



DATE OF MEETING: November 9, 2021
TO: Salt Spring Island Local Trust Committee
FROM: Louisa Garbo, Island Planner, Salt Spring Island Team
COPY: Stefan Cermak, Regional Planning Manager, Salt Spring Island Team
SUBJECT: Housing Action Program and other general updates

RECOMMENDATIONS

1. That the Salt Spring Island Local Trust Committee endorse the Housing Action Program Task Force's recommendation to defer enforcement of residential use in commercial accommodations, such as cabins, hotels, guest houses, and motels that provide long-term (more than 30 days) residency in order to offer an interim solution to the housing needs on Salt Spring Island.
2. That the Salt Spring Island Local Trust Committee endorse the Housing Action Program Task Force's recommendation to amend standing resolution SS 2021-109 to state that enforcement activities will be deferred for all unlawful dwellings being used for residential purposes except in the following circumstances:
 - a) there are concerns regarding health and safety;
 - b) there are concerns that sewage is not being disposed of in an approved septic or sewage disposal system;
 - c) there are concerns that septic or sewage disposal systems are being used in excess of capacity or ability as a result of unlawful dwellings;
 - d) there are concerns of possible contamination of wells or other drinking water sources;
 - e) unlawful dwellings are in environmentally sensitive areas;
 - f) there are non-permitted campgrounds; and,
 - g) that the Salt Spring Island Local Trust Committee may give direction to resume enforcement activities on any property that poses risk to the health and safety of the neighbouring residents and the residents on the property in question.
3. That the Salt Spring Island Local Trust Committee endorse the Housing Action Program Task Force's recommendation and request staff to forward a request to the Islands Trust Regional Planning Team to consider necessary amendment to Trust-wide policies that support expediting rezoning applications for affordable housing.
4. That the Salt Spring Island Local Trust Committee endorse the Housing Action Program Task Force's recommendation and request staff, upon amendment to the Trust-wide policies, to undertake necessary amendment to the Salt Spring Island Trust Committee Development Procedure Bylaw No. 304, 1992, to expedite applications that support the development of affordable housing.
5. That the Salt Spring Island Local Trust Committee endorse the Housing Action Program Task Force's recommendation and request staff to report back on a potential bylaw amendments to permit secondary suites in all zones.

PURPOSE

This report intends to provide Salt Spring Island Local Trust Committee (SS LTC) an update on the following items:

- a) the resolutions made by the Housing Action Program Task Force;
- b) public engagement activities update; and
- c) collaboration with First Nations

BACKGROUND

a) Resolutions by Housing Action Task Force

On August 19, 2021, the Housing Action Program Task Force proposed some immediate actions for SS LTC to consider in response to the community need for immediate actions to help ease the housing crisis. The recommendations proposed by the Task Force are highlighted in the five resolutions below:

It was MOVED and SECONDED,

That the Housing Action Program Task Force recommends the Salt Spring Island Local Trust Committee defer enforcement on long term use of commercial and seasonal accommodation.

CARRIED

It was MOVED and SECONDED,

That the Housing Action Program Task Force recommends the Salt Spring Island Local Trust Committee update the existing standing resolution regarding unlawful dwellings to include *until sustainable housing solutions are implemented.*

CARRIED

It was MOVED and SECONDED,

That the Housing Action Program Task Force recommends the Salt Spring Island Local Trust Committee update the existing standing resolution regarding unlawful dwellings (items a, b, c and d) to be more specific as follows:

- a. does not meet health and safety regulations;
- b. sewage is not being disposed of in an approved septic or sewage disposal system;
- c. septic or sewage disposals are being used in excess of capacity or ability as a result of unlawful dwellings
- d. there is contamination of wells or other drinking water sources;

CARRIED

It was MOVED and SECONDED,

That the Housing Action Program Task Force recommends the Salt Spring Island Local Trust Committee to direct staff to develop procedures to expedite affordable housing, supportive housing and social housing projects in support of the Salt Spring Island Official Community Plan policy that prioritizes affordable housing rezoning applications.

CARRIED

It was MOVED and SECONDED,

That the Housing Action Program Task Force recommends the Salt Spring Island Local Trust

Committee update Secondary Suites Bylaw No 461 as follows:

- permit secondary suites in all zoning districts or districts chosen by the Salt Spring Island Local Trust Committee;
- allow secondary suites in accessory buildings;
- protect water for secondary suites and mandate that an alternative supply must be used where water concerns exist;
- update water requirements to align with Island Health regulations for multifamily dwellings; and
- require a Housing Agreement to specify that the secondary suite is to be used for long-term use.

CARRIED

RECOMMENDATIONS FROM STAFF

Resolutions by Task Force	Recommended Process	comments
Defer enforcement on long term use of commercial and seasonal accommodation	<ul style="list-style-type: none"> • SS LTC Standing Resolution will be required. 	<ul style="list-style-type: none"> • Needs clarification on commercial and seasonal accommodation • Staff proposed to reword the Task Force’s resolution for consideration at the beginning of this report
That the Housing Action Program Task Force recommends the Salt Spring Island Local Trust Committee update the existing standing resolution regarding unlawful dwellings to include <i>until sustainable housing solutions are implemented.</i>	<ul style="list-style-type: none"> • SS LTC to amend standing resolution SS 2021-109 	<ul style="list-style-type: none"> • The recommendation pertains to the standing resolution SS 2021-109 • The wording on “sustainable housing solutions” are difficult to define and will lead to various interpretations from agencies and community members • Concerns of the Task Force have to do with a sudden rescission of the standing resolution • Staff proposed changes to the standing resolution as shown at the beginning of this report - strikethrough version is shown below: <i>That the Salt Spring Island Local Trust Committee adopt the following enforcement policy: Enforcement activities will be deferred for all unlawful dwellings being used for residential purposes except in the following circumstances:</i> <ol style="list-style-type: none"> <i>there are concerns regarding health and safety;</i> <i>there are concerns that sewage is not being disposed of in an approved septic or sewage disposal system;</i> <i>there are concerns that septic or sewage disposal systems are being used in excess of capacity or ability as a result of unlawful dwellings;</i> <i>there are concerns of possible contamination of wells or other drinking water sources;</i> <i>unlawful dwellings are in environmentally sensitive areas;</i> <i>there are non-permitted campgrounds; and,</i> <i>that the Salt Spring Island Local Trust Committee may change this policy at any time and may give direction to resume enforcement activities at any time on any property that poses risk to the health and safety of the neighboring residents and the residents on the property in question.</i>

<p>That the Housing Action Program Task Force recommends the Salt Spring Island Local Trust Committee update the existing standing resolution regarding unlawful dwellings (items a, b, c and d) to be more specific as follows:</p> <ul style="list-style-type: none"> a) does not meet health and safety regulations; b) sewage is not being disposed of in an approved septic or sewage disposal system; c) septic or sewage disposals are being used in excess of capacity or ability as a result of unlawful dwellings d) there is contamination of wells or other drinking water sources; 	<ul style="list-style-type: none"> • No action 	<ul style="list-style-type: none"> • The specific wording intends to direct enforcement action to take only based on evidence, not merely speculative concerns from residents • The standing resolution as currently written is clear and sufficient in directing enforcement action • Whether “there are concerns regarding health and safety” or “does not meet health and safety regulations,” for instance, complaints or concerns still require investigation • Enforcement action will only take place if there is evidence to show failing one of the criteria • Enforcement action only based on evidence, not suspicion or hearsay
<p>That the Housing Action Program Task Force recommends the Salt Spring Island Local Trust Committee to direct staff to develop procedures to expedite affordable housing, supportive housing and social housing projects in support of the Salt Spring Island Official Community Plan policy that prioritizes affordable housing rezoning applications.</p>	<ul style="list-style-type: none"> • Amendment to the Salt Spring Island Trust Committee Development Procedure Bylaw No. 304, 1992 • Forward request to the Islands Trust Regional Planning Group to consider a Trust-wide amendment to explicitly stating the expedition of applications as they relate to affordable housing, and how the procedural requirements 	<ul style="list-style-type: none"> • Trust Council’s Administrative Policy stated first come first served. • Needs amendment to Policy and Procedural Bylaw • Trust Council’s policies were developed based on principles of administrative fairness and natural justice (see Appendix 1 and 2) • These have been translated into an applications processing services policy (see Appendix 3) • Salt Spring Island Trust Committee Development Procedure Bylaw No. 304, 1992, also does not regulate prioritization of any applications (see Appendix 4) • See proposed resolution at the beginning of this report
<p>That the Housing Action Program Task Force recommends the Salt Spring Island Local Trust Committee update Secondary Suites Bylaw No 461 as follows:</p> <ul style="list-style-type: none"> • permit secondary suites in all zoning districts or districts chosen by the Salt Spring Island Local Trust Committee; • allow secondary suites in accessory buildings; • protect water for secondary suites and mandate that an alternative supply must be used where water concerns exist; • update water requirements to align with Island Health regulations for multifamily dwellings; and • require a Housing Agreement to specify that the secondary suite is to be used for long-term use. 	<ul style="list-style-type: none"> • Amendment to the Salt Spring Island Official Community Plan, Salt Spring Island Local Trust Committee Bylaw No. 461, sections relevant to secondary suites • Amendment to the Salt Spring Island Land Use Bylaw No. 355, Schedule I Secondary Suites Map and sections relevant to secondary suites 	<ul style="list-style-type: none"> • Staff needs to review relevant sections in the SS OCP (see relevant sections in Appendix 5) • Staff needs to review relevant sections on secondary suites and accessory dwelling units in the SS LUB (see relevant sections in Appendix 6 & 7) • Consult with Bylaw enforcement, Water District, other agencies and stakeholders • Analyze compliance with the principles and policies per Islands Trust Policy Statement (ITPS) • Staff will report back on potential bylaw amendments • See proposed resolution at the beginning of this report

b) Public Engagement Activities Update

- Phase I survey is going through review by the Task Force;
- The project webpage has been updated to provide more information on housing data on Salt Spring Island. Staff is working with the Task Force and agencies to seek more current data than the “Housing Needs Assessment – Salt Spring Island” published by the CRD in 2020. The Webpage update is on an ongoing basis as more data is available; and
- A one-hour session of “Coffee with a Planner” is being planned in the late morning every Thursday. Staff will hold two sections via zoom (virtual coffee), and two to be held at the Library.

c) First Nations Coordination

SS LTC hosted a web-based community-to-community meeting last March and invited thirteen First Nations with territorial interest on Salt Spring Island for early engagement on the Ganges Village Area Plan and the Housing Action Program projects. The meeting was funded partly through the Union of BC Municipalities’ Community-to-Community grant. Nations included Malahat, W̱SÁNEĆ Leadership Council, and Lyackson First Nation participated in the event. The trustees and the First Nations Chiefs and Councils directed staff between the offices of Salt Spring Island and the First Nations to work collectively in developing policies and implementation actions for these two projects.

As of the date of this report, staff received some guidance from Malahat, W̱SÁNEĆ Leadership Council, and Cowichan Tribes, and some policies examples from the office of the W̱SÁNEĆ Leadership Council. Staff also established an agreed-upon process to meet on an on-going basis supported by the capacity funding approved by Islands Trust as part of the budget. Staff will continue to reach out to the Nations that have not developed a process for consultation and establish a flexible meeting format meaningful to those Nations.

NEXT STEPS

- Proceed with the bylaw amendments research and analysis as they relate to Secondary Suites
- Roll out the Coffee with a Planner program
- Continue the efforts to consult and collaborate with First Nations

Submitted By:	Louisa Garbo, Island Planner	October 7, 2021
Concurrence:	Stefan Cermak, Regional Planning Manager	October 13, 2021

ATTACHMENTS

- Appendix 1 Administrative Fairness Principles
- Appendix 2 Procedural Fairness in Rezoning
- Appendix 3 Application Processing Services Policy
- Appendix 4 SS LTC Development Procedure Bylaw No. 304, 1992
- Appendix 5 SS LTC Official Community Plan Bylaw No. 434, 2008
- Appendix 6 SS LTC Bylaw No. 461 Schedule I Secondary Suites Map



Policy:	7.1.1
Approved By:	Trust Council
Approval Date:	June 11, 1994
Amendment Date(s):	September 17, 2009
Policy Holder:	Chief Administrative Officer

ADMINISTRATIVE FAIRNESS PRINCIPLES

Purpose

1. To provide administrative fairness principles to guide trustees, staff, local trust committees, the Islands Trust Council and the Executive Committee to:
 - 1.1 act in a non-discriminatory and reasonably prompt manner;
 - 1.2 ensure actions and decisions are lawful, not negligent, and for a proper purpose;
 - 1.3 conduct decision-making processes that are reasonably fair and prompt within a defined process and timeframe.

Note: This policy does not refer to the Islands Trust Conservancy Board, which is guided by its own policies.

A. Definitions

n/a

B. Policy

The Islands Trust should utilize its best efforts to achieve the following aims for its administrative functions:

1. General Conduct

1.1 Statutory Responsibilities

All Islands Trust bodies, trustees and staff of the Islands Trust, with the exception of the Islands Trust Conservancy Board, should provide advice and analyses consistent with their professional training, their position duties, and statutory requirements.

1.2 Standards of Conduct

All Islands Trust bodies, trustees and staff, with the exception of the Islands Trust Conservancy Board which has its own Board Administration policies, should reasonably attempt to carry out their duties in a manner that provides impartial and equal service to all, faithful discharge of duties without fear or favour and democratic processes that are duly responsible to the public in accordance with the rules for ethical conduct in the *Community Charter*, the *Local Government Act*, the *Islands Trust Act*, and the Islands Trust's Policy and Guidelines regarding Standards of Conduct.

1.3 Governance Principles

All Islands Trust bodies, trustees and staff, with the exception of the Islands Trust Conservancy Board, should strive toward an effective, responsible and democratic system of government with regard to the Islands Trust's Guidelines regarding Governance Principles.

2. Exercise of Power

2.1 Enabling Legislation

Decisions and actions shall be clearly authorized by, and consistent with, applicable government statutes and regulations.

2.2 Proper Delegation

Delegation of decision-making power or discretionary authority should be consistent with enabling legislation.

2.3 Legal Responsibilities

Policies and bylaws requiring potential enforcement should be enacted in good faith and with a view to reasonably attempting to satisfy obligations to act.

2.4 Policy Consistency

Bylaws, policies and procedures should be reviewed for consistency with existing Trust policies and agreements.

2.5 Interagency Cooperation

Relationships with other agencies to improve services, provide programs, and/or clarify administrative processes, should be documented in written form for regular and public review.

3. Fair Decision Making

3.1 Notice of Proceedings

Parties whose interests may be affected by a decision or action should be notified in a timely and adequate manner about the decision-making process and opportunities to participate in it.

3.2 Statutory Notice

Procedural requirements of the *Community Charter*, the *Local Government Act*, the *Islands Trust Act* and relevant procedures bylaws in respect of land use decisions, shall be strictly adhered to.

3.3 Opportunity to Review

Parties whose interests may be affected by a decision or action should be given a reasonable opportunity to review the nature of the resulting action or decision and to examine the information of other sources being considered.

3.4 Opportunity to be Heard/to Respond

Parties whose interests may be affected by a decision or action should be given a reasonable opportunity to provide written or verbal information in support of their position.

3.5 Impartiality

Trustees must comply with Division 6 of Part 4 of the *Community Charter* “Conflict of Interest”, and should consider the Islands Trust’s Guidelines regarding Statutory Rules of Conduct to deal with conflicting interests that may affect, or appear to affect, the making of an impartial decision.

3.6 Relevant Information

Decisions should be based on a review of relevant information, excluding all irrelevant considerations.

3.7 Timeliness

Decisions and actions should be made reasonably promptly according to timelines established and communicated to identified parties who may be affected by a decision or action.

3.8 Reasons

Identified, affected parties should be provided with reasons, in writing if requested, for the decisions and actions of Islands Trust bodies. Whenever relevant, written reasons should indicate the information and opinions considered, and should quote relevant documents such as Official Community Plans, the Islands Trust Policy Statement, the *Islands Trust Act* or other statutes.

3.9 Confidentiality - Privacy

Islands Trust bodies should only exclude members of the public from a decision-making situation when a meeting has been properly closed for a purpose identified in Division 3 of Part 4 of the *Community Charter* (“Open Meetings”).

4. Appeal Procedures

4.1 Complaint Handling

Complaints related to administrative fairness concerns should be handled in accordance with the Islands Trust's Procedures for Handling of Administrative Fairness Complaints.

4.2 Available Remedies

Interested parties should be fully informed, upon their request, of the available internal and external mechanisms of appeal, review, and/or complaint regarding a decision made or action taken.

4.3 Bylaw Infractions

Complaints about bylaw infractions should be considered by the Islands Trust in accordance with its procedures regarding bylaw enforcement.

5. Organizational Management

5.1 Staff Structure

The staff structure and structural amendments shall be reviewed and approved by Trust Council for implementation by the Chief Administrative Officer, monitored by the Executive Committee and conveyed to the public.

5.2 Delegation of Management Authority

The Executive Committee shall approve the delegation of management authority for implementation by the Chief Administrative Officer.

5.3 Delegation of Staff Authority

The Chief Administrative Officer should approve the delegation of staff authority for implementation by management.

5.4 Personnel Matters

A review or hearing process that affects an employee who is a member of a union shall be governed by the relevant collective agreement. For other staff, the employee will be given reasonable and timely notice and an opportunity for input before the commencement of a review or hearing process.

6. Information/Communications

6.1 Public Information

Reasonable efforts should be made to communicate the role of the Islands Trust and its programs, procedures and activities.

6.2 Written Material

Forms, brochures and letters should be written in plain language.

6.3 Information Availability

Mechanisms should be developed and used to respond to public requests for information that is public and not confidential.

6.4 Access - Information

Trustees and staff must adhere to the *Freedom of Information and Protection of Privacy Act* and should adhere to the Islands Trust's policies and procedures regarding access to information.

6.5 Access - General

Ongoing attention should be given to monitoring public access to Trust activities or services by those with special needs, inadequate telephone access, and minimum levels of service.

C. Legislated References

Community Charter

Freedom of Information and Protection of Privacy Act

Islands Trust Act

Local Government Act

Ombudsperson Act

Policy and Procedures Manual:

Statutory Rules of Conduct (2.1.1)

Standards of Conduct (2.1.2)

Governance Principles (2.1.3)

Procedural Fairness in Rezoning (5.4.2)

Bylaw Compliance and Enforcement (5.5.1)

Handling of Administration Fairness Complaints (7.1.2)

Freedom of Information and Protection of Privacy (7.6.1)

D. Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

n/a



Policy:	5.4.2
Approved By:	Trust Council
Approval Date:	September 25, 1993
Amendment Date(s):	December 11, 1993; December 9, 2009
Policy Holder:	Director of Local Planning Services

PROCEDURAL FAIRNESS IN REZONINGS

Purpose

To observe a high standard of procedural fairness when local trust committees (LTCs) consider decisions to change the zoning of land.

A. Background

1. As the sole body responsible for land use planning and regulation in a local trust area, LTCs make decisions about land use zoning that have significant and lasting impacts on their communities and on the interests of individual property owners.
2. There is no appeal from an LTC's decision in such matters, provided it has been made fairly and legally.
3. Local governments, such as LTCs, have a duty of procedural and administrative fairness when making decisions that affect the rights, privileges or interests of an individual.
4. The rules of procedural fairness and natural justice that are recognized in administrative case law are:
 - 4.1 the 'hearing rule' that indicates that those affected by a decision have a right:
 - to be notified about a decision-making process,
 - to review information that will be considered, and
 - to be heard and to respond to information that will be considered.
 - 4.2 the 'impartiality rule', which indicates that decisions-makers must be free of actual or apparent bias and conflicts of interest regarding decisions.
5. To ensure a minimum level of procedural fairness, the *Local Government Act* requires local governments to follow specific procedures during the consideration and adoption of bylaws that prescribe zoning regulations. The *Act* specifies minimum requirements for public hearings and for the forms of notices that local governments must issue in advance of public hearings.
6. The level of procedural fairness implied by procedures specified in the *Local Government Act* has been augmented over the years by administrative case law that has introduced higher standards. Court decisions have indicated that local governments should strive to meet a high standard of procedural fairness in their decision-making.

7. Evidenced-based decision making and good communication with the parties affected by a decision are also important practices that can help to ensure that processes are fair and seen to be fair.
8. These guidelines are intended to identify some best practices for local trust committees (including a quorum of a local trust committee), individual trustees and staff and to illustrate how they can achieve a high standard of administrative fairness in LTC decision-making processes, particularly regarding zoning changes. The guidelines are organized according to two 'rules' of natural justice noted above, with the addition of two sections that include best practices for evidence-based decision-making and communication.

B. Legislated References

Local Government Act

Trust Council Policy 7.1.1 – Administrative Fairness Principles

Trust Council Policy 7.1.2 – Handling of Administrative Fairness Complaints

Buholzer, W. *BC Planning Law and Practice*. Published by Butterworths, in association with the Planning Institute of BC

C. Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

n/a

D. Policy

Guidelines

1. The Hearing Rule

Right to be Notified

Before an LTC makes a decision about a zoning change, those whose interests may be affected (i.e. applicant, neighbours, community groups, others whose interests may be affected) must be notified about the decision-making process in accordance with statutory requirements.

A Local Trust Committee should...	Trustees should...	Staff should...
<ul style="list-style-type: none">○ ensure it is following the rezoning application process outlined in the Islands Trust application guide.○ ensure it considers decisions about rezoning applications only after staff have provided appropriate notice to applicants that a decision item is on the business agenda and after the interested public has had an opportunity to access notice.	<ul style="list-style-type: none">○ be aware of the rezoning application process outlined in the Islands Trust application guide.○ ensure they are proposing motions about decisions only if staff have notified the applicant that a decision item is on the business agenda and after the interested public has had an opportunity to access notice.○ avoid motions to add significant decisions about rezoning applications as ‘late’ items on an LTC agenda.	<ul style="list-style-type: none">○ follow the requirements for public notice about rezoning applications, as required by the Local Government Act and the relevant procedure bylaw, erring on the side of ample notification.○ provide applicants and others who express an interest in an application with copies of the rezoning application guide and review application processes with them.○ make applicants and others who express an interest in an application process (neighbours, community groups, etc.) aware of opportunities to access meeting notices, agendas and written materials the LTC will consider regarding an application (i.e. in on-line agenda packages or in the public hearing binder available in advance of a hearing).○ follow the process outlined in the rezoning application guide when processing applications.○ ensure applicants and others who express an interest in an application are aware that an LTC could decide not to proceed with an application at any stage in the application process.○ ensure applicants have timely and adequate notice that a decision item is on the LTC’s business agenda and that the public have had an opportunity to access agenda notices.

Opportunity to Review

Before a decision about a rezoning application or an LTC-initiated zoning change is made, those whose interests may be affected by the decision must be given a reasonable opportunity to review the nature of the decision or action and to examine and consider the information the LTC will consider.

A Local Trust Committee should...	Trustees should...	Staff should...
<ul style="list-style-type: none"> ○ not schedule private meetings or discussions with anyone about an active rezoning application (i.e. applicants, property owners whose property is subject to an LTC-initiated zoning change, neighbours, community groups, others interested in an application). ○ ensure that all public submissions, reports and written materials that the LTC will consider about a zoning change are on the public record (with the exception of in camera legal advice). ○ if attending a 'site visit' for the purposes of understanding the physical context of an application, attend with a staff member who takes notes. Limit interaction between the LTC and the applicant (or other interested parties) to the receipt of factual information that can best be received at a site visit. 	<ul style="list-style-type: none"> ○ forward all relevant submissions, reports and written materials about a zoning change that they receive directly from the public to staff for inclusion in the public record. ○ encourage all those who have comments about an application or an LTC-initiated zoning change to submit their comments to the LTC in writing, or attend the public hearing if they would like their opinions taken into account as part of the LTC's deliberations. ○ advise members of the public that the LTC can only consider public submissions, reports or written materials if they are relevant and can be viewed or heard by all interested parties. ○ avoid making motions to add significant decisions about rezoning applications as 'late' items on an LTC agenda. 	<ul style="list-style-type: none"> ○ provide applicants (or owners of properties subject to an LTC-initiated zoning change) with an opportunity to access copies of public submissions, staff reports, recommendations from advisory bodies, advice from other agencies and any other written information the LTC will consider regarding their application. ○ ensure that public submissions, reports and written materials that an LTC will consider are available to applicants (and others who have expressed an interest) with time for them to consider the material presented and to prepare and present a submission before a decision is made.* ○ ensure that all written public submissions about specific applications or LTC-initiated zoning changes that the LTC will consider are entered into the public record and available for review by applicants and the public.* ○ advise members of the public that the LTC can only consider public submissions that are available to all interested parties. ○ attend and take notes at trustee site visits, where a quorum of an LTC and an applicant (or other interested parties) will be present. Advise applicants (or other interested parties) of the nature and limitations of the visit (receipt of factual information that can only be received at a site visit). ○ ensure relevant information is collated and made available to those who have expressed an interest prior to a public hearing and at the hearing* ○ ensure that public hearing notices advise members of

A Local Trust Committee should...	Trustees should...	Staff should...
		<p>the public where and when they can view relevant information prior to the public hearing.</p> <ul style="list-style-type: none"> ○ ensure that a copy of written submissions received at a public hearing is available for review by the public at the hearing. <p><i>* Note: These guidelines would be satisfied if materials are included in an agenda package or public hearing binder that is publicly available in accordance with normal meeting and hearing timelines. Where substantive new and different information is received as a late item at a public hearing, the LTC may wish to adjourn or recess to consider the new information and allow others to do so.</i></p>

Opportunity to be Heard and to Respond

Before an LTC makes a decision about a zoning change, those whose interests may be affected by the decision must be given an opportunity to be heard and to present information in support of their position.

Before an LTC makes a decision about a zoning change, those whose interests may be affected by the decision must be given an opportunity to hear and respond to those who present information against their position.

A Local Trust Committee should...	Trustees should...	Staff should...
<ul style="list-style-type: none"> ○ ensure that an LTC only makes a decision about a rezoning application (or LTC-initiated zoning change) after those affected (i.e. applicants, neighbours, community groups, etc.) have had <i>an opportunity to be heard</i>, either in writing or in person and <i>an opportunity to respond</i> to other information that the LTC has received or heard. ○ provide time for applicants and other interested parties to speak as delegates if the LTC is considering a decision not to proceed with an application prior to a public hearing. ○ consider whether it should adjourn or recess a public hearing if the LTC receives a significant amount of new and different information immediately before or at the hearing, to allow sufficient time for interested parties to prepare representations on that new information. 	<ul style="list-style-type: none"> ○ Ensure they are proposing substantive (i.e. non-procedural) motions about a rezoning application (or LTC-initiated zoning change) <i>only after</i> those who have expressed an interest (i.e. applicants, neighbours, community groups, etc.) have had <i>an opportunity to be heard</i>, either in writing or in person and <i>an opportunity to respond</i> to other information that the LTC has received or heard. ○ avoid making motions to add significant decisions about rezoning 	<ul style="list-style-type: none"> ○ advise applicants of opportunities to present information about their application at meetings of advisory bodies and the LTC. ○ ensure advisory bodies are aware of statutory obligations to hear from applicants. ○ advise others who express an interest in an application about their opportunities to access information about the application and to be heard by the LTC.

A Local Trust Committee should...	Trustees should...	Staff should...
<ul style="list-style-type: none"> ○ ensure the fair conduct of public hearings, with cordial conduct by all participants and even-handed application of any procedural rules such as time limits on speaking. 	<ul style="list-style-type: none"> ○ applications as 'late' items on an LTC agenda. ○ through their actions and behavior, support the conduct of public hearings that are seen as fair to all parties. 	

2. The Impartiality Rule

Lack of Bias

Decision-makers must be free of actual or apparent bias regarding specific decisions.

A Local Trust Committee should...	Trustees should...	Staff should...
<ul style="list-style-type: none"> ○ not pass resolutions that make or imply any commitments regarding the eventual outcome of a proposed zoning change, before the process is complete. ○ not pass resolutions that make or imply a commitment to give any greater consideration to the comments or advice of any individual member of the public, group, landowner, or applicant. 	<ul style="list-style-type: none"> ○ be familiar with the principles of bias in decision-making. ○ resign from leadership positions in community or other groups that regularly have interests in zoning decisions made by their LTC. ○ only participate in decisions if they can honestly state that they have an open mind about the matter despite any general policy orientation to which they may be committed. ○ not make or imply any commitments regarding the outcome of a proposed zoning change. ○ not make or imply a commitment to give greater consideration to the comments or advice of any individual member of the public, group, landowner, or applicant. ○ where an advisory group is discussing an application, participate only as an observer (or as a resource person if no staff are present) and avoid attempts to influence the advice of the group. ○ not attempt to influence staff and consultants about the recommendations in their reports. ○ avoid statements before a public hearing that suggest they have already made up their minds about the decision. ○ seek legal advice promptly if they feel they may be biased, or if another party alleges bias. ○ follow legal advice they receive about bias. 	<ul style="list-style-type: none"> ○ be familiar with the principles of bias in decision-making. ○ advise trustees of reasonable concerns about bias, if they have such concerns or become aware that others have. ○ refer trustees to the Chief Administrative Officer if they wish to seek legal advice about bias concerns. ○ Ensure applicants, property owners and other interested parties understand that trustees cannot make or imply any commitments regarding the eventual outcome of a proposed zoning change before the process is complete.

Conflict of Interest

Decision-makers must not have personal interests that prevent them, or appear to prevent them, from performing their duties impartially.

A Local Trust Committee should...	Trustees should...	Staff should...
<ul style="list-style-type: none"> ○ ensure statutory procedures are followed where a trustee has declared a conflict of interest. 	<ul style="list-style-type: none"> ○ be familiar with the principles of conflict of interest in decision-making. ○ not participate in or attempt to influence decisions if they have a direct or indirect financial or personal interest in the outcome. ○ be familiar with the statutory requirements for leaving meetings where they have a conflict of interest (including advisory group meetings) ○ seek advice promptly if they feel they may have a conflict of interest, or if another party alleges a conflict of interest. ○ follow legal advice they receive in regards to a conflict of interest. 	<ul style="list-style-type: none"> ○ be familiar with the principles of conflict of interest in decision-making and with the statutory requirements for managing situations where a trustee is in conflict. ○ ensure appropriate record keeping in meeting minutes when trustees leave meetings for conflict of interest reasons. ○ advise trustees of reasonable concerns about conflict of interest, if they have such concerns or become aware that others have. ○ refer trustees to the Chief Administrative Officer, if they wish to seek legal advice about conflict of interest concerns. ○ advise supervisor if, as a staff member responsible for a file, they believe they may have a conflict of interest that could affect the objectivity of their recommendations.

3. Evidence-based Decision Making

While not a legal requirement of local government rezoning processes in BC, ensuring that there is time to consider information about an application, that the information considered is accurate and that irrelevant information is treated with caution is a good practice that supports fair, transparent and accountable decision-making processes.

Accurate and Relevant Information

Decisions should be based on accurate and relevant information, excluding irrelevant considerations.

A Local Trust Committee should...	Trustees should...	Staff should...
<ul style="list-style-type: none"> ○ ensure there is sufficient time for trustees to receive and consider the meeting agenda package or late written materials before a meeting. ○ ensure it makes decisions at the appropriate time in the process and after trustees have had the time to consider items circulated in the meeting agenda package. ○ treat irrelevant information (e.g. personal comments about an applicant or other interested party, gossip, hearsay) with caution. ○ discourage input in correspondence or at public meetings that consists of irrelevant information. 	<ul style="list-style-type: none"> ○ allow sufficient personal time to review and understand written materials about a decision, including information provided by the applicant, staff reports, advisory group recommendations, agency comments and comments from the public. ○ discourage repetition or use of irrelevant information (e.g. personal comments, gossip, hearsay) as a factor in decision-making. ○ avoid making motions to add significant decisions about rezoning applications as ‘late’ items on an LTC agenda. 	<ul style="list-style-type: none"> ○ ensure there is sufficient time for receipt and inclusion of relevant information regarding applications before they are considered by an LTC. ○ follow Islands Trust templates for staff reports and ensure reports are as complete as possible. ○ ensure information in staff reports is as factual and accurate as possible, or that appropriate statements are made where information cannot be verified. ○ discourage repetition or use of irrelevant information (e.g. personal comments, gossip, hearsay) as a factor in decision-making. ○ proactively clarify inaccurate statements (if significant) that are made by others during the course of LTC decision-making processes.

4. Communications

While not a legal requirement of local government rezoning processes in BC, good and consistent communication with all interested parties about a decision and the reasons for it is a good practice that supports fair, transparent and accountable decision-making processes.

A Local Trust Committee should...	Trustees should...	Staff should...
<ul style="list-style-type: none"> ○ after a public hearing, announce when a decision will be made, if known. ○ ensure meeting minutes accurately reflect any reasons given for decisions. 	<ul style="list-style-type: none"> ○ whenever possible, explain (in open meetings and at the time a decision is made) how they reached their decision, referring to submissions and reports on the public record, public deliberations of other trustees, as well as any personal knowledge or research that influenced them. ○ whenever possible, explain decisions with reference to relevant documents such as OCPs, the Islands Trust Policy Statement, the <i>Islands Trust Act</i> or other relevant statutes they have relied upon in making a decision. ○ after an LTC has made a decision, communicate clearly and consistently about the reasons given and avoid indicating that there were different, but unspoken, reasons. 	<ul style="list-style-type: none"> ○ record in meeting minutes any reasons given for LTC decisions about applications. ○ provide prompt written information to applicants (or property owners, in the case of an LTC-initiated zoning change) after an LTC has made a decision, including information about any reasons provided by the LTC about its decision. ○ ensure others who have expressed an interest are aware of opportunities to learn about decisions and the reasons for them.



Policy:	5.6.1
Approved By:	Trust Council
Approval Date:	June 9, 2021 Repeals policies 5.6.1, 5.6.2 and 5.6.3
Amendment Dates:	
Policy Holder:	Director of Local Planning Services

APPLICATION PROCESSING SERVICES POLICY

Purpose

This policy is intended:

- to identify the services provided by Islands Trust and the different levels of costs associated with these services;
- to provide direction for the preparation of Fees Bylaws and Schedules by Local Trust Committees (LTCs);
- to provide the principles by which cost recovery for extraordinary services beyond the standard fee can be negotiated and agreed to by an applicant and a LTC;
- to recover from applicants 100 per cent of the average cost of processing the development applications, while permitting consideration of lower cost recovery for environmental protection and community benefit.

A. Definitions

1. Application Processing Services include:

- 1.1 Bylaw Amendments to an official community plan, zoning bylaw, subdivision bylaw or other land use bylaws;
- 1.2 Development Application Requests for:
 - 1.2.1 Development Permits,
 - 1.2.2 Development Variance Permits,
 - 1.2.3 Temporary Use Permits,
 - 1.2.4 Soil Removal and Deposit Permits,
 - 1.2.5 Heritage Alteration Permits,
 - 1.2.6 Board of Variance Orders,
 - 1.2.7 Liquor Licensing Permits,
 - 1.2.8 Cannabis Licensing Permits,
 - 1.2.9 Siting & Use Permits,
 - 1.2.10 Land Use Contracts;
- 1.3 Agency Referral Responses and Comments on applications referred from other agencies.

2. Service Levels include:

- 2.1 Information Service that involves providing information to applicants and the general public at no cost, as a public service, and funded by property taxation revenues.
- 2.2 Standard Application Processing Service that involves providing a specific service to applicants as a direct response to an application, whether directly to Islands Trust or through a referral from another agency, and primarily funded by established fees paid by an applicant.
- 2.3 Extraordinary Processing Service is a service provided to the applicant that is beyond the standard processing service, with funding provided by the applicant as a deposit with the application fee or through a cost recovery agreement.

3. Costs:

- 3.1 General Service Costs includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs.
- 3.2 Estimated Direct Costs include advertisements, delivery of notices, hall rentals, minute taking at public hearings and community information meetings, and staff travel to attend public hearings and community information meetings.
- 3.3 Extraordinary Processing Costs include costs beyond the standard processing service such as additional community information meetings, review of technical reports provided by specialists hired by the applicant, and specific legal services such as the preparation and registration of legal documents and the acquisition of legal advice.

4. Community Benefit:

- 4.1 Community benefit is the provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community benefit or amenity.

B. Policy

1. Standard Application Processing Services

Applicants are responsible for paying different rates based on the level of service. The details involved in each level of a standard application processing service are identified below.

1.1 Information Service – No Fee Required

Information services are considered a public service and include:

- 1.1.1 ***providing information*** on application process requirements including a meeting with staff;
- 1.1.2 ***providing assistance*** to complete an application;
- 1.1.3 ***determination*** of applicable fees;

1.1.4 **identification** of readily identifiable issues to be addressed.

1.2 Application and Processing Service – Included in Application Fee

For rezoning applications, temporary use permit applications, development variances, development permits, liquor and cannabis retail license applications, and strata conversion applications, the application fee covers the following services:

- 1.2.1 comprehensive staff assessment including site visit where required;
- 1.2.2 staff reports;
- 1.2.3 discussion between planners and applicant throughout process;
- 1.2.4 review of archaeological data;
- 1.2.5 staff referral to other agencies, advisory planning commissions, and analysis of their comments;
- 1.2.6 bylaw or resolution drafting, including review for compatibility with Trust Object and policies and the relevant Official Community Plan;
- 1.2.7 staff report with recommendation for Local Trust Committee (LTC) approval consideration;
- 1.2.8 processing bylaws through Executive Committee for approval consideration, if necessary;
- 1.2.9 forwarding to Minister of Municipal Affairs and Housing for approval consideration, if necessary;
- 1.2.10 adoption of all bylaws or issuing of permits as required.

1.3 Public Hearing – Included in Application Fee

Services related to a Public Hearing that will be provided to an applicant who has paid an application fee include:

- 1.3.1 conducting one public hearing with staff present (includes staff time, staff travel costs and estimated direct costs such as meeting place rental, newspaper notice of public hearing, minute taker fee, and delivery of notices when needed).

1.4 Community Information Meeting – Included in Application Fee

Services related to a Community Information Meeting that will be provided to an applicant who has paid an application fee include:

- 1.4.1 conducting one community information meeting with staff present (includes staff time, staff travel costs, and estimated direct costs such as meeting place rental and delivery of notices when needed).

2. Extraordinary Processing Services – additional fees required

Extraordinary Processing Services are services provided to the applicant that are beyond the standard processing services identified in 1.1- 1.4. Applicants are responsible for paying additional fees for extraordinary processing services.

2.1 Role of LTC in Determining Necessity for Extraordinary Services

2.1.1 Local trust committees (LTCs) can determine the necessary requirements for processing applications. These requirements may necessitate extraordinary processing services, where the actual or estimated processing service level costs are in excess of the costs of a standard application fee for a similar process because:

2.1.1.1 of additional requirements such as additional public consultation, complex covenant requirements or extensive staff time; or,

2.1.1.2 the processing requirements include services obtained from professions outside Islands Trust such as special technical assistance and/or specific legal services; or,

2.1.1.3 the processing requirements include First Nations site visit(s).

2.1.2 The Regional Planning Manager is responsible for assisting LTCs in identifying and costing extraordinary processing service requirements and advising the LTCs of the options available to handle these requirements.

2.1.3 The Regional Planning Manager is responsible for ensuring that complex service requirements include terms of reference which outline detailed criteria and parameters for the extraordinary services that are required.

2.2 Provision of Extraordinary Processing Services

2.2.1 Extraordinary processing services can be provided by Islands Trust via a cost recovery agreement, with costs to be paid by the applicant, in addition to the applicable standard fee.

2.2.2 A resolution of the LTC following the recommendation of the Regional Planning Manager is required to proceed.

2.2.3 When extraordinary processing service requirements have been identified, the applicant should be advised by staff that the application cannot be processed until additional funds are provided by the applicant and a cost recovery agreement with the Islands Trust is signed and a security deposit has been received.

3. Extraordinary Services Cost Recovery Agreements

3.1 Extraordinary Services Cost Recovery – Principles

- 3.1.1 Cost Recovery Agreements reflect a service level which includes the extraordinary services needed to undertake the approval process for a complex application.
- 3.1.2 Cost Recovery Agreements will endeavour to recover all costs of processing that exceed the standard costs of processing services.
- 3.1.3 The existence of a Cost Recovery Agreement will not fetter a LTC's discretion with respect to an application before the committee.
- 3.1.4 Authority for negotiating Cost Recovery Agreements is provided within the respective LTC Fees Bylaws.
- 3.1.5 Cost Recovery Agreements will proceed only by resolution of the LTC after consultation with the Regional Planning Manager, except in situations where an applicant is seeking to discuss an issue directly with Islands Trust legal advisors, in which case the Director of Local Planning Services may approve the Cost Recovery Agreement.
- 3.1.6 The Cost Recovery Agreement letter will be submitted, together with the recommendation of the Regional Planning Manager and the LTC resolution, for approval by the Director of Local Planning Services (or designate) prior to final agreement with the applicant.

3.2 Services Requiring Extraordinary Services Cost Recovery Agreement

The services identified below are considered to be beyond the scope of standard processing services. These services require payment, in addition to standard application fees established in the Fees Bylaw, of additional fees based on a cost recovery agreement between the Islands Trust and an applicant:

- 3.2.1 staff time required for covenant development;
- 3.2.2 staff time to attend more public consultation meetings than that already covered by the standard application fee, including community information meetings, advisory planning commission meetings, and public hearings;
- 3.2.3 technical assessments or studies as required by the local trust committee;
- 3.2.4 retaining special technical assistance required by the local trust committee;
- 3.2.5 additional legal counsel services required for the application not covered under the estimated direct costs of the Fees Bylaw;
- 3.2.6 process agreement negotiation;
- 3.2.7 First Nations site visits;
- 3.2.8 other resources and/or services required by the local trust committee to process the application not covered by the Fees Bylaw.

4. Funding Basis and Fee Adjustments

- 4.1 Application processing services are funded primarily through fees, as per a LTC's Fees Bylaw. Local trust committees should adopt a Fees Bylaw consistent with the model Fees Bylaw in Attachment 1.
- 4.2 Standard fees in Fees Bylaws are to be based on average processing costs, as per Section 462 of the *Local Government Act*, Section 31(2)(b) of the *Islands Trust Act*, Section 41 of the *Liquor Control and Licensing Act*, and Section 35 of the *Cannabis Control and Licensing Act*. Standard fees are calculated as the product of staff labour costs multiplied by processing time (including Planner and administrative support). Standard application fees include estimated direct costs.
- 4.3 A local trust committee may enact variances of up to 20% below what is indicated in the Trust Council's Model Fees Bylaw when adopting a LTC Fees Bylaw. The following criteria must be considered when evaluating a fee variance:
 - 4.3.1 the level of community/environmental benefit offered by the type of application;
 - 4.3.2 variances in direct costs (e.g. hall rental); and,
 - 4.3.3 an amendment to an approved application occurring within 6 months of the approval date.
- 4.4 Variance to a Fees Bylaw must be adopted by bylaw amendment. All LTC Fees Bylaws and Fees Bylaw amendments must be approved by the Executive Committee before adoption by a LTC.
- 4.5 Where the model fees bylaw permits reduced fees for temporary use permits that have a community benefit and are small scale, the local trust committee fees bylaw must specify the actual community benefit to which the fee applies, and should be supported by policies in the official community plan on what are considered amenities to the community.
- 4.6 Applications for development that begin without a permit or bylaw authorisation are subject to a 20 per cent surcharge to recover the additional cost in processing these types of applications.

5. Application Fee Sponsorship

- 5.1 If eligible, as identified in [Trust Council Policy 4.1.13 Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications](#), the applicant may apply for development application fee sponsorship.

6. Development Approval Information

- 6.1 The Development Approval Information (DAI) Bylaw provides a mechanism to ensure that the LTC receives appropriate reports and documentation (such as reports from engineers, biologists, hydrogeologists, and geotechnical specialists) from applicants to support rezoning, temporary use permit, and development permit applications.
- 6.2 DAI bylaws reduce operational costs by ensuring that applications are complete and the information provided is appropriate.
- 6.3 Local trust committees should adopt a development approval information bylaw.
- 6.4 The Regional Planning Committee should develop a model Development Approval Information bylaw for addition as Attachment 2 to this policy.

C. Legislated References

Local Government Act, S.462

Local Government Act, S.486

Liquor Control and Licensing Act, S.41

Cannabis Control and Licensing Act, S.35

D. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

- 1. Model Fees Bylaw

[INSERT LTC NAME] LOCAL TRUST COMMITTEE

BYLAW NO. [XX]

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications. Model fees reflect the cost recovery for application processing.

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections; Section 41 of the *Liquor Control and Licensing Act* and Section 35 of the *Cannabis Control and Licensing Act* provides that a local government may, by bylaw, impose fees for referral of a license under that Act, **[DENMAN AND HORNBY ONLY and Section 31(2)(b) of the Islands Trust Act provides that a local trust committee may impose a fees to recover the cost of processing siting and use permits]** ;

NOW THEREFORE the **[Insert LTC Name]** Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the **[Insert LTC Name]** Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

Citation

1.1 This bylaw may be cited as the "[Insert LTC Name] Local Trust Committee Fees Bylaw, No. [XX]".

Interpretation

2.1 In this bylaw:

"Applicant" means:

2.1.1 the person authorized under the _____ Island Local Trust Committee Procedures Bylaw No. ____, _____ to make an application in respect of a bylaw or permit under the *Islands Trust Act* or Part 14 or Part 15 of the *Local Government Act*;

2.1.2 an applicant for a license under the *Liquor Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;

- 2.1.3 an applicant for a license under the *Cannabis Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;
- 2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or
- 2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

“Application Processing Fee” means the initial amount payable to the Islands Trust in respect of any application under this bylaw.

“Community Benefit” refers to an application that results in provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community benefit.

[NOTE: This is in relation to temporary use permits for a use under a specified size that provides a community benefit. The local trust committee would define community benefit here based on its official community plan definition of community benefit]

“General Service Cost” includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs..

“Estimated Direct Costs” for bylaw amendments listed in Table 1 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including:

1. newspaper advertising for one community meeting,
2. notifications, postal and delivery costs of statutory notifications for one public hearing,
3. rental of premises for one community meeting meetings and/or one public hearing,
4. contract minute-taker costs recording or preparation of minutes of one community meeting and/or one public hearing and,
5. staff travel expenses for one site visit, one community meeting and one public hearing.

“Estimated Direct Costs” for temporary use permits listed in Table 2 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including

1. one newspaper advertisement, notifications, postal and delivery costs of statutory notifications for one community meeting,
2. rental of premises for one community meeting,
3. contract minute-taker costs recording or preparation of minutes of one community meeting, and
4. staff travel expenses for one site visit, one community meeting.

“Islands Trust” means the Director of Local Planning Services or their authorized representative.

Application Fees

3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4, the applicant must deliver to Islands Trust the corresponding application processing fee in the amount shown in Column 2 subject to section 4. The application fee includes general service costs and estimated direct costs.

TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw)	
Column 1: Type of Application	Column 2: Fee
1. Major (e.g. change to density or land use designation)	\$7,800
2. Minor (e.g. policy change without changing density or land use designation not requiring an OCP amendment)	\$4,600

TABLE 2 – Permits	
Column 1: Development Permit in Respect of:	Column 2: Fee
1. Protection of Natural Environment, Ecosystems and Biological Diversity	\$1,000
2. Protection of Development from Hazardous Conditions	\$1,000
3. Protection of Farming	\$1,000
4. Objectives for Form and Character	\$1,700
5. Objectives to Promote Energy Conservation	\$1,000
6. Objectives to Promote Water Conservation	\$1,000
7. Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000
8. Development Permit Amendment	\$1,000

Type of Development Variance Permit	
9. Development variance permit (commercial, industrial or institutional development)	\$1900
10. Development variance permit (residential development)	\$1900
Type of Temporary Use Permit	
11. Temporary Use Permit (residential/commercial/industrial)	\$2150
12. Temporary Use Permit for residential uses and commercial uses under 95 square metres that provide community benefit..	\$1000
13. Temporary Use Permit Renewal	\$700
14. Temporary Use Permit Renewal (Community Benefit)	\$350
Other Permits	
15. Siting and Use Permit	\$250
16. Heritage Alteration Permit	\$1,700
Combination Applications	
17. Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,500
18. Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000

TABLE 3 – Subdivision Referrals	
Column 1	Column 2: Fee
1. Application for Subdivision Review – base fee	\$1,000
2. Application for Subdivision Review – per additional lot created	\$100
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500

TABLE 4 – Other Applications	
Column 1: Type of Application	Column 2: Fee
1. Board of Variance	\$2,200
2. Land Use Contract amendment	\$2,000
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process	\$1,500
4. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500
5. Strata Conversions	\$1,500

4. Fee for After-the-Fact Application

4.1 An application for a permit or bylaw amendment to authorize work or an activity already undertaken, or in operation as of the date the application is made, the rated in 3.1 will be subject to a 20% surcharge.

5. Collection and Refund of Application Processing Fee Amounts

5.1 The total application processing fee must be received before the processing of the application can begin.

5.2 An applicant may withdraw their application at any time through written notice to the Planning Assistant and/or the Planner responsible for processing the application.

5.3 If an applicant withdraws an application before staff undertakes any planning work on the application, the Islands Trust must refund to the applicant the Application Fee, less \$100.

5.4 For an application in Table 1, or a Temporary Use Permit in Table 2, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned by the regional planning manager to the planner; 50% refund if the first staff report has been submitted to the LTC; 25% refund once public notice of a public hearing or permit has been sent out, no refund will be provided after a Public Hearing or after consideration of the Permit by the local trust committee.

5.5 For applications in Table 2 (except for Temporary use Permit applications), Table 3 and Table 4, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned to the planner; no refund will be provided if the first staff report has been submitted to the LTC.

6. Extraordinary Service Costs (ESC)

6.1 Extraordinary Services Costs will be paid by the Applicant through a cost recovery agreement, entered into with Islands Trust, in addition to the application processing fee.

READ A THIRD TIME this st day of , 20

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST

this th day of , 20

ADOPTED this th day of , 20

Chair

Deputy Secretary

**Salt Spring Island
Local Trust Committee**

BYLAW NO. 304

ADOPTED: APRIL 13, 1993

AS AMENDED BY THE SALT SPRING ISLAND LOCAL TRUST COMMITTEE

BYLAW: 358

NOTE: This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

Consolidated: January, 2000

Salt Spring Island Trust Committee

Bylaw No. 304

A Bylaw to define procedures under which an owner of land may apply for amendment to a plan or bylaw
or the issue of a permit under Part 29 of the Municipal Act

The salt spring Island Trust committee ("Trust committee"), being the Trust committee having jurisdiction in respect of the Salt Spring Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act* (the "Act") enacts as follows:

Title

1. This bylaw may be cited for all purposes as the "Salt Spring Island Trust Committee Development Procedure Bylaw No. 304, 1992".

Applications

2. Sections 3, 4 and 5 of this bylaw apply in respect of:
 - (1) applications for amendments to the Salt Spring Official Community Plan, the Salt Spring Zoning Bylaw, the Piers Official Community Plan, the Piers Zoning Bylaw, and the Capital Regional District Zoning Bylaw;
 - (2) applications for:
 - a) development permits and amendments thereto;
 - b) development variance permits;
 - c) temporary commercial use permits;
 - d) temporary industrial use permits;
 - e) amendments to land use contracts;
 - (3) applications under section 9 of the *Condominium Act* for conversion of existing buildings into strata lots.
3. An application by an owner of land for amendment to an official community plan or zoning bylaw, for a permit, or for conversion of a building into strata lots, shall:
 - (1) be made by the owner of the land or by a person authorized in writing by the owner;
 - (2) be submitted to the Islands Trust office in the appropriate form established by the Islands Trust, as may be varied from time to time;
 - (3) contain all the information required by the applicable form.
4. An application or substantially similar application may not be submitted in respect of the same development less than one year from the date of refusal of a previous application or in the case of an application for conversion of a building into strata lots less than one year from the date of refusal of a previous application, unless the Trust Committee has agreed to such reconsideration.

5. The Trust Committee may, on receipt of an application to amend a plan or bylaw, resolve to proceed with an amendment bylaw or resolve not to proceed with the application. The Trust Committee may, on receipt of a permit application, resolve to proceed with or resolve not to proceed with the permit. .
6. The Trust Committee may initiate an amendment to a plan or bylaw without first receiving an application to amend.

Fees

7. Where an application is submitted for amendment to a plan or bylaw or for a permit, the applicant shall pay to the Islands Trust the fee set out in the Fees and Charges Bylaw that applies to the type of amendment or permit for which application is made.

Notification

- BL358 (01/00)* 8. Where an application is made for a development variance permit, temporary commercial use permit or temporary industrial use permit, notice shall be mailed or otherwise delivered by the Trust Committee at least 10 days before adoption of a resolution to issue the permit. Such notification shall be sent to owners and tenants in occupation of that part of the area of the land that is the subject of the application and to the owner and tenants in occupation of all parcels, any part of which is within 100 metres of the property boundaries of the land that is the subject of the application.

- BL358 (01/00)* 9. Where a public hearing is to be held under section 956(1) of the *Municipal Act*, and the proposed bylaw alters the permitted use or density of any area, and where less than 10 parcels owned by less than 10 persons are the subject of the bylaw alteration, a notice shall be mailed or otherwise delivered by the Trust Committee. Such notification shall be sent to owners and tenants in occupation of that part of the area of the land that is the subject of the bylaw alteration and to the owners and tenants in occupation of all parcels, any part of which is within 100 metres of the property boundaries of the land that is the subject of the application.

- BL358 (01/00)* 10. Where the Trust Committee waives the holding of a public hearing in respect of a proposed bylaw that does not alter the permitted use or density of any area, and where less than 10 parcels owned by less than 10 persons are the subject of the bylaw alteration, a notice shall be mailed or otherwise delivered by the Trust Committee to the owners and tenants in occupation of that part of the area of the land that is subject to the bylaw alteration and to the owners and tenants in occupation of all parcels, any part of which is within 100 metres of the property boundaries of the land that is the subject of the application.

11. Where an application is made for the conversion of an existing building into strata lots, notice shall be given to all occupants of the building by the application.

Repeal

12. Section 2(1) to 2(3) and section 4(1) to 4(5) of Salt Spring Island Trust Committee Bylaw No. 262, being the "Salt Spring Island Trust Committee Procedure Bylaw No. 262, 1990" are repealed.

Severability

13. If any section or lesser portion of this bylaw is held invalid by a Court of competent jurisdiction, the invalid portion shall be severed from the bylaw without affecting the validity of the remainder.

READ A FIRST TIME this 30th day of March , 1993

READ A SECOND TIME this 30th day of March , 1993

READ A THIRD TIME this 30th day of March , 1993

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
6th day of April , 1993

RECONSIDERED AND FINALLY ADOPTED this
13th day of April , 1993

Secretary

Chairperson

Schedules

Schedules "A" to "G" are not part of this bylaw and may be inserted for convenience only, e.g.

- A. Bylaw Amendment Application
- B. Development Permit Application
- C. Development Permit Amendment Application
- D. Temporary Use Application - Commercial or Industrial
- E. Development Variance Permit Application
- F. Siting and Use Permit Application
- G. *Condominium Act* Conversion Application

SALT SPRING ISLAND LAND USE BYLAW, 1999 CONSOLIDATED VERSION: SEPTEMBER 2020

PART 1- INTERPRETATION

1.1 DEFINITIONS

1.1.1 In this Bylaw:

“**Secondary suite**” means an *accessory, self-contained dwelling unit*, located within a *building* that otherwise contains a *single-family dwelling*, and having a lesser *floor area* than the *principal dwelling unit*.

3.16 SECONDARY SUITES

3.16.1 Secondary suites are permitted on lots that are within or partially within the shaded area on Schedule “I” to this Bylaw.

Information Note: Secondary suites are also permitted on lots within the Agricultural Land Reserve, zoned Agriculture 1 and Agriculture 2 by this Bylaw.

Information Note: Secondary suites that are permitted by these regulations also require a building permit from the Capital Regional District Building Inspection Office to be fully legalized.

3.16.2 A dwelling unit is permitted to contain a secondary suite provided that:

- (1) the dwelling unit or the secondary suite is occupied by the owner of the dwelling; or
- (2) the dwelling unit or the secondary suite is occupied by a person other than the owner who has responsibility for managing the property, including dealing with complaints of neighbours arising from the occupancy of the property.

Information Note: Pursuant to other provisions of this Land Use Bylaw, short term vacation rentals are not permitted in residential areas.

3.16.3 There is a maximum of one secondary suite permitted per lot.

3.16.4 A secondary suite must be contained within the walls of the building that contains the principal dwelling unit.

3.16.5 The entrance to a secondary suite from the exterior of the building must be separate from the entrance to the principal dwelling unit.

3.16.6 The maximum floor area for a secondary suite is 90m² (968 ft²).

3.16.7 A secondary suite must not be subdivided from the principal dwelling unit under the Land Title Act or the Strata Property Act.

3.16.8 Where a lot is supplied by groundwater, a building containing a secondary suite must have sufficient available groundwater.

Information Note: At time of Building Permit application, the Capital Regional District requires specific amounts of potable water be demonstrated, and proof of adequate septic capacity be provided, prior to issuing approvals.

3.16.9 Where a secondary suite is supplied by rainwater collection, the rainwater system must be capable of supplying the suite with a sufficient quantity of potable water.

3.16.10 Where water is to be supplied to a secondary suite by a combination of sources, a written plan for the supply of water is to be provided that demonstrates an adequate supply of potable water.

3.16.11 Where water is supplied to a secondary suite by a community water system, the operator of the community water system must provide written confirmation that it has sufficient capacity to supply the secondary suite.

3.16.12 Where water is to be supplied from a surface water body, a water license, issued or amended after November 30, 1994, must permit the withdrawal of the required amount of water.

Information Note: The provincial Water Management Branch completed a study of surface water availability in November of 1994. Water licenses issued before this time may not be a reliable indication that water is actually available in the necessary quantity.

5.5 POTABLE WATER

TABLE 1 POTABLE WATER SUPPLY STANDARDS FOR SUBDIVISION	
USE	VOLUME (litres per day per lot)
<i>Dwelling unit</i>	1600
<i>Secondary Suite</i>	1200
<i>Seasonal cottage</i>	680
<i>Bed and breakfast home-based business</i>	225/bedroom
<i>Commercial or General Employment use</i>	900
<i>Community hall or church</i>	1590
School	50/classroom
<i>Commercial guest accommodation units</i>	450/unit
<i>Campground</i>	225/campsite

7.1 REQUIREMENTS FOR PARKING AND LOADING SPACES

TABLE 3 MINIMUM NUMBER OF PARKING SPACES FOR AUTOMOBILES, DISABLED PARKING AND BICYCLES			
LAND USE	Number of Automobile Parking Spaces Required	Number of required Automobile Parking Spaces which must be designed for use by the disabled	Number of Bicycle Parking Spaces Required
RESIDENTIAL			
<i>Seasonal Cottage or Secondary Suite</i>	1 per unit	0	0

9.1 AGRICULTURAL ZONES

9.1.1 Permitted Uses of Land, Buildings and Structures

Accessory Uses

<p>One additional <i>dwelling unit</i> provided that it:</p> <p>a) is a <i>mobile home</i> for immediate family consistent with Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002, or</p> <p>b) is a <i>secondary suite</i> that is consistent with Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002, or</p> <p>c) is a <i>farmworkers' dwelling unit</i> that has been specifically approved through a Non-Farm Use application to the Agricultural Land Commission.</p> <p><i>Information Note:</i> <i>General Order #1622/83 of the B.C. Land Reserve Commission permits one additional dwelling unit in the form of a temporary mobile home to house family members or farm help, with specific conditions. Policy #043/98 of the B.C. Land Reserve Commission permits one secondary suite as part of the main dwelling unit provided it meets specific conditions. Where the construction of a permanent detached farm worker's dwelling unit is proposed, this bylaw requires that an application be made to the B.C. Land Reserve Commission, through the Salt Spring Island Local Trust Committee. The need for additional farm workers to be housed on the property in a permanent detached second dwelling unit will be evaluated in the context of criteria developed by the Ministry of Agriculture and Food and the B.C. Land Reserve Commission.</i></p>	◆	◆
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9.9.2 Size, Siting and Density of Permitted Uses, Buildings and Structures

	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	R11	R12
Number of Units and Minimum Site Areas												
Minimum <i>lot area</i> required for more than one <i>dwelling unit</i> (ha) with the exception of <i>secondary suites</i> , where permitted	0.3	0.3	0.3	1	N/A	.16 ⁴	N/A	N/A	N/A	N/A	N/A	N/A

9.10.2 Size, Siting and Density of Land, Buildings and Structures

	R	RU1	RU2	RU3	RW1	RW2	Ri
Number of Units and Minimum Site Areas							
Maximum number of <i>dwelling units</i> per 8 ha with the exception of <i>secondary suites</i> , where permitted	N/A	N/A	1	N/A	N/A	N/A	N/A

Schedule I Secondary Suites Map

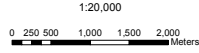
**Official Community Plan Bylaw No. 434, 2008 Schedule “A” Volume 1: Land Use and Servicing Objectives
Adopted October 2, 2008 Consolidated Version: June 2019**

Secondary Suites

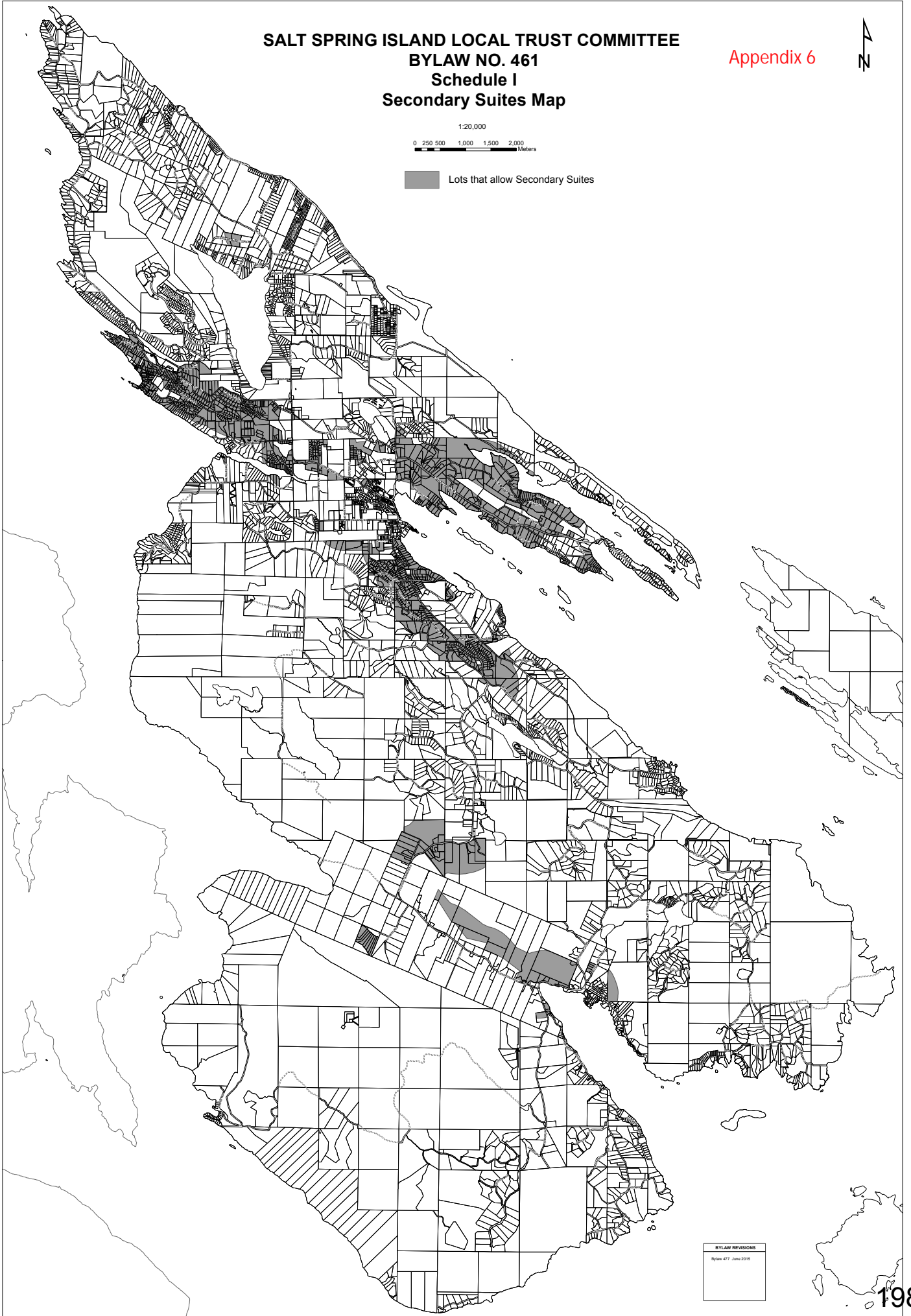
- B.2.2.2.15 The Local Trust Committee may give consideration to amending the Land Use Bylaw to allow secondary suites in dwellings as *affordable housing* under certain circumstances. Any initiative to allow suites should address the following criteria:
- a. A maximum of one suite is allowed per dwelling.
 - b. The owner occupies either the principal dwelling or the suite.
 - c. Suites should only be allowed in areas with an adequate supply of potable water.
 - d. Suites should not be allowed in areas that are community water system supply watersheds or in community well capture zones.
 - e. New construction of dwellings with suites in areas containing sensitive ecosystems or areas that are hazardous for development should be managed by development permit.
 - f. The use of suites will not be for short-term rental, in accordance with the Land Use Bylaw.
 - g. Regulations should limit suites to 40% of the floor area of the principal dwelling and no more than 90 m² of floor area.
 - h. *Building* safety and waste disposal issues are addressed through compliance with the B.C. Building Code and applicable health standards.
 - i. The Local Trust Committee will consider the use of housing agreements and other measures to ensure that suites are affordable and to address occupancy.
 - j. The Local Trust Committee will work with the Capital Regional Housing Corporation on the administration of housing agreements in order to implement this policy.
 - k. The Local Trust Committee should coordinate implementation of zoning changes with Capital Regional District Building Inspection and the Vancouver Island Health Authority.
 - l. The Local Trust Committee may also consider limits on the numbers and location of secondary suites to minimize dependency on private automobiles.
 - m. The Local Trust Committee will make zoning changes incrementally and monitor changes in order to have the effect of limiting the overall number of suites on the island.
 - n. The Local Trust Committee will consider an annual registration system in order to remain informed about the number and location of occupied suites.

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 461
Schedule I
Secondary Suites Map**

Appendix 6



 Lots that allow Secondary Suites



BYLAW REVISIONS
Bylaw 47 June 2015