

Krista Gilbert

From: Gallus, Allana WLR:EX <Allana.Gallus@gov.bc.ca>
Sent: Friday, October 4, 2024 9:41 AM
To: Krista Gilbert
Subject: FW: NW - Bylaw No 3317 & 3318 for Review and Comment
Attachments: Bylaw 3317 & 3318 Referral Package.pdf

Hi, please see comments below.

The parcel that is associated within the by-law referral package (Lot 1, District Lot 4596, Kootenay District, Plan 4023 except Plans NEP22509 and NEP69091 (PID 014-973-499) has a water license (C114995) on Lyttle Lake (Upper) for Land Improve: General use purpose, for 49,339.2 m³/year. Within the by-law package, under *Servicing*, it states the existing water license would be used for servicing. The definition of Land Improvement use purpose does not enable servicing of single, or multiple, residential properties, and is not permitted (see definition below).

Land Improvement Purpose – "land improvement purpose" means the diversion or impounding of water to (Section 2, WSA)

- (a) protect land,**
- (b) facilitate the development of a recreational facility or of a park or other protected area,**
- (c) facilitate the reclamation, drainage or other improvement of land, or**
- (d) carry out a project of a nature similar to a project described in paragraph (b) or (c);**

Sub purposes

- **Land improvement – general – Water is diverted or impounded to protect land, to facilitate the development of a recreation facility or of a park or other protected area or the reclamation, drainage or other improvement of land. Ponds for aesthetic purposes are included in this purpose.**
- **Land improvement – industrial rehabilitation or remediation purposes – Water is diverted or impounded to protect, reclaim or drain land zoned or used for industrial purposes.**

The by-law package, under *Servicing*, states a combination of individual water wells would be proposed. The noted parcel includes a single well (WTN 66760) for domestic purpose, drilled into Aquifer 453. Well 66760 is registered and does not require a license to be lawfully utilized for domestic purpose. Although, utilizing this well, under Waterworks use purpose (see below), does require a license. Well 66760 currently does not have the lawful capability to service multiple residential properties and would require a technical assessment conducted by a Water Officer, designated under the Water Sustainability Act to determine if Waterworks use purpose may be considered, by the property owners applying for a New Groundwater License through FrontCounterBC.

Waterworks Purpose – "waterworks purpose" means the carriage or supply of water by one person or entity for the use in British Columbia of another person or entity (Section 2, WSA)

Sub purposes

- **Water sales – Water is sold to customers by the authorization holder, other than water delivery.**
- **Waterworks others – Water is conveyed by someone other than a local provider for waterworks purpose, but does not include water delivery.**
- **Waterworks - water delivery – Water is transported to customers by tanker truck, in bottles or similar containers.**
- **Waterworks - local provider – Water is conveyed by a local provider for waterworks purpose. See the definition of 'local provider' in the Water Sustainability Fees Rentals and Charges Tariff Regulation.**

The Aquifer (453) has low well density, isolated quality concerns, and is moderately productive; as well as moderate vulnerability to surface contaminants. An initial review shows the capacity for additional well drilling, although, sufficient wells do not exist at the time of this review to service multiple residential properties.

Summary of review:

- Water license C114995 on Lyttle Lake (Upper) cannot be used to service residential dwellings and should not be considered as a way of service at this time.
- Well 66760 on Aquifer 453 for domestic purpose, can be used to service a single dwelling on the property, but does not have the lawful authority to service multiple residences at this time (subject to technical review by Water Officer (WSA)).
- Currently, there is no lawful way to service multiple dwellings, with the current license and well on the noted parcel, for providing water service. A New Groundwater Licence for Waterworks Purpose would enable service to multiple residences from the single well.
- Aquifer 453 has low well density and moderate productivity, and potentially has the capacity for further well construction, to service additional residential properties (subject to referral of Regional Hydrogeologist).

Thank you,



Allanah Gallus, B.Sc. (*she/her*)
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Kootenay Boundary Region
Phone 250-420-6282
Ministry of Water, Land and Resource Stewardship

From: Krista Gilbert <kgilbert@rdek.bc.ca>

Sent: Tuesday, September 10, 2024 1:16 PM

To: IHA: Healthy Built Environment <HBE@interiorhealth.ca>; FOR Cranbrook Referrals FOR:EX <FLNRCranbrookReferrals@gov.bc.ca>; Rocky Mountain District Development Services Group MOTI:EX <RMDdevapp@gov.bc.ca>; Baker, Gena WLRS:EX <Gena.Baker@gov.bc.ca>; XT:Rice, Alan ECC:IN <alan.rice@sd6.bc.ca>;
Telus 1: Rory Bruce <Rory.Bruce@Telus.com>; Telus 2: Engineering <Kelowna.Engineering@Telus.com>

Subject: NW - Bylaw No 3317 & 3318 for Review and Comment

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Dear Referral Agency:

On behalf of the Regional District of East Kootenay, please see the attached referral information for Bylaw No 3317 & 3318 which propose to amend the OCP and zone designations for portions of the subject property to permit future subdivision. The subject parcel is located at 3453 Kootenay #3 Road between Windermere and Fairmont Hot Springs

The referral form and other attachments contain information to assist in your review.

Please reply to this email address with your comments prior to Friday, October 25, 2024.

The bylaw is expected to be presented to the Board on November 8, 2024.

If you have questions, please don't hesitate to call or email.

Krista Gilbert