



## **Planning and Development Services**

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### **Via Email Only**

September 2, 2020

File No.: D.10.12.OPA-19-0035  
D.18.12.ZA-19-0132

Mr. Brian Treble, MCIP, RPP  
Director of Planning and Building  
Township of West Lincoln  
318 Canborough Street  
Smithville, ON L0R 2A0

Dear Mr. Treble:

**Re: Regional and Provincial Comments  
Township Initiated Official Plan and Zoning By-law Amendments  
Township File Nos.: 1701-004-19 & 1601-015-19  
Township of West Lincoln**

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Regional Planning and Development Services staff has reviewed the information circulated for the above-noted applications, including the Township's Technical Report dated November 11, 2019 (PDS-183-19). Staff were notified that the Township was revising the provisions provided with the Technical Report based on comments received by the public; accordingly, Regional staff did not provide comments on the Technical Report and awaited circulation of the revised provisions. In the time between the Technical Report being circulated for review and commenting, and receiving the Recommendation Report (dated March 9, 2020; PDS-046-20), Regional staff and Township staff met to discuss the proposals. Revisions to the draft amendments were received on August 28, 2020. The comments in this letter reflect the policies included in the draft amendments received in August 2020.

Official Plan and Zoning By-law Amendments have been initiated by the Township to propose new Agricultural Policies and regulations within the Township of West Lincoln Official Plan and Zoning By-law. The Official Plan Amendment proposes to establish policies that permit wineries, breweries, distilleries and special occasion events in the agricultural area. The Zoning By-law Amendment proposes to change the permitted uses of the Agriculture 'A' and Agriculturally Related 'AR' zones, and to add permitted uses and regulations that apply to wineries, breweries, distilleries and special occasion events that wish to be established within the Township of West Lincoln. A site specific Zoning By-law Amendment is also requested for 3651 Sixteen Road (Domaine

Queylus). The Notice of Public Meeting indicates that the Township wishes to be proactive with respect to these types of uses, which are not currently a normal part of the agricultural fabric of West Lincoln. The following Provincial and Regional comments are provided to assist the Township in considering these applications.

## **Provincial and Regional Policies**

Provincial and Regional policies permit agriculture, agriculture-related and on-farm diversified uses in agricultural areas. It is broadly and generally recognized that agriculture-related and on-farm diversified uses are impactful on the agricultural community through diversifying income and providing alternative or necessary services. Wineries, breweries and distilleries may be considered agriculture-related and/or on-farm diversified uses, and are generally permitted within the prime agricultural area. The proposed Official Plan and Zoning By-law Amendments will assist in updating West Lincoln's policies to better align with Provincial and Regional objectives. Regional and Provincial policies provide that the predominant use of land in agricultural areas will be for agriculture of all types, including farm diversification uses, which refer to value added production, marketing and agri-tourism uses that complement on-site agricultural uses and contribute to the sustainability and viability of the farming operation. Value-added production and marketing uses, such as wineries, breweries and small-scale craft distilleries are to remain secondary to the principal agricultural use in relation to the scale of the operation and its footprint, and should be capable of accommodating the use on private water supply and sewage treatment systems.

For the purposes of these amendments, the below comments are offered from a Provincial and Regional perspective with regard to *agricultural lands*.

### Provincial Policy Context

The Provincial Policy Statement (PPS) designates the agricultural lands within the Township as "prime agricultural area." Such lands shall be protected for long-term use for agriculture. The lands in the northeast corner of West Lincoln, by Young Street and Thirty Road, are within the Greenbelt Plan's Protected Countryside (Niagara Peninsula Tender Fruit and Grape Area). This designation allows for a full range of agricultural, agriculture-related and secondary/on-farm diversification uses. Further, provisions for agriculture-related and on-farm diversified uses should be contemplated in accordance with the Ontario Ministry of Agriculture, Food and Rural Affairs' (OMAFRA) Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (the Guidelines). The Guidelines provide recommended criteria for evaluating proposed uses in the prime agricultural area, and guides/assists with interpretation of relevant PPS policies. According to the Guidelines, wineries, small-scale micro-breweries and distilleries may be considered agriculture-related or on-farm diversified uses, and special events are generally considered on-farm diversified uses. These uses are subject to specific criteria, including on-farm diversified uses being limited in area (recommended maximum lot coverage of 2%) and secondary to the principal agricultural use of the subject lands.

### Regional Official Plan Policy Context

The Regional Official Plan (ROP) designates most of the agricultural lands within the Township as “Good General Agricultural Area,” with the exception of the lands in the northeast corner of West Lincoln as “Unique Agricultural Area.” The ROP allows for farm diversification in the Good General and Unique Agricultural Area to support agriculture. Further, Regional policies indicate that local municipalities should establish detailed Official Plan policies and Zoning By-law requirements for farm diversification uses. The ROP provides criteria for evaluating such uses, depending on whether they are related or unrelated to agriculture.

The Township-initiated amendments to establish provisions for wineries, breweries, distilleries, and special events aligns with Provincial and Regional objectives.

### **Draft Amendment Policy Review**

Based on a review of the draft Official Plan and Zoning By-law Amendment provisions, Regional staff has some items and questions for consideration by Township staff, as follows:

#### Existing Wineries

1. The provisions discuss *existing estate wineries* (Official Plan Amendment Policy 4.6.4.1) within the Township of West Lincoln; Regional staff would like to clarify that there is only one (1) *existing estate winery* within the Township, known as Domaine Queylus (located at 3651 Sixteen Road).

#### Official Plan Amendment Policies

2. Policies for an Estate Winery (4.6.4.1) have been updated to require site plan approval.
3. Farm Wineries are subject to criteria listed in the Official Plan Amendment (Policy 4.6.4.2), including limitations on retail floor space and gross floor area, and an approved site plan. Further specifications on Farm Wineries are detailed in the proposed Zoning By-law Amendment.
4. The Official Plan Amendment defines a Farm Winery as “a farm on which buildings and structures are used for the making of wines from fruit grown on-site and which are secondary uses to the farming operation.” Based on the definition of a Farm Winery and proposed Official Plan policy 4.6.4.2, the Township may wish to consider revising this policy and/or definition to clarify that only a Zoning By-law Amendment is required if the intent is to use product from other local operations and/or other parts of Ontario, and not an Official Plan Amendment.

5. The draft Official Plan Amendment subjects micro-breweries to the farm winery or estate winery policies, and require that crops on site shall be related to beer production (Policy 4.6.4.3). The draft Official Plan Amendment does not include specific provisions related to micro-distilleries, however, the draft Zoning By-law Amendment requires that both breweries and distilleries be subject to estate winery policies and considered by rezoning.
6. The revised Official Plan Amendments establish policies for Special Occasion Facilities (Policy 4.6.6), which relate the size of these facilities to farm winery and estate winery policies. All special occasion facilities require a rezoning and will be subject to site plan control.

#### Zoning By-law Amendment Policies

7. The maximum gross floor area and limitations for retail and hospitality area are specified for Estate Wineries (3.5.c) and Farm Wineries. It is recommended that the Township clarify whether the gross floor area and retail/hospitality areas are exclusive to one another (i.e., for an Estate Winery, does the 500 square metres of gross floor area include the 200 square metres of floor area permitted for hospitality and retail?). Regional staff also wish to clarify that the maximum lot coverage percentages include all buildings on site, which may include agricultural or residential and accessory structures.
8. The revised Zoning By-law Amendment policies require that a Farm Winery be located on a parcel that is at least 3.2 hectares in area. The policies also require that the establishment of a Farm Winery be subject to site plan control.

#### **Zoning By-law Amendment: 3651 Sixteen Road**

The existing zoning provisions for 3651 Sixteen Road (Domaine Queylus winery) require that 70 percent (%) of the lot area be planted and used for vineyard production to support the on-site winery. The amending By-law proposes to decrease the area planted on the property to 1 hectare. 1 hectare of the approximately 8.6 hectare property represents 12 percent (%) of the land being planted; which is a 58 percent (%) decrease from the current zoning provisions. The By-law amendment also lists that a retail store for the sale of wine is permitted. It should be noted that the Alcohol and Gaming Commission of Ontario (October 2019) requires that at least five (5) acres of grapes be planted on a property to permit for an on-site winery retail store. Accordingly, with lowering the minimum area to be planted to 1 hectare (2.4 acres), the existing winery may be ineligible to have an on-site winery retail store in accordance with the requirements of the Alcohol and Gaming Commission of Ontario.

Regional staff are aware that there have been complications with the planting of vineyards on this site, and will continue to work with the Township to carefully review future winery proposals to ensure that parcels can support their own diversification efforts.

*September 2, 2020*

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## **Conclusion**

Regional Planning and Development Services staff is supportive of the Township establishing provisions in their Official Plan and Zoning By-law to address and anticipate agriculture-related and on-farm diversified uses for wineries, breweries and distilleries. The Region appreciates the opportunity to review the draft amendments and recommends that Township staff consider the above comments to inform any additional revisions to the draft Official Plan and Zoning By-law Amendments prior to adoption and passing. Regional staff also welcome opportunities to discuss the amendments further, as necessary.

The proposed Official Plan Amendment is exempt from Regional Council approval, in accordance with policies 14.E.6 and 14.E.7 of the ROP and the Memorandum of Understanding.

Should you have any questions or wish to discuss these comments, please contact the undersigned at extension 3352, or Lola Emberson, MCIP, RPP, Senior Development Planner, at extension 3518.

Please send a copy of the staff report and notice of the Township's decision on these applications.

Best regards,

A handwritten signature in black ink, appearing to read 'Aimee Alderman', with a stylized, flowing script.

Aimee Alderman, MCIP, RPP  
Development Planner

cc: Mr. E. Acs, MCIP, RPP, Manager, Community Planning, Niagara Region  
Mr. R. Alguire, C.Tech., Development Approvals Technician, Niagara Region  
Mr. P. Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region