



REPORT

To: Chair and Directors

Report Number: DS-BRD-010

From: Tyra Henderson, Corporate Officer

Date: March 31, 2020

Subject: Temporary Use Permit Waiver

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board approve the temporary use permit waiver template, for use by property owners, that enables infrastructure to remain in place on properties upon the expiration of a Temporary Use Permit, if desired by the property owner.

BACKGROUND/RATIONALE:

At the March 12, 2020 Regional Board meeting, the Board directed that the mandatory collection of security deposits for all Temporary Use Permits be suspended until new guidelines for Temporary Use Permits are considered by the Board, and that in the interim, property owners be required to sign a waiver to relinquish any right to remediation of their property by any third party, including the proponent or the Peace River Regional District.

No. 2: Security Deposit – Temporary Use Permits

RD/20/03/12

That application of Resolution No. RD/18/12/20 from the December 14, 2018 Regional Board meeting which states:

“That a security deposit to guarantee site remediation and/or the completion of any terms and conditions imposed by the terms of a Temporary Use Permit (TUP), be required for all TUP applications”

be suspended until new guidelines for Temporary Use Permits can be brought forward to the Board; further, that in the interim, property owners be required to sign a waiver to relinquish any right to remediation of their property by any third party, including the proponent or the Peace River Regional District.

The PRRD sought legal advice with respect to the development of a waiver template that would enable infrastructure to remain on properties upon the expiration of a Temporary Use Permit, if so desired by the property owner. This would also remove any liability from the PRRD with respect to undertaking site remediation upon the expiration of a Temporary Use Permit, if that remediation were not undertaken by the property owner.

Attached is the waiver prepared by the PRRD’s legal counsel, which enables a property owner to confirm their desire and intent to retain a structure (which includes things such as gravel pads or other improvements), so long as the improvement is compliant with zoning and building regulations applicable to the parcel, once the Temporary Use Permit has expired. In this circumstance, the PRRD would not include removal or remediation requirements in the permit, nor require security from the applicant for removal. It should be noted that this waiver will only apply to private land.

Next Steps

PRRD staff will explore developing more robust guidelines for Temporary Use Permits associated with the following:

- Definition of the circumstances under which the above-mentioned waiver would be appropriate, and circumstances under which a security may still be required if desired by the property owner;
- Determination of remediation work costs for Temporary Use Permits that do include remediation requirements;
- Acquisition of securities related to Temporary Use Permits, including form of security;
- Conditions regarding payment of security;
- Capacity of PRRD staff to inspect sites to ensure the conditions of a Temporary Use Permit are being met; and
- Forming of a committee to explore the above items.

These considerations, and any other parameters identified by the Board, are to be discussed at a future Committee of the Whole meeting. Staff suggest a presentation may be in order, to facilitate and focus a robust discussion of the topic, in lieu of a standard report, as the subject has generated considerable interest from the Board as far back as 2015. Such a discussion would ensure that all parties have a shared understanding of the purpose and application of Temporary Use Permits, and how they are approved and issued.

ALTERNATIVE OPTIONS:

1. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

- ☒ Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S):

None at this time.

COMMUNICATIONS CONSIDERATION(S):

Any changes to the Temporary Use Permit process required as a result of the Regional Board's decision will be communicated to potential applicants through updates to printed application information and online resources.

OTHER CONSIDERATION(S):

None.

Attachments:

1. Sample Waiver – Temporary Use permit – Confirmation Respecting Permanent Structure

External Links:

1. [Report titled "Electoral Area Directors Committee Meeting Recommendations" dated March 3, 2020](#)
2. [Report title "Temporary Use Permit Alternatives" dated January 16, 2020](#)
3. [Report titled "Temporary Use Permit Legislation" dated January 21, 2019](#)
4. [Report titled "Temporary Use Permit Security Research \(Northern Rockies Regional Municipality & Others\)" dated January 17, 2019](#)
5. [Report titled "Temporary Use Permit Security Requirements" dated December 14, 2018](#)