

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3462**

A BYLAW TO DELEGATE THE POWER TO ISSUE DEVELOPMENT PERMITS

WHEREAS under Section 176 (1) (e) of the *Local Government Act*, the Board may, by bylaw, delegate its powers, duties, and functions, including those specifically established by an enactment, to an officer or employee;

AND WHEREAS the Board of the Capital Regional District wishes to delegate to the General Manager, Planning and Protective Services or designate, the power under Section 920 of the *Local Government Act* to issue Development Permits;

The Capital Regional District, enacts as follows:

PART I - TITLE

1. This Bylaw may be cited for all purposes as Bylaw No. 3462, "Capital Regional District Delegation of Development Permit Approval Authority Bylaw, 2009".

PART II - DEFINITIONS

2. In this Bylaw:
"Act" means the *Local Government Act*;
"Board" means the Board of Directors for the Capital Regional District;
"General Manager" means the General Manager, Planning and Protective Services or in his/her absence the Manager of Local Area Planning.

PART III - LAND USE APPROVAL DELEGATION

3. The Board hereby delegates to the General Manager the power to issue a development permit under Section 920 of the *Act*.
4. The General Manager is also delegated the power to require, under Section 925 of the *Act*, an applicant to provide security in an amount stated in the Permit by way of an irrevocable letter of credit or the deposit of securities in a form satisfactory to the General Manager.
5. The delegation under Section 3 of this bylaw does not include:
 - (a) development permits that do not meet the established Official Community Plan Development Permit guidelines or require a variance; and
 - (b) development permits within a development permit area where a concurrent rezoning and development permit application is required.

PART IV - DETERMINING SECURITY

6. The amount of security to be provided, under Section 925 of the *Act*, in relation to a development permit issued by the General Manager, shall be determined in accordance with the following guidelines:

- (a) The minimum amount of security will be equal to the cost of site restoration, landscaping, remediation of damage to the natural environment or improvements including materials and installation as determined by a professional landscape architect, a nurseryperson, a landscape contractor, a habitat biologist, or an acceptable person agreed upon by the General Manager.

PART V - RECONSIDERATION BY THE BOARD

- 7. An applicant may request reconsideration by the Juan de Fuca Land Use Committee and subsequently the Board of a requirement or decision of the General Manager under this Bylaw, by completing a Request for Reconsideration Form as illustrated on Schedule 'I' attached to and forming part of this bylaw, within 30 days of the date on which the requirement or decision is mailed or faxed to the applicant.
- 8. The Request for Reconsideration Form must be filled out and delivered to the Juan de Fuca Electoral Area Planning Department and must set out the grounds on which the applicant considers the requirement or decision is inappropriate and what, if any, requirement or decision the applicant considers the Board ought to substitute.
- 9. Upon receipt of the completed Request for Reconsideration Form, the date and time of the meeting at which the reconsideration will occur, will be set as the next regular Land Use Committee meeting scheduled fourteen (14) or more business days from the date on which the request for reconsideration was delivered to the Juan de Fuca Planning Department.
- 10. The applicant's signature on the Request for Reconsideration Form, under Section 7 of this bylaw, will acknowledge notification of the time and date of the meeting at which the reconsideration will be heard.
- 11. At a regular Land Use Committee meeting, the members may consider any presentations made by the applicant and may either confirm the requirement or decision or substitute its own requirement or decision before sending the application to the Board for consideration.
- 12. The Board may, following completion of its reconsideration, do one or more of the following:
 - (a) confirm all or part of the delegate's decision,
 - (b) set aside all or part of the delegate's decision; or
 - (c) amend the delegate's decision or make a new decision.
- 13. The Board may adjourn a reconsideration under this section.

READ A FIRST TIME THIS	14 th	day of	November	2007
READ A SECOND TIME THIS	14 th	day of	November	2007
READ A THIRD TIME THIS	13 th	day of	May	2009
ADOPTED THIS	13 th	day of	May	2009

Original signed by Geoff Young
Chair

Original signed by Carmen Thiel
Corporate Secretary

3. Registered owner(s) of the property:
Name(s):

Mailing Address:

Telephone: Business _____ Other _____ Fax _____

4. If the *applicant* is not the owner:
Name of applicant:

Mailing Address:

Telephone: Business _____ Other _____ Fax _____

I hereby declare that all of the above statements and the information contained in the materials submitted in support of this application are to the best of my knowledge true and correct in all respects.

Signature

Date

ACKNOWLEDGEMENT OF MEETING DATE

The date and time of the meeting, at which the reconsideration will occur, will be set as the next regular Land Use Committee meeting scheduled 14 or more business days from the date on which the request for reconsideration was delivered to the Juan de Fuca Planning Department.

By your signature below you acknowledge that you have been notified of the reconsideration date.

DATE OF MEETING:

Applicant's signature