

Land Use Contract

A guide to amending Land Use Contracts

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This Guide explains:

- What a Land Use Contract is
- Land Use Contract amendment options
- The amendment process
- Commonly asked questions

What is a Land Use Contract (LUC)?

During the late 1970's and early 1980's the Provincial "Municipal Act" permitted the local government to enter into agreements with property owners specifying site-specific land uses and conditions of development. These agreements are called Land Use Contracts (LUCs).

Although new LUCs are no longer permitted under provincial legislation, there are some still in effect.

How is a LUC amended?

A LUC can be changed in three ways:

- A LUC bylaw amendment; this process can amend the text, drawings and development plans.
- A development variance permit process can amend the development site plans and drawings. It cannot be used to amend text, uses or density. Refer to the brochure on the Development Variance Permit process for more information.

- Another option is to discharge the land use contract in favour of the zoning regulations in Zoning Bylaw No. 871, 2000 or land use designations in Joe Rich Rural Land Use Bylaw No. 730, 1998. The LUC is discharged from the title and the property rezoned or re-designated.

Planning Staff recommends the third option ... to discharge the LUC in favour of other land use bylaws. The Regional Board also prefers this third option. Amending and maintaining old, out-of-date LUC's is not a preferred practice and applications to do so will be carefully considered.

Do Official Community Plans affect an application?

An Official Community Plan (OCP) is a bylaw of policies providing a framework for making land use decisions. The Regional District has three (3) OCPs. Most areas in the Regional District are covered by an OCP. The policies of an OCP are used in evaluating applications and reviewing proposed changes in land use. All development must conform to the relevant policies of the applicable OCP.

If a LUC amendment application does not

conform to the OCP for the area, an OCP Bylaw Amendment application will also be required. Both applications may proceed simultaneously.

It is important to remember that an OCP reflects the objectives of the community and are the results of a long process involving considerable public input. An application to change a designation in the OCP will be carefully considered in light of the overall policies and objectives of the OCP.



- plans, etc.
- Any professional reports or information required by the Development & Environmental Services Department or the Regional Board,
- Any offsite requirements such as road improvements, drainage issues or fire fighting needs,
- Any legal fees such as legal interpretation, or the registering of amendments or restrictive covenants on the title of the subject property.

What is the amendment process?

The Local Government Act regulates the process for an application. A summary of the process is outlined on the proceeding page.

Included in the process are public notification, public hearing, and four (4) opportunities for consideration of the application by the Regional Board (called 'readings'). The application is approved when given fourth and final reading.

If amending only the site plan in a LUC, a development variance permit (DVP) can be used. The process is further discussed in the brochure on development variance permits.

It is important to remember that submitting an application does not guarantee approval.

How long does the process take?

Regional District Staff does their best to ensure that applications are dealt with in a timely manner. Most applications take approximately 6 to 8 months to proceed through the evaluation and approval process. More complex applications may take up to 12 months.

Additional information may be requested at any time during the process and an application cannot proceed before that information is provided. An applicant can considerably reduce any delays by supplying prompt replies with complete information.

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How is a LUC amendment application made?

What are the application costs?

What is the amendment process?

How long does the process take?

How is a LUC amendment application made?

The Development Services Department has application packages that outline the required information. It is important to make an appointment with Planning Staff before submitting a formal application. Staff will be pleased to review requirements and provide information. This will ensure a complete application and prevent any unnecessary delays.

If the Regional Board defeats an application there is a 6-month waiting period before an applicant can re-apply.

What are the application costs?

The cost of a LUC amendment can vary greatly depending upon the complexity of the application. Some of the typical costs are:

- The application fee. Please refer to the "Application Fee Schedule",
- Any materials necessary to complete the application such as legal surveys, site

What advisory groups does the Regional District have?

The Regional District has three (3) advisory groups, which provide comments on the various applications/referrals. These comments are considered in any decision made by the Regional Board.

Members of an advisory group are appointed by the Regional Board based on their background of civic activity, interest or expertise.

Applications may be referred to one or more of the following advisory groups:

- Advisory Planning Commission
 - Central Okanagan East
 - Central Okanagan West
- Agricultural Advisory Committee
- Environmental Advisory Committee

Applicants are informed when their application is being reviewed by an advisory group. Applicants have the right to attend and speak at these meetings.

What is the role of the Ministry of Transportation & Infrastructure?

The Ministry of Transportation & Infrastructure (MoT) is responsible for all public roads within the Regional District (except on First Nations land or the incorporated areas of Peachland, Kelowna and Lake Country).

This means that MoT has an important role in LUC amendment applications and meeting their requirements is important. The Ministry of Transportation can be contacted at:

#300 – 1358 St. Paul Street, Kelowna, BC V1Y 2E1, Phone (250) 712-3660

or,

4791 – 23rd Street, Vernon, BC V1T 4K9, Phone (250) 503-3664

(Vernon MoT is responsible for properties in the general vicinity of Caesars Landing and north up to and including Westshore Estates)

LUC Amendment Process

Discuss the proposal with Planning Staff at the Development & Environmental Services Department

Submit a complete application

Application reviewed

Staff, relevant government agencies, and the Advisory Planning Commission (plus other applicable advisory groups) are asked to provide comments. Planning Staff then prepares a report to the Regional Board.

Public notification

The applicant is required to place notification sign(s) on the property. Prior to Public Hearing the RDCO notifies the community through ads and letters.

Consideration of 1st reading by the Regional Board

At first reading the Regional Board may:

- Not approve the bylaw,
- Defer it and request more information,
- Give first reading to the bylaw. The Regional Board may require certain conditions be met before setting a date for the public hearing.

Public hearing held

An official public hearing provides the opportunity for the public and the applicant to present their comments to the Regional Board.

Consideration of 2nd and 3rd readings by the Regional Board

The Regional board may:

- Not approve the bylaw,
- Give further reading(s) to the bylaw. The Board may require that certain conditions be met prior to further consideration.

Consideration of 4th and final reading

This is the final step in the process. Granting of fourth reading means that the LUC is officially changed. The amendment is registered on the title of the property affected.

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What advisory groups does the Regional District have?

What is the role of the MoT?

The LUC Amendment Process flowchart

For more information...

For more information, please contact planning staff at the Development & Environmental Services Department. We will be pleased to help you and answer any questions that you might have.

This brochure is to be used in conjunction with our other informational brochures and as an aid in discussions with staff. It is general in nature, and is not a legal document. Any contradiction, dispute or difference between the contents of this brochure and applicable bylaws, plans, policies or guidelines will be resolved by reference to the bylaws or other official documents.

This brochure does not apply to incorporated areas within the Regional District of Central Okanagan such as Peachland, Kelowna, or Lake Country, nor does it apply to First Nation land.

You should always refer to the official copies of the Official Community Plans, Zoning Bylaw, Subdivision and Development Bylaw and other formal Regional District documents if you are unsure of any procedure or requirement. Staff will be pleased to be of assistance.

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How to find
more
information?