

**AGENDA
AUGUSTA TOWNSHIP
SPECIAL C.O.W. MEETING
December 2, 2019 @ 6:45 P.M.**

- A. Call to Order
- B. Approval of Agenda
- C. Disclosure of Interest and Nature Thereof
- D. Report 2019 – 134 – PAC Report
- E. By-laws
 - 1. By-law 3449-2019 – ZBLA Aquaworld
- F. Questions for the Public
- G. Questions for the Press
- H. Adjournment

REPORT 2019-134
REPORT TO COUNCIL December 2, 2019
RE: Report from Planning Advisory Committee
PREPARED BY Nicole Walker, Community Development and Planning Coordinator.

RECOMMENDATION:

THAT the Planning report for Aquaworld ZBLA and severance B-95-19 be received for information and action in accordance with the individual resolutions.

REPORT:

The PAC met on November 28th, 2019 and considered the following reports:

1. Severance application B-95-19
2. ZBLA Aquaworld

1. Severance application B-95-19

Consent application B-95-19, submitted by Jordan-Bennett Geomatics Inc., has been received from the United Counties of Leeds and Grenville and proposes an addition to an existing lot municipally known as 2600 County Road 15.

The subject lands are located on 2650 County Road 15. The applicant proposes that a 1.00-acre parcel of land be severed from the subject lands and adjoined to 2600 County Rd 15. The severed land is currently vacant, and the applicant proposes an addition to the receiving land which are developed with a single detached dwelling and accessory structures. The retained land is currently used for agriculture, and no change in use is proposed.

The retained land has a total area of approximately 78.63 hectares, with approximately 511.18 metres of frontage on County Road 15. The land intended to be severed has a total area of approximately 0.404 hectares, with approximately 72.74 metres of frontage on County Road 15. *Figures 1* provides an overview of the proposed consent.

Recommendation:

Based on the review of consent application B-95-19, the proposal conforms to relevant planning policies and regulations. Any decisions to grant provisional consent should include the following conditions:

1. The balance of any outstanding taxes, including penalties and interest, (any local improvement charges, if applicable) shall be paid to Augusta Township.
2. That the severed parcel merge with the parcel municipally known as 2600 County Rd 15 and an acceptable reference plan be submitted to the Township.
3. That favourable comments are received from circulated commenting agencies.

2. ZBLA - Aquaworld

Report from Tunnock Consulting Ltd.

Attachment 1

Recommendation:

Based on the review of the application and the applicable studies for compliance with the intent of the official plan policies of the County and Township official plans and consistency with the Provincial Policy Statement; the planner recommends:

1. That the rezoning be approved in part through the passing of a zoning by-law amendment by Council to create a unique Aquaworld (AQW) Zone that would apply to the area to be developed for the building area for the waterpark and hotel complex.
2. That additional land uses be added to the list of permitted uses in the draft Aquaworld (AQW) Zone to support land uses for local food production and outdoor recreation.
3. That the said rezoning by-law also contain a holding zone 'h' provision to recognize rental cabins/cottages and a recreational vehicle park as a permitted use subject to meeting the applicable conditions set out in Section 9.4.6.2 of the Township Official Plan.
4. That a new Environmental Protection Zone be incorporated into the amending by-law to apply to the south end of Bradley's Creek valleyland area to conserve the natural heritage features and simultaneously provide for outdoor recreational uses.
5. That the applicant be directed to proceed to obtain all necessary permits and approvals related to the development and that, where enabled by the authority of Section 41 of the *Planning Act*, that the relevant matters associated with the details of development required by the Township and outside ministries and agencies be incorporated into a site plan control agreement.
6. That Council pass the zoning by-law amendment pursuant to the requirements of the *Planning Act*.

Ray Morrison, CAO

Nicole Walker



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• community planning • building administration • adult education and training • municipal restructuring

File P-2834

November 26, 2019

Planning Report – Aquaworld

Application

An application was filed October 5, 2018 under Section 34(10) of the *Planning Act, R.S.O. 1990, c. 13* by ZanderPlan Inc. with the consent of Jocelyn Ward, owner of the property, to amend the Township of Augusta Zoning By-law 2965 to rezone lands to permit a tourist commercial development. The application was to rezone lands from the Rural (R) Zone and Wetlands (PSW) Zone respectively to the Aquaworld (AGW) Zone, a zone specifically created for the proposed development.

The application was deemed to be complete on August 21, 2019.

Location and Property Description

The subject lands of the application are located at 1838 Merwin Lane, on lands legally described as Part of Lots 6-8, Concession 1, Township of Augusta. The subject lands are 103.36 ha [255.4 acres] in lot area with a lot frontage of 775 m [2,542.65 feet] on Merwin Lane and 716 m [2,349.08] non-accessible frontage on Highway 401. (See **Figure 1 – Project Site Location.**) The location of the subject lands, shown in **Figure 1** is on part of Lots 6-8, Concession. The lands abut Highway 401 on the north perimeter, Merwin Lane on the east perimeter, and the CN Railway on the south perimeter. Lands to the west are largely rural or agricultural in character.

Merwin Lane is a two-lane paved municipal road.

As illustrated in **Figure 2**, the topography of the subject lands is flat for most of the south 2/3rds of the property but rises gently towards the northwest corner from 90 m to 100 m a.s.l. About 25.5 ha of the land base has been used for agricultural production and is therefore open land. Mixed upland forest cover is present in the northwest corner adjacent to the 401, and around the Bradley’s Creek and serves as a perimeter boundary around the agricultural fields. A small former quarry operated between 1990 and 2005 is located in the north end of the property.

Surface geology is described as a mix of Paleozoic terrain with a sand soils silt,

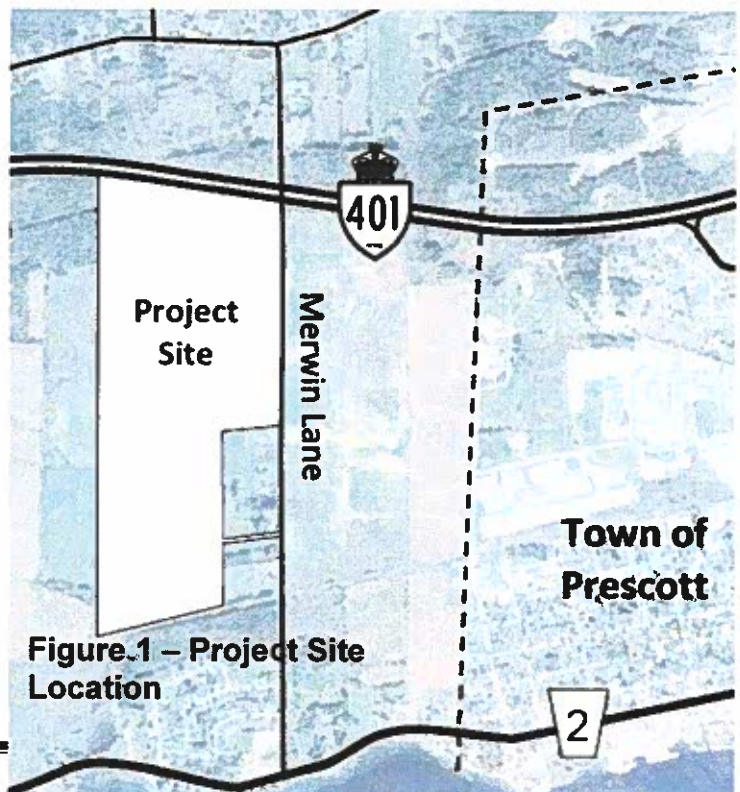


Figure.1 – Project Site Location

some clay and glaciomarine deposits. Underlying bedrock consists of dolostone and sandstone. Surface soils have been classified under the Canada Land Inventory (CLI) and consist of a mix of Classes 2, 4 and 6 with limitations of stoniness, consolidated rock and wet areas (see **Figure 3 – CLI Classification**).

Surface water features within the property include Bradley's Creek which flows diagonally from northeast entering the property from Merwin Lane to southwest across the mid to south sectors of the property and discharges into the St. Lawrence River some 490 m to the south. There are also a number of small tributaries to the creek on the property. A small (unevaluated) wetland eclipses the northwest corner of the property while there is a second evaluated non-provincially significant wetland surrounding Bradley's Creek in the southwest corner close to the rail line.

The property is vacant.



Figure 2 – Property Characteristics



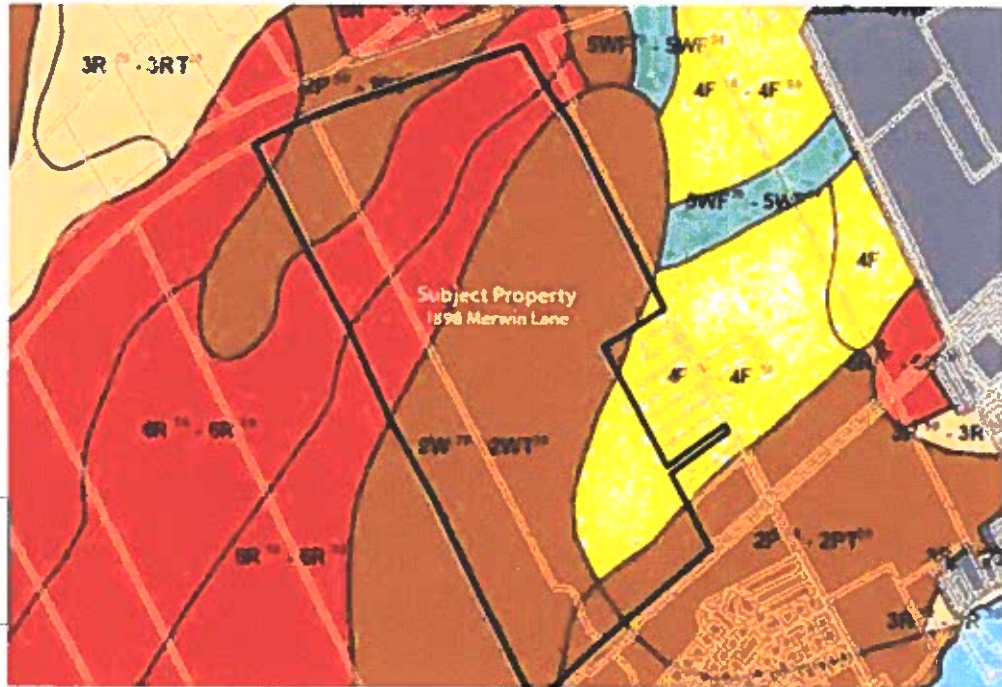
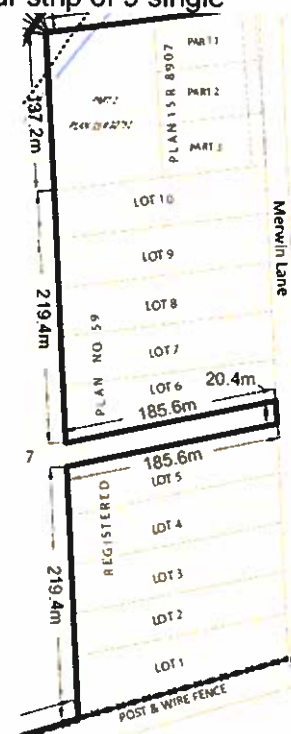


Figure 3 – CLI Classification

Surrounding Land Uses

As indicated the north boundary of the lot abuts the Highway 401 corridor and lands further to the north of the 401 are vacant for a distance of approximately 350 m [1,148 ft.] beyond which is a linear strip of residential development abutting CR 26. Lands along the east side of Merwin Lane are in agricultural use or are fallow with no development. A linear strip of 9 single detached dwellings is located on the west side of Merwin Lane along the east south perimeter of the subject lands. The lots typically have a lot depth of 185.5 m [608.5 ft.] there are of total of 10 lots along this stretch and a larger block divided into 4 parts. (See **Figure 4 – Merwin Lane Lot Configuration**). A 20.4 m [66.9 ft.] owned by the applicant is located between lots 5 & 6 and provides an additional access to Merwin Lane from the subject lands.

Figure 4 – Merwin Lane Lot Configuration



The CNR Rail Line abuts the south perimeter of the property beyond which is the residential neighbourhood of Riverview Heights. Lands to the west are agricultural fields or covered with upland forests. The Town of Prescott municipal boundary lies just under 600 m [1,968 ft.] to the east of Merwin Lane.

Development Proposal

The proposed development contemplates a mix of land uses which would be developed over time. The first phase would consist of the following land uses:

- an indoor/outdoor water park with an outdoor spa and youth activity area
- a hotel/convention centre with a restaurant/sports bar with 140 guest suites
- a miniature golf

Subsequent development is proposed to include:

- rental cabins/cottages (12-15 units)
- a recreational vehicle park

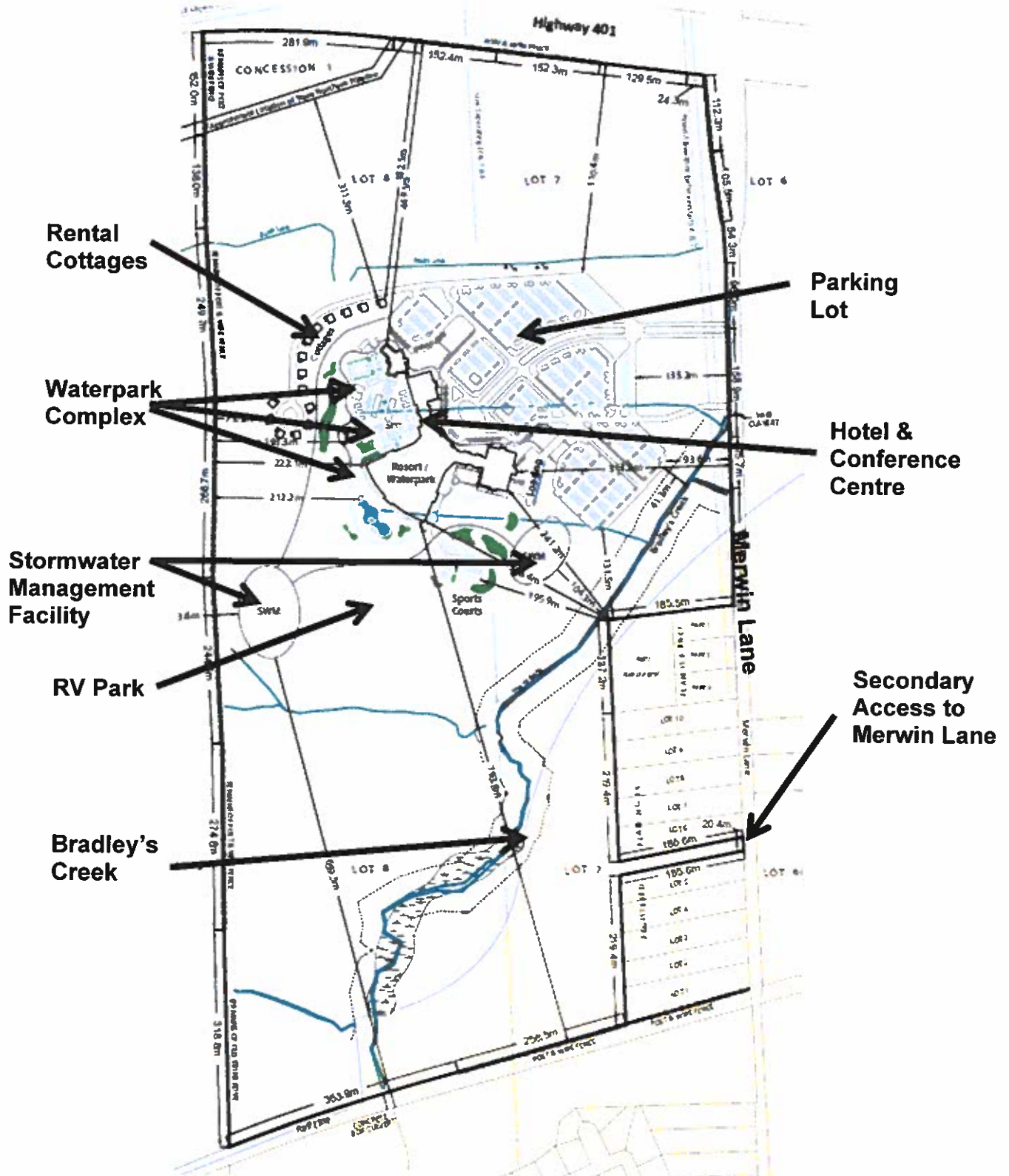
Development of the lands for the rental cottages and recreational vehicle park, or the second phase, will be deferred pending an assessment of individual on-site water and sewage requirements to determine whether the provision of these services is adequate to service the rental cabins and recreational vehicle park and provided that site conditions are suitable for the long-term provision of such services with no negative impacts. The deferred land uses will be placed in a holding zone and will be subject to the provisions of the official plan for lifting the 'h' (holding) symbol to permit the additional land uses to proceed. Otherwise, given the integrated nature of the waterpark and hotel/convention facilities, the complex (resort) will all be built as one phase. The proponent has determined through a study that the entire project could be serviced with individual on-site sewage and water services rather than through the extension of municipal communal water and sewage services from the Town of Prescott.

The scope of uses may include accessory or ancillary uses such as:

The scope of uses includes accessory or ancillary uses such as

- Accessory use, building or structure (see 6.1)
- Clinic
- Cycling Rest Stop
- Day Nursery Service
- Fence (see 6.14)
- Fitness Centre
- Green Roof
- Health Retreat
- Landscaped Open Space (see 6.22)
- Laundromat
- Library
- Loading/Delivery Space (see 6.24)
- Miniature Golf Course
- Open Space
- Outdoor recreation Uses
- Park
- Parking Area
- Parking Garage
- Personal Service Use
- Playground
- Public Use (see 6.37)
- Renewable Energy System
- Retail Store
- Sign (see 6.41)
- Storage Container (see 6.43)
- Waste Management Facilities
- Youth Activity Area

Figure 5 - Site Plan



The proposed development is expected to include the following:

- Internal gross floor area of 20,981 m² [225,850 ft.²] of which 9,317 m² (100,300 ft.²) will be devoted to the indoor water park component
- 1,504 parking spaces for a variety of vehicle types as illustrated in **Figure 6** not including additional space for motor cycles and bicycles. The number and type of parking spaces was determined in consultation with the municipality.

Figure 5 – Site Plan illustrates the proposed layout of the complex. The complex is located towards the north end of the subject property with the parking area located closer to Merwin Lane and the heart of the complex located in the centre. The future rental cabins are located on the northwest corner of the complex. The proposed recreational vehicle park is not illustrated but from a former iteration of the site plan, would be located towards the stormwater management facility on the southwest side of the complex. The site plan illustrates the site distances from various components of the complex to the residential enclave to the southeast, Merwin Lane to the east and Highway 401 to the north. The setback distance of the parking area from the nearest residence, for example is 131.5 m while the setback from the hotel complex is 241.2 m.

The parking area is accessed by a divided curvilinear boulevard extending from Merwin Lane to the hotel entrance.

The parking area is functionally divided to enable vehicles to be allocated or assigned to particular areas depending on the vehicle type. For example, RV and Bus Parking are located along the northeast and east perimeter. Barrier-free parking is located adjacent to the main entrance. The number of parking spaces proposed has been specifically calculated for the uses proposed and to ensure barrier-free needs are met.

Although preliminary, proposed planting areas, are illustrated in green.

Scope of the Review of the Zoning Application

The magnitude of the development warranted input from key stakeholders who have infrastructure, environmental and land use planning interests in the development. These agencies have been engaged in the review process and include:

- Township of Augusta
- Town of Prescott
- United Counties of Leeds & Grenville
- South Nation Conservation Authority
- Ministry of the Environment, Conservation and Parks
- Ministry of Transportation

Figure 6 – Parking Spaces

Parking Zone	Type and Quantity of Spaces
Zone 'A'	Regular Spaces – 117 Barrier-Free Spaces – 20
Zone 'B'	Regular Spaces – 378
Zone 'C'	Regular Spaces – 93 Electric Vehicle – 4 Motorcycle – Area of 159.5m ²
Zone 'D'	Regular Spaces – 93 Electric Vehicle – 4 Motorcycle – Area of 159.5m ²
Zone 'E'	Regular Spaces – 269
Zone 'F'	Regular Spaces – 178
Zone 'G'	Regular Spaces – 320
Main Entrance	Barrier-Free Spaces – 24
TOTAL	Regular Spaces – 1,448 Barrier-Free Spaces – 48 Electric Vehicle – 8 Motorcycle – Area of 319.0m ²

- Trans-Northern Pipelines

Peer reviews of various studies were conducted as independent evaluations and have resulted in changes and updates to the background materials. The proponent and/or proponent's consultants have been prompt and co-operative in providing responses or additional information to the Township of Augusta and other peer review agencies.

Studies and Information Related to the Zoning Application

The application, filed under Section 34 of the *Planning Act* was accompanied by a number of studies and other information which was requested by the Township in a pre-consultation letter dated October 11, 2016. The studies included:

1. *Traffic Statement*, BTE Engineering, Ottawa, July 26, 2017.
2. *Environmental Impact Statement for Aquaworld*, Stantec Engineering, Ottawa. September 15, 2017, updated October 23, 2018.
3. *Preliminary Hydrogeological and Terrain Study Proposed Commercial Development Aquaworld Resort and Convention Centre*, Kollard Associates, Engineers, Kemptville, November 21, 2017.

A peer review of the Hydrogeological and Terrain Study was undertaken by McIntosh Perry and a subsequent more detailed report was filed by Kollard Associates:

4. *Hydrogeological and Terrain Study Proposed Commercial Development Aquaworld Resort and Convention Centre*, Kollard Associates, Engineers, Kemptville, May 27, 2019.

McIntosh Perry also conducted a peer review of the Traffic Statement and BTE Engineering provided a response on November 6, 2019.

The Environmental Impact Statement was reviewed by the South Nation Conservation Authority (August 7, 2019 and October 15, 2019) while additional comments were received on the Species at Risk Component form the Ministry of the Environment, Conservation and Parks (October 30, 2019).

The applicant was also requested to submit a pre-consultation strategy in compliance with the requirements of (O. Reg. 545/06 – Schedule 1: 31.1) of the *Planning Act* and implement the strategy. The pre-consultation undertaken meets the requirements of the *Planning Act*.

The reports, peer reviews and additional information were taken into consideration in the preparation of this Planning Report. The intent of the report is to assess whether the proposed land uses are permitted and are appropriate within the rural setting of Augusta Township.

Official Plan Review

The following component of this Planning Report constitutes an assessment of the applicable planning policies related to the proposed development.

Township of Augusta Official Plan/County of Leeds and Grenville Official Plan

The Township's Official Plan sets out the policy framework for development. The proponent's lands are located in the Rural and Rural Settlement land uses designations as illustrated on, respectively as set out on Schedule 'A' to the Official Plan (Plan) and shown in **Figure 7** –

Official Plan Schedules). However, the resort development will be focused on the Rural area only, otherwise an official plan amendment would be required.

The vision of the Plan set out in Section 2.1 is intended to strike a balance between creating a sense of place through growth while ensuring environmental sustainability. The vision (excerpted from the text below) acknowledges the importance of Augusta's unique historical, cultural and natural heritage.

Our Vision

“Augusta Township will manage land use to ensure a balanced, sustainable environment and communities which provide a sense of place respectful of Augusta's unique historical, cultural and natural heritage where citizens can enjoy an unparalleled quality of life.”

Comment: The theme of environmental sustainability is an essential ingredient to a large scale development and to this end the Township must insist that there is no degradation to the quality and quantity of water resources, to sensitive aquifers or to the natural heritage features on or adjacent to the site.

Guiding principles arising from the vision statement include:

- Development patterns should include a broad range of land uses
- Increasing the Township's employment base through amongst other uses, commercial development
- Protecting and enhancing the natural environment
- Preservation of the cultural heritage through historical connections with First Nations
- Avoiding development that constitutes a threat to public health and safety
- Providing effective infrastructure in a cost-effective manner which ensures the protection of the environment

Comment: The proposed development will broaden the range of land uses and increase the employment base. The development will make good use of existing infrastructure (i.e. roads)...no new municipal infrastructure is required. Measures are proposed to ensure protection of natural heritage features and the natural environment. Measures will be required to conserve elements of the Township's cultural heritage.

Rural Policy Area

The Rural Policy Area policies of the Plan (3.1.1.2 & 3.1.1.3) do not prohibit residential or economic development in the rural area provided land uses are not incompatible or inefficient. Development may be serviced with on-site individual sewage and water serviced (3.1.2.1) provided they are sustainable over the long term (see official plan excerpts).

- 3.1.1.2 The rural area is not the principal sector for development. Population and economic growth is intended to be directed to the villages, hamlets and employment areas of the Township. The intent of this Official Plan however is not to prohibit residential or economic development in the rural areas, but rather to provide guidance on appropriate land use which will support the objective of preserving the identity and character of the rural and settlement areas.
- 3.1.1.3 In order to maintain and protect the landscape and identity of the Rural Policy Area, it will be important to avoid inefficient land use patterns such as strip or scattered development, to minimize incompatibility between land uses and to minimize adverse environmental impacts.

3.1.2 Water and Waste Water Servicing

3.1.2.1 Development in the Rural Policy Area will generally be on the basis of private individual services and as such there is a need to ensure that the installation of these services be carried out on the basis of solid construction guidelines in order to ensure the long term viability of these services. The need to develop on private services may place limits on the amount, distribution and type of development which may take place.

The Plan sets out no less than 17 categories of land uses permitted in the Rural Policy area, a list which is widely diversified including resources uses such as agriculture, residential, institutional, commercial and waste management to list a few. The scope of non-residential land uses, as related to the proposal, includes both tourism and recreational commercial uses (3.1.8.2) which include hotels, eating establishments etc. Examples of recreational commercial uses are given although the official plan does not specifically identify the scope of uses proposed in the current application. The Plan may, however, be broadly interpreted to include such uses given the wording "such as".

- Tourism commercial uses (motel, hotel, eating establishments, etc.)
- Recreational commercial uses such as marinas, golf courses and campgrounds

Comment: Rural areas throughout Ontario invariably are made up of a numerous mix of land uses and the Township of Augusta official plan acknowledges this reality through permitting a diversity of land uses in the mosaic of the rural settlement pattern. In my opinion the proposed uses can be considered as permitted uses since the intent of the plan is to clearly permit commercial uses which are tourist and recreation oriented. A water park appeals to tourists and is definitively a recreational commercial use while the hotel specifically caters to a transient tourist public. The extensive menu of permitted uses in the Rural Policy Area alludes to compatibility amongst this diversity, albeit measures will be required to foster and maintain compatibility where they are integrated into the rural landscape.

Development in the Rural Policy Area for non-residential uses (3.1.9.1) stipulates the need for the protection of natural resources, adherence to the development criteria of the plan and the use of site plan control. Schedule 'B' to the Official Plan (see **Figure 7**) indicates the presence of bedrock resources to the west of the development site with a small projection into Lot 8, Concession 1. A small deposit of tertiary sand and gravel is identified on Schedule 'B' on the County Plan. Section 5.2.4 of the Township Plan requires the protection of bedrock resources; however, development may be permitted within 500 m of the resource if such development does not compromise the potential future extraction of the resource. The requirement for the protection of mineral aggregate resources is echoed in Section 3.5.2 (f) of the County Plan. Section 9.4.4 (not 9.5.4) and sets out the development criteria when considering development proposals and the implications for rezoning. Protection of the resource is not required if it is demonstrated that the resource use would not be feasible, or the proposed land use or development serves a greater long-term public interest and issues of public health and safety and environmental impacts are addressed. The geographic area of the bedrock resources is extensive; however, there appears to be no open file report under the Geological Survey of Ontario that assesses the quantity or quality of the resource. The resource area is some 2.2 km in width and the largest part of this geological formation lies to the west of the subject lands (see **Figure 8**). Only a small part of bedrock area extends into the subject lands. If the 500 m

separation distance criterion is applied as shown in **Figure 8**, a substantial part of the resource could still be extracted without an undue land use conflict with a commercial resort development. In the absence of any assessment of the value of the resource or interest in extraction, the long-term public interest is better served through an employment generating development, which in any case does not preclude physical access to the largest geographic area of the resource base.

Comment: The long-term public interest is best served through the benefits of economic development arising from the commercial resort and the fact that a substantial portion of the bedrock resource could potentially be extracted without an undue land use conflict.

Figure 7 – Official Plan Schedules

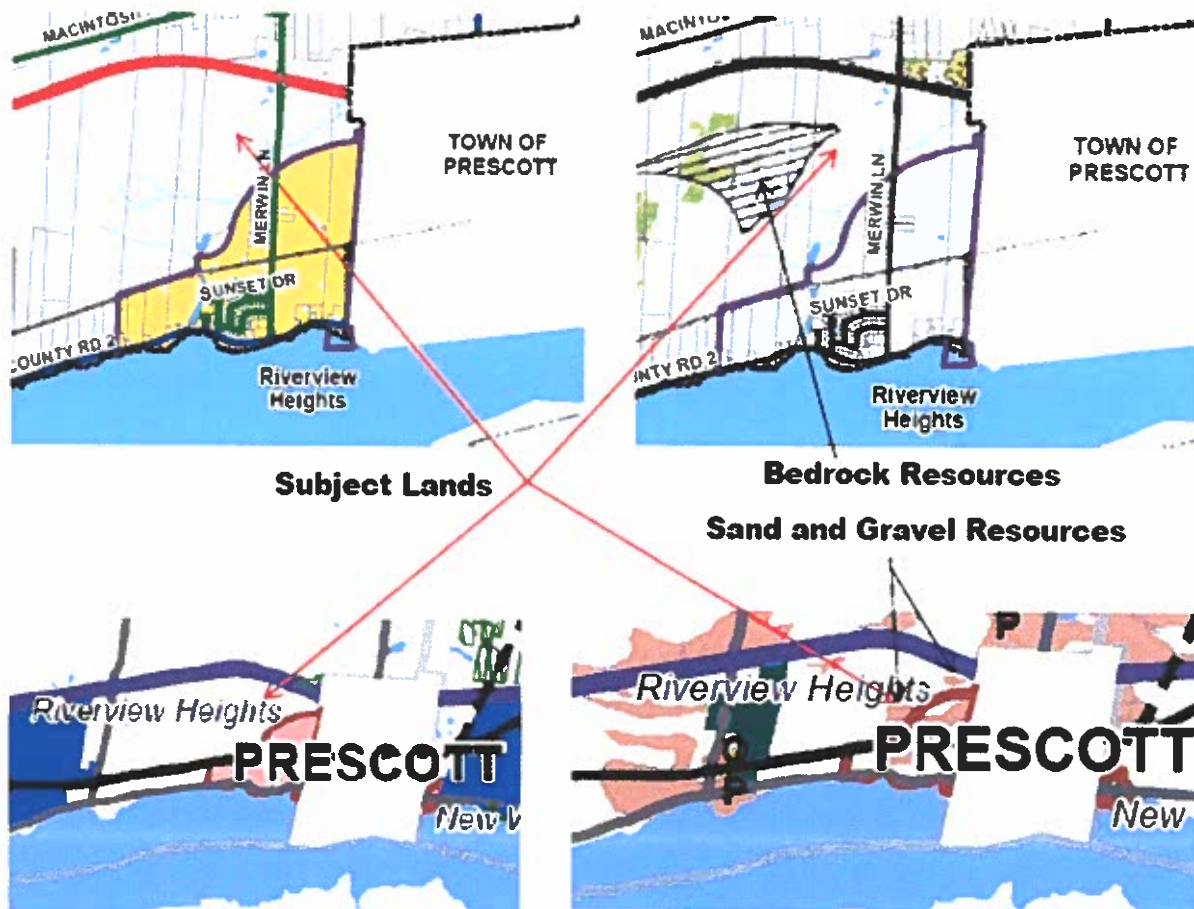
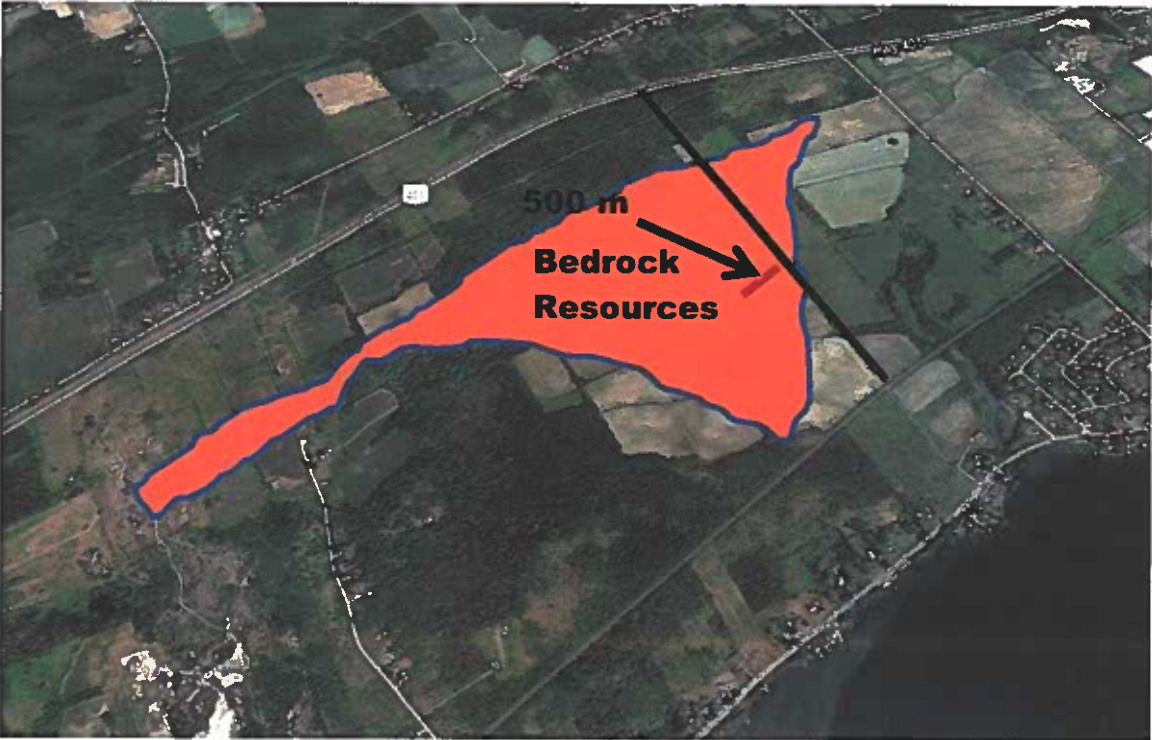


Figure 8 - Bedrock Resources



Agricultural Policy Area

Section 3.2 Agricultural Policy Area of the Plan does not apply to the subject lands despite the historical presence of agricultural activity on the subject lands (i.e. corn and hay crops) and on lands to the west. The structure of the Plan is intended to protect agriculture as an exclusive land use activity on lands designated as Agricultural Resource Lands while also permitting agriculture in the Rural Areas of the Township along with many other rural land uses. Consequently, the loss of agricultural activity on the subject lands (i.e. approximately 25.5 ha) does not compromise the intent of the Plan in protecting prime agricultural lands in the Township. Section 3.2.4 of the Plan does require all development to comply with the Minimum Distance Separation Formulae (MDS) to ensure that the impact of odour from livestock facilities and manure storage does not create a land use conflict with other land uses, principally sensitive land uses. There are no livestock or manure storage facilities that would trigger the application of the MDS for the proposed development.

As indicated and illustrated on pages 2 and 3 of this report, the land base includes CLI Class 2 lands for agricultural productivity and some of the best lands will lie to the south of the complex. The potential for local food production on the subject lands to support the restaurant operation is an opportunity that should be optimized. There are no policy obstacles that would prevent the use of these (idle) lands for foodland production either in support of the resort complex or for use as community gardens by the general public, either of which complements the agricultural legacy of the Township and is an adaptation measure to climate change (i.e. local food security).

Comment: The proposed development complies with the intent of the Plan for the protection of the agricultural resource lands and the minimum distance formulae. The zoning by-law amendment should make provision for local food production as an accessory activity.

Water and Sewage Services

Section 3.1.2 (see page 8 above) establishes the requirements for servicing in the Rural Policy Area land use designation noting that private on-site services are generally expected to be the form of servicing. No formal servicing options report was prepared for this application meaning that no independent assessment was made as to which was the best servicing option for the site. Options include, for example, municipal communal services, private communal services, partial services or individual on-site services. Despite this, the Town of Prescott (June 5, 2019) indicated that municipal communal water services could be made available to the site subject to an agreement with the Township of Augusta. The Town indicated that they have the residual servicing capacity available for the site. The Town indicated that any extension of services will clearly require the requisite engineering work, environmental assessments, studies or approvals. The dependence on the Town of Prescott is considered to be a contingency plan should private on-site water services not be available or insufficient to service the development.

The Hydrogeological Report (May 2019) as peer reviewed (McIntosh Perry – July 4, 2019) was deemed to satisfy the provincial protocols for the preparation of such a report in determining the status of water quality and quantity and the water demand required by the phase 1 development of the site (i.e. water park, hotel/restaurant complex). The water supply will be provided from drilled wells with the capacity to provide a constant rate of 350 litres per minute. The maximum water demand (peak demand) is about 413,111 litres per day [413 m³] (equivalent to the daily sewage flow) while the average water taking for the site will be about 320,038 litres per day [720 m³].

The water demand was calculated for a 140 room hotel with a convention centre, a sports bar, a buffet restaurant and an indoor/outdoor water park. Peak demand was based on 100% occupancy of the hotel and with a maximum daily water demand assuming 900 occupants of conference centre/theatre; assuming 2,682 people using swimming pools with bathrooms, showers and toilets; and with a total water volume for outdoor water features of 4,491m². The daily demand is independent of the start-up volume required to fill the pool, although the well capacity is available for filling.

Pump tests were conducted using test wells and through coincidental observation of draw down on six domestic wells of property owners on Merwin Lane within a distance of 110 m to 1,350 m. The study determined that the “interference effects are not anticipated to affect the access to the water supply in offsite wells.”¹

Groundwater samples indicated that “The water meets all the Ontario Drinking Water Standards, Objectives and Guidelines health and aesthetic parameters tested except for hardness and total dissolved solids at the two test wells and iron, colour and turbidity at TW1 (Test Well 1) (2017).”² All of the conditions/parameters can be addressed through on-site treatment. The impact on existing users of groundwater extended to a radius influence of 2,500 m around Test Well 1.

Based on the study the report concluded that the “calculations of the safe yield using safety factors, the proposed use is within safe yield predictions.”³ The report also concluded that “users within the Study Area will not be negatively affected from a water quantity point of view.”⁴

A preliminary assessment was made of the implications for stormwater and measures were recommended to preserve aquatic habitat (as derived from Stantec in their Headwater Drainage Features Assessment) as follows (applies to Headwater H5 and H7 which are located within the building envelope:

- Relocate and/or enhance feature including riparian vegetation surrounding the feature
- Maintain on-site flows, use natural channel design techniques to enhance or maintain the productivity of the reach
- Ensure that drainage feature connects to Bradley’s Creek
- Vegetated swales should be incorporated into the lot conveyance measures and/or replicated through constructed wetland features connected to downstream
- Temperature effects should be considered in stormwater design⁵

While the water demand has been established through the study calculations, on-site verification is warranted to ensure that the predicted demand coincides with the actual demand. The hydrogeological study includes a series of recommendations of which a monitoring program is a key feature. More specifically, the recommendations state:

- That groundwater levels do not decline below an acceptable level
- Confirm over time whether there are deviations between actual and predicted impacts to water quantity and quality in supply wells; and

¹ *Hydrogeological and Terrain Study Proposed Commercial Development Aquaworld Resort and Convention Centre*, Kollard Associates, Engineers, Kemptville, May 27, 2019, p.24.

² IBID, P. 25

³ IBID, P. 34

⁴ IBID, P. 34

⁵ IBID, P. 36

- Initiate a contingency action plan to address unforeseen unacceptable impacts⁶

Water conservation practices are also recommended including:

- Providing low flow plumbing fixtures
- Provide proper maintenance within buildings and utility structures to ensure that water leaks are repaired immediately
- Use recycled water for landscaping and use landscaping plants that reduce the need for supplemental water (i.e. xeriscaping). A landscaping architect is recommended for this purpose⁷

The report concludes as well that an Environmental Compliance Approval and a Category 3 Permit to Take Water.

Fire suppression is dependent on the availability of a dependable water supply pressurized for fire -fighting. Consultation with the Township's fire chief has indicated that the fire service of the Township has the capability to provide the required services and that the water supply will also be adequate provided that the requirements of the Ontario Building Code are met, notably for a 4-storey hotel complex.

Comment: The hydrogeological study complies with the requirements of the water servicing policies of the official plan subject to obtaining the necessary approvals. The design implications for protection of Bradley's Creek should be incorporated into the site plan agreement. They include:

- **A comprehensive stormwater management plan which in addition to the study's recommendations, should take into consideration measures to retain on-site overland run-off with particular emphasis on the retention of pervious surfaces. Hard surfaces should be minimized.**
- **A water demand monitoring program**
- **A landscaping plan that includes an aggressive tree planting program utilizing native species that will have the impact of reducing the carbon footprint of the development**
- **The Township's emergency preparedness plan should be reviewed to ensure that any adjustment to the fire suppression measures are undertaken**

Sewage disposal will be addressed through the installation of on-site private sewage disposal services. Groundwater Environmental Management Services Inc. (GEMS) have contracted with Newterra Water Treatment Solutions to install a membrane bioreactor treatment (MBR) system wastewater treatment plant. GEMS has prepared a receiver impact statement that assesses the impacts on Bradley's Creek, the receiver water body. GEMS is working with the Ministry of the Environment, Conservation and Parks on obtaining an Environmental Compliance Approval.

Natural Heritage

The conservation of natural heritage features is an integral component of land use planning for any development proposal. Section 6.1 sets out the overall policy intent of the Plan (see excerpt) for natural heritage features and areas. Both conservation and rehabilitation are components of the process with the intent of using best management practices.

⁶ *Hydrogeological and Terrain Study, P. 37*

⁷ *IBID, P.38*

6.1 NATURAL HERITAGE AREAS

The Township's natural heritage features shall be conserved and rehabilitated for the benefit of future generations according to best management practices undertaken today and as they evolve.

Similar objectives are set out in the United Counties Official Plan. Both documents are focused on the protection of natural heritage features and areas including significant wetlands, significant wildlife habitat, fish habitat, significant areas of natural and scientific interest and habitat of endangered and threatened species.

The Environmental Impact Statement (Stantec, October 23, 2018) was peer reviewed by the South Nation Conservation Authority and the Ministry of the Environment, Conservation and Parks. The intent of the study was to assess the natural heritage features and areas on the subject lands. The assessment was also conducted to satisfy the requirements of the Provincial Policy Statement, 2014. The assessment was carried out using the provincial protocols as set out in the Natural Heritage Manual and included field visits. Field surveys were undertaken to identify vegetation communities, to evaluate and delineate the boundaries of wetlands, to inventory the habitat of species at risk, the location and health assessment of butternut trees, breeding birds, crepuscular birds, breeding amphibians, aquatic habitat wildlife habitat and headwater features. The following summarizes the findings:

- No significant woodlands, significant valleylands, significant wildlife habitat or Areas of Significant Natural Interest were found on or within the study area based on the County or local official plan
- The study area was found to contain one unevaluated wetland and one evaluated non-provincially significant wetland. The wetland areas are located in and around Bradley's Creek in the southern limits of the subject lands (see **Figure 9**)
- Species at Risk (SAR) identified in the study area include butternut trees, monarch butterfly (species of special concern), eastern wood-pewee and wood thrush (species of special concern, bobolink (threatened species)
- For butternut trees, a certified butternut assessor completed a butternut health assessment in accordance with MNR's *Butternut Assessment Guidelines* to assess the health and retainability of specific butternut trees as categorized. 50 m protection zones were identified for certain locations (see **Figure 11**).
- Potential habitat was identified for a number of species although the species themselves were not observed during field investigations while others were species that would not typically be observed during the time period the field investigations were undertaken. Table 6⁸ summarizes the results
- Two areas, both greater than 10 ha were identified as potential bat maternity. One area is located in the northwest corner of the subject lands while the other is in the southern area around Bradley's Creek.
- There is potential for significant breeding amphibian habitat; however, the areas identified are not located within the potential development area

⁸ *Environmental Impact Statement for Aquaworld*, Stantec Engineering, Ottawa. September 15, 2017, updated October 23, 2018. Pages 7.1, 7.2

- Construction activities within the study area could affect the breeding season for migratory birds. The clearing of vegetation should not occur during the breeding and nesting season of April 15th to August 20th
- Fish habitat was identified and a fish habitat assessment was undertaken but no direct impact is predicted given the location of Bradley's Creek relative to the construction area

Table 6: Potential for Project Interactions with Species at Risk

Species	Potential Interactions
Butternut	Individuals and suitable habitat was observed in FODM6-5, FODM7-2, and WOD communities within the Study Area as well as along naturalized trees lines surrounding OAG communities. Work will be occurring in the OAGM2 habitat; therefore, impacts to this species are possible including loss of suitable habitat and removal of or harm to butternut trees.
Monarch	<p>One individual was observed in OAGM2 within the Subject Property. Potential habitat was observed in OAGM2, OAGM1, CV, CVI_1, CVR_4 and MAMM1-1 within the Study Area. Work will be occurring in the OAGM1 and OAGM2 habitat; therefore, impacts to this species are possible</p> <p>Monarch butterflies arrive in Ontario from their overwintering habitat in the south between March to May and begin breeding, staging and nectaring activities between May to October (COSEWIC, 2010c). The species lays its eggs on the underside of milkweed leaves up to four times during this time period. Milkweed is the sole food source of the larval (caterpillar) stage. Once the adult emerges, it nectars on wildflowers in open meadows, grasslands, and pastures.</p>

Species	Potential Interactions
	If milkweed within the Study Area is removed during the vegetation clearing activities, there is potential for loss of individual monarch, eggs, larvae or pupae. Adult monarch butterflies that may be passing through the Study Area are unlikely to be directly affected, as they are mobile species and are able to avoid the Study Area during construction.
American eel	Potential habitat was observed in Bradley's Creek and associated tributaries within the Study Area. Potential barriers to fish movement at the southern Study Area boundary are not anticipated to be a barrier for American eel. Development will not occur within 30 m of wetlands or waterbodies.
Pugnose shiner Grass pickerel	Potential habitat was observed in Bradley's Creek and associated tributaries within the Study Area. Development will not occur within 30 m of wetlands or waterbodies. Potential barriers to fish movement at the southern Study Area boundary are anticipated to restrict the movement of this species into the Study Area from the St. Lawrence River.
Cutlip minnow	Potential habitat was observed in Bradley's Creek within the Study Area. Potential barriers to fish movement at the southern Study Area boundary are anticipated to restrict the movement of this species into the Study Area from the St. Lawrence River. Development will not occur within 30 m of wetlands or waterbodies.
Western chorus frog (Great Lakes / St. Lawrence - Canadian shield population)	Potential habitat was observed in SWM, MAMM1-3 and MASR1-1 within the Study Area, however, no work will be occurring in this potential habitat.

Snapping turtle Blanding's turtle Wood turtle Spotted turtle	Potential basking and migratory habitat was observed in Bradley's Creek and associated tributaries within the Study Area. Potential overwintering habitat in Bradley's Creek, downstream of the Study Area. Development will not occur within 30 m of wetlands or waterbodies.
Gray ratsnake (Great Lakes / St. Lawrence population)	Potential habitat features (e.g. basking, overwintering) were observed in RBO and THDM2-6 within the Study Area. The Study Area provides a lot of edge habitat given the mosaic of vegetation communities, a preference of the gray ratsnake however the species is not anticipated to be negatively impacted as populations of this species are located further west of the Study Area (e.g. Frontenac Axis).
Eastern wood-pewee	Individuals and suitable habitat was observed in FODM6-5 and FODM7-2 within the Study Area, however no work will be occurring within this habitat.
Wood thrush	One individual was observed in FODM6-5 community within the Study Area. Potential suitable habitat was observed in FODM6-5 and FODM7-2 within the Study Area. No work will be occurring in this habitat.
Bobolink	Individuals and suitable habitat were observed in the OAGM2 communities within the Study Area. Work will be occurring in this habitat; therefore, impacts to the species are possible including loss of suitable habitat, bird nests, eggs and/or nestlings during vegetation clearing.
Eastern small-footed myotis Little brown myotis Northern myotis Tri-coloured bat	Potential roosting and nesting habitat was observed in WOD, WODM5-4, FODM6-5 and FODM7-2 within the Study Area. Potential foraging habitat was observed in OAGM1 and OAGM2 within the Study Area, however no work will be occurring within this potential habitat.

- Construction activity impacts on habitat may be reduced through avoiding damage to natural areas by heavy construction machinery, controlling erosion and sediment discharges during construction and preventing vegetation clearing during breeding season
- Headwater drainage features were assessed and headwater drainage areas H5 and H7 will require specific conservation or mitigation measures to conserve their features.

The Environmental Impact Statement report provides an invaluable list of mitigation and precautionary measures designed to protect natural habitat areas during and after the construction season. Such measures should be built into a site plan agreement. The report is summarized as follows:⁹

This EIS provides an assessment of the potential impacts on the natural heritage features and functions that may result from the proposed development. The key natural heritage features and functions identified within the Study Area which may be impacted by this development include the following:

- Tree and vegetation removal - damage or loss of trees during construction
- On-site habitat for butternut, monarch, and bobolink that could be affected during construction activities
- On-site potential suitable habitat for bats could be affected during construction activities

⁹ EIS, P.8.1

- The loss of migratory bird nests, eggs and or nestlings due to tree cutting or other vegetation clearing
- Changes to hydrology and water quality in Bradley's Creek and associated tributaries

Consultation with MNRF is recommended to determine permitting requirements for removal of butternut and suitable bobolink habitat under ESA, 2007.

Written permission is not currently required from the SNC under O.Reg. 170/06. If development is to occur within or alteration is to occur to a river, creek, stream or watercourse or any interference with the hydrological function of a wetland, prior permission from the SNC will be required under O.Reg. 170/06.

By following the mitigation measures recommended in this EIS, the proposed development project will not result in adverse environmental effects to the significant natural heritage features identified.

Figure 9 – Wetland Areas



Figure 10 - Potential Maternity Bat Habitat

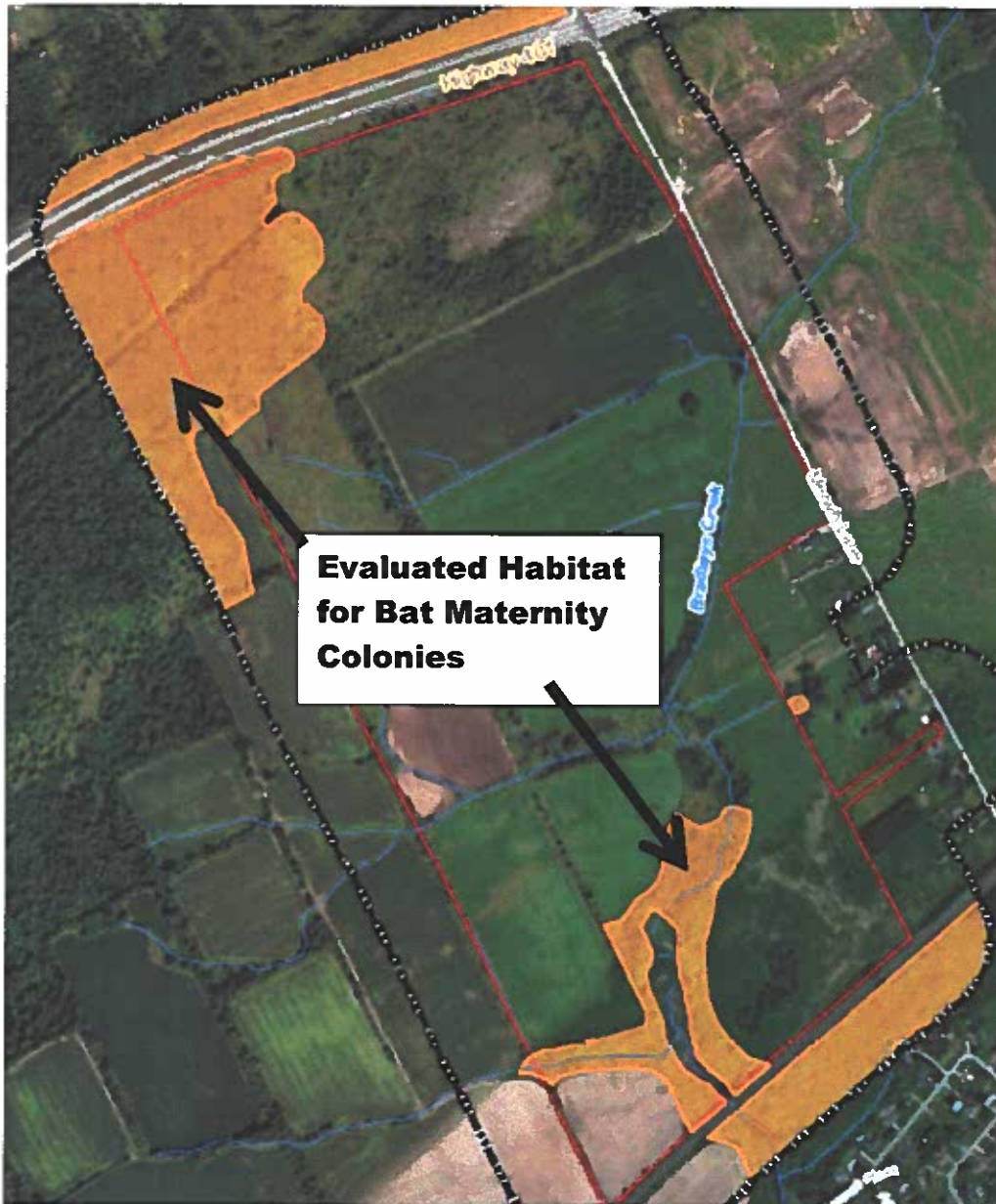
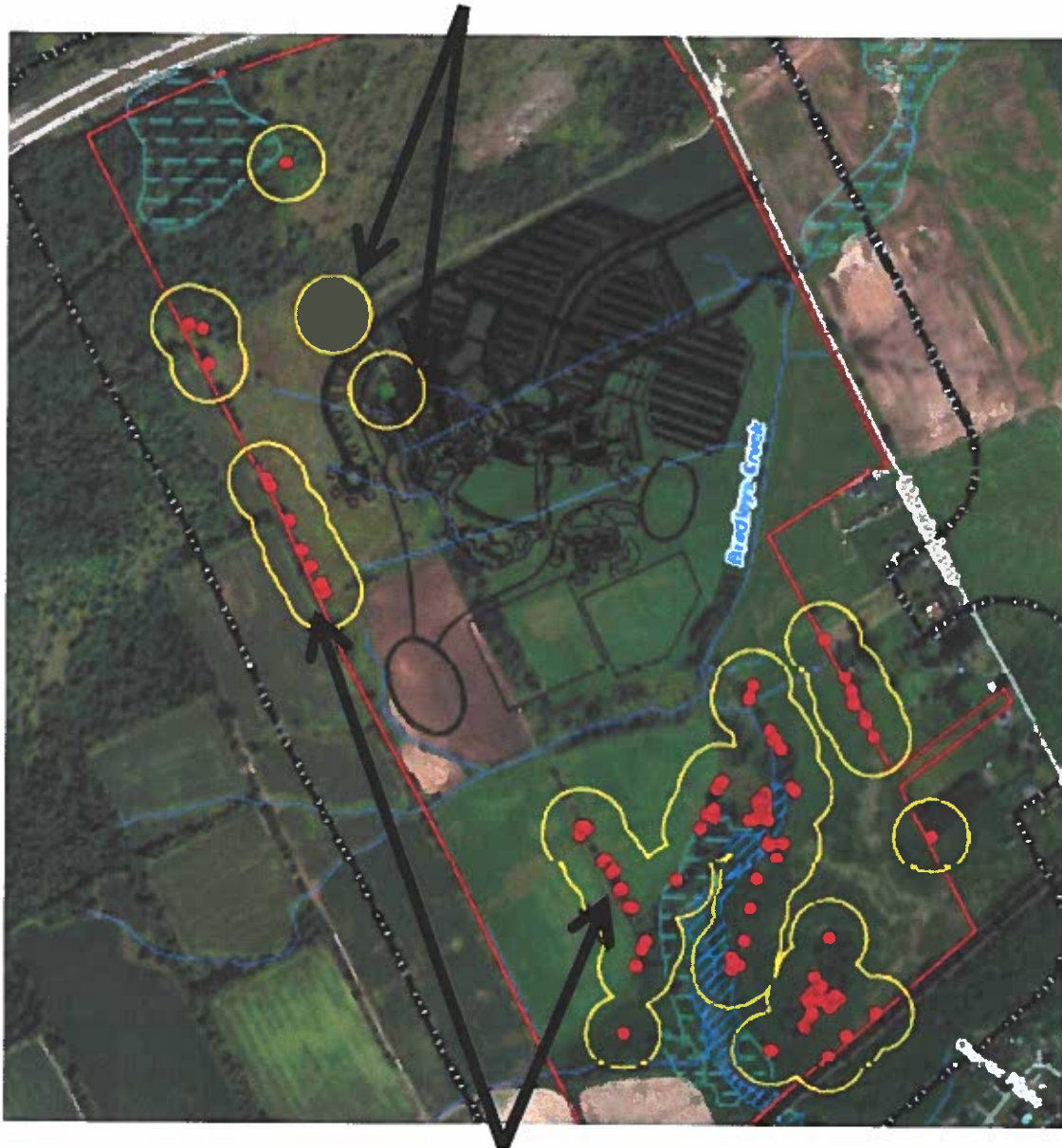


Figure 11 – Butternut Trees

Category 1 Butternut Trees with 50 m radius buffer



Unassessed Butternut Trees

Comment: Natural habitat areas for a variety of species have been identified based on the field observation as well as potential habitat for species at risk even though no species were observed. Fortunately the most important habitat areas lie outside of the proposed building area or development area of the waterpark complex. These non-development areas can readily be conserved for their habitat attributes as well as an amenity to the development complex. Nature walks and casual recreational trails where carefully integrated into the natural environment can be leveraged for their educational value to visitors to the complex and the public at large. Eco-tourism and authentic outdoor experiences can enhance the commercial recreational experience at Aquaworld. Running and hiking trails are often sought out by those who enjoy active lifestyles. The rezoning provides an opportunity to protect the most sensitive habitat areas, notably the Bradley's Creek area and this area should be placed in an Environmental Protection zone for the natural amenities inventoried in this area.

Habitat protection involves more than the designation of environmental protection areas since the off-site impacts of construction can result in negative impacts arising from noise, erosions and sedimentation discharges and the removal of vegetation. The April 15 through Aug 20 time period is particularly important for breeding and anthropomorphic activities should be controlled or limited.

A dual zoning approach which identifies the development area and the natural area is recommended as the best practice for integrating land use activities in these areas. The scope of land uses permitted in the environmental protection zone should be guided by Section 6.1.6.1 of the Plan which permits:

- **Open space and open air recreational uses, including accessory structures and buildings which do not involve extensive site alterations and do not adversely affect the natural characteristics of the environment or require approval under the *Planning Act* but which shall require a permit in accordance with section 6.1.5.5;**
- **Conservation uses which improve the ecological functions of the wetland;**
- **Uses of a scientific or educational nature;**

The Ministry of the Environment, Conservation and Parks (MECP) administers Ontario's Endangered Species Act, 2007 (ESA). Endangered and threatened species are protected from harm and harassment under section 9 of the ESA and their habitat is protected from damage or destruction under section 10. Any development or site alteration activities may require authorization from MECP and evidence of such authorization must be provided in advance of the issuance of any building permit. Given the recommendations of the EIS, a construction plan including measures for habitat protection, a tree preservation plan (consistent with section 9.4.91.), erosion and sediment control should also be a requirement prior to entering into a site plan or development control agreement.

In meeting these conditions, I am of the opinion that the development would meet the requirements of section 6.1 Natural Heritage Areas and Section 9.4.10 of the official plan.

Traffic Impact

Section 4.2.6.6 of the Plan states that consideration of the proposed development on the area in terms of parking, traffic, pedestrian access, functionality and other site specific issues are part of the review of a development application for commercial development in the Township. Section

8.1.3.3 of the Plan also provides for evaluations of the impact of development on County roads. Section 9.4.9 provides the enabling authority for requiring a traffic study. A traffic Study was undertaken (*Traffic Statement*, BTE Engineering, Ottawa, July 26, 2017) and was peer reviewed by MTO (August 29, 2019) and McIntosh Perry (October 15, 2019).

The traffic study included an evaluation of existing traffic volumes on County Road 26, Merwin Lane, McIntosh Lane and County Road 2 and turning movements on the related intersections. Based on the land uses proposed for the Aquaworld complex, a forecast of future volumes was undertaken. The capacity analysis concluded that the resort development will not have a significant impact of traffic operations, that left turn (storage) lanes were not required, and that sight lines on Merwin Lane were adequate for safe turning movements in and out of the resort complex. The study indicated that the type of land use would not create concentrated peak volumes at specific times, rather that the ebb and flow of traffic to the site would be spread over a number of hours. Of particular note is that the predicted Level of Service (LOS) on Township and County roads, which is an A level, will remain unchanged despite the proposed development and associated traffic volumes

MTO (August 29, 2019) stated that they have no concerns with the zoning by-law application but several requirements will apply including the following:

In regard to setbacks, the proponent should be advised of the MTO requirement that building and associated components including parking must have a minimum of 14 metre setback from MTO highway right of way. If the Municipality's setback requirement is higher than 14 metres, then municipal standards would apply

With respect to stormwater management, the ministry requires that no stormwater ponds, features, or grading measures to be located in the 14m setback. We request that a new stormwater report be created as the previous one will not be valid once the features indicated are moved to their proper locations. For detailed MTO requirements, please have the drainage engineer review the MTO drainage website located at:

www.mto.gov.on.ca/english/publications/drainage-management.shtml

Please note that any signs that are visible from the highway will require sign permits. You can apply for those on our permit website located at:

<https://www.hcms.mto.gov.on.ca/>

We also require that the fencing indicated on the site plan continue along the property adjacent to the highway.

The MTO also requires the submission of an illumination plan to clarify how the exterior of the building will be illuminated. Please ensure these plans illustrate that no light from the site escapes onto the Ministry's right of way. The developer must provide the following:

- To-scale site plan showing the site location and the highway.
- Lighting layout showing pole/luminaire locations and orientation.
- Luminaire installation info such as mounting height, orientation angle, shielding info, etc.
- Luminaire material info including catalog info and photometric data file.
- Lighting calculation plan showing horizontal illuminance levels at and beyond the MTO right-of-way in metric units of lux to 1 decimal place minimum.

Of note in the response to the peer reviews, MTO did not require a review of the impact on the interchange at Edward Street and the 401. The impact of turning movements at morning and afternoon peak periods for the intersection of Edward Street and King Street in the Town of Prescott is expected to be minimal and that a B Level of Service will be expected. The traffic volumes are not predicted to be substantially different on weekends than weekdays and mitigation measures are not expected to be required. Construction traffic is expected to be less than traffic generated by the development so should not create a greater impact on overall volumes. Finally, cycling traffic is limited and would not be affected.

Merwin Lane is a 2-lane paved road that is slated for reconstruction based on the Township's Asset Management Plan. The Township may move the timing of the reconstruction forward to ensure that the road conditions are improved in servicing the development.

Comment: The road system (County Roads 2 and 26 and Merwin Lane) currently operate at an A Level of Service (LOS) and the LOS is not expected to change as a result of the development of the commercial resort. No new turn lanes are required. Traffic volumes will increase nonetheless and the reconstruction of Merwin Lane will enhance access to the waterpark resort. Reconstruction provides an opportunity to add a paved shoulder for use by cyclists and coincidentally enhance the appeal to use the resort facility by other than automobile, RV or bus vehicles.

The traffic assessment complies with the requirements of the official plan and in my opinion will not result in unacceptable traffic impacts on the existing road network including Highway 401, the County and local roads. That said, signage from Highway 401 and from County Road 2 may facilitate pathfinding and consequently a better flow of traffic to the site.

MTO will require/impose permitting or approval requirements for signage, illumination and stormwater management in addition to the required minimum 14 m setback for development from the Highway 401 corridor boundary. The requirements are standard requirements and should be integrated with the development of the site plan for the resort complex.

In summary, the proposed development will comply with the road infrastructure policies of the Plan, including the County Plan.

Heritage Conservation

Section 9.10.3 of the Plan requires the conservation of heritage resources which may include a registered historic or cultural site, an area having archaeological potential or built heritage resources. A study of archaeological resource potential was not required given that the location of the site does not fall within the provincial protocols for triggering such an assessment. As well, there are no registered sites in the Ontario Heritage Act Register for this site.

Mention was made of an Indigenous encampment on the site. The local First Nation community has been consulted on this issue but to date no response has been received.

Comment: Despite the lack of evidence that there are any cultural heritage resources on the site, the *Ontario Heritage Act* always applies to development and should artifacts of cultural value be discovered during the construction phase, notably archaeological resources, work on the site should cease pending an assessment by an Ontario licensed archaeologist. Construction contracts should include a clause to raise awareness of the

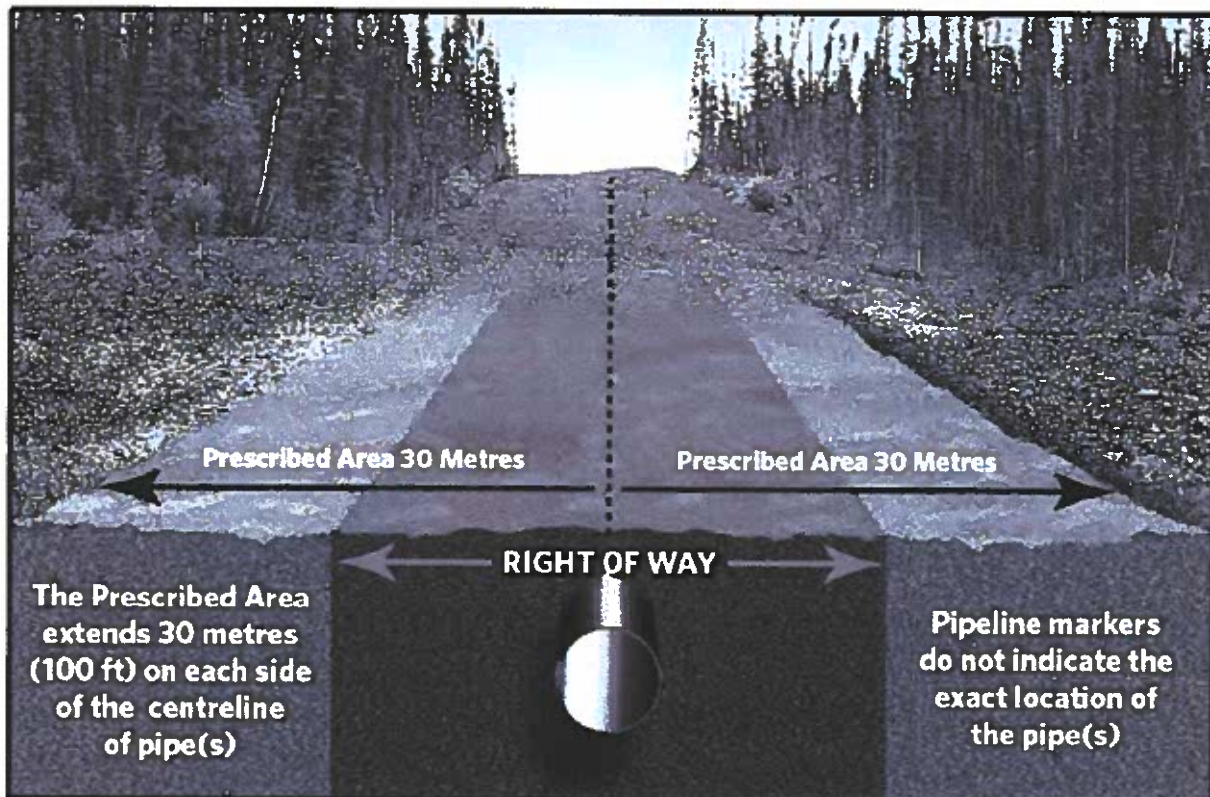
requirement to cease construction.

Pipelines

Section 8.1.10.2 states that development within 200 m of a Trans-Canada Pipeline is subject to the review and permitting of the National Energy Board and that a minimum 7 m setback from the pipeline corridor is required. Consultation with Trans-Northern Pipeline (September 20, 2019) revealed the pipeline infrastructure protection requirements. A setback of 30 m from the pipeline right-of-way, described as the prescribed area (see **Figure 12**), is considered adequate by Trans-Northern and have requested that a 30 m setback be built into the amending zoning by-law. The setback although considered adequate, does not obviate concerns for damage through vehicle crossing, ground disturbance or construction and authorization for such activities will be required from Trans-Northern. Reference should be made to documents such as the Trans-Northern Crossing Guidelines (February 5, 2019), The National Energy Board , *Living and Working Near Pipelines*, Trans-Northern, *Pipeline Safety in Your Community*, National Energy Board, *Pipeline Damage Prevention*, June 2016

Figure 12 – Pipeline Setback

Prescribed Area



Comment: To protect the pipeline corridor and comply with the official plan a 30 m setback should be incorporated into the zoning by-law amendment:

Provincial Policy Statement

A planning application must be consistent with the Provincial Policy Statement (2014) (PPS). The application for a zoning by-law is consistent with the PPS policies listed by number, with comment as follows:

1. 1.1.1 The resort commercial development will help to sustain a healthy liveable and safe community through promoting an efficient development and land use patterns which sustain the financial well-being of the Township over the long term; by avoiding development and land use patterns which may cause environmental or public health and safety concerns; by improving accessibility for persons with disabilities through barrier-free design elements; by ensuring that necessary infrastructure facilities are or will be available to meet current and projected needs; and by promoting development and land use patterns that conserve the current biodiversity of the site and mitigate against the impact of climate change through site development.
2. 1.1.4.1 The resort commercial development will help to sustain a healthy, integrated and viable rural area by leveraging rural amenities and assets by building on the value natural heritage features and land area; by using rural infrastructure, notably existing roads; by diversifying the economic base and providing new employment opportunities, by providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets; and by conserving biodiversity and considering the ecological benefits provided by nature.
3. 1.1.5.2 The resort commercial development is a resource-based recreational use.
4. 1.1.5.3 The resort commercial development will promote recreational, tourism and other economic opportunities.
5. 1.6.6.1 The resort commercial development will be serviced by sewage and water services in a manner that: 1. can be sustained by the water resources upon which such services rely; 2. is feasible, financially viable and complies with all regulatory requirements; and protects human health and the natural environment; promotes water conservation and water use efficiency; and integrates servicing with land use consideration.
6. 1.6.6.7 The resort commercial development will be serviced with stormwater management facilities which minimize and prevent increases in contaminant loads; b) minimize changes in water balance and erosion; c) will not increase risks to human health and safety and property damage; d) will maximize the extent and function of vegetative and pervious surfaces; and e) promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.
7. 1.6.7.1 The resort commercial development will provide for a safe, energy efficient transportation system which facilitates the movement of people and goods and makes efficient use of existing roads.
8. 2.1.1 The resort commercial development will provide for the protection of natural heritage features and areas for the long-term.
9. 2.2.1 Water resources will be protected through the identification and efficient management of water resources systems such as ground water features, hydrologic functions and sensitive ground water features.
10. 2.3.1 the protection of agricultural resources will not be compromised.
11. 2.5.1 Mineral aggregate resources will be reasonably protected for extraction.
12. 2.6.1 significant cultural heritage resources will be conserved.

Comment: the fulfilment of the PPS policies is dependent on implementation of a number of recommendations made through the requisite studies and this Planning Report. Site Plan Control will be an essential planning tool needed to address the details of

development. In my opinion consistency with the above policies is readily achievable through careful and diligent design and leveraging rural opportunities associated with the subject lands.

Public Comments

A statutory public meeting was held under the auspices of Section 34 of the *Planning Act* on Saturday, September 21, 2019, 10:00 am at the Maitland Education Recreation Centre. The format of the meeting included presentations by the proponent's consultant team with respect to land use planning, traffic, and sewage and water services. The public was then invited to make oral or written presentations.

The scope of the comments varied from those who supported the venture to those who questioned the traffic impacts and responsibility for road upgrades, impact on the CN Rail crossing and needed upgrades to the crossing, the environmental impacts such as contaminant discharge into Bradley's Creek, the potential impact on shallow domestic wells and compensation in the event of contamination of wells and groundwater, need for effective stormwater management, how planning the resort related to climate change concerns, measures that should be undertaken for water conservation, benefits to tax revenues and employment for the area, land use compatibility with adjacent land uses, waste management for garbage generated from the site, impacts on emergency fire and paramedical services, impact on property values, questions of consistency with the provincial policy statement, and the financial viability of the project.

The consultant team and municipal staff responded in providing answers to public concerns.

Discussion

The Aquaworld Commercial Resort is the most significant project on Augusta in living history. The estimated annual economic impact is in the order of \$28 million on an investment in the order of \$115 million. Revenues will accrue to local business, to the Township and to the benefit of those that will be employed at the resort.

The resort will have significant impacts on the natural environment, notably water resources and natural heritage resources. The reports that have been undertaken and peer reviewed indicate that the environmental impacts can be appropriately managed through careful site develop and through sustainable on-site management practices over the long term such as in water conservation, recycling and conservation of vegetative cover. The success of these measures will also depend on obtaining and compliance with approvals such as an Environmental Compliance Approval for the sewage treatment plant, a permit to take water, butternut tree conservation etc. The use of site plan control under Section 41 of the *Planning Act* will be a key instrument in addressing many of the development details.

Good land use planning in today's urban and rural environments requires an integrated approach. Mixed land use is touted as essential to creating vibrant urban communities, but is equally important in rural areas as well given the propensity for a large number of different land uses in a rural setting. Aquaworld can help create a vibrant rural community not only by adding new land uses to the existing mix of rural uses, but by also leveraging the natural assets and amenities of the site. The proponent can enhance the development through using the agricultural capability of the soils base for local food production for the complex and the community (i.e. making residual land available for community gardens). The proponent can enhance the visitor experience to Aquaworld through the careful design of recreational trails to support active living and to provide educational opportunities for communing with nature along

and near the Bradley's Creek valleylands.

Conclusion

I have reviewed the County and local official plans and have concluded that the proposed commercial resort complies with the general intent of the applicable policies; albeit recognizing that compliance also means obtaining the applicable permits and developing the site using sustainable best construction practices.

I am also of the opinion that the proposed use is consistent with the Provincial Policy Statement (2014), but again with the proper stewardship of the rural landscape.

The zoning application is required because the current zoning of the subject lands does not permit the proposed land uses. The balance of the report addresses the specifics of the zoning requirements.

In summary, it is my professional opinion that the tourist commercial development comprising an indoor/outdoor water park complex and hotel/conference centre should be permitted.

Zoning By-law

The subject lands are primarily zoned Rural (R) Zone with a small part of Bradley's Creek being zoned Provincially Significant Wetland (PSW). The Rural zone does not per and of the proposed uses. On the basis of consultation with the proponent's land use Planner, a new zone was proposed. The Aquaworld (AQW) Zone was proposed rather than an exception to the Rural zone given the scale and uniqueness of the proposed mix of land uses and the requisite parking standards.

The scope of uses originally proposed was further refined as a result of the hydrogeological study and the concern over the quantity of water available from the groundwater aquifers. The hydrogeological study was based on providing an adequate and dependable water supply to

- an indoor/outdoor water park with an outdoor spa and youth activity area
- a hotel/convention centre with a restaurant/sports bar with 140 guest suites
- a miniature golf

Subsequent development which will create additional water demand is proposed to include:

- rental cabins/cottages (12-15 units)
- a recreational vehicle park

To ensure that the additional uses are sustainable from a water demand standpoint, these uses should be placed in a holding zone pursuant to the enabling authority of Section 9.4.6.2 of the Township official Plan (see excerpt). Under the holding provisions of the plan, certain conditions may be required to be met before a holding zone 'h' symbol is lifted and development is allowed to proceed. The operational policy (see below) states: "to coordinate development and/or redevelopment with the provisions of water, sanitary sewage, stormwater and other services. Under the circumstances the proponent would be required to demonstrate that an adequate water supply was available to support servicing for the 12-15 rental cabins/cottages and the recreational vehicle park. The holding zone approach has the benefit of confirming the

development of the proposed land uses without requiring a rezoning; rather the holding symbol would be lifted by an amendment which may only be appealed by the applicant.

9.4.6.2 The following have been established as objectives for using holding provisions in a Zoning By-law:

- To assist in the phasing of development and/or redevelopment;
- To co-ordinate development and/or redevelopment with the provision of water, sanitary sewage, storm sewer and other services;
- To control development and/or redevelopment which may necessitate special design considerations;
- To forestall development and/or redevelopment until such time that stated planning related criteria can be satisfied.
- To aid in the selection of sites or areas that may be subject to holding provisions, the following locational criteria are identified:
 - Lands in a built-up area which are undeveloped;
 - Lands which are unserviced;
 - Lands which do not have adequate access or frontage onto a public roadway;
 - Lands which are adjacent to hazardous, noxious, temporary or otherwise undesirable uses or activities; and
 - Lands which are near or fronting onto public roads which are subject to hazardous conditions or are inadequate to handle current traffic volumes.

A series of accessory uses was also proposed and includes:

- Clinic
- Cycling Rest Stop
- Day Nursery Service
- Fitness Centre
- Drug Store
- Health Retreat
- Laundromat
- Library
- Park/Playground
- Personal Service Use
- Retail Store
- Storage Container
- Waste Management Facility

On the basis of this report in encouraging/providing for local food production for local food security, additional accessory uses are proposed, specifically, an agricultural use for local food production, and community gardens. As well, to support active living, that outdoor recreation uses including recreational trails be added to the list of accessory uses.

The Environmental Impact Study identified a biodiversity of natural heritage features, many of which are centered on the south part of Bradley's Creek. These features include wetlands, fish

habitat, potential amphibian habitat, potential maternity bat habitat, butternut trees and migratory bird habitat. In integrating natural heritage features with outdoor recreational and educational pursuits, an Environmental Protection (EP) Zone for this area would provide a measure to conserve the natural heritage features and provide an opportunity for recreational trail development where trails are sensitively incorporated into the natural landscape. Consequently, the Environmental Protection zone should permit outdoor recreational uses. The Township of Augusta comprehensive zoning by-law does not include an Environmental Protection Zone; consequently, a new zone is required.

Comment: The application for rezoning should be approved in part, to the extent that the proposed Aquaworld (AQW) Zone would apply to the building area for the waterpark and hotel complex. A separate new Environmental Protection Zone should be enacted to conserve the natural heritage features at the south end of the property coupled with the recognition of outdoor recreational uses which would be permitted where sensitively integrated into the natural environment.


RECOMMENDATIONS

Based on the review of the application and the applicable studies for compliance with the intent of the official plan policies of the County and Township official plans and consistency with the Provincial Policy Statement; I recommend:

- 1. That the rezoning be approved in part through the passing of a zoning by-law amendment by Council to create a unique Aquaworld (AQW) Zone that would apply to the area to be developed for the building area for the waterpark and hotel complex.**
- 2. That additional land uses be added to the list of permitted uses in the draft Aquaworld (AQW) Zone to support land uses for local food production and outdoor recreation.**
- 3. That the said rezoning by-law also contain a holding zone 'h' provision to recognize rental cabins/cottages and a recreational vehicle park as a permitted use subject to meeting the applicable conditions set out in Section 9.4.6.2 of the Township Official Plan.**
- 4. That a new Environmental Protection Zone be incorporated into the amending by-law to apply to the south end of Bradley's Creek valleyland area to conserve the natural heritage features and simultaneously provide for outdoor recreational uses.**
- 5. That the applicant be directed to proceed to obtain all necessary permits and approvals related to the development and that, where enabled by the authority of Section 41 of the *Planning Act*, that the relevant matters associated with the details of development required by the Township and outside ministries and agencies be incorporated into a site plan control agreement.**
- 6. That Council pass the zoning by-law amendment pursuant to the requirements of the *Planning Act*.**

A copy of the draft zoning by-law amendment is attached as Schedule 'A' to this report.

Respectfully submitted,

A handwritten signature in black ink, reading "Glenn Tunnock". The signature is written in a cursive style with a large, sweeping initial "G" and a long, horizontal flourish extending to the left.

Glenn Tunnock, MA, MPA, RPP

Schedule A



**THE CORPORATION OF THE TOWNSHIP OF AUGUSTA
By-law No. 3449-2019**

BEING A BY-LAW TO AMEND BY-LAW No. 2965

WHEREAS pursuant to the provisions of the Planning Act, RSO 1990, c. 13, Section 34, the Council of a Municipality may enact by-laws regulating the use of lands and the erection of buildings and structures thereon;

AND WHEREAS the Council of the Corporation of the Township of Augusta intends to amend the zoning by-law to permit the establishment of a water park resort through the creation of a new Aquaworld (AQW) Zone in the comprehensive zoning by-law;

NOW THEREFORE, the Council of the Corporation of the Township of Augusta enacts as follows:

1. That By-law 2965 (2012) is hereby amended by adding the following new section to the By-law:

7.21 AQUAWORLD (AQW) ZONE

No person shall use any land or erect, alter or use any building or structure in the "Aquaworld – AQW" Zone except in accordance with the following provisions of this Section and any other relevant Sections in this By-law.

7.21.1 Permitted Uses

7.21.1 – AQW Permitted Uses	
Commercial Uses – Main Uses	Accessory Uses, Buildings and Structures
<ul style="list-style-type: none"> • Conference Centre • Hotel (140 Rooms) • Restaurant • Water Park <p>AQW – "H" (See Part B – Sec 36)</p> <ul style="list-style-type: none"> • Cottages • Recreational Vehicle Park 	<ul style="list-style-type: none"> • Accessory use, building or structure (see 6.1) • Agricultural use for local food production • Clinic • Community Garden • Cycling Rest Stop • Day Nursery Service • Fence (see 6.14) • Fitness Centre • Green Roof • Health Retreat • Landscaped Open Space (see 6.22) • Laundromat • Library • Loading/Delivery Space (see 6.24) • Miniature Golf Course • Open Space • Outdoor recreation Uses • Park • Parking Area • Parking Garage • Personal Service Use • Playground • Public Use (see 6.37) • Renewable Energy System • Retail Store • Sign (see 6.41) • Storage Container (see 6.43) • Waste Management Facilities • Youth Activity Area

7.21.2 Definitions

For the purposes of the "Aquaworld –AQW" Zone, the following definitions shall apply:

1. **Agricultural Use for Local Food Production** means the growing and/or production of fruit and vegetable crops, apiaries and small animal for on-site or local use and includes greenhouse and hydroponic facilities.
2. **Conference Centre** means part of a building that is designed to host conventions, trade shows, exhibits, assemblies, meetings and similar events, and may include large and small halls and meeting rooms. Services associated with meetings and events, such as catering, meal service, bar service and related accessory uses and -services shall also be permitted.
3. **Cycling Rest Stop** means a facility that provides temporary accommodation, storage, cycle repairs and similar services catering to a travelling cyclist.
4. **Day Nursery Service** means a facility that provides temporary care services for the children of visitors or staff.
5. **Fitness Centre** means a facility which provides recreational or health related activities including but not limited to weight training and exercise classes and may include associated facilities and services such as a lounge, washrooms, showers, and saunas, an administrative office and an accessory retail sales outlet for fitness-related attire, equipment and dietary supplements.
6. **Green Roof** means a roof of a building where part of or the entire surface of the roof is intentionally covered with vegetative material.
7. **Health Retreat** means part of a building where health wellness services are provided including but not be limited to therapeutic massage, aesthetician, health and food counselling, *fitness centre*, spa, personal training centre and accessory retail product sales and services.
8. **Outdoor Recreation Uses** means facilities such as recreational and fitness trails, comfort stations designed for passive leisure and fitness activities and nature appreciation.
9. **Personal Service Use** means part of a building where a service is performed for the personal grooming and personal effects or clothing of the consumer, including: hair styling salon; barber shop; beautician; manicurist; tailor; spa; tanning salon; shoe repair shop; dry cleaning outlet; massage therapy service; and similar uses. The sale of accessory merchandise products and services shall be permitted.
10. **Restaurant** means part of a building where food is prepared and offered for sale to the public and includes a full service restaurant, take-out restaurant, sports bar, outdoor café, snack bar, dining hall or coffee shop within or accessory to the 'Aquaworld Resort' *water park*.
11. **Retail Store** means part of a building in which goods, wares, merchandise, substances or articles are offered or kept for sale.
12. **Water Park** means a use, building or part of a building or indoor or outdoor area for use by the general public that includes water play areas, swimming pools, slides, splash pads, spray grounds, lazy rivers or similar recreational bathing, leisure, swimming or water-related activities. This definition shall include associated facilities and services such as change rooms, showers, hot tubs, saunas, indoor or outdoor spectator seating areas, picnic areas and associated retail sales and services.

13. **Youth Activity Area** means part of a building where recreation and leisure activities geared to children and youth are provided, and may include facilities and services including but not limited to gym facilities, trampoline park, wall climbing, arcade games, billiards, basketball and other sports courts, arts and crafts, music and theatre arts, library, computer and internet services, and similar activities and events.

7.21.3 Zone Requirements

The following zone requirements shall apply to any permitted commercial use, accessory use, building or structure:

7.21.3 – AQW Zone Requirements		
	Commercial Use	Accessory Use, Building or Structure
Minimum Lot Area	4 ha [9.8 acres]	n/a
Minimum Lot Frontage:	46 m [150.9 ft.]	n/a
Minimum Front Yard	10 m [32.8 ft.]	same as main use
Minimum Rear Yard	10 m [32.8 ft.]	same as main use
Minimum Interior Side Yard	10 m [32.8 ft.]	same as main use
Minimum Exterior Side Yard	10 m [32.8 ft.]	same as main use
Maximum Height		
1. Main Building	1. 30 m [98.4 ft.] or 4 Storeys	
2. Accessory Building(s)	2. 25 m [82.0 ft.]	
3. Water Park Structure	3. 30 m [98.4 ft.]	
Maximum Lot Coverage	50%	10% included in total
Minimum Setback from any Intake Protection Zone for a Municipal Water Supply and pipeline corridor right-of-way	30 m [98.4 ft.]	
Minimum Setback of a sign, land use or building from a Provincial Highway	Subject to the Ministry of Transportation (MTO) approval under the <i>Public Transportation and Highway Improvement Act</i> .	
Minimum Setback of any building, structure or parking area from the boundary of a provincially significant or other wetland	30 m [98.4 ft.]	
Minimum Setback of any building, structure or parking area from the bank or high water mark of a creek or waterbody including but not limited to Bradley's Creek	30 m [98.4 ft.]	

7.21.4 Parking and Loading Space Requirements

- The following parking and loading space provisions shall apply to any permitted use in the AQW Zone.

7.21.4 Parking Requirements				
Item	Parking Space Dimensions	Minimum Number Parking Spaces		
		Width	Length	
1	Standard Parking Spaces	2.7 m [8.8 ft.]	5.5 m [19.6 ft.]	1. Hotel – 100 spaces 2. Restaurant – 78 spaces 3. Conference Centre - 121 spaces 4. Miniature Golf - 26 spaces 5. Water Park - 368 spaces 6. Kennel - 2 spaces 7. Outdoor Spa - 145 spaces 8. Indoor Spa - 24 spaces
2	Barrier Free Parking Spaces	3.4 m [11.1 ft.]	5.5 m [19.6 ft.]	3% of the required number of standard parking spaces, minimum 10 spaces shall be added to the total number of standard parking spaces
3	Buses, Recreational Vehicles, Transport Trailer Service Vehicles	4 m [13.1 ft.]	14 m [45.9 ft.]	6 bus spaces shall be added to the total number of standard parking spaces
4	Bicycles	0.6 m	1.8 m	1 bicycle parking space/500 m ² [5,382 ft. ²] Gross Floor Area (GFA)
5	Loading Spaces (required for commercial and resort uses)	4 m	14 m	< 250 m ² [2,691 ft. ²] GFA – 0 loading spaces 250 m ² [2,691 ft. ²] – 1,000 m ² [10,764 ft. ²] GFA – 1 loading space 1,000 m ² [10,764 ft. ²] – 7,500 m ² [80,732 ft. ²] GFA – 2 loading spaces 1 loading space for each additional 7,500 m ² [80,732 ft. ²] GFA, to a maximum of 5 loading spaces on the site

2. Additional Parking and Loading Space Requirements

The following additional parking space requirements shall apply:

- Every standard or barrier-free parking space shall be accessible from a parking aisle having a minimum aisle width of 6 m [19.6 ft.] and every bus parking space shall be accessible from a parking aisle having a minimum aisle width of 8 m [16.2 ft.].
- All parking spaces shall be identified through pavement markings or conventional signage to indicate their intended use including but not limited to barrier free spaces, parking for buses, RV's, transports, service vehicles, employee parking, etc.
- Barrier free parking shall be provided within 50 m of every major entry point to a building or facility intended for general public use including water park entrances.
- Bicycle parking spaces shall be located within 30 m of the main entrance to any hotel or water park facility or alternative internal bicycle storage lockers are provided.
- Up to 15% of any designated parking area excluding parking designated as barrier free may be occupied on a temporary basis not exceeding seven calendar days for an exterior trade show, exhibit or special event.

6. Up to 10% of any designated parking area excluding parking designated as barrier free may be occupied for snow storage.
7. Minimum loading/delivery space height clearance 4.25 m [13.9 ft.]
8. Minimum loading/delivery space width 3.75 m [12.3 ft.]
9. Minimum loading/delivery space length 10 m [32.8 ft.]

7.21.5 Additional Zone Provisions

1. Water and Sewage Disposal Systems

No person shall erect or use in whole or in part, any building or structure unless the use, building or structure is properly connected to approved water and sewage systems under the *Ontario Water Resources Act* or the *Building Code Act*, whichever applies unless the use is exempted under the Building Code Act or prohibited by this By-law.

2. Access and Parking Aisles

No access aisle leading to an entrance from Merwin Lane or providing access to a parking aisle shall have a width of less than 12 m [39.3 ft.]. All access aisles shall be designed for two-way traffic flows. Any turnaround designed for access by an emergency vehicle shall be required to meet a minimum turning radius of 12.2 m [40 ft.] or the minimum required by the *Ontario Building Code*.

3. Entrances

The minimum width of an entrance from a public road shall be 5 m [16.4 ft.] for one-way traffic and 9 m [29.5 ft.] for two-way traffic. The maximum width of an entrance from a public road shall be 9 m [29.5 ft.] for one-way traffic and 15 m [49.2 ft.] for two-way traffic.

4. Accessory Uses, Buildings and Structures

This by-law shall not be deemed to limit the number of accessory uses, buildings and structures associated with the water park facility provided that all the applicable setback requirements of this by-law are met and provided there is a demonstrated capacity for water and sewage services in compliance with Section 7.21.5.1 of this By-law.

2. That By-law 2965 (2012) is hereby amended by adding the following new section to the By-law:

7.22 ENVIRONMENTAL PROTECTION (EP) ZONE

No person shall use any land or erect, alter or use any building or structure in the "Environmental Protection EP" Zone except in accordance with the following provisions of this Section and any other relevant Sections in this By-law.

7.22.1 Permitted Uses

7.22.1 – EP Permitted Uses	
Main Uses	Accessory Uses, Structures
<ul style="list-style-type: none"> • Conservation Use excluding buildings • Outdoor Recreation Use excluding buildings • Stormwater Facility 	<ul style="list-style-type: none"> • Accessory structure such as a directional sign, comfort station, information kiosk

7.22.2 Zone Requirements

The following zone requirements shall apply to any permitted use, accessory use, or structure:

1. The placement of any structure, stormwater facility, drainage or erosion control structure shall be subject to approval by the South Nation Conservation Authority or Ministry of the Environment, Conservation and Parks, whoever has jurisdiction.
3. That Schedule 'H' to By-law 2965 (2012) is hereby amended for certain lands, legally described as Concession 1, West Part of Lot 6, Lot 7 E, Lot 8 of the Township of Augusta and that part of the said lands shall be Zoned Aquaworld (AQW) Zone as shown in PART C to this by-law.
4. That Schedule 'H' to By-law 2965 (2012) is hereby amended for certain lands, legally described as Concession 1, West Part of Lot 6, Lot 7 E, Lot 8 of the Township of Augusta and that part of the said lands shall be Zoned Environmental Protection (EP) Zone as shown in PART C to this by-law.
5. That Schedule 'H' to By-law 2965 (2012) is further amended for certain lands, legally described as Concession 1, West Part of Lot 6, Lot 7 E, Lot 8 of the Township of Augusta and that part of the said lands shall be Zoned Aquaworld (AQW-h) Zone as shown in PART C to this by-law.
6. That Schedule 'H' to By-law 2965 (2012) is further amended by changing the lands zoned PSW to Environmental Protection (EP) Zone.
7. That the zone boundaries of the Aquaworld (AQW) Zone are shown on Schedule "A" to this by-law which zone boundaries and map are hereby declared to form part of this by-law.
8. That the zone boundaries of the Environmental Protection (EP) Zone are shown on Schedule "C" to this by-law which zone boundaries and map are hereby declared to form part of this by-law.
9. That the zone boundaries of the Aquaworld (AQW-h) Zone are shown on Schedules "A", "B" and "C" to this by-law which zone boundaries and map are hereby declared to form part of this by-law.

PART B – SECTION 36 – PLANNING ACT

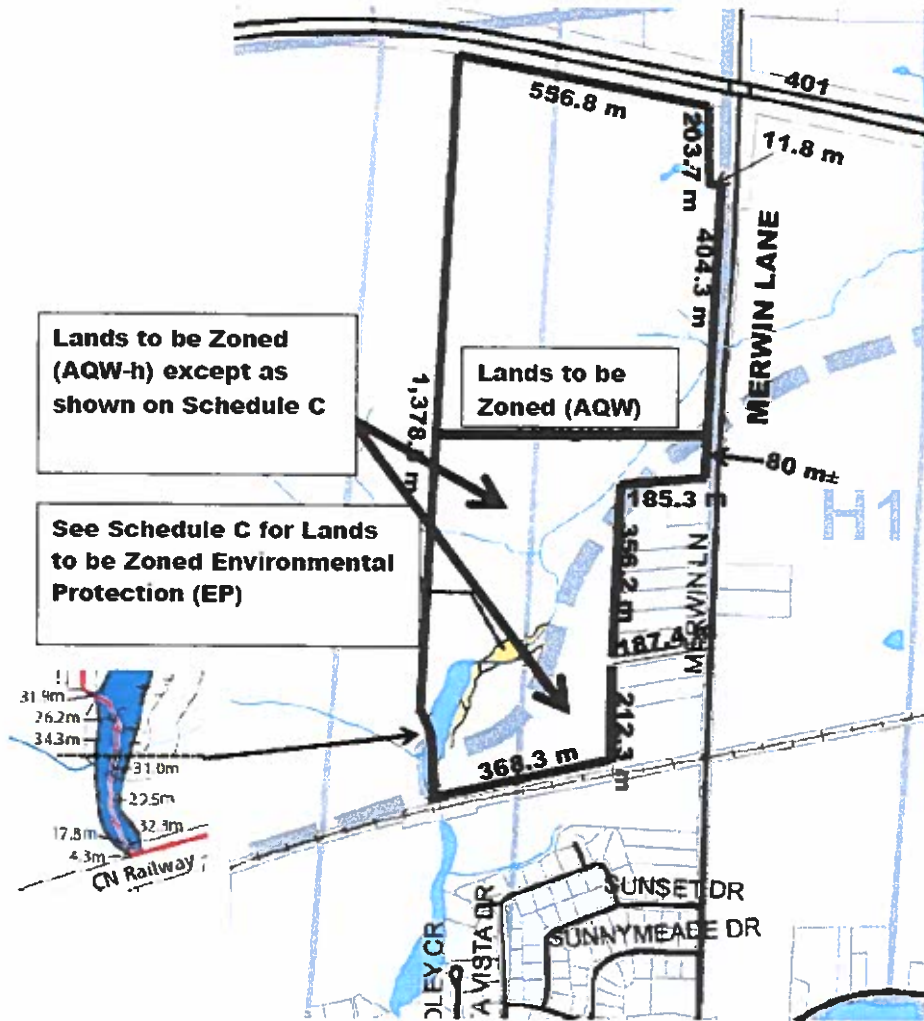
WHEREAS pursuant to the provisions of the Planning Act, RSO 1990, c. 13, Section 36, the Council of a Municipality may enact the use of a holding zone (h) for any by-law passed under Section 34 and may specify the use to which lands, buildings or structures may be at such time in the future as the holding symbol is removed by amendment to the By-law;

AND WHEREAS the Council of the Corporation of the Township of Augusta intends to amend the zoning by-law to permit the expansion of the water park resort and make provision for additional uses;

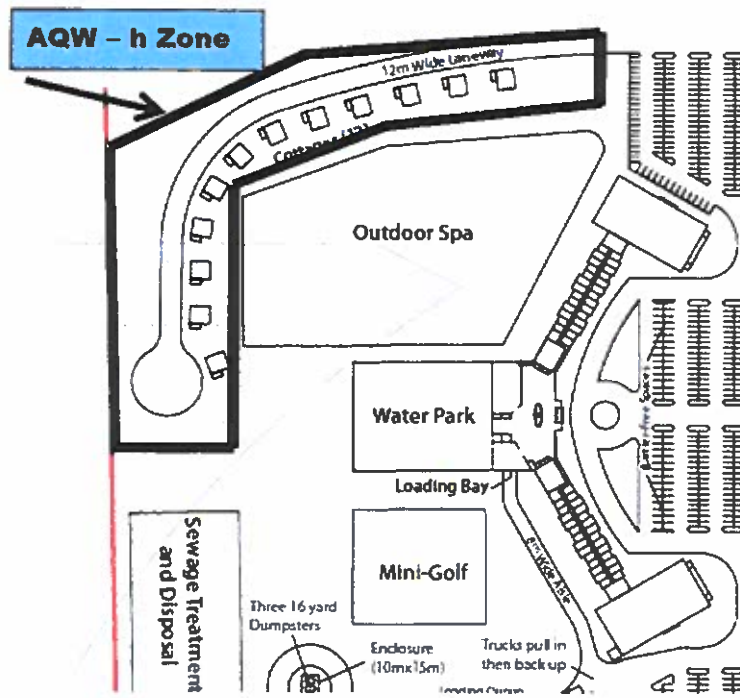
NOW THEREFORE, the Council of the Corporation of the Township of Augusta enacts as follows:

1. That lands shown on the Schedules A, B and C in Part C of this by-law as AQW-h Zone may be used for a recreational vehicle park provided that any or all conditions for the lifting of the holding symbol as set out in Section 9.4.6 of the Official Plan are met and more specifically, that adequate provision is made for water, sanitary sewage and stormwater services are met. A recreational vehicle park shall be listed as a main use in Section 7.21.1 of the Aquaworld (AQW) Zone.
2. That certain lands identified for cottages on Schedule B in Part C of this by-law shall also be placed in the AQW-h zone and that such lands may only be used for cottages provided that any or all conditions for the lifting of the holding symbol as set out in Section 9.4.6 of the Official Plan are met and more specifically, that adequate provision is made for water, sanitary sewage and stormwater services are met. Cottages shall be listed as a main use in Section 7.21.1 of the Aquaworld (AQW) Zone.
3. That all applicable zone regulations in the Aquaworld (AQW) Zone shall apply to any development or redevelopment upon the lifting of the 'h' symbol.

PART C – SCHEDULES



SCHEDULE A TO BY-LAW 3449-2019



SCHEDULE B TO BY-LAW 3449-2019

Lands to be Zoned Environmental Protection (EP)



SCHEDULE C TO BY-LAW 3449-2019

10. All other applicable provisions of By-law 2965 shall continue to apply.

11. The Clerk shall make such minor clerical, typographical or grammatical corrections, additions, deletions to this bylaw, as may be required for the purpose of ensuring the correct and complete implementation of the actions of Council.

Read a first time this 2 of December 2019.

Read a second and third time and finally passed this 2 of December 2019.

Mayor

Clerk