Rec'd @ Kamloops WAM workshop

March 12, 2010
To the Living Water Smart Team
Water Stewardship - Ministry of Environment

Attached gives you a snapshot of how governance of water resources may be handled at the municipal level.

The council elected into office in the fall of 2008 immediately dissolved the Agricultural Advisory Committee, the Water Advisory Committee, started the process to revise the OCP. The council eventually deleted whole sections of the plan in 2010 to give them freedom to drastically change short and long term growth strategies. They are now reviewing water licences and the Watershed Master Plan. Little to no public consultation is anticipated. The original WMP had extensive involvement from the agricultural reps and public involvement and was adopted in the fall of 2008 prior to the election.

The Modernization of the BC Water Act must protect against abuse of power by all levels of government.

The value of our most precious resource, water, must be governed and monitored in an environment of transparency, accountability and sustainability ensuring the greater good of society and the silent environment.

PERSONAL IDENTIFIERS REMOVED

May 21, 2009

Donna Butler, MCIP
Manager of Development Services
Regional District of the Okanagan Similkameen
101 Main St
Penticton, BC V2A 5J9

Dear Ms. Butler:

RE: REGIONAL GROWTH STRATEGY

Summerland Municipal Council recently held a staff workshop to review the details of the draft Regional Growth Strategy. We had a very successful workshop with detailed discussion on much of the content of this document.

I note that there are 138 statements of policy in this document as well as a preamble, tool kit, implementation plan and other contents. In detailed discussions with Summerland Council I can advise that while Council is generally in support of the goals of the Regional Growth Strategy, some of the statements and policies require clarification. Summerland Municipal Council is particularly concerned over the fact that all 138 policy statements begin with the words *"The south Okanagan municipalities and electoral areas...agree to:"* Please see the list of issues noted below:

- Revise the preamble to each list of policy statements from...
  "The south Okanagan municipalities and electoral areas agree to..." to
  "The Regional District of the Okanagan Similkameen with the exception of the Similkameen Valley agrees to..."

- Policy EN5.5 states the District of Summerland agrees to:
  Promote, support and participate in local and basin-wide solutions for effective water management practices, recognizing that water currently allocated to the agriculture sector will remain allocated to the agriculture sector, with;
  a. the non-agricultural sector to support population growth in settlement centres, and
  b. the agricultural sector to adapt to climate variability and/or expand irrigated farm land.

While the District of Summerland is keenly aware of water conservation issues and supports the intent of Policy EN5.5, it is premature to commit to recognizing that water currently allocated to the agricultural sector will remain allocated to the agricultural sector. While it is the District's intent to provide sufficient water to the agricultural sector it appears short sighted to commit to specific volumes given our recent Master Water Plan, ongoing plans to separate irrigation and domestic systems and our current land based allocation system. Should this policy amendment not be acceptable to other members of the RDOS, the District of Summerland may request exemption from this policy.

- Policy H4.1 states the District of Summerland agrees to:
  Support the establishment of a South Okanagan Agricultural Advisory Committee.
  Summerland Council feels it is premature to agree to establish a South Okanagan Agricultural Advisory Committee prior to any discussion as to why such a committee is required and what the mandate of such a committee might be. If you have any further information in this regard, it would be helpful to review.

- Policy H4.6 states the District of Summerland agrees to:
  Support urban growth boundaries that are coincident with the Agricultural Reserve boundary, and not growth boundaries that encompass land within the ALR.
  Summerland Council would feel more comfortable with replacing the word "coincident" with the word "consistent". While this may appear to be a small change, it appears to be less restrictive given the fact that there may be lands currently located within the ALR that are more suited for other uses as noted in policy EC2.3

- Policy H5.5 (added through amendment) states the District of Summerland agrees to:
  Where an amendment is considered to an established growth management boundary, the acceptance of all affected local governments is required.
  The District of Summerland has adopted its first ever Urban Growth Area as part of the new Official Community Plan (OCP). Adoption of the OCP included policies to restrict growth outside this area and set criteria for amending the area. Compliance with an Official Community Plan is compulsory under Provincial Legislation and local governments have complete control over their Community Plans. Compliance with Regional Growth Strategies is somewhat softer in Provincial legislation however OCP's must contain a "Regional Context Statement". Given the legislative framework provided by the province along with the relative infancy of Summerland's first Urban Growth Area, it appears premature to give control of this boundary to other local governments. Again should this policy amendment not be acceptable to other members of the RDOS, the District of Summerland may request exemption from this policy.

- Council is not in agreement with the second paragraph in the right hand column on page 34 of the document (page 2 of the Tool Kit) beginning *"In a review of the south Okanagan municipal Official Community Plans...Summerland has no plans to expand its boundaries..."* Please remove the first two sentences to this paragraph and add Summerland to the final sentence.

I can advise that while it is probably impossible to get all the stakeholders to agree to all 138 policy statements, Summerland Council can accept the document as amended with the exception of the issues noted above.

Yours truly,

DISTRICT OF SUMMERLAND

Ian McIntosh
Manager of Development Services

This submission was not included in full in the current RGS for the RDOS.

Summerland's OCP has changed

By SUSAN McIVER/Special to The Herald
Wednesday, February 24, 2010

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Printer friendly page

Summerland's official community plan is a little shorter, at least for now.

Monday evening, council unanimously approved adoption of a bylaw removing sections of the OCP that limit council's authority concerning retention of the urban growth area and recognition of potential future growth areas.

Coun. Bruce Hallquist was absent.

Council subsequently requested staff provide wording changes to replace the deleted sections.

Staff members were instructed to conduct a consultative process, give a preliminary report to council by the end of May and eventually make recommendations on growth management strategy.

The consultative process need not necessarily involve the public.

"Tonight, we're going to decimate the OCP. And then you say, 'Trust us – we'll put something in there that will work,'" said resident John Kingsmill during the preceding public hearing.

When Kingsmill attempted to bring up an issue regarding a proposed exclusion of a large tract of downtown land from the Agricultural Land Reserve, Mayor Janice Perrino said, "Stick to the issues."

In deleting the sections of the OCP, council acted on legal advice to remove, rather than amend, the sections that try to limit a council's authority in these matters.

The question of council's authority to change urban growth area designations has been under consideration since last September, when it arose in conjunction with the inclusion of undeveloped property on Rattlesnake Mountain in the urban growth area.

"This is not a declaration of open season for developers, especially regarding Rattlesnake Mountain. There is a litany of environmental, health and other regulations that must be considered before any consent for development," said Coun. Gordon Clark.

"This is a simple issue. The offending language should not have been in the OCP in the first place," said Coun. Lloyd Christopherson.

"It's always surprised me how this wording was included in the first place," said Perrino.

In the public hearing, Perrino quickly answered "yes" to Brian Adams' request that she "say that this council cannot bind (the actions of) the next council."

Contracts and agreements must be upheld by subsequent councils, but land use policies can be changed, as explained by Don DeGagne, chief administrative officer.

Both Perrino and planning manager Ian McIntosh anticipate the Agricultural Land Commission will approve the changes to the OCP.

"We have got to pay attention to increasing tax revenue in concert with agricultural values," Clark said.

"Things happen quickly. We can't wait for five years," Coun. Jim Kyluik said, referring to the five-year provision that was among the deleted sections.

Last November, the advisory planning commission recommended council remove the five-year and no-net-gain provisions in the OCP.

At the same time, the commission recommended retention of the requirement that any expansion of the growth area be held in conjunction with a comprehensive review of the OCP or in response to recommendations from the annual monitoring and reporting program.

The review and monitoring program were in the sections deleted Monday.

Subsequently, the commission advised council to hold further public consultation regarding council's authority to change the OCP.

• 24 PAGES • $1.00 INCLUDING G

March 4th 2010

OCP text changes passed

by John Arendt

The wording of the Official Community Plan has been changed to drop some phrases which were not legal.

On Feb. 22, council voted to delete a few sections which restricted how and when the Urban Growth Area could be amended.

The wording stated that council could only consider changes to the Urban Growth Area every five years, when a review of council was conducted or after a recommendation from a program monitoring community progress.

A lawyer for the municipality said the wording was too restrictive and had to be removed.

The legal opinion stated that one council could not make set policies which would bind future councils.

"It should come out for clarity," said municipal planner Ian McIntosh.

The community plan sets out the direction of growth for Summerland and, for this reason, is considered the most important municipal document.

"This is not open season on development. We're getting rid of the unlawful provisions."
Coun. Gordon Clark

The existing plan was adopted in 2008 and replaced a 1996 plan.

In the most recent community plan, the Urban Growth Area was the western part of the municipality, which had been the site for the proposed Summerland Hills Golf Resort.

Earlier this year, work on the golf resort proposal was abandoned, leaving the municipality without a viable area for immediate growth.

Some areas had been set aside as future growth areas in the plan.

Mayor Janice Perrino and other members of council have repeatedly stated that the plan is to be a working document, which can be amended when necessary.

Speaking at a public hearing on Feb. 22, John Kingsmill said the change would weaken the community plan.

"Tonight, we're going to decimate the OCP by gutting every part of monitoring we had," he said.

But council members said the change will not take away from the community plan.

"This is not open season on development," said Coun. Gordon Clark. "We're getting rid of the unlawful provisions."

"We're not dumping the entire OCP," added Coun. Jim Kyluik.

Coun. Ken Roberge said developments and changes must still go through the same public process as in the past.

The resolution was carried unanimously. Coun. Bruce Hallquist was not present at the council meeting.

DISTRICT OF SUMMERLAND

Mayor Janice Perrino
Councillors:
Lloyd Christopherson, Gordon Clark, Sam Elia, Bruce Hallquist, Jim Kyluik and Ken Roberge

Box 159, 13211 Henry Ave. Summerland, B.C. V0H 1Z0
Phone: 250-494-6451 Fax: 250-494-1415
Website: www.summerland.ca

A Newsletter from the District of Summerland March 2010

Municipal Council's 2010-2012 Priorities

Water & Watershed Protection

- Sludge handling improvements at the Water Treatment Plant to be completed, and operation to be reviewed to ensure efficient operation
- Phases 1 and 2 of the water separation projects to be completed and planning underway for Phase 3
- Domestic water metering to be completed
- Watershed Master Plan underway, water licenses to be reviewed, long term plan for Okanagan Lake Water to be done

Promote Intelligent Transportation

- Prairie Valley Road/Rosedale Avenue Project to be completed
- Peach Orchard Bike Lanes completed
- Development Cost Charges to be reviewed
- Sidewalk and Trail Master Plan to be done
- Pavement Management Plan to be acted upon

Improved Municipal Facilities

- Replace RCMP Building
- Ongoing upgrades to Wastewater Treatment Plant
- Parks & Recreation Master Plan update, upgrades to facilities including Arena, Peach Orchard Campground, energy conservation of Aquatic Centre

Development of an Urban Growth Strategy

- Maximize efficiency of existing infrastructure through a review of our Official Community Plan
- Completion of Phase 1 of the Wharton Street Development
- Support initiatives such as a '10 minute walk' to downtown which promotes compact development, reduces dependence on cars and creates liveable neighbourhoods

Community Sustainability

- increase business base and resulting tax base
- enhancement of downtown core
- land bank for residential and business growth
- acquisition of Crown Lands
- partnerships with the communities to the north & south to improve services
- Economic Development Strategy
- Affordable Housing initiatives
- Zoning Bylaw Update
- Regional Municipal Carbon Trust
- prepare corporate and community Climate Action Plans

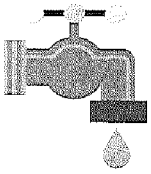
Improved Transit

- Work with the Regional District of Okanagan Similkameen to improve transit between Summerland and the South Okanagan and Central Okanagan

Organizational Improvements

- Improve service levels and accelerate service response times
- technology systems review and upgrade
- Improve Fire Department response times, customer service and training support
- review Master Plans to create one comprehensive master plan
- create a long term capital management plan
- live web streaming of Council meetings and paperless meeting agendas

For more information on Municipal Council's priorities, check our website www.summerland.ca



Spring 2010 Irrigation Start Up Begins Monday, April 19, 2010

If you need your irrigation turned on in advance to water new plantings, etc., an Advance Irrigation Application and $44.00 fee is required. Applications will be available March 30, 2010 at Engineering and Public Works, 9215 Cedar Avenue, Monday to Friday, 7:00 a.m. to 3:30 p.m. Advance requests will not be approved for general irrigation purposes. For further information please call 250-494-0431.

Don't want your kids to be bored during Spring Break?

Check out the Spring Break Pool Schedule on our website www.summerland.ca We've scheduled additional pleasure swims and additional Loonie swims! How about a walk or bike ride on our new waterfront walkway in Peach Orchard Park where the wildlife and plants are enjoying our spring weather.

Council Hi-Lites

... Council has agreed to a temporary road closure of Main St., Henry and Kelly on the second Saturday of September for the **Apple Valley Cruisers Endless Summerland Show & Shine.**

... Council has approved the request for a temporary road closure of Bathville Rd. and the Princeton-Summerland Road. on May 24th for the **Targa Canada West motorsport race.** The race event has four stages (Summerland and RDOS, Glenrosa, Goudie and Big White). The applicants will be required to supply the necessary insurance and meet all other district requirements and will now be working on getting approvals from the other jurisdictions involved.

... Council received letters from the **Summerland Hills Golf Resort** asking that the District let the option to purchase municipal lands expire, and will be advising the proponents of the District's interest/availability for further discussion on the possibility for alternate development of these lands.

... Council denied a request for a Development Permit/Development Variance Permit to permit the placement of a retail kiosk on property at **7705 Prairie Valley Rd.** due to noise and traffic concerns with the proposed location.

... Council approved a Development Variance Permit to reduce the front and rear yard setbacks for three lots proposed to be subdivided at **5703 Solly Rd.**

... Council held the public hearing on rezoning **17818 Matsu Drive** to allow a subdivision of the property. They subsequently tabled the bylaw for staff to gather more information on issues raised at the hearing. A new public hearing will be scheduled when this information is presented to Council.

... Council held the public hearing on the OCP Text Amendment to remove the ultra vires language in the OCP that restricts when and how Council can consider amendments to the **urban growth area.** Council removed the language and has asked staff to conduct a consultative process and provide recommendations on new policies regarding the Growth Management Strategy.

... Council heard from the neighbourhood about a proposed Development Variance Permit for **5310, 5312, and 5314 Beaver St.** to reduce side yard setbacks for three new homes. Council deferred further consideration of the application for staff to consult with the developer regarding the neighborhood concerns.

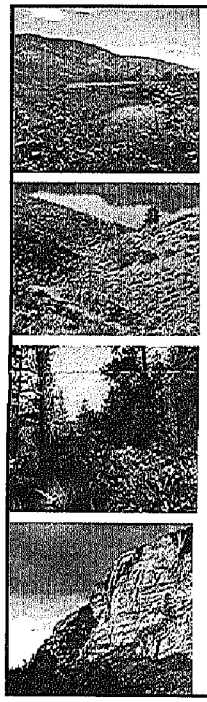
... Council denied the request to include **10411 Victoria Rd.** into the urban growth area, suggesting that the applicant should first obtain the Land Commission's approval to remove the land from the Agricultural Land Reserve.

... Council approved funds to proceed with the final design of a **new RCMP Building.**

... Council waived the Noise Bylaw to allow the hours of work for the **Rosedale and Prairie Valley Road Project** to be: 6am to 10 pm Monday to Saturday; 7 a.m. to 7 p.m. Sundays and Stat holidays; with no work on Remembrance Day. These extended hours will assist the contractor to complete the project by the March 31, 2011 deadline.

... Council adopted the bylaw to allow an automotive and boat repair shop as a home occupation at **19555 Matsu Drive.**

If you have not had your water meter installed, please book your appointment now by calling 1-800-667-4387.



Open House
Summerland's Natural Areas

Thursday, March 25
Summerland Arena Banquet Room
4-8 pm, presentation at 6 pm

Summerland's Natural Areas include:

- Unparalleled wildlife biodiversity
- A wide range of habitats
- Unique climate & geographical history
- Part of an important north/south wildlife corridor

Come learn about Summerland's natural areas and explore ways our community can protect the values they bring to our community.

For inquiries, contact Anna Milner, Contract Environmental Planner for the District of Summerland—annacmilner@gmail.com.

Comings and Goings

... Best wishes to **Carla Gibson** who has left our Finance Dept. to go into business for herself. Good Luck!

Spring Cleaning!

Please remove your vehicles from the roadway when the street sweeper is working in your neighbourhood. We also appreciate you sweeping any debris off the side-walk, into the gutter. This makes it easier for our crews to do a good job, and means less dust in your neighbourhood the rest of the year. Thanks for your cooperation!