

**APPLICATION FOR PRELIMINARY SUBDIVISION REVIEW**

Property Owner's Name		Authorized Agent of Owner	
Mailing Address of Owner _____ _____		Mailing Address of Agent _____ _____	
Postal Code		Postal Code	
Telephone No.	Fax No.	Telephone No.	Fax No.
Email Address		Email Address	

Legal Description of Each Parcel under Application \_\_\_\_\_

Address of Each Parcel under Application \_\_\_\_\_

Existing Land Use \_\_\_\_\_

Proposed Land Use \_\_\_\_\_

**NOTE:**

1. This application must be accompanied by the following:
  - a) Two (2) copies of a preliminary plan of subdivision, drawn to a scale, showing:
    - proposed subdivision layout with dimensions and areas of all existing and proposed parcels;
    - location of all existing buildings, structures, vehicle accesses, easements, rights-of-way, watercourses, drainage ditches, steep banks and existing services.
    - project name as well as overall address concept plan, to be approved by Municipality.
  - b) .pdf copy of the preliminary plan of subdivision, to be emailed
  - c) A current Title Search for each parcel under application with copies of any registered rights-of-way, easements or restrictive covenants.
  - d) Provincial Government Contaminated Sites Legislation - Site Profile
  - e) Development Permit Waiver Application Form.
  - f) An application fee pursuant to the current City of Salmon Arm "Fee for Service By-Law" (see reverse).
2. This application must be signed by the registered owner(s) and mailed or submitted to the Approving Officer, City of Salmon Arm, P.O. Box 40, Salmon Arm B.C., V1E 4N2 (500 - 2nd Avenue N.E).
3. Applicants are advised to acquaint themselves with current municipal policies and bylaws regulating subdivision.

I / We hereby agree and understand that the Approving Officer's Letter of Preliminary Review shall apply for a twelve (12) month period only, commencing from the date on the Letter of Preliminary Review.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Agent

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

Information contained in this form may be subject to *Freedom of Information and Protection of Privacy Act* inquiries

**SUBDIVISION APPLICATION FEES:**

**Subdivision Application Fees:**

In accordance with the Subdivision and Development Servicing Bylaw, where the Minister has not prescribed a fee as provided under Section 988(3) of the Local Government Act, the fee shall be as follows:

<b>TYPE "A" Subdivision Application</b> <input type="checkbox"/> Subdivision where less than 3 new lots would be created <input type="checkbox"/> Boundary Adjustments <input type="checkbox"/> Road Dedication/Exchange <input type="checkbox"/> Lot Consolidation	<b>\$500</b>
<b>TYPE "B" Subdivision Application</b> <input type="checkbox"/> Subdivision where 3 or more new lots would be created	<b>\$1,000</b>
<b>Preliminary Layout Review Extension</b>	<b>\$200</b>
<b>Building Strata Subdivision</b> <input type="checkbox"/> Building Conversion <input type="checkbox"/> Phased Multi-Family, Commercial, Industrial	<b>\$500</b>

**NOTE:**

**Other associated fees, charges and required cash contributions will be itemized in the Preliminary Layout Review.**



A GUIDE TO SUBDIVISION  
APPLICATIONS

This guide is not a legal document and is intended only to assist you through the Subdivision application process. Following the steps herein does not constitute approval of a proposed subdivision. Complete details and requirements are contained in the Local Government Act, the Land Title Act, the Strata Property Act and the City of Salmon Arm Official Community Plan Bylaw, Zoning Bylaw and the Subdivision and Development Servicing Bylaw. 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 enquires with Development Services Staff prior to making a formal application.

WHAT IS A SUBDIVISION?

Following are some examples of subdivision, which require approval from the City:



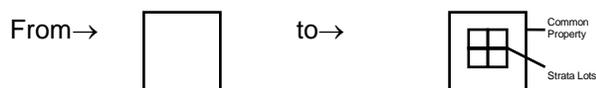
- adjusting or re-aligning an existing property line



- creating several properties from one or more existing properties



- creating bareland strata lots from one or more existing properties



WHY DO I NEED APPROVAL FOR A  
SUBDIVISION?

The Land Title Act of BC requires that all subdivisions be approved by the Approving Officer. Approval for subdivision ensures that provincial legislation and the community's standards are met.

PRE-APPLICATION STAGE

Pre-Application Meeting

The Applicant should make an appointment with a member of the Development Services Department to familiarize themselves with bylaw requirements, servicing standards and other information of a preliminary nature.

The Engineering Department should also be contacted to identify servicing requirements and availability.

Depending on the size and complexity of your proposal, you may wish to commission an agent to act on your behalf.

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## PRELIMINARY REVIEW

### Application for Preliminary Review

An application for Preliminary Review is not an application recognized under the Land Title Act or the Local Government Act. It is simply a process provided as a convenience for those contemplating subdivision and who wish to obtain information from the Approving Officer before incurring survey, engineering or other expenses. It is strongly recommended that an application for preliminary review be made before the investment of much time, money or effort. The application will be processed and, if the concept has merit, you will receive a letter outlining terms and conditions which have to be met before an application under Section 83 of the Land Title Act can be considered. The letter will also provide a high level of assurance that if the terms and conditions are satisfied, the final subdivision plan will be approved.

### Preliminary Layout Application

Mail or deliver your completed application for Preliminary Subdivision Review to the City Development Services Department along with the applicable fee and the following support documentation:

- two (2) copies of a preliminary plan of subdivision drawn to a scale, showing:
  - proposed subdivision layout with dimensions and areas of all existing and proposed parcels;
  - location of all existing building, structures, vehicle accesses, easements, rights-of-way, watercourses, drainage ditches, steep banks and existing services.
- one copy of the preliminary plan of subdivision reduced to 8.5" x 11";
- a current Title Search for each parcel under application with copies of any registered rights-of-way, easements or restrictive covenants.
- Site Profile.
- Development Permit Waiver Application.

## SUBDIVISION APPROVAL

After completion of the requirements outlined in the Approving Officer's Letter of Preliminary Review you must obtain the services of various professionals including:

- A Professional Engineer to design, monitor and inspect construction of the subdivision;
- A British Columbia Land Surveyor (BCLS) to prepare the final subdivision plan; and
- A Lawyer or Notary Public to prepare legal documents and prepare for plan registration in the Land Title Office.

Prior to actual construction of the subdivision, all matters pertaining to on-site and off-site servicing must be addressed by the Applicant to the satisfaction of the City.

Once construction of the subdivision has been completed and all other requirements outlined in the preliminary review have been met, an application for Final Subdivision Approval pursuant to Section 83 of the Land Title Act can be made.

## MAINTENANCE FEE

Where you have installed works and services which are to be taken over by the City of Salmon Arm, a maintenance fee will be payable in the form of:

- Letter of Credit drawn upon a Chartered Canadian Bank or local Credit Union, and in an amount equivalent to ten percent (10%) of the actual cost of all completed works and services, or one thousand dollars (\$1,000), whichever is greater.

## GRANTING FINAL APPROVAL

The final plan of subdivision must be prepared by a BC Land Surveyor and must conform to the conditions of the preliminary review. In granting Final Approval to a plan of subdivision, the Approving Officer will sign and date the plan in accordance with the provisions of the Land Title Act or Strata Property Act. The approved plan will be returned to you, less two copies which are retained for City of Salmon Arm records.

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## **FINAL APPROVAL VALID FOR TWO MONTHS**

Final Approval is valid for two months from the date thereof after which time approval is deemed to have been revoked. An approved plan which has not been deposited for registration in the Land Title Office and which Final Approval is deemed to be revoked, may be renewed on application in writing to the Approving Officer for a further period not exceeding two months, provided the time elapsed since the issue of the Final Approval does not exceed six (6) months. Thereafter a new application for approval of the subdivision will be required and will be dealt with as an original application.

## **PARK REQUIREMENTS**

As a condition of subdivision approval, you may be required to provide, without compensation, up to five percent of the land being subdivided for park purposes. The location and extent of the land will be determined by the Approving Officer in accordance with the park requirements identified in the City of Salmon Arm Official Community Plan. If it is determined that park land is not required, you may be required to pay an amount equal to 5% of the market value of the land being subdivided.

Where, within a proposed subdivision, you wish to convey to the City of Salmon Arm or other protective agency land which is undevelopable or environmentally sensitive and the City of Salmon Arm is prepared to accept such land, the land will not be included in any calculations associated with park dedication or payment of Development Cost Charges for park land.

## **AGRICULTURAL LAND RESERVE**

If a parcel to be subdivided lies within the designated Agricultural Land Reserve, (ALR), the Approving Officer cannot grant Final Approval unless approval has first been granted by the Provincial Agricultural Land Commission, except as otherwise provided in the Agricultural Land Commission Act.

## **CONTROLLED ACCESS HIGHWAY**

If a parcel to be subdivided is adjacent to a Controlled Access Highway, as defined in the Highway Act, the plan of subdivision must be approved by the Ministry of Transportation Approving Officer before it can be approved by the Municipal Approving Officer. The Trans-Canada Highway No. 1 and Highway 97B are both Controlled Access Highways.

## **ENVIRONMENTALLY SENSITIVE AND HAZARDOUS AREAS**

If a parcel to be subdivided lies within an environmentally sensitive or hazardous area, Final Approval may be subject to:

- Approval of a Development Permit Waiver Application.
- The protection of watercourses, hazardous areas or green belt areas.
- Registration of a restrictive covenant pursuant to the Land Title Act to ensure the affected lands will not be built upon or will be used in such manner as may be specified in the covenant.

## **URBAN/WILDLAND INTERFACE**

If a parcel to be subdivided is within a rural area of the community, registration of an urban/wildland interface covenant may be required. The covenant ensures property owners are aware of interface concerns, the ongoing role they must assume to protect their homes from potential fire hazards, and that the City is saved harmless in the event of damage to individual homes as a result of the spread of fire through the urban/wildland interface area.

The B.C. Forest Service has produced a pamphlet entitled "The Home Owners Fire Smart Manual" which suggests precautions to take when choosing your lot, planning your residence and upon occupancy. The pamphlet is available from the Ministry of Forests and the City of Salmon Arm.

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## **APPROVAL TIME LIMIT**

Within two (2) months from the date on which a plan of subdivision is tendered for examination and approval, the Approving Officer may either grant Final Approval or reject the plan of subdivision.

## **PLAN REJECTED**

If the Approving Officer rejects a plan of subdivision he will notify you in writing stating briefly his reasons for rejection. The Applicant may appeal the decision to the Courts, request the regulations be amended or submit a revised application.

## **COSTS INVOLVED IN OBTAINING SUBDIVISION APPROVAL**

The subdivision applicant is responsible for the following costs:

- Application and Inspection Fees
- On-site and off-site servicing costs
- Development Cost Charges
- Current Assessed Taxes
- Security for off-site services in the form of a cash deposit or an Irrevocable Letter of Credit
- Survey and legal costs
- Engineering and consulting fees
- Fees required by other utility companies or agencies

## **TIME**

It is important to remember that the processing of all subdivision applications requires time and this should be taken into consideration at each stage in the subdivision process.

If you have any questions regarding completion of the Application form or you wish to meet with City staff, it is recommended that you phone ahead and arrange an appointment.

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

Telephone: (250) 803-4000  
Facsimile: (604) 803-4041



## SCHEDULE 1 SITE DISCLOSURE STATEMENT

### I. CONTACT INFORMATION

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

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

<b>C: PERSON TO CONTACT REGARDING THE SITE DISCLOSURE STATEMENT</b>			
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**

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

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

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

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

## 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:

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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.

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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

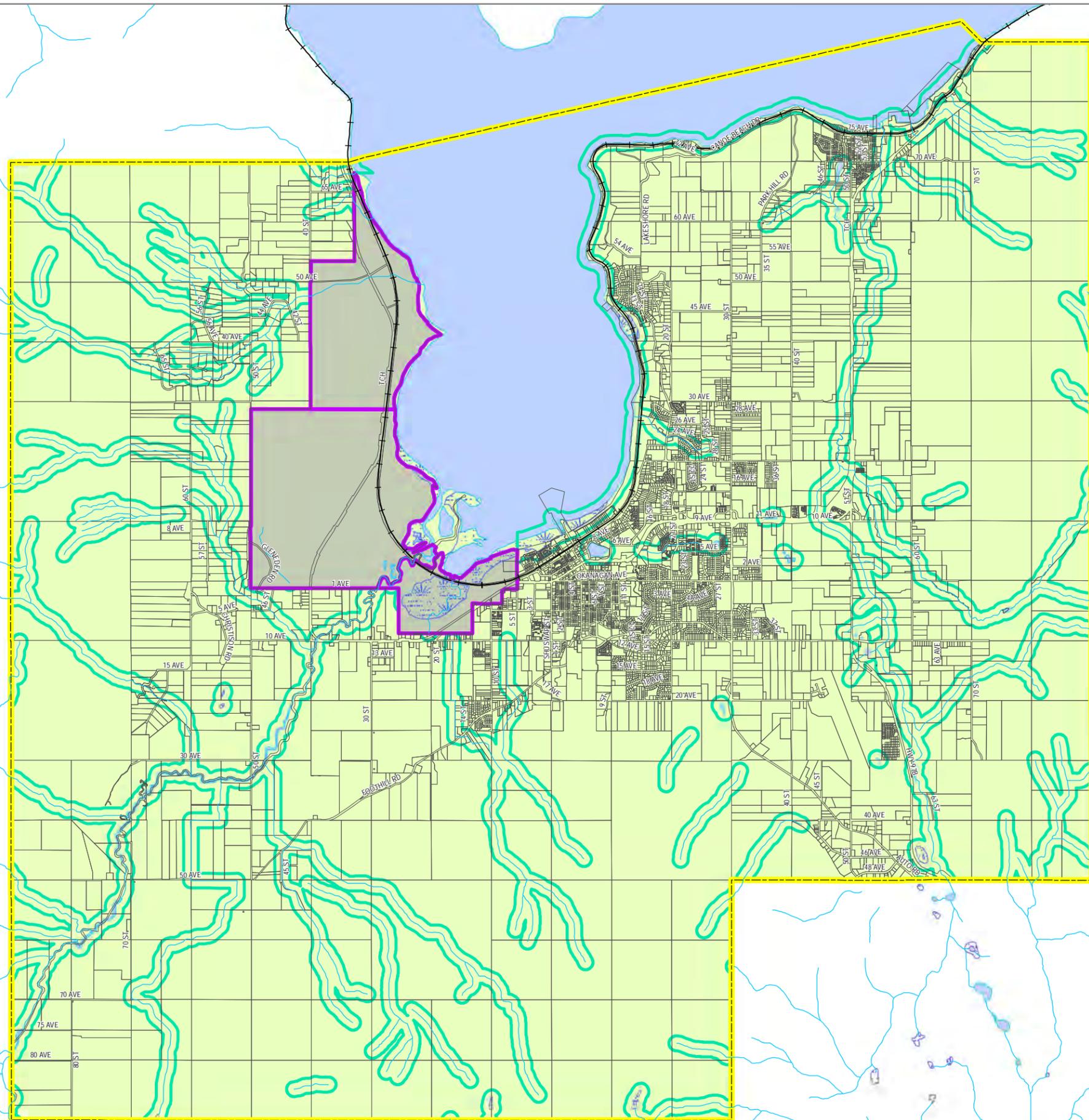
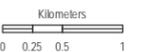
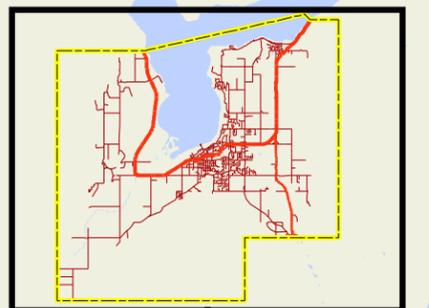
Legend

- 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



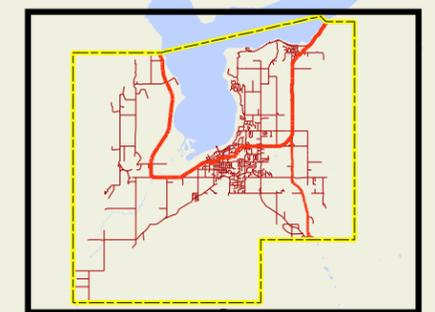


### Map 6.1 Potential Hazard Areas

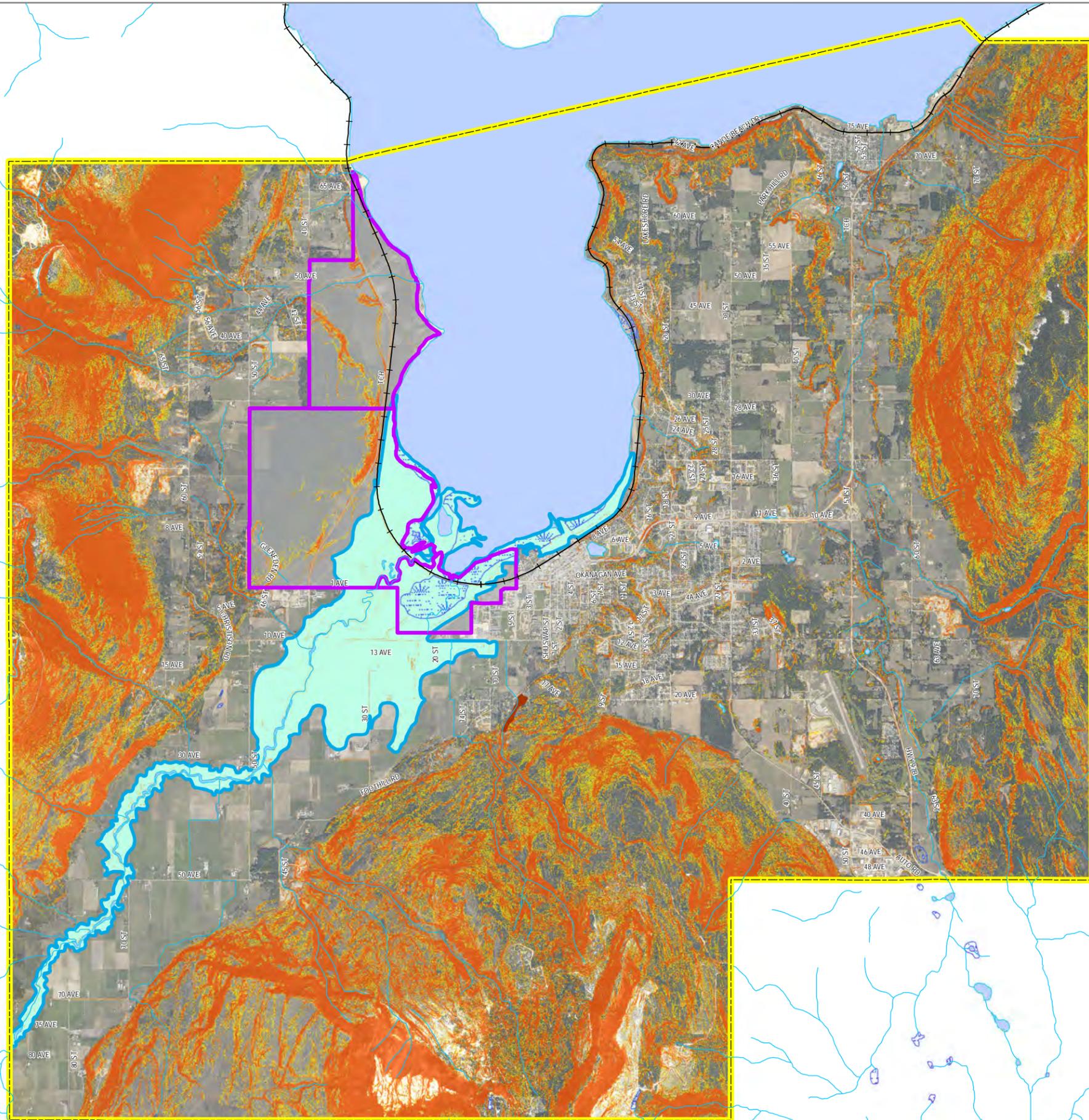
Legend

- 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?**

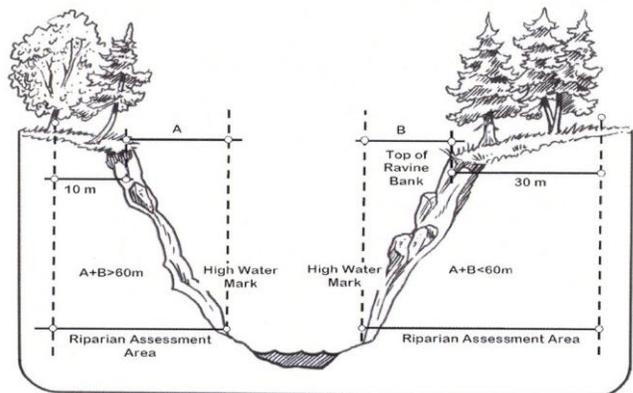
The Riparian Areas Regulation (RAR) is a Provincial initiative, under the *Fish Protection Act*, to protect fish and fish habitat.

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).

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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](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.

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**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

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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>