



Agenda No: 6.3

Mtg. Date: October 9, 2014

Regional Board Report

TO: Regional Board
FROM: Ron Fralick
Manager of Planning
DATE: September 30, 2014
SUBJECT: Land Use Contract Discharge Project (3080-01)

Purpose:

To provide the Regional Board with an order of priority for discharging the nine Land Use Contracts (LUC) that are in effect in the Regional District.

Executive Summary:

All LUC's in the Province of British Columbia will automatically be terminated on June 30, 2024, under the Local Government Act or, prior to June 30, 2022, by the Regional Board discharging the LUC.

The intent is for the Regional District to move forward with bylaws to discharge the LUC's and apply the equivalent land use designation or zone to the parcel(s). Staff review of each LUC has been completed, and a proposed order of priority is drafted for the Regional Board's consideration.

RECOMMENDATION:

THAT the Regional Board endorses the Land Use Contract Discharge Priority.

Respectfully Submitted:

A handwritten signature in black ink that reads 'Ron Fralick'.

R. Fralick, MCIP, RPP
Manager of Planning

A handwritten signature in black ink that reads 'C. Radford'.

C. Radford
Director of Community Services

Prepared by: Janelle Taylor, Planning Technician

Approved for Board's Consideration

A handwritten signature in black ink that reads 'Brian Reardon'.

Brian Reardon, CAO

Implications of Recommendation:

Strategic Plan:

Vision 2020 – Planning for the Future notes that the Regional District needs “to be proactive and anticipate future needs and plan and act in advance to be in a position to meet those needs.”

Policy:

The Regional District’s OCPs affected by LUC’s acknowledge that the residential land use provisions of the historic LUC’s are not consistent with the Regional District Zoning Bylaw.

Legal/Statutory Authority:

Local Government Act – Section 914.1 (1) All land use contracts are terminated on June 30, 2024.

Background:

At the May 26, 2014, Regional Board Meeting, Planning staff brought forward a report to provide the Regional Board with information and an update on Bill 17 - *Miscellaneous Statutes Amendment Act* which received Royal Assent on May 29, 2014. A part of the new legislation (Local Government Act) stipulates that all LUC’s in the Province of British Columbia will automatically be terminated on June 30, 2024, or prior to June 30, 2022, via Regional Board adoption of a LUC Amendment Bylaw (ie: to discharge the LUC).

It is Planning staff’s intent to be proactive and move forward with amendment bylaws well in advance of the termination deadline. A review of each LUC to assess the complexity for discharging the various LUC’s and processing the amendment bylaws has been completed, and the proposed order of priority is as follows for the Regional Board’s consideration:

Land Use Contract Discharge Priority						
Priority	Area	LUC No.	No. of Parcels	ALR	LUC Uses	LUC Status
1	Joe Rich / COE	199	5	Yes	Subdivision	Complete
2	Ellison / COE	172	2	Yes	Subdivision	Complete
3	Ellison / COE	150	1	No	Mobile Home Park Uses (75 Mobiles + 1 SFD)	Complete
4	Ellison / COE	247	163	No	Subdivision and Residential Uses	Complete
5	Trepanier /COW	277	22	No	Subdivision and Residential Uses	Complete
6	Westside / COW	225	219	No	Resort Uses	Incomplete
7	Westside / COW	194	1	No	Resort Uses	Not Developed
8	Westside / COW	249	1	No	Resort Uses	Not Developed
9	Westside / COW	258	398	No	Resort Uses	Not Developed

Regional District staff has prepared two maps (attached) which identify in greater detail the location of properties affected by the nine LUC's in the RDCO. It should be noted that market conditions and timing of development may affect the order in which the incomplete and not developed LUC's are discharged, and as a result the above priorities may be rearranged.

Planning staff has initiated two applications (RLUB-14-01 and Z14/05) to discharge LUC No.'s 199 and 172 (Priority #1 and #2) recognizing that the development provisions provided for in the LUC's have been fulfilled (ie. subdivision has occurred). RLUB-14-01 is located adjacent to Highway 33 and Schram Road in the Joe Rich Area, while Z14/05 is located adjacent to Whelan, Teather and Rittich Roads in the Ellison Area. Information letters have been mailed to the affected property owners to notify them of the application process which is being administered by the Regional District on their behalf. It is anticipated that the bylaw amendments regarding LUC No.'s 199 and 172 will come forward for the Regional Board to consider first reading on October 27, 2014.

Financial Considerations:

The Regional District application fees to discharge a LUC and provide a land use designation or zone where the development has already been completed will be waived; however, should a landowner desire a change in the uses provided for by the existing LUC, the Regional District will require an application fee to process the appropriate amendments (ie. LUC discharge, OCP amendment and/or zoning) as per Development Applications Procedures Bylaw No. 944.

Alternatives:

Should the Board choose not to support the staff position, the following alternate recommendation is provided:

THAT the Regional Board endorses the Land Use Contract Discharge Priority, as amended.

Attachment(s):

Maps

Considerations not applicable to this report:

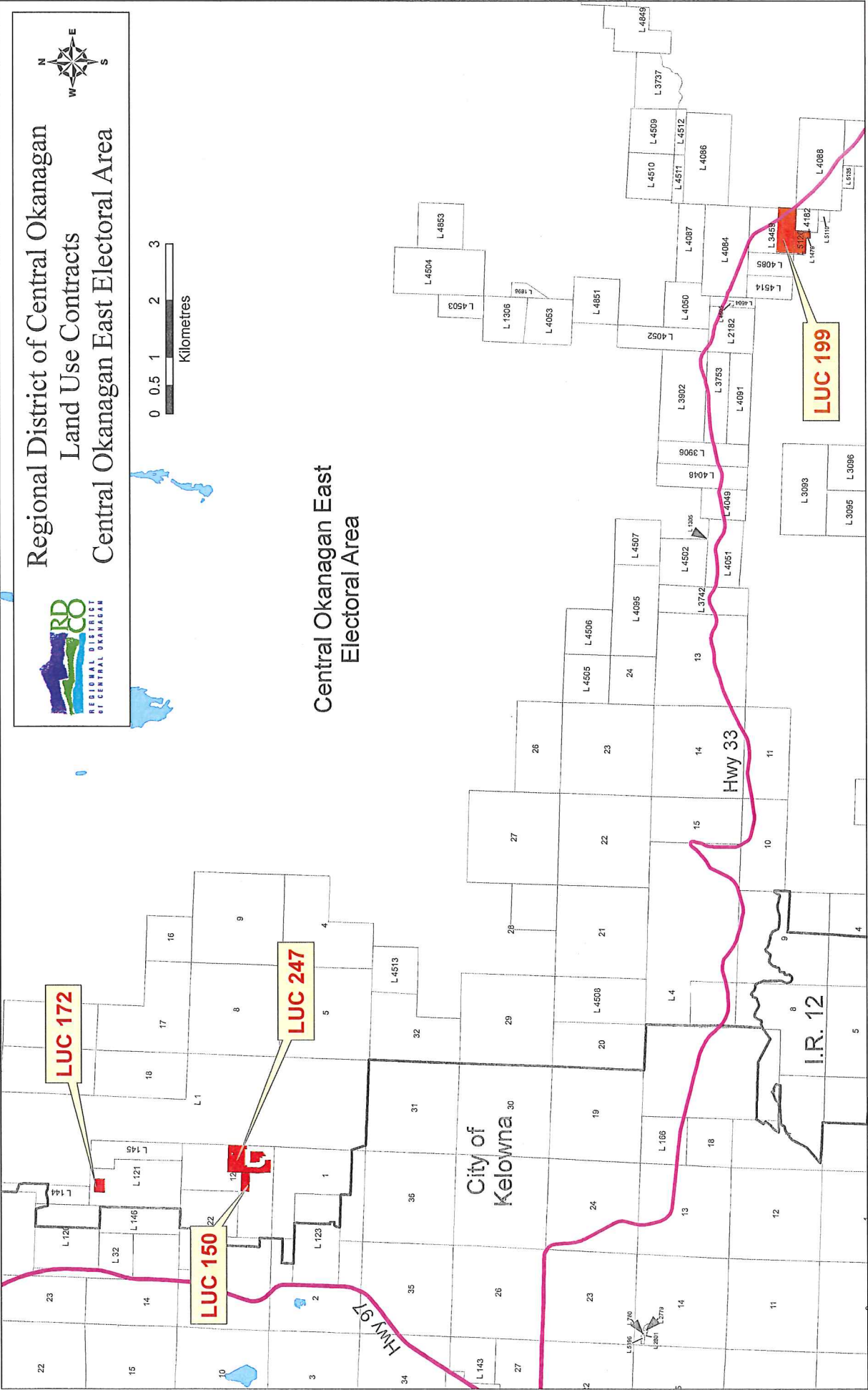
- Organizational Issues
- External Implications



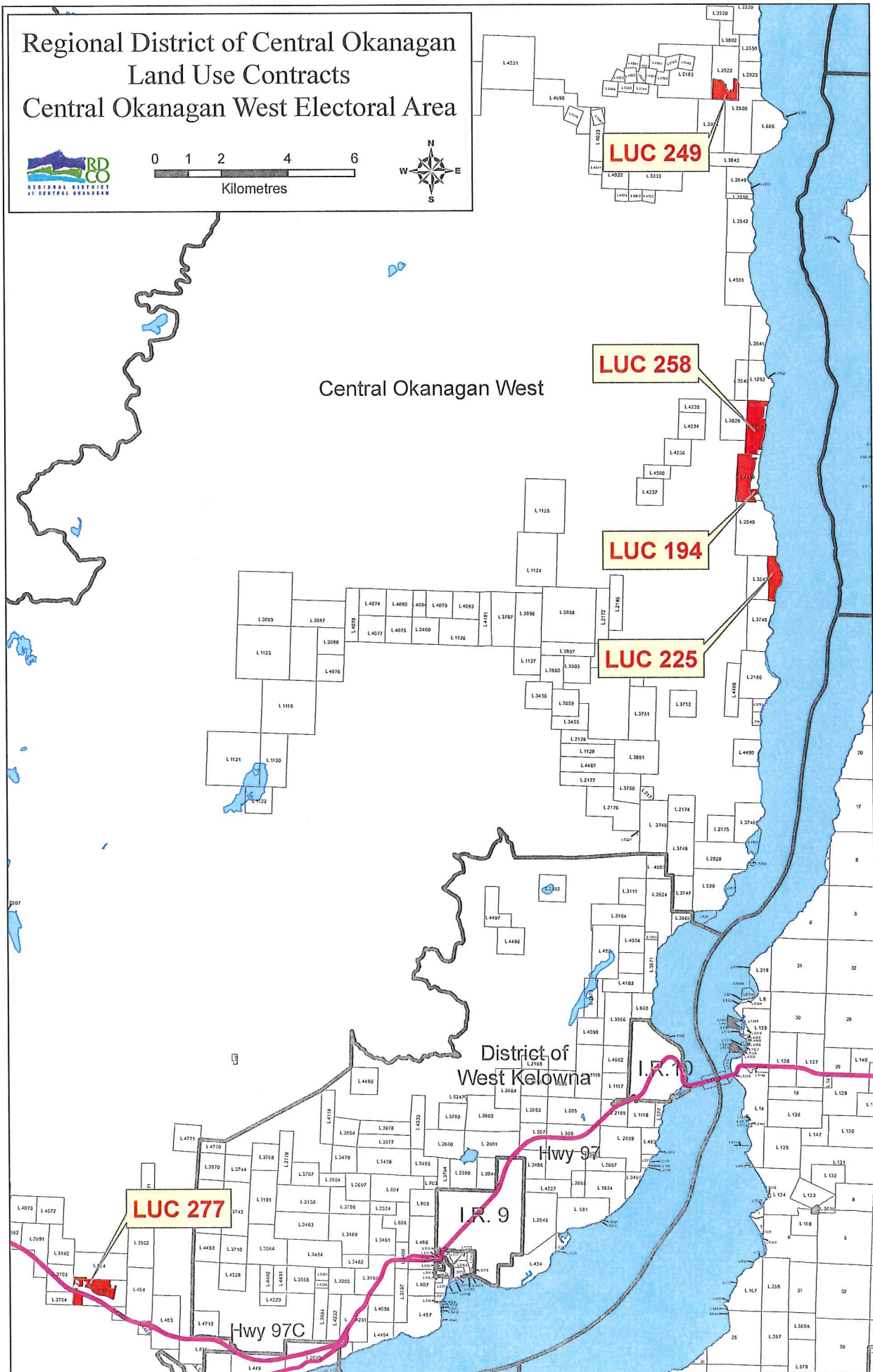
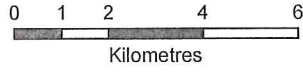
Regional District of Central Okanagan
Land Use Contracts
Central Okanagan East Electoral Area



Central Okanagan East
Electoral Area



Regional District of Central Okanagan Land Use Contracts Central Okanagan West Electoral Area



Central Okanagan West

District of
West Kelowna

Hwy 97

Hwy 97C

LUC 277

LUC 249

LUC 258

LUC 194

LUC 225

I.R. 9

I.R. 10