

REPORT TO COUNCIL



Date: July 24th, 2017

RIM No. 1250-40

To: City Manager

From: Community Planning Department (JR)

Application: LUCT 17-0002 **Owner:** Multiple Properties

Address: Multiple Addresses **Applicant:** The City of Kelowna

Affected Streets: Clifton Road North, Lynn Court, Tina Court, & Kyndree Court

Subject: Land Use Contract Termination (LUC 76-1087)

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RR3 – Rural Residential 3

1.0 Recommendation

WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RR3 – Rural Residential 3 zone in the City of Kelowna Zoning Bylaw No. 8000 applies to all subject properties under Land Use Contract LUC76-1087;

THAT Application No. LUCT17-0002 to terminate LUC76-1087 from properties identified in Schedule 'A', located on Clifton Road North, Lynn Court, Tina Court & Kyndree Court, Kelowna, BC, be considered by Council.

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

2.0 Purpose

To consider an application for the early termination of Land Use Contract LUC76-1087 and revert the parcels within the Clifton Road North Area of Kelowna to the underlying RR3 – Rural Residential 3 zone.

3.0 Community Planning

Staff are bringing forth and are recommending support for this Land Use Contract (LUC76-1087) to be terminated for the subject properties. The current LUC affects twenty-three properties on Clifton Road North, Tina Court, Kyndree Court and Lynn Court. The Land Use Contract currently restricts the use of each property to one single family dwelling.

The underlying zoning (RR3 – Rural Residential 3) fits with the established neighbourhood and is an appropriate zone for the existing properties. RR3 zone is similar to the Land Use Contract except it does permit secondary suites and potential subdivisions (pending properties meeting the City’s subdivision regulations).

4.0 Proposal

4.1 Background

Land Use Contracts were a tool regularly used in the 1970’s before it was eliminated on November 15th 1978. The purpose of the tool was to allow local governments to arrive at agreements with specific developers to grant development rights over and above what was allowed under current zoning. This was typically done in exchange for commitments by developers to help finance the infrastructure costs of development.

Issues have arisen, specifically with the continued application of land use contracts as they supersede any subsequent bylaw dealing with land use and development including: Zoning Bylaws, Development Cost Charge Bylaws, and Development Permits. The Local Government Act was amended in 2014 stating all land use contracts in the province will be terminated as of June 30th 2024. Land use contracts will remain in force until that date unless terminated early by the municipality. By June 20th 2022, local governments must have appropriate zoning regulations in place to replace land use contracts upon their termination. However, LUC terminations (unlike LUC discharges) do not apply when Council adopts the bylaw. Terminations require a one-year grace period as outlined by the Local Government Act.

4.2 Notification

Local governments must provide notice to each owner that the termination of land use contract is occurring and must provide notice of what the new zoning regulations apply to the land. After adoption of the LUC Termination, the City will send notices to all affected properties that the termination will come into affect one year after Council approval.

Staff are recommending Council Notification Policy #367 including early notification and development signage be waived for all Land Use Contract terminations. The standard development notification, as outlined above, as well as a letter from the Planning Department will be sent to properties affected by the LUC termination.

4.3 Site Context

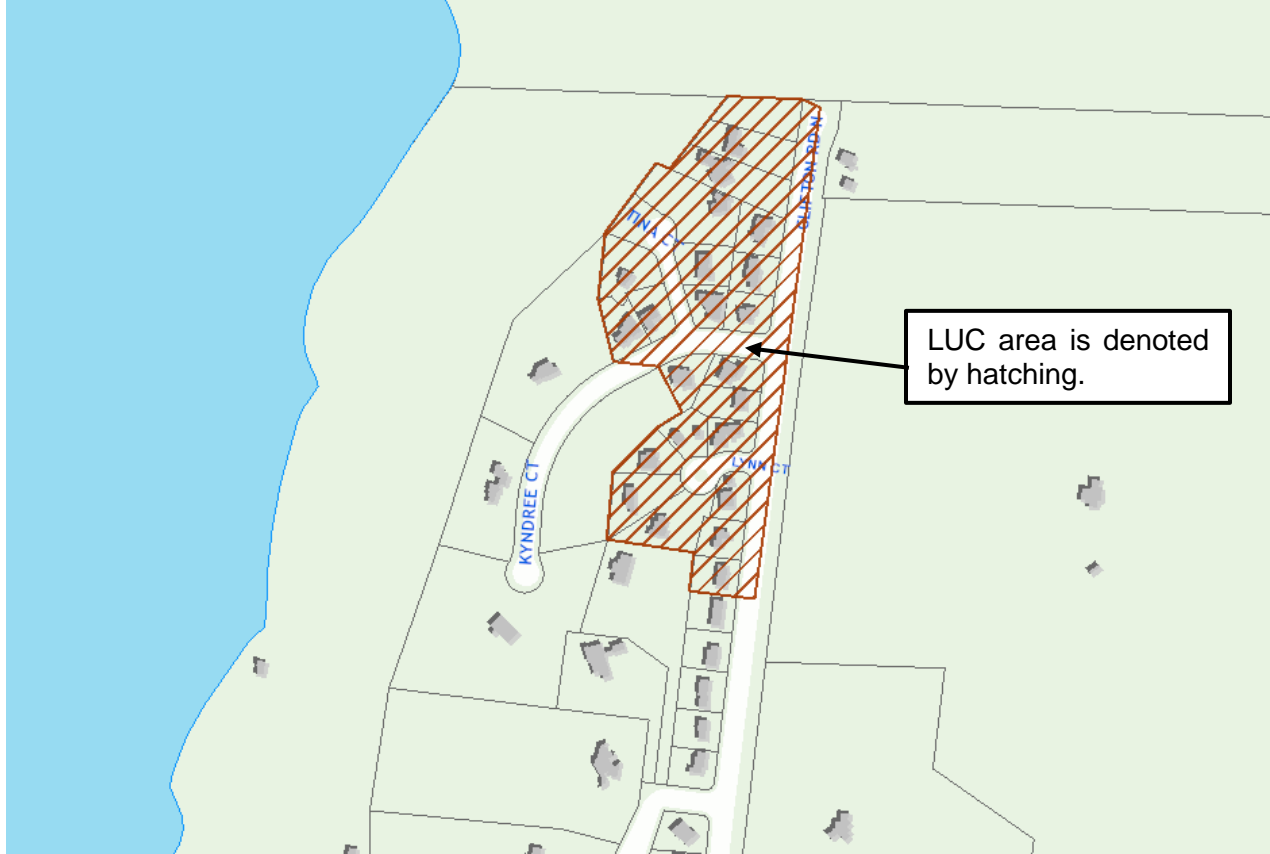
The subject properties have a total area of 45,229 m² and are located at the end of Clifton Road North. The properties are designated S2RES – Single / Two Unit Residential in the Official Community Plan and the surrounding area is agricultural and single family residential.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
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North	RU ₁ H – Large Lot Housing Hillside	Vacant
East	A ₁ – Agriculture 1	Single Family Dwelling
South	RR ₃ – Rural Residential 3	Single Family Dwelling
West	A ₁ – Agriculture 1	Single Family Dwelling

Subject Property Map: Clifton Road North



5.0 Current Development Policies

5.1 Council Policy No. 282 – Strategy for Elimination of Remaining Land Use Contracts

Council Policy No. 282.¹ Includes the following statement:

That the City of Kelowna initiate proceedings to discharge the contacts subject to consultation with affected owners of the land and subject to prior approval by council with regard to affected contracts.

Prepared by: Jenna Ratzlaff, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Reviewed by: Ryan Smith, Community Planning Department Manager

¹ City of Kelowna Council Policy 282 Strategy for Elimination of Remaining Land Use Contracts.

Attachments:

Schedule 'A'