

**TOWN OF OSOYOOS
BYLAW NO. 1235.08, 2024**

A bylaw to amend the Land Use Procedures (LUP) Bylaw No, 1235, 2007

WHEREAS Council deems it desirable to amend Land Use Procedures (LUP) Bylaw No. 1235, 2007;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Town of Osoyoos, in an open meeting assembled **ENACTS AS FOLLOWS:**

1. This Bylaw may be cited as “Land Use Procedures Amendment Bylaw No. 1235.08, 2024”.

2. Land Use Procedures (LUP) Bylaw No. 1235, 2007, is hereby amended as follows:

a) by replacing Section 3 (Owner’s Consent Required) under Part 2 (General Application Requirements) in its entirety with the following:

3. Application Submission Requirements

An application submitted to the Town of Osoyoos seeking an amendment to a land use bylaw or the issuance of a permit shall be accompanied by the following:

a) Authorization

i) an application shall be submitted on the appropriate form designated by the CAO, and shall be:

.1 made by the owner(s) of the subject property or by a person authorized by all property owner(s); and

.2 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.

b) State of Title Certificate

i) a copy of the Land Title Office search print, issued not more than thirty (30) calendar days prior to the application date for any parcel of land subject to the application; and

ii) a copy of all non-financial charges (i.e. covenants, easements and rights-of way, etc.) registered on the subject property(s).

c) Proposal Summary

i) An outline of the type of development or land use being proposed and the reason why a bylaw amendment or permit is being sought.

d) Development Plans (drawn to scale, in metric)

i) building sections, elevations, finishes, floor plans, landscaping, pathways, and screening and fencing proposed for the site, as applicable;

- ii) a project summary sheet outlining density and number of dwelling units, site coverage, heights, setbacks, and other relevant data, as applicable; and
 - iii) location and width of existing or proposed access(es) to the property, driveways, manoeuvring aisles and parking layout.
- e) Site Plan
 - i) a site plan of the proposed development drawn to scale and showing dimensions, and including the following (as applicable):
 - .1 north arrow and scale;
 - .2 dimensions and boundaries of property lines, rights-of-way, covenant areas and other easements;
 - .3 location and dimensions of existing and proposed structures and setbacks (including projections and overhangs) to parcel lines, rights-of-way, and easements;
 - .4 location of existing and proposed accesses, driveways and vehicle parking spaces;
 - .5 natural and finished grades of site at buildings and retaining walls (indicate source of grade data);
 - .6 location of any physical or topographical constraints (e.g. watercourses, shorelines, ravines, wetlands, steep slopes, bedrock outcrops, etc.);
 - .7 location of all existing and proposed water and sewer line, and other utilities, as applicable; and
 - .8 proposed covenant areas (if any).
- f) Site Surveys
 - i) for a development variance permit (DVP) application seeking to reduce a parcel line setback for the siting of a new building or building addition, a current sketch plan, certified by a BC Land Surveyor, in metric, shall be provided.
- g) Design Plan
 - i) for an application seeking a development permit (DP) related to the form and character of development under s. 488(1)(f) of the *Local Government Act*, a "Design Plan" shall be provided indicating the colours and materials to be used on the elevations / façade of a building.
- h) Riparian Assessment Report
 - i) for an application seeking a development permit (DP) related to the the protection of riparian areas from development under s. 488(1)(a) of the *Local Government Act*, the following shall be provided:
 - .1 an Assessment Report, provided to the Town of Osoyoos by the responsible provincial minister under Section 6 of the *Riparian Areas Protection Regulation* (RAPR) in relation to

the development, and which is not expired under Section 7 of the Regulation; or

- .2 if the minister will not provide the Assessment Report under Section 6 (Administration of assessment reports by minister) of the RAPR because the development that is the subject of the Assessment Report has already occurred, the Assessment Report is submitted to the Town of Osoyoos as defined in section 3(h)(i)(1).

i) Environmental Assessment Report

- i) for an application seeking a development permit (DP) related to the the protection of environmentally sensitive areas from development under s. 488(1)(a) of the *Local Government Act*, the following shall be provided:

- .1 An Environmental Assessment Report, prepared by a qualified environmental professional (QEP) that includes the following:

- a) A map delineating where construction work will occur on the site;
- b) Details of the proposed development;
- c) Identification and assessment of sensitive ecosystems, habitats, and features on the site in the form of detailed descriptions of each supplemented by a map. This includes an inventory of any provincially and federally listed Species at Risk found or known to be present on the site and fish habitat;
- d) Identification of any invasive species on the site and recommended steps for their safe removal;
- e) Identification of trees with significant environmental value and recommendations for how they can be protected during the construction period and post construction;
- f) Recommendations on how to protect environmental features, including a description of where any necessary vegetative buffers and/or fencing shall be installed;
- g) Identification of and recommendations on how to protect active bird nests;
- h) Recommendations for the maintenance of the hydrological functions of any water features, including wetlands and riparian areas;
- i) Assessment of any proposed on-site drainage measures to control erosion and help with slope stability;
- j) Recommendations for when construction work and rehabilitation of the site should occur;

- k) A restoration plan for any proposed site disturbances, including restoration of areas where invasive species have established.
- j) Development Approval Information
 - i) In addition to the requirements of sub-section 3(a) to (i) above, the Town of Osoyoos may, in accordance with s. 487 (Requirement to provide development approval information) of the *Local Government Act*, require the submission of development approval information as part of a land use application.
- b) by replacing Section 14.1 (Security Deposits for Landscape Plans) under Part 8 (Security Deposits for Landscape Plans) in its entirety with the following:
 - (1) As required according to a Development Permit, the applicant will submit a landscape security deposit representing 125% of the landscaping cost estimate as approved by the Town, and in an acceptable form of payment such as cash, certified cheque, or an automatically renewing irrevocable Letter of Credit satisfactory to the Town, except that if the cost of the landscaping works is less than \$15,000.00 no security under this section shall be required.

Read a first, second and third time on the 14 day of May, 2024.

Adopted this _____ day of _____, 2024.

MAYOR

CORPORATE OFFICER