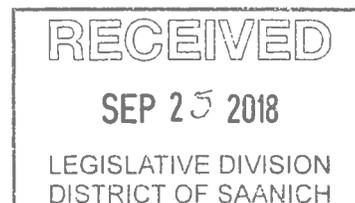


1410-04 Planning;
xref 2870-30 Nigel Valley



The Corporation of the District of Saanich

Supplemental Report



To: Mayor and Council
From: Sharon Hvozdanski, Director of Planning
Date: September 24, 2018
Subject: Rezoning and Development Permit Application
File: REZ00581; DPR00665 • 801, 813, 833, 837 and 841 Darwin Avenue,
821, 843 and 846 Nigel Avenue, 828, 832 and 880 Vernon Avenue

RECOMMENDATION

That the Land Use Contract for 846 Nigel Avenue be discharged.

PURPOSE

The purpose of this report is to seek direction from Council on the subject application. The subject application is to discharge the Land Use Contract registered on title for 846 Nigel Avenue. This is a housekeeping initiative as a follow up to the Rezoning and Development Permit Application for various properties in Nigel Valley.

DISCUSSION

Background

At the September 18, 2018 Public Hearing, Council approved the above noted application by BC Housing Management Commission. Final Reading of the Zoning Amendment Bylaw and ratification of the Development Permit was withheld pending registration of a covenant to secure a Master Development Agreement and a Housing Agreement, and discharge of the Land Use Contract for 846 Nigel Avenue.

Additional Information

The property at 846 Nigel Avenue is currently zoned RS-6 (Single Family Dwelling) Zone. It contains Nigel House which is a residential care facility operated by Broadmead Care Society for individuals with severe physical disabilities. The site was developed in 1977 under the terms of a Land Use Contract which remains valid.

A Land Use Contract is a contract between a property owner and a local government that governs the use and development of the property such as land use, building siting and density. Land Use Contracts were a development tool used in BC between 1971 and 1978, which regulated the land use and development of a site and had the legal effect of a restrictive covenant. The terms of a Land Use Contract supersede a local government Zoning Bylaw.

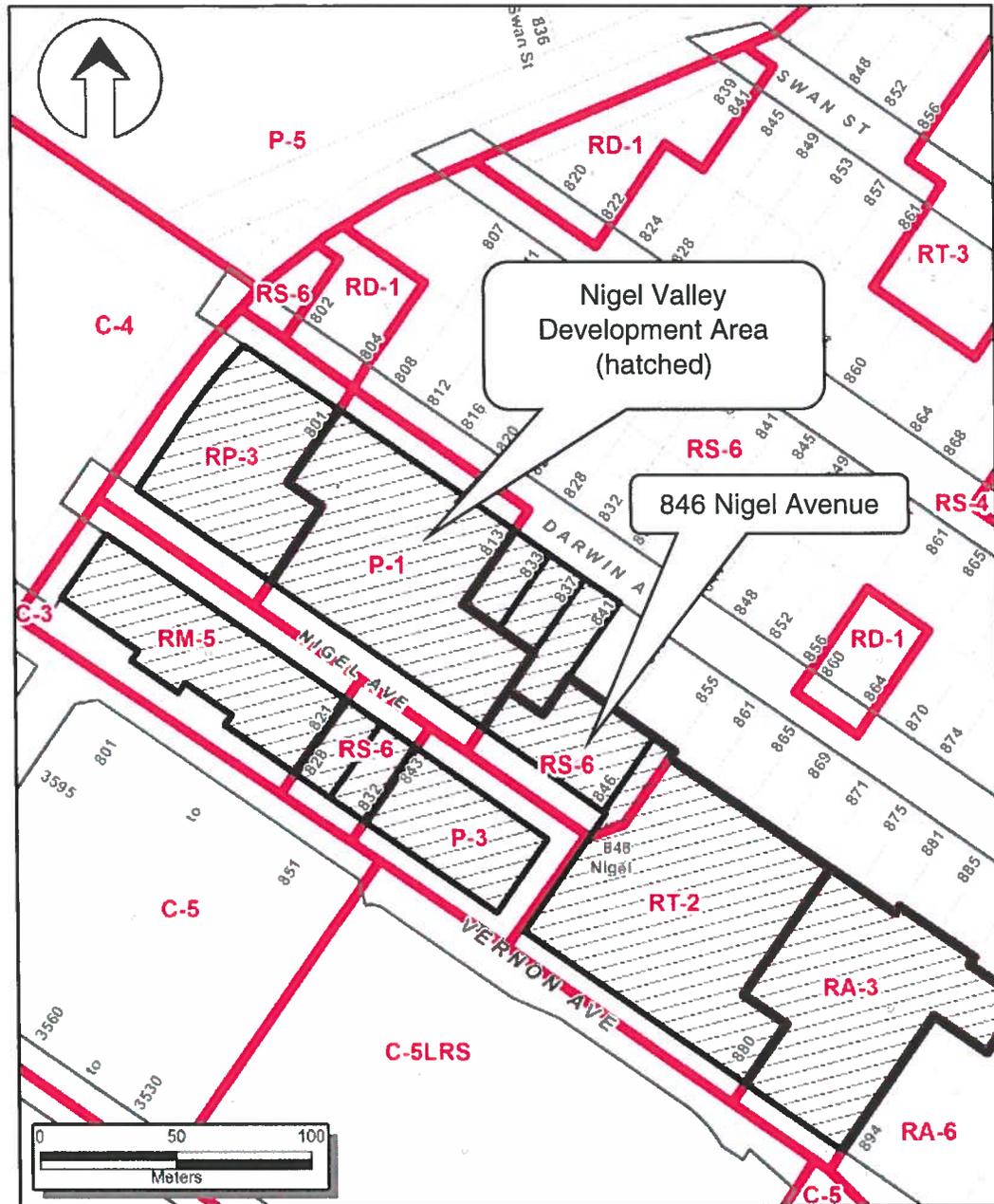


Figure 1: Context Map

In 2014 the Provincial Government gave Royal Assent to Bill 17, which states that all Land Use Contracts are terminated on June 30, 2024, and that a local government must adopt a Zoning Bylaw that will apply to the land upon termination of a Land Use Contract by June 30, 2022. The current proposal provides an opportunity to discharge the Land Use Contract and rezone the property a new CD-6NV (Comprehensive Development Nigel Valley) Zone along with other properties in Nigel Valley to facilitate redevelopment in accordance with the development proposal approved by Council.

Discharge of a Land Use Contract requires a bylaw approved by Council following a Public Hearing in accordance with the provisions of Division 16 of the “Local Government Act”.

Prepared by: Neil Findlow
Neil Findlow
Senior Planner

Reviewed and Approved by: Sharon Hvozdzanski
for Sharon Hvozdzanski
Director of Planning

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ADMINISTRATOR'S COMMENTS:

I endorse the recommendation from the Director of Planning.

Paul Thorkelsson
Paul Thorkelsson, Administrator