

REPORT TO: Council
REPORT FROM: Planning
PRESENTED: February 17th, 2014
SUBJECT: Temporary Use Permit Areas

FOR: Regular
FILE:

Recommendation:

That Council approve the following resolution(s):

THAT District of Squamish OCP Bylaw No. 2100, 2009, Amendment Bylaw (Section 19-20 - Temporary Use Permit Applications) No. 2374, 2015 be given first two readings;

AND THAT a Public Hearing for District of Squamish OCP Bylaw No. 2100, 2009, Amendment Bylaw (Section 19-20 - Temporary Use Permit Applications) No. 2374, 2015 be scheduled for March 17th, 2015.

1. Purpose:

For Council to consider amending the District of Squamish Official Community Plan Bylaw to broaden the applicability of Temporary Use Permits, and then approve the first two readings of the amendment bylaw and schedule a Public Hearing for the proposed bylaw.

2. Background:

The purpose of Temporary Use Permits (TUPs) is to permit, on a temporary basis, a use which zoning prohibits. The Official Community Plan (OCP) currently restricts issuance of TUPs to the Highway and Tourist Commercial, Mixed Use Commercial, Employment and Industrial, Limited Use, Downtown or Civic and Institutional land use designations.

On June 16th, 2014, Council directed staff not to enforce zoning on a specific lot in order to facilitate parking for the period of the Squamish Valley Music Festival (SVMF). The location and specific site preparation were highly suitable for the parking use but the land designation, Residential Neighbourhood, prohibited the issuance of a TUP. In the same motion, Council directed staff to bring forward suggested OCP amendments to broaden the scope of TUP application.

Staff have recently completed a pre-application meeting for a TUP to support camping for the SVMF at a location that also prohibits issuance of TUPs.

3. Project Information:

TUPs allow applicants to conduct any land uses that are not otherwise permitted by zoning regulations for up to three years (plus one renewal). Regulations governing the issuance and regulating of TUPs are set out in the BC Local Government Act (LGA) and the District's Official Community Plan.

The LGA outlines that conditions may be applied and building construction may be additionally regulated provided a Local Government designates within an OCP or zoning bylaw the areas where temporary uses may be allowed (Attachment 2). The District’s OCP outlines these areas currently by referring to a sub-set of the land use designations.

District of Squamish Procedures Bylaw No. 2229, 2012 applies to the issuance of TUPs. It outlines procedures, and delegates powers to the General Manager for a development proposal smaller than 185.8m² excluding liquor sales.

Designating TUP Areas

There is no requirement to “justify” the designation of the areas where a TUP can be issued as there is in the case of development permit areas.

There are several approaches taken for designating the areas in which TUPs may be issued. In some jurisdictions, the entire municipality is designated to maximize the flexibility of the Council in considering these types of uses. In other municipalities, specific parcels or areas are designated (such as has been the case in Squamish) and/or a specified category of use is specified (e.g. TUPs can be issued only for industrial use). Table 1 below outlines the approaches taken by BC municipalities of a similar size to Squamish.

Table 1. Examples of how jurisdictions have designated TUP areas through OCPs

Jurisdiction	TUP Areas as per OCPs
Port Alberni	Consider TUPs on all lands designated Industrial or Commercial.
Pitt Meadows	The entire municipality is designated as an area where temporary use permits may be considered
Salmon Arm	Commercial TUPs area allowed on some listed land use designations and Industrial TUPs on others.
District of West Kelowna	The entire municipality is designated as an area where temporary use permits may be considered based on some guidelines.

The draft bylaw presented expands the TUP to include the entire municipality.

4. Department Comments:

The OCP is clear that festivals and community events are important to the economic development of the community. TUPs provide an important tool to facilitate flexibility and economic development activities and to test the compatibility of a proposed use with established nearby uses prior to a zoning change. They make it easier to facilitate economic development where the Zoning Bylaw perhaps needs some updating. Both the temporary nature of a TUP and the authority Council has to set conditions and the length of the permit (any length to a max of 3 years) decrease the overall risk in issuing TUPs.

Staff recommends the approach of not restricting TUPs to any specific areas within the municipality to allow Council flexibility and maximum discretion to weigh the merits of the

proposed temporary use on a case by case basis. Council retains discretion in approving TUPs except those that have been delegated to the General Manager of Development Services.

5. **Implications:**

a) **Budget:**

See Organizational Impact below.

b) **Organizational Impact:**

Increasing the area where a TUP applications would be considered may increase the volume of such applications. The capacity of Planning staff is currently stretched with the volume of development applications in general.

c) **Policy:**

Current OCP policy (19-20) restricts the issuance of TUPs in areas designated as Highway and Tourist Commercial, Mixed Use Commercial, Employment and Industrial, Limited Use, Downtown or Civic and Institutional.

OCP Policy 21 – 32: The District will encourage, support, and promote, in conjunction with Tourism Squamish, the development of festivals and community events that will build Squamish as a tourist destination for a broad range of visitors.

OCP Policy 21 – 36: The District will continue to support and encourage annual sporting and festivals including but not limited to Loggers Days, Test of Metal, MOMAR and cultural and artistic festivals as important economic benefits to the community.

d) **Environment:**

All environmental considerations will be outlined for Council consideration as TUPs come forward on a case by case basis.

e) **GHG's:**

N/A

f) **Council Priority and Strategic Plan Alignment:**

Council's guiding principles include both encouraging the expansion of the community events we currently enjoy, and celebrating arts and culture equally with sport and recreation.

g) **Citizen Engagement**

Public notification in accordance with the LGA must be undertaken if a TUP is contemplated, including delivery of notices to owners and tenants and newspaper ads. The public has an opportunity to speak at the time Council considers the TUP application.

h) **Implementation**

In accordance with legislation, a public hearing will be advertised and held to provide comment to Council on the proposed OCP amendment bylaw prior to third reading. Third reading and adoption can occur following public hearing.

6. Attachments:

1. OCP Bylaw 2374
2. Relevant Local Government Act Sections
3. Examples of TUP's in Squamish

7. Alternatives to Staff Recommendation:

THAT the District of Squamish OCP Bylaw No. 2100, 2009, Amendment bylaw (Section 19-20 - Temporary Use Permit Applications) No. 2374, 2015 be given first reading

OR

THAT Council refer the District of Squamish OCP Bylaw No. 2100, 2009, Amendment bylaw (Section 19-20 - Temporary Use Permit Applications) No. 2374, to a future Community Development Committee for further discussion.

8. Staff Review

Tamsin Mills, RPP MCIP
Planner

Robin Arthurs
GM, Corporate Services

Gary Buxton,
GM, Development Services

Joanne Greenlees
GM, Financial Services

CAO Recommendation:

That the recommendation of the planning department be approved.

C. Becker, CAO

Attachment 2

Relevant Local Government Act Sections

Section 921 (3) of the LGA states that a TUP 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.

Section 920.2 of the LGA stipulates that a Local Government can designate within an OCP or zoning bylaw the areas where temporary uses may be allowed and may specify general conditions regarding the issuance of TUPs in those areas. Section 19-20 of the District of Squamish OCP outlines these areas by referring to a sub-set of the land use designations.

Notification requirements include that a notice be published in a newspaper at least 3 and not more than 14 days before the adoption of the resolution to issue the permit. Notices will also be mailed or otherwise delivered at least 10 days before consideration of a TUP at Council to the owners and tenants in occupation within 100m from the subject area.

Attachment 3

Examples of TUP's in Squamish

TUP Examples in Squamish

The ability to vary permitted use temporarily facilitates a range of activities including: art installations such as the Biennale; hosting large events such as the Olympics and the SVMF; and testing out new uses or uses not previously permitted in a zone, such as for the Squamish Public Market or a mobile presentation centre for marketing Squamish development projects. Since 2008, most TUPs issued supported large events such as the SVMF (parking and camping) and VANOC.

To provide an example of TUP conditions, the following were required for TUPs for SVMF parking: provision of portable washrooms to a specific ratio, wildlife safe waste disposal, fencing and lighting stipulations, signage specifications, crossing guards and traffic control persons etc. Letters of credit were also secured along with these TUPs to ensure adequate maintenance, clean-up and restoration of the lands to the specified conditions in the permits.

District of Squamish
BYLAW NO. 2374, 2015

A bylaw to amend the District of Squamish
Official Community Plan Bylaw No. 2100, 2009

WHEREAS the District of Squamish deems it necessary and appropriate to amend Official Community Plan Bylaw No. 2100, 2009;

NOW THEREFORE the Council of the District of Squamish, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as “Official Community Plan Bylaw No. 2100, 2009, Amendment Bylaw (Section 19-20 - Temporary Use Permit Applications) No. 2374, 2015”.
2. Official Community Plan Bylaw No. 2100, 2009, as amended, is further amended as follows:
 - a. Replace section 19-20 with the following:

Temporary Use Permits

19-20 Notwithstanding the existing zoning, the entire District of Squamish is designated an area where the issuance of Temporary Use Permits may be considered by Council subject to the conditions contained in the Local Government Act.

READ A FIRST AND SECOND TIME

Pursuant to the Community Charter, **NOTICE WAS ADVERTISED ON**

PUBLIC HEARING HELD on this day of

READ A THIRD TIME day of

APPROVED by

ADOPTED this

Patricia Heintzman, Mayor

Robin Arthurs, Corporate Officer