



Preserving *Island* communities, culture and environment

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Temporary Commercial and Industrial Use Bylaw Excerpt

Bulk Water Sales

Section 3.8

BL 231, 232 & 237

Section 920.2 of the *Local Government Act* permits the designation of sites in an Official Community Plan or a Land Use Bylaw where temporary commercial and industrial uses may be approved on a temporary basis by permit, without requiring the land affected to be zoned for the intended temporary use.

Where a permit area under this section is designated, the Trust Committee may issue a permit by resolution that allows commercial or industrial activities to take place under the conditions specified in the permit, including the posting of a security to ensure compliance with the terms of the permit. Notice of the intent to consider the issuance of a permit must be given. Under a temporary use permit the specified uses may be carried out for a period of up to two years and the permit may be renewed for up to a further two years. Issuance of a Temporary Use Permit should not be interpreted as eventually leading to permanent zoning.

Temporary Commercial and Light Industrial Use Objective

1. *To give consideration to allowing certain types of commercial and/or industrial uses to be located in the planning area which may by the nature of the proposed activity, be deemed to be a temporary and not a permanent use; and*
2. *to ensure that the integrity of an existing neighbourhood would not be adversely disrupted should an application for a temporary commercial or industrial uses permit be approved.*

Temporary Commercial and Industrial Use Permit Designations and Guidelines

Designations

- a) Subject to the guidelines, Temporary Commercial and Industrial Use Permits may be issued for:
 - i. aggregate processing, within areas designated on Schedule B as 'Resource', 'Agriculture' or 'Forestry';
 - ii. barge load out site, within areas designated on Schedule B as 'Resource', 'Agriculture' or 'Forestry';
 - iii. log handling site, within areas designated on Schedule B as 'Resource', 'Agriculture' or 'Forestry';
 - iv. campground use, within areas designated on Schedule B as 'Resource', 'Agriculture' or 'Forestry';
 - v. limited public markets, within all land use designations shown on Schedule B,
 - vi. water sales within areas designated on schedule B as 'Small Rural Residential except on lots less than 2 hectares in area', 'Large Rural Residential', 'Forestry', 'Agriculture' or 'Resource'; and
 - vii. commercial vacation rentals within areas designated on Schedule B as 'Small Rural Residential', 'Large Rural Residential', 'Forestry', 'Agriculture' or 'Resource'.

Guidelines

- b) Guidelines c) through f) inclusive recognise conditions that may be taken into account when evaluating an application for a temporary commercial and industrial use permit. The Gabriola Island Local Trust Committee may identify specific performance details to be attached as conditions to an approved permit.
- c) For aggregate processing, barge load out site, log handling site and campground use the following guidelines apply:
 - i) The time period, days of the week and scale of activity permitted on the site may be specified in the permit.
 - ii) The applicant has demonstrated that it is advantageous to the local island community to permit the intended use on a temporary basis.
 - iii) No permanent buildings or structures shall be erected related to the intended use.
 - iv) Adequate access and sewer and domestic and fire fighting water servicing are provided (applicable where required depending on the nature of the use).
 - v) The applicant has provided evidence that the intended use will not adversely affect the local groundwater supply or the quality of the natural environment (including the marine environment).
 - vi) The applicant has provided a plan of remedial work to be undertaken at the end of the permit period in order to return the site to a state resembling its conditions prior to the use being undertaken or to an alternate state, as agreed to by the Trust Committee.
 - vii) Such other considerations as are deemed applicable with respect to a specific application;
 - viii) The Trust Committee may require that a bond (or other acceptable security) be posted so as to ensure compliance with the terms of the permit (if issued) and as a means of guaranteeing that the
 - ix) temporary use is removed and the site rehabilitated (as required) at the expiry of the permit period.
 - x) A temporary use permit respecting a parcel in the Agricultural Land Reserve shall require the approval of the Agriculture Land Commission, prior to the permit being issued.
- d) For limited public markets, the following guidelines apply:
 - i) The time period, days of the week and scale of activity permitted on the site may be specified in the permit.
 - ii) The applicant has demonstrated that it is advantageous to the local island community to permit the intended use on a temporary basis.
 - iii) No permanent buildings or structures shall be erected related to the intended use.
 - iv) Permit conditions should be consistent with applicable Development Permit Area Guidelines.
 - v) Adequate access and sewer and domestic and fire fighting water servicing are provided (applicable where required depending on the nature of the use).
 - vi) The applicant providing evidence that the intended use will not adversely affect the local groundwater supply or the quality of the natural environment (including the marine environment).

- vii) The applicant providing a plan of remedial work to be undertaken at the end of the permit period in order to return the site to a state resembling its conditions prior to the use being undertaken or to an alternate state, as agreed to by the Trust Committee.
- viii) Public market permit conditions shall ensure that off-street parking is provided in a way that is consistent with local bylaws.
- ix) Such other considerations as are deemed applicable with respect to a specific application.
- x) The Trust Committee may require that a bond (or other acceptable security) be posted so as to ensure compliance with the terms of the permit (if issued) and as a means of guaranteeing that the temporary use is removed and the site rehabilitated (as required) at the expiry of the permit period.
- xi) A temporary use permit respecting a parcel in the Agricultural Land Reserve shall require the approval of the Agriculture Land Commission, prior to the permit being issued.

BL 232

- e) For extracting, processing and sale of water, the following guidelines apply:
 - i) The applicant must specify the hours of operation and the permit may impose those or different hours of operation depending on site specific concerns.
 - ii) The applicant must provide a report prepared by an independent qualified professional with experience in groundwater hydrology to the satisfaction of the Gabriola Island Local Trust Committee identifying the zone of influence, stating that the property is capable of producing the stated amount of water with no detrimental effects on wells within the zone of influence, the aquifer and the natural environment.
 - iii) The quantity of water to be extracted and processed may be limited and the amount approved will be based on information provided by a qualified professional with experience in groundwater hydrology.
 - iv) Metering, including a reporting system may be required.
 - v) The number of parking spaces should meet the relevant commercial parking requirements in the Land Use Bylaw.
 - vi) Outdoor water storage should be screened from public right-of-ways and adjacent properties by a solid fence or
 - vii) landscape screen and a screening plan should be included in the application.
 - viii) The applicant should provide a plan of remedial work to be undertaken at the end of the permit period in order to return the site to a state resembling its conditions prior to the use being undertaken or to an alternate state, as agreed to by the Trust Committee.
 - ix) The Trust Committee may require that a bond (or other acceptable security) be posted so as to ensure compliance with the terms of the permit (if issued) and as a means of guaranteeing that the temporary use is removed and the site rehabilitated (as required) at the expiry of the permit period.
 - x) Such other considerations as are deemed applicable with respect to the specific application, including, but not limited to:
 - larger lot sizes and aquifer viability;
 - location;
 - access;
 - noise, dust and traffic; and
 - monitoring of supply wells and wells on adjacent property with lowest pumping levels specified

- xi) A temporary use permit respecting a parcel in the Agricultural Land Reserve shall require the approval of the Agriculture Land Commission, prior to the permit being issued.
- xii) The applicant must demonstrate that he/she be a certified small water system operator and that he/she meets the requirements set out in the *Drinking Water Protection Act*.

BL 237

- f) For commercial rental of single family residential dwelling units, when considering the issuance of a temporary use permit for a commercial vacation rental, the following guidelines apply:
 - i) the Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals;
 - ii) the Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rental if the proposal does not alter the residential appearance of neighbourhood;
 - iii) the Local Trust Committee may require mitigating measures to address neighbour concerns, such as screening and fencing; the Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rentals in situations where the proximity of dwelling under consideration for a commercial vacation rental to a neighbouring dwelling is such that screening or fencing is practical or able to mitigate potential impacts or address neighbour privacy issues;
 - iv) a temporary use permit respecting a parcel in the Agricultural Land Reserve shall require the approval of the Agriculture Land Commission prior to the permit being issued;
 - v) the landowner should be required to provide a written plan for the supply of water for the duration of the permit in the amount of 227 litres (50 imperial gallons) per paying guest;
 - vi) The landowner should be required to provide proof that the property is able to accommodate a minimum of two vehicles;
 - vii) the landowner should be required to provide documentation from a qualified professional septic tank has been inspected to show it is working properly and capable of supporting the proposed occupancy load;
 - viii) the landowner should be required to provide proof of an occupancy permit and written proof from a qualified professional that the dwelling meets the fire code;
 - ix) the owner or an operations manager should be required to reside on Gabriola Island and a condition of the permit should require that the owner or operations manager be available by telephone 24 hours/day, seven days per week;
 - x) a condition of the permit should require that the owners or operations manager must provide neighbours within a 100 metres radius of the vacation rental with the manager's phone number, and a copy of the temporary use permit;
 - xi) a condition of the permit should require that the landowner posts for guests information on noise bylaws, water conservation, fire safety, storage of garbage, septic care and control of pets (if pets are permitted);
 - xii) a condition of the permit should restrict the maximum number of people that can stay to a maximum of two guests per bedroom;
 - xiii) a condition of the permit should restrict the maximum number of signs advertising the commercial vacation rental to one sign, with a maximum area of 0.3 square metres, be made of wood and not illuminated;

- xiv) a condition of the permit should prohibit the rental or provision of motorized personal watercraft to rental clients;
- xv) a condition of the permit should limit the number of bedrooms to:
 - a maximum of 3 on lots smaller than 2.0 hectares; and
 - a maximum of 4 on lots of 2.0 hectares or larger;
- xvi) a condition of the permit should prohibit recreational vehicles or camping;
and
- xvii) such other considerations as are deemed applicable with respect to a specific commercial vacation rental application.