



4800 SOUTH SERVICE RD  
BEAMSVILLE, ON L0R 1B1  
905-563-8205

June 20, 2023

CN: 3-5-02-10

Cheryl Tansony, Senior Planner  
Niagara Escarpment Commission  
232 Guelph Street  
Georgetown, ON L7G 4B1

Dear Ms. Tansony:

**RE: DEVELOPMENT PERMIT APPLICATION: N/R/2022-2023/523**  
**APPLICANT: Hidden Bench Vineyards & Winery Inc. c/o [REDACTED]**  
**4254 Lincoln Avenue, Part Lot 19, Concession 3**

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Planning staff have received and reviewed an application to undertake the following:

- To convert an existing 1,105 sq. m (11,894.1 sq. ft) agricultural building (former turkey barn) to vacation rental units with eight to ten rooms and a hospitality facility (food service and training centre) proposed to be connected to municipal servicing.
- To construct a 375 sq. m (4,036 sq. ft) parking pad for 30 vehicles and to construct a 990 sq. m (10,656.3 sq. ft) agricultural driveway access.
- To demolish a 46.5 sq. m (500 sq. ft) accessory building (storage building).

Presently, the 19.7 hectare (48.6 acre) lot supports a single detached dwelling and agricultural use. By way of the requests, the applicant is seeking to establish a farm vacation rental use on the subject lands. The subject lands are located on the west side of Lincoln Avenue and the north side of McLeod Street. The surrounding area is largely characterized by low density residential uses, rural residential dwellings, and agricultural uses.

The subject lands are unique from a land use planning policy perspective as a +/- 65-metre-wide strip along Lincoln Avenue is within Beamsville's Urban Boundary while the remainder of the lands are within the Niagara Escarpment Plan (NEP). While the Town's land use policies apply to the portion of the subject lands within the Urban Boundary, the policies of the NEP apply to the remainder.

## Town of Lincoln Official Plan

There are two components for discussion regarding the proposed application: the development of the OFDU and its relation to the future development of the portion of the subject lands that are within Beamsville's Urban Boundary. Due to the interrelatedness of both, each will be discussed in detail below.

Section 2.1.3. of the Town's Official Plan (OP) allows for the establishment of On-Farm Diversified Land Uses (OFDU) and in turn, Agri-Tourism uses, on lands that are regulated by the Specialty Agricultural or Prime Agricultural land use policies. To regulate the size and intensity of OFDUs the Town examines each proposal against the policies contained within Section 2.1.5.4. and 2.1.5.4.1 of the OP and OMAFRA's *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas* (guidelines).

The following provides a brief analysis of those policies and commentary from the Town's Planning Department:

- *On-farm diversified uses* must be both located on a farm and secondary to the principal *agricultural use* of the property and limited in area. Such uses include but are not limited to home occupations, home industries, *agri-tourism uses* and uses that produce value added agricultural products (2.1.5.4b, 2.1.5.4.1a)
  - Response: Town Planning staff are of the opinion that the proposed OFDU is located on a farm and secondary to crop growing activities and natural features on the subject lands. In part, this reflects several factors, including that the applicant is a bonafide farmer and has an established estate winery at 4152 Locust Lane which is located adjacent to the subject lands on the south side of McLeod Street. Second, the proposed lot coverage of the OFDU is limited to 2% which meets OMAFRA's guidelines for such land uses. Further discussion on the lot coverage is provided later in this memo.

At present, the farmlands are not presently being used for crop growing activities as they have been in disuse for a long period of time. However, the applicant has provided a long-term planting plan which demonstrates that 10 hectares of the property will be brought into agricultural production. This includes 6 hectares of vineyards, 1.6 to 2.4 hectares of tender tree fruit and 1.2 to 1.6 hectares of vegetables. The remainder of the +/- 19.3 hectares is either within Beamsville's Urban Boundary (1.6 hectares) or is being retained as woodlands and natural features (7.4 hectares).

A condition for the approval of farm and estate wineries (in addition to OFDUs) is that the majority of arable lands are planted with grape vines, fruit crops, or other crops. To ensure that this happens, a Holding provision is placed on the property which prevents the issuance of building permits from the Town. The Holding provision is only removed when Town staff are satisfied that the planting requirements have been fulfilled.

Planning staff would support the NEC if a decision to provide such a condition were recommended for the proposed OFDU.

- Adaptive re-use of surplus farm facilities on existing farms for on-farm diversified uses, and agri-tourism uses at a scale that is appropriate to the farm operation (2.1.5.4)
  - Response: The proposed development supports this policy as it utilizes an existing poultry barn rather than constructing a new building to house the OFDU. By adaptively reusing the existing structure, a greater portion of the of the subject lands can be preserved for crop growing activities or to preserve existing areas with natural features. It should be noted that the poultry barn can no longer be used for livestock or poultry farming as it is unable to meet the Province's Minimum Distance Separation (MDS) requirements.
- *Is the OFDU more appropriately located in a nearby settlement area and is it required on the agricultural property for it to support and complement the agricultural activity? (2.1.5.4(g)(i-ii). 2.1.5.4.1)(a)(i)).*
  - Response: In general Town Planning staff are of the opinion that the proposed OFDU is appropriate for the subject lands and is not of a sufficient scale that requires it to be within a settlement area. This reflects several factors that Town staff have considered when reviewing the proposed development itself and the context in which it is occurring in. Regarding scale, the proposed OFDU meets the 2% lot coverage guidelines that are contained within OMAFRA's Guidelines as well as the Town's Zoning By-laws. Meeting this requirement enables the OFDU to be secondary to the natural features and agricultural uses of the subject lands. More detail will be provided later in this memo on how the Town calculated the lot coverage for the proposed development.

The ability to provide services for an OFDU is also an important consideration when determining whether it is appropriate for rural lands. In most cases, OFDUs are unable to connect to municipal sanitary sewer and/or water services because there are no connections available, or the prevailing planning and servicing policies do not permit it. The subject lands and proposed development are unique in this regard. Not only are both services available to the subject lands along Lincoln Avenue but a portion of the existing poultry barn presently sits within the urban boundary. This means that subject to meeting the Town's design and capacity requirements for new water and sanitary sewer connections, the applicant could bring these services to the existing poultry barn without approval from the NEC or the Region. To help make use of existing of the existing barn and preserve crop growing areas of the subject lands, Town Planning and Development Engineering staff are generally supportive of this connection in principle.

A key consideration of the Town's position on the proposed OFDU is its relationship with the portion of the subject lands that are within Beamsville's Urban Boundary. Based on Schedule A2 of the Town's OP, these lands are subject to the Urban Area – Greenfield Area and Low-

Density Residential land use policies. These policies allow for the construction of ground-oriented housing such as single and semi-detached dwellings as well as townhouses. This portion of the subject lands are zoned as Residential 1 (R1) in the Town's Zoning By-laws.

Prior to the submission of these comments Town staff met with the applicant to discuss how the proposed OFDU would impact future urban development. In this meeting, the applicant provided a development concept which showed that the OFDU would be incorporated into the future residential development and that a small welcome centre for the winery would be constructed directly east of the existing poultry barn. The remainder of the property within the urban boundary would feature single detached structures.

Based on the Town's present planning policies, the proposed OFDU's within the urban boundary are not permitted. However, Town staff are generally supportive of the planning applications that would be required to enable their construction and operation. In large this is on account of the highly unusual nature of this property from a land use planning policy perspective, the context of the lands at the west edge of Beamsville, and the construction of the existing poultry barn. The latter point reflects that the barn has a basement which makes it difficult to remove portions of the building from the urban area.

The support of this proposed OFDU reflects the changing economics of agriculture and farming. To help increase the sales of produce and wines and increase general farm revenue, an increasing number of bonafide farmers in Lincoln, Niagara and Ontario have already or are in the process of establishing a wide variety of OFDUs. Within Lincoln, this includes the establishment of small-scale tourist accommodations that are larger than a bed and breakfast as well as small restaurants. To date, Lincoln has provided planning approvals for two small scale tourist accommodations (in addition to bed and breakfasts) as well as small restaurants within the Greenbelt Plan's Niagara Tender Fruit and Grape specialty crop policy are.

- *The use has minimal impact on, does not interfere with and is compatible with surrounding agricultural uses (2.1.5.4.1)(a)(ii),*
  - Response: As noted, the proposed OFDU is increasingly being found on other farms and agricultural properties within Lincoln and other agricultural areas within the province. As the poultry barn is no longer able to meet the Province's Minimum Distance Separation requirements, the proposed OFDU also makes efficient use of existing buildings and reduces the area of cropland that is removed from production to support the OFDU.
- The use does not generate potentially conflicting off-site impacts including impacts related to infrastructure or transportation/traffic (2.1.5.4.1)(a)(iii)

- Response: The limited size of the proposed OFDU is unlikely to generate significant traffic volumes on local streets near the subject lands. In addition, adjacent properties are unlikely to be impacted by vehicular traffic as the proposed location of the OFDU is more than 100 metres from the existing dwellings to the north and north-east.
- The use is limited to low water and low effluent producing uses, and the site is capable of accommodating the use on private water and private sewage treatment systems and will not generate the need for additional public infrastructure (2.1.5.4.1)(a)(iv)
  - Response: The purpose and intent of this policy is to a) ensure that OFDU's are limited in their size and scale, and b) prevent municipal water and sanitary sewer infrastructure from being expanded into rural areas that are not presently serviced. The subject lands are highly unique in that municipal water and sanitary sewer services run in front of the property along Lincoln Avenue and a portion of the existing poultry barn is located within the urban area. This one-of-a-kind situation means that based on Town's Planning and Public Works policies, the poultry barn can obtain water and sanitary services from with a Utility Installation Permit.
- The use does not require significant improvements to utilities or infrastructure such as roads or hydro services; (2.1.5.4.1)(a)(v)
  - Response: One condition that the applicant will need to fulfil prior to the issuance of any Utility Installation Permits is demonstrating that there is sufficient capacity in the existing sanitary sewer and water infrastructure along Lincoln Avenue to support the proposed OFDU. Should this condition be fulfilled, this policy would be met.
- The timing and duration of such uses do not hinder the agricultural operation on the site or on surrounding lands. (2.1.5.4.1)(a)(viii)
  - Response: The OFDU will not have any impact on the agricultural operations as it will be confined to the areas identified on the submitted drawings.

### OMAFRA Publication 851

Per OMAFRA's *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas* (Guidelines) On-Farm Diversified Uses are those that are secondary to the principal agricultural use of the property, and must meet the following criteria:

1. Located on a farm property that is actively in agricultural use.
2. The use must be secondary to the principal agricultural use on the property.
3. The use must be limited in area to minimize the amount of area taken out of agricultural production, ensure agriculture remains the primary land use, and limit off-site impact such as traffic, noise, etc.
4. Includes agri-tourism uses and activities that produce value-added agricultural products.



5. Be compatible with and not hinder surrounding agricultural operations.

In order to address the requirements for OFDU's being limited in area, the Guidelines provide the following recommendations for calculating their lot coverage on an agricultural property:

- On-Farm Diversified Uses should occupy no more than 2% of the property to a maximum of one hectare.
- The gross floor area of buildings used for OFDUs be limited to 20% of the subject land's lot coverage.
- Areas of new buildings, structures, parking spaces, and driveways associated with On-Farm Diversified land uses should be included in the lot coverage calculation.
- Areas such as driveways and buildings associated with agricultural activities are not included in this calculation.

To ensure that the proposed OFDUs are secondary in scale and use on the property Town Planning staff calculated their respective lot coverage using OMAFRA's methodology. Based on this calculation, the lot coverage of the proposed OFDU is equal to 0.83% (1,510 square metres) while the proposed Gross Floor Area is equal to 990 square metres. These calculations were obtained using the following assumptions:

- **Property Size:** Only the portion of the property outside of the urban boundary was included in the calculation. This is equal to approximately +/- 18.2 hectares (+/-181,700 square metres)
- **Accommodation/Restaurant:** The lot coverage and GFA calculations only include the portion of the poultry barn that is outside of the urban boundary. As the building is existing, a 50% reduction to the lot coverage calculation was applied per the recommendations of OMAFRA's guidelines. Portions of the building that are within the urban boundary were not included.
- **Parking:** This figure was obtained by identifying a 5.8-metre-wide strip for the entire length of the proposed gravel driveway along the existing poultry barn. The 5.8 metre figure is based on the minimum length of a parking space per the Town's zoning by-laws.
- **Driveways:** The minimum width of a driveway within Lincoln is 6.0 metres which is required to ensure that proper access is provided for first responders. The site plan drawing shows a driveway width of 12.0 metres which is wider than what is required. The lot coverage calculation has included the portion of the driveway that is wider than 6.0 metres from the south property line to the edge of the new parking lot and farm equipment storage area.

The remainder of the driveway is not included within the lot coverage calculation as it is also being used to provide access to the property for crop growing purposes. Town Planning staff are of the opinion that this type of access would need to be provided to the property even if the OFDU was not approved or proposed. This is because the present access point from Lincoln Avenue will be removed once it is developed for residential purposes. However, even if the

entirety of the access is included in the lot coverage calculation, it would rise to 1.1%.

Outside of the parking area, the new gravel area south of the proposed OFDU has not been included in the lot coverage calculation as it will serve as a storage area for farm implements and equipment. However, even if this entire area were included in this calculation, the lot coverage would rise to 1.68%.

- **Servicing:** No figures were provided for this aspect of the development as the OFDU can in principle obtain municipal services for water and sanitary sewers. Should the applicant not be able to obtain municipal services the lot coverage figures would need to be updated to reflect the areas occupied by a private septic system and/or a water cistern. Should one or more municipal services not be available the applicant would need to revise their drawings accordingly and a new lot coverage calculation would need to be undertaken.

While the proposed lot coverage is below the 2.0% limit as prescribed by OMAFRA the proposed gross floor area is in excess of these recommendations. Whereas the maximum for the subject lands is 727 square metres, the proposed OFDU has an approximate GFA of +/- 997 square metres. This exceedance of 270 square metres is equivalent to 27.4% of the permitted lot coverage. Per OMAFRA's Guidelines, the maximum is equal to 20.0% of the permitted lot coverage.

Town Planning staff believe that the proposed GFA is acceptable. In part this is because the intent of the Guidelines which seek to limit OFDU building size and the services that are required for its operation. As the proposed OFDU can access municipal services in principle the proposed lot coverage is below the 2.0% maximum. However, should municipal services not be available Town staff would need to revisit whether this exceedance is acceptable and meets the intent of the Guidelines.

Per the commentary provided above and earlier in this memo, Town Planning staff are of the opinion that the proposed development meets all the requirements for being classified as an OFDU.

#### Town of Lincoln Zoning By-law

The Town's Zoning By-law contains specific provisions for On-Farm Diversified uses in Section 3.3.2. Proposed ODFUs must meet the following:

- The use shall be secondary to the main farm use on the subject lands (3.2.2 (a)(i)).

As previously mentioned, the purpose of this provision is to ensure that the OFDU remains secondary to the principal agricultural use. The applicant intends to establish an agricultural use on the property as soon as possible in order to provide secondary production to their business, Hidden Bench Winery.

If this application were to be considered by Town staff for approval, it would be subject to Site Plan Approval. A condition of approval would be included to implement a (H) holding provision to ensure that the agricultural use is established prior to permitting operation of the OFDU.

- All building related to the use shall be located within a cluster of existing buildings (3.2.2 (b)).

The intent of this provision is to ensure that all buildings or structures associated with OFDUs remove as little viable agricultural lands as possible. In this case, the applicant will be adaptively reusing the existing poultry barn, making efficient use of the existing structures on site. Further, the proposed parking area is to be located in a significantly disturbed location on site, on lands that could not reasonably yield crops for the agricultural use.

- The aggregate activity area occupied by an on-farm diversified use, including all associated uses such as but not limited to parking, loading areas, and recreational amenities shall not exceed 2% of total lot area to a maximum of 4,000 square metres. Aggregate activity area for on-farm diversified uses shall be calculated in accordance with the following:
  - a. Production lands which are used for the growing of crops and simultaneously used as part of the activity area shall not be included in the calculation of the 2%.*
  - b. The area of existing lands shall not be included in the area of calculations.*
  - c. The area of existing buildings or structures, built prior to April 30, 2014, occupied by on-farm diversified agriculture uses shall be discounted by 50% in the area calculations.*
  - d. The area of new structure, setbacks, outdoor storage, landscaped areas, berms, lanes, and parking are counted at 100% in the area calculations.*

Town staff have calculated that the proposed lot coverage of the OFDU is equal to approximately 1,510 square metres or 0.83% based on our review of the submitted materials. The methodology employed to obtain this calculation is provided earlier in this memo.

Development engineering staff have reviewed the application and offer the following comments:

- Utility permits for any proposed water or sewer connection from the Town's mains to the property line would be required.
- Entrance permits will be required. Engineering staff are requesting additional information to clarify why an entrance of 12 m is required. Entrance widths exceeding 9 m will require approval from the Manager of Operations in the Public Works department.
- The entrance location will need to comply with TAC design standards.
- Pre-condition site drainage should be restricted to pre-condition flows up to 5- and 100-year storm events.



- If trees >20cm caliper are proposed to be removed within the Urban Boundary limits, the applicant may be required to obtain a Class 2 Site Alteration Permit.
- Further information would be required on the largest shift at one time to determine daily traffic volumes. Depending on the information provided, there may be a requirement for a Traffic Impact Study/Brief.

Overall, Town staff support the proposed land uses for the following reasons:

1. The proposed use will be adaptively reusing the existing poultry barn, which cannot be used for agricultural purposes on account of the changes and restrictions of the MDS calculations.
2. The construction and existing full foundation of the existing barn does not allow it to be easily altered or relocated, particularly to limit its encroachment into the portion of the property that is within the urban boundary.
3. The existing barn is +/- 100 metres from the residential dwellings to the north and the proposed location of the driveway and parking lot ensure that there are limited impacts on the residential uses.
4. The total lot coverage of the on-farm diversified land use appears to not exceed 2.0% of the property's areas as per OMAFRA's guidelines.
5. The proposed agri-tourism use will support an existing winery operation within the Town and is reflective of the changing economics of agri-business.

Please note that the applicant will require permits for the proposed renovations and change of use from the Town of Lincoln Building Department. Please contact Amy Dayboll by email at [adayboll@lincoln.ca](mailto:adayboll@lincoln.ca) or by phone at 905-563-2799 Ext. 220 for further information on application requirements.

Based on the above, Town staff have no concerns with the development of both the agri-tourism uses and the urban uses; however, this is dependant on the NEC's decision. Further, Town staff are of the opinion that the lands within the rural and urban areas should be developed in a comprehensive and cohesive manner to ensure that land use conflicts do not arise.

If you have any questions, please do not hesitate to contact the undersigned. For your convenience, when making an inquiry, please quote the Niagara Escarpment application number placed at the top of this letter.

Please send notice of the Commission's decision.

Sincerely,



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Allison Martin  
Planner

**Planning and Development Services**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7  
905-980-6000 Toll-free: 1-800-263-7215

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**Via Email Only**

March 30, 2023

File: D.09.03.NEC-23-0009

Ms. Cheryl Tansony  
Senior Planner  
Niagara Escapement Commission  
232 Guelph St.  
Georgetown, ON L7G 4B1

Dear Ms. Tansony:

**Re: Regional and Provincial Comments  
NEC Development Permit Application  
NEC File: N/A/2022-2023/485  
Applicant: [REDACTED] Hidden Bench Vineyards & Winery Inc.  
4254 Lincoln Avenue  
Town of Lincoln**

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Regional Planning and Development Services staff has reviewed the circulated Niagara Escarpment Commission ("NEC") Development Permit Application for 4254 Lincoln Avenue located in the Town of Lincoln.

The applicant is proposing to convert an existing  $\pm 1,105$  sq. m. agricultural building on a 19.7 hectare (48.6 ac.) lot formerly used as a turkey barn into an agri-tourism building consisting of eight to ten farm vacation suites and a culinary hospitality facility. The application also includes the construction of a parking pad ( $\pm 375$  sq m) for 30 vehicles and agricultural driveway access ( $\pm 990$  sq m) that will also serve the proposed agri-tourism facility.

The proposed development will require servicing, as well as the demolition of a 46.5 sq m storage building.

The following comments are offered from a Provincial and Regional perspective to assist the Niagara Escarpment Commission with its consideration of this application.

**As noted below, Regional staff is currently unable to support the approval of this application due to the agricultural operations not currently being established as the principal use of the property and possible servicing limitations.**

## Provincial and Regional Policy

For the purposes of the Region's commentary, the subject lands are divided in two sections based on their separation in Provincial and Regional land use designations. "Part 1" refers to the 1.38 hectare (3.41 acre) portion on the east side of the property fronting on Lincoln Avenue, where the existing residential dwelling and a small portion of the former turkey barn are located. "Part 2" consists of the remaining  $\pm$  18.3 hectares (45.1 acres) of the property wherein a majority of the former turkey barn is located.

The *Provincial Policy Statement, 2020* ("PPS") designates Part 1 as Urban Settlement Area and Part 2 as Prime Agricultural Area, and more specifically Specialty Crop Area. Permitted uses within the Prime Agricultural Area include agriculture, agriculture-related and on-farm diversified uses. A *Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020* ("Growth Plan") designates Part 1 as Settlement Area – Designated Greenfield Area and Part 2 as Prime agricultural Area.

The *Greenbelt Plan, 2017* ("Greenbelt Plan") designates Part 1 as Towns and Villages within the Protected Countryside and Part 2 as Niagara Escarpment Plan Area, where the policies of the *Niagara Escarpment Plan, 2020* ("NEP") apply. Under the NEP, Part 2 is designated in part as Escarpment Protection Area (to the west) and in part Escarpment Rural Area (to the east, where the former turkey barn is located), and is within the Niagara Escarpment Commission's Area of Development Control. According to Schedule F of the *Niagara Official Plan, 2022* ("NOP"), Part 1 falls within the Urban Area boundaries and is a Designated Greenfield Area and Part 2 is designated as Specialty Crop Area.

Provincial and Regional policies state that Specialty Crop Areas are to be given the highest priority of protection for long-term agricultural use. A full range of agricultural uses, agriculture-related uses, and on-farm diversified uses are permitted within this designation. On-farm diversified uses are to be secondary to the principal agricultural use of the property and are limited in area. Regional staff acknowledges that the proposed use can be considered under the PPS definition of Agri-tourism Uses, which includes limited accommodations such as a bed and breakfast "*that promote the enjoyment, education or activities related to the farm operation*". In addition, the Province's (OMAFRA) *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas* (Publication 851) includes farm vacation suites, small restaurants, and cooking classes as examples of agri-tourism uses.

However, in accordance with the above Provincial and Regional policies, in order to give consideration to an on-farm diversified use, the property must be in active agricultural production to ensure that the proposed use is secondary to the principal agricultural use of the property. While staff acknowledge that the vineyard is currently in the process of being restored as indicated in the information provided with the application, it is required that the agricultural operations be fully established at the time of application to be consistent with the PPS and OMAFRA's criteria for on-farm diversified use.

As the agricultural operation has not been established yet, the proposed on-farm diversified use is premature and, accordingly, Regional staff is presently unable to support the application at this time. Additionally, since municipal servicing is not permitted (as discussed in the “Servicing” comments below), private servicing requirements will need to be addressed.

## **Archaeological Resources**

According to Schedule K of the NOP, the property falls within the Area of Archaeological Potential. Regional and Provincial Policies state that development shall not be permitted within areas of archaeological potential unless significant archaeological resources have been conserved.

Regional staff note that since the Application does not include any additional development on the property which would result in significant land disturbance beyond the topsoil level, provided that the proposed new gravel driveway and parking area do not involve deep grading/disturbance, a standing archaeological advisory clause can be implemented in place of an archaeological assessment. The standard archaeological advisory clause recommended by the Region to protect archaeological resources in the event that they are encountered during construction is provided below for your information:

*“Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (“MHSTCI”) (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”*

## **Environmental**

The subject property is impacted by the Region’s Natural Environment System (NES), consisting of significant woodland, other wetlands and other woodlands. The property is

within the NEP Area, and as such, the significant woodland and other wetlands are considered Key Natural Heritage Features. NOP Policy 3.1.8.1 states that development and site alteration within and adjacent to KNHF in the NEP Area is subject to the policies of the NEP. Other woodlands are only subject to the NOP.

According to the NOP, an Environmental Impact Study (EIS) is generally required for development or site alteration within 50 m of other woodlands. NEP Policy 2.7.6 states that a proposal for development within 120 m of a KNHF, an Environmental Impact Study (EIS) may be required. The proposed development is outside of these setbacks. As such, Regional staff have no requirements for the other woodland. Provided the Commission finds the application to be consistent with the environmental policies of the NEP, the Region offers no environmental requirements.

## **Servicing**

Existing municipal sanitary sewer and water services are located along Lincoln Avenue. Based on correspondence with NEC staff, Regional staff understand that municipal servicing will not be permitted for the proposed use. Therefore, the site will have to be serviced with on-site private services.

As such, Regional staff are required to complete a private septic system (PSS) inspection of the subject property. Regional staff will require the following information in order to provide comments with respect to the private septic system:

- Payment of the Regional fee for private septic review (\$400);
- Septic Design;
- Review of any existing septic system(s) on the property;
- Updated site plan to show the proposed location of the septic system; and
- If required, the Application will need to obtain a septic permit prior to the issuance of a building permit.

Staff note that the above noted fee is required prior to completing a private sewage system site inspection..

Please note that if the flows exceed 10,000 litres/day calculated sewage flows, approval will be under the MECP instead of Region.

If approved, the following condition should be included in the NEC permit:

- A Septic review, new septic design and septic permit be completed for the site prior to the issuance of a building permit.

## **Waste Collection**

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided



that the owner bring the waste and recycling to the curbside on the designated pick up day. **Collection will remain as existing.**

## Conclusion

In conclusion, Regional Planning and Development Services staff is of the opinion that the proposed development is premature and currently is not consistent with and does not conform to Provincial and Regional policies related to on-farm diversified use, given that the agricultural operations are currently not yet established as the principal use. Regional staff, however, would be in a position to give further consideration to the proposal pursuant to OMAFRA's guidelines once a suitable agricultural operation has been re-established on the property to ensure that the principal use remains agriculture.

Should you have any questions, please contact the undersigned at [Carling.MacDonald@niagararegion.ca](mailto:Carling.MacDonald@niagararegion.ca), or Pat Busnello, Manager of Development Planning at [Pat.Busnello@niagararegion.ca](mailto:Pat.Busnello@niagararegion.ca).

Please send notice of the Commission's decision on this application.

Kind regards,



Carling MacDonald  
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning  
Matteo Ramundo, Private Sewage System Inspector  
Susan Dunsmore, P.Eng, Manager of Development Engineering

## **Growth Strategy and Economic Development**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

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### **Via Email Only**

October 3, 2023

File: D.09.03.NEC-23-0009

Ms. Cheryl Tansony  
Senior Planner  
Niagara Escapement Commission  
232 Guelph St.  
Georgetown, ON L7G 4B1

Dear Ms. Tansony:

**Re: Regional and Provincial Comments  
NEC Development Permit Application (2nd Submission)  
NEC File: N/A/2022-2023/485  
Applicant: [REDACTED] Hidden Bench Vineyards & Winery Inc.  
4254 Lincoln Avenue  
Town of Lincoln**

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Regional Growth Strategy and Economic Development staff has reviewed the 2<sup>nd</sup> submission for the Niagara Escarpment Commission ("NEC") Development Permit Application for 4254 Lincoln Avenue located in the Town of Lincoln.

The applicant is proposing the following on a 19.7 ha (48.6 ac) lot:

- To convert an existing agricultural building ( $\pm 1,152$  sq. m) into an agri-tourism building, consisting of:
  - on-farm accommodations;
  - farm-to-table bistro;
  - multi-purpose training space;
  - staff facility
  - bar; and
  - kitchen and demonstration space.
- Storage Facility ( $\pm 238$  sq. m; located entirely within the urban area)
- Garden and planting shed ( $\pm 197$  sq. m)
- Bike path ( $\pm 443$  sq. m)
- Pool ( $\pm 127$  sq. m) and pool deck ( $\pm 127$  sq. m)
- Parking area ( $\pm 1,131$  sq. m)

In addition, staff note that the proposed development will require private servicing.

Regional staff provided initial comments on the application in a letter dated March 30, 2023. A meeting was held on September 6, 2023, to discuss the agency comments, attended by Regional staff, Town staff, NEC staff, the applicant and agent, followed by a site visit conducted on September 18, 2023.

The following comments are offered from a Provincial and Regional perspective to assist the Niagara Escarpment Commission with its consideration of this application.

## **Provincial and Regional Policy**

For the purposes of the Region's commentary, the subject lands are divided in two sections based on their separation in Provincial and Regional land use designations. "Part 1" refers to the 1.38 hectare (3.41 acre) portion on the east side of the property fronting on Lincoln Avenue, where the existing residential dwelling and a small portion of the former turkey barn are located. "Part 2" consists of the remaining  $\pm$  18.3 hectares (45.1 acres) of the property wherein a majority of the former turkey barn is located.

The *Provincial Policy Statement, 2020* ("PPS") designates Part 1 as Urban Settlement Area and Part 2 as Prime Agricultural Area, and more specifically Specialty Crop Area. Permitted uses within the Prime Agricultural Area include agriculture, agriculture-related and on-farm diversified uses. *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020* ("Growth Plan") designates Part 1 as Settlement Area – Designated Greenfield Area and Part 2 as Prime Agricultural Area.

The *Greenbelt Plan, 2017* ("Greenbelt Plan") designates Part 1 as Towns and Villages within the Protected Countryside and Part 2 as Niagara Escarpment Plan Area, where the policies of the *Niagara Escarpment Plan, 2020* ("NEP") apply. Under the NEP, Part 2 is designated in part as Escarpment Protection Area (to the west) and in part Escarpment Rural Area (to the east, where the former turkey barn is located), and is within the Niagara Escarpment Commission's Area of Development Control. According to Schedule F of the *Niagara Official Plan, 2022* ("NOP"), Part 1 falls within the Urban Area boundaries and is a Designated Greenfield Area and Part 2 is designated as Specialty Crop Area.

Provincial and Regional policies state that Specialty Crop Areas are to be given the highest priority of protection for long-term agricultural use. A full range of agricultural uses, agriculture-related uses, and on-farm diversified uses are permitted within this designation. For lands within the NEP area, the policies of the NEP, as amended, shall prevail unless the following policies are more restrictive, then the more restrictive policies shall prevail.

## **Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas**

The Ontario Ministry of Agriculture, Food and Rural Affairs ("OMAFRA") *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas* ("the Guidelines") provide criteria to consider when determining the classification of a diversification use in prime agricultural areas.

### On-Farm Diversified Use

The Guidelines define OFDUs as those that are secondary to the principal agricultural use of the property, and are limited in area; these can include, but are not limited to, *home occupations, home industries, agri-tourism uses*, and uses that produce *value-added agricultural products*. These uses are to be considered based on the following criteria:

1. Located on a farm;
2. Secondary to the principal agricultural use of the property;
3. Limited in area;
4. Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products; and
5. Shall be compatible with, and shall not hinder, surrounding agricultural operations.

With regard to Criterion #1, the proposed use is located on a parcel which was previously used for agricultural purposes (vineyard and orchard) and is currently in the process of being restored and planted. Based on the Conceptual Plan and discussions with the applicant, staff are of the understanding that the remaining vineyard areas indicated on the Conceptual Plan are scheduled to be planted by Spring 2024. At the site visit conducted on September 18, 2023, staff observed that a majority of the lands indicated on the Conceptual Plan had already been tilled in preparation for the plantings. Based on this information and acknowledging that the applicant is an established farmer in the Niagara Region, staff is of the opinion that the proposed application is consistent with the intent of the PPS and NOP. Therefore, the Region supports the proposed application, subject to the requirements outlined below and provided the agricultural operation is fully established prior to construction commencing.

The Guidelines recommend considering Criterion #2 based on spatial and temporal terms; the uses must be secondary relative to the agricultural use of the property, and the spatial limits are addressed through Criterion #3, and temporal considerations apply to uses that are temporary or intermittent. Staff acknowledge that the proposal does not include any temporary or intermittent uses.

Criterion #3 requires the OFDUs to be limited in area, recommending that these uses are limited to a maximum of 2% lot coverage with further limitations on the gross floor area ("GFA") of the buildings used for OFDUs to ensure the scale is appropriate to the agricultural area (e.g., 20% of the 2%). The Guidelines note that "limited in area" calculations should account for all aspects related to an OFDU, and that the lot area coverage ratio should be based on the size of the individual parcel of land where the

October 3, 2023

use is located and not the total area of a farm operation. The size of the parcel is 19.7 hectares (48.68 acres). Therefore, in order to be consistent with this criterion, the total area of the proposed OFDU (and all aspects related to it) would need to be no larger than 0.39 hectares (3,940 sq. m) in area. Regional staff has broken down the proposed uses in the table below based on the information provided in the PJR, Conceptual Plan and through correspondence with the applicant.

Area of On-Farm Diversified Use	Total Coverage (including deduction)
On-farm Accommodations*	± 576 sq. m
Bar*	
Farm-to-Table Bistro*	
Kitchen and Demonstration Space*	
Multi-Purpose Training Space*	
Proposed Staff Facility*	
Proposed Pool and Pool Deck	± 254 sq. m
Proposed Bike Paths	± 443 sq. m
Parking Area**	± 566 sq. m**
<b>Total Development Footprint for all Structure with OFDU:</b>	<b>± 1,839 sq. m</b>
<p>*The re-use of existing structures has been discounted by 50% in accordance with the OMAFRA Guidelines (Section 2.3.1(3)).</p> <p>** According to Appendix 3 in the OMAFRA Guidelines, certain areas may be shared between the agriculture-related and on-farm diversified uses (building, parking, septic system, landscaped area). In this case, these areas were allocated 50:50.</p>	

Regional staff has calculated that the proposed OFDU accounts for approximately 0.73% of the lot area. Staff note that the proposed storage facility is located entirely within the urban area, therefore, it is not included in the above calculation.

Criterion #4 states that OFDUs include, but are not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products. The proposed use can be considered under the PPS definition of Agri-tourism Uses, which includes limited accommodations such as a bed and breakfast “*that promote the enjoyment, education or activities related to the farm operation*”. In addition, the Guidelines include farm vacation suites, small restaurants, and cooking classes as examples of agri-tourism uses.

Criterion #5 requires that OFDUs be compatible with, and shall not hinder, surrounding agricultural operations. Staff is of the understanding that the proposed OFDUs integrate educational opportunities for visitors which are related to and compatible with the proposed agricultural operations on the property. Additionally, staff acknowledge that the proposed use is largely contained within an existing agricultural building that is no longer viable for livestock due to its proximity to the urban area. Based on the scale and nature of development and the location of the agricultural building and associated OFDU components, it is expected that the use would be compatible with and not hinder the primary agricultural use of the property.



## Archaeological Resources

According to Schedule 'K' of the NOP, the property falls within the Region's mapped Area of Archaeological Potential. Provincial and Regional policies state 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 or the land has been investigated and cleared or mitigated following clearance from the Province.

In the initial comment letter dated March 30, 2023, staff did not request an archaeological assessment given that no new structures or buildings were proposed at that time. However, in the updated Conceptual Plan, a storage facility, bike path and pool are proposed in addition to the retrofitting of the existing agricultural building. Therefore, in accordance with Policy 6.4.2.6 of the NOP, Regional staff request a Stage 1 Archaeological Assessment prepared by a licensed archaeologist, as well as a Stage 2 Assessment, where required, to support the application. Staff note that for lands located outside an urban area where site alteration or development will not affect the entire property, the archaeologist may consult with the Province to determine potential waiving or scoping of the area. In addition, staff request a Letter of Acknowledgement from the Ministry of Citizenship and Multiculturalism be circulated to the Region prior to final approval of the Development Permit.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff will recommend the inclusion of the following standard archaeological clauses in the development permit relating to deeply buried archaeological materials that may be encountered during grading and construction activities, as per the NEC's standard practice be included in the Development Permit:

*Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism (MCM) (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Public and Business Services Delivery (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the MCM should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.*

October 3, 2023

## Environmental

The comments provided in the Regional comment letter dated March 30, 2023, remain applicable.

## Servicing

The comments provided in the Regional comment letter dated March 30, 2023, remain applicable.

## Waste Collection

The comments provided in the Regional comments letter dated March 30, 2023, remain applicable.

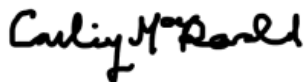
## Conclusion

In conclusion, Regional Growth Strategy and Economic Development staff is of the opinion that the proposed development is consistent with the intent of the *Provincial Policy Statement*, *Greenbelt Plan* and *Niagara Official Plan* policies for on-farm diversified uses in specialty crop areas. As such, staff offer no objection to the application, provided that the remaining vineyard indicated on the Concept Plan is established prior to construction.

Should you have any questions, please contact the undersigned at [Carling.MacDonald@niagararegion.ca](mailto:Carling.MacDonald@niagararegion.ca), or Pat Busnello, Manager of Development Planning at [Pat.Busnello@niagararegion.ca](mailto:Pat.Busnello@niagararegion.ca).

Please send notice of the Commission's decision on this application.

Kind regards,



Carling MacDonald  
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning  
Diana Morreale, MCIP, RPP, Director of Development Planning, Niagara Region  
Caitlin Goodale, Private Sewage System Inspector, Niagara Region  
Susan Dunsmore, P.Eng., Manager of Development Engineering, Niagara Region