



# Regional Board Report

## Request for Decision

**To:** Regional Board

**From:** Director of Community Services

**Date:** May 4, 2023

**Subject:** Community Services Department Bylaw Updates

**Voting Entitlement:** *All Directors - Unweighted Corporate Vote - Simple Majority (LGA s.208) and Bylaw adoption requires 2/3 majority (LGA s.228)*

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**Purpose:** To consider readings and adoption of a new Development Procedures, Fees and Charges Bylaw and Building Bylaw.

### Executive Summary:

Community Services staff are proposing to update Building Bylaw No. 835, Development Application Procedures Bylaw No. 944 and adopt a new Development Application Fees and Charges Bylaw No. 1483.

The proposed bylaws have been updated in accordance with changes to provincial legislation including the Local Government Act, Community Charter, Building Act and BC Building Code. The purpose of these updates is to align with provincial legislation, create greater consistency with our member municipalities and to improve the functionality, clarity and effectiveness of the bylaws and associated processes. Therefore, staff are providing a recommendation of support for the bylaw readings.

### Recommendation(s):

**THAT** the Regional Board receives the Community Services Department Bylaw Updates report from the Director of Community Services, dated May 4, 2023, for information;

**AND THAT** the Regional Board rescind first and second readings given to Building Bylaw No. 1482;

**AND THAT** the Regional Board rescind first and second readings given to Development Application Fees and Charges Bylaw No. 1483;

**AND THAT** the Regional Board give first, second, and third readings to Building Bylaw No. 1482;

**AND THAT** the Regional Board give first, second, and third readings to Development Application Fees and Charges Bylaw No. 1483;

**AND THAT** the Regional Board give first, second, and third readings to Development Application Procedures Bylaw No. 1527;

**AND THAT** the Regional Board adopt Building Bylaw No. 1482;

**AND THAT** the Regional Board adopt Development Application Fees and Charges Bylaw No. 1483;

**AND FURTHER THAT** the Regional Board adopt Development Application Procedures Bylaw No. 1527.

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*Respectfully submitted by: Michael Czarny, Senior Planner*

Approved by:



Todd Cashin, Director of Community Services

Attachments:

1. Draft Building Bylaw No. 1482
2. Draft Development Application Procedures Bylaw No. 1527
3. Draft Development Application Fees and Charges Bylaw No. 1483
4. PowerPoint presentation

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### **Strategic Plan Alignment:**

Priorities: Sustainable Communities

Values: Transparency, Good Governance

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### **Background:**

The RDCO's Building Bylaw was adopted in May 1999 and consolidated in 2000 and 2011. The RDCO's Development Application Procedures Bylaw was adopted in 2002 and consolidated in 2012. Both Building Bylaw No. 835 and Development Application Procedures Bylaw No. 944 contained their respective and associated fees.

There have been changes to provincial regulations including the Local Government Act, Community Charter, Building Act and BC Building Code since the adoption of these bylaws. Accordingly, the intent of these bylaw updates is to ensure consistency with provincial acts, regulations, and enhance the bylaws' effectiveness, use and application in the RDCO.

Staff previously brought Building Bylaw No. 1482 and Development Application Fees and Charges Bylaw No 1483 to the Regional Board for first and second reading on May 13, 2021. As there have been updates since this date, first and second reading for both bylaws will be rescinded.

### **Proposal:**

The Community Services Department is proposing repeal Building Bylaw No. 835 and Development Application Procedures Bylaw No. 994 and replace them with Building Bylaw No. 1482, Development Application Procedures Bylaw No. 1483 and Development Application Fees and Charges Bylaw No. 1527.

### **Building Bylaw No. 1482**

A summary of the proposed changes under Building Bylaw No. 1482 include:

- Compliance with ESC in the BCBC;
- Updated and increased responsibilities to owners, builders, and registered professionals;
- Updated offense information; and
- General updates to language and clarity.

### **Development Application Fees and Charges Bylaw No. 1483**

A summary of the proposed changes under Development Application Fees and Charges Bylaw No. 1483 include:

- This is a new bylaw as previously fees were contained in the Building Bylaw and Development Application Procedures Bylaw;
- Fees have been updated to incorporate an approximate 25% on average increase since 2011; and
- Fees increase yearly by ~2%.

### **Development Application Procedures Bylaw No. 1527**

A summary of the proposed changes under Development Application Procedures Bylaw No. 1527 include:

- Waived public hearings for zoning amendments that are consistent with Official Community Plans;
- Delegated minor Development Variance Permits to staff; and
- Increased notification areas for mail outs to include more surrounding properties.

### **Bill 26**

Bill 26 came into full effect on February 28, 2022, by order of the Lieutenant Governor. Bill 26 included amendments to the Community Charter and Local Government Act among others. Applicable changes have been incorporated into the proposed bylaws.

### **Energy Step Code**

Energy Step Code has been an optional compliance path in the Building Code (BCBC) that encourages greater energy efficiency in new construction. Changes to the BCBC regarding Energy Step Code (ESC) will make ESC mandatory and will come into effect on May 1, 2023. These changes bring a mandatory requirement to construct buildings that are 20% more energy efficient than 2018 Building Code: equivalent to Step 3 for Part 9 construction (homes and small buildings) and Step 2 for Part 3 construction (complex buildings).

### **Regional Growth Strategy Bylaw No. 1336**

The following policies from the Regional Growth Strategy are supportive of the proposal:

- Policy 3.2.7.1 Work towards meeting the provincial target of reducing GHG emissions by 80% from 2007 levels by 2050;
- Policy 3.2.10.2 Encourage effective governance and service delivery by being transparent, accountable and accessible; and
- Policy 3.2.10.6 Ensure the Regional maintains effective services, which meets the present and future user demands.

**RDCO TECHNICAL COMMENTS:**

**Inspection Services** staff comment that RDCO draft Building Bylaw 1482 is a much-needed replacement for the existing RDCO Building Bylaw No. 835 adopted in 1999, last amended in 2011. The proposed bylaw falls in line with the adoption of the BC Building Act 2015 and the subsequent 2018 revision of the Municipal Insurance Authority of BC model building bylaw for regional districts. The new bylaw reflects a more modernized, consistent application of the BC Building Code and Building Act and provides further consistency across local governments. The RDCO draft Development Application Fees and Charges Bylaw 1483 provides the necessary updates to reflect the current costs related to the services provided by RDCO Inspections.

**Unaffected agencies** include Engineering Services, Fire Services and Parks Services.

**AGENCY REFFERAL COMMENTS:**

**Canadian Home Builders Associated (Central Okanagan)** staff have reviewed the bylaws and determined that the changes appear operational and cost increases are both understandable and reasonable.

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**Considerations:**

## External:

At time of adoption, the public will be subject to the proposed bylaws which will impose updated regulations and procedures for construction under Building Permits under the Inspection Services, updated regulations and procedures for development applications under Planning Services, and updated fees and charges for applications under both Inspection Services and Planning Services.

## Financial:

The proposed Development Application Fees and Charges Bylaw will establish new fees for applications, inspections, and other related services.

## Legal/Statutory Authority:

Section 298 of the Local Government Act grants regional districts the power to enact building regulation bylaws.

Section 460 of the Local Government Act grants local governments the power to enact development approval procedures bylaws.

Section 387 and 462 of the Local Government Act grant local government the power to establish fees and charges which reflect cost recovery for services and information provided.

## Considerations not applicable:

- Organizational
- Alternate Recommendation

**Approved for Agenda**



**Brian Reardon, CAO**