

Report to Council



Date: July 17, 2018
File: Bylaw No. 11647
To: City Manager
From: Dean Strachan, Manager of Suburban and Rural Planning
Subject: Soil Removal and Deposit Regulation Bylaw No. 9612 - Bylaw Amendment to Include Blasting

Recommendation:

THAT Council, receives, for information, the Report from the Community Planning Department dated July 17, 2018 recommending that Council consider amendments to the Soil Removal and Deposit Regulation Bylaw;

AND THAT Bylaw No. 11647 being Bylaw Amendment No. 1 to the Soil Removal and Deposit Regulation Bylaw No. 9612 be forwarded for reading consideration.

Purpose:

To consider amendments to the Soil Removal and Deposit Regulation Bylaw No. 9612 to include permitting and regulations for blasting.

Background:

Kelowna's continued growth has seen development moving into areas of the community with challenging development constraints. Among the challenges on many of these sites is exposed or shallow bedrock. Although bedrock areas are avoided where possible during development planning and design quite often portions of servicing infrastructure, roads or buildings do encroach into areas with bedrock. Although methods using machinery to hammer or pick the rock apart sometimes work depending on the location and type of material, blasting (using explosives to break the rock apart for removal) is required.

Anyone conducting Blasting in British Columbia is required to have certification from Work Safe BC. The rules and regulations around the blasting process are regulated and controlled through this provincial agency. However, the rules and regulations focus on the Blasting site safety for people.

In recent years we have experienced significant community growth, with this there have been growing concerns around Blasting within the City. Currently Blasting within the City of Kelowna is regulated

through Work Safe BC and the requirements of the Blasting Company insurers. The City does not require a permit for Blasting at time and usually, but not always, receives courtesy notifications of Blasting activities within the community.

The intent of the proposed amendments to the Soil Removal and Deposit Regulation Bylaw is to require a permit for Blasting to ensure the City is aware of Blasting activities, appropriate community notification is provided and appropriate monitoring takes place. The fee for a Soil Removal and Deposit Permit is \$250.00. The proposed bylaw amendments would include the following:

1. Add Blasting as a defined activity;
2. Require a Soil Deposit or Removal Permit for all Blasting within the City;
3. Require adherence to Worksafe BC Regulations and Requirements;
4. Require following the recommendations for community notification and monitoring contained within the Best Practices Guide for Urban Blasting Operations produced by the Western Canada Chapter of the International Society of Explosive Engineers;
5. Additional notification may be required by the Approving Officer including additional advance community notices and additional area signage;
6. Permit Application submission to include:
 - a. Plan of the area to be blasted including separation distances from adjacent lands and buildings;
 - b. Blasters contact information;
 - c. Proof of WCB certification;
 - d. Proof of insurance;
 - e. Proposed Community Notification Plan and copies of proposed notices; and
 - f. Blast Monitoring Plan including submission of monitoring results to the City.

City Staff have proposed these bylaw amendments as an initial action, however, anticipate additional proposed amendments could result from implementation of the proposed permitting as well as through further consultation with the community, development industry and Blasting contractors.

Staff notified UDI of the intent to bring forward for Councils consideration the proposed bylaw amendments. If the proposed bylaw amendments are approved, staff would proceed with distribution of a formal notification bulletin to the development community including UDI and website postings.

Internal Circulation:

Development Services
Community Planning Services

Legal/Statutory Authority:

The legal authority for The Soil Removal and Deposit Regulation Bylaw No. 9612 including the proposed amendment is provided through the following Provincial Legislation:

Community Charter, Section 8 (3) (m), provides that Council may by Bylaw regulate, prohibit and impose requirements in the removal of soil and the deposit of soil or other material.

Existing Policy:

Council Priorities: Ensuring a healthy, safe, active and inclusive city, Responsive Customer Service and Planning Excellence.

Financial/Budgetary Considerations:

Significant budgetary impacts are not anticipated as a result of implementation of the proposed bylaw amendments. Staff will continue to monitor the staff resource impacts of permitting in relation to the fees collected. If an imbalance in resources to fees is identified in the future staff would provide additional reporting to Council with potential recommendations on amendments to fee structure.

Personnel Implications:

Personnel resources for implementation and enforcement to be considered based on proposed regulations.

Communications Comments:

If the proposed bylaw amendments are approved by Council and staff proceed with notification, communications input on notifications would be sought.

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements
Personnel Implications
External Agency/Public Comments
Alternate Recommendation

Submitted by: Dean Strachan, Manager of Suburban and Rural Planning

Reviewed by: Ryan Smith, Community Planning Department Manager

Approved for inclusion: Derek Edstrom, Acting Divisional Director, Community Planning & Strategic Investments

Attachments:

Attachment A: Bylaw No. 11647

Attachment B: Best Practices Guide for Urban Blasting Operations

cc:

Development Engineering