

# Schedule C: Temporary Use Permits

## Context

Under the *Local Government Act* Section 492, Temporary Use Permits (TUPs) may be considered by the District to allow specific land uses to occur, for a limited time, that would not otherwise be permitted.

All lands in the District are designated as areas where temporary uses may be allowed, subject to the terms and conditions of a Temporary Use Permit approved by Council.

The temporary use permit can include a wide range of terms and conditions and are approved by Council. Temporary Use Permits are issued for a specified time of up to a maximum of three years with one subsequent renewal.

## Designation

1. The District may issue Temporary Use Permits (TUPs) for any area covered by the OCP.
2. For lands within the Agricultural Land Reserve (ALR), approval of non-farm uses by the Agricultural Land Commission is required prior to District approval.
3. Temporary Use Permits for the purpose of Cannabis Retail are limited to those lands designated as Service Commercial within the Keating Industrial area and those lands designated as Commercial/Mixed-Use in the core commercial areas of Saanichton Village and Brentwood Bay Village, excluding the Moodyville area and marinas, and are designated as a Temporary Use Permit Area for the purpose of Cannabis Retail under section 492 of the *Local Government Act*.
4. The parcel at 6765 Veyaness Road, legally described as Lot 5, Section 13, Range 3 East, South Saanich District, Plan 26699 Except Part in Plan VIP70784, PID 002-405-253, is designated under s. 492 of the *Local Government Act* as an area where Temporary Use Permits for Cannabis Retail may be issued.

## General Policies

1. Council will consider the issuance of a Temporary Use Permit provided the proposed use:
  - a. Is temporary or seasonal;
  - b. Is generally compatible with surrounding land uses;
  - c. Would not be undesirable due to smoke, noise, vibration, dirt, glare, odour, or electrical interference;
  - d. Would not negatively impact lands of heritage, cultural, or environmental significance;
  - e. Would create no significant increase in demand for municipal services;
  - f. Not permanently alter the land upon which it is located; and
  - g. Would include mitigation measures to avoid an unacceptable level of negative impacts to surrounding properties.
2. The District may apply terms and conditions to the Temporary Use Permit, including but not limited to:
  - a. Hours of operation;
  - b. Size and siting of buildings, structures, or location of the approved use;
  - c. Landscaping and screening; and
  - d. Site restoration and clean up following the temporary use.

## Cannabis Retail Use Policies

3. Any new cannabis retail use shall be prohibited, except where authorized by a Temporary Use Permit in accordance with *Cannabis Retail Guidelines*.
4. Applications for a Land Use Bylaw amendment to allow cannabis retail as a permitted use should only be considered after a proponent has operated a cannabis retail business authorized by a Temporary Use Permit for a minimum of 2 years.
5. Temporary Use Permits would not be required for the sale of medical cannabis through Federally licensed facilities where cannabis would be sold as a pharmaceutical.
6. Council shall include, but is not limited to, the following criteria when considering applications to amend the Land Use Bylaw to permit cannabis retail as a permitted use:
  - a. The applicant has established a track record of operating a cannabis retail store in compliance with the necessary Federal, Provincial, and Local Government regulations at that location.
  - b. The economic benefits and employment opportunities that have

resulted from cannabis retail at that location.

- c. If there is a history of bylaw enforcement, nuisance, criminal, or security matters related to cannabis retail at that location.
- d. If the applicant has maintained in good standing their provincial private retail license.
- e. If the applicant has been responsive to, and collaborated with, local Police or Bylaw Enforcement Officers when dealing with any alleged bylaw enforcement, nuisance, criminal, or security matters.

## Cannabis Retail Guidelines

7. Permits for cannabis retail should only be supported on commercially zoned land where retail is a permitted use.
8. Proposed locations for cannabis retail shall be a minimum of 100 m from the property boundary of a school.
9. All activity related to cannabis retail shall occur indoors, excluding signage.
10. Proposals for cannabis retail shall be reviewed by the Central Saanich Police Service to evaluate risk to the public. Proponents shall submit a Police Information Check to the Central Saanich

Police Service, which would include a review of criminal records or other police records, for the business owner, manager, or full-time employees who would be working at the establishment.

11. Once operational, proponents shall work cooperatively with Central Saanich Police Services or Bylaw Enforcement Officers who may conduct safety and security inspections of the property, products, and record keeping to confirm compliance with Federal and Provincial regulations.
12. Council shall consider any bylaw enforcement or police activity related to cannabis retail at the time of permit renewal, or issuance of a subsequent permit, at the same location.
13. Council should consider the cumulative impacts if multiple permits are issued for cannabis retail, including their geographic distribution.
14. Cannabis retail will only occur once the necessary Provincial and Federal Government approvals have been obtained, regardless of if a Temporary Use Permit has been issued.
15. A business license application has been submitted to the District of Central Saanich prior to consideration of the proposed Temporary Use Permit.
16. Temporary Use Permit applications for a Cannabis Retail use shall not be accepted

by the District until such time as a referral from the Province for a proposed Private Retail License has been received, following which the Temporary Use Permit application and provincial Private Retail License referral shall be processed and considered by Council concurrently.

17. Temporary Use Permits for cannabis retail may include a range of conditions, including but not limited to:
  - a. Hours of operation;
  - b. Special security measures to deter criminal activity, including safety and security inspections by the Central Saanich Police Services or Bylaw Enforcement Officers;
  - c. Building improvements to ensure a safe and healthy physical environment;
  - d. Limiting the floor area dedicated to cannabis retail;
  - e. Restrictions on signage;
  - f. Measures to reduce nuisance or negative impacts; and
  - g. Measures to ensure compliance with local bylaws, and Provincial and Federal legislation.

## **Agricultural Temporary Use Permit Policies**

18. Non-Farm Uses may be permitted by Temporary Use Permit on lots of at least 2 hectares located in the Agricultural Land Reserve.
19. The property must be classified as a 'farm' under the *BC Assessment Act* (i.e., have farm status).
20. The Non-Farm Use must support and/or diversify the farm operation.
21. The Non-Farm Use must not limit or have a negative impact on the farm operation or the land.
22. The Non-Farm Use must not negatively impact other farms or neighbouring properties.
23. The owner of land in respect of which a Temporary Use Permit for Non-Farm Uses has been issued may put the land in question to the use described in the temporary use permit until:
  - a. Such time as the principal use of the lot ceases to be agriculture, for example by the loss of farm status; or
  - b. The date that the temporary use permit expires; or
  - c. Three years after the temporary use permit was issued, whichever occurs first.

24. A Temporary Use Permit shall not be issued to permit the sale of agricultural compost.

## **Agricultural Farm Worker Accommodation Guidelines**

25. The property must be classified as a 'farm' under the *BC Assessment Act* (i.e., have farm status).

26. The minimum size of the farming operation is 4 hectares. Farming operations less than 4 hectares may be considered where a need for farm worker accommodation can be demonstrated, as well as an overall net benefit to farming.

27. The accommodation shall be sited close to the access road and on the least arable soils. When determining location, consideration shall be given to the overall area of additional access roads and parking necessary to service the accommodation.

28. The accommodation for farm workers shall be installed on a temporary foundation with no basement.

29. The accommodation shall only be used for the housing of farm workers. An application shall include information that:

- a. Demonstrates the need for farm worker(s);
  - b. Demonstrates the need for the farm worker(s) to be housed on site;
  - c. Describes the landowner's role in the farming operation; and
  - d. Demonstrates the overall net benefit to farming.
30. A farm may apply to provide accommodation for workers from other farms subject to the applicant providing a written agreement between the farms describing the arrangements, and the other farm(s) meeting the applicable guidelines in this section.
31. If not used for a period of two consecutive years, the accommodation shall be removed in the case of a manufactured home or other temporary structure or else decommissioned if the building is of a more permanent nature.