

Schedule 86 to the Minutes of  
the Special Public Hearing  
meeting of Richmond City  
Council held on Tuesday,  
November 24, 2015.

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**From:** Lynda Terborg <lterborg@shaw.ca>  
**Sent:** Tuesday, 24 November 2015 07:49  
**To:** Day,Carol; Au,Chak; McPhail,Linda; Dang,Derek; Steves,Harold; Brodie,Malcolm;  
Johnston,Ken; Loo,Alexa; McNulty,Bill  
**Cc:** CityClerk; LUC (Land Use Contract)  
**Subject:** Richmond Public Hearing - Termination of Land Use Contract, November 24, 2015  
**Attachments:** Public Hearing for Early Termination of Land Use Contracts.pdf

Hello Mayor and Councillors,

Please find attached,  
My submission for Tuesdays Public Hearing.

Thank you for your hard work on the early termination of Land Use Contracts.  
I support the City's proposed process.  
I have found staff to be accommodating in our meetings with them.  
I look forward to a positive meeting on Tuesday night.

Sincerely,

Lyn ter Borg  
5860 Sandpiper Court  
Richmond

**City Clerk's Office**

**--- 86**

**LUC Correspondence**



# Public Hearing for Early Termination of Land Use Contracts - November 24, 2015

## What does it mean? Why are we doing this?

**History** The Land Use Contract was used between 1972 and 1978 to develop land. Most importantly to note, the original contracts stated "the use and development of the lots shall conform to the provisions of the Zoning Bylaw". The City has yet to call it a mistake but this link to the City's bylaw was broken when the original Zoning Bylaw 1430 was repealed and replaced by Bylaw 5300 in 1989 and again by our current Bylaw 8500 in 2009. The contract had a clause that included "amendments thereto" but did not continue on to say "and replacements thereof", as if Zoning Bylaw 1430 would exist forever. However, in effect, the City applied one zoning bylaw for everyone until approximately 2009. Every property owner was treated fairly and equally.

**Reasons for Change to Zoning** The effect of not including the phrase... "and replacements thereof"... or words to that effect, is that there is no longer a link between many LUCs and modern zoning bylaws which prescribe current limits for heights, setbacks, and permitted density. Recent zoning changes (reinstatement of 29.5 foot maximum building heights and elimination of third storey balconies) cover approximately 15,000 zoning properties but cannot be applied to the redevelopment of approximately 4,000 LUC properties grouped within 93 LUC areas. Many of the recent LUC rebuilds are to a full three stories, 35 feet high, and many are more than twice the currently permitted density (house size) compared to zoned properties.

**Modern Land Use Policies** In 2010, the City of Richmond took a leadership role in advocating, through the Union of British Columbia Municipalities, for Provincial legislation to create a process for early termination of Land Use Contracts. Surrey, with 8,000 properties under LUCs, has committed to early termination. The communities of Terrace and Okanagan-Similkameen have also started the early termination process this year. Vancouver is a charter city and has no LUCs to terminate. Proposed underlying zoning, for a small percentage of Richmond's total LUC properties, would be to effectively downzone the opportunity to rebuild the same size house that currently exists on the property. However this is not unique to the early termination process for LUC properties, as many "zoning" houses, built in Richmond, before 1992, were also made legally non-conforming when changes were made to permitted density.

For those who would bring up the question, the City of Richmond has been asked what options are available within the creation of underlying zoning that can address concerns about non-conformance and that do not go as far as introducing site specific zoning.



**Photo: LUC property under construction, Colonial Drive**

The Bylaws when passed come into effect one year after adoption. The recent legislation for early termination allows the City Council to terminate LUC's without the consent of the landowner. The legislation has also introduced an appeal process through the Board of Variance, if the owner feels that the timing of the termination of the LUC would cause the owner hardship with respect to land use and building construction. This legislated process to link LUC's to the modern zoning bylaw through the creation of underlying zoning and early termination is universal to the Province and a fair process for all.

**Official Community Plan** In Richmond's 2041 Official Community Plan (OCP), Section 3.2 "Neighbourhood Character and Sense of Place" has a specific objective to:

*Actively explore alternatives to Land Use Contracts (LUCs) (e.g., seek Provincial legislative changes, replace LUC with appropriate zones, apply development permit guidelines) to achieve better land use management over time;*

**Participate** For examples of houses being built on LUC properties, drive by Addison Street (north of Steveston high school), Colonial Drive (south of Grauer elementary school), or Schooner Court (north of Garry Street). Whether you own a LUC property, or live beside, behind, or across the street, the City can hear your views at the Public Hearing. The City will have over 500 demolitions this year. This is a quality of life issue for all Richmond residents.