



# Staff Report

## Planning and Development Services – Planning

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**Report To:** Committee of the Whole  
**Meeting Date:** June 10, 2019  
**Report Number:** PDS.19.60  
**Subject:** Information Report for Temporary Use Zoning Amendment (Spy Cider House)  
**Prepared by:** Denise Whaley, MSc MCIP RPP

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### A. Recommendations

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THAT Council receive Staff Report PDS.19.60, entitled “Information Report for Temporary Use Zoning Amendment (Spy Cider House), for information only.

### B. Overview

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This report provides an overview of the application and a preliminary review of the applicable planning policies regarding a Temporary Use Zoning By-law Amendment, requesting permission for a trailer for an office use and two storage containers on the property. Following the public meeting, staff will review all comments received and any additional issues or concerns that are raised. This review will be included in a final recommendation report which will be brought to a future Committee of the Whole meeting for Council decision.

### C. Executive Summary

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**Application File #:** P2747

**Application Received:** May 21, 2019

**Application Deemed Complete:** May 21, 2019

**Official Plan Designation:** Special Agriculture and Hazard

**Zoning Bylaw 2018-65:** Special Agriculture and Hazard

**Location:** 808108 24<sup>th</sup> Sideroad (Clarksburg)

**Water and Sewer Servicing:** Private water and septic system

As part of their business operations, the applicant has proposed the use of a vintage trailer during three seasons, for the purpose of an office space. The trailer would not be hooked up to well and septic system and the washroom would not be used. It is our understanding the intent

would be to allow the trailer to be also taken off site for events elsewhere, as needed. The additional storage is in the form of shipping containers.

## D. Background

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### Location

The location of the Spy Cider House and Distillery is south of Clarksburg at 808108 24<sup>th</sup> Sideroad. It is an area of active farming, including several orchards (See Figure 2).

Figure 1: Location Map

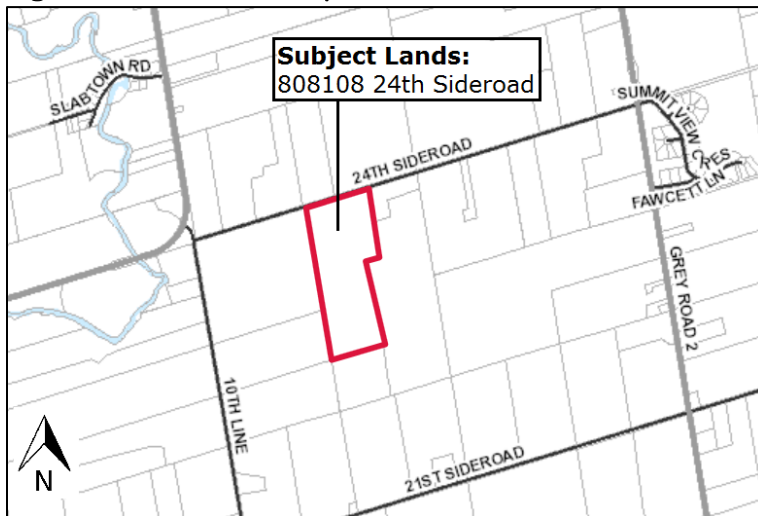
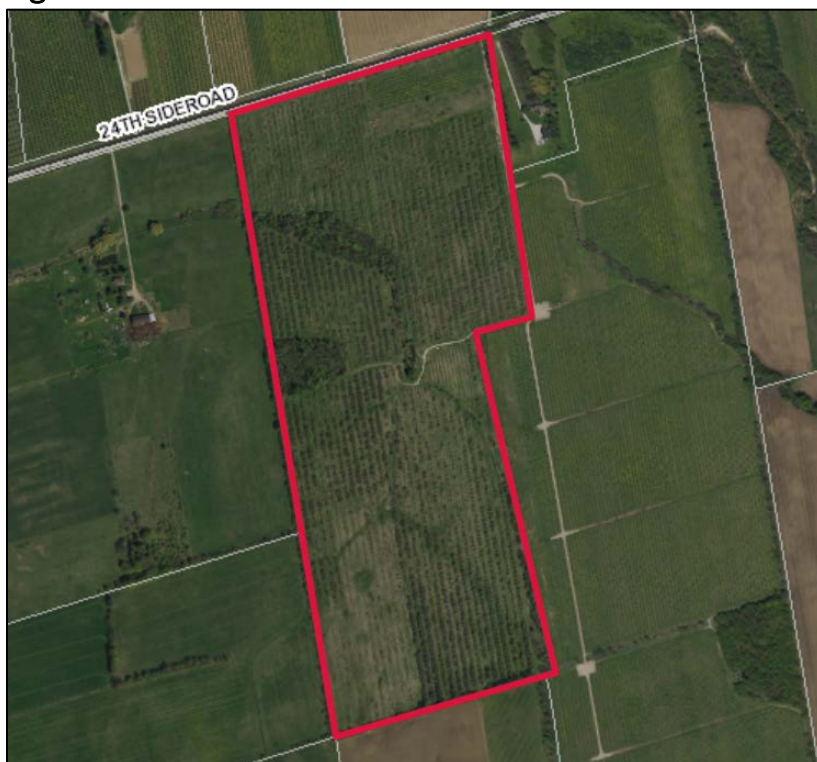


Figure 2: Aerial Photo



### Current Proposal

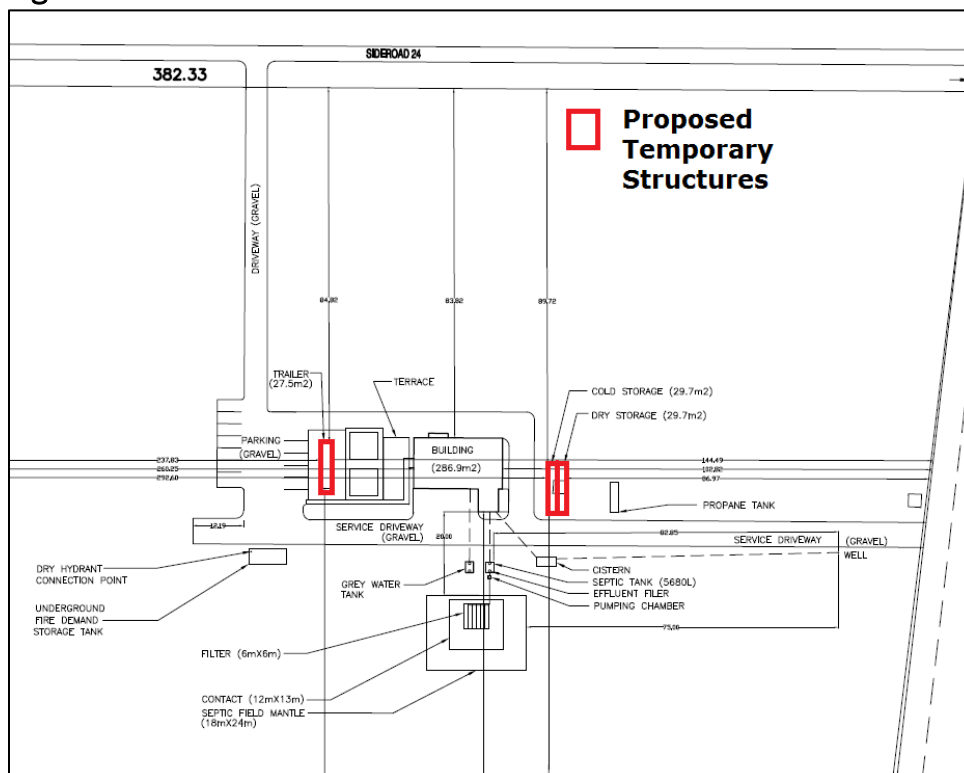
Spy Cider House and Distillery is a new on-farm business, which will produce hard cider and other alcohol from on-site fruit and other Grey County fruit. The original proposal was supported by Town Official Plan policies and zoning provisions and therefore no previous Planning Act approvals were required.

In 2018, the operators of the business requested Council support for their provincial licenses to produce and sell alcohol products. The request was endorsed by Council at that time. It is our understanding that the business is nearly ready for public launch, as soon as they have works completed through their building permits and full provincial licensing.

In spring 2019, Spy Cider House staff spoke with Planning and Development Services staff about some additional space that they required for office and storage. Although the building is newly constructed, it was found that while the building size and layout operates adequately for production, onsite tasting and retail area, the administrative space was lacking. The temporary use of the proposed structures would allow the business time to become operational, without having to add any new permanent space onto the main building at this time.

The application for a temporary use seeks permission for the three structures shown in the Site Plan Figure 3. The “vintage” trailer (similar to an Airstream) would be located near the public area or patio between the main building and the parking area. The shipping containers would be on the east side, outside of the main public area.

Figure 3: Site Plan



## Planning Policy Review

Staff completed a preliminary document review of the relevant policies that apply to this Proposal. A detailed set of policies that apply is attached to this report as Attachment #2.

## Planning Act

The Ontario Planning Act provides municipal Council with the authority to pass temporary use by-laws, under Section 39 of the Act. Temporary use by-laws are for a period of three years, with the ability to seek permission for an extension of time of an additional three years.

The Planning Act requires that in making planning decisions Council must have regard for matters of Provincial Interest, as outlined by Section 2 of the Act and the Provincial Policy Statement. Council must also have regard for the policies of the Official Plan which apply to the lands.

Based on a preliminary review, there does not appear to be concerns with respect to the provisions of the Planning Act.

## Provincial Policy Statement (PPS 2014)

The Provincial Policy Statement (PPS) provides more detailed policy direction on matters of provincial interests related to land use planning and development. Within the framework of the PPS, the subject lands are located within a Prime Agricultural Area, on Specialty Crop lands, with a small area of natural hazards. The area of natural hazard is well away from the on-farm business uses.

The PPS supports the viability of agriculture by permitting agriculture-related uses and on-farm diversified uses on Prime Agricultural Lands. The PPS also directs local policies to provide for opportunities for compatible economic activities in Prime Agricultural Areas. Since the use of cidery and on-farm business is supported by the PPS, the temporary structures does not appear to create any identified issues related to the PPS.

## County of Grey Official Plan

The County of Grey Official Plan designates the lands **Special Agriculture** and **Hazard**. No development is proposed within the Hazard area.

Provisions support wineries/cideries on farms, and allow for Temporary Use By-laws of up to three years subject to certain criteria. These criteria include the limited investment into the temporary use (so that it may be reasonably removed at a later time, without significant financial hardship), and compatibility with the intent and purpose of the Official Plan. The policies considerations are similar to the Town's Official Plan.

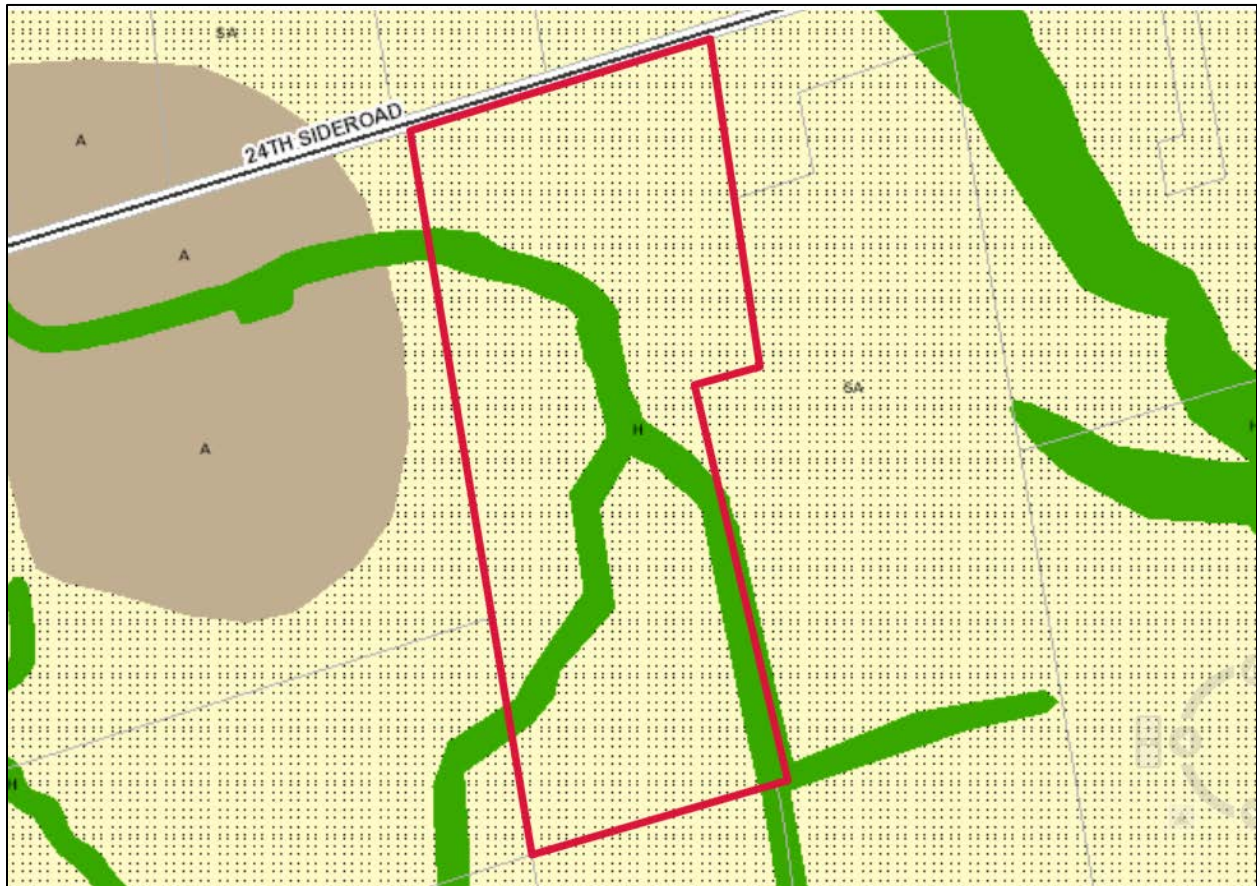
County staff noted in the comments to the Town that the proposal should have regard for the criteria found within the Plan, otherwise there were no specific concerns noted through the County comments.

## Town of The Blue Mountains Official Plan

The property is designated **Special Agriculture** and **Hazard** within the Town's Official Plan, as shown in Figure 4. As noted previously, no development is proposed within the Hazard area.

The Special Agriculture designation, supports the use of Farm Winery or Cidery as an on-farm diversified use, where there is a minimum of 2 hectares planted in orchard trees. Retail sales and tasting room are permitted up to 100 square metres in size. The cidery is consistent with these policies.

**Figure 4: Official Plan Map**



Policies also allow for temporary uses through a by-law of up to three years, with ability to extend an additional three years. Criteria for consideration include temporary nature of the uses or structures, limited investment in order to establish the temporary use and any potential financial hardship of removing the temporary use upon termination of the by-law, compatibility and character, parking, traffic, among other considerations.

The proposed temporary uses of trailer and storage units would meet the criteria of temporary nature. No issues with traffic or parking is anticipated with these structures, as it should not increase the number of people on the property.

#### Zoning By-law

The lands are zoned Special Agriculture and Hazard in the Town of The Blue Mountains Zoning By-law 2018-65. A specific zoning map was not included as it is very similar to the Official Plan map.



Shipping Containers are only permitted in certain situations, such as those uses where outdoor storage is permitted. Trailers are not generally permitted as part of a commercial use, unless in a campground.

The Special Agriculture Zone permits a variety of on-farm diversified uses, such as farm winery/cidery, produce outlet, agri-tourism and so on. Only the produce outlet use provides for outdoor storage, and therefore shipping containers or container storage structures are not currently permitted.

The application for a temporary use allows the Town to allow the shipping containers and trailer for a limited period of time, after which the by-law would expire and the uses would be required to be removed. The applicant can apply for an extension one time, of up to three years. The by-law would add an exception to the property dealing with the structures. A draft of this by-law will be included in a follow up staff report.

Council should note that Site Plan Control can be triggered also, if required, which can deal with specific details such as placement of the structures, buffering, removal and so on.

#### Planning Services Comments

Subject to further comments and review, Planning Services have not yet identified any substantial matters of concern with the proposal. There is adequate room for parking and some significant landscape cover on the lands already. However, should any site plan issues be raised as part of the public process, a site plan application can ensure that impacts, such as timely removal of the structures or visual impacts are adequately addressed.

### **E. Analysis**

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The intent of this report is to provide an overview of the proposal and to provide a preliminary review of the applicable planning policy only to highlight matters that may require resolution. Following the public meeting, staff will review all comments received and any additional matters that are raised. This review will be included in a final recommendation report which will be brought to a future Committee of the Whole meeting for Council decision.

### **F. The Blue Mountains Strategic Plan**

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Goal #1: Create Opportunities for Sustainability  
Objective #3 Promote a Diversified Economy  
Objective #4 Support Value-Added Agriculture and Culinary Tourism  
Objective #5 Improved Visibility and Local Identity

### **G. Environmental Impacts**

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None at this time.

## **H. Financial Impact**

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None at this time.

## **I. In consultation with**

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Tim Murawsky, CBO; Tim Hendry, Communications and Economic Development Coordinator;  
Nathan Westendorp, Director of Planning and Development Services.

## **J. Public Engagement**

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As noted in this report, the topic of this Staff Report is the subject of a Public Meeting June 10, 2019, the day of the presentation of this report. Those who provided comments at the Public Meeting including anyone who has asked to receive notice regarding this matter, will be provided notice of the follow up Staff Report.

## **K. Attached**

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1. Public Notice
2. Detailed Planning Policy Review

Respectfully submitted,

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Denise Whaley, MSc MCIP RPP

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Nathan Westendorp, RPP, MCIP  
Director of Planning and Development Services

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