

# Soil Regulation Options

Regional District of Central Okanagan Board Meeting  
March 16, 2023

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# Purpose

To review regulatory options for the management of soil and fill placement.

# Process overview

December 1, 2022

Board direction to staff

→ March 16, 2023

Presentation of high-level options

TBC

Policy development and  
consultation of preferred option

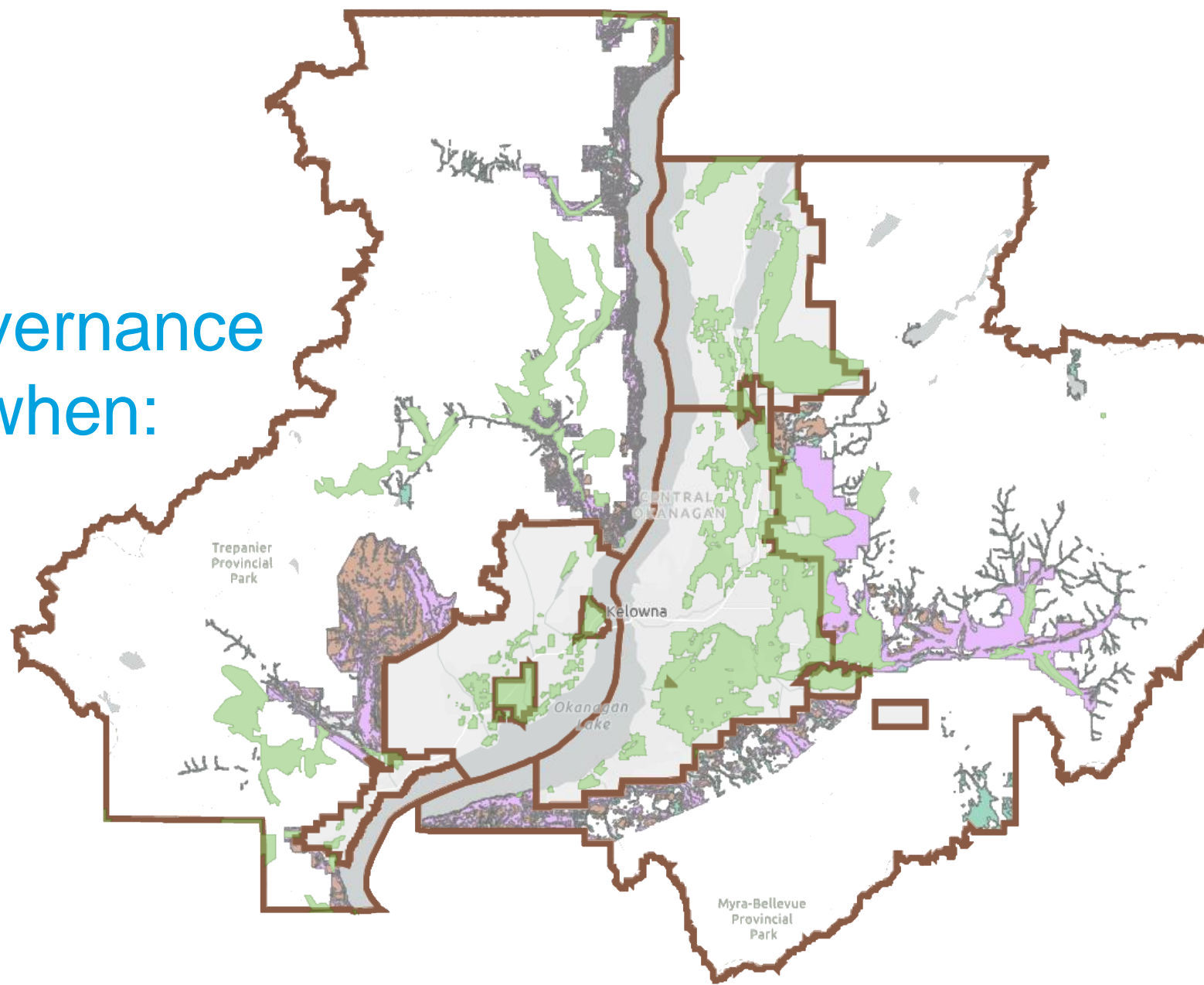
TBC

Board consideration and  
policy adoption

# Current State

The RDCO plays a governance role in soil movement when:

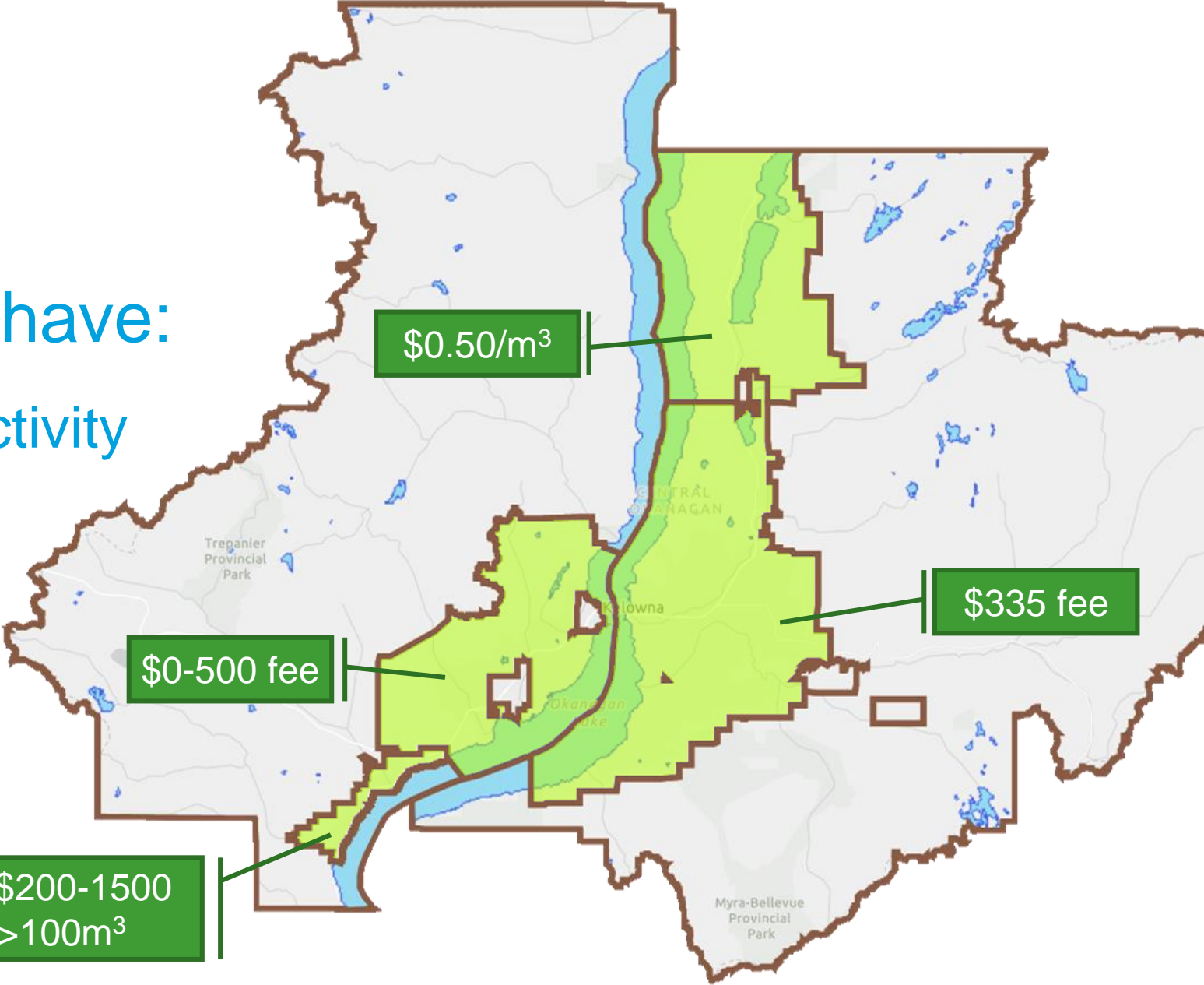
- Proposals are within Development Permit Areas
- Soil and Fill Permit applications are received from the ALC



# Current State

## Member municipalities have:



- Significant development activity
- Soil movement bylaws and permitting fees
- Limited deposit sites

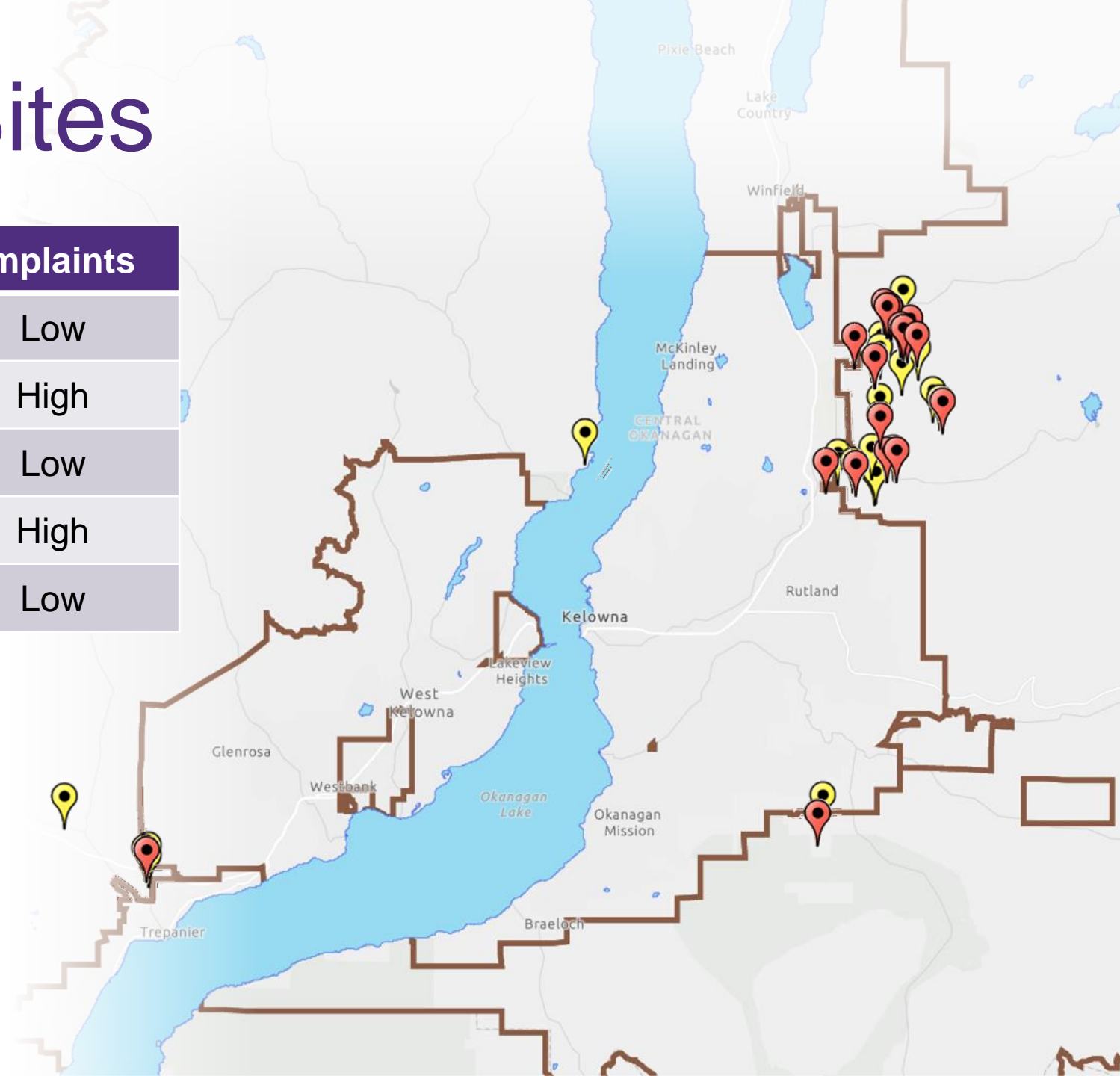


Application fee = \$200-1500  
+ \$1.10/m<sup>3</sup> for >100m<sup>3</sup>

# Known Deposit Sites

OCP Area	Deposit Sites	Complaints
Rural West Side	1	Low
Ellison	19	High
South Slopes	2	Low
Brent Rd. Trepanier	4	High
Joe Rich	1	Low

 Deposit site  
 Complaint location  
 (generalized)



# Regulatory Options

Regulatory Power	LGA	Opportunity / Comments
Regional Growth Strategies	Part 13	
Official Community Plans	Part 14, Div. 4	<b>Enhance existing DPAs</b> <ul style="list-style-type: none"> <li>• Limited areas</li> <li>• “Guidelines”</li> <li>• Not as easily enforced</li> <li>• Amendment to all OCPs required</li> </ul>
Development Permit Areas	Part 14, Div. 7	
Require Security	Section 502	
Subdivision Servicing Bylaw	Part 14, Div. 11	
Development Approval Information	Part 14, Div. 6	<b>Adopt Soil Removal &amp; Deposit Bylaw</b> <ul style="list-style-type: none"> <li>• Entire area or specific</li> <li>• Service levels are to be determined</li> <li>• Used in most jurisdictions</li> <li>• Amendments to Procedures, Fees and Enforcement Bylaws needed</li> </ul>
Soil Removal & Deposit Bylaw	Section 327	

**Additional Opportunity: Establish a Regional Soil & Fill Plan**

# Benefits

## Soil Bylaw

- Manage environmental impacts
  - Ecosystems
  - Drainage, erosion, groundwater and slopes
  - Topsoil protection
  - Contamination management
- Manage community impacts
  - Noise, vibration, dust
  - Region-wide equity
- Minimise infrastructure impacts
- Transparency of soil movements
- Agricultural protection & improvement
- Cost recovery

## Soil Plan

- Surplus management solutions for the development community
- Community growth
  - Economic development
  - Housing
- GHG emissions
  - Minimize distances between source site and deposit site



# Key Attributes of Policy Content

## Soil Bylaw

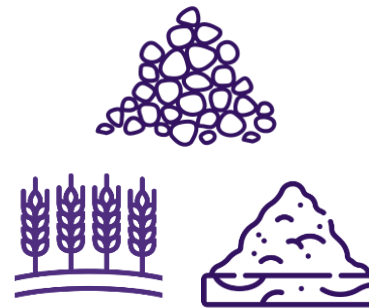
- Exemptions
- Approval authority
- Application requirements
- Operational requirements
- Notification requirements
- Penalties
- Ability to take security

## Soil Plan



Forecast soil excesses based on Regional growth

Identify preferred deposit locations and trucking routes



Soil reuse segmentation and market-ready model

# Regional Growth Strategy Alignment

Soil management planning will recognise the need for infill projects and dense urban cores, helping...

**OUR LAND** Managing the land base effectively to protect natural resources and limit urban sprawl.

**OUR CLIMATE** Considering GHG reduction and climate adaptation/mitigation in decision-making, planning policies and regulatory measures.

**OUR HOUSING** Helping to provide solutions to support affordable housing development.

**OUR ECONOMY** Supporting efforts to build a strong regional economy and promote reliable and efficient development application processes.

**OUR FOOD** Supporting agricultural outcomes and sustainable food systems.

# Summary

- A Soil Removal & Deposit Bylaw is a commonly used option.
- It may:
  - Close regulatory gaps between jurisdictions
  - Improve transparency
  - Ensure better site management outcomes and accountability
  - Create potential for enforcement options
  - Allow for some cost recovery
- Staff can develop bylaw without additional resources.
  - Resourcing for permitting and enforcement is as-yet unknown.

# Summary

- Heavier regulation may have consequences for community growth and development.
- A Soil Management Plan may be a more effective tool to meet RGS and OCP policy goals.
- It may result in better utilization of soil excesses as a resource.

# Next Steps

- Consider the merits of a Soil & Fill Bylaw and/or Plan as part of the upcoming Regional Board Strategic Priorities workshop.
- If deemed a priority project, staff could then;
  - Explore funding opportunities, scope and process to develop a soil management plan.
  - Assess the resources needed for processing permits and enforcing a soil bylaw.
  - Review bylaw development options for consultation.

# Recommendation

**THAT** the Regional Board receives the Soil Regulation Options from the Director of Community Services dated March 16, 2023, for information.