
MEETING TYPE: Regular Council Meeting
MEETING DATE: Tuesday, September 20, 2022
AUTHOR: [Sponsor]
DEPARTMENT: Engineering and Environmental Services
ITEM TITLE: Updated Highways Bylaw Documents
DESCRIPTION: Consider the adoption of the new Highways Bylaw and associated policy documents

QUESTION

Does the proposed amended Highways Bylaw and associated policy documents and bylaw amendments, provide the appropriate level of regulation and guidance to meet Council's objectives and the community's needs?

OPTIONS

- A. THAT Highways Bylaw 1189, 2022 be read a first, second and third time and forwarded to the Ministry of Transportation for approval;
AND THAT BNE and MTI Amendment (Highways) Bylaw 1192, 2022 be read a first, second and third time;
AND THAT Nuisance Amendment Bylaw 1191, 2022 be read a first, second and third time;
AND THAT Subdivision and Development Servicing Amendment (Highways) Bylaw, be read a first, second and third time;
AND THAT Building Regulation Amendment Bylaw 1190, 2022 be read a first, second and third time;
AND FURTHER THAT Driveway Design and Construction Guidelines Policy 200, 2022 be adopted.
- B. THAT the Highways Bylaw 1189, 2022 be referred back to staff for amendments as provided by Council.

EXECUTIVE SUMMARY

The current Highways and Traffic Bylaw 98-186 (Hwy's Bylaw) remains largely unchanged since incorporation in 1995 and is overdue for an update. There are several interrelated policy documents that are also being amended, consolidated or superseded at the same time to complement this Hwy's Bylaw update. The two key changes to the Highways Bylaw are in relation to how private driveways are designed, reviewed and approved and the consolidation of the permitting processes for activities within the Highway.

KEY INFORMATION

The key objective with the Hwy's Bylaw update was to create a single document that regulated all activities with the District's dedicated highway. The amended Bylaw only applies only to District lands within highway dedication and not Provincial Highway or private and public lands beyond.

Whilst updating the Hwy's Bylaw, several associated stand-alone policy documents were consolidated and incorporated into the Hwy's Bylaw, these are:

- Highway Access and Driveway Regulation Bylaw 628, 2007. A copy of the new Highways Bylaw 1189, 2022 is Attachment A.
- Encroachment Bylaw 624, 2007
- Access Bylaw Grade Policy 181, 2020
- School Zone Speed Limit (GESS) Bylaw 745, 2010
- New Crossing Agreement process

The following Bylaws are also being amending as part of the Hwy's Bylaw update:

- Nuisance Bylaw 857, 2013 - to update nuisance noise from motor vehicles. Nuisance Amendment Bylaw 1191, 2022 is Attachment B.
- Building Regulation Bylaw 1070, 2018 - to ensure driveway design is included in Building Permit applications. The Building Regulation Amendment Bylaw 1190, 2022 is Attachment C.
- Subdivision and Development Servicing Bylaw 1121, 2020 – to remove duplication of access design specifications. The Subdivision Amendment Bylaw (Highways) 1193, 2022 is Attachment D.
- Municipal Ticket Information Bylaw 753, 2010 – to update fines, penalties and designated Bylaw Enforcement Officers. The Municipal Ticket Information Amendment (Highways) Bylaw 1192, 2022 is Attachment E.
- Bylaw Notice Enforcement Bylaw 760, 2010 – to update fines, penalties and designated Bylaw Enforcement Officers. The Bylaw Notice Enforcement Amendment (Highways) Bylaw 1192, 2022 is Attachment E.

It is being proposed that the Access Bylaw is rescinded and updated access regulation integrated into the Highways Bylaw. The first Access Bylaw came into force in 1995, amended in 2000 and the current version of the Access Bylaw came into force in 2007. A key change proposed by amended suite of policy documents is that private driveway regulation is administered through the Building Permit process.

The creation of the new Driveway Design and Construction Guidelines Policy 200, 2022 was completed in collaboration with the Lake Country Fire Department. The new guidance document contains additional information to aid in the design of private driveways to ensure they are able accommodate the Lake Country Fire Department firefighting vehicles. These changes ensure the process aligns with the BC Building Code and the Building Inspectors authority regarding private driveway design. This new approach to access and driveway regulation ensures that driveways and structures on private property are incorporated into one Building Permit design submission rather than being considered separately through two separate processes as was the previous practice.

To provide clear and consistent direction for driveway design and review a set of design guidelines has been created in conjunction with the Lake Country Fire Department. The authority to create these Lake Country specific specifications comes from the BC Building Act - Unrestricted Matter for Fire Access. The new document is entitled the Driveway Design and Construction Guidelines Policy 200, 2022 (Attachment F) and sets the standard required for the Lake Country Fire Department's apparatus to safely and effectively access structures on private property.

The main focus when reviewing and updating the aforementioned policy documents was on improving process and specifications, these goals were achieved through collaboration between the Fire Dept, Planning and Development Dept and the Engineering Dept.

DESIRED BENEFIT

The summarized list of desired benefits these proposed policy changes provide are:

- Creates a suite of interrelated policy documents that work together by consolidating requirements, removing duplication, contradiction, and out-of-date references.
- Remove operational requirements from bylaw and transfer into policy.
- Clarify powers of enforcement and update list of offences and associated fines.

STRATEGIC RELEVANCE AND COMMUNITY SUSTAINABILITY

When the process of updating the Hwy's Bylaw was started it was a strategic priority of Council. The revised access and driveway approval process in particular allows for buildings and their associated driveways to be designed and considered together. Ensuring structures and driveways are part of the same design increases the likelihood that private driveways meet the requirements of the Lake Country Fire Department and that all emergency services can respond safely and effectively.

BACKGROUND/HISTORY

Staff have held two Strategy Sessions with Council regarding the updating of the Highways Bylaw and to discuss the access regulations on the following dates:

- September 2020 (notes and presentation Attachments G & H)
- July 2021 (notes and presentation Attachments I & J)

DISCUSSION/ANALYSIS

One of the initial tasks of updating the access regulation was to establish the legal authority, in doing so it was determined that the Access Bylaw was stepping outside the legal authority with some of the access requirements as they are matters regulated by the BC Building Code and not Local Government Bylaw.

APPLICABLE LEGISLATION AND POLICIES

In addition to those District Bylaws and Policies referenced in this report, the proposed amendments were made in consultation, and in accordance with the Motor Vehicle Act.

IMPACT ON INFRASTRUCTURE OR MUNICIPAL SERVICES

The proposed suite of changes is designed to create a more efficient and effective regulatory system. The approvals process will be more robust and easier to navigate with infrastructure delivered more consistently to the required standards.

CONSULTATION AND COMMUNICATION

A technical bulletin will be produced advising of the changes which will be disseminated to the stakeholder groups and through the District's media channels.

ANALYSIS OF OPTIONS FOR CONSIDERATION**Options:**

- A. Allows for a more holistic suite of policy documents that are easier to understand and work in unison as opposed to in conflict or contradiction. The legal conflicts with the Access Bylaw regulating areas that are the jurisdiction of the BC Building Code will be resolved.
- B. Will require more staff time and resources and will be considered by new Council for adoption.

Respectfully Submitted,

Matthew Salmon, P.Eng.
Director of Engineering and Environmental Services

Report Approval Details

Document Title:	Highways and Traffic Regulation Bylaw Update.docx
Attachments:	<ul style="list-style-type: none"> - Attachment A - Highways Bylaw 1189, 2022.docx - Attachment B - Nuisance Amendment Bylaw 1191, 2022.docx - Attachment C - Building Regulation Amendment Bylaw 1190, 2022.docx - Attachment D - Subdivision Amendment Bylaw (Highways) 1193, 2022.docx - Attachment E - BNE and MTI Amendment (Highways) Bylaw 1192, 2022.docx - Attachment F - Driveway Design and Construction Guidelines Policy 200, 2022.docx - Attachment G - Hwy's Bylaw Strategy Session Notes-2020-09-29.docx - Attachment H - Hwy's Bylaw Strategy Session Presentation-2020-09-29.pdf - Attachment I - Hwy's and Access Bylaw Strategy Session Notes-2021-07-06.docx - Attachment J -Hwy's and Access Bylaw Strategy Session Presentation-2021-07-06.pdf
Final Approval Date:	Sep 13, 2022

This report and all of its attachments were approved and signed as outlined below:

Zara Rockwell, Chief Building Inspector - Sep 12, 2022 - 7:24 AM

No Signature - Task assigned to Darren Lee, Fire Chief was completed by workflow administrator Kelly McIntosh, Executive Coordinator

Darren Lee, Fire Chief - Sep 12, 2022 - 10:36 AM

Reyna Seabrook, Director of Corporate Services - Sep 12, 2022 - 10:51 AM

Trevor James, CFO, Director of Finance & Administration - Sep 13, 2022 - 8:39 AM