

LAND AND RESOURCE MANAGEMENT PLANNING

POLICY FOR LOCAL GOVERNMENT
INVOLVEMENT IN LAND AND RESOURCE
MANAGEMENT PLANS

PROVINCE OF BRITISH COLUMBIA

*NOTE: THIS DOCUMENT HAS BEEN PRODUCED FROM AN EARLIER VERSION POSTED TO THE
INTERNET. SOME FORMATTING CHANGES MAY HAVE OCCURRED AS A CONSEQUENCE.*

CONTEXT

The Province of British Columbia has initiated a number of innovative strategic land use initiatives to guide decisions about the use and management of Crown land and resources. In designing these initiatives, a key objective has been to provide for increased and more effective participation by all interests having a stake in the resulting decisions.

The Union of British Columbia Municipalities (UBCM), representing local governments, expressed concerns about how local governments were involved in strategic Crown land planning processes throughout the province. The UBCM Communities and Resources Committee formally conveyed these concerns to the Province through several reports during 1993-1995. Most concerns related to the CORE processes. Others also applied to the Land and Resource Management Planning (LRMP) process.

The Province responded to the expressed concerns in a variety of ways. This included a commitment in 1995 that no new CORE regional planning processes would be undertaken. Instead, strategic Crown land planning would be completed through LRMPs. As well the Province committed to work with UBCM to modify land and resource management planning processes to address outstanding UBCM concerns. In September, 1996, a Protocol of Recognition between the Province and UBCM formally recognized local government as an order of government. Collaborative discussions during 1996, involving regional and headquarters staff of the Province and UBCM representatives have led to the following revised policy for involving local government in LRMPs. This policy was approved by the Deputy Minister's Committee on Land Use in November, 1996.

POLICY

Policy Principle 1

LOCAL GOVERNMENT IS TO BE RECOGNIZED AS AN ORDER OF GOVERNMENT.

RATIONALE:

The Province has responsibility for decisions regarding the use and management of all Crown land and resources. In exercising this authority, it is the responsibility of local MLAs and the provincial government to ensure that all key interests are heard to the maximum extent possible.

Local government, (comprised of mayors, councillors, regional district electoral area directors) has authority for a wide range of governmental functions under the Municipal Act, as well as other provincial legislation such as the Waste Management Act and the Land Title Act . This authority includes land use and development control with respect to private land and the private use of Crown land (e.g. through zoning by-laws and building permits, except as this relates to forest, mineral and aggregate resources); the provision of services to both property and people; authority to levy property taxes and charge fees; and authority to spend money for these purposes. Local governments may have interests in the use of Crown land in the following areas since they may relate to their jurisdiction: water quality and quantity in watersheds; recreational lands; compatibility of use with private land; or land for settlement purposes.

Although local government officials are elected to represent constituents in matters within their jurisdiction, they nonetheless have an additional role as leaders in the community to make comment and put forward perspectives on issues outside of their responsibilities. The provincial government encourages and seeks out such perspectives in a variety of forums, including LRMPs

While the Province must consult with a wide range of interests and the public in addition to local government, in view of the above, the LRMP process needs to recognize local government as an order of government to be consulted, and not just as another stakeholder.

Policy

The LRMP process will recognize local government as an order of government throughout all stages, from process design to plan approval and implementation.

Communication to local government in association with an LRMP will be in a manner and form that reflects its status as an order of government.

Policy Principle 2

DURING THE LRMP PROCESS DESIGN STAGE, LOCAL GOVERNMENT IS TO BE CONSULTED REGARDING: INTEREST IN PARTICIPATING IN THE PLANNING PROCESS; AND THE DESIGN OF THE PLANNING PROCESS, INCLUDING WAYS TO ACHIEVE EFFECTIVE LOCAL GOVERNMENT PARTICIPATION.

RATIONALE:

As communities are directly affected by land use planning decisions and because the process for undertaking an LRMP influences the resulting plan recommendations, local governments want to be consulted on whether or not they want to participate in the planning process, and on the design of the planning process. Even though the process needs to accommodate a wide range of interests, in addition to local government, consultation with local government on process design should occur well before the plan terms of reference are finalized.

Discussions with local government should note that for the Province to effectively address local government interests in an LRMP, it is essential that they be brought to the process by affected local governments. It should also be noted that the LRMP table would benefit from the knowledge and expertise of local government staff.

A key consideration of local government in making a decision about participating in an LRMP is the availability of limited financial, staff and/or appropriate technical resources to effectively participate. This is compounded when local government is already participating in one or more LRMPs or other provincial initiatives such as treaty negotiations or an environmental assessment review process. Consultations during the LRMP process design stage, therefore, should also consider ways that effective local government participation can be achieved.

Policy

During the process design stage, Regional District Boards, and where practical and appropriate, municipal councils, will be consulted by the Province on whether or not there is interest in participating in the planning process.

Meetings between the Province and local government elected officials and staff will be proposed to discuss the purpose and intent of the LRMP; provide a forum for local government officials to raise and discuss any concerns about the process; and initiate discussion on areas of local government interest in process design.

Process design elements to be discussed with local government (regional district or municipality consulted) will include but not be limited to:

- **how local government representation is best achieved where there are several local governments in the plan area (e.g. separate representation or a coalition of local governments with a single representative)**
- **desired role and expectations for participation and consultation both at the table and outside of the table at all stages of the process**
- **different roles of local government elected officials versus staff**
- **ways to achieve effective information flows to and from local government throughout the planning process**
- **opportunities for information sharing and/or cost effective assembly of data beneficial to both the Province and local government in preparing the LRMP**
- **ways to share costs for information management for strategic planning initiatives that are occurring simultaneously (e.g. Regional Growth Strategy and an LRMP)**
- **process timing**
- **advice on table representation (while local government advice would be helpful, local government will not have approval or veto over table membership)**

To the extent possible, agreement should be reached with local government on these process design elements prior to finalizing the terms of reference. Agreement reached should be incorporated into the plan terms of reference including a framework for local government participation.

Should significant areas of disagreement occur, these will be brought to the attention of the Resource Management and where warranted, either the Assistant Deputy Ministers Committee or the Deputy Ministers Committee on Land Use (DMCLU), for resolution.

Policy Principle 3

LRMPS ARE TO BE COORDINATED WITH OTHER RELEVANT PROVINCIAL INITIATIVES TO THE MAXIMUM EXTENT POSSIBLE.

RATIONALE:

Concern has been expressed by UBCM that there are too many land use initiatives occurring at once and that they are not effectively co-ordinated (e.g. LRMPS, treaty negotiations, environmental assessment reviews). This has caused consultation fatigue and has exceeded the capacity of local government to effectively participate in some instances.

In addition to consulting with local government regarding their ability to effectively participate in a new LRMP, there is also a need to explore opportunities for dovetailing strategic provincial initiatives, linking

regional growth strategies and LRMPs, as well as opportunities for coordinating consultation and communication effort where appropriate.

Policy

On initiation of an LRMP, the relationship to other relevant strategic provincial initiatives will be identified, and the terms of reference will specify how the LRMP process could link with or relate to other initiatives during each stage of the planning process.

Where a Regional Growth Strategy and an LRMP are occurring in the same general area, the two processes should be linked. Specific linkages should be identified in the terms of reference of both initiatives (e.g. timing, shared information, analysis).

When two or more related strategic land use initiatives are occurring in the same general area and during a similar time period, opportunities for coordinating communications and consultation efforts will be explored (e.g. public communication and/or consultation in association with the Okanagan-Shuswap LRMP, the Thompson-Nicola Regional Growth Strategy and the Okanagan Valley Transportation Plan).

Policy Principle 4

INFORMATION ON SOCIO-ECONOMIC IMPACTS SHOULD BE COMPREHENSIVE AND IN A FORM UNDERSTANDABLE BY LOCAL GOVERNMENT AND THE GENERAL PUBLIC

RATIONALE:

Communities will be among those directly impacted by LRMP decisions. To determine input into a proposed land use plan, local governments want better information on socio-economic and environmental impacts. As well, communication of impacts in a more understandable form is sought. One particular UBCM interest in better information pertains to assessing not only the impacts of the proposed plan, but as well, an assessment of the plan impacts within the context of impacts of other strategic initiatives within the plan area (e.g. Timber Supply Review).

Policy

Communication of socio-economic impacts should be in a readily understood manner.

Together with an assessment of environmental impacts, socio-economic impact analysis of an LRMP should, to the extent possible, comment on the plan impacts in relation to impacts of recent strategic decisions within the plan area (e.g. Timber Supply Review).

Policy Principle 5

LOCAL GOVERNMENT IS TO BE FORMALLY OFFERED BRIEFINGS AT KEY STAGES OF THE LRMP PROCESS TO IDENTIFY DEGREE OF SUPPORT AND OUTSTANDING AREAS OF CONCERN.

RATIONALE:

It is important that the degree of local government support and any outstanding concerns be identified at key stages in the process, prior to advancing to the next stage. In the absence of such an assessment, it will not always be clear that the final table recommendations to government effectively address local government interests or will be supported by local government.

Conversely, where local government does not keep abreast of plan development through participation at the table or in briefings on the plan at key stages, it may be difficult for the table to respond to local government concerns put forward near the end of the planning process, when table recommendations to government on the plan are being finalized.

Policy

Local government will be offered briefings at key stages of the LRMP process to outline table progress and emerging agreements, and subsequently to identify for consideration by the table, areas of concern for local government : both specifically in areas where local government has jurisdictional authority; and generally where, although a provincial responsibility, local government has some interest. The specific manner and timing of such briefings would normally follow the approach to local government consultation agreed to in the design of the planning process.

Opportunity will be provided for local government to convey concerns directly to the table at key stages, to provide opportunity for the table to address local government interests and concerns.

Policy Principle 6

LOCAL GOVERNMENT IS TO BE GIVEN OPPORTUNITY TO COMMENT ON THE RESULTS OF AN LRMP PRIOR TO FINAL APPROVAL BY THE TABLE OF RECOMMENDATIONS TO GOVERNMENT WHETHER OR NOT LOCAL GOVERNMENT PARTICIPATED AT THE TABLE.

RATIONALE:

Although the Province has authority for decisions regarding the use and management of Crown land and resources, it is essential that local government be given opportunity to comment on the results of an LRMP to identify the degree of support for the plan and any areas of outstanding concern held by local government prior to final approval by the table of recommendations to government. This should occur whether or not local government participated at the table.

Where local government has not participated, it is incumbent upon local government, in expressing reservations about the table recommendations to government, that it endeavors to understand how the table's plan recommendations have evolved from their discussion and work.

Policy

Effort will be made to ensure that local government is well informed about the results of an LRMP.

Local government is to have a formal opportunity to comment to the table on the results of an LRMP, prior to final approval by the table of recommendations to government, whether or not local government participated at the table.

Where a local government has not participated in the planning process, it is to be requested to endeavor to understand how the table's plan recommendations evolved from its discussion and work prior to making formal comment.

The degree of local government support is to be identified. Should local government have serious concerns about the plan, every effort should be made to resolve concerns at the table prior to final approval by the table of recommendations to government.

Should the table be unable to accommodate significant outstanding local government concerns, the IAMC is to document the concerns, and provide options for Cabinet consideration to address concerns, as part of the plan approval process.

While it is important to seek local government comment on the table recommendations to government, local government will not have LRMP sign-off or veto authority, since the provincial government must fulfill its responsibility for land use decisions and representation of all affected interests in these decisions.

POLICY APPLICATION

Application of policy for enhancing local government involvement in LRMPs is to be as follows:

New Plans

The policy will apply to all new LRMPs initiated by the Province.

Plans Underway

The policy will be adapted to the extent possible to LRMPs currently underway.

There are varying ways that this can occur. The plan process coordinator, in conjunction with the IAMC (Interagency Management Committee) will identify ways to apply the policy to plans in process.