

Report

Date November 6, 2024

File: TUP00035

Subject Temporary Use Permit: 6493 Paddle Road and 6495 Paddle Road

PURPOSE

To consider a Temporary Use Permit (TUP00035) to permit two existing single-family dwellings (6493 and 6495 Paddle Road) to remain occupied for a period of up to 3 years to facilitate lot consolidation for future multi-family development.

BACKGROUND

In 2023, Council adopted Zoning Amendment Bylaw No. 3867, which rezoned a five-lot land assembly at the north end of Paddle Road from R1 (Residential Rural) to CD22 (Paddle Road North Comprehensive Development) Zone.

The R1 Zone permits “single-family dwellings” while the CD22 Zone does not; therefore, any residences remaining occupied on the subject properties are considered ‘legally’ non-conforming (*Local Government Act, s. 528*).

North Cowichan has received a building permit application for a 92-unit apartment building at 6489 Paddle Road (BP010163), which would complete the first of five phases of the proposed development. For the first apartment at 6489 Paddle Road, as well as future phases of development to be considered for building permit issuance, the five lots would first need to be reconfigured to realize the proposed public road network in addition to other works as agreed to by the developer at the time the properties were rezoned (*Land Title Act, s. 219*; development covenant CB361949).

To this end, a subdivision application was received and is ongoing. A reconfiguration of the lots would render two existing and occupied residences non-compliant since two residences would be located on *a single* parcel.

A Location Map, an Orthophoto Map, and a Zoning Map are provided in Attachments 1, 2, and 3.

The Subdivision Proposal Plan is provided in Attachment 4. The two subject residences are highlighted in yellow.

PROPOSAL

The owner/developer is seeking a temporary use permit to retain two existing residences, currently located on Lots 2 & 3, to be located *on future proposed Lot B* (Attachment 4).

The proponent is requesting a TUP approval for a period of 3 years. The proponent may request a one-time renewal of an approved TUP for up to an additional 3 years (*Local Government Act, s. 497*; Official Community Plan, s. 11.2).

The applicant’s Rationale and Temporary Use Proposal Plan are provided in Attachments 5 and 6.

DISCUSSION

Official Community Plan (OCP)

OCP policies relevant to this application are:

- **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 in rural, rural residential and residential areas where adjacent properties will not be impacted by smoke, noise, vibration, dust, glare, odor, or other negative impacts".
 - "any other temporary use not otherwise permitted by the Zoning Bylaw".
- **Goals** 2.3, #3
 - **Target:** Increase the number of purpose-built rental units by 20%.
 - **Target:** New housing units approved and built will be a mix of less than 30% detached and more than 70% attached".

The TUP proposal to retain the residences at 6493 and 6495 Paddle Road (Lots 2 & 3) largely benefits the developer by facilitating them to fulfil conditions of their Preliminary Layout Acceptance related to zoning bylaw compliance (Subdivision Bylaw, s. 9) and the terms of the development covenant agreement (CB361949) without having to evict the current tenants from the subject dwellings. Alternatively, the developer could provide notice to the tenants that they will need to vacate the dwellings.

The proposal could benefit the municipality in the short term by reducing trespass and the potential negative impact of vacant structures on neighbouring properties until the TUP has lapsed or full development of the subject properties has commenced, whichever comes first.

However, a further 3-year extension should be carefully considered in this area of Paddle Road since North Cowichan's larger goal for high-density housing (i.e., a total of 366 units) and affordable housing (total of 37 units) should remain incentivized (OCP, s. 2.3, Goal #3).

Temporary Use & Impacts

For Council to consider the application for approval, it must be satisfied that the proposed use:

- qualifies [as a temporary use].
- does not adversely impact the adjacent and surrounding properties.
- will be appropriately managed.
- will not give the permit holder a competitive advantage.
- will not result in permanent facilities and land alterations that will encourage non-compliance with the Zoning Bylaw once the temporary use permit has expired.
- will return the land to a condition conducive to the uses it is zoned for (OCP, s. 11.2).

The proposed temporary use is neither anticipated to adversely impact adjacent properties since the single-family use is currently ongoing nor create a competitive advantage for the developer.

The developer understands they must give notice to their tenants in accordance with the *Residential Tenancy Act* (Attachment 5) prior to the Permit lapsing. The residences would eventually need to be demolished to achieve the high-density residential uses of the CD22 Zone.

The developer has identified they will manage the temporary use during road construction, and that the address markers will remain visible in accordance with fire and emergency services standards.

Staff are satisfied that the proposed temporary use qualifies as an “occasional use” in a residential area where adjacent properties will not be affected by negative impacts of the temporary use, and that the developer has reasonably demonstrated the temporary use will be appropriately managed.

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 October 17, 2024, and the intent to consider the proposed TUP was advertised on North Cowichan’s social media sites on October 22, 2024, and advertised in the *Cowichan Valley Citizen* and *Chemainus Courier* on October 30, 2024. At the time of drafting this report, no comments have been received. Any comments subsequent to this report will be provided to Council at or prior to the Council meeting.

The Public Notice is provided in Attachment 7.

SUMMARY

If granted by Council, the proposed TUP would allow two existing residences to continue to remain occupied for up to 3 years, facilitating lot consolidation and providing the developer time to seek their approvals (e.g., SUB00235, BP010163).

Staff supports the TUP proposal because it:

- ❖ facilitates, in the short-term, development approvals for future apartment building development (OCP s. 8.5.2d, 11.2, 2.3 Goal #3); and,
- ❖ reduces the negative impact of vacant land/buildings on adjacent properties (OCP s. 11.2).

Note, however, that a further 3-year extension of the TUP proposal would, in effect, prolong the ‘single family dwelling’ use on land zoned for high-density residential uses, and specifically, on which single-family use is not contemplated.

The Draft Temporary Use Permit is provided in Attachment 8.

OPTIONS

1. **(Recommended Option)** THAT Council approves the issuance of Temporary Use Permit TUP00035 at 6493 and 6495 Paddle Road.
 - *Staff will issue and register the TUP.*
 - *The TUP will lapse three years from the date of issuance but may be renewed once.*

2. THAT Council denies Temporary Use Permit application TUP00035.

- *The subject properties would need to achieve zoning bylaw compliance for the subdivision and future development approvals to be realized by discontinuing the single-family dwelling use.*

IMPLICATIONS

Should Council approve the TUP, the Permit would achieve a short-term development opportunity while also reducing costs that may be associated with the impact of vacant property and structures on the immediate neighbourhood, e.g., bylaw compliance.

Should Council deny the application, the developer would need to either retain the current subdivision layout, which would delay future building development of the lots, or discontinue the single-family dwelling use to fulfill the conditions of their subdivision.

RECOMMENDATION

THAT Council approves the issuance of Temporary Use Permit TUP00035 at 6493 and 6495 Paddle Road.

Report prepared by:

Caroline von Schilling

Caroline von Schilling MCIP, RPP
Development Planner

Report reviewed by:



Amanda Young MCIP, RPP
Director, Planning and Building

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Location Map
- (2) Orthophoto Map
- (3) Zoning Map
- (4) Subdivision Proposal Plan
- (5) Rationale
- (6) Temporary Use Proposal Plan
- (7) Public Notice of Proposed Temporary Use Permit for 6493 and 6495 Paddle Road
- (8) Draft TUP00035