



**DISTRICT OF HIGHLANDS**

**BYLAW NO. 200**

**A BYLAW TO DELEGATE THE COUNCIL'S POWERS IN RESPECT OF DEVELOPMENT PERMITS.  
BYLAW NO. 200, 2003**

**This Bylaw is consolidated by the Corporate Officer in accordance with Bylaw No. 301.**

**It includes amendments up to December 2, 2013 (Bylaw No. 362)**

*This bylaw has been consolidated for convenience purposes only and may or may not contain the latest amendment (s).  
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\*\* OFFICE CONSOLIDATION  
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DEVELOPMENT PERMITS**

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**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**

*\*\*added under Bylaw No. 362*

2. Council hereby authorizes the District's Chief Administrative Officer or the Planner 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), 3 (Sensitive Vegetation), and 6 (Energy and Water Conservation and Reduction of Greenhouse Gases) **except** where the application involves the deposition of soil as specified under the Soil Deposit and Removal Regulation and Fees Bylaw.
3. Where an application involves the deposition of soil and requires a Soil Deposit Permit in Development Permit Areas 1, 2, 3 or 6 the application shall not be delegated to the Chief Administrative Officer or the Planner for decision making but shall be reviewed by staff, and be forwarded to Council along with a staff report and recommendation(s) pertaining to the application.

**Reconsideration By Council**

4. All of the following apply to any decision by the Chief Administrative Officer or Planner 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 Chief Administrative Officer, 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 Chief Administrative Officer;
- d) The Chief Administrative Officer 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 Chief Administrative Officer or Planner 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 Chief Administrative Officer or Planner 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**

5. 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**

6. 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**

7. 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**

8. 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

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MAYOR

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CLERK