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Miscellaneous Changes Related to Community Planning and Land Use Management

Rationale:

The *Local Government Statutes Amendment Act, 2000* (Bill 14) included a number of "housekeeping" amendments intended to clarify existing legislative policy, eliminate provisions that are no longer needed, and to facilitate improved local government processes. With the exception of changes relating to development cost charges (DCC) (see below) all "housekeeping" amendments come into force January 1, 2001. The DCC changes will come into force at a later date.

New Provisions:

Titles of Part 26 and Division 7

- The title of Part 26 is changed from *Management of Development* to *Planning and Land Use Management*. The new title more accurately reflects the scope of authority in the Part, and eliminates possible confusion with the role of Part 21 - *Building Regulations*.
- Similarly, the title of Division 7 of Part 26 is changed from *Land Use Designation* to *Zoning and Other Development Regulation*. The new title more accurately reflects the content of the division.

Authority to create regulatory areas moved

- The legislative authority to designate special regulatory areas has been moved out of Division 2 [*Official Community Plans*], and into a new Division, to reflect the fact that this authority is regulatory in nature. In addition rather than limiting designation of the areas to official community plan (OCP), some of the areas, or specifics regarding the areas, may now be provided for in either OCP or zoning bylaws. Specific changes in this regard are:
 - Development permit areas: the authority to create development permit areas is moved from section 879 to section 919.1. Additional flexibility has also been enabled with regard to the establishment of these areas; see Bulletin Number G.5.0.0 - Development and Temporary Use Permit Areas).

- Development approval information areas or circumstances: the authority to create development approval information areas or circumstances is moved from section 879.1 to section 920.01.
- Temporary commercial or industrial permit areas: the authority to create temporary commercial or industrial permit areas is moved from section 879(4) to section 920.2, and such areas may now be created either in the context of an OCP or in a zoning bylaw.
- Heritage conservation areas: the authority to establish heritage conservation areas is moved from section 880 to section 970.1. Moving the authority to create heritage conservation areas to Part 27 clarifies that the limitations on use of heritage conservation powers which are established in section 948 apply to the creation of a heritage conservation area as well as to the administration of the area. Also, as in development permit areas, design guidelines for heritage conservation areas can now be established either in an official community plan or a zoning bylaw.

Geographic jurisdiction clarified

- A new section 873 clarifies that municipalities may only exercise Part 26 powers within their municipal boundaries, and that regional districts may only exercise such powers in unincorporated areas.

Hazard area permits - engineer's qualification

- Section 920(11) has been amended to provide local governments with greater flexibility in determining which types of engineering experience are appropriate with regard to preparation of engineering reports related to development permits for hazard areas.

Definition of "capital costs" for DCCs

- A new definition of "capital costs" is established (section 932) in relation to development cost charges (DCCs). The definition provides that capital costs may include certain interest costs approved by the Inspector of Municipalities. The definition applies to both costs that may be included in calculating the amount of a DCC and the costs that may be paid by DCC funds. These new provisions will become effective after a policy to determine appropriate interest changes has been developed.
- The Ministry provides a best practices guide for the use of development cost charges, which is available on the Internet at: <http://www.marh.gov.bc.ca/GROWTH/PUBLICATIONS/>

Minimum lot size in ALR

- Section 946(5) is amended to clarify that local governments can establish the minimum lot size of a parcel that may be subdivided as a residence for a relative in the Agricultural Land Reserve on land that was not used for farm use or which was less than two acres in size when the reserve was created. The section previously had an unintended limitation in the wording.

Publication requirements

- Section 839, which required the publication of a notice for various regional district regulatory bylaws has been repealed. This requirement is no longer needed because the public will be informed of a regional district's intention to exercise its regulatory authority through the service establishment process (see Bulletin Number F.3.2.0 - Regional District Service Establishing Bylaws: Content and Approval Processes)

Community heritage commission

- The specific authority in section 953 for local governments to create a community heritage commission is eliminated, since this authority is available under the new general power to establish commissions in section 176(1)(g).
- The specific ability of a local government to appoint an existing organization to act as its community heritage commission is retained.

Other unnecessary provisions removed

- The provision that was formerly in section 873(1), which enabled various powers under Part 26 to be exercised in a single bylaw, has been removed. The provision was redundant since the authority is available under section 259.1.
- The specific authority for local governments to establish a procedures manual has been removed, since this ability exists as a broad power. This eliminates the specific content requirements that had been in that section, enabling local governments greater flexibility to develop procedures manuals that are appropriate to their needs and objectives.

Related Provisions:

- Division 4.1 of Part 24 sets out procedural requirements in relation to regional district service establishment bylaws, including bylaws establishing a regulatory service.

Practical Considerations:

- In order to ensure the public is aware of new regional district regulatory requirements, the regional district may wish to provide notice of this to those persons affected. This will be particularly important in circumstances where the adoption of the regulatory bylaw takes place considerably after the adoption of the service establishment bylaw.

Transitional Provisions:

- Existing community heritage commissions are continued under section 267 of the *Local Government Statutes Amendment Act, 2000* (Bill 14).

Local Government Act References:

Primary Sections: 873, 890(3.1), 920(11), 932, 946(5), 919.1, 920.1, 920.2, 970.1

Bill 14 Sections: 267