
MEETING TYPE: Regular Council Meeting
MEETING DATE: May 7, 2024
AUTHOR: Steven Gubbels, Manager of Development
DEPARTMENT: Engineering and Environmental Services
ITEM TITLE: Subdivision and Development Servicing Amendment Bylaw 1228, 2024
DESCRIPTION: Update Subdivision and Development Servicing Bylaw 1221, 2020

PURPOSE

To make changes to the Subdivision and Development Servicing Bylaw to better meet the needs of the District and applicants, with the goal of improving the development process.

RECOMMENDATION

THAT the Subdivision and Development Servicing Amendment Bylaw 1228, 2024, be read a first, second and third time.

AND THAT Preliminary Layout Review Policy 209, 2024 be adopted.

EXECUTIVE SUMMARY

Section 506 of the Local Government Act states “A local government may, by bylaw, regulate and require the provision of works and services” with respect to the subdivision of land and the issuance of building permits. The District enacts this authority through the Subdivision and Development Servicing (SDDS) Bylaw which prescribes minimum standards for infrastructure required to be constructed through a subdivision or building permit process. Currently there is not much flexibility within the bylaw to consider different situations or site conditions, and it can be difficult to apply the standards and specifications. This can impact costs and timelines for developers, and in some cases this has had unintended consequences of discouraging development. Therefore, the proposed amendments to the SDDS bylaw are designed to achieve these main objectives:

1. Provide flexibility for the District Engineer (DE) to accept alternative solutions proposed by the Owner’s Engineer that meets the intended objectives of the bylaw provisions and are in alignment with the District’s plans and policies.
2. Clarification on responsibilities of Owner’s Engineer when proposing alternative solutions.
3. Removing restrictive language around the subdivision preliminary review process and so it can be captured in policy.
4. Expanding the exemptions section to remove the requirement for frontage improvements in certain situations where it is appropriate.

These changes are intended to improve the efficiency of the development process, provide flexible to allow for alternative solutions whilst meeting the intent of the bylaw provisions, and reduce the amount of technical decisions that come before Council in the form of variances to the SDDS Bylaw

DISCUSSION/ANALYSIS

Staff acknowledge that there is a larger review of the entire SDDS bylaw underway, however these current proposed revisions are intended to fix areas within the bylaw in the interest of improving development processes. Objectives 1, 2 and 4 should help improve development timelines by reducing the number of variances that need to go to Council.

Objective 1: Ability of the District Engineer to accept alternate standards

The first change under this objective is to Section 9.2, which is expanded to provide more flexible language allowing the DE to use their professional expertise and technical knowledge to consider alternative solutions proposed and certified by the Owner's Engineer. The section has also been updated to allow the DE to use an external consultant to evaluate the proposal from the Owner's Engineer, on behalf of the District and at the owner's cost.

There are changes to the language in Schedule G to ensure the Owner's Engineer to considers all pertinent factors when determining highway designs, such as:

- Systems modelling
- Sufficiency and suitability of proposed road
- Transportation requirement assessment
- Typical highway cross section
- Whether the proposed subdivision or development fronts an existing road
- All District bylaws, plans, programs and policies

Objective 2: Responsibility of the Owner's Engineer clarified

The District uses the professional reliance model, placing the responsibility for certifying the design and construction of infrastructure with the Owner's Engineer. Language has been added to clarify that although the DE may accept alternative solutions, the ultimate responsibility for designs belong with the Owner's Engineer. In reference to the DE, the word "direct" has been replaced with "requires" throughout the bylaw. This change removes the risk of liability being transferred from the Owner's Engineer to the District.

Objective 3: Removal of PLR requirements and putting them in a policy

The Approving Officer is appointed by the local government as the official with responsibility to independently apply provincial statutes and local bylaws regarding subdivision. As such, the subdivision process is within the discretion of the Approving Officer (AO). It is common practice throughout the province that the AO conducts a preliminary review of a subdivision application to provide advice to the owner on the requirements that should lead to a successful subdivision registration. In the District of Lake Country this takes the form a Preliminary Layout Review (PLR) Letter issued by the AO.

The current SDDS bylaw has restrictive language around the expiry of a PLR letter, limiting it to a 1-year time frame with a possibility to extend it by a maximum of 6 months. This means that once the letter has been issued, the current SDDS allows for a maximum of 18 months for the owner to complete their subdivision, and once this period has expired the file must be closed. The subdivision process can take longer than that for both larger, complex files as well as smaller infill subdivisions, and often there may be other development processes involved that can increase the timeline. The result of this has historically been subdivision files running out of time and having to be closed, with no flexibility allowed under any circumstances.

This proposed change would see all language and reference to the PLR process removed from the SDDS bylaw and have it incorporated into a Council approved policy. This would provide flexibility for the AO to consider timelines and extensions but it would also provide guidance to ensure the process is consistent. It would potentially allow for multiple extensions if an applicant can demonstrate activity on the file to the satisfaction of the AO.

Objective 4: Exemptions

As has been previously discussed before Council, the current SDDS Bylaw has a very rigid approach to servicing requirements, and very limited scope for exemptions to requiring works and services. This amendment proposes two additional exemptions to the requirement for frontage improvements:

- Applications where the District is the owner or agent.
- Renovations where the size of the building is not increasing.

The rationale behind the first exemption is that the District is ultimately responsible for improving a road and servicing if it is required, regardless of a development application. This would allow District driven applications to be expedited to the benefit of the District.

The exemption for renovations considers that when the building size is not increasing (by floor area), it is typically unreasonable to require improvements on the entire frontage(s). These frontage improvements are often quite high relative to the cost of the renovations and could impact the feasibility of the project.

Staff acknowledge that there is further work will be done developing a scalable approach to works and services requirements for certain types of development , and these changes will be brought forward for Council consideration at a future meeting.

Other housekeeping changes

There are additional text revisions included to clean up language within the bylaw. The first is deleting and replacing all occurrences of “his” or “her” with “their”.

APPLICABLE LEGISLATION, BYLAWS AND POLICY

Local Government Act Section 506

FINANCIAL IMPLICATIONS

None Budget Previously Approved Other (see below)

ALIGNMENT WITH COUNCIL STRATEGIC PRIORITIES

- Create and Support Opportunities for a Healthy, Active and Inclusive Community
- Create Infrastructure That Meets Community Needs
- Encourage Growth of the Downtown Core
- Ensure Sustainable Water Service Delivery for the Community
- Explore Opportunities to Engage With Regional Local Governments for the Betterment of the Community
- Honour Reconciliation by Strengthening Relationships and Inclusiveness With Our Indigenous Partners
- Identify and support improvements to the Development Process
- Implement the Agricultural Plan
- Preserve, Protect and Enhance Our Natural Environment
- Secure long term wastewater service delivery for our community
- Support Opportunities to Diversify Lake Country’s Tax Base

ALIGNMENT WITH MASTER PLANS

- | | |
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| <input type="checkbox"/> Agricultural Plan | <input type="checkbox"/> Official Community Plan |
| <input type="checkbox"/> Climate Action Charter | <input type="checkbox"/> Parks & Recreation Master Plan 2019 |
| <input type="checkbox"/> Housing Needs Report | <input type="checkbox"/> Sanitary Sewer System Map |
| <input type="checkbox"/> Liquid Waste Management Plan Stage 1/2 Report | <input type="checkbox"/> Transit Future Plan-Central Okanagan Region-DRAFT |
| <input type="checkbox"/> McCoubrey Plateau Area Structure Plan | <input type="checkbox"/> Transportation for Tomorrow |
| <input checked="" type="checkbox"/> Mobility Master Plan | <input type="checkbox"/> Water Master Plan |

OPTIONS

- A. THAT the Subdivision and Development Servicing Amendment Bylaw 1228, 2024, be read a first, second and third time.
- B. THAT the Subdivision and Development Servicing Amendment Bylaw 1228, 2024, be referred back to staff with direction from Council on desired changes.

Respectfully Submitted,
Steven Gubbels

Report Approval Details

Document Title:	Subdivision and Development Servicing Amendment Bylaw 1228, 2024.docx
Attachments:	- Attachment A-Subdivision and Development Servicing Amendment Bylaw 1228, 2024.pdf - Attachment B-Bylaw 1228, 2024-Redline Bylaw 1121, 2020.pdf - Attachment C-Bylaw 1228, 2024-Preliminary Layout Review Policy 209, 2024.pdf
Final Approval Date:	Apr 29, 2024

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

Matthew Salmon, Director of Engineering and Environmental Services - Apr 26, 2024 - 3:55 PM

Reyna Seabrook, Director of Corporate Services - Apr 26, 2024 - 4:01 PM

Paul Gipps, Chief Administrative Officer - Apr 29, 2024 - 8:04 AM