

4.1.xiii Guidelines

GUIDELINES FOR EXECUTIVE COMMITTEE SPONSORED OR LOCAL TRUST COMMITTEE INITIATED DEVELOPMENT APPLICATIONS

Trust Council: June 10, 2004

Amended: March 9, 2011

A: PURPOSE:

To clarify the circumstances when it is appropriate for a committee to sponsor or initiate a property-specific development application.

Note: This policy does not apply to general changes to Official Community Plan policies or zoning regulations that would apply to many properties and that are initiated by a local trust committee as part of a general review of policies or regulations.

B: REFERENCES:

1. *Corporations Act*
2. *Islands Trust Act, s. 27*

C: POLICY:

1. Development Applications

- a) May include OCP & Zoning Bylaw Amendments, Development Permits, Development Variance Permits and Temporary Use Permits.

2. Covenants

- a) Covenants are not considered development applications. If a covenant results from a development application approval condition, the costs of preparing the covenant are to be born by the applicant.

3. Conditions appropriate for Executive Committee sponsorship of a property-specific development application are:

- a) When the applicant is a non-profit agency or organization seeking to establish, expand or modify a facility for the benefit of the community at large and consistent with goals in the OCP.
- b) When the applicant is an established or establishing institution supported by taxpayers that is seeking to establish, expand or modify a community facility. In this instance, the Executive Committee may consider sponsorship of up to one half of the costs of the application.
- c) When the applicant seeks to implement specific objectives of an OCP with broad community benefits.

4. Conditions not appropriate for Executive Committee sponsorship or local trust committee initiation of a property-specific development application include:

- a) When the applicant is a registered for-profit corporation under the *Corporations Act*.
- b) When the applicant is a non-profit agency or organization seeking to establish, expand or modify a facility that would not benefit the community at large.
- c) When an applicant claims that he or she cannot afford the cost of the application, and the application would not otherwise qualify for sponsorship or initiation.

5. Conditions appropriate for a local trust committee initiated development application on a specific property or properties.

- a) Where a local trust committee has made an error (e.g. as part of a bylaw consolidation) in assigning an appropriate designation or land use regulation to a specific property and moves to correct the error.
- b) Where a local trust committee wishes to modify an existing land use regulation on a specific property or properties as an alternative to entertaining a host of development variance applications that it believes are appropriate.

6. Where the Executive Committee wishes to sponsor a property-specific application, the costs of the relevant application fees will be charged to the fund for the sponsorship of development applications that is allocated to the Executive Committee in the base budget following an appropriate resolution from the Executive Committee.

7. Initiation of a development application by a local trust committee does not fetter the discretion of the local trust committee when it makes decisions about the outcome of the application. Local trust committee members and staff must ensure that applicants and members of the public are fully aware of the distinction between a local trust committee's sponsorship or initiation of an application and the local trust committee's role in decision-making regarding that application.

8. Sponsorship by the Executive Committee for a development application that requires approval of the Executive Committee under s.27 of the *Islands Trust Act* does not fetter the discretion of the Executive Committee. Executive Committee members and staff must ensure that applicants and members of the public are fully aware of the distinction between the Executive Committee role in decision making regarding that application.

D: DETAILS:**1. Definitions:**

- a) Executive Committee Sponsored Application** – means when the Executive Committee assumes sponsorship of a development application for a specific property or properties and pays the appropriate fee on behalf of an applicant.
- b) Trust Committee Initiated Application** – means when a local trust committee initiates a development application for a specific property or properties without fee on its own behalf or on behalf of a property owner.