



The Corporation of the City of Courtenay

Staff Report

To: Council

File No.:

From: Director of Development Services

Date: July 30, 2025

Subject: Updated Subdivision and Development Servicing Bylaw

PURPOSE:

For Council to consider repealing “Subdivision and Development Servicing Bylaw No. 2919” in its entirety, and **give first, second, and third readings** to the new “Subdivision and Development Servicing Bylaw No. 3190”.

BACKGROUND:

Bylaw 2919 (adopted May 7, 2018) sets the technical and procedural standards for works and services tied to subdivision and development. Over the past seven years, City staff, the development community, and the City solicitor have identified process gaps, outdated references, and opportunities to align the bylaw with modern engineering practice, professional- reliance principles, and recent Local Government Act (LGA) amendments.

DISCUSSION:

Through internal reviews, discussions with the development community and legal review by the City solicitor there are several process changes being proposed in the new bylaw as well as minor textual changes to reflect current legal vernacular and legislation.

Key Amendments in Bylaw 3190:

1. Technical Bylaw Standards Variances – Delegation to Staff
2. Implement a Professional Reliance/Assurance Model
3. Latecomer Agreement – Process and Delegation
4. Consolidation of Delegated Authority
5. Expanded Definition of Works and Services (reflect direction in Local Government Act)
6. Revisions to Clarify Security/Bonding Provision to reflect legislation
7. Updated references to the Master Municipal Construction Documents (MMCD) to reflect current versions and applicable Divisions

Technical Bylaw Standards Variances – Delegation to Staff

First among the proposed bylaw amendments to consider is that the current bylaw does not delegate authority of technical matters to City staff who are subject matter experts. Where an innovative or cost-efficient solution is proposed that does not meet our Bylaw and specified standards it is currently necessary for staff to bring the proposed variance to Council as a Development Variance Permit. Many of these solutions consider innovative materials, technical hydraulics, geometric road designs and methodology. This may include velocities in pipes, K values for vertical curves or pre-constructed elements of design rather than construction in the field. As these variances have the risk of directly impacting multiple departments any variance or deviation would be considered by the impacted departments (typically Operations, Engineering, Fire Rescue, Finance and Development Services). Each departments rationale for support/opposition and detailed comments would also be recorded. This will enable the City to be consistent, transparent and timely as some of these variances occur during construction and may not

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be able to be avoided due to physical constraints, where the current process might require construction to cease until Council has approved the variance which may take as long as several months.

Professional Reliance Model

Another amendment with this bylaw will be moving to a Professional Reliance model similar to the what the Province uses, the BC Building Code employs as well as other municipalities such as Vernon and West Kelowna. Professional Reliance will require Professionals such as Engineers to complete and seal assurance letters for the works they are responsible for, works that will eventually be owned and operated by the City such as roads and watermain. This will greatly speed up development reviews and address any quality assurance deficits during design and construction. In essence this promotes consistent design and construction standards whereas in the past significantly more staff time was required to ensure quality as they were part of the review/approval process for consultants.

Latecomer Agreements – Process and Delegation

Currently, the bylaw delegates authority to the Development Engineer to process latecomers, this delegation has been removed with the proposed new bylaw as the City moves to simplify the process and follow Section 508 of the *Local Government Act*. Staff will also be bringing a latecomer policy to Council for consideration in the future to further simplified and ensure a consistent process.

Consolidated Delegation of Authority

The bylaw currently delegates authority to different staff for different processes, which can be cumbersome depending on current staffing, position titles, and oversight by the departmental director. To address these concerns the bylaw now simply delegates authority to the Director of Development Services and/or their designate.

Expanded Definition of Works and Services

Bylaw 2919 uses a narrow definition of "works and services," limiting the City's ability to require public-realm improvements. Bylaw 3190 adopts the broader definition permitted under the LGA, allowing the City to require amenities such as benches, traffic calming features, and other improvements directly tied to a development.

Securities and Bonding – Legal Alignment and Flexibility

Through review by our solicitor the proposed bylaw clarifies language to align with current legislation, as well as provides better language to reduce interpretation errors and challenges to the bylaw/processes. This also includes clarification to the language related to securities for works completed on private property that will be gifted to the City as a condition of Subdivision prior to the works being dedicated in a Statutory Rights of Way or Road Rights of Way controlled by the City. This will both mitigate City interests/risk and reduce the costs to the development community significantly.

Updated Reference Materials

References to the Master Municipal Construction Documents (MMCD) have been updated to automatically incorporate the most current editions and applicable Divisions. This ensures that the City is always applying the latest industry standards.

POLICY ANALYSIS:

Repealing Bylaw 2919 and enacting Bylaw 3190 will modernize the City's subdivision and development servicing framework, aligning it with current Local Government Act provisions, contemporary engineering practice, and the latest Master Municipal Construction Documents (MMCD standards. The new bylaw embeds professional- reliance principles, streamlines delegation, and broadens the definition of works and

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services, directly supporting Council's goals for efficient, innovation- friendly regulation and risk management.

Following adoption, staff will present a companion Latecomer Policy to Council to formalise the simplified cost- recovery process under LGA s. 508 and ensure consistent treatment of future Latecomer agreements.

FINANCIAL IMPLICATIONS:

There are no direct financial implications related to this bylaw renewal. The bylaw streamlines processes but does not alter fee structures or capital budgets.

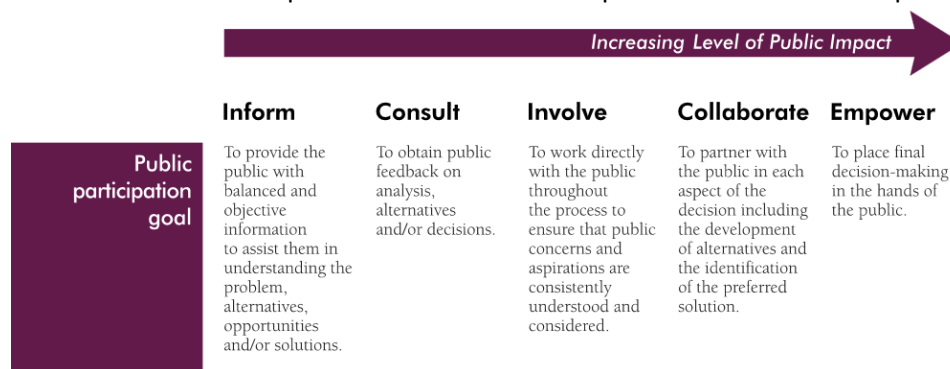
ADMINISTRATIVE IMPLICATIONS:

- Adoption of the new bylaw will impact processes for Development Services and Finance Services
- The Development Services, Operations and Engineering Departments utilise the bylaw daily. This update will improve processes making them more efficient and consistent for application by staff especially when considering historic design reviews by staff that will be eliminated by the Professional Assurance model.

PUBLIC ENGAGEMENT:

The proposed changes have been discussed with the development community through our ongoing meetings between staff and the development community. We have received significant feedback in relation to amending and finalising the Professional Assurance model and related to securities and promoting consistency in the future. That consultation has resulted in a better process and bylaw. The public will be informed through this report to council as well as adoption and inclusion on our website and social media as necessary.

Staff would inform the public based on the IAP2 Spectrum of Public Participation:



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OPTIONS:

1. THAT Council repeal "Subdivision and Development Servicing Bylaw No. 2919" ; and
 THAT "Subdivision and Development Servicing Bylaw No. 3190, 2025" be given first, second and third readings.
2. THAT Council provide alternative direction to staff.

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ATTACHMENTS:

1. Subdivision and Development Servicing Bylaw No. 3190

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