

Planning Justification Report

Zoning By-law Amendment

Comfort Point Marina

417 Thousand Islands Parkway

Part of Lot 11, Concession 1, Township of Leeds and the Thousand Islands

CCS Project No. 4956



April 2024

Prepared for: David Seal

Prepared by: Clark Consulting Services

1. INTRODUCTION

Clark Consulting Services (CCS) has been retained by David Seal, the owner of the lands at 417 Thousand Islands Parkway in the Township of Leeds and the Thousand Islands, to prepare and submit the planning applications required to repair and alter existing docks and add an additional 20 docks to the Comfort Point Marina. This will also involve adding additional onshore parking for the boat owners and users. A Development Review Team reviewed the proposal and provided written comments on December 8, 2021, please see *Attachment A* to this report.

A Zoning By-law Amendment Application to permit the additional boat slips is being submitted for consideration. It is acknowledged that with zoning approval, an application for a Site Plan Amendment will also be required. This Planning Justification Report is submitted in support of these applications.

2. SITE DESCRIPTION

The subject lands are approximately 5.55 ha (13.7 ac) in size and located at 417 Thousand Islands Parkway in the Township of Leeds and the Thousand Islands (*Figure 1- Location Map*). The legal description is:

PT LT 11 CON 1 LANSDOWNE AS IN LR222117 (FIRSTLY) EXCEPT PT 1 & 5 TO 8 28R11858; S/T LR222117; S/T 16L9023; S/TLR338406; LEEDS/THOUSAND ISLANDS
PIN: 44299-0345 (LT).



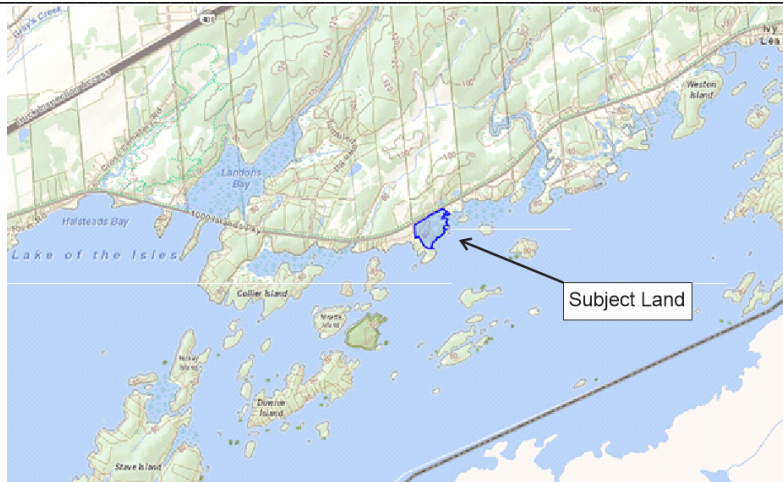


Figure 1 - Location Map

The subject lands are irregularly shaped and substantially wooded with a series of access lanes, several buildings used for storage, an existing small parking area and a main access road from the Thousand Islands Parkway. The property has been used for recreational docking for many years. The Wetland Boundary Assessment described the shoreline as having retained its natural features and showing very little evidence of alteration in the immediate area of the docks. *Figure 2* illustrates the existing docking arrangement. The expansion included the two docks on the lower portion of the figure being reduced, and the upper two docks being expanded.



Figure 2 - Site Plan



3. PROPOSAL

The Zoning Application is to permit the removal of 8 boat slips on the west end of the shoreline and the addition of 20 boat slips on the extended docks on the central portion of the shoreline. *Figure 3* illustrates the location of the dock additions and replacements. The additional slips would extend the already existing 24 slips that exist currently in the center of the property.

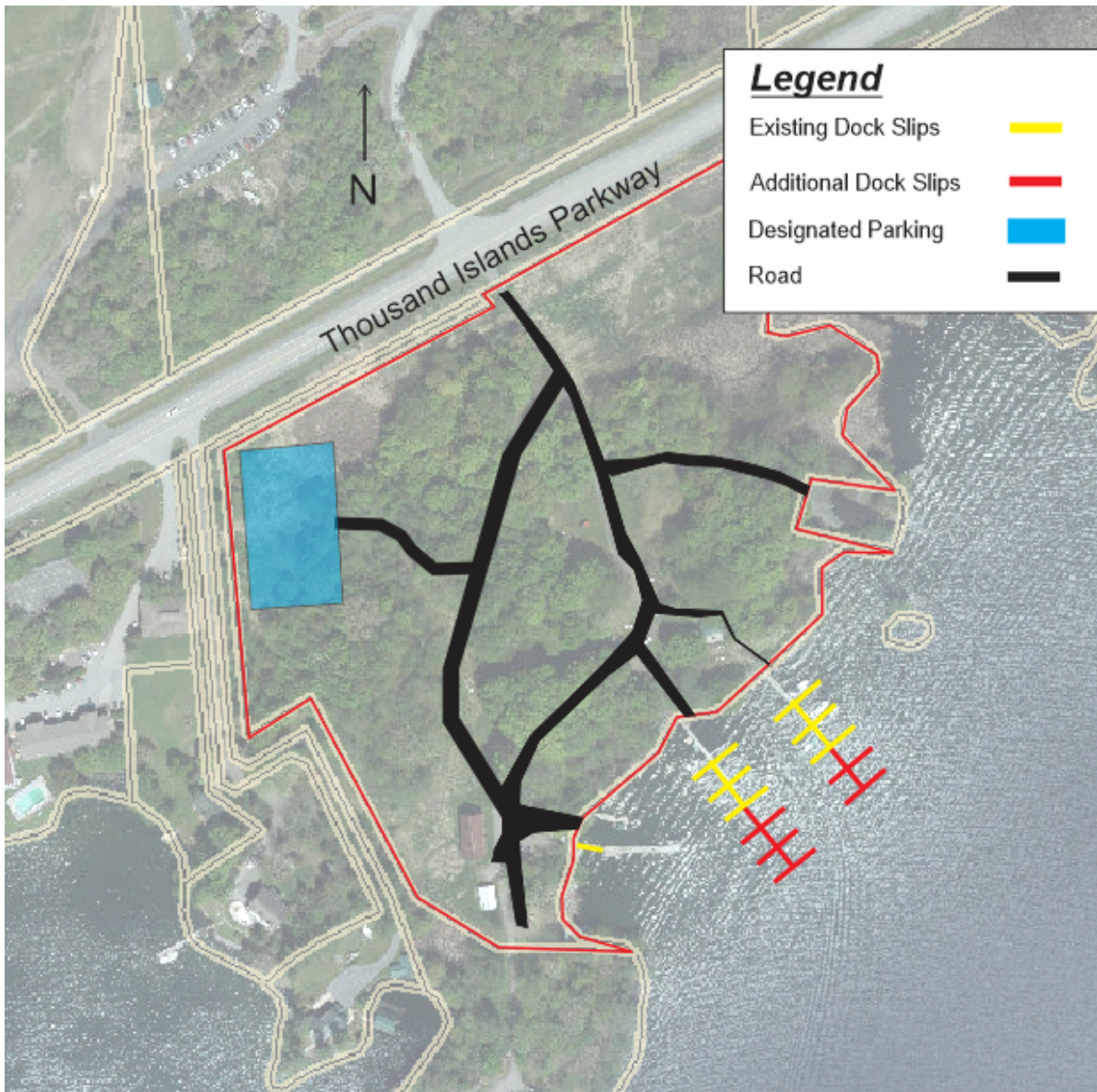


Figure 3 - Proposed Additional Boat Slips and Parking



In addition to the new slips, the original dock that is being reduced will allow enough room for 4 boats that will be used by contractors that service the surrounding residences on the Islands. The primary consideration raised in the Development Team Review, was the impact of the change in the docks on the Provincially Significant Wetland located along the shoreline. The existing docks are located within the PSW. An assessment was conducted by GHD and is attached as *Attachment B*. The Township of Leeds and the Thousand Islands By-laws are addressed later in this report; however, calculations are made for one parking spot per boat slip (Designated Parking). The parking area is primarily, cleared land and has avoided any areas designated as wetland in the environmental review. The parking spaces were calculated based upon the guidelines set out in the By-Laws (2.75m x 5.5m) and the Ontario Integrated Accessibilities Standard Regulation (Type “A”- 3.4m x 5.5m). The identified area will provide a total of 54 parking spaces. Barrier free parking spaces have been calculated at 4% of the parking spots and include 3 barrier free spots. *Figure 4* identifies the parking spots available.

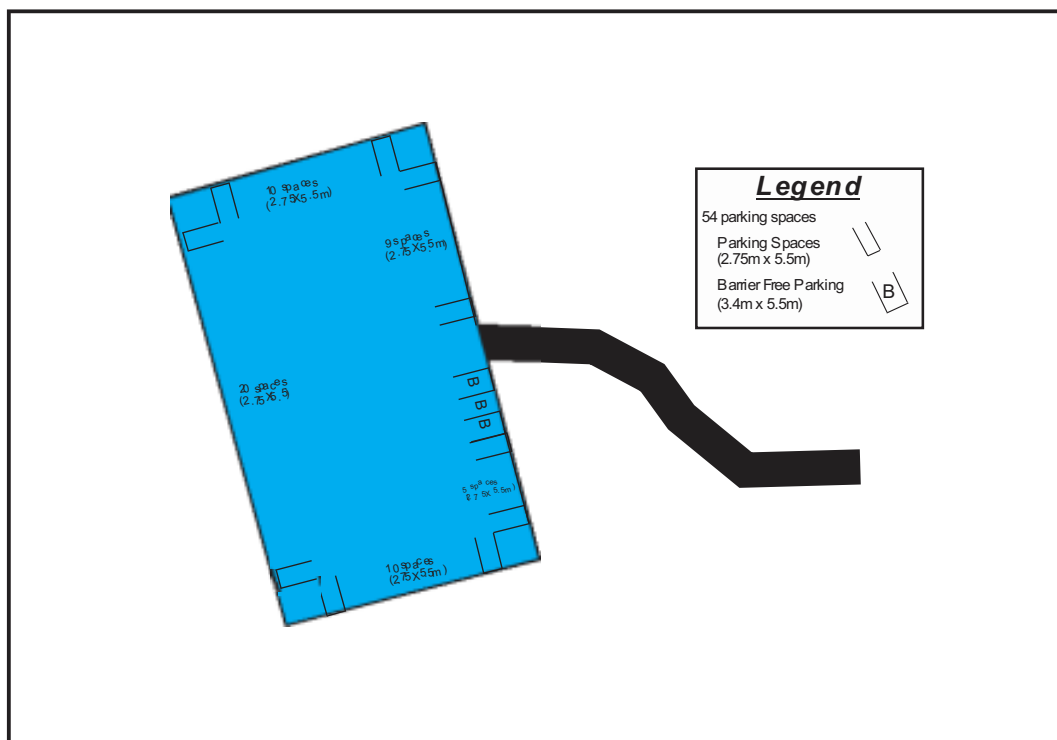


Figure 4 - Site Plan for Parking

Calculations have been made for the current land use of the subject property. *Figure 5* illustrates the current land use on the subject lands. The proposed parking would occupy land currently identified as “open spaces” and a small area of forested land.



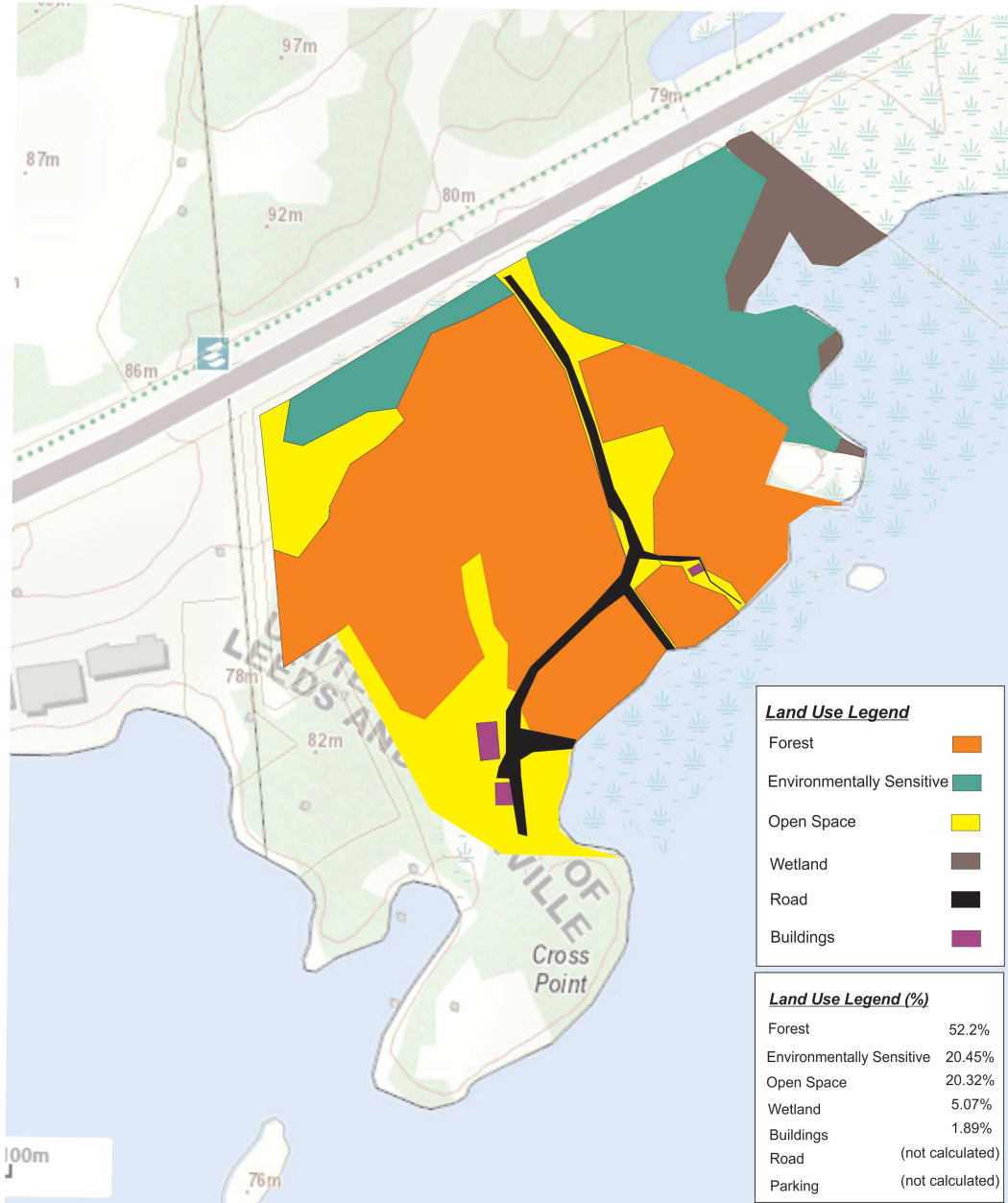


Figure 5 - Land Use Map

4. REVIEW OF PLANNING DOCUMENTS



The alteration of the boat docking system and designated parking area is governed by a variety of planning and land use documents. Relevant policy contained in these documents is reviewed in the sections below:

4.1 Provincial Policy Statement (2020)

The current Provincial Policy Statement was approved and came into effect May 1, 2020. It replaces the Provincial Policy Statement, 2014. It was issued under Section 3 of the Planning Act to provide policy direction on matters of provincial interest.

Section 1.1.5 provides policies for Rural Lands in Municipalities.

Section 1.1.5.2 states that permitted uses on rural lands include resource-based recreational uses. The provision of a marina on a significant waterway such as the St. Lawrence River in the Thousand Islands is an important resource-based recreational use.

Section 1.1.5.3 recommends that recreational, tourism and other economic opportunities should be promoted.

Section 2.1.1 directs that Natural Features shall be protected for the long term. Section 2.1.4 directs that, development and site alteration shall not be permitted in significant wetlands in the southern portion of the Province including the subject lands, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

In order to address this provision, GHD prepared a Wetland Assessment. This assessment concluded that the additional docks would be outside the Provincially Significant Wetland. The detailed Assessment is included as *Attachment B*.

After reviewing the Provincial Policy Statement in its entirety, we believe the changes in the docks conform to the policies of the Provincial Policy Statement.

4.2 County of Leeds and Grenville Official Plan (2022)

The County of Leeds and Grenville Official Plan consolidated version 2022 designates the subject lands as Rural Lands with a Provincially Significant Wetland adjacent to the shoreline on Schedule 'A' - Community Structure and Land Use. The identified wetland is on the east side of the property with the majority of the property being designated as Rural Lands. A copy of Schedule 'A' to the County Official Plan has been reproduced as *Figure 6 - County Official Plan Excerpt*.

Section 4.2.3 b) of the Official Plan states that, Provincially Significant Wetlands will be protected to ensure that development will not result in negative impacts to the features or their ecological



functions.



Figure 6 - County of Leeds and Grenville Official Plan Excerpt,
Schedule A-Community Structure and Land Use

- c) Development and site alteration will not be permitted on land adjacent to a Provincially Significant Wetland unless the ecological function of the adjacent land has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features, or on their ecological and/or hydrologic functions that cannot be mitigated. Prior to considering development and/or site alteration, the County and/or local Municipality, in consultation with the Province and/or applicable Conservation Authority as required, will be satisfied that the EIS demonstrates that there will be no negative impacts on the Provincially Significant Wetland and the sustaining ecological and/or hydrologic functions.
- d) The boundaries of Provincially Significant Wetlands will be defined based on information from the Province. The boundaries may be refined without an amendment to this Plan, provided approval is obtained by the Province.

Section 4.2.14 Environmental Impact Studies (EIS) outlines the purpose of an Environmental Impact Study and provides policy for the preparation, outline of scope and review of the EIS. Our review of these requirements concludes that the EIS prepared for the additional docks has been prepared in accordance with this policy.



Section 6.2.6 Marine Systems identifies the St. Lawrence River as an important marine recreational opportunity and recognizes the existing and future potential for tourism and recreation opportunities and the movement of people and goods associated with these waterways. The development of marine facilities is to be undertaken comprehensively and are to consider such matters as the:

- i. Environmental impacts both during and after construction;
- ii. Public use of and access to harbour facilities;
- iii. Intermodal linkages with transportation facilities;
- iv. Integration of functions into multi-use facilities;
- v. Coordination and conformity with local municipal Official Plan policies and applicable provincial policies;
- vi. Land use impacts, land use compatibility, the appropriateness of the proposed location, and urban and site design considerations;
- vii. Traffic impacts and the coordination of roads and parking;
- viii. Stormwater management;
- ix. Coastal engineering;
- x. Economic and municipal fiscal impacts; and
- xi. Marine archaeology.

The EIS prepared by GHD addressed the Environmental Impacts of the altered boat slips, both during construction and during operation. As this is a modest change in the marina, the other matters to be considered are only modestly impacted. The one area which will be addressed is the increase in parking as a result of the increase in boat slips. Otherwise, it is my opinion that the increase in boat slips conforms with the policies of the County Official Plan.

4.3 Township of Leeds and the Thousand Islands Official Plan

The Official Plan of the Township of Leeds and the Thousand Islands was adopted by Council on September 10, 2018, and approved by the United Counties of Leeds and Grenville on November 22, 2018.

The subject lands are designated Rural on Schedule A1, and Schedule A2 designates the shoreland as Provincially Significant Wetland (*Figure 7*).



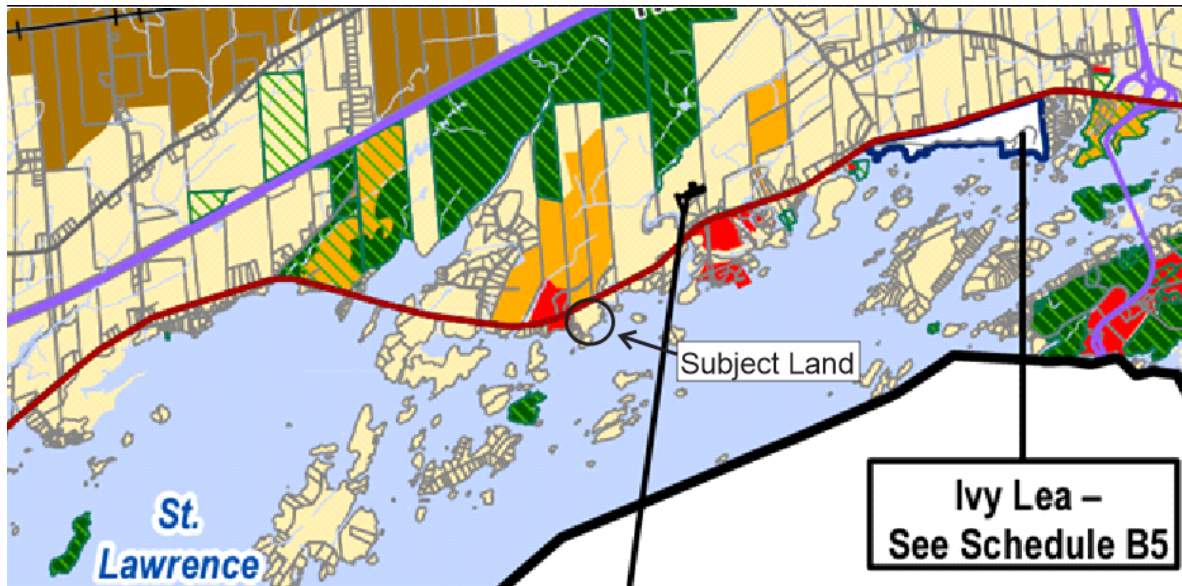


Figure 7 - Township of Leeds and the Thousand Islands Official Plan Excerpt,
Schedule A1 - Land Use Designation

Section 5.2.2 Marine Facilities permits an appropriate amount of dockage and storage of vessels associated with the recreational and transportation-related functions for waterfront properties, while being of a type and scale and well-maintained to minimize their environmental, navigational, and visual impacts. The Zoning By-law is to contain detailed provisions regulating the development of marine facilities.

Section 5.2.4 Shoreline and Nearshore Alteration encourages the preservation and enhancement of natural vegetated shorelines and buffers. The existing boat docking demonstrates the preservation of the natural shoreline and the removal of the boat slips and their replacement with floating docks, further serves to remove areas of shoreline modification.

Section 5.5.5 Wetlands requires that all wetlands are to be protected from incompatible development and site alteration. A wetland evaluation such as the one prepared by GHD is required in support of applications for development and/or site alteration. As described in the wetland evaluation prepared for the alteration of the boat slips, the wetland does not appear to have been impacted by the existing boat slips. In fact, the shadow provided by the existing docks may actually have assisted in protecting and promoting the vegetation on the floor of the wetland.

Section 5.7.4 describes and encourages Recreation and Public Open Space Uses in the Rural Area. The proposal to add additional parking spaces to the lands designated Rural is consistent with this policy.



The area south of Highway 401 is identified as a Special Policy Area. Section 5.9.2 directs that access to Active Recreational properties shall be provided by public road, and all developments shall provide the parking facilities required with no disruption to traffic. For the boat docking facilities, the parking is provided on the on-shore lands immediately adjacent to the docks. With the addition of the 20 boat slips, additional parking is proposed and will require an amendment to the Zoning By-law and the Site Plan for the facility.

Section 6.1.4 Waterfront Areas and Waterbody Protection contains policies designed to protect the natural features. Specifically, sub-section 12 directs that the Zoning By-law is to establish regulations to ensure the scale of development does not overwhelm the natural elements of waterfront property.

Section 9.8.2 allows the preparation of a Scoped Environmental Impact Study where the proposed development and/or site alteration constitutes a relatively minor undertaking. It is my opinion that this would include the Assessment prepared by GHD.

Section 9.18 includes the entire area of the Township of Leeds and the Thousand Islands as a Site Plan Control area.

Based on this review, it is my opinion that the proposed changes to the docking facilities at 417 Thousand Islands Parkway complies with the policies of the Municipal Official Plan subject to the amendment of the Zoning By-law and the Site Plan.

4.4 Township of Leeds and the Thousand Islands Zoning By-law 07-079

The subject lands are identified on Schedule B to By-law 07-079 as Shoreline Residential Special Exception 50 (RS-50) and Environmental Protection Special Exception 3 (EP-3), in accordance with the Ontario Municipal Board Decision PL080443 (*Figure 8*).

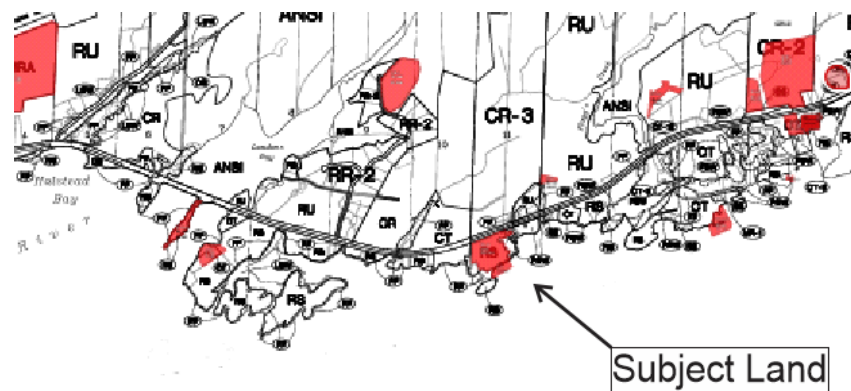


Figure 8 - Township of Leeds and the Thousand Islands Zoning By-Law Excerpt, Schedule "B"



Section 3.26 requires 1 parking space for each boat slip rented on a seasonal basis. This is assumed to apply to each boat slip. The lanes and the lot are large enough to accommodate the additional parking.

The existing parking area has been identified as conforming to the Zoning By-laws. The identified land does not infringe on the environmentally protected areas. The net result is that parking space presently exists that meets and exceeds the required space requirements.

Section 17.1 (c) provides exceptions to the Environmental Protection policy. Exception EP-3 applies to 417 Thousand Islands Parkway and permits the boat docking slips as they existed in December 2006. According to the information provided, the number of slips as of December 2006, was 28. The proposal would see an additional 12 slips.

Section 5.5 (c) provides exceptions to the Shoreline Residential (RS) Zone. Exception RS-50 applies to 417 Thousand Islands Parkway and allows as permitted uses, parking and other accessory uses for the docking permitted in the adjacent EP-3 Zone.

On this basis, the Amendment being sought would amend the Environmental Protection exception (EP-3) to allow 44 boat slips plus 4 additional spots for service vessels. The Shoreline Residential Exception (RS-50) would not require an amendment. The Zoning By-law Amendment Application for is attached as *Attachment C*.

4.5 Site Plan Control Area – Township of Leeds and the Thousand Islands

By-law #11-002 of the Corporation of the Township of Leeds and the Thousand Islands designates all lots which abut waterbodies and/or watercourses as a Site Plan Control Area. Thus, an amendment to the approved site plan will be required to illustrate the parking area changes proposed for the increased boat slips (*Figure 3*).

A Draft Site Plan has been included as *Figure 3*. This will form the basis for the amendment to the existing site plan for 417 Thousand Islands Parkway. The draft site plan illustrates the designated parking spaces and the ultimate marina slips.

4.6 Accessibility of Ontarians with Disabilities Act (2005)

This regulation sets out requirements relating to requirements for disabilities and determines accessibility standards as they relate to communications, employment, transportation, and the design of public spaces and customer service.

80.32 - Obligated organization shall ensure that when constructing new or redeveloping off-street parking facilities that they intend to maintain, the off-street parking facilities meet the requirements set out in this Part O Reg. 413/12, s 6.



80.34 - Off street parking facilities must provide parking for the use of persons with disabilities. Several types of parking spaces are identified with the one applicable to this development identified as being:

Type A, a wider parking spot which has a minimum width of 3,400 mm and signage that identifies the space as “van accessible”.

80.36 - Off-street parking facilities must have a minimum number of parking spaces for the use of person with disabilities:

2. Four percent of the total number of parking spaces for the use of persons with disabilities, where there are between 13 and 100 parking spaces in accordance with the following ration, rounding up to the nearest whole number.

Calculations for parking spaces for persons with disabilities based on the above criteria, indicates that 3 parking spaces will be required.

5. SUPPORTING DOCUMENTATION

Based on the review of the planning documents, the documents required to support the expanded boat slips includes:

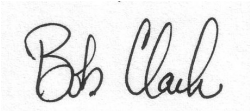
- Environmental Review of the Wetland Boundary Assessment and the extension of docks prepared by GHD (*Attachment B*).
- Updated Site Plan of the parking at 417 Thousand Islands Parkway (*Figure 3*).
- Draft By-law to allow the additional boat slips (*Attachment D*).

6. PLANNING OPINION/CONCLUSIONS

It is our opinion that the proposal to modify the boat slips to modify the location of 12 slips, and add an additional 8 slips, is consistent with the Provincial Policy Statement, the County of Leeds and Grenville Official Plan and the Township of Leeds and the Thousand Islands Official Plan. The proposed additional boat slips can be accommodated without impacting the Provincially Significant Wetland. Approval of the additional boat slips will require an amendment to the Township Zoning By-law and the Site Plan for the Parking Area. It is my opinion that the amendments represent good planning and are appropriate.



Sincerely,



Bob Clark, *P.Eng., P.Ag., MCIP, RPP, OLE*
Principal Planner

FIGURES

1. Location Map
2. Site Plan
3. Proposed Additional Boat Slips
4. Site Plan for Parking
5. Land Use Map
6. County of Leeds and Grenville Official Plan Excerpt, Schedule A – Community Structure and Land Use
7. Township of Leeds and the Thousand Islands Official Plan Excerpt, Schedule A1-Land Use Designation
8. Township of Leeds and the Thousand Islands Zoning By-law 07-079 Excerpt, Schedule B - Ward 1 Shoreline Zoning

ATTACHMENTS

- A. Development Review Team Meeting Notes – December 8, 2021
- B. Wetland Boundary Assessment–Dock Extension Glen House Resort
(Prepared by GHD, September 27, 2022)
- C. Zoning By-law Amendment Application
- D. Draft Zoning By-law & Zone Schedule
- E. Site Statistics Table

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ATTACHMENT A
Development Review Team Meeting Notes – December 8, 2021



ATTACHMENT B

*Wetland Boundary Assessment – Dock Extension Glen House Resort
(prepared by GHD – September 27, 2022)*



ATTACHMENT C
Zoning By-law Amendment Application



ATTACHMENT D
Draft Zoning By-law & Zone Schedule

