

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: April 02, 2026

CASE NO(S).:

OLT-23-001153

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant: Skycroft Campground (2011) Ltd
Subject: Request to amend the Official Plan – Appeal of Decision
Description: To permit additional campsites to be added to an existing seasonal campground
Reference Number: PL-OPA-2022-0037
Property Address: 2827 Opinicon Road
Municipality: Township of South Frontenac
OLT Case No.: OLT-23-001153
OLT Lead Case No.: OLT-23-001153
OLT Case Name: Skycroft Campground (2011) Ltd v. South Frontenac (Township)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant /Appellant: Skycroft Campground (2011) Ltd
Subject: Application to amend the Zoning By-law – Appeal of Decision
Description: To permit additional campsites to be added to an existing seasonal campground
Reference Number: Z-16/15
Property Address: 2827 Opinicon Road
Municipality: Township of South Frontenac
OLT Case No.: OLT-23-001154
OLT Lead Case No.: OLT-23-001153

Heard: January 13-15, 17, 20, 22-23, 31, and February 3, 2025 by video hearing

APPEARANCES:**Parties**

Skycroft Campground (2011) Ltd

Township of South Frontenac

Protect Opinicon Inc.

Queen's University

CounselPhilip Osterhout
Crystal McConkey (*in absentia*)Spencer Putnam
Tony Fleming (*in absentia*)

David Donnelly

Greg Meeds

DECISION DELIVERED BY F. LAVOIE AND ORDER OF THE TRIBUNAL

[Link to Order](#)**INTRODUCTION**

[1] Skycroft Campground (2011) Ltd (“Skycroft”), owns and operates a private campsite resort on the shores of Opinicon Lake. Skycroft applied for a significant increase to the campground’s campsites and cabins. The Township of South Frontenac refused the applications, which Skycroft appealed. Queen’s University and Protect Opinicon Inc. opposed the appeals with the Township. Skycroft’s appeals mostly turn on whether it can show the development will have no negative impacts on natural heritage features or their ecological functions. The Tribunal finds Skycroft did not do so and dismisses the appeals, for the reasons below.

THE CAMPGROUND

[2] Skycroft Campground Resort (“Campground”) comprises of 17.8 hectares (“ha”) of land on the south-west portion of Opinicon Lake, at 2827 Opinicon Road (“Subject

Lands”). Split Rail Lane divides the Campground in two parcels, identified in Figure 1 below as the “East Parcel” and the “West Parcel”. The West Parcel is on the waterfront, with 534.5 metres (“m”) of total frontage on Opinicon Lake, 43 campsites, and one cabin. The larger East Parcel is forested with some trails, nestled between Opinicon Road and Split Rail Lane, and 29 campsites. Skycroft’s proposal would add 118 campsites and 30 rental cabins on the East Parcel.



Figure 2: Annotated Campground Map (Exhibit 7, p. 3)

[3] To expand, Skycroft applied for an Official Plan Amendment (“OPA”) and a Zoning By-law Amendment (“ZBA”) with the Township of South Frontenac (“Township”) in March 2022. Skycroft faced significant opposition at the public meeting. Skycroft filed a second submission to address this feedback. Still, the Township staff’s report recommended that Council refuse the applications. Township’s Council then refused the applications.

THE APPEALS

[4] Skycroft appealed the refusal of its OPA and ZBA applications under ss. 22(7) and 34(11) of the *Planning Act*, RSO 1990, c. P.13 (the “Act”). Their Notice of Appeal states the applications are consistent with the Provincial Planning Statement 2024 (“PPS”), conform to the County Official Plan, and conform to the general philosophy and intent of the Township Official Plan. According to Skycroft, Council unreasonably refused the applications without regard to planning grounds.

[5] Skycroft raised eight grounds of appeal. Its ground relating to the environment is that “the applications do not pose any adverse environmental impacts and appropriately conserve the natural heritage features of the Subject Property and surrounding areas. The Applications will preserve a minimum of 60% of the tree canopy to ensure no degradation or threat to the health and integrity of various habitat and to maintain ecological functions.”

OPINICON LAKE, THE SURROUNDING AREA, AND ADDED PARTIES

[6] Opinicon Lake and the surrounding area are part of the Frontenac Arch Biosphere. The Frontenac Arch bridges the Canadian Shield and the Adirondack Mountains. The Frontenac Arch was designated as a UNESCO World Biosphere Reserve in 2002.

[7] Opinicon Lake, part of the Rideau Canal, is about midway between Kingston and Smiths Falls. The Campground is bounded by Opinicon Lake to the South and Opinicon Road to the North. Further North of Opinicon Road are conservation and research lands known as the Bonwill Tract, owned by Queen’s University (“Queen’s”). Queen’s also owns a small parcel directly West of the Campground which, until recently, it licensed to Skycroft. Queen’s manages these lands and conducts research at its Queen’s University Biological Station on Opinicon Lake. Queen’s was added as a Party at the

Case Management Conference (“CMC”).

[8] Local residents incorporated Protect Opinicon Inc. to promote the protection of the area and maintenance of its natural heritage. Protect Opinicon Inc. sought and was granted Party status at the CMC. This was done to ensure the voices of the local community be heard collectively, promoting the efficient use of hearing time.

ISSUES

[9] The core issues addressed by the Parties are the following:

- a. Has Skycroft demonstrated the proposed development will have no negative impacts on natural heritage features or their ecological functions?
- b. Has Skycroft demonstrated the ZBA and OPA are consistent with the PPS and conform with the other policies of the County and Township OPs?

LAW

[10] The Tribunal notes the Parties’ submissions on the applicable test did not correspond. Indeed, the Appellant submitted the test for an OPA is whether the proposed amendment has regard for matters of provincial interest, is consistent with the PPS, conforms to the county OP, and conforms to the overall philosophy of the township OP, read as a whole. On the other hand, the Township submitted the test is whether the proposal is consistent with the PPS, conforms with the intent and purpose of the County and Township OPs, is good planning and is in the public interest. Lastly, Protect Opinicon Inc.’s submissions addressed whether the applications have regard to matters of provincial interest, are consistent with the PPS, and conform with the County and Township OPs.

[11] The Tribunal holds the applicable test is the following. The Tribunal's decision must be consistent with policy statements in effect on the date of the decision¹, in this case the PPS 2024. It must also have regard to matters of provincial interests², to Council's decision on the applications, and to any information and materials considered by Council.³

[12] A lower tier OPA must conform to the upper tier OP, being the County OP. A ZBA must conform to applicable OPs, in this case, the County and Township OPs. Both an OPA and a ZBA must represent good land use planning in the public interest.

[13] To be clear, whether the conformity part of the test applies to the OPs themselves, to the "overall philosophy" of an OP, or to the "intent and purpose" of the OPs, the outcome remains the same. The applications do not conform to any of these tests, however formulated.

THE HEARING

[14] The Tribunal held the hearing over eight days, and heard the testimony of the following ten witnesses, each qualified by the Tribunal to provide expert opinion evidence in their respective fields:

- a. Shawn Legere (Skycroft – Land Use Planning)
- b. Dr. Robin LeCraw (Skycroft – Ecology)
- c. Christine Woods (Township – Land Use Planning)

¹ s. 3(5) *Planning Act*, RSO 1990, c P.13 ("Act")

² *Ibid* s. 2.

³ *Ibid* s. 2.1.

- d. Mark Cece (Township – Ecology)
- e. Dr. Paul Martin (Protect Opinicon Inc. – Ecology and Ornithology)
- f. Dr. Gabriel Blouin-Demers (Protect Opinicon Inc. – Ecology and Herpetology)
- g. Mark Heaton (Protect Opinicon Inc. – Ecology)
- h. Dr. Steven Cooke (Protect Opinicon Inc. – Aquatic Ecology)
- i. Allan Ramsay (Protect Opinicon Inc. – Land Use Planning)
- j. Tony Gkotsis (Queen’s University – Land Use Planning)

[15] Much of the hearing centered on the opinion evidence of the above-noted ecologists, including their support or criticism of an Environmental Impact Study (“EIS”) completed for the Subject Property. The EIS was first prepared by Cambium on March 14, 2022, then revised on June 15, 2023. Dr. LeCraw reviewed but did not prepare the EIS. She agrees with its conclusions that, provided its recommended mitigative measures are implemented and any necessary ESA approvals are obtained, the proposed development would have no negative impacts on natural heritage features or their ecological function. The rest of the ecologists disagreed. Each critiqued the EIS and rebutted its conclusions.

EVIDENCE, FINDINGS, AND ANALYSIS

Issue 1: Will the proposed development have no negative impacts on natural heritage features or their ecological functions?

[16] The natural heritage policies of the PPS prohibit development in significant

woodlands, significant wildlife habitat, and adjacent lands to these unless an applicant has demonstrated its proposal would have no negative impacts on the natural heritage features or their ecological functions.⁴

[17] An Agreed Statement of Fact for Natural Heritage was prepared by Dr. LeCraw, Mr. Cece, Mr. Heaton, and Dr. Blouin-Demers. They agreed that habitat for Grey Ratsnake (specifically the Frontenac Axis population, designated as a threatened species) is present on the Subject Lands. They also agreed, Dr. Blouin-Demers excepted, that:

- a. Adjacent lands include land within 120 m of the Subject Lands;
- b. The Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E apply to the Subject Lands;
- c. Habitat for Cerulean Warbler is present on the Subject Lands;
- d. Based on proximity of previous records of Pale Bellied Frost Lichen, and similarity of habitat on adjacent lands, there is potential for Pale Bellied Frost Lichen to occur on the Subject Lands;

[18] Dr. Martin is an Associate Professor in the biology department at Queen's, with expertise in ornithology. He testified regarding the Cerulean Warbler and Eastern Whip-poor-will. He said the Cerulean Warbler is an endangered species in Canada and a threatened species in Ontario. In his opinion, the proposed development could render the Cerulean Warbler habitat unusable for successful breeding in the future. He critiqued the EIS as lacking any consideration of impacts of the proposed development

⁴ PPS policies 4.1.5b), 4.1.5c), and 4.1.8.

on the Cerulean habitat.

[19] Based on a 2010 intensive survey of Cerulean Warblers on Queen's University Biological Station properties and adjacent lands, including the Campground, Dr. Martin opined that in 2010, 1% of Canada's Cerulean Warbler 433-543 breeding pairs population occurred on the Campground. He said populations have declined since then. Dr. Martin opined that although there is no scientific consensus on what percentage of canopy must be maintained to not impact Cerulean Warbler habitat, he stressed that even 80% canopy cover reduces their reproductive success. He recommended retaining 90% or more of the canopy cover to avoid negative impact. Therefore, Dr. Martin states a loss of up to 40% canopy cover in Skycroft's development proposal is likely to impact the Cerulean Warbler habitat.

[20] Dr. Blouin-Demers is a Professor of Ecology and Conservation Biology at the University of Ottawa, focusing mostly on reptiles in Ontario and southern Quebec. He conducted radio telemetry research on Gray Ratsnake in the area including the Campground between 1996 and 2008. In his opinion, the introduction of more people at the Campground, not just the development of the expansion, will increase the mortality of the Gray Ratsnake and impact its habitat. He also opined that the increase in people and motorboat traffic has a detrimental impact on turtles, such as the threatened Blanding's turtle.

[21] Dr. Cooke is a Professor at Carleton University who has conducted research on Lake Opinicon since 1998, with a focus on fish ecology, habitat, and anthropogenic impacts ranging from noise pollution from boats to light pollution from development. He testified it was important to consider the proposed development within the context of the existing campground, since all campers would have access to the shoreline, increasing its use.

[22] Dr. Cooke also referred to an unpublished study authored by Dr. Philipp, who did not testify. The study, titled “a comparison of Bass reproduction/recruitment metrics and the quality of the shoreline habitats at various locations within Opinicon Lake 2023-2024”, targets Skycroft’s shoreline as an area of specific concern, whereas much of Opinicon Lake’s shoreline was in excellent health. The study’s background refers to recent proposed development studies around Skycroft and concludes by recommending that Skycroft be “ordered to return their shoreline to its original state, and any plans to expand operations be denied”.

[23] Under cross-examination, Dr. Cooke revealed that Dr. Philipp was a resident on Opinicon Lake who was opposed to Skycroft’s proposal. The Tribunal accords this study no weight whatsoever given the circumstances.

[24] Mr. Heaton is a retired fish and wildlife biologist who worked for the Ontario Ministry of Natural Resources for three decades. He testified that natural features and ecological functions would be negatively impacted due to forest removal, excavation, grading, and long term human disturbances such as noise, vehicular traffic, lighting, and campfire smoke. In his opinion, the EIS did not identify or assess the species-at-risk habitat and functional impacts. He also said the approach taken in the EIS to defer both *Endangered Species Act* approvals process and consultation with the MECP until after obtaining OPA and ZBA approvals is not consistent with typical land-use planning or the PPS.

[25] Mr. Heaton presented a species at risk observation records which he prepared using detailed data from the Natural Heritage Information Center and Dr. Blouin-Demers. It is immediately apparent that the Gray Ratsnake and the Cerulean Warbler observation records show each were found throughout the Campground and adjacent lands.

[26] The Township's retained ecologist, Mr. Cece, has over twenty years experience in the environmental consulting industry, and currently the Director of Ecology at EnVision Consultants. Mr. Cece conducted a peer review of the EIS and three site reconnaissance visits.

[27] In his opinion, the scope of the EIS was too narrow because the entire campground should have been assessed by the EIS. Indeed, without a complete understanding of the Subject Lands, it was not possible to determine the proposal's impact on natural heritage features. He said the assessment of impacts should also include impacts from the increased use of the whole campground and adjacent areas.

[28] Mr. Cece further testified to other deficiencies or inconsistencies with the EIS, including notably that:

- a. The EIS only identifies 40 plant species, which is low in his opinion;
- b. Consultation with the Ministry of the Environment, Conservation and Parks ("MECP") should be undertaken given the potential for Species at Risk to be present, to ensure the feasibility of the plan and whether the *Endangered Species Act* requirements are met;
- c. Insufficient Blanding's Turtle surveys, since only one (April 18, 2020) of the three surveys was within the protocol window from ice-out to June 15th;
- d. The wrong protocol was used for snake surveys (using the Survey Protocol for Ontario's Species at Risk Snakes (December 2016) instead of the Best Management Practices for Identifying, Managing and Creating Habitat for Ontario's Species at Risk Snakes (February 2018));

- e. That the EIS' conclusions on the absence of species at risk or their habitat was premature given the survey protocol issues noted above; and
- f. The EIS' suggested maintenance of 60% woodland cover is based solely on a reduction in absolute size, disregarding other relevant physical characteristics such as tree density and cover, edge effects, and presence of people.

The EIS and Appellant's Ecologist

[29] The EIS identified the following natural heritage features on and adjacent to the Subject Lands: fish habitat in Lake Opinicon, Significant Woodland, confirmed and candidate Significant Wildlife Habitat, potential habitat for Species at Risk, and the Hamilton Lake Life Science ANSI. The EIS ultimately concluded that negative impacts associated with the proposed development can be appropriately minimized provided the EIS' nineteen recommendations were adhered to. At face value, those recommendations are generic and do not demonstrate what potential negative impacts are avoided through their implementation. While it claims to demonstrate the proposed development will not adversely impact natural heritage features and functions identified on or adjacent to Subject Lands, the Tribunal notes it is more conclusory than illustrative.

[30] Crucially, the EIS only surveyed the east parcel. Dr. LeCraw testified under cross-examination that they did not survey the west parcel, because it was in "the adjacent lands" or "in the area not proposed for development". The EIS itself does not document or explain the decision to survey only the east parcel. However, Figure 3 of the EIS confirms that all the bat, amphibian, and breeding bird survey stations were in the East Parcel.

[31] Dr. LeCraw relied on the EIS in giving her opinion that the proposed development will have no negative impacts on the natural heritage features and their functions on or adjacent to the Subject Lands. She opined the existing campground's impact could not be considered and, therefore, nor could the increased impact arising from the expansion be considered.

[32] Dr. LeCraw conceded that the survey hours spent on the Subject Property were "significantly lower than what is required by the protocol", while simultaneously characterizing it as being "followed to a reasonable degree".

[33] The EIS found no species at risk or their habitat were observed on Site during the field studies but that the Site may provide habitat or be adjacent to habitat of endangered or threatened species given the species within the wider landscape.

[34] Dr. LeCraw's opined the proposed development was compatible with the preservation of the natural heritage features present on and adjacent to the Site and in the region. She suggested the 2023 EIS' recommended mitigation measures would prevent negative impacts to the "overall natural heritage features and functions that overlap the Site".

Parties' Submissions

[35] The Appellant submits the County and Town OPs' goals of preserving natural heritage and environmental sustainability do not conflict with its economic, tourism, and recreational goals. It argues the Town OP simultaneously recognizes the important of protecting South Frontenac's Natural Heritage while promoting the goal of having more people out experiencing nature.

[36] The Appellant does not dispute the potential presence of endangered or threatened species. It instead say that its approach assumes their presence, and that it

will consult the MECP to determine approvals under the *Endangered Species Act*, 2007, S.O. 2007, c. 6⁵ (“ESA”) or *Species at Risk Act* permitting requirements and conditions. It says the imposition of a holding condition in place until the MECP permitting occurs is consistent with the PPS, and refer to *Despaties (Re)*, 2015 CanLII 18860 as an example of this.

[37] The Township submits the Applicant has not done the work to confirm there would be no negative impacts on the natural heritage features, and the scale of the development exceeds even the most generous interpretation of the Township’s OP.

[38] Protect Opinicon Inc. goes a step further and submits the proposal will adversely impact the ecological integrity of the natural area, particularly the habitat of threatened and endangered species and Significant Wildlife Habitat. It also submits the proposal will result in an over-concentration of campsites which is not compatible with the rural character of the surrounding areas.

[39] Queen’s University concurs with the concerns raised by the Township and Protect Opinicon Inc. It additionally submits the proposal has the potential to impact the ANSI lands to the north and the scientific research conduct herein. It criticizes the Applicant’s approach as being one that improperly defers the determination of species at risk and tree conservation to a later date, which Queen’s University submits is fatal to the proposal in the face of clear policies requiring “no negative impact” be demonstrated.

⁵ Repealed on March 30, 2026.

Participant Statement of Shelagh Hurley

[40] Shelagh Hurley was granted participant status in the hearing at the CMC. Their participant statement directly addresses the core issue in this case. In their view, the EIS and Planning Justification Report filed in support of the OPA and ZBA demonstrates non-compliance with the PPS. They say the EIS' recommended mitigation measures reduce but do not prevent harm the proposed development will cause. They argue the PPS prohibits development and site alteration when such activities threaten the health and integrity of protected habitats, that Skycroft's proposal will undeniably threaten these, and that Council's unanimous rejection was the correct decision.

Analysis and Findings

[41] To be successful in its appeals, Skycroft has the burden to prove the proposed development will have no negative impacts on natural heritage features or their ecological function. The Tribunal finds it failed to do so – the EIS is improperly scoped and there were numerous flaws in the methodology employed.

[42] Considering all the evidence, the Tribunal agrees with the Township that the entire Subject Property, not just the East Parcel where the proposed development would take place, must be assessed through the EIS.

[43] Firstly, a partial assessment of the Subject Property prevents the identification of natural heritage features or endangered and threatened species on the West Parcel which could be impacted by the proposed development on the East Parcel.

[44] Secondly, the Tribunal finds the opinions of Drs. Martin, Blouin-Demers, and Cooke, Mr. Heaton, and Mr. Cece, that the impact of the increase in human activity should be evaluated – instead of ignored - persuasive. This concurs with the comments by the Rideau Waterfront Development Review Team ("RWDRT") which warned the

Appellant of this specific issue in a letter dated June 27, 2022 (p. 503 of Exhibit 1 - Joint Book of Documents, Volume 1). The RWDRT advised that because patrons of the East Parcel would have access to the shoreline and its amenities, "... the intensity of the land use impact associated with the proposed expansion could compromise the ecological integrity of the shoreline."

[45] Assessing the impact of the increase in human activity also conforms to the objective found in the Township OP policy 4.1(a)(ii) "to approach planning decisions on an ecosystem basis, an approach that recognizes the interconnection of all living organisms, including humans, to their environment and to each other."

[46] Thirdly, the County OP itself has special policies for waterfront areas which recognize impacts that development near, but not on the shoreline, may have. Specifically, policy 3.3.3.4.1 explains that waterfront areas include not just lands extending 150 m from the shoreline, but also lands which are further than 150 m but are physically and functionally related to the waterfront area.

[47] Lastly, even the Appellant's own ecologist conceded both parcels function together as one site.

[48] But that is not all. Fundamentally, the EIS failed to follow surveying protocol, which likely resulted in its lack of observation of any Cerulean Warbler or Gray Ratsnake. This is exacerbated by the fact the EIS failed to identify that it was conducting surveys significantly lower than required by protocols.

[49] Considering the EIS also failed to provide a rationale for limiting the area surveyed, the Tribunal finds the EIS shows a troubling pattern of obscuring key elements of their methodology which affect their conclusion. The Tribunal finds this weakens the overall credibility of the EIS.

[50] Dr. LeCraw's evidence was that concerns with species at risk could be addressed at a later stage (or in parallel) through consulting with the MECP and ESA approvals. The Tribunal prefers the evidence of Mr. Heaton that the MECP should have already been consulted. They were not.

[51] The Tribunal is not convinced these numerous deficiencies can be cured by the imposition of a holding condition. The Tribunal does not think *Despaties (Re)* stands for the broad proposition that a holding condition pending MECP permitting is consistent with the PPS. *Despaties (Re)* is distinguishable on the basis that the township had already passed the ZBA with this holding condition, which had been appealed by Ms. Despaties, a third party. In refusing her appeal, the Ontario Municipal Board ("OMB") ruled Ms. Despaties did not make a compelling case to support her appeal, and was instead persuaded by the evidence of the land use planners tendered as witnesses by the Township and the Applicant.

Issue 2: Has Skycroft demonstrated the ZBA and OPA are consistent with the PPS and conform with the other policies of the County and Township OPs?

[52] Given the Tribunal's ruling against the Appellant on the first issue suffices to dispose of their appeals, it is not necessary to rule on the second issue. Notwithstanding this, the Tribunal wishes to note the following points regarding the size of the Appellant's proposed expansion.

[53] The Tribunal agrees with the Township's position that the scale of the development exceeds even the most generous interpretation of the Township's OP. In that regard, the Appellant's reliance on an overall density, instead of the metrics found in the Township OP, is misplaced.

[54] Development policies for recreational and resort commercial found in Township OP, specifically policy 5.7.5(iii)(a) which applies to Tent and Trailer Parks, requires, among other things, the following:

...

2. The minimum lot area for tent and trailer parks shall be 4 ha (10 acres); the maximum number of campsites should be 50 in order to avoid excessive concentrations of development in waterfront areas.

...

5. No more than 25% of the total lot area may be used for campsites or for other commercial uses.

...

7. Adequate provision shall be made in the establishment of any new tent and trailer park or major expansion of an existing one for recreational facilities. These may be comprised of beaches, swimming pools, tennis courts, major open space areas or a combination of these and/or similar features. If the primary recreational amenity provided is waterfront, 15 metres (49.2 feet) of usable shoreline per site will be required. In considering the suitability of beach or the open space areas, Council may consult with the Ministry of the Environment, Ministry of Natural Resources, Conservation Authority and any other source which might provide relevant advice.

[emphasis added]

[55] The Appellant argued it is reasonable to divide the minimum lot area of 4 ha by the maximum number of campsites of 50, resulting in a density of 12.5 campsites/ha. They justify the proposed amendment of 231 campsites and rental cabins over 17.8 ha as attaining just under 13 campsites/ha, similar to what “the policy contemplates”.

[56] The Appellant claims the maximum number of campsites does not apply because development has already occurred on Skycroft’s waterfront. Not so. The County OP’s waterfront area definition includes the entire Subject Property, since the east and west parcels are both physically and functionally related.

[57] Regarding the 15 m of usable shoreline per site where the primary recreational amenity provided is waterfront, the Appellant fares no better. Their land use planner, Mr. Legere, avoided answering whether Skycroft’s primary recreational amenity was waterfront. He instead repeatedly stated it was not the only recreational feature. In contrast, Mr. Legere wrote in the first Planning Justification Report, dated March 2022 that “Opinicon Lake will consist of the primary recreational amenity for the east parcel”. In the revised Planning Justification Report dated June 2023, Mr. Legere changed his assessment and would state “the Skycroft waterfront beach is not its primary amenity feature, where two open space areas and an island are provided for camper recreational use”.

[58] The Tribunal finds the waterfront is undeniably Skycroft’s primary recreational amenity. Despite minor differences between the Parties’ submitted calculations for the useable shoreline per site, they were all significantly less (2m/site or 1.8m/site) than the 15 m/site.

[59] The Tribunal cannot agree with the Appellant’s convoluted interpretation and application of the Town OP. Had the Town OP intended a density requirement, it could have done so. Instead, it chose to set a minimum lot area of 4 ha, and a maximum number of campsites of 50. These are the policies that apply.

[60] The Appellant's scale of the proposed expansion does not conform to the Township OP.

CONCLUSION

[61] Plainly, the Appellant proposed to almost triple their number of guests without completing the basic requirement of a properly scoped environmental impact study – one that includes the entire Subject Property, not just the east parcel. The EIS also suffered from other flaws, detailed above. The Tribunal therefore finds the Appellant failed to demonstrate the proposed development would have no negative impacts on natural heritage features or their ecological functions. Accordingly, the OPA and ZBA are not consistent with the PPS.

ORDER

[62] **THE TRIBUNAL ORDERS THAT** the appeals are dismissed and the requested amendments to the Official Plan for the Township of South Frontenac and By-law No. 2003-75 are refused.

"F. Lavoie"

F. LAVOIE
MEMBER

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

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