

The Township of Rideau Lakes



# Rideau Lakes

## Request for Proposals

Interim Control By-Law for Tourist Campgrounds –  
Land Use Study & Consultations

DS 2021-03

## Contents

1.0 Information to Bidders.....	3
General Description .....	3
Bid Submission .....	3
Registration .....	3
RFP Schedule.....	3
Cost of Submission .....	4
Right to Accept or Reject Proposal .....	4
Validity .....	4
Withdrawal of Proposal Prior to Closing.....	4
Review of Documents .....	4
Multiple Proposals .....	4
Addenda .....	4
Price Submission .....	5
Award.....	5
Collection of Personal Information and Confidentiality Provision .....	5
Standard Terms and Conditions.....	5
Terms of Payment and Invoices .....	5
Termination.....	6
Background Check.....	6
Conduct of Vendor Staff .....	6
Accessibility .....	6
Insurance – Liability, Automotive and Non-Owned Automobile Insurance .....	6
Workplace Safety Insurance Act .....	7
Contractor’s Liability .....	7
Quality of Work.....	7
Conflict of Interest .....	7
Lobbying.....	7
Questions Regarding the Request for Proposal.....	8
2.0 Submission Forms .....	9
Form for Proposal .....	9
Price Schedule.....	9
Bidder’s Declaration Form .....	10
3.0 Proposal Format.....	11
4.0 Terms of Reference .....	12

## DS 2021-03

Project Background and Overview.....	12
Summary of Work Overview.....	12
Project Timing and Phasing.....	12
Proposal Content .....	13
5.0 Evaluation Criteria.....	14
Step One – Core Criteria .....	14
Step Two – Evaluation Criteria .....	14
6.0 Bid Evaluation Process .....	15

### 1.0 Information to Bidders

#### General Description

The Corporation of the Township of Rideau Lakes is inviting qualified firms and individuals to provide the services as described in the Terms of Reference.

#### Bid Submission

Proposals shall be made in the format specified in Section 1, include the forms in Section 2. Proposals shall be properly labeled with the proposal number 'DS 2021-03' and submitted no later than the Closing Date and Time.

**Proposals are to be submitted by email to: [bmulhern@rideaulakes.ca](mailto:bmulhern@rideaulakes.ca).** No sealed/hard copy submission is required. **Proposals will be received until 4:00p.m. E.S.T., September 1, 2021.** It is the Bidder's responsibility to ensure that the bid submission is received by the Manager of Development Services prior to the submission deadline.

**All proposals received will be held in strict confidence until after the closing date and time.**

#### Registration

Individuals or firms interested in submitting a proposal should register as a Bidder with the municipality to ensure they receive any addenda which may be issued. Individuals or firms may register by contacting the Manager of Development Services by email at the contact below:

Brittany Mulhern  
Manager of Development Services  
[bmulhern@rideaulakes.ca](mailto:bmulhern@rideaulakes.ca)

#### RFP Schedule

Every attempt will be made to meet all dates. The Township of Rideau Lakes reserves the right to modify any or all dates at its sole discretion.

**Last Day for Questions: August 26, 2021**  
**RFP Closing Date and Time: September 1, 2021 at 4:00pm**  
**Selection of Successful Vendor: September 2021**  
**Project Start: September 2021**

### **Cost of Submission**

The Township of Rideau Lakes will not be liable nor reimburse any Bidder for any costs incurred in developing a Proposal submission, attending meetings/interviews, demonstrating the goods and or services, legal services, or any other services that may be required in responding to this Request for Proposal.

### **Right to Accept or Reject Proposal**

The Township of Rideau Lakes reserves the right to reject any or all Proposals, as a whole or in part, and waive formalities as the interests of the Corporation may require, without stating reasons. Therefore, the lowest or any Proposal may not necessarily be accepted. If there are a limited number of responses to this request, the Township reserves the right to terminate the request or make further requests for proposals.

### **Validity**

The Proposal submitted shall remain valid for at least one hundred and twenty (120) days from the Proposal Closing Date.

### **Withdrawal of Proposal Prior to Closing**

A Bidder who has submitted a response to this Request for Proposal may request that such response be withdrawn. Withdrawals shall be completed and shall be allowed under the following conditions;

- 1 The RFP closing date and time has not passed. There shall be no withdrawals of Proposals allowed after the closing date and time for receiving Proposals;
- 2 The request is made in writing on the Bidder's letterhead and signed by a senior official of the Bidder, and include his direct contact information; and
- 3 The request is made to the Manager of Development Services by email.

In all cases, a request for the withdrawal of a Proposal will be verified by the Township of Rideau Lakes, by way of a telephone call to the senior official representing the Bidder and making the request, to confirm the withdrawal.

All confirmed requests for withdrawal will be placed on record and the associated Proposal shall be given no further consideration.

### **Review of Documents**

The Bidder must personally study the entire Request for Proposal document as to satisfy himself/herself of the conditions and requirements of the Proposal. There will be no consideration of any claim, after submission of Proposals, that there is a misunderstanding with respect to the conditions imposed by the Request for Proposal.

### **Multiple Proposals**

Multiple responses from any one Bidder are acceptable, providing each response is complete as per the format specified herein, and is packaged and transmitted separately;

### **Addenda**

The Township of Rideau Lakes may choose to issue addenda to provide clarification or additional information. Addenda will only be sent to vendors that have registered as Bidders. It is the Bidder's

responsibility to ensure they have received all addendums and provide the Township of Rideau Lakes with the proper contact information through the registration process.

### Price Submission

The Proposal price shall include total costs, in Canadian Dollars, including, but not limited to: labour, material, equipment, supervision, statutory charges and vendor overhead and profit.

### Award

Upon completion of evaluations, the Township of Rideau Lakes may select a Bidder with whom it wishes to undertake negotiations for the project. Negotiations may take the form of adding, deleting, or modifying certain requirements based on the response to the Request for Proposal, and adjusting pricing accordingly if required. Assuming mutually acceptable terms and conditions can be agreed upon, a purchase order will be issued to the selected bidder.

The Township of Rideau Lakes reserves the right in its absolute discretion to:

- 1 Adjust, discontinue, or cancel the submission process, and/or commence a new process for the same or similar goods or services, if the Township of Rideau Lakes, at its sole discretion, deems it necessary.
- 2 Accept or reject any submission(s) in whole or in part.

**Therefore, the lowest cost Proposal may not necessarily be accepted. The acceptance and award of a Proposal shall be subject to the approval of The Township of Rideau Lakes Council.**

### Collection of Personal Information and Confidentiality Provision

Any personal information collected through the Request for Proposal process will be done so, and managed, in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*. Any personal information collected is being done so for the purposes of proposal review and potential vendor selection.

All responses to this Request for Proposal will only be treated as Third Party Information and/or Economic or Other Interests in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* where **an explicit request to do so is provided in writing in the proposal**. Submission of a proposal without this explicit request shall constitute consent for disclosure in accordance with the Act.

The information contained in this Request for Proposal will be utilized by the Bidder solely for the purposes of preparing a submission. Any other use of the information for any other purpose is not authorized by the Township of Rideau Lakes.

### Standard Terms and Conditions

The Township of Rideau Lakes, maintains standard procurement Terms and Conditions that apply to this Proposal. A copy of the Township's Procurement of Goods and Services Policy – Revised March 2013 will be provided on request.

### Terms of Payment and Invoices

The Township of Rideau Lakes terms of payment are net thirty (30) calendar days upon receipt of invoice. Invoices are to be forwarded as goods or services that are rendered to the attention of:

Brittany Mulhern  
Manager of Development Services  
[bmulhern@rideaulakes.ca](mailto:bmulhern@rideaulakes.ca)

**Invoices submitted for goods not received or services not completed will be held until the date of delivery or completed prior to starting the net thirty days to payment.**

### **Termination**

The Township of Rideau Lakes reserves the right to terminate the contract for sufficient cause, including, but not limited to, poor performance, late deliveries, inferior quality, incorrect pricing, statutory non-compliance, and health and safety concerns. If any successful Bidder should neglect to perform the work properly or fail to perform any provision of the Request for Proposal, the Township of Rideau Lakes may terminate the contract after fifteen (15) business days with written notice to the vendor.

### **Background Check**

The Township of Rideau Lakes, at its discretion, may perform background checks on any service personnel, and reserves the right to refuse access to buildings or equipment to any personnel or other representatives of any successful vendor or manufacturer.

### **Conduct of Vendor Staff**

The successful vendor shall employ orderly, competent and skilled staff to ensure that the Request for Proposal is completed in a respectable manner. If any one person employed by the successful vendor in connection with the Request for Proposals efforts, in the opinion of the Township of Rideau Lakes is just cause for complaint, the vendor, upon notification from the Township of Rideau Lakes, shall not permit such person to continue in any future work arising out of the Request for Proposal.

### **Accessibility**

The Township of Rideau Lakes is required to comply with the Accessibility for Ontarians with Disabilities Act, 2005 as amended and any associated regulations.

Any successful Bidder for the completion of work with regards to this Request for Proposal must be aware of these requirements and certifies that all statutory requirements will be met at the vendor's full cost.

### **Insurance – Liability, Automotive and Non-Owned Automobile Insurance**

Without in any way limiting the liability of any successful vendor, the vendor shall:

- 1 Maintain and keep in force during the term of the contract, General Liability Insurance protecting the contractor's liability, legal or assumed, under the contract for all claims arising from personal injury to members of the public, damage to property of public including loss of use of such property and the minimum insurance shall be \$5,000,000.00.
- 2 Maintain and keep in force during the term of the contract, automobile and non-owned automobile insurance on all vehicles used in connection with the work under this contract. Such insurance is to carry the minimum limit of \$2,000,000.00.
- 3 Maintain and keep in force during the term of the contract, Contractor's contingent liability insurance, covering the liability of the Contractor under this contract in respect to his sub-contractor's same limits as required in Clause (a).

- 4 Deposit with the Township of Rideau Lakes, before commencing any work under this contract, a certificate of insurance detailing the coverage and expiry date for all policies duly executed by the insuring company stating that if said policies are cancelled or changed in any manner, sixty (60) days written notice of such change or cancellation will be given to the Corporation of the Township of Rideau Lakes, Clerk, Delta Ontario. The Township shall be shown as an additional insured.

### **Workplace Safety Insurance Act**

Any successful vendor is required to comply with all the regulations of the Workplace Safety and Insurance Board (WSIB) in respect to the contract work and all persons employed on or in connection therewith, and shall furnish a Certificate of Clearance from the Board to the Township of Rideau Lakes, and maintain good standing with the WSIB throughout the contract period.

### **Contractor's Liability**

Any successful vendor shall be liable for all injuries and/or death to persons and for damage to property caused by his/her operations and those of sub-contractors and their employees engaged on and off site; and shall indemnify and save harmless the Township of Rideau Lakes from all suits and actions for damages and costs to such damages to property of others as well as the Township, resulting from negligence, poor workmanship and materials, as well as any cause whatsoever in the performance of the work.

### **Quality of Work**

Any successful vendor at all times shall provide the Township of Rideau Lakes Representative with suitable access, and or status of the work covered under the Request for Proposal. The Township of Rideau Lakes Representative shall be the sole judge of the work and therefore of its acceptability. Work that is unsatisfactory, in the opinion of the Township of Rideau Lakes Representative, shall be made satisfactory at no additional cost to the Township of Rideau Lakes.

### **Conflict of Interest**

By submitting a bid, a Bidder declares that the submission is not made in connection with any other submitting Bidder or vendor, and is in all respects fair and without collusion or fraud and further that no member of Council, officer or employee of the Township of Rideau Lakes has become interested, directly or indirectly, as a contracting party, partner, stockholder, surety or otherwise on the performance of the said contract.

### **Lobbying**

In order to ensure fairness to all Proponents, the Township must endeavour to prevent unfair advantage created by lobbying. Therefore the Township reserves the right to disqualify, at any time and at its sole discretion, any Proponent engaging in lobbying in connection with a competitive bidding process between a date that is no later than the date of issue of the RFP and the date of signing of a contract or Purchase Order between the Township and the Successful Proponent(s). The Township may disqualify a Proponent at any time in the procurement process, including after the selection process has been completed.

Lobbying may include any activity that the Township, in its sole discretion, determines has or may give an unfair advantage to one Proponent relative to other Proponents. Without limiting the foregoing, lobbying may include:

- a) Verbal or written communication with or to any Township staff / Council member other than those identified as contacts in this RFP in respect of this RFP.

- b) Verbal or written communication with or to any expert or other advisor assisting the Evaluation and Selection of this RFP.
- c) Verbal or written communication with or to any member of the RFP Evaluation and Selection team other than those identified as contacts in this RFP.
- d) Direct or indirect requests by the Proponent to any person, organization or group to provide a written or verbal expression of support not required by this competitive bidding process to any member of the Evaluation and Selection team or Council.
- e) Verbal or written communication with or to media organizations.
- f) Direct or indirect offer of gifts of any kind or value to any Township representative or personnel.

### Questions Regarding the Request for Proposal

Bidders having questions or finding discrepancies or omissions, or having doubts as to the meaning or intent thereof, shall contact the Manager of Development Services. The Manager of Development Services may elect to provide clarifications directly or via an Addenda to all vendors, depending on the nature, scope and materiality of the questions. Any questions arising from the Request for Proposal shall be directed to:

Brittany Mulhern  
Manager of Development Services  
613-928-2251 ext. 244  
[bmulhern@rideaulakes.ca](mailto:bmulhern@rideaulakes.ca)

As some of the questions regarding the Proposal may be technical/administrative in nature, the Manager may internally forward such questions to proper department representatives for the needed responses. **The final day for questions will be as stated in the Request for Proposal.**



## 2.0 Submission Forms

### Form for Proposal

I/We have reviewed the RFP, including the Terms and Conditions, and Terms of Reference, and hereby offer to provide goods or services for the following amounts of money in exchange for the right to enact the requirements of the Proposal.

For the Provision of: Consultant Services – Tourist Campgrounds Land Use Study

Consultant Services as detailed in the Terms of Reference and Pricing Forwarded from Price Schedule	HST	Total Cost
\$	\$	\$

In writing: \_\_\_\_\_ Dollars

Registered Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

City: \_\_\_\_\_

Postal Code: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Signature of Authorized Officer: \_\_\_\_\_

Name of Authorized Officer (please print): \_\_\_\_\_

**Note for Signing Office: By my signature, I hereby confirm I am a principal, or have been duly authorized by the principal or board, to sign on behalf of the above named organization.**

### Price Schedule

Please attach an Excel Worksheet or other appropriate breakdown of price.

**Bidder's Declaration Form**

I/We (enter name) \_\_\_\_\_

Title/Position \_\_\_\_\_

Name of Organization or Business \_\_\_\_\_

1) Declare that no person, firm or corporation other than the one whose signature or the signature of whose proper officers is attached below, has any interest in this proposal or in the contract proposed to be undertaken.

2) Further declare that this proposal is made without any connection, knowledge, comparison of figures or arrangements with any other company, firm or person making a proposal for the same work and is in all respects fair and without collusion or fraud.

3) Further declare that no Township of Rideau Lakes employee, or member of Township of Rideau Lakes Council and their families is, or will become, interested directly as a contracting party or otherwise or in the performance of the contract or in the supplies, work or business to which it relates or in any portion of the profits thereof, or of any such supplies to be used therein or any of the monies to be derived therefrom.

4) Further declare that the several matters stated in the said proposal are in all respects true.

5) Further declare that I/We have examined the Project Documents and hereby propose and offer to enter into a contract to provide all of the items mentioned and described or implied therein, including, in every case, freight, duty, exchange, and to accept in full payment therefore, the sums calculated in accordance with the actual quantities provided, and unit prices attached to this proposal.

6) Agree that this offer is to continue open for acceptance until a formal contract is executed or a purchase order is issued to the successful Bidder.

Name of Authorized Officer (please print) \_\_\_\_\_

Signature of Authorized Officer \_\_\_\_\_

Signature of Witness \_\_\_\_\_

Name of Witness (please print) \_\_\_\_\_

Dated \_\_\_\_\_

### 3.0 Proposal Format

A digital file of each proposal, signed by the Bidder's authorized representative must be received.

The Bidder who puts forth the proposal will have them signed by an official authorized to bind the Bidder's firm and will provide the name(s), title(s), mailing address, email address and telephone number for the individual(s) to be contacted during the evaluation process.

To assure similarity in the Proposal presentation, and to facilitate the comparison of competing Proposals by the evaluation team, bidders shall include the required material using the sections as follows:

Title Page  
Cover Letter  
Signed Addenda – if any issued  
Submission Forms  
Proposal

## 4.0 Terms of Reference

### Project Background and Overview

The Township of Rideau Lakes is a rural municipality of approximately 10,300 permanent residents with a large seasonal population. There are approximately 16 existing campgrounds within the Township. The Township of Rideau Lakes has recently passed an Interim Control By-Law (Attachment A) related to the establishment of new campgrounds as well as expansions to existing campgrounds within the Township. Prior to implementing the ICBL the Township hired Fotenn Consulting to conduct a background report on the topic (Attachment B).

The Township is now seeking qualified consulting firms to undertake the noted necessary research and consultation with respect to developing land use policies and regulations concerning Tourist Campgrounds on all lands located in the Township of Rideau Lakes. It is anticipated that the successful firm will build upon the existing research in the background report and will provide multiple stakeholder sessions in order to complete the land use study. The stakeholder sessions, at a minimum will need to include current campground owners within the Township, lake associations and other relevant parties. An overall public consultation strategy should be included in the proposal. A proposed timeline with an emphasis on a quick turnaround should also be included. Council has directed staff to complete the study within 6 months if possible to reduce delays to campground owners. The anticipated goal of the study will be to provide the findings to Council and draft any associated Official Plan and/or Zoning By-Law Amendments.

### Summary of Work Overview

The scope of the works for the successful firm shall include, but not be limited to:

- Development and implementation of a public consultation strategy;
- Liaison with the Manager of Development Services and other Township staff as required;
- Completion of land use study;
- Assisting with responding to questions arising as a result of the land use study and consultations;
- Presentation of findings to Council;
- Drafting of any recommended Official Plan and/or Zoning By-Law Amendments; and
- Providing an electronic version of all documents in a form satisfactory to the Township

### Project Timing and Phasing

This project has a maximum deadline of August 2, 2022 in accordance with Section 38(1) of the Ontario Planning Act, however the anticipated deadline is March 31, 2022.

Proposals must be submitted to the undersigned electronically via email, clearly identified as to its contents, by no later than **4:00pm, September 1, 2021. Proposals received after this time will not be considered.**

### Proposal Content

Each proposal document should clearly demonstrate that the consultant possesses a clear understanding of the overall scope of the project and the particulars of the assignment. Additionally, each proposal should identify the project manager and key team members (including any members from specialized sub-consultants), describe their respective capabilities and roles, and provide resumes of each where appropriate.

The proposal document should describe the approach and methodology to be followed in completing all aspects of the project as described in the summary of work overview, and provide a detailed work plan and schedule (including a breakdown of tasks) sufficient to detail the level of effort proposed for individual team members, and a complete understanding of how the work is to be completed.

The proposal document should, as a minimum, contain the following information and material:

- a) A detailed description of the intended review approach.
- b) The name, size, location and description of the lead consulting firm, and in the event that any work is proposed to be undertaken in consultation with, or in association with, other consulting firms (sub-consultants), the name, size, location and description of such other firms.
- c) A list of similar projects undertaken by the lead consulting firm (and any sub consulting firms, where applicable), together with a list of respective reference contacts (client name, client contact person (project manager), and telephone number).
- d) A list of the staff or members of the design team to be assigned to work on the project, their location, including a detailed outline of past experience and involvement (with dates) in similar projects.
- e) A statement respecting the time and resources that are available to dedicate to this project.
- f) Daily and hourly rates for all staff or design team members to be assigned to the project.
- g) Additional hourly rates for all staff or design team members that would be responsible for assisting with on-site inspections. This rate shall not be included in the fixed fee but shall be submitted at the bottom of the spreadsheet for the fixed fee.
- h) A fixed fee (in Canadian dollars) for remuneration, inclusive of all disbursements and exclusive of the Harmonized Sales Tax. All sub-consultant fees shall be identified and included in the fixed fee. Any sub-consultant activity proposed shall be managed and paid for by the lead consulting firm. The lead consulting firm shall be responsible for the satisfactory provision and completion of any sub-consultant work or service.
- i) The fixed fee shall be submitted on a spreadsheet basis broken down to indicate specified work components, together with respective staff hours and rates.

## 5.0 Evaluation Criteria

The evaluation and selection process will be based on a two-step process.

### Step One – Core Criteria

The proposal submissions will be evaluated based on the submission information meeting the core requirements of the goods or services that are part of this Request for Proposal. The requirements listed below must be clearly met within the documentation of the proposal. Stating it can be done or has been done, will not constitute clearly meeting the requirement without proven background information demonstrating the vendor capabilities.

This table will be completed by the Manager during Step One of the process.

Core Requirements	Compliant	Bid Rejected
Bidders must clearly demonstrate their past work in Land Use Planning Studies, Public Consultations, and clear understanding of the Ontario Planning Act, Provincial Policy Statement and any other relevant policy.		

### Step Two – Evaluation Criteria

The second step of the evaluation process will only involve those proposals that the Township of Rideau Lakes have deemed acceptable from Step One of the process.

The second step is to establish the awarding of the proposal on a numerical scoring system. Proposals will be assigned a score for each category. Each category will be weighted as shown to reflect the goals for the proposal.

Description	Weight	Points	Maximum Total Points
<b>Qualifications, Expertise and Performance on Similar Projects:</b> Past ability to successfully complete projects within timelines and budgets Stability and reputation of the firm Qualifications of technical support staff Qualifications of senior staff / project manager	15%		15
<b>Proposed Project Manager and Team:</b> Past experience in directing / involvement with similar projects Specialized field or expertise & availability of multiple engineering professionals Understanding of proposed project	20%		20
<b>Completeness and Creativity of Proposal and Schedule:</b> Availability of key staff Demonstrated cost control / monitoring program Methodology and Schedule Quality Assurance Program	5%		5
<b>Financial Merits:</b> Overall cost of the submission for the services that are subject to this Request for Proposal	50%		50
<b>Knowledge of Township regarding this Project:</b> Members of the Consultant team must be familiar with the Township and the requirements of the community	10%		10
<b>Total Points</b>			<b>100</b>

## 6.0 Bid Evaluation Process

The objective of this section is to describe the criteria in the selection of a bidder with which the Township would:

- a) Enter into a contract for the goods or services identified in the invitation to bid; or,
- b) Commence the negotiation process for a contract; or,
- c) Recommend for Township of Rideau Lakes Council's consideration, the acceptance of the bid submission.

The following process would apply:

- a) Scrutiny of the bid submissions relative to compliance with the requirements of the Request for Proposal, such as signed forms, schedules, meeting technical specifications including adherence to items where "No Substitutes" are allowed, and agreement with the Township of Rideau Lakes General Terms and Conditions.
- b) Elimination of bids not meeting the fundamental requirements stated above, as well as elimination of bids not received on time.
- c) Elimination of bids from contractors and vendors where that contract, vendor, or its principals have been, or currently are, involved in litigation with the Township of Rideau Lakes, other than a claim for property damage or personal injury, where that litigation impacts upon the ability of the parties to further engage in reasonable business relations.
- d) Evaluation of the merits of all compliant bids. The evaluation will consider financial and technical merits, vendor/contractor reputation based on past performance with the Township of Rideau Lakes and with others, initial costs, ongoing maintenance costs and overall cost effectiveness over the long term.

BY-LAW NUMBER 2021-42

THE CORPORATION OF THE TOWNSHIP OF RIDEAU LAKES

BEING A BY-LAW UNDER THE PROVISIONS OF SECTION 38 OF THE *PLANNING ACT*, 1990, C.P. 13, AS AMENDED, TO ESTABLISH INTERIM CONTROL PROVISIONS FOR THE ENTIRETY OF THE TOWNSHIP OF RIDEAU LAKES TO PROHIBIT THE ESTABLISHMENT OR ENLARGEMENT OF TOURIST CAMPGROUNDS FOR A PERIOD OF 12 MONTHS IN ORDER TO ALLOW FOR THE COMPLETION OF FURTHER STUDY, WHICH MAY INCLUDE CONSULTATION AND CHANGES TO THE OFFICIAL PLAN AND/OR ZONING BY-LAW.

**WHEREAS** Section 38(1) of the *Planning Act*, R.S.O. 1990, as amended, permits the Council of a municipality to pass an Interim Control By-law where the Council has directed that a review or study be undertaken in respect of land use planning policies within the municipality or in any defined area or areas thereof;

**AND WHEREAS** the Township of Rideau Lakes Official Plan, section 5.5.3, states that Council may pass an Interim Control By-law to prevent or limit development until detailed planning studies for the lands governed by the By-law are completed and approved by Council;

**AND WHEREAS** the Council of the Corporation of the Township of Rideau Lakes passed a resolution directing staff to undertake a review with necessary research and consultation with respect to developing land use policies and regulations concerning "Tourist Campgrounds" on all lands located in the Township of Rideau Lakes;

**AND WHEREAS** the Council of the Corporation of the Township of Rideau Lakes deems it appropriate to now enact such an Interim Control By-law, in order to ensure that new Tourist Campgrounds are not created nor and existing Tourist Campgrounds are not expanded until a land use study can be completed and any necessary regulations adopted to appropriately manage the growth of this land use within the Township of Rideau Lakes;

**NOW THEREFORE** the Council of the Corporation of the Township of Rideau Lakes enacts as follows:

This by-law shall be known and cited as the "Tourist Campground Interim Control By-Law"

1. In this By-law, "Tourist Campground" means any parcel of land which is used to provide temporary accommodation for the public, as defined in the Township of Rideau Lakes Zoning By-law 2005-06;
2. In this By-law, the term "trailer(s)" shall include tourist trailers, recreational vehicles, and park model trailers, including any trailers constructed in accordance with the CSA Z-241 Park Model Standard;
3. This By-Law shall apply to all lands within the boundaries of the Township;



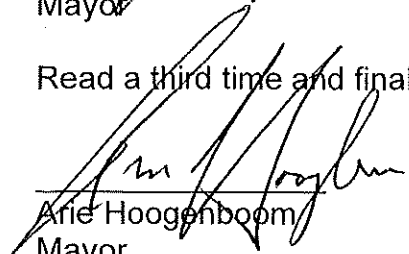
4. Notwithstanding any By-law to the contrary, no person shall permit the use of any land, building or structure for purposes of a Tourist Campground within the Township of Rideau Lakes;
5. The prohibition in paragraph 4 above shall not apply to a Tourist Campground that existed lawfully on the day immediately preceding the day this By-law is passed and which continues to be used for that purpose;
6. Without limiting the generality of paragraph 4, no person shall expand any existing Tourist Campground by increasing the number of campsites and/or the number of Trailers located on the property from the number of campsites and/or Trailers that existed (or which were permitted) on the day immediately prior to the passing of this By-law;
7. No person shall construct an addition to a Trailer by installing pre-manufactured additions, that are supported by their own chassis, where the Trailer is located in an existing Tourist Campground;
8. If any provision or requirement of this By-Law, or the application thereof to any person, shall, to any extent, be held to be invalid or unenforceable, the remainder of the By-Law, or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable, shall not be affected thereby and each provision and requirement of this by-law shall be separately valid and enforceable to the fullest extent permitted by law;
9. This By-law shall come into force and effect on the date of its passing and shall remain in effect for a period of one (1) year from the date of its passage to allow the Township to undertake a land use study to further examine Tourist Campgrounds and implement any necessary Official Plan and/or Zoning By-law amendments;
10. The Township may extend this By-law by a maximum of one (1) year in accordance with the *Planning Act*, R.S.O. 1990, as amended.

Read a first and second time this 3<sup>rd</sup> day of August, 2021.

  
Arie Hoogenboom  
Mayor

  
Mary Ellen Truelove  
Clerk

Read a third time and finally passed this 3<sup>rd</sup> day of August, 2021.

  
Arie Hoogenboom  
Mayor

  
Mary Ellen Truelove  
Clerk

# Interim Control By-Law Background Report

## Township of Rideau Lakes – Commercial Campgrounds

July 9, 2021

**Ms. Brittany Mulhern**  
Manager of Development Services  
Township of Rideau Lakes

Via Email: [bmulhern@rideaulakes.ca](mailto:bmulhern@rideaulakes.ca)

**RE: Background Report  
Commercial Campgrounds**

Fotenn Planning + Design has been retained by the Township of Rideau Lakes to prepare this Background Report regarding Commercial Campgrounds in accordance with the scope of work provided in the staff. This report is intended to provide a brief overview of the potential impacts of the ways in which Commercial Campgrounds may impact the rural character of the areas in which they are located as well as the wider Township. To this end, this Report will provide an analysis of the existing policy and regulatory mechanisms that the Township has at its disposal to govern Commercial Campgrounds as well as a review of policies and regulations used by other municipalities in order to better understand the scope of options available to govern Commercial Campgrounds as well as clarifying the nature and terminology surrounding the use being examined.


The purpose of this Report is to determine whether the Township's existing policy and regulatory framework appropriately addresses functional needs and compatibility for Commercial Campgrounds, especially in light of how this land use has evolved in recent years in the Township. This Report will also consider and review the use of an Interim Control By-Law (ICBL) to pause development of Commercial Campgrounds to allow the Township to undertake further study and implement any policy and regulatory changes deemed necessary.

The following policy documents have been reviewed in preparing this report:

- / United Counties of Leeds & Grenville Official Plan;
- / Township of Rideau Lakes Official Plan;
- / Township of Rideau Lakes Draft Official Plan;
- / Township of Rideau Lakes Zoning By-law 2005-06
- / Township of Rideau Lakes staff report to the Planning Advisory Committee dated April 14, 2021;
- / Township of Rideau Lakes staff report to the Planning Advisory Committee dated May 26, 2021;
- / Municipality of Brighton Official Plan
- / Municipality of Brighton Zoning By-law 140-2002
- / County of Peterborough Official Plan
- / County of Hastings Official Plan
- / Township of Drummond/North Elmsley Official Plan
- / Township of Drummond/North Elmsley Zoning By-law 2012-060
- / Township of Central Frontenac Official Plan and draft Official Plan
- / Township of Central Frontenac Zoning By-law 2011-52

The Township staff report dated April 14, 2021 provides a detailed overview of the policy and regulatory framework in the Township. Our report builds on the work completed by staff thus far by reviewing the policy and regulatory review previously undertaken, exploring tools utilized in similar municipalities, and discussing the use of an ICBL.

Respectfully submitted,



Youko Leclerc-Desjardins, MCIP RPP  
Senior Planner  
Fotenn Planning + Design

# 1.0 Background

## 1.1 Commercial Campgrounds

Commercial Campgrounds, which staff have previously indicated are also known as Tourist Campgrounds (as in the Township's zoning by-law), Seasonal Trailer Parks, Trailer Camps, Recreational Tourist Parks, Commercial Campgrounds, and Recreational Tourist Parks, are commercial land uses that provide overnight accommodation to the vacationing or traveling public. Our report uses the term "Commercial Campground" rather than "Tourist Campground" to emphasise the nature of the land use, rather than the user. However, the draft Interim Control By-law (ICBL) included at the end of this report uses the terminology "Tourist Campground" to be consistent with the Township's zoning by-law.

Accommodation in Commercial Campgrounds is generally provided in the form of camp sites (or equivalent terminology) that can be used for tent camping or for the parking and/or installation of trailers (including park model trailers complying with CSA Z-241 as discussed further below in this report), tent trailers, or recreational vehicles. Sites may be furnished with service connections for utilities such as sewage disposal, water, electricity, and/or telecommunications for the convenience of users. Commercial Campgrounds may also sell goods or offer ancillary services related to sanitation, recreation and/or storage. Individual sites within Commercial Campgrounds may be rented on a nightly, weekly or seasonal basis, depending upon a park's operating model, with individual renters often returning to the same site from year to year. This latter practice is common in commercial campground operations and is often desirable to park operators as it provides stability and predictability in terms of clientele and income. Commercial campgrounds are required to limit accommodation to a temporary basis, which is challenging to enforce.

Commercial Campgrounds are distinct from, but similar to, rental cabins or cottage resorts where accommodation is provided in multiple permanent buildings on a single property. These land uses are distinct in the Township's Zoning By-law, where they are referred to as Tourist Lodging Establishments and defined separately from Tourist Campgrounds, though there are instances where Tourist Campgrounds and Tourist Lodging Establishments occur within the same campground. This is permitted in the by-law as both are commercial land uses and co-location is appropriate given the similarities in land uses.

Commercial campgrounds also share similarities with Mobile Home Parks, which are intended to accommodate mobile homes equipped and designed for year-round occupation (i.e. constructed in accordance with the CSA Z-240 standard rather than Z-241). Given that Mobile Home Parks are intended for permanent occupation, they are classified as a residential uses and subject to different land use considerations, appropriate for residential uses. The Township's zoning by-law distinguishes Tourist Campgrounds from Mobile Home Parks in this way as well, as discussed further below.

## 1.2 Land Use Compatibility Considerations

The April 16, 2021 staff report discusses that Commercial Campgrounds may result in positive outcomes for those areas in which they are located through the additional demand for local goods and services. These positive outcomes are contrasted with possible adverse impacts such as increased demands for services without suitable taxation, nuisance complaints, traffic, nutrient loading on water bodies, and overburdening of private services. Though not a comprehensive consideration of all possible compatibility matters, this list includes the most common items of concern encountered by staff and are, from our review of other municipalities, common considerations.

### Nuisance Impacts

Nuisance complaints from activities taking place at Commercial Campgrounds may occur due to the occurrence of special events, entertainment such as concerts, mechanical equipment or vehicles, and from users of campsites. Smoke from campfires and bonfires, with the potential for increased fire risk if burn bans are not adhered to, are another consideration. Commercial Campgrounds that do not adequately manage waste may also result in odours for adjacent properties, attract pests to the surrounding area, or lead to aesthetic concerns such as unsightly waste storage viewed from the public realm (e.g. a road or navigable waterbody). Impacts of this nature arising from the land use represent compatibility considerations

that can appropriately be addressed through land use planning tools such as the zoning by-law and site plan control. Impacts arising from activities and behaviours of site users are best managed through other tools such as noise by-laws, licensing, Environmental Compliance Approvals, or other legislation and legislative tools as examined in the April 14 staff report.

Where a given Commercial Campground is the source of a significant number of nuisance complaints and by-law enforcement calls, the land use planning response should examine whether there are in fact land use compatibility issues unique to that site that could require mitigation. For example, if there are two campgrounds similarly located in proximity to permanent residential uses, and one elicits a large number of complaints and one does not, further investigation may find that the issue is one of management and behaviour of clientele, not necessarily land use compatibility. In such instances, changing the planning policy and regulatory framework to deal with concerns at a given property that are not inherently caused by land use compatibility is unlikely to solve the problem at the given site, and may create undesired and negative outcomes at other existing or planned Commercial Campgrounds.

#### Environmental Impacts

Commercial Campgrounds have the potential result in several forms of environmental degradation, including impacts to vegetative shoreline buffers, erosion, nutrient loading of sensitive waterbodies, overfishing of near-shore fisheries, etc. Wastewater servicing is typically provided on an individual on-site basis within Commercial Campgrounds, with the Ministry of the Environment, Conservation and Parks (MECP) relied upon to inspect and ensure that the requirements of Environmental Compliance Approvals (ECAs) are adhered to.

#### Municipal Infrastructure and Services

Commercial Campgrounds generate additional demand for public services and resources. Public roads, trails, boat launches, emergency services, by-law enforcement, are examples of the types of municipal services that support Commercial Campgrounds. These impacts relate to land use compatibility in the sense that they must be understood and suitably managed. Increased traffic impacts on poorly maintained roads for example, may trigger the need for road improvements to avoid negative impacts to roadways and movement of emergency services.

#### Traffic Impacts

Increases in traffic due to the creation of new commercial campgrounds, or expansion of existing campgrounds, may lead to adverse effects if transportation infrastructure is not capable of supporting the increased expansion. For waterfront developments, the increase in on-water traffic is a related consideration. Such impacts are generally assessed on a site-specific basis as part of the development application process, as transportation needs and impacts tend to be area-specific.

#### Short-term Accommodation, Long-Term Accommodation and Residential “Drift”

It has been our experience that Commercial Campgrounds used primarily for short-term accommodation (e.g. one night, one weekend or one week) generate different concerns and comments from neighbours than campgrounds used for longer term accommodation (e.g. one summer, or one rental period spanning spring, summer and fall). There may be a correlation between nuisance complaints and length of accommodation periods which should be further investigated.

The gradual “drift” of Commercial Campgrounds from temporary or seasonal use towards permanent or seasonal residential use warrants further review, to identify land use compatibility considerations and appropriate mitigation measures, if any. Residential uses are generally considered more sensitive than commercial uses, though a dense residential development may also cause adverse effects if not appropriately designed or mitigated. The intermixing of permanent residential uses with seasonal commercial uses within an individual campground, for example, may require mitigating measures to achieve land use compatibility. Similarly, the evolution from commercial to residential use should be evaluated for potential impacts on neighbouring residential uses.

#### Equity in Taxation

Despite the demand for services that Commercial Campgrounds generate, concerns have risen about the share of taxes that are paid by their owners. As highlighted within the April 14 staff report, commercial campgrounds are taxed based on land and improvements, and “assessable trailers” rather than on the number of camp sites. We note that though this concern pertains to land economics and municipal governance, it is not one of land use compatibility.

### 1.3 Concerns in Rideau Lakes

Township staff have identified 16 Commercial Campgrounds within Rideau Lakes, containing anywhere from 9 to 235 sites. The April 14 report discusses that campgrounds within the municipality are seeing a shift towards seasonal rental rather than transient, which is understood to be driven by an aging population, technological advancements in the design of recreational vehicles and trailers, and the increased acceptance of remote working, among other reasons. The potential also exists for commercial campgrounds to evolve or drift towards year-round use. As the Township's existing policy and regulatory framework was presumably created on the idea of Commercial Campgrounds providing shorter term accommodation to the traveling and vacationing public, it is appropriate to further explore Commercial Campgrounds from a land use perspective to understand the impact of longer-term rental as well as year-round or residential use. As noted by Township staff, Commercial Campgrounds have been the subject of hundreds of nuisance complaints in recent years, indicating that increased attention to matters of land use compatibility may be warranted in planning for Commercial Campgrounds. Anecdotal commentary from staff indicates that a select few Commercial Campgrounds within the Township generate the majority of nuisance complaints for this form of land use as a whole. This in itself suggests that closer examination of the identified campgrounds is needed to determine if the sources of nuisance complaints and compatibility concerns can be addressed through land use planning tools or other regulatory tools available to the Township.

## 2.0 Policy and Regulatory Review

### 2.1 United Counties of Leeds & Grenville, Official Plan

The United Counties of Leeds and Grenville Official Plan (LGOP) sets out policies for resource-based recreational uses such as campgrounds as well as specific land use designations in which these uses may be located. Section 2.6.3 of the LGOP deals with tourism and recreation uses, while section 3.3 deals with Rural lands in general.

The April 14 staff report reviews the policies in section 2.6.3 (b through d). Broadly, these policies encourage and support tourism uses in proximity to recreational and natural heritage features such as lakes and rivers, recognizing the appeal of such areas. Sections 3.3.1, 3.3.2 and 3.3.3 provides further direction for Rural Lands, encouraging compatible development on private services. Section 3.3.2 defers to lower-tier Official Plans to set out criteria for “*recreational and tourist commercial uses, open space, and limited residential development*”.

### 2.2 Township of Rideau Lakes, Draft Official Plan

A Final Draft Official Plan was released by the Township in February of 2021. Although the Draft has not yet been adopted, the document represents the Township’s current objectives for land use. We recognize that this OP is in the advanced stages and may be adopted and approved prior to the conclusion of the Township’s review of Commercial Campgrounds. Should that be the case, subsequent amendments to the OP may be necessary to implement the findings of any studies undertaken with respect to Commercial Campgrounds.

Section 2 provides an overview of the Township and outlines its objectives for land use and development. Section 2.2 outlines some of the character-defining elements of the waterfront which include: a low density of development; quality vistas; and integration of buildings and structures with surrounding landscapes. Policies contained within Section 2.2 are intended to maintain these character-defining elements by requiring that development be setback a certain distance from water features and prescribing frontage requirements for development located along water bodies. Though these prescriptive policies may not generally be advisable in an Official Plan, they demonstrate the Township’s concern with limiting the level of density adjacent to waterbodies, especially residential density. Intensification of Commercial Campgrounds and increasingly residential use of campgrounds without sufficient technical review may undermine policies of this nature by leading to negative impacts on rural waterbodies, if not appropriately managed.

Section 2.3 encourages recreational tourism in the Township at a high level, with Section 3.8.5.2 providing more detailed guidance for Tourist Commercial uses, such as Commercial Campgrounds. In addition to the guidance for land use compatibility and functional needs in this section, which broadly requires consideration of natural and cultural heritage impacts as well as compatibility with nearby residential uses, the draft OP will permit development of new tourist commercial uses through the zoning by-law without requiring amendments to the OP. The draft OP does not provide explicit locational criteria, rather it emphasizes the need for suitable and appropriate access and location.

Waterfront Development Policies are provided in Section 2.2, with specific direction for lake capacity assessments provided in Section 2.2.1. We generally agree with staff’s interpretation that the proposed OP would allow the Township to require a proposed Commercial Campground, including an expansion to an existing campground, within 300 metres of a lake. The Township must determine if such a proposal is “significant” and could require a lake impact study or lake capacity assessment.

Section 2.16 (2.17.4 in the current OP) provides the Township’s proposed land use compatibility policies. Explicit consideration of Commercial Campgrounds is not provided in this section, though a development proposal for a new or expanded campground would be required to demonstrate conformity with these policies.

The April 14 staff report discusses a number of possible amendments to policy. Further consideration of the recommendations from staff is warranted and could be implemented in a future draft or future Official Plan Amendment.

## 2.3 Township of Rideau Lakes, Current Official Plan

The April 14 staff report focused its review on the draft Official Plan given the advanced state of that document. We note that any development application received prior to the approval of the draft OP would be subject to the current OP, and therefore provide the following brief review of the OP that is presently in effect. The majority of the sections discussed above are broadly similar under the current OP and the discussion points are generally applicable. Section 3.7.5.2 provides detailed direction that would apply to new or expanded commercial campground proposals.

One policy that stands out to us for further consideration is 2.2.3.3.3 (or 2.2.3.c in the draft OP). The current policy states *“Water frontage requirements of this section shall be applied on a dwelling unit basis for any cluster-type development involving the proposed siting of more than one dwelling unit on a lot.”* This policy currently speaks only to residential use and is clarified in the draft OP as applying to multi-unit residential use.

## 2.4 Township of Rideau Lakes, Zoning By-law 2005-6

The Township of Rideau Lakes Zoning By-Law 2005-6 defines Tourist Campgrounds as *“any parcel of land which is used to provide temporary accommodation for the public or members of an organization in tents, trailers, tourist trailers or recreational vehicles.”* The By-Law permits Tourist Campgrounds exclusively within the Tourist Commercial (CT) Zone which also permits land uses such as restaurants, golf courses and tourist lodging establishments, to list a few permitted uses.

The zoning by-law also defines Tourist Lodging Establishments as: *“an establishment which provides temporary accommodation in one or more buildings for members of the public or organizations who are vacationing or travelling and shall include a seasonal camp, a cabin, a hotel, a lodge and a motel.”* Each of the items listed in the definition is further defined. Of note, a Seasonal Camp is defined as *“an establishment which provides meals, sleeping accommodation and recreational opportunities to individuals and groups who are under the supervision of camp staff and shall include children's camps, church camps, scouting movement camps, YM/YWCA camps and other similar uses.”* and is therefore distinct from a Tourist Campground. Of note as well, Mobile Home Parks are defined as *“[L]and which has been provided and designed for the location of two or more occupied mobile homes”*. Tourist Lodging Establishments are only permitted as of right within the CT zone. Mobile Home Parks are only permitted in the Mobile Home Park Residential (RMH) Zone.

The CT zone includes provisions that are specific to Tourist Campgrounds such as a minimum site area requirement and limits for open decks and accessory structures for Tourist Campground sites. The CT zone also requires a minimum 2 hectares for commercial campgrounds. The by-law does not provide performance standards for individual sites. For example, the minimum Yard requirements would not necessarily apply to individual sites as these Yards relate to property lines.

## 2.5 Discussion

The County of Leeds and Grenville Official Plan encourages Commercial Campgrounds and other resource-based recreational uses to locate in areas with natural heritage features to take advantage of recreation assets not necessarily available within settlement areas. The LGOP allows lower-tier municipalities to provide more detailed policy direction for tourist commercial uses, such as Commercial Campgrounds.

The Township's Official Plan, both current and draft, encourages Tourist Commercial uses to integrate with their surrounding rural areas while also requiring consideration for matters such as access and parking. The Township Official Plan acknowledges the potential for Tourist Commercial Uses to adversely impact surrounding residential uses by indicating that buffering may be required to separate these areas. While Section 2 of the Official Plan acknowledges the trend towards multi-seasonal occupancy within Commercial Campgrounds, the Township Official Plan does not consider the relationship between Commercial Campgrounds and service demand, nuisance, and the environment. Section 2.2.3.c) of the draft OP contemplates the minimum water frontage requirement for multi-unit waterfront residential development, which would presumably



include a Mobile Home Park, but does not extend the consideration for Commercial Campgrounds or other tourist commercial uses.

The Zoning By-Law provides specific performance standards for Commercial Campgrounds which consist of a: minimum area requirement for parks and individual sites therein; a maximum area requirement for accessory structures; and a maximum area requirement for decks. The zoning by-law does not define trailers, recreational vehicles, tents, park model trailers or camps. The zoning by-law also provides room for interpretation in its definition of Tourist Campground which does not define a duration of stay that would be considered temporary. As such, the current zoning functionally allows the use of Tourist Campgrounds year-round. As noted above, the CT zone also does not define minimum yards or equivalent for individual camp sites other than requiring that they be a minimum of 60 square metres.

The May 26 staff report pertaining to park model trailers indicates that CSA Z-241 allows this type of trailer to be up to 50 square metres in gross floor area. These two considerations together could allow for overcrowding of Tourist Campground properties where there is a trend towards the installation of park model trailers.

On July 5, 2021, Council passed Resolution #80-2021 which formalized Council's interpretation that pre-fabricated additions to Z-241 Park Model Trailers in Tourist Campgrounds are not permitted by the zoning by-law. From the staff report dated May 26, 2021, it is our opinion that such additions are permitted in the zoning by-law, so long as such additions otherwise comply with the provisions of the zoning by-law. The CSA advised that that Z-241 standard has been modified to allow such additions, and that such additions do not void the CSA designation. While we understand the concern underlying the interpretation to prohibit such additions, it is our opinion that the zoning by-law does not lend itself to prohibiting additions to Z-241 trailers. The term "trailer" is not defined in the zoning by-law, although it is included in the definition for "Vehicles". The installation of an addition to a Z-241 trailer does not void the CSA standard, allowing such trailers to continue to be classified as vehicles in the zoning by-law.

Further examination of this interpretation is highly recommended through a future study to ensure that the interpretation is consistent with both the zoning by-law and best practices in land use planning.



## 3.0

# Other Municipal Approaches

## 3.1 Overview

Fotenn interviewed staff from a number of other municipalities and reviewed their existing policy and regulatory frameworks. This review focuses on municipalities that in a similar geographic area as Rideau Lakes and with a similar character as the Township. Upper and lower municipalities were examined to gain a broad understanding of the tools utilized to manage and regulate Commercial Campgrounds. We found that municipalities generally employ a recreational commercial zone in which campgrounds are listed as a permitted use. Many municipalities include separate regulations for these zones that pertain specifically to Commercial Campgrounds, some of which apply to Commercial Campgrounds as a whole and others to individual sites within. While less prevalent, it is not uncommon for municipalities to include specific policies within their Official Plans related to Commercial Campgrounds, these often speaking to the relationship between this form of land use and matters such as parking, traffic and servicing capacity. Site Plan Control is further used to implement the OP and zoning by-laws when evaluating proposals for new or expanded campgrounds.

Our review is not intended as a comprehensive overview of all policy and regulatory approaches used by municipalities to govern Commercial Campgrounds. Instead, this review is intended to highlight certain policy and regulatory approaches being implemented or considered by other municipalities to provide a general idea of the spectrum of options available to the Township, building upon the suggestions explored by staff in their April 14 report to the PAC. The following section analyzes the policies and regulations pertaining to Commercial Campgrounds that have been enacted by the Municipality of Brighton, Peterborough County, Hastings County, the Township of Drummond/North Elmsley and the Township of Central Frontenac.

## 3.2 Municipality of Brighton

The Municipality of Brighton Official Plan was approved by the County of Northumberland in September 2020. Section 4.2.3.3 of the Official Plan identifies seasonal trailer parks and camping parks as resource-based recreational uses, stating that the municipality is supportive of this form of development. The OP requires Municipal Responsibility Agreements for seasonal trailer parks that serve as primary residences, described as “seasonal permanent residences” under section 3.4.3. Interestingly, the OP appears to only permit seasonal trailer parks through site-specific areas identified as “Special Development Areas”.

The Municipality of Brighton Zoning By-Law 140-2002 was last consolidated in December of 2019. The By-Law defines campgrounds and trailer parks separately, with campgrounds defined as an area in which tents are temporarily accommodated and trailer parks as areas in which travel trailers are temporarily accommodated. Campgrounds within the Municipality are permitted as-of-right within the Recreational Commercial Zone with no further performance standards for this land use. Trailer Parks are not permitted as-of-right within the Recreational Commercial Zone (RC). A site-specific Recreational Commercial (RC-1) Zone permits this land use in accordance with additional regulations. In addition to requiring trailer parks and individual sites to meet certain dimensional requirements, the RC-1 Zone stipulates a maximum of number of sites per hectare, with this figure varying based on whether a campground is classified as an enroute campground, destination campground or combined campground. It should be noted that definitions for these specific kinds of campgrounds are not provided within the zoning by-law and the definition for a campground excludes a trailer park, therefore it is unclear how the by-law reconciles the implementation of this density limitation. The zoning by-law also stipulates that travel trailers shall not be used for sleeping, eating or accommodation for a period of more than 160 days within a period of 12 consecutive months to prohibit year-round occupancy.

Brighton’s approach is to require creation of new or expanded seasonal trailer parks through a zoning by-law amendment, with broad support and little policy guidance provided in the OP. One key consideration is the municipality’s requirement for a Municipal Responsibility Agreement for private servicing, which would presumably significantly increase the up-front costs for such development proposals. Brighton’s zoning by-law combines a limit on density with a limit on the length of accommodation period each year. Without knowing how the limit on density was achieved, it is not known whether this cap was driven by the findings of technical studies or best practices. The limit on accommodation period appears to correlate to

a May 1 to Thanksgiving or Victoria Day to end of October timeframe. This may effectively prohibit year-round occupancy, but it would have no impact on short-term or season accommodation.

### 3.3 Peterborough County

The County of Peterborough Official Plan was adopted in 1994 and last consolidated in March of 2020. Section 6.2.9 of the Official Plan includes Trailer Park policies for temporary and seasonal use, stating that new trailer parks within the County are not contemplated during the life of the Official Plan. Section 6.2.9.3 states that any applicant seeking to enlarge or expand a Trailer Park must enter into a development agreement with the Township in which it is located. Section 6.2.9.3 further stipulates that the agreement will include a guarantee that the operation of the park will be conducted in accordance with the latest and highest standards of: the Canadian Mobile Home and Travel Trailer Association of Canada; The Canadian Standards Association; The Tourist Establishment Act; and any other governing or regulating agency concerned with the establishment or conduct of seasonal trailer parks. This section also states that the agreement will include a provision for the posting of a performance bond to ensure that development proceeds in accordance with the approved development plan. Section 6.2.9.3 also includes criteria for applications to expand Trailer Parks which include: the appropriateness of topography and soils; the type of facility that is proposed and any ancillary uses associated with the facility; the findings of a mandatory hydrogeological assessment; and conformity with other land use policies contained within the Plan.

Broadly, the Peterborough County OP provides detailed policy guidance for trailer parks in the lower tier municipalities to allow for the expansion of existing parks subject to certain criteria. The guidance is not highly prescriptive but does identify key considerations, primarily surrounding the protection of natural heritage features such as lakes and waterbodies, and ensuring adequate private servicing.

### 3.4 Hastings County

The Hastings County Official Plan was adopted in December of 2017 and approved by the Ministry of Municipal Affairs in August of 2018. Section 5.4.6.2 of the Official Plan states that a zoning by-law amendment will be required to permit the establishment or expansion of any tent or trailer park. Section 5.4.6.2 of the Official Plan also includes a number of criteria that are to be used in the assessment of applications for tent and trailer parks, stating that tent and trailer parks should be at least four hectares in area and contain no more than 50 sites in total with an additional requirement that a minimum of 200 metres of frontage along an internal lane per camp site. For tent and trailer parks with water frontage, there is the further requirement that each site be provided either 30 metres or 2 metres up to 35% of the total shoreline. This section further stipulates that tent and trailer parks should provide adequate recreational facilities which may include beaches, swimming pools, tennis courts and/or major open spaces. Section 5.4.6.2 also states that new and expanded tent and trailer parks will be subject to a site plan control agreement with member municipalities, with a further requirement to limit operation to nine (9) months of the year.

Hastings County's OP provides prescriptive policy guidance to simplify the process of reviewing proposals for new or expanded tent and trailer parks. This approach provides clarity to municipalities and proponents but is inflexible and may therefore trigger site specific amendments where local conditions cannot suit the policy framework.

### 3.5 Township of Drummond/North Emsley

The Official Plan of the Township of Drummond/North Elmsley was adopted by Council in 2011 and approved by the Ministry in 2012. Section 4.3.7 includes policies that pertain to tourist commercial development within Rural Areas with campgrounds, tent parks and trailer parks all listed as permitted uses. According to the Plan, a zoning by-law amendment is required to permit the development of new Tourist Commercial uses within the Township. Section 4.3.7 encourages Tourist Commercial uses to concentrate together into coherent groups and provide a variety of services at key locations within the Township. Section 4.3.7 also includes a number of design criteria for Tourist Commercial uses, encouraging access points to be limited in number and requiring increased setbacks between residential and tourist commercial uses. This section also states that Tourist Commercial uses shall be subject to Site Plan Control. Section 4.3.7.8 includes policies for tourist camps, stating that camps shall be located in the vicinity of a notable feature which shall serve as the theme of the development. This section

states that Tourist Camps located along a waterfront shall only be permitted to provide communal waterfront areas for example. The Township of Drummond/North Elmsley Zoning By-Law 2012-060 lists Tourist Campgrounds as a permitted use within the Tourist Commercial Zone, providing no additional performance standards specific to this land use.

The OP recognizes the benefit of providing separation between residential and tourist commercial uses, without providing a prescriptive standard. The zoning by-law does not include detailed standards either, therefore providing significant flexibility in the development of new or expanded Tourist Campgrounds. The Township would have the ability to implement certain improvements through Site Plan Control, but without the inclusion of further performance standards in the zoning by-law, the Township has limited ability to implement land use compatibility measures.

### 3.6 Township of Central Frontenac

The Central Frontenac Official Plan was approved by the Ministry in 2008. The Plan permits campgrounds and recreational vehicle parks within the Waterfront District of the Rural Area. Section 3.6.4 stipulates that all lands within the Waterfront District designation are subject to Site Plan Control. Section 3.16 of the Official Plan includes criteria that pertain to recreational vehicle parks, stating that the evaluation of planning applications related to this form of land use shall be evaluated with regard for the following: the type of facilities that are proposed; the number of sites that are proposed and duration of their occupancy; the location of the site in relation to surrounding land uses; and the availability of amenities within the development, among other things.

A Draft Official Plan is also currently under consideration by the Township which includes updated policies pertaining to Commercial Campgrounds. Section 4.8.9 pertains to Special Policy Area 1 that is established by the existing Plan, maintaining the policies that currently govern this area. Section 4.7 of the Draft Official Plan includes policies that pertain to Commercial Campgrounds. While Section 4.7.3 the Draft Official Plan does not permit fulltime occupancy of Commercial Campgrounds between the months of October and May, the Plan does permit short-term occupancy that may pertain to weekends, Christmas and New Year's holidays and school breaks. Section 4.7.5 states that limits the kinds of accessory structures that may be developed within Commercial Campgrounds, stating that enclosures, roof-overs, extensions or additions to a recreational vehicle shall not be permitted unless such structures have been specifically pre-engineered or designed for the vehicle. Section 4.7.6 includes criteria to guide applications to re-zone a property for use as a Tourist Campground, stating that regard should be had for the number of vehicles proposed and their duration of their occupancy as well as the type of facility that is proposed. This section also states that applications for Commercial Campgrounds should be assessed with regard for the availability of on-site amenities and proximity to off-site amenities as well as the adequacy of parking facilities and roads. In addition, Section 4.7.3 promotes the incorporation of energy-efficient and sustainable design features within Commercial Campgrounds, stating that Council may establish performance standards through Site Plan Control.

The Township of Central Frontenac Zoning By-Law 2011-52 defines Campground to include both tent and trailer or recreational vehicle accommodation. This use is permitted only the Recreational Commercial (CR) zone, however no particular performance standards are defined for Campground uses.

The draft OP includes prescriptive policies (e.g. prohibiting permanent residency) while establishing policy criteria guiding new development. As the zoning by-law does not include performance standards that directly correlate to the OP or draft OP policies, a site-specific application would likely require additional performance standards than those included in the parent CR zone.

## 4.0

# Site Plan Control + Interim Control By-Law

The April 14 staff report provides a detailed discussion of other regulatory tools available to the Township for managing Commercial Campgrounds, therefore our report deals primarily with the Site Plan Control and Interim Control By-Law (ICBL) options.

The Township's Site Plan Control By-law provides a mechanism that allows detailed review and additional requirements for developments that are subject to the by-law. These measures, described under Section 41 of the Planning Act, provide a means for the Township to implement land use compatibility matters identified in the Official Plan, to the extent that the Planning Act and zoning by-law allow such interventions. Township staff noted a gap in the site plan control by-law that would allow campgrounds to gradually grow by two sites per year without triggering site plan control. The site plan control by-law can be amended by Council to close this perceived loophole. Similarly, many municipalities require the collection of financial securities for the installation of on-site and off-site works as a means of gently enforcing site plan control agreements, withholding the complete release of any securities for upwards of one full year following completion of site works, for example. It may be worthwhile for the Township to examine such measures, if they are not presently utilized, for developments above a certain threshold both to ensure that works are completed as required on larger scale projects and to avoid imposing undue hardships on applicants of smaller-scale developments.

ICBLs are permitted under section 38 of the Planning Act. The ICBL is a powerful tool that municipalities have at their disposal. It allows a "freeze" on specified land uses and in specified areas, which not only prohibits new development approvals but which can also prohibit the issuance of building permits. An ICBL is not a tool to be used lightly as it can easily result in unintended consequences, despite best efforts to provide a limited scope through the use of precise wording. Section 5.5.3 of the Township's OP permits the Township to pass an ICBL, as required by the Planning Act.

Section 6.0 of this report includes a draft ICBL that would prohibit the development of any new Commercial Campground or the expansion, including the creation of new camp sites, within an existing Commercial Campground. The draft ICBL would also prohibit the issuance of any building permits to allow the installation of new trailers or the addition to existing trailers. These restrictions would be Township-wide. We have drafted the by-law in this way to broadly capture all 16 existing Tourist Campgrounds and to prohibit any new Tourist Campgrounds during the time frame of the ICBL to ensure that no individual campground is discriminated against.

We have prepared this draft by-law for the review of staff and Council as requested. We note that staff and Council would have the ability to remove one or more of the sections in the draft ICBL to increase or decrease the potential impact of the ICBL. We also note that the passing of an ICBL is not a pre-requisite for completing a desired land use study. The Township may therefore elect to conduct the land use study without first implementing an ICBL.

An ICBL is most appropriate when a municipality is faced with a pressing and unexpected land use consideration that warrants further study and a coordinated response. A common example in recent times has been cannabis production, with numerous municipalities across the province enacting ICBLs to put a freeze on the development of cannabis production facilities while a land use study is completed and appropriate measures to achieve land use compatibility, such as changes to policy and regulatory tools, are implemented.

Municipalities often face pressure to implement ICBLs from concerned residents and community organizations when otherwise gradual land use evolution is disrupted with sudden changes or altogether new land uses are introduced. In these instances, municipalities are best advised to take extreme caution when considering an ICBL as the use of an ICBL to proactively prohibit one or more specific development applications is not necessarily an appropriate use of this tool. Such uses of the ICBL are most likely to incur unintended consequences. The Township's current Official Plan provides staff with an appropriate array of tools to review and require applicants for site-specific development applications to review land use compatibility and implement any necessary mitigation measures.

## 5.0 Recommendation

Whether an ICBL is passed or not, it is evident that there is a need for further study of Commercial Campgrounds in the Township. Such a study should examine the following questions, as well as any other questions identified by staff, Council, and stakeholders:

- 1) Does the Township's Official Plan need to be amended to provide additional guidance to the municipality and applicants related to existing and proposed Commercial Campgrounds?
- 2) Does the OP need to provide greater clarity regarding locations where commercial campgrounds may be permitted through a zoning by-law amendment?
- 3) Does the Township's zoning by-law need to be amended to provide clarity in terms of the permitted land uses or introduce additional performance standards or prohibitions related to Commercial Campgrounds? For example, limitations on the number of camp sites within a given campground relative to lot dimensions, density in terms of the number of campgrounds in a given area, length of occupancy, etc.
- 4) Is there any correlation between short-term and long-term (but still temporary) rental period and nuisance complaints which requires further exploration?
- 5) Does the Township's Site Plan Control By-law need to be revised or updated to better implement the policy goals outlined in the upper and lower tier OPs and/or to better implement the zoning by-law?
- 6) Are there other regulatory tools that should be implemented, such as licensing or revisions to the noise by-law, to address nuisance complaints related to Commercial Campgrounds?
- 7) Other considerations/concerns as identified by stakeholders through consultation.

It is our recommendation that the Township pursue the land use study discussed above to better understand the land use compatibility considerations for evolving Commercial Campgrounds and implement the appropriate policy and regulatory tools. This study should include consultation with owners/operators of Commercial Campgrounds, users of Commercial Campgrounds, owners of properties, and other stakeholders.

We **do not recommend** the enactment of an Interim Control By-Law at this time, for the following reasons:

- 1) Development proposals to create new commercial campgrounds or to expand existing commercial campgrounds will be subject to a planning approval process, including statutory public meetings, staff review, and council approval. The Township's Official Plan, section 2.7.5.2 in particular, provides criteria that must be satisfied by proposals for commercial campgrounds (new or expanded) that would require zoning by-law amendment or site plan control approval. Such applications would also be subject to public consultation, providing an opportunity for further discourse with Council and the surrounding community.
- 2) It is our understanding that there are two imminent proposals for expansion to existing campgrounds in the Township. An ICBL would freeze these known proposals, while also preventing the other 14 campgrounds from having the opportunity to expand, as well as prohibiting any new campground proposal from being considered while the ICBL is in effect.
- 3) Site plan control approval is not triggered for proposals to incrementally increase the number of trailers at a campground by two or less. The incremental growth that this mechanism permits is not likely to create substantial concern in the short term but could be used to permit more substantial growth over time. This can be resolved through an amendment to the Site Plan Control By-law that would require the addition of any new trailers, or even expansions to existing trailers that increase occupancy (e.g. number of bedrooms) to trigger site plan control approval, providing greater ability for the Township to evaluate proposals of this nature.

- 4) Unintended consequences are a reality that often accompany ICBLs. Enacting an ICBL without further stakeholder consultation may negatively impact stakeholders in unforeseeable ways, despite best efforts to avoid negative outcomes of this type. The draft ICBL included in this letter is wide-ranging as it would apply to all 16 campgrounds and would prevent any new campground from proceeding. Given the state of tourism and economic conditions during the re-opening of the province and anticipated ongoing challenges due to the Covid-19 pandemic, and the possibility for an ICBL to last up to two years by extension, there is a very real risk of inadvertently causing significant negative impacts to existing campgrounds in the Township.

Should the Township decide to proceed with an ICBL, we highly recommend that the draft included with this report be reviewed by legal counsel and that consultation with affected stakeholders, both owners/operators of commercial campgrounds and their neighbours including lake associations, take place prior to enacting the by-law to ensure that staff and Council are aware of potentially unforeseen and unintended consequences of the ICBL.

## 6.0 Appendix A

### Draft Interim Control By-law

**BEING A BY-LAW UNDER THE PROVISIONS OF SECTION 38 OF THE *PLANNING ACT*, 1990, C.P. 13, AS AMENDED, TO ESTABLISH INTERIM CONTROL PROVISIONS FOR THE ENTIRETY OF THE TOWNSHIP OF RIDEAU LAKES TO PROHIBIT THE ESTABLISHMENT OR ENLARGEMENT OF TOURIST CAMPGROUNDS FOR A PERIOD OF 12 MONTHS IN ORDER TO ALLOW FOR THE COMPLETION OF FURTHER STUDY, WHICH MAY INCLUDE CONSULTATION AND CHANGES TO THE OFFICIAL PLAN AND/OR ZONING BY-LAW.**

**WHEREAS** Section 38(1) of the *Planning Act*, R.S.O. 1990, as amended, permits the Council of a municipality to pass an Interim Control By-law where the Council has directed that a review or study be undertaken in respect of land use planning policies within the municipality or in any defined area or areas thereof;

**AND WHEREAS** the Township of Rideau lakes Official plan, section 5.5.3, states that Council must pass an Interim Control By-law to prevent or limit development until detailed planning studies for the subject lands are completed and approved by Council;

**AND WHEREAS** the Council of the Corporation of the Township of Rideau Lakes passed a resolution directing staff to undertake a review with necessary research and consultation with respect to developing land use policies and regulations concerning "Tourist Campgrounds" on all lands located in the Township of Rideau Lakes;

**AND WHEREAS** the Council of the Corporation of the Township of Rideau Lakes deems it appropriate to now enact such an Interim Control By-law, in order to ensure that any Tourist Campgrounds are appropriately regulated within the Township of Rideau Lakes;

**NOW THEREFORE** the Council of the Corporation of the Township of Rideau Lakes enacts as follows:

This by-law shall be known and cited as the "Tourist Campground Interim Control By-Law"

1. In this by-law, "tourist campground" means any parcel of land which is used to provide temporary accommodation for the public or members of an organization in tents, trailers, tourist trailers or recreational vehicles, as per the definition provided in the Township of Rideau Lakes Zoning By-law 2005-06;
2. The term "trailers" as used herein shall include trailers, tourist trailers, recreational vehicles, and park model trailers, including any trailers constructed in accordance with the CSA Z-241 Park Model Standard;
3. This By-Law shall apply to all lands within the boundaries of the Township;
4. No person shall permit the use of any land, building or structure to establish a new Tourist Campground within the Township of Rideau Lakes;
5. No expansion, herein referring to an increase in the number of "sites" as defined in Zoning By-law 2005-06, shall be permitted within existing Tourist Campgrounds in the Township of Rideau Lakes;



6. No building permits for the installation of new trailers on existing Tourist Campground sites shall be permitted, except where such installation is needed to replace or repair trailers existing at the time of passing of this by-law;

7. No building permits for the installation of additions to existing trailers on existing Tourist Campground sites shall be permitted;

8. If any provision or requirement of this By-Law, or the application thereof to any person, shall, to any extent, be held to be invalid or unenforceable, the remainder of the By-Law, or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable, shall not be affected thereby and each provision and requirement of this by-law shall be separately valid and enforceable to the fullest extent permitted by law;

9. This By-law shall come into force and effect on the date of its passing and shall remain in effect for a period of one (1) year from the date of its passage to allow the Township to undertake a land use study to further examine Tourist Campgrounds and implement any necessary Official Plan and/or Zoning By-law amendments;

10. The Township may extend this By-law by a maximum of one (1) year in accordance with the *Planning Act*, R.S.O. 1990, as amended.

Read a first and second time this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Arie Hoogenboom, Mayor

\_\_\_\_\_  
Mary Ellen Truelove, Clerk

Read a third time and finally passed this \_\_\_\_\_, day of \_\_\_\_\_, 2021.

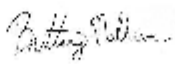
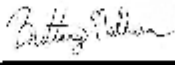
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Arie Hoogenboom, Mayor

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Mary Ellen Truelove, Clerk



## 7.0

## Appendix B: April 14 Staff Report

Report to the Planning Advisory Committee	
Date of Meeting: April 14, 2021	
Subject of Report: Campground Policy Regime Review	
Recommendation: This report has been prepared for informational purposes	
Report Prepared By:	 <b>Brittany Mulhern</b> <b>Development Services Department</b>
Departmental Approval:	 <b>Brittany Mulhern</b> <b>Manager of Development Services</b>
CAO Approval:	<b>e-signed</b> <b>Michael Dwyer</b> <b>Chief Administrative Officer</b>

**Context**

Recommendation #49-2021 of the Planning Advisory Committee stated:

*That the Planning Advisory Committee recommend to the Council of the Corporation of the Township of Rideau Lakes that staff be directed to perform a review of campground policy regime in Rideau Lakes, including background information, and provide a professional opinion on the adequacy of the current regime to address trends/changes in the industry/sector. Further that a component of this review shall include a review of Interim Control By-Laws. This component is to be provided as soon as resources allow.*

This report provides the requested review and is broken into five components:

1. Overview
2. The current state of campgrounds in Rideau Lakes
3. The current and draft Official Plan and Zoning By-Law policy regime related to campgrounds, as well as third party agencies involved
4. Options and tools for Council if there are concerns with current policy regime
5. Adequacy of current policy regime to address campgrounds from a land use planning perspective

**Overview**

The report will review the existing Official Plan policies in the Leeds Grenville Counties Official Plan, the policies of the draft update for the Rideau Lakes Township Official Plan, the current Zoning By-law provisions and the option of additional management through licensing or other by-laws such as tree cutting, or grade/ landscape alteration by-laws. The scope of this review is of the policies,

regulations and management options directly applicable to Commercial Campground development and is not intended as a comprehensive examination of all policies that may need to be engaged by, or may be pertinent to, applications to develop Commercial Campgrounds.

For the purpose of this review, the terms Tourist Campground, Seasonal Trailer park, Commercial Campgrounds and Recreational Tourist Park are essentially different titles / labels for the same land use and may be used interchangeably in this review and by other municipalities in their planning documents.

Tourist campgrounds are commercial operations providing accommodation options and services for the traveling and vacationing public. From a commercial benefits perspective, they are an asset for attracting and supporting a specific segment of the tourism market, and can accommodate both the short visit tourist and the regular vacation client seeking a more affordable option than the traditional cottage / seasonal residence. They can be a source of demand for ancillary services such as the purchase of food and fuel and household goods, trailer sales and service, camping supplies, sporting goods and recreational/entertainment services.

Tourist campgrounds are also a land use that requires or demands municipal and other public services and use public resources including: road maintenance, waste transfer station capacity (the Township does not provide internal/curbside collection for commercial operations), emergency services (police, fire, ambulance, health care), land use compatibility management (such as addressing nuisance and noise complaints, ensuring operational compliance with by-laws, regulations and agreements and disaster preparedness), and demand on natural resource infrastructure, including trails, and access to and recreational use of lakes and rivers. Campgrounds can also impact local groundwater due to the draws on the local aquifer, and can be a source point of potential contamination (such as from an on-site wastewater system).

There are a number of impacts and management issues that tourist campgrounds may have. These include nuisance impacts on adjacent uses such as noise from campsites, special events, concerts, mechanical equipment or ancillary recreational vehicles. Smoke from campfires and bon fires can have off-site impacts and, property site management to avoid fire emergencies can be a concern. Traffic flow and increased volume or parking on local roads if overflow conditions arise can also be concerns. Since there usually is not a central sanitary system accessible to all campsites, ensuring proper use and maintenance of on-site sanitary facilities can also be critical. Similarly, waste management can be a concern with regard to potential odour, pest management and aesthetic impacts. Being able to locate each camp site and occupants can be critical for emergency vehicle response to site specific calls and for disaster recovery.

In waterfront locations potential impacts, especially in regards to new or expanded operations could include: water quality/ nutrient loading, natural shoreline degradation, boating access (including public launches) and traffic management, recreational water use conflicts, and possibly pressure on fish stocks. While some of these issues are beyond municipal jurisdiction, they do encompass the broader public interest and are issues to be considered or that may

be raised through the review process and require inter-agency communication and coordination to address.

Finally, some municipalities have experienced issues with occupancy management. Tourist campgrounds are designed and intended to be occupied on intermittent and temporary basis. With the growth of the “snow bird” population, a growing retired demographic (such as ‘baby boomers’), broader acceptance and improved infrastructure to allow for remote work opportunities, and trailer manufacturers improving trailers to allow for 3-4 season habitation, there have been instances where trailer park clients occupy their trailers as their primary residence. It is in these circumstances that the clarity of zoning controls or the use of other management tools such as licensing can be critical as the considerations of the public interest and the associated policy and regulatory regime around campgrounds were typically based on a transient and limited seasonal model. If the sector is shifting to 2, 3 or 4 season occupancy, municipalities need to determine if the policy and regulatory regime is adequate.

It is highly likely that this shift is occurring, as evidenced by the evolution of recreational trailer parks and recreational trailer units. In addition to the standard travel trailer, there are now large destination trailers and park model trailers/units that are designed for long-term (and even cold weather) use. In their original conception, tourist campgrounds were used by the vacationing public with very mobile tents, tent trailers, and tourist trailers and mobility within and between parks was common. Many private trailer parks have evolved to accommodate regular seasonal clients from one year to the next such that most are essentially the cottage equivalent for their clients and transient accommodations have become a much smaller component of tourist campgrounds and even non-existent in some.

There are also potential complications for park owners for lax management, including compliance with regulatory standards for water and waste water systems and exposure to the Landlord and Tenant Act. If there is concern regarding the conversion issue within the Township, consideration could be given to undertaking a study of the typical operating season for local campgrounds, the length of camp site occupancy, and the range of trailer types present to gain a clear understanding of the character of campground use. While the next section of this report provides an overview of campgrounds within the Township, the extra details above have not been requested of campground owners at this time. This information has relevance not just for zoning implementation but also for Building Code compliance, public service demand, and safety of campground clients. It may also warrant seeking legal opinion as to the implications of seasonal campground clients using their trailer sites as their principal Canadian residence.

Another consideration related to campgrounds is the issue of fairness related to the local taxes paid by campgrounds in relation to their high occupancy load and related demand for local services. MPAC assesses campgrounds based on land and improvements and assessable trailers. If low value land (primarily fallow fields or managed forests etc.) and land land improvements are limited, or there are no and/or limited assessable trailers, then the resultant current value of the property will reflect this. The tax rate, when applied to this value, will then result in a low overall tax burden on the campground owner. Each site therefore

does not pay a proportional amount in taxes as a single detached household which would have a similar occupancy load and therefore draw on public services.

Given the above review, there is likely significant enough changes in the sector to suggest a holistic review and consideration of the changing public interest in reposes to campgrounds may be required and additional or new policy regimes or classifications may be required.

There is a broad hierarchy of land use management tools available. At the general level are Official Plan policies that address concepts such as preferred or optimal locations for different land uses and practices to encourage responsible, sustainable development. At the site specific level there are Zoning and other By-law tools, including: tree cutting, grade alteration, noise control, and property standards, as well as site plan control. At the operational level a municipality may establish licensing which can enable the application of set fines and assist with ensuring compliance with other established requirements. Each management tool has different operational effectiveness. Official Plans are not enforceable law such that they are generally enforceable only in the face of a land use application, such as a zoning change. Zoning and other by-laws are enforceable law but typically require investment in enforcement procedures, evidence collection, and potentially recourse to court obtain compliance. Licensing can be a tool that ensures operational compliance by virtue of stipulating a license renewal period and being enforceable by administrative action such as denial or revoking of a permit, by standard enforcement, and through use of set fines (tickets) and/or administrative monetary penalties (AMPs) for non-compliance. It is important to note that license by-laws cannot change fees or require payments in excess of the reasonable costs to administer the license program. Case law has established that to do so is a form of 'indirect taxation'.

As with all legal tools they are only effective when the municipality has the will, capacity, and trained staff to implement them.

### **Current State of Campgrounds in Rideau Lakes**

Staff conducted a review of tourist campgrounds within Rideau Lakes and found a total of 16 campgrounds. Please note, this review did not include properties that only have rental cottages, though did include campgrounds with rental cottages. Table 1 provides an overview of all campgrounds including which lake they are on and how many campsites they have. The information was derived through information received from the campground owners, as well as through information found on the campground websites, in addition to Township roll files. The table also includes other relevant information related to cottages/cabins/lodges (if applicable), as well as information from the regulatory party responsible for wastewater regulation, which is either the Township if property flows are under 10,000 litres per day or the Ministry of Environment, Conservation and Parks (MECP) if over that amount.

<b>Campground Name</b>	<b>Lake</b>	<b># of Sites</b>	<b>Other</b>	<b>MECP</b>
Bass Lake Campground	Bass Lake	95		2017 Inspection
Cedar Knoll Camps	Lower Beverley Lake	9	4 Cottages	2014 New Septic System (TWP)
Green Valley Cottages & Trailer Park	Clear Lake	56	5 Cottages	2018 Inspection
Indian Lake Marina & Campground	Indian Lake	20		2018 Inspection
J&J's Big Rideau Resort	Big Rideau	19		2021 ECA in progress
Lower Beverley Lake Park	Lower Beverley Lake	235	11 Cottages, 2 Bunkies, Township owned	2017 ECA
Moonlight Bay Campground	Otter Lake	150		2017 ECA
Narrows Lock Campground	Big Rideau Lake	94		2017 Inspection
Otter Lake Park Motel	Otter Lake	54	3 Cottages	2018 ECA
Rideau Mac Resort	Big Rideau Lake	91	Lodge with 8 Units	2019 Inspection
Sand Lake Campground & Cottages	Sand Lake	47	6 Cottages/Cabins	2010 Inspection
Sandy Beach at Otter Lake	Otter Lake	37	21 Cabins	2011 ECA
Shangri-La Campground	Whitefish Lake	65	1 Cabin	2020 Inspection
Sunnyside Campground	Upper Rideau Lake	147	2 Cottages	2019 Inspection
Twin Pines Campground	Otter Lake	78		2012 ECA
Waterways RV Resort	Big Rideau Lake	149	1 Cabin	2010 Inspection

*Table 1 – Summary data of all Campgrounds in the Township*

The MECP information notes the most recent activity from the MECP whether it was an inspection or an Environmental Compliance Approval (ECA) for the septic system(s) on the relevant property. MECP has reviewed all campgrounds within their jurisdiction within the last 11 years. For those that are at 10+ years staff requested an update from MECP as to when their next inspection might occur however as these inspections are generally unannounced MECP is unable to note the future inspection dates. To note 11 of 15 campgrounds within their jurisdiction have been inspected in the last 5 years.



### **Current Policy Regime & Third Party Agencies**

#### *United Counties of Leeds and Grenville Official Plan (LGOP)*

The primary Sections of the LGOP with policies relevant to tourist campground management are Section 2.6.3 addressing Tourism and the Rural designation in Section 3.3.

With respect to Section 2.6.3, the Counties OP expresses an intent to encourage and support tourism-oriented uses and facilities. Of note are the following:

- Tourism uses will be encouraged in close proximity to areas of natural and recreational amenity, areas of natural heritage appreciation, and natural resources and amenities. (paragraph b)
- *The Counties will:* “Work with local municipalities and organizations to promote ... resource-based and lake-based recreational and tourism uses” (paragraph c)
- *With regard to future development the policies specify:* “This Plan supports the continuation and expansion, where appropriate, of *existing uses* to accommodate new resource-based recreational development and uses. The local municipal Official Plans will appropriately designate resource-based recreational uses and clearly establish the extent of permitted uses, including accessory uses, and associated land use policies. Expansions to existing resource-based recreational uses will be in accordance with the policies of this Plan and the local municipal Official Plan, and will not require an amendment to this Plan.” (paragraph d)

In summary, the intent of the Counties Official Plan is to encourage Tourism oriented development subject to local Official Plan policies, which are anticipated to establish parameters for new or expanding uses.

Functionally, the LGOP addresses tourist campground development in the policies pertaining to lands designated as Rural areas. The objectives of the Counties Plan in this regard are set out in section 3.3.1. The Plan expresses an intent to support development of “resource-based recreational uses” that are not suited to settlement areas. It specifies that development should be compatible with “compatible with the rural landscape and character and can be sustained by rural service levels, which generally includes *individual on-site sewage* and *individual on-site water services*” [paragraph e)]. It further directs that development should be appropriate for the level of planned infrastructure to “avoid the need for the unjustified and/or uneconomical expansion of *infrastructure*” [paragraph g)].

With respect to specifically permitted uses, Section 3.3.2 of the Plan provides “Recreational and tourist commercial uses, open space, and limited residential *development*, may be permitted in *rural lands* without requiring an amendment to this Plan, but may be subject to a rezoning, and provided the use is permitted in the local municipal Official Plan, and meets the criteria established within the local municipal Official Plan.” This is consistent with the deference to local municipal controls as indicated in the Tourism policies of the Plan.

The land use control policies per Section 3.3.3 of the LGOP are primarily oriented to ensuring compatibility is considered and appropriate servicing management per paragraphs c) and d). However, the plan does provide further direction with respect to uses that have potential for adverse impacts. In particular, paragraph g) specifies: “uses that create or potentially create adverse impacts as a result of air, noise, and/or vibration emissions, and/or the generation and/or handling of solid or liquid wastes will only be considered based on the submission of an impact assessment to the satisfaction of the Counties and/or local municipality, as applicable”. It therefore seems clear that any proposal for a new project or significant expansion with potential to result in service demands should be supported by documentation demonstrating how these matters will be managed and what the impact on public services will be.

*Rideau Lakes Township Official Plan- draft update*

Due to the update to the OP being in the final stages this review focuses on the draft update, rather than the current OP.

The Township Official Plan provides limited specific guidance with regard to tourist campground development per Section 2.3 (Economic Policy – notes encouragement of recreational tourism) and subsection 3.8.5.2 as the use is considered overall within Tourist Commercial policies in the OP:

**3.8.5.2 Tourist Commercial Policies**

- a) Tourist commercial uses shall include the full range of uses that cater primarily to the tourist trade or recreational needs. Permitted uses shall include all types of tourist lodging facilities and recreational facilities. Buildings, structures or sites of historic interest, uses such as museums and related facilities are also permitted. An accessory dwelling for a tourist commercial use is additionally permitted;
- b) Tourist commercial uses must be appropriate for the proposed location. In this regard, uses shall be located so that they are readily accessible to tourist traffic with a minimum of disruption to adjacent residential uses;
- c) Vehicular access to tourist commercial uses shall be carefully controlled in terms of the design and numbers of access points in order to ensure public safety. Applicants may be required to demonstrate the anticipated volume of traffic to be associated with the proposed use, that the proposed traffic will comply with the intended function of the access road, that all entrances and traffic will not result in a hazard or disrupt existing traffic patterns and evaluate potential impacts on the existing road design, and maintenance requirements. To fully evaluate these issues the Township or the United Counties of Leeds and Grenville, as applicable, may require a proponent to submit a traffic impact report prepared by a qualified professional;
- d) Adequate off-street parking, loading and other facilities shall be provided;
- e) Where tourist commercial uses abut residential or other sensitive land uses, adequate buffering through setbacks or screening shall be required;
- f) In reviewing applications for tourist commercial development, regard shall be given to the protection of cultural and natural heritage features. In particular, efforts shall be made to integrate waterfront tourist commercial uses with the shoreline environment so as to minimize visual and other

impacts, in accordance with the **Environmentally-Sensitive Development** section of this Plan;

- g) Where applications for tourist commercial development involve significant boat docking facilities such as those associated with marinas and large resorts, the preparation of a boat impact assessment shall be required to evaluate the suitability of the site and its land/water environs for docking or mooring facilities and associated boat traffic. These developments shall be subject to Parks Canada's Rideau Canal Policies for In-Water and Shoreline Works; and
- h) Tourist commercial uses shall generally be permitted by amendment to the Zoning By-law.

Paragraph h) of subsection 3.8.5.2 essentially permits tourist campground development approval via zoning amendment and paragraphs b) and c) address vehicular access. These policies do not specifically prohibit development on private roads and it may be worthwhile adding a prohibition or requiring an OPA in such circumstances.

Section 2.2.1 of the OP discusses Lake Capacity and Assessments. It states:

For any development proposal that would result in the creation of more than three lots or dwelling units having direct or deeded water access, a lake impact study to assess the effect of development and additional nutrient loadings on lake water quality will be required. **A lake impact study shall also be required for any significant development proposal, as determined by the approval authority, for a non-residential use within 300 metres of a lake.** The Township may require a lake capacity assessment instead of a lake impact study if it is determined by the Township that the scale and/or impact of the development will be significant. At the discretion of the Township, the assessment may be completed through a partnership between the Township and the developer, however in most cases the cost shall be borne by the applicant. The approval of such proposal shall not be granted where a negative impact on water quality would be the result; and where such impact(s) could not be adequately mitigated.

Based on the noted policy staff would suggest that any large campground expansion on a waterfront lot would trigger a Lake Impact Study.

Section 2.16.5 discusses Other Land Use Compatibility Policies and states:

It is a policy of this Plan to minimize conflicts between incompatible land uses. To this end, distance separations and buffering will be provided for the purpose of mitigating the adverse effects of one land use upon the other. A buffer may be a simple horizontal separation, a berm, a wall, a fence, planting materials, a land use different from the conflicting uses, but compatible with both, or any combination of the aforementioned sufficient to accomplish the intended purpose. This policy shall be implemented through various provisions in the implementing Zoning By-law, as well as the mechanism of Site Plan Control, as appropriate.



Campground development would be required to address any compatibility issues as per this policy.

A policy addition to the OP could be considered that would discuss the preferred locations and siting characteristics for campground development. The OP could also provide clear direction for specific regulatory elements, however this is typically addressed through the Zoning By-law, which could then make it clear that this use is intended for seasonal occupancy and is to exclude any form of structure that is suitable for permanent residential use. To the extent that the Township determines there are policies or features specific to campground development that relative to other forms of tourist commercial use, it could be helpful to have the campground provisions set out in one section of the Official Plan. Because campgrounds consist of campsites that can be modified fairly quickly, and, to some extent, have design and infrastructure elements/ features that are relatively easy to alter, this may also warrant some specific provisions. It may be worthwhile to consider providing direction with regard to the application of site plan control, and provision / retention of elements such as: vegetated/ landscaped open space or buffers, ancillary guest parking, screening, limits on the extent of shoreline use, and separation standards for activity or service elements that may generate noise and other nuisance concerns. Many of these features are already addressed through other sections in the OP, or through Site Plan Control. Alternatively, there could be direction that some or all of these matters be addressed in the Zoning By-law.

Further to the above, direct cross reference to other Sections of the Official Plan that are intended to apply to campground development could be of assistance. Since virtually all of the existing campgrounds have direct frontage on, or access to, shorelines, text indicating that the policies of Section 2.2, the Waterfront Development Policies, and the cultural heritage policies pertaining to the Rideau Canal (Section 2.17.2) could be helpful. Similarly, specific wording referencing the application of the compatibility policies of Section 2.16.5 and to site plan control per Section 5.4., could be helpful; the latter would also reinforce the Plan's intent to respect the Rideau Canal's heritage status. Given that it is not uncommon, and may even be desirable, for Tourist Commercial uses to use communal services, a reference to Section 2.21.1 should be considered. Ultimately however, if specific reference is given in all of these policies to campgrounds, then the other side of the issue, is what other uses should be specifically referenced? These sections are broad in nature to ensure that all development is captured and the Zoning By-Law is used as the mechanism to address the specific uses and the associated requirements.

#### *Rideau Lakes Township Zoning By-law 2005-06*

The Township's Zoning By-law has a limited number of regulations specific to campground development.

The Zoning By-Law defines Tourist Campground as:

... any parcel of land which is used to provide temporary accommodation for the public or members of an organization in tents, trailers, tourist trailers or recreational vehicles.

The definition of “Tourist Campground” is not clear that this intends a temporary / seasonal occupancy, nor does it consider what can be classified as trailers, tourist trailers or recreational vehicles. Other municipal by-laws are clear that mobile homes, mini-homes and even park model trailers are excluded. The Township should consider defining what those structures are or use the applicable CSA standards to demonstrate that these are meant to be mobile, seasonal, recreational use structures. There is an ongoing concern that the camping industry is making structures that are more like cottages or modular homes. Better refinement of what is permitted is necessary. This will provide clarity to property owners and to the Township.

Other concerns with the definitions section of the Zoning By-Law:

- Definition of lot coverage only appears to apply to permanent structures. Consideration could be given to specify that when applied to campgrounds it encompasses coverage of campsites and includes tents, rec vehicles, accessory buildings and decks or have a camp site specific provision.
- No definition of tourist trailer / Recreational vehicle / tent
- No definition of Park Model Trailer
- No definition of camp / recreational vehicle site
- No definition of minimum landscaped space
- No definition of landscaped buffer / visual screening, or planting strip

The Tourist Commercial (CT) Zone includes provisions specific to tourist campgrounds:

- Tourist Campground Lot Area (minimum): 2 ha
- Tourist Campground Site (revised 2016)
  - Site Area (minimum): 60m<sup>2</sup>
  - Open Deck (maximum): 30m<sup>2</sup>
  - Accessory Structures (maximum): 1
  - Accessory Structure Size (maximum): 10m<sup>2</sup>

This section of the Zoning By-Law could also be further clarified noting that accessory structures are inclusive of sheds and any ‘add-ons’ to the property that are not uncovered decking or the trailer/tent. For instance gazebos or ‘add a rooms’ are interpreted under this section of the by-law to mean accessory structure, however it is not clearly noted.

Also within the CT Zone there are special exceptions specifically related to a few of the campgrounds:

CT-5 (Waterways) Notwithstanding the provisions of Sections 6.3.1 and 6.3.2 to the contrary, on the lands zoned CT-5 the following provisions shall prevail:

- Permitted uses shall be restricted to a tourist campground;

- A maximum of 94 tourist campground sites shall be permitted.
- \*The number of sites permitted is 150 notwithstanding bullet 2*

CT-7 (Rideau Mac) Notwithstanding the provisions of Section 6.3 to the contrary, on the lands zoned CT-7 the following additional provisions apply:

- The number of trailers or recreational vehicles permitted within the CT zoned shall not exceed 91;
- The number of accommodation units permitted within the Tourist Lodging Establishment shall not exceed 8;
- An existing trailer or recreational vehicle that encroaches within a required yard or setback is permitted in its current location, but shall not be expanded, enlarged, or replaced except on an approved site in compliance with CT-7 zone standards;
- The interior side yard requirement shall be in accordance with the CT zone standard except the standard shall be 5 metres for that portion of the subject lands described as Part 18 on Plan 28R-5037 adjacent to the eastern side of the adjacent waterfront residential property, and 25m from the property line running between Parts 12 (on the subject lands) and Part 11 (on the adjacent waterfront residential property) on Plan 28R-5037;
- No constructed additions shall be permitted to the trailers except for those specifically manufactured as an attachment to a trailer. These permitted attachments shall comply to all standards of the CT-7 zone. A deck shall not be considered an addition; and
- Each trailer site shall be permitted one accessory building not to exceed 9.3m<sup>2</sup> (100ft<sup>2</sup>).

There are a number of modifications to the Township Zoning By-law that could be considered to enhance its management and enforceability with regard to tourist campgrounds and associated uses and facilities. The by-law changes and elements that the Township may wish to consider are as follows:

a) With regard to the provisions of Section 6.3 Tourist Commercial Zone

This section of the By-law is fairly compact but it could be helpful to have the provisions specific to tourist campgrounds be listed in a subparagraph to subsection 2, particularly if additional provisions are to be considered.

For example, there is no limit on intensity or density of use, i.e. number of sites per net ha. By-law either needs specific setback standards or clarity on applicability of minimum yards and setbacks (including water setbacks) to camping sites and/ or rec. vehicles/ trailers as the standards are not clear as to applicability to temporary structures, though past Township interpretations have considered the setbacks to cover camp sites and trailers.

Some municipalities limit use of shoreline to a % or a specific linear measure per campsite as well.

There could be some benefit to stipulating the percentage of campsite that can be covered with an impermeable surface, inclusive of concrete pads, trailers/ vehicles, decks, and accessory storage structures. Alternatively, or

additionally, the percentage of a campground that should be retained as landscaped open space could be stipulated and possibly a buffering, or natural vegetation retention standard for undeveloped shoreline. The Township's Shoreline Buffer Planting Plan policy could assist with this.

Clarity on range and scale of accessory uses; e.g., is an on-site snack shop or variety store to be of a scale sufficient to serve only site clients or intended to be available to off-site users? This could be identified as a policy in the OP and stipulated in the Zoning By-law as a floor space limit tied to the number of camp sites or controlled through assigning accessory use status.

Should there be specific control (set backs) over placement of noise and odour sources such as utility buildings, entertainment venues, parking areas, waste management features either separate from the current yards or specific to adjacent residential lots?

Could consider the need for minimum buffering and visual screening abutting residential or other sensitive uses.

### *Third Party Agencies*

Many agencies are involved in the review of tourist campground properties. Staff contacted all of the main agencies and asked them to provide a brief description of their roles and responsibilities associated to campgrounds.

### **Parks Canada:**

- We have no authority/jurisdiction on the uplands beyond lands administered by Parks Canada at the lockstations.
- Our jurisdiction and therefore permitting authority is limited to the bed of the canal up to the upper controlled water elevation, and therefore anything that is in, on, over the bed, such as in-water and shoreline structures/activity, requires a permit from Parks Canada.
- For upland development/businesses such as campgrounds, resorts or marinas where there is a large in-water component, this in-water facility would be additionally permitted under a commercial water lot licence.
- For the upland component, we are an adjacent landowner, and would provide comments to the municipality for consideration that reflect our responsibilities for the Rideau Canal.

### **Ministry of Environment, Conservation & Parks:**

- Regulate the use, construction, replacement, modifications to and extensions of sewage works that require approval from the ministry (eg. sites that have subsurface sewage disposal system(s) with a cumulative design capacity of >10,000 L/day, systems that directly or indirectly discharge to surface water regardless of the capacity);
- Regulate drinking water systems that are subject to the Safe Drinking Water Act (and its regulations);
- Regulate the construction, maintenance and abandonment of wells;
- Regulate management of waste (i.e. disposal/processing);
- Regulate surface water and groundwater takings that exceed 50,000 L/day (unless specifically exempt by legislation);

- Regulate the use of pesticides; and
- Conduct inspections and respond to complaints to verify or assess compliance with Ontario's environmental legislation.

#### **Rideau Valley Conservation Authority**

- For campground reviews, RVCA deals with the proposed shoreline works (and the required permitting), stormwater management to mitigate impacts to the lake, and impacts to significant features with respect to the EIS through the PPS as planning comments to the Township.
- If a Rideau Waterway Development Review Team (RWDRT) review is involved, Parks Canada will be involved in the overall planning discussions with RVCA under the joint review through the RWDRT and also assesses any shoreline applications and dock expansions. For Parks Canada, dock expansions, in particular, will be subject to the Impact Assessment Act, and depending on the overall size of the expansion proposal Transport Canada may have interest as well

#### **Cataraqui Region Conservation Authority**

- CRCA (as part of RWDRT where the campground is on the Rideau Canal) would review any Planning Act applications for campgrounds with a focus on our main interests: natural hazards (flooding and erosion) avoidance, natural heritage (wetland, woodland, ANSIs, etc), surface water quality (water setbacks and SWM implementation) and source water protection.
- One key difference between us and RVCA is that we do not have hydrogeological expertise and so, through our planning service agreements with member municipalities, we do not review hydro-g reports or comment on groundwater other than from a general source protection lens, where warranted.
- Secondly, we review development and site alteration activities for any upland and in-water work, with the exception of work on the Rideau Canal below the high water mark. Under our regulation, which is aimed primarily at natural hazards avoidance and protection of wetlands, we would review many components of a campground, including new buildings and structures, infrastructure, docks and boathouses, site grading, placement of fill and excavation.
- Finally, we also review municipal planning documents (OPs and ZBLs) and would provide input on campground-related policies in these from a conservation perspective.

#### **Ministry of Natural Resources and Forestry**

*(this information was provided to a member of the public and was not directly sourced from staff):*

- The policy direction that is contained in the PPS and the provincial plans is intended to be implemented through municipal official plans, zoning by-laws, and reflected in planning decisions. Issued under the Planning Act, the Provincial Policy Statement (PPS) affords a level of

policy protection to natural heritage features and areas, including significant woodlands and wetlands.

- Municipalities are the primary implementers of the PPS and must ensure municipal planning documents (e.g. official plans, zoning by-laws) include protection policies for natural heritage features, areas and systems. All land use planning decisions and policies must be consistent with natural heritage protections outlined in the PPS.
- Planning authorities, for example municipalities, may require proponents/developers to undertake studies to determine the presence of any significant natural heritage features on properties that are the subject of a planning application.
- MNRF's role is to provide technical support (e.g. natural heritage information and related expertise) to MMAH and municipal planning authorities and to produce guidance materials, such as the Natural Heritage Reference Manual, which assist municipalities with interpretation and implementation of the PPS policy direction related to natural heritage.
- To aid in identifying wetlands, including those on private land, that have value at a provincial scale, MNRF developed and administers a science-based evaluation framework known as the Ontario Wetland Evaluation System (OWES). MNRF's role in wetland evaluations is to review and confirm that wetland evaluations and boundary refinements are completed in accordance with OWES, and to update information in the provincial evaluated wetland database known as Land Information Ontario (LIO), a mapping tool, which is used by municipalities and others to inform planning decisions.

## **Options & Tools**

### *Management Tools*

There are a number of other Planning Act and Municipal Act tools that can be considered for management of various aspects or impacts that can be associated with tourist campground development. Several options are discussed below but may not be exhaustive of the administrative and legislative tools available. The brief review below is intended to touch on the nature and applicability of each management option and, due the limited nature of this report, is not comprehensive in scope.

### **Site Plan Control**

Site Plan Control is a Planning Act tool that is critical in managing new development or substantive expansions of land uses that result in notable alteration of the landscape or have potential for off-site impacts. It ensures that all components and works to be done are depicted on plans submitted to and approved by the municipality and collaborating agencies. The associated legally binding agreement, being registered on title, enables the municipality to ensure that the features are completed, are not altered without approval, and are maintained over time. All of the Township is subject to Site Plan Control, with



exemptions noted within the by-law. The utility of Site Plan Control is limited from the stand point that:

- it cannot be imposed on existing development;
- it cannot be triggered if the proposal is for less than 3 trailers (thus annually a campground could increase the amount of trailers by 2 without Site Plan Control);
- Upon initial development completion, enforcement is typically by complaint rather than intentional inspections, such that features can fall into disrepair or be removed. However the Township has implemented a process to review recent Site Plan Agreements over time to ensure the requirements are being adhered to;
- It cannot address operational management issues;
- Formal, legal enforcement, can be complicated and expensive.

### **Campground Licencing By-law**

This can be a very powerful and effective tool and is flexible in the degree of complexity and the range of issues the municipality wishes to address. The Municipal Act (Section 164) outlines the authority for such by-law:

#### **Trailers**

*164 (1) Without limiting sections 9, 10 and 11, a local municipality may prohibit or licence trailers located in the municipality. 2006, c. 32, Sched. A, s. 82.*

#### **Restriction**

*(2) If a municipality licenses trailers in the municipality, no licence fee shall be charged in respect of a trailer assessed under the Assessment Act. 2006, c. 32, Sched. A, s. 82.*

#### **Restriction, trailer camps**

*(3) If a municipality licenses trailer camps under a business licensing by-law and imposes a licence fee for each lot in the trailer camp to be occupied by one trailer, no licence fee shall be charged in respect of a lot that is to be made available only for a trailer that is assessed under the Assessment Act. 2006, c. 32, Sched. A, s. 82.*

#### **Definitions**

*(4) In this section,*

*“trailer” means any vehicle constructed to be attached and propelled by a motor vehicle and that is capable of being used by persons for*

*living, sleeping or eating, even if the vehicle is jacked-up or its running gear is removed; (“roulotte”)*

*“trailer camp” means any land on which a trailer is kept. (“parc à roulottes”) 2006, c. 32, Sched. A, s. 82.*

In the absence of, or in coordination with site plan control, the licencing by-law is a mechanism that can enable the municipality to obtain annual (or more often pending wording of the by-law) information on the design of a trailer park and the location of critical features such as sanitary treatment facilities, water supply services, and solid waste management installations. Having this information is helpful for emergency services responding to calls. It can be a mechanism to ensure compliance with other municipal by-laws and the applicable regulations of other levels of government, such as ensuring on-site services are being maintained and operated in accordance with applicable laws and permits.

Licencing can be a user pay system administratively so there is no demand for financial support from tax revenues (to administer or enforce). Enforcement can also be flexible in that it can involve administrative authority to deny or revoke a permit (meaning the business would not be able to open/operate); formal legal proceedings under Provincial Offences, and set fines (tickets) and/or administrative monetary penalties could be established for failure to comply with some By-law provisions.

The potential challenges with licencing are:

- There may need to be a background study and a broad consultation to determine the full range of issues that the By-law will need to encompass and address and to manage its initial application
- It requires extensive administrative resources in applying and upholding the by-law. To note the County of Prince Edward has an entire department dedicated to the enforcement and review of their Licensing By-Law.
- Depending on the depth of issues and requirements established for obtaining a licence, it can be seen as intrusive or onerous by camp operators.

#### *Nuisance and specific protection By-laws*

The following review is a brief outline of some of the legislative management tools available to a municipality to provide some measure of control over various types of nuisance or behaviour and activity that may be undesirable or harmful in the absence of control. These are by-laws that may be established under the Municipal Act. They are more typical of urban environments where sensitive uses, such as residential subdivisions, schools, hospitals or other forms of residential care facilities are concentrated and administratively, there is a By-law enforcement office with appropriately trained enforcement staff to respond to incidents and complaints.



## **Property Standards By-laws**

This is an administrative tool that a municipality can establish to address property management issues. The Township has such by-law in place. Typically, they enable enforcement to ensure minimum municipal standards of property upkeep are met. Similar to licencing by-laws they can be flexible as to the range of issues addressed and can extend to: abandoned, or unsound buildings and structures, abandoned or unlicensed vehicles, inadequate refuse and garbage management, or unsafe or poor property maintenance such as unkept vegetation obstructing signage, or pedestrian pathways, or creating a fire hazard. These are all issues that can arise with poorly managed campground operations such that the By-law may be a useful tool in the face of absentee or irresponsible property owners.

A primary challenge with this administrative tool is that it is not limited to a specific type of land use or property class but usually applies uniform standards of property maintenance to all comparable forms of land occupancy throughout the municipality, or the portion of the municipality to which the by-law is applied. To ensure equity and effective application it may require some level of active enforcement rather than solely complaints driven action.

## **Noise Control By-law**

These By-laws have a wide degree of complexity from one municipality to another, which usually reflects the range of nuisance issues that may arise and the sensitivity or expectation of the residents as to the control of noise impacts. The Township has a noise by-law in place. Noise by-laws usually identify types or sources of noise that are to be controlled, or in some instances prohibited, or may licence short term noise exemptions. They usually identify types or sources of noise that are prohibited during specific times of the day near a sensitive receiver; e.g. prohibition of construction equipment operations, or loudly amplified music in a residential area from 11:00 PM to 6:30 AM. A conceivable application with regard to a trailer park near a shoreline residential area would be to discourage loud music and party or concert noise.

## **Tree Cutting By-Law**

Tree Cutting By-laws can be useful tools in protecting both specific types of trees or treed areas. The Township does not have a tree cutting by-law in place. These by-laws are typically used by urban municipalities to protect significant woodlots or trees on public lands and can assist in discouraging the premature removal of wooded areas before development approvals are given. They usually require engagement of trained staff and/or retention of an arborist for evaluation of specific situations or support of enforcement activity. There are few rural municipalities (if any) that have established a tree cutting by-law. For many rural municipalities it would be difficult to establish and implement given their larger geographic size, often extensive areas of tree cover, resistance from land owners, and the staff resources and expertise needed to effectively apply the By-law. More in depth investigation would be needed before use of this tool could be considered.

## Grade Alteration By-Law

This type of by-law is becoming more common in urban centers. As the title implies, it is a mechanism to ensure that land owners obtain permits before making substantive changes to property grades and impacting drainage. The Township does not have a grade alteration by-law in place. As with tree cutting by-laws this can be a useful tool in discouraging premature lot alteration before a land owner or developer has the appropriate development approvals. It also may be useful as a mechanism to ensure engineered grading and drainage systems in subdivisions and/ or sites under a site plan control agreement are not altered once the development process has been completed and the development released / occupied by multiple owners or users. It is conceivable that this could be a useful tool in ensuring the drainage of a campground site is not altered after an initial design is established. It would require more thorough research to understand how such a by-law would be applied to existing development or potential development sites. As with the tree by-law, an attempt to establish a widely applicable grade alteration by-law in a rural setting could be challenging.

### *Interim Control By-law. – Planning Act Section 38*

Interim Control By-laws are a substantive, short-term development control tool authorized under the Planning Act. To staff's knowledge the Township has not ever implemented such a by-law. They are used to prohibit specified development in part or all of a municipality for an initial one-year period while a study of a specific land use policy and zoning issue is undertaken and, in some circumstances, may be extended for up to one additional year where a study or a recommended action remains incomplete. For such a by-law to withstand a challenge, the municipality must have a clear intent and financial commitment to undertake the study / land use review and the use of the By-law must be permitted by the Official Plan. The latter condition is provided for in the Township's OP.

Concerns or issues that might warrant consideration of an Interim Control By-law could encompass the following scenarios:

- a review of planning policies and zoning standards for campgrounds or commercial recreational uses more broadly.
- Coincident with the review there could be evaluations of campground performance and service demand issues as a means to provide background documentation and a basis for any changes to the planning policies and zoning standards. This could encompass evaluation of nuisance issues with respect to compatibility or aesthetic impacts on adjacent uses. An examination of impacts of campgrounds on natural areas, ground water resources, or surface water quality. A review of public service demand such as road maintenance, emergency service calls, garbage management, or other municipal service demands which might be affected or impacted by campground location.

A study would not need to consider all these issues. It could be limited to a review of best practices and zoning standards applied by other municipalities; or could be include issues being experienced or those of particular concern to the municipality. The expectation of the process is that it will likely lead to some change to the municipality's planning policies and zoning standards. It is important to note that a review of this nature would need to be done externally and could be very expensive.

### **Adequacy of Current Policy Regime**

Having reviewed the United Counties Official Plan, the draft update of the Official Plan for Rideau Lakes, and the Township's Zoning By-law with regard to the public policy and regulations currently in place regarding tourist campgrounds, there are basic control elements established. Through the Site Plan Control By-Law and associated requirements that would be derived from an application under that by-law, there are further regulatory controls over development at campgrounds in the Township. However, given the level of responsibility for campground management at the municipal level established by the current administrative structure, the Township may wish to consider updating some planning policies, zoning standards and other supportive by-laws if current experience or anticipated development may lead to concerns or issues that existing regulatory tools will not adequately address. As an update to the current Zoning By-Law will be occurring towards the end of 2021/early 2022, staff believe this will be a good opportunity to update our tourist campground associated policies and help to clarify, while bridging gaps in current policies. For instance the Township should consider contemplating the level of permanency by separating the type of campground occupancy, and then regulate accordingly given the differing public interests. While this should be detailed in the Zoning By-Law, the Official Plan should also provide the policy backing to implement the detailed zoning policies. The absence of policy direction in the Official Plan could be a point of challenge should the Township try to establish the more detailed control / regulation through the Zoning By-law.

In the meantime, should an application be received for expansion of any campground, the current policies will apply, and the Site Plan Control process will be required to be followed. In many cases an expansion would also trigger a Zoning By-Law Amendment and thus extensive review and public consultation will be required. Through this process the Township would have the opportunity to impose site specific standards to ensure the appropriate land use protections are in place for the development.

### **Recommendation**

This report has been prepared for informational purposes