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Denman, Gabriola, Gambier, Hornby,  
Lasqueti, Thetis, Ballenas-  
Winchelsea Islands

## Schedule K: Temporary Use Permit

### Information about Temporary Use Permits

Section 492 of the *Local Government Act* states that an Official Community Plan (OCP) or a zoning (land use) bylaw may provide general conditions and designate areas where temporary use permits may be allowed. A temporary use permit (TUP) is required to:

- Commence a temporary use, including construction, demolition or land alteration on a property that is within a temporary use permit area, which is not permitted under current bylaws;
- Renew an existing temporary use permit (permits may be renewed only once);
- Alter an existing temporary use permit.

Upon receipt of an application, a Local Trust Committee, by resolution, may issue a temporary use permit if the property is designated for a use by the OCP and Land Use Bylaw. Despite a Land Use Bylaw, a TUP may be issued to allow any use not permitted by zoning.

Upon issuance of a TUP, a property owner may use the land in accordance with the terms of a permit until the expiration date or three years after issue of a permit, whichever comes first. Permits may be renewed only once for an additional three-year term. Conditions of a TUP are binding on all existing and future owners during the time period specified in a permit.

## Application Process

### Pre-Application

- Review applicable local trust committee policies and regulations, including:
  - **Official Community Plan**
    - Determine whether or not proposed uses, buildings or structures will be located within a Development Permit Area; if so, an application for a Development Permit may be required. Contact the Islands Trust to confirm.
    - Review applicable TUP designations and guidelines (which may also be found in the land use bylaw); one or more professional reports (e.g. engineer, biologist) may be required to support the development proposal.
  - **Land Use Bylaw**
    - Confirm that uses, buildings and structures comply with siting, size and dimension requirements.
- Confirm requirements of other government agencies (e.g. site servicing, road access, building code, water licensing).

### Application Submission

- Submit a complete application and fee; ***incomplete applications will not be accepted.***
- If soil will be disturbed, a **BC Contaminated Sites Regulation Site Disclosure Statement (Schedule 1) must be completed**
- The Islands Trust will contact you to request missing application materials.

### Application Review

- An Islands Trust planner will evaluate the proposal in relation to the applicable development permit guidelines, land use regulations, Islands Trust Policy Statement and OCP; the planner may liaise with other agencies.
- Supplementary information may be requested by the planner if needed.
- If the application does not comply with applicable local trust committee bylaws, the planner will request that the application be modified or that an additional application be made for a variance or bylaw amendment.
- Upon receipt of a complete application and following a technical review, the planner will prepare a staff report and recommendations for consideration by the local trust committee.

### Public Notification

- Prior to local trust committee consideration, a notice must be published in the local newspaper describing the nature and location of the proposed use; neighbouring residents and property owners are also notified.

## Application Decision

The local trust committee will consider the application and associated staff report, and comments received from the public, at a regular business meeting. The local trust committee may:

- Refer the application to the advisory planning commission (APC) for review and comment, prior to making a decision; in this case, the applicant has the right to present their proposal and be heard by the APC;
- Approve issuance of the permit
- Approve issuance of the permit with additional conditions applicable to the application;
- Defer consideration pending receipt of additional information; or
- Deny the proposal.

## Permit Issuance

- If the application is approved, a TUP will be issued and the applicant and agencies will be notified.
- When a TUP is issued, a notice is filed with the Land Titles Office indicating that there is a Permit on the property; the Permit is binding on the current and all future property owners.

## Post-Permit Issuance

- A TUP may be subject to conditions such as financial security to ensure the completion of landscaping or works, or to correct an unsafe situation.
- During site inspections by Islands Trust staff, actual development will be compared to the approved Permit to ensure substantial compliance with permit conditions. When the development is found to conform to the permit and conditions, financial security can be returned to the applicant.
- A TUP will be valid for up to three years, as specified by the Local Trust Committee. The permit may be renewed once, upon successful application to the Local Trust Committee.

# Application Requirements

*Please provide the following information in addition to the completed application form, fee, title search and title charges:*

- A written description of the existing and proposed uses, buildings and structures on the subject property including a description of any home occupation (if applicable);
- A Site Survey completed by a registered BC Land Surveyor (BCLS), unless the Islands Trust confirms a survey is not needed;
- An 11x17 Site Plan, drawn to scale, showing the following:
  - a. The location, dimensions and floor area of existing and proposed buildings and structures;
  - b. The location of existing and proposed water infrastructure (e.g. septic tanks, disposal fields, wells, water lines, cisterns, retention ponds, etc.) on both the subject property and neighbouring properties (if applicable);
  - c. The location of existing and proposed driveways, off-street parking, loading, outdoor storage, stream crossings, pathways, decks and patios;
  - d. The location of all watercourses (including streams, ditches, lakes and wetlands);
  - e. The location, dimensions and area of existing and proposed covenant areas, easements and utility corridors;
  - f. Setbacks of existing and proposed buildings, structures and water infrastructure to lot lines, the natural boundaries of watercourses and the sea, and, where applicable, the edge of any cliff on the subject property;
  - g. The area of the subject property;
  - h. The height of existing and proposed buildings and structures.
- Supplemental information as required to demonstrate compliance with the applicable Development Permit guidelines.
- A Terms of Reference (if applicable) in accordance with a Development Approvals Information (DAI) Bylaw.
- A BC Contaminated Sites Regulation Site Disclosure Statement (Schedule 1) if applicable**

## Additional Requirements

A Temporary Use Permit is not a building permit. You will still need to apply to the Regional District for a building permit before you can build structures on the land, except on Denman and Hornby Islands where a Siting and Use Permit is required instead or on Lasqueti Island where no Building Permits or Siting and Use Permits are required.

Note, on ALL islands, applicants are responsible for meeting all regulatory requirements applicable to land use and development in BC (e.g. BC Building Code, Transportation Act, Water Sustainability Act, Environment Act, Public Health Act, ALC Act, etc.).

For further information, visit the Islands Trust website at [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca) and applicable bylaws.

**NOTE:** This information is intended to provide guidance only and should not be interpreted as a right to a development approval if the steps indicated are followed. Please consult the Local Government Act and its regulations, as well as the other Islands Trust applicable bylaws for the definitive requirements and procedures. For any further information, please contact the Islands Trust.



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## Land Use Application

**Application Type:** *Check all that apply*

*See Associated Schedules for Information  
and Application Requirements*

<input type="checkbox"/> Bylaw Amendment	<input type="checkbox"/> OCP <input type="checkbox"/> Land Use / Rezoning <input type="checkbox"/> Land Use Contract	Schedule A
<input type="checkbox"/> Development Permit	<input type="checkbox"/> Renewal or Amendment	Schedule B
<input type="checkbox"/> Development Variance Permit	<input type="checkbox"/> Renewal	Schedule C
<input type="checkbox"/> Heritage Alteration Permit		Schedule D
<input type="checkbox"/> LCRB License	<input type="checkbox"/> Liquor <input type="checkbox"/> Temporary Change <input type="checkbox"/> Cannabis Retail	Schedule E
<input type="checkbox"/> Order - Board of Variance		Schedule F
<input type="checkbox"/> Siting & Use Permit		Schedule G
<input type="checkbox"/> Soil Deposit / Removal	<input type="checkbox"/> Registration <input type="checkbox"/> Permit	Schedule H
<input type="checkbox"/> Strata Conversion		Schedule I
<input type="checkbox"/> Subdivision Review	<input type="checkbox"/> Boundary Adjustment	Schedule J
<input type="checkbox"/> Temporary Use Permit	<input type="checkbox"/> Renewal	Schedule K

**Description of Subject Property:**

Civic Address	PID
Legal Description	

**Purpose of Application:** *Provide a brief description (attached additional pages if needed)*

**Applicant:**

Name	Company
Mailing Address	
Phone	Email

**Declaration:**

*As the owner or agent authorized to act on behalf of the owner(s) of the subject property, I declare the information submitted in support of this application is true and correct in all respects.*

Signature

**Office Use Only:**

Date Received	Fees Paid	Receipt No.	TAPIS No.
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**Owner Authorization:**

As the registered owner(s) of the subject property, I/we declare that the information submitted in support of this application is true and correct in all respects. I/we hereby authorize Islands Trust staff or their contractors to conduct site inspections of the subject property for the purpose of processing this application, and hereby authorize and appoint:

Print Name (Complete if applicant is not the owner(s))

... to serve as the agent for this application, and communicate with Islands Trust staff and Islands Trust bodies on our behalf.

**All registered owners on title must be listed on and sign the application. Corporations must include a list of directors.**

Name/Company Name	Signature
Mailing Address	
Phone	Print Name
Email	Date

Name/Company Name	Signature
Mailing Address	
Phone	Print Name
Email	Date

Name/Company Name	Signature
Mailing Address	
Phone	Print Name
Email	Date

**Application Checklist** The following materials must accompany the application:

- Completed application form
- Current title search (issued within 30 days)
- Copies of all title charges (restrictive covenants, rights-of-way, etc.)
- Application fee (see applicable Local Trust Committee Fees Bylaw for current fees)
- If applicable, [a BC Contaminated Sites Regulation Disclosure Statement \(Schedule 1\)](#) must be completed
- If applicable, QEP Report registered in Province of BC Riparian Areas Regulation (RAR) Notification System
- Required plans, drawings, reports and other information as noted on the applicable schedules and DAI Bylaws**

**NOTE** A complete application and fee must be received before the application will be processed. Fees may be paid using cash, cheque or interac e-transfer (contact Islands Trust for e-transfer procedure). Applicants are advised that processing times may depend on applications volumes and timing of local trust committee meetings. Applicants are encouraged to apply for permission well in advance of scheduled development.

**Freedom of Information**

The collection of personal information, for the purpose of processing this application, is authorized under the Local Government Act, Community Charter and section 26(c) of the Freedom of Information and Protection and Privacy Act. Enquiries may be directed to a Deputy Secretary at any of the Islands Trust Offices, as noted on page 1 of this form. A request for information, under the Freedom of Information and Protection of Privacy Act may be made to: FOI Coordinator, Islands Trust, 200-1627 Fort Street, Victoria, BC V8R 1H8, Tel. (250) 405-5151, Fax (250) 405-5155.