

Date: 16/09/2021

To: Chair and Directors, Policy Committee

And To: John MacLean, Chief Administrative Officer

From: Virgil Hoefels, Chief Building Official

Date of Meeting: Policy Committee_Oct07_2021

File: 0340-50

Short Summary:

Review Building Location Survey Policy

Voting:

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Memorandum:

This is a policy review of an existing Building Location Surveys Policy that was first created in 2001 and then revised in 2015. The original 2001 policy reads as follows:

BOARD POLICY

Requirements for Building Location Surveys

1. *This policy is applicable within the North, Central and South Cariboo Building Inspection Service Areas.*
2.
 - (a) *Building location surveys will be required to be submitted for all new buildings; additions to buildings; and alterations modifying exterior wall profiles or roof projections. Building location survey plans are to be submitted after the foundation wall forms are erected for concrete walls, or after construction of a masonry or preserved wood foundation and floor assembly, but prior to further construction or backfilling.*
 - (b) *Notwithstanding 2(a), building location surveys will not be required for:*
 - *Manufactured homes and additions, or ancillary buildings located in Mobile Home Parks.*
 - *Single or two-family dwellings, or residential ancillary buildings, if a 1 metre "buffer" is provided in addition to the required setbacks, and all iron pins defining the lot are exposed. String lines shall be run between pins where required to clearly indicate setbacks plus the buffer before the arrival of the Building Official to witness the location. NOTE: This exemption does not apply to other than straight-line lot lines.*

- *Ancillary buildings under 55 m² in building area located on surface foundations of other than concrete.*
3. *The survey plan shall indicate the shortest distance from lot lines to:*
- *The inner surface of the exterior concrete foundation wall forms after bracing is secured, and prior to the placing of the concrete;*
 - *The outer face of wood sheathing for PWF foundation walls when the foundation is completed and the floor system installed; and*
 - *The outer face of masonry blocks for masonry foundation walls when the foundation is completed.*

Setbacks to property lines shall be indicated on the survey plan for all exterior wall faces.

Building Location Survey Plans derived from GPS instruments may be accepted by the building inspector for buildings located on large lots or surveyed lots, if the limits of accuracy of the instruments used are added to the required buffer and setback.

The policy was revised in 2015 to read as follows:

B1.1 Building Location Surveys

Policy No. 01-04B-7

That a site survey be required prior to a foundation being poured, in order to confirm setbacks and prevent the loss of capital investment should the setback be incorrect. Exceptions may be made for buildings in a mobile home park or where, in the case of a single or 2 family dwelling, a 1 metre "buffer" is established from the property line.

The original policy was developed because the Building Inspection Department was not inspecting zoning setbacks at the time, and the issue was not addressed in either the zoning bylaw or the building bylaw.

The AIS proposed three different policies in addition to the policy that was adopted, which in summary was that *a building location survey would be required when the proposed construction was within 1 metre of the required setbacks*. The other options were:

1. Require a building location survey for every instance of new construction.
2. Require a building location survey when construction was proposed at the minimum setback requirement.
3. Require a building location survey when a problem was discovered or anticipated.

As stated in the AIS that proposed the original policy:

1. There had been owners/builders who used the wrong survey pins on several projects which resulted in projects being constructed within setbacks and/or over property lines.

2. Requesting surveys for each project from a BC Land Surveyor would not increase the CRD's liability but rather minimize it.
3. To further reduce liability, it was proposed and approved to:
 - a) Amend the building bylaw to clarify that it is the owner's responsibility to determine proper siting of a building; and
 - b) Include a disclaimer on the building permit itself that the CRD is not responsible for ensuring correct siting.

The issue of owners/builders siting their buildings incorrectly is something that continues to be an issue from time to time. Recent discussions with legal counsel about our current policy, and the statements added to the bylaw and building permit, have raised concerns. These concerns are that our building bylaw and building permit state that the CRD is not responsible to ensure the correct siting, yet we have a policy that requires surveys under certain situations. These statements and our policy are in contradiction of each other. Legal counsel recommends that the CRD Building Department either:

1. Request a building location survey for all proposed construction where siting is an issue; or
2. Completely remove the CRD's responsibility for ensuring siting is correct.

The Building Department is not in support of either of these recommendations for a number of reasons; the first being that requiring a building location survey for all proposed construction would impose an additional cost to owners and builders that in many cases would not be justified. Additionally, the Cariboo region does not have enough Land Surveyors to fill this demand. Current lead time to obtain a survey is 4-6 weeks. Secondly, completely removing the CRD from the responsibility of ensuring siting is correct would lead to an increased number of buildings that are incorrectly sited. Our Building Inspection staff routinely fails footing inspections due to siting issues.

Recommendation

That the existing policy remain in place but be revised with legal counsel input to further protect the CRD and reduce the risk of incorrect siting. Some items considered for inclusion into the policy are:

1. Request a legal subdivision plan for each building permit application.
2. Refusal to inspect if all survey pins are not exposed prior to inspection.
3. Disclaimer stamped on the site plan addressing siting.

Attachments:

Appendix A – Building Location Surveys Policy History

Financial Implications:

None

Policy Implications:

Update policy based on legal counsel review.

Alignment with Strategic Plan:

- ☒ **Communication:** Facilitate communication strategies throughout the entire Cariboo Regional District that meet the needs of residents, community stakeholders, and other levels of government.
- ☒ **Planning:** Intentionally plan services and activities of the CRD to prepare for future needs of residents and community stakeholders.
- ☐ **Economic Sustainability:** Foster an environment to ensure the economic sustainability of CRD communities and the region.
- ☒ **Governance:** Ensure that CRD governance policy and practices are intentional, transparent, and respectful.

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CAO Comments:

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Options:

- 1) Endorse revisions to the policy;
- 2) Receipt and request further amendments;
- 3) Receipt only;
- 4) Defer.

Recommendation:

That the agenda item summary from Virgil Hoefels, Chief Building Official, dated September 16, 2021, regarding the proposed revisions to the Building Location Surveys Policy, be received. Further, that the proposed revisions to the Building Location Surveys Policy be endorsed by the Committee.