



## THE CORPORATION OF THE DISTRICT OF SUMMERLAND COUNCIL REPORT

DATE: June 8, 2017 File: 2016-1787  
TO: Linda Tynan, Chief Administrative Officer  
FROM: Dean Strachan, MCIP, RPP, Director of Development Services  
Kris Johnson, P.Eng., Director of Works and Utilities  
SUBJECT: OCP Amendment and Rezoning – 13610 Banks Crescent - Update

---

### STAFF RECOMMENDATION:

That Council pass the following resolution:

*THAT the update report dated June 8, 2017 from the Director of Development Services and the Director of Works and Utilities 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. On June 8, 2017 Staff received a letter and report with the results and recommendations from the applicants on the alternate water source for the Freshwater Fisheries Society of BC hatchery facility (see Figure 1).
  - b. Staff have forwarded the report to the Freshwater Fisheries Society for their review. Staff spoke with Kyle Girgan, Hatchery Manager to confirm their receipt of the report. They have confirmed their receipt and indicated they will be reviewing and having their professionals also review. Once they have completed their review they will be contacting District Staff to meet and discuss. Staff will also be reviewing the proposed options.
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. Staff to staff correspondence has continued.
  - 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

confirmed. District staff followed up with RDOS staff and were informed that they plan to schedule a meeting.

3. Revised and updated Environment Assessment Reporting in accordance with the District of Summerland Terms of Reference for Environmental Reports.
  - a. The applicants consulting biologist has completed and submitted a revised report. The District's Environmental Planner, Alison Peatt, RPBio provided her review comments which were included as a late item with the May 23, 2017 update report.
  - b. The Ministry of Forest, Lands and Natural Resource Operations has asked to receive the revised report and has indicated they will be providing a referral response following their review.
  - c. The Penticton Indian Band has been sent a copy of the final report as they requested.
4. District Revenue Analysis.
  - a. The Finance Department is working on their analysis and reporting.
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 applicant's Engineering Consultant has submitted a revised traffic study for review. District staff provided comments to the applicant and have received responses to these comments along with a revised traffic study which is being reviewed.
  - b. Road modifications and/or improvements are to be identified in the traffic study and detailed design drawings are to be prepared following finalization of the traffic study.
6. Sanitary sewer service modelling for full build out of lift station and mains in service catchment area.
  - a. The applicants Engineering Consultant provided updated sanitary sewer flow data expected to be generated from the proposed development.
  - b. Staff have provided the updated information to our Engineering Consultant in order to model the impacts to the downstream gravity sewer system and lift station.
7. Identify the preferred water service option and what off site works would be required.
  - a. The applicant's Engineering Consultant have now selected a preferred water service option and have submitted a preliminary design drawing. District staff have provided comments to the applicant and have received responses to these comments along with a revised concept servicing memo which is being reviewed.
8. Additional storm water design including off site line routing plan.
  - a. The storm water management plan has been submitted. District staff have provided comments to the applicant and have received responses to these comments along with a revised concept servicing memo which is being reviewed.

9. Additional electrical design and modelling for onsite construction purposes as well as potential off site upgrades required.
  - a. District Staff is reviewing the proposed electrical load and the impact to the electrical system. Staff is also reviewing the projected demand in comparison to the capacity of the existing substations with Fortis.
  - b. Staff requested that the Applicant to review alternate methods to heat the buildings to reduce the electrical demand.
  - c. The Applicant is currently completing the design to bring temporary power from Lakeshore Drive for construction and also to allow the existing power poles onsite to be removed and not impact the electrical system.

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.

At the May 23, 2017 Council meeting staff provided a memo a result of questions and discussion in relation to the subject application and the Official Community Plan, staff are preparing a memo outlining the OCP objectives, policies and intent in relation to the application. This memo is being completed and will be added to the report on Tuesday May 23, 2017.

#### 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.

Submitted by,

A blue ink signature of Dean Strachan, written in a cursive style.

Dean Strachan, MCIP, RPP  
Director of Development Services

A black ink signature of Kris Johnson, written in a cursive style.

Kris Johnson, P.Eng.  
Director of Works and Utilities

**Approved for Agenda**

A black ink signature of Linda Tyran, written in a cursive style, enclosed within a rectangular box.

Linda Tyran, CAO

## Figure 1



While the deep water lake intake option is the most expensive option, it does provide a number of robust, long term viability benefits which make it the favored of the options reviewed. It is also worth noting that the water quality tests were performed at what could be considered a worst-case scenario with respect to the most recent levels of precipitation and flooding exceeding norms in the region.

Lark Enterprises supports maintaining the drilled well option as a secondary option should the lake option not end up being viable; however at this time we are fully committed to working with the District of Summerland in developing a deep water lake intake as the contingency water supply to be provided for the FFSBC.

In order to continue with the development of this option, Lark Enterprises is requesting to work with the District of Summerland in the use of the existing water license commencing immediately upon the conclusion of the rezoning process.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Malek Tawashy', is written over a horizontal line.

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

Attachments:

- Larrat Aquatic Consulting Letter on Possible Intake for Summerland Hatchery
- CTQ Summary of Water Quality Analysis of Options



To: Malek Tawashy, Lark Group  
Re: Possible Intake for Summerland Hatchery

Hello Malek:

The analytical results from the samples collected from the area of Okanagan Lake in front of the Summerland Hatchery on May 16 2017 from 20 m depth and 30 m depth with 2m clearance to the substrates are appended. They were compared to the BC MoE MAC and 30-day guidelines for the protection of aquatic life. There were no exceedances. This information is appended to this letter.

These results are within the normal range for the southern basin of Okanagan Lake. An extensive history of water quality in this basin, but not specific to the proposed intake location, is available from BC MoE, Penticton. The southern basin is a stable, reliable water source. Obtaining a new license may be challenging.

When the 20 m sample and the 30 m sample are compared, they are similar in most respects, however, the 20 m sample may be showing more of an influence from creek plumes/lake flooding than the 30 m sample. This is best indicated in the difference between TDS (191 vs 177 mg/L) and TSS (2.4 vs <2.0 mg/L). Since 2017 is experiencing the largest flooding event recorded, these results are indicative of a worst-case freshet condition.

We trust this information is helpful,

Heather Larratt, R.P. Bio.

---

Larratt Aquatic Consulting Ltd. 2605 Campbell Rd. West Kelowna B.C. V1Z 1T1

Phone: 250.769.5444 Email: [heather@larratt.net](mailto:heather@larratt.net)

ABID			7051456-01	7051456-02		BC MoE MAC		BC MoE 30-day		
CLIENT ID			Site 20m	Site 30m		20m Guidelines	30m Guidelines	20m Guidelines	30m Guidelines	
DATE SAMPLED			2017-05-16	2017-05-16						
DATE RECEIVED			2017-05-16	2017-05-16						
MATRIX			Water	Water						
Analyte	Units	MRL								
Bromide	mg/L	0.1	<0.10	<0.10						
Chloride	mg/L	0.1	4.34	4.29						
Fluoride	mg/L	0.1	0.16	0.19		600	600	150	150	
Nitrate (as N)	mg/L	0.01	0.066	0.076		1.397219652	1.390287991			
Nitrite (as N)	mg/L	0.01	<0.010	<0.010		32.8	32.8	3	3	
Sulfate	mg/L	1	30.6	30.8		0.18	0.18	0.06	0.06	
Alkalinity, Total (as CaCO3)	mg/L	2	109	110				309	309	
Ammonia, Total (as N)	mg/L	0.02	0.021	0.023		5.96	5.96			<<based upon T=8.0°C and pH=8.0
BOD, 5-day	mg/L	2	<7.0	<7.0						
Nitrogen, Total Kjeldahl	mg/L	0.05	0.078	0.069						
Phosphorus, Total (as P)	mg/L	0.002	0.0061	0.0061						
Phosphorus, Total Dissolved	mg/L	0.002	0.0049	0.0059						
Phosphorus, Dissolved Reactive	mg/L	0.005	0.0056	0.0064						
Solids, Total Dissolved	mg/L	10	191	177						
Solids, Total Suspended	mg/L	2	2.4	<2.0						
pH	pH units	0.01	8.06	8.04						
Conductivity (EC)	uS/cm	2	281	285						
Hardness, Total (as CaCO3)	mg/L	0.5	117	115						
Nitrate+Nitrite (as N)	mg/L	0.01	0.062	0.0765						
Nitrogen, Total	mg/L	0.05	0.144	0.146						
Nitrogen, Organic	mg/L	0.05	0.057	<0.0500						
Calcium, dissolved	mg/L	0.2	31.4	30.9						
Magnesium, dissolved	mg/L	0.01	9.26	9.12						
Aluminum, total	mg/L	0.005	<0.0050	0.0118		0.1	0.1	0.05	0.05	<<Guideline applies to Diss-Al
Antimony, total	mg/L	0.0001	<0.00010	<0.00010						
Arsenic, total	mg/L	0.0005	<0.00050	<0.00050		0.005	0.005			
Barium, total	mg/L	0.005	0.0222	0.0228						
Beryllium, total	mg/L	0.0001	<0.00010	<0.00010						
Bismuth, total	mg/L	0.0001	<0.00010	<0.00010						
Boron, total	mg/L	0.004	0.014	0.013		1.2	1.2			
Cadmium, total	mg/L	1E-05	<0.000010	<0.000010		0.000691452	0.000679281	0.000237393	0.000234399	
Calcium, total	mg/L	0.2	33.9	34.1						
Chromium, total	mg/L	0.0005	<0.00050	<0.00050						
Cobalt, total	mg/L	0.0001	<0.00010	<0.00010		0.11	0.11	0.004	0.004	
Copper, total	mg/L	0.0002	0.00089	0.00076		0.012998	0.01281	0.00468	0.0046	
Iron, total	mg/L	0.01	<0.010	0.012		1	1			
Lead, total	mg/L	0.0001	<0.00010	<0.00010		0.003	0.003			
Lithium, total	mg/L	0.0001	0.00326	0.00328						
Magnesium, total	mg/L	0.01	9.42	9.49						
Manganese, total	mg/L	0.0002	0.00078	0.00114		2.2	2.2	1.3	1.3	
Molybdenum, total	mg/L	0.0001	0.00356	0.00359		2	2	1	1	
Nickel, total	mg/L	0.0002	0.00073	0.00037						
Phosphorus, total	mg/L	0.05	<0.050	<0.050						
Potassium, total	mg/L	0.02	2.41	2.45						
Selenium, total	mg/L	0.0005	<0.00050	<0.00050		0.002	0.002	0.001	0.001	
Silicon, total	mg/L	1	4	4						
Silver, total	mg/L	5E-05	<0.000050	<0.000050		0.003	0.003	0.0015	0.0015	
Sodium, total	mg/L	0.02	11.1	11.3						
Strontium, total	mg/L	0.001	0.289	0.291						
Sulfur, total	mg/L	3	9	9.3						
Tellurium, total	mg/L	0.0002	<0.00020	<0.00020						
Thallium, total	mg/L	2E-05	<0.000020	<0.000020						
Thorium, total	mg/L	0.0001	<0.00010	<0.00010						
Tin, total	mg/L	0.0002	<0.00020	<0.00020						
Titanium, total	mg/L	0.005	<0.0050	<0.0050						
Uranium, total	mg/L	2E-05	0.00258	0.00256						
Vanadium, total	mg/L	0.001	<0.0010	<0.0010						
Zinc, total	mg/L	0.004	<0.0040	<0.0040		0.05325	0.05175	0.02775	0.02625	
Zirconium, total	mg/L	0.0001	<0.00010	<0.00010						







