

building that is not the applicant's principle residence, nor is it intended to be), the scale of the accommodations (eight guest rooms, six of which are in the NEP with the balance within in the urban boundary) is very much in keeping with the spirit of permitting small scale, short term accommodations serving the touring public.

Indeed, the NEP contains a definition of *'Agri-tourism use: Farm-related tourism use, including limited accommodation such as a bed and breakfast, that promotes the enjoyment, education or activities related to the farm operation (Provincial Policy Statement, 2014).'* This definition shows that, while the NEP specifically permits a bed and breakfast establishment, neither the PPS nor the NEP definition of 'agri-tourism use' restrict its definition solely to a bed and breakfast, rather references such uses as exemplary of a larger category of 'Farm-related tourism use, including limited accommodation...'. It is the professional planning opinion of the writer that the use of the term '...such as a bed and breakfast...' is suggestive and neither exclusionary nor mandatory language – had the drafters and approvers intended that a bed and breakfast was to be interpreted as the sole form of 'limited accommodation', it would say exactly that (instead of 'such as', which is inclusive of other forms of limited accommodation). The small scale of the accommodations aspect of the subject proposal fits that inclusive categorization.

It is further noteworthy that the above policy confusion (i.e. bed and breakfast vs. limited accommodation) is something that the Ontario Craft Wineries organization has been encouraging the NEC to rectify, for several years and as recently as November of 2022.

In addition to the recognition of the 'limited accommodation' aspect of the definition of agri-tourism uses, the component of the subject proposal related to small scale culinary activities 'promotes the enjoyment, education and activities related to the farm operation.'

### **Relevant Development Criteria**

The following discussion concerns applicable Development Criteria, including those concerning the conversion of an 'existing use'.

*2.2.5. Where a lot is located in more than one designation, development shall be located on that portion of the lot located in the least restrictive designation, except where the impact of development on the Escarpment environment would be*

*reduced by locating the development on a portion of the lot located in a more restrictive designation.*

The portion of the subject property within the NEP contains three designations: Escarpment Natural Area, Escarpment Protection Area, and Escarpment Rural Area. For the portion of the subject lot that is within the NEP, the proposed adaptive reuses of the existing building are contained entirely within the Escarpment Rural Area. Further, in the instant fact situation, this development criterion does not contemplate the 'least restrictive designation' as being any lands outside the NEP, rather it is restricted to designations within the NEP relative to other designations of the NEP that may be in effect on the same property. The proposal complies with this Development Criterion.

*2.3.1. An existing use may change to a similar use or a more compatible use only if it can be sufficiently demonstrated that the objectives of the applicable designation of this Plan are met.*

*2.3.3. An existing use, or a building, structure or facility associated with an existing use, may expand or be replaced on the property where it is located, when it can be sufficiently demonstrated that the objectives of the applicable designation of this Plan are met.*

*2.3.4. An expansion or enlargement of a building, structure or facility associated with an existing use shall be minor in proportion to the size and scale of the use, building or structure, including its related buildings and structures at the time it became an existing use as defined by this Plan. An expansion or enlargement of a building, structure or facility associated with an existing use will be considered minor where the expansion or enlargement is no more than 25 per cent of the original development footprint, unless it can be demonstrated that a greater expansion or enlargement is compatible with the site and the surrounding landscape.*

As noted, relative to NEP and ERA specific objectives, the proposed adaptive reuse meets the applicable objectives. Further, the subject proposal does not involve enlargement nor expansion – rather, it is the conversion of an existing structure within its existing footprint.



### *On-Farm Diversified Uses*

*2.8.7. On-farm diversified uses are subject to the following criteria:*

- a) the use is located on a farm that is actively in agricultural use*
- b) the use is secondary to the principal agricultural uses of the farm;*
- c) the use shall be compatible with and shall not hinder surrounding agriculture operations and other land uses;*
- d) the use is appropriate to available rural services and infrastructure;*
- e) the use maintains the agricultural/rural character of the area;*
- f) the impact of multiple uses in prime agricultural areas is limited and does not undermine the agricultural nature of the area;*
- g) the use is limited in area to up to two (2) per cent of a farm lot, to a maximum of 10,000 square metres;*
- h) the gross floor area of buildings used for on-farm diversified uses is limited to 20 per cent of the maximum area allowed for on-farm diversified use as set out in 2.8.7(g);*
- i) existing buildings, structures or facilities on the property, that are no longer needed to support agricultural uses, should be used where possible;*
- j) all buildings, structures and facilities, including parking areas, associated with the use shall be designed and located to have minimal impact on agricultural uses in the area and the Escarpment's open landscape character; and*
- k) the land supporting the use shall not be severed from the farm lot exclusively for the on-farm diversified use*

The proposed adaptive reuse meets all the above. It is noted, however, that municipal water and wastewater is available (which it is posited is preferable to rural on-site servicing). And the property is currently being transitioned from former orchards to new fruit trees and grapes, so it is still actively in agricultural use, with further planned expansion of primary production activities.

*2.12.8. Notwithstanding Part 2.12.7 above, where municipal water and wastewater systems already exist in Escarpment Natural Area, Escarpment Protection Area,*

*Escarpment Rural Area or Mineral Resource Extraction Area, existing development within an approved service area boundary may be connected to these systems.*

The old turkey barn now proposed for adaptive reuse is an existing development within an approved service area boundary and is therefore able to be serviced with municipal water and wastewater. This also means minimal impacts associated with on-site servicing (e.g. lands are not needed for a septic bed(s)).

### **Provincial Policy Statement**

As referenced in the NEP, the Provincial Policy Statement (PPS) provides permissive policies related to, among other matters, on-farm diversified uses. It also encourages rural economic development, including agri-tourism.

### **Regional Policy Plan**

The Niagara Regional Policy Plan delineates the location of the urban boundary of Beamsville, bisecting as it does, the subject property in a north to south manner. The Region's Plan also mirrors the NEP policies where that Plan is in effect throughout Niagara Region. Niagara's Plan also has policies encouraging adaptive re-uses as relates to on-farm diversification.

It is worthy of mention that, what are now province-wide policies in the PPS relative to on-farm diversified uses, originated with an 'Excellence in Planning' Award-winning<sup>1</sup> policy amendment in Niagara Region's Plan for what were then known as 'value-add on-farm uses', prior to such uses being included in the PPS. These policies were developed through the then Regional Chair's Agricultural Task Force, a group populated by agricultural sector (and municipal leaders) from across Niagara Region and representing a wide range of commodity groups.

In essence, agri-tourism and on-farm diversified uses are key components of land use policy in Niagara, policy aimed at assuring a viable agriculture/agri-food/agri-tourism sector and long-term protection of some of Canada's best agricultural lands.

Comments from Regional Planning are expected to attest to the above.

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<sup>1</sup> via the Ontario Professional Planning Institute



## **Town of Lincoln Official Plan**

The Town of Lincoln's Official Plan recognizes on-farm diversified uses, as a means of supporting its agricultural base, including agri-tourism. That said, Lincoln's Official Plan also places top priority on assuring the protection and viability of its strong agricultural base, as well as enhancing the performance of same, but having a clear objective of the Town being recognized as a Centre of Excellence for Agriculture. One key means of meeting this objective is through the promotion of on-farm diversified uses and agri-tourism.

It is worth noting that the Town has successfully defended this key policy objective at the Ontario Municipal Board, when faced with a proposal for a land use that was seen as counter to that primary Objective.<sup>2</sup>

Again, comments from the Town are expected to confirm the above statements.

## **Analysis and Recommendation**

The merits of the subject proposal are quite singular and reflect the duality of planning policy affecting the subject property. To explain, from a land use planning perspective, while it may be 'cleaner' if the subject property did not straddle the urban boundary, the reality is that it does do so. It is not clear what past position(s) may have been taken by the Commission or its staff as to the proper placement of the urban boundary as affecting the subject property – however, such speculation is effectively rendered moot by the fact that the urban boundary, as duly established, not only bisects the subject property, but also the old turkey barn now proposed for an adaptive reuse.

It is also important to point out that the old turkey barn, built for and used as a livestock facility over twenty years prior to the approval of the first Niagara Escarpment Plan in 1985 and used since 1993 for farm equipment storage, satisfies NEP definition of 'existing use'. Even so, it cannot revert to its past use as a livestock facility, given that in the intervening years urban residential uses have encroached into the area, meaning that any new livestock facility could not meet the requirements of the Minimum Distance Separation Formula (a requirement of the Ontario Ministry of Agriculture, Food and Rural Affairs and reflected in the NEP).

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<sup>2</sup> See *Shire Corporation v. Town of Lincoln*, Ontario Municipal Board Case No PL141047, May 17, 2016.

The proposed adaptive reuse to a combined agri-tourism focused on-farm diversified use (i.e. culinary and limited accommodations) supports the relevant NEP objectives, development criteria and definitions. The subject proposal also supports land use planning directions in the PPS, Niagara Region Policy Plan and the Town of Lincoln Official Plan. In short, it represents good planning in the public interest.

All of which is respectfully submitted by,

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a series of loops and a long horizontal stroke extending to the right.

Patrick Robson, MCIP RPP