

The following is a consolidated copy of the development permit delegation bylaw and includes the following amending bylaws:

Bylaw No.	Bylaw Name	Adopted	Purpose
2365	Development Permit Delegation Bylaw 2001	April 30, 2001	A bylaw to delegate the power to issue certain development permits within Electoral Areas 'A', 'B' and 'C' of the Comox Valley Regional District
83	Regional District Development Permit Delegation Bylaw No. 2365, 2001, Amendment No. 1	November 24, 2009	To update staff position titles and to expand the delegated authority to include development permit area number five
99	Regional District Development Permit Delegation Bylaw No. 2365, 2001, Amendment No. 2	May 3, 2011	To delegate the issuance of development permit no. 8 (steep slopes) to the general manager of property services
123	Regional District Development Permit Delegation Bylaw No. 2365, 2001, Amendment No. 3	November 15, 2011	To create a new development permit area #18 - Shoreline protection devices
206	Regional District Development Permit Delegation Bylaw No. 2365, 2001, Amendment No. 4	June 24, 2014	To delegate the power to require, under section 925 of the <i>Local Government Act</i> , an applicant to provide security in an amount stated in a development permit area to the Comox Valley Regional District Officers

This bylaw may not be complete due to pending updates or revisions and therefore is provided for reference purposes only. THIS BYLAW SHOULD NOT BE USED FOR ANY LEGAL PURPOSES. Please contact the corporate legislative officer at the Comox Valley Regional District to view the complete bylaw when required.

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 2365

A Bylaw to Delegate the Power to Issue Certain Development Permits Within Electoral Areas ‘A’, ‘B’ and ‘C’ of the Comox Valley Regional District

WHEREAS under Sections 176(1)(e) and 192(1) of the Local Government Act, the Board may, by Bylaw, adopted by at least two thirds of the votes cast, delegate its powers, duties and functions, including those specifically established by an enactment, to an officer or employee;

AND WHEREAS the Board of the Comox Valley Regional District wishes to delegate to the CVRD officers, the power under section 920 of the Local Government Act to issue certain Development Permits within Electoral Areas ‘A’, ‘B’ and ‘C’;

NOW THEREFORE, the Board of the Comox Valley Regional District in open meeting assembled enacts as follows:

1. Definitions

In this bylaw:

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|----|--------------------------------|--|
| a) | Applicant | means a person applying for a development permit |
| b) | Board | means the Board of the Comox Valley Regional District |
| c) | Development Permit Area | means a development permit area created by the Rural Comox Valley Official Community Plan adopted by the Regional District |
| d) | Environmentally Sensitive Area | means an environmentally sensitive area created by the Rural Comox Valley Official Community Plan adopted by the Regional District |
| e) | Corporate legislative officer | means the person assigned the responsibility for corporate administration under section 198 of the Local Government Act |
| f) | Regional District | means the Comox Valley Regional District |

2. Delegation

- (1) The board delegates to the CVRD officers the power to issue development permits for:
- | | |
|----|---|
| a) | Aquatic environmentally sensitive area – Area #1; |
| b) | Eagles Drive development permit area – Area #2; |
| c) | Eagle nest tree development permit area – Area #3; |
| d) | Heron nest development permit area – Area #4; |
| e) | Back Road development permit area – Area #5; |
| f) | Steep slopes development permit area – Area #8; and |
| g) | Shoreline protection devices – Area #18. |

under section 920 of the *Local Government Act*.

- (2) The delegation of authority to issue development permits under subsection (1) applies to any one the CVRD officers.

3. Powers to be Delegated

Without limiting the generality of the delegation of authority set out in section 3, the authority delegated to the CVRD officers includes:

- a) the power to require an applicant for a Development Permit to provide, at the applicant’s expense, a report, certified by a professional engineer with experience in geotechnical engineering, to assist in determining what conditions or requirements will be imposed under section 920(7) of the Local Government Act; and
- b) the power to require an applicant for a Development Permit, 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 Regional District.

4. Delegation Includes Deputy

A delegation of power, duty or function under this bylaw includes a delegation to a person who is from time to time the deputy of the delegate.

5. Determining Security – Development Permits

Where deemed necessary, the Regional Board or their delegates may require an irrevocable letter of credit or deposit of security in a form satisfactory to the Regional District for:

- a) works, construction or other activities to correct an unsafe condition;
- b) works, construction or other activities to correct damage to the natural environment that has resulted as a consequence of a contravention of a condition in a development permit; and/or
- c) landscaping.

6. Reconsideration

1. An applicant may have a decision of the CVRD officer in relation to a permit reconsidered by the Board by submitting a request for reconsideration to the corporate legislative officer within thirty days after the decision is delivered to or made available to the applicant.
2. The request for reconsideration must include the following:
 - a) the applicant’s address for receiving correspondence related to the request for reconsideration;
 - b) a copy of the written decision;
 - c) reasons why the applicant wishes the decision to be reconsidered by the Board;
 - d) the decision which the applicant requests be made by the Board;
 - e) reasons in support of the decision requested from the Board; and
 - f) a copy of any documents which support the applicant’s request for reconsideration by the Board.

3. The corporate legislative officer must, upon receiving an application for reconsideration:
 - a) place the request for reconsideration on the agenda for a regular meeting of the Board to be held at least two weeks after the date on which the request for reconsideration is delivered to the Manager of Corporation Administration;
 - b) notify the applicant of the date set for reconsideration by regular mail sent to the applicant’s address provided under subsection 2(a);
 - c) if the CVRD officer provided notice to any person other than the applicant regarding the initial application for a Development Permit, in addition to the notice requirements under subsection (b), give similar notice of the reconsideration to that person.
 4. At the reconsideration of a decision, the applicant and any other party given notice under subsection 3 (c) is entitled to be heard by the Board in person or by a representative.
 5. 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;
 - c) amend the delegate’s decision or make a new decision.
 6. The Board may adjourn a reconsideration under this section.
- 7. Citation**
This Bylaw may be cited for all purposes as the “Development Permit Delegation Bylaw 2001.”