



REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT  
**NOTICE OF INTENT TO ISSUE  
TEMPORARY USE PERMIT**  
ELECTORAL AREA "F" – CHERRY CREEK

**Proposed Temporary Use Permit  
TUP21002– 3240 CLAYTON ROAD, PORT ALBERNI  
JENNIFER & OWEN SMITH, PROPERTY OWNERS**

Public Notice is hereby given that the Regional District of Alberni-Clayoquot (ACRD) will consider issuing a Temporary Use Permit at the Board of Directors meeting to be held on **Wednesday, June 9, 2021 starting at 1:30 pm**. This meeting will be held electronically using Zoom and will be livestreamed on our website at <https://www.acrd.bc.ca/events/9-6-2021/>.

**The proposed permit will allow for the small-scale commercial production of hard cider within the existing detached garage on the (0.4 hectare) 1 acre property located at 3240 Clayton Road. The subject property is legally described as LOT 1 DISTRICT LOT 246 ALBERNI DISTRICT PLAN 30949.**

A copy of the proposed Temporary Use Permit and supporting documents are available for review on our website at <https://www.acrd.bc.ca/events/9-6-2021/>.

Providing an opportunity for public input, while safeguarding public health during the COVID-19 pandemic, is a top priority for the ACRD. Consider written submissions as an effective means to provide your input.

Correspondence must be received by the ACRD by **10:00 am on Wednesday, June 9, 2021** and can be submitted by one of the following methods:

- Hard copy to the ACRD office drop slot or by mail to the Planning Department at the address below.
- Email sent to [planning@acrd.bc.ca](mailto:planning@acrd.bc.ca). Email correspondence will only be considered received if receipt confirmation is provided by ACRD staff.
- Fax sent to 250-723-1327. Fax correspondence will only be considered received if receipt confirmation is provided by ACRD staff.

Questions? Please call 250-720-2700 and ask for the Planning Department.

**PLANNING DEPARTMENT**

Regional District of Alberni-Clayoquot  
3008 Fifth Avenue  
Port Alberni, BC V9Y 2E3

Email: [planning@acrd.bc.ca](mailto:planning@acrd.bc.ca)  
Telephone: 250-720-2700  
Fax: 250-723-1327

**Date of Notice: May 25, 2021**





# ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni BC, CANADA V9Y 2E3 Telephone (250) 720-2700 Fax (250) 723-1327

## Temporary Use Permit Application

**MEETING DATE:** April 14, 2021

**ACRD FILE NO.:** TUP21002

**APPLICANTS:** Jennifer & Owen Smith

### LEGAL

**DESCRIPTION:** LOT 1, DISTRICT LOT 246, ALBERNI DISTRICT, PLAN 30949

**LOCATION:** 3240 Clayton Road

**ELECTORAL AREA:** "F" Cherry Creek

**Applicant's Intention:** The property owner is applying for a temporary use permit (TUP) to allow for the small-scale commercial production of hard cider within the existing detached garage on the (0.4 hectare) 1 acre property. The cider would be processed, fermented and bottled on-site for sale off the premises. There would be no retail sale from the property and no tasting room included with the operation.

---

**Recommendation:** THAT the Board of Directors consider issuing Temporary Use Permit TUP21002 subject to:

- a. Neighbouring properties being notified as per Local Government Act s.494.
- b. Confirmation from a Registered On-Site Wastewater Practitioner that any liquid waste produced by the cider production use can be processed by the existing on-site sewage disposal system.

---

**Advisory Planning Commission Recommendation:** The Cherry Creek APC considered the application at their April 6, 2021 meeting where they passed a resolution to concur with the staff recommendation and support the temporary use permit application as presented.

### Observations:

- i) **Status of Property:** The 0.4 hectare (1 acre) property is located on the south east corner of Horne Lake Road and Clayton Road. There is an existing single family dwelling on the property built in 1978 and a detached garage built in 1987. The existing 1,080 square foot detached garage would be used for the commercial production of cider. The house and garage are located on the north side of the property adjacent to Clayton Road with the garage sited 12 feet from the north

## TUP21002

property line. The remainder of the property slopes down away from Clayton Road in a north-south direction.

## ii) Services

- a. **Sewage Disposal:** There is an existing sewage disposal system providing on-site sewage disposal for the house on the property. As a condition of TUP approval, staff are recommending that the applicant engage a Registered On-Site Wastewater Practitioner to confirm that any liquid waste produced by the cider production can be processed by the existing sewage disposal system.
- b. **Water Supply:** The existing house is connected to the Cherry Creek Waterworks District community water system.
- c. **Fire Protection:** Cherry Creek Volunteer Fire Department.
- d. **Access:** The property is accessed from Clayton Road and has no constructed access to Horne Lake Road. The applicants are not proposing any retail sale from the property or public consumption of cider on the premises. The commercial traffic would be limited to delivery vans arriving to the property approximately once per month.

## iii) Existing Planning Policies Affecting the Site

- a. **Agricultural Land Reserve:** Not within the Agricultural Land Reserve.
- b. **Official Community Plan:** The Cherry Creek Official Community Plan designates the property as "Residential Use". The objective of the Residential Use designation is to provide a range of housing options in the Plan area. There are no development permit areas that impact development on this property.

The OCP supports smaller scale home industry uses but Policy 3.2.9 limits home industry uses to parcels with a 2 hectare minimum lot size. Policy 3.2.12 allows for the consideration of temporary use permits in appropriate areas within all land use designations in accordance with s. 493 of the *Local Government Act*. The proposed use of the property is well suited for a TUP application. The production of hard cider within the existing garage, and with no retail sales or public consumption, would not require any significant alteration to the existing structure with the exception of setting up cider manufacturing equipment.

***The existing Residential Use designation does not support the proposed commercial production of hard cider. The property owners are applying for a temporary use permit to allow for the proposed use.***

- c. **Zoning:** The property is zoned Acreage Residential (RA2) District. The RA2 zoning does not allow for commercial cider production, but the proposed TUP would allow the use to occur on a temporary basis and under specific conditions.

Under Section 493 of the *Local Government Act*, the Regional District may issue a Temporary Use Permit, by resolution, in areas designated in an Official Community

## TUP21002

Plan. A TUP may do one or more of the following:

- i. Allow a use not permitted under the Zoning Bylaw;
- ii. Specify conditions under which the temporary use may be carried out;
- iii. Allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.

Where a TUP is considered within an area designated in an OCP, the Regional District must give notice to the public in accordance with the requirements of the Act and the Development Procedures Bylaw, which includes notifying the neighbouring property owners and residents within 100 metres of the property, and publishing a notice in the newspaper.

Within the Cherry Creek OCP area, a TUP can be issued for up to 3 years and renewed once upon application by the property owner. After the expiry of the TUP, the property owner must apply to rezone the property to allow for the continued commercial cider production use or discontinue the use.

**Temporary Use Permit:**

The Temporary Use Permit to operate a small-scale commercial cidery within the existing detached garage on the property 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 commercial production of cider is subject to licensing from the Provincial Liquor and Cannabis Regulation Branch.
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 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 have it re-issued for a period of up to three (3) years 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.

**TUP21002**

**Comments:** The applicants have detailed the proposed use in a letter attached to the development application. The property owners propose to develop a small-scale commercial cidery within the existing 32 foot by 34 foot garage located adjacent to the existing house on the property. Fruit would be juiced and pressed on-site and cider would be produced in air-locked fermentation tanks and then bottled on-site. The applicants intend to bottle and package cider over one day, four times per year. All sales would occur off-site at liquor stores, bars/restaurants, farmer's markets. Any solid waste created from the production of cider would be processed at the Alberni Valley Landfill.

There would be no external alteration to the garage, no tasting room or public consumption on-site and no retail premises on-site in order to maintain the rural residential character of the neighbourhood. The commercial production of hard cider will require a manufacturing license under the Provincial *Liquor Control and Licensing Act*. The applicants have enquired about the manufacturing license and have been advised that their property must have a temporary use permit in place or be zoned to allow for the use before applying for the license.

Planning staff are supportive of utilizing the temporary use permit as a tool for allowing this type of small-scale commercial use in predominantly residential, rural residential and agricultural areas. The proposed cider production use within the existing garage and with no public presence at the property represents a unique, small-scale commercial opportunity while maintaining the rural character of the area and limiting the impact on the neighbourhood. One of the benefits of the TUP application is to provide an opportunity for the start-up of a business and providing space for that business to grow. If the business grows in such a way that the proponent is looking to expand, they could seek to move the business to a commercial property that is better suited for larger-scale cider production.

Planning staff are generally supportive of the application and recommend that the Board proceed with the neighbour notification process with final support of the application subject to the public input received and the satisfaction of the conditions of approval outlined in this report.

Submitted by:   
 \_\_\_\_\_  
 Alex Dyer, MCIP, RPP, Planner

Approved by:   
 \_\_\_\_\_  
 Douglas Holmes, BBA, CPA, CA, Chief Administrative Officer

## TUP21002



# ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni, BC V9Y 2E3

Phone: (250) 720-2700 Fax: (250) 723-1327

## APPLICATION FOR DEVELOPMENT

- |  |  |
|--|--|
| <input type="checkbox"/> Official Community Plan Amendment | <input type="checkbox"/> Minimum Parcel Frontage Waiver                |
| <input type="checkbox"/> Zoning Map Amendment              | <input type="checkbox"/> Board of Variance Application                 |
| <input type="checkbox"/> Zoning Text Amendment             | <input type="checkbox"/> Temporary Commercial Use Permit               |
| <input type="checkbox"/> Development Permit                | <input type="checkbox"/> Temporary Industrial Use Permit               |
| <input type="checkbox"/> Development Variance              | <input checked="" type="checkbox"/> Other: <u>request for new zone</u> |

Applicant/Property Owner Information	Agent Information (if applicable)
Name: <u>Jennifer and Owen Smith</u>	Name:
Mailing Address: <u>3240 Clayton Rd</u> <u>Port Alberni BC</u> <u>V94 8T5</u>	Mailing Address:
Telephone: <u>778-348-4461 / 250-203-5198</u>	Telephone:
Fax: <u>N/A</u>	Fax:
Cell: <u>same as above</u>	Cell:
Email: <u>jen@cherrycreekcider.ca.</u> <u>or jen.corrigal@gmail.com.</u>	Email:

• Legal Description: Lot 1 Plan V1P30949 District Lot 246 Land District 1

• Particulars of Proposed Development:

➤ Existing OCP Designation: Area F - residential use

➤ Proposed OCP Designation: Area F - residential use

➤ Text Amendment: \_\_\_\_\_

➤ Existing Zone: RA2

➤ Proposed Zone: new zone request

➤ Within the Agricultural Land Reserve (ALR)?:  No  Yes

➤ Within a Development Permit Area?:  No  Yes

➤ Method of Sewage Disposal:  Community System  Onsite Septic System  Other

➤ Method of Water Supply:  Community System  Onsite Water System  Other

• Other (explain): \_\_\_\_\_

• Describe the existing land use of the subject property: At this time the property is only being used for residential purposes.

- Describe the existing land use of lands adjacent to the subject property:



North: RA2 + A4 residential and agricultural

South: RA2 residential.

East: RA2 residential

West: RA2 residential + RA1

- Describe the proposed development of the subject property (attach additional pages if necessary):

see attached

- Reasons and comments in support of the application (attach additional pages if necessary):

see attached

- The following information is required. Failure to provide any of the following may delay the application.

A sketch/plan of the subject property showing:

- the legal boundaries and dimensions of the subject property;
- boundaries, dimensions, and area of any proposed lot (if subdivision is being proposed);
- the location of permanent building and structures on the subject property with distances to property lines;
- the location of any proposed building, structures, or additions hereto, with distances to property lines;
- the location of any existing sewage disposal systems and/or property water source; and
- topographic features (rock outcroppings, etc.).

- Additional or more detailed information may be requested by the Regional District following review or your application.

If the Regional District believes it to be necessary for the property boundaries and the location of buildings and structures to be more accurately defined, a plan prepared by a registered BC Land Surveyor may be required.

I accept responsibility for delays in processing caused by incorrect or insufficient submission. Personal information contained on this form is collected under the *Local Government Act*. Contact the Planning Department if you have any further questions.

I hereby grant Regional District staff full right of access to the subject property, during the hours of 8:00 am until 4:30 pm, Monday to Friday, except statutory holidays, while this application is in effect; and

I/We hereby declare that the information provided in this application is, to the best of my/our knowledge, true and correct in all respects, and I/we enclose the required fee with this application.

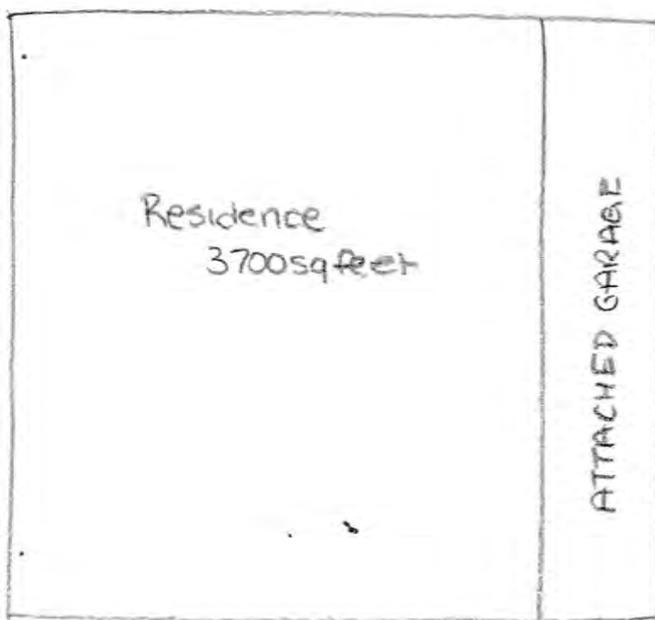
NOTE: All items submitted as part of the application will not be returned to the applicant and are subject to the *Freedom of Information and Privacy Act*. All relevant correspondence will be provided to both the applicant and the agent when applicable.

Applicant/Owner Signature: [Signature]

Applicant/Owner Signature: [Signature]

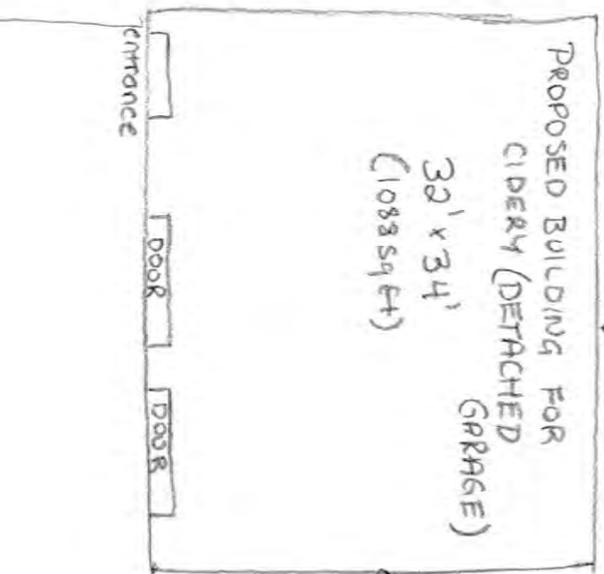
Date: November 26, 2020

Sewage



water meter

Fence



98 feet

23 feet

Fence

Fence

FLORIE LAKE RD

fire hydrant

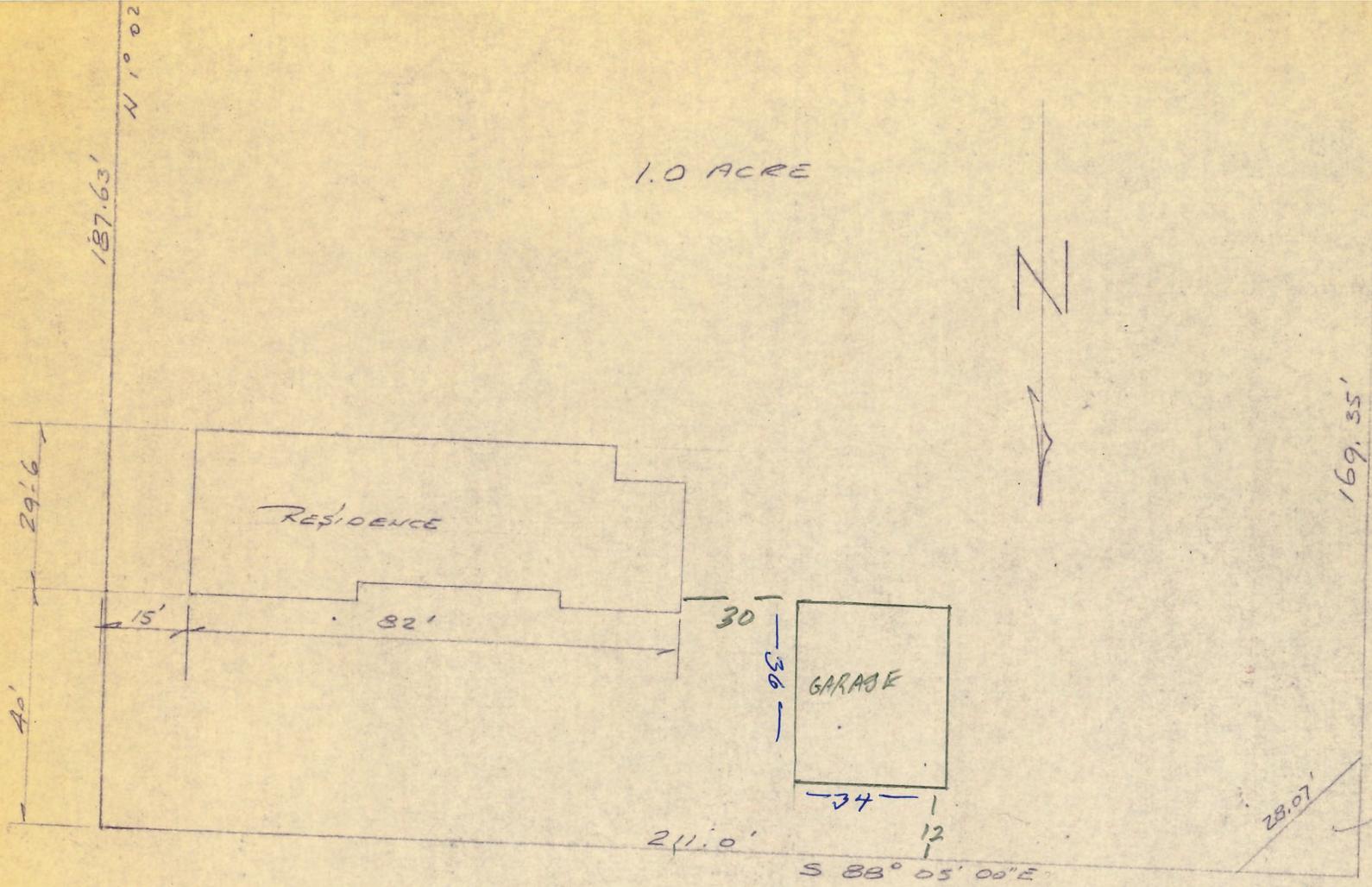
Clayton Rd

### **Describe the proposed development of the subject property:**

We are requesting that our residential property be re-zoned to permit the commercial production of hard cider in our 32' x 34' foot detached garage. The hard cider would be produced in air locked fermenting tanks and bottled on site. The garage is an established building on our residential property and the production of cider is a quiet process that would not disturb the neighbouring residents.

### **Reasons and comments in support of the application:**

- No further development on the property; the building to be used is already established
- Minimal commercial traffic to the neighbourhood
- The business would only require deliveries approximately once per month and the delivery vehicles would be no larger than those currently used by parcel couriers (FedEx, Canada Post, UPS, etc)
- Our address will not be available to the public
- We are not seeking permission to operate a tasting room and we would not be open for commercial sales from the property; all sales will occur off-site (liquor stores, farmer's markets, breweries, etc)
- We already have water access on the subject property
- There is minimal waste in the production of hard cider and all of the waste is organic
- The Alberni Vally Landfill confirmed they will process the waste
- No pollution will be created by producing hard cider
- Producing hard cider does not create any fire safety concerns as most of the processing is done without electrical power
- Juicing/pressing apples is a process that generates minimal noise and is short in duration
- The fermentation of cider does not generate any noise and this step constitutes the majority of time in cider production
- We anticipate bottling cider one day, four times a year
- We currently produce hard cider for personal consumption and have had no complaints from our neighbours



1.0 ACRE

187.63'

N 1° 02'

N 1° 21' 50" E

169.35'

RESIDENCE

GARAGE



29.6'

40'

15'

82'

30'

36'

34'

12'

211.0'

S 88° 05' 00" E

28.07'

DEDICATED FIRE ROAD.

ROAD.

SCALE 1" = 25'

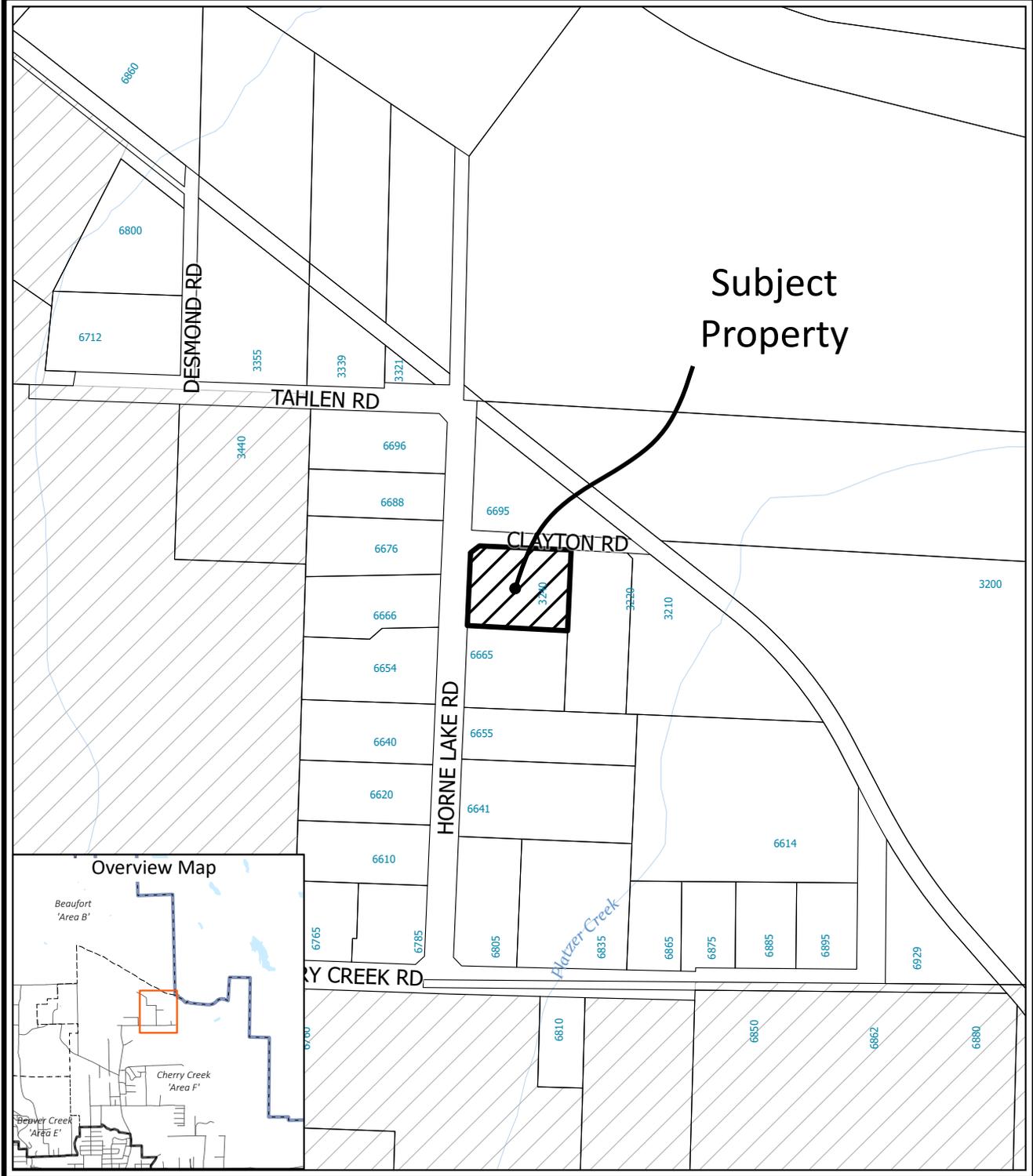
LOT 1

D.L. 246

PLAN 275 27

HORNE LAKE ROAD.





Subject  
Property

Overview Map

Legal Description: LOT 1, DISTRICT LOT 246, ALBERNI  
DISTRICT, PLAN 30949

