

5.6.i. Policy**APPLICATION PROCESSING SERVICES**

Trust Council: March 13, 1993

Amended: June 13, 2002; June 10, 2004

A: PURPOSE:

1. This policy is intended to distinguish services along a continuum from property tax subsidy to applicant cost responsibility. It provides the parameters for application processing services by which service levels can be distinguished as a basis for preparing the Fees Bylaw and Schedule.

B: REFERENCES:

1. *Local Government Act: S.931*
2. Trust Council Model Fees Bylaw

C: DEFINITIONS:**1. APPLICATION PROCESSING SERVICES include:**

- 1.1. **Amendments** to an Official Community Plan, Zoning Bylaw, Subdivision Bylaw or Land Use Bylaw.
- 1.2. **Requests** for Development, Development Variance, or Commercial/ Industrial Temporary Use Permits, Soil Removal and Deposit Permits, Board of Variance, and Liquor Licensing Permits and Siting & Use Permits.
- 1.3. **Comments** on applications referred from other agencies.

2. SERVICE LEVELS are defined as follows:

- 2.1. **Information Service** providing an information service to applicants and the general public at no cost, as a public service, and funded by property taxation revenues.
- 2.2. **Processing Service** providing a specific service to applicants as a direct response to an application and primarily funded by an established fees paid by an applicant.
- 2.3. **Extraordinary Processing Service** providing a planning review related service to an applicant beyond the standard processing service with funding provided by the applicant or through a cost recovery agreement.

D: POLICY:**1. SERVICE LEVEL - DETAILS****1.1. Information Service -- No Fee Required**

- i. The service level below indicates the information services which will be provided to an applicant as a public service:
 - 1) information on application process requirements including a meeting with staff
 - 2) assistance to complete an application
 - 3) determination of applicable fees
 - 4) identification of potential issues to be addressed
- ii. **Funding Basis:** These services are funded 100% by property tax revenues.

1.2. Processing Service -- Application Fee Required

- i. The service levels below indicate specific services that will be provided to an applicant who has paid an application processing fee:
 - 1) comprehensive staff assessment
 - 2) staff referral to other agencies, advisory planning commissions, and analysis of their comments
 - 3) discussions between planners and applicant throughout process as required
 - 4) bylaw or resolution drafting including review for compatibility with Trust object and policies and the relevant Official Community Plan
 - 5) one community information meeting with planning staff present
 - 6) notification of public hearing including cost of placing ad
 - 7) conducting one public hearing with staff present
 - 8) staff report with recommendation for LTC approval consideration
 - 9) processing bylaws through Executive Committee for approval consideration, if necessary

- 10) forwarding to Minister of Community, Aboriginal and Women's Services for approval consideration, if necessary
 - 11) adoption of all bylaws or issuing of permits as required.
- ii. **Funding Basis:** These services are funded primarily through fees as per a local trust committee's Fees Bylaw. The fees will be based on average processing costs as per Section 931 of the *Local Government Act*. Actual costs of processing an application may be less or greater than the established fee for that application. These costs are calculated as the product of staff labour costs X processing time (including Planner, and administrative support positions), adding to this other direct costs such as mapping expenses, registration fees, travel expenses and advertising, then multiplying the total by a factor which incorporates the indirect costs such as general administration and overhead.
- iii. **Fee Adjustments:** A local trust committee may enact variances to Trust Council's Model Fee Schedule of up to 20% when adopting a local trust committee fees bylaw. The following criteria must be considered when evaluating a fee variance:
- the level of community benefit offered by the type of application
 - availability of LTC approved design guidelines for projects requiring development permits
 - an amendment to an approved application occurring within 6 months of the approval date

Variance to a fees bylaw must be adopted by bylaw amendment. All local trust committee fees bylaws and fees bylaw amendments must be approved by the Executive Committee before adoption by a local trust committee. Executive Committee may consider requests for adjustments greater than 20%. Fee variances must be adopted by December 31 annually and can only be implemented on April 1 of the following year and following Trust Council's budget approval.

1.3. Extraordinary Processing Service – Cost Recovery Agreement Required

- i. The service activities below indicate services beyond the scope of a general processing service and the required fees and require that additional fees be paid on the basis of a cost recovery agreement between the Islands Trust and an applicant:
 - 1) covenant development
 - 2) continuous dedicated staffing
 - 3) additional public consultation including community information meetings, advisory planning commission meetings and public hearings
 - 4) technical assessments or studies as required by the LTC

- 5) retaining special technical assistance required by the LTC
 - 6) legal counsel services required for the application
 - 7) process agreement negotiation
 - 8) other resources and/or services required by the LTC to process the application
 - 9) accelerated timeframe to process the application
- ii. **Funding Basis:** These additional services are funded by an applicant via a cost recovery agreement in addition to any applicable fee established in the fee bylaw.

5.6.ii. Policy**COST RECOVERY AGREEMENTS**

Trust Council: September 10, 1994

Amended: June 10, 2004

A: PURPOSE:

1. The Cost Recovery Agreement Policy is intended to provide the principles by which cost recovery for extraordinary services beyond the fee schedule can be negotiated between an applicant and a local trust committee and implemented.

B: REFERENCES:

1. Policy Manual: Application Processing Services Policy (5.6.i.)
2. LTC Fees Bylaws

C: BACKGROUND:

1. The Application Processing Services Policy outlines three service levels, namely "information", "processing", and "extraordinary". The basis for establishing cost recovery agreements falls under the "extraordinary" service level which is defined as "providing a planning review related service to an applicant beyond the standard processing service with funding provided by the applicant or through a cost recovery agreement".
2. The Cost Recovery Agreement Policy is intended to:
 - 2.1. Outline principles for undertaking cost recovery.
 - 2.2. Establish authority to enter into cost recovery.
 - 2.3. Provide a consistent approach for cost recovery to ensure procedural certainty.

D: POLICY:

1. Cost Recovery Agreements are voluntary on the part of the applicant.
2. Cost recovery reflects a service level which includes extraordinary, discrete costs as well as requirements to efficiently and effectively undertake the approval process for a complex application.

3. Agreements will endeavour to recover all costs of processing that exceed the applicable average costs of processing; such costs may include but are not limited to complex covenant requirements, dedicated staffing, public consultation beyond a statutory public hearing, specialized technical assistance/assessment, legal counsel services and process agreement negotiation costs.
4. The existence of a Cost Recovery Agreement will not fetter a local trust committee's discretion with respect to an application before the committee.
5. Authority for negotiating cost recovery agreements is provided within the respective local trust committee fee bylaws.
6. Cost Recovery Agreements will proceed only by resolution of the local trust committee after consultation with the Regional Planning Manager.
7. Cost Recovery Agreements will be negotiated with the applicant by the Regional Planning Manager, and approved by the Director of Local Planning Services.

5.6.iii Guidelines**EXTRAORDINARY PROCESSING SERVICES GUIDELINES**

Trust Council: March 9, 1996

Amended: June 10, 2004

PURPOSE

Extraordinary Processing Services Guidelines are designed to assist local trust committees and planning staff in the identification and implementation of extraordinary application processing services.

The intent of these guidelines is to provide alternate means of handling extraordinary costs - either through applicant provided services or applicant payment of Trust provided services.

RELATED POLICY

Application Processing Services (Policy 5.6.i); Cost Recovery Agreement (Policy 5.6.ii); and LTC Fees Bylaws.

DETAILS**1. Identifying Extraordinary Processing Service Requirements**

- a) Local trust committees have the ability to determine the necessary requirements for processing applications. These requirements may include the need for extraordinary processing services, which a LTC may recommend, where:
 - i) the actual or estimated Processing Service level costs are in excess of the costs reflected in the relevant application fee (determined as the average cost of processing) (eg. additional public consultation, complex covenant requirements or extensive staff requirements); or
 - ii) the processing requirements include services that are beyond the Processing Service level (eg. special technical assistance, specific legal services).
- b) The Regional Planning Manager is responsible for assisting local trust committees in identifying and costing extraordinary processing service requirements and advising the local trust committees of the options available to handle these requirements. For reference, criteria for extraordinary processing service requirements are outlined in the Application Processing Services policy (5.6.i).
- c) The Regional Planning Manager is responsible for ensuring that complex service requirements include terms of reference which outline detailed criteria and parameters for studies.

ISLANDS TRUST POLICY MANUAL

2. Provision of extraordinary processing services

- a) Extraordinary processing services can be provided:
 - i) directly by the applicant, in addition to paying to the Islands Trust the applicable standard fee; the local trust committee must be satisfied that the services have been fulfilled before further processing of the application will occur or,
 - ii) by the Islands Trust via a cost recovery agreement, with costs to be paid by the applicant, in addition to the applicable standard fee.
- b) With respect to both options noted above, a resolution of the local trust committee, following the recommendation of the regional Planning Manager is required to proceed.

3. Negotiating with the applicant

- a) When extraordinary processing service requirements have been identified, the applicant should be advised by staff that the application can not be processed because the extraordinary processing service requirements are not available within existing resources. The requirements to properly process the application must be clearly identified to the applicant.
- b) A Cost Recovery Agreement needs to be endorsed by resolution of the respective local trust committee.
- c) Upon agreement with the applicant, all requirements, in the case of 2.a and 2.b, must be met prior to approval of a permit or adoption of a bylaw.

4. Approval of agreements

- a) The cost recovery agreement letter will be submitted, together with the recommendation of the Regional Planning Manager and the local trust committee resolution, for approval by the Director of Local Planning Services (or designate) prior to final agreement with the applicant.

APPENDIX 1

Official Community Plan Amendment				
Work Order				
Application/File No. _____		Date: _____		
		Column 1	Column 2	
Criteria	Hours	Fee Schedule		Cost
		Regular	Complex	Recovery
Receipt, preliminary review	3.75			
Research, analysis, staff report	8			
Applicant communications	4.25			
APC discussions/meeting	4			
Standard Covenant review	2			
Draft bylaw, proof, LTC review	5.5			
First Reading	1.5			
Referral to agencies	3			
Public Hearing notice and followup	8			
Public Hearing preparation	8			
LTC consider; Referral to EC, MAH	10			
Notification to applicants, agencies	2			
		4000		
New covenant	3			
Studies/Assessments	5			
Additional public consultation	2			
			4600	
Fee levels	1	\$4,000		
	2		\$4,600	
Fee assessed				
Appendix 1				

APPENDIX 2

Official Community Plan Amendment				
w/ Zoning/LUB/Subdivision/Land Use Contract Amendment				
Work Order				
Application/File No. _____		Date: _____		
		Column 1	Column 2	
Criteria	Hours	Fee Schedule		Cost
		Regular	Complex	Recovery
Receipt, preliminary review	3.75			
Research, analysis, staff report	11			
Applicant communications	6.25			
APC discussions/meeting	4			
Standard Covenant review	2			
Draft bylaw, proof, LTC review	7.5			
First Reading	1.5			
Referral to agencies	6			
Public Hearing notice and followup	8			
Public Hearing preparation	10			
LTC consider; Referral to EC, MAH	8			
Notification to applicants, agencies	2			
		5000		
New covenant	3			
Studies/Assessments	3			
Additional public consultation	2			
			5500	
Fee levels	1	\$5,000		
	2		\$5,500	
Fee assessed				
Appendix 2				

APPENDIX 3

Rural Land Use Bylaw Amendment - Part 1 or 2				
Work Order				
Application/File No. _____		Date: _____		
		Column 1	Column 2	
Criteria	Hours	Fee Schedule		Cost
		Regular	Complex	Recovery
Receipt, preliminary review	3.75			
Research, analysis, staff report	8			
Applicant communications	4.25			
APC discussions/meeting	4			
Standard Covenant review	2			
Draft bylaw, proof, LTC review	5.5			
First Reading	1.5			
Referral to agencies	3			
Public Hearing notice and followup	8			
Public Hearing preparation	8			
LTC consider; Referral to EC, MAH	10			
Notification to applicants, agencies	2			
		4000		
New covenant	3			
Studies/Assessments	5			
Additional public consultation	2			
			4600	
Fee levels	1	\$4,000		
	2		\$4,600	
Fee assessed				
Appendix 3				

APPENDIX 4

ISLANDS TRUST				
Rural Land Use Bylaw Amendment - Part 1				
w/ Amendment to Part 2, Zoning Bylaw, Subdivision Bylaw or land use contract				
Work Order				
Application/File No. _____				Date: _____
		Column 1	Column 2	
Criteria	Hours	Fee Schedule		Cost
		Regular	Complex	Recovery
Receipt, preliminary review	3.75			
Research, analysis, staff report	11			
Applicant communications	6.25			
APC discussions/meeting	4			
Standard Covenant review	2			
Draft bylaw, proof, LTC review	7.5			
First Reading	1.5			
Referral to agencies	6			
Public Hearing notice and followup	8			
Public Hearing preparation	10			
LTC consider; Referral to EC, MAH	8			
Notification to applicants, agencies	2			
		5000		
New covenant	3			
Studies/Assessments	3			
Additional public consultation	2			
			5500	
Fee levels	1	\$5,000		
	2		\$5,500	
Fee assessed				
Appendix 4				

APPENDIX 5

Zoning Bylaw Amendment				
Work Order				
Application/File No. _____		Date: _____		
		Column 1	Column 2	
Criteria	Hours	Fee Schedule		Cost
		Regular	Complex	Recovery
Receipt, preliminary review	3.75			
Research, analysis, staff report	8			
Applicant communications	4.25			
APC discussions/meeting	4			
Standard Covenant review	2			
Draft bylaw, proof, LTC review	5.5			
First Reading	1.5			
Referral to agencies	3			
Public Hearing notice and followup	8			
Public Hearing preparation	8			
LTC consider; Referral to EC, MAH	10			
Notification to applicants, agencies	2			
		4000		
New covenant	3			
Studies/Assessments	5			
Additional public consultation	2			
			4600	
Fee levels	1	\$4,000		
	2		\$4,600	
Fee assessed				
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APPENDIX 5

Zoning Bylaw Amendment				
Work Order				
Application/File No. _____		Date: _____		
		Column 1	Column 2	
Criteria	Hours	Fee Schedule		Cost
		Regular	Complex	Recovery
Receipt, preliminary review	3.75			
Research, analysis, staff report	8			
Applicant communications	4.25			
APC discussions/meeting	4			
Standard Covenant review	2			
Draft bylaw, proof, LTC review	5.5			
First Reading	1.5			
Referral to agencies	3			
Public Hearing notice and followup	8			
Public Hearing preparation	8			
LTC consider; Referral to EC, MAH	10			
Notification to applicants, agencies	2			
		4000		
New covenant	3			
Studies/Assessments	5			
Additional public consultation	2			
			4600	
Fee levels	1	\$4,000		
	2		\$4,600	
Fee assessed				
Appendix 5				

APPENDIX 6

Land Use Bylaw Amendment				
Work Order				
Application/File No. _____		Date: _____		
		Column 1	Column 2	
Criteria	Hours	Fee Schedule		Cost
		Regular	Complex	Recovery
Receipt, preliminary review	3.75			
Research, analysis, staff report	8			
Applicant communications	4.25			
APC discussions/meeting	4			
Standard Covenant review	2			
Draft bylaw, proof, LTC review	5.5			
First Reading	1.5			
Referral to agencies	3			
Public Hearing notice and followup	8			
Public Hearing preparation	8			
LTC consider; Referral to EC, MAH	10			
Notification to applicants, agencies	2			
		4000		
New covenant	3			
Studies/Assessments	5			
Additional public consultation	2			
			4600	
Fee levels	1	\$4,000		
	2		\$4,600	
Fee assessed				
Appendix 6				

APPENDIX 7

Subdivision Bylaw Amendment				
Work Order				
Application/File No. _____		Date: _____		
		Column 1	Column 2	
Criteria	Hours	Fee Schedule		Cost
		Regular	Complex	Recovery
Receipt, preliminary review	3.75			
Research, analysis, staff report	8			
Applicant communications	4.25			
APC discussions/meeting	4			
Standard Covenant review	2			
Draft bylaw, proof, LTC review	5.5			
First Reading	1.5			
Referral to agencies	3			
Public Hearing notice and followup	8			
Public Hearing preparation	8			
LTC consider; Referral to EC, MAH	10			
Notification to applicants, agencies	2			
		4000		
New covenant	3			
Studies/Assessments	5			
Additional public consultation	2			
			4600	
Fee levels	1	\$4,000		
	2		\$4,600	
Fee assessed				
Appendix 7				

APPENDIX 8

Land Use Contract Amendment				
Work Order				
Application/File No. _____		Date: _____		
		Column 1	Column 2	
Criteria	Hours	Fee Schedule		Cost
		Regular	Complex	Recovery
Receipt, preliminary review	3.75			
Research, analysis, staff report	8			
Applicant communications	4.25			
APC discussions/meeting	4			
Standard Covenant review	2			
Draft bylaw, proof, LTC review	5.5			
First Reading	1.5			
Referral to agencies	3			
Public Hearing notice and followup	8			
Public Hearing preparation	8			
LTC consider; Referral to EC, MAH	10			
Notification to applicants, agencies	2			
		4000		
New covenant	3			
Studies/Assessments	5			
Additional public consultation	2			
			4600	
Fee levels	1	\$4,000		
	2		\$4,600	
Fee assessed				
Appendix 8				

APPENDIX 9

ISLANDS TRUST						
Development Permit Application - Protection Area						
Work Order						
Application/File No. _____						Date: _____
		Column 1	Column 2	Column 3	Column 4	
Criteria	Units	Fee Schedule				Cost Recovery
		Basic	Standard	Regular	Complex	
Receipt, review	0.25					
Checklist	0.25					
Preparation or permit, approval	0.5					
		50				
Receipt, preliminary review	1.25					
Research and analysis	1					
Staff Report	2					
APC/Agenc/Applicant review	4					
Preparation of permit	1					
Review with LTC, applicant	2					
Prepare final permit; approval	1.5					
			500			
Comprehensive review	3					
Research and analysis	3					
Discussion w/LTC, ADP	3.5					
Agency review	2					
Additional permit preparation	1					
Additional applicant communications	2					
				1000		
Additional staff review	1					
Additional applicant communications	1					
Covenant negotiation	3					
					1300	
New covenant						
Studies/Assessments						
Additional public consultation						
Fee levels	1	\$50				
	2		\$500			
	3			\$1,000		
	4				\$1,300	
Fee assessed						
Appendix 9						

APPENDIX 10

ISLANDS TRUST						
Development Permit Application - Commercial Revitalization						
Work Order						
Application/File No. _____						Date: _____
		Column 1	Column 2	Column 3	Column 4	
Criteria	Units	Fee Schedule				Cost Recovery
		Basic	Standard	Regular	Complex	
Receipt, review	0.25					
Checklist	0.25					
Preparation or permit, approval	0.5					
		50				
Receipt, preliminary review	1.25					
Research and analysis	1					
Staff Report	2					
APC/Agenc/Applicant review	4					
Preparation of permit	1					
Review with LTC, applicant	2					
Prepare final permit; approval	1.5					
			500			
Comprehensive review	3					
Research and analysis	3					
Discussion w/LTC, ADP	3.5					
Agency review	2					
Additional permit preparation	1					
Additional applicant communications	2					
				1000		
Additional staff review	1					
Additional applicant communications	1					
Covenant negotiation	3					
					1300	
New covenant						
Studies/Assessments						
Additional public consultation						
Fee levels	1	\$50				
	2		\$500			
	3			\$1,000		
	4				\$1,300	
Fee assessed						
Appendix 10						

APPENDIX 11

ISLANDS TRUST						
Development Permit Application - Commercial, Industrial, Multi-Res. Design						
Work Order						
Application/File No. _____						Date: _____
		Column 1	Column 2	Column 3	Column 4	
Criteria	Units	Fee Schedule				Cost Recovery
		Basic	Standard	Regular	Complex	
Receipt, review	0.25					
Checklist	0.25					
Preparation or permit, approval	0.5					
		50				
Receipt, preliminary review	1.25					
Research and analysis	1					
Staff Report	2					
APC/Agenc/Applicant review	4					
Preparation of permit	1					
Review with LTC, applicant	2					
Prepare final permit; approval	1.5					
			500			
Comprehensive review	3					
Research and analysis	3					
Discussion w/LTC, ADP	3.5					
Agency review	2					
Additional permit preparation	1					
Additional applicant communications	2					
				1000		
Additional staff review	1					
Additional applicant communications	1					
Covenant negotiation	3					
					1300	
New covenant						
Studies/Assessments						
Additional public consultation						
Fee levels	1	\$50				
	2		\$500			
	3			\$1,000		
	4				\$1,300	
Fee assessed						
Appendix 11						

APPENDIX 12

ISLANDS TRUST						
Development Permit Application Amendment						
Work Order						
Application/File No. _____						Date: _____
		Column 1	Column 2	Column 3	Column 4	
Criteria	Hours	Fee Schedule				Cost
		Basic	Standard	Regular	Complex	Recovery
Receipt, review	0.25					
Preparation or permit, approval	0.5					
		50				
Receipt, preliminary review	0.25					
Preparation of permit	0.25					
Review with LTC, applicant	0.5					
Prepare final permit; approval	0.25					
			150			
Additional Staff review	1					
Additional applicant communications	1					
			300			
Comprehensive staff review	1.5					
Additional applicant communications	0.5					
Covenant negotiation	1					
					450	
New covenant						
Studies/Assessments						
Additional public consultation						
Fee levels	1	\$50				
	2		\$150			
	3			\$300		
	4				\$450	
Fee assessed						
Appendix 12						

APPENDIX 13

ISLANDS TRUST					
D.P. Application w/ D.V.P. Application - Residential					
Work Order					
Application/File No. _____		Column 1	Column 3	Column 3	Date: _____
Criteria	Units	Fee Schedule			Cost Recovery
		Standard	Regular	Complex	
Receipt, preliminary review	1.5				
Research and analysis	1				
Staff Report	2				
APC/Agenc/Applicant review	4				
Preparation of permit	1				
Review with LTC, applicant	2				
Prepare final permit; approval	2				
		700			
Comprehensive review	3				
Research and analysis	3				
Discussion w/LTC, ADP	3.5				
Agency review	2				
Additional permit preparation	1				
Additional applicant communications	2				
			1200		
Additional staff review	1				
Additional applicant communications	1				
Covenant negotiation	3				
				1500	
New covenant					
Studies/Assessments					
Additional public consultation					
Fee levels	1	\$700			
	2		\$1,200		
	3			\$1,500	
Fee assessed					
Appendix 13					

APPENDIX 14

ISLANDS TRUST					
D.P. Application w/ D.V.P. Application - Commercial					
Work Order					
Application/File No. _____				Date: _____	
		Column 1	Column 3	Column 3	
Criteria	Units	Fee Schedule			Cost
		Standard	Regular	Complex	Recovery
Receipt, preliminary review	1.5				
Research and analysis	2				
Staff Report	2.5				
APC/Agenc/Applicant review	4.5				
Preparation of permit	1				
Review with LTC, applicant	2				
Prepare final permit; approval	2				
		900			
Comprehensive review	3				
Research and analysis	3				
Discussion w/LTC, ADP	3.5				
Agency review	2				
Additional permit preparation	1				
Additional applicant communications	2				
			1400		
Additional staff review	1				
Additional applicant communications	1				
Covenant negotiation	3				
				1700	
New covenant					
Studies/Assessments					
Additional public consultation					
Fee levels	1	\$900			
	2		\$1,400		
	3			\$1,700	
Fee assessed					
Appendix 14					

APPENDIX 15

ISLANDS TRUST				
Temporary Commercial and Industrial Use Permit Application				
Work Order				
Application/File No. _____			Date: _____	
		Column 1	Column 2	
Criteria	Units	Regular	Complex	Cost Recovery
Receipt, preliminary review	1.5			
Analysis/review/staff report	4.5			
Preparation of permit	1			
Review with LTC, agencies	3.5			
Site visit	2			
Prepare final permit; approval	1.5			
		1000		
Comprehensive staff review	3			
Additional applicant communications	2			
			1250	
Fee levels				
	1	\$1,000		
	2		\$1,250	
Fee assessed				
Appendix 15				