

RESPONSE MEMO

2285 BATTERSEA ROAD

1

April 24, 2020

Mr. James Bar

Senior Planner
City of Kingston Planning, Building and Licensing
1211 John Counter Boulevard, Kingston

Via email: jbar@cityofkingston.ca

**RE: Official Plan Amendment and Zoning By-law Amendment, D35-003-2019
2285 Battersea Road, Kingston – Unity Farm, Inn & Spa**

Dear Mr. Bar,

This Planning Memo is submitted in response to a request from City Planning Staff to provide further clarification regarding the Type A and Type B classification of uses on the subject property.

A discussion is provided in Section 3 of the Planning Report Addendum submitted January 28, 2020 which describes the proposed Agriculture-Related Uses and On-Farm Diversified Uses which form part of the proposed development. The following provides an additional discussion regarding Implementation Guidelines #33 and #34 of *Publication 853, The Minimum Distance Separation (MDS) Document: Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks* to accompany the application of *Publication 851, Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas* in interpreting the proposed on-site uses.

Implementation Guideline (IG) #33 of *Publication 853, The Minimum Distance Separation (MDS) Document: Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks* describes Type A Land Uses (Less Sensitive) and IG #34 describes Type B Land Uses (More Sensitive).

IG #33 states:

For the purposes of MDS I, proposed Type A land uses are characterized by a lower density of human occupancy, habitation or activity including, but not limited to:

- *industrial uses outside a settlement area;*
- *open space uses;*
- *building permit applications on existing lots outside a settlement area for dwellings, unless otherwise specified in a municipality's zoning by-law in accordance with Implementation Guideline #7;*
- *the creation of lots for agricultural uses, in accordance with Implementation Guideline #8; and*
- *the creation of one or more lots for development on land outside of a settlement area that would NOT result in four or more lots for development in immediate proximity to one another (e.g., sharing a common contiguous boundary, across the road from one another, etc.), regardless of whether any of the lots are vacant.*

The proposed cidery, winery, brewery and associated tied house, bed and breakfast, café, retail store, and farm-to-table restaurant uses are characterized by a lower density of human activity and are therefore, less sensitive uses. The proposed bed and breakfast is comprised of a total of seven (7) guest suites, which limits the overall occupancy of the use and results in a lower density of activity. The farm-to-table restaurant will have a total occupancy of 40 persons as noted in the submitted Hydrogeological Assessment. As such, the proposed restaurant will have a limited capacity and overall low density of use. The proposed café and small-scale retail store will have a limited seating capacity and will be utilized mainly by guests of the bed and breakfast or people visiting the site for the purpose of the small-scale retail store. The café and small-scale restaurant are defined by

a low density of use. The proposed cidery, winery, brewery and associated tied house will also have a limited seating capacity and will be used to produce goods that will be used on the subject site. These uses are limited in scale and will have a lower density of human activity similar in terms of the density of human activity to comparable uses at Eigensinn Farm in the Township of Grey Highlands, South Pond Farms in the City of Kawartha Lakes, or Saunders Farm in the City of Ottawa. As such, the proposed cidery, winery, brewery and associated tied house, bed and breakfast, café, retail store, and farm-to-table restaurant uses are less sensitive and characterized as Type A uses.

#IG 35 states that “*agriculture-related uses and on-farm diversified uses shall be considered as Type A land uses*”. As a result, *Publication 851, Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas*, was reviewed and assessed in the Planning Justification Addendum submitted on January 28, 2020 in order to evaluate the proposed agriculture-related uses and on-farm diversified uses. The proposed cidery, winery, brewery and associated tied house, bed and breakfast, café, retail store, and farm-to-table restaurant, were found to meet the criteria for less sensitive Type A uses.

IG #34 states:

For the purposes of MDS I, proposed Type B land uses are characterized by a higher density of human occupancy, habitation or activity including, but not limited to:

- *new or expanded settlement area boundaries;*
- *an official plan amendment to permit development, excluding industrial uses, on land outside a settlement area;*
- *a zoning by-law amendment to permit development, excluding industrial uses or dwellings, on land outside a settlement area; and*
- *the creation of one or more lots for development on land outside a settlement area, that results in four or more lots for development, which are in immediate proximity to one another (e.g., sharing a common contiguous boundary, across the road from one another, etc.), regardless of whether any of the lots are vacant.*

Because of the increased sensitivity of these uses, a new or expanding Type B land use will generate an MDS I setback that is twice the distance as the MDS I setback for a Type A land use. This is reflected in the value of Factor E which is 2.2 for Type B versus 1.1 for Type A.

The proposed 40 cabins, inn and spa and the event venue represent uses with a higher degree of human occupancy and activity on the subject site. The event venue will have a maximum occupancy of approximately 100 people, with additional spaces for food preparation, a bar, washrooms, and meeting rooms to support a diversity of large and small group functions. This use represents a higher density and therefore a more sensitive use from an MDS perspective. The 40 cabins on the subject property represent a higher degree of human occupation when compared to the proposed seven suite bed and breakfast, and as such are characterized as a more sensitive use. The proposed inn and spa consist of 20 guest suites, a café, treatment rooms, outdoor pools, quiet rooms and a yoga studio. The proposed inn will offer boutique accommodations and the proposed spa will provide a relaxing on-site atmosphere. Due to the number of suites and the proposed tranquil atmosphere of the spa, these uses are characterized as more sensitive and contribute to a higher density of human activity and occupancy. The event venue, 40 cabins, and the inn and spa represent a higher density of human activity and are therefore more sensitive uses in terms of MDS and are therefore characterized as Type B uses. These uses, except for the proposed event venue which requires a setback reduction to 220 metres, are located outside of the required MDS I Type B setback of 240 metres.

The further rationale and analysis for the proposed on-site uses provided in the Planning Justification Addendum submitted on January 28, 2020 remains unchanged.

We trust these responses address the concerns identified by City Planning Staff. If you have any questions or would like to discuss further, please feel free to contact us at 613.542.5454.

Respectfully,



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