

# Memo



**Date:** January 17, 2011  
**File:** 1200-31  
**To:** City Manager  
**From:** Director, Policy and Planning  
**Subject:** Wildfire Policy and Regulations

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**Recommendation:**

THAT Council direct Policy and Planning Department staff to bring forward, as part of the OCP review process currently underway, OCP amendments that would require Wildfire Development Permits only at subdivision;

AND THAT Council direct Development Services Department staff to implement a process whereby wildfire hazard information is provided to applicants building in wildfire hazard areas, prior to issuance of a building permit;

AND FURTHER THAT Council direct the Development Services Department, Fire Department and Civic Operations Department to work together to identify, for 2012 budget consideration, a proactive and cost effective way to provide ongoing awareness-raising and monitoring/enforcement of covenants and DP provisions.

**Purpose:**

The purpose of this report is to obtain Council direction for City action to reduce the risks associated with wildfire hazards.

**Background and Existing Policy:**

The 2020 OCP requires that a Wildfire Development Permit (DP) be obtained prior to alteration of land, subdivision as well as prior to construction, addition or alteration of a building or structure within areas identified to be at risk for wildfire. In many cases, this requirement can be waived if a Section 219 Covenant has been registered which incorporates recommendations of a professional in wildland fire management assessment and which saves harmless the City of Kelowna in the event of wildfire damage to individual homes.

It is recommended that in future, Wildfire Development Permits be required only at subdivision. When land owners apply for a building permit, staff would approve only those applications consistent with the Development Permit conditions that were imposed at subdivision. Where there has been no Development Permit issued at subdivision (because the lot in question was subdivided prior to this DP system being put in place), there would be no requirements specific to wildfire reduction. Although there would be no requirements, it is suggested that in those instances, staff supply information relating to how wildfire risks can be voluntarily reduced.

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It is suggested that the provisions of the Development Permit address, to the extent legally and procedurally possible, the recommendations that emerged from the 2006 "Review of Policies, Procedures and Bylaws Relating to Wildland Fire" that was prepared for the City of Kelowna by B.A. Blackwell & Associates Ltd. It is also recommended that the DP provisions align as closely as possible with the conditions that have traditionally been applied to wildfire covenants.

#### **External Agency/Public Comments:**

Although external parties have not at this point been formally canvassed for feedback on this matter, it is relevant to note that homeowners, developers and builders have all expressed frustration with the current process which typically results in the requirement for restrictive covenants to be registered prior to building permit issuance (where covenants have not already been registered at subdivision). Concerns relate to the element of 'surprise', as well as to cost, inconvenience, time involved, impact on sale of property, and perceived effectiveness. Staff suggest that the recommendations noted in this report would help address those concerns.

The 2010 Global News Ipsos-Reid Canada's Pulse poll indicated that 76% of Central Okanagan residents agreed with the following statement: "With interface fires on the increase, there should be restrictions on building new developments."

#### **Legal/Statutory Procedural Requirements:**

Council support of the recommendations of this report would lead the Policy and Planning Department to bring forward related changes to the OCP. Public and stakeholder input on the Development Permit provisions would be sought as part of the remaining OCP consultation process. A public hearing would be required prior to adoption of any OCP related amendments.

#### **Legal/Statutory Authority:**

Local Government Act - Division 2, Part 26, Sections 919 and 920.  
Community Charter s.8(3)(g), s.12, s.15(1)

#### **Financial/Budgetary & Personnel Commitments:**

The Official Community Plan can support risk reduction through policy and regulation. Ideally, however, policy and regulatory tools would be supplemented by appropriate education and monitoring/enforcement. At present, departmental budgets/staffing do not provide for those functions.

A simple way in which wildfire risks can be communicated to those building within wildfire hazard areas is through information distributed upon building permit application/issuance. The intent is to provide enough information that applicants understand the risks of building in wildfire hazard areas and are equipped with knowledge that, if acted upon, can reduce the risks. This can be accomplished within the context of existing budgets.

To further reach those affected by wildfire risks, it is important to target those who have already built in hazard areas. Supporting that will require additional resources. Resources will also be needed to ensure that building activity adheres to applicable bylaws, development permits and covenants. It is recommended that the Development Services Department, Fire Department and Civic Operations Department work together to identify, for 2012 budget consideration, a cost

effective way to provide ongoing awareness-raising and monitoring/enforcement of covenants and DP provisions.

Additional funding for ongoing awareness-raising and monitoring/enforcement of covenants could be provided through:

1. an annual parcel tax levied on properties within the wildfire hazard areas; or
2. a Local Area Service charge; or
3. general taxation.

The Local Area Service charge would require property owners to petition for the service or, if the charge was developed in response to a Council initiative, residents would have to petition against the service.

Staff recommend against both the parcel tax and the local area service charge. Instead, it is suggested that the new staff resource would need to stand on its own merit against other tax requirements that Council will be requested to consider.

The reasons for not supporting a separate charge are as follows:

1. The City has typically only used the Local Area Service charges or parcel taxes for specific capital programs that deliver a tangible benefit to the properties charged with no benefits to any other properties. Using such a charge to fund wildfire hazard education, monitoring and enforcement would open up a new way to charge specific property holders for a 'soft' service and may result in several requests of this nature.
2. These charges are very expensive to maintain on an annual basis (administrative cost).
3. Parcel taxes are for a specific designated time frame (i.e. 5 years or 10 years). Staff view wildfire hazard education, monitoring and enforcement as an ongoing need.
4. There would likely be arguments that properties in the hazard areas do not receive (or use) some City services received by those in more urban areas and that, if charged extra for wildfire matters, perhaps should not have to pay for streetlights, sidewalks, transit or other services perhaps not available in their neighbourhood.
5. Funding a position with service charges would mean that the position could only undertake work for those properties being charged.
6. Funding a position with service charges would mean that the position would not be able to cover staff in similar positions who may be away on vacation or do other works that would be of benefit to properties that were not being charged.
7. The funds required for this service are quite small in relation to the City's overall budget needs.
8. The service may actually be of benefit to the City as a whole, as opposed to just the wildfire hazard areas, as reducing the risk of fire in one area provides a benefit to properties immediately adjacent and even to central city properties (by eliminating stress that is created by a wildfire within the City, improving air quality, avoiding possible evacuation impacts, avoiding negative impacts on the city's reputation, etc.).

Given the above, it is recommended that if Council supports staffing to provide for wildfire education, monitoring and enforcement that such be funded via general taxation. If Council wishes to pursue charging the costs to just those living in the wildfire hazard areas, then it is suggested that the property owners be encouraged to petition for the service rather than being forced upon or required to petition against.

**Internal Circulation:**

Land Use Management Department  
 Development Services Department  
 Risk Manager  
 City Clerk  
 Fire Department  
 Manager, Utility Services  
 General Manager, Community Sustainability

**Summary:**

Making changes to the OCP will help stream-line and align wildfire policies and regulations and will thereby allow staff to deliver better customer service. If these changes are made in conjunction with the provision of greater education and monitoring/enforcement, then the City will be much better positioned to reduce the risks associated with future wildland interface fires.

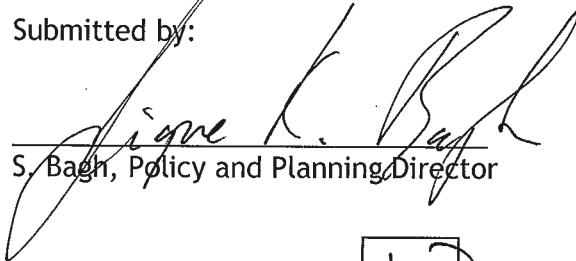
**Considerations not applicable to this report:**

**Technical Requirements:**

**Communications Considerations:**

**Alternate Recommendation:**

Submitted by:

  
 S. Bagn, Policy and Planning Director

Approved for inclusion:



Jim Paterson, General Manager of Community Sustainability

cc:

Director, Land Use Management  
 Director, Development Services  
 City Clerk  
 Assistant Fire Chief (TD)  
 Risk Manager  
 Manager, Utility Services