

Staff Report

Date: May 9, 2023

To: Chief Administrative Officer

From: James van Hemert, Consulting Planner

Re: **Application for a Natural Hazards Lands (wildfire)
Development Permit for Rem. Lot A, Plan VIP64669,
District Lot 13, Cowichan Lake Land District, also referred to as the
last phase of the Point Ideal Subdivision**



APPLICATION

The applicant requests a ***Development Permit*** in accordance ***with Development Permit Area 2 –Natural Hazards, Subsection 6.3.8 Wildfire Hazards Guidelines***—to allow for a subdivision comprising 47 residential lots and a strata lot on 6.85 ha.

BACKGROUND

A Development Permit for this land is required in accordance with the Town of Lake Cowichan Official Community Plan (2019) and the BC Local Government Act. The relevant Development Permit Area is DPA 2 –Natural Hazard Lands. Previously, in 2020, the land in question was granted a Development Permit under the provisions of the Watercourse and Streamside Protection guidelines and the Natural Hazard Lands—Steep Slopes—guidelines.

Development Permit

Zoning

The subject property received ***rezoning approval*** by the Town Council on January 22, 2019 for increased density and flexibility. The new zone district is R-1-B Single Family and Duplex Urban Residential Zone and allows for smaller lots (minimum lot size of 350 m²), duplexes (minimum lot size of 600 m²) and secondary suites.

Subdivision

The subject property is in the process of ***subdivision review*** and approval and received a 'preliminary lot layout' approval from the Approving Officer on March 8, 2020.

DESIGN PROPOSAL

The layout of the subdivision, its street pattern, lot configuration, wetlands, and environmentally protected areas is illustrated in Figure 1.

The plan proposes 47 lots for single detached homes and a strata lot with a yet to be determined design layout.

In accordance with the zoning commitments, the proposal includes a minimum of 2.5 hectares of park and conservation land, which includes 4 wetlands, a children's playground, and a trail network. The trail network plan is currently under revision in

order to connect the two cul-de-sacs and connect the development to public land to the west.

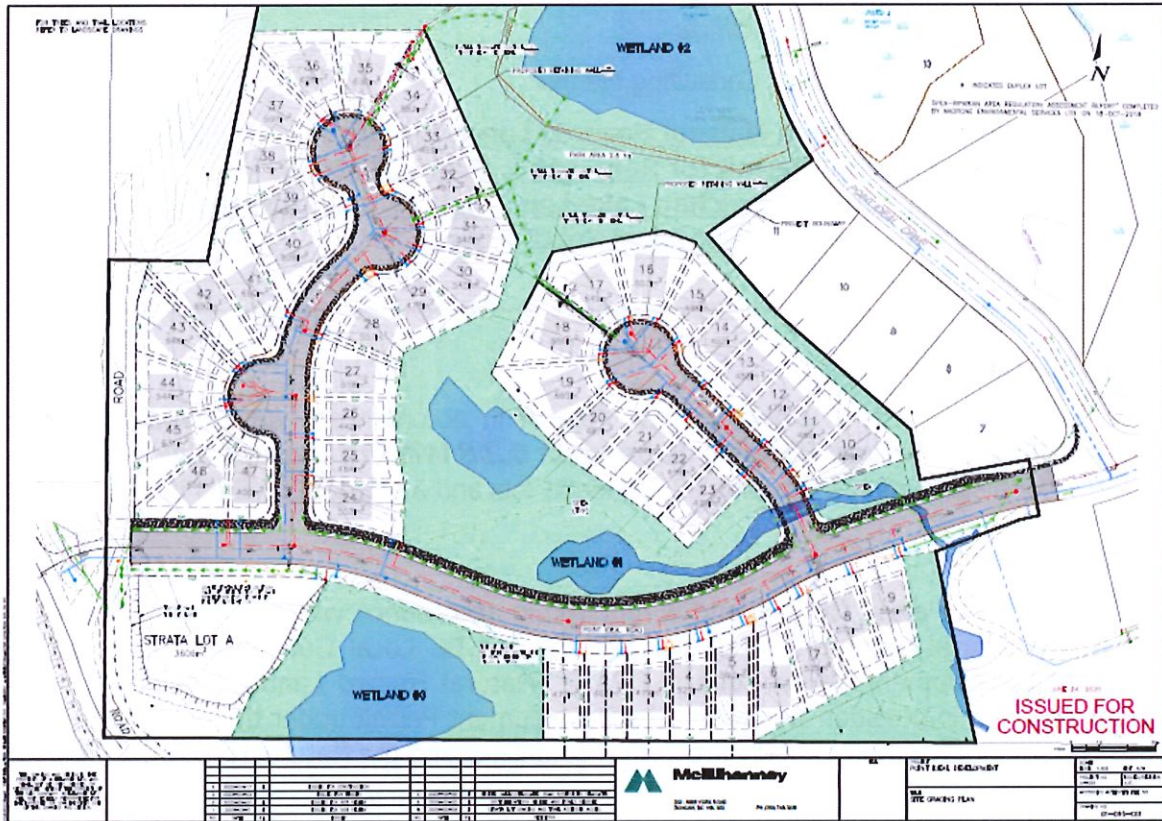


Figure 1 Point Ideal Subdivision Layout

WILDFIRE HAZARD PROFESSIONAL ASSESSMENT REPORT

A Wildfire Hazard Assessment was conducted by Strathcona Forestry Consulting port, dated May 16, 2023, in accordance with the guidelines of the Official Community Plan's Development Permit Area 2 –Natural Hazards, Subsection 6.3.8 Wildfire Hazards.

Assessment determined that the wildfire threat at the subject property is currently Moderate to High. Main contributing factors are fuel loading (forest vegetation) loading surrounding the site, intermix (> 1 structure/ha), and an elevated Head Fire Intensity. Under the provincial Wildfire Threat Rating system, ratings must be moderate or less to be considered acceptable.

The following recommendations should be carried forward within conditions of approval of the development permit.

Vegetation Management

General Precautions During Land Clearing and Construction

1. As per the BC Wildfire Act, if a high risk activity (i.e., land clearing) is taking place between 1 April and 31 October, the operator must keep at the activity site fire fighting hand tools, in a combination and type to properly equip each person who works at the site with a minimum of one

firefighting hand tool, and an adequate fire suppression system (onsite portable water tanker and firefighting tools – shovels, pulaskis, portable water backpacks). In addition, efforts must be made to maintain an adequate fire break between any high-risk activity and areas of continuous forest to ensure a fire originating at the site does not escape the site.

2. During land clearing, develop an Emergency Plan of Action, listing key contact information in case of fire and/or other emergency at the site.
3. Hazard abatement (removal of slash/disposal of debris piles) must take place in compliance with Town of Lake Cowichan bylaws.
4. Ensure construction workers are made aware of the risk of fire in the interface zone, especially during dry summer weather.

Hazard Tree Management

5. Prior to commencement of work at the site, potential hazard trees to be inspected by a certified Danger Tree Assessor. Trees identified as Danger Trees will require removal.
6. Where safely practical, hazard trees could be modified (i.e., pruned, topped [deciduous trees] to provide wildlife habitat). (As noted, tree cover has largely been removed from the subject proposal; surrounding perimeters should be checked for potential hazard trees prior to commencement of work.

Fire Smart Zones

Specific recommendations are made with respect to the following zones:

1. Home Ignition, Priority Zone 1—0 to 10 metres
2. Priority Zone 2—10 to 30 metres
3. Priority Zone 3—30 to 100 metres

A Land Title Act Section 219 Wildfire Hazard Covenant shall be placed upon the land to address the specific recommendations of the Wildfire Hazard Assessment, particularly with respect to Fire Smart Zones and construction materials.

TOWN BYLAW REVIEW & ANALYSIS

I. Official Community Plan

Development Permit Area Development Permit Area 2 –Natural Hazards, Subsection 6.3.8 Wildfire Hazards Guidelines

The guidelines are cited below. A staff review concludes that the subdivision design, specific recommendations made by Strathcona Forestry Consulting, and the requirements of the Town's Wildfire Hazard Covenant, satisfies the guidelines.

Site Design

- 1) To an extent that is reasonable and feasible, new buildings and structures shall be located away from any contiguous undeveloped forested areas or areas containing hazardous forestry fuel types or accumulations.
- 2) Subdivision and neighbourhood design shall consider incorporating fire breaks or fuel breaks adjacent to residential areas, which may be in the form of fuel-reduced borders, roads, or trails.
- 3) FireSmart design standards, as identified in the latest version of "FireSmart: Protecting Your Community" shall be applied to all fire breaks, fuel breaks, and infrastructure design.
- 4) The Subdivision, Works and Services Bylaw establishes design standards for streets and infrastructure that minimize the risks to public safety due to wildfire hazards.
- 5) All development applications shall be jointly reviewed with and assessed by the Fire Department.



Figure 22
Fire Break with no vegetation next to a house

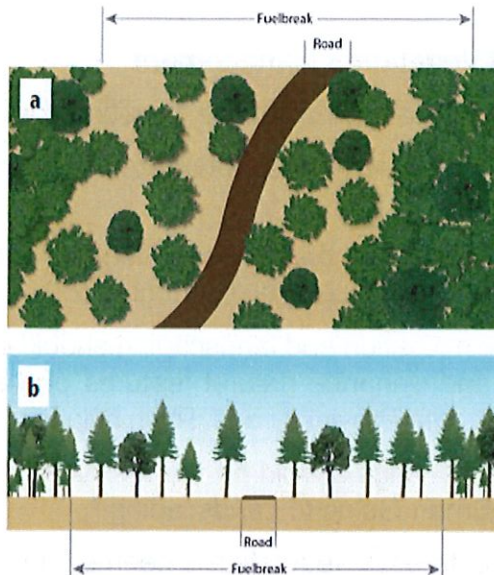


Figure 23
 Shaded fuel break:
 diagram 'a' is the plan view;
 diagram 'b' is the profile view

Building and Infrastructure Materials

- 6) The following fire resistive materials and construction practices are required:
 - a) Class A fire retardant roofing materials, such as asphalt or metal;
 - b) decks, porches and balconies sheathed with fire resistive materials;
 - c) all eaves, attics, roof vents and openings under floors screened to prevent the accumulation of combustible material, using 3mm, noncombustible wire mesh, and vent assemblies with fire shutters or baffles;
 - d) exterior walls sheathed with fire resistive materials such as poured concrete, stucco, brick, and fiber cement boards/panels;
 - e) portions of exterior walls facing away from forested edges may use fire resistive wood, subject to a report by a qualified professional;
 - f) fire-resistive decking materials, such as solid composite decking materials or fire-resistive treated wood;
 - g) all windows tempered or double-glazed to reduce heat and protect against wind and debris that can break windows and allow fire to enter the new building or structure;
 - h) all chimneys and wood-burning appliances with approved spark arrestors; and
 - i) building design and construction generally consistent with the highest current wildfire protection standards published by the National Fire Protection Association or any similar, successor or replacement body that may exist from time to time.
- 7) Security in connection with such removal.

Landscaping and Vegetation Management

- 8) The following landscape and service conditions are required:
- a) firebreaks may be in the form of cleared parkland, roads, or utility rights-of way (see Figure 22);
 - b) fuel breaks may be in the form of shaded landscaping with dispersed tree plantings and no understory plantings (see Figure 23);
 - c) wildfire risk mitigation and landscaping should be designed and installed to protect, conserve and enhance natural features of the site and adjacent ecosystems in accordance with Provincial and Town bylaws;
 - d) landscape plantings should be fire resistant, in accordance with the latest version of the FireSmart Guide to Landscaping;
 - e) if removal of trees or vegetation is deemed necessary by the Qualified Professional for the purpose of reducing wildfire risk, Town approval is required and replacement trees or vegetation may be required;
 - f) if deemed necessary by the Qualified Professional for the purpose of reducing wildfire risk, a defensible space shall be established and managed around buildings and structures in accordance with the latest version of the FireSmart Homeowner's Manual;
 - g) establish and maintain a 1.5 metre non-combustible zone around buildings and any attachments (i.e. decks) in accordance with FireSmart Homeowner's Manual; and
 - h) the Town may enforce any FireSmart standards and recommendations of Qualified Professionals through a covenant at the time of development approval.
- 9) A tree assessment and retention or restoration plan by a Qualified Professional may be required.

SUBJECT PROPERTY AND NEIGHBOURING PROPERTY CHARACTERISTICS

The subject land is surrounded on the north and east by existing residential development of the Point Ideal neighbourhood. This includes a wetland conservation area and east-west trail that leads to the beach and Lakeview Campground.

The western edge of the site adjoins the Lakeview Campground and road access to the beach.

The southern edge of the site is adjacent to the Town boundary and adjoins forested land owned by Timber West.

Fire Department Review

The Fire Chief has reviewed the Wildfire Hazard Assessment and is in support.

RECOMMENDATION & APPROVAL CONDITIONS

Staff recommend approval of a Development Permit, subject to conditions as described below.

That a Development Permit for land described as Rem. Lot A, Plan VIP64669, District Lot 13, Cowichan Lake Land District be approved with the following conditions:

- 1) Development must comply with all Town Bylaws, specifically including, but not limited to:
 - a. Zoning Bylaw
 - b. Subdivision, Works, & Services Bylaw
- 2) That development proceeds to the satisfaction of the Town in accordance with the recommendations of the Wildfire Hazard Assessment prepared by Strathcona Forestry Consulting, as follows:
 - a. As per the BC Wildfire Act, if a high risk activity (i.e., land clearing) is taking place between 1 April and 31 October, the operator must keep at the activity site firefighting hand tools, in a combination and type to properly equip each person who works at the site with a minimum of one firefighting hand tool, and an adequate fire suppression system (onsite portable water tanker and firefighting tools – shovels, pulaskis, portable water backpacks). In addition, efforts must be made to maintain an adequate fire break between any high-risk activity and areas of continuous forest to ensure a fire originating at the site does not escape the site.
 - b. During land clearing, develop an Emergency Plan of Action, listing key contact information in case of fire and/or other emergency at the site.
 - c. Hazard abatement (removal of slash/disposal of debris piles) must take place in compliance with Town of Lake Cowichan bylaws.
 - d. Ensure construction workers are made aware of the risk of fire in the interface zone, especially during dry summer weather.
 - e. Prior to commencement of work at the site, potential hazard trees to be inspected by a certified Danger Tree Assessor. Trees identified as Danger Trees will require removal.
 - f. Where safely practical, hazard trees could be modified (i.e., pruned, topped [deciduous trees] to provide wildlife habitat). (As noted, tree cover has largely been removed from the subject proposal; surrounding perimeters should be checked for potential hazard trees prior to commencement of work.
- 3) A Land Title Act Section 219 Wildfire Hazard Covenant shall be placed upon the land to address the specific recommendations of the Wildfire Hazard

Assessment, particularly with respect to Fire Smart Zones and construction materials.

- 4) Approval of this Development Permit does not constitute approval of a Building Permit and any required sign permits.

A handwritten signature in blue ink, appearing to read 'James van Hemert', with a long horizontal flourish extending to the right.

James van Hemert, MCIP, RPP
Consulting Planner