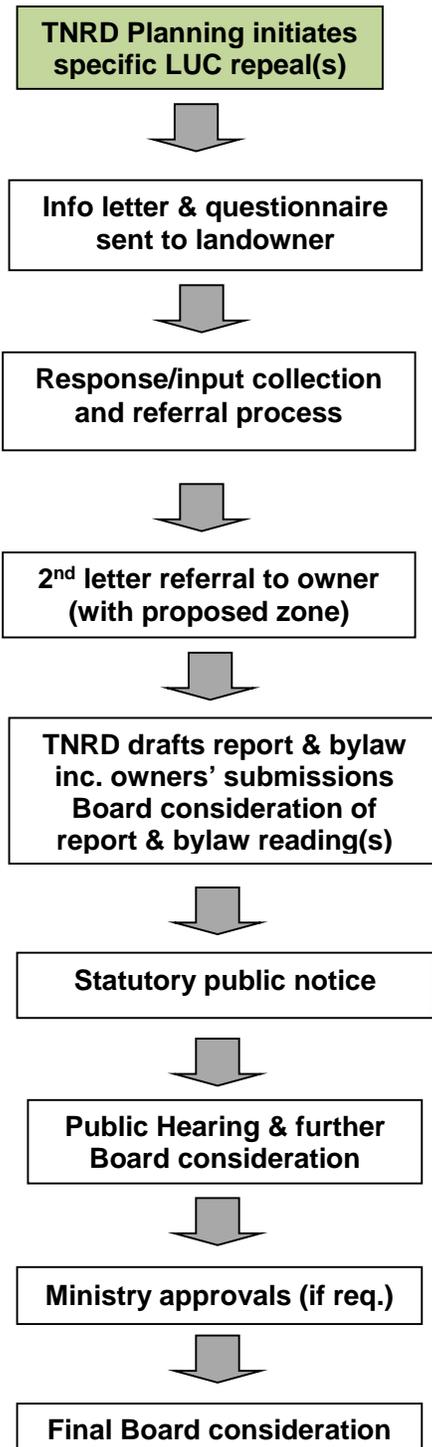




Land Use Contract Termination

FAQ Sheet

Process:



What is a Land Use Contract or LUC?

From 1971 to 1978 the *Municipal Act* enabled BC local government to enter into LUCs, a kind of agreement setting out permitted land use and/or conditions of development. After 1978, no new LUCs were undertaken. Despite this, LUCs registered on a property's title are still in effect until repealed. LUCs may refer to a zoning bylaw and effect those regulations "into" the LUC.

In 2014, the Province enacted a sunset clause for LUCs and directed that local government terminate each LUC, replacing it with zoning. This is via a public statutory process, including public hearing. A 1 year delay, upon adoption, is prescribed until the zoning is effective. The LUC remains in effect for this 1 year.

How will LUCs be replaced with zoning?

Despite that LUCs vary in specifics, most refer to a zone that was in effect in the 1970s (as "was" or as amended since then). The intention is to conform as closely as reasonably possible to the uses, density, setbacks, etc. of the historic zone. In most cases a zone in Zoning Bylaw 2400 will apply (Bylaw 2400 is a successor of the zoning of the 1970s). In rare cases, a unique site specific zone may be advisable. Regardless, a use or structure is 'grandfathered' (meaning: has legal non-conforming status) provided it conformed to the LUC.

How much will the LUC/zoning amendment cost?

No direct cost to you. LUC fees normally vary from \$1500 to \$1750 depending on application specifics but in the case of termination under the act, the process is undertaken by the TNRD. Please note that submissions such as site plans, reports, etc. that you may wish to submit are at your cost.

How is a LUC termination processed?

The process is summarized in the adjacent chart. Basically, owners' input is sought and then all information is gathered and a report and bylaw is brought to the Board of Directors for consideration. If supported, it proceeds to bylaw readings, notice, a public hearing, (ministry approvals where necessary) and final adoption.

Once LUC termination is approved, the LUC registered upon your title at the Land Title Office is discharged. As per legislation, there is no option to "keep" the LUC indefinitely and zoning authority rests solely with the elected Board of Directors. That said the TNRD will make an effort to relay your input and match the development and land use rights you hold under the LUC with the zone which would be applied to your property and/or lands.

How long will the process take?

LUC repeal and zoning consideration is involved (6 months to >1 year). It varies based on staff time, your cooperation and timely response, the completeness/accuracy of your submission, the scope of proposed changes and compliance with other referral agencies or regulatory requirements such as the ALC. Compliance with the area OCP is necessary or a significantly extended amendment process must follow.