



A GUIDE TO STRATA TITLE CONVERSION

This guide is not a legal document, it is intended only to assist you with the Strata Title Conversion process. A Strata Title Conversion is the division of an existing building into two or more strata title units. Strata Title is a form of ownership in which the unit owners have a share in the title to the property. Common amenities on the property are also shared. Strata Title Conversion in the City of Salmon Arm is controlled by the Strata Property Act, the Zoning Bylaw, Subdivision and Development Servicing Bylaw and Council policies. These regulations ensure that the proposed Strata Title Conversion meets health, safety, Zoning Bylaw and servicing requirements. They also ensure a better standard of growth and development in Salmon Arm.

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 inquiries with Development Services Department staff.

WHAT CONSTITUTES A STRATA TITLE CONVERSION?

Any one of the following constitutes a Strata Title Conversion and requires approval from the City:

Any existing and occupied building including:

- duplexes;
• multi-family units;
• commercial units;
• industrial units; and
• institutional units.

Buildings may be stratified prior to occupancy, without the approval of the Council of the City of Salmon Arm, as long as all conditions of the Strata Property Act have been met. You should consult with your solicitor and British Columbia Land Surveyor (B.C.L.S.) for further information.

PRE-APPLICATION STAGE

CHECK THE FOLLOWING BEFORE YOU APPLY FOR STRATA TITLE CONVERSION.

At the Development Services Department, check the zoning map to find out the present zoning of your property, and check the Zoning Bylaw to find out the regulations for that zone. Does your existing building comply with zoning?

If not, a variance and/or rezoning may be required.

At the Permits and Licensing Department, check to see if your building complies with the BC Building Code and City Building Bylaw.

PREPARING YOUR PROPOSAL

Your proposal to Strata Title should be submitted in the form of a subdivision plan. Your subdivision proposal should adhere to the standard requirements of density, lot size, lot dimensions, road width and length, as identified in the Subdivision and Development Servicing Bylaw and the Zoning Bylaw. Your proposal also needs to include the information to address clauses (b), (c) and (d) of Subsection 6 of Section 242 of the Strata Property Act. Depending on the complexity and size of the project, you may or may not need the services of a consultant to prepare the initial proposal. Staff can tell you what you need to put in your proposal, but they cannot help with the actual submission.

Compliance with the Municipal Bylaws:

- a. Applications for Strata Conversion of existing buildings will be expected to comply with bylaw requirements at the time of application in regard to the following critical matters such as:
 - i) Building Code requirements such as safety, fire hazard, sanitary conditions, soundproofing between dwelling units, walls, ceilings and floors;
 - ii) zoning requirements such as off-street parking and loading;
 - iii) offsite and onsite servicing requirements as outlined in the Subdivision and Development Servicing Bylaw.
- b) Application must be accompanied by one of the following certified reports from a Professional Engineer, Registered Architect or qualified professional in the appropriate fields, indicating the level of conformance with the B.C. Building Code, Plumbing Code, Fire Code and other Provincial and Federal Regulations. With a specific professional opinion, if the property subject to proposed strata title satisfies all important safety items which will be necessary for the proposed stratification, such as fire separation, ventilation, accesses, means of egress, etc. (evidence of insurance is to be provided by the Professional providing the report).
- c) Any upgrading required by the Council to comply to comply with bylaw standards is to be completed prior to approval of the Strata Title Conversion.

APPLICATION STAGE**MAKE YOUR APPLICATION**

Submit a completed Subdivision Application. Forms are available at the front counter in City Hall or on the City's website at www.salmonarm.ca.

ASSESSMENT STAGE

The Approving Officer coordinates the assessment of your proposal. This involves other municipal departments and outside agencies. City staff will look at the acceptability of your proposal and the adequacy of services. If your proposal does not meet the standards, you may be called upon to clarify or revise it.

CITY STAFF REVIEWS YOUR APPLICATION FOR:

City Staff reviews your application for conformity with all relevant Acts, Bylaws and Council policies.

The following applies to strata titling of existing buildings. Each strata titling application is judged on its own merits.

Under Section 242, subsection (6) of the *Strata Property Act*, the approving authority (The Council of the City of Salmon Arm) shall consider, in making its decision, the following:

- a. the priority of rental accommodation over privately owned housing in the area,
- b. any proposals for the relocation of persons occupying a residential building,
- c. the life expectancy of the building,
- d. projected major increases in maintenance costs due to the condition of the building, and
- e. any other matters that, in its opinion, are relevant.

**DECISION STAGE
CITY OF SALMON ARM COUNCIL**

If your proposal is acceptable, it will be forwarded to Council for consideration. Council may approve, with conditions, or deny. You are encouraged to attend this public meeting of Council to clarify and explain your proposal.

IMPLEMENTATION OF DECISION STAGE**COMPLETE REQUIREMENTS SET FORTH IN THE MOTION OF COUNCIL**

- a. Prepare a Survey Plan (or the Plan of Subdivision) drawn by a Registered B.C. Land Surveyor.
- b. Prepare other documentation as required such as restrictive covenants, easements or statutory rights-of-way.

PAY TAXES ON THE SUBJECT PROPERTY

Before your Strata Title Conversion plans can be signed, the current year's taxes on your property must be paid.

FINAL APPROVAL STAGE

SUBMIT SURVEY PLAN FOR FINAL APPROVAL

A Survey Plan is the final subdivision plan prepared by a Registered B.C. Land Surveyor.

- Submit the required number of copies of these plans to the City for signature, along with other registerable documents required. The City will not sign the subdivision plans unless the preceding steps have been satisfactorily completed.
- Upon signing of the Strata Title Conversion Plans by the City, your Solicitor will need to register these plans at the Land Title Office, along with other documentation which may have been required in the Strata Title Conversion (such as restrictive covenants, easements, rights-of-way).

YOU HAVE NOW COMPLETED YOUR STRATA TITLE CONVERSION

STRATA TITLE CONVERSION APPROVAL PROCESS

1. Preliminary discussion with developer and Development Services Department staff.
2. Formal Application
 - completed subdivision application form with requested attachments.
3. Technical Planning Committee (TPC)
 - formal application received for review by TPC (may involve a site visit).
4. Discussion with developer for explanation, changes, additions, etc. (as required).
5. Staff report prepared and application provided for Council's consideration.
6. Developer has Legal Survey prepared and all other requirements.
7. Legal Survey submitted for approval.
8. Strata Title Conversion approved and registered.

COST INVOLVED IN OBTAINING APPROVAL FOR STRATA TITLE CONVERSION

- application;
- engineering report in support of application;
- required building and/or servicing upgrades;
- taxes;
- consultants' fees - you may require an engineer for complicated application and, possibly, also a lawyer for the legal documentation;
- B.C. Land Surveyor fee;
- Legal Fees to register the approved Strata Conversion plans at the Land Title Office.
- DCC's if Development Cost Charges have not been previously collected.

FOR FURTHER AND/OR MORE SPECIFIC INFORMATION RELATED TO INDIVIDUAL APPLICATIONS, CONTACT:

CITY OF SALMON ARM DEVELOPMENT SERVICES DEPARTMENT

500 - 2 AVENUE NE
Box 40
SALMON ARM, BC, V1E 4N2

TEL: 250-803-4000

FAX: 250-803-4041

OFFICE HOURS

MONDAY TO FRIDAY
8:30 A.M. - 4:00 P.M.

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) One (1) copy of the preliminary plan of subdivision reduced to 8-1/2" x 11".
 - 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:

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

NOTE:

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



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)

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View Complete Regulation

B.C. Reg. 375/96
O.C. 1480/96

Deposited December 16, 1996
effective April 1, 1997

This consolidation is current to January 26, 2021.
See the Cumulative B.C. Regulations Bulletin 2020
for amendments effective after January 26, 2021.

Link to consolidated regulation (PDF)

Link to Point in Time

Environmental Management Act

CONTAMINATED SITES REGULATION

[includes amendments up to B.C. Reg. 13/2019, January 24, 2019]

Schedule 2

[am. B.C. Regs. 17/2002, s. 16; 239/2007, s. 5; 343/2008, s. 12; 62/2013, s. 1; 253/2016,
s. 16.]

Industrial and Commercial Purposes and Activities

COLUMN 1 Item	COLUMN 2 Purpose or Activity
A	<p>Chemical industries and activities</p> <ol style="list-style-type: none"> 1. adhesives manufacturing or wholesale bulk storage 2. chemical manufacturing or wholesale bulk storage 3. explosives or ammunition manufacturing or wholesale bulk storage 4. fire retardant manufacturing or wholesale bulk storage 5. fertilizer manufacturing or wholesale bulk storage 6. ink or dye manufacturing or wholesale bulk storage 7. leather or hides tanning 8. paint, lacquer or varnish manufacturing, formulation, recycling or wholesale bulk storage 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 products) manufacturing 11. textile dyeing

	<ol style="list-style-type: none"> 12. pesticide manufacturing, formulation or wholesale bulk storage 13. resin or plastic monomer manufacturing, formulation or wholesale bulk storage
B	<p>Electrical equipment and activities</p> <ol style="list-style-type: none"> 1. battery (lead acid or other) manufacturing or wholesale bulk storage 2. communications stations using or storing equipment that contains PCBs 3. electrical equipment manufacturing, refurbishing or wholesale bulk storage 4. electrical transmission or distribution substations 5. electronic equipment manufacturing 6. transformer oil manufacture, processing or wholesale bulk storage 7. electrical power generating operations fuelled by coal or petroleum hydrocarbons and supplying electricity to a community or commercial or industrial operation
C	<p>Metal smelting, processing or finishing industries and activities</p> <ol style="list-style-type: none"> 1. foundries or scrap metal smelting 2. galvanizing 3. metal plating or finishing 4. metal salvage operations 5. nonferrous metal smelting or refining 6. welding or machine shops (repair or fabrication)
D	<p>Mining, milling or related industries and activities</p> <ol style="list-style-type: none"> 1. asbestos mining, milling, wholesale bulk storage or shipping 2. coal coke manufacture, wholesale bulk storage or shipping 3. coal or lignite mining, milling, wholesale bulk storage or shipping 4. milling reagent manufacture, wholesale bulk storage or shipping 5. nonferrous metal concentrate wholesale bulk storage or shipping 6. nonferrous metal mining or milling
E	<p>Miscellaneous industries, operations or activities</p> <ol style="list-style-type: none"> 1. appliance, equipment or engine repair, reconditioning, cleaning or salvage 2. ash deposit from boilers, incinerators, or other thermal facilities 3. asphalt tar manufacture, wholesale storage and distribution 4. coal gasification (manufactured gas production) 5. medical, chemical, radiological or biological laboratories 6. rifle or pistol firing ranges 7. road salt storage facilities 8. measuring instruments (containing mercury) manufacture, repair or wholesale bulk storage 9. dry cleaning facilities or operations and dry cleaning chemical storage 10. sites which have been or likely have been contaminated by substances migrating from other properties

	<p>11. controlled substances, as defined in the <i>Controlled Drugs and Substances Act</i> (Canada), manufacturing or operations</p>
F	<p>Petroleum and natural gas drilling, production, processing, retailing, distribution and storage other than the storage of residential heating fuel in tanks</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, wholesale bulk storage or shipping 5. petroleum product, other than compressed gas, dispensing facilities, including service stations and card locks 6. petroleum, natural gas or sulphur 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 above ground or underground tanks 8. petroleum product, other than compressed gas, wholesale bulk storage or distribution 9. petroleum refining wholesale bulk storage or shipping 10. solvent manufacturing or wholesale bulk storage 11. sulphur handling, processing or wholesale 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 repair, salvage or wrecking 3. bulk commodity storage or shipping (e.g. coal) 4. dry docks, ship building or boat repair and maintenance, including paint removal from hulls 5. marine equipment salvage 6. rail car or locomotive maintenance, cleaning, salvage or related uses, including railyards 7. truck, rail or marine bulk freight handling
H	<p>Waste disposal and recycling operations and activities</p> <ol style="list-style-type: none"> 1. antifreeze bulk storage or recycling 2. barrel, drum or tank reconditioning or salvage 3. battery (lead acid or other) recycling 4. biomedical waste disposal 5. bulk manure stockpiling and high rate land application or disposal (nonfarm applications only) 6. construction demolition material, including without limitation asphalt and concrete, landfilling 7. contaminated soil storage, treatment or disposal 8. dredged waste disposal 9. drycleaning waste disposal

	<ol style="list-style-type: none"> 10. electrical equipment recycling 11. industrial waste lagoons or impoundments 12. industrial waste storage, recycling or landfilling 13. industrial woodwaste (log yard waste, hogfuel) disposal 14. mine tailings waste disposal 15. municipal waste storage, recycling, composting or landfilling 16. organic or petroleum material landspreading (landfarming) 17. sandblasting waste disposal 18. septic tank pumpage storage or disposal 19. sewage lagoons or impoundments 20. hazardous waste storage, treatment or disposal 21. sludge drying or composting 22. street or yard snow removal dumping 23. waste oil reprocessing, recycling or bulk storage 24. wire reclaiming operations
I	<p>Wood, pulp and paper products and related industries and activities</p> <ol style="list-style-type: none"> 1. particle 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. wafer board manufacturing 7. wood treatment (antisapstain or preservation) 8. wood treatment chemical manufacturing, wholesale bulk storage 9. sawmills

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Schedule 3 | Schedule 3.1 | Schedule 3.2 | Schedule 3.3 | Schedule 3.4 | Schedules 4
to 7 | Schedule 8 | Schedules 9 to 11**

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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

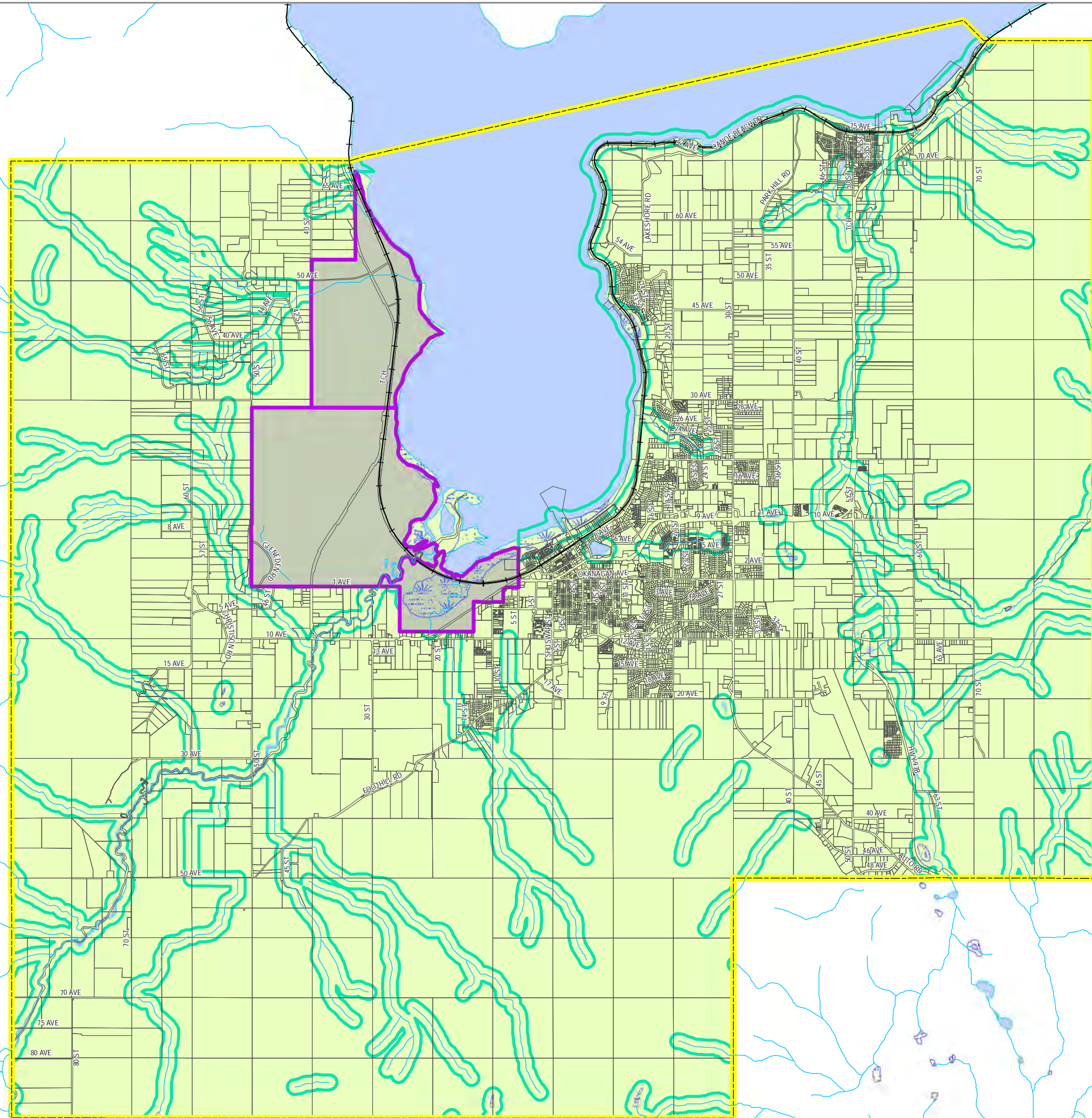
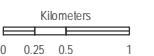
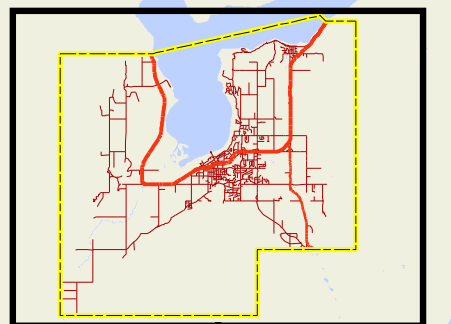
Legend

- 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



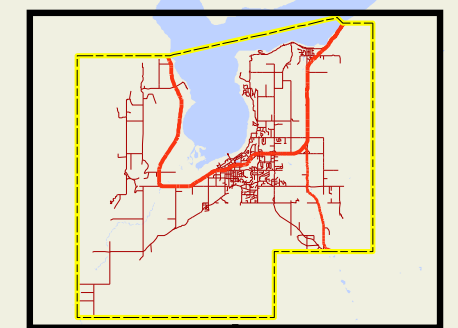


Map 6.1 Potential Hazard Areas

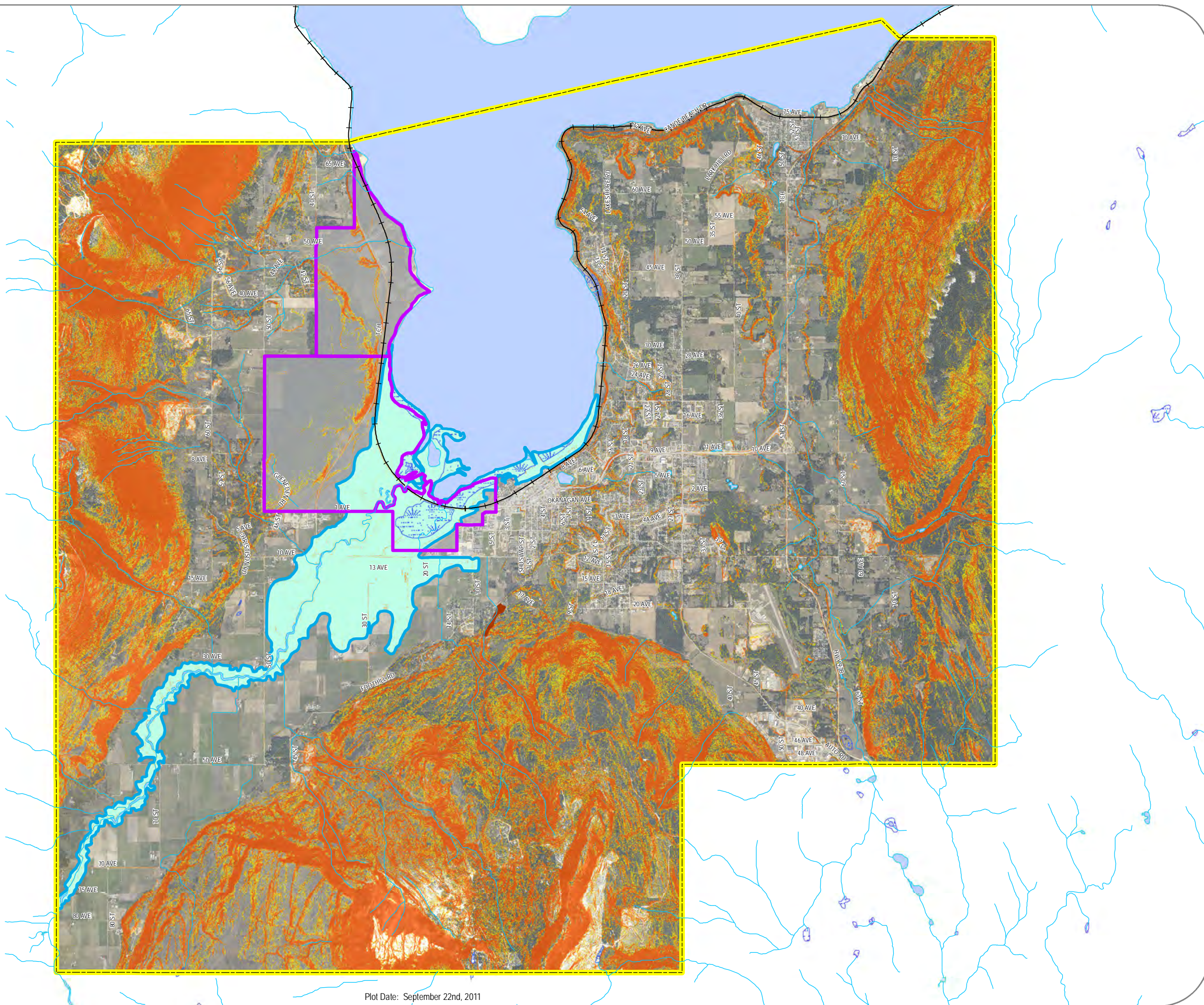
Legend

- 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?**

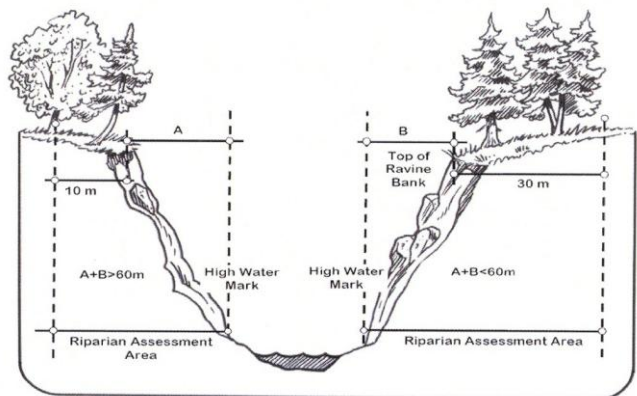
The Riparian Areas Regulation (RAR) is a Provincial initiative, under the *Fish Protection Act*, to protect fish and fish habitat.

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>