

REGIONAL DISTRICT OF NANAIMO

**BYLAW NO. 1759
A BYLAW TO DELEGATE THE POWER TO ISSUE CERTAIN PERMITS
UNDER PART 14 OF THE *LOCAL GOVERNMENT ACT***

WHEREAS under section 229(1) 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 Regional District of Nanaimo wishes to delegate to the General Manager of Strategic and Community Development the power under section 490 of the *Local Government Act* to issue development permits;

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

1. CITATION

This bylaw may be cited for all purposes as the “Regional District of Nanaimo Delegation of Authority Bylaw No. 1759, 2017”.

2. DEFINITIONS

In this bylaw, unless the context otherwise requires:

“Act” means the *Local Government Act*;

“Applicant” means an applicant for a development permit or a temporary use permit;

“Board” means the Board of the Regional District of Nanaimo;

“Manager” means the General Manager, Strategic & Community Development or a Deputy, or other person appointed to act in his or her absence.

3. DELEGATION INCLUDES DEPUTY

A delegation of a power, duty or function under this bylaw includes a delegation to a person who is from time to time the Deputy of the delegate, or to a person who is appointed from time to time to act in place of the delegate.

4. DELEGATION OF AUTHORITY – DEVELOPMENT PERMITS

Except for the matters referred to in section 5 of this bylaw, the Board hereby delegates to the Manager the power to issue a development permit under section 490 of the Act.

5. EXCEPTIONS TO MANAGER’S DELEGATED AUTHORITY

The delegation under section 4 of this Bylaw does not include authority to issue a development permit in relation to the following circumstances:

- (a) development permits within a Development Permit Area that includes a designation under one or both of sections 488(1)(e) and (f) of the Act, establishment of objectives for the form and character of intensive residential development, or for the form and character of multi-family residential development, where the Applicant has requested a development permit for a building, or buildings, with a combined floor area greater than 600 square metres;
- (b) development permits within a Development Permit Area that includes a designation under section 488(1)(f) of the Act, establishment of objectives for the form and character of commercial or industrial development, where the Applicant has requested a development permit for a building, or buildings, with a combined floor area greater than 4,500 square metres;
- (c) development permits within a Development Permit Area where a rezoning has been applied for concurrently with the development permit application.

6. SECURITY

The amount of security to be provided in connection with a development permit under section 502 of the *Local Government Act* shall be:

- (a) as provided for under Part 5 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", as amended or replaced from time to time;
- (b) where the applicable Development Permit Area guidelines contain requirements for security that are additional to those under sub-section (a), in accordance with the applicable guidelines;
or
- (c) in cases not provided for under sub-sections (a) or (b), in an amount equal to the cost of site restoration, habitat restoration or improvements including materials and installation as determined by a professional landscape architect, a nurseryperson, a landscape contractor, or a habitat biologist.

7. RECONSIDERATION

- (a) An Applicant may request that a decision under this Bylaw be reconsidered by the Board in accordance with this section.
- (b) An Applicant who wishes to have a decision reconsidered by the Board must apply for a reconsideration by delivering written notice of the request for reconsideration form to the Corporate Officer within 30 days of the date on which the decision is communicated in writing to the Applicant directed to the Applicant's address, email address or facsimile number.
- (c) The request for reconsideration must include the information required in Schedule 1 and must set out the reasons why the Applicant wishes for reconsideration of the decision by the Board, as well as the decision the Applicant considers should be made by the Board.
- (d) A reconsideration application must be considered by the Board at a regular meeting.
- (e) Prior to the meeting at which the decision is to be reconsidered, the Corporate Officer must:

- (i) not less than two weeks following delivery of the request for reconsideration, give notice of a reconsideration application in accordance with any notice requirements applicable to the original development permit application; and
 - (ii) deliver to each member of the Board a copy of the materials that were considered by the delegate in making the decision that is subject to reconsideration.
- (f) The Board may adjourn a reconsideration of a decision.
- (g) At the reconsideration, the delegate will be provided an opportunity to speak to the decision under reconsideration.
- (h) After reconsidering a decision, the Board may either confirm the decision, may set aside the decision and substitute its own decision, or may amend the decision.

8. REPEAL

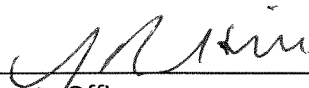
“Regional District of Nanaimo Delegation of Authority Bylaw No. 1166, 1999” and any amendments thereto are hereby repealed.

Introduced and read three times this 27th day of June, 2017.

Adopted this 27th day of June, 2017.



Chairperson



Corporate Officer

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

Mailing Address:

Telephone: Business _____ Other _____ Fax _____

Email:

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

Mailing Address:

Telephone: Business _____ Other _____ Fax _____

Email:

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