

Planning Justification Report
Zoning By-Law Amendment
Lot #16, 15 Mile Road
(Municipality of Middlesex Centre)

Date: November 2022

Prepared For:

Crunican Orchards

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1.0 Introduction

1.1 Overview of proposal (summary)

The subject lands (the site) are located at the north side of 15-mile road and the east side of the provincial Highway number 4. The site measures in area approximately one acre and has 136ft of frontage.

To more effectively utilize the property under the current designation of A1, the owners of this property, referred to in this report as Crunican Orchards, are advancing a zoning By-Law amendment to allow for the provision of a cidery. This will allow for continued farm diversified use.

The planning merits of this zoning By-Law amendment are evaluated in detail within this report and are generally summarized below:

- The subject lands and the proposed amendment meet the goals and guidelines of Agricultural land as described in the:
 - Provincial Policy Statement
 - County Official Plan
 - Middlesex Centre Official Plan
- The current A1 Zoning By-law encourages these activities but requires a Zoning Amendment to allow for a Cidery
- Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) allows for the operation of a cidery on Agricultural lands as diversified farm use.

1.2 Report Framework

Crunican Orchards is submitting application to amend the Zoning By-law for the property at 23778 Richmond St. London Ont, N5X 4B2 to allow for the operation of a cidery and all the functions required for the successful operation of a cidery. This planning report has been prepared for submission to the County of Middlesex in support of this application.

The principal components of this report are as follows:

- An introduction and general description of the subject lands, surrounding uses, providing and understanding of the locational context.

- A description of the overall concept and design highlights of the proposed By-Law Amendment
- A review of the proposed amendment relative to the existing planning policy framework and an assessment of the conformity with applicable policy.

As part of this planning analysis the following documents were reviewed:

- 2020 Provincial Policy Statement (PPS)
- County of Middlesex Official Plan;
- Municipality of Middlesex Centre Official Plan
- Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (OMAFRA)

In addition to this Planning Justification Report the following have been prepared in support of the By-Law Amendment

- Generations Cider Co. Inc. Business Plan (as prepared and submitted to the CRA for excise license approvals)

2.0 Site description and surrounding areas

The subject property is generally described as Lot 16 (geographical township of London). The address for this property is 23778 Richmond St. London Ont. N5X 4B2. Figure 1 of this Report illustrates the location of these lands.

The entire area of this land is approximately 1 acre, there are preexisting buildings on the land that are used for agricultural purposes. These existing buildings would be used for the necessary activities of a cidery in addition to their current uses as a farm market, cold storage and fruit processing facility.

Land uses surrounding the Site:

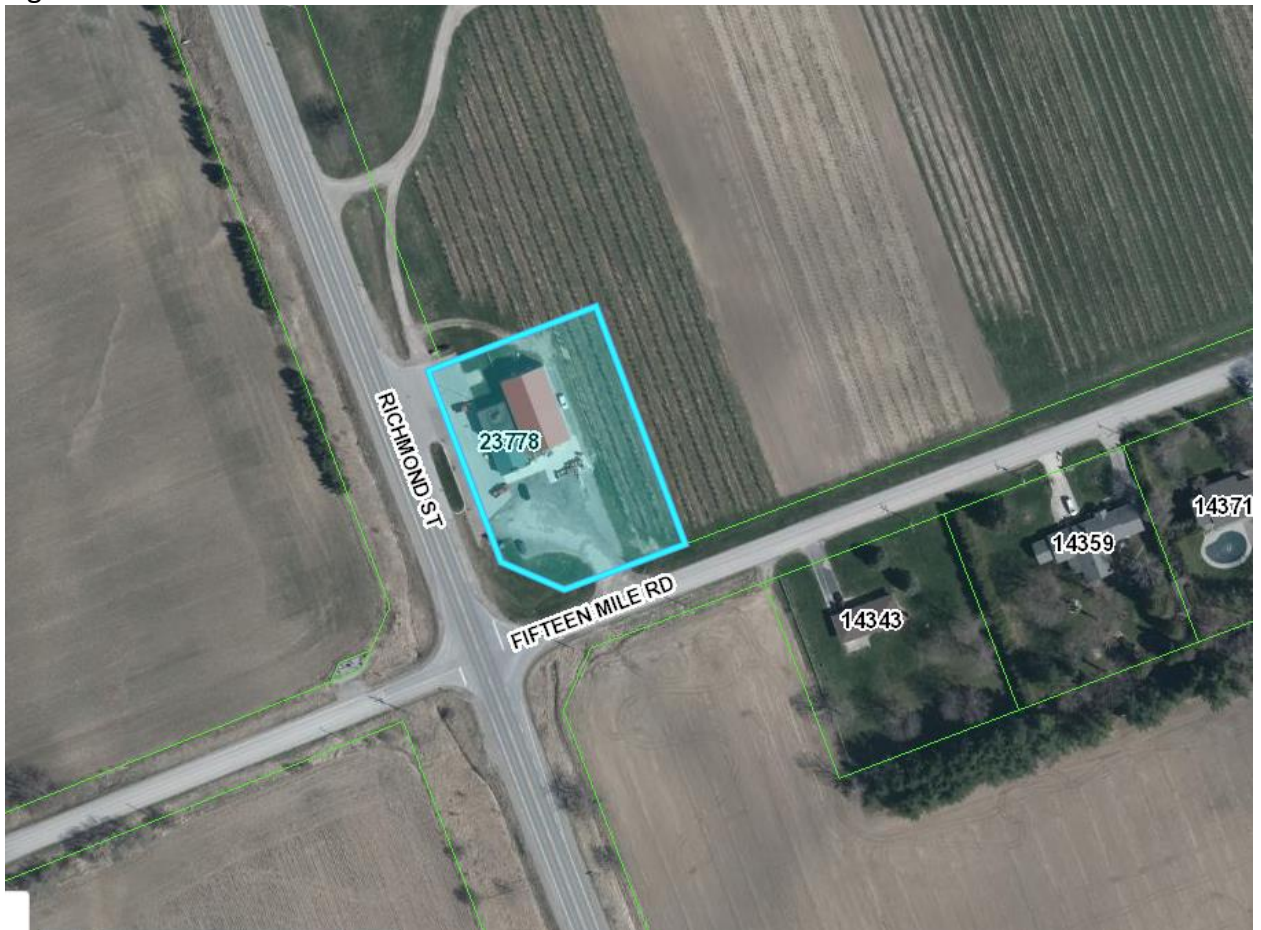
North: Agricultural Activities

East: Agricultural Activities

South: 15 mile road, low density residential, agricultural activities

West: Highway #4, Agricultural Activities

Figure 1.



3.0 Proposed development

3.1 Project Vision

The project vision, as follows, guided the proposed By-Law amendment to allow for the provision of a Cidery in A1 zoning.

To produce hard (alcoholic) apple cider under the name Generations Cider Co. Inc. from 100% Ontario apples including those apples produced by Crunican Orchards. In addition, retail of Cider would be through the Crunican Orchards farm market location, with an opportunity for product tastings available on select days to customers.

3.2 Overview of Proposal

To achieve the aforementioned project vision a separate corporation (Generations Cider Co. Inc.) has begun the necessary processes to ensure regulatory licensing, insurance and abiding of all rules and regulations related to the production, sale and limited tastings of alcohol.

- An application for an excise license related to the production of alcohol under 7% abv has been completed and submitted to the CRA under the business name Generations Cider Co. Inc.
- An application to the Alcohol and Gaming Commission of Ontario to allow for the sale of alcohol will be made on a successful application for a zoning amendment
 - Municipal allowance is a condition of AGCO licensing.

3.3 Planning Applications

Set out in section 4.0 of this report are the ways this proposal conforms with the Provincial Policy Statement, the County of Middlesex Official Plan, the municipality of Middlesex Centre Official Plan and the Ontario Ministry of Agriculture, Food and Rural Affairs. A zoning amendment is required to allow for the existence of a Cidery and the activities that are related to the production and sale of cider.

With these considerations and commentary provided in Section 4.0 of this Report we are submitting for a Zoning By-law Amendment to facilitate the operation of a Cidery.

4.0 Planning Analysis

4.1 Provincial Policy Statement

The current Provincial Policy Statement (PPS) was issued under Section 3 of the Planning Act and came into effect on May 1, 2020. The PPS provides overall policy direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land. Section 1.7 outlines the goals of Long-Term Economic Prosperity and 2.3 speaks to the wise use and management of agricultural resources. Table 1.0 outlines how the proposed By-law amendment is consistent with the policies of these sections, which have relevance to this project.

Table 1.0 – Consistency with Provincial Policy Statement

| Provincial Policy Statement Policy | Assessment |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1.7.1 Long term economic prosperity should be supported by:</p> <p>a. Promoting opportunities for economic development</p> <p>b. encouraging residential uses to respond to dynamic market-based needs</p> <p>h. providing opportunities for sustainable tourism development</p> <p>l. sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agrifood network</p> | <p>a. The proposed By-law amendment will allow for long term economic prosperity through the creation of new jobs in an up-and-coming craft cider industry.</p> <p>b. The proposed By-law amendment will allow for the response to the current alcohol sales market that continues to see growth in both craft, and the cider industry.</p> <p>c. As a major thoroughfare to existing agricultural tourism in Huron and Peel the property at 23778 Richmond St. is uniquely positioned to enhance farm market tourism in Middlesex. The preexisting store will continue to grow with diversified offerings.</p> <p>d. With 100% of the juice used to create cider being Ontario produced and 100% of the apples used in production also being from Ontario it will strengthen the local food network and provide additional opportunities for residents to support the local industry.</p> |
| <p>2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture.</p> | <p>There are no proposed changes to the existing structures in order to facilitate the operation of a Cidery. No Agricultural land will be lost for the cidery to operate.</p> |
| <p>2.3.3.1 In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses.</p> | <p>The allowance of a Cidery will meet the criteria of on-farm diversified use. A long-established apple orchard (greater than 100 years) and retail location (greater than 60) years currently exists at this location.</p> |

4.2 County of Middlesex Official Plan

The County of Middlesex Official Plan (County Official Plan) was approved by the Minister of Municipal Affairs and Housing on December 17, 1997 and amended by Official Plan Amendment No. 2 on July 11, 2006. Section 3 of this Official Plan identifies that its purpose is to protect and strengthen the agricultural community, a major economic component within the County. Generally, this Official Plan contains policies related to Agriculture use within the County in Sections 1.0 and 3.0. With no additional building requirement for the requested By-law amendment the relevant section for this Report is 3.3. Table 2.0 outlines how the proposed By-law amendment is consistent with the policies of this section.

Table 2.0 Consistency with County Official Plan

| County Official Plan Policy | Assessment |
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| <p>3.3.3 Permitted Uses</p> <p>Agricultural Areas shall generally permit the following use:</p> <p>a. Agriculture and related uses</p> <p>i. Retail stands for the sale of agricultural products produced on the farm unit upon which the retail stand is located</p> | <p>a. As outlined in the Ontario Ministry of Agriculture, Food and Rural Affairs, the operation of a Cidery meets the definition of agricultural use and diversified farm use.</p> <p>i. There is a preexisting retail location at this address that will allow for the sale of the agriculture products produced on the farm.</p> |

Section 3 of the County Official Plan defines how Agricultural land is to be used. As outlined in the assessment, the proposed By-law amendment will meet these goals by allowing for continued agricultural diversified use at the site and continue growing the agricultural economy within the County.

4.3 Municipality of Middlesex Centre Official Plan

The Township of Middlesex Centre Official Plan (Middlesex Centre Official Plan) was approved on May 18, 2022, as of October 12th, 2022 the County of Middlesex informed the Middlesex Centre Council that the Ministry of Municipal Affairs and Housing has suspended the timeline that is mandated for the planning review process. As a result, approval of the Middlesex Centre “Official Plan” is on-hold until further notification is received from Ministry of Municipal Affairs and Housing.

This Report and the Assessments discussed in table 3.0 will use the Middlesex Centre Official Plan (Redline). Additionally, section 4.3.2 will outline the requested zoning By-law Amendment.

Table 3.0 Consistency with Middlesex Centre Official Plan

| Middlesex Official Plan Policy | Assessment |
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| <p>1.6 Mission Statement</p> <p>Vision: A thriving, progressive and welcoming community that honours our rural roots and embraces our natural spaces.</p> | <p>The proposed By-law Amendment will allow for the operation of a Cidery at 23778 Richmond St. The name of the Cidery as outlined in the submitted business plan is Generations Cider Co. The cidery’s goal is to create products that honour the history of the farm at this location that has been operated for generations of the same family.</p> |
| <p>2.1 The following goals relate to lands within the Agriculture designation.</p> <p>a. To preserve agriculture as the primary land use outside of settlement areas within the Municipality.</p> <p>c. To enhance the viability of farm operations wherever possible to ensure their continued economic strength.</p> <p>g. (Proposed change) To promote and encourage a wide range and scale of on-farm diversified uses and agriculture-related businesses, in accordance with provincial guidelines, which provide the opportunity for farm operators to earn a supplementary income in a manner that minimizes the use of prime agricultural lands.</p> | <p>a. The addition of a cidery will allow the property at 23778 Richmond to continue focusing on Agricultural use.</p> <p>c. The addition of a diversified value-added production to the property will allow for not only increased viability to the farm operation but the creation of new jobs allowing for the involvement of the next generation on this family farm.</p> <p>g. The proposed change in the redline report encapsulates the goal of the asked for By-law Amendment. With no new buildings required, the allowance for a cidery will facilitate supplementary income without affecting prime agricultural land. As outlined in section 4.4 a cidery meets the definition of on Farm diversified use.</p> |

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| <p>2.4 Proposals for Agriculture-Related Uses within the Agriculture designation shall require a zoning by-law amendment to permit the specific use proposed and to establish development standards appropriate for the proposal.</p> | <p>This Report serves to mee this requirement. The suggested By-law amendment are outlined in section 4.4</p> |
| <p>2.4</p> <p>e. The nature of the use shall be directly related to farm operations in the area and shall provide direct products or services to farm operations as a primary activity (e.g. food processing, grain drying facility, mill, abattoir, etc.).</p> | <p>The addition of a cidery to the property in question meets these requirements as it is the site of a long standing (greater than 100 years) apple orchard, with a subsequent retail farm market.</p> |
| <p>2.5 On-Farm Diversified Uses</p> <p>a. On-Farm Diversified Uses may include the following, provided the criteria set out below are met.:</p> <ul style="list-style-type: none"> • Farm winery, cidery, brewery or distillery. | <p>The Middlesex Center Official Plan includes the allotment for cidery’s as On-Farm Diversified Use in the Official Plan Redline report. The proposed cidery at 23778 Richmond St. will be housed in existing buildings and will be less than 2% of the existing lands. Further it will follow all of the criteria as outlined in the Official Plan.</p> |

4.3.2 Proposed Zoning Amendment

In order to allow for the operation of a Cidery at 23778 Richmond St. the following Definition, Permitted Uses and Regulation is suggested;

Definition:

Cidery means the use of land, buildings, or structures for the processing of fruit including the fermentation, production, aging, and storage of cider where the fruit used in the production of the cider is locally or regionally grown. A Cidery may also include a hospitality room and a retail outlet.

Permitted Uses:

Cidery accessory to a main Agricultural Use

All other uses permitted under A Zone

Regulation:

The area of the subject lands dedicated to the Cidery accessory shall not exceed 1 hectare.

This By-Law amendment will affect the property as outlined in Figure 2.

Figure 2.



To support the allowance for a cidery at the proposed location a look at the Ontario Ministry of Agriculture, Food and Rural Affairs Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas was done.

4.4 Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Guidelines on permitted Uses in Ontario’s Prime Agricultural Areas

The Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas will help municipalities, decisionmakers, farmers and others interpret the policies in the Provincial Policy Statement, 2014 (PPS) on the uses that are permitted in prime agricultural areas¹. The Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas was published by the Ministry of Agriculture, Food and Rural Affairs in 2016.

The Guidelines refer to cider and cidery in Sections 2.1 Agricultural Uses, 2.2 Agriculture Related Uses, and 2.4 Categories of Permitted Uses. Section 2.1 mentions cider but only to clarify it would meet the definition of Section 2.2. Sections 2.2 and 2.4 are relevant to this Report and the assessment of these categories will be in Table 4.0.

Table 4.0 Consistency with OMAFRA Guidelines on Permitted Uses in Ontario’s Prime Agricultural Area

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| <p>2.2.1 PPS (Provincial Policy Statement) Criteria for Agriculture- Related Uses</p> <ol style="list-style-type: none"> 1. Farm-related commercial and farm-related industrial use 2. Shall be compatible with, and shall not hinder, surrounding agricultural operations. 3. Directly related to farm operations in the area. 4. Supports agriculture. 5. Provides direct products and/or services to farm operations as a primary activity. 6. Benefits from being in close proximity to farm operations. | <ol style="list-style-type: none"> 1. From the OMAFRA Guidelines: “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) 2. With no additional facilities required to operate the proposed Cidery at 23778 Richmond St. the allowance of a Cidery will not impact the surrounding agricultural activities. 3. The Cidery will act as a value-added process for the pre existing apple orchard. 4. Sourcing of raw ingredients will be done within Ontario, preference for those within Middlesex County. 5. The Cidery will provide products directly from the fruit produced regionally and retail them to the public. 6. Being located close to the existing farm operations, including the orchard and |
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| | retail location will allow for a success diversified farm use. |
| 2.4 Categories of Permitted Uses if the PPS criteria (outlined above) are met. | Per table 2 in the OMAFRA guidelines a Cidery meets the definition of Agriculture- Related Use and On-Farm Diversified Use (Pg. 26). |

The Guidelines from OMAFRA on Permitted Land Use regularly use a Cidery as an example of On-Farm Diversified Use.

5.0 Summary and Conclusions

In conclusion it is our opinion that the proposed By-law amendment at 23778 Richmond street, to allow for the operation of a Cidery is in keeping with the framework of planning policies. This assessment is based in part on the consideration of:

1. The site is well suited for the operations of a Cidery
2. The Cidery meets the requirements of the Provincial Policy Statement related to On-Farm Diversified Use
3. The operation of a Cidery meets the goals of the Middlesex Official Plan for Agriculture land by supporting agricultural related uses.
4. The Municipality of Middlesex Centre Official Plan allows for the operation on a Cidery on agricultural lands
5. The proposed Cidery follows the guidelines as outlined by the OMAFRA Permitted uses on Ontario's Prime Agriculture Area
6. The appropriate regulating bodies are actively involved in the approvals for the Cidery, including the Canadian Revenue Agency and Alcohol and Gaming Commission of Ontario.

Given the noted consideration, it is recommended that the By-law Amendment supporting this application be approved.

Respectfully submitted,

Gregory Crunican