



## THE CORPORATION OF THE DISTRICT OF SUMMERLAND COUNCIL REPORT

DATE: April 7, 2017 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

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### STAFF RECOMMENDATION:

That Council pass the following resolution:

*THAT the update report dated April 7, 2017 from the Director of Development Services in relation to the OCP Amendment and Rezoning for 13610 Banks Crescent be received.*

### PURPOSE:

To receive a progress update on review and study components related to the OCP Amendment and Rezoning for 13610 Banks Crescent.

### BACKGROUND and DISCUSSION:

These following items remain under study and review:

1. Letter received from Freshwater Fisheries Society of BC dated February 24, 2017.
  - a. Additional correspondence dated March 23, 2017 (**see Schedule A**) was received from the hatchery in relation to an alternate water source.
  - b. The applicant has engaged their professionals and have reviewed options. The applicants have responded with a letter to Council dated March 30, 2017 (**see Schedule B**).
  - c. District staff had scheduled a meeting with the applicants and the Freshwater Fisheries Society of BC for April 13, 2017, however, on April 7, 2017 we were notified by the Society that they wished to cancel the meeting. The Society has indicated that they will be submitting a written response to Council on the applicant's letter by the middle of next week.
  - d. The applicant has submitted the Sediment and Erosion plan, draft comments have been prepared by District Engineering Staff and are completing final approval before being sent to the applicant.
2. Letter received from the Penticton Indian Band (PIB) dated January 26, 2017.
  - a. District staff met with PIB Development Services staff on March 14, 2017. Good discussion between staff occurred on both the Banks Crescent application and development in general. PIB staff requested additional information on the Banks Crescent application, that has been provided by staff. PIB staff indicated they would be preparing a further response for

Councils consideration. Staff to staff correspondence has continued, through email we were notified that a further submission would be submitted, however, to date has not been received.

- b. The RDOS committee on referral protocol was scheduled to have a meeting in March, to date a meeting time and date has not yet been sent out. Staff followed up with RDOS staff on this item and were informed that they have not contacted the group yet for scheduling but plan to do so in the next few weeks.
3. Revised and updated Environment Assessment Reporting in accordance with the District of Summerland Terms of Reference for Environmental Reports.
  - a. The applicant has engaged a consulting biologist to conduct a review of the report previously provided, review the Terms of Reference, and prepare a revised report.
  - b. The consulting biologist has had communication with the District's Environmental Planner, Alison Peatt, RPBio and is currently completing a revised report. The applicant has indicated for the past two weeks that the report would be received by the District, however, it has not yet been received.
4. District Revenue Analysis.
  - a. Development Services and Finance have met to discuss the analysis, the applicant has submitted the required information and Finance is preparing an analysis report.
5. High level plan for upgrades required for road sections determined through the traffic study to be upgraded from local roads restricting truck use to collector roads permitting truck use.
  - a. The applicants Traffic Engineer has conducted more detailed analysis of the traffic study and submitted draft components for review on March 9, 2017, Draft comments have been prepared by District Engineering Staff and are completing final approval before being sent to the applicant.
  - b. Designs Drawings for road modifications and/or improvements are to be prepared following completion of the traffic study review.
6. Sanitary sewer service modelling for full build out of lift station and mains in service catchment area.
  - a. The applicant has engaged their consulting engineers and provided updated sanitary sewer data output from the proposed subject development.
  - b. Staff have conducted preliminary modelling, however, will add the new data and will complete updated modeling.
7. Identify the preferred water service option and what off site works would be required.
  - a. The applicant's engineers have now selected a preferred water service option and have submitted preliminary designs.
  - b. Draft comments have been prepared by District Engineering Staff and are completing final approval before being sent to the applicant.
8. Additional storm water design including off site line routing plan.
  - a. The storm water management plan has been submitted, draft comments have been prepared by District Engineering Staff and are completing final approval before being sent to the applicant.

9. Additional electrical design and modelling for onsite construction purposes as well as potential off site upgrades required.
  - a. Draft comments have been prepared by District Engineering Staff and are completing final approval before being sent to the applicant.

As previously noted, additional areas of review and study may be identified through the information gathering process.

Once the above noted study and review is completed a summary report will be prepared including a summary of the community consultation comments and questions received with responses and answers provided where possible and/or applicable.

It is anticipated that the additional information gathered would likely result in more detailed additional and/or alternate amenity provisions being recommended.

It is noted that several outstanding items are outside of District Staff control. We continue to correspond and seek timeline updates.

#### LEGISLATION and POLICY:

The Bylaws related to the subject application have received second reading, however, a Public Hearing has not yet been scheduled.

The mechanism proposed to be used for addressing concerns, requirements, conditions and bonding security would be a Development Agreement. The Development Agreement would be completed, presented to Council and would need to be approved in advance of the Rezoning Bylaw being adopted. As the proposed development would not be constructed all at once the Development Agreement would include provisions to be addressed at each construction phase. As part of this process, a No-Build and No-Disturb 219 Restrictive Covenant would be registered prior to adoption of the Rezoning Bylaw. This covenant would only be released for each phase once the detailed designs are approved and/or provisions are completed and bonding security is in place.

#### FINANCIAL IMPLICATIONS:

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

#### CONCLUSION:

The study and review continues to progress. The applicant has engaged professionals in the necessary fields to complete the studies and reviews requested. Staff continue to review the information provided, monitor progress on all components and will continue to

regularly update Council on progress.

OPTIONS:

1. Move the motion as recommended by Staff.
2. Request additional information on one or more updates provided.


Respectfully Submitted,



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Dean Strachan, MCIP, RPP  
Director of Development Services

Approved for Agenda



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Linda Tylan, CAO

**Dean Strachan**

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**From:** Girgan, Kyle <Kyle.Girgan@gofishbc.com>  
**Sent:** Thursday, March 23, 2017 4:31 PM  
**To:** Peter Waterman; Erin Trainer; Janet Peake; Richard Barkwill; Toni Boot; Erin Carlson; Doug Holmes  
**Cc:** Dean Strachan; Alex Kondor; Yesaki, Tim; 'Matthew Munn'  
**Subject:** Follow up to March 15th email from The Summerland Trout Hatchery

Mayor and Council,

As a follow up to our email to the District on March 15, 2017, and due to questions we've received from other stakeholders, I am writing to provide clarification regarding the "Contingency Water Supply" required by the Summerland Trout Hatchery. The rationale for this requirement is solely to provide operational security should the proposed Banks Crescent Development impact our lone available source of water (Shaughnessy Springs). It is our understanding that all on-going discussions related to "Contingency Water Supply" have been motivated solely by potential impacts related to the Lark Group's development proposal and, otherwise, the FFSBC would not be engaged in such discussions. It would be incorrect to suggest the "Contingency Water Supply" discussions are meant to address any other known or potential issue related to our existing water supply. Consistent with our previous statements, the FFSBC cannot support the proposed Lark Group development until a permanent "Contingency Water Supply" is confirmed and made available to the Summerland Trout Hatchery.

Thank you,



**Kyle Girgan**  
Hatchery Manager  
Freshwater Fisheries Society of BC  
T 250.494.0491 C 250.488.0485  
13405 Lakeshore Drive South, Summerland, BC V0H 1Z1  
[gofishbc.com](http://gofishbc.com)

## **Schedule B**



March 30, 2017

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

**ATT: District of Summerland Mayor and Council**

**RE: Shaughnessy Springs Aquifer**

**REF: APPLICATION TO AMEND OFFICIAL COMMUNITY PLAN AND ZONING BYLAW – 13610 BANKS CRESCENT**

Dear Mayor and Council,

We write to provide an engineering update on the Shaughnessy Springs water supply with specific reference to the potential concerns the proposed development may have on the current fisheries production.

There are a number of points to note as a preamble to the summary that follows:

1. The surface area of the property at 13610 Banks Crescent currently accounts for less than 1% of the water quantity produced by Shaughnessy Springs.
2. The developer has information from the FFSBC that confirms the long term viability of the water quantity and quality from Shaughnessy Springs is in question and has been for some time.
3. The developer understands there is a Golder & Associates report entitled "Groundwater Availability Assessment" that was commissioned in 2004 by the FFSBC for the purpose of addressing the long term viability of fish production at the current location.
4. The developer also understands, for reasons that we have no knowledge of, the FFSBC has requested the contents of this report remain outside of the public domain; as identified in their letter copied to council on March 15<sup>th</sup>, 2017.

The intention of the following summary is to outline the common ground that has been discovered between both the developer's engineer (Piteau Associates Engineering Ltd., "Piteau") and the FFSBC's engineer (MDM Groundwater Consulting Ltd., "MDM").

In a memorandum issued by Piteau on January 19<sup>th</sup>, 2017 there were a number of concerns (potential sources of impact) addressed and solutions issued for discussion. The following table summarizes those items and indicates where mutual agreement has been established between the engineers representing both the developer and the FFSBC.





Category	Subject of Discussion	Piteau	MDM
Quality	The rare historical occurrence of elevated turbidity levels in Shaughnessy Springs means the FFSBC cannot determine the Hatchery's turbidity threshold for fish production	✓	✓
Quality	Slope sloughing has not specifically been identified as an operational concern due to a number of historical occurrences. However, silt fencing is an effective approach to mitigating slope erosion and will be carried out by the developer	✓	✓
Quality	Overland flow of storm water will be diverted away from the Hatchery and into the municipal storm system	✓	✓
Quantity	The proposed development will neither withdraw groundwater from the aquifer nor dispose of water to the aquifer	✓	✓
Quality	The developer should further develop on site monitoring wells to more accurately assess the viability for aquifer turbidity monitoring		✓

With the exception of the monitoring wells, the developer and FFSBC's engineering representatives are in agreement on all points.

The absence of support from the developer's engineer on the development of site monitoring wells is one of practicality. While the wells may provide a source of monitoring, the degree of accuracy is not mutually supported by both engineering parties. Additionally, should vibration-induced turbidity be detected by the monitoring wells, this information alone will not safeguard the hatchery from turbidity from either the development or upstream sources.

One proactive and long term solution to the subject of on-site monitoring wells is an active filtration system installed at the spring head. Such a system can be designed to make additional benefits available to the Hatchery such as:

- An active turbidity safeguard system installed for the lifetime of the Hatchery
- A means to address declining water quality originating from the balance of sources which account for 99% of the Spring's water supply



In response to the FFSBC's request for a new water source, it remains the opinion of the developer that this request is in response to Shaughnessy Springs' diminishing ability to serve as a viable water source for the Hatchery. This circumstance was not caused by the development, nor is it exacerbated by the development; therefore, the cost of the solution should not be borne by the developer.

It is equally important to note that we will be an active participant in the solution; however, we cannot do so without input from all stakeholders. We absolutely support a round-table discussion with the City, the FFSBC, and Staff as required to understand all the facts surrounding the current condition(s) of Shaughnessy Springs, the true long term viability for the hatchery, and the commitments that need to be made by all parties moving forward.

In the case for either the filtration system or the development of a new water source, the developer is prepared to make a capital donation to the FFSBC as to ensure the optimal solution is designed and vetted by the Hatchery operations staff. It is the developers understanding that the Shaughnessy Springs' water quality and quantity is still viable for fish production today, with supplementation from domestic water. In light of this, the proposed donation should be in an interest bearing account as to provide the Hatchery with a growing capital reserve account for future deployment.

We look forward to your response and as noted welcome further discussion on the matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Malek Tawashy', with a stylized flourish at the end.

**Lark Enterprises Ltd.**  
Malek Tawashy,  
Development Project Manager