



## REPORT N° AMÉ-19-39-R

<b>Date</b>	07/03/2019
<b>Submitted by</b>	Claire Lemay
<b>Subject</b>	Zoning By-law Amendment – 600 du Golf Road – Hammond Golf
<b>File N°</b>	D-14-520

### 1) **NATURE/GOAL :**

The goal of this report is to present a Zoning By-law Amendment in order to add “food production” to the list of permitted uses for the property located on the north-east corner of Joannis Road and du Golf Road. The property owner, 1618566 Ontario Inc. (Hammond Golf) has the intention of opening a small-scale micro-brewery associated with the restaurant in the golf club house if the amendment is approved.

### 2) **DIRECTIVE/PREVIOUS POLICY :**

N/A

### 3) **DEPARTMENT’S RECOMMENDATION :**

WHEREAS the proposed amendment to the City of Clarence-Rockland Zoning By-law for 600 du Golf Road is consistent with the Provincial Policy Statement and conforms to the Official Plan of the United Counties of Prescott and Russell;

THAT the Committee of the Whole recommends that Council adopts a By-law to amend Zoning By-law 2016-10, in order to add “food production” to the list of permitted uses in the zoning category “Tourist Commercial – Exception 2 (CT-2) Zone” in order to permit a micro-brewery, limited to 85m<sup>2</sup> floor area, as recommended by the Planning Committee.

ATTENDU QUE l’amendement proposé au Règlement de zonage de la Cité de Clarence-Rockland pour le 600 chemin du Golf est conforme à la Déclaration de principes provinciale et au Plan officiel des Comtés unis the Prescott et Russell;

QUE le Comité plénier recommande au Conseil Municipal d’adopter un règlement pour modifier le Règlement de Zonage 2016-10 afin d’ajouter « production alimentaire » à la liste des usages permis dans la catégorie de zonage « Zone commerciale touristique – Exception 2 (CT-2) » afin de permettre une micro-brasserie, restreint à une superficie de plancher de 85m<sup>2</sup>, tel que recommandé par le Comité d’aménagement.

### 4) **BACKGROUND :**

Hammond Golf submitted an application for a zoning by-law amendment on February 14th, 2019 in order to permit a micro-brewery on the property of

the golf course at 600 du Golf Road (at the corner of du Golf and Joannis). The property is serviced by private well and septic system.



**Figure 1: Location of subject property**

Details of the proposal:

Number of litres of water permitted to be used by the clubhouse:	40,000 L/day
Number of barrels of beer proposed to be produced:	7 barrels, 4 times per week
Number of litres of beer proposed to be produced:	3284 L/week 170,768 L/year
Maximum number of litres possible within floor area restriction (7 batches/week):	5,747 L/week 298,844 L/year
Floor area to be occupied by the micro-brewery use:	900 square feet 83.6 square metres

The proposed micro-brewery is small-scale and will be located entirely within the existing Clubhouse building. No addition to the existing Clubhouse building is proposed and no modifications to the parking area are required for this additional proposed use.

A copy of the golf course's permit to take water as well as the hydrogeological study and other background information regarding quantities of water used on the site have been provided to support the application.

The golf course already has a Permit to Take Water from the Ontario Ministry of Environment and the additional water use required for the proposed micro-brewery is within the quantity approved for this property. A total of 40,000L of water is permitted to be used per day by the Clubhouse according to the Permit to Take Water. The pump for the Clubhouse well cannot pump more than 28L/minute; therefore, it is not possible for the water consumption of the Clubhouse (including the proposed micro-brewery) to exceed the maximum permitted amount ( $28 \times 60 \times 24 = 40,320$ ). Ongoing monitoring of test wells is required by the Ministry as part of the Permit to Take Water. Should water consumption exceed sustainable levels, the Ministry will take action to ensure the protection of local groundwater resources.

The existing septic system has sufficient capacity to accommodate the proposed micro-brewery use.

## **5) DISCUSSION : PROVINCIAL POLICY STATEMENT**

The subject property is located on rural lands, as defined by the Provincial Policy Statement. Permitted uses on rural lands include “resource-based recreational uses” which includes the golf course and associated restaurant. Section 1.1.5.3 of the Provincial Policy Statement states that: “Recreational, tourism and other economic opportunities should be promoted.” Adding a micro-brewery to the existing uses at the golf course club house is consistent with the goal of promoting tourism.

## **OFFICIAL PLAN OF THE UNITED COUNTIES OF PRESCOTT AND RUSSELL**

The subject property is located within the “Rural Policy Area” according to Schedule A of the Official Plan of the United Counties of Prescott and Russell. “Tourism commercial uses” and “recreational commercial uses such as marinas, golf courses and campgrounds” are included in the list of permitted Commercial and Industrial Uses within the Rural Policy Area, as per section 2.5.3 of the Official Plan.

## **CITY OF CLARENCE-ROCKLAND ZONING BY-LAW 2016-10**

The subject property is located in the “Tourist Commercial – Exception 2 (CT-2) Zone” according to Schedule A of the Zoning By-law 2016-10. Section 7.4.1 lists the permitted uses for the Tourist Commercial Zone, including: retail store, sports and recreation facility, restaurant, personal service establishment, place of entertainment, farmer’s market, golf course, etc. The proposed amendment would modify section 7.4.3 (b) of the Zoning By-law 2016-10 in order to add “food production” to the list of permitted uses. Part 3 of the Zoning By-law defines “food production” as:

*"a premises for the specialized production or preparation and packaging of a limited number of food and beverage products for sale to the public primarily for consumption off the premises such as catering establishments, make-your-own wine and beer establishments, test kitchens, bulk meal preparation, bakeries, and butchers"*

It is the opinion of the Infrastructure and Planning Department that this defined use "food production" includes micro-breweries and micro-distilleries. The beverages produced on the site could then be sold or served through an associated retail store or restaurant, which are already permitted uses in the "Tourist Commercial – Exception 2 (CT-2) Zone".

In conclusion, the proposed amendment to the Zoning by-law is consistent with the Provincial Policy Statement and conforms to the Official Plan of the United Counties of Prescott and Russell. The proposed use of a micro-brewery on the property is desirable and in the public interest as it will increase tourism opportunities in the region.

#### 6) **CONSULTATION:**

A public notice was sent to all property owners within 120m of the subject property and a notice was posted on the site on February 14th, 2019. A public meeting of the Planning Committee was held on March 6th, 2019, at which time members of the public had the opportunity to provide comments on the proposed amendment.

During the public meeting, the owner of the property at 2223 Joannis Road, located immediately to the north of the Golf Course lands, stated his objections to the proposed Zoning by-law amendment. His objections were primarily in relation to the quantity of water required for the micro-brewery and the potential impacts this proposed use might have on the quantity of water available in the wells of adjacent properties. He indicated that there have been water quantity issues in the past for his and another nearby property, which he believes are related to the golf course. He also voiced concerns regarding the potential future expansion of the proposed micro-brewery into a large-scale industrial use.

Members of the Planning Committee requested further information from the property owner and his partners in the proposed micro-brewery business regarding the proposed scale of the micro-brewery, water consumption, and septic system capacity. The following information was provided:

- The proposed micro-brewery consists of the re-opening of a small-scale micro-brewery previously located on Canotek Road in Ottawa.
- The proposed micro-brewery will produce three batches per week, with each batch consisting of 7 barrels (220 gallons).
- There are no plans to expand the micro-brewery beyond the scale currently proposed.
- The equipment required for the micro-brewery is very expensive and will therefore not be replaced or upgraded in the foreseeable future.

- This equipment is of a size to be able to fit in the existing clubhouse building. Any larger equipment which would be required if production were to be increased would not fit within the existing building.
- In preparing their business plan, the partners in the micro-brewery business set out to ensure that certain environmental criteria were met for their brewery, of which the re-use of water is a key component.
- Water used for the brewing process will be re-used multiple times before being treated and released back into the irrigation ponds for the golf course in order to ensure a minimal impact on the local water table.
- The partners had previously looked at a location in Cumberland for their micro-brewery, where they would have had to truck in water from outside sources for the business. This remains an option at the proposed location at the Hammond Golf Course if the micro-brewery's demand exceeds the amount they are permitted to use.
- The quantities of beer to be produced on site are suitable for on-site consumption in the associated restaurant but will not be exported for sale elsewhere.
- The golf course's permit to take water from the provincial Ministry of Environment requires ongoing testing and monitoring. Over the past 10 years, water levels have varied by less than 1.5m in the shallow aquifer and less than 0.5m in the deep aquifer.
- The capacity of the current septic system is adequate for the water to be discharged from the proposed micro-brewery; an additional filter is required.
- The Golf Course typically has between 25,000 and 30,000 rounds of golf played per year.

A second public meeting of the Committee of the Whole was held on March 19<sup>th</sup>, 2019. Further comments were made by the same neighbour at this meeting. An additional objection letter was submitted following this meeting. A copy of the letters submitted by the neighbours are included as Attachments 2 and 3 of this report.

#### **7) RECOMMENDATION FROM PLANNING COMMITTEE :**

THAT the Planning Committee recommends to Committee of the Whole to recommend Council to amend Zoning By-law 2016-10, in order to add "food production" to the list of permitted uses in the zoning category "Tourist Commercial – Exception 2 (CT-2) Zone" in order to permit a micro-brewery once additional information has been provided.

QUE le Comité d'aménagement recommande au Comité plénier de recommander au Conseil Municipal d'approuver le règlement modifiant le Règlement de Zonage 2016-10 afin d'ajouter « production alimentaire » à la liste des usages permis dans la catégorie de zonage « Zone commerciale touristique – Exception 2 (CT-2) » afin de permettre une micro-brasserie une fois que des renseignements additionnels ont été fournis.

#### **8) FINANCIAL IMPACT (expenses/material/etc.):**

There are no direct financial implications associated with the approval of the zoning amendment. In the event the zoning amendment is refused and appealed, an external planner and external legal counsel would be retained.

9) **LEGAL IMPLICATIONS :**

In accordance with Bill 139, if the proposed zoning by-law is adopted, it can only be appealed to the Local Planning Appeals Tribunal on the basis of inconsistency with the Provincial Policy Statement or lack of conformity with the Official Plan. Were the zoning by-law appealed, the preparation of the necessary documentation for the Tribunal and the making of submissions to the Tribunal could be done within staff resources.

If the zoning amendment is refused, reasons must be provided. For an appeal of a refusal of a zoning application to succeed, the appellant must first show that the existing zoning is inconsistent with the Provincial Policy Statement and/or does not conform to the Official Plan. The City Clerk and Chief Administrative Officer would seek to retain an external planner to provide an affidavit in support of the refusal for the initial Tribunal review of the item should an appeal of the refusal be forthcoming. External legal counsel would also be retained to represent the City at the Tribunal.

10) **RISK MANAGEMENT :**

N/A

11) **STRATEGIC IMPLICATIONS :**

N/A

12) **SUPPORTING DOCUMENTS:**

Attachment 1: By-law 2019-XX

Attachment 2: Letter from neighbour Mr. Laslo Mazanji

Attachment 3: Letter from neighbour Mr. Lance Rockwell