

FAQ On Official Community Plans

What is an Official Community Plan?

The *Local Government Act* (the Act) states that an OCP is a statement of objectives and policies to guide planning and land use decisions within the area covered by the plan, respecting the purposes of local government. The “purpose of local government” are outlined in Part 1 of the Act, and include:

- providing good government for its community;
- providing the services and other things that the local government considers necessary or desirable for all or part of its community;
- providing stewardship of the public assets of its community; and
- fostering the current future economic, social, and environmental well-being of its community.

This is not an inclusive and exhaustive statement, and other purposes of local government not mentioned in Part 1 might properly inform the scope and content of an OCP.

The Act further requires that an OCP work toward the purpose and goals relating to section 428 of the Act relating to the purpose of regional growth strategies. This requirement applies whether or not the regional district has prepared a regional growth strategy. The purpose of a regional growth strategy is to promote human settlement that is socially, economically and environmentally healthy and that makes efficient use of public facilities and services, land and other resources. Regional growth strategies work towards but not be limited to the following:

- (a) avoiding urban sprawl and ensuring that development takes place where adequate facilities exist or can be provided in a timely, economic and efficient manner;
- (b) settlement patterns that minimize the use of automobiles and encourage walking, bicycling and the efficient use of public transit;
- (c) the efficient movement of goods and people while making effective use of transportation and utility corridors;
- (d) protecting environmentally sensitive areas;
- (e) maintaining the integrity of a secure and productive resource base, including the agricultural land reserve;
- (f) economic development that supports the unique character of communities;
- (g) reducing and preventing air, land and water pollution;
- (h) adequate, affordable and appropriate housing;
- (i) adequate inventories of suitable land and resources for future settlement;
- (j) protecting the quality and quantity of ground water and surface water;
- (k) settlement patterns that minimize the risks associated with natural hazards;
- (l) preserving, creating and linking urban and rural open space, including parks and recreation areas;
- (m) planning for energy supply and promoting efficient use, conservation and alternative forms of energy;
- (n) good stewardship of land, sites and structures with cultural heritage value.

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What needs to be in an OCP?

The Act provides a list of purposes and goals that OCPs should work towards. OCPs must include statements and map designations for the area covered by the plan respecting the following:

- (a) the approximate location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least 5 years;
- (b) the approximate location, amount and type of present and proposed commercial, industrial, institutional, agricultural, recreational and public utility land uses;
- (c) the approximate location and area of sand and gravel deposits that are suitable for future sand and gravel extraction;
- (d) restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development;
- (e) the approximate location and phasing of any major road, sewer and water systems;
- (f) the approximate location and type of present and proposed public facilities, including schools, parks and waste treatment and disposal sites;
- (g) other matters that may, in respect of any plan, be required or authorized by the minister.
- (h) housing policies of the local government respecting affordable housing, rental housing and special needs housing;
- (i) targets for the reduction of greenhouse gas emissions in the area covered by the plan, and policies and actions of the local government proposed with respect to achieving those targets;
- (j) consider any applicable guidelines under section 582 [provincial policy guidelines] (we don't have any of these).

In addition to topics identified in the Act, the province can require or authorize that policies be developed on other matters.

What Else could go in there?

A local government can include statements in an OCP on matters over which it does not have jurisdiction. Such statements are referred to as "advocacy policies". Advocacy policies may only state the local government's broad objective for areas within provincial jurisdiction and their context should clearly indicate that such statements differ in kind from within-jurisdiction policy statements in the plan. Advocacy policies include:

- (a) policies of the local government relating to social needs, social well-being and social development;
- (b) a regional context statement consistent with a regional growth strategy (we don't have one, but we'll be looking at ways to respond to the Cowichan 2050 Regional Collaboration Framework);
- (c) policies of the local government respecting the maintenance and enhancement of farming on land in a farming area or in an area designated for agricultural use in the plan;
- (d) policies of the local government relating to the preservation, protection, restoration and enhancement of the natural environment, its ecosystems and biological diversity.

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In addition, various parts of the *Act* stipulate that the applicable areas and rationale for:

- (a) development permits,
- (b) temporary use permits,
- (c) development approval information, and
- (d) heritage conservation

must first be established in the OCP.

Various, the specific regulations relating to these areas are established either in the OCP itself, the zoning bylaw, or another standalone regulatory bylaw. This is one of the ways that the legislation allows the community goals set in the OCP to be established as policy and ultimately action through development and capital works.

Do we need an OCP?

Local governments can enact zoning bylaws without having an OCP in place, however an OCP is required if a local government wants to use development permits. Development permits are discussed below. Development permits are arguably the second most important tool available to local government for regulating development (after zoning). The special conditions and objectives that the development permit area is intended to address must be described in the OCP.

Ok, what do we have to do to adopt an OCP?

The Act requires local governments to provide one or more opportunities for consultation with persons, organizations and authorities that it considers will be affected when adopting, amending or repealing an OCP. This is in addition to the public hearing requirements. Also, at the time of preparing or amending the plan (and not less than once a year) the local government must consult with school boards regarding the planning of school facilities.

To adopt or amend an OCP, a local government must follow the procedures outlined in section 477 of the *Act*.¹

What is the process for adopting an OCP?

The Act outlines the process for adopting the OCP. All votes must be passed by a majority of all council members. Given North Cowichan's specific circumstances, following first reading, Council must consider the OCP in conjunction with:

- i. its financial plan,
- ii. any waste management plan that is applicable in the municipality or regional district (current the CVRD waste management plans), and
- iii. referral comments from the Provincial Agricultural Land Commission and School District No. 79.

¹ UBCM Local Government Fact Sheet No. 25 Planning & Land Use Regulation
(<https://www.ubcm.ca/assets/Services/Publications/2018/25%20Land%20Use%20Regulation.pdf>)

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Council may also consider a proposed OCP in conjunction with any other land use planning and with any social, economic, environmental or other community planning and policies that the local government considers relevant.

Following this consideration, Council must hold a public hearing. Council may adopt an official community plan bylaw at the same meeting at which the plan passed third reading.

What happens after the OCP is adopted?

While OCPs do not require the Council to proceed with any project contained in the plan, all bylaws or works undertaken by North Cowichan must be consistent with the plan. The plan is a statement of policy and does not directly regulate the use of private property; this is the role of regulatory bylaws such as the zoning bylaw.

In order to strategically tackle the goals set by community, good OCPs include implementation strategies and metrics for monitoring success of goals and objectives. Implementation strategies include ways to invest in the goals set out by the OCP and how the plan can be adjusted over time to keep us on track with our shared goals. These strategies also call for reviews every five years to ensure that we revisit how we're doing and how the environment, economy and culture around us have changed. In this way the, OCP becomes a living document.