

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.

OCP Provincial Policy Guidelines

Rationale:

The new *Local Government Act* provisions requiring local government to consider provincial policy guidelines when developing or amending an official community plan (OCP) reflect the principles established in 1997 to guide the *Municipal Act* Reform process. In particular, these changes provide:

- **flexibility** that allows local governments to respond in a practical way to specific local needs and circumstances when developing or amending an OCP, while giving consideration to the broader provincial interests; and,
- **appropriate provincial government involvement** in the development and amendment of OCPs, through the establishment of provincial policy guidelines describing provincial interests in the content and develop process of OCPs that must be considered by local governments.

New Provisions:

- Section 876 (3) requires local governments to consider any applicable provincial policy guidelines (established under the authority of section 870) when developing or amending an OCP.
- The existing section 870 continues to authorize the Minister of Municipal Affairs to establish provincial policy guidelines regarding the content and development and adoption process of regional growth strategies and OCPs, following consultation with representatives of the Union of British Columbia Municipalities.

Related Provisions:

- Sections 875 to 877 describe the purpose of OCP, provide authority to adopt them and provide authority to include in an OCP any statements and material considered appropriate (see Bulletin Number G.2.0.0 - OCP Purpose and Content).
- 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).

Practical Considerations:

- The requirement for consideration of provincial policy guidelines by any local government developing or amending an OCP gives greater significance to these guidelines as a tool to convey provincial interests in local land use planning. These interests were conveyed through the mandatory and permissive content provisions of sections 877 and 878, but these provisions did not keep pace with changing needs -- the guidelines will provide a clearer explanation of provincial interests in local land use planning and management, thereby supporting effective local/provincial government working relationships.
- The requirement to consider applicable guidelines come into force January 1, 2001, although no provincial policy guidelines have been established as yet. However, the provincial government will develop guidelines over the next year regarding provincial interests in the content and development and adoption processes for OCPs. These guidelines are established by the Minister of Municipal Affairs in conjunction with other provincial ministers, after consultation with UBCM and other interests.
- The guidelines will cover a range of provincial economic, social and environmental\resource interests and will supplement provincial direction provided in legislation like the *Forest Land Reserve Act* and regulations like the proposed streamside protection regulation pursuant to the *Fish Protection Act*. They will complement best practices guides like the *Development Cost Charges Best Practices Guide*.
- Once guidelines are established, local governments must consider them when developing or amending an OCP. From a legal perspective, it would be wise for a local government to document how provincial policy guidelines have been considered during development or amendment of an OCP.
- Once guidelines are established, the mandatory and permissive content provisions under sections 877 and 878 will be repealed. Therefore, local governments will no longer need to limit the types of policies that may be expressed through an OCP (see Bulletin Number G.2.0.0 - OCP Purpose and Content).

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, immediately after the first applicable provincial policy guideline is established, councils and boards will need to consider them in the development of any OCP bylaws or amendments to those bylaws. This is the case even for bylaws that are in process (i.e. between 1st reading and adoption) at the time the guidelines are established. Advance notice of the establishment of provincial policy guidelines will be provided to local governments so that they can be considered by councils and boards as soon as they are established.

Local Government Act References:

Primary Sections: 876, 870

