

FOTENN

2285 Battersea Road Planning Rationale Report





Prepared for:

BPE Development
141 Hickson Avenue
Kingston, ON K7K 2N7

Prepared by:

FOTENN Planning
+ Design

Fotenn Planning + Design
The Woolen Mill
6 Cataraqui Street, Suite 108
Kingston, ON K7K 1Z7
T 613.541.5454
fotenn.com

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1.1 Executive Summary

BPE Development Inc. are pursuing applications for official plan amendment and zoning by-law amendment to adaptively re-use and redevelop the farmhouse and lands located at 2285 Battersea Road in the City of Kingston. The site consists of three parcels of land with a total area of approximately 13.7 hectares. The intent of the proposed redevelopment is to develop a 27-suite boutique inn, spa, restaurant, corporate event venue, and 40 “tiny living” rental cabins. The site will include farmland, vineyards, gardens, and accessory buildings, one of which will include a fruit and vegetable stand, a craft winery and craft brewery. The proposed development has been branded as the “Unity Farm, Inn and Spa”. Throughout this report, the brand identity is used when referencing the project as a whole and specific proposed uses are referenced where appropriate.

The subject site is designated Rural Lands on Schedule 3B of the City of Kingston Official Plan. Most of the site is zoned General Agricultural (A2) Zone and a small portion in the northernmost extent of the site is zoned Restricted Agricultural (A1) Zone in the Township of Kingston Zoning By-law 76-26. Applications for official plan amendment and zoning by-law amendment are required to permit the redevelopment of the site as the Unity Farm, Inn and Spa. An application for site plan control will be required following the official plan and zoning by-law amendments. An application for consent has recently been submitted to relocate the existing lot line separating the two south parcels on the subject lands. This application is anticipated to proceed independently of the proposed official plan and zoning by-law amendments.

Technical studies undertaken as a result of the proposed development include a Stage 1 & 2 Archaeological Assessment, an Environmental Impact Statement, a Heritage Impact Statement, a Hydrogeological Study, a Noise Impact Feasibility Report, a Stormwater Management Report, a Traffic Impact Study, a Tree Inventory, and a Minimum Distance Separation Study. These studies describe the technical requirements for the redevelopment of the site as well as any mitigation measures necessary to address potential adverse effects.

The proposed development will be built out in three phases. The main building including the inn/spa/restaurant, the corporate event venue, some accessory buildings, three cabins, and the infrastructure will be developed in the first phase. The second phase will include 15 cabins and the third phase will include 25 cabins and an agricultural storage building in the northwest corner of the site. The site will be zoned accordingly, with later phases being subject to a holding provision. The phasing of the project is intended to allow the inn, spa, and restaurant to begin operation as soon as possible while allowing the cabins to be phased in over time. The third phase will also be subject to a holding provision which will require further hydrogeological assessment.

This Planning Rationale Report reviews the proposed development against the Provincial Policy Statement, the Official Plan, and the surrounding context. It is our opinion that the proposed development is consistent with the land use policies and strategic direction for the subject lands and that it represents an appropriate form of development outside the City’s urban boundary. It is our opinion that this proposal is appropriate and represents good planning.

1.2 Introduction

Fotenn Consultants Inc. has been retained by BPE Development Inc. to prepare this planning rationale in support of applications for official plan amendment and zoning by-law amendment for the property municipally known as 2285 Battersea Road in the City of Kingston. These applications are required to permit the development of a boutique inn, spa, restaurant, corporate event venue, and rental cabins.

A pre-application meeting was held on Friday March 9, 2018, which identified the application requirements. Accordingly, the following are submitted in support of the application:

- / Application fees;
- / Completed application form(s) submitted through DASH;
- / Stage 1 & 2 Archaeological Assessment, prepared by Abacus Archaeological Services;
- / Environmental Impact Statement, prepared by Ecological Services;

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- / Heritage Impact Statement, prepared by Bray Heritage;
 - / Hydrogeological Study, prepared by ASC Environmental;
 - / Noise Impact Feasibility Report, prepared by J.E. Coulter Associates Ltd.;
 - / Stormwater Management Report, prepared by Greer Galloway Group Inc.;
 - / Traffic Impact Study, prepared by GHD;
 - / Tree Inventory, prepared by Greer Galloway Group Inc.;
 - / Tree Preservation Study, prepared by Eco Tree Care;
 - / Minimum Distance Separation Study, prepared by Fotenn Consultants Inc.;
 - / This Planning Rationale, prepared by Fotenn Consultants Inc.

The purpose of this report is to review and assess the appropriateness of the development proposal in the context of the applicable provincial and municipal land use planning policies, as well as the neighbourhood context.

1.3 Development Applications

The subject site is located in Kingston's rural area, approximately five kilometers north of Highway 401 and approximately two kilometres east of Glenburnie. The subject lands consist of three parcels with a total area of approximately 13.7 hectares. The subject site is designated Rural Lands on Schedule 3-B of the City of Kingston Official Plan. Most of the site is zoned General Agricultural (A2) Zone, however the northernmost corner of the site is zoned Restricted Agricultural (A1) Zone in the Kingston Township restricted area Zoning By-law 76-26.

The Rural Lands designation permits a broad range of rural uses, including limited small-scale commercial development. Commercial uses that are large in scale, or principally commercial, are required to be placed in a Rural Commercial designation. The Official Plan establishes a series of policy tests for new Rural Commercial designations, which include the requirement for an official plan amendment. An official plan amendment is therefore required to designate the subject site as Rural Commercial on Schedule 3-B of the Official Plan. A zoning by-law amendment is also required to implement the official plan amendment by rezoning the subject site to a site-specific Special Highway Commercial (C3-X) Zone to permit the proposed land uses and describe appropriate performance standards.

A future application for Site Plan Control will be required.

2.0

SURROUNDING AREA AND SITE CONTEXT

The subject site is located on the north-western corner of the intersection of Battersea Road and Unity Road, approximately five kilometres north of Highway 401 and two kilometres east of Glenburnie. The rural site consists of three lots, with a combined area of approximately 13.7 hectares, approximately 295 metres of frontage on Battersea Road, and approximately 115 metres of frontage on Unity Road.

Currently, the subject site contains a one-and-a-half storey single-detached limestone dwelling and two wood-frame construction accessory buildings. The first accessory building was historically used as a stable but has been converted for use as a machine shed, no longer capable of housing any livestock. The second accessory building is a former barn, now used for storage purposes. It should be noted that the barn does not have the capacity to house any livestock, being absent of any pens or stalls which could contain animals. The remainder of the site consists of ploughed fields and a wooded area located in the northern portion of the site.

An existing easement permits a hydro-line to cross over the site, extending from the northeastern corner of the subject site towards the southwestern corner. There are no buildings located within the hydro easement.

The site is accessible via a driveway along Battersea Road, located approximately 115 metres north of the intersection of Battersea Road and Unity Road. Two field access gates are located approximately 45 metres and 140 metres north of the driveway, respectively, along Battersea Road. The northernmost parcel of land on the subject site has no road frontage and access is by way of a right-of-way across the hydro corridor and the property municipally known as 2359 Battersea Road.

The surrounding area contains a mix of agricultural, rural residential, and institutional uses. The lands to the north are predominantly agricultural. Rural residential and agricultural uses are located to the east of the site. Glenburnie Public School is located to the southeast of the site. The Church of Jesus Christ of Latter-day Saints to the south of the site, across Unity Road. A horse farm is located on the property abutting the subject site to the west.

Approximately 385 metres to the west of the subject site there are two Class-B Licensed Pits, approximately 25.7 hectares and 8.54 hectares in area respectively, owned by McKendry, Wm. J. and Sons Limited. While both pits are licensed by the Ministry of Natural Resources, only the larger pit is operational based on the current zoning.

The following land uses are located in proximity to the subject site:

North: Agriculture

East: Residential / Agricultural

South: Institutional

West: Agricultural

To the north and west of the subject site are agricultural lands. To the east, on the west side of Battersea Road are a number of residential lots. On the east side of Battersea Road are existing residential lots, conditionally-approved severance lots, and agricultural land. To the south is the Church of Jesus Christ of Latter Day Saints, and to the southeast of the site is Glenburnie Public School.



Figure 1: Site context (source: Kingston K-Maps).

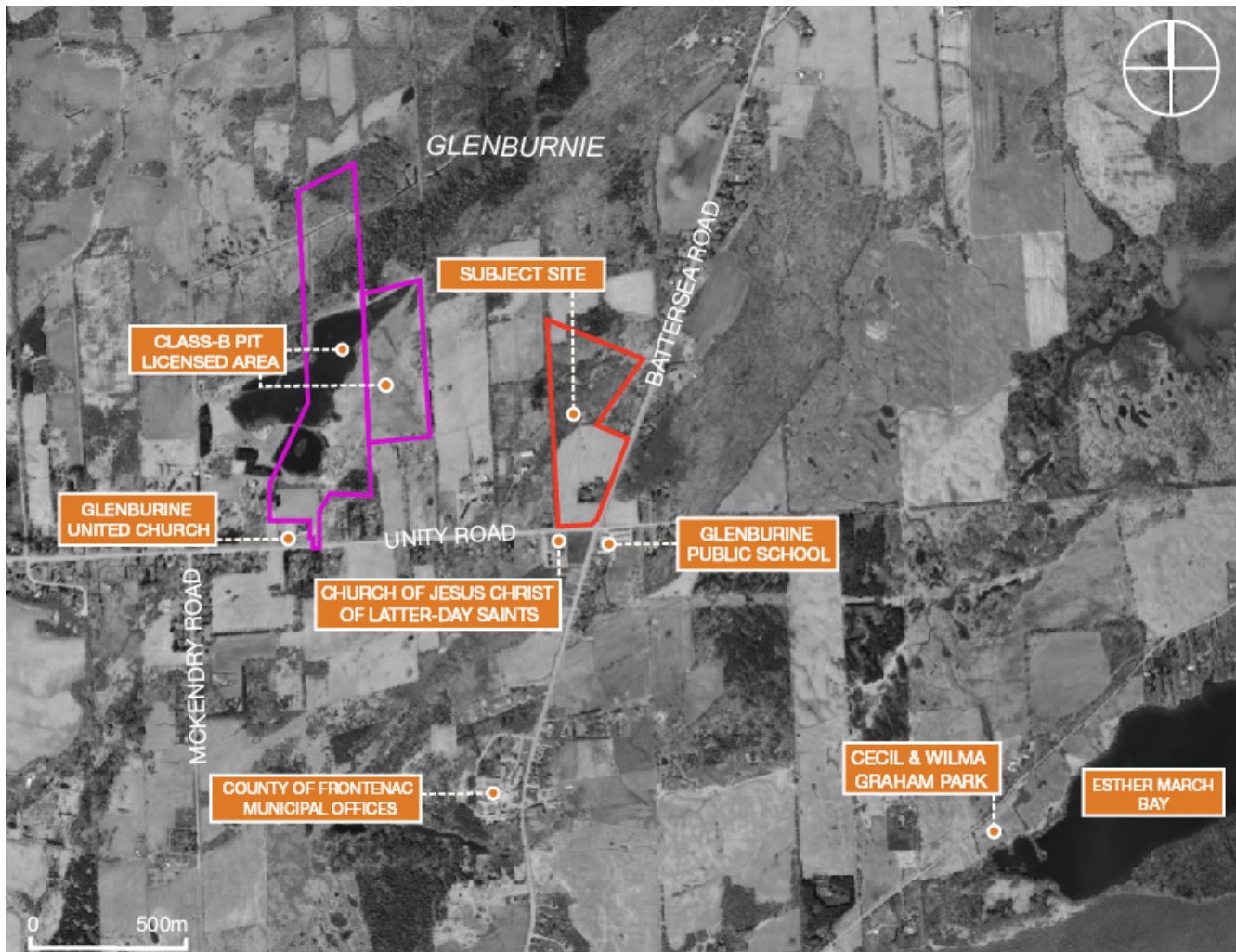


Figure 2: Site context and surrounding area (source: Kingston K-maps).

2.1 Development Proposal

BPE Development is seeking to develop a boutique inn, spa, and restaurant which will adaptively reuse the heritage farmhouse and will include 27 suites, 40 cabins, a tranquility spa, a craft winery and brewery, a small gift shop, and a corporate event venue. Flowers and vegetables grown on-site will be sold to through the on-site produce retail outlet and will also be distributed to local stores and restaurants. The inn will provide boutique accommodations which emphasize the rural environment, history, and character of the surrounding area. It is intended that the design of the development will complement the rural heritage features of the farmhouse and rural setting, creating a relaxing rural getaway experience for guests of the inn, spa, restaurant, corporate event venue, and cabins.

The applicant is seeking to construct a three-storey, L-shaped addition onto the limestone farmhouse which will include an inn with 23 suites, tranquility spa, restaurant, a rooftop patio, facilities for staff, a kitchen, and laundry facilities. The addition will be built onto the north wall of the farmhouse, extending west and south, establishing a courtyard. The existing machine shed has been relocated to the northwest of the main dwelling and will continue to provide storage for machinery and equipment to support the principal uses of the site. The existing barn will be de-constructed and a new purpose-built corporate event venue, which will include four suites, will be built to echo

the appearance of the old wooden barn, generally at the same location but with a slightly larger footprint. A new building will be constructed at the northeast corner of the site, near Battersea Road, using as much reclaimed material from the deconstructed barn as possible. This building will contain the craft winery/brewery and will include a fruit and vegetable stand to sell local produce, including what is grown on-site. An agricultural building is planned for the northwest corner of the site, on the vacant northernmost parcel, in an existing clearing. The agricultural building will serve a variety of purposes, including housing an apiary, facilities for the production of maple syrup, and equipment storage. A total of 40 “tiny living” cabins are proposed throughout the site as well.

Boutique Inn

The proposed boutique inn will share the existing limestone house and the purpose-built addition with the spa and restaurant. The heritage character of the farmhouse will be maintained through exposed limestone and farmhouse features throughout the inn. The inn will contain 23 suites on the second and third floors. The entrance to the inn will be located along the east-facing wall. Guests will have access to an outdoor patio along the northern wall of the addition. This will provide guests with a common outdoor area where they may relax, drink, and eat outdoors. A flower and vegetable garden will be planted north of the proposed outdoor patio.



Figure 1: Proposed Addition and Façade Design (source: Shoalts and Zaback Architects)

Tranquility Spa

The L-shaped addition to the limestone farmhouse is intended to establish a courtyard area for the spa that will include seating areas, outdoor hot tubs, cold pools, and wet and dry saunas. Other spa services will include a quiet room, yoga studio, massage therapy, and spa treatments. The spa is intended as a tranquil weekend or afternoon escape for couples, friends, or even as a corporate retreat.

The portions of the courtyard not enclosed by the building will be fenced for privacy. The pools will be filled using water from off-site, brought in specifically for the purpose of the filling the pools. As such, the pools will not have an impact on the water supply demand placed on the well.



Figure 3: Aerial view (source: Shoalts and Zaback Architects)

Restaurant

The restaurant offers elevated comfort food for guests of the inn and the public. The venue will be a farm-to-table style restaurant, preparing food grown on-site and sourced through partnerships with local farmers and vendors. The restaurant will include outdoor and rooftop patios, complementing the inn and corporate event venue. Indoor dining areas will be located within the addition to the existing farmhouse.

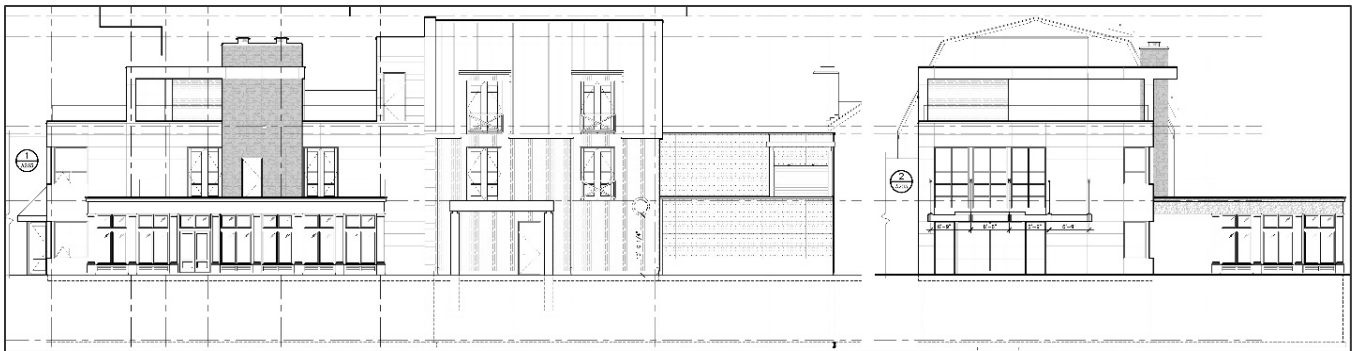


Figure 4: North and East Elevations, North Wing (source: Shoalts and Zaback Architects)

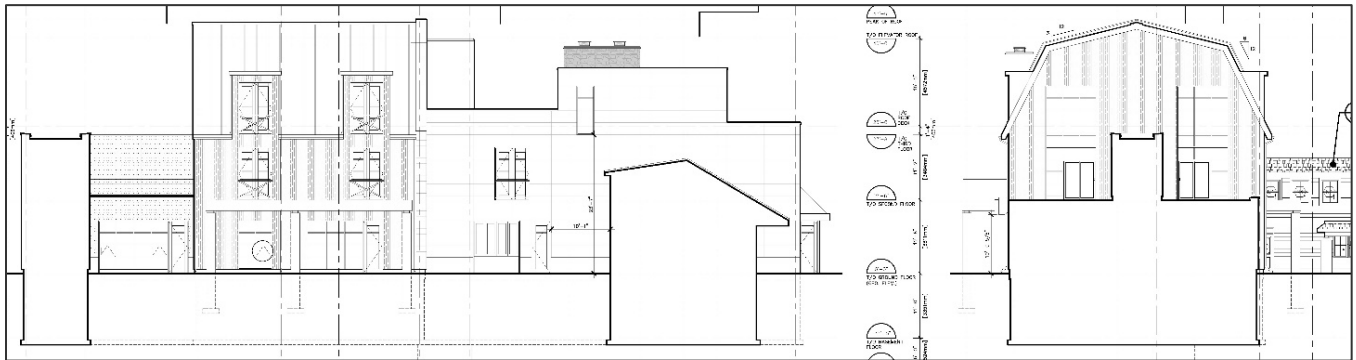


Figure 5: South and West Elevations, North Wing (source: Shoalts and Zaback Architects)

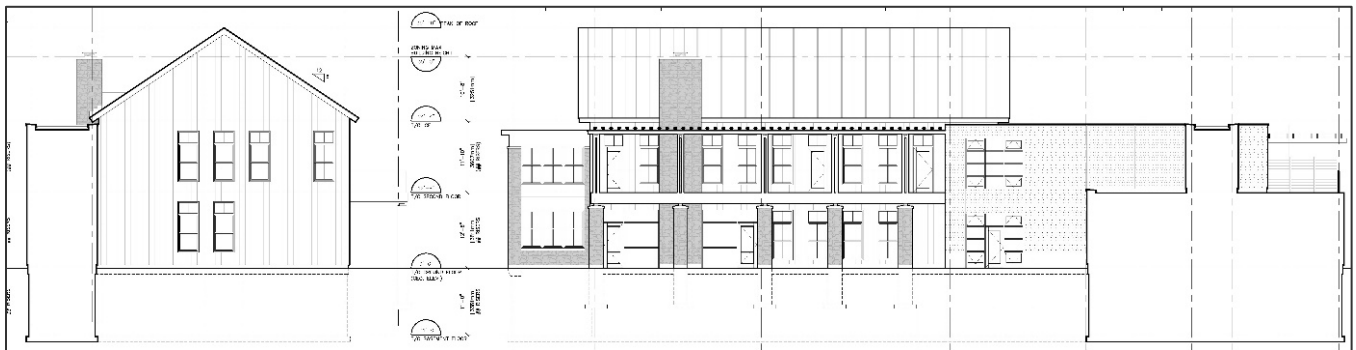


Figure 6: North and East Elevations, South Wing (source: Shoalts and Zaback Architects)

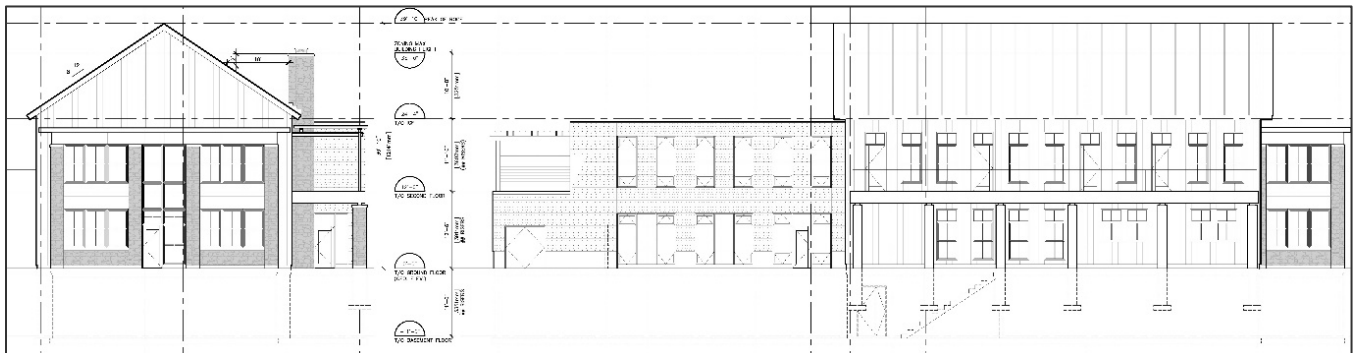


Figure 7: South and West Elevations, South Wing (source: Shoalts and Zaback Architects)

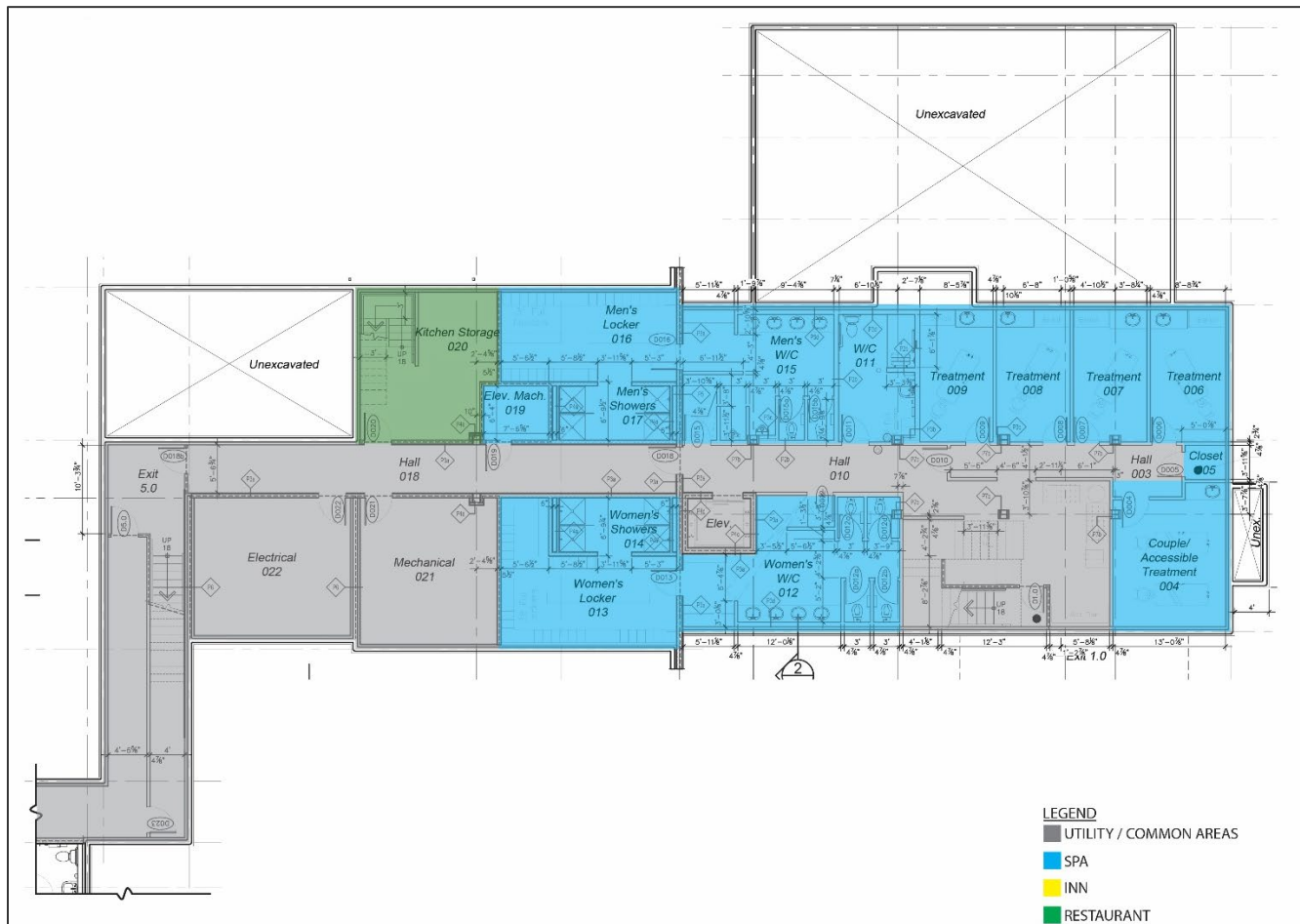


Figure 8: Floor Plans (source: Shoalts and Zaback Architects)

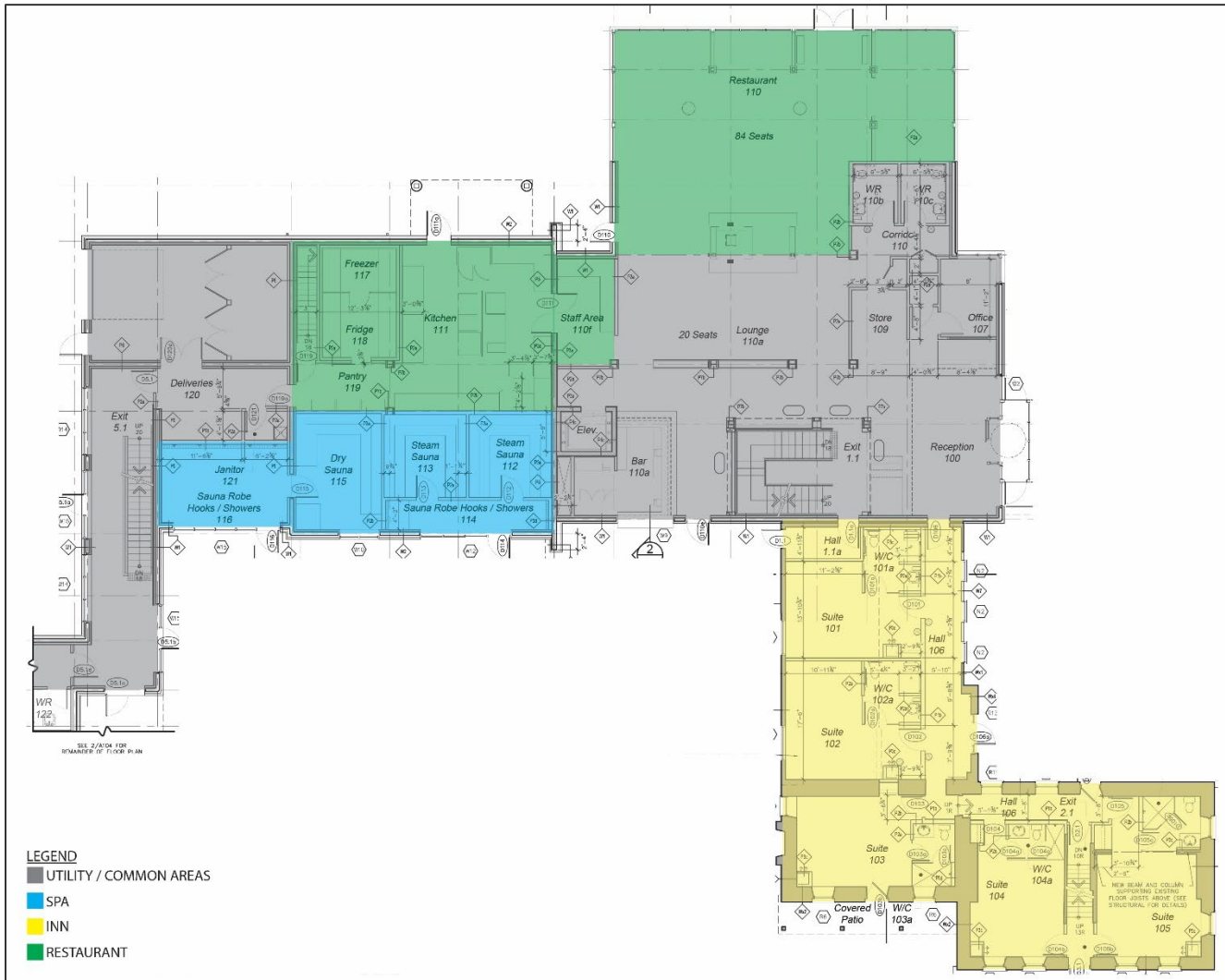


Figure 9: Floor Plans (source: Shoalts and Zaback Architects)

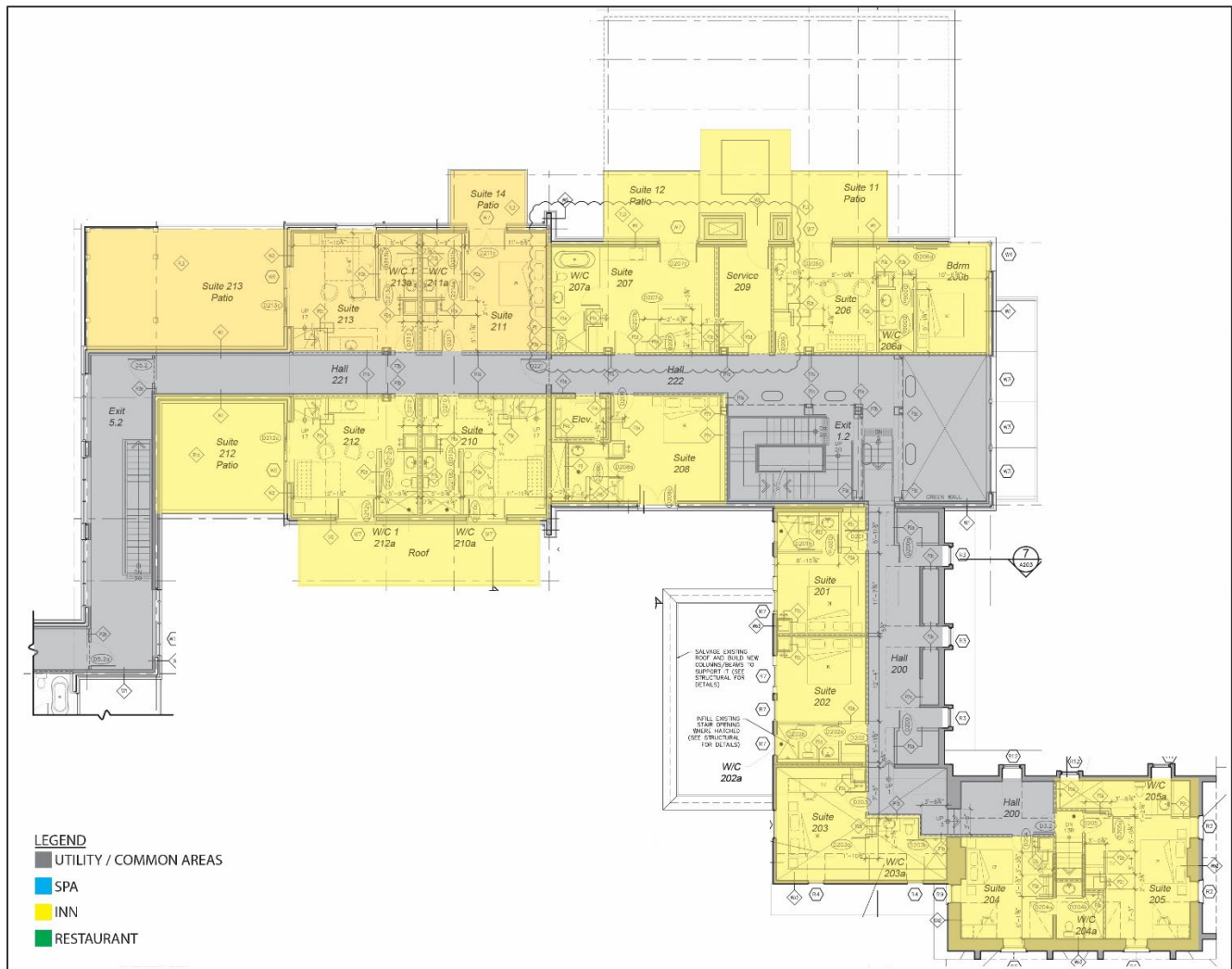


Figure 10: Floor Plans (source: Shoalts and Zaback Architects)



Figure 11: Rendering of outdoor dining area (source: Shoalts and Zaback Architects)

Corporate Event Venue

The corporate event venue will be located in a new building, designed to resemble a traditional barn. The venue space will contain 4 suites, including amenities for a corporate events, conference rooms and meeting spaces. The event space will be versatile and able to accommodate both large and small corporate groups. Guests will have access to banquet and board rooms for diverse and creative work settings. The vision for the venue is to pursue partnerships with local businesses, enabling guests to take part in a variety of activities around the City, including mountain biking, cross-country skiing, and city and boat tours, contributing to the local tourism sector.

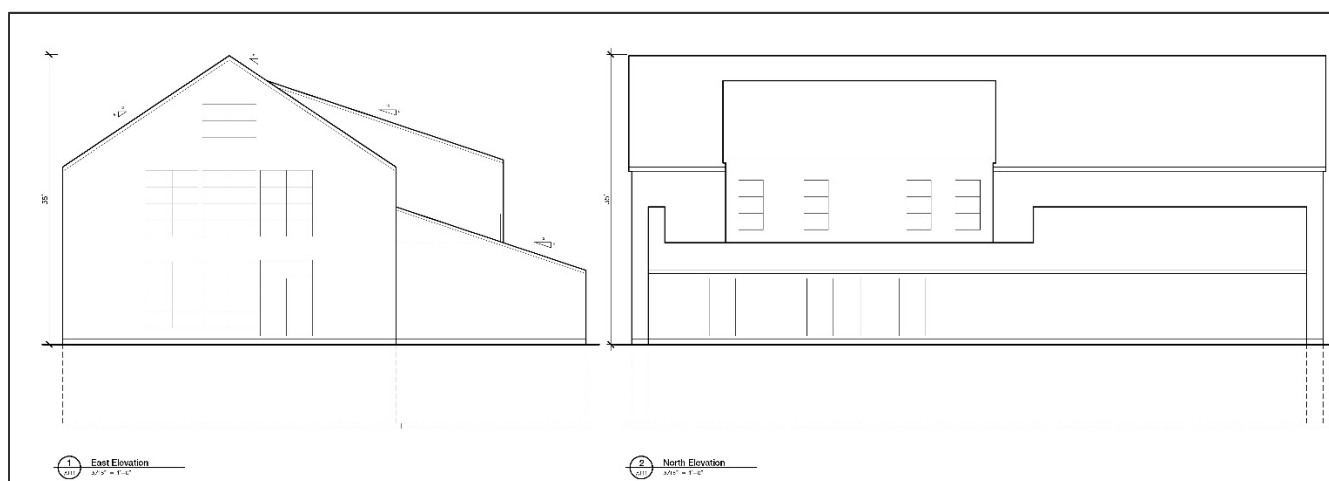


Figure 12: Corporate Event Venue East and North Elevations (source: Shoalts & Zaback Architects)

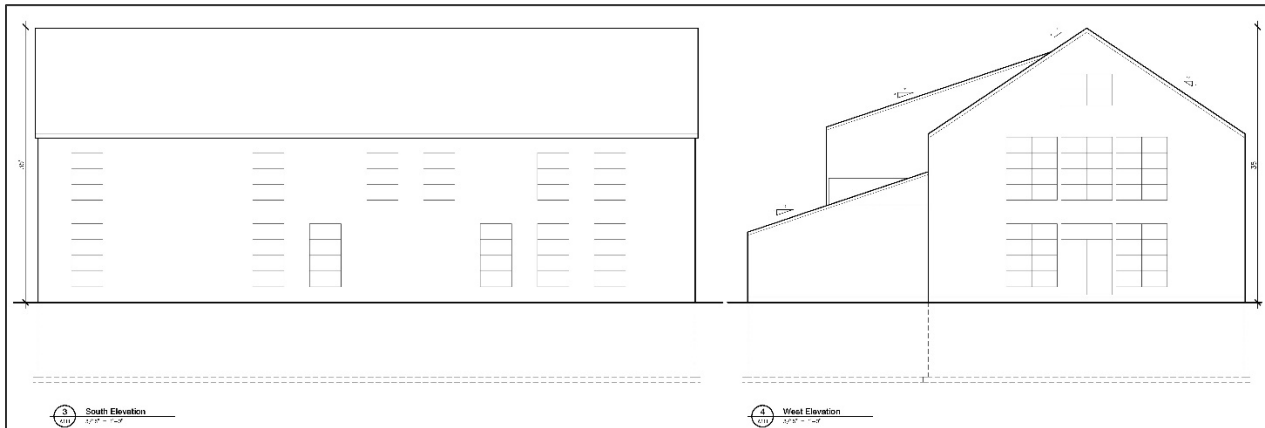


Figure 13: Corporate Event Venue South and West Elevations (source: Shoalts & Zaback Architects)

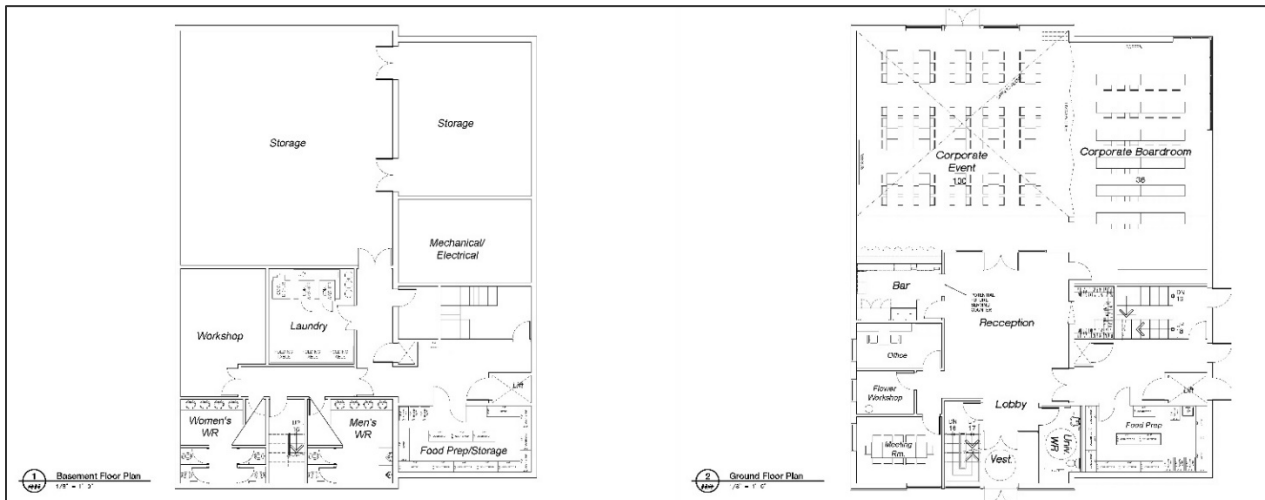


Figure 14: Corporate Event Venue Floor Plans, Basement and Ground Floor (source: Shoalts & Zaback Architects)

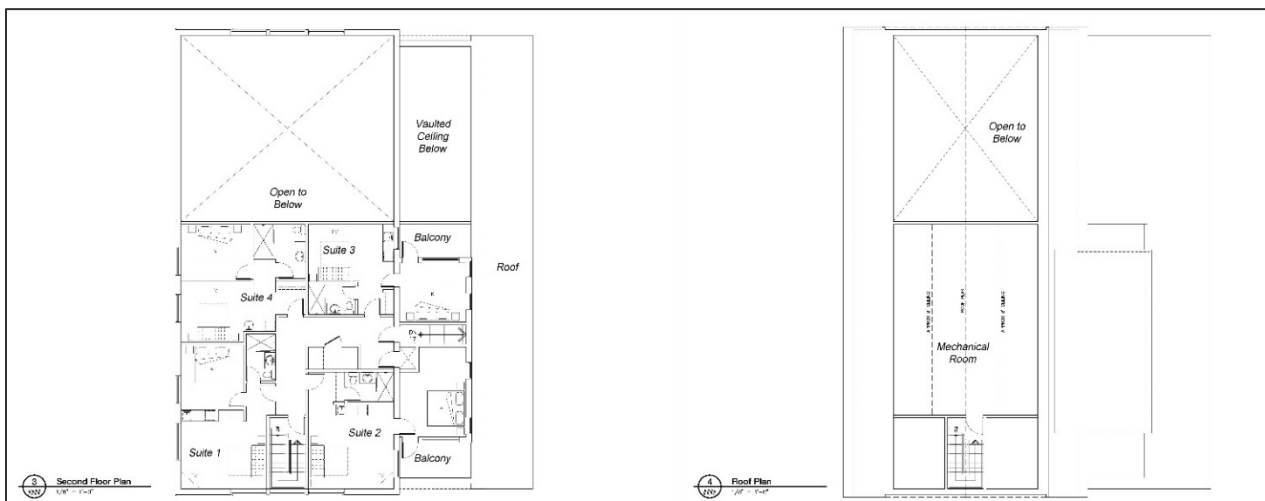


Figure 15: Corporate Event Venue Floor Plans, Second Floor and Roof (source: Shoalts & Zaback Architects).

“Tiny Living” Cabins

The 40 proposed cabins will allow guests to experience privacy and peace in a secluded space. Each cabin will be able to accommodate up to 2 people. The cabins will enable guests to enjoy glamping, with access to the spa and its amenities. Each cabin is designed to emphasize the “tiny living” concept, featuring a king size bed, a bathroom, and small kitchenette, throughout the woods and farmland.

The cabins will enable guests to relax in a rural setting, providing an alternative to the guest rooms at the inn. The cabins will largely be built along the western side of the subject site, extending northward. The cabins will be sufficiently separated from one another to provide mutual privacy. The cabins will be connected to the inn and spa by way of private laneways with a minimum width of six metres to allow emergency vehicle access. Movement throughout the site will be facilitated by a shuttle or self-driving electric golf-carts with solar charging stations, maintained and operated by the inn and spa. The shuttle or carts will ferry guests to and from the cabins, as private vehicles will not be permitted throughout the site. Guests will not be permitted to drive to, and park at, their assigned cabins. Enforcement will include the posting of signs and use of gates to allow only staff, emergency vehicles and shuttles or self-driving golf carts to travel throughout the laneways. The laneways and cabins will be setback from the edges of the small wetland area by a minimum of 7.5 metres.



Figure 16: Example of the type of rental cabin envisioned for the site (source: Unity Farm, Inn and Spa)



Figure 17: Example of the type of automated shuttle proposed (source: Unity Farm, Inn and Spa)

Gardens, Vineyards, and Craft Winery/Brewery

The applicants intend to establish a craft winery/brewery on the site. The gardens will be used to grow vegetables for the restaurant and hops for the craft brewery. A small vineyard will be established on the farmland immediately surrounding the inn, spa, and restaurant building. The grapes cultivated on-site and may be blended with imported grape juices to create a local and custom blend in the craft winery. An irrigation system will be installed to maintain the agricultural land, utilizing water collected in the storm ponds and in large cisterns.

Machine Shed

The machine shed, located north-west of the farmhouse, has been moved north-west from its previous location. It will function primarily as storage for equipment necessary for the operation of the site but will also house the site's water holding tanks. The holding tanks will draw water from wells, accessing an underground aquifer located approximately 90-92 metres below grade. By design, the holding tanks will have sufficient capacity to meet the projected peak demand requirements of the site on a daily basis. During the periods of lowest water demand, typically overnight, the holding tanks will automatically replenish themselves from the wells. Well water collected into the storage tanks will only be used for showers, sinks and in the restaurant.

Parking

The majority of parking for the site will be provided along the eastern edge of the property, northeast of the inn and spa building. Access to the parking area will be by way of the existing driveway, as well as two new fire access routes. A landscaped buffer will be provided between the parking area and Battersea road to the east, as well as between the parking area and the existing rural residential dwelling to the north.

Sustainability

A core principle of the proposed Unity Farm, Inn and Spa is sustainable development. The buildings and farm have been designed with this principle in mind, striving to achieve a high degree of self-sustainability. In order to minimize adverse environmental impacts on the site, a 7.5 metre setback around the small wetland area on the site will be maintained as a 'no-cut zone'. Tree removal will be undertaken during the fall and winter periods to

preclude any adverse impacts to nesting birds in accordance with the recommendation from the Ecological Impact Study. The removal of any woody vegetation will occur between April 15 and July 31 in order to comply with the requirements of the Migratory Birds Convention Act. Vehicular movement throughout the site will be facilitated by a shuttle or self-driving electric golf-carts with solar charging stations.

Unity Farm, Inn and Spa will utilize a Norweco Modulair extended aeration system, used for treating sewage and wastewater (a.k.a. greywater). The wastewater system will produce potable water for laundry, flushing toilets, as well as to replenish the irrigation cisterns and ponds. Processed wastewater will be chlorinated to meet municipal drinking standards, as well as stringent environmental standards that govern wastewater discharge. As a result of the treatment system, no septic beds are required, reducing the environmental footprint of the proposed development. The treatment system will be remotely monitored at all times to ensure that all Ministry guidelines and treatment standards continue to be met in the future.

The site will feature two stormwater and irrigation ponds, which will collect both rainwater and potable water from the water treatment facility. In addition to these ponds, large cisterns located in each building will collect rainwater and hold excess potable water produced by the water treatment facility. These ponds and cisterns will serve as the water source for all agricultural and gardening activities, meaning that there will not be a need to use well water for irrigation purposes. Municipal water will be trucked in to fill hot tubs and pools in the spa, which will therefore also not draw on well water.

The wells will provide drinking water for the site and will be completely distinct from the wastewater treatment system. Well water will be used exclusively for tap water, showers, and the restaurant. The well water will utilize a separate system from the water recycling and irrigation system, meaning that it will not be possible to combine the two systems to draw from the wells for irrigation, laundry or toilets.

Heating and cooling of all buildings and the spa will be through solar and geothermal sources. Geothermal is a well-established method for heating and cooling which utilizes the subsurface heat to regulate temperatures in a centralized closed-loop system. This method allows for both heating and cooling to occur simultaneously. A rooftop solar heating system will supplement the geothermal system to assist in heating the spa tubs and saunas.

A large portion of the site will be used for agricultural purposes, growing vines, flowers and vegetables. Hops will also be planted, which can be utilized in a variety of wellness products, foods and beverages. Crops grown on-site will be used in the restaurant and business, with any surplus being made available for purchase in the community by the public.

Phasing of Development

The proposed development will be built-out in three phases. The site will be zoned accordingly, with the third phase subject to a holding provision, as per Section 9.5.21 of the Official Plan. The proposed phasing is intended to allow the inn, spa, and restaurant to begin operation as soon as possible while delaying portions of the development until the business becomes established and additional hydrogeological study is completed.

Phase 1

The first phase will consist of two parts. Phase 1A is intended to be constructed as soon as possible, followed closely by Phase 1B.

Phase 1A will include the main inn building with 23 suites, the tranquility spa, restaurant, agricultural land, and infrastructure. Infrastructure will include the access road leading to the future cabins as well as the water and wastewater treatment and recycling systems and the geothermal and solar heating systems.

Phase 1B will include the construction of 3 cabins and the corporate event venue. The small number of cabins in Phase 1B is intended to assess the market demand for this form of accommodation. Given the unique nature of

the proposed business in the area, the cabin accommodations will be phased in as market demand grows over time.

Phase 2

Phase 2 will consist of 15 cabins. The timing for Phase 2 will depend on the uptake of Phase 1B and market demand. The hydrogeological study concluded that there is sufficient well water capacity to support Phase 2 of the development.

Phase 3

Phase 3 will include the remaining 25 cabins and an agricultural storage building. Prior to the construction of Phase 3, additional hydrogeological work will be required prior to the development of the cabins. Once Phases 1 and 2 are built out, the intent is to analyze the actual water usage data and conduct additional studies to allow the advancement of Phase 3.



Figure 18: Proposed Concept Plan (source: Shoalts and Zaback Architects Ltd.).

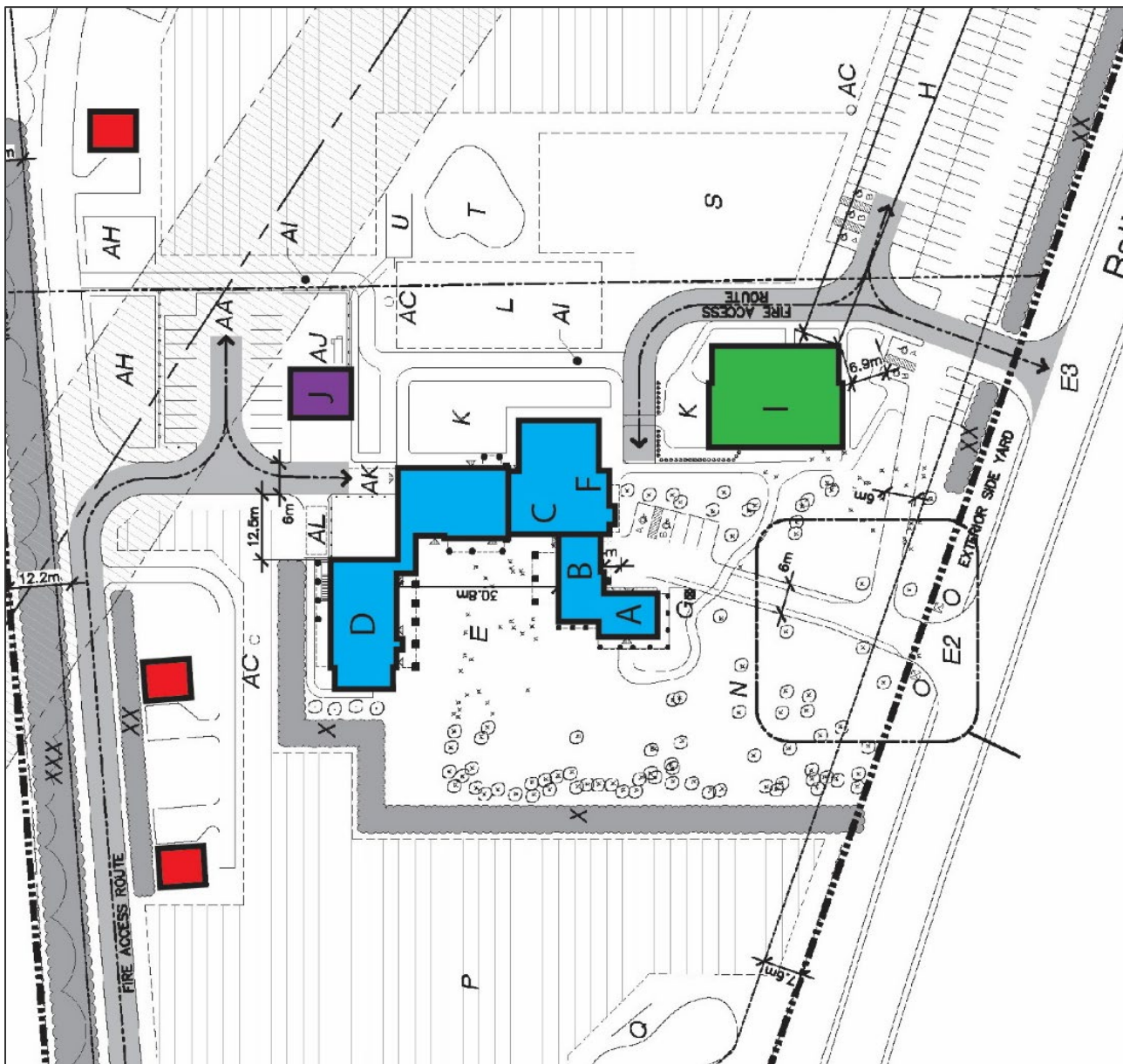


Figure 19: Concept plan close-up showing boutique inn, spa, 3 cabins, corporate event venue, and immediate vicinity (source: Shoalts and Zaback Architects Ltd.).

3.1 Minimum Distance Separation Study

A Minimum Distance Separation (MDS) Study was completed by Fotenn Consultants Inc. The review applies the March 2017 MDS formulae and guidelines as detailed in Publication 853 issued by the Ministry of Agriculture, Food and Rural Affairs (OMAFRA). Publication 853 includes the MDS formulae which are applied using the AgriSuite software provided by OMAFRA to determine required MDS setbacks. Publication 853 provides two categories for MDS formulae: MDS I and MDS II. MDS I formula are used to determine the setbacks between proposed new development and existing livestock facilities. MDS II formula are used to determine setbacks between new, enlarged or renovated livestock facilities and existing or approved development. The proposal seeks to permit new development in proximity to existing livestock facilities and is therefore subject to MDS I formula and guidelines.

Thirteen barns were identified within 1,500 metres of the subject property, however only Barns #1 and #2 were determined to be subject to the MDS guidelines. Barn #1 was calculated to require a separation distance of 240 metres, however the subject property is located approximately 82 metres from the barn. Barn #2 was calculated to require a separation distance of 216 metres and the subject property is located approximately 410 metres from the barn. Given the results of the analysis, it was determined that the subject property falls within the calculated MDS distance of Barn #1. As such, an amendment to the minimum distance separation is being sought.

3.2 Heritage Impact Statement

The Heritage Impact Statement was conducted by Bray Heritage. It as determined that the proposed development is considerate of the existing heritage features. There will be no loss of significant cultural heritage resources resulting from the construction of the proposed development. In order to ensure that heritage resources are protection, it is recommended that:

1. Consideration be given at the Site Plan stage to refinements of the conceptual design to ensure that it is compatible with the architectural style, massing and materials of the existing farmhouse;
2. Care should be taken during construction to ensure the protection of the heritage attributes of the buildings and landscapes;
3. An addendum to the Heritage Impact Statement be prepared in response to such changes and to the results of the Archaeological Assessment; and,
4. That, once planning approvals have been granted by the City, the property be Designated under Section 29, Part IV of the *Ontario Heritage Act*.

3.3 Noise Impact Feasibility Report

A Noise Impact Feasibility Report was conducted by J.E. Coulter Associated Limited. The purpose of the report is to outline the feasibility of the proposed use in terms of satisfying the Ministry of the Environment, Conservation and Parks (MECP) noise criteria and the City of Kingston Noise Bylaw (2004-52).

The MECP publishes NPC-300 (Environmental Noise Guideline) for consideration of implementation by local municipalities. The site area is classified as Class 2 and Class 3 for the purposes of noise analysis. The Municipal Noise Model By-Law also recommends that restricted time is between 11:00 p.m. through to 7:00 a.m.

The report determined that the two venue buildings and outdoor venue area require additional noise control measures to ensure compliance with the MECP's NPC-300 noise guideline. In order to meet MECP's NPC-300 noise criteria and the City of Kingston Noise Bylaw (2004-53), the following measures are recommended:

- 1) The exterior building facade (walls and ceiling) of both venue buildings are to be constructed with an assembly rated at a minimum Sound Transmission Class (STC) of 45 in the areas where music is to be played. This is applicable to both the walls and roofing. Once detailed architectural drawings are available, a final review of the exterior wall and roofing can be completed to ensure the MECP's noise criteria are met.
- 2) Exterior windows are to be rated at STC 36 (6mm commercial double glazing).

- 3) The sound system is to be placed on a sound limiter system so that the set maximum level cannot be exceeded. A house sound system will help reduce the potential issue compared with outside groups bringing their own equipment. Access to the sound limiter device should only be available to upper management. An in-house loudspeaker system can be set up to accommodate this. If groups bring in their own sound system, management will need to ensure they cannot exceed the sound output limit.
- 4) The buildings are to be air conditioned or otherwise ventilated so that doors and/or windows can remain closed. Open doors and windows will generate noise impacts, especially when music is played into the latter part of the evening and night.
- 5) Where possible, entrance and exit doors should be placed so that they are not directed toward the off-site housing. This will help to limit sound from transmitting directly to them. Local screens (i.e., fencing and/or landscaping) close to the doors can be considered to help reduce any potential noise issues.
- 6) It is recommended that a final review at Site Plan be undertaken to ensure the detailed architectural and mechanical plans (windows, walls, doors and roofing), ventilation systems and site layout meet the requirements of MECP and the City of Kingston Noise Bylaw.

3.4 Traffic Impact Study

The Traffic Impact Study was completed by GHD. The study was based on typical anticipated check-in and check-out times and a normal distribution of trips. It is anticipated that the 27-suite inn and the 40 cabins will generate the majority of the trips to and from the site. In general, spa clients are expected to arrive throughout the day with the peak time being between 11:00 a.m. and 2:00 p.m. Restaurant clientele is primarily anticipated to be generated by guests of the inn and spa, with negligible walk-up clients. The inn and spa are not expected to add any additional trips during the a.m. peak hour and 92 trips during the p.m. peak hour. These additional trips will result in approximately 50% capacity utilization of Battersea Road and will not require controls or roadway geometry. The available capacity of Battersea Road is sufficient to accommodate the proposed development. Overall, the findings of the traffic impact study found that while the proposed development will generate an increased number of vehicular trips throughout the day, it will have negligible impact on the overall road capacity. No roadway modifications are required to accommodate the traffic generated by the proposed development.

3.5 Environmental Impact Statement

The Environmental Impact Statement (EIS) was completed by Ecological Services. The purpose of the EIS is to determine if a proposed development will have a meaningful negative impact on natural heritage features and their associated ecological functions. There are no provincially or regionally significant areas of natural and scientific interest (ANSI) on or closely adjacent to the subject lands. The nearest identified ANSI is the Cataraqui River Marsh, approximately 3.5 kilometres south of the site.

Portions of the site have historically been used intermittently for cropland or grassland/hay. The northern half of the site supports a complex woodland, wetland, and shrubland. The subject site contains wildlife habitat area; however, it is not considered to be significant for the purposes of the Provincial Policy Statement.

The wetland habitat is approximately 0.35 hectares in area. No evidence was found of a connecting riparian system and it was determined that this was an isolated wetland. During daytime and evening visits, few frog calls were heard. The size and limited number of noted frog callings do not meet thresholds to identify the area as significant wildlife habitat. The wetland is therefore appropriate for development; however, no development is proposed within the wetland. A minimum 7.5 metre setback from the wetland is proposed for development near the wetland. This setback is deemed to be adequate given the small size and modest ecological value of the wetland patch.

The woodland habitat is located within the Cataraqui River watershed but is close to a watershed divide with Collins Creek watershed system to the northwest. The woodlands are not significant for interior habitat as a result of fragmentation caused by various natural and cultural factors. The woodlands are located in proximity of other natural features to the north and east, however the woodland on the subject site is not located within 30 metres

of those other natural features and does not meet the size threshold, as specified by OMDR (2010). The woodlands is therefore deemed to not be significant for the purposes of the Provincial Policy Statement. The woodlands may be significant for the purposes of establishing linkages with other woodlands to the east and north. There is limited diversity within the woodlands on the site.

The EIS also identified three butternut trees on the site and includes a Butternut Health Assessment. Two of the butternut trees were classified as Category 1 and are not retainable due to the advanced state of canker. The third tree showed some sign of canker and is currently classified as a Category 2. All three trees are removable in accordance with the Endangered Species Act. Should the Category 2 tree be preserved, the EIS recommends a setback of 30 metres.

The following recommendations are put forward to mitigate any adverse impacts to the natural heritage system:

- 1) It is recommended that a minimum setback of 7.5 metres should be maintained around the small wetland patch, and that the setback be maintained as a “no-cut” zone, within which no removal of trees or shrubs is permitted.
- 2) It is recommended that tree removal be minimized for protection of the possible linkage function of the woodland habitat and for the protection of species of conservation concern that are or may be present. The identification of defined building envelopes for the small cabins should be part of this approach, prohibiting the landowners from clearing trees and shrubs outside the specified envelope.
- 3) It is recommended that any necessary vegetation removal be conducted during the fall and winter period to preclude impacts to nesting birds, and that no removal of woody vegetation (trees or shrubs) occur between April 15 and July 31 in order to comply with the requirements of the Migratory Birds Convention Act.
- 4) If the removal of any of the three identified Butternut trees is required, an official submission of the BHA assessment must be made prior to that removal, and all applicable requirements met.
- 5) It is recommended that the retainable Butternut tree be protected from impact by plan amendment, if required, such that no cabin is located within 30 m of the tree.
- 6) If any additional Butternut tree is encountered, such trees cannot be removed prior to a series of required steps: a health assessment must be completed by a designated BHA and undertaken in an appropriate season; the assessment must be submitted to the appropriate office; and provincial protocols must subsequently be followed, which vary depending upon its assessed health category, if the tree is to be removed.

3.6 Hydrogeological Study, Servicing Options and Terrain Analyses

A Hydrogeological Study, Servicing Options and Terrain Analyses report was completed by ASC Environmental Inc. The report assessed the potential soil and groundwater contamination resulting from historical use of the study area and potentially contaminating activities arising from off-site sources. The report also includes a hydrogeological assessment, groundwater quality tests, and a sewage system assessment.

Surrounding properties are serviced with individual on-site private services as the rural area of Kingston is generally not serviced by the municipality or communal systems. The development is proposed to be serviced with private on-site well water and a private on-site sewage treatment facility, allowing for partial reuse of treated effluent. Municipal water will be brought in by tanker truck to the site to fill the pools and tubs in the spa.

Phases 1 and 2 of the proposed development will require a total daily water usage of 75,375 L/day, as well as additional City water for the spa tubs. Of that amount, approximately 29,960 L/day will be recycled for laundry, toilets and irrigation, resulting in a total taking of 45,415 L/day. Well water storage is expected to further support daily demands.

Three test wells were drilled on-site to assess site groundwater supply conditions. Two new drilled wells were subjected to 48-hour pumping tests during summer conditions, and the third drilled well was subject to a 6-hour

pumping test in December to compare potential on-site interference potential. Water quantity was tested on the basis of the pumping tests. Water quality was assessed on the basis of chemical and bacteriological sample collection and analysis, with samples being collected near the beginning of the pumping tests and at 12-hour intervals. Potential interference was investigated through monitoring of neighbouring and on-site wells.

Based on the hydrogeologist's understanding of the development proposal as well as sensitivity to existing and potential long-term water supply concerns of neighbours, the three new wells were advanced into the deeper sandstone and granite bedrock aquifers at depths approaching 90-92 metres below site grade. The majority of neighbouring properties draw their drinking water supply from the upper, unconfined limestone bedrock aquifer, with well depths in the range of 18-44 metres. Test wells were established in accordance with O. Reg. 903, using steel casing to seal the upper limestone aquifer. The annular space was sealed with cement grout.

Well testing confirmed that the lower sandstone and granite aquifers are able to support pumping rates of 30-35 litres per minute. Based on the test results, sufficient aquifer storage and demonstrated yield is available to supply the wells to meet the demand of the proposed development without adversely impacting the surrounding area. Supply was also projected out to 20 years of continuous use with the conclusion that adverse impact to neighbouring well water supply is not expected.

It is recommended that drinking water be disinfected and that UV treatment (or similar) be installed to ensure a clean water supply. The water supply is slightly hard, but not unusually so for the Kingston area. Reverse osmosis treatment will be required to address elevated levels of chlorides. It is recommended to contact a water quality professional to address treatment requirements.

The nearest known surface waterbodies are an unnamed seasonal creek, roughly 300 metres east/south-east of the study area, and the Rideau Canal watershed system, approximately 1.8 kilometres south east of the site. Both of these would not be impacted by the proposed development.

Groundwork Engineering Inc. has proposed stormwater management plans and a treatment system, which would include the following:

- / In ground balancing and/or pre-treatment tanks;
- / Treatment system with in ground and above ground components (extended aeration or membrane bio-reactor);
- / Nutrient removal system (recirculation and chemical ad-mixture);
- / Dis-infection system (UV and/or chlorination);
- / Effluent distributed to re-use storage tanks in appropriate buildings via smart valving with over-flow diverted to an irrigation pond;
- / Irrigation pond will overflow to a swale which will discharge to the roadside ditch;
- / The irrigation system is prosed to be via drip irrigation; and
- / Re-use storage tanks will supply toilets and laundry.

A ground-water monitoring program is recommended to assess changes in groundwater elevations and quality during and following site development, and to assess the performance of the stormwater management and water treatment system.

3.7 Stormwater Management Report

A Stormwater Management Report has been completed by Greer Galloway Group Inc. The report is intended to examine the effects of the proposed development on stormwater runoff conditions on the site. Both existing and post-constructions conditions are considered, and a stormwater management design is presented that will maintain pre-development conditions on site after development. Based on the results of the stormwater analysis, the following conclusions and recommendations regarding the impact of the proposed development are proposed:

-
- / Uncontrolled post-development flow will be greater than pre-development flows due to changes in surface cover.
 - / The proposed stormwater management design provides the required storage and outlet control to maintain post-development flows at pre-development flow rates for all storm events up to a 100-year storm.
 - / The proposed stormwater storage pond has the capacity to store runoff from Phase 1 for up to a 100-year storm event with a maximum water elevation of 126.30.
 - / Permanent water quality protection (enhanced level) will be provided by the proposed wet pond to all stormwater runoff.

3.8 Archaeological Assessment, Stage 1 & 2

The Stage 1 & 2 Archaeological Assessment was conducted by Abacus Archaeological Services. The City of Kingston Archaeological Master Plan has identified the subject site as having potential for archaeological resources based on its location adjacent to a historic transport route and related farmsteads, however there are no registered archaeological sites located within 1km of the property. Based upon the potential for archaeological resources, Stage 2 testing was performed in May 2018. Excavation conducted during Stage 2 of the assessment found no significant archaeological resources on the subject site. As such, no further work is required.

3.9 Tree Inventory & Survey

A tree survey was prepared by Greer Galloway Group Inc. The plans show the location of existing trees throughout the site.

The Tree Inventory and Preservation Report was conducted by ECO Tree Care. The report describes all trees on the subject site on the two southern parcels. It is noted that the applicant has not indicated any desire to remove any trees. It is recommended that all remaining trees in the study area be protected from construction activities throughout the duration of the construction process. If it is required to remove any trees in the process of modifying the site, a minimum of 1:1 replacement ratio must be considered. Tree species native to the landscape and which are 60mm (B&B) are suitable. A future tree inventory will be required for areas that have not previously been surveyed prior to any development proceeding in those areas.

4.0

POLICY & REGULATORY REVIEW

This section provides an overview of the key land use policies relevant to the property and demonstrates how the proposal conforms to the land use objectives for this site.

4.1 Provincial Policy Statement

The 2014 Provincial Policy Statement (PPS) provides high-level land use policy direction on matters of Provincial Interest as they relate to land use planning in Ontario municipalities. Decisions of municipal councils must be consistent with the PPS, which provides direction for issues such as the efficient use of land and infrastructure, the protection of natural and cultural heritage resources, maintaining a housing stock that appropriately addresses the demographic and economic diversity of households, and preserving natural resources for their future use. In relation to the proposed development, the 2014 PPS includes the following considerations:

Section 1.0 – Building Strong and Healthy Communities

Section 1 of the PPS provides direction for the creation of strong and healthy communities. The efficient use of land is supported through sustainable development patterns which consider the needs of communities, the environment, public health and safety, and economic growth. This section will address those policies which are relevant to the proposed development.

Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 – Healthy, liveable and safe communities are sustained by:

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) *accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) *avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) *promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;*
- f) *improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;*
- g) *ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs; and*
- h) *promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.*

The proposed development represents a unique rural commercial development on private services which will not require an expansion of municipal services and which will contribute to the tourism and economic development sectors of the municipality. The surrounding area contains a mix of rural, agricultural, institutional, and public uses, a range of offerings which will be further diversified by the proposed Unity Farm, Inn and Spa. The development is considerate of sensitive environmental features which may be impacted on the site and will not cause public health and safety problems. The subject site is not in proximity to an existing settlement area and therefore will not interfere with efficient expansion of settlement areas in the City. As a commercial use, the site design will be required to comply with the Accessibility for Ontarians with Disabilities Act (AODA) and will include the required accessibility considerations. The proposed design of the development will be cost-effective in that it will utilize individual on-site servicing which does not require expansion of municipal infrastructure. An EIS was prepared to

assess potential impacts to biodiversity and natural heritage as well as to recommend any necessary mitigation measures which will be implemented through the proposed zoning by-law amendment as well as the future site plan control application.

Section 1.1.4 – Rural Areas in Municipalities

Section 1.1.4 provides policy direction for rural areas in municipalities. Rural areas are a system of lands which include rural settlement areas, rural lands, prime agricultural areas, and natural heritage features and areas, and are interdependent with urban areas in terms of markets, resources and amenities. Relevant policies from section 1.1.4 include:

1.1.4.1 – Healthy, integrated and viable rural areas should be supported by:

a) building upon rural character, and leveraging rural amenities and assets;

The proposed development capitalizes on the rural character of the area as the primary attraction for guests, including the heritage of existing buildings and natural heritage features on-site.

d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;

The existing house on the subject site will be expanded and converted into a boutique inn. The design of the new construction will complement but not mimic or compete with the existing heritage dwelling.

e) using rural infrastructure and public service facilities efficiently;

All necessary servicing requirements will be provided on-site.

f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;

The applicant estimates approximately 80 or more employment opportunities will be created by the Unity Farm, Inn and Spa, representing a valuable means of employment in Kingston's rural area.

g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;

The proposed development will fulfill multiple tourism roles. The spa, corporate event venue and restaurant will draw visitors and the cabins and inn will provide a place to stay.

h) conserving biodiversity and considering the ecological benefits provided by nature;

The subject site includes a small wetland, woodland, and three butternut trees. The wetland will be protected by a 7.5 metre setback. The woodland will also be conserved to the extent possible by minimizing tree removal. Two of the butternut trees are in poor health and the third is in moderate condition and appropriate setbacks from all butternut trees are incorporated into the proposed development.

Section 1.1.5 provides policy direction for rural lands in municipalities, including the following relevant policies:

1.1.5.1 – When directing development on rural lands, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

The development conforms to the relevant policies of Section 1, as discussed above. The relevant policies of Sections 2 and 3 are discussed below.

1.1.5.2 – On rural lands located in municipalities, permitted uses are:

a) the management or use of resources;

b) resource-based recreational uses (including recreational dwellings);

c) limited residential development;

d) home occupations and home industries;

- e) *cemeteries; and*
- f) *other rural land uses.*

'Other rural land uses' broadly encompasses uses that are rural in character and compatible with the surrounding area. Agriculture-related activities, such as craft breweries and wineries, are also permitted.

1.1.5.3 – Recreational, tourism and other economic opportunities should be promoted.

The proposed development will include a boutique inn, cabins, a spa, a craft winery/brewery, and a corporate event venue. These uses will attract the travelling public and promote tourism in the area. The proposed development will also result in the creation of new jobs in the rural area.

1.1.5.4 – Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

The primary appeal of the proposed development will be the rustic rural setting, making it imperative that the proposed development be compatible with the surrounding landscape. Individual on-site servicing will meet the needs of the proposed development.

1.1.5.5 – Development shall be appropriate to the infrastructure which is planned or available and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

All servicing will be provided through individual on-site services. The site is outside of the City's serviced area.

1.1.5.7 – Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

The subject site is sufficiently separated from protected agricultural and mineral resource lands that the development will not constrain or limit such resource-based uses.

1.1.5.8 – Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices should be promoted and protected in accordance with provincial standards.

The proposed development has been designed to complement and support agricultural uses. Agriculture-related uses are also incorporated into the proposed development and will consist of a vineyard, craft winery/brewery, fruit, vegetable, and flower gardens, produce stand, and farm-to-table restaurant.

1.1.5.9 – New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.

The calculations from the minimum distance separation (MDS) formulae demonstrate that parts of the proposed development are within the required MDS I setback from a barn on the adjacent property. The MDS formulae include the definitions, implementation guidelines and calculation tables from the MDS Document (Publication 853) published by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA). Given the nature of the proposed use and the intent of the MDS setback as described in Publication 853, the proposed development is not anticipated to conflict with the provincial and municipal goals of promoting and protecting agricultural uses. The proposed development will also incorporate agriculture-related uses. From the perspective of the adjacent livestock operation, the proposed development will have minimal impact as there are already numerous sensitive uses in this area. It is proposed to reduce the MDS setbacks in accordance with the guidelines and the intent of the MDS formulae described in Publication 853, which includes the guidelines for implementing the MDS formulae. Reducing the minimum distance separation requirement between the adjacent barn and the subject site is desirable as it allows for the subject lands to be developed in a manner which is compatible with the rural character of the area without further limiting the potential future growth of the adjacent horse farm. The proposed reduction will be reflected in the proposed zoning by-law amendment in accordance with the MDS formulae.

Section 2.0 – Wise Use and Management of Resources

Section 2 of the PPS gives consideration to the wise use and management of resources, which provide economic, environmental, and social benefits. This is achieved through policies which provide for the conservation of biodiversity, protection of the health of the Great Lakes, and protection of natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources. The following section will address those policies which are relevant to the proposed development.

2.1.1 – Natural features and areas shall be protected for the long term.

As per the recommendations of the Environmental Impact Statement, existing environmentally-sensitive areas on the site will be protected through the implementation of appropriate setbacks.

2.1.2 – The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

The wetlands on the subject site shall be conserved with appropriate setbacks, as per the recommendations of the Environmental Impact Statement. Butternut tree removal, if required, will proceed in accordance with the Endangered Species Act.

2.6.1 – Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

All significant heritage resources and landscapes will be conserved through the construction and redevelopment process in accordance with the findings and recommendations of the Heritage Impact Statement.

2.6.2 – Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

The subject lands do not contain significant archaeological resources or archaeological potential, indicated in the Stage 1-2 Archaeological Assessment.

Section 3.0 – Protecting Public Health and Safety

Section 3 of the PPS provides direction for reducing the potential for public cost or risk to Ontario residents from natural or human-made hazards. The following section will address those policies which are relevant to the proposed development.

Section 3.2.1 - Development on, abutting or adjacent to lands affected by mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.

The two nearby class-B licenced aggregate pits to the west of the subject site will not have any adverse effects on the subject site. The nearer of the two sites is not operational, lacking the necessary municipal designations to operate. The second licensed pit is approximately 580 metres to the west of the subject site, exceeding the minimum recommended separation distance from sensitive uses as required by the City's Official Plan.

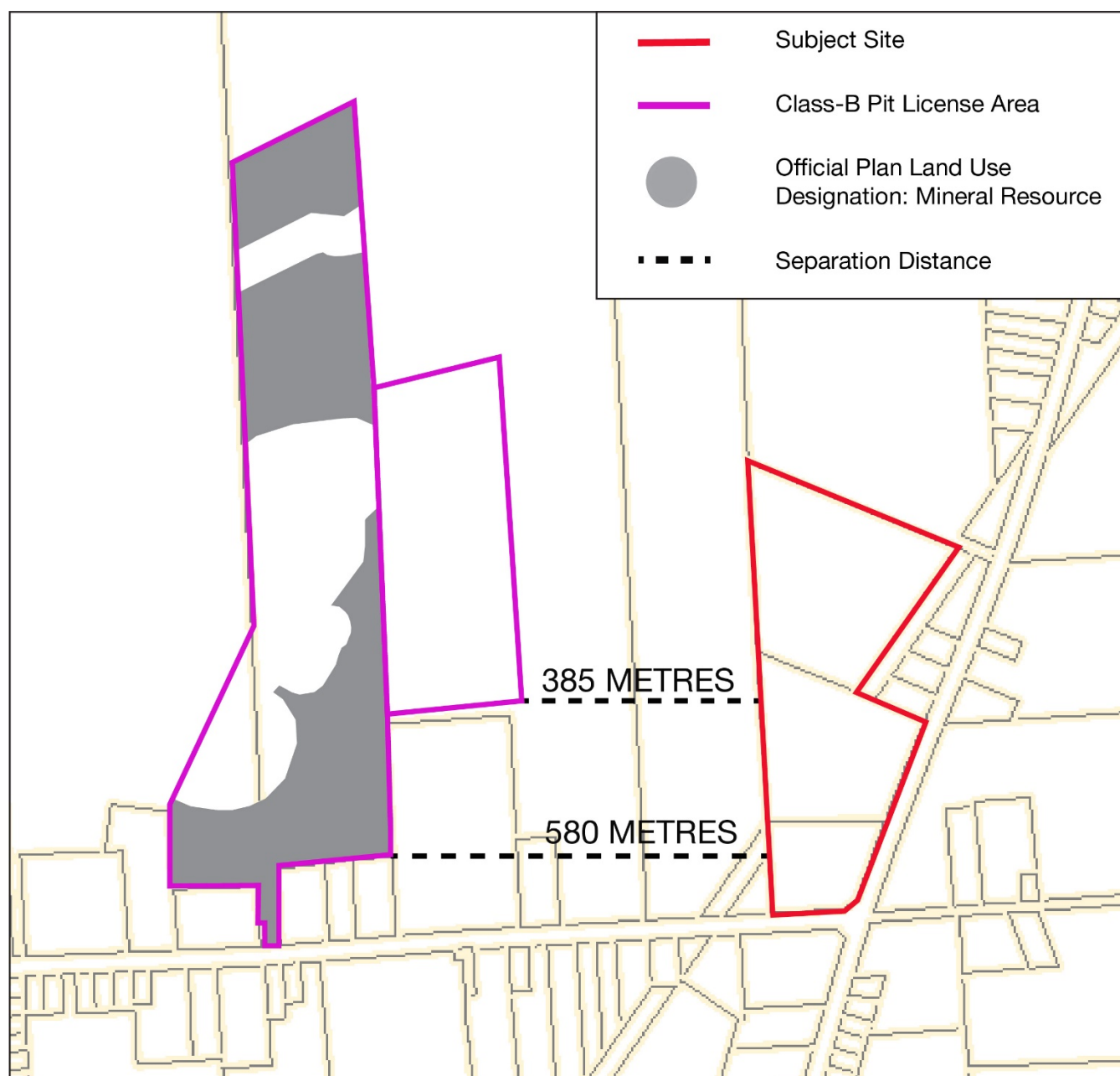


Figure 20: Separation distance between Class-B licensed areas and subject site (source: Fotenn Consultants).

It is our professional planning opinion that the proposed official plan amendment, zoning by-law amendment are consistent with the Provincial Policy Statement.

4.2 City of Kingston Official Plan

The City of Kingston approved a five-year update to its Official Plan in effect on August 29, 2017 with the approval of Official Plan Amendment (OPA) 50. The majority of the Official Plan is in effect, although appeals have been filed regarding specific policies. The May 1, 2018 consolidation of the Official Plan identifies the policies that have been appealed, which are similarly identified in this report where appropriate.

The subject site is designated Rural Lands on Schedule 3-B Land Use of the Official Plan. The Rural Lands designation permits a broad range of rural uses including agriculture-related uses and limited, small-scale commercial development. Primarily commercial uses, including overnight accommodations, must be placed within a Rural Commercial designation. The Official Plan also does not pre-designate Rural Commercial lands for development. Instead, the Official Plan establishes a series of land use policy tests which must be met to allow the change in land use designation from Rural Lands to Rural Commercial. Applications to amend the Official Plan are required to demonstrate conformity with the general intent and philosophy of the Official Plan. An application for zoning by-law amendment is also required to ensure conformity with, and to implement, the Official Plan. The following is a review of the proposed development in light of the relevant Official Plan policies.

Section 2: Strategic Policy Direction

Section 2 of the Official Plan provides broad direction for the growth of different areas of the City. Section 2.1 outlines the City's goal with respect to sustainable development. The goal is multi-layered and includes considerations for built form and land use compatibility, efficient land consumption, reduction of greenhouse gas emissions, use of cultural heritage resources to benefit the public good, limit undue extension of infrastructure, reduce the use of private automobiles, fostering sustainable food sourcing and promotion of programs and practices that increase sustainable development. Section 2.1 describes a wide range of high-level policies intended to support the stated goal above.

Schedule 2 identifies the City Structure in terms of strategic land use intent. The subject site is located within the Rural Areas designation on Schedule 2. Section 2.1.2 sets out the policies and intent for Rural Lands; noting that growth in these areas will be limited and that natural assets, functions and occupations that contribute to the general sustainability of the City will be supported through:

Section 2.1: Sustainable Development

Section 2.1 establishes a vision for the City. Strategies to attain sustainability of development are outlined, with the objective of promoting sustainability across Kingston.

Section 2.1.2 – Within Rural Areas, as shown on Schedule 2, growth will be limited and the natural assets, functions, and occupations that contribute to the general sustainability of the City as a whole will be supported through:

a) the protection of groundwater sources;

The proposed development will be serviced by three wells, drawing from an aquifer which is deeper than the one utilized by the majority of surrounding wells. A sewage treatment system will also be installed on the site, which will treat sewage on-site in accordance with provincial requirements. The development will include water reclamation and recycling facilities supported by the sewage treatment system to reduce reliance on groundwater resources, which will only be needed for showers, tap water, and in the restaurant.

b) an ecosystem approach to protecting the natural heritage system;

There is a small wetland in the northern portion of the property which may include significant wildlife habitat. This area will be protected with an appropriate setback for structures and laneways, as recommended by the ecologist. While the southern portion of the site is largely tilled land, most of the northern area is wooded. The wooded area is proposed to be protected to the extent possible to protect natural heritage features and also to establish and maintain privacy between the proposed cabins.

c) the protection of surface water features, including inland lakes and rivers, Lake Ontario and the St. Lawrence River;

There are no nearby surface water features, such as lakes or rivers, which may be impacted by this development.

- d) *the extraction of mineral resources and the rehabilitation of depleted mineral mining operation sites, which must occur in a manner that is sensitive to the existing uses in the general area and in accordance with appropriate provincial legislation;*

The proposed development will not involve the extraction of mineral resources or the rehabilitation of depleted mineral mining operation sites.

- e) *limiting the types of permitted development to those that support and are compatible with a resource based local economy and sustainable practices; and*

The proposed development is intended to integrate with and complement the surrounding rural and agricultural area. Sustainable practices are a cornerstone of the vision for the Unity Farm, Inn and Spa and will be incorporated into the proposed development where possible. Examples of sustainable practices that have already been incorporated of the design of the site include geothermal and solar heating and cooling, rainwater reclamation, storage and re-use, greywater recycling, on-site sewage treatment, adaptive re-use of the existing heritage dwelling, cultivation of grapes and hops that will be crafted into wine and beer on-site for use in the inn and restaurant, and the cultivation of crops for use in the restaurant and in local grocery stores owned by the applicant (i.e. the Grocery Basket).

- f) *promotion of agricultural opportunities, practices, and alliances that enhance agricultural employment as well as local food production, distribution, and consumption as an integral part of the local economy and the City's sustainability goals.*

As noted above, the proposed development will include a farm-to-table restaurant and craft wine and beer production using crops grown on the site. Excess produce will be sold in the local grocery stores owned by the applicant. Potential partnerships with other local tourism and agricultural partners will also be explored by the applicant to contribute to the local food production network.

Section 2.2: City Structure

Section 2.2 outlines the structural elements of the City, as shown on Schedule 2.

Section 2.2.14 – Rural Areas are comprised of a mix of land uses that support a diversification of the economic base, housing, and employment opportunities. These areas are comprised of lands protected for agricultural uses and agricultural-related uses, being designated Prime Agricultural Area or Rural Lands, as appropriate. Rural Areas also contain natural heritage features, many of which fall within the Environmental Protection Area and Open Space designations, as well as natural resources, designated Mineral Resource Area. The protection of the area's natural features will help to conserve biodiversity while maintaining water quality and the ecological benefits provided by nature. Lands designated Rural Commercial and Rural Industrial also support the rural economy within Rural Areas. These lands are distinct from rural settlement areas, designated Hamlets, which accommodate a mix of land uses that also support the rural community. The Estate Residential designation captures limited areas of residential land use in Rural Areas.

The proposed inn, spa, corporate event venue, restaurant, cabins, craft winery/brewery, vineyard and garden area will support the economic diversification of the rural area and generate new employment opportunities. The proposed Rural Commercial designation is intended to reflect the role that the development will have in supporting the rural economy.

Section 2.3: Principles of Growth

Section 2.3 describes the Principles of Growth for the City through 2036. Policy direction is provided for compatible forms of intensification, infrastructure use, land consumption, public transit, pollution, and sustainable growth in the City.

Rural Areas

Section 2.3.12 – The planning for the lands shown as Rural Areas on Schedule 2 of this Plan must balance the resource protection objectives for agriculture, aggregates and minerals with the environmental objectives of the natural heritage features and areas and watershed management and the social objectives of protecting rural communities and the rural way of life.

The proposed development incorporates agriculture-related uses without negatively affecting nearby agricultural operations. Natural heritage features are protected through the implementation of appropriate setbacks and minimizing tree removal. The proposed development conserves a culturally significant heritage dwelling and will create new employment opportunities in the rural area, all while celebrating the rural way of life. The proposed development exemplifies the principles of growth for rural areas.

Section 2.7: Land Use Compatibility Principles

Section 2.7 outlines policies for land use compatibility to guide development in a manner which respects existing areas and mitigate adverse effects. New development or land use change is required to demonstrate compatibility with surrounding land uses, in accordance with Section 2.7.1. Section 2.7.2 states that demonstrating compatibility must consider the potential for adverse effects that have the potential to negatively impact character, planned function, and/or ecological integrity, and the health and safety of humans. Specific matters dealing with land use compatibility are set out in Section 2.7.3:

Section 2.7.3 – The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:

a) shadowing;

Given the large area of the site and the scale of the proposed development, no shadow impacts are anticipated.

b) loss of privacy due to intrusive overlook;

The maximum proposed building height is three storeys for the addition to the existing dwelling. This height is proposed to accommodate the inn, spa, restaurant and associated amenities, including a rooftop patio. The structure is sufficiently separated from nearest residential property (approximately 60 metres) that the increase in height will not result in intrusive overlook. Regardless of the separation, vegetated buffers are proposed adjacent to existing residential properties to the west and north of the subject site. Cabins are proposed in the wooded area in the northern part of the site in the third phase of development. These cabins are planned to be at least 30 feet any lot line and will be surrounded by woodland. The intent is for the proposed cabins to be private, therefore additional vegetation and separation will be considered in the future with the intent of maximizing privacy between cabins and adjacent properties.

c) increased levels of light pollution, noise, odour, dust or vibration;

An illumination plan will be submitted in support of the future site plan control application. This plan will be required to demonstrate that no light spillover on other properties will occur. A noise impact study has been prepared in support of the development applications to evaluate the potential noise impact caused by the Unity Farm, Inn and Spa as well as noise from traffic on the proposed development. The noise study recommended certain measures, such as a house sound system with a volume limiter, as well as construction materials that will help to reduce noise. It should be noted that the proposed spa is a tranquility spa. Elevated volumes would conflict with the purpose of the spa and will therefore be strictly controlled on-site. Recommendations from the noise study will be implemented through the future site plan control agreement. The City's noise by-law also provides a mechanism to regulate noise levels, particularly during construction.

The proposed development is not anticipated to create odour, dust or vibration, except as a result of short-term construction activities.

d) increased and uncomfortable wind speed;

The proposed development is not anticipated to affect wind speeds.

- e) increased level of traffic that can disrupt the intended function or amenity of a use or area or cause a decrease in the functionality of active transportation or transit;*

A traffic impact study prepared in support of the proposed development concluded that the existing road network is capable of accommodating the increase in traffic levels resulting from the proposed development without requiring any modifications or improvements to the roads.

- f) environmental damage or degradation;*

The site design incorporates recommendations from the Environmental Impact Statement, including the provision of appropriate setbacks from the small wetland on the property. Tree removal is intended to be limited to the areas where laneways and cabins are proposed, as well as the immediately adjacent areas as necessary for grading.

- g) diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded;*

The proposed development will be privately serviced, therefore the public road network is the most significant public infrastructure that will be affected by the proposed development. The traffic impact statement prepared in support of the proposed development concluded that the existing road network can accommodate the increase in traffic without becoming overloaded.

- h) reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting;*

Landscaped buffers and significant yard setbacks are proposed adjacent to adjacent residential lots so as not to disrupt the ability to enjoy outdoor areas and the rural setting. Noise controls such as volume-limited sound system and high STC-rated building materials will reduce the noise generated by the Unity Farm, Inn and Spa. Existing vegetation will be preserved and enhanced with new vegetated buffers to assist in mitigating noise levels. Traffic levels generated by the proposed development will fall within the design capacity of Unity Road and Battersea Road, therefore traffic is not anticipated to reduce safety and access to existing properties. The existing heritage dwelling will be conserved and adaptively re-used as it will be incorporated into the design of the proposed development.

- i) visual intrusion that disrupts the streetscape or buildings;*

The proposed development will be set well back from both Unity Road and Battersea Road and will not disrupt the streetscape. A new water feature, serving as one of two agricultural and stormwater ponds, and sign is proposed at the southeast corner of the site to assist with wayfinding. This is expected to be the most visually striking element of the development, and it is intended to reflect the rural character of the development and surrounding area.

- j) degradation of cultural heritage resources;*

A heritage impact statement prepared in support of the proposed development considers the impact of the proposed development on the cultural heritage resources contained on the subject site. Key considerations include the conservation and adaptive re-use of the existing dwelling and of the principal farm entrance on Battersea Road, which is marked by limestone pillars and mature trees. These will be conserved, although the limestone pillars are proposed to be moved slightly to accommodate requirements for emergency and commercial vehicle access.

- k) architectural incompatibility in terms of scale, style, massing and colour; or,*

New buildings on the site will include: an addition to the existing dwelling, 40 new cabins, a new accessory building, a new corporate event venue building, and the reconstruction and expansion of the existing barn as a primary corporate event venue. The addition to the heritage dwelling is proposed to be of a

contemporary architectural style that does not mimic or compete with the existing dwelling. The addition will complement the heritage dwelling while clearly signaling that it is new construction. The other buildings on the site will generally be of a lower order of architectural design, prioritizing function over form. The cabins will be very small and are intended to blend into the landscape and wooded areas.

- l) the loss or impairment of significant views of cultural heritage resources and natural features and areas to residents.*

There are no identified views of cultural heritage resources or natural heritage features on the subject site.

Section 2.7.4 – Mitigation measures may be used to achieve development and land use compatibility. Such measures may include one or more of the following:

- a) ensuring adequate setbacks and minimum yard requirements;*

No building is proposed to be less than six metres from any property line, and most buildings, in particular the principal building and the corporate event venue in the rebuilt barn, will be set back significantly more than six metres. Much of the yard space in the southern area of the site will function as tilled agricultural land.

- b) establishing appropriate transition in building heights, coverage, and massing;*

The maximum building height proposed is approximately 13.0 metres no more than three storeys, limited to the inn, spa and restaurant building. The reconstructed barn will be of a similar height. These buildings will also be setback significantly from property lines and adjacent properties. Building heights in the area generally range from one to two storeys, with agricultural buildings such as barns and grain silos achieving greater heights.

- c) requiring fencing, walls, or berming to create a visual screen;*

Extensive vegetative planting is proposed where the subject site abuts on residential properties to establish a visual screen. The level of vegetation throughout the site is intended to be preserved to the extent possible to maintain visual and acoustic screening.

- d) designing the building in a way that minimizes adverse effects;*

As discussed above, the proposed building design will not cause adverse effects such as uncomfortable wind speed, loss of privacy, shadowing, or other adverse effects that could arise from building design.

- e) maintaining mature vegetation and/or additional new landscaping requirements;*

The existing vegetation on the site is seen as one of the major assets and draws for guests to the inn, spa, restaurant, corporate event venue, and cabins. Tree removal will be minimized throughout the wooded area of the site to maintain mature vegetation. Existing mature trees at the entrance to the site will also be protected due to their importance from a cultural heritage perspective. Landscaped buffers are proposed where the subject site abuts on residential properties and to screen the parking area from Battersea Road. Additional landscaping will contribute to the enclosure of the private courtyard, which includes the hot and cold water pools.

- f) controlling access locations, driveways, service areas and activity areas; and,*

The proposal includes a total of five vehicular access points to the subject site, all of which are generally consistent with the location of existing entrances. One entrance is proposed from Unity Road at the west extent of the site. Three entrances are proposed from Battersea Road on the two southern parcels of land. A fifth entrance from Battersea Road is proposed within the existing right-of-way across the northern part boundary of the property known as 2359 Battersea Road.

- g) regulating location, treatment and size of accessory uses and structures, lighting, parking areas, garbage storage facilities and signage.*

The proposed zoning by-law amendment and the subsequent site plan control application will regulate the location of accessory buildings and uses, lighting, garbage storage, and signage. The proposed development will include two buildings that will function as accessory structures: one will be a machine shed and will house an underground water storage tank and the garbage and recycling facilities, and the other will house the craft winery and brewery. Both buildings will house a range of agricultural and maintenance equipment. Parking areas are proposed to be screened from the road and adjacent residential properties using vegetated buffers. Site signage is proposed at the corner of Battersea Road and Unity Road. The location of the sign will be subject to sight triangle considerations implemented through the zoning by-law and site plan control. The appearance of the sign will be regulated through the City's Sign By-law.

Section 2.7.5 – In some cases, distance separation will likely be the recommended form of mitigation, particularly:

- c) between intensive livestock operations, permanent manure storage, or resource extractive operations and sensitive uses, sensitive environmental features, or sensitive environmental functions. When identifying a required distance separation related to livestock operations, the minimum distance separation formulae will be used.*

Due to the presence of nearby livestock facilities within 1,500 metres of the subject property, a Minimum Distance Separation (MDS) Study has been conducted. The study found that a portion of the proposed development is located within the minimum recommended separation distance for a Type B MDS I setback from the barn on the adjacent property to the west. It is proposed to amend the MDS setback to 82 metres, which is the distance from the barn to the subject site's western property line. A discussion of the appropriateness of this request is provided below, in Section 5 of this report.

Section 2.7.6 – Only development proposals that meet the long-term needs of the intended users or occupants will be supported. Proponents, whether developing individual buildings on a single site, or multiple buildings being built at one time or phased over time, will be required to demonstrate to the satisfaction of the City that the functional needs of the occupants or users will be met by providing:

- a) suitable scale, massing and density in relation to existing built fabric;*

The proposed development will incorporate setbacks from property lines, and between buildings on the site, which are comparable and consistent with the rural area. The surrounding properties include a school, a church, and a horse farm with an indoor riding arena. The proposed buildings are larger in scale than typical residential dwellings but are not out of character for the rural area. The density of development will be generally low given the separation between buildings and the area of the site.

- b) appropriate landscaping that meets or improves the characteristic green space amenity of the site and surroundings and enhances the City's tree planting program;*

Landscaping will be provided throughout the site to provide green amenity space that accentuates the rural environment. The proposed agricultural lands and vineyard will further complement the surrounding agricultural uses.

- c) adequate land area and appropriate site configuration or provision for land assembly, as required;*

The subject site is of sufficient area to accommodate the needs of the proposed development, including parking and vegetated buffers, as well as appropriate building setbacks and on-site services such as well and septic.

- d) efficient use of municipal services, including transit;*

The site is not serviced with water or sewer by the municipality. Public services in the area include plowing of the public roads, Kingston Access Bus service, garbage and recycling collection, and electricity.

- e) appropriate infill of vacant or under-utilized land; and,*

Much of the cleared area of the subject site was previously used for growing hay, on the two southern parcels. These lands also included a barn and other accessory buildings, but were generally utilized for a single residential dwelling unit. The northern parcel is vacant woodland. The proposed development will make efficient use of the land while being sensitive to natural and cultural heritage features on the site, as well as maintaining compatibility with surrounding uses.

f) *clearly defined and safe:*

- *site access;*

Site access will be vehicular in nature, by way of five driveways. One driveway will be on Unity Road and the other four are on Battersea Road. Generally, the applicant seeks to utilize and upgrade existing driveways and farm entrances.

- *pedestrian access to the building and parking spaces;*

Pedestrian access will be provided by way of hardened walking surfaces between the parking area and the various buildings on-site. Occupants of the cabins will be driven to and from the cabins by way of a low-speed shuttle.

- *amenity areas;*

As a commercial use, the proposed development is not subject to amenity area requirements under the zoning by-law.

- *building entry; and,*

Building entrances will be clearly marked and visible in accordance with Ontario Building Code requirements. Public entrances will generally be designed to be more visible than service or staff entrances.

- *parking and secure and appropriate bicycle facilities.*

Parking will be provided on site and buffered from the road and residential properties. No bicycle parking facilities are proposed as the site is outside of the urban boundary and there is no dedicated bicycle infrastructure in the area.

Section 2.7.8 – Issues of compatibility are critical in Rural Areas, as the long-term protection of normal farm practices is a priority. This is reflected in the mutual separation of livestock operations and sensitive uses but also in addressing unique rural issues such as allowing the transport of farm machinery, tillage of land, and regular livestock husbandry techniques.

It is proposed to reduce the minimum separation distance requirement between the barn to the west and the subject site to 82 metres (the distance between the barn and the western edge of the subject site). The separation distance serves to distance sensitive uses from any odours which may emanate from nearby livestock operations, as well as serves to protect the ability of livestock operations to expand in the future. In the case of the proposed development, the nearby livestock operation will enhance the overall aesthetic and authenticity of the experience which the applicants intend to market to guests. The presence of a nearby barn will contribute positively to the proposed development, accentuating the rural characteristics of the area. The proposed development will have minimal impact on the adjacent livestock barns as there is already a high number of existing residential uses in the vicinity. Regardless of whether the proposed development was to be built or not, the existing sensitive uses limit the potential for future growth of the livestock operation in this area. As such, reducing the minimum distance separation requirement between the adjacent barn and the subject site is appropriate as it allows the subject lands to be developed in a manner which is compatible with the rural character of the area without further limiting the potential future growth of the nearby farm.

Section 2.9 – Economic Development

Section 2.9 of the Official Plan provides policy direction regarding economic development within the City. The policies of the section are intended to protect and support a strong and diversified economic base in a manner which achieves compatible development and land use.

Section 2.9.3 – Tourism

In recognition of the many cultural heritage resources and natural heritage features and areas that attract tourists to the City, and the contribution of the tourist industry to the City's economy, the City will support the implementation of the Kingston Culture Plan and the Integrated Cultural Heritage and Cultural Tourism Strategy and a range of initiatives designed to expand the City's tourism potential, following sustainable tourism practices, including:

f) supporting and promoting venues and events in the City;

The proposed redevelopment will have the capacity to host and promote events on-site. The event venue building will operate as part of the larger Unity Farm, Inn and Spa business, with the potential host a variety of indoor and outdoor events year-round. On-site accommodations, food services, and spa services may also form part of an event package for customers. Where events are hosted elsewhere in the City, the proposed redevelopment will contribute towards the available stock of hotel and rental cabin accommodations to support the potential influx of tourists.

g) supporting outdoor events, particularly those which support ecotourism that celebrates the cultural and natural features for which Kingston is known;

The proposed redevelopment is centred around the notion of maintaining the rural characteristics and activities that the area is known for. In particular, the proposed rental cabins will allow guests to escape the urban setting and relax in an outdoor rural setting. The applicant's vision for the Unity Farm, Inn and Spa is to pursue partnerships with local businesses, enabling guests to partake in a variety of activities around the City, including cycling, cross-country skiing, and boat tours, offering a full Kingston experience.

i) developing and promoting additional attractions and events, particularly those which will support winter activities and adaptive re-use of heritage resources;

The proposed redevelopment will be operational year-round. The boutique inn and spa are intended to continue operations through the winter, providing guests with the opportunity for a rural getaway during the colder months of the year. The site will incorporate the adaptive re-use of heritage resources across the site. Most notably, this includes the existing farmhouse which will be adapted into a boutique inn, spa, and restaurant. This will be a central feature of the entire redevelopment and will showcase the rural heritage of the area for guests.

Section 2.9.4 – Proposed Tourism Projects

Council will consider such matters as the following when evaluating support for proposed tourism projects:

a) the potential economic benefit and spin-off to the City;

The proposed redevelopment will generate one-time and ongoing financial benefits to the City in the form of planning and development fees and annual property taxes. Furthermore, the commercial development will attract tourists to area, thereby supporting the local economy. The applicant intends engage in partnerships with other local businesses, both urban and rural, thereby encouraging guests to engage in a variety of activities throughout the City.

b) the potential market for, and feasibility of the project;

The proposed development represents a relatively unique commercial development in the City of Kingston. As a boutique inn and spa in the rural area of the City, the proposed redevelopment will access a market which has been as of yet untapped in the City. Guests will be attracted to the development for a wide range of interests, including the boutique rural accommodations, spa, restaurant, local produce, and event venue. Each of these features on the site may accommodate guests as a standalone service, or be packaged together for a more all-

encompassing experience. Given the unique nature of the proposed business in the area, the cabin accommodations will be phased in as market demand grows over time.

c) benefits for local residents;

Benefits of the proposed redevelopment for local residents will include a more robust rural economy, as well as a new source of local produce and products. The proposed redevelopment will include an event venue and restaurant which will be available for use by local residents, as well as visitors and tourists alike.

d) negative effects or obligations for local residents, including the degree of public investment, maintenance or future support that may be required;

No public investment, maintenance, or future support is required for the proposed redevelopment.

e) impacts on the transportation and servicing infrastructure of the City, as well as impacts on other land uses, natural heritage features and areas, or cultural heritage resources;

As per the findings of the Servicing Report, the proposed redevelopment will have no impact on the City's servicing infrastructure. The Traffic Impact Study has demonstrated that the existing road network can accommodate the proposed redevelopment without any upgrades being required. Natural heritage on the site will be preserved to the extent that is feasible. Existing trees will not be disturbed outside of 3-metre setback from any proposed development on the site. The existing wetland will be preserved by maintain a 7.5 metre setback around its edges, in accordance with the recommendations of the Environmental Impact Statement. There are multiple cultural heritage resources on the subject site. The existing farmhouse is designated under Part IV of the Ontario Heritage Act and will be adaptively re-used as part of the boutique inn and spa. Existing heritage columns at the primary driveway entrance will also be maintained. As per the findings of the Heritage Impact Study, there will be no loss of significant cultural heritage resources resulting from the construction of the proposed development.

f) infrastructure upgrading or extensions that would be required and impact on planned public works extensions or upgrading programs;

No upgrades or extensions to municipal infrastructure is required.

g) seasonality or weather dependency of the proposed use;

The Unity Farm, Inn and Spa will be operational year-round.

h) site suitability in terms of land use compatibility, servicing impact on residents, and integration with other tourism initiatives; and,

Matters pertaining to compatibility are addressed in detail above, under Section 2.7 of the Official Plan. As per the findings of the Hydrogeology Study, the proposed sewage treatment system and deep-water well will not have any impacts on the quality and quantity of neighbouring residents' water. The applicants are pursuing partnerships with other local businesses to promote integration with other tourism-oriented initiatives in the City.

i) compatibility of the proposed tourism project with the UNESCO World Heritage Designation, and the neighbouring Frontenac Arch Biosphere Reserve designation for which the City has a stewardship responsibility.

The subject site is not within or adjacent to the UNESCO World Heritage Designation or the Frontenac Arch Biosphere Reserve.

Section 3: Land Use Designations & Policy

Section 3 of the Official Plan further divides the City's structure, as outlined in Schedule 2, into various land use designations which regulate the character, permitted uses, and intended function of each area. These land use designations are intended to guide future development. The subject site is designated Rural Lands on Schedule 3B – Land Use, in the City of Kingston Official Plan. The Rural Lands designation permits a broad range of rural uses including agriculture-related uses and limited, small-scale commercial development. Primarily commercial

uses, including overnight accommodations, must be placed within a Rural Commercial designation. The Official Plan establishes a series of land use policy tests which must be met to allow a change in land use designation from Rural Lands to Rural Commercial, as proposed to support the Unity Farm, Inn and Spa.

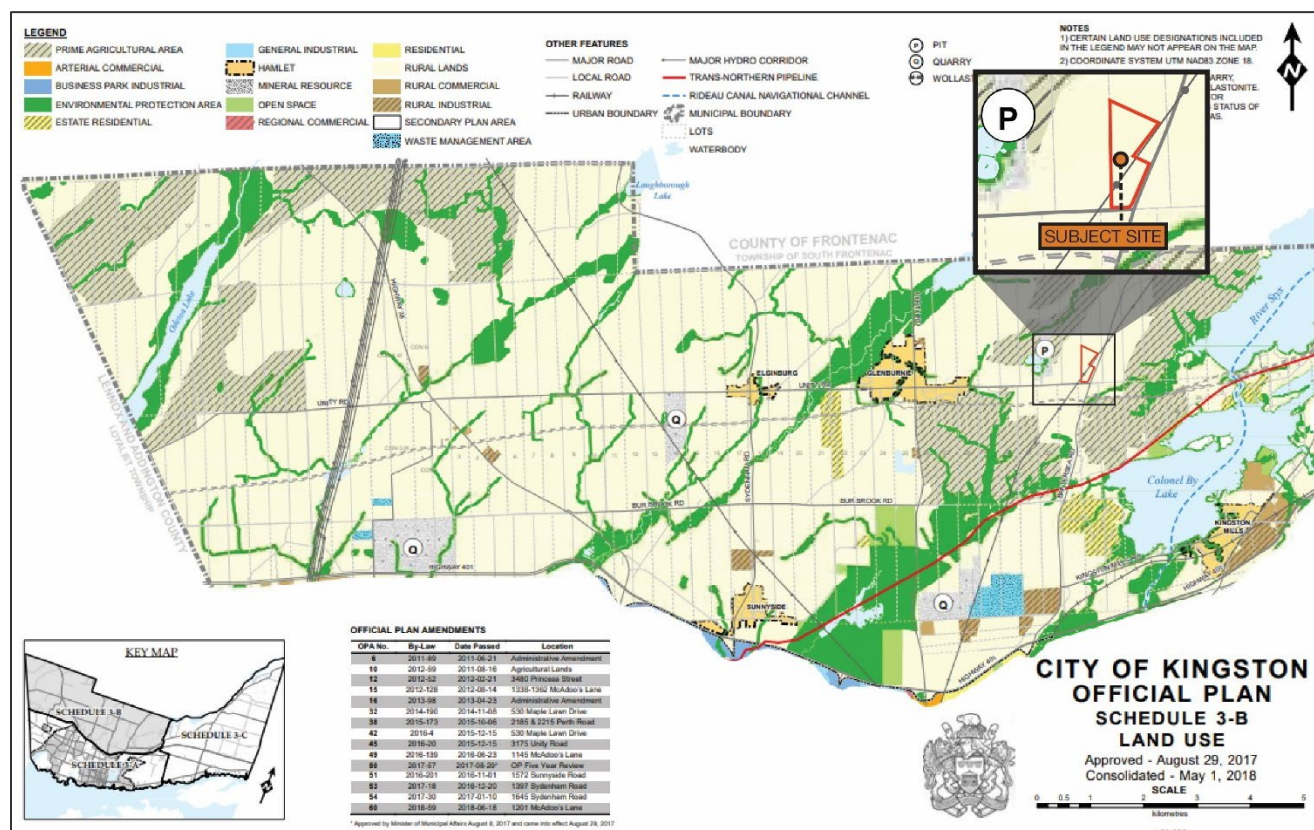


Figure: Schedule 3B – Land Use, City of Kingston Official Plan (source: Kingston K-maps).

Section 3.14: Rural Commercial

There are limited areas outside of the Urban Boundary, as shown on Schedule 2 of the Official Plan, which are presently designated Rural Commercial. These designations are typically larger scale commercial development that service the local community or the travelling public and these include overnight accommodations. The goal of the Rural Commercial designation is to support the rural and agricultural communities, as well as the tourism industry, in providing a limited amount of larger scale commercial developments in appropriate locations.

Section 3.14.2 – The Rural Commercial designation is intended for larger scale commercial uses that are the primary use of the property, or that may have impacts on adjacent land uses through noise, vibration, reduction of privacy, increase in traffic, or other impact or hazard.

The proposed development intends for the primary use of the property to be commercial in nature. Technical studies to assess potential impacts in terms of noise, traffic, environmental impact, heritage impact, and hydrogeology have been completed. Where the studies recommend mitigation measures to reduce potential impacts, the mitigation is proposed to be implemented through the proposed zoning by-law amendment (e.g. wetland setback) and/or through the site plan control process (e.g. sound transmission class rating for building materials and noise mitigation).

Section 3.14.3 – The Rural Commercial designation is intended to permit a variety of larger scale recreational, social and cultural uses and facilities, including golf courses, marinas, greenhouse operations, overnight accommodations, and seasonal campgrounds. Retail and office uses that are clearly an accessory use to the primary rural commercial uses are also permitted. Other types of retail and service commercial uses are intended to locate within a Hamlet or within the Urban Boundary.

The proposed development includes recreational and social facilities consisting of the tranquility spa and the corporate event venue, as well as overnight accommodations consisting of the proposed inn and cabins. Accessory retail and office space are anticipated as accessory to the primary uses. Similarly, the proposed restaurant will be co-located with the inn and spa and will complement the corporate event venue. The proposed uses are permitted within the Rural Commercial Designation.

Section 3.14.4 - Agriculture-related uses and on-farm diversified uses are permitted within the Prime Agricultural Area and Rural Lands designations and do not need to be placed in a separate Rural Commercial designation.

The proposed development represents a larger scale of agriculture-related use or agri-tourism use than is contemplated by the Official Plan. The nature of the Unity Farm, Inn and Spa is closely tied to the agricultural nature of the subject lands and the planned agricultural operations on the site. Although it is not required to place agriculture-related uses in a Rural Commercial designation, the proposed development is of a scale that the Rural Commercial designation is most appropriate. It is understood that the Rural Commercial designation does not prohibit or otherwise prevent the use of a portion of the site for agricultural purposes.

Section 3.14.8 – Any proposal for a new or expanded Rural Commercial designation will be assessed subject to the following considerations and provisions:

- a) the location, wherever possible, must be on the least productive agricultural lands and on sites that will not hinder agricultural operations;*

The subject site is not in the Prime Agricultural designation. The Official Plan does not identify a spectrum of agriculturally-productive lands, only lands that are Prime Agriculture and all other types of Rural Lands. The Agricultural Study completed for the City by Clark Consulting Services Ltd. in 2007 identified the soils on the subject site as Farmington Loam, which is described as “*problem soils having limited use for agricultural purposes and a low carrying capacity as grazing land.*” (Agricultural Study 2007, p. 3)” Although agricultural uses are proposed on the subject site, the lands are not well-suited to intensive agriculture and the proposed re-designation will not hinder agricultural operations. It is proposed to reduce required MDS setbacks through the zoning by-law amendment in support of nearby agricultural uses.

- b) a minimum lot size of one hectare must be provided, permitting adequate access, off-street parking, loading, individual on-site water services and individual on-site sewage services, setbacks, and buffering;*

The subject site is approximately 13.7 hectares in area. The five proposed entrances are sufficient to meet the needs of the development without causing traffic conflicts as identified in the traffic impact study. A hydrogeological and terrain assessment has been completed which demonstrates the suitability of the site for individual on-site sewage and water services. The site area is also sufficient to accommodate the necessary parking and loading spaces, appropriate building setbacks, and extensive vegetative buffering to provide visual screening.

- c) the location and use must have no negative impacts on natural heritage features and areas, as proven through an environmental impact assessment, described in Section 6;*

An environmental impact statement was completed which found that implementation of the recommended mitigation measures would result in no negative impacts on natural heritage features and areas.

- d) a residential unit as an accessory use may be permitted on the same lot, provided that no severance is created and such residential use meets the minimum distance separation formulae*

and the Ministry of the Environment and Climate Change requirements for sensitive uses (D-6 Guideline); and

Residential accessory uses are not proposed.

e) a market justification study and impact assessment may be required that demonstrates to Council's satisfaction that:

- the type and size of the proposed use are warranted;*
- the planned function of existing or approved commercially designated sites in the Urban Boundary will not be undermined;*
- the proposed use cannot be accommodated on or is not suitable on existing commercially designated sites in the Urban Boundary; and*
- the proposal meets other criteria as deemed appropriate by the City.*

The proposed Unity Farm, Inn and Spa is a unique proposal which will incorporate a broad range of uses, capitalizing on the mix of agricultural land and woodland on the subject site, as well as its location at the intersection of two rural arterial roads. Due to the unique combination of factors, a market justification study was not requested to support the proposed official plan and zoning by-law amendment applications.

Section 3.16: Mineral Resource Areas

Subsection 3.16 reflects the City's policies regarding areas where provincially significant mineral deposits and mineral aggregate resources are known to exist, as shown on Schedule 3.

Section 3.16.B.4 – Other land use activities, particularly sensitive uses such as residential uses, proposed to be developed within land use designations abutting a Mineral Resource Area designation on Schedule 3, must be separated from lands designated Mineral Resource Area by the following distances:

- a) 300 metres from a known unconsolidated deposit (e.g., sand, gravel, clay) or a mineral aggregate pit operation; and*
- b) 500 metres from a known bedrock deposit or a bedrock quarry operation. The protection of the Mineral Resource Area designation for long term use is a priority of this Plan. However, in approving new pits or quarries, the number and proximity of existing sensitive uses in the immediate area of the proposed new use must be considered.*

To the west of the subject site are two Class-B Licensed Pits. The nearest licensed pit is approximately 8.5 hectares in area and is located approximately 385 metres west of the subject site, which exceeds the minimum separation distance of 300 metres. This licensed area is not designated as a pit under the Official Plan. This area is subject to the Temporary Restricted Agricultural Zone (A1-T1), which temporarily permitted the land to be used as a gravel pit for a period not to exceed two years, commencing on March 23rd, 1993. As the temporary permission has long since lapsed, the zoning no longer permits an operational pit. The second licensed pit, approximately 25.7 hectares in area, is located approximately 580 metres west of the subject site. This pit is operational; however, it exceeds the minimum separation distance requirement of 500 metres.

Section 4: Infrastructure & Transportation

Section 4 of the Official Plan provides policy direction for the provision of the City's physical infrastructure. In addition to addressing hard services, Section 4 provides policy direction for active transportation and other transportation needs.

Section 4.1: General Policies

Section 4.1 outlines the City's general infrastructure policies as they relate to matters such as new development, capacity limitations, and development charges.

Section 4.1.1 – New development will proceed only if the City is satisfied that adequate services, roads, and utilities are available, or can be made available, to serve the proposal adequately. In determining the

adequacy of servicing, utility systems, or the transportation system, the City will consider not only the proposal, but also the potential for development that exists in the same service area.

The subject site is located outside of municipally serviced areas and will operate individual on-site water and sewage services. The on-site services will be able to accommodate the needs of the proposed development, as per the findings of the hydrogeological and terrain assessment. The traffic study found that the proposed development can be accommodated without requiring improvements to the road network.

Section 4.3: Stormwater Management

Section 4.3 of the Official Plan provides policy direction for the controlling the quantity and quality of surface runoff. Through stormwater management, Kingston's natural heritage system and ground water and surface water resources may be protected. Stormwater management also helps to mitigate to possibility of natural hazards such as flooding and erosion.

Section 4.3.1 Stormwater management techniques must be used in the design and construction of all new development to control both the quantity and quality of stormwater runoff. The degree of control will depend on the conditions in the downstream receiving water bodies. This is to minimize the negative impacts of development on the downstream receiving water bodies, the aquatic environment, and fish habitat.

In keeping with the findings and recommendations of the Stormwater Management Report, uncontrolled post-development stormwater flow will be greater than pre-development flows due to changes in surface cover. However, the proposed stormwater management design will serve to mitigate that effect and maintain pre-development flow rates for all storm events up to a 100-year storm. The primary conclusions of the report are as follows:

- / Uncontrolled post-development flow will be greater than pre-development flows due to changes in surface cover.
- / The proposed stormwater management design provides the required storage and outlet control to maintain post-development flows at pre-development flow rates for all storm events up to a 100-year storm.
- / The proposed stormwater storage pond has the capacity to store runoff from Phase 1 for up to a 100-year storm event with a maximum water elevation of 126.30.
- / Permanent water quality protection (enhanced level) will be provided by the proposed wet pond to all stormwater runoff.

Section 4.4: Individual On-Site Services

Section 4.4 outlines policy direction for the provision of on-site services for development beyond the Urban Boundary. These areas will be primarily based on individual on-site water and sewage services and will only be permitted if conditions are adequate to support such systems for the long term, with no negative impacts. The City may require that a Hydrogeological Study be prepared which addresses matters pertaining to groundwater capacity, groundwater constraints, and terrain suitability for on-site servicing.

The subject site is located beyond the urban boundary and, as such, is required to provide individual on-site water and sewage services. Based on the proposed design of the development and on-site services, a hydrogeological and terrain assessment was completed which determined that the subsurface water and soil conditions are sufficient to meet the needs of the proposed development in terms of water and sewage without causing negative impacts to other properties.

Section 5: Protection of Health & Safety

Section 5 of the Official Plan provides policy direction to manage natural and human-made hazards in a manner that protects human life and health, avoids adverse effects on living areas and sensitive uses, and avoids, minimizes, or buffers sources of pollution so that the quality of life in Kingston will be improved and sustained over the long term. The subject site is not in proximity to natural hazard lands. The two nearby class-B licenced

aggregate pits will not have any adverse effects on the subject site due to separation distance from the subject site. As per Section 3.16.B.4, sensitive uses must be separated by 300 metres from a known known unconsolidated deposit or a mineral aggregate pit operation. The nearest of the two sites is not operational, lacking the necessary municipal designations to operate. The non-operation pit is approximately 385 metres from the subject site. The second licensed pit is located approximately 580 metres to the west of the subject site, exceeding minimum separation distance requirement from a Mineral Resource Area designation.

Section 6: The Environment & Energy

Section 6 of the Official Plan provides policy direction for the protection of the City's natural heritage system. It also addresses issues relating to climate change, energy production and energy conservation, and source water protection.

Section 6.1: Natural heritage System

This section addresses policies specifically related to the protection of the natural heritage system. It is the goal of this section to manage growth and land use in a manner which maintains, restores, and enhances the natural heritage system within the City. Section 6.1.2 address areas identified as Natural Heritage "A" on Schedule 7, where as Section 6.1.3 addresses areas identified as Natural Heritage "B" on Schedule 8. There are no natural heritage features within the subject site identified on Schedule 7B. However, the subject site contains some lands identified as Significant Woodland on Schedule 8B.

Section 6.1.3 – Areas identified as Natural Heritage "B" on Schedule 8 will be treated as an overlay to land use designations on Schedule 3 and the land use designations of the secondary plans in Section 10. In these areas, development and site alteration will not be permitted unless it has been demonstrated that there will be no negative impacts on the natural heritage features or areas or ecological functions. Natural Heritage "B" features include:

- *significant woodlands;*
- *significant valleylands;*
- *significant wildlife habitat;*
- *unevaluated wetlands and coastal wetlands; and*
- *linkages and corridors.*

The Environmental Impact Statement concluded that the subject site contains wildlife habitat area; however, it is not considered to be significant for the purposes of the Provincial Policy Statement. A small wetland habitat area of approximately 0.35 hectares in area was also identified. The wetland was determined not to meet the threshold for significant wildlife habitat. The proposed 7.5 metre setback was deemed to be adequate given the small size and modest ecological value of the wetland patch. A patch of woodland habitat was identified but was found to not be significant wildlife habitat. However, the woodland may be significant for the purposes of establishing linkages with other woodlands to the east and north. There is limited diversity within the woodlands on the site. The intent of the proposed application is to minimize the removal of trees wherever is feasible. This will contribute to the rural woodland character of the land which contributes towards the appeal of the proposed cabins.

The EIS identified three butternut trees on the site. Two of the butternut trees were classified as Category 1 and are not retainable due to the advanced state of canker. The third tree showed some sign of canker and is currently classified as a Category 2. All three trees are removable in accordance with the Endangered Species Act. Should the Category 2 tree be preserved, the EIS recommends a setback of 30 metres.

The following recommendations are put forward to mitigate any adverse impacts to the natural heritage system:

- 1) It is recommended that a minimum setback of 7.5 metres should be maintained around the small wetland patch, and that the setback be maintained as a "no-cut" zone, within which no removal of trees or shrubs is permitted.
- 2) It is recommended that tree removal be minimized for protection of the possible linkage function of the woodland habitat and for the protection of species of conservation concern that are or may be present.

The identification of defined building envelopes for the small cabins should be part of this approach, prohibiting the landowners from clearing trees and shrubs outside the specified envelope.

- 3) It is recommended that any necessary vegetation removal be conducted during the fall and winter period to preclude impacts to nesting birds, and that no removal of woody vegetation (trees or shrubs) occur between April 15 and July 31 in order to comply with the requirements of the Migratory Birds Convention Act.
- 4) If the removal of any of the three identified Butternut trees is required, an official submission of the BHA assessment must be made prior to that removal, and all applicable requirements met.
- 5) It is recommended that the retainable Butternut tree be protected from impact by plan amendment, if required, such that no cabin is located within 30 m of the tree.
- 6) If any additional Butternut tree is encountered, such trees cannot be removed prior to a series of required steps: a health assessment must be completed by a designated BHA and undertaken in an appropriate season; the assessment must be submitted to the appropriate office; and provincial protocols must subsequently be followed, which vary depending upon its assessed health category, if the tree is to be removed.

Section 6.1.4 Development and site alteration will not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

The EIS identified three butternut trees on the site. Two of the butternut trees were classified as Category 1 and are not retainable due to the advanced state of canker. The third tree showed some sign of canker and is currently classified as a Category 2. All three trees are removable in accordance with the Endangered Species Act. Should the Category 2 tree be preserved, the EIS recommends a setback of 30 metres. As per the recommendations of the EIS, if any additional Butternut tree is encountered, such trees cannot be removed prior to a series of required steps: a health assessment must be completed by a designated BHA and undertaken in an appropriate season; the assessment must be submitted to the appropriate office; and provincial protocols must subsequently be followed, which vary depending upon its assessed health category, if the tree is to be removed.

Section 6.1.5 Development and site alteration will not be permitted in fish habitat or habitat of aquatic species at risk, except in accordance with provincial and federal requirements.

Development and site alteration will not be permitted adjacent to the habitat of aquatic species at risk unless an environmental impact assessment demonstrates that there will be no negative impacts on natural heritage features and areas or ecological functions, and that Species At Risk Act (SARA) and Endangered Species Act (ESA) provisions have been addressed. The environmental impact assessment must be completed in consultation with Fisheries and Oceans Canada. They will also provide guidance on how projects must be carried out to remain in compliance with the SARA (i.e., by modifying the project to avoid impact, development of appropriate mitigation, or acquiring a SARA permit to carry out the activities). The Ministry of Natural Resources and Forestry will provide guidance on how projects must be carried out to remain in compliance with the ESA.

The subject site does not contain fish habitat or habitat of aquatic species at risk.

Section 6.2: Energy Conservation and Production

Section 6.2 provides policy direction regarding energy use and sustainable energy production. Energy is determined by land-use patterns and is generally continues to increase while traditional energy supplies become constrained. The policies of Section 6.2 are designed to support the Kingston Climate Action plan (2014) and the goals for the Kingston Community Energy Plan.

Section 6.2.6 The City may give priority to development applications that incorporate renewable energy and district energy infrastructure.

The subject site will utilize geothermal and solar heating systems. Heating and cooling of all buildings and the spa will be through this geothermal system. Geothermal heating systems are a well-established method for heating

and cooling which utilizes the earth's geothermal heat to regulate temperatures in a centralized closed-loop system. This method allows for both heating and cooling to occur simultaneously. Geothermal Energy is recognized by the Official Plan under Section 6.2.D as a desirable form of renewable energy, contributing towards the City's goals for promoting sustainable development. A solar heating system, another well proven system, will be used to assist in heating the spa tubs and saunas.

Section 6.2.D: Geothermal Energy

Section 6.2.D provides policy direction for the use of geothermal energy sources. Geothermal energy may be used for heating and cooling purposes or for the production of electricity.

Section 6.2.D.2 The installation or operation of a geothermal energy system is permitted in Institutional, Regional Commercial, Arterial Commercial, District Commercial, Business Park Industrial, General Industrial, Waste Management Industrial, Rural Commercial, Rural Industrial, Rural Lands and Prime Agricultural Area, as shown on Schedule 3 of this Plan.

The subject site will utilize a geothermal heating system. The proposed geothermal system is permitted within the Rural Commercial designation of the Official Plan.

Section 7: Cultural Heritage and Archaeology

Section 7 of the Official Plan provides policy direction for the protection and appropriate management of cultural heritage resources. Cultural heritage resources include intangible cultural resources, moveable cultural heritage resources, protecting heritage properties, built heritage resources, cultural heritage landscapes, and archaeological resources. As per Section 7.1.7, the City may require that a heritage impact statement be prepared by a qualified person to the satisfaction of the City for any development proposal which has the potential to impact a built heritage resource.

The James Hickey House, the primary residential dwelling on the property, has been listed as a property of cultural heritage value in the City of Kingston Heritage Register. As such, a heritage impact statement has been prepared in accordance with section 7.1.7 of the Official Plan. The heritage impact statement outlines an assessment of the heritage value of the property and recommends alternative development approaches or mitigation measures to address any impact to the built heritage resource and its heritage attributes that might stem from the proposed development. The full heritage impact statement has been submitted in support of this application. A summary of the statement may be found in Section 3.0 of this report. The Stage 1 and 2 Archaeological Assessment found that there are no significant archaeological resources on the subject site, and that no further archaeological work is required.

Section 7.2: Protected Heritage Resources

Section 7.2 provides policy direction for protected heritage properties, referring to real property that is designated by by-law or subject to a heritage easement under the Ontario Heritage Act. The term 'built heritage resources' refers to buildings, structures, monuments, installations or remains of significant that location upon a piece of real-world property and which have been identified by the municipality.

Section 7.2.5 The City may permit development and site alteration on adjacent lands to a protected heritage property where the proposed development and site alteration has been evaluated, and it has been demonstrated through the preparation of a heritage impact statement that the heritage attributes of the protected heritage property will be conserved.

A heritage impact statement has been prepared which assessed the heritage attributes of the protected heritage property. The HIS determined that there will be no loss of significant cultural heritage resources resulting from the construction of the proposed development. The HIS put forward four recommendations to ensure the protection of the heritage resources, as follows:

1. Consideration be given at the Site Plan stage to refinements of the conceptual design to ensure that it is compatible with the architectural style, massing and materials of the existing farmhouse;

2. Care should be taken during construction to ensure the protection of the heritage attributes of the buildings and landscapes;
3. An addendum to the Heritage Impact Statement be prepared in response to such changes and to the results of the Archaeological Assessment; and,
4. That, once planning approvals have been granted by the City, the property be Designated under Section 29, Part IV of the *Ontario Heritage Act*.

Section 7.2.7 The City may permit accessibility and energy efficiency retro-fits on heritage properties. These retro-fits must be completed in accordance with Policy 7.2.6.

The subject site will utilize a geothermal heating system. The geothermal system is consistent with the policies of Section 7.2.6, as is discussed above.

Section 8: Urban Design

Section 8 of the Official Plan addresses the arrangement of elements within the built and natural environment. Urban design has particular importance as a tool for achieving compatibility between areas containing cultural heritage resources and new development.

Section 8.4 – Through the review of development proposals, construction of public works, or the preparation and approval of area plans, the City will promote the provision of barrier-free access and safety by:

- a) *providing for age-friendly needs and the requirements of people with disabilities, and others requiring access supports through improved amenities such as parking, benches, and washrooms, clear signage, visual or auditory indicators, and other means as appropriate;*

As a commercial use, the site design will be required to comply with the Accessibility for Ontarians with Disabilities Act (AODA) and will include the required accessibility considerations. AODA compliance will be ensured through the zoning, site plan control, and building permit review processes.

- b) *improving public security through enhanced lighting, visibility of public areas, provision of entrance locations in well-traveled areas, and ease of access for emergency personnel or vehicles;*

Adequate lighting will be provided throughout the site to ensure visibility is maintained around highly frequented areas. Lighting will be organized so as to be sensitive to the rural setting of the subject site and to not detract from the rural characteristics of the area. Five driveways provide access to the site along Battersea Road and Unity Road. Four of these driveways are intended to function as fire access routes, providing ease of access to the site for emergency person and vehicles.

- c) *clearly defining building entrances and avoiding designs that would create areas that are hidden from public view and thus potentially available for criminal activity;*

Building entrances will be clearly marked and visible in accordance with Ontario Building Code requirements. Public entrances will generally be designed to be more visible than service or staff entrances. The site plan control review process will provide an opportunity to review and implement detailed control of the entrance design.

- d) *arranging public uses and amenities within a convenient walking distance;*

The proposed development does not propose any public uses or amenities.

- e) *providing adequate walkway widths, visually permeable materials and structures, and landscaping elements that do not obstruct sightlines in the design of streetscapes, transportation facilities, or public buildings and places; and,*

Walkway widths will comply with AODA standards and the proposed landscape treatments and buffers will not obstruct sight lines. The design of these features is intended to reflect the rural characteristics of the subject site and surrounding context.

- f) promoting safe environments by applying Crime Prevention Through Environmental Design (CPTED) concepts and principles in the design of buildings, site layout and landscaping of development sites.*

Detailed review of the proposed development for CPTED compliance will be part of the site plan control review. The proposal intends to satisfy considerations of privacy and tranquility as well as safety and crime prevention.

Section 8.6 – The City requires the design of new development to be visually compatible with surrounding neighbourhoods and areas of cultural heritage value or interest through its site plan control review, preparation of zoning standards, and urban design guidelines, as appropriate, that address the following:

- a) siting, scale and design of new development in relation to the characteristics of the surrounding neighbourhood or the significant cultural heritage resources including, scale, massing, setbacks, access, landscaped treatment, building materials, exterior design elements or features;*

New buildings on the site will include: an addition to the existing dwelling, 40 new cabins, a new accessory building, a new corporate event venue building, and the reconstruction and expansion of the existing barn as a primary corporate event venue. The addition to the heritage dwelling is proposed to be of a contemporary architectural style that does not mimic or compete with the existing dwelling. The addition will complement the heritage dwelling while clearly signaling that it is a new construction.

The proposed cabins will be small in size and their design will reflect their intended function, blending into the landscape and wooded areas. Larger buildings including the corporate event venue, the reconstructed barn, and the agricultural storage building are designed to appear as traditional barns to blend into the rural landscape. Smaller buildings will generally not be visible from the roads due to the high order of landscaping and vegetation proposed throughout the site, including the cultivation of the fields around the Inn. Proposed setbacks are consistent with those which currently apply to the site.

- b) protecting natural heritage features and areas and cultural heritage landscapes through the siting, design and review of new development;*

The Stage 1 and 2 Archaeological Assessment found that there are no significant archaeological resources on the subject site, and that no further archaeological work is required. All significant heritage resources and landscapes will be conserved through the construction and redevelopment process in accordance with the findings and recommendations of the Heritage Impact Statement. Heritage resources will be subject to review by the Heritage Kingston Committee and detailed consideration at site plan control review. As per the recommendation of the EIS, a minimum 7.5-metre setback will be maintained adjacent to the small wetland on the property. The woodland will also be conserved to the extent possible by minimizing tree removal. The EIS identified three butternut trees on the site. Two of the butternut trees were classified as Category 1 and are not retainable due to the advanced state of canker. The third tree showed some sign of canker and is currently classified as a Category 2. All three trees are removable in accordance with the Endangered Species Act. Should the Category 2 tree be preserved, the EIS recommends a setback of 30 metres.

- c) promoting innovation in building design to create an interesting and varied built environment, to increase sustainability by improving energy efficiency, and to deliver barrier-free accessibility;*

Sustainability is a core value of Unity Farm, Inn and Spa. The design of the site will include a Norweco Modulair wastewater treatment system which will produce chlorinated potable water for things such as laundry and flushing toilets. The site will feature two stormwater ponds, which will collect both rainwater and potable water from the water treatment system. In addition to these ponds, large cisterns located in each building will collect rainwater and hold excess potable water produced by the water treatment facility. These ponds and cisterns will serve as the water source for all agricultural and gardening activities, meaning that well water will not be directly used for irrigation purposes. All water used to fill hot tubs and pools in the spa will be sourced externally and will not draw on well water. Well water will be used exclusively for drinking water, showers, and the restaurant. Heating and cooling of all buildings and the spa will be through geothermal sources. A large portion of the site will be used for agricultural purposes, growing vines, flowers and vegetables. Hops will also be planted, which are intended to be

utilized in a variety of wellness products, foods and beverages. Crops grown on-site will be used in the restaurant and business, with any surplus being made available for purchase in the community by the public.

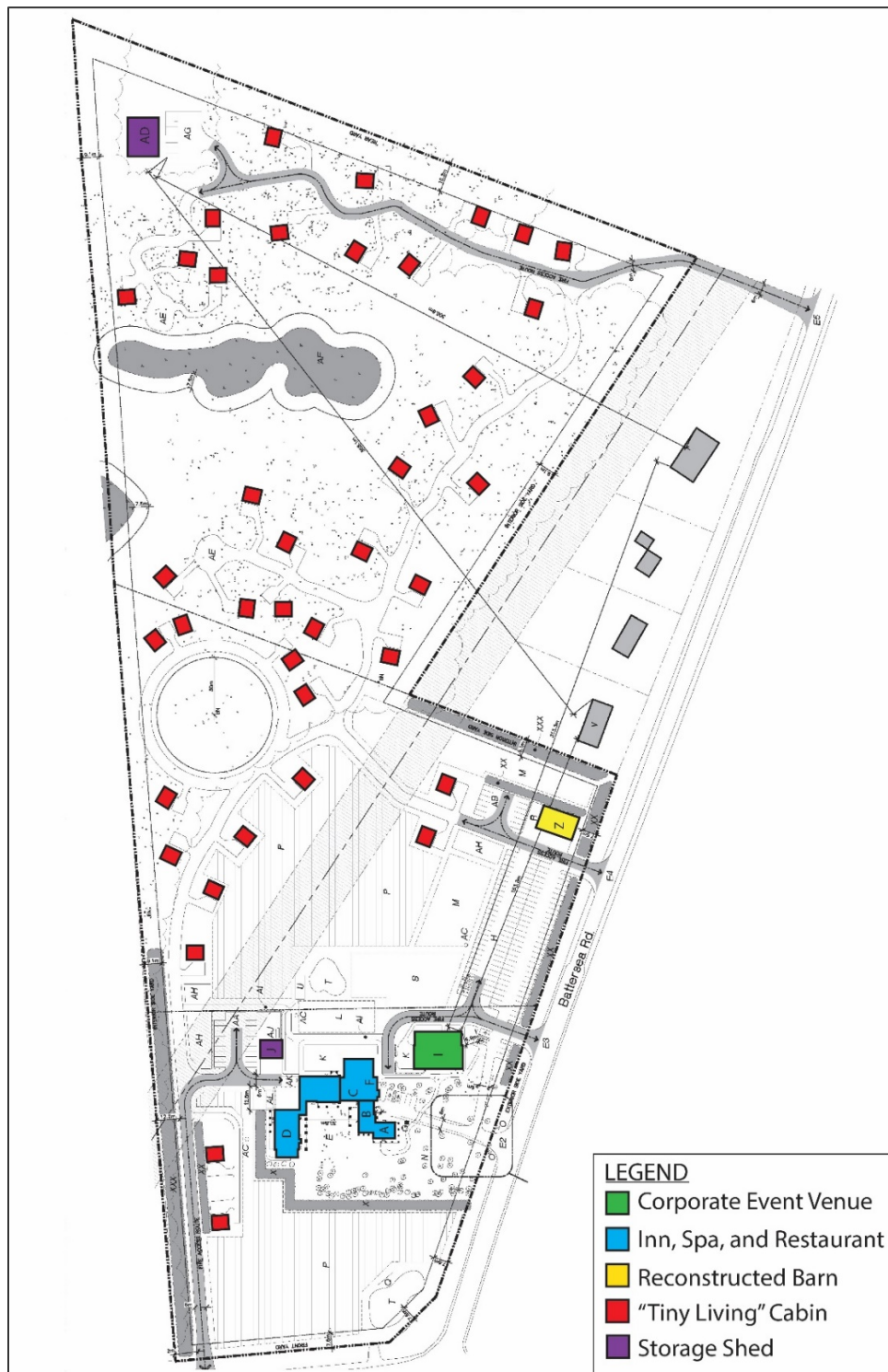


Figure 21: Proposed Concept Plan (source: Shoalts and Zaback Architects Ltd.).

- d) *achieving compatibility in land use and with a predominant architectural style, street pattern or site arrangement where that style or arrangement forms a valuable component of the existing neighbourhood or the cultural heritage value or interest of the identified area. Section 2.7 provides additional policy in this regard; and,*

The surrounding area is rural in nature, featuring a mix of rural residential, agricultural, and institutional uses. The proposed inn, spa, corporate event venue, restaurant, cabins, craft winery/brewery, vineyard and garden area will complement the rural characteristics of the area. Cabins will be designed so as to blend into the rural and woodland landscapes, while larger buildings will be designed so as to emulate the appearance of traditional barns. A farm-to-table approach will support home grown and local agriculture. The proposed development will also adaptively re-use a culturally significant heritage dwelling and will create new employment opportunities in the rural area, all while celebrating the rural way of life. The proposed development exemplifies the principles of growth for rural areas and sustainable development.

- e) *encourage spaces, services and facilities that highlight arts and culture in a manner that generates and sustains cultural vitality.*

The proposed development will complement and enhance the surrounding rural setting, featuring a corporate event venue, walking paths, crops and gardens, a craft brewery, retention of trees, preservation of wetlands, and the integration of heritage characteristics and materials across the site. The proposed development is anticipated to contribute to tourism destinations and accommodations in the City's rural area.

Section 9: Administration & Implementation

Section 9 addresses the general administration and implementation of the Official Plan. The goal of the section is to maintain an Official Plan that is current, promotes sustainability, and is responsive to potential changes in the City. The policies of the Official Plan are intended to be applied in a consistent and equitable manner through the use of a variety of implementation tools and measures, as appropriate.

Section 9.3: Official Plan Amendments

Section 9.3 outlines policy direction for applications to amend the Official Plan.

Section 9.3.2 – Every application for amendment to this Plan will be evaluated on the basis of the following general considerations and any others that are pertinent to the particular application:

- a) *the conformity of the proposed amendment to the general intent and philosophy of this Plan, particularly the vision and planning principles, including sustainability, stability and compatibility outlined in Section 2, and consistency with provincial policy;*

Our report provides a detailed overview on the preceding pages regarding conformity of the proposed official plan amendment with the generally intent and philosophy of the Official Plan as well as its consistency with the Provincial Policy Statement.

- b) *the availability and suitability of land already designated for the proposed use, and the need for (or market feasibility of) the proposed use;*

The Official Plan does not pre-designate Rural Commercial lands. Any proposal for a new Rural Commercial designation must satisfy a series of policy tests set out in Section 3.14.8, as examined previously in this report. The proposed development represents a unique combination of uses in the City of Kingston which has not been contemplated.

- c) *the compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses, including cultural heritage resources and natural heritage features and areas;*

By adhering to the recommendations of the environmental impact assessment and the heritage impact assessment, the proposed development will achieve compatibility within cultural and natural heritage resources and features. Further, the proposed development will conform to current setback requirements for front, interior

side, exterior side, and rear yards and will incorporate landscaped buffers adjacent to property lines that abut on residential lots.

d) the potential of the proposal to cause instability within an area intended to remain stable;

Section 2.6 of the Official Plan specifies that Housing Districts are the areas of the City that are intended to remain stable. Rural Areas may share characteristics with stable urban neighbourhoods but the Official Plan does not explicitly intend that Rural Areas are intended to remain stable.

e) the ability of the City's infrastructure to accommodate the proposal without costly expansion, upgrading, or required deferral of other planned infrastructure improvements in other areas of the City;

The proposed development is outside of the serviced area and fronting onto existing municipal roads, therefore no expansion or upgrading of municipal infrastructure is required.

f) the financial implications (both costs and revenues) to the City;

A detailed financial analysis has not been completed. Generally-speaking, the proposed development is anticipated to result in an increase in tax revenue due to the proposed change in land use resulting in a reassessment of the subject site by MPAC. Indirectly, the creation of new employment opportunities, the addition of hotel rooms and creation of a new tourism destination are anticipated to result in the generation of additional spending in the City. Costs to the City are not expected to increase as a result of the proposed development.

g) the degree to which approval of the amendment would establish an undesirable precedent; and,

The proposed development is unique in Kingston, requiring a context-specific analysis to ensure that the proposed Rural Commercial designation is appropriate. The appropriateness of the proposed development at one location does not imply its suitability at another location, therefore the proposed official plan and zoning by-law amendments would not establish a precedent, desirable or otherwise.

h) consistency with the Provincial Policy Statement and provincial legislation and guidelines.

The proposed development is consistent with the Provincial Policy Statement in that the proposed development does not negatively impact cultural or natural heritage resources, will not require an expansion of municipal services, and will be developed in such a way as to maximize compatibility with the surrounding land uses.

Overall, the proposed development conforms with the policies of the Official Plan in that it is compatible with the surrounding land uses and rural characteristics of the area. Any potential adverse impacts of the proposed development, such as increased noise resulting from the proposed event spaces, have been addressed through the supporting studies which demonstrate that these can be appropriately mitigated. The site exceeds the minimum separation requirement from the nearby pit operations. Section 2.7.8 requires that new development give consideration to the mutual separation of livestock and sensitive uses. It is proposed to reduce the MDS setback between the barn to the west and the subject site to 82 metres. The proposed amendment to re-designate the subject site as Rural Commercial is appropriate given the location, size, and nature of the proposed development. In general, the Rural Commercial designation supports larger scale commercial development which supports the tourism industry. The proposed inn, spa, corporate event venue, restaurant, cabins, craft winery/brewery, vineyard and garden area will support the economic diversification of the rural area and generate new employment and tourism opportunities. The proposed Rural Commercial designation is intended to reflect the role that the development will have in supporting the rural economy.

It is our professional planning opinion that the proposed official plan and zoning by-law amendment applications conform with the City of Kingston Official Plan.

5.0 CURRENT & PROPOSED ZONING

The subject site is dual-zoned Restricted Agricultural Zone (A1) and General Agricultural Zone (A2) in the Kingston Township restricted area Zoning By-law 76-26. As the Kingston Township restricted area Zoning By-law 76-26 does not contain include a rural commercial zone for tourism-related activities, the proposed zoning by-law amendment will establish a site-specific Special Highway Commercial (C3-X) zone which reflects the performance requirements of the proposed development.



Figure 22: Current Zoning (source: K-Maps)

The Highway Commercial (C3) zone best reflects the intended use of the subject site. Zoning By-law 76-26 does not contain a zone which specifically considers tourist-oriented commercial development, however the C3 zone, which permits hotels and motels, is most comparable to the Tourist Commercial (CT) zone in the Pittsburgh Township Zoning By-law 32-74. The CT zone includes various types of tourist accommodations as permitted uses, as well as addressing relevant performance standards associated with those types of uses. Given the comparable characteristics of the CT zone, the C3 zone was selected as the parent zone for the proposed zoning by-law amendment and a custom hybrid zone is proposed.

The site-specific C3-X zone will amend the provisions of the parent C3 zone to address the required performance standards of the proposed development. Given the unique nature of the proposed development, where the C3 zone does not adequately give consideration to the proposed uses, new definitions or zone provisions will be proposed. The majority of the subject site, including all of the existing buildings on the site, is presently regulated by the A2 zone. In recognition of the existing built fabric and rural character of the subject lands and neighbouring properties, where a provision from the A2 zone is more restrictive than the C3 zone, it is proposed to incorporate the more restrictive provision in the proposed site-specific zone. The table below describes the proposed development's compliance with the provisions of the C3-X zone.

The following table reflects the proposed development's compliance with the provisions of the A2 and C3 zones.

The table below reflects the proposed development's compliance with the provisions of the A2 and C3 zones.

Provision	Requirement (A2 Zone)	Requirement (C3 Zone)	Proposed (Development)	Amendment Required?
Uses Permitted	Residential Uses: <ul style="list-style-type: none"> • An accessory dwelling; • A converted dwelling; • A single-family dwelling; 	Residential Uses: <ul style="list-style-type: none"> • an accessory dwelling unit in the upper portion of a non-residential building. 	Residential Uses: <ul style="list-style-type: none"> • an accessory dwelling unit in the upper portion of a non-residential building. 	No
	Non-Residential Uses: <ul style="list-style-type: none"> • a cemetery; • a church; • a conservation use; • a crematorium; • a farm, including specialized farms; • a forestry use; • a fraternal lodge; • a home occupation; • a kennel; • a livestock sales barn; • a public use; • a riding stable; • a seasonal fruit, vegetable, flower or farm produce sales outlet, provided such produce is the product of the farm on which such sales outlet is located. 	Non-Residential Uses: <ul style="list-style-type: none"> • an animal hospital; • an automobile service station; • an existing auctioneer's establishment; • a builders' merchant; • a clinic; • a commercial club; • a drive-in restaurant; • a dry-cleaning or laundry outlet; • a farm implement dealer; • a farm produce retail outlet; • a florist shop; a gasoline retail facility; • a golf driving range or miniature golf course; a home occupation; • a laundromat; • a merchandise service shop; • a motel or hotel; • a boat sales establishment; • a vehicle sales or rental establishment; • a travel trailer and/or mobile home sales establishment; • a prefabricated building products outlet; • a public use; • a rental outlet; • a restaurant; 	Non-Residential Uses: <ul style="list-style-type: none"> • Farm • Public use • Conservation use • Hotel • Personal service shop* • Rental cabin* • Restaurant • Craft winery / brewery* • Farm produce retail outlet • Nursery/garden centre/greenhouse <p>(*denotes a use which is not presently permitted in the A2 or C3 zones)</p>	Yes

Provision	Requirement (A2 Zone)	Requirement (C3 Zone)	Proposed (Development)	Amendment Required?
		<ul style="list-style-type: none"> a nursery/garden centre/greenhouse; a wholesale use accessory to a permitted use; a day nursery. 		
Lot Area (min)	Other uses = 5 acres	Tourist Establishment: (c) Other lots = 30,000 square feet (2,787 m ²) plus 2,000 square feet (185.8 m ²) for each guest room in excess of 4 (40 cabins + 27 guest suites) = 14,492.4 m ² (1.449 ha) Other uses: (c) Other lots = 10,000 square feet (929 m ²)	13.7 ha (33.85 acres)	No
Lot Frontage (min)	Other Uses = 330 feet	Tourist establishment: (c) Other lots = 150 feet Other Uses = 75 feet	Unity Rd: 111.5 m (365.8 ft)	No
Front Yard Depth (min)	25 feet	10 feet	68.8 m (+226 ft)	Yes (to apply the A3 zone requirement)
Exterior Yard Depth (min)	25 feet	10 feet	7.6 m (25 ft)	Yes (to apply the A3 zone requirement)
Interior Side Yard Width (min)	25 feet	Other Uses = 30 feet, provided that where the interior side lot line abuts another lot in a Commercial Zone, no interior side yard shall be required.	12.1 m (40 ft)	No
Rear Yard Depth (min)	25 feet	Other Uses = 50 feet	15.2 m (50 ft)	No
Landscaped Open Space (min)	Converted dwelling house = 30%	Other Uses = 20%	+28% (excludes woodland and agricultural land)	No
Lot Coverage (max)	Other uses = 35%	Tourist Establishment = 40% Other uses = 20%	4% (5,331 m ² / 137,214 m ²)	No

Provision	Requirement (A2 Zone)	Requirement (C3 Zone)	Proposed (Development)	Amendment Required?
Height (max)	35 feet	35 feet	13.7 metres (45 ft)	Yes
Open Storage	N/A	No open storage of goods or materials shall be permitted except in accordance with the following provisions: (i) Every open storage use shall be accessory to the use of the main building on the lot; (ii) An open storage use shall only be permitted in a rear yard; (iii) Notwithstanding paragraph (ii) above, in the case of a vehicle sales or rental establishment, an open storage use shall be permitted in all yards provided that no such use is located closer than 3 feet to any street line.	None proposed.	No
Habitable room window	N/A	Where the exterior wall of a tourist establishment building contains a first storey habitable room window, such wall shall be located no less than 30 feet from any interior side lot line or rear lot line.	No tourist establishment (hotel or rental cabin) is less than 40 ft (12.1m) from a lot line.	No
Special Access Requirements	N/A	2 per lot where a lot has a frontage on one street and 4 per lot where a lot has frontage on more than one street. (max = 4)	5 driveways	Yes
Flood plain Setback	No building shall be erected or altered within 25 feet of a flood plain (i.e. of the high water mark of a waterbody).	No building shall be erected or altered within 25 feet of a flood plain (i.e. of the high water mark of a waterbody).	No buildings proposed within 7.6m of a flood plain; the existing wetland is not a waterbody.	No
Wetland setback	N/A	N/A	A general setback of 7.5 m is proposed from the existing wetland for any development.	Yes

Provision	Requirement (A2 Zone)	Requirement (C3 Zone)	Proposed (Development)	Amendment Required?
General Provisions (Section 5)				
Accessory uses	Lot Coverage: The total lot coverage of all accessory buildings on a lot in a Residential Zone shall not exceed 10 per cent of the lot area.		Accessory buildings comply with the setback requirements of the zone. Accessory buildings account for a portion of the 4% total lot coverage and therefore comply with the maximum requirement.	No
Loading Space Regulations	Requirements: <ul style="list-style-type: none"> 0 – 3,000 square feet = 0 spaces 3,000 – 25,000 square feet = 1 25,000 – 80,000 square feet = 2 80,000+ square feet = 2 + 1 space per each additional 100,000 square feet 		1	No
Parking Requirements	Tourist Establishment (includes Hotel and Rental Cabins): <ul style="list-style-type: none"> 1 parking space for each guest room (27 suites + 40 cabins = 67 spaces) plus 1 parking space for each 4 persons that can be accommodated at any one time in any beverage room or liquor lounge (140 persons = 35 spaces) plus 1 bus parking space for each 50 guest rooms, to a maximum of 3 bus parking spaces. (67 suites/cabins = 1 space) Restaurant <ul style="list-style-type: none"> 10 parking spaces per 100 square metres of gross leasable area (216m² restaurant + 120m² rooftop patio = 34 spaces) Retail / Personal Service Shop: <ul style="list-style-type: none"> 5.25 parking spaces per 100 square metres of gross floor area (387m² spa gross floor area = 20 spaces) 5.25 parking spaces per 100 square metres of gross floor area (68m² gift shop gross floor area = 4 spaces) Total parking requirement: <ul style="list-style-type: none"> Parking spaces: 67 + 35 + 34 + 20 + 4 = 160 spaces Bus parking: 1 space 		166 parking spaces provided 1 bus parking space	No
Parking Dimensions	Standard Parking Space = 2.75m x 6.0m		2.7m x 6.0m	Yes
Driveway Width	One-way = 10 – 30 feet		6.0m (20 feet)	No

Provision	Requirement (A2 Zone)	Requirement (C3 Zone)	Proposed (Development)	Amendment Required?
	Two-way = 20 – 45 feet			
Accessible Parking	4% of all required parking spaces		7	No
	Design standards: Type A = 3.4m x 6.0m Type B = 2.7m x 6.0m Access Aisle = 1.5m x 6.0m		Type A: 3.4m x 6.0m Type B: 2.7m x 6.0m 1.5m x 6.0m	No
MDS Requirements	The expansion of establishment of any new non-agricultural use in close proximity to an existing livestock facility shall comply with the requirements of the Minimum Distance Separation (MDS) calculation.		A minimum MDS I and II setback of 82 metres is required between the existing horse barn located at 896 Unity Road and the lands zoned C3-X.	Yes

5.1 One Lot for Zoning Purposes

The subject site is proposed to be developed in its entirety as the Unity Farm, Inn and Spa. Given that the site is comprised of three parcels of land, the interior lot lines of these three parcels could require unnecessary setback requirements internally within the site, inhibiting the efficient use of the subject lands. As such it is proposed that, for the purposes of zoning, all lots within the C3-X zone shall be considered as one lot. This will ensure that the development efficiently utilizes the available lands, which are intended to function as a single site.

Given that all lots within the C3-X zone are considered as one lot for zoning purposes, it is important to identify the lot lines for clarity of interpretation. This is particularly significant when considering the irregular shape of the site. In the case of a corner lot, the zoning by-law defines the front lot line as the shorter lot line abutting a street, while the longer lot line abutting a street is the exterior side lot line. Where a lot has more than four lot lines, the lot line farthest from and opposite to the front line shall be the rear lot line. All other lot lines are defined as interior side lot lines. In the case of the subject site, the Unity Road frontage is interpreted to be the front lot line, the Battersea Road frontage is interpreted as the exterior side lot line, the northernmost lot line is interpreted as the rear lot line, and all other lot lines are interior side lot lines.

5.2 Residential Use

In the C3 zone, permitted residential uses are limited to an accessory dwelling unit in the upper portion of a non-residential building. It is proposed to carry forward this permitted use in the site-specific C3-X zone with the intention of providing flexibility to allow a full-time staff member, such as a site manager or groundskeeper, to reside on-site at all times.

5.2 Permitted Non-Residential Uses

The C3 zone includes a broad range of permitted uses. The only uses which are proposed to be kept are “a motel or hotel”, “a restaurant”, “a farm produce retail outlet”, “a public use”, “a nursery/garden centre/greenhouse”. The restaurant, hotel and farm produce retail outlet uses are all required to permit the proposed Unity Farm, Inn and Spa and contribute to the core functions proposed to be permitted. It is proposed to also permit a public use as a general practice of broadly allowing uses that are required for public services, and this would continue to permit the existing hydro-electric tower on the subject lands. It is proposed to permit a “nursery/garden centre/greenhouse” as this use would permit the use of land, buildings or structures for the growing of trees, shrubs or plants for the purposes of retail or wholesale trade. The proposed development will include an agricultural component and it is intended to permit as broad a range of appropriate agricultural uses as possible to provide flexibility in terms of the type of cultivation proposed on the site.

From the current A2 zone, it is proposed to permit “a farm”, “a conservation use”, and “a forestry use”. It is proposed to carry forward permission from the current zoning that would allow use of the land for the tillage of soil and growing of vegetable, fruits, grains and other staple crops in accordance with the “farm” definition of the zoning by-law. The proposed development will include a wetland which is to be conserved in accordance with the “conservation use”, which is not defined in the by-law. The development will also make use of the existing woodland, primarily for the collection of maple syrup, in accordance with the “forestry” use. This use is not intended to permit the large-scale harvesting of trees for fuel wood or lumber. Note that it is not proposed to permit a “specialized farm” on the subject site as this use is intended primarily for the growing of certain types of livestock and is not intended as part of the Unity Farm, Inn and Spa.

The terms “farm produce retail outlet” and “conservation use” are not defined in the zoning by-law. It is proposed to apply the following definitions to these uses for clarity, with the definitions being adapted from the Township of Pittsburgh Zoning By-law 32-74 and the first draft of the City of Kingston Comprehensive Zoning By-law, respectively:

“Farm produce retail outlet” means a use supplemental to a permitted farm which consists of the retail sale of agricultural products.

“Conservation use” means the use of land and/or water for the purpose of planned management of natural resources.

In addition to the above-noted uses, it is proposed to introduce additional uses to permit the proposed development, as follows:

Rental Cabins

The proposed development includes a built form which has not been previously contemplated in the Township of Kingston Zoning By-law 76-26; specifically the proposed rental cabins. The “Tourist Establishment” definition may be interpreted to apply to rental cabins, however it is proposed to define these buildings as a subset of the Tourist Establishment use, specific to the proposed zone. A review of other zoning by-laws in Kingston found that a similar use exists in Zoning By-law 32-74, however the language used in the definition is anachronistic in that it states that a rental cabin is designed to accommodate “one family”. Instead, we have proposed a definition adapted from the definition for “Rental Cabin” as provided in the Township of Georgian Bay Zoning By-law 2014-75. The proposed definition will read as follows: *“Rental Cabin” means a detached building providing sleeping accommodation for the travelling or vacationing public, which may include cooking and/or washroom facilities.*

It is proposed to limit the maximum area of each individual cabin to 65 square metres (700 square feet) to reflect the area shown on the proposed site plan. A maximum height of 7.6 metres (25 feet) is also proposed, to ensure that the cabins retain a relatively low profile in relation to the primary building.

Personal Service Shop

It is proposed to include a “personal service shop” use to allow the proposed tranquility spa. The use is compatible with the boutique inn and forms an integral component of the primary function of the proposed development. The use will be contained to the proposed building addition and to the central courtyard, which will include hot- and cool-water pools for use by the spa. These pools will be filled using municipal water transported to the site by tanker trucks.

Craft Winery / Brewery

It is proposed to include craft wineries and breweries as a permitted non-residential use in the site-specific zone. Similar to rental cottages, craft wineries and breweries are not defined in Zoning By-law 76-26. As such, we propose to include the following definition of based on the definition for “Micro-Brewery and/or Micro-Winery” from the City of Brockville Zoning By-law 050-2014: *“Craft Winery and/or Craft Brewery” means the use of land, buildings or structures for the production and distribution, including sale, of beer, cider, and/or wine products and may include retail and/or a sampling area.*

The proposed craft winery/brewery will be contained in the reconstructed barn located in the northeast portion of the subject site. This building will be separated from the nearest residential use by more than 25 metres and will be separated from the Battersea Road allowance by approximately 10 metres. The building will also be buffered from both the street and the nearest property using a combination of trees and shrubs. The intent of allowing this building to be located closer to the street than other existing buildings is that this building is designed to complement the existing rural character of the area by utilizing reclaimed boards from the existing barn.

5.3 Yard Setbacks

No relief from the yard setback requirements of the C3 zone is required to accommodate the proposed development, however it is proposed to increase the front and exterior side yard requirements from 10 feet to 25 feet. These increased yard setbacks are consistent with the A2 zone requirement and will ensure that no buildings will be permitted closer to Unity Road and Battersea Road than what is presently permitted. It is effectively intended to maintain the rural streetscape.

5.4 Maximum Height

The maximum permitted height in both the C3 and A2 zones is 35 feet, which is sufficient to accommodate a two-storey residential dwelling with a peaked roof. Barns and some agricultural buildings are exempt from the maximum height limit. The proposed inn, spa and restaurant building is intended to achieve a maximum height of three storeys with a generally flat roof, although the building is designed to appear as multiple buildings and so there are portions that will have sloped roofs. The maximum proposed building height is 45 feet (13.7 metres). Given the significant setback distance between the building and the surrounding residential uses, the increased height is not anticipated to cause shadowing or loss of privacy due to intrusive overlook on neighbouring properties. The building massing and height will also vary across the building area. Combined with the proposed vegetative screening, the building is intended to read as a cluster of buildings, reflective of the rural nature of the surrounding area.

5.5 Special Access Requirements

The C3 zone limits the total number of driveways on a corner lot to four (4). A total of five (5) driveways are proposed. The zoning restriction contemplates the requirements on a single parcel of land, whereas the subject site consists of three distinct parcels, each with existing entrances and points of ingress/egress. As it is proposed to treat the subject site as one lot for the purposes of zoning, it is necessary to amend this zoning provision to permit a total of five driveways. Four of the proposed driveways are necessary to meet the functional site access requirements of the proposed development, including access for emergency services. The fifth entrance, which is not required for emergency services access, is the current primary entrance flanked by limestone pillars. It is proposed to maintain this site at the recommendation of the heritage consultant and to conserve the traditional entrance to the subject site. This driveway will lead to accessible parking spaces located nearest to the principal entrance of the inn, spa and restaurant.

5.6 Wetland Setback

The environmental impact statement which reviewed the proposed development identified a small wetland area on the subject site. The ecologist recommended that a minimum setback of 7.5 metres be established to protect this natural heritage feature. The zoning by-law includes a building setback from a floodplain, which is defined as the area below the high water mark of a waterbody. The wetland is seasonally dry and therefore does not have a defined highwater mark. The boundary of the wetland was therefore identified based on the topography of the land and the existing flora. It is proposed to incorporate a site-specific setback of 7.5 metres for any development so as to prevent buildings and the proposed driveway and associated grading from encroaching into the 7.5-metre setback. This proposed setback requirement will be implemented through the site plan control review process.

5.7 Parking

No relief is proposed from the required parking ratios. It is proposed to reduce the minimum parking space width from 2.75 metres to 2.7 metres, to be consistent with the requirement for Type B barrier-free parking spaces, which require a minimum width of 2.7 metres. The reduction will slightly reduce the overall parking area and is consistent with the parking standard permitted elsewhere in the City.

5.8 Minimum Distance Separation (MDS)

The proposed development does not meet the MDS I setback requirement for a Type B land use from existing livestock barns located on an abutting property, 896 Unity Road. The existing livestock barns at 896 Unity Road include a horse barn and a chicken coop which houses both chickens and goats. It is proposed to reduce the MDS I requirement for a Type B land use from 240 metres to 82 metres, which represents the distance between the nearest livestock barn and the property line of the subject site.

Minimum Distance Separation formulae are a tool developed by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) intended to prevent land use conflicts by minimizing nuisance complaints from odour. The MDS Document, also referred to as Publication 853, is issued by OMAFRA to describe the MDS formulae as well as the purpose and intent of MDS setbacks. The document provides information on the background and implementation of the MDS formulae. Sections 3 (Definitions), 4 (Implementation Guidelines) and 5 (Factor Tables) of Publication

853 comprise the “Minimum Distance Separation Formulae” as referenced in the Provincial Policy Statement, the City’s Official Plan, and the provisions incorporated into land use planning documents such as the zoning by-law. The actual calculations of MDS formulae are based on Section 5 (Factor Tables), which are the basis of the AgriSuite software developed by OMAFRA used to conduct the MDS calculations.

Section 2 (Introduction and Background) of Publication 853 provides context regarding the intent and purpose of MDS formulae with respect to minimizing land use conflicts and nuisance complaints from odour. Specifically, the document acknowledges that permitting development which is incompatible with livestock facilities and anaerobic digesters can have a detrimental impact on the ability of surrounding agricultural operations to expand, as new development in rural areas introduces new sources for nuisance complaints regarding odour for livestock facilities and anaerobic digesters. The intent and purpose of MDS formulae is to protect agricultural uses by reducing potential nuisance complaints due to the odour generated by livestock facilities and anaerobic digesters. Other potential sources of complaint such as noise, dust, land application of manure, etc. are not intended to be resolved by MDS setbacks.

Publication 853 defines two categories of MDS calculation, MDS I and MDS II. MDS I calculations are required to determine required setbacks between proposed new development and existing livestock facilities. MDS II calculations are required to determine setbacks between new, enlarged or renovated livestock facilities and existing or approved development.

MDS setbacks are further divided into Type A and Type B land uses, which are broadly defined in Implementation Guidelines #33 and #34, respectively. Type A land uses are characterized by lower density of human occupancy, habitation and activity and include industrial and open space uses, the creation of new agricultural lots, building permits for dwellings, and lot creation which results in fewer than four lots in immediate proximity to one another. Type B land uses are characterized by higher density of occupancy, habitation or activity and include settlement area boundary expansions, official plan and zoning by-law amendments to allow non-industrial uses outside of a settlement area boundary, and the creation of lots for development which result in four or more lots being in immediate proximity. Type B land uses are subject to a setback requirement which is double that for a Type A land use. The rationale for this increased setback is simply that, due to the increased human activity, there is a greater chance that nuisance complaints might result.

Implementation Guideline #35 states that MDS setbacks are not required for *agriculture-related uses* or *on-farm diversified uses*, unless these uses may be characterized by a higher density of human occupancy or activity, such as food service, accommodation, retail operation, and agri-tourism uses. In these instances, municipalities can only require a Type A MDS I setback for these uses if there are implementing provisions in their comprehensive zoning by-laws. Zoning By-law 76-26 does not explicitly identify a requirement to apply MDS I setbacks for these uses, therefore an MDS I setback is not required for these types of uses.

Fotenn Consultants Inc. prepared an MDS Study which calculated the MDS setback requirements affecting the subject site. The MDS Study found that the proposed development falls within the setback requirement from the existing barns at 896 Unity Road. The Study assessed the Type A and Type B setback calculations from the perspective of the proposed Unity Farm, Inn and Spa development (i.e. MDS I). The study concluded with the following MDS I setback requirements:

MDS I Setback Requirement	
Type A	Type B
120 metres	240 metres

Table 1: MDS Formulae (source: Fotenn Consultants Inc. using OMAFRA AgriSuite software)

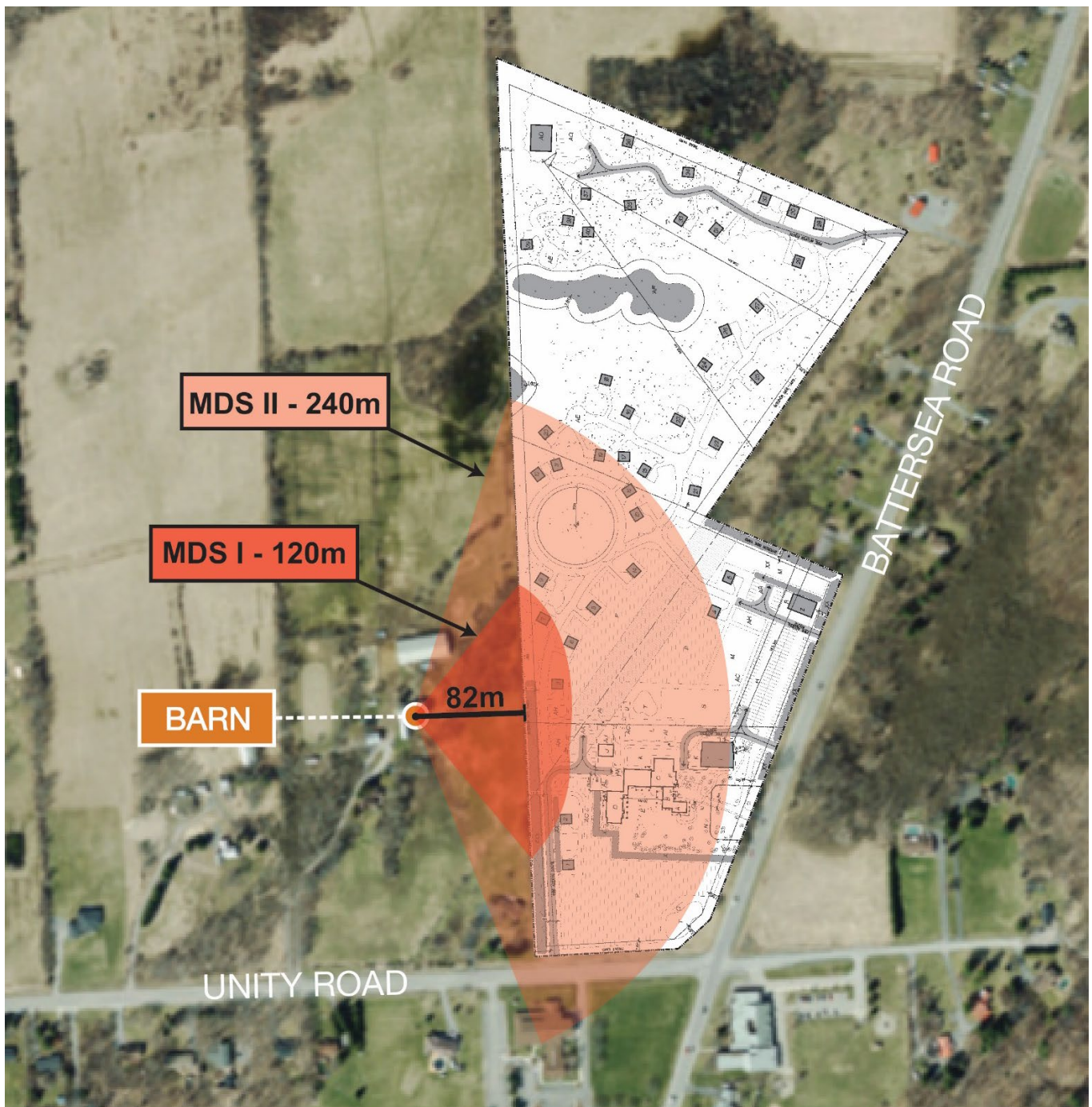


Figure 23: MDS requirements and proposed reduction (source: Fotenn).

The different setback distances reflect the sensitivity of land uses. The odour emitted by the livestock barns is no different for a Type A use or a Type B use, despite the doubling in the required setback distance. The reason that Type B land uses are subject to a greater setback distance is that there is greater potential for nuisance complaints because more people will be in proximity to livestock barns.

The proposed development includes characteristics that are consistent with agriculture-related uses and agri-tourism uses, but the scale and nature of the primary uses is best classified as a Type B land use per Guideline #34, as Publication 853 does not, and cannot, contemplate every possible combination of land uses. Although the primary use of the site will be for the inn, spa, restaurant, cabins, and corporate events, agricultural activities are intended to continue and form an integral aspect of the development. The rural and agricultural nature of the site and surrounding area represent fundamental aspects of the vision for the Unity Farm, Inn and Spa.

Implementation Guideline #43 states that “*MDS I setbacks should not be reduced except in limited site specific circumstances that meet the intent of this MDS Document.*” It is our opinion that a reduction in the MDS Setback is appropriate due to the site-specific development proposal and is consistent with the intent of Publication 853, which is to reduce land use conflicts and protect agricultural uses. The proposed reduction to 82 metres is due to the way that MDS I is applied. Where there is an application to amend the official plan and/or zoning by-law, the setback distance is measured to the edge of the area subject to land use change, which in this instance is demarcated by the property line. We note that the proposed interior side yard setback of 9.1 metres would result in an effective setback distance of 91.1 metres (82 metres plus 9.1 metres) from the existing livestock barns at 896 Unity Road. This setback distance is also the distance to the nearest cabins, which will be enclosed. The distance to the nearest outdoor amenity areas such as the restaurant patio and the heated and cooled pools and courtyard associated with the spa is approximately 160 metres which exceeds the Type A setback requirement.

The proposed reduction in MDS I setback to 82 metres will not result in land use conflicts due to nuisance complaints from odour as the proposed development recognizes and is prepared to incorporate a warning clause on title similar to the types of warning clauses used where noise concerns are present. The intent of the proposed development is to support and complement existing agricultural resources in the area, not to incur potential conflicts or to cause potential nuisance complaints due to odour. Clientele will be advised prior to arrival about the potential odour from existing livestock facilities and any complaints or concerns will be managed through management staff of the Unity Farm, Inn and Spa.

It is further proposed to incorporate zoning relief for the adjacent horse barn, allowing a reduced MDS II setback of 82 metres at the subject site for an increase of up to 30-40 horses at 896 Unity Road. This will allow the horse barn to expand without being hindered by the proposed Unity Farm, Inn and Spa. This relief is recommended on the basis that expansion of the existing horse barn would be constrained by other existing uses in the immediate area and the relief in MDS II setback would acknowledge that the proposed farm, inn and spa is not the most limiting factor to the barn’s expansion.

5.9 Discussion

The proposed amendments to the zoning by-law are necessary to permit the proposed development and represent changes to the permitted land use and to the performance standards.

The proposed land uses are permitted within the proposed Rural Commercial land use designation and represent uses which are generally compatible with the rural area of Kingston. The potential impacts on neighbouring properties and uses, on cultural and natural heritage features, and on existing subsurface water resources have been evaluated. Where necessary, mitigation can and will be achieved and implemented through the site plan control process.

The proposed performance standards are will not cause negative impacts on neighbours from a land use compatibility perspective as contemplated in the Official Plan. The reduction in MDS I setback will not result in increased nuisance complaints or land use compatibility conflicts given the nature and vision of the proposed use.

The proposed zoning by-law amendment is consistent with the Provincial Policy Statement and is in conformity with the Official Plan, including the proposed Official Plan Amendment to change the land use designation from Rural Lands to Rural Commercial.

The applicant is seeking to develop the Unity Farm, Inn and Spa on the site municipally known as 2285 Battersea Road which consists of three parcels. The proposed development includes a boutique inn with 24 suites in the primary building as well as a tranquility spa and a restaurant, a corporate event venue with three additional suites, 40 rental cabins, a craft winery and brewery, associated accessory buildings, and agricultural facilities including an agricultural storage building, apiary, and cultivated fields. The site will provide 167 parking spaces including 7 barrier-free spaces, one bus parking space, and one loading space. Transportation throughout the site for guests to access their cabins will be by automated shuttles. Outdoor amenities including hot and cool water pools for the spa, a fenced courtyard, a rooftop patio, and an at-grade patio will complement the proposed uses and contribute to the creation of a new and unique experience within the City of Kingston's rural area.

The proposed development is consistent with the Provincial Policy Statement in that it represents a land use which is compatible with the surrounding rural area. The proposed development will protect and conserve natural and cultural heritage features. A proposed reduction in MDS I setback is consistent with the MDS Implementation Guidelines and therefore consistent with the Provincial Policy Statement in that it is intended to allow the proposed used to exist in proximity to existing livestock facilities, in accordance with the overall vision for the development.

An official plan amendment is proposed to change the land use designation on the subject site to Rural Commercial. The proposed development satisfies the tests in the Official Plan with respect to establishing a new Rural Commercial land use, which permits overnight accommodations and tourism-oriented commercial uses. The development conforms to the strategic intent and purpose of the Official Plan and is consistent with the vision for the rural area by diversifying employment opportunities and supporting the rural economy. The proposal will meet the functional needs of users without resulting in unmitigated land use compatibility conflicts and represents an appropriate land use for the subject site.

A zoning by-law amendment is proposed to re-zone the site to a site-specific Special Highway Commercial (C3-X) zone to permit the proposed tourist-oriented uses, including a boutique inn, spa, and restaurant, a craft winery and brewery as well as appropriate agricultural and ancillary uses. Site-specific performance standards are proposed to permit the development. The proposed standards will not result in adverse effects and they are needed to meet the functional needs of the proposed development.

It is our professional opinion that the proposed official plan and zoning by-law amendments represent good land use planning. If you have any questions or should you require any additional information, please do not hesitate to contact the undersigned at 613.542.5454.

Respectfully submitted,



Mike Keene, MCIP RPP
Principal, Planning + Development
Fotenn Consultants Inc.



Youko Leclerc-Desjardins, MCIP RPP
Senior Planner
Fotenn Consultants Inc.

APPENDIX A

PROPOSED OFFICIAL PLAN AMENDMENT

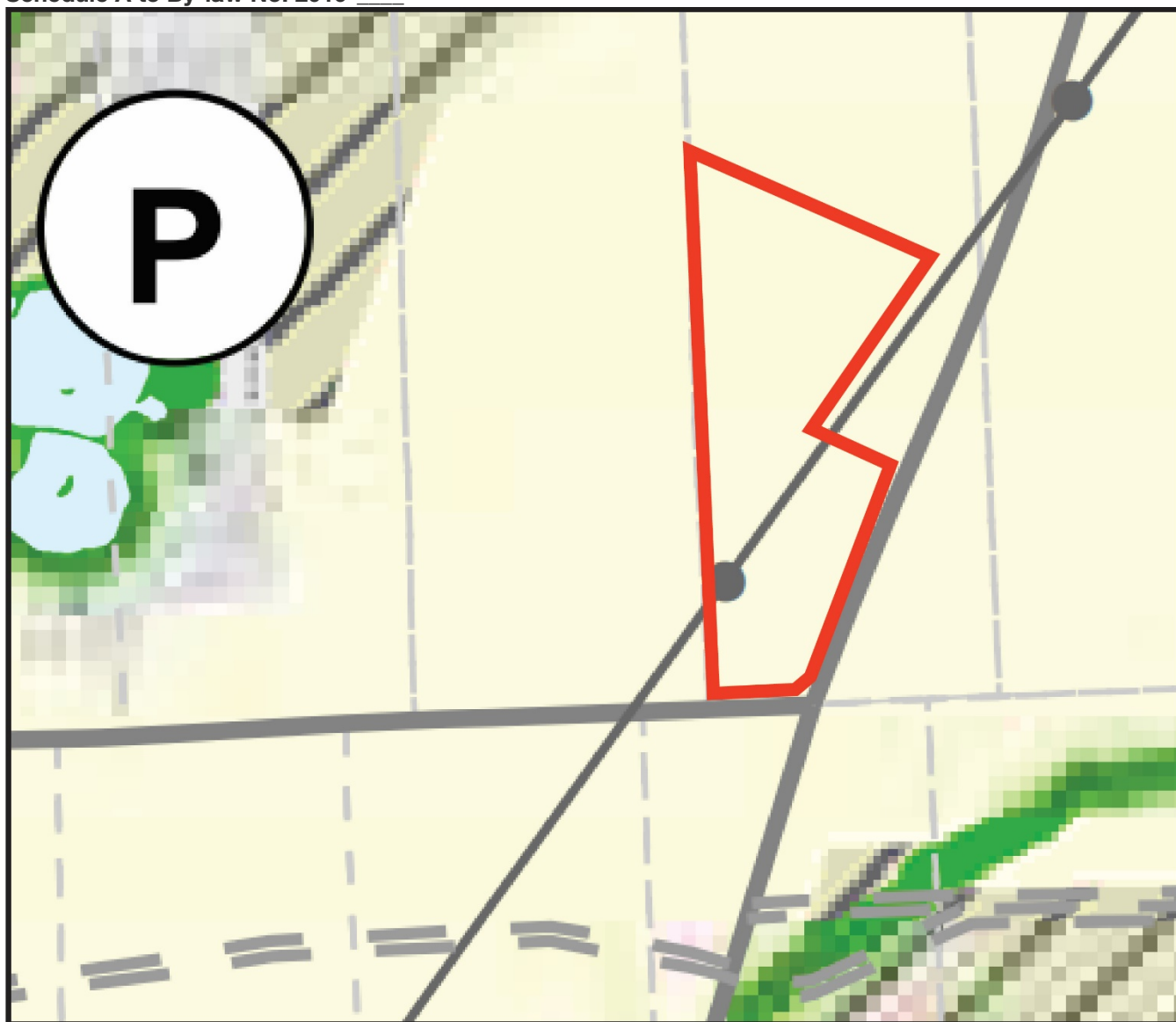
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The proposed Official Plan amendment to the City of Kingston Official Plan will read:

Official Plan Amendment No. X

AMEND Schedule 3-B – Land Use in the City of Kingston Official Plan, so as to re-designate the property located at 2285 Battersea Road and shown on Schedule A to By-law No. 2019-____, from Rural Lands to Rural Commercial.

Schedule A to By-law No. 2019-____



APPENDIX B

PROPOSED ZONING BY-LAW AMENDMENT

66

1. By-law Number 76-26 of the Corporation of the City of Kingston, entitled “A By-Law to Regulate the use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Kingston”, as amended, is hereby further amended as follows:

1.1 Map 1 of Schedule “A” Zone Maps, as amended, is hereby further amended by changing the zone symbol of the subject site from A1 and A2 to C3-X as shown on Schedule A attached to and forming part of By-law No. 2019-____.

1.2 And by adding a new subsection thereto, as follows:

Section 20(3)(X) C3-X-H

Notwithstanding the provisions of Sections 5 and 20 hereof to the contrary, on the lands located at 2285 Battersea Road in the City of Kingston and zoned C3-X on Schedule A, the following provisions shall apply:

1.3 20(3)(X)

(i) For the purposes of zoning, all lands within the ‘C3-X’ Zone shall be considered as one lot.

(ii) Permitted Uses:

○ Residential:

a) An accessory dwelling unit in the upper floor of a non-residential building.

○ Non-Residential:

a) Farm;

b) Public use;

c) Conservation use;

d) Hotel;

e) Personal service shop;

f) Rental cabin;

g) Restaurant;

h) Craft winery or craft brewery;

i) Farm produce retail outlet;

j) Nursery/garden centre/greenhouse.

(ii) Front yard depth (min.): 7.6 metres (25 feet)

(iii) Exterior side yard depth (min.): 7.6 metres (25 feet)

(iv) Maximum Building Height: 13.7 metres (45 feet)

(v) Special Access Requirements: 5 driveways are permitted.

(vi) Wetland Setback: No *development* is permitted within 7.5 metres of a wetland.

(vii) Parking stall size: 2.7 metres x 6.0 metres

(viii) Minimum distance separation: An MDS I setback of 82 metres is required between the existing horse barn located at 896 Unity Road and the lands zoned C3-X.

An MDS II setback of 82 metres is permitted for up to 40 horses at the existing horse barn located at 896 Unity Road.

(ix) Maximum area of rental cabins (each): 65.0 square metres (700 sq. ft.)

(x) Maximum height of rental cabins: 7.6 metres (25 ft.)

(xi) Holding Symbol: A maximum of 18 rental cabins are permitted as of the time of passing of this by-law. Any additional cabins are subject to a Holding Symbol (-H). This holding provision shall only be removed once the following requirements have been complied with:

a) A hydrogeological study demonstrates, to the City’s satisfaction, that the additional cabins can be serviced; and

- b) City Council has given Notice pursuant to the requirements of the Planning Act of its intention to pass a by-law to remove the '-H' Holding Symbol and has passed the appropriate amendment.

(xii) Definitions:

- a) "Rental cabin" means a detached building providing sleeping accommodation for the travelling or vacationing public, which may include cooking and/or washroom facilities.
- b) "Craft winery" or craft brewery" means the use of land, buildings or structures for the production and distribution, including sale, of beer, cider, and/or wine products and may include retail and/or a sampling area
- c) "Farm produce retail outlet" means a use supplemental to a permitted farm which consists of the retail sale of agricultural products.
- d) "Conservation use" means the preservation, protection and improvement of the natural environment through management and maintenance programs.

Schedule A

