



BOARD REPORT

TO: Chair and Directors

File No: DVP641-36
PL20190000114

SUBJECT: Electoral Area A: Development Variance Permit No. 641-36 (Greene)

DESCRIPTION: Report from Christine LeFloch, Planner II, dated July 26, 2019.
4188 Spence Road, Parson

RECOMMENDATION: THAT: in accordance with Section 498 of the Local Government Act Development Variance Permit No. 641-36 for Lot A, Section 15, Township, 24, Range 19, West of the 5th Meridian, Kootenay District, Plan 17011, varying Subdivision Servicing Bylaw No. 641 as follows:

1. Varying Section 8.3(a) for Proposed Lot 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, only for Proposed Lot A as shown on the proposed plan of subdivision,

be approved for issuance this 15th day of August, 2019.

SHORT SUMMARY:

The applicant has made application for a three lot subdivision of the subject property. The applicant would like to use an existing water license on Beards Creek to service Proposed Lot A of the proposed plan of subdivision. As Beards Creek is not on Schedule D - List of Eligible Sources of Subdivision Servicing Bylaw No. 641 a Development Variance Permit is required.

VOTING: Unweighted LGA Part 14 Weighted Stakeholder
 Corporate (Unweighted) Corporate (*Weighted*)

BACKGROUND:

PROPERTY OWNERS:
Charles Ian Greene and Marilyn Kelly-McArthur

APPLICANT:
Ian Greene

ELECTORAL AREA:
A

LEGAL DESCRIPTION:
Lot A, Section 15, Township 24, Range 19, W6M, Kootenay District, Plan 17011

PID:
006-566-839

CIVIC ADDRESS:
4188 Spence Road, Parson

SURROUNDING LAND USE PATTERN:
North = Crown
South = Rural Residential
East = Crown
West = Agriculture

CURRENT USE:
Rural Residential

PROPOSED USE:
3 lot subdivision

PARCEL SIZE:
16.9 ha

PROPOSED PARCEL SIZE:
Proposed Lot A = ~4 ha
Proposed Lot B = ~7.5 ha
Proposed Lot C = ~5 ha

DESIGNATION:
N/A

ZONE:
N/A

AGRICULTURAL LAND RESERVE:
100 %

SITE COMMENTS:
A site visit was not done for this application. Information provided is based on orthophoto interpretation and photos provided by the applicant.

The subject property is located on Spence Road south of the Town of Golden, in the Parson area. The property has frontage on both Spence and Beards Creek Roads and is entirely in the ALR. Beards Creek follows the western side of Beards Creek Road and then passes under the road and flows along the western boundary of the property at the northerly point. McIntyre Brook follows a portion of the eastern property boundary south of Spence Road. Both creeks are entrenched within steep sided gullies, portions of which are located on the subject property. Otherwise, the property has relatively gentle slopes. The property is surrounded by a mix of larger acreages and rural residential sized lots.

POLICY:

See "Bylaw641_Excerpts_DVP641-36.pdf".

FINANCIAL:

There are no financial implications for the CSRD as a result of this application.

KEY ISSUES/CONCEPTS:

The owners of the subject property made application to the Agricultural Land Commission for a three lot subdivision in 2016 and at the Board meeting held on January 19, 2017 the Board authorized the application be forwarded to the ALC with a recommendation of approval. This application was later approved by the ALC and the owners have now applied for the proposed subdivision which would create three lots of approximately 4.0 ha, 7.5 ha and 5.0 ha each.

The applicant has an existing water license to draw water from Beards Creek which was originally issued on April 25th, 1980 and was updated on July 19, 2002. He would like to use this license to service Proposed Lot A of the proposed subdivision. Proposed Lots B and C are proposed to be serviced by groundwater wells.

Section 8.3(a) of Subdivision Servicing Bylaw No. 641 requires that where surface water is proposed to service a subdivision the water source for an Individual On-site Water System must be surface water from a source that is on Schedule D - List of Eligible Sources of Bylaw No. 641. Beards Creek is not on the List of Eligible Sources therefore a variance is required to allow the use of this water service the proposed lot.

Water License # 112952 authorizes 500 gallons of water per day from Beards Creek to be diverted and used for domestic purposes on the subject property. (See attached Water_License_#112952.pdf".) This is equivalent to the 2275 L/day required under Bylaw No. 641. This water license was issued but never used by the applicant. The intake as shown on the license is located on Crown Land north of the subject property, however the applicant has applied to the Water Management Branch to relocate the intake to a site on Beards Creek that is located on Proposed Lot A, thereby meeting the requirement of Bylaw No. 641 that the intake be located on the subject property or protected by easement.

It is noted that, if this Development Variance Permit is approved this license will need to be updated by the Water Management Branch of the Ministry of Forests Lands Natural Resource Operations and Rural Development to reflect the new legal description for Proposed Lot A. This is customarily done following completion of the subdivision and generation of new titles.

The applicant has provided water quality test results and analysis by Paul Williamson, P. Geo., of Western Water Resources. This documentation is attached as "Water_quality_test_DVP641-36.pdf". The testing indicates elevated levels of total coliform bacteria which exceed the Canadian Drinking Water Guidelines but otherwise the quality of the water sample from Beards Creek is considered excellent. Treatment has been recommended by the Qualified Professional. A Section 219 water quality covenant is required to be registered on title as a condition of subdivision. The covenant specifies that the owner is responsible for all future testing and treatment of the domestic water source and saves harmless the Regional District.

SUMMARY:

Staff are recommending approval of Development Variance Permit No. 641-36 for the following reasons:

- The applicant is in possession of a water license on Beards Creek with an allocation of water that meets the bylaw requirement;
- The intake for the water line on Beards Creek will be located on the subject property; and,
- A Section 219 water quality covenant will be required to be registered on title as a condition of subdivision.

IMPLEMENTATION:

If the Board endorses the staff recommendation the applicant will be advised of the decision and a Notice of Permit will be sent to the Land Titles Office for registration on title. The applicant would be able to move forward with the proposed subdivision.

COMMUNICATIONS:

Notices regarding this Development Variance Permit were mailed to all owners of property located within 100 m of the subject property in accordance with the provisions of Section 499 of the Local Government Act. Staff will provide a verbal update at the Board meeting if any submissions are received.

DESIRED OUTCOMES:

That the Board endorse the staff recommendation.

BOARD'S OPTIONS:

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

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

1. Subdivision Servicing Bylaw No. 641

Report Approval Details

Document Title:	2019-08-15_Board_DS_DVP641-36_Greene.docx
Attachments:	- DVP641-36.pdf - BL641_Excerpts_DVP641-36.pdf - Water_License_112952_DVP641-36.pdf - Water_quality_test_DVP641-36.pdf - Maps_Plans_Photos_DVP641-36.pdf
Final Approval Date:	Jul 30, 2019

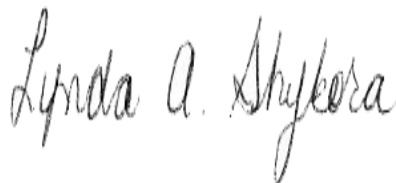
This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Corey Paiement was completed by workflow administrator IT Portal Admin

Corey Paiement - Jul 29, 2019 - 11:44 AM



Gerald Christie - Jul 30, 2019 - 9:01 AM



Lynda Shykora - Jul 30, 2019 - 2:08 PM

No Signature - Task assigned to Charles Hamilton was completed by assistant Lynda Shykora

Charles Hamilton - Jul 30, 2019 - 2:09 PM