

### **13.5 Wildfire Interface Construction Development Permit Area**

The Wildfire Interface Construction Development Permit Area is designated pursuant to Section 919.1 (1) of the *Local Government Act* for purpose of protection of development from hazardous conditions. All habitable land uses require a Development Permit.

#### **Justification**

The Okanagan has a naturally dry climate and a community interface with large forested areas. Wildfire will be an ever-present threat.

Reducing wildfire hazard involves a multi-layered approach including education, larger community prevention activities, requirements at the time of rezoning or subdivision for new development, and changes in how residents build homes. These Development Permit Guidelines are considered a minimum and relate only to new home construction, large additions and their immediate vicinity. Other community protection requirements may be determined and required through other development approval processes.

An important part of reducing wildfire hazard involves modifying how individual homes near the provincial forest interface area are constructed. The accumulation of small choices such as siding material, building material, screening of soffits, screening the tops of chimneys, using non-combustible landscape mulch, and choosing plant material, can add up to either saving or losing a home to wildfire.

This Development Permit Area has been established for all properties within the OCP area. During the revision of this document, a draft of the Community Wildfire Protection Plan was underway. Once approved recommendations from the study are received, they may form the basis for a revision of this Development Permit Area.

Wildfire Interface Construction Development Permit Areas include areas of land designated on Maps 6A, 6B and 6C.

A Development Permit must be approved before construction of, addition to or alteration of a building or structure.

#### **Development Permit is not required where:**

1. The construction or alterations in accessory buildings or structures are not in excess of 40 square meters, or
2. Plans for construction are submitted for a building permit, and the plans show compliance with the guidelines “Wildfire Interface Development Permit Design Guidelines”; and, a restrictive covenant is registered on the title of the property in order to ensure that future property owners are aware of and obligated to the wildfire hazard reduction measures, or

3. A development permit of this type or a covenant registered on property title has already been issued for the area in the past, and the conditions in the development permit or covenant have all been met, and the conditions addressed in the previous development permit or covenant will not be affected.

Development Permits issued in this area will be in accordance with the following guidelines:

- a. Wildfire Interface Development Permit Design Guidelines (Appendix 5).

**APPENDIX 5**

**WILDFIRE INTERFACE  
CONSTRUCTION DEVELOPMENT  
PERMIT OBJECTIVES AND DESIGN  
GUIDELINES**

# Wildfire Interface Construction Development Permit Objectives and Design Guidelines

These Design Guidelines will be used in reviewing Development Permit applications. It is important that construction within the Wildfire Interface Construction Development Permit Area designated in the Official Community Plan show a consideration of these guidelines. While these guidelines directly apply only to development permit areas, the recommendations for the reduction of wildfire hazard would be wise considerations for many homeowners in the Regional District. Flying embers can ignite structures up to 1.5 kilometres from the fire source.

In the fall of 2009, the RDCO began developing a Community Wildfire Protection Plan (CWPP). The recommendations in the final CWPP have been approved and the following guidelines and associated policies are to be considered in conjunction with the approved CWPP. .

## Introduction

The Okanagan has a naturally dry climate and a large community interface with forested land. Homes have been lost to wildfire and it will be an ever-present danger in the valley.

An important part of reducing wildfire hazard involves modifying how individual homes are constructed near areas of forested public land such as provincial forest or large forested parks. The accumulation of small choices such as siding material, building material, screening of soffits, screening the tops of chimneys, using non-combustible landscape mulch, and the choice of landscape plants, can add up to either saving or losing a home to wildfire. The basis for the Guidelines is the document “Fire Smart, Protecting Your Community from Wildfire” supported by the Alberta Department of Sustainable Resource Development, the British Columbia Forest Service, Natural Resources Canada, most Canadian provinces and endorsed by the report of the Province of BC “2003 Firestorm Provincial Review”.

The design guidelines do not cover all measures for wildfire hazard reduction possible but are minimum standards that focus mainly on new home construction, large additions, and their immediate vicinity. A good source for additional information is [www.for.gov.bc.ca/protect/safety/](http://www.for.gov.bc.ca/protect/safety/). The Development Services Department of the Regional District also has brochures available.

## Zones of Fuel Management

The design guidelines are based upon the typical Priority 1 zone of 10 metres from the building established for flat land. While these guidelines represent some minimum requirements, it is advisable to consider a larger Priority 1 zone for properties on a slope, especially on the downhill side. There are three priority areas as outlined in “Fire Smart, Protecting Your Community from Wildfire”:

**APPENDIX 5 – Wildfire Interface Construction Development Permit Objectives and Design Guidelines**

## **RURAL WESTSIDE OFFICIAL COMMUNITY PLAN**

*Priority 1* zone is within 10 metres (30 feet) of a building and is the most critical zone. The development permit deals only with this area. While these design guidelines deal with the typical situation, a property owner may wish to consider widening the priority area if located on a slope, especially on the downhill side.

*Priority 2* zone begins 10 metres (30 feet) from a building and extends to 30 metres (100 feet) depending upon topography. The more the land slopes, the more the zone should be extended. Radiant heat and burning embers originating from an area this close to a structure may cause it to burn. Vegetation and potential fuels in this area should be managed to reduce fire intensity and rate of spread by methods such as removing dead needles, dead wood and combustible debris from the ground, removing any tree limbs within 2 metres of the ground, and spacing trees so that no tree limb is closer than 3 metres to the next.

*Priority 3* zone begins 30 metres from a building and extend to 200 metres or more. High intensity crown fires that occur in this zone may be a potential high source of burning embers.

### **Objective**

- The objective is to reduce the susceptibility to wildfire of new construction or large additions near the provincial forest interface, or the interface with large forested parks.

### **Wildfire Interface Development Permit Design Guidelines**

**Roofing** – The roof covering shall conform to Class A, B or C fire resistance as defined in the BC Building Code.

Roofs catching fire are the number one cause of building losses during a wildfire event. The roof presents a large, flat area that fire embers can land on and start a new fire. Roofing material has several classifications with Class A being the most fire resistant. Some materials that either fall within the rating system or, can be obtained in forms that meet Class A, B or C requirements, include composite (asphalt and fibreglass) shingles, concrete or clay tile, metal roofing, and wood shake roofing.

**Exterior Wall Finishes** – Any material used for exterior wall finishes should be fire resistant such as stucco, metal siding, brick, cement shingles, concrete block, poured concrete, logs or heavy timbers as defined in the BC Building Code, and rock.

Second only to the roof material, siding material is the part of the building most prone to ignite in a wildfire event. The intense heat of the fire itself, fire embers, and burning vegetation at the base of the wall, can individually or all together cause the side of a building to catch fire.

**Chimneys** – All chimneys should have spark arrestors made of 12 gauge (or better) welded or woven wire mesh with mesh openings of less than 12 millimetres.

Chimneys can present a serious hazard as a source of sparks that can start fires, and as a way for burning embers to enter a building.

### **APPENDIX 5 – Wildfire Interface Construction Development Permit Objectives and Design Guidelines**

**Eaves, vents, and openings** – All eaves, attic and under floor openings should be screened with corrosion-resistant, 3-millimetre non-combustible wire mesh (as a minimum).

Vents are important for the healthy air exchange and moisture escape required in a building. They also are ready-made accesses into a building. Unprotected eaves can allow burning embers to enter and also allow flames that are spreading up a wall to penetrate into the roof structure.

**Windows and glazing** – All windows must be double paned or tempered

Glass can be shattered by the heat of a fire and create openings for fire and burning debris to enter the building. It is highly unlikely that an interior will ignite from thermal radiation through intact glass.

A single pane thickness of glass is most susceptible to collapse. The larger the pane of glass, the more likely it is to shatter.

**Balconies, decks and porches** –

- Decks should be constructed of heavy timber as defined in the BC Building Code, or, with 1-hour fire resistant rated assemblies or non-combustible construction as defined by the BC Building Code.
- Manufactured homes should be skirted with a fire resistant material as outlined in the previous guideline for exterior wall finishes.

As with roofs, decks present a large horizontal surface for burning embers to land on and take hold. In addition, decks have an undersurface that also can be a source of fuel for fires. It is important to consider the vulnerability of decks to fire from both above and below.

**Landscaping on the property within 10 metres (Priority 1 zone) of a building shall not include coniferous evergreen shrubs such as junipers, mugo pines, or coniferous evergreen hedges.**

There are three priority zones for the modification of vegetation to reduce wildfire hazard. Priority Zone 1, the most important, is within 10 metres (30 feet) of the building. Without fuel modification in this critical area, the fire intensity and the rate of spread can make firefighting difficult or impossible.

Coniferous evergreen shrubs are resinous and have a large surface area. They are an excellent fuel for fire and can be a source of flames and sparks that can enter a building. Coniferous evergreen shrubs can also be a source of heat that can burn or melt materials and shatter windows.

It is important to choose plants that are less combustible and burn with less intensity. Deciduous shrubs (shrubs that lose their leaves in the winter), broad-leaved evergreen shrubs (such as bearberry, Oregon grape, cotoneaster, rhododendrons, etc.), perennials, annuals and trimmed grass are preferred.

No additional or new coniferous evergreen trees are to be planted within 10 metres of the building. It is not advisable to retain previously existing mature coniferous evergreen trees within 10 metres (Priority 1 zone) of the building. Any coniferous evergreen trees that are to be retained on the property that lie within 10 metres (Priority 1 zone) of the building must;

- Have limbs pruned such that they are at least 2 meters above the ground.
- Be spaced so that they have 3 metres between crowns. (In other words, the tips of the branches of a tree are no closer than 3 meters to the tips of the branches of another).
- No limbs should be within 3 meters of the building or attachments such as balconies.

Evergreen trees contain resin, have needles that provide a lot of surface area, and are excellent fuel for fires. Close to a building, they act as a ladder that allows the fire to climb onto the building, under eaves and leap onto roofs. They can also be a source of heat that shatters windows. Deciduous trees are a safer alternative in the Priority 1 area. However, the measures outlined here somewhat limit the hazard should the choice be made to retain pre-existing evergreen trees in the Priority 1 area. White pine, ponderosa pine and western larch have a medium flammability while most other coniferous evergreens are highly flammability.

**Landscaping on the property within 10 metres (Priority 1 zone) of a building shall use only non-combustible landscape mulches.**

Areas covered with landscape mulches are a large horizontal surface for embers to land on, much like roofs and decks. Some commonly used mulch, such as bark chips, are also highly flammable. The combination of flammability and a large surface area creates a perfect environment for fire. Combustible fuel sources should not be located next to a building. Various sizes and colours of landscape rock are a common alternative. Another ground covering choice is low-lying plants that are either deciduous (lose their leaves in the fall), or broadleaved evergreen, trimmed grass, annuals or perennials. The use of landscape fabric can reduce the need for a very thick layer of mulch.

LAND TITLE ACT  
FORM C

Wildfire Covenant  
(Buildings Only)

(Section 219.81)  
Province of  
British Columbia

GENERAL INSTRUMENT - PART 1 (This area for Land Title Office use)

1  
. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

2  
. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:\*

(PID)	(LEGAL DESCRIPTION)
*	*

3  
. NATURE OF INTEREST:\*

DESCRIPTION	DOCUMENT REFERENCE (page and paragraph)	PERSON ENTITLED TO INTEREST
Section 219 Covenant	Entire Instrument	Transferee

4

. TERMS: Part 2 of this Instrument consists of (select one only)

(a) Filed Standard Charge Terms  D.F. No.  
(b) Express Charge Terms  Annexed as Part 2  
(c) Release  There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5

6  
. TRANSFEROR(S):\*

\*

7  
. TRANSFeree(S): (Including occupation(s), postal addresses(es) and postal code(s))\*

REGIONAL DISTRICT OF CENTRAL OKANAGAN, 1450 KLO Road, Kelowna, BC, V1W 3Z4

8  
. ADDITIONAL OR MODIFIED TERMS:\*

N/A

. EXECUTION(S):\*\* This instrument creates, assigns, modifies enlarges discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)	Execution Date	Party(ies) Signature(s)
	Y M D	

\* \_\_\_\_\_

OFFICER CERTIFICATION:  
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, C.116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.



\* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

\*\* If space insufficient, continue executions on additional page(s) in Form D.

THIS INDENTURE made the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BETWEEN:

\*

(hereinafter called the "Transferor")

OF THE FIRST PART

AND

REGIONAL DISTRICT OF CENTRAL OKANAGAN

a regional district

1450 K.L.O. Road, Kelowna, B.C. V1W 3Z4

(hereinafter called the "Transferee")

OF THE SECOND PART

A. WHEREAS the Transferor is the registered owner in fee simple of all and singular that certain parcel(s) or tract(s) of land and premises, situate, lying and being in the Kelowna Assessment area, in the Province of British Columbia, more particularly known and described as:

*Parcel Identified:* \*

*Lot:* \*

*Osoyoos Division Yale District*

*Plan:* \*

(hereinafter called the "Lands")

B. AND WHEREAS pursuant to Section 219 of the *Land Title Act*, R.S.B.C. 1996 C.250, there may be registered a covenant against the title to the Lands subject to the covenant, and such covenant is enforceable against the Transferor and the successors in title of the Transferor even if the covenant is not annexed to land owned by the Transferee;

C. AND WHEREAS a building permit for a residence has been applied for by the Transferor from the Regional District of Central Okanagan for a structure indicated as requiring a *wildfire hazard development permit*.

D. AND WHEREAS a development permit is not required where a previous development permit or covenant has been registered on the title of the property and all the conditions addressed in the previous development permit or covenant have been met and those conditions will not be affected;

E. AND WHEREAS the parties have agreed that based upon the development permit requirements of the Regional District this Covenant should be registered against title to the Lands pursuant to Section 219 of the *Land Title Act*.

NOW THEREFORE in consideration of the promises set forth in this Covenant and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. No building may be used or occupied unless the building is maintained as follows:
  - a) Roofing – The roof covering shall conform to Class A, B or C fire resistance as defined in the BC Building Code.
  - b) Exterior Wall Finishes – Any material used for exterior wall finishes shall be fire resistant such as stucco, metal siding, brick, cement shingles, concrete block, poured concrete, logs or heavy timbers as defined in the BC Building Code, and rock.
  - c) Chimneys – All chimneys shall have spark arrestors made of 12 gauge (or better) welded or woven wire mesh with mesh openings of less than 12 millimetres.
  - d) Eaves, vents, and openings – All eaves, attic and under floor openings shall be screened with corrosion-resistant, 3-millimetre noncombustible wire mesh (as a minimum).
  - e) Windows and glazing – All windows must be double paned or tempered.
  - f) Balconies, decks and porches –
    - i. Decks shall be constructed of heavy timber as defined in the BC Building Code, or, with 1-hour fire resistant rated assemblies or noncombustible construction as defined by the BC Building Code; or equivalent alternative as approved by the Regional District Building Inspector.
    - ii. Manufactured homes shall be skirted with a fire resistant material as outlined in the previous guideline for exterior wall finishes.
  - g) Landscaping on the lands within 10 metres of a building shall not include coniferous evergreen shrubs such as junipers, mugo pines, or coniferous evergreen hedges.
  - h) No additional or new coniferous evergreen trees are to be planted within 10 metres of the building.
  - i) Any coniferous evergreen trees that are to be retained on the lands that lie within 10 metres of the building must;
    - i. Have limbs pruned such that they are at least 2 meters above the ground.
    - ii. Be spaced so that they have 3 metres between crowns. (In other words, the tips of the branches of a tree are no closer than 3 meters to the tips of the branches of another).
    - iii. No limbs should be within 3 meters of the building or attachments such as balconies.
  - j) Landscaping on the lands within 10 metres of a building shall use only noncombustible landscape mulches.
2. The Transferor agrees to ensure that all authorities having jurisdiction have unrestricted access to the lands for the purposes of fire fighting, suppression, control and prevention.
3. The Transferor does hereby, on behalf of the Transferor and the Transferors heirs, executors, administrators, successors and assigns, remise, release, indemnify and save harmless the Transferee, its officers, officials, employees or agents from any and all claims, causes of action, loss or suits of whatever nature of kind including, without limitation, claims for property damage, personal injury or death arising out of or in any way connected with the fire hazard existing on the lands. The Transferor does further agree that the Transferee shall have no obligation to ensure compliance with or enforce the terms of this Covenant or to do any act or thing in connection with the fire hazard or this Covenant, which at all times shall remain the responsibility of the Transferor and Transferors heirs, executors, administrators, successors, assigns and successors in title.

4. Pursuant to Section 219 of the *Land Title Act*, the covenants herein contained shall be covenants running with the lands and shall ensure to the benefit of and be binding upon the Transferor and the Transferors heirs, executors, administrators, successors, assigns and successors in title.
5. In this Covenant unless the context otherwise requires, the singular includes the plural and vice versa.
6. This Covenant will be interpreted according to the laws of the Province of British Columbia.
7. If any part of this Covenant are found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.
8. Nothing contained or implied in this Covenant shall prejudice or affect the exercise of any of the Transferees functions under any source of authority including, without limitation, any statutes, regulations, bylaws, orders or other constating documents, all of which may be fully and effectively exercised by the Transferee.
9. The Transferor will do or cause to be done all things and execute or cause to be executed all documents and give such further and other assurances which may be reasonably necessary to give proper effect to the intent of this Covenant.
10. This Covenant will not be modified or discharged except in accordance with the provisions of Section 219(9) of the *Land Title Act*.

LAND TITLE ACT  
FORM C

(Section 219.81)  
Province of  
British Columbia

**GENERAL INSTRUMENT - PART 1** (This area for Land Title Office use)

APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

signature of applicant, applicant's solicitor or agent

PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:\*

(PID) (LEGAL DESCRIPTION)  
\* \*

NATURE OF INTEREST:\*

DESCRIPTION INTEREST	DOCUMENT REFERENCE (page and paragraph)	PERSON ENTITLED TO
Priority Agreement granting Covenant _____ priority Over Mortgage _____	Entire Instrument	Transferee

TERMS: Part 2 of this Instrument consists of (select one only)

- (a) Filed Standard Charge Terms  D.F. No.
- (b) Express Charge Terms  Annexed as Part 2
- (c) Release  There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

TRANSFEROR(S):\*

\*

TRANSFEEE(S): (Including occupation(s), postal addresses(es) and postal code(s))\*

REGIONAL DISTRICT OF CENTRAL OKANAGAN, 1450 KLO Road, Kelowna, BC, V1W 3Z4

ADDITIONAL OR MODIFIED TERMS:\* N/A

EXECUTION(S):\*\* This instrument creates, assigns, modifies enlarges discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s) Execution Date Party(ies) Signature(s)

Y M D

\*

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, C.116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

\* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

\*\* If space insufficient, continue executions on additional page(s) in Form D.

**POSTPONEMENT AGREEMENT**  
(Land Title Act)

THIS AGREEMENT is made the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_

BETWEEN:

\*

*(the prior chargee)*

AND:

REGIONAL DISTRICT OF CENTRAL OKANAGAN  
a regional district  
1450 K.L.O. Road  
Kelowna, B.C. V1W 3Z4

*(the subsequent chargee)*

WHEREAS by instrument(s) registered in the Land Title Office at Kamloops, British Columbia under number(s) \_\_\_\_\_, the prior chargee was granted a mortgage (*the "Prior Charge"*) in respect of the following land in the Province of British Columbia described as:

\* *Parcel Identifier:*

AND WHEREAS by instrument registered in the Land Title Office at Kamloops, British Columbia on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_ under number \_\_\_\_\_ the subsequent chargee was granted a covenant (*the subsequent charge*) on the land;

AND WHEREAS the parties agree that the subsequent charge shall have priority over the prior charge.

THEREFORE in consideration of \$1.00 (*the receipt of which is hereby acknowledged*), the prior chargee grants to the subsequent chargee priority over the interest of the prior chargee in the land and postpones the right, title and interest of the prior chargee in the land to the subsequent chargee as if the prior charge had been registered immediately after the registration of the subsequent charge and notwithstanding the respective dates and time of execution and registration of the charges or the respective dates of advancement of monies under them.

END OF DOCUMENT

H:\PLANNING\6630-Dev\_General\50-COVENANTS\Wildfire\Building\Covenant.doc  
October 4, 2007