

OFFICIAL COMMUNITY PLAN AMENDMENT - APPLICATION FORM

Applicant: _____

Phone: _____ Fax: _____ E-mail: _____

Applicant's Mailing Address: _____

Address of Property: _____

Legal Description: _____

Owner (if not the applicant): _____

Official Community Plan Designation - Current: _____

Official Community Plan Designation - Requested: _____

Development Permit Area: NO ____ YES ____, what type? _____

Present Zoning Category: _____ Requested Zoning Category _____

Lot Size and Dimensions: _____

Existing Use

Describe the age, condition and use of any buildings and plot their location on a scaled site plan noting various setback dimensions. Photographs would be of assistance.

Proposed Use

Describe the proposed use of the property, you may include a tentative site plan showing buildings, landscaping, location of any sign, parking lots, access, etc.

Council Meeting

Does Owner, Applicant or Agent wish to appear before Council to explain the proposal? Yes _____ No _____

Where can the representative be reached? Telephone _____ Fax _____

Please ensure the following items are included with the completed application form:

- Application Fee: \$ 1,500
\$ 2,000 - Combined OCP & Zoning Bylaw Amendment (separate forms required)
- Development Permit Waiver Application Form
- Current Title which can be obtained at www.ltsa.ca or by contacting the Land Titles Office by phone at 1-877-577-5872
- One set of full size, as well as one set of 8 1/2" x 11", scaleable and fully dimensioned site plans
- .pdf copies of site / floor plans to be emailed
- Provincial Government Contaminated Sites Legislation – Site Profile

OFFICIAL COMMUNITY PLAN AMENDMENT - CONSENT FORM

Complete one of the following statements:

IF OWNER IS PERSONALLY APPLYING FOR THE OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION:

I, _____

solemnly declare that I am the owner of the real property legally described as:

and that I am registered as such in the Land Title Office in Kamloops, B.C.

Signature: _____

Date: _____

Telephone: _____

FAX: _____

E-mail: _____

IF AN AGENT IS APPLYING ON BEHALF OF THE OWNER:

I, _____ solemnly

declare that I am the authorized agent of:

_____ who is the

registered owner of the real property legally

described as: _____

It is understood that until the City of Salmon Arm is advised in writing that I am no longer acting on behalf of the undersigned registered owner, the City shall deal exclusively with me with respect to all matters pertaining to the proposed rezoning application.

I hereby declare that the foregoing information is true and proper and I make this declaration knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Signature of Owner: _____

Signature of Agent: _____

Name of Agent: _____

Mailing Address
of Agent: _____

Telephone: _____

FAX: _____

E-mail: _____

Date: _____



A GUIDE TO ZONING AND
OCP AMENDMENTS

This guide is not a legal document, it is intended only to assist you through the Development Permit application process. Following the steps herein does not constitute approval of an application. While every care is taken in the preparation of this brochure, the City of Salmon Arm assumes no responsibility or liability with respect to its contents. The public is advised to review the applicable legislation and bylaws and conduct its own enquiries with Development Services staff.

HOW DOES THE OFFICIAL COMMUNITY
PLAN AFFECT ME? HOW DO I REZONE
MY PROPERTY?

Official Community Plan

The Salmon Arm Official Community Plan (OCP) has two main purposes. The first is to establish future visions for Salmon Arm. The second is to set out the objectives and policies which Council will follow in shaping the land use and servicing to achieve this vision.

Official Community Plan Amendments

Applications to amend the OCP can pertain to land use designations and other sections of the Plan. These proposals will be processed in the same manner as rezoning with special considerations for long term implications of a successful amendment. Specific lot applications may not be considered as favourably as area applications.

Zoning Bylaw

The principal purpose of the Zoning Bylaw is to govern the use and density of land. Zoning is used as a tool to implement the goals and objectives of the Official Community Plan and guides the natural growth of the Municipality in a systematic and orderly fashion for the benefit of the community as a whole. Zoning ensures the use of land and the location and use of buildings erected thereon are planned with due regard for:

- density of use and preservation of amenities peculiar to any zone.

- establishment of minimum standards for the health, safety, convenience and welfare of the public;
- the securing of adequate light, air and access;
- the character of each zone, and the character of the buildings;
- the betterment of the environment;
- the development of areas to encourage greater efficiency of land use;
- the impact of development on present and future public costs;
- the provision of necessary public space.

Zoning Bylaw Amendments

Rezoning is the process of changing existing zoning of a property to a different type of zoning in order to obtain different land use or density. Zoning can only be changed by City Council via amendments to the Zoning Bylaw in accordance with Section 903 of the Local Government Act. A Public Hearing is required before zoning amendments are adopted. All rezoning applications must conform to the land use designation contained in the Official Community Plan. If this is not the case, the Official Community Plan must be amended prior to a rezoning bylaw being approved. Official Community Plan amendments, like Zoning amendments, are decisions of Council.

Zoning decisions are based on conformity with the Official Community Plan as well as timing of the proposal, public input, servicing constraints and market demand. The OCP sets the direction in which the community will grow and the policies required to achieve that growth.

PRE APPLICATION STAGE

The Applicant should arrange an appointment with a member of the Development Services Department to discuss the proposal and identify any preliminary concerns or additional information required.

APPLICATION STAGE

Submit the Application

Mail or deliver your completed application form to the City's Development Services Department, **along with the required support documentation**, as identified on the application form, including the **application fee**.

Application Checked for Completeness

A member of the Development Services Department will ensure the application is filled out correctly with all supporting documentation. An application that arrives in the Department incorrect or incomplete will be held until all information has been provided by the Applicant.

Technical Planning Committee

The Technical Planning Committee meets once a week. The members consist of representatives from the Planning, Building, Fire, Engineering and Operations Departments.

All new Applications and support documentation are forwarded to the Committee for a preliminary review. The Committee identifies any initial concerns or additional information that may require further input from the Applicant prior to the application entering the referral process. Some of the concerns addressed by the Committee are:

- Servicing (water, sanitary, storm sewer and roads).
- Parking, Access & Egress.
- Siting & Setbacks.
- Signage.
- Landscaping.
- Design.
- Building Code.
- Elevations Changes.
- Tree Retention Plans.

If **no** major concerns surface at the Technical Planning Committee Meeting, a file is opened. If further concerns **do** arise, you will be contacted to supply the required information (the application may be delayed until the additional information is received).

Application Circulated for Comments

A referral package is now circulated to all internal departments and affected external agencies for their written comments and recommendations. Some departments and agencies are shown on the flow chart (others may include Fisheries & Oceans Canada, School District No. 83, Royal Canadian Mounted Police, Columbia Shuswap Regional District, BC Department for Water, Land & Air Protection, Hydro, Gas, Telephone, etc.).

The comments provide information with respect to how the proposal will affect the various agencies'/departments' policies and objectives.

If comments received from the referral process have highlighted some concerns not previously addressed or identified, staff will contact the Applicant to advise of these concerns. It may be in the Applicant's best interest to address same before the report goes to Council.

Site Inspection

During the referral process, staff will conduct a site inspection of the subject property to identify the potential impacts of the proposal on adjacent properties.

Report Written

Following receipt of all referral comments and completion of an inspection, the Department prepares a Report to Council with recommendations.

Development & Planning Services Committee

Before the Development Services Department report proceeds to Council, it will be reviewed by the District Administrator and the Development and Planning Services Committee of Council. The Committee consists of all Members of Council, senior staff and technical staff, as required. The Committee will review your application and make recommendations or comments to Council.

COUNCIL DECISION PROCESS

Council Consideration of First Reading of Amendment Bylaw

Council meets every other week on administrative matters. First readings of bylaws are considered at these administrative meetings. In accordance with the Zoning Bylaw, the Applicant must post a rezoning sign on the subject property within two days following Council granting first reading of the amending bylaw. R-8 Single Family/Secondary Suite Residential Zone is except from signage requirements.

Neighbourhood Meeting

After first reading of the bylaw, the Applicant may be requested to host a neighbourhood meeting to inform the immediate neighbourhood residents of the plans for the subject property. The City of Salmon Arm should also receive invitations to that meeting, as soon as possible.

City Council feels strongly that neighbours of a proposed project have a valuable role to play in making suggestions which enhance development and in identifying problems which need to be addressed. The City of Salmon Arm should receive written confirmation from the Applicant that the neighbourhood meeting was held. The bylaw then may proceed to second reading.

Council Grants Second Reading

If Council grants second reading to the Zoning Amendment Bylaw, the Administration Department staff will establish a date for the Public Hearing.

Public Notification Process

At least ten days before the application proceeds to Public Hearing, a letter outlining the proposed rezoning is forwarded to all property owners and occupiers within 30 metres of the subject property. The letter advises them of the date Council will consider the application, and of their right to register an opinion regarding the application. The Public Hearing date will also be advertised in two consecutive issues of the "Salmon Arm Observer" newspaper

Public Hearing

A Public Hearing is an opportunity for input by all persons or their agents who believe that their interest in property is affected by a proposed bylaw. They shall be afforded a reasonable opportunity to be heard or to present written submissions regarding the proposal at the Public Hearing.

The Applicant should attend in person, or be represented by an agent, at the Public Hearing in case clarification of the proposal is required. Council may, upon consideration of the public's concerns, require changes to the proposal.

Municipal Council cannot consider additional input regarding the bylaw amendment after Public Hearing.

Third Reading

Council may grant third reading to the Zoning Amendment Bylaw after the Public Hearing. If third reading is granted by Council, the Applicant may reasonably expect his rezoning to be approved at a later date, subject to all conditions being fulfilled.

Ministry of Transportation Approval

If the subject property is within 800 metres (1/2 mile) of a controlled access highway (i.e. Trans Canada Highway or Highway 97B), the Bylaw must be endorsed by the Ministry of Transportation.

After third reading, the Bylaw is sent to the Regional Approving Officer of the Ministry of Transportation (MOT) for approval. **Council cannot consider the bylaw for adoption before it is endorsed by MOT.**

Final Reading of Zoning Amendment Bylaw

When all conditions of Bylaw approval have been completed, staff arranges for the Bylaw to be presented to Council for final reading.

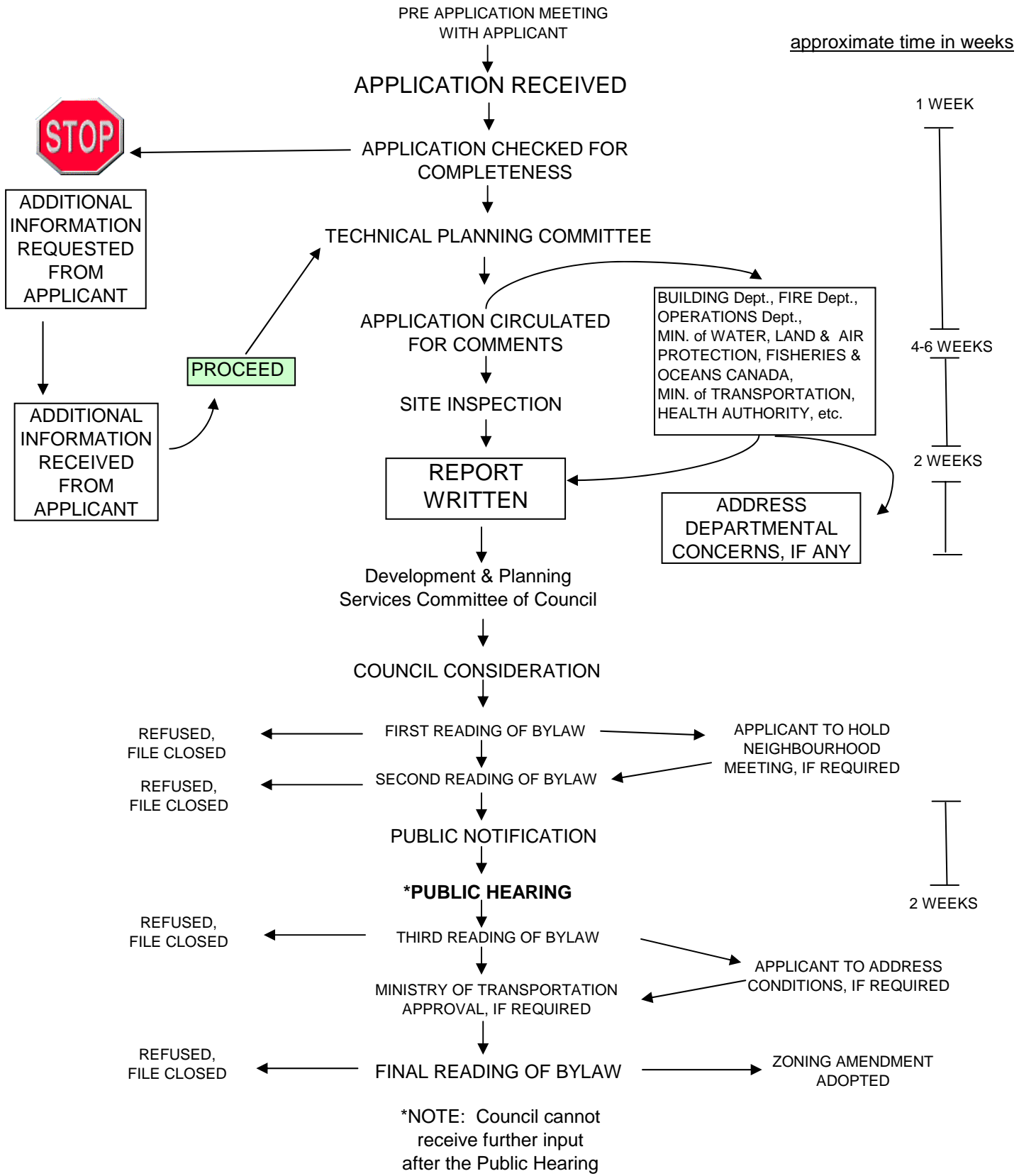
It is important to know that a Bylaw can be defeated at any of the four readings. If this happens, the planning file is closed. No re-application for the same amendment to a bylaw shall again be considered by Council within a six (6) month period from date of refusal unless reconsideration is authorized by at least two-thirds (2/3) of all Council Members.

If you have any questions regarding completion of the application form, please telephone the:

City of Salmon Arm
Development Services Department
500 - 2 Avenue NE
Box 40
Salmon Arm, BC, V1E 4N2

Telephone: (250) 803-4000
Facsimile: (250) 803-4041

Zoning & OCP Amendment Process





SCHEDULE 1 SITE DISCLOSURE STATEMENT

I. CONTACT INFORMATION

A: SITE OWNER(s) or OPERATOR(s)			
LAST NAME		FIRST NAME(s)	
COMPANY (if applicable)			
ADDRESS - STREET		CITY	
PROVINCE/STATE	COUNTRY		POSTAL CODE
PHONE		E-MAIL	

B: PERSON COMPLETING SITE DISCLOSURE STATEMENT (Leave blank if same as above)	
<input type="checkbox"/> Agent authorized to complete form on behalf of the owner or operator	
LAST NAME	FIRST NAME(s)
COMPANY (if applicable)	

C: PERSON TO CONTACT REGARDING THE SITE DISCLOSURE STATEMENT			
LAST NAME		FIRST NAME(s)	
COMPANY (if applicable)			
ADDRESS - STREET		CITY	
PROVINCE/STATE	COUNTRY		POSTAL CODE
PHONE		E-MAIL	

II. SITE INFORMATION

Coordinates (using the North American Datum 1983 convention) for the centre of the site:

Latitude			Longitude		
DEGREES	MINUTES	SECONDS	DEGREES	MINUTES	SECONDS

Attach a map of appropriate scale showing the location and boundaries of the site.

For Legally Titled, Registered Property

SITE ADDRESS (or nearest street name/intersection if no address assigned)	
CITY	POSTAL CODE

PID	Land Description	Add	Delete
		+	-
		+	-

For Untitled Crown Land

PIN numbers and associated Land Description (if applicable)

PIN	Land Description	Add	Delete
		+	-
		+	-

And if available

Crown Land File Numbers	Add	Delete
	+	-
	+	-

III. INDUSTRIAL OR COMMERCIAL PURPOSES OR ACTIVITIES

Has the site been used for any industrial or commercial purposes or activities described in **SCHEDULE 2** of the Contaminated Sites Regulation?

- Yes No

If you answered YES to the question above, please indicate below, in the format of the example provided, which of the industrial or commercial purposes or activities have occurred or are occurring on this site.

EXAMPLE

Schedule 2 Reference	Description
E1	appliance, equipment or engine maintenance, repair, reconditioning, cleaning or salvage
F10	solvent manufacturing, bulk storage, shipping or handling

Schedule 2 Reference	Description	Add	Delete
		+	-
		+	-

IV. ADDITIONAL INFORMATION

1. Provide a brief summary of the planned activity and proposed land use at the site.

2. Indicate the information used to complete this site disclosure statement including a list of record searches completed.

3. List any past or present government orders, permits, approvals, certificates or notifications pertaining to the environmental condition of the site. *(Attach extra pages, if necessary):*

V. DECLARATIONS

1. Exemptions (See the Contaminated Sites Regulation, Division 3 of Part 2):

Does the application qualify for an exemption from submitting a site disclosure statement?

Yes No

If yes, indicate which exemption applies _____

2. Where a municipal approval is not required, please indicate the reason for submission directly to the registrar:

Under Order Foreclosure CCAA Proceedings BIA Proceedings
 Decommissioning Ceasing Operations

By signing below, I confirm that the information in this form is complete and accurate to the best of my knowledge:

SIGNATURE

DATE SIGNED (YYYY-MM-DD)

APPROVING AUTHORITY CONTACT INFORMATION

NAME	AGENCY
ADDRESS	
PHONE	E-MAIL

Reason for submission (Please check one or more of the following):

Building Permit Subdivision Zoning Development Permit

DATE RECEIVED (YYYY-MM-DD)

DATE SUBMITTED TO REGISTRAR (YYYY-MM-DD)

Deposited December 16, 1996
effective April 1, 1997

This consolidation is current to December 31, 2021.

[Link to consolidated regulation \(PDF\)](#)

[Link to Point in Time](#)

Environmental Management Act

CONTAMINATED SITES REGULATION

[Last amended July 7, 2021 by B.C. Reg. 179/2021]

Schedule 2

[en. B.C. Reg. 131/2020, App. s. 9.]

Specified Industrial or Commercial Uses

A	<p>Chemical industries and activities</p> <ol style="list-style-type: none"> 1. adhesives manufacturing, bulk storage, shipping or handling 2. chemical manufacturing, bulk storage, shipping or handling 3. explosives or ammunition manufacturing, bulk storage, shipping or handling 4. fire retardant manufacturing, bulk storage, shipping or handling 5. fertilizer manufacturing, bulk storage, shipping or handling 6. ink or dye manufacturing, bulk storage, shipping or handling 7. leather or hides tanning 8. paint, lacquer or varnish manufacturing, formulation, recycling, bulk storage, shipping or handling, not including retail stores 9. pharmaceutical products, or controlled substances as defined in the <i>Controlled Drugs and Substances Act</i> (Canada), manufacturing or operations 10. plastic products (foam or expanded plastic) manufacturing or repurposing 11. textile dyeing 12. pesticide manufacturing, formulation, bulk storage, shipping or handling 13. resin or plastic monomer manufacturing, formulation, bulk storage, shipping or handling
B	<p>Electrical equipment and activities</p> <ol style="list-style-type: none"> 1. battery manufacturing, recycling, bulk storage, shipping or handling 2. facilities using equipment that contains PCBs greater than or equal to 50 ppm 3. electrical equipment manufacturing, refurbishing, bulk storage, shipping or handling 4. electrical transmission or distribution substations 5. electronic equipment manufacturing 6. transformer oil manufacturing, processing, bulk storage, shipping or handling 7. electrical power generating operations fuelled by coal or petroleum hydrocarbons that supply electricity to a community or commercial or industrial operation, excluding emergency generators.

C	<p>Metal smelting, processing or finishing industries and activities</p> <ol style="list-style-type: none"> 1. foundries 2. galvanizing 3. metal plating or finishing 4. metal salvage operations 5. metal smelting or refining 6. welding or machine shops (repair or fabrication)
D	<p>Mining, milling or related industries and activities at or near land surface</p> <ol style="list-style-type: none"> 1. asbestos mining, milling, bulk storage, shipping or handling 2. coal coke manufacture, bulk storage, shipping or handling 3. coal or lignite mining, milling, bulk storage, shipping or handling 4. milling reagent manufacture, bulk storage, shipping or handling 5. metal concentrate bulk storage, shipping or handling 6. metal ore mining or milling
E	<p>Miscellaneous industries, operations or activities</p> <ol style="list-style-type: none"> 1. appliance, equipment or engine maintenance, repair, reconditioning, cleaning or salvage 2. ash deposit from boilers, incinerators or other thermal facilities 3. asphalt and asphalt tar manufacture, storage and distribution, including stationary asphalt batch plants 4. coal gasification (manufactured gas production) 5. medical, chemical, radiological or biological laboratories 6. outdoor firearm shooting ranges 7. road salt or brine storage 8. measuring instruments (containing mercury) manufacture, repair or bulk storage 9. dry cleaning facilities or operations and dry cleaning chemical storage, excluding locations at which clothing is deposited but no dry cleaning process occurs 10. contamination or likely contamination of land by substances migrating from an industrial or commercial site 11. fire training facilities at which fire retardants are used 12. single or cumulative spills to the environment greater than the reportable quantities of substances listed in the Spill Reporting Regulation

F	<p>Petroleum (including blends and biodiesels) and natural gas drilling, production, processing, retailing, distribution and commercial storage</p> <ol style="list-style-type: none"> 1. petroleum or natural gas drilling 2. petroleum or natural gas production facilities 3. natural gas processing 4. petroleum coke manufacture, bulk storage, shipping or handling 5. petroleum product, other than compressed gas, dispensing facilities, including service stations and card locks 6. petroleum, natural gas or sulfur pipeline rights of way excluding rights of way for pipelines used to distribute natural gas to consumers in a community 7. petroleum product (other than compressed gas), or produced water storage in non-mobile above ground or underground tanks, except tanks associated with emergency generators or with secondary containment 8. petroleum product, other than compressed gas, bulk storage or distribution 9. petroleum refining 10. solvent manufacturing, bulk storage, shipping or handling 11. sulfur handling, processing or bulk storage and distribution
G	<p>Transportation industries, operations and related activities</p> <ol style="list-style-type: none"> 1. aircraft maintenance, cleaning or salvage 2. automotive, truck, bus, subway or other motor vehicle maintenance, repair, salvage or wrecking 3. dry docks, marinas, ship building or boat repair and maintenance, including paint removal from hulls 4. marine equipment salvage 5. rail car or locomotive maintenance, cleaning, salvage or related uses, including railyards
H	<p>Waste disposal and recycling operations and activities</p> <ol style="list-style-type: none"> 1. antifreeze bulk storage, recycling, shipping or handling 2. barrel, drum or tank reconditioning or salvage 3. biomedical waste disposal 4. bulk manure stockpiling and high rate land application or disposal (nonfarm applications only) 5. landfilling of construction demolition material, including without limitation asphalt and concrete 6. contaminated soil or sediment storage, treatment, deposit or disposal 7. dry cleaning waste disposal

	<ol style="list-style-type: none"> 8. electrical equipment recycling 9. industrial waste lagoons or impoundments 10. industrial waste storage, recycling or landfilling 11. industrial woodwaste (log yard waste, hogfuel) disposal 12. mine tailings waste disposal 13. municipal waste storage, recycling, composting or landfilling 14. organic or petroleum material landspreading (landfarming) 15. sandblasting operations or sandblasting waste disposal 16. septic tank pumpage storage or disposal 17. sewage lagoons or impoundments 18. hazardous waste storage, treatment or disposal 19. sludge drying or composting 20. municipal or provincial road snow removal dumping or yard snow removal dumping 21. waste oil reprocessing, recycling or bulk storage 22. wire reclaiming operations
I	<p>Wood, pulp and paper products and related industries and activities</p> <ol style="list-style-type: none"> 1. particle or wafer board manufacturing 2. pulp mill operations 3. pulp and paper manufacturing 4. treated wood storage at the site of treatment 5. veneer or plywood manufacturing 6. wood treatment (antisapstain or preservation) 7. wood treatment chemical manufacturing, bulk storage

Division 3 — Exemptions from Providing Site Disclosure Statements

Exemption — other processes apply under the Act

- 4 (1) A person is exempt from the requirement to provide a site disclosure statement under section 40 (1) or (2) of the Act in relation to a site if
- (a) the site is the subject of an approval in principle or certificate of compliance relevant to
 - (i) the current use of the site, or
 - (ii) any use of the site proposed by the person, and
 - (b) the person, after making reasonable inquiries, has no reason to believe that any further contamination occurred at the site after the approval in principle or certificate was issued.
- (2) A person is exempt from the requirement to provide a site disclosure statement under section 40 (1) or (2) of the Act in relation to a site if
- (a) the site is located within an environmental management area for which a director has approved
 - (i) a wide area remediation plan, or
 - (ii) the scope of a proposed wide area remediation plan, and
 - (b) the site disclosure statement would be provided only as a result of uses or activities that caused contamination that is dealt with in the approved plan or scope.
- (3) A person is exempt from the requirement to provide a site disclosure statement under section 40 (1) or (2) of the Act in relation to a site if
- (a) a determination was made under section 44 of the Act that the site is not a contaminated site, and
 - (b) the person, after making reasonable inquiries, has no reason to believe that any contamination occurred at the site after the determination was made.

[en. B.C. Reg. 161/2020, App. 2, s. 3.]

Exemption — persons applying to approving officers

- 4.1 (1) A person is exempt from the requirement to provide a site disclosure statement to an approving officer under section 40 (1) (a) of the Act if either of the following applies:
- (a) the person is an applicant for subdivision under section 114 of the *Land Title Act*;
 - (b) the proposed subdivision consists only of
 - (i) an adjustment to the boundary of a parcel, or
 - (ii) a consolidation of 2 or more parcels into a single parcel.
- (2) If, in relation to a development on land, a person applies for or otherwise seeks from an approving officer more than one approval for subdivision at the same time, the person may comply with the requirement under section 40 (1) (a) of the Act by providing a single site disclosure statement relating to the land for the purposes of all those approvals.

[en. B.C. Reg. 161/2020, App. 2, s. 3.]

Exemption — persons applying to municipalities

- 4.2 (1) A person is exempt from the requirement to provide a site disclosure statement to a municipality under section 40 (1) (b) (i) of the Act if
- (a) the land in relation to which the person is seeking approval for zoning is being used for a specified industrial or commercial use, and
 - (b) the specified industrial or commercial use would continue to be authorized on the land if the zoning were approved.
- (2) A person is exempt from the requirement to provide a site disclosure statement to a municipality under section 40 (1) (b) (ii) of the Act if the development permit or building permit in relation to which the person is seeking approval is for only one or more of the following purposes:
- (a) demolition;
 - (b) installing or replacing underground utilities;
 - (c) installing or replacing fencing or signage;
 - (d) paving;
 - (e) landscaping.
- (3) If, in relation to a development on land, a person applies for or otherwise seeks from a municipality more than one approval for zoning or permits at the same time, the person may comply with the requirement under section 40 (1) (b) of the Act by providing a single site disclosure statement relating to the land for the purposes of all those approvals.

[en. B.C. Reg. 161/2020, App. 2, s. 3.]

Exemption — municipalities undertaking zoning or rezoning

- 4.3 A municipality undertaking to zone or rezone land is exempt from the requirement to provide a site disclosure statement under section 40 (1) (b) (i) of the Act if either of the following applies:
- (a) the municipality does not have an ownership interest in the land;
 - (b) the municipality does not intend to develop any parcels of land in which it has an ownership interest that are located within the area being zoned or rezoned.

[en. B.C. Reg. 161/2020, App. 2, s. 3.]

Exemption — more than one owner or operator required to provide site disclosure statement when ceasing operations on land

- 4.4 A person is exempt from the requirement to provide a site disclosure statement under section 40 (2) (a) of the Act in relation to land if
- (a) one or more other persons are also required to provide a site disclosure statement under that section as a result of a site being decommissioned on the land or operations ceasing on the land, as applicable, and
 - (b) the site disclosure statement is provided by one of those other persons.

[en. B.C. Reg. 161/2020, App. 2, s. 3.]

Exemption — operating areas under the *Oil and Gas Activities Act*

4.5 A person is exempt from the requirement to provide a site disclosure statement under section 40 (2) (b) and (c) of the Act in relation to land if the land is an operating area within the meaning of the *Oil and Gas Activities Act*.

[en. B.C. Reg. 161/2020, App. 2, s. 3.]

Exemption — vendors of real property

4.6 A vendor of real property is exempt from the requirement to provide a site disclosure statement under section 40 (6) of the Act if any of the following apply:

- (a) the vendor does not have an ownership interest in the real property;
- (b) the prospective purchaser waives, in writing, the entitlement to be provided with the site disclosure statement;
- (c) at the time of the contract for purchase and sale, the real property
 - (i) is used primarily for a residential purpose, or
 - (ii) has never been zoned for any use other than primarily for residential purposes.

[en. B.C. Reg. 161/2020, App. 2, s. 3.]

Exemption — previous submission of site profile

4.7 (1) In this section, "site profile" means a site profile under section 40 of the Act as that section read immediately before February 1, 2021.

(2) A person is exempt from the requirement to provide a site disclosure statement under section 40 (1) of the Act in relation to land if all of the following criteria are met:

- (a) a site profile that relates to the land was provided to a municipality or approving officer before February 1, 2021;
- (b) the municipality or approving officer, after assessing the site profile, forwarded the site profile to the registrar instead of the director in accordance with section 6 (1) (c) (ii) of this regulation, as it read immediately before February 1, 2021;
- (c) the land has not been used for a specified industrial or commercial use after the date on which the site profile was provided to the municipality or approving officer.

[en. B.C. Reg. 161/2020, App. 2, s. 3.]

Division 4 — Requirements for Site Disclosure Statement

Requirements for completing site disclosure statement

5 (1) The requirement of a person to provide a site disclosure statement under section 40 of the Act is not satisfied until the following occurs:

- (a) in the case of a site disclosure statement required to be provided under section 40 (1) of the Act, the municipality or approving officer assesses, in accordance with section 40 (4) (a) of the Act and section 6 of this regulation, that the site disclosure statement form is satisfactorily complete;
- (b) in any other case, the person provides all the information required by the site disclosure statement form.

(2) A site disclosure statement must be completed using the form set out in Schedule 1.

- (3) Only the following persons may complete a site disclosure statement:
- (a) an owner of the land to which the site disclosure statement relates;
 - (b) an operator of a site on the land to which the site disclosure statement relates;
 - (c) a person authorized by
 - (i) an owner referred to in paragraph (a), or
 - (ii) an operator referred to in paragraph (b).
- (4) Only a person referred to in subsection (3) (a) or (b) may sign the declaration on a site disclosure statement.

[en. B.C. Reg. 131/2020, App. s. 3.]



File No. DPW- _____

Development File No. _____

Development Services Department
Box 40, 500 – 2 Avenue NE
Salmon Arm, BC V1E 4N2
Ph: (250)803-4000 Fax: (250)803-4041

DEVELOPMENT PERMIT WAIVER APPLICATION FORM

As of March 31, 2006 as part of the City of Salmon Arm's implementation of the Provincial Riparian Areas Regulation, this form is to be submitted in conjunction with the following development applications (Please check applicable box(es):

- Building Permit;
- Demolition Permit;
- Subdivision Approval;
- Strata Title Conversion;
- Site Specific Bylaw Amendment (eg. Zoning and/or OCP change);
- Development Permit;
- Development Variance Permit;
- Temporary Commercial and Industrial Permits;
- Special Needs Housing Application;
- Tree Cutting Permit

If you intend to develop, subdivide or alter land on property located within the **Environmentally Sensitive Riparian Areas Development Permit Area** or **Potential Hazardous Areas Development Permit Area**, you must first obtain a Development Permit. You may be eligible for a waiver from this requirement. If a waiver form is approved by the Director of Development Services, then a Development Permit application is not required. An approved **Waiver** exempts some or all Development Permit Area Guideline requirements and may also be subject to the registration of a Covenant or other terms and conditions outlined in this form.

Applicant: _____

Phone: _____ Fax: _____ E-mail: _____

Applicant's Mailing Address: _____

Address of Property: _____

Legal Description: _____

Owner (if not the applicant): _____

Official Community Plan Designation: _____ Zoning Category: _____

Provide a brief description of the proposal:

Map 5.2 – Environmentally Sensitive Riparian Areas and Map 6.1 – Potential Hazard Areas of the City of Salmon Official Community Plan are included as part of the attached information. Please note that the approximate locations of Environmentally Sensitive Riparian Areas are shown, but the inventory is incomplete and additional mapping and review may be required from the property owner or their agent, including site survey and/or assessment by a Qualified Environmental Professional (QEP) as set out in the Riparian Areas Regulation.

Does the property contain any of the following:

1. Potential Hazardous Area? Yes No Maybe

Describe (if required) _____

2. Environmentally Sensitive Riparian Area? Yes No Maybe

Describe (if required) _____

3. Environmentally Sensitive Stream*? Yes No Maybe

Describe (if required) _____

(*An environmentally sensitive stream is defined by the Riparian Areas Regulation – see attached Guide)

4. Riparian Assessment Area* of an Environmentally Sensitive Stream? Yes No Maybe

Describe (if required) _____

(*A riparian assessment area is as defined by the Riparian Areas Regulation – see attached Guide)

A detailed Site Plan may be required to be submitted by the property owner. A detailed Site Plan would need to include:

- parcel boundaries, location of any existing or proposed buildings, drainage, access, egress, large rock outcrops, treed areas, embankments, slopes, and any other significant natural features.
- If applicable, show streams and ravines, as well as riparian assessment areas, as each is defined in the Provincial Riparian Areas Regulation and Environmentally Sensitive Riparian Areas Development Permit Area and Potential Hazardous Areas Development Permit Area of City of Salmon Arm Official Community Plan.
- Development, as defined by the Riparian Areas Regulation, if it is proposed within a riparian assessment area.

I, _____ am the registered property owner and
(please print)

acknowledge that the foregoing is true and correct:

Signature of Property Owner

Signature of Agent

Date _____

Date _____

The following is to be filled out by City of Salmon Arm staff:

Staff Initials

Property Status:

- Site visit completed? If no explain _____
- No riparian streams, ravines, or riparian assessment areas on the property.
- Riparian streams, ravines, or riparian assessment areas on the property.
For development purposes
 - Development within footprint of existing building.
 - Demolition.
 - Development >30m from the high water mark of a water course.
 - Development ≤30m from the high water mark of a water course.
- No Hazardous Areas on the property.
- Potential Hazardous Areas (slopes ≥ 30%) on the property.
For development purposes
 - Development within footprint of existing building.
 - Demolition.
 - Development unaffected by hazard.
 - Development may be affected by hazard.

Comments: _____

Waiver application approved: Yes No Yes, subject to terms and conditions

Terms and conditions of this waiver (if applicable):

- Restrictive Covenant for riparian assessment area: Yes No
- Assessment prepared by a Qualified Environmental Professional (QEP): Yes No
- Restrictive Covenant for streamside protection and enhancement area identified by QEP: Yes No
- Geotechnical Report: Yes No
- Restrictive Covenant associated with Geotechnical Report: Yes No
- Other: _____

Reason(s) this waiver application has been denied (if applicable):

DEVELOPMENT PERMIT WAIVER

This waiver application is hereby: **APPROVED** **DENIED** by:

Director of Development Services

Date



Map 5.2 Environmentally Sensitive Riparian Areas

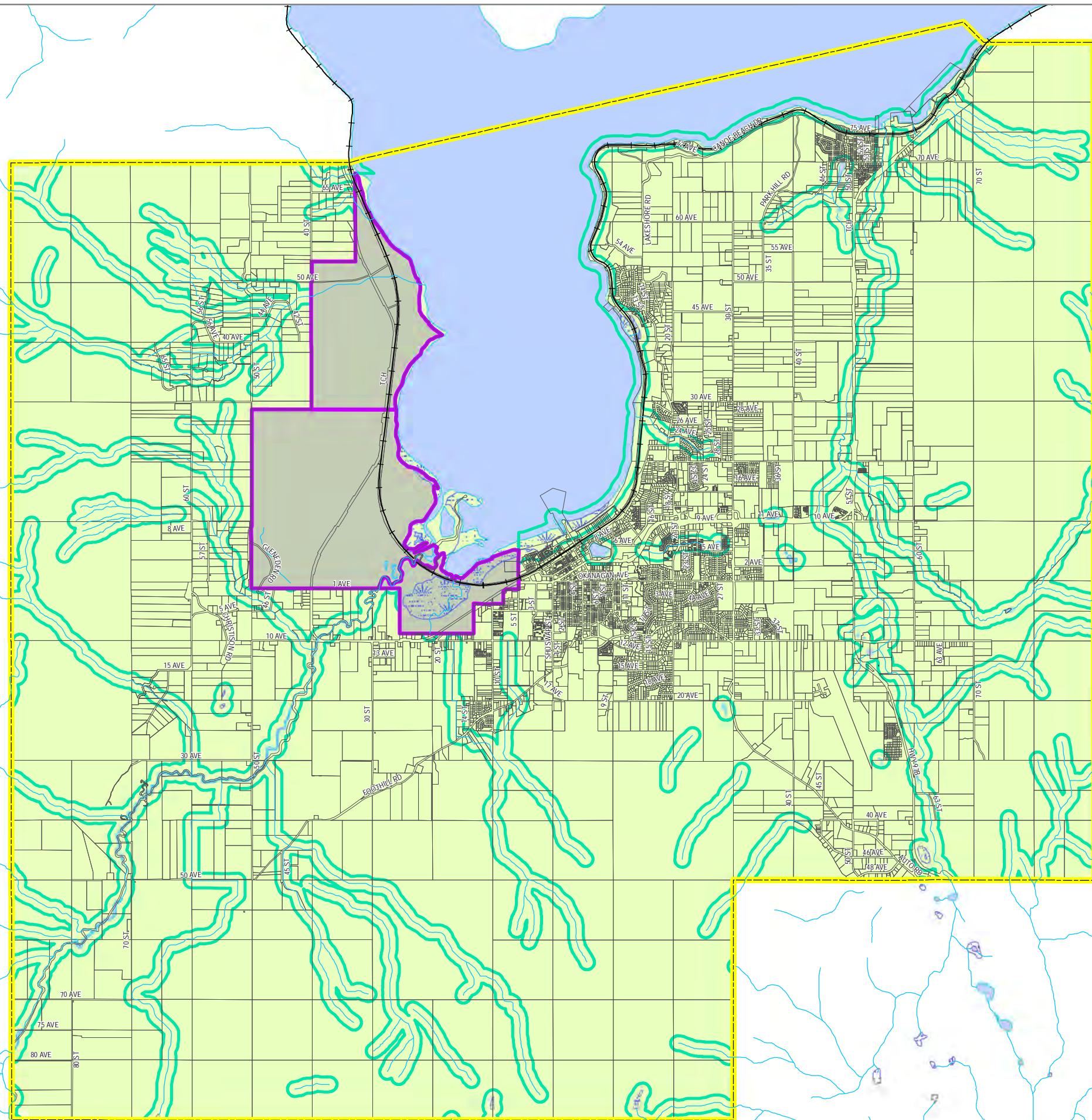
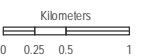
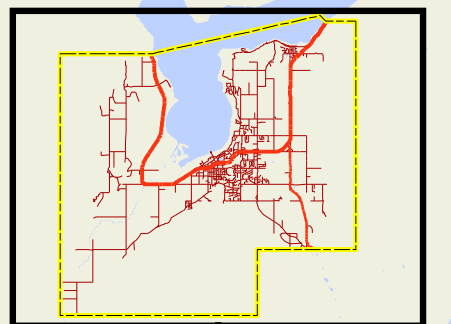
Legend

- Environmentally Sensitive Riparian Areas
- City Boundary
- Indian Reserves
- Parcels
- Streams

Note:

1. The approximate locations of Environmentally Sensitive Riparian Areas are shown as but this inventory is incomplete and additional mapping is required, including site survey and/or assessment by a QEP as per Riparian Areas Regulation.
2. Width of Environmentally Sensitive Riparian Areas are not to scale. Refer to Policy 5.4
3. All Designations are conceptual only, subject to site survey.

Key Map



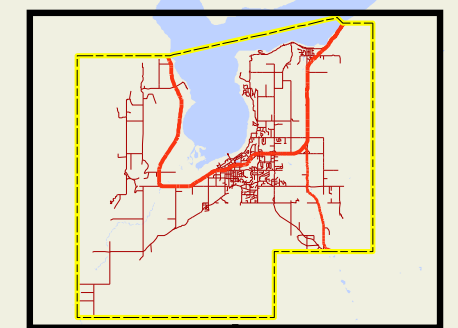


Map 6.1 Potential Hazard Areas

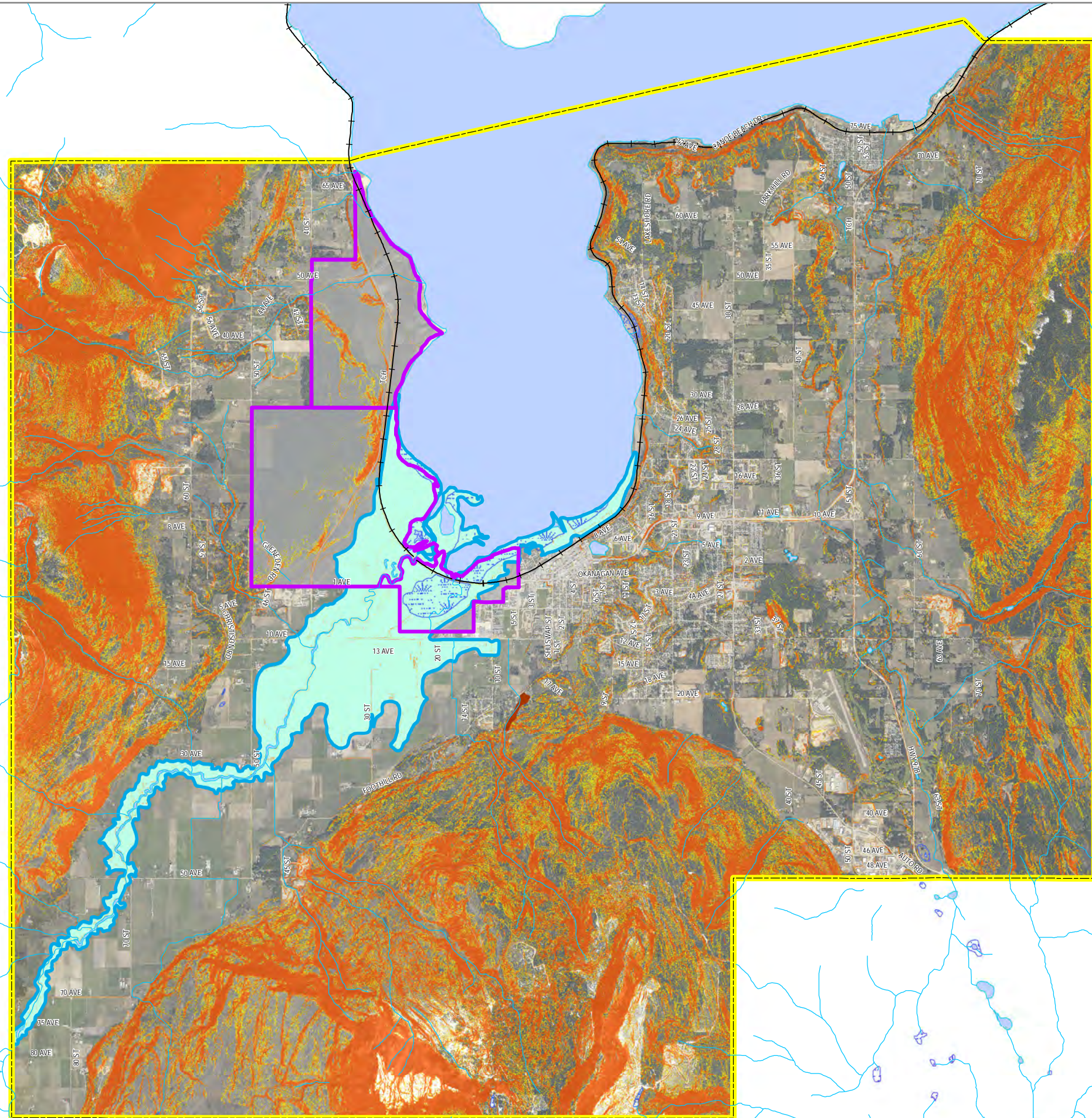
Legend

- 1:200 Year Floodplain
- 20-30% Slope
- >30% Slope
- Debris Hazard (Golder Associates Ltd.)
- City Boundary
- Indian Reserves
- Streams

Key Map



Kilometers
0 0.25 0.5 1



**A GUIDE TO PROVINCIAL RIPARIAN
AREAS REGULATION and
ENVIRONMENTALLY SENSITIVE
RIPARIAN AREAS**

This guide is not a legal document; it is intended to provide information about the Provincial Riparian Areas Regulation and development of properties with or near riparian areas. Following the steps herein does not constitute approval of an application. While every care is taken in the preparation of this brochure, the City of Salmon Arm assumes no responsibility or liability with respect to its contents. The public is advised to review the applicable legislation and bylaws and conduct its own enquiries with Development Services Department staff.

**WHAT IS THE PROVINCIAL RIPARIAN
AREAS REGULATION?**

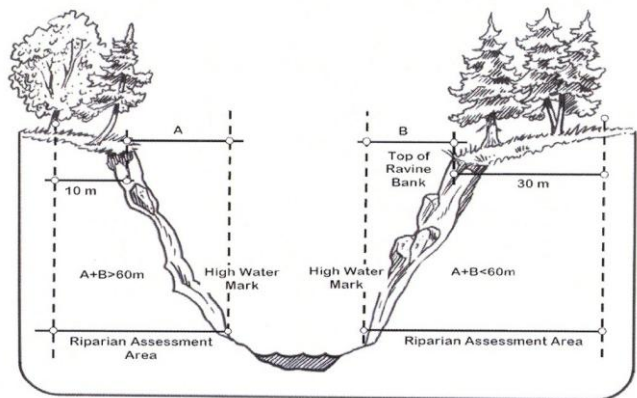
The Riparian Areas Regulation (RAR) is a Provincial initiative, under the *Fish Protection Act*, to protect fish and fish habitat.

As required by RAR, local governments must protect fish and fish habitat as they are impacted by new residential, commercial and industrial development on private lands or privately-used Crown lands. Any development intended within a riparian assessment area is to be subject to an assessment conducted by a Qualified Environmental Professional (QEP), who will certify how the land may be developed so there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support life processes in the riparian assessment area.

The riparian assessment area, as defined in RAR means:

- (a) for a stream, the 30 metre strip on both sides of the stream measured from the high water mark;
- (b) for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank; and
- (c) for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.

Figure 3.1: Riparian Assessment Areas



Stream, as defined in RAR, means any of the following that provide fish habitat:

- (a) a watercourse, whether it usually contains water or not;
- (b) a pond, lake, river, creek, or brook;
- (c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b).

Development, as defined in RAR, means any of the following associated with or resulting from the local government regulation or approval of residential, commercial, or industrial activities or ancillary activities:

- removal, alteration, disruption or destruction of vegetation;
- disturbance of soils;
- construction or erection of buildings or structures;
- creation of non-structural impervious or semi-pervious surfaces;
- flood protection works;
- construction of roads, trails, docks, wharves, and bridges;
- provision and maintenance of sewer and water services;
- development of drainage systems;
- development of utility corridors; and
- subdivision as defined in Section 872 of the *Local Government Act*.

Under RAR, local governments may allow development within 30 metres of the high water mark of a stream or the top of a ravine bank within the riparian assessment area, provided that:

- the prescribed riparian assessment methods outlined in RAR have been undertaken by a QEP;
- the QEP provides an opinion in an assessment report to the Provincial Ministry of the Environment that the development will not result in any harmful alteration of riparian fish habitat if the streamside protection and enhancement area is to be less than the riparian assessment area; and
- the City is notified by the Ministry of Environment that an assessment certified by a QEP to identify the streamside protection and enhancement area has been prepared in accordance with the Riparian Areas Regulation.

The QEP can help plan a development so that it will avoid impacting fish habitat and identify measures to maintain the integrity of the riparian area in a development project.

Further information about the Provincial Riparian Areas Regulation may be found at:

http://www.env.gov.bc.ca/habitat/fish_protection_act/riparian/riparian_areas.html.

For a list of Qualified Environmental Professionals (QEP's) active in the Shuswap Watershed, please go to the Shuswap Lake Integrated Planning Process (SLIPP) website at the location:

<http://slippbc.com/qeps-in-the-shuswap>

WHAT IS AN ENVIRONMENTALLY SENSITIVE WATERCOURSE?

The implementation of RAR in the City of Salmon Arm has included the designation of riparian assessment areas for Environmentally Sensitive Riparian Areas and the requirements of an Environmentally Sensitive Riparian Areas Development Permit.

Environmentally Sensitive Riparian Areas shown on Map 5.2 of the City of Salmon Arm Official Community Plan are designated Environmentally Sensitive Riparian Areas Development Permit Area (Map 5.2 is attached to the Development Permit Waiver Application Form). Map 5.2 designates the entire City of Salmon Arm as an Environmentally Sensitive Riparian Area. The approximate locations of known Environmentally Sensitive Riparian Areas are shown on Map 5.2, but this inventory is incomplete and additional mapping is required.

All property owners or their agents applying for a development application are required to submit a completed "Waiver Application." Refer below for information about the types of development applications and the Waiver Application process.

The onus is on property owners or their agents to determine if an Environmentally Sensitive Riparian Area and its riparian assessment areas affects their property. In order to determine the location of an Environmentally Sensitive Riparian Area on a parcel, a property owner/agent may be required to submit a plan prepared by a BC Land Surveyor (BCLS) that identifies the high water mark (and/or top of ravine bank) and the boundaries of the riparian assessment area. The high water mark and the boundaries of the riparian area assessment area may need to be confirmed by a QEP hired by the property owner/agent.

WHAT IS AN ENVIRONMENTALLY SENSITIVE RIPARIAN AREAS DEVELOPMENT PERMIT AREA?

Environmentally Sensitive Riparian Areas Development Permit Areas affect all parcels of land adjacent to or containing a stream as defined in RAR. The Environmentally Sensitive Riparian Areas Development Permit Area is equivalent to the riparian assessment area of the Riparian Areas Regulation.

WHAT IS AN ENVIRONMENTALLY SENSITIVE RIPARIAN AREAS DEVELOPMENT PERMIT?

All properties that are affected by an Environmentally Sensitive Riparian Areas will require an Environmentally Sensitive Riparian Areas Development Permit prior to:

- (a) alteration of land;
- (b) subdivision; or
- (c) construction of, addition to, or alteration of a building or structure.

A Development Permit application, including information submitted by the applicant, a staff report, and public input received at a hearing, is considered for issuance by City Council. The issuance of a Development Permit is at the discretion of City Council.

The following development applications proposed for a property affected by an Environmentally Sensitive Riparian Area will require an Environmentally Sensitive Riparian Areas Development Permit to be issued prior to approval being considered by the City:

- Building Permit;
- Demolition Permit;
- Subdivision Approval;
- Strata Title Conversion;
- Site Specific Bylaw Amendment (e.g. Zoning and/or OCP change);
- Development Permit;
- Development Variance Permit;
- Temporary Commercial and Industrial Permits;
- Special Needs Housing Application;
- Tree Cutting Permit.

Alternatively, property owners or their agents may apply for a waiver for an Environmentally Sensitive Riparian Areas Development Permit.

WHAT IS A WAIVER FOR AN ENVIRONMENTALLY SENSITIVE RIPARIAN AREAS DEVELOPMENT PERMIT?

Before making application for a Development Permit, property owners or their agents may complete and submit a "Waiver Application" form (copy attached) to determine whether the proposed development qualifies for a waiver of the Development Permit process.

Qualifying projects may be issued a waiver by the Director of Development Services in the following circumstances:

- The registration of a restrictive covenant on the subject property by the owner in favour of and to the satisfaction of the City of Salmon Arm that protects the riparian assessment area from development as defined in RAR and specifies how the area is to be protected and/or maintained.

- Notification to the City by the Ministry of the Environment that an assessment certified by a QEP to identify the streamside protection and enhancement area has been prepared in accordance with RAR and the registration of a restrictive covenant on the subject property by the owner in favour of and to the satisfaction of the City of Salmon Arm that protects the streamside protection and enhancement area identified in the assessment and specifies how the area is to be protected and/or maintained.

An applicant for a waiver may be required to submit a plan prepared by a BC Land Surveyor (BCLS) that identifies the high water mark (and/or top of ravine bank) and the boundaries of the riparian area assessment area and/or the streamside protection and enhancement area as identified in a certified assessment prepared by the Qualified Environmental Professional. The plan may be required to be a schedule as part of a restrictive covenant registered as a condition of a waiver approval.

Any breach of the waiver terms may result in the cancellation of the waiver. Such cancellation may require that the property owner apply for a Development Permit. The granting of a waiver does not absolve the applicant from other necessary approvals (e.g. Building Permits, etc.). Where waivers cannot be granted, a Development Permit will be required before the project can proceed.

ADDITIONAL INFORMATION

Additional information can be found in Section 5 – Environment of the City of Salmon Arm Official Community Plan Bylaw No. 4000.

If you have any questions or require assistance completing the "Waiver Application", please telephone the:

City of Salmon Arm
Development Services Department
500 - 2nd Avenue NE
Box 40
Salmon Arm, BC, V1E 4N2

Telephone: (250) 803-4000
Facsimile: (250) 803-4041

For a list of Qualified Environmental Professionals (QEP's) active in the Shuswap Watershed, please go to the Shuswap Lake Integrated Planning Process (SLIPP) website at the location:

<http://slippbc.com/qeps-in-the-shuswap>