



STAFF REPORT TO COMMITTEE

DATE OF REPORT January 9, 2024
MEETING TYPE & DATE Electoral Area Services Committee Meeting of January 17, 2024
FROM: Development Services Division
Land Use Services Department
SUBJECT: Temporary Use Permits
FILE: 3900

PURPOSE/INTRODUCTION

The purpose of this report is to provide an overview of the authority for the CVRD to issue temporary use permits (TUPs).

RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That staff prepare amendments to the Official Community Plan for the Electoral Areas Bylaw No. 4270, 2021, to enable Temporary Use Permits across all Electoral Areas.
2. That staff draft Temporary Use Permit guidelines, including guidelines for temporary housing, for consideration of the Electoral Area Services Committee and inclusion in the Comprehensive Zoning Bylaw.

BACKGROUND

Temporary Use Permits (TUPs) are a discretionary tool in Division 8 of the *Local Government Act* that local governments may use to allow a use that is not permitted by a zoning bylaw on a temporary basis. TUP designations and guidelines may be included either in an Official Community Plan (OCP) or a zoning bylaw. TUPs may be issued for a period up to three years and may be renewed once (for a cumulative total of six years). TUPs may be issued subject to conditions.

Local governments will typically include conditions for environmental protection, post-development site restoration, noise abatement, duration of operation hours, season of operation, limits to the number of employees, traffic management, parking, performance security, and buffers/screens to reduce potential land use impacts. For uses that involve permanent structures a security/bond may be required to ensure that permanent structures are decommissioned or removed once the TUP expires.

Once a TUP has expired the land owner must cease activities that are not permitted in the zoning bylaw. While a TUP can only be renewed once; the legislation does not prevent a land owner from applying for a new TUP.

OFFICIAL COMMUNITY PLAN / POLICY CONSIDERATIONS

Official Community Plan for the Electoral Areas Bylaw No. 4270, 2021

- Settlement Nodes Policy 4.11.1.4 states that the CVRD Board “Supports temporary use permit areas in circumstances where a proposed commercial or industrial land use may be necessary or desirable but does not fit within the current OCP designation.”
- Section 4.14 of the OCP clarifies that the designation of land for temporary use for the electoral areas will be considered in the MOCP and Policy 4.14.1.1 states that the Board would consider holding a public meeting prior to deciding to issue a TUP.

Schedule L (Land Use Designation Maps) identifies lands designated for TUPs for Electoral Areas A – H, most typically for commercial, industrial and agricultural uses. TUP designations applicable to Electoral Area I are designated within Zoning Bylaw No. 2465.

The Local Area Plans currently establish the general conditions for considering TUPs. A table is attached (Attachment A) to illustrate the differences for each Electoral Area.

Development Applications Procedures Bylaw No. 4483, 2023

The Development Applications Procedures Bylaw requires that notice be mailed to property owners and occupants within 100 m of a TUP application, prior to Board consideration of a resolution to adopt a TUP, and that a public notice sign be posted on the subject property.

Modernized Official Community Plan (DRAFT)

At present, the draft Modernized Official Community Plan continues to use Schedule L (Land Use Designation Maps) to identify and designate lands designated for TUPs. The Draft OCP also includes a policy to consider holding a public meeting on a case-by-case basis prior to TUP issuance.

Lands not already designated for temporary uses in Schedule L of the OCP may be identified in the modernization phase and within Local Area Plans.

Modernized Local Area Plans (IN-PROCESS)

The Local Area Plans (LAPs) are being updated/developed over the course of 2023–2025.

LAPs provide greater clarity on growth management within specific areas of a community. These plans build on the OCP vision, goals and policies, while focusing on housing, transportation, and infrastructure, as well as built and natural amenities.

If the CVRD chooses to expand areas where TUPs are permitted, it may update Schedule L of the OCP and introduce area-specific policies and guidelines within the LAPs.

PLANNING ANALYSIS

A TUP is not a substitute for an application to rezone a property and is intended to allow for a specific activity and regulate associated construction of buildings and structures for a limited time only. A local government can choose to establish broad policies to allow the elected board to consider a wide-range of temporary use proposals, or it may intentionally limit the types of permits it will consider and/or conditions that it will attach to TUPs.

The CVRD has one OCP and individual Electoral Area zoning bylaws – with limited potential for TUPs prescribed in the OCP. The Modernized OCP and Local Area Plans, under development, do not include significant changes to the current TUP policy framework (Attachment A).

Blanket Approach:

Some local governments have elected to designate the entirety of their land base as areas where temporary uses may be allowed. The blanket approach does not mean that local governments are obligated to issue TUPs; rather, it means that land owners can propose a temporary use for any property – and the local government can either approve or deny the permit. Local governments that take the blanket approach to TUPs may adopt guidelines that focus on reducing impacts associated with temporary uses. Electoral Area D (Cowichan Bay) is currently the only electoral area where TUPs are enabled for any potential use that does not comply with zoning.

Selective Approach:

The Cowichan Valley Regional District has not designated the majority of its land base as an area where TUPs can be considered. Appendix 'A' illustrates the types of uses that the Board will consider under the current policy framework.

The CVRD Board has opted to limit its own authority to consider and issue TUPs throughout the region. If an application is received that includes a temporary use proposal that is not in alignment with the current policy framework, the CVRD Board cannot issue a TUP unless it first amends bylaws to enable TUPs.

Short Term Rentals:

The CVRD occasionally receives comments/requests to allow for temporary short-term rentals (e.g. Airbnb, VRBO, Expedia, and FlipKey).

Some communities have adopted TUP policies for vacation rentals. For example, the Regional District of Okanagan-Similkameen (RDOS) has prohibited short-term rentals in all zones, and has adopted [TUP policies](#) to allow the District to consider approval of vacation rental uses on a case-by-case basis.

RV Accommodation:

The CVRD occasionally receives comments/requests to allow for long-term living in recreational vehicles, or other types of structures such as modular structures, given the rental shortage in the region and ongoing housing crisis across the Province.

Some communities have adopted [TUP policy](#) to allow for temporary RV Living, subject to necessary standards (water, sewage, electricity, safety, etc.). For example, the Village of Valemount adopted a Policy to establish criteria for considering the use of RVs as short-term housing for a 1-year period (with an opportunity to renew for a maximum of 3 consecutive years).

Staff recommend that CVRD bylaws be amended to apply a blanket approach to allowing TUPs across the region's electoral areas.

This will provide the CVRD with maximum flexibility and ability to issue temporary use permits at its discretion. This is particularly important given current housing challenges and long-term housing shortage. Staff emphasize that the Board continues to have full discretion to issue TUPs, issue TUPs with conditions or to deny TUPs following due consideration. There is no downside to designating electoral areas for TUPs. Proper TUP guidelines will provide a framework for consideration of TUP applications in future.

Option 1 – Expand the Use of TUPs

That it be recommended to the Board:

1. That staff prepare amendments to the Official Community Plan for the Electoral Areas Bylaw No. 4270, 2021 to enable Temporary Use Permits across all Electoral Areas; and,
2. That staff draft Temporary Use Permit guidelines, including guidelines for temporary housing, for consideration of the Electoral Area Services Committee and inclusion in the Comprehensive Zoning Bylaw.

Option 2 – Maintain Status Quo

This report is consideration for information purposes only.

GENERAL MANAGER COMMENTS

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Reviewed for form and content and approved for submission to the Committee:

Resolution:

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Financial Considerations:

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ATTACHMENTS:

Attachment A – Current TUP Policy Framework