



Islands Trust

APPLICATION GUIDE

Temporary Use Permit

What is a Temporary Use Permit?

Section 920.2 of the British Columbia *Local Government Act* states that an Official Community Plan or a zoning (land use) bylaw may provide general conditions and designate areas where temporary use permits may be allowed.

Upon receipt of an application, a Local Trust Committee may, by resolution, issue a temporary use permit if the property is designated for such use by the Official Community Plan or land use bylaw. Despite a land use bylaw, a temporary use permit may be issued to allow any use not permitted by zoning.

Any construction, demolition or land alteration associated with the above may not commence until a permit is obtained for the project.

The applicant may be required to provide an undertaking to restore the land, demolish or remove any buildings or structures permitted by a temporary use permit upon the permit's expiration. The applicant may further be required to provide a letter of credit to guarantee the performance of the terms of a permit. The letter of credit is returned when the project is completed in accordance with the conditions in the temporary use permit or if the project has not substantially commenced prior to the expiration of the permit.

The owner will have the right to 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 temporary use permit are binding on all existing and future owners during the time period specified in a permit.

Should a temporary use permit be issued by the Local Trust Committee, you may need to apply for a building permit or a siting and use permit prior to commencing the construction or use of buildings allowed under a temporary use permit.

When Do You Need to Apply For a Temporary Use Permit?

You need to apply for a temporary use permit when you want to:

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

The Temporary Use Permit Application Process

The major stages in the Temporary Use Permit Application Process are:

Pre Application



Step 1 — Pre-Application

Prior to submitting your development proposal, you may wish to contact local planning staff to review bylaws, policies and regulations that may affect your proposal. You will need to consider the following:

- **Temporary Use Permit Area General Conditions:** Identify the permit area within the Official Community Plan or land use bylaw where your property is located and review the general conditions;
- **Zoning and other applicable Bylaws.** Each property in the Trust Area is subject to specific regulations. Regulations such as site coverage, setbacks, building height and parking may impact your proposal. It may also be useful to review the applicable Official Community Plan policies for the area and the Islands Trust Policy Statement;
- **Other Regulations.** It may be necessary to contact other agencies to ensure matters such as adequate services to the site, access to highways and building code requirements are adequately addressed; and,
- **Specific Requirements.** In some instances, you may be advised to secure the services of a qualified consultant to address specific concerns with your application. Such consultants may include engineers, biologists, architects or planners, depending on the location of your property and the nature of your proposal.

Step 2 — Submit an Application

Once you have reviewed all applicable regulations and completed your project plans, you must complete a temporary use permit application form and submit it to the Islands Trust office. Islands Trust staff will be available to assist, however you will be expected to provide the following:

- a copy of a recent State of Title Certificate. If the applicant is an agent of the owner, then the owner(s) must sign the authorization on the application form;
- copies of any covenants and easements;
- a brief description of the proposed development;

- the proposed duration of the temporary use (maximum three years);
- three full-size sets of plans that clearly indicate pertinent information about the number of parking stalls, setbacks, heights etc. The drawings should be titled and in a scale that can be easily reviewed.
- the correct fee. Please note that staff will not begin processing your application until all information required on the application form has been provided and the appropriate fee has been paid.

In some circumstances, there may be additional requirements of which you shall be advised. These may include detailed elevation and landscaping plans, and a letter of credit to guarantee completion of any required work.

Step 3 — Application Review

Once a complete application is received, planning staff will evaluate your proposed development against the temporary use permit general conditions in the Official Community Plan or Land Use Bylaw, zoning regulations and Islands Trust Policy Statement as they apply to your proposal. The application review process may involve referrals to outside government agencies such as the Ministry of Transportation and Infrastructure, the Regional District Building Inspectors and the Regional Health Inspectors.

Step 4 — Referral to Advisory Group

Your application may be referred by the Local Trust Committee to the Advisory Planning Commission. You, or your consultant, will be expected to present your proposal to the commission. The Advisory Planning Commission may recommend to the Local Trust Committee that either the application proceed as proposed, proceed with conditions, require major revisions to the application and a second presentation to the Advisory Planning Commission or that the application be rejected. Any comment that is offered by the commission is advisory only and the final decision rests with the Local Trust Committee.

Step 5 — Public Notification

In accordance with the *Local Government Act*, the Islands Trust will publish a notice and location map in the local newspaper not less than three, nor more than 14, days prior to the adoption of a resolution to issue the Permit by the Local Trust Committee.

Additionally, a notice, location map and a copy of the draft temporary use permit will be mailed or hand-delivered to all property owners and residents located near the subject property (as defined in the relevant Local Trust Committee's Development Procedure bylaw) for review and comment.

Step 6 — Consideration by Local Trust Committee

Staff will prepare a report for the Local Trust Committee that includes background documentation, recommendations of the Advisory Planning Commission and any comments received from the public. The report will provide an evaluation of the application and recommendations. The Local Trust Committee will then consider the application on the date specified in the notice, and may issue the permit, request additional information, or that reject the proposal.

Step 7 — Temporary Use Permit Decision

Approval of a temporary use permit may be subject to certain conditions, such as a letter of credit to restore land or to secure landscaping. Once these conditions are met, the permit can be issued. When the permit is issued, Islands Trust staff will file a notice with the Land Titles Office that there is a temporary use permit on the property and it will be registered on the land title. A copy of the permit will be sent to the owner, to appropriate government agencies and a copy will be maintained on file at the Islands Trust office.

The owner will have the right to use the land in accordance with the terms of the permit until the date the permit expires or three years after issue, whichever comes first. Permits may be renewed only once. Conditions of temporary use permits are binding on all existing and future property owners during the time period specified in the Permit.

For Further Information. . .

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 your Islands Trust Office (see next page).

Contact Information

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Calls can be made toll-free via Enquiry BC:

In Victoria call: 250.387.6121

In Vancouver call: 604.660.2421

Elsewhere in BC call: 1.800.663.7867