



INFORMATION REPORT

Miscellaneous Statutes Amendment Act, 2014 (Bill 17, 2014)
and Pinecrest Estates
Land Use Contract Bylaw No. 102 Termination

Meeting date: September 14, 2014

To: Pinecrest Estates Strata Council

KEY ISSUES/CONCEPTS:

The *Miscellaneous Statutes Amendment Act, 2014 (Bill 17, 2014)* that was adopted earlier this year introduced amendments to the Local Government Act (LGA), and provides for the termination of all Land Use Contracts (LUC) in affected BC municipalities and regional districts. It requires all local governments to have zoning in place for lands covered by land use contracts. The changes mandate the termination of all LUCs in the province by June 30, 2024 with zoning bylaws to be in effect for those areas by June 30, 2022.

The mandated changes introduced by Bill 17, 2014 coincide with the Squamish-Lillooet Regional District (SLRD) Area D Zoning Review project currently underway. As such, SLRD staff are considering dissolving the Pinecrest Estates LUC and replacing it with zoning as part of the overall Area D zoning review.

To initiate this process, the SLRD would like to host a community meeting with Pinecrest Estates residents to provide information on the Local Government Act (LGA) changes and gather input to inform the development of zoning for the area. Specifically, SLRD staff want to determine: 1) what should be translated/transferred from the current Land Use Contract to Zoning; and 2) what other issues should be addressed through this new zoning? It should be noted that this community meeting is just the beginning of the process - it is an opportunity for SLRD staff to engage with the Pinecrest community in advance of the more formal processes, to ensure that community needs and issues are acknowledged from the outset.

RELEVANT POLICIES:

Electoral Area D Official Community Plan Bylaw No. 1135-2013

Electoral Area D Zoning – Bylaw No. 540, Bylaw No. 20, and Bylaw No. 672 (to be consolidated)

Pinecrest Estates Land Use Contract Bylaw No. 102, 1976

Local Government Act (as amended by Bill 17, 2014)

BACKGROUND:

Land Use Contracts were used in the late 1970s and early 1980s under the Provincial Municipal Act. Land Use Contracts are agreements between local government and property owners which contain specific terms and conditions for any uses or development on a particular piece of land. The Pinecrest Estates Land Use Contract Bylaw No. 102, 1976 was created in 1976 for the purposes of establishing a Strata Title development. The LUC sets provisions for permitted land uses, site coverage, height limitations, and other restrictions and services.

Bill 17, 2014, the Miscellaneous Statutes Amendment Act, 2014 – *Its Legislated!*

Bill 17, 2014, the *Miscellaneous Statutes Amendment Act, 2014*, includes a number of amendments intended to streamline local and provincial government land use planning and development approvals, modernize outdated legislative tools and provide greater certainty and transparency for residents and those who develop and build within communities.

Changes proposed by Bill 17, 2014 include:

- Increased discretion for local governments over Soil Removal Fees by removing the requirement for ministerial approval of application fees within municipal soil removal and deposit bylaws
- Provides developers with 12 months of protection from increases to development cost charges (DCC); and
- Termination of Land Use Contracts (LUC) to be replaced with modern land use policies and practices, i.e, zoning.

LUC Termination

The following are the most significant points of the new legislation, with regards to LUCs:

- Part 26 of the Local Government Act is amended by addition of a new section 914.1(1), providing for the termination of all land use contracts on June 30, 2024.
- New section 914.1(2) states that if a local government has jurisdiction over land that is subject to a land use contract, it must adopt, by June 30, 2022, a zoning bylaw that will apply to the land on June 30, 2024.
- Enables local governments to undertake early termination of land use contracts under certain conditions (LGA, Division 7.1, s. 914.2).

Process for Early Termination

Rather than wait until the new default termination date, under new section 914.2 a local government may, by bylaw, terminate a land use contract, provided:

- Early termination bylaw is adopted on or before June 30, 2022;
- Early termination bylaw comes into force at least one year after it is adopted;
- A public hearing, which cannot be waived, is held (LGA s. 892, 893);
- Zoning is in place where land use contracts are to be terminated; and
- Proper land title office is notified of early termination bylaw within 30 days of its adoption.

Advantages of Early Termination and New Zoning

Instead of simply relying on existing zoning rules, which may be completely out of sync with the actual use of the land, the new legislation suggests that consideration could be given to adopting a new zoning bylaw for the land that is **consistent with the use and density permitted under the land use contract**. As such, the SLRD is considering early termination of the Pinecrest Estates LUC Bylaw, through the creation of new zoning.

Early termination will enable this new zoning to:

- better reflect the needs/uses of the community, based on community input and the existing LUC; and
- align with other Area D Zoning, based on the Area D Zoning Review and Consolidation.

SLRD Area D Zoning Review and Consolidation – *What’s already happening!*

It is customary that zoning bylaws be reviewed every 5 - 10 years, or after the adoption of a new Official Community Plan (OCP). In the case of Area D, it has been almost 15 years since the most recent of the 3 zoning bylaws was adopted, and a major OCP review was recently completed. The Area D Zoning Review will consolidate the three existing bylaws into one and update the zoning for Electoral Area D. It will ensure that the zoning is aligned with the Official Community Plan Bylaw No. 1135-2013 that was adopted last year.

Public Participation – *Your input is needed!*

Formal Public Participation: Under new section 914.2 a local government may, by bylaw, terminate a land use contract, **provided it first holds a public hearing in accordance with section 890**. Section 892 is amended by adding requirements for the notice to be given in advance of the public hearing. Having adopted the bylaw, the local government must then give notice to the land title office, and also to the owner of the land that is subject to the land use contract.

Informal Public Participation: In advance of any LUC termination or new zoning development, the SLRD would like to engage with the Pinecrest Estates community, in a community meeting format. The purpose of this community meeting is to provide information on the legislative (LGA) changes as they pertain to LUCs and gather input to inform the development of zoning for the area.

Some questions to consider:

1. What is your perspective on the existing Land Use Contract?
2. What elements of the existing Land Use Contract would you like to see incorporated into zoning?
3. What is missing from the existing Land Use Contract that you like to see incorporated into zoning?
4. What are your concerns about existing land uses on the property, if any?
5. What are your concerns about existing density and site coverage on the property, if any?
6. What are your thoughts about possible future (new) land uses on the property?
7. What other issues would you like to see addressed through zoning?

TIMELINE / NEXT STEPS:

Community Consultation	Fall/Winter/Spring	Community meeting to be scheduled for some time in early October
Develop New Zoning	Fall/Winter/Spring	Develop new zoning for Pincrest Estates, in conjunction with the Area D Zoning Review project
Bylaw to Terminate LUC	Winter/Spring	Finalize Zoning Bylaw and proceed with process to terminate the LUC, as per the LGA
Public Hearing	Summer/Fall	Give notice and hold a public hearing, as per s.892 and s. 890 of the LGA
Area D Zoning Review	Ongoing – to be completed by Summer/Fall 2015	

CONCLUSION:

Under the provisions of Bill 17, 2014, the *Miscellaneous Statutes Amendment Act, 2014*, all remaining land use contracts will automatically be terminated, and shall be deemed to be discharged from the title to the applicable land by no later than June 30, 2024. Additionally, any local government that has jurisdiction over land that is subject to a land use contract must adopt, by June 30, 2022, a zoning bylaw that will apply to that land on June 30, 2024.

As the mandated changes introduced by Bill 17, 2014 coincide with the SLRD Area D Zoning Review project currently underway, SLRD staff are considering terminating the Pincrest Estates LUC and replacing it with zoning, as part of the overall review. To initiate this process, the SLRD would like to host a community meeting with Pincrest Estates residents to provide information on the Local Government Act (LGA) changes and gather input to inform the development of zoning for the area.

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