

Shoreline Planning in Frontenac County

December 2019



Foreword



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The project team is comprised of second year master's students at the School of Urban and Regional Planning (SURP) at Queen's University in Kingston, Ontario. This report reflects the individual research findings and opinions of the students in the 2019 Environmental Planning Project Course, SURP 826. This report was prepared for the County of Frontenac and the findings and recommendations are herein the opinions of the authors and may not reflect the adopted policy of the County, or the positions of SURP or Queen's University.

Acknowledgments

The project team would like to thank:

- ▶ Our client supervisors, Joe Gallivan and Megan Rueckwald for their support, guidance and passion for waterfront planning throughout the project term, and for giving us the opportunity to put our planning education into action.
- ▶ Our project supervisor, Dr. John Meligrana, for allowing us to take the lead in approaching this project while providing support and guidance at decisive moments.
- ▶ Residents of the County of Frontenac for inviting us to visit their properties to learn firsthand the importance of the waterways in Frontenac, and the work that is being done to protect them; and to Jennie Kapusta for taking the time to show us around Frontenac.
- ▶ Those planners and consultants from Planscape, Skelton Brumwell & Associates, the Townships of Scugog, Lake of Bays, and Havelock-Belmont-Methuen, the County of Haliburton, Prince Edward County, the Towns of Carleton Place, Gananoque, and Innisfil, the Cities of Kawartha Lakes and Temiskaming Shores, and Cataraqui Region Conservation Authority, Rideau Valley Conservation Authority, and Mississippi Valley Conservation Authority who took time out of their busy schedules to answer our questions regarding planning tools.
- ▶ Jo-Anne Tinlin, Angela Balesdent, Kathy Hoover, and Joan Knox for their administrative support.
- ▶ Finally, our friends and family for their continued support throughout our educational journey.



Executive Summary

Context

Frontenac County (“the County”) is located in the eastern part of Southern Ontario and consists of approximately 4,000 square kilometres of land adjacent to the City of Kingston. The County is comprised of four lower-tier municipalities including North Frontenac, Central Frontenac, South Frontenac, and the Frontenac Islands. The rural character of the County provides a scenic landscape and slow-paced lifestyle that offers diverse economic opportunities such as tourism and agriculture, many cultural activities, and a vast variety of outdoor activities. Frontenac County is recognized for their strong, resilient, and rural communities. The County has a year-round population of 27,000 people with limited population growth, however there is also a significant seasonal population.

Contained within Frontenac County are over 1000 lakes and significant wetlands, coastal wetlands, and fish habitat areas, all of which rely on water to retain their ecological functionality. The County Official Plan as well as the four Townships’ Official Plans emphasize the importance of protecting and conserving the Waterfront Area, which is defined in the County’s Official Plan as those lands extending 150 metres from the waterbody. The most common redevelopment proposal to go before the Committee of Adjustment is waterfront redevelopment. Currently, waterfront redevelopment applications come before the Committee of Adjustment in the form of minor variances, but deep concern and strong community support for the protection of the waterfront has identified the need for a policy update in order to provide an effective, efficient, and consistent approach to waterfront redevelopment that is appropriate for a rural context and sensitive to limited staff resources.

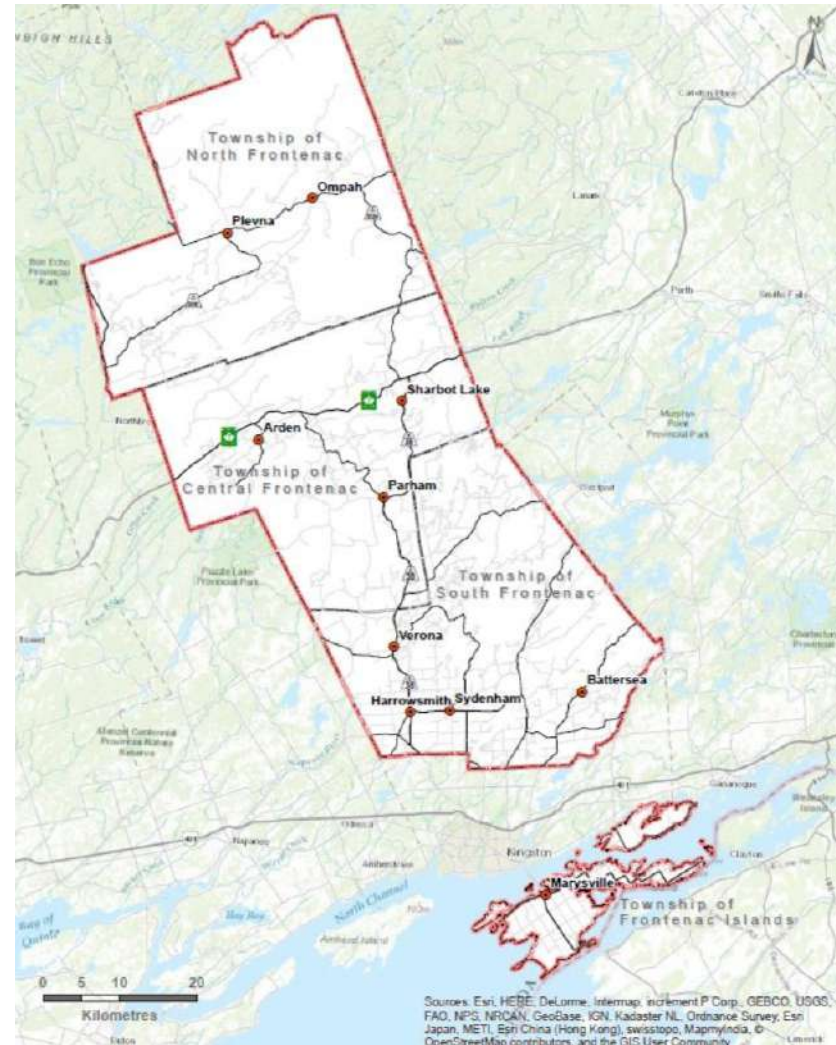


Figure E1. Townships, hamlets, and villages within the County of Frontenac. Retrieved from <https://www.frontenaccounty.ca/en/government/resources/Documents/2019-071-Frontenac-Stratplan-2019-2022.pdf>

Project Objective

In the fall academic semester of 2019, Frontenac County retained a student project team from the Queen's University School of Urban and Regional Planning to conduct research to help inform a policy update with respect to waterfront redevelopment. The objectives of this research are as follows:

- ▶ To identify current policies used by Ontario municipalities to regulate waterfront development;
- ▶ To evaluate the suitability of various waterfront development policies and *Planning Act* and *Municipal Act* tools for potential use in Frontenac County; and
- ▶ To provide policy recommendations that will effectively and efficiently regulate waterfront development in Frontenac County.

Research Method

This report was completed using a qualitative research approach that flowed from observation towards the development of recommendations. Four planning tools were identified for possible use by Frontenac County in order to regulate waterfront development: minor variances, site plan control, site alteration by-laws, and the Community Planning Permit System (also known as the Development Permit System). Twelve case studies that met established selection criteria were chosen for research in this report.

The research was completed in the following phases:

1. Policy Review
2. Literature Review
3. Case Study Secondary Research
4. Case Study Interviews
5. Data Analysis
6. Formulation of Recommendations

Policy Review

In preparation for this project, waterfront planning policies were reviewed at the Provincial, County, and Township levels. This review demonstrated that Frontenac County is supportive of protecting shorelines and water quality and revealed several regulatory options that exist to ensure this protection. To conduct this policy review, the following documents were reviewed:

- ▶ Ontario Provincial Policy Statement (2014)
- ▶ Ontario *Planning Act* (2019)
- ▶ County of Frontenac Official Plan (2016)
- ▶ Frontenac County Strategic Plan (2019)
- ▶ Township of North Frontenac Official Plan (2017)
- ▶ Township of Central Frontenac Official Plan (2008)
- ▶ Township of South Frontenac Official Plan (2003)
- ▶ Township of Frontenac Islands Official Plan (2013)
- ▶ Cataraqui Region Conservation Authority Ontario Regulation 148/06 (2017)
- ▶ Quinte Conservation Authority Ontario Regulation 319/09 (2013)
- ▶ Mississippi Valley Conservation Authority Ontario Regulation 153/06 (2013)
- ▶ Rideau Valley Conservation Authority Ontario Regulation 174/06 (2013)

In reviewing these documents, it was found that there is a strong policy basis for the implementation of an improved shoreline development approval process, as well as a collective vision for the protection of the natural environment in Frontenac County. Almost all the policy documents provided guidance for waterfront development approval processes, though all slightly differed from each other. A cohesive approach to shoreline protection across the entirety of Frontenac County would make for a more streamlined approach.

Literature Review

A literature review was conducted to gain a better understanding of the topics surrounding waterfront development. For this review, both academic and non-academic sources were considered to better understand the conversations taking place in both academic and non-academic contexts. The key words that were searched for this review included:

- ▶ Waterfront Planning
- ▶ Lakeshore Capacity
- ▶ Shoreline Protection and Stewardship
- ▶ Site Plan Control
- ▶ Development Permit System
- ▶ Community Planning Permit System
- ▶ Site Alteration By-Laws
- ▶ Vegetation Buffers and Corridors

Key takeaways from the literature review include:

- ▶ Climate change and human activities are known to alter the rate of productivity and physical characteristics of temperate lakes.
- ▶ There are economic benefits to developing waterfronts, whether it is large scale or small scale, however this also brings up issues of public access, conservation and monitoring.
- ▶ Assessing and managing watersheds takes cooperation and involves numerous agencies, regulatory frameworks, and jurisdictions in order to successfully implement strategies.
- ▶ Vegetated buffer zones are very important for water quality protection.

Evaluation Criteria

Ten criteria were formulated for evaluation of both the case studies individually, as well as the planning tools as a whole. The criteria were generated based on the limitations and needs expressed by Frontenac County. A standardized three-level scoring system through which to provide a rating of either 'good' (3 points), 'satisfactory' (2 points) or 'poor' (1 point) for each criterion was established in order to consistently evaluate each case study and planning tool. Descriptions of the criteria are listed in the table on the next page.



This is the highest rating on the scale. Planning tools that are rated as 'Good' will be favourable for implementation in Frontenac County.



This is the middle rating on the scale. Planning tools that are rated as 'Satisfactory' will be somewhat favourable for implementation in Frontenac County.



This is the lowest rating on the scale. Planning tools that are rated as 'Poor' will be unfavourable for implementation in Frontenac County.

Figure E2. Definitions for the rating scale used in the evaluation of the planning tools.

Table E1. Descriptions of the twelve case study evaluation criteria.

Criteria	Explanation
Cost Effectiveness (Applicant)	Cost effectiveness refers to the monetary amount applicants are required to pay through the application process in each municipality when seeking a permit. Applications can vary in cost depending on the size of a project, with higher costs potentially deterring applicants from following proper procedure.
Staff to Application Ratio	Staff to application ratio is a comparison between the number of staff processing applications, and the number of applications received by a municipality over the course of one year. A ratio representing the number of staff to the number of applications was determined and compared to the staff to application ratio of Frontenac County.
Transition Process	The transition process refers to the transition a municipality must make when changing from the use of one planning tool to another. The transition process was evaluated based on whether the municipality transitioned from one planning tool to the current planning tool in use, and if so, how this transition occurred.
Ease of Enforcement	Ease of enforcement was included as a criterion in order to determine how the requirements of each planning tool are enforced. The process involved with each planning tool could influence the ease of enforcing the goals outlined in the tool. In addition, a planning tool that is easier to enforce requires fewer by-law enforcement officers. The ease of enforcement was evaluated based on the method of enforcement employed by the municipality.
Applicant Effort	Applicant effort was evaluated based on the amount of effort required of the applicant when completing the application process. Longer applications result in a larger amount of applicant effort, which could deter applicants from abiding by the relevant planning tool. Applicant effort was evaluated based on the amount of collaboration with experts applicants would require when completing their applications.
Application Timeline	Application timeline was evaluated in order to determine the amount of time between when an applicant submits an application and when they receive a decision from the municipality. Two methods were used to evaluate this criterion; the amount of time between the submission of an application and a decision, and the legislated timelines for municipal decisions.
Collaboration with External Agencies	Some planning tools require collaboration with external agencies such as conservation authorities or lake associations. Collaboration is beneficial but can increase the application timeline. Collaboration with external agencies was evaluated based on the number of agencies required for collaboration under the planning tool.
Geographic Scope	Geographic scope was included to evaluate the extent of the area covered by the planning tools in each municipality. Some of the tools control development across the entire municipality, while others are utilized on a site-by-site basis. This criterion is based on the potential impact that waterfront developments have on the greater surrounding area, beyond lakes and waterfronts.
Shoreline Protection	It is important that Frontenac County uses a planning tool which effectively protects shorelines. Shoreline protection was evaluated based on how each planning tool approached shoreline protection and whether it was prioritized.
Public Support	Public support was evaluated in order to determine whether the general public in each municipality has a positive or negative opinion of the use of the planning tools. Interest and willingness from the public can influence the effectiveness of a planning tool.

Recommendations

Based on the evaluation criteria, the Community Planning Permit System (CPPS) received the highest rating with a score of 83%. Therefore, it was determined that the CPPS would be the most appropriate planning tool for implementation in Frontenac County. Key features of the CPPS that make it suitable for use in Frontenac County include:

Efficiency:

By combining zoning and site plan control by-laws, as well as minor variance processes into one system, a more cohesive approach is taken toward development which can reduce the duplication of applications/approvals and reduce the amount of time required to process development applications.

Flexibility:

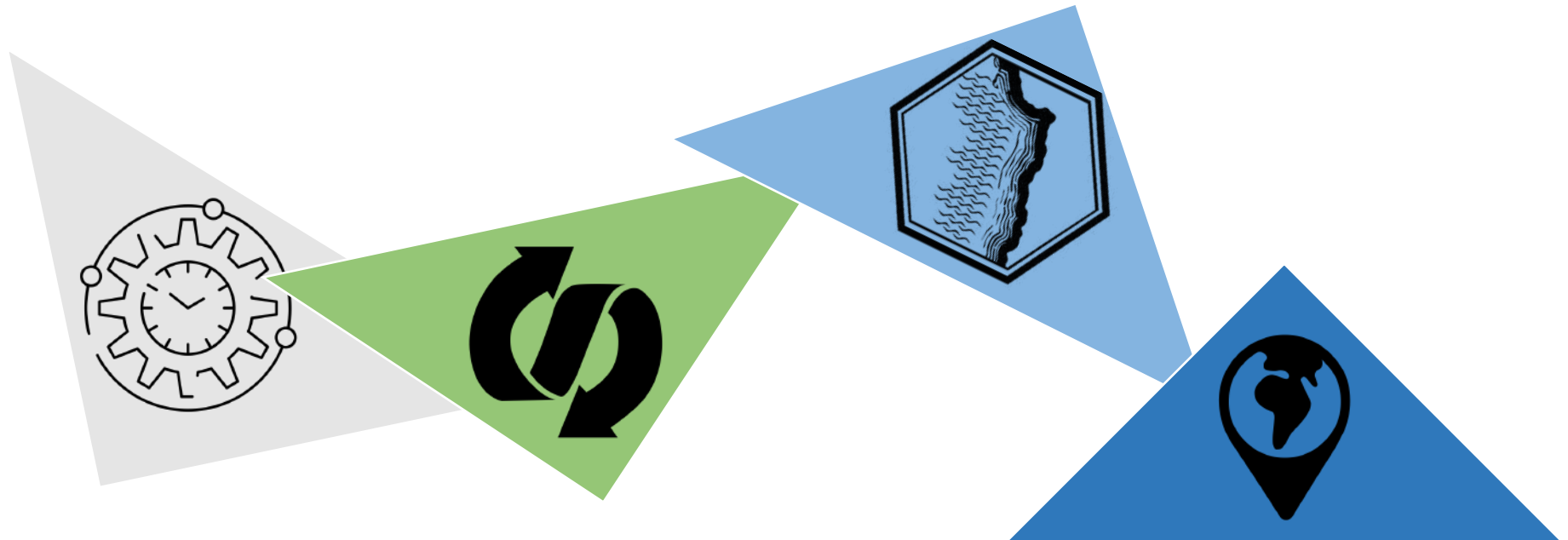
There is flexibility built into the CPPS, as development applications are categorized into classes through which applications requiring fewer changes to existing regulations can be processed quickly and only require approval of planning staff, rather than the Committee of Adjustment.

Shoreline Protection:

The CPPS contains measures, such as discretionary uses, through which to specifically protect natural heritage. Through these measures, the County would have greater control over development that may negatively impact the waterfront.

Geographic Scope:

The CPPS may be implemented only in specific areas of concern, which may help the County ease into the transition to a CPPS while protecting areas that are in urgent need of regulation.



In order to put the CPPS into effect in Frontenac County, the following recommendations were determined for implementation.

Recommendation: Education for Planning Staff and the Public

Prioritizing public education will contribute to the overall success of the implementation of the CPPS. In interviews, municipalities who emphasized public education and utilized various methods found that they received a higher number of completed applications and therefore, had fewer issues with non-compliance.

**Recommendation: Ensure Compliance with Ontario Regulation 173/16
(O Reg 173/16) – Community Planning Permits**

Ontario Regulation 173/16 – Community Planning Permits governs the development of the Community Planning Permit System. Any municipality creating a CPPS by-law within their jurisdiction shall comply with the provisions outlined in the regulation.

Recommendation: Utilize a Pilot Program for CPPS Shoreline Permits

The County has the ability to implement the CPPS in stages and may consider implementing the CPPS on a smaller scale in the beginning in order to allow planners and the public time to adjust to the new system.



Recommendation: Consult with Public and Relevant Stakeholders

Public consultation will be a critical component of the transition to the CPPS. Ensuring members of the community are able to participate in the initial stages of the creation of the CPPS and are educated about the new system will help encourage public support of the new planning tool.

Recommendation: Formulate Application Criteria and Create Application Form

The CPPS allows municipalities to create classes of applications which require varying degrees of collaboration and external expertise. A sample application has been created that may assist the County in creating a CPPS application form.

Recommendation: Consult with Municipalities Using the CPPS

Consulting with the case study municipalities examined in this report may greatly benefit Frontenac County planners in creating a CPPS. The case municipalities that use a CPPS or DPS are: the Township of Lake of Bays, the Town of Innisfil, the Town of Carleton Place, and the Town of Gananoque.

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Chapter One - Introduction

1. Introduction

1.1 Project Overview

This report provides Frontenac County with recommendations regarding the most appropriate waterfront development policies. Currently, the Committees of Adjustment of the Townships deal with a significant number of applications with potential impacts on the natural heritage system (NHS). This NHS, as defined in Section 7.1.1. of the County of Frontenac's Official Plan (2016), includes significant wetlands, significant coastal wetlands, and fish habitat, among other features. Water quality is an important aspect for the ecological function of each of these features. Therefore, it is critical that a consistent, effective, and efficient approach is used across the County to review waterfront development and redevelopment applications. There is strong community support for policy change, as demonstrated by members of the public and local lake associations as gathered from site visits. However, the County is constrained by limited resources and capacity for enforcement.

For the purposes of this report, a vast collection of data on waterfront development and redevelopment policies was evaluated using specific criteria relevant to the needs of Frontenac County. This report is intended for use by Frontenac County and Township planning staff as well as County Council for updating planning policies for waterfront development and redevelopment.

The objectives of this report are as follows:

- ▶ To identify current policies used by Ontario municipalities to regulate waterfront development;
- ▶ To evaluate the suitability of various waterfront development policies for potential use by Frontenac County; and
- ▶ To provide policy recommendations that will effectively and efficiently regulate waterfront development in Frontenac County.



1.2 Frontenac County Context

1.2.1 Location

The County of Frontenac, henceforth referred to as Frontenac County, is comprised of approximately 4,000 square kilometres of land adjacent to the City of Kingston in Eastern Ontario (County of Frontenac, 2016). However, the City of Kingston is outside of the County's municipal jurisdiction (County of Frontenac, 2018). The County includes four lower-tier municipalities: North Frontenac, Central Frontenac, South Frontenac, and the Frontenac Islands.

The County contains a beautiful landscape and serene atmosphere characteristic of a rural area, but is geologically unique due to its position on the Canadian Shield (Crins, Gray, Uhlig, & Wester, 2009). Its close proximity to urban centres such as Kingston and Ottawa allows for access to amenities and services. Figure 1 illustrates the County's townships as well as unincorporated hamlets and villages. Figure 1 illustrates the County's townships as well as unincorporated hamlets and villages.

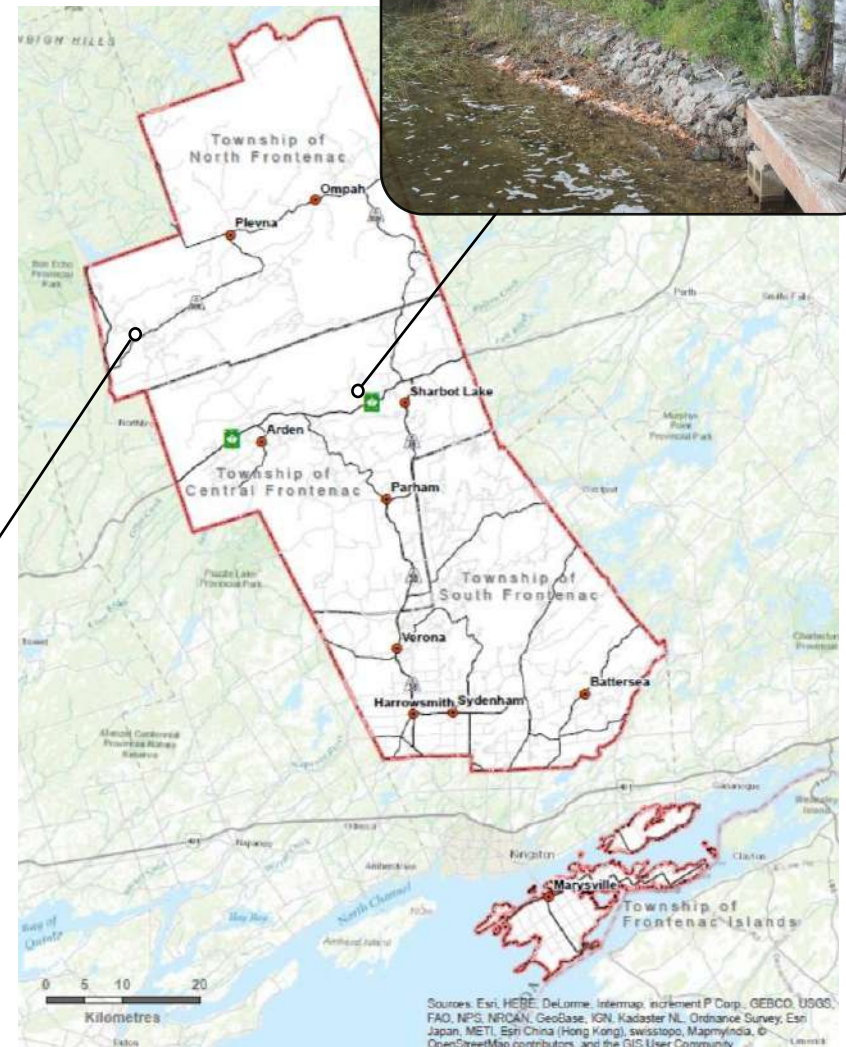


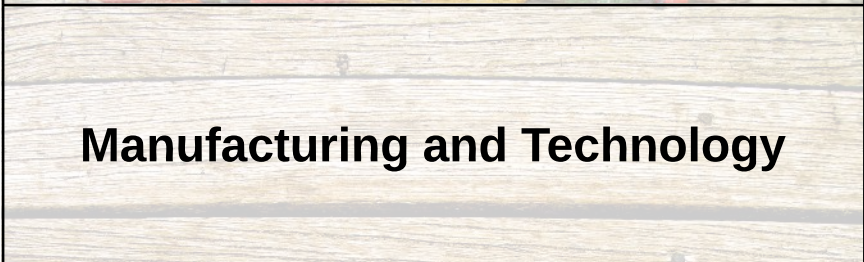
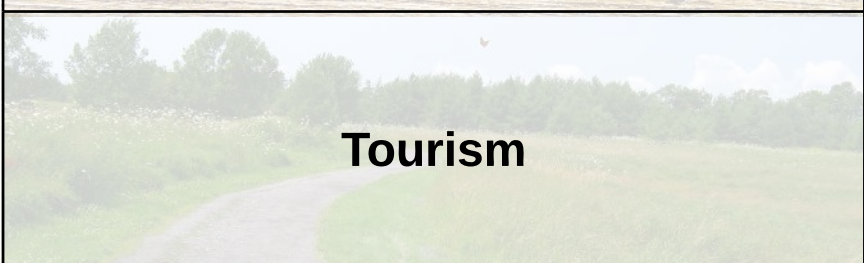


Figure 1. Townships, hamlets, and villages within the County of Frontenac. Retrieved from <https://www.frontenaccounty.ca/en/government/resources/Documents/2019-071-Frontenac-Stratplan-2019-2022.pdf>

1.2.2 Economic Sectors

The Frontenac County website identifies four major sectors that are critical components of its overall economy (Frontenac Economic Development, 2017).

 A photograph of a vineyard with rows of grapevines stretching into the distance under a clear sky. Agriculture	<p>Agriculture has resulted in economic growth within the County as small and large-scale farming operations have increased over the past decade. There is also an expanding market for young farmers establishing organic and sustainable farms, in addition to existing traditional farms.</p>
 A close-up photograph of various fresh vegetables including red tomatoes, white mushrooms, a yellow bell pepper, and a green cucumber. Food and Beverage	<p>Local food and beverage is another key sector within Frontenac County's economy. The County is part of Ontario's Artisan Food and Beverage Region, the goal of which is to help entrepreneurs establish artisanal food and beverage businesses.</p>
 A photograph of a wooden plank surface, likely part of a manufacturing or construction site. Manufacturing and Technology	<p>The County's economy also relies on manufacturing and technology. Manufacturing in the County is highly specialized and includes production such as aluminum boat manufacturing and millwork providers.</p>
 A photograph of a paved path winding through a green field with trees in the background. Tourism	<p>The expansive trail network in Frontenac County attracts local residents and visitors from outside the County. As the construction of the Kingston & Pembroke (K&P) Trail continues, tourism will increase and more businesses will be established in Frontenac County.</p>

(Frontenac County, 2017)

1.2.3 Population

As of 2016, Frontenac County's total population was 26,677. The County's population is dispersed unevenly throughout the four townships with South Frontenac containing the largest portion of the County's population with approximately 18,646 individuals living within its boundaries. Frontenac Islands has the smallest population with 1,760 residents, slightly fewer than North Frontenac's 1,898. Despite having a small population, Frontenac Islands is the second most densely populated with a population density of 10.1 individuals per square kilometre, while North and Central Frontenac have densities of 1.6 and 4.3 individuals per square kilometre, respectively.

Table 1. Demographic data for the County of Frontenac and the province of Ontario. Source: Statistics Canada (2016).

	North Frontenac	Central Frontenac	South Frontenac	Frontenac Islands	Ontario
Population (2011)	1,857	4,556	18,113	1,864	12,851,821
Population (2016)	1,898	4,373	18,646	1,760	13,448,494
Land Area (km ²)	1,164.77	1,015.20	971.56	175.04	908,69.33
Population Density (individuals per km ²)	1.6	4.3	19.2	10.1	14.8
Average Age	54.1	47.9	43.0	50.4	41.0
# of Private Dwellings	2,966	3,726	9,213	1,273	5,598,391
% of Private Dwellings Permanently Occupied	31	51	78	62	92
Average Household Size	2.0	2.3	2.6	2.3	2.6
Average Household Income After Tax (\$)	56,119.00	62,265.00	84,953.00	119,635.00	80,322

Frontenac County's senior population is increasing and younger individuals are moving out of the County, as reflected by age and household size data (County of Frontenac, 2016). All four townships have an average age greater than Ontario's 41.0 years of age. Two townships, North Frontenac and Frontenac Islands, have an average age over the age of 50, demonstrating the higher senior population within the County. The average household size in Frontenac County's townships ranges from 2.0 to 2.6 individuals, with all but South Frontenac's average being smaller than the provincial average of 2.6.

Frontenac County's population varies as a result of its large seasonal population. In total there are 17,178 private dwellings within the County's boundaries. Of these, 10,777 (63 percent) are permanently occupied. South Frontenac has the largest number of private dwellings within the County and the highest proportion of private dwellings permanently occupied at 78 percent. The Township of North Frontenac has the smallest percentage of private dwellings that are permanently occupied with 31 percent, and therefore has the largest seasonal population relative to the number of dwellings.

1.2.4 Services

There is a lack of access to services within Frontenac County. With the exception of Sydenham, no areas in the County are connected to municipal water or wastewater systems and property owners are responsible for their own well and septic system (County of Frontenac, 2014). In June 2019, the County commissioned a Communal Services Study in order to determine the feasibility of implementing communal servicing in Frontenac County. Communal servicing refers to systems which provide water and wastewater treatment to groups of households or commercial establishments. Though the County has not yet implemented

a communal servicing system, the 2019 study found that this type of servicing is a feasible option and would benefit the municipality, developers, and residents of Frontenac County (WSP Consulting, 2019).

Access to health services is also challenging, as residents must travel to the City of Kingston if they need to visit a hospital. Other professional services, as well as cultural and recreational amenities, are not widely available within the County and may require travel to outside locations (County of Frontenac, 2016).



1.2.5 Natural Heritage

Frontenac County is well known for its beautiful natural heritage. The County contains more than 1,000 lakes and vast forested areas as well as several provincial parks. It is also comprised of large amounts of Crown land. These natural heritage features benefit the economy as they are a critical draw for tourism. A wide variety of visitors travel to Frontenac County to experience the pristine natural

environment it offers (County of Frontenac, 2016). These natural heritage features are closely tied to the overall identity of the County, and it is important that they are protected. This duty to protect the environment is shared by County and Township staff, conservation authorities, and lake associations (County of Frontenac, 2016).



1.2.6 Governmental Structure

Frontenac County is an upper-tier municipality which is comprised of four lower-tier municipalities. The current government structure is a result of a series of municipal amalgamations that took place in 1998. As previously noted, these member municipalities include the Townships of North Frontenac, Central Frontenac, South Frontenac, and Frontenac Islands. The County is comprised of an eight-member council represented by the mayor and a councillor from each of the four townships (County of Frontenac Council, no date). For planning matters, County

Council is the approval authority for updates to the Township Official Plans, plans of subdivision, and plans of condominium (County of Frontenac Council, no date).

Each of the township mayors has an opportunity to act as the Deputy Warden before becoming the County Warden, both positions spanning a year-long term (County of Frontenac Council, no date). The mayors of each of the townships are appointed to Planning Advisory Committees, the Seniors Housing Task Force, and the CAO Performance Appraisal Committee (County of Frontenac Council, no date). The second appointed members of council, the council liaisons, for each township facilitate communication between council and staff members from Emergency and Transportation Services, Long-term Care (Fairmont Home), Corporate Services, and Planning and Economic Development (County of Frontenac Council, no date). Figure 2 illustrates these positions in further detail.

1.2.7 Background Preparation

This report benefited from extensive engagement with the Frontenac community. On March 22, 2019, a number of the project team members and other graduate students hosted a successful Land Stewardship Workshop held at Saint James Major Catholic Church in Sharbot Lake, Central Frontenac. It was attended by about 40 participants including local politicians, property owners, members of various local organizations and residents. It was well received, with the event reported in the Frontenac News (Bakay, 2019).

The workshop covered such topics as rural land stewardship, shoreline protection, servicing options and rural economic development. The insight gained from this workshop provided important background information for this report.

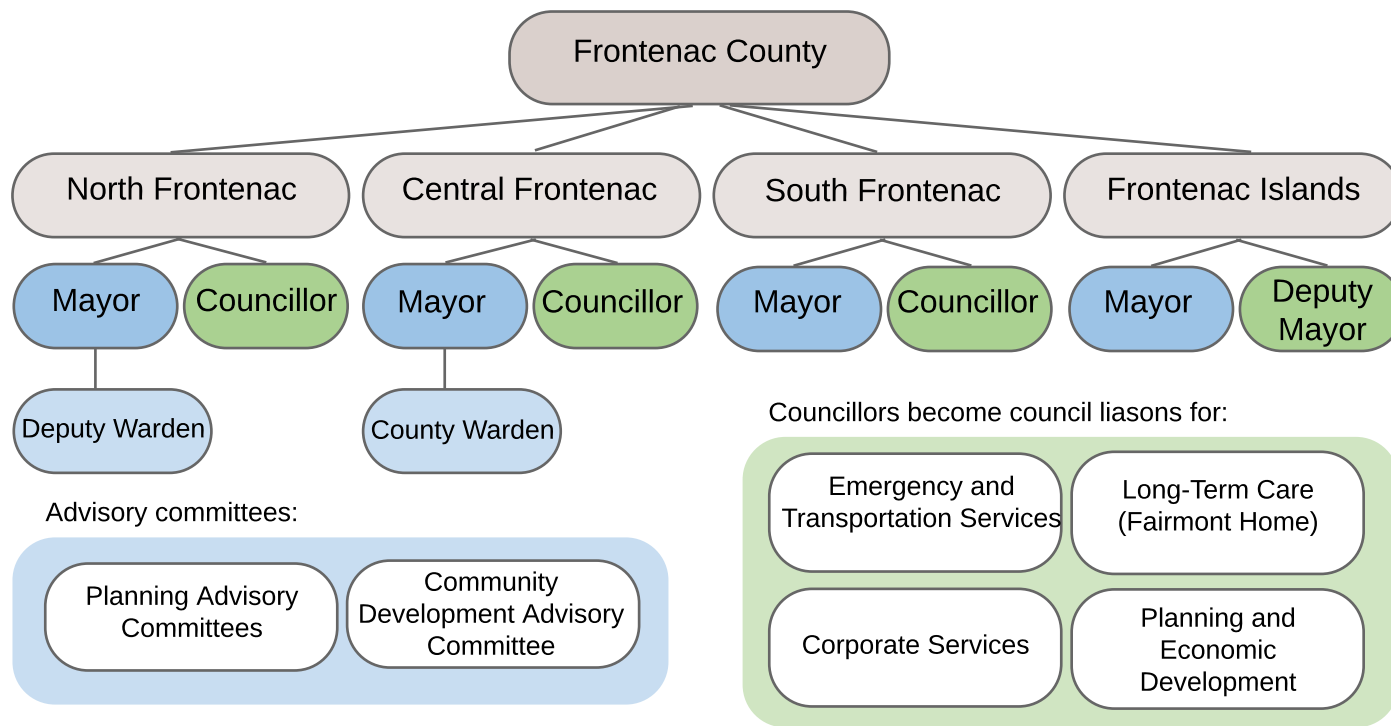


Figure 2. Example of the governmental structure for Frontenac County over one calendar year.

1.3 SWOC Analysis

A Strengths, Weaknesses, Opportunities, and Challenges (SWOC) Analysis was completed for Frontenac County. A SWOC Analysis is a planning method which identifies areas of success and areas with opportunities for improvement. The purpose of this analysis was to establish context for Frontenac County and to examine the current state of waterfront planning and policy. Characteristics such as current waterfront planning policy, available resources, the natural environment, relevant stakeholders and partnerships, and public opinion/knowledge were examined. These characteristics were identified as a strength, weakness, opportunity, or challenge in order to provide a broad overview of the ways in which waterfront planning has been successful and where there is potential for improvement.

Positive

Negative

- ▶ The County has strong partnerships with, and support from, lake associations.
- ▶ The County has good partnerships with external agencies such as conservation authorities and the Ministry of the Environment, Conservation, and Parks.
- ▶ Residents of the County are concerned about water quality and believe it should be a priority.
- ▶ Natural heritage areas make up 73% of the County and is an important element of the County's identity.
- ▶ The existing lakeshore capacity model (Government of Ontario, 2019) restricts development within 300 metres of lakes that are at capacity, protecting the waterfront.
- ▶ Information has been gathered from natural heritage studies (Dillon Consulting, 2012).
- ▶ Existing programs (e.g. Love Your Lake Program, Watersheds Canada (no date A) Shoreline Naturalization Program and other services offered by the conservation authorities).

- ▶ The current zoning encourages placement of hardened surfaces within the 30 metres setback, as opposed to structures that require building permits and planning approvals from the Township (e.g. pouring a concrete pad is hard to enforce because no building permit is required for some works).
- ▶ Enforcement and monitoring on private lanes is difficult (Jp2g Consultants Inc., 2016).
- ▶ The County and the townships have limited resources and capacity for enforcement.
- ▶ Many small and odd-shaped existing lots of record.
- ▶ There is a high density of cottages and trailers as well as communal docks on some lakes.
- ▶ Lack of public knowledge surrounding waterfront development:
 - ▶ What does 30 metres look like?
 - ▶ What is considered a wetland or ANSI?
 - ▶ When is a planning approval required?

Internal
Factors

Strengths

Weaknesses

- ▶ Public engagement (citizen science, enforcement, and education) given the overall concern for water quality and willingness to learn.
- ▶ Collaboration and resource sharing with lake associations, conservation authorities, and other agencies.
- ▶ Natural heritage improvement and protection.
- ▶ Support from township councils to find solutions and update policy to better protect the waterfront.

- ▶ The rural nature of the County makes enforcement challenging.
- ▶ Many existing structures within 30 metre setback of waterfront.
- ▶ Finding a process that works across all townships.
- ▶ More waterfront permanent residents are beginning to live in Frontenac County.
- ▶ 90% of planning approvals involve natural heritage.
- ▶ Applications for waterfront development are most common at the Committee of Adjustment.
- ▶ Development proposals for undersized lots (i.e. lots that do not meet current minimum standards) can be difficult.
- ▶ Potential for contamination with historic wells and septic systems in close proximity, both to each other and to waterways.

External
Factors

Opportunities

Challenges



Chapter Two - Methods

2. Methods

The purpose of this chapter is to explain the processes that took place in order to complete the research outlined in this report, from September to December 2019. Four planning tools; minor variance, site plan control, site alteration by-laws, and Community Planning Permit Systems, were studied through the examination of 12 municipalities in Ontario. The planning tools were compared and evaluated using a ranking system which identified the strengths and weaknesses of each tool based on established criteria. The results of this comparison were used to develop a set of recommendations for Frontenac County. These recommendations reflect the planning tool that is deemed to be best equipped to meet the shoreline planning goals of Frontenac County.

2.1 Research Classification

A qualitative research approach was adopted for the completion of this report. Qualitative research can be performed in order to address real world issues and answer specific questions through the gathering, interpreting, and analysis of information. An inductive approach was taken, as the researchers began with observation and moved towards the development of recommendations (Blackstone, 2018). The observation process involved the collection of data from a variety of sources, including planning policies, academic and non-academic literature, and case study research both online and through the completion of interviews. These research methods informed the final recommendations of this report.

2.2 Contextual Research

2.2.1 Literature Review

This report included an extensive and integrative literature review in order to identify common themes and to advance the researchers' knowledge of the topic (Synder, 2019). The purpose of the literature review was to gather information on planning policies in Ontario, waterfront protection and management, and available planning tools which facilitate effective waterfront planning. Both academic and non-academic literature were reviewed to ensure that the information presented in the report reflects a variety of perspectives and approaches. This information provided context which informed the selection, evaluation, and interpretation of the case studies used to represent each of the four planning tools explored in this report. Based on the literature included in this review, a list of both recommended academic literature sources and a list of policy documents was compiled. These lists can be found in Appendix G.

2.2.2 Site Visits

Site visits were completed during the research process. The researchers visited several waterfront properties within Frontenac County. The purpose of these site visits was to provide the researchers with context regarding Frontenac County. At each of the sites, the property owners gave the researchers a tour, while providing details about the property such as information about the history, servicing, issues onsite, environmental protection efforts, and the involvement of lake associations. This information proved to be extremely valuable, as it allowed the researchers to develop a deeper understanding of Frontenac County as well as planning processes and challenges associated with waterfront planning in this area.

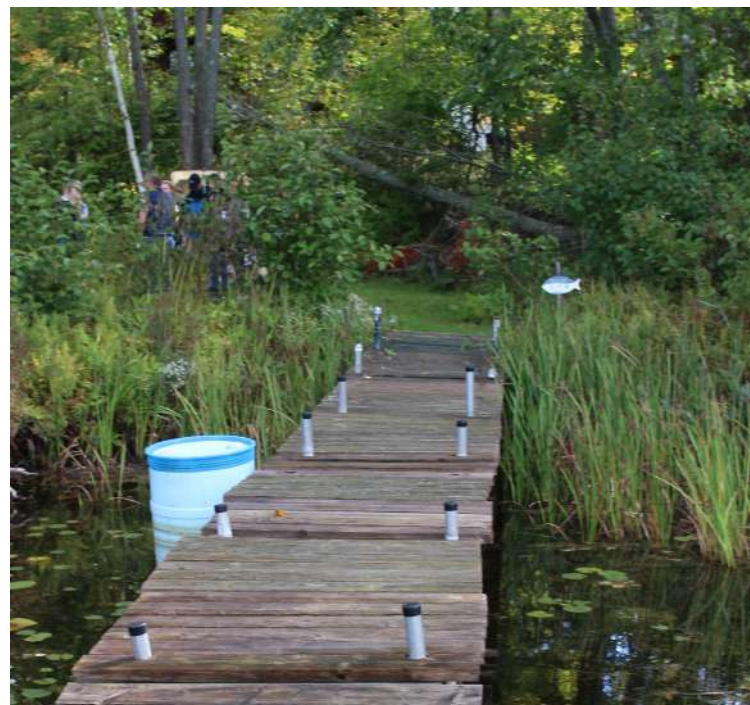


Table 2. Overview of the site visits conducted in Frontenac County.

Date: September 27, 2019	
Location	Purpose
Sharbot Lake (Central Frontenac)	This site visit provided an excellent example of shoreline naturalization.
White Lake (Central Frontenac)	This site visit demonstrated the important role lake associations play in shoreline planning and protection, and the positive impact strict environmental regulations can have on improving lake water quality.
Marble Lake (North Frontenac)	This site visit provided an example of the negative impacts of over-development along shorelines.

2.3 Case Study Research

This report made extensive use of comparative case study analysis. The purpose of case studies are to provide a greater understanding of a specific phenomenon. A case study is meant to demonstrate why a phenomenon occurred, how it was implemented, and what it ultimately resulted in. The case study approach allows researchers to develop an in-depth understanding of a particular topic within the appropriate context (Yin, 2009).

The case studies utilized in this report consisted of 12 different Ontario municipalities. Each municipality used one of the four planning tools explored in this report: minor variance, site plan control, site alteration by-laws, and Community Planning Permit Systems. The use and effectiveness of these planning tools in each municipality was examined in order to contribute to a larger evaluation.

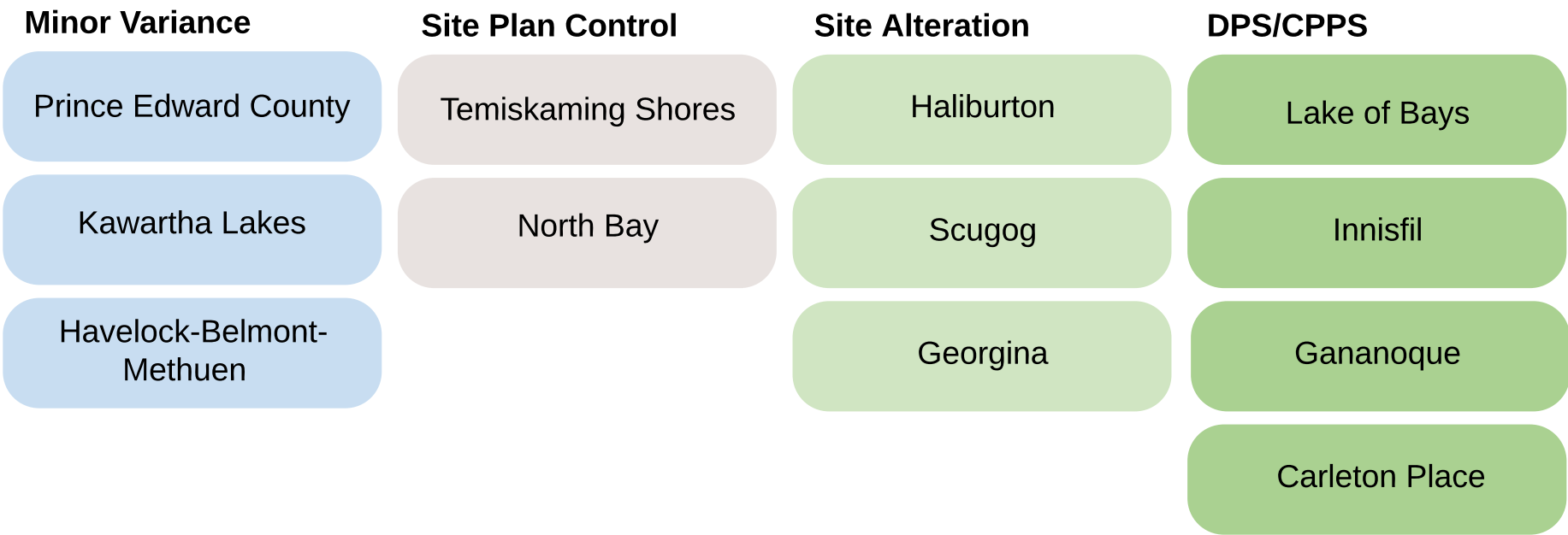


Figure 3. The twelve case study municipalities examined in the research categorized by the four planning tools.

2.3.1 Case Study Selection

The case study municipalities were selected using a series of criteria established by the researchers. The purpose of the selection criteria was to ensure there was consistency across the selected municipalities and that research was based on waterfront planning tools utilized by municipalities that are similar to the County in order for the final recommendations to be applicable. Figure 4 illustrates the criteria used in the case study research, which is comprised of a series of municipal characteristics. To create a balance between consistency and variety, the municipalities only had to match the majority of the criteria to be selected. Table 3 outlines which of the nine criteria matched to each of the twelve case study municipalities, as indicated by a highlighted row, only three of the case study municipalities matched all of the criteria: Lake of Bays, Innisfil, and Haliburton.

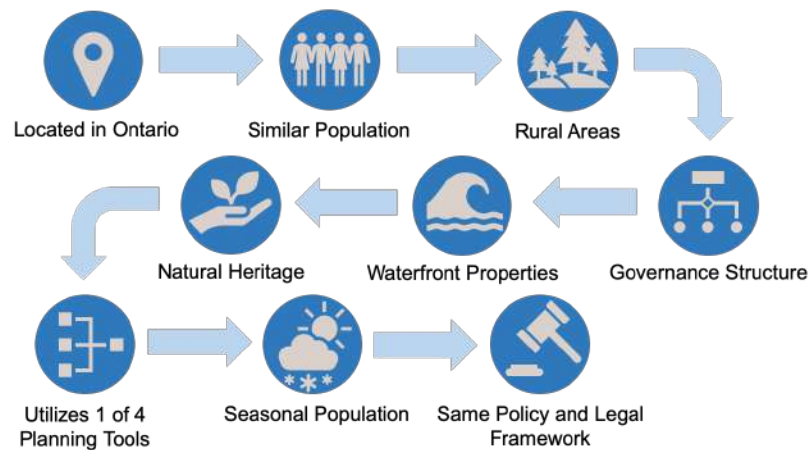


Figure 4. The nine selection criteria used to select the municipal case studies.

Table 3. Case study selection criteria matched to the municipalities.

Lake of Bays	✓	✓	✓	✓	✓	✓	✓	✓	✓
Gananoque	✓				✓	✓	✓	✓	✓
Innisfil	✓	✓	✓	✓	✓	✓	✓	✓	✓
Prince Edward County	✓	✓	✓		✓	✓	✓	✓	✓
Kawartha Lakes	✓		✓		✓	✓	✓	✓	✓
Havelock-Belmont-Methuen	✓		✓	✓	✓	✓	✓	✓	✓
Haliburton	✓	✓	✓	✓	✓	✓	✓	✓	✓
Georgina	✓		✓	✓	✓	✓	✓		✓
Scugog	✓	✓	✓	✓	✓	✓	✓		✓
North Bay	✓				✓	✓	✓		✓
Temiskaming Shores	✓		✓		✓	✓	✓		✓
Carleton Place	✓	✓			✓	✓	✓		✓

2.3.2 Secondary Research

The case study research process began with secondary research regarding how the planning tools are used by each municipality. Each municipalities' website was examined for relevant by-laws, planning applications, and other information about the use of the tool. This information was used to create summaries of the ways in which minor variance, site plan control, site alteration by-laws, or Community Planning Permit Systems are employed in each municipality. These summaries included:

- an overall description of the municipality;
- an explanation of how and why the planning tool is used;
- a summary of the application fees associated with each tool; and
- key takeaways.

The summaries can be found in Appendix D. Secondary research was conducted to better understand the use of the four planning tools in each of the selected case studies.

2.3.3 Interviews

Interviews were also conducted as part of the case study approach. The purpose of the interviews was to gather information about the planning tool for each municipality that was not readily available from other secondary sources. The interviews were semi-structured, as they followed a formal interview guide that consisted of open-ended questions (Newcomer et al., 2015). The use of a formal interview guide provided necessary structure, as the interviews were conducted in order to answer specific questions about the planning tools. Open-ended questions were used to give the

interviewees the opportunity to expand on the questions and provide additional information. The interview guides were tailored to each interviewee, as each planning tool required different questions and the roles of each interviewee within the planning community differed.

Interviews were conducted with a representative from all but one municipality included in the case study research. These included municipal planners, consultants, and conservation authority staff. Three different methods were used for conducting the interviews, as the method was based on the preference of each interviewee. Some of the interviews were completed over the phone. These interviews began with an introduction from the Project Manager, and were then completed by two researchers, each with a role of either asking questions or taking detailed notes. These interviews were recorded and then transcribed. A few of the interviews were completed in person and followed the same format as the phone interviews. The remaining interviews were completed by email. The interview guide was sent to the participants, who replied with their responses. The transcriptions and the emailed responses were analyzed for key themes and this contributed to the overall evaluation of each planning tool.

2.4 Evaluation of Planning Tools

The data collected through secondary research and interviews was used to evaluate each of the planning tools explored in this report. The purpose of this evaluation was to compare minor variance, site plan control, site alteration by-laws, and Community Planning Permit Systems in order to inform the recommendations provided in this report. Each

planning tool was evaluated, and the results determined which tool was ultimately recommended for use in Frontenac County. The planning tools were evaluated based on their performance across 10 criteria, such as application timeline, shoreline protection, and public support. These criteria were selected by the researchers, as they agreed that the performance of the planning tools in each of these areas could determine which is overall the most effective. An explanation of each evaluation criterion can be found in Appendix D. A series of charts were used to organize and present the evaluations of the planning tools for each municipality (see Appendix D).

The use of the planning tools in each case study municipality were evaluated based on a scale of 'Good', 'Satisfactory', and 'Poor'. Each of these categories was associated with a specific number of points, 'Good' earning three points, 'Satisfactory' earning two, and 'Poor' earning one point. Figure 5 provides an explanation of each of these rankings. The information gathered from secondary research and the interviews were used to determine how the planning tools performed in each category. This initial evaluation process determined the effectiveness of the planning tool in each of the selected municipalities. The results of these evaluations were then used to determine the overall performance of the planning tools based on the same criteria. At this stage, the planning tools were examined apart from their associated municipalities and evaluated more generally based on a rating scale. This stage of the evaluation resulted in the production of four charts, one dedicated to each planning tool. These charts can be found in Chapter 3. The results of this evaluation informed the recommendations made in this report and determined which planning tool was endorsed for implementation in Frontenac County.

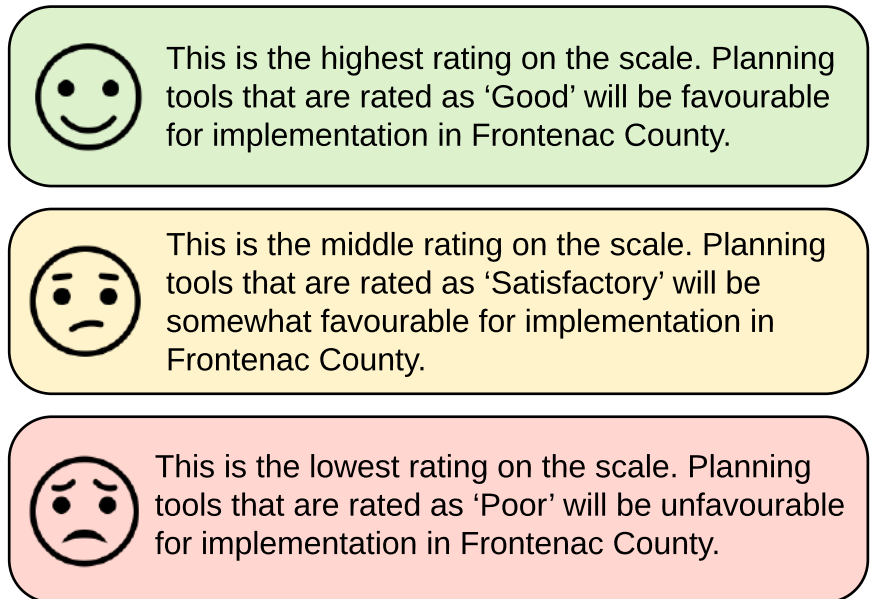


Figure 5. Definitions for the rating scale used in the evaluation of the planning tools.

2.5 Ethical Considerations

An application to the Queen's General Research Ethics Board (GREB) was submitted and approved for the participation of human subjects in this research. All individuals who participated in the research for this report, including property owners, municipal staff, private consultants, and conservation authority staff, were provided with letters of information and consent forms. This was done to ensure participants had a full understanding of the research and were able to give informed consent. The combined letter of information and consent form can be found in Appendix B. In the report, property owners involved in site visits were only identified by the lake their property is

abutting. Interview participants were only identified by the organization they are employed under. This was done in order to provide a level of anonymity for research participants.

2.6 Research Limitations

2.6.1 Email Interviews

Some of the interviews completed for this research were conducted by email. When participants were approached with requests for interviews, they were given the option to participate in a phone interview or to email their responses. Some participants selected the email option. Providing this option allowed the researchers to gather information from individuals who could not participate in phone interviews. However, this method of interviewing is more restrictive, as it does not allow for a natural conversation between researchers and participants. This could have limited the information gathered from these interviews, as participants only answered the questions on the interview guide, without adding any additional information that can result from a conversation.

2.6.2 Number of Interviews

Another potential limitation is the number of interviews that were completed per case study municipality. Some municipalities were represented in the research through interviews with multiple individuals from the planning community, while in other municipalities only one individual was available to be interviewed. This was due to both differences in the size of municipal planning departments

and time constraints. In some municipalities, researchers had the opportunity to speak with both municipal staff members and private consultants associated with the planning tools. Other municipalities had a smaller number of individuals in planning positions. Therefore, interviewing more individuals for these municipalities was not always an option. Additionally, researchers had to ensure that they managed their time appropriately. If more interviews were undertaken than what was appropriate for the span of time during which the research was conducted, the quality of these interviews and their analysis could have suffered.

2.6.3 Experience Amongst Interviewees

Another limitation to the research was the varying degrees of experience amongst the planning departments of the case study municipalities. Some of the individuals who were interviewed had been in their position at the municipality for a longer period of time and had a great deal of experience with the processes associated with the planning tool. Some interviewees were present for the transition from the previous planning tool used by the municipality to the current planning tool and possessed a great deal of knowledge about this transition process and why the change was made. Other municipalities had planning staff who possessed equally valuable knowledge about the current planning tool but had not been in their position for as long and therefore did not have as much knowledge about elements such as the transition process or the need for the change in planning tool. As a result, the information gathered from the interviews was different depending on the amount of experience the interviewee had in their current position.

2.6.4 Lack of Interview

The original goal for the research was to conduct interviews with at least one representative from each municipality. However, an interview was not conducted with one of the municipalities as no response to the request for interview was received. As a result, one of the case studies is based solely on the information that was available on the municipality's website. Therefore, not as much information was gathered for this case study.

2.6.5 Bias

Personal bias must be acknowledged within the project course group. Though extensive research was completed on Frontenac County, and site visits were conducted by all members of the team, it is important to acknowledge that none of the researchers are from Frontenac County. Though they have conducted research, the researchers can in no way claim that they possess any lived experience of Frontenac County that residents and municipal staff have.

2.7 Literature Review

2.7.1 Policy Context

In preparation for this project, relevant policies for Frontenac County and for the context of planning waterfront development in Ontario were reviewed. This review demonstrated that Frontenac County is supportive of protecting shorelines and water quality and there are many regulatory options to ensure this protection. To conduct this policy review, the following documents were read and key take-aways were recorded as they relate to this project:

- ▶ Ontario Provincial Policy Statement (2019)
- ▶ Ontario *Planning Act* (2019)
- ▶ County of Frontenac Official Plan (2016)
- ▶ Frontenac County Strategic Plan (2019)
- ▶ Township of North Frontenac Official Plan (2017)
- ▶ Township of Central Frontenac Official Plan (2019)
- ▶ Township of South Frontenac Official Plan (2003)
- ▶ Township of Frontenac Islands Official Plan (2013)
- ▶ Cataraqui Region Conservation Authority Ontario Regulation (2013)
- ▶ Quinte Conservation Authority Ontario Regulation (2013)
- ▶ Mississippi Valley Conservation Authority Ontario Regulation (2013)
- ▶ Rideau Valley Conservation Authority Ontario Regulation (2013)

In reviewing these documents, it was found that there is a significant policy basis for the implementation of stronger shoreline development approval processes, as well as a collective vision for the protection of the natural environment in Frontenac County. Almost all of the policy documents provided guidance for waterfront development approval processes, though all slightly differed from each other. A cohesive approach to shoreline protection across the entirety of Frontenac County would make for a streamlined approach.

Ontario Provincial Policy Statement (2014)

According to the Provincial Policy Statement (PPS) (Ontario Ministry of Municipal Affairs and Housing [OMMAH], 2014), the guiding policy document for Ontario municipal governments, Frontenac County is responsible for protecting

the natural environment and water quality. Municipal decisions must be consistent with the policies outlined in the PPS, ensuring a consistent approach to development across the province. The purpose of the PPS is to guide appropriate growth and development in Ontario, including the protection of water quality and shorelines (OMMAH, 2014). The 2019 draft version of the PPS is currently under review by the Province, and its contents are consistent with the information above.

Ontario Planning Act (2019)

The *Ontario Planning Act* provides the legal framework under which the PPS and the Natural Heritage Reference Manual are guiding documents. The *Planning Act* provides authority to Frontenac County to create a permit system (s. 70.2), delegate zoning to townships (s. 34(1)), or utilize additional criteria for assessing minor variances (s. 45(1.0.1).b) to effectively achieve the goals and priorities set out in documents such as the PPS. Frontenac County is able to implement a new planning tool to protect shorelines under the authorization of the *Planning Act*. Part III of the *Planning Act* details the jurisdiction of the County and the Townships to create Official Plans that direct the vision for their communities. The visions for the townships within Frontenac County each express the importance of maintaining the natural environment in their Township, aligning with the PPS.

Conservation Authorities

There are four conservation authorities within Frontenac County's jurisdiction, as there are four different watersheds within the County. Conservation authorities are governed by the Ontario Regulations established for each respective conservation authority. Within Frontenac County,

there is Cataraqui Region Conservation Authority, Quinte Conservation Authority, Mississippi Valley Conservation Authority, and Rideau Valley Conservation Authority, each responsible for their respective watershed.



Figure 6. Conservation authorities in Eastern Ontario, including the four within Frontenac County's jurisdiction (Cataraqui, Quinte, Rideau and Mississippi Valley). Retrieved from https://d3n8a8pro7vbmhmx.cloudfront.net/greenbelt/pages/1023/attachments/original/1399920571/CA_map_08_28_2008_w_banner_web_large.jpg?1399920571

Cataraqui, Quinte, Rideau, and Mississippi Conservation Authorities all provide development permits for any development that is proposed within environmentally sensitive areas that fall in their development control area. Within their regulations, these environmentally sensitive areas are outlined as adjacent or close to the shoreline of water bodies including the St. Lawrence River, areas within 120 metres of all provincially significant wetlands and wetlands greater than 2 hectares in size, and areas within 20 metres of wetlands less than 2 hectares in size. As the protection of these sensitive land uses has been mandated by the provincial government, there is a responsibility for municipalities to engage with their conservation authorities to enforce these regulations at the municipal level.

Official Plans

Each official plan within the County's jurisdiction contains policies for shoreline protection at the township level. Policies dictating buffering, forest management, shoreline development, and the management of environmental protection areas have been established by each township. The County is in a unique position to create a standardized approach to protect these sensitive land uses. The township's Official Plans consistently require a 30 metre setback from the high-water mark in order to be approved for construction. This 30 metre vegetated buffer originates from the *Natural Heritage Reference Manual* (Ontario Ministry of Natural Resources and Forestry [MNRF], 2010), which suggests 30 metres as the recommended minimum natural vegetation buffer adjacent to fish habitats for a variety of water body types. The official plans of the townships and the County all identify protection of shorelines and water quality as priorities, thus outlining the need for this project.

The Frontenac County Official Plan (2016) highlights the importance of collaboration with external agencies including lake associations (S.3.3.3.4.4(5)) and conservation authorities (S.3.3.3.4.4(3), S.7.1.1, S.7.1.4.7, Appendix 3). Due to the importance placed on collaboration by the County, it was ensured that the study and conclusions reflected this priority by including it as a criterion in the evaluation, and by specifically including the conservation authority regulations in this policy review.

It is evident that the natural environment must be protected, and this can be supported through the implementation of effective policy. The *Planning Act* permits Frontenac County to implement policies and planning tools that will be consistent with the goals and priorities of the PPS (2014) (S.3). Additionally, the Ontario Regulations that give authority to the conservation authorities within the County, provide an additional layer of protection. To elaborate, development projects may require permits from conservation authorities (S.4 of the Ontario Regulations for each conservation authority). The combination of these permit requirements and planning policies create a regulatory framework within which Frontenac County can implement a streamlined approach to protecting the shoreline from the pressures associated with waterfront development.

2.7.2 Literature Context

A literature review was conducted to gain a better understanding of the topics surrounding waterfront development. For this review, both academic and non-academic sources were considered to better understand the conversations taking place in both academic and non-academic contexts. The key words that were searched for this review included:

- ▶ Watershed Planning
- ▶ Lakeshore Capacity
- ▶ Shoreline Protection and Stewardship
- ▶ Community Planning Permit System
- ▶ Development Permit System
- ▶ Site Alteration By-Laws
- ▶ Vegetation Buffers and Corridors
- ▶ Waterfront Development
- ▶ Minor Variance for Shoreline Protection
- ▶ Site Plan Control for Shoreline Protection

The findings demonstrate that there are several options for protecting shorelines and water quality through new development and the planning approval process. Site plan control, site alteration by-laws, the Development Permit System/Community Planning Permit System, and minor variance were all tools discussed as options for protecting environmentally sensitive areas. Beyond planning policies, there are many guidebooks and tool-kits available for homeowners residing on waterfront properties, educating them about how to care for the natural environment on their property and how their property impacts the entire ecosystem. This literature review demonstrated the best practices across North America for planners to effectively protect shorelines and water quality.

Watershed Planning

The government of British Columbia initiated a Riparian Area Regulation to protect fish habitat (British Columbia Ministry of Forests, Lands and Natural Resource Operations, 2016). While the regulations apply to new developments, there may be comparable solutions for existing Frontenac County waterfront properties. This guidebook parallels the type of implementation that Frontenac County is working towards for waterfront development by specifying tools for protection (i.e. Official Community Plan, Development Permit Areas, zoning by-laws etc.) and the legislative basis for that tool (i.e. *Local Government Act*, Part 14, *Land Title Act* etc.) (British Columbia Ministry of Forests, Lands and Natural Resource Operations, 2016). Frontenac County may decide to implement a similar guideline that outlines how each of the options for implementing waterfront development regulations would function in their own context.

Rideau Valley Conservation Authority created a guidebook for citizens concerning planning in their watershed, which would be a useful resource for the County to share with residents. The document includes information about lake management and suggestions for what residents can do to protect their lake. It is a useful tool for ensuring responsible shoreline development beyond the policy and planning tools traditionally used by municipalities (Rideau Valley Conservation Authority, no date).

In Lake Simcoe, a heavily populated watershed catchment affected by intensive farming and urbanization, it was found that achieving long-term ecosystem sustainability requires interdisciplinary research methods to investigate long-term evolution of social and economic pressures

(Neumann et al., 2017). With a similar focus on human impacts, in Southwestern Ontario, the idea of Cumulative Effects Assessment and Management for assessing the environmental impacts of shoreline development is considered by Chilima et al. (2017). The piecemeal framework for Environmental Impact Assessments (EIA) currently serves as the primary instrument for assessing potential impacts of development, but does not adequately capture the effects on watersheds caused by multiple developments amassed over time. Determining how human activity is affected specifically by shoreline development in Frontenac County is beyond the scope of the current project.

Across Canada, the responsibility for implementing integrated watershed management is fragmented. A feasible solution by which to approach integrated watershed management is for water management agencies to foster partnerships, coordinate planning and management activities, engage stakeholders, secure funding, and monitor and report on progress. As citizens become more involved, the roles of all participants must be clearly defined in order to promote success and facilitate implementation (Shrubsole et al 2017; 2016). Amongst this literature, there is a theme highlighting the importance of a multi-disciplinary approach to watershed planning that is beyond the scope of this project but may be a useful consideration for Frontenac County as they move forward with their policy tool for protecting shorelines and water quality.

Lakeshore Capacity

The Lakeshore Capacity Model (LCM) is a tool that was developed by the Ontario Ministry of the Environment, Conservation, and Parks to evaluate the effects of increased shoreline development on the concentration of phosphorus present in lakes during the ice-free season. The model has

been updated over the years and the results of the findings have influenced decision-making in both the public and private spheres. As Paterson et al. (2006) outlined, all lakes collect some phosphorus from natural sources such as atmospheric precipitation. Major sources of phosphorus in lakes include domestic sewage and water, residential occupancy, the age and attenuation of septic systems, shoreline clearing (tree removal), agriculture, and urbanization. The Ministry of the Environment, Conservation, and Parks, the Ministry of Natural Resources and Forestry, and the Ministry of Municipal Affairs and Housing created a handbook on lakeshore capacity assessment as a resource for Ontario municipalities and other relevant stakeholders looking to protect their inland lakes. It is based on older policy documents (i.e. the 2005 PPS), however the science remains relevant and can be used by municipalities within Ontario's Canadian Shield, including Frontenac County.

Shoreline Protection and Stewardship

It is evident from the Frontenac County Official Plan that shoreline protection and stewardship are essential in their planning processes. The Federation of Ontario Cottager's Associations (2011; 2016) provides a variety of handbooks for Ontario cottage owners to inform them on how to best care for the natural environment on their property. Their handbook on healthy waterfronts (2011) provides information regarding the balance between enjoying one's property and protecting the natural environment. It offers information and advice for how to limit the amount of nutrients entering lakes, the benefits of shoreline buffers, environmentally friendly alternatives for traditional docks, keeping recreational activities low-impact, preventing invasive species, and protecting biodiversity. The document also provides detailed information about the importance of functioning septic systems and what property

owners can do to ensure their system is working properly in order to avoid negative environmental impact. Additionally, the document provides advice for how residents can create their own lake management plan, as well as more general information about how to be lake stewards.

The Federation's handbook on managing waterfront properties in a changing climate (2016) provides waterfront property owners with information about climate change and what they can do to protect their property. The document describes the various impacts of climate change, such as increasing temperatures, changing rainfall patterns, and more frequent extreme weather events and how these impacts can affect lakes and surrounding natural areas. A similar handbook was created by Watersheds Canada (n.d.a.), specifically for participants in their shoreline renaturalization project to outline the importance and maintenance of natural shorelines.

A study conducted in 2017 by Hartig and Bennion found that 97% of the total loss of coastal wetlands along the Detroit River could be attributed to human development. In applying these findings to the Frontenac County context, it is evident that it is important for the County to pursue a planning tool that regulates development that is contributing to the loss of wetlands across North America. Kreutzwiser and Slaats (1994) examined and evaluated a shoreline development program that was implemented by Ontario conservation authorities in 1988 to determine its success along the Great Lakes. It was determined that the initiative lacked an educational component for the public and had issues ensuring compliance from the public. These are two key components of the implementation of a shoreline protection policy in Frontenac County.



Joe Fowler Park, Port Perry, Ontario. Restoration undertaken by Scugog Lake Stewards.

Figure 7. Successful shoreline renaturalization. Retrieved from http://foca.on.ca/wp-content/uploads/2014/05/Watershed_booklet_FULL_2011_with_covers-1.pdf

Community Planning Permit System

The proposal to transition to a Community Planning Permit System (CPPS), previously called the Development Permit System, in the City of Toronto (2018) was reviewed to better understand how a transition could occur in Frontenac County. The document outlines the definition of the CPPS and goes into detail about how Toronto could implement the system. It is outlined that the first step would be to create a framework within the Official Plan to provide guidance for the CPPS. The City would then work with residents to understand how to best implement the system. This would be followed by the creation of the new CPPS by-law that would be used to legally establish the regulations for development. Lastly, the City of Toronto would begin reviewing development applications under the new by-law and issue Community Development Permits upon approval. The remainder of the document responds to specific questions about the status of Toronto's CPPS, as the policies proposed in 2014 were appealed and are under review by the OMB. The information in this document may be useful if Frontenac County chooses to implement a CPPS.

As an expert on the CPPS, a presentation by Szcerbak (2019) on Lake of Bays and Innisfil was included in this review. The presentation focuses on the implementation of a Community Planning Permit System in Lake of Bays and Innisfil. The presentation provides a brief explanation of what the CPPS is and why it was implemented. The presentation includes the benefits of a CPPS and the steps that are required for implementing a CPPS by-law. The presentation also details some information about the results of the CPPS, including a reduction in the amount of time dedicated to planning applications.

Development Permit System

As the original zoning by-law alternative, the Development Permit System (DPS) was included in this review. It is important to note that this type of system is no longer in use in Ontario as municipalities are being encouraged to use the name Community Planning Permit System. The Ontario Ministry of Municipal Affairs and Housing wrote a handbook for municipal implementation in 2008 to assist municipalities as they transition to this system. The information in this handbook may be useful in the implementation of a CPPS in Frontenac County, if the County selects this tool. An interesting discussion on how the DPS would work in the City of Toronto was written by Reid (2014) outlining the public perception on the benefits and challenges associated with implementing a DPS. Additionally, a Master's report by Stopar (2014) provides information on why some factors of the DPS create barriers to implementation in communities while helping to facilitate implementation in others. This report may be useful in understanding the challenges and the opportunities Frontenac County would face should they choose to implement a DPS.

Site Alteration By-Laws

Site alteration permitting systems are often abused by developers and landowners wishing to make a quick profit at the expense of the local environment (Loopstra, 2014). This is especially true when lucrative "tipping fees" can be collected by landowners for allowing illegal hauling and dumping of fill onto their land (Loopstra, 2014). Often, contractors and businesses will intentionally acquire low value agricultural or derelict mineral aggregate sites for large scale, unpermitted, fill hauling and dumping operations (Loopstra, 2014).

Many rural municipalities across Ontario rely on a complaint-based system in order to enforce their site alteration by-law provisions (Loopstra, 2014). In cases where landowners are repeat offenders, higher action must be taken and municipalities can appeal to various levels of the Ontario judiciary to place injunctions on these owners, effectively stopping these illegal activities (Loopstra, 2014). In the Township of Uxbridge, their Site Alteration By-law 2010-084 provides that “No person shall place or dump any fill, remove any topsoil or other form of site alteration on land within the Township without the owner first receiving a permit” (The Corporation of the Township of Uxbridge v. Talbot, 2014). Within the by-law itself, site alteration is defined as “dumping, the removal of topsoil from land, or the alteration of the grade of land by any means including placing fill, clearing and grubbing, the compaction of soil or the creation of impervious surfaces, or any combination of these activities” (The Corporation of the Township of Uxbridge v. Talbot, 2014).

The Township’s position in a legal case was that the respondents were in contravention of their zoning and site alteration by-laws, having performed site alterations that left the respondents’ properties unsuitable for agricultural purposes having illegally deposited fill on a former farm field and converted another former farm into an “industrial soil screening and mixing operation” (The Corporation of the Township of Uxbridge v. Talbot, 2014). The Ontario Superior Court of Justice ruled that the actions of the respondents were clearly in contravention of the site alteration by-law and issued a mandatory order requiring the respondents to remove the fill that had been placed on their property and the restoration of the property in a manner that would be suitable for the use as permitted by the Township zoning by-law (The Corporation of the Township of Uxbridge v. Talbot, 2014).

Site alteration in a shoreline setting must consider where the water meets land. Beaches are in a constant state of flux, accreting and eroding in response to waves, currents, winds, storms, and water-level change (Viola et al., 2014). As a consequence, development along shorelines entails substantial risk of property loss. For many with waterfront properties, the creation and maintenance of their shoreline (be it beach or lawn) is often an objective of residents (Tip of the Mitt Watershed Council, no date). However, creating sandy beaches where one doesn’t naturally exist, or replacing soil that has eroded away can negatively impact water quality (Tip of the Mitt Watershed Council, no date). Dumped sand or soil is at risk of drifting away with shoreline current and wave action. Although the sand disappears, it remains in the lake and hastens the filling and aging process of lakes (Tip of the Mitt Watershed Council, no date).

The composition of the fill can also be an issue, as the quality of the soil is not always the same. If it contains chemicals such as phosphorus, it can further degrade water quality and contribute to increased plant growth (Tip of the Mitt Watershed Council, no date). Finally, the physical process of filling in a lake or shoreline has major biological impacts on near-shore habitat and species; adjacent habitats are often impacted as well (Viola et al., 2014). Another type of site alteration which might affect a lake ecosystem is the removal of vegetation close to the shoreline. Many municipalities look to create a 30 metre setback from the high water mark to protect water quality, and shoreline habitats and species.

Vegetation Buffers and Corridors

There is an abundance of existing literature regarding the importance and positive outcomes associated with vegetation buffers adjacent to waterways, including benefits

to water quality and native fish species. While outlining specifications for buffer varieties pertaining to different types of water bodies, Corell (2005) provides useful guidance for what types of buffers Frontenac County should require in their new planning tool. The District of Muskoka (2003) website outlines the role of buffers in providing habitat and protecting water quality – two goals Frontenac County is looking to achieve.

An article by Kenwich, Shammin, and Sullivan (2009) examines how the practice of modifying the water's edge and straightening streams in the Mid-western United States affects not only nearby riparian ecosystems but also a large portion of the overall water system. It is necessary to develop and implement new management strategies such as establishing riparian buffer zones and allowing streams to meander naturally to protect the ecological values of an area. The authors used photographs and questionnaires to determine stakeholders' (residents and planners) preferences for riparian land management strategies for waterways in Illinois in both rural and suburban environments. Generally, it was found that both residents and planners were supportive of tree buffers and meandering streams in rural areas. Additionally, most respondents agreed that the government should make vegetation in riparian zones mandatory. They also introduced the idea that either the government should hold the responsibility to finance and manage these buffer zones, or it should be a joint responsibility between landowners and the government. The authors suggest that vegetation in riparian zones be realized through a buffer implementation plan and zoning regulations which would specify comprehensive regulations regarding the goal and time frame for creating buffer areas and maintaining the

vegetation over time. Overall it was determined that residents and planners prefer natural vegetation and trees along a water's edge to preserve the visual appeal and ecological health of the riparian area and were therefore relatively supportive of the introduction of a riparian buffer zone and establishing more sustainable methods to manage riparian areas.

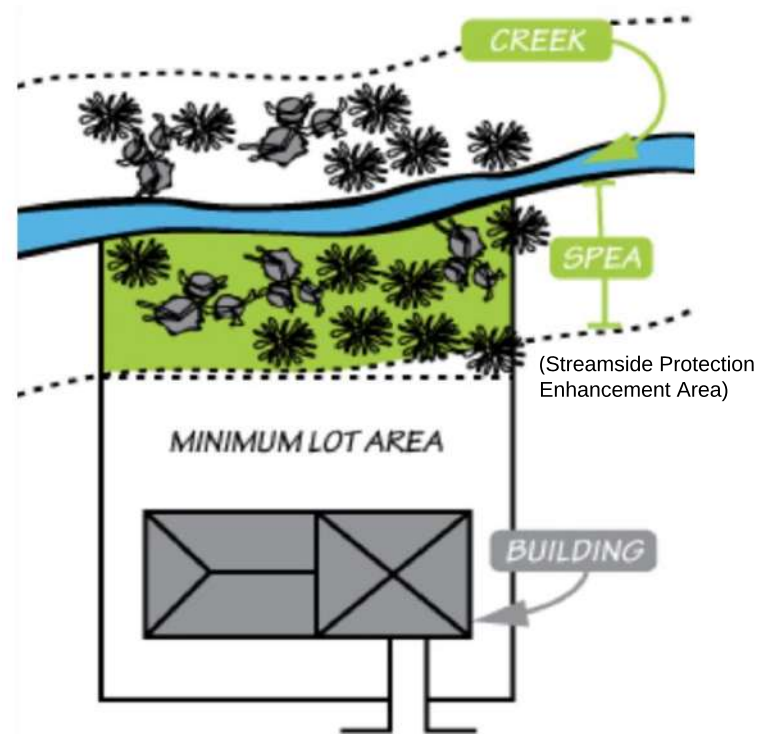


Figure 8. Illustration of the Riparian Area buffer in British Columbia. A similar approach to protecting shorelines with a 30 metre vegetative buffer is applicable in Frontenac County. (British Columbia Ministry of Forests, Lands and Natural Resource Operations, 2016)

Waterfront Development

The City of Hamilton is in favour of developing along the waterfront, as they found their waterfront trail improved their economic and environmental viability (Wakefield, 2007). Heavy industry continues to dominate the local economy in the City of Hamilton, and mills and smokestacks remain highly visible along the harbourfront. Major investments have been made to improve the City's environment and reputation. Pollution control and clean-up efforts have improved the harbour water quality over decades, but it remains an area of concern. In 2000, the Hamilton Harbour Waterfront Trail was opened to the public and is now seen as an icon of the 'new' City of Hamilton and is key in the vision of transforming it from an industrial town to a green and healthy city.

Wakefield (2007) investigates the underlying forces shaping the waterfront revitalization using newspapers and municipal documents to track development. Development of the waterfront trail is linked to discourse of environmental and economic revitalization within the City, and highlights issues of access and inclusiveness as local concerns. The findings of the research draw attention to the waterfront development trend of cities and how economic and political discourse is often highly involved. While this context is not the same as Frontenac County, the idea that waterfront development has both positive and negative impacts is important. This project has the bias that waterfront development is inherently bad for the environment, however this article outlines how it can be beneficial both environmentally and economically if it is undertaken with environmental protection as a priority.

The opposing opinion is that of Croft-White et al (2017) who state that the relationship between urban and

agricultural stressors and water quality has been well established. The study concluded that areas along the north shore of Lake Ontario that were more developed had lower water quality than areas with less development. It is for this reason that Frontenac County is looking to monitor and regulate shoreline development.

Minor Variance for Shoreline Protection

The minor variance process presents applicants with an opportunity to seek permission or relief from specific provisions within a town's zoning by-law. Each township in Frontenac County has a zoning by-law which requires property owners to have a 30 metre setback from waterbodies. Applicants looking to obtain relief from the 30 metre setback can apply for minor variances on a dwelling or accessory structure. The County's geography is unique and contains approximately 1,000 lakes. As such, the majority of the minor variance applications received are applying to receive a reduced setback from the shoreline. Whether these variance applications are minor or not is related to planning impacts and whether any of the identified impacts can successfully be mitigated. When an application is rejected, the applicant may choose to contest the decision by bringing the application to the Local Planning Appeal Tribunal (LPAT).


This planning tool provides a means to protect shorelines for various environmental goals including the protection of riparian and littoral zones as well as any associated habitats. Having setbacks around lakes and waterbodies enables municipalities to address lake capacity and water quality issues, reduce the loss of natural vegetation, and reduce the phosphorus load from stormwater runoff to maintain the natural integrity of

shorelines, fish, and wildlife habitat. The provisions for these setbacks are included within the policies of official plans. For example, the Township of Minden Hills has identified Gull Lake to be moderately sensitive to additional shoreline development and is nearing development capacity in terms of water quality. Through policies such as Section 3.2.3.4 in their Official Plan, they establish environmental protections on their shoreline (Township of Minden Hills v Minden Hills (Township), 2019).

In accordance with policy, a lesser setback may be permitted provided the site meets at least one of the following three circumstances: (1) it is not physically possible to construct a development on a lot as a result of terrain or lot depth features; (2) in the case of redevelopments where the imposition of a new setback would result in a more negative impact than by allowing the reconstruction to occur; or (3) when a site evaluation report supports the request to reduce the setback (Township of Minden Hills v Minden Hills (Township), 2019). A site evaluation report may include a fish habitat impact assessment where recommendations on buffers and setbacks along the shoreline can be used to address the protection of fish habitat and water quality. Additionally, a Stormwater Management Plan can be used to further support a proposal by ensuring that existing stormwater management facilities are sized adequately and identifying methods for controlling water quality and quantity for a property (Huntsville Long Term Care Centre Inc. v Huntsville (Town), 2018).

Site Plan Control for Shoreline Protection

As a method for monitoring and protecting water quality, townships in Renfrew County are using site plan control. The Town of Laurentian Hills requires a 15 metre vegetated buffer, which is enforced through site plan control. It was observed by Rueckwald (2016) that of the townships in Renfrew County, this Official Plan had the strongest policies for protecting water quality. However, an issue raised by Rau (2015) with the use of site plan control for shoreline development is the lack of monitoring ability, specifically in the District of Muskoka, though this issue applies across Ontario. Suggested solutions from Rau (2015) include introducing monitoring policies for shoreline properties to ensure long term observation and adherence to site plan agreements.



Chapter Three - Data Analysis

3. Data Analysis

This chapter includes descriptions of each planning tool and a brief description of their legal basis in the *Planning Act* and the *Municipal Act*. Additionally, it includes the evaluation charts developed for the four planning tools; minor variance, site plan control, site alteration by-laws, and the CPPS/DPS. Along with these charts are explanations of why each criterion received its score, including reference to each case study and how they scored in each criterion.

3.1 Planning Tools

3.1.1. Minor Variance

A zoning by-law may cover portions of or an entire municipality. It is passed by the Council of the local municipality and contains a tangible set of legally enforceable requirements for what can be built, where it can be built, and how the land is to be used. To receive a building permit for new construction or development within the municipality, it must be within the parameters set out in the zoning by-law or be approved via a minor variance through the Committee of Adjustment (CoA). However, if a minor variance application is approved, the zoning-by-law is not amended. Rather, the minor variance excuses the applicant from meeting certain provisions under the by-law for that specific development if it passes the four tests of minor variance outlined in Section 45 of the *Planning Act* (Ontario Ministry of Municipal Affairs and Housing, 2019). These tests consider whether a variance:

1. Is minor in nature;
2. Is desirable for the appropriate use or development of the land, building, or structure;
3. Maintains the general intent and purpose of the Zoning By-law; and
4. Maintains the general intent and purpose of the Official Plan.

3.1.2. Site Plan Control By-law

A site plan control by-law is a separate, additional regulatory layer added on top of a zoning by-law. It applies to certain prescribed areas of a municipality, referred to as a site plan control area, and it must be defined in a municipality's official plan. Before a municipality will issue a building permit for a property within a site plan control area, they require that the owner submit detailed plans and drawings of the proposed undertakings that show how the design will meet standards for certain aspects. Property owners are required to enter into a legal agreement, registered on title, that includes the site plan diagram. Applicants wishing to develop within a site plan control area may also be required to set aside land(s) for municipal easement(s) (OMMAH, 2019).

3.1.3. Site Alteration By-law

A local municipality, or if delegated, an upper-tier municipality, may create a site alteration by-law. These by-laws may prohibit or regulate the dumping and stockpiling of fill, removal of topsoil, or altering the grade of the land. In order to grant a permit under this by-law, the applicant must meet the prescribed criteria set out within the site alteration by-law (Loopstra, 2014). There are some exempted activities that may continue to take place without the need for a permit (*Municipal Act, 2001, ss.142(5)*).

3.1.4. Development Permit System/ Community Planning Permit System (DPS/CPPS)

The DPS/CPPS is a planning tool that can be used to varying degrees at various geographic scales within a municipality. This system must have a policy basis in the official plan of a municipality and be implemented through a

by-law. Once implemented, it supersedes the previous planning approvals needed within the area to which it applies. Although a DPS/CPPS must list permitted uses, much like a zoning by-law would, it can also have discretionary uses that can be permitted based on fulfillment of additional criteria. However, the appeal process for development application decisions is different than that for conventional planning systems, as it only allows appeals from the applicant.

This planning system streamlines traditional development planning processes (e.g. zoning, site plan, and minor variance) into one and allows for some degree of staff-delegated authority, avoiding the need for CoA approval in some cases. Originally named the Development Permit System, in 2016, the system was renamed the Community Planning Permit System, through O. Reg. 173/16. Some of the case studies explored in this report still use the DPS, however both systems are functionally the same.

3.2 Evaluating the Planning Tools

There are many approaches to determining the preferred planning tool. The approach taken in this report was as follows:

1. Municipalities were selected as case studies for each of the planning tools that were considered;
2. A set of criteria was developed to evaluate each case study's planning tool, as discussed in Chapter 2;
3. One chart was created per municipality to score the chosen criteria. A scoring system was used that assigned 3 points for a 'good' rating, 2 points for a 'satisfactory' rating, and 1 point for a 'poor' rating;
4. The information from these charts was consolidated to create broader evaluation charts assessing each planning tool as a whole on each of the chosen

criteria. A total score was calculated for each planning tool taking into consideration the rating of each criterion.

The 12 evaluation charts for each of the municipal case studies can be found in Appendix D along with explanations of the factors which contributed to the scores for each criterion. As an example of a case study evaluation chart, the completed chart for Innifil's Community Planning Permit System has been included (Table 4).

3.2.1. Evaluation Criteria

To evaluate each municipality and each planning tool, a set of ten criteria was developed. Considerations for these criteria were specific to the identified goals of shoreline protection in Frontenac County. The following explains how each criterion was established and scored:




Cost Effectiveness (Applicant)

Cost effectiveness refers to the monetary amount applicants are required to pay in each municipality through the application process when seeking a permit. Applications can vary in cost depending on the size of a project, with higher costs potentially deterring applicants from adhering to proper procedure. Each planning tool was rated on a scale, with higher costs receiving a lower ranking. Excluding two outlier municipalities, the costs associated with the four planning tools range from \$0 to \$2000. It was decided that applications costing less than \$1000 were to be ranked as 'good', between \$1000 and \$2000 as 'satisfactory', and above \$2000 as 'poor' (Figure 9).

Staff to Application Ratio

Staff to application ratio is a comparison between the number of staff processing applications, and the number of applications received by a municipality over the course of one year. A ratio representing the number of staff to the

Table 4. Sample of the evaluation chart completed for Innisfil as it applies to their CPPS.

	 Good	 Satisfactory	 Poor
Cost Effective (Applicant)	The cost of this application is less than \$1000.		
Staff to Application Ratio	Between 1 and 50 applications are processed between 2 planning staff.		
Transition Process		The transition process was somewhat difficult.	
Ease of Enforcement			The complaint-based system is more difficult to enforce.
Applicant Effort	This application can be completed without the help of a consultant		
Application Timeline	The timeline for the application from the point of submission to decision is less than 50 days.		
Collaboration with External Agencies	Collaboration occurs with 1 to 2 external agencies.		
Geographic Scope		This planning tool provides moderate geographic scope.	
Shoreline Protection	This planning tool provides adequate shoreline protection.		
Public Support	The public has the opportunity to be involved in the decision-making process and the majority are supportive of the use of this planning tool.		

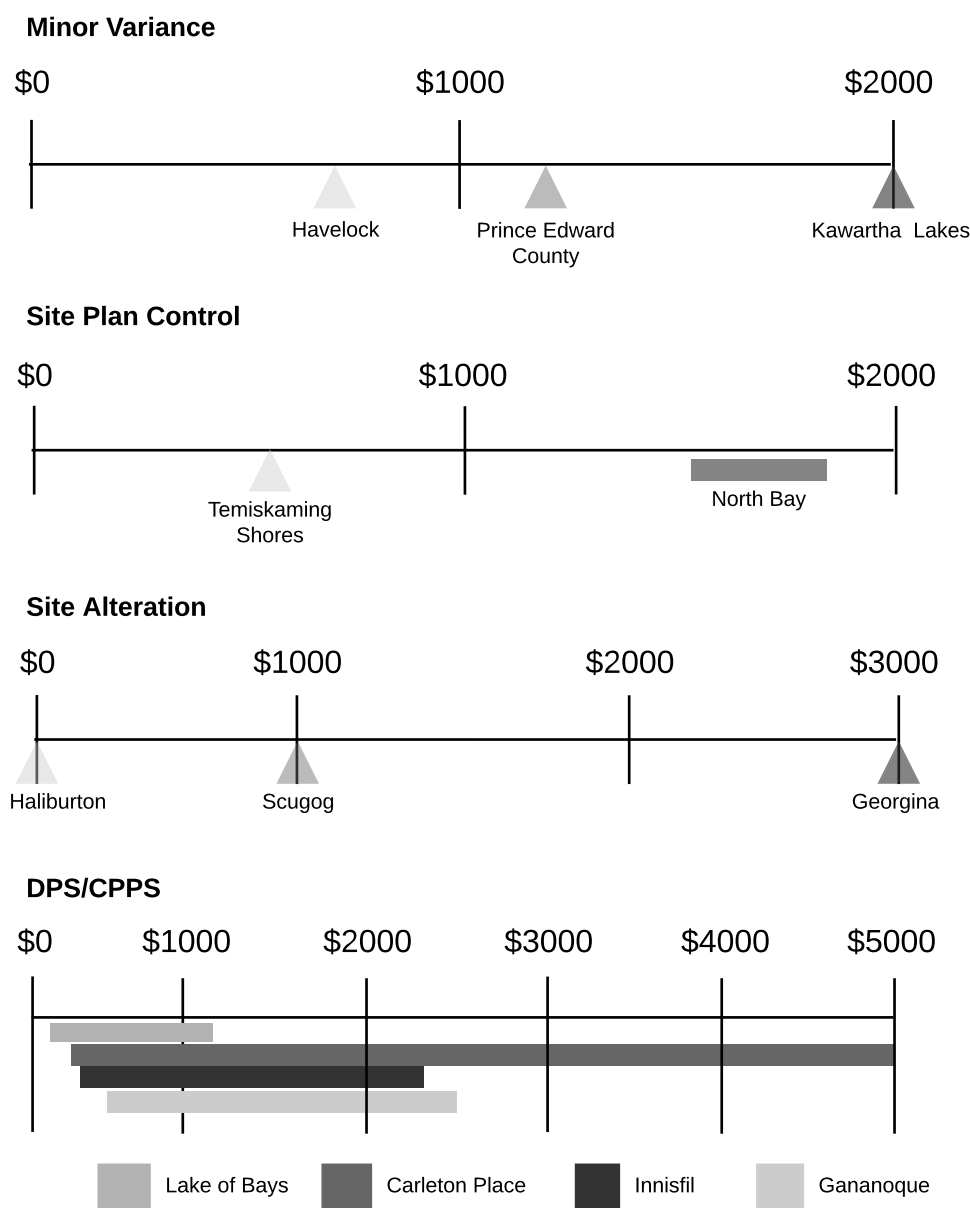


Figure 9. Scales for ranking the Cost Effectiveness (Applicant) criterion with case study municipalities sorted by planning tool. A triangle marker indicates a set cost while a rectangle indicates a range of costs dependent on multiple factors.

number of applications was determined and compared to the staff to application ratio of Frontenac County. If the ratio of a municipality exceeded staff resources for Frontenac County, it received a lower rating on the scale. The staff to application ratios of all municipalities were based on the number of applications that are managed by two staff members in one year. Ratios of 1 to 50 applications between two staff members were ranked as 'good'. Ratios of 51 to 99 applications between two staff members were ranked as 'satisfactory'. Ratios of 100 or more applications between two staff members were ranked as 'poor'.

Transition Process

The transition process refers to the transition a municipality must make when changing from the use of one planning tool to another. The transition process was evaluated based on whether the municipality transitioned from one planning tool to the current planning tool in use, and if so, how this transition occurred. This criterion was evaluated based on whether it was felt that the transition involved no transition or little difficulty, some difficulty, or great difficulty, which determined whether it was ranked as 'good', 'satisfactory', or 'poor'. Difficulties included the need for extensive public consultation or LPAT hearings.

Ease of Enforcement

Ease of enforcement was included as a criterion in order to determine how the requirements of each planning tool are enforced. The process involved with each planning tool could influence the ease of enforcing the goals outlined in the planning tool. In addition, a planning tool that is not difficult to enforce will require fewer by-law officers. The ease of enforcement was evaluated based on the method of enforcement employed by the municipality. Some of the case study municipalities required applicants to pay a

deposit fee, which would only be reimbursed if the applicant complied with the requirements set out by their permit. Municipalities using this method of enforcement were ranked as 'good', as the fee would likely encourage compliance. Other municipalities rely on complaints to inform enforcement and do not require a deposit. This was ranked as 'poor', as non-compliance is more difficult to control using this method.

Applicant Effort

Applicant effort was evaluated based on the amount of effort required of the applicant when completing the application process. Longer applications result in a larger amount of applicant effort, which could deter applicants from submitting an application. Applicant effort was evaluated based on the amount of required collaboration with experts when completing their applications. Examples of these experts include municipal planning staff, land surveyors, engineers, and arborists. If applicants could complete their application independently, the criterion received a rating of 'good'. If applicants required some collaboration with experts, this was rated as 'satisfactory'. If applicants required extensive collaboration with experts to complete their applications, this was rated as 'poor'.

Application Timeline

Application timeline was evaluated in order to determine the amount of time between the submission of an application and a decision from the municipality. Two methods were used to evaluate this criterion. There are legislated timelines for minor variance, site plan control, and the Development Permit System/Community Planning Permit System. Under Section 45(4) of the *Planning Act*, it states that minor variance decisions are required within 30

days. Under Section 41(12) of the *Planning Act*, it is stated that site plan control decisions are required within 30 days after plans and drawings are submitted. Under Section 12 of O. Reg. 173/16: Community Planning Permits, the timeline for decisions is restricted to 45 days. Timeline requirements for site alteration by-laws are not established in the *Planning Act*. Therefore, the evaluation of application timeline for this planning tool was based on a comparison between municipalities of the average length of time between application submission and decision.

Based on the number of days municipalities reported as the average length of time between application submission and decision, a scale was created for evaluating this criterion (Figure 10). Municipalities which, on average, take fewer than 50 days were ranked as 'good'. Those which take between 50 and 100 days were ranked as 'satisfactory'. Municipalities which have an application timeline of over 100 days were ranked as 'poor'.

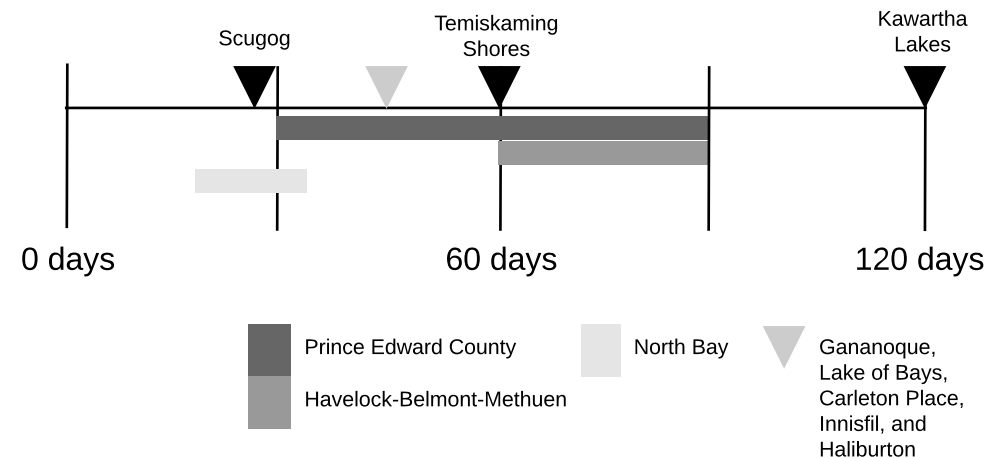


Figure 10. Scales for ranking the Application Timeline criterion. A triangle marker indicates a specific timeline while a rectangle indicates a range of timelines that is dependent on multiple factors.

Collaboration with External Agencies

Some planning tools require collaboration with conservation authorities, lake associations, or other agencies. Collaboration is beneficial, but can increase the application timeline. Collaboration with external agencies was evaluated based on the number of agencies with which the planning tool requires collaboration. Planning tools requiring collaboration with 1 to 2 agencies were ranked as 'good'. Tools requiring collaboration with 3 to 4 agencies were ranked as 'satisfactory'. Planning tools requiring collaboration with 0 or 5 or more agencies were ranked as 'poor'.

Geographic Scope

Geographic scope was included to evaluate the extent of the area covered by the planning tools in each municipality. For example, some of the tools control development across the entire municipality, while others are utilized on a site-by-site basis. It is important to note that waterfront development may have negative impacts on a broader area beyond the immediate shoreline, such as the larger watershed. Therefore, shoreline planning should be conducted using a consistent, cohesive approach taking into consideration the potential for negative impacts beyond the development site. Tools that are used to control development across an entire municipality were rated as 'good' with sufficient geographic scope. Tools which are used across defined zones but did not cover an entire municipality were ranked as 'satisfactory' with moderate geographic scope. Tools which regulate smaller areas on a site-by-site basis were rated as 'poor' with limited geographic scope.

Shoreline Protection

It is important that Frontenac County uses a planning tool which effectively protects shorelines. Shoreline protection was evaluated based on how each planning tool approached shoreline protection and whether it was prioritized. Planning tools which provide an adequate level of shoreline protection were ranked as 'good'. Tools which provide some degree of shoreline protection were ranked as 'satisfactory'. Planning tools which provide inadequate shoreline protection were ranked as 'poor'.

Public Support

Public support was evaluated in order to determine whether the general public in each municipality has a positive or negative opinion of the planning tools. Interest and willingness from the public can influence the effectiveness of a planning tool. Public support was evaluated based on two factors. First, whether the public was involved in the creation of the planning tool and subsequent decisions made using the tool. For example, if the public can attend public meetings and comment on applications, this was rated as 'good'. The second factor was whether it was felt that the public is overall supportive of the use of the planning tool. This information was gathered during interviews. If municipal staff felt the majority of the public was supportive of the tool, this was rated as 'good'. If the public was either supportive of the tool or had the opportunity to participate in the decision-making process, but not both, the municipality was ranked as 'satisfactory' under this criterion. If the public was not supportive of the tool and did not have the opportunity to participate, this was ranked as 'poor'.

3.2.2. Planning Tool Evaluation Charts

The following four charts demonstrate how each planning tool was ranked in each of the criteria, based on how their respective case studies were scored. Criteria that received a 'good' rating were granted three points, a 'satisfactory' rating received two points, and a 'poor' rating earned one point. This point system ultimately creates a total score defined as the percentage of total possible points for each tool. For tools with three case studies, there is a total of nine possible points per criterion, with 10 criteria per planning tool. Therefore, tools received a score out of a possible 90 points. However, one of the limitations was the number of case studies. For some planning tools there are more or fewer than three case studies. For planning tools with four case studies, each of the 10 criteria has a potential score out of 12, for a total score out of 120. This scoring system allows the tools with fewer case studies to be evaluated fairly alongside those with more case studies.

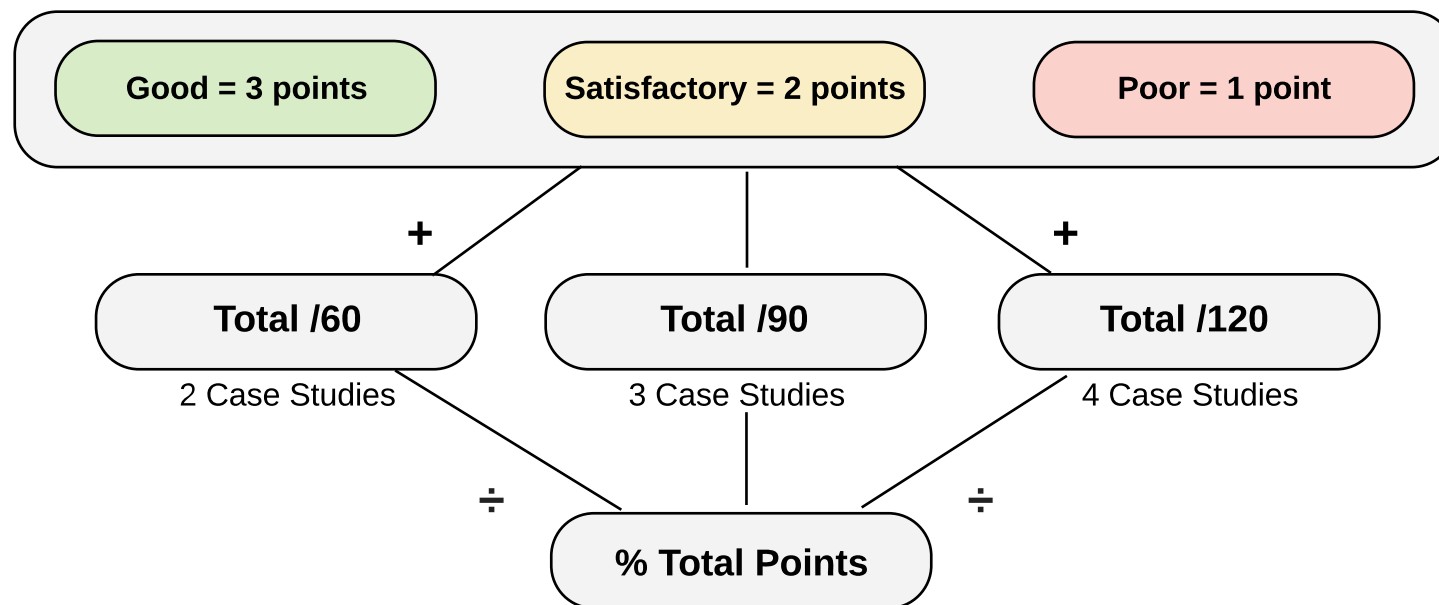


Figure 11. Flow chart illustrating the scoring system for the planning tool evaluation charts.

Minor Variance

The following case studies were scored (Table 5) in order to evaluate minor variance as a policy tool:

- Township of Havelock-Belmont-Methuen
- Prince Edward County
- City of Kawartha Lakes

Table 5. Minor variance evaluation chart.

	Good (3)	Satisfactory (2)	Poor (1)	Total
Cost Effective (Applicant)	Havelock-Belmont-Methuen	Prince Edward County	Kawartha Lakes	6/9
Staff to Application Ratio	Prince Edward County Kawartha Lakes	Havelock -Belmont-Methuen		8/9
Transition Process	Prince Edward County Kawartha Lakes Havelock -Belmont-Methuen			9/9
Ease of Enforcement	Prince Edward County		Havelock -Belmont-Methuen Kawartha Lakes	5/9
Applicant Effort		Havelock -Belmont-Methuen Prince Edward County Kawartha Lakes		6/9
Application Timeline		Havelock -Belmont-Methuen Prince Edward County	Kawartha Lakes	5/9
Collaboration with External Agencies	Prince Edward County	Kawartha Lakes	Havelock-Belmont-Methuen	6/9
Geographic Scope			Havelock -Belmont-Methuen Prince Edward County Kawartha Lakes	3/9
Shoreline Protection		Prince Edward County Kawartha Lakes	Havelock -Belmont-Methuen	5/9
Public Support	Prince Edward County	Kawartha Lakes Havelock -Belmont-Methuen		7/9
Total Score	60/90 = 67%			

Cost Effective (Applicant)

Minor variance received six out of a possible nine points in this criterion. The fees range from \$725 to \$2000 per minor variance application amongst the study group. Municipalities with a lower cost for minor variance applications, including external review costs, were given a better rating than municipalities with a more expensive application. Havelock-Belmont-Methuen has the lowest cost at \$725 per minor variance application. With reviews by external agencies, Prince Edward County charges approximately \$1300 for minor variance applications, resulting in a 'satisfactory' rating. At \$2000, Kawartha Lakes was the most expensive minor variance application cost amongst the study group, resulting in a 'poor' rating. The scores of the case studies resulted in a score of 66% for cost effectiveness of the minor variance tool.

The existing fees for minor variance in Frontenac County range from \$500 to \$766 with additional review fees costing another \$720 to \$1210 (Table 6). Therefore, the costs associated with minor variance applications in the case studies are generally on par with the existing minor variance applications within the County.

Table 6. Existing fees for minor variance in Frontenac County.

Township	Minor Variance Application Fee (excluding KFL&A Public Health and	KFL&A Public Health Fees	Conservation Authority Fees
South Frontenac	\$766	\$450 or \$700	\$335 - \$510
North Frontenac	\$750	\$450	\$335 - \$370
Central Frontenac	\$500	\$400	\$320 - \$350
Frontenac Islands	\$500	\$450	\$395

Staff to Application Ratio

Prince Edward County has two staff processing approximately 18 applications each year, resulting in a ratio of 2:18. Kawartha Lakes has four times the number of staff and approximately 75 applications each year. Therefore, Kawartha Lakes has a very comparable 2:19 ratio. Havelock-Belmont-Methuen has one staff member working on approximately 30 development files each year. Using a common number of staff for a comparable ratio, the ratio of staff to applications in Havelock-Belmont-Methuen is 2:60, which is significantly higher than the other case studies. Based on the evaluation method, this ratio receives a lower score of 'satisfactory'. Overall, the staff to application ratio required for minor variance received a score of 8/9.

Transition Process

Minor variance is an existing planning method that is embedded in Section 45 of the *Planning Act* and used in municipalities across Ontario. Because of this, there is no transition process to measure amongst the case studies. However, if Frontenac County were to decide to use minor variances to protect their shorelines, the system is already in place which is less burdensome for the County. For these case studies, all were rated as 9/9, as the lack of transition was viewed as favourable for implementation in Frontenac County. While there would be no significant transition, if the County were to create additional criteria to the existing four tests, there may be an adjustment period where the public would need to be consulted and informed, but as a process there would be minimal change.

Ease of Enforcement

In evaluating the ease of enforcement of minor variances, the analysis focused on whether enforcement is complaint-based with random checks, or if there is a security

deposit required at the time of application. Prince Edward County was the only minor variance case study to require a deposit from the applicant to ensure compliance with the Committee of Adjustment decision. A significant financial incentive for compliance is a more favourable method, though it may require more staff effort. Using a deposit as an incentive to comply with a minor variance permit is the most reliable enforcement method used within these case studies, therefore, it received a 'good' rating. Both Havelock-Belmont-Methuen and Kawartha Lakes rely on complaints and in the case of Kawartha Lakes, random checks. While this method of enforcement is beneficial because it requires fewer staff dedicated to compliance monitoring, it provides more opportunity for non-compliance to occur, therefore both of these case studies received a score of 5/9 for this criterion.

Ease of enforcement rated poorly because two of the cases utilize a complaints-based system, whereas Prince Edward County requires a security deposit. It was noted by Frontenac County that there is limited capacity to enforce development applications. While this rating is low, the ease of enforcement of minor variances in Frontenac County will depend on the scope of the application.

Applicant Effort

Applicant effort rated as 'satisfactory' with a score of 6/9. Within this criterion, Kawartha Lakes was rated as satisfactory because pre-consultation is required. With a large seasonal population, in-person meetings can be difficult to coordinate in the off-season which may deter applicants. While this is a standard practice, many applicants may view it as unnecessary, despite there being fewer challenges later in the process. Both Havelock-Belmont-Methuen and Prince

Edward County received a 'satisfactory' score because there are details requested in the application forms that the general public may not be able to provide on their own. The public may require assistance from municipal planners to complete their applications and, in the case of Prince Edward County, the applicant is required to hire a land surveyor for all minor variance applications, a task that would be burdensome for some minor variance applications.

Application Timeline

A rating of 5/9 was determined for the application timeline criterion for minor variance. Section 45(4) of the *Planning Act* outlines a 30 day timeline for minor variance applications. Therefore, any case study that is able to approve an application within this timeline received a 'good' rating. However, none of the case studies were able to do so. Case studies that were unable to meet the regulated timeline but were able to complete the applications within 50 to 100 days received a 'satisfactory' rating. Only two of the case studies were able to meet this; Havelock-Belmont-Methuen and Prince Edward County with an estimated timeline of 60-90 days and 30-90 days respectively. Finally, any case studies that took longer than 100 days received a 'poor' rating. Kawartha Lakes received a 'poor' rating in this criterion as their estimated approval timelines are approximately 120 days.

Long timelines create challenges for applicants and planners. In Frontenac County, using minor variance for shoreline protection would not be beneficial for improving application timelines based on the case study examples. The inability of municipalities to adhere to regulated timelines is part of a larger discussion about provincial priorities that are not within the scope of this research.

Collaboration with External Agencies

Collaboration with external agencies, and the time associated with this collaboration, received a rating of 6/9. Havelock-Belmont-Methuen sends relevant applications to Crowe Valley Conservation Authority, the Peterborough Public Health Department, Hydro One, Ministry of Transportation, Peterborough County Works Department and Bell Canada for a total of six agencies. Prince Edward County sends all applications to Quinte Conservation Authority, for a total of one external agency. Finally, Kawartha Lakes sends their minor variance applications to the building division, sewage system branch, corresponding conservation authorities, and others, for a total of three or more.

The information available for this criterion was the number of agencies that each municipality collaborates with for their minor variance applications. It was assumed that the more agencies that are consulted on an application, the longer the process would be. This criterion was included to recognize the amount of time associated with the collaboration for different planning tools. While recognizing that collaboration with conservation authorities, health units, and provincial ministries is essential to good planning, there can be too much collaboration that slows down municipal planners when the collaboration is not essential. Minor variance processes that consult with one to two agencies is favourable. Excessive consultation was scored as 'poor', as this may not be necessary and creates additional work for planners. No consultation was also scored as 'poor' as it is important for some external agencies to comment on applications, when appropriate.

Geographic Scope

While minor variance is used across the whole of a municipality, it is largely conducted on a site-by-site basis,

limiting the geographic scope of environmental protection. In all three cases, minor variance is only applicable to specific sites, limiting the geographic scope of the variance. Geographical scope was assigned with a rating of 3/9 because of the limited area to which a minor variance application is applicable.

While it is not essential for the planning tool to have a large geographic scope, it is preferable to have a tool that can be cohesively applied across Frontenac County. The nature of a minor variance results in each variance being applicable only to a specific parcel of land. A case by case approach can provide flexibility but does not result in a cohesive County-wide approach to managing shoreline development.

Shoreline Protection

A rating of 5/9 was given to this criterion. The environmental protection methods within each case study's policies were reviewed as they relate to the *Provincial Policy Statement* and the Natural Heritage Reference Manual (MNRF, 2010). In Prince Edward County, there are official plan policies to support the use of minor variance for environmental protection, though the implementation of these policies is subjective for each minor variance application. In Kawartha Lakes, shallow lots are permitted to encroach on the required vegetative buffer. To balance this out, they require applications on shallow lots to have a planting plan for vegetation elsewhere on the property. While this additional planting is ecologically beneficial, by permitting shallow lots exceptions to the buffer, the environmental protection is rated lower for this case study. The minor variance process for Havelock-Belmont-Methuen does not indicate a significant level of environmental protection, as the only environmental concern is with a 30 metre vegetative buffer, which is an insufficient environmental protection tool on its own.

Public Support

Minor variance is an existing planning method that is embedded in the *Planning Act* and used in municipalities across Ontario. Therefore, the public support measured is related to the amount of public involvement in minor variance decisions, rather than in the implementation of the planning tool. Prince Edward County notifies neighbouring residents of a minor variance application and holds a Committee of Adjustment hearing at which any member of the public may speak to the variance. There is support in Prince Edward County for the Committee of Adjustment process as it is typically fast and efficient. It therefore received the most favourable rating amongst the minor variance case studies. The planning department at Kawartha Lakes has been perceived negatively in the past, contributing to their lower rating. In Havelock-Belmont-Methuen there is little information on the public's involvement in the minor variance process. Therefore, this criterion was given a rating of 7/9.

Minor variance is a process that does require public involvement, however there was little indication that the public has any overwhelmingly positive opinions on the process or their involvement in the process.

Connection to Frontenac County

Overall, minor variance as a planning tool to protect shorelines in Frontenac County is not recommended. While there are benefits to minor variance procedures, it is not the strongest option. Minor variances have long timelines due to limited staff resources and the need to wait for Committee of Adjustment hearings that only occur on a monthly basis. With the Committee of Adjustment extending the process, applicants can get frustrated and may be more likely to avoid

submitting an application. Minor variances are also only conducted on a site-by-site basis and thus lack a consistent approach for shoreline protection.

Frontenac County has expressed that there is no additional capacity for enforcement. The overall score for ease of enforcement was 'poor', indicating that it would not be easy for Frontenac County to enforce more minor variance applications with the current capacity. While there are benefits to minor variances, specifically the fact that no transition would be required, and the staff to application ratio tends to be favourable, this planning tool is not recommended for use in Frontenac County to strengthen shoreline protection.

Site Plan Control

The following case studies were scored (Table 7) in order to evaluate site plan control as a policy tool:

- City of North Bay
- City of Temiskaming Shores

Table 7. Site plan control evaluation chart.

	Good (3)	Satisfactory (2)	Poor (1)	Total
Cost Effective (Applicant)	Temiskaming Shores	North Bay		5/6
Staff to Application Ratio	Temiskaming Shores	North Bay		5/6
Transition Process	Temiskaming Shores North Bay			6/6
Ease of Enforcement	Temiskaming Shores North Bay			6/6
Applicant Effort		Temiskaming Shores North Bay		4/6
Application Timeline	North Bay	Temiskaming Shores		5/6
Collaboration with External Agencies	Temiskaming Shores		North Bay	4/6
Geographical Scope		North Bay	Temiskaming Shores	3/6
Shoreline Protection		North Bay	Temiskaming Shores	3/6
Public Support			Temiskaming Shores	1/3
Total Score	42/57 = 74%			

Cost Effective (Applicant)

The fees for site plan control applications tend to be reasonable in comparison to all policy tools reviewed in this research. The City of Temiskaming Shores charges an application fee of \$565 plus a 10 percent deposit of the cost estimate for on-site works and 100 percent of the cost estimate for off-site works. The City of North Bay charges \$1,300 or \$1,800 depending on the size of the development, plus a deposit. Overall, it was determined that the application fees are both reasonable and comparable to existing fee schedules for the townships within Frontenac County with respect to site plan control applications, and the deposit required would not present a barrier to the applicant. While the fees for a site plan application in both cities are quite different, they are both reasonable when compared to all other case studies and this criterion received a rating of 5/6.

Staff to Application Ratio

The staff to application ratio for site plan control received a rating of 5/6. Temiskaming Shores has received very few applications over the past several years and received a rating of 'good'. North Bay receives approximately 35 applications per year which are processed by one planner, meaning the staff to application ratio is 2:70. This is a 'satisfactory' ratio. This criterion is important to consider because the amount of staff available to process applications paired with the complexity of the applications is critical to the possibility of implementing a policy tool. Site plan control rates highly in this category because the amount of staff available to work on these applications is within reason compared to Frontenac County. Frontenac County's planning staff is limited, and by considering the number of applications per two staff it is comparable to Frontenac County's existing conditions with respect to staff resources.

Transition Process

Site plan control received a rating of 6/6 for the transition process. For some of the other policy tools reviewed, a transition from one policy or by-law to a different policy or by-law was required, and the transition process was deemed difficult, not difficult or somewhat difficult. In the case of site plan control, it is an existing policy that is common in most municipalities and arriving at this policy did not result from a transition from a previous policy. For that reason, this criterion rates highly because there would be no transition required for Frontenac County to continue using site plan control.

Ease of Enforcement

Both cases studied for site plan control require a security deposit to accompany the application and thus received a rating of 6/6. Requiring a security deposit is viewed as a good attribute for a policy tool because it encourages compliance without producing the need for more consistent monitoring by by-law officers. Without a security deposit, a system is typically complaint-based which is sometimes complimented by random checks. Complaint-based systems were rated poorly as they do not ensure compliance as effectively when compared to a financial incentive. Both the City of Temiskaming Shores and the City of North Bay require security deposits and therefore rated highly in this criterion.

Frontenac County staff is limited, so using measures that help to ensure compliance without putting more pressure on existing staff or avoiding the need to increase staff resources are beneficial. Site plan control, when paired with a security deposit, is a favourable method of enforcement consistent with existing staff resources.

Applicant Effort

One of the moderately favourable elements of site plan control is the amount of applicant effort required in order to complete an application. This criterion was rated as 4/6. There are some technical aspects of site plan control that would be difficult for a layperson to complete. It is possible to complete the application without professional assistance, however there are some additional documents required that would need to be completed by a professional such as an Ontario Land Surveyor. Technical aspects of the City of Temiskaming Shores' site plan control application that would require professional assistance include engineer's cost estimates, detailed site plans, building elevations, landscape plans, and floor plans. The City of North Bay also requires a site plan completed by or based off a legal survey prepared by an Ontario Land Surveyor. Overall, the amount of effort required by the applicant falls in the mid-range of all case studies reviewed.

Frontenac County is already quite familiar with the site plan control application process and the Townships have similar requirements for the application. There is room for improvement with respect to applicant effort, however it is also important to consider that the policy tool must still achieve its intended results, which may require more technical expertise during the application process.

Application Timeline

Site plan control received a rating of 5/6 with respect to application timeline. Under Section 41(12) of the *Planning Act*, it is stated that site plan control requires a decision within 30 days from the date that drawings and plans are submitted. In North Bay, the timeline for applications generally meet the legislated guidelines. However, in Temiskaming Shores, application decisions take twice the legislated timeline. Staff

at Temiskaming Shores also reported frustration surrounding the submission of incomplete applications causing delays, even after staff consultations with the applicant. In Temiskaming Shores, council delegated to staff the authority to approve applications for small, 1-unit residential site plans which can help applications be processed more efficiently.

The timelines set out in the *Planning Act* are not always viable depending on the municipality and the number of staff and applications received. Staff often feel considerable pressure from their council to meet these timelines to avoid using more staff time and resources. Ensuring the submission of complete applications through staff reviews is beneficial as it reduces the potential for delays needed to gather missing information.

Collaboration with External Agencies

In order to determine a rating for the amount of collaboration with external agencies, the number of agencies that each case municipality involves in the site plan application process was examined. In Temiskaming Shores, applications are referred to a multitude of government agencies and received a 'satisfactory' rating. In contrast, North Bay site plan control applications do not require any collaboration with external agencies and received a 'poor' rating. Having too much collaboration is rated less favourably as it is time consuming and could result in unnecessary delays whereas no collaboration is also viewed negatively. Overall, a rating of 4/6 was given to site plan control for collaboration with external agencies.

Geographic Scope

Site plan control received a rating of 3/6 for geographic scope. Geographic scope examined whether the planning tool was applied to the entire municipality or on a site-by-site basis. In both North Bay and Temiskaming Shores, site plan

control may be used to regulate development in a variety of different zones including development along the shoreline. However, in North Bay, site plan control is only used for certain identified zones and therefore its geographic scope was ranked as 'satisfactory'. Similarly, in Temiskaming Shores, site plan control is applied on a site-by-site basis and therefore received a 'poor' rating. A planning tool which is applied to regulate development predominantly on a site specific or zone basis likely has a smaller ecological reach than a tool which is applied to a greater geographical scope.

Shoreline Protection

Site plan control received a rating of 3/6 for shoreline protection. The Site Plan Control By-law is not heavily focused on shoreline protection, so it was ranked as 'poor'. In Temiskaming Shores, the situation is unique as a large portion of the City's undeveloped shoreline is publicly owned. As a result, shoreline permit applications are not often received, and the City has a large amount of control over shoreline development. Collaboration with external agencies to ensure shoreline protection through requirements such as environmental impact assessments (EIA) or other measures to mitigate negative impacts to environmentally sensitive areas is also a method which can be used to protect the shoreline, as is done in Temiskaming Shores as well as Frontenac County. In order to better target the shoreline, Frontenac County could explore implementing new site plan criteria that targets certain properties.

Public Support

Whether the public was involved in the creation of the planning tool was a key consideration for determining public support. Under Section 41 of the *Planning Act* there is no legislated requirement for community-wide public consultation for site plan control. As each site plan application is highly context-dependent, only the proponents of each project are

consulted with in Temiskaming Shores. For these reasons the tool received a score of 1/3 for public support. Public support information was not received for North Bay.

Connection to Frontenac County

Site plan control is not recommended in Frontenac County for protecting shorelines amidst growing development pressures in the County. While a transition to a new planning tool would not be needed, the County has identified that this framework is not effective for protecting shorelines.

Section 41(12) of the *Planning Act* states that decisions are required within 30 days of a complete application. In interviews with planners from the case municipalities, it was found that some municipalities using site plan control are currently unable to meet the legislated timelines. During initial meetings with Frontenac County, it was learned that there is limited capacity within the County to add staff or to increase the existing workload. Therefore, adhering to legislated timelines, while anticipating an increase in applications for shoreline development, would be difficult in Frontenac County.

The nature of site plan control is to regulate development on a site-by-site basis. A cohesive approach used by all four townships in the County would likely provide better protection of shorelines and water resources. Therefore, it is not recommended that Frontenac County continue to use site plan control for regulating waterfront development.

Site Alteration By-law

The following case studies were used to determine a score (Table 8) for site alteration by-laws as a policy tool:

- Town of Georgina
- County of Haliburton
- Township of Scugog

Table 8. Site alteration by-law evaluation chart.

	Good (3)	Satisfactory (2)	Poor (1)	Total
Cost Effective (Applicant)	Haliburton	Scugog	Georgina	6/9
Staff to Application Ratio	Georgina Haliburton Scugog			9/9
Transition Process	Georgina Haliburton	Scugog		8/9
Ease of Enforcement	Georgina		Haliburton Scugog	5/9
Applicant Effort	Haliburton		Georgina Scugog	5/9
Application Timeline	Haliburton Scugog			6/6
Collaboration with External Agencies	Haliburton Scugog	Georgina		8/9
Geographic Scope	Georgina Scugog	Haliburton		8/9
Shoreline Protection	Haliburton	Georgina Scugog		7/9
Public Support		Haliburton Scugog		4/6
Total Score	66/84 = 79%			

Cost Effective (Applicant)

In reviewing the application costs for site alteration permits in each of the three case municipalities, it was determined that there is a significant disparity in the fees charged in each municipality. The fees range from \$0 in the County of Haliburton to \$500 plus a \$2,500 security deposit in Georgina. The range of different fees in the case municipalities resulted in a rating of 6/9 for this criterion. When evaluating the cost effectiveness for the applicant, the cost of the application fee and security deposit were considered. In this analysis, a substantial security deposit was viewed poorly, as it may deter people from applying for a permit if the applicant does not have the available finances and if they fear the possibility of losing the deposit upon final inspection of the site. Case municipalities with substantial security deposits and significant application fees were rated poorly, as they may discourage compliance and result in illegal site alterations.

The existing fees for minor variance applications in Frontenac County range from \$500 to \$766, therefore it was decided that an application fee of \$500 is 'satisfactory' when compared to the current baseline fees for a similar type of application in the County. It should also be noted that the application fees for small-scale residential projects were reviewed, and the fees for large-scale projects were removed from the analysis, as they do not reflect the type of development to be addressed in Frontenac County through the recommended policy tool. While there is no direct comparison, a minor variance application is the closest comparison in terms of staff time and resources. Refer to Table 6 for the Frontenac County minor variance application fees.

Staff to Application Ratio

The staff to application ratio for site alteration by-laws received a rating of 9/9. The County of Haliburton has never had an application for relief from the Site Alteration By-law, therefore the rating for this municipality is the highest possible. Further, both the Town of Georgina and the Township of Scugog rated highly because they process between 1 and 50 applications per 2 planning staff per year. This high rating is also due to the fact that Frontenac County's planning staff is limited, and by considering the number of applications per two staff it is comparable to Frontenac County's existing conditions with respect to staff resources.

Transition Process

The transition process from a previous policy to a site alteration by-law is rated as 8/9. The County of Haliburton did not have a similar by-law before the Shoreline Tree Preservation By-law. In order to create and implement the new by-law, the Official Plan required an update to reflect shoreline protection in a consistent and comprehensive manner. The Shoreline Tree Preservation By-law set the standard for shoreline protection in the County of Haliburton, and therefore did not require a transition, but rather a process that included an amendment to the Official Plan and creation of the by-law. The Town of Georgina previously had a by-law that dealt with filling and grading issues. However, it did not address issues related to the quality of the fill. Having an existing by-law similar to what was proposed may have helped to ease the transition into the current site alteration by-law, therefore the Town of Georgina is still rated highly for

the transition process, as the transition involved repealing the previous by-law 91-139 (REG-1) and replacing it with an updated and amended version. As a result, the transition was straightforward.

A challenging transition from a previous policy tool to a site alteration by-law may be a barrier in implementing this type of regulation. Through this analysis, creating and implementing a site alteration by-law appears to be a relatively uncomplicated process that might involve an amendment to the Official Plan and/or repealing of a previous similar by-law. As Frontenac County has no similar by-law to either the Shoreline Tree Preservation By-law or a site alteration by-law, it is likely that implementing a similar by-law would require a manageable amount of effort relative to the staff resources available at the County.

Ease of Enforcement

In evaluating the ease of enforcement of site alteration by-laws, the analysis was focused on whether enforcement is complaint-based with random checks, or if there is a security deposit required at the time of application. Both the County of Haliburton and the Town of Scugog enforce their by-laws through a complaint-based system. The Town of Scugog also utilizes random checks for compliance. While this system is beneficial because it requires fewer staff to complete compliance monitoring, it provides more opportunity for non-compliance to occur. However, municipalities also have the option of a security deposit. The Town of Georgina requires a security deposit to be refunded upon final inspection of the site. A financial incentive for compliance is a more favourable alternative to a complaint-driven enforcement system but it may require additional monitoring and staff resources dedicated to inspection and the related administrative tasks.

This criterion rated poorly with a score of 5/9 because two of the cases utilize a complaint-based system, whereas only the Town of Georgina requires a security deposit. It should be noted that while this rating is low, the ease of enforcement for site alteration by-laws is dependent on the type of enforcement method is utilized. In Frontenac County, a security deposit that is held by the County until final inspection would be a simple addition to the application process that could encourage and track compliance.

Applicant Effort

With respect to the effort required by the applicant, site alteration by-laws rated 5/9. The County of Haliburton was rated highly within this criterion because the Shoreline Tree Preservation By-law does not require any application in order to complete a project. However, it does require an application for relief from provisions, if necessary. The County of Haliburton has not yet received an application for relief from the provisions of the By-law, as property owners tend to contact the County of Haliburton to ensure compliance, or they work with an arborist or forester who can recommend ways through which to comply with the By-law. The County of Haliburton's approach to regulating site alteration through the Shoreline Tree Preservation By-law is, however, unique to the municipality. The Township of Scugog and the Town of Georgina both require extensive effort during the application process, as these applications require approvals or clearances from several external agencies at different levels of government. Managing the amount of effort and time that an applicant must invest into applying for a permit may be an important factor in ensuring compliance. Once an application becomes too onerous, property owners may risk not applying for a permit or they may become frustrated with the process.

In Frontenac County, a site alteration by-law could be implemented without having such an onerous application

process. However, this may interfere with the effectiveness of the policy because the nature of site alteration by-law reviews tend to have several technical components that can only be completed by qualified professionals.

Application Timeline

Site alteration by-laws received a rating of 6/6 with respect to the application timeline. The County of Haliburton does not require an application under the Shoreline Tree Preservation By-law. Therefore, the application timeline does not apply to this case. However, any forestry permits that require Council approval average approximately 45 days for the final decision. In the Township of Scugog, applications typically take one to two weeks for the permit to be issued, which warrants a high rating for this criterion.

The *Municipal Act*, the legislation that gives authority to municipalities to regulate the dumping and placing of fill, does not set out any requirements in Section 142 for the application timeline for site alteration permits. Therefore, the municipality would be responsible for determining an appropriate amount of time to allow for review of permit applications. This would provide greater flexibility if Frontenac County chose to implement a site alteration by-law and could be more appropriate based on the small number of staff available for this task. Additionally, this flexibility would provide Frontenac with the opportunity to establish shorter timelines for less complex applications.

Collaboration with External Agencies

A rating of 8/9 has been given to site alteration by-laws in terms of collaboration with external agencies. In order to determine a rating, consideration was given to the amount and type of collaboration with external agencies involved in the application process. In the County of Haliburton and the Township of Scugog, only conservation authorities are

circulated on applications which represents a 'good' amount of collaboration. In the Town of Georgina, a greater number of agencies are circulated, so a 'satisfactory' rating was given. In general, the case studies involved a reasonable amount of collaboration with external agencies, which translates into reasonable application timelines and effort exerted by all parties involved.

Geographic Scope

Site alteration by-laws received a rating of 8/9 in terms of geographic scope. In the Township of Scugog and the Town of Georgina, the by-law is in effect in all municipal or township lands except those subject to the regulations in Clause 28(1) of the *Conservation Authorities Act*. These cases received a rating of 'good'. Site alteration by-laws have the potential to have a significant geographic scope because they may be applied to an entire municipality or a specific environmentally sensitive area. As with application timeline, there is flexibility in this type of policy tool because of the minimal legislated requirements in the *Municipal Act*. While geographic scope is not the primary focus of this research, it is important that there is flexibility for the County to adapt this policy to the areas in most need of regulation.

Shoreline Protection

Shoreline protection is a critical aspect of the decision to recommend a planning tool. Site alteration by-laws were rated 7/9 based on the data from the case studies. One of the main issues with using a site alteration by-law for waterfront protection is that they do not control built structures, but rather the dumping and placing of fill. While fill is an important part of regulating waterfront development, this is not the most comprehensive option in terms of the shoreline protection. However, one benefit is that site alteration can be restricted in

environmentally sensitive areas, like in the case of the Township of Scugog, where site alteration is not allowed in areas such as wellhead protection zones, the minimum vegetative buffer, natural linkage areas, natural core areas, and significant ground water recharge areas.

Public Support

Public support received a rating of 4/6. In the Township of Scugog, it appears that the public feels a by-law regulating fill is necessary, but there are residents who feel that they have the right to undertake any project they desire because it is on their land. However, this is likely to happen to some degree no matter what policy is implemented. In the County of Haliburton, it has been noted that there are high turnover rates for shoreline properties which may result in less public support if the public are new to the area and unaware of the process.

Connection to Frontenac County

Based on the evaluation, a site alteration by-law is not recommended for Frontenac County. Nevertheless, it should be noted that site alteration by-laws have many benefits and scored highly in the evaluations. As demonstrated through the case studies, site alteration by-laws have shown to be an effective tool to protect sensitive natural areas such as vegetated buffers and natural linkage areas. This planning tool also has flexible application timelines that could be tailored to Frontenac County's needs. In comparison to Frontenac County, the case studies were similar in terms of the volume of applications received, which is effectively managed by a municipal staff contingent comparable to that of Frontenac County.

A lack of public support and onerous technical reporting requirements for the applicant were identified as barriers to successful implementation of this planning tool in each case study. Public support may also be weaker if there is a high turnover of shoreline properties as new residents must learn the application requirements. A site alteration by-law is also restricted in what it can regulate. It cannot control the development of buildings or structures, which is a key component of development that Frontenac County wishes to regulate through the planning tool it selects. For these reasons, a site alteration by-law is not recommended for Frontenac County.

DPS/CPPS

The following case studies were used to determine a score (Table 9) for the Development Permit System/Community Planning Permit System as a policy tool.

- Town of Carleton Place
- Town of Innisfil
- Town of Gananoque
- Township of Lake of Bays

Table 9. DPS/CPPS evaluation chart.

	Good (3)	Satisfactory (2)	Poor (1)	Total
Cost Effective (Applicant)	Carleton Place Gananoque Innisfil Lake of Bays			12/12
Staff to Application Ratio	Gananoque Innisfil	Lake of Bays	Carleton Place	9/12
Transition Process	Gananoque	Carleton Place Innisfil Lake of Bays		9/12
Ease of Enforcement	Gananoque		Carleton Place Innisfil Lake of Bays	6/12
Applicant Effort	Innisfil	Carleton Place Gananoque Lake of Bays		9/12
Application Timeline	Carleton Place Gananoque Innisfil Lake of Bays			12/12
Collaboration with External Agencies	Carleton Place Innisfil		Gananoque Lake of Bays	8/12
Geographic Scope	Carleton Gananoque Lake of Bays	Innisfil		11/12
Shoreline Protection	Carleton Place Innisfil Lake of Bays	Gananoque		11/12
Public Support	Carleton Place Gananoque Innisfil Lake of Bays			12/12
Total Score	99/120 = 83%			

Cost Effective (Applicant)

In reviewing the application costs for the Community Planning Permit System (CPPS) in each of the four case municipalities, it was determined that there is a considerable range in application costs. Costs are contingent on the type of class the application falls into which is determined by staff during the pre-consultation and application review phase. Across the four case municipalities, the application fees range from \$100 to \$2500, with Carleton Place's Class 5 application as an outlier costing \$5000.

The CPPS system combines minor variance, site plan, and zoning by-law amendments into one process. Therefore, the four case municipalities' fees were compared to the existing fees for these application types in Frontenac County to determine what fees would be appropriate. The application fees for minor variance, site plan control, and zoning by-law amendments across Frontenac County range from \$300 to \$3200 (Table 10). The average application cost across all four case municipalities was \$1000 or less which is comparable to the fees currently charged in Frontenac County. Therefore, the fee ranges for CPPS resulted in a rating of 12/12 for this criterion.

Table 10. Existing fees for minor variance, site plan approval, and zoning by-law amendments in Frontenac County.

Township	Minor Variance	Site Plan Approval	Zoning Bylaw Amendment
South Frontenac	\$766	\$1300 +	Residential: \$300
North Frontenac	\$750	Minor: \$750	\$750
Central Frontenac	\$500	\$3200	\$2000
Frontenac Islands	\$500		\$1000

Staff to Application Ratio

The staff to application ratio for the Community Planning Permit System received a rating of 9/12. The Town of Gananoque and the Town of Innisfil rated 'good' with less than 50 applications per two staff. The Township of Lake of Bays and the Town of Carleton Place were rated 'satisfactory' and 'poor', respectively, as they have more than 50 applications per two staff annually. This rating is due to the fact that Frontenac County's planning staff is limited, and by considering the number of applications per two staff, it is comparable to what is appropriate for Frontenac County.

Transition Process

A transition to a CPPS requires an update of a municipality's official plan and zoning by-laws as well as extensive public consultation. A private consultant may need to be hired to assist with this work, as was done in Lake of Bays, but this is an expense for the municipality. In an interview with a planner from Lake of Bays, it was also found that it was initially challenging for municipal staff and the public to learn the new CPPS process. Their transition was therefore evaluated as 'satisfactory'. In Gananoque, they found that their small number of planning staff (two planners) resulted in an easier transition as fewer people had to learn the process.

Implementing the CPPS by-law is a public process that requires open houses and public meetings. Also, the by-law can be appealed to the LPAT by anyone until it is adopted. In Innisfil, the implementation of their CPPS was initially delayed by an LPAT appeal regarding regulations on a specific shoreline. For this reason, the transition process in Innisfil was ranked as 'satisfactory'. Aside from this delay, the transition to the new planning tool in all other areas of Innisfil not affected by this LPAT hearing went relatively well.

A challenging transition from a previous policy tool to the Community Planning Permit System may be a barrier in implementing this type of regulation. Through this analysis, creating and implementing a Community Planning Permit System appeared to be a relatively uncomplicated process across the four case municipalities, which is why this criterion received a score of 9/12. If Frontenac County were to adopt the CPPS system, these concerns could potentially be mitigated by including opportunities for collaboration and education with the public and external agencies while developing the policy. This early involvement in the creation of the CPPS could generate support and understanding from the public, staff, and external agencies.

Ease of Enforcement

All four of the case municipalities utilize a complaint-based system of enforcement. As a result, a score of 6/12 was given for this criterion. While a complaint-based system may require less time and resources, it provides greater opportunity for non-compliance to go unnoticed. It is not uncommon in the case municipalities for town planners, building inspectors, and by-law officers to monitor for infractions while in the field completing other unrelated work. However, this method cannot detect all unpermitted activity. In Gananoque, in addition to complaint-based enforcement, a \$500 deposit is required in order to encourage compliance. The deposit is required prior to applicants entering into an agreement with the municipality. The deposit is beneficial as it encourages applicants to remain accountable to the approved plans and drawings.

CPPS applications can also be approved with conditions. The conditional approval can help to ensure the public remains accountable to the by-law and develops according to the approved specifications. Conditions can also include other measures such as ongoing monitoring.

Applicant Effort

Applications under the CPPS in all case municipalities include pre-consultation with staff which was either mandatory or strongly recommended. Application effort was therefore ranked as 'satisfactory' for most case municipalities and received a score of 9/12. Although the pre-consultation process for CPPS applications may initially be time consuming for applicants, it allows their application to be processed more efficiently and with little need for further applicant effort (depending on the application class) once staff deems the application complete. Similarly, the pre-consultation process aims to ensure that if an application requires any approvals from external agencies, the information these agencies require is already available within the application material to allow external reviews and clearances to be completed in a timely manner.

The CPPS process combines site plan control, minor variance, and site alteration approvals into one application. The application process is streamlined so applicants only need to submit one development application. Moreover, this creates predictability for applicants as there is only one application that they must learn and understand how to complete. For these reasons, the CPPS scored 9/12 for applicant effort.

Application Timeline

The Community Planning Permit System scored 12/12 with respect to application timeline. On average, the four case municipalities take approximately one to two weeks to deem an application complete during the pre-screening stage. From the date that an application is deemed complete, a decision on the application must be made within 45 days, as legislated by the *Planning Act* under Section 12 of O. Reg. 173/16. Ensuring that municipalities have all the necessary information and materials up front assists staff in being able

to make a decision within the prescribed timeline. Based on the interviews with planners from the case municipalities, the 45-day timeline is regularly met in each municipality.

The CPPS system allows Council to delegate some approvals to staff, allowing applications to be processed more quickly as an application does not need to wait to be heard before a Council or Committee of Adjustment (CoA). Currently in Frontenac County, the CoA manages more applications related to waterfront development than any other type. Implementing a planning tool which allows approval to be delegated to staff could significantly reduce the time required to process shoreline planning permits as only applications which request significant variations to CPPS standards will require CoA approval.

Collaboration with External Agencies

The CPPS system scored 8/12 for this criterion. Based on interview data, Gananoque and Lake of Bays scored poorly for the amount of collaboration with external agencies. Gananoque distributes applications to more than five external agencies and Lake of Bays does not collaborate with any external agencies as they do not have a local conservation authority. Applications in both Innisfil and Carleton Place are reviewed by their local conservation authority, and in Innisfil, depending on the nature of the application, the Ministry of Natural Resources and Forestry (MNRF).

The CPPS system would not require the County to collaborate more than it currently does with external agencies but would not limit the capacity to seek review from relevant agencies. The amount of collaboration necessary for an application could be determined based on the class that the application falls into.

Geographic Scope

A CPPS may apply to an entire municipality or only specific areas, such as heritage districts or waterfront areas. In Innisfil, the CPPS only applies to properties within the designated “Shoreline Protection Area”. Therefore, the ability of the by-law to protect ecosystems beyond this designated area may be limited and was rated as 'satisfactory'. The CPPS by-laws for Carleton Place, Lake of Bays, and Gananoque apply to the entire municipality and thus have a greater capacity to protect the natural environment beyond an individual property or shoreline. Based on this information, the criterion was given a score of 11/12.

As the majority of planning approvals in Frontenac County involve natural heritage, a by-law which applies to the entire County may have the capacity to better protect this important asset than one which is only applied to certain areas of the County. However, to ease the transition to the CPPS, the County could choose to initially prioritize shoreline protection before expanding the control area.

Shoreline Protection

Lake of Bays, Innisfil, and Carleton Place each received a ranking of 'good' for shoreline protection and the CPPS received a score of 11/12. Implementing a CPPS provides an opportunity for municipalities to develop policies that better protect the environment and are more in line with the conservation authorities' regulations. In Innisfil, the municipality worked with the Lake Simcoe Region Conservation Authority when creating their CPPS by-law to ensure that it aligned with conservation authority regulations in order to best protect the waterfront. As the CPPS has a more comprehensive definition of development, implementing a CPPS may result in more activities requiring a permit, such

as vegetation removal, than was previously required. Similarly, in Carleton Place, a more in-depth review process is required for environmentally sensitive lands.

Public Support

The CPPS received a score of 12/12 for this criterion. In interviews with planners, all four case municipalities indicated that the public was supportive of the policy tool. The *Planning Act* identifies specific requirements for public outreach when establishing CPPS policies in an official plan and developing a CPPS by-law. In all four municipalities, extensive public consultation took place during the creation of the CPPS. As a result, the public was more likely to understand and support the process for development. Additionally, the CPPS system combines a variety of application types into one, creating a predictable application process which is more desirable for the public.

Connection to Frontenac County

The Community Planning Permit System is an effective planning tool for shoreline protection in Frontenac County. There are many benefits to this system, as outlined above. The amount of effort required from applicants and the cost of an application is dependent on the complexity of the proposed development. The flexibility of the application and associated costs can encourage more residents to adhere to the application process, theoretically reducing the need for enforcement.

The geographic scope of the CPPS makes this planning tool an efficient framework for Frontenac County to implement. The CPPS may be implemented solely in shoreline areas where increasing development and growth pressures are greatest, should the County wish to do so. This

allows time for residents and municipal staff to adjust to the new process, while still working towards the goal of improved shoreline protection. Once the County and townships are comfortable with the CPPS, it can be implemented county-wide for all types of applications beyond waterfront areas. The flexibility of the CPPS in many of the evaluation criteria resulted in it being the recommended planning tool for Frontenac County.

3.3 The Role of Conservation Authorities

Conservation authorities' main role in municipal planning is through plan review and regulatory permitting. CA's review numerous municipal documents such as official plans and zoning by-laws as well as development applications including minor variances, site plans, and amendments to the official plan or zoning by-law. They focus on environmental considerations including water quality and quantity, natural heritage features, and natural hazards. For development applications, CA's will make recommendations to a municipality on whether or not a development should be approved, but the ultimate decision rests with the municipality. In some cases, CA's must provide permits for a development to proceed, thus, should the municipality decide against a recommendation from the CA, the CA must find a balance between development and environmental protection.

A CA may receive a large number of applications to review, with Cataraqui Region Conservation Authority (CRCA) reviewing approximately 300-400 development applications per year. Depending on the nature of the application, the CA may provide comments through a short phone call or may provide them in a more formal manner. The timeline allowed for CA's to review applications is largely dependent on the complexity of the application and the request of the municipality with timelines ranging from one to four weeks.

Conservation authorities are involved in enforcement when a permit has been issued. It is common for a building official to conduct one compliance check after the issuing of a permit but, due to minimal staff resources and the broad areas that are typically regulated by CA's, a risk-based approach is important to make efficient use of staff time. With this approach, compliance checks are conducted based on



the potential risks to the environment or neighbouring properties should the restrictions of the permit not be adhered to. Developments with a greater impact are more likely to require one or two compliance checks while smaller developments, such as additions or sheds far from the shoreline, are less likely to require compliance checks. Additionally, CA's receive tips about the need for enforcement through municipal planning staff, building staff, and local residents on a complaint basis.

Public education and outreach is an important role of conservation authorities in addition to the roles outlined above. Social media is a commonly used method of informing the public, but according to planners from CRCA and Rideau Valley Conservation Authority (RVCA), the most effective way to engage the public is to meet in person. This can be done in several ways including community events, local festivals, and meetings with local associations, but both planners

expressed the importance of one-on-one education with individual landowners. Site visits are a valuable opportunity to provide information to the public about best practices for minimizing one's impact on the environment and directly answer any questions that may arise.

From an environmental perspective, the planners from CRCA and RVCA both expressed the importance of managing shoreline development with a high-order, comprehensive policy tool as opposed to one-off tools that were referred to as "patch-work". Of the four tools examined in this report, site alteration by-laws were believed to be the most effective along with the Community Planning Permit System (CPPS), although both planners admitted they had little experience with the CPPS and were basing their opinion on studies and anecdotes from other agencies and municipalities. For environmental protection, minor variances and site plan control processes were seen to have benefits but also limitations for protection as they may be less comprehensive and may result in greater inconsistency with respect to shoreline development.



Chapter Four - Recommendations

4. Recommendations

4.1. Justification

Having received the highest score of 83% through the evaluation of the planning tools in Chapter 3, the implementation of a Community Planning Permit System (CPPS) is recommended for Frontenac County's policy update. Several criteria rated highly using the scoring system, including cost effectiveness for the applicant, application timeline, and public support. Other criteria that also received high ratings include geographic scope and shoreline protection. Figure 12 illustrates common terms used throughout interviews with proponents of the CPPS, highlighting the key themes and strengths of the planning tool.

The CPPS is the most appropriate planning tool to regulate shoreline development in Frontenac County in large part because of its efficiency. By combining zoning, site plan control, and minor variance processes into one regulatory process, a more cohesive, consistent, and streamlined approach can be taken toward regulating development. This may have the effect of reducing the duplication of applications and approvals, as well as reducing the amount of time required to process development applications. Furthermore, CPPS procedures strongly encourage

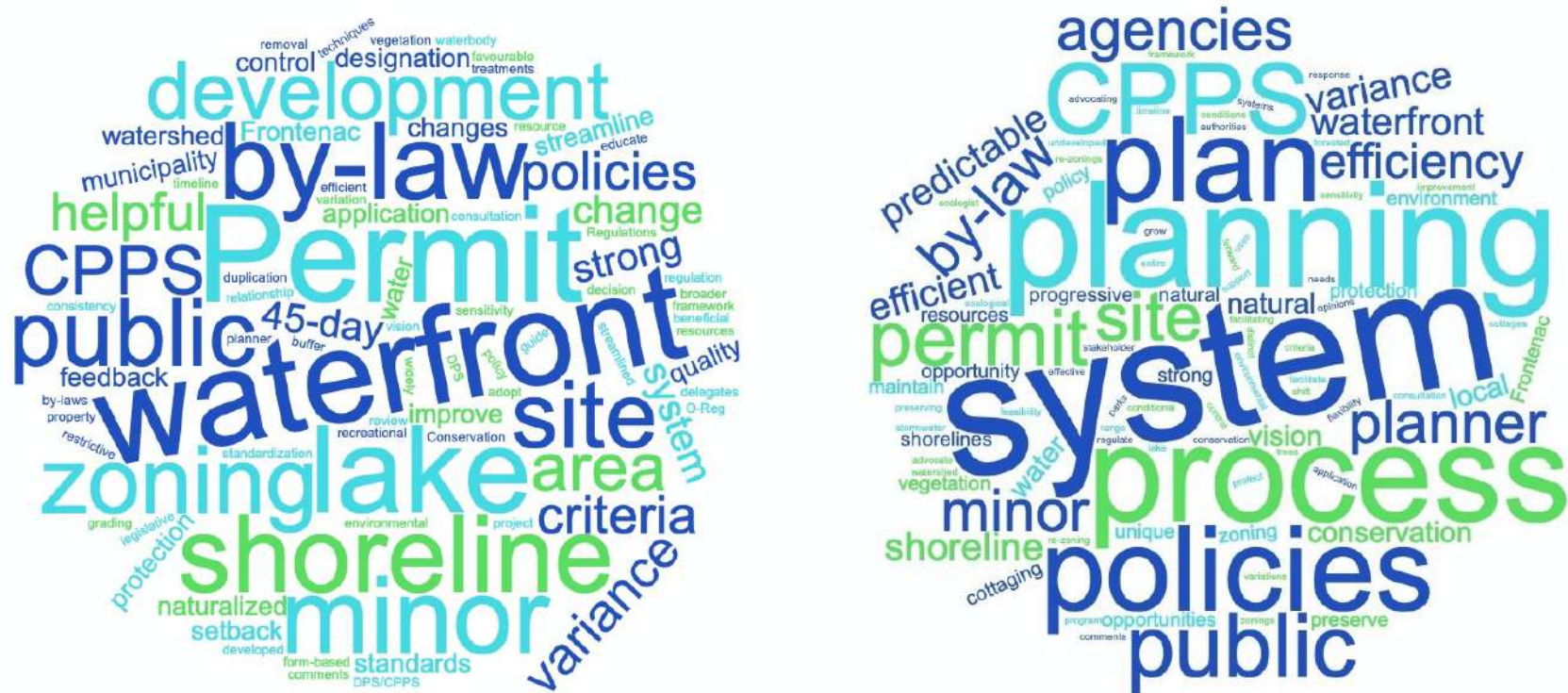


Figure 12. Key words from interviews conducted about DPS/CPPS.

pre-consultation which creates a transparent and upfront process ensuring applicants are fully aware of what class of application they are submitting, what is required from them, and the costs associated with their application.

The efficiency of the CPPS is enhanced by the flexibility that is built into the system. The system allows discretionary uses, as well as development standards that may vary within specific ranges of possible variation. Permitted uses are required in the CPPS and function the same as in traditional zoning by-laws. Municipalities also have the ability to establish discretionary uses. Discretionary uses are those that may be permitted if criteria established in the by-law are met. Discretionary uses often require additional information or studies to determine their potential impact on and suitability for an area. Further, the CPPS by-law is required to establish minimum and maximum standards for development. It may establish the possible variation in standards as a percentage or an absolute number, demonstrating the integration of minor variance processes into the system.

Development applications are typically categorized into three classes, though the exact number of classes and the defining features can be determined by the municipality. The CPPS allows council to delegate approval authority for certain applications to municipal planning staff, enabling staff to establish their own internal review process. Therefore, applications which require little or no deviation from regulations can be processed quickly and only require the approval of planning staff. These are sometimes referred to as “staff variations” and are a unique feature of the CPPS as they remove the need to consult the Committee of Adjustment for more straightforward applications.

By delegating authority to planning staff, planners would be able to approve or deny applications, issue community planning permits, impose conditions on an application prior to a permit being issued, attach conditions to an issued permit, and/or enter into agreements in relation to the community planning permit (OMMAH, 2008). With only one Committee of Adjustment meeting per month and the need to submit an application several weeks in advance, delegating decisions to staff for less complex applications could result in significant time savings for the applicant. By reducing the timeline for simple applications, delegating approval authority to planning staff also reduces the costs associated with processing applications and provides planning staff with more power in municipal planning decisions. These features lend to greater public support as the process becomes quicker and more cost-effective for applicants.

The CPPS is also flexible in that it does not need to be implemented across an entire municipality. The system can be implemented in areas of specific concern such as waterfront areas. This can help a municipality transition to a CPPS while protecting areas that they consider to be a priority for greater regulation of development.

Finally, shoreline protection is a priority in Frontenac County and the CPPS contains measures that improve the protection of natural features. One such measure is the ability to define discretionary uses. Discretionary uses are those that are permitted in certain areas only if specific conditions and criteria are met (Ontario Ministry of Municipal Affairs and Housing, 2008). This is most beneficial in sites adjacent to sensitive environmental features as a municipality can request further studies demonstrating that

the impact of development will be minimal. The CPPS also uses a different definition of development than what is stated in Section 41 of the *Planning Act*. The CPPS broadens the definition, enabling municipalities to expand the number of activities requiring development permits including site alteration and the removal of vegetation (OMMAH, 2008). Under this definition, a municipality has greater control over types of development that may negatively impact shorelines and water resources through site alteration processes and the removal of trees. For example, the CPPS could be utilized to maintain or enhance natural self-sustaining vegetation on a site that provides connectivity between natural features such as on shoreline properties.

The Community Planning Permit System received a score of 83% during the evaluation stage of the research. While this score is only four percent greater than that of site alteration by-laws, it is important to note that Community Planning Permit Systems integrate elements from each of the policy tools researched: minor variance, site plan control, and site alteration by-laws. Further, secondary research beyond the case studies identifies many benefits of the CPPS more broadly, which further justifies the recommendation of the CPPS. Therefore, even though the score for the CPPS was the greatest by only a small margin, qualitative considerations from interviews and secondary research emphasizes its success as a planning tool. Additionally, there are limitations with site alteration by-laws that are not accurately represented and strengths within the CPPS that are insufficiently highlighted in the criteria and scoring charts.

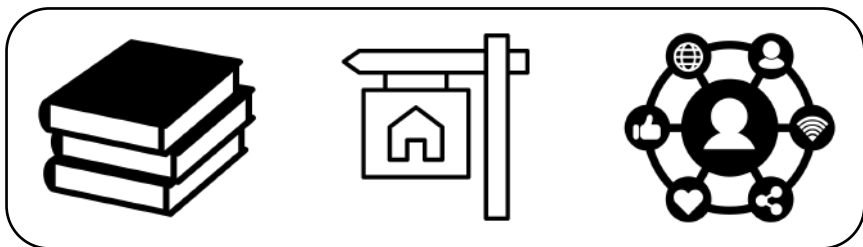
Site alteration by-laws are not a common planning tool, as they are not outlined in the *Planning Act*. They are generally limited to specific sites, which limits the geographic scope of each permit issued under the by-law. Frontenac

County is looking for a cohesive approach to protect their shorelines as they experience growth pressures, and site alteration by-laws will not provide this for the County as a whole. Alternatively, the CPPS can provide shoreline protection for all townships within the County, ensuring a consistent approach.

4.2. Application to Frontenac County

Based on information gathered through document reviews, policy analysis, and interviews, six recommendations are provided for implementation of the CPPS in Frontenac County. These recommendations were established specific to the needs of the County, as expressed in initial meetings with planning staff. They include guidance for following provincial regulations in the implementation of a CPPS, best practices from case study municipalities, methods to gain public support, and ideas for formulating applications. The findings are intended to better inform and prepare Frontenac County for the CPPS implementation process, so that the County can achieve its goals of shoreline protection.

4.2.1. Undertake Education for Planning Staff and the Public



Prioritizing public education will contribute to the overall success of the implementation of the CPPS. Planning documentation can include technical details and wording, which can be difficult for members of the public to understand when completing an application. Having planning staff available to explain processes and technical details would greatly benefit the public who may be affected by the new by-law. In interviews, municipalities that prioritized public education and utilized a variety of methods found that they received a higher number of completed applications and had fewer issues with non-compliance. Methods of public education include:

- ▶ One to two-page pamphlets and fact sheets (samples can be found in Appendix E)
- ▶ On-site education during site visits
- ▶ Collaboration with lake associations, real estate agents, and relevant stakeholders
- ▶ Social media
- ▶ Community events
- ▶ Open Houses, Public Information Centres, and Public Meetings
- ▶ Government documents

Additional information regarding these public education methods can be found in Appendix E.

4.2.2. Ensure Compliance with Ontario Regulation 173/16 (O Reg 173/16) – Community Planning Permits



Ontario Regulation 173/16 – Community Planning Permits currently governs the development of Community Planning Permit By-laws in Ontario municipalities, amending Ontario Regulation 246/01 – Development Permits. Any municipality creating a CPPS by-law within their jurisdiction shall comply with the provisions outlined in the regulation. The official plan of a municipality implementing a CPPS is required to:

- designate areas as proposed development permit areas;
- set out the scope of the authority that may be delegated and any limitations on the delegation, if the council intends to delegate any authority under the development permit by-law;
- contain a statement of the municipality's objectives in proposing a development permit system for each area;
- set out the types of conditions that may be included in the development permit by-law that council may impose prior to the issuance of a development permit; and
- for each proposed development permit area, set out the types of criteria that may be included in the development permit by-law for determining whether any class or classes of development or use of land may be permitted by development permit. O. Reg. 246/01, s. 2.

Once the County has amended the Official Plan for inclusion of the above elements, staff may begin the process of preparing the CPPS by-law. A community planning permit is required as per O. Reg 173/16 to:

- ▶ contain a description of the area to which the by-law applies, which shall be within the boundaries of an area identified in the official plan as a proposed community planning permit area;
- ▶ set out and define the permitted uses of land;
- ▶ set out a list of minimum and maximum standards for development;
- ▶ (c.1) give effect to the policies described in subsection 16(4) of the Act, if the municipality is prescribed for the purposes of that subsection;
- ▶ set out any internal review procedures regarding decisions made under subsection 10;
- ▶ set out the manner in which notice shall be given, under subsection 10(13), of decisions made under subsection 10(9);
- ▶ provide that a community planning permit may be amended as described in the by-law;
- ▶ provide that an agreement referred to in paragraph 7 of subsection (5) may be amended as described in the by-law;
- ▶ provide that an agreement referred to in section 6 may be amended in the same way as an agreement referred to in paragraph 7 of subsection (5);
- ▶ if the council wishes to impose conditions in making decisions under subsection 10 (9), outline the conditions;
- ▶ if the council is delegating any authority under the by-law, set out the scope of the authority that is delegated and any limitations on the delegation; and

- ▶ state that the placement of a portable classroom on a school site of a district school board is exempt from the requirement for a community planning permit if the school site was in existence on January 1, 2007, in accordance with section 16. O. Reg. 173/16, s. 4 (2); O. Reg. 234/18, s. 1 (1).

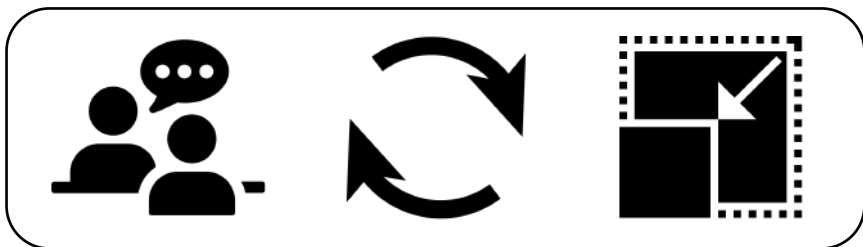
Prior to the decision to transition to a CPPS, it is recommended that County staff further familiarize themselves with the functions of the CPPS as written within this report, to be better prepared for the creation and implementation of the new system. A useful document is the *Development Permit System: A Handbook for Municipal Implementation* (OMMAH, 2008). While the DPS has been amended by the CPPS, this handbook still provides beneficial information for municipalities implementing the DPS/CPPS system.

Sections of the handbook include:

- ▶ Key features of the DPS
- ▶ How to use the DPS to address current planning issues
- ▶ Community consultation and the DPS
- ▶ How to establish a DPS, including how to amend official plans to meet DPS requirements

It is recommended that all planners within the County review this document which can be found in the list of Recommended Literature in Appendix G.3.

4.2.3. Utilize a Pilot Program for CPPS Shoreline Permits



Several interviewees recommended that the County implement the CPPS in phases. Options would include following the approach of Lake of Bays, who initially implemented their DPS to only shoreline and rural areas. This recommendation is particularly useful in light of the fact that Section 17 of O. Reg. 173/16 states that when a by-law establishing a Community Planning Permit System is passed, no person or public body can request an amendment to the relevant official plan policies before the fifth anniversary from the day the by-law was passed.

Policies within the official plan which cannot be amended during this 5 year period include: the area proposed for the community planning permit system; changing the scope of authority; changing the criteria determining the development classes within the permit by-law; or changing the conditions which can be attached to approved permits. Being unable to change, revoke or replace a CPPS by-law serves as further incentive for the County to implement the CPPS in phases for scenario testing. For these reasons, Frontenac County may consider creating a CPPS by-law that is only applicable to shoreline areas to limit the scope of the CPPS and ease the transition. Once the community is comfortable and familiar with the CPPS, Frontenac County may consider implementing another phase of the CPPS to include other sensitive land

uses. Interviewees expressed that the initial use of the CPPS on a smaller scale allowed both planners and the public more time to learn and adjust to the new system. The long-term goal would be to implement a County-wide CPPS for a streamlined approach to all land uses across the County.

Using a pilot program for the CPPS also allows planners to identify the areas most vulnerable to development pressures and address these areas first. The ability to apply the CPPS in only certain areas helps ensure action is taken quickly to protect the waterfront while deciding whether or not the CPPS should be applied to the County as a whole

4.2.4. Consult with the Public and Relevant Stakeholders



Public consultation will be a critical component of a potential transition to the CPPS and is a requirement under the *Planning Act*. Ensuring members of the community are able to participate in the initial stages of the creation of the CPPS will help encourage the public to support the use of this new policy tool. General public support for the tool may result in greater compliance with CPPS requirements.

As the CPPS is a relatively new system in municipal planning in Ontario, there can be misconceptions as to its application and relevance to municipalities with existing development tools. For example, during an open house in Innisfil, a member of the public questioned why a CPPS was required when zoning by-laws were already in place. The decision to transition to a CPPS was made because municipal staff believed that the CPPS was a more appropriate tool for shoreline management (Town of Innisfil, 2017). Public consultation can be used as an opportunity to explain the reasoning behind the transition to the CPPS.

It is recommended that Frontenac undertake consultation events within all of their townships to educate the public about the CPPS, answer questions, and clarify misconceptions about the system. Open houses, public information sessions, and public meetings were highlighted by

case study interviewees as the most common methods for public engagement in the implementation process of their CPPS. After developing the by-law, the County would be required to hold at least one open house and a subsequent public meeting before council passes the by-law as per section 17(16) of the *Planning Act*. If there is no appeal at this stage, the zoning by-law in the area subject to the CPPS by-law will be repealed. If the by-law is appealed, the case will be brought to the LPAT.

As demonstrated in the following quotes, all four case study municipalities engaged in some degree of public consultation,

- ▶ “...there was extensive public consultation on this process with the public, external agencies, staff, and consultants.” – **Carleton Place**
- ▶ “There was significant public consultation...The feedback received was mostly positive with some concerns or questions regarding the grandfathering (legal non-conforming use) of existing structures and water structure restrictions.” – **Innisfil**
- ▶ “The public was well aware throughout the whole process that this was coming.” – **Gananoque**
- ▶ “I do know that the people that were involved, they love the system...even our lake association and a lot of the builders and designers, they are big supporters of the Development Permit System over the site plan process.” – **Lake of Bays**

Public consultation events foster transparency, which was noted as an important factor in the transition process to the CPPS. A consultant who worked on the CPPS for both Innisfil and Lake of Bays advised to “...assure the public that this process is transparent, it’s

predictable, and it’s efficient.” In addition, Lake of Bays highlighted the importance of consulting with their lake associations. They felt that these associations had important local knowledge regarding individual lakes that the municipality may lack. With the number of lakes and lake associations in Frontenac, this will be an important part of the consultation process.

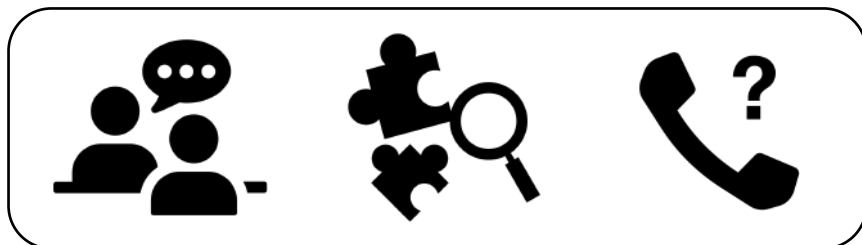
4.2.5. Formulate Application Criteria and Create Application Form



Community Planning Permit System applications vary from municipality to municipality due to the number and type of classes outlined in the by-law. Class I developments may be completed by the applicant with the sole help of planning staff, whereas more complex applications such as Class II or Class III may require collaboration with external experts for technical reports and drawings. Basic application criteria are outlined in the O. Reg. 173/16 – Community Planning Permits (Schedule 1) while more specific criteria are often dependent on the conditions present in the municipality.

A sample CPPS application form has been created for the County based on existing CPPS applications from other municipalities. It can be found in Appendix F.

4.2.6. Consult with Municipalities Using the CPPS Throughout the Process



Interviewees from municipalities currently using the CPPS provided great insight into the transition, daily use of, and challenges surrounding this process. This information helped form the content of the case study analysis, which can be found in Appendix D, and should be reviewed and referenced throughout the implementation process of a CPPS in Frontenac County. In addition to this information, the County would benefit from consulting with professionals that have implemented a CPPS in their community. The municipalities referenced in this report are:

- The Township of Lake of Bays
- The Town of Innisfil
- The Town of Carleton Place
- The Town of Gananoque

These municipalities are all strong advocates for the CPPS and have been consulting with other municipalities who are interested in the system.

4.3. Considerations

While the CPPS has many advantages over the other planning tools explored in this report, there are some important considerations that must be taken into account before adopting this system in Frontenac County. The following considerations are based on the case study research, as well as secondary research conducted with respect to the DPS and CPPS more broadly.

4.3.1. Enforcement

As is the case for many municipalities and planning tools across Ontario, enforcing community planning permits is a difficult task. The CPPS does not demonstrate any improvements in enforcement as it is still largely a complaint-based system. Some municipalities may choose to require a refundable deposit which can encourage compliance, but there is always a risk of development occurring without any application being submitted. However, shorter timelines for development and improved cost-effectiveness achieved through the CPPS may reduce the number of such cases.

4.3.2. Transition Process

The substantial amount of effort and time required to transition to a CPPS is another important consideration. The CPPS requires a complete update of the official plan and zoning by-laws. If these documents were recently updated, the process may be less appealing than if older documents already require updating. A public consultation process is also required for the implementation of the system, and significant public input at the front-end of the process is important for keeping the community involved and aware of

the progress. Public consultation is required in order to ensure residents have a say in the new system, however it can be a large undertaking and may require the hiring of a private consultant. Inevitably, there will be more staff effort required at the outset of the process of implementing the CPPS. However, once the system is established, staff time can be saved by reducing the number of LPAT hearings and the amount of negotiation and consultation through the Committee of Adjustment.

Two of the case municipalities studied, Innisfil and Carleton Place, used interim control by-laws to temporarily freeze development activities while undertaking the development and implementation of the CPPS. Interim control by-laws are permitted for use under section 38(1) of the *Planning Act* for a period of no longer than one year after the date of passing the by-law. While interim control by-laws are a useful tool when research is needed in an area, using an interim control by-law is not recommended for Frontenac County. An interim control bylaw imposes a strict prohibition on development for a period of time which is contradictory to the flexibility achieved through the implementation of a CPPS. Interim control by-laws are a sweeping and powerful measure that require no notice or hearing prior to their passing. Passing an interim control by-law may be a controversial step in developing a CPPS and is contradictory to the goals of the CPPS. Therefore, the passing of an interim control by-law is not recommended for Frontenac County.

4.3.3. Appeals

Appeals to the Local Planning Appeal Tribunal are still possible through the CPPS but only until the adoption of the system. Once the CPPS is adopted, only decisions and non-decisions may be appealed by an applicant. As a result,

no third-party appeals from community members may be made, and there is no requirement for community notification of building permit requests. The basis of this concept is consistent with current “as-of-right” development where a proposal may be built without public notification as long as it conforms with current zoning. Applicants do, however, have the right to appeal a decision if they feel the by-law has been misinterpreted. An issue with front-loading community input while developing the by-law is that the LPAT could change the agreed-upon rules in the by-law if appealed, and the rules would be integrated into the by-law unless they are amended, or the by-law is rescinded.

O. Reg. 173/16 sets out a 45-day timeline for a decision to be made on a CPPS application. If a decision has not been made within 45 days after the date on which the complete application has been received, the applicant may appeal to the LPAT for failure to make a decision. This timeline may prove to be difficult to meet for council and staff, especially during the busiest times of the year, and may put the County at risk of appeals to the LPAT for non-decision. However, appealing for non-decision prolongs the process and may not be in the best interest of applicants. Further, conditions imposed on a community planning permit, such as those related to preserving trees or vegetation, may be appealed to the LPAT by the applicant. If appealed successfully and regularly, conditions on community planning permits may lose effectiveness for protecting vegetation. However, the CPPS encourages predictability in development application decisions, and this predictability may help to reduce appeals, as applicants know to expect that the specifications in the CPPS by-law must be met.

4.3.4. Community Consultation

Another consideration when implementing the CPPS is that public input is greatest at the beginning of the process of establishing the CPPS by-law. This means that community consultation may be demanding during the development of the CPPS but may be viewed as a trade-off for a consistent and predictable system. Difficulties may arise when attempting to reach an agreement with the public with respect to detailed standards for the CPPS area(s). It is important to remember that returning to standards of the previous zoning by-law is not the goal, and deviations from the standards will not be permitted in the same way that minor variances are permitted in relation to zoning by-laws. However, the requirement that the CPPS by-law shall conform with the policies set out in the official plan minimizes the risk of adopting ineffective development standards.

4.4. Conclusion

The findings in this report are intended to inform a policy update to address waterfront development in Frontenac County. With this objective as the focus, the report identified current policies used to manage waterfront development, analyzed four planning tools using twelve case study municipalities in Ontario, and specifically evaluated the four planning tools’ suitability for use in Frontenac County. The tool chosen had to be reflective of Frontenac County’s commitment to environmental sustainability and community building. It is important to the County to protect the many valuable natural features that exist across the County. Additionally, the chosen policy had

to include opportunities for collaboration and cohesiveness across the four County Townships as well as with relevant stakeholders such as the local conservation authorities, lake associations, and the public.

Overall, the Community Planning Permit System was determined to be the most effective planning tool for Frontenac County. The CPPS offers an efficient, flexible system which can meet the needs of both County staff as well as the Frontenac County public while improving the protection of their shorelines. We hope that this report will assist in the decision-making process for Frontenac County to establish a more efficient and effective process for shoreline management and waterfront development in the County.