



CATARAQUI REGION CONSERVATION AUTHORITY

1641 Perth Road, P.O. Box 160 Glenburnie, Ontario K0H 1S0
Phone: (613) 546-4228 Toll Free (613 area code): 1-877-956-CRCA
Fax: (613) 547-6474 E-mail: info@crca.ca
Websites: www.crca.ca & www.cleanwatercataraqui.ca



May 3, 2019

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Sent by DASH

Jason Sands
Senior Planner
Planning and Development Department
Community Services
City of Kingston

Dear Mr. Sands:

**Re: Application for Official Plan & Zoning By-law Amendment D35-003-2019 (BPE Development)
Part of Lot 33, Concession 6; Geographic Township of Kingston
2285 Battersea Road, City of Kingston
Cataraqui River (Rideau Canal) Watershed**

Staff of the Cataraqui Region Conservation Authority (CRCA) have reviewed the above-noted application and provide the following comments.

Summary of Proposal

The applicant is proposing an Official Plan and zoning by-law amendment to facilitate the development of three currently separate parcels totalling approximately 13.7 ha in size. The proposed development includes a 27-suite boutique inn, spa, gift shop, restaurant, corporate event venue and 40 rental cabins. The proposal also includes agricultural land, vineyards, gardens, a fruit and vegetable stand, craft brewery and craft winery.

The proposed development will occur over three phases. Phase 1 includes the southernmost property that currently contains a single detached dwelling which will remain.

The subject lands are designated 'Rural' in the City of Kingston Official Plan and are zoned General Agricultural 'A2' and Restricted Agricultural 'A1' within Zoning By-law #76-26. The applicant is proposing to re-designate the lands to 'Rural Commercial' and rezone the lands to a site-specific Special Highway Commercial 'C3-X' zone.

There is a concurrent consent application (D10-001-2019) for a lot addition to merge two of the parcels.

Site Description

The subject lands are located at the northwest corner of the Unity Road and Battersea Road intersection. The lands mainly drain to the southeast with a small area draining to the north. The lands consist mainly of open field and second growth deciduous forest covering the northernmost lot. There are two small, seasonally wet areas at the north and northwest.

Discussion

The main interests of CRCA in this proposal are the protection of natural heritage features and areas and protection of surface and groundwater features.

Natural Heritage

Significant Woodlands

The subject lands, including the northernmost parcel and a section of the middle parcel, contain forest cover identified as significant woodland on Schedule 8B of the Official Plan (per the Central Cataraqui Region Natural Heritage Study, 2006). This woodland was classified as significant based on woodland patch size. The wooded area on the subject lands is connected by a hedge row along the western property line to a much larger contiguous forest located further to the north in Concession 6 extending up to Mount Chesney Road.

The Official Plan indicates that development and site alteration will not be permitted in areas identified as Natural Heritage 'B' unless it has been demonstrated that there will be no negative impacts on the natural heritage features or areas or ecological functions. A similar policy applies to lands within 120 metres of these features. Typically, this demonstration is done through an Environmental Impact Assessment (EIA).

The applicant has submitted an Environmental Impact Study by Ecological Services dated February 5, 2019.

The study has assessed the existing woodland on the subject lands in accordance with criteria for significance laid out in the Natural Heritage Reference Manual. The only criterion that the woodland may meet, based on a conservative approach, is the linkage function. However, the report author concludes that the development has been designed specifically to minimize woodland disturbance and the resulting tree loss from the proposed cabins and roadways on the northern lot (Phase 3) will be minimal. The proposed uses in the woodland area are relatively low impact and the overall integrity of the wooded area along with the much larger contiguous woodland to the north will be maintained. Further, the development proposal will not result in the loss of the connection between the existing wooded area on the subject lands and the larger forest to the north.

Staff are satisfied with the finding of the EIS as it relates to significant woodlands – that the development will have no negative impact on significant woodlands and adjacent lands.

Wildlife Habitat

The EIS found that the wildlife habitat present on the subject lands does not meet criteria as “significant” in accordance with the NHRM. The report speaks to habitat for migratory birds on the subject lands and makes recommendations to protect migrating birds during the development of the property along with other recommended environmental best practices.

Species at Risk

Butternut trees were found within the site boundary. Specifically, three butternut specimens were identified just in from the tree line that separates the open field from the wooded area. The environmental consultant has provided necessary information to ensure compliance with applicable species at risk legislation (SARA, ESA). The report states that the development has been configured so that a minimum 30 m buffer around these trees will be maintained.

Staff are satisfied with the methodology and findings of the Environmental Impact Study and it is our opinion that the report has adequately demonstrated no negative impact in accordance with the 2014 Provincial Policy Statement and City of Kingston Official Plan.

To ensure proper protections and mitigation measures are implemented prior to and during development, **the specific recommendations from page 17-18 of the EIS should be incorporated through the site plan control process.**

Surface Water Features

In accordance with the PPS, CRCA staff strive to maintain, and where possible, enhance water quality in our review of development proposals. Maintenance of a reasonable water setback for development and disturbance will protect waterbodies from excessive erosion, sedimentation and nutrient input.

There are no identified watercourses on the subject property. The EIS identified two small wet areas, one a swamp thicket roughly 0.35 ha in size located in the approximate centre of the northernmost lot and a much smaller meadow marsh located on an adjacent lot to the west.

Neither feature meets the necessary criteria for consideration as a significant wetland. These features are below the minimum area threshold for regulation under Ontario Regulation 148/06 and there is no apparent hydrologic connection to other waterbodies in the area.

The EIS concludes that the ecological value of these features is limited. CRCA staff recommend preservation of these features to allow their ecological and hydrologic function, while limited, to remain. It is our understanding that the proponent has made design changes to retain the wetland areas and have shown a 7.5 m development setback on the concept plan.

Stormwater Management

Adequate stormwater management is necessary to protect surface water features and to prevent off-site impacts such as downstream flooding. Through the pre-application process, CRCA recommended that the proponent demonstrate how both quantity and quality control targets will be met on-site. Specifically, CRCA policies require that full stormwater quantity control be required, where post-development flows should equal pre-development flows for the 2 year through 100 year events and that quality control be provided at the “normal” level (70% TSS removal).

Staff have reviewed a Stormwater Management Report dated October 2018 by Greer Galloway Consulting Engineers including associated plans. We provide the following comments specific to the SWM Report and plans:

1. The SWM Report indicates that the development proposal incorporates Area #1 (7.0 ha) and Area #2 (6.78 ha), however, the report and drawings focus on Area# 1 only. Page 4 states that the Phase 2 stormwater management will be discussed in a separate document. In order to complete our review of the proposed development on the full site, **the SWM plan for the entire property is required.**
2. Section 3.1 discusses drainage areas, catchments and a wet pond that do not appear on the drawings. **Please submit the supporting plans and documents including any design sheets.**
3. Section 4.1 indicates that the IDF curves are provided by MTO. **The CRCA prefers the Environment Canada, Kingston data to be used.**
4. **A full Erosion and Sediment Control Plan is required.**

Further comments will be provided upon receipt of additional information.

Source Water Protection

The subject property is located within an area identified as a Highly Vulnerable Aquifer (HVA) and Significant Groundwater Recharge Area (SGRA) by the CRCA in a 2011 Assessment Report for the Cataraqui Source Protection Area. These areas are also shown on Schedule 11B of the Official Plan. It is important to note that this

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is not uncommon, as nearly 90 percent of the entire Cataraqui Region is considered to be within an HVA or SGRA due to underlying soils and geology (e.g. fractured limestone).

As mandated by the *Clean Water Act*, 2006, the Cataraqui Source Protection Plan identifies specific activities that are considered to be drinking water threats within an HVA and SGRA. As per Section 5.5.1 of the Plan, certain activities such as the handling or storage of large quantities of dense non-aqueous-phase liquids, organic solvents, commercial fertilizer, pesticide, liquid fuel, etc. are considered a potential risk within an HVA and/or SGRA. Section 5.5.1 of the Plan states that proposals (through the *Planning Act*) involving a risk activity should incorporate measures/management practices to adequately manage the risk to groundwater associated with the activity.

It is our understanding that the proposed development does not include potential risk activities such as those noted above. Nonetheless, for due diligence, we recommend review of Source Protection resources, such as the following Risk Management Measures Catalogue provided by the Ministry of the Environment and Toronto and Region Conservation Authority: <http://www.trcagauging.ca/RmmCatalogue/QualityThreat.aspx>. For further information on the Cataraqui Region's Source Protection Plan, please visit <http://www.cleanwatercataraqui.ca/publications.html>, where the plan is available in pdf format, or contact the undersigned.

Recommendation

Staff generally have no concerns in principle with the proposed Official Plan and zoning by-law amendment application based on our consideration of natural hazards, natural heritage and water quality protection policies. However, we recommend deferral of these amendments until such time that a complete Stormwater Management Report and plans can be submitted so that staff can complete our preliminary review.

Please inform CRCA of any decisions made by the City regarding this application.

CRCA Plan Review Fee

CRCA has a fee schedule for its review of *Planning Act* applications and supporting reports. Our current fee for the review of concurrent applications for Official Plan and zoning amendment is \$665 and our current fee for the review of the Environmental Impact Study is \$765. **We request that payment for the above fees (\$1,430 total) please be submitted to this office at the applicant's earliest convenience.**

If you have any questions, please contact the undersigned at 1-877-956-2722 extension 228 or by email at mdakin@crca.ca.

Yours truly,



Michael Dakin
Resource Planner

cc: Brad Vanderhaar, Project Manager, BPE Development, via email
Mike Keene, FOTENN Planning Consultants, via email