The City of Clarence-Rockland



455 Notre Dame Street Zoning By-law Amendment







455 Notre Dame Street Zoning By-law Amendment Planning Rationale

The City of Clarence-Rockland



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Cover Page Photo source: United Counties of Prescott and Russell a la carte web mapping application, 2022

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1 Introduction

1.1 Background

WSP was retained by the City of Clarence-Rockland to prepare a Planning Rationale (the "Report") in support of a Zoning By-law Amendment application (the "Application") to permit the proposed site alteration and stormwater management facility (a dry stormwater pond) located at 455 Notre Dame Street ("the subject site").

The proposed site alteration is to implement the landfill closure plan (including limited excavation and removal of waste) and to construct a stormwater management facility (herein referred to as 'the facility') within the eastern portion of the subject site.

The subject site is designated as an Urban Area and Floodplain in the United Counties of Prescott and Russell Official Plan (UCPR OP). The subject site is designated as a Former Dump with an underlying designation of Low Density Residential within the Flood Plain Overlay in the City of Clarence-Rockland Official Plan (City's OP). The property is zoned Parks and Open Space with a Flood Plain Overlay (OS-FP) in the City of Clarence-Rockland Zoning By-law No. 2016-10.

The Zoning By-law allows stormwater management facility as one of the permitted uses in the Parks and Open Space Zone but does not permit a stormwater management facility within the Flood Plain Overlay area. The Flood Plain Overlay provisions take precedence over the provisions of the underlying zone. As such, the proposed Zoning By-law Amendment would seek to permit the proposed facility on the subject site.

This Report is set up as follows:

- Section 2 provides a description of the subject site location and community context;
- Section 3 provides an explanation of the proposed site alteration and the proposed facility;
- Section 4 outlines the policy and regulatory framework applicable to the subject site;
- Section 5 summarizes the planning opinion regarding the proposed Zoning Bylaw Amendment;
- Appendix A contains the Draft Site Plan issued for City review, prepared by WSP dated October 11, 2022.

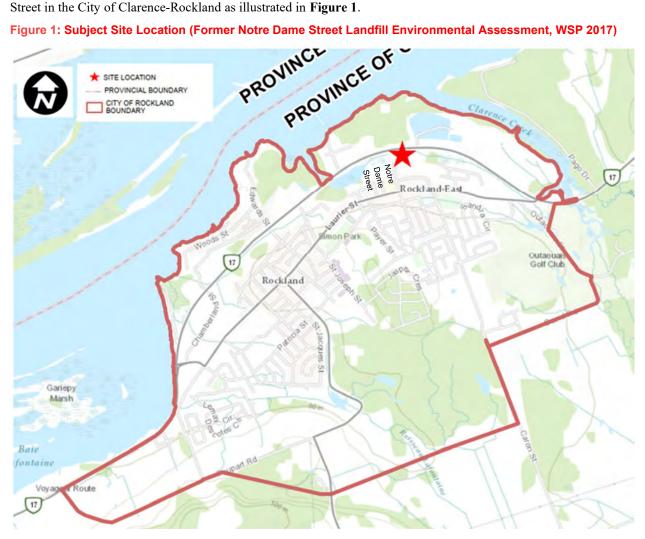
In addition to this Report, several technical studies and plans have been prepared in support of the Application and have been submitted to the City. These supporting studies are available under separate cover.

2 Subject Site and Surrounding Context

2.1 Overview

The City of Clarence-Rockland owns a former waste disposal site (the "subject site") located in Rockland, south of Prescott & Russell County Road 17, and north of Notre Dame Street. The subject site is situated at 455 Notre Dame Street in the City of Clarence-Rockland as illustrated in Figure 1.

Figure 1: Subject Site Location (Former Notre Dame Street Landfill Environmental Assessment, WSP 2017)



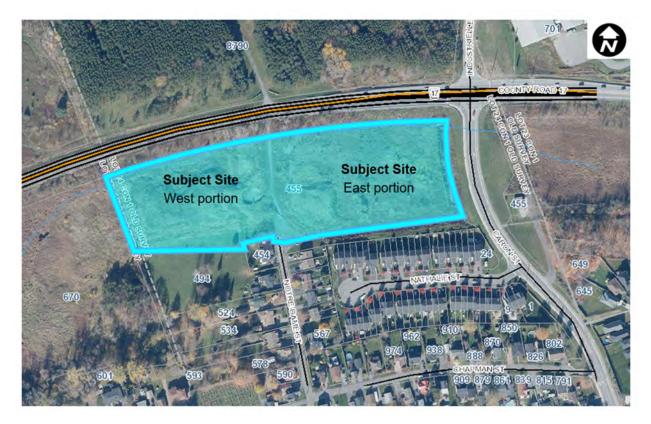
The City intends to implement the landfill closure plan (including limited excavation and removal of waste) and to construct a stormwater management facility (a dry stormwater pond) within the eastern portion of the subject site (between Notre Dame Street and Caron Street), where it will be integrated with the landfill closure features (i.e., impermeable cap and surface drainage features). The facility will be designed to achieve both quantity and quality control for the full built-out condition of the Caron Street stormwater catchment.

2.2 Subject Site Description

The subject site is approximately 4.4 hectares (10.87 acres) in size and is situated in a residential setting, immediately north of the Chapman Subdivision. The subject site, as illustrated in **Figure 2**, is bound to the north by County Road 17, residential to the south, Caron Street to the east, with a Provincially Significant Wetlands to the west.

The subject site is currently vacant and primarily comprises of wild vegetation with relatively steep slopes abutting the adjacent rights-of-way resulting in the creation of a natural basin. Historical activities at the subject site included landfilling of construction waste and snow dumping in the winter months (Golder 2003). The landfilling activities ceased between 1983 and 1984, and the waste was covered with 0.60 m of clay material in 1990 (Golder 2003). The subject site was not registered as the Ministry of the Environment, Conservation and Parks (MECP) Waste Disposal Site Inventory as active or closed, and there are no current or historical regulatory instruments associated with the subject site. An access road (extension of Notre Dame Street) traverses the subject site in a north-south direction from County Road 17 to Notre Dame Street, bisecting the subject site. Both access points are currently blocked off by large boulders.

Figure 2: Subject Site Context (United Counties of Prescott and Russell, A la Carte web mapping application, 2022)



2.3 Surrounding Context

The surrounding area comprises a mix of low and medium-density residential development. A variety of commercial uses exist in the vicinity of the subject site, as illustrated in **Figure 3**. Land uses adjacent to the subject site are as follows:

- North: Country Road 17 and open space. The Ottawa River is located approximately 500 m to the north.
- South: Residential.
- East: Caron Street and a Provincially Significant Wetland physically separated by Caron Street.
- West: open space and a Provincially Significant Wetland.

Figure 3: Surrounding Context (United Counties of Prescott and Russell, A la Carte web mapping application, 2022)



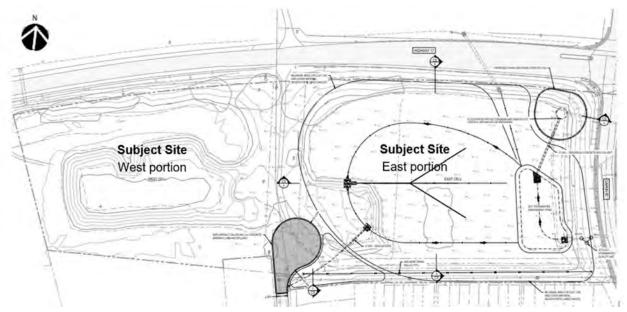
According to the Notre Dame Landfill Closure and Stormwater Management Facility Detailed Design and Construction Pre-Design Report prepared by WSP (December 2021), surface water north of County Road 17 discharges to the subject site through a culvert. The subject site receives stormwater from Caron Street through a culvert located southeast of the subject site. A temporary drainage ditch was constructed along the eastern boundary of the subject site which receives the stormwater discharge from the Caron and Chapman subdivision. The stormwater travels north through a constructed ditch and east through a culvert into the eastern wetland.

The access road (extension of Notre Dame Street) traverses the subject site in a north-south direction and produces a surface water divide in which surface water on the east side of the access road would flow east and surface water on the west side would flow west. Surface water that flows into the east wetland would traverse east then southeast alongside County Road 17 through a culvert discharging into Clarence Creek. Clarence Creek flows north discharging into the Ottawa River. Surface water that flows west of the subject site into the wetland would traverse northwest through a culvert under County Road 17 and discharges into the Ottawa River, as illustrated in **Figure 3**.

3 Proposed Site Alteration and Facility

The proposed site alteration is to implement the landfill closure plan (including limited excavation and removal of waste) and to construct a stormwater management facility (a dry stormwater pond) within the eastern portion of the subject site, as illustrated in **Figure 4**. Also, See **Appendix A** for the Draft Site Plan.





Currently, the Caron Street catchment discharges stormwater into the southeast corner of the subject site and is "uncontrolled" based on the confirmed absence of "End-of-Pipe" quality and quantity control measures. The proposed facility is to treat and control this stormwater discharge generated by Caron Street, Chapman subdivision (south of the subject site), and Robert subdivision (east of Caron Street) stormwater catchment areas.

The proposed facility will direct this uncontrolled flow to the subject site for peak flow attenuation and quality treatment. The water balance will remain the same as the current condition, and the control of peak flow will positively impact the Provincially Significant Wetland (PSW), as peak flows will be reduced from the current condition without significant changes in total water volume.

The capping of the former landfill and construction of the proposed facility will be completed above the existing ground level with minor surface re-grading/shaping. The proposed site alteration and the proposed facility will have a separation distance greater than 150 m from the west PSW and 60 m from the east PSW at the closest point (physically separated by Caron Street).

4 Policy and Regulatory Context

This section describes the relevant provincial and local policy framework that applies to the subject site, including:

- 1. Provincial Policy Statement (2020);
- United Counties of Prescott and Russell Official Plan (Council Adopted June 22, 1999, Ministry of Municipal Affairs and Housing (MMAH) Approved on December 7, 1999; Council Adopted 5 Year review on August 16, 2015, MMAH Approved on March 1, 2016);
- 3. United Counties of Prescott and Russell Official Plan (Council Adopted September 22, 2022, Pending MMAH Approval at the time of this Report);
- 4. Official Plan of the Urban Area of the City of Clarence-Rockland (Adopted November 19, 2013, Approval date: April 6, 2021, Office Consolidation up to April 2021, Five-Year Review OPA 16 incorporated); and
- 5. The Corporation of the City of Clarence-Rockland Zoning By-Law No. 2016-10 (Adopted May 16, 2016, Consolidated July 2020).

4.1 Provincial Policy Statement (2020)

The Provincial Policy Statement, 2020 (PPS) was issued by the Province of Ontario under Section 3 of the Planning Act in May 2020, replacing the previous 2014 PPS. The PPS identifies and gives policy direction to matters of provincial interest related to land use planning and development. The PPS supports growth and intensification within both urban and rural settlement areas while protecting the viability of rural areas.

4.1.1 Infrastructure and Public Service Facilities

The PPS defines Infrastructure as "physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes sewage and water systems, septage treatment systems, stormwater management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines, and associated facilities".

The following policy is most relevant to the proposed site alteration and the proposed facility:

According to Policy 1.6.6.7, planning for stormwater management shall:

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
- b) minimize, or, where possible, prevent increases in contaminant loads;
- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
- d) mitigate risks to human health, safety, property and the environment;
- e) maximize the extent and function of vegetative and pervious surfaces; and
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

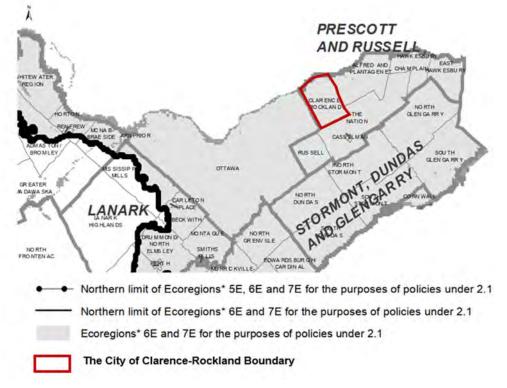
The proposed site alteration and facility are consistent with the PPS. It meets the criteria set out in the Infrastructure and Public Services Facilities policies as the proposed facility improves the stormwater management situation in the area, minimizes erosion and changes in water balance, mitigates risks to human health, safety, property, and the environment, and promotes stormwater management best practices.

4.1.2 Natural Heritage

The PPS (Section 2.0 Wise Use and Management of Resources) includes policies to provide guidance on preserving natural heritage, water, agricultural, mineral and cultural heritage, and archaeological resources for economic, environmental, and social benefits.

The City of Clarence-Rockland is located in the Ecoregions 6E and 7E per PPS Section 5 – Natural Heritage Protection Line, as illustrated in **Figure 5**.





The following policies are most relevant to the proposed site alteration and the proposed facility:

The PPS (Policy 2.1.4) states development and site alteration shall not be permitted in significant wetlands in Ecoregions 5E, 6E, and 7E.

The PPS also states that development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will no negative impacts on the natural features or on their ecological functions (Policy 2.1.8).

In addition, the PPS states that development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored. Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions (Policy 2.2.2).

The subject site is adjacent to natural heritage features on the east and the west (i.e., Provincially Significant Wetlands). The proposed site alteration includes activities that create and maintain infrastructure authorized under an environmental assessment process and included activities considered as 'site alteration' as defined in the PPS.

In accordance with the PPS (Section 6.0 Definitions):

'Adjacent land' means '...for the purpose of policy 2.1.8, those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives;'

'Development' means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act, but does not include:

- a) activities that create or maintain infrastructure authorized under an environmental assessment process;
- b) works subject to the Drainage Act; or
- c) for the purposes of policy 2.1.4(a), underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the Mining Act. Instead, those matters shall be subject to policy 2.1.5(a).

'Site alteration' means 'activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site....'

'Natural heritage features and areas' means features and areas, including significant wetlands, significant coastal wetlands, other coastal wetlands in Ecoregions 5E, 6E and 7E, fish habitat, significant woodlands and significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River), habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.'

'Negative impacts' means '...in regard to policy 2.2., degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities; c) in regard to fish habitat, any permanent alteration to, or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act; and d) in regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.'

WSP has completed a Natural Heritage Constraints Analysis (November 2021) to assess potential constraints to implementing the proposed site remediation measures. This includes a review of the natural heritage system, South Nation Conservation Authority regulations, species at risk, and species of conservation concern. In addition, high-level mitigation measures were proposed to minimize impacts to vegetation, associated habitat features, and wildlife within and adjacent to the proposed works.

The proposed site alteration and the proposed facility are consistent with the PPS, as the ecological function of the adjacent lands has been evaluated. According to the Natural Heritage Constraints Analysis (November 2021), several aquatic species at risk, located in the Ottawa River have the potential to be affected by discharge from the subject site or the proposed facility; therefore, it is recommended that the discharge parameters follow the Provincial Water Quality Objectives (1994) and Canadian Council of Ministers of the Environment guidelines (2019) to reduce the likelihood of negative effects. The Species of Conservation Concern Monarch Butterfly has Moderate potential to be present within the subject site. Additionally, targeted species-specific surveys may be required, and as such a detailed Ecological Land Classification survey should be undertaken, with the potential need for consultation with the Ministry of the Environment, Conservation and Parks.

Per the Natural Heritage Constraints Analysis (November 2021), an application to develop within South Nation Conservation Authority-regulated lands will likely be required but should be confirmed with the Authority and submitted as required. Standard mitigation measures during construction should be implemented per the Notre Dame Landfill Closure and Stormwater Management Facility Detailed Design and Construction Pre-Design Report (WSP, December 2021).

4.1.3 Natural Hazards

The PPS (Section 3.0 Protecting Public Heath and Safety) includes policies to provide guidance on reducing the potential for public cost or risk from natural or human-made hazards. Particularly, the PPS requires development to be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

The PPS (Policy 3.1.2) states that development and site alteration shall not be permitted within:

- a) the dynamic beach hazard;
- b) defined portions of the flooding hazard along connecting channels (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);
- c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and
- d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.

Further, the PPS (Policy 3.1.4) states that despite policy 3.1.2, development and site alteration may be permitted in certain areas associated with the flooding hazard along river, stream, and small inland lake systems:

- a) in those exceptional situations where a Special Policy Area has been approved. The designation of a Special Policy Area, and any change or modification to the official plan policies, land use designations or boundaries applying to Special Policy Area lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry prior to the approval authority approving such changes or modifications; or
- b) where the development is limited to uses which by their nature must locate within the floodway, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.

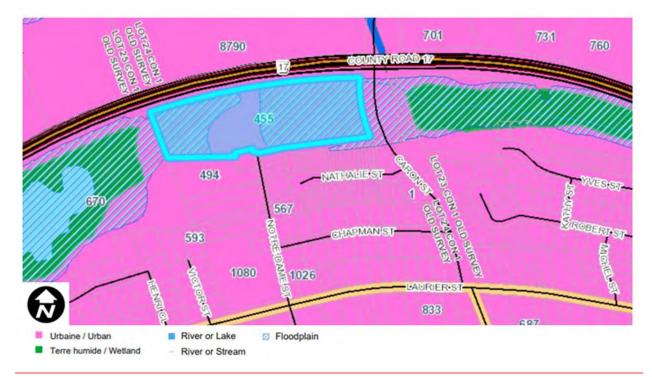
The proposed site alteration and the proposed facility are limited to uses which by their nature must locate within the floodplain and include flood and/or erosion control work to improve the stormwater management situation in the area. WSP has completed a Hydrologic Impact Study in support of the detailed design and construction of the landfill closure, and the proposed facility (August 2022). The study indicates that there is little change in flood risk. The subject site is accessible from Notre Dame Street. to the south. The proposed facility is a dry stormwater management pond and does not have any permanent buildings. As such, the subject site has safe access appropriate for the nature of the development and the natural hazard as required by the PPS.

4.2 United Counties of Prescott and Russell Official Plan (2016)

The United Counties of Prescott and Russell Official Plan (UCPR OP) (Council Adopted June 22, 1999, MMAH Approved on December 7, 1999; Council Adopted 5 Year review on August 16, 2015, MMAH Approved on March 1, 2016) provides guidance and direction to growth and development, redevelopment, and/or conservation activities in the United Counties. The UCPR OP provides policy frameworks for regulatory tools such as policies that address matters of provincial interest as described in the PPS, and "is not a tool to limit growth but rather to anticipate change, manage it and maintain options" (Section 1.1).

The subject site is designated as an Urban Area and a Floodplainin the UCPR OP Schedules A and C, as illustrated in Figure 6.

Figure 6: UCPR OP Land Use Designation showing the designated Floodplain area (United Counties of Prescott and Russell, A la Carte web mapping application, 2022)



4.2.1 Hazardous Lands – Flooding and Erosion

The UCPR OP (Section 6.5) sets out regulations regarding Hazardous Lands – Flooding and Erosion. The floodplain area shown in the UCPR OP Schedule C, includes all areas known to be subject to 1 in 100-year flood events. These areas have been identified and mapped by the South Nation Conservation, by the Ministry of Natural Resources and Forestry (in those areas which are outside the South Nation River watershed), and by the United Counties (in those areas where flooding events are known).

Policy 6.5.2 in the UCPR OP outlines the restrictions and exceptions for development and site alteration within the floodplains, which take precedence over the underlying designation. These restrictions and exceptions include:

3. "Works required for flood and/or erosion control and passive recreational and/or open space nonstructural uses which do not affect the hydrology or hydraulics of the floodplain may be permitted."

5. "Any new development or structures within the floodplain will require the approval of the appropriate Conservation Authority."

8. "In the floodplains, it will be the policy of the County and the local municipality to encourage the retention of natural vegetation."

9. "The placement or removal of fill in any floodplain will require the approval of the appropriate Conservation Authority."

11. "Areas that would be rendered inaccessible to people or vehicles during times of flooding hazards shall not be developed unless it has been demonstrated that the site has safe access appropriate for the nature of the development."

The UCPR OP (Section 1.2.4) indicates that "the Provincial Policy Statement includes definitions of numerous significant terms used in its policies. These definitions will apply to instances in this Plan where the same terms are used, for instance in reference to "development", "adjacent lands", or "Sensitive land uses", among others. Where this Plan employs a different meaning for a term defined in the Provincial Policy Statement, this will be specifically

identified in the text of the Plan." The UCPR OP does not specify the definitions of "Development" and "Site alteration". As such, the definitions of "Development" and "Site alteration" would be the same definitions in the PPS (see the above sections).

The works required for the closure of the Notre Dame Historical Landfill involve site alteration (i.e., grading, excavation and fill). However, the proposed site alteration and the proposed facility are required for flood and erosion control purposes. As such, the proposed site alteration and the proposed facility are permitted provided that they do not affect the hydrology or hydraulics of the floodplain.

WSP has completed a Hydrologic Impact Study in support of the detailed design and construction of the landfill closure and the proposed facility (August 2022). The study indicates that there is little change in flood risk. The subject site is accessible from Notre Dame Street to the south. The proposed facility is a dry stormwater management pond and does not have any permanent buildings. As such, the subject site has safe access appropriate for the nature of the development.

Accordingly, the approval of the appropriate Conservation Authority will be required for the removal and placement of fill on the subject site and any new structures within the floodplain (i.e., the proposed stormwater management facility).

4.2.2 Contaminated Site

The UCPR OP (Section 6.8) contains policies regulating the development of closed waste disposal sites. Section 6.8.2 provides directions for the decommissioning and clean-up of a contaminated site as follows:

"it is the intent of Council to ensure the proper decommissioning and clean-up of contaminated sites prior to their redevelopment or reuse. Prior to Council's approval of an Official Plan Amendment and prior to the approval of a Zoning By-law amendment, subdivision, condominium, consent or other planning application by the appropriate approval authority on a site that is potentially contaminated or is contaminated, the proponent shall document the present and past use of the site and surrounding lands, engage professional assistance in the analysis of soils, ground waters and surface waters as required in consultation with the Ministry of Environment and Climate Change and shall prepare a remedial action plan in accordance with "Ontario Regulation 153/04, Record of Site Condition" where the contaminants are in concentrations above Ministry established acceptable concentrations. A Ministry of Environment and Climate Change "Record of Site Condition" may be required to confirm that a site is suitable for its intended use. The proponent shall ensure the supervision of excavation and soil handling activities during site clean-up."

Accordingly, WSP has completed an Environmental Assessment Report (July 2017) to assess influences from the former Notre Dame landfill on the local groundwater and surface water resources and to assess the potential for landfill gas migration. The report recommended that no remedial measures are required for the subject site at present and options to close the landfill should be evaluated and a closure plan should be developed.

The proposed site alteration and the proposed facility conform to the intent of the UCPR OP by implementing the closure plan for the Notre Dame Historical Landfill, and reusing the subject site to address stormwater management in the area. Consultation with the Ministry of the Environment, Conservation and Parks will be completed as part of the closure process for the Notre Dame Historical Landfill.

4.2.3 Implementation

The UCPR OP (Section 7) provides guidance on policy implementation. Particularly, the UCPR OP, Section 7.3.6 - Public Uses permits municipal services and facilities in all land use designations provided that "such use is necessary in the area, that it can be made compatible with its surroundings and that adequate measures are taken to ensure land use compatibility" (Policy 7.3.6.1) and that "the general intent of the policies of this Plan is satisfied." (Policy 7.3.6.7).

Furthermore, the UCPR OP also states that where public uses are to be located on lands adjacent to natural heritage or resource designations, such public uses shall not result in a negative impact on the natural features or ecological functions for which the area is identified.

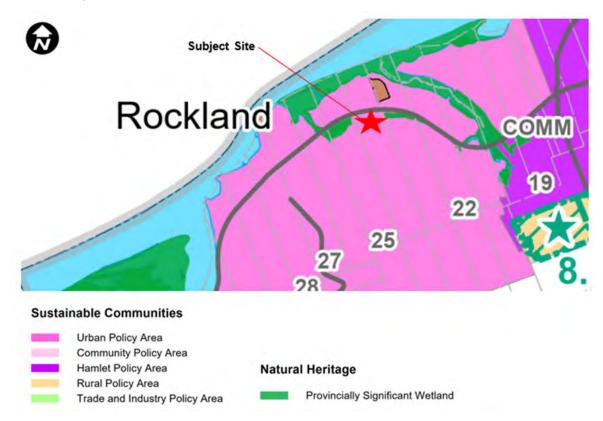
The proposed site alteration and the proposed facility conform to the intent of the UCPR OP. Both proposed site alteration and facility are compatible with its surrounding open spaces with Provincially Significant Wetlands and residential development. WSP has completed a Hydrologic Impact Study (August 2022) in support of the detailed design and construction of the landfill closure and the proposed facility. The Study indicates that there is little change in flood risk and that the introduction of the proposed facility to control peak flows from the new developments may have a positive impact on the adjacent Provincial Significant Wetlands as the peak flows will be reduced from the current condition without significant changes in total water volume. The proposed facility may also reduce erosion and sediment within the wetlands to improve the overall water quality.

4.3 United Counties of Prescott and Russell Official Plan (2022)

The proposed United Counties of Prescott and Russell Official Plan (UCPR OP 2022) was adopted by Council in September 2022. The UCPR OP 2022 was sent to the Ministry of Municipal Affairs and Housing for final approval. When the UCPR OP 2022 is approved by the Province, anticipated in early 2023, the new Official Plan will replace the existing Official Plan.

The subject site is designated as an **Urban Policy Area**, adjacent to Provincially Significant Wetland in the UCPR OP 2022 Schedule A2, as illustrated in **Figure 7**.

Figure 7: Official Plan Land Use Designation (United Counties of Prescott and Russell Official Plan 2022, Schedule A2)



According to the UCPR OP 2022, the Urban Policy Area designation applies to City, Towns and Villages with populations of 1000 or more and which have been developed primarily on the basis of municipal water and sewer

systems. The Urban Policy Area is intended to absorb a significant part of future growth in the Counties (Section 2.3.1). The Provincially Significant Wetlands are identified on Schedule A2 as a land-use designation. The Provincially Significant Wetlands land use designation includes specific policies and permitted uses that can be considered either within these areas or adjacent to these areas (Section 5.3).

Under the UCPR OP 2022, development or site alteration within 120 metres of a designated wetland may be permitted if it can be demonstrated that there will be no negative impacts on the wetland's natural features or its ecological or hydrologic functions (Section 5.5.1).

The construction required for this project will have a separation distance greater than 150 m from the west Provincial Significant Wetland and 60 m from the east Provincial Significant Wetland at the closest point. The subject site is physically separated by Caron Street. The proposed site alteration and the proposed facility conform with UCPR OP 2022, as the ecological function of the adjacent lands has been evaluated.

According to the Natural Heritage Constraints Analysis (November 2021), several aquatic species at risk, located in the Ottawa River have the potential to be affected by discharge from the subject site or the proposed facility; therefore, it is recommended that the discharge parameters follow the Provincial Water Quality Objectives (1994) and Canadian Council of Ministers of the Environment Guidelines (2019) to reduce the likelihood of negative effects. The Species of Conservation Concern Monarch Butterfly has Moderate potential to be present within the subject site. Additionally, targeted species-specific surveys may be required, and as such a detailed Ecological Land Classification survey should be undertaken, with the potential need for consultation with the Ministry of the Environment, Conservation and Parks.

WSP also completed a Hydrologic Impact Study in support of the detailed design and construction of the landfill closure and the proposed facility (August 2022). The study indicates that the introduction of the proposed facility to control peak flows from the new developments may have a positive impact on the adjacent Provincial Significant Wetlands as the peak flows will be reduced from the current condition without significant changes in total water volume. The proposed facility may also reduce erosion and sediment within the wetlands to improve the overall water quality.

The subject site is also located within the Flood Plain Area and within Abandoned Mine -1,000 m buffer in the UCPR OP, 2022 Schedule c1, as illustrated in **Figure 8**.

The UCPR OP 2022 prohibits the following development in the Flood Plain (Section 6.5.2):

- 1) "Institutional uses including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day care and schools;
- 2) essential emergency services such as that provided by fire, police, ambulance stations and electrical substations; or
- 3) uses associated with the disposal, manufacture, treatment or storage of hazardous substances and uses associated with the outdoor storage of any materials, either temporary or permanent."

The proposed site alteration and the proposed facility conform with UCPR OP 2022, as it is not listed as one of the prohibited uses. Further, the UCPR OP 2022 outlines the exceptions for development and site alteration within the Flood Plains as follows (Section 6.5.3):

2) "Uses which by their very nature must be located within the Flood Plain and will not affect the hydrology or hydraulics of the Flood Plain may be permitted."

3) "Works required for floods and/or erosion control and passive recreational and/or open space nonstructural uses which do not affect the hydrology or hydraulics of the Flood Plain may be permitted."

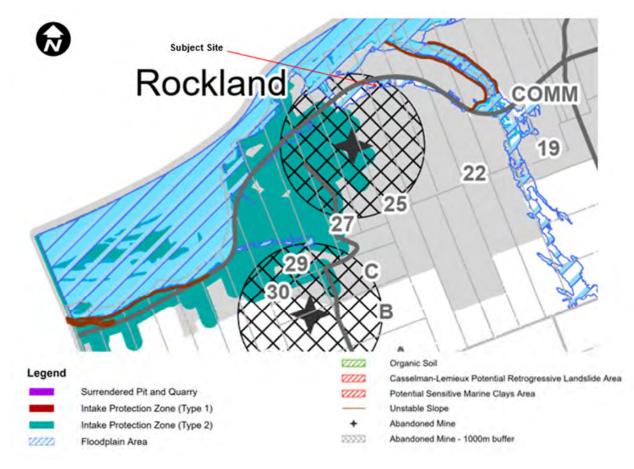
The proposed site alteration and the proposed facility must be located within the Flood Plain and are required for erosion control purposes. As such, the proposed site alteration and the proposed facility are permitted provided that they do not affect the hydrology or hydraulics of the Flood Plain. WSP has completed a Hydrologic Impact Study in support of the detailed design and construction of the landfill closure and the proposed facility (August 2022). The study indicates that there is little change in flood risk.

The UCPR OP 2022 indicates that "Site alterations permitted as per policies 6.5.3. 1) to 4), including the placement or removal of fill in or within 15 metres of any Flood Plain will require the approval of the appropriate Conservation Authority." (Policy 6.5.3.9).

The UCPR OP 2022 further outlines that "Development and site alteration in and within 15 metres of the Flood Plain is regulated under the Conservation Authorities Act (pursuant to the relevant "Development, Interference with Wetlands and Alteration to Shorelines and Watercourses" regulation enacted under Section 28 of the Conservation Authorities Act) and will require written permission from the appropriate Conservation Authority in addition to a building permit from the local municipalities."

The proposed site alteration and the proposed facility would involve the placement or removal of fill and is located within 15 metres of the Flood Plain. As such, the approval of the appropriate Conservation Authority will be required. The Conservation Authority will be circulated as part of the application assessment.

Figure 8: Official Plan Public Health and Safety (United Counties of Prescott and Russell Official Plan 2022, Schedule C1)

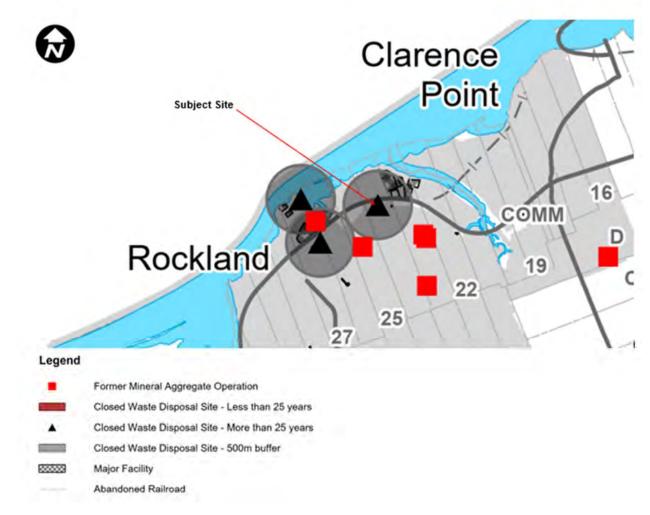


According to the UCPR OP 2022(Section 6.9.3), "where development is proposed within 1000 metres of a mine hazard, as identified by the Ministry of Northern Development and Mine's (MNDM) Abandoned Mine Inventory System (AMIS) mapping and as identified on Schedule C1 and former min aggregate operations as identified on Appendix III to this Plan, the Regional Land Use Geologist responsible for the area or the Mine Rehabilitation Section of the MNDM shall be contacted to determine the scope and terms of reference of any technical studies that may be required to address the potential mine hazard. The applicant shall be responsible for ensuring that any hazards are mitigated to be consistent with the Mine Rehabilitation Code of Ontario such that the hazard is removed and that the property is safe for the proposed development."

The subject site is located within 1,000 metres of the Abandoned Mine. As such, the Regional Land Use Geologist responsible for the area or the Mine Rehabilitation Section of the MNDM would need to be contacted to determine the scope and terms of reference of any technical studies that may be required to address the potential mine hazard.

The UCPR OP 2022 further identifies the subject site as a **Closed Waste Disposal Site – More than 25 years**, as illustrated in **Figure 9**.

Figure 9: Official Plan Human Made Hazard ((United Counties of Prescott and Russell Official Plan 2022, Appendix III)



The UCPR OP 2022 indicates that "it is the intent of Council to ensure the proper decommissioning and clean-up of contaminated sites prior to their redevelopment or reuse." (Section 6.8.2). As per the UCPR OP 2022 Closed Waste Disposal Sites policies (6.8.1.1):

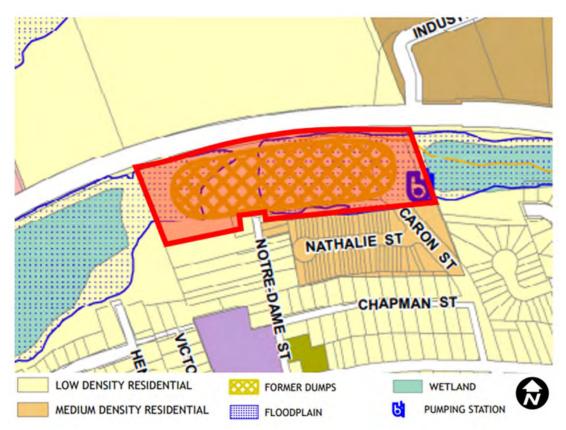
"In reviewing development applications within 500 metres of a site identified as a closed waste disposal site an Environmental Site Assessment (ESA) shall be required by the approval authority in order to ensure that there is no evidence of potential safety hazards which may be caused by landfill-generated gases, ground and surface water, contamination by leachate, odours or litter, potential fires, surface runoff and vectors, and vermin. Particular attention shall be given to the production and migration of methane gases. An ESA documents the previous uses of the property and provides an assessment of the site to identify actual or potential hazards. The ESA shall be undertaken using established principles and procedures." Accordingly, WSP has completed an Environmental Assessment Report (July 2017) to assess influences from the former Notre Dame landfill on the local groundwater and surface water resources and to assess the potential for landfill gas migration. The report recommended that no remedial measures are required for the subject site at present and options to close the landfill should be evaluated and a closure plan should be developed.

The proposed site alteration and the proposed facility conform to the intent of the UCPR OP 2022 by properly implementing the closure plan for the Notre Dame Historical Landfill and reusing the subject site to address stormwater management in the area. Consultation with the Ministry of the Environment, Conservation and Parks will be completed as part of the closure process for the Notre Dame Historical Landfill.

4.4 Official Plan of the Urban Area of the City of Clarence-Rockland (2021)

The subject site is designated as a Former Dump with an underlying designation of Low Density Residential within the Flood Plain in the Official Plan of the Urban Area of the City of Clarence-Rockland (Adopted November 19, 2013, Approval date: April 6, 2021, Office Consolidation up to April 2021, Five-Year Review OPA 16 incorporated), as illustrated in **Figure 10**.

Figure 10: Official Plan Land Use Designation, Schedule A (United Counties of Prescott and Russell, A la Carte web mapping application, 2022)



The OP consists of general development considerations that are common to several land use categories. Development considerations regarding Contaminated Sites and Records of Site Condition (Section 4.2), Hazard Lands (Section 4.7), and Stormwater Management (Section 4.27) are most relevant to this rezoning application.

4.4.1 Contaminated Sites and Records of Site Condition

The OP (Section 4.2) addresses contaminated sites. According to the OP, Contaminated Lands are "those lands where the environmental condition of the property has been harmed through past activities. Although such lands represent a potential hazard due to real or perceived environmental contamination, opportunities for brownfield redevelopment may exist".

The OP states that 'In order to ensure that there will be no adverse effects from any proposed development or redevelopment, environmental site assessments and remediation of contaminated sites are required by this Plan prior to any activity or development occurring on the site that is known or suspected to be contaminated. The City will require the proponent of development on such sites to determine the nature and extent of contamination and the necessary remediation measures in accordance with the policies below.' (Policy 4.2.1).

Further, the OP states that the City will require all applications for development in areas known or suspected of former land use activities that may lead to soil contamination be supported by a Phase I Environmental Site Assessment (ESA) (Policy 4.2.2).

WSP has completed an Environmental Assessment Report to assess influences from the former Notre Dame landfill on the local groundwater and surface water resources and to assess the potential for landfill gas migration (July 2017). The report recommended that no remedial measures are required for the subject site at present and options to close the landfill should be evaluated and a closure plan should be developed. As such, the proposed site alteration and the proposed facility conform to the intent of the OP.

The OP requires that all contaminated lands shall be subject to Site Plan Control (Policy 4.2.5), and states that the City may consider a program for financial and other incentives to promote the redevelopment and reuse of brownfield properties that are subject to environmental constraints (Policy 4.2.6). The reuse of the subject site for public infrastructure (stormwater management) purposes conforms to the intent of the OP.

4.4.2 Hazard Lands

The OP (Section 4.7) addresses considerations for the development and/or site alteration of hazard lands, which include lands covered by the Flood Plain. The Flood Plain overlay provisions will take precedence over the existing land designation.

According to the OP, 'Hazard lands are those lands that are subject to development constraints that pose or have the potential to pose a danger to health and safety or environmental impact if development or site alteration occurs...Development and site alteration will generally be directed to areas outside of hazard lands. However, development and site alteration...may be permitted in limited circumstances, provided the following conditions can be met:

- a) the hazard can be safely addressed, and the development and site alteration is carried out in accordance with established standards and procedures;
- b) new hazards are not created and existing hazards are not aggravated;
- c) no adverse environmental impacts will result. An Environmental Impact Study, as described in Section 4.5 of the Plan, may be required; and
- d) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies.'

The OP specifies that site alteration in this section means activities, such as fill, grading, and excavation that would change the landform and natural vegetative characteristics of a site. Council may require the submission of technical studies to support the site alteration proposed. The City may use various planning and other approvals (e.g., Site Plan Control, site-specific zoning, site alteration by-laws, etc.) to implement the results of technical studies.

The proposed site alteration and the proposed facility are to be carried out per established standards and procedures. WSP completed an Environmental Assessment Report to assess influences from the former Notre

Dame landfill on the local groundwater and surface water resources, and to assess the potential for landfill gas migration (July 2017). The report recommended that no remedial measures are required for the subject site at present and options to close the landfill should be evaluated and a closure plan should be developed.

WSP also completed a Hydrologic Impact Study in support of the detailed design and construction of the landfill closure and the proposed facility (August 2022). The study indicates that there is little change in flood risk and that the introduction of the proposed facility to control peak flows from the new developments may have a positive impact on the adjacent Provincial Significant Wetlands.

The subject site is accessible from Notre Dame Street. to the south. The proposed facility is a dry stormwater management pond and does not have any permanent buildings. As such, the subject site has safe access appropriate for the nature of the development and the natural hazard.

4.4.3 Stormwater Management

The OP (Section 4.27) contains stormwater policies for development and redevelopment. According to 4.27.1, stormwater management in the City shall:

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
- b) minimize, or, where possible, prevent increases in contaminant loads;
- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
- d) mitigate risks to human health, safety, property and the environment;
- e) maximize the extent and function of vegetative and pervious surfaces; and
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

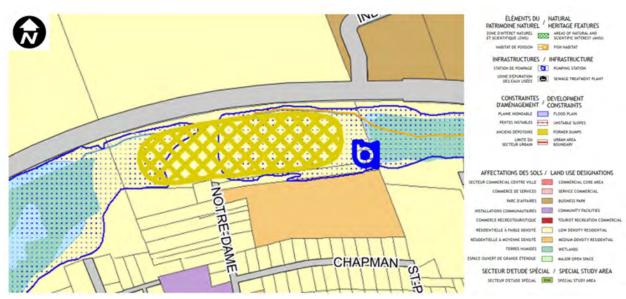
The proposed site alteration and the proposed facility achieve the stormwater management objectives as outlined in the OP. Particularly, the proposed facility alleviates the existing stormwater situation in the area.

According to the Hydrological Impact Study prepared by WSP (August 2022), there is uncontrolled runoff from Caron Street and the adjacent development on Nathalie Street and Robert Street under the current conditions. The proposed conditions involve directing uncontrolled flow to the proposed facility for peak flow attenuation and quality treatment. The water balance for the proposed condition is the same as in current conditions as there is no change in land use within the catchment area. The introduction of the proposed facility control peak flows from the new developments may have a positive impact on the Provincially Significant Wetlands, as peak flows will be reduced from the current condition without significant changes in total water volume. This may reduce erosion and sediment within the wetlands to improve the overall water quality.

4.4.4 Development Constraints

The Official Plan identified six categories of Development Constraints, including Flood Plains, Unstable Slopes, Former Dumps, Organic Soil, Noise, and Odours. Two of the Development Constraints apply to the subject site, including 'Flood Plains' and 'Former Dumps', as shown on Schedule 'A' of the OP as overlays, as illustrated in **Figure 11**.

Figure 11: Development Constraints (United Counties of Prescott and Russell, A la Carte web mapping application, 2022)



Flood Plains

The OP (Policy 6.3.2.1) permits the following type of development and site alteration within the Flood Plain:

- a) repairs and minor additions to buildings and accessory buildings, which do not affect flood flows where there is existing non-conforming development;
- b) uses which, by their nature, must be located within the Flood Plain and will not affect the hydrology or hydraulics of the Flood Plain; and
- c) works required for flood and/or erosion control and passive recreational and/or open space uses without buildings that do not affect the hydrology or hydraulics of the Flood Plain.

The OP (Policy 6.3.2.2) further outlines that development and site alteration permitted on lands affected by the Flood Plain constraint shall meet all the following requirements:

- a) the hazards can be safely addressed and the development and site alteration is carried out in accordance with the established standards and procedures;
- b) new hazards are not created and existing hazards are not aggravated;
- c) no adverse environmental impacts will result;
- d) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies; and
- e) the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.

The proposed site alteration and the proposed facility are required for stormwater management and erosion control. The proposed facility is a dry stormwater management pond and does not have any permanent buildings. WSP completed a Hydrologic Impact Study in support of the detailed design and construction of the landfill closure and the proposed facility (August 2022). The study indicates that there is little change in flood risk and that the introduction of the proposed facility to control peak flows from the new developments may have a positive impact on the adjacent Provincial Significant Wetlands. As such, the proposal conforms to the OP's policies and intent.

Former Dumps

The OP indicates that "development on lands identified as Former Dump may proceed in accordance with the policies of the underlying land use designation subject to an Environmental Site Assessment and in accordance with Ministry of the Environment Guideline D-4 "Land Use on or near Landfills and Dumps." (Policy 6.5.2)

The underlying land use designation of the subject site is Low Density Residential. The proposed site alteration and the proposed facility are required for stormwater management and erosion control to service the residential development in the area.

According to the Ministry of the Environment Guideline D-4 "Land Use on or near Landfills and Dumps", compatible land uses may include utilities and such land uses which would not be threatened by any hazard to public health or safety and would not be impaired by nuisance effects. Section 5.2.2 of the D-4 further outlines guidelines for land use for "non-operating sites" within 30 m of a fill area, stating where technical controls for leachate or leachate and gas are required surrounding a fill area, no land use may take place within 30 metres of its perimeter. This distance may be reduced to 20 metres in cases where only gas controls are necessary.

The proposed stormwater management facility is considered a utility and meets the Guidelines' criteria for compatible land use. The proposed facility is a dry stormwater management pond and does not have any permanent buildings. As such, the proposal conforms to the OP's policy and intent.

4.5 The Corporation of the City of Clarence-Rockland Zoning Bylaw No.2016-10 (2016)

The subject site is currently zoned Parks and Open Space Zone, Flood Plain Overlay (OS-FP) under the City of Clarence-Rockland By-Law No. 2016-12 (Adopted May 16, 2016, Consolidation July 2020). The surrounding properties are predominantly zoned Urban Residential First Density (R1) and Urban Residential Second Density (R2), and the properties East and West of the subject site are zoned Wetlands (WL), as illustrated in **Figure 12**.

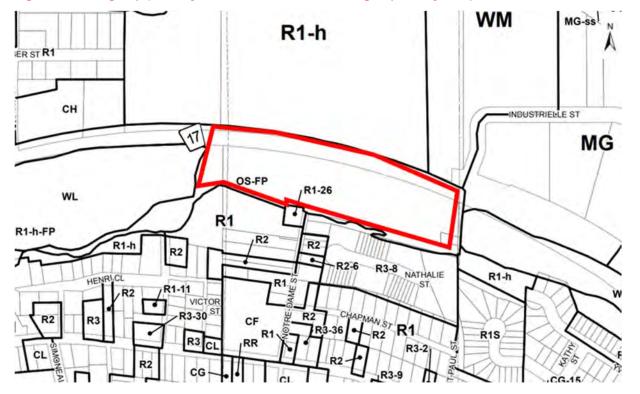


Figure 12: Zoning Map (The City of Clarence-Rockland, Zoning Map B, May 2016)

The Flood Plain Overlay provisions take precedence over the provisions of the underlying zone. They apply to land uses within an area affected by a Flood Plain overlay in order to restrict development and site alteration in a Flood Plain area to minimize the threat of injury or loss of life and prohibit land uses where substances of a chemical, hazardous or toxic nature are used which could contaminate potential flood waters; where flooding may compromise the ability to deliver essential services, or where flooding may cause unacceptable risk of property damage.

The following table outlines the relevant Zoning By-Law provisions and the associated requirements.

Table 1: Zoning Compliance (By-law 2016-10)

Zoning Provisions	Requirement	Compliance
Flood Plain Overlay – Sec. 4.17.1 a) Use of Flood Plains	No person shall use any lot or erect, alter or use any building or structure in a Flood Plain, as identified by the suffix '-FP' on the Zoning Maps of this By-law, for any purpose except one or more of the following uses:	A Zoning By-law Amendment is required to allow the proposed stormwater management facility within the Flood Plains area
	•agricultural use, excluding buildings	
	• conservation use, excluding buildings	
	•flood or erosion control works	
	•forestry operation, excluding buildings	
	•marine facility	
	•park	
	•marina	
	•golf course, excluding buildings	
	•parking lot	
	•public infrastructure, excluding stormwater management facility	
Flood Plain Overlay – Sec. 4.17.1 e) Governmental Agencies	Development in a Flood Plain, including site grading and fill placement, is regulated under the Conservation Authorities Act, R.S.O. 1990 where a Conservation Authority has jurisdiction. A permit from the Conservation Authority may be required in addition to any applicable municipal permits (i.e., a building permit under the Building Code Act, 1992).	Conservation Authority will be circulated as part of the application assessment.
Closed Waste Disposal Sites, Abandoned Pit or Quarry – Sec. 4.17.3 a)	Despite any other provisions of this By- law, development and site alteration in and around closed waste disposal site or an abandoned pit or quarry are subject to the policies of the UCPR OP.	This application has been assessed against the policies of the UCPR OP and conforms to the UCPR OP.

Zoning Provisions	Requirement	Compliance
Infrastructure – Sec. 4.22 b)	Infrastructure such as a municipal water storage tank, pump stations, etc., shall be permitted in all zones with the exception of the Wetlands (WL) Zone. Notwithstanding, a stormwater management facility is not permitted in the Flood Plain overlay or intake protection zones.	A Zoning By-law Amendment is required to allow the proposed stormwater management facility within the Flood Plains area
Setbacks from Waterbodies and Watercourses – Sec. 4.44.1	 a) All waterbodies and watercourses (as defined by the Conservation Authorities Act) within the City shall be considered as fish habitat (including municipal drains). b) Any new development or site alteration within 120.0 m from the normal highwater mark of a waterbody or watercourse requires consultation with the Conservation Authority (where applicable) or the federal Department of Fisheries and Oceans and may require the preparation of an Environmental Impact Study per Section 5.6 of the UCPR OP. 	Conservation Authority will be circulated as part of the application assessment. WSP completed a Hydrologic Impact Study in support of the detailed design and construction of the landfill closure and the proposed facility (August 2022). The study indicates that there is little change in flood risk and that the introduction of the proposed facility to control peak flows from the new developments may have a positive impact on the adjacent Provincial Significant Wetlands.
Setbacks from Significant Wetlands – Sec. 4.44.3	 a) Only Provincially Significant Wetlands that meet the Ministry of Natural Resources criteria or Locally Significant Wetlands as deemed appropriate by the Municipality will form part of this Zoning By-law. c) Development and site alteration within 120 meters of a "Wetland Zone (WL)" may be permitted, if it can be demonstrated through an Environmental Impact Study per Section 5.6 of the UCPR OP that there will be no negative impacts on the wetland's natural features, ecological and hydrologic functions, to the satisfaction of the Municipality and applicable Conservation Authority or other authority. e) Further, development and site alteration within 120 metres of a "Wetland Zone (WL)" may be regulated under the Conservation Authorities Act, and, in addition to a building permit from the municipality under the Building Code Act, may require a permit from the Conservation Authority having jurisdiction over the regulated area. 	Conservation Authority will be circulated as part of the application assessment. WSP completed an Environmental Assessment Report to assess influences from the former Notre Dame landfill on the local groundwater and surface water resources, and to assess the potential for landfill gas migration (July 2017). The report recommended that no remedial measures are required for the subject site at present and options to close the landfill should be evaluated and a closure plan should be developed. WSP also completed a Hydrologic Impact Study in support of the detailed design and construction of the landfill closure and the proposed facility (August 2022). The study indicates that there is little change in flood risk and that the introduction of the proposed facility to control peak flows from the new developments may have a positive impact on the adjacent Provincial Significant Wetlands.

Zoning Provisions	Requirement	Compliance
Parks and Open Space Zone: Permitted Uses – Sec. 21.1.1	 Community Garden Conservation Use Fairgrounds Park, Public Sports and recreation facility Stormwater management facility 	Yes, the application is intended for site alteration and a proposed stormwater management facility.
Parks and Open Space Zone: Zone requirements – Sec. 21.1.2	 No building or structure shall be located or erected closer than 6.0 metres to any lot line and maximum lot coverage shall not exceed 25%. No minimum lot area or frontage shall be required. No building height shall exceed 10.5 metres. 	Yes, no building or structure proposed.
Part 3 Definitions	Definitions contained in the United Counties of Prescott and Russell Official Plan, the Official Plan of the Urban Area of the City of Clarence-Rockland, the Village of Bourget Official Plan, the Provincial Policy Statement, Planning Act, Conservation Authorities Act, Clean Water Act, and their related Regulations, shall apply to terms used in this by-law unless the terms are specifically defined herein, in which case the definition used in this Zoning By-law shall be used to facilitate the interpretation and administration of this by-law and, to the extent there may be a discrepancy or conflict, the definitions within this By- law shall prevail.	N/A for reference only.
	Stormwater Management Facility means an end-of-pipe, managed detention or retention basin, which may include a permanent pool, designed to temporarily store and treat collected stormwater runoff and release it at a controlled rate or direct it for an intended reuse.	N/A for reference only.
	Structure means anything that is erected, built, or constructed of parts joined together.	N/A for reference only.

5 Summary of Opinion

Based on our review of the applicable land use planning policy framework, area context, and the supporting application materials, it is the professional opinion of WSP that the proposed facility at 455 Notre Dame Street represents good land use planning, and is appropriate for the subject site for the following reasons:

- The proposed site alteration and the proposed facility are consistent with the 2022 Provincial Policy Statement;
- The Environmental Assessment Report (July 2017), the Natural Heritage Constraints Analysis (November 2021), and the Hydrologic Impact Study (August 2022) fulfilled the United Counties of Prescott and Russell Official Plan and the City of Clarence-Rockland Official Plan requirements.
- The proposed facility is a dry stormwater management pond and does not have any permanent buildings. As such, the nature of the proposed work is considered appropriate within the Flood Plains adjacent to natural heritage features.
- The City of Clarence-Rockland Zoning Bylaw No. 2016-10 currently does not permit stormwater management facility within the Flood Plain area. For this reason, the proposed Zoning By-law Amendment would seek to permit the proposed facility on the subject site.

In conclusion, the proposed Zoning By-law Amendment being sought to support the proposed site alteration and the proposed facility at 455 Notre Dame Street represents good planning and is in the public interest.

Please feel free to contact Johnson Kwan at <u>Johnson.kwan@wsp.com</u> or at (289) 989-1207 if you have any questions or require additional information.

Yours truly,

WSP

Johnson Kwan, MCIP, RPP, PMP Senior Planner

APPENDIX

A Notre-Dame Landfill Closure and Stormwater Management Facility Draft Site Plan (October 11, 2022)





NOTRE-DAME LANDFILL CLOSURE & STORM WATER MANAGEMENT FACILITY

Clarence-Rockland, Ontario

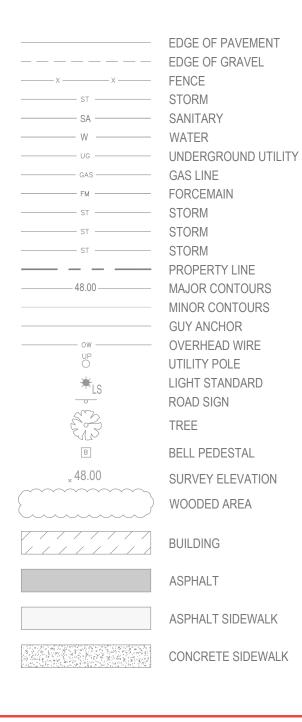
ISSUED FOR 30% CITY REVIEW

WSP Project No: 211-11806-00 Date: OCTOBER 11, 2022

We see the future more clearly and design for it today.



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PROPOSED LEGEND:

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> PROPOSED GRADE DRAINAGE GRADE GAS MONITORING POINT



REMOVALS LEGEND:

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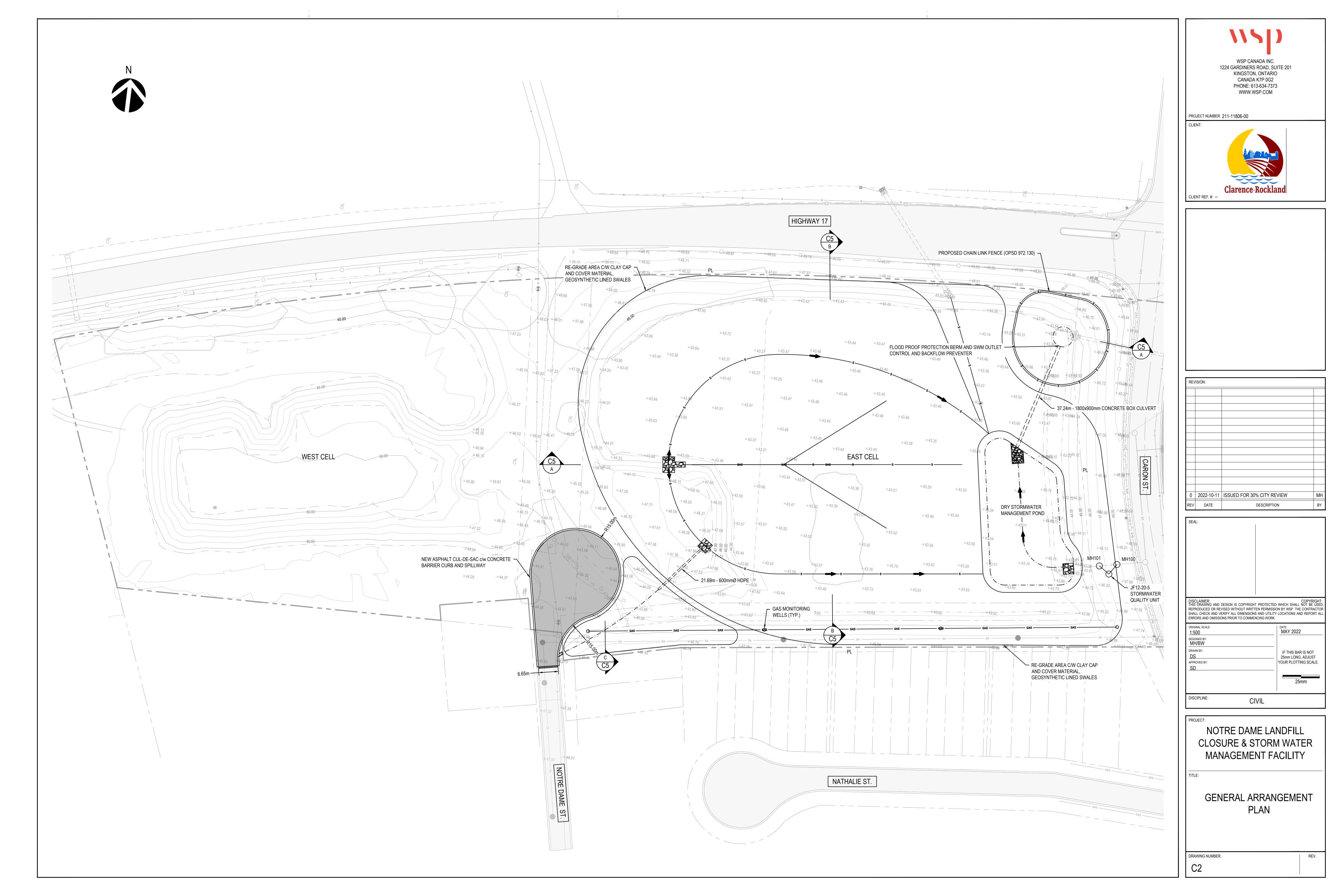
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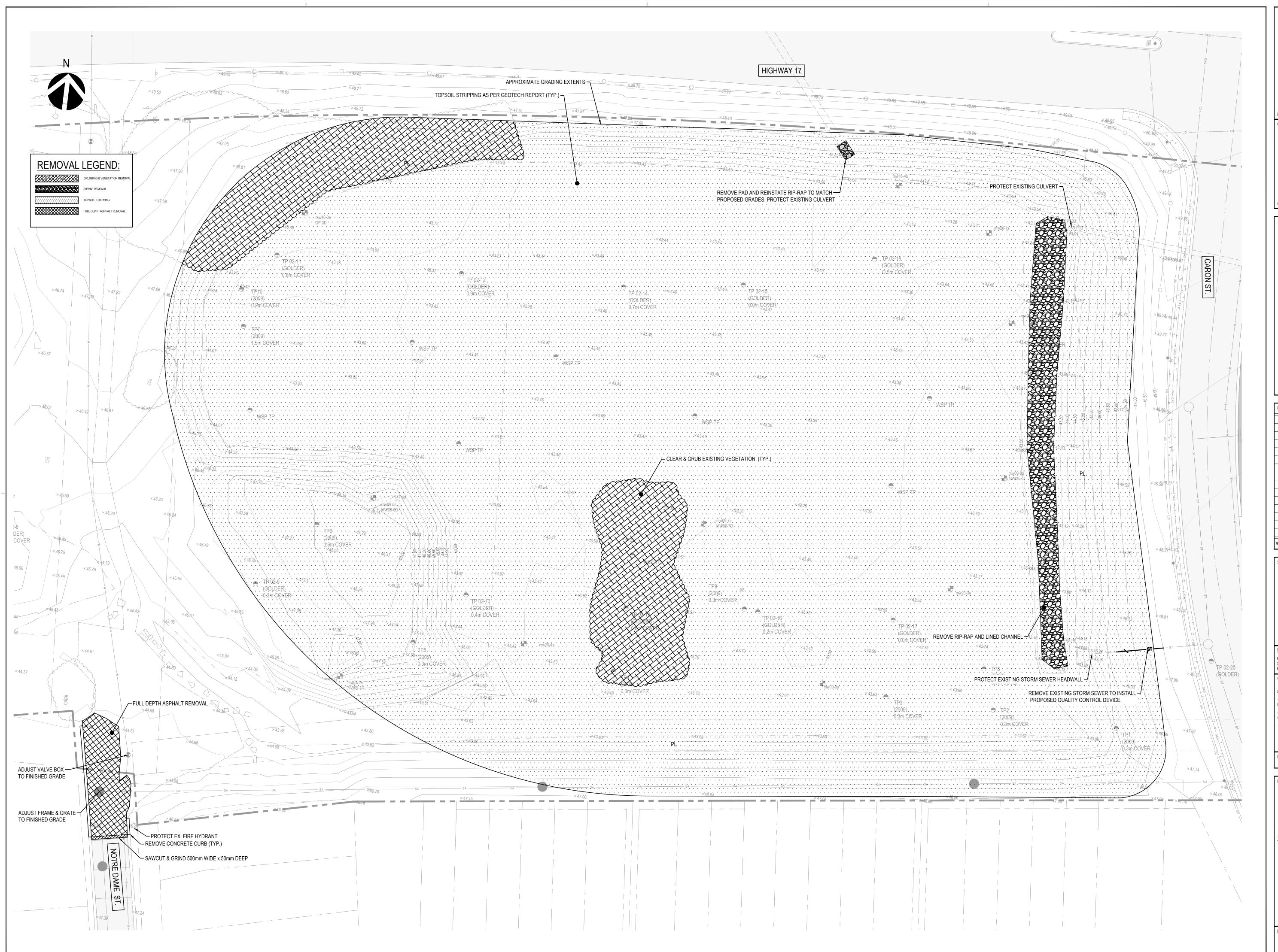
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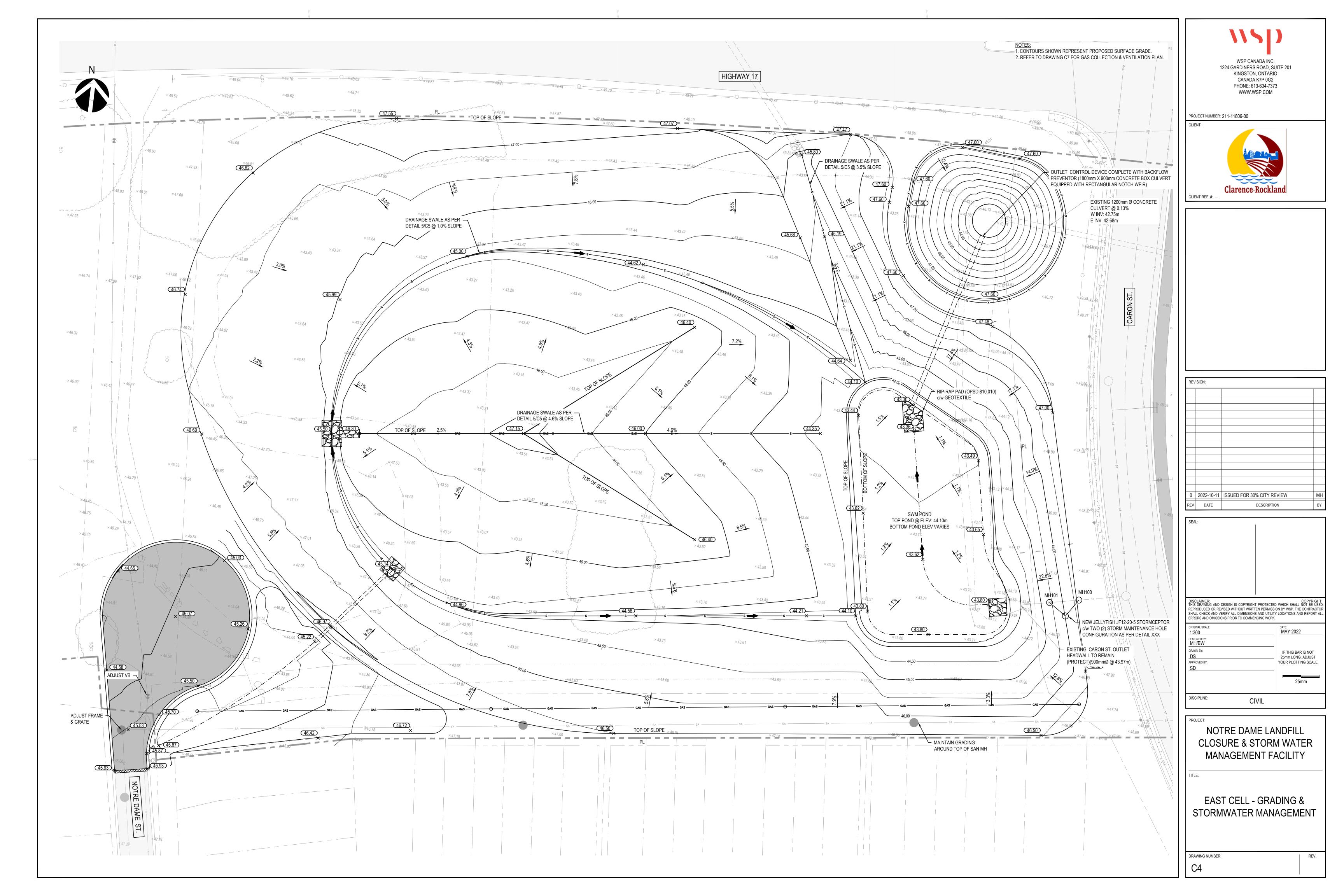
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- C3 REMOVALS PLAN
- C4 EAST CELL GRADING & STORMWATER MANAGEMENT PLAN
- C5 SECTIONS & DETAILS C6 EROSION & SEDIMENT CONTROL PLAN
- C7 GAS COLLECTION & VENTILATION PLAN L1 LANDSCAPING PLAN

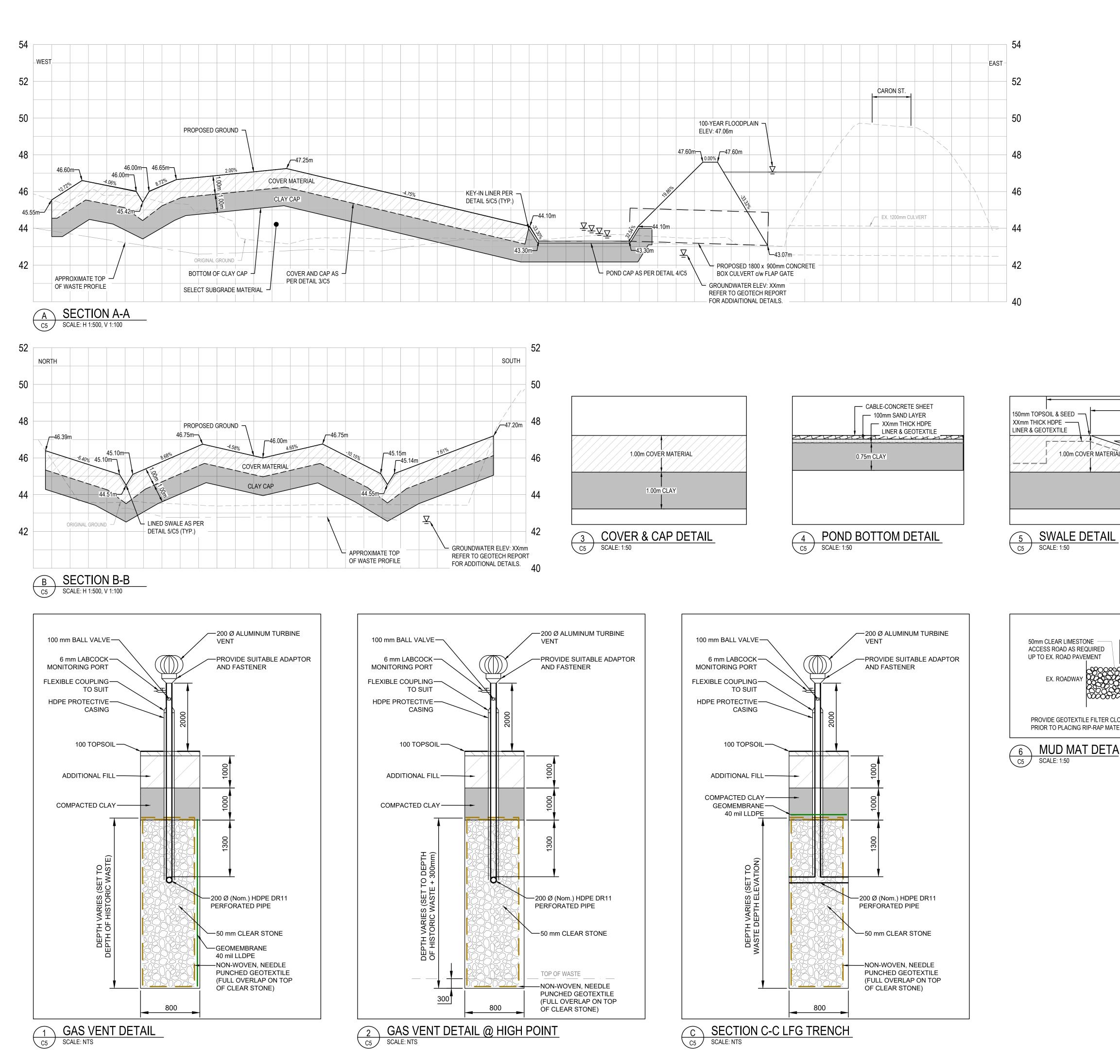
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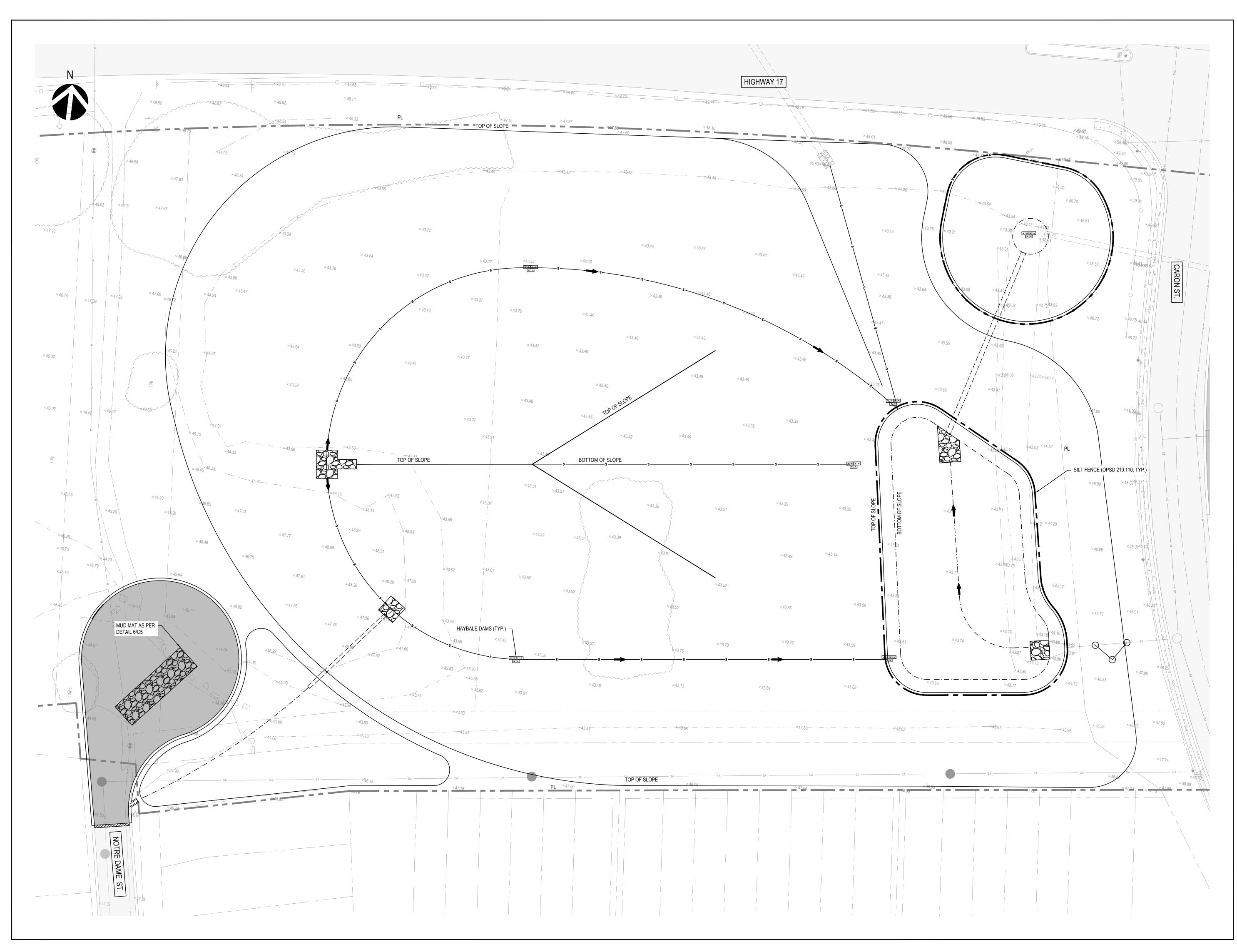
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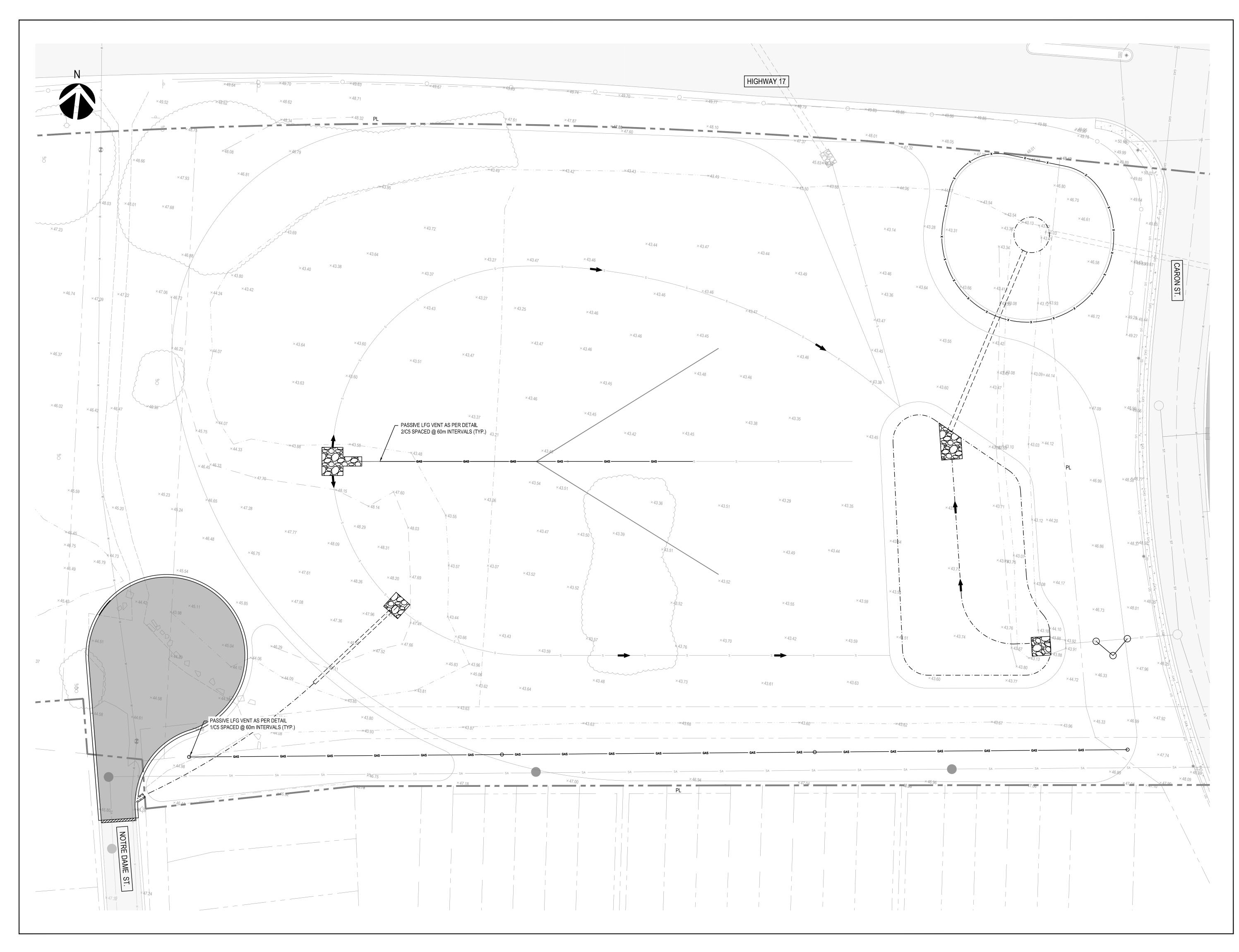
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	WSP CANADA INC. 1224 GARDINERS ROAD, SUITE 201 KINGSTON, ONTARIO CANADA K7P 0G2 PHONE: 613-634-7373 WWW.WSP.COM PROJECT NUMBER: 211-11806-00 CLIENT: CLIENT:
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