



NOTICE OF TEMPORARY USE PERMIT

The Alberni-Clayoquot Regional District's Board of Directors will consider issuing a Temporary Use Permit at their next meeting.

MEETING DETAILS

When: Wednesday, June 12, 2024 at 1:30 pm

Where: Alberni-Clayoquot Regional District (ACRD) office located at 3008 Fifth Avenue, Port Alberni, BC. Electronic, call-in, or in-person attendance options are available.

WHAT'S THIS ABOUT?

File #: TUP21002R

Property Owners/Applicants: Jennifer and Owen Smith

The subject property is located at 3240 Clayton Road is legally described as LOT 1, DISTRICT LOT 246, ALBERNI DISTRICT, PLAN 30949

The property owners have applied for a temporary use permit (TUP) to allow for the operation of the Cherry Creek Cidery for a period of three years. The applicants intend to continue producing hard cider within the existing detached garage. The cidery does not include any tasting room or on-site retail sales.

HOW CAN I LEARN MORE?

All related information, including background documents, report and permit, is available at the ACRD office and linked as supplementary information on the ACRD website at www.acrd.bc.ca/events/12-06-2024/.

Planning staff can answer questions in person, through email, or by phone during regular office hours 8:00 am to 4:30 pm, Monday through Friday, excluding statutory holidays.

If you would like to attend the Board of Directors Meeting, you can do so in person at the ACRD office, or electronically on our website at www.acrd.bc.ca/events/12-06-2024/.

PROVIDE INPUT!

Providing an opportunity for public input is a top priority for the ACRD. Written correspondence can be submitted by:

- Hard copy delivered to the ACRD office in person or by mail
- Email sent to planning@acrd.bc.ca

Email submissions will only be considered received if receipt confirmation is provided by ACRD staff.

Written submissions must be received by **4:30 pm on June 11, 2024.**

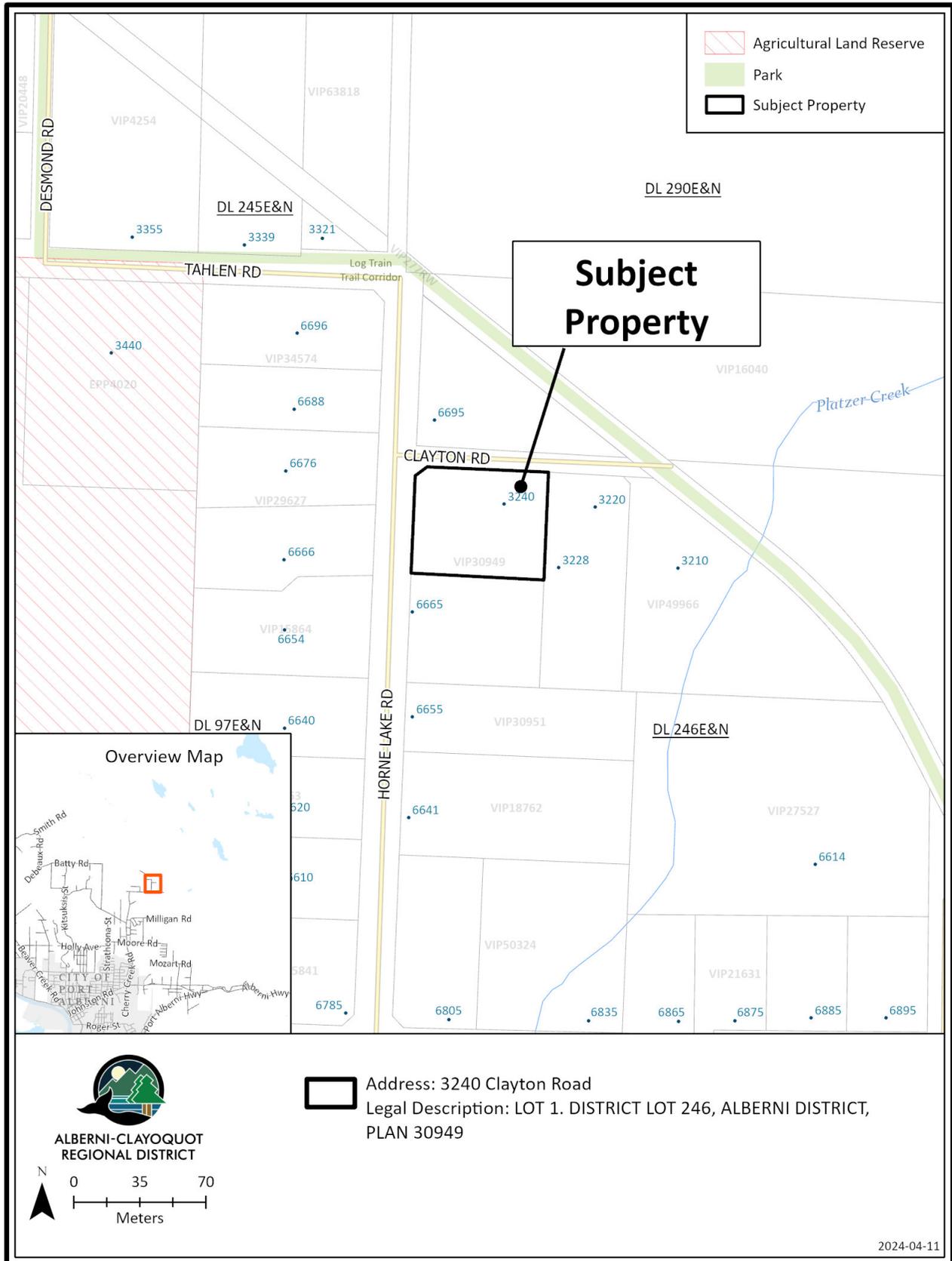
Alternatively, if you wish to appear as a delegation to present your views to the Board in person, please fill out the Delegation Request Form on the ACRD website at www.acrd.bc.ca/delegation and submit the completed form by **12:00 pm on Thursday, June 6, 2024.** For further information or assistance with the Delegation Request Form contact us at 250-720-2700.

ASK US!

If you have questions or experience technical difficulties with website access, Planning staff are available to provide assistance during regular office hours 8:00 am to 4:30 pm, Monday through Friday, excluding statutory holidays. We can be reached at:

Alberni-Clayoquot Regional District
Planning Department
3008 Fifth Ave, Port Alberni, BC V9Y 2E3
Phone: 250-720-2700
Email: planning@acrd.bc.ca

SUBJECT PROPERTY MAP





To: ACRD Board of Directors

Meeting Date: May 8, 2024

From: Brooke Eschuk, Jr. Planner

File #: PL20240004 / TUP21002R

Application Type: Temporary Use Permit

Voting Structure: Electoral Area Directors

Electoral Area: "F" Cherry Creek

Subject: Temporary Use Permit Renewal Application TUP21002R – 3240 Clayton Road (Smith)

Recommendation:

THAT the Board of Directors consider Temporary Use Permit renewal application TUP21002R subject to neighbourhood notification as per Local Government Act S. 494.

Development Proposal: The applicants are seeking to renew the Temporary Use Permit (TUP) issued in June 2021. The applicants operate Cherry Creek Cidery Ltd. and produce hard cider within the 32' x 34' detached garage located on their 0.4 ha (1 ac) property located at 3240 Clayton Road. The RA2 District zoning of the property does not permit this use and the renewal of the TUP would allow the cidery to continue operating for a period of three years. The cidery does not include any tasting room, on-site retail sales, or any public access to the property.

Advisory Planning Commission Recommendation: The Cherry Creek APC considered this application at their April 22nd meeting. The members present supported the application as presented.

Property Owner(s)/Applicant(s): Jennifer and Owen Smith

Property Information:

Civic Address	3240 Clayton Road						
Legal Description	LOT 1, DISTRICT LOT 246, ALBERNI DISTRICT, PLAN 30949						
PID	001-200-828	Folio	2055.012	ALR? Y/N	N	Lot Size (ha)	0.4
Current Zoning	Acreage Residential (RA2) District			Proposed Zoning	N/A		
Current OCP	Residential			Proposed OCP	N/A		
Development Permit Area	N/A						
Current Use	The 0.4 ha (1 ac) parcel is located on the southeast corner of Horne Lake Road and Clayton Road. The property is currently occupied by a single-family home with a detached garage and is primarily residential. The property owners produce alcoholic cider in the detached garage authorized by a Temporary Use Permit issued in June 2021. The 1,088 square foot garage is located 23 feet from the front lot line on Clayton Road and 98 feet from the side lot line on Horne Lake Road.						

PL20240004 / TUP21002R

Surrounding Zoning and Land Use

North	RA2 / Rural Use	South	RA2 / Residential Use
East	RA2 / Residential Use	West	RA2 / Residential Use

Services:

- a) **Sewage Disposal:** Onsite sewage disposal.
- b) **Water Supply:** The parcel is connected to the Cherry Creek Waterworks District.
- c) **Fire Protection:** The parcel is within the Cherry Creek Fire Department service area.
- d) **Access:** The parcel is accessed by Clayton Road. The west side of the lot is bisected by Horne Lake Road but no direct access is provided.

Planning Policy Discussion:

- a) **Official Community Plan:** The Cherry Creek Official Community Plan (OCP) designates the property as Residential Use. This designation intends to support a range of housing options within the community.

Some property owners may wish to use their property differently than is set out in the Official Community Plan. As such, property owners may apply to the ACRD for a Temporary Use Permit to allow a specified use under set conditions. Section 3.2 of the OCP discusses general planning policies which apply to all properties within the OCP area. Section 3.2.12 allows the ACRD Board of Directors to consider issuing Temporary Use Permits for a period of up to three years in accordance with s. 493 of the *Local Government Act*.

The continuation of the commercial cidery use requires a renewal of the TUP issued in 2021. The Cherry Creek OCP support the issuance of a TUP to allow for a specified use for a period of three years.

- b) **Zoning:** The parcel is zoned Acreage Residential (RA2) District. This zone allows for single-family dwellings and accessory buildings and uses. The RA2 zoning does not allow for commercial cidery production, but the proposed TUP renewal would allow the use to continue on a temporary basis and under specific conditions.

	Current: RA2
Minimum Lot Area (ha)	0.4
Minimum Lot Width (m)	36.5
Principal & Accessory Front Yard Setback (m)	12.1
Principal Side Yard Setback (m)	4.5
Principal Rear Yard Setback (m)	9.1
Accessory Side Yard Setback (m)	0.9
Accessory Rear Yard Setback (m)	0.9
Watercourse Setback (m)	30

The applicant wishes to continue operating a commercial cidery on the property currently zoned RA2. The intended use is not permitted and as such the property owner is applying for a Temporary Use Permit (TUP) renewal. If the applicant is successful, the TUP can be granted for up to three years. When the term ends, the property owner has the option to apply to renew the TUP, apply for a zoning bylaw amendment, or return the parcel to those uses specified in the RA2 District.

Temporary Use Permit conditions: The Temporary Use Permit to operate the commercial cidery may be subject to the following conditions and any other conditions that the ACRD Board of Directors deems appropriate at the time of issuance:

1. This permit is issued for the operation of a commercial cidery, which includes the production, manufacturing, and packaging of hard cider within the existing accessory building on the property.
2. The operation of the commercial cidery must be in compliance with any requirements of the BC Liquor and Cannabis Regulation Branch and Island Health.
3. The bottling and packaging of cider is limited to a maximum of twelve (12) days per year.
4. There shall be no public consumption of cider and no retail sale of cider on-site. All public consumption and sales must occur off-site.
5. All solid waste created from the production of cider is to be processed off-site. Any liquid waste created from the production of cider is to be processed on-site in the existing sewage disposal system.
6. One (1) dedicated off-street loading space shall be provided on the property for the delivery of equipment and supplies to the property and for the pick-up of solid waste and finished product from the property.
7. This permit is valid for three (3) years from the date of execution.
8. At the time of the expiry of this permit, the property owners may apply to the Regional District to rezone the property to allow for the use or return the property to the original use permitted under the current zoning.
9. If the conditions of this permit are not met, or if there is a change of ownership of the property, the Regional District may rescind or terminate the TUP.

Comments:

The applicants have submitted details regarding the production of alcoholic cider on the property. The process produces minimal waste, noise, and is only completed four times each year. The applicant has confirmed with the Alberni Valley Landfill that the facility can handle any solid waste that is produced.

No sales are conducted on site, and there is very minimal increase of traffic volume. Cherry Creek Cidery Ltd. has obtained all necessary permits and approvals required by the BC Liquor and Cannabis Regulation Branch and Island Health. Planning staff recommend that the Board proceed with the neighbour notification process for the TUP renewal application.

Alex Dyer

Submitted by: Alex Dyer, MCIP, RPP, Planning Manager

Reviewed by: Cynthia Dick, General Manager of Administrative Services

Approved by: Daniel Sailland, Chief Administrative Officer



Detached accessory building used for commercial cider production.



Detached accessory building view from Clayton Road.

Describe the proposed development of the subject property:

We are not requesting a rezoning or proposing a development on our property. We are, however, requesting an extension to our Temporary Use Permit (TUP21002) that was issued June 9, 2021. This Temporary Use Permit has permitted us to commercially produce hard cider in our 32' x 34' foot detached garage. The hard cider is being produced in air locked fermenting tanks, filtered by us, and canned on site by a commercial canning company that attends the property approximately twice per year. The garage is an established building on our residential property and the production of cider is a quiet process that has not disturbed any of the neighbouring residents. We have been in regular contact with our neighbours who are aware of our operations and have had open dialogue with them about any concerns they might have. There have been no complaints or issues with our neighbours to date.

Reasons or comments in support of the application:

- We have all our applicable permits, approvals with the Liquor Distribution Branch and Island Health and have not had any issues with compliance.
- We operate under the business name Cherry Creek Cidery Ltd.
- All additions to the garage were approved by the Alberni Clayoquot Regional District (ACRD) and all mechanical, plumbing, electrical additions have been approved by engineers and signed off by the building inspector for the ACRD.
- We are not requesting any further development on the property, the building that is being used is already established and all the building/sewage/water renovations for the garage have been completed.
- Our operations have minimal impact on the neighbourhood and traffic is limited to a few deliveries (no more than an average home) and the canning company.
- Our address is not available to the public on our cans or on our website.
- We do not have permission, and will not be seeking permission, from the Liquor Distribution Branch for an on-site tasting room or public access.
- All sales occur online or off-site (liquor stores, farmer's markets, breweries, and deliveries).
- There is minimal waste in the production of hard cider and all the waste is organic, and all ingredients used have been approved by a Onsite Waste Management Practitioner (ROWP).
- The Alberni Valley Landfill confirms they will process any solid waste that cannot be disposed of in our septic system. At this time, there is no solid waste produced.
- No pollution is being created by the production of hard cider.
- Producing hard cider does not create any fire safety concern as most of the processing is done without electrical power or heat.
- Juicing/pressing apples is a process that generates minimal noise and is short in duration. Although, this may be an option for us in the future, we are not currently pressing or processing our own apples. We receive juice from a supplier.
- The fermentation of cider does not generate any noise and fermentation is the main activity in producing cider.
- We currently can our cider in a period of one day and plan to do so, approximately four times per year.
- In the past three years since our first Temporary Use Permit was approved, we have had no interactions with by-laws and no concerns from neighbours.

Horne Lake Rd

Fence

98 feet

Fire hydrant

~~RESIDENCE~~ BUILDING FOR
CIDER (DETACHED
GARAGE)

32' x 34'
(1088 sq ft)

23 feet

Fence

entrance

DOOR

DOOR

Fence

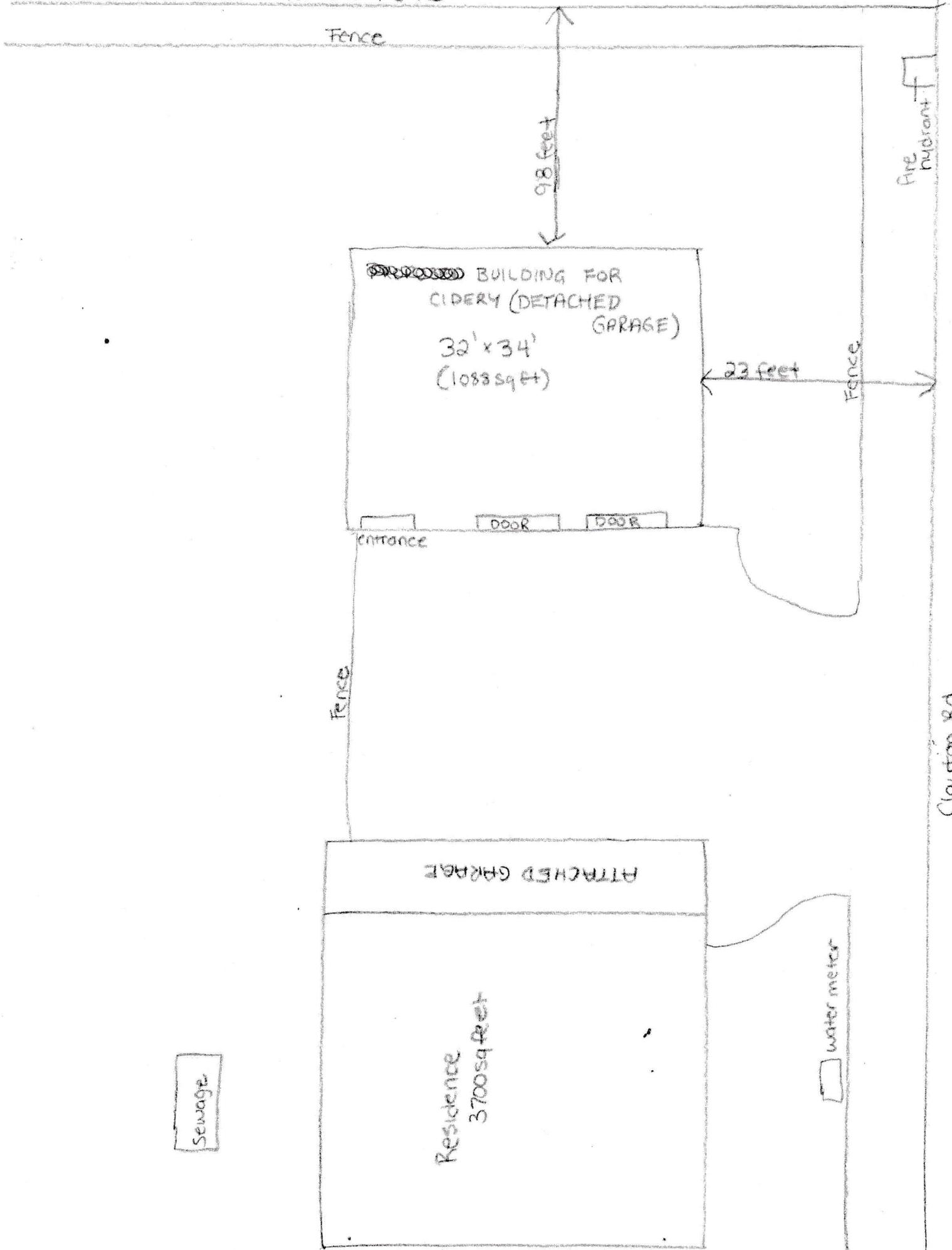
Clayton Rd

ATTACHED GARAGE

Residence
3700 sq feet

water meter

Sewage





6695

Lot A

CLAYTON RD

3240

Lot 1

HORNE LAKE RD

Lot A

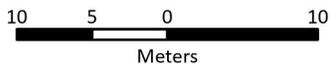
3228

Lot 2

6665

3240 Clayton Road
LOT 1. DISTRICT LOT 246, ALBERNI DISTRICT, PLAN
30949

Scale 1:500



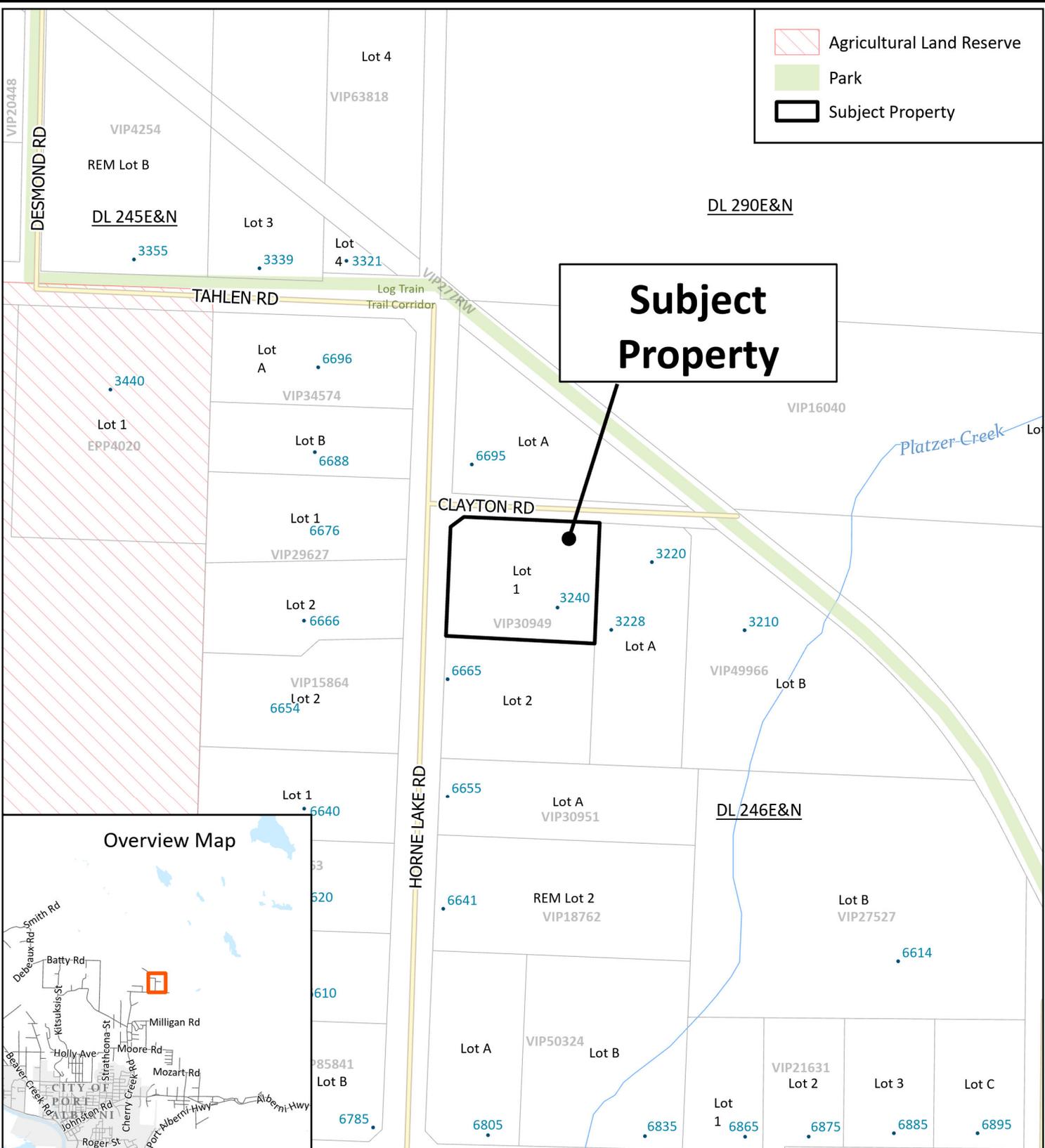
-  Subject Property
-  Parcel



Prepared 2024-04-11
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purposes.*

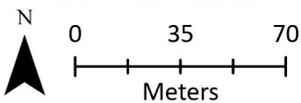
-  Agricultural Land Reserve
-  Park
-  Subject Property



**Subject
Property**



ALBERNI-CLOYOQUOT
REGIONAL DISTRICT



 Address: 3240 Clayton Road
 Legal Description: LOT 1. DISTRICT LOT 246, ALBERNI DISTRICT,
 PLAN 30949