

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** February 16, 2023  
**RE:** Soil Removal and Deposit Bylaw - Electoral Area "F" (F2022.001-SOIL)

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### **Administrative Recommendation:**

**THAT Bylaw No. 2974, 2023, a bylaw of the Regional District of Okanagan Similkameen to regulate the removal and deposit of soil on lands within Electoral Area "F"; and,**

**THAT Bylaw No. 2500.29, 2023, a bylaw to amend the Development Procedures Bylaw; and,**

**THAT Bylaw No. 2507.18, 2023, a bylaw to amend the Bylaw Notice Enforcement Bylaw;**

**be read a first, second and third time:**

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### **Purpose:**

To regulate the removal and deposition of soil within the Greater West Bench area in Electoral Area "F", set out exemption criteria and a permitting process for specified soil-related activities, and establish an associated penalty and enforcement scheme for non-compliance.

### **Background:**

At its meeting of October 7, 2021, the Planning and Development (P&D) Committee received the final report of the *Greater West Bench Geotechnical Review* prepared by Ecora Engineering & Resource Group Limited and Clarke Geoscience Limited.

Amongst other things, this Report recommended that the Regional District develop various "Land Use Management Policies for Hazard Lands", such as the introduction of a "Soil Removal and Deposition Bylaw." This would allow the Regional District to:

*regulate, monitor, and limit the removal and deposition of soil through permitting. Combined with the hazard mapping, soil removal and deposition activities can be reduced in high hazard areas and documented within the GWB area.*

At its meeting of September 22, 2022, the P&D Committee initiated the Soil Removal and Deposition Bylaw, and amendments to the Development Procedures Bylaw, the Fees and Charges Bylaw and the Bylaw Notice Enforcement Amendment Bylaw.

### **Public Process:**

As part of the initiation of the Soil Removal and Deposition Bylaw No. 2794 and its supporting amendment bylaws, the following consultation was undertaken:

- referral to external agencies (September 26, 2022);
- information posted to the Regional District's web-site;

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- notification emails/letters sent to companies with business licenses registered with the City of Penticton, which may have their operations impacted by the proposed bylaws (October 19 & 21, 2022);
  - notification letters sent to property owners within the Greater West Bench area (i.e., residents of Husula Highlands, Sage Mesa, West Bench, and the Westwood subdivision advising of a Public Information Meeting (November 30 & December 20, 2022); and,
  - notification posted on the Regional District's Facebook page (December 1, 2022 & January 3, 2023)
  - notification through Voyent Alert to Electoral Area "F" (December 1, 2022 & January 3, 2023).

On January 12, 2023, a Public Information Meeting (PIM) was held online and was attended by approximately 22 members of the public. All comments received to date in relation to this application are included as a separate item on the Board Agenda.

### **Analysis:**

The intent of the proposed bylaw is to reduce the impact of soil removal and deposit activities in hazard areas of the Greater West Bench, as per the recommendations contained within the *Greater West Bench Geotechnical Review* (2021). To do so, the bylaw proposes the following:

- smaller scale projects (e.g., minor landscaping/gardening works) or those which are not seen to pose a significant risk will be exempt (e.g. less than 25 m<sup>3</sup> of material is involved);
- moderate scale projects, being those which require soil removal or deposit between 25 m<sup>3</sup> and 100 m<sup>3</sup>, will require the issuance of a permit from the Regional District supported by a geotechnical assessment from a qualified professional:
  - the intent of geotechnical assessment is to ensure the proposed activity does not increase the likelihood of a geotechnical event;
  - the Regional District already requires geotechnical reports be prepared in support of building permit applications, and this will extend those requirement to soil activities.
- larger scale projects, being those which require soil removal or deposit in excess of 100 m<sup>3</sup>, will require Board approval of an amendment to the soil bylaw prior to the application for, and issuance of a permit.
- penalties for infractions against the bylaw have been revised to \$500 based on public and agency feedback (these penalties originally ranged from \$200 to \$500). Each day a new violation occurs or an existing contravention continues to occur will constitute a separate offense.
- establishes the ability to suspend or cancel a permit, similar to the Stop Work Order used for building permit contraventions, if a term of condition has been contravened.
- in cases of continued non-compliance, the ability to apply to the BC Supreme Court for an injunction is also an enforcement option available to the Board.

If adopted, awareness of the bylaw will be promoted with property owners in the Greater West Bench Area as well as relevant contractors/companies through the issuance of a guide.

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**Alternatives:**

1. THAT the Soil Removal and Deposit Bylaw No. 2974, 2023, Development Procedures Amendment Bylaw No. 2500.29, 2023, and Bylaw Notice Enforcement Amendment Bylaw No. 2507.18, 2023, not be initiated.

**Respectfully submitted:**



Shannon Duong, Planner II

**Endorsed By:**



C. Garrish, Planning Manager