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**City of Kingston**

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**Technical Review Comments**

<b>Subject Property:</b>	2285 BATTERSEA RD, KINGSTON K0H1S0	<b>File:</b>	<b>D35-003-2019</b>
<b>Contact:</b>	Mr. Ben Pilon 141 Hickson Ave Kingston ON K7K2N7	<b>Application Type:</b>	OPA, ZBA, DPC, DPS
<b>Business:</b> (if applicable)	BPE Development	<b>Assigned Planner:</b>	James Bar
		<b>Technical Circulation:</b>	1

**SENT: UPLOADED TO DASH, and VIA EMAIL**

**October 24, 2019**

Thank you for your submission. We have completed a technical review of the application for site plan control. Detailed comments are provided in the table below. Please amend all drawings, reports, and studies, and submit them through DASH for the second technical review. Upon review of the comments, we would be more than happy to arrange a phone call or in person meeting.

Upon review of the comments, if you have any questions or would like to meet, please do not hesitate to contact me at 613.546.4291 ext. 3213.

Thank you,

James Bar, MPI, MCIP, RPP  
Senior Planner  
Planning, Building and Licensing

## General Comments, Conditions or Additional Applications / Information Required

Department	Comments
Fire	1. Our primary concern will be to ensure that the fire access routes can withstand the weight of fire trucks; are provided with signage and are provided with turn around facilities as specified in the Ontario Building Code. Site signage will also be important to clearly identify which access points are to be used to access various buildings. From an emergency response perspective there will need to be a clearly defined civic addressing strategy for this site. Our office is available for further consultation and would like to participate with any meetings planned with the applicant.
Transit	2. No concerns. Proponent should be advised that Transit does not plan to introduce rural service to Battersea Road in the current five-year planning horizon.
Traffic Review	3. The traffic memo has been reviewed and there are no traffic-related concerns with this development. The traffic memo should however be revised to include 1) a map that clearly identifies all access points and 2) more information in Section 3 regarding the accesses. For example, please state that the existing main entrance is on Battersea Road and that the 2 existing farm entrances are on Battersea Road. It should also be noted that all parking requirements for this development must be accommodated on-site.
Storm Water Review	4. Zoning proposal has been reviewed; a detail review of stormwater management planning will be reviewed at site plan application.
Licensing and Enforcement	5. Municipal business license required for all businesses according to By-law 2006-213. Permits are required prior to installation for all temporary signs for marketing/information purposes through the Licensing Office. With any changes to current businesses adding services, square footage, number of rooms, etc., a review of current business license is required.
Noise Review	6. The noise study should be updated to confirm that there will be no stationary noise sources associated with the proposed wastewater treatment plant and/or the maintenance buildings. The study should address potential impacts on the proposed rental cabins due to transportation and/or sanitary noise sources in the vicinity. NPC-300 indicates that a land use that would normally be considered noise sensitive, such as a dwelling, but is located within the property boundaries of the stationary source is not considered a noise sensitive

	<p>land use but this application consists of 3 separately conveyable parcels so the study should address potential impacts from each of the parcels due to stationary and/or transportation noise sources on the other parcels. The noise study should be updated to address these items for further City review and approval in advance of the requested planning approvals. A detailed noise study will be required at time of site plan application.</p> <p>7. The noise study indicates that loudspeakers will be located on the patio; it is recommended that the applicable City Department confirm whether an exemption to By-law 2004-52, A By-law to Regulate Noise will be required to permit the amplified noise in a residential area.</p>
Engineering	<p>8. No Engineering concerns with the proposed Official Plan and Zoning By-law Amendment.</p> <p>9. Applicant will have to review easement documents to confirm what is legally permitted on the easements and if required by the easement document obtain any required approvals.</p> <p>10. Applicant will be responsible for determining what approvals will be required for the private sewage treatment plant.</p> <p>11. Proposed entrances, grading and servicing will be subject to detailed review as part of a future site plan control application.</p> <p>12. Please note that should it be determined as part of a future application that modifications to the municipal road allowance are required to facilitate the development of these lands, all costs and associated with the modifications will be the responsibility of the developer.</p> <p>13. The subject lands have been recently reviewed by the City for conformance with the Site Alteration By-Law 2008-128; site activities to date have been found to be exempt from a Site Alteration Permit under 2008-128. The City is currently reviewing any changes to the requirement for a Site Alteration Permit under 2008-128 in light of receiving planning applications D35-003-2019 and will advise the applicant directly.</p>
Heritage Planning	<p>14. The property is subject to an approved Heritage Conservation Easement Agreement (HEA) with the owner and the City of Kingston, pursuant to section 37 of the Ontario Heritage Act. The HEA outlines the heritage attributes of the property and the approved conservation works/alterations associated with these attributes. The</p>

	<p>details of this agreement was reviewed by Heritage Kingston and approved by City Council. The plans submitted with this application appear to be consistent with those reviewed and approved as part of the HEA. The Heritage Impact Statement submitted however is an earlier version, which was updated in the fall of 2018. The revised version and an associated addendum dated October 29, 2018 has been uploaded to DASH. Staff has no comments to add as part of these applications; further comments will be provided as part of the future site plan control application, including the request for a location for an interpretive installation.</p> <p>15. We acknowledge receipt of the Stage 1-2 Archaeological Assessment and request a copy of any correspondence from the Ministry of Tourism, Culture and Sport with respect to their review of the Assessment.</p>
Public Works	<p>16. Public Works Operations has no objections to the applications for Official Plan Amendment and Zoning By-Law Amendment and requests to be circulated for detailed review and comment on future application for Site Plan Control.</p>
Parks	<p>17. Cash-in-lieu of parkland required at site plan approval. Reductions for commercial development on a protected heritage property may apply, as per By-law 2013-107.</p> <p>18. Details of landscape plan and tree preservation to be confirmed at site plan approval.</p>
Environment	<p>19. We have reviewed the initial Hydrogeological study by ASC dated April 5, 2019, and we understand that a peer review has been initiated through our Planning dept.. Planning staff will forward a copy of the completed Peer Review to our department for our review.</p>
Building	<p>20. A "Change of Use" building permit application will be required to be applied for to convert from a SFD to a spa and hotel.</p> <p>21. Development and Impost fees will apply for this conversion</p>
CRCA	<p>22. Comments attached to this document.</p>
Hydro-One	<p>23. We are in receipt of your Application for Consent D35-003-2019 dated April 12<sup>th</sup>, 2019. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time. <b><u>Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.</u></b> For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier. To confirm if Hydro One is your local distributor please follow the following link:</p>

	<p><a href="http://www.hydroone.com/StormCenter3/">http://www.hydroone.com/StormCenter3/</a> . If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail <a href="mailto:CustomerCommunications@HydroOne.com">CustomerCommunications@HydroOne.com</a> to be connected to your Local Operations Centre. Please select “Service Territory Overlay” and locate address in question by entering the address or by zooming in and out of the map</p>
MAAC	<p>24. This application does not meet the Selection Criteria of MAAC. We leave the review of accessible features to the planner. The MAAC review team wishes to <b>reserve the right</b> to review the detailed Site Plans when they are ready since this seems to be a concept drawing.</p> <p>25. “Application Information” states 166 parking spaces which should require 7 barrier free parking spaces. It appears only six are shown on the concept drawing.</p> <p>26. Barrier-free parking indicated on drawing should include:</p> <ol style="list-style-type: none"> <li>Dimensions</li> <li>Which are type A or B</li> <li>And signage.</li> </ol> <p>27. The 2 barrier-free parking stalls east of Building ‘I’ should include a curb cut at the top of the access isle to provide accessible access to the sidewalk indicated.</p> <p>28. Any curb cuts/drop curbs should be indicated and include a detail drawing.</p> <p>29. Ensure painted cross walks in parking areas to ensure safe pedestrian routes.</p> <p>30. This comment is outside of the scope of MAAC but if not already addressed, it would be beneficial if a few of the rental cabins were barrier-free/accessible.</p>
KFLAPH	<p>31. We have issued a building permit for a sewage system with a 9750 liter per day Daily Design Sewage Flow. This permit was sought by the applicant to allow work to begin on a 19 room Inn and a 40 seat dining room[ originally the applicants consultant applied for a 19 bedroom addition to a single family dwelling], this was discussed with the undersigned and a change was requested to more accurately represent the proposed use of the property going forward. It was also discovered that the original proposal would have exceeded the 10000 litre/day criteria of the Ontario Building Code, due</p>

	<p>to the number of fixtures being proposed/ square footage involved. Discussions with the building department have lead to request amendments to the system approval to properly reflect the nature of the project. This will result in a reduction in the number bedrooms being added to the single family dwelling, but depending on the building department, may allow for a building permit to be issued. We are awaiting a revised plan from the applicants consultant.</p> <p>32. There is a significant difference between the applied for permit, when the hydrogeological study indicates that the goal is 27 suites[ the original assessment was for a regular motel room at 250 l/day, while suites may be allocated 500l/day per person] and a 96 seat restaurant with a further 60 seat seasonal patio.</p> <p>33. It appears that a fairly significant water treatment system is going to be required and proposed, many of these systems produce a significant amount of backwash water which will contain constituents which could affect the quality of the groundwater its disposal should also be considered. It is likely that the water system will be under the purview of KFLA Public Health, and will be a regulated Small Drinking Water System.</p>
MECP	<p>34. Last fall the MECP has met with the applicant's consultant with respect to water taking needs at the site and a sewage system approval.</p> <p>35. Since that time it is my understanding that an approval for a sewage system was issued by the KFL&amp;A HU. I believe this approval only deals with an addition to the main house on the property. As the proposal grows, additional sewage approvals (depending on the amount of sewage generated on each parcel) issued by either the HU or the MECP will be required.</p> <p>36. Also, a Permit to Take Water may be required depending on the water taking needs at the site.</p> <p>37. Has a stormwater management plan been provided? I think it's important for MECP to understand whether an Environmental Compliance Approval under the Ontario Water Resources Act is required for the management of stormwater at the site.</p>

MNR	<p><b>38. Wetlands</b> The subject property has unevaluated wetlands on the landlocked portion. We recommend contacting your local Conservation Authority for more information on approvals that may be required.</p> <p>MNR recommends that the unevaluated wetland be treated as Provincially Significant Wetland or evaluated by an Ontario Wetland Evaluation System (OWES) certified evaluator.</p> <p><b>39. ANSIs</b> There are no ANSIs on or adjacent to the subject properties.</p> <p><b>40. Aggregate Resources</b> The properties are on and adjacent to a sand and gravel deposit of tertiary significance. Where an application for development occurs on or within 300 metres of a known unconsolidated deposit (e.g., sand, gravel, clay) or a mineral aggregate pit operation, the applicant should be required to assess the impact of the proposed development on the mineral aggregate resource and the mineral aggregate operation(s). MNR can provide a terms of reference for completing an impact assessment.</p> <p><b>**CITY NOTE**</b> The subject lands are greater than 300 metres from an identified aggregate pit. A northern portion of the lands appear to be within the Sand and Gravel Aggregate Reserve Area (tertiary), on Schedule 12 of the City's Official Plan. The City and MNR can work with the applicants on the scope of an aggregate impact assessment due to the presence of a reserve area.</p> <p><b>41. Fish and Wildlife Conservation Act</b> Please note that the proponent may require a Scientific Collector's Permit from our office if the proponent will be doing any fish or wildlife sampling, collection, salvage, or relocation within Peterborough District. For more information about Scientific Collector's Permits, please contact Julie Formsma, Fish and Wildlife Technical Specialist at 705-755-3296.</p> <p><b>42. Other Approvals</b> It is the responsibility of the proponent to acquire all other information and necessary approvals from any other municipal, provincial or federal authority under other</p>
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	<p>legislation. We recommend that you contact your local Conservation Authority, Department of Fisheries and Oceans, Ministry of the Environment Conservation and Parks, Ministry of Tourism, Culture and Sport, etc.</p> <p>43. If you have any questions regarding the above comments, don't hesitate to contact me. Please reference file number: 19-KING-KNG-INF-2997 for any future correspondence.</p>
NDAM	44. Comments attached to this document.
OMAFRA	<p>45. OMAFRA has reviewed the circulated material (in particular the Minimum Distance Separation Study) and would like to provide the following technical input.</p> <p>46. OMAFRA would like to provide some clarification with respect to implementation/intent of Type A and B land uses.</p> <p>The report makes a determination as to the type of use (Type A vs. B) the proposal should be processed as. While OMAFRA does not have any particular issues with this aspect, it is noted that the report also references and utilizes MDS Guideline #12 which involves a making a determination of use(s) as either Type A or B.</p> <p>The report utilizes Guideline #12 to justify an exemption and/or reduction from calculated MDS setbacks from some of the adjacent livestock areas. While guideline #12 may permit development at a reduced setback, there are a number of sub-criteria that need to be satisfied in order to be eligible.</p> <p>As per MDS Guideline #12 bullet 3, the 4 more uses need to be  “- of the same or greater sensitivity (i.e., Type A or Type B in accordance with Implementation Guidelines #33 and #34) as the proposed <i>development or dwelling</i>.”</p> <p>While not abundantly clear, direction in the MDS document to determine how certain land uses should be categorized depends on what is being considered (determining what a proposed use should be categorized vs. what an existing use should be categorized).</p> <p>When considering what a <u>proposed</u> use should be processed as (Type A vs. B), MDS I Guidelines #33 and #34 provide direction on what would qualify. Beyond guidelines</p>

	<p>#33 and #34, other guidelines in the MDS document (such as Guideline #12) require a determination as to whether something should be considered as either a Type A or Type B use. Implementation of Guideline #12 requires a determination about how <u>existing</u> uses should be categorized (either a Type A or Type B). While MDS I guidelines (#33 and #34) speak to how proposed uses should be categorized, its language does not particularly clarify how existing uses should be categorized. That said, direction on how existing uses are intended to be categorized can be found in MDS guidelines #33 and #34 under the MDS II column.</p> <p><b>**CITY NOTE**</b> The comments above are meant to provide direction on how to classify the existing surrounding land uses as either Type A or Type B for the purposes of calculating a reduction under Guideline 12. Please see the MDS Memo for further clarification.</p> <p>47. There have also been questions raised about the what information should be used to address MDS for the subject application. During review, it is understood that some of livestock operators have indicated a potential desire to expand their operation. MDS calculations should be based on the circumstances/livestock capacity present at time the municipality deems the subject application to be complete. This direction is found within MDS Guideline #2 (copied below)</p> <p>“The information used to carry out an MDS I calculation must reflect the circumstances at the time that the municipality deems the planning or building permit application to be complete.”</p> <p><b>**CITY NOTE**</b> The comment above is intended to provide direction on what circumstances to consider at the time an application is made. Please see the MDS Memo for further clarification.</p>
Forestry	<p>48. The city owned poplar tree located along the frontage of 2285 Battersea Road has had the back side of its root system excavated by the applicant. The tree had been assessed prior to the excavation occurring and our department was prepared to prune and retain the tree. On the subsequent inspection the excavation was noted. With this excavation occurring there is now an increased level of risk posed to the main road (Battersea Road). Significant</p>

	<p>root severance has occurred on the west side of the tree. At this point tree removal is required in order to mitigate the issue. The applicant is responsible for its removal and all costs associated with it.</p> <p>An appraisal assessment of the large Eastern Cottonwood tree within the road allowance in front of 2285 Battersea Road has been performed in order to determine a compensation value. As a result of the trenching work performed on the property that has essentially removed all supporting root structure on the west side of the tree, the tree poses a risk to the road allowance that cannot be mitigated outside of removal. The compensation value calculated for the tree using the Trunk Formula Method is \$6,280.00. This equates to approximately 18 replacement trees at \$350.00 per tree. The compensation amount shall be forwarded to the City of Kingston prior to the finalization of any agreements related to planning applications for the site. In addition to the compensation amount of \$6,280.00 to be forwarded to the City of Kingston, the applicant will be required to acquire the services of a private tree contractor to complete the tree removal, including stump removal, remediation of the stump site, and disposal of all debris (both tree and stump) and all costs associated with the contractors services.</p>
Planning	<p><b>General</b></p> <p>49. Studies, reports, and rationales need to consider all proposed uses the entire property, not a specific phase or phases. Phasing of the development and implementation of the servicing can occur through the Site Plan Process and use of Holding Symbols. Please revise the materials to consider all the proposed parcels that are part of this application and all the proposed uses that are part of this application. Additionally, you can amend the application to refine the permitted uses to those which are studied and amend the drawings and reports to exclude uses not considered at this time.</p> <p>50. Where in the process is the application for MECP approvals of the septic system?</p> <p>51. How does the proposal plan to dispose of the waste brewery water? Will there be onsite treatment for the yeast and suspended solids? Will it be trucked away and processed at a specialized facility? If proposed to be taken by the</p>

municipal system, an agreement is required with Utilities Kingston.

**Planning Justification Report**

52. The proposed uses for the site are unclear in relation to the phasing. The report outlines the following as proposed uses:

- A. Inn with 23 suites
- B. Restaurant
- C. 40 guest cabins
- D. Spa
- E. Craft winery
- F. Brewery
- G. Small gift shop
- H. Corporate event venue, and 4 additional suites

Report outlines what uses which are included in Phase 1, 2 and 3, but the winery and brewery are not included in the phasing. Please clearly outline the proposed uses and what phase they are a part of.

53. There are inconsistencies between the total number of cabins in the description and the phasing. Where 40 guest cabins are proposed in the zoning and descriptions, 43 are proposed in the phasing (3 and 15 and 25). Clarification required.

54. What is meant by a corporate event venue? Can other events take place at the facility such as weddings, family reunions, or community events? What are the anticipated operating hours and maximum size of the venue (floor area and number of persons)?

55. The Planning Report seems to characterize the site as a farm, with the spa, tourist accommodations, and restaurant, as on-farm diversified uses or agriculturally related uses. How does the site meet the criteria for a farm and subsequently an on farm diversified use, and/or an

agriculturally related use in the PPS, further explained in Publication 851 - Permitted Uses in Prime Agricultural Areas and the PPS definitions? Proposed land use is a rural commercial use and not an agricultural use, agriculture related use, or on farm diversified use. Please revise the justification to reflect the proposed use as a rural commercial use.

56. On-farm diversified uses and agriculture related uses are permitted in the Official Plan. On-Farm Diversified uses and agricultural related uses are not permitted uses as-of-right in the zoning by-law through Section 5 (General Provisions) or Section 6 (Zones). In review of MDS Guideline 35 for agriculturally related and on-farm diversified uses, there are no as-of-right permissions in the City's zoning by-laws for such uses, or other municipal direction for the application of Guideline 35. Zoning By-law Amendment applications for on-farm diversified uses and agriculture related uses would be treated on an application by application basis. Guideline 35 is not applicable to this application for rural commercial development.

#### **PPS Justification**

57. Section 1.1.4.1.g – Please provide additional justification on how the tourist facility provides an opportunity for sustainable tourism and how it leverages historical, cultural, and natural assets.

58. PPS Justification 1.1.5.2 - 1.1.5.3 – Please provide additional justification on how the proposed uses are recreational, tourism or other related opportunities, and how are they permitted under the rural lands permitted uses 1.1.5.2?

59. Section 1.1.5.4 – Please provide additional justification regarding how the development is compatible with the rural landscape, and how it is sustained by rural service levels. Given the list of proposed uses, this section requires a greater understanding to determine compatibility of the proposed development with the surrounding rural landscape

and how it is sustained by rural service levels.

60. Section 1.1.5.6 – Please provide information on how does the development retains an opportunity to expand a land use that requires separation from other uses RE: the adjacent livestock barn. There is an adjacent barn next door that has existing setbacks under the MDS formula. This application proposes a reduction to the MDS I setback for that barn, which separates livestock operations from new non-farm land uses. The policy is applicable in rural lands as defined by the PPS and was not addressed in the planning justification report.

61. Section 1.1.5.7 – Please provide further information regarding how the proposed Type B Land Use is sufficiently separated from agricultural uses through the request to reduce the MDS setback for a Type B land use below a Type A setback. It is unclear from the report how this conclusion has been arrived at as the direction in the policy is to direct development to areas where it will minimize constraints on agricultural uses.

62. Section 1.1.5.8 – Please provide further information regarding how the proposed Type B Land Use promote and protect agricultural uses in accordance with provincial standards when a reduction in the MDS setback is proposed. It is unclear from the report how this conclusion has been arrived at in light of 1.1.5.9 RE: new land uses complying with the MDS formulae.

63. Section 1.1.5.9 – We have concerns with the proposal to reduce the MDS I setback for the proposed Type B land use and the ability of the application to be consistent with the Provincial Policy Statement. Please review the attached MDS Memo.

64. Please provide justification through the Planning Report for all applicable PPS policies. Policy areas still to be addressed include but are not limited to:

1.1.5.6 – Rural Lands – opportunity to expand uses

1.6.6.4 – Individual onsite water and wastewater systems

1.6.6.7 – Stormwater Management

2.2.2 – Water

Other sections should be addressed as required.

**OP Justification**

65. Section 2.1.2.a) – Thank you for providing the addendum to the hydro-geological study that provided a full water balance for the site. Please see the attached comments for the hydrogeological study.

66. Section 2.1.2.e –While the justification has touched on some of the proposed sustainable practices, please provide further justification regarding how the uses support the rural area and are compatible with the rural area given the resource based local economy uses in close proximity.

67. Section 2.3.12 – The application proposes to reduce the MDS setback for an existing barn MDS setback. Please see the attached MDS Memo.

68. Section 2.7.2 and 2.7.3 – The review of compatibility matters are to include, but are not limited to items a – I. What are the elements of rural compatibility that need to be considered as part of this development that are not included in 2.7.3 a-I? How does the proposed development fit into the character of the area? This section could link to or draw from the new development design policies under Section 8.6.

69. Section 2.7.4.f – The proposed C3 Zone allows for a maximum of 4 entrances. A more centralized entrance plan that reduces the total number of entrances could create a grand entrance into the site and internalize movements between the proposed uses. Please provide additional rationale on why 5 entrances are appropriate and required to support the development.

70. Section 2.7.5.c – Please provide justification to address this section of the Official Plan. There is no mention of this OP policy in Section 5 of the report which reviews the

	<p>appropriateness of the MDS setback reduction. Please see the attached MDS Memo.</p> <p>71. Section 2.7.8 – issues of rural compatibility and the protection of farming practices. Please see the attached MDS Memo.</p> <p>72. Section 3.14.8.a) – Please see the attached MDS Memo.</p> <p>73. Section 4.4 – Please see the peer review comments on the hydrogeological study and addendum.</p> <p>74. How do you propose to recognize the buffer area around the butternut trees? Have you given consideration to use of an Environmental Protection (EP) Zone or use of a Hold on the development zone for that feature, or will the trees be removed as part of the application? The butternut tree area should be recognized through the amended zone if the exclusion area be required.</p> <p>75. Section 8.6.a-e) – Please provide additional rationale to describe how the proposed development is visually compatible with / fits into the characteristics of the surrounding neighbourhood. The review should include but is not limited to: existing surrounding context; how the proposed development is set back from existing uses; how the proposed uses are arranged on site; the scale, massing, setbacks, landscape treatment, and exterior design features.</p> <p>76. Section 9.3.c) – Please see the considerations contained below in the Zoning Section.</p> <p>77. Section 9.3.2.g) – The policy in the Official Plan outlines the following: “<i>the degree to which approval of the amendment would establish an undesirable precedent.</i>” Please provide further rationale on why the application, given its site specific considerations for a reduction in the MDS I setback and the proposed private services, to permit the Rural Commercial designation land use change in this area, does not set precedence.</p> <p>78. Section 9.3.2.h) – Consistency with the PPS. Please provide additional information through the PPS justification section</p>
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on how the proposed development is consistent with the PPS.

79. Please review Section 9.5.9 of the Official Plan as it was not reviewed as part of the planning justification report.

### **Zoning**

80. Please be advised that only the uses studied will be considered for the site specific zone. Any additional uses will require a reconsideration of the water / wastewater demands for the site and thereby the zoning for the property.

81. For rural commercial development, the zone regulations shall reflect the different uses proposed for the site. Please provide an updated draft by-law that breaks down the specific zone considerations for each of the proposed uses in accordance with the comments contained in this section. Please provide a definition for each proposed use that is not defined in By-law 76-26.

82. Rental cabins – what are the site specific zone regulations proposed for the cabins (maximum gross floor area, height, setbacks from lot lines, etc.)? While the report requests that the maximum size will be 65 square metres (700 square feet), the presentation at the public meeting noted that they are 200-300 square feet. At 65 square metres, the cabins are more characteristically a tiny house rather than a small rental cabin. Larger cabin sizes may not conform to the anticipated water demands in the hydro-g report. Please update the proposed site specific zone to reflect the proposed cabins.

83. Brockville's zoning by-law only permits micro-winery and micro-brewery in commercial and mixed use zones, located on urban services. This site is proposed in a rural area. Please review and propose definitions and regulations for the proposed winery and brewery use that is appropriate for a rural area. A cidery was also indicated in the list of uses on site visit on June 21, 2019. How will a cidery captured in the definitions and regulations? Please be aware that the Alcohol and Gaming Commission of Ontario (AGCO)

requires that a winery have a vineyard with a minimum of 2 hectares (5 acres) planted grapes or fruit. Please consult OMAFRA Publication 815 – Starting a Winery in Ontario for further details.

84. What are the proposed setbacks, height, and floor area for the brewery / winery building? Please include specifics for the building.

85. What are the proposed setbacks, height, and floor area, for the event centre? Please include specific zone regulations for the building including a definition of what an event centre is.

86. What are the proposed setbacks, height, and floor area of the retail store on site? Where will this use be located?

87. In the parking calculations, what is the difference between the beverage room under the Tourist Establishment parking calculations, and the restaurant parking calculations? Please include the brewery, winery, and corporate event centre, in the parking calculations.

88. At a meeting with City Staff on July 12, 2019, it was mentioned that the spa would be for exclusive use of the guests staying at the resort. If there were vacancies in the accommodations, then general members of the public would be permitted to use the spa for day-use. How is this being captured or regulated through the zoning and hydrogeological study? The parking calculations include a number for the spa outside of the accommodation units.

89. While the three lots are proposed to be considered one lot for the purposes of zoning, will the lots be merged together to form one lot for the purpose of the development? The large parcel is landlocked and the City does not permit development on landlocked parcels.

90. There are three entrances located in close proximity to one another along Battersea Road and they all share an internal connection to one another. There is an opportunity to reduce the number of entrances for the site to the maximum regulated by the by-law or less. A consolidated entrance

would help to create a more central and grand entrance to the site.

91. Please include all uses in the reporting, justification, required studies, and site specific zone considerations. A Holding zone can be used to phase in development. If using a holding zone, please provide details of the Hold in the proposed zone. The Hold zone can be broken down to reflect different phases and consideration (H1, H2, H3, etc.).

#### **Minimum Distance Separation (MDS)**

92. Please see the attached MDS Memo reviewing the Minimum Distance Separation components of the application.

#### **Hydro-G Report**

93. Please see the attached hydrogeological study peer review comments.
94. The City's Building Department has reviewed the Theoretical Flow Calculations on page 3 of the Response to Draft Technical Comments, and provides the following:
- a) The main issue would be the 37,279L of flow per day that they are saying is what they will draw from the onsite wells. This number is what will be discharged to the septic system. For example the 8000L for daily spa make up water with 100% diverted to grey water storage. The 8000L will still be drawn from the well as grey water cannot be used for makeup water for a spa.
  - b) The application proposes using grey water for flushing of toilets and for doing laundry. 7.1.5.3.(2) of the Ontario Building Code states that storm sewage or grey water is only permitted to supply water to water closets, urinals, sub-surface irrigation and trap seal primers.
  - c) An area of concern is the numbers provided for the cottages. The OBC outlines that the water demand for a cottage should be 500L per person, not 250L per cabin. The values for the brewery and winery are other area for concern as the values provided seem quite low. Additionally there were no allowances for plumbing fixtures in the calculation for the brewery/winery, only water that will be used in production. Any values based on occupant load could not be verified as I do not have access to any of that information.
  - d) In conclusion, the value of 37,279L is the discharge to the septic system, not the flow requirements for the domestic water system. This table will need to be

revised with the proper values and recalculated.

### **Summary and Moving Forward**

95. The applications as submitted are not consistent with the PPS and do not conform to the Official Plan, specifically as it relates to Minimum Distance Separation. There are still outstanding comments on the hydrogeological works that need to be addressed. There is an opportunity on site to satisfy the requirements of MDS through classifying the proposed land uses as either Type A land uses (such as the winery and tasting room, agricultural uses) or Type B land uses (such as the spa and inn, event centre, cabins) in accordance with Guideline 33 and 34 of the MDS Guidelines, and locating uses outside of the applicable MDS setbacks. Consider how a rearrangement/refinement of land uses would be compatible with the rural character of the area and the surrounding development. Technical studies are required to reflect and support the proposed applications.