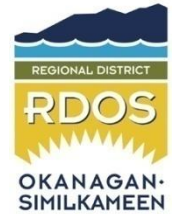


ADMINISTRATIVE REPORT



TO: Planning & Development Committee
FROM: B. Newell, Chief Administrative Officer
DATE: September 17, 2009
RE: Regional Growth Strategy (RGS) – Proposed Amendments, and Next Steps

Administrative Recommendation:

BE IT RESOLVED THAT the Board direct the following amendments to the RGS be made:

- **direct specific water allocation to a Water Plan and provide supporting policies in the RGS to protect agricultural water;**
- **continue through the RGS approval process, but commit to review with First Nations at their request at a later date & remove wording from the “Context” section.**

History:

On September 3, 2009 the Planning and Development Committee met to provide direction on five key RGS issues that were identified during the consultation that occurred over the past year. The committee resolved three of the five issues, leaving two remaining for discussion.

Analysis:

Each of the two remaining issues, options and administrative recommendations are detailed below.

Issue 4: Water Allocation/Conservation

Some of the comments received brought forward a general concern regarding water conservation. In addition, the comments received from the District of Summerland take issue with specific policies in the RGS regarding agricultural water allocation.

Currently, the RGS addresses water conservation for the most part in Policy EN5 “Promote water sustainability through conservation and related best practices”. Under this policy, there is clear language applying, supporting and promoting water conservation.

EN5.5 specifically addresses agricultural water allocation, stating “that water currently allocated to the agriculture sector will remain allocated to the agriculture sector”. This policy statement is supported by the British Columbia Agriculture Council (BCAC). However, the policy may be out of sync with provincial direction and may not meet overall sustainability objectives for water reduction in all sectors.

Options:

1. *Support the existing wording*

The first option offers a very high level of support to the agriculture sector, but may cause conflict in the future with provincial direction and with member municipalities. Also, this places all of the burden for water conservation on non-agricultural uses, providing little incentive for the agriculture sector to reduce water consumption.

2. *Remove the existing wording*

This would eliminate the policy direction provided around water for the agriculture sector and may risk an inconsistent level of protection for agricultural water supply throughout the RDOS and its member municipalities.

3. *Direct specific allocation to a Water Plan and provide supporting policies in the RGS to protect agricultural water (See Attachment 1 – Amendments 22-25)*

Option 3 recognizes that specific allocations for individual sectors are not within the purview of an RGS, and directs that such work occur within an Inter-regional Water Plan. However, this option also acknowledges that providing sufficient water for agriculture is of prime importance.

Recommendation: *Option 3.*

Issue 5: First Nations

In this latest round of consultation, efforts were made by the RDOS to obtain input from the Osoyoos Indian Band (OIB), the Penticton Indian Band (PIB) and the Okanagan Nation Alliance (ONA). Each of these organizations was sent a copy of the RGS and asked to provide comments. These requests were followed up by phone calls. As a result, one meeting was held with the OIB Chief and Council, and another meeting was held with the PIB Chief. Only telephone and written communications have occurred between ONA and RDOS staff.

From this interaction, we have received written comments from both the PIB and ONA (OIB verbally advised that its interests would be addressed through the ONA). Comments from both the organizations state that proper consultation has not taken place and that independent processes should be undertaken.

In response, PIB was advised in a letter from the RDOS that an independent consultation process was not appropriate at this time.

As a related matter, there is existing wording in the introduction to the RGS under “context”, stating that traditional aboriginal knowledge, consultation and representation are reflected in the RGS. This statement contradicts the opinion presented by First Nations.

Options:

1. *Put RGS approval process on hold and engage First Nations according to their process*

Option 1 represents a full commitment to working with First Nations to address their concerns and is seen to be the First Nations’ preferred option. But, it is not clear what kind of financial, staff or time commitment this consultation process might require. A long delay may risk making the RGS irrelevant and in need of revision even before it is adopted.

2. *Continue through RGS approval process, but commit to review with First Nations at their request at a later date & remove context wording (see Attachment 1 – Amendment 28)*

This option may be desirable if the Board wishes to proceed with the RGS quickly, but does not wish to damage a working relationship with First Nations in the south Okanagan. This commitment, however, may still require significant resources at a later date.

3. *Continue with the RGS approval process & remove context wording*

This third option allows the Board to proceed with the RGS approval process immediately, but may risk damaging the relationship between the RDOS and First Nations in the south Okanagan.

Recommendation: *Option 2.*

Budget Implications:

The approved 2009 budget makes provision for the anticipated costs of proceeding with RGS bylaw adoption. If the RGS is delayed significantly, there may be additional costs associated with any public meetings, special expertise, and staff time that may be required.

Next Steps:

1. *Incorporate amendments (if Board approves) into RGS bylaw*
2. *Re-read Second Reading of the RGS Bylaw No. 2421, 2007*
3. *Proceed to Public Hearing of the RGS Bylaw No. 2421, 2007*
4. *Formal 120 day referral to affected local governments*
 - approval must be received from all affected local governments
 - no comment is understood to be approval
 - refusal to approve initiates a dispute resolution process
5. *Third reading and Adoption*
6. *Preparation and signing of Implementation Agreements*

Implementation Agreements are concerned with the specifics around inter-jurisdictional (local governments, Province, Federal government, First Nations) cooperation in implementing the RGS.
7. *Regional Context Statement development (municipalities)*

Context statements must be completed within two (2) years after the adoption of the RGS and must be approved by the RDOS Board.
8. *Growth Management Boundary development (all growth areas)*

This will likely require OCP amendments for both municipalities and electoral areas.

Alternative Option: Abandon the RGS Bylaw No. 2421, 2007.

Respectfully submitted:



J. Moore, Planner

Attachments: [Attachment 1 – Proposed Amendments to the RGS](#)