



Zoning By-Law Amendment Application Planning Justification Report

To:	The Town of the Blue Mountains
Attention:	Adam Smith, Director of Planning and Development
From:	Vanessa Simpson & Josh Morgan
Date:	November 25, 2024
Delivered:	Delivered by Hand and by Email
Subject Property:	808108 24 th Sideroad, Town of the Blue Mountains

1.0 INTRODUCTION

MORGAN Planning & Development Inc. has been retained by Spy Cider House and Distillery, the property owners of 808108 24th Sideroad, in the Town of the Blue Mountains, to prepare this Planning Justification Report and to facilitate the approval process for a Zoning Bylaw Amendment Application.

The purpose of this Planning Justification Report is to provide an overview of the proposal, to summarize the purpose of the Zoning By-law Amendment application, and to explain how the application conforms to the applicable land-use planning policies.

2.0 LOCATION AND DESCRIPTION OF LAND

The subject property is known municipally as 808108 24th Sideroad, in the Town of the Blue Mountains. The property has 389.7 metres (1,278.5 ft.) of frontage onto the 24th Sideroad and contains an area of approximately 31.29 hectares (77.34 acres). Refer to **Figure 1**.

***Figure 1** Aerial Image of Property and Surrounding Uses
Subject Property is outlined in yellow*



Source: Grey County GIS Mapping

Spy Cider House and Distillery property contains approximately 29 hectares (71.6 acres) of apple orchards (agricultural use) and contains an accessory building which supports the agricultural use of the lands.

The accessory building is used as the Cider House and Distillery (farm winery), which contains a small tasting room and retail store (~56 m²). The remaining area (~223 m²) of the building is used for production and processing. Adjacent to the Cider House and Distillery building is a patio, for guests to enjoy a drink or light meal, during the summer months.

A cluster of buildings and outdoor lawn seating is located just south of the patio, which include an airstream trailer, which provides sheltered guest seating, a grain silo, which has been transformed into an outdoor bar, and a shipping container used for agricultural storage.

A gravel parking area at the end of the driveway is located on the west side of the building and patio area. The existing septic system is located south of the Cider House. There are also storage shipping containers located in several locations over the property, which provide storage for varying aspects of the business (dry storage, farm equipment storage, and climate-controlled fridge storage etc). Refer to **Figure 2** for an aerial image which notes existing conditions.

In addition to the above, the site has been used for a variety of different uses and events. These include, and are further elaborated on below:

- Cider Festival
- Open Fields
- Feast On
- Corporate Events and Celebrations

2.1 Surrounding Uses

The surrounding land uses are categorized as follows:

North: To the north of the property are agricultural fields (orchards) and crop fields. Further north is the settlement area of Clarksburg, and further is Thornbury.

East: To the east of the property are agricultural fields (orchards) and further east there are environmental protection lands. Further northeast is the settlement area of Camperdown.

South: To the south of the property are agricultural fields (orchards).

West: To the west of the property are agricultural fields (orchards).

Figure 2 Aerial Image of Existing Property Features
Subject Property is outlined in yellow



Source: Grey County GIS Mapping

3.0 OVERVIEW OF PROPOSAL

The ZBA application proposes several additions and changes to the subject lands.

Proposed Building

The application proposes the development of a 515 m², two-storey building. The building includes a covered entry and patio, with an event space with seating for up to 165 guests on the main floor. The main floor also includes an entry foyer, washrooms for guests, a kitchen, a storage area, with a bar that is open to the main event space as well as the covered porch. The second floor provides space for staff including offices, staff room and staff washroom, as well as a storage room and mechanical room.

A new septic system is required to support the building. In addition, the current parking lot area is proposed to increase in size to accommodate the required parking for the proposed building.

The proposed building has been designed by Justin Sherry Design Studio, refer to **Figure 5 - Figure 8** and **Appendix A** for the Building Drawing Package.

Proposed Uses within / or associated with the new building

The building will be utilized for a wide range of uses which will support **existing agricultural farming operations**, provide further opportunities related to **agri-tourism** and provide new opportunities for **on-farm diversified uses**.

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.*

The **agricultural related uses** will include apple storage and distribution during harvest season. The current facility does not provide sufficient area to store the large quantities of apples during peak harvest season. Additional on-site storage, in a semi-controlled environment will ensure the crop remains in pristine conditions before processing. In addition, the building will be used for storage of farming equipment, as required throughout the seasons.

In addition, the proposed building will be used as an agricultural research centre. Spy anticipates working with the Ontario Agricultural College at The University of Guelph to study cider varieties that they are growing and further study and examine the old growth within the region.

The PPS defines **on-farm diversified uses** as *those that are secondary to the principal agricultural use of the property, and are limited in area.*

The proposed building will provide additional and permanent space for Spy's varying **on-farm diversified uses**. The proposed building will provide an opportunity for new **on-farm diversified uses** beyond those that have previously held on site. Additional opportunities include the following, however, are not limited to:

Corporate Events and Celebrations – Spy anticipates renting out the facility to host a wide range of corporate events and celebrations, which could include local attendees as well as attendees from across the province to experience the region.

In addition, **agri-tourism uses** are also considered on-farm diversified uses. The PPS defines **agri-tourism uses** as *those farm-related tourism uses.*

Agri-tourism is a growing economic opportunity within The Blue Mountains and area. The proposed building will provide a space for a wide range of agri-tourism related uses and activities, which relate to education and activities related to apple farming and cider making. Additional opportunities include the following, however, are not limited to:

Cider Festival – in June 2024, Spy Cider House and Distillery hosted its first annual Cider Festival, which draws cider makers from across Ontario to The Blue Mountains, to display and feature their unique Ontario made products. The first event drew in over 400 people to experience the region and learn about the craft and what makes this apple growing region one of the best in the world.

Ontario Craft Cider Association AGM – Spy Cider House and Distillery will become home to the Ontario Craft Cider Association Annual General Meeting. This AGM will draw 100 people to The Blue Mountains during its annual 2-day event.

Town Wide Events – Spy anticipates future participation, with The Blue Mountains, in hosting events like Open Fields, where Spy had over 600 guests attend the farm for tours of Spy's farm and its production facility. They also anticipate participating in The Blue Mountains Film Festival and The Apple Pie Trail, which drive awareness and tourism to this region.

Culinary Tourism Alliance – Spy partners with the Culinary Tourism Alliance as a "Feast On" member and hope to collaborate with and host related events at Spy in the future.

Other Site Plan Changes/Additions

In addition to the proposed building noted above, the ZBA application also intends to:

- Recognize and permit all existing structures which currently do not meet the zoning requirements
- Recognize and permit the proposed seasonal outdoor kitchen, to be located within the cluster of buildings and outdoor lawn seating area
- Permit a proposed residential dwelling to provide on-farm accommodation as an agricultural related / agri-tourism use (i.e. bed and breakfast).
- Permit the sale of liquor and alcohol that is produced off-site, allowing Spy to obtain a Tied House License from the AGCO.

A Concept Site Plan has been prepared in support of this application, which can be seen in **Figure 3** and **Figure 4**, and **Appendix B**. The Plan illustrates the existing and proposed buildings, structures, septic area and parking area.

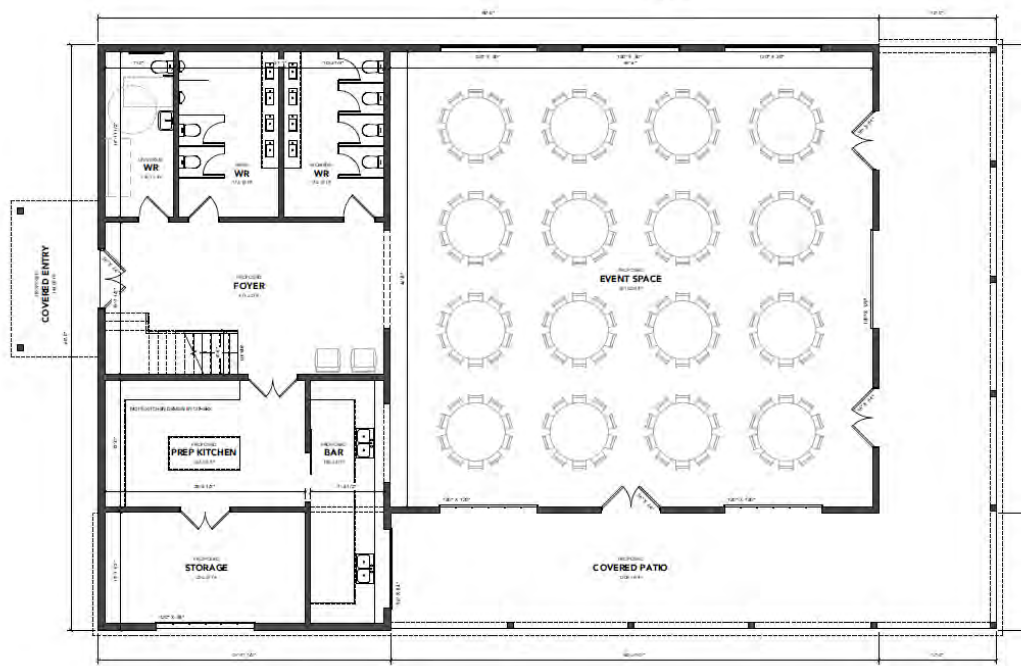
Therefore, a Zoning By-law Amendment (ZBA) is required to rezone the lands from '*Special Agricultural (SA)*' Zone to a '*Special Agricultural with special provisions (SA-(SPX))*' Zone to facilitate the above noted proposed development.

Figure 4 Excerpt of Concept Plan



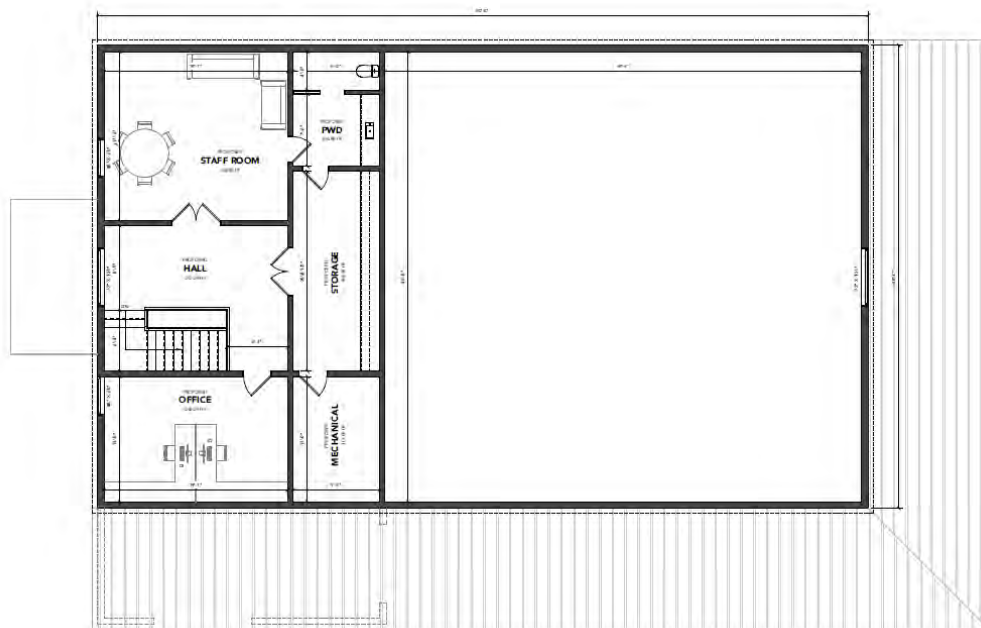
Source: Morgan Planning & Development

Figure 5 Ground Floor Plan



Source: Justin Sherry Design Studio

Figure 6 Second Floor Plan



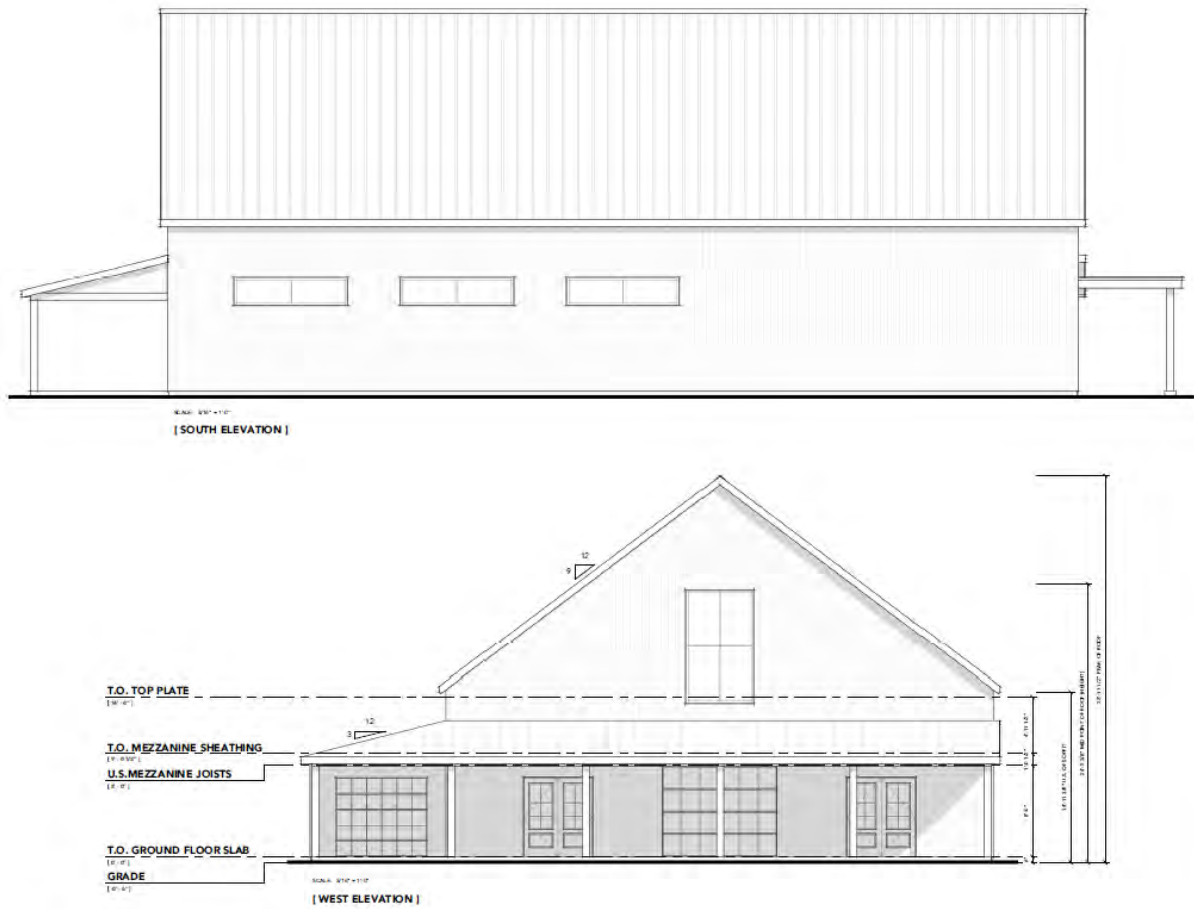
Source: Justin Sherry Design Studio

Figure 7 Building Elevations: East and North



Source: Justin Sherry Design Studio

Figure 8 Building Elevations: South and West



Source: Justin Sherry Design Studio

4.0 OFFICIAL PLAN AND ZONING BY-LAW

4.1 Grey County, Official Plan

The lands are designated '**Special Agricultural**' and '**Hazard**' as per Schedule A, Land Use Types, Map 2 of Grey County Official Plan, see **Figure 9**. The area which is subject to this development proposal and associated Zoning By-law Amendment, is entirely within the '**Special Agricultural**' designation.

The Special Agricultural land use type applies to those unique areas of the County that lend themselves to the growing of fruits and vegetables. These lands are supported by unique micro-climates around Georgian Bay and the Niagara Escarpment. Traditionally the Special Agricultural lands have been used for apple production (5.3).

Figure 9 Land Use
Subject lands are outlined in orange



Source: Grey County, Official Plan

The *Special Agricultural* land use type permits a wide range of agricultural land uses including all types, sizes and intensities of agricultural uses, and normal farm practices, agricultural-related uses, on-farm diversified uses and more (5.3.1 and 5.2.1).

Based on this, the existing use of apple orchards, as an agricultural use, is considered a permitted use. In addition, the Cider House and Distillery is considered an agricultural-related uses and is permitted. The proposed building's use is considered both agricultural-related uses, agri-tourism uses and on-farm diversified uses, and is permitted in this designation.

4.2 Town of The Blue Mountains, Official Plan

The lands are designated 'Special Agricultural' and 'Hazard' as per Schedule A, Land Use Plan of the Town of The Blue Mountains Official Plan, see **Figure 10**. The area which is subject to this development proposal and associated Zoning By-law Amendment, is entirely within the 'Special Agricultural' designation.

Figure 10 Land Use
Subject lands are outlined in orange



Source: Town of The Blue Mountains, Official Plan, Schedule A – Land Use Plan

The intent of the *Special Agricultural* designation is to *maintain and protect lands capable of producing apples and tender fruits; recognize the role of speciality croplands in the region and enhance their capacity to contribute to the economy of the Town; and maintain the character of the Town created by the presence of orchard lands* (B4.3.1).

The principal use of land in the *Special Agricultural* designation is *apple and/or tender fruit production and storage facilities*. Additional permitted uses include: *all types of agricultural uses and related buildings and structures; market gardening and nurseries; retail sales of farm produce accessory to an agricultural use; small scale industrial or commercial uses subject to Section B4.1.8 of this Plan; an estate or farm winery subject to Section B4.1.3 and B4.1.4; and agri-tourism uses subject to Section B4.1.2 of this Plan*.

Based on this, the existing use of apple orchards, as an agricultural use, is considered a permitted use. In addition, the Cider House and Distillery is considered a farm winery use and are considered permitted. The proposed building's use is considered both agricultural-related uses, agri-tourism uses and on-farm diversified uses and is permitted in this designation.

4.3 Town of The Blue Mountains, Zoning By-law 2018-65

The lands are zoned '*Special Agricultural (SA)*' and '*Hazard (H)*' within the Town of The Blue Mountain Zoning By-law, refer to **Figure 11**. The area which is subject to this development proposal and associated Zoning By-law Amendment, is entirely within the 'Special Agricultural (SA)' Zone.

Figure 11 Zoning
Subject lands are outlined in cyan



Source: Town of The Blue Mountains, Zoning By-law

The Zoning By-law permits agricultural uses, agri-tourism uses, commercial greenhouse, farm produce outlet and farm winery within the 'SA' Zone.

A portion of the property is zoned 'Hazard (H)', this area buffers a watercourse which runs through the property. The lands that are zoned 'H' are also regulated by the GSCA (Grey Sauble Conservation Authority). Development is generally prohibited on Hazard lands. The proposed redevelopment is to be located well outside of the 'Hazard' zoned lands.

4.4 Zone Matrix

The following Zone Matrix lists each of the zoning provisions for the '*Special Agricultural (SA)*' Zone. All provision **highlighted** require amendment to the Zoning Bylaw.

Table 1: SA Zone Provisions		
Provision	Required	Provided
Minimum Lot Area (ha)	10.0 ha	~31.29 ha
Minimum Lot Frontage (m)	150.0 m	~389.5m
Minimum Front Yard (m)	15.0 m	>15.0 m
Minimum Exterior Side Yard (m)	15.0 m	n/a
Minimum Interior Side Yard (m)	8.0 m	>8.0 m
Minimum Rear Yard (m)	15.0 m	>15.0 m
Maximum Building Height (m)	11.0 m	Existing Building – less than 11.0 m Proposed Building – 7.5 m
Section 4.25 On-Farm Diversified Uses and Other Rural Uses		
4.25.1 Agri-Tourism Uses Temporary or seasonal Agri-Tourism uses are permitted accessory to an agricultural use on lots of at least 10 hectares in size, subject to the following provisions:	Lot is >10ha	~31.29 ha, therefore, agri-tourism is permitted
a) Retail sales are permitted in conjunction with a Farm Winery, as otherwise permitted by this By-law;	Farm Winery required	Spy Cider House and Distillery is considered a farm winery
b) The use shall not include a restaurant or banquet hall nor any accommodation component		The proposed building will be multi-purpose and its uses will vary depending upon the

Table 1: SA Zone Provisions		
Provision	Required	Provided
(e.g. tourist establishment, campground, trailer park, etc.);		time of year. Those uses will include agricultural storage (apples and equipment), agri-tourism events, and celebrations.
c) Where a petting zoo, children's playground or outdoor activity is provided as part of an Agricultural Tourism use, it shall be setback a minimum of 30.0m from any lot line and may include equipment typical of a school playground such as swings, slides, and climbers and may not include motorized vehicles and/or rides;	n/a	n/a
d) Associated buildings or structures (e.g. picnic shelters, washrooms, dedicated areas within on-farm buildings) shall not exceed a combined gross floor area of 75 square metres.		Combined area of 2,225.0m ²
4.25.2 Farm Wineries Farm Wineries are subject to the following provisions:		
a) A minimum of 2.0 hectares must be planted with vines, apple or other fruit trees;		29 ha are planted with apples
b) The retail sale of wine produced on-site shall be permitted, provided any on-site tasting room and retail floor space does not exceed the lesser of 100 square metres or 25% of the total winery floor area (excluding any below ground floor area). The on-site retail floor space for non-agricultural and/or non-Grey County agricultural products		Sale of wine produced on-site = permitted Sale of alcohol produced off site = to be permitted Tasting room and retail floor space, 60 m² Retail space for non-ag and/or non-Grey produced = to be permitted

Table 1: SA Zone Provisions		
Provision	Required	Provided
shall not exceed 5% of the total floor area.		
Section 5.0 Parking and Loading Standards		
Size of Parking Spaces (5.1.5)	2.75 x 5.5 m	2.75 x 5.5 m
Width of Parking Aisles (5.1.6)	Two-way aisle, the minimum aisle width must be 6.0 m	Provided
Width of Access Ramps and Driveways (5.1.7)	A minimum of 6.0 m in width for two-way traffic	Provided
Minimum Parking Spaces Required (5.4.3, Table 5.3)	Retail Store 1/20m ² Warehouse 1/90m ² Uses not listed 1/30m ² Banquet Hall 1/5.8m ² Existing Building 279m ² : 223 m ² warehouse = 3 spaces & 56 m ² retail = 3 spaces New building: 515m ² = 89 spaces Total = 95 spaces	50 spaces
Barrier Free Parking (5.6.1)	Number of Required Parking Spaces: 13-100 spaces Barrier-free Spaces: 4% of the required parking spaces Required = 5 spaces Equally divided between Type A and Type B, if an even number of parking spaces is required.	2 spaces
Barrier Free Parking Space Standards (5.6.2)	The following provisions apply as barrier free parking space standards:	a) 1 Type A provided b) 1 Type B provided c) Parking area to be gravel d) Provided e) Provided

Table 1: SA Zone Provisions		
Provision	Required	Provided
	a) Where a Type A parking space is required or provided, it shall be a minimum width of 3.4 metres and a minimum length of 5.8 metres; b) Where a Type B parking space is required or provided, it shall be a minimum width of 2.4 metres and a minimum length of 5.8 metres; c) Each parking space shall be paved and the access from the parking space to the main entrance of the main building on the lot shall be paved; d) Each parking space shall have a vertical clearance of 3.0 metres; and, e) An access aisle, having a minimum width of 1.5 metres and extending the full length of the parking space shall be provided adjacent to all barrier free parking spaces. An aisle may be shared by two barrier-free parking spaces.	
Loading Space Requirements (5.8)	a) Loading spaces are required for non-residential uses, subject to the standards of Table 5.7. b) A loading space shall be at least 3.5 metres in width, 20.0 metres in length, with a	a) The use is non-residential b) Provided c) The setback is >15m to the street d) 1 space is provided

Table 1: SA Zone Provisions		
Provision	Required	Provided
	minimum vertical clearance of 4.5 metres. c) Loading spaces shall have a required setback to a street or highway of a minimum of 15.0 metres. d) Minimum number of loading spaces required are set out in Table 5.7; Gross Floor Area: 2000-7000m²; Number of Required Loading Spaces: 1.	

5.0 PLANNING INSTRUMENTS

5.1 Zoning By-law Amendment (ZBA)

The purpose of the proposed Zoning By-law Amendment (ZBA) is to rezone the lands from '*Special Agricultural (SA)*' Zone to a '*Special Agricultural-SPX (SA-SPX)*' Zone, to permit the following:

1. Notwithstanding the permitted uses of the SA Zone, the following uses shall also be permitted:
 - a. On Farm Diversified Uses, including but not limited to corporate events and celebrations;
 - b. Agri-tourism Uses, including but not limited to festivals and events;
 - c. Shipping Containers, as shown on the Site Plan;
 - d. Seasonal Outdoor Kitchen;
 - e. Residential Dwelling to provide on-farm accommodations; and
 - f. The sale of liquor and alcohol that is produced off-site (Tied House License).
2. Notwithstanding the provisions of Section 4.25.1 of the Zoning Bylaw, the following provisions shall apply:
 - a. A multi-purpose building and associated services (parking lot, septic etc) shall be permitted with a combined area of 2,225 square metres.
3. Notwithstanding the provisions of Section 4.25.2 of the Zoning Bylaw, the following provisions shall apply:
 - a. The sale of alcohol produced off site shall be permitted

- b. The retail floor space for non-agricultural and/or non-Grey County agricultural products shall be permitted.
- 4. Notwithstanding the provisions of Section 5.0 of the Zoning Bylaw, the following provisions shall apply:
 - a. The minimum number of parking spaces shall be 50 (Section 5.4.3, Table 5.3)
 - b. The minimum number of Barrier Free parking spaces shall be 2, 1 Type A and 1 Type B (Section 5.6.1 and 5.6.2)
 - c. The parking space and the access from the parking space to the main entrance of the building can be gravel (Section 5.6.2)

Please refer **Figure 12**, for the area of the proposed rezoning.

A copy of the proposed Zoning By-law Amendment text and associated Schedule 'A' are attached to this Report as **Appendix C**.

SCHEDULE 'A' TO Z.B.A. NO. _____
CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS
ZONING BY-LAW 2018-65 - SCHEDULE 'A' - MAP 2

LANDS TO BE REZONED FROM THE 'SPECIAL AGRICULTURAL (SA)' ZONE
 TO A 'SPECIAL AGRICULTURAL WITH SPECIAL PROVISIONS (SA-(SPX))' ZONE

DRAFT

DATE

DATE

CLERK

MAYOR

MORGAN PLANNING AND DEVELOPMENT INC.

6.0 PLANNING ANALYSIS

In formulating the planning rational for the proposed development, the following documents have been reviewed:

- The Planning Act, R.S.O. 1990, c. P.13 (Sept 3, 2019)
- Provincial Planning Statement (2024)
- Guidelines for Permitted Uses in Ontario's Prime Agricultural Areas
- County of Grey Official Plan
- Town of The Blue Mountains, Official Plan
- Town of The Blue Mountains, The Blue Print, Official Plan (Draft September 2024)
- Town of The Blue Mountains, Zoning By-law

The following is an overview of the salient policies as they apply to the Zoning By-law Amendment application and the Consent to Sever applications.

6.1 The Planning Act, R.S.O. 1990, c. P.13 (Sept 3, 2019)

The following table provides an overview of the Provincial Interest as outlined in Section 2 of the Planning Act.

Section 2 of the Planning Act (Provincial Interest)

The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

Morgan Planning Comment:

(a) the protection of ecological systems, including natural areas, features and functions;

The subject lands contain environmental features which are mapped and designated and zoned to ensure they are protected. The application does not seek to permit development or site alteration within these lands or their associated setbacks.

(b) the protection of the agricultural resources of the Province;

The subject lands are designated Special Agricultural and are used for agricultural purposes (apple orchards). The proposed development does not impact these lands negatively. The intent of the proposed development is to diversify the use of the lands ensuring they can remain as a viable agricultural operation for years to come.

(c) the conservation and management of natural resources and the mineral resource base;

The subject lands contain environmental features which are mapped and designated and zoned to ensure they are protected. The application does not seek to permit development or site alteration within these lands or their associated setbacks. Therefore, the proposed development will not impact the feature.

<i>(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;</i>	Not applicable.
<i>(e) the supply, efficient use and conservation of energy and water;</i>	The proposed development will be serviced by private septic system and a private well. These have been placed on the Concept Plan enclosed with this submission. There is adequate space to accommodate these requirements.
<i>(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;</i>	The proposed development will be serviced by private septic system and a private well. These have been placed on the Concept Plan included within this submission. There is adequate space to accommodate these requirements.
<i>(g) the minimization of waste;</i>	Not applicable.
<i>(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;</i>	The building will be designed to comply with the Provincial codes, as required.
<i>(i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;</i>	The new uses will provide opportunities for agri-tourism, which provides education and information related to the cider industry and agricultural operations within the region.
<i>(j) the adequate provision of a full range of housing, including affordable housing;</i>	Not applicable.
<i>(k) the adequate provision of employment opportunities;</i>	The current business provides employment for 6 permanent full time staff and employment for 4 seasonal staff. The proposed building and expanded uses will drive a need for additional employees during peak season.
<i>(l) the protection of financial and economic well-being of the Province and its municipalities;</i>	The proposed development will contribute to the economic growth and viability of Spy Cider and Distillery. In addition, it will promote economic activity in the surrounding area through tourist activities, further activating and stimulating the local economy.
<i>(m) the co-ordination of planning activities of public bodies;</i>	Not applicable.
<i>(n) the resolution of planning conflicts involving public and private interests;</i>	Not applicable.
<i>(o) the protection of public health and safety;</i>	Not applicable.
<i>(p) the appropriate location of growth and development;</i>	The subject lands are appropriate for the proposed development as they are located on agricultural lands and

	the proposed uses will further support the existing agricultural operation. In addition, the proposed building will not have a negative impact on the surrounding area.
<i>(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;</i>	Not applicable.
<i>(r) the promotion of built form that, (i) is well-designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;</i>	The proposed building has been designed to functional compatibility with the surrounding agricultural community.
<i>(s) the mitigation of greenhouse gas emissions and adaptation to a changing climate</i>	Not applicable.

It is our professional opinion that the zoning by-law amendment application achieves the provincial interests outlined in Section 2 of *The Planning Act*.

6.2 Provincial Planning Statement (2024)

The Provincial Planning Statement (PPS) provides policy direction on matters related to land use planning and sets the policy foundation for regulating the development and use of all land in the province.

The most directly applicable policies affecting the zoning by-law amendment are summarized below:

Provincial Planning Statement (2024): Section 2.1.6

Morgan Planning Comment:

Planning authorities should support the achievement of complete communities by:

- a) Accommodating an appropriate range and mix of land use, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and*

The proposed development will contribute to the range and mix of land uses within the Town and area. It proposes employment opportunities as well as tourist opportunities, contributing to the economic viability of the subject lands and business itself as well as the surrounding area, which contributes to supporting a complete community.

open space, and other uses to meet long-term needs;

Section 2.5.1

Healthy, integrated and viable rural areas should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;*
- d) using rural infrastructure and public service facilities efficiently;*
- e) 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;*
- f) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;*
- g) conserving biodiversity and considering the ecological benefits provided by nature; and*
- h) providing opportunities for economic activities in prime agricultural areas, in accordance with policy 4.3.*

As per the definitions of the PPS, which are provided here, the subject lands fall within the Rural Areas policies of the PPS as they are prime agricultural area and lands which contain specialty crop lands as described below.

The development and the associated land uses will enhance the financial viability of the agricultural operation, and the proposed building has been designed to function compatibly with the surrounding rural and agricultural community.

The proposed development has been designed and planned to be supported by private individual septic system and private well. The subject lands have sufficient area to support the required services.

The development and the associated land uses will enhance the agricultural and agri-tourism industry in the area through the provision of goods and services providing a value-added business opportunity for the subject lands and landowners. The proposed development adds to the diverse tourism opportunities of the area.

The proposed development considers the environmental and ecological functions of the lands and provides sufficient setbacks from these features.

Key Definitions:

Rural areas are defined in the PPS as *a system of lands within municipalities that may include*

rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas.

Prime agricultural areas are defined as *areas where prime agricultural lands predominate.*

Further, prime agricultural land is defined as *specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection.*

Specialty crop areas are *areas within the agricultural land base designated based on provincial guidance. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, usually resulting from:*

- a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;*
- b) farmers skilled in the production of specialty crops; and*
- c) a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops.*

Section 2.8.1

Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*
- d) encouraging intensification of employment uses and compatible,*

As stated above, the proposed development contributes to the viability of the subject property and agricultural business. The proposal provides for new employment opportunities on the subject lands. The proposed development provides an opportunity to support further growth and economic stimulation within the area, through

- compact, mixed-use development to support the achievement of complete communities; and*
- e) *addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.*
- the provision of goods and services providing a value-added business opportunity for the subject lands and landowners. The proposed development adds to the diverse tourism opportunities of the area.

Section 3.6.4

Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

The existing use and proposed use are serviced by private on-site sewage services (septic system) and on-site water services (well).

Section 3.6.8

Planning for stormwater management shall:

- a) *be integrated with planning for sewage and water services and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle;*
- b) *minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads;*
- c) *minimize erosion and changes in water balance including through the use of green infrastructure;*
- d) *mitigate risks to human health, safety, property and the environment;*
- e) *maximize the extent and function of vegetative and pervious surfaces;*

A Lot Grading Plan has been prepared and submitted with this application. The Stormwater Management design is as follows: the flow routes on site will be maintained through use of overland flow and swales, with a small portion of the site being conveyed by culvert below the proposed parking lot. There is an existing watercourse on the property that will pick up the entirety of this drainage, which we have maintained separation from the GSCA regulated areas for. Ultimately, this will result in a very similar drainage scenario as seen presently.

- f) *promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development; and*
- g) *align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a watershed scale.*

Section 4.1.1

Natural features and areas shall be protected for the long term.

The proposed development considers the environmental and ecological functions of the lands and provides sufficient setbacks from these features. Development and site alteration proposed will occur outside of all features.

Section 4.3.1.2

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 subject lands are designated as Special Agricultural and are therefore protected for the long-term. The proposed development intends to support the Special Agricultural designated and its agricultural use.

Section 4.3.1.3

Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.

As stated above, the lands are designated as Special Agricultural and are therefore protected for the long-term.

Section 4.3.2.1

In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-

The existing use of apple orchards, as an agricultural use, is a permitted use.

related uses and on-farm diversified uses based on provincial guidance.

In addition, the Cider House and Distillery is considered an agricultural-related uses and is permitted.

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 proposed uses, as described in Section 3 of this Report are considered agricultural-related uses, agri-tourism uses and on-farm diversified uses and are permitted in this designation.

Section 4.3.2.2

In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

The existing use of apple orchards, as an agricultural use, is a permitted use.

In addition, the Cider House and Distillery is considered an agricultural-related uses and is permitted.

The proposed uses, as described in Section 3 of this Report are considered agricultural-related uses, agri-tourism uses and on-farm diversified uses and are permitted in this designation.

Section 4.3.6.1

Planning authorities are encouraged to support local food, facilitate near-urban and urban agriculture, and foster a robust agri-food network.

The Cider House and Distillery is considered an agricultural-related uses and provides opportunities to show case the local agricultural region, and specifically apple orchards and cider making.

Agri-food network is within the agricultural system, a network that includes elements important to the viability of the agri-food sector such as regional infrastructure and transportation networks; agricultural operations including on-farm buildings and primary processing; infrastructure; agricultural services, farm markets,

The proposed uses, as described in Section 3 of this Report will further support the local agricultural region and agri-food network.

and distributors; and vibrant, agriculture-supportive communities.

On the basis of the foregoing, it is the opinion of the undersigned that the ZBA application is consistent with the Provincial Planning Statement (2024).

6.3 Publication 851: Guidelines for Permitted Uses in Ontario’s Prime Agricultural Areas

The document titled Ontario’s Prime Agricultural Areas are provided in the Ministry of Agriculture, Food and Rural Affairs *Publication 851: Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas* document sets out the criteria for on-farm diversified uses.

Section 2.2 of the Guidelines provides policies related to Agricultural-Related Uses. As described in the PPS, agriculture-related uses *mean 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.*

As per the Guidelines and the PPS, the following criteria must be met to qualify as agriculture-related uses in prime agricultural areas.

Guidelines for Permitted Uses in Ontario’s Prime Agricultural Areas: PPS Criteria for Agriculture-Related Uses (Section 2.2.1) Criteria and Policy Direction	Proposal
<i>1. Farm-related commercial and farm-related industrial use. (from the PPS definition of agriculture-related uses)</i> <i>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.</i>	The existing use of the Cider House and Distillery is considered an agriculture-related use as it provides a facility for both tasting and purchasing the products that are produced on site. This is considered as retail of value-added products. In addition, the proposed building will include apple storage and distribution during harvest season. The current facility does not provide sufficient area to store the large quantities of apples during peak harvest season. Additional on-site storage, in a semi-controlled environment will ensure the crop remains in pristine conditions before processing. In addition, the building will be used for storage

	of farming equipment, as required throughout the seasons. Lastly, the proposed building will be utilized as an agricultural research centre as Spy anticipates working with the Ontario Agricultural College at The University of Guelph to study cider varieties that they are growing and further study and examine the old growth within the region. Agricultural research centres are considered an agricultural-related use.
2. <i>Shall be compatible with, and shall not hinder, surrounding agricultural operations. (from PPS Policy 2.3.3.1)</i> <i>Note: this policy applies to both agriculture-related uses and on-farm diversified uses.</i> <i>“Surrounding agricultural operations” are interpreted in these guidelines to include both the property on which the use is located and the area of potential impact around the property. The area of impact may vary depending on the use. To be compatible with and not hinder surrounding agricultural operations, agriculture-related uses should meet all of the following:</i> <i>Ensure surrounding agricultural operations are able to pursue their agricultural practices without impairment or inconvenience.</i> <i>a) 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).</i> <i>Maintain the agricultural/rural character of the area (in keeping with the principles of these guidelines and PPS Policy 1.1.4 now PPS Policy 2.5).</i>	The proposed uses, noted above in criteria #1 are not anticipated to hinder the surrounding agricultural operations. The proposed building has been specifically sited on the property to ensure it is in close proximity to the existing structure and cluster of activity on the property. This ensures that the agricultural apple orchards are maintained, as minimal area on the subject lot is disturbed through to the proposed development. The agricultural operations will be able to continue without any impairment or inconvenience. The proposed building, similar to the current building, can be serviced through private well and private septic system on the lands. The proposed agricultural-related uses are not anticipated to create a significant amount of traffic. Therefore, the rural roads can support the proposed uses. The proposed development and uses maintain the agricultural and rural character of the area and are in keeping with the principles of the PPS Policy Section 2.5, which is further described above in Section 6.2 of this Report.

<i>Meet all applicable provincial air emission, noise, water and wastewater standards and receive all relevant environmental approvals.</i> <i>The cumulative impact of multiple uses in prime agricultural areas should be limited and not undermine the agricultural nature of the area.</i>	
<i>3. Directly related to farm operations in the area. (from the PPS definition of agriculture-related uses)</i> <i>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.</i>	The subject lands are used for apple orchards, which is also the case for many surrounding agricultural pieces of land. The general area is known for apple orchards and tender fruit farming. The existing use of the Cider House and Distillery is considered an agricultural-related use as it provides a facility for both tasting and purchasing the products that are produced on site. In addition, the proposed building will include apple storage and distribution during harvest season. The current facility does not provide sufficient area to store the large quantities of apples during peak harvest season. Additional on-site storage, in a semi-controlled environment will ensure the crop remains in pristine conditions before processing. In addition, the building will be used for storage of farming equipment, as required throughout the seasons. Therefore, the proposed building and use would be considered to be directly related to the farm operations, apple orchards, in the area.
<i>4. Supports agriculture. (from the PPS definition of agriculture-related uses)</i> <i>This criterion limits uses to those primarily focused on supporting agriculture.</i>	The proposed building will include apple storage and distribution during harvest season. Additional on-site storage, in a semi-controlled environment will ensure the crop remains in pristine conditions before processing. In addition, the building will be used for storage of farming equipment, as required throughout the seasons.

	Therefore, the proposed building and use directly support the agricultural use of the subject lands.
5. <i>Provides direct products and/or services to farm operations as a primary activity.</i> <i>This criterion requires that agriculture-related uses directly service farm operations as a primary activity.</i> <i>“Direct products and/or services” refers to uses that serve an agricultural need or create an opportunity for agriculture at any stage of the supply chain.</i>	The proposed building will include apple storage and distribution during harvest season. Additional on-site storage, in a semi-controlled environment will ensure the crop remains in pristine conditions before processing. In addition, the building will be used for storage of farming equipment, as required throughout the seasons. Therefore, the proposed building provides the service of storage space, and distribution and processing space for the agricultural use.
6. <i>Benefits from being in close proximity to farm operations. (from the PPS definition of agriculture-related uses)</i> <i>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.</i>	The required building is located on the subject lands where growing occurs. This is required from a functional standpoint. The products are grown, processed and sold on site. Additional transportation of the apples during the process would incur additional costs and time to the production of cider.

Section 2.3 of the Guidelines provides policies related to On-Farm Diversified Uses. As described in the PPS, on-farm diversified uses *means uses that are secondary to the principal 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 Guidelines note, *on-farm diversified uses are intended to enable farm operators to diversify and supplement their farm income, as well as to accommodate value-added and agri-tourism uses in prime agricultural areas.*

As per the Guidelines and the PPS, the following criteria must be met to qualify as an on-farm diversified use in prime agricultural areas.

Guidelines for Permitted Uses in Ontario's Prime Agricultural Areas: PPS Criteria for On-Farm Diversified Uses (Section 2.3.1) Criteria and Policy Direction	Proposal
<i>1. Located on a farm.</i> <i>On-farm diversified uses must be located on a farm property that is actively in agricultural use. The on-farm diversified uses provisions in the PPS do not apply to small residential lots in the prime agricultural area.</i>	The proposed on-farm diversified uses are located on agricultural lands, which are in active agricultural production, used as apple orchards. No change to the farming operation is proposed. Spy also works with OMAFRA and Agricorp. The farming operation is conducted with the expectation of gain or reward through the harvesting of apples.
<i>2. Secondary to the principal agricultural use of the property.</i> <i>While the PPS definition of on-farm diversified uses allows for a wide range of on-farm economic opportunities, it also requires those uses be secondary to the principal agricultural use of the property. In other words, agricultural uses must remain the dominant use of the property. This is measured in spatial and temporal terms. Spatially, the use must be secondary relative to the agricultural use of the property. The spatial limits are addressed below under the "limited in area" criterion.</i> <i>Temporal considerations apply to uses that are temporary or intermittent, such as events. Given that on-farm diversified uses (and agriculture-related uses) must be compatible with surrounding agricultural operations, the frequency and timing of any events must not interfere with cropping cycles or other agricultural uses on the farm or in the surrounding area.</i>	The subject property is used for agricultural purposes. And will remain the primary use of the property. The farming of crops such as apples is proposed to continue. And the property will continue to be registered with the Ontario Federation of Agriculture. The proposed building and on-farm diversified uses are proposed to be secondary to the principal agricultural use of the property, that of apple orchards and production of cider. The proposed building is anticipated to be used for both agricultural related uses as well as on-farm diversified uses. The building is a similar size to the existing building on site, which is used exclusively for production and sale of cider. The new building is not proposed to be located on any tillable agricultural land and the proposal will not remove any agricultural land from production. The proposed building is to be located in proximity to the existing building and farm cluster on the property. The proposed expanded parking area is located adjacent to the proposed building to accommodate the proposed use, but these

	areas are outside of the farmland areas contained on site. Given that the proposed use is limited to the new building, parking area and septic area, the scale of the use will ensure agriculture remains the primary use of the property, and will remain subordinate to the agricultural operation.
3. <i>Limited in area.</i> <i>While PPS policies enable a wide variety of on-farm economic opportunities, the PPS also requires those uses are limited in area. This criterion is intended to:</i> <i>• minimize the amount of land taken out of agricultural production, if any</i> <i>• ensure agriculture remains the main land use in prime agricultural areas</i> <i>• limit off-site impacts (e.g., traffic, changes to the agricultural-rural character) to ensure compatibility with surrounding agricultural operations</i>	As demonstrated on the proposed site plan, the proposed on-farm diversified use has been limited to 0.70% of the subject property. The calculation has been prepared in accordance with the provincial guidelines. No land will be removed from agricultural production as a result of the proposal. The existing entrance will continue to provide access to the agricultural use, existing parking areas and existing production and tasting room building. The only physical change to the subject property is the construction of the expanded parking area, the proposed building and required septic. The proposed expanded parking area and building will not remove any lands from agricultural production and will not have any impact on the adjacent arable agricultural land. The proposed area of the site to be utilized for the on-farm diversified use includes the parking area near the proposed building entrance and the new building. The total footprint of these areas is approximately 2,225 square metres which equates to 0.70 % of the site area. This area meets the province's recommended 2% maximum area for on-farm diversified uses.
4. <i>Includes, but is not limited to, home occupations, home industries, agri-</i>	The proposed building and on-farm diversified uses are reasonable in scale and will be limited

<i>tourism uses and uses that produce value-added agricultural products.</i>	in area. The existing building that supports the agricultural operation is proposed to remain and no expansions proposed. The scale of the farm business uses will not impede the existing agricultural operations on the subject lands and will not impact the adjacent agricultural operations.
5. <i>Shall be compatible with, and shall not hinder, surrounding agricultural operations.</i> <i>Compatibility Considerations</i> • <i>does not hinder surrounding agricultural operations</i> • <i>appropriate to available rural services and infrastructure</i> • <i>maintains the agricultural/rural character of the area</i> • <i>meets all applicable environmental standards</i> • <i>cumulative impact of multiple uses in prime agricultural areas is limited and does not undermine the agricultural nature of the area</i>	The proposed building and on-farm diversified uses have been evaluated for traffic impacts. The Traffic Impact Study determined that the proposed on-farm diversified use can be appropriately serviced by the surrounding road network.

In summary, the proposed Zoning By-law Amendment to permit the proposed building and agricultural related uses and on-farm diversified uses on the subject lands will not hinder the surrounding agricultural operations and can be supported by existing rural services and infrastructure.

The proposed development will be contained within a new building on the subject lands and will not remove any lands that are currently in agricultural production. The cumulative impact of the proposed agricultural related uses and on-farm diversified uses on the agricultural area will be limited and the primary use of the subject lands will be agriculture. As such it is concluded that the proposed Zoning By-law Amendment adheres to the Guidelines for Permitted Uses in Ontario's Prime Agricultural Areas.

6.4 County of Grey, Official Plan (Consolidated August 9, 2024)

The lands are designated '**Special Agricultural**' and '**Hazard**' as per Schedule A, Land Use Types, Map 2 of Grey County Official Plan. The area which is subject to this development proposal and associated Zoning By-law Amendment, is entirely within the '**Special Agricultural**' designation.

The *Special Agricultural* land use type applies to those unique areas of the County that lend themselves to the growing of fruits and vegetables. These lands are supported by unique micro-climates around Georgian Bay and the Niagara Escarpment. Traditionally the *Special Agricultural* lands have been used for apple production (5.3).

The *Special Agricultural* land use type permits a wide range of agricultural land uses including all types, sizes and intensities of agricultural uses, and normal farm practices, agricultural-related uses, on-farm diversified uses and more (5.3.1 and 5.2.1).

Based on this, the existing use of apple orchards, as an agricultural use, is considered a permitted use. In addition, the Cider House and Distillery is considered an agricultural-related uses and is permitted. The proposed uses, as described in Section 3.0 above are considered agricultural-related uses and on-farm diversified uses and are permitted in this designation.

The Official Plan outlines development policies related to lands within the *Special Agricultural* land use type. They are as follows:

Special Agricultural - Development Polices

MP&D Comment:

Section 5.3.2.1

The minimum farm-lot size within the Special Agricultural land use type shall contain an agriculturally productive area of no less than 10 hectares in size. The agriculturally productive area does not include hazard, ravine lands, or built areas of the property.

The subject lands are 31.29 hectares (77.34 acres). The agriculturally productive land area is approximately 29 hectares.

Section 5.3.2.2

*The development criteria of **Section 5.2.2**, the Agricultural land use type, shall generally also apply to the Special Agricultural land use type.*

The development criteria of Section 5.2.2 are provided below.

Section 5.3.2.3

Notwithstanding Sections 5.3.2 and 5.3.3 of this Plan, lots which straddle any settlement area boundary shall be permitted to sever the settlement area portion of the lot, from the Special Agricultural portion of the lot, provided doing so would not create a land-locked, or otherwise undevelopable lot in either the settlement area or Agricultural land use type.

Not applicable.

Section 5.3.2.4

Land may not be excluded from the Special Agricultural land use type for expansions of or identification of settlement areas. Not applicable.

Section 5.3.2.5

Non-agricultural uses are not permitted in the Special Agricultural land use type except for the extraction of minerals, petroleum resources and mineral aggregate resources, and shall be in accordance with section 5.6 of the Plan. Not applicable.

As required in criteria Section 5.3.2.2 above, the Official Plan outlines development policies related to lands within the *Agricultural* land use type. The development policies have been reviewed as follows:

Agricultural - Development Polices

MP&D Comment:

Section 5.2.2.1

Grey County supports strategies for encouraging more young farmers, farm succession planning, slowing the decline in the number of farmers, and growing agricultural-related spin-off opportunities. This Plan will protect and improve economic development in agriculture by promoting;

- a) All types, sizes, and scales of agriculture, including forms of agriculture that provide more employment on a per hectare basis;*
- b) Food systems planning, including stronger linkages between local food producers, local food distributors, and customers;*
- c) Identification and exploitation of non-traditional, local-food, and niche markets;*
- d) On-farm and local processing and/or retail of agricultural products and byproducts;*
- e) On-farm diversification including agri-tourism; and*

The proposal will provide additional economic viability to the agricultural operations of the subject lands, ensuring they remain viable for the long term.

- a) The subject lands contain apple orchards, with 29 hectares of orchards. The apples are used to produce cider on site.
- b) Cider contributes to the food and beverage system in the local area. Cider tasting and cider making tours are becoming a popular tourism attraction in the area.
- c) Apple growing and cider making would be consider a niche market for The Blue Mountains area.
- d) Spy Cider is produced on site in the existing building. The proposed building will further support the storage and production of cider. In

- f) *Promoting agricultural practices which promote the conservation of soil, water, and/or significant environmental features.*

addition, there is a retail store and tasting room, providing an on-site experience for shoppers.

- e) The current agricultural operation uses good farming practices and on-site tours ensure the public is knowledgeable and aware of agricultural practices which support and promote their function and features.

Section 5.2.2.2

In the Agricultural land use type, newly created farm lots should generally be 40 hectares (100 acres) in size, in order to reduce the breakup of farmland. New lot creation shall be in accordance with section 5.2.3 of the Plan.

Not applicable.

Section 5.2.2.3

The minimum lot size within the Agricultural land use type for non-agricultural permitted uses is restricted to the minimum size required, with as little acreage as possible taken out of productive agricultural land.

Note applicable.

Section 5.2.2.4

Non-agricultural uses are discouraged in the prime agricultural areas, and may only be permitted for:

Not applicable.

- a) *Extraction of minerals, petroleum resources and mineral aggregate resources; and shall be in accordance with section 5.6 of the Plan, or*
- b) *Limited non-residential uses, provided that all of the following are demonstrated:*
- 1. The land does not comprise a Special Agricultural land use type;*
 - 2. The proposed use complies with Provincial MDS;*

3. *There is an identified need within the planning horizon for additional land to be designated to accommodate the proposed use; and*
4. *Alternative locations have been evaluated, and*
 - i. *There are no reasonable alternative locations which avoid prime agricultural areas; and*
 - ii. *There are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands. Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible. The*
 - iii. *preparation of an Agricultural Impact Assessment may be required to assess these impacts and identify mitigation measures.*

Section 5.2.2.5

New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the Provincial MDS formulae. Municipal comprehensive zoning by-laws shall incorporate Provincial MDS formulae.

Not applicable.

- a) *In the case of building reconstruction of either a livestock facility or a non agricultural use shall comply with Provincial MDS formulae.*
- b) *MDS I shall not apply to lot additions, which do not result in the creation of a new lot.*
- c) *MDS I is applied to a surplus farm dwelling severance when the dwelling is presently located on the same lot as a livestock facility, only if the livestock facility is not to be included in the severed lands. MDS I does not apply to neighbouring livestock facilities that are located on lots that are currently*

separate from the existing dwelling to be severed. For the purposes of this policy, a surplus farmhouse shall also be defined the same as severing an existing house from a farm or non-farm sized lot.

- d) MDS I is not required for agricultural-related uses, or for the severance of an existing agricultural-related use.*
- e) MDS I will generally not be required for on-farm diversified uses, except where a municipality has required MDS to apply in their municipal official plan or zoning by-law. For the purposes of MDS, on-farm diversified uses should be considered a Type A land use.*
- f) Where a new dwelling is permitted on an existing lot, MDS I formulae is applied to the new dwelling. If there is no building area available on the existing lot, the dwelling shall be as far from the neighbouring livestock barn or manure storage facility as possible.*
- g) On lots created after March 1, 2017, MDS I shall be met to the proposed house or non-agricultural use.*
- h) For lots created before March 1, 2017, MDS I shall be applied to new houses or non-agricultural uses on existing lots of record, unless it would otherwise render the lot undevelopable. If there is no building area available which meets MDS I setbacks, then the house or non-agricultural use shall be as far from the neighbouring livestock barn or manure storage facility as possible.*
- i) For the purposes of MDS, cemeteries will be considered a Type B land use when performing MDS calculations. However, cemeteries may be treated as a Type A land use when the cemetery is closed or receives low levels of visitation or where no place of worship is present. Local municipalities shall clearly identify these Type A cemeteries in the municipality's planning documents.*

- j) *Institutional uses, including schools, churches, and cemeteries, required by the horse and buggy community, shall be considered a Type A land use for the purposes of calculating MDS.*
- k) *MDS is applied to anaerobic digesters, except where otherwise exempted by the Provincial MDS Guidelines.*
- l) *Municipalities should not reduce MDS through a minor variance, zoning amendment, or official plan amendment, except where sufficient reasoning has been provided, and the intent of the MDS Guidelines has been maintained. MDS shall generally not be modified for the purposes of permitting new non-farm sized lot creation. In reviewing the rationale for a variance, there should be demonstration that the variance would:*
 - *not be able to be met through a modification to the development being proposed (e.g. set a building back further than proposed),*
 - *make an existing situation better to reduce the potential for conflict*
 - *impose undue hardship, such as major farm operation, inefficiencies, or servicing constraints, by not granting the variance, or*
 - *be small enough such that there is very limited potential for land use conflict*
- m) *MDS 1 setback is not required for any unoccupied livestock barns when:*
 - *the building has been deemed by a municipal building official, with input from a professional engineer or a consultant knowledgeable about livestock facilities where appropriate, as being not structurally sound nor reasonably capable of housing livestock; or*

- the portion of the lot on which the unoccupied livestock barn is zoned such that livestock facilities are not permitted; or
- the floor area of the unoccupied barn is under 100 m².

Section 5.2.2.6

Development shall not conflict with Section 5.6 – Aggregate Resource Area and Mineral Resource Extraction land use types. Not applicable.

Section 5.2.2.7

In Aggregate Resource Areas shown on Schedule B, new non-agricultural uses that require a zoning by-law amendment on existing lots of record, which would significantly prevent or hinder new extraction operations, compatible and may only be permitted if: Not applicable.

- a) The extraction of the aggregate resource is not feasible due to the quality or quantity of material or the existence of incompatible development patterns. The quality and quantity of the material will be determined by having a qualified individual dig test pits within the area proposed for the non-agricultural development as well as the lands within 300 metres of the aggregate operation; or that*
- b) The proposed land use or development serves a greater long term interest of the general public than does aggregate extraction; and*
- c) Issues of public health, public safety, and environmental impact are addressed.*

Section 5.2.2.8

Non-farm sized lot creation is not permitted within an area identified as Aggregate Resource Area on Appendix B to this Plan. Not applicable.

Section 5.2.2.9

New non-farm sized lot creation within 500 metres of a Primary Settlement Area boundary will not be permitted. Minimum farm lot sizes are included in Section 5 and defined in section 9.18 of this Plan. Not applicable.

Section 5.2.2.10

Notwithstanding sections 5.2.2 and 5.2.3 of this Plan, lots which straddle any settlement area boundary may be permitted to sever the settlement area portion of the lot, from the Agricultural portion of the lot (or vice versa), provided doing so would not create a land-locked, or otherwise undevelopable lot in either the settlement area or Agricultural land use type. Not applicable.

Section 5.2.2.11

Sound farmland management practices including the management of woodlots, the establishment of windbreaks, the proper cultivation of valley slopes and bottom lands, and the sound design of agricultural land drainage plans is encouraged. Clearing of forested areas will not be permitted except in conformity with the County Forest Management By-law, as amended, or any successors to this By-law. Not applicable.

Section 5.2.2.12

The removal of topsoil from farmlands is generally discouraged. Local municipalities will be encouraged to enact by-laws to regulate the removal of topsoil and to require the rehabilitation of lands from which the topsoil has been removed.

Noted.

Section 5.2.2.13

Land may only be excluded from the Agricultural land use type for expansions of or identification of settlement areas, where a comprehensive review or an updated comprehensive review has been completed in accordance with section 3.4.2 of this Plan.

Not applicable.

Section 5.2.2.14

Amendments to this Plan will not be required for uses listed in Table 7: Permitted Use Examples in Agricultural and Rural land use types of Section 5.2.1, provided they meet all other policies of this Plan.

Noted. County OPA is not required, as the uses conform with the Official Plan and Table 7.

Table 7:

Agricultural Use:

- Growing of all types of crops
- Washing, sorting, grading (of farm's own commodities only)
- Minimum amount of processing to make produce saleable

Agricultural-related Use:

- Apple storage and distribution centre
- Agricultural research centre
- Winery, cidery, Meadery using mostly local fruit or honey
- Food processing plant for local produce (e.g. cider-making)

On-farm diversified Use:

- Agri-tourism uses (seasonal events, wine/cider tasting)
- Distillery or brewery
- Value-added uses
- Retail uses

Section 5.2.2.15

New on-farm diversified uses shall be limited in size and scale, as per Table 8 below and to those uses that can be sustained by local service and infrastructure levels. New agricultural-related uses shall also be limited to uses that can be sustained by local service levels. Municipal official plans may choose to set local road standards required for such uses, which are in-line with the level and type of traffic being generated by the uses. Traffic Impact Studies may be required to determine the impact of the proposed operation on the local road network, as per section 8.3 of this Plan. Servicing or Noise Studies may also be required for new or expanded on-farm diversified or agricultural-related uses. Municipal official plans or zoning by-laws may also choose to limit individual uses that could otherwise be directed to settlement areas. Agricultural-related uses are not required to be limited in size, whereas on-farm diversified uses are required to be limited to the sizes shown in Table 8. Subject to the size limitation requirements of Table 8 of this Plan and section 5.2.2(17), on-farm diversified uses may be considered on lots less than 10 hectares in size in the Rural land use type.

Table 8 Excerpt:

Special Agricultural	10 hectares of agriculturally productive area or greater	The lesser of; • 2% of the total size of the property, or • a maximum combined area of the use of 8,000 square metres
	Less than 10 hectares of agriculturally productive area	Bed and breakfasts and/or home rural occupations within the dwelling only.

Section 5.2.2.16

When determining the size of the on-farm diversified use it shall include buildings, laneways, parking, outdoor storage, servicing, exhibition areas, and/or amenity areas occupied by the on-farm diversified uses. Shared laneways / servicing, farm buildings, or

Based on Table 8, the subject new on-farm diversified uses can be the lesser of 2% of the total area of the property or a maximum combined area of the use of 8,000 square metres. The proposed use is 2,225.0 square metres, which equates to 0.70 %. Therefore, the proposed use meets the size requirements.

The Traffic Impact Study determined that the proposed on-farm diversified use can be appropriately serviced by the surrounding road network.

The proposed development can be support and sustained by the local rural service levels.

A Noise Impact Study has been prepared and is submitted under separate cover. The Noise Impact Study concludes that the operation of the proposed building and associated events would meet the MECP's NPC-300 noise guidelines at any time of the day, evening or night, where adequate design of the exterior building façade of the building has been carried out, and air conditioning and use of limiters on the loudspeaker systems are incorporated. The Study list 6 recommendations to ensure noise control measures are provided. Refer to the Study for full details.

The on-farm diversified use will utilize may existing areas of the property, which also support the agricultural use and agricultural-related uses on the lands. This needs to be accounted for while considering the size of the on-farm diversified use.

landscaped areas also used by the farm shall not be included in the calculation of total use size. The passing of an implementing zoning by-law amendment will generally be required to permit new on-farm diversified uses, unless otherwise permitted 'as-of-right' in municipal zoning bylaws.

The on-farm diversified use require:

- Proposed building footprint (390.1 m²)
- Covered Porch (134.9 m²)
- Septic system for new building (450m²)
- Expanded parking lot (1,250m²)

In total, the land area required to support the on-farm diversified use is 2,225 m².

Section 5.2.2.17

The gross floor area of the buildings (combined total for all buildings associated with the on-farm diversified use) shall not exceed 20% of the total area of the on farm diversified use.

The total gross floor area of the building being used for the on-farm diversified use is 2,225 m². Which equates to 0.70% of the total area.

Section 5.2.2.18

Municipalities may choose to limit the size and accessory uses related to wineries, cideries, breweries, meaderies, or distilleries, based on local characteristics, and/or the availability of servicing.

Noted. Refer to Section 6.5 and Section 6.6 of this Report which reviews the Town's Official Plan and Section 6.7 of this Report which review the Town's Zoning Bylaw.

Section 5.2.2.19

Prior to considering a new on-farm diversified use, it shall be demonstrated that the following criteria can be met:

The criteria have been reviewed and addressed as follows:

- a) *The use or activity does not interfere with, or generate off-site adverse impacts, and is compatible with surrounding uses,*
- b) *The use or activity can be sustained by local service levels and infrastructure,*
- c) *The buildings to be used meet all Building Code requirements for the type of use being proposed,*
- d) *The scale of the operation is secondary to the active agricultural use on the farm*

- a) The proposed uses are not anticipated to interfere with or generate off-site adverse impacts. The Traffic Impact Study determined that the proposed on-farm diversified use can be appropriately serviced by the surrounding road network. A Noise Impact Study has been prepared and is submitted under separate cover. The Noise Impact Study concludes that the operation of the proposed building and associated events would

property, and appropriate to the site and the surrounding area,

- e) The timing and duration of activities does not hinder agricultural operations on site or in the area,*
- f) For special events, the use or activity represents an occasional activity and is not a regular occurring activity and does not have permanent structures, and*
- g) On-site parking can be accommodated without impacting the agricultural operation.*

meet the MECP's NPC-300 noise guidelines at any time of the day, evening or night, where adequate design of the exterior building façade of the building has been carried out, and air conditioning and use of limiters on the loudspeaker systems are incorporated. The Study list 6 recommendations to ensure noise control measures are provided. Refer to the Study for full details. In addition, many of the proposed uses/events have occurred on site in the recent past without any issues. The proposed building will further support these uses as well as additional similar one.

- b) As noted above, a Traffic Impact Study determined that the proposed on-farm diversified use can be appropriately serviced by the surrounding road network. The proposed building will be serviced by private well and septic. The proposed uses and building can be sustained by the current local service level. The proposed building has been designed to meet the OBC as required.
- c) The proposed uses require the addition of a building, larger parking lot and a septic system. Relative to the size of the lands and agricultural operation these additions are minor. They have been sited in the existing farm/building cluster and do not take away from the agricultural viability of the lands.
- d) Since the proposed building will also be used for agricultural-related uses, to support the existing agricultural production, storage and processing of apples and cider, the building will be utilized for on-farm diversified uses during off-peak harvesting and

processing seasons to ensure it is available for this use.

- e) While the uses have a permanent structure, the building will also support agricultural-related uses and not be used solely for on-farm diversified uses. The scheduling of special events will be seasonal and occur when appropriate outside of the harvesting and processing window.
- f) The existing parking lot is required to be expanded to support the additional uses. This area of the site is already disturbed and will not take away any arable lands. In addition, a Traffic Impact Study determined that the proposed on-farm diversified use can be appropriately serviced by the surrounding road network.

Section 5.2.2.20

Ministry of the Environment, Conservation and Parks (MECP) D-6 Guidelines, or any successor thereto, shall be considered for any new agricultural-related uses or on-farm diversified uses or an industrial nature in the Agricultural, Special Agricultural, or Rural land use types, to guide the separation of industrial uses from nearby dwellings, institutional uses, or other sensitive non-agricultural uses.

The existing agricultural and agricultural-related uses are considered normal farm practices.

The proposed uses are not considered industrial uses and therefore this policy does not apply.

Uses which are covered as normal farm practices by the Farming and Food Practices Protection Act (FFPPA) shall not be required to meet the D-6 Guidelines, provided they meet all required Provincial noise, air, water, and wastewater standards.

Section 5.2.2.21

As farming practices evolve, there may be built heritage structures (i.e. barns or dwellings) that could disappear as a result of no longer being required for agricultural purposes. The County recognizes the potential cultural heritage and rural aesthetic value of historic farm buildings and encourages adaptive reuse of vacant or under-utilized structures for residential, agricultural-related uses, or on farm diversified uses. Appropriate standards addressing variation in the size due to the architecture of such structures may be implemented through site-specific zoning provisions. Where appropriate, the County would encourage Municipalities to consider taking inventory of historic farm structures and to develop formal Heritage Designation policies for unique farm buildings to facilitate long-term preservation. Building Code requirements shall be met for the re-use of the existing structure for new purposes.

Not applicable.

Section 5.2.2.22

In accordance with Section 8.9 of this Plan, if municipal water and sewer services are not available, re-development of existing lots of record or the creation of new lots will require evidence of the site's suitability to provide an adequate potable water supply and sanitary sewage treatment and disposal system. Evidence of the site's suitability shall be provided in the form of an evaluation conducted in accordance with Ministry of the Environment, Conservation and Parks (MECP) Guidelines or the Ontario Building Code, where applicable (or any municipal procedure that achieves the same objective). In cases where new development is being proposed in proximity to existing development, the provision of neighbouring well water records may be sufficient to determine

The building will be serviced by private well and private septic system. The design and capacity of each will be further reviewed during Site Plan Control.

adequacy of water supply. Where new lots are being created, municipalities may consider the demonstration of suitable water and waste water services as a condition of the consent application.

Evidence of the site's suitability to accommodate an approved sewage disposal system shall be provided in the form of an evaluation conducted in accordance with Ministry of the Environment, Conservation and Parks (MECP) Guidelines or the Ontario Building Code, where applicable.

More specifically, for individual lots of record, accommodating a single residence generating less than 10,000 litres of sewage per day, the individual private sewage treatment and sewage disposal system serving that single lot of record will be subject to the approval under the Ontario Building Code. For individual lots of record generating 10,000 litres of sewage per day, or more, the individual private sewage treatment and sewage disposal system servicing that single lot of record must be designed in accordance Ministry of the Environment, Conservation and Parks "Design Guidelines for Sewage Works" (2008), or any successor thereto, and apply for and receive approval under the Ontario Water Resources Act. Single development proposals, collectively comprising more than five individual lots of record, should proceed in accordance with the Ministry's "Procedure D-5-4 Technical Guideline for Individual On-site Sewage Systems Water Quality Impact Risk Assessment" or any successor thereto. The Reasonable Use Policy is incorporated into both the Design Guide for Sewage Works and in Procedure D-5-4.

Section 5.2.2.23

That access to the site is from a public road of reasonable construction, and open and The existing access is from a public road which is maintained on a year-round basis.

maintained on a year-round basis, and is appropriate for the use proposed. Access shall not result in traffic hazards due to poor sight lines or proximity to an intersection and shall conform to Section 8 of this Plan.

The existing access will continue to be utilized to serve the new building and proposed uses. The Traffic Impact Study determined that the proposed on-farm diversified use can be appropriately serviced by the surrounding road network.

Section 5.2.2.24

Aquaculture shall be promoted and protected as an agricultural use across the County. Similar to traditional livestock production, new non-agricultural uses will not be considered where they would negatively affect aquaculture resources, or the expansion of an aquaculture operation.

Not applicable.

Section 5.2.2.25

Nothing within this Plan shall be in conflict with the Nutrient Management Act or with the Farming and Food Production Protection Act carrying out normal farm practices on existing farm operations.

Noted.

Based on the policy review above the proposed development conforms to the County Official Plan and aligns with the Special Agricultural designation.

As noted above, a portion of the lands are designated ***“Hazard Lands”***. Section 7.2 of the County Official address policies related to the ***“Hazard Lands”*** land use type. ***“Hazard Lands” include floodplains, steep or erosion prone slopes, organic or unstable soils, poorly drained areas, and lands along the Georgian Bay shoreline. These lands can be impacted by flooding, erosion, and/or dynamic beach hazards or have poor drainage, or any other physical condition that is severe enough to pose a risk for the occupant, property damage, or social disruption if developed. While these lands are intended to be regulated so as to avoid natural hazards, they also contribute to the natural environment within the County.***

The Official Plan notes that new development shall generally be directed away from ***“Hazard Lands”***. The proposed development is outside of the ***“Hazard Lands”*** designated lands and does not intend to impact these lands or their function.

On this basis, it is the opinion of the undersigned that the ZBA application conforms to the County of Grey Official Plan.

6.5 Town of The Blue Mountains, Official Plan

The lands are designated 'Special Agricultural' and 'Hazard' as per Schedule A, Land Use Plan of the Town of The Blue Mountains Official Plan. The area which is subject to this development proposal and associated Zoning By-law Amendment, is entirely within the 'Special Agricultural' designation.

The intent of the Special Agricultural designation is to maintain and protect lands capable of producing apples and tender fruits; recognize the role of speciality croplands in the region and enhance their capacity to contribute to the economy of the Town; and maintain the character of the Town created by the presence of orchard lands (B4.3.1).

The principle use of land in the Special Agricultural designation is apple and/or tender fruit production and storage facilities. Additional permitted uses include: all types of agricultural uses and related buildings and structures; market gardening and nurseries; retail sales of farm produce accessory to an agricultural use; small scale industrial or commercial uses subject to Section B4.1.8 of this Plan; an estate or farm winery subject to Section B4.1.3 and B4.1.4; and agri-tourism uses subject to Section B4.1.2 of this Plan.

Based on this, the existing use of apple orchards, as an agricultural use, is considered a permitted use. In addition, the Cider House and Distillery is considered a farm winery use and is considered an agricultural-related use which is permitted. The proposed uses described in Section 3.0 of this Report are considered both agricultural related uses and on-farm diversified uses, both which are permitted in this designation.

Section B4.1 outlines general provisions for specific uses within the agricultural, special agricultural and rural designations. The following Sections have been reviewed as they apply to the proposed development.

Development Policies of Section B4.1

B4.1.2 Agri-tourism Uses

The Town supports the development of uses that highlight the importance and value of the agricultural economy. On this basis, uses such as farm machinery and equipment exhibitions (on a temporary basis), farm tours, petting zoos, hay rides and sleigh rides, processing demonstrations, pick your-own produce establishments, small-scale farm theme playgrounds and small-scale educational establishments that focus on farming instruction are permitted in the Agricultural,

MP&D Comment:

The proposed uses are fully described in Section 3.0 of this Report. As described in Policy B4.1.2 agri-tourism uses are permitted as on-farm diversified uses. The agri-tourism uses proposed, simply put, propose a wide array of cider related events and festival which will draw many people to the region to experience Spy as well as The Blue Mountains as a whole.

Special Agricultural and Rural designations as on-farm diversified uses on a farm subject to the policies of the Official Plan provided that:

The criteria noted have been reviewed as follows:

- a) the proposed use shall not have a negative impact on the enjoyment and privacy of neighbouring properties;*
- b) adequate on-site parking facilities are provided for the use, in addition to the parking required for the principal use on the property, and such parking is provided in locations compatible with surrounding land uses;*
- c) the proposed access to the site will not cause a traffic hazard;*
- d) the proposed use can be serviced with an appropriate water supply and appropriate means of sewage disposal;*
- e) the proposed use enhances the agricultural character of the Town through the preservation of historic barns and/or the establishment of a built form that is compatible with the agricultural surroundings; and,*
- f) the building containing the proposed use is located within the existing farm-building cluster where possible and shall utilize a common driveway with the principal use of the property.*

- a) The proposed uses and more specifically the proposed building has been sited within the existing farm cluster of buildings and activities on site, which is located in a central area of the lands therefore providing increased setbacks to all property lines. This will aid in providing sufficient separation for the proposed uses and adjacent properties. In addition, a Noise Impact Study has been prepared and is submitted under separate cover. The Noise Impact Study concludes that the operation of the proposed building and associated events would meet the MECP's NPC-300 noise guidelines at any time of the day, evening or night, where adequate design of the exterior building façade of the building has been carried out, and air conditioning and use of limiters on the loudspeaker systems are incorporated. The Study list 6 recommendations to ensure noise control measures are provided. Refer to the Study for full details.
- b) The required on-site parking for the principal uses as well as the on-farm diversified use has been reviewed and is noted in the Zoning Table provided above. The current parking area will be expanded to provide additional parking spaces to accommodate the proposed uses.
- c) The Traffic Impact Study determined that the proposed on-farm diversified use can be appropriately serviced by the surrounding road network.

- d) The proposed building will be serviced via a private well and private septic system on site.
- e) The proposed building is compatible with the surrounding agricultural area, providing complementary rooflines and architectural style.
- f) The proposed building has been sited to ensure it is within the existing farm-building cluster, adjacent to the parking area and the sites entrance.

B4.1.4 Farm Winery

Farm wineries (which may also include farm cideries and other similar uses) are considered to be an agricultural use and may be permitted in the Agricultural, Special Agricultural and Rural designations subject to the following:

- a) *A minimum of 2 hectares (5 acres) must be planted with vines, apple or other fruit trees;*
- b) *The fruit used in the annual production of wine at a farm winery shall consist predominately of fruit grown in the County of Grey by that farm winery operation. This may be reduced in any one year due to crop failure or damage resulting from causes beyond the control of the winery, such as climate and precipitation abnormalities, with the balance being from Ontario fruit; and,*
- c) *The retail sale of wine produced on-site shall be permitted, provided that it does not conflict with any minimum floor area requirement for licensing approval, on-site tasting room and retail floor space shall not exceed the lesser of 100m² or 25 percent of the total winery floor area (excluding any below ground floor area). The on-site retail floor space for non-agricultural and/or non Grey County agricultural products, shall not*

The current land use is described as a Farm Winery, located within the Special Agricultural designation.

The criteria have been reviewed as follows:

- a) There are over 29 hectares of apple trees planted on the subject lands.
- b) The cider produced at Spy uses apples predominately grown within the County of Grey.
- c) Spy has an on-site tasting room and retail space which is approximately 56 m², and approximately 20% of the total buildings area.

exceed 5 percent of the total retail floor space.

Based on the policy review above the proposed development conforms to the Town's Official Plan and aligns with the Special Agricultural designation.

As noted, a portion of the lands are designated 'Hazard'. *The purpose of the Hazard Lands designation is to identify those lands having inherent environmental hazards such as flood susceptibility, erosion susceptibility, and dynamic beach hazards, and hazardous sites that exhibit instability, or poor drainage, or any other physical condition which is severe enough to pose a risk for the occupant, property damage or social disruption if developed* (B5.4).

Generally speaking, development and site alteration within 'Hazard' lands is limited (B5.4.2). The proposed development is outside of the "Hazard Lands" designated lands and does not intend to impact these lands or their function.

Land Use Compatibility, Section C13

It is recognized that some uses may be sensitive to the odour, noise, vibration or other emissions associated with highways, and various type of industries. It is a policy of this Plan that incompatible land uses be separated or otherwise buffered from each other. Where a proposed development is located adjacent to a potentially incompatible land use, an assessment of the compatibility of the proposal in accordance with Ministry of Environment Guidelines may be required by Council.

Such a study shall be prepared to the satisfaction of Council and the appropriate agencies and shall include recommendations on how the impacts can be mitigated. The approval of development proposals shall be based upon the achievement of adequate distances and the recommendations of the required studies.

The implementing Zoning By-law may utilize a Holding provision on certain properties where incompatible land uses are located in close proximity to each other to ensure that the

MP&D Comment:

A Noise Impact Study has been prepared and is submitted under separate cover.

The Noise Impact Study concludes that the operation of the proposed building and associated events would meet the MECP's NPC-300 noise guidelines at any time of the day, evening or night, where adequate design of the exterior building façade of the building has been carried out, and air conditioning and use of limiters on the loudspeaker systems are incorporated.

The Study includes 6 recommendations to ensure noise control measures are provided.

Refer to the Study for full details.

intent of this section is met before development occurs.

C13.1 NOISE AND VIBRATION

It is a policy of this Plan to minimize any adverse noise and vibration impacts from highways and arterial roads on sensitive land uses. To this end, a Noise Impact Study in accordance with Ministry of Environment guidelines shall be undertaken for proposed development involving sensitive land uses (with the exception of normal farm practices) that are adjacent to or in proximity to a highway, arterial road or industrial use to the satisfaction of Council and the County. The approval of development applications shall be based on the implementations of the required study, such as the restriction of new residential and other sensitive land uses and the provision of appropriate safety and mitigating measures and notices on title.

A Noise Impact Study has been prepared and is submitted under separate cover.

The Noise Impact Study concludes that the operation of the proposed building and associated events would meet the MECP's NPC-300 noise guidelines at any time of the day, evening or night, where adequate design of the exterior building façade of the building has been carried out, and air conditioning and use of limiters on the loudspeaker systems are incorporated.

The Study includes 6 recommendations to ensure noise control measures are provided.

Refer to the Study for full details.

On this basis, it is the opinion of the undersigned that the ZBA application conforms to the Town of The Blue Mountains Official Plan.

6.6 Town of The Blue Mountains, DRAFT Official Plan (Draft September 2024)

The draft Official Plan designates the lands as 'Special Agricultural' and 'Hazard' as per Schedule A, Land Use Plan of the Town of The Blue Mountains Official Plan. The area which is subject to this development proposal and associated Zoning By-law Amendment, is entirely within the 'Special Agricultural' designation.

The draft Official Plan policies have been reviewed against the current Official Plan. The significant changes have been noted here for reference.

Section B4.3.3 Permitted Uses has been simplified. A number of uses have been removed. Policy B4.3.3.a) notes *all types of uses permitted in by Section B4.2.3 of the Agricultural designation, with the exception of surplus farmhouse severances, new institutional uses and conservation lots* are permitted. In addition, *the relevant Development Policies set out in Section B4.1 also apply.*

Referring to Section B4.2.3, the following is permitted as it relates to the subject application, *all types and sizes of agricultural uses and related buildings and structures, accessory residential uses on farm properties subject to Section B4.1.1 or B2.7, small scale on-farm diversified uses (see Section B4.2.3.1 for examples) subject to Section B4.1.2, B4.1.3, B4.1.4 and B4.1.9 as applicable; and agricultural-related uses (see Section B4.2.3.1 for examples).*

Referring to Section B4.1 the policies provided here have been reviewed as applicable to the subject applications.

Development Polices of Section B4.1

B4.1.2 Agri-tourism

No policy changes are proposed.

MP&D Comment:

This Section is reviewed above in Section 6.5 of this Report.

B4.1.4 Farm Winery

No policy changes are proposed.

This Section is reviewed above in Section 6.5 of this Report.

B4.1.8 Small-scale Commercial or Industrial Uses

No policy changes are proposed.

This Section is reviewed above in Section 6.5 of this Report.

B4.1.9 On-Farm Diversified Uses

a) New on-farm diversified uses shall be limited in size and scale and to those uses that can be sustained by local service and infrastructure levels.

The Section of the Official Plan is new. As such, it has been reviewed here as applicable.

b) On-farm diversified uses are required to be limited to the sizes shown in the table below.

On-Farm Diversified Use Size Criteria

Designation	Property Size	On-farm diversified use Maximum Size
Agricultural	20 hectares or greater of agriculturally productive area	The lesser of; • 2% of the total size of the property, or • A maximum combined area of the use of 8,000 square metres
	Less than 20 hectares of agriculturally productive area	Bed and breakfasts and/or home rural occupations within the dwelling only
Special Agricultural	10 hectares of agriculturally productive area or greater	The lesser of; • 2% of the total size of the property, or • A maximum combined area of the use of 8,000 square metres

a) The proposed on-farm diversified uses are limited in both size and scale. The uses will be held in existing areas of the site or within the proposed building, which is also being used for both agricultural uses and agricultural-related uses. The general area where the on-farm diversified uses will take place are within the existing farm building cluster. In addition, the uses can be sustained by local services and private well and septic.

c) When determining the size of the on-farm diversified use it shall include buildings, laneways, parking, outdoor storage, servicing, exhibition areas, and/or amenity areas occupied

b) The proposed use is 2,225.0 square metres, which equates to 0.70 %. Therefore, the proposed use meets the size requirements.

by the on-farm diversified uses. Shared laneways/servicing, farm buildings, or landscaped areas also used by the farm shall not be included in the calculation of total use size. The passing of an implementing zoning by-law amendment will generally be required to permit new on-farm diversified uses, unless otherwise permitted 'as-of-right' in the Zoning By-law.

d) The gross floor area of the buildings (combined total for all buildings associated with the on-farm diversified use) shall not exceed 20% of the total area of the on-farm diversified use.

e) Prior to considering a new on-farm diversified use, it shall be demonstrated that the following criteria can be met:

- i. The use or activity does not interfere with, or generate off-site adverse impacts, and is compatible with surrounding uses;
- ii. The use or activity can be sustained by local service levels and infrastructure;
- iii. The buildings to be used meet all Building Code requirements for the type of use being proposed;
- iv. The scale of the operation is secondary to the active agricultural use on the farm property, and appropriate to the site and the surrounding area;
- v. The timing and duration of activities does not hinder agricultural operations on site or in the area;
- vi. For special events, the use or activity represents an occasional activity and is not a regular occurring activity and does not have permanent structures; and,
- vii. On-site parking can be accommodated without impacting the agricultural operation.

f) Ministry of the Environment, Conservation and Parks (MECP) D-6 Guidelines, or any successor

c) The on-farm diversified use will utilize may existing areas of the property, which also support the agricultural use and agricultural-related uses on the lands. This needs to be accounted for while considering the size of the on-farm diversified use.

The on-farm diversified use require:

Proposed building footprint (390.1 m²)

Covered Porch (134.9 m²)

Septic system for new building (450m²)

Expanded parking lot (1,250m²)

In total, the land area required to support the on-farm diversified use is 2,225 m².

d) The total gross floor area of the building being used for the on-farm diversified use is 2,225 m². Which equates to 0.70% of the total area.

e) The criteria have been reviewed and addressed as follows:

- i. The proposed uses are not anticipated to interfere with or generate off-site adverse impacts. The Traffic Impact Study determined that the proposed on-farm diversified use can be appropriately serviced by the surrounding road network. A Noise Impact Study has been prepared and is submitted under separate cover. The Noise Impact Study concludes that the operation of the proposed building and associated events would meet the MECP's NPC-300 noise guidelines at any time of the day, evening or night, where adequate design of the

thereto, shall be considered for any new agricultural-related uses or on-farm diversified uses of an industrial nature in the Agricultural, Special Agricultural, or Rural designations, to guide the separation of industrial uses from nearby dwellings, institutional uses, or other sensitive non-agricultural uses. Uses which are covered as normal farm practices by the Farming and Food Practices Protection Act (FFPPA) shall not be required to meet the D6 Guidelines, provided they meet all required Provincial noise, air, water, and wastewater standards.

exterior building façade of the building has been carried out, and air conditioning and use of limiters on the loudspeaker systems are incorporated. The Study list 6 recommendations to ensure noise control measures are provided. Refer to the Study for full details. In addition, many of the proposed uses/events have occurred on site in the recent past without any issues. The proposed building will further support these uses as well as additional similar one.

- ii. As noted above, a Traffic Impact Study determined that the proposed on-farm diversified use can be appropriately serviced by the surrounding road network. The proposed building will be serviced by private well and septic. The proposed uses and building can be sustained by the current local service level. The proposed building has been designed to meet the OBC as required.
- iii. The proposed uses require the addition of a building, larger parking lot and a septic system. Relative to the size of the lands and agricultural operation these additions are minor. They have been sited in the existing farm/building cluster and do not take away from the agricultural viability of the lands.
- iv. Since the proposed building will also be used for agricultural-related uses, to support the existing agricultural production, storage and processing of apples and cider, the building will be utilized for on-farm diversified uses during off-peak

- harvesting and processing seasons to ensure it is available for this use.
- v. While the uses have a permanent structure, the building will also support agricultural-related uses and not be used solely for on-farm diversified uses. The scheduling of special events will be seasonal and occur when appropriate outside of the harvesting and processing window.
 - vi. The existing parking lot is required to be expanded to support the additional uses. This area of the site is already disturbed and will not take away any arable lands. In addition, a Traffic Impact Study determined that the proposed on-farm diversified use can be appropriately serviced by the surrounding road network.
- f) The existing agricultural and agricultural-related uses are considered normal farm practices. The proposed uses are not considered industrial uses and therefore this policy does not apply.

We note that the proposed addition of Section B4.1.9 (the On Farm Diversified Use policies) is consistent with the County's Official Plan.

The proposed revisions to the Town Official Plan continue to support the proposed development, as it will provide additional space for agricultural uses, while at the same time providing space for agri-tourism uses and on farm-diversified uses.

7.0 CONCLUSION

The purpose of the proposed Zoning By-law Amendment (ZBA) is to rezone the lands from '*Special Agricultural (SA)*' Zone to a '*Special Agricultural-SPX (SA-SPX)*' Zone, to permit the following:

1. Notwithstanding the permitted uses of the SA Zone, the following uses shall also be permitted:
 - a. On Farm Diversified Uses, including but not limited to corporate events and celebrations;
 - b. Agri-tourism Uses, including but not limited to festivals and events;
 - c. Shipping Containers, as shown on the Site Plan;
 - d. Seasonal Outdoor Kitchen;
 - e. Residential Dwelling to provide on-farm accommodations; and
 - f. The sale of liquor and alcohol that is produced off-site (Tied House License).
2. Notwithstanding the provisions of Section 4.25.1 of the Zoning Bylaw, the following provisions shall apply:
 - a. A multi-purpose building and associated uses (parking lot, septic area, etc) shall be permitted with a combined area of 2,225 square metres.
3. Notwithstanding the provisions of Section 4.25.2 of the Zoning Bylaw, the following provisions shall apply:
 - a. The sale of alcohol produced off site shall be permitted
 - b. The retail floor space for non-agricultural and/or non-Grey County agricultural products shall be permitted.
4. Notwithstanding the provisions of Section 5.0 of the Zoning Bylaw, the following provisions shall apply:
 - a. The minimum number of parking spaces shall be 50 (Section 5.4.3, Table 5.3)
 - b. The minimum number of Barrier Free parking spaces shall be 2, 1 Type A and 1 Type B (Section 5.6.1 and 5.6.2)
 - c. The parking space and the access from the parking space to the main entrance of the building can be gravel (Section 5.6.2)

As outlined in the preceding Sections of this Report, the application is consistent with the policies of the Provincial Planning Statement (2024) and conforms with the policies of the County of Grey Official Plan and the Town of The Blue Mountains Official Plan.

On the basis of the foregoing, we respectfully request that the ZBA application be considered by Town Council at its earliest opportunity.

Respectfully submitted,
MORGAN Planning & Development Inc.



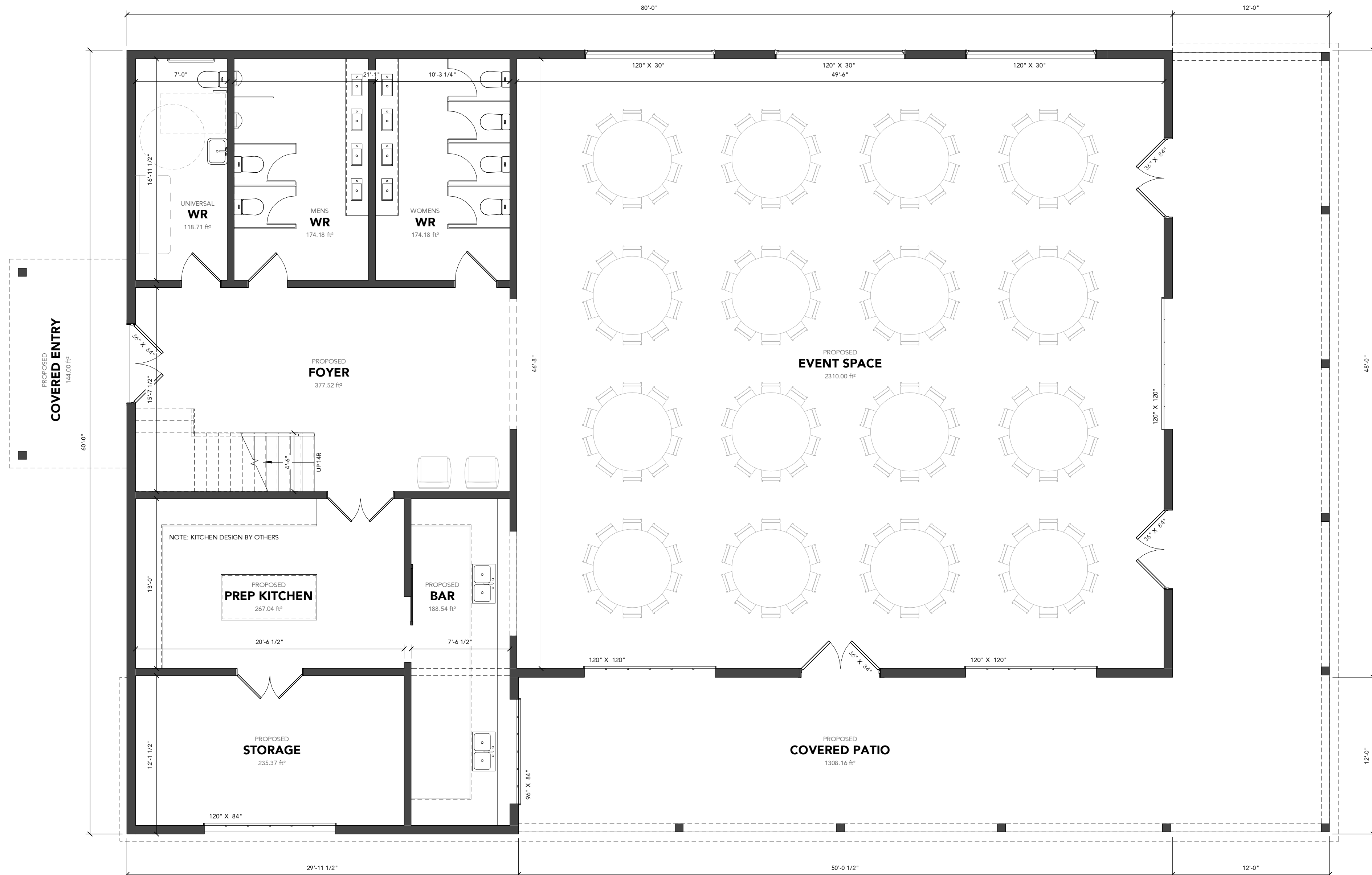
Vanessa Simpson
Senior Planner



Joshua Morgan, RPP
Principal Planner

Appendix A – Building Drawing Package

GROUND FLOOR	4199.44 SF
SECOND FLOOR	1347.03 SF
COVERED PATIO	1308.16 SF
COVERED ENTRY	144.00 SF



[GROUND FLOOR PLAN]

DESIGN OPTION 3

[A1]

JUSTIN
justin sherry design studio

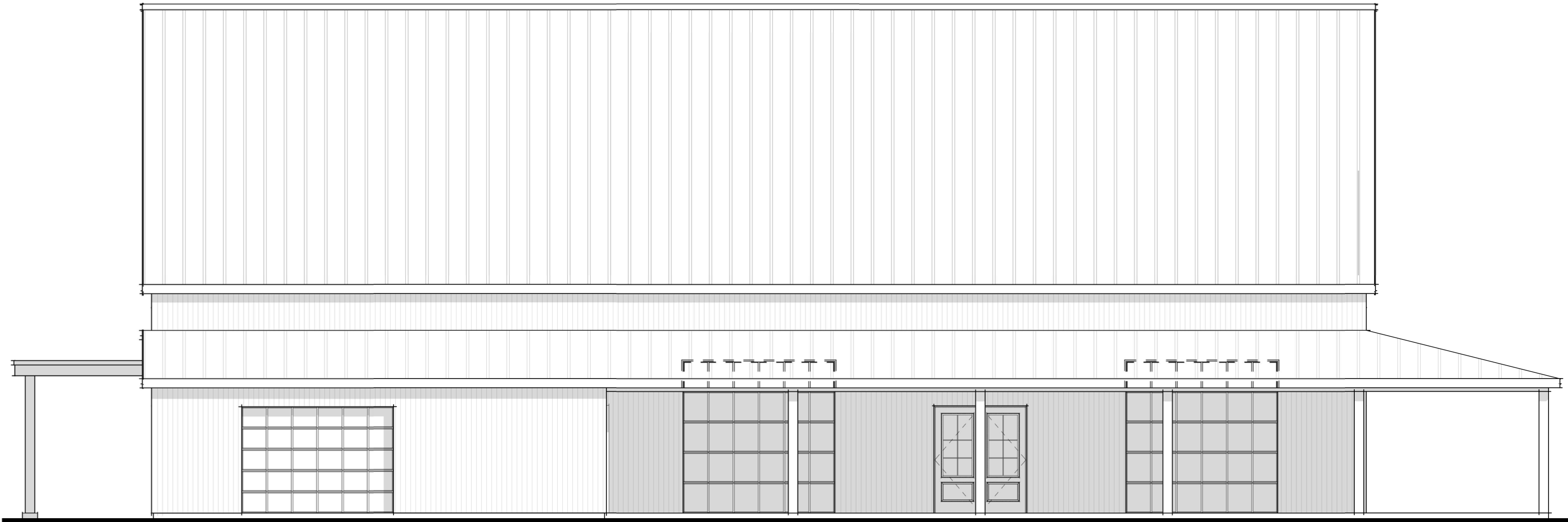


[SECOND FLOOR PLAN]

[A2]

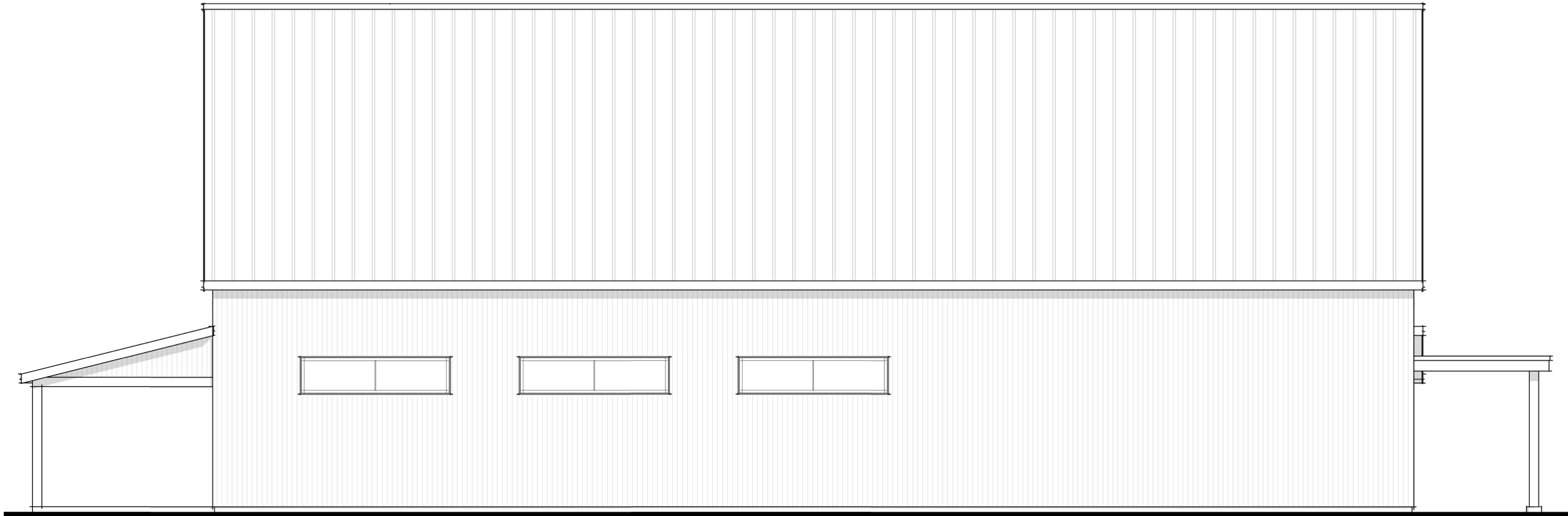


SCALE: 3/16" = 1'-0"
[EAST ELEVATION]



SCALE: 3/16" = 1'-0"
[NORTH ELEVATION]

SCALE: 3/16" = 1'-0"
[NORTH & EAST ELEVATIONS]



SCALE: 3/16" = 1'-0"

[SOUTH ELEVATION]



[WEST ELEVATION]

SCALE: 3/16" = 1'-0"

[SOUTH & WEST ELEVATIONS]

JUSTIN SHERRY DESIGN STUDIO

17 POYNITZ STREET
BARRIE, ONTARIO, L4M 3N6

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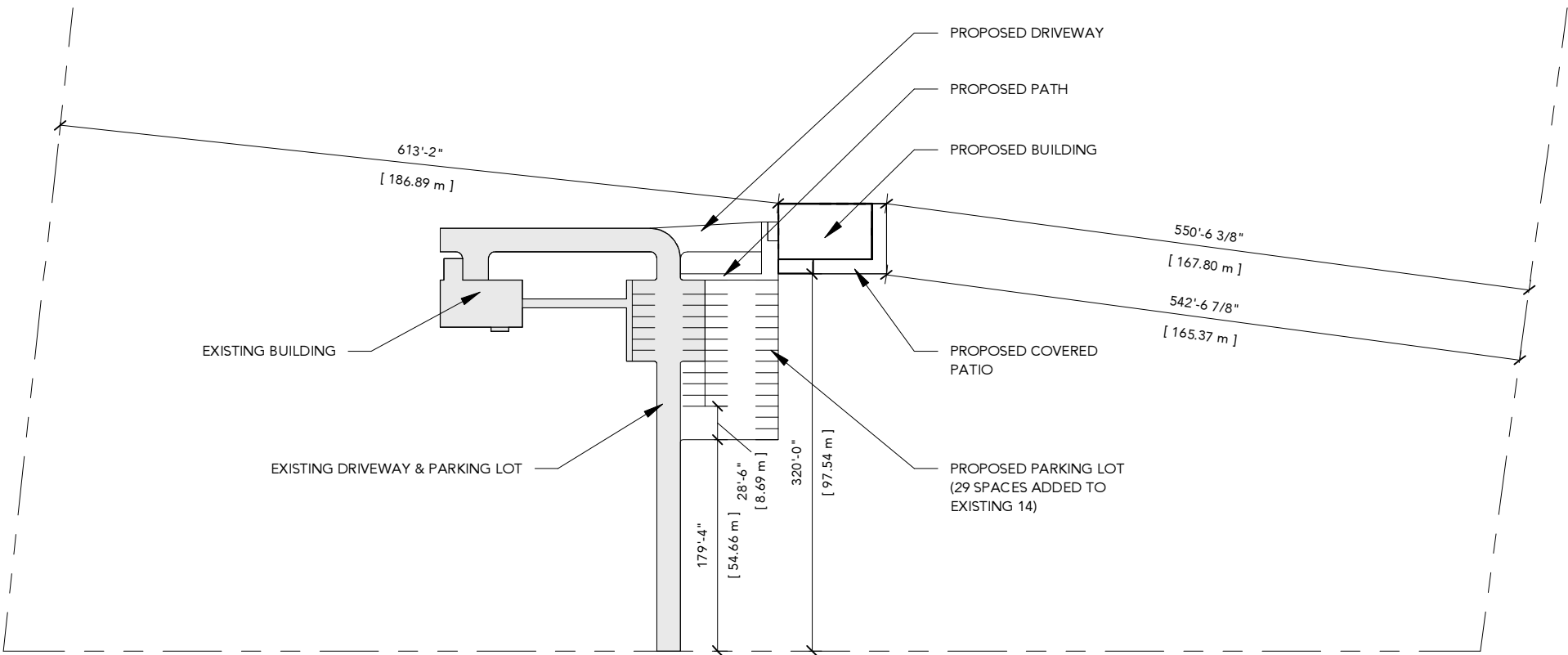
SPY CIDER HOUSE & DISTILLERY
808108 SIDEROAD 24
THE BLUE MOUNTAINS

[DRAWN BY] DANIELLE BILODEAU
[PROJECT NO.] 2024-032

DESIGN OPTION 3
08.02.2024

[FLOOR AREAS]

GROUND FLOOR	4199.44 SF
SECOND FLOOR	1347.03 SF
COVERED PATIO	1308.16 SF
COVERED ENTRY	144.00 SF



SIDEROAD 24

SCALE: 1" = 125'-0"

[KEY PLAN]

SCALE: As indicated

[SITE PLANS]



NO. 808108

LOT AREA - 78.39 ACRES
LOT COVERAGE - 0.26 %

SIDEROAD 24

SCALE: 1" = 200'-0"

[SITE PLAN]

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SPY CIDER HOUSE & DISTILLERY
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[PROJECT NO.] 2024-032

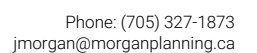
DESIGN OPTION 3
08.02.2024

[A5]

JUST[IN]
justin sherry design studio

Appendix B – Proposed Site Plan

Part of Lot 24, Concession 10
Town of the Blue Mountains
County of Grey



Appendix C – Proposed Zoning By-law Amendment and Schedule ‘A’

The Corporation of the Town of The Blue Mountains By-law Number 2025-____

Being a By-law to amend Comprehensive Zoning By-law 2018-65

of the Town of The Blue Mountains

BEING A BY-LAW UNDER THE PROVISIONS OF SECTIONS 34 AND 36 OF THE *PLANNING ACT*, R.S.O 1990, C. P.13, AS AMENDED

WHEREAS pursuant to the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, c. p. 13, as amended, the By-law may be amended by Council of the Municipality;

AND WHEREAS pursuant to the provisions Section 36 of the *Planning Act*, R.S.O. 1990, c. p. 13, as amended, the By-law may be amended by Council of the Municipality to prohibit the use of land, buildings or structures within a defined area, or areas;

AND WHEREAS The Town of The Blue Mountains Zoning By-law No. 2018-65 is the governing By-law of the Corporation of the Town of The Blue Mountains and such was finally passed by the Council of the Town of The Blue Mountains on November 29, 2018;

AND WHEREAS The Council of the Corporation of the Town of The Blue Mountains has deemed it advisable to amend the Town of Blue Mountains Zoning By-law No. 2018-65, and thus implement the Official Plan of the Town of The Blue Mountains;

AND WHEREAS Council deemed that adequate public notice of the public meeting was provided and adequate information regarding this Amendment was presented at the public meeting held [REDACTED], and that a further meeting is not considered necessary in order to proceed with this Amendment;

NOW THEREFORE THAT COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:

1. **THAT** Schedule 'A' Map 2 of the Town of The Blue Mountains Zoning By-law No. 2018-65 is hereby amended, in accordance with Schedule 'A' attached hereto, by rezoning a portion of the lands known as 808108 24th Sideroad, in the Town of the Blue Mountains, from the '*Special Agricultural (SA)*' Zone to the '*Special Agricultural with special provisions (SA-(SPX))*' Zone.
2. **THAT** Section 8 of By-Law No. 2018-65, is hereby amended by adding the following

9.X Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted on the symbol *X on

the schedule to this By-law. All other provisions, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

9.X.1 Lands Subject to Exception *X:

1. Notwithstanding the permitted uses of the SA Zone, the following uses shall also be permitted:
 - a. On Farm Diversified Uses, including but not limited to corporate events and celebrations;
 - b. Agri-tourism Uses, including but not limited to festivals and events;
 - c. Shipping Containers, as shown on the Site Plan;
 - d. Seasonal Outdoor Kitchen;
 - e. Residential Dwelling to provide on-farm accommodations; and
 - f. The sale of liquor and alcohol that is produced off-site (Tied House License).
2. Notwithstanding the provisions of Section 4.25.1 of the Zoning Bylaw, the following provisions shall apply:
 - a. A multi-purpose building and associated services (parking lot, septic etc) shall be permitted with a combined area of 2,225 square metres.
3. Notwithstanding the provisions of Section 4.25.2 of the Zoning Bylaw, the following provisions shall apply:
 - a. The sale of alcohol produced off site shall be permitted
 - b. The retail floor space for non-agricultural and/or non-Grey County agricultural products shall be permitted.
4. Notwithstanding the provisions of Section 5.0 of the Zoning Bylaw, the following provisions shall apply:
 - a. The minimum number of parking spaces shall be 50 (Section 5.4.3, Table 5.3)
 - b. The minimum number of Barrier Free parking spaces shall be 2, 1 Type A and 1 Type B (Section 5.6.1 and 5.6.2)
 - c. The parking space and the access from the parking space to the main entrance of the building can be gravel (Section 5.6.2)

3. **THAT** Schedule 'A' is hereby amended by Schedule A-XX indicating the area affected by this amendment.
4. **THAT** This by-law shall come into effect upon being passed by Council, pursuant to the *Planning Act*, R.S.O. 1990, as amended.

READ A FIRST TIME THIS _____ DAY OF _____, 2025.

READ A SECOND TIME THIS _____ DAY OF _____, 2025.

READ A THIRD TIME AND FINALLY PASSED THIS _____ DAY OF _____, 2025.

SCHEDULE 'A' TO Z.B.A. NO. _____

CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

ZONING BY-LAW 2018-65 - SCHEDULE 'A' - MAP 2



LANDS TO BE REZONED FROM THE 'SPECIAL AGRICULTURAL (SA)' ZONE
TO A 'SPECIAL AGRICULTURAL WITH SPECIAL PROVISIONS (SA-(SPX))' ZONE

DRAFT

DATE

DATE

CLERK

MAYOR