Review of Board Policy

Building Permits Issuance West Bench,
Sage Mesa, Husula Highlands, West Bench Estates

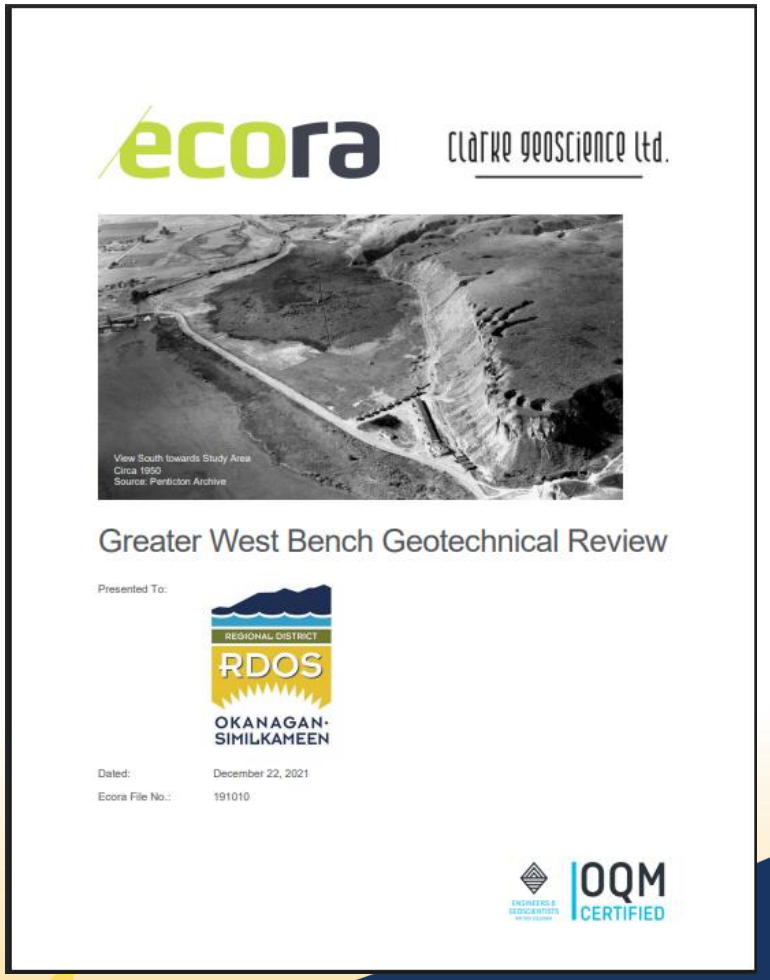
Electoral Area Services Committee (EASC)

October 8, 2026

Geotechnical Report Policy Review

Background

- 2018 Review of the Electoral Area "F" OCP Bylaw recommended that an updated technical assessment of geotechnical hazards in the West Bench / Sage Mesa area be completed.
- This review was completed in 2021 and contained a number of recommendations.



Geotechnical Report Policy Review

Background

Recommendations included:

- Incorporate results into land use bylaws;
- Introduce a Soil Removal and Deposit Bylaw;
- Develop Geotechnical Report requirements;
- Develop Best Management Practices; and
- Implement a public education and outreach program specific to geohazards.

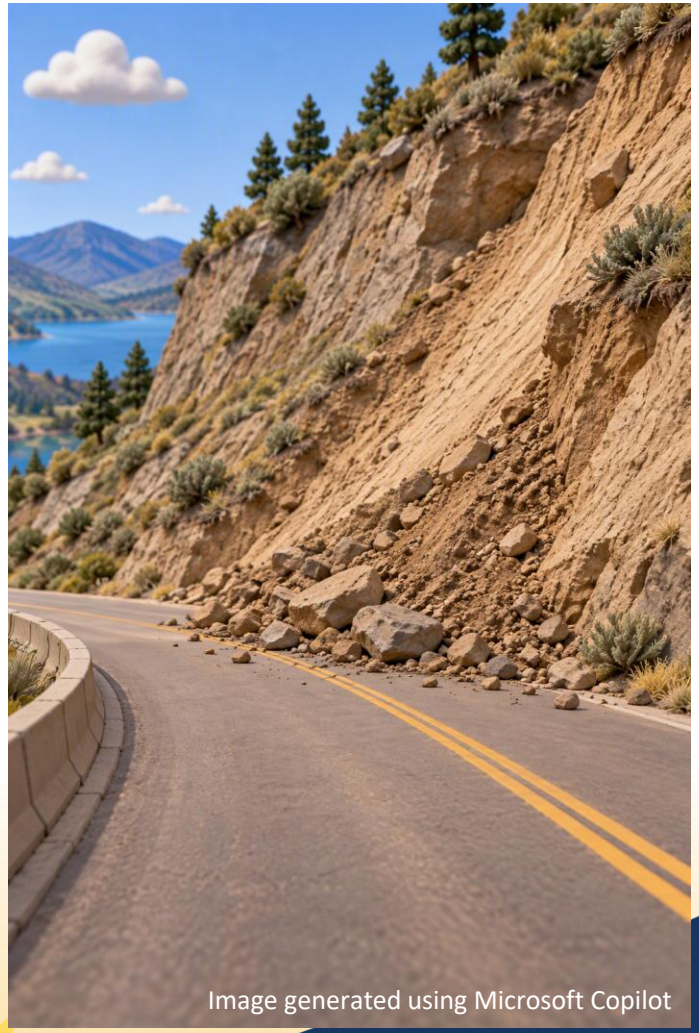


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Geotechnical Report Policy Review

Background

- *By developing specific Geotechnical Terms of Reference, some of the uncertainty associated with interpreting reports could be reduced and will help ensure that all geohazards of concern are addressed in a consistent manner.*
- *It is recommended that geotechnical reports include a signed Assurance Statement accompanied by a checklist of technical report content requirements.*



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Geotechnical Report Policy Review

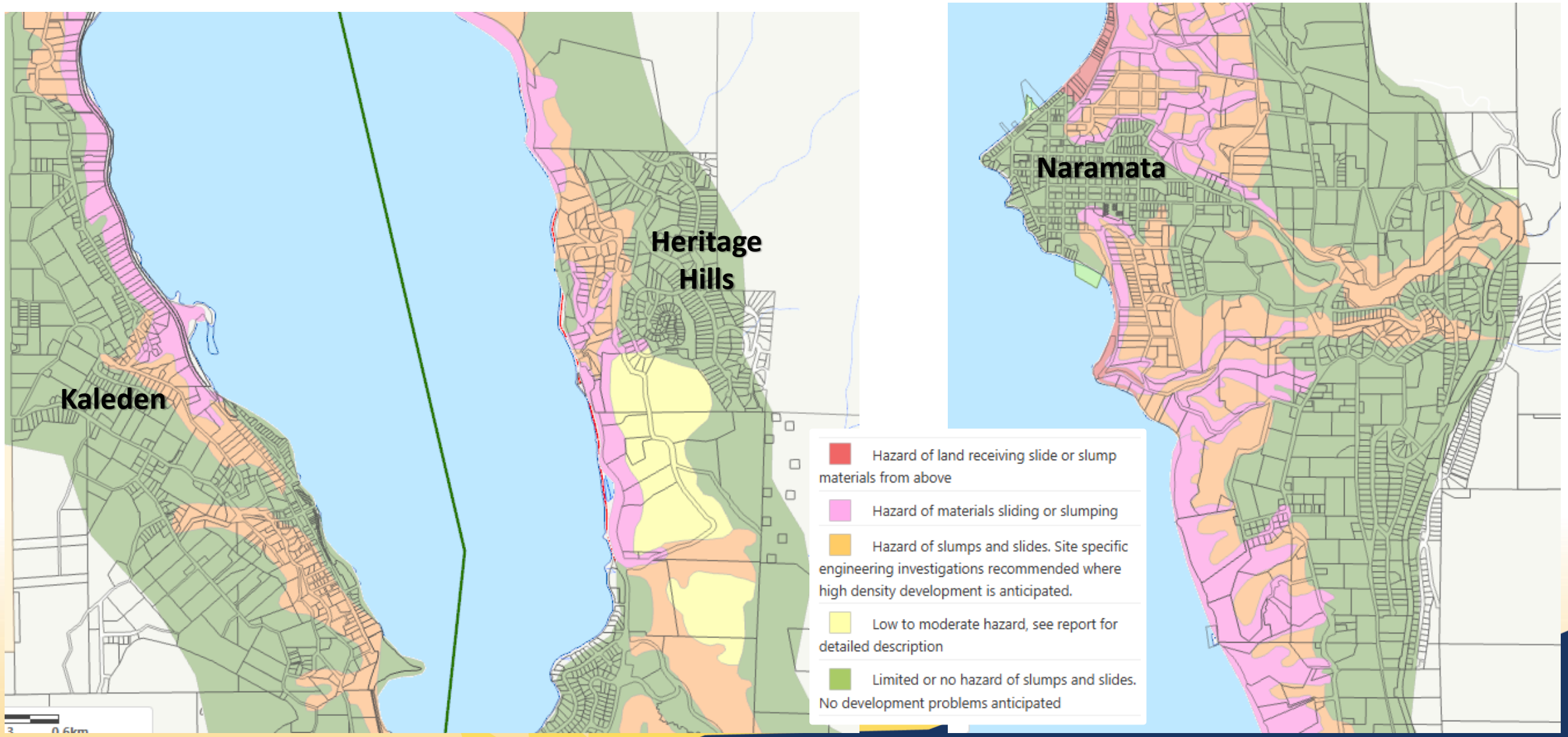
Statutory Requirements

- The *Community Charter* allows a building inspector to require a property owner to provide a geotechnical report in support of a new development.
- Such a report is to be prepared by a qualified professional engineer or geoscientist and is to certify that land that is subject to specified hazards.



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Geotechnical Report Policy Review



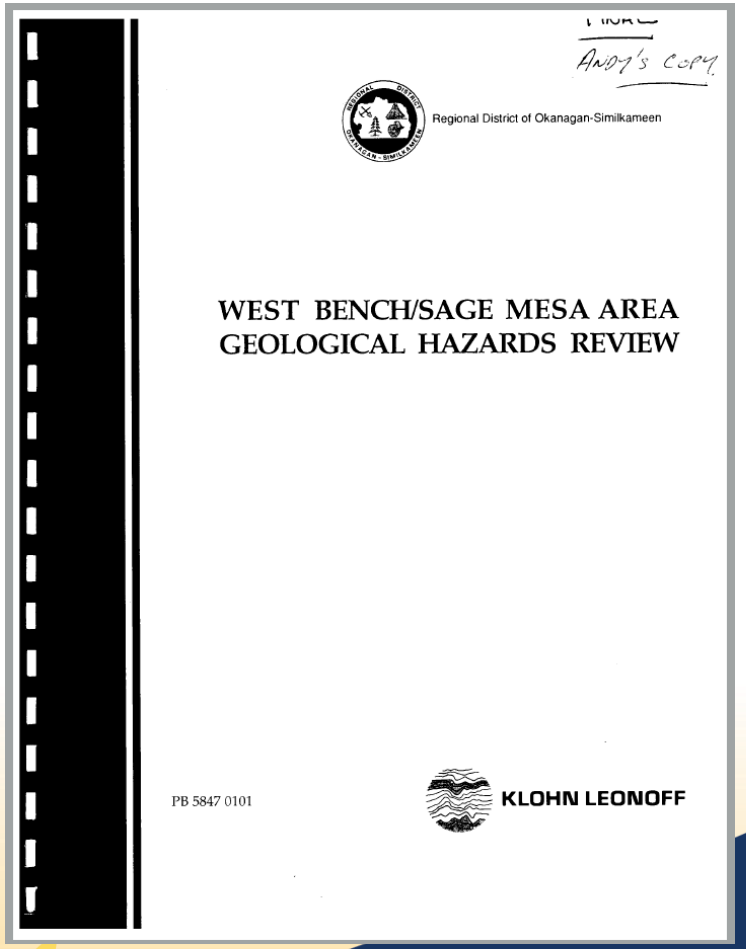
Geotechnical Report Policy Review



Geotechnical Report Policy Review

Background

- The West Bench area has a long history of documented geotechnical issues (dating to 1913).
- Previous geotechnical studies were completed in 1959 and 1977.
- A further review was completed in 1992 by the firm of Klohn Leonoff Limited (consulting engineers).

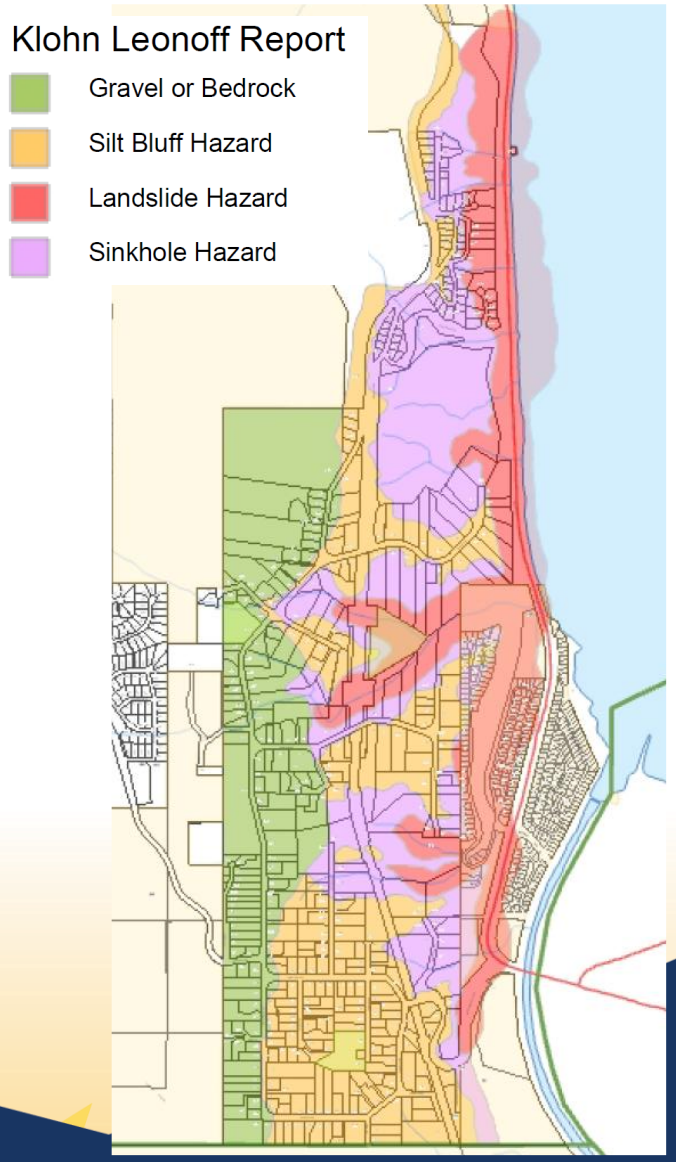


Geotechnical Report Policy Review

Background

Klohn Leonoff Recommendations included:

- incorporate hazard mapping into land use bylaws;
- plan for mitigation measures such as development restrictions, installation of sewer & storm sewers, etc.
- implement ways to inform residents of risks.



Geotechnical Report Policy Review

Richmond firm to examine stability of West Bench soil

The Regional District of Okanagan-Similkameen has agreed to hire a Richmond firm to conduct a further review of soil stability in the West Bench area.

The firm of Klohn Leonoff Ltd had submitted a bid of $58,727 plus GST to reopen the 1977 Miller-Nyland geological report.

The controversial study outlined extensive "red" and "orange" zones, where subdivisions could not take place because of a perceived slide hazard.

Ron Perrie, RDOS director for area F (West Bench-Okanagan Lake West) said while Klohn Leonoff had submitted a tender $3,500 higher than the lowest bid, it most closely met the terms of reference for the project.

However, the study hinges on complete provincial government funding.

Perrie said while the Ministry of Transportation and Highways has approved its two-thirds share, the regional district is still waiting for word on a one-third planning grant from the Ministry of Municipal Affairs.

Monday, November 2, 1992 THE PENTICTON HERALD 3

LOCAL NEWS

Study angers residents

West Bench group wants Klohn-Leonoff report reviewed

By KARIN WILSON
Penticton Herald Staff

Angry West Bench residents are calling for a professional review of the controversial Klohn Leonoff engineering report on soil stability in the area.

"We don't think we got our money's worth," said Dave Murray Saturday after chairing a residents meeting Friday night. About 150 residents turned out to hear more about the Klohn Leonoff report, completed on behalf of the Regional District of Okanagan-Similkameen.

The report, released Aug. 20, determined that much of the West Bench Sage Mesa area suffers from unstable soil conditions. It also recommended against further subdivisions in the area and geotechnical reports for any future building permits.

"This report makes it sound like the whole area is going to fall into the lake," said Murray.

Murray argues the report is far too conservative and says residents plan to ask the Professional Engineers Association to review the report.

"Either you sit back and let people do what they want to do, or you go out and vote no," he said.

At Friday's meeting, residents formed a seven-member committee to present the area's concerns to the regional district at its Nov. 19 board meeting.

Residents are worried about the severe restrictions placed on development in the area, dropping property values, and the impact the report will have on existing house insurance policies.

"It just kind of puts everybody in a bad situation," Murray said.

The group would also like to see the results of an engineering report requested by Inland Contracting on land further up the West Bench area, which is currently slated for subdivision. Residents suspect that geotechnical report will conflict with the Klohn Leonoff report.

"We want no action taken until that report is received by the regional district," he said. "If the Klohn Leonoff report is correct, then we can live with that. But obviously there are other views."

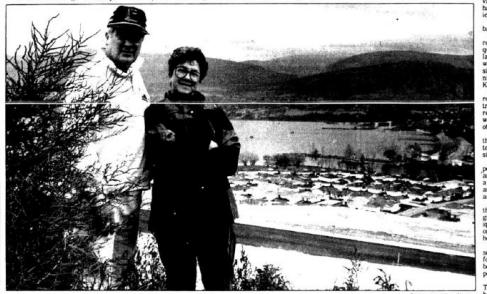
The regional district commissioned the Klohn Leonoff report in reaction to various requests made for subdivision in the area.

Murray also questions why the report applies only to the West Bench area, which has never suffered from a slide, and not to other surrounding areas such as Summerland and Naramata.

"There was a lot of background in the study from areas in the whole regional district, but because it's site-specific to the West Bench, we're the ones that have all the restrictions," he complained.

Murray said residents are also upset that the regional district didn't inform them of the impact of the report before adopting an interim building permit policy at its Oct. 15 meeting.

Instead, Murray was informed last Thursday that the regional district has plans for an information meeting Nov. 12. A location and time have not yet been confirmed.



West Bench residents Dave Murray and Pauline Bird are calling for a review of a controversial study on soil stability in the area.

Friday, November 20, 1992 THE PENTICTON HERALD 3

LOCAL NEWS

Strict building policy softened up

By JOHN MOORHOUSE
Penticton Herald Staff

West Bench home owners won't have to pay hundreds of dollars for a soil study just to add a sundeck.

The Regional District of Okanagan-Similkameen has implemented a new policy governing building permits in the West Bench-Sage Mesa area in the wake of the controversial Klohn Leonoff report on soil stability.

The RDOS board voted unanimously Thursday in favor of amending an interim building permit policy implemented last month.

Director of planning Andrew Swetlishoff said the most significant change allows for a building permit to be issued for the repair or reconstruction of an existing building without the need for a site-specific geotechnical report.

A new sundeck, balcony, carport, garage or shed that does not contain any plumbing fixtures also falls in the same category.

In response to a request by residents, the board also agreed to get an engineering opinion from Klohn Leonoff on whether that policy could be extended to include any structural additions which do not include plumbing fixtures.

"That one other inclusion will relieve the anxiety of 80 per cent of the property owners," said Bob Jenkins, a 30-year West Bench resident.

The bulk of the building permit policy remains unchanged from a month ago.

- All building permit applications will require a geotechnical study pertinent to that property. If the report certifies that the site and downstream lands will be safe in the event of development, a building permit may be issued.
- A building permit will be refused if the engineer's report determines the properties may be rendered unsafe by the development.
- The applicant may appeal this ruling directly to the RDOS board. The board may ask for a covenant requiring the owner to indemnify the regional district against any damage arising as a result of the development.

Ron Perrie, regional director for West Bench-Okanagan Lake West, said the new policy appears to be heading in the right direction.

"At one time there was going to be no development," he said.

"But we've kept chipping away and chipping away at this, until where we're now at additions and new homes (which require geotechnical reports). So we've come a long way."

The regional district's new policy pertains to building permits only. Subdivision applications in the West Bench area are handled by the Ministry of Highways, which is using the Klohn Leonoff report in its deliberations.

Meanwhile, the RDOS board is taking a broader look at the issue.

It has ordered staff to prepare a report recommending policies and procedures to deal with slope stability and water balance issues in all areas of the district.

Development grinds to a halt on West Bench

By JOHN MOORHOUSE
Penticton Herald Staff

One day after the release of the Klohn Leonoff report into soil stability on the West Bench, new development applications in the area have

Meanwhile, Ron Perrie, RDOS director for the West Bench says he has no idea what will happen in the wake of the Klohn Leonoff report.

Perrie acknowledged that it can be viewed as more restrictive than the

West Bench building plan 'compromise'

By JOHN MOORHOUSE
Penticton Herald Staff

Almost two months after the release of a controversial report on soil stability, the Regional District of Okanagan-Similkameen has adopted a new building permit policy for the West Bench.

The new interim policy, including a detailed appeal procedure, was approved by the regional board Thursday as residents packed the public gallery.

All building permit applications in the area had been subject to geotechnical reports since the Aug. 20 release of the Klohn Leonoff report, which outlined varying degrees of slide hazard throughout the West Bench-Sage Mesa area.



Perrie

Ron Perrie, RDOS director for the West Bench, said the new policy represents a good compromise in the wake of the report.

"It's a procedure that people can follow. Even though there are going to be some difficulties, there is a means to an end," he said.

The new building permit procedure is as follows:

- The building inspector will provide each applicant with a copy of

according to the conditions laid down in a geotechnical report, the board may also require a covenant stating the property owner would be liable for any damage arising as a result of the development.
- If the permit is denied by the board, the applicant will be advised in writing of the reasons and be allowed to request a Ministry of Municipal Affairs review of the board's decision-making process. The decision could also be challenged in court.

Perrie noted the regional district has now adopted the provincial risk factor of one slide occurring every 500 years, instead of every 10,000 years as used by the Klohn Leonoff report.

Repairs and reconstruction will be permitted in all areas, although a restrictive covenant may be required in some cases. Other areas such as Husula Highlands will have no restrictions.

Report a blow to developers on West Bench

By JOHN MOORHOUSE
Penticton Herald Staff

Future development of the West Bench-Sage Mesa area has been put into serious question, following the release of a new report into soil stability in the area.

The Richmond engineering firm Klohn Leonoff Ltd was hired to reopen the controversial 1977 Miller-Nyland geological report, which had outlined extensive red and orange zones where subdivisions could not take place.

But rather than loosen restrictions in the area as many West Bench residents had hoped, the new report recommends even tougher restrictions.

Rod Smith, the project manager outlined details of the report to the Regional District of Okanagan-Similkameen board Thursday and later to local residents at a public informational meeting.

The document outlines five different zones encompassing the entire

be accepted, are going to have to be a personal and political decision," he said.

But rather than accept the findings of the report, the RDOS directors voted to simply "receive" it and forward a copy to the Ministry of Municipal Affairs and the Attorney General's office. The board wants a legal interpretation of its implication on existing and future development in the West Bench area.

Saturday, November 14, 1992

NEWS CAPSULE

Residents of bench dump on soil report

By Penticton Herald Staff

It was question and answer time for West Bench residents Friday night.

But most didn't appear to like the answers they received about the controversial Klohn Leonoff report on soil stability.

About 150 people turned out to West Bench elementary school for an informational meeting presented by the Regional District of Okanagan-Similkameen. For almost three hours they blasted the report which outlined varying degrees of slide hazard in the area and recommended severe restrictions on subdivision applications.

In the wake of the report, the regional district board last month adopted an interim policy for building permit applications, which included a mandatory geo-technical study for all such applications.

Many residents criticized that policy Friday night. It was pointed out even an application to build a sundeck would need a geo-technical report.

RDOS administrator Vanessa Sutton admitted it is still uncertain whether such reports are needed for applications to build garages, sheds or other additions which are not classified as "inhabitable buildings."

She said the board will consider the matter further at its regular meeting next Thursday.

Other residents questioned how the Klohn Leonoff report could take precedence over site-specific geo-technical studies prepared for individual subdivision applications.

Sutton noted the regional district only has jurisdiction over building permits. The approving officer for subdivision applications is the Ministry of Highways.

Commenting afterwards, Allen Moore, a resident of Sparton Drive and former trustee with the West Bench Irrigation District, said the RDOS officials appeared to realize how the residents feel about the report.

"They're the only people who can help us," Moore said.

He suggested the RDOS loosen its restrictions on building permit applications, which he claimed weren't even addressed in the Klohn Leonoff report.

Any move to override the report and revert to the previous Miller-Nyland report recommendations would also be welcomed.

"I'd be quite happy to go back to the Miller report and thank our lucky stars," Moore stated.

The Klohn Leonoff report was commissioned last year in response to complaints by some West Bench residents that the Miller-Nyland report was too restrictive.

The South Okanagan's Newspaper



West Bench property owners Merle Calder (left) and Ron Johnson say a controversial report on soil stability in the area is partially based on outdated information.

Bench report bunk, say land owners

By JOHN MOORHOUSE
Penticton Herald Staff

A West Bench property owner is threatening legal action if the Regional District of Okanagan-Similkameen adopts a controversial report into soil stability in the West Bench-Sage Mesa area.

Ron Johnson claims the Klohn Leonoff report, unveiled at the regional district's Aug. 20 meeting, was partially based on inaccurate information.

He said outdated maps and aerial photos were used. Other technical information was taken from the 1977 Miller-Nyland report on soil stability, instead of conducting new engineering tests.

Johnson owns a 12-acre property

tions from the Attorney-General's office and the Ministry of Municipal Affairs.

Johnson agrees there are some areas of the West Bench where the slide hazard is too great for further subdivision. However, he said

No plans to bring city sewer service to West Bench area

The City of Penticton is not interested in extending its sewer system to the West Bench-Sage Mesa area.

"I don't think at this time, we'd want to even look at the possibility," Mayor Jake Kimberley told Regional District of Okanagan-Similkameen

the area's lifestyle.

Subdivisions in most parts of the West Bench cannot proceed with sewer service, as stipulated by the controversial Klohn Leonoff report on soil stability.

Geotechnical Report Policy Review

Background

- In order to inform residents of the geotechnical risks, the Board adopted its *Building Permit Issuance West Bench, Sage Mesa, Husula Highlands, West Bench Estates Area Policy* (1992).



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Geotechnical Report Policy Review

Background

- The Policy sets out the following:
  - Building Inspector to provide applicant's with a copy of Klohn Leonoff Report.
  - Geotech reports *should* not be required for the construction of "a deck, balcony, shed, carport or garage that does not contain any plumbing fixtures."
  - Inspector retains discretion to require a geo-tech report at any time.

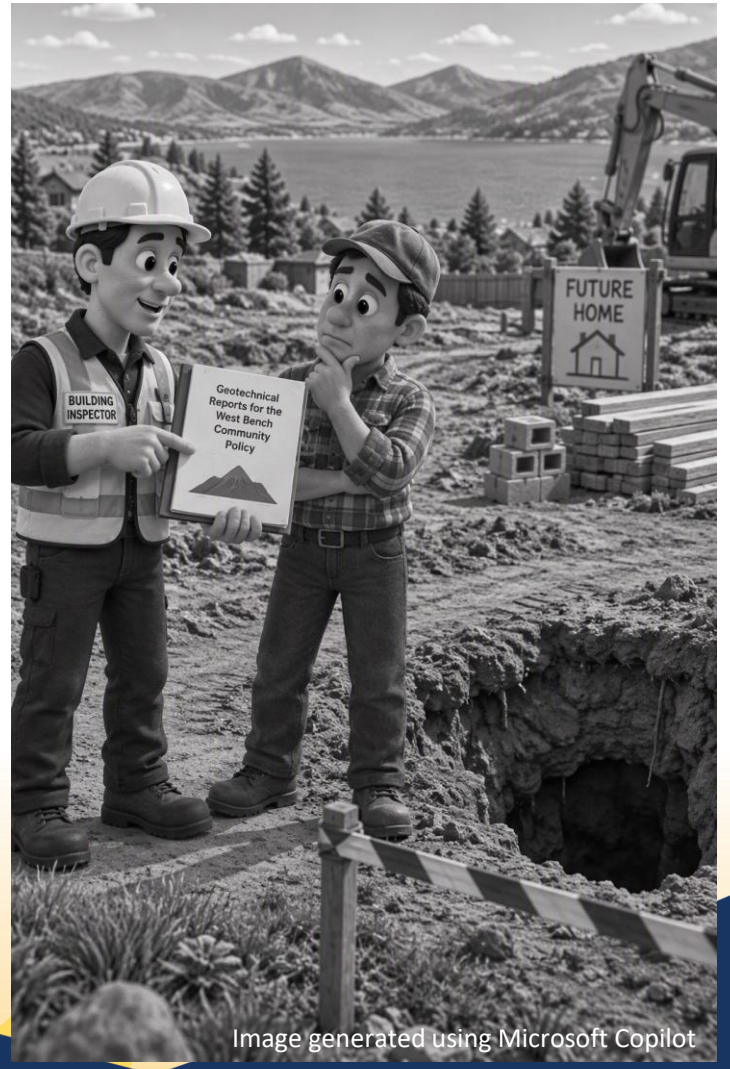


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Geotechnical Report Policy Review

Issues

- Klohn Leonoff Report (1992) is no longer the most recent review of conditions in the West Bench.
- A new *West Bench Geotechnical Review* was completed in 2022.
- Both reports are available online for review by engineers completing assessments in the West Bench.
- Building Inspectors have statutory authority to require geotechnical reports when deemed appropriate.
- The Board has not attempted to prescribe circumstances for requiring Geotech reports in other known hazard areas.

Geotechnical Report Policy Review

Administrative Recommendation

- THAT the EA Services Committee recommend that the Regional District Board's Building Permit Issuance West Bench, Sage Mesa, Husula Highlands, West Bench Estates Area Policy (No. P3740-00.02) be repealed.

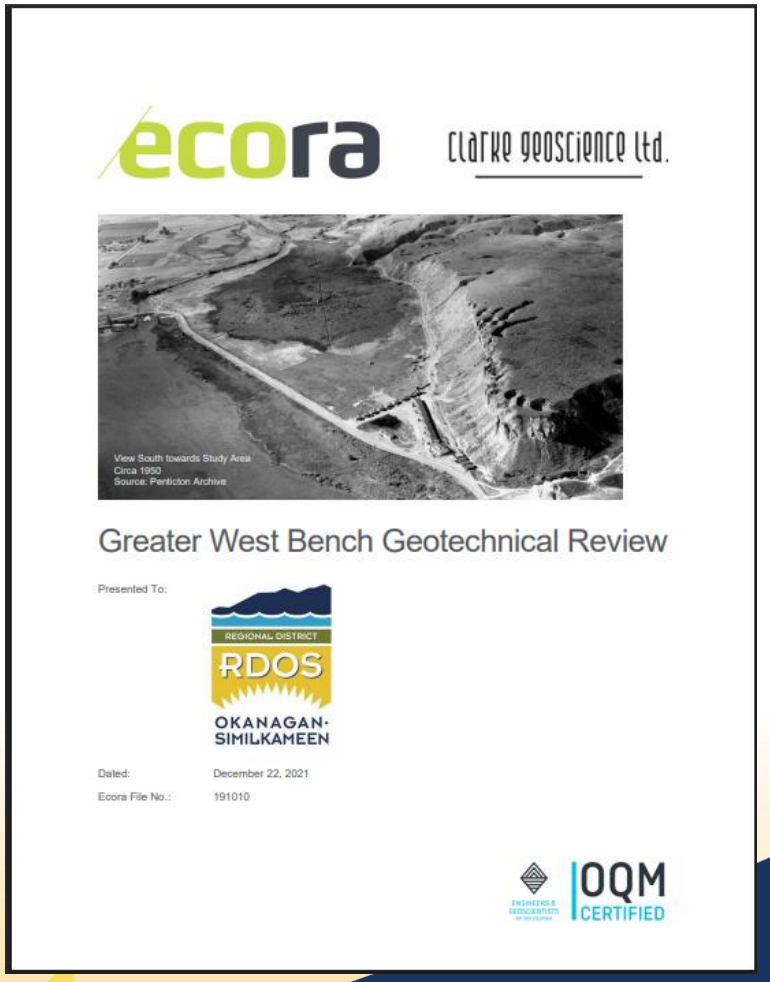


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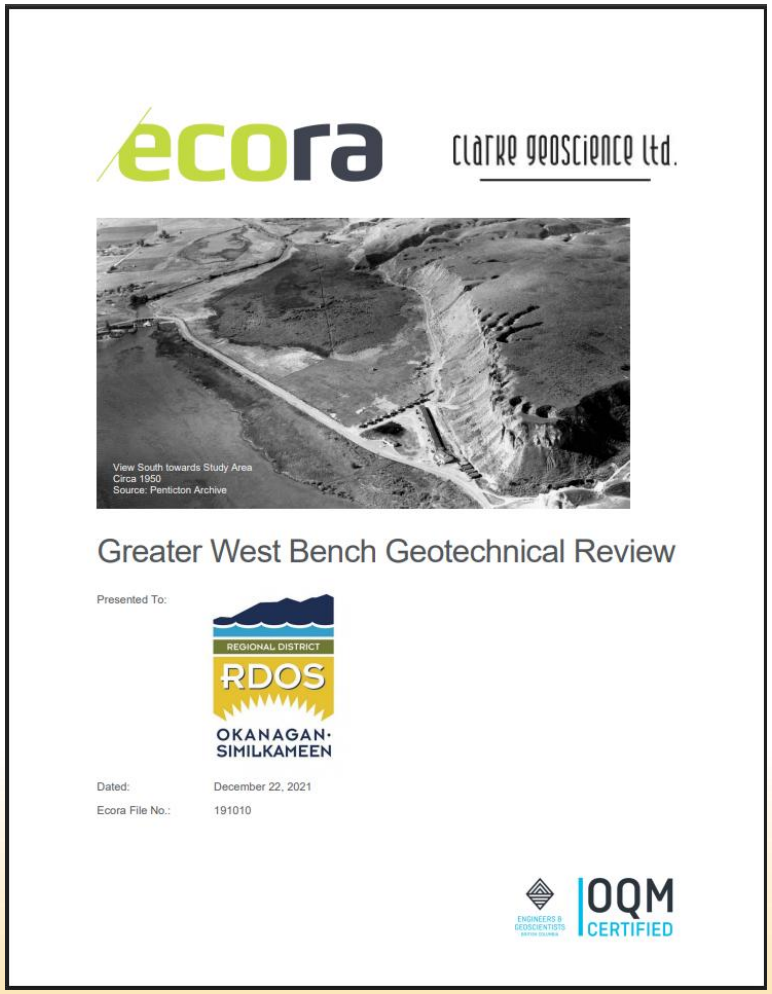
Geotechnical Report Policy Review

Proposed New Policy

- To respond to recommendation in 2022 Report to “Develop Geotechnical Report requirements.”
- Proposed to require the inclusion a signed Assurance Statement with a Geotech report.
- Proposed to establish digital and privacy standards for reports.



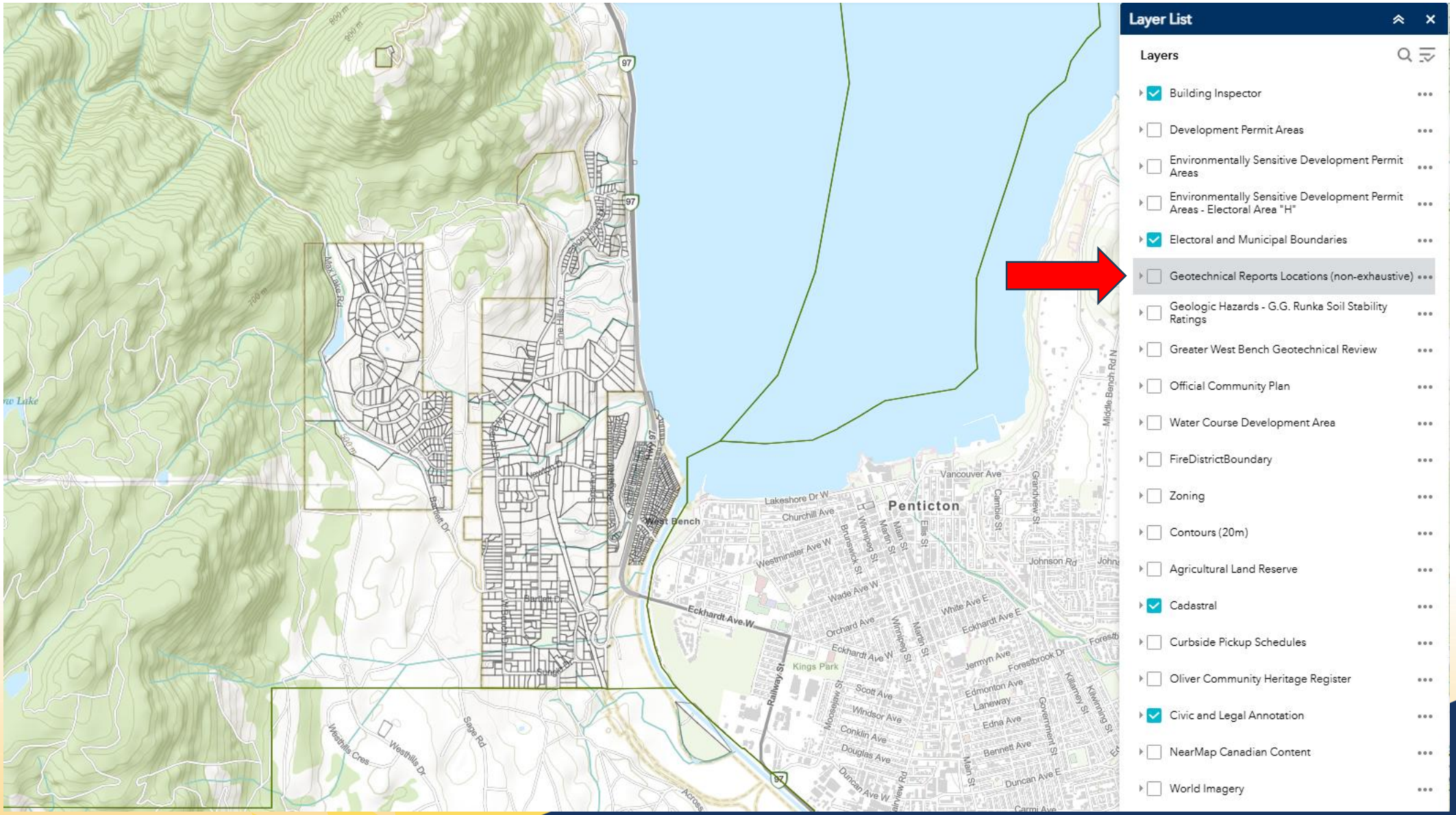
Geotechnical Report Policy Review



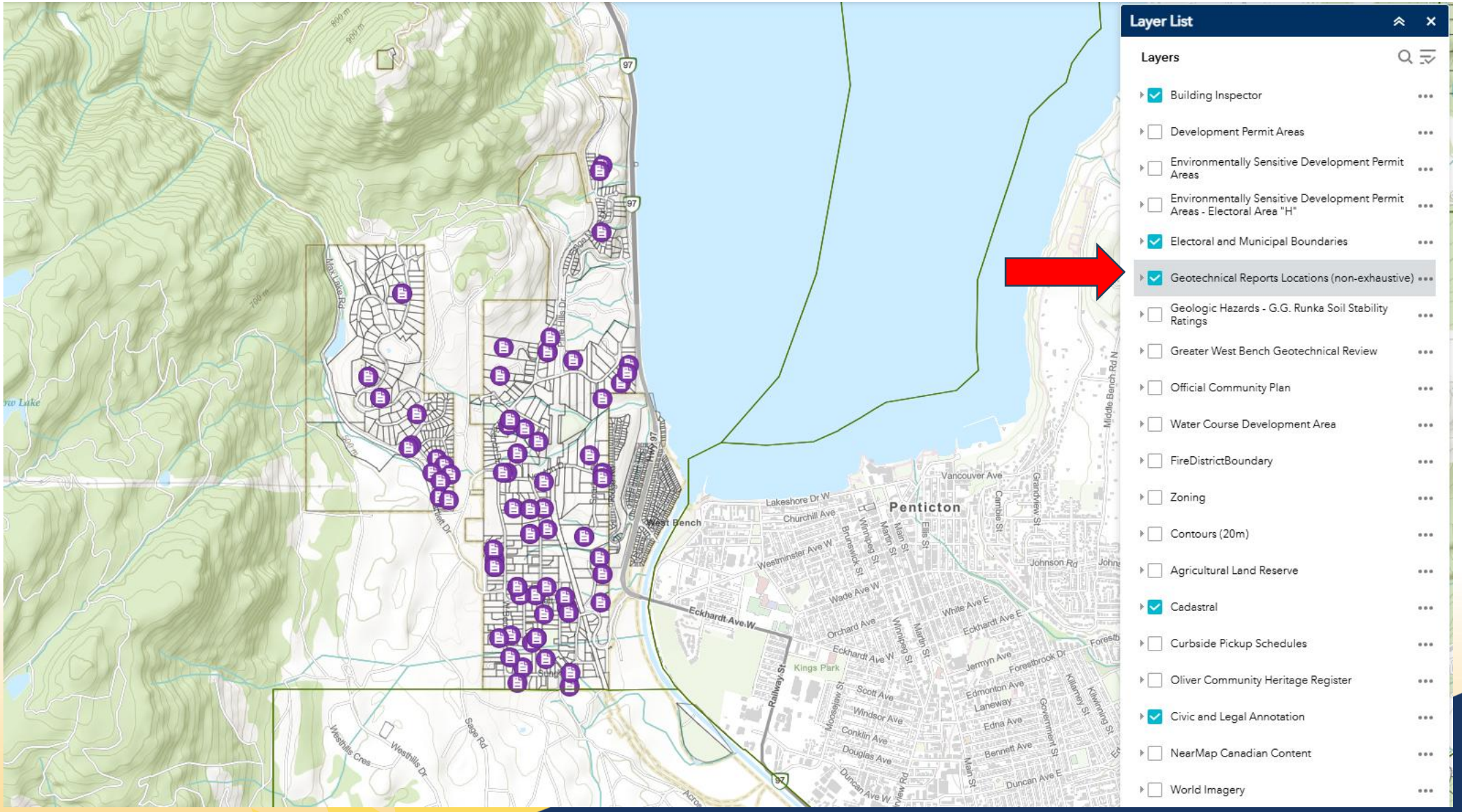
Greater West Bench Geotechnical Review (2022)

- *It is also recommended that a publicly accessible database of previously completed geohazard and geotechnical reports … be made available. [This] would … ensure that relevant information upon which judgements are made regarding hazard and risk are made available.* (s. 9.3.1)

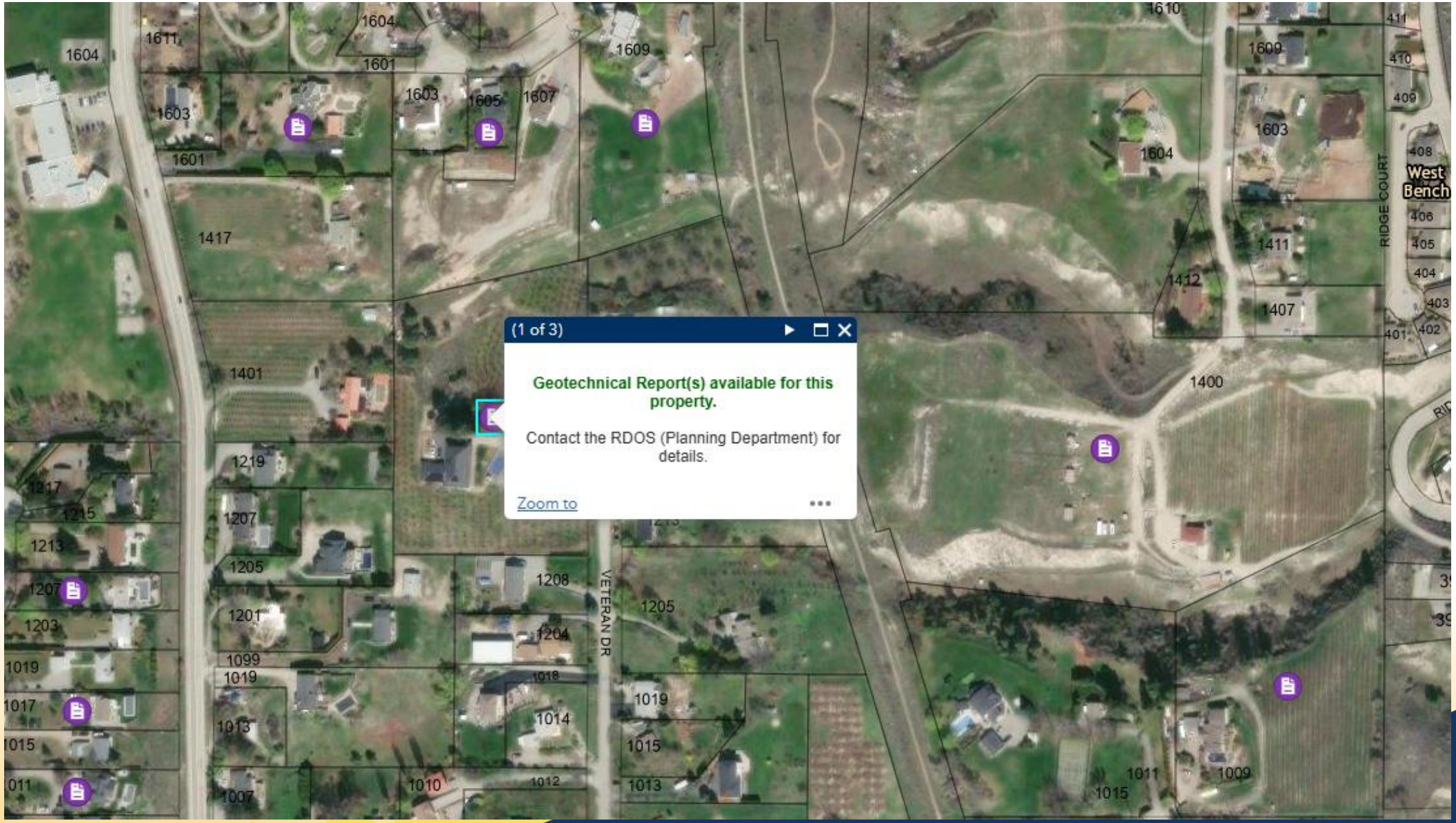
Geotechnical Report Policy Review



Geotechnical Report Policy Review



Geotechnical Report Policy Review



Geotechnical Report Policy Review

Proposed New Policy

- Proposed digital and privacy standards:
  - Public Record Acknowledgement
  - No personal information
  - No copyright or proprietary watermarks
  - To be submitted in a digital format (.pdf / no password protections)

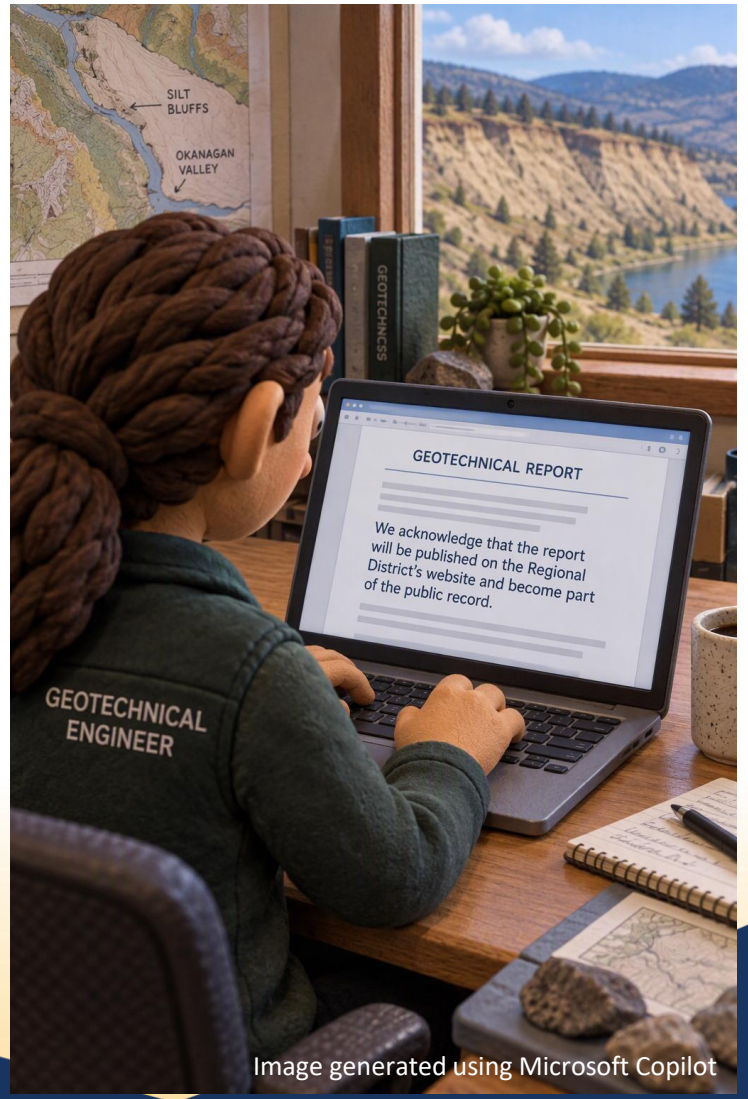


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Geotechnical Report Policy Review

Consultation:

Prior to Board consideration of implementing the Draft Policy, the following is proposed:

- creation of a dedicated web-page providing an overview of the Policy, Geotechnical Report Library, etc.; and
- targeted notification of local engineering and development consulting companies requesting their review and feedback on the Draft Policy.

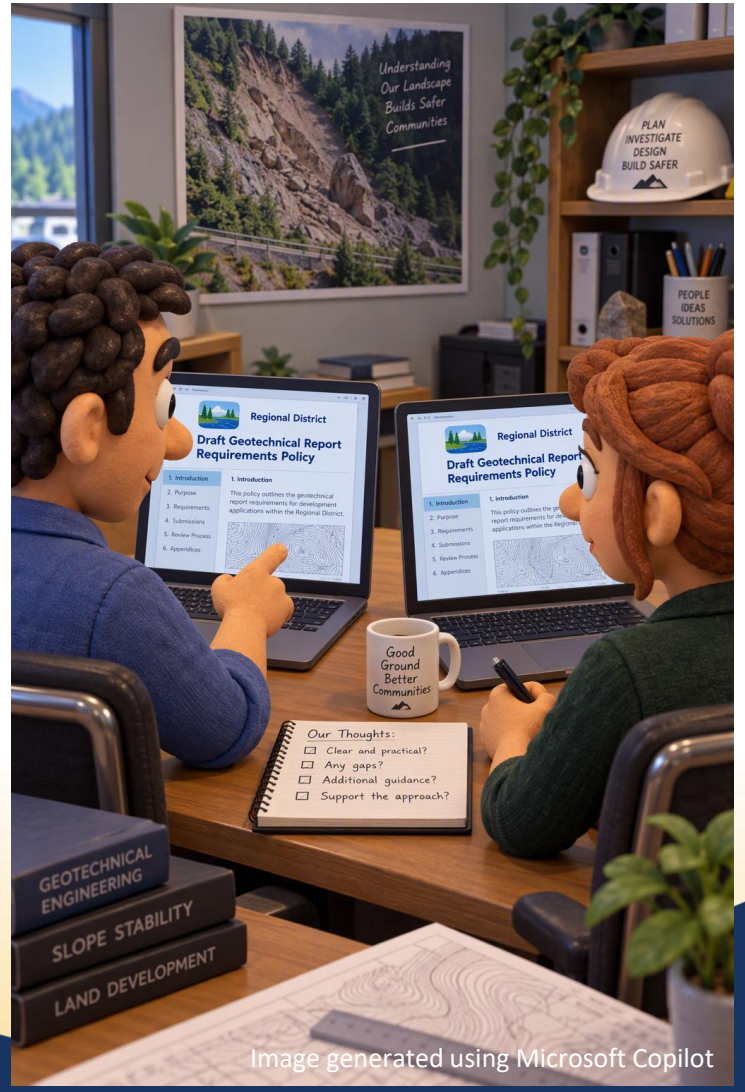


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Geotechnical Report Policy Review

Administrative Recommendation

- THAT the Geotechnical Report Requirements Policy be referred to local engineering and development consulting firms for feedback;
- AND THAT the outcomes of this consultation process be considered by the Electoral Area Services Committee prior to Board consideration of the Geotechnical Report Requirements Policy.



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Geotechnical Report Policy Review

Administrative Recommendation

- THAT the EA Services Committee recommend that the Regional District Board's Building Permit Issuance West Bench, Sage Mesa, Husula Highlands, West Bench Estates Area Policy (No. P3740-00.02) be repealed;
- AND THAT the Geotechnical Report Requirements Policy be referred to local engineering and development consulting firms for feedback;
- AND THAT the outcomes of this consultation process be considered by the Electoral Area Services Committee prior to Board consideration of the Geotechnical Report Requirements Policy.

Geotechnical Report Policy Review

Alternatives:

- THAT the Regional District Board's Building Permit Issuance West Bench, Sage Mesa, Husula Highlands, West Bench Estates Area Policy (No. P3740-00.02) be repealed;

  AND THAT the Geotechnical Report Requirements Policy be adopted.

- Status quo.

Geotechnical Report Policy Review

Questions?

