



**AGENDA  
COMMITTEE OF THE WHOLE  
COMMUNITY DEVELOPMENT**

**Tuesday, August 2, 2022, 10:00 AM**

**Corporation of The Township of Edwardsburgh Cardinal  
Council Chambers, Spencerville Ontario**

- 1. Call to Order – Chair, Tory Deschamps**
- 2. Approval of Agenda**
- 3. Disclosure of Pecuniary Interest & the General Nature Thereof**
- 4. Business Arising from Previous Committee Meeting Minutes (if any)**
- 5. Delegations and Presentations**  
None
- 6. Action/Information/Discussion Items**
  - a. Live: Land Use Planning
    1. Application for Severance, 2124 County Rd 21 (Lee/Davidson)
    2. Application for Severance, 506 Lower St (Simzer)
    3. Application for Zoning Amendment, 2017 County Rd 2 (Annable o/b Madison Mulder Enterprises)
    4. Application for Site Plan Control, 11 Centre St (Moulton)
  - b. Work: Economic Development
    1. Application for Community Improvement Plan, 11 Centre St (Moulton)
  - c. Play: Recreation
- 7. Inquiries/Notices of Motion**
- 8. Question Period**
- 9. Closed Session**  
None
- 10. Adjournment**

**MINUTES**  
**COMMUNITY DEVELOPMENT COMMITTEE**

**Monday, July 4, 2022, 6:30 PM**  
**Corporation of The Township of Edwardsburgh Cardinal**  
**Council Chambers, Spencerville Ontario**

**PRESENT:** Deputy Mayor Tory Deschamps  
Mayor Pat Sayeau  
Councillor Hugh Cameron  
Councillor Stephen Dillabough  
Councillor John Hunter  
Conor Cleary  
Chris Ward

**REGRETS:** Greg Modler  
Cody Oatway

**STAFF:** Dave Grant, CAO  
Rebecca Williams, Clerk  
Wendy VanKeulen, Community Development Coordinator  
Candise Newcombe, Deputy Clerk

**1. Call to Order – Chair, Tory Deschamps**

Deputy Mayor Deschamps called the meeting to order at 6:30 pm.

**2. Approval of Agenda**

**Moved by:** C.Ward

**Seconded by:** Councillor Cameron

That the agenda be approved as presented.

Carried

**3. Disclosure of Pecuniary Interest & the General Nature Thereof**

a. Councillor John Hunter

Councillor Hunter declared a conflict of interest on item 6 a.1. as he is the owner/applicant for severance. The appropriate paperwork for the disclosure was filed with the Clerk.

**4. Business Arising from Previous Committee Meeting Minutes (if any)**

Committee sought clarification on the timeline of validity and transferability of a building permit. It was noted that in accordance with the Building Code Act, work must be initiated within 6 months of the building permit issuance. It was noted that further follow-up on the ability to transfer the permit from owner to owner was required.

Members sought clarification on what would be considered sufficient progress to extend the permit validity past the 6-month timeline. It was noted that the continuance of a building permit is at the discretion of the Chief Building Official.

## **5. Delegations and Presentations**

None.

## **6. Action/Information/Discussion Items**

### **a. Live: Land Use Planning**

#### **1. Application for Severance, 1902 Crowder Road (Hunter)**

Councillor Hunter declared a conflict on this item. (Councillor Hunter declared a conflict of interest on item 6 a.1. as he is the owner/applicant for severance. The appropriate paperwork for the disclosure was filed with the Clerk. ; ;)

Councillor Hunter did not participate in the discussion or vote on the matter.

Committee reviewed the report and noted SNC's recommendation to perform an environmental impact study. Members sought clarification on the delineation of the property's existing driveway and the proposed frontage of both the retained and severed lots. It was noted that the driveway is located on the retained lands which will have 100m of frontage. The proposed severed lot consists of 70m of frontage.

Committee inquired about the ownership of the road allowance with the centre commons lot between lots 18 and 19 and the location of the quarry entrance. It was noted that the road allowance was registered as owned by the Township at the Land Registry Office, however, the applicant claims ownership of this land. It was noted that there is an existing entranceway for the retained land. If not obtained already, an additional entranceway permit for the proposed severed lot would be required from the Counties as the road authority for County Road 21. Members inquired if the discrepancy regarding the unopened road allowance would be resolved if the UCLG grants the severance. It was noted that the UCLG have requested proof of ownership for this land from the applicant. A survey of the severed land will be required as a condition of severance approval, which may help to clarify the lot

boundary. A brief definition of what a centre common lot is was provided to Committee.

**Moved by:** Mayor Sayeau

**Seconded by:** Councillor Cameron

That Committee recommend that Council recommend in favour of severance B-84-22, with the condition that an Environmental Impact Assessment be submitted to the approval authority, to the satisfaction of the Conservation Authority.

Carried

Councillor Hunter spoke to a deed depicting himself as the owner of the center commons including the road allowance. He noted that it is not an identified road allowance, it is a private road that was built by his family years ago to access their quarry. It was noted that further exploration would be required to resolve the issue.

Councillor Hunter returned to the table.

2. Telecommunications Tower, 9066 County Road 44 (Stratus-Group Inc. o/b Xplornet Communications Inc.)

Committee reviewed the report and discussed the proximity of towers, various uses of towers and progress with past tower consultations. Members confirmed that there had been correspondence received from the land owner identifying Stratus Group Inc. as their agent. It was noted that Committee has no approval authority when it comes to telecommunication towers, however, consultation between the Township and the tower provider on the process is encouraged.

Committee requested that the Innovation, Science and Economic Development Canada (ISED) radiofrequency guidelines be provided to all members of Committee for review. Members noted the possibility of shared use of the towers should the grid system be set for use among all providers and subsequently limit the need for the number of towers installed. Members highlighted that 250 new towers were proposed to be built for the Eastern Ontario Regional Network (EORN) cell gap project.

**Moved by:** Councillor Hunter

**Seconded by:** Councillor Cameron

That Committee recommends that Council accept a letter of undertaking from Xplornet Communications Inc., as attached, regarding a telecommunications facility at 9066 County Road 44; and

That Council request that Xplornet Communications Inc. provide



the Township with a copy of any comments or concerns raised during the public consultation period; and

That provided no concerns are raised during the public consultation period, Council direct staff to provide a letter of concurrence to Xplorner Communications Inc.

Carried

b. Work: Economic Development

1. Community Improvement Project Areas

Committee reviewed the report and discussed the possibility of hiring a consulting firm to assess the Johnstown area for possible implementation of a Community Improvement Plan. Members identified a need to determine a Community Improvement Project area to include the settlement area of Johnstown, recognizing the minimal commercial properties that would be able to benefit from the current program template found in Cardinal and Spencerville. A framework of the scope and purpose of the desired CIP for Johnstown was recommended to be provided as guidelines for the consultant.

Committee inquired about a low-interest program offered by the Township for residential home improvements in the past and if the program was continuing to be offered at the UCLG. It was noted that the UCLG offers the Ontario Renovates Program to help with home renovations. Members sought clarification on the restrictions to applying for funding from a Township CIP program. It was noted that the maximum combined funding per property across the 6 programs is \$10,000.

c. Play: Recreation

None.

**7. Inquiries/Notices of Motion**

Councillor Cameron inquired about intentions for the sand located at Richardson Point following the recent Canada Day celebrations. It was noted that the intent was to level it off following the labour day festivities.

Members commended all involved with the Cardinal Canada Day celebrations noting a great job on the clean-up following the festivities.

Councillor Dillabough noted the additional effort made by Township part-time staff to address plumbing issues with the washrooms at the Cardinal waterfront canteen.

Councillor Hunter commented on the welcome addition of flower baskets throughout the village of Spencerville and thanked staff for the ongoing maintenance of the baskets.

Advisory Member Chris Ward noted the outstanding job on the roadside cutting.

Deputy Mayor Deschamps requested that consideration to include a youth citizen of the year award be discussed at the appropriate committee meeting.

Councillor Hunter inquired if the Township had submitted a nomination for the UCLG entrepreneur of the year.

The CAO made a note in relation to the earlier discussion regarding building permit validity. It was noted that Section 8 subsection 10 of the Building Code Act states revocation of a building permit will occur after 6 months if construction has not commenced.

Councillor Cameron noted the Stove Store's 50 years of service in the Township.

**8. Question Period**

None.

**9. Closed Session**

None.

**10. Adjournment**

**Moved by:** Councillor Hunter

**Seconded by:** C.Ward

That Committee does now adjourn at 7:43 pm.

Carried

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Chair

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Deputy Clerk



## TOWNSHIP OF EDWARDSBURGH CARDINAL ACTION ITEM

**Committee:** Committee of the Whole – Community Development

**Date:** August 2, 2022

**Department:** Community Development

**Topic:** Application for Severance, 2124 County Rd 21 (Lee/Davidson)

**Purpose:** To review and make a recommendation on severance application B-100-22, which proposes to create a new lot for residential use from the existing lot at 2124 County Rd 21

**Background:** Kerri Lee and Gloria Davidson are the owners of a 7.42acre lot at 2124 County Road 21 with frontage on Millar Road and County Road 21, just east of the Village of Spencerville. The property is home to a single dwelling, pool and shed.

The surrounding rural properties are developed with single dwellings and there is farmed land immediately to the south on County Road 21. The South Nation River borders the property on the North side, approximately 100m from the proposed new lot and there is a separate watercourse east of the land, opposite Millar Rd.

The application proposes to create a new 2.47acre lot for residential use with access off an existing entranceway on Millar Rd. The new lot is proposed with 183m of frontage on Millar Rd and additional road frontage on County Rd 21. The retained 5.05 acres will have 57m of frontage on County Rd 21 and additional frontage on Millar Rd. The existing dwelling and accessory structures will remain with the retained lot.

**Policy Implications:** The subject land is designated Rural Policy Area in the Township's Official Plan, with an area near the South Nation River inside the flood plain. The land is zoned Rural, with an overlay zone indicating the flood plain, which is consistent with our Official Plan. The proposed new lot is entirely outside of the flood plain.

**Official Plan:** In the Rural Policy Area, the Official Plan provides policies to provide for the long-term orderly development of the rural lands in a manner which is consistent with ensuring the protection of natural and environmental resources, while providing

opportunities for a modest amount of compatible development and a diversified rural economy. The OP permits limited, low-density development.

Section 6.17.7 of the Official Plan includes policies related to development adjacent to fish habitat. The section provides that applications must be screened for the presence of fish habitat; and where it is identified, development is not permitted unless the lands have been evaluated and it has been determined that there will be no negative impacts to the fish habitat or on their ecological functions, in accordance with the Environmental Impact Assessments section of the Plan. The Environmental Impacts Section (6.10) of the Official Plan provides that the Township, in consultation with the Conservation Authority, may waive the requirement for an EIS.

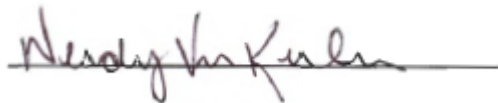
Early consultation from the Conservation Authority indicates that the watercourse to the east is not likely to contain fish habitat; and that any new development will be far enough away from the South Nation River that negative impacts to the natural heritage feature are unlikely. Staff feel that it would be reasonable to waive the requirement for an EIS for this proposal. It is noted that any interference with a watercourse will require a permit from the Conservation Authority.

In the preconsultation stage, the applicant worked with Township staff to screen for archaeological potential and investigate Minimum Distance Separation requirements. It was determined that further investigation is not required.

Zoning Bylaw: The proposed new severed and retained lots meet the minimum size and frontage requirements for the Rural zone. The proposed use for the new lot is also permitted in the Rural zone.

**Financial Considerations:** The applicant has remitted the required fee for severance to the municipality.

**Recommendation:** That Committee recommend that Council recommend in favour of severance B-100-22.

A handwritten signature in dark ink, appearing to read "Wendy Van Kesteren", is written over a horizontal line.

Community Development Coordinator

A hand-drawn site plan diagram of a property. The plan shows a large rectangular area with a yellow-shaded 'PROPOSED LOT' measuring 2.47 acres. To the left of the proposed lot is a 'RETAINED' area of 5.03 acres. The property is bordered by 'COUNTY RD 21' on the left and 'MILLAR RD' on the right. A '120m OUTSIDE WATER' feature is at the top. The plan includes a 'TREE AREA IN FLOOD PLANE' at the top left, a 'TREE AREA' in the center, and a 'RESIDENTIAL AREA' at the bottom left. A 'WELL' is located near the bottom left, and a 'SHED' is near the bottom right. A 'POOL' and 'SEPTIC' system are also indicated. Dimensions include '120m' for the outside water, '57m' for a section near the well, and '120m' for the 'PROPOSED LOT-ROAD FRONTAGE'. The plan also notes 'EXISTING ENTRANCE STAY WITH PROPOSED LOT RESIDENTIAL AREA' and 'RETAINED PROPERTY RD FRONTAGE 120m'.

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416

Millar Road West

Millar Road

Connell Road

CH-7

CH-1

21

RU

EXCERPT FROM  
ZONING BYLAW 2022-37  
SCHEDULE A



## TOWNSHIP OF EDWARDSBURGH CARDINAL ACTION ITEM

**Committee:** Committee of the Whole – Community Development

**Date:** August 2, 2022

**Department:** Community Development

**Topic:** Application for Severance, 506 Lower St (Simzer)

**Purpose:** To review and make a recommendation on severance application B-109-22, which proposes the creation of a new residential lot at 506 Lower Street.

**Background:** Vicki and Anthony Simzer are the owners of a 0.206acre (834m<sup>2</sup>) lot at the southwest corner of Dundas and Lower Street, in the Village of Cardinal. The property is home to a single dwelling, known as 506 Lower St.; a semi-detached dwelling, known as 2162 Dundas Street and 508 Lower Street; and an accessory garage. Each dwelling unit has its own entrance and parking. Municipal water and sewer are also separate for each unit.

The surrounding properties are developed with single dwellings. Lower St. ends at the Galop Canal, approximately 50m from the subject land.

The application proposes to create a new lot for 506 Lower St with the existing dwelling. The severed lot is proposed to be 0.068 acres (275m<sup>2</sup>) with 10m of frontage on Lower St. The retained land will contain the semi-detached dwelling and accessory garage on 0.138 acres (559m<sup>2</sup>) with 27m of frontage on Dundas St. and an additional 20m on Lower St.

**Policy Implications:** The subject land is within the Settlement Policy Area of the Township's Official Plan and zoned Residential Second Density (R2) as per Zoning Bylaw 2022-37.

**Official Plan:** The Township's Official Plan provides that the Settlement Policy Area designations are intended to be the areas of the Township where growth will be focused in order to optimize the use of public services and infrastructure, and to minimize the outward sprawl of development into areas of natural resources and natural heritage. A

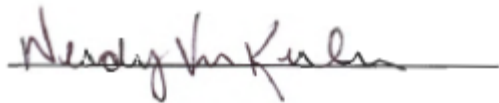
wide-range of housing types are permitted in the Settlement Policy Area, including the single and semi-detached dwellings.

Zoning Bylaw: The Township's Zoning Bylaw 2022-37 provides permitted uses and provisions for the Residential Second Density zone. The existing semi-detached and single dwelling are permitted in the R2 zone, although currently the maximum number of dwellings per lot is 1 and the single dwelling does not meet the criteria for an additional residential unit.

Although the existing dwellings are considered legal non-conforming, the proposed severance would bring the use into compliance with the current zoning bylaw. The proposal would create some new deficiencies in regards to the lot frontage and size for the severed lot and the rear yard setback for the retained lot. It is proposed that these deficiencies will be addressed by a Minor Variance.

**Financial Considerations:** The applicant has submitted the required fee for a severance to the Township.

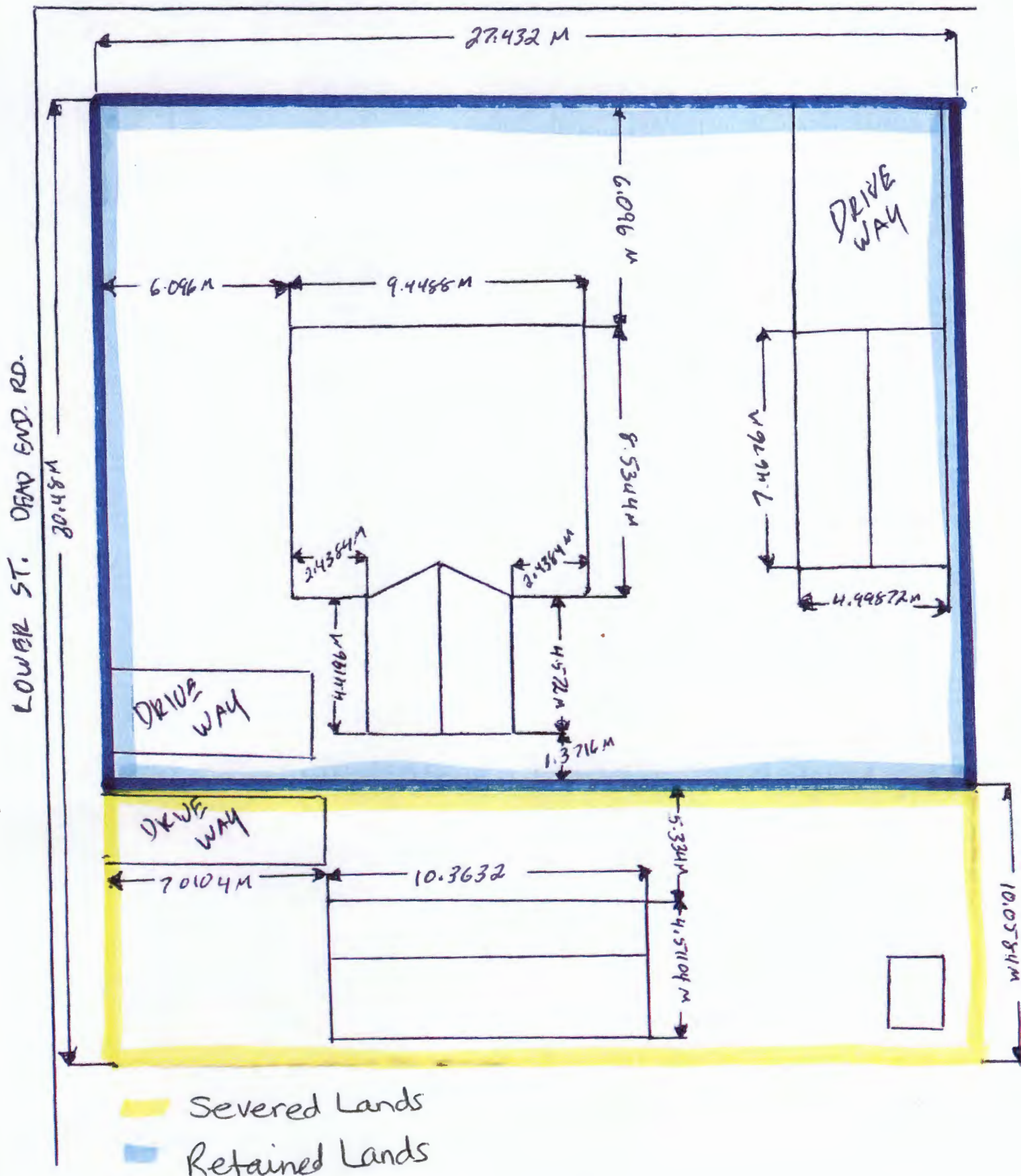
**Recommendation:** That Committee recommend that Council recommend in favour of severance B-109-22, with the condition that the applicant obtain relief from the provisions of the Zoning By-law, to the satisfaction of the Township, as necessary to provide zoning conformity for the newly severed and retained lot and existing dwellings.

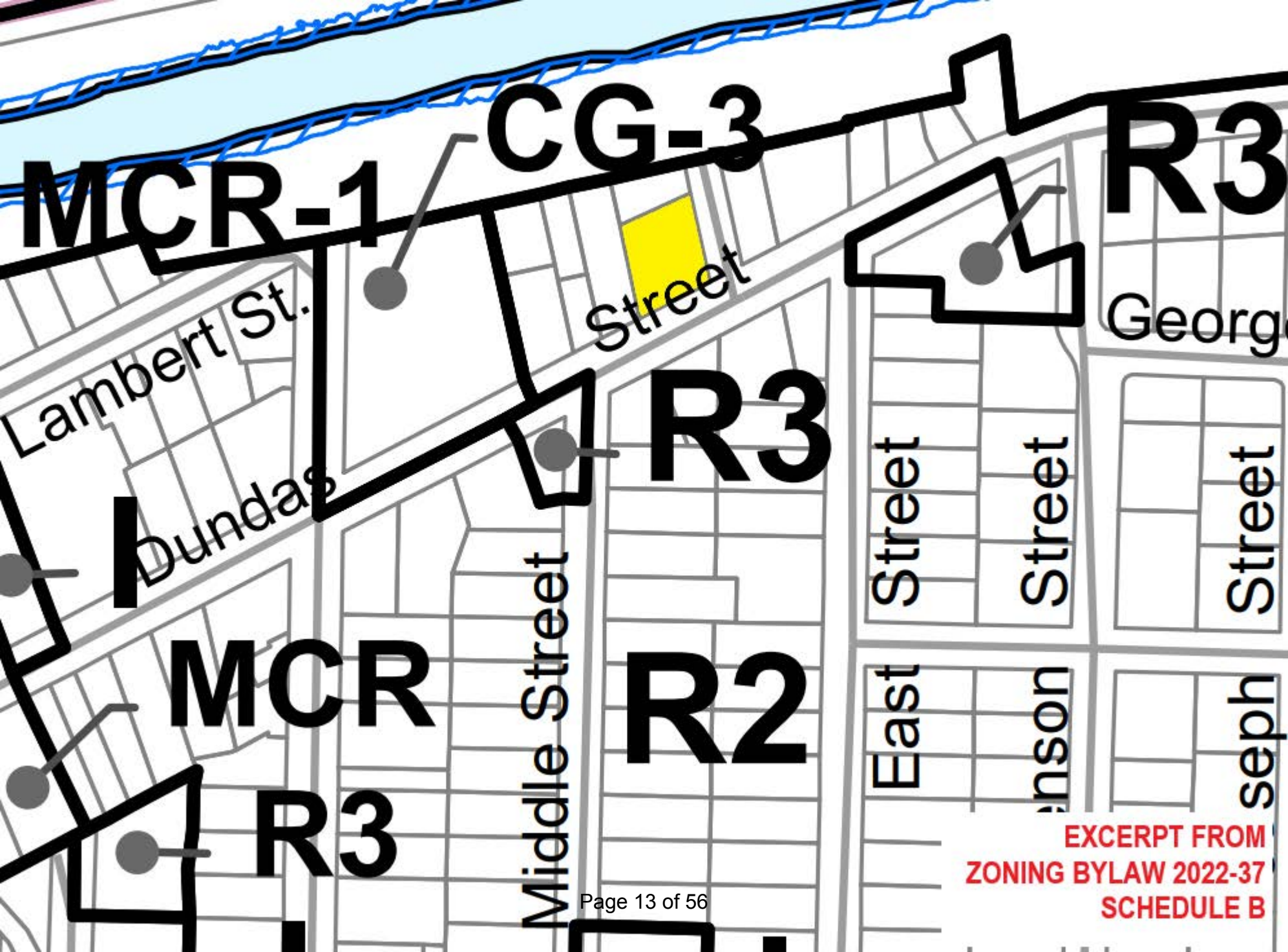
A handwritten signature in dark ink, appearing to read "Wendy Van Kesteren", is written over a horizontal line.

Community Development Coordinator



DUNDAS ST. MAIN RD.







## TOWNSHIP OF EDWARDSBURGH CARDINAL ACTION ITEM

**Committee:** Committee of the Whole – Community Development

**Date:** August 2, 2022

**Department:** Community Development

**Topic:** Application for Zoning Bylaw Amendment, 2017 County Road 2 (Annable Designs on behalf of Madison Mulder Enterprises)

**Purpose:** To review an application and direct staff to schedule a public meeting for a zoning amendment requested in relation to a severance condition for file B-165-21 at 2017 County Road 2.

**Background:** With a recommendation from our Council, the Consent Granting Authority granted conditional approval to severance B-165-21. This application for an amendment to the zoning bylaw has been filed to fulfill condition #4 of this decision.

Please see the attached:

- Memorandum/Preliminary Report prepared by Novatech
- Severance Decision for file B-165-21
- Planning Justification Report prepared by Fotenn, July 15, 2022
- Conservation Authority Review of EIS and Geotechnical Report
- Fig. 7 of the EIS to show Development Constraints

**Policy Implications:** Novatech's report provides a planning discussion related to this application.

**Financial Considerations:** The applicant has remitted the appropriate fee for a zoning amendment to the Township.

**Recommendation:** That Committee direct staff to proceed with scheduling a Public Meeting date for the application filed for lands at 2017 County Road 2 once it has been determined by the Tribunal that the non-appealed sections of zoning bylaw 2022-37 are in effect.

A handwritten signature in blue ink, appearing to read 'Neelagh K. K. K.', written over a horizontal line.

Community Development Coordinator



# MEMORANDUM

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**DATE:** AUGUST 2, 2022

**TO:** TOWNSHIP OF EDWARDSBURGH CARDINAL –COMMITTEE OF THE WHOLE - COMMUNITY DEVELOPMENT

**FROM:** NOVATECH

**RE:** 2017 COUNTY ROAD 2 – ZONING BY-LAW AMENDMENT

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## Background

A Zoning By-law amendment application has been received for a property located in Part of Lot 20, Concession 1, Township of Edwardsburgh Cardinal, known locally as 2017 County Road 2. The application has been filed to fulfil conditions of consent related to a severance application that was filed with the United Counties of Leeds and Grenville, and received provisional approval on April 22, 2022.

The property is located south of County Road 2 and is adjacent to the St. Lawrence River. The Village of Johnstown is located west of the subject property. Surrounding land uses include agricultural and rural residential uses including residential waterfront development. The subject property has a total lot area of approximately 3.42 ha, approximately 152m of frontage on County Road 2 and is developed with an existing outbuilding and agricultural fields.

On April 22, 2022, the Consent Granting Authority approved a consent application (File No. B-165-21) which proposed to sever a new parcel for residential purposes. The consent application proposed to divide the subject lands as follows:

- |   |  |
|---|--|
| 1) Severed Lands (Proposed Residential Use) | 2) Retained Lands (Proposed Residential Use) |
| • Lot Area – 1.02 ha (2.52 acres)           | • Lot Area – 2.40 ha (5.93 acres)            |
| • Lot Frontage – 82 m                       | • Lot Frontage – 70 m                        |

Condition No. 4 of the decision on File B-165-21 requires that the applicant obtain a Zoning By-law amendment which addresses the following:

- establish a revised zone boundary in relation to the Provincially Significant Wetland in accordance with the Official Plan; and
- establish an appropriate residential zone category for the lands to be developed for residential use including appropriate zone standards to address development constraints and setbacks as identified in the Geotechnical Investigation and Environment Impact Study prepared in support of the consent application.

The Zoning By-law amendment application has been filed to fulfil conditions of consent.

## Planning Discussion

The subject property is designated as Natural Heritage Resource Policy Area and Rural Policy Area on Schedule A of Township's Official Plan. Schedule B of the Township's Official Plan identifies Flood Plain hazards on a portion of the property.

The property is zoned Limited Services Residential (RLS) and Environmental Protection – Wetland (EP-w) on Schedule D of the Township's Zoning By-law No. 2012-35. The property is zoned Rural (RU), Environmental Protection – PSW (PSW) and is constrained by the Flood Plain Overlay Zone on Schedule A of Zoning By-law No. 2022-37. The Township received a site-specific appeal on July 19, 2022 to By-law 2022-37.

The Zoning By-law amendment application proposes to amend By-law 2022-37 to rezone the subject lands from Rural (RU) to Rural – Special Exception (RU-x) to reduce the minimum setback from the lands zoned EP-PSW from 120m to 15m and to establish a setback from the geotechnical top of slope to 6m and to ensure the greater of the two setbacks shall apply. The proposed zoning amendment is to allow the lands to be developed for residential use and ensure natural hazard and natural feature constraints are appropriately addressed.

## Recommendations

Zoning By-law No. 2022-37 was appealed to the Ontario Land Tribunal. The Township will be requesting that the appeal be scoped to the matters detailed in the appeal to allow the remaining By-law to be in full force in effect. It is recommended that the Township proceed with scheduling a Public Meeting date for the application filed for lands at 2017 County Road 2 once it has been determined by the Tribunal the remaining By-law in effect.

Sincerely,

**NOVATECH**

**Prepared By:**



Jordan Jackson, RPP, MCIP  
Project Planner



## UNITED COUNTIES OF LEEDS AND GRENVILLE CONSENT GRANTING AUTHORITY

### DECISION

### APPLICATION B-165-21

We the undersigned members of the Consent Granting Authority of the United Counties of Leeds and Grenville; do hereby certify that the following is a decision reached by us at a hearing held at the Counties Offices, 25 Central Avenue, Brockville, Ontario on **April 27, 2022**. The said decision was reached on the application of **Madison Mulder Enterprises Inc.** to sever a parcel of land being; part of Lot 20, Concession 1; **Township of Edwardsburgh Cardinal** having dimensions of approximately 82.18 metres by 149.5 metres with an area of 1.02 hectares.

**DECISION:** **GRANTED** providing the conditions as stated below are met.

#### REASONS:

Division of land is compatible with the intent and purpose of the Official Plan and meets the criteria in Section 51 (24) of the Planning Act providing conditions are met.

#### CONDITIONS:

- (1) That all conditions imposed in the granting of this decision be met and **one (1)** original paper copy and **one (1)** digital copy of the deposited reference plan of the subject lands, which conforms substantially with the application as submitted, and the instrument relating to the transaction (deed/transfer, grant of right-of-way, etc.) be presented to the Secretary-Treasurer of the Consent Granting Authority for the Certificate of Consent no later than **April 28, 2024**.
- (2) That a copy of the deposited survey plan for the newly severed lot be submitted to the Township.
- (3) That the applicant submit a scaled site plan prepared by an Ontario Land Surveyor delineating the top of slope, floodplain elevation and the final development setbacks based on the approved Environmental Impact Statement and Geotechnical Investigation.
- (4) That the applicant obtain a Zoning By-law amendment which addresses the following:
  - a. Establishes a revised zone boundary in relation to the Provincially Significant Wetland in accordance with the Official Plan; and
  - b. Establishes an appropriate residential zone category for the lands to be developed for residential use including appropriate zone standards to address development constraints and setbacks as identified in the Geotechnical Investigation and Environmental Impact Statement.
- (5) That the applicant enter into a Development Agreement, to the satisfaction of Township, to implement the recommendations and findings of the updated Geotechnical Investigation, Environmental Impact Statement and Stage 1, 2 & 3 Archaeological Assessments.
- (6) That a development agreement containing the recommendations of the Environmental Impact Statement and Geotechnical Investigation be registered on title of each parcel.
- (7) That road widening across the severed and retained parcel to 15.25 metres from existing centerline of the road allowance of County Road 2 (if required) be conveyed to the Corporation of the United Counties of Leeds and Grenville. Should sufficient road allowance exist, a letter from a surveyor would meet the Counties' condition. The lands to be transferred for road widening purposes shall be free and clear of all encumbrances. The deed for this road widening is to be registered and submitted to the Consent Granting Authority prior to endorsement on the deed to the severed land.
- (8) That written release of conditions 2, 3, 4 and 5 from the Township be submitted to the Consent Granting Authority prior to endorsement of consent on the deed for the severed land.
- (9) That written release of conditions 3 and 6 from South Nation Conservation be submitted to the Consent Granting Authority prior to endorsement of consent on the deed for the severed land.

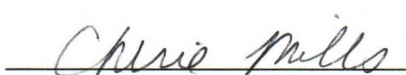
#### NOTES:

- (1) The Township had no objection providing conditions 2, 3, 4 and 5 are complied with.
- (2) South Nation Conservation had no objection providing conditions 3 and 6 are complied with.

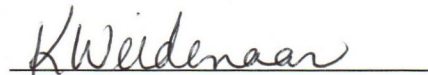


- South Nation Conservation accepts the findings and recommendations of the final Environmental Impact Statement. The study includes the following mitigation and direction:
  - The entire Johnstown Creek Marsh Complex PSW area on the site will not be subject to severance or development and will remain as part of the retained parcel. As part of the rezoning application, the EP-W zone is proposed to be consistent with the Provincial wetland boundary.
  - No shoreline infrastructure (dock, pathways, hard or soft landscaping) will be considered as part of future development.
  - As the Provincial boundary represents a more conservative wetland delineation than the field exercise based on current conditions, the 15 m setback from the PSW will be established using the Provincial boundary.
  - Following geotechnical recommendations, no vegetation clearing is to take place on the slope face itself, as the existing vegetation cover on the slope provides additional stability to the slope and reduces surficial erosion due to surface water runoff.
  - Silt fence paired with sturdy construction fence along the project perimeter (i.e., along the setback from the top of the slope and the wetland). This fencing can also act as a wildlife exclusion measure for smaller and less mobile animals that may occupy the adjacent wetland habitat such as amphibians and turtles.
  - The Geotechnical Investigation recommends a 6-metre setback from the top of slope. South Nation Conservation accepts the consultant's findings and recommendations.
  - SNC implements Ontario Regulation 170/06, Development Interference with Wetlands and Alterations to Shorelines and Watercourses, developed under Section 28 of the Conservation Authorities Act.
  - The property contains areas within the 100-year floodplain, an unstable slope, a Provincially Significant Wetland, and areas adjacent to these features. Any development within 120m of the Provincially Significant Wetland will require a permit and restrictions may apply. Further, any interference with the St. Lawrence River will require a permit and restrictions may apply.
- (3) The Health Unit had no objection.
  - Proposed lot is for a new residence. Future septic tank/distribution piping must be located at least 30 metres away from the river. A permit will be required from the Health Unit office prior to constructing a new system.
  - The new proposed lot lines will not infringe on minimum clearance distances on the retained land.
- (4) The County Roads Department had no objection providing condition 7 is complied with.

**I hereby certify this to be a true and exact copy**



**Chair**



**Secretary-Treasurer**

**This Decision was mailed on April 28, 2022**

**The last date for appealing this decision is May 18, 2022**

# 2017 COUNTY ROAD 2 ZONING BY-LAW AMENDMENT

1

July 15, 2022

**Wendy Van Keulen**

Community Development Coordinator  
Township of Edwardsburgh Cardinal

Via Email: [wvankeulen@twpec.ca](mailto:wvankeulen@twpec.ca)

**RE: 2017 County Road 2  
Application for Zoning By-law Amendment**

Dear Ms. Van Keulen,

Fotenn Planning + Design has been retained by Annable Design Co Ltd. to prepare this planning justification letter in support of an application for a zoning by-law amendment. This report provides the planning rationale in support of the zoning by-law amendment application, the purpose of which is to establish site-specific zone provisions to permit future development of a single detached dwelling on both parcels associated with the application. A zoning by-law amendment is required to establish a revised setback in relation to the adjacent Provincially Significant Wetland (PSW) and zone provisions to appropriately consider development constraints in accordance with the findings of the accompanying Geotechnical Investigation and Environmental Impact Statement (EIS). This report and the application for a zoning by-law amendment are intended to satisfy Condition #4 of the decision issued by the United Counties of Leeds and Grenville Consent Granting Authority for application B-165-21.

The subject property is designated Rural Policy Area on the north portion intended to accommodate future development, and is designated Natural Heritage Resource Policy Area on the southern portion on Schedule A Land Use & Transportation of the Township of Edwardsburgh Cardinal Official Plan. The subject property is split-zoned Rural (RU) Zone and Environmental Protection-PSW (EP-PSW) Zone in the newly passed Township of Edwardsburgh Cardinal Zoning By-law 2022-37. This letter acknowledges the new zoning by-law is currently within its appeal period and the proposed amendment may be subject to revisions.

Based on conversations with Edwardsburgh Cardinal staff on June 16, 2022, and follow-up correspondence with the Township, planning staff confirmed application requirements. Accordingly, the following are submitted in support of the application:

- / A Site Plan;
- / Environmental Impact Statement;
- / Geotechnical Investigation;
- / Complete Application Form and Fees; and
- / This Planning Justification Letter.

## Site Description + Surrounding Context

The property is located in the Township of Edwardsburgh Cardinal (the township), approximately 315 +/- metres from the intersection of North Channel Road and County Road #2 on southern side of County Road #2. The subject site recently went through the consent process (file no. B-165-21) and now contains two provisionally approved lots subject to conditions imposed through the decision. The retained lot has an area of approximately 2.4 hectares (24001 square metres) with approximately 70 +/- metres of frontage on County Road #2. The severed lot has an area of approximately 1 hectare (10265 square metres) with approximately 82 +/- metres of frontage on County Road #2. Vehicular access for the retained and severed lands are intended to be provided from County Road #2.

### KINGSTON

4 Cataraqui Street, Suite 315  
Kingston, ON K7K 1Z7  
T 613.542.5454



Lands adjacent to the site along County Road #2 are predominantly rural residential uses which vary in size and limited agricultural uses for crop harvesting.

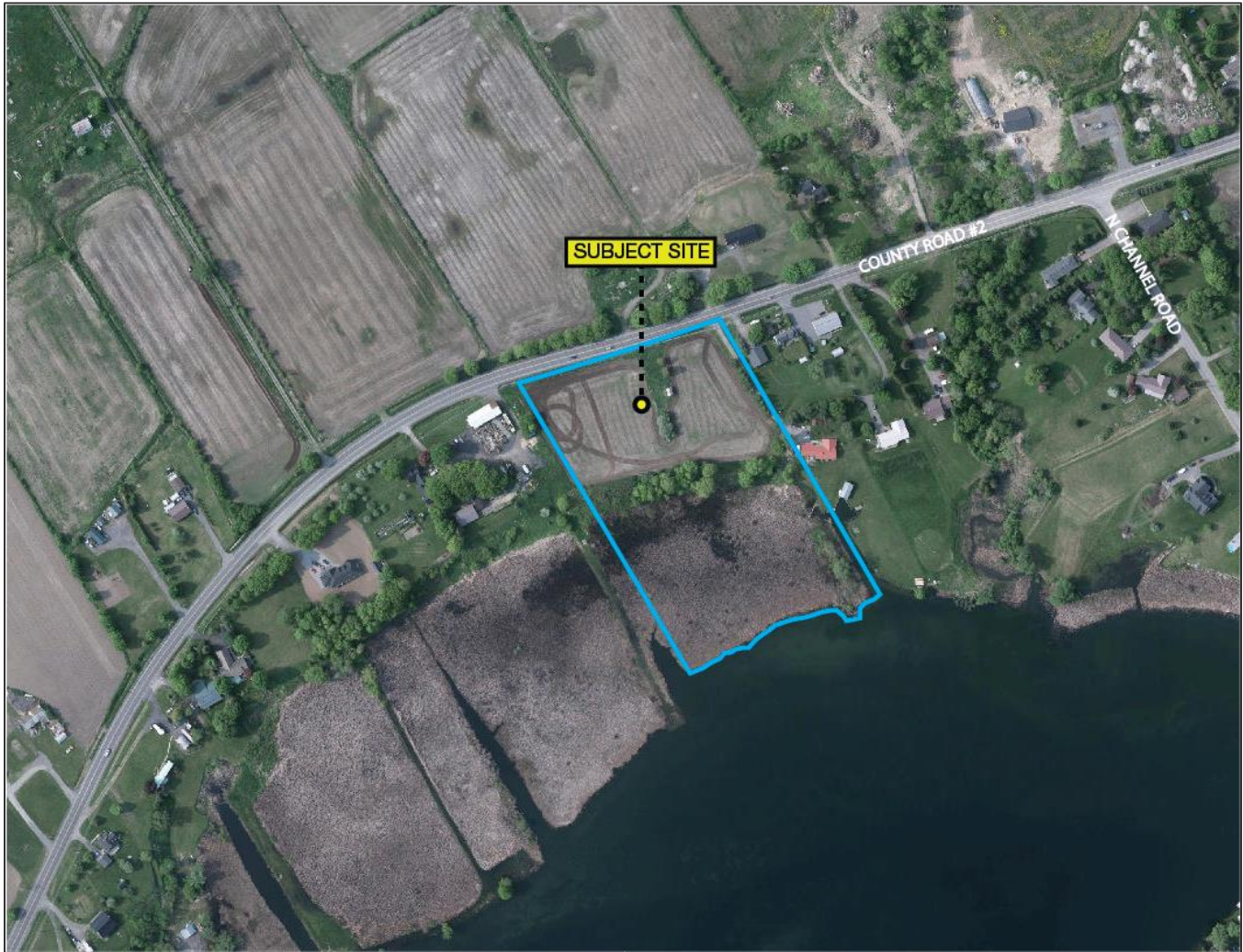


Figure 1: Neighbourhood Context (Source: Kingston AG Maps, Annotated by Fotenn)

### Development Proposal

The application seeks to establish a revised setback in relation to the adjacent Provincially Significant Wetland (PSW) and zone provisions to appropriately consider development constraints in accordance with the findings of the accompanying Geotechnical Investigation and EIS to accommodate future development on the severed and retained lots. The findings of the Geotechnical Study and EIS conducted for the subject site determined that a 6-metre minimum setback from the top of slope and a minimum 15 metre setback from the PSW edge are appropriate. With respect to these setbacks, the geotechnical top of slope and PSW boundary do not run parallel and intersect, therefore this proposal is seeking to recognize the greater of these setbacks applied to the future development of the site. Therefore, any future development on the site will be setback a minimum of 15 metres from the adjacent wetland boundary area and a minimum of 6 metres from the geotechnical top of slope.

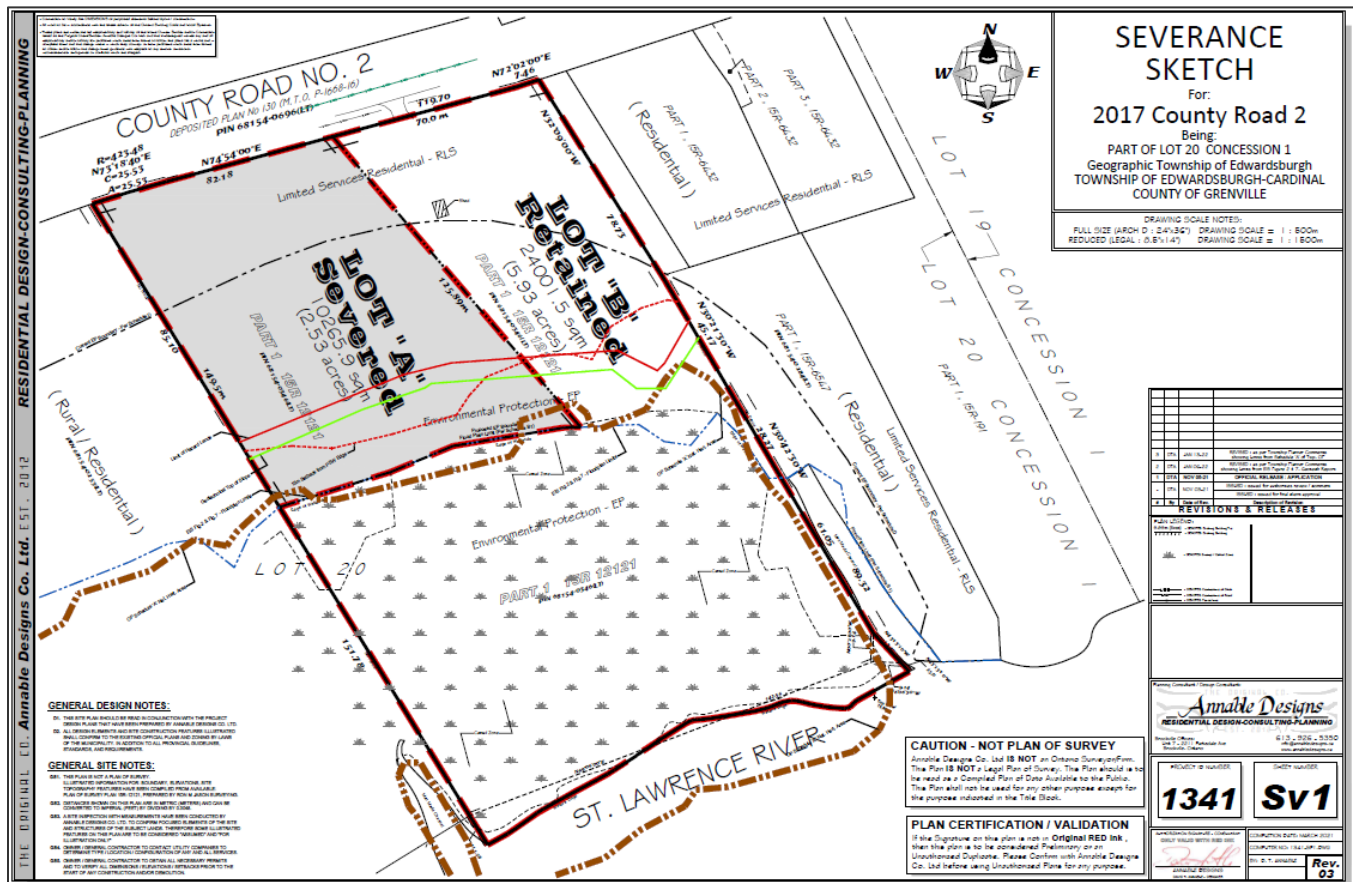


Figure 2: Severance Sketch for the Proposed Development (Source: Annable Designs)



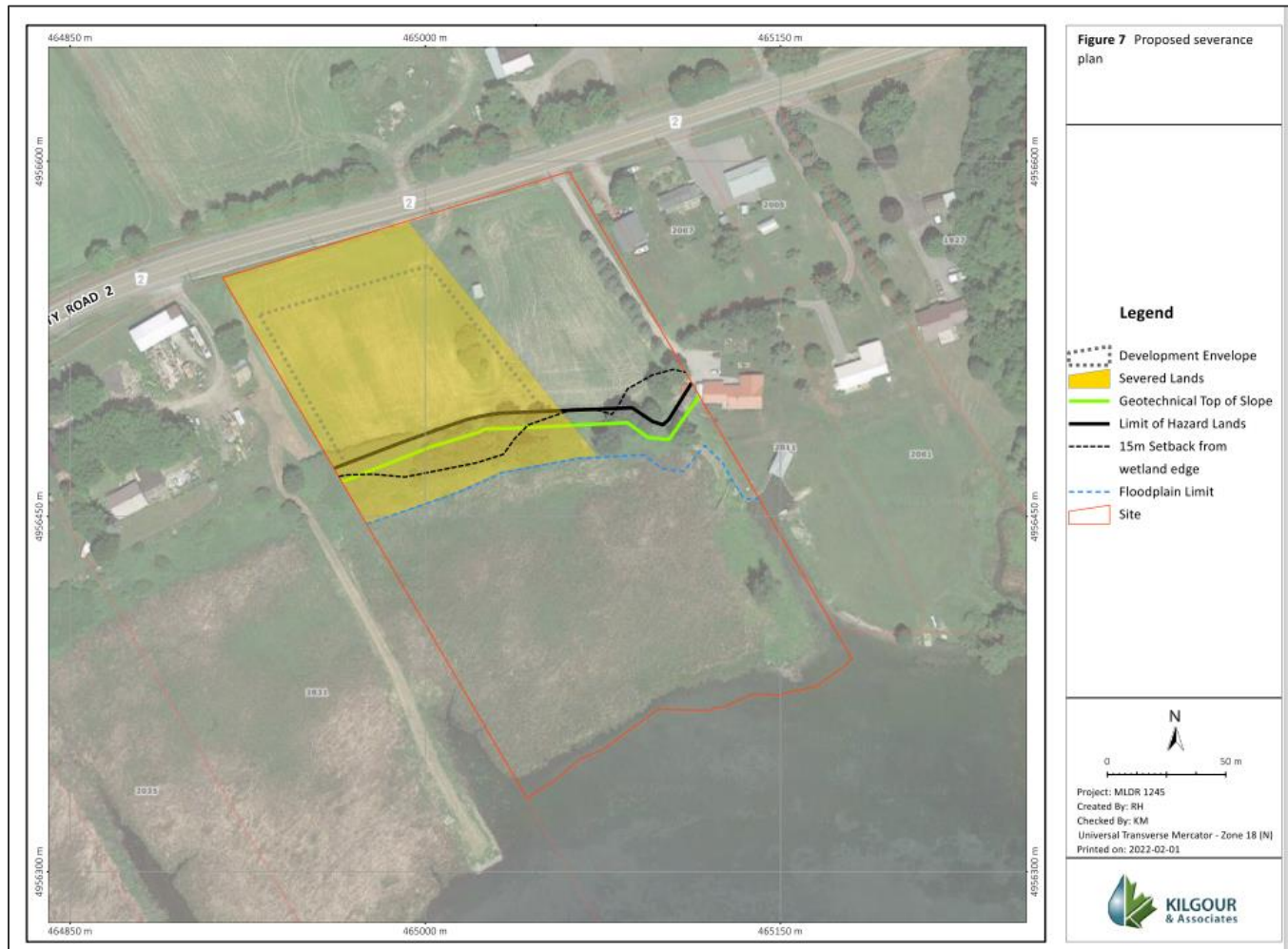


Figure 3: Top of Slope and Wetland Edge Setbacks (Source: Kilgour & Associates Ltd.)

## Supporting Studies

### Environmental Impact Statement

An EIS was prepared by Kilgour & Associates Ltd in February, 2022. The report assessed the subject site prior to the severance being provisionally approved and identified natural heritage features on or adjacent to the site, considered potential impacts of the proposed development, and provided mitigation measures to minimize impacts. The report stated that a 15-metre setback from the edge of the existing Provincially Significant Wetland (as delineated by the Province) and a 6-metre setback from the geotechnical top of slope as identified through geotechnical investigations of slope stability are appropriate. The report notes that across much of the subject lands the geotechnical setback is situated beyond the limits of the PSW setback. Applying both setbacks establishes a minimum setback of 15 metres at the eastern edge of the property to a maximum setback of 33 metres (approximate) at the western end of the property.

To minimize the potential for impacts associated with erosion, sedimentation, and the deposition of other deleterious materials, mitigation measures during construction and post-development as it relates the future development on the subject property are provided in detail within the report. Provided the recommendations by Kilgour & Associates

Ltd. are followed, the provisionally created lots and their future development is not expected to result in significant negative impacts to natural features or their ecological functions.

#### Geotechnical Investigation

A Geotechnical Investigation was prepared by Paterson Group Inc. in October 2021. The investigation assessed the subject sites surface, subsoil, and ground water conditions. A field program consisting of three (3) boreholes to a maximum depth of 9.6 metres was carried out on September 16, 2021, which included ground water testing. Based on the borehole testing, the subject sites water table is expected to be four (4) to five (5) metres below the surface. The results of the field study also noted that the subject site is suitable for the future development of a single detached dwelling as the subsoil is predominantly silty clay. This report also carried out a slope stability assessment regarding the stability of the downward slope located on the site. Based on the assessment conducted by Paterson, a development setback of 6 metres from the top of the slope is required to be implemented to allow machinery access to maintain the slope if required in the future. Additionally, the report recommends the existing vegetation on the slope should not be removed as it contributes to the slope's overall stability. The report concludes by providing recommendations to be followed once the site plan is determined.

#### Policy and Regulatory Review

##### Provincial Policy Statement, 2020

The 2020 Provincial Policy Statement (PPS) provides high-level land use policy direction on matters of provincial interest as they relate to land use planning in Ontario municipalities. Decisions of municipal councils must be consistent with the PPS, which provides direction for issues such as the efficient use of land and infrastructure, the protection of natural and cultural heritage resources, maintaining a housing stock that appropriately addresses the demographic and economic diversity of households, and preserving natural resources for their future use. In relation to the proposed zoning by-law amendment, the following PPS policies are identified as relevant and have been indicated in *italics*:

*Section 1.1.1 Healthy, livable and safe communities are sustained by:*

- a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*

The proposal will efficiently utilize an over-sized lot of record with sufficient area to establish residential dwellings on the provisionally created lots.

- b) Accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*

The proposal will enable the establishment of single detached dwellings on the provisionally created lots in an area where similar development exists. This will contribute to the Township's overall housing supply in a manner that is compatible with the character of the area.

- c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns;*

The proposal will accommodate development that is not expected to cause any negative impacts to existing natural features or ecological functions through applying the mitigation measures provided within the EIS. Additionally, applying setbacks recommended through the Geotechnical Investigation will avoid development which may cause safety or public health concerns.

- e) *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*

The proposal will use existing transportation infrastructure along County Road 2 making it a cost-effective development pattern which minimizes land consumption.

- h) *promoting development and land use patterns that conserve biodiversity;*

The proposal is not expected to result in any negative impacts to existing natural features or ecological functions with mitigation measures provided by the EIS in place.

*Section 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*

The proposal seeks to establish development that is consistent with the existing development in the rural area which is not expected to result in any negative impacts to existing natural features or ecological functions.

- e) *using rural infrastructure and public service facilities efficiently*

The retained and severed lots will utilize existing infrastructure (e.g., County Road 2). The future development on these lots will be serviced by private on-site water and sewage and have entrances from County Road 2.

- h. *conserving biodiversity and considering the ecological benefits provided by nature*

Through applying development setbacks identified within the supporting Geotechnical Investigation and EIS the proposed development is not expected to result in negative impacts to natural heritage features or their ecological function.

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

- c) *residential development, including lot creation, that is locally appropriate;*

The proposal is locally appropriate with respect to the form of development permitted on the site and its positioning relative to the waterfront along the shoreline which is to be in accordance with the findings of the associated Geotechnical Investigation and EIS conducted on the site.

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

The provisionally approved severed and retained lots will have sufficient lot frontage to accommodate entranceways from County Road 2 and will feature sufficient area to accommodate private on-site water and sewage servicing.

*1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:*

- c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*

Both the severed and retained lots have sufficient area to accommodate private servicing to support the development of a single detached dwelling.

- d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*

The future development to occur on the severed and retained lots will have a sufficient building envelope to accommodate a form of development consistent with existing neighbouring development along the shoreline. Future development on the severed and retained lots will utilize land resources efficiently while being cognizant of natural features through the implementation of the proposed setbacks.

*Section 1.6.6.3 Where municipal sewage services and municipal water services are not available, planned or feasible, private communal sewage services and private communal water services are the preferred form of servicing for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety.*

Both the severed and retained lots will have sufficient area to accommodate private on-site sewage and water services.

*Section 2.1.8 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.*

The proposed development envelopes associated with this proposal will be located completely outside of the floodplain, and a minimum of 15 metres from the wetland boundary and / or minimum of 6 metres from the top of slope (whichever is greater). An EIS prepared by Kilgour & Associates Ltd. (February 2022) demonstrated if the building envelopes are setback a minimum of 15 metres from the adjacent PSW future development on either lot is not expected to result in negative impacts to natural heritage features or their ecological function within the study area.

*Section 3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:*

- a) *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;*

The proposed setbacks and site-specific zone provisions associated with this proposal will direct development outside of the flood plain limit.

**It is our professional planning opinion that the proposed development is consistent with the Provincial Policy Statement (2020).**

#### United Counties of Leeds and Grenville Official Plan

The United Counties of Leeds and Grenville Official Plan was adopted in 2015 and was approved by the Ministry of Municipal Affairs and Housing in 2016. The United Counties' Official Plan provides upper-tier planning guidance for all land within the Counties, establishing direction for lower-tier municipalities. The Official Plan sets out a 20-year planning horizon, providing policy direction for promoting orderly growth and appropriate development, encouraging economic development, improving quality of life, health, safety, and welfare of present and future residents, and protecting natural heritage features and areas. In relation to the proposed zoning by-law amendment, relevant policies from the Official Plan are indicated in *italics* within this section.

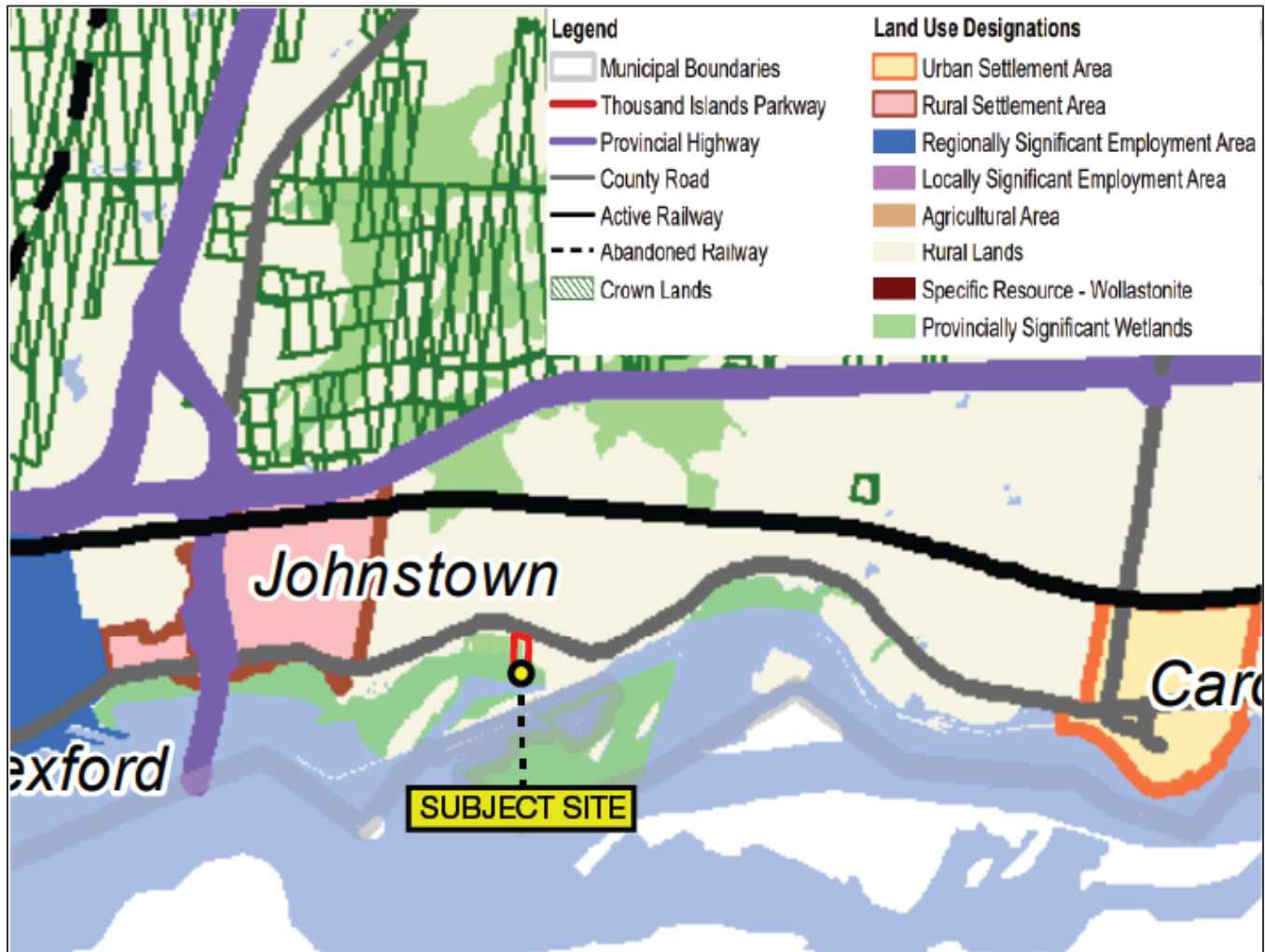


Figure 4: UCLG Official Plan Schedule A Community Structure and Land Use (Source: UCLG)

The following Sections will be discussed as they relate to the proposed development with policies identified as relevant to the application indicated in *italics*:

- / Section 3.0: Rural Areas
- / Section 4.0: Natural Heritage, Water Resources and Cultural Heritage
- / Section 5.0: Natural and Human-Made Hazards

#### Section 3.0 – Rural Areas

Rural areas comprise a large portion of the United Counties of Leeds and Grenville (UCLG). These areas are lands which are located outside of urban and rural settlement areas, consisting of prime agricultural areas, rural lands, natural heritage features and systems, and important natural resource areas. The subject site is designated as Rural Lands and Provincially Significant Wetlands on Schedule A in the UCLG Official Plan.

Section 3.3 states that rural lands are those lands which are located outside of settlement areas and do not comprise prime agricultural areas. These lands are intended to protect the natural amenities and rural character of the Counties while providing opportunities for agricultural uses, resource-based activities, recreation and tourism, and other rural land uses.

*Section 3.3.2 – The following policies will apply in determining the uses that are permitted in the rural lands:*

- a) The primary use of land will be for:
 
  - i. limited residential development, which will be defined in the local municipal Official Plans;**
- b) Local municipalities will establish policies in their Official Plans related to rural residential development which may be accommodated on rural lands without compromising the rural character of these lands.*

The proposal will aid in providing limited residential development on the provisionally created lots. This form of development and its positioning relative to the waterfront is consistent with the existing neighbouring development along the shoreline and conforms with the general character of the rural lands on which it is situated.

*Section 3.3.3 – The following land use policies apply to rural lands:*

- c) Development in rural lands will be subject to the policies of Section 6.3, with respect to servicing.*
- d) The development of new or expanding uses must be compatible with the rural landscape and must be sustained by rural service levels.*

The subject lands will be serviced with private, individual on-site servicing when development on the site occurs and will adhere to applicable policies with respect to servicing. The proposal is compatible with the rural landscape.

#### Section 4.0 – Natural Heritage, Water Resources and Cultural Heritage

Section 4.0 provides policy direction for the protection and enhancement of natural heritage features, functions, and systems, the protection and conservation of water resources, and the conservation of cultural heritage resources.

*Section 4.2 – It is the policy of the United Counties of Leeds and Grenville that:*

- a) The boundaries of the features and areas on Schedule C listed above are considered to be approximate, and their boundaries may be further refined without an amendment to this Plan.*

An EIS was prepared which considered boundaries and established appropriate setbacks to protect natural heritage features.

*Section 4.2.3 – It is the policy of the United County of Leeds and Grenville that:*

- a) Provincially Significant Wetlands and significant coastal wetlands are designated on Schedule A, and will be designated in the local municipal Official Plans.*
- c) The land adjacent to Provincially Significant Wetlands and significant coastal wetlands represents an area where it is possible that development or site alteration would have a negative impact on the feature or area. Development and site alteration will not be permitted on land adjacent to a Provincially Significant Wetland or significant coastal wetland, unless the ecological function of the adjacent land has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological and/or hydrologic functions that cannot be adequately mitigated. For the purposes of this policy, the extent of adjacent land will be defined as 120 metres. An Environmental Impact Study (EIS) will be required for development and site alteration within 120 metres of a Provincially Significant Wetland or significant coastal wetland. Prior to considering development and/or site alteration, the Counties and/or local municipality, in consultation with the Province and/or applicable Conservation Authority as required, will be satisfied that the EIS demonstrates that there will be no negative impacts on the Provincially Significant Wetland or significant coastal wetland and the sustaining ecological and/or hydrologic functions*

The proposed development envelopes associated with this proposal will be located completely outside of the floodplain, and a minimum of 15 metres from the wetland boundary or minimum of 6 metres from the top of slope (whichever is greater). An EIS prepared by Kilgour & Associates Ltd. (February 2022) demonstrated if the building



envelopes are setback a minimum of 15 metres from the adjacent PSW future development on either lot is not expected to result in negative impacts to natural heritage features or ecological function within the study area.

*Section 4.2.4 – It is the policy of the United Counties of Leeds and Grenville that:*

- a) Development and site alteration will not be permitted within or adjacent to coastal wetlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions through the preparation of an EIS*

The EIS prepared by Kilgour & Associates Ltd. (February 2022) demonstrates the proposal will implement a minimum setback of 15 metres from the adjacent PSW. The EIS states that future development with a minimum setback of 15 metres from the adjacent PSW is not expected to result in significant impacts to natural heritage features or their ecological functions provided mitigation measures provided are followed.

*Section 4.2.13 – It is the policy of the United Counties of Leeds and Grenville that:*

- a) No development or site alteration will be permitted on adjacent lands unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated, through an EIS, that there will be no negative impact on the natural features or their ecological functions.*

The attached EIS prepared by Kilgour & Associates Ltd. (February 2022) notes there is not expected to be significant impacts to natural heritage features or ecological functions provided mitigation measures are followed.

#### Section 5.0 – Natural and Human-Made Hazards

Section 5.0 provides policy direction to protect residents and property by managing natural and human-made hazards which may represent a risk to health and/or safety or may pose constraints to development.

Section 5.2 provides direction related to natural hazards, including areas subject to flooding hazards and erosion hazards. The proposal generally conforms with the applicable policies of Section 5.0, as development will be located outside of the floodplain limit and setback 6-metres from top of slope which will help limit potential hazards.

**It is our professional planning opinion that the proposed zoning by-law amendment conforms with the policies of the United Counties of Leeds and Grenville Official Plan.**

#### Township of Edwardsburgh Cardinal Official Plan

The Township of Edwardsburgh Cardinal Official Plan (OP) provides a framework to guide land use decisions within the Township's boundaries over the 20-year planning horizon identified in the OP. Relevant policies of the OP are included throughout this section in *italics*.

The following sections of the OP are reviewed in relation to the proposed development:

- / Section 2: Vision and Guiding Principles;
- / Section 3: Land Use Designations;
- / Section 4: Public Health and Safety; and
- / Section 5: Infrastructure.

Section 2 of the Official Plan provides the Vision and Guiding Principles which are to provide guidance for present and future development occurring in the Township. The following policies are directly related to the proposed development:

*Section 2.2 – 1. We will ensure that growth and development occurs through sustainable and economically viable land use development patterns*

The proposal is not expected to result in any negative impacts to existing natural features or their ecological function provided recommended setbacks and mitigation measures through the EIS and Geotechnical Investigation are

implemented. Further, the proposal will utilize existing infrastructure, such as County Road 2, making future development on the provisionally created lots economically viable.

*Section 2.2 – 2. We will ensure that development in our communities will include a broad range of uses and a balanced mix of appropriate residential densities*

The proposal will result in a built form consistent with the existing neighbouring development along the shoreline and is an appropriate density for the area.

*Section 2.2 – 7. We will protect our natural environment.*

The future development associated with this proposal will be setback a minimum of 15 metres from the adjacent PSW and is not expected to result in significant impacts to natural heritage features or their ecological function with mitigation measures provided by the EIS in place.

Section 3 of the Official Plan contains policies specific to the seven land use designations. A portion of Schedule A is provided within Figure 5 below which outlines the site in red and shows the subject lands as being designated Rural Policy Area on the northern portion and Natural Heritage Resource Policy Area on the southern portion.

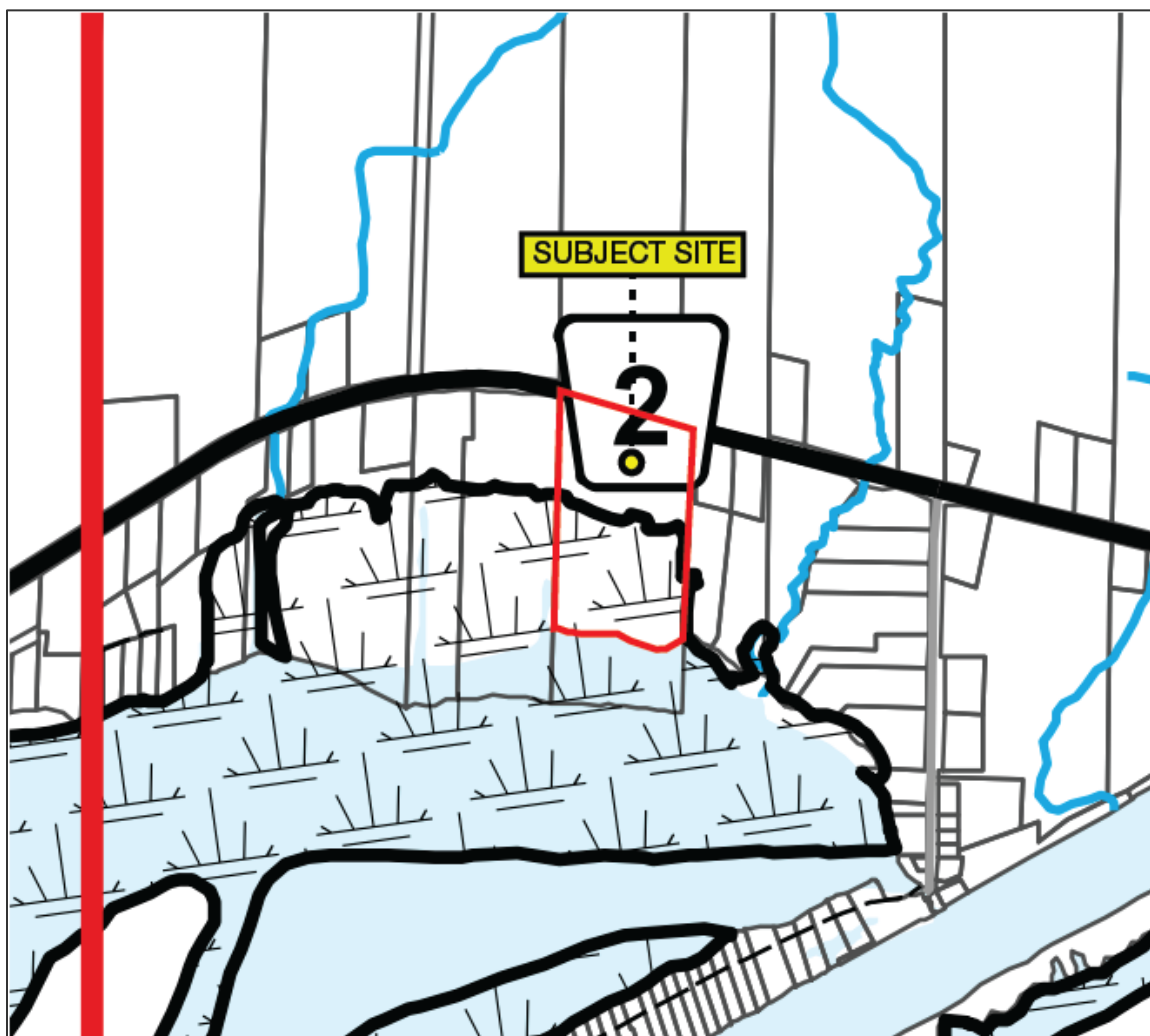


Figure 5: Official Plan Schedule A Land Use & Transportation (Source: Edwardsburgh Cardinal)

The following policies from Section 3 are directly related to the proposed development:

*Section 3.4.2.1 The following residential uses are permitted in the Rural Policy Area subject to other relevant policies in this Plan:*

- / Single dwelling units
- / Semi-detached and duplex dwellings
- / Second units
- / Multiple residential, limited to a maximum of five (5) dwelling unit

The proposal conforms to the permitted uses in the Rural Policy Area as future development on the subject site will be in the form of a single detached dwelling.

*Section 3.4.2.2 The implementation of this Official Plan through zoning regulations and development approvals shall be based on the following principles:*

1. *The Zoning By-law shall permit and zone a range of housing types and sizes, including second units, subject to servicing constraints*

The proposal is requesting relief from the zoning by-law through a zoning by-law amendment to establish site-specific zone provisions which apply appropriate performance standards (e.g., setbacks from natural features) while maintaining the overall intent of the by-law.

4. *Development shall provide for the protection of natural and cultural heritage features in accordance with the relevant policies of this Plan*

Through applying development setbacks recommended through supporting studies including an EIS and Geotechnical Investigation the proposal provides protection of natural heritage features.

*Section 3.7.3.4 Development or site alteration within 120 metres of a Provincially Significant Wetland shall not be permitted 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 wetlands or their ecological functions, in accordance with the Environmental Impact Assessments section of this Plan*

The proposed development envelopes associated with this proposal will be located completely outside of the floodplain, and a minimum of 15 metres from the wetland boundary or minimum of 6 metres from the top of slope (whichever is greater). An EIS prepared by Kilgour & Associates Ltd. (February 2022) demonstrated if the building envelopes are setback a minimum of 15 metres from the adjacent PSW future development on either lot is not expected to result in negative impacts to natural heritage features or their ecological function within the study area.

*Section 3.7.3.5 Development or site alteration adjacent to a Provincially Significant Wetland is subject to the Section 28 Regulation made pursuant to the Conservation Authorities Act and administered by the South Nation Conservation Authority.*

South Nation Conservation Authority has been consulted and note they have no objection to the proposed zoning by-law amendment provided the greatest setback recommended through supporting studies is applied during the development of the severed and retained lands.

*Section 4.4.1.2 The areas within existing mapped 1:100 year flood lines, as well as within defined portions of the 1:100 year flood level along the St. Lawrence River, are identified as Flood Plain on Schedule B. The floodplain elevation along the St. Lawrence River ranges from 75.6 metres above sea level (MASL) at the west end of the Township to 75.3 metres MASL at the east end.*

The building envelopes associated with this proposal will be located out of the associated floodplain boundary.

*Section 4.4.3.2 Lands within and adjacent to lands subject to steep slopes and erosion hazards may be subject to the Section 28 Regulation made pursuant to the Conservation Authorities Act and administered by the South Nation Conservation Authority. Where such lands are subject to the Section 28 Regulation,*

*no buildings or structures shall be constructed or enlarged, and no development or site alteration such as filling, grading and excavating shall occur without the written permission of the South Nation Conservation Authority in accordance with the Section 28 Regulation*

The proposal intends to maintain a 6-metre setback from the geotechnical top of slope as recommended by the accompanying Geotechnical Investigation which has been accepted in writing by the South Nation Conservation Authority in their comment letter dated April 12, 2022.

*Section 5.3.6 County Road Nos. 2, 21, 22 and 44 presently serve the Township and are under the jurisdiction of the United Counties of Leeds & Grenville. Where development is proposed adjacent to a County road, approval for an entrance must be obtained from the United Counties of Leeds & Grenville.*

Required entrances for the subject lands will be obtained from the approval authority as required.

*Section 5.4.6 Development on the basis of individual on-site water and individual sewage services (i.e. private services) is permitted provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In Settlement Policy Areas, private services may only be used for infilling and minor rounding out of existing development if it can be demonstrated that the aquifer can provide a long-term sustainable groundwater supply of acceptable quality in accordance with Ministry of Environment, Conservation and Parks guidelines and regulations, and that there is no negative environmental impact (or cumulative negative impact) resulting from the use of on-site private water and sewage services.*

The proposal is anticipated to have sufficient groundwater and the development of individual on-site water and sewage servicing is not anticipated to cause any negative impacts.

*It is our professional planning opinion that the proposed zoning by-law amendment conforms with the policies of the Township of Edwardsburgh Cardinal's Official Plan.*

#### Township of Edwardsburgh Cardinal Zoning By-law 2022-37

The subject site is split-zoned Rural (RU) zone and Environmental Protection – Provincially Significant Wetland (EP-PSW) in the Township of Edwardsburgh Cardinal New Zoning By-law 2022-37. The proposed zoning by-law amendment will establish a site-specific Special Exception Rural (RU-X) Zone, to permit the proposed development and establish appropriate performance standards in accordance with the recommendations of the EIS prepared by Kilgour and Associates (February 2022) and Geotechnical Investigation prepared by Patterson Group (October 2021).

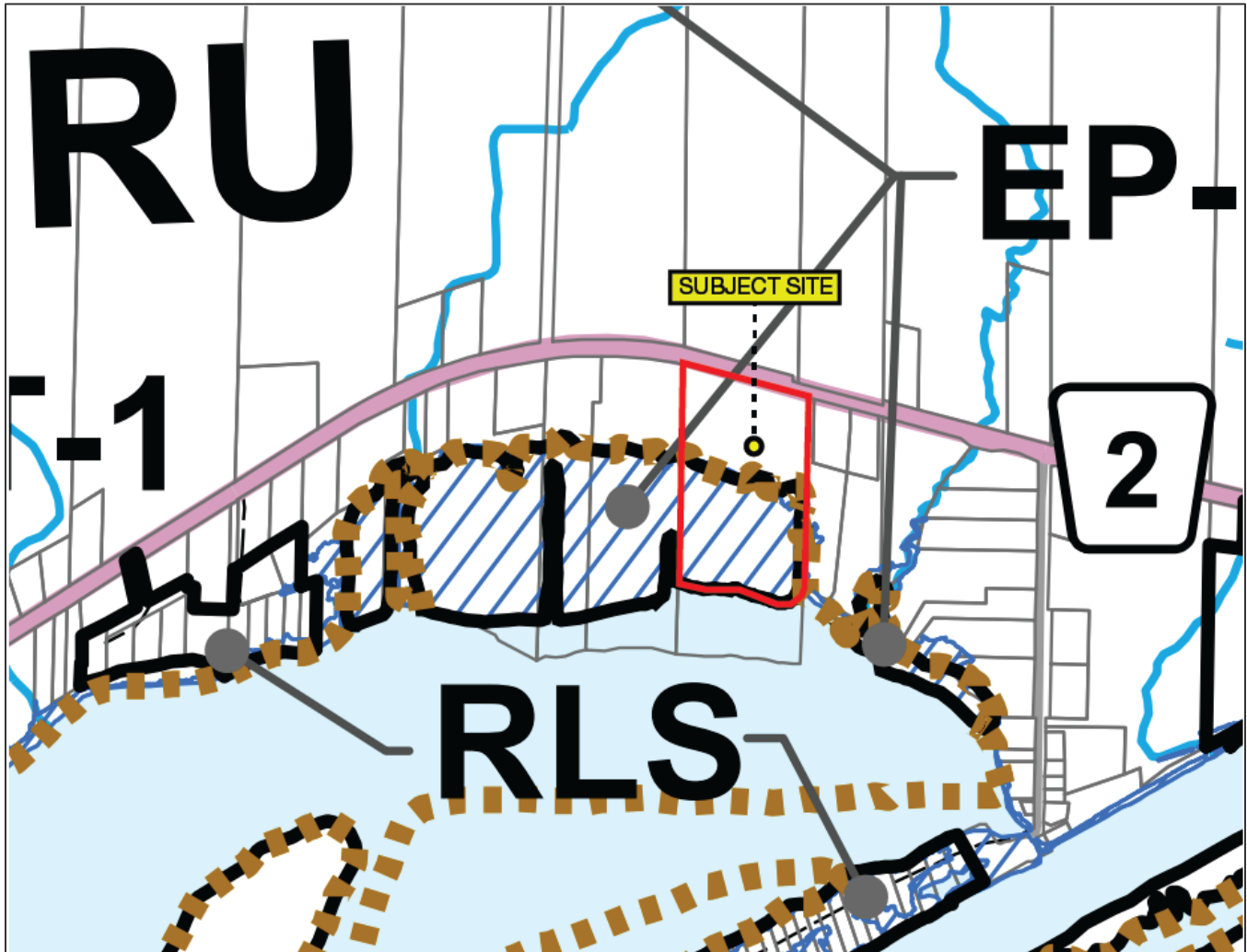


Figure 6: Zoning By-law Schedule A Township (Source: Edwardsburgh Cardinal)

A zoning table for both the old and new zoning by-law have been included as part of this planning justification letter. This letter acknowledges the new zoning by-law is currently within its appeal period, this being the case both zoning by-laws have been included as part of this report in case the new zoning by-law is appealed, and the old zoning by-law comes back into force and effect during an appeal. The intent of this letter is to seek relief from the recently adopted zoning by-law.

#### Township of Edwardsburgh Cardinal Zoning By-law 2012-35

Provision	Requirement	Proposed Development	Amendment Required?
<b>Limited Service Residential (RLS) Zone – Section 6.4</b>			
Permitted uses	(a) Bed and Breakfast Establishment; (b) Public park; (c) Single detached dwelling (d) Tot lots;	Single detached dwelling	No

Provision	Requirement	Proposed Development	Amendment Required?
	(e) Home based business or home industry; (f) Accessory uses to the forgoing Other community facility uses.		
Lot area (min)	1 ha	> 1 ha	Yes
Lot Frontage (min)	30 m	> 30 m	No
Front Yard (min)	10 m	> 10 m	No
Rear Yard (min)	15 m	> 15 m	No
Interior Side Yard (min)	3 m	5 m	No
Main Building Height (max)	11 m	< 11 m	No
Lot Coverage (max)	20 %	< 20%	No
Dwellings per lot (max)	1	1	No
<b>General Provisions – Section 4</b>			
Flood Plain – (Section 4.13 (b))	75.4 m G.S.C. along the St. Lawrence River from the western limit of the Village of Cardinal, as shown on Schedule B, to the downstream end of the old canal opposite the west end of Galop Island	The development is located outside of the field delineated floodplain	No
Parking and Storage of Vehicles (4.28 (a) [i])	Except as provided herein, no vehicles shall be parked or stored in conjunction with a residential use unless the vehicle is located within a garage, carport, driveway, designated parking area, or on a street as may be permitted by Municipal By-law	Parking will be addressed as part of future development applications.	No
Parking and Storage of Vehicles (4.28 (a) [iii])	Residential garages shall not exceed 100 sq.m (1,076 sq.ft.) in gross floor area	Potential garages will be addressed as part of future development applications.	No
Parking and Storage of Vehicles (4.28 (e) [i])	Frontage greater than 30 m = <b>6.5 m maximum</b> driveway width	Parking will be addressed as part of future development applications.	No
Dimension of Parking Space (4.28 (g))	The minimum size of a parking space shall be: 2.6 m wide by 5.5 m length.	Parking will be addressed as part of future development applications.	No
Location of Parking Spaces (4.28 (k))	Except where permitted elsewhere in this By-law, the required parking in a Residential Zone shall be provided on the same lot as the dwelling unit. In all other	Parking will be addressed as part of future	No

Provision	Requirement	Proposed Development	Amendment Required?
	zones, parking shall be provided within 100 m (328 ft.) of the building or lot it is intended to serve, subject to an agreement, deed or renewable lease which provides for same.	development applications.	
Parking Requirements (4.28 (k))	Minimum number of spaces = 1 space per dwelling unit	Parking will be addressed as part of future development applications.	No
Special Setbacks (4.37 (b))	15 metres from the limits of any Environmental Protection Zone (EP)	15 m	Yes

**Table 1 – Old Zoning By-law Zoning Table**

**Township of Edwardsburgh Cardinal Zoning By-law 2022-37 (Adopted by Council June 27, 2022)**

Provision	Requirement	Proposed Development	Amendment Required?
<b>Rural (RU) Zone – Section 6.5</b>			
Permitted uses	Accessory dwelling Accessory dwelling unit Agricultural use Conservation use Existing cemetery Hunting or fishing camp Kennel On-farm diversified use Existing place of worship Single dwelling	Single detached dwelling	No
Lot area (min)	1 ha	> 1 ha	No
Lot Frontage (min)	70 m	> 70 m	No
Front Yard (min)	7.5 m	> 7.5 m	No
Rear Yard (min)	7.5 m	> 7.5 m	No
Interior Side Yard (min)	6 m	> 6 m	No
Main Building Height (max)	10 m	< 10 m	No
Lot Coverage (max)	20 %	< 20%	No
Dwellings per lot (max)	1	1	No
<b>General Provisions – Section 3</b>			
Parking Requirements (3.14.1)	All other dwellings – 1 space per dwelling unit	> 1 space	No
Parking Requirements - Parking Space	Minimum dimension – 2.75 m x 6 m.	2.75 m x 6 m	No



Provision	Requirement	Proposed Development	Amendment Required?
Size and Access (3.14.3)			
Parking Requirements – Driveway Provisions for a Residential Use (3.14.6.1)	For lots used exclusively for a residential use, with the exception of single dwellings and apartment buildings, a maximum of one driveway per dwelling unit having a private entrance at grade shall be provided.	Each lot will contain a driveway	No
Setbacks from Environmental Protection (EP-PSW) Zones and Natural Heritage Policy Designation in the Official Plan (3.16)	120 m, or such lesser setback as recommended in an Environmental Impact Study undertaken to the satisfaction of the Township that demonstrates no negative impacts on natural features or ecological functions, provided that such lesser setback shall not be less than 30 m	15 m	Yes

**Table 2 – New Zoning By-law Zoning Table**

The proposed zoning by-law amendment seeks to establish a revised setback in relation to the Provincially Significant Wetland (PSW) and zone provisions to appropriately consider development constraints in accordance with the findings of the accompanying Geotechnical Investigation and EIS to permit the future development on the severed and retained lots. As previously noted, the Geotechnical Study and EIS conducted for the subject site determined that a 6-metre minimum setback from the top of slope and a minimum 15 metre setback from the PSW edge are appropriate. The relief requested through the application is to create a minimum setback of 15 metres from the adjacent wetland boundary area and a minimum of 6 metres from the geotechnical top of slope. The development envelopes for future development on the subject site are to be wholly located outside of the EP-PSW zone. The EIS and Geotechnical Investigation prepared to consider the proposed development note the proposal is not expected to result in significant impacts to natural heritage features or their ecological functions with setbacks mitigation measures in place.

It is our professional planning opinion that the proposed zoning by-law amendment conforms with the general intent of the Township of Edwardsburgh Cardinal's Zoning By-law 2022-37.

## Conclusion

The applicant is pursuing an application for zoning by-law amendment intended to satisfy Condition #4 of the decision for application B-165-21 on the property known municipally as 2017 County Road 2. The requested amendment seeks to establish a revised setback in relation to the Provincially Significant Wetland (PSW) and zone provisions to appropriately consider development constraints in accordance with the findings of the accompanying Geotechnical Investigation and EIS to permit the future development on the severed and retained lots. The findings of the Geotechnical Study and EIS conducted for the subject site determined that a 6-metre minimum setback from the top of slope and a minimum 15 metre setback from the PSW edge are appropriate. Any future development on the site will setback a minimum of 15 metres from the adjacent wetland boundary area and a minimum of 6 metres from the geotechnical top of slope. The development area proposed in relation to the severed and retained lands is to be wholly located within the rural zone.

The proposal is consistent with the Provincial Policy Statement and conforms to both the United Counties of Leeds and Grenville and the Township of Edwardsburgh Cardinal Official Plans, and maintains the intent of Zoning By-law 2022-37. The proposed zoning by-law amendment is appropriate and will permit locally appropriate



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development on the provisionally created lots within the Rural Policy Area of the Township which is not expected to result in significant impacts to natural heritage features or their ecological functions. It is our professional opinion that this zoning by-law amendment represents good planning. Should you have any questions or comments, please do not hesitate to contact us at 613.542.5454.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'David Nanton', on a light-colored background.

David Nanton MCIP, RPP  
Senior Planner  
Fotenn Planning + Design

A handwritten signature in black ink, appearing to read 'Tyler Hamilton', on a light-colored background.

Tyler Hamilton  
Planner  
Fotenn Planning + Design

## APPENDIX A

Zoning By-law Amendment to RU-X for the lands legally described as Part of Lot 20, Concession 1, Geographic Township of Edwardsburgh Cardinal, 2017 County Road 2: [By-law-2022-XX]

WHEREAS By-law No. 2022-37 as amended regulates the use of land and the use and erection of buildings and structures within the Township of Edwardsburgh Cardinal;

AND WHEREAS the Council of the Corporation of the Township of Edwardsburgh Cardinal deems it advisable to amend By-law No. 2022-37 as hereinafter set forth;

NOW THEREFORE the Council of the Corporation of the Township of Edwardsburgh Cardinal enacts as follows:

- 1) The lands affected by this By-law are shown as shaded and outlined by heavy black lines on Schedule "A" which is attached hereto and forms part of this By-law.
- 2) Zoning By-law No. 2022-37, as amended, is hereby further amended by adding the following new subsection at the end of Section 12.1.4 (Special Exception Zones):

(XX) RU-X, Part of Lot 20, Concession 1, 2017 County Road 2

Despite provisions to the contrary, on lands zoned RU-X Zone, the following exceptions to this By-law shall apply:

Notwithstanding the provisions of Section 3.16 and Section 12.1.3.1 to the contrary, for the lands zoned RU-X the following provisions shall apply:

- i. The minimum setback from lands zoned EP-PSW shall be 15 metres.
- ii. The minimum setback from the geotechnical top of slope shall be 6 metres.
- iii. Notwithstanding sections i. or ii. above, where a portion of the property is subject to both a setback from the EP-PSW and the geotechnical top of slope, the greater setback shall apply.

# Conservation Partners Partenaires en conservation



Via E-mail ([wvankeulen@twpec.ca](mailto:wvankeulen@twpec.ca))

April 12, 2022

Wendy Van Keulen  
Community Development Coordinator  
Township of Edwardsburgh Cardinal  
18 Centre Street  
Spencerville, ON K0E 1X0

**Re: EIS and Geotechnical Review & Clearance  
2017 County Road 2  
Township of Edwardsburgh-Cardinal  
Lot 20, Concession 1 (Edwardsburgh)  
Applicant: David T. Annable – Annable Designs Co. Ltd.  
Roll Number: 070170101515802**

Dear Ms. Van Keulen,

South Nation Conservation (SNC) has reviewed the revised technical studies at the above-noted property for consent application B-65-21. The following documents were included in our review:

- i. Severance Sketch for 2017 County Road 2. Dwg. Sv1. Prepared by Annable Designs. Dated January 6, 2022.
- ii. Environmental Impact Statement for 2017 County Road 2, Edwardsburgh-Cardinal, Ontario. Prepared by Kilgour & Associates Ltd. Dated February 9, 2022.
- iii. Geotechnical Investigation Proposed Development 2017 County Road 2 Edwardsburgh-Cardinal, Ontario. Prepared by Paterson Group. Signed, stamped and dated October 12, 2021.
- iv. Geotechnical Response to SNC Comments. Prepared by Paterson Group. Signed, stamped and dated February 4, 2022.

The review considers the impacts of the application and future development of the vacant lots on the local environment, as outlined under Sections 2.1 (Natural Heritage), 2.2 (Water) and 3.1 (Natural Hazards) of the Provincial Policy Statement (May 2020), issued under Section 3 of the *Planning Act*, 1990.

## *Natural Heritage*

South Nation Conservation accepts the findings and recommendations of the final Environmental Impact Statement. The study includes the following mitigation and direction:

- The entire Johnstown Creek Marsh Complex PSW area on the Site will not be subject to severance or development and will remain as part of the retained parcel. As part of the rezoning application, the EP-w zone is proposed to be consistent with the Provincial wetland boundary.
- No shoreline infrastructure (dock, pathways, hard or soft landscaping) will be considered as part of future development.
- As the Provincial boundary represents a more conservative wetland delineation than the field exercise based on current conditions, the 15 m setback from the PSW will be established using the Provincial boundary.
- Following geotechnical recommendations, no vegetation clearing is to take place on the slope face itself, as the existing vegetation cover on the slope provides additional stability to the slope and reduces surficial erosion due to surface water runoff.
- Silt fence paired with sturdy construction fence along the project perimeter (i.e., along the setback from the top of the slope and the wetland). This fencing can also act as a wildlife exclusion measure for smaller and less mobile animals that may occupy the adjacent wetland habitat such as amphibians and turtles.

## *Slope Stability*

The Geotechnical Investigation recommends a 6-metre setback from the top of slope. South Nation Conservation accepts the consultant's findings and recommendations.

## **Regulatory Requirements**

SNC implements Ontario Regulation 170/06, Development Interference with Wetlands and Alterations to Shorelines and Watercourses, developed under Section 28 of the Conservation Authorities Act.

The property contains areas within the 100-year floodplain, an unstable slope, a Provincially Significant Wetland, and areas adjacent to these features. Any development within 120m of the Provincially Significant Wetland will require a permit and restrictions may apply. Further, any interference with the St. Lawrence River will require a permit and restrictions may apply.

## **Conclusion**

South Nation Conservation accepts the findings and recommendations of the technical studies submitted for the application. Both studies recommend setbacks, and the greatest setback must be applied during the development of the properties. It is recommended that the greatest setback be reflected in the Zoning Bylaw to notify future landowners of the constraints.

I trust the above is to your satisfaction. Please feel free to contact our office if there are any questions or concerns.

Kind regards,

A handwritten signature in black ink that reads "James Holland". The signature is written in a cursive, flowing style.

James Holland, MSc RPP  
Watershed Planner  
South Nation Conservation

c.c. David Annable, Agent

SNC-2383-2021

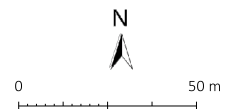




**Figure 7** Proposed severance plan

### Legend

- Development Envelope
- Severed Lands
- Geotechnical Top of Slope
- Limit of Hazard Lands
- 15m Setback from wetland edge
- Floodplain Limit
- Site



Project: MLDR 1245  
 Created By: RH  
 Checked By: KM  
 Universal Transverse Mercator - Zone 18 (N)  
 Printed on: 2022-02-01



**Committee:** Committee of the Whole – Community Development

**Date:** August 2, 2021

**Department:** Community Development

**Topic:** Application for Site Plan Control, 11 Centre Street (Moulton)

**Purpose:** To review a site plan control agreement for the redevelopment of 11 Centre Street, Spencerville.

**Background:** Joe Moulton, owner of 11 Centre Street, has made an application for site plan control in regards to proposed development on the property for a future microbrewery. The property is within the Spencerville Settlement Area and zoned Main Street Commercial. It is the former site of JoeComputer, and earlier, the Grant Brown Funeral Home. All existing buildings were destroyed by fire in April, 2020. The property is currently vacant.

The surrounding land uses on Centre and South Street include a Canada Post Office, church, municipal office, insurance office, as well as some single and multi-residential dwellings.

Phase 1 proposes a 327m<sup>2</sup> metal building as the microbrewery site, parking area and entrance, as well as a 1.8m high privacy fence along the south side of the property adjacent to the neighbouring residential use. The north end of the property will be green space until Phase 2. The second phase of development includes a building for professional/commercial office space.

The Counties has requested a reduced road widening of 2m along Centre Street and further details to review stormwater drainage towards the County Road infrastructure; however, the road authority agrees that this work and information could be provided as part of the proposed Phase 2 development. This has been considered in Schedule C of the site plan control agreement.

**Policy Implications:** The proposed microbrewery is permitted in the MC zone in the Township's new Zoning Bylaw 2022-37. The Township has received a site-specific

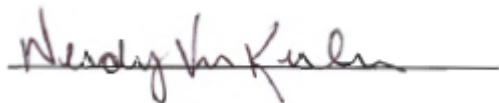
appeal to the new bylaw. The Township will be requesting that the appeal be scoped to the matters detailed in the appeal to allow the non-appealed portions of the bylaw to be in effect.

Council has delegated authority of site plan control approvals to the CAO by bylaw 2022-39, as required by the *Planning Act* s.41(4.0.1). In accordance with section 41(7), the CAO requires, as a condition of site plan approval, that the applicant enter into an agreement with the Township regarding the works provided on the site plan and the maintenance thereof. Section 41(10) allows that such an agreement may be registered against the land to which it applies, in accordance with the *Land Registry Titles Act*.

The Township's Site Plan Control Bylaw 2002-31, provides that all commercial, industrial, institutional and multi-residential properties with more than 6 units in the Township are subject to Site Plan Control. An agreement which has been registered on title of the property survives transfer of ownership.

**Financial Considerations:** The applicant has submitted the required fee to the Township for site plan control agreement. An application for funding under the Spencerville Community Improvement Plan has been submitted and is before Committee as part of this agenda.

**Recommendation:** That Committee recommend that Council enter into an agreement with the owner of 11 Centre Street once it has been determined by the Tribunal that the non-appealed portions of zoning bylaw 2022-37 are in effect.

A handwritten signature in dark ink, appearing to read "Nelsy Van Kesteren", written over a horizontal line.

Community Development Coordinator

**THE CORPORATION OF THE  
TOWNSHIP OF EDWARDSBURGH/CARDINAL  
SITE PLAN CONTROL AGREEMENT**

**THIS AGREEMENT** made in triplicate this \_\_\_\_ day of \_\_\_\_\_, 2022

**BETWEEN:** DONALD JOSEPH MOULTON.

Hereinafter called the "Owner" of the first part

**AND:** THE CORPORATION OF THE TOWNSHIP OF EDWARDSBURGH/CARDINAL

Hereinafter called the "Township" of the second part

WHEREAS the Owner has applied to the Township in accordance with the Site Plan Control provisions of Bylaw No. 2002-31, to permit the development of the lands described in Schedule "A" attached hereto;

AND WHEREAS the Owner has agreed with the Township to undertake, furnish and perform the works, material, matter and things required to be done, furnished and performed in the manner hereafter described in connection with the proposed use of the land and in conformity with the Zoning Bylaw;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of other good and valuable consideration and the sum of two dollars (\$2.00) of lawful money of Canada now paid by the Owner to the Municipality, the receipt of which is hereby acknowledged, the Parties hereby agree as follows:

**1. Land to Which this Agreement Applies**

This is an agreement made pursuant to the provisions of Section 41 of the Planning Act, RSO 1990. as amended, and applies to the lands described in Schedule "A" to this agreement.

**2. Statutes, Bylaws, Licenses, Permits and Regulations**

The Owner undertakes and agrees that prior to the commencement of any development, redevelopment, site alteration, construction or other works, the Owner shall obtain all necessary permits and approvals required by the

**SITE PLAN CONTROL AGREEMENT  
BETWEEN DONALD JOSEPH MOULTON AND  
THE TOWNSHIP OF EDWARDSBUGH CARDINAL**

Government of Canada, the Province of Ontario or any agency thereof, the Township and any other affected agency. The Owner undertakes and agrees to comply with the requirements of all relevant municipal bylaws, provincial and federal statutes and regulations, permits, approvals or licenses in addition to the terms of this agreement.

**3. Schedules**

The Owner hereby agrees that prior written approval by the Township and/or an amendment to a Schedule shall be required for any departure, change or modification from the Schedules.

The following list of schedules attached hereto are deemed to be and form part of this Agreement:

3.1 Schedule "A" -Legal Description of the Land to which this Agreement applies.

3.2 Schedule "B" -Site Plan.

3.3 Schedule "C" -Special Conditions

**4. Registration of Agreement and Commencement of Work**

The Owner covenants that he/she/they shall not commence any development or site alteration whatsoever until this Agreement is registered on title against the land at the expense of the Owner.

**5. Completion Date**

The owner agrees to complete the work required under this Agreement within one (1) year of the date of the commencement of works. Notwithstanding, if exceptional circumstances prevent the owner from complying with the requirements, the Township may extend the completion date.

**6. Default**

In the event the Owner defaults in the performance of an obligation under this agreement or for reasons of public safety as determined by the Chief Building Official under the Building Code Act of Ontario or the Fire Marshall under the Fire Protection & Prevention Act of Ontario, the Township may, at the expense of the Owner, enter upon the lands and do all such matters and things as may be

**SITE PLAN CONTROL AGREEMENT  
BETWEEN DONALD JOSEPH MOULTON AND  
THE TOWNSHIP OF EDWARDSBURGH CARDINAL**

required to comply with any Order of the Chief Building Official or Assistant to the Fire Marshall (local Fire Chief). Such actual costs incurred by the Township plus an overhead charge of 15%, shall be deemed to be recoverable from the Owner by invoice and may be recovered in like manner as municipal taxes pursuant to the Municipal Act.

**7. Facilities and Work to be Provided and Maintained**

The Owner covenants and agrees to provide and maintain, at his/her/their sole expense each and every facility, work or other matter illustrated on the Schedules to the satisfaction of the Township, acting in a commercially reasonable manner, and to engage qualified professionals, where required, to design and carry forth any of the work undertaken under this Agreement. This shall include the restoration of any faulty workmanship or materials.

**8. Certificate of Compliance**

Upon the satisfactory completion of all matters and things to be provided and maintained by the Owner pursuant to this Agreement, the Owner shall be entitled to obtain a Certificate of Compliance from the Township confirming that all provisions of this Agreement have been complied with in full to the date of such Certificate.

**9. Notice to Parties**

Any Notice by any party to this agreement to another shall be given in writing and mailed or delivered to the Party:

**9.1 In the case of the Municipality:**

To the Clerk of the Township of Edwardsburgh/Cardinal  
18 Centre Street  
P.O. Box 129  
Spencerville, ON KOE 1X0

**9.2 In the case of the Owner(s):**

Joseph Moulton  
PO Box 291  
14 Centre Street  
Spencerville, ON K0E 1X0

**SITE PLAN CONTROL AGREEMENT  
BETWEEN DONALD JOSEPH MOULTON AND  
THE TOWNSHIP OF EDWARDSBURGH CARDINAL**

**10. Severability**

The terms of this agreement are severable, and the unenforceability of any part hereof shall not render the whole unenforceable. No forbearance or failure by the Township to strictly enforce any term or covenant herein shall prevent the Township from insisting upon strict compliance by the Owner subsequent to such forbearance or failure to strictly enforce its terms. The terms of this agreement may not be altered except by a subsequent agreement in writing between the parties.

**11. Successors and Assigns**

This Agreement shall ensure to the benefit of and be binding upon the respective heirs, personal representatives, successors and assigns of each of the parties hereto.

**12. Force and Effect**

This Agreement comes into force after it has been executed by all parties hereto and registered against the title to the lands described in Schedule "A".

**IN WITNESS WHEREOF** the Parties have hereunto set their hands and seals, corporate parties over the hand(s) of their duly authorized signing officers in that regard.

OWNER/AUTHORIZED AGENT

\_\_\_\_\_  
Owner

CORPORATION OF THE TOWNSHIP OF  
EDWARDSBURGH/CARDINAL

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



**SITE PLAN CONTROL AGREEMENT  
BETWEEN DONALD JOSEPH MOULTON AND  
THE TOWNSHIP OF EDWARDSBUGH CARDINAL**

**SCHEDULE "A"**

**Site Plan Control Agreement**

**DESCRIPTION OF THE PROPERTY**

PLAN 40 PT LOT 1 RP 15R9155; PART 1

PIN: 68141-0337

**SITE PLAN CONTROL AGREEMENT  
BETWEEN DONALD JOSEPH MOULTON AND  
THE TOWNSHIP OF EDWARDSBUGH CARDINAL**

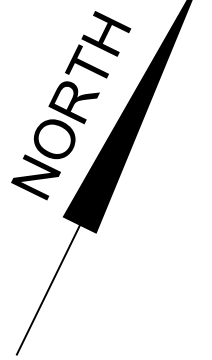
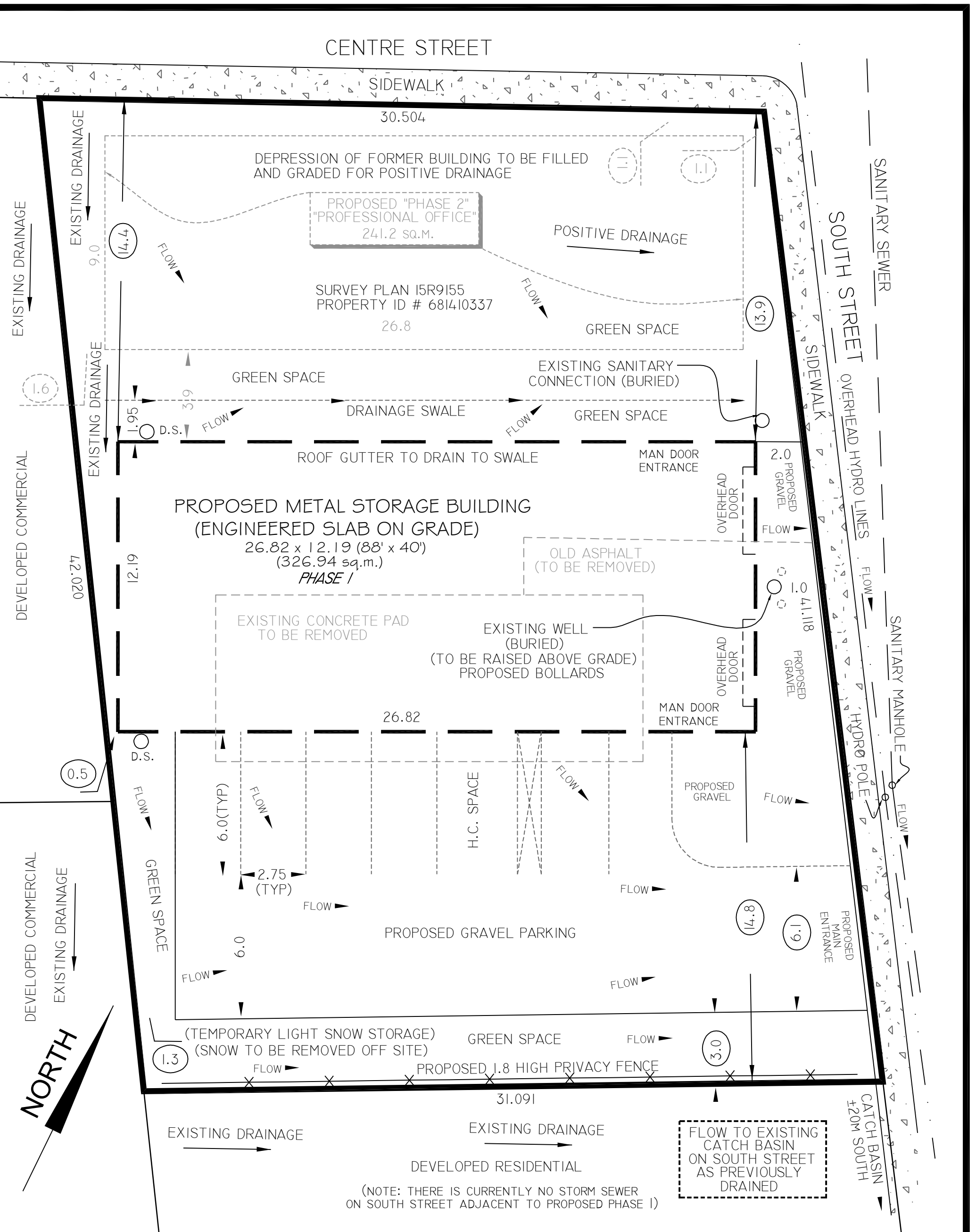
**SCHEDULE “B”**

**Site Plan Control Agreement**

**SITE PLAN**

EXHIBITS: The following Exhibits attached hereto shall form part of this Schedule:

Exhibit 1- General Site Plan



LOT AREA =1271.5 SQ.M.  
PROPOSED BUILDING =327.1 SQ.M.  
LOT COVERAGE PHASE 1 = 25.7%  
PROPOSED BUILDING PHASE 2  
=241.2 SQ.M.  
LOT COVERAGE PHASE 1 & 2 = 44.7%  
D.S. = DOWNSPOUT

NOTE: WASTE REMOVAL WILL BE CURBSIDE PICKUP.  
OWNER ACCEPTS RESPONSIBILITY TO REMOVE WASTE.

**11 CENTRE STREET, SPENCERVILLE ON  
PROPOSING STORAGE BUILDING  
AND GRAVEL PARKING**

**SITE PLAN  
PREPARED BY JOE MOULTON**

**METRIC SCALE 1:150 (@11"x17") REV3**

ARN:070170104006400  
PT LT 1 S/S CENTRE STREET AND  
W OF SOUTH STREET PL 40  
AS PROVIDED BY GeoWarehouse

**SCHEDULE “C”**

**Site Plan Control Agreement**

**SPECIAL CONDITIONS**

**1. Location of Building Structures and Facilities**

Building structures and facilities shall be located as per Site Plan forming Exhibit 1 of Schedule “B” to this Agreement.

The Phase 2 construction shown on this plan shall comply with the Township Zoning Bylaw in place at the time a building permit application is made.

**2. Stormwater, Sediment & Erosion Control**

Drainage, stormwater, sediment and erosion control shall be managed as per Exhibit 1 of Schedule “B” to this agreement.

An updated grading and drainage plan is required prior to the issuance of a building permit for phase 2 development, to the satisfaction of the Township.

An updated grading and drainage plan is required prior to the issuance of a building permit for phase 2 development, to the satisfaction of the United Counties of Leeds and Grenville.

**3. Servicing**

The property must be serviced by municipal sewer services and all water discharge to sanitary and storm sewers must be in accordance with the Township’s Sewer Use Bylaw.

The private well shall be sited, constructed and maintained in accordance with O.Reg 903 under the *Ontario Water Resources Act*.

**4. Site Access & Roads**

The site shall be accessed as per the site plan forming Exhibit 1 of Schedule “B”. A permit shall be obtained from the Township for any extension or relocation of the existing entranceway. No additional entranceways shall be established without the consent of the appropriate road authority.

**SITE PLAN CONTROL AGREEMENT  
BETWEEN DONALD JOSEPH MOULTON AND  
THE TOWNSHIP OF EDWARDSBUGH CARDINAL**

A dedication of 2m of land along Centre Street shall be granted to the United Counties of Leeds and Grenville at the owner's expense for the purpose of future road widening prior to the issuance of a building permit for phase 2 development.

**5. Refuse Storage and Disposal**

The property shall be maintained in a neat and tidy condition and all refuse shall be deposited in proper containers which are screened from view. The owner shall be responsible for the disposal of refuse from his/her/their property.

**6. Snow Removal**

Snow removal is the responsibility of the owner.

**7. Screening**

A 6ft privacy fence shall be installed on the south side of the property to ensure privacy for neighbouring residential uses.

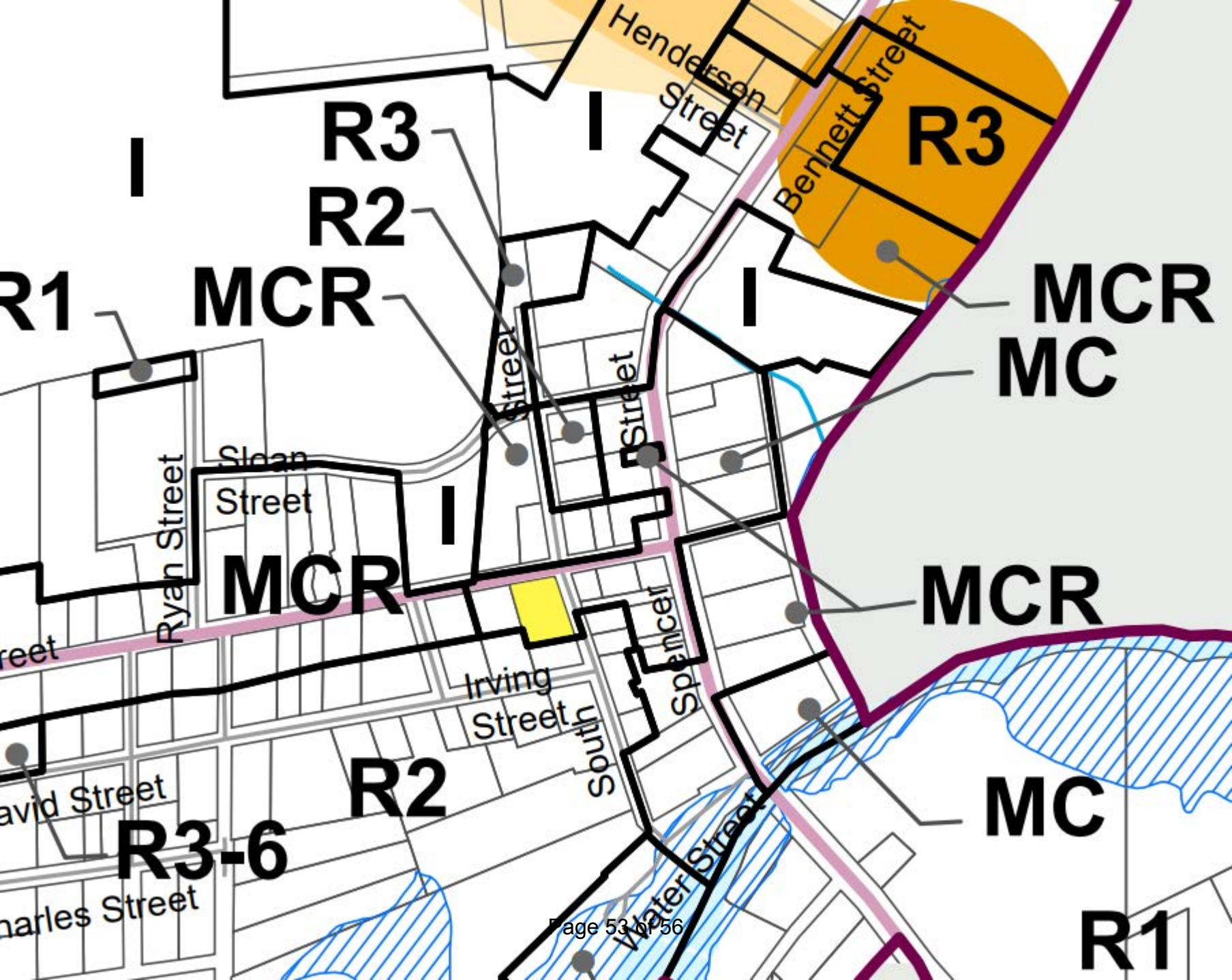
**8. Parking**

The Owner is required to apply dust suppressant to any gravel parking areas in accordance with the requirements of the Director of Operations and/or Road Superintendent. The proposed gravel parking area may be paved without an amendment to this agreement.

Parking spaces shall be clearly marked and a barrier free space shall be provided in accordance with the Township's Zoning Bylaw.

**9. Lighting**

All outdoor lighting, including fixtures and signs, shall be designed, installed and maintained to prevent light spill over or glare onto the County or Township Roads and neighbouring residential properties.







## TOWNSHIP OF EDWARDSBURGH CARDINAL ACTION ITEM

**Committee:** Committee of the Whole – Community Development

**Date:** August 2, 2022

**Department:** Community Development

**Topic:** Application for Community Improvement Funding, 11 Centre St (Moulton)

**Purpose:** To consider application S-02-22 for funding under the Spencerville Community Improvement Plan for 11 Centre St.

**Background:** Applicant and property owner Joe Moulton has applied for project funding under the Application and Building Permit Fees Rebate Program of the Spencerville Community Improvement Plan. The property is zoned Main Street Commercial. It was the former site of JoeComputer, and earlier, the Grant Brown Funeral Home. All existing buildings were destroyed by fire in April, 2020. The property is currently vacant.

The owner is planning to redevelop the site as home to a future microbrewery. Additional commercial or office spaces are planned for a future development phase.

The proposed redevelopment brings the site under site plan control; the application was submitted on July 28, 2022. A building permit application for the 327m<sup>2</sup> building is expected once it has been confirmed that the new zoning bylaw 2022-37 is in effect. Additional costs related to these applications include engineered drawings for structural and architectural requirements for the building permit application, including foundation, floorplans, energy compliance, etc.

The Applicant has pre-consulted with the Community Development Coordinator and submitted an application for funding under the Community Improvement Plan. Staff have completed the review and evaluation. A future application under the Property and Façade Improvement Program has also been discussed.

**Policy Implications:** The application meets the General Eligibility Criteria and the Program Specific Criteria for the Application and Building Permit Fees Rebate Program.

Under this Program, the Township may provide a refund equivalent to the applicable cost of normal planning application fees and building permit fees, to a maximum of 50% of the application fees paid by the applicant, or \$5,000, whichever is lesser.

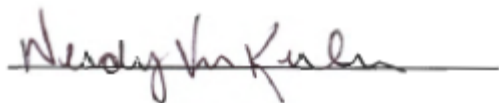
The plan provides that significant consulting fees incurred by the Township are not eligible; however, the scope of the application is considered minor and staff do not anticipate that consulting fees will be incurred by the Township in processing the application as the review is conducted in-house. The plan does not consider additional professional fees incurred by the applicant for design and engineering. Staff recommend that the Committee apply the rebate to these costs as part of the application fee.

Eligible projects for this program include development and redevelopment of commercial and mixed-use buildings that are generally consistent with and maintain the intent of the Spencerville Community Improvement Design Principles.

Section 6.6 of the Plan provides that the incentive programs made available under the Spencerville Community Improvement Plan may be used individually or may be combined. The total of all incentives under the Plan is not to exceed \$10,000.

**Financial Considerations:** The application fee for site plan control in the amount of \$1,000 has been paid by the owner/applicant. It is estimated that the building permit application fees will be \$1,408. The applicant has provided quotes for the engineered drawings, which total \$11,600.00. The maximum amount available under the program is \$5,000.

**Recommendation:** That Committee approve application S-02-22 (11 Centre St.), reimbursing the 50% of the planning and building permit application fees, including the supporting design and engineered plans to a maximum of \$5,000.



Community Development Coordinator

## Existing Conditions



## Streetscape

