

For Office Use Only:

File Number

Related File Number

Pre-consultation Meeting

Application Submitted

Complete Application

Z/NPL2019B37

Sept 27/19
Oct 1/19

Public Notice Sign

Application Fee

Conservation Authority Fee

Well & Septic Info Provided

Planner

\$1588

Alisha

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

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | Official Plan Amendment |
| <input checked="" type="checkbox"/> | Zoning By-Law Amendment |
| <input type="checkbox"/> | Temporary Use By-law |
| <input type="checkbox"/> | Draft Plan of Subdivision/Vacant Land Condominium |
| <input type="checkbox"/> | Condominium Exemption |
| <input type="checkbox"/> | Site Plan Application |
| <input type="checkbox"/> | Consent/Severance |
| <input type="checkbox"/> | Minor Variance |
| <input type="checkbox"/> | Easement/Right-of-Way |
| <input type="checkbox"/> | Extension of a Temporary Use By-law |
| <input type="checkbox"/> | Part Lot Control |
| <input type="checkbox"/> | Cash-in-Lieu of Parking |
| <input type="checkbox"/> | Renewable Energy Project or Radio Communication Tower |

Please explain the desired end result of this application (for example: a special zoning provision on the subject lands, changing the zone and/or official plan designation of the subject lands, creating a certain number of lots, or similar)

In order to address a condition of approval of a boundary adjustment application (BNPL20192015), a special provision is needed on the retained farmlands permitting a 28.06 ha agricultural parcel in the A zone where the minimum lot size is 40 ha.

Property Assessment Roll Number: 33-10-049-307-022-30-0000

A. Applicant Information

Name of Owner Burning Kiln Winery Partnership

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, RR # 2

Town and Postal Code St. Williams, ON N0E 1P0

Phone Number _____

Cell Number 519-420-0673

Email kmatthews@burningkilnwinery.ca

Name of Applicant owner

Address _____

Town and Postal Code _____

Phone Number _____

Cell Number _____

Email _____

Name of Agent Mary Elder, Elder Plans Inc.

Address 32 Miller Cres

Town and Postal Code Simcoe, ON N3Y 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 mortgages, charges or other encumbrances on the subject lands:

B. Location, Legal Description and Property Information

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

Charlottetown, Con A, Part Lot 10

Municipal Civic Address: 1739 Front Road

Present Official Plan Designation(s): Agriculture

Present Zoning: Agriculture

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

☐ Yes ☒ No If yes, please specify:

3. Present use of the subject lands:

growing grapes and other cash crops

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:

one barn, see attached drawing

5. If an addition to an existing building is being proposed, please explain what it will be used for (for example: 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:
used for agriculture over 50 years, growing grapes since 2007

9. Existing use of abutting properties:

Burning Kiln Winery to the west and Eco-Adventures to the south, rest agricultural crops

10. Are there any existing easements or restrictive covenants affecting the subject lands?

☐ Yes ☒ No If yes, describe the easement or restrictive covenant and its effect:

Note: Please complete all that apply.

1. Please explain what you propose to do on the subject lands/premises which makes this development application necessary:

As a result of a boundary adjustment of 6.43 hectares to Burning Kiln Winery, a farm parcel of approximately 28.06 ha remains. As the County Official Plan and Zoning By-law require a 40 ha farm parcel, approval is needed for a smaller farm parcel in the Zoning By-Law.

2. Please explain why it is not possible to comply with the provision(s) of the Zoning By-law/and or Official Plan:

The original farm parcel was less than 40 ha. The winery for legal purposes (Alcohol and Gaming Commission of Ontario) needed at least 0.81 ha grapes.

3. Does the requested amendment alter all or any part of the boundary of an area of settlement in the municipality or implement a new area of settlement in the municipality? ☐ Yes ☒ No If yes, describe its effect:

4. Does the requested amendment remove the subject land from an area of employment? ☐ Yes ☒ No If yes, describe its effect:

5. Does the requested amendment alter, replace, or delete a policy of the Official Plan?
☐ Yes ☒ No If yes, identify the policy, and also include a proposed text of the policy amendment (if additional space is required, please attach a separate sheet):

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

Frontage: _____

Depth: _____

Width: _____

Lot Area: _____

Present Use: _____

Proposed Use: _____

Proposed final lot size (if boundary adjustment): _____

If a boundary adjustment, identify the assessment roll number and property owner of the lands to which the parcel will be added: _____

Description of land intended to be retained in metric units:

Frontage: _____

Depth: _____

Width: _____

Lot Area: _____

Present Use: _____

Proposed Use: _____

Buildings on retained land: _____

7. Description of proposed right-of-way/easement:

Frontage: _____

Depth: _____

Width: _____

Area: _____

Proposed use: _____

8. Name of person(s), if known, to whom lands or interest in lands to be transferred, leased or charged (if known):

9. Site Information**Existing****Proposed**

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

Lot frontage	<u>approx, 200 m</u>	<u></u>
Lot depth	<u>irregular (487m)</u>	<u></u>
Lot width	<u>irregular (568 m)</u>	<u></u>
Lot area	<u>28.06 ha</u>	<u></u>
Lot coverage	<u></u>	<u></u>
Front yard	<u>NA</u>	<u></u>
Rear yard	<u>approx. 440 m.</u>	<u></u>
Left Interior side yard	<u></u>	<u></u>
Right Interior side yard	<u>NA</u>	<u></u>
Exterior side yard (corner lot)	<u>NA</u>	<u></u>
Landscaped open space	<u>farm</u>	<u></u>
Entrance access width	<u>4 m</u>	<u></u>
Exit access width	<u>same</u>	<u></u>
Size of fencing or screening	<u>NA</u>	<u></u>
Type of fencing	<u>NA</u>	<u></u>

10. Building Size

Number of storeys	<u>Single storey barn</u>	<u></u>
Building height	<u>9.2 m</u>	<u></u>
Total ground floor area	<u>about 170 sq. m</u>	<u></u>
Total gross floor area	<u>-</u>	<u></u>
Total useable floor area	<u>-</u>	<u></u>

11. Off Street Parking and Loading Facilities

NA farm, no residence

Number of off street parking spaces	<u></u>	<u></u>
Number of visitor parking spaces	<u></u>	<u></u>
Number of accessible parking spaces	<u></u>	<u></u>
Number of off street loading facilities	<u></u>	<u></u>

12. Residential (if applicable)

Number of buildings existing: _____

Number of buildings proposed: _____

Is this a conversion or addition to an existing building? ☐ Yes ☐ No

If yes, describe: _____

Type	Number of Units	Floor Area per Unit in m ²
Single Detached	_____	_____
Semi-Detached	_____	_____
Duplex	_____	_____
Triplex	_____	_____
Four-plex	_____	_____
Street Townhouse	_____	_____
Stacked Townhouse	_____	_____
Apartment - Bachelor	_____	_____
Apartment - One bedroom	_____	_____
Apartment - Two bedroom	_____	_____
Apartment - Three bedroom	_____	_____

Other facilities provided (for example: play facilities, underground parking, games room, or swimming pool): _____

13. Commercial/Industrial Uses (if applicable)

Number of buildings existing: _____

Number of buildings proposed: _____

Is this a conversion or addition to an existing building? ☐ Yes ☐ No

If yes, describe: _____

Indicate the gross floor area by the type of use (for example: office, retail, storage): _____

Seating Capacity (for assembly halls or similar): _____

Total number of fixed seats: _____

Describe the type of business(es) proposed: _____

Total number of staff proposed initially: _____

Total number of staff proposed in five years: _____

Maximum number of staff on the largest shift: _____

Is open storage required: ☐ Yes ☐ No

Is a residential use proposed as part of, or accessory to commercial/industrial use?

☐ Yes ☐ No If yes please describe:

14. Institutional (if applicable)

Describe the type of use proposed: _____

Seating capacity (if applicable): _____

Number of beds (if applicable): _____

Total number of staff proposed initially: _____

Total number of staff proposed in five years: _____

Maximum number of staff on the largest shift: _____

Indicate the gross floor area by the type of use (for example: office, retail, or storage):

15. Describe Recreational or Other Use(s) (if applicable)

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:
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:

There is no change to agricultural use with this application which is only to approve a smaller agricultural parcel size.

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 west side

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 _____

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 *none*

☐ Communal wells

☐ Other (describe below)

none as no residential use, only a storage barn

Sewage Treatment

☐ Municipal sewers

☐ Communal system

☒ Septic tank and tile bed in good working order

☐ Other (describe below)

none as no residential use, only a storage barn

Storm Drainage

☐ Storm sewers

☐ Open ditches

☒ Other (describe below)

small stream/low area traverses the parcel - natural drainage to this area

2. Existing or proposed access to subject lands:

☒ Municipal road

☐ Provincial highway

☐ Unopened road

☐ Other (describe below)

Name of road/street: *Front Road*

G. Other Information

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

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

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.

This application is in response to condition 3 of approval for file BNPL2019215

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 properly named 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. Key map
4. Scale, legend and north arrow
5. Legal description and municipal address
6. Development name
7. Drawing title, number, original date and revision dates
8. Owner's name, address and telephone number
9. Engineer's name, address and telephone number
10. Professional engineer's stamp
11. Existing and proposed easements and right of ways
12. Zoning compliance table – required versus proposed
13. Parking space totals – required and proposed
14. All entrances to parking areas marked with directional arrows
15. Loading spaces, facilities and routes (for commercial developments)
16. All dimensions of the subject lands
17. Dimensions and setbacks of all buildings and structures
18. Location and setbacks of septic system and well from all existing and proposed lot lines, and all existing and proposed structures
19. Gross, ground and useable floor area
20. Lot coverage
21. Floor area ratio
22. Building entrances, building type, height, grades and extent of overhangs
23. Names, dimensions and location of adjacent streets including daylighting triangles
24. Driveways, curbs, drop curbs, pavement markings, widths, radii and traffic directional signs
25. All exterior stairways and ramps with dimensions and setbacks
26. Retaining walls including materials proposed
27. Fire access and routes
28. Location, dimensions and number of parking spaces (including visitor and accessible) and drive aisles
29. Location of mechanical room, and other building services (e.g. A/C, HRV)
30. Refuse disposal and storage areas including any related screening (if indoors, need notation on site plan)
31. Winter snow storage location

32. Landscape areas with dimensions
33. Natural features, watercourses and trees
34. Fire hydrants and utilities location
35. Fencing, screening and buffering – size, type and location
36. All hard surface materials
37. Light standards and wall mounted lights (plus a note on the site plan that all outdoor lighting is to be dark sky compliant)
38. Business signs (make sure they are not in sight lines)
39. Sidewalks and walkways with dimensions
40. Pedestrian access routes into site and around site
41. Bicycle parking
42. Architectural elevations of all building sides
43. All other requirements as per the pre-consultation meeting

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)
- ☐ Architectural Plan
- ☐ Buildings Elevation Plan
- ☐ Cut and Fill Plan
- ☐ Erosion and Sediment Control Plan
- ☐ Grading and Drainage Control Plan (around perimeter and within site) (existing and proposed)
- ☐ Landscape Plan
- ☐ Photometric (Lighting) Plan
- ☐ Plan and Profile Drawings
- ☐ Site Servicing Plan
- ☐ Storm water Management Plan
- ☐ Street Sign and Traffic Plan
- ☐ Street Tree Planting Plan
- ☐ Tree Preservation Plan
- ☐ Archaeological Assessment
- ☐ Environmental Impact Study

- ☐ Geotechnical Study / Hydrogeological Review
- ☐ Minimum Distance Separation Schedule
- ☐ Noise or Vibration Study
- ☐ Record of Site Condition
- ☐ Storm water Management Report
- ☐ Traffic Impact Study – please contact the Planner to verify the scope required

Site Plan applications will require the following supporting materials:

1. Two (2) complete sets of the site plan drawings folded to 8½ x 11 and an electronic version in PDF format
2. Letter requesting that the Holding be removed (if applicable)
3. A cost estimate prepared by the applicant's engineer
4. An estimate for Parkland dedication by a certified land appraiser
5. Property Identification Number (PIN) printout

Standard condominium exemptions will require the following supporting materials:

- ☐ Plan of standard condominium (2 paper copies and 1 electronic copy)
- ☐ Draft condominium declaration
- ☐ Property Identification Number (PIN) printout

Your development approval might also be dependent on Ministry of Environment and Climate Change, 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. Development Agreements

A development agreement may be required prior to approval for site plan, subdivision and condominium applications. Should this be necessary for your development, you will be contacted by the agreement administrator with further details of the requirements including but not limited to insurance coverage, professional liability for your engineer, additional fees and securities.

J. 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.

K. 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.

L. 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 Signature

September 23, 2019
Date

M. Owner's Authorization

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

I/We Burning Kohn Winery 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

September 23, 2019
Date

Owner

Date

N. 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, 85 Robinson St.

Mary Elder
Owner/Applicant Signature

In Norfolk County

This 27th day of September

A.D., 20 19


Steven James Collyer
A Commissioner, etc.

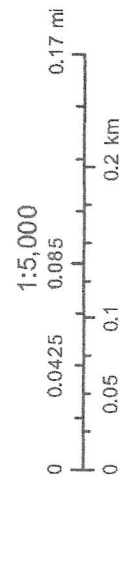
Steven James Collyer,
a Commissioner, etc., Province of Ontario,
for the Corporation of Norfolk County.
Expires April 3, 2021.

MAP NORFOLK - Community Web Map



9/23/2019, 3:17:43 PM

-  Land Parcels
-  Plan Lines

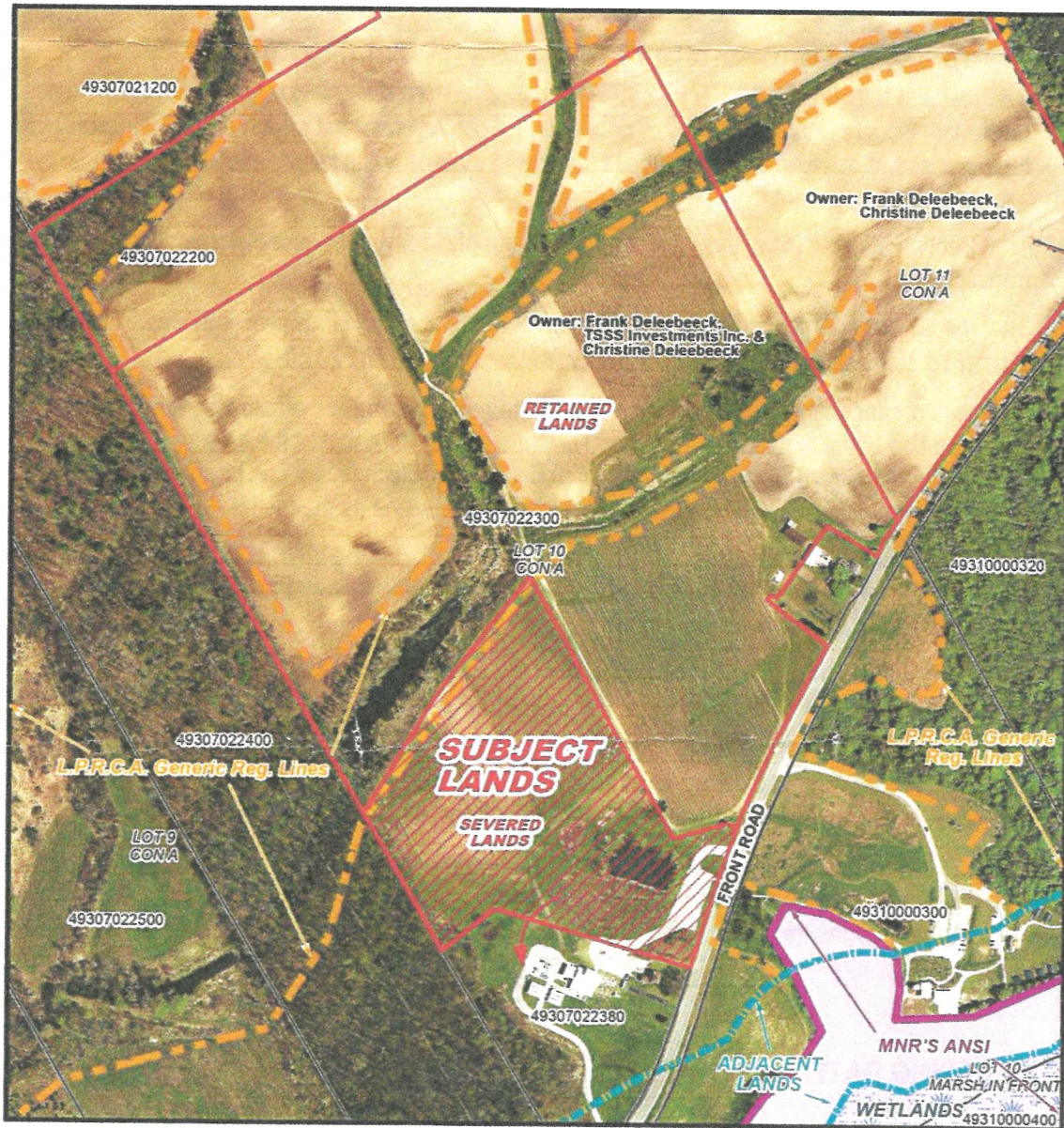
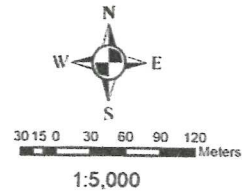


Queen's Printer for Ontario
Norfolk GIS

MAP 3

File Number: BNPL2019215

Geographic Township of CHARLOTTEVILLE



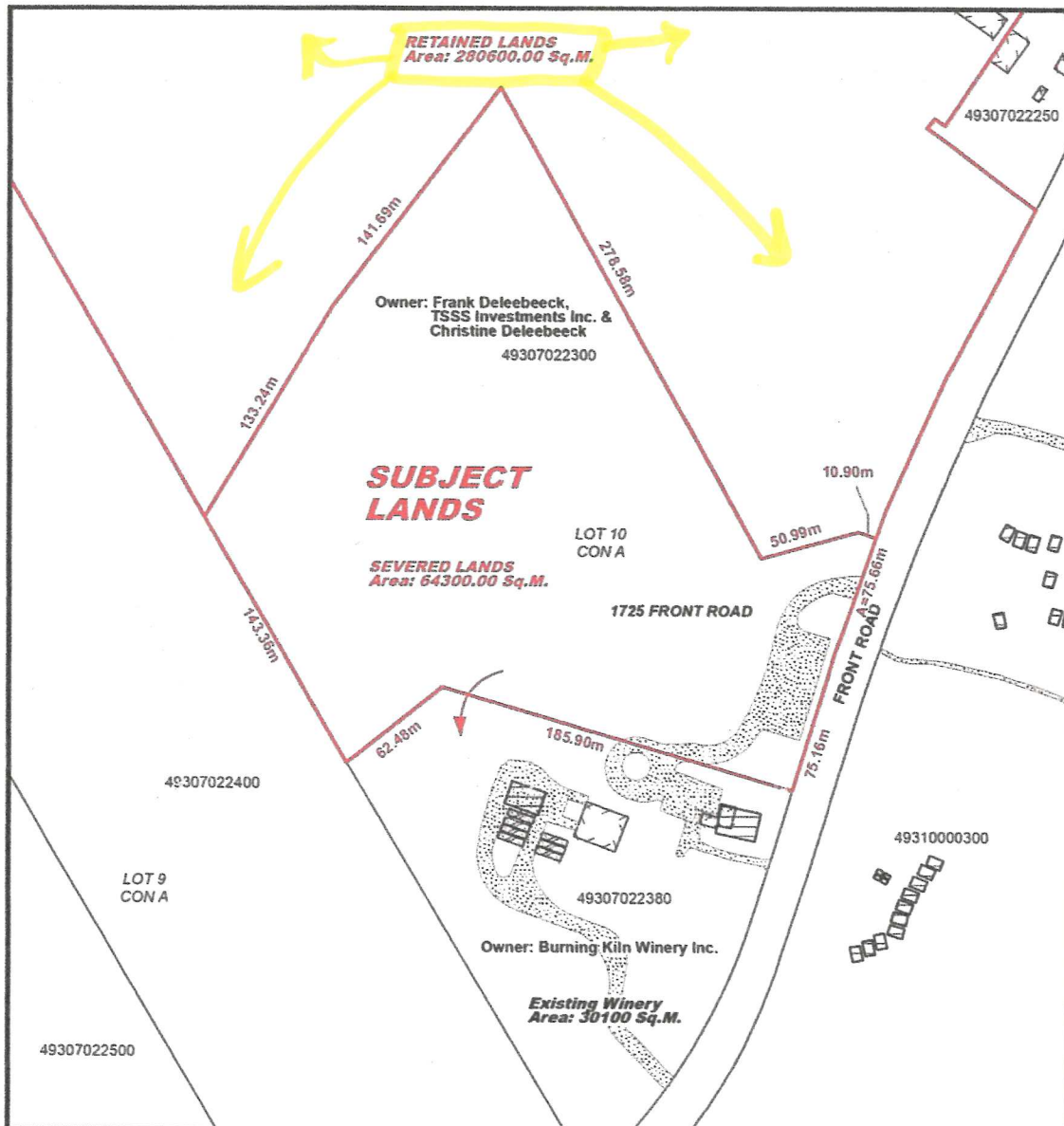
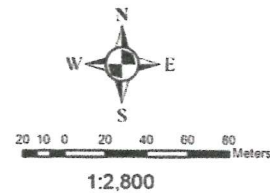
6/11/2019

Related consent application

LOCATION OF LANDS AFFECTED

File Number: BNPL2019215

Geographic Township of CHARLOTTEVILLE



6/11/2019

1.0 Introduction and proposal

The accompanying Zoning By-Law Amendment is to address a condition of approval for a boundary adjustment (File BNPL2019215). Through the boundary adjustment application, the retained farm lands were reduced from 34.49 ha to 28.06 ha. As the Zoning By-law sets the minimum agricultural lot size at 40 ha in the Agricultural zone, the proposed zoning amendment would permit a 28.06 ha agricultural parcel.

In the Norfolk County Official Plan, the subject farm lands, are designated Agricultural and are within the Lakeshore Special Policy Area Secondary Plan. They are zoned "Agriculture" in the Norfolk County Zoning By-Law 1-Z-2014.

This Planning Justification Report addresses the smaller farm parcel size as required in policy of the Provincial Policy Statement, Norfolk County Official Plan and Norfolk County Zoning By-Law 1-Z-2014.

2.0 Site description and neighbouring land uses

The subject lands are located at 1725 (retained farm lands) Front Road in part of Lot 10, Concession A, Charlotteville on the north side of Front Road west of Turkey Point Road. The retained farm lands site includes about 6 ha of planted vines, other farm fields, a pond and one storage barn.

The Burning Kiln winery site abuts the retained lands on the west side and includes 2.7 ha of planted and producing vineyards, a wine production facility, tasting bar and wine sales area and other on-farm diversified use facilities. Neighbouring lands to the north and east are used for cash crop production or for the growing of trees. Further east there are provincially owned woodlots and the Turkey Point Provincial Park. To the south of the subject lands, on the south side of Front Road there is a tourist destination, Eco-Adventures, which includes trails for walking or cycling, an observatory, over night accommodation, zip lining and much more.

3.0 Policy Review

3.1 Provincial Policy Statement (2014)

The Provincial Policy Statement guides land uses 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 the most pertinent policies for this development proposal.

Provincial Policy Statement	Comments
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,	Viable farm properties and viable wineries, such as the ones involved in the boundary adjustment, are two of the many ways to leverage rural assets and amenities and contribute to a sustainable economy.

resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.	
1.7.1 Long-term economic prosperity should be supported by: 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;	The retained lands which are the subject lands for this zoning amending continue in agri-food production through the growing of grapes. Other cash crops will be grown on lands not used for grapes. More of the retained lands could be planted in grapes or other types of intensive agricultural uses could be introduced to increase the sustainability of this land parcel. No land use conflicts are anticipated.
2.3.4.2 Lot adjustments in <i>prime agricultural areas</i> may be permitted for <i>legal or technical reasons</i> .	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 were necessary. This is the technical reason for the boundary adjustment.

The technical reason for the boundary adjustment is the Alcohol and Gaming Commission of Ontario's (AGCO) requirement to have a minimum of 2.2 ha of planted vineyards on the same parcel as the winery. The boundary adjustment did not unduly limit the viability of the retained farm parcel. Prime agricultural lands continue in the production of agricultural products. The rural economy is supported by enabling and encouraging the viability of the farm. This proposal is consistent with the Provincial Policy Statement.

3.2 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.

Norfolk County Official Plan	Comments
7.2 Agricultural 7.2.1 Permitted Uses The primary use of land shall be for the	The primary use of the retained farm lands will be for the growing of crops, more specifically grapes for the most part.

<p>growing of crops, including biomass, nursery and horticultural crops, the raising of livestock, the raising of other animals for food, fur and fibre, including poultry and fish, aquaculture, apiaries and maple syrup production and agro-forestry.</p>	
<p>7.2.3 Agricultural Lot Creation and Lot Adjustment Policies The following policies apply to land designated Agricultural. a) Consent to sever land may be considered for the following purposes: i) the assembly or disassembly of agricultural lots for agriculture uses including agriculturally related boundary adjustments which do not result in the creation of a new lot, subject to the policies of Section 7.2.4 (Agricultural Designation - Agricultural Lot Size Policies); ii) agriculture-related commercial and industrial uses in accordance with the policies of Section 7.2.2(Agricultural Designation – Land Use Policies);</p>	<p>Both land parcels were smaller than 40 ha even before the boundary adjustment. No new lot was created through the boundary adjustment application.</p> <p>Due to financial arrangements the land 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 were necessary.</p>
<p>7.2.4 Agricultural Lot Size Policies 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: i) agriculture shall be the proposed use of</p>	<p>Section 7.2.4. The following comments show how the proposal meets the policy requirements when a parcel is smaller than 40 hectares.</p> <p>a) consideration of applications for farm parcels smaller than generally 40 hectares are subject to the following considerations 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. ii) the winery lands will have addressed the AGCO requirement for a winery to have minimum of five acres of vines. Adding land to the 3.01 ha original winery lands will 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</p>

<p>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 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>retained farm lands have more agricultural options that ensure sustainability as it is a larger property.</p> <p>The retained farm 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 more grapes, 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..</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 winery 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 lands and the retained farm lands 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 area to the winery so that planted grapevines become part of the same parcel. With a woodlot to the west, road to the south 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>
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	<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 ownerships. 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 lands and the retained farm 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 winery parcel and retained farm parcel comply with the minimum distance separation formulae as there are no animal operations in the area.</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>b) This report and related application are to address the smaller than 40 ha lot size for the retained farm parcel.</p>

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. As County staff did not consider 28.06 ha a minor deviation from 40 ha, a Zoning By-Law amendment is required as a condition of severance.

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

Norfolk County Zoning By-Law	Comments
The subject lands are currently zoned "Agriculture" and in Section 12.1.1 relevant permitted uses may include; f) <i>farm</i>	A farm which grows grapes is a permitted use.
12.1.2 <i>Zone Provisions</i> In an A <i>Zone</i> , the minimum lot area is i) <i>lot 40 hectares</i>	Through the proposed Zoning By-Law amendment a site specific provision permitting a minimum lot area of 28.06 ha is requested.

As the Zoning By-Law does not provide for smaller agricultural land parcels, a new site specific provision setting a minimum lot size of 28.06 ha is to be added on the retained farm land.

4.0 Review Summary

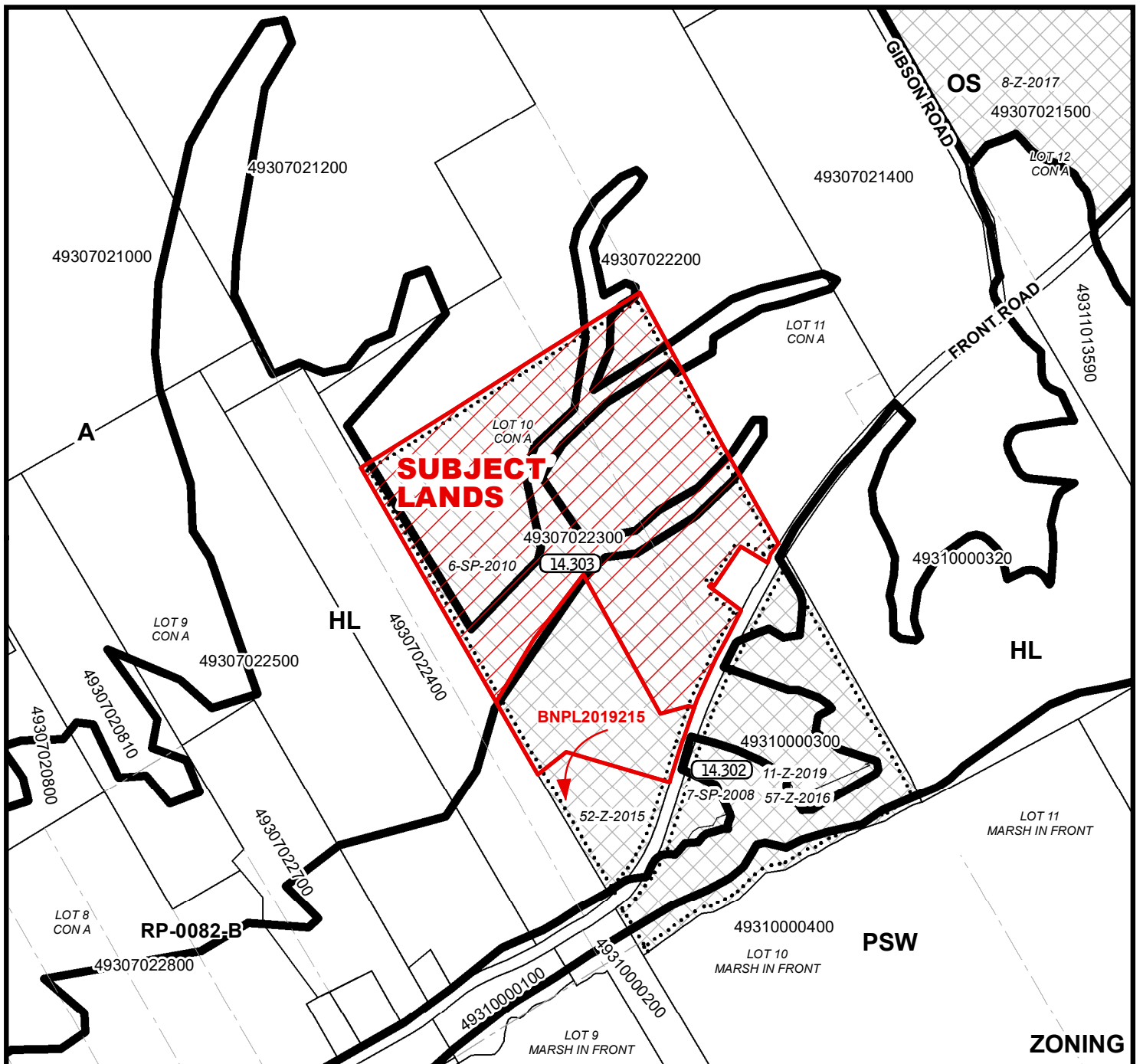
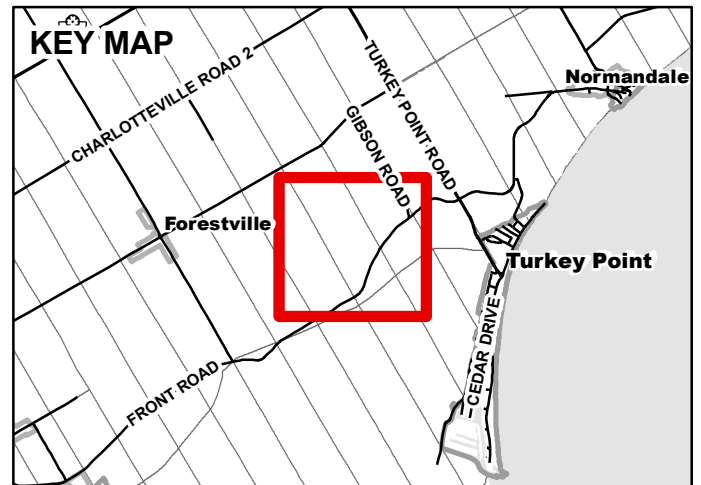
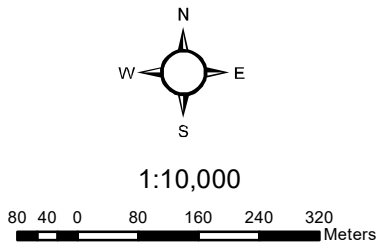
The proposal is consistent with the Provincial Policy Statement and meets the policy tests set out in the Norfolk County Official Plan for disassembly of agricultural land to parcels less than 40 ha. Both agricultural parcels were smaller than 40 ha before the boundary adjustment. At 28.06 ha the retained farm parcel is still of a size similar to many agricultural parcels in the area and County. The retained land is large enough to have flexibility for other types of agricultural production or agriculturally related activities if necessary. This proposal should be supported.

Respectfully submitted,

Mary Elder MCIP RPP

Elder Plans Inc.

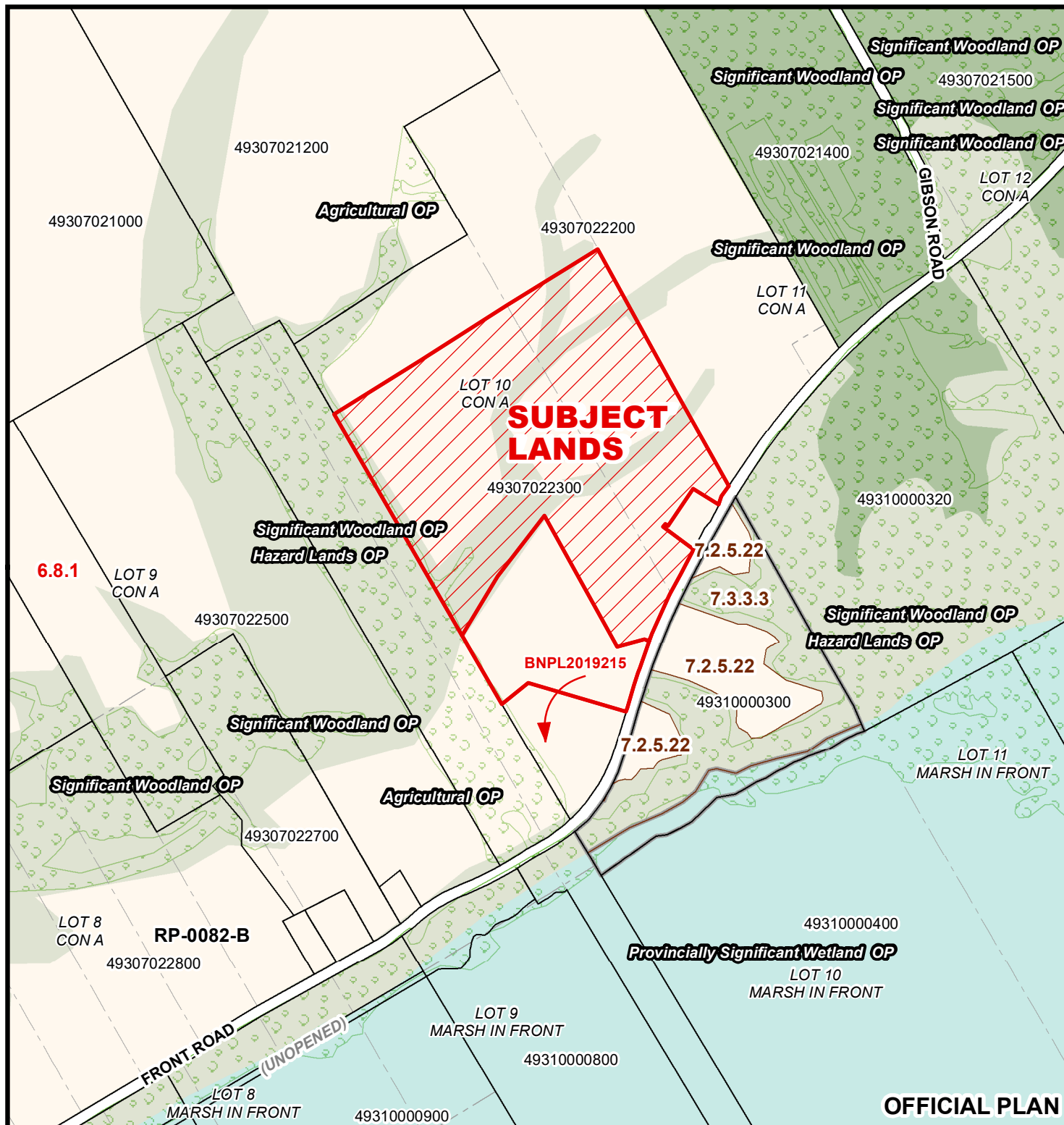
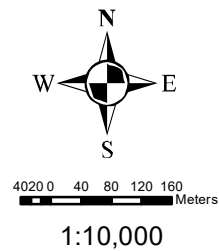
MAP 1
File Number: ZNPL2019337
Geographic Township of
CHARLOTTEVILLE



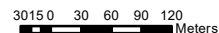
MAP 2

File Number: ZNPL2019337

Geographic Township of CHARLOTTEVILLE



Geographic Township of CHARLOTTEVILLE



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MAP 4

File Number: ZNPL2019337

Geographic Township of CHARLOTTEVILLE



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