

# Report

Date February 21, 2024

File: TUP00034

Subject Temporary Use Permit for 2876 Fuller Lake Road

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## PURPOSE

To consider issuance of Temporary Use Permit TUP00034 to permit “short-term single-day or multi-day events, including exhibitions, shows and sports” at 2876 Fuller Lake Road (Fuller Lake Arena).

## BACKGROUND

Staff have been approached by the Chemainus & District Chamber of Commerce wishing to rent the parking lot at the Fuller Lake Arena for a one-day Corvette autocross event, “Corvettes and Murals,” on May 19, 2024. The Public Use (PU) zoning of the site does not accommodate renting out the facility on a for-profit basis for events held by private interest groups.

To facilitate this event and enable consideration of an application for a special event permit (and any other event proposals by other organizers who may approach North Cowichan in the future), staff recommend issuing a generic Temporary Use Permit (TUP) for the Fuller Lake Arena property.

## DISCUSSION

While the Corvette autocross event request has prompted this TUP, North Cowichan is the landowner and is, therefore, the entity that must apply for the TUP. Instead of a specific TUP aimed only at this event, with the \$2,500 application fee being recovered from the organizer, staff recommend that North Cowichan issue itself a more generic TUP at its own cost. This approach would “future-proof” the Fuller Lake Arena to have the potential to host not only this proposed event but other similar events on an ad-hoc basis without requiring a zoning approval process first.

The current PU zoning exists on approximately 200 land parcels throughout North Cowichan and is more restrictive than initially imagined. Uses are limited to “... *utility, household recycling drop-off depot, office, hospital, prison, university or college...*”. While “*civic use*” is also permitted in all zones and includes “...*temporary retail uses such as flea markets, carnivals or exhibitions...*” this is limited to charity events or those held by a government body.

The proposed TUP would apply only to the Fuller Lake Arena site and authorize “short-term single-day or multi-day events including exhibitions, shows and sports, and ancillary merchandise sales,” and would be valid for three years. This use applies both inside the building and within the parking lot and would encompass an autocross event like that proposed by the Chemainus & District Chamber of Commerce.

As part of the ongoing Zoning Bylaw comprehensive review, all public use sites will be reviewed, including options to expand the range of activities included within the “public use” and “civic use”

definitions. Depending on Council's ultimate decisions, a permanent zoning change may or may not replace this TUP.

### **Official Community Plan (OCP)**

OCP policies relevant to this application are:

- Civic Designation 3.2.9(a) "Recognize uses that serve or benefit a wide range of the community."
- Arts & Culture 4.2.2(a) "Support development and delivery of creative community events and activities that celebrate the full spectrum of diversity of the District."
- Commercial Opportunity 8.5.2(d) "Consider the use of Temporary Use Permits to facilitate a range of uses not permitted under existing zoning to capitalize on unique and/or short term development opportunities."
- Temporary Use Permits 11.2 [TUP's may be issued to allow]:
  - "seasonal or occasional uses on land zoned for institutional use"; and,
  - "seasonal or occasional uses in rural, rural residential and residential areas where adjacent properties will not be impacted by smoke, noise, vibration, dust, glare, odour, or other negative impacts."

The location is within the "Civic" land use designation, and a TUP to facilitate various special events at the Fuller Lake Arena responds well to the above OCP policies.

### **Impacts**

OCP consistency having been established, the principal consideration for this TUP is the potential for noise and disturbance to nearby residential properties. Given the size of the site, rural location, and its current use as an active sports arena, it is unlikely that occasional special events held within the building or parking lot would give rise to an unusual or problematic level of off-site impacts.

Furthermore, while the TUP authorizes the use in zoning terms, North Cowichan still has absolute discretion as the facility owner whether or not to enter into a facility rental agreement for any given event and/or grant a special event permit. Any events with the potential for noise and disturbance, objectionable content, or hazards can be subject to conditions or denied, regardless of the TUP. It should be noted that Council has delegated issuance of special event permits (for up to 14 days) to the Director of Engineering and Director of Parks and Recreation (*Delegation of Authority Bylaw No. 3814, s.20(3)*).

### **Notification**

Notice must be given in accordance with *Community Charter* s.94 of Council's intent to consider a TUP. Property owners/occupants within 60m of the site boundary were notified by letter on February 6, and the intent to consider the proposed TUP was advertised on North Cowichan's social media sites on February 7 and advertised in the *Cowichan Valley Citizen* and *Chemainus Courier* on February 15. At the time of drafting this report, no comments have been received. Any comments received after this report is written will be provided to Council at or before the Council meeting.

## SUMMARY

If granted, the proposed TUP would allow North Cowichan to rent out the Fuller Lake Arena for a range of privately organized events, exhibitions and shows, valid for a three-year period. In the immediate future, staff would be able to consider a special event permit application for the “Corvettes and Murals” event proposed to take place in the Fuller Lake Arena parking lot on Sunday, May 19.

North Cowichan would still retain control over the type of events hosted at the facility as it chooses whether or not to enter into a facility rental agreement or issue a special event permit, and if so, under what conditions. However, unlike a TUP, which Council always considers, approval of special events permits for a term of not more than 14 days is a delegated function.

## OPTIONS

1. **(Recommended Option)** THAT Council issue TUP00034, as attached to the Manager of Planning’s February 21, 2024, report, to permit short-term, single-day, or multi-day events to be held at 2876 Fuller Lake Road.
  - *Staff will issue and register the TUP. At that point, North Cowichan will be able to enter into facility use agreements and issue special event permits at this location for any privately organized events falling within the use described in the TUP.*
  - *The TUP will lapse three years from the date of issuance but may be renewed once.*
  - *It is possible that a subsequent generic zoning change to the PU zone as part of the zoning bylaw comprehensive review may render this TUP moot, in whole or in part.*
2. THAT Council deny Temporary Use Permit application TUP00034.
  - *The Fuller Lake Arena would remain unavailable for private events, including the “Corvettes and Murals” event proposed by the Chemainus & District Chamber of Commerce.*
3. THAT Council direct staff to provide further information regarding *[to be identified by Council]* in relation to special events being held at the Fuller Lake Arena prior to Council’s consideration.
  - *A further report addressing additional information requirements will be brought back to Council at a subsequent meeting. Until a TUP (or permanent zoning change) is enacted, the facility cannot be rented out for private events.*

## IMPLICATIONS

Implications	Concerns or Impacts to North Cowichan
Financial	Potential revenue to North Cowichan from facility rental agreements
Policy/Legislation	North Cowichan is subject to its own zoning bylaw.

Strategic Priority	This proposal responds to the Strategic Priority to investigate alternative revenue streams to North Cowichan.
Sustainability	No significant impacts.
Communication	Neighbours within 60m of the site have been directly notified and given the opportunity to comment.
Staffing implications	No significant impact.

## RECOMMENDATION

THAT Council issue TUP00034, as attached to the Manager of Planning's February 21, 2024, report, to permit short-term, single-day, or multi-day events to be held at 2876 Fuller Lake Road.

Report prepared by:




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Report reviewed by:




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## Approved to be forwarded to Council:




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Ted Swabey  
Chief Administrative Officer

### Attachments:

- (1) Location Map
- (2) Ortho Photo
- (3) Zoning Map
- (4) TUP00034
- (5) Notice