CITY OF BELLEVILLE
Andrew Chan, Policy Planner
Engineering and Development Services Department
Report No. PP-2020-19
June 1, 2020

To: Belleville Planning Advisory Committee

Subject: Notice of Complete Application and Introductory Public Meeting for Application for Proposed Amendment to Zoning By-Law Number 3014, As Amended
464 Mitchell Road, City of Belleville
OWNER/ APPLICANT: Shawn Milne

File: B-77-1106

Recommendation:

“That Report No. PP-2020-19 dated June 1, 2020 regarding Notice of Complete Application and Introductory Public Meeting for Application for Proposed Amendment to Zoning By-Law Number 3014, As Amended – 464 Mitchell Road, City of Belleville, County of Hastings be received as information, and;

That Staff report back at such time as input from the public, commenting agencies, and municipal departments has been received, assessed, and addressed to the satisfaction of the Engineering and Development Services Department.”

Background:

An application for 464 Mitchell Road was received by the City of Belleville on February 14, 2020. The subject land is identified on the attached Location and Existing Zoning Map (Attachment #1).

The initial public meeting is held in accordance with the requirements of the Planning Act. The purpose of this meeting is for Committee Members to formally hear and receive public comments. The intent of this statutory public planning meeting is to receive public feedback and incorporate it into a recommendation report from Staff.

The property is currently zoned Prime Agriculture (PA) Zone and Hazard (H) Zone. The Applicant is proposing to rezone the subject land to Prime Agriculture (PA) Zone with special provisions to include brewery and
distillery as a permitted accessory use and Hazard (H) Zone. The proposed zoning is shown on the Proposed Zoning Map (Attachment #2).

Site details for the subject land:

<table>
<thead>
<tr>
<th>Site Review</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Location</td>
<td>The subject land is municipally known as 464 Mitchell Road which is located on the southeast corner of Mitchell Road and Airport Parkway</td>
</tr>
<tr>
<td>Site Size</td>
<td>~38.5 ha</td>
</tr>
<tr>
<td>Present Use</td>
<td>Residential dwelling and farm</td>
</tr>
<tr>
<td>Proposed Use</td>
<td>Residential dwelling and farm, with accessory brewery and distillery</td>
</tr>
<tr>
<td>Belleville Official Plan Designation</td>
<td>Agriculture and Environmental Protection</td>
</tr>
<tr>
<td>Present Zone Category</td>
<td>Prime Agriculture (PA) Zone and Hazard (H) Zone</td>
</tr>
<tr>
<td>Proposed Zone Category</td>
<td>Prime Agriculture (PA) Zone with special provisions to add brewery and distillery as a permitted accessory use and Hazard (H) Zone</td>
</tr>
<tr>
<td>Land uses to the north</td>
<td>Farm, Residential and CN Rail</td>
</tr>
<tr>
<td>Land uses to the east</td>
<td>Farm</td>
</tr>
<tr>
<td>Land uses to the south</td>
<td>Farm and Residential</td>
</tr>
<tr>
<td>Land uses to the west</td>
<td>Farm</td>
</tr>
</tbody>
</table>

In support of the application, the following was submitted:

- A Sketch of the Property (Attachment #4).

This document is available online for public review at www.belleville.ca/DevelopmentApplications.

Proposal

The property is currently zoned Prime Agriculture (PA) Zone and Hazard (H) Zone. The Applicant is proposing to rezone the subject land to Prime Agriculture (PA) Zone with special provisions to include brewery and distillery as a permitted accessory use and Hazard (H) Zone, to establish a brewery and distillery in a portion of an existing barn on the property. The proposed zoning is shown on the Proposed Zoning Map (Attachment #2).

Provincial Policy Statement

Municipalities are required to ensure all decisions related to land use planning matters shall be consistent with the Provincial Policy Statement.

Planning Staff will consider the following policies in the PPS:
1.1.1 Healthy, livable 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;
   e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;

2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture.

Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.

2.3.3.1 In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses.

Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

2.3.3.2 In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

**Official Plan**

The current Official Plan was adopted by City Council on June 18, 2001 and approved by the Ministry of Municipal Affairs and Housing on January 7, 2002. Since 2002, a significant number of new and updated policies and legislation have occurred at the provincial level. The City is currently undertaking a Municipal Comprehensive Review and update to the policies of the Official Plan to ensure they comply with current provincial policies and legislation. The City will have to comply with the province’s new legislation, regulations, and policies when updating the Official Plan.

The land is designated “Agriculture” and “Environmental Protection” in the
City’s Official Plan (Attachment #3 – Official Plan Designation Map). Planning Staff use the policies within the Official Plan to make recommendations.

The following policies regarding the Agriculture Land Use will be considered:

- The Agricultural land use designation permits many forms of agricultural activity including the raising and/or growing of crops, animals and fish, poultry, nurseries, market gardens, livestock operations, uses that produce value added agricultural products from the farm operation on the property (i.e. maple syrup production, pick your own operations, and seasonal roadside produce stands); kennels and woodlots are also permitted uses. Agricultural-related tourist commercial (agri-tourism) uses are permitted also. Farm-related residential uses on separate lots are permitted; dwellings accessory to agricultural operation (for the farm owner and family) should be permitted on a farm along with any accommodation facilities required for essential farm employees, but nothing in this policy should be construed as encouraging or allowing for the subsequent severance of any such accessory dwellings. Residential infilling may be permitted as outlined in Section 7.2.3 d) of this Plan.
- Also permitted are farm-related commercial and farm-related industrial uses that are small in scale and directly related to the farming operation and required to be in close proximity to the farming operation such as a feed mill, seed cleaning facility, agricultural produce warehouses, abattoirs, or other similar agri-business.
- Agri-tourism may be permitted on active farms provided the use:
  - will not result in the loss of agricultural land;
  - will be compatible with agricultural operations on the subject and adjoining lands; and
  - can be accommodated on private services.

Such uses may include accommodations (such as bed and breakfasts) in an existing farm dwelling, retail farm produce outlets, and special events related to the business of agriculture of a temporary nature.

Additionally, the Official Plan defines the Environmental Protection Land Use designation as lands requiring special care and regulation due to their inherent natural or physical characteristics. Development is generally discouraged on and in close proximity to natural hazards or heritage features under this designation.

**Zoning By-Law**

The property is currently zoned Prime Agriculture (PA) Zone and Hazard (H) Zone. The following uses are currently permitted on the Prime Agriculture (PA) Zone:
The Applicant is proposing to convert a portion of an existing barn located in the Prime Agriculture (PA) Zone for use as a brewery and distillery as shown in Attachment #4. The Prime Agriculture (PA) Zone does not list brewery and distillery as a permitted use, or as a permitted accessory use.

To permit the proposed brewery and distillery, the Applicant is requesting to rezone the subject land to Prime Agriculture (PA) Zone with special provisions to permit a brewery and distillery as an accessory use and Hazard (H) Zone.

Public Comments

On March 13, 2020, a written notice and location map was mailed by first class mail to all registered owners of land within 120 metres of the subject property. The notice provided information that a public meeting was scheduled for April 6, 2020.

Similarly, a sign was placed on the subject land notifying the general public that a public meeting was scheduled for April 6, 2020.

Due to circumstances surrounding COVID-19, the Public Meeting scheduled for April 6, 2020 was cancelled, and a Notice of cancellation was issued.

On May 11, 2020, a new written notice and location map was mailed by first class mail to all registered owners of land within 120 metres of the subject property. The notice provided information that a public meeting was scheduled for June 1, 2020.

A new sign was placed on the subject land notifying the general public that a public meeting was scheduled for June 1, 2020.

At the time of writing this report, two members of the public has contacted the Planning Division to inquire about the proposal. One member provided correspondence on March 19, 2020 indicating that they have no objections and are interested in the application’s outcome.

Another member of the public provided correspondence on May 12, 2020 and May 13, 2020 questioning the nature and extent of the proposed use, and expressing environmental concerns, including water consumption, wastewater, solid waste and by-products, energy and air emissions. Their written submissions have been included in this report (Attachment #5).
At the time of writing this report, no other correspondence from the public has been received by the City regarding this application.

**Staff and Agency Comments**

**External Agency Circulation**

The subject application was circulated for comment to the Algonquin & Lakeshore Catholic School Board, the Hastings & Prince Edward District School Board, Hastings and Prince Edward Health Unit, Bell Canada, Canada Post, Ontario Power Generation, Union Gas, Elexicon Energy, Hydro One, TransCanada Pipeline, Enbridge Pipelines, Trans-Northern Pipelines, MPAC, the Health Unit, the Canadian National Rail, and Quinte Conservation.

Quinte Conservation has provided correspondence stating that they have no objections to the application.

At the time of writing this report, no other comments or concerns have been received regarding this application.

**Internal Department Circulation**

The subject application was circulated for comment to the Belleville Fire Department, Belleville Police Service, the General Manager of Transportation & Operations Department, General Manager of Environmental Services, the Director of Recreation, Culture and Community Services, the Manager of Parks & Open Spaces, the Chief Administrative Officer, the Manager of Economic & Strategic Initiatives, the City Clerk, the Chief Building Official, the Manager of Approvals, and the Accessibility Co-ordinator.

Belleville Parks & Open Spaces, Fire Department, and Recreation, Culture and Community Services have provided correspondence that they have no objections to the application.

At the time of writing this report, no other comments or concerns have been received regarding this application.

**Considerations:**

**Public**

Circulation to the public complies with the requirements of the Planning Act, R.S.O. 1990.

**Financial**
The fees of the application have been received by the City.

**Impact on and input from other Departments/Sources**

Circulation of this application to other departments/agencies has occurred.

**Strategic Plan Alignment**

The City of Belleville’s Strategic Plan identifies nine strategic themes. This application aligns with the City’s nine strategic themes and the City’s mission statement.

**Conclusion:**

Comments received at this public meeting, as well as subsequent written comments will be considered by the Engineering and Development Services Department in analysis of the application received to amend the City of Belleville Zoning By-Law 3014. A recommendation report will be brought forward upon receipt of all agency and public comments.

Respectfully submitted,

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Andrew Chan, BES
Policy Planner, Policy Planning
Engineering and Development Services Department

**Attachments**

- Attachment #1 – Location and Existing Zoning Map
- Attachment #2 – Proposed Zoning Map
- Attachment #3 – Official Plan Designation
- Attachment #4 – Sketch of the Property
- Attachment #5 – Written submission from a member of the public
LOCATION MAP
EXISTING ZONING

LOCATION: 464 MITCHELL RD

- SUBJECT LANDS

CITY OF BELLEVILLE
ENGINEERING & DEVELOPMENT SERVICES DEPARTMENT
PROPOSED ZONING BY-LAW AMENDMENT

LOCATION: 464 MITCHELL RD

- SUBJECT LANDS
- PROPOSED ZONING CHANGE TO PA (PRIME AGRICULTURE) WITH SPECIAL PROVISIONS
Any future expansion is currently proposed into additional area in existing barn. Currently proposed as a small pilot brewery to test interest in area.
FYI

From: xxxxxxx xxxxxxx <xxxxxx.xxxxxx@gmail.com>
Sent: Tuesday, May 12, 2020 1:08 AM
To: Ashton, Stephen; Deming, Thomas
Cc: MacDonald, Matthew
Subject: City of Belleville By-law proposal Brewery

CAUTION : This email is NOT from the city of Belleville. Do NOT click links or open attachments unless you recognize the sender and know the content is safe!

City of Belleville Planning Department,

Regarding the zoning-bylaw amendment proposal for application B-77-1106 located at 464 Mitchell Road, could you please provide particulars of the proposed operation. Have studies been completed how such an operation could impact the surrounding community.

What size of brewery is being proposed and what proposal has been submitted regarding offensive odors from the operation. Growing up and exposed to the Corbyville brewery, the community is well aware how offensive it was.

Please explain what the City of Belleville’s expectations are regarding environmental transmission of offensive odors, noise, increased traffic of large equipment, storage of equipment and buildings both number and size involved with the operation. Is the proposal designed as not to affect the surrounding community involving group homes and residents alike.

Knowing the brewery proposal may have a direct impact with the many proposals submitted for our property located directly to the north of the proposed brewery, could you please provide as many details as possible prior to scheduling any further meetings. We understand the pandemic has delayed ongoing business for the municipality however we would appreciate learning the particulars as soon as possible.

Has scheduling of the bylaw meeting been set as we have invested interest whether the brewery is approved, depending on data re same. Please provide bylaw meeting date when available via email to xxxxxxx.xxxxxx@gmail.com

Additional to this request, what consideration has been given to our several proposals relating to our property on the northern section of the Mitchell Road. We understand that our property isn’t currently in compliance with the Official Plan, however we would like to apply for a Bylaw Amendment for one of the proposals submitted but realize that support is necessary from the City of Belleville prior to submitting the application.

My husband and I wish to expedite development and submit a bylaw amendment similar to the by-law amendment in question.

Thanks in advance for your response.

xxxxxxx & xxxx xxxxxx
Phone xxx-xxx-xxxx
Hi Erin,

Please see below submission for 464 Mitchell Rd. Please include in file.

Thank you,
Desta

Planning Department City of Belleville,
Re / Environmental Concerns By-Law Amendment B-77-1106
Further to our enquiry re By-law B-77-1106 we wish to express major concerns regarding the Environmental impact on the surrounding residential community, reasons as listed below. This is not an exhaustive list of our concerns.
With Environmental concerns including water consumption, wastewater, solid waste and by-products, energy and air emissions we assume such an operation is highly dangerous for residents and drilled wells alike.
We are not interested in this type of By-law Amendment however we wish to submit a By-law Amendment for one of our many proposals that the City will support. Please include both emails dated May 12, 2020 to both our land file and By-law Amendment file B-77-1106 for further discussion.
My husband and I anxiously await follow through regarding the By-law Amendment in question, as the proposal appears it may have substantial impact on the residential community surrounding the area.
Follow through involving our many proposals involving housing on our property on XXXX XXX X, XXXXXXXXXXXX X, Thurlow Township, City of Belleville, East side Mitchell Road is appreciated. Possibly following written response and review, we could schedule a phone conference with those involved in a decision involving our land holdings.
Regards,
xxxxxxx & xxxxxxxxxx
Phone xxx-xxx-xxxx

The most significant environmental issues associated with the operation phase of breweries include water consumption, wastewater, solid waste and by-products, energy use and emissions to air.

Are breweries bad for the environment?
Environmental Issues. From grain to glass, all aspects of brewing and delivering beer to the marketplace are burdened with environmental issues, with water and
energy consumption being the two primary natural resource considerations. Carbon emissions are primarily proportional to energy consumption.

Is co2 from fermentation dangerous?
Fermentation produces carbon dioxide gas – about 40 times the volume of grape juice. Excessive carbon dioxide in the air can cause headache, sweating, rapid breathing, increased heartbeat, shortness of breath, and dizziness. ... Carbon dioxide has several occupational exposure limits set to help prevent harmful exposure.

How much co2 is produced in beer fermentation?
- Fermentation produces about 0.49lb of CO2 for each lb of extract (fermentation by products by weight are around half CO2 and half ethanol).

What Are the 3 Different Types of Fermentation?
Lactic acid fermentation. Yeast strains and bacteria convert starches or sugars into lactic acid, requiring no heat in preparation. ...

Ethanol fermentation/alcohol fermentation. ...

Acetic acid fermentation.

How much money does it take to start a brewery?
You will need to pay alcohol tax and licenses and permits to brew and serve alcohol. Overall, starting a brewery could cost you anywhere from $250,000 to $2.5 million or more depending on your desires, ambition and ability to negotiate.

How long does it take for yeast to produce co2?
about 4 to 5 weeks

Does making wine produce co2?
Carbon from the winemaking process is five times more concentrated than planes and cars. A litre of juice produces 60 litres of carbon dioxide. Why aren't we trapping it? “A single bottle of wine contains 80g of carbon dioxide

What is the carbon footprint of beer?
The Guardian estimates that a local bottled beer from a local pub has a carbon footprint of 500g CO2e while an "extensively traveled" beer has nearly double that at 900g CO2e.
In brewing, alcoholic fermentation is the conversion of sugar into carbon dioxide gas (CO2) and ethyl alcohol. ...

Can botulism grow in beer?
Clostridium botulinum can't grow in beer so unless the bacteria was present during the brewing process, leaving its toxins in the beer (it's those toxins that can kill you), you're safe. Mar 28, 2019

Botulism is a life-threatening disease caused by the ingestion of a potent neurotoxin produced during growth of the C. botulinum bacteria. This neurotoxin is among the most toxic substances known; even microscopic amounts can cause illness or death.
Why does my beer keep foaming?
Hydrophobins are created by a fungus that infects malt grains during the brewing process, attracting carbon-dioxide molecules within the beverage to the surface. Too many carbon-dioxide molecules at the beer's neck can cause the bottle to bubble over when it's opened, much to breweries' chagrin.