
VARIANCE PERMIT 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: _____ Zoning Category: _____

Lot Size and Dimensions: _____

Variance Permit to Vary

_____ Zoning Bylaw in Section _____

_____ Subdivision & Development Servicing Bylaw in Section _____

_____ Sign Bylaw in Section _____

Proposed Use

Describe the proposal for the property; please include a site plan and specifications of the proposed development drawn to an appropriate scale, including an 8 ½" x 11" legible site plan, together with a full description of landscaping, location and description of any signs, parking, lots, access, egress, etc. Provide reason(s) for application (you may attach a letter).

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: \$ 1,000
\$ 500 (Sign Bylaw Variance)**
 - **Development Permit Waiver Application Form.**
 - **Provincial Government Contaminated Sites Legislation – Site Profile**
 - **Current Title which can be obtained online 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 ½" x 11", scaleable and fully dimensioned site plans**
 - **.pdf copy of site plan to be emailed**
 - **Letter of rationale (reason a variance is required)**
-
-

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

VARIANCE PERMIT APPLICATION - CONSENT FORM

Complete one of the following statements:

IF OWNER IS PERSONALLY APPLYING FOR VARIANCE PERMIT 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 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: _____

DEVELOPMENT SERVICES DEPARTMENT 803-4000



A GUIDE TO DEVELOPMENT VARIANCE PERMITS

This guide is not a legal document and is intended only to assist you through the Development Variance 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.

WHAT IS A DEVELOPMENT VARIANCE PERMIT?

A Development Variance Permit (DVP) is a permit approved by Municipal Council that permits variation of specific requirements of Municipal Bylaws.

Examples are the Zoning Bylaw, Subdivision & Development Servicing Bylaw, Sign Bylaw and Tree Bylaw. **It should be noted that use, density and floodplain regulations cannot be varied by a Development Variance Permit.**

WHEN DO YOU NEED A DEVELOPMENT VARIANCE PERMIT?

A Development Variance Permit is required when your proposal requires Municipal standards or requirements to be relaxed or varied. The standards could include:

- Minimum standards of building form such as height of building, building setbacks or parking.
- Screening provisions or height of fencing.
- Subdivision regulations such as minimum lot width where variation does not affect density. Also, the servicing requirements may be varied.
- Sign regulations such as area of sign, dimensions and siting.

APPLICATION STAGE

Submit the Application

Mail or deliver your completed application form to the City 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 Department will check that the application is completed and that supporting documentation has been provided. An application that arrives in the Department incorrect or incomplete will be held until all information has been provided by the Applicant.

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

Technical Planning Committee

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.

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 Department of Fisheries, 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 City Administrator and the Development & 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.

Public Notification

At least 10 days before the variance application is considered by Council, the surrounding neighbours within 30 metres of the subject property are notified of the application and date of the Hearing where Council will be considering same. Affected parties may present their comments to Council (either in writing, in person or by representative).

COUNCIL DECISION

Council considers the application and submissions from notified property owners and occupiers at a Hearing.

Council will make a decision to authorize or refuse issuance of the Variance Permit. In some instances, Council may request amendments or additional information.

Applicant to Address Conditions

If there are conditions attached to issuance of the Variance Permit, the Applicant will be advised accordingly, and issuance of the Permit will be held until the conditions have been addressed.

Issue Development Variance Permit

When all conditions have been addressed to the satisfaction of the Municipality, the Development Variance Permit will be issued.

Register Development Variance Permit on Title

Notice of the Variance Permit will be registered on Title to the property in the Land Title Office to indicate that the property is subject to a Development Variance Permit. If construction does not begin within two years of issuance, the Development Variance Permit will lapse.

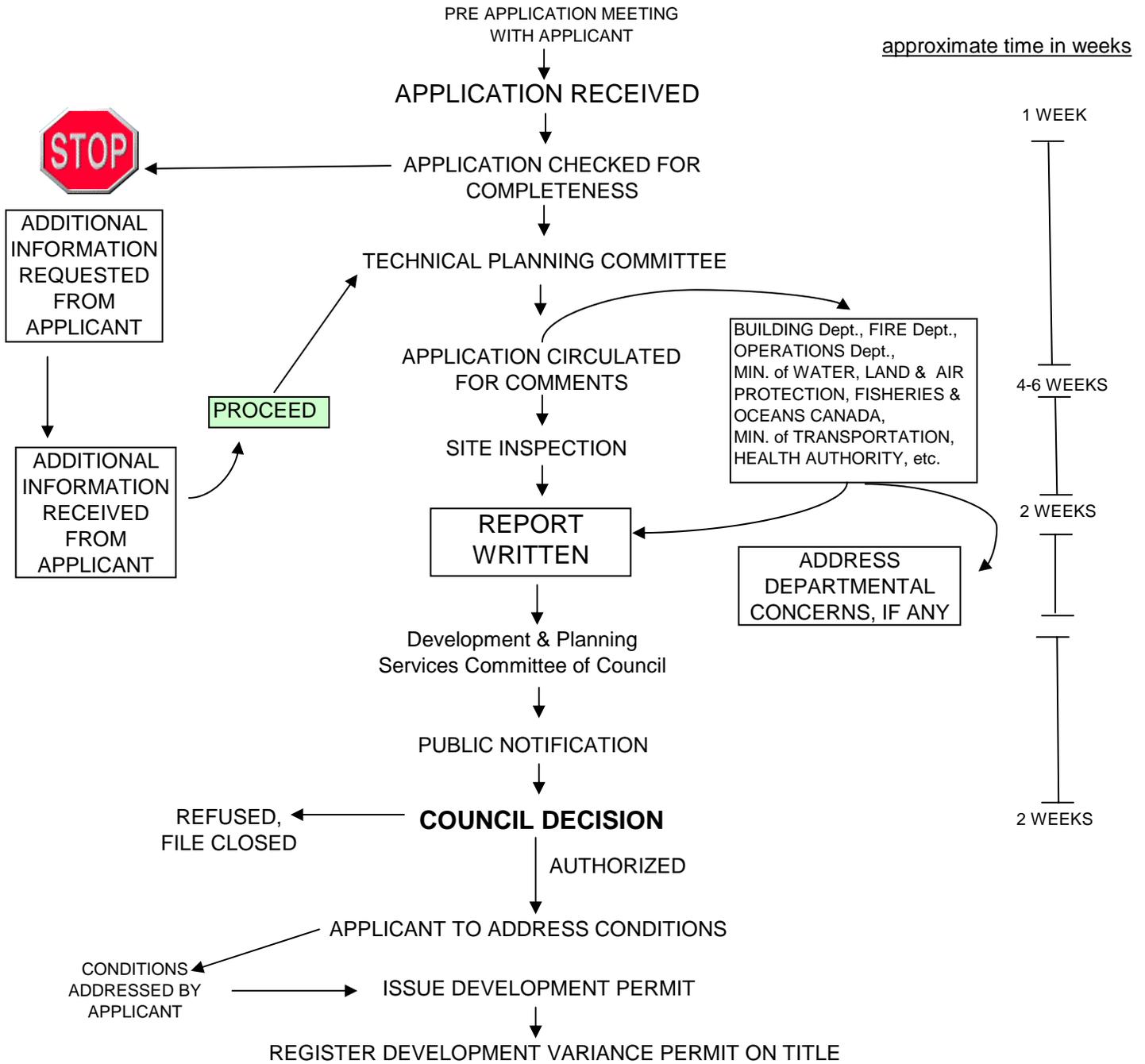
If you have any questions regarding completion of the Application form, please telephone the:

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

Variance Permit Process





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

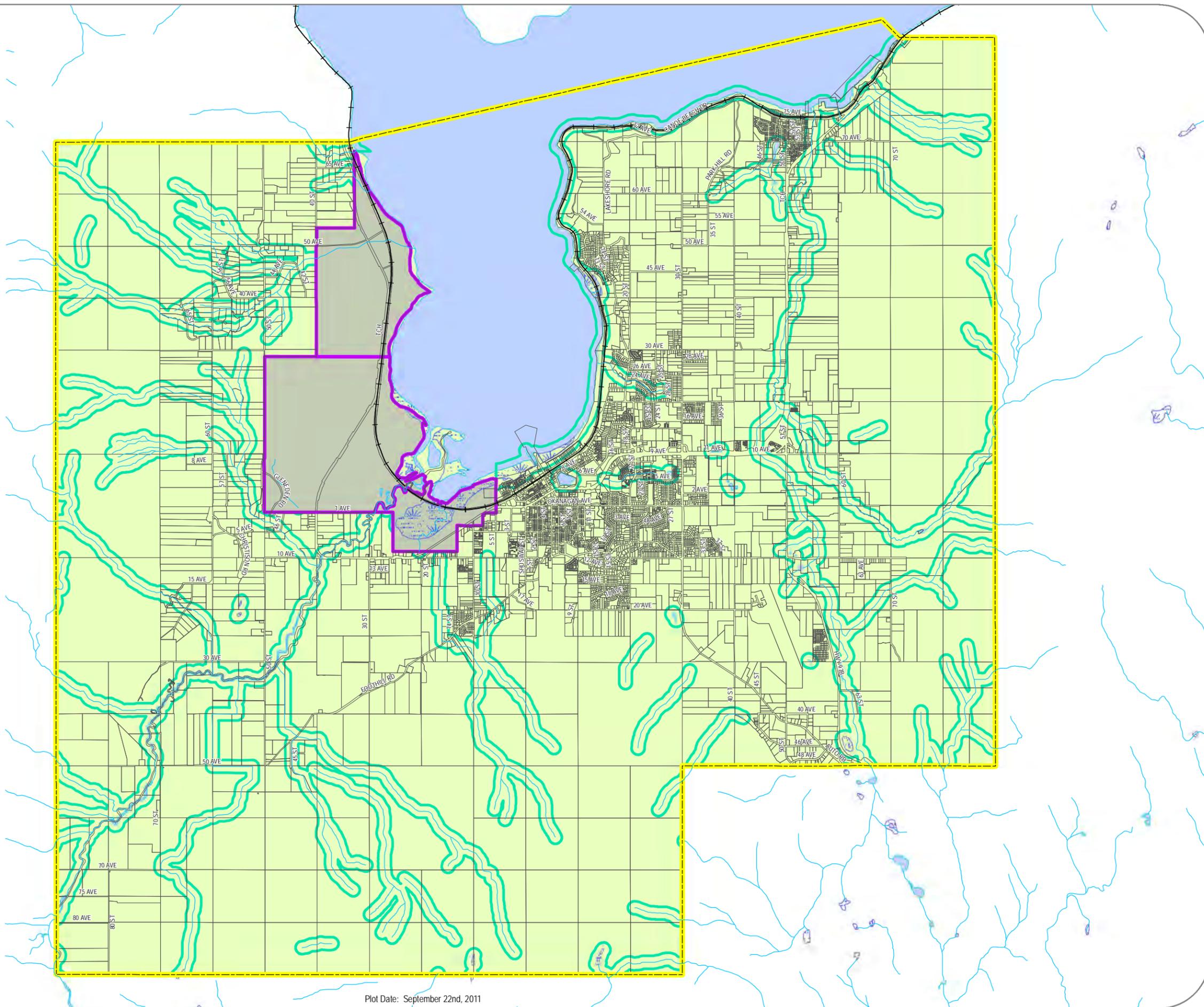
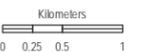
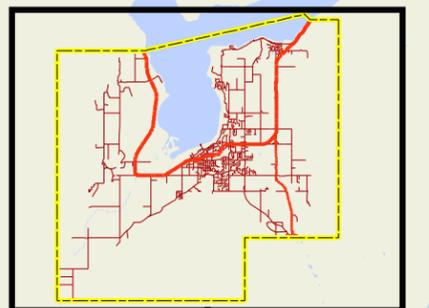
Legend

- 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



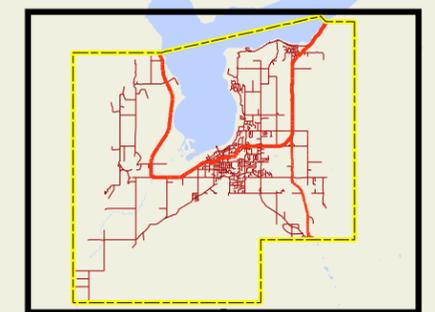


Map 6.1 Potential Hazard Areas

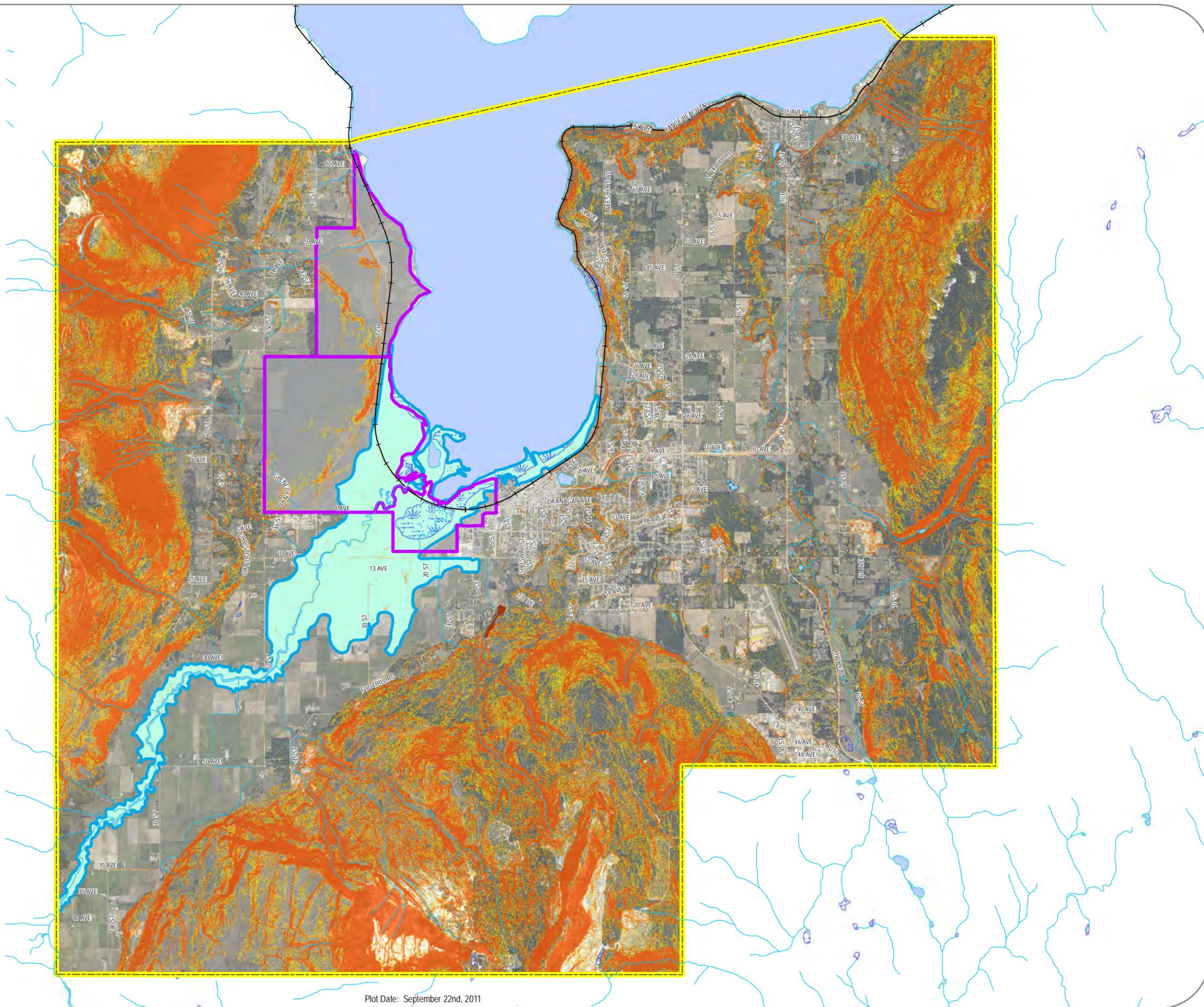
Legend

- 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?**

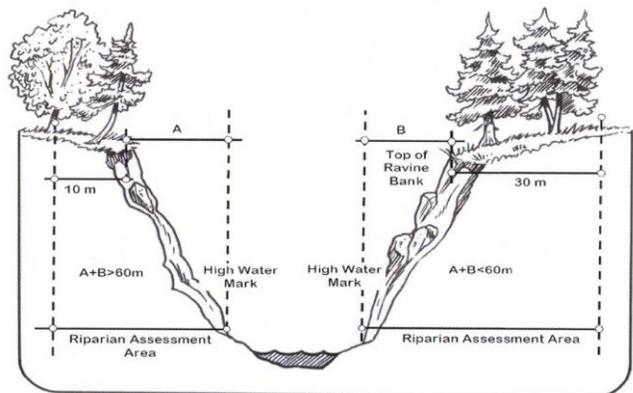
The Riparian Areas Regulation (RAR) is a Provincial initiative, under the *Fish Protection Act*, to protect fish and fish habitat.

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

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