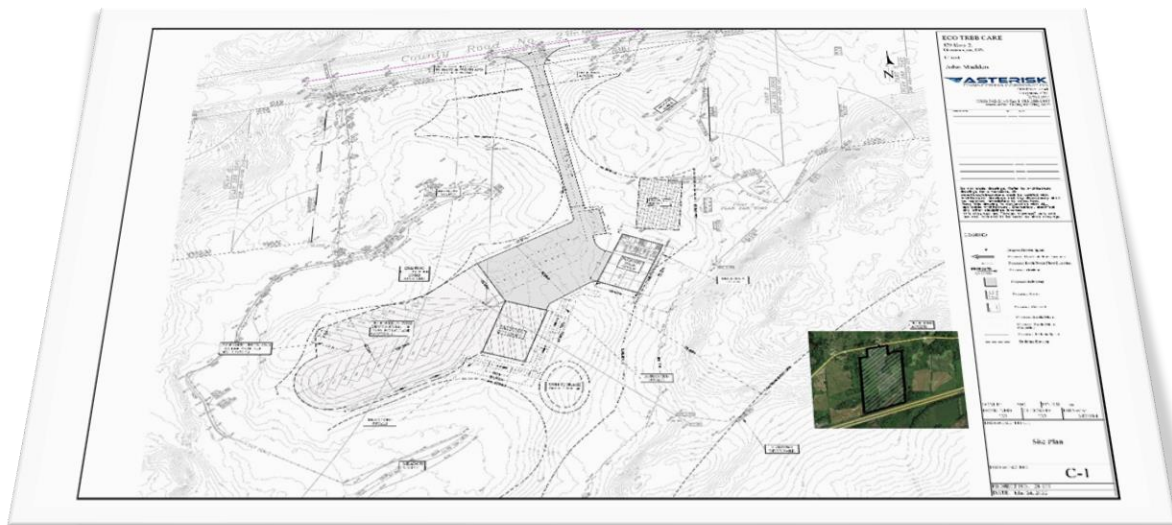


# Planning Justification Report

479 County Road #2, Township of Leeds and Thousand Islands  
In support of applications for Zoning By-Law Amendment and Site Plan  
Control  
Revised February 13, 2023



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## Introduction

Jason Budd MCIP RPP (2822500 Ontario Inc.) has been retained by Eco Tree Care Inc. (11847384 Canada Inc.), owner of the subject property located on the south side of Highway #2 and north of Highway #401 and described as Part of Lot 22, Concession 1, geographic Township of Leeds as in LR231492 Lying South of LR36623, Except Part 1, 2 & 4 of Registered Plan 28R9049, Township of Leeds and the Thousand Islands, United Counties of Leeds Grenville. This report provides an analysis of the applicable provincial, County and Municipal policies that apply to the subject lands. The analysis of the applicable policies in conjunction with a review of the supporting studies, available mapping, as well as a site visit culminated in a professional recommendation in support of the applications for Zoning By-Law Amendment and Site Plan Control. The owner is proposing to change the Rural (RU) Zone to a Special Exception (RU-\*\*) Zone to recognize the proposed tree care service use.

Pre-consultation regarding the introduction of the tree care service use on the subject lands began in 2021 via emails and conversations with municipal staff during the Covid-19 pandemic. Pre-consultation identified a need to submit applications for Zoning By-Law Amendment and Site Plan Control. The body of this report supports the introduction of the proposed new use through either Zoning By-Law Amendment.

The subject property is approximately 22.6 hectares in area. The proposal seeks to amend the Zone category applied to the subject property from Rural (RU) Zone to Special Rural (RU-\*\*) Zone in the Leeds and the Thousand Islands Comprehensive Zoning By-Law No. 07-079. The purpose of the Zoning By-Law Amendment is to facilitate the development of an arborist and tree removal business. In addition, the owner has applied for site plan control. The proposed development has been designed to be sympathetic to and respect the natural heritage resources that are present on the subject lands and surrounding area.

## Location

The subject property described as Part of Lot 22, Concession 1, geographic Township of Leeds, Township of Leeds and the Thousand Islands United Counties of Leeds and Grenville, and municipally known as 479 County Road #2.

The approximately 22 hectares property has an undulating topography that generally slopes from the north to the southeast towards Legge's Creek; which crosses the south eastern portion of the property adjacent to Highway 401. The southern lot line is bounded by Highway 401 and the northerly lot line has approximately 180 metres of frontage on County Road #2. The property does not have any structures, except for a large sign facing Highway 401. The lands are a mix of cleared land used for agricultural purposes and wooded areas. There is an unnamed tributary that is located on the west side of the property which flows south to Legge's Creek.

**FIGURE 1: LOCATION MAP**



## Surrounding Land Uses

The subject property is located within a rural area typified by the presence rural residential uses, farmland, natural heritage resource features such as wooded areas and Legges Creek and Highway 401. The property is located east of the Town of Gananoque.

## Proposed Development

The applicant is proposing to develop a contractor's shop or yard to facilitate a tree care service use. The proposed development is planned to be completed in two phases and will encompass approximately 1.7 hectares of the subject property. The proposed development will be accessed from County Road #2. The development will consist of the following:

### Phase 1

- a) A two-storey maintenance and office building approximately 581 square metres in area;
- b) septic system;
- c) employee and customer parking; and
- d) storm water management facility.

The access to the maintenance and office building is from the southwest. The opening of the bay doors faces the opposite direction of the two rural residential lots to the northeast. All of the proposed development is located 30 metres from Locally Significant Wetland features and system as per the recommendation of the Environmental Assessment completed in support of the application. The development is over 120 metres from the PSW located to the south and east of the property.

### Phase 2

- a) an approximately 581 square metres coverall building; and
- b) parking for 20 full sized commercial vehicles.

## Pre-Consultation:

Inquiries regarding the introduction of a tree care service on the subject property were initiated with township planning staff by the owner in April of 2021. The consultation was in the form of an email to the owner and included responses from planning staff, Ministry of Transportation, the Health Unit and the Cataraqui Region Conservation Authority.

## Planning Comments

The planning comments received from the Associate Planner, Thomas Fehr are generally supportive and recognize the proposed use, "appears to be appropriate for the site." At that time Planning staff identify the need for a Zoning By-Law Amendment and Site Plan Control approvals prior to establishing the proposed tree care service (contractor's shop or yard) use on the subject property. The notes provided to the owner include policy direction from the Official Plan to maintain a minimum 30 metres setback from the high-water mark of the watercourses (unnamed tributary to Legge's Creek) and 120 metres from Legge's Creek that are present on the property.

The comments suggested that a site-specific Rural zone permitting the contractor's yard use (tree care service) would be appropriate than to rezone the property to Rural Industrial Zone.

The planning comments included a list of items to be included in the site plan drawing and the applicable fees that would be applied by the Township, through their tariffs and fees by-law, as well as the fees that would be applied by the Conservation Authority and the Health Unit.

As part of the pre-consultation review process the pre-application submission was circulated to the relevant external agencies for their review and comment. Respondents to the pre-consultation circulation included the Cataraqui Region Conservation Authority, The Ministry of Transportation and the Health Unit. The responding agencies provided the following comments:

### Cataraqui Region Conservation Authority (CRCA) Comments

The CRCA indicated that there were several natural heritage features on or near the subject lands that required buffering from the proposed development. The comments state that the proposed development required a 30 metres setback from the locally significant waterbodies and watercourses and 120 metres setback from the provincially significant wetland (PSW) in the area.

The CRCA indicated that in support of the proposed Zoning By-Law Amendment the following information needed to be provided:

- 1) An environmental impact study (EIS);
- 2) A preliminary storm water management (SWM) report; and
- 3) Preliminary site plan demonstrating compliance with the required setbacks and implementation of any recommendations resulting from the EIS and SWM report.

In support of the application the owner has retained Asterisk Engineering Corporation to complete the Storm Water Management Brief and site plan drawing. A summary of the recommendations of the SWM report are included in the body of this report. The site plan drawing was completed in conformity with the recommendations of the EIS, Township Planning Staff and the Official Plan.

Ecological Service was retained to provide an Environmental Assessment of the subject lands and comments on known natural heritage resources on the adjacent properties. The assessment provided comment and opinion on both flora and fauna that would likely be present in the habitats identified in the assessment. A summary of the recommendations from the assessment are included in the body of this report.

The Conservation Authority reviewed the completed materials and provided the following comment, "Cataraqui Conservation staff have no objection to the approval of the Zoning By-Law Amendment application D14-2022-008 based upon our consideration of natural hazards, natural heritage and water quantity and quality protection policies." (Cataraqui Region Conservation Authority Letter, prepared by Kristen Wozniak, dated August 19, 2022)

### Ministry of Transportation (MTO) Comments

The MTO stated that they are not opposed to the proposed zone change but require the following be completed to the satisfaction of the Ministry:

- 1) ...MTO is asking for a stormwater management brief to ensure that the development does not lead to stormwater entering the Highway right of way. Should the consultant require additional information on the MTO drainage requirements; and
- 2) ...complete site plans, these site plans must include Engineering scalable drawings that depict all existing and proposed structures/features with all applicable setbacks. MTO requires a 14 metre



setback for all structures, internal roads, stormwater management, ponds, fire routes, required parking, parking for events, etc. Servicing Plan should also form this package.

## Leeds, Grenville and Lanark District Health Unit Comments

The comments received from the Health Unit states, “The Leeds, Grenville and Lanark District Health Unit has no objection to the proposed re-zoning. A permit to construct a septic system will be required from our office if the proponent intends to build the shop and offices shown on the site plan attached.”

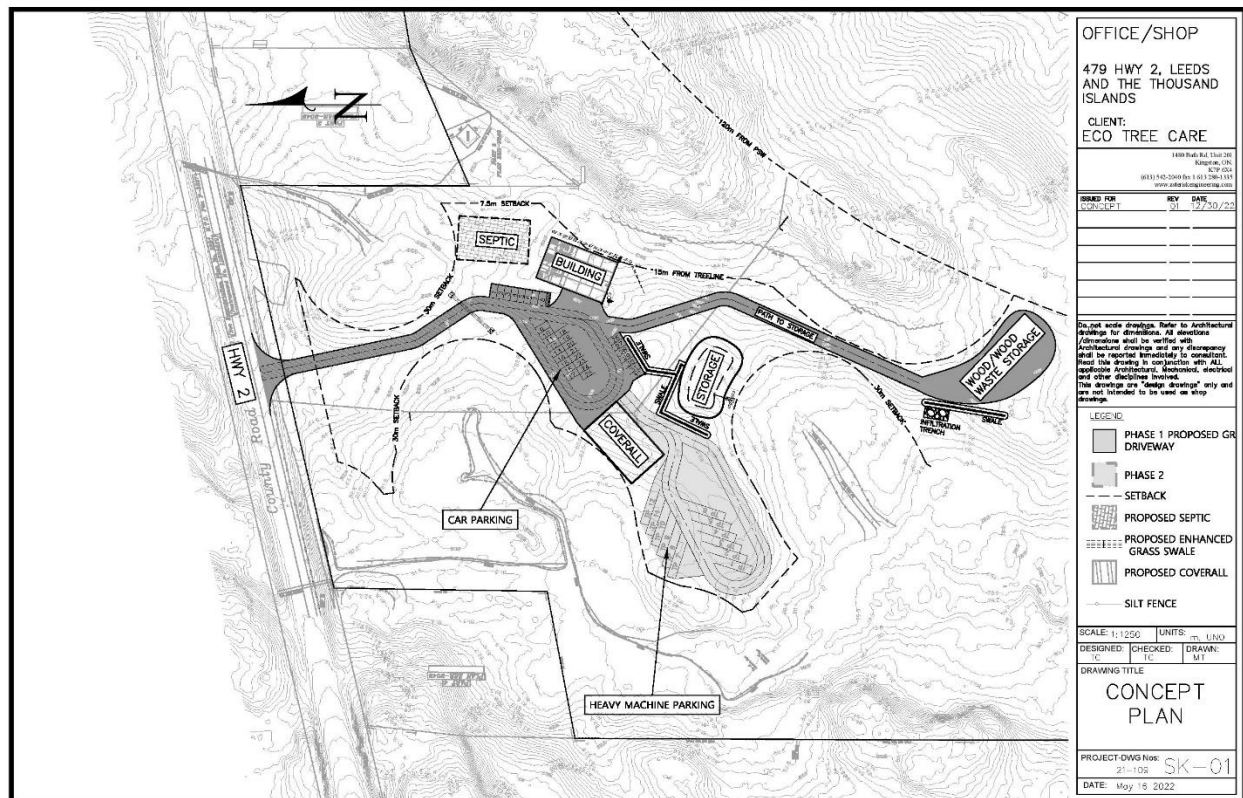
The owner will be required to obtain a permit to construct the septic system at the time of construction.

## Application and Supporting Information

The owner is submitting applications for Zoning By-Law Amendment and Site Plan Control. In support of the applications the owner has submitted the following plans, studies and reports:

- a) Site Plan drawing;
- b) Planning Justification Report (this report);
- c) Phase 1 Environmental Assessment;
- d) Environmental Site Evaluation;
- e) Storm Water Management Brief;
- f) Noise Impact Study; and
- g) Geotechnical Study.

**Figure 2: Proposed Site Plan**





# Policy and Regulatory Framework

## Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) came into effect on May 01, 2020. The PPS is consolidated statement of the government's policies on land use planning and provides policy direction on matters of provincial interest related to land use planning and development. In accordance with the Planning Act, all municipal decisions respecting planning matters 'shall be consistent with' policy statements issued under the Act.

The PPS establishes a broad-based policy framework that seeks to strike a balance between the Province's economic, social and environmental interests. This balance is accomplished through the promotion of cost-effective and efficient development patterns which act to stimulate economic growth, protect natural and cultural heritage resources for their economic use and/or environmental benefits, and directing development away from areas where there is a risk to public health and safety. The proposed development at 479 County Road #2 has been reviewed against the following applicable provincial policies.

### Provincial Policy Statement Policies Review and Analysis:

Provincial Policy	Review and Analysis
<b>Section 1.1.1, Healthy, Livable Communities:</b>	
a. Promoting efficient development patterns which sustain the financial well-being of the Province and municipalities over the long term;	The proposed tree service use is compatible with the "other" uses within the context of rural industrial that compliment and contribute to the rural economy. The service focus' on all aspects of the tree industry including removal, trimming, risk assessment and pest control (eg. Gypsy moths). This service requires the use of machinery and vehicles that require a generally large area for parking and storage. The service is equally applied to the urban and rural milieu.
d. avoiding development and land use patterns that would prevent the efficient expansion of <i>settlement areas</i> in those areas which are adjacent or close to <i>settlement areas</i> ;	The use is located outside of the urban settlement area of the Township of Leeds and the Thousand Islands. The use requires room for the parking of vehicles and machinery as well as the temporary storage of clean organic materials, such as brush and trees. The tree service use is best suited for the rural environment for these reasons. The location outside of any urban boundary promotes the more efficient development of land within those areas. Perceived nuisances related to trades are mitigated by the lower density of sensitive uses in the surrounding area.

Provincial Policy	Review and Analysis
h. promoting development and land use patterns that conserve biodiversity;	The proposed development respects the natural heritage resources that are present on and adjacent to the subject property. The plan applies a 30 metres setback from the locally significant natural heritage features as well as the 120 metres setback from the lands surrounding Legge's Creek designated provincially significant wetland. The applicant had prepared an Environmental Assessment prepared by Ecological Services supporting the setbacks and location of the proposed development.
i. preparing for the regional and local impacts of a changing climate	The tree care service focus' on not just the removal of trees but the long-term care of existing vegetation through the practice of trimming, selective thinning and pest control. Encouraging the sustaining of trees within the urban and rural environment promotes carbon capture and mitigates the adverse effects of heat islands (urban area that is significantly warmer than its surrounding rural areas due to human activities).
<b>1.2.6 Land Use Compatibility</b>	
1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.	<p>The tree care service proposed for the subject property requires the use of large trucks and equipment, the associated maintenance for this machinery and storage/parking. The location is ideal for minimizing the impacts on sensitive uses, such as residential for the following reasons:</p> <ul style="list-style-type: none"> <li>a) The natural heritage resources present on the property as well as the size of the parcel afford a significant buffer from the surrounding sensitive land uses.</li> <li>b) The property is bounded by Highway 401 to the south which is not a sensitive land use and generates more noise consistently than the proposed use.</li> <li>c) The sensitive uses present along County Road #2 are at a significantly lower density than one would find within a settlement area.</li> </ul> <p>A noise impact study was completed in support of the application. The recommendations of the</p>

Provincial Policy	Review and Analysis
	study have been incorporated into the site design and may also be included as clauses in the Site Plan Control Agreement.
<b>1.3 Employment</b>	
1.3.1 Planning authorities shall promote economic development and competitiveness by:	
a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;	The proposed tree care service will add to an existing diverse rural economy and provide opportunity for skilled employment.
b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;	The subject property is large enough to accommodate the existing scale of the tree care service and allow for the future expansion of the business.
e) ensuring the necessary infrastructure is provided to support current and projected needs.	The proposed use will be on private water and septic services.
<b>2.1 Natural Heritage</b>	
2.1.1 Natural features and areas shall be protected for the long term.	The proposed development respects the setback requirements for the locally and provincially significant natural heritage resources present on the subject lands and surrounding properties. The development includes storm water management to control the quantity and quality of run-off into the wetland system. The storm water management infrastructure is located outside of the required setbacks.

Provincial Policy	Review and Analysis
<p>2.1.4 Development and site alteration shall not be permitted in</p> <p>a) significant wetlands in Ecoregions 5E, 6E and 7E</p>	<p>The subject property is located within Ecoregion 6E. The proposed development is adjacent to lands designated as provincially significant wetlands (PSW). The boundaries of this wetland system have been mapped and defined by the Ministry of Northern Development, Mines, Natural Resources and Forestry. The development is located outside of the 120 metres area of influence around the PSW. An Environmental Assessment was completed in support of the application by Ecological Services.</p>

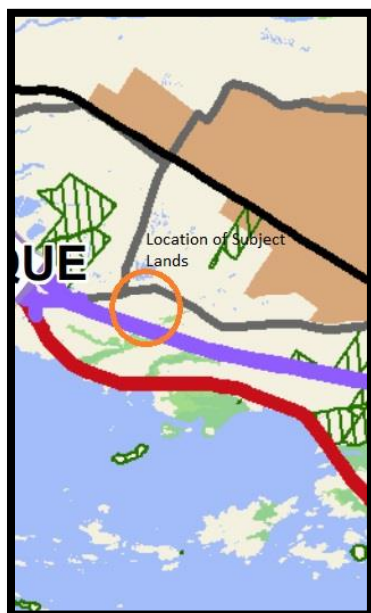
It is the opinion of the author that the proposed development conforms with the Provincial Policy Statement as it represents the introduction of tree care service use is compatible with surrounding land uses.

## United Counties of Leeds and Grenville Official Plan

An Official Plan is a policy document whose purpose is to guide the safe, orderly, and efficient development (short, medium and long term) of a municipality. The Official Plan is applied to all lands within the municipal boundary and provides direction with respect to the location of land uses, the provision of services, identification and protection of natural and cultural resources and the promotion of sustainable economic development and responsible growth.

The subject property is designated 'Rural Lands' in the United Counties of Leeds and Grenville Official Plan. This land use designation permits a broad range of uses which include, but not limited to, low density residential, tourism, agriculture, and rural commercial and industrial uses. The objective of the 'Rural' land use designation is to facilitate and enhance a vibrant and prosperous rural community and economy.

## Schedule A, Community Structure and Land Use



The following applicable County Official Plan policies were reviewed against the proposed development and a planning analysis has been provided demonstrating how the proposed development conforms to the County Official Plan.

### United Counties of Leeds and Grenville Official Plan Policies Review and Analysis:

Policy	Review and Analysis
Section 3.3.1 e) Promote limited development that is 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;	The proposed development is a rural industry that services both the rural and urban settlement areas. The proposed use involves the storage and maintenance of machinery and vehicles used for the maintenance and removal of trees and shrubs. The site plan has been designed to respect the setback requirements of the Official Plan and Zoning By-Law with respect for natural heritage resources. The site is designed so that the primary use is setback from County Road #2. The rural character will be maintained because the principal uses will be located centrally on the property behind an existing copse of trees and approximately 96 metres from County Road #2.
Section 3.3.1 g) Accommodate development that is appropriate to the infrastructure, which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of infrastructure; and	The proposed use will be accessed from an existing publicly maintained road and will be constructed with private water and septic services. No expansion of an existing road or new road is required to facilitate this development.

Policy	Review and Analysis
<p><b>Permitted uses:</b> Section 3.3.2 a) vii. other rural land uses.</p> <p>Section 3.3.2 c) In addition to agricultural uses and agriculture-related uses, rural industrial/commercial uses which are resource-based and forestry uses, or which are located within or along a local rural commercial area or corridors, may be permitted without an amendment to this Plan, subject to the policies of Section 3.2.3, the local municipal Official Plan, and may be subject to a site-specific rezoning.</p>	<p>The proposed use may be described as a rural industrial use which is compatible with the “other rural land uses” designation in the County’s Official Plan.</p> <p>The proposed use is consistent with the resource based and forestry uses described in this policy. The services include tree planting as well as forest management strategies and tree cutting.</p>
<p><b>Policies</b> Section 3.3.3 g) Those 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.</p>	<p>The tree care service will require the use, maintenance and storage of heavy machinery and vehicles. These uses will generate noise due to the normal conduct of day-to-day business. In support of the application for Zoning By-Law Amendment and Site Plan Control the owner has completed a noise impact study. The study concluded the following: “The analysis found that the projected sound level will not generate any noise impacts at the noise sensitive point of reception as a result of the operation (vehicle repair, impulse noise from banging). The sound levels are expected to be less than the quietest ambient traffic sound levels during the daytime period. There were no noise control measures required.” (Noise Impact Study, prepared by J.E. Coulter Associates Limited, dated February 7, 2022)</p> <p>The owner has oriented the bays of the maintenance shop to face in the opposite direction of the nearest sensitive uses. These uses are the rural residential lots municipally known as 485 County Road 2 and 487 County Road 2.</p>
<p>Section 3.3.3 i) An appropriate separation distance, based upon the Province’s relevant guidelines related to land use compatibility, will be established between a rural industrial land use and any sensitive land use. This separation distance will be enforced through a site specific amendment to the applicable zoning by-law and/or through site plan control.</p>	<p>The proposed use was reviewed against the MECP D-6 Land Use Compatibility Guideline. It is the opinion of the author that the proposed use satisfies the criteria for a Class 1 industry. A Class 1 industry is defined as, “A place of business for a small-scale, self-contained plant or building which produces/stores a product which is contained in a package and has low probability of fugitive emissions. Outputs are infrequent and could be</p>



Policy	Review and Analysis
	<p>point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration. There are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage.”</p> <p>The operation of the tree care service (contractor’s shop or yard) is not a 24-hour operation. The garage will be used for general maintenance and repair on an as needed basis.</p> <p>The Class 1 industry has an influence area of 70 metres and the recommended setback from a sensitive land use (residential) is 20 metres. The nearest residential use is located at 485 County Road 2. The location of the office and garage is approximately 45 metres from the nearest property line.</p>
<p>j) Rural industrial uses will be developed in such a manner to ensure protection and screening of outdoor storage areas from all adjacent roads and public spaces.</p>	<p>The tree care service will be located approximately 96 metres from County Road 2 and screened by an existing cop of trees. The parking area is proposed to be located in front of the service shop and office building. There is a proposed second phase of the development that includes a parking area for large commercial vehicles and equipment. The initial parking area is innocuous and will not be visible from County Road 2 but possibly visible from Macdonald-Cartier Highway 401. The proposed second phase of the development that includes a parking area for commercial vehicles and equipment as well as a coverall building will be visible from Highway 401. This highway is a major conduit of traffic and an intrinsic part of the Windsor – Quebec City corridor. Although local traffic may utilize this highway it services primarily for the travelling public outside of the community. The maintaining of the rural character within the Rural land use designation is applied to the local public maintained roads within the community.</p>
<p><b>Section 4.2 Natural Heritage Features and Functions</b></p> <p>b) The local municipality may require the preparation of an ecological site assessment by a qualified professional for development applications where there is uncertainty if natural heritage features and areas exist on or adjacent to the property, which may not be designated or identified in available mapping. Where natural heritage features and areas are identified, the</p>	<p>The pre-consultation report provided by Mr. Thomas Fehr, Planning Associate and dated April 12, 2021 identified a need to complete an Environmental Impact Statement to provide an evaluation of the natural heritage features influencing the subject property and recommend adequate setbacks from those features and/or measures to ensure any potential adverse impacts are mitigated. An Environmental Assessment was completed by Ecological Services</p>

Policy	Review and Analysis
<p>local municipality may require that an Environmental Impact Study (EIS) be undertaken to determine the significance of the natural heritage features and areas.</p>	
<p><b>Section 4.2.3 Provincially Significant Wetland and Significant Coastal Wetlands</b>  b) Provincially Significant Wetlands and significant coastal wetlands will be protected to ensure that development will not result in negative impacts to the features or their ecological functions. No development or site alteration will be permitted within Provincially Significant Wetlands and significant coastal wetlands. Conservation Authorities are responsible for regulating development and site alteration in Provincially Significant Wetlands and significant coastal wetlands and within 120 metres of these natural features through regulations pursuant to Section 28 of the Conservation Authorities Act, and may require that a permit or clearance be obtained before any works begin.</p>	<p>The proposed development is greater than 120 metres from the PSW designation that has been applied to Legge's Creek wetland system. The EIS indicated that the proposed development and business operation would not negatively impact on this natural heritage resource.</p>
<p><b>Section 4.4.1 Water Resources</b>  e) The Counties and local municipalities will require the use of stormwater management facilities on-site and/or downstream of new developments, where appropriate, to mitigate negative impacts from development on stormwater quantity and quality and in accordance with Section 6.3.2.</p>	<p>The owner retained Asterisks Engineering Corporation to complete a Storm Water Management plan and brief.</p>
<p><b>Section 6.3.2 Stormwater Management</b>  a) As part of the Counties' approval authority in accordance with the policies of Section 7.6 of this Plan, the Counties may require stormwater management controls in their approval of certain development applications. In addition, the Counties will encourage local municipalities in their planning for stormwater management to:</p> <ul style="list-style-type: none"> <li>i. minimize, or, where possible, prevent increases in contaminant loads;</li> <li>ii. minimize changes in water balance and erosion;</li> <li>iii. not increase risks to human health and safety and property damage;</li> </ul>	<p>The owner retained Asterisks Engineering Corporation to complete a Storm Water Management plan and brief.</p> <p>The plan incorporates the setback policies from the sensitive natural heritage features (locally significant wetland) and also the recommendation of the Environmental Assessment completed by Ecological Services. The criteria outlined in Section 6.3.2 of the County's Official Plan have been applied to this location and SWM design.</p>

Policy	Review and Analysis
iv. maximize the extent and function of vegetative and pervious surfaces; and v. promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development	

## Leeds and Thousand Islands Official Plan

The Official Plan is the guiding policy document that provides direction for the development and long-range planning for the Township in conformity with the Provincial Policy Statement and the United Counties of Leeds and Grenville Official Plan. The implementation of the plan through the Comprehensive Zoning By-Law facilitates the orderly growth of the community and the efficient provision of services. The policies effect the social, cultural, economic, and environmental pillars that contribute the development of a healthy, safe, and vibrant community.

## Rural Land Use Designation

The subject property is designated 'Rural' in the Township of Leeds and the Thousand Islands Official Plan. The 'Rural' land use designation is a broad-based policy that is designed to capture the complexities of a dynamic rural population. This includes policies providing direction for the development of rural industry and commercial uses. The following tables provide an analysis of the relevant land use, development and natural heritage policies that apply to the subject lands and the proposed development.

### Schedule A1, Land Use Excerpt



## Section 5.7.2 Commercial and Industrial Uses in the Rural Area

“...is intended to allow limited residential development and a range of uses which, together, provide the rural community with opportunities to live and work in a sustainable manner.”

Policy	Review and Analysis
2. It is intended that commercial and industrial development in the Rural designation be located so that the impact on natural features such as waterbodies and the Natural Heritage System will be minimal.	The proposed development is located on the portion of the subject lands designated ‘Rural’ in the County’s and Township’s Official Plans. The natural heritage resources present on and around the subject lands have been identified and evaluated. The setback requirements outlined in the Official Plan have been applied or exceeded as part of the site design.
3. Commercial and industrial uses should be appropriate for the proposed location, having regard to potential impacts on neighbouring land uses and surrounding physical features, in accordance with the Compatibility and Built Form Section of this Plan.	The pre-consultation comments received from the Township Planner indicated that the proposed new use was a commercial use. However, a review of the Township’s zoning by-law suggests that the use is consistent with the definition of a ‘contractor’s shop or yard’, which is permitted within the ‘Rural Industrial (MR) Zone. Regardless, the recommendation of planning staff is that a site specific ‘Rural Exception (RU-**) Zone be applied to the subject property. The recommendation of the author of this report is that the ‘contractor’s shop or yard’ be applied to the zone exception as opposed to creating a new definition for a tree care service use.
4. Commercial and industrial uses may be permitted north of Highway 401 along County roads and on arterial roads, especially where the proposed development is an extension of an existing commercial or industrial use.	The property is bounded by Highway 401 along the south property line and satisfies the locational criterion of this policy.
8. The location of all commercial and industrial uses shall be controlled by placing them in appropriate categories in the Zoning By-law. Consideration will be given to combining commercial and industrial uses in a common zone(s), where appropriate, in order to provide flexibility.	In consultation with the Township Planning Staff, the owner has prepared the necessary studies and reports to support an application for zoning by-law amendment to change the zone from Rural (RU) Zone to Rural Exception (RU-**) Zone. The site-specific provisions will include the additional permitted use, ‘contractor’s shop or yard’.
9. The location and number of accesses to public roads for commercial and industrial uses shall be carefully controlled in order to avoid creating a traffic hazard. Generally, there should be no more than two access points per lot.	The owner is proposing to provide a single access to the new use from County Road 2. The design, orientation and interface of the access with the public road will be in conformity with the requirements of the municipality.

<b>Policy</b>	<b>Review and Analysis</b>
10. Adequate off-street parking and loading spaces must be provided, in compliance with the Zoning By-law.	<p>The site design includes parking for 30 vehicles and additional space for loading between the proposed maintenance shop and the proposed coverall building that will be part of phase 2.</p> <p>The parking requirements are analyzed and discussed in the Zoning section of this report.</p>
11. Adequate buffering will be provided between the commercial or industrial uses and neighbouring sensitive land uses (e.g. residential uses), in accordance with the Compatibility and Built Form Section and the Industrial Facilities and Sensitive Land Uses Section of this Plan, as applicable.	<p>The proposed development was reviewed against the MECP D-6 Land Use Compatibility Guideline. It is the opinion of the author that the proposed use satisfies the criteria for a Class 1 industrial use. The area of influence for this classification is 70 metres and the minimum setback from a sensitive use is 20 metres. The proposed office and maintenance building will be setback more than 40 metres from the surrounding sensitive uses. The owner retained J.E. Coulter Associates Limited to complete a Noise Impact Study to determine whether there would be an adverse impact by introducing the new use in proximity to the surrounding sensitive uses (rural residential). The study concluded that there would be no adverse impacts resulting from the introduction of the tree care service (contractor's shop or yard) use on the subject property.</p>
12. Commercial and industrial uses in the Rural designation are designated as Site Plan Control areas.	<p>The owner has prepared a site plan pursuant to the direction provided by Township Planning Staff. The design of the tree care service (contractor's shop or yard) use incorporated the recommendations of the supporting studies, the provisions of the zoning by-law and policies of the Official Plan.</p>

#### Section 4.14 Noise and Vibration

An important aspect of land use planning is the mitigation of real and perceived adverse impacts of potentially incompatible land uses. Prior to the introduction of a use the surrounding land uses are examined to determine the potential for conflict between what is proposed and what is existing. The issues that may arise from introducing a more intensive use, such as a contractor's shop or yard, are identified and the appropriate studies are requested to verify and mitigate any impacts resulting from the operation of the proposed use.

<b>Policy</b>	<b>Review and Analysis</b>
Noise and/or vibration studies may also be required where development is proposed within the influence area of a stationary noise source such as an industrial use, aggregate operation,	A summary of the conclusion and recommendations of the Noise Impact Study completed by J.E. Coulter and Associates Limited is provided in a subsequent section of this report.

electrical generating stations, hydro transformers, water pumping stations, shooting ranges, major truck stops, sea plane bases, bus terminals, or other such use. The extent of the influence area will be determined on a case specific basis through the noise study. It is the intent of Council that these policies will apply reciprocally so that the establishment or expansion of a use which generates significant noise will also require appropriate noise studies.	The study determined that there would be no adverse impacts on the surrounding sensitive land uses (residential).
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### Section 5.5.5.2 Provincially Significant Wetland

“Provincially Significant Wetlands and regionally significant wetlands are illustrated on Schedule ‘A2’ of this Plan.”

Policy	Review and Analysis
5. Development and site alteration shall not be permitted within a Provincially Significant Wetland.	The proposed development is greater than 120 metres from the lands designated PSW.
6. No development or site alteration shall be permitted on adjacent lands which are within 120 m of the boundaries of a Provincially Significant Wetland unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated, through the preparation of an EIS prepared in accordance with the Environmental Impact Study Section of this Plan, that there will be no negative impacts on the natural feature or its ecological function.	<p>There will be no site alterations to the PSW or within its 120 metres area of influence.</p> <p>An Environmental Assessment was prepared by Ecological Services to examine the natural heritage resources existing on the subject property and adjacent lands. The recommendations provided in the Assessment recommend a minimum 30 metres setback from the meadow marsh and tributaries found on the subject lands.</p>

### Section 6.1.3 Stormwater Management

“Stormwater management is an important part of the Township’s responsibility to protect, improve, or restore the quality and quantity of water.”

Policy	Review and Analysis
“Surface water quality protection will be considered in the approval process for all development. Appropriate stormwater quality and quantity controls will be provided, generally on-site, in accordance with best management practices of the Ministry of the Environment, Conservation and Parks, the Cataraqui Region Conservation Authority, and the Township.”	A storm water management plan and brief have been completed in support of the application by Asterisk Engineering Corporation. The SWM design includes both water quantity and quality control measures to ensure that pre-development and post development flows remain the same; and that the water quality is maintained to prevent any adverse impacts to Legge’s Creek, a PSW.



### Section 6.1.4 Waterfront Areas and Waterbody Protection

“The Township is fortunate to have an abundance of lakes, rivers, and creeks located within the municipal boundaries.”

Policy	Review and Analysis
4. For newly created lots, all new development and areas of sewage system discharge shall be set back at least 30 m from the ordinary high water mark of all waterbodies with minimal disturbance of the native soils and very limited removal of shoreline vegetation. Water setback requirements shall not apply to permitted encroachments, docks, boathouses, pumphouses and other marine facilities. The high-water mark may be identified by the mark made by the action of water under natural conditions on the shore or bank of a waterbody, which has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.	The weeping bed for the proposed septic system is located 30.7 metres from the meadow marsh located on the northeast portion of the subject lands. The proposed development conforms to this policy criterion.
11. Site Plan Control may apply to all lots which abut waterbodies and watercourses and shall be used to help ensure that all development and redevelopment meets the intent of these policies.	The owner has submitted application for site plan control approval.
12. The implementing Zoning By-law shall incorporate the 30 m minimum setback requirement, and establish related regulations, such as maximum building height and maximum lot coverage requirements, to help ensure that the scale of development does not overwhelm the natural elements of waterfront property.	The proposed Rural Exception (RU-**) Zone should include a requirement for a minimum 30 metres setback from the meadow marsh and Legge’s creek tributaries that are located on the subject property.

### Zoning (Leeds and the Thousand Islands Comprehensive Zoning By-Law No. 07-079):

The subject property is zoned **Rural (RU) Zone**, **Locally Significant Wetland (LSW) Zone** and **Flood Plain (FP) Zone** in the Township of Leeds and the Thousand Islands Comprehensive Zoning By-Law No. 07-079. The Rural zone is applied to most of the property. The **LSW** zone is applied to Legge’s Creek, which bisects the southeast portion of the property and the **FP** zone to the associated adjacent lands and unnamed tributary running parallel to the west property line.

The Official Plan identified natural heritage resources on and near the property, including Provincially Significant Wetlands. The area of influence of the PSW encroached into the subject property. A tributary that is associated with the Legge’s Creek PSW located on the west side of the property and running parallel

to the west property line also has an area of influence of 30 metres that effects the subject lands and precipitated the need for an Environmental Impact Statement (EIS) to be completed.

This requirement is echoed in Section 3.30 of Zoning By-Law No. 07-079 which requires an EIS prior to the development of any lands within 50 metres of a “locally significant wetland (LSW).” Legge’s Creek is categorized as a LSW zone in the Township’s Zoning By-Law. Notwithstanding the fact that the proposed development is greater than 120 metres from Legge’s Creek the area of influence encroached onto the subject lands and triggered the EIS requirement.

To ensure that the natural heritage features of the subject property are protected it is recommended that the zone provisions include that the required 30 metres setback from the wetland and watercourse remain in a natural and undisturbed state.

### Proposed Use

The owner is proposing to establish a tree care service on the subject property. The tree care service use can be described as a business specializing in arboriculture which is the cultivation, management, and study of woody plant species such as trees and shrubs. The tree care service is applied to both urban and rural areas and includes the following services:

- Pruning;
- Tree removal;
- Stump grinding;
- Brush removal;
- Plant health care and maintenance;
- Controlling gypsy moths;
- Hedge trimming;
- Tree planting;
- Utility clearing;
- Weather damage and 24 hour emergency tree service;
- Tree support: cabling and bracing;
- Consultations, assessments and reports; and
- Forestry mower.

The tree care service use requires large machines and vehicles, such as a chipper, and includes their general maintenance and repair. The use is consistent with the definition of a ‘contractor’s shop or yard’ in the Township of Leeds and the Thousand Islands Comprehensive Zoning By-Law No. 07-079. The definition of a ‘contractor’s shop or yard’ states, “shall mean a place of business for persons employed in building trades such as painting, plumbing, electrical work, masonry, metal working and carpentry, sandblasting or for the operation of truck, bulldozer, loader and backhoe. Such place of business may be used for the storage of equipment, materials and vehicles which as used on construction sites and may include such related uses as office space, or maintenance facilities, and may also include a retail business, sales counter or a wholesale business as an accessory use.” In lieu of creating a specific definition for the proposed tree care use it is recommended that the contractor’s shop or yard be applied.

### Parking Requirements

Section 3.25 Parking Requirements of the Zoning By-Law include parking provisions regulating the number of parking spaces for different uses. The provisions for an office use and industrial establishment (other

than those listed separately herein) use apply to this development. The development includes approximately 189 square metres of office space and approximately 392 square metres of maintenance area for machinery and vehicles (other industrial).

Section 2.95 of the Zoning By-Law defines an Industrial Use as follows, “shall mean the use of land, buildings or structures designed for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, or storage or adapting for sale of any goods, substances, article or thing, or any part thereof and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supplying of personal services.”

A ‘contractor’s shop or yard’ is defined in the Zoning By-Law but is not included in the parking provisions. The use is permitted in the Rural Industrial (MR) Zone but not in any of the commercial zones. The definition of industrial use includes the “repairing” of any goods, substances, article or thing. The proposed new use is industrial and consequently the parking provisions of ‘industrial establishment’ should apply.

**Parking Requirements Table**

Land Use	Parking Provision	Required	Provided
Business or Professional Office	1 parking space per 20.0 square metres (215.29 sq.ft.) of floor area or portion thereof; minimum 3 parking spaces.	10	20
Industrial Establishment (other than those listed separately herein)	1 parking space per 80.0 square metres (861.14 sq.ft.) of manufacturing floor area and associated office area or portion thereof plus 1 parking space per 100.0 square metres (1076.43 sq.ft.) of warehousing or storage floor area or portion thereof.	5	10
Total		15	30

The proposed development only requires 15 parking spaces (one being barrier free), however the plan proposes establishing 30 parking spaces (one barrier free). Most of the work completed by the proposed tree care service will be conducted offsite. The additional space will accommodate staging of equipment when preparing to go to a job site.

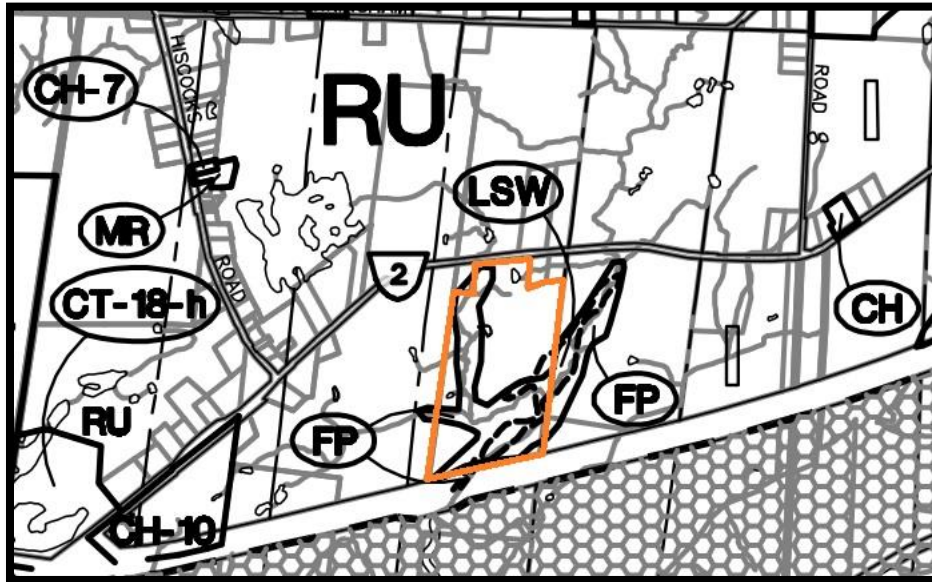
### Setbacks from Waterbodies and Watercourses

Section 6.1.4(12) of the Official Plan requires the implementing zone for a new development within proximity to a waterbody or watercourse to include provisions requiring a minimum 30 metres setback

from the natural heritage feature. The proposed Rural Exception (RU-\*\*) Zone will include the following proposed provision:

- That all permitted uses within the RU-\*\* Zone maintain a minimum 30 metres setback from all wetland features and unevaluated watercourses.

#### Schedule A – Ward 1, Zoning By-Law No. 07-079



The recommended Rural Exception (RU-\*\*) Zone and Zone Schedule is included as an attachment to this report.

The proposed Rural Exception (RU-\*\*) Zone conforms to the applicable policies of the County's and Township's Official Plans and is consistent with the policies of the Provincial Policy Statement. The zone exception will provide the necessary setbacks from the existing natural heritage resources and introduce a contractor's shop or yard use to facilitate the development of the tree care service. The development does not require relief from required parking and exceeds the minimum setback requirements for a Class 1 industrial use. The proposed zone is appropriate, desirable and constitutes good land use planning.

### Site Plan Control

Site Plan Control Approval is one of the final planning approvals necessary prior to an Owner / Developer applying for a building permit.

Site Plan Control is a planning tool that is used by the municipality to make sure that land development is designed appropriately, safe, functional and minimizes potential impacts on neighbouring properties. It also ensures that a proposed development adheres to provincial, regional and municipal standards.

### Enabling Legislation: Ontario Planning Act, Section 41, Site Plan Control

Site Plan Control is a land use process that is legislated by the Province of Ontario under Section 41 of the *Planning Act*, R.S.O. 1990. This legislation provides that no one shall undertake any development in any part of a Municipality which has been designated as a Site Plan Control Area until the Council of the

Municipality (or its delegate), or the Local Planning Appeals Tribunal in the case of a referral, has approved plans showing various details of the proposed development.

The legislated timeline provided for processing a site plan control application before it can be appealed to the Ontario Lands Tribunal (OLT) is 60 days once the application has been deemed complete.

### Site Plan Control By-Law

By-Law #11-002 is the Council approved By-Law that designates the lands within specific zone categories as a Site Plan Control Area pursuant to Section 41 of the *Planning Act*. This By-Law sets out the procedures for the processing of a Site Plan Control application and exempts certain classifications of development from approval of plans and drawings. Interestingly, the lands within the Rural (RU) zone category are not identified as being subject to Site Plan Control.

### Catalyst for Requiring Site Plan Control:

The requirement for Site Plan Control is as result of the proposed development's proximity to and existing natural heritage system (Legge's Creek) and the type of use being developed, contractor's shop or yard (industrial).

Section 9.18 are the Official Plan policies guiding the application of Site Plan Control in the Township. This section includes a list of land use matters that are to be addressed through the Site Plan Control process to ensure land use compatibility and that the development adheres to the items of provincial interest and conforms to the applicable zone regulations. Sub-section (4) states, "In areas designated as part of the Natural Heritage System on Schedule 'A2' and in areas along the Rideau Canal, site plan control may apply to all classes of development..." The subject lands are encompassed by the Legge's Creek drainage system which includes wetland features, unevaluated tributaries and Legge's Creek, a provincially significant wetland. The owner retained Ecological Services to complete an Environmental Assessment and provide opinion and recommendations regarding the proposed development. The recommendations have been incorporated into the site plan design.

The proposed contractor's shop or yard use is only permitted in the Township's industrial zone categories. The use is consistent with a Class 1 industrial use in the MECP's D-6 compatibility guidelines. Consequently, the proposed development was reviewed against the applicable Commercial and Industrial Uses in the Rural Area policies of the Official Plan (Section 5.7.2 of the Official Plan). Sub-Section 12 of Section 5.7.2 states, "Commercial and Industrial uses in the Rural land use designation are designated as Site Plan Control Areas." The application of Site Plan Control affords the municipality an opportunity to ensure compatibility between the new industrial use and any existing sensitive uses within the area of influence. The site plan ensures that any mitigation measures identified through the planning review and study process are applied to the satisfaction of the municipality or applicable authority. For example, to minimize potential impacts on surrounding land uses the hours of operation can be regulated through the site plan control agreement. In addition, the Township's Noise By-Law can be enforced if there is a violation.

The owner has completed a noise impact study, scoped environmental impact statement, phase 1 environmental site assessment, storm water management study and planning justification report in support of the proposed development. The recommendations of these studies and reports have been incorporated into the site plan design.

## Supporting Studies

The following is a consolidation of the recommendations and conclusions for the studies and reports completed in support of the applications for Zoning By-Law Amendment and Site Plan Control. The excerpts were taken directly from the studies and are salient points supporting the proposed development. All the studies should be reviewed, and the detailed recommendation contained therein applied to the proposed development. The studies and reports were identified through the pre-consultation process facilitated by the Township's Planning Department.

### Environmental Site Assessment, prepared by Ecological Services

#### **Conclusion and Recommendation:**

"It is our opinion that the proposed undertaking will have no negative impact on the natural heritage features or on their ecological functions and that, assuming the implementation of our recommendations, the proposal is consistent with the intent of the Provincial Policy Statement."

"It is noted that this is a large parcel of land, and this assessment was scoped to assess the current proposal. Should further development be proposed in the future, environmental assessment work would be required due to the presence of PSW wetland and of woodland/rock barrens patches."

"The proposal will set development back over 120 m from the PSW and at least 30 m for the other wetland areas on the property. We support this proposal."

### Phase 1 Environmental Site Assessment, prepared by Pinchin

#### **Conclusions and Recommendation:**

Based on the results of the Phase I ESA completed by Pinchin, nothing was identified that is likely to result in potential subsurface impacts at the Site. As such, no subsurface investigation work (Phase II ESA) is recommended at this time.

### Noise Impact Study, prepared by J.E. Coulter and Associates

#### **Conclusion and Recommendation:**

Based on the proposed operation of Eco Tree Care, it is feasible to meet MECP's *NPC-300* noise criteria. The analysis found that the projected sound level will not generate any noise impacts at the noise sensitive point of reception because of the operation (vehicle repair, impulse noise from banging). The sound levels are expected to be less than the quietest ambient traffic sound levels during the daytime period. There were no noise control measures required.

The following measures are recommended:

1. Based on the anticipated activities from Eco Tree Care, the proposed development can operate between 0700 and 1900 hours (daytime) and meet MECP's *NPC-300* noise criteria at all sensitive points of reception without any need for additional noise control measures.
2. If operations (primarily repairs of trucks and equipment) occur after 1900 hours, additional noise control measures may need to be considered.



## Storm Water Management, prepared by Asterisk Engineering Corporation

### Water Quantity

- a diamond cut orifice has been proposed to meet the invert of the outlet pipe for the grassed storage area and restrict flows.
- An orifice will be installed on the inlet side of the proposed 250 mm diameter discharge pipe, having a min slope of 1.0% and an inlet invert of 81.41m and an outlet invert of 81.30m.
- Enhanced grass swales have been proposed along the south to divert flows generated by the development into the proposed enhanced grassed storage area.

### Water Quality

- quality control for the proposed development quality control has been addressed in the form of enhanced grass swales located along the south and east boundaries of the development as well as an enhanced grass storage area located at the southeast boundary of the development.
- to promote settling of suspended solids, several Rock Check Dams have been proposed along the enhanced grass swale to reduce flow velocities and prevent swale erosion and scouring. To allow for additional settlement, the discharge culvert for the enhanced grass storage area has been installed 0.10m above the elevation of the bottom of the enhanced grass storage area.
- a silt fence shall be installed along the west and south
- boundaries of the development to control sediment loading to the marshlands. Once construction has begun on the enhanced grass storage area, a straw bale sediment trap should be placed at the outlet. Both the straw bales and the light duty silt fence shall remain in place until vegetation is established after construction.

## Geotechnical Investigation, prepared by Pinchin

The following is a summary of the recommendations provided by Pinchin in the Geotechnical Investigation – Proposed Commercial Development, dated May 2, 2022. The investigation includes detailed recommendation for drainage, excavation for foundations, hydraulic controls, site supervision, seismic stability and quality control.

### Geotechnical Investigation Summary

“It is recommended that all geotechnical aspects of the project be reviewed and confirmed under the appropriate geotechnical supervision, to routinely check such items. This includes but is not limited to inspection and confirmation of the undisturbed natural subgrade material prior to subgrade preparation, pouring any foundations or footings, backfilling, or engineered fill installation to ensure that the actual conditions are not markedly different than what was observed at the borehole locations and geotechnical components are constructed as per Pinchin’s recommendations. Compaction quality control of engineered fill material (full-time monitoring) is recommended as standard practice, as well as regular sampling and testing of aggregates and concrete, to ensure that physical characteristics of materials for compliance during installation and satisfies all specifications presented within this report.”

It is advised that the recommendations provided in the supporting studies be applied to the detailed site design of the proposed development. The recommendations regarding supervision and quality control

may be included in a development agreement between the Township and the developer and/or as conditions applied to the required permits (CRCA site alteration permit, Township Building permit).

## Conclusion and Recommendation

The owner is seeking approval from the Township of Leeds and the Thousand islands to establish a tree care service (contractor's shop or yard) on a 22 hectares parcel of land located between County Road 2 and MacDonald-Cartier Highway 401. The proposed rural industrial use is permitted in this location subject to review for compatibility with existing adjacent sensitive land uses and designed to be sympathetic to existing natural heritage resources systems. The proposed use is necessary to promote and maintain a healthy, diversified rural economy. The owner has completed the necessary studies and reports to demonstrate that the subject lands can safely accommodate the use and that the use will operate without adversely impacting surrounding land uses (rural residential). As the proposal complies with the intent of the Official Plan and Zoning By-law Number 07-079 as amended it is recommended that the applications for Zoning By-Law Amendment and Site Plan Control proceed with staff's support.

The proposed *Planning Act* applications are consistent with the Provincial Policy Statement and conform to the County and Township Official Plans. It is our opinion that the proposal is appropriate, desirable and represents good land use planning.

Sincerely,

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

Jason Budd MCIP RPP

### Attachments:

Attachment 1 – Draft Zoning By-Law Amendment and Zone Schedule