



Date: June 27/28, 2018

INTENT:

This policy shall guide the Squamish-Lillooet Regional District (SLRD) Board and SLRD staff in their consideration of applications for Temporary Use Permits (TUPs).

RELEVANT LEGISLATION:

Sections 492 through 497 of the *Local Government Act* set out the regulations that apply to Temporary Use Permits.

POLICY:

The following table sets out the applicable regulations from the *Local Government Act* as well as the SLRD Temporary Use Permit policies for addressing these regulations.

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Policy Name: Temporary Use Permit Policy	Policy 4.7
Date of Approval: October 27, 2014	Date of Amendment: November 23/24, 2016, June 27/28, 2018
Policies Superseded: 4.2	Related Enactments: N/A

Scope and Applications

s.492 An Official Community Plan or zoning bylaw may designate areas where temporary use permits may be allowed and may specify general conditions regarding the issue of temporary use permits in those areas.

s.493(1) On application by an owner of land, a local government may issue a temporary use permit (a) by resolution, in relation to land within an area designated under section 492 or (b) by bylaw, in relation to land within an area outside a municipality, if there is no official community plan in effect for the area.

s.493(2) A temporary use permit may do one or more of the following: (a) allow a use not permitted by a zoning bylaw; (b) specify conditions under which the temporary use may be carried on; (c) allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.

- The SLRD zoning bylaws generally designate land in all zones (subject to exceptions) as a Temporary Use Permit (TUP) Area.
- TUPs are meant to be temporary in nature. If the use is intended to be permanent, the applicant should seek a zoning amendment rather than a TUP.
- Permanent structures will generally not be considered as part of a TUP. Existing, permitted permanent structures on land subject to a TUP may be considered as part of a TUP, however, new permanent structures that cannot be easily removed from the land are not supported. Permanent structures generally include structures with concrete footings or slabs that are affixed to the ground.
- TUPs must be applied for by a property owner or their agent (with the property owner’s letter of authorization).
- TUPs will be issued to the property owner and not the agent, as the TUP is registered on the title of the property.
- Applicants should specify the requested term of the TUP being applied for on their application.
- TUP applications may be forwarded to appropriate external agencies for input.
- Projects that are subject to a TUP will be subject to all other SLRD building bylaws, planning bylaws and permitting processes, as well as applicable provincial regulations and may require other conditions to be satisfied prior to the use occurring.
- Fees are payable upon application and renewal as per the *Squamish-Lillooet Regional District Development Approval Information, Fees and Notification Procedures Bylaw 1301-2014*, as amended.

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Notification	
<p>s.494(3) The SLRD must give notice of a resolution to consider a TUP which must be published at least 3 and not more than 14 days before the adoption of the resolution to issue the permit.</p> <p>s. 494 (4) Section (466 (4) to (8) applies to the notice as if the resolution were a bylaw (Notice must be mailed or otherwise delivered at least 10 days before consideration of TUP issuance).</p>	<ul style="list-style-type: none"> - New permits require notification, including neighbour notification, as per the <i>LGA</i> and <i>Squamish-Lillooet Regional District Development Approval Information, Fees and Notification Procedures Bylaw 1301-2014</i>, as amended. - No notification is required for renewals as per the <i>LGA</i>.
Term and Renewals	
<p>s.497(1) The owner of the land in respect of which a TUP permit has been issued has the right to put the land to the use described in the permit until it expires, or 3 years after the permit was issued, whichever occurs first.</p> <p>s.497(2) A permit may be renewed only once.</p>	<ul style="list-style-type: none"> - The TUP that will be taken to the SLRD Board will reflect the term requested on the application form. - If an applicant wishes to have the SLRD Board reconsider (as per the <i>SLRD Procedure Bylaw 1499-2016</i>, and s. 6.7 of <i>Squamish-Lillooet Regional District Development Approval Information, Fees and Notification Procedures Bylaw 1301-2014</i>, as amended) the TUP or its term after the TUP has been approved, issued or rejected, notification request for reconsideration fee must be paid as per s. 7 of <i>Squamish-Lillooet Regional District Development Approval Information, Fees and Notification Procedures Bylaw 1301-2014</i>, as amended. - TUP renewal applications should be substantially the same as the original TUP, including the term, unless an anticipated increase in term length is specified in the original permit. - A shorter term than the term set out in the original permit is considered acceptable for a renewal. - Any substantial changes in TUP terms can be construed to be a <u>new permit</u>. - A TUP can only be renewed once. - New TUPs (not renewals) will only be allowed twice on the same property (permit + renewal, new 2nd permit + renewal) and new TUPs should be substantially different than the first TUP issued on the property, as the intent of TUPs is to allow “temporary” uses, not to serve as <i>de facto</i> zoning. The second allowable new permit issued to a particular property (as opposed to a renewal) should specify that in the future the applicant should apply for a rezoning in order to formalize the use.

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Conditions

s.493 A temporary use permit may: (b) specify conditions under which the temporary use may be carried on.

- The TUP should specify conditions as to *how* the use should be carried on and the circumstances that the use *must* be carried on; these conditions may address visual impacts, noise, dust, drainage, nuisance, safety or any other potential impacts.

Other planning considerations:

- Servicing, environmental issues, neighbourhood impacts, and public safety issues will be considered as part of a TUP application.
- Applicants may be asked to provide professional studies to prove that the temporary use will not negatively impact the environment or community.
- Applicants may be asked to provide a geotechnical report to prove proposed buildings or structures within the temporary use area are located on land that may be used safely for the use intended in respect to natural hazards (*Community Charter* Section 56).
- Any properties that are designated as development permit areas will be required to also submit applications for the appropriate development permits.
- Temporary uses must provide adequate parking and pedestrian and vehicular circulation. Applicants may be asked to provide traffic assessments to ensure impacts are understood and managed.

Work Camps

- TUP applications for work camps should support specific, defined projects and should not be put forward solely as an affordable housing option.
- The proximity to existing communities will be considered when reviewing TUP applications for work camps; required conditions for work camps in communities will differ from conditions for work camps in remote areas.
- Generally, it is expected that work camps follow best practices as set out in the BC Guidelines for Industrial Camps Regulation, as regulated by the province.

Community Contributions

- The SLRD may require community contributions as a condition of a TUP, to offset any impacts from the temporary commercial or industrial use. Community contribution conditions may be a one-time contribution, annual contribution, or both and will be considered on a case-by-case basis, taking into consideration the nature and scope of the temporary use.

Site remediation:

- The SLRD will require conditions in the TUP to ensure site remediation.

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Securities	
<p>s.495(2) As a condition of a permit, a local government may require the owner of the land to give an undertaking to (a) demolish or remove a building or structure, and (b) restore land described in the permit to a condition specified in the permit by a date specified in the permit.</p> <p>s.496(2) The owner of the land may be required to give the local government security to guarantee the performance of the terms of the permit, and the permit may provide for (a) the form of the security, and (b) the amount of the security that forfeits to the local government in the event of default.</p>	<ul style="list-style-type: none"> - Security may be required for site remediation, including removal of any structures; the TUP must state what condition the site must be remediated to, and by what date it should be remediated. Security may also be required in the event that there is a default in the conditions of the TUP. The owner must agree to this by way of an undertaking included in the permit. - The permit should specify the form of the security to be taken (an irrevocable letter of credit, typically) and should also specify the means for determining when there is a default under the permit, and the amount of the security that forfeits to the SLRD in the event of a default. - Insurance and indemnities may be required as part of the permit. - Any security conditions requested by the SLRD must be based on reasonable estimates (of time, money, costs, etc.).
Compliance	
<p>s.495(3) If the owner of the land fails to comply with all of the undertakings given under subsection (1), the local government may enter on the land and carry out the demolition, removal or restoration at the expense of the owner.</p>	<ul style="list-style-type: none"> - If an undertaking to remediate the site is not complied with, the SLRD may enter on the land and carry out the demolition, removal, or restoration/remediation of the site, at the expense of the owner. - The LGA does not give the SLRD the right to revoke a permit, however, the SLRD may choose to take legal action to restrain a property owner from carrying on the temporary use until the conditions of the permit are complied with.

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