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Temporary Use Permits

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
- 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 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. Permits may be renewed only once for an additional three-year term; after the renewal expires, a new temporary permit will have to be issued for the use to continue. 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 the **Islands Trust Policy Statement** and **Official Community Plan** to determine if there is policy support for your proposal
- Determine whether your proposed development is located within a **Development Permit Area**; if so, an application for a Development Permit may be required; contact 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
- Review the **Land Use Bylaw** to confirm the permitted uses, siting, size, and height regulations for buildings and structures; the Land Use Bylaw may also contain requirements for parking, signage, landscaping, and runoff control
- Confirm requirements of other government agencies (e.g. site servicing, road access, building code, water licensing)

Application Submission

- Submit a complete application to the [Islands Trust Portal](#); **incomplete applications will not be processed**
- If soil will be disturbed, a BC Contaminated Sites Regulation Site Disclosure Statement (Schedule 1) must be completed
- Islands Trust staff may contact you to request any additional application materials

Application Review

- An Islands Trust Planner will evaluate your proposal against applicable development permit guidelines, land use regulations, the Islands Trust Policy Statement, and the OCP; other agencies may also be consulted
- Supplementary information may be requested as needed
- If the application does not comply with applicable regulations, you may be asked to revise your proposal or apply for an additional variance or bylaw amendment
- Once all the required information has been received, the planner will conduct a technical review, and prepare a staff report with 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

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 Survey** by a registered BC Land Surveyor (BCLS), unless staff confirm it is not needed
- An **11"x17" Site Plan**, drawn to scale, showing the following:
 - a. The location, dimensions, and floor area of all 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 to lot lines, the natural boundaries of watercourses and the sea, and the edge of any cliff on the subject property where applicable
 - g. The total lot area of the subject property
 - h. The height of existing and proposed buildings and structures
- [Contaminated Sites Disclosure Statement](#)
- Supplemental information/professional reports**, as required, to demonstrate compliance with the applicable Development Permit guidelines or as required by a development approval information bylaw

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.

- An application fee** (you will be provided with an invoice after staff have reviewed and determined that your submission is complete)

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)
- 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.