

# ADMINISTRATIVE REPORT



**TO:** Planning and Development Committee

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** March 18, 2021

**RE:** Investigation of a Wildfire Hazard Development Permit (WHDP) Area Designation

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**Administrative Recommendation:**

**THAT amendments to the Electoral Area Official Community Plan (OCP) Bylaws to introduce a Wildfire Development Permit Area designation not be initiated; and,**

**THAT the Regional District support increased awareness of FireSmart principals and practices through ongoing FireSmart education and programming; and**

**THAT the Regional District submit a resolution to the Southern Interior Local Government Association (SILGA) requesting the province to investigate changes to the BC Building Code to align with FireSmart.**

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**Purpose:**

The purpose of this report is to provide an overview and seek direction from the Board regarding the introduction of a new Wildfire Hazard Development Permit (WHDP) Area designation to the Electoral Area Official Community Plan (OCP) Bylaws.

**Background:**

At its meeting of March 19, 2020, the Board adopted the 2020 Corporate Business Plan, which included a Key Performance Indicator to “Explore the development of an Area “A” Wildfire Permit Area”.

At its meeting of June 4, 2020, the Board awarded a contract to B.A. Blackwell & Associates to undertake a Wildfire Hazard Mapping and Development Permit Area Guidelines Project (funded through a provincial grant).

At its meeting of August 6, 2020, the Planning and Development (P&D) Committee considered an Administrative Report for information outlining the anticipated scope and deliverables of the Wildfire Hazard Development Permit (WDP) Area Project.

**Analysis:**

Following numerous months of interdepartmental meetings and analysis of the consultant’s work, RDOS staff has concluded the exploration project with serious concerns about implementing a Wildfire Hazard Development Permit scheme. Staff has come to view the proposed WHDP as attempt to develop a new regulatory system based on a *FireSmart* initiative originally designed as a voluntary program, and using it to address deficiencies in the BC Building Code.

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### Regulating Building Code limitations through a DP Area Designation:

The BC Building Code is the governing provincial document for minimum safety, health, accessibility, fire and structural building protections, and is administered by qualified Building Officials. The Building Code, however, does not generally require the use of *FireSmart* compliant building materials in construction.

To attempt to address this deficiency through the development permit power is seen to represent a “second best” policy option and one that will create other challenges for the Regional District, foremost of which would be the use of an imperfect permit tool to regulate for building materials and safety.

The use of a development permit is also seen to be inefficient (i.e. adding another permit process on top of the existing building permit process), counterintuitive (i.e. building design should be addressed through the building permit process) and administratively challenging (i.e. lack of qualified staff and use of Professional Reliance model).

Administration considers the BC Building Code to be the appropriate document to address the design and construction of buildings in fire prone areas, thereby negating the need for local governments to address this issue through the creation of wildfire development permit areas.

An amended Building Code would allow qualified Building Officers to review and ensure that new construction met provincially mandated fire hazard design requirements at the building permit stage, and at no additional permitting costs or delays to the applicant.

### Issues with Regulating for Landscaping & the Professional Reliance Model:

The Regional District has historically been challenged to effectively regulate activities such as landscaping, earthworks, minor renovations through a development permit area designation when such activities do not require any other approvals from the Regional District (i.e. building permit).

Landscaping is dynamic and continuously changing, yet its regulation and control would be of fundamental importance to the success of any wildfire development permit area. Ensuring that landscaping conditions required by approved permits are being observed will require ever-increasing scales of monitoring and enforcement action that is beyond anything the Regional District has previously attempted.

In addition, a Professional Reliance Model is being proposed as part of the WHDP (i.e. submission of Professional Forester Reports for new dwellings). It is unknown if there is a competitive market for professional forester’s in the South Okanagan — although one may be created by the implementation of the WFDP Area — so the ease and total cost of obtaining a professional report locally is unknown at this time.

It will also be incumbent upon the Regional District to enforce the recommendations contained in the professional report, which can be challenging as the Regional District does not have legal authority to require post-approval monitoring reports or to ticket DP infractions.

### Cost Versus Actual Impact:

Implementing and enforcing a standardized WHDP regime would entail the hiring of significant additional full-time staff for program coordination monitoring and enforcement with specialized expertise in forestry practices. The required staffing levels would need to increase over time to

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administer regular and ongoing landscaping inspections (NOTE: achieving meaningful fire risk reduction through a wildfire development permit is estimated to take many decades).

In addition to costs related to staffing level increases, there would be direct costs to any applicants for the majority of new residential construction in the RDOS area, as evidenced by the DPA mapping which covers over 80% of the RDOS's total geographic extent. Possible fees could include:

- WHDP application fee: \$300.00
- Professional Forester's Report: approximately \$1500+ (est.) per residence
- Professional Forester's Report: up to \$10,000 per subdivision application
- Wait time for Forester's Report, staff processing and inspections: 2-3 months

Given that the WHDP would only apply to the construction new dwelling units, and around 20% of all building permits are for new dwelling units, staff estimate that it would take upwards of a century for widespread turnover in the region's housing stock to occur and the WHDP to have a substantive impact.

In contrast, voluntary RDOS-supported *FireSmart* programs, entire neighbourhoods have been able to achieve *FireSmart* status in under five years (e.g. Anarchist Community).

#### Supportable *FireSmart* Actions:

There are several ways that the RDOS can support wildfire mitigation other than through a wildfire development permit area designation, including:

- Promoting *FireSmart* principles and practices to builders and homeowners, including continued neighbourhood workshops and events, and finding new ways to promote *FireSmart* (e.g. website updates, social media campaigns, providing *FireSmart* manuals at the front counter, etc.).
- Raising awareness about existing home owner *FireSmart* incentives, such as insurance premium savings for homeowners who have implemented *FireSmart* principals;
- Considering discussions with the Provincial Government through UBCM and SILGA to review and apply key *FireSmart* practices to the BC Building Code and promotion of *FireSmart* incentives through the home insurance industry;
- Taking into account existing RGS and OCP policies that discourage future development in high-risk wildfire areas prior to large-scale rezoning processes; and
- Continuing to support Provincial efforts in proactive forest management practices, including prescribed burns and strategic buffer areas in wildfire interface areas.

#### Alternative:

Conversely, Administration recognises that "wildfires have been a regular and natural disturbance agent in the Okanagan-Similkameen for millennia" and that the Filmon Report (2003) concluded that "governments and individuals share responsibility for fireproofing communities and developments" with a recommendation that local governments "mandate long-term community fireproofing programs which will build upon local zoning."

Administration is also aware that the Community Wildfire Protection Plan (2011) recommended, amongst other things, that the Regional District "establish a Wildfire Development Permit Area for the entire RDOS."

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Accordingly, the Board may wish to further pursue a WHDP on the basis that the potential benefits are viewed as outweighing the costs associated with a new DPA regime.

**Summary:**


Administration views *FireSmart* as a valuable voluntary program which supports homeowners and builders in making better decisions about their personal properties. However, administration finds that implementing a WHDP to be a relatively ineffective and costly regulatory regime for mitigating wildfire risk in the region.

Staff views RDOS championing the voluntary *FireSmart* program and supporting provincial initiatives for forest management practices as being the most effective method for mitigating against wildfire risk. Furthermore, staff recommends considering a request to a future Annual General Meeting (AGM) of the South Interior Local Government Association (SILGA) to investigate changes to the BC Building code that align with *FireSmart* building practices.

**Alternatives:**

- .1 THAT an amendment to the Electoral Area Official Community Plan (OCP) Bylaws to introduce a Wildfire Development Permit Area designation be initiated, and include anticipated budgeting for additional staffing resources.
- .2 THAT THAT an amendment to the Electoral Area Official Community Plan (OCP) Bylaws to introduce a Wildfire Development Permit Area designation be deferred pending:
  - i) *TBD*

**Respectfully submitted:**

  
C. Labrecque, Planner II

**Endorsed by:**

  
C. Garrish, Planning Manager