

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2500.29, 2023

**A Bylaw to amend the Regional District of Okanagan-Similkameen
Development Procedures Bylaw 2500, 2011**

The REGIONAL BOARD of the Regional District of Okanagan-Similkameen in open meeting assembled, ENACTS as follows:

1. This Bylaw may be cited for all purposes as the “Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw No. 2500.29, 2023.”
2. The "Regional District of Okanagan-Similkameen Development Procedures Bylaw No. 2500, 2011" is amended by:
 - (i) adding a new Section 1.2.9 under Section 1.0 (Title and Scope) to read as follows:

.9 a Soil Removal and Deposit permit or bylaw amendment proposal under s. 327 of the *Local Government Act*.
 - (ii) adding a new Section 3.2.11 under Section 3.0 (General Regulations) to read as follows:

.11 An application for a Soil Removal and Deposit Permit or Bylaw Amendment shall be made and processed substantially as outlined in Schedule ‘12’ of this bylaw.
 - (iii) adding a new Schedule 12 (Application for a Soil Removal and Deposit Permit or Bylaw Amendment) following Schedule 11 (Park Land Dedication Proposals) to read as follows:

SCHEDULE

12

**APPLICATION FOR A SOIL REMOVAL AND
DEPOSIT PERMIT OR BYLAW AMENDMENT**

This information is meant as a general guide only and is not regarded as the right to development approval if the steps indicated are followed.

1. General Application Requirements

.1 Authorisation

- (a) An application for a Soil Deposit and Removal Permit shall be made to the Chief Administrative Officer in writing and on the appropriate form, and shall be:
 - (i) made by the owner(s) of the subject property or by a person authorized by all property owner(s);
 - (ii) if a numbered company holds the property, a corporate search shall accompany the application illustrating the company directors. The signatory on the application form shall be a company director;
 - (iii) made on the appropriate form designated by the CAO; and
 - (iv) accompanied by the appropriate application fee outlined in the Fees and Charges Bylaw.

.2 Proposal Summary

- (a) an explanation of why soil deposition and/or removal needs to be undertaken and how it relates to a permitted use of the land under the applicable zoning bylaw;
- (b) the total volume and a general description of the soil that is to be deposited or removed, including anticipated changes in site elevation; and
- (c) measures to address any resulting dust, dirt and noise issues related to the proposed activities.

.3 State of Title Certificate

- (a) a copy of the Land Title Office search print, issued not more than thirty (30) calendar days prior to the submission date for any parcel of land subject to the Park Land Dedication proposal; and
- (b) a copy of all non-financial charges (i.e. covenants, easements and rights-of-way, etc.) registered on the subject property(s).

.4 Site Plan

- (a) a scaled and dimensioned site plan of the parcel where the soil is to be deposited and/or removed showing:
 - (i) dimensions and boundaries of property lines, rights-of-way, covenant areas and other easements;
 - (ii) location and dimensions of all buildings and structures;
 - (iii) location of all existing public utilities and private infrastructure such as water lines, wells, and septic fields, including sizes;
 - (iv) proposed road access location and internal driveway access to soil activity site;

- (v) location of any physical or topographical constraints, such as geotechnical hazard classifications, watercourses, ravines, wetlands, steep slopes, bedrock outcrops, etc.; and
 - (vi) the location of the soil that is to be deposited or removed, including site elevations.
- .5 Professional Reports
 - (a) A geotechnical assessment prepared in accordance with the requirements of Section 1(d) (Hillside Development Permit Application Requirements) of Schedule 3 (Application for a Development Permit) of this bylaw.
- .6 Contaminated Site Profile
 - (a) A site disclosure statement of the site from which any soil proposed for deposition originated prepared in accordance with Schedule 1 of the *Contaminated Sites Regulation*.
- .7 Ministry of Transportation and Infrastructure
 - (a) A copy of any requirements the Ministry of Transportation and Infrastructure has imposed in relation to road maintenance and cleanup during and after the proposed soil deposition and/or removal works.

2. Processing Procedure – Permit Application

A Soil Removal and Deposit Permit application, or an application to renew a Soil Removal and Deposit Permit submitted in accordance with this bylaw will be processed as follows:

- .1 Upon receipt of an application accompanied by the required fees and attachments, Development Services staff will open a file and issue a fee receipt to the applicant.
- .2 Development Services staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant.
- .3 Development Services staff will evaluate the proposal for compliance with relevant Regional District bylaws and policies. Staff may conduct a site visit to view the property as part of the evaluation process.
- .4 Development Services staff will refer the application to all applicable Regional District departments. The referral comments may then be incorporated into a staff memo to the CAO, and/or the permit, as applicable.
- .5 When all relevant conditions and guidelines have been satisfied, the staff memo and drafted permit will be considered for approval by the CAO, or their delegate.
- .6 If approval of the permit is granted by the CAO, or their delegate, the Planning Manager will execute the permit.

- .7 Development Services staff will register the Notice of Permit against the title of the property(s) at the Land Title Office.
- .8 An owner of property may request a reconsideration of a decision by the CAO as outlined at Section 3.6.2 of this bylaw. A decision by the Board is considered final.
- .9 Development Services staff shall administer any further conditions of the permit as specified within each individual permit as required.
- .10 Development Services staff may conduct inspections, on an as-required basis, to ensure that the terms of the permit are being satisfied.

3. Processing Procedure – Bylaw Amendment Application

An application to amend the Soil Removal and Deposit Bylaw submitted in accordance with this bylaw will be processed as follows:

- .1 Upon receipt of an application submitted in accordance with the requirements of this bylaw, Development Services staff will open a file and issue a fee receipt to the applicant.
- .2 Development Services staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant.
- .3 Development Services staff will notify the application by:
 - a) written notice to property owners and tenants of land within a radius of 100.0 metres of the boundaries of the subject property;
 - b) posting of application materials on the Regional District's web-site.
- .4 A period of 15 working days from the date of the letter to property owners and tenants will be provided for feedback from the public to be submitted electronically or in-person to the Regional District.
- .5 Development Services staff will refer the application to all applicable Regional District departments for comment.
- .6 Development Services staff will evaluate the proposal for compliance with relevant Regional District bylaws and policies. Staff may conduct a site visit to view the property as part of the evaluation process.
- .7 All comments, including any feedback received from property owners and tenants will then be incorporated into a technical report to the Board.
- .8 The applicant is invited to attend the Board meeting at which the amendment application will be considered.
- .9 If the Board decides to proceed with the amendment application, an amending bylaw may be given first, second and third readings. The Board may alternatively decide to refer, table and direct that a public information session, open house or public meeting be scheduled or deny the application.

- .10 Applicants that are required to host a public information session, open house or public meeting will do so at their own expense prior to the permit application being re-considered by the Board. Development Services staff may assist with the scheduling and notification of a public information session, open house or public meeting, in accordance with the requirements of Section 5.0 of this bylaw.
- .11 Once the applicant has adequately addressed all of the conditions identified at third reading (if any), the Board will consider the adoption of the bylaw(s).
- .12 Once the Board minutes have been prepared, the applicant will be notified in writing of the outcome.

READ A FIRST, SECOND AND THIRD TIME on the 16th day of February, 2023.

ADOPTED on the ____ day of _____, 2023.

Board Chair

Corporate Officer