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## OCP Purpose and Content

### Rationale:

The new *Local Government Act* provisions regarding the purpose and content of official community plans (OCPs) reflect the principles established in 1997 to guide the *Municipal Act* Reform process. In particular, these changes provide:

- **broader powers** for local government regarding land use planning;
- increased **flexibility** for a local government to respond to the particular planning and land use management issues and circumstances of the affected community; and,
- a more **appropriate balance** between local government authority, public accountability and enhanced provincial interests in the development of official community plans (OCPs).

These legislative amendments clarify the purpose of OCPs and enhance local governments' ability to develop OCPs that address community-specific planning needs within the context of provincial planning and land use management interests.

Most of the amendments become effective January 1, 2001, but the repeal of the content provisions (sections 877 and 878) will not become effective until provincial policy guidelines are in place.

### New Provisions:

- Section 873 of the *Local Government Act* clarifies that municipalities may only exercise Part 26 powers within municipal boundaries and regional districts may only use these powers within rural areas of regional district boundaries. This new provision limits the general authority (in sections 517(2) and 796(2)) for a local government to provide services outside its boundaries.
- Section 875 sets out the purpose of an OCP, which is to:
  - provide a statement of objectives and policies to guide planning and land use management decisions within the area covered by the plan; and,
  - work towards the regional growth strategies purpose and goals (section 849), to the extent that the OCP deals with these matters.
- Section 876 requires that an OCP be included in the adopting bylaw as a schedule and that it designate the area covered by the plan. This section also requires that the local government consider any applicable provincial policy guidelines (under section 870) in development of the OCP.

- Provisions that prescribe mandatory content and establish authority for additional content (sections 877 and 878) are repealed because the provincial interests identified in these provisions can be more adequately expressed in the form of the guidelines described above. The repeals, however, will not take effect until guidelines have been established (see Bulletin Number G.2.2.0 - OCP Provincial Policy Guidelines). At the time of these repeals, the new section 877 (1) will be brought into force to provide authority for an OCP to contain any statements and material the local government considers appropriate. Sub-section (3) of that section continues the existing requirement that any statements regarding matters that are not within that local government's jurisdiction to regulate be restricted to a description of the *broad objectives* of that local government.

**Related Provisions:**

- Section 849 sets out the purpose and goals of regional growth strategies.
- Section 866 provides a requirement for a regional context statement in some OCPs.
- Section 876 provides authority to adopt an OCP and includes a requirement to consider any applicable provincial policy guidelines (see Bulletin Number G.2.2.0 - Provincial Policy Guidelines).
- Section 879 sets out OCP consultation requirements (see Bulletin Number G.2.1.0 - OCP Process and Consultation).
- Section 882 identifies additional procedural requirements related to OCPs (see Bulletin Number G.2.1.0 - OCP Process and Consultation).
- Division 4 of Part 24 requires public hearings for some OCPs and sets out the procedural requirements in relation to these (see Bulletin Number G.4.0.0 - Public Hearing Procedures).

**Practical Considerations:**

- Given the new authority to consider other land use planning and social, economic, environmental planning and policies when adopting an OCP, a local government initiating the development or amendment of an OCP may want to assess what other planning and policies within their own jurisdiction, or other affected jurisdictions, might usefully be considered.
- It is important that a local government that includes a number of planning and land use bylaws under one comprehensive bylaw, as authorized by section 259.1, keep the OCP provisions separate from the regulatory provisions. For this reason, local governments are required to adopt an OCP as a schedule to the bylaw. This is particularly important for regional district OCPs, because these have to be submitted to the Minister of Municipal Affairs for approval, while the remainder of a regional district comprehensive bylaw does not require such approval. In addition, distinguishing OCP provisions from land use regulation provides clearer guidance to subdivision approving officers and building inspectors who must consider an OCP differently than a regulatory bylaw.

**Transitional Provisions:**

- There are no transitional provisions relating to these amendments. This means that for all new bylaws and amendments or repeals to existing bylaws, any new procedural requirements must be followed as soon as the applicable provision is brought into force. For example, after January 1, 2001 any OCP bylaw amendments will need to incorporate the OCP as a schedule to the bylaw. This is the case even for bylaws that are in process (i.e. between 1st reading and adoption) at the time the provisions come into force so, for example, if a bylaw is at second reading on January 1, 2001, and the OCP is not included as a schedule to the bylaw, then the bylaw must be changed to comply with this requirement before it is adopted.

**Local Government Act References:**

Primary Sections: Section 875, 876, 877