



REQUEST FOR DECISION

Commercial Events and Land Use Regulation

Meeting dates: April 08 and 22, 2015

To: SLRD Electoral Area Directors Committee and SLRD Board

RECOMMENDATION:

THAT the SLRD Board adopt Policy No. 6.16 (BP- TUPs for Commercial Public Assembly) - Temporary Use Permits (TUPs) for Commercial Public Assembly.

KEY ISSUES/CONCEPTS:

Over the past several years, there has been a marked increase in commercial events occurring on various properties in the Electoral Areas of the SLRD, many of which are not zoned for commercial uses. This is an issue for parcels inside and outside of the Agricultural Land Reserve (ALR). These commercial events include such activities as weddings, family reunions and corporate retreats, among others. For parcels inside the ALR, both the SLRD and the Agricultural Land Commission (ALC) consider weddings to be a non-farm use and are not considered to be an allowable agritourism use. The increase in these commercial uses has become a land use and bylaw enforcement issue. These land uses have had, and can have, negative implications for neighbouring property owners. In many cases, these commercial operations are being established and events hosted on parcels that are not zoned for these types of uses, and in many cases are not zoned for any commercial purposes (i.e. in rural, agricultural, or residential zones).

SLRD staff have determined a possible policy solution to address these issues with respect to zoning, special event permits and other bylaws. This report discusses the issues and implications around commercial public assembly uses and commercial event hosting. There have also been issues around tourist accommodation/commercial resort type uses and vacation/nightly rentals occurring on parcels in the ALR. Such uses are either in violation of the zoning or exceed the limitations of the B&B provisions in the Agriculture zones.

RELEVANT POLICIES:

Zoning & Special Events Permit Bylaws
Temporary Use Permit (TUP) Policy

BACKGROUND:

Zoning Bylaws regulate land use on private property, as well as private use of Crown land. In order for a commercial operation to be established and run on a parcel it must be permitted in the zoning. In the SLRD, there are limitations placed on commercial uses in Rural, Residential, and Agricultural zones. Typically, home based businesses and B&Bs are the permitted uses in the Rural/Residential zones along with farming in the Agriculture zones. Other zones may have some other kind of tourist accommodation use associated with cabins, campgrounds, or pensions for example.

It should be noted that these accommodation type uses do not permit commercial public assembly and event hosting uses, and neither does the home based business use. The only uses currently included in some SLRD zoning bylaws that might allow for commercial public assembly and event hosting, depending on the definitions, could be hotels/motels, commercial lodging, or day lodges. There is typically a distinction between accommodation uses and assembly uses listed in a zoning bylaw. No zone currently permits commercial public assembly as a use. Existing uses such as B&Bs, pensions, campgrounds, guest cabins and tourist accommodation uses do not include the ability to conduct commercial public assembly uses. Such uses entail hosting larger numbers of people than the zoning contemplated, and that the buildings and water/septic systems on a parcel have been designed to handle.

CURRENT STATE OF AFFAIRS IN THE SLRD:

The SLRD has become a destination for various types of commercial events including weddings, reunions, and corporate retreats. It is being widely promoted as such – from real estate companies to photographers to Tourism Pemberton & Tourism Squamish. Unfortunately, many of the places being actively promoted are not zoned for such commercial public assembly uses. In many cases, these uses are not permitted in the zoning, in other cases, they are also in violation of the ALR regulations as such commercial operations are considered non-farm uses and are not agritourism. The Pemberton Valley, within Electoral Area C, is a particular “hot spot”, and the Upper Squamish Valley is also an area where these uses have been known to occur. SLRD Area D is becoming a popular location to host events given the close proximity to Greater Vancouver.

The SLRD sends letters to known bylaw violators as per the SLRD bylaw enforcement Policy, however, many property owners openly disregard the SLRD’s regulations and continue to offer commercial public assembly uses, without the benefit of zoning or a temporary use permit. For bylaw compliance to be achieved, the SLRD may need to take flagrant bylaw violators to court.

REGIONAL IMPACTS ANALYSIS:

Electoral Areas C and D are currently the places where these commercial public assembly uses are most prevalent and have generated negative effects on surrounding neighbourhoods.

One potential regional impact is that legitimately zoned properties within the SLRD and member municipalities may suffer economically as a result of the extensive commercial assembly use offerings on properties that are not zoned for such use.

ANALYSIS:

While it is not the intent of the SLRD to unduly restrict commercial activity, it is a land use and regulatory issue. These commercial operations have resulted in and will continue to yield negative effects on neighbours and community areas through several key areas including:

- Water and septic systems
- Washroom facilities
- Building design and permits
- Parking & traffic
- Land degradation
- Noise
- Public safety and emergency operations

Water & Septic Systems

Commercial public assembly uses being operated on parcels not zoned for such uses pose potential risks for water and septic systems that were likely designed solely for the residential use of the property. Many rural lots establish wells for water and septic systems for waste, and the design of those systems is tied to building permits for dwellings, and other plumbed buildings. A parcel not zoned properly that is rented out for commercial and public assembly uses will not have appropriately designed water and septic systems. They would not be able to accommodate large numbers of people attending the property.

Washroom Facilities

This issue is related to the water and septic aspect in that rural and residential parcels typically do not have enough washrooms in existing buildings to address large numbers of people associated with commercial public assembly uses. Existing buildings that were permitted for residential use would be inadequate to handle such populations, and existing buildings that have no building permits pose another challenge and risk. Without proper zoning or the use of Temporary Use Permits, there can be no guarantee that these commercial operations are providing sufficient facilities to handle the number of participants.

When portable washroom facilities are brought in to supply a commercial assembly use such as a wedding, land may need to be cleared in order to facilitate the siting of such facilities. This can create aesthetic impacts to properties.

Building Design and Permits

This item is related to the two above, as well as for cases where commercial public assembly uses are occurring in buildings without permits, or buildings that have permits that were approved for residential uses only. This is a concern, especially for parcels in the ALR where farm buildings are

allowed to be constructed for farm purposes without building permits - if such buildings were then to be used for public assembly (commercial or non-commercial) uses, there is a risk that the building was not designed for that purpose. There would be different requirements in the building permit process for a barn structure used for livestock than there would be for a barn structure used for public assembly purposes. A farm building repurposed for public assembly uses would require a building permit from the SLRD.

Parking & Traffic

Another major issue with parcels not zoned for commercial assembly uses is parking and traffic. While a zoning bylaw will typically have parking requirements for different uses, in rural and agricultural zones these requirements are tied to residential uses. These parcels then have not gone through a process to address parking and traffic issues resulting from large numbers of people associated with commercial public assembly uses. This has direct implications for the neighbouring land owners, and is also connected to the resulting issue of land degradation, especially in the ALR. Without a proper zoning or temporary use permit (TUP) process, a parcel would not have had to create a management plan respecting how and where large numbers of people and vehicles would be accommodated, and the movement of those people and vehicles in the community. A subsequent issue to parking and traffic management has to do with alcohol consumption and people traveling during and after these events are concluded. This can pose public safety issues for neighbourhoods.

Land Degradation (primarily in the ALR)

This issue is of primary concern for parcels in the ALR though it can be an important issue elsewhere as well due to potential negative effects of parking, traffic, and inadequate washroom facilities & septic systems. Parcels in the ALR are zoned Agriculture and do not permit commercial public assembly uses. Many commercial public assembly uses such as weddings, reunions, and corporate retreats are also not considered agritourism, according to the ALC. In order to have agritourism on a parcel, the property must have farm status from BC Assessment - as previously noted, neither the ALC nor the SLRD consider weddings, reunions, or corporate retreats as agritourism. The SLRD has previously adopted a policy regarding agritourism and TUPs (see attached Appendix 3).

Agritourism is defined by the ALC as a tourist activity, service or facility accessory to an ALR parcel that is classified as a farm under the *BC Assessment Act*. Agritourism is *temporary* and *seasonal*, and must be accessory to and related to the principle use of the farm or ranch. Agritourism activities must promote or market farm products from the farm or ranch. An agritourism use is permitted only if the property is assessed as “farm” and if the assessment changes then this use is no longer permitted. In summary, three key criteria required in order to qualify for agritourism activities are:

- (1) the land must be assessed as a farm
- (2) the activity must be temporary and seasonal
- (3) the activity must be secondary to the farming activity, relate to the principle farm use, and promote or market farm products produced on the farm

The ALC Policy #4 provides a list of possible examples of agritourism activities such as:

- Agricultural heritage exhibit
- Farm tours and farm demonstrations
- Horse riding including cattle drive activities
- Horse or other livestock shows
- Hay, tractor and sleigh rides
- Pumpkin patch tours and related activities
- Picnicking
- Farm related educational activities including cooking classes using farm products from the farm
- Seasonal promotional events (e.g. harvest and Christmas fairs and activities)
- Special promotional events (e.g. private or public special occasion events for the promotion of farm products)
- Charity fundraising events where farm products from the farm are offered for sale or by contribution and the majority of net proceeds are donated to a registered charity
- Catered food and beverage service special events where farm products from the farm are promoted, but not a service requiring the use of a permanent commercial kitchen
- Corn mazes
- Fishing (stocked pond)
- Bird and wildlife refuges and rescue services

One of the essential points is that agritourism must be accessory to and related to the principle use of the farm. Commercial public assembly uses such as weddings, reunions, and corporate retreats are not related to the principle use of a farm, which is farming.

According to the ALC, and agreed with by SLRD staff, the main reason why someone would attend a farm for a wedding would be to witness a marriage, not to engage in farm activities. In other words, the farm is just a venue for the activity (i.e. wedding) instead of the farm being the focus of the activity.

Those uses that do not meet these criteria require a non-farm use application to the SLRD and the Agricultural Land Commission. It should be noted that prior to being used for agritourism, any existing or new buildings and structures used for agritourism activities require building permits from the SLRD as per the SLRD Building Bylaw. Agritourism activities do not include agritourism accommodation. Agritourism accommodation, as defined by the ALC, can only be located on an ALR parcel that is assessed as a farm under the BC Assessment Act, and the accommodation use must be accessory to the principle use of the property, which is farming. If the assessment changes and the property loses farm status then the agritourism accommodation use is no longer permitted.

Noise

These commercial land uses have also been generating noise, which has negatively affected neighbouring and nearby property owners and occupants in their enjoyment and use of their own parcels. While there is a noise bylaw in Electoral Area D, Electoral Area C does not have a noise bylaw. Given the current challenges with SLRD bylaw enforcement due to the lack of a dedicated bylaw enforcement officer and no ticketing bylaw and system, noise bylaws are one of the most difficult to enforce. With a ticketing system, the RCMP could be authorized to issue tickets as part of bylaw enforcement actions in those situations outside of normal working hours of a dedicated bylaw enforcement officer.

Table 1 on the following page provides several scenarios based on real world examples where commercial uses are occurring on parcels that are contrary to SLRD zoning and ALR regulations where applicable.

Public Safety & Emergency Operations

Given that many rural areas in the SLRD have limited or no fire department service, and limited police and ambulance services, there are additional risks to large commercial assembly uses occurring in unpermitted areas. For events that fall below the 200 person threshold of the Special Events bylaw and are not permitted through zoning or a TUP, there are no guarantees for a local government to know that public health and safety issues are being adequately planned for and implemented effectively.

Table 1: Scenarios for Commercial Assembly Uses posing regulatory and other challenges in the SLRD

| Scenario | Commercial Uses | Compliance with Zoning? | Compliance with ALR regulations? | Considered Agritourism? | Building Permit Issues | Parking & Traffic Issues | Water, Septic, and Washroom facility issues | Noise Issues | Land Degradation (ALR) Issues |
|---|---|-------------------------|----------------------------------|-------------------------|------------------------|--------------------------|---|--------------|-------------------------------|
| (1) Rural zoned parcel outside ALR (with and without approved tourist accommodation) | Commercial public assembly (e.g. weddings, high school graduation parties, family reunions, etc.) | No | N/A | N/A | Yes | Yes | Yes | Yes | N/A |
| (2) Agriculture zoned parcel in ALR with or without Farm Status | Commercial public assembly Commercial tourist accommodation (e.g. a commercial resort or tourist accommodation not in compliance with B&B provisions – e.g. renting an entire house and the property owner does not live on the property, or lives in a separate dwelling) | No | No | No | Yes | Yes | Yes | Yes | Yes |

There is a need for a proper zoning process, through TUPs and rezonings, to effectively address land use issues arising from commercial operations in rural, residential, and agricultural areas. There have been previous enforcement issues with historical spot zoning of tourist accommodation uses in Rural and Residential areas where commercial uses have expanded from accommodation, which is permitted, into public assembly and event hosting, which is not permitted.

POLICY DEVELOPMENT:

While it is the intention of the SLRD to support economic development and commercial activity, there are concurrent responsibilities including:

- Ensuring compliance with regulatory bylaws
- Providing land owners, occupants and neighbors some certainty regarding what can and cannot occur on their lots and parcels around them
- Providing options for land owners to consider changing uses

The third bullet above is where the proposed policy regarding commercial public assembly uses and temporary use permits comes into play. It is recommended by SLRD staff that the Board adopt a policy regarding these issues. Such a policy has been drafted as attached in Appendix 1.

Similar to the SLRD's Agritourism Policy (attached as Appendix 3) this commercial public assembly policy would state that the SLRD will only consider Temporary Use Permit (TUP) applications for commercial public assembly uses such as, but not limited to, weddings, reunions, and corporate retreats, prior to and/or instead of a zoning amendment (rezoning) application. The advantages of the TUP process is that it will provide opportunities for public notification and comment, as well as the creation of conditions under which such a use could occur within a given timeframe. It is also a temporary change in permitted uses, and provides a trial for the land owner and the public to gauge the appropriateness of the uses in a particular area.

Special Events Permit Bylaw

In the SLRD, the lowest threshold for triggering the requirement for a special events permit is 200 people. In many cases such commercial public assembly uses may involve less than 200 people. While SLRD staff are not proposing further lowering that threshold, it does highlight the potential for a gap between the special events bylaw and zoning bylaws. That being said, these commercial public assembly uses are not permitted in Rural, Residential, or Agriculture zoning. Where a TUP has been applied for in accordance with the proposed policy, a special events permit would still be required for those events involving 200 or more people. On a case by case basis, the Board may consider stipulating specific event size limits in the TUP. In such a case, the Board may consider exempting an event from the requirements of the Special Events Permit Bylaw where such an event would be authorized by a Temporary Use Permit, i.e. if the TUP required conditions similar to the Special Events Permit requirements.

EDUCATION & OUTREACH:

SLRD staff have drafted advertisements for local newspapers (attached as Appendix 1) and content that will be added to the website that speaks to the issues around commercial public assembly uses, zoning, and ALR regulations. The intent is to adopt an educational approach to assist with resolving current and future bylaw enforcement issues through voluntary compliance in accordance with the SLRD Bylaw Enforcement Policy. In addition to the newspaper ads and website content, some enforcement letters have been sent, and others will be sent to those known properties that are operating commercial businesses in violation of SLRD and ALR regulations.

OPTIONS:

Option 1 (PREFERRED OPTION)

Adopt the proposed Policy No. 6.16 (BP- TUPs for Commercial Public Assembly) (Appendix 1) regarding TUPs and commercial public assembly uses.

Option 2

Adopt the proposed policy with revisions from the Board.

Option 3

Do not adopt the proposed policy and refer back to staff for more information.

ATTACHMENTS:

Appendix 1: Draft Policy No. 6.16 - TUPs for Commercial Public Assembly

Appendix 2: Draft advertisement

Appendix 3: SLRD Policy 6.14 - Agritourism

Appendix 4: SLRD Policy 4.7 – Temporary Use Permits

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Reviewed by: K. Needham, Director of Planning and Development

Approved by: L. Flynn, Chief Administrative Officer



Policies & Procedures Manual

Policy No. 6.16 (BP- TUPs for Commercial Public Assembly)

Temporary Use Permits (TUPs) for Commercial Public Assembly

Purpose

This policy is to address the use of Temporary Use Permits (TUPs) and commercial public assembly uses including, but not limited to, weddings, family reunions, and corporate retreats.

Policy

The SLRD will only consider Temporary Use Permit (TUP) applications for commercial public assembly uses such as, but not limited to, weddings, reunions, and corporate retreats, prior to and/or instead of a zoning amendment (rezoning) application. The following conditions apply:

- i. That only temporary approval is considered initially through the temporary use permit process, as opposed to a more permanent rezoning application.
- ii. This policy applies to all land within the SLRD including parcels inside and outside the Agricultural Land Reserve (ALR). For parcels within the ALR, a non-farm use application must be applied for and approved prior to submission of a TUP application.
- iii. That such temporary use permit applications, where they are within or directly adjacent to the ALR, be referred to the Agricultural Advisory Committee (AAC) for review.
- iv. Where the proposed use is on a parcel within or directly adjacent to the ALR, an applicant must clearly demonstrate:
 - a. How the commercial public assembly use(s) shall not negatively affect farmers, farming, or farmland in and around the subject area.
 - b. How the commercial public assembly use(s) support or help the farm.
- v. That a regular monitoring requirement be incorporated into any issued permit.
- vi. The SLRD's Agritourism Policy 6.14 and Temporary Use Permit Policy 4.7 shall also apply to all TUP applications considered under this policy.
- vii. Where a TUP has been applied for in accordance with this policy, a special events permit would still be required for those events involving 200 or more people.
 - a. On a case by case basis, the Board may consider stipulating specific event size limits in the TUP.
 - b. In such a case, the Board may consider exempting an event from the requirements of the Special Events Permit Bylaw where such an event would be authorized by a TUP, i.e. if the TUP required conditions similar to the Special Events Permit requirements.

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| Approving Authority: Board | Page 1 of 2 |
| Policy Name: Temporary Use Permits TUPs for Commercial Public Assembly | Policy No: 6.16 |
| Date of Approval: April 22, 2015 | Dates of Amendment: |
| Policies Superseded: N/A | Related Enactments: Agritourism Policy 6.14 and Temporary Use Permit Policy 4.7 |

The TUP process will provide opportunities for public notification and comment, as well as the creation of conditions under which such a use could occur within a given timeframe. The TUP is a temporary change in permitted uses, and provides a trial for the land owner and the public to gauge the appropriateness of the uses in a particular area. While a TUP is a requirement before the SLRD Board will consider a rezoning application, there is no guarantee that a successful TUP will result in a successful rezoning outcome.

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| Approving Authority: Board | Page 2 of 2 |
| Policy Name: Decision Making Process | Policy No: 1.5 |
| Date of Approval: November 24, 1997 | Dates of Amendment: |
| Policies Superseded: N/A | Related Enactments: |

**ATTENTION RESIDENTS OF THE
SQUAMISH-LILLOOET REGIONAL DISTRICT**

DID YOU KNOW?

- ⇒ A **Commercial** (for-profit) **public assembly use** such as a **WEDDING, FAMILY REUNION** or **COMPANY/ CORPORATE RETREAT** requires appropriate zoning or a **TEMPORARY USE PERMIT** and any event with over 200 people also requires a **SPECIAL EVENT PERMIT**.
- ⇒ The Agricultural Land Commission (ALC) does not consider these kind of **commercial public assembly uses** as **agritourism**. Such uses *may* only be allowed on ALR land if a **NON-FARM USE** application has been approved by the ALC and the SLRD.
- ⇒ Vacation rentals (nightly or weekly) are only permitted on properties with the appropriate zoning.

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For more information on zoning and the
Agricultural Land Reserve regulations, please visit

www.slrd.bc.ca and www.alc.gov.bc.ca

or call 1-800-298-7753





Policies & Procedures Manual
Policy No.6.14 (BP-Agritourism)
Agritourism

Purpose

To define agritourism and establish parameters to provide guidance to the SLRD when dealing with potential development applications.

Background

The SLRD does not have a precise definition of agritourism, and the ALC definition is too nebulous and vague. The Pemberton Valley Agricultural Area Plan (Objective 5.4) notes that further work should be done to develop a comprehensive approach to agritourism. Given the lack of a clear definition or a framework with which to consider potential Agritourism activities, it was deemed necessary to request that the Area C AAC turn their minds to defining agritourism or establishing some parameters to provide guidance to the SLRD when dealing with potential development applications.

The AAC held a special meeting to discuss the status of the Pemberton Valley Agricultural Area Plan (PVAAP) and its implementation. This discussion was combined with a specific conversation regarding agritourism to determine what types of agritourism activities might be acceptable to the committee and the farming community, and under what conditions such activities could occur.

Some agritourism activities are perceived to complement the normal farm practices and may not be perceived in the same manner as the agritourism accommodation type non-farm uses. Some agritourism activities, especially accommodation uses, may fall under the currently broad ALC definition, are viewed as non-farm uses that do not support or sustain the farming operations. Moreover, they have the potential to detract from normal farm practices either on the host farm or neighbouring farms.

Concern was raised regarding permanent approvals of agritourism uses, and the potential for long term negative effects that may arise after the approval has been given. There is an inability to effectively monitor and resolve any issues once a rezoning approval has been given, especially if a conflict arises between farm and non-farm uses. Temporary Use Permits were highlighted as an option under the *Local Government Act*, whereby a permit for uses not currently allowed under the zoning bylaw are permitted to occur for up to three years at a time under a set of conditions.

A recommendation to the Board was developed with respect to agritourism activities and the conditions under which such uses be supported. It should be noted that if the activity proposed is a non-farm use then it would require ALC approval. If it was a farm use, but one which local

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| Approving Authority: Board | Page 1 of 2 |
| Policy Name: Agritourism | Policy No: 6.14 |
| Date of Approval: September 30, 2013 | Dates of Amendment: N/A |
| Policies Superseded: N/A | Related Enactments: N/A |

governments can still regulate or prohibit based on zoning, then only the SLRD's approval is required.

Policy

Agritourism activities shall only be supported if the property is an existing bona fide farm, and subject to the following conditions:

- i. That only temporary approval is considered initially through the temporary use permit process, as opposed to a more permanent rezoning application;
- ii. That such temporary use permit applications be referred to the Agricultural Advisory Committee (AAC) for review;
- iii. That some kind of regular monitoring requirement be incorporated into any issued permit; and
- iv. That an applicant must clearly demonstrate how the agritourism activities support or help the farm.

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| Approving Authority: Board | Page 2 of 2 |
| Policy Name: Agritourism | Policy No: 6.14 |
| Date of Approval: September 30, 2013 | Dates of Amendment: N/A |
| Policies Superseded: N/A | Related Enactments: N/A |



Policy & Procedure Manual

Policy No. 4.7 (BP - Temporary Use Permits)

Temporary Use Permits

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 920.2 and 921 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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| Approving Authority: Board | Page 1 of 5 |
| Policy Name: Temporary Use Permits | Policy No: 4.7 |
| Date of Approval: October 27, 2014 | Dates of Amendment: N/A |
| Policies Superseded: 4.2 | Related Enactments: N/A |

| Local Government Act (LGA) Regulations | SLRD TUP Policy |
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| <p>Scope and Applications:</p> <p>s.921 (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 920.2, 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.</p> <p>s. 920.2 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.</p> <p>s. 921 (3) 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.</p> | <ul style="list-style-type: none"> - 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 construction occurring. - Fees are payable upon application and renewal as per the SLRD Development Application, Fees and Notification Procedures Bylaw 1301-2014, as amended. |
| <p>Notification: s.921 (4) & (5) 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> | <ul style="list-style-type: none"> - New permits require a notification process as per the LGA. - No notification is required for renewals as per the LGA. |
| <p>Term and Renewals: s.921 (11) 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.921 (14) 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 SLRD Procedures Bylaw 1260-2012, and s. 6.7 of Development Application, Fees and Notification Procedures Bylaw 1301-2014, 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 SLRD Development Application, Fees and Notification Procedures Bylaw 1301-2014, 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 <i>new permit</i>. |

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| | <ul style="list-style-type: none"> - A TUP can only be renewed once. - New TUPs (not renewals) will only be allowed twice on the same property and new TUPs should be substantially different than the first TUP issued on the property (permit + renewal, new 2nd permit + renewal) 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. |
| <p>Conditions: s.921 (3) A temporary use permit may: (b) specify conditions under which the temporary use may be carried on.</p> | <ul style="list-style-type: none"> - The TUP should specify conditions as to <i>how</i> the use should be carried on and the circumstance that the use <i>must</i> be carried on and these conditions may address visual impacts, noise, dust, drainage, nuisance, safety or any other potential impacts. <p>Other planning considerations:</p> <ul style="list-style-type: none"> - Permanent structures will generally not be considered as part of a TUP. - Servicing, environmental issues 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 impact the environment. - Applicants may be asked to provide a geotechnical report to prove that proposed buildings within the temporary use area are located on land that may be used safely for the use intended in respect to natural hazards (<i>Community Charter</i> 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. <p>Site remediation:</p> <ul style="list-style-type: none"> - The SLRD will require conditions in the TUP to ensure site remediation. |
| <p>Securities: s.921 (8) 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</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 |

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| <p>(b) restore land described in the permit to a condition specified in the permit by a date specified in the permit.</p> <p>s.921 (12) 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> | <p>to this by way of an undertaking included in the permit.</p> <ul style="list-style-type: none"> - 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. - Any security conditions requested by the SLRD must be based on reasonable estimates (of time, money, costs, etc.). |
| <p>Compliance: s.921 (10) If the owner of the land fails to comply with all of the undertakings given under subsection (8), 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 of the site, at the expense of the owner. - The <i>LGA</i> 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. |