



**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.

**GENERAL INFORMATION:**

The SLRD zoning bylaws generally designate land in all zones (subject to exceptions) as a Temporary Use Permit Area.

TUPs are meant to be temporary in nature, thus 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. If the use is intended to be permanent, the applicant should seek a zoning amendment rather than a TUP.

Applicants should specify the requested term of the TUP being applied for on their application. 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. 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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## NOTIFICATIONS

New permits require notification, including neighbour notification, as per the *LGA and Squamish-Lillooet Regional District Development Approval Information, Fees and Notification Procedures Bylaw 1301-2014*, as amended.

No notification is required for renewals as per the *LGA*.

## TERMS AND RENEWALS

The TUP that will be taken to the SLRD Board will reflect the term requested on the application form.

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 new permit.

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). New TUPs should be substantially different than the first TUP issued on the property, as the intent of TUPs is to allow “temporary” uses, rather than to serve as *de facto* 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.

If an applicant wishes to have the SLRD Board reconsider 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 *Squamish-Lillooet Regional District Development Approval Information, Fees and Notification Procedures Bylaw 1301-2014*, as amended.

## CONDITIONS

The TUP will specify conditions as to how the use should be conducted. These conditions may address visual impacts, noise, dust, drainage, nuisance, safety or any other potential impacts.

### General Considerations:

Any properties that are designated as development permit areas will be required to also submit applications for the appropriate development permits.

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).

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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.

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.

Work Camps:

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.

TUP applications for work camps should support specific, defined projects and should not be put forward solely as an affordable housing option.

Short Term Rentals:

The issuance of a TUP for short-term rental use in Area C of the SLRD will be subject to the following additional conditions:

- i. The short-term rental must be located within a residential building that has a completed final building permit;
- ii. The short-term rental must be established and maintained in accordance with all applicable regulations and requirements of the BC Building Code, Fire Code, and all other pertinent health and safety regulations, and all subsequent amendments and revisions thereof (which may include review by the SLRD Building Inspector);
- iii. Adequate on-site sewage system capable of accommodating the all residential uses;
- iv. Maximum occupancy of two (2) persons per bedroom within a dwelling unit when such a dwelling unit is being occupied as a short-term rental;
- v. Screening or fencing in order to address potential impacts or to address neighbour privacy issues where applicable;
- vi. Signing of a Good Neighbour Agreement;
- vii. The following information must be posted on site, in a location accessible and visible to the public:
  - a. clear noise rules and quiet times;
  - b. storage and management of garbage;
  - c. fire safety regulations;
  - d. the owner or caretaker’s contact information, with availability or accessibility by phone 24 hours a day and 7 days a week;
- viii. Other requirements that the Regional District Board may consider appropriate.

Agritourism Accommodations:

The issuance of a TUP for the agritourism accommodations use in Area D of the SLRD will be

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subject to the following additional conditions:

- i. The subject parcel must be classified as farm under the *Assessment Act*;
- ii. The minimum parcel size that will be considered for this use is 4 hectares with the following maximum agritourism accommodation units that may be permitted on a parcel:
  - a. parcels 4 to 7.9 ha – up to 5 units with up to two occupants per unit, and,
  - b. parcels 8 ha or greater – up to 10 units with up to two occupants per unit;
- iii. Agritourism uses must be secondary to, incidental to and compatible with the agricultural production activities, as such proof of ongoing (minimum 6 months) agritourism activities is required in conjunction with the TUP application;
- iv. The use may take place in recreational vehicles with CSA Z240 RV certification or in tents;
- v. The use must be seasonal, meaning that it can take place during one or more seasons, but not all seasons for the year;
- vi. Other requirements that the Regional Board may impose in consideration of public feedback, specific geomorphic conditions, and bylaw enforcement history of the property.

#### 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.

### **SECURITIES**

Security may be required for site remediation, including removal of any structures. If applicable, the TUP will 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. Any security conditions requested by the SLRD must be based on reasonable estimates (i.e. time, money, remediation costs). The owner must agree to this by way of an undertaking included in the permit.

The permit will specify the form of the security to be taken (an irrevocable letter of credit, typically) and will also specify the means for determining when there is a default under the permit, and the amount of the security that is forfeited to the SLRD in the event of a default.

Insurance and indemnities may be required as part of the permit.

### **COMPLIANCE**

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

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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.

## **POLICY AMENDMENT**

This policy may be amended by the SLRD Board of Directors as needed.

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