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Siting & Use Permits

Information about Siting and use Permits

A Siting and Use Permit is required prior to undertaking construction on Denman Island and on Hornby Island. A Siting and Use Permit is intended to ensure that new construction, siting and use comply with the Land Use Bylaw. Siting and Use Permits are used by the Denman and Hornby Island Local Trust Committees because the Comox Valley Regional District does not provide building inspection services to the islands.

Before you apply:

Before applying for a Siting and Use Permit, it is important to review the applicable Official Community Plan (OCP) and Land Use Bylaw. Land Use Bylaw requirements are expressed in both General Regulations that apply to all land and Specific Regulations that apply to individual zones. A permit can only be issued if all aspects of the proposal comply with the applicable land use regulations.

For further information, visit the Islands Trust website at www.islandstrust.bc.ca and review the bylaws:

Notes:

1. A Siting and Use Permit is valid for two years or as specified in the permit; if construction is not irrevocably commenced within two years of the date of permit issuance, the permit lapses. Irrevocably commenced means:
 - In the case of a building or structure whose height is regulated by the Denman or Hornby Island Land Use Bylaw, completion of the foundation and the framing and structural roof elements such that the height may be ascertained
 - In the case of a building or structure with a permanent foundation and no roof, completion of construction of the foundation such that it is capable of supporting the building or structure without further modification; and
 - In the case of a building or structure with neither a roof nor a permanent foundation, assembly at the construction site of all required building materials and prior issuance of all necessary approvals
2. If the proposed development is located within a Development Permit Area, as identified in the Official Community Plan, a Development Permit may also be required. If it is not possible to comply with all bylaw requirements, the application will need to be modified, or an application will need to be made for a bylaw amendment or one or more variances
3. All new construction of buildings and structures or alterations to existing buildings and structures are legally required to comply with the BC Building Code, even in areas where no building inspection services are provided. Responsibility for BC Building Code compliance rests entirely with the property owner
4. In accordance with the Home Owner Protection Act and Regulation, anyone building a new home in BC is required to obtain a builder licence from BC Housing, unless exempt because they are acting as a general contractor to build their own home and have an Owner Builder Authorization from BC Housing. These requirements apply regardless of whether or not building permits are required
5. The applicant is solely responsible for determining the safety of construction/siting and the existence of any potential hazard to development, including the stability of the land on which the building or structure is to be located.
6. The applicant should also ensure that the planned construction/siting and use(s) comply with all other relevant provincial regulations including, but not limited to: road access requirements, potable water and sewage disposal requirements, and provincial water licensing requirements
7. Only Authorized Persons as defined by the BC Sewerage System Regulation may construct or maintain a sewerage system, or supervise an owner constructing or maintaining a sewerage system on his/her own land.

Other provincial regulations may apply and it is the responsibility of the applicant to obtain all necessary approvals.

Application Process

Pre-Application

Before applying, review applicable Local Trust Committee policies and regulations, including:

- **Official Community Plan**
 - Determine whether or not proposed uses, buildings or structures are located within a Development Permit Area; if so, an application for a Development Permit may be required. Contact the Islands Trust to confirm
 - Review the applicable Development Permit guidelines (also found in the Land Use Bylaw); one or more professional reports (e.g. from an engineer or biologist) may be required to support the proposal
- **Land Use Bylaw**
 - Confirm that the subject property zoning permits the proposed use and density
 - Confirm that uses, buildings and structures comply with siting, size and dimension requirements
- Check requirements of other government agencies

Application Submission

- Submit a complete application to the [Islands Trust Portal](#); **incomplete applications will not be processed**
- The Islands Trust will contact you to request missing application materials

Application Review

- An Islands Trust planner will review your application
- Islands Trust staff may contact you to request any additional application materials
- If the application does not comply with applicable regulations, you may be asked to revise your proposal or apply for a development permit, variance, or bylaw amendment

Application Decision

- If the application is approved, a Siting and Use Permit will be issued and notification will be sent to the applicant and copied to various government agencies.
- Construction must substantially commence within two years of the permit issue date or the permit will lapse.

Application Requirements

Submit the following materials online via the [Islands Trust Portal](#):

- A completed [Planning Application Authorization Form](#)
- Current title search** (issued within the last 30 days)
- Copies of all relevant **title charges** (restrictive covenants, easements, rights-of-ways, etc.)
- A **Project Narrative** describing the existing and proposed uses, buildings and structures on the subject property including a description of any home occupation (if applicable)
- A **Site Plan** prepared by a British Columbia land surveyor unless the proposed location of the building is more than one metre beyond all minimum setbacks. The site plan must be drawn to scale and include the following:
 - a. The entire lot shape with dimensions of all lot lines in metres
 - b. The location, dimensions and floor area in metres of all existing and proposed buildings and structures such as fences
 - c. The location of existing and proposed water infrastructure (e.g. septic tanks, disposal fields, wells, water lines, cisterns, retention ponds, etc.) on the subject property
 - d. The location of existing and proposed driveways, off-street parking, loading, outdoor storage, stream crossings, pathways, decks and patios
 - e. The location of all watercourses (including streams, ditches, lakes and wetlands)
 - f. The location, dimensions and area of existing and proposed covenant areas, easements, development permit areas and utility corridors
 - g. Setbacks of existing and proposed buildings, structures and water infrastructure to lot lines in metres, the natural boundaries of watercourses and the sea, and, where applicable, the edge of any cliff on the subject property
 - h. The area of the subject property in hectares
- Floorplan drawings** showing dimensions, total floor area calculations where required, and uses of all areas

NOTE: This information is intended to provide guidance 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 Islands Trust.

- Elevation drawings** of all sides of the structure showing building height and grade as defined in the applicable bylaw
- A BC Contaminated Sites Regulation Site Disclosure Statement** (Schedule 1)
- An application fee** (you will be provided with an invoice after staff have reviewed and determined that your submission is complete)

Additional Requirements

- Applicants are also responsible for meeting all other regulatory requirements applicable to land use and development in BC, such as: [BC Building Code](#), [Transportation Act](#), [Water Sustainability Act](#), [Environmental Management Act](#), [Public Health Act](#), and [Agricultural Land Commission Act](#)

For further information and local bylaws, please visit www.islandstrust.bc.ca.

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