

ADMINISTRATIVE REPORT



TO: Planning & Development Committee

FROM: J. Zaffino, Interim Chief Administrative Officer

DATE: December 7, 2023

RE: Subdivision Servicing Bylaw Review (X2023.001-SDS)

Administrative Recommendation:

THAT the Draft Regional District of Okanagan-Similkameen Subdivision and Development Servicing Bylaw No. 2900, be initiated.

Purpose:

The purpose of this report is to provide an overview of Draft Subdivision and Development Servicing Bylaw No. 2900 and seek direction on next steps.

Statutory Authority:

Under Section 506 (Subdivision servicing requirements) of the *Local Government Act*, a local government may, by bylaw, undertake the following when a parcel is being subdivided:

- a) *regulate and prescribe minimum standards for the dimensions, locations, alignment and gradient of highways in connection with subdivisions of land;*
- b) *require that, within a subdivision, highways, sidewalks, boulevards, boulevard crossings, transit bays, street lighting or underground wiring be provided, located and constructed in accordance with the standards established by the bylaw;*
- c) *require that, within a subdivision, a water distribution system, a fire hydrant system, a sewage collection system, a sewage disposal system, a drainage collection system or a drainage disposal system be provided, located and constructed in accordance with the standards established in the bylaw.*

NOTE: the road network within unincorporated areas is owned and administered by the provincial government through the Ministry of Transportation and Infrastructure (MoTI), consequently, regional districts do not generally regulate road or drainage (i.e. stormwater) standards as these are seen to be the purview of the province.

Background:

The first servicing bylaw adopted by the Regional District Board was the Electoral Area “D” Subdivisions Bylaw No. 104, 1970, and there have subsequently been six (6) different iterations of the subdivision servicing bylaw since this time, and was expanded to apply to all of the Electoral Areas by 2010 to facilitate the implementation of the “1.0 ha Policy”.

The current bylaw is generally considered to be based on a municipal template that was provided to the Regional District by a consulting firm as part of a previous bylaw review in 1995.

The review of the current Subdivision Servicing Bylaw No. 2000, 2002, has been a multi-year project that has already involved a number of updates, including:

- removal of regulations related to highways and roads (as this is provincial jurisdiction);
- removal of regulations related to stormwater (as this is provincial jurisdiction);
- review of the regulations related to electrical power, overhead wiring and natural gas;
- updating the requirements for confirming the provision of water & sewer; and
- review of regulations related to street lighting.

Analysis:

A guiding principal of the Subdivision Servicing Bylaw Review has been to modernize and simplify the bylaw as it pertains to those services that the Regional District has authority for.

Municipal Infrastructure Design Guideline Manual:

With regard to the simplification of the bylaw, it is proposed that this occur via reliance on the Master Municipal Construction Documents (MMCD) Association's *Municipal Infrastructure Design Guideline Manual*.

The *Municipal Infrastructure Design Guideline Manual* provides a standardized set of guidelines that can be adopted by local government involved with the design and construction of servicing infrastructure (e.g. community water and community sewer systems) and is updated on a regular basis (i.e. approximately 4-5 years).

Recognizing, however, that the *Municipal Infrastructure Design Guideline Manual* is a standard template designed for use throughout the province and that there may be aspects of it that are not suitable for the South Okanagan and Similkameen Valley's, it is being proposed that the design schedules to Draft Bylaw No. 2900 only specify standards where the Regional District diverges from the *Manual*.

Areas where it is being proposed that Draft Bylaw No. 2900 diverge from MMCD's *Manual* include Per Capita Demand, Fire Flows, Pipe Diameters, Reservoirs, Pump Stations and Sewage Air Valves (NOTE: a complete list can be found in Schedules 'A' & 'B' to Bylaw No. 2900).

(NOTE: further internal input may be received on the draft design schedules that results in proposed revisions to the items listed above prior to 1st reading).

Administration is aware that this the approach that has been applied by the Fraser Valley Regional District (FVRD) and Central Okanagan Regional District (CORD) as part of the recent review of their subdivision servicing bylaws.

Similarly, municipal governments such as Summerland and Kelowna have also relied on MMCD's *Manual*, albeit by incorporating significant portions of its standards directly into their bylaw schedules.

Exemptions:

Other updates include revisions to the list of Exemptions such as clarification on what is meant by "unattended equipment" as well as boundary adjustments, and a new exemption for subdivisions that are seeking to conserve a natural area.

Building Permits:

While building permit applications will continue to be a trigger for servicing requirements under Draft Bylaw No. 2900, it is being proposed that this be at the discretion of Administration in accordance with Section 506(9) of the *Local Government Act*:

As a condition of the issue of a building permit, a local government may require that the owner of the land provide, on the site being developed, works and services in accordance with the standards established in a bylaw under this section.

It is envisioned that this discretion will generally be exercised in relation to developments requiring full urban servicing, such as medium and high density residential, commercial and industrial uses.

It is further noted that medium and high density residential, commercial and industrial uses are *generally* limited to, or encouraged within “Primary” and “Rural” growth areas under the Regional Growth Strategy (RGS) Bylaw (e.g. Okanagan Falls and Apex) — which is where basic water and sewer infrastructure is supposed to be available.

Finally, this approach will be augmented by the existing requirements that new subdivisions and developments within any water or sewer service area established by the Regional District be connected to that system.

Regulation of Private Utilities:

The proposed regulation of private utilities considered by the Committee at its meeting of October 19, 2023, is being undertaken separately due to required official community plan (OCP) bylaw amendments and, as a result, different consultation requirements under the *Local Government Act*.

It is anticipated that any direction resulting from this project *may* be incorporated in Draft Bylaw 2900 at a later point, including as an amendment bylaw after adoption.

Campground and Manufactured Home Park Regulations Bylaws:

Further to the direction provided by the Planning and Development (P&D) Committee at its meeting of October 19, 2023, Administration is currently preparing amendment bylaws related to the repeal of the following:

- Campground Regulations Bylaw No. 2779, 2018; and
- Manufactured Home Park Regulations Bylaw No. 2597, 2012.

It is anticipated that there may be some revisions required to Draft Bylaw No. 2900 as a result, but that these will be finalized prior to consideration of 1st reading by the Board.

Public Engagement:

Due to the technical nature of many of the design standards contained within a subdivision and development servicing bylaw, Administration is proposing that public engagement primarily be focused on the development community.

It is envisioned that this will take the form of a public information meeting with local consulting engineering firms and similar entities hosted by the Regional District with assistance by Urban Systems staff.

In addition, notification of the bylaw will occur in the typical manner, such as agency referrals, notification on VoyentAlert and social media, information posted to a project webpage, etc. It is further proposed that direct written notification be undertaken to current subdivision applicants.

The results of this engagement process, along with any recommended changes to the bylaw would then be presented at a forthcoming meeting of the P&D Committee, likely in Q1 of 2024 for consideration and further direction.

Alternatives:

1. THAT the Draft Regional District of Okanagan-Similkameen Subdivision and Development Servicing Bylaw No. 2900, not be initiated.

Respectfully submitted:



C. Garrish, Senior Manager of Planning