

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
PROPOSED BYLAW NO. 534, 2022**

**A bylaw of the Salt Spring Island Local Trust Committee to
Delegate the Power to Issue Certain Land Use Permits**

The Salt Spring Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Salt Spring Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

SHORT TITLE

1. This bylaw may be cited as “Salt Spring Island Local Trust Committee Delegation Bylaw No. 534, 2022”.

DEFINITIONS

2. In this bylaw:

“**Act**” means the Local Government Act, RSBC 2015 Chapter 1, as amended.

“**Local Trust Committee**” means the Salt Spring Island Local Trust Committee.

“**Director**” means the Director of Local Planning Services.

“**Regional Planning Manager**” means the Manager assigned to the Local Trust Committee.

DELEGATION

3. The Local Trust Committee hereby delegates to the Director, or in his or her absence the Regional Planning Manager, the power to issue a development permit or a development permit amendment under Section 490 of the Act in respect of development permits issued within the following development permit areas:
 - a. Development Permit Area 3 (Marine Shorelines),
 - b. Development Permit Area 4 (Lakes, Streams and Wetlands),
 - c. Development Permit Area 5 (Community Well Capture Zones),
 - d. Development Permit Area 6 (Slope Stability and Soil Erosion Hazards); and
 - e. Development Permit Area 7 (Riparian Areas).
4. The delegation under Section 3 does not include the authority to vary or supplement a land use regulation or a subdivision regulation.
5. The Director, or in his or her absence the Regional Planning Manager, is also delegated the power to require, under Section 502 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 Director.

6. The amount of security to be provided under Section 502 of the Act, in relation to a development permit issued by the delegate, shall be 125% of 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 nursery person, a landscape contractor, a habitat biologist, or another person approved by the Director to provide.
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.

RECONSIDERATION

8. An applicant may have a decision of the delegate in relation to a permit reconsidered by the Local Trust Committee by submitting a written request for reconsideration to the Deputy Secretary within thirty days after the decision is delivered to or made available to the applicant.
9. 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 Local Trust Committee;
 - d. the decision which the applicant requests be made by the Local Trust Committee;
 - e. reasons in support of the decision requested from the Local Trust Committee; and
 - f. a copy of any documents which support the applicant's request for reconsideration by the Local Trust Committee.
10. Each reconsideration request shall be placed on the agenda of a regular Local Trust Committee meeting and shall include a copy of the materials that were considered by the delegate in making the decision that is to be reconsidered and any further materials delivered by the owner.
11. The Local Trust Committee may consider any presentations made by the applicant and may either:
 - 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.

SCOPE OF BYLAW

12. For clarity, subject to the *Act*, unless a power, duty or function of the Local Trust Committee has been expressly delegated by this Bylaw or another bylaw, all of the powers, duties and functions of the Local Trust Committee remain with the Local Trust Committee.

READ A FIRST TIME THIS	13 TH	DAY OF DECEMBER,	2022
READ A SECOND TIME THIS	13 TH	DAY OF DECEMBER,	2022
READ A THIRD TIME THIS	13 TH	DAY OF DECEMBER,	2022
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	11 TH	DAY OF JANUARY,	2023
ADOPTED THIS	16 TH	DAY OF JANUARY,	2023.

CHAIRPERSON

SECRETARY