

File Number BNPL20A215
 Related File Number _____
 Pre-consultation Meeting _____
 Application Submitted June 6
 Complete Application June 6.

Application Fee	\$210.00
Conservation Authority Fee	—
Well & Septic Info Provided	
Planner	Ned
Public Notice Sign	1/23.

Check the type of planning application(s) you are submitting.

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Consent/Severance/Boundary Adjustment |
| <input type="checkbox"/> | Surplus Farm Dwelling Severance and Zoning By-law Amendment |
| <input type="checkbox"/> | Minor Variance |
| <input type="checkbox"/> | Easement/Right-of-Way |

Property Assessment Roll Number: 3310-493-070-223-00

A. Applicant Information

Name of Owner	Burning Kiln Vineyard Partnership
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It is the responsibility of the owner or applicant to notify the planner of any changes in ownership within 30 days of such a change.

Address	1709 Front Road
Town and Postal Code	St. Williams , ON N0E 1P0
Phone Number	
Cell Number	519-420-0673
Email	kmatthews@buringkilnwinery.ca

Name of Applicant Burning Kiln Vineyard Partnership

Address	1709 Front Road
Town and Postal Code	St. Williams , ON N0E 1P0
Phone Number	
Cell Number	519-420-0673
Email	kmatthews@buringkilnwinery.ca

Name of Agent	Mary Elder, Elder Plans Inc.
Address	32 Miller Cres
Town and Postal Code	Simcoe, ON N4Y 4R1
Phone Number	
Cell Number	519-429-4933
Email	ElderPlans2018@gmail.com

Please specify to whom all communications should be sent. Unless otherwise directed, all correspondence and notices in respect of this application will be forwarded to the agent noted above.

☐ Owner
 ☒ Agent
 ☐ Applicant

Names and addresses of any holder of any mortgagees, charges or other encumbrances on the subject lands:

Farm Credit Corporation

B. Location, Legal Description and Property Information

1. Legal Description (include Geographic Township, Concession Number, Lot Number, Block Number and Urban Area or Hamlet):

Charlotteville, Con A, Pt Lt 10
 RP 37R8056 Pt 1 and RP 35R10017 Pt 2

Municipal Civic Address: 1725 Front Road

Present Official Plan Designation(s): Agricultural

Present Zoning: Agricultural

2. Is there a special provision or site specific zone on the subject lands?

☒ Yes ☐ No If yes, please specify:
14.303

3. Present use of the subject lands:

growing of grapes, pond, parking area for Burning Kiln Winery, some bush and grassed area used for event parking

4. Please describe **all existing** buildings or structures on the subject lands and whether they are to be retained, demolished or removed. If retaining the buildings or structures, please describe the type of buildings or structures, and illustrate the setback, in metric units, from front, rear and side lot lines, ground floor area, gross floor area, lot coverage, number of storeys, width, length, and height on your attached sketch which must be included with your application:
existing kiln to remain
5. If an addition to an existing building is being proposed, please explain what it will be used for (for example a bedroom, kitchen, or bathroom). If new fixtures are proposed, please describe.
6. Please describe **all proposed** buildings or structures/additions on the subject lands. Describe the type of buildings or structures/additions, and illustrate the setback, in metric units, from front, rear and side lot lines, ground floor area, gross floor area, lot coverage, number of storeys, width, length, and height on your attached sketch which must be included with your application:
7. Are any existing buildings on the subject lands designated under the *Ontario Heritage Act* as being architecturally and/or historically significant? Yes ☐ No ☒
If yes, identify and provide details of the building:
8. If known, the length of time the existing uses have continued on the subject lands:
the vineyards were planted in 2007
9. Existing use of abutting properties:
Burning Kiln Winery, agricultural lands, tourist attraction (Eco Adventures)
10. Are there any easements or restrictive covenants affecting the subject lands?
☐ Yes ☒ No If yes, describe the easement or restrictive covenant and its effect:

C. Purpose of Development Application

Note: Please complete all that apply.

1. Site Information

Existing

Proposed

Please indicate unit of measurement, for example: m, m² or %

Lot frontage	290 m +	215 m +
Lot depth	irregular-more than 480 m	irregular-more than 480 m
Lot width	irregular-more than 565 m	irregular-more than 565 m
Lot area	34.49 ha	28.06 ha
Lot coverage		
Front yard		
Rear yard		
Left Interior side yard		
Right Interior side yard		
Exterior side yard (corner lot)		

2. Please outline the relief requested (assistance is available):

3. Please explain why it is not possible to comply with the provision(s) of the Zoning By-law:

The minimum lot area is 40 ha in the By-law but these existing land parcels are already below that requirement.

4. Description of land intended to be severed in metric units:

Frontage:	75.16 m
Depth:	irregular - approximately 300 m
Width:	irregular
Lot Area:	6.43 ha
Present Use:	vineyard, pond, parking and driveway for Burning Kiln Winery
Proposed Use:	same

Proposed final lot size (if boundary adjustment): 9.44 ha

If a boundary adjustment, identify the assessment roll number and property owner of the lands to which the parcel will be added: 3310-493-070-223-80

Description of land intended to be retained in metric units:

Frontage: 215 + m
Depth: irregular-more than 480 m
Width: irregular-more than 565 m
Lot Area: 34.49 ha
Present Use: vineyard, cash crops
Proposed Use: vineyard, cash crops
Buildings on retained land: one barn

5. Description of proposed right-of-way/easement in metric units:

Frontage: _____
Depth: _____
Width: _____
Area: _____
Proposed Use: _____

6. List all properties in Norfolk County, which are owned and farmed by the applicant and involved in the farm operation:

Owners Name: Burning Kiln Vineyard Partnership
Roll Number: 3310-493-070-223-00
Total Acreage: 34.49
Workable Acreage: 32.37 ha
Existing Farm Type: (for example: corn, orchard, livestock) vineyard, cash crops
Dwelling Present?: ☐ Yes ☒ No If yes, year dwelling built _____

Owners Name: _____
Roll Number: _____
Total Acreage: _____
Workable Acreage: _____
Existing Farm Type: (for example: corn, orchard, livestock) _____
Dwelling Present?: ☐Yes ☐No If yes, year dwelling built _____

Owners Name: _____
Roll Number: _____
Total Acreage: _____
Workable Acreage: _____
Existing Farm Type: (for example: corn, orchard, livestock) _____
Dwelling Present?: ☐Yes ☐No If yes, year dwelling built _____

Owners Name: _____
Roll Number: _____
Total Acreage: _____
Workable Acreage: _____
Existing Farm Type: (for example: corn, orchard, livestock) _____
Dwelling Present?: ☐Yes ☐No If yes, year dwelling built _____

Note: If additional space is needed please attach a separate sheet.

D. Previous Use of the Property

1. Has there been an industrial or commercial use on the subject lands or adjacent lands? ☐Yes ☒No ☐Unknown
If yes, specify the uses (for example: gas station, or petroleum storage):

2. Is there reason to believe the subject lands may have been contaminated by former uses on the site or adjacent sites? ☐Yes ☒No ☐Unknown

3. Provide the information you used to determine the answers to the above questions:
land owners knowledge

4. If you answered yes to any of the above questions in Section D, a previous use inventory showing all known former uses of the subject lands, or if appropriate, the adjacent lands, is needed. Is the previous use inventory attached? ☐ Yes ☐ No

E. Provincial Policy

1. Is the requested amendment consistent with the provincial policy statements issued under subsection 3(1) of the *Planning Act*, R.S.O. 1990, c. P. 13? ☒ Yes ☐ No

If no, please explain:

2. It is owner's responsibility to be aware of and comply with all relevant federal or provincial legislation, municipal by-laws or other agency approvals, including the Endangered Species Act, 2007. Have the subject lands been screened to ensure that development or site alteration will not have any impact on the habitat for endangered or threatened species further to the provincial policy statement subsection 2.1.7? ☐ Yes ☒ No

If no, please explain:

Property being boundary adjusted to neighbour. No building or site alteration planned so no impact on habitat anticipated. Owners aware of legislation due to screening for Eco-Adventures. +

3. Have the subject lands been screened to ensure that development or site alteration will not have any impact on source water protection? ☒ Yes ☐ No

If no, please explain:

Note: If in an area of source water Wellhead Protection Area (WHPA) A, B or C please attach relevant information and approved mitigation measures from the Risk Manager Official.

4. Are any of the following uses or features on the subject lands or within 500 metres of the subject lands, unless otherwise specified? Please check boxes, if applicable.

Livestock facility or stockyard (submit MDS Calculation with application)

☐ On the subject lands or ☐ within 500 meters – distance _____

Wooded area

☐ On the subject lands or ☒ within 500 meters – distance _____ abutting on west

Municipal Landfill

☐ On the subject lands or ☐ within 500 meters – distance _____

Sewage treatment plant or waste stabilization plant

☐ On the subject lands or ☐ within 500 meters – distance _____

Provincially significant wetland (class 1, 2 or 3) or other environmental feature

☐ On the subject lands or ☐ within 500 meters – distance _____

Floodplain

☐ On the subject lands or ☒ within 500 meters – distance _____ abutting on north

Rehabilitated mine site

☐ On the subject lands or ☐ within 500 meters – distance _____

Non-operating mine site within one kilometre

☐ On the subject lands or ☐ within 500 meters – distance _____

Active mine site within one kilometre

☐ On the subject lands or ☐ within 500 meters – distance _____

Industrial or commercial use (specify the use(s))

☐ On the subject lands or ☐ within 500 meters – distance _____

Active railway line

☐ On the subject lands or ☐ within 500 meters – distance _____

Seasonal wetness of lands

☐ On the subject lands or ☐ within 500 meters – distance _____

Erosion

☐ On the subject lands or ☐ within 500 meters – distance _____

Abandoned gas wells

☐ On the subject lands or ☐ within 500 meters – distance _____

F. Servicing and Access

1. Indicate what services are available or proposed:

Water Supply

- ☐ Municipal piped water
☐ Individual wells
☐ Communal wells
☒ Other (describe below)
none proposed as farm/vineyard use continues
-

Sewage Treatment

- ☐ Municipal sewers
☐ Septic tank and tile bed in good working order
☐ Communal system
☒ Other (describe below)
none proposed as farm/vineyard use land
-

Storm Drainage

- ☐ Storm sewers
☐ Other (describe below)
☒ Open ditches
-

2. Existing or proposed access to subject lands

- ☒ Municipal road
☐ Unopened road
☐ Provincial highway
☐ Other (describe below)

Name of road/street:

Front Road

G. Other Information

1. Does the application involve a local business? ☒ Yes ☐ No

If yes, how many people are employed on the subject lands?

Varies with crop stages - entire operation 5 FT, 40 seasonal, 3 offshore

2. Is there any other information that you think may be useful in the review of this

application? If so, explain below or attach on a separate page.

*projecting 20 more
with proposals approved*

H. Supporting Material to be submitted by Applicant

In order for your application to be considered complete, folded hard copies (number of paper copies as directed by the planner) and an **electronic version (PDF) of the site plan drawings, additional plans, studies and reports** will be required, including but not limited to the following details:

1. Concept/Layout Plan
2. All measurements in metric
3. Existing and proposed easements and right of ways
4. Parking space totals – required and proposed
5. All dimensions of the subject lands
6. Dimensions and setbacks of all buildings and structures
7. Location and setbacks of septic system and well from all existing and proposed lot lines, and all existing and proposed structures
8. Names of adjacent streets
9. Natural features, watercourses and trees

In addition, the following additional plans, studies and reports, including but not limited to, **may** also be required as part of the complete application submission:

- ☐ Zoning Deficiency Form
- ☐ On-Site Sewage Disposal System Evaluation Form (to verify location and condition)
- ☐ Environmental Impact Study
- ☐ Geotechnical Study / Hydrogeological Review
- ☐ Minimum Distance Separation Schedule
- ☐ Record of Site Condition
- ☐ Agricultural Impact Assessment

Your development approval might also be dependent on Ministry of Environment Conservation and Parks, Ministry of Transportation or other relevant federal or provincial legislation, municipal by-laws or other agency approvals.

All final plans must include the owner's signature as well as the engineer's signature and seal.

I. Transfers, Easements and Postponement of Interest

The owner acknowledges and agrees that if required it is their solicitor's responsibility on behalf of the owner for the registration of all transfer(s) of land to the County, and/or transfer(s) of easement in favour of the County and/or utilities. Also, the owner further acknowledges and agrees that it is their solicitor's responsibility on behalf of the owner for the registration of postponements of any charges in favour of the County.

Permission to Enter Subject Lands

Permission is hereby granted to Norfolk County officers, employees or agents, to enter the premises subject to this application for the purposes of making inspections associated with this application, during normal and reasonable working hours.

Freedom of Information

For the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*, I authorize and consent to the use by or the disclosure to any person or public body any information that is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P. 13 for the purposes of processing this application.

Mary Elder
Owner/Applicant/Agent Signature

May 30, 2019
Date

J. Owner's Authorization

If the applicant/agent is not the registered owner of the lands that is the subject of this application, the owner must complete the authorization set out below.

I/We Burning Kiln Vineyard Partnership am/are the registered owner(s) of the lands that is the subject of this application.

I/We authorize Elder Plans Inc. to make this application on my/our behalf and to provide any of my/our personal information necessary for the processing of this application. Moreover, this shall be your good and sufficient authorization for so doing.

[Signature]
Owner

April 26, 2019
Date

Owner

Date

K. Declaration

I, Mary Elder of Norfolk County

solemnly declare that:

all of the above statements and the statements contained in all of the exhibits transmitted herewith are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at:

Simcoe

Mary Elder
Owner/Applicant/Agent Signature

In Norfolk County

This 5th day of June

A.D., 2019

Kayla Eva Jonanna DeLeye, a
Commissioner, etc., Province of Ontario,
for the Corporation of Norfolk County
Expires January 31, 2021

Kayla DeLeye
A Commissioner, etc.

1.0 Introduction

Elder Plans Inc. has been retained by Burning Kiln Vineyard Partnership regarding the planning approvals needed for a proposed boundary adjustment from their farm property to the abutting winery farm property at 1709 Front Road, located on the north side of Front Road west of Turkey Point Road.

The subject lands are located at 1725 Front Road and, in the Norfolk County Official Plan, are designated Agricultural and are within the Lakeshore Special Policy Area Secondary Plan. These lands are zoned "Agricultural" in the Norfolk County Zoning By-Law 1-Z-2014 with special provision 14.303 and schedule 14.303.1 from By-Law 33-Z-2010 applying to them. Accessory uses related to the winery located on Part 1 are permitted on Part 2 (the subject lands).

This report includes a review of the Provincial Policy Statement 2014, Norfolk County Official Plan and Norfolk County Zoning By-Law 1-Z-2014 as it relates to boundary adjustments.

2.0 Site description and neighbouring land uses

The subject lands are 6.43 ha in size and include 2.2 ha of vineyards, a pond, parking area and driveway for the Burning Kiln Winery, an existing kiln building and grassed area where a former kiln yard was located. Farm land is located to the east and north of the subject lands. A bush lot abuts the subject lands to the northwest. Burning Kiln Winery abuts the west side of the subject lands. Long Point Eco-Adventures, a tourist destination is located on the south side of Front Road.

3.0 Development Proposal

The proposal is to boundary adjust 2.2 ha of vineyard, the Burning Kiln access driveway and existing parking area, an existing pond and some grassed area, totally 6.43 ha to the Burning Kiln Winery property from the larger 34.49 ha agricultural property owned by the Burning Kiln Vineyard Partnership.

The proposal will address legal requirements for the operation of a winery. The Alcohol and Gaming Commission of Ontario (AGCO) policy requires that a winery must be located on the same parcel of land as the production site. AGCO eligibility policy requires the winery retail store be located on the same continuous property as the manufacturing site. The minimum on-site vineyard acreage is 2.2 ha (5 acres) of planted grapes or fruit.

4.0 Policy Review

4.1 Provincial Policy Statement (2014)

The Provincial Policy Statement guides land use planning for the entire province and the policies are to be read in their entirety. Decisions regarding land use planning matters are to be consistent with the Provincial Policy Statement. The following is a review of pertinent policies for this development proposal.

Provincial Policy Statement	Comments
<p>1.1.4 Rural Areas in Municipalities Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.</p>	<p>Viable farm properties and viable wineries, such as the two in this proposal, are two of the many ways to leverage rural assets and amenities and contribute to a sustainable economy.</p>
<p>1.7.1 Long-term economic prosperity should be supported by:</p> <p>h) providing opportunities to support local food, and promoting the sustainability of agri-food and agri-product businesses by protecting agricultural resources, and minimizing land use conflicts;</p>	<p>The proposed boundary adjustment will enable the winery to address the AGCO requirement for 2.2 ha of planted grapes on the parcel where a winery retail store is located. Addressing this requirement also increases the sustainability of the agri-product business. The land continues to grow crops of grapes. No land use conflicts are anticipated through the boundary adjustment.</p>
<p>2.3 Agriculture 2.3.1 <i>Prime agricultural areas</i> shall be protected for long-term use for agriculture. <i>Prime agricultural areas</i> are areas where <i>prime agricultural lands</i> predominate. <i>Specialty crop areas</i> shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the <i>prime agricultural area</i>, in this order of priority. 2.3.2 Planning authorities shall designate <i>prime agricultural areas</i> and <i>specialty crop areas</i> in accordance with guidelines developed by the Province, as amended from time to time. 2.3.3 Permitted Uses 2.3.3.1 In <i>prime agricultural areas</i>, permitted uses and activities are: <i>agricultural uses</i>, <i>agriculture-related uses</i> and <i>on-farm diversified uses</i>. Proposed <i>agriculture-related uses</i> and <i>on-farm diversified uses</i> shall be compatible</p>	<p>2.3.1 and 2.3.2 The soils on these parcels are Class 2 and 3 so these lands are considered <i>prime agricultural lands</i>. No study of <i>specialty crop areas</i> has been completed in Norfolk County.</p> <p>The use of the lands is not anticipated to change. Grapes will continue to be grown not only to supply the winery, but also to address the legal requirement of 2.2 ha of planted grape vines for a winery. This adds additional protection for future long-term use for agriculture.</p> <p>2.3.3 The permitted agricultural uses will continue on the lands being added to the winery property and on the retained farm parcel. The winery is considered an agriculture-related use in that it adds value to the grapes grown on the farm.</p>

<p>with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.</p> <p>2.3.3.2 In <i>prime agricultural areas</i>, all types, sizes and intensities of <i>agricultural uses</i> and <i>normal farm practices</i> shall be promoted and protected in accordance with provincial standards.</p>	
<p>2.3.4.2 Lot adjustments in <i>prime agricultural areas</i> may be permitted for <i>legal or technical reasons</i>.</p>	<p>When the winery was being established on the larger farm parcel 34.49 ha (85.23 acres) and plans were under consideration for a production facility, the 3.01 ha (7.45 acre) abutting parcel to the south became available with its established buildings. It was purchased and the wine production established in the repurposed barn. Due to financial arrangements the parcels cannot be merged. However due to the AGCO requirement for 2.2 ha of planted grapes on the parcel where a winery retail store is located, changes to the parcel boundaries are necessary.</p>

The technical reason for the proposed boundary adjustment is the Alcohol and Gaming Commission of Ontario's (AGCO) requirement to have 2.2 ha of planted vineyards on the same parcel as the winery. The boundary adjustment also provides further opportunity to ensure the winery is sustainable without unduly limiting the viability of the retained farm parcel. Prime agricultural lands continue is the production of agricultural products and agriculturally related activities. The rural economy and agri-tourism industry is supported by enabling and encouraging the viability of both the farm and winery. This proposal is consistent with the Provincial Policy Statement.

4.2 Norfolk County Official Plan

The County Official Plan contains policy to achieve the County planning vision "Norfolk County strives to balance a commitment to the land and emerging opportunities for growth and development." Included in the text of the first of six goals, it is noted that the County "protects the vitality and growth of the agricultural industry" and then further on in the goals it is stated that the County will

h) Ensure the continued economic strength of agriculture and the viability of farm operations by protecting agricultural activities and the agricultural land base from the intrusion of

incompatible uses and providing opportunities for small-scale business opportunities that are secondary to farm operations.

Norfolk County Official Plan	Comments
<p>7.2.4 Agricultural Lot Size Policies The following policies apply to land designated Agricultural.</p> <p>a) The expansion of farm holdings through lot assembly is encouraged wherever possible. Agricultural lots may be assembled and disassembled, provided that the lots remain viable for agriculture uses, are of a size appropriate for the type of agriculture uses that are common in Norfolk County, and are sufficiently large to maintain flexibility for future changes in economic conditions and in the type or size of agricultural operations. The minimum agricultural lot size shall generally be 40 hectares. Assembly and disassembly of agricultural lots to sizes that are generally 40 hectares or larger shall be permitted and encouraged by the County. The County may consider applications to assemble and disassemble agricultural land into agricultural lots that are less than approximately 40 hectares in size, subject to the following considerations:</p> <p>i) agriculture shall be the proposed use of both the severed and retained lots;</p> <p>ii) it shall be demonstrated that both the severed and retained lots will be flexible to respond to economic change. The applicant shall provide information necessary to evaluate the viability of the new farming operations on the parcels of land. Information pertaining to the scale and nature of the operation, projected revenue, expenses, financing, soil quality, water quality and quantity, and any other viability criteria relevant to the proposal shall be provided to the satisfaction of the County. The County may request a peer review of the information provided and/or consult</p>	<p>Section 7.2.4 sets out policy for expanding farm holdings through lot assembly and disassembly with particular attention to considerations when a parcel is smaller than 40 hectares. The following comments show how this proposal meets the policy requirements.</p> <p>a) consideration of applications for farm parcels smaller than generally 40 hectares are subject to the following considerations</p> <p>i) Both the severed and retained parcels will continue to be used for agricultural uses, more specifically, the growing of grapes. The soils and micro-climate are well suited to growing grapes. There are some fields on the retained lands that are used to grow other crops.</p> <p>ii) the severed parcel will be added to the abutting winery parcel to address the AGCO requirement for a winery to have minimum of five acres of vines. Adding land to the 3.01 ha will also make it more viable as a farm. Should economic conditions change, the boundary adjusted parcel will be large enough to consider such options as green houses, market gardening or other niche agricultural markets. The retained farm lands have more agricultural options as it is a larger property.</p> <p>The retained lands will decrease from 34.49 ha to 28.06 ha but the growing of grapes is a viable crop. Possibilities here, should economic conditions change, are more numerous and could include other cash crops, green house vegetable production, market gardening, and more.</p> <p>In order for a winery to be viable, it needs to add agriculturally related and on-farm diversified uses such as tourism attractions. These matters will be addressed in depth in</p>

<p>with the Agricultural Advisory Board.;</p> <p>iii) The proposed farm and the retained farm lot are eligible for farming business registration under the <i>Farm Registration and Farm Organizations Funding Act</i> and are eligible for the Farm Property Class Tax Rate Program under the <i>Assessment Act</i>;</p> <p>iv) it shall be demonstrated that nearby lots of similar size to that proposed are not available and suitable for the intended agriculture use;</p> <p>v) the suitability of both the severed and retained lots shall be assessed based on the type and size of agricultural operations in the area as well as the lot sizes typically associated with the agricultural operation proposed;</p> <p>vi) it shall be demonstrated that both the severed and retained lots remain sufficiently large to permit a change in the commodity produced, an adjustment in the scale of operation, diversification or intensification; and</p> <p>vii) both the severed and retained lot shall comply with the minimum distance separation formulae.</p> <p>b) A minimum agricultural lot size of 40 hectares shall be established in the Zoning By-law. The County shall consider a proposal to disassemble agricultural land to a lot size smaller than 40 hectares by way of applications for Zoning By-law amendment and consent, subject to Section 7.2.4(a). Where all criteria outlined in Section 7.2.4 a) are satisfied, a minor deviation from the minimum farm size may be approved through a minor variance.</p>	<p>an upcoming Zoning By-law amendment application. This boundary adjustment forms the basis for much of that work. The proposed changes in that planning application is being put forward to ensure the projected revenue is achieved, expenses paid and any financing addressed in a timely fashion.</p> <p>Soil quality in this area is class 2 or 3 soils, so prime agricultural land. The soils are excellent for the production of grapes. There are two ponds, one on the subject lands and one on the retained lands. The water quality and quantity has proven acceptable for the operation. There is no shortage of water.</p> <p>iii) an accountant has confirmed that both the winery (boundary adjusted lands) and the retained lands (farm parcel) will be eligible for farming business registration under the Farm Registration and Farm Organizations Funding Act and eligible for the Farm Property Class Tax Rate Program under the Assessment Act</p> <p>iv) The technical reason for this boundary adjustment requires an abutting lot to the winery so that planted grapevines become part of the same parcel. With a woodlot to the west and the retained lands to the north and east, there are no other options.</p> <p>v) The winery lot size is typical of that required for planted grape vines, a processing facility and related uses in other areas of the province. The retained lands at 28.06 ha will be typical of many agricultural parcels in Norfolk County and will still be profitable for growing grapes.</p> <p>In this general concession block area, the 20 farm parcels average at 31.97 ha. Only 7 are over 40 ha, 8 are between 16.19 ha and 40 ha and 5 below 12.14 ha. Parcels to the west and east are wooded, with some of those to the east being related to Turkey Point Provincial Park or other provincial</p>
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	<p>ownership. Parcels located south of Front Road are also smaller than 40 ha and are impacted by the steep slopes to the Turkey Point Marsh.</p> <p>vi) With the boundary adjustment the winery and the retained lands will be better able to adjust the scale of their operations, diversify or intensify. Both properties, as outlined in ii) above, will also be better able to adjust to a change in commodity produced if ever necessary.</p> <p>vii) both the final boundary adjusted and retained parcels comply with the minimum distance separation formulae as there are no animal operations in the area.</p> <p>b) a separate Zoning By-law amendment will be submitted to address the smaller than 40 ha lot size for each farm parcel and other permissions for additional permitted uses.</p>
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This proposal is consistent with the Norfolk County Official Plan as it protects the vitality and helps grow the agricultural industry. It protects the land base for agricultural uses and strengthens the agricultural economy. Each of the points that need to be addressed when considering applications to assemble and disassemble agricultural land into agricultural lots that are less than approximately 40 hectares in size have been addressed. A separate Zoning By-law amendment will be submitted shortly to address the smaller farm parcel sizes.

4.3 Norfolk County Zoning By-Law 1-Z-2014

Norfolk County Zoning By-Law	Comments
The County Zoning By-law zones the subject lands, retained lands and the lands receiving the boundary adjusted subject lands, "Agriculture". The growing of all types of crops is permitted and a winery is also permitted.	There is no intent to change this basic Agriculture zoning. As the Zoning By-Law does not provide for the size of lot proposed, a revision to the existing site specific provision on the subject lands is required and will be submitted shortly.
Special provision 14.303 (By-law 52-Z-2015) and schedule 14.303.1 (By-Law 33-Z-2010) applies to these lands. Accessory uses related to the winery located on Part 1 are permitted on Part 2 (the abutting farm lands).	The proposed Zoning By-law amendment will request the two amending By-laws that put this special provision in place be replaced with a new special provision. Among other proposed uses a reduced agricultural lot size will be requested.

Although agricultural uses and agriculturally related uses will continue so no change to the basic "Agriculture" zoning is required, a special provision for the lot size is needed. The special provision will also be needed for some uses. The details of that will be set out in the upcoming proposed Zoning By-law amendment.

5.0 Review Summary

The proposal is consistent with the Provincial Policy Statement and meets the policy tests set out in the Norfolk County Official Plan. Although both agricultural parcels are smaller than 40 ha, the boundary adjustment will enable the winery parcel to have the 2.2 ha of planted grapes it needs for the AGCO requirements and puts the driveway access and parking area used by the winery on their land. A 3.01 ha parcel has limited potential for viability with agricultural uses. The additional land increases the agricultural viability of the parcel. At 28.06 ha the retained farm parcel is still of a size similar to many agricultural parcels in the County. It is large enough to have flexibility for other types of agricultural production or agriculturally related activities if necessary. This proposal provides the owners of both parcels of land with more options to be viable.

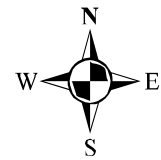
Respectfully submitted,

Mary Elder MCIP RPP

MAP 2

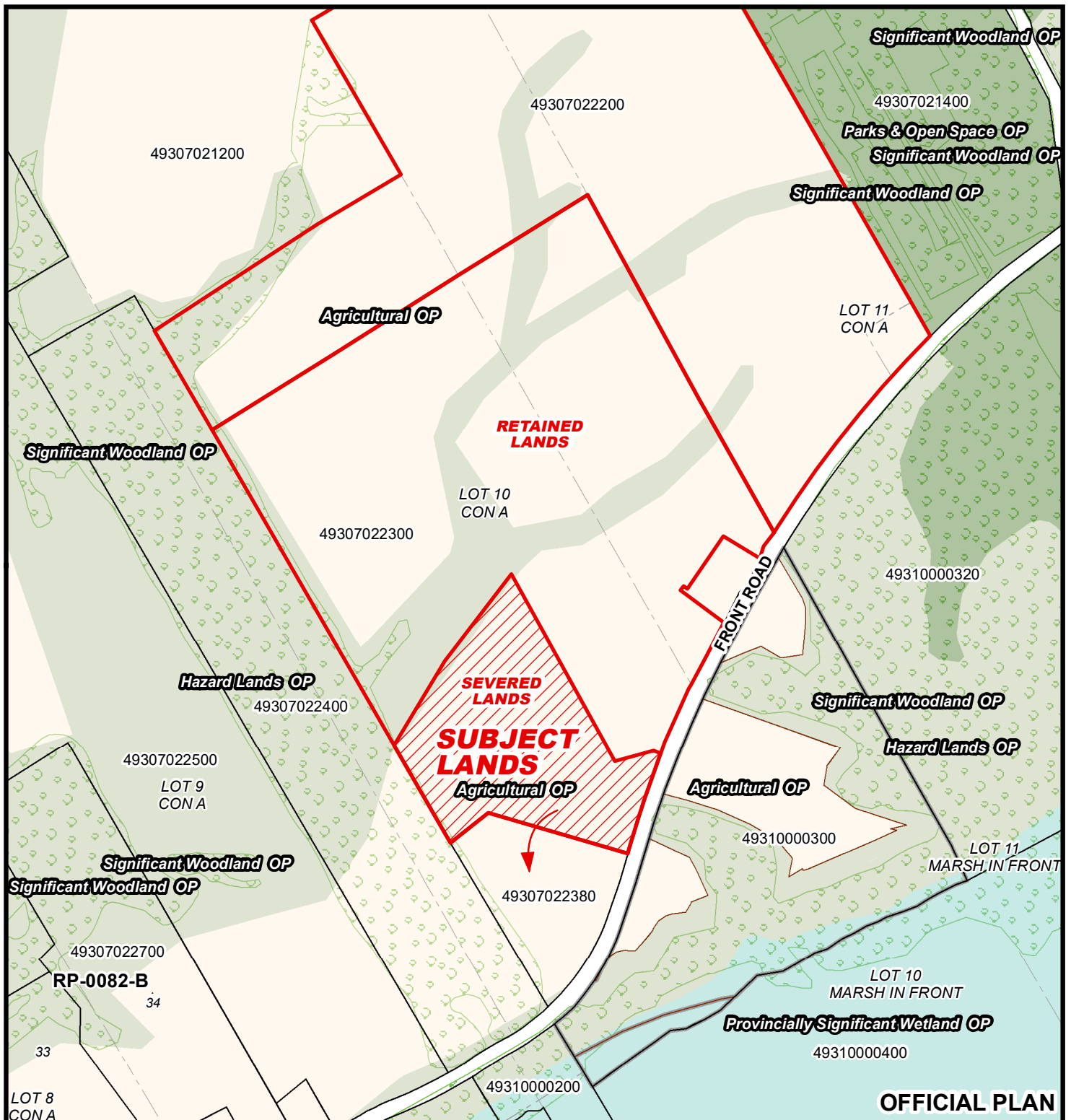
File Number: BNPL2019215

Geographic Township of CHARLOTTEVILLE



40 20 0 40 80 120 160
Meters

1:7,000



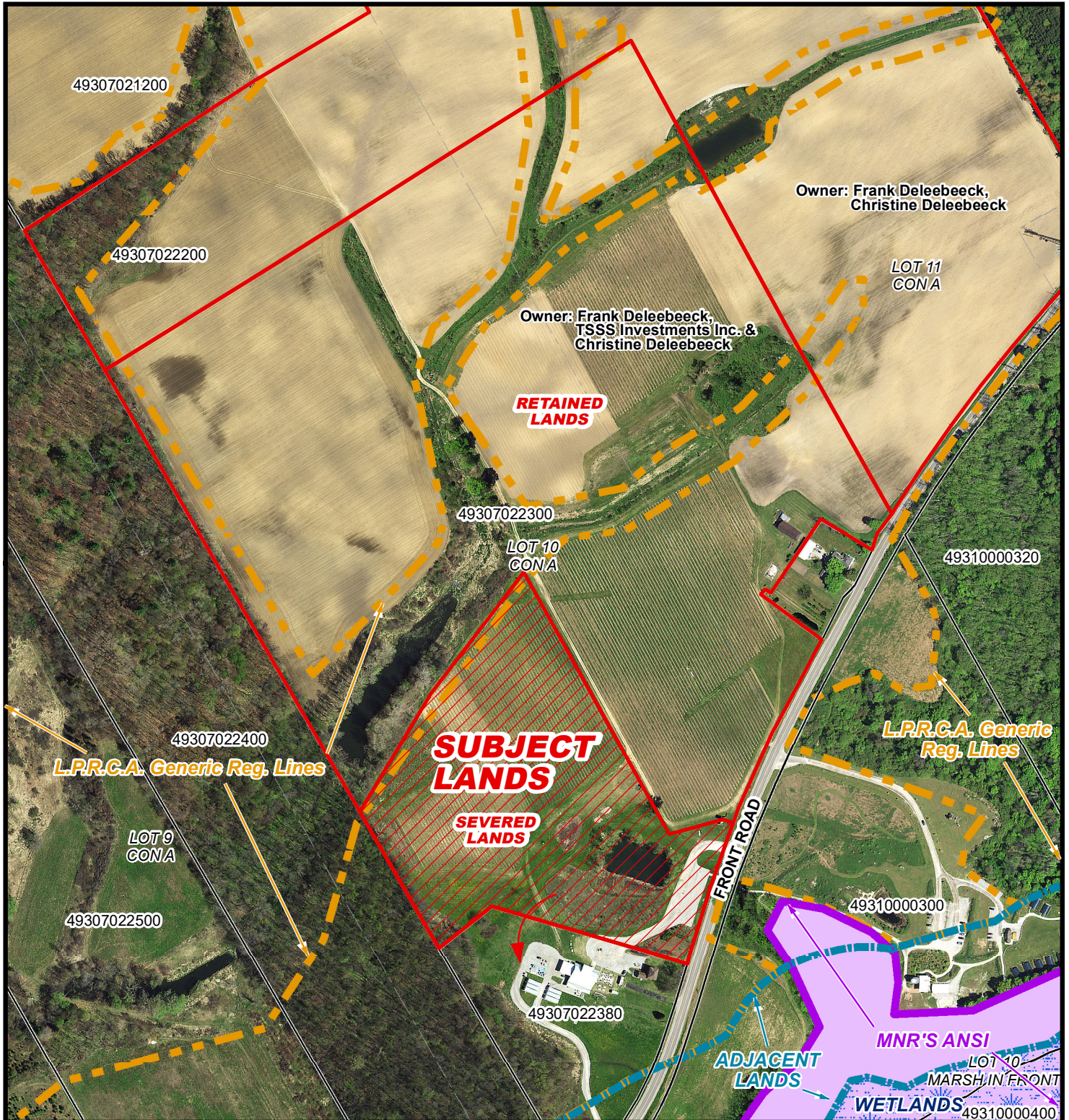
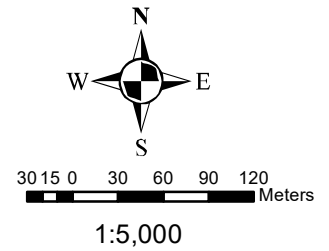
OFFICIAL PLAN

6/11/2019

MAP 3

File Number: BNPL2019215

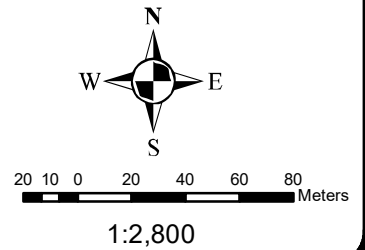
Geographic Township of CHARLOTTEVILLE



MAP 4

File Number: BNPL2019215

Geographic Township of CHARLOTTEVILLE



RETAINED LANDS
Area: 280600.00 Sq.M.

Owner: Frank Deleebeeck,
TSSS Investments Inc. &
Christine Deleebeeck
49307022300

**SUBJECT
LANDS**

SEVERED LANDS
Area: 64300.00 Sq.M.

LOT 10
CON A

1725 FRONT ROAD

LOT 9
CON A

Owner: Burning Kiln Winery Inc.

Existing Winery
Area: 30100 Sq.M.

49307022250

49307022400

49307022380

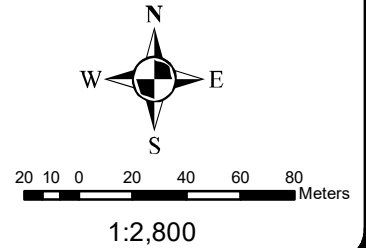
49310000300

49307022500

LOCATION OF LANDS AFFECTED

File Number: BNPL2019215

Geographic Township of CHARLOTTEVILLE



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Area: 280600.00 Sq.M.

Owner: Frank Deleebeeck,
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