

*Note: Historical bulletins contain valuable information from a point in time and are not kept up to date. For current information, users are advised to check legislation and the local government content on the B.C. government website.*

# Planning and Land Use Management: New Directions

## Rationale:

Part 26 of the *Local Government Act* provides the framework and tools for a local government system of planning and land use management. Changes to Part 26 reflect the principles established in 1997 to guide the *Municipal Act* Reform process. In particular, emphasis has been placed on the following:

- **broad powers** for local government in the land use planning sphere;
- more **flexibility** for local government; and,
- **appropriate balance** between local government authority, on the one hand, and enhancing public accountability and protecting provincial interests on the other.

## New Provisions:

- After consultation with provincial agencies, local governments and other interests, the Ministry was able to develop a vision and focus for the Part 26 legislative changes. The approach recognizes the changing nature of the planning and land use management process at both the local and provincial levels and the need for greater integration and co-operation between various authorities in land use planning and management. The vision recognizes the need for greater flexibility and broader scope at the local government level, clearer direction on provincial interests, earlier consultation at the front end of the process and less provincial intervention at the approval stage.
- The legislative changes acknowledge the need for a new approach and provide a catalyst for changes in the planning process and for improved relationships between various jurisdictions. The vision, best be articulated as a "four part strategy", focusses on:
  - more flexibility and broader powers for community plans;
  - encouragement of early and on-going consultation;
  - clearer guidance to local governments of provincial interests; and,
  - reduction of provincial approvals.

Highlights of the amendments for each part of this strategy are:

- More flexibility and broader powers for community plans is provided through changes to official community plan (OCP) provisions which clarify the purpose of OCP and authorize local governments to include any statements, materials or matters they consider appropriate. Further

information about changes to OCP provisions is provided by Bulletins Numbered G.2.0.0 (OCP Purpose and Content) and G.2.1.0 (OCP Process and Consultation).

- Encouragement of early and on-going consultation is seen through amendments to OCP provisions which require local governments to consult with those persons, organizations and authorities it considers will be affected by an OCP or an amendment or repeal of an OCP. This new consultation requirement is in addition to the continued public hearing requirement, and is intended to provide consultation opportunities earlier in the process. More information about these changes can be found in Bulletin Number G.2.1.0 (OCP Process and Consultation).
- Clearer guidance to local governments of provincial interests will be provided through provincial policy guidelines, which must be considered during development of an OCP or amendments to one. Further information on this topic is available in Bulletin Number G.2.2.0 (OCP Provincial Policy Guidelines).
- Reduction of Provincial approvals:

The Ministry will be implementing a staged reduction in the requirements for Ministry of Municipal Affairs approval of regional district, Islands Trust and Resort Municipality of Whistler OCP bylaws. The *Local Government Act* authorizes the Minister by regulation to define areas and circumstances where approval is not required, subject to specified terms and conditions. The Ministry plan is as follows:

- The Ministry will proceed with a regulation to exempt regional districts and the Islands Trust from Ministry of Municipal Affairs approval of bylaws which may involve a few lots, or commercial or industrial sites of less than a threshold size.
- In the future, the Ministry will be open to proposals from regional district or the Islands Trust for removal of additional approvals, on a case by case basis where certain conditions are met.
- The Ministry will streamline its approval procedures, including the consideration of delegating the approvals to Ministry staff.

The *Local Government Statutes Amendment Act, 2000* (Bill 14) provided other Ministers with similar authority. Section 903 allows the Minister responsible for the *Farm Practices Protection (Right to Farm) Act* to make regulations defining areas and circumstances in which local government is exempt from approval of zoning bylaws which prohibit or restrict the use of land for a farm business in a farm area, and specify terms and conditions of the exception. Similar authority is given to that Minister in relation to farm bylaws under section 917, to the Minister of Environment, Lands and Parks in relation to flood plain regulation under section 910, and to the Minister responsible for the *Highway Act* in relation to development near controlled access highways under sections 924 and 930.

It is expected that this phased reduction in approvals will result in significant staff time savings provincial and local governments and streamlined approvals at the local level over time.

**Transitional Provisions:**  
NA

<p><b>Local Government Act References:</b> <u>Primary Sections:</u> NA <u>Bill 14 Sections:</u> NA</p>
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