

March 8, 2019

**VIA EMAIL ONLY**

File: D.18.05.ZA-18-081

Joanna Rees  
Planner I  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road, P.O. Box 100  
Virgil, ON L0S 1T0

Dear Ms. Rees:

**Re: Regional and Provincial Comments  
Zoning By-law Amendment Application  
Town File No.: ZBA-17-2018  
Owner: 1314102 Ontario. Inc.  
Agent: Niagara Planning Group  
Address: 963 Queenston Rd, Town of Niagara-on-the-Lake**

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Regional Planning and Development Services staff has reviewed the information circulated for the above-noted Zoning By-law Amendment application, to lands municipally known as 963 Queenston Road, in Niagara-on-the-Lake. The purpose of this application is to permit the establishment of an Estate Winery and its secondary uses, which include a hospitality area, agricultural market, retail uses and kitchen facilities, as well as a reduced frontage to facilitate the Estate Winery.

Pre-consultation meeting for this proposal was held at the Town on November 16, 2017 with the agent, and staff from the Town, Region and Niagara Peninsula Conservation Authority (NPCA). The following Provincial and Regional comments are provided to assist the Town in considering this application.

### **Provincial Policies**

The Provincial Policy Statement (PPS) designates the subject land as within a “prime agricultural area” and more specifically as a “specialty crop area”. Such lands shall be protected for long-term use for agriculture with specialty crop areas being given the highest priority for protection. The permitted uses in prime agricultural areas under the PPS are agriculture, agriculture-related and on-farm diversified uses. The Provincial Greenbelt Plan designates the area Protected Countryside (Niagara Peninsula Tender Fruit and Grape Area). This specialty crop area designation in the Greenbelt Plan which allows for a full range of agricultural, agriculture-related uses and secondary/on-farm diversified uses.

The PPS defines “agriculture-related uses” as farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations and provide direct products and/or services to farm operations as a primary activity. Further, the PPS defines “on-farm diversified uses” as uses that are secondary to the principal agricultural use of the property and limited in area, including agri-tourism uses and uses that produce value-added agricultural products. These general types of uses shall be compatible with, and shall not hinder, surrounding agricultural operations.

## **Regional Policies**

The subject property is outside of the Urban Area Boundary for the Town of Niagara-on-the-Lake according to the Regional Official Plan (ROP). The lands are designated Unique Agricultural Area on the Region’s Agricultural Land Base Map. The highest priority is given to preserving Unique Agricultural Area land, with agriculture being the predominant use. The Agricultural policies of the ROP allow for farm diversification/value-added uses to support agriculture. Such uses are intended to complement farming activities and provide for increasing the economic value and consumer appeal of an agricultural product or use and contribute to the sustainability and viability of the farming operation. The on-farm diversified uses are to remain secondary to the principal farming operation.

Regional policies indicate that local municipalities should establish detailed Official Plan policies and Zoning By-law regulations for farm diversification uses. The Regional Official Plan contains criteria to be considered in local by-laws to evaluate the appropriateness of farm diversification activities. These criteria include the scale of the proposal, compatibility with the character of the farm operation and surrounding agricultural area, the use does not generate potentially conflicting off-site impacts and the capability of the site to accommodate a private sewage treatment system.

## **Planning Review**

The agent submitted a Planning Justification Report (June 27, 2018), prepared by Niagara Planning Group, in support of the proposal. The planning report indicates the Estate Winery supports the long-term goal of the agriculture use by preserving the existing vineyards found on-site. Additionally, the proposed retail, hospitality and market uses provide for an opportunity to protect agricultural lands while promoting economic development and sustainable tourism. These uses allow for agri-tourism events, such as tours, and are considered an on-farm diversified use. Regional Staff notes that there does not appear to be production uses contemplated with this Estate Winery.

## **Farm Diversification Uses and Scale of Proposal**

Regional staff is satisfied that the proposed Estate Winery is considered an agriculture-related use and on-farm diversified use under Provincial policies. The Estate Winery would provide a service to the surrounding agricultural land base by preserving the existing vineyards.

The scale of the agriculture-related use must be appropriate for the site and area but Provincial and Regional policies do not prescribe size restrictions for agriculture-related uses. The proposed Estate Winery with hospitality, retail and market uses represent both value-added and agri-tourism uses.

The subject property is approximately 21.14 hectares (52.25 acres) in area. Regional staff estimate that approximately 75% of the site is in active agricultural production. No lands are being removed from active agricultural production to accommodate the proposed use.

The Province's "Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas" provides assistance in the interpretation of PPS policies. These Provincial guidelines indicate that on-farm diversified uses should occupy no more than 2% of the property on which the uses are located and the gross floor area of buildings used for on-farm diversified uses is limited (e.g., 20% of the 2% land area). Footprints of existing farm buildings being used for on-farm diversified uses are only counted at 50%. Existing laneways are not included in the calculations.

Based on an analysis by Regional staff, the amount of land area devoted to the proposed on-farm diversified uses is less than the 2% guideline of the Province and the gross floor area of the building is limited. Regional Staff are satisfied that the scale of the proposed uses are appropriate for the area. The proposed Zoning By-law Amendment and subsequent site plan control application will adequately implement Provincial and Regional policies and guidelines with respect to the proposed uses.

### **Archaeological Potential**

The PPS and ROP provide direction for the conservation of archaeological resources. Specifically, Section 2.6.2 of the PPS states that, "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 were identified as having high archaeological potential as recognized in the Town's Official Plan (Schedule H) Archaeological Potential mapping and proximity to a watercourse. A Stage 1 Archaeological Assessment completed by Detritus Consulting Ltd. (dated March 2, 2018), was submitted with the Zoning By-law application. The Stage 1 Assessment recommended further study and completion of a Stage 2 archaeological assessment for the subject area.

A Stage 1-2 Archaeological Assessment completed by Detritus Consulting Ltd. (dated May 2, 2018), was submitted with the Zoning By-law application. The Stage 1-2 Assessment concludes that no archaeological resources were documented during the assessment and recommends no further assessment of the study area.

As of the date of this letter, a letter from the Ministry of Tourism, Culture and Sport (MTCS) confirming that all archaeological resource concerns have met licensing and resource conservation requirements has not been received. Given that the acknowledgment letter has

not been received from the MTCS, it is recommended that a Holding provision be included in the Zoning By-law Amendment or Town staff defer taking the bylaw to council until the MTCS acknowledgement letter has been received. Staff notes that the removal of a Holding provision will require an additional Regional review fee.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff recommend the inclusion of standard archeological warning clauses as a condition of the Site Plan application.

### **Private Sewage System**

Private Sewage System inspection staff have reviewed the submitted application. Staff note that Estate Wineries allow for production and hospitality services. However, as per discussions with the applicant, even if designated as an Estate Winery, this location will not produce wine waste onsite and the only hospitality uses would be the hospitality and tasting area. The existing sewage system servicing the property was sized to accommodate a hospitality and tasting area only, with no on-site winery (wastewater) production. The system was installed in October 2018 and approved by this department.

Therefore, Private Sewage System staff has no objection to the Zoning By-law application since there is no change in sewage flows for the existing sewage system, as installed. However, please note that the sewage system is not sized or designed to accommodate winery production wastewater. If this is produced on-site, a new sewage system will need to be installed. Approval for this change would be required from the Ministry of Environment, Conservation and Parks (MECP) as sewage flows for the property will exceed 10,000 L/day.

### **Conclusion**

In conclusion, the proposal is consistent with the Provincial Policy Statement and conforms with the Greenbelt Plan and Regional Official Plan. Regional staff has no objection to the proposed Zoning By-law Amendment from a Provincial and Regional perspective, subject to:

- Inclusion of a Holding provision in the amending Zoning By-law to require:
  1. That the Stage 1-2 Archaeological Assessment completed by Detritus Consulting Ltd. (dated October 29, 2018), be submitted to the Ministry of Tourism, Culture and Sport (MTCS) for review and approval. The report must be accepted by the MTCS, to the satisfaction of Niagara Region, prior to removal of the Holding. If the consultant recommends / the MTCS requires further Stage 3 Archaeological Assessments, these report(s) must also be submitted to and accepted by the MTCS, to the satisfaction of Niagara Region, prior to lifting the Holding provision. NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the MTCS confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

OR

- The deferral in bringing the bylaw to Council until the MTCS acknowledgement letter has been submitted to the Town and Region.

If you have any questions or wish to discuss these comments, please contact myself at ext. 3518 or Aaron Butler, MCIP, RPP, Senior Development Planner at ext. 3264.

Please send a copy of Council's decision on this application.

Sincerely,

A handwritten signature in grey ink, appearing to read 'A Pasquini', with a stylized flourish at the end.

Alexsandria Pasquini  
Development Planner

cc: Mr. A. Butler, Senior Development Planner, Niagara Region  
Ms. C. Goodale, Private Sewage System Inspector, Niagara Region

**From:** Lambert, Phill <Phill.Lambert@niagararegion.ca>  
**Sent:** June 19, 2019 3:00 PM  
**To:** John Henricks; Rick Wilson; Jesse Auspitz  
**Cc:** Brendan Myles; Kevin Clark; A. Zalepa; Alexandra Haasen; Heather Sewell NPG; Emberson, Lola; Killins, Tanya; Noort, Justin; Lim, Michael  
**Subject:** RE: Septic system for Queenston Mile Estate Winery  
**Attachments:** P2374 - QMV Septic System Overview 06 19 19.pdf

Hello,

Based on the information provided, the documentation of the proposed uses indicates that the existing septic system (with a capacity of 10,000 L/d) is sized to accommodate these uses. Therefore, the Niagara Region has no objection to the proposed uses as the existing septic system capacity can handle these flows.

Regards

**Phill Lambert, P. Eng.**

Director, Infrastructure Planning & Development Engineering  
Planning and Development Services  
Niagara Region  
Phone: 905-685-4225 ext. 3627 Toll-free: 1-800-263-7215  
[www.niagararegion.ca](http://www.niagararegion.ca)

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**From:** John Henricks <[jhenricks@niagaraplanninggroup.ca](mailto:jhenricks@niagaraplanninggroup.ca)>  
**Sent:** Wednesday, June 19, 2019 1:45 PM  
**To:** Rick Wilson <[rick.wilson@notl.com](mailto:rick.wilson@notl.com)>; Jesse Auspitz <[Jesse.Auspitz@notl.com](mailto:Jesse.Auspitz@notl.com)>  
**Cc:** Lambert, Phill <[Phill.Lambert@niagararegion.ca](mailto:Phill.Lambert@niagararegion.ca)>; Brendan Myles <[bmyles@ancamcompanies.com](mailto:bmyles@ancamcompanies.com)>; Kevin Clark <[kclark@ancamcompanies.com](mailto:kclark@ancamcompanies.com)>; A. Zalepa <[azalepa@QUEENSTONMILEVINEYARD.COM](mailto:azalepa@QUEENSTONMILEVINEYARD.COM)>; Alexandra Haasen <[ahaasen@niagaraplanninggroup.ca](mailto:ahaasen@niagaraplanninggroup.ca)>; Heather Sewell NPG <[hsewell@niagaraplanninggroup.ca](mailto:hsewell@niagaraplanninggroup.ca)>; Emberson, Lola <[Lola.Emberson@niagararegion.ca](mailto:Lola.Emberson@niagararegion.ca)>  
**Subject:** Septic system for Queenston Mile Estate Winery

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**From:** [Sarah Mastroianni](#)  
**To:** [Jesse Auspitz](#)  
**Subject:** RE: ZBA-17-2018 - ZBA to Facilitate Estate Winery- 963 Queenston Road  
**Date:** May 9, 2019 1:24:28 PM

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Hi Jesse,

The NPCA has no concerns with the ZBA to turn the farm winery into an Estate Winery. We may need to review the future SPA to comment on any site alterations proposed.

Thanks.

**Sarah Mastroianni**  
**Watershed Planner**  
Niagara Peninsula Conservation Authority  
250 Thorold Road West, 3rd Floor  
Welland, Ontario L3C 3W2  
Phone: 905 788 3135 (ext. 249)  
Fax: 905 788 1121  
email: [smastroianni@npca.ca](mailto:smastroianni@npca.ca)

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**From:** Jesse Auspitz <[Jesse.Auspitz@notl.com](mailto:Jesse.Auspitz@notl.com)>  
**Sent:** Thursday, May 9, 2019 1:20 PM  
**To:** Sarah Mastroianni <[smastroianni@npca.ca](mailto:smastroianni@npca.ca)>  
**Subject:** ZBA-17-2018 - ZBA to Facilitate Estate Winery- 963 Queenston Road

Hey Sarah,

Did you need to comment on this application?

Thank you,

**Jesse Auspitz, MCIP, RPP**  
**Planner II**  
Phone: 905-468-6451 Fax: 905-468-0301  
1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

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## Appendix D - Agency Comments

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