

Trustee Notebook

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Islands Trust

Cooking Up Housing: Add Temporary Use Permit, and Stir!

As you read this, you are probably sitting in your home, which ideally is cozy, warm, dry, neither too small nor too big, possessed of sufficient amenities, and feels like it's yours, whether via ownership, a rental agreement, or some other arrangement. Housing is fundamental to our well-being and our ability to thrive, and with this in mind I'll talk about our housing regulations review, which we've named Cooking Up Housing.

The review is intended to address a range of evolving housing needs on Denman, by potentially permitting secondary suites and secondary dwelling units, under specific conditions. (Note: this will *not* include the potential to use suites and cottages for short term vacation rentals; this possibility is no longer being explored as part of this review.) I will focus here on the regulatory tool the Denman Island Local Trust Committee (DLTC) wants to use: the Temporary Use Permit (TUP).

The DLTC is considering using TUPs to allow secondary dwelling units (freestanding cottages/cabins) on properties in the R2, RE, A and F zones (but not R1, which are smaller lots), and also allowing suites in these zones without requiring a TUP. We want to hear what community members think about this, so please talk to us, write to us, and/or come to meetings.

A Temporary Use Permit allows a local government to give permission for a use that otherwise is not allowed in its zoning, but is supported in the Official Community Plan. A TUP application process is simpler (and generally cheaper) than rezoning, but as with rezoning, it must come before the DLTC for decision. This means each application gets reviewed on a case-by-case basis for things like potential impact on the neighbourhood, the water table, wildlife and the environment generally, and whether or not it will be used to meet OCP objectives around housing.

With a TUP application, the *Local Government Act* requires that community members be informed through local media. They then can comment in person or writing. There is no requirement to hold a public information meeting or hearing, but the DLTC could decide to do so if it saw fit. Also, it could refer the application to the Advisory Planning Commission for feedback.

TUPs are valid for up to three years (the DLTC can designate a shorter term), at which point the landowner can renew for another term. A renewal does not require all the steps of a full application (for instance, the need for notification), but is still subject to DLTC approval. After that, the landowner will need to apply again and go through the full process again.

Temporary Use Permits can include conditions of use, such as restrictions on building height and square footage, distance from the main building, setbacks from property lines, screening to minimize visual impact, and more. The fee for a housing TUP will be set by the DLTC.

One issue the DLTC needs to keep in mind is that the 'temporary' nature of the TUP is not likely to encourage new construction. However, many existing cottages sit empty and could be transformed into legal housing through a TUP. Also, some properties have well-constructed outbuildings that could be converted to dwellings. The TUP is also ideal for caravans, yurts and other types of temporary dwellings.

The positive element of 'temporary' is that if things aren't working well, they don't have to go on forever. If, upon a request for renewal or re-application, it is clear that the secondary dwelling unit has been problematic (for instance, neighbouring wells have been compromised, there have been issues with noise, or there is a feeling that the neighbourhood is becoming too crowded) the DLTC has the discretion to deny the permit. Ideally, this will motivate the landowner and tenant to keep their impacts on the human and natural environment minimal.

TUPs are used by many local governments as a valuable tool for test-driving a use or addressing short term uses without leaving a legacy zoning footprint behind. They are used in the Trust area on Gabriola Island for some commercial uses such as vacation rentals and bulk water sales, and are being introduced on Hornby Island and Salt Spring Island for secondary dwelling units.

For more information about TUPs, go to the Islands Trust website, look in the drop-down menu under "Islands," then under "Land Use Planning," and then "Application Guidelines." At that point, scroll down; the list is in alphabetical order.