

# ***Transportation Act***

## **Section 52 Agreements**

Planning & Development Committee

Thursday, May 4, 2023

# Section 52 Agreement

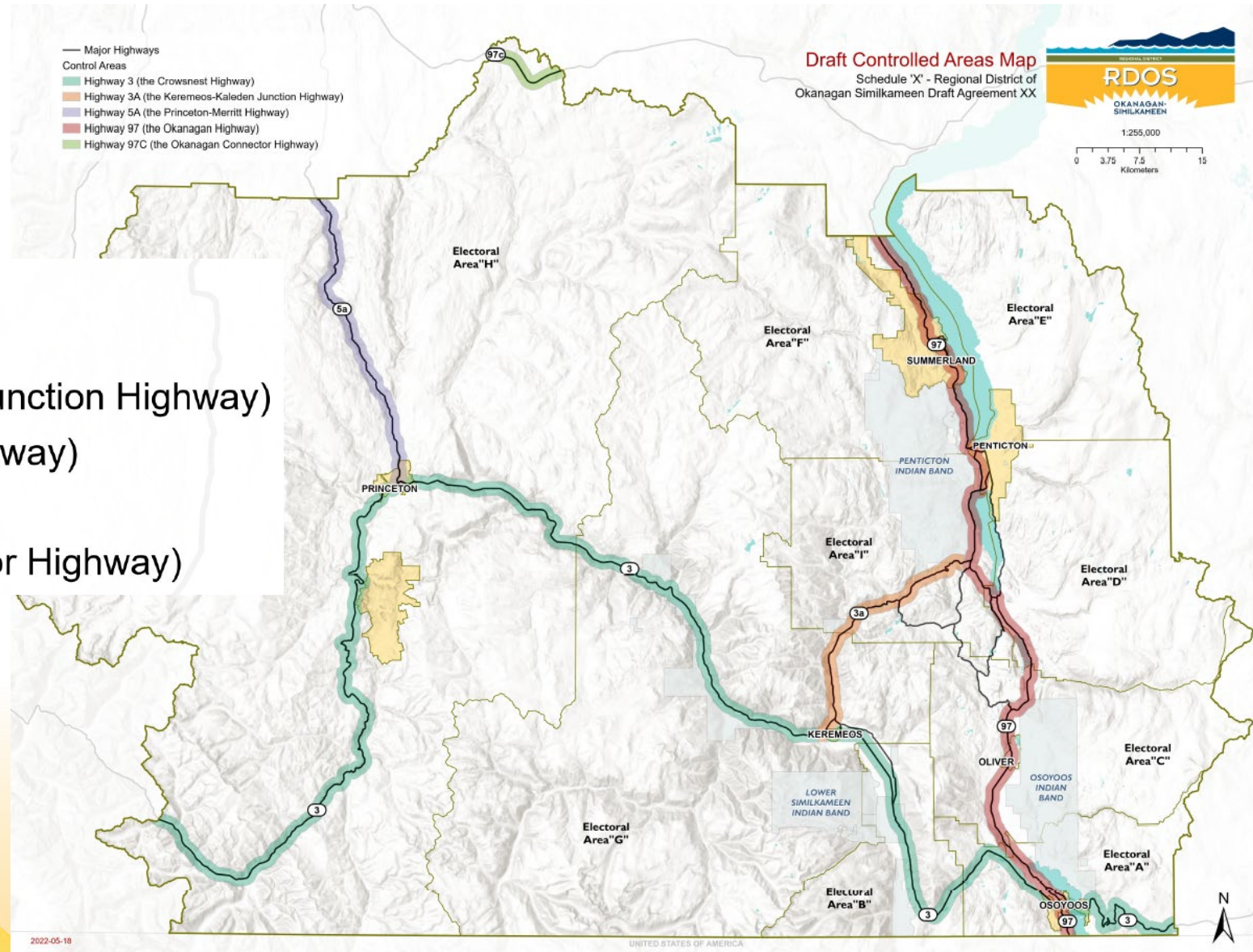
## ***Transportation Act – “Controlled Area”***

- *“controlled area” means, in relation to an intersection of a controlled access highway with any other highway, land and improvements within a radius of 800 metres from the intersection.*
- 800 metres is measured by the “travelled length” or the road, and not “as the crow flies”

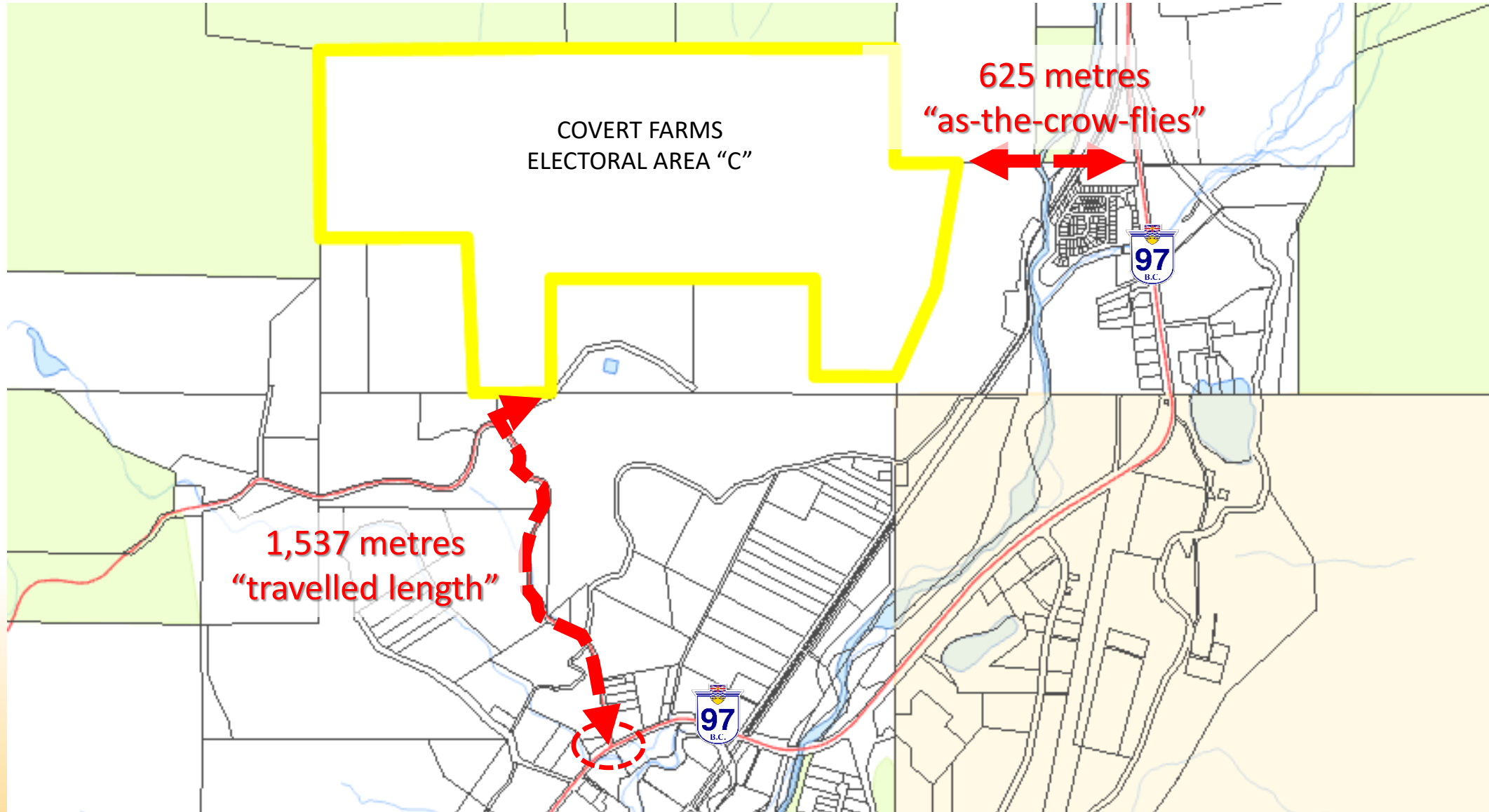
# Section 52 Agreement

## Control Areas

-  Highway 3 (the Crowsnest Highway)
-  Highway 3A (the Keremeos-Kaleden Junction Highway)
-  Highway 5A (the Princeton-Merritt Highway)
-  Highway 97 (the Okanagan Highway)
-  Highway 97C (the Okanagan Connector Highway)

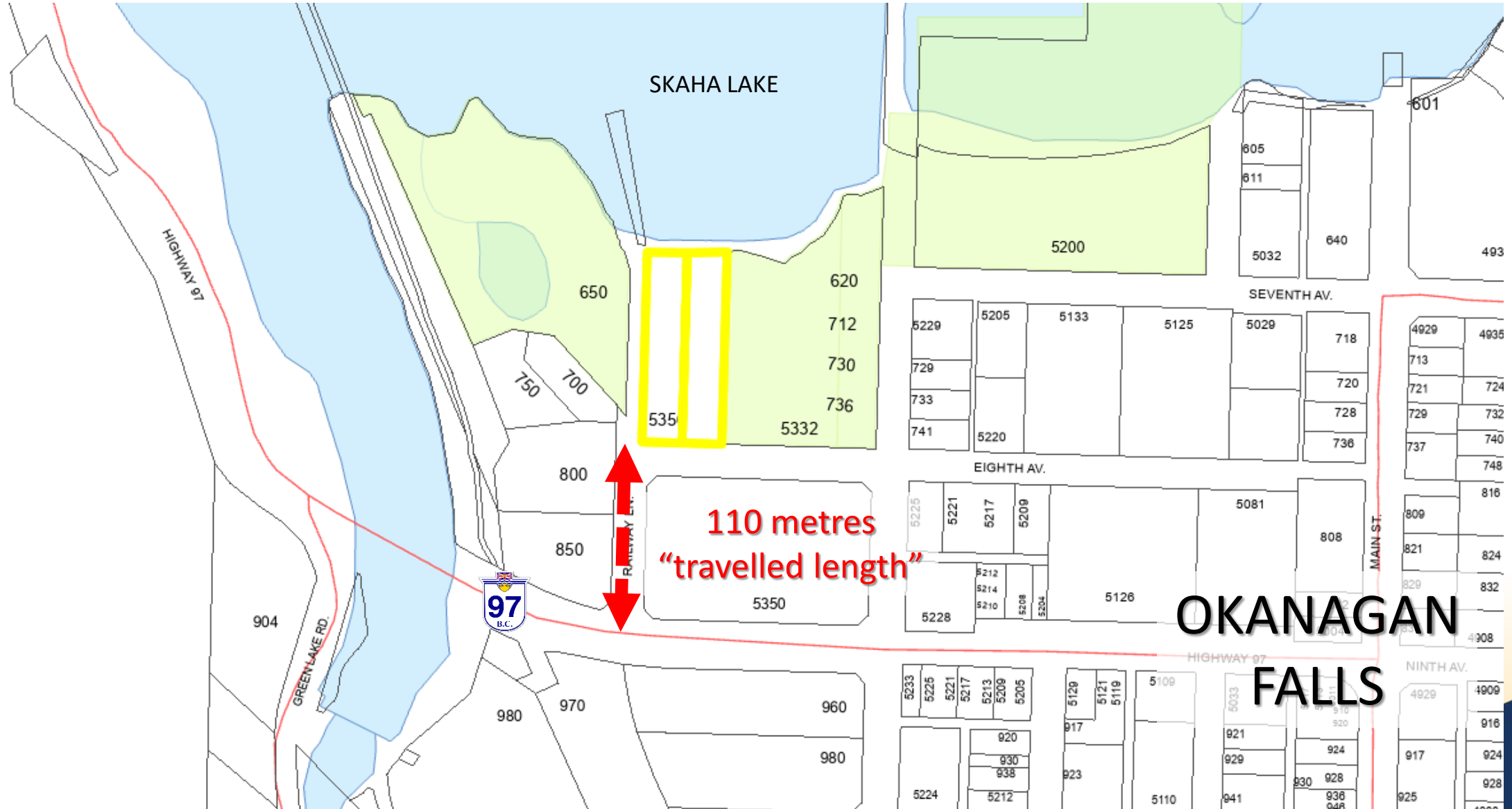


# Section 52 Agreement





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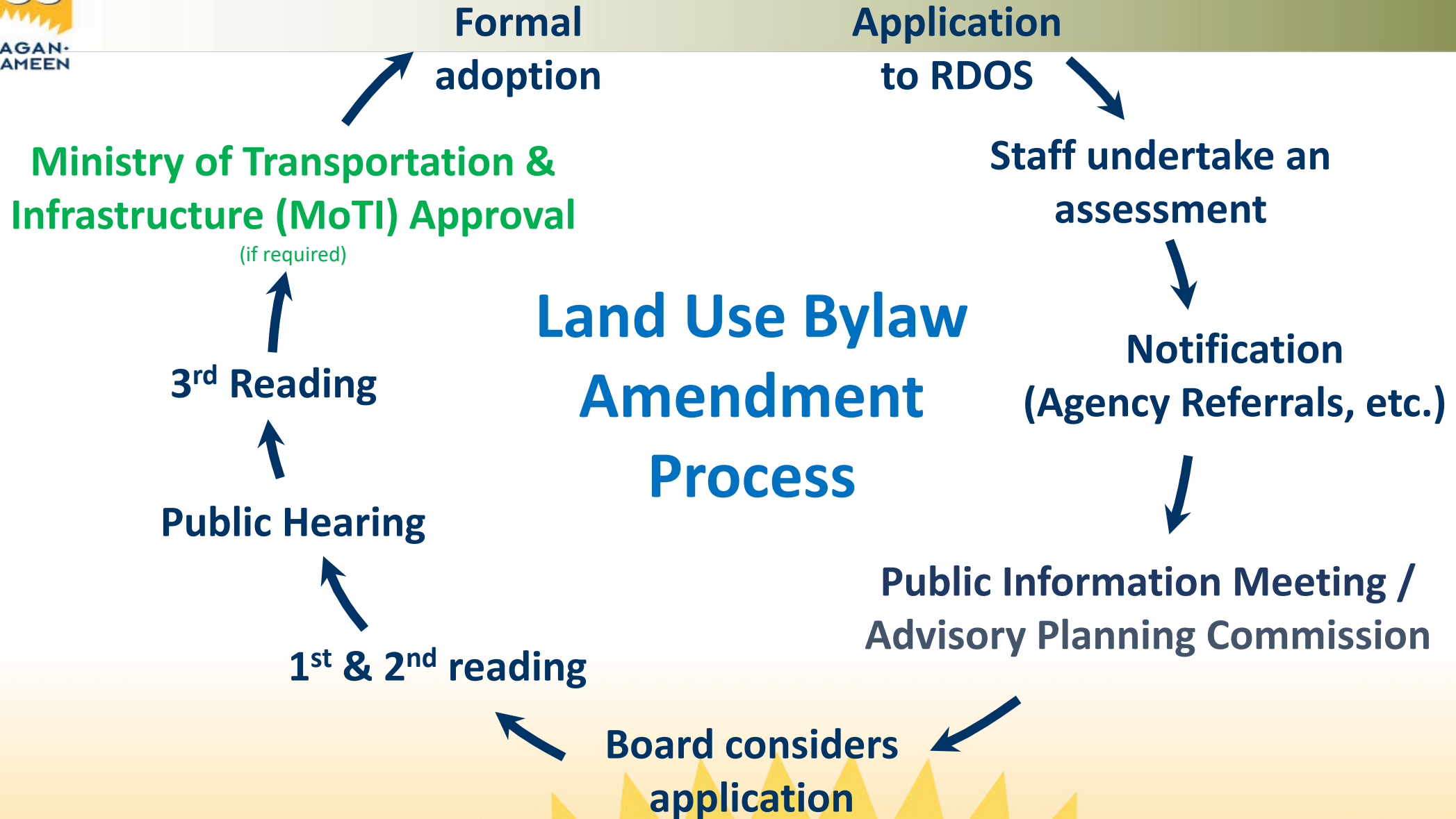


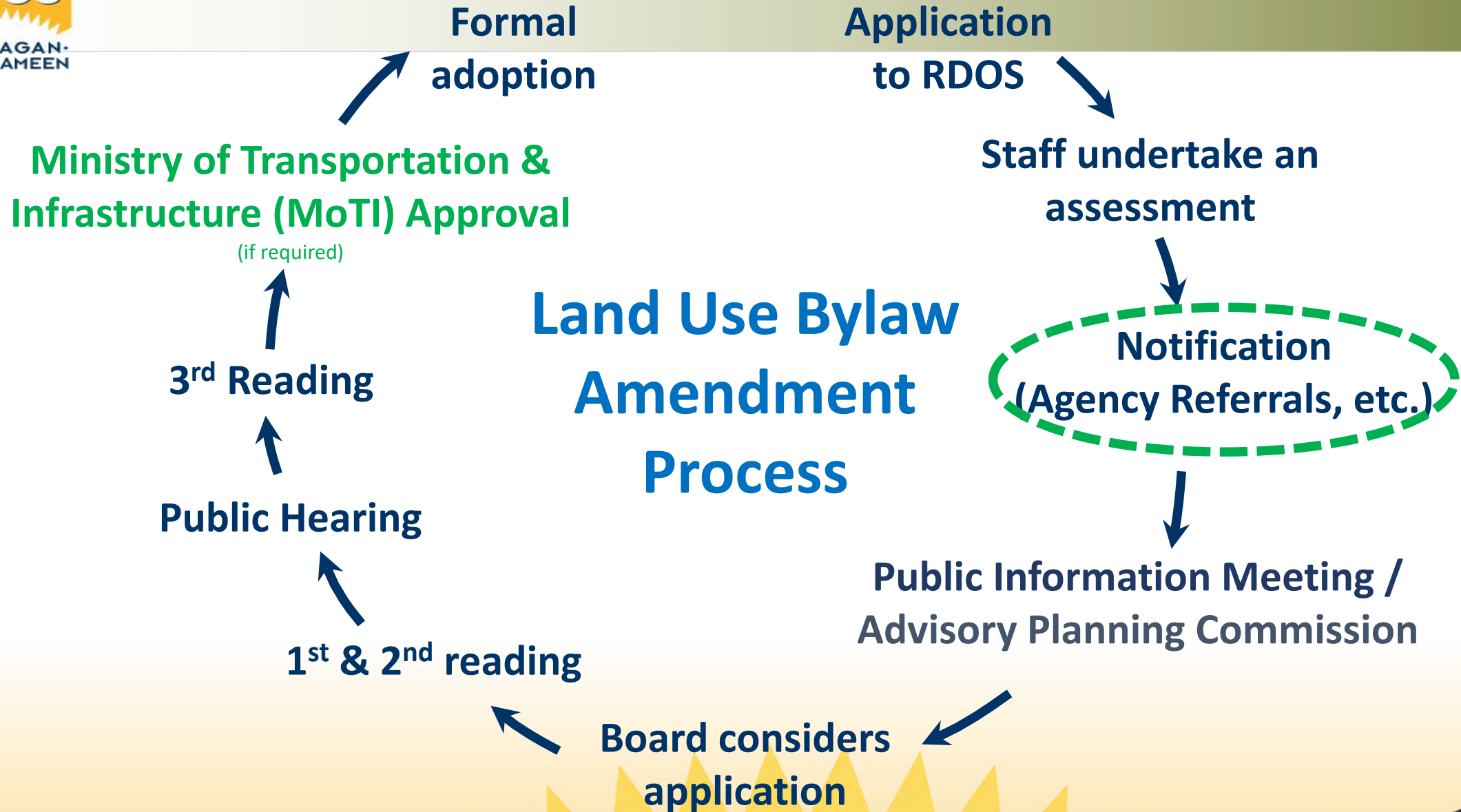
# Section 52 Agreement

## ***Transportation Act – Minister Approval***

A zoning bylaw, including amendment bylaws, does not apply to a “controlled area” unless:

- a) the bylaw has been approved by the minister prior to its adoption; or
- b) the bylaw complies with an agreement between the minister and the regional district (e.g. a Section 52 Agreement).







# Section 52 Agreement

## Ministry Considerations

- the anticipated vehicle trip generation that will result from the proposed land use (e.g. average trips generated during the highest peak traffic periods are calculated at being >100 trips);
- impacts to any known areas where additional traffic load would lead to a worsening condition of a known safety issue;
- if the land use change creates an increase of >20% traffic load at existing intersections.

# Section 52 Agreement

## Ministry “Preliminary Approval”

- Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the Transportation Act.*



BRITISH COLUMBIA | Ministry of Transportation and Infrastructure

DEVELOPMENT SERVICES  
PRELIMINARY BYLAW  
COMMUNICATION

Your File #: X2022.007-  
ZONE  
eDAS File #: 2022-02775  
Date: May 19, 2022

Regional District Okanagan Similkameen  
101 Martin Street  
Penticton, BC V2A 5J9

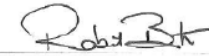
Attention: Lauri Feindell, Planning Secretary

**Re: Proposed Text Amendment Bylaw 2800.02 for:  
Okanagan Valley Zoning Bylaw-Mobile Vendor**

Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act*.

If you have any questions, please feel free to call Penticton Development Services at (250) 712-3660.

Yours truly,



Rob Bitte  
Development Officer

Local District Address

Penticton Area Office  
102 Industrial Place  
Penticton, BC V2A 7C8  
Canada

Phone: (250) 712-3660 Fax: (250) 490-2231

# Section 52 Agreement

## Zoning Bylaw Overview (2019-2022)

Approx. 89 bylaws submitted to the RDOS or initiated by the Board:

- 37.1% (33 bylaws) were zoning and applied to a Controlled Area.
- 97% (32 of 33 bylaws) were referred to MoTI prior to 1<sup>st</sup> reading.
- 96.9% (31 of 32 bylaws) received “Preliminary Approval” for 1-year from MoTI.
- All the bylaws were subsequently approved by MoTI.

# Section 52 Agreement

## Ministry “Formal Approval”

- Bylaw is certified after 3<sup>rd</sup> reading as being a correct version.
- Bylaw is provided to Ministry staff for approval.
- Approved bylaw is returned to the Regional District.
- Consideration of adoption is scheduled.


READ A FIRST AND SECOND TIME this 7<sup>th</sup> day of July, 2022.

PUBLIC HEARING held on this 4<sup>th</sup> day of August, 2022.

READ A THIRD TIME this 4<sup>th</sup> day of August, 2022.

I hereby certify the foregoing to be a true and correct copy of Amendment Bylaw No. 2800.02, 2022” as read a Third time by Council on this 4<sup>th</sup> day of August, 2022.

Dated at Penticton, BC this 4<sup>th</sup> day of August, 2022.



Corporate Officer

Approved pursuant to Section 52(3) of the *Transportation Act*



For the Minister of Transportation & Infrastructure

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2022.

# Section 52 Agreement

## Section 52 Agreement

- Such agreements are contemplated by the *Transportation Act*, but the form of the agreement is not prescribed (i.e. there is flexibility).
- It is understood that the Ministry has not previously entered into such an agreement with a local government (i.e. no precedents).
- Such an agreement has the potential to remove a step that appears to be largely redundant (e.g. Ministerial approval prior to adoption of a zoning bylaw).

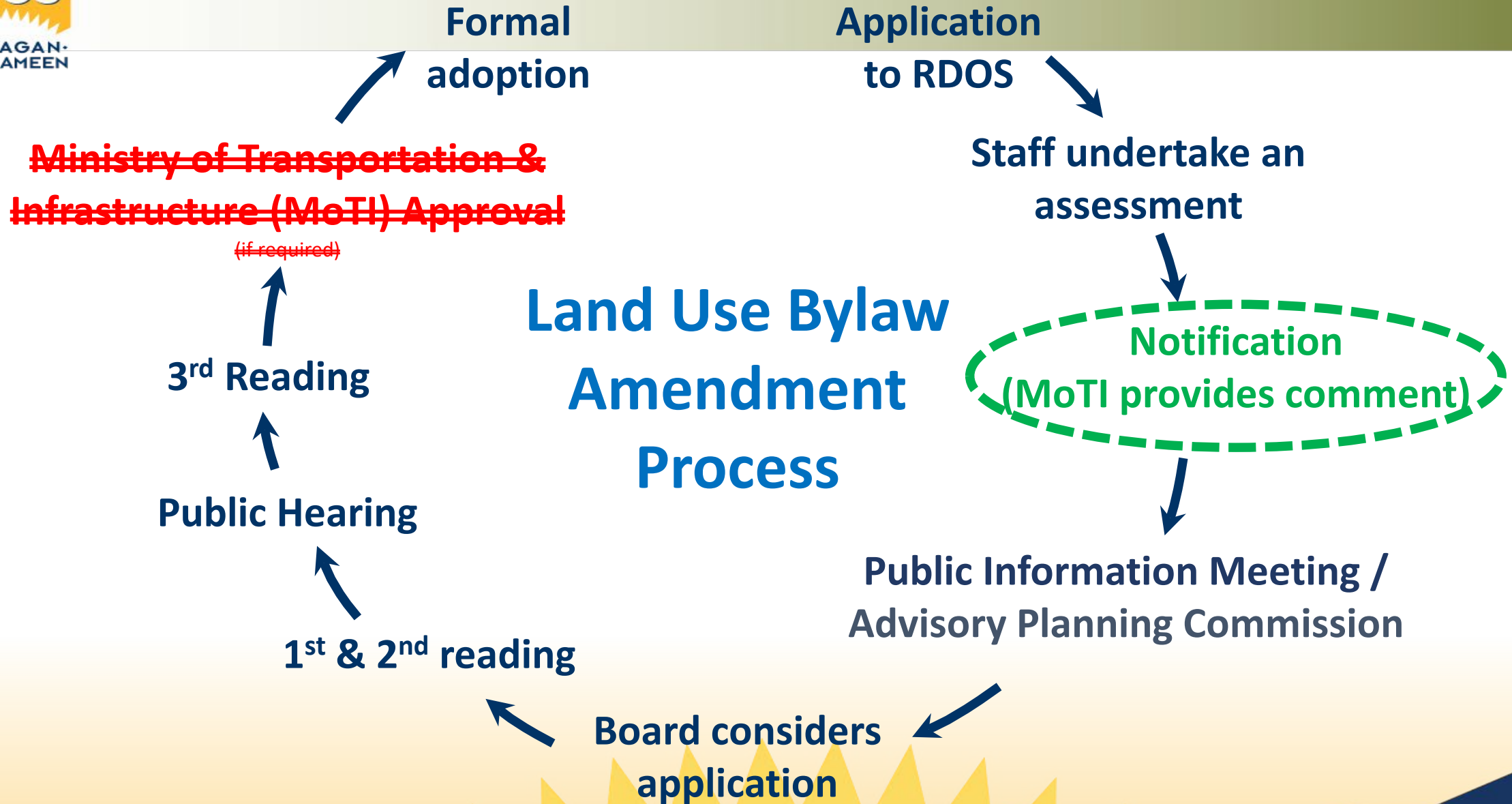


# Section 52 Agreement

## Proposed Agreement

Approval of a zoning bylaw prior to adoption is not required if the Ministry indicates anyone of the following at referral stage:

- a) preliminary approval of the bylaw is granted;*
- b) the Minister's interests are unaffected by the proposed bylaw;*
- c) the Minister does not anticipate that the proposed bylaw would have any negative impact on a controlled area; or*
- d) there are no specific conditions or requirements the Minister wishes the Regional District to consider, or consider imposing, in relation to the bylaw.*



# Section 52 Agreement

## Benefits of an Agreement

- reduction of processing times and elimination of an unnecessary step for a vast majority of bylaws that currently require formal Ministry approval; and
- furtherance of a provincial DAPR objective by helping to speed up local government approvals and construction in order to build more homes.

# Section 52 Agreement

## Options

- THAT the Minister of Transportation and Infrastructure be requested to enter into an agreement with the Regional District under Section 52(2) of the *Transportation Act* (recommended); or
- Status quo.

# Section 52 Agreement

Questions?