

THE CORPORATION OF THE DISTRICT OF SUMMERLAND COUNCIL REPORT

DATE: January 19, 2018 File: 2016-1787

TO: Linda Tynan, Chief Administrative Officer

FROM: Dean Strachan, MCIP, RPP, Director of Development Services

SUBJECT: OCP Amendment and Rezoning – 13610 Banks Crescent - Update

STAFF RECOMMENDATION:

That Council pass the following resolutions:

- THAT the proposed procedural rules for the February 5, 2018 Public Hearing as presented in the report from the CAO dated January 18, 2018 be adopted by council and further, that staff be directed to distribute this information to the public to ensure there is an understanding of the parameters which will be used for the Public Hearing.
- 2. THAT the updated Comprehensive Development Zone 8 (CD8) be received.
- 3. THAT the letter from BC Freshwater Fisheries dated _____ in response to the report prepared by Golder Associates be received
- 4. THAT the letter from the applicants dated January 15, 2018 in response to the report prepared by Golder Associates be received.
- 5. THAT the letter from the applicants dated January 15, 2018 on public input collected and submitted to the District.
- 6. THAT the Statistician Support report dated January 15, 2018 submitted by the applicants be received.

PURPOSE:

To receive the updated proposed zoning district, receive responses from the applicants and BC Freshwater Fisheries on the report prepared by Golder Associates, receive a letter from the applicant outlining input collected and submitted and a Statistical Support report submitted by the applicant for the proposed OCP Amendment and Rezoning of 13610 Banks Crescent.

BACKGROUND and DISCUSSION:

1. Public Hearing Procedure

The Public Hearing for this application is scheduled for Monday, February 5, 2018. The proposed procedure for the Public Hearing is attached as Schedule A. If council adopts the procedural rules as presented, it is recommended that staff be directed to summarize this information and distribute to the public so that the expectations for the

hearing is understood by all attendees and that it is conducted in a fair, consistent and unbiased manner.

2. Comprehensive Development Zone 8

Since the proposed CD8 zoning district was presented to Council in November, 2016 there have been several alterations and more detail prepared on the development proposal. The updated CD8 zoning district is presented to Council in order to form a part of the information received by Council and available to the public prior to the Public Hearing scheduled for February 5, 2018. The updated zoning district includes revised plans and designs as well as more detail on limitations on building heights and connecting building heights to maximum geodetic elevations in the zoning district. Follow public hearing, when the zoning bylaw amendment bylaw is brought forward for consideration of third reading, Council would consider an amended bylaw including the updated CD8 zoning district.

3. Letter from BC Freshwater Fisheries

At their January 8, 2018 meeting, Council received the Golder Associates report on the proposed Aquifer Protection Strategy. The report was forwarded to BC Freshwater Fisheries and they have indicated that they are submitting a response to the report to Council by January 19, 2018, when the letter is received it will be added to the agenda with the subject report.

4. Letter from Lark Group – Golder Associates Response

The applicants have provided a letter dated January 15, 2018 in response to the Golder Associates report outlining additional actions, monitoring and plans they would undertake. If the application proceeds to Development Agreement these items would be included within the designs, plans and agreement. This applicants letter was forwarded to BC Freshwater Fisheries on January 17, 2017, they have indicated their response letter to Council scheduled to be submitted on January 19, 2018 would include a response to the applicant's submission as well.

5. Letter from Lark Group – Public Input Collected

The applicants submitted a letter dated January 15, 2018 along with public input letters and information. The letters submitted and noted in this letter are from members of the public, therefore, these are included in the report to Council from Corporate Services.

6. Statistician Support Report

The applicants have submitted a Statistician Support report dated January 15, 2018. The report includes statistical analysis on the public input collected by the applicants in addition to analysis of the petition presented to Council by group identifying themselves as Summerlanders for Sensible Development.

LEGISLATION and POLICY:

The Bylaws related to the subject application have received second reading, a Public Hearing is scheduled for February 5, 2018.

FINANCIAL IMPLICATIONS:

There are no financial implications anticipated to result from the subject recommendation.

SUPPORTING DOCUMENTS:

- 1. Updated Comprehensive Development Zone 8 (CD8)
- 2. Letter dated _____ from BC Freshwater Fisheries in response to Golder Associates report. (not yet received)
- 3. Letter dated January 15, 2018 from Lark Group in response to Golder Associates report.
- 4. Letter dated January 15, 2018 from Lark Group on public input collected and submitted to the District.
- 5. Statistician Support report dated January 15, 2018 submitted by Lark Group
- 6. Letter not yet received from BC Freshwater Fisheries in response to the Golder Associates report.

CONCLUSION:

Additional information from the applicant and BC Freshwater Fisheries has been submitted to Council for their consideration. The Public Hearing is scheduled for February 5, 2018, the procedure for the hearing is presented for Council and public information.

OPTIONS:

- 1. Move the motions as recommended by staff.
- 2. Request staff provide additional information.

Submitted by,

Dean Strachan, MCIP, RPP Director of Development Services **Approved for Agenda**

Linda Tynan, CAO

Schedule A

January 18, 2018
Report on Recommended Procedural Rules for February 5th, 2018 Public Hearing Linda Tynan, CAO

INFORMATION REGARDING THE PUBLIC HEARING TO BE HELD IN RELATION TO THE APPLICATION FOR AN OCP AMENDMENT AND REZOING AT

13610 BANKS CRESCENT

A PUBLIC HEARING must be held for this application as legislated in the *Local Government Act S. 464*. The purpose of a Public Hearing is to provide the opportunity to the public to make representations to the local government elected officials respecting matter contained in the proposed bylaws. It is an opportunity for the Mayor and Council to hear the views of residents and other interested parties.

There is no requirement in legislation that the Elected Officials must vote in accordance with the wishes of the majority of opinions expressed at the public hearing. Elected Officials must hear everything and then make a decision. An Elected Official may have strong feelings about the proposed development prior to the Public Hearing – but must not have a closed mind. They must be willing to listen and absorb the information being provided to them before entering into the debate and ultimately making their determination.

Recommended Parameters Governing the Public Hearing scheduled for February 5, 2018:

- 1. Speakers will be limited to FIVE (5) minutes each. Timer will be set for each speaker. Speakers will be provided with a warning before their five minute time limited is up. Speakers will not be permitted to go over the five minute allotment.
- 2. A SPEAKER LIST will be used. Prior to speaking, individuals must sign up on the speaker list. Speaker names will be called in the order that their name appears on the list
- 3. Each speaker will be allowed to speak once. They will not be permitted to speak a second time.
- 4. The applicant will be given an opportunity to speak first however they will be subject to the same rules of the public hearing.
- 5. All attendees must refrain from applause or other expressions of emotion. Inappropriate language, or critiscm aimed at an individual or group will not be tolerated. THIS WILL BE STRICTLY ENFORCED to ensure that all individuals who wish to speak can do so without intimidation.
- 6. The PUBLIC HEARING may be adjourned from time to time without publication of notice, provided that an announcement is made at the time of the adjournment indicating when and where the hearing will be resumed.

- 7. The purpose of a public hearing is to provide the public a reasonable opportunity to be heard or to present written submissions therefore council will not respond to questions from speakers. Council may ask speakers and staff for points of clarification (through the Chair). A Public Hearing is not the time for the public to ask questions in regard to the application.
- 8. Comments are to be directed to the application, be succinct and be respectful of Council, staff and other members of the public, everyone has the right to state their point of view.
- 9. The Arena banquet room is limited to a capacity of 285. During the first session on February 5th, seats will be available on a first come, first served basis. In each subsequent scheduled session, seating priority will be given to those who have not yet had the opportunity to speak.
- 10. Additional sessions will be scheduled if each member of the public who wishes to speak has not yet had their opportunity.
- 11. All written submissions received in relation to this application are distributed to council on a weekly basis and posted on the website to form part of the public record. The public is encouraged to send written submissions before 4:00pm on Friday, February 2nd. Submissions received after that time will be received distributed to council at the Public Hearing and will form part of the record of the hearing. Once the Public Hearing has concluded, no further information or submissions can be considered by Council.

After the Public Hearing:

- Council may not consider any new information or speak with the public about the bylaw following the Public Hearing, but they should not consider themselves "sequestered"; some informal comments or representations to individual Councillors are sometimes unavoidable.
- Council may, however, receive reports from staff, consultants and legal counsel. These reports must relate to matters of detail and clarification of issues that arose from the Hearing regarding, for example, traffic impacts, building height, required covenants, etc.
- A Councillor that was not present at the Public Hearing may still vote on third reading and adoption of the bylaw as long as they have been supplied a copy of the Public Hearing report or received a verbal summary from an officer of the District.
- Council may adopt or defeat the bylaw without notice (e.g. in the Regular Council that follows the Public Hearing) as long as the use is not altered, the density is not increased, or the density is not decreased without the owner's consent.

Purpose

To provide a zone to accommodate specialized housing for senior citizens providing a combination of Complex Care (Group Home, Major), Assisted or Independent Living, Memory Care, *Townhouse Housing* and *Apartment Housing* on lands having *Full Urban Services*. Lands must be designated as High Density Residential under the *District's* Official Community Plan.

Principal Uses

The following *Uses* and no other *Uses* shall be the permitted *Principal Uses* in this zone subject to all applicable regulations of this Bylaw:

- (a) Apartment Housing;
- (b) Group Home, Major*; and
- (c) Townhouse Housing.

*For the purpose of this zone, assisted living, long term care, memory care, and/or independent living units are intended for senior citizens who by reason of physical or mental difficulties require some professional assistance to meet their day-to-day living activities.

Accessory Uses

The following *Uses* and no other *Uses* shall be the permitted *Accessory Uses* in this zone subject to all applicable regulations of this Bylaw*:

- (a) Accessory Buildings and Structures;
- (b) Child Care Centre, Major, provided operation from a common Amenity Space;
- (c) Eating and Drinking Establishments;
- (d) Community Recreational Services (indoor and outdoor);
- (e) Health Services;
- (f) Wellness Services (indoor and outdoor);
- (g) Personal Services Establishments; and
- (h) Home Occupation Type 1.

Subdivision Regulations

N/A

Development Regulations (development shall be in substantial accordance with the plans included within the zoning district)

(a) Lot Coverage

17% of Gross Site Area 35% of Net Site Area

^{*} The uses are intended for the residents, visitors and staff of the development.

(b) Proposed Floor Area Ratio

0.83 of Gross Site Area 1.72 of Net Site Area

(c) Proposed Height

6 stories at 24m*

- *Maximum Geodetic Elevation for each building shall be as per attached site plan
- (d) Maximum number of units

425

Where *Lot Coverage* is calculated using the footprint built area at Level 1 of the Development Where *Floor Area Ratio* is the built floor area of the Development above grade

Where Gross Site Area is taken to be 674,571 SF

Where Net Site Area is taken to be 323,097 SF

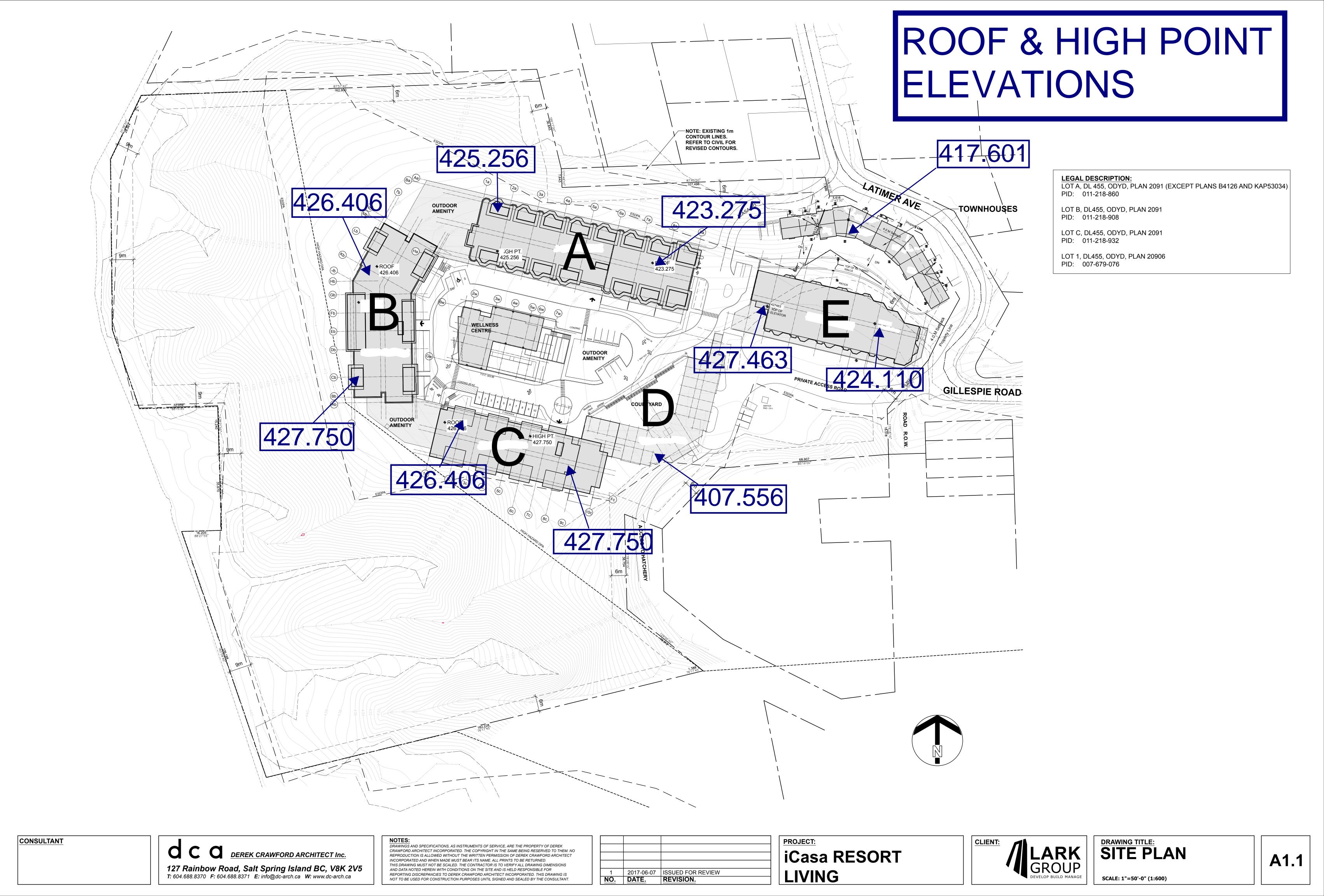
Where *Units* includes those assisted living and dementia care bedrooms in a Group Home, Major setting

Siting Regulations

The underground parkade structure must maintain a minimum 2.0m set-back from any property line. The buildings above the parkade shall be developed in substantial accordance with the site plan included.

Other Regulations

- (a) The general design and proposed layout of the *Development* shall be in keeping with the plans attached to this *Bylaw* and referred to as CD8.
- (b) Section 6: Parking & Loading Regulations shall remain in effect with the following amendments which shall apply (visitor stalls are provided in addition to):
 - a. Market Housing Buildings A, B and E are provided with parking stalls in accordance with the zoning bylaw of 1.1 for studios,1.25 for 1br and 1.5 for both 2br and 2br + den.
 - b. Independent Living and Assisted Living Building C is provided with parking stalls of 1.1 for each dwelling unit and 0.5 stalls per assisted living dwelling unit.
 - c. Assisted Living, Residential Care and Memory Care units in Building D are provided with parking stalls in accordance with the zoning bylaw of 1 per 2 persons licensed occupancy.
- (c) In addition to the regulations listed above, other regulations may apply. These include Section 4: General Regulations, Section 5: Landscaping and Screening Regulations, Section 6: Parking and Loading Regulations, and Section 7: Specific Use Regulations.
- (d) Section 6.5.1 of the parking design standards in relation to townhouses shall not apply in the CD8 Zone. A garage door shall <u>not require</u> a minimum setback of 6.0m from the edge of any public road right-of-way, private (strata) road, or driveway easement that provides access to the lot. No direct vehicle access from the townhouses to the adjacent roadway for the townhouse units shall be permitted, vehicle access must be through internal roadway.







CONSULTANT

DEREK CRAWFORD ARCHITECT Inc.

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iCasa RESORT



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CONSULTANT

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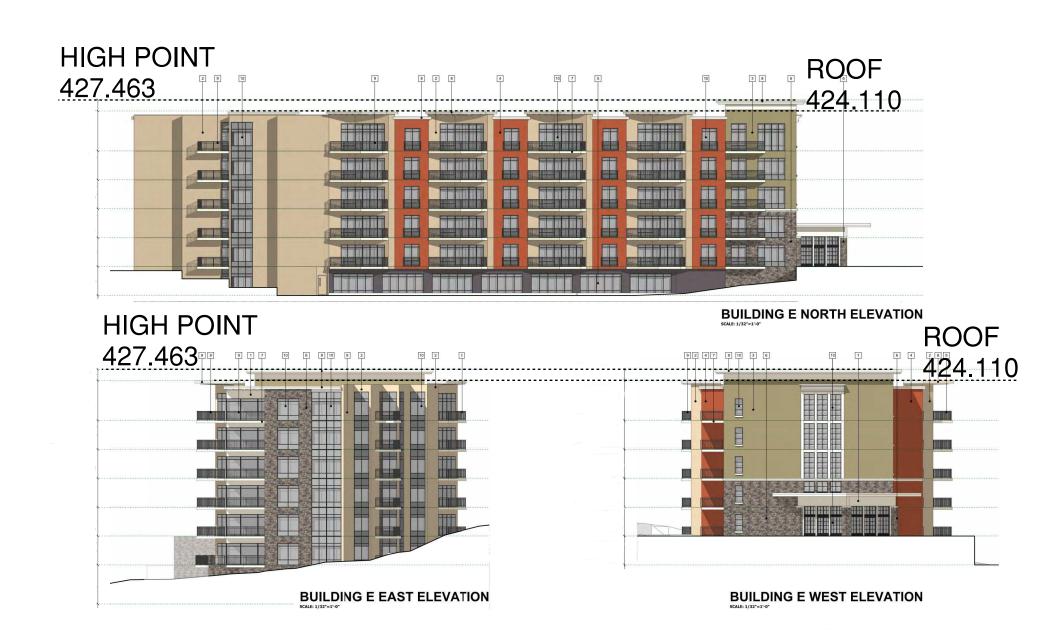
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iCasa RESORT



ELEVATIONS BUILDING D

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ONSULTANT	dcd <u>derek crawford architect inc.</u>
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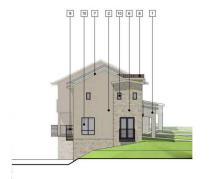
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ELEVATIONS BUILDING E

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HIGH POINT





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TOWNHOUSES EAST ELEVATION



TOWNHOUSES SOUTH ELEVATION



TOWNHOUSES WEST ELEVATION



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d C d DEREK CRAWFORD ARCHITECT INC. 127 Rainbow Road, Salt Spring Island BC, V8K 2V5

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CLIENT:

ELEVATIONS TOWNHOUSES

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January 19, 2018

13211 Henry Avenue Summerland, BC V0H 1Z0

Attention: District of Summerland Mayor and Council

Re: Freshwater Fisheries Society of BC – Comments and Statement Regarding

"Peer Review of Aquifer Protection Strategy" for Rezoning Application Proposed iCasa Development – 13610 Banks Crescent, Summerland, BC

Mayor and Council:

As requested by District of Summerland staff, the Freshwater Fisheries Society of BC has reviewed Golder Associates Ltd.'s (Golder) report "Peer Review of Aquifer Protection Strategy for Proposed iCasa Resort Living Development" dated January 4, 2018. We understand Golder was commissioned by the District to provide an independent third-party review of an "Aquifer Protection Strategy" document prepared by Lark Enterprises Ltd.'s (Lark) consultants, dated September 29, 2017. Recent communication with District staff confirms the third-party review was undertaken in response to concerns raised by the Society and other stakeholders including the general public.

Society staff have reviewed Golder's Peer Review report and Lark's Aquifer Protection Strategy document and prepared this letter with our comments and opinions regarding both the Peer Review process and Peer Review results, and comments and opinions regarding the effectiveness of the proposed Aquifer Protection Strategy to adequately manage and reduce risks of impacts to Shaughnessy Spring water quality and Summerland Trout Hatchery operations.

AQUIFER PROTECTION STRATEGY

Lark's Aquifer Protection Strategy document appears to be primarily a work plan for the management of stormwater within the proposed development property, and not a work plan specifically designed to also protect Shaughnessy Spring water quality and to reduce the risk of impacted water affecting Hatchery operations. The document is comprised of an Erosion and Sediment Control Plan (ESC Plan) with eight pages of text mainly discussing stormwater management and one additional page referencing aquifer and spring water monitoring (Page 7).

The Society's primary concern with the proposed ESC Plan is that it lacks specific "contingencies" (i.e., responses) that would be implemented upon determining that aquifer water and/or spring water has been impacted. The main purpose of these contingencies would be to ensure that the risk of affected water entering the Hatchery facility is suitably reduced. Without contingencies, this water quality risk cannot be adequately managed. The Society first referenced the need for such contingencies in correspondence to the District in January 2017 and reiterated the need for these contingencies in letters issued to the District on August 14, 2017 and September 7, 2017. It is important to note that all Society correspondence to-date has also consistently and specifically stated our requirement for a "Contingency Water Supply" which, in the event of spring water quality being impacted, would ensure that an alternative water supply would be

provided to maintain Hatchery operations. Given the proposed ESC Plan lacks any reference to contingencies for managing risks of impacted water entering the Hatchery facility, the Society remains opposed to the iCasa Development. Other comments, opinions and relevant issues identified during our review of the ESC Plan and previously communicated to the District include, but are not limited to, the following:

- The ESC Plan does not include post-construction monitoring of aquifer water or spring water. The Society's requirement for post-construction water quality monitoring has been referenced in multiple correspondence to the District.
- The ESC Plan commits to measuring turbidity in Shaughnessy Springs on an hourly basis, using automated devices, for four months before construction commences. This monitoring activity has not commenced, despite the approaching early 2018 construction start, and the Society has not been consulted regarding necessary property access arrangements, including insurance requirements.
- The ESC Plan states that an Environmental Monitor will visit the site weekly to obtain manual measurements of turbidity in three monitoring wells and in Shaughnessy Springs and that automated devices in these same locations will be downloaded on a monthly basis. The presence of high turbidity water must be detected in real-time and not based on weekly or monthly readings, since any contingency response could be unnecessarily delayed by a week or month and thereby increase the risk of impacted water entering the Hatchery facility.
- The ESC Plan states that confirmatory water samples will be submitted to a laboratory when "deemed necessary". This qualitative language is not appropriate, and some form of decision criteria should be specified.
- The ESC Plan refers to British Columbia Ambient Water Quality Guidelines to establish turbidity and total suspended solids thresholds for aquifer and spring water quality. This approach assumes that the Guideline values, which are intended for application in natural aquatic environments, are similarly applicable to an engineered, controlled aquatic environment. However, it is not known if these natural water quality Guidelines will ensure functionality of the plumbing, mechanical and filtering components of the Hatchery's engineered environment.
- The ESC Plan does not reference the Hatchery's seasonal production and operational schedules, which include "windows" during which the introduction of a pulse of highly turbid water or continuous introduction of slightly turbid water could cause significant fish (or egg) mortality.
- The ESC Plan states that "emergency measures should be implemented if downstream pH has changed more than 1.0 pH unit", but the specific "emergency measures" are not defined and the specific downstream measurement location is not identified.
- The ESC Plan commits to conducting all work in accordance with the *Water Act*. However, this legislation was repealed in February 2016.

PEER REVIEW

The Society's letter delivered to the District on September 7, 2017 requested that all proponent submissions relating to aquifer and/or Shaughnessy Spring water quality hazards and risks be considered by an independent third party. It is understood that Golder's Peer Review of Lark's Aquifer Protection Strategy document was commissioned, in part, in response to our request. Our September 7 letter also requested that the Terms of Reference (TOR) for the independent review include consideration of the Society's stated concerns, and noted our expectation that proponent submissions should necessarily include discussion of unmitigated water quality risks (i.e., prior to mitigation being implemented) and residual water quality risks

(i.e., after mitigations are applied). The purpose of requesting the risk discussion was to position readers to fully understand what water quality hazards were identified by Lark and to also understand the reduction of water quality risks resulting from Lark's mitigation efforts. Our September 7 letter also reiterated our longheld requirement for a Contingency Water Supply, which we requested due to Lark's lack of specifics regarding management and reduction of potential water quality risks.

The District's TOR for the Peer Review, which are summarized in Section 2.0 "Objective and Scope" of Golder's report, do not include consideration of correspondence submitted by the Society to the District. Therefore, in considering the Society's stated concerns, Golder has relied exclusively on documents prepared by Lark and/or their consultants. The lone Society document considered by Golder was an initial hydrogeological review document (email) prepared in October 2016 by MDM Groundwater Consulting Ltd. (MDM), which was a very preliminary assessment and does not represent the Society's concerns or issues documented during the period of November 2016 to September 2017.

Golder's Peer Review of the Aquifer Protection Plan is primarily a qualitative discussion of the potential for construction vibrations to cause elevated turbidity in Shaughnessy Spring water, either by inducing turbidity in aquifer water below the iCasa property before it discharges at Shaughnessy Spring, or by causing sediment in the terrain adjacent to Shaughnessy Spring to slide directly into the spring water. Based on their review of proponent information, Golder states "Golder supports the conclusion of Lark's consultants that the earthworks and heavy machinery movement will result in relatively low vibration levels in the aquifer and at the Shaughnessy Springs and therefore presents a low risk to the aquifer. Golder also agrees that the earthwork and heavy machinery movement are unlikely to cause a change in turbidity within the aquifer". However, this statement of "support" is qualified by Golder's provision of several recommendations for Lark's team to collect additional monitoring data needed to confirm their low risk impact assessment.

Golder's Peer Review does not discuss specific "contingencies" to be implemented in the event of elevated turbidity in either the aquifer or Shaughnessy Springs water, as requested by the Society, which we assume is because Lark's Aquifer Protection Strategy doesn't include these provisions. Given the District's TOR for the Peer Review lacks any reference to the Society's requested contingencies for managing risks of impacted water entering the Hatchery facility, the Society considers the Peer Review process to be deficient and, therefore, we must remain opposed to the iCasa Development.

Other comments, opinions and relevant issues identified during our review of Golder's Peer Review include, but are not limited to, the following:

- Golder states that correspondence from the District indicates Lark intends to implement post-construction monitoring of aquifer water quality and Shaughnessy Spring water quality. This monitoring commitment was requested several months ago by the Society, but does not appear in the Aquifer Protection Strategy ESC Plan. The ESC Plan should be updated to include this post-construction monitoring.
- Golder (Section 6.0) states that "Ground vibrations from construction have the potential to trigger new sloughing, or an increased frequency of sloughing in the marginally stable wet to saturated ground within or adjacent to the area of the springs" and that "the proposed earthworks and heavy vehicle movement present a sloughing and associated turbidity risk to Shaughnessy Springs". These combined statements provide support for the Society's requirement that "contingencies", including a Contingency Water Supply, be identified in Lark's ESC Plan.

- Golder (Section 4.1) recommends that Lark's 4-month pre-construction (i.e., baseline) water quality
 monitoring interval include a season with extreme rainfall and runoff events and spring melt and
 freshet conditions. The Society is available for discussions with Lark, via the District, to establish
 water quality monitoring of Shaughnessy Spring water during a period that satisfies Golder's
 recommended monitoring period. The ESC Plan should be updated to include this pre-construction
 monitoring commitment.
- Golder (Section 4.1) recommends that Lark determine groundwater travel times below the iCasa property. We agree that groundwater travel times are an integral component of the ESC Plan, since any proposed "contingency" should practically consider groundwater flow rates toward the Shaughnessy Spring area.
- Golder (Section 4.3) states their professional opinion that "real-time monitoring at the spring will provide the basis for rapidly identifying turbidity event occurrences and durations, and will support a determination of probable cause for any such events". The Society concurs with Golder's opinion and we request that Lark's ESC Plan include such real-time monitoring.
- The Peer Review package prepared by Lark and/or their consultants includes a cover letter that states "The aquifer protection strategy has been designed to protect the adjacent Shaughnessy Springs" and "We trust the peer review process will find our engineering effective in protecting the FFSBC operation". Given Lark's reference to protecting both the aquifer and the Summerland Hatchery operation, it is our opinion that the District could reasonably request that Golder (or other independent reviewer) provide their professional opinion regarding these published statements.
- Golder's Peer Review of Lark's Aquifer Protection Strategy seems to meet the District's Terms of Reference for the commissioned review, as summarized in Section 2.0 of the report. Although not explicitly stated in the Terms of Reference, it is generally accepted across all professions that a Peer Review should include a statement of opinion regarding the compliance of the reviewed materials with applicable standards, guidelines, Acts, codes and/or state-of-practice requirements. Regarding Lark's ESC Plan, for example, it seems reasonable that a Peer Review should provide a peer's opinion of that document relative to current state-of-practice expectations and specifications, but this has not been provided by Golder.

SUMMARY

The Society's review of Lark Group's Aquifer Protection Strategy (i.e., Erosion and Sediment Control Plan) has identified several issues and concerns (listed above) and confirmed that the Aquifer Protection Strategy does not address the Society's long-held and consistently stated concerns and requirements related to Shaughnessy Spring water quality. Given the potentially high consequences associated with turbid water entering the Summerland Hatchery, and given that Golder's Peer Review includes several recommendations for changes and additions to the Aquifer Protection Strategy document, the Society must remain opposed to the proposed iCasa Development and to related amendments to the Official Community Plan. This Society position is necessary, based on our mandate and responsibility as operators and managers of the Summerland Hatchery and the recreational fisheries it supports.

Regards,

Kyle Girgan, Manager, Summerland Trout Hatchery Andrew Wilson, President, FFSBC Tim Yesaki, Vice President of Operations, FFSBC



January 16th, 2018

iCasa Resort Living, Summerland BC at Shaughnessy Green (the "Project")

ATT: District of Summerland Mayor and Council

RE: Affirmative Responses to Golder Report Recommendations dated January 4th, 2018

Dear Mayor and Council,

Please accept our itemized affirmative responses to the recommendations contained within the Golder Report entitled *Peer Review of Aquifer Protection Strategy for Proposed iCasa Resort Living Development in Summerland BC,* dated January 4th 2017 (the "Report").

Recommendations and Responses:

- 1. Section 4.1 makes five (5) recommendations for the development of the monitoring wells.
- 2. Section 4.3 recommends that real-time monitoring of spring water for turbidity be combined with regular vibration monitoring to determine actual vibration levels.
- 3. Section 6.0 recommends that the electronic monitoring system proposed for the construction and post-construction phases be demonstrated to provide reliable data prior to construction.
- 4. Section 6.0 recommends that vibration monitoring be conducted at times of maximum vibration and the results of the vibration monitoring be reviewed by a qualified professional daily.
- 5. Section 6.0 states vibrations may be mitigated by such means as ensuring all access roads are kept smooth to minimize bouncing of heavy vehicles, and the use of smaller compaction equipment as needed.

We provide our affirmative response that all of the above recommendations will be implemented.

Please find attached supporting documentation from our engineering team.

We also wish to take this opportunity to reinstate our offered contribution to the FFSBC in the procurement and installation of new reservoir lids as offered in December 2016. We believe the new lids will support the FFSBC in the ongoing maintenance and operation of the Summerland Fish Hatchery, which includes maintaining a high level of water quality at the Shaughnessy Spring.

Sincerely,

Lark Enterprises Ltd.

Malek Tawashy,

Development Project Manager



PITEAU ASSOCIATES

GEOTECHNICAL AND WATER MANAGEMENT CONSULTANTS

SUITE 304 - 1912 ENTERPRISE WAY KELOWNA, B.C. CANADA - V1Y 9S9 TEL: +1.778.484.1777 / FAX: +1.604.985.7286

www.piteau.com

Our File: 3583-M005

January 15, 2018

Lark Enterprises Ltd. Suite 1500 13737 – 96th Avenue Surrey, BC V3V 0C6

Attention: Mr. Myron Dirks, Project Manager

Dear Sirs:

Re: <u>ICASA Site in Summerland – Response to Golder review report on hydrogeology.</u>

Further to your request, we provide the following comments in response to the recent hydrogeological review completed by Golder Associates Ltd. on behalf of the District of Summerland. The Golder report is entitled, "Peer Review of Aquifer Protection Strategy for Proposed ICASA Resort Living Development in Summerland BC", dated January 4, 2018. Our comments are limited to the bullet points raised at the end of Section 4.1 in the Golder report as follows:

<u>Bullet Point No. 01:</u> As background information, the groundwater samples referenced in the July 12, 2016 report were taken from the test (monitoring) wells at the time of construction, with the initial purpose to inform the Project Team on the depth of groundwater. The turbidity sampling was undertaken during construction only to indicate the suitability of the wells for future insitu monitoring. In August of 2017, one of the initial test wells and one new test well were "developed" for the sole purpose of turbidity sampling. The term develop refers to the process of cleaning the screens in the well to remove residual sediment, to the extent that water samples are representative of the quality in the aquifer. In summary, the water quality in the wells is unaffected by the well construction method. To date, the results of water quality sampling for the wells during the baseline monitoring program indicate that turbidity in the aquifer is less than 0.3 NTU. Water quality sampling will continue for the wells during the baseline monitoring.

<u>Bullet Point No. 02:</u> Concurrent with water quality monitoring in the wells on the ICASA site, turbidity sampling at the Spring will also be conducted, helping to establish any correlation between the quality in the wells and the Spring.

<u>Bullet Point No. 03:</u> Continuous water level data in the monitoring wells has been collected since October 2017 as part of the baseline monitoring program. The data include manual and electronic (data logger) measurements during purging of the wells prior to water quality sampling. To date sampling has been completed using the low flow sampling method at rates between 0.18 and 0.38 litres/minute for a minimum of 20 minutes. Water level drawdown during sampling has been immediate and constant at a maximum of 0.005m meters. These data

indicate a relatively high hydraulic conductivity, certainly exceeding the preferable rate of 1×10^{-6} cm/s (1×10^{-3} m/day) value referenced in the Golder comments. The next sampling event in January 2018 will be designed as a step-drawdown test to collect drawdown at various pumping rates. This data will be used to provide a more detailed calculation for hydraulic conductivity.

<u>Bullet Point No. 04:</u> Following the January sample event, water levels from this and previous events will be used to more accurately determine the direction of and gradient of groundwater flow in the aquifer. Using this information, travel times for groundwater to migrate downslope to the end of the ICASA property and to Shaughnessy Spring will be determined.

<u>Bullet Point No. 05:</u> Monitoring will continue into the upcoming spring of 2018, when it is expected that snow melt and precipitation will represent the maximum surface runoff condition on the site. It is intended to undertake some more frequent sampling events during and after higher precipitation events. Concurrent sampling at the Spring will greatly assist with determining the relationship between water quality in the aquifer and in the spring collection area.

Yours truly,

PITEAU ASSOCIATES ENGINEERING LTD.

Remi J. Allard, M.Eng., P.Eng. Principal Hydrogeologist

RJA/skn

Reference: Golder Associates Ltd. 4 January 2018. Peer Review of Aquifer Protection Strategy For Proposed ICASA Resort Living Development in Summerland BC. Unpublished report for the District of Summerland. 12 pages



MEMORANDUM

To:

Lark Group

Suite 1500, 13737 96th Avenue

Surrey, BC V3V 0C6

Attn: Myron Dirks, Malek Tawashy

From:

Paul Glen, P. Eng.

Rock Glen Consulting Ltd. Okanagan Falls, BC

Subject:

Response to Golder Independent Peer Review Report

iCasa Resort Living

13610 Banks Crescent, Summerland, BC

1.0 Introduction and Background

Rock Glen Consulting Ltd. (RGC) was forwarded a copy of Golder Associates report "Peer Review of Aquifer Protection Strategy for Proposed iCasa Resort Living Development in Summerland BC" by Myron Dirks of the Lark Group on January 11, 2018. Paul Glen, P. Eng. of RGC spoke with Myron Dirks on January 12, 2018 to discuss potential vibration impacts on the slopes above the Shaughnessy Spring. Mr. Glen also spoke with Malek Tawashy of the Lark Group on January 12, 2018 regarding preparation of a memo by RGC discussing the Golder peer review report dated January 4, 2018 (Golder report).

The Golder report presented a review of proposed aquifer protection measures to be implemented as part of the iCasa Resort Living development. RGC had presented a professional opinion regarding the potential for construction-related vibrations to impact the local aquifer underlying the development site. Our conclusion was that "the vibrations generated by the excavation and compaction work required to construct the iCasa Resort Development will not impact the underlying aquifer" (RGC letter August 3, 2017).

Date: January 16, 2018

File: RGC-1839

2.0 Golder Peer Review Report Vibration Impact Findings

With respect to the potential for construction vibrations to impact the aquifer underlying the iCasa site, the Golder report concluded that:

"The results of investigation by others indicate that the subsoils at the site are generally compact. Compact soils that are greater than a metre or two below ground surface are not susceptible to further densification from conventional ride-on vibratory roller compactors operating at ground surface (or other moderate level vibrations typical of normal construction). Accordingly, the density of the soils within the Shaughnessy Springs Aquifer, located roughly 20 m below the proposed depth of excavation, is unlikely to be materially affected by normal construction vibrations including soil compaction at surface. Further, turbidity within the Aquifer is unlikely to result from compaction of the Aquifer soils resulting from construction vibrations at the proposed design grade roughly 20 m above the Aquifer".

The Golder report pointed out that compression and shear waves, accounting for 7% and 26% of energy, respectively, radiate outward from a vibration source in a spherical wave front and attenuate more quickly than the 2-dimensional surface Rayleigh waves that account for 67% of total energy from a vibration source.

Practically speaking, the Golder report concluded that:

"Where the depth of burial of the Aquifer is greater than 10 m below ground surface, a depth below which the Rayleigh waves effectively do not penetrate, the compression and shear body waves will become the dominant vibrations. In areas where the depth of cover over the Aquifer is less than 10 m; that is, at the Shaughnessy Springs and adjoining areas, the Rayleigh waves will be the dominant vibrations and will primarily affect shallow ground to depths of the order of 5 m to 10 m below ground surface. However, the intensity of the vibrations will be attenuated by the distance from the source."

The Golder report further stated:

"In our professional opinion, the anticipated vibration levels are low and, in consequence, the risk of a turbidity event from the vibrations within the Shaughnessy Springs Aquifer is considered to be low, and the frequency of turbidity events at Shaughnessy Springs is considered likely to be only slightly elevated over that normally experienced at the Springs."

3.0 Discussion of Potential Vibration Impacts

As the Golder report pointed out, the local aquifer situated at approximately 20 m below the proposed development grade is sufficiently deep to not be affected by construction vibrations.

The report does identify uncertainties in the analysis of risk and recommends monitoring of spring water turbidity as well as shallow ground vibrations in the vicinity of the Shaughnessy Springs to provide data that would allow a determination of probable causes of turbidity events.

The Golder report characterizes planned construction activities on the overall site as having a low risk of impacting the local aquifer due to a significant depth of soil (>20 m) between the aquifer and planned construction grades.

The Golder report identifies the ground immediately upslope of the Shaughnessy Springs as having a low to moderate risk of turbidity generation due to soil sloughing.

In this regard, the manager of the Summerland Fish Hatchery described existing turbidity events that last between 1 hour and half a day. It was noted that two existing sources of turbidity entering the surface water flow from the Shaughnessy Springs are:

- New spring discharge locations creating fresh soil erosion events that enter the surface stream;
 and.
- Animal disturbance within the spring discharge area and along the stream flowing out of the spring area dislodging soil and causing erosion that also enters the surface stream.

Any similar soil sloughing events would require sufficient vibration energy reaching the saturated surface soils immediately adjacent to the spring discharge area to cause soil movement. As described in the Golder report, the 2-dimensional Rayleigh waves are the primary distributor of energy from any construction sources. Construction-related activities that would generate vibrations will occur at least 40 to 50 m horizontally and 20 m vertically from the closest spring discharge location.

The Rayleigh wave energy propagates as surface waves that could reach the slopes approximately 20 m above the spring discharge area. These slopes above the spring discharge area are generally stable. We do not expect the Rayleigh wave energy to travel down this slope and it is considered unlikely for sufficient energy to cause soil sloughing to reach the spring discharge area.

RGC does agree that vibration monitoring as well as water turbidity monitoring of both surface and groundwater is required to confirm construction-related vibration levels adjacent to and within the Shaughnessy Springs discharge area.

Natural sloughing already occurs at Shaughnessy Springs. Monitoring is required to assess and manage the risk. For example, construction activities could be adjusted to reduce vibrations by using smaller compaction equipment.

4.0 Closure

At present, natural turbidity events occur and are effectively managed by the hatchery.

Professional opinions, as noted in the Golder report and previous reports by Piteau Associates and RGC agree that construction-related vibrations will have a low to negligible impact on the aquifer throughout the construction site.

The Golder report expressed uncertainty regarding the risk of increased sloughing in the spring discharge area due to construction-related vibrations. As explained in this memo, RGC is of the opinion that construction activities are unlikely to increase turbidity.

Vibration and turbidity monitoring is required to properly assess and manage risk of increased sloughing in the spring discharge area. If deemed necessary in order to address either turbidity in the aquifer or in the spring, construction activities could be adjusted to reduce vibrations.

We trust that this memo constructively addresses construction-related vibrations and the risk of turbidity events in the surface water stream flowing out of the Shaughnessy Springs.

Please contact us if you have any questions regarding this work.



Paul Glen, P.Eng.

Rock Glen Consulting Ltd.





iCasa Resort Living, Summerland BC at Shaughnessy Green (the "Project")

ATT: Mayor and Council

RE: iCasa Community Support Campaign Update

Dear Mayor and Council,

Please find enclosed our complete package of support letters for the Project collected over the five month period July through November 2017. We have provided seven (7) bound copies and one (1) digital USB file containing the supporting documents.

Contained in the enclosed package are 1210 letters of support from Summerland residents, including 160 letters of support from Summerland business. A significant number of additional supporters provided verbal and anonymous support for the project without providing their names and addresses out of fear of backlash from those opposed.

In addition to the support letters we have provided a briefing package from an independent statistician reporting on the data from our sample of supporters and drawing conclusions on the positions of the community as a whole using accepted statistical method. Contained within this report are also key factors to be considered when receiving the opposition's number of signatures.

Please find below a breakdown of the final results from our campaign statistics:

Total Contacts Initiated to Date:	2958
Signed support letters	1210 (160 by business)
Support without signature	270
Online support	46
Neutral	523
Not Home	746
Opposed	163

Of those who responded either in favour or opposed, 1526 (or 90.3%) were in favour and 163 (or 9.7%) were opposed.

We wish to again thank you and the Summerland community who welcomed us into their homes to discuss the facts of the project.

TEL: 604-576-2935 FAX: 604-576-2936

Sincerely,

Lárk Enterprises Ltd. Malek Tawashy,

Development Project Manager



STATISTICIAN SUPPORT

Prepared for: District of Summerland District Mayor and Council In support of: iCasa Resort Living Development at Banks Crescent by Applicant Lark Enterprises Ltd.



January 15, 2018

iCasa Resort Living, Summerland BC at Shaughnessy Green (the "Project")

ATT:

Mayor and Council

RE:

iCasa Community Support Campaign Update

Dear Mayor and Council,

In December 2017, the Lark Group retained Ryan Persaud Consulting Group to provide an independent third party review of both the letters in support of the Project and a questionnaire that was circulated by a community group, referred to as the Petition. The purpose of the review was to provide statistical analysis of both data sets for consideration by the District of Summerland Mayor and Council. We provide a high level summary below, details of which are included in the enclosed report.

Upon a detailed review of the Petition it was discovered that it contained 1724 unique Summerland signatures. The Petition signees can be summarized as follows:

Local Signees	1724
Out of Town Signees	437
Addresses that don't exist in Summerland	199
Unreadable names or addresses	210
Duplicates and/or Triplicates	120

In October 2017, the Lark Group shifted from a wholistic door to door approach covering the entire District of Summerland, to a direct and concentrated effort focused on answering questions of those residents who had signed the Petition. The data below summarizes the shift in sentiment of those who had previously signed the Petition, after being afforded the opportunity to engage with our team, and ask questions first hand:

Total contacts made	<u>284</u>
Signed a letter of support	87 (31%)
Shifted to a neutral position	98 (34%)
Remained opposed	99 (35%)

Extrapolating the results of the sample population above across the entire list of Petition signees has the potential to produce the following statistics.

Total useable signatures from the Petition	<u>1724</u>
Would sign a letter of support	534 (or 1724 * 31%)
Would shift to a neutral position	587 (or 1724 * 34%)
Would remain opposed	603 (or 1724 * 35%)

As the data demonstrates, extrapolation leaves only 603 Summerlanders in opposition. We trust this information will be of interest to Mayor and Council.

TEL: 604-576-2935 FAX: 604-576-2936

Sincerely,

Lark Enterprises Ltd. Malek Tawashy,

Development Project Manager

Ryan Persaud Consulting Group #110 – 1355 W. 4th Avenue Vancouver, BC, V6H 3Y8

January 14, 2017

Lark Group Suite 1500, 13737 96 Avenue Surrey, BC, V3V 0C6

Dear Lark Group,

Re: Evaluation of Public Outreach for the Rezoning 13610 Banks Crescent

Thank you for providing our team with the opportunity to review the petition and public outreach information for the proposed rezoning of 13610 Banks Crescent. Our main findings are as follows:

Community Insights

- Older demographic: Median age in Summerland is a decade older than the rest of the province (52 years of age vs. 42)
- Aging population: 39% of Summerland's population is aged 60+. This is up 8% over the past three years

Summerlanders for Sensible Development Petition Assessment (Opposition)

- <u>Data Usability Issues:</u> Petition claimed to receive 2,690 signatures, but upon assessing the data quality, only 1,724, or 64% are usable due to duplicates, inaccurate addresses, non-Summerland addresses and illegible contacts.
- Integrity Issue with Petition: There were three general areas covered in the petition, with no evidence which of these areas the signature was supporting. In addition, the petition makes three claims; the development would be build on agricultural land, that rezoning would potentially destroy the fish hatchery, and that the development would be built on high hazard, steep sloped area. However, there has been no information presented to the general public to ever support these claims. From an evaluation perspective, given the lack of information to support petition claims and the lack of mutual exclusivity RPCG could not substantiate what the signatures are in support of. Lastly, the age of signees were not provided so RPCG could not assess if sample is a fair representation of the Summerland community.

Public Outreach (Lark Group)

- <u>General population approach:</u> Lark's general population approach was largely in support of the project, with 83% of the 1,349 signatures supporting the development
- <u>Targeted petition signees</u>: After hearing more information about the project from Lark, two thirds of the opposition petition signees sample converted to either support or a neutral stance. Among those opposed, the issues seem to be zoning in general vs the actual proposed plan
- <u>Combined support</u>: When combining Lark's General Population initiative with the targeted petition signees and removing neutral state we see a large support of the project at 88%.
- Enhancing transparency of outreach: Representation of the community is reflected in geographic data, but not in terms of demographic distribution. In addition, there is no visibility into questions that were asked during discussion by the developers.

Conclusion

There is no substantial evidence proving the majority of residents of Summerland oppose the project. *The Summerlanders for Sensible Development Petition* was reviewed and results indicate a biased delivery which yielded inconclusive results. In addition, when we consider the significant amount of supporters that were identified through Lark's public outreach at 88% and the percentage of individuals who converted from petition signees to supporters or neutral (65%), it would suggest that the initial petition's results were misleading and created confusion among residents. To prove this further, if the conversation rate (65%) persisted for all initial petition signees the total amount of opposition signatures would decline from 1724 signatures to 603 signatures.

Best regards,



Ryan Persaud, Ryan Persaud Consulting Group

iCasa Resort Living January 2018

Community Response
Review
District of Summerland
RE: OCP Amendment &
Rezoning 13610 Banks

Crescent

Ryan Persaud
Consulting Group



Ryan Persaud Consulting Group Making sense of the noise.

Ryan Persaud, Principal

- 10+ years of progressive business intelligence and market research experience
- Shaped customer strategies using data driven insights across a variety of sectors such as: Government, Retail, Automotive, Financial, Not for profit, Telecommunications, Utilities etc.
- Market Research Intelligence
 Association (MRIA) Member sitting
 on the Client Side Research Council



Lindsay Arnocky, Associate

- Chartered Professional Accountant
- Senior financial and business intelligence analyst with over 10 years experience
- Specializes in leading the quantitative and qualitative evaluation of complex business decisions. Experience includes Government, Construction, Tourism, Technology and Finance





Lark Group Approach:

"Anytime we work with a community we want to ensure that before we put shovel to ground we have done 3 things:

- 1. Provided an opportunity for all community stakeholders to share a point of view
- 2. Respond to any concerns or issues and
- 3. Ensure transparency into project details"

RPCG Ask:

RPCG was tasked with taking a third party perspective on all the current public feedback pieces. The team was asked to review methodologies and provide our point of view on reliabilty of data while uncovering actionable insights





11,615
Summerland Population

52 / 42 / 41

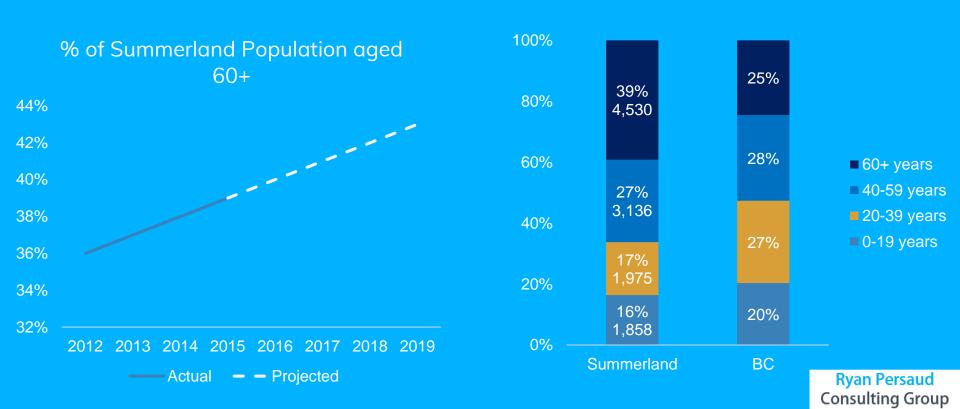
Median Age Summerland / BC / Canada

40%

40% of Summerland population is over 60 years of age

SUMMERLAND AGE DEMOGRAPHIC ASSESSMENT

Summerland has an older demographic that is continuing to age in comparison to the rest of BC





Why are the numbers important when it comes to public outreach?



Design

To ensure that we are getting a representative sample it is important to geography. Age is a significant component of a samples "representativeness". If your sample is not representative, it will be subject to bias. Certain groups may be overrepresented and their others may be under-



Petition vs. Survey

A petition is focused on a specific ask, and contains only one point of view, supporters of the issue. A survey question provides respondents with options, to truly understand the magnitude of public opinion on a specific area. Example:

"Sign this if you support this issue"

"But what if you don't support?"

In a petition, the nonsupporters are not captured so it is difficult for us to use this as the only form of public sentiment.



Sample Representation Example

For a representative sample, age could be considered and if so Summerland's representation would break out as follows:

Residents 19+ (9757) 99% confidence interval Margin of error of 2% Sample size of n=3000 19-39: 630 40-59: 960 60++: 1410

> Ryan Persaud Consulting Group

SUMMERLANDERS FOR SENSIBLE DEVELOPMENT PETITION





SILENT PROTEST Virginia Smith, left, and Donna Wahl, shows ribbons and cards, in plastic bags, with messages of opposition against the proposed Banks Crescent development. Some of the nearby neighbours have set up larger lawn signs, also with messages against the development proposal.

Do you want to preserve Agricultural Land? Do you want to save the fish hatchery?

Does it make sense to have a seniors' development in a high hazard, steep sloped area of Summerland?

Petition summary and background, petition sponsored by "Summerlanders for Sensible Development" Keep 13610 Banks Crescent Zoned Agriculture, a.k.a. "Bristow Valley area". A proposal by the Lark group is before Summerland Council NOW to change the zoning to High Density Residential to allow residential and commercial development of a 4 building condo complex, the majority are six stories high totaling 380 units. As sponsors of this petition, we advocate to promote a key message of sensible development for Summerland. Our priorities are protection of agriculture, the protection of our local fish hatchery and our public safety which will be impacted by long term infrastructure damage, tax payer liability, traffic and red zone building hazards. Our concerns are that the development could cause landslides, destroy productive agricultural land and threaten the operation of our local oldest operating fish hatchery, which generates \$100 million dollars yearly to the Southern BC Region.

Action petitioned for:

We, the undersigned, are concerned citizens who urge our Summerland Council to act now to NOT change the zoning from Agriculture to High Density which would allow the residential and commercial development at 13610 Banks Crescent which has the potential to destroy our fish hatchery.



Ryan Persaud Consulting Group

SUMMERLANDERS FOR SENSIBLE DEVELOPMENT IN PERSON PETITION METHODOLOGY

The in person petition collected the following information: printed name, signature, address of signees and date signed. Locations of the in person signatures included (but are not limited to): Summerland Farmers' Market, The Beanery, Keller Cellar, Royal LePage

2,690 Signatures in person

Making an assumtion that only adults 19+ signed, the 2,690 would represent 27% of the adult population

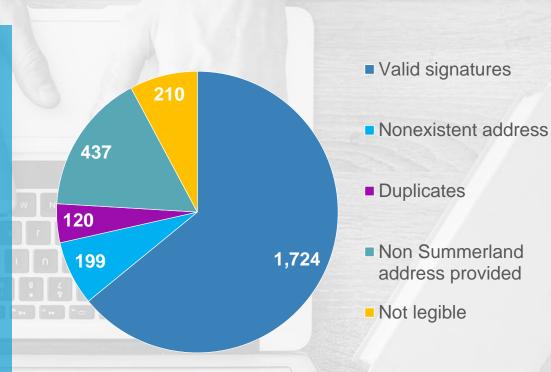
*as of November 27, 2017

Taking a deeper look at the signatures.

As age of signees was not collected there is no way to determine if the sample was a fair representation of Summerland's population

Of total claimed signatures of 2,690 as of November 27, 2017, only 1,724 or 64% are usable

1,724 signatures represents 18% of Summerland's adult population this is down 9% from the initial claim.



Taking a deeper look at the petition structure

Petition questions: What question was the petition looking to get support on? There were 3 things that petition respondents were exposed with:

- **1. Do you want** to preserve Agricultural land
- **2. Do you want** to save the Fish Hatchery
- 3. <u>Does it make sense</u> to develop a seniors facility in a high hazard, steep sloped area

3 Topics does not equal mutual exclusivity:

There are 3 general topics covered in this petition: general preservation for 2 of the communities assets, and 1 question focused on personal knowledge of building a facility on hazard/steep sloped land.

From an evaluation perspective RPCG could not substantiate what the signatures are in support of.

In addition, the petition makes 3 claims, the development would be build on agricultural land, that rezoning would potentially destroy the fish hatchery, and that the development would be built on high hazard, steep sloped area. However, there has been no information presented to the general public to ever support these claims.

From an evaluation perspective, given the lack of information to support petition claims and the lack of mutual exclusivity RPCG could not substantiate what the signatures are in support of.

Ryan Persaud

Consulting Group







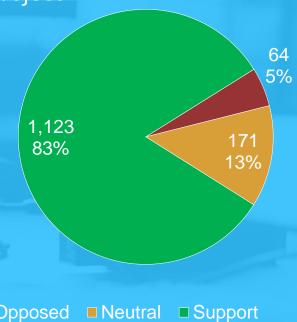
LARK METHODOLOGY

- 1. General Population: July October 2017
- Approached general Summerland population, both businesses and residents
- In person discussion about project
- Reached 1,536 contacts (16% of Summerland adult pop)
- **2. Targeting Petition Signees:** October 2017
- Targeted approach, seeking those who signed opposition petition in past 12 months
- Successfully contacted 367 of 908 listed addresses (40% of petition signees)
- 284 responded with an opinion (87 support, 98 neutral, 99 opposed)



LARK INSIGHTS: GENERAL POPULATION

Lark's general population sample was largely in support of the project



Opposed

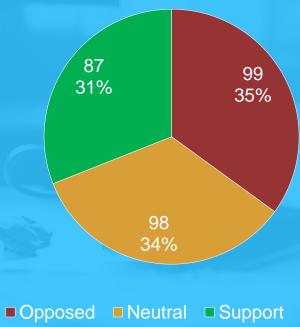
n =1358 after removing 187 individuals who supported verbally without signing (no way to substantiate this) Does not include those who signed opposing petition in following slide Omits those not home, not interested, return later, not visited

Ryan Persaud Consulting Group



LARK INSIGHTS: TARGETED PETITION SIGNEES

Nearly a third of petition signees converted to support the project

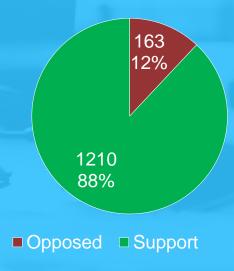


Removing the 83 individuals who supported verbally without signing (22% of total)



LARK INSIGHTS: GENERAL POPULATION + TARGETED PETITION SIGNEES

When we combine both general population and targeted petition and remove neutral we see a support percentage of 88%.





LARK INSIGHTS

- → When combining Lark's General Population initiative with the targeted petition signees and removing neutral we see a large support of the project (88%)
- → After discussing the project in more detail, a third of initial petition signees converted to support the project
- → Among those opposed, the issues seem to be zoning in general vs the actual proposed plan
- → Representation of the community was reflected in geographic data, but not with demographic distribution
- → No visibility into questions that were asked during discussion





SUMMARY

- → Issues with initial petition outreach. Petition question structure enforces bias on the issue, while sample may not accurately represent Summerland population. Data quality was an issue, with just 61% of the petition data being usable.
- → Lark's sample states that 88% supported the project when combing both general population with targeted petition signees and removing neutral.
- → After hearing more information about the project from Lark, two thirds of the opposition petition signees sample converted to either support or a neutral stance.
- → There is no substantial evidence proving the majority of residents of Summerland oppose the project



THE CORPORATION OF THE DISTRICT OF SUMMERLAND COUNCIL MEMO

DATE: January 19, 2018 File: 2016-1787

TO: Linda Tynan, Chief Administrative Officer

FROM: Dean Strachan, MCIP, RPP, Director of Development Services

SUBJECT: Banks Crescent Application – Process Steps

PROCESS STEPS TO DATE

November/December 2016

Council received the Bylaws for OCP Amendment and Rezoning for the proposed Banks Crescent Development. Two public sessions were scheduled followed by a Public Hearing at the end of January 2017. In January 2017 Council decided to cancel the Public Hearing and requested more information on various items including infrastructure, financial analysis, environmental reporting and concerns outlined by BC Freshwater Fisheries on the potential impacts to the hatchery and the aquifer water source.

January to October 2017 – Infrastructure and Financial Information

Staff worked with the applicants and their professionals from January to October 2017 on infrastructure and financial information on the proposed project. At the Committee of the Whole meeting on October 25, 2017 staff presented and discussed with Council the infrastructure components. In the Banks Update report presented to Council November 14, 2017 was a schedule outlining infrastructure components. A preliminary financial analysis was present to Council in May 2017 then followed up with a more detailed analysis presented to Council at their November 27, 2017 meeting. In addition to the discussion around infrastructure and finances has been the discussion on potential amenity contributions.

Key Repots to Council:

- o November 14, 2017 Banks Crescent Update Report
- o November 27, 2017 Banks Crescent Financial Report

Staff and Council discussed the parameters around this component at the October 25, 2017 Committee of the Whole meeting. At their January 8, 2018 meeting, Council received the applicant's proposal for amenity contributions. The proposal includes \$100,000 towards underground electrical, \$600,00 towards Latimer Avenue road improvements and \$300,000 towards Solly Road improvements, total of \$1,000,000.

• Key Repots to Council:

o January 8, 2018 Banks Crescent Update Report

<u>January 2017 to January 2018 – BC Freshwater Fisheries</u>

The initial letter to Council from BC Freshwater Fisheries, and Councils subsequent information requests resulted in discussions between the District, Applicants and BC Freshwater Fisheries. Several options for a potential contingency water source were explored including a ground water well and deep-water lake intake. In reviewing the options, several issues were identified with each of the options. Issues with the ground water well option included potential water volume and water composition. Issues with the deep-water lake intake included temperature and potential for pathogens. Following the option review and analysis, the applicants proposed to instead develop an Aquifer Protection Plan. This plan was presented to Council, however, a third-party review of the proposal was requested by Council. The District engaged Golder Associates to conduct the review, the results were received in December and then presented to Council at their January 8, 2017 meeting. Reponses to the Golder Report have been received from both the applicants and BC Freshwater Fisheries and are included in the staff report to Council for the January 22, 2018 meeting.

• Key Report to Council:

o January 8, 2018 Banks Crescent Update Report

Environmental Reporting

Council had requested an environmental assessment be conducted according to the OCP Terms of Reference. At their meeting of May 23, 2017 Council received the report which had been reviewed and recommended to be received

by the District Environmental Planner.

- Key Report to Council:
 - o May 23, 2017 Banks Crescent Update Report

Scheduling a Public Hearing

On January 8, 2018 staff reported to Council that the information they had requested from staff had now been provided, therefore, it was recommended that Council schedule the Public Hearing. Council passed a resolution to proceed with a Public Hearing which has is scheduled for February 5, 2018. Additional information on the procedure proposed for the Public Hearing is provided in the January 22, 2018 staff report to Council.

- Key Report to Council:
 - o January 8, 2018 Banks Crescent Update Report

NEXT STEPS

OCP Amendment and Rezoning

Following the Public Hearing on February 5, 2018 Council will consider Third Reading of the OCP amendment and Rezoning Bylaws for the application. The meeting for this consideration will be booked as soon as possible following the Public Hearing. At Third Reading Council it is anticipated that Council will debate the application, the information

received and asks clarification questions of Staff. As the Public Hearing will have been closed Council will not be able to receive new information at this point.

At Third Reading, Council could decide to defeat the bylaws which would end the application process. The applicant would then have to reapply if they wished to pursue their application.

Or at Third Reading, Council could decide to have more information provided. This decision would result in the requirement to hold a new Public Hearing.

Or at Third Reading, Council could decide to approve the bylaw reading. If this approval is granted Staff would proceed with completing the Development Agreement. This document is the legal mechanism used to cement the various component of the development and how they will proceed. It will include the detailed design components, amenity contributions, plans and requirements established with Council during the process. The Development Agreement is registered on the land title binding the development approvals moving forward to what has been agreed to. Another piece that will need to be completed is the road closure, a portion of undeveloped Banks Crescent road right-of-way is proposed to be included in the development. This area of road must be closed, appraised a sold to the applicant.

The Development Agreement and Road Closure/sale must be completed and approved by Council prior to Council consideration of Adoption of the OCP Amendment and Rezoning Bylaw.

Development Permit and Building Permit

If the OCP Amendment and Rezoning bylaws are adopted, the next step would be consideration of Development Permit (DP). This DP would include a form and Character DP around the building facades and landscaping, an Environmental DP based on an expansion of the review and reporting completed in May 2017, and a High Hazard DP as a portion of the property is within the 'red zone' as identified in the OCP. The Development Permit drawings were presented to Council at their July 24, 2017 meeting.

If the DP is completed and approved the next step would be Building Permit. This step would be the final step that once completed would allow for construction to begin on the site.

The applicant has submitted a subdivision application. A subdivision process would be undertaken under the supervision of the Approving Officer if the OCP Amendment and Rezoning is approved. Subdivision would not alter the Development Agreement requirements nor those of the CD8 zone, however, would allow for a portion to be owned by Saint Elizabeth and portions of the development identified for market housing to be stratified.

Key Report to Council:

o July 24, 2017 Bank Crescent Update Report