



Planning Justification Report

Big Head Winery

Proposed Estate Winery

Implementing Zoning By-Law Amendment and Site Plan Approval

823 Line 6 Road, Niagara-on-the-Lake

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Section 1 - Introduction and Background

Ownership is currently pursuing the development of an Estate Winery, Big Head Wines, on the 12.32 ha vineyard at 823 Line 6 Road. The implementation of the proposed development requires an amendment to the Town's zoning by-Law and site plan approval.

Big Head is a premium winery having recently relocated its Farm Winery operation from Hunter Rd. to Line 6. The owners now wish to complete the implementation of their vision for their premium estate winery in Niagara on the Lake.

As a Farm Winery, for the last 7 years Big Head on Hunter Rd. has been producing 20,000 cases of premium wines per year. Their newly proposed Estate Winery will create the capacity to eventually produce 50,000 cases per year and create the ambiance appropriate for a winery producing the quality of Big Head's premium wines. The Line 6 vineyard has 10.8 ha planted in grapes. To support their production Big Head presently accesses over 200 tonnes of grapes from nearby vineyards in Niagara. This number will increase to over 600 tonnes of grapes as the production capacity grows which provides significant support to the agricultural system in Niagara.

Big Head's total focus is producing and selling premium wines using their wild fermentation, carbonic maceration, and appassimento techniques. Their estate winery will have a 139m² retail store, a 216m² (including kitchen and washrooms) wine bar with a pizza oven for light fare, as well as a discrete 42m² tasting room. Big Head Winery is a premium winery not an event facility. The proposed additions are mostly production area. Even so, it is anticipated that Wine Club member recognition events will continue as well as other events.

Section 2 - Application and Purpose

The purpose of this report is to provide a thorough analysis of the proposed development and evaluate the appropriateness of the proposed Zoning Bylaw Amendment and implementing Site Plan, in the context of the Provincial Policy Statement (2020), Greenbelt Plan (2017), Niagara Region Official Plan (2014), Town of Niagara-on-the-Lake Official Plan and the Town of Niagara-on-the-Lake Zoning By-Law 500A-74.

Section 3 - Location and Neighbourhood

The subject property is located on Line 6 Road, approximately 160m west of Four Mile Creek Road, north of St. Davids, a predominantly agricultural area of the Town. See attached aerial imagery (Attachment 1).

The 12.32 ha property has 10.8 ha planted in vines. There is an existing single detached dwelling and a swimming pool on the farm. The barn that existed when the property was purchased in 2021 was partially demolished, and the balance renovated and expanded to the 1,272.27m² Farm Winery which is presently under construction.

The winery is in an agricultural area with other vineyards and wineries nearby.

Adjacent land uses include:



- **North**
 - Two single detached residences are located adjacent to the north west corner of the vineyard fronting on Line 6.
 - There are three single detached residences immediately adjacent on the north side of the existing farm winery building,
 - The dwelling on the corner of Line 6 and Four Mile Creek Rd. also has a small mini storage facility on the property.
 - The lands north of Line 6 are agricultural.
- **East**
 - Three single detached dwellings fronting on Four Mile Creek Rd., south of Line 6 are immediately adjacent to the vineyard removed from the winery building.
 - The area across Four Mile Creek Rd to the east is agricultural in nature.
- **South**
 - There are farm dwellings fronting on Four Mile Creek Rd as part of the agricultural area.
- **West**
 - Beyond the 2 single detached residences on the northwest corner of the vineyard, the area is agricultural in nature.

Given the proximity of existing single detached residences to the proposed winery, the owners have maintained regular contact with their neighbours so that they are fully informed as the development process has progressed.

Section 4 - Proposed Development

Ownership has renovated and added to an existing barn structure and created a 1272.27m² Farm Winery which has the capacity to produce 20,000 cases of premium wine. The existing farm winery has an 18.5m² tasting room and retail store consistent with its Farm Winery approvals.

The proposed Estate Winery (Attachment 2) will expand the existing Farm Winery by adding production space which will enable the winery's production capacity to eventually expand to 50,000 cases over time. The winery building will include a 152m² retail store (including washrooms). A 216m² wine bar (including restaurant and washrooms) with a pizza oven is also proposed, along with the discrete 42m² tasting room. The two hospitality spaces have a total capacity of 170 persons (126 in the wine bar and 44 in the tasting room).

The 41 parking spaces proposed will support the employees and guests. The provided parking exceeds the 40 spaces required by the zoning bylaw.

The existing driveway into the winery is presently being relocated westerly to an approved location along Line 6 Rd. and away from the existing residence fronting on Line 6, which is adjacent to the existing driveway location. This new location did not result in any vines being lost. The relocated access continues to provide only one driveway into the winery and will provide a better and more attractive farm and winery service access as well as customer access. It removes any concern of negative impact by the driveway on the residence to the east.

A Site Plan Agreement will confirm the development details proposed. The site plan, landscape plan, lighting plan, elevations and floor plans along with the functional servicing report, grading and stormwater management plan for the proposed development have been submitted along with the necessary applications.



Section 5 - Policy Framework

Section 5.1 - Provincial Policy Statement

The amended Provincial Policy Statement ("PPS") came into effect on May 1, 2020, updating the Provincial government's policies on land use planning. The document provides policy direction with respect to land use planning to promote strong communities, a strong economy, and a clean and healthy environment. The PPS aims to implement policy which protects sensitive agricultural land while encouraging agricultural diversification and enhanced economic opportunities for farmers.

The proposed vineyard and the complimentary development of an Estate Winery with its On-Farm Diversified Uses is supported by a number of Sections within the PPS, including:

- Section 1.1.4.1, which states: *"Healthy, integrated and viable rural areas should be supported by:*
 - a) *Building upon rural character, and leveraging rural amenities and assets*
 - b) *Promoting regeneration, including the redevelopment of brownfield sites*
 - c) *Accommodating an appropriate range and mix of housing in rural settlement areas*
 - d) *Encouraging the conservation and redevelopment of existing rural housing stock on rural lands*
 - e) *Using infrastructure and public service facilities efficiently*
 - f) *Promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources*
 - g) *Providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets*
 - h) *Conserving biodiversity and considering the ecological benefits provided by nature*
 - i) *Providing opportunities for economic activities in prime agricultural areas in accordance with policy 2.3"*
- Section 1.7.1, which states: *"Long-term economic prosperity should be supported by:*
 - a) *Promoting opportunities for economic development and community investment-readiness*
 - c) *Optimizing the long-term availability and use of land, resources, infrastructure, and public service facilities*
 - i) *Sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agri-food network."*
- Section 2.3.1, which states: *"Prime agricultural areas shall be protected for long-term use for agriculture."*
- Section 2.3.3.1, which states: *"In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations."*

Section 2.3.3.1 Speaks to "guidelines" that may be developed by the Province to provide more detailed guidance in achieving these objectives. The PPS also provides definitions of the uses that are considered appropriate in conjunction with agricultural uses. These Guidelines have subsequently been developed and are now an important tool in supporting agricultural uses and the economic activities that will reinforce the agricultural industry. This report will speak more directly to the Guidelines later in this report.



- PPS Definition of Agricultural-Related Uses, which includes: *“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*
- PPS Definition of On-Farm Diversified Uses, which includes: *“Uses that are secondary to the principle agricultural use of the property and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products...”*

The PPS has taken a comprehensive approach to requiring the protection of prime agricultural land, particularly specialty crop lands, and supporting the additional uses that will ensure the economic viability of the operating farm on the land.

In accordance with Section 1.1.4.1, Section 1.7.1, Section 2.3.1, and Section 2.3.3.1 the proposed Zoning Bylaw Amendment, and proposed Site Plan are consistent with the PPS. This development has been carefully designed to protect the land for its long-term use for agriculture and protect the wetland and natural environment which is located on the southern boundary of the vineyard. The winery and complimentary On-Farm Diversified Uses will promote economic diversification, support local food and improve the local agricultural economic network anticipated by the PPS. The proposed development will be designed to build upon the existing rural character of the immediate area and leverage rural amenities and assets to offer economic opportunities in accordance with Provincial Policy and associated guidelines. The proposed vineyard and estate winery will be compatible with and not hinder adjacent farming operations. The proposal will not necessitate any changes to the existing building setbacks of the adjacent lot lines. The proposed development of the Estate Winery with its On-Farm Diversified uses, will enhance the viability of agricultural operations on the subject property.

The PPS encourages Farm Related, On-Farm Diversification, and Agricultural Tourism uses to support agriculture, preserve crop lands, and contribute to the economic viability of the farming businesses. Guidelines have been prepared to enable municipalities to evaluate whether or not proposed uses are considered secondary to the principle operation and to ensure adjacent agricultural operations are not adversely impacted. These guidelines have been evaluated in detail within Section 5.6 of this report.

Section 5.2 - Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe 2020 provides a framework for building stronger, prosperous communities by better managing growth.

The Growth Plan states that natural areas and agricultural lands will provide a significant contribution to the Region’s resilience and ability to adopt to a changing climate. Unique and high-quality agricultural lands will be protected for the provision of healthy, local food for future generations. Farming will be productive, diverse, and sustainable.

The Growth Plan underscores the protection of agricultural lands by directing growth to Settlement Areas (2.2.1 Managing Growth) and “supporting the environmental and agricultural protection and conservation objectives of this plan” (2.2.1,3 d) as well as directing the expansion of any Settlement Area away from “prime agricultural areas” 2.2.8 3(f). Section 4.2.6 Agricultural system requires that municipalities map specialty crop areas and protect them



“for long-term use for agriculture”. The proposed vineyard and estate winery will accomplish the long-term protection of agricultural lands anticipated.

There are a number of objectives and policies within the Growth Plan which support agricultural uses in the GGH, including the development of an Estate Winery on the subject property, specifically:

- Section 1.2.1 Guiding Principles, which states: *“The policies of this plan...are based on the following principles:*
 - *Support and enhance the long-term viability and productivity of agriculture by protecting prime agricultural areas and the agri-food network.” as well as*
 - *Protect and enhance natural heritage, hydrologic and landform systems, features and functions*
- Section 4.2.6, which states: *“Prime agricultural area, including specialty crop areas, will be designated in accordance with mapping identified by the Province, and these areas will be protected for long-term use for agriculture.....Municipalities are encouraged to implement regional agri-food strategies and other approaches to sustain and enhance the Agricultural System and long-term economic prosperity and viability of the agri-food sector.”*

In accordance with Section 1.2.1 and Section 4.2.6, the proposed Zoning Bylaw Amendment, and proposed Site Plan Agreement are consistent with the Growth Plan for the Greater Golden Horseshoe. The subject property is mapped as Protected Countryside and Specialty Crop lands within the Greenbelt Plan Area, Protected Countryside and Unique Agriculture Area in the Regional Official Plan, and Agriculture in the Town Official Plan. As such, the subject property and its vineyards is protected for long term agricultural use by all Provincial, Regional and Town planning documents consistent with the Growth Plan. The scale of winery production that is being anticipated ensures the additional contribution of the winery to the local agricultural economy.

The vineyard and proposed Estate Winery and On-Farm Diversified uses, including agri-tourism uses, are uses are consistent with and implement the Growth Plan. Proposed uses and how they align with Provincial Guidelines for On-Farm Diversified uses are explored in greater detail within Section 5.6 of this report.

Section 5.3 - Greenbelt Plan

The Greenbelt Plan, a Provincial policy document implementing the PPS was amended effective July 1st 2017, addressing the significance of Southern Ontario’s farmland and introducing guiding principles to protect farmlands. These guiding principles look to protect sensitive agricultural areas while encouraging diversity within the agricultural sector, enhancing economic opportunities.

The subject property is within a Prime Agricultural Area. The Greenbelt Plan designates the subject property Specialty Crop Area (Niagara Peninsula Tender Fruit and Grape Area) within the Protected Countryside designation. Such lands shall be protected for the long-term use for agriculture, with Specialty Crop Areas given the highest priority for protection.

The proposed development of an Estate Winery and On-Farm Diversified Uses is supported by a number of Sections within the Greenbelt Plan, including:

- Section 1.2.2, which states, *“Protected Countryside Goals are to enhance our urban and rural areas and overall quality of life by promoting...:*



- a) *Protection of the specialty crop area land base while allowing agriculture-supportive infrastructure and value-added uses necessary for sustainable agricultural uses and activities*
 - b) *Support for the unique nature of specialty crop areas as our vital fruit and vegetable growing regions, which include the Niagara Peninsula Specialty crop area*
 - d) *Provision of the appropriate flexibility to allow for agricultural, agriculture-related and on-farm diversified uses, normal farm practices and an evolving agricultural and rural economy.”*
- Section 3.1.2, which states: *“For lands falling within the specialty crop areas of the Protected Countryside, the following policies shall apply:*
 - 1. *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*
 - 6. *The geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network shall be maintained and enhanced.”*

In accordance with Section 1.2.2 and Section 3.1.2, the proposed Zoning Bylaw Amendment, and proposed Site Plan Agreement are consistent with the Greenbelt Plan. The Greenbelt Plan supports competitive, economically sustainable, and environmentally friendly agricultural pursuits. As the proposed uses will conform with the Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas, as per the analysis below within Section 5.6, the Greenbelt Plan is supportive of the proposal to implement an Estate Winery and associated On-Farm Diversified uses on the subject property. The proposed development will be compatible with and not hinder the existing or proposed agricultural operations in the immediate area.

In accordance with the PPS and Greenbelt Plan, the proposed development of an Estate Winery and associated On-Farm Diversified uses on the subject property will maintain the land base for agricultural use and support a thriving agricultural industry and rural economy in Niagara. Agriculture will remain the principal use of the subject property, and as no land is being taken out of agricultural production, this development will positively impact the viability of ongoing and future farming operations (See Table 2). Normal farm practices on the subject property and adjacent lands will be able to continue unhindered, and the agricultural and rural character of the surrounding area will be maintained. As illustrated on the attached site plan (Attachment 2) and elevation drawings (Attachment 3), the proposed Farm Related Use (the winery) and the On-Farm Diversified uses have been located and designed to be compatible with existing agricultural operations and rural character. Secondary uses have been appropriately separated from primary agricultural operations. Implementing On-Farm Diversified uses on the property will contribute to the economic viability of the vineyard and winery operation and make a positive contribution to the agricultural industry of Niagara on the Lake and Niagara. The scale of the winery production anticipated in the future will require grapes being sourced from other farms in the Town providing an additional contribution to the agricultural economy.

As such, the proposed applications are consistent with the PPS, the Growth Plan and the Greenbelt Plan.

Section 5.4 - Niagara Region Official Plan

Adopted in 2014 the Regional Official Plan (ROP) is the long-range, community planning document used to guide the physical, economic, and social development of Niagara. The ROP contains objectives, policies and mapping that implements the Region’s approach to managing growth, growing the economy, protecting the natural



environment, resources and agricultural land, and providing infrastructure. Consistent with the PPS and Greenbelt Plan, the Niagara Region OP supports diversifying agricultural uses to ensure the economic viability of the agricultural uses.

The Region of Niagara Official Plan (OP) designates the subject lands as “Protected Countryside” (Schedule A Regional Structure) and “Unique Agricultural Area” (Schedule B Agricultural Land Base) (Attachment 4). A number of the objectives and policies found within the ROP support the proposed development of an Estate Winery on the subject property, specifically:

- Objective 5.A.3, which states: *“Conserve and enhance the natural resources of the Agricultural and Rural Areas”*
- Objective 5.A.7, which states: *“Support uses that enable farming and farmers to:*
 - c) Become more competitive*
 - d) Adapt to new and changing markets*
 - e) Diversify into and take advantage of new agricultural opportunities*
 - f) Improve the understanding of agriculture by the general public*
 - g) Broaden operations to diversify economic activity and add value to their primary products”*
- Objective 5.A.8, which states: *“Encourage a wide range of farm diversification uses in appropriate locations and at a scale suitable to the farm and the agricultural area where they contribute to profitable and economically sustainable agriculture”*.
- Policy 5.B.3, which states: *“The Region will attempt to ensure a viable agricultural industry through such means as:*
 - o The protection of unique and good general agricultural lands;*
 - o Tariff and or quota protection from import;*
 - o Adequate marketing procedures;*
 - o Protection from unjustified taxes;*
 - o Financial support to local agricultural groups, such as grants to the Niagara North and South Federations of Agriculture;*
 - o Support of farmers seeking approval for loans from lending agencies for additional farm residences in order to eliminate the need for severances*
 - o Support for a wide range of farm diversification uses in appropriate locations and at a scale suitable to the farm and the agricultural area where they contribute to economically sustainable agriculture; and*
 - o Recognition of opportunities for on-farm alternative and/or renewable energy systems”*
- Policy 5.B.17, which states: *“Farm diversification uses are recognized and may be permitted in accordance with the provisions of this Chapter. On-farm diversification is a potentially significant contributor to economical sustainable agriculture in Niagara, contributing to more access to local food and VQA wines, contributing toward the preservation of the agricultural land base and the scenic quality of the agricultural landscape”*.
- Policy 5.B.18, which states: *“Farm diversification refers to those agricultural related value added and secondary uses that complement farming activities and provide for increasing the economic value and consumer appeal of an agricultural product or use. Farm diversification uses shall complement the principal agricultural uses on the property and in the surrounding area, and shall contribute to the*



sustainability and viability of the farming operation, all uses outside of settlement areas are subject to the Regions servicing policies.

In accordance with Objective 5.A.3, Objective 5.A.8, Policy 5.B.3, Policy 5.B.17, and Policy 5.B.18, the proposed Zoning Bylaw Amendment, and proposed Site Plan Agreement conform with the Niagara Region Official Plan. Big Head proposes farm diversification which is recognized and encouraged as a means to ensure the economic sustainability of agriculture in Niagara. The Regional Policy Plan also requires that these uses be small in scale and compatible with the principal farming operation. Farm diversification includes agricultural-related value-added and secondary uses that complement farming activities and provide economic value and consumer appeal for agricultural products and uses. The proposed vineyard and winery protect agricultural land and broadens and diversifies the economic opportunities for this farm. On-Farm Diversified uses, including the proposed wine bar and tasting room, have been scaled, designed, and located to ensure adjacent agricultural operations are not negatively impacted. No changes to existing setbacks will be required to facilitate the proposed expansion.

Policy 5.B.21 details the criteria used to consider if specific farm diversification proposal should be permitted in local zoning, specifically:

“The following criteria shall be considered when identifying whether or not diversification activities should be permitted in the Zoning By-law:

- a. Whether the proposed activity is more appropriately located in a nearby settlement area or in the Rural area*
- b. Whether the use is required on 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 the 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 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*
- h. The use does not require significant improvements to utilities or infrastructure such as roads or hydro services*
- i. The use complies with all other applicable provisions in the Regional Official Plan”.*

The Regional Official Plan policies designate Unique Agricultural Areas as a high priority for preservation. They also encourage a strong rural economy through farm diversification. The proposed development of an estate winery and associated On-Farm Diversified uses is consistent with the policies of the Regional Plan, as it will contribute towards preservation of the agricultural landscape by transitioning the existing farm winery to an estate winery operation. Further, there is opportunity for farm diversification through the proposed hospitality and retail uses, which will not negatively impact the viability of existing or future farming operations in the immediate area.

The proposed development will enable the vineyard and proposed winery to become more financially viable and competitive. The additional wine production in the future will contribute to the agricultural economy in Niagara-on-the-Lake and Niagara Region. The On-farm Diversified uses will broaden operations and add value to the primary product, grapes. Permitting an estate winery in local zoning for the property will enable new hospitality opportunities for the subject property, contributing to tourism and local rural businesses.



The criteria from Policy 5.B.21 have been summarized in Table 1 below, illustrating that the proposed estate winery is in conformity with the requirements of the Regional Official Plan:

Table 1	
Policy 5.B.21 Criteria	Justification
Whether the proposed activity is more appropriately located in a nearby settlement area or in the Rural area	Big Head is located within the heart of Niagara agricultural area an excellent location for a vineyard. Its location at the corner of Four Mile Creek and Line 6 Road ensures its accessibility to the Region and beyond while remaining within an appropriately rural context. A vineyard, a winery and its accessory uses are most appropriately located in its most compatible natural environment.
Whether the use is required on or in close proximity to the agricultural operation for it to support and complement the agricultural activity	A winery is most efficiently located adjacent to its raw material the specific grapes that will be used to develop its premium product. The location provides the context and natural environment for a vineyard and enables the visitor to enjoy both the natural and agricultural environment provided by Big Head.
The extent to which the use is compatible with the existing farming operation and surrounding farming operations	The existing farm winery which will be expanded is appropriately located on the subject property. The proposed winery is located within the original building cluster of the farm and is buffered from the immediately adjacent residences by a fence. The structure is already set back over 100m from Line 6 Road and its location adjacent to the north and easterly property boundary has been approved with the support of the adjacent neighbours. The proposed new driveway location will ensure improved separation from the existing residential uses to the east.
Whether the scale of the activity is appropriate to the site and the farming operation	The proposed development is being created within the Guidelines provided by the Province (See Section 5.6). The scale of the development proposed is in keeping with the subject property and nearby agricultural community. The proposed Estate Winery and proposed on-farm diversified uses will be secondary to the primary operation.
Whether the use is consistent with and maintains the character of the agricultural area	



	The vineyard, winery, and accessory uses maintain the agricultural character of the area. The view from each of the surrounding roads will be an agricultural operation surrounded by grape vines, with substantial setbacks provided.
The use does not generate potentially conflicting off-site impacts	The winery is located adjacent to its home vineyard and is buffered from its immediate neighbours to mitigate any off-site impacts caused by the production facility. Cut off lighting will protect the night sky as illustrated on the photometric plan submitted with the application. A new driveway location is being constructed to mitigate any conflict with adjacent residential uses.
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	A sophisticated treatment system is being introduced to provide a sustainable low water consumption solution to its production and domestic waste.
The use does not require significant improvements to utilities or infrastructure such as roads or hydro services	No significant improvements to off-site infrastructure or utilities will be required to support Big Head Estate Winery. The relocated driveway entrance has been approved by Town staff as it will improve compatibility with adjacent uses in accordance with Regional OP policies.
The use complies with all other applicable provisions in the Regional Official Plan	The use complies with the Regional OP with respect to other applicable provisions.

In conclusion, the proposed zoning bylaw for the development of an estate winery and associated On-Farm Diversified uses is in conformity with and implements the policies of the Niagara Region Official Plan.

Section 5.5 - Town of Niagara-on-the-Lake Official Plan

The Town of Niagara-on-the-Lake Official Plan provides policy direction for the future development of the community and the provision of public works within the community. The policies of the plan are directed towards preserving the agricultural land base, particularly prime agricultural land. To this end, policies in the plan do not permit land uses that are not related to the agricultural industry.

The Town OP designates the subject property as Agricultural. As such, the proposed development is subject to a number of objectives and policies, including:



- Section 7.2, which states: “Goals and Objectives:
 - To help ensure the preservation of prime agricultural lands for farming with particular emphasis on the preservation of specialty crop lands
 - To help preserve the existing and potential agriculturally productive land giving highest priority to Good Tender Fruit/Grape Lands.
 - To allow flexibility to farm operations in both type and size and to permit the expansion and contraction of farm operations as necessary provided that the farm remains economically viable and that the size of the farm is appropriate and common in the area
 - To permit a limited amount of farm-related development by way of retirement lots, selectively located small scale agriculturally related commercial and industrial developments
 - To ensure that existing small scale industries and commercial uses supportive of agricultural operations are allowed to expand where appropriate, while requiring new development or redevelopment not primarily related to where agriculture is to locate in appropriately designated areas.
 - To ensure that agricultural areas are protected from harassment and conflict from non-farm residents and non-farm related uses through measures such as preventing the development of non-farm uses in the Agricultural designation.
 - To consider the impact on agriculture as the primary guideline in evaluating development proposals in the agricultural area.”

- Section 7.3.1, which states: “In the agricultural designation the following uses shall be permitted:
 - *Main Uses: 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*
 - *Secondary Uses: Uses permitted with a Main Use:*
 - *Roadside Produce Outlets*
 - *Farm Wineries*
 - *Home Industries and Occupations included Bed & Breakfasts*
 - *Group Homes*
 - *Accessory Buildings and Structures*
 - *Farm Help Houses and Additional Farm Dwellings for Seasonal or Full Time Farm Help*
 - *Uses Permitted Independent of Main Use*
 - *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”*

- Section 7.4.3.B, which states: “Subject to the applicable general agricultural policies of this plan, wineries are permitted subject to the following policies:
 - *Estate Wineries*
 - I. *The minimum acreage for an Estate Winery shall be established in the implementing Zoning By-Law and shall generally be a contiguous parcel of at least 8 hectares (20*
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acres) the majority of land being in full vineyard production. This acreage is required to provide a rural setting for the Winery, land for the ponding of waste water and associated vineyards. Proposals for lesser acreage will be considered where it is demonstrated that the proponent can comply with all other policies of the plan and that the reduced area will not jeopardize the rural image of an Estate Winery. Notwithstanding the minimum acreage requirement of this plan, existing Estate Wineries as of the date of adoption of this Plan, having less than the minimum acreage, will be recognized in the implementing zoning by-law providing all other policies of the plan are complied with.

- II. The production of wine from an Estate Winery shall be subject to the following criteria:
 - a) All wines produced shall be made from predominantly locally grown fruit
 - b) All wines produced are to be made from predominantly locally grown fruit crushed and fermented on site
 - c) An Estate Winery shall have the capability to bottle all of the wine produced on site
- III. All Estate Wineries shall be subject to a site specific zoning by-law amendment to control their number and location within the municipality.
- IV. The retail sale of wine shall be permitted as part of an Estate Winery. The amount of floor space will be limited in the implementing zoning by-law so as not to detract from the main use of the land and not adversely affect other uses permitted in the agricultural area.
- V. A hospitality room where food and wine is prepared and served, the sale of products permitted in an agricultural market and over-night accommodation such as a bed & breakfast may also be given consideration where it is clearly demonstrated that such uses are only accessory to and complement the estate winery. These uses shall only be permitted on an individual case by case basis and subject to a site specific zoning by-law amendment where the floor space may be restricted.
- VI. Estate Wineries shall be required to located within direct or convenient access to an improve roadway with sufficient capacity to accommodate the anticipated traffic.
- VII. As indicated in sub-section (i) above, on-site vineyards are an important aspect of the image of an Estate Winery and encourages the use of local fruit in the production of wine. As such land not intended for building or on-site services shall be planted in vineyards and the Council may make vineyard planting a condition of the amending By-law to be completed prior to the issuance of a building permit.”

The proposed development of an Estate Winery on the subject property, including the proposed On-Farm Diversified Uses, will provide for increased viability of the farming operation and ensure that the primary function of the subject property, the cultivation of grapes, is protected long into the future. The applications which are the subject of this report will permit the expansion of farm operations to ensure Big Head Winery remains economically viable while maintaining a size and scale that is appropriate for the property’s current rural setting. The proposed development will not negatively impact adjacent uses and will not hinder nearby agricultural operations.

The proposed winery is located on a contiguous parcel of land which is approximately 12.32ha in size in accordance with OP requirements. The estate winery operation will utilize predominantly locally grown fruit crushed and fermented on site. Big Head will also have the capacity to bottle all of the wine produced on site. As such, the proposed development is in conformity with the policies of the Official Plan.

The Town of Niagara-on-the-Lake Official Plan establishes permitted uses for lots within the Agricultural Designation. The main use of the subject property, the cultivation of grapes, will remain the principal use of the operation. In accordance with permitted uses which are independent of the main use, an Estate Winery is



proposed. Additionally, On-Farm Diversified uses are proposed, including a retail and hospitality areas, which are directly related to and will serve the agricultural operation. The proposed Estate Winery and On-Farm Diversified Uses are most appropriately located adjacent to the agricultural operation. As such, the uses proposed for Big Head Estate Winery conform to the Niagara-on-the-Lake's Official Plan.

Section 5.6 - Publication 851 – Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas

The Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas Publication 851 helps municipalities, decision makers, farmers, and others interpret the policies in the PPS regarding the uses that are permitted in Prime Agricultural Areas (Attachment 5). The Guidelines have provided a set of criteria to support the evaluation of proposed On-Farm Diversified Uses. To demonstrate conformity, the proposed development has been evaluated against these criteria in Table 2 below.

Table 2		
#	Criteria	Justification
1	Located on a farm	The proposed Farm Related and On-Farm Diversified uses are located on a 12.32 ha farm property with 10.8 ha planted in grapes use.
2	Secondary to the principal agricultural use of the property	<p>Agricultural uses, namely the production of grapes, will remain the dominant use of the property. Spatial considerations on the secondary nature of the proposed On-Farm Diversified Uses will be considered under Criteria 3.</p> <p>With respect to temporal considerations, the timing and frequency of the proposed On-Farm Diversified Uses will not interfere with cropping cycles or other agricultural uses on the farm or in the surrounding area. On-Farm Diversified uses will operate year-round, and have been designed compatibly with the existing agricultural operation and adjacent land owners.</p>
3	Limited in area	The proposed On-Farm Diversified uses have been designed to ensure no land is taken out of agricultural production, and are limited in scale in accordance with the required 2% area calculation. Careful consideration has been provided to ensure agriculture remains the main land use on the subject property, with 10.8 ha of the 12.32 ha property remaining dedicated to the production of grapes. The limited scale of the proposed On-Farm Diversified uses when compared to the rest of the subject property will ensure the agricultural/rural character of the area is maintained.



4	Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products.	<p>On-Farm Diversified uses will include the following in accordance with the provided criteria:</p> <ul style="list-style-type: none"> • Retail Space • Wine Bar • Tasting Room <p>The proposed uses will create opportunities for agri-tourism and the production of value-added agricultural products associated with grapes.</p>
5	Shall be compatible with, and shall not hinder, surrounding agricultural operations	<p>The parcel is approximately 12.32 ha in size, with 10.8 ha being in full vineyard production. The proposal, with its retail store, tasting room and small wine bar, ensures the primary use of the property continues to be the production of grapes, providing an appropriate rural setting for the Estate Winery and maintaining its rural character. The proposed retail space, and small-scale wine bar and tasting room have been designed sensitively and at an appropriate scale to highlight the rural character of the subject property and ensure adjacent land uses are not negatively impacted by the proposal.</p> <p>The existing fence along the north and easterly boundary abutting the Farm Winery building has been approved with the support of the existing adjacent land owners. The fence buffers the adjacent properties from any potential negative impacts of the production process in the winery.</p>

Consistent with the PPS definitions, permitted uses include agricultural uses, Agriculture-Related uses, and On-Farm Diversified uses including agri-tourism uses. All uses must be compatible with and not hinder the primary agricultural operation or adjacent agricultural operations. On-Farm Diversified uses are required to be secondary to the principal agricultural use of the property and not hinder nearby agricultural operations.

The Publication 851 Guidelines provide details regarding the types of uses that can normally be considered as On-Farm Diversified Uses. As per Section 2.1.3, Section 2.2.3, and Section 2.3.3, typically full-scale restaurants are not considered to be On-Farm Diversified uses, as larger operations are commercial in nature. However, if PPS criteria (outlined above) are met, uses such as the retail store, small wine bar and tasting room as per Figure 3 of Publication 851 (Attachment 5) meet the Guideline. The wine bar is approximately 216m² in size (including kitchen and washrooms) and along with the tasting room will accommodate approximately 170 winery guests. The small kitchen space will include only a pizza oven, a non-commercial oven, charcuterie prep station, and a specialty coffee maker.

It is noted that the septic system will treat all domestic and production waste on site and has been designed to recirculate wastewater to reduce the amount of water required for production. The proposed closed-loop



washwater system preserves farmland for growing grapes and reduces demand for municipal drinking water. Following purification in an engineered wetland using natural processes, the washwater can be reused by the operation for non-potable purposes, including toilet and urinal flushing, and floor washing. Excess washwater will be directed to the existing septic dispersal bed, avoiding the removal of any grapes from production. This innovative system will maximize land available for farming by requiring minimal land for dispersal while contributing to the efficient utilization of municipal infrastructure. The septic system has been designed to accommodate the proposed café.

The operation of a vineyard and an Agriculture-Related use, the estate winery on the subject property, are uses encouraged and permitted under the existing Prime Agricultural Area designation. Additionally, the proposed retail uses, and a small-scale wine bar are consistent with the definition of On-Farm Diversified uses within the PPS, as they represent an agri-tourism related use which are secondary to the principal agricultural use of the property and provide the opportunity for additional revenue to the agricultural operation. The proposed expansion of the existing farm winery has been carefully designed to maintain the rural character of the immediate area, as illustrated in the attached elevation drawings (Attachment 3), and located such that it will have no negative impact on adjacent farm operations.

While the PPS policies enable a wide variety of on-farm economic opportunities, the PPS also requires that those uses are secondary to the main use and limited in area. Publication 851 Guidelines recommend that the guideline for the area occupied by On-Farm Diversified uses is up to 2% of a farm parcel to a maximum of 1ha (Attachment 6). The proposed uses have been designed in accordance with this requirement. A calculation of the On-Farm Diversified uses on the subject property has been summarized in Table 3 below:

Table 3	
Provision	Proposed
Total Lot Area	123,232m ² (12.32 ha)
On-Farm Diversified Uses	2,360.40 m ²
% Dedicated to On-Farm Diversified Uses	1.92%

Detailed calculations of lot areas and On-Farm Diversified uses have been provided as Appendix 1.

When applying these Guidelines, the scale of the proposed development of an Estate Winery and associated On-Farm Diversified uses is in conformity with the policies of the Provincial Policy Statement and within the Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas.

As such, the proposed development is consistent with the PPS.

Section 5.7 - Town of Niagara-on-the-Lake Zoning By-Law 500A-74

Zoning By-Law 500A-74 controls the use of land outside of the Urban Area within Niagara-on-the-Lake. As illustrated on Attachment 7, the subject property is currently zoned as Rural (A).

While Estate Wineries are permitted within the Rural Zone, the use must be implemented through a site-specific zoning by-law amendment as indicated in Section 7.4.3.B of the Town’s Official Plan. As such, a zoning amendment is being requested to rezone the subject property from Rural (A) to Rural (A-XX) site specific.



The proposed development of an Estate Winery is subject to a number of policies and provisions within the Zoning Bylaw, specifically:

- Section 3.33, which states: *“In addition to the uses permitted in a Rural (A) Zone or Rural Residential (RR) Zone, Estate Wineries may be permitted subject to a site specific zoning by-law amendment and the following guidelines:*
 - *The minimum acreage for an Estate Winery shall be established in the site specific amendment to the Zoning By-Law and shall generally be a contiguous lot of at least 8 hectares (20 acres), the majority of land being in full vineyard production. This acreage is required to provide a rural setting for the winery, land for the ponding of waste water and associated vineyards. Proposals for lesser acreage will be considered where it is demonstrated that the proponent can comply with the other guidelines and that the reduced area will not jeopardize the rural image of an Estate Winery.*
 - *Off-street parking for an Estate Winery shall be provided at the rate of one (1) parking space per employee*
 - *Minimum lot frontage shall be 45 metres (147.6 feet).*
 - *Minimum building setback from all property lines shall be 15m (49.2 feet).*
 - *Maximum lot coverage for all buildings is 15%*
 - *Maximum building height is 11 metres (36 feet)*
 - *Secondary Uses – The following secondary uses may be permitted in a site specific zoning by-law for an Estate Winery:*
 - *The retail sale of wine*
 - *A hospitality room as defined in the Zoning By-law*
 - *An agricultural market as defined in the Zoning By-law*
 - *The maximum total floor area for all secondary uses shall generally be limited to 400 square metres (4,305 square feet) with each individual secondary uses not exceeding 139.3 square metres (1,500 square feet)*
 - *The off-street parking requirement for all secondary uses shall be (1) parking space for every 18.5 square metres (199 square feet) of floor area devoted to the secondary use”*

Section 3.33 requirements and guidelines have been summarized in Table 4 below:

Table 4		
Provision	Required	Provided
Minimum Acreage	8 hectares (20 acres)	12.32 hectares (30.44 acres)
Minimum Parking	Single Family Dwelling (1 Per Dwelling) = 1 Space Retail/Hospitality (1 Per 18.5m ² GFA) = 11 Spaces Restaurant (1 Per 9m ² GFA) = 24 Spaces Employee (1 Per Employee) = 4 Spaces Total = 40 Spaces Required	41 Spaces Provided
Minimum Lot Frontage	45 metres	202.84m



Minimum Setback from All Property Lines	15 metres	[NO CHANGE FROM EXISTING]
Maximum Coverage %	15%	1.95%
Maximum Building Height	11 metres	8.021m
Secondary Uses	Retail Sale of Wine Hospitality Room Agricultural Market 400m ² total, with each use not exceeding 139.3m ² 1 Parking Space per 18.5m GFA	Retail Sale of Wine Hospitality Room Restaurant 410m ² GFA total, with each use provided as follows: Retail – 152m ² Hospitality – 258m ² including a Restaurant See parking calculation above

Relief from the following provisions of the Agricultural zone is requested to implement the proposed development:

The existing zoning requires that all structures be setback a minimum of 15m from all lot lines. Recognition of the existing setbacks which will recognize the existing farm winery structures is proposed. No change from existing conditions will result from the proposed development of the estate winery, existing setback relationships will be maintained.

Relief from the bylaw will be required to address the gross floor area attributed to proposed secondary uses. Approximately 410m² of secondary uses are being proposed. While this exceeds the 400m² requirement within the bylaw, the 10m² increase is minor in nature. Proposed additional uses will remain secondary to the primary operation of grape growing and wine production in accordance with Provincial Guidelines and the intention of the Niagara-on-the-Lake Official Plan.

Relief is also required to address the GFA attributed to each particular secondary use. The Zoning Bylaw requires that each secondary use not exceed 139.3m². As detailed above, a 152m² retail store, 216m² wine bar (including restaurant and washrooms), and discrete 42m² tasting room are being proposed by this application. While the proposed retail space exceeds the 139.3m² requirement, an increase of 12.7m² is considered minor in nature. This minor exceedance will not negatively impact adjacent properties or the rural character of the immediate area. The retail space will remain secondary to the primary operation of grape growing and wine production in accordance with Provincial Guidelines and the intention of the Niagara-on-the-Lake Official Plan. Similarly, the 216m² wine bar and 42m² tasting room represent the proposed hospitality portion of the secondary uses, totaling 258m². While the combined square footage of these secondary hospitality uses exceed the 139.3m² requirement of the bylaw, the proposed increase is appropriate given the scale and context of the proposed winery operation. When considered in totality, proposed secondary uses only exceed the bylaw requirement by 10m² and are still in



conformity with the 2% requirement for on-farm diversified uses in accordance with provincial policy. As such, the proposed amendments to the bylaw are considered minor and appropriate.

Additionally, a 'restaurant' has been included within the proposed secondary uses for the subject property, as is consistent with the definition for restaurant uses within the by-law. At this point, even though commercial cooking equipment is not proposed, it is requested that the implementing zoning bylaw provide for the potential for commercial cooking equipment to be added in the future. The scale of this small café operation is consistent with the type of on-farm diversification supported by Publication 851. Site specific zoning restrictions to total GFA for particular uses will ensure these uses remain secondary to the principle operation of Big Head Winery, which is the production of grapes.

The requested amendments to the zoning bylaw are minor in nature and are consistent with the policy direction provided by the Town's Official Plan.

Section 6 – Development Considerations

In accordance with the June 17th, 2021 Pre-Consultation Agreement with the Town-of-Niagara-on-the-Lake, a number of supporting reports and studies have been prepared to guide the proposal, including:

6.1 Archaeological Assessment and Ministry Letters

A Stage 1 and 2 Archaeological Assessment was completed by Irvin Heritage, dated September 10th, 2021. This report was subsequently cleared by the Ministry of Heritage, Sport, Tourism, and Culture Industries on October 5th, 2021. In accordance with the findings of the report and subsequent clearance from the Ministry, no further archaeological assessment will be required to support the proposed development. See Attachment 8 for details.

6.2 Site Plan, Building Elevations, Floor Plans

Elevations, floor plans, and a site plan concept detailing the proposed development has been completed by Romanov + Romanov Architects, last revised July 18, 2022. The drawing set clearly illustrates both existing and proposed development on the subject property. The proposed development has been designed sensitively to ensure compatibility with the rural character of the immediate area. See Attachment 2 and 3 for details.

6.3 Photometric Design

A Photometric Design was completed by Romanov + Romanov Architects, and is part of the architectural plan package. The photometric drawing illustrates the proposed lighting scheme for the development, demonstrating appropriate and safe levels of lighting where appropriate while mitigating spill-over impacts on adjacent properties. See Attachment 9 for details.

6.4 Septic Report

A description of the Septic Design was completed by Rivercourt Engineering, dated July 8th, 2022. The proposed septic system will treat all domestic and production waste on site and has been designed to recirculate wastewater to reduce the amount of water required for production. The proposed closed-loop



'washwater' system preserves farmland for growing grapes and reduces demand for municipal drinking water. Following purification in an engineered wetland using natural processes, the washwater can be reused by the operation for non-potable purposes, including toilet and urinal flushing, and floor washing. Excess washwater will be directed to the existing septic dispersal bed, avoiding the removal of any grapes from production. This innovative system will maximize land available for farming by requiring minimal land for dispersal while contributing to the efficient utilization of municipal infrastructure. The appropriate applications are being submitted to the Ministry of Environment, Conservation and Parks. The See Attachment 10 for details.

6.5 Stormwater Management Report

A Stormwater Management Report was completed by UEM, dated July 14th, 2022. The report demonstrates that stormwater from the proposed development will be adequately controlled from both a quantity and quality perspective in accordance with Municipal standards and requirements. See Attachment 11 for details.

6.6 Servicing, Lot Grading, Drainage Area Plan, Sedimentation and Silt Control

Supporting engineering plans and drawings, including Servicing Design, Lot Grading, Drainage, and an Erosion and Sediment Control Plan, have been prepared by UEM, dated July 14, 2022. These plans illustrate that the proposed approach to site servicing and grading is appropriate, functional, and in accordance with Municipal engineering standards. Drainage and sediment control measures will ensure no negative impacts to adjacent properties from the proposed development. See Attachment 12 for details.

6.7 Property Index Map and Parcel Registers

A Property Index Map and Parcel Register has been obtained from the land registry office and provided along with this application. See Attachment 13 for details.

Section 7 - Conclusion and Recommendation

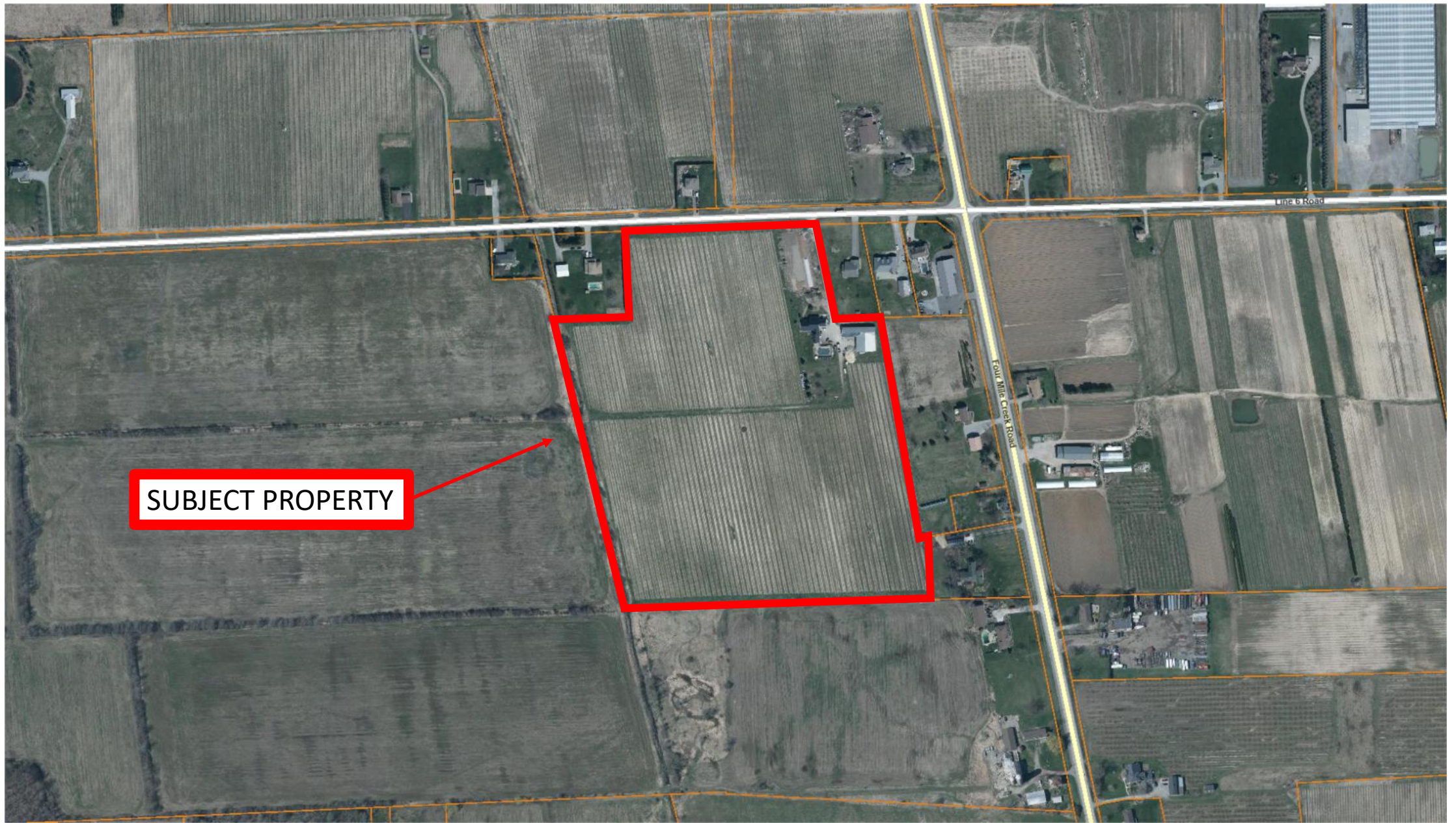
This report has illustrated that the proposed estate winery meets the objectives, policies and development criteria of the Provincial Policy Statement (2020), the Greenbelt Plan (2017), the Growth Plan for the Greater Golden Horseshoe (2019), the Niagara Regional Official Plan (2014), and the Town of Niagara-on-the-Lake Official Plan.

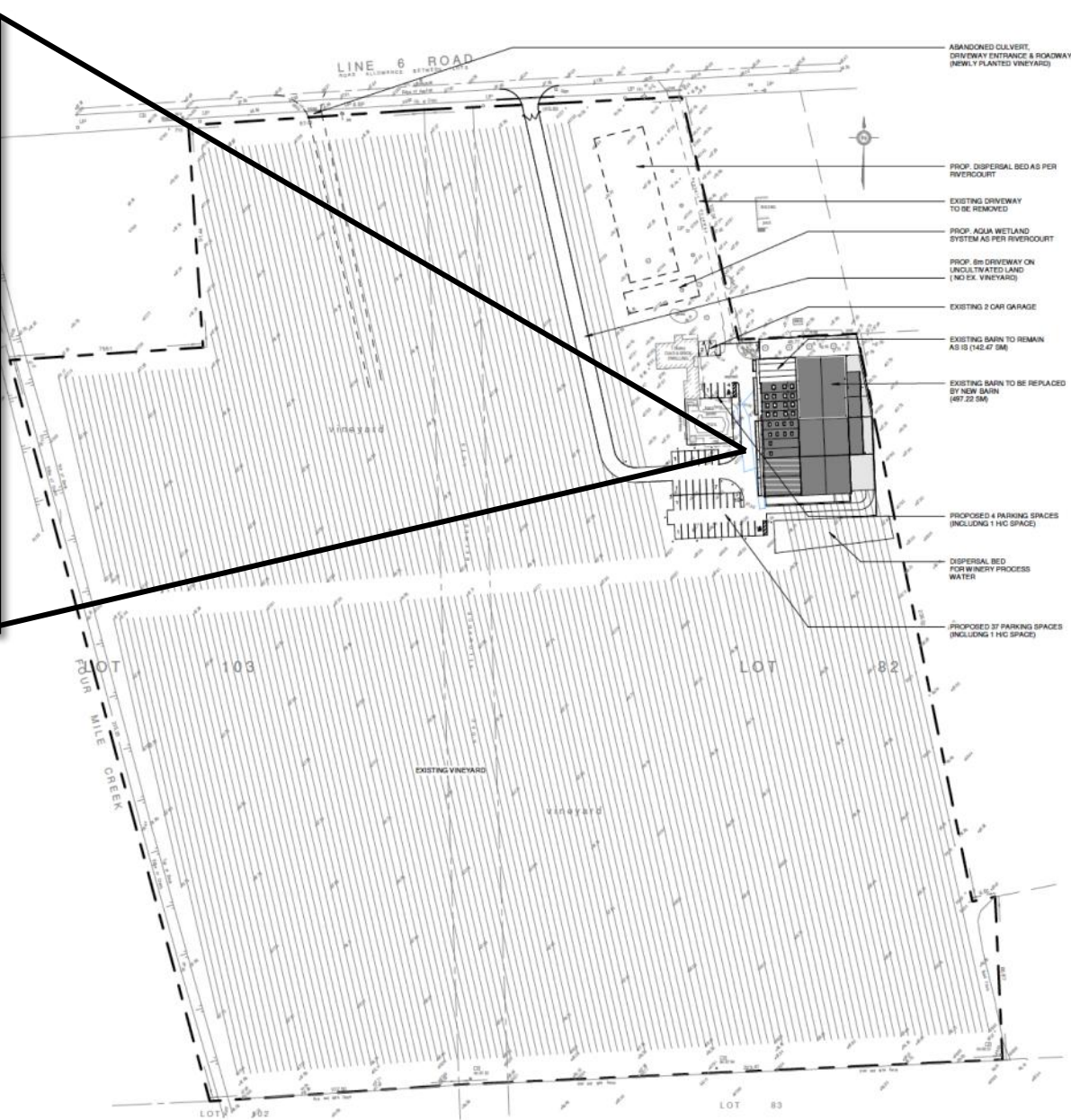
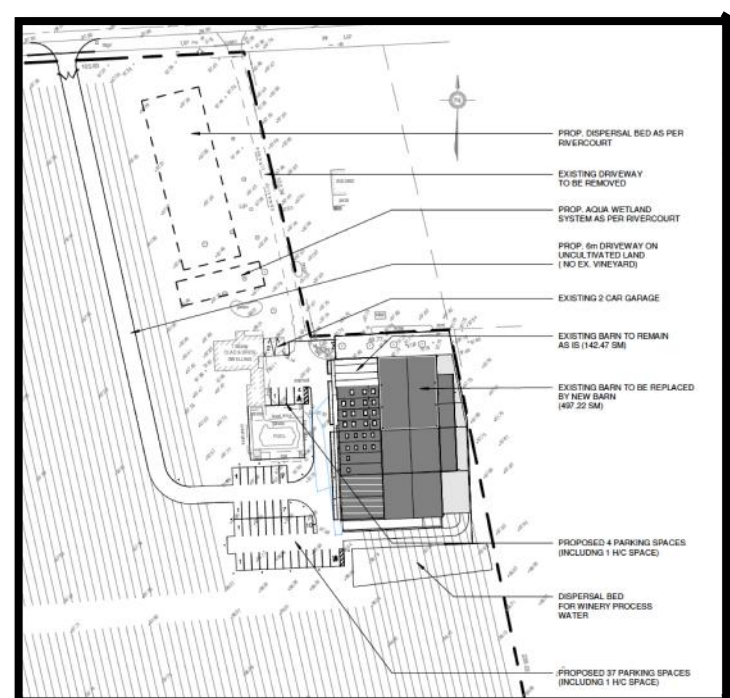
As such, it is recommended that the proposed implementing zoning by-law amendment and application for site plan approval be approved as they represent good planning.

Prepared by,

Stephen Bedford, MCIP, RPP, PLE
Principal Planner
LANDx Developments Ltd.

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T. 905-695-9226 F. 905.357.0395 E. info@landxdevelopments.com
www.landxdevelopments.com





① East - Phase 4
1 : 100

② South - Phase 4
1 : 100

③ West - Phase 4
1 : 100

④ North (Phase 4)
1 : 100

WALL FINISHES:

- ① METAL SIDING (BLACK)
- ② WOOD SIDING
- ③ STONE VENEER
- ④ GLASS ROOF
- ⑤ ALUM. PANEL

OWNER'S NAME	
OWNER'S SIGNATURE	
TOWN OF NIAGARA-ON-THE-LAKE	
LORD MAYOR	
TOWN CLERK	
Date	

Proposed

Big Head Barn

823 Line 6 Rd.
Niagara on the Lake, ON

Sheet Title

PROPOSED ELEVATION (PHASE 4)

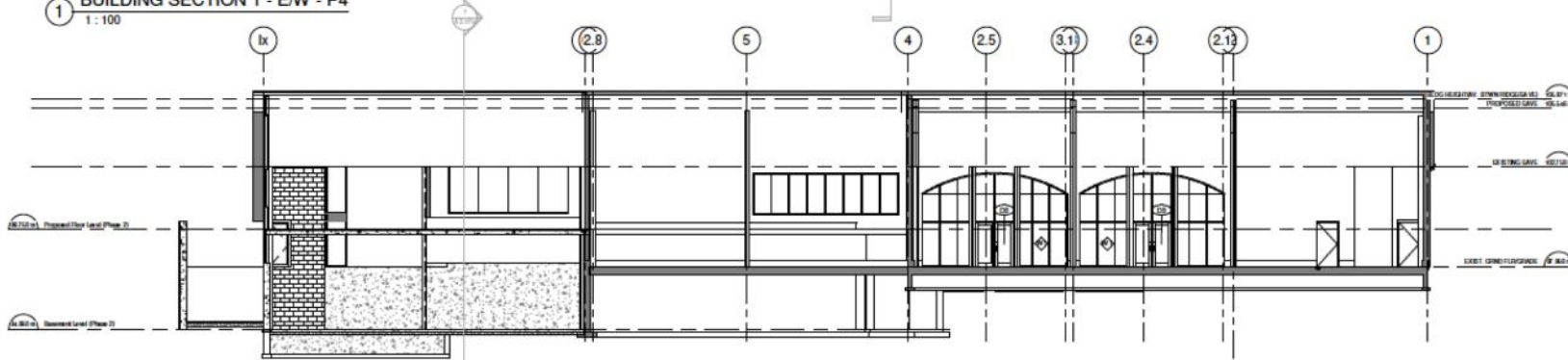
Design JR	Draw FL	Approved JR
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Control No. 19117	Sheet No. A2.1P4
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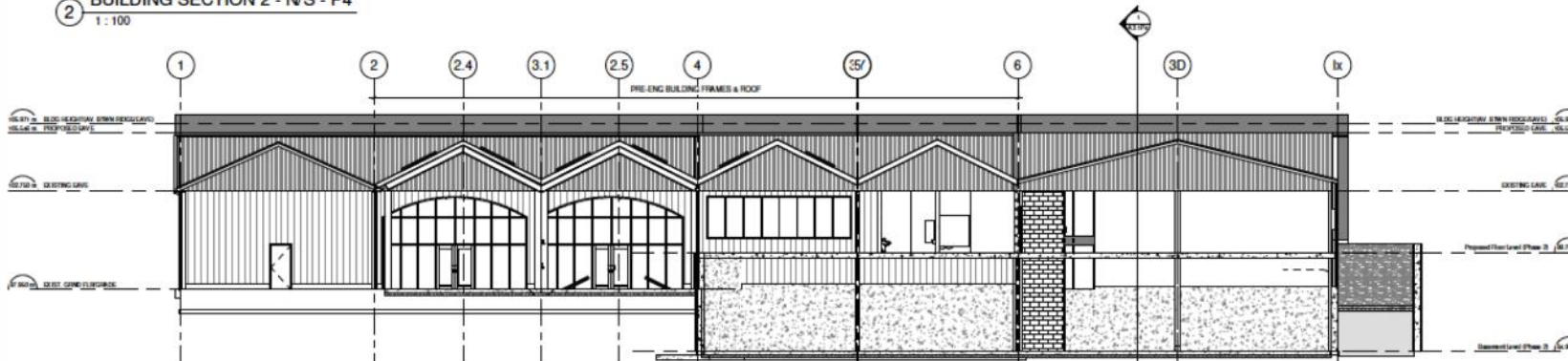
OWNER'S NAME
OWNER'S SIGNATURE
TOWN OF NIAGARA-ON-THE-LAKE
LORD MAYOR
TOWN CLERK
Date



1 BUILDING SECTION 1 - E/W - P4
1:100



2 BUILDING SECTION 2 - N/S - P4
1:100



3 BUILDING SECTION 3 - N/S - P4
1:100

Revisions

No.	Date	Particulars	By
1		ISSUED FOR PERMIT	JR
2		REVISIONS	JR

Drawing Issue:

Date	Particulars	By

Design and specifications are indicated in notes on this project. It is the responsibility of the client to ensure that all information is correct and that all necessary permits are obtained. The architect is not responsible for any errors or omissions in the drawings or specifications. The architect is not responsible for any errors or omissions in the drawings or specifications. The architect is not responsible for any errors or omissions in the drawings or specifications.

Scale:

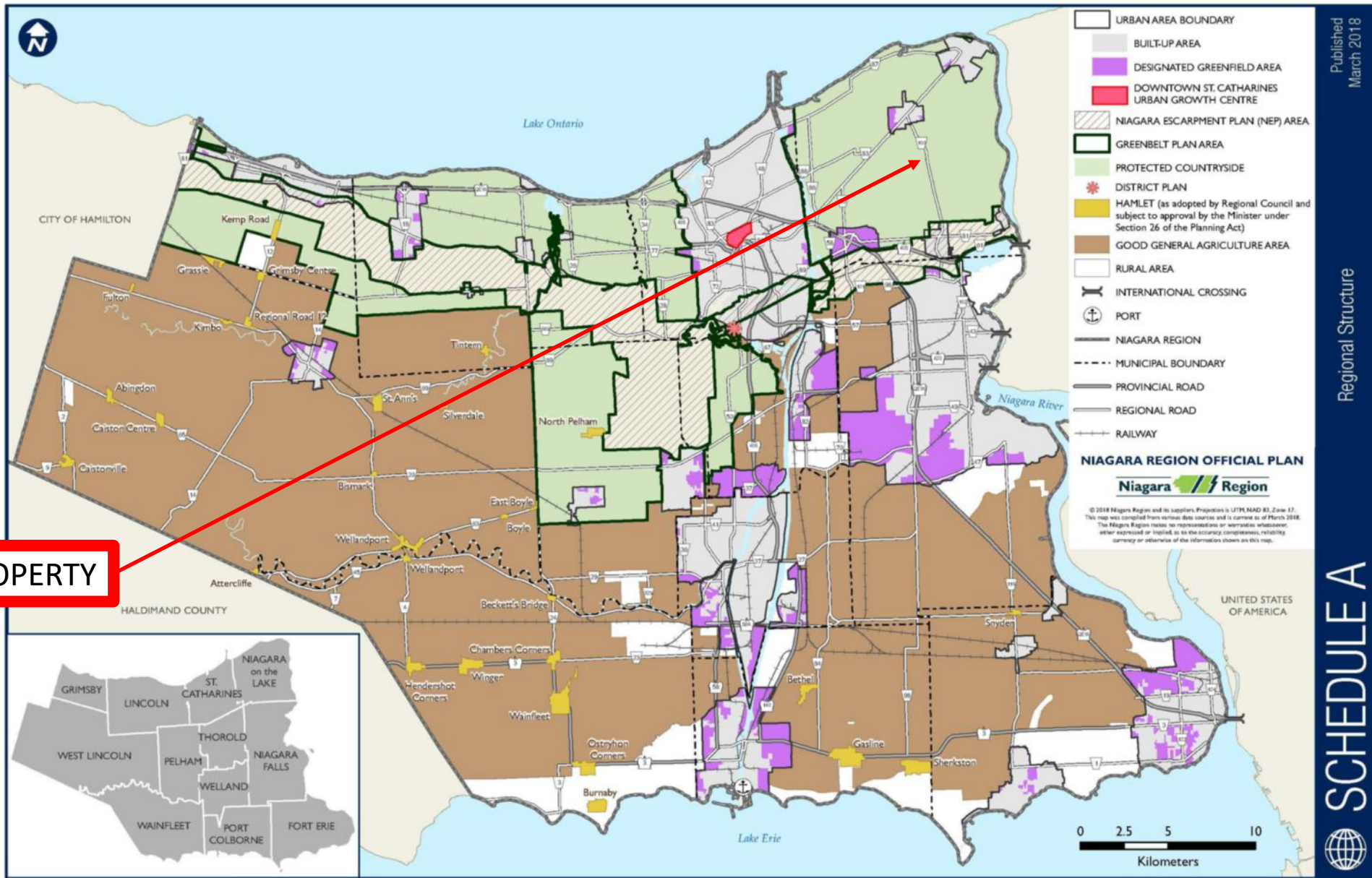
romanov romanov ARCHITECTS INCORPORATED
DESIGNERS, URBANISTS, FUTUREISTS

Project:
Big Head Barn
823 Line 6 Rd.
Niagara on the Lake, ON

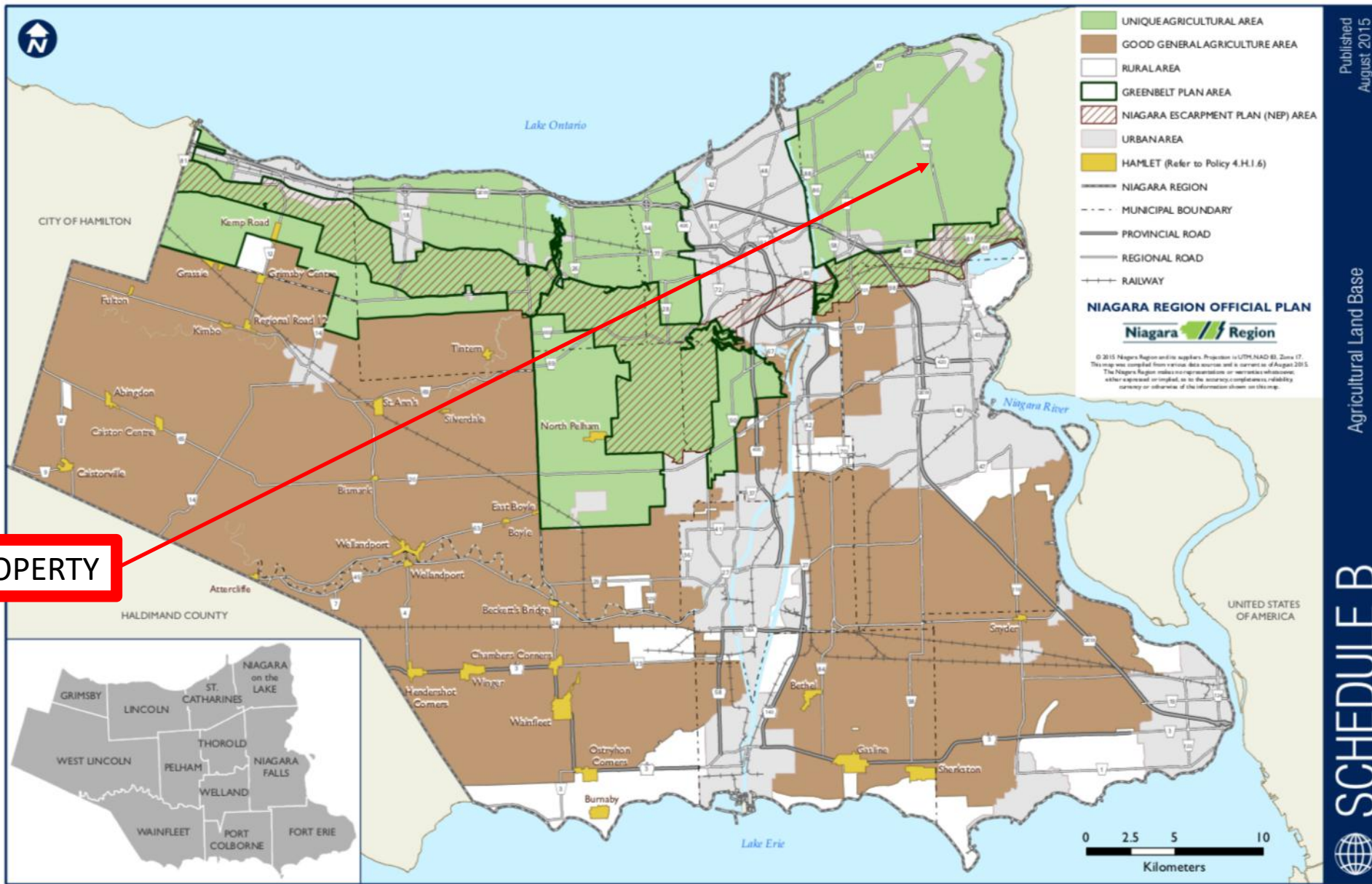
Sheet Title:
BUILDING SECTION 1 & 2 - Phase 4

Design:	Drawn:	Approved:
JR	FL	JR

Case No.:	Sheet No.:
19117	A3.1P4



SUBJECT PROPERTY





Value-added uses that could use feedstock from outside the surrounding agricultural area (e.g., processor, packager, winery, cheese factory, bakery, abattoir)



Home occupations (e.g., professional office, bookkeeper, land surveyor, art studio, hairdresser, massage therapist, daycare, veterinary clinic, kennel, classes or workshops)*



Home industries (e.g., sawmill, welding or woodworking shop, manufacturing/fabrication, equipment repair, seasonal storage of boats or trailers)



Agri-tourism and recreation uses (e.g., farm vacation suite, bed and breakfast, hay rides, petting zoo, farm-themed playground, horse trail rides, corn maze, seasonal events, equine events, wine tasting, retreats, zip lines)*



Retail uses (e.g., farm market, antique business, seed supplier, tack shop)*



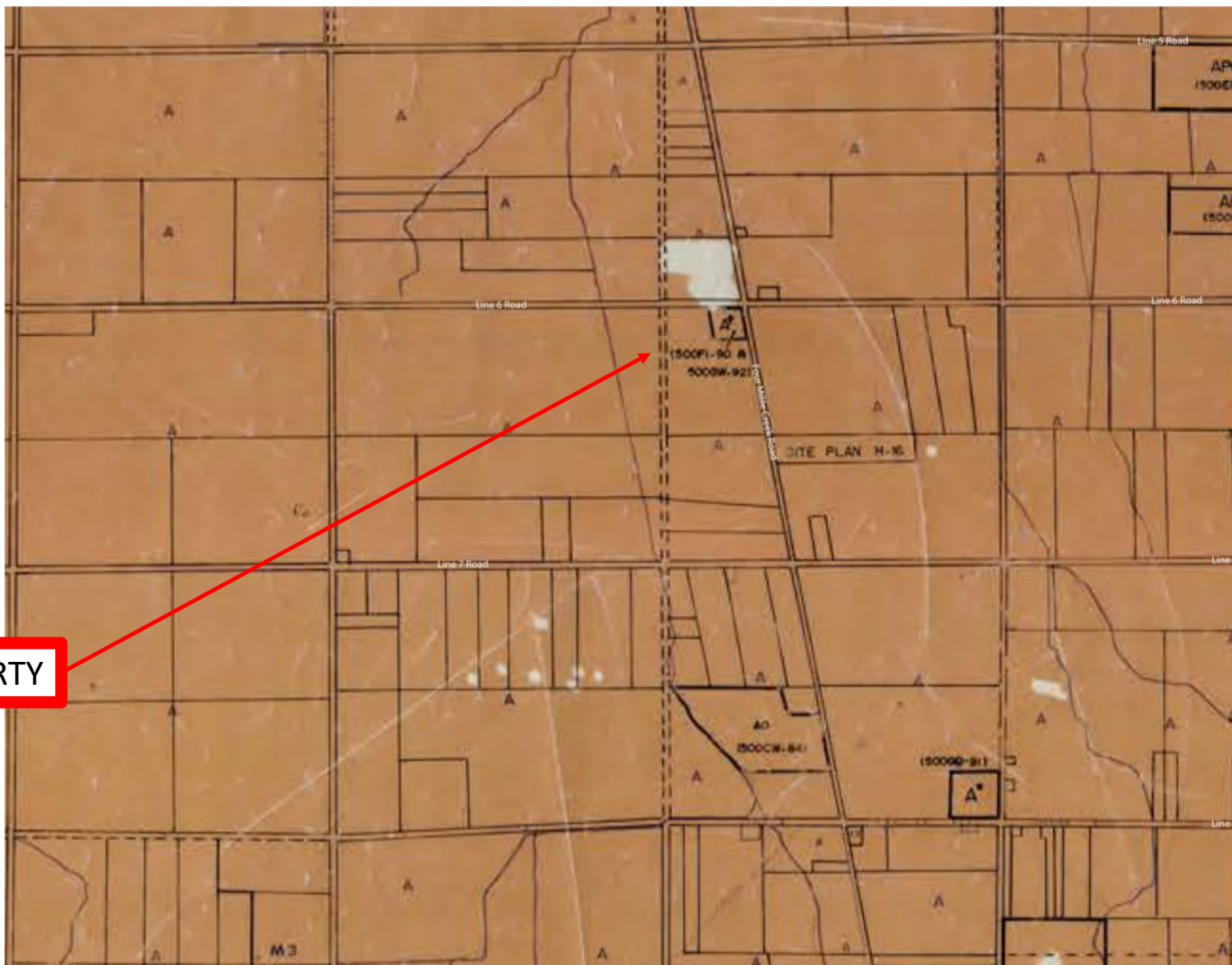
Café/small restaurant, cooking classes, food store (e.g., cheese, ice cream)*

Figure 3. Examples of *on-farm diversified uses* provided all PPS criteria are met.

* Source: Shutterstock

Recommended Area Calculations for On-Farm Diversified Uses

- existing laneways shared between *agricultural uses* and *on-farm diversified uses* are not counted
- area of **existing** buildings or structures, built prior to April 30, 2014, occupied by *on-farm diversified uses* is discounted (e.g., 50%)
- area of **new** buildings, structures, setbacks, outdoor storage, landscaped areas, berms, laneways, parking, etc. are counted at 100%
- *on-farm diversified uses* may occupy no more than 2% of the property on which the uses are located, to a maximum of 1 ha
- the gross floor area of buildings used for *on-farm diversified uses* is limited (e.g., 20% of the 2%)



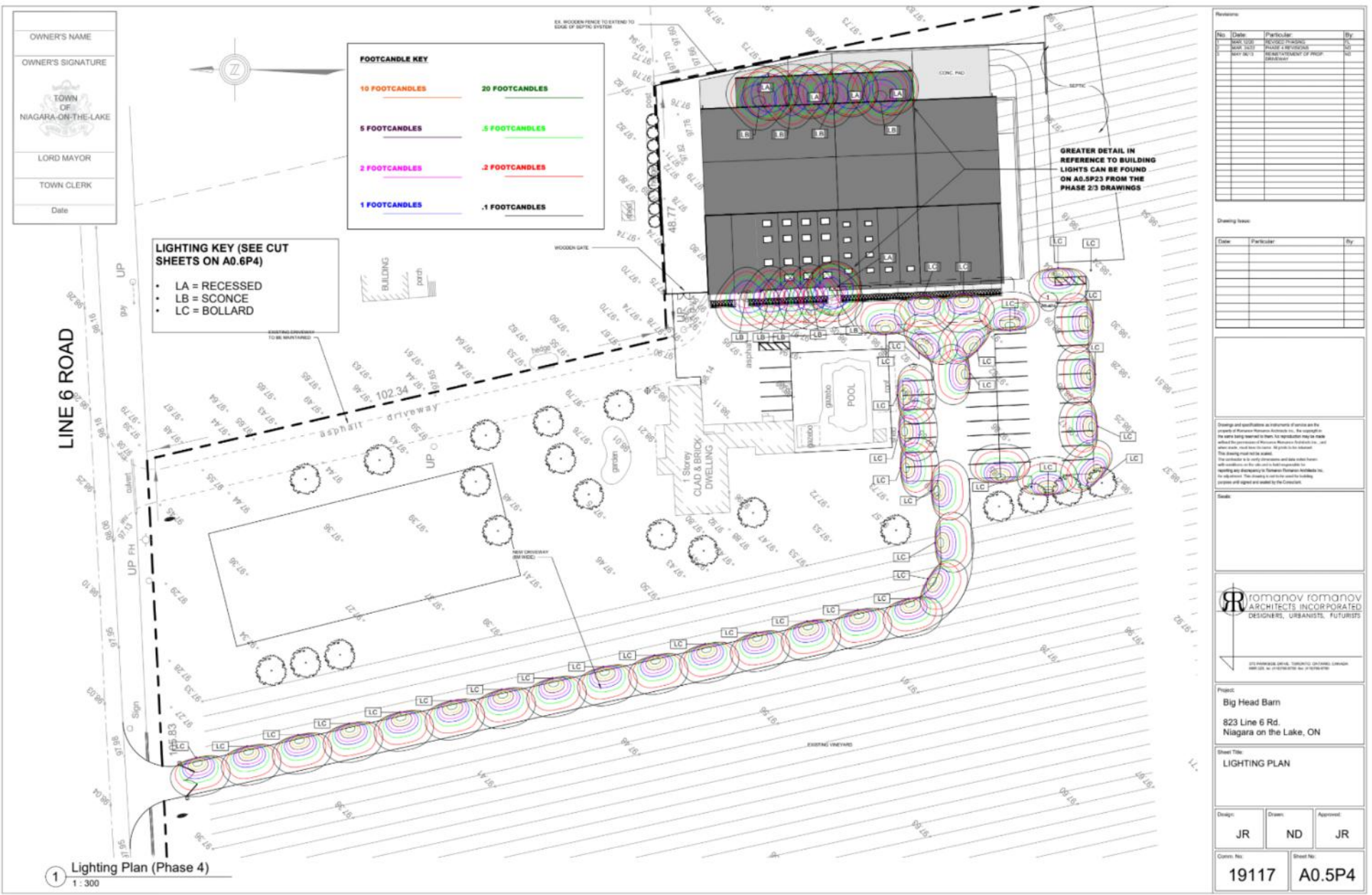
SUBJECT PROPERTY

9. STAGE 2 RECOMMENDATIONS

Given the results and conclusions of the completed Stage 1 & 2 assessment, the following recommendations are made:

Stage 1 & 2 Archaeological Assessment

- Only a portion of the overall property has been subject to a Stage 2 Archaeological Assessment, this constitutes the area for the proposed development (Maps 7A, 7B & 8). Should the proposed development, or any further developments extend beyond the limits of the land subject to Stage 2 survey herein, further Stage 2 archaeological survey is required via a 5 m Test Pit subject to the following is required (see Maps 7B):
 - Lands which are not viable to plough must be subject to a test pit survey with the following conditions:
 - All test pits are to be excavated by hand at 5 m intervals along 5 m transects
 - Test pits must be excavated to within 1 m of all extant and/or ruined structures when present
 - All test pits must be 30 cm in diameter and be excavated into the first 5 cm of subsoil
 - All excavated soils must be screened through 6 mm wire mesh to facilitate artifact recovery
 - All artifacts recovered must be retained via their associated test pit
 - The Ghost Creek (AhGs-401) is located within 20 m of the south-western limit of the property. In addition to the above recommendations, it is recommended that a 2.5 m Test Pit Survey be conducted within the 50 m site buffer which extends into the current property.
- There are no further archaeological concerns and no further archaeological assessment is required within the lands subject to Stage 2 Archaeological survey and reported on herein.
- Lands identified as being of low archaeological potential within the completed Stage 1 Archaeological Assessment have been sufficiently assessed and require no further assessment.
- Notwithstanding the above recommendations, the provided Advice On Compliance With Legislation shall take precedent over any recommendations of this report should deeply buried archaeological resources or human remains be found during any future earthworks within the Study Area.



Summary

Big Head Wines' washwater system preserves farmland for growing grapes and reduces the demand for town drinking water. Washwater will be purified in an engineered wetland using natural processes and reused in the building for non-potable uses including toilet and urinal flushing and floor washing. Peak flows will be managed such that excess process washwater will be directed to an existing septic system, avoiding the removal of grapes for a new dispersal bed. For the Niagara Region, such reuse systems maximize the land available for farming and habitat by reducing the size of dispersal beds and fit more industries on the current municipal water infrastructure by reusing water. Rivercourt Engineering has many years of experience designing wastewater management systems for unique wastewaters, including designs for over 25 wineries in the Niagara Region.



Table 4-1: Recommended Routine Maintenance Tasks

Maintenance Task	Frequency
Flush out sediment in subdrain	As needed
Visual inspection of trench surface (check for any abnormalities, settling of system, sinkholes adjacent to trench)	Annually
CCTV of subdrain	Annually

5.0 Conclusion

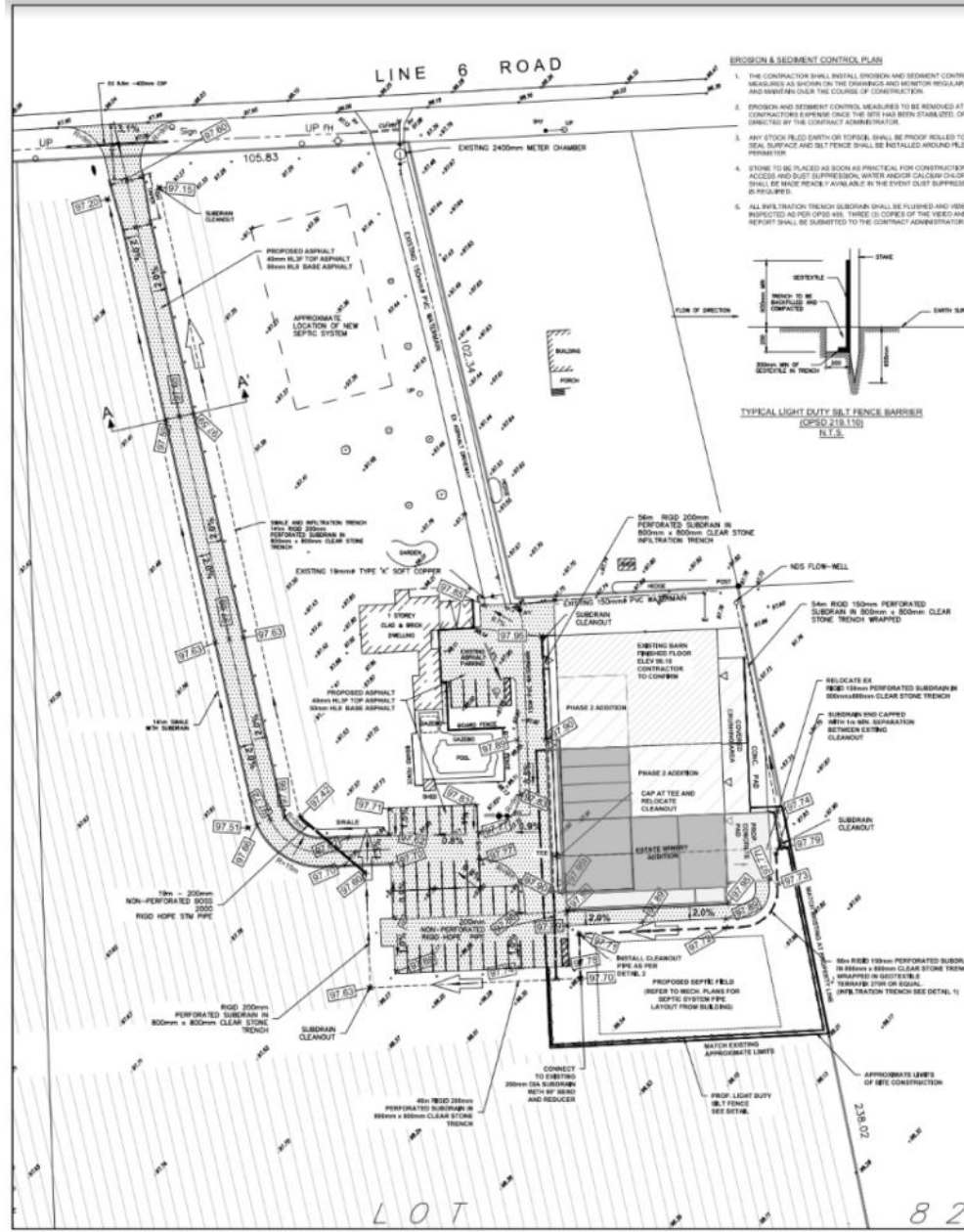
With the proposed building addition rooftop downspouts discharging overland to pervious grass areas, and the proposed installation of an infiltration trench south, east, and west of the proposed building and hardscaping area to attenuate runoff, retain stormwater and provide infiltration, the proposed stormwater management plan will meet the stormwater management objectives of controlling site discharge to within pre-development levels for up to the 100-year design storm. The proposed infiltration system has more than enough storage capacity to meet the demands of the 100-year design storm.

Attachments

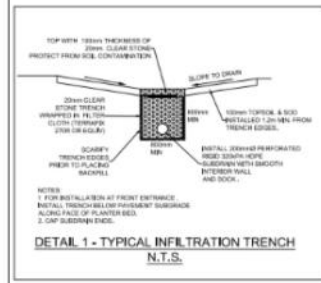
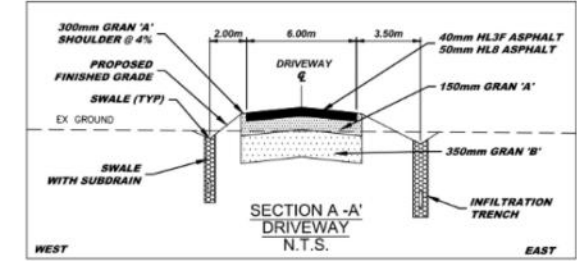
- Subdrain Cleanout Detail
- NDS Flow-Well Information
- Stormwater Runoff & Storage Calculations – Pre and Post-Development
- Stormwater Management Plan
- Grading and Erosion and Sediment Control Plan – Estate Winery

4701 St. Clair Avenue, Suite 301, Niagara Falls, Ontario L2E 3S9
Phone: (905) 371 – 9764
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- EROSION & SEDIMENT CONTROL PLAN**
1. THE CONTRACTOR SHALL INSTALL EROSION AND SEDIMENT CONTROL MEASURES AS SHOWN ON THE DRAWINGS AND MONITOR REGULARLY AND MAINTAIN UNDER THE COURSE OF CONSTRUCTION.
 2. EROSION AND SEDIMENT CONTROL MEASURES TO BE REMOVED AT THE CONTRACTOR'S EXPENSE ONCE THE SITE HAS BEEN STABILIZED OR AS DIRECTED BY THE CONTRACT ADMINISTRATOR.
 3. ANY STOCK PILED EARTH OR TOPSOIL SHALL BE PROOF ROLLED TO SEAL SURFACE AND SILT FENCE SHALL BE INSTALLED AROUND PILE PERMITS.
 4. STORES TO BE PLACED AS SOON AS PRACTICAL FOR CONSTRUCTION. EXCESS AND DUST SUPPRESSION, WATER AND/OR CALCIUM CHLORIDE SHALL BE MAINTAINED AT ALL TIMES. IN THE EVENT DUST SUPPRESSION IS REQUIRED.
 5. ALL INFILTRATION TRENCH SUBDRAIN SHALL BE FLUSHED AND VIDEO INSPECTED AS PER OPER. PLAN. THREE (3) COPIES OF THE VIDEO AND REPORT SHALL BE SUBMITTED TO THE CONTRACT ADMINISTRATOR.



- GENERAL NOTES:**
- 1.1 ALL MEASUREMENTS ARE IN METRIC UNITS UNLESS OTHERWISE NOTED.
 - 1.2 CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.
 - 1.3 C.B.S. DRAWINGS ARE TO BE READ IN CONJUNCTION WITH ARCHITECTURAL, SITE PLAN, LANDSCAPE PLAN AND MECHANICAL DRAWINGS.
 - 1.4 THE CONTRACTOR SHALL FIELD CHECK EXISTING CONDITIONS, VERIFY ALL DIMENSIONS, ELEVATIONS AND REPORT ANY DISCREPANCIES TO THE CONSULTANT PRIOR TO CONSTRUCTION.
 - 1.5 ALL WORK SHALL BE IN ACCORDANCE WITH THE RELEVANT SECTIONS OF THE ONTARIO BUILDING CODE, ONTARIO PROVINCIAL STANDARD DRAWINGS AND SPECIFICATIONS, THE TOWN OF NIAGARA-ON-THE-LAKE REQUIREMENTS WHICH EVER IS MORE STRINGENT UNLESS OTHERWISE NOTED ON THE DRAWINGS OR IN THE SPECIFICATIONS.
 - 1.6 THE COST AND SUBMISSION OF ALL PERMITS ARE THE RESPONSIBILITY OF THE CONTRACTOR. PERMITS REQUIRED INCLUDE BUT MAY NOT BE LIMITED TO THE FOLLOWING: TOWN OF NIAGARA-ON-THE-LAKE CONSTRUCTION ENCROACHMENT AND ENTRANCE PERMITS.
 - 1.7 THE CONTRACTOR SHALL PROVIDE APPROPRIATE SHIELDING FOR TRENCH EXCAVATION IN ACCORDANCE WITH THE ONTARIO OCCUPATIONAL HEALTH AND SAFETY ACT AND REGULATIONS FOR CONSTRUCTION PROJECTS.
 - 1.8 SELECT W/PILE MATERIAL SHALL BE USED FOR SOFTENED TRENCH BACKFILL, EXCEPT UNDER EXISTING PAVEMENT WHERE BACKFILL SHALL BE GRANULAR W/ MATERIAL.
 - 1.9 ALL GRANULAR BACKFILL MATERIAL SHALL BE COMPACTED TO 90% STANDARD PROCTOR MAXIMUM DRY DENSITY (SPD); ALL NATIVE BACKFILL SHALL BE COMPACTED TO 90% UNLESS OTHERWISE NOTED.
 - 1.10 ALL CERTIFIED AREAS SHALL BE RESTORED BY THE CONTRACTOR TO MATCH EXISTING CONDITIONS OR BETTER (E.G. EXISTING PAVEMENT CURBS, LANDSCAPE AREAS, MECHANICAL, ETC.) AS NOTED ON THE DRAWINGS. HARD MATCH LINES SHALL BE MATCHED.
 - 1.11 THE CONTRACTOR SHALL KEEP WORK SITE CLEAN AND FREE OF ALL CONSTRUCTION DEBRIS DURING CONSTRUCTION AND LEAVE THE SITE CLEAN UPON COMPLETION OF WORK OR PORTIONS OF WORK.
 - 1.12 ALL PROPERTY BARS SHALL BE PROTECTED, ANY DAMAGED PROPERTY BARS SHALL BE REPLACED BY THE CONTRACTOR AT HIS OWN EXPENSE.
 - 1.13 ALL SERVITANTS FOR THE WORKING DRAWINGS MUST BE APPROVED BY THE CONSULTANT. THE CONTRACTOR MUST KEEP AN ACCURATE RECORD OF ALL CHANGES FROM THE ORIGINAL CONSTRUCTION DRAWINGS AND SPECIFICATIONS.
 - 1.14 ASBUILT DRAWINGS ARE TO BE PROVIDED TO THE ENGINEER WITH FINAL SITE GRADING ELEVATIONS, VALVE LOCATIONS, MANHOLE AND CATCHBASIN STRUCTURE, S.W. ELEVATIONS AND INVERTS, AND ANY CHANGES TO THE DESIGN.
- REFERENCES:**
- 2.1 SUBDRAIN SHALL BE 100mm PERFORATED HDPE DENSITY POLYETHYLENE (HDPE) PIPE WITH KNITTED GEOTEXTILE SOCK AS PER OPSD 405, UNLESS NOTED OTHERWISE. SEE AS NOTED ON DRAWINGS.
- RELEVANT SPECIFICATIONS:**
- OPSD 286 Grading
 - OPSD 312 100mm Asphalt
 - OPSD 314 Unbound Gravel
 - OPSD 315 Concrete
 - OPSD 405 Subdrain
 - OPSD 501 Compaction
 - OPSD 510 Removal
 - OPSD 502 Trenching
 - OPSD 503 Backfill
 - OPSD 504 Seal and Cover
 - OPSD 505 Temporary Excavation and Sediment Control Measures
- RELEVANT STANDARD DRAWINGS:**
- OPSD 218.115 Light Duty Silt Fence Barrier
 - OPSD 322.01 Flexible Pipe Encasement and Backfill, Earth Encasement

LEGEND

• 194.19	EXISTING ELEVATION
• 194.19A	EXISTING ELEVATION INTERPOLATED
○	EXISTING MANHOLE
□	EXISTING CATCHBASIN
○	EXISTING FIRE HYDRANT
○	EXISTING WATER VALVE
○	EXISTING CURB STOP
○	EXISTING STORM SEWER
○	EXISTING SANITARY SEWER
○	EXISTING WATER LINE
○	EXISTING GAS LINE
○	EXISTING BELL LINE
○	EXISTING HYDRO LINE
○	EXISTING STREET LIGHT
○	EXISTING CABLE TV
○	PROPOSED ELEVATION
○	PROPOSED ELEVATION TOP OF CONCRETE
○	PROPOSED DOOR LOCATION
○	PROPOSED STORM SEWER
○	PROPOSED SWALE
○	PROPOSED SUBDRAIN
○	PROPOSED S.I.T. FENCE
○	DRAINAGE BOUNDARY LINE
○	FLOW DIRECTION
○	OVERLAND FLOW

TOPOGRAPHIC SURVEY NOTES:

TOPOGRAPHIC SURVEY PREPARED BY BRULP + MASCOE + LEE SURVEY LTD. REFER TO PLAN OF SURVEY DRAWING NO. 194-19-20-000

LOCAL BENCHMARK:

REFER TO TOPOGRAPHIC SURVEY PLAN FOR LOCAL BENCHMARK INFORMATION

REVISIONS:

NO.	REVISION	DATE	BY
1	ESTATE WINERY DIM UPDATES	JULY 14/22	MU
2	ENTRANCE AND DRIVEWAY DESIGN	JUNE 25/22	MU
3	ISSUED FOR REVIEW	MAY 2/22	LS

OWNER'S NAME: M.D. MOLEX

OWNER'S SIGNATURE: [Signature]

TOWN OF NIAGARA-ON-THE-LAKE

LORD MAYOR: [Signature]

TOWN CLERK: [Signature]

Date: [Date]

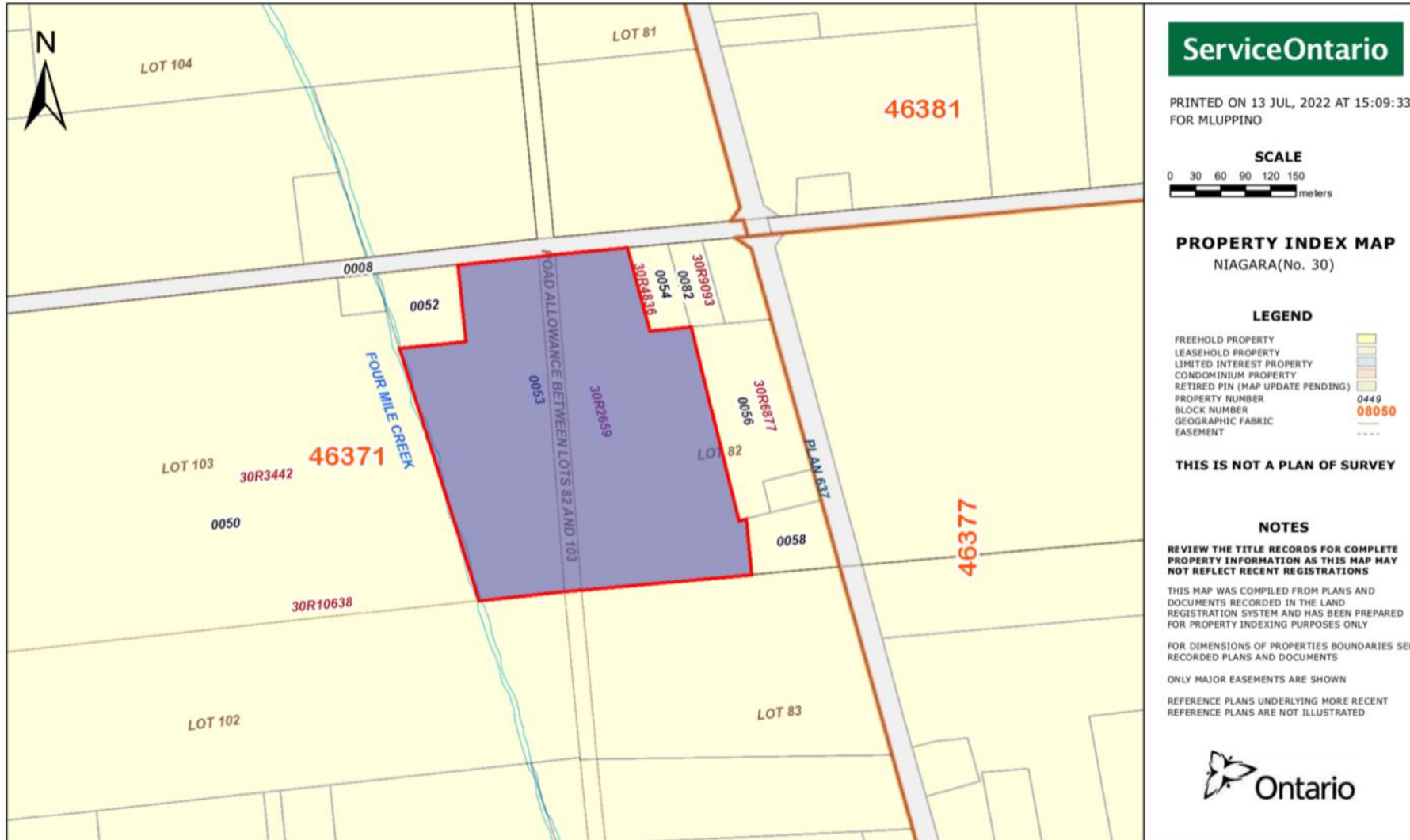
PROJECT: 823 LINE 6 ROAD BIG HEAD ESTATE WINERY NIAGARA-ON-THE-LAKE

TITLE: GRADING PLAN & SEDIMENT CONTROL PLAN

CREATED: MU **DRAWN:** LS **PROJECT NO.:** 20-118

DATE: APRIL 22, 2022 **SCALE:** 1:500 **DATE:** 2022 **CDT**





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PROPERTY DESCRIPTION: PT TWP LT 82 NIAGARA; PT TWP LT 103 NIAGARA; PT RDAL BTH TWP LOTS 82 & 103 NIAGARA PT 2 30R2659 EXCEPT PT 1 30R4836; S/T INTEREST IN R0224587; S/T R0538523; NIAGARA-ON-THE-LAKE

PROPERTY REMARKS: PLANNING ACT CONSENT AS IN R0538523. PLANNING ACT CONSENT AS IN R0400074.

ESTATE QUALIFIER: RE-ENTRY FROM 46371-0139
FEE SIMPLE RE-ENTRY FROM 46371-0139
LT CONVERSION QUALIFIED
FIN CREATION DATE: 2004/02/23

OWNER'S NAME: CAPACITY GRAB
BIG HEAD WINES INC. TCOM 59%
LIPINSKA, JANINA JTEN PART OF 1%
LIPINSKI, ANDRZEJ JTEN PART OF 1%

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 2004/02/20 **						
**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO						
SUBSECTION 4(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES AND ESCHEATS OR FORFEITURE TO THE CROWN.						
THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY CONVENTION.						
ANY LEASE TO WHICH THE SUBSECTION TO(2) OF THE REGISTRY ACT APPLIES.						
**DATE OF CONVERSION TO LAND TITLES: 2004/02/23 **						
30R2659	1979/05/22	PLAN REFERENCE				C
R0710764	1996/05/31	TRANSFER		*** DELETED AGAINST THIS PROPERTY ***	KIRCHER, GUNTHER KIRCHER, SONJA	
R0719278	1996/12/03	CHARGE		*** COMPLETELY DELETED ***	THE BANK OF NOVA SCOTIA	
NR316208	2012/12/21	CHARGE		*** COMPLETELY DELETED ***	KIRCHER, GUNTHER KIRCHER, SONJA	THE BANK OF NOVA SCOTIA
NR316209	2012/12/21	DISCH OF CHARGE		*** COMPLETELY DELETED ***	THE BANK OF NOVA SCOTIA	
REMARKS: R0719278.						

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
NR396611	2015/10/30	TRANSFER		*** COMPLETELY DELETED *** KIRCHER, GUNTHER KIRCHER, SONJA	XU, WENZHANG	
REMARKS: PLANNING ACT STATEMENTS.						
NR396612	2015/10/30	CHARGE		*** COMPLETELY DELETED *** XU, WENZHANG	THE TORONTO-DOMINION BANK	
NR411684	2016/05/04	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE BANK OF NOVA SCOTIA		
REMARKS: NR316208.						
NR526813	2019/11/08	CHARGE		*** COMPLETELY DELETED *** XU, WENZHANG	ALMARJOY MANAGERMENTS LTD.	
NR526814	2019/11/08	NO ASSGN RENT GEN		*** COMPLETELY DELETED *** XU, WENZHANG	ALMARJOY MANAGERMENTS LTD.	
REMARKS: NR526813.						
NR533384	2020/01/28	NOTICE		*** COMPLETELY DELETED *** XU, WENZHANG	ALMARJOY MANAGERMENTS LTD	
REMARKS: NR526813.						
NR556070	2020/10/29	TRANSFER	42,315,625	XU, WENZHANG	BIG HEAD WINES INC. LIPINSKA, JANINA LIPINSKI, ANDRZEJ	C
REMARKS: PLANNING ACT STATEMENTS.						
NR556071	2020/10/29	CHARGE	\$6,000,000	LIPINSKI, ANDRZEJ LIPINSKA, JANINA BIG HEAD WINES INC.	FARM CREDIT CANADA	C
NR556122	2020/10/29	DISCH OF CHARGE		*** COMPLETELY DELETED *** ALMARJOY MANAGERMENTS LTD.		
REMARKS: NR526813.						
NR578727	2021/04/08	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
REMARKS: NR396612.						
NR582017	2021/07/05	CONSTRUCTION LIEN		*** COMPLETELY DELETED *** M-COR PIPE & PRODUCTS INC.		

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
NR583411	2021/07/16	APL DEL CONST LIEN		*** COMPLETELY DELETED *** M-CON PIPE & PRODUCTS INC.		
		REMARKS: NR582017.				
NR584864	2021/07/30	NOTICE	\$1	THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE		C
NR584865	2021/07/30	POSTPONEMENT		FARM CREDIT CANADA	THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE	C
		REMARKS: NR556071 TO NR584864				
NR589473	2021/09/13	CONSTRUCTION LIEN		*** COMPLETELY DELETED *** 1712164 ONTARIO LTD. EFP, HAROLD		
NR591039	2021/09/29	APL DEL CONST LIEN		*** COMPLETELY DELETED *** EFP, HAROLD 1712164 ONTARIO LTD.		
		REMARKS: NR589473.				
NR603912	2022/02/01	CONSTRUCTION LIEN		*** COMPLETELY DELETED *** 2707598 ONTARIO INC.		
NR618297	2022/06/24	APL DEL CONST LIEN		*** COMPLETELY DELETED *** 2707598 ONTARIO INC.		
		REMARKS: NR603912.				

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.



Big Head Winery

Proposed Estate Winery

Implementing Zoning By-Law Amendment and Site Plan Approval

APPENDIX 1 – CALCULATIONS FOR ON-FARM DIVERSIFIED USE



Site Statistics

Lot Area = 123,232m² / 12.32ha
Coverage Target (2%) = 2,464.60m² / 0.246ha

(A) New Building Secondary Uses

Retail Area (Inc. WC) = 152m²
Wine Bar = 216m²
Wine Tasting Area = 42m²

Subtotal (New Building Secondary Uses) = 410m²

(B) External Site – Driveways and Parking

Previous Driveway (*Removed*) = 654m²
Total New Driveway & Parking Area = 2,813m²
50% of New Driveway = 557m²
Patron Parking Area = 857m²
% of Proposed Driveway & Parking Area Belonging to Non-Farm Use = 51%
Net Driveway (Less Removed) = 654 m²
Existing Driveway Belonging to Non-Farm Uses (51%) = 336m²
(567m² + 857m²) – 336m² = 1,088m²

Subtotal (External Site – Driveways and Parking) = 1,088m²

(C) External Site – Septic System

Original Septic for Farm and House = 278 m²
Aquawetland Septic System = 260m²
Dispersal Bed = 1,250m²
Total Septic Area = 1,510m²
Net Septic Area for Calculation = 1,232m²
Area of Septic Attributed to On-Farm Diversification (70%) = 862.40m²

Subtotal (External Site – Septic System) = 862.40m²

Conclusion

(A) New Building Secondary Uses = 410m²
(B) External Site – Driveways and Parking = 1,088m²
(C) External Site – Septic System = 862.40m²

Total On- Farm Diversified Uses = 2,360.40m²

Lot Area = 123,232m²

% of On-Farm Diversified Uses = 1.92%