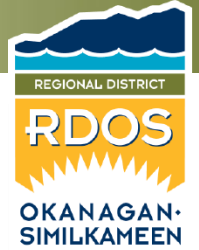


ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: J. Zaffino, Chief Administrative Officer

DATE: February 8, 2024

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

Administrative Recommendation:

THAT the Regional District of Okanagan-Similkameen Subdivision and Development Servicing Bylaw No. 2900, 2024, be read a first and second; and

THAT the Regional District of Okanagan-Similkameen Campground and Manufactured Home Park Zoning Amendment Bylaw No. 3061, 2024, be read a first and second time and proceed to public hearing; and

THAT the holding of a public hearing for Amendment Bylaw No. 3061, 2024, be scheduled for the Regional District Board meeting of February 22, 2024; and

THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

Proposal:

The purpose of this report is to present option in relation to the introduction of the Regional District of Okanagan-Similkameen Subdivision and Development Servicing Bylaw No. 2900, 2024.

This includes the proposed repeal of the Regional District of Okanagan-Similkameen Campground Regulations Bylaw No. 2779, 2018, and Regional District of Okanagan-Similkameen Manufactured Home Park (MHP) Regulations Bylaw No. 2597, 2012.

Finally, this also includes proposed amendments to the electoral area zoning bylaws in order to maintain certain regulations currently contained within Bylaw Nos. 2597 & 2779 (e.g. mandatory service connections, MHP road standards, etc.).

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.

Public Process:

On January 17, 2024, a Public Information Meeting (PIM) was held online via the WebEx meeting platform and was attended by approximately 17 members of the public.

On January 24, 2024, a Public Information Meeting (PIM) with representatives of various local consulting engineering firms was held at 101 Martin Street, Penticton (RDOS Boardroom) and was attended by approximately 8 persons.

The bylaws were referred to this agencies listed at Attachment No. 1, with referrals for Bylaw No. 2900, 2024, including a broader range of recipients (i.e., member municipalities and improvement/irrigation districts). Comments received to date are included in the Agenda.

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).

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 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.

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, it is proposed to repeal the Regional District's Campground Regulations Bylaw No. 2779, 2018, and Manufactured Home Park Regulations Bylaw No. 2597, 2012.

Zoning Amendment Bylaw No. 3061 is proposing to retain elements of these bylaws, such as servicing requirements, private roadway standards and access requirements through the zoning bylaws.

Alternative:

Conversely, the alternative of retaining the current subdivision servicing bylaw as well as maintaining the current MHP Regulations Bylaw and Campground Regulations Bylaw is available to the Board.

Due, however, to the age of the current subdivision servicing bylaw, the resources that have already been allocated to this project as well as the requisite amendments that would be required to ensure the current bylaw remains current, this option is not recommended.

Summary:

In summary, Administration is supportive of the proposed bylaws.

Alternatives:

1. THAT first reading of the Regional District of Okanagan-Similkameen Subdivision and Development Servicing Bylaw No. 2900, 2024, and Regional District of Okanagan-Similkameen Campground and Manufactured Home Park Zoning Amendment Bylaw No. 3061, 2024, be denied.

Respectfully submitted:


C. Garrish, Senior Manager of Planning


S. Duong, Planner II

Attachments: No. 1 – Agency Referral List

Attachment No. 1 – Agency Referral List

Referrals were sent to the following agencies as highlighted with a , prior to the Board considering 1st reading of Bylaw No. 2900, 2024 and Zoning Amendment Bylaw No. 3061, 2024 (indicated by a *):

<input type="checkbox"/>	Agricultural Land Commission (ALC)	<input checked="" type="checkbox"/>	Fortis (Electric & Gas)*
<input checked="" type="checkbox"/>	Interior Health Authority (IHA)*	<input checked="" type="checkbox"/>	City of Penticton
<input type="checkbox"/>	Ministry of Agriculture	<input checked="" type="checkbox"/>	District of Summerland
<input type="checkbox"/>	Ministry of Energy, Mines & Petroleum Resources	<input checked="" type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Municipal Affairs & Housing	<input checked="" type="checkbox"/>	Town of Osoyoos
<input type="checkbox"/>	Ministry of Lands, Water and Resource Stewardship	<input checked="" type="checkbox"/>	Town of Princeton
<input type="checkbox"/>	BC Archaeology Branch	<input checked="" type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Trade & Technology	<input type="checkbox"/>	ONA / PIB / OIB / USIB / LSIB
<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure*	<input type="checkbox"/>	Environment Canada
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Canadian Wildlife Services
<input type="checkbox"/>	School District #53 (Areas A, B, C, D & G)	<input type="checkbox"/>	School District #58 (Area H)
<input type="checkbox"/>	School District #67 (Areas D, E, F, I)	<input checked="" type="checkbox"/>	Allison Lake Improvement District
<input checked="" type="checkbox"/>	Boundary Line Irrigation District	<input checked="" type="checkbox"/>	Cawston Irrigation District
<input checked="" type="checkbox"/>	Hedley Irrigation District	<input checked="" type="checkbox"/>	Kaleden Irrigation District
<input checked="" type="checkbox"/>	Keremeos Irrigation District	<input checked="" type="checkbox"/>	Lower Nipit Improvement District
<input checked="" type="checkbox"/>	Meadow Valley Irrigation District	<input checked="" type="checkbox"/>	Osoyoos Irrigation District
<input checked="" type="checkbox"/>	Rolling Hills Waterworks District	<input checked="" type="checkbox"/>	Similkameen Improvement District
<input checked="" type="checkbox"/>	Skaha Estates Improvement District	<input checked="" type="checkbox"/>	Vaseux Lake Irrigation District
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Kootenay Boundary Regional District
<input type="checkbox"/>	Thompson Nicola Regional District	<input type="checkbox"/>	Fraser Valley Regional District
<input checked="" type="checkbox"/>	Apex Mountain Resort	<input checked="" type="checkbox"/>	Apex Volunteer Fire Rescue
<input checked="" type="checkbox"/>	Anarchist Fire Department	<input checked="" type="checkbox"/>	Erris Fire Department
<input checked="" type="checkbox"/>	Eastgate Fire Department	<input checked="" type="checkbox"/>	Kaleden Volunteer Fire Department
<input checked="" type="checkbox"/>	Keremeos Fire Department	<input checked="" type="checkbox"/>	Naramata Volunteer Fire Department*
<input checked="" type="checkbox"/>	Okanagan Falls Volunteer Fire Department*	<input checked="" type="checkbox"/>	Oliver Fire Department*
<input checked="" type="checkbox"/>	Osoyoos Fire Department	<input checked="" type="checkbox"/>	Penticton Fire Department
<input checked="" type="checkbox"/>	Princeton Fire Department*	<input checked="" type="checkbox"/>	Summerland Fire Department
<input checked="" type="checkbox"/>	Tulameen Fire Department	<input checked="" type="checkbox"/>	Willowbrook Fire Department