

# LGLA 2015

## Introduction to Planning

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### Today's Outline

- What is planning and why do we do it?
- What is a plan?
- How do we do it?
- What are the roles of staff and elected officials?
- What is a RGS? OCP? Zoning?
- What are all the different permits?
- What tools exist beyond the basics?
- Implementation
- How do you know if you need a planner?

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### You already know how to plan

- An analogy to show you what you may already know...



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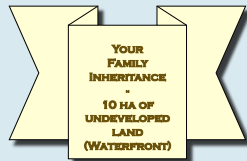
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### The “Unplanned” Approach

- First come, first served
- Everyone for themselves
- Any family member has a right to use the property however they wish

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### The Planning Approach

- Assess the land you've inherited
- Talk to every family member about their goals for the future
- Think about the way the land can help you achieve your family's goals
- Decide together about ways to use the land for the greatest benefit of the majority

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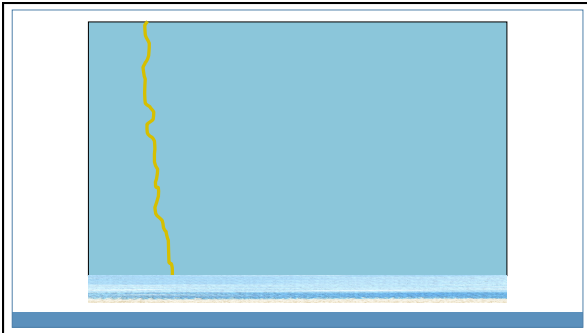
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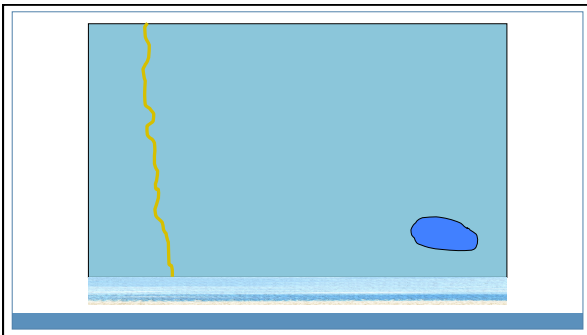
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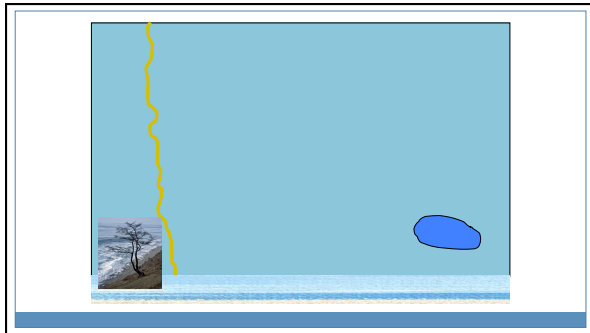
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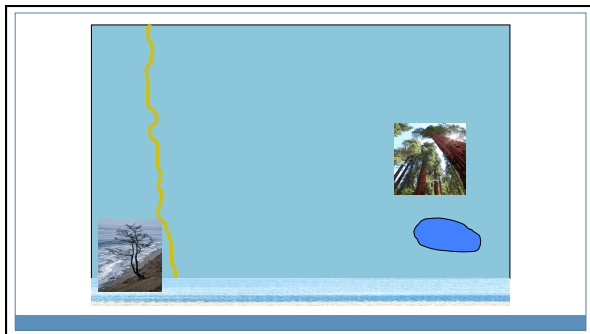
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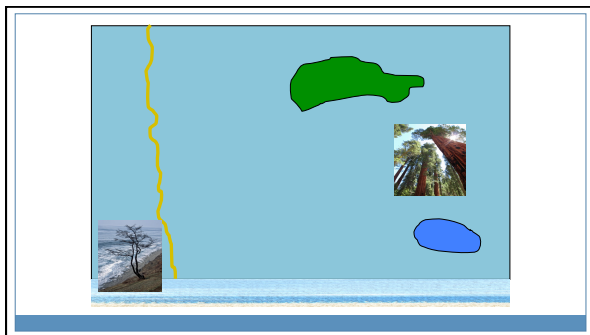
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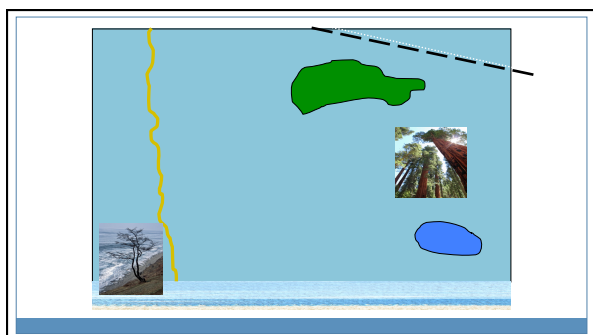
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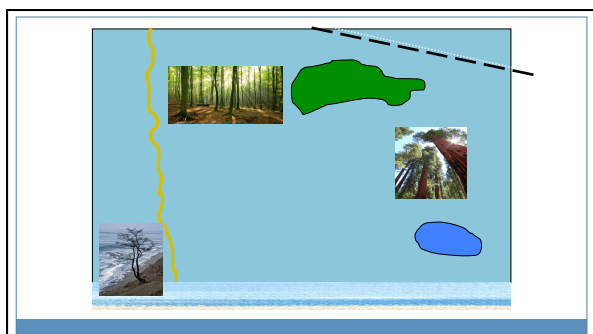
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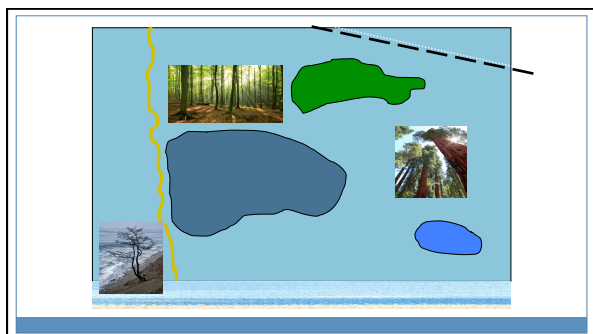
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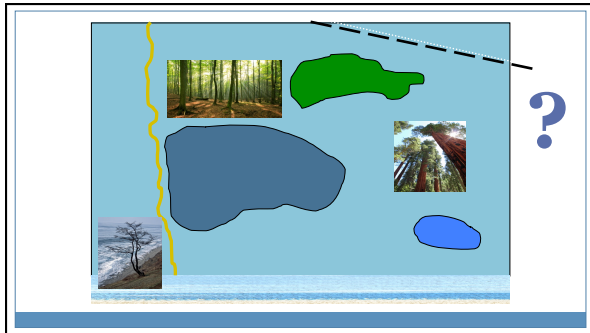
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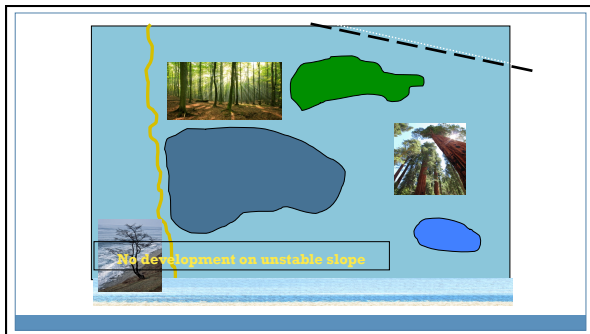
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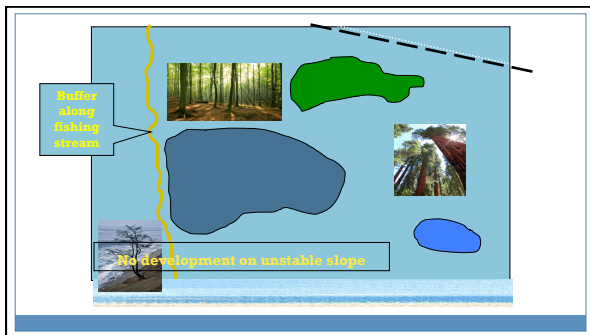
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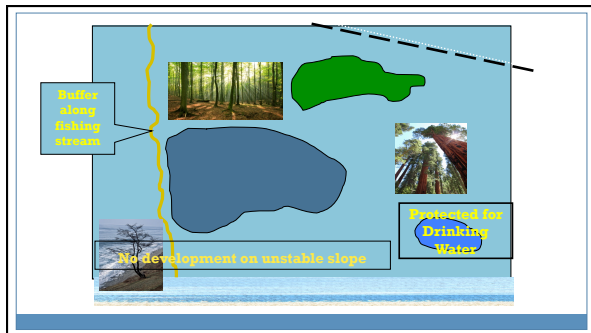
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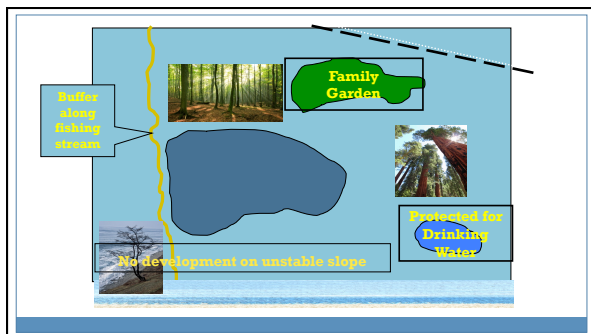
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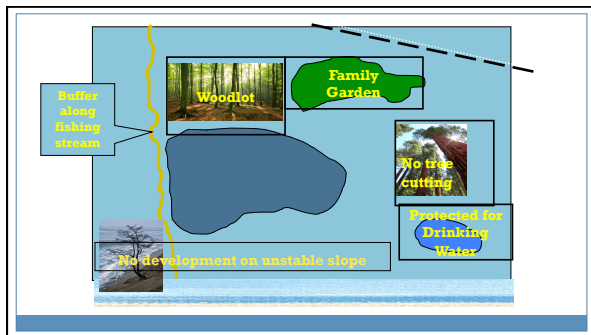
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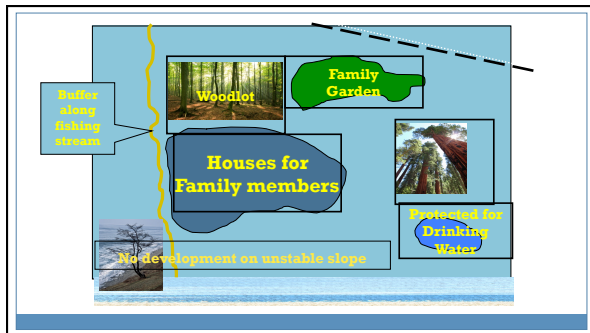
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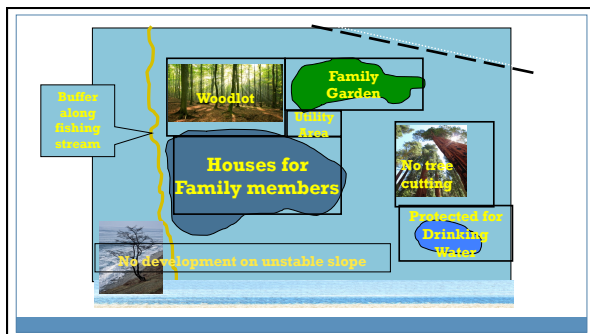
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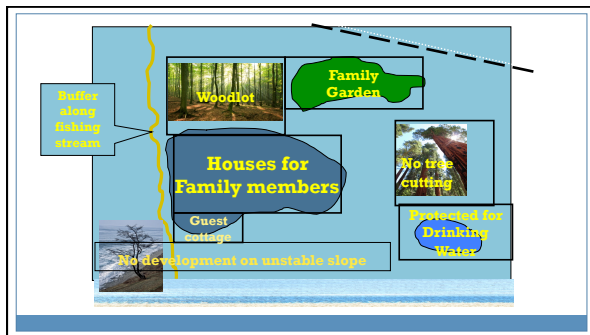
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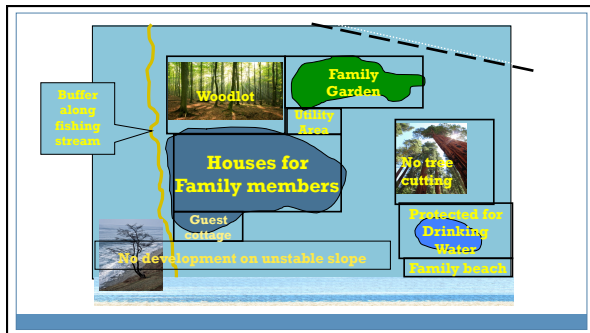
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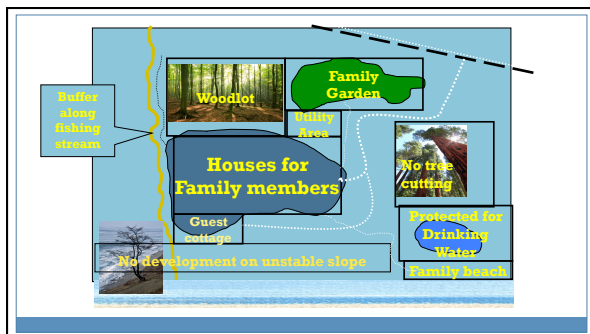
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The end result....

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- A Family Land Plan

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The benefits of planning

- The land will help the family achieve its goals for the future
  - Housing for current and future family members
  - Accommodation for guests
  - Self sufficiency (water, garden, wood lot) and sustainability
- Unique resources are protected for everyone's use:
  - Pond for water supply
  - Recreation areas-stream, beach, old forest
  - Woodlot for construction lumber and firewood
  - Productive soils are set aside for growing food

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More benefits of planning...

- Safety
  - No building, driveways or utilities on unstable or flood prone ground
- Health
  - Water supply is kept clean and doesn't require costly treatment
  - Areas are provided for recreation, peace and quiet
  - Utility areas are separated from homes and water supply
- Cost effective and efficient
  - Houses, guest areas and services are built on stable, level and well-drained land
  - Only one access driveway and utility corridor needed
- Certainty about future development
- Reduced conflicts between family members
- Land is used for the greatest benefit of the majority
- Enhance and maintain property value for the future

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What is planning?

- The process by which communities attempt to manage change and development in their physical environment.
- Planning is a matter of trying to decide which of many competing interests is more deserving, while also treating everyone in a fair and reasonable manner

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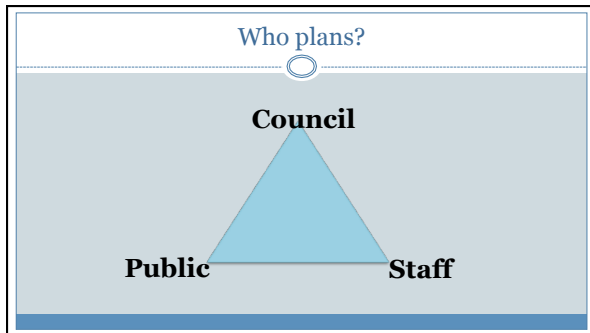
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Unique roles for Council and Staff	
Council	Staff
<ul style="list-style-type: none"> <li>The role of elected officials in planning is to set community planning policies and objectives. e.g. regional growth strategy, official community plan, zoning</li> <li>Also, to make decisions based on the above policies e.g. rezoning applications, development permit applications, temporary variance permits, temporary commercial or industrial use permit</li> <li>And decisions on implementation priorities and budgets for implementation</li> </ul>	<p>The Planner's primary role is to provide Council with:</p> <ul style="list-style-type: none"> <li>Quality Information                             <ul style="list-style-type: none"> <li>Data/Trends</li> <li>Policy analysis</li> <li>Community dynamics</li> </ul> </li> <li>A sound analysis of problems or opportunity</li> <li>Options (Social, Environmental, Economic)</li> <li>Relevant criteria to make a decision                             <ul style="list-style-type: none"> <li>Model</li> <li>Concepts</li> <li>Principles</li> </ul> </li> <li>A recommendation, Strategy, Plan, Policy, Program.</li> </ul>

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The regulatory framework

- The Constitution Act
- The Community Charter
- The Local Government Act (Part 26)
- The Land Title Act

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The basic planning tools

- Official Community Plans (OCP)
- Regional Growth Strategies (RGS)
- Zoning Bylaw or Land Use Bylaw
- Development Permits (DP's)
- Development Variance Permit (DVP)

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Official Community Plan (OCP)

- Broad statement of growth management goals and objectives
- A set of policies that will be used to manage change over the next 10-15 years
- A high level land use plan

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Required content...

*Local Government Act* requirements:

- (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.

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### Optional content...

An official community plan may include the following:

- (a) policies of the local government relating to social needs, social well-being and social development;
- (b) a regional context statement, consistent with the rest of the community plan, of how matters referred to in section 850 (2) (a) to (c), and other matters dealt with in the community plan, apply in a regional context;
- (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 community 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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### Sound familiar?

#### Family Land Plan

- An area for family homes
- An area for guests
- Family garden
- Woodlot
- Utility Area
- Creek
- Drinking water pond
- Old forest
- Family beach
- Unstable slopes
- Driveway and utilities

#### Official Community Plan

- Residential
- Tourist Accommodation
- Agricultural
- Forestry
- Industrial
- Streamside buffers
- Watershed protection
- Environmentally Sensitive
- Parks and recreation
- Natural Hazard Area
- Road and Utility Plan

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### An OCP: Like a Family Land Plan, but...

- Planning for a bigger "family", with a more complex land base
- Need to spend more time understanding the community and the land base
- We elect local government to make the decisions
- Elected representatives are advised by staff or contracted professionals
- The community is consulted before decisions are made
- Need to consider community goals for the future and how they can be achieved (or frustrated) by land use plans
- Decisions based on what provides the greatest benefit to the greatest number (public interest)
- Decisions are enshrined in formal documents (bylaws)

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Similar benefits

- Community health and safety
- Greater certainty and security about the future
- Reduced conflict (between different land uses and community members)
- Maximize use of community resources to the benefit of the majority
- Minimize public expense for infrastructure and responding to natural hazards (flooding, landslip)
- Maintenance of land values and investment
- Sustainability, protection of the environment
- Livability
- Economic stability and attractiveness to investors and new residents

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Regional Growth Strategies

- The RGS legislation recognizes the need to coordinate planning across all the local government jurisdictions within a Regional District

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RGS-Development and Adoption

- Adopted by Regional District Board bylaw
  - Optional, but can be required by province
- Coordination with affected local governments and provincial agencies through establishment of an intergovernmental advisory committee
- Provincial legislation describes:
  - Land use objectives
  - Time frame (20 years)
  - Minimum content
  - Required consultation plan
- Local government acceptance required for binding provisions

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### RGS--Implementation

- **Binding on Regional District after adoption**
  - Bylaws and works and services must be consistent with an adopted RGS
  - Doesn't commit or authorize projects
  - Works and services of improvement districts and 'greater boards' must be consistent
- **Regional context statements must be included in OCPs of affected municipalities within two years**
  - Must identify how OCP is to be made consistent with the RGS over time
  - Must be accepted by Regional District board
  - Must be reviewed every 5 years
- **Monitoring programs, annual report and consider reviews every 5 years**

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### How to tie it all together...

- The Official Community Plan sets the direction and the goals and policies that the community establishes within the framework provided by the Local Government Act
- The Zoning Bylaw is the regulatory tool that we use to implement this long term vision.
- There is a requirement for consistency between the two documents

**OCP Map**

A land use designation shows the full range of land uses that could be allowed by zoning on an area of land.

These affect the decisions which a local trust committee can make about any rezoning proposal or other zoning changes. They do not affect what can be built on the property.

**Zoning Map**

The zoning map and zoning bylaws are actual regulations that show what can be built on the land.

These regulations affect property owners.

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### Zoning Bylaws

**What is Zoning?**

- Zoning is a regulatory tool that applies “on the ground”
- It is the most common tool used to implement land use policy
- The Zoning Bylaw implements the broad goals, objectives and policies within the OCP at a site-specific level.
- New Zoning Bylaws must be consistent with the OCP.
- See Part 26, Div. 1 of the *Local Government Act*

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### What Zoning does...

- Divides the jurisdiction into zones
- Each zone permits a different type of land use by regulating:
  - Permitted **uses** (residential, commercial, agricultural, recreational, institutional)
  - Density** and sizes of buildings
  - Lot line setbacks, siting of buildings, lot coverage
  - Building heights
  - Minimum size of lots
  - Levels of works and services required



A cartoon showing two men in a field. One man says, 'GOOD LORD! THIS LOTTERY IS RUINOUS WITH RED TREES!' and the other replies, 'CARL CHRISTOPHER, WE MUST HAVE SUBSIDIZED ON AN INFINITE PANGLOSSVILLE!'.

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### Zoning continued...



A photograph of a building with a sign that says 'the good planet'.

**Zoning bylaws also often include regulations of other aspects of land use such as:**

- Off-street parking and loading spaces
- Landscaping and screening to separate uses
- Subdivision standards
  - Water, sewer, roads, drainage
- Signs
- Drainage
- Tree cutting

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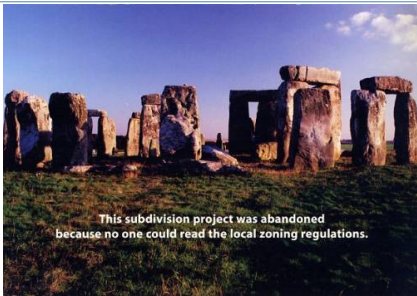
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A photograph of the Stonehenge monument.

This subdivision project was abandoned because no one could read the local zoning regulations.

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### Development Variance Permits

- Zoning regulations may not anticipate every circumstance affecting parcels of land.
- LGA allows for DVP applications to vary certain provisions of the zoning bylaw, subdivision bylaw and sign bylaw.
- DVP's cannot alter use, density or specifications related to floodplain requirements.
- Public notice, but not a full public hearing is required, before Council's decision
- Permits lapse if no substantial start to construction within two years

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### DVP's continued

- DVP applications may propose changes to siting regulations including:
  - Setbacks
  - Height
  - Parking
  - Landscaping
  - Subdivision standards (some)
- Notice to neighbours is required before a decision is made.
- If a variance is given, notice is registered with the Land Titles Office.
- See s. 922 of the Local Government Act




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### Temporary Use Permits

- OCP's may designate areas where temporary uses may be permitted.
- A form of temporary zoning.
- The permit may include a variety of conditions regarding the permitted use.
- TUP's may be issued for up to 3 years and a landowner may apply to renew the permit once.
- Notice to neighbours is required before a decision is made.
- See s. 921 of the Local Government Act




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### Development Permit Areas

- OCP may designate certain areas as Development Permit Areas (DPA's) for specific purposes
- Allows for an extra level of attention before development occurs
- Justification must be stated
- Must include guidelines for the permits that will be issued.
- See s. 919-920 of the *Local Government Act*

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### ...DPA's

Within those areas, the following must not occur unless the local government issues a DP or there is an exemption:

- Land may not be subdivided,
- Construction or alteration of buildings may not be commenced,
- Land may not be altered.

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### Implementation

- More bylaws
- Budgets
- Development Applications
- Council decisions

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### Beyond the Basics

- Business Licenses
- Streets and Traffic
- Building Bylaw
- Municipal Ticket Information
- Tree Protection
- Heritage Protection
- Soil Deposit and Removal
- Subdivision and Servicing
- Council approved policy

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### Hiring a Planning Professional

- When do you need a planner?
- What qualifications should you look for?

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## QUESTIONS?

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