

August 19, 2022

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**SENT BY EMAIL**

Tom Fehr, M. PL  
Associate Planner  
Township of Leeds and the Thousand Islands  
1233 Prince Street  
P.O. Box 280  
Lansdowne, ON K0E 1L0

Dear Mr. Fehr;

**Re: Application for Zoning By-law Amendment D14-2022-008  
Application for Site Plan Control D11-2022-006  
Part Lot 22, Concession 1; County Road 2  
Twp. of Leeds and the Thousand Islands  
Assessment Roll #: 08128120201330400000**

**Proposal**

The proposal involves a zoning bylaw amendment to change the current zoning of a portion of the property from Rural (RU) to Rural Special Exception XX (RU-XX) to permit the development of a Contractor's Shop or Yard on the property to accommodate for an arborist and tree removal company. The applicant has also submitted a concurrent site plan control application.

Staff of Cataraqui Conservation have reviewed the above-noted applications for a zoning by-law amendment and site plan control applications, including the following supporting materials:

- Site Plan and Servicing & Grading Plan, completed by Asterisk Engineering Corp. dated May 16, 2022
- Planning Justification Report, completed by Jason Budd MCIP, RPP, dated May 3, 2022
- Environmental Site Evaluation, completed by Ecological Services, dated February 18, 2022
- Architectural Plans, completed by Asterisk Engineering Corp., dated May 16, 2022
- Stormwater Management Report, completed by Asterisk Engineering Corp. dated May 16, 2022
- Topographic Survey, completed by Hopkins Chitty Land Surveyors Inc., completed 2021
- Draft Rezoning Schedule

The CRCA's main interest in this application is the avoidance of natural hazards, protection of natural heritage and provision of adequate stormwater management. We provide the following comments for the Township's consideration.

**Cataraqui Conservation**

1641 Perth Road, PO Box 160, Glenburnie ON, K0H 1S0 • info@Cataraqui Conservation.ca • 613-546-4228 •  
CataraquiConservation.ca

## **Site Description**

The subject property is relatively flat with a large open field. There are multiple tributaries that drain into Legges Creek which runs through the southeast corner of the property. This portion of Legges Creek (which drains to the southwest into the St. Lawrence River) is designated by the province as Provincially Significant Wetland. The subject property also has pockets of woodland throughout the property.

## **Natural Hazards**

### *Flooding and Erosion*

Cataraqui Conservation, through our implementation of Ontario Regulation 148/06 and, in accordance with the natural hazards policies of the 2020 Provincial Policy Statement (PPS), directs development away from lands subject to natural hazards, do not have negative impacts on the control of flooding or erosion both upstream or downstream.

As previously noted, the subject property has various tributaries throughout the property primarily located along the west side which drain in a southern direction into Legges Creek at the southeast rear portion of the property.

Cataraqui Conservation does not have flood plain mapping for the tributaries on the subject property and so the exact extent of the potential flood hazard associated with these features is unknown. In these situations, CRCA staff may apply a generic 30 metre setback from the average high-water mark or top of bank of a waterbody for new development and site alteration. Based on site characteristics and the headwaters and drainage area associated with the tributaries, staff are of the opinion that a generic 30 metre setback from the watercourse channels on the subject lands is anticipated to be sufficient to account for both flood and erosion risk.

Cataraqui Conservation's 30 metre setback in consideration of natural hazard avoidance is also consistent with the Township's zoning by-law requirements which require a 30 metre setback from the high water mark in consideration of water quality protection.

The submitted site plan demonstrates that a minimum 30 metre setback will be achieved between all site alterations and structural development and the identified tributaries. Cataraqui Conservation also does not have flood plain mapping for the portion of Legges Creek north of the 401 Highway. However, the location of the proposed development is more than 120 metres away and would not be subject to flood or erosion risk associated with Legges Creek.

Staff note that the Planning Justification Report does not include consideration of natural hazard policies under the Provincial Policy Statement (2020). For future submissions from the consultant, staff recommend that reference be made to natural hazard policies associated with flood and erosion risk. In this case the justification would be to meet a minimum 30 metre setback.

## Natural Heritage

### *Potentially Significant Woodland*

The subject property has numerous wooded areas which are identified in Schedule A3 of the Township's Official Plan specific to woodlands. However, Schedule A3 does not differentiate between regular woodlands and significant woodlands.

Based on the Environmental Site Evaluation completed by Ecological Services, dated February 18, 2022, the consultant suggests that the woodland on the subject site does not meet the criteria under the Natural Heritage Reference Manual NHRM (2010) to be deemed as significant woodland. The consultant notes that a woodland as defined under the PPS is an area meeting the ELC system definition for 'forest'. However, the mapped woodland on the subject property is defined as a treed rock barren which is not considered to be a forest type. The report also outlines that the forest pockets do not meet the necessary minimum size under the NHRM. Although there were limitations assessing the remaining criteria for the woodland due to time of year and property boundary restrictions, the consultant suggests that the woodland does not meet the other NHRM criteria for the purpose of the PPS. They also state that there are not necessarily any concerns for impacts to these wooded areas since the development proposal would be located outside the woodland with no anticipated requirements for physical disturbance or site alteration directly within the woodland to accommodate for the proposal.

### *Provincially Significant Wetland*

The property has Legges Creek Provincially Significant Wetland (PSW) present along the southeast rear portion of the property. The Official Plan, consistent with the Provincial Policy Statement, requires new development within the adjacent lands of a PSW (120 m) to demonstrate that there would be no negative impacts to the natural features and functions of the wetland. The normal mechanism to demonstrate no negative impact is through an Environmental Impact Study. The proposed development is located well outside 120 metres from the PSW boundary so need for further assessment is not required. The Environmental Site Evaluation confirms this.

### *Unevaluated Wetland*

While there have been small pockets of wetland identified on the subject property, the consultant with Ecological Services has confirmed that the wetlands are no greater than 0.2 hectares in size which is below the minimum size for ecological land classification mapping of 0.5 hectares and wetland evaluation. By virtue of Ontario Regulation 148/06, Cataraqui Conservation regulates all wetlands that are greater than 0.5 hectares in size. At 0.2 hectares and smaller, the identified wetland pockets would not be considered regulated features and thus not subject to regulatory requirements under the noted regulation.

***Staff are generally satisfied with the methodology and findings provided in the Environmental Site Evaluation. The report concludes that the proposed development would not adversely impact natural heritage features including Provincially Significant Wetland, unevaluated wetlands, and species-at-risk – which were the focus of the***

**assessment. Staff have no concerns based on protection of natural heritage features on the subject site.**

## **Stormwater Management**

In order to accommodate for the proposed development, stormwater management needs to be adequately addressed and implemented on the subject site. To achieve minimum quality and quantity control standards, Cataraqui Conservation requires that development of the site achieves post=pre quantity control for the 2 through 100 year events and an enhances 80% total suspended solids removal for quality control. Enhanced quality is required given the nearby Provincially Significant Wetland. Based on the submitted SWM details staff provide the following comments to be addressed by the applicant/agent:

- 1) Swale calculations for the 100-yr event should be prepared to ensure the runoff they receive can be conveyed to the storage basin.
- 2) Pre-development calculations show a Tc of 15 minutes. The pre-development Tc should be calculated using an appropriate method (i.e. Airport Method since pre runoff coefficient < 0.4). However, we recognize that there appears to be some steep slopes and shorter flow paths given the topography. If the Airport method produces a Tc value less than 15 minutes, then we would agree with the Tc of 15 mins applied in the calculations. Can the consultant please clarify the reasoning for the selection of a pre-development 15 minute Tc? Note that municipal standards showing a default 15 minutes are intended for urban areas with short flow paths rather than undeveloped sites.
- 3) Appendix B shows the orifice calculations. The head (m) is shown to be 0.9m. Drawing F-04 shows an invert for the orifice of 81.41. Drawing F-05 shows a 100-yr ponding limit of 81.81m. This difference is 0.4m, and the distance from the 100-yr ponding elevation to the center of the orifice would be 0.33m. The value of H = 0.9 is too large, since head should be measured from the headwater elevation to the center of orifice. Please revise.
- 4) The freeboard is noted to be 0.1m. It is standard to have a minimum 0.3m freeboard and a corresponding 300mm depth for the emergency spillway – please revise. It is recommended to have the emergency spillway sized to convey the uncontrolled 100-yr contributing peak flow of 242 L/s (based on P. 3 of the report) while assuming the orifice is blocked.
- 5) P. 2 notes that Phase 2 will initially be installed as gravel surface with the option to be paved at the discretion of Eco Tree Care. Can the consultant please confirm whether this 'Phase 2 – paved' scenario was included in the SWM calculations? It is recommended the paved Phase 2 calculations be included as part of this submission if it has not been already.

Based on the SWM submission, staff are generally satisfied that stormwater management can be achieved within the proposed development envelope and area subject to rezoning from Rural to Rural - Special Exception. However, the above should be addressed prior to approval of site plan control approval.

## Recommendation

Cataraqui Conservation staff have no objection to the approval of zoning by-law amendment application D14-2022-008 based on our consideration of natural hazards, natural heritage and water quality and quantity protection policies. **However, staff recommend that items 1-5 associated with stormwater management be addressed to the satisfaction of the Township and Cataraqui Conservation prior to the approval of site plan control application D11-2022-006.**

## Ontario Regulation 148/06

We note that the subject property is located within a regulated area under Ontario Regulation 148/06: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses. The purpose of the regulation is to ensure that proposed changes (e.g. development and site alteration) to a property are not affected by natural hazards, or interfere with the hydrologic or ecological function of wetlands. Any development or site alterations within 30 metres of a watercourse and 120 metres of Provincially Significant Wetland will be subject to review and approval under the noted regulation.

## Plan Review Fees

Cataraqui Conservation collects fees associated with review and commenting on planning applications and technical reports. A site plan control application review fee of \$1250 and technical report review fee of \$925 is currently outstanding. **The applicant should contact Cataraqui Conservation (Rhonda Roantree) directly (613-546-4228 ex. 220) at their earliest convenience to make payment of \$2175. Please note that a 50% surcharge is applied for review of technical report resubmissions.**

Please inform this office in writing of any decision made by the Township with respect to this application.

If you have any questions please contact the undersigned at (613) 546-4228 ext. 288, or by e-mail at [kwozniak@crca.ca](mailto:kwozniak@crca.ca).

Yours truly,



Kristen Wozniak  
Resource Planner