

# Report to Council



**Date:** April 25, 2022  
**To:** Council  
**From:** City Manager  
**Subject:** Soil Removal and Deposit Regulation Bylaw Text Amendment  
**Department:** Development Planning

---

## **Recommendation:**

THAT Council receives, for information, the report from the Development Planning Department dated April 25, 2022, with respect to updating the Soil Removal and Deposit Regulation Bylaw No. 9612;

AND THAT Bylaw No. 12351, being Bylaw Amendment No. 2 to the Soil Removal and Deposit Regulation Bylaw No. 9612 be forwarded for reading consideration.

## **Purpose:**

To provide clarification on the application of fees to soil deposit and removal permits.

## **Discussion:**

Staff have identified amendments to this bylaw to address an inconsistency between Bylaw No. 9612 and Development Application Fees Bylaw No. 10560. When originally adopted in 2010, no fee was required for permits to move soil or blast rock, to encourage participation in the new permit process. Over time, permitting for these activities has become standard practice and fees are recognized as necessary to act as both deterrent to undesirable activities, the excessive disturbance of soil and slopes, and aid in recovering the costs to monitor the permitted activities.

Soil permits are considered an important tool for municipalities to protect the public interest with respect to safety and ecological service protection. Permits allow staff the opportunity to intervene in grading activities and support the proper planning of soil movement to discourage the negative impacts of moving large amounts of soil: the creation of unstable grades or fill areas, unstable retaining walls, soil degradation on agriculturally valuable (ALR) lands, and the disturbance of environmentally sensitive areas.

Blasting activities have obvious public safety impacts and are highly regulated through provincial certifications. The City of Kelowna permit process supports local monitoring of adherence to blasting safety and community notification requirements. Retaining walls are another significant safety concern

that this permitting process aids in managing. Discouraging the removal of soil is important for promoting ecosystem health.

**Conclusion:**

This amendment will resolve the inconsistency between the current wording of Section 6.3 of Bylaw No. 9612 and the existing fees being applied to permits via Bylaw No. 10560. As a fees bylaw, requiring pricing accuracy, equity across fees, and timely updates, staff have already included the fee for Bylaw No. 9612 within the Development Application Fees Bylaw for several years with the expectation that the source bylaw would be updated when staff capacity allowed. Schedule "A" provides an explanation of the proposed clarification.

**Internal Circulation:**

City Clerk  
Building and Permitting  
Bylaw Services

**Considerations applicable to this report:**

*Legal/Statutory Authority:*

Section 195 (1) of the Community Charter. 2003, c.26 provides that Council for the City of Kelowna may impose rates or levels of fees for a permit required under a municipal bylaw. Sections 8(3)(m) and 9(1)(e) of the Community Charter allows for the regulation by Council of the removal or deposit of soil or other material.

**Considerations not applicable to this report:**

*Legal/Statutory Procedural Requirements:*

*Existing Policy:*

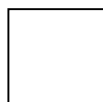
*Financial/Budgetary Considerations:*

*External Agency/Public Comments:*

*Communications Comments:*

Submitted by: J. Miles, Environmental Coordinator

**Approved for inclusion:**



D. Strachan, Community Planning and Development Manager

**Attachments:**

**Schedule "A": Summary of Changes**