails, beaches, boat access and any other measures to limit impacts to the buffer should be included in the report.
 - e. Close up site plans show laneways accessing the waterfront blocks. As they are located on steep slopes is cutting of the slope to accommodate grades and type of treatment surface a concern. Will this require stormwater management (eg. roadside ditches) to prevent erosion and runoff flowing uncontrolled down that access lane untreated and into lake.
 - f. The back bay appears from the EIS to have several key ecological functions and also contains a fen community. Discussion regarding resident access to this bay, its ecological sensitivity, presence of fish spawning, rearing and nursery habitat would typically be included. If the area has sensitive fish habitat and or turtle habitat (overwintering, foraging, breeding), constraints and recommendations should be included in the EIS re limiting any docks, recreational facilities, access or other structures, if warranted. Back bays can also provide habitat for frogs, marsh birds and nesting loons.
 - g. The installation of docks is mentioned in the report but details on recommended size or type of docks is not included. Are there options to have a specific access area, water block, communal dock vs individual docks, beach, boat ramp or other recreational facilities on the site.
 - h. Has there been any discussions re water supply, drawing water from lake or wells for this site and impact of water lines or intake structures on fish habitat including spawning beds.
 - i. the location of the lake trout spawning and potential impacts is not discussed specifically. Does Gravel Point provide spawning habitat for lake trout. The importance of that spawning area and how the development will protect that site, including from boat traffic around the point or into the back bay should be discussed in the report.
15. Section 6 of the report notes the project includes a laneway but not discussed in impact sections. From our review of the site air photos, a narrow access lane has existed but would likely require upgrades including stand by/pull outs to limit cross traffic. The potential for upgrades to the laneway, including tree clearing, loss of wildlife habitat, wetland loss, slope stability, hydrology and upgrades or addition of new culverts is not included in the report.
16. The Lafolia Lane laneway into the site splits into two roads on either side of the fen. The site plan (Feb 21, 2022) that was not an appendix to the EIS was provided in other documentation obtained at the public meeting on January 13, 2013..
- a. the plan shows two laneways to access the cottages and the main entrance. It is not clear if a laneway currently exists or if upgrades to allow construction vehicles, emergency vehicle access and residents is required or has been completed.
 - b. the main laneway into the site is well within the 33 m wetland buffer proposed. Discussion on current impacts and future upgrades or impacts should be discussed.
 - c. the laneway into cottage area on the point is also partially within the 33 m buffer from the wetland. If this is a new access lane and will be for access to numerous cottages and used by numerous vehicles, discussion on impact of construction and other impacts re wildlife and tree cover should be discussed in EIS.

- d. laneway shows main access point but does not show if individual laneways and parking areas for each cottage will be cut as well and the size of those footprints and the impact.
17. Septic bed is recommended to be outside of the 33 m buffer and EIS discusses impact on lake water quality briefly.
- a. A discussion on the location of the septic beds, loss of tree cover and any ecological impacts is warranted in the EIS.
 - b. EIS notes a lake capacity study was not required as the lake is listed in the Township Official Plan as “not at capacity”, although the County of Frontenac shows it as a ‘moderately sensitive lake trout lake’.
 - c. Lake Capacity Studies are an exercise to determine number of lots that can be constructed on a lake to meet MECP criteria. Biologically the main focus is to protect lake trout spawning habitat and the water quality to maintain the deep coldwater conditions necessary for lake trout life cycle. It is our understanding MECP is conducting water quality sampling and a LCS in the near future. This issue should be noted in the report in terms of lake trout life cycle.

3.6 Additional Measures/Compensation/Permitting

Does the EIS recommend or discuss any compensation/restoration/rehabilitation requirements or on-site/off-site work and are any permit recommendations made.

Some measures recommended in the report in the recommendations section and impact sections with regard to planting of buffers and vegetation protection zone (VPZ) with self-sustaining species.

Tree protection plan is also recommended. No compensation for loss of tree cover in building envelope or noted in report, or if that is necessary.

Only permitting recommendations relate to fish habitat and installation of septic are noted in the report.

Recommendation made that if any SAR are encountered, MECP should be contacted & operations ‘modified’ to avoid negative impacts to SAR.

The access to the site appears to be from an extension off of Lafolia Lane.

3.7 Species at Risk

Are federal or provincial Species at Risk including their habitat impacted by the proposed development and are options, mitigation measures and compliance with Endangered Species Act addressed.

Table C7 as an appendix to the EIS provides a list of potential species at risk compiled for the site from existing databases. Additional details are not included for species that may be present on site in the report re compliance with survey methodologies completed to support their conclusions or sufficient details on species such as Endangered bats, red-headed woodpecker or Blanding’s turtles.

Red-headed woodpecker heard calling off-site during breeding bird surveys. As this species is now listed as Endangered in Ontario (2023), additional comment on suitability of habitat on site is needed and if setbacks recommended by MECP have an impact on this application.

Bat cavity tree assessments were not conducted as per MNR Bat maternity and roosting colony protocols. As tree clearing is to occur on site for the building envelopes, are there any bat cavity trees in that area or generally on site that may impact the endangered species noted in the report.

Blanding’s turtles were not confirmed on site, nor other species, even though 3 targeted basking surveys were conducted. An assessment of the habitat in the back bay and if turtle overwintering habitat, basking habitat, nesting habitat or foraging habitat and possible movement corridors is warranted, to determine if project complies with Endangered Species Act. Are Blanding’s turtles assumed to be possible and mitigation provided.

3.8 Conformity to the County's Official Plan (OP) Requirements, the Provincial Policy Statement (PPS) –

Does the application conform to the PPS, and County of Frontenac requirements for content of an EIS, natural heritage policies and does it include compliance statements with notation of specific sections of the Official Plan.

The EIS conclusions state:

- *No significant impacts to natural heritage features identified on-site, including fish habitat,*
 - *significant wildlife habitat or habitats of species at risk are anticipated as a result of future residential development.*
 - *The proposed project complies with the natural heritage policies of the Provincial Policy Statement.*
 - *The proposed development complies with the natural heritage policies of the County of Frontenac Official Plan.*
1. No specific section discussing how the EIS complies with various pieces of legislation, only section 1.2 to indicate *EIS was prepared in accordance with PPS (2014), ESA (2007), Conservation Authority's Act (1990), Natural Heritage Reference Manual (2010) and Township Official Plan (2017).*
 2. Uncertain whether application complies with Section 2.1.6 of the PPS – with docks being proposed in fish habitat.
 3. County of Frontenac OP indicates significant woodlands are to be evaluated & protected using the criteria from OMNRF – but no analysis is included in EIS if woodlands on site are significant or are impacted. However as this site in eastern Ontario, PPS 2020 references significant woodlands in 6E and 7E only, and no requirement for sites such as this location in Zone 5E.
 4. Appendix 3 of the County OP identifies EIS requirements. Were those requirements assessed and included in the EIS report.
 5. Alternative measures were not discussed in the EIS, as required by County OP, although avoidance measures were.
 6. OP said comprehensive EIS guidelines may be prepared – but not noted in report if Terms of Reference or scoping of EIS was conducted with MVCA, Township or the County.
 7. Specific sections of Township and County Official Plans were not included in the introduction or policy sections nor in the impacts sections. How plan complies with relevant natural heritage sections of the Official Plans is not documented in the report.

3.9 Summary

Does the EIS generally meet the requirements and standards for an EIS under Township, County and provincial policies and guidelines, are residual impacts expected on significant features as defined under provincial policies and does GHD agree with the conclusions of the report?

See concluding statement below.

4. Concluding Statement

The guidelines for EIS was reviewed and the EIS prepared by Gemtec does generally meet the tasks listed.

However from our review of the EIS there are several deficiencies in terms of the methodology, analysis of significant features, impact assessment of laneway improvements, buffer protection of natural features, that would not support the conclusion that there are no negative impacts from the proposed development on the lake and the natural features of this property.



ghd.com

→ The Power of Commitment

**Submission by Jim & Joan Hayes
following meeting with Township Planners, 12 Sep 2023.**

We met with Tara Mieske (Planner, Township of North Frontenac) and (by Zoom) Sonya Bolton (Manager of Community Planning, County of Frontenac). Both planners welcomed our concerns and were able to clearly answer all of our questions. We left feeling that a fair process is being followed. The following is a combination of what we learned from the meeting with additional comments from what we have learned since.

We played a one-minute video highlighting the environment around Gravel Point. Sonya Bolton noted that she has visited the site. Our major concerns are our lake's major trout spawning bed and wetland nesting areas.

Palmerston Lake's major Lake Trout Spawning Bed, identified by the Ontario Ministry of Natural Resources and Forestry, is a 250 metre rock bed capturing the tongue of Gravel Point. We were surprised to see no mention of these spawning beds in the 156 page rezoning application. Three cottages and septic beds are proposed to be located on the point above these spawning beds.

Trout spawning beds are very sensitive to siltation, which starves the embryonic trout of oxygen, hence increasing the mortality rate. "Gravel" Point has very little overburden, so it is a highly sensitive hydrogeological zone due to the lack of soil filtration.

Septic Systems are very good filters for contaminants including phosphates, but nitrites and chlorides, toxic to trout, move through the ground water and require a soil treatment which is not present in gravel. The steepness of this gravel slope will accentuate these issues. Sewage pre-filtering may be required and best management strategy requires a setback beyond the groundwater divide, where the flow is away from the gravel slope. The applicants' additional 3-metre (10-foot) increase in setback is inadequate.

The excavation of footings, loss of vegetation, and changes to groundwater may be detrimental to these spawning beds. Also, the desire to place three cottages in a westward facing direction on the point also speaks to the desire for a view. Although removal of vegetation is

regulated, there is a risk of gradual removal of branches and vegetation.

The shoreline at the tip of Gravel Point presently experiences nearly zero foot traffic. The placement of three residences directly above the spawning beds will encourage a path down the loose gravel slope to use the nearest accessible shoreline, knocking debris down the hill and creating a packed drainage path which could increase siltation.

What will be the effect of the largest boat dock located between Lake Trout Spawning and a wetland shoreline of bullrushes, reeds, lily pads, frogs, snakes, sunning turtles, and loons and mergansers teaching their fledglings to fish.

The process has reached that time when the applicants can appeal to a tribunal in which all concerns received by the township are presented. The owners have decided to work with the township for now.

Rezoning to a Rural Cooperative on waterfront is precedent-setting in Ontario and has raised some residents' suspicions; however, Sonya Bolton states that it is intended as a family recreational cooperative and is not zoned for commercial use.

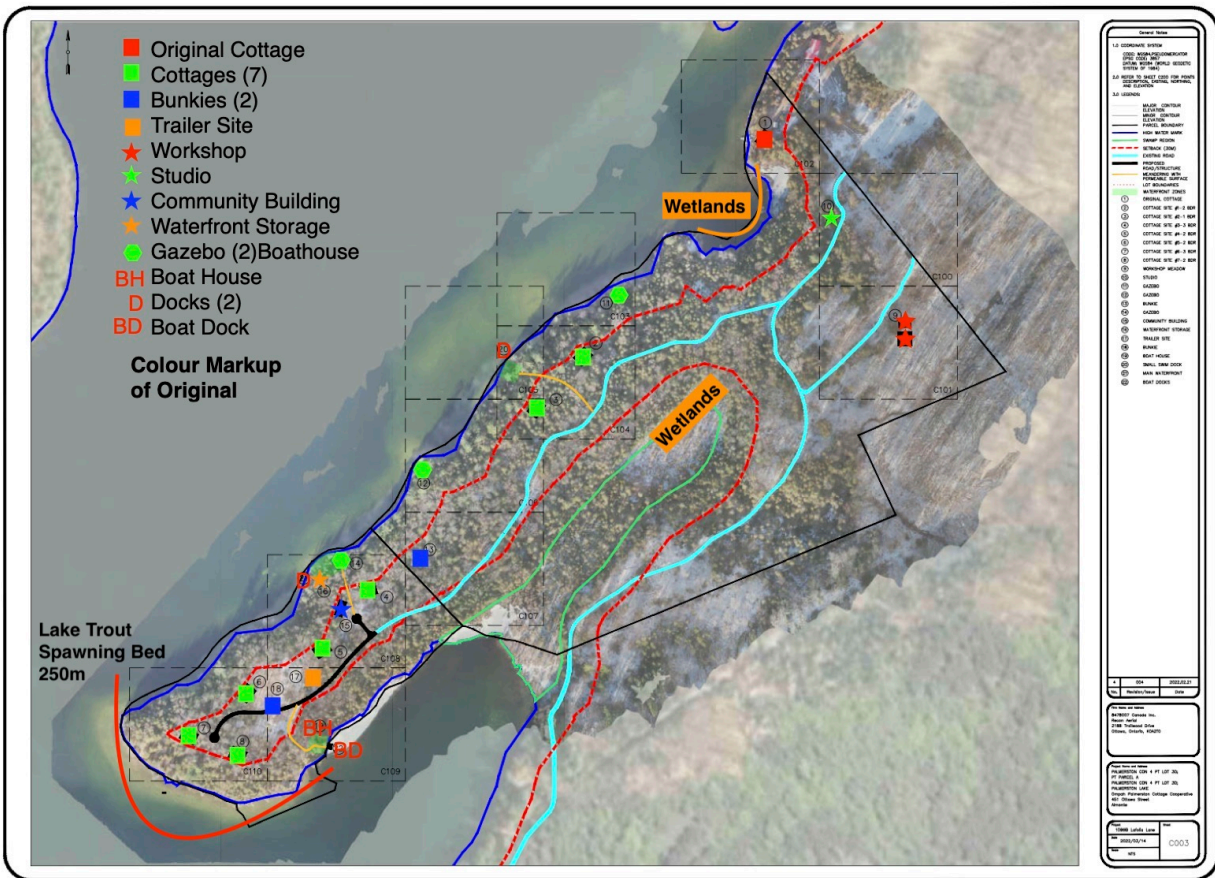
The proposed road to Gravel Point accesses the peninsula via a 115m wide isthmus between two wetlands, in both bays to the north and south. What will the effect of traffic over this narrow isthmus to 11 habitable residences be?

The statement in the report, "no snapping turtles seen" may give some readers the impression that these turtles are rare or absent. One specimen with a 24" carapace swam by our dock 400 metres from Gravel Point a few weeks ago.

The planning process is not on hold as some rumoured. A peer review of the application by an independent consultant, hired by the township and paid for by the applicants as required is complete and has been submitted to the owners. The township's process requires that the peer review and third party submissions cannot be made public until the owners' have replied to them.

Links to Video:

[Kayaking Gravel Point](#)
[Download a copy of this video](#)



Map from Rezoning Application with Markups for locations, spawning, and wetlands



Measurement of the Isthmus of Gravel Point - 115 metres



Gravel Point Spawning Bed



Lake Trout Spawning Beds on Palmerston Lake

Source of spawning maps: “Land information Ontario” Geospatial data at <https://geohub.lio.gov.on.ca>. Search for and select: “Fish activity area” and zoom in to Palmerston Lake. This map is a consolidation of data collected by the Ministry of Natural Resources and Forestry.

Jim & Joan Hayes

From: Adam Weir
Sent: November 15, 2023 2:30 PM
Subject: Gravel Point (Palmerston Lake)

To Tara Mieske:

Please find attached OFAH's comments on the proposed development project at Gravel Point (Palmerston Lake) located off Lafolia Lane (1099A and 1099B). If you have any questions, comments, or concerns, don't hesitate to reach out.

Yours In Conservation,

Adam Weir
Fisheries Biologist
Ontario Federation of Anglers and Hunters

ONTARIO FEDERATION OF ANGLERS & HUNTERS



Ontario Conservation Centre

P.O. Box 2800, 4601 Guthrie Drive, Peterborough, Ontario K9J 8L5
Phone: (705) 748.6324 • Fax: (705) 748.9577 • Visit: www.ofah.org • Email: ofah@ofah.org

OFAH FILE: 420H/420I
November 15, 2023

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

Township of North Frontenac
6648 Road 506
Plevna, Ontario
K0H 2M0

To: County of Frontenac and Township of North Frontenac

Subject: Proposed development project at Gravel Point (Palmerston Lake) located off Lafolia Lane (1099A and 1099B)

The Ontario Federation of Anglers and Hunters (OFAH) is Ontario's largest, non-profit, fish and wildlife conservation-based organization, representing 100,000 members, subscribers and supporters, and 725 member clubs. Citizens of the Township of North Frontenac, as well as the Palmerston Lake Association, have contacted the OFAH expressing their concerns regarding the proposed development project at Gravel Point located off Lafolia Lane (1099A and 1099B). While the OFAH isn't inherently opposed to a low impact project design with sufficient monitoring, reporting, and potential offsetting, the Environmental Impact Statement (dated August 31, 2021) created by GEMTEC for this project was grossly inadequate and may not even meet its legislative requirements.

Fish habitat has been overlooked

Despite the proposed development project's close proximity to Palmerston Lake, the consultants failed to conduct a fisheries assessment of the surrounding aquatic environment. This is a major concern of ours because the applicants are seeking to construct the following: seven new cottages, a workshop, studio, two additional sleep cabins, a communal building, storage building, three gazebos, a boat house, trailer site, three communal docks, and water access points. Since a fisheries assessment was not completed on the waters adjacent to Gravel Point, we feel strongly that asserting such a project will have no impact on the surrounding aquatic environment is unfounded and irresponsible. At a minimum, we would expect detailed baseline information to be gathered, accounting for temporal and seasonal variations, monitoring during the construction period, as well as implementing a post-construction monitoring plan that includes detailed reporting.

According to GEMTEC, there is potential for increased nutrient loading to adjacent surface water features through overland transport and subsurface pathways from multiple septic tanks and leaching beds. The proposed development project will also involve vegetation removal and the EIS states construction activities could cause alterations to the water quality. While septic systems are the primary sources of phosphorus in inland lakes on Ontario's Precambrian Shield, where Palmerston Lake is situated, shoreline clearing and surface water runoff also contribute to nutrient loading (Government of Ontario, 2010). Excess nutrients promote eutrophication, increase aquatic plant and algae growth, decrease water clarity, reduce dissolved oxygen, and negatively impact available coldwater habitat for sensitive fish species like Lake Trout (Government of Ontario, 2010).

Although Palmerston Lake has been designated as a Lake Trout lake "not at capacity" (County of Frontenac, 2016; Township of North Frontenac, 2017), fish habitat protection provisions of the *Fisheries Act* must still be followed. Section 35(1) states "No person shall carry on any work, undertaking or activity that results in the harmful alteration, disruption or destruction of fish habitat." Only under certain conditions may someone contravene this section. Furthermore, fish habitat is broadly defined as "water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply and migration areas." From the OFAH's perspective, there has been blatant disregard for fish habitat during this process. At roughly 11,800 square metres in size, the single largest recorded Lake Trout spawning habitat on the entirety of Palmerston Lake exists at Gravel Point. Development close to this location during any time of year, but especially during the fall, could have serious and unacceptable consequences on the fish and fish habitat.

.....2

Importantly, Fisheries and Oceans Canada provides timing windows to conduct projects *in or around water* for the protection of fish and fish habitat. The restricted activity period for Lake Trout within Ontario’s southern region is from October 1st to May 31st. Despite GEMTEC’s repeated acknowledgement of the presence of Lake Trout in Palmerston Lake (as well as a “variety of other species”), the restricted timing window they chose for this project is from March 15th to July 15th (i.e., timing window for “other/unknown” spring spawning species) (Government of Canada, 2019). This would likely protect spring spawners that occur in Palmerston Lake such as Largemouth and Smallmouth Bass, Northern Pike, and Walleye (MNR, 2022) but would fail to protect Lake Trout spawning activity in the fall: a critical oversight made even worse by the project’s proximity to a significant ‘Lake Trout Spawning Area.’

Exemption requests

Furthermore, while the proposed setbacks are intended to protect natural features and fish and fish habitat like this spawning shoal, the applicant is requesting an exception to construct four waterfront structures within the thirty-metre buffer (three gazebos and a marine storage shed). Statements like “it may not be feasible in all situations to establish a definitive setback” (GEMTEC, 2021) lead us to doubt whether natural heritage features will be fully prioritized and protected.

The applicants are also seeking an exception to permit the use of four access corridors to provide access to three proposed waterfront activity areas, including the existing water access area. It is believed that, given the size of the property, granting relief in this way is not anticipated to have an impact on the rural landscape, shoreline, or lake health. Similar language is used in other sections of the report wherein cumulative impacts are described as being minimal because of the abundant habitat in the surrounding project area. This line of reasoning harkens back to a time when people had the misplaced belief that “dilution is the solution to pollution.” The overall size of a property or perceived abundance of natural heritage features are not good arguments for sidestepping township bylaws and provincial policies that are intended to help preserve important environmental elements and their social value within communities like North Frontenac.

In addition to various other bylaw exception requests, including placing waterfront structures at a minimum waterbody setback of five metres instead of a minimum of 15 metres from the high-water mark, the proponent is proposing to install three additional docks. According to the legend in Sheet C003, this includes placing boat docks at site 22 which is directly adjacent to the Lake Trout spawning habitat. Thus, any boating activity coming in and out of this docking area would most certainly have to travel over the fish habitat. In their 2014 synthesis on *Impacts of recreational motorboats on fishes*, Whitfield and Becker conclude that motorboats have an impact on many aspects of the biology and ecology of fishes including their behaviour and aquatic habitats. For example, the noise emitted from outboards can disrupt reproductive behaviour in some fish and can influence “all fish life history stages, including the larvae.” Moving boats have been shown to negatively effect water clarity and can erode banks due to wave action (Whitfield and Becker, 2014) which could cause sedimentation of the Lake Trout spawning habitat. It is therefore inadvisable to locate these docks in the proposed location and would make far more sense to reposition the docks to the northwest portion of the property, away from the fish habitat, to mitigate any negative ecological impacts.

Recommendations

Both the County of Frontenac (2016) and the Township of North Frontenac (2017) acknowledge the importance of Lake Trout fisheries in their official planning documents by addressing development around Lake Trout lakes to ensure long-term sustainability. Regardless of Palmerston Lake’s “not at capacity” designation (Township of North Frontenac, 2017), the township maintains that special precautions should be taken to ensure that maximum containment of phosphorus occurs on lots. Furthermore, they recommend sewage disposal systems serving any development shall use the best available phosphorus removal technology.

Preserving the unique and pristine natural environment of North Frontenac is a cornerstone vision statement of the township’s Community Profile (2022). By neglecting to conduct any fisheries assessment of the surrounding aquatic environment of Palmerston Lake at Gravel Point, the consultant has inadequately upheld these values which are meant to promote a strong and resilient rural community. From our perspective, the following should be seriously considered:

1. Request a project review by Fisheries and Oceans Canada to determine if the project will need authorization under the *Fisheries Act* and whether there will be offsetting requirements.

2. Pre-construction and post-construction monitoring and reporting of the surrounding aquatic environment.
3. No development to occur within the thirty-three-metre setback distance.
4. Adhere to the spring and fall spawning timing windows for work in and around water.
5. Rework the EIS by sufficiently reporting on the surrounding aquatic environment and the Lake Trout Spawning Area.
6. Provide various project alternatives that includes reconfiguration of the seven cabins, their respective sewage disposal systems and leaching beds, and other structures.
7. Implement specific, special precautions and technologies for the sewage disposal systems and leaching beds.
8. Relocation of the docks away from the Lake Trout Spawning Area.

Yours in Conservation,



Adam Weir
Fisheries Biologist

AW/jb

cc: Joe Gallivan, County of Frontenac Director of Planning and Economic Development
Sonya Bolton, County of Frontenac Manager of Community Planning
Tara Mieske, Township of North Frontenac Clerk /Planning Manager
Andrew Waywell, Palmerston Lake Association President
OFAH Board of Directors
OFAH Fisheries Advisory Committee
Angelo Lombardo, OFAH Executive Director
Matt DeMille, OFAH Director, Policy & Programs
Mark Ryckman, OFAH Manager, Policy
Chris Robinson, OFAH Manager, Programs
OFAH Policy & Programs Staff

References

County of Frontenac. 2016. County of Frontenac Official Plan. By-law 2014-0047; Adoption of an Official Plan for the County of Frontenac. 95pp.

GEMTECH. 2021. Environmental Impact Statement - Zoning Amendment and Cooperative Development – 1099B Lafolia Lane, Palmerston, Ontario (dated August 31st, 2021). Project 100227.001. 40pp.

Government of Canada. 2019. Timing windows to conduct projects in or around water – Ontario Restricted Activity Timing Windows for the Protection of Fish and Fish Habitat. [Online] <https://www.dfo-mpo.gc.ca/pnw-ppe/timing-periodes/on-eng.html>.

Government of Ontario. 2010. Lakeshore Capacity Assessment Handbook – Protecting Water Quality in Inland Lakes on Ontario’s Precambrian Shield. Prepared by: Ministry of the Environment, Ministry of Natural Resources, and the Ministry of Municipal Affairs and Housing. [Online] http://lakes.chebucto.org/TPMODELS/ONTARIO/OME_std01_079878.pdf. 47pp.

MNRF. 2022. Fish ON-Line Database – Waterbody Name: search results for Palmerston Lake. [Online] <https://www.lioapplications.lrc.gov.on.ca/fishonline/Index.html?viewer=FishONLine.FishONLine&locale=en-CA>. King’s Printer for Ontario.

MNRF. 2021. Ontario GeoHub – Fish Activity Area. [Online] <https://geohub.lio.gov.on.ca/datasets/lio::fish-activity-area/explore>. King’s Printer for Ontario.

Township of North Frontenac. 2017. Township of North Frontenac Official Plan. [Online] <https://www.northfrontenac.com/en/township-services/resources/Documents/Zoning/Official-Plan.pdf>. 153pp.

Township of North Frontenac. 2022. Community Profile – Four Seasons, More Reasons. [Online] <https://www.northfrontenac.com/en/open-for-business/resources/Documents/2022-NF-Community-Profile-Polished--ACC.pdf>. 27pp.

Whitfield AK and Becker A. 2014. Impacts of recreational motorboats on fishes: A review. [Online] https://docs2.cer-rec.gc.ca/11-eng/llisapi.dll/fetch/2000/90464/90552/548311/956726/2392873/2449925/2451475/2791026/C214%2D19%2D8_%2D_Schedule_D_to_Raincoast_IR_No._3_to_Fisheries_and_Oceans_Canada_%2D_Whitfield_2014_%2D_A4Q8F3.pdf?nodeid=2791249&vernum=-2#:~:text=A%20study%20by%20Jude%20et,the%20premature%20emergence%20of%20larvae. Marine Pollution Bulletin 83(2014)24–31pp.

PALMERSTON LAKE ASSOCIATION



Re: Official Plan Amendment Application #OP 02/22 and Zoning
By-law Amendment Application #Z08/22

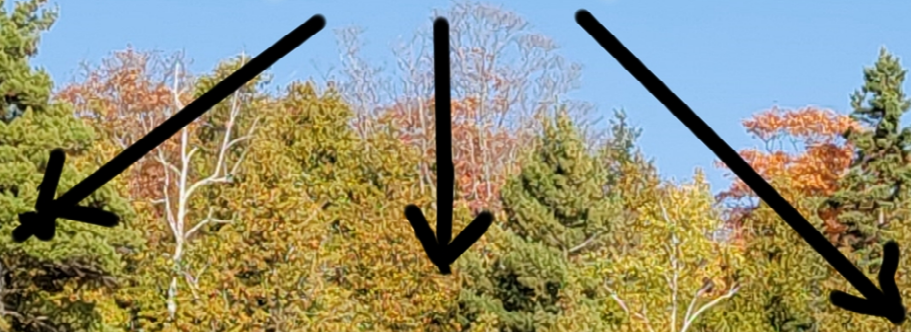
(Lafolia Lane Development Application)

Presentation to North Frontenac Township Council

January 12, 2024

The Palmerston Lake Association has 83 Members representing 54 Properties on the
Lake

Proposed Development



Loose Gravel



Lake Trout Spawning Bed

Concerns regarding Lafolia Lane Development Application

- There are only 3 Lake Trout spawning beds on Palmerston and this is by far the largest.
- The EIS submitted by the applicants failed to conduct a fisheries assessment of the surrounding lake environment.
- Fish habitat must be protected under the federal *Fisheries Act*.
- The Township's Official Plan makes specific reference to protecting Lake Trout lakes acknowledging their tourism and recreational importance.
- The density of the proposed development and exemption requests for structures and docks close to the spawning bed pose an extreme threat to the lake trout.
- It is questionable whether the Rural Co-operative zoning designation was intended to apply to the Waterfront Area

Suggestions going forward

- As recommended by the Ontario Federation of Anglers and Hunters, request a project review by Fisheries and Oceans Canada.
- Provide the MNRF comments on the spawning area and the MECP report on lake capacity and water quality to the public for review.
- Release the McIntosh Perry EIS peer review along with the applicants second submission to the public as soon as they are available.
- Allow sufficient time for the public to review all of the relevant information.
- In recognition of the significant public interest in this development proposal and to provide additional transparency, hold a second Public Meeting prior to the finalization of the County Planner's report and Council's decision making process.

April 24, 2024

Project No. 240062

Andrew Waywell
President
Palmerston Lake Association

Via email: andrewwaywell@xplornet.com

Dear Mr. Waywell:

Re: Peer Review of Environmental Impact Study Submitted for Proposed Official Plan and Zoning By-Law Amendment and Site Plan Control Approval 1099A and 1099B Lafolia Lane, Part Lot 30, Concession 4, Township of North Frontenac

Hutchinson Environmental Sciences Ltd. (HESL) was retained by the Palmerston Lake Association to provide a peer review of the Environmental Impact Study (EIS) prepared by Gemtec Consulting in support of consent applications submitted to the Township of North Frontenac (Township) for the property located at 1099A and 1099B Lafolia Lane. The property is legally described as Part Lot 30, Concession 4 Township of North Frontenac, Geographic Township of Palmerston. The application is seeking approval for a zoning amendment in support of a Rural Cooperative development that will include construction of:

- 7 new residential cottages with individual septic systems
- A community building
- Two bunkies
- Four waterfront areas
- Three waterfront gazebos
- Workshop
- Trailer site
- Waterfront storage unit
- Boathouse
- Two additional docks
- Associated meandering permeable pathways to access waterfront structures
- Continuation of existing roadway to access the cottages

As part of this review, we have also considered the material submitted as part of the overall planning package as well as emails and data submitted by the Palmerston Lake Association that provide background of the application and of the Lake, respectively.

1. Background

It is our understanding that Gemtec completed an EIS for the application in August 2021. An EIS is required by the Township for new development within 300 metres of a designated lake trout lake to evaluate potential

negative impacts on the waterbody or other identified natural heritage features such as Species at Risk, Fish Habitat or Significant Wildlife Habitat. Further to submission of the EIS, the Township retained the services of McIntosh Perry to conduct a peer review of the report. A second peer review was commissioned by others and completed by GHD. Gemtec addressed comments in each of the reviews with a resubmission of the EIS in March 2024.

Our review has focused primarily on the most recent EIS but has included reviews of the peer reviews, planning reports, stormwater management and sanitary servicing briefs. Our review has focused on whether the EIS

- contains sufficient information on the natural environment of the area, both from the subject property and adjacent lands (i.e., within 120 m), including detailed documentation of natural features, ecological functions, environmental sensitivities and constraints, and potential impacts of the proposed development on them,
- used the correct methodologies to gather and analyze the information (e.g., that follow industry standards and best practices and apply appropriate scientific approaches), and
- made sound conclusions and recommendations based on the best available information, so that the development proposal avoids or sufficiently minimizes negative impacts on significant natural heritage features and their ecological functions and conforms with applicable environmental policies and legislation.

2. Summary of the Proposed Development and the Gemtec Report

The subject property is comprised of two parcels with an overall area of approximately 14.6 ha. It is currently zoned Limited Service Rural (LSR) and Limited Service Waterfront (LSW). The applicant is requesting rezoning to a Site-Specific Rural Co-operative (CO) Zone as well as redesignating the property from Rural to Rural Cooperative in the Township's Official Plan.

The property and surrounding area are currently forested. One cottage occupies the northernmost corner of the property. The proposed plan for the rural cooperative includes 7 new cottages plus a variety of accessory buildings and continuation of an existing roadway. Each cottage will be separately serviced. The purpose of the configuration is to reduce the overall footprint in an effort to minimize impacts to the natural features on site rather than creating individual lots through a severance. Similarly, the shared waterfront developments such as docks, gazebos and boathouses are intended to minimize development.

Field investigations were conducted in May and June 2021, to conduct vegetation, basking turtle and breeding bird surveys. Vegetation community boundary delineation was determined through a review of aerial photography followed by confirmation in the field using random meander methodology and documenting dominant vegetation species. A total of 6 vegetation communities were documented. Breeding bird surveys were conducted using accepted protocol from the Canadian Breeding Bird Surveys and the Ontario Breeding Bird Atlas. Three basking turtle surveys were conducted to assess presence or absence of Blanding's turtle. A fisheries assessment was not conducted; however, in response to McIntosh Perry's comments, a Request for Project Review has been submitted to DFO. An Information Gathering Form has also now been submitted to MECP.



The Fish Activity Area (MNR 2023) documents the presence of a confirmed Lake Trout Spawning Area associated with Gravel Point at the south end of the peninsula. Several other species are known to be present, none of which are Species at Risk (SAR). A detailed description of Lake Trout spawning habitat and behaviour is provided in response to McIntosh Perry comments. Two SAR bird species were detected on the property (Eastern Wood-pewee and Red-headed Woodpecker). Several criteria for Significant Wildlife Habitat (SWH) were met and these were discussed further in the EIS. These included snake hibernacula, woodland nesting raptor habitat, denning sites for mammals (specifically otters), woodland amphibian breeding habitat, wetland amphibian breeding habitat, special concern and rare wildlife species and furbearer movement corridor. Screening was also conducted for potential SAR on-site or within the study area. In addition to Eastern Wood-Pewee and Red-headed Woodpecker, Eastern Whip-poor-will, Evening Grosbeak, Eastern small-footed Myotis, Little Brown Myotis, Tri-coloured Bat, Blanding's Turtle, Common Five-Lined Skink, Snapping Turtle, Spotted Turtle, Wood Turtle, Monarch Butterfly and Yellow-banded Bumble Bee were identified as having a moderate probability of occurring on site or within the study area.

The environmental report made a series of recommendations to minimize or avoid negative impacts on the natural environment. These were categorized according to the ecological feature or the sensitive species. Thus, specific mitigation measures were provided for

- Unevaluated wetlands
- SWH – Candidate reptile hibernaculum, candidate woodland amphibian breeding habitat, candidate wetland amphibian breeding habitat, candidate denning site for otter habitat, confirmed woodland nesting raptor habitat
- Habitats of Special Concern and Rare Wildlife Species – Eastern Wood Pewee and Evening Grosbeak, Common Five-lined Skink, Snapping Turtle
- Fish habitat
- SAR – Eastern Whip-poor-will, Red-headed Woodpecker, Eastern Small-footed Myotis, Little Brown Myotis and Tri-Coloured Bat, Blanding's Turtle, a Restricted Species, Black Ash
- Wildlife habitat
- Cumulative impacts

Some of the general mitigation measures included

- Applying timing windows
- Minimizing vegetation removal
- Applying 30-33 m setbacks and buffers
- Installing exclusion fencing to avoid sensitive areas
- Installing and maintaining effective sediment and erosion controls
- Using proper equipment maintenance techniques

Gemtec concluded that, contingent on the implementation of their recommendations, the proposed Zoning By-law amendment would be in conformity with municipal policy and would result in no significant impacts to the natural heritage features identified on-site.



In our peer review, we have identified concerns relating to the methodology, characterization of existing conditions, assessment of impacts, application of mitigation measures and revising the development plan to reduce negative impacts to natural heritage features and functions. We note that considerable additional material has been added in the revised report and many of McIntosh Perry's comment have been addressed. Still, several items have not been addressed or not addressed satisfactorily.

We present our comments and recommendations in Section 3.

3. Comments

Methodology

HESL Comment #1

The vegetation communities were classified using desktop review followed by employing the random meander methodology in the field. While this method is acceptable in most cases, the presence of two sensitive wetland communities warrants the use of delineating wetland boundaries through precise field investigations enabling accurate wetland buffers to be applied. We recommend that all wetlands on the property be delineated entirely in the field to determine wetland boundaries prior to any site alteration and development on individual lots (e.g., residential development and driveways), so that the application of buffers around these wetlands is based on the most accurate measurements.

HESL Comment #2

In most scenarios, we agree that two breeding bird surveys are sufficient to characterize the community, however; with the potential presence of Red-headed Woodpecker, and its status upgrade to Endangered, a third survey is warranted. Typically, a presence/absence survey is acceptable for a SAR survey, but in this case, we recommend that all species be recorded in one additional survey conducted at the appropriate time of year or ensure no snags/cavity trees are destroyed.

Characterization of Existing Conditions

HESL Comment #3

A full plant list has still not been included and only general descriptions of individual communities have been provided. At the very least, descriptions should include age of community, species composition and details of invasive or non-native species. Furthermore, the location of Black Ash individuals should be documented on the mapping given its status upgrade to Endangered. We recommend that a botanist attend the site, conduct a plant inventory and document the locations of Black Ash individuals.



HESL Comment #4

Table C7 appears to have been revised and most references to Ottawa have been removed but some remain including Evening Grosbeak, Red Knot and Grey Ratsnake. This table should be reviewed again to confirm that it addresses the Lafolia Lane study area.

HESL Comment #5

Further to McIntosh Perry's comment, bat snag surveys have still not been included; therefore potential loss of maternity or roosting habitat can not be documented. The report states that no trees with >10 cm dbh are present on site, but this cannot be confirmed without detailed vegetation surveys or snag surveys. Determination of impact to this habitat must be completed.

HESL Comment #6

Section 4.3.3.4 states that *"a single adult otter was observed foraging in the water near the den site, frequently going to and from the den to consume fish that it had captured"* and yet the report continues to refer to the area as a candidate denning site. The terminology should be changed to "confirmed".

Proposed Development

HESL Comment #7

While the intent of the proposed project is to reduce the footprint by developing multiple single-family dwellings, this approach is valid only when compared to a plan of subdivision and lot severance. In fact, this number of dwellings and accessory structures in the proposed configuration creates a substantial footprint. The total area of the entire development should be provided and should include all areas where vegetation removal is required. This calculation is necessary to provide an assessment of impacts and identify the area of compensation plantings and tree removal/replacements.

HESL Comment #8

The Sanitary Servicing Brief prepared by Kollaard Associates Inc, states that *"each cottage will be serviced by its own septic tank and its own absorption trench leaching bed"* and calculates the total daily design sewage flow rate of the property at 9,450 l/day. No information is provided on the accessory buildings which include a community building and guesthouses, that will likely require some type of servicing. This should be discussed by the Kollaard report and subsequently included in the EIS.

HESL Comment #9

Section 5 - Proposed Development states *"at this time, recommendations are limited to high-level qualitative recommendations for stormwater management, rather than the detailed design of stormwater management features."* Given that construction is proposed to commence as early as Spring 2024, more detail should be available for stormwater management practices and the EIS should subsequently provide details of the stormwater management plan.



Significant Wildlife Habitat

HESL Comment #10

Section 6.2 discusses the Candidate Animal Movement Corridor with respect to the otter denning site. The report states that *“it is unlikely that the any otters occupying the den site would traverse up the slope and across the peninsula to access another area of Palmerston Lake, while it would be more efficient for the otters to utilize the shorelines and open water by swimming around the peninsula”*. Additional evidence should be provided to show that the otters are likely to utilize the shoreline rather than traversing up the slope.

HESL Comment #11

Additional SWH was identified in Tables C.2 and C.4 that was not discussed in the text of the EIS. These include Aquatic Feeding Habitat, Amphibian Movement Corridor and Bat Maternity Habitat. These should all be addressed in the EIS. Aquatic Feeding Habitat potential is identified but is screened out since MNR mapping does not identify any; however, MNR mapping includes only Crown land. If potential SWH is present for amphibian breeding habitat, then potential for an amphibian movement corridor should be discussed. To state that bat maternity colony surveys are outside the scope of work is unacceptable. The potential for this SWH must be addressed.

Fish Habitat

HESL Comment #12

A considerable amount of detail has now been added with respect to sensitive Lake Trout spawning habitat on Gravel Point, potential impacts, and mitigation measures. However, we note that Figure A.4 continues to refer to the habitat as *“candidate”* Lake Trout spawning habitat. Since the Lake Trout spawning habitat has been confirmed numerous times by Fish Activity Area (OMNRF 2023), please revise the figure and any other text references to say *“confirmed”*.

HESL Comment #13

Section 6.3 of the EIS states that *“direct impacts to fish and fish habitat as a result of this project may include a minor loss of shoreline vegetation, as well as habitat encroachment”*. The report goes on to state that *“no in-water alterations to vegetation, structure of substrates is anticipated”* and *“installation of three docks for residential purposes is not anticipated to negatively impact fish or fish habitat”*. These conclusions may be accurate insofar as construction is concerned, but the report says nothing about the ongoing operation of the docks. Boat and human activity associated with the docks may be extensive with the amount of proposed development and may impact fish habitat through water disturbance, suspension of sediment, and alteration of habitat through general use. This potential impact must be addressed.



HESL Comment #14

Section 6.3 also states that harm to *“the wetland and unnamed watercourse are anticipated to be minimal, mostly indirect and temporary in nature”*. The development plan shows a stream crossing as a result of the existing road. Has consideration been given to the need to upgrade the crossing to accommodate the additional traffic that will result from the proposed development? No characterization of this watercourse has been provided except to state that it likely provides fish habitat. The flow regime, substrate and other features should be identified for this watercourse.

HESL Comment #15

Further to Comment #13 above, Section 6.3.1 refers to a study that concludes that motorboats may indeed have multiple impacts on fish and fish habitat including increased turbidity, eroded banks and scouring aquatic macrophyte habitats. The EIS then states that based on the results of a study, *“no effect of boat traffic or manual tracking on the depth, speed, and path predictability of lake trout, even when accounting for fish proximity to the motorboat, both when lake trout were in deep water (6 m; summer) and when they were in shallow water (2 m; fall spawning season)”*. This statement is taken out of context, provides no details on the study and is entirely misleading. It is meant to imply that Lake Trout in Palmerston Lake may not be impacted by additional boat traffic, but no such conclusion can or should be drawn from such limited information, particularly for an unrelated study in a northern boreal lake. This statement should be removed or additional context provided.

SAR Habitat

HESL Comment #16

Since Black Ash is now a listed species, individuals should be documented and portrayed on Figure A.4 and transferred to Figure A.6 in order to show potential impacts. Since the prescribed habitat is 30 m from an individual tree, this radius should be indicated wherever a Black Ash is located. In addition, statements such as *“overall loss of black ash habitat and specimens is anticipated to be minimal”* is not an acceptable conclusion for an Endangered species. Please revisit the section on Black Ash and include locations of individuals, 30 m radius and revise the text. Also please note that the protections for Black Ash are in effect as of January 25, 2024.

HESL Comment #17

Table C.7 identifies Monarch Butterfly and Yellow-banded Bumble Bee as Special Concern and as having a moderate probability of occurring on site along with potentially suitable foraging habitat; however, neither species is addressed in Section 6.1.6 - Habitats of Special Concern and Rare Wildlife Species SWH. This oversight should be rectified.



Avoidance and Mitigation Measures

HESL Comment #18

In several sections, Gemtec states that if vegetation clearing activities must take place within the breeding bird timing window, a nest survey must be conducted. We recommend against conducting nest searches in most instances during the migratory bird breeding season, following guidance from Environment and Climate Change Canada¹. Nest surveys are recommended only for relatively simple habitats (e.g., urban park with lawn and a few scattered trees, a previously cleared area, or a human-built structure such as a bridge), not for areas with more complex habitat, such as forest. Active searching for nests is not recommended because the probability of detecting nests is very low, while the risk of damaging or disturbing nests, causing predation to eggs or young, or causing nest abandonment by adults is very high. Given these constraints we recommend that tree/vegetation removal be avoided during the March 31 to August 31 period so that migratory birds and their nests or eggs are not harmed.

HESL Comment #19

While the intent of relocating the parking dock farther into the bay is *“to minimize potential impacts on the dock structure from wind and waves”*, thereby reducing suspended sediment and impacts to water quality, the dock is in fact located in the vicinity of the known Lake Trout spawning habitat, also in an area of undisturbed shoreline where otters are likely to frequent and that was described as being *“efficient for the otters to utilize the shorelines and open water by swimming around the peninsula”* and in an area where Blanding’s turtles could occur. Considering that the boat dock would result in the greatest impact of all the proposed docks due to the disruptive nature of boat traffic, and that any suspended sediment would take longer to disperse because of an absence of wind and wave action, we question the optimum location of this dock. Bullets 2, 3 and 4 in the EIS present mitigation measures that may be effective; however, the most effective mitigation is known to be avoidance. The location of the boat dock should be reconsidered in the context of minimizing impacts to the Lake Trout spawning habitat as well as to multiple types of wildlife habitat.

HESL Comment #20 – Merlin Nest

While limiting the amount and timing of vegetation clearing are viable construction mitigation measures, no mention is made of human presence in the vicinity of the merlin nest during breeding season. With the presence of four cottages, associated roads and accessory buildings in the vicinity of the nest, additional mitigation measures must be included in order to show no negative impact. Also, a 50-metre radius around the nest should be shown on the figures.

HESL Comment #21

Section 7.6 advises that *“In effort to offset the effect of vegetation clearing, consideration should be given to landscape planting with native tree species indicative of the Great Lakes – St. Lawrence Forest Region,*

¹ Environment and Climate Change Canada. 2023. *Guidelines to avoid harm to migratory birds.* <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html#toc0>



such as white cedar, white spruce, red maple and red oak.” In fact, additional efforts should be taken to compensate for the effects of vegetation clearing. Following completion of a plant inventory and clarification of the vegetation communities recommended in Comment #3, a table should be generated that documents the type of vegetation community being removed for all areas of the proposed development, and the corresponding area of removal for each community. A plan for compensation plantings should then be generated. A tree inventory should also be conducted followed by a tree preservation plan that will propose compensation for tree removals.

Mapping

HESL Comment #22

All natural heritage features identified on Figure A.4 should be transferred to Figure A.6, in order to identify the presence of these attributes in relation to the proposed development. It is difficult to determine potential impacts without this information. In addition, the required setbacks and buffers should be identified on this figure. For example and per Comment #20, protection for the merlin nest should be shown.

Cumulative Impacts

HESL Comment #23

Section 6.5 states that cumulative impacts to the natural environment are *“expected to be minimal given the existing residential land use and abundant habitat in the surrounding project area.”* This conclusion minimizes the importance of cumulative impacts and leads to “death by a thousand cuts”. The importance of cumulative effects should be addressed in greater detail in the report.

Planning Report

HESL Comment #24

The Planning Report (Zanderplan 2023) identifies several exceptions to the Zoning By-law being requested by the applicant. These include additional waterfront structures, additional docks, reduction in the waterfront setbacks and construction of additional access corridors. The applicant also wishes to seek an exception to the Rural Co-operative zone to permit sleep cabins. While the conclusions of the EIS are no significant impacts to natural heritage features identified on-site, we question the validity of this conclusion given the large number of exceptions, each of which will result in additional impacts to the natural environment on the site. For example, Section 3.29 of the Zoning By-law provides one access corridor not greater than 7 m and the applicant is requesting four access corridors. In our opinion, this amount of alteration and removal of habitat does not meet the test for no negative impacts.

4. Conclusions

In our peer review we have identified concerns related to the following topics:



- Characterization of existing conditions (plant list, watercourse, ELC),
- Servicing,
- Documentation and assessment of SWH,
- Documentation of SAR habitat,
- Dock location,
- Identification of both construction and operation impacts,
- Quantification of vegetation removal and determination of compensation plantings,
- Mapping of natural heritage features and mitigation measures,
- Cumulative impacts,
- No negative impacts.

Further to these concerns, we note that without sufficient surveys being conducted, the report lacks comprehensiveness. Missing surveys such as breeding amphibians, snag surveys and a complete plant list detract from the robustness of the assessment. Although substantial buffers and setbacks are applied as if certain species were present, a comprehensive characterization of the site is a far more accurate and thorough method of conducting an EIS. These assessments are standard items to be included when an EIS is undertaken.

In response to the concern that no fish habitat assessment has been conducted, we offer the following perspective. While we understand the extreme oversight on Gemtech's part in failing to conduct a fish habitat assessment, the latest version of the report identifies Gravel Point as confirmed Lake Trout spawning habitat. In addition, they have filed a Request for Project Review with DFO and have identified several mitigation measures to minimize impacts to the spawning shoal. Even though the mitigation measures are not sufficient to avoid impacts, in our opinion, completion of a fish habitat assessment would not change the conclusion that this habitat is limiting and sensitive. Therefore, we are not recommending that this assessment be completed.

Based on our review of the EIS, we believe that the applicant has not demonstrated conformity with all relevant municipal, provincial, and federal policy and legislation. We believe that addressing our concerns will improve the ecological impact assessment for the proposed development, but we also believe that revisions to the overall development plan would result in a proposal that avoids or minimizes the substantial negative impacts on significant natural heritage features and functions, more effectively and we recommend that a reassessment and revision of the proposal be undertaken. For example, consideration should be given to limiting the overall footprint of the development by reducing the number of buildings and clustering them together and as far away as possible from the numerous sensitive features. Measures such as these would reduce the number of roads and pathways and overall disturbance to the natural heritage features.

We thank you for the opportunity to conduct this peer review. Please let us know if you have any questions or concerns.



Sincerely,
per. Hutchinson Environmental Sciences Ltd.

A handwritten signature in black ink, appearing to read "Jo-Anne Lane", enclosed within a thin black rectangular border.

Jo-Anne Lane, M.Sc.
Senior Aquatic Scientist

A handwritten signature in black ink, appearing to read "Andrea Smith", enclosed within a thin black rectangular border.

Andrea Smith, Ph.D.
Senior Scientist



September 20, 2024

SEC 24-063

Peter Roberts and David Roberts
c/o KMD Planning Inc.
560 Romaine Street
Peterborough, Ontario
K9J 2E3

Re: Peer Review of Environmental Impact Statement at 1099B Lafolia Lane in the Township of North Frontenac

To whom it may concern,

Thank you for retaining Sumac Environmental Consulting (Sumac) to conduct a peer review of the Environmental Impact Statement (EIS) prepared by the GEMTEC that supports a zoning amendment and construction of a cooperative development at 1099B Lafolia Lane in the Township of North Frontenac, County of Frontenac. This letter provides a brief overview of the EIS with Sumac comments and overall conclusions of the peer review. The review considered the following documents:

- Environmental Impact Statement (GEMTEC, 2024)
- Post-submission Comments (MVCA, 2024)
- Information Gathering Form prepared by GEMTEC and submitted to the MECP
- Request For Review Form prepared by GEMTEC and submitted to the DFO

Sumac staff examined the site conditions of the subject property from the perspective of the adjoining properties and water's edge on July 17, 2024. Vascular plants, wildlife, wildlife signs and habitat opportunities were noted during Sumac's site visit and used to assist in the review. Additionally, leaf-off orthographic imagery and digital terrain models were examined to assist in review of vegetation community classification and wetland delineation.

1 Background

The landowners of 1099B Lafolia Lane, Craig and Amber Hall, are proposing to develop the subject property with a cooperative development that includes multiple single-family dwellings, shared buildings, dock and amenity space. An existing laneway will be lengthened to facilitate the proposed development. Section 1 of the EIS makes mention of relevant natural heritage planning documents including the Provincial Policy Statement (PPS), Endangered Species Act, Conservation Authorities Act and Township of North Frontenac Official Plan. Of note, Section 1 of the EIS does not mention other relevant natural heritage planning documents such as the



Fisheries Act, Species at Risk Act or County of Frontenac Official Plan. Sumac offers the following planning context from the aforementioned documents below for clarity and to assist with the peer review (Attachment 1 – Planning Context).

2 Approach and Methodology

GEMTEC performed a desktop screening exercise and field reconnaissance to gain a deeper understanding of natural heritage features with the potential of occurring on or near (i.e., up to 120 m) the subject property. The desktop screening exercise appears thorough and complete.

GEMTEC completed field studies on four (4) dates in spring of 2021 for the purpose of dawn breeding bird survey, turtle basking survey, botanical inventory and ecological land classification characterization. Sumac is generally in agreement with the methodologies and approach for information gathering and documenting the existing conditions, except that a fisheries assessment could have been included to appropriately identify habitat opportunities for fish and appropriately assess impacts to fish habitat.

3 Data Analysis

Table 3.1 (See Page 9 of the EIS) provides a description of vegetation communities identified on-site with reference to Figure A.3 (See Appendix A of the EIS). It is noted that vegetation communities were identified following protocols utilized in the Southern Ontario Ecological Land Classification System (Lee et al., 1998), however, the codes presented appear to be from the Operational Draft (Banton et al., 2009). The Operational Draft codes are appropriate given that the subject property is located in EcoRegion 5E. Substrate samples are generally required to appropriately classify vegetation communities in EcoRegion 5E following protocol of the Operation Draft. It is unclear if substrate samples were collected during site investigations. With consideration of data collected during Sumac's site visit and analysis of leaf-off orthographic imagery, some of the vegetation communities appear to have been misidentified and/or require refinement (Attachment 2 – Existing Conditions and Digital Terrain Model). Of particular concern, a conifer swamp may have been misidentified as an upland coniferous forest. Dominance of wetland species in this area viewed from the adjoining property and a substrate sample taken by Sumac staff at the property's edge suggests the presence of conifer swamp. Orthographic imagery and digital terrain models were used to assist in the delineation of said wetland community as it extends further into the subject property.

A summary of wildlife observed on the subject property and adjacent lands is provided in Appendix C of the EIS. It is noted that the first dawn breeding bird survey may have been completed during an event of light precipitation (See Table 2.1 on Page 4 of the EIS) which could indicate that not all breeding birds present on the subject property were appropriately documented. A Species at Risk Screening and Significant Wildlife Habitat Screening is provided in the



Appendix C of the EIS. It is noted that black tern and Eastern wolf have been documented in the local area but were not included in the Species at Risk Screening.

GEMTEC identified the following natural heritage features as occurring or having the potential to occur on or near the project site:

- Unevaluated wetland;
- Habitat of Endangered and Threatened Species; and
- Significant Wildlife Habitat.

Sumac is in agreement with the identification of natural heritage as occurring or having the potential to occur on or near the subject property.

4 Impact Assessment

The proposed development is not located in unevaluated wetland. GEMTEC prescribed a 30-33 m setback to unevaluated wetland and recommended general mitigation measures for the protection of water quality and wetland habitat. Sumac is in agreement with the prescribed setback and recommendations.

The proposed development is not located in candidate reptile hibernaculum. GEMTEC illustrated a 30 m setback to candidate reptile hibernaculum and recommended avoidance and mitigation measures to minimize impacts to candidate reptile hibernaculum. Sumac is in agreement with the illustrated setback and recommendations, however, it is unclear if the proposed development is located outside of the 30 m setback. Although Figure A.6 does not show encroachment to the 30 m setback, the proposed development does not appear to consider the required construction accessibility, staging areas, etc.

The proposed development is not located in wetland supporting candidate amphibian breeding habitat. GEMTEC prescribed a 30-33 m setback to wetland. Sumac is in agreement with the prescribed setback.

The proposed development does not require removal of the identified merlin nest. Although GEMTEC identified a 50 m radius from the identified merlin nest as nesting habitat for merlin, development within this area is supported only where absolutely necessary to accommodate the proposed structures. Given the amount of available area on the subject property, it is unclear as to why development is being proposed within the identified merlin nesting habitat. Figure A.6 does not illustrate the identified merlin nesting habitat and as such, it is unclear how close the proposed permanent structures and anticipated anthropogenic activity may affect this habitat.

Impacts to the Significant Wildlife Habitats under the category of Habitats of Special Concern and Rare Wildlife Species do not consider monarch and yellow-banded bumblebee.



The proposed development, except for the boat house, main waterfront and small swim dock, are setback 30-33 m from Palmerston Lake. GEMTEC prescribed a 30 m setback to confirmed fish breeding grounds. While Sumac is in agreement with the prescribed buffer, a fisheries assessment should be completed to map and characterize other candidate fish habitat features/areas that may benefit from a setback and should be considered when determining the most appropriate location for the proposed shoreline developments.

Impacts to Habitat of Endangered and Threatened Species appear thorough and complete. It should be noted that it is now a requirement to conduct a black ash health assessment for the purposes of the ESA where black ash with a diameter at breast height of 8 cm or more that are located in areas of the province identified in Schedule 1 of O. Reg. 6/24 has the potential to be impacted by a proposed development. Black ash habitat is defined as the areas within a radial distance of 30 m around each black ash tree to which the prohibitions of clause 9(1)(a) of the ESA apply. A thorough screening for black ash on the subject property should be completed. Black ash health assessment(s) may be required.

GEMTEC recommends avoiding removal of mature and decadent trees and snags in an effort to minimize impacts to wildlife, however, no screening exercise or snag survey was completed for the subject property. Detailed guidance as to how to avoid removal of said trees should be provided in an updated EIS or a screening exercise / snag survey during leaf-off conditions should be completed to demonstrate that the proposed development is not located in or near mature and decadent trees to be retained.

5 Summary

The EIS concluded that with full implementation of the prescribed recommendations, the proposed development will be in conformity with permitted uses and applicable natural heritage policies. Sumac recommends that a policy analysis be included as part of the EIS and that the comments below be addressed, where applicable.

Comment #1: In an effort of demonstrating conformity with Sections 1.2.2 and 4.3 of the Provincial Policy Statement, Sumac recommends consulting with the Algonquins of Ontario with regard to land use planning affecting protection of water quality and including said consultation in an updated EIS.

Comment #2: Sumac recommends refining/updating the vegetation community mapping for the subject property or providing the soil data that supports the current mapping in an updated EIS. Due to the proximity of wetland to site works and variance when compared to that of the digital terrain model, Sumac recommends having a provincially certified wetland evaluator stake the limits of wetland with a licensed Ontario Land Surveyor present to survey the points accordingly and include this information in an updated EIS.



Comment #3: Sumac recommends repeating the two (2) dawn breeding bird surveys. Surveys should be completed within the first five (5) hours after dawn between May 24 and July 10. The first survey should be completed on or before June 15. The second survey should be completed on or after June 15. Surveys should not be completed during events of precipitation, fog or high winds (i.e., up to 3 on the Beaufort wind scale). A thorough screening for red-headed woodpecker cavities should be completed. The results of the surveys and screening should be included in an updated EIS.

Comment #4: Figure A.6 should be updated to illustrate the proposed development envelope including construction accessibility, staging areas, etc. and include in an updated EIS. The proposed development should be updated to avoid encroachment to the 30 m setback to candidate reptile hibernaculum, if encroachment is currently proposed.

Comment #5: Figure A.6 should be updated to illustrate the identified merlin nesting habitat in an updated EIS. The proposed development should be located outside of the identified merlin nesting habitat or further information should be provided to support development in the identified merlin nesting habitat.

Comment #6: Impacts to the Significant Wildlife Habitats under the category of Habitats of Special Concern and Rare Wildlife Species do not consider monarch and yellow-banded bumblebee. The impact assessment should include said species in an updated EIS.

Comment #7: A fisheries assessment should be completed to map and characterize all candidate fish habitat features/areas located along the shoreline of the subject property and the interior of the subject property. This may require a site visit under high-flow conditions (e.g., spring freshet) and drier conditions (e.g., late-July/early-August) to identify ephemeral/intermittent/perennial watercourses. The fisheries assessment should be provided as a standalone document or included in an updated EIS. An update to the proposed development may be required subject to the results of the fisheries assessment. The EIS should be updated with the findings from the DFO consultation, including any altered mitigation measures and/or design changes.

Comment #8: Detailed guidance as to how to avoid removal of mature and decadent trees should be provided or a screening exercise / snag survey during leaf-off conditions should be completed to demonstrate that the proposed development is not located in or near mature and decadent trees to be retained. This information should be provided in an updated EIS.



Comment #9: A thorough screening for black ash on the subject property should be completed prior to the onset of site works. Black ash health assessment(s) may be required for the purpose of the ESA.

Comment #10: The Species at Risk Screening should be revised to include black tern and Eastern wolf and included in an updated EIS.

Comments #11: The Province of Ontario provides protections for Species at Risk and their habitats through the ESA which is administered by the Ministry of Environment, Conservation and Parks. The EIS should be updated with findings from the MECP consultation, including any altered mitigation measures.

6 Closure

Sumac has conducted this peer review on behalf of Peter Roberts and David Roberts. We have formed our opinions and made our comments based on a review of the documents as presented, leaf-off orthographic imagery, digital terrain models and an examination of the site conditions from the perspective of the adjoining properties and water's edge on July 17, 2024. Sumac has not conducted a site visit on the subject property nor fully replicated the background data collection or analyses that are reported in the EIS.

Thank you for the opportunity to undertake this assignment and should you have any questions, please do not hesitate to contact the undersigned.

Sumac Environmental Consulting

SEC 24-063

A handwritten signature in black ink that reads "Fligg".

Cassandra Fligg, M.Sc.
Environmental Consultant

Attachment 1 – Planning Context

Attachment 2 – Existing Conditions and Digital Terrian Model

7 References

- Banton, Erin, J. Johnson, H. Lee, G. Racey, P. Uhlig, and M. Wester, 2009. Ecosites of Ontario, Operational Draft, April 20th, 2009. Ontario Ministry of Natural Resources, Ecological Classification Working Group.
- Lee, H., Bakowsky, W., Riley, J., Bowles, J., Puddister, M., Uhlig, P., McMurray, S., 1998. Ecological Land Classification for Southern Ontario: First Approximation and Its Application.

Attachment 1 – Planning Context

1 Federal

1.1 Fisheries Act

The fish and fish habitat protection provisions of the *Fisheries Act* include two (2) core prohibitions against persons carrying on works, undertaking or activities that result in the following:

- the death of fish, by means other than fishing; and
- the harmful alteration, disruption, or destruction of fish habitat.

1.2 Species at Risk Act

The *Species at Risk Act* defines ‘Federal Land’ as follows: land that belongs to Her Majesty in right of Canada, or that Her Majesty in right of Canada has the power to dispose of, and all waters on and airspace above that land; the internal waters of Canada and the territorial sea of Canada; and reserves and any other lands that are set apart for the use and benefit of a band under the Indian Act, and all waters on and airspace above those reserves and lands.

As per Section 32 (1) of the *Species at Risk Act*, no person shall kill, harm, harass, capture or take an individual of a wildlife species that is listed as an extirpated species, an endangered species or a threatened species.

As per Section 33 of the *Species at Risk Act*, no person shall damage or destroy the residence of one or more individuals of a wildlife species that is listed as an endangered species or a threatened species.

As per Section 34 (1) of the *Species at Risk Act*, with respect to individuals of a listed wildlife species that is not an aquatic species or a species of birds that are migratory birds protected by the *Migratory Birds Convention Act*, sections 32 and 33 do not apply in lands in a province that are not federal lands unless an order is made under subsection (2) to provide that they apply.

2 Provincial

2.1 Endangered Species Act

Ontario’s *Endangered Species Act* (ESA) provides protection, designation, recovery and other relevant aspects of conservation for species at risk, including habitat protection in the Province.

As per Section 9 (1) of the ESA, no person shall

- a. kill, harm, harass, capture or take a living member of a species that is listed on the Species at Risk in Ontario List as an extirpated, endangered or threatened species;
- b. possess, transport, collect, buy, sell, lease, trade or offer to buy, sell, lease or trade,
 - (i) a living or dead member of a species that is listed on the Species at Risk in Ontario List as an extirpated, endangered or threatened species,
 - (ii) any part of a living or dead member of a species referred to in subclause (i),



- (iii) anything derived from a living or dead member of a species referred to in subclause (i); or
- c. sell, lease, trade or offer to sell, lease or trade anything that the person represents to be a thing described in subclause (b) (i), (ii) or (iii). 2007, c. 6, s. 9 (1).

As per Section 10 (1) of the ESA, no person shall damage or destroy the habitat of,

- a. a species that is listed on the Species at Risk in Ontario List as an endangered or threatened species; or
- b. a species that is listed on the Species at Risk in Ontario List as an extirpated species, if the species is prescribed by the regulations for the purpose of this clause. 2007, c. 6, s. 10 (1).

2.2 Provincial Policy Statement

The Provincial Policy Statement (MMAH, 2020) states that decisions affecting planning matters shall be consistent with policy statements issued under the *Planning Act*.

As per Section 2.1.4 of the PPS, development and site alteration shall not be permitted in:

- a. significant wetlands in Ecoregions 5E, 6E and 7E; and
- b. significant coastal wetlands.

As per Section 2.1.5 of the PPS, development and site alteration shall not be permitted in:

- a. significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E;
- b. significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);
- c. significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);
- d. significant wildlife habitat;
- e. significant areas of natural and scientific interest; and
- f. coastal wetlands in Ecoregions 5E, 6E and 7E1 that are not subject to policy 2.1.4(b)

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

As per Section 2.1.6 of the PPS, development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

As per Section 2.1.7 of the PPS, development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.



As per Section 2.1.8 of the PPS, development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

2.3 Provincial Planning Statement

The Provincial Planning Statement was issued under section 3 of the *Planning Act* and comes into effect on October 20, 2024. It replaces the PPS that came into effect on May 1, 2020.

As per Section 4.1.4 of the Provincial Planning Statement, development and site alteration shall not be permitted in:

- a) significant wetlands in Ecoregions 5E, 6E and 7E¹; and
- b) significant coastal wetlands.

As per Section 4.1.5 of the Provincial Planning Statement, development and site alteration shall not be permitted in:

- a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E¹;
- b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)¹;
- c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)¹;
- d) significant wildlife habitat;
- e) significant areas of natural and scientific interest; and
- f) coastal wetlands in Ecoregions 5E, 6E and 7E¹ that are not subject to policy 4.1.4.b),

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

As per Section 4.1.6 of the Provincial Planning Statement, development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

As per Section 4.1.7 of the Provincial Planning Statement, development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

As per Section 4.1.8 of the Provincial Planning Statement, development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

2.4 Conservation Authorities Act

Regulated lands of the Mississippi Valley Conservation Authority (MVCA) have been mapped on the subject property. Conservation Authorities are empowered by the *Conservation Authorities*



Act to regulate development and activities in or adjacent to river or stream valleys, Great Lakes and inland lakes' shorelines, watercourses, hazardous lands and wetlands.

3 Municipal

3.1 County of Frontenac Official Plan

The County of Frontenac Official Plan (office consolidation 2014) identifies the following land use designations and/or features on the subject property:

- Moderately Sensitive (Lake Trout Lake) (Appendix 1B);
- Woodland/Forest (Appendix 1C);
- Wetland (Figure 4; Frontenac Interactive Map).

As per Section 3.3.3.4.4.6 of the County of Frontenac Official Plan (office consolidation 2014), tree cover and vegetation is encouraged to be retained along the shoreline to maintain the visual and environmental integrity of Waterfront Areas. Where development is proposed along shorelines, Township Official Plans should contain policies relating to the preservation of a natural undisturbed buffer between the water's edge and new development.

As per Section 3.3.3.4.4.7 of the County of Frontenac Official Plan (office consolidation 2014), to maintain the shoreline character and water quality, Local Official Plans and Zoning By-laws shall require that all new development and leaching beds be set back at least 30 metres (100 feet) from the ordinary high water marks of all waterbodies. Any proposed reduction to the 30 metre minimum setback shall be in accordance with policies in Local Official Plans which establish criteria for considering such reductions. A setback of greater than 30 metres from the ordinary high water mark may be required in some locations.

As per Section 3.3.3.4.4.8 of the County of Frontenac Official Plan (office consolidation 2014), township Official Plans shall include criteria for determining an appropriate setback where an existing lot of record cannot achieve the minimum setback of 30 metres (100 feet). However, the greatest setback possible will be required.

As per Section 7.1.4.1 of the County of Frontenac Official Plan (office consolidation 2014), the County of Frontenac encourages local municipalities to adopt mechanisms (such as site plan control, consent or development agreements) that would minimize and control the removal of vegetation and ensure the protection of naturally vegetated buffers adjacent to any provincially significant wetlands.

As per Section 7.1.4.1 of the County of Frontenac Official Plan (office consolidation 2014), development and site alteration shall not be permitted within lands adjacent to provincially significant wetlands or significant coastal wetlands unless the ecological function of the adjacent



lands has been evaluated and it has been demonstrated that there will be no negative impacts on their features or their functions. Adjacent lands shall include lands contiguous to the wetland or areas where it is likely that development or site alteration will have a negative impact on the wetland.

As per Section 7.1.4.3 of the County of Frontenac Official Plan (office consolidation 2014), wildlife habitats occur throughout the County but may not be shown on Appendix "1A" because the exact habitat location needs to be refined at the local scale by site specific field work. If development or site alteration is planned in or adjacent to the natural heritage system, the proponent of the development may be required to document for consideration by the local Township, whether there is potential for significant wildlife habitat to occur in the area and whether an Environmental Impact Study is required to identify significant wildlife habitat for consideration during Planning Act decisions.

As per Section 7.1.4.3 of the County of Frontenac Official Plan (office consolidation 2014), removal of vegetation shall be minimized in significant wildlife habitat areas.

As per Section 7.1.4.4 of the County of Frontenac Official Plan (office consolidation 2014), development and/or site alteration in fish habitat shall not be permitted except in accordance with federal and provincial legislation and can be demonstrated through an Environmental Impact Study that there will be no negative impact on fish habitat and its ecological function.

As per Section 7.1.4.4 of the County of Frontenac Official Plan (office consolidation 2014), new development along watercourses and waterbodies which have demonstrated no negative impact on the fish habitat or on their ecological functions shall require a minimum setback of 30 metres. These setbacks shall remain undisturbed and naturally vegetated, where possible.

As per Section 7.1.4.4 of the County of Frontenac Official Plan (office consolidation 2014), development and site alteration shall not be permitted within lands adjacent to fish habitat unless it has been demonstrated through an EIS that there will be no negative impacts to the features or functions of the habitat. Adjacent lands shall include lands contiguous to the fish habitat or areas where it is likely that development or site alteration would have a negative impact on fish habitat.

As per Section 7.1.4.5 of the County of Frontenac Official Plan (office consolidation 2014), no new development or site alteration shall be permitted within the habitat of endangered or threatened species, except in accordance with provincial and federal requirements.



3.2 Township of North Frontenac Official Plan

Although the Township of North Frontenac Official Plan (office consolidation 2017) identifies the ‘Rural’ land use designation as occurring on the subject property, the ‘Rural Cooperative’ land use designation will be discussed to assist in natural heritage policies and regulations that would apply should the re-zoning application be approved.

As per Section 3.4.3 of the Township of North Frontenac Official Plan (office consolidation 2017), the Township may consult with the Algonquins of Ontario with regard to land use planning affecting any of the following matters within the land claim area: Protection of water quality and utilization of lakes and rivers within the Land Claim area; a) Any development that would have an impact on navigable waterways and their waterbeds; b) Any Archaeological Studies related to proposed development where areas of Algonquin interest have been identified; and c) Any Environmental Impact Studies related to proposed development where areas of Algonquin interest have been identified.

As per Section 4.10.1 of the Township of North Frontenac Official Plan (office consolidation 2017), any new development must be considered in light of its effect of its impact on the environmental quality of any lake or river and, in particular, the provisions of Section 4.10.8. Lake Trout Waters.

As per Section 4.10.6 I. of the Township of North Frontenac Official Plan (office consolidation 2017), with respect to shoreline setbacks, the front yard setbacks, as detailed in an implementing comprehensive zoning by-law, are established in recognition of:

- I. Requirement of a shoreline vegetative buffer;
- II. Minimizing the dominance of the built form on the natural environment;
- III. Maintenance of privacy and noise attenuation especially on properties fronting onto a narrow waterbody;
- IV. Maintenance of aesthetic qualities of the waterfront; and,
- V. Protection of natural habitat and minimizing environmental impact in the foreshore area.

As per Section 4.12.2 B. of the Township of North Frontenac Official Plan (office consolidation 2017), development and site alteration shall not be permitted in significant wetlands or significant wildlife habitat. Development and site alteration shall not be permitted on the adjacent lands of significant wetlands or significant wildlife habitat, unless it has been demonstrated through the preparation of an Environmental Impact Assessment as required in Section 4.12.2.F. – Environmental Impact Assessment of this Plan, that there will be no negative impacts on the natural features or on their ecological functions.

As per Section 4.12.2 B. of the Township of North Frontenac Official Plan (office consolidation 2017), new development shall be set back a minimum of 30 m [98.4 ft.] from the boundary of any wetland. Development in and within 120 m [394 ft.] of a wetland is regulated under the Conservation Authorities Act through the “Development, Interference with Wetlands and



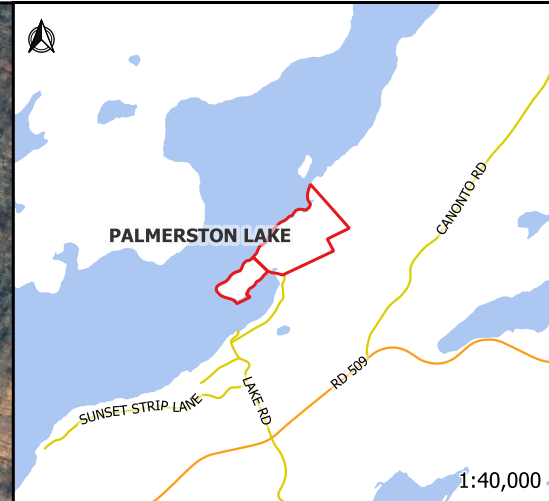
Alterations to Shoreline and Watercourses Regulations”. Development activities, including construction and site alteration, will require a permit from the applicable Conservation Authority.

As per Section 4.12.2. C. of the Township of North Frontenac Official Plan (office consolidation 2017), it is a policy of Council to protect designated cold and warm water bodies and fish spawning areas for their fish habitat values. Development and site alteration may be permitted in fish habitat except in accordance with the implementing Zoning By-law and Provincial and Federal requirements. Development and site alteration on adjacent lands to fish habitat may require an Environmental Impact Assessment pursuant to Section 4.12.2.F at the discretion of Council, to demonstrate that there will be no negative impacts on the fish habitat or on their ecological functions.

As per Section 4.12.2 D. of the Township of North Frontenac Official Plan (office consolidation 2017), no development or site alteration shall be permitted within the significant habitat of endangered or threatened species. Development and site alteration shall not be permitted on the adjacent lands of endangered or threatened species, unless it has been demonstrated through the preparation of an impact assessment as required in Section 4.12.2.F. – Environmental Impact Assessment of this Plan, that there will be no negative impacts on the natural features or on the ecological functions.

References

- County of Frontenac Official Plan (office consolidation 2014).
- R.S.C., 1985. c. F-14. Fisheries Act.
- R.S.O. 1990, c C.27. Conservation Authorities Act.
- R.S.O. 1990, c. P.13. Planning Act.
- S.C. 2002, c. 29. Species at Risk Act.
- S.O. 2007, c. 6. Endangered Species Act.
- Township of North Frontenac Official Plan (office consolidation 2017).



Legend

- Subject Property
- Adjacent Lands
- Water Feature
- Spring
- Substrate Sampling Location
- ELC Vegetation Communities

G013Tt	Very Shallow, Dry to Fresh: Cedar - Hemlock Conifer
G018Tt	Very Shallow, Dry to Fresh: Maple Hardwood
G019Tt	Very Shallow, Dry to Fresh: Mixedwood
G058Tt	Dry to Fresh, Coarse: Maple Hardwood
G059Tt	Dry to Fresh, Coarse: Mixedwood
G128Tt	Intermediate Conifer Swamp
G129Tt	Rich Conifer Swamp
G136sTl	Sparse Treed Fen
G146sSl	Open Shore Fen
G151N	Open Water Marsh Mineral
G154X	Active Limnetic Rock
G155X	Active Limnetic Mineral

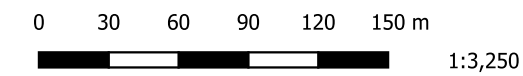
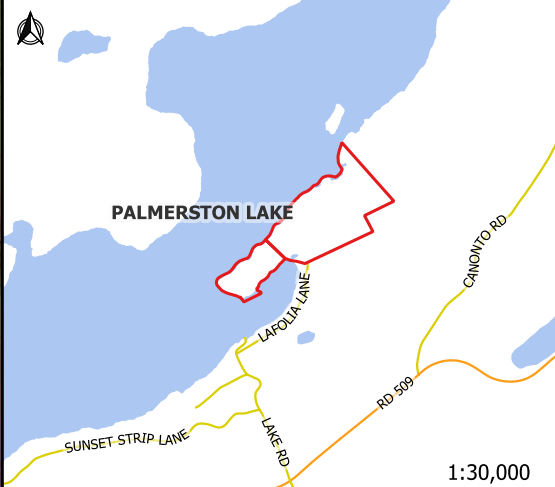




Figure 2: Existing Conditions

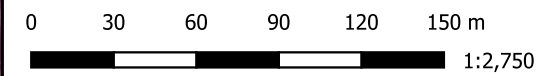
	Designed by: N.F.
	Date: 08/20/2024
	Project: SEC 24-063



Legend

-  Subject Property
-  Adjacent Lands
- 2021 Digital Terrain Model (Lidar Derived)
 - Band 1 (Gray)
 -  320.26001
 - 271.5
-  ELC Vegetation Communities
- G013Tt** Very Shallow, Dry to Fresh: Cedar - Hemlock Conifer
- G018Tt** Very Shallow, Dry to Fresh: Maple Hardwood
- G019Tt** Very Shallow, Dry to Fresh: Mixedwood
- G058Tt** Dry to Fresh, Coarse: Maple Hardwood
- G059Tt** Dry to Fresh, Coarse: Mixedwood
- G128Tt** Intermediate Conifer Swamp
- G129Tt** Rich Conifer Swamp
- G136sTl** Sparse Treed Fen
- G146sSl** Open Shore Fen
- G151N** Open Water Marsh Mineral
- G154X** Active Limnetic Rock
- G155X** Active Limnetic Mineral

Note:
Contains information licensed under the Open Government Licence – Ontario.



Digital Terrain Model



Designed by: N.F.
Date: 09/20/2024
Project: SEC 24-063

October 5, 2024

Tara Mieske,
Clerk/Planning Manager
6648 Road 506
Plevna, Ontario
Township of North Frontenac
KOH 2MO

Re: Peer Review of the Lafolia 2nd. Gemtec Submission

The inappropriateness of the Halls 'proposed development for Gravel (Big Point), Palmerston Lake, North Frontenac Ontario caused Peter and David Roberts of Lafolia Lane to retain **GHD Environmental Consultants. These consultants** evaluated and showed the deficiencies of the **first** Environmental Impact Assessment/Statement (EIS) conducted by **Gemtec Environmental** on behalf of the Hall's proposing a zoning amendment and cooperative development for the entirety of Gravel(Big Point.), Palmerston Lake, Ompah Ontario.

The release of the Applicant's (Hall's/Palmerston Lake Cooperative) **second** submission included revisions to the original Gemtec Environmental Impact Assessment/Statement, March 5, 2024, has left unanswered many environmental issues. In particular ecological damage and inappropriate solutions to mitigate site alteration to accommodate infrastructure remain largely unaddressed.

Peter and David Roberts retained the services of a second environmental consultant, Sumac Environmental Consultants(August 2024) to conduct, analyze and prepare a report on the adequacy of Gemtec's second submission submitted to Township of North Frontenac. This letter is followed by Sumac's Environmental report along with its associated recommendations.

The **GHD and Sumac Reports** were financed solely by Peter and David Roberts. The Roberts family including it various branches of Bunce and Emery have had a both permanent and seasonal presence on Palmerston Lake and Village of Ompah for over 100 years(4 generations).

The peer review by both consultants, Sumac Environmental and GHD address natural heritage and planning concerns of the proposed development for Big Point (Gravel Point) Development.

We urge the County and the Township to take serious note of all of the findings and address the actions required to mitigate impacts alluded to by Sumac Environmental.
S:\CLERK-PLANNING\Planning\ZBL and OP Amendments\Applications\2022\Z08 22 Hall, Craig & Andrea OPA 01 22\Public Comments\October 10, 2024\Attachment #1 - Letter from Roberts.docx
S:\CLERK-PLANNING\Planning\ZBL and OP Amendments\Applications\2022\Z08 22 Hall, Craig & Andrea OPA 01 22\Public Comments\October 10, 2024\Attachment #1 - Letter from Roberts.docx

For reference, the key findings and recommendations of Sumac's Peer Review letter can be summarized as follows:

- Very little policy context was provided in the EIS. Sumac recommends that a policy analysis be included in an updated EIS.
- The vegetation community codes provided in the EIS are not appropriate for the EcoRegion 5E. Soil data was not provided to support the vegetation community classification exercise. A conifer swamp appears to have been misidentified as an upland forest. Sumac recommends refining/updating the vegetation community descriptions and mapping for the subject property or providing the soil data that supports the current mapping in an updated EIS. Moreover, Sumac recommends having a provincially certified wetland evaluator stake the limits of wetland with a licensed Ontario Land Surveyor present to survey the points accordingly and include this information in an updated EIS. Appropriately delineating the limits of wetland is of particular importance, given the likelihood of this feature as functioning as habitat for endangered and/or threatened species.
- One (1) of the dawn breeding bird surveys may have been completed during light rain which could indicate that not all breeding evidence of birds present on the subject property were appropriately documented. Sumac recommends repeating the dawn breeding bird surveys during appropriate weather conditions.
- The appended figures do not illustrate a development envelope that considers construction accessibility, staging areas, etc. Sumac recommends updating the development envelopes on the appended figures accordingly to better inform the impact assessment in an updated EIS.
- The EIS supports development in merlin nesting habitat without adequate support or rationale. Figure A.6 should be updated to illustrate the identified merlin nesting habitat in an updated EIS. Sumac recommends that the proposed development should be located outside of the identified merlin nesting habitat given the availability of space in the remaining portions of the subject property or further information should be provided to support development in said area in an updated EIS.
- The Significant Wildlife Habitat Assessment does not consider special concern species, monarch and yellow-banded bumblebee, even though said species were identified as having the potential to occur on the subject property. Sumac recommends that the Significant Wildlife Habitat Assessment include monarch and yellow-banded bumblebee in an updated EIS.
- A thorough screening for surface water features at the interior of the subject property and fish habitat features along the shoreline of the subject property was

S:\CLERK-PLANNING\Planning\ZBL and OP Amendments\Applications\2022\Z08 22 Hall, Craig & Andrea OPA 01 22\Public Comments\October 10, 2024\Attachment #1 - Letter from Roberts.docx

S:\CLERK-PLANNING\Planning\ZBL and OP Amendments\Applications\2022\Z08 22 Hall, Craig & Andrea OPA 01 22\Public Comments\October 10, 2024\Attachment #1 - Letter from Roberts.docx

not completed. Sumac recommends completing said screening exercises during the appropriate time of year and including this information in an updated EIS.

- The EIS recommends avoiding removal of mature and decadent trees, however, detailed guidance as to how this will be achieved was not provided. Sumac recommends providing guidance or undertaking a screening exercise / snag survey during leaf-off conditions to demonstrate that the proposed development is not located in or near mature and decadent trees.
- A screening for black ash was not conducted. Sumac recommends a screening for black ash be completed prior to the onset of site works as a black ash health assessment may be required for the purpose of the Endangered Species Act.
- The Species at Risk Habitat Assessment did not include black tern and Eastern wolf. Sumac recommends including said species in the Species at Risk Habitat Assessment in an updated EIS.
- The Province of Ontario provides protections for Species at Risk and their habitat through the Endangered Species Act which is administered by the Ministry of Environment, Conservation and Parks (MECP). Sumac recommends updating the EIS to include the findings from the MECP consultation, including any altered mitigation measures and design changes.

We request that North Frontenac please provide review and comment of Sumac's Peer Review letter.

We request that North Frontenac post the Environmental Impact Assessment (GHD and Sumac Environmental Reports enabling the public to consider the ramifications of the proposed development.

We would like the township of N. Frontenac County of Frontenac to acknowledge receipt of this letter as well as confirm whether the 2 reports will be available to the public on the township and/or county website(s).

Regards,

Peter and David Roberts

CC

Brooke Drechsler, Deputy Clerk, North Frontenac

Sonya Bolton, Manager Community Planning County Frontenac

Joe Gallivan, Director of Planning & Economic Development, County Frontenac

Andrew Waywell, President Palmerston Lake Association.

S:\CLERK-PLANNING\Planning\ZBL and OP Amendments\Applications\2022\Z08 22 Hall, Craig & Andrea OPA 01 22\Public Comments\October 10, 2024\Attachment #1 - Letter from Roberts.docx

S:\CLERK-PLANNING\Planning\ZBL and OP Amendments\Applications\2022\Z08 22 Hall, Craig & Andrea OPA 01 22\Public Comments\October 10, 2024\Attachment #1 - Letter from Roberts.docx

Members of Council

Gerry Lichty, Mayor

John Inglis, Deputy Mayor Ward 3

Wayne Good, Councilor, Ward 1

Stephanie Regent, Councilor Ward 1

Roy Huetl, Councilor Ward 2

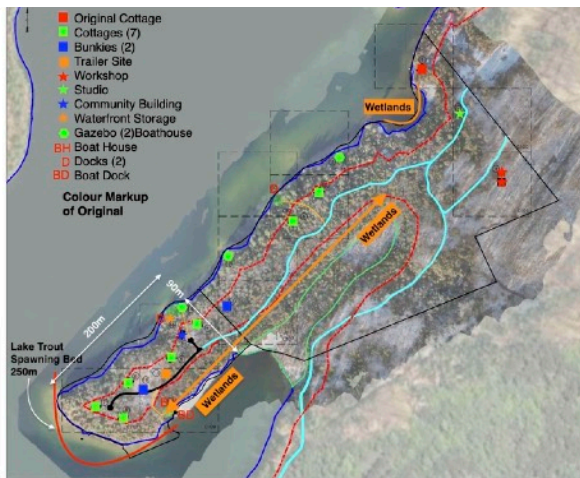
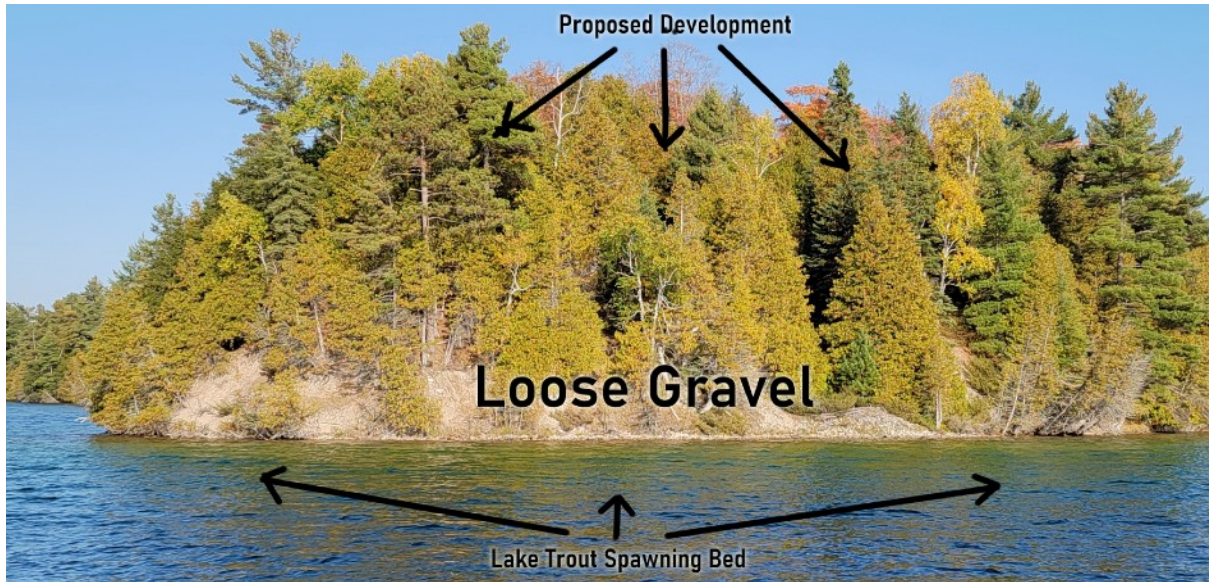
Vernon Hermer Councilor Ward 2

Fred Fowler, Councilor Ward 3

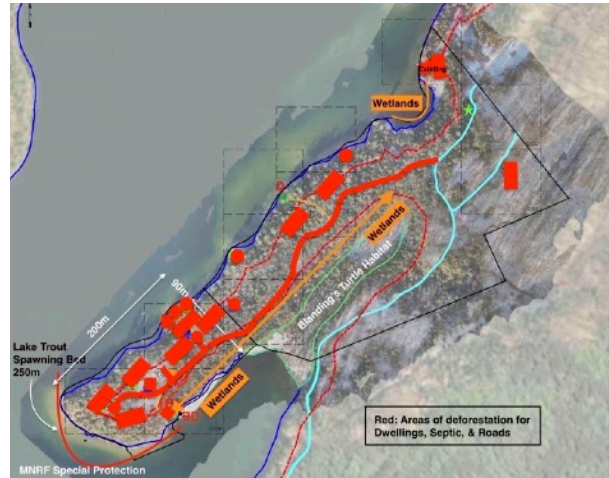
S:\CLERK-PLANNING\Planning\ZBL and OP Amendments\Applications\2022\Z08 22 Hall, Craig & Andrea OPA 01 22\Public Comments\October 10, 2024\Attachment #1 - Letter from Roberts.docx

S:\CLERK-PLANNING\Planning\ZBL and OP Amendments\Applications\2022\Z08 22 Hall, Craig & Andrea OPA 01 22\Public Comments\October 10, 2024\Attachment #1 - Letter from Roberts.docx

Gravel Point Development Environmental Risks



Development as
Proposed to Township



Deforestation Calculation (J. Hayes)
(2/3 above Lake Trout spawning area)

Jim Hayes, Palmerston Lake resident
Jan 2025
jimhayes71@gmail.com

Executive summary

Introduction

A proposed dense resort-style development on Gravel Point, Palmerston Lake (Ompah, Ontario) threatens the survival of the protected Lake Trout spawning area and the surrounding 4-acre biodiverse marsh and fen. Lake residents are overwhelmingly against the project out of concern for its significant environmental risks.

The southern shore of Gravel Point is a marshy mix of aquatic vegetation, loons, mergansers, blue heron, sunning turtles and snakes. The adjacent 4-acre marsh/fen is a potential habitat for the endangered Blanding's Turtle which has been observed on the lake. A video of Gravel Point is available [here](#).

The majority of the proposed development is crammed into 4.7 acres above the protected Lake Trout spawning bed: 7 cottages (~1200 sq-ft), 2 bunkies, studio, 1200 sq-ft community building, boathouse, trailer site, 3 gazebos, and 3 new docks with significant exemption requests.

Verbose monologue in the applicants' environmental and planning submissions feint concern, but the signal being masked by this noise is, "We don't care." We are willing to fudge density and septic calculations, make false claims about following survey protocol, twist the intention of provincial policies, and even omit the presence of an existentially threatened spawning area.

Amending the Official Plan

"The main function of the co-op zoning is to allow for more cottages." (Hall Brochure)

- The applicants propose the creation of a new "Cooperative" zoning by-law (CO-X1) to be used for this development in place of the current Limited Service Waterfront (LSW) which applies to all other lakefront property owners.
- This by-law has been written and submitted by Tracy Zander of Zanderplan who is also a by-law consultant who has worked alongside the township clerk/planning manager administering this application.
- The initial draft of by-law CO-X1 (2023) includes, but is not limited to, such uses as Maple Syrup Processing & Sales, Private School, Place of Worship, and Kennel. The township has assured the public that these special use exemptions will be removed, but this raises suspicion about the intended use of the property.
- The proposed by-law would be precedent setting in Ontario and could be leveraged by other property owners to create unfavourable "gated" communities.
- The intent of the Ontario Provincial Policy Statement (PPS) which Ms. Zander references to support the development is for community connectivity, equity, accessibility, and environmental responsibility; yet the proposed development and by-

law are the opposite - an exclusive private neighbourhood granted significant preferential environmental exemptions.

Excessive Scale and Density

- With 30m setbacks on both sides of the 90m wide peninsula, there is little room for sustainable development.
- The development will realistically require the removal of a minimum of 2/3 of the vegetation above the spawning area.
- The applicants understate the density of the development crammed onto Gravel Point by a factor of four by including their entire property in the calculation.

Environmental Threats

“Enjoying nature and protecting the environment are primary goals and responsibilities for our family and our members.” (Hall Brochure)

Lake Trout

- Lake Trout lakes are rare and becoming extinct. Lake Trout population in Palmerston Lake is in serious decline and facing additional threats such as predatory pike and invasive Eurasian Watermilfoil.
- Palmerston Lake’s largest 250m Lake Trout spawning area lies directly below the area of the densest proposed development. This critical environmental asset was suspiciously omitted from the applicants’ initial Environmental Impact Study (EIS). The spawning area is blatantly obvious visually and is clearly marked on publicly available MNRF maps.

Septic Flow

- The densest septic discharge will be above the spawning area.
- The applicants’ flow calculations omit bunkies and potential bedroom spaces in order to remain below the threshold level of 10,000 litres/day; above this threshold, a higher level of approval is required from the Ministry of the Environment Conservation and Parks (MECP).
- Accurate calculation using OBC criteria is 11,000 litres/day, even with the absence of peer recommended sanitary and grey-water provisions for the 1200 sq-ft community centre, studio, workshop, and outbuildings.

Main Boat Dock

- The proposed location of the main boat dock is adjacent to the spawning area and in a shallow bullrush aquatic zone. This location will dramatically increase boat traffic through the spawning area. Nearly 300m² will be cleared for a water activity area and boathouse.
- Given that misleading information was provided to government agencies, it is doubtful that the true density, proximity, and risk of this development is recognized.



Proposed Location of Main Boat Dock, Boathouse, & cleared Water Activity Area
Locally known as “The Sandbar”

Lack of Credibility

“Any reasonable recommendations provided to us will be adhered too.” (Halls Brochure, 2023)

Egis Recommendation

“It is still a sensitive environmental feature and additional details speaking to the impacts of development that will occur are still unclear and require clarity. Have alternative development options been considered?” (Egis, 2004)

Applicants Response

“No alternative is being considered.” (Halls Environmental Consultant Gemtec, 2025)

- If this firm position is meant to be a bargaining chip, it is at the expense of the environment and foreshadows poor stewardship for such a sensitive environment.
- When it was pointed out to Gemtec that the red-headed woodpecker had become endangered, they quickly discounted their initial observation as a false positive and, with one additional survey, deemed the endangered bird absent.
- When it was pointed out to Gemtec that black ash had also become endangered, specimens that should have reached a suitable size since the previous survey were

not found. Were Black Ash and a red-headed woodpecker nesting site removed during unmonitored road construction?

- When it was pointed out that the location of the dock may interfere with the remaining verified otter/beaver movement corridor (the road blocked the first such corridor), the observation of a foraging otter taking advantage of a beaver lodge were deleted from the EIS and the den deemed to have collapsed. The otter was spotted afterwards, in Aug 2024, scurrying along beside the intact lodge.
- The claim that Blanding's Turtle survey protocol was conducted is seriously flawed and represents nothing short of professional misconduct.
- Providing misleading environmental information, even by omitting key facts, can potentially be criminally prosecutable, which is an indication of the accountability for environmental issues.

Access Road Impact

"The cottages will be ... accessed by the existing private road." (Zanderplan Application)

- This indicates to the township that no vegetation will be removed for road construction
- The applicants immediately began the construction of a completely new 400m road.
- Including the required widening of Lafolia Lane, over 3 acres of vegetation proximal to wetlands will be removed and replaced by vastly increased traffic flow, dust, runoff, noise, and a fire access corridor to the wetlands.

Risk of future commercial or unintended uses

"it is not our intention to rent" ... "at this time." (Amber Hall, public meeting)

- The evasive nature of the applicants' intent to rent raises suspicion.
- The initial application and the latest draft include multiple uses and exemptions.
- In light of this, how will the township ensure that the development does not become, for example, a for-profit retreat with the community building used for public activities.
- The creation of a specific by-law (CO-X1) for the applicants is unwarranted, detrimental to other lake residents, and creates environmental regulation loopholes.

In Closing

- This executive summary highlights only a few of the myriad environmental risks created by this dense development in proximity to the protected Lake Trout spawning area. It is important to read the entirety of this report to understand the immensity of the applicants' omissions, misdirects, and evasive and false statements.
- These tactics have wasted the already-stretched township resources and instigated lake-wide mistrust in the applicants' stated concern for Palmerston Lake.
- The North Frontenac Township Official Plan states: "Only development that contributes to a healthy, environmentally friendly, prosperous and sustainable community will be encouraged." and...
- "Any new development must be considered in light of its effect of its impact on the environmental quality of any lake or river and, in particular, the provisions of Section 4.10.8. Lake Trout Waters."

Table of Contents

1.	GRAVEL POINT	1
1.1.	A Proposed Dense Resort-Style Development	2
2.	LAKE TROUT.....	4
2.1.	Special Protection	4
2.2.	Palmerston Lake’s Largest Lake Trout Spawning Area	5
2.3.	Additional Risks beyond “Not at Capacity”	6
2.4.	Misleading DFO Information.....	6
3.	ENDANGERED SPECIES	8
3.1.	Blanding’s Turtle	8
3.1.1.	Habitat	8
3.1.2.	MNRF Survey Protocol.....	8
3.2.	Pale-bellied Frost Lichen	9
3.3.	Black Ash.....	9
3.4.	Red-Headed Woodpecker.....	9
4.	SPECIES OF CONCERN	11
4.1.	Eastern Wood-Pewee.....	11
4.2.	Snapping Turtle.....	12
5.	OTHER EXISTING WILDLIFE	13
5.1.	Otter.....	13
5.2.	Otter & Beaver Movement Corridors.....	13
5.3.	Beaver	14
6.	ENVIRONMENTAL RISKS	16
6.1.	Structure Density and Deforestation	16
6.2.	Area Calculation	17
6.3.	Septic Systems.....	22
6.3.1.	Filtration.....	22

6.3.2. Incorrect Septic Flow Calculations.....	22
6.3.3. Septic Best Management Practices (BMP's).....	23
6.4. Human Interaction	23
7. OTHER DECISION MAKING FACTORS	24
7.1. Property Tax Revenue	24
7.2. Timeframe Pressure.....	24
7.3. Transparent Review Process	24
8. CONCLUSIONS	25
8.1. Environmental Impacts of the Development	25
8.2. Lack of Environmental Integrity & Credibility.....	25
9. APPENDICES	26
9.1. Timeline	26
9.2. List of Abbreviations	26
10. CONTACT INFORMATION.....	27

Proposed Development

1. GRAVEL POINT

- Gravel Point is a unique biodiverse ecological treasure and renowned Lake Trout Lake in Ompah Ontario. Kayakers glide over its shallow spawning bed and marshy shores to catch a glimpse of 3 or 4 turtles sunning, a Loon on its nest, or a Heron fishing. Beaver, Otter, and Snapping Turtles are glimpsed in its shimmering waters.
- This biodiverse habitat and its inhabitants are under threat, and frankly destruction, from a proposed development.



Gravel Point, Palmerston Lake, Ompah Ontario



Gravel Point Wetland Bay

1.1. A Proposed Dense Resort-Style Development

The application would create a new zoning category CO-X1 for the cooperative zoning change

From: Limited Service Waterfront (LSW) & Zoning Limited Service Rural (LSR)

To: Rural Cooperative Exception (CO-X1) zone:

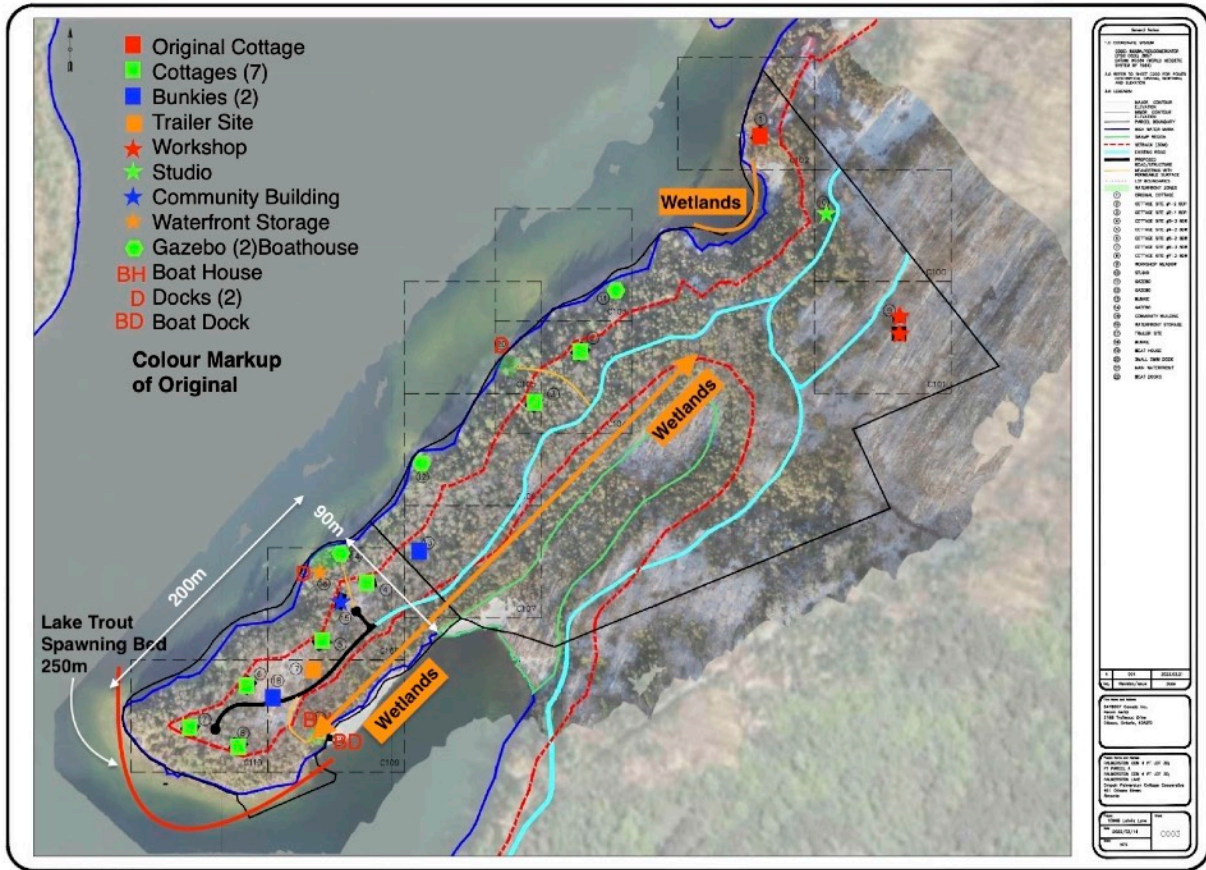
With minimal room and 30m setbacks on both sides of the narrow sensitive 90m wide peninsula, the application proposes:

- 8 cottages (1 existing)
 - 3 bunkies (1 existing)
 - 1 studio*
 - 1 community bldg*
 - 1 boathouse
 - 1 trailer site
 - 1 workshop*
 - 4 docks (1 existing)
- * no sanitary or grey water disposal plan

Significant waterfront exemptions include:

- Four (4) docks (1 existing)
- Waterfront structures of more than 85 square metres (no limit specified)
- A 5m setback for waterfront structures
- Four access corridors greater than 7 metres width to the water.
- Four waterfront activity areas totalling 15 metres of waterfront.
- Three sleep cabins (includes one existing)
- Zoning By-law CO-X1 (a precedent for Ontario lakes)

Proposed Development



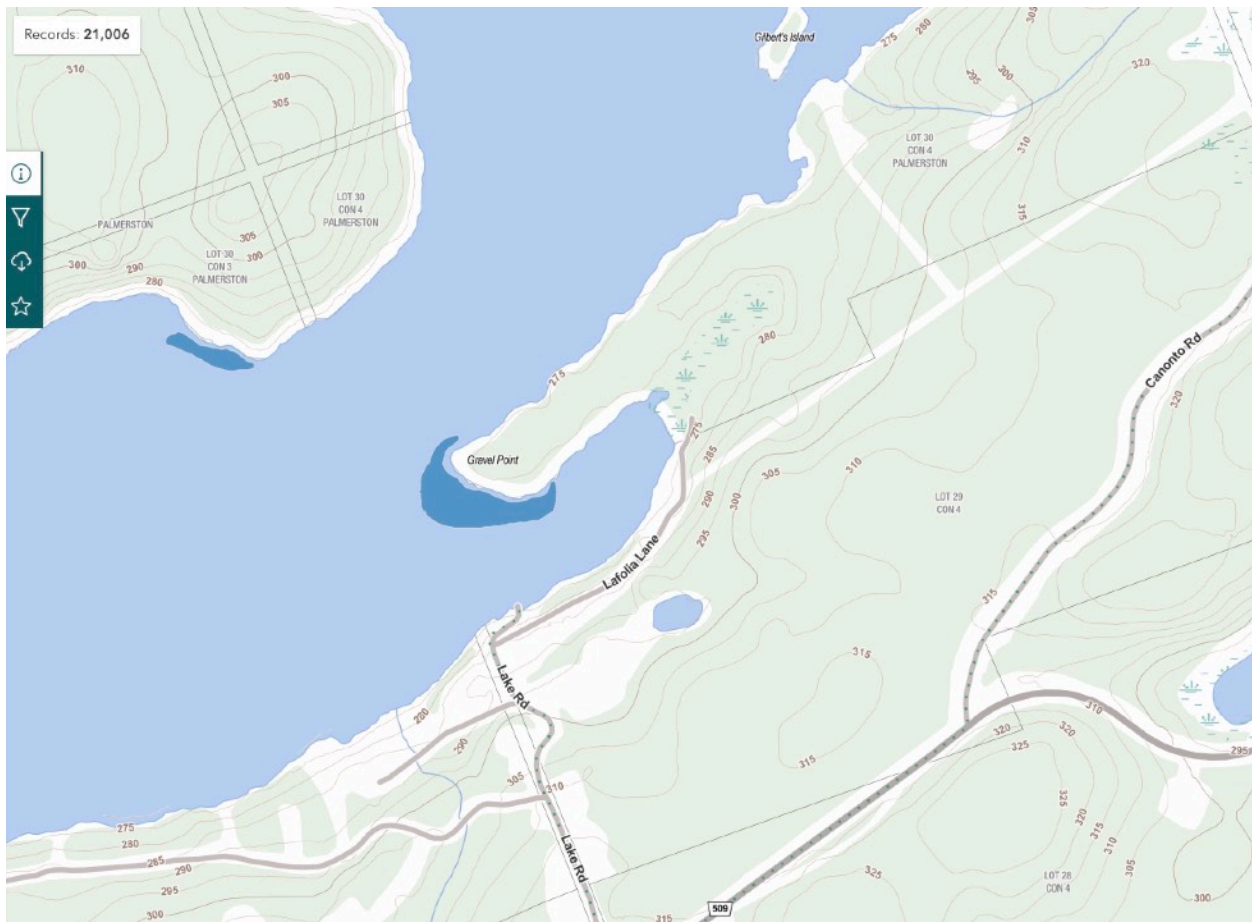
Proposed Development Locations

2. LAKE TROUT

2.1. Special Protection

The Ontario Ministry of Natural Resources (MNR) states:

- *Only 1% of Ontario's lakes contain Lake Trout*
- *20-25% of all the world's Lake Trout lakes are in Ontario*
- *5% of the province's Lake Trout populations have already become extinct*
- *[Lake Trout have] slow growth, late maturity, low reproductive potential and slow replacement rate that make them susceptible to a variety of stresses...making it challenging for their populations to recover quickly once depleted.*
- *Lake Trout lakes are particularly vulnerable to the impacts of human activities, including exploitation, enrichment from cottage septic systems, acidification, species introductions, and habitat destruction*
- *Because of their high sensitivity to disturbance, the MNR has designated "special protection" for Lake Trout lakes*



2.2. Palmerston Lake's Largest Lake Trout Spawning Area

- Palmerston's largest 250m Lake Trout spawning area wraps around the densest area of proposed development on Gravel Point
- This spawning area is clearly marked on publicly available MNRF Fish Activity maps that are frequently consulted by environmental professionals
- Any biologist would immediately recognize the sensitive area on a site visit.
- Despite this, the spawning area had to be brought to the Township's attention by concerned citizens
- **This critical spawning bed adjacent to the development was not once mentioned** in the extensive discussion of Lake Trout in the initial EIS and it is difficult to reach any other conclusion than that it was **intentionally omitted**.



Gravel Point Lake Trout spawning shore
(impossible to overlook or neglect)

Egis, the Township's Environmental Peer Reviewer, reiterates the risk of this development to fish area:

- *"There is a sensitive spawning habitat for Lake Trout off the west end of the property. These habitats are very sensitive to sedimentation which is caused by development...." and "there is a lack of field review for fish and fish habitat within Section 2 of the document and subsequently throughout the rest of the EIS."*

Lake Trout

- *“However, it is still a sensitive environmental feature and additional details speaking to the impacts of development that will occur are still unclear and require clarity.”*
- *“On sensitive Lake Trout lakes, setbacks for septic systems are often set at large distances, well over 30 m sometimes up to 300 m. Although this is not listed as a sensitive Lake Trout lake, it is still a critical habitat that needs to be considered. A full impact assessment on the fish and fish habitat of Palmerston Lake as a result of this project needs to be considered, including the construction of three docks and a boathouse...”*

Gemtec responds to these Egis Peer Review comments with complacency: “A direct fisheries assessment was *not conducted* as part of this EIS” and “Targeted surveys investigating suitable breeding habitat or active lake trout breeding were *outside of the scope of this EIS and were not conducted.*”

2.3. Additional Risks beyond “Not at Capacity”

“At capacity” is one metric used to assess the health and future of a Lake Trout lake. Additional risks on Palmerston Lake are:

- Declining Population: One fisherman’s anecdote is, *“When I started fishing for lake trout in the early 70’s it was very common to catch and release 200+ trout in a season, now you are doing well if you catch 5.”*
- A decline in Lake Trout population resulted in the cancellation of seasonal “ice” fishing in the mid-1990s.
- Invasive Milfoil has begun spreading dramatically on Palmerston Lake and will cause reduced oxygen levels which are harmful to Lake Trout.
- Non-native predatory pike, a powerful torpedo-shaped fish which ambushes quickly and especially in shallower waters such as spawning areas
- Vastly increased impact of boat wakes. The number and displacement size of boats has increased from typically 10HP runabouts to 100HP over the past 30 years.
- MNRF’s Climate Change study is alarming: *“forecasts suggest that by 2100 lake trout habitat will be reduced by about 30%, with steep declines (up to 60%) in the south and east only partly offset by increases (>30%) in the northwest.”*
(Reference: *Regional Projections of Climate Change Effects on Ontario Lake Trout (Salvelinus namaycush) Populations, MNRF, June 2009*).

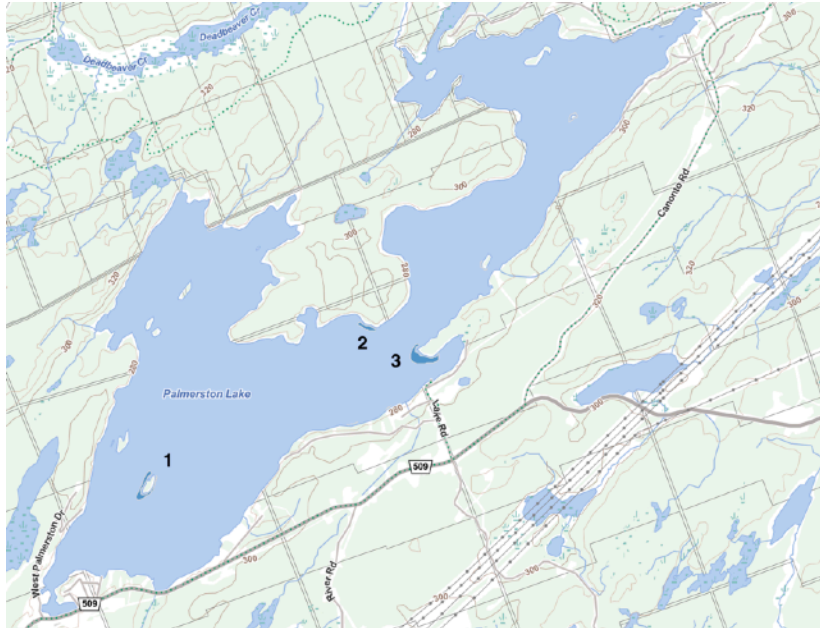
2.4. Misleading DFO Information

The applicants’ Information Gathering Form (IGF) to the Department of Fisheries and Oceans (DFO) states:

“...Lake Trout Spawning Area at the southern point of a peninsula, at the property’s southwestern limits” and “Seven other lake trout spawning areas are mapped by the OMNRF within Palmerston Lake.”

Lake Trout

- However, the MNRF map identifies only 6 *other* spawning areas, comparatively negligible in size ([MNRF link](#))
- “a” peninsula, at “the property’s southwestern limits” conjures an image of the spawning area being on a distant peninsula away from the development.
- “currently existing roadway extending to the end of a peninsula, providing access to residential cabins...” is misleading. “A” peninsula refers to “the” peninsula being developed, the road is new and still under construction, and these are not cabins.
- Furthermore, the EIS (2024) Figure A.4 *continues* to use the term “candidate” fish activity area for the spawning area.



Gravel Point (#3) is Palmerston Lake’s Largest Spawning Area

Boat Dock

“The area identified as Gravel Point associated with the Trout Spawning Habitat, has been intentionally avoided as to not disturb this area”

- “intentionally avoided” is misleading - public comments resulted in this change.
- The “improved location” of the large boat dock, boathouse, and defoliation for a water activity area is adjacent to the spawning bed and will result in heavy boat traffic, wakes, siltation, and risk of gas spillage.
- Gemtec’s EIS claim that boats will have no impact on the spawning bed misrepresents a referenced study.
- Furthermore, the proposed new location is in the location of the richest marsh area of the southern shoreline - frogs, sunning turtles and snakes, a heron fishing area, and a beaver/otter/loon/merganser corridor.

3. ENDANGERED SPECIES

3.1. Blanding's Turtle



Survey Protocol for Blanding's Turtle (*Emydoidea blandingii*) in Ontario

August 2015

3.1.1. Habitat

- Blanding's Turtles can travel to new habitat 6 km away in a single season and this endangered species has been sighted 3km away at the west end of Palmerston Lake.
- Gravel Point's environment is ideal Blanding's Turtle's habitat.

3.1.2. MNRF Survey Protocol

False Claims

- Gemtec continues to assert that their Blanding's Turtle survey was "to assess the presence or absence" of Blanding's Turtles (EIS 2024 section 2.3). They also initially claimed they were absent. This is false. Gemtec did not follow protocol for presence let alone the more intense criteria to prove absence.
- Following MNRF protocol, a survey of the 5,000m² marsh/fen area of Gravel Point would require 2 person-hours. The 13 May 2021 survey was 35 minutes.
- Gemtec's "4-hour survey" on the 4 Jun 2021 was performed during 100% cloud cover, which the MNRF states invalidates results. What expert would do this?

Endangered Species

- To evaluate Gemtec's expertise, it is worth noting that in ideal noon conditions over hours of surveying on three separate occasions, Gemtec detected at total of only two Midland Painted Turtles. There are typically 3-4 Midland Painted Turtles on any visit to the bay and Blanding's Turtle surveying requires much more expertise.
- The applicants' MNRF Information gathering form (IGF) repeated these false claims, demonstrating a clear lack of integrity.
- When peer review criticized their findings, Gemtec announced that they will now assume the area has Blanding's Turtles and claims without scientific corroboration that there will be no impact.

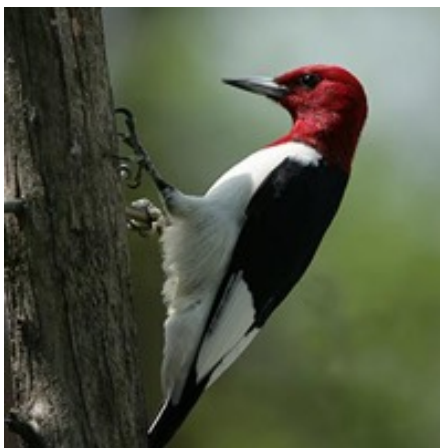
3.2. Pale-bellied Frost Lichen

- Not mentioned in first EIS because Gemtec's chart was for the wrong area.

3.3. Black Ash

- Black ash was observed on site in the EIS (2021)
- After the Egis peer review noted that Black Ash was endangered, Gemtec performed another survey and stated: "*During the June 18, 2024, site investigation healthy black ash of greater than 8 cm in diameter or greater than 2 m in height were surveyed for. No specimens meeting the provincial requirements for protection were identified.*"
- The correct criteria is actually 1.37m, not 2m - invalidates the survey.
- How is it that the initial specimens have not grown to more than 1.37m in 3 years
- Was there any attempt to identify and protect the Black Ash during road construction?

3.4. Red-Headed Woodpecker



Red-headed Woodpecker
(MNRF photo)

- A Red-Headed Woodpecker was identified "off site" in the first EIS (2021).
- Gravel Point is a candidate nesting and foraging habitat for the endangered Red-Headed Woodpecker (RHW). Note that RHWs can forage over a 12 acre area.

Endangered Species

- The detected bird may still have been within the property boundaries and the nest could still have been anywhere on the property.
- After being brought to their attention that the Red-Headed Woodpecker was endangered, the positive identification of this bird was deleted from the updated (2024) EIS with the explanation: A single survey on June 18, 2024 did not get a response, and that “*Historical observations from SAR databases and citizen science [sic] websites indicate nearest observation is 12 km southwest.*” [sic = as written].
- Was there any attempt to identify and protect the endangered woodpecker’s nest to ensure that it was not a victim of clearing of trees for the roadway and workshop before Township acceptance of the EIS?



Great Blue Heron at Gravel Point

4. SPECIES OF CONCERN

4.1. Eastern Wood-Pewee



Eastern Wood-pewee
MNR photo

- Eastern Wood-Pewee was detected and there is a high probability of habitat on sight.
- *“Eastern wood-pewee may be sensitive to human habitation. In Ontario they occur less frequently in woods with surrounding development than those without houses (COSEWIC, 2012a).”*
- This bird may relocate from the property, especially if in the area of dense development.
- The latest EIS (2024) states: *“Direct impacts to eastern wood-pewee Significant Wildlife Habitat (SWH) are primarily associated with the potential loss of up to 0.52 ha of the approximately 12.7 ha (4%) of suitable forest habitat on-site.”*
- However, as will be shown, the actual area that will be deforested according to realistic calculations is 4.4 acres or 1.8 hectares, 68% (not 4%) of the area in which this bird was detected.

4.2. Snapping Turtle

- The habitat surrounding Gravel Point is suitable for the snapping turtle, which can be difficult to detect.
- Gemtec concludes that: “Snapping turtle were not observed [sic] on-site during the site investigations [sic].”
- This should not mislead a reader to conclude that they are rare or absent.
- Snapping turtles have been long-term residents of the lake, with one recent 24” carapace specimen recently observed adjacent to Gravel Point.
- Gemtec states that protection will be offered to species of concern, such as the snapping turtle by the 33 m setback.



Snapping Turtle near Gravel Point
13 July 2023

5. OTHER EXISTING WILDLIFE

5.1. Otter

- The wetland area surrounding Gravel Point is ideal for Otter habitation because of protective vegetation, warmer winter water, and easy access to open water.

The Original EIS (2021) states:

- *“A single adult otter was observed foraging in the water near the den site, frequently going to-and-from the den to consume fish that it had captured... the otter was observed to utilizing [sic] an old beaver lodge.”* (Table C.4).

The latest EIS (2024) states:

- “No active denning sites were observed on-site or within the adjacent study area” and then deletes all reference to the observation of the foraging otter, claiming that a partial collapse of the lodge has made it uninhabitable.
- A resident observed the otter scurrying along shore near the (still intact) lodge/den in late August 2024.

5.2. Otter & Beaver Movement Corridors

- Egis peer review disputed Gemtec’s statement that the otter would not use the lower sloped area of the isthmus as a movement corridor; however, this movement corridor, potentially for otter and beaver, is now hampered by the newly constructed road.
- Gemtec stated that it would be more efficient for the otter to utilize the shorelines and open water. This remaining route is confirmed by a resident’s visual observation of a beaver using this route in Aug 2024.
- This shoreline is the proposed location for the 17.8m² boat dock, 12’x14’ boathouse (Gemtec states the boathouse may protrude 8m into the water), and 225m² cleared waterfront activity area).
- The DFO does not recommend the placement of boathouses in sensitive areas. Were they made aware of the wetland shoreline?

5.3. Beaver

- Gemtec's updated EIS (2024) has removed most references to the beaver, although a resident observed it in early August 2024 swimming underwater along the shallow spawning area toward the beaver lodge.
- The beaver was adding fresh branches to the lodge recently. Gemtec claims it is now partially collapsed and uninhabitable.
- The beaver lodge was observed in Jan 2025 to be intact.
- Characteristically gnawed branches continue to drift ashore in the area
- A second larger beaver lodge in the marsh was not observed by Gemtec, who claimed to have searched the area for Blanding's Turtles.



Beaver Lodge with fresh cut branches
7 Sep 2023

Other Existing Wildlife



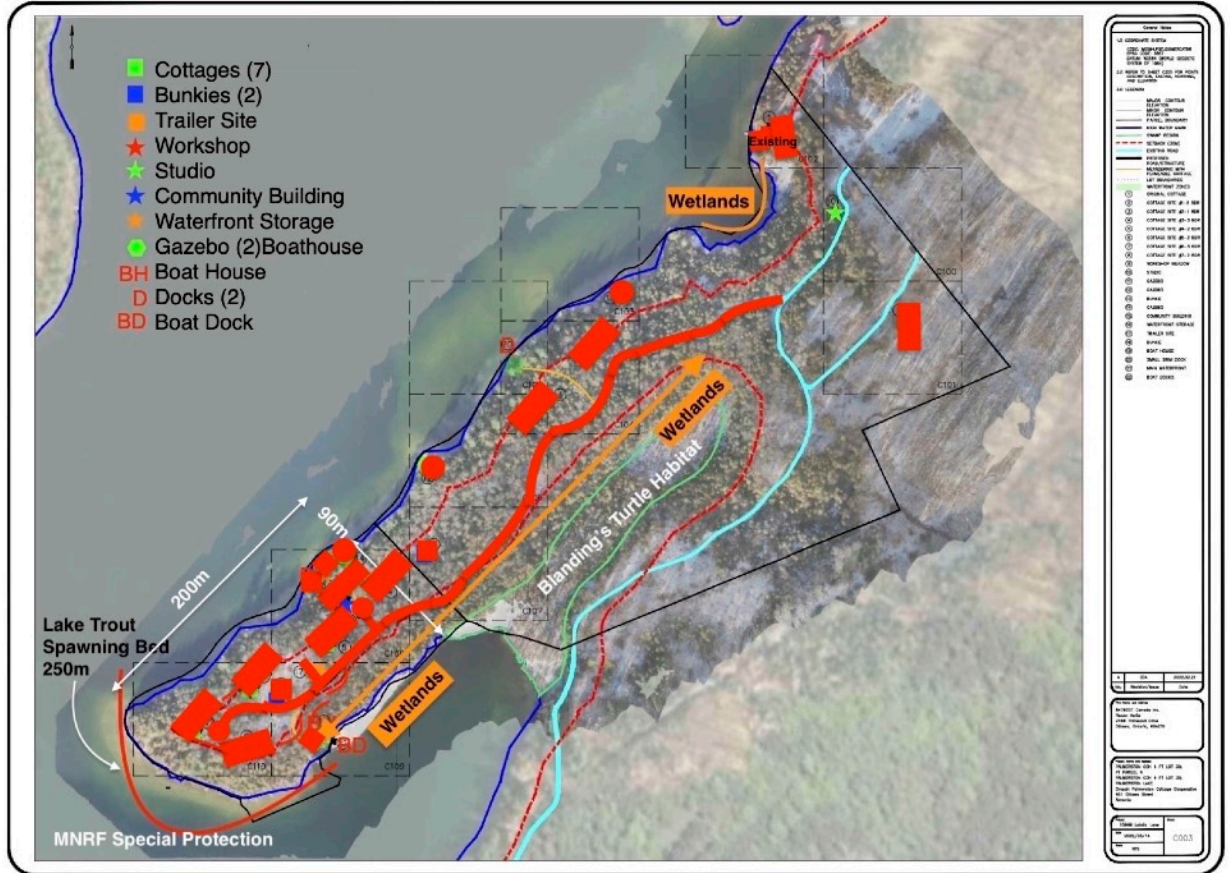
Beaver Lodge (Jan 2025)
Disputes Gemtec's claim that is partially collapsed



Undocumented Larger Beaver Lodge in the marsh

6. ENVIRONMENTAL RISKS

6.1. Structure Density and Deforestation



Deforestation >64% (red) will severely compromise Lake Trout Spawning Area

- Documents continue to quote the total size of the property as 34 acres; however, 5 of the 7 dwellings are crowded within 14% of the property (4.7 acres) of Gravel Point. This represents a density of 2.6 dwellings/hectare which is 4 times the 0.6 dwellings/hectare purported in the application and above the applicants' own newly proposed draft By-Law limit of 1 dwelling/hectare.

Environmental Risks

Table 1. Zone Requirements for Rural Co-operative Zone (CO)

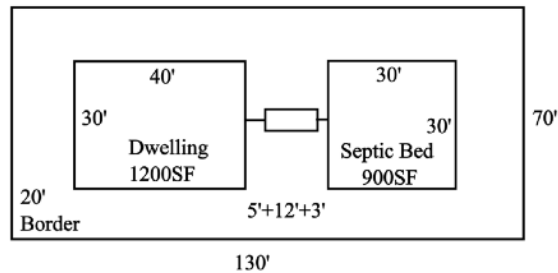
	Requirement	Proposed
Minimum Lot Area	10 hectares	13.76 hectares
Minimum Lot Frontage	100 metres	~1,300 metres
Maximum Building Height	11 metres	< 11 metres
Maximum Density	One (1) dwelling per hectare	0.6 dwellings per hectare
Maximum Lot Coverage	Ten percent (10%)	1%

Excerpt from Application

- The 3 closest dwellings clustered directly above the spawning area will leach a septic effluent flow of 3800 litres/day through 0.2m (8”) of topsoil over silty sand and gravel overburden and fractured bedrock to the steep gravel slopes and into the ground water, increasing toxins and sedimentation which can be fatal to Lake Trout embryo.

6.2. Area Calculation

- The footprint of a 1200 sq-ft dwelling and septic with a 20’ clearing is 9100 sq-ft (843m²). Including outbuildings with 3m clearance, 64% (3.0 acres) of Gravel Point would be defoliated.



Dwelling with Septic Tank & Field
21x40m = 845 m²

- The applicants stated that the development will use the existing roadway, yet as soon as their application was filed and before the township had reviewed the EIS, they began the construction of a 400m road to the point.
- The new road will deforest 1.7 acres of Gravel Point and the widening of Lafolia Lane would deforest a further 1.4 acres in proximity to wetlands.
- Documents often refer to the 1200 sq-ft dwellings as “small cabins” or “residential cabins” or “smaller in nature compared to normal single-family residences.” A small cabin is generally considered to be 400 sq-ft.
- The rezoning application requests an exemption for 3 additional waterfront activity areas totalling an area of 848m² (9200 sq-ft). This is the area of nearly eight 1200 sq-ft dwellings). Of this, 225m² is proposed at the location of the boathouse, which is a south facing area of rich shallow marsh abundant with sunning turtles and snakes (shown below).

Environmental Risks



Shallow Wetland at proposed location of Boat Dock, Boathouse, & defoliation for Water Activity Area



Shallow Wetland at proposed location of Boat Dock, Boathouse, & defoliation for Water Activity Area

- Yes the DFO will allow boathouses but also strongly advocates for minimizing the impact of in-water structures like boathouses on aquatic environments, particularly in sensitive habitats.

Environmental Risks



Area of Concentrated Development
4.7 Acres

Site Plan #	Footprint (dwelling includes septic)	Dimension (m)	Border (m)	Footprint w/septic (m²)	#Units	Total (m²)
1	Cottage Existing 800SF	6.1x12.2	6	845	0	0
2	Cottage 1 1200SF 30x40	9.1x12.2	6	845	0	0
3	Cottage 2 1200SF 30x40	9.1x12.2	6	845	0	0
4	Cottage 3 1200SF 30x40	9.1x12.2	6	845	1	845
5	Cottage 4 1200SF 30x40	9.1x12.2	6	845	1	845
6	Cottage 5 1200SF 30x40	9.1x12.2	6	845	1	845
7	Cottage 6 1200SF 30x40	9.1x12.3	6	845	1	845
8	Cottage 7 1200SF 30x40	9.1x12.4	6	845	1	845
	Drive/parking	4x10	0	40	5	200
13, 18	Bunkie 12x16	3.7x4.9	2	69	0	0
10	Studio 20x20	6.1x6.1	3	146	0	0
18	Bunkie 14x14	4.3x4.3	3	53	1	53
15	Community Bldg 20x40	6.1x12.2	6	438	0	0
19	Boathouse 12x14	3.7x4.3	2	64	1	64
17	Trailer Site 12x20	3.7x6.1	0	23	1	23
21	Waterfront Main 49x87	15.0x26.5	0	398	1	0
20	Waterfront Small 49x49	15.0x15.0	0	225	0	0
	Waterfront (Boat Dock) 49x49	15.0x15.0	0	225	1	225
	New Road to GP	250x9	0	2250	0	0
	New Road through GP	150x9 +12m radius	0	1850	1	1850
	Widening of Lafolia Lane from 2.4m to 9m	6.6x850m	0	5610	1	5610
	Waterfront Access Corridors	7x10	0	70	0	0
11, 12, 14	Gazebos 12x14	3.7x4.3	2	64	0	0
16	Waterfront Storage 12x14	3.7x4.3	2	64	0	0
9	Workshop 36x36 + 30x14	20x29 (map)	0	580	0	0
	TOTAL (m²)					12250
	TOTAL (acres)					3.0

Deforestation of the Concentrated Area of Development
3.0 acres / 4.7 acres = 64%

Deforestation Evasion (Response to County, Comment 24)

In spite of Egis' multiple requests for the total habitat deforestation, the applicants have been evasive and have yet to provide an answer. The following is an example of Egis' attempt to get Gemtec to answer this question.

Egis: *"Please provide more discussion about nutrient impacts and if expected to negatively impact Lake Trout and their spawning habitat. Have alternatives been considered? Additionally, 0.52 ha seems small considering the size and extent of the development."*

GEMTEC: *"Addition [sic] discussion has been provided on nutrient loading and potential impacts to Lake Trout and their spawning habitat. Based on GIS analysis of the proposed development concept overlaid on natural features, the anticipated loss of woodlands is 0.32 ha."*

Egis: *"Confirm only 0.75 ha of disturbance for the construction of 10 cabins, multiple outbuildings, docks, pathways, roadways, parking and boathouse."*

GEMTEC: *"The proposed development plan will be reviewed to determine maximum area of disturbance. As indicated above, the actual loss of woodlands based on GIS analysis is 0.32 ha. For conservative purposes and to account for any incidental loss of woodlands, the EIS report has maintained an anticipated loss of 0.7 ha for assessment of impacts."*

Egis: *"Comment still outstanding, still unclear of how much habitat will be disturbed for construction activities."*

GEMTEC: *"Further detail has been provided within Section 5 to include the footprint of the accessory buildings, roads, etc. to the 0.7 ha stated for the footprint of the seven small cottages."*

Egis: No response

I guess Egis is now thinking, "Why flog a dead horse?"

The answer to this question is simple (calculated below): **4.4 acres or 1.8 hectares, which is 2.4x the highest area supplied by Gemtec, 68% of which is on Gravel Point. The applicants have had 3 years to perform this simple calculation. This is one of many examples of the applicants wasting limited township resources at the taxpayers' expense.**

Environmental Risks

Site Plan #	Footprint (dwelling includes septic)	Dimension (m)	Border (m)	Total Footprint (m ²)	#Units	Total (m ²)
1	Cottage Existing 800SF	6.1x12.2	6	845	0	0
2	Cottage 1 1200SF 30x40	9.1x12.2	6	845	1	845
3	Cottage 2 1200SF 30x40	9.1x12.2	6	845	1	845
4	Cottage 3 1200SF 30x40	9.1x12.2	6	845	1	845
5	Cottage 4 1200SF 30x40	9.1x12.2	6	845	1	845
6	Cottage 5 1200SF 30x40	9.1x12.2	6	845	1	845
7	Cottage 6 1200SF 30x40	9.1x12.3	6	845	1	845
8	Cottage 7 1200SF 30x40	9.1x12.4	6	845	1	845
	Drive/parking	4x10	0	40	7	280
13, 18	Bunkie 12x16	3.7x4.9	2	69	2	137
10	Studio 20x20	6.1x6.1	3	146	1	146
18	Bunkie 14x14	4.3x4.3	3	53	1	53
15	Community Bdlg 20x40	6.1x12.2	6	438	1	438
19	Boathouse 12x14	3.7x4.3	2	64	1	64
17	Trailer Site 12x20	3.7x6.1	0	23	1	23
21	Waterfront Main 49x87	15.0x26.5	0	398	1	0
20	Waterfront Small 49x49	15.0x15.0	0	225	0	0
	Waterfront (Boat Dock) 49x49	15.0x15.0	0	225	1	225
	New Road to GP	250x9	0	2250	1	2250
	New Road through GP	150x9 +12m radius	0	1850	1	1850
	Widening of Lafolia Lane from 2.4m to 9m	6.6x850m	0	5610	1	5610
	Waterfront Access Corridors	7x10	0	70	1	70
11, 12, 14	Gazebos 12x14	3.7x4.3	2	64	1	64
16	Waterfront Storage 12x14	3.7x4.3	2	64	1	64
9	Workshop 36x36 + 30x14	20x29 (map)	0	580	1	580
	Workshop cleared border	28x30	0	232	1	232
	TOTAL (m²)					17769
	TOTAL (acres)					4.4

Total Deforestation of Entire New Development
4.4 acres

6.3. Septic Systems

6.3.1. Filtration

- The three cottages above the Lake Trout spawning area will release 40% of the total septic flow (3800 litres/day) into a porous hydrogeological zone.
- Septic Systems are very good filters for contaminants including phosphates, when maintained and monitored over the long term, but not of toxic nitrites and chlorides, which require a soil treatment not present in Gravel Point's shallow (0.2m or 8") silty gravel. The steepness of the gravel slope will accentuate these issues.
- Fractured bedrock can lead to surface discharge or to groundwater contamination.
- Given the sensitive aquatic habitat, the system would need to incorporate Best Management Practices (BMPs) and advanced treatment and a mound of 3–5 feet between the drain field and bedrock.
- Best management practice includes moving septic systems to the far side of the water divide.
- A detailed septic system design plan has not been produced, nor has the water divide been studied.

6.3.2. Incorrect Septic Flow Calculations

- Above 10,000 litres/day, the Ministry of the Environment Conservation and Parks (MECP) requires a higher level of review and approval compared to smaller sewage systems.
- Kollaard Associates calculated the total daily design sewage flow rate at a marginal 9,450 litres/day.
- Kollaard did not include (or was unaware of) additional guest occupancy due to the two bunkies, additional rooms in the 1 and 2 bedroom 1200 sq-ft dwellings being used as bedrooms, the potential use of laundry and showering facilities by the trailer occupants, and contribution from visitors at the community building, studio, and workshop.
- The Township states the MECP's position regarding the bunkies:

"From MECP's perspective, the extra proposed bunkies and or accessory building(s) should be factored into total flows as the black and grey water generated by extra occupants or guest will inherently lead to extra flows if these bunkies are plumbed or unplumbed. People have to shower and otherwise use the existing facilities serviced by the proposed sewage works. This is specifically in light of the fact that the proposal is so close to the 10,000 litres per day threshold for an MECP approval. It appears that the information seems to be incomplete as to possible extension of black or grey water systems to any of the bunkies (how many are proposed) and/or any of the accessory buildings."

Environmental Risks

- The Ontario Building Code (OBC) sewage flow calculation is based on occupancy, and bunkies are treated as “extension bedrooms.”
- In support of this position, the EIS states “*The bunkies and trailer site are proposed to accommodate guests, rather than requiring extra bedrooms in larger cottages.*”
- Of the seven 1200 sq-ft dwellings, 3 propose 3 bedrooms, 2 propose 2 bedrooms and 1 proposes only 1 bedroom. For a family resort that had initial plans for cottages up to 1600 sq-ft, it would be difficult to imagine that a 1200 sq-ft dwelling would be designed with a single bedroom.
- Furthermore, the OBC considers that any space that could reasonably be used as a bedroom be included when determining sewage system capacity. Such additional rooms would add 500 litres/day.
- The two bunkies *alone* would tip the result to 10,450 litres/day, which requires MECP approval and even a single additional room would put septic flow at 10,950 litres/day.
- The workshop, bunkies, studio, community building, and trailer site have not stated plans for washroom facilities or grey water discharge.
- Unlike residential dwellings, vacation property is subject to a 50-100% increase in population on summer weekends.
- If dwellings were to be rented, occupancy rates are typically much higher and may catastrophically stress the septic system design.

6.3.3. Septic Best Management Practices (BMP's)

- Best management strategy requires a setback beyond the groundwater divide, where the flow is away from the gravel slope.
- Egis states: “*On sensitive Lake Trout lakes, setbacks for septic systems are often set at large distances, well over 30 m sometimes up to 300 m.*”
- Given that there is no scientific corroboration that septic systems will not affect the spawning area, best practice is for a 100m setback from any shoreline. Gravel Point peninsula is 90m wide.
- The EIS proposes an additional 3-metre (10-foot) setback for slope stability. Is a further setback not warranted to protect the Lake Trout?

6.4. Human Interaction

- In spite of best intentions, what is to stop residents from pruning vegetation for a view from the three cottages placed for a sunset view, bathers taking a shortcut down the erosion-prone gravel slope, releasing soil phosphates above the bed.
- Dock locations will result in a deleterious increase in boat traffic circling the point from the north to south shore, increasing water disturbance and wakes with a significant risk of siltation to the spawning bed.

7. OTHER DECISION MAKING FACTORS

7.1. Property Tax Revenue

- Although this development will increase property tax revenue, taxes for some property owners on Palmerston Lake may drop if this dense development proceeds.

7.2. Timeframe Pressure

The applicants' planner states that public comments have gone on long enough and the *"timeline far exceeds that which is prescribed under the Planning Act to make decisions on planning applications in Ontario."*

- Timeframe should not take precedence over outstanding environmental risks.
- Omissions, errors, corrections, and misleading statements in the EIS have themselves cost the township and taxpayers time and money.
- Bill 23 requires municipalities to engage the public in the planning process, especially for major developments (such as this). Many months passed before most residents became aware of this dense impactful development on Palmerston Lake.
- The applicants have unlimited time to prepare a submission; however, the public, and therefore environmental concerns, are given only two weeks to respond.

7.3. Transparent Review Process

There is an apparent conflict of interest concerning the applicants planner:

- Ms. Zander has consulted for North Frontenac Township writing By-laws, including the applicants' proposed By-law CO-X1 (2023) and Draft By-law 23-xx (2024) and has also worked with the planning manager administering this application.
- Notice for the Public Consultation was given on 12 Dec 2021 just before the busy holiday season and the meeting held shortly afterward on 13 Jan 2022. Most property owners were unaware of this significant proposal, which by the Ontario PPS should require broader public awareness.
- There is a perceived risk that Ms. Zander may leverage obscure technical knowledge to the applicants' advantage.
- Given these factors, it would be advisable to have third party oversight to retain confidence in the review process.

8. CONCLUSIONS

8.1. *Environmental Impacts of the Development*

- Risk to the Lake Trout from 2/3 deforestation above the spawning area
- Septic systems above the spawning area.
- Potential harm to three endangered species and other species of concern.
- Destruction of marshy shoreline known for its high occupancy of sunning reptiles including snakes and Midland Painted Turtles.
- Unstudied risk to Blanding's Turtle habitat.
- The widening of Lafolia Lane and increased traffic along a wetlands shore.
- Environmental implications of future property owners using this zoning precedent.
- Private neighbourhood granted significant preferential environmental exemptions, when PPS values connectivity, equity, accessibility, & environmental responsibility.

8.2. **Lack of Environmental Integrity & Credibility**

Many statements cast doubt on the integrity and genuine intent of the applicants' EIS, some of which are:

- The blatant omission of the Lake Trout spawning bed.
- The applicants state that the environment is a top concern and yet most of the development is squeezed into the spawning and merlin nesting area and will deforest >64% of this area of Gravel Point.
- The density of the project is 4x higher than stated in the proposal.
- Amber Hall has stated that "it is not our *intention* to rent" "at this time." This evasive phrasing has raised concern about the purpose of the development.
- Amber Hall stated in the initial Public meeting that there had been "no construction on the property other than upgrades to the existing dock and laneway." False: New road construction began in 2020 and is still in progress.
- False and misleading information in MNRF and DOF Information Gathering Forms
- Egis has repeatedly raised the concern that there is a lack of scientific corroboration, but Gemtec sloughs this off with the statement "*it is not within the scope of this EIS.*"
- What was the criteria for dismissing the observation of the endangered Red-Headed Woodpecker?
- The deletion of the observation of a foraging otter and the suggestion it had moved on. This resident otter was observed on land near the denning site in late August 2024.
- How is it that the endangered Black Ash documented in the EIS 2021 is no longer found or of suitable size?
- The applicants state a willingness to make any requested changes to address environmental concerns, yet respond to Egis with, "*No alternative is being considered.*"
- How can the applicants be trusted to follow extensive mitigation plans and who will monitor this?

9. APPENDICES

9.1. Timeline

2020/08/01 Road Construction starts
2020/09/18 Application submitted
2021/08/31 Original EIS
2022/09/05 Labour Day Weekend
2022/09/06 Additional road construction (day after long weekend)
2022/12/12 Notice of Public Meeting (small print on Website, short notice)
2023/01/13 Public Meeting
2023/01/26 PLA First Submission upon learning of the project after public meeting
2023/04/01 A limited number of lake residents become aware of the proposal
2023/04/26 GHD EIS Review
2023/03/28 Applicants: Followup Response to Technical Reviews and public comments
2023/05/25 MVCA comments
2023/06/00 Inspection Report – Lafolia Lane (township staff)
2023/07/05 Peer review of EIS report from McIntosh Perry (now Egis)
2023/09/12 Jim & Joan Hayes with Bolton/Mieske
2023/10/23 NFLAA & PLA Submission with more details upon development begun
2023/11/15 Comments from the Ontario Federation of Anglers & Hunters (OFAH)
2024/03/05 EIS Update1
2024/03/08 Applicants: Response to Additional Comments
2024/03/28 Release of Peer Reviews and Doc's
2024/01/12 Comments from the Palmerston Lake Association
2024/04/30 Hutchinson Peer Review
2024/05/02 Requested Public Comments
2024/07/25 Applicants: Response to County
2024/10/09 Release of Additional Comments
2024/10/25 Public Release of Halls Response to Peer Review
2024/07/25 EIS Update2
2025/01/28 Egis Peer Review 3

9.2. List of Abbreviations

ARN	Assessment Roll Numbers (MPAC)
BMP	Best Management Practices
DFO	Department of Fisheries and Oceans
EIS	Environmental Impact Statement
ELC	Ecological Land Classification
ESA	Endangered Species Act
GHD	International Sustainability Co. (Ottawa branch 179 Colonnade Rd.S.)
IGF	Information Gathering Form - required for ESA permit
LB	Lot Boundary (red line on applicants site plan)
MECP	Ministry of Environment, Conservation and Parks

Conclusions

MPAC	Municipal Property Assessment Corporation
MVCA	Mississippi Valley Conservation Authority
NHIC	Natural Heritage Information Centre (MNRF)
OBBA	Ontario Breeding Bird Atlas
OPCC	Ontario Palmerston Lake Cottage Co-operative
RFR	Request For Review
SAR	Species at Risk (endangered, threatened, special concern and extirpated)
ST	Structural Point
SWH	Significant Wildlife Habitat

Road Survey Designations

BP	Benchmark Point (reference point)
EP	Edge of “pavement”
OFF	Offset
Mid	Middle Point
PRC	Point of Reverse Curve (inflexion)
STA	Station (distance along road)

Glossary

Hibernacula	Winter dwellings
Littoral	on the shore

10. CONTACT INFORMATION

Submission materials from the applicant, technical comments from Township departments and other regulatory agencies, and staff reports to Council are posted at the engagefrontenac link:

<https://engagefrontenac.ca/ompah-palmerston-cottage-co-operative-official-plan-amendment-and-zoning-by-law-amendment>.

Documents not posted on the Township’s webpage (Hall’s brochure, Public Comments, a damning letter from the Ontario Federation of Anglers and Hunters (OFAH), and three independently funded Environment Peer Reviews) can be requested from the Township clerk/planning manager:

Tara Mieske clerkplanning@northfrontenac.ca

Response to the Hall's Recent Letter to North Frontenac Township Councillors (May 16, 2025)

I am writing in response to a recent letter from Craig and Amber Hall to North Frontenac Township Councillors which contains inaccuracies, unsupported claims, and dismisses valid environmental concerns raised by peer review.

Delays

The letter states: "*This process of changing the zoning of our 34-acre Limited Service Waterfront zoned property has been lengthy.*"

Delays have arisen from the many issues created by the Hall's exploitive design to clear two-thirds of the forest above Palmerston Lake's most critical Lake Trout spawning area. The majority is crammed into 4.7 acres above the protected Lake Trout spawning bed: 7 cottages (~1200 sq-ft), 2 bunkies, studio, 1200 sq-ft community building, boathouse, trailer site, 3 gazebos, and 3 new docks, and associated septic systems.

Excessive exemptions for this development are spelled out in a new co-op by-law CO-X1 written specifically for them by their planner Tracy Zander of Zanderplan, who also writes by-laws for the township. The applicants' public meeting was slipped in over the Christmas season. Property owners are understandably concerned.

Delays due to revisions of their Environmental Impact Study (EIS) were necessary to address significant errors, omissions (e.g., spawning bed exclusion), and false claims (e.g., septic calculations). CO-X1 far exceeds allowances for Limited Service Waterfront zoning and despite peer review recommendations for lower density and further habitat study, the Hall's responses have been tardy, evasive, and dismissive.

Misrepresentation

The letter claims: "*Shoreline development is consistently discouraged in areas known as Lake Trout spawning areas.*"

The main boat dock is located in reptilian bullrush habit and will direct traffic through spawning areas and a beaver/otter corridor. The plan is to clear a 2400 sq ft area and a 9m wide access path up the hill.

Septic Effluent Flow

The letter states: "*If we use this example there is a potential for 1099B Lafolia lane to be divided into 34 one acre lots - that would equal 340,000L of wastewater would be allowed, without question, under Ontario law.*"

A portion of this property is lowlands running into the fen/marsh wetlands, so I'm not sure that this would be permitted. This makes one wonder if there is a plan to eventually increase the size of this "subdivision."

The letter asserts: *“If a cottage is built inside the RIM of the bowl, runoff and treated water will flow INBOARD vs. outboard into the lake.”*

This ignores basic hydrology and is not mentioned or corroborated by the EIS. A strategy to direct septic flow into endangered Blanding’s Turtle wetlands habitat for treatment seems reckless. Is this a bowl or is it a sieve of thin soil over bedrock fissures directing septic runoff into the spawning bed.

Peer Review Integrity

The letter states: *“The peer reviews that have been completed by credible professionals have a limited perspective as those reports were made WITHOUT actually being on the property. They are comments based on 2D documents.”*

This assault, in a letter to councillors, on the integrity of the township’s peer reviewer (Egis) is troublesome.

Community Concerns and By-law Uses

The letter states: *“We do not plan to run Airbnb’s.”*

The Hall’s CO-X1 draft permits many uses - Bed and Breakfasts, schools, places of worship, kennels, and more - that alarm residents. The township promises these will be removed, but the draft by-law has not yet been edited and justifiable suspicions remain.

Road Upgrades and Goodwill

The letter claims: *“We have in place an agreement to maintain the lane to township minimum standards.”*

Shortly before going public with plans to develop, the Halls approached residents on Lafolia Lane with a road agreement, but at least one resident was wary and declined to sign.

The lane goes back to at least the 1940’s and subsequent dwellings were squeezed between it and the lake. Setback from the wetlands predates modern regulations and development would impose a tenfold increase in traffic for residents and compromise Blandings’ turtle habitat. The township rejected a previous application to sever property accessed by Lafolia Lane.

The letter states: *“We endeavor [sic] to win over our neighbors [sic] and prove our worth as allies... We have already upgraded the lane on our property and will continue to meet the expectations provided to us.”*

The applicants have made zero upgrades to Lafolia Lane. Perhaps they are referring to the construction of their own private 500m road along the 90m wide peninsula, which they often refer to as an “existing” road, but was built after submitting their application.

Disparaging the Community

“We joined the Lake Association but were removed from communications as it's clearly in opposition to our project.”

From my experience, the PLA would never do such a thing. I would ask the PLA to comment about this assertion. The PLA posts information to the general public at <https://palmerstonlakeassociation.com/>.

Conclusion

Craig and Amber Hall's letter is fraught with inaccuracies and unsupported claims and appears to be an attempt to discredit opposition and curry favour with councillors. Approval of CO-X1 would set a dangerous precedent for overdevelopment. Will more such co-operatives appear on Palmerston, or Frontenac County or even on other protected Ontario Lake Trout lakes.

I urge readers to evaluate the true impact of this development by reviewing my submission, “Gravel Point Development - Environmental Risks” (Jan 2025), attached.



Palmerston Lake Association
Ompah, Ontario

June 27, 2025

To Township of North Frontenac Staff, Council and those concerned

Re: Ompah Palmerston Cottage Co-operative Letter dated May 16, 2025

We are writing in response to the above noted letter as we feel it is necessary to clarify and correct some of the comments that were made. We will address our comments under the same headings that appear in the letter.

WHY?

It is notable that the description of the group proposing the development has shifted from “family and friends” to just “family”. This raises questions about the necessity of a development of this scale, considering its stated purpose.

The seven cottages being planned are not small “cabins” as they are sometimes referred to in the various documents, they are 1200 square foot buildings. When one includes the existing cottage, bunkies, trailers and other accommodation, the development, when complete, could house 60 to 70 people. The potential future commercial use of this property under the current plan cannot be easily dismissed.

TROUT HABITAT

If the applicants were concerned about the Lake Trout spawning bed around Gravel Point from the beginning, then why was no mention of it made in the first EIS prepared by Gemtec? The latest EIS quotes a scientific study out of context to suggest that motorboat traffic will not impact the spawning bed, when in fact, it will. The main boat dock is located in the bay south of the peninsula which will direct traffic adjacent to the spawning area and is itself in a very environmentally sensitive area.

GEOGRAPHY

The comments prepared by the applicants regarding water runoff should be discounted as they call into question the credibility of the accredited peer reviewers.

SEPTIC SYSTEMS

As the applicants should be aware, there is no way that 34 lots would be allowed on this property. This calculation ignores water frontage requirements and minimizes the potential impact from placing 5 septic systems in the small area of Gravel Point.

THE LANE

As is well known, the Ontario Municipal Board overturned a Township decision to allow only 4 additional lots on the property some 30 odd years ago. As far as we are aware, the issue of the private

lane is still not resolved. We wonder why so many taxpayer dollars have been spent reviewing this proposal when it may not move forward anyway depending on the outcome of this issue.

OUR MOTIVATION

The claim that “We joined the Lake Association but were removed from communications as it’s clearly in opposition to our project” is incorrect. The applicants applied and were accepted and welcomed as members of our association. They did not follow up with payment and were then sent a friendly reminder, as we do in all such cases. Their fee of \$50 for 2 years was never received and their membership lapsed and they no longer received PLA communications. They can join the Association at any time. We would welcome the opportunity to meet with the applicants.

Conclusion

We would like to clarify that our comments have never been intended to criticize the applicants personally. We are only expressing our concern over the potential environmental damage that this proposal could cause. It is worth noting that both peer reviews by Egis and Hutchinson Environmental Sciences have stated that redesign of the development is the best way to ensure that the sensitive features of the property are protected. To date, the only substantive change made to the proposal is to remove a boathouse and replace it with two more buildings, thereby increasing the footprint. In no way does that constitute an appropriate redesign of the project.

Andrew Waywell
President
Palmerston Lake Association

Jim Getman
Vice-President



Wednesday July 30, 2025

Dear Mayor Lichy,

The KLA Board has reviewed a summary of the Proposed [palmerston-cottage-co-operative-official-plan-amendment-and-zoning-by-law-amendment](#).

We share the concerns voiced in the PLA petition, but more fundamentally are very concerned about the dangerous precedent that the proposed changes to both the Official Plan and the Zoning Bylaw amendments will create for future development on all North Frontenac lakes going forward.

Changes to the Official Plan, as you aware, require careful consideration, input, broad based reviews and impact assessments. The current Bylaws have been researched and are in place, in part to protect our treasured environment.

We respectfully recommend that Council seek a modified development solution for the Palmerston Lake project that abides within North Frontenac's current Bylaws and the Official Plan.

Thank you for your careful consideration of this important matter.

Best regards,

Sue MacGregor

President

president@kashwakamak.ca

Kashwakamak Lake Association (KLA)

1715C Kashwakamak Lake Road

ARDEN, ON K0H 1B0

www.kashwakamak.ca

Cottage: 613-336-2693

Cell: 613-806-2355

Attachment 7: Review of Relevant Planning Policy

1099B Lafolia Lane (File Numbers OP02/22 and Z08/22)

Provincial Planning Statement (2024)

The Provincial Planning Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. The PPS promotes efficient land use and development patterns that support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth. Under Section 3 of the Planning Act, all municipal decisions regarding planning applications “shall be consistent with” applicable provincial policy.

The following table outlines the policies that are applicable to these applications. Direct quotes from the PPS are in quotation marks. Policies without quotation marks have been summarized. To view the full policy sections referenced below, refer to the PPS, available at this link: [PPS 2024](#).

PPS Policy	Planning Comment
Section 2.2.1.b)1 (Housing): Planning authorities shall permit and facilitate all housing options required to meet social, health, economic, and well-being requirements of current and future residents.	This proposal will create a total of eight dwellings within a co-operative based development. This is an alternative housing option that meets the needs of the applicants and their family.
Section 2.5.1 (Rural Areas in Municipalities): “Healthy, integrated and viable rural areas should be supported by: (a) building upon rural character, and leveraging rural amenities and assets; (g) conserving biodiversity and considering the ecological benefits provided by nature...”	The development will be incorporated into the existing rural character of the area and is not anticipated to negatively impact the biodiversity or natural systems in the area. All mitigation measures outlined in the Environmental Impact Study (EIS), and in recommendations from Fisheries and Oceans Canada (DFO) and the Ministry of the Environment, Conservation and Parks (MECP) will be implemented through the site plan control agreement that the owners will be required to enter into with the Township.
Section 2.6.1 (Rural Lands in Municipalities): On rural lands in municipalities, a wide range of uses are permitted, including recreational uses (including recreational dwellings not intended as permanent residences),	The proposal is for a rural cooperative housing development and private recreational uses and can be appropriately serviced with on-site sewage and water systems.

PPS Policy	Planning Comment
residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services, and home occupations and home industries.	
Section 2.6.2 (Rural Lands in Municipalities): “Development that can be sustained by rural service levels should be promoted.”	The scale of development proposed can be appropriately accommodated with existing service levels.
Section 2.6.3 (Rural Lands in Municipalities): “Development shall be appropriate to the infrastructure, which is planned or available, and avoid the need for the uneconomical expansion of this infrastructure.”	This development will use existing infrastructure in the vicinity of the subject property. No expansion or upgrades are required. The site can be appropriately serviced with on-site sewage and water systems. For the issue of access and roads, please refer to the following sections below: County Official Plan, Section 4.1.1.6 and Township Official Plan, Section 5.3.
Section 3.6.4 (Sewage, Water, and Stormwater): “Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.”	<p>This site will be serviced by several Class 4 sewage disposal systems that will be in proximity to the structures to be serviced and suitably sized in accordance with the Ontario Building Code, and setback a minimum of 30 metres from the highwater mark of Palmerston Lake (and 33 metres from the tip of the peninsula).</p> <p>A Site Servicing Report was completed that detailed how these services will be configured/located on the subject property and the calculations used to determine daily design flow capacity. As each cottage applies for a building permit, the Township will review the overall site capacity. If capacity ever exceeds 10,000 litres per day, then approval from the provincial Ministry of Environment, Conservation, and Parks (MECP) is required. This will be detailed in the site plan control agreement that the owners will be required to enter into with the Township.</p>

PPS Policy	Planning Comment
<p>Section 3.6.8 (Sewage, Water, and Stormwater): Stormwater management planning must work in tandem with sewage and water services to ensure systems are efficient, retrofitted as needed, and financially viable over their life cycle. It is designed to reduce stormwater volumes and contaminant loads, control erosion and water balance changes through green infrastructure, and safeguard human health, safety, property, and the environment. The approach also emphasizes maximizing vegetative and pervious surfaces, promoting best practices like water conservation, stormwater reuse, and low-impact development, and aligning with municipal plans that address watershed-scale impacts.</p>	<p>A stormwater management study was completed for this proposal and reviewed by Mississippi Valley Conservation Authority. The proposed development will be undertaken using best management practices for control of water flow throughout the site and to minimize the potential for erosion impact on the shoreline slopes. The recommendations of the stormwater management study will be implemented in the site plan control agreement that the owners will be required to enter into with the Township.</p>
<p>Section 4.1.1 (Natural Heritage): “Natural features and areas shall be protected for the long term.”</p>	<p>There are several natural heritage features present on or in proximity to the subject property, including Palmerston Lake, unevaluated wetlands, watercourses and potential habitat for Species at Risk (SAR).</p> <p>As noted above an Environmental Impact Study (EIS) has been completed to evaluate potential impacts, along with consultation with applicable federal and provincial government agencies. The final peer review of the EIS agrees with the recommendations in the EIS. It is the peer reviewer’s opinion that the changes made are positive with respect to protection of fish habitat and wildlife habitat and the clarity provided and agency review responses have satisfied the concerns associated with the project. Recommendations for mitigation measures will be implemented through the site plan control agreement that the owners will be required to enter into with the Township.</p>

PPS Policy	Planning Comment
<p>Section 4.1.2 (Natural Heritage): “The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.”</p>	<p>The proposed development is not anticipated to negatively impact the diversity or connectivity of the identified natural heritage features within or in proximity to the subject property. These features include unevaluated wetlands and Palmerston Lake.</p> <p>All mitigation measures outlined in the Environmental Impact Study (EIS), and in recommendations from DFO and MECP will be implemented through the site plan control agreement that the owners will be required to enter into with the Township.</p>
<p>4.1.4.a) (Natural Heritage): Development and site alteration is not permitted in provincially significant wetlands.</p>	<p>There are no provincially significant wetlands located on or in proximity to the subject property.</p>
<p>4.1.5.d) (Natural Heritage): Development and site alteration shall not be permitted in significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological function.</p>	<p>There were no significant wetlands or significant woodlands identified on the subject property.</p> <p>There were areas identified as potential habitat for Species at Risk (SAR), however no SAR were identified within the subject property.</p> <p>All mitigation measures outlined in the Environmental Impact Study (EIS), and in recommendations from DFO and MECP will be implemented through the site plan control agreement that the owners will be required to enter into with the Township. These include timing of vegetation removal to avoid the active seasons for breeding and migration of identified species.</p>
<p>4.1.6 (Natural Heritage): “Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.”</p>	<p>There is no development proposed within the identified fish spawning habitat located at the end of the peninsula. The applicants consulted with the Department of Fisheries and Oceans (DFO) to review the potential impacts that could result from the construction of the docks and boathouse along the shoreline, as well as potential impacts related to construction</p>

PPS Policy	Planning Comment
	<p>along the top of the peninsula. As a result, the boathouse was removed from the proposal and replaced with onshore structures farther from the area of concern.</p> <p>All mitigation measures outlined in the Environmental Impact Study (EIS), and in recommendations from DFO and MECP will be implemented through the site plan control agreement that the owners will be required to enter into with the Township. These include specifics on timing of in-water works, types of dock construction and location of docks.</p>
<p>4.1.7 (Natural Heritage): “Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.</p>	<p>A Species at Risk (SAR) review was conducted as part of the Environmental Impact Study. There were areas identified as potential habitat for SAR, however no SAR were identified within the subject property.</p> <p>All mitigation measures outlined in the Environmental Impact Study (EIS), and in recommendations from DFO and MECP will be implemented through the site plan control agreement that the owners will be required to enter into with the Township. These include timing of vegetation removal to avoid the active seasons for breeding and migration of identified species.</p>
<p>4.1.8 (Natural Heritage): “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent lands has been evaluated, and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”</p>	<p>An Environmental Impact Study (EIS) was completed for the subject property to determine potential impacts to identified natural heritage features (Palmerston Lake and unevaluated wetlands) and recommend mitigation measures where appropriate.</p> <p>There were no significant wetlands or significant woodlands identified on the subject property.</p> <p>There were areas identified as potential habitat for Species at Risk (SAR),</p>

PPS Policy	Planning Comment
	<p>however no SAR were identified within the subject property.</p> <p>All mitigation measures outlined in the EIS will be implemented through the site plan control agreement.</p>
<p>4.2.2 (Water): “Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored, which may require mitigative measures and/or alternative development approaches.”</p>	<p>This development is not anticipated to negatively impact either Palmerston Lake or the unevaluated wetlands located within the subject property.</p> <p>Neither of these identified features are considered sensitive from a source water protection perspective.</p>
<p>4.6.2 (Cultural Heritage and Archaeology): “Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.”</p>	<p>A Stage 1 and 2 archaeological assessment was completed for the subject property. This assessment was reviewed by the Ministry of Citizenship and Multiculturalism who provided a clearance letter confirming no further studies were required prior to the development of the site. Standard clauses about how to address the accidental discovery of artifacts or human remains will be included with the site plan control agreement.</p>
<p>5.1.1 (General Policies for Natural and Human-Made Hazards): “Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage and not create new or aggravate existing hazards.”</p>	<p>There were no human-made hazards identified for the subject property.</p> <p>There are steep slope hazards along the shoreline of the peninsula portion of the property. To ensure the development does not aggravate the existing hazard, an increased setback of 33 metres (108.3 feet) from the western shoreline of Palmerston Lake (tip of the peninsula) is required for all structures located on the property. This required setback has been included in the site-specific zoning.</p>
<p>5.2.1 (Natural Hazards): “Planning authorities shall, in collaboration with conservation authorities where they exist, identify hazardous lands and hazardous</p>	<p>Mississippi Valley Conservation Authority was consulted regarding this proposal. They identified steep slopes on the property and reviewed the Slope Stability</p>

PPS Policy	Planning Comment
sites and manage development in these areas, in accordance with guidance.”	<p>Assessment completed for the development.</p> <p>To ensure the development does not aggravate the existing hazard, an increased setback of 33 metres (108.3 feet) from the western shoreline of Palmerston Lake (tip of the peninsula) is required for all structures located on the property. This required setback has been included in the site-specific zoning.</p>
5.2.2 (Natural Hazards): Development will generally be directed to areas outside of inland lakes that are impacted by flooding and/or erosion hazards.	<p>There are steep slope hazards along the shoreline of the peninsula portion of the property. To ensure the development did not aggravate the existing hazard an increased setback of 33 metres (108.3 feet) from the western shoreline of Palmerston Lake (tip of the peninsula) is required for all structures located on the property. This required setback has been included in the site-specific zoning.</p>

County of Frontenac Official Plan (2016)

The County of Frontenac Official Plan is a framework for guiding development in the County through the management and protection of the natural environment and by providing direction and influence on growth patterns. It is focused on the six themes of economic sustainability, growth management, community building, housing and social services, heritage and culture, and environmental sustainability.

The following table outlines the policies that are applicable to this application. Direct quotes from the County Official Plan are in quotation marks. Policies without quotation marks have been summarized. To view the full policy sections referenced below, refer to the County Official Plan, available at this link: [Frontenac County Official Plan](#).

County Official Plan Policy	Planning Comment
Section 3.3.1 (Rural Lands – Introduction, fourth and fifth paragraphs): “Low density residential development as well as rural-related commercial, industrial, recreational and institutional development is desirable, provided it is appropriately located. The Rural designation is intended to guide rural type development	<p>The proposed development a low-density residential development with an average of 4.4 acres of land per dwelling across the property. This scale of development is in keeping with the rural development in the area.</p>

County Official Plan Policy	Planning Comment
<p>while at the same time protecting the rural character, heritage and natural resources of the County. In addition, the designation is intended to manage growth in an environmentally and fiscally responsible manner.</p> <p>More specifically, on rural lands, permitted uses are:</p> <ul style="list-style-type: none"> • The management and use of resources; • Resource-based recreational uses (including recreational/cottage dwellings); • Residential development of a limited scale; • Home based industries and home occupations; • Cemeteries <p>Other rural land uses that are compatible with the nature of the rural area.”</p>	
<p>Section 3.3.2(1) and (2) (Rural Lands – Objectives):</p> <p>(1) “To preserve the open space, rural character, topography and landscape of the rural area.”</p> <p>(2) “To promote rural living in a manner sensitive to the ecological balance, sensitive to the farming and forestry communities and sensitive to the protection of groundwater and surface water quantity and quality.”</p>	<p>The proposed co-op will be positioned throughout the property in a way that works with the topography and preserves the rural character of the area.</p> <p>The clustering of the dwellings and sharing of water access points will limit negative impacts on the natural environment and water quality.</p>
<p>Section 3.3.3.(2)(b) through (d) (Rural Lands – Policies): “Residential development is permitted in the Rural designation in accordance with the following policies...</p> <ul style="list-style-type: none"> • ...(b) Rural residential development shall reflect the intent of preserving the rural, open space character of the County. This will mean that, to the extent possible, the appearance of 	<p>The proposed residential dwellings will be well screened from the lake and neighbouring properties and blend in with the natural landscape of the property.</p> <p>There is no public expense involved in developing the subject property. All costs to upgrade the access (Lafolia Lane) are not the responsibility of the Township because the lane is privately owned.</p>

County Official Plan Policy	Planning Comment
<p>such development should be unobtrusive and blend in with the rural landscape.</p> <ul style="list-style-type: none"> • (c) New residential development should not be located on lands which would involve major public expense in opening up or maintaining access routes, providing drainage, or providing other public services and facilities, unless major public services, access, and/or facilities are provided at the developer’s expense. • (d) It is recognized that the majority of existing and new rural residential development will be serviced by private wells and septic tanks; however, the County and the Townships may be interested in the investigation of new technologies and communal servicing options where it is deemed feasible for such areas and is supported by the Ministry of the Environment and Climate Change (MOECC).” 	<p>This site will be serviced by several Class 4 sewage disposal systems that will be in proximity to the structures to be serviced and suitably sized in accordance with the Ontario Building Code. A Site Servicing Report was completed that details how these services will be configured/located on the subject property and the calculations used to determine daily design flow capacity.</p> <p>As each cottage applies for a building permit, the Township will review the overall site capacity. If capacity ever exceeds 10,000 litres per day, then approval from the provincial Ministry of Environment, Conservation, and Parks (MECP) is required. This will be detailed in the site plan control agreement that the owners will be required to enter into with the Township.</p>
<p>Section 3.3.3.4.1, fourth paragraph (Rural Lands – Special Policies – Waterfront Areas – Introduction): “For the purposes of this Plan, Waterfront Areas shall generally include all lands extending inland 150 metres (500 feet) from the ordinary high-water mark of any lake, river, or waterway. This is a general boundary intended to recognize that development within this area may have an impact on lake quality and those impacts may need to be considered for any development within the boundary. Lands and land uses that are more than 150 metres from shore but which are physically or functionally related to the Waterfront Areas shall be considered to be part of the Waterfront Area...”</p>	<p>The residential development proposed is in keeping with the policies of the Waterfront Area and will not have negative impacts on Palmerston Lake. Mitigation measures and recommendations from all technical reports, including the EIS, will be implemented through the site plan control agreement.</p>
<p>Section 3.3.3.4.2 (Rural Lands – Special Policies – Waterfront Areas – Goal): “The</p>	<p>The proposed development recognizes the location of the property in the</p>

County Official Plan Policy	Planning Comment
<p>overall goal of this Plan is to improve and protect the waterfront areas in Frontenac County as a significant cultural, recreational, economic, and natural environment resource and to maintain or enhance the quality of the land areas adjacent to the shore.”</p>	<p>Waterfront Area and is planned in such a way as to limit negative impacts on the natural environment along the shoreline. This includes a minimum setback of 30 metres from the highwater mark for all dwellings and septic systems (33 metres for the western tip of the peninsula), minimizing the number of water access points, and the removal of the boathouse from the original proposal.</p>
<p>Section 3.3.3.4.3, sub-sections (2) and (5) through (7) (Rural Lands – Special Policies – Waterfront Areas – Objectives):</p> <ul style="list-style-type: none"> • (2) “To permit shoreland development that allows for sustainable growth of existing and new tourist developments and innovative and appropriately designed new residential developments.” • (5) “To ensure that the built form along a shoreline is not overly concentrated or dominating to the detriment of the natural form.” • (6) “To maintain, enhance and/or restore the majority of the developed and undeveloped shorelines in their natural state by promoting property stewardship.” • (7) “To preserve and enhance fish and wildlife habitat areas and other natural heritage features that are within and along Waterfront Areas.” 	<p>The proposed residential dwellings will be well screened from the lake and neighbouring properties and blend in with the natural landscape of the property.</p> <p>The majority of the slopes along the shorelines will be maintained in a natural state, with the exception of three additional water access points. This will aid in limiting the dominance of the built form near the shoreline as well as limiting negative impacts on fish habitat and natural heritage features within and in proximity to the property.</p>
<p>Section 3.3.3.4., sub-sections (1) through (3), (6), (7) (Rural Lands – Special Policies – Waterfront Areas – Policies):</p> <ul style="list-style-type: none"> • (1) “The character of Waterfront Areas is linked to the natural and built form that is associated with the lakes and rivers in the County. Generally the natural form includes vegetated shorelines with thin soils over bedrock. The built form is 	<p>The proposed residential dwellings will be well screened from the lake and neighbouring properties and blend in with the natural landscape of the property.</p> <p>The majority of the slopes along the shorelines will be maintained in a natural state, with the exception of three additional water access points. This will aid in limiting the dominance of the built form near the shoreline as well as limiting</p>

County Official Plan Policy	Planning Comment
<p>predominated by residential development including resorts and marinas. In this context, new development or redevelopment occurring in the Waterfront Areas should, where possible enhance and protect those qualities that contribute to the area’s character.”</p> <ul style="list-style-type: none"> • (2) “All Waterfront Areas should be considered to be a major recreation resource area that, where appropriate, should be accessible to both public and private users.” • (3) “Shoreline alterations shall require approval by the municipality and/or the appropriate agency (Conservation Authority, Ministry of Natural Resources and Forestry (MNRF), Canada Fisheries and Oceans, Parks Canada). Township Official Plans may include shoreline alteration policies that are more restrictive than those of the approval agencies.” • (6) “Tree cover and vegetation is encouraged to be retained along the shoreline to maintain the visual and environmental integrity of Waterfront Areas. Where development is proposed along shorelines, Township Official Plans should contain policies relating to the preservation of a natural undisturbed buffer between the water’s edge and new development.” • (7) “To maintain the shoreline character and water quality, Local Official Plans and Zoning By-laws shall require that all new development and leaching beds be set back at least 30 metres (100 feet) from the ordinary high water marks of all waterbodies. Any proposed reduction to the 30 metre minimum setback shall be in accordance with policies in Local Official Plans which establish criteria 	<p>negative impacts on fish habitat and natural heritage features within and in proximity to the property.</p> <p>All development, including the sewage disposal systems will be located a minimum of 30 metres (98.4 feet) from the high-water mark of Palmerston Lake. As a result of the conclusions in the submitted slope stability study portions of the development are required to be 33 metres (108.3 feet) from the high-water mark, specifically from the western tip of the peninsula.</p> <p>This development proposal was reviewed by Mississippi Valley Conservation Authority, as well as the appropriate Provincial ministries/agencies.</p> <p>All recommendations and mitigation measures from all technical studies will be implemented through the site plan control agreement.</p>

County Official Plan Policy	Planning Comment
<p>for considering such reductions. A setback of greater than 30 metres from the ordinary high water mark may be required in some locations.”</p>	
<p>Section 4.1.1.6 (Community Building – Transportation – Private Roads): “The County is undertaking a private roads study in 2016. The results of this work will assist the County and its lower-tiers in developing a measurable and enforceable mechanism aimed at creating reasonable and safe development of private roads.”</p>	<p>The Private Roads (Lanes) Study was completed in 2016. The policy framework for private lanes anticipates the review of these types of access in relation to new lot creation (e.g., severances or plans of subdivision). While this proposal is for a cooperative on one parcel of land, the intent is the same, which is the construction of additional dwellings that need to use the lane for access.</p> <p>As the lane is currently not accessible for emergency services access, and as the width of the existing right-of-way is insufficient to allow for it to be widened to the full 20 metres specified in the study, planning staff have indicated to the applicant that Lafolia Lane must be upgraded to a minimum standard to allow for access for emergency services. Therefore, planning staff are recommending the addition of a holding symbol (H) to the site-specific exception zone, which would not permit the development of any additional cottages on the subject property until the holding symbol is removed from the zoning. The conditions of removal of this holding zone are detailed in the proposed Zoning By-Law Amendment</p>
<p>Section 4.2.1.5 (Community Building – Servicing – Private Services):</p> <p>“Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site</p>	<p>This site will be serviced by several Class 4 sewage disposal systems that will be in proximity to the structures to be serviced and suitably sized in accordance with the Ontario Building Code. A Site Servicing Report was completed that details how these services will be configured/located on the subject property and the calculations used to determine daily design flow capacity.</p>

County Official Plan Policy	Planning Comment
<p>conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.</p> <p>Negative Impacts shall be defined for the purposes of this section...as degradation to the quality and quantity of water, sensitive surface water features and sensitive groundwater features, and their related hydrologic functions, due to single, multiple or successive development. Negative Impacts should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards.”</p>	<p>As each cottage applies for a building permit, the Township will review the overall site capacity. If capacity ever exceeds 10,000 litres per day, then approval from the provincial Ministry of Environment, Conservation, and Parks (MECP) is required. This will be detailed in the site plan control agreement that the owners will be required to enter into with the Township.</p>
<p>Section 4.2.2.2 (Storm Water Management Planning – Policies):</p> <ul style="list-style-type: none"> • “Storm water management plans may be required for any new development consisting of more than four lots or for commercial or industrial developments with large areas of impervious surface (e.g., asphalt parking and loading areas).” • “Storm water plans shall be prepared in accordance with the Ontario Ministry of the Environment and Climate Change (MOECC) Guideline, <i>Stormwater Management Planning and Design Manual</i>.” • “When reviewing any such development proposals the approval authorities will encourage the retention of existing tree cover or natural vegetation and the provision of significant grassed and natural areas shall be encouraged to facilitate 	<p>A stormwater management study was completed for this proposal and reviewed by Mississippi Valley Conservation Authority. The proposed development will be undertaken using best management practices for control of water flow throughout the site and to minimize the potential for erosion impact on the shoreline slopes.</p> <p>These best practices include the retention of shoreline vegetation with no vegetation removal or site alteration permitted within 33 metres of the tip of the peninsula.</p> <p>The recommendations of the stormwater management study will be implemented in the site plan control agreement that the owners will be required to enter into with the Township.</p>

County Official Plan Policy	Planning Comment
<p>absorption of surface water into the ground.”</p>	
<p>Section 6.2, second paragraph (Heritage and Culture – Archaeological Resources): “The Townships and/or the County will require archaeological assessments and the preservation or excavation of significant archaeological resources including significant marine archaeological resources in accordance with Provincial screening criteria.”</p>	<p>A Stage 1 and 2 archaeological assessment was completed for the subject property. This assessment was reviewed by the Ministry of Citizenship and Multiculturalism who provided a clearance letter confirming no further studies were required prior to the development of the site. Standard clauses about how to address the accidental discovery of artifacts or human remains will be included with the site plan control agreement.</p>
<p>Section 6.3.1 (Heritage and Culture – Algonquin Aboriginal Interests - Policies): “The County of Frontenac and/or the Townships may consult with the Algonquins of Ontario with regard to land use planning affecting any of the following matters within the land claim area:</p> <ul style="list-style-type: none"> a) Protection of water quality and utilization of lakes and rivers including the Rideau Canal within the land claim area; b) Any development that would have an impact on navigable waterways and their waterbeds; c) Any archaeological studies related to proposed development where areas of Algonquin interest have been identified; and d) Any Environmental Impact Studies related to proposed development where areas of Algonquin interest have been identified.” 	<p>These applications and supporting materials/studies were circulated to the Algonquins of Ontario for review and comment. No response has been received regarding this circulation.</p>
<p>Section 7.1.4.1 (Natural Heritage – Policies – Wetlands):</p>	<p>An Environmental Impact Study (EIS) was completed for the subject property to determine potential impacts to identified</p>

County Official Plan Policy	Planning Comment
<ul style="list-style-type: none"> The County recognizes the importance and value of wetlands and supports their protection. Township Official Plans shall designate and protect those wetlands where development and site alteration are prohibited. The County encourages local municipalities to adopt mechanisms (such as site plan control) that would minimize and control the removal of vegetation and ensure the protection of naturally vegetated buffers adjacent to any provincially significant wetlands. 	<p>natural heritage features (Palmerston Lake and unevaluated wetlands) and recommend mitigation measures where appropriate.</p> <p>No significant wetlands were identified on the subject property. All mitigation measures outlined in the EIS will be implemented through the site plan control agreement.</p>
<p>Section 7.1.4.3 (Natural Heritage – Policies – Significant Wildlife Habitat):</p> <p>The County of Frontenac values wildlife protection and prohibits development or site alteration in or near significant wildlife habitat unless an Environmental Impact Study confirms no negative impacts. Adjacent lands, as defined in Township Official Plans, include areas where development may impact habitat. Developers may need to assess potential wildlife habitat, and Townships will implement controls to protect these areas and may consult the Ministry of Natural Resources and Forestry for guidance. Natural linkages will be preserved to maintain biodiversity, and vegetation removal in significant wildlife habitat areas should be minimized.</p>	<p>A Species at Risk (SAR) review was conducted as part of the Environmental Impact Study. There were areas identified as potential habitat for SAR, however none were identified within the subject property.</p> <p>An Environmental Impact Study (EIS) was completed for the subject property to determine potential impacts to identified natural heritage features and recommend mitigation measures where appropriate.</p> <p>These mitigation measures included timing of vegetation removal on the property to avoid the active seasons for breeding and migration of identified species. The mitigation measures will be outlined in the site plan control agreement.</p>
<p>Section 7.1.4.4 (Natural Heritage – Policies – Fish Habitat):</p> <p>The County of Frontenac values fisheries and supports habitat protection. Development or site alteration in fish habitat is only permitted if it complies with federal and provincial laws and an</p>	<p>There is no development proposed within the identified fish spawning habitat located at the end of the peninsula. The applicants consulted with the Department of Fisheries and Oceans (DFO) to review the potential impacts that could result from the construction of the docks and boathouse along the shoreline as well as potential impacts related to construction</p>

County Official Plan Policy	Planning Comment
<p>Environmental Impact Study (EIS) confirms no negative impact. The extent of adjacent lands to fish habitat shall be defined in the Township Official Plans, based on approaches recommended by the Province or based on Township approaches which achieve the same objectives. A 30-metre setback from watercourses and waterbodies is required for new development, remaining undisturbed and naturally vegetated where possible. Best management practices and stewardship are encouraged to support healthy fish habitat.</p>	<p>along the top of the peninsula. As a result, the boathouse was removed from the proposal and replaced with onshore structures farther from the area of concern.</p> <p>All mitigation measures outlined in the Environmental Impact Study (EIS), and in recommendations from DFO and MECP, will be implemented through the site plan control agreement that the owners will be required to enter into with the Township. These include specifics on timing of in-water works, types of dock construction and location of docks.</p>
<p>Section 7.1.4.4.1 (Natural Heritage – Policies – Fish Habitat – Lake Trout Lakes):</p> <ul style="list-style-type: none"> • “New lot creation shall not be allowed within 300 metres of at-capacity lake trout lakes located in Frontenac County. The list of such designated lakes are identified on Appendix “1B” and listed in Appendix “2” and shall be included in Local Official Plans... • Township Official Plans shall contain policies to protect these lakes, including the following: <ul style="list-style-type: none"> ○ Exceptions to the prohibition of development near at-capacity lakes, such as tile field setbacks; ○ Under such exceptional circumstances, new development requiring approval under the Planning Act that would, for example, prohibit removal of vegetation, require a 30 metre setback for all new buildings, or prohibit the use of fertilizers.” 	<p>Palmerston Lake is designated as a lake-trout lake that is not at-capacity, and no new lot creation is proposed as part of this development.</p> <p>All of the new dwellings proposed will be serviced with new Class 4 septic systems, which will be set back a minimum of 30 metres from the highwater mark of the lake.</p> <p>The EIS contains recommendations for consideration of septic systems that include more advanced phosphorous abatement technologies and composition of leaching fields to prevent potential septic leachate loading into the waterbody.</p> <p>Additionally, the EIS recommends a site-specific investigation for each new dwelling for the design of the septic system.</p> <p>All mitigation measures outlined in the Environmental Impact Study (EIS), and in recommendations from DFO and MECP will be implemented through the site plan control agreement that the owners will be required to enter into with the Township.</p>

County Official Plan Policy	Planning Comment
<p>Section 7.1.4.5 (Natural Heritage – Policies – Endangered and Threatened Species):</p> <p>The County of Frontenac values and supports the protection of endangered and threatened species. Their habitats, approved by provincial or federal authorities, are essential for species survival and recovery, though their exact locations may require site-specific assessments. Information on these species is obtained from provincial databases and used confidentially for development screening (known locations are not mapped publicly in order to protect the species). Development and site alteration are prohibited within these habitats unless they comply with federal and provincial requirements, and adjacent lands are also protected unless an Environmental Impact Study confirms no negative impacts. New development proposals require site assessments to identify potential habitats, with further studies mandated if habitat presence is confirmed. No development or alteration is permitted within 120 metres of significant habitats without proof of no ecological harm. Local Townships may seek technical guidance from the Ministry of Natural Resources and Forestry (MNRF) when development is proposed near these sites.</p>	<p>A Species at Risk (SAR) review was conducted as part of the Environmental Impact Study. There were areas identified as potential habitat for SAR, however no SAR were identified within the subject property.</p> <p>All mitigation measures outlined in the Environmental Impact Study (EIS), and in recommendations from DFO and MECP, will be implemented through the site plan control agreement that the owners will be required to enter into with the Township. These include timing of vegetation removal to avoid the active seasons for breeding and migration of identified species.</p>
<p>Section 7.1.4.6 Significant Woodlands</p> <p>Section 7.1.4.7 Significant Valleylands</p> <p>Section 7.1.4.8 Linkages and Biodiversity Areas</p>	<p>The Environmental Impact Study (EIS) for the property did not identify any significant woodlands or valleylands. The subject property is not shown as a Biodiversity Area on Schedule 1A of the Official Plan. The subject property is located adjacent to a linkage shown on Schedule 1A of the Official Plan, which appears to run through the lake and the Hamlet of Ompah. The results of the EIS</p>

County Official Plan Policy	Planning Comment
	<p>have indicated no negative impact to the natural heritage features on the property provided specific mitigation measures are followed. These mitigation measures are outlined in the EIS and will be implemented through the site plan control agreement.</p>
<p>Section 7.1.4.10 (Natural Heritage – Policies – Environmental Impact Study:</p> <p>“...An Environmental Impact Study shall be prepared to support land use planning applications and prior to the approval of the proposed development or site alteration. Depending on the type of planning application and the approval authority, the County, Townships and/or the Conservation Authorities will co-ordinate the requirements for the preparation of an Environmental Impact Study which shall be undertaken in accordance with the Natural Heritage Reference Manual and any other applicable guidelines...”</p>	<p>An Environmental Impact Study (EIS) was completed for the subject property to determine potential impacts to identified natural heritage features and recommend mitigation measures where appropriate. All mitigation measures from the EIS will be implemented through the site plan control agreement.</p>
<p>Section 7.3.2.1 (Hazard Lands – Natural Hazards Policies):</p> <p>“Development shall generally be directed to areas outside of:</p> <ul style="list-style-type: none"> • hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards; • hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and • hazardous sites such as unstable soils (sensitive marine clays [leda], 	<p>There are steep slope hazards along the shoreline of the peninsula portion of the property. To ensure the development does not aggravate the existing hazard an increased setback of 33 metres (108.3 feet) from the western shoreline of Palmerston Lake (tip of the peninsula) is required for all structures located on the property. This required setback has been included in the site-specific zoning. The site plan control agreement will also specify that there is to be no vegetation removal or site alteration within the 33-metre setback from the tip of the peninsula.</p>

County Official Plan Policy	Planning Comment
organic soils) or unstable bedrock (karst topography).”	

Township of North Frontenac Official Plan (2017)

The property is designated as Rural in the Township of North Frontenac’s Official Plan (2017). The intent of the policies in the Rural designation are to maintain rural character and ensure that properties are adequately serviced. Within the Rural designation, the Plan provides for a supply of land for a diversity of traditional and evolving rural uses including rural residential, recreational oriented uses, and rural commercial and industrial uses.

Usually, the Waterfront Area designation applies to all land within 150 metres (500 feet) of waterbodies, and on islands, where lands are physically or functionally related to the waterfront. The intent is to protect water quality, shoreline amenities, and natural habitat areas. It is unclear to staff as to why the subject property isn’t designated as Waterfront Area on the Official Plan’s land use schedule. Staff suspect that it is because the subject property touches part of the boundary of the Settlement Area (Hamlet) of Ompah and Section 4.10.2.2.G of the Official Plan states that “the Waterfront Area designation shall be outside the limits of Settlement Area designations”. However, Section 4.10.2.3 recognizes that the Waterfront Area boundaries need to be flexible because of varied terrain and development conditions. Given that the subject property is surrounded on three sides by water, staff have reviewed the applications against the Waterfront Area policies of Official Plan in addition to those of the Rural designation.

The following table outlines the policies that are applicable to this application. Direct quotes from the Official Plan are in quotation marks. Policies without quotation marks have been summarized. To view the full policy sections referenced below, refer to the Official Plan, available at this link: [North Frontenac Official Plan](#).

Township Official Plan Policy	Planning Comment
Section 2.3.8 (Objectives of the Plan): “To direct development away from lands with natural or human made hazards and/or physical limitations such as poor drainage, organic or contaminated soils, flood susceptibility, erosion or steep slopes.”	<p>There were no human-made hazards identified for the subject property.</p> <p>There are steep slope hazards along the shoreline of the peninsula portion of the property. To ensure the development did not aggravate the existing hazard an increased setback of 33 metres (108.3 feet) from the western shoreline of Palmerston Lake is required for all structures located on the peninsula. This required setback has been included in the site-specific zoning. The site plan control agreement will also specify that there is to</p>

Township Official Plan Policy	Planning Comment
	be no vegetation removal or site alteration within the 33-metre setback from the tip of the peninsula.
Section 2.3.9 (Objectives of the Plan): “To plan for new development, which is sensitive to and preserves the unique features, recreational character and amenities of the community and the natural environment.”	The proposed development is in keeping with the character of development in the area surrounding the Hamlet of Ompah and along the shorelines of Palmerston Lake.
Section 2.3.10 (Objectives of the Plan): “In recognizing that the many water bodies located in the Township are a valuable natural resource and a focal point of residential and recreation activity, it is an objective to protect and enhance the water quality, shorelines and habitat areas and natural features of these lakes and rivers.”	The subject property is located on Palmerston Lake, which is designated as a lake-trout lake, not at capacity. No new lot creation is proposed as part of this development. The co-op is planned in such a way as to minimize potential negative impacts on the waterbody, shorelines and natural features.
Section 3.4.2.B(iv) (Cultural Heritage and Archaeological Resources): “Council will require that in any proposed Plan of Subdivision and prior to the undertaking of any public work, private development, Consent or Zoning By-law Amendment, consideration be given to the possible effects and impacts of such works or development on cultural heritage and archaeological resources and those impacts, where identified, are appropriately mitigated...”	A Stage 1 and 2 archaeological assessment was completed for the subject property. This assessment was reviewed by the Ministry of Citizenship and Multiculturalism who provided a clearance letter confirming no further studies were required prior to the development of the site. Standard clauses about how to address the accidental discovery of artifacts or human remains will be included with the site plan control agreement.
Section 3.4.2.B(v) (Cultural Heritage and Archaeological Resources): “Council shall require an archaeological impact assessment carried out by an archaeologist licensed under the Ontario Heritage Act, when any public work, private development, Consent or Zoning By-law Amendment will affect an area containing a known archaeological site or cemetery or an area considered to have archaeological potential or is within 250 m (820 ft.) of a Provincially registered or	A Stage 1 and 2 archaeological assessment was completed for the subject property. This assessment was reviewed by the Ministry of Citizenship and Multiculturalism who provided a clearance letter confirming no further studies were required prior to the development of the site. Standard clauses about how to address the accidental discovery of artifacts or human remains will be included with the site plan control agreement.

Township Official Plan Policy	Planning Comment
known archaeological site or cultural heritage feature...”	
<p>Section 3.4.2.B(vii) (Cultural Heritage and Archaeological Resources): “Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation in situ...”</p>	<p>A Stage 1 and 2 archaeological assessment was completed for the subject property. This assessment was reviewed by the Ministry of Citizenship and Multiculturalism who provided a clearance letter confirming no further studies were required prior to the development of the site. Standard clauses about how to address the accidental discovery of artifacts or human remains will be included with the site plan control agreement.</p>
<p>Section 3.4.3 (Algonquin Aboriginal Interests): Policies recognize that the Township lies within the historic Algonquin Territory; consultation with the Algonquins of Ontario with regard to land use planning matters involving development on navigable waterways, archaeological assessments, and environmental impact studies.</p>	<p>These applications and supporting materials/studies were circulated to the Algonquins of Ontario for review and comment. No response has been received regarding this circulation.</p>
<p>Section 3.14 (Shoreline Structures): “...Shoreline structures are permitted only for uses which by their nature need to be located near the shoreline, such as docks, single storey boathouses and boat ports, marine storage sheds, viewing decks and gazebos and do not include sleeping cabins, bunkies or large storage structures.” The provisions of the Zoning By-Law shall apply to shoreline structures abutting any lake or waterbody. Other government agency approvals may be needed (e.g., conservation authority).</p>	<p>This application proposes several shoreline structures which will be clustered into a total of three new water access points (shoreline activity areas) to be shared amongst all dwellings. This sharing of activity areas and shoreline structures limits the overall number of structures to be located within the 30 metre (98.4 foot) setback from the lake.</p> <p>The site-specific zoning will recognize the reduction in waterbody setback to 6 metres from the required 15 metre setback for the construction of the marine storage sheds due to the topography/shoreline slopes on the property.</p>
<p>Section 3.17.2 (Water supply and Sewage Disposal, Individual On-Site Systems): Individual on-site water and wastewater services are permitted; site</p>	<p>This site will be serviced by several Class 4 sewage disposal systems that will be in proximity to the structures to be serviced and suitably sized in accordance with the</p>

Township Official Plan Policy	Planning Comment
<p>conditions must be suitable for the long-term provision of these services. Planning applications for new development must be supported with information and studies satisfactory to meet the approval requirements set out by the province.</p>	<p>Ontario Building Code and set back a minimum of 30 metres from the shoreline of the lake. A Site Servicing Brief was completed that detailed how these services will be configured/located on the subject property and the calculations used to determine daily design flow capacity.</p> <p>As each cottage applies for a building permit, the Township will review the overall site capacity. If capacity ever exceeds 10,000 litres per day, then approval from the provincial Ministry of Environment, Conservation, and Parks (MECP) is required. This will be detailed in the site plan control agreement that the owners will be required to enter into with the Township.</p>
<p>Section 3.17.4 (Stormwater Management and Drainage): Council prioritizes preventative stormwater management to protect water resources. Development must maintain natural hydrology, prevent flooding and erosion, and use sustainable techniques like Low Impact Development. Alterations to drainage systems should be minimized, and wildlife habitats protected. Stormwater management plans may be required, with Council consulting the Conservation Authority as needed. Infrastructure improvements must align with conservation goals.</p>	<p>A stormwater management study was completed for this proposal and reviewed by Mississippi Valley Conservation Authority. The proposed development will be undertaken using best management practices for control of water flow throughout the site and to minimize the potential for erosion impact on the shoreline slopes.</p> <p>These best practices include the retention of shoreline vegetation with no vegetation removal or site alteration permitted within 33 metres of the tip of the peninsula.</p> <p>The recommendations of the stormwater management study will be implemented in the site plan control agreement that the owners will be required to enter into with the Township.</p>
<p>Section 4.2.1 (Rural Area – General Policies): Within the Rural Area, the Plan provides for a supply of land for a diversity of traditional and evolving rural uses. These include rural residential, rural co-operative areas, recreational oriented uses, uses characterized by large areas</p>	<p>The proposed development is a rural co-operative development that is in keeping with the intent of the land use types for the Rural area. Context specific issues, such as ensuring that the Waterfront Area policies apply and that uses are limited to residential and associated accessory</p>

Township Official Plan Policy	Planning Comment
<p>of open space, public utilities, commercial facilities, rural commercial and industrial uses, and air strips. Some uses will require a specific land use designation because of their characteristics, while others will be permitted and governed through the Zoning By-Law. Rural Co-operatives have their own site-specific designations that are mapped on the land use schedule.</p>	<p>uses, have been outlined in the site-specific Official Plan Amendment for the property.</p>
<p>Section 4.4.1 (Rural Cooperative Area – Concept and Permitted Uses): “...the Rural Co-operative Area designation of land as shown on the... Land Use Plan shall mean that the predominant use of land in the areas so designated shall be for a single planned development on property owned in common, such as an incorporated co-operative or non-profit organization, land trust or family farm where the ownership and responsibility for the maintenance of all land uses, buildings, services and general management rests with the members. The permitted uses shall be those uses permitted in the Rural Area”.</p>	<p>The proposed development is a rural co-operative development that is planned as a family co-op. This co-op is known as Ompah Palmerston Cottage Cooperative and has been formally incorporated (registered) including the establishment of by-laws which will govern the future ownership and responsibilities for all landowners.</p> <p>Not all Rural land uses were deemed to be appropriate given the nature of the site as a waterfront property on a designated lake trout lake. Therefore, issues, such as ensuring that the Waterfront Area policies apply and that uses are limited to residential and associated accessory uses, have been outlined in the site-specific Official Plan Amendment for the property.</p>
<p>Section 4.4.2 (Rural Cooperative Area – Planning Principles): “Rural Co-operative developments shall be subject to the following:</p> <p>a. Frontage shall be on a public road that is opened and maintained year-round and which is of a reasonable standard of pavement or gravel construction or, frontage may be on an existing private lane further to Private Lane policies. Access to the road shall be such that no traffic hazards are created by limited sight lines.</p>	<p>The subject property has frontage along and is accessed by Lafolia Lane (a private lane). Please refer to the discussion about the private lane in this table under Section 4.1.1.6 of the County Official Plan.</p> <p>Most buildings and structures will be located outside the required setback to any identified natural hazards on the subject property. The exception to this setback is the small shoreline structures that will be located in conjunction with the water access points and docks, including permitted waterfront storage and</p>

Township Official Plan Policy	Planning Comment
<p>b. Good agricultural and wood lot land shall be preserved.</p> <p>c. No buildings shall be erected on any part of any lot subject to flooding, subsidence, erosion or any other physical hazard.</p> <p>d. Where necessary, adequate buffering shall be provided between the rural co-operative development and adjacent land uses to reduce or eliminate the adverse effects of one use upon the other.</p> <p>e. Energy efficient and sustainable design will be promoted for all development. Council may establish performance standards through conditional zoning, site plan control and other means.”</p>	<p>gazebo. The site-specific zoning will recognize the reduction in waterbody setback to 6 metres from the required 15 metre setback for the construction of the marine storage sheds due to the topography/shoreline slopes on the property.</p> <p>The location of the development along a peninsula limits the need for additional buffering between the property and adjacent land uses. The natural vegetation along the shorelines will screen the development as well as adding to the stability of the steep slopes.</p> <p>A site plan control agreement will be required for the property and will be used to confirm the location of structures and implement the recommendations of all technical studies.</p>
<p>Section 4.4.3 (Rural Co-operative Area – Development Plan): “Prior to any new development taking place in the Rural Cooperative Area, the Owners shall prepare and present for approval to the Township a development plan which shall include the location of major land uses, including the road pattern, the existing conditions of any water body to be utilized in the development (if applicable), the staging of such development (if applicable) and an assessment of the economic impact of the proposed uses on such matters as public road maintenance, fire protection services, school bussing, etc. and the on-site servicing requirements of the public body having jurisdiction. In reviewing the rural co-operative development, the Municipality may circulate the development plan to any affected public bodies deemed necessary for comment. The approved development plan together with any site plan control and/or other agreements required by the Municipality shall be</p>	<p>The applicants, and their planning consultant, pre-consulted with Township and County planning staff prior to submitting these applications. These applications included the submission of a planning justification report which included a development plan for the co-op and acknowledged the requirement for Site Plan Control approval prior to the start of development.</p>

Township Official Plan Policy	Planning Comment
<p>registered against the lands to which they apply and development on the lands shall take place in accordance with the registered Development Plan and Agreement. The application of site plan control approval will depend on the scale and type of activity involved.”</p>	
<p>Section 4.10.1 (Waterfront Area – Introduction):</p> <ul style="list-style-type: none"> • Waterfront Areas shall generally include all lands extending 150 metres (500 feet) from the ordinary high-water mark of any water body. The policies of this section of the Plan are intended to govern development within 150m (500 ft.) of these water bodies and islands with the intent to protect water quality, shoreline amenities and natural habitat areas. Water quality of all water bodies in the Municipality will be maintained at their present level or enhanced. • Permitted uses in this land use designation include low-density residential development, tourist commercial uses, and recreational vehicle parks and campground uses. Rural residential uses with tenured occupancy such as condominiums, fractional ownership and time sharing are also permitted. • The shoreline area and water resources, which have attracted settlement, possess physically and environmentally sensitive areas. Water quality, wetlands, natural heritage, and habitat areas must be preserved and protected. • The Waterfront Area designation identifies and describes the overall low-density shoreline development, which is composed of residential, waterfront, commercial and open space uses, and is related to the 	<p>The low-density residential development proposed is in keeping with the policies of the Waterfront Area will not have negative impacts on Palmerston Lake. Mitigation measures and recommendations from all technical reports, including the EIS, will be implemented through the site plan control agreement.</p>

Township Official Plan Policy	Planning Comment
<p>recreational and aesthetic opportunities presented by a significant water resource.</p>	
<p>Section 4.10.3 (Waterfront Area – Basis and Principles): “The following principles will apply to growth and development within the Waterfront Area designation:</p> <p>A. The waterfront area of the Township is an important resource, which will be protected. The waterfront setting consists of open space and low density residential land uses on mainland and island shorelines; interspersed with some commercial development, primarily resorts; set among a forested landscape. This character is recognized, and all development shall recognize this character.</p> <p>B. The Waterfront Area on North Frontenac is a unique resource and asset. On this basis, development – including lot creation – should take place only after careful consideration of those recreational, environmental, socio-economic, and aesthetic qualities which contribute to the attraction of the waterfront and shared enjoyment of its lakes and rivers.</p> <p>C. Development should be promoted in locations where demands on public services will be minimized, and where this development will most effectively utilize – or help pay for – existing services.</p> <p>D. Limiting the density of buildings and structures in the Waterfront Area is an important part in protecting the character of the lakes and rivers in North Frontenac. Many factors affect waterfront character such as the number of structures, setbacks, shoreline vegetative buffers, height, size and form of buildings, size and</p>	<p>The low-density residential development proposed is in keeping with the policies of the Waterfront Area and will not have negative impacts on Palmerston Lake.</p> <p>The clustering of the proposed dwellings along the ridge of the peninsula and limiting the number of water access points avoids negative impacts on Palmerston Lake by reducing the amount of vegetation removal required on the subject property and within 30 metres (98.4 feet) of the shoreline of the lake (33 metres from the western point of the peninsula). Retention of this vegetated buffer aids in screening the development from view, maintaining the rural waterfront character of the area, and promotes the stability of the steep slopes along the shorelines.</p> <p>There will be no increase in demand on public services.</p> <p>The development is low density in nature because the eight cottages would be spread out over 35 acres, which is approximately 4.4 acres of land per cottage.</p> <p>The applicant has submitted several technical studies in support of the applications, which have been reviewed and revised to the satisfaction of staff, and that address natural heritage, cultural heritage, and natural hazards. Mitigation measures and recommendations from all technical reports, including the EIS, will be implemented through the site plan control agreement. Permits from MVCA and provincial or federal ministries will be required as noted in the applicable studies, and those requirements will also</p>

Township Official Plan Policy	Planning Comment
<p>location of shoreline structures, and the historic development of a particular lake or river. A strong vision through the policies in this Plan to limit density related to these factors is fundamental.</p> <p>E. The integrity of the natural environment, landscape, shorelines and water quality will be protected.</p> <p>F. Natural and cultural heritage, and habitat will be preserved...</p> <p>G. The water resources of the Township will continue to be accessible to both private and public users...</p> <p>J. Shoreline alterations shall require approval by the Municipality and/or appropriate agency (Conservation Authority; Ministry of Natural Resources and Forestry; Canada Fisheries and Oceans).”</p>	<p>be noted in the site plan control agreement.</p>
<p>Section 4.10.4 (Waterfront Area – Goals): “Goals of the Waterfront policies are as follows:</p> <p>A. To protect the character of the waterfront in recognition of the different character of individual lakes.</p> <p>B. To retain and promote the Waterfront’s unique recreational character within the context of primarily a single-tier of development.</p> <p>C. To ensure that development is suited to its site and that appropriate access and services are provided.</p> <p>D. To encourage optimal growth while taking into consideration the lake system health of the Township’s lakes and rivers.</p> <p>E. To preserve and enhance the high quality of the recreational and biological aspects of the Waterfront.</p> <p>F. To ensure growth is compatible with and has regard for the overall physical, environmental, social, and economic aspects of the waterfront.</p>	<p>The proposed development will be incorporated into the existing rural character of the area will not negatively impact the biodiversity or natural systems in the area.</p> <p>The proposed development meets the intent of the waterfront area goals. No commercial or resort development is proposed through these applications, and none are permitted based on the wording in the draft by-laws to amend the Official Plan and Zoning By-Law.</p>

Township Official Plan Policy	Planning Comment
<p>G. To encourage the redevelopment and expansion of commercial businesses such as resorts and to recognize their important economic function.”</p>	
<p>Section 4.10.5 (Waterfront Area – Objectives): Objectives of the Waterfront Area policies are as follows:</p> <p>Character</p> <p>A. To recognize and protect the character of waterbodies within a single tier of development around the shoreline with limited, low density backlot development where access permits.</p> <p>B. To ensure that built form does not become concentrated or dominate the Waterfront to the detriment of natural form.</p> <p>C. To maintain or restore the majority of all developed and undeveloped shorelines in their natural state and promote stewardship of their biological benefits.</p> <p>D. To work with Frontenac County and Provincial agencies to develop a process to identify the character of individual lakes through a classification system and assign appropriate limitations in an effect to protect this character.</p> <p>Access and Servicing</p> <p>E. To ensure that access is provided to all new lots to a standard appropriate to the situation.</p> <p>F. To promote the waterways as a major recreational asset that should be made accessible to both public and private users.</p> <p>G. To ensure that development does not unduly contribute to a demand for utilities or services which are uneconomical to provide, improve, or maintain.</p>	<p>The proposed co-op is in keeping with the objectives of the Waterfront Area. The low density of residential development is in keeping with the objective to limit the density of the built form along the shoreline of Palmerston Lake.</p> <p>Except for three new shoreline access points, the shoreline will be left in a natural state, maintaining the rural character of the area.</p> <p>An Environmental Impact Study (EIS) was completed for the subject property to determine potential impacts to identified natural heritage features and recommend mitigation measures where appropriate. All mitigation measures from the EIS will be implemented through the site plan control agreement.</p> <p>The proposed development will not require the extension of any public utilities or services, as it is located on a private road.</p> <p>The subject property is accessed via Lafolia Lane, a private road. To ensure appropriate access some upgrades will be required.</p> <p>As the lane is currently not accessible for emergency services access, and as the width of the existing right-of-way is insufficient to allow for it to be widened to the full 20 metres specified in the study, planning staff have indicated to the applicant that Lafolia Lane must be upgraded to a minimum standard to allow for access for emergency services. Therefore, planning staff are recommending the addition of a holding symbol (H) to the site-specific exception</p>

Township Official Plan Policy	Planning Comment
<p>H. To encourage public trail systems which provide recreational opportunities and link the waterfront to other areas of the Township.</p> <p>Natural Areas</p> <p>I. To maintain a high level of biodiversity by protecting natural areas and the connections between them.</p> <p>J. To ensure that the environment is protected from negative impacts of development.</p> <p>K. To protect and, where possible, enhance water quality.</p> <p>Development</p> <p>L. To encourage development which will contribute to the attraction and viability of the Waterfront for visitors and residents.</p> <p>M. To support the continued viability of resorts, campgrounds, other commercial uses, and residential uses as important elements in the North Frontenac economy.</p> <p>N. To control development on the waterfront such that it does not dominate the natural shoreline.</p> <p>O. To support redevelopment opportunities of waterfront properties while maintaining the character of the waterfront area.</p> <p>P. To protect and preserve the cultural heritage and archaeology resources in the waterfront area.</p> <p>Q. To promote healthy and active communities by planning for public spaces, parks, public access to water, trails, and open space.</p> <p>R. To ensure all lighting of properties is respectful of neighbours, the environment, navigation and the dark sky.</p>	<p>zone, which would not permit the development of any additional cottages on the subject property until the holding symbol is removed from the zoning. The conditions of removal of this holding zone are detailed in the proposed Zoning By-Law Amendment.</p> <p>The only character identification that exists for lakes is the province’s determination of whether a lake is at capacity and whether it is a lake trout lake. Palmerston Lake has been identified as a lake trout lake that is not at capacity.</p> <p>Issues with respect to cultural heritage and archaeology have been addressed in the above sections of the table.</p> <p>Issues with respect to lighting and dark sky requirements will be addressed in the site plan control agreement.</p> <p>Policies with respect to public open spaces, trails, public access to the waterfront, and commercial developments are not applicable in this instance, as this is a proposed residential development on private property. Also not applicable is the policy regarding small lot development, because the subject property is 35 acres in size, with an average of 4.4. acres of land per dwelling.</p>

Township Official Plan Policy	Planning Comment
<p>S. To ensure development of small lots is compatible with development in the area.</p>	
<p>Section 4.10.6, sub-sections A, B, and D (Waterfront Area, General Development Policies – Character):</p> <ul style="list-style-type: none"> • (A) “The Waterfront Area character differentiates the waterfront area from the rural setting of North Frontenac. Waterfront character is linked to the natural and built form which is oriented toward the lakes and rivers in the Township. Natural form includes predominantly vegetated and forested shorelines with thin soils over the bedrock of the Canadian Shield. Built form includes mostly residential development interspersed with some commercial development, primarily resorts and campgrounds. The Waterfront Area is the focus for recreation, relaxation, water supply, and support for fisheries and wildlife habitat, among others. Where development occurs in the Waterfront Area, it should enhance and protect, where possible, those qualities that contribute to character.” • (B) “Natural form should dominate the character of the Waterfront. Natural shorelines may visually screen development viewed from the water and buffer uses. Shorelines shall be encouraged to be maintained in a predominantly natural state with tree cover and ground vegetation retained as development occurs.” • (D) “Where development occurs in the Waterfront, it should complement the natural and built form and should enhance and protect those qualities that contribute to character.” 	<p>The proposed co-op development locates the dwellings and other structures in clusters that limits the amount of vegetation clearing required on the property and is appropriate for the character of development in the area. Impact of lighting on adjacent properties is not expected to be an issue given the distance between the subject dwellings and adjacent properties. Any issues regarding with lighting will be addressed through the site plan control agreement.</p> <p>The maintenance of the natural vegetation along the shoreline and slopes aids in stabilizing the slopes as well as screening the development from view from the lake. This helps in limiting the dominance of the built form along the shoreline.</p> <p>The residential development proposed is in keeping with the objectives of the Waterfront Area and will not have negative impacts on Palmerston Lake. Mitigation measures and recommendations from all technical reports, including the EIS, will be implemented through the site plan control agreement.</p> <p>The proposed development will not have any undue impact on the delivery of services by the Township, as the development is located on a private road.</p> <p>No public access or amenities are proposed as part of these applications, so these objectives of the Official Plan are not applicable in this situation.</p>

Township Official Plan Policy	Planning Comment
<p>Section 4.10.6, sub-section E (Waterfront Area, General Development Policies – Permitted Uses): Includes low density residential uses, including limited service residential development, and accessory structure and buildings.</p>	<p>The proposed co-op development is a low-density residential development with appropriate accessory structures for the primary residential use.</p>
<p>Section 4.10.6, sub-sections F through K, M, and N (Waterfront Area, General Development Policies – General Development Standards):</p> <ul style="list-style-type: none"> • (F) “Waterfront lots should be of sufficient dimension and size to accommodate the use proposed, related structures, and services within acceptable standards. As such, a variety of lot sizes, water frontages, setbacks, and structural limitations are expected in recognition of the natural and built influences in the Waterfront Area.” • (G) “All major development and redevelopment shall be subject to site plan control including all commercial, industrial and institutional uses, as more specifically described in an implementing site plan control by-law.” • (H) “Waterfront Area Lot Size The following shall constitute minimum lot requirements, unless otherwise specified: (i) a lot area of 0.8 hectares (2 acres); and, (ii) a water frontage of 77 metres (250 feet).” • (I) Shoreline Setbacks “The front yard setbacks, as detailed in an implementing comprehensive zoning by-law, are established in recognition of: (i) Requirement of a shoreline vegetative buffer; (ii) Minimizing the dominance of the built form on the natural environment; (iii) Maintenance of privacy and noise attenuation especially on properties fronting onto a narrow waterbody; (iv) Maintenance of aesthetic qualities of the waterfront; 	<p>The subject property is 35 acres in size which averages 4.4 acres per dwelling proposed in the co-op development. The minimum lot area for new lot creation in the Waterfront Area is 0.8 hectares (2 acres).</p> <p>The co-op development will be required to go through Site Plan Control approval prior to the issuance of any building permits for the proposed structures.</p> <p>An Environmental Impact Study (EIS) was completed for the subject property to determine potential impacts to identified natural heritage features (Palmerston Lake and unevaluated wetlands) and recommend mitigation measures where appropriate. These recommendations will be implemented through the site plan control agreement.</p> <p>All structures, including sewage disposal systems shall be setback a minimum of 30 metres (98.4 feet) from the high-water mark of Palmerston Lake. The exception to these setbacks will be three gazeboes permitted at 3 metres (per the zoning by-law) and the marine storage sheds located at two of the three additional shoreline access points proposed. The marine storage sheds are proposed to have a setback of 6 metres to address the issue of the topography on the site.</p> <p>On the western portion of the peninsula on the subject property development shall be required to have an increased setback of 33 metres (108.3 feet) in recognition of</p>

Township Official Plan Policy	Planning Comment
<p>and; (v) Protection of natural habitat and minimizing environmental impact in the foreshore area.”</p> <ul style="list-style-type: none"> • (J) Building Setbacks “Land based buildings and structures (unless otherwise specified in the Plan) shall be located a minimum of 30 metres (100 feet) from the normal or controlled high water mark of a waterbody with the exception of the following: (i) Minor accessory building or structures or marine related facilities, which shall be located as detailed in the implementing comprehensive zoning bylaw; (ii) Septic tile bed and mantle, which shall not be permitted within 30 metres (100 feet) of the waterbody; (iii) existing development as defined in an implementing zoning by-law; (iv) where lake-specific or site-specific conditions suggest that it would be appropriate, the minimum water setback may be increased. Examples may include sites with steep slopes, limited soil depth, or limited vegetative cover; and (v) Consideration shall be given in the implementing zoning by-law to the establishment of a maximum floor space index within 60 m (200 feet) of the high water mark to ensure no large structures are built near the shoreline.” • (K) Side yard Setbacks “Side yard setbacks shall be established in an implementing comprehensive zoning by-law in recognition of the following: (i) in the case of land structures, to maintain a natural area between buildings so as to reduce the dominance of the built form on the natural environment, maintain privacy, attenuate noise, connect habitat, ensure compatibility, and contribute to the aesthetic qualities of the 	<p>the identified steep slopes and fish spawning habitat.</p>

Township Official Plan Policy	Planning Comment
<p>waterfront; (ii) in the case of shoreline structures, to allow for the ingress and egress of boats to dock spaces and boathouse slips, while maintaining reasonable views and separation for privacy between neighbouring properties; and (iii) consideration may be given to alternatives where such setbacks are not possible due to terrain or other constraints.”</p> <ul style="list-style-type: none"> • (M) “Redevelopment of existing properties shall be encouraged to follow current development standards, as closely as possible, to be compatible with and consistent with sound planning principles including environmental considerations. In addition, encouragement shall be given to restoring and preserving natural shorelines.” • (N) “The preparation of an Environmental Impact Study (EIS) shall be required for all major development in waterfront areas.” 	
<p>Section 4.10.6, sub-section S (Waterfront Area, General Development Policies – Access): “Access to waterfront area development that is not on public roads shall be subject to the Private Roads policies set out in Section 5.3.”</p>	<p>The subject property is located on and accessed by Lafolia Lake, a private road. Refer to further comments in Section 5.3 below.</p>
<p>Section 4.10.6, sub-sections T and U (Waterfront Area, General Development Policies – Servicing):</p> <ul style="list-style-type: none"> • (T) “It is anticipated that the Waterfront Area will be serviced by private individual onsite sewage and water systems.” • (U) “Hydrogeological reports satisfactory to the Township and Conservation Authority or Ministry of Environment and Climate Change may be required to support any proposal on private servicing systems 	<p>This site will be serviced by several Class 4 sewage disposal systems that will be in proximity to the structures to be serviced and suitably sized in accordance with the Ontario Building Code. A Site Servicing Brief was completed that detailed how these services will be configured/located on the subject property and the calculations used to determine daily design flow capacity.</p> <p>As each cottage applies for a building permit, the Township will review the overall site capacity. If capacity ever</p>

Township Official Plan Policy	Planning Comment
<p>where: (i) more than four residential lots are proposed; (ii) construction of a new road(s) is proposed; (iii) there are areas of known or suspect water quantity or quality; or (iv) for commercial, industrial or other uses which would produce an effluent flow of greater than 4,500 litres per day.”</p>	<p>exceeds 10,000 litres per day, then approval from the provincial Ministry of Environment, Conservation, and Parks (MECP) is required. This will be detailed in the site plan control agreement that the owners will be required to enter into with the Township.</p> <p>A hydrogeological report was not required, because no well is proposed to be drilled. Water service will be provided through a surface intake from Palmerston Lake.</p>
<p>Section 4.10.6, sub-sections W through Z (Waterfront Area, General Development Policies – Visual, Scenic, and Aesthetic Qualities):</p> <ul style="list-style-type: none"> • (W) “The preservation and protection of the appearance of the shoreline in a natural vegetated state shall be encouraged.” • (X) “Private roads serving waterfront lots are encouraged to blend in with the waterfront setting and terrain, taking into account slope, tree cover, alignment, and road surface, and the policies of the Private Roads Section 5.3 of this Plan.” • (Y) “Development shall be located and designed so as to protect the character and prominence of public views and features including such areas as rock cliffs, waterfalls, rapids, and landmarks. Where development is proposed in such areas, encouragement shall be given to the dedication or acquisition of such lands for the purposes of conservation, public access, trails, and/or portages.” • (Z) “The retention of trees and native vegetation shall be encouraged through site plan control or municipal development agreement to uphold the visual and environmental integrity of 	<p>The location of the proposed dwellings and accessory structures along the ridge of the peninsula and a minimum of 30 metres (98.4 feet) from the mapped wetlands and high-water mark of Palmerston Lake (33 metres from the western point of the peninsula) mean that the shorelines will remain naturally vegetated. Retaining the shoreline vegetation aids in screening the proposed development from the water and retaining the natural and rural character along the shoreline.</p> <p>The only interruption to this vegetated buffer will be three access paths to the shoreline and associated water access points with docks, two of which will also have a marine storage shed (with a 6-metre setback outlined in the proposed zoning by-law amendment), in addition to three gazebos permitted at 3 metres (per the Township zoning by-law).</p>

Township Official Plan Policy	Planning Comment
<p>the Waterfront Area. Where development is proposed, a natural undisturbed buffer is required at the water’s edge to generally meet a target of 15 metres (50 feet) in depth from the high water mark. Where little or no natural buffer exists, renaturalizing will be required, where possible. Minor accessory structures and an access pathway to the shoreline are permitted.”</p>	
<p>Section 4.10.7, sub-sections C through E and G (Waterfront Area, Lake System Health):</p> <ul style="list-style-type: none"> • (C) “The overall health of most lakes and rivers in North Frontenac can be considered to be very good to excellent. From a planning perspective a cautious approach to development in the Township will be taken in order to protect these waterbodies. In this regard, new lot creation, development or redevelopment should only be permitted where it is determined that phosphorus impacts on water quality can be effectively eliminated.” • (D) “The role of natural vegetated shorelines in buffering waterbodies from erosion, siltation and nutrient migration adjacent to the sensitive littoral zone is critical to the protection of water quality. Preservation and restoration, where appropriate, of shoreline buffers is therefore necessary. The frontage of a lot will be maintained in a natural state to a target depth of 15 metres (50 feet) from the shoreline where new lots are being created and where vacant lots are being developed. Where lots are already developed and further development or redevelopment is proposed, these targets should be 	<p>The co-op development will be required to go through Site Plan Control approval prior to the issuance of any building permits for the proposed structures. This will include access routes, development envelopes, and required vegetative buffers.</p> <p>An Environmental Impact Study (EIS) was completed for the subject property to determine potential impacts to identified natural heritage features (Palmerston Lake and unevaluated wetlands) and recommend mitigation measures where appropriate. All recommendations from the EIS, and other technical studies, such as the Stormwater Management Brief, will be implemented through the site plan control agreement.</p> <p>All structures, including sewage disposal systems shall be setback a minimum of 30 metres (98.4 feet) from the high-water mark of Palmerston Lake. The exceptions to the 30-metre setback will be three access paths to the shoreline and associated water access points with docks, two of which will also have a marine storage shed (with a 6-metre setback as outlined in the proposed zoning by-law amendment), in addition to three gazebos permitted at 3 metres (per the Township zoning by-law).</p>

Township Official Plan Policy	Planning Comment
<p>achieved to the extent feasible. Where these targets cannot be met, a net improvement over the existing situation is required.”</p> <ul style="list-style-type: none"> • (E) “Construction mitigation measures, storm water management, or other techniques shall be used to minimize negative impacts on water quality.” • (G) “Where site plan control or a development agreement is required as part of a planning approval, or where on-site phosphorus management is required, the following matters may be addressed: (i) appropriate location of buildings, structures and sewage disposal systems; (ii) retention or restoration of a natural vegetative buffer to prevent erosion, siltation and nutrient migration; (iii) maintenance or establishment of native tree cover and vegetation on the lot wherever possible; (iv) appropriate location and construction of roads, driveways and pathways, including use of permeable materials; and (v) implementation of stormwater management and construction mitigation techniques, including proper re-contouring, discharging of roof leaders, use of soak away pits and other measures to promote infiltration.” 	<p>On the western portion of the peninsula of the subject property, all development, including dwellings and accessory structures, shall be required to have a setback of 33 metres (108.3 feet) in recognition of the identified steep slopes and fish spawning habitat.</p> <p>Site alteration and vegetation removal will not be permitted within the 33-metre setback from the western point of the peninsula, and the shoreline vegetation along the remainder of the property will remain, except for the designated water access points, which are identified in the concept plan. These locations will also be included in the site plan control agreement.</p>
<p>Section 4.10.8.B, sub-sections (i) and (iii) (Waterfront Area – Lake Trout Water Not At Capacity):</p> <ul style="list-style-type: none"> • (i) “The lake trout waters in this category are those which are considered capable of supporting additional shoreline development (i.e. within 300 m (984 ft.) of the shoreline), provided that special precautions are taken to ensure that maximum containment of phosphorus occurs on the lot except as otherwise permitted in this section. In cases where a lake- 	<p>All new sewage disposal systems to be constructed on the subject property will be located a minimum of 30 metres (98.4 feet) from the high-water mark of Palmerston Lake and 33 metres from the western point of the peninsula.</p> <p>A site servicing report was provided that outlined the locations of the proposed sewage disposal systems and the overall daily design capacity for the subject property.</p>

Township Official Plan Policy	Planning Comment
<p>wide capacity assessment (see Section 4.10., Lake Development Area) has been undertaken, the Municipality will use the information to determine whether the lake can support additional development. The Ministry of Environment and Energy and the Ministry of Natural Resources and Forestry shall be consulted in these situations.”</p> <ul style="list-style-type: none"> • (iii) “The sewage disposal system serving any development shall use the best available phosphorus removal technology and shall be setback a minimum of 30 m (98.4 ft.) from the shoreline.” 	<p>The EIS contains recommendations for consideration of septic systems that include more advanced phosphorous abatement technologies and composition of leaching fields to prevent potential septic leachate loading into the waterbody.</p> <p>Additionally, the EIS recommends a site-specific investigation for each new dwelling for the design of the septic system.</p> <p>All mitigation measures outlined in the Environmental Impact Study (EIS), and in recommendations from DFO and MECP will be implemented through the site plan control agreement that the owners will be required to enter into with the Township.</p> <p>As each cottage applies for a building permit, the Township will review the overall site capacity. If capacity ever exceeds 10,000 litres per day, then approval from the provincial Ministry of Environment, Conservation, and Parks (MECP) is required. This will be detailed in the site plan control agreement that the owners will be required to enter into with the Township.</p> <p>Correspondence from MECP indicates that the water quality of Palmerston Lake is quite good and that the proposed development will not have a negative impact on lake water quality.</p>
<p>Section 4.12.2.A (Natural Heritage Features): Some Natural Heritage Features are shown on the Land Use Plan Schedule, but species at risk and their habitats are not due to data sensitivity. These will still be considered in planning applications. The list may change as new information emerges, and the Municipality will regularly consult the</p>	<p>A Species at Risk (SAR) review was conducted as part of the Environmental Impact Study. There were areas identified as potential habitat for SAR, however no SAR were identified within the subject property.</p> <p>An Environmental Impact Study (EIS) was completed for the subject property to determine potential impacts to identified</p>

Township Official Plan Policy	Planning Comment
<p>Ministry of Natural Resources and Forestry for updates.</p>	<p>natural heritage features and recommend mitigation measures where appropriate.</p> <p>All mitigation measures outlined in the Environmental Impact Study (EIS), and in recommendations from DFO and MECP will be implemented through the site plan control agreement that the owners will be required to enter into with the Township. These include timing of vegetation removal to avoid the active seasons for breeding and migration of identified species.</p>
<p>Section 4.12.2.B (Natural Heritage Features – Wetlands and Wildlife Habitat): The Township aims to protect wetlands for their ecological, water management, and recreational value. The Mud Lake Wetland is the only Provincially Significant Wetland in the Township. Development and site alteration are not allowed in significant wetlands or significant wildlife habitats and are only permitted on adjacent lands if an Environmental Impact Assessment confirms no negative impact. New development must be set back at least 30 metres from wetlands. The Council may designate locally significant wetlands, which will be subject to the same protections as Provincially Significant Wetlands.</p>	<p>An Environmental Impact Study (EIS) was completed for the subject property to determine potential impacts to identified natural heritage features and recommend mitigation measures where appropriate.</p> <p>There were no significant wetlands or significant woodlands located on the subject property, or within the applicable screening distance.</p> <p>There is an unevaluated wetland on the property. All development will be set back a minimum of 30 metres from this feature.</p>
<p>Section 4.12.2.C (Natural Heritage Features – Fish Habitat): The Township intends to protect designated cold and warm water bodies and fish spawning areas. Development and site alteration must comply with local, provincial, and federal requirements. Adjacent development within 30 metres of fish habitat may require an Environmental Impact Assessment to ensure no negative impact.</p>	<p>An EIS was completed for the subject property and the proposed development. There is identified fish habitat and spawning area located in the water at the western end of the peninsula; however, there is no development proposed within or adjacent to the identified fish spawning habitat.</p> <p>The applicants consulted with the Department of Fisheries and Oceans (DFO) to review the potential impacts that could result from the construction of the</p>

Township Official Plan Policy	Planning Comment
	<p>docks and boathouse along the shoreline as well as potential impacts related to construction along the top of the peninsula. As a result, the boathouse was removed from the proposal and replaced with onshore structures farther from the area of concern.</p> <p>All mitigation measures outlined in the Environmental Impact Study (EIS), and in recommendations from DFO and MECP will be implemented through the site plan control agreement that the owners will be required to enter into with the Township. These include specifics on timing of in-water works, types of dock construction and location of docks.</p> <p>All development at the western point of the peninsula will be setback a minimum of 33 metres (108.3 feet) and no site alteration or vegetation removal will be permitted in this area.</p>
<p>Section 4.12.2.D (Natural Heritage Features – Endangered and Threatened Species): The Endangered Species Act, 2007 protects species at risk and their habitats. Until specific habitat regulations are in place, the Township will use available data to identify areas needing protection and may seek technical guidance from the Ministry of Natural Resources and Forestry.</p> <p>Development and site alteration are prohibited in significant habitats of endangered or threatened species and may only occur on adjacent lands (within 120 metres) if an Impact Assessment confirms no negative impact. Similar protections apply to vulnerable species, with required assessments for development within 120 metres. The Municipality will consult habitat mapping when reviewing applications.</p>	<p>A Species at Risk (SAR) review was conducted as part of the Environmental Impact Study. There were areas identified as potential habitat for SAR, however no SAR were identified within the subject property.</p> <p>All mitigation measures outlined in the Environmental Impact Study (EIS), and in recommendations from DFO and MECP will be implemented through the site plan control agreement that the owners will be required to enter into with the Township. These include timing of vegetation removal to avoid the active seasons for breeding and migration of identified species.</p>

Township Official Plan Policy	Planning Comment
<p>Section 4.12.2.F (Natural Heritage Features – Environmental Impact Assessment): Council requires an Environmental Impact Assessment (EIA) for development and site alteration in designated Natural Heritage Features and adjacent lands. The EIA, prepared by the applicant, assesses potential impacts and determines if development should proceed. If impacts cannot be mitigated, the project will not be permitted.</p> <p>The EIA’s scope depends on the project size, ranging from a simplified to a full site assessment. It includes an area description, project details, impact assessment, mitigation measures, and monitoring plans. Council may consult relevant authorities and recover review costs from the applicant.</p>	<p>An Environmental Impact Study (EIS) was completed for the subject property to determine potential impacts to identified natural heritage features (Palmerston Lake and unevaluated wetlands) and recommend mitigation measures where appropriate, which will be implemented through the site plan control agreement.</p> <p>No significant wetlands or significant wildlife habitats were identified on the subject property.</p>
<p>Section 4.12.2.G (Natural Heritage Features – Implementation Measures): “Council may use zoning, site plan control and the provisions of the Municipal Act (site alteration controls) as measures to implement recommendations or results of an Environmental Impact Assessment or to govern the spatial relationship of buildings and structures to natural heritage features and areas.”</p>	<p>All development proposed to be permitted through the site-specific OPA and ZBA will be subject to the Site Plan Control process and a Site Plan Agreement will need to be finalized and registered on title prior to the issuance of any building permits. The agreement will also implement all recommendations from the technical studies, including the EIS.</p>
<p>Section 5.3 (Private Lane Policies):</p> <p>Private lane construction standards are outlined in Appendix 3 of the Official Plan and are specific to new lot creation.</p>	<p>The Private Roads (Lanes) Study was completed in 2016. The policy framework for private lanes anticipates the review of these types of access in relation to new lot creation (e.g., severances or plans of subdivision). While this proposal is for a cooperative on one parcel of land, the intent is the same, which is the construction of additional dwellings that need to use the lane for access.</p> <p>As the lane is currently not accessible for emergency services access, and as the width of the existing right-of-way is insufficient to allow for it to be widened to</p>

Township Official Plan Policy	Planning Comment
	<p>the full 20 metres indicated in the study, planning staff have indicated to the applicant that it must be upgraded to a minimum standard to allow for access for emergency services. Therefore, planning staff are recommending the addition of a holding symbol (H) to the site-specific exception zone, which would not permit the development of any additional cottages on the subject property until the holding symbol is removed from the zoning. The conditions of removal of this holding zone are detailed in the proposed Zoning By-Law Amendment</p>
<p>Section 6.9.10 (Site Plan Control): This section outlines the ability of the township to use a site plan control by-law to control development on lands in the municipality. The site plan control process results in the creation of an agreement between the property owner and the municipality that is registered on title. The agreement includes conditions that control several factors, including, but not limited to, access, parking, lighting, grading, stormwater management, erosion control, servicing, landscaping, and the location, number, and size of structures.</p>	<p>All development proposed to be permitted through the site-specific OPA and ZBA will be subject to the Site Plan Control process and a Site Plan Agreement will need to be finalized and registered on title prior to the issuance of any building permits. The agreement will also implement all recommendations from the technical studies, including the EIS.</p>

The Corporation of the Township of North Frontenac

By-law #2025-38

Confirming By-law

Being a By-law of the Corporation of the Township of North Frontenac to confirm all actions and proceedings of the Council of the Corporation of the Township of North Frontenac for a Special Council Meeting held August 12, 2025

Whereas Section 9 of the *Municipal Act, S.O.2001, c.25* and amendments thereto provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And Whereas Subsection 2 of Section 11 of the *Municipal Act, S.O. 2001, c.25* and amendments thereto provides that a lower-tier and an upper-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction described in the Table to Subsection 2, subject to certain provisions;

And Whereas Section 5(3) of the *Municipal Act S.O. 2001, c.25* – A Municipal power, including a municipality’s capacity, rights, powers and privileges under Section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

And Whereas it is deemed expedient that the proceedings of the Council of The Corporation of the Township of North Frontenac for the August 12, 2025, Special Council Meeting, be confirmed and adopted by by-law;

Now Therefore the Council of The Corporation of the Township of North Frontenac hereby enacts as follows:

1. That all actions and proceedings of the Council of The Corporation of the Township of North Frontenac taken at its Special Council Meeting held August 12, 2025, be confirmed as actions for which The Corporation of the Township of North Frontenac has the capacity, rights, powers and privileges of a natural person;
2. That all actions and proceedings of the Council of The Corporation of the Township of North Frontenac at its Special Council Meeting held August 12, 2025, in respect of each recommendation contained in the Minutes and each motion and resolution passed and other actions taken by the Council of The Corporation of North Frontenac at the Meeting, are hereby sanctioned, ratified and confirmed as if all such proceedings were expressly embodied in this By-law;
3. That the Mayor and proper officials of The Corporation of the Township of North Frontenac are hereby authorized and directed to do all things necessary, and to obtain approvals where required, to give effect to the actions passed and taken by Council at the said Meeting;
4. That this by-law shall come into force as of the final passing thereof.

Read a first and second time this 12th day of August, 2025.

Read a third time and finally passed this 12th day of August, 2025.

Gerry Lichty, Mayor

Tara Mieske, Clerk