



## Land Use Contract

### *A Guide to Land Use Contract amendments*



#### **This Guide Explains:**

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

*This pamphlet is a guide only. 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.*

### **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. 2500, 2007 The LUC is discharged from the title and the property rezoned or redesignated.

Planning Staff recommends the third option ... to discharge the LUC in favour of other land use bylaws. Council 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 Amending and maintaining old, out-of-date LUC's is not a preferred practice and applications to do so will be carefully considered.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 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 OCP. If a LUC amendment application does not conform to the OCP, 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.

#### **How is a LUC amendment application made ?**

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

If Council defeats an application the applicant must wait 12 months before resubmitting a substantially similar application.

#### **What are the application costs?**

The cost of an OCP amendment can vary depending upon the complexity of the application. Some typical costs are:

- An application fee. Please refer to the City of Courtenay Fees and Charges Bylaw and all amendments thereto;
- Any document/plans necessary to complete application requirements. This may include: site plans, building plans, or any plans necessary to illustrate the OCP amendment;
- Any professional reports or information required by City departments, external agencies, or Council;
- Any offsite requirements such as road improvements, or drainage issues;

- Any documents/plans or information required in order to make a decision; and,
- 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 in this brochure.

Included in the process are public notification, public hearing, and four opportunities for consideration of the application by Council (called 'readings'). The application can only be approved at the 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?

City Staff do their best to ensure that applications are dealt with in a timely manner. Most applications take approximately 6 months to proceed through the evaluation and approval process once a complete application has been received. More complex applications may take 12 months or longer.

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

## The LUC Amendment Process

Discuss the proposal with Planning Staff

Submit a complete application

Application reviewed by the Planning Services Department *(2-4 weeks)*

Referrals issued to other City departments and external agencies *(4 weeks)*

Referrals are returned to the applicant for outstanding issues to be addressed *(2-4 weeks)*

If required, a Public Information Meeting may be held *(2-4 weeks)*

Planning Department prepares a report to Council and a bylaw is created for the amendment *(2 weeks)*

1<sup>st</sup> and 2<sup>nd</sup> readings of the bylaw are considered by Council and passed or defeated

If passed, a public hearing is set and the Planning Department notifies all owners and occupants within 100 m of the subject property *(2-4 weeks)*.

3<sup>rd</sup> reading of the bylaw is considered at a Council meeting following the public hearing and passed or defeated.

If passed, final reading is considered by Council at a subsequent Council meeting.

If the amendment is adopted, it takes place immediately. If it is refused, no substantially similar application will be considered by Council for 12 months.

### For More Information:

You should always refer to the official copies of the Official Community Plan, Zoning Bylaw, Subdivision Control Bylaw, Development Application Procedures Bylaw, and other formal City of Courtenay documents if you are unsure of any procedure or requirement. Staff will be pleased to be of assistance.

For more information, please contact planning staff at the Planning Services Department 250-334-4441. We will be pleased to help you and answer any questions that you might have.



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