



# REPORT TO COUNCIL

To: **Mayor and Councillors**

Subject: New Subdivision and Development Servicing  
Bylaw 2021, No.3126

File #: 3900

Doc #:

From: Hirod Gill, P. Eng.  
Manager of Engineering Services

Date: October 4, 2021

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## RECOMMENDATION:

THAT the report from the Manager of Engineering Services dated October 4, 2021 regarding the proposed Subdivision and Development Servicing Bylaw, 2021, No. 3126 be received for information.

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## PURPOSE:

The purpose of this report is to provide follow-up information to Council prior to consideration for adoption of the proposed:

1. New Subdivision and Development Servicing Bylaw, 2021, No. 3126 (Bylaw No. 3126 hereafter); and
2. Amendments to various other Bylaws as required.

## CURRENT BYLAWS AND POLICY IN EFFECT:

1. Subdivision & Development Servicing Bylaw, 2008, No. 2744 (Bylaw No. 2744 hereafter)
2. Highway and Traffic Regulation Bylaw, 2013, No. 2871 (Bylaw No. 2871 hereafter)
3. Pavement Cut Policy CO-57 (Policy CO-57 hereafter)
4. Municipal Ticket Information Bylaw, 2011, No. 2846 (Bylaw No. 2846 hereafter)
5. Fees and Charges Bylaw, 2010, No. 2837 (Bylaw No. 2837 hereafter)

## **BACKGROUND:**

The proposed Bylaw No. 3126 received its first and second Readings on June 28, 2021. The engineering standards (i.e., Design Criteria Manual (DCM)) were separated from the Bylaw to introduce two independent documents. If approved, Bylaw No. 3126 will replace Bylaw No. 2744 and the DCM will be a stand alone engineering standard document.

Upon receiving Council's first two Readings of the proposed Bylaw No. 3126 on June 28, 2021, staff initiated the stakeholder consultation and legal review processes to collect comments for consideration.

The proposed Bylaw No. 3126 and DCM were posted on the City's website on June 29<sup>th</sup>, 2021, for the development community, consulting engineering firms, and public at large for two months to review and comment. Per Attachment #1, 70 developers, contractors, and consulting engineers, that regularly work on development and/or construction related projects in the City, were invited to review the Bylaw and the DCM, and send their comments by August 27, 2021.

Two public notices were also advertised on the local newspaper on July 15 and 22, 2021, inviting public to email their questions and comments on Bylaw #3126 and DCM to the City (Attachment #2).

Similar advertisements were also posted once a week for the duration of the campaign on social media (City's Facebook and Twitter accounts).

## **COMMENTS/ANALYSIS:**

The June 28, 2021 staff report referenced two bylaws (Bylaw No. 2744 and Bylaw No. 2837) for revisions and one policy (Policy CO-57) for repeal. Based on suggested changes from our solicitor two additional bylaws (Bylaw No. 3182 and Bylaw No. 3176) require revisions. More detail is provided in this report however a list of the bylaws and policy requiring changes are as follows:

1. Subdivision and Development Bylaw No. 3126;
2. Highway and Traffic Regulation Bylaw No. 2871, Amendment No. 3182;
3. Municipal Ticket Information Bylaw No. 2846, Amendment No. 3187;
4. Repealing "Pavement Cut Policy CO-57; and
5. Fees and Charges Bylaw No. 2837, Amendment, No. 3176

The following provides a summary of the consultation feedback on the proposed bylaw No. 3126 and the DCM.

## **1. Proposed Subdivision and Development Bylaw 2021, No. 3126**

### Stakeholder Consultations

The City received 16 comments/suggestions from the development community, which includes comments that Council members provided at the June 28, 2021 meeting.

Attachment #3 summarizes staff's response to the received questions/comments. Where applicable, the received comments were reflected in the final draft of DCM and Bylaw No. 3126.

### Legal Consultation and Advice

Electronic copies of Bylaw No. 3126 and DCM were forwarded to the City's legal advisors for review and comments. The received recommendations primarily included:

- (a) Rewording for better clarification and compliance with the Local Government Act, Land Title Act, and Community Charter; and
- (b) Moving all the non-technical/legal requirements in the DCM to other appropriate bylaws for better enforceability and keeping the DCM a pure engineering standard document. As an example, the requirement for the property owners to sign a restrictive covenant on Title to obligate them to maintain their rainwater management infiltration system was moved from DCM to Bylaw No. 3126.

The received legal review comments were carefully considered and included in the final draft of Bylaw No. 3126 and the DCM.

Updates to the Bylaw and DCM with their associated summary notes are highlighted in Attachments #4 and #5 (Hyperlinks) respectively for Council's convenience.

## **2. Amendments to Highway and Traffic Regulation Bylaw 2013, No. 2871**

Based on advice received, changes to the Highway and Traffic Regulation Bylaw 2013, No. 2871 have been made to require property owners to maintain their frontage bioswales (Attachment #6).

The proposed rainwater management system at South Langley, outlined in Section 5.7 of the DCM, requires proper maintenance of bioswales at properties' frontage. This is similar to frontage boulevards where property owners are responsible for their maintenance. As such, the property owners are required to maintain their frontage bioswales which was provided for the benefit of their property. To improve the enforceability of bioswale maintenance, has

been moved to the Highway and Traffic Regulation Bylaw, Amendment No. 3182.

### **3. Amendments to the Municipal Ticket Information Bylaw 2011, No. 2846**

With the inclusion of the requirement for property owners to maintain their frontage property bioswales, a proposed fine was introduced in the Municipal Ticket Information Bylaw 2011, No. 2846 for property owners' failure to upkeep bioswale for drainage purposes. (Attachment #7)

The proposed amendment also adds "Engineering Works Inspector" as additional "Designated Enforcement Officer" in the Schedule B12 - Highway and Traffic Regulation Bylaw section.

### **4. Repealing Pavement Cut Policy-CO57**

Per Staff's report to Council on June 28, 2021, the requirements within the Pavement Cut Policy have now been included in the DCM. Therefore, this policy is no longer needed.

### **5. Amendment to the Fees and Charges Bylaw 2010, No. 2837**

As mentioned in staff's report to Council on June 28, 2021, the current charges for pavement reinstatement and degradation fees need to increase in the Fees and Charges Bylaw, 2010, No. 2837 to reflect their true cost in today's market. The proposed Fees and Charges Bylaw Amendment No. 3176 (Attachment #8) incorporates the following fee changes:

- (a) "Permanent pavement reinstatement fee" increase from \$80 per square meter to \$100 per square meter; and
- (b) "Pavement degradation fee" increase from \$10 per square meter to \$15 per square meter.

### **BUDGET IMPLICATIONS:**

There are no anticipated budget implications.

**ALTERNATIVES:**

N/A

Respectfully Submitted,



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Hirod Gill, P.Eng.  
Manager of Engineering Services

Concurrence:



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Rick Bomhof, P.Eng  
Director of Engineering, Parks & Environment

Concurrence:



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Carl Johannsen, RPP, MCIP  
Director Development Services

**Attachments:**

Attachment #1: Draft Development Bylaw - Letter to Developers & Consultants

Attachment #2: Advertisement in Local Newspaper

Attachment #3: Staff Response to the Received Comments

Attachment #4: [Subdivision and Development Servicing Bylaw 2020, No. 3126](#) (a hyperlink to City's website)

Attachment #5: [Design Criteria Manual](#) (a hyperlink to City's website)

Attachment #6: Bylaw 3182 – Highway and Traffic Regulation Bylaw 2871, Amendment Bylaw No. 5, 2021, No. 3182

Attachment #7: Municipal Ticket Information Bylaw Amendment No. 3187

Attachment #8: Fees and Charges Bylaw 2010, Bylaw No. 2837, Amendment No. 30, 2021, No. 3176

**DEPUTY CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:**

I support the recommendation.



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Darrin Leite, CPA, CA  
Deputy Chief Administrative Officer