



DISCLAIMER NOTICE

The contents in this document are the views of their authors. The District of Summerland makes no representations or warranties as to the accuracy of the information. Any reliance you place on such information is at your own risk.

Links to other websites contained in this document are not under the control of the District of Summerland and do not imply a recommendation or endorsement of the views expressed within them.

Please visit <http://www.summerland.ca/planning-building/banks-crescent> to view District of Summerland Reports, Legislation, Policy, Assessments, Studies, and Drawings on the proposed development.

A handwritten signature in black ink that reads 'Jeremy Denegar'. The signature is written in a cursive style and is positioned above a horizontal line.

Jeremy Denegar
Corporate Officer

Karen Jones

From: Donna Wahl <[REDACTED]>
Sent: June 12, 2017 3:58 PM
To: Peter Waterman
Cc: Janet Peake; Erin Carlson; Erin Trainer; Toni Boot; Richard Barkwill; Doug Holmes; Development Services; Karen Jones; Tricia Mayea
Subject: Neighbourly stress

Dear Mayor and Elected Council Officials,

Yesterday I had the mindboggling experience of helping calm a distressed member of our neighbourhood whom I barely knew. Why is this mindboggling? Because this Summerland resident burst into tears in my driveway over the prospect of Lark's proposed development of Banks Crescent.

Mayor Waterman, you were elected on your pro-agricultural platform. What is this town coming to when you allow members of the community to endure this level of emotional strain and anxiety for such a long duration?

Concerned resident

Donna Wahl

Action

File: _____
Acknowledged: ☒ _____
Copy to:
____ Mayor
____ Council
____ CAO
☒ Council Correspondence
____ Reading File:
____ Agenda Item: *PH*
Referred to _____

Completed by: *[Signature]*

Karen Jones

From: ROBERT BUSCHERT [REDACTED] >
Sent: May 3, 2017 9:40 PM
To: Erin Trainer; Janet Peake; Richard Barkwill; Toni Boot; Erin Carlson; Doug Holmes; Peter Waterman
Subject: Seniors Development on banks Crescent

To the Mayor and City Councillors of Summerland
My name is Bob Buschert

I would like to adress my concerns regarding the Proposed Developement on Banks Crescent.

I am not opposed to a much needed seniors development in Summerland, but the location of the development has some serious concerns to me. Especially the potential damage to the spring water that is used by the Summerland Fish Hatchery.

For the past 10 or so, I was contracted by the Freshwater Fisheries Society of BC (Summerland Fish Hatchery) to maintain the property, including land, buildings and the spring water supply, of the Fish Hatchery. Over the years I monitored, maintained and made improvements to the spring water supply, located directly below the proposed development. I noted that this spring is very sensitive to any environmental changes in the area. It did not take to much activity in the area to cause disruption to the water, even animal activity, ducks, raccoons, deer, bears etc, would cause problems to the spring water.

Nobody seems to know where the origin of the spring is. The biggest problem that I could see is that the construction work could cause some underground problems to the spring. The construction of the roads, excavation, and foundation construction uses HEAVY COMPACTION EQUIPMENT, which causes vibrations through the soil, WHICH IS SILT, BY THE WAY, IF YOU DIDN'T ALREADY KNOW---THAT WOULD BE CLAY, and serious underground cave-ins could occur as a result of this. All you have to do is note the problems of the development above Peach Orchard Beach. Silt is not a desirable base to construct large, even small buildings on top of. In fact, engineers will tell you that it is the worst material to build on.

I have heard that the developers are working on a contingency (back-up) water proposal for the Hatchery, but the water would have to be the same amount, or more, the correct temperature, have the right mineral content, no chlorine, no diseases or other factors that would affect the fish, and would have to be 100% reliable. Any mechanical back-up system would also have to have a back up system that would guarantee no water interruption-- the back up system would now be the main water supply. The Hatchery fish can only survive for a couple of hours without the spring water. I feel that a catastrophic event to the spring water would definatly spell THE END TO THE END TO THE SUMMERLAND FISH HATCHERY. Not to mention the employees that would be displaced as a result. There also is no underground water in the area that would support a well with sufficient water supply, as test well were drilled in the area to no avail. In fact a test well was drilled approximately 30 feet from the lake and 250 feet deep and the result was no water. So, well water as a back-up system, is not viable

There is also concerns regarding the run-off water from the roads directly above the gully. Where will this all go?

My opinion is that this is a very risky proposal, and it is highly likely that it would have a some effect on the Fish Hatchery Water supply. There are much better locations for a similar development, that would be closer to the town center.

Please feel free to call me at 250-494-1104 or e-mail me at bob.barb@shaw.ca if you have any questions that I might be able to help you with.

I am sure you will make the correct decision regarding this matter, as you are a very competent Council.

Thank you for your time to read my letter and consider my concerns.

Bob Buschert
10122 Beavis Place
Summerland

Action

File: _____
Acknowledged: ☒ _____
Copy to:
____ Mayor
____ Council
____ CAO
☒ Council Correspondence
____ Reading File: P.N.
____ Agenda Item: P.N.
Referred to _____
Completed by: [Signature]

Karen Jones

File: _____
 Acknowledged: ✓
 Copy to: _____
 _____ Mayor
 _____ Council
 _____ CAO
 ✓ Council Correspondence
 _____ Reading File:
 _____ Agenda Item: AK
 Referred to _____

 Completed by: ✓

From: [REDACTED]
Sent: June 11, 2017 5:05 PM
To: Peter Waterman; Toni Boot; Richard Barkwill; Erin Carlson; Doug Holmes; Janet Peake; Erin Trainer
Cc: editor@pentictonherald.ca; news@summerlandreview.ca
Subject: 13610 Banks Crescent Request for Rezoning and OCP Amendment

Dear Mayor Waterman and Council,

It can easily be argued that Summerland's Bristow Valley, without easy access to community amenities and services, would be a hard sell to most seniors looking to downsize and reduce or give up driving. Yet the developers, Lark, have kept communications tightly focused on planned in-house health care and amenities so residents won't want or need to leave. Welcome to the Hotel California? Perhaps not quite that restricted because they do have a plan for a facility bus.

Lark's presentation to support their request to rezone the Banks Crescent property from agricultural to high-density mixed-use and amend our Official Community Plan (OCP) highlighted an exclusive, non-invasive neurological stimulation treatment for dementia. This is exciting. This is great science and likely a profitable business. But it's proposed for a bad location.

I do wonder how medical services provided via Telehealth from Manitoba would serve residents who need to be admitted to a local hospital. Would these remote health care providers have admitting privileges in Penticton or even in BC?

The response to Mayor Waterman's request for clarification on the number of assisted living versus market units struck me as vague and subject to change. I would expect beyond the extended care facility already leased by St. Elizabeth, the type of units built will be determined by what the developer can sell once the requested zoning is in place. High-density mixed-use is not restricted to seniors.

When asked why a proposal was submitted that did not conform to our OCP, the jaw-dropping response was that based on their communications with our city staff they did not feel it was an issue. Mayor and Council – our city staff work for you and for us. The OCP, the citizens' document in effect until 2019, and the platforms that brought you to office need to guide their work. For staff to trivialize the OCP simply not acceptable.

If council approves this development, the location is unlikely to attract many seniors who don't drive. We could then expect hundreds of units open to all ages, possibly even vacation rentals, services and retailers. In a different location that would be great. Summerland needs housing for all ages. But, for the Bristow Valley, traffic would face a major obstacle: There is only one single, narrow road to the site.

If the development proceeds, I'm not sure what scares me most; havoc created by building roads and sidewalks to OCP/Land Titles Act standards, or the risk of not. Either way, impact on the people who live on and around Latimer Avenue and Solly Road would be severe. Our many questions and concerns have been met with silence. We have been patient and respectful for too many months. We are tired, stressed and we fear for the future of our homes and neighbourhood.

Please put an end to it for us all and vote it down.

Carolyn Courtemanche, Summerland

Karen Jones

From: Doug Wahl <[REDACTED]>
Sent: June 8, 2017 10:07 PM
To: Peter Waterman; Janet Peake; Erin Carlson; Erin Trainer; Richard Barkwill; Doug Holmes; Toni Boot
Cc: Tami Rothery; Linda Tynan; Dean Strachan
Subject: GHG emissions, proposed Banks Cres + carbon sink potential of fruit trees

Hello Mayor and Council,

On December 16, 2016, the Lark Group sent a letter to Council offering some facts about the proposed development. One fact stated "the development directly delivers on climate change goal by minimizing urban sprawl and providing access to amenities within walking and cycling distances".

Given the scope of the development, including the developer's submission of an additional 1,660 vehicle trips per day, I think it would be prudent to examine the potential GHG emissions in relation to the development and how this might affect Summerland's climate action targets. Such an examination should consider the loss of the carbon sink potential of the existing land use (vineyard). I have included a link to a 2016 journal article on that subject:

<http://www.sciencedirect.com/science/article/pii/S0167880916300883>

On a slightly different subject, I would encourage the District of Summerland to investigate the potential for orchards and other crops to sequester carbon and what growers can do to decrease their carbon footprint. There is a potential that Summerland's agriculture sector could have a positive contribution to achieving our climate action targets. In addition, there has been recent controversy about planting conifers on ALR land for carbon credits. Perhaps there is an opportunity to obtain carbon credits by tracking new fruit trees that are planted in Summerland?

Thanks for your time and have a good weekend,

Doug Wahl

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7924 / Virus Database: 4776/14543 - Release Date: 06/08/17

Action

File: _____
Acknowledged: ✓
Copy to:
____ Mayor
____ Council
____ CAO
____ ☒ Council Correspondence
____ Reading File:
____ Agenda Item: AB
Referred to: _____

Completed by: ✓

Karen Jones

Subject: FW: Banks crescent - Lark Group Development - A Fait Accomplai?

RESPONSE To Glen and Diane Witter:

June 13, 2017

Dean Strachan, Director of Development Services spoke with the Witters and clarified that no utilities are proposed to cut through their property.

The Lark Group acknowledged there was an error on the drawings and they are having them corrected.

From: Glen Witter [REDACTED]
Sent: June 11, 2017 10:16 AM
To: Peter Waterman <pwaterman@summerland.ca>; Erin Trainer <etrainer@summerland.ca>; Janet Peake <jpeake@summerland.ca>; rbarkwell@summerland.ca; Toni Boot <tboot@summerland.ca>; Erin Carlson <ecarlson@summerland.ca>; Doug Holmes <dholmes@summerland.ca>
Cc: Karen Jones <kjones@summerland.ca>
Subject: RE: Banks crescent - Lark Group Development - A Fait Accomplai?

To Mayor and Council, City of Summerland June 11, 2017

Re: Banks Crescent – Lark Group Development – A Fait Accomplai?

We live at 13415 Bristow Road, just above the vineyard. We are the lone house on the East side of Bristow Road contiguous to the proposed development.

We note the Lark group has spent considerable time and money laying out and promoting the proposed development. We presume this process has been in close discussions with the various departments of the municipality.

We are in possession of a copy of EUROSCAPE'S FIGURE 2 of May 8, 2017 high resolution overlay of the proposed development of what appears to be a satellite photo of the property. Our small property is clearly shown, as is the existing hydro line passing by us down through the Banks Crescent property. We also note a dotted line of the planned repositioning the hydro line to move it away from proposed construction to the side of the development.

We are also aware that the existing power line supplies much or most of Lower Town. We note that is a significant high voltage line. It is presumed the new development may draw as much or more than the current line and that an even more powerful transmission line (2 – 3 X) will be needed.

The rerouting planned in FIGURE 2 shows the proposed line not only cuts through our property but is proposed to take a turn (which means placement of a pole) in/at the corner of our living room.

1. Can hydro do this to us? Has hydro already agreed to this with the developer?
2. We strongly object to the potential (and proven) life-threatening danger such a powerful hydro line would present going through (or over) our house.
3. Upon reflection of the diagram, this looks like a fait accompli. That you've already made the deal for Lark group as they have gone so far with the groundwork. Please tell us this isn't true.
4. If this goes ahead, does it mean you have agreed with the Lark group that our home is expendable? Perhaps they have plans to buy us out? If so, we have not been informed. Perhaps you have agreed to forcing expropriation? Please tell this it is not true.

We are both retirees who have enjoyed our retirement in Summerland. We doubt you have any empathy for the duress you have placed upon us. In future, I suggest your personnel take the time to keep those impacted better informed.

Without prejudice,

Glen and Diane Witter,

13415 Bristow Road, Summerland

Action

File: _____
Acknowledged: Dean 6/3
Copy to:
____ Mayor
____ Council
____ CAO
____ Council Correspondence
____ Reading File:
____ Agenda Item: _____
Referred to Dean called.
Completed by: g

Karen Jones

From: Bonnie Nesbitt <[REDACTED]>
Sent: June 19, 2017 11:25 AM
To: Mayor and Council
Subject: Regarding proposed senior complex on Banks street

Dear Mayor and council members,

I am a new resident of the district of Summerland and have been following the progress of the "The applicant wishes to construct a 380 unit seniors housing complex with a mixture of market housing, independent, and assisted living units." I see that there are many studies in place regarding water and the hatchery, electrical, traffic, stability of the land etc. It is very good to look at every aspect.

I would invite you to consult with physicians in town as I don't see any report about the medical support of such a project. As you are well aware, there is a shortage of family doctors in the south Okanagan. My husband and I have been told that we will likely not have our own family doctor as there are not even any waiting lists for us to add our names.

I realize the senior accommodation is of utmost importance (I am a senior citizen myself) but I have lived in a community where a 200 resident nursing home was built without consultation with the medical community and it was not a very good outcome. A close friend who is a doctor in that community told us of the strain on an already busy medical community but not only for the doctors. The ambulance service was constantly being used to transport nursing home residents to the area hospitals for tests and such and was at times unable to deal with emergencies in a timely manor. The whole community health was impacted.

Please consider including a dialogue with the medical professionals in this area, along with the other very important issues regarding this proposed development.

Thank you very sincerely,
Bonnie Nesbitt
12559 Taylor Place
Summerland BC
VOH 1Z8

Action

File: _____
Acknowledged: clh
Copy to:
____ Mayor
____ Council
____ CAO
✓ Council Correspondence
Reading File: _____
Agenda Item: PH
Referred to _____
Completed by: [Signature]

Banks Crescent Proposed Development contrary to Climate Action Plan in Summerland

Just so that all residents know: The Climate Action Plan, produced by a hard working group of caring residents and meant to make Summerland more environmentally and socially friendly is contrary to the impact of the proposed Banks Crescent Development. Please go to:

<http://www.summerland.ca/docs/default-source/works-and-utilities/climate-action/march-23-2011---final---summerland-ccap.pdf?sfvrsn=2>

The document contains all the detail for those interested in reading it, but following are the exact Goals as communicated in Summerland's Climate Action Plan:

- **Goal 1: Minimize urban sprawl and promote compact, energy efficient development with access to amenities within walking and cycling distance.**
- **Goal 2: Improve transportation efficiency.**
- **Goal 3: Support public participation, education and awareness initiatives.**
- **Goal 4: Identify and support effective greenhouse gas reduction initiatives.**
- **Goal 5: Promote energy conservation and dissemination of renewable energy technologies.**
- **Goal 6: Maintain and enhance the urban ecosystem.**
- **Goal 7: Demonstrate Municipal leadership.**

From the Goals alone it is hard to argue the incompatibility between Summerland's Climate Action Plan and the Bank Crescent proposed development.

Whether you like it or not, but climate change is real and we have to show the integrity and courage to do our share to make our environment more safe, clean and friendly for ourselves, but even more so for the generations after us!

xxxx

Nancy Goudy

RECEIVED
JUN 13 2017
City of Summerland

Action

File: _____
Acknowledged: 6/19
Copy to:
____ Mayor
____ Council
____ CAO
____ Council Correspondence
Reading File: _____
Agenda Item: PA
Referred to _____
Completed by: [Signature]

To: Mayor Waterman
To: Summerland Council Members

RECEIVED
JUN 28 2017
CITY OF SUMMERLAND

Dear Mayor Waterman, Dear Council Members,

We rarely correspond in writing with emotions, but we have to get the following off our chest.

We have lived in many different communities and settings most of our working life, but after careful consideration found a house in Summerland to retire and find peace & quiet for the long term. This dream come true will be shattered if the proposed development goes ahead. The ongoing decision process has turned into an every-day trauma for us and for many others in Summerland, particularly in Lower Town. With due respect, we believe the anxiety originates from a seemingly endless decision process with no clear line of sight and transparency. In addition, many well thought-out opinions have been communicated to you, but we do not know whether these are taken serious and/or are included in your decision.

May we recall our earlier correspondence that the communities whose residents have the highest level of attachment also have the highest rates of GDP growth? Improved local decision-making creates a shared sense of belonging, and ultimately strengthens the social, cultural, and economic vibrancy of communities. Emotional Attachment = Stronger Economy!

The current situation surrounding the proposed Bank Crescent Development is unprecedented for us. Given Mayor Waterman's election platform, given the strong public opposition, given the incompatibility with the OCP and the Climate Action Plan, given the Hatchery's, PIB's, and BCWF's opposition, the aquifer & slope risks, ambiance of Summerland, its small town feel, etc, we simply cannot seem to get our minds to understand how you can support this with a clear and pure conscience, how you can look at yourself in the mirror and feel good about your decision. This decision should be made with a genuine feeling for the future of Summerland, what is good for our neighborhoods, their future and their residents. Many elements in the decision process are not a slam dunk, but we need to look at them unbiased. Deep down we believe you know that the benefits of the tax base that you so often quote are questionable. There will be significant costs for maintenance, services and subsequent upgrades in an area with virtually no infrastructure and they will be there for the life of Summerland.

The Lark Group's benefits are clear, they are in the business to make money, but we are left to deal with the impact on the wellbeing of all Summerlanders for the long term.

Allow us to briefly discuss a case in Vancouver that was recently in the news, June 13, 2017, which directly applies to the Banks Crescent proposal. Please take notice of the thought process that the Vancouver Mayor and Council went through and the conclusions they reached. We have attached the latest newspaper article about this case. In question was a large condo complex to be build, similar to what is planned in Summerland, except, we would argue, the incompatibility between Lark's proposal and its surroundings seems far greater than was the case in Vancouver. Also, the risks associated with the Bank Crescent proposal far outweigh those of the proposal in Vancouver.

Chinatown: Vancouver Council rejects controversial development proposal:

"It's a signal to the development community that you must consider the surrounding neighborhood that you're working in" said Andy Yan, director of the City Program at Simon Fraser University, minutes after the mayor and council voted. After 26 hours of heated council debate and public hearings over the past three weeks, the mayor and councilors voted eight to three against the project, citing the building's height, lack of adequate social housing and deep community opposition. Yan said that Tuesday's decision could have resonance by the time the 2018 municipal election rolls around, adding: "This is the day that the new Vancouver begins. ... The way that we've built this city for the last 30 years needs to change. It needs context; it needs an element of consideration towards the communities that these developments will inhabit." Mayor Gregor Robertson voted against the proposal, saying: "It cuts far too deep a divide in the community to advance and see this built."

The above considerations must touch you, must make sense to you, and must help you in your decision process. We must not let developers control Summerland. Let us please focus on sensible development. Most of the residents moved here for the same reasons we did. Please do not shatter their dreams and their neighbourhoods!

Thank you kindly.

Sincerely Yours,



Aart and Jos Dronkers

Summerland , June 23, 2017

Action

File: _____
Acknowledged: 6/26
Copy to:
____ Mayor
____ Council
____ CAO
____ ☒ Council Correspondence
____ Reading File:
____ Agenda Item: PA
Referred to _____

Completed by: 8


Karen Jones

From: Doug Wahl <[REDACTED]>
Sent: June 23, 2017 7:01 PM
To: Erin Carlson; Janet Peake; Erin Trainer; Peter Waterman; Richard Barkwill; Toni Boot; Doug Holmes
Cc: Linda Tynan; Kris Johnson; Dean Strachan
Subject: Comment about revenue analysis

Hello Mayor and Council – I have reviewed the revenue analysis for the proposed Banks Cres. development and was curious to see that utility charges (water & sewer) amounting to \$237,615 were included in the revenue stream. As you can see from the District's own data, both water and sewer are close to revenue neutral (in fact, revenue neutral is a goal that the District set for metered water rates in 2017). For this reason and to achieve full transparency, I think it is imperative that a revenue analysis be presented simultaneously with a cost analysis.

Revenue Projection Summary:


Property Taxes based on 2017 Class 1 tax rates	\$ 199,338
Utility Charges based on 389 Units at current water and sewer rates	237,615
	<u>\$ 436,953</u>

 DISTRICT OF SUMMERLAND	
Wastewater (sewer) Utility	
Revenue	\$ 2,800,000
Expenses	2,600,000
Amount Left for Capital and Reserves	\$ 200,000

Action

File: _____
Acknowledged: 6/23/17
Copy to:
____ Mayor
____ Council
____ CAO
____ Council Correspondence
____ Reading File:
____ Agenda Item: PA
Referred to _____

Completed by: [Signature]

 DISTRICT OF SUMMERLAND	
Water Utility	
Revenue	\$ 5,000,000
Expenses	4,500,000
Amount Left for Capital and Reserves	\$ 500,000

Sincerely,

Doug Wahl

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7924 / Virus Database: 4776/14598 - Release Date: 06/23/17

Karen Jones

From: Larry and Donna Young [REDACTED]
Sent: June 26, 2017 8:38 AM
To: Erin Trainer; Janet Peake; Richard Barkwill; Toni Boot; Erin Carlson; Doug Holmes
Cc: Peter Waterman; Linda Tynan; Dean Strachan; Alex Kondor
Subject: Summerland Council agenda June 26, 2017

To Mayor Waterman and Summerland Councillors:

The agenda for tonight, June 26, 2017 includes the Council report update for 13610 Banks Crescent. The report includes letters from both Lark Group and the Freshwater Fisheries Society of BC, that we would like to refer to.

The District of Summerland has only 2 available water licenses to Okanagan Lake. and they are considering giving up one of them in order to accommodate the approval of a high density 390 unit development at Banks Crescent.

The developer is required to provide a contingency water supply for the fish hatchery. The options are a drilled well option, which is certain to interfere with the Hatchery water supply, or the use of one of Summerland's water licenses. Even though the Freshwater Fisheries Society of BC has not approved this option, the developer has written to the District of Summerland requesting use of the water license.

We spoke to several former councilors and mayors from the past few decades in order to understand the reason these 2 licenses have been kept up to date and open. It was in preparation for emergency. We have certainly learned from Mother Nature this year and in the drought of 2003 that emergencies and unexpected events can occur.

We did a little research, and found that Summerland is the ONLY community on Okanagan Lake that does not have a permanent source in place to draw water from the lake. However we do have 2 water licenses that we can use if we are faced with a drought or catastrophic event that cuts off our main Trouer Creek water source.

The Okanagan Water Basin Agreement refers several times to the option of drawing from Okanagan Lake during drought. And Summerland's own 2014 Water Availability Report even states that there is a shortfall of water licenses and suggests new conditional licensing on Okanagan Lake and the reconciliation of water licenses so that District of Summerland has sufficient licensing for existing and future water demands.

The Water Master Plan commissioned by the District of Summerland from Agua Consulting confirms that Okanagan Lake should be considered as an emergency supply source. It goes on to state that although Summerland holds sufficient water licensing for the foreseeable future, it recommends the expansion of an Okanagan Lake water supply for emergency domestic supply, and states that there should be new additional conditional licensing awarded to Summerland on Okanagan Lake.

So our questions are, why would the District of Summerland even consider giving up one of only 2 available water licenses? Those licenses should be considered a valuable asset and be kept for future emergency water use. And how can it be acceptable for our town to give such special benefits to a private developer at the expense of the future?

Donna and Larry Young
13420 Bristow Road
Summerland BC

 Virus-free. www.avast.com

Action

File: _____
Acknowledged: 6/24
Copy to:
____ Mayor
____ Council
____ CAO
____ Council Correspondence
____ Reading File: _____
____ Agenda Item: PW
Referred to _____

Completed by: y

Karen Jones

From: Jan SCHUMACHER <[REDACTED]>
Sent: June 26, 2017 5:27 PM
To: Peter Waterman
Subject: OCP

Dear Mayor Waterman and Council Members,

In my mind, an Official Community Plan is the test by which development proposals are measured. If a proposal meets the requirements, it passes the test and should be a go. If not, well, that should be obvious.

I hope you and the council members will respect our OCP as the authority that guides your decisions about any and all development proposals.

Thank you and best regards.
Jan Schumacher
104-14395 Herron Road,
Summerland, BC

Sent from my iPad

Action

File: _____
Acknowledged: 6/27
Copy to:
____ Mayor
____ Council
____ CAO
☒ Council Correspondence
____ Reading File:
____ Agenda Item: PH
Referred to _____

Completed by: J

Dear Mayor and Councilors,

1. That their ads in the Summerland Review (and other local newspapers) were misleading because the Lark Group were selling the iCasa Resort when the development hadn't been approved by the District;
2. That many of the claims made in the iCasa brochure were false, particularly the claim that the development would have NO impact on the hatchery.

In their formal letter to me, the vice-president stated in relation to (1) above: "After carefully reviewing both the newspaper advertisement and the brochure, Council found that there did not appear to be any disclosure in the newspaper advertisement that the development was subject to approval. In the case of the brochure, Council found that the disclosure was not clearly legible. In both instances, this constituted a contravention of Clause 1(d) of the code".

In addition to misleading the public, the Lark Group have changed the project scope several times, have re-defined their relationship with the Freshwater Fisheries Society of BC and have reduced their list of “amenities” to the District of Summerland. Kindly consider this subtle, misleading behavior over time and the distrust that this is building.

11/11/2014

Complete

Subject: RE: Our Ref #141741 – The Lark Group –iCasa Resort Living – Newspaper and Brochure Ads - Standards Council Decision

Dear Ms. Connacher,

This case has now been posted on our website. Please see link and details below:

<http://www.adstandards.com/en/Standards/adComplaintsReportsCurrent.aspx>

Clause 1: Accuracy and Clarity

Advertiser:	The Lark Group
Industry:	Real estate services
Region:	British Columbia
Media:	Brochures/leaflets/flyers
Complaint(s):	1
Description:	A condominium development for seniors in Summerland, British Columbia was advertised in a brochure and in the local newspaper. In the body of the advertising it was stated that "The Fish Hatchery and Aquifer will not be impacted" by the development.
Complaint:	The complainant alleged that the advertisements were misleading because it was not made clear that the development had not yet been approved by the District of Sutherland and that the "no-impact" claim was not true.
Decision:	Council found no disclosure in the newspaper advertisement that the development was subject to approval by authorities. In the case of the brochure, Council found that the disclosure was not clearly legible. On the second issue, Council concluded that the statement "The Fish Hatchery and Aquifer will not be impacted" was misleading and unsupported by the evidence submitted by the advertiser.
Infraction:	Clauses 1(a) and (e).
Advertiser's Verbatim Statement:	"The Lark Group placed the iCasa Living newspaper ads to generate awareness of the proposed project in the Okanagan region, and our intention was not to mislead the public. We referenced that the ads were not an offering for sale and assumed this would cover the legal aspects of the ads. We apologize for any confusion and will ensure any future ads will be referenced accordingly."

Sincerely,

Yamina Bennacer

Manager, Standards

yamina.bennacer@adstandards.com

Advertising Standards Canada
175 Bloor Street East
South Tower, Suite 1801
Toronto, Ontario M4W 3R8
www.adstandards.com
Tel: 416 961-6311 x 249
Fax: 416-961-7904



Advertising Standards Canada
Les normes canadiennes de la publicité

Important notice: The information contained in this email is privileged and confidential. It is intended only for the person or entity named above and should not be read by or disclosed to any other person or entity. If you are not the intended recipient of this communication, please notify the sender immediately at 416-961-6311 or by reply email. Thank you in advance for your cooperation.

Karen Jones

From: Marilyn Hansen [REDACTED]
Sent: June 27, 2017 5:31 PM
To: Peter Waterman; Erin Trainer; Janet Peake; Richard Barkwill; Toni Boot; Erin Carlson; Doug Holmes; Dean Strachan; Linda Tynan
Cc: editor@summerlandreview.com; news Summerland
Subject: A decision: When?

Dear Mayor and Council:

You must realize by now that a large portion of the citizens of Summerland do not agree with the location of the Banks development. One of the reasons your council was elected was because you all seemed to care about preserving agricultural land. While the Banks property is not in the ALR, it is not suitable for a large condominium development. Its proposed location is NOT in the OCP. Two landslides have occurred there; red zone is all around; the access road is narrow and would have to be widened; but most of all, the Fish Hatchery's water source would likely be compromised. **The developer cannot prove beyond a reasonable doubt that the Shaughnessy spring would not be affected.** The public does not think it right to offer Lark, a private developer, access to our Summerland Water License, which we may need in future years.

To widen Latimer, the front yards of home owners there would have to be cut off. Could portions of private property be legally confiscated to accommodate a private developer? Would you like this done to your yard and quiet street? Lark should look for another location.

If any of you is thinking of running for re-election, you'd better consider the level of anger in Summerland over the location of this project. Any councillor who votes in favour of the Banks development in its present proposed location will not be re-elected. Does the mayor really want to leave with a legacy of division and disgust?

Question: When are you going to come to a decision?

Marilyn Hansen [REDACTED]

Action

File: _____
Acknowledged: 6/28
Copy to:
____ Mayor
____ Council
____ CAO
____ ☒ Council Correspondence
____ Reading File:
____ Agenda Item: AK
Referred to: _____

Completed by: Y

RECEIVED
JUN 30 2017
DEPT. of Summerland

Dear Editor,

It is quite puzzling to see so many people getting all fired up about the proposed iCasa Development at Banks Crescent. Not a single week goes by where there is not at least one letter in our local newspaper citing reasons why it should not proceed. And every other week Council receives a new batch of signatures for the petition against it.

The latest set of objections, submitted to the Summerland Review by Nancy Goudy, is based on a perceived increase of carbon emissions. This is perplexing because in terms of carbon emissions, high-quality, high-density housing within a green, walkable neighbourhood is near the top of the list of desirable human habitats.

Near the bottom of the same list though, are large, single family residences located far away from all services. This is where the Lighthouse Landing development in Trout Creek fits in. Six acres of productive orchard right on the shores of Okanagan Lake were razed to the ground and replaced with impermeable asphalt, concrete and roofing shingles. This is a flood zone which during the last few weeks needed protection from rising lake waters. Emergency crews were dispatched at tax payers' expense. Protected trees are being removed. And worst of all: there are no shops, services, doctors in a 6 km radius. Residents hop into their cars and drive to get whatever they need.

So why is everyone fussing about Banks Crescent and nobody raises an eyebrow about Lighthouse Landing?

Are those who object to the iCasa Development really concerned about the environment, the fish hatchery and finding the best place for older folks to live? Or are they just being swept along by a current of objections that is fed by those who do not like a change to their neighbourhood?

Consider the following: Summerland's historic Lower Town was chosen by us citizens as a place that needs to be revitalized. What better way than settling nearby a few hundred folks with lots of time and some spare change in their pocket. Build a walking/cycling trail to Lakeshore Road and the Lakeshore Pathway, get a few businesses to renovate and set up shop in some of the dilapidated commercial space, provide trips into downtown with a couple of electric commuter vans et voila, you have yourself a prime neighbourhood that checks all the boxes on the carbon emission to do list.

Let's look for ideas, folks, not for reasons why it can't be done.

Henry Sielmann, Summerland

Action

File: _____
Acknowledged: 6/30
Copy to:
____ Mayor
____ Council
____ CAO
☒ Council Correspondence
____ Reading File: PH
____ Agenda Item: _____
Referred to: _____

Completed by: CS