

**VILLAGE OF PEMBERTON
-COMMITTEE OF THE WHOLE MEETING AGENDA-**

Agenda for the **Committee of the Whole** of Council of the Village of Pemberton to be held Tuesday, September 15, 2009 at 10:30 am (or immediately following Regular Council Meeting) in Council Chambers, 1350 Aster Street. This is meeting No. 022

Time	Item of Business	Page No.
10:30 a.m.	1. CALL TO ORDER	
	2. APPROVAL OF AGENDA Recommendation: THAT the agenda be approved as presented.	
	3. Regional Growth Strategy – Discussion in preparation for the September 24, 2009 Elected Officials Forum	2
	4. ADJOURNMENT	

Regional Growth Strategy Overview

The following is a summary of information that may be of assistance to Council in preparation for the *September 24/09 Elected Officials Forum*.

What is the Regional Growth Strategy (RGS)?

- is a high level policy document that is intended to manage growth in the region over the next 20 years.
- contains a strategy that encompasses a broad vision statement, and a number of specific goal statements that are supported by policy statements and strategic directions (i.e. Goal 1, entitled *Focus Development into Sustainable Compact Communities*, speaks to concentrating development within the established urban areas, the Village being one of those areas).

What is the Village of Pemberton's Context with the RGS?

- Generally, is consistent with the Village's growth management approach (i.e. Smart Growth planning principles and minimize intrusion within the ALR lands).
- reflects the land use designations within the Village's OCP and the findings of the Pemberton and Area Sub Regional Planning Study.
- The Council of the Village of Pemberton passed its acceptance resolution on 16 September 2008.

What is the RGS Amending Process?

- Bylaw 1062 identifies a process to address minor amendments
- **Minor Amendments** - The process does not require unanimous approval (rather 2/3 affirmative vote) of the SLRD Board in cases where a proposed change is not considered of regional significance and contributes to a compact settlement pattern.
- **Major Amendments** – The process will require unanimous approval of the full Board.

What has been the Regional Growth Strategy Approval Process?

Fall 2008 All the local governments within the SLRD, other than the District of Squamish, passed resolutions to accept the Bylaw.

A process was initiated in November by the Ministry of Community Development in an attempt to find a resolution to the issues raised by the District of Squamish. Meetings with the parties including the Ministry have been held since February, but to date no resolution was found.

April 27/09 SLRD Board Meeting the following two resolutions were passed:

THAT a non-binding resolution process be undertaken within the context of Section 859 Local Government Act which:

1. *includes a review of and clarifying education on:*
 - (a) *the concerns of elected officials (and perhaps the communities) against the provisions of the legislation,*
 - (b) *the process for decision making with respect to adoption, application and amendment of the growth strategy,*
 - (c) *the reality of the growth strategy and its application against the land base, and*
 - (d) *the underpinning reasons for a growth strategy and how a growth strategy is intended to work;*
2. *is open to other affected local governments;*
3. *does not engage a neutral third party at this time;*
4. *has an expectation that a concluding report with recommendations be prepared by July 30, 009.*

AND THAT an Elected Officials Forum be scheduled for the 2nd week of June, with invitations to First Nations and Ministry of Community Development.

May 5/09

District of Squamish Meeting, it was resolved:

THAT Council of the District of Squamish endorses initiating a non-binding resolution process in accordance with Section 859 of the Local Government Act to resolve the District of Squamish objections to the Squamish Lillooet Regional District and Regional Growth Strategy.

AND THAT Council direct Staff to work with the SLRD to refine a detailed process, including clearly articulated steps and objective to address the concerns raised by the District of Squamish through the non-binding resolution process

June 2/09

District of Squamish clarifies their position through the following resolution:

Whereas:

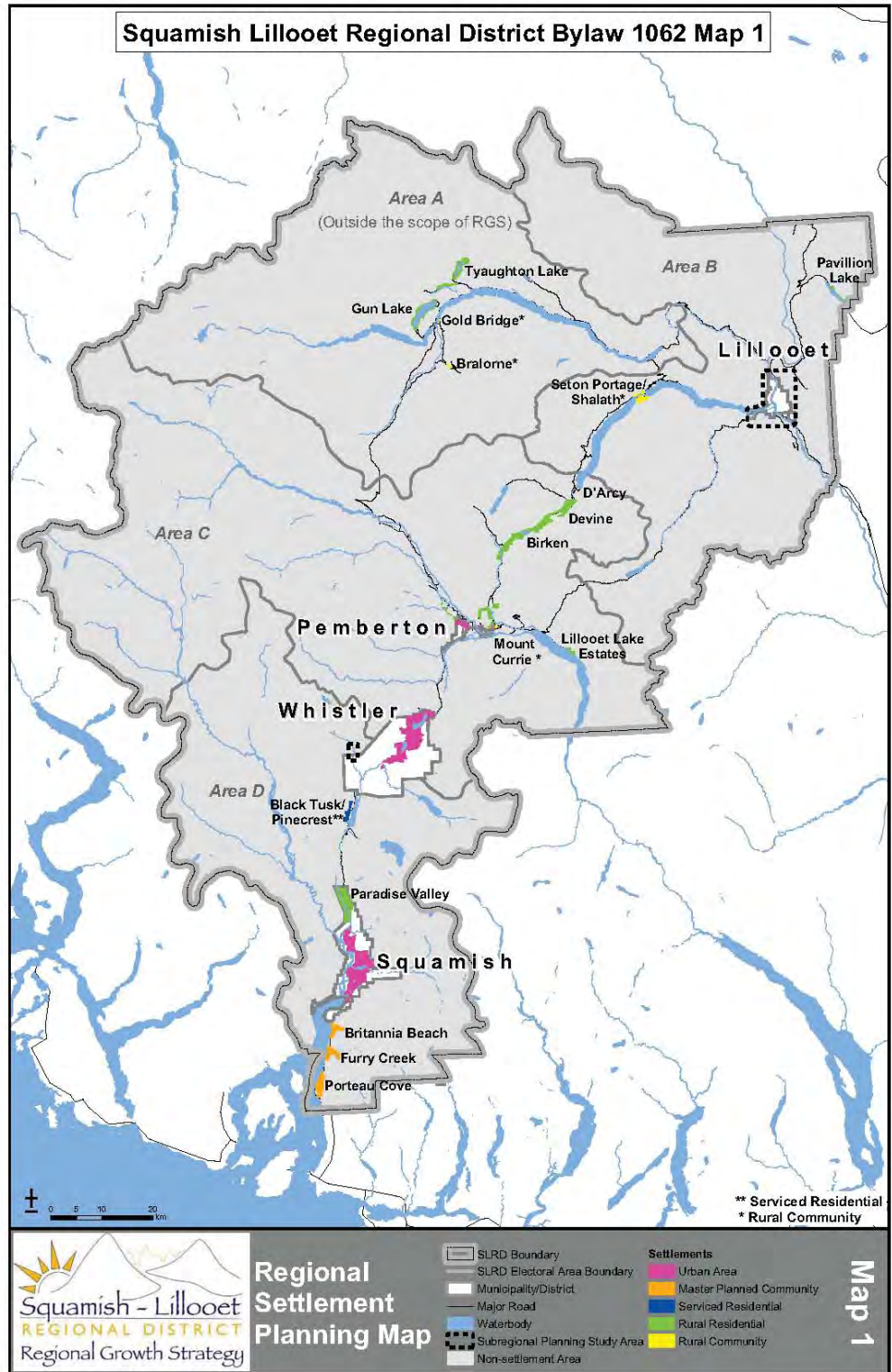
- A. The District of Squamish is supportive of regional planning initiatives and the creation of uniform planning principles for the Squamish Lillooet Regional District;*
- B. The District of Squamish, in furtherance of the above, has agreed to be part of the development of a Regional Growth Strategy for the Squamish Lillooet Regional District as provided for in the Local Government Act;*
- C. Notwithstanding the above, the District of Squamish has not agreed to transfer or delegate land use planning authority over lands located within the present or future boundaries of the District of Squamish.*

Therefore, it is resolved as follows:

That the District of Squamish not support or approve the draft Regional Growth Strategy until the provisions of Strategic Direction on paragraph 1.1 (a) are deleted or amended to remove the requirement of a member municipality to incorporate the mandatory provisions of sub-paragraphs (i), (ii) and (iii) or paragraph 1.1(a) into its Official Community Plan.

<p style="text-align: center;">Section 1.1 of the RGS</p> <p>Strategic Directions:</p> <p>1.1 The SLRD and member municipalities agree that:</p> <p>a) The RGS Settlement Planning Map will be used in conjunction with Official Community Plans to:</p> <ul style="list-style-type: none">- encourage compact development within Urban Areas, Master-Planned Communities and Rural Communities,- maintain the rural, low density character of Serviced Residential and Rural Residential Areas, and- protect and maintain Non-Settlement Areas. <p>The RGS will require Official Community Plans to:</p> <ul style="list-style-type: none">(i) establish policies that are consistent with the Regional Settlement Planning Map, or a process that will lead to consistency over time;(ii) direct major settlement growth to the Urban Areas and Master Planned Communities;(iii) prevent major settlement growth in Non-Settlement Areas; and(iv) encourage smart growth strategies appropriate to the settlement types and local circumstances.

That the District of Squamish not support or approve the Regional Growth Strategy until the Settlement Planning Map provisions related to the lands within the present or future boundaries of a member municipality are deleted.



Regional Growth Strategy Overview
September 15, 2009

- July 2/09* The SLRD writes to the Ministry of Community and Rural Development , indicating delay in process due to wildfires;
- August 20.09* Correspondence received from the Ministry of Community and Rural Development recommending the assistance of a third party dispute resolution expert and notes:
- The legislative framework for regional growth strategies is designed to ensure closure when parties cannot reach agreement on their own
 - Non binding DR process should not continue indefinitely unless progress is being made
 - If non-binding process is unsuccessful the issue must then be settled by one of the arbitration methods under Sec. 860 of the LGA
- Sept 09* Senior staff from the various local governments and a representative from the Ministry of Community Development, meet to review and clarify the outstanding issues. The results will be then communicated at an Elected Officials Forum scheduled for 24 September 2009. *The EOF will be facilitated by Beth Johnson, former Mayor of Delta.*
- Sept/09* The SLRD is currently having a legal opinion prepared with regard to the District of Squamish's position.

Elected Officials Forum
Tentative Agenda (subject to change)

Opening Remarks	SLRD Chair
Participant Introductions	ALL
Agenda	Facilitator
Purpose & Overview	Facilitator / SLRD Staff
Legislative Context	Ministry of Community Development Reps (Lois-Leah Goodwin / Brent Mueller)
Explanation of District of Squamish's Objections	Mayor Greg Gardner
Perspectives on the SLRD RGS & on Squamish's concerns with the RGS	Spokesperson for each affected Local Government
Individual perspectives	ALL
Refreshment Break	ALL
Discussion of options for addressing the District's concerns	ALL
Wrap-up, next steps	Facilitator
Lunch served	

Caroline Lamont

From: Lisa Griffith [lgriffith@slrd.bc.ca]
Sent: Friday, September 11, 2009 11:44 AM
To: Chief Gibby Jacob; chief_sterry@yahoo.ca; amadolph@telus.net; leonard_andrew@lilwatnation.com; haspen@whistler.ca; Christina Arneson; clamont@pemberton.ca; gloyer@lillooetbc.ca; Daniel Sailland; Susan James; afenton19@yahoo.ca; lisa_wilcox@squamish.net; Dennis Bontron; Greg Gardner; John Turner ; Jordan Sturdy; Ken Melamed; Mickey Macri ; Patricia Heintzman; Russ Oakley; Susan Gimse
Cc: Leslie Lloyd; Paul Edgington; Steve Olmstead
Subject: Upcoming SLRD Elected Officials Forum - Sept 24, 2009
Importance: High

This is a reminder of the Squamish-Lillooet Regional District Board's invitation to join Local Government Officials and First Nation Leaders in an Elected Officials Forum on **Thursday, September 24, 2009** at the Pemberton Community Centre – Cottonwood Facility, 7390 Cottonwood Street. A 'working lunch' will be provided.

The time frame for the Elected Officials Forum has been expanded from **9:00am to 1:15pm** to address:

- a) SLRD Regional Growth Strategy
- b) Transit Priority Setting

An agenda with background information will be distributed next week.

If you have not yet responded to this invitation, kindly RSVP with the names of those who will attend from your organization to Lisa Griffith, before noon on Monday September 21, 2009.

Regards,

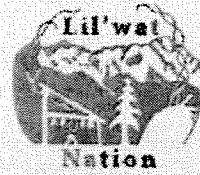
Lisa Griffith, MCIP

Community Planner

Squamish-Lillooet Regional District

t 604.894.6371 f 604.894.6526

1.800.298.7753, ext 237



0470.03
cc: Paul
B. Agnew
Waa

March 5, 2009

Squamish-Lillooet Regional District
Box 219, 1350 Aster Street
Pemberton, BC V0N 2L0
Fax: (604) 894 – 6526

Attention: Paul Edgington, Administrator

RECEIVED
MARCH 15 2009
SQUAMISH-LILLOOET REGIONAL DISTRICT
P.O. BOX 219
ASTER STREET
PEMBERTON, BC V0N 2L0

Dear Mr. Edgington:

Re: Regional Growth Strategy

It has come to our attention that the Squamish-Lillooet Regional District (SLRD) Board is in the process of approving its proposed Regional Growth Strategy (RGS). As you are aware, the SLRD overlaps with the Lil'wat traditional territory. The proposed RGS will therefore affect the aboriginal title and rights of the Lil'wat Nation.

The Lil'wat Nation asserts unextinguished title to its traditional territory, sovereignty over its traditional territory, and a right to self-determination. The Lil'wat Nation's asserted aboriginal rights, including title, are protected under s. 35 of the *Constitution Act, 1982*.

A series of recent court decisions have:

- Upheld the existence of aboriginal title in British Columbia,
- Declared that aboriginal title coexists with crown title,
- Limited the instances in which aboriginal title can be infringed by British Columbia or a third party,
- Established strict criteria for any such infringement,
- Declared that aboriginal title includes the right to choose the use to which the land is put,
- Placed a legal duty on the Province of British Columbia to undertake meaningful consultation with First Nations and accommodate potential infringement and
- Declared that accommodation may have economic and/or cultural components.

Furthermore, the Supreme Court of British Columbia stated in the *Tsilhqot'in* decision, “the right to use resources, the right to choose land use, and the right to direct and benefit from the economic potential of the land are all aspect of Aboriginal title”.

We have reviewed the RGS and though we can appreciate the spirit of what it aims to accomplish, we must highlight the reasons that make the RGS an incomplete and thus inadequate solution.

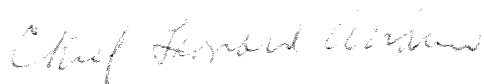
The RGS fails to address the core issues that the Lil'wat face today and furthermore it undermines the core aspects of Aboriginal title. It is no secret that the Lil'wat are working diligently to overcome numerous challenges which include but are not limited to housing, education (cultural, traditional and contemporary), business, health, community wellness and intergovernmental collaboration. Common to each of these issues is an archaic, formula based system that was imposed upon the Lil'wat and that systematically underfunded and undermined the Lil'wat people. This system placed the Lil'wat onto reserves and attempted to remove their sovereignty, their title and their rights. Aggravating this matter is fact that as the Lil'wat were being repressed, others were being presented with opportunities to benefit from the Lil'wat land base; a land base, a territory I add, that has never been surrendered. The result of such opportunities birthed vibrant population and economic hubs which have not benefited the Lil'wat and yet in light of Supreme Court law the opposite should have occurred.

Our angst is that the RGS limits the potential use of land within our Traditional Territory to areas that will, in all likelihood, not produce any future benefit to the Lil'wat. Furthermore, it places potential restrictions on our Traditional Territory at a time when our rights are beginning to be recognized and when we have only started to reclaim what we have never surrendered. The recently (2006) completed Lil'wat Land Use Plan was harmonized with the Province in 2008.

The Lil'wat recognize the importance of limiting sprawl, of progressive economic development, of protecting watersheds, habitats and ecosystems as well as the importance of communication and collaboration between the inhabitants responsible for the management of an area. This stated, we cannot readily endorse a concept or system that contributes towards the continued impoverishment of our people and at this time it is our clear understanding that the RGS will do just that.

The Lil'wat retain the legal right to manage and to benefit from the Traditional Territory to which they have title. Recognizing that the RGS does not create an applied solution that respects this title, we would request that the SLRD not proceed with the adoption of the RGS but rather use it as a starting point for consultation and deliberation between our governments. It is our belief that with our concerted efforts we can come to the creation of a solution that empowers and truly respects all of our peoples.

Kúkwstumckacw,



Chief Leonard Andrew
Mount Currie Band/Lil'wat Nation

c.c.	Honourable Kevin Krueger - Ministry of Community Development	Fax: (250) 387-4312
	Honourable Joan Macintyre - MLA	Fax: (250) 387-4312
	Mike Furey, ADM - Ministry of Community Development	Fax: (250) 387-7973
	Susie Gimse, Councillor - Village of Pemberton	Fax: (604) 894-6136



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May 4, 2009

Lindsay Jones, Director
First Nations Initiatives – Coast Range
e-mail – Lindsay.Jones@gov.bc.ca

Dear Ms. Jones:

Re: Regional Growth Strategy and Concerns of the Lil'Wat Nation

I am writing on behalf of the SLRD Board to request your assistance in addressing the concerns of the Lil'Wat Nation with respect to the SLRD's Regional Growth Strategy bylaw. I have enclosed copies of their letter of March 5, 2009 and our bylaw as it presently stands at second reading.

By way of context setting, the Regional District has been developing its regional growth strategy ("RGS") since 2004. The purpose of the RGS is to express a shared vision and a course of action for the future, to guide the regional district and its member municipalities. Throughout the five years of work on the RGS, the Board has used its best efforts to engage Lil'Wat Nation and others in its deliberations. Examples of these efforts include the Pemberton and Area Sub Regional Land Use Planning Study (conducted with Lil'Wat Nation and the Village of Pemberton) and the Economic Opportunity Assessment (conducted with the Northern St'at'imc and District of Lillooet). Additionally, see the enclosed summary of engagement efforts.

The RGS, which is in its final stages of adoption, seeks to provide a planning framework for a sustainable future. Integral to this vision is the direction of urban densities and development to designated settlement areas (which are predominantly within municipal boundaries) and to promote land use patterns in rural areas, which support traditional rural lifestyles and economic transitions while protecting environmental values and rural resources vital to the economy and sustainability of all.

With respect to the concerns of the Lil'Wat Nation we believe that the RGS is supportive of sustainable economic opportunity.

Specific references within the RGS you might turn to include:

- Definition of non-settlement lands (page 16)
- Sustainable Economy (pages 25-26)

- Relations with Aboriginal Communities (pages 34-36)
- Collaboration among Jurisdictions (page 37)

The overall direction of the RGS is to avoid sprawl; direct residential development towards existing settlement areas; and preserve non-settlement lands for their environmental and resource values in hopes of achieving sustainability, over time.

Although the Board is committed to working with Lil'Wat Nation, issues like title and impoverishment are beyond the Board's authority to address and so your assistance is requested. Please advise on your ability to assist, and your thoughts on how we might collectively work with Lil'Wat Nation to address their concerns.

Yours truly,

Paul Edgington
Chief Administrative Officer

cc: Mike Furey, Assistant Deputy Minister Local Government Department,
Ministry of Community Development
cc: Bob de Faye, Deputy Minister, Ministry of Aboriginal Relations and Reconciliation
cc: Bill Zaharoff, Director, Indian and Northern Affairs, Intergovernmental Affairs

Attachments: Lil'Wat Nation March 5, 2009 letter.
Draft Summary of Aboriginal Engagement in the Development of the SLRD RGS
SLRD BYLAW NO. 1062, 2008