



THE CORPORATION OF THE
DISTRICT OF SUMMERLAND
COUNCIL REPORT

DATE: March 22, 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

STAFF RECOMMENDATION:

That Council pass the following resolution:

THAT the update report dated March 22, 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 15 & March 17, 2017 (see Schedule A) from the hatchery in relation to parameters for an alternate water source.
 - b. The applicant has engaged their professionals and are reviewing options. Staff are being cc'd on correspondence and continue to monitor progress and are available if required by either and/or both parties.
 - c. The applicant has engaged consulting engineers to complete the Sediment and Erosion control designs and plans as well as the water monitoring.
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. Further discussions between staff of both communities are proposed following completion of their review.

- b. The RDOS committee on referral protocol is scheduled to have a meeting in March, to date a meeting time and date has not yet been sent out.
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 the report should be received by the District within the next week.
4. District Revenue Analysis.
 - a. Development Services and Finance have met to discuss the analysis and prepared a list of information required from the applicant to conduct the work.
 - b. The applicant has had their professionals prepare the information for submission.
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, staff continue to review.
 - 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 staff will complete the 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. Staff are reviewing and will engage our consulting engineers for further review and modelling.
8. Additional storm water design including off site line routing plan.
 - a. The storm water management plan has been submitted, staff are reviewing.
9. Additional electrical design and modelling for onsite construction purposes as well as potential off site upgrades required.
 - a. District staff and the applicant's professionals continue to discuss, review and work on the proposed temporary electrical system for construction and the proposed development 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.

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,



Dean Strachan, MCIP, RPP
Director of Development Services

Approved for Agenda


Linda Tyran, CAO

Dean Strachan

From: Girgan, Kyle <Kyle.Girgan@gofishbc.com >
Sent: Wednesday, March 15, 2017 11:27 AM
To: Dean Strachan; 'Malek Tawashy'; Yesaki, Tim
Cc: Alex Kondor; Peter Wateman; Erin Trainer; Janet Peake; Richard Barkwill; Toni Boot; Erin Carlson; Doug Holmes
Subject: FFSBC response to Summerland Hatchery - Alternate Water Source Concepts (Groundwater Option)

Good morning,

The following is our response to the email dated February 28, 2017 from Malek Tawashy regarding permission to use the 2004 Golder Report for ongoing collaborative purposes:

In 2004, FFSBC commissioned Golder Associates Ltd. to complete a preliminary assessment of the groundwater supply potential at Summerland Trout Hatchery. The resulting report was prepared confidentially for FFSBC and was not a public document, but was cited in Piteau's recent email "Alternate Water Source Concepts (Groundwater Option)" delivered to both Lark Group and DOS. FFSBC will not provide permission for Piteau or others to now copy or distribute the Golder report, but can provide permission for the proponent team to continue utilizing Piteau's copy of the report, specifically for their consideration of FFSBC's sought "Contingency Water Supply" and subject to the Limitations section of the Golder report. In providing this permission, FFSBC recognizes Piteau and other project proponents as "third parties" and FFSBC accepts no responsibility for their reliance or use of the report.

FFSBC will not be providing the proponent team with groundwater supply information from other FFSBC facilities, because we consider both the Summerland Trout Hatchery operational needs and hydrogeological setting to be unique and unlike our other facilities. It is our understanding that the project proponents would necessarily explore and characterize the Summerland Trout Hatchery groundwater supply potential exclusive of conditions at other FFSBC facilities.

Further on the topic of groundwater supply, FFSBC is using this correspondence as an opportunity to again state and clarify our position regarding the Lark Group's requisite provision of a permanent (i.e., life of Hatchery) "Contingency Water Supply". It is a condition of our approval of the proposed project that any "Contingency Water Supply" must be a proven source of accessible water, meaning that provision of a groundwater-based "Contingency Water Supply" must include acquisition of water rights under the Province's New Groundwater License Application process. Until there is certainty regarding acquisition of groundwater rights, FFSBC must consider any discussion of such groundwater supply to be speculative, since the outcome of the licensing process will be dependent on the results of a Provincial Government review (including mandatory First Nations Referrals and separate stakeholder consultations) and also subject to the Provincial Government's discretion whether or not to issue the sought Groundwater License.

Thank you.



Kyle Girgan

Hatchery Manager

Freshwater Fisheries Society of BC

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Dean Strachan

From: Girgan, Kyle <Kyle.Girgan@gofishbc.com>
Sent: Friday, March 17, 2017 3:27 PM
To: Dean Strachan
Cc: Yesaki, Tim; Matthew.Munn@exp.com
Subject: Today's discussion

Good afternoon Dean,

As per our discussion today, the alternative, permanent water source that we require to continue operating should our water source be affected in any way by the banks crescent development, needs to be the same quality and quantity that our current water source provides. Piteau has water quality data that was provided to them in June of 2016 and the quantity of water that our spring supplies to the hatchery is 2800 Lpm.

Thank you,

Sent from my iPhone

Kyle Girgan
Hatchery Manager
Freshwater Fisheries Society of BC
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