

Report to Council



Date: May 4, 2020
To: Council
From: City Manager
Subject: TA20-0014 - Fencing Requirements to Reduce Injury and Mortality to Deer and Other Wildlife
Department: Development Planning Department

Recommendation:

THAT Council receives, for information, the report from the Development Planning Department dated May 4, 2020, with respect to Fencing Requirements;

AND THAT Zoning Bylaw Text Amendment Application No. TA20-0014 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Attachment 'A' in the report from the Development Planning Department dated April 27, 2020 be considered by Council;

AND THAT final adoption of the Zoning Bylaw Text Amendment Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

AND FURTHER THAT the Zoning Bylaw Text Amendment Bylaw be forwarded to Public Hearing for further consideration.

Purpose:

To consider an application to amend the Zoning Bylaw to introduce fencing requirements that would reduce injury and mortality to deer and other wildlife.

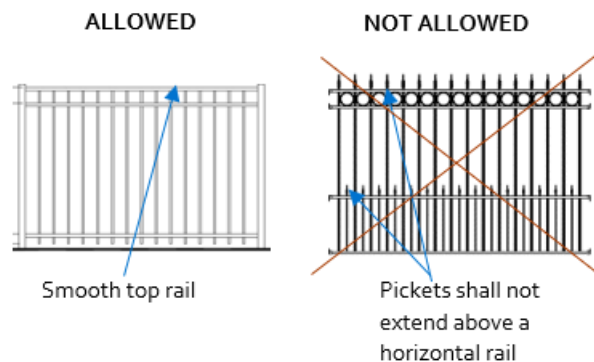
Background:

In 2019, the Provincial Conservation Officer Service contacted the City of Kelowna to consider a change to the City's fencing regulations in order to prevent designs that could kill or injure deer. Conservation Officers are called out to approximately twenty incidents per year in Kelowna where deer are impaled or severely injured from pointed metal pickets rising above the top or mid rails of fencing. These incidents are traumatic for homeowners, the community and for the officers involved. Subsequently, Staff have worked closely with the Conservation Officer Service to develop a minor change to the fencing regulations in order to prevent new metal (i.e. wrought iron) fences from having pointed pickets that can injure or kill deer and other types of wildlife.

Discussion:

The proposed change to the fencing regulation will only affect metal (i.e. wrought iron) fences, since the Provincial Conservation Officer Service have not had any problems with deer or other wildlife being injured or killed on wood fences. Collaboration with Provincial wildlife experts determined that prohibiting metal fencing from having pointed pickets rising above a top or mid rail of a fence would be the most beneficial change to the bylaw to protect deer and other wildlife from injury or death.

The following diagram illustrates the type of fencing, that would be prohibited if this bylaw amendment was adopted:



For a comprehensive review of the proposed changes, see Attachment 'A': Summary of Changes.

It is important to note that this bylaw amendment is not retroactive and would not affect legal nonconforming fences that were installed prior to adoption of this proposal. However, it is hoped that many in the community will retrofit their fences to remove pointed pickets that could hurt wildlife. To notify the public, the Development Planning Department and City's Communications Department will work together to formulate an outreach and education program to inform the community about this issue and to provide retrofit tips and wildlife safe fencing options. The Development Planning Department will also formulate a bulletin to inform fencing companies, landscapers, builders and the Urban Development Institute of changes to Section 7 (Landscape and Screening) of the Zoning Bylaw.

Conclusion:

The inclusion of new fencing requirements will protect deer, moose and other wildlife from being injured or killed within our community. This proposal is a result of a collaborative endeavor between wildlife experts from the Province of BC and Staff from the City of Kelowna.

Internal Circulation:

Parks Planning
Development Engineering
Building and Permitting
Real Estate and Property Services
Civic Properties/Building Services
Bylaw Services
Policy and Planning

City Clerk

Considerations applicable to this report:

Existing Policy:

Kelowna Official Community Plan (OCP)

Chapter 6: Environment

In an effort to optimize environmental benefits, the City of Kelowna will take a precautionary, integrated ecosystem management approach and ensure that the environment is afforded a high priority in all land use related decision making.

Chapter 12: Natural Environment Development Permit Guidelines

The objective of Natural Environment Development Permit Areas is to ensure that negative impacts (disturbance) on environmentally sensitive areas are minimized by: Protecting biological diversity, wildlife and important wildlife habitats, features and functions.

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Submitted by: C. Davis, Environmental Coordinator

Approved for inclusion:



D. Strachan, Community Planning and Development Manager

Attachments:

Attachment 'A': Summary of Changes