

THE CORPORATION OF THE  
**CITY OF WHITE ROCK**  
**CORPORATE REPORT**



**DATE:** February 26, 2024

**TO:** Mayor and Council

**FROM:** Corrine Haer, P.Eng., Manager, Engineering

**SUBJECT:** Bylaw Updates to Support Low-Level Planting and Minor Encroachments on City Boulevard

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**RECOMENDATION**

THAT Council receive the February 26, 2024, corporate report from the Manager of Engineering, titled “Bylaw Updates to Support Low-Level Planting and Minor Encroachments on City Boulevard” for review and consideration of the bylaw under Agenda Item 9.

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**EXECUTIVE SUMMARY**

In response to direction received at the June 26, 2023, Regular Council meeting, staff have prepared bylaw changes for Council’s consideration in order to accept minor low-level planting throughout the City and permit new minor encroachments through encroachment agreements. This report provides Council with information on those proposed bylaw changes and staff seek Council endorsement of the draft Bylaw under Agenda Item 8.

**PREVIOUS COUNCIL DIRECTION**

<b>Motion # &amp; Meeting Date</b>	<b>Motion Details</b>
2023-269 June 26, 2023	THAT Council:  1. Receive the report dated June 26, 2023, from the Director of Engineering & Municipal Operations, titled “Encroachment Update” for information.  2. Endorse the concept that new minor low-level plantings and other uses providing community benefit be approved through a Road Alteration Permit (RAP) outlining conditions, details, maintenance, and termination.  3. Endorse the concept that all new non minor encroachments be covered by encroachment agreements covering conditions, insurance requirements, maintenance, property rental and unilateral termination by the City. That property rental be set initially at \$10 per square foot.

**INTRODUCTION/BACKGROUND**

	<p>4. Direct that the concepts discussed in this report are for new encroachments, encroachments related to development, or encroachments affecting projects.</p> <p>5. Direct that staff prepare, in consultation with the City Solicitor, bylaw changes for Council approval.</p> <p style="text-align: right;"><b>CARRIED</b></p>
2021-G/L-086 September 20, 2021	<p>THAT The Governance and Legislation Committee direct an amendment be made in regard to encroachments on City land enforcement whereby there be a component included "excluding plants under four (4) feet in height" which would be excluded from being charged a fee for encroachment.</p> <p style="text-align: right;"><b>CARRIED</b></p>
2021-G/L-085 September 20, 2021	<p>THAT the Governance and Legislation Committee endorse the Street and Traffic Bylaw for minor encroachments to be considered on a case by case basis through Encroachment Agreements that set out annual insurance requirements, maintenance, property rental and unilateral termination by the City with property rental rates of \$10/ft be including in the Fees and Charges bylaw.</p> <p style="text-align: right;"><b>CARRIED</b></p>
2021-G/L-084 September 20, 2021	<p>THAT the Governance and Legislation Committee endorse, staff continuing to administer the Street and Traffic Bylaw with respect to new encroachments and at the time of redevelopment.</p> <p style="text-align: right;"><b>CARRIED</b></p>
2021-G/L-071 July 12, 2021	<p>THAT the Governance and Legislation Committee direct staff to bring forward a corporate report that reviews the definition of encroachments, consideration of small bushes, irrigation being excluded as an encroachment, if the encroachment bring beauty for the City, as well as any safety/ legal concerns.</p> <p style="text-align: right;"><b>CARRIED</b></p>
2019-528 November 18, 2019	<p>Directs staff to continue to administer the Street and Traffic Bylaw with respect to new encroachments as well as at the time of property redevelopment.</p>

On June 26, 2023, Council endorsed the concept of permitting minor low-level plantings and allowing minor encroachments through encroachment agreements. In order to facilitate these changes, updates to the City's Street and Traffic Bylaw No. 1529, Fees and Charges Bylaw No. 2480 and Ticketing for Bylaw Offences Bylaw No. 1929 are required.

### **Street and Traffic Bylaw**

Updates to the Street and Traffic Bylaw to support the concept of minor low-level planting and minor encroachments have been identified in red in the amendment bylaw (Appendix A) being

brought forward concurrently with this report and include:

*Stopping and Parking (Section 23)*

- (i) was updated to specify that no parking or stopping should occur on a boulevard that has been improved with soil, grass, sod, plantings or any combination of these, authorized by the City to ensure that any permitted low-level planting is protected.

*Use of Streets (Section 35)*

- Additions ensure a person must acquire a permit from the City Engineer before doing any work on City property, including doing any work to a City tree or installing any minor low-level plantings.

*Permits (Section 36, 37 and 41)*

- Added agreements to the title of this section.
- Gave the city the ability to remove and recover costs for any work found in contravention of the bylaw.
- (c) through (f) has been replaced to:
  - Require a Road Alteration Permit (RAP) for all boulevard improvements, minor low-level plantings, and minor parking pads.
  - Require an encroachment agreement for any boulevard encroachments that are not permitted through a RAP.
  - Require a Road Use Permit (RUP) for temporary uses including, but not limited to, hoarding, shoring, and street rental.
- Amended to put the responsibility of grass maintenance and permitted low-level planting maintenance on the homeowner.

In addition to edits required to support permitting policy changes, a number of housekeeping updates are recommended and have been identified in red in the amendment bylaw being brought forward concurrently with this report, including:

*Definitions*

- Deleted and replaced definitions for ‘arterial street’, ‘commercial vehicle’, ‘debris’, ‘emergency vehicle’, ‘highway’, and ‘intersection’.
- New definitions for ‘bicycle’, ‘City’, ‘City Engineer’ and ‘tree’.
- Deleted definitions for ‘freight vehicle’, ‘landscaped boulevard’, ‘motor home’, ‘pedestrian’, ‘sound truck’, ‘street’, ‘stop’ and ‘stopping’. These definitions were either no longer mentioned in the bylaw or have alternative definitions in the Motor Vehicle Act that take precedence as explained in the subsections that were added.

*Funeral and Other Processions (Section 6)*

- Amended to include the use of hazard lights, in addition to headlights, while a procession is underway

*Driving on Streets Laned for Traffic (Section 11)*

- Amended to change the time format from “eight o’clock in the morning and five o’clock in the afternoon” to “8:00 a.m. and 5:00 p.m.” for simplicity.

*Stop with Traffic Obstructed (Section 13)*

- Amended to change the phrase “he is operating” to “being operated” for additional clarity.

*Regulating Sirens, Horns, Bells (Section 15)*

- Added 'motor vehicles' so that in addition to warning a person or animal, a horn is permitted to be used to warn motor vehicles.

*Noise from Vehicles and Violations and Penalties (Sections 17, 18 and 19)*

- Repealed as it was determined that these infractions and associated penalties are captured in the City's Noise Control Bylaw No. 2018

*Stopping and Parking (Section 23)*

- (b) was amended to include a distance of 7.5 meters to prevent people from parking near a bus stop.
- (c) was updated to provide clarity to time limit restrictions and prevent associated abuse.
- (t) was updated to prevent stopping and parking within 1.5 meters of a public or private driveway.

*Permits (Section 39)*

- The phrase 'Except on Sundays' has been removed to ensure that sidewalk snow removal occurs every day of the week before 10:00 a.m.

*Access to a Single Family, Duplex, and Commercial Zoned Property from a City Street (Section 49, 50, 51, 52, 53 and 55)*

- Section title was updated for simplicity.
- Driveway access was limited to one per parcel or as approved by the City Engineer.
- The location of a driveway on a corner lot was amended for clarity.
- Driveway slope and driveway width was amended for clarity.

*Highway Use Permits (Section 81)*

- Amended for simplicity allowing the City Engineer to issue permits in accordance with the bylaw.

*Violations (Section 91)*

- Provides additional clarity on enforcement.

*Penal Clause (Section 93 and 94)*

- Updated to align to the Community Charter.
- Deleted violations and merged them with the Ticketing for Bylaw Offences Bylaw No. 1929.

*Schedule C*

- Deleted as outdated.

**Fees and Charges Bylaw**

The Council endorsed 2024 Fees and Charges Bylaw included fees in alignment with the direction provided at the June 26, 2023, Regular Council meeting, these fees included:

- Road and ROW Alteration Permit Fee (low level plantings) - \$450.
- Encroachment Agreement Fees
  - Administration Fee - \$59
  - Application fee - \$2,000
  - License fee - \$108/m<sup>2</sup> of encroachment per year (equivalent to \$10/ft<sup>2</sup>).

Fees being brought forward concurrently with this report for Council's consideration (Appendix C) include the addition of shoring/underpinning fees and temporary over excavation fees. Staff have recommended that these fees be removed from the Street and Traffic Bylaw and added to

#### **Fees & Charges Bylaw:**

- Shoring/Underpinning Fees
  - Administration Fee - \$59
  - Permit Fee - \$758
  - License fee for the use of City property - \$25/m<sup>2</sup> of excavation face abutting City property.
- Temporary Over Excavation Fees
  - Administration Fee - \$59
  - Permit Fee - \$758
  - License fee for the use of City property - \$15/m<sup>2</sup> of excavation face abutting City property.

#### **Ticketing for Bylaw Offences Bylaw**

All proposed amendments have been identified in red in the amendment bylaw being brought forward concurrently with this report (Appendix B) for Council's consideration. Proposed amendments include:

- Violations identified in Section 94 in the Street and Traffic Bylaw are recommended to be merged with the Ticketing for Bylaw Offences Bylaw.
- Minor language updates to more accurately reflect the Street and Traffic Bylaw.
- Discrepancies between the Street & Traffic Bylaw and the Ticketing for Bylaw Offences Bylaw have been resolved by incorporating the following additions to the Ticketing for Bylaw Offences Bylaw:
  - Prohibited noise-making device
  - Using vehicle horn except to warn
  - Riding bicycle on sidewalk
  - Wearing headphones while riding bicycle
  - Stopping or parking on same block where previously parked on the same calendar day
  - Object for sale on street, boulevard or sidewalk
  - Occupation of street causing traffic delay
  - Performing work on the City boulevard without a permit
  - Obstruct passage of pedestrians or vehicles
  - Sidewalk snow/ice/debris removal by 10am
  - Skating / sleighing / skiing on street open to traffic
  - Maintenance of boulevard grass and permitted landscaping
  - Driving across curb
  - Signs / markings / things on street furniture / lights / utility poles
  - Protective barrier where required.

#### **FINANCIAL IMPLICATIONS**

The additional staff time required to manage and administer encroachment agreements and minor low-level planting permits will continue to be monitored. If additional resources are required, staff will report back to Council.

#### **LEGAL IMPLICATIONS**

Bylaw updates were drafted and reviewed by the City's Solicitor.

## **COMMUNICATION AND COMMUNITY ENGAGEMENT IMPLICATIONS**

The recommended amendments are not expected to result in significant changes for the public. Following the June 26, 2023 council direction, staff have been collaborating with several properties on planting plans and encroachments and these recommended bylaw amendments formalize the changes and aim to provide greater clarity for the end user.

## **INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS**

In the development of the recommended bylaw updates to support low-level planting and minor encroachments on city boulevard, staff collaborated with several departments to ensure a comprehensive and well-rounded approach. In addition to Engineering and Municipal Operations, the departments involved in this process as stakeholders included Corporate Administration, Planning & Development Services and White Rock RCMP. Each department provided valuable input and expertise to help shape the bylaw updates and ensure their successful implementation.

## **IMPLICATIONS FOR TREE PRESERVATION AND TREE CANOPY ENHANCEMENT**

The proposed updates will protect City trees by providing a definition of ‘tree’ and the addition of a ticketing offence if a city tree is altered, pruned, removed, disturbed or destroyed. These amendments are in addition to the protection of City trees offered by the City’s Tree Protection Bylaw No. 2407.

## **ALIGNMENT WITH STRATEGIC PRIORITIES**

The proposed updated encroachment policy aligns with Community – “We foster a livable city with connected residents enjoying distinctive places and activities.”

These amendments are in alignment with the Community and Organization & Governance Priorities. The Community Priority identifies that we foster a livable city with connected residents enjoying distinctive places and activities and the Organization & Governance Priority identifies that the City commit to continuous process improvement, efficient service delivery, and foster positive relations with Semiahmoo First Nation and other stakeholders.

## **OPTIONS / RISKS / ALTERNATIVES**

The following option is available for Council’s consideration:

- Maintain the current bylaws without any changes. This will delay staff’s ability to issue low-level planting permits and encroachment agreements.

## **CONCLUSION**

In response to direction received at the June 26, 2023, Regular Council meeting, staff have prepared bylaw changes for Council’s consideration in order to accept minor low-level planting throughout the City and permit new minor encroachments through encroachment agreements. This report provides Council with information on those bylaw changes and staff request

Council's endorsement of the subsequent bylaw amendments that have been brought forward concurrently with this report and under Agenda Item 8.

Respectfully submitted,



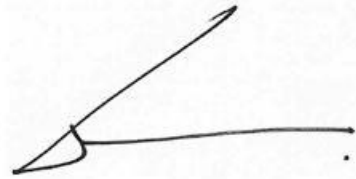
Corrine Haer, P.Eng.  
Manager, Engineering



Jim Gordon, P.Eng.  
Director, Engineering & Municipal Operations

**Comments from the Chief Administrative Officer**

I concur with the recommendation of this corporate report.



Guillermo Ferrero  
Chief Administrative Officer

- Appendix A: Street and Traffic Amendment Bylaw 2024
- Appendix B: Ticketing for Offences Amendment Bylaw Schedule
- Appendix C: Fees and Charges Amendment Bylaw 2494