

# CONTROLLED AREAS AGREEMENT

This agreement dated for reference the \_\_ day of \_\_\_\_\_, 2023.

BETWEEN:

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

101 Martin Street  
Penticton, B.C. V2A 5J9  
(the “**Regional District**”)

AND

**MINISTER OF TRANSPORTATION AND INFRASTRUCTURE**

(the “**Minister**”)

**WHEREAS** the Regional District and the Minister wish to enter into an agreement under section 52 of the *Transportation Act*, so that certain zoning bylaws adopted by the Regional District can apply to controlled area without the approval of the minister;

**THEREFORE** Minister and the Regional District agree as follows:

## 1.0 INTERPRETATION

- 1.1 The terms “**controlled area**”, and “**zoning bylaw**” shall be defined in accordance with the *Transportation Act*.
- 1.2 The term “**proposed bylaw**” means a draft of a zoning bylaw referred to the minister in a bylaw referral under s. 3 of this agreement.

## 2.0 APPLICATION

- 2.1 This agreement applies to Electoral Areas “A”, “B”, “C”, “D”, “E”, “F”, “G”, “H” and “I” of the Regional District.

## 3.0 ZONING BYLAWS

- 3.1 If the Regional District refers a draft of a zoning bylaw to the Minister along with a brief summary of the purpose of the bylaw (a “**bylaw referral**”), the Minister shall respond to the bylaw referral in writing within 30 days, or such other period as the parties may agree in respect of any particular bylaw referral.

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3.2 If the Minister does not respond to a bylaw referral, or responds but indicates any of the following:

- (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;
- (d) there are no specific conditions or requirements the Minister wishes the Regional District to consider, or consider imposing, in relation to the bylaw;

then a zoning bylaw substantially in accordance with the proposed bylaw is deemed to be in compliance with this agreement and may be adopted without any further review or approval by the Minister.

**4.0 TERM OF AGREEMENT**

4.1 This agreement shall commence on the date it is executed by both parties, and shall continue until it is terminated, by one of the parties giving 30 days’ advance notice of termination to the other party.

**REGIONAL DISTRICT OF OKANAGAN- )**  
**SIMILKAMEEN** by its authorized signatories )  
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\_\_\_\_\_)  
Chair )  
 )  
\_\_\_\_\_)  
Chief Administrative Officer )

**MINISTER OF TRANSPORTATION AND )**  
**INFRASTRUCTURE** )  
by its authorized signatories )  
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