



Regional Board Report

TO: Regional Board

FROM: Todd Cashin
Director of Community Services

DATE: April 26, 2021

SUBJECT: Regional Growth Strategy Five-year Review (6430-40)

Voting Entitlement: All Directors – Unweighted Corporate Vote – Simple Majority – LGA 208.1

Purpose: To consider the need for a review of the Regional District of Central Okanagan Regional Growth Strategy: *Our Home, Our Future*.

Executive Summary:

The RDCO adopted Regional Growth Strategy (RGS) Bylaw No. 1336 in 2014. Being accountable for progress towards achieving the goals of the RGS requires a commitment to implementation. The Priority Projects Plan, a five-year action plan that outlines the priority initiatives, was endorsed by the Regional Board on July 24, 2017.

The Priority Projects Plan approved on November 20, 2020 identified the need for the consideration of a five-year review of the RGS in accordance with Section 452 [*Regular reports and review of regional growth strategy*] of the *Local Government Act* (LGA). Section 452 states the Board must consider whether or not a review of the RGS is warranted after providing an opportunity for stakeholder input. A consultation process has just been completed and to date, staff have not received any comments expressing an opinion regarding the need for a review from the public, member municipalities, First Nations or other government agencies.

Given the continued relevance of the current plan along with the stakeholder input received, staff are recommending the Board waive the need to review the RGS for possible amendment at this time. In accordance with the LGA, this matter must be considered again in five years.

RECOMMENDATION:

THAT the Regional Board determine a review of Regional Growth Strategy Bylaw No. 1336 for possible amendment, as per Section 452 (2) of the *Local Government Act*, is not required

AND THAT the Regional Board support staff efforts to actively engage with member municipalities, First Nations, Interior Health Authority and other agencies regarding continued implementation of the Regional District of Central Okanagan Regional Growth Strategy.

Respectfully Submitted:



Todd Cashin
Director of Community Services

Approved for Board's Consideration



Brian Reardon, CAO

Prepared by: Danika Dudzik, Senior Planner

Strategic Plan:	Considering the need for a review of the RGS is supported by RDCO's mission and enables the Board to evaluate the need for a review as it relates to the strategic priorities and actions identified in the Regional Board Strategic Priorities 2019-2022.
Policy:	Considering the need for a review of the RGS complies with Section 4 – Monitoring and Evaluation outlined in the Regional Growth Strategy Bylaw No. 1336.
Legal/Statutory Authority:	<p>Considering the need for a review of the RGS adheres to Local Government Act, Section 452(2) and (3)</p> <ul style="list-style-type: none">• “At least once every 5 years, a regional district that has adopted a regional growth strategy must consider whether the regional growth strategy must be reviewed for possible amendment.”• For the purposes of subsection (2), the regional district must provide an opportunity for input on the need for review from the persons, organizations and authorities referred to in section 434(2) <i>[required consultations during development of regional growth strategy]</i>.

Background:

Local Government Act

The Regional District has a statutory obligation under Section 452(2) and (3) of the *Local Government Act* (LGA) to consider, at least once every five years, whether the RGS should be reviewed for possible amendment and to provide opportunity for public input into the need for review. This requirement provides an opportunity for the Regional District to periodically assess the RGS and gather feedback from stakeholders to determine if a review of the RGS is warranted. A review can range from a minor amendment to the existing strategy to a comprehensive review.

Regional Growth Strategy

The RDCO adopted Regional Growth Strategy (RGS) Bylaw No. 1336 on June 23, 2014. A regional growth strategy is a long-range planning tool governed by Part 13 of the *Local Government Act* that assists local governments to plan a coordinated future for their communities while dealing with regional issues and decisions that cross local political boundaries. The RGS is also a collective vision from the regional partners for the future in order to create a region that promotes growth that is economically, environmentally and socially healthy over a twenty (20) year time horizon.

Our Home, Our Future Implementation

Being accountable for progress towards achieving the goals of the RGS requires a commitment to implementation. In accordance with Section 4.1.2 of the RGS, through a collaborative process, RDCO staff, RGS Steering Committee and elected officials developed a 5 year action plan to outline the priority initiatives to implement the RGS. The 5 year action plan, endorsed by the Regional Board on July 24, 2017 contains projects regional in nature that propose to fulfil policies that remain outstanding or have the opportunity to be strengthened. The Regional Housing Needs Assessment completed in 2019 is an example of a project which resulted from the action plan. Consideration for a 5-Year Review of the RGS was also identified. A list of all of the projects identified and status updates for each project are attached.

The existing RGS framework provides flexibility for implementation. Subsequent to the conclusion of the current action plan, to ensure continued momentum of the RGS, it is anticipated that a new work plan will be developed which would provide opportunity to assess priorities within the existing framework.

RGS Legislation

RGS legislation was introduced in 1995 and has not been substantively updated since which has been known to present challenges as it relates to the review process, and led to costly and time consuming processes experienced by some regional districts that have taken on review and updates.

On March 4, 2018, the Capital Regional District (CRD) Board adopted a new RGS bylaw. The growth strategy review and update process took 8 years to complete. It was noted that the legislative requirements for preparing, adopting and implementing an RGS presented both process and content challenges to preparing the 2018 RGS document (see attached CRD Correspondence June 26, 2018). The CRD indicated that “without legislation changes, future RGS updates will likely face similar challenges.”

In 2015, the Regional District of North Okanagan (RDNO) decided to undertake a review of the growth strategy to ensure it still reflected the vision and goals of area residents. During the review process it was identified that new policies specific to: Housing; Active Transportation; Economic Development; Environment - Air quality and Climate Change were required to address new challenges facing the region. The Regional Growth Strategy Amendment Bylaw No. 2846, 2019 was adopted by the Board on May 20, 2020. Staff from RDNO provided an overview on March 12, 2020 to RDCO's Governance and Services Committee of their review and update process and some insight for consideration by RDCO such as the need for updates to the RGS legislation.

There have been two BC Supreme Court rulings in recent years that have raised questions as to the effect of a RGS in guiding decisions on regional matters which include the case of *Greater Vancouver (Regional District) v. Langley (Township) and Wall* and *Greater Vancouver (Regional District) v. Langley (Township) and Hendricks*. Since these rulings, no changes or clarification have been provided as it relates to the RGS legislation to address these matters.

At the 2018 Union of BC Municipalities (UBCM) Convention a motion was endorsed that UBCM request the Province to actively engage government including First Nations in a comprehensive review and update of Part 13 of the LGA and related regulations (see attached).

At this time, considering the above noted challenges in regards to existing RGS legislation, a review and update of the RGS may prove to be onerous.

Consultation:

On November 12, 2020 staff provided the Governance and Services (G&S) Committee with a summary of the ongoing legislative requirements under the LGA that requires regional districts that have adopted a RGS to periodically consider if a review is necessary. The G&S Committee was provided an overview of the proposed consultation plan for the consideration of a review. Subsequent to the G&S Committee meeting, the Regional Board endorsed the RGS 5-Year Review Consultation Plan (see attached).

Opportunities have been provided for input from the public, affected local governments, First Nations, provincial ministries and agencies, other levels of government, and stakeholder groups on the need for a review of the RGS. Each member municipality considered this matter at their respective Councils.

AGENCY REFERRAL COMMENTS

District of Peachland recommends the Regional District of the Central Okanagan not undertake a five-year review of the Regional Growth Strategy.

City of Kelowna recommends the Regional District of Central Okanagan not undertake a 5-year review of the Regional Growth Strategy Bylaw No. 1336.

City of West Kelowna recommends the Regional District of the Central Okanagan not undertake a 5-year review of the Regional Growth Strategy.

District of Lake Country did not recommend that the Regional Growth Strategy Bylaw No. 1336 be reviewed for possible amendment at this time.

Interior Health Authority staff advise that the current RGS aligns with healthy planning principles and highlighted a few items for consideration from a population health perspective should a review be warranted including the consideration of a poverty reduction approach, adding an equity and inclusion lens, updating “Our Housing” to reflect findings from recent projects and initiatives, climate change mitigation, adaptation and resilience, and additional policies to ensure long term sustainability in areas where servicing will not be provided.

Ministry of Agriculture, Food & Fisheries staff advises that the RGS contains policies, particularly within the sections of Our Land, Economy and Food that are supportive of both the agricultural land base and the agricultural industry concluding that these policies are still generally relevant and applicable. Staff also acknowledged that a Regional Agriculture Strategy is identified as a future project under the current action plan.

Items for future consideration include the upcoming 2021 Census of Agriculture which would be beneficial to inform a future update as well as a Regional Agriculture Strategy and mitigating long-term effects of COVID-19 upon the agricultural sector.

Ministry of Forests, Lands, Natural Resource Operations and Rural Development staff advise continued efforts are necessary through land use planning to ensure the goals of Our Land, Water Resources, and Ecosystems are adequately addressed.

Financial Considerations:

By not undertaking a review of the RGS, there would be no associated financial implications.

Should the Regional Board decide to proceed with a review of the RGS, this would require specific financial resources and allocated budget which will vary depending on the approach, as well as dedicated staff time or commitment for a consultant. Financial resources for a review may require the reallocation of funds from current RDCO actions identified in the Regional Board Strategic Priorities 2019-2022.

Legal/ Statutory Authority:

The provision for the review of a regional growth strategy is contained in Part 13 – Regional Growth Strategies and Section 452 of the *Local Government Act*.

Organizational Issues:

In accordance with the LGA, the RDCO must decide whether or not a review of the RGS is warranted again in five years. However, the Regional Board may pursue a review of the RGS at any time within the next five years should there be a desire to do so.

External Implications:

Subsequent to items identified in the consultation plan, up to and including this report, staff have not received any comments expressing an opinion regarding the need for a review from the public, member municipalities, First Nations or government agencies.

RGS Review and Update:

Should the Regional Board decide to proceed with a 5-Year Review, the Priority Projects Plan identified that this would be completed at a high-level with input from affected agencies, member municipalities, First Nations, the public, and other stakeholders as listed in the LGA.

The review process would include an assessment of the strengths and weaknesses of the growth strategy, performance and re-evaluate solutions to persistent region-wide issues and responses undertaken (e.g. containment boundaries to address growth management).

Other objectives may include:

- Responding to new provincial policies and legislation;
- Responding to initiatives, research, studies and plans developed responding to regional issues that will assist with the Region as a whole working toward the RGS vision;
- Assessing the Region's demographic data, census data, and assessment of the identified initiatives undertaken in RGS; and
- Analyzing land use, environmental, engineering, transportation and financial issues to allow the public and decision-makers to have a more complete understanding of growth impacts in the Region and forming short-term implementation strategies.

Alternative Recommendation:

THAT the Board direct staff to prepare a framework for the Board's consideration to initiate a review and update of Regional Growth Strategy Bylaw No. 1336.

Attachment(s):

- Consultation Plan – Consideration of a Review of *Our Home, Our Future*
- Five-Year Action Plan Summary and Status Update
- Capital Regional District Correspondence June 26, 2018
- 2018 UBCM Convention Minutes – Excerpt
- Provincial Response to the 2018 UBCM Resolutions