

April 16, 2025

Moksh Developments Ltd.  
8383 Mississauga Road  
Brampton, ON L6Y 0C1

**RE: Agricultural Opinion Letter for Proposed Agriculture-Related Uses & Consent Applications for 263 Concession Road 6, Niagara-on-the-Lake**

Moksh Developments Ltd. owns lands, herein referred to as the Subject Lands, located northeast of the intersection of Concession Road 6 and York Road, in the Town of Niagara-on-the-Lake. The property is approximately 10.10 ha (24.96 acres) in size. There is an existing single detached dwelling and ancillary garage, located on the property that is accessed via Concession Road 6. Approximately 74% (7.42 ha) of the Subject Lands contain a significant woodlot (including the environmental buffer), while the remaining 26% (2.68 ha) of the Subject Lands is proposed to be comprised of the following land uses:

- ♦ 9% (0.88 ha) – existing residential dwelling;
- ♦ 1% (0.14 ha) – proposed agricultural use (seasonal farming); and
- ♦ 16% (1.66 ha) – proposed agriculture-related land uses (farm implement dealer, agricultural market, agricultural office, and farm produce storage building).

Moksh Developments Ltd. is seeking approval of a consent application for the severance of the Subject Lands, which will result in an 8.29 ha retained lot and a 1.81 ha severed lot. Moksh Developments Ltd. is also seeking approval of a Zoning By-law Amendment (ZBA) to permit agriculture-related uses on the severed lot.

Colville Consulting Inc. was retained to evaluate the proposed development's consistency with provincial and municipal agricultural policies, evaluate whether the proposed development meets the criteria of agriculture-related uses as defined in OMAFRA's *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas* (Permitted Uses) document, and provide an opinion on the conformity of proposed agriculture-related uses with the relevant policies and guidelines. The proposed development was evaluated for consistency with the criteria outlined OMAFRA's Permitted Uses document for agriculture-related uses. If the proposed development meets these criteria, the proposed development should be considered a permitted use within a prime agricultural area.

## **BACKGROUND**

The Subject Lands are locally designated Agricultural and Conservation in the Town of Niagara-on-the-Lake Official Plan and regionally designated Specialty Crop Area in the Niagara Official Plan. These lands are also part of the Greenbelt Plan's Protected Countryside and are designated Specialty Crop Area, with the northern portion identified as part of the Natural Heritage System.

We have reviewed the Concept Plan (Attachment A) for the proposed consent and agriculture-related development. The Concept Plan indicates that the retained lot will contain the existing dwelling and the significant woodlot, including its required environmental buffers. The plan also shows a small “seasonal farming area” (1,393.55 m<sup>2</sup>) on the northern portion of the severed lot, along with the development of agriculture-related uses in the remaining area, which will include the following:

- ♦ a 1,858.06 m<sup>2</sup> Agricultural Farm Temperature Controlled Storage Facility;
- ♦ a 1,393.55 m<sup>2</sup> Farm Implement Dealer;
- ♦ a 185.80 m<sup>2</sup> Agricultural Market in the form of farm stands;
- ♦ a 557.42 m<sup>2</sup> Agricultural Office Building;
- ♦ a primary and potential replacement septic system (totalling 951.23 m<sup>2</sup>); and
- ♦ 115 parking spaces (110 regular and 5 accessible) with access via Concession Road 6.

Although an Agricultural Impact Assessment was not requested for the proposed development through the pre-consultation process, it is understood that surrounding landowners have submitted comments/concerns regarding the proposal’s potential to negatively impact surrounding agricultural operations. Additionally, the Regional Staff have communicated that they require further clarity to be provided in order to demonstrate the proposed development’s consistency with the agriculture-related use criteria detailed in the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) *Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas* (2016) document, which are further embedded as policies within Section 4.1.7 (A Resilient Agricultural Economy) of the Niagara Official Plan.

## **AGRICULTURAL POLICIES**

### **Provincial Planning Statement**

Land Use Policy and development in Ontario are directed by the Provincial Planning Statement (PPS). The PPS was issued under the authority of Section 3 of the Planning Act and came into effect on October 20, 2024. Section 3 of the Planning Act states that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act.

#### **Prime Agricultural Areas**

Section 4.3 of the Provincial Planning Statement specifically deals with agricultural policy. Section 4.3.1.2 states that “As part of the agricultural land base, prime agricultural areas, including specialty crop areas, shall be designated and protected for long-term use for agriculture”. The Provincial Planning Statement defines prime agricultural areas as areas where prime agricultural lands predominate. Prime agricultural lands include specialty crop areas and Canada Land Inventory (CLI) Classes 1, 2, and 3 soils, in this order of priority for protection. The Subject Lands are part of a prime agricultural area as they are designated Specialty Crop Area in the Greenbelt Plan and the Niagara Official Plan.

#### **Permitted Uses in Prime Agricultural Areas**

Section 4.3.2 of the PPS outlines permitted uses within *prime agricultural areas*. Section 4.3.2.1 states:

*In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses based on provincial guidance.*

*Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on provincial guidance or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.*

The criteria for assessing agriculture-related uses and on-farm diversified uses are based on the OMAFRA's *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas* (2016) document. This document outlines the criteria that are to be met for a proposal to be considered an agriculture-related use or on-farm diversified use.

### **Lot Creation and Lot Adjustments**

Section 4.3.3. of the PPS outlines policies for lot creation and lot adjustments in prime agricultural areas. Section 4.3.3.1 states in part that:

*Lot creation in prime agricultural areas is discouraged and may only be permitted in accordance with provincial guidance for:*

- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services.*

The proposed consent has been limited to the minimum size needed to accommodate the proposed agriculture-related uses and appropriate sewage and water services. Therefore, the proposed consent is consistent with the lot creation policies of the PPS.

### **Greenbelt Plan**

The Greenbelt Plan came into effect on July 1, 2017 and amends the 2005 Greenbelt Plan. The Greenbelt Plan, together with the Oak Ridges Moraine Conservation Plan (the "ORMCP") and the Niagara Escarpment Plan (the "NEP"), identifies where urbanization should not occur in order to provide permanent protection of the agricultural land base and the ecological and hydrological features, areas and functions occurring on the landscape. The Greenbelt Plan takes precedent over the policies of the PPS to the extent of any conflict.

### **Specialty Crop Area Policies**

Section 3.1.2 of the Greenbelt Plan outlines policies for lands falling within specialty crop areas of the Protected Countryside. Section 3.1.2.1 states:

*All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted based on the provincial *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas*. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with and shall not hinder surrounding agricultural operations.*

As stated above, this report assesses the proposed development's consistency with OMAFRA's Permitted Uses document and will provide an opinion as to whether the uses are compatible with the surrounding agricultural operations. As subsequently explained, in our opinion, the proposed development will be consistent with the specialty crop area policies of the Greenbelt Plan.

## **Lot Creation**

Section 4.6 of the Greenbelt Plan outlines lot creation policies for lands falling within the Protected Countryside. Section 4.6.1 of the Greenbelt Plan states in part that:

*Lot creation is discouraged and may only be permitted for:*

- b) *Within prime agricultural areas, including specialty crop areas:*
  - ii) *Agriculture-related uses, provided that any new lot shall be limited to the minimum size needed to accommodate the use and appropriate sewage and water services;*

In our opinion, the proposed consent is limited to the minimum size needed to accommodate the proposed agriculture-related uses and associated sewage and water services. Therefore, the proposed consent is consistent with the lot creation policies of the Greenbelt Plan.

## **Niagara Official Plan**

The Regional Municipality of Niagara's planning policy is issued through the Niagara Official Plan (2022). Section 4.1 of the Niagara Official Plan (NOP) defines the Agricultural System as "a structure for the agricultural land base and the agri-food network that enables the agri-food sector to thrive." The agricultural land base is comprised of prime agricultural areas, including specialty crop areas, and rural lands. Schedule F of the NOP shows that the Subject Lands are designated Specialty Crop Area within the Agricultural System.

### **Specialty Crop Areas and Prime Agricultural Areas**

Section 4.1.2 of the NOP outlines policies for specialty crop areas and prime agricultural areas. Section 4.1.2.3 of the Niagara Official Plan states:

*In specialty crop areas and prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted.*

The proposed development is for agriculture-related uses which are permitted in the Region's specialty crop area.

### **Lot Creation in Specialty Crop Areas**

Section 4.1.5 of the Niagara Official Plan outlines policies for lot creation in specialty crop areas. Section 4.1.5.1 states in part that:

*In the specialty crop areas, consents to convey may be permitted only in accordance with the following provisions and the general consent provisions in Policy 4.1.4.2.*

- c. *the consent is for an agriculture-related use, provided that any new lot shall be limited to the minimum size needed to accommodate the use and appropriate sewage and water services;*

The proposed consent is limited to the minimum size needed to accommodate the proposed agriculture-related uses and associated sewage and water services. Therefore, the proposed consent is consistent with the lot creation policies of the Niagara Official Plan.

## **A Resilient Agricultural Economy**

Section 4.1.7 of the Niagara Official Plan outlines policies for the agricultural economy and provides policy direction regarding agriculture-related uses. Section 4.1.7.4 states that:

*Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations.*

Furthermore, Section 4.1.7.5 states that:

*Agriculture-related uses and on-farm diversified uses shall be consistent with the provisions of the Provincial Policy Statement, and conform to the Growth Plan, Greenbelt Plan, and Niagara Escarpment Plan.*

Section 4.1.7.7 is intended to provide criteria to evaluate a proposed agriculture-related use in accordance with Section 4.1.7.4 and 4.1.7.5. Section 4.1.7.7 states that:

*The following criteria shall be considered when reviewing applications for proposed agriculture-related uses:*

- a. whether the proposed activity is more appropriately located in a nearby settlement area or on rural lands;*
- b. whether the use is required for or in close proximity to the agricultural operation for it to support and complement the agricultural activity;*
- c. the extent to which the use is compatible with the existing farming operation and surrounding farming operations;*
- d. whether the scale of the activity is appropriate to the site and farming operation;*
- e. whether the use is consistent with and maintains the character of the agricultural area;*
- f. the use does not generate potentially conflicting off-site impacts;*
- g. the activity does not include a new residential use;*
- h. 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;*
- i. the use does not require significant improvements to infrastructure; and*
- j. the use complies with all other applicable provisions of this Plan.*

The criteria in Section 4.1.7.7 is identical to the criteria provided by the OMAFRA's Permitted Uses document, therefore an evaluation of Section 4.1.7.7 will be provided through our assessment of the OMAFRA's Permitted Uses document.

## **Town of Niagara-on-the-Lake Official Plan**

Schedule A of the Town of Niagara-on-the-Lake Official Plan designates the Subject Lands as Agricultural and Conservation. Section 7.3.1 of the Town of Niagara-on-the-Lake Official Plan outlines permitted uses policies for lands falling within the Agricultural land use designation. Section 7.3.1 states in part that:

*The main use permitted is agriculture including all types of farming, their related buildings and structures, the farm residence, the raising of animals and fowl, market gardening, greenhouses and nurseries, forestry and reforestation. Conservation of water, soil, wildlife and other natural resources in their natural state is also permitted.*

Section 7.3.1 continues by listing additional uses that are permitted independent of a main use. These include:

- *agricultural markets*
- *estate wineries*
- *small scale industrial and commercial activities that are directly related to and serve agriculture and require a location in close proximity to farms. Provided that such uses are not in conflict with the Niagara Escarpment Plan, as amended from time to time and it is not possible for such uses to locate in Urban Areas. Such uses should also be located so that their effect on surrounding prime agricultural land and viable farm operations is minimized.*
- *retirement lots*

The PPS defines agriculture-related uses as “those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.” Given the definition of agriculture-related uses, the third bullet above, in effect, permits agriculture-related uses independent of a main use. Therefore, the proposed development is consistent with the Agricultural policies of the Town of Niagara-on-the-Lake Official Plan.

The proposed ZBA is required to permit the Farm Implement Dealer and Agricultural Market. These uses are defined in the Town’s Official Plan and Zoning By-law as follows:

**Agricultural Market:** means a building and land used generally on a seasonal basis only for the retail sale of fresh fruit, including estate wines, vegetables, processed fruit and vegetables, including frozen fruit, nuts, honey, maple syrup products, flowers, plants and bedding plants being primarily domestic in origin. The retail sale of such items as dairy products, hand-crafted products and baked goods baked on the premises is permitted provided the same are accessory to the products described above. The sale of the following products or similar items is not permitted: clothing, meat, frozen foods, paper products, coffee, housewares, breakfast cereals, tobacco products, magazines, newspapers, soap, detergents, pharmaceutical products, lottery tickets and similar items.

**Farm Implement Dealer:** means premises where new or used farm machinery are stored or displayed for the purposes of sale or hire and shall include the storage and sale of farm machinery accessories together with the repair and service of farm machinery.

Furthermore, the proposed ZBA is required to permit and define an Accessory Agricultural Office. The proposed ZBA defines an Accessory Agricultural Office as follows:

**Agricultural Office:** means an office building or use which is incidental or subordinate to a permitted agricultural or agricultural-related use

It is our understanding that the proposed Agricultural Farm Temperature Controlled Storage Facility, is already permitted, as the Town currently permits a farm produce storage building in the Rural (A) zone. The proposed agriculture-related use is intended to permit the storage of farm produce with temperature regulations. Additionally, the ZBA is required to reduce the minimum lot area for both the retained and

severed lots, to minimize the size of the severed lot to the size needed to accommodate the proposed agricultural-related use and the proposed sewage and water services.

## **ASSESSMENT OF PERMITTED USES**

OMAFRA's *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas* (Permitted Uses) document (2016) was created to help municipalities, decision makers, farmers, and others interpret uses that are permitted through the PPS in prime agricultural areas. This document contains a list of criteria that new land uses must meet to be considered an agriculture-related use. The proposed Seasonal Farming Area is an agricultural use. The proposed Agricultural Farm Temperature Controlled Storage Facility (farm produce storage building), Farm Implement Dealer, Agricultural Market, and Agricultural Office Building have been evaluated for consistency with the criteria outlined in the Permitted Uses document to determine if they qualify as agriculture-related uses.

### **Agriculture-Related Uses**

The Permitted Uses document outlines six criteria that a land use must satisfy to be considered an agriculture-related use, which include:

1. Farm-related commercial or farm-related industrial uses;
2. Shall be compatible with and shall not hinder surrounding agricultural operations;
3. Directly related to farm operations in the area;
4. Supports agriculture;
5. Provides direct products and/or services to farm operations as a primary activity; and
6. Benefits from being in close proximity to farm operations.

A description of each the six criteria is provided (italicized) below followed by an assessment of whether the proposed agriculture-related uses meet these criteria.

#### **Criterion 1 - Farm-related commercial or farm-related industrial use**

OMAFRA's *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas* states:

*Farm-related commercial uses may include uses such as retailing of agriculture-related products (e.g., farm supply co-ops, farmers' markets and retailers of value-added products like wine or cider made from produce grown in the area), livestock assembly yards and farm equipment repair shops if they meet all the criteria for this category of uses.*

*Farm-related industrial uses may include uses such as industrial operations that process farm commodities from the area such as abattoirs, feed mills, grain dryers, cold/dry storage facilities, fertilizer storage and distribution facilities, food and beverage processors (e.g., wineries and cheese factories) and agricultural biomass pelletizers if they meet all the criteria for this category of uses. Many of these uses add value to the agricultural commodities produced in the area.*

The Agricultural Farm Temperature Controlled Storage Facility (farm produce storage building) and Farm Implement Dealer are farm-related industrial operations. The Agricultural Market is a farm-related

commercial operation as it will sell agricultural products produced in the surrounding area. The Agricultural Office Building is a farm-related commercial operation as it is required to serve the administrative and operational needs of the additional proposed agriculture-related uses. Therefore, the proposed development is consistent with this criterion.

**Criterion 2 - Compatible with, and shall not hinder, surrounding agricultural operations**

To satisfy this criterion, the proposed development must meet all five of the italicized points below. A brief description of how the development fulfills these criteria is given below each point.

1. *Ensure surrounding agricultural operations are able to pursue their agricultural practices without impairment or inconvenience;*

In our opinion, the proposed development will not prevent surrounding agricultural operations from pursuing their agricultural practices.

2. *Uses should be appropriate to available rural services (e.g., do not require the level of road access, water and wastewater servicing, utilities, fire protection and other public services typically found in settlement areas);*

The proposed use will rely on existing rural services available, limiting the scale of the use. No municipal services will be required for the proposed development. A new septic system (primary and potential replacement septic systems) is proposed as part of the development, which has been designed to be large enough to accommodate the proposed agriculture-related uses, which are under 10,000 litres per day (see Appendix D of Servicing Brief prepared by Jain Engineering).

3. *Maintain the agricultural/rural character of the area (in keeping with the principles of these guidelines and PPS Policy 1.1.4);*

Given that the majority of the lands are protected for the significant woodlot and used for a single-detached residential use, the relatively small portion of the remaining lands allow few options for a viable agricultural operation. The proposed development will support the agricultural community and maintain the agricultural/rural character of the area by continuing agricultural and agriculture-related uses on the severed lot and through the services the proposed uses will provide to the surrounding agricultural operations. The proposed development will not take away from the area's agricultural/rural character.

4. *Meet all applicable provincial air emission, noise, water and wastewater standards and receive all relevant environmental approvals; and*

It is our understanding that the proposed development will not generate adverse noise, air/odour emissions, or water and wastewater issues that would impact surrounding agricultural operations.

5. *The cumulative impact of multiple uses in prime agricultural areas should be limited and not undermine the agricultural nature of the area.*

Wineries and agricultural operations producing specialty crops are common in the area surrounding the Subject Lands. All proposed uses are farm-related and will support agricultural operations in the area through the storage of agricultural products and agricultural equipment, through the sale of agricultural products grown in the area, and by supporting the administrative and operational needs of the additional proposed agriculture-related uses. Additionally, the proposed development will be well separated from

existing agricultural operations given the significant woodlot to the north, the presence of the Regional Road to the south, and Concession 6 Road to the west. The proposed development will enhance, and will not undermine, the agricultural nature of the area.

In our opinion, the proposed development is compatible with, and will not hinder, surrounding agricultural operations. Therefore, the proposed development is consistent with this criterion.

### **Criterion 3 - Directly related to farm operations in the area**

OMAFRA's Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas states:

*Agriculture-related uses must be directly related to farms in the area, primarily providing products or services that are associated with, required by or that enhance agricultural operations in the area. "Directly related to" means that the use should reflect the type of agricultural production in the area.*

The proposed Agricultural Farm Temperature Controlled Storage Facility (farm produce storage building), Farm Implement Dealer, and Agricultural Market will be designed and marketed to support farm operations in the area. As stated above, specialty crop production is common in the surrounding area and the proposed uses will directly benefit farm operations in the area. The Agricultural Office Building will allow for the efficient management of the additional agriculture-related uses, as well as the Seasonal Farming Area.

The Regional Municipality of Niagara provided comments on the proposed ZBA to permit the agriculture-related uses in a letter dated February 5, 2025. Regional Staff noted that the Town of Niagara-on-the-Lake's Zoning By-law does not clarify that agricultural products sold at the Agricultural Market must be sourced exclusively from local farm operations in the area and that "without further detail in the definition, it is not possible to confirm that the proposed use will be directly connected to local farm operations, will support local agriculture, or will primarily serve those farms, as required by Provincial and Regional policies for agriculture-related uses." Regional Staff have recommended that the Zoning By-law Amendment "be revised to more clearly specify the agricultural products that will be sold on-site, and that these will come from farms in the immediate area" to ensure the proposal aligns with Provincial and Regional policies for agriculture-related uses.

The definition of "Agricultural Market" in the Town's Zoning By-law is quite specific on what products may and may not be sold from the market, and states the following (**emphasis added**):

Agricultural Market: shall mean a building and land used only for the retail sale of fresh fruit and vegetables, processed fruit and vegetables, including frozen fruit, nuts, honey, maple syrup products, flowers, plants and bedding plants **being primarily domestic in origin**. The retail sale of dairy products, hand-crafted products and baked goods baked on the premises is permitted provided the same are accessory to the products described above. The sale of the following products is not permitted: clothing, meat, frozen foods, paper products, coffee, housewares, breakfast cereals, tobacco products, magazines, newspapers, soap, detergents, pharmaceutical products, lottery tickets and similar items. (By-law 500GH-91 as approved by O.M.B. File No. R890359)

Therefore, by definition, the bulk of goods to be sold from an Agricultural Market must be "primarily domestic in origin." The Permitted Uses document discusses the term "in the area" and states that "In the

area” is not based on a set distance or on municipal boundaries. It is based on how far farmers will reasonably travel for the agriculture-related products or services.” Therefore, it is our opinion that the ‘domestic in origin’ requirement already in the definition of an Agricultural Market maintains the same intent that goods be sourced from the agricultural operations “in the area.” In our opinion, the proposed uses are consistent with this criterion as they are related to farm operations in the area, based on the meaning of “in the area” in OMAFRA’s Permitted Uses document.

#### **Criterion 4 - Supports agriculture**

OMAFRA’s Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas states:

*This criterion limits uses to those primarily focused on supporting agriculture. For example, a grain elevator used by farmers in the area supports and benefits area farms.*

The proposed agriculture-related uses will be designed and marketed to support farm operations in the area. The uses will support agriculture through the sale and storage of agricultural products and the storage of agricultural equipment. The Agricultural Office Building will support the Seasonal Farming Area and the additional proposed agriculture-related uses. Therefore, the proposed development is consistent with this criterion.

#### **Criterion 5 - Provide direct products and/or services to farm operations as a primary activity**

OMAFRA’s Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas states:

*This criterion requires that agriculture-related uses directly service farm operations as a primary activity.*

The proposed agriculture-related uses provide direct services to the agricultural uses in close proximity to the Subject Lands through the storage and sale of agricultural products and the storage of agricultural equipment. Therefore, the proposed development is consistent with this criterion.

#### **Criterion 6 - Benefits from being in close proximity to farm operations**

OMAFRA’s Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas states:

*To meet this criterion, agriculture-related uses must benefit from or need to be located near the farm operations they serve. Benefits may include more effective or efficient operations due to access to feedstock, roads suited to slow-moving farm vehicles, reduced transportation distance and risk of spoilage and marketing opportunities associated with being part of an agricultural cluster.*

The proposed uses will allow for the storage and sale of agricultural products and the storage of agricultural equipment. The proposed uses benefit from being in close proximity to farm operations by providing reduced transportation distances/costs, reduced risk of spoilage, and additional marketing opportunities. The Agricultural Office Building benefits from being in close proximity to farm operations by allowing for immediate oversight of operations of the Seasonal Farming Area and the timely management of the additional proposed agriculture-related uses. Therefore, the proposed development is consistent with this criterion.

#### **Summary**

In our opinion, the proposed Agricultural Farm Temperature-Controlled Storage Facility (farm produce storage building), Farm Implement Dealer, Agricultural Market, and Agricultural Office Building is

consistent with the criteria for agriculture-related uses, while the Seasonal Farming Area aligns with the criteria for an agricultural use. As such, we believe that the proposed development is permitted within the prime agricultural area/specialty crop area, therefore complying with Section 4.1.7.4, 4.1.7.5, and 4.1.7.7 of the Niagara Official Plan.

## CONCLUSION

The proposed Zoning By-law Amendment to permit the proposed agriculture-related uses and consent application are consistent with provincial, regional, and local agricultural policies. The Subject Lands represent a reasonable choice of locations for the proposed development and the proposed consent has been limited to the minimum size needed to accommodate the proposed agriculture-related uses and associated sewage and water services.

The proposed uses on the severed lot were evaluated for consistency with the criteria outlined in OMAFRA's Permitted Uses document and Niagara Official Plan to determine whether they qualify as agriculture-related uses. It was determined that the proposed Agricultural Farm Temperature Controlled Storage Facility (farm produce storage building), Farm Implement Dealer, Agricultural Market, and Agricultural Office Building are consistent with the criteria for agriculture-related uses and the Seasonal Farming Area is consistent with the criteria for agricultural uses.

The proposed agriculture-related uses are not expected to generate significant off-site impacts to surrounding agricultural operations. In our opinion, the location, scale, and size of the proposed development is appropriate and will be beneficial to agricultural operations in the area.

Respectfully submitted by:



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Colville Consulting Inc.



John Liotta, B.Sc.Env, P.Ag.  
Colville Consulting Inc.

## REFERENCES

Ontario Ministry of Agriculture, Food and Rural Affairs, 2016. Guidelines of Permitted uses in Ontario's Prime Agricultural Areas Publication 851, Queen's Printer for Ontario.

Ontario Ministry of Municipal Affairs. Provincial Planning Statement. 2024, King's Printer for Ontario.

Ontario Ministry of Municipal Affairs. Places to Grow, Growth Plan for the Greater Golden Horseshoe. 2020, Queen's Printer for Ontario.

Regional Municipality of Niagara. Niagara Official Plan, 2022.

<https://www.niagararegion.ca/official-plan/pdf/2022-niagara-official-plan.pdf>

Town of Niagara-on-the-Lake Official Plan, As Amended to July 17, 2017.

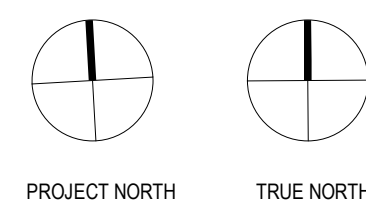
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[11/NOTL%20Official%20Plan%20%28Amended%20to%20July%2017%2C%202017%29.pdf](https://www.notl.com/sites/default/files/2021-11/NOTL%20Official%20Plan%20%28Amended%20to%20July%2017%2C%202017%29.pdf)

**ATTACHMENT A**  
**Concept Plan**



**1 OVERALL CONCEPT PLAN**  
SD-01 SCALE: 1:1000



PROJECT NORTH TRUE NORTH

STATISTICS	
<b>SITE</b>	
TOTAL SITE AREA : 1.81 has	
TOTAL GROSS FLOOR AREA : 3,809.02 m <sup>2</sup>	
LOT COVERAGE : 21%	
<b>BUILDINGS</b>	
<b>AGRICULTURAL FARM TEMPERATURE CONTROLLED STORAGE - PRODUCE STORAGE BUILDING (1 FLOOR)</b>	
ALLOWABLE AREA = 20,000 m <sup>2</sup> / 1,838.06 m <sup>2</sup>	
ALLOWABLE HEIGHT = 8 m	
<b>AGRICULTURAL FARM EQUIPMENT STORAGE - FARM IMPLEMENT DEALER (1 FLOOR)</b>	
ALLOWABLE AREA = 15,000 m <sup>2</sup> / 1,380.55 m <sup>2</sup>	
ALLOWABLE HEIGHT = 10.5 m	
<b>AGRI FARM OFFICE BUILDING (1 FLOOR)</b>	
ALLOWABLE AREA = 6,000 m <sup>2</sup> / 557.42 m <sup>2</sup>	
ALLOWABLE HEIGHT = 4.5 m	
<b>FARM STANDS - AGRICULTURAL MARKET (1 FLOOR)</b>	
AREA = 2,000 m <sup>2</sup> / 185.80 m <sup>2</sup>	
HEIGHT = 5 m	
<b>SEPTIC SYSTEM</b>	
AREA = 102.29 m <sup>2</sup> / 965.23 m <sup>2</sup>	
<b>SEASONAL FARMING</b>	
SEASONAL FARMING AREA	
AREA = 15,000 m <sup>2</sup> / 2,993.03 m <sup>2</sup>	
<b>OCCUPANCY CALCULATIONS</b>	
INDUSTRIAL USE (AGRICULTURAL FARM TEMPERATURE CONTROLLED STORAGE - PRODUCE STORAGE BUILDING)	
AREA = 1,838.06 m <sup>2</sup>	
AREA PER OCCUPANT = 46 m <sup>2</sup>	
TOTAL OCCUPANTS = 40 MAX AS PER OBC	
AGRICULTURAL FARM EQUIPMENT STORAGE - FARM IMPLEMENT DEALER	
AREA = 1,380.55 m <sup>2</sup>	
AREA PER OCCUPANT = 46 m <sup>2</sup>	
TOTAL OCCUPANTS = 30 MAX AS PER OBC	
OFFICE USE - AGRICULTURAL FARM OFFICE BUILDING	
AREA = 557.42 m <sup>2</sup>	
AREA PER OCCUPANT = 9.3 m <sup>2</sup>	
TOTAL OCCUPANTS = 60 MAX AS PER OBC	
<b>PARKING CALCULATION</b>	
INDUSTRIAL USE (AGRICULTURAL FARM TEMPERATURE CONTROLLED STORAGE - PRODUCE STORAGE BUILDING) @ 1 PER 50 m <sup>2</sup>	
1,838.06 m <sup>2</sup> / 50 m <sup>2</sup> = 37 PARKING SPACES	
FARM IMPLEMENT DEALER (AGRICULTURAL FARM EQUIPMENT STORAGE - FARM IMPLEMENT DEALER) @ 1 PER 30 m <sup>2</sup>	
1,380.55 m <sup>2</sup> / 30 m <sup>2</sup> = 46 PARKING SPACES	
OFFICE USE - AGRICULTURAL FARM OFFICE BUILDING @ 1 PER 20 m <sup>2</sup>	
557.42 m <sup>2</sup> / 20 m <sup>2</sup> = 28 PARKING SPACES	
AGRICULTURAL MARKET (FARM STANDS) @ 1 PER 18.5 m <sup>2</sup>	
185.80 m <sup>2</sup> / 18.5 m <sup>2</sup> = 10 PARKING SPACES	
TOTAL REQUIRED: 97 PARKING SPACES	
PROVIDED: 115 PARKING SPACES	
3% OF TOTAL PARKING TO BE ACCESSIBLE	
115 x 3% = 3.45 = 4	
ACCESSIBLE STALLS TO BE ODD THEREFORE:	
REQUIRED ACCESSIBLE PARKING STALLS	
TYPE A 2	
TYPE B 3	
PROVIDED ACCESSIBLE PARKING STALLS	
TYPE A 2	
TYPE B 3	
<b>LOADING BAY CALCULATIONS</b>	
AS PER NIAGARA-ON-THE-LAKE BY-LAW, SECTION 3	
1. INDUSTRIAL USE (AGRICULTURAL FARM TEMPERATURE CONTROLLED STORAGE)	
REQUIRED LOADING BAYS FOR BUILDINGS EXCEEDING 5,000 m <sup>2</sup> , BUT NOT ABOVE 50,000 m <sup>2</sup> = 2	
BUILDING AREA @ 20,000 m <sup>2</sup>	
PROVIDED LOADING BAYS : 3	
2. FARM IMPLEMENT DEALER (AGRICULTURAL FARM EQUIPMENT STORAGE)	
REQUIRED LOADING BAYS FOR BUILDINGS EXCEEDING 5,000 m <sup>2</sup> , BUT NOT ABOVE 50,000 m <sup>2</sup> = 2	
BUILDING AREA @ 15,000 m <sup>2</sup>	
PROVIDED LOADING BAYS : 3	
<b>NOTES:</b>	
PROVISION OF SEWAGE OR BARBER FREE PARKING SPACES TO COMPLY WITH ONTARIO REGULATION WITH INTEGRATED ACCESSIBILITY STANDARDS.	
LOADING BAY HEIGHT TO BE NOT LESS THAN 4.3m	

LEGEND	
	ASPHALT
	PROPERTY LINE
	SETBACK LINE
	TREE LINE
	PROPOSED SEVERANCE LINE



No.	Description	Date
1	ISSUED FOR ZBA - CONCEPT PLAN	25.03.10

Seal: \_\_\_\_\_  
Date: \_\_\_\_\_ Firm License to Practise: \_\_\_\_\_

Client:  
**263 Concession 6 Road,  
Niagara-on-the-lake, ON**

**OVERALL CONCEPT PLAN**

Project number: 22-033  
Date: 2025-03-10 4:30:54 PM  
Drawn by: Author  
Checked by: Checker

**SD-01**

Scale: As indicated

