

# RESPONSE SUMMARY

## AMENDMENT BYLAW NOS. 2770.02

**Approval Recommended for Reasons Outlined Below**

**Interests Unaffected by Bylaw**

**Approval Recommended Subject to Conditions Below**

**Approval Not Recommended Due to Reasons Outlined Below**

Mountain Resorts Branch appreciates the RDOS' recognition of Apex Mountain Resort as a year-round resort destination, and the inclusion of supporting policies for a new Master Development Agreement and potential future resort expansion in collaboration with First Nations. Our only comment is that Penticton Indian Band is specifically identified in the Growth Strategy as the band with interests to be acknowledged in relation to Apex Mountain Resort; however, Apex and MRB actively engage with Lower and Upper Similkameen Indian Bands, in addition to Penticton. We feel this should be recognized in the Growth Strategy, especially considering LSIB and USIB have been included in the Agency Referral List above.

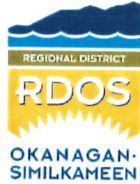
Signature: \_\_\_\_\_

Signed By: \_\_\_\_\_

Agency: Mountain Resorts Branch

Title: \_\_\_\_\_

Date: \_\_\_\_\_



# Bylaw Referral

Regional District of Okanagan-Similkameen

101 Martin Street, Penticton, BC, V2A-5J9

Telephone: 250-492-0237 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

OFFICE USE ONLY	
Date:	July 4, 2022
Bylaw:	2770.02, 2022
File:	X2022.001-RGS

You are requested to comment on the attached bylaw for potential effect on your agency's interests. We would appreciate your response **WITHIN 45 DAYS**. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

Please email your reply to [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca) by **August 18, 2022**.

## PURPOSE OF THE BYLAWS:

The Regional District is proposing a major amendment to the South Okanagan Regional Growth Strategy (RGS) Bylaw that may be summarized as follows:

- replace the current "Primary Growth Area" and "Rural Growth Area" designations with a series of new land use classifications;
- update the objectives and policies related to "Housing and Development" section of the bylaw in order to support the new land use classifications;
- update the background and some of the policies in the "Energy Emissions and Climate Change" of the bylaw to reflect new provincial direction on climate action; and
- update the "Population and Demographics" section of the bylaw in order to incorporate new Census data.

## OTHER INFORMATION:

The South Okanagan Regional Growth Strategy (RGS) is a shared growth and sustainability vision that provides guidance to the Regional District and the member municipalities and electoral areas located within the South Okanagan over a 20-year horizon. These South Okanagan RGS Area includes the RDOS Electoral Areas "A", "C", "D", "E", "F", and "I" and the Municipalities of Osoyoos, Oliver, Penticton and Summerland.

Additional information regarding the proposed amendments can be found at the following locations:

<https://www.rdos.bc.ca/development-services/regional-growth-strategy/rgs-review-2020/>

<https://rdosregionalconnections.ca/rgs>

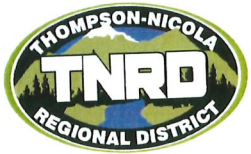
Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected" no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this bylaw.

*Fiona Titley*

Fiona Titley, Planner II

## Agency Referral List

<input checked="" type="checkbox"/>	Central Okanagan Regional District	<input checked="" type="checkbox"/>	Fraser Valley Regional District	<input checked="" type="checkbox"/>	Thompson Nicola Regional District
<input checked="" type="checkbox"/>	Agricultural Land Commission (ALC)	<input checked="" type="checkbox"/>	Kootenay Boundary Regional District	<input checked="" type="checkbox"/>	Osoyoos Indian Band (OIB)
<input checked="" type="checkbox"/>	Lower Similkameen Indian Band (LSIB)	<input checked="" type="checkbox"/>	Upper Similkameen Indian Band (USIB)	<input checked="" type="checkbox"/>	Okanagan Nation Alliance (ONA)
<input checked="" type="checkbox"/>	Penticton Indian Band (PIB)	<input checked="" type="checkbox"/>	School District #53	<input checked="" type="checkbox"/>	School District #67
<input checked="" type="checkbox"/>	Kaleden Irrigation District	<input checked="" type="checkbox"/>	Osoyoos Irrigation District	<input checked="" type="checkbox"/>	Okanagan Falls Irrigation District
<input checked="" type="checkbox"/>	Apex Mountain Resort	<input checked="" type="checkbox"/>	Lower Nipit Improvement District	<input checked="" type="checkbox"/>	Vaseux Lake Improvement District
<input checked="" type="checkbox"/>	Skaha Estates Improvement District	<input checked="" type="checkbox"/>	Rolling Hills Waterworks District	<input checked="" type="checkbox"/>	Meadow Valley Irrigation District
<input checked="" type="checkbox"/>	Red Wing Resorts (Water System)	<input checked="" type="checkbox"/>	Farleigh Lake Water Users Community	<input checked="" type="checkbox"/>	Sage Mesa Water System
<input checked="" type="checkbox"/>	Ministry of Municipal Affairs and Housing	<input checked="" type="checkbox"/>	Mountain Resort Branch (Province of BC)	<input checked="" type="checkbox"/>	Interior Health Authority (IHA)
<input checked="" type="checkbox"/>	Integrated Land Management Bureau	<input checked="" type="checkbox"/>	Ministry of Agriculture	<input checked="" type="checkbox"/>	Parks Canada
<input checked="" type="checkbox"/>	Ministry of Environment and Climate Change Strategy (BC Parks)	<input checked="" type="checkbox"/>	Dominion Radio Astrophysical Observatory (DRAO)	<input checked="" type="checkbox"/>	Ministry of Energy, Mines and Low Carbon Innovation
<input checked="" type="checkbox"/>	Ministry of Land, Water and Resource Stewardship	<input checked="" type="checkbox"/>	Lakeshore Water Works (Heritage Hills, Vintage Views)	<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure
<input checked="" type="checkbox"/>	Canadian Wildfire Services				



**THOMPSON-NICOLA**  
REGIONAL DISTRICT  
The Region of BC's Best

300-465 Victoria Street  
Kamloops, BC V2C 2A9

Tel: 250-377-8673  
Toll Free in BC: 1-877-377-8673  
Email: [admin@tnrd.ca](mailto:admin@tnrd.ca)

Department: Planning

July 7, 2022

Regional District of Okanagan-Similkameen  
101 Martin Street  
Penticton, BC V2A 5J9

VIA Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

Attention: Fiona Titley, Planner II

Dear Madam:

Re: South Okanagan Regional Growth Strategy Review X2022.001-RGS  
Amendment Bylaw No. 2770.02, 2022  
Our Referral File REF 669

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Thank you for the opportunity to comment on the proposed major amendments to the South Okanagan Regional Growth Strategy (RGS) Bylaw, which includes the RDOS Electoral Areas "A", "C", "D", "E", "F", and "I" and the Municipalities of Osoyoos, Oliver, Penticton and Summerland.

Planning Services have reviewed this document and determined that our interests are unaffected by the proposed amendments.

If you have any questions, please contact the undersigned at [uwalus@tnrd.ca](mailto:uwalus@tnrd.ca) or 250.377.7063.

Yours truly,

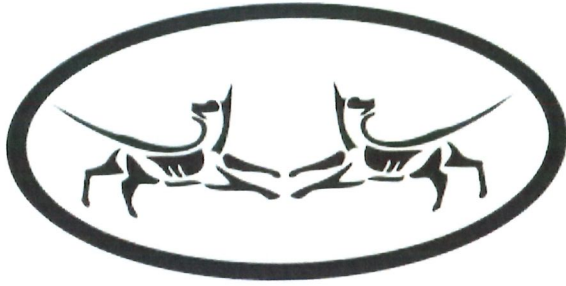
Urszula Walus, RPP, MCIP  
Planner

UW/cb

MUNICIPALITIES: Ashcroft | Barriere | Cache Creek | Chase | Clearwater | Clinton  
Kamloops | Logan Lake | Lytton | Merritt | Sun Peaks

ELECTORAL AREAS: "A" "B" "E" "I" "J" "L" "M" "N" "O" "P"





**Penticton Indian Band**  
Natural Resources Department  
841 Westhills Drive | Penticton, B.C.  
V2A 0E8  
Referrals@pib.ca | www.pib.ca  
Telephone: 250-492-0411  
Fax: 250-493-2882

**Project Name:**

South Okanagan Regional Growth Strategy Review

**FN Consultation ID:**

X2022.001-RGS

**Consulting Org Contact:**

Planning RDOS

**Consulting Organization:**

[Regional District of Okanagan Similkameen](#)

**Date Received:**

Thursday, July 7, 2022

**File number:**

EV-20220712-X2022.001-RGS

July 12, 2022

Attention: Planning RDOS

We are in receipt of the above referral. This proposed activity is within the PIB Area of Interest within the Okanagan Nation's Territory, and the lands and resources are subject to our unextinguished Aboriginal Title and Rights.

The Supreme Court of Canada in the *Tsilhqot'in* case has confirmed that the province and Canada have been applying an incorrect and impoverished view of Aboriginal Title, and that Aboriginal Title includes the exclusive right of Indigenous People to manage the land and resources as well as the right to benefit economically from the land and resources. The Court therefore concluded that when the Crown allocates resources on Aboriginal title lands without the Indigenous peoples' consent, it commits a serious infringement of constitutionally protected rights that will be difficult to justify.

PIB has specific referral processing requirements for both government and proponents which are integral to the exercise of our management right and to ensuring that the Crown can meet its duty to consult and accommodate our rights, including our Aboriginal title and management rights. According to this process, proponents are required to pay a \$500 processing fee for each referral. This fee must be paid within 30 days. Proper consultation and consideration of potential impacts cannot occur without the appropriate resources therefore it is only with payment that proper consultation can begin and the proposed activity/development can be reviewed.

1. Invoice Number: X2022.001-RGS

Referrals Processing Fee

Sub Total \$ 500.00

Tax \$ 0.00

Total \$ \$500.00

INVOICE AMOUNT FOR PRELIMINARY OFFICE REVIEW \$500.00

Please make cheque or cash payable to Penticton Indian Band. re: P.C.132. Mail payment to ATTN: Maryssa Bonneau, Penticton Indian Band Natural Resources Department 841 Westhills Drive, Penticton, British Columbia, Canada V2A 0E8.



Please include this letter when sending.

Upon receipt of the processing fee, we will commence our review. You may then expect to receive a letter from us notifying you of the results of our review of potential impacts of the project within 30 to 90 days.

If the proposed activity requires a more in-depth review, PIB will notify the proponent and all parties will negotiate a memorandum of agreement regarding a process for review of the proposed activity.

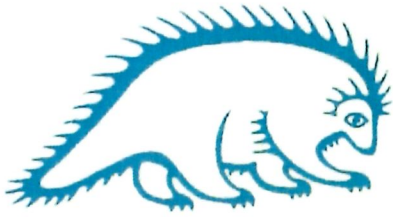
Please note that our participation in the referral and consultation process does not define or amend PIB's Aboriginal Rights and Title, or limit any priorities afforded to Aboriginal Rights and Title, nor does it limit the positions that we may take in future negotiations or court actions.

If you require further information or clarification, please do not hesitate to contact me.

limlāmt,

Madison Terbasket  
Office Administrator  
Penticton Indian Band  
Natural Resources  
email: [referrals.clerk@pib.ca](mailto:referrals.clerk@pib.ca)  
work: (250) 492-0411  
address: 841 Westhills Drive S 80 C 19  
Penticton, British Columbia  
Canada V2A 0E8

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## Okanagan Indian Band

12420 Westside Road • Vernon, BC, • V1H 2A4  
Telephone: 250-542-4328 • Facsimile 250-542-4990  
Email: [okibreferrals@okanagan.org](mailto:okibreferrals@okanagan.org)

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*"This correspondence will not be construed so as to prejudice, limit, or derogate from any rights, claims or interests in respect of any Aboriginal title, rights and interests of Okanagan or Syilx Nation recognized and affirmed under Section 35 of the Constitution Act, 1982 and nothing in this letter indicates acceptance by Okanagan of federal or provincial Crown jurisdiction over or ownership of land, water or other resources within the Territory."*

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**Project Name:**

South Okanagan Regional Growth Strategy Review

**FN Consultation ID:**

X2022.001-RGS

**Consulting Org Contact:**

Chris Garrish

**Consulting Organization:**

[Regional District of Okanagan Similkameen](#)

**Date Received:**

Thursday, July 7, 2022

Attention: Chris Garrish

The Territorial Stewardship Division would like to acknowledge receipt of the above referral. The Okanagan Indian Band has conducted a desk top review of the project and would like to keep informed of any additional changes. At this time the Okanagan Indian Band will be deferring this project to Penticton Indian Band and Lower Similkameen Indian Band for a more in depth review.

Regards,

Colleen Marchand  
Director, Territorial Stewardship Division  
250.542.7132 (office)  
250.306.9796 (cell)  
[Colleen.Marchand@okanagan.org](mailto:Colleen.Marchand@okanagan.org)

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## Kerri-Lynn Grell

---

**From:** Shaun ODea <Shaun.ODea@rdco.com>  
**Sent:** July 28, 2022 12:46 PM  
**To:** Fiona Titley  
**Cc:** Planning; RDCO Planning Services  
**Subject:** FW: Bylaw Referral - Major Amendment to South Okanagan Regional Growth Strategy Bylaw No. 2770, 2017 - MISC-22-33

Hello Fiona,

My colleagues and I in RDCO's Community Services team have briefly reviewed the proposed amendment and we have no comments or concerns. Please let me know if there are any specific items that you would like us (or our colleagues in other departments) to review and comment on in more detail.

When making updates to their Regional Growth Strategy in 2020, RDNO staff took the opportunity to present to our Regional Board. Please let me know if there would be an interest in RDOS presenting a delegation item at one of our future Board meetings, and commenting on the regional issues that prompted the amendments.

Best regards,

### Shaun O'Dea, Planner

Community Services  
Regional District of Central Okanagan  
250-469-6227 | [Shaun.ODea@rdco.com](mailto:Shaun.ODea@rdco.com)  
Connect with us | [rdco.com](http://rdco.com)



*I respectfully acknowledge that I live and work on the traditional, unceded territory of the syilx Okanagan people.*

**From:** RDCO Planning Services <[planning@rdco.com](mailto:planning@rdco.com)>  
**Sent:** July 5, 2022 8:20 AM  
**To:** Todd Cashin <[todd.cashin@rdco.com](mailto:todd.cashin@rdco.com)>; Brittany Nichols <[brittany.nichols@rdco.com](mailto:brittany.nichols@rdco.com)>; Michael Czarny <[michael.czarny@rdco.com](mailto:michael.czarny@rdco.com)>; Shaun ODea <[Shaun.ODea@rdco.com](mailto:Shaun.ODea@rdco.com)>; Mike Macintosh <[mike.macintosh@rdco.com](mailto:mike.macintosh@rdco.com)>; Michael Noga <[michael.noga@rdco.com](mailto:michael.noga@rdco.com)>; Mike Girouard <[mike.girouard@rdco.com](mailto:mike.girouard@rdco.com)>; Ross Kotscherofski <[ross.kotscherofski@rdco.com](mailto:ross.kotscherofski@rdco.com)>; Lauren Keller <[lauren.keller@rdco.com](mailto:lauren.keller@rdco.com)>; Wayne Darlington <[Wayne.Darlington@rdco.com](mailto:Wayne.Darlington@rdco.com)>; Travis Kendel <[travis.kendel@rdco.com](mailto:travis.kendel@rdco.com)>  
**Cc:** Hayden Keogh <[Hayden.Keogh@rdco.com](mailto:Hayden.Keogh@rdco.com)>  
**Subject:** FW: Bylaw Referral - Major Amendment to South Okanagan Regional Growth Strategy Bylaw No. 2770, 2017 - MISC-22-33

Good morning,

Please see the attached referral and additional information below. Please return your comments to [planning@rdco.com](mailto:planning@rdco.com) by August 15, 2022.  
[MISC-22-33](mailto:MISC-22-33)

If you do not have comments, reply with a quick email noting 'no comment'.

Sincerely,



**Tanya Atkinson** | Planning Services  
Regional District of Central Okanagan  
250-469-6227 | [planning@rdco.com](mailto:planning@rdco.com)  
Connect with us | [rdco.com](http://rdco.com)

**From:** Fiona Titley <[ftitley@rdos.bc.ca](mailto:ftitley@rdos.bc.ca)>

**Sent:** July 4, 2022 4:14 PM

**To:** 'ALC.Referrals@gov.bc.ca' <[ALC.Referrals@gov.bc.ca](mailto:ALC.Referrals@gov.bc.ca)>; 'Philip.Gyug@gov.bc.ca' <[Philip.Gyug@gov.bc.ca](mailto:Philip.Gyug@gov.bc.ca)>; 'shawn@apexresort.com' <[shawn@apexresort.com](mailto:shawn@apexresort.com)>; RDCO Planning Services <[planning@rdco.com](mailto:planning@rdco.com)>; 'NRC.DRAO-OFR.CNRC@nrc-cnrc.gc.ca' <[NRC.DRAO-OFR.CNRC@nrc-cnrc.gc.ca](mailto:NRC.DRAO-OFR.CNRC@nrc-cnrc.gc.ca)>; 'info@fvrd.bc.ca' <[info@fvrd.bc.ca](mailto:info@fvrd.bc.ca)>; Thompson Nicola Regional District <[admin@tnrd.ca](mailto:admin@tnrd.ca)>; 'plandept@rdkb.com' <[plandept@rdkb.com](mailto:plandept@rdkb.com)>; 'jcvitko@sd53.bc.ca' <[jcvitko@sd53.bc.ca](mailto:jcvitko@sd53.bc.ca)>; 'sd67@sd67.bc.ca' <[sd67@sd67.bc.ca](mailto:sd67@sd67.bc.ca)>; 'ken.brock@canada.ca' <[ken.brock@canada.ca](mailto:ken.brock@canada.ca)>; 'HBE' <[HBE@interiorhealth.ca](mailto:HBE@interiorhealth.ca)>; 'k.i.d@shaw.ca' <[k.i.d@shaw.ca](mailto:k.i.d@shaw.ca)>; 'coralbrown2@gmail.com' <[coralbrown2@gmail.com](mailto:coralbrown2@gmail.com)>; 'susan@harveylisterwebb.com' <[susan@harveylisterwebb.com](mailto:susan@harveylisterwebb.com)>; 'MountainResortsBranch@gov.bc.ca' <[MountainResortsBranch@gov.bc.ca](mailto:MountainResortsBranch@gov.bc.ca)>; 'cpurton@vip.net' <[cpurton@vip.net](mailto:cpurton@vip.net)>; 'wvrodgers@persona.ca' <[wvrodgers@persona.ca](mailto:wvrodgers@persona.ca)>; 'skahaestateswater@gmail.com' <[skahaestateswater@gmail.com](mailto:skahaestateswater@gmail.com)>; 'info@redwingresorts.com' <[info@redwingresorts.com](mailto:info@redwingresorts.com)>; 'osoyoosirrigationdistrict@gmail.com' <[osoyoosirrigationdistrict@gmail.com](mailto:osoyoosirrigationdistrict@gmail.com)>; 'ofid@telus.net' <[ofid@telus.net](mailto:ofid@telus.net)>; Jim DAndrea <[jim@nobleridge.com](mailto:jim@nobleridge.com)>; 'speedway17@shaw.ca' <[speedway17@shaw.ca](mailto:speedway17@shaw.ca)>; 'miltg@telus.net' <[miltg@telus.net](mailto:miltg@telus.net)>; 'information@pc.gc.ca' <[information@pc.gc.ca](mailto:information@pc.gc.ca)>; 'KATHRYN' <[Kathryn.Poole@gov.bc.ca](mailto:Kathryn.Poole@gov.bc.ca)>; 'archdataequest@gov.bc.ca' <[archdataequest@gov.bc.ca](mailto:archdataequest@gov.bc.ca)>; 'mmd-kamloops@gov.bc.ca' <[mmd-kamloops@gov.bc.ca](mailto:mmd-kamloops@gov.bc.ca)>; 'FLNRDOSReferrals@gov.bc.ca' <[FLNRDOSReferrals@gov.bc.ca](mailto:FLNRDOSReferrals@gov.bc.ca)>

**Subject:** Bylaw Referral - Major Amendment to South Okanagan Regional Growth Strategy Bylaw No. 2770, 2017

You don't often get email from [ftitley@rdos.bc.ca](mailto:ftitley@rdos.bc.ca). [Learn why this is important](#)

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**Re:** South Okanagan Regional Growth Strategy Review X2022.001-RGS  
Amendment Bylaw No. 2770.02, 2022

<https://www.rdos.bc.ca/development-services/regional-growth-strategy/rgs-review-2020/>

The Regional District of Okanagan Similkameen (RDOS) is seeking input from agencies whose interest may be affected by a major amendment to the South Okanagan Regional Growth Strategy. Please find attached a referral for an amendment to the South Okanagan Regional Growth Strategy Bylaw No. 2770, 2017 and a link to the project webpage with related documents. Please review and if you have any questions please do not hesitate to contact me.

Once reviewed, if you have any comments/concerns, please forward to [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca) by August 18, 2022.

Kind Regards,

**Fiona Titley** • Planner II  
Regional District of Okanagan-Similkameen  
101 Martin Street, Penticton, BC V2A 5J9  
p. 250-486-0182 • tf. 1-877-610-3737 • f. 250-492-0063  
[www.rdos.bc.ca](http://www.rdos.bc.ca) • [ftitley@rdos.bc.ca](mailto:ftitley@rdos.bc.ca)



**From:** [Shaun ODea](#)  
**To:** [Fiona Titley](#)  
**Cc:** [Planning](#); [RDCO Planning Services](#)  
**Subject:** FW: Bylaw Referral - Major Amendment to South Okanagan Regional Growth Strategy Bylaw No. 2770, 2017 - MISC-22-33  
**Date:** July 28, 2022 12:46:18 PM  
**Attachments:** [image002.png](#)  
[image001.png](#)  
[image003.png](#)  
[image004.png](#)

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Hello Fiona,

My colleagues and I in RDCO's Community Services team have briefly reviewed the proposed amendment and we have no comments or concerns. Please let me know if there are any specific items that you would like us (or our colleagues in other departments) to review and comment on in more detail.

When making updates to their Regional Growth Strategy in 2020, RDNO staff took the opportunity to present to our Regional Board. Please let me know if there would be an interest in RDOS presenting a delegation item at one of our future Board meetings, and commenting on the regional issues that prompted the amendments.

Best regards,

**Shaun O'Dea, Planner**  
Community Services  
Regional District of Central Okanagan  
250-469-6227 | [Shaun.ODea@rdco.com](mailto:Shaun.ODea@rdco.com)  
Connect with us | [rdco.com](http://rdco.com)



*I respectfully acknowledge that I live and work on the traditional, unceded territory of the syilx Okanagan people.*



**Agricultural Land Commission**  
201 – 4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000 | Fax: 604 660-7033

August 15, 2022

Reply to the attention of Michael McBurnie  
ALC Planning Review: 46821  
RDOS Bylaw No. 2770.02, 2022

Fiona Titley  
Planner II, Regional District of Okanagan-Similkameen  
ftitley@rdos.bc.ca

**Re: Regional Growth Strategy Review**

Thank you for forwarding a draft copy of the Regional District of Okanagan-Similkameen's Regional Growth Strategy (the "RGS") for review and comment by the Agricultural Land Commission (the "ALC" or "Commission"). The following comments are provided to help ensure that the RGS is consistent with the purposes of the *Agricultural Land Commission Act* (the "ALCA"), the Agricultural Land Reserve (ALR) General Regulation, the ALR Use Regulation, and any decisions of the ALC.

ALC staff commend the strong support in the RGS for protecting agricultural land, especially Objective 1-F: "To protect the agricultural land base". The supporting policies for this objective, include:

- Not including ALR land within a growth containment boundary
- Not supporting municipal boundary extensions on ALR land
- Discouraging subdivision of ALR land
- Minimizing conflicts between farm and non-farm uses through edge planning.
- Extending water services to ALR lands only when the water service is to be used for agricultural purposes, or if OCP policies and zoning regulations are in place to prevent further subdivision or increased residential density.

ALC staff also appreciate that Policy 1: *Housing and Development* focuses development to serviced areas in designated Growth Areas, Resort Areas and Village Settlement Areas. This policy states that "Compact urban development and the protection of the integrity of rural areas, including agricultural and ecologically sensitive lands, is one of the chief means of supporting economic, ecological and community health."

However, the Growth Management map (Schedule B) does not reflect these statements. This map identifies all of the Town of Osoyoos, the Town of Oliver, the City of Penticton and the District of Summerland as Growth Areas, including the ALR land within those municipalities. This map appears to conflict with the RGS's stated goals of protecting agricultural land and not including ALR land within a growth containment boundary.



The ALC generally does not support including ALR land in growth areas, however if a local government wishes to designate ALR land for uses that are not consistent with the ALC Act, it may request endorsement from the Commission.

ALC staff note that in 2006, the Commission considered the Town of Osoyoos' proposal to designate some ALR land within the Town for urban uses. By ALC Resolution #567/2006, the Commission endorsed ~16 ha of ALR land within the Southeast Meadowlark neighbourhood as a growth area and refused to endorse other areas within the Town. ALC Resolution #567/2006 is attached as schedule A. ALC staff have no concerns with this endorsed area being designated as a Growth Area in the RGS.

ALC staff recommend removing the Growth Areas designation from all ALR land within Osoyoos, Oliver, Penticton, and Summerland, that has not been endorsed by the Commission for urban uses.

\*\*\*\*\*

The ALC strives to provide a detailed response to all referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any decisions of the Commission.

This response does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

If you have any questions about the above comments, please contact the undersigned at 236-468-3246 or by e-mail (ALC.Referrals@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Michael McBurnie, Regional Planner

Enclosure: Schedule A: ALC Resolution #567/2006

CC: Ministry of Agriculture – Attention: Alison Fox

46821m1

**Schedule A: ALC Resolution #567/2006**



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604-660-7000  
Fax: 604-660-7033  
www.alc.gov.bc.ca

December 6, 2006

Reply to the attention of Martin Collins  
ALC File: #V - 36251

Alain Cunningham, Planner  
Town of Osoyoos  
PO Box 3010  
Osoyoos, B.C. V0H 1V0

Dear Sir:

Re: Draft Osoyoos Official Community Plan

The Agricultural Land Commission appreciated the opportunity to view the lands proposed for urban uses on November 9, 2006. The Commission also appreciates the Town of Osoyoos's ongoing commitment to the planning process and to discussions with the Commission.

The Commission acknowledges the Town's letter of November 14, 2006 which emphasized that the Commission should not expect that the Town's growth aspirations be accommodated on Okanagan Indian Band land, because both communities have their own particular growth needs. It is the belief of the Commission that community needs must be considered in the context of the region in which a community is situated and cannot be considered in isolation of adjacent jurisdictions. A reasonable effort must be made to ascertain to the extent possible how lands within the Town of Osoyoos, the region and within existing Indian Reserves can serve the needs of broader community without impacting agriculture.

In the absence of such analysis, the Commission is limited in the extent to which it can agree to accommodate the Town's needs through the official community plan and any subsequent applications.

The Commission maintains some concerns with the designation of ALR land for urban uses. The ALR was established to preserve B.C.'s limited supply of agricultural land. The Commission is sensitive to community growth aspirations, but it should be recognized that expansion of urban areas into the ALR comes at a cost of the farmland resource. In the south Okanagan, with its limited agricultural land base, and unique climate and soils, the impacts of urban expansion on agriculture are severe. Any compromise of such an important agricultural resource must be preceded by rigorous analysis that demonstrates a compelling and critical need that cannot be accommodated in any other way.

The Commission understands that the amount of ALR land was identified based on an anticipated 2-3% growth rate for the next 20 years. It also understands that this growth rate is somewhat higher than the historic average experienced by Osoyoos for the past several decades. Although the Commission recognizes that significant ALR areas originally targeted for growth have been reduced in the revised Chapter 6, the remaining 60 ha (approx) still represents a significant percentage of the working ALR land within the Town boundaries.



The Commission's review of the areas proposed for urban uses revealed that the lands (with a few significant exceptions) have high suitability for agricultural uses and are largely in intensive agricultural production. The lands were also not specifically designated for the types of urban uses anticipated, although the Commission recalls that the Osoyoos staff conducting the November 9, 2006 tour indicated that some of the area would be used for retail commercial purposes. The Commission also recalls from previous meetings with the OCP committee and staff that significant rationale for urban expansion into the ALR was to consider the proximity advantages to the Town centre for the residents of badly needed affordable housing.

The Commission is not prepared to endorse the proposed Chapter 6 Growth Program because the areas identified for urban development have high suitability for agricultural uses (given the favorable soils, climate and parcel sizes). However, the Commission did recognize that the south Meadowlark block is less suited for agriculture than the other areas due to existing subdivision patterns, past decisions of the Commission, and other restrictions. In view of this the Commission was prepared to favorably consider endorsing a portion of the south Meadowlark block shown on the attached map for urban uses. However, this endorsement is predicated on the Town providing more specific policies in support of affordable housing in this area. The Commission appreciates that this 16 ha area is much smaller than the originally identified area, but remains unconvinced that there is a compelling need for the designation of 60 ha to accommodate urban growth pressures.

The Commission may also be prepared to endorse an undetermined (as yet) area of the Highway frontage of the Wish property for commercial purposes. However, as a condition the Commission may require an agricultural benefit on the remainder, as well as a mutually acceptable resolution of the transportation and access issues affecting this area. The Commission will provide further clarification as to its direction in this regard when the Growth Program is amended, and an application is submitted for its review.

The Commission encourages Council to consider what benefits it might provide to the agricultural community in and around Osoyoos. It noted that the ALR constituted a rather limited area in the town if the ALR areas used for golf course are discounted. One option is for the Town to undertake an agricultural inventory and then develop an agricultural plan to support and enhance agriculture within the community and in the surrounding area.

If you have any questions about the above comments, please contact Martin Collins at 604-660-7021. It is anticipated that a revised draft OCP showing the amended map areas, and more detailed affordable housing policies will be submitted prior to adoption. We look forward to reviewing a revised draft at your earliest convenience.

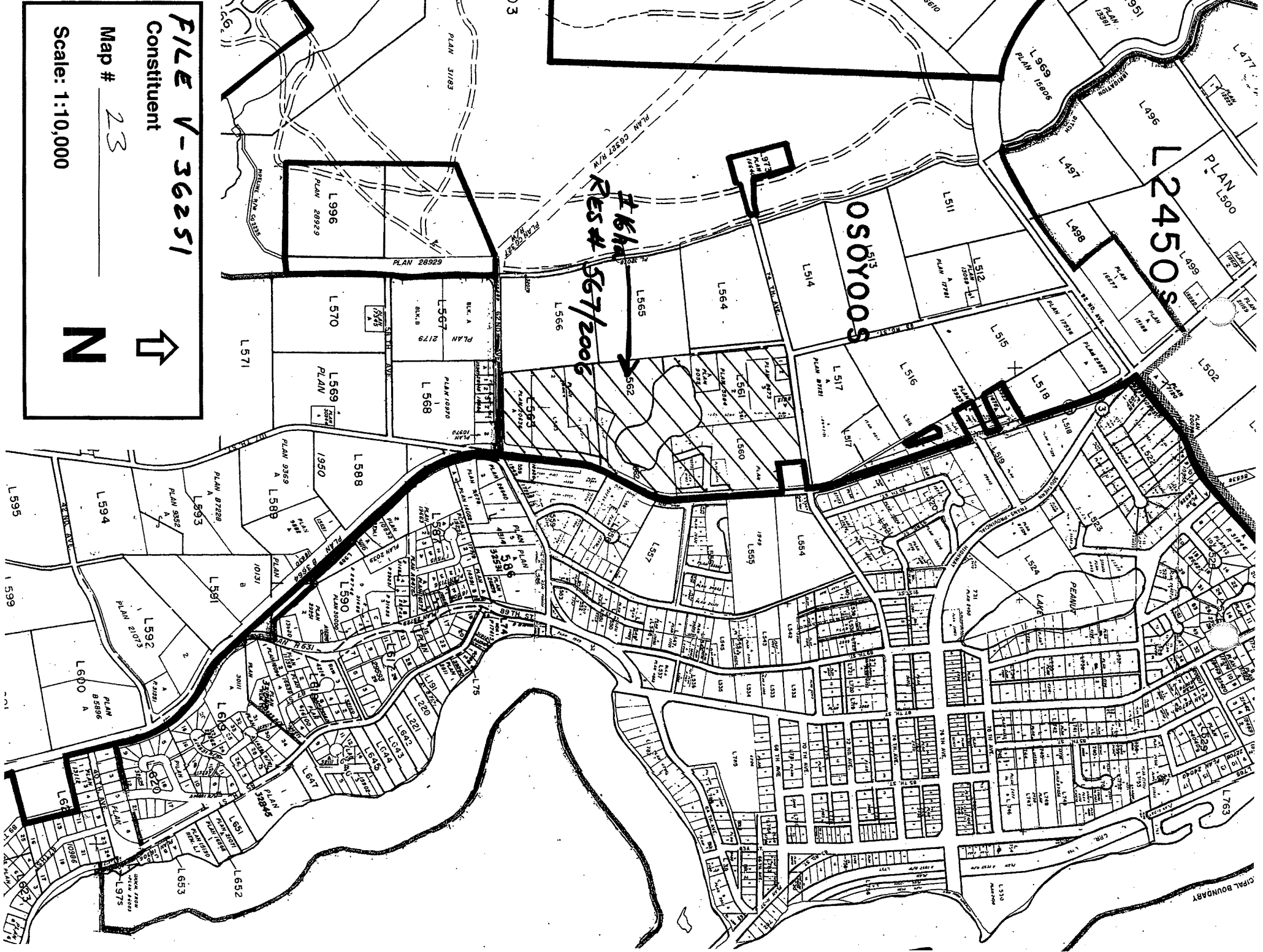
Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

MC/lv/Encl.: Sketch Plan  
36251d1a



*FKha*  
**RES # 567/2006**

**OSDYOOS**

**L 2450 S**

**FILE V-36251**

Constituent

Map # 23

Scale: 1:10,000





Interior Health

August 16, 2022

Fiona Titley, Planner II  
Regional District of Okanagan-Similkameen  
101 Martin Street  
Penticton, BC  
V2A-5J9

Sent via email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

**RE: File X2022.001-RGS: Bylaw No. 2770**

---

Dear Fiona:

Thank you for the opportunity to review the Regional Growth Strategy update. It is our understanding that there have been several major amendments to Bylaw No. 2770. The updated bylaw has been reviewed with a Healthy Development lens.

There are many additions within the update which will have positive health benefits for the communities. We commend the Regional District for the addition of these health promoting policies.

The appendix to this letter contains a few minor suggestions to consider.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tanya Osborne'.

Tanya Osborne  
Community Health Facilitator  
Healthy Communities Healthy Families

We recognize and acknowledge that we are collectively gathered on the traditional, ancestral, and unceded territories of the seven Interior Region First Nations. This region is also home to 15 Chartered Métis Communities. It is with humility that we continue to strengthen our relationships with First Nation, Métis, and Inuit peoples across the Interior.

## Appendix

The following are a few specific suggestions for the Regional Growth Strategy update, to further support the development of healthier communities:

- Policy 1A-6: Additional items to consider: Affordability of those rentals, type of rentals (long-term vs. short-term).
- The addition of housing types '**and tenures**', to Policy 1B-9. This would help support the diverse needs of everyone in the community.
- The addition of Policy 1B-9 into Policy section 1A would strengthen housing opportunities within the Growth Areas.
- Section 1F: Agricultural Areas:
  - Consider creating an Agriculture and Food Systems policy area to strengthen this priority area.
  - Consider strengthening policies to address capacity for food systems specifically, one of the five physical features of a [healthy built environment](#).
    - Supporting the capacity of local farms and local food system infrastructure from food packing and processing to storage and distribution contributes to a food supply that is resilient to outside stressors.
- Including the term '**accessible**' in Section 3D-7, within the new policy statement.
- The addition of indicators to the Housing and Development section under Figure 6:
  - Percentage of Rentals vs Ownership
  - Percentage that spend more than 30% of their income on accommodation

## Resource

BC Centre for Disease Control. Healthy Built Environment Linkages Toolkit: making the links between design, planning and health, Version 2.0. Vancouver, B.C. Provincial Health Services Authority, 2018.  
[http://www.bccdc.ca/pop-public-health/documents/hbe\\_linkages\\_toolkit\\_2018.pdf](http://www.bccdc.ca/pop-public-health/documents/hbe_linkages_toolkit_2018.pdf)

We recognize and acknowledge that we are collectively gathered on the traditional, ancestral, and unceded territories of the seven Interior Region First Nations. This region is also home to 15 Chartered Métis Communities. It is with humility that we continue to strengthen our relationships with First Nation, Métis, and Inuit peoples across the Interior.



# RESPONSE SUMMARY

## AMENDMENT BYLAW NOS. 2770.02

Approval Recommended for Reasons Outlined Below

Interests Unaffected by Bylaw

Approval Recommended Subject to Conditions Below

Approval Not Recommended Due to Reasons Outlined Below

DRAO appreciates the on-going efforts of RDOS to protect the radio-frequency environment in our vicinity. The provisions of the amended RGS will continue to support our operation.

We have only one potential concern, in that the OCPs for Areas C and I refer to a "Radio Frequency Interference (RFI) Area", while the RGS refers to a "Radio Astronomy Research Area". Presumably these are intended to be the same area, but this is not explicitly indicated.

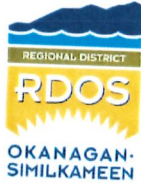
Signature: Gray, Andrew  
2022-08-15

Signed By: Andrew Gray

Agency: DRAO

Title: Acting Director

Date: 2022-08-15



# Bylaw Referral

Regional District of Okanagan-Similkameen

101 Martin Street, Penticton, BC, V2A-5J9

Telephone: 250-492-0237 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

OFFICE USE ONLY	
Date:	July 4, 2022
Bylaw:	2770.02, 2022
File:	X2022.001-RGS

You are requested to comment on the attached bylaw for potential effect on your agency's interests. We would appreciate your response **WITHIN 45 DAYS**. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

Please email your reply to [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca) by **August 18, 2022**.

### PURPOSE OF THE BYLAWS:

The Regional District is proposing a major amendment to the South Okanagan Regional Growth Strategy (RGS) Bylaw that may be summarized as follows:

- replace the current "Primary Growth Area" and "Rural Growth Area" designations with a series of new land use classifications;
- update the objectives and policies related to "Housing and Development" section of the bylaw in order to support the new land use classifications;
- update the background and some of the policies in the "Energy Emissions and Climate Change" of the bylaw to reflect new provincial direction on climate action; and
- update the "Population and Demographics" section of the bylaw in order to incorporate new Census data.

### OTHER INFORMATION:

The South Okanagan Regional Growth Strategy (RGS) is a shared growth and sustainability vision that provides guidance to the Regional District and the member municipalities and electoral areas located within the South Okanagan over a 20-year horizon. These South Okanagan RGS Area includes the RDOS Electoral Areas "A", "C", "D", "E", "F", and "I" and the Municipalities of Osoyoos, Oliver, Penticton and Summerland.

Additional information regarding the proposed amendments can be found at the following locations:

- <https://www.rdos.bc.ca/development-services/regional-growth-strategy/rgs-review-2020/>
- <https://rdosregionalconnections.ca/rgs>

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected" no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this bylaw.

*Fiona Titley*

Fiona Titley, Planner II

Agency Referral List					
<input checked="" type="checkbox"/>	Central Okanagan Regional District	<input checked="" type="checkbox"/>	Fraser Valley Regional District	<input checked="" type="checkbox"/>	Thompson Nicola Regional District
<input checked="" type="checkbox"/>	Agricultural Land Commission (ALC)	<input checked="" type="checkbox"/>	Kootenay Boundary Regional District	<input checked="" type="checkbox"/>	Osoyoos Indian Band (OIB)
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<input checked="" type="checkbox"/>	Canadian Wildfire Services				





August 18, 2022

File: 0280-30  
Local Government File: X2022.001-RGS

Fiona Titley, Planner II  
Regional District of Okanagan-Similkameen  
Via Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

Dear Fiona Titley:

**Re: South Okanagan Regional Growth Strategy Amendment Bylaw No 2770.02, 2022.**

Thank you for providing the Ministry of Agriculture and Food (ministry) staff the opportunity to comment on an amendment to the Regional Growth Strategy. Overall, ministry staff consider the policies affecting agriculture to be positive given the emphasis on protecting agricultural land, support for the development of a regional agriculture strategy, minimizing conflict through edge planning, and the new designation specifically for agriculture. We offer the following comments that may help to provide increased clarity and suggestions for additional policies and wording that may support agriculture in the Regional District:

**Policy 1F-1** – In spite of the statement that lands in the Agricultural Land Reserve (ALR) should not be included within a growth containment boundary, we note that all the ALR lands within the District of Summerland, City of Penticton, Town of Oliver and Town of Osoyoos appear to be designated as growth areas on Schedule B. We recommend clarifying that these ALR lands are not to be designated as growth areas. This may be as simple as removing the pink background behind the green hatching so that the ALR lands within these jurisdictions are the same colour as those outside.

**Policy 1F-4** – Not supporting the extension of sewer services to lands in the ALR is a positive step for supporting agriculture in the region. We recommend that this policy should also include not extending sewer services through the ALR as this can cause speculation pressure on the ALR.

**Policy 1F-6** – Discouraging subdivision of ALR lands is positive for agriculture. The wording of this policy would be strengthened if it read “The subdivision of lands designated as Agricultural Land Reserve is discouraged unless the subdivision is beneficial for

agriculture as determined by an agrologist with appropriate expertise as per the Agrologists Regulation of the Professional Governance Act”

**Policy 1F-9** – It could be made clearer that agri-tourism activities and accommodations are accessory uses to a farm operation in accordance with the ALR Use Regulation.

Please contact Ministry staff if you have any questions regarding the above comments.

Sincerely,



Alison Fox, P.Ag.  
Land Use Agrologist  
BC Ministry of Agriculture, Food  
and Fisheries  
Alison.Fox@gov.bc.ca  
(778) 666-0566



Philip Gyug, P.Ag.  
Regional Agrologist  
BC Ministry of Agriculture, Food  
and Fisheries  
Philip.Gyug@gov.bc.ca  
(250) 378-0573

Email copy: Michael McBurnie, ALC Regional Planner, ALC.Referrals@gov.bc.ca



## RESPONSE SUMMARY

### AMENDMENT BYLAW NOS. 2770.02

Approval Recommended for Reasons Outlined Below

Interests Unaffected by Bylaw

Approval Recommended Subject to Conditions Below

Approval Not Recommended Due to Reasons Outlined Below

See attached letter.

Signature: Maryssa Bonneau

Signed By: Maryssa Bonneau

Agency: Penticton Indian Band Natural Resources Dept

Title: Referrals Coordinator

Date: August 19, 2022



# Bylaw Referral

Regional District of Okanagan-Similkameen

101 Martin Street, Penticton, BC, V2A-5J9

Telephone: 250-492-0237 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

OFFICE USE ONLY	
Date:	July 4, 2022
Bylaw:	2770.02, 2022
File:	X2022.001-RGS

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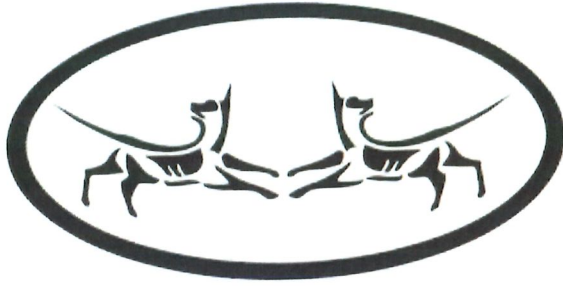
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*Fiona Titley*

Fiona Titley, Planner II

Agency Referral List					
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<input checked="" type="checkbox"/>	Canadian Wildfire Services				



**Penticton Indian Band**  
Natural Resources Department  
841 Westhills Drive | Penticton, B.C.  
V2A 0E8  
Referrals@pib.ca | www.pib.ca  
Telephone: 250-492-0411  
Fax: 250-493-2882

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**Project Name:**

South Okanagan Regional Growth Strategy Review

**FN Consultation ID:**

X2022.001-RGS

**Consulting Org Contact:**

Planning RDOS

**Consulting Organization:**

[Regional District of Okanagan Similkameen](#)

**Date Received:**

Thursday, July 7, 2022

**File number:**

EV-20220712-X2022.001-RGS

August 19, 2022

Attention: Planning RDOS,

We are in receipt of the above referral. The proposed activity is located within syilx (Okanagan) Nation Territory and the Penticton Indian Band (PIB) Area of Interest. All lands and resources within the vicinity of the proposed project are subject to our unextinguished Aboriginal Title and Rights. The Penticton Indian Band has now had the opportunity to review the proposed project. Based on project scope and in the spirit of building a relationship between the RDOS and PIB, we are requiring that deep and meaningful consultation be initiated.

Please contact PIB Natural Resources Director James Pepper via email: [jpepper@pib.ca](mailto:jpepper@pib.ca) or by phone: 250-469-3183 to start the process

Please note that our participation in the referral and consultation process does not define or amend PIB's Aboriginal Rights and Title, or limit any priorities afforded to Aboriginal Rights and Title, nor does it limit the positions that we may take in future negotiations or court actions.

limlæmt,

Maryssa Bonneau  
Referrals Coordinator  
Natural Resources Department  
Penticton Indian Band  
W: 250-492-0411  
C: 250-486-3241  
[Referrals@pib.ca](mailto:Referrals@pib.ca)

---

**From:** [RDCO Planning Services](#)  
**To:** [Planning](#)  
**Subject:** FW: Bylaw Referral - Major Amendment to South Okanagan Regional Growth Strategy Bylaw No. 2770, 2017  
**Date:** August 19, 2022 8:05:54 AM  
**Attachments:** [image001.png](#)

---

Good morning,

Thank-you for the opportunity to comment. RDCO staff have reviewed the application and have the following comments.

**Engineering Comments:**

Great to see the commitment to addressing climate change within the RGS. Engineering is supportive of initiatives that further protection of our local environment and the health of our communities.

**Planning Comments:**

When making updates to their Regional Growth Strategy in 2020, RDNO staff took the opportunity to present to our Regional Board. Please let me know if there would be an interest in RDOS presenting a delegation item at one of our future Board meetings and commenting on the regional issues that prompted the amendments.

Should you have any questions, please contact Planning Services at 250-469-6227.

Sincerely,

Planning Services

Regional District of Central Okanagan

250-469-6227 | [planning@rdco.com](mailto:planning@rdco.com)

Connect with us | [rdco.com](http://rdco.com)



# RESPONSE SUMMARY

## AMENDMENT BYLAW NOS. 2770.02

Approval Recommended for Reasons Outlined Below

Interests Unaffected by Bylaw

Approval Recommended Subject to Conditions Below

Approval Not Recommended Due to Reasons Outlined Below

The Kaleden Irrigation District Board of Trustees do NOT support the proposed Amendments to Bylaw No 2770.02 for the following reason:

The District does not have the infrastructure nor the ability to support the potential number of new households/units that could be built if this Growth Strategy is put into place.

Signature: Charles E. Della

Signed By: CHERYL NANTA

Agency: Kaleden Irrigation District

Title: Financial / Corporate

Date: September 29th, 2023

Administrator



October 28, 2022

Regional District of Okanagan Similkameen  
101 Martin St  
Penticton BC V2A 5J9

**Attn: Fiona Titley, Planner II**

**Re: 2022 Regional Growth Strategy Review**

The Ecosystems section of the Ministry of Land, Water and Resource Stewardship has reviewed the proposed 2022 RDOS Regional Growth Strategy updates. Thank you for the opportunity to provide comments on this important process.

Initially the amount of Rural Area (RA) designated in Electoral Area 'A', Rural Osoyoos was of concern, inasmuch as we interpreted RA to allow a range of zoning that could open the door to smaller lot sizes than parcels are presently zoned for. However, in conversation with Fiona Titley, RDOS Planner, it was explained that rezoning for smaller lot size/more intensive development is discouraged in RA.

To that end, we recommend making it explicit that zoning changes which allow smaller subdivision / greater development in RA are not supported by the RGS.

As you know, the area of proposed "Rural Area" (yellow in Figure 1 below) (excluding the already-subdivided extent of Regal Ridge) contains very high concentrations of species and ecosystems at risk and as such we do not support intensification of development in this area. For reference, it contains the following identified values:

Species at risk known occurrences (i.e. sightings):

- Bighorn Sheep
- Great Basin Spadefoot
- Western Tiger Salamander
- North American Racer
- Western Rattlesnake
- Desert Nightsnake
- Half-moon Hairstreak
- Behr's Hairstreak
- Pale Evening Primrose

At-risk plant communities:

- Antelope-brush / needle-and-thread grass
- Big sagebrush / bluebunch wheatgrass
- Baltic rush – common silverweed

Federally designated Critical Habitat:

- Tiger salamander
- Desert Nightsnake
- Lewis's Woodpecker
- Gophersnake
- Western Rattlesnake
- (Badger)
- Halfmoon Hairstreak butterfly
- Behr's Hairstreak

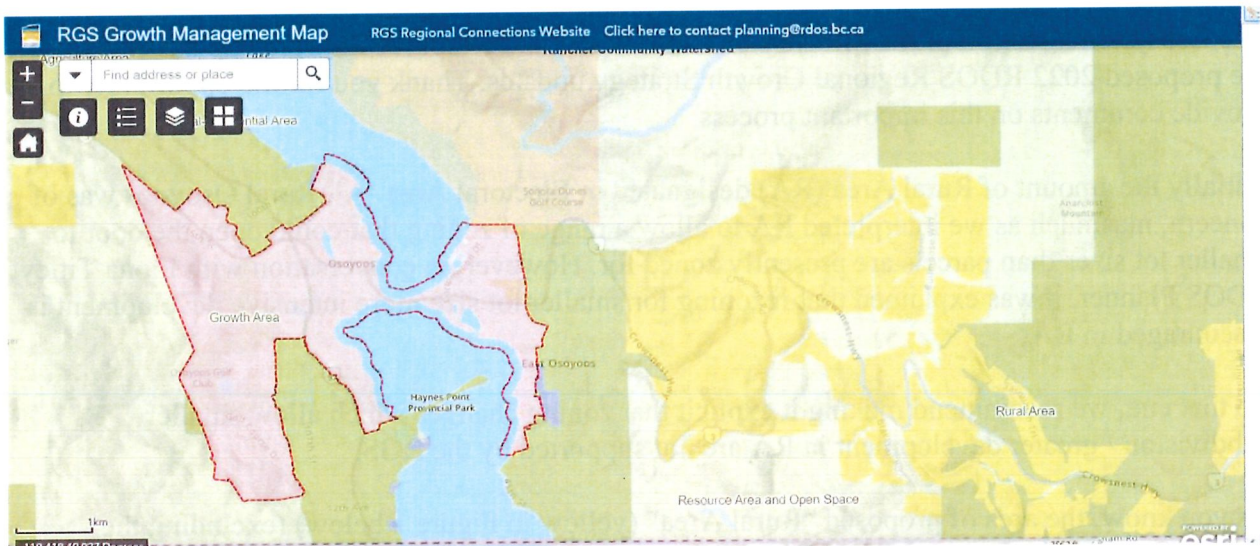


Figure 1. Proposed Rural Area (yellow) in Area A.

Once again, thank you for the opportunity to provide input on these updates. Please do not hesitate to contact the undersigned with questions or comments.

Sincerely,

Jamie Leathem, M.Sc.  
Ecosystems Biologist  
Ministry of Land, Water and Resource Stewardship