

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 20, 2023
RE: Soil Removal and Deposit Bylaw Amendment – Electoral Area “F” (F2023.001-SOIL)

Administrative Recommendation:

THAT Bylaw No. 2974.01, 2023, a bylaw to amend the Soil Removal and Deposit Bylaw to facilitate the demolition of an existing house and to backfill the foundation at 811 West Bench Drive, be read a first, second, and third time and be adopted.

Folio: F-07356.000 Legal: Lot 60, District Lot 5076, ODYD, Plan KAP5817 Except Plan 24758

OCP: Small Holdings West Bench (SH5) Zone: Small Holdings (SH)

Proposed Development:

To amend the Soil Removal and Deposit Bylaw No. 2974, 2023 (the “Soil Bylaw”), which applies to the subject property in order to facilitate the demolition of an existing single detached dwelling and to backfill the foundation.

In order to accomplish this, a site-specific amendment is being proposed to the Soil Bylaw to allow for the subsequent application for, and issuance of, a Soil Permit to deposit approximately 170 m³ of soil on the property.

Site Context:

The subject property is approximately 3,466 m² in area and is situated on the east side of West Bench Drive. It is understood that the parcel is comprised of two single detached dwellings; one of which was recently constructed to replace an older single detached dwelling (i.e., the subject dwelling to be demolished).

The surrounding pattern of development is generally characterised by similarly sized residential parcels that have been development with single detached dwellings.

Background:

The subject property is identified as being with “Constraints Zone B” of the Bylaw which applies to lands “with a moderate risk of a Sinkhole or Collapsed soils event, occurring with a 1 in 100 to 1000 year return period”.

Under the Regional District’s Soil Removal and Deposit Bylaw No. 2974, 2023, the removal or deposition of soil in excess of 100 m³ in a calendar year requires a formal amendment of the bylaw in order for a permit to be issued authorizing the activity.

The justification for requiring a Soil Permit prior to the undertaking of soil works is to provide a mechanism to regulate, monitor, and limit the removal and deposit of soil in the Greater West Bench area, as recommended in the *Greater West Bench Geotechnical Review* report (2021). The report also indicated that, “combined with the hazard mapping, soil removal and deposition activities can be reduced in high hazard areas and documented within the [Greater West Bench area]”.

When receiving permit applications which require a technical assessment by a qualified professional, the Regional District relies on the professional recommendations made by the professional as it relates to proposed development.

In the case of Soil Permit and Soil Bylaw amendment applications, a geotechnical engineer must, in their professional opinion, indicate that the proposed development would not increase the risk of, or severity of harm associated with, potential geotechnical hazard events.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the subject property is currently zoned Small Holdings West Bench (SH5) which lists “single detached dwelling” as a permitted principal use.

In 2020, the Regional District issued a building permit authorizing the construction of a new single detached dwelling on the subject property.

In addition, Covenant CA8017384 was registered on title allowing the property owner to continue residing in an existing single detached dwelling which the new dwelling was constructed. The covenant further stipulated that the existing dwelling would be demolished and removed, made uninhabitable or moved from the property within 90 days of final inspection/occupancy of the new dwelling.

In 2023, a demolition permit was issued for the removal of the existing dwelling from the property.

Public Process:

In accordance with Section 3.4 of Schedule 12 (Application for a Soil Removal and Deposit Permit or Bylaw Amendment) of the Regional District’s Development Procedures Bylaw No. 2500, 2011, adjacent residents and property owners were notified of this application on May 19, 2023, and provided 15 working days to submit comments electronically or in-person to the Regional District.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

Analysis:

The proposed soil activities would facilitate compliance with the terms of Covenant CA8017384 and the density provisions under the SH5 zoning which applies to the property as soil deposition is required to complete the demolition and backfilling of the old, existing single detached dwelling and its foundation.

In support of the application, the applicant has submitted a geotechnical assessment dated April 28, 2023 and prepared by Travis Brown, P. Eng., of Rock Glen Consulting Ltd., which has indicated that “the planned house demolition will not have a significant change for the impermeable area on the property as new house was recently constructed such that impermeable area on the property will relatively unchanged and should not affected geotechnical site conditions.”

The assessment further concluded the following regarding the proposed development:

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- *The scope of the demolition and backfilling of the old house will have no net increase in impervious surfaces, considering recent construction of a new house (in 2022).*
 - *Final site grades will tie to existing grades surrounding the old house, offering limited changes the existing gentle grades, with no slopes affected.*
 - *Previous RGC assessment identified only limited geohazards on the subject property. In this regard, strategies for water management to protect soils during rainfall and runoff should be planned. Key features should include covering of exposed slopes (ie PVC sheeting, geotextile), placement of minimum 300mm thickness of backfill, sump/pump of ponding water, and temporary surface grading to mitigate runoff. RGC are available for field reviews during project activities.*
 - *During backfilling activities the following rainfall shutdown criteria should be adopted:*
 - *1 hour duration, rainfall >8mm* ➤ *24 hour duration, rainfall > 20mm*
 - *12 hour duration, rainfall > 18mm* ➤ *48 hour duration, rainfall > 30mm*
 - *An [Rock Glen Consulting Ltd.] professional geotechnical engineer shall review excavation subgrade, progress of structural backfilling, and final site grading.*

Should the Board consider that additional public engagement is required for this proposal, the option is available to schedule a public information meeting (PIM) on August 9, 2023.

No formal written representations were submitted in opposition of the application during the allotted 15 working day public feedback timeframe and it is unclear whether hosting a PIM would provide additional benefits.

Summary:

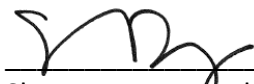
If the subject bylaw amendment is approved, the applicant must subsequently apply for, and be issued, a Soil Permit for the deposit of 170 m³ of soil prior to any earthworks.

Alternatives:

1. THAT the Soil Removal and Deposit Amendment Bylaw No. 2974.01, 2023, be read a first and second time; and

 THAT staff schedule the date, time, and place of a Public Information Meeting prior to the Board’s consideration of adoption.
2. THAT the Soil Removal and Deposit Amendment Bylaw No. 2974.01, 2023, be denied.

Respectfully submitted:



Shannon Duong, Planner II

Endorsed By:

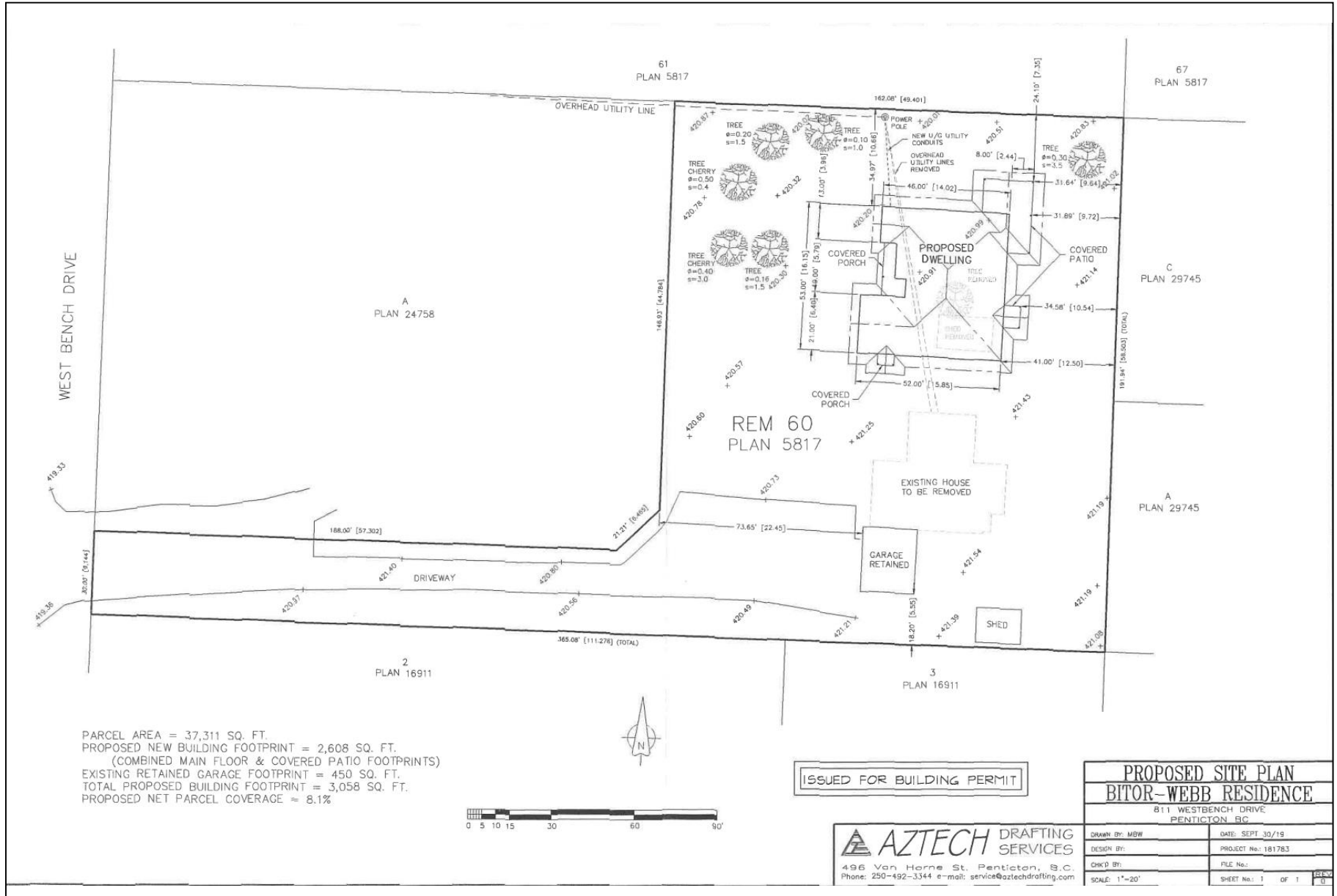


C. Garrish, Senior Manager of Planning

Attachments:

- No. 1 – Applicant’s Site Plan
- No. 2 – Aerial Photo (2023)

Attachment No. 1 – Applicant’s Site Plan



Attachment No. 2 – Aerial Photo (2023)

