

# DISTRICT OF HIGHLANDS

## BYLAW NO. 200

### A BYLAW TO DELEGATE THE COUNCIL'S POWERS IN RESPECT OF DEVELOPMENT PERMITS

---

#### **Definitions**

1. In this Bylaw:
  - a) "Act" means the Local Government Act;
  - b) "District" means the District of Highlands;
  - c) "Council" means the elected council of the District.

#### **Development Permit Approval Delegation**

2. Council hereby authorizes the District's Administrator or Planning Technician to exercise all of the powers, duties and functions of the Council pursuant to s.920 of the *Local Government Act*, in respect of development permits issued within Areas 1 (Steep Slopes), 2 (Water and Riparian Areas), and 3 (Sensitive Vegetation).

#### **Reconsideration By Council**

3. All of the following apply to any decision by the Administrator or Planning Technician under section 3:
  - a) Any owner of property subject to a decision under section 3 who is dissatisfied with the decision is entitled to have the decision reconsidered by Council in accordance with this section;
  - b) An owner who wishes to have a decision reconsidered by Council must apply for the reconsideration by delivering to the Administrator, within 30 days after the decision is communicated in writing to the owner, a reconsideration application in writing, which must set out all of the following:
    - (i) The date of the decision and the nature of the decision;
    - (ii) Reasons why the owner wishes the decision to be reconsidered by Council;
    - (iii) The decision the owner requests be made by Council, with brief reasons in support of the requested decision; and
    - (iv) A copy of any materials considered by the owner to be relevant to the reconsideration by Council;
  - c) A reconsideration application must be considered by Council at a regular meeting of Council held at least two weeks after the date on which the reconsideration application is delivered to the Administrator;

- d) The Administrator must:
  - (i) Place each reconsideration application on the agenda for a regular meeting of Council in accordance with section 4(c);
  - (ii) Give notice of each reconsideration by Council in accordance with any notice requirements in respect of the original application that are set out in the District of Highlands Land Use Procedures Bylaw No. 96, 1998 or the Act; and
  - (iii) Before each reconsideration by Council, deliver to each Council member a copy of the materials that were considered by the Administrator or Planning Technician in making the decision that is to be reconsidered;
- e) In reconsidering a decision the Council must consider the material that was considered by the Administrator or Planning Technician in making the decision and any further materials delivered by the owner;
- f) At a reconsideration of a decision, the owner and any other person who is interested in the decision are entitled to be heard by Council;
- g) Council is entitled to adjourn a reconsideration of a decision; and
- h) After having reconsidered a decision, Council may either confirm the decision or may set aside the decision and substitute the decision of Council.

#### **Scope of Bylaw**

- 4. For clarity, subject to the Act, unless a power, duty or function of Council has been expressly delegated by this Bylaw, all of the powers, duties and functions of Council remain with Council.

#### **Delegation To Persons Holding Position**

- 5. Where this Bylaw delegates a power, duty or function to a named position, the delegation of the power, duty or function is to the person who from time to time holds the position and to any person who from time to time is appointed by Council as the deputy of that person.

#### **No Delegation By A Delegate**

- 6. For clarity, a person to whom a power, duty or function has been delegated under this Bylaw has no authority to further delegate to another person any power, duty or function that has been delegated by this Bylaw.

#### **Citation**

- 7. This Bylaw may be cited as "District of Highlands Development Permit Delegation Bylaw No. 200, 2003".

READ A FIRST TIME this            3<sup>rd</sup>    day of            March            2003.  
READ A SECOND TIME this        3<sup>rd</sup>    day of            March            2003.  
READ A THIRD TIME this         3<sup>rd</sup>    day of            March            2003.  
ADOPTED this                        17<sup>th</sup>   day of            March            2003.

---

MAYOR

---

ADMINISTRATOR