

DATE: September 14, 2020

REPORT NO: PD-117-2020

SUBJECT: Recommendation Report - Approval of Official Plan Amendment and Zoning By-law Amendment to Incorporate Winery, Brewery, and Special Occasion Policies and Regulations in the Township of West Lincoln Official Plan and Zoning By-law

CONTACT: Brian Treble, Director of Planning and Building

OVERVIEW:

- In 2013, the Township of West Lincoln had its first application for a winery which was proposed to situate at 3651 Sixteen Road in West Lincoln (see attachment 1). The Winery is known as Domaine Queylus.
- The zoning regulations for this winery are site specific, more restrictive than most other winery regulations across the Region (see attachment 2) and currently are not able to be complied with.
- Planning Staff proposed to be proactive and initiate a policy change that will place winery policies in our Official Plan (OP) and regulations in our Zoning By-law (ZBL). Draft policies were originally attached to staff report PD-054-19.
- Similarly, staff have had numerous inquiries relating to breweries, distilleries, and special occasion events. Policies relating to these possible uses are also proposed.
- Staff have prepared this report with the attached policies for approval. Agency input and consultation has occurred several times between November 2019 and now. With the exception of the Region, limited input was provided. Previous staff reports PD-054-19 and PD-183-19 provide background on this project, as authorized by report PD-054-19.
- Staff recommend approval of OPA 55, and a corresponding rezoning which provide both policies and regulations for new Agricultural Value Added type uses. Further, a site specific amendment is proposed to the zoning at 3651 Sixteen Road.
- As a result of minor modifications that address Regional comments, staff understand that Township Council approval is the final step before commencing the appeal period and that Regional Council approval is not required. See Regional letter at attachment 6 to this report.

RECOMMENDATION:

1. That, Report PD-117-2020, regarding “Recommendation Report, Approval of Official Plan Amendment and Zoning By-law Amendment to Incorporate Winery, Brewery, and Special Occasion Policies and Regulations in the Township of West Lincoln Official Plan and Zoning By-law” dated September 14th, 2020, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, Official Plan Amendment No. 55 (File No. 1701-004-19) and a corresponding implementation bylaw be APPROVED and passed; and,
4. That staff be authorized to circulate the Notice of Decision on the approval of Official Plan Amendment No. 55 to the agencies and public to commence the 20 day appeal period as Regional Council approval is not required; and,
5. That, Zoning By-law Amendment 1601-015-19 and a corresponding bylaw be APPROVED and passed; and,
6. That, Staff be authorized to circulate the Notice of Decision for the Zoning By-law Amendment with the corresponding 20-day appeal period, with full force and effect occurring once Official Plan Amendment No 55 has been approved without appeal.

ALIGNMENT TO STRATEGIC PLAN:

Theme #2, #3 & #4

- Support for Business and Employment Opportunities for Residents
- Strategic, Responsible Growth
- Local Attractions

BACKGROUND:

The winery referred to as Domaine Queylus at 3651 Sixteen Road, St. Ann’s, originally presented a proposal for a winery in the spring of 2013. This was the first such facility in West Lincoln and was experimental in nature. Since then, this facility has continued to undertake growing trials as it worked to find the correct grape for wine purposes that can grow in the climate and soil conditions found above the escarpment.

It is clear from planning staff’s review of the current zoning by-law regulations that the site specific regulations that were placed on these lands (3651 Sixteen Road) were very unique and restrictive. The regulations were written in such a manner that the owner cannot comply with them at all times and they do not apply broadly across the Township. Staff propose to correct this.

In addition, proactive planning for potential new agricultural uses such as breweries, distilleries, and special occasion uses are proposed as part of this planning process as well. It is understood that some types of grapes for wine purposes can be grown in

West Lincoln and used in the winery industry; and that some of the ingredients for breweries and distilleries can also be grown locally. Staff is prepared to support efforts and trials to start these types of niche uses.

CURRENT SITUATION:

Mapping is available from the Region (see attachment 4) that shows where the soil and climate conditions may make grape growing and winery facilities possible in West Lincoln. Therefore, as a result of this and the fact that the existing winery regulations are only site specific and leave no room for expansion, staff propose to initiate a Township wide amendment to insert winery, brewery, distillery, and special occasion policies into the Township of West Lincoln's Official Plan (OP) and new regulations for each use into the Township of West Lincoln's Comprehensive Zoning By-law.

Staff proactively propose this initiative to add brewery, distillery and special occasion policies to the Township of West Lincoln Official Plan and Zoning By-law since inquiries of this nature have recently been received by staff. Since such processing uses would normally be considered accessory to the growing of an agricultural crop, the clarity will avoid site specific planning applications in the future.

A draft of the proposed policies and regulations was presented in previous staff reports PD-054-19 and PD-183-19. These have now been reviewed by agencies and are recommended for approval, with a few minor notifications.

Provincial policy is very supportive of strong and broad agricultural policies to provide opportunity for a broad range and spectrum of agricultural uses and supportive industry as follows:

- **Provincial Policy Statement:**

The PPS requires municipalities to protect prime agricultural areas for long-term agricultural use. To also address agricultural viability, a more integrated approach extending beyond land use planning is required. The Province has been committed to provide a permanent, secure and economically viable agricultural industry not only as a producer of food, but as an important component of the economic base, a source of employment, and the basis of the rural community and rural way of life. The Province has recently implemented an Agricultural system approach with desired outcomes being:

- Active planning for agriculture and rural economic development based on reliable mapping, data and tools.
- Improved viability of agriculture and growth of the agri-food sector.
- Better protection of the agricultural land base.
- Increased land use planning consistency and certainty across municipalities.
- Reinforcement of the synergies between agricultural, natural heritage and water systems, as outlined in provincial policy.
- Collaboration between the Province, municipalities, farmers and businesses with a common interest in a strong agri-food sector.

- **A Place to Grow – Provincial Growth Plan:**

The Growth Plan has recently been updated since this review was completed. The agricultural policy is relatively unchanged and continues to address growth management, and both the Growth Plan and the Greenbelt Plan contain policies to protect the Agricultural System and the Natural Heritage System. The two plans have similar policies that relate to agriculture and the Agricultural System by:

- Specifying that the Province will identify an Agricultural System for the GGH that includes a continuous land base comprised of prime agricultural areas, including specialty crop areas, and rural lands, as well as a complementary agri-food network that supports long-term agricultural production and the economic viability of the agri-food sector.
- Requiring municipalities to designate prime agricultural areas, including specialty crop areas, in accordance with mapping and implementation procedures issued by the Province, and protect these areas for long-term use for agriculture.
- Requiring municipalities to maintain and enhance the functional and economic connections to the agri-food network. Unlike prime agricultural areas, the agri-food network is not a land use designation.
- Requiring that upper-tier and single-tier municipalities, as part of their municipal comprehensive review, undertake an agricultural impact assessment (AIA) when determining the location of a settlement area boundary expansion. To conduct an AIA, guidance issued by the Province should be used. Impacts to the entire Agricultural System must be assessed and adverse impacts avoided, and where avoidance is not possible, minimized and mitigated as determined through an AIA.
- Requiring AIAs or equivalent analysis as part of an environmental assessment for infrastructure projects (e.g. planned corridors) that cross prime agricultural areas to avoid or, if avoidance is not possible, minimize and mitigate impacts to the extent feasible.
- Requiring applications for new mineral aggregate operations within prime agricultural areas to be supported by an AIA and, where possible, to maintain or improve connectivity of the Agricultural System.
- Suggesting that AIAs be required for other types of non-agricultural uses that are proposed on rural lands.
- Requiring that land use compatibility be achieved, in particular in areas where agricultural uses and non-agricultural uses interface.
- Permitting a variety of uses in prime agricultural areas (agricultural, agriculture-related and on-farm diversified uses), aligned with the PPS and the Guidelines on Permitted Uses in Prime Agricultural Areas (OMAFRA, 2016).
- Requiring municipalities to implement strategies to support and enhance the Agricultural System when undertaking integrated planning for growth management, including goods movement and transportation planning.
- Encouraging municipalities to support the long-term economic prosperity and viability of the agri-food sector, for example, through:

- local food initiatives (e.g. food hubs)
- integration of agricultural economic development, infrastructure, goods movement and freight considerations with land use planning
- preparing regional agri-food and economic development strategies
- engaging with local farmers and agri-food experts (e.g. through agricultural advisory committees and liaison officers) and
- providing outreach and education opportunities.
- **Township of West Lincoln Official Plan:**
 - Staff propose to be proactive and improve our existing policy now, such that when any new uses come forward, they can be supported without an extensive public meeting process each time such a proposal is brought forth. Township staff understand that there may not be many proposals, but mapping suggests that opportunities do exist and therefore staff propose to be proactive to assist with any possibility for new agricultural developments.

A draft of this policy set was originally provided in previous staff reports. Further, the policy and regulations were made available at the public meeting held in November of 2019, at which time limited public input was received. Since that time, staff have had ongoing consultation with the Regional Planning staff who have generally agreed with our approach and wanted to assist with minor adjustments. Some minor revisions have therefore been incorporated.

FINANCIAL IMPLICATIONS:

The policy and regulation amendment process has been prepared and presented for approval by Township staff using the current Township Planning Operating Budget and staff resources.

INTER-DEPARTMENTAL COMMENTS:

This report has been reviewed and discussed with Regional Planning staff and the Township of West Lincoln Chief Administrative Officer (CAO). Staff have also reached out to staff at Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), Brock University and Niagara College as this is an area of specialization for each of the facilities. A recent news release on the Province's support for these industry sectors is in keeping with the intent of this report.

A notice of public meeting was published in the local newspaper on October 10th, 2019. This notice can be found at attachment 5 to this report. Initial public and agency input was received in response to this planning process.

A few minor revisions/clarifications were requested by Region of Niagara Planning staff in late March of 2020, and the OPA and Zoning By-law have both been adjusted accordingly. Further, comments contained in the September 2, 2020 letter from the Region (attachment 6) have been addressed and the OPA and ZBA have been adjusted accordingly.

These concerns have been addressed, the policy, as attached, reflects their concerns and as a result, Regional Council approval of the Official Plan Amendment No. 55 document is not required.


CONCLUSION:

Staff recommend that an Official Plan Amendment No. 55 be adopted and that the appeal period commence. Further, staff recommend that the attached zoning by-law amendment be approved, which provides new zoning regulations as well as a site specific zoning change for 3651 Sixteen Road.

ATTACHMENT

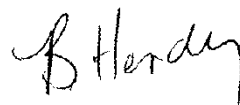
1. Location Map of Domaine Queylus Winery
2. Existing Site Specific Zoning Regulations for Domaine Queylus Winery (A-97)
3. Draft Official Plan Amendment (OPA No 55) and Zoning By-law Amendment
4. Map of possible winery and grape growing opportunities
5. Notice of Public Meeting
6. Regional Correspondence

Prepared & Submitted by:



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Approved by:



Beverly Hendry, CAO