



# BOARD REPORT

**TO:**

**Chair and Directors**

<b>File No:</b> DVP641-22 PL20160055
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**SUBJECT:**

Electoral Area A: Development Variance Permit No. 641-22  
(Rod Steward and Lorraine Dever)

**DESCRIPTION:**

Report from Christine LeFloch, Development Services Assistant, dated April 27, 2017  
2346 Blaeberry Road, Golden

**RECOMMENDATION**

**#1:**

THAT:

In accordance with Section 498 of the Local Government Act Development Variance Permit No. 641.22 for Block C, Section 1, Township 29, Range 22, West of the 5<sup>th</sup> Meridian, Kootenay District, varying Subdivision Servicing Bylaw No. 641, as follows:

1. Varying Section 8.3(a) by waiving the requirement that a surface water source proposed for an Independent On-Site Water System must be surface water from an intake that has unrecorded water and is on the List of Eligible Sources, shown in Schedule D of Bylaw No. 641, that is current as of the date of application for subdivision only for proposed Lot 2 as shown on the proposed plan of subdivision; and
2. Varying Section 8.5 by waiving the requirement that all components, including the intake, for an Independent On-site Water System must be located on the same parcel as the residential dwelling unit in respect of which they are required or located within easements or rights of way meeting the requirements of Section 9.11 of Subdivision Servicing Bylaw No. 641; and
3. Varying the volume of water required to be provided by an Independent On-site Water System pursuant to Section 8.8 from 2,275 litres per day to 2,273 litres per day only for proposed Lot 2;

for a proposed subdivision under application No. 2015-05926A;

be approved for issuance this 18<sup>th</sup> day of May, 2017.

**SHORT SUMMARY:**

The subject property is located in the Blaeberry area of Electoral Area A. The owners have applied for a 5 lot subdivision and would like to use an existing water license to service one of the proposed new lots. The water source is not listed on Schedule 'D' – List of Eligible Sources in Subdivision Servicing Bylaw No. 641 and is not located on the lot it is proposed to service. Therefore the owners have applied for a Development Variance Permit requesting that the CSR D waive the requirement that the source of water for the proposed new lot be listed on Schedule 'D' – List of Eligible Sources, and also waive the requirement that all components of the water system be located on the same parcel as the residence they will be serving.



Section 8.5 requires that all components, including the intake, for Independent On-site Water System using surface water sources must be:

- a) located on the same Parcel as the residential Dwelling Unit in respect of which they are required; or
- b) located within easements or rights-of-way meeting the requirements of Section 9.11, provided that the delivery system from the surface water source to the Dwelling Unit is only for a single residential Dwelling Unit.

Section 8.8 requires that each Independent On-site Water System must be capable of providing, year round, at least 2,275 litres of potable water per day for each parcel that includes, or can be reasonably expected to include, a residential Dwelling Unit.

#### Schedule "D" List of Eligible Sources

The provincial Water Stewardship Division produced a list of eligible sources for surface water to the CSRD in a memorandum dated October 21, 2011. The surface water sources on this list have been identified and approved by the province as having sufficient volumes of water to accommodate domestic use sustainably.

Examples of approved water sources listed for Electoral Area A include the Blaeberry River, Kicking Horse River, Columbia River, and Kinbasket Lake.

#### **FINANCIAL:**

There are no financial implications to the CSRD with regard to this application.

#### **KEY ISSUES/CONCEPTS:**

The owners have applied for a 5 lot subdivision of the subject property in 2015. They are proposing to use drilled wells for Proposed Lots 1, 3, 4 and Remainder and would like to transfer the existing surface water license for the subject property to Proposed Lot 2. It is noted that the license will need to be formally transferred through application to the Ministry of Forests Lands and Natural Resource Management as noted in the Preliminary Layout Approval issued by the Ministry of Transportation and Infrastructure dated April 26, 2017.

Water License #C052355 was issued to the current owner in 1977. The license permits 500 gallons (2,273 litres) of water per day to be drawn from Pearl Creek for domestic use on the subject property. Section 8.8 of Subdivision Servicing Bylaw No. 641 requires that an Independent On-site Water System be capable of providing, year round at least 2,275 litres of potable water per day therefore a variance is required in order to meet this requirement. This is a metric conversion issue which will be taken care of through a housekeeping bylaw in the near future. Staff have no issues with this variance.

The water intake and line are drawing water from a section of Pearl Creek that is located on Crown land to the east of the subject parcel. The existing intake and water line are currently used by the existing residence which will be located on the Proposed Remainder parcel and will be serviced by a new well. The owners would like to transfer the existing water license to Proposed Lot 2 which is currently vacant. Section 8.3 of Bylaw No. 641 requires that a surface water source for an Independent On-site Water System "must be surface water from an intake in a water source that has Unrecorded Water and is listed on the List of Eligible Sources of the Ministry of Natural Resource

Operations that is current as of the date of application for subdivision". Section 8.5 of Bylaw No. 641 states that "all components, including the intake for an Independent On-site Water System using surface water sources must be located on the same parcel as the residential Dwelling Unit in respect of which they are required, or within easements or rights of way meeting the requirements of Section 9.11 of Bylaw No. 641".

Pearl Creek is not on the List of Eligible Sources, however, the applicant does have an existing water license issued by the Province for this water source which allows them to draw enough water to essentially satisfy the water quantity requirements of Bylaw No. 641. They have also provided the results of potability testing completed by CARO Analytical Services along with an Assessment of Water Quality from Ryan Rhodes, P. Geo of Western Water Associates Ltd. which indicates that the proposed water source meets all health based Maximum Allowable Concentrations with respect to the Guidelines for Canadian Drinking Water Quality. Further no parameters were found to exceed the aesthetic objectives guidelines. Thus, the water is considered potable and has good aesthetics. As such, staff have no objections to the proposed variance to Section 8.3 of Bylaw No. 641.

With respect to Section 8.5 of Bylaw No. 641, it is noted that all components of the Independent On-site Water System (intake and water line) are located on Crown land adjacent to the subject property. Therefore, it is not possible to register an easement or right of way as there is no title to the land. Accordingly, staff have no objections to the proposed variance.

#### **SUMMARY:**

The property owners have applied for a Development Variance Permit to waive the requirement that the surface water source for one of the lots in the proposed subdivision must be listed in Schedule D – List of Eligible Sources, that all components of the Independent On-site Water System, including the intake must be located on the same parcel as the residential dwelling unit for which they are required, or within easements or statutory rights of way meeting the requirements of Section 9.11 of Bylaw No. 641, and that the Independent On-site Water System be capable of providing year round at least 2,275 litres of water per day.

Staff are recommending approval of the Development Variance Permit for the following reasons:

- the owners have a current and Ministry approved water license for this water source;
- the owners have provided results of potability testing completed by a qualified professional indicating that the water meets Canadian Drinking Water Guidelines for potability;
- all components of the proposed water source are located on Crown land, therefore easements and statutory rights of way cannot be registered on title; and
- the water volume requirement discrepancy is related to inaccurate conversion of units to metric which is in the process of being corrected by staff.

#### **IMPLEMENTATION:**

If the Development Variance Permit is approved, a notice will be sent to the Land Titles and Survey Authority to be registered on title.

#### **COMMUNICATIONS:**

Notice of the proposed Development Variance Permit was sent to all owners of property lying within 100 m of the subject property in accordance with Section 499 of the Local Government Act advising of the opportunity to comment on the proposed variances.

**DESIRED OUTCOMES:**

That the Board endorse the staff recommendation to approve issuance of DVP 641-22.

**BOARD'S OPTIONS:**

1. *Endorse the staff Recommendation. DVP641-22 will be approved for issuance.*
2. *Deny issuance of the permit.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. Development Variance Permit No. 641-22 (including Location Map and Proposed Subdivision Plan)
2. Water License #C0052355
3. Assessment of Water Quality from Pearl Creek, by Ryan Rhodes, P. Geo., dated April 27, 2017

**Report Approval Details**

Document Title:	2017-05-18_Board_DS_DVP641-22_StewardDever.docx
Attachments:	- WWAL 16-069-04 - Steward Pearl Ck WQ Letter.pdf - Water License No. C052355.docx - DVP641-22 Permit.docx - Orthophoto.docx
Final Approval Date:	May 8, 2017

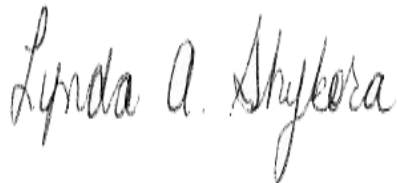
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - May 2, 2017 - 4:24 PM**



**Gerald Christie - May 8, 2017 - 6:48 AM**



**Lynda Shykora - May 8, 2017 - 9:43 AM**



**Charles Hamilton - May 8, 2017 - 2:24 PM**