



Land Use Management  
 1435 Water Street  
 Kelowna, BC V1Y 1J4  
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 kelowna.ca/landuse

# Hazardous Condition DEVELOPMENT PERMIT WAIVER APPLICATION

FILE NUMBER: DPW \_\_\_\_\_ - \_\_\_\_\_

BUILDING PERMIT NUMBER: BP \_\_\_\_\_

## HAZARDOUS CONDITIONS (Wildfire, Steep Slopes, Erosion, Land Slip, Rockfall & Flooding)

Official Community Plan (OCP) Map 7.1(b) shows areas of the City which may contain a hazardous environment condition for development (slopes greater than 30%). A Development Permit is required to ensure the hazardous environment is avoided or mitigated before any work can take place on the property (e.g. soil disturbance, tree removal, construction, etc.).

Before applying for a Development Permit, an owner/applicant may complete this waiver application. Staff will determine eligibility based on the information you provide in this application and may deny the waiver and thereby require a Hazardous Condition Environment Development Permit. The granting of a waiver does not absolve the applicant from other necessary approvals (e.g. Building Permit) before proceeding with alteration of land, subdivision or construction.

## CRITERIA FOR WAIVER ELIGIBILITY

The OCP includes the following as conditions when a Development Permit may be waived (check all that apply):

- Project consists only of a **renovation/alteration** that does not expand the existing building footprint;
- Project has been **assessed by a qualified professional** who has provided a report to the satisfaction of the City which concludes that the land on which the development is proposed is not subject to hazardous conditions; or
- A **Section 219 Covenant** is registered on title relating to wildland fire hazard mitigation.

## APPLICANT & PROPERTY INFORMATION

*Application Primary Contact:*

*Property Information:*

Full Legal Name:	Civic Address:
Owner: (if applicable)	Legal Address
Mailing Address:	Lot: _____ Plan: _____
Primary Contact No.:	Email/Fax:
	Secondary Contact No.:

## PROJECT INFORMATION

1. WHAT IS THE NATURE OF YOUR PROJECT (CHECK ALL THAT APPLY)?

- Alteration of land including tree removal, disturbance of soils, grading, etc.
- Construction of, addition to, or alteration of a building or structure.

Briefly describe your project: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2. WHAT IS THE EXISTING CONDITION OF THE SUBJECT PROPERTY?

- a) Current zoning: \_\_\_\_\_
- b) If appropriate attach photos to describe the site and surrounding context.

c) Notes/comments you feel are important: \_\_\_\_\_

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3. WILL SOIL OR ROCKS BE MOVED WITHIN THE SITE, ADDED TO, OR REMOVED FROM THE SUBJECT PROPERTY AS PART OF THE PROPOSED PROJECT?


YES, re-grading (moving soil or rock with the property)       YES, on-site rock crushing

YES, added \_\_\_\_\_m<sup>3</sup>       YES, remove \_\_\_\_\_m<sup>3</sup>

If soil deposit or removal exceeds 50 m<sup>3</sup> complete a *City of Kelowna Soil Deposit Application* and site grading plan.

NO

**SUBMISSION REQUIREMENTS CHECKLIST**

	Items submitted	Office Use
<b>State of Title</b> including copies of all relevant registered easements, right-of-ways, Section 219 Covenant(s) must be printed within the last 90 days (available at a BC Land Titles Office or refer to Land Title searches in the Yellow Pages).	<input type="checkbox"/>	<input type="checkbox"/>
<b>Owner's Authorization</b> if the applicant is not the registered land owner.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Site Plan</b> showing roads, building sites and natural features to the appropriate scale (1:200 recommended), in metric units and with a north arrow. Where possible the site plan should be based on a legal survey certificate.	<input type="checkbox"/>	<input type="checkbox"/>
 <b>If the development permit waiver is for <u>wildland fire only</u>, the following items are not required.</b>		
<b>Geotechnical Hazard Letter</b> signed and sealed by a Professional Geotechnical Engineer (P.Eng) licensed to practice in British Columbia. The letter must refer to an attached site plan and cross sections and discuss the overall suitability/safety of the proposed project. That is to say the letter must provide <b>assurance of less than 2% probability of failure in a 50 year period, and that the site is safe for the intended use.</b> Recommendations and conclusions must be consistent with the subdivision grading plan and geotechnical assessment, or provide justification for departures. If application is for a pool or hot tub appropriate location for discharge (e.g. storm sewer, rock pit) must be indicated.	<input type="checkbox"/>	<input type="checkbox"/>
<b>APEG Appendix D Landslide Assessment Assurance Statement</b> completed, signed and sealed.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Detailed Site Plan</b> - Show the location of all drainage features such as swales (illustrating direction of flow), and rock pits. If rock pits are prescribed, minimum dimensions must be clearly indicated. Illustrate location of perimeter drain outlets and conveyance of stormwater from outlets using arrows.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Cross Sections</b> - see City of Kelowna Bulletin ' <i>Sloped Lot Cross-Section Requirements</i> ' ( <i>kelowna.ca</i> ). Must include the existing site elevations in reference to proposed elevations.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Lot Drainage Control Measures</b> - Describe steps that will be undertaken to ensure stormwater, soil and pollutants are properly managed and will not create unsafe conditions for properties located adjacent and/or downstream. Relevant considerations include, but are not limited to: <u>Subdivision, Development &amp; Servicing Bylaw No 7900, Schedule 4 - Roof Leaders</u> Roof drainage leaders are to be connected to the storm service connection only where geotechnical requirements dictate the need. Otherwise, roof leaders are to be directed to splash pad for dispersal to the ground. <u>Sanitary Sewer/Storm Drain Regulation Bylaw No. 6618, Section 2.2.2</u> No person shall discharge or permit to be discharged into any pipe, main, conduit, street inlet, gutter or aperture training into the storm drain system, any water or substance which: (v) may impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse. This includes pool and hot tub water that has not been neutralized.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Note: Additional submission materials may be required during application processing.</b>		

**VERIFICATION BY THE APPLICANT**

I hereby certify that the information provided in the Development Permit Waiver is accurate and truthful to the best of my knowledge:

Name: (Print) \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# APPENDIX D: LANDSLIDE ASSESSMENT ASSURANCE STATEMENT

Note: This Statement is to be read and completed in conjunction with the "APEGBC Guidelines for Legislated Landslide Assessments for Proposed Residential Development in British Columbia", March 2006/Revised September 2008 ("APEGBC Guidelines") and the "2006 BC Building Code (BCBC 2006)" and is to be provided for *landslide assessments* (not floods or flood controls) for the purposes of the Land Title Act, Community Charter or the Local Government Act. Italicized words are defined in the APEGBC Guidelines.

To: The Approving Authority

Date: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Jurisdiction and address

With reference to (check one):

- Land Title Act (Section 86) – Subdivision Approval
- Local Government Act (Sections 919.1 and 920) – Development Permit
- Community Charter (Section 56) – Building Permit
- Local Government Act (Section 910) – Flood Plain Bylaw Variance
- Local Government Act (Section 910) – Flood Plain Bylaw Exemption
- Local Government Act (Section 692 (D)) – Provincial Regulation M268, Geotechnical Slope Stability (Seismic) Regulation

For the Property:

\_\_\_\_\_  
Legal description and civic address of the Property

The undersigned hereby gives assurance that he/she is a *Qualified Professional* and is a *Professional Engineer* or *Professional Geoscientist*.

I have signed, sealed and dated, and thereby certified, the attached *landslide assessment* report on the Property in accordance with the *APEGBC Guidelines*. That report must be read in conjunction with this Statement. In preparing that report I have:

Check to the left of applicable items

- \_\_\_ 1. Collected and reviewed appropriate background information
- \_\_\_ 2. Reviewed the proposed *residential development* on the Property
- \_\_\_ 3. Conducted field work on and, if required, beyond the Property
- \_\_\_ 4. Reported on the results of the field work on and, if required, beyond the Property
- \_\_\_ 5. Considered any changed conditions on and, if required, beyond the Property
- \_\_\_ 6. For a *landslide hazard analysis* or *landslide risk analysis* I have:
  - \_\_\_ 6.1 reviewed and characterized, if appropriate, any *landslide* that may affect the Property
  - \_\_\_ 6.2 estimated the *landslide hazard*
  - \_\_\_ 6.3 identified existing and anticipated future *elements at risk* on and, if required, beyond the Property
  - \_\_\_ 6.4 estimated the potential *consequences* to those *elements at risk*
- \_\_\_ 7. Where the *Approving Authority* has adopted a *level of landslide safety* I have:
  - \_\_\_ 7.1 compared the *level of landslide safety* adopted by the *Approving Authority* with the findings of my investigation
  - \_\_\_ 7.2 made a finding on the *level of landslide safety* on the Property based on the comparison
  - \_\_\_ 7.3 made recommendations to reduce *landslide hazards* and/or *landslide risks*
- \_\_\_ 8. Where the *Approving Authority* has **not** adopted a *level of landslide safety* I have:
  - \_\_\_ 8.1 described the method of *landslide hazard analysis* or *landslide risk analysis* used
  - \_\_\_ 8.2 referred to an appropriate and identified provincial, national or international guideline for *level of landslide safety*
  - \_\_\_ 8.3 compared this guideline with the findings of my investigation

- \_\_\_ 8.4 made a finding on the *level of landslide safety* on the Property based on the comparison
- \_\_\_ 8.5 made recommendations to reduce *landslide hazards* and/or *landslide risks*
- \_\_\_ 9. Reported on the requirements for future inspections of the Property and recommended who should conduct those inspections.

Based on my comparison between

Check one

- the findings from the investigation and the adopted *level of landslide safety* (item 7.2 above)
- the appropriate and identified provincial, national or international guideline for *level of landslide safety* (item 8.4 above)

I hereby give my assurance based on the conditions<sup>18</sup> contained in the attached *landslide assessment report*

Check one or more where appropriate

- for subdivision approval, as required by the Land Title Act (Section 86), "that the land may be used safely for the use intended"

Check one

- with one or more recommended registered *covenants*.
- without any registered *covenant*.
- for a development permit, as required by the Local Government Act (Sections 919.1 and 920), my report will "assist the *local government* in determining what conditions or requirements under [Section 920] subsection (7.1) it will impose in the permit"
- for a building permit, as required by the Community Charter (Section 56), "the land may be used safely for the use intended"

Check one

- with one or more recommended registered *covenants*.
- without any registered *covenant*.
- for flood plain bylaw variance (for debris flows only), as required by the "Flood Hazard Area Land Use Management Guidelines" associated with the Local Government Act (Section 910), "the development may occur safely."
- for flood plain bylaw exemption (for debris flows only), as required by the Local Government Act (Section 910), "the land may be used safely for the use intended."

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_

\_\_\_\_\_  
Telephone

(Affix Professional seal here)

If the *Qualified Professional* is a member of a firm, complete the following.

I am a member of the firm \_\_\_\_\_  
and I sign this letter on behalf of the firm. (Print name of firm)

<sup>18</sup> When seismic slope stability assessments are involved, level of landslide safety is considered to be a "life safety" criteria as described in the National Building Code of Canada (NBCC 2005), Commentary on Design for Seismic Effects in the User's Guide, Structural Commentaries, Part 4 of Division B. This states:

*"The primary objective of seismic design is to provide an acceptable level of safety for building occupants and the general public as the building responds to strong ground motion; in other words, to minimize loss of life. This implies that, although there will likely be extensive structural and non-structural damage, during the DGM (design ground motion), there is a reasonable degree of confidence that the building will not collapse nor will its attachments break off and fall on people near the building. This performance level is termed 'extensive damage' because, although the structure may be heavily damaged and may have lost a substantial amount of its initial strength and stiffness, it retains some margin of resistance against collapse."*