



Regional Board Report

Information

To: Regional Board

From: Todd Cashin, Director of Community Services

Date: January 19, 2023

Subject: Supplemental Report – ALC Soil or Fill Use Applications – 5760 Anderson Road and 5630 Anderson Road. (RDCO Files A-22-06 and A-22-07)

Voting Entitlement: *All Directors – Unweighted Corporate Vote – Simple Majority (LGA s.208)*

Purpose: To receive and consider additional information regarding two conditionally approved Soil or Fill Use Applications, as directed by Regional Board resolutions adopted December 1, 2022.

Executive Summary:

At the Regular Board Meeting on December 1, 2022, the Regional District of Central Okanagan Board considered Soil or Fill Use Applications for each of the Subject Properties. The total volume of fill proposed, based on grading plans submitted with the applications was 201,100 m³.

The Regional Board resolved to support the proposals and directed staff to forward the applications to the ALC with conditions. Prior to forwarding the application to the ALC, the Board also requested that the applicant supply a professionally prepared topographical report to validate the proposed fill volumes. The received analysis indicates that 209,919 m³ of fill will be required to meet the applicants desired site grading.

Recommendation:

THAT the Regional Board receives the supplemental report from the Director of Community Services, dated January 19, 2023, with the results of the topographical survey related to RDCO File A-22-06 and A-22-07, for the Subject Properties located at 5760 Anderson Rd and 5630 Anderson Rd.

Respectfully submitted by: Shaun O'Dea, Planner

Approved by:

A handwritten signature in black ink, appearing to read "Todd Cashin", is written over a light blue horizontal line.

Todd Cashin, Director of Community Services

- Attachment(s):
1. Orthophoto map
 2. Topographic analysis of fill requirements
 3. [RDCO Regular Board Meeting agenda December 01, 2022](#)
 - item 6.2 - Soil or Fill Use Application (A-22-06) - 5760 Anderson Road
 - item 6.3 - Soil or Fill Use Application (A-22-07) - 5360 Anderson Road
 4. Two Correspondence letters
 5. PowerPoint Presentation
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Strategic Plan Alignment:

Priorities: Sustainable Communities
Values: Resiliency

Background:

In July 2022, agents for the Subject Properties submitted Notices of Intent (NOI) to the ALC, requesting permission to place fill to remediate disturbance caused by historic gravel extraction activities, and to maximize the agricultural potential of the land. The ALC declined these NOIs and directed the applicant to apply for Soil or Fill Permits, which are subject to review by the local authority.

The applications were presented to the Regional District of Central Okanagan Board on December 1, 2022. The Board adopted the same resolution for each application. Below is the resolution for RDCO File A-22-06:

THAT the Regional Board receives the report from the Director of Community Services, dated December 1, 2022, with respect to RDCO File: A-22-06 (ALC application #66504) for the property located at 5760 Anderson Road and legally described as Lot 54, District Lot 1, ODYD, Plan KAP475, Except Plan H13691 (“the Subject Property”);

AND THAT the Regional Board conditionally supports application A-22-06, to allow fill placement upon the Subject Property as outlined in the report dated December 1, 2022;

AND THAT staff be directed to forward application A-22-06 to the Agricultural Land Commission with the following comments and recommendations;

The Regional District of Central Okanagan supports ALC application #66504 subject to the following conditions;

- Adherence to all best management practices and mitigation measures recommended in the agrologist report prepared by Ecoscape Environmental Consultants Ltd.
- A Transportation Route Plan reviewed and approved by the Ministry of Transportation and Infrastructure that outlines:
 - routes plans;
 - number of trips; and
 - measures to minimize impacts to roads, road users and residents on routes.

AND THAT the Regional Board requests that a topographical report by a qualified professional be conducted and brought back to the Regional Board for consideration prior to forwarding the application to the Agriculture Land Commission;

AND FURTHER THAT the Regional Board directs staff to review regulatory options for the management of soil and fill placement, and to report back to the Regional Board with recommendations.

Property overviews:

Owner/Applicant:	H. Bahniwal Holdings Ltd.	Darrell, Susan, Paul, Jered, Sterling and Camille Steeves
Agent:	Ecoscape Environmental Consultants Ltd.	Ecoscape Environmental Consultants Ltd.
Address:	5760 Anderson Road	5630 Anderson Road
Legal Descriptions:	Lot 54, District Lot 1, ODYD, Plan KAP475, Except Plan H13691	Lot 55, District Lot 1, ODYD, Plan KAP475
Lot Size:	5.11 ha (12.63 acres)	4.92 ha (12.16 acres)
OCP Designation:	Agriculture	Agriculture
Zoning:	A1 - Agriculture	A1 - Agriculture
Existing Use:	Single Family Dwelling	Single Family Dwelling
Surrounding Uses:	North: A1 - Single Family Dwelling South: A1 - Single Family Dwelling / Tree Fruits East: A1 - Single Family Dwelling West: A1 - Poultry / Grain and Forage / Single Family Dwelling	
ALR:	Yes	Yes
Fire Protection:	Ellison Fire Protection Area	Ellison Fire Protection Area
Water Supply:	Glenmore Ellison Irrigation District	Glenmore Ellison Irrigation District
Wastewater:	On-site wastewater disposal	On-site wastewater disposal

Proposal:

On December 14, 2022 the RDCO received a topographical report which accurately depicts the existing ground elevations, finished grade elevations, and cut and fill volumes for the site (Attachment 2). This plan indicates that;

- the total fill volume required will be 209,919 m³
- the area of fill placement will be 46,433 m² (11.47 acres)
- the maximum fill depth will be between 10.5 m and 12 m.

Despite the increased fill volume proposed, policy considerations remain consistent with the previously submitted Board reports (A-22-06 and A-22-07), however potential offsite impacts may be more significant. This file was not re-distributed to RDCO staff or affected agencies for additional comments.

Considerations:

External: RDCO Development Application Procedures Bylaw No. 944, regarding public notifications, does not apply to this ALC referral application.

Financial: As per the Agricultural Land Commission Fee Schedule, the Regional District of Central Okanagan has received the required application fees to process this referral application.

Statutory Authority: Section 6 of the Agricultural Land Commission Act states that the purposes of the commission is to preserve the agricultural land reserve. An approving body may only authorize a soil or fill use permitted under section 20.3, 25 or 45 of the Act.

Section 34.1 (2) of the ALCA indicates that, if a local government review of an application is required, the Regional Board may:

- Forward the application to the commission with comments and recommendations, or,
- Notify the applicant that the application will not be forwarded to the commission if the application is refused.

Alternate Recommendation: **THAT** the Regional Board receives the supplemental report from the Director of Community Services, dated January 19, 2023, with the results of the topographical survey related to RDCO File A-22-06 and A-22-07, for the Subject Properties located at 5760 Anderson Rd and 5630 Anderson Rd.

AND THAT the Regional Board, based on the results of the topographical information found in the Supplemental Report, rescinds conditional support from December 1, 2022, for RDCO File A-22-06 and A-22-07;

AND THAT the Regional Board not support RDCO File A-22-06 and A-22-07 for the properties located at 5760 Anderson Rd and 5630 Anderson Rd;

AND FURTHER THAT staff advise the applicant that the applications are refused and won't be forwarded to the Agricultural Land Commission.

Considerations not applicable:

- Organizational
- Legal

Approved for Agenda



Brian Reardon, CAO