

**CORPORATION OF THE CITY OF COURTENAY
COUNCIL MEETING AGENDA**

*We respectfully acknowledge that the land on which we gather is the
unceded traditional territory of the K'ómoks First Nation*

DATE: September 04, 2018
PLACE: City Hall Council Chambers
TIME: 4:00 p.m.

K'OMOKS FIRST NATION ACKNOWLEDGEMENT

1.00 ADOPTION OF MINUTES

- 1 1. Adopt August 20th, 2018 Regular Council meeting minutes
- 7 2. Adopt August 30th, 2018 Special Council meeting minutes

2.00 INTRODUCTION OF LATE ITEMS

3.00 DELEGATIONS

- 9 1. Richard Park and Dylan Hardie, Coastline Canada - Sustainable Medical Cannabis
- 2. Cheryl Glennie, Fraser Road Resident Re: Proposed Medical Cannabis Facility

4.00 STAFF REPORTS/PRESENTATIONS

(a) Recreation and Cultural Services

- 13 1. Courtenay Airpark Lease Options

(b) Development Services

- 21 2. Zoning Amendment Bylaw No. 2926 - 4697 Headquarters Road
- 35 3. Storefront Cannabis Retailers Policy
- 45 4. Zoning Amendment Bylaw No. 2936 to allow for a secondary suite at 1081 Mantle Drive

5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

65 1. Memorandum - Cannabis Cultivation in the Agricultural Land Reserve (ALR)

7.00 REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS FROM COMMITTEES

8.00 RESOLUTIONS OF COUNCIL

1. Councillor Hillian Resolution - Street Side Benches

Whereas some Courtenay residents have requested the installation of street-side benches to provide resting areas on streets that are not on bus routes and thereby enhance walkability, particularly for elderly citizens; and,

Whereas the City does not have a program or assigned budget for street-side benches apart from those in bus shelters, and the memorial bench program is currently under review;

Therefore, be it resolved that staff look into and report back to Council on the potential implementation of a street bench program.

9.00 UNFINISHED BUSINESS

10.00 NOTICE OF MOTION

11.00 NEW BUSINESS

1. Councillor Frisch Proposed Resolution: Rescind July 16, 2018 Resolution Re: Governance Restructure Study Ballot Question

That the highlighted portion of the following resolution from the July 16, 2018 regular Council meeting be rescinded:

Moved by Wells and seconded by Lennox that Council support the non-binding community opinion question to consider a governance restructure study for Comox Valley local governments as posed in the June 19, 2018 correspondence received from the Comox Valley Regional District; and

That the question:

*“Are you in favour of conducting a study, in partnership with the Province of BC, to review the governance structures and policies of the City of Courtenay and other local governments within the Comox Valley to consider the feasibility and implications of restructure?”
YES or NO*

Be included on the October 20, 2018 local government general election ballot.

12.00 BYLAWS

For First and Second Reading

- 77 1. "Zoning Amendment Bylaw No. 2926, 2018"
(A bylaw to permit a two-lot subdivision at 4697 Headquarters Road)
- 79 2. "Zoning Amendment Bylaw No. 2936, 2018"
(A bylaw to allow for a secondary suite at 1081 Mantle Drive)

For Final Adoption

- 81 1. "Downtown Courtenay Revitalization Tax Exemption Bylaw No. 2937, 2018"
(A bylaw to create a downtown revitalization tax exemption program to stimulate commercial and residential redevelopment and revitalization in the greater downtown area)

13.00 ADJOURNMENT

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, August 20, 2018 at 4:00 p.m.

Attending:

Mayor: L. V. Jangula
Councillors: E. Eriksson
D. Frisch
D. Hillian
R. Lennox via Teleconference
B. Wells
M. Theos via Teleconference at 4:18 p.m.

Staff:

D. Allen, CAO
J. Ward, Director of Legislative and Corporate Services/Deputy CAO
W. Sorichta, Manager of Corporate Administrative Services
I. Buck, Director of Development Services
J. Nelson, Acting Director of Financial Services
R. O'Grady, Director of Engineering Services
D. Snider, Director of Recreation and Cultural Services
A. Guillo, Manager of Communications
R. Reid, Manager of Human Resources

1.00 ADOPTION OF MINUTES

.01 Moved by Wells and seconded by Frisch that the August 7th,
MINUTES 2018, Regular Council meeting minutes be adopted.
Carried

2.00 ADOPTION OF LATE ITEMS

Moved by Wells and seconded by Frisch that Council agenda item 9.00 *Unfinished Business* be moved up in the agenda to follow after agenda item 3.00 *Delegations*.
Carried

3.00 DELEGATIONS

Patricia Foster, Vivien Adams and Julie Fortin, West Orchard Neighbourhood group made a presentation to Council regarding densification and heritage recognition of the neighbourhood west of the Old Orchard area between 5th Street and 1st Street and Menzies Avenue and Quinn Avenue. The delegation requested Council consideration for the development of a community plan and designation of a Heritage Conservation area and expressed interest in beautification opportunities for the island rail corridor and implementing a heritage tree inventory.

**Mayor Jangula vacated the chair at 4:21 p.m. in order to speak to the motion identified on the Council agenda under Unfinished Business; Councillor Eriksson assumed the chair.
Mayor Jangula returned to his seat at 4:27 p.m.**

Mayor Jangula vacated the chair at 4:30 p.m. in order to speak to the motion; Councillor Eriksson assumed the chair.

4.00 UNFINISHED BUSINESS

.01

AUGUST 20, 2018
DELEGATION
COURTENAY
AIRPARK
ASSOCIATION
(RIVER CROSSING
& LEASE
RENEWAL TERMS)

Moved by Jangula and seconded by Frisch that the proposed 21st Street river crossing identified in the draft Transportation Master Plan be abandoned.

Carried

Moved by Hillian and seconded by Wells that Council direct staff to prepare a report for Council regarding leases at the Courtenay Airpark and options and implications related to renewal of long term leases for the Courtenay Airpark Association and tenants in the Courtenay Airpark to be brought forth at a future Council meeting in September 2018.

Carried

Moved by Hillian and seconded by Wells that Dave Mellin, Courtenay Airpark Association be permitted to address Council at the August 20, 2018 Regular Council meeting regarding the Courtenay Airpark Association operations and lease agreements.

Carried with Councillors Frisch and Lennox opposed

The council meeting recessed at 4:50 p.m.

The council meeting reconvened at 4:55 p.m. and Mayor Jangula returned to his seat.

5.00 STAFF REPORTS/PRESENTATIONS

.01

COMOX VALLEY
EXHIBITION RCMP
MUSICAL RIDE
RECEPTION GRANT
REQUEST
7800-20

Moved by Wells and seconded by Frisch that based on the August 20th, 2018 staff report "Comox Valley Exhibition RCMP Musical Ride Reception Grant Request" Council approve OPTION 1 and grant \$2,500 as a onetime financial contribution to the event with the source of funds being Gaming Funds - Council Initiatives.

Carried

.02

RCMP
CRIME FREE MULTI-
HOUSING (CFMH)
PROGRAM
7500-20

CST. Donna Collins, Comox Valley RCMP made a presentation to Council introducing the Crime Free Multi-Housing Program (CFMH) to the Comox Valley; a program to provide tools and resources to owners, residents and communities for safe housing and crime reduction based on Crime Prevention Through Environmental Design (CPTED) principles.

Mayor Jangula left Council Chambers at 5:30 p.m.; Councillor Eriksson took the chair.

Mayor Jangula returned to Council Chambers and took his seat at 5:33 p.m.

.03
RCMP
1ST QUARTER
STATISTICS REPORT
7400-01

Inspector Tim Walton, Comox Valley RCMP, presented Council with the RCMP 1st quarter statistics including a year over year comparison of statistics for both the City of Courtenay and the Comox Valley RCMP detachment.

Inspector Walton expressed his appreciation and joy while serving the Comox Valley as the Officer in Charge of the Comox Valley RCMP detachment as he prepares to leave the detachment and accept his new post in September.

Mayor and Council thanked Inspector Walton for his years of service to the community and wished him and his family the best in their future endeavors.

The council meeting recessed at 5:47 p.m. to give Council an opportunity to say goodbye to Inspector Walton.

The meeting reconvened at 5:48 p.m.

.04
ELECTED OFFICIALS
REMUNERATION
REVIEW
570-04

Moved by Frisch and seconded by Wells that based on the August 20th, 2018 staff report, “Elected Officials Remuneration Review”, Council approve OPTION 1 as follows:

That Council approve an adjustment to the remuneration paid to the Mayor to \$64,500 annually, to be effective January 1, 2019;

That Council approve increasing the annual salaries of the Mayor and Councillors to maintain the net remuneration for elected officials whole as a result of the loss of the income tax exemption and any other changes made by the Canada Revenue Agency effective January 1, 2019; and

That staff prepare the necessary amendments to Council Remuneration Bylaw No. 2878, 2017 to effect the above adjustments.

Carried

.05
NEW LIQUOR
PRIMARY LICENCE
APPLICATION
(CARLOS O’BRYAN
NEIGHBOURHOOD
PUB) 2910
KILPATRICK AVENUE
3090-20-1802

Moved by Wells and seconded by Frisch that based on the August 20th, 2018 staff report “New Liquor Primary Licence Application (Carlos O’Bryan Neighbourhood Pub) - 2910 Kilpatrick Avenue,” Council approve OPTION 1 as follows:

1. The Council of the City of Courtenay recommends the Liquor & Cannabis Regulation Branch (LCRB) approve the application by Carlos O’Bryan Neighbourhood Pub for their new liquor primary licence.
2. Council’s comments on the prescribed considerations are as follows:
 - a) If the amendment application is approved, it would not result in an increase of noise in the area;

- b) If the application is approved, it would not negatively impact the community based on the submissions received from the public;
- c) In order to gather the views of residents, the City of Courtenay posted a notice on the City's website outlining the application. Additionally, the RCMP was contacted for comment.

Carried

.06
DEVELOPMENT
VARIANCE PERMIT
NO.1707-2485 IDIENS
WAY
3060-20-1707

Moved by Hillian and seconded by Wells that based on the August 20th, 2018 staff report "Development Permit with Variances No. 1707 - 2485 Idiens Way," Council approve OPTION 1 and proceed with issuing Development Permit with Variances No. 1707.

Carried

Councillor Hillian recused himself citing a potential conflict of interest as he sits as Chair on the Board of one of the 2019 permissive property tax exemption applicants, Councillor Hillian exited Council Chambers at 6:08 p.m.

.07
CONSIDERATION OF
2019 PERMISSIVE
PROPERTY TAX
EXEMPTIONS
1960-20 [2019]

Moved by Wells and seconded by Frisch that based on the August 20th, 2018 staff report "Consideration of 2019 Permissive Property Tax Exemptions," Council approve OPTION 1 as follows:

1. That Council consider the list of new applications for permissive tax exemption for 2019 as detailed on Schedule A, attached;
2. That Council approve exemptions for new applications as recommended in Schedule A;
3. That Council direct staff to prepare the applicable bylaws for permissive tax exemption in 2019 based on the attached schedules A, B, C, D and E; and,
4. That statutory notice of the proposed permissive exemption bylaws pursuant to Section 227 of the *Community Charter* be published for two consecutive weeks prior to final adoption of the bylaws.

Carried

Councillor Hillian returned to Council Chambers and took his seat at 6:12 p.m.

.08
WOODS OUTFALL
UPGRADE PROJECT
FUNDING AND
INVESTING IN
CANADA
INFRASTRUCTURE
PROGRAM (ICIP)
GRANT

Moved by Wells and seconded by Frisch that based on the August 20th, 2018 staff report "Woods Outfall Upgrade Project Funding and ICIP Grant," Council approve OPTION 1 and authorize the application for grant funding for the Woods Outfall Upgrade project through the Canada-British Columbia Investing in Canada Infrastructure Program - "Green Infrastructure - Environmental Quality Sub-Stream" (ICIP); and

That Council commit the City of Courtenay's share of the project up to \$287,000 to be funded by previously approved transfers from reserves.

Carried

6.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

7.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

8.00 REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS FROM COMMITTEES

COUNCILLOR ERIKSSON Councillor Eriksson reviewed his attendance at the following events:
➤ Morrison Creek Stream Keepers and Comox Valley Land Trust first right of refusal (land/headwaters of creek)
➤ CVRD Liquid Waste Management Plan (LWMP)
➤ CVRD 3L proposal
➤ CVRD Board meeting

COUNCILLOR FRISCH Councillor Eriksson reviewed his attendance at the following events:
➤ Simon’s Cycles YANA Bike Ride fundraising event

COUNCILLOR HILLIAN Councillor Hillian reviewed his attendance at the following events:
➤ Morrison Creek Streamkeepers tour of Morrison Creek Headwaters property

Councillor Hillian expressed his congratulations to Councillor Lennox regarding her recent wedding

COUNCILLOR WELLS Councillor Wells reviewed his attendance at the following events:
➤ Y2K Homecoming Gala Banquet (Stocky Edwards) CFB Comox
➤ 2018 Paleontological Symposium
➤ Simon’s Cycles YANA Bike Ride fundraising event
➤ Rick Hansen Foundation Accessibility Certification Program and eligibility to BC Accessibility Grant Program when certification achieved

MAYOR JANGULA Mayor Jangula reviewed his attendance at the following events:
➤ Y2K Homecoming Gala Banquet (Stocky Edwards) CFB Comox
➤ CVRD Sewage Commission meeting
➤ CVRD Board meeting
➤ Met with proponents of prospective sustainable medical cannabis production facility proposed on Fraser Road
➤ Kris Sims, Canadian Taxpayers Association meeting

9.00 RESOLUTIONS OF COUNCIL

10.00 NOTICE OF MOTION

11.00 NEW BUSINESS

12.00 BYLAWS

.01
BYLAW NO. 2937,
2018
DOWNTOWN
COURTENAY
REVITALIZATION TAX
EXEMPTION

Moved by Frisch and seconded by Wells that “Downtown Courtenay Revitalization Tax Exemption Bylaw No. 2937, 2018” pass third reading.
Carried with Councillor Eriksson opposed

.02
BYLAW NO. 2929,
2018
ZONING AMENDMENT
(911 BRAIDWOOD
ROAD)

Moved by Frisch and seconded by Wells that “Zoning Amendment Bylaw No. 2929, 2018” pass third reading.
Carried

13.00 ADJOURNMENT

.01

Moved by Wells and seconded by Frisch that the meeting now adjourn at 6:37 p.m.
Carried

CERTIFIED CORRECT

Corporate Officer

Adopted this 4th day of September, 2018

Mayor

S4/18 – August 30, 2018

Minutes of a Special Council Meeting held in the City Hall Council Chambers, Courtenay BC, on Thursday, August 30, 2018 at 4:00 p.m.

Attending:

Mayor: L. V. Jangula

Councillors: E. Eriksson
D. Frisch
D. Hillian
R. Lennox
B. Wells

Staff: W. Sorichta, Manager of Legislative & Corporate Administrative Services
R. Reid, Manager of Human Resources

1.00 STAFF REPORTS/PRESENTATIONS

.01

IN CAMERA
MEETING

Moved by Wells and seconded by Frisch that a Special In-Camera meeting closed to the public will be held August 30th, 2018 at the conclusion of the Special Council Meeting pursuant to the following sub-sections of the *Community Charter*:

- 90 (1) (c) labour relations or other employee relations.

Carried

2.00 ADJOURNMENT

.01

ADJOURNMENT

Moved by Wells and seconded by Hillian that the meeting now adjourn at 4:02 p.m.

CERTIFIED CORRECT

Corporate Officer

Adopted this 4th day of September, 2018

Mayor



Backgrounder

August 2018 www.coastlinecanada.com

Coastline Canada is a BC company, with deep roots on Vancouver Island. Its team harnesses the expertise of a multi-faceted collection of people ranging from paramedics, programmers, tradesman, to fishermen and farmers.

In July 2018, Coastline sold a 50% interest to Edmonton based Atlas Growers. Atlas Growers goal is to become Canada's top producer of medical cannabis.

Coastline's production facility will be located in the Comox Valley, on the east coast of Vancouver Island and far west coast of British Columbia.

Subject to completion of financing, construction of its production facility is planned to commence following an environmental assessment, traffic study and hydrological study.

Coastline's core values are to operate in an environmentally conscious way, and to engage in community development and involvement. Coastline's purpose is to produce the highest quality of Cannabis in Canada, utilizing the expertise of its newly expanded team and the Comox Valley's rich growing environment.

The space where science, agriculture and artistry meet is where Coastline does its best work. Coastline will specialize in a specific array of indicas, hybrids, and sativas for the medical cannabis market.

Coastline's focus is on environmental sustainability. Its cannabis will be grown organically, without the use of pesticides or GMOs. Everything it produces will be put through rigorous scientific testing and carefully labeled.

Their production facility is being designed with minimal local impact in the forefront of the design. Solid walls and ceiling will block light, sound, and smell from exiting the facility. A robust filtration and containment system will filter 99.999% of all particulate from the air before leaving the facility (a Health Canada requirement), and will allow for 80% of the water to be reused within the facility. A rainwater capture system built in will further minimize the water demands of the facility. A connection to both city water and city sewer will be brought in to ensure that no water will be taken from the local water table, and that there will be nothing exiting the facility into the local ecosystem.

British Columbia has an excellent international reputation for agricultural production. The Comox Valley has a vibrant artisan culture and is home to many craft producers. Coastline believes their community-based ethos will be a natural fit with the local culture in the Comox Valley, backed with leading-edge technology, science, and innovation to create a quality medical product.

Through their alliance with Atlas Growers Ltd., Coastline has secured access to extensive cultivation expertise, established sales channels, engineering plans, and lessons learned from Atlas' own 38,000 square foot facility near Edmonton (scheduled for completion in September 2018).

Atlas has applied for, and expects to receive in Q3 2018, its cultivation and sales licenses under Health Canada's Access to Cannabis for Medical Purposes Regulations (ACMPR). Coastline Canada is undertaking the same rigorous process.

Coastline Canada Founders:

Richard Park richard@coastlinecanada.com

Dylan Hardie dylan@coastlinecanada.com



COASTLINE CANADA

**Backgrounder
August 2018**

www.coastlinecanada.com

FAQs

Coastline Canada

Q: Who is Coastline Canada?

A: Coastline Canada is a BC company, with deep roots on Vancouver Island. Its team harnesses the expertise of a multi-faceted collection of people ranging from paramedics, programmers, tradesman, to fishermen and farmers.

Q: Why did you choose the Comox Valley for your first production facility?

A: The Comox Valley is our home. We grew up here and with the closure of the Field Sawmill and other large employers, many of our friends had to leave to find good paying jobs elsewhere. When looking for a location on Vancouver Island, we saw this as an opportunity to bring 60+ good paying full-benefit jobs to the Comox Valley. The City of Courtenay's bylaws explicitly allow for cannabis production facilities to be located on ALR land within the municipal boundaries. The close access to Anandia Labs in Comox as a potential source of genetics and testing provides a further incentive to set up shop locally.

Q: When do you expect to receive your approvals from Health Canada?

A: We expect to be approved by Health Canada within the next year. In Canada, it is currently against the law to possess, sell, give away, or grow cannabis without permission from Health Canada. Once we are approved, consumers can trust in our brand knowing we have undergone rigorous background checks and vetting.

Q: Why do you feel a closed production facility is better than a green house?

A: We are respectful of our neighbours concerns regarding noise, light pollution and particulates created by the production cycle. We feel an enclosed production facility will allow us to mitigate all of that, and still be an attractive part of the community with increased landscaping.

Q: Will you be growing for medical or recreational use?

A: We will be growing cannabis for medical use.

Q: What was the benefit of partnering with Atlas Growers?

A: Through our partnership with Atlas Growers we feel we can better achieve our goals of creating quality medical cannabis products. In exchange for a 50% share of our company, we have secured access to extensive cultivation expertise, established sales channels, engineering plans, and lessons learned from Atlas' own 38,000 square foot facility near Edmonton (scheduled for completion in September 2018).

FAQs

Coastline Canada

Q: How many people will you be hiring? How soon?

A: Aside from the construction of the production facility, we anticipate hiring 60-100 local workers for year-round, full-benefit, living wage jobs. We will begin hiring early in the new year.

Q: What will differentiate Coastline from all of the other cannabis producers cropping up all over Canada?

A: The team of individuals we have put together, along with the networks we have cultivated will allow us to be a truly innovative company. We aim to be a certified B Corporation, legally required to consider the impact of our decisions on our workers, customers, suppliers, community, and the environment. We have research agreements with the University of Alberta and the Cross Cancer Institute to utilize our cannabis for further medical research, and are actively looking for further partnerships within the medical field. Our cannabis will be grown organically, without the use of pesticides or GMOs, and everything we produce will be put through rigorous scientific testing before being carefully labeled.

Q: In five years, what will Coastline be known for?

A: Cultivating and producing the best quality medical cannabis in Canada using the most environmentally sensitive methods.

Q: What makes Cannabis so effective?

A: Tetrahydrocannabinol (THC) and Cannabidiol (CBD) are the two main active chemicals produced by the cannabis plant that researchers believe have the most dedicated medicinal applications. However, there are at least 483 known chemical compounds and phytochemicals produced by the plant that have yet to be adequately researched which makes this new industry so exciting. The so-called entourage effect – the mysterious way the hundreds of chemicals in the cannabis plant interact with one another to modulate its effects – is one of the most exciting avenues in cannabis medicine.

Q : How will your cannabis crop be distributed?

A: Through federally and provincially approved and licensed distribution networks.

Q: Will there be pollution, noise or smells coming from your facility?

A: We anticipate there will be minimal noise, smells, or pollution from our indoor production facility, as Health Canada requires 99.999% particulate filtration for this type of facility. We will be incorporating lessons learned by Atlas Growers Ltd through the construction and operation of their own 38,000 square foot facility in Alberta to minimize our impact on our neighbours.

Q: If I am interested in job opportunities with Coastline Canada, how to I apply?

A: You can email us at info@coastlinecanada.com and we will be hosting an open house in the fall where we will provide more information on the types of jobs we are looking to fill immediately and into the future.



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 2380-20 Courtenay Airpark Lease

From: Chief Administrative Officer

Date: September 4, 2018

Subject: Courtenay Airpark Lease Options

PURPOSE:

The purpose of the report is to request approval for staff to proceed with a new long term lease for municipal property for use by the Courtenay Airpark Association.

POLICY ANALYSIS:

The *Community Charter*, section 26 authorizes the City to lease any real property held or owned by the City subsequent to the publishing of notice of the proposed disposition in accordance with section 94. Council is responsible for approving and authorizing the execution of such leases.

CAO RECOMMENDATIONS:

Based on the September 4, 2018 staff report, "Courtenay Airpark Association Lease Options", Council approve Option 1 and direct staff to offer a new long term lease, prior to the expiration of the existing lease, of five years with three options to renew for a further five year term each and include the addition of the float plane dock and ramp as part of the lease area.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The Courtenay Airpark Association delegation made a presentation at the August 7, 2018 Council meeting. At the August 20th, 2018 Council meeting, Council directed staff to review options for a long term lease with the Courtenay Airpark Association (the "CAA"). Staff had a productive meeting with representatives of the CAA on August 24th. The recommendations in this report reflect the options presented in this meeting.

The Courtenay Airpark Association has requested the following:

1. Council to affirm their long term commitment to the existence of the Courtenay Airpark.
2. That the floatplane dock located just within the existing marina and the float plane ramp located on the estuary, be incorporated into their lease.
3. That the City enter into a longer term lease with the CAA.

DISCUSSION:

The City of Courtenay official community plan (OCP) dated 2005 states the following:

The City leases property adjacent to the Courtenay River at 20th Street, to the Courtenay Airpark Association which operates an asphalt surfaced runway for primarily private operators. The city also leases a marina to a non-profit society for pleasure craft beside the airport. These facilities have operated for many years and serve an important role to the City. Council will:

- *protect the integrity of the airpark and marina facilities at 20th Street.*
- *work with non-profit societies to improve and expand facilities as required.*
- *support limited expansion of airport oriented commercial uses including float plane docking facilities, aircraft repair and charter service.*

The Courtenay Airpark Association requests that Council affirm the statements made in the OCP in principle.

In 2004, the City entered into a lease with the CAA for a term five years with three options to renew for an additional five years each. The CAA has exercised two of the renewal options and the lease is to expire on December 31, 2019 subject to one remaining option to renew the lease for an additional five year term. Should CAA exercise this option to renew the lease, this would bring the final expiration date of the CAA lease to December 31, 2024.

To meet the long term lease request of the CAA and align the leases for administrative purposes, staff is proposing three long term lease options for Council's consideration:

1. Continue with the existing lease as contracted to expire at the end of December 31, 2019 and the CAA and City will enter into a new lease before the end of December 31, 2019, offering a five year term with three options to renew for a further term of five years each.
2. Amend the existing lease to include three additional options to renew for a further term of five years each.
3. Propose a new twenty year lease with four further options to renew for a further five year term each.

In each option, the rental rates for each subsequent five year period will be established by an appraisal of market value conducted by a member of the Appraisal Institute of Canada on behalf of the City and each further five year term will be subject to review and approval by Council.

Summary of Airpark Lease Options

Lease Option	Term	Notes
Option 1 – Continue with existing lease and enter into a new lease at expiration: Five years with three options to renew for further term of five years each.	Existing Expiration: Dec 31, 2019 Amended Expiration Date: December 31, 2039	Lease term in line with other municipal owned airports. Allows staff to include in the new lease the float plane dock and ramp. Update rent to appraised market rent, current legislation and best practice. Allows future Councils review and approval every five years. Time to completion: July 2019
Option 2 – Amend lease to include three additional options to renew for a further term of five years each.	Existing Expiration: December 31, 2019 Amended Expiration Date: December 31, 2039	Does not address request for inclusion of the float plane dock and ramp. By using the existing lease, there will be no updates to current legislation and best practice. Future rent can be appraised market rent every five years. Allows future Councils review and approval every five years. Time to completion: November 2018 – January 2019
Option 3 –Upon expiration offer a new 40 year lease: 20 year term with 4 options to renew for each for further five year term.	Existing Expiration: December 31, 2019 Amended Expiration Date: December 31, 2039. If the CAA exercises renewal options the expiration date would be December 31, 2059	Allows staff to process the request to include the float plane dock within the marina and the floatplane ramp in the estuary. Update lease to appraised market rent, current legislation and best practice next year but although rents will be updated every five years, future Council review and approval of the lease will not occur until 2039. Time to completion: July 2019

In consideration of all the long term leasing options, staff recommend Option 1 that supports the following objectives:

1. fulfilling the CAA’s original request for a long term lease – 20 years,
2. allows the City to review adjust rental rates periodically to market in accordance with applicable City policies in affect at the time of renewal,
3. ensure periodic review of the lease to reflect current legislation and best practice, and
4. allows future Council’s weigh in, review and approvals for the leasing of City property.

In regards to the lease terms for the other Airpark tenants, staff recommend the negotiation of leases for each tenant be handled directly with the tenants in lots 1 through 4. This process is to ensure individual lease requirements are discussed and an arms-length relationship with each tenant operating as a business is maintained separate from the not for profit Courtenay Airpark Association. Council must not provide a grant, benefit, advantage or other form of assistance to a business which is prohibited under section 25 (1) of the *Community Charter*. In order to meet the objective of aligning the lease expiration date, staff will offer the same length lease terms as Council approves for the Airpark lease. The leases for lots 1 through 4 will also be subject to legal review to updated leases to current legislation and best practice.

The existing business uses in lots 1 through 4 are existing non-conforming uses within the current Public Use and Assembly Two (PA-2) zoning. Should any of the businesses require a permit, rezoning may be required.

FINANCIAL IMPLICATIONS:

Should Council approve termination of the current lease and direct staff to create a new lease for the Airpark, the following financial implications are summarized below:

- Legal Counsel costs for review and drafting of a new lease: \$3,000 - \$5,000 (under \$1,000 for an amendment)
- Appraisal of market rents by a member of the Appraisal Institute of Canada: \$5,000 to \$6,000 (\$3,500 expected to be incurred for an updated appraisal every five years)
- Airpark rent revenue for 2017 was \$13,122 and estimated to be \$13,400 for 2018 (to be reviewed through the appraisal of market rents)
- Additional Rent: Airpark property insurance recovery \$4,117
- 2019 Estimated Total Permissive Tax: \$152,240 comprised of:
 1. City portion of taxes permissive exempt \$82,385
 2. Other authorities \$69,855

ADMINISTRATIVE IMPLICATIONS:

The lease will be administered through the Legislative and Corporate Services Department. Should Council approve staff to proceed with administration of a new lease, staff estimated ten hours of staff time to administer and coordinate the changes to all affected leases.

ASSET MANAGEMENT IMPLICATIONS:

The established service levels for the Airpark asset will remain the same as all airpark leases with the exception of the Marina and Park Café lease which are triple net leases in which all cost and expenses associated and payable with respect to the Premises are the responsibility of the tenants. There will be an increase in administrative costs every five years for an appraisal of market rents.

STRATEGIC PRIORITIES REFERENCE:

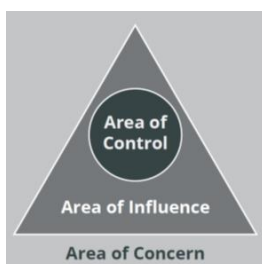
The following section of the City of Courtenay 2016-2018 Strategic Priorities applies:

We actively pursue vibrant economic growth

- Continue to improve our relationship with business in our community
- ▲ Our investment in economic development is measurable

We invest in our key relationships

- We will continue to engage and partner with service organizations for community benefit



- **Area of Control**
The policy, works and programming matters that fall within Council’s jurisdictional authority to act.
- ▲ **Area of Influence**
Matters that fall within shared or agreed jurisdiction between Council and another government or party.
- **Area of Concern**
Matters of interest outside Council’s jurisdictional authority.

OFFICIAL COMMUNITY PLAN REFERENCE:

4.2.3 Policies 5. Airport/Marina Commercial:

Council will:

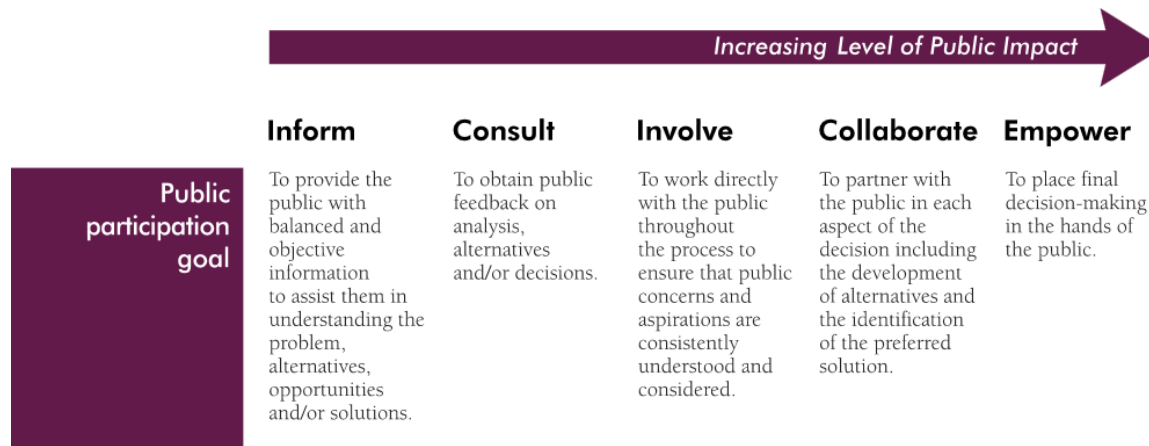
- protect the integrity of the airpark.
- work with non-profit societies to improve and expand facilities as required.
- support limited expansion of airport oriented commercial uses including float plane docking facilities, aircraft repair and charter service.

REGIONAL GROWTH STRATEGY REFERENCE:

Not referenced.

CITIZEN/PUBLIC ENGAGEMENT:

During the process staff will **consult** with the Courtenay Airpark Association as a partnering organization as identified in the *IAP2 Spectrum of Public Participation*.



OPTIONS:

- Option 1: Staff offer a new long term lease, prior to the expiration of the existing lease, of five years with three options to renew for a further five year term each and include the addition of the float plane dock and ramp as part of the lease area.
- Option 2 Amend the existing lease to include three additional five year renewal option.
- Option 3 Offer at expiration of the existing lease a new twenty year lease with four options to renew for a further five year term each.

Prepared by:

Dave Snider RLA
Director of Recreation and Cultural Services

Attachments:

- 1. Leases at the Airpark

Attachment 1
Leases at the Airpark





STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: Zoning Amendment Bylaw No. 2926 – 4697 Headquarters Road

File No: 3360-20-1804
Date: September 4, 2018

PURPOSE:

The purpose of this report is for Council to consider a Zoning Amendment to permit a two-lot subdivision of the property located at 4697 Headquarters Road, legally described as Lot 12, Section 17, Comox District, Plan 2033.

CAO RECOMMENDATIONS:

That based on the September 4th, 2018 staff report 'Zoning Amendment Bylaw No. 2926 – 4697 Headquarters Road' Council approve Option No. 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2926, 2018;

That Council direct staff to schedule and advertise a statutory public hearing with respect to the above-referenced Bylaw on September 17th, 2018 at 5:00 p.m. in City Hall Council Chambers; and

That prior to the final reading of Zoning Amendment Bylaw No. 2926, a covenant be registered on title to secure the creation of a statutory right-of-way on the property for drainage maintenance and operation purposes.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The applicant is proposing to rezone the property located at 4697 Headquarters Road from Residential One A Zone (R-1A) to the Rural Residential Five Zone (RR-5) to facilitate a two residential lot subdivision.

The subject land has remained undeveloped since it was included within City boundaries in 2002. The property is 1.73 hectares in size and is serviced by City Services.

The property is located within a suburban residential



neighbourhood bounded by Headquarters Road to the northeast, a large lot residential property to the northwest, Maple pool Campground to the southeast and the Tsolum River to the southwest. In recent years, the property has been cleared with the exception of the trees at the property's boundary. There is an existing rip rap revetment on the left bank of the Tsolum River (on the property) and the property is relatively flat and gently slopes towards the river.

The intent of this rezoning application is to create two single family residential lots with parcel sizes of 0.40 ha (4,000 m²) and 0.59 ha (5,990 m²) with driveway access off Headquarters Road (**Attachment No. 1**). The plan shows building envelopes located within cleared portions of the site that are approximately 139 m² (1,500 ft²) in size.

The proposed subdivision application will be processed separately should the zoning amendment be adopted by Council. Approval of the subdivision is at the discretion of the City's Approving Officer.

When calculating the lot sizes of proposed Lot A (4,000 m²) and Lot B (5,990 m²), the applicant accounted for the land area of 139.6 m² required for the creation of a statutory right of way on Lot B which the City requires for drainage maintenance and operational purposes (**Attachment No. 2**).

DISCUSSION:

Official Community Plan Review

The subject property is designated Suburban Residential within the Official Community Plan (OCP) and is located within the Sandwich/Headquarters Local Area Plan (LAP) area.

The development is consistent with the Suburban Residential designation which supports the development of serviced single residential lots larger than 2,500 m² in size that do not detract from the semi-rural character of residential lands. Additionally, the OCP supports the establishment of low-density residential uses that complement smaller scale commercial and agricultural uses typically found in suburban residential neighbourhoods.

The Sandwich/Headquarters LAP defines appropriate forms of residential infill and provides a framework for reviewing rezoning, subdivision and development permit applications. The proposed development is consistent with residential policies within the LAP including the development of single-family detached dwellings as the primary form of housing and the creation of new lots with minimum parcel sizes of 4,000 m² when connected to sewer services.

The site is within short driving and/or cycling distance to local amenities including the Lewis Recreation Centre, North Island College, the Comox Valley Hospital, local restaurants, financial institutions and local shopping areas including Downtown Courtenay, and the Washington Park Centre (Supertore). It is also within walking distance of G.P. Vanier Secondary School.

The proposed housing form (large lot single family use) is consistent with the land use pattern envisioned in this neighborhood and is similar to the land use pattern established in adjacent and surrounding neighbourhoods. Also, the proposed densities (two lots of 4,000 m² and 5,990m²) are within the range of densities permitted in this local area.

Zoning Bylaw

This application is for a zoning amendment to change the zoning classification of the subject property from the R-1A zone to the RR-5 zone. In general the R-1A zone is a large lot, rural residential zone with a 1 hectare minimum lot size and a 30 m minimum frontage. The RR-5 zone is also a large lot, rural residential zone; however it allows smaller lots with a minimum lot size of 4,000 m² and shorter frontage requirement than the R-1A zone creating the potential of two single family residential lots on the subject property. Other zoning requirements such as building height, lot depth, principal uses and parking requirements are the same in both zones.

The proposed zoning is consistent with the OCP policy objectives. While it will result in a modest increase in residential density, it fits within the broader neighbourhood context. The RR-5 Zone is already established along the east side of Headquarters Road with lots ranging in size from 2,000 m² to 9,000 m².

From a zoning perspective, the proposed subdivision plan meets the requirements of the RR-5 zone for minimum lot size, lot depth and lot frontage. The building envelopes noted on the subdivision plan suggest building setbacks and lot coverages will be easily accommodated. Off-street parking is available on each lot through garages and driveways.

Condition of Rezoning

In accordance with the OCP a covenant will be required to secure amenities for affordable housing and for parks, recreation, cultural and seniors facilities prior to subdivision approval. Additionally, the covenant will require the registration of a 2.5 metre wide statutory right of way with an area of 139.6 m² over part of Lot 12, Section 17, Comox District, Plan 2033 (**Attachment No. 2**) prior to subdivision approval. The statutory right of way is required for storm drainage purposes. The covenant is to be registered on the land title prior to adoption of the zoning amendment bylaw and the applicant is required to pay all associated legal fees.

Environmental Permitting and Subdivision

Should the proposed zoning amendment be adopted by Council, the applicant will be required to obtain an Environmental Development Permit (EDP) to address riparian setbacks to the Tsolum River and invasive species management. To date, the applicant has submitted an Environmental Impact Assessment and a Riparian Area Regulation Assessment Report to City Staff for review.

In addition the subdivision application will address issues related to floodplain management, site servicing, geotechnical requirements and road improvements along Headquarters Road.

FINANCIAL IMPLICATIONS:

There are no direct financial implications related to the processing of this rezoning application as the fees are designed to offset the administrative costs. The application fee for the proposed zoning amendment was \$3,000.

The applicant will be contributing towards the affordable housing and the parks, recreation, cultural, and senior's amenity reserve funds for the additional lot created through the rezoning process. The total amenity contribution is \$7,000 in accordance with the formula is set out in the OCP (Policy 7.7(5)).

Should the Zoning Amendment Bylaw be adopted, the applicant will be required to apply for subdivision approval and an environmental development permit. Subdivision fees are currently \$600 for the first parcel plus \$150.00 for each additional lot. The fee for the Development Permit is \$1,000.

Following subdivision, property owners would be required to apply for a Building Permit and subsequent inspections. Building permit fees are \$7.50 for every \$1,000.00 of construction value. The development will also be subject to the development cost charges of the City and Comox Valley Regional District.

ADMINISTRATIVE IMPLICATIONS:

Processing zoning bylaw amendments is a statutory component of the corporate work plan. Staff has spent approximately 15 hours processing and reviewing this application. Should the proposed zoning amendment receive First and Second Readings, staff will spend an additional 5 hours in preparation for the Public Hearing, preparation of the covenant to be registered on title, and processing the Zoning Amendment. If the Zoning Amendment is adopted, additional staff time will be required to process the Environmental Development Permit, Subdivision and the Building Permit application.

ASSET MANAGEMENT IMPLICATIONS:

The proposal includes the installation of new infrastructure including water, storm and sanitary services for the proposed lot. Installation of this infrastructure is funded by the developer; however, the City will assume ownership of the portion of these assets within the City road right of way and is responsible for the ongoing maintenance and replacement costs. Also, the City will be responsible for maintaining the drainage SRW area that will be established on Lot B at the time of subdivision.

STRATEGIC PRIORITIES REFERENCE:

Development applications fall within Council’s area of control and specifically align with the strategic priorities to support meeting the fundamental corporate and statutory obligations of the City and to support diversity in housing.



OFFICIAL COMMUNITY PLAN REFERENCE:

Residential

4.4.2 Goals

(7) Preserve the integrity and character of existing residential areas with any redevelopment proposal.

4.4.3 Policies

(1) Balance land uses to create vibrant and diverse neighbourhoods and community.

4.4.3 Density

2(b) Suburban designation is for single residential development with lot sizes greater than 2500 sq.m. and full urban services.

4(c) New development will consider:

- neighbourhood interests*
- pedestrian linkages*
- urban standard municipal roads and services*
- proximity to services, community facilities, schools, parks and shopping*
- traffic pattern and overall site design*
- form of housing*

Sandwich/Headquarters Road Local Area Plan

3) Land Use and Servicing Strategy

Residential Areas

3.3 – The Plan area will continue to be predominately residential areas, with single family detached dwellings as the primary housing form.

3.7 – Subdivision of existing larger lots within the neighbourhood areas will be permitted once sewer services is provided to any such lots. However, the conditions for considering subdivision will reflect the character of each neighbourhood.

Undeveloped Lands

3.11 – The development of large undeveloped parcels will be residential in nature.

3.12 – With the provision of sewer services, development of any large undeveloped parcel should reflect the overall density of the surrounding or adjacent neighbourhood(s).

Environmentally Sensitive Development Permit Area

A. Location and Qualifying Category

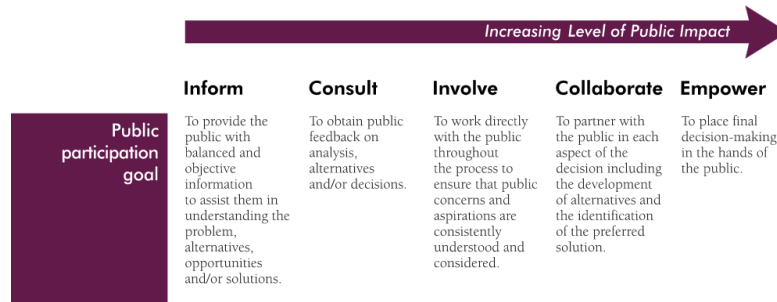
Policy 4 (a) (1) for the Courtenay, Puntledge and Tsolum Rivers the development permit area shall be 30 metres as measured from the top of bank.

REGIONAL GROWTH STRATEGY REFERENCE:

The proposed development is consistent with the following Regional Growth Strategy policies: locating housing close to existing services, directing infill and redevelopment to lands located in municipal areas and developing and maintaining a diverse, flexible housing stock.

CITIZEN/PUBLIC ENGAGEMENT:

The level of public engagement is “**Consult**” based on the IAP2 Spectrum of Public Participation:



Prior to this application proceeding to Council, the applicant held a public information meeting on April 19, 2018 at the Courtenay Public Library. Property owners and occupiers within 100 metres of the subject property were invited to attend the meeting. A summary of the public information meeting and related public comments have been included as **Attachment No. 3**.

According to the applicant's report, three persons other than the applicant or agent attended the meeting and City Staff have received one public comment in support of the application.

OPTIONS:

OPTION 1: (Recommended)

That based on the September 4th, 2018 staff report 'Zoning Amendment Bylaw No. 2926 – 4697 Headquarters Road' Council approve Option No. 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2926, 2018;

That Council direct staff to schedule and advertise a statutory public hearing with respect to the above-referenced Bylaw on September 17th, 2018 at 5:00 p.m. in City Hall Council Chambers; and

That prior to the final reading of Zoning Amendment Bylaw No. 2926, a covenant be registered on title to secure the creation of a statutory right-of-way on the property for drainage maintenance and operation purposes.

OPTION 2: That Council postpone consideration of Zoning Amendment Bylaw No. 2926 with a request for more information.

OPTION 3: That Council not proceed with Zoning Amendment Bylaw No. 2926.

Prepared by:

Dana Beatson, MCIP, RPP
Land Use Planner

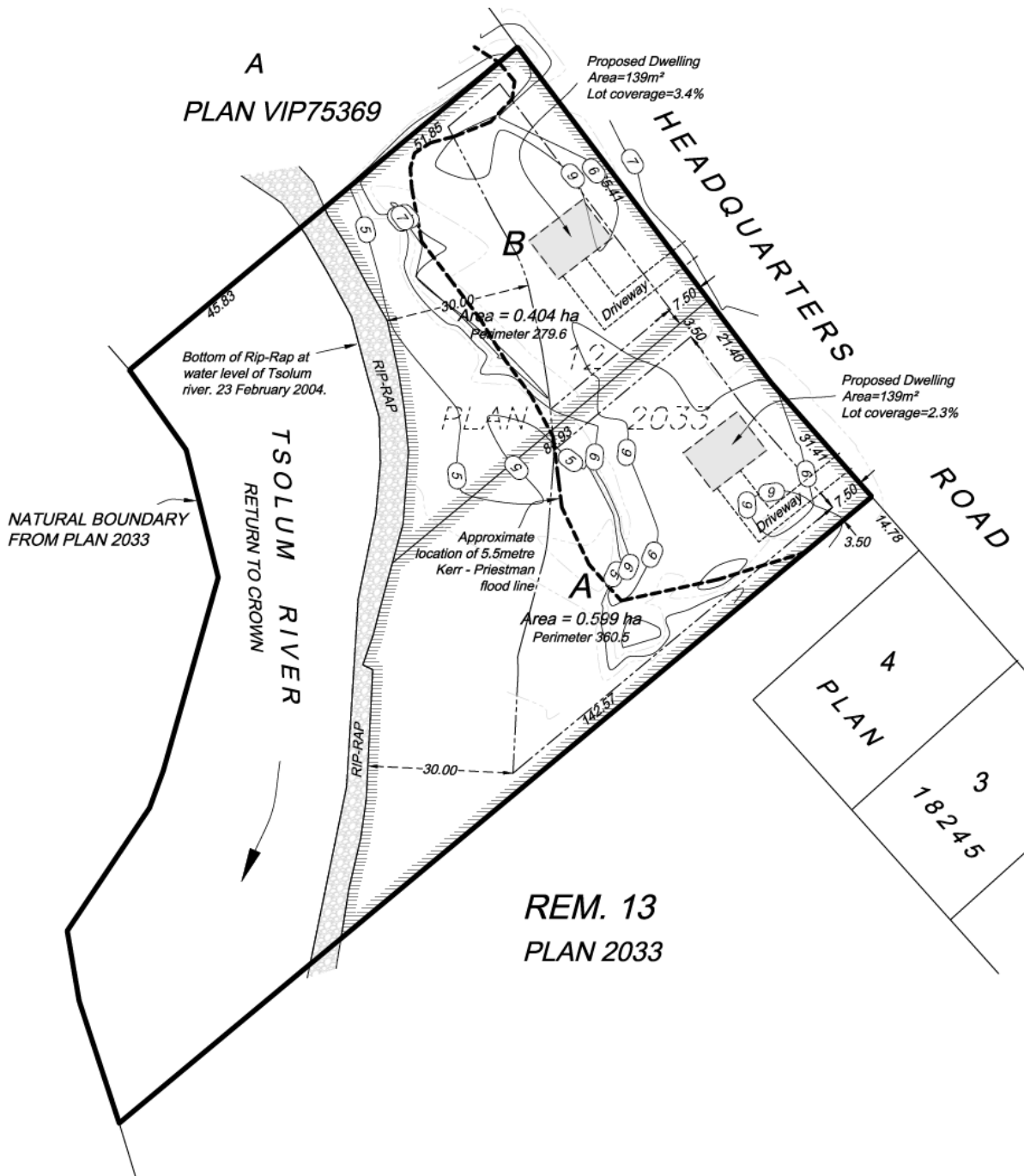
Reviewed by:

Ian Buck, MCIP, RPP
Director of Development Services

Attachments:

1. *Conceptual Subdivision Plan*
2. *Statutory Right of Way Plan Over Part Of Lot 12, Section 17, Comox District, Plan 2033,*
3. *Public Information Meeting Summary & Public Comments*
4. *Applicant's Submissions*

ATTACHMENT No. 1
Conceptual Subdivision Plan

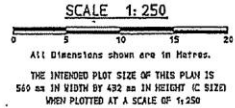


ATTACHMENT No. 2
 Statutory Right of Way Plan Over
 Part Of Lot 12, Section 17,
 Comox District, Plan 2033

STATUTORY RIGHT OF WAY PLAN
 OVER PART OF LOT 12
 SECTION 17
 COMOX DISTRICT
 PLAN 2033

PLAN EPP62285

PURSUANT TO SECTION 113 OF THE LAND TITLE ACT,
 BCGS 92F.076



LEGEND

BEARINGS ARE NAD83 (CSRS) GRID BEARINGS, DERIVED FROM DIFFERENTIAL CARRIER PHASE
 GPS OBSERVATIONS AND ARE REFERRED TO THE CENTRAL MERIDIAN OF ZONE 18 (1123° WEST)

THIS PLAN SHOWS HORIZONTAL GROUND LEVEL DISTANCES, UNLESS OTHERWISE SPECIFIED,
 TO COMPUTE GRID DISTANCES, MULTIPLY GROUND LEVEL DISTANCES BY THE AVERAGE
 CORRECTION FACTOR OF 0.9998594. THE AVERAGE CORRECTION FACTOR HAS BEEN
 DETERMINED BASED ON AN ELLIPSOIDAL ELEVATION OF NEGATIVE 4 METRES.

THE UTM COORDINATES AND ESTIMATED NETWORK HORIZONTAL ACCURACY ARE DERIVED
 FROM GPS DUAL FREQUENCY STATIC OBSERVATIONS POST-PROCESSED USING GEODETIC
 SURVEY OF CANADA'S PPP SERVICE.

- DENOTES STANDARD IRON POST FOUND
- sq DENOTES SQUARE METRES
- + DENOTES UNMARKED MEASURED POINT
- △ DENOTES TRAVERSE POINT

NOTE: THIS PLAN SHOWS ONE OR MORE WITNESS
 POSTS WHICH ARE NOT SET ON THE TRUE CORNER



NATURAL BOUNDARY FROM PLAN 2033

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS
 COMPLETED ON THE 12TH DAY OF MAY, 2016
 BY IAN W. ZAHARKO, BCLS NO. 680

THIS PLAN LIES WITHIN:
 THE COMOX VALLEY REGIONAL DISTRICT AND THE CITY OF COURTENAY

A
 PLAN VIP75369

SECTION 18

12
 PLAN 2033

(SEE POSTING PLAN 95911)

SECTION 17

NATURAL BOUNDARY FROM PLAN VIP75369

ISOLUM RIVER

FILL

TOP OF BANK OF RIPRAP FILL

APPROXIMATE TOE OF RIPRAP FILL

135° 30' 30"

125° 30' 30"

92° 18' 50"

142° 18' 40"

2.300

2.300

40.997

92° 18' 50"

40.947

SRW AREA 139.6 M²

2.30

142° 22' 40"

142° 22' 40"

142° 22' 40"

142° 22' 40"

142° 22' 40"

142° 22' 40"

142° 22' 40"

142° 22' 40"

142° 22' 40"

142° 22' 40"

142° 22' 40"

142° 22' 40"

142° 22' 40"

142° 22' 40"

142° 22' 40"

DATUM	NAD83 (CSRS)	3.0.0 BC, 1 NVT
NORTHING	5507443.90	
EASTING	356659.59	
COMBINED FACTOR	0.9998594	
ESTIMATED HORIZONTAL POSITIONAL ACCURACY	IS 0.10	

DATUM	NAD83 (CSRS)	3.0.0 BC, 1 NVT
NORTHING	5507555.16	
EASTING	356609.52	
COMBINED FACTOR	0.9998595	
ESTIMATED HORIZONTAL POSITIONAL ACCURACY	IS 0.10	

ZAHARKO LAND SURVEYING INC.
 BRITISH COLUMBIA LAND SURVEYORS
 1-1841 COMOX AVENUE
 COMOX, B. C.
 V9H 2H3
 TEL: 250.339.9711
 FILE: 1407-9F

ATTACHMENT No. 3
Public Information Meeting Summary
and Public Comments



RECEIVED
APR 20 2018
CITY OF COURTENAY

1 - 1841 Comox Ave
Comox, BC V9M 3M3
T 250.941.0804
F 250.941.0805
GrantLandSurveying.com

April 19, 2018

TURNBULL PUBLIC MEETING - SUMMARY REPORT

To Whom It May Concern,

The public meeting concerning Turnbull's rezoning application took place for 2 hours at the public meeting room in the Courtenay Library.

There were 5 attendees including the property owners and myself.

The meeting was advertised by sending a notice sheet containing the following to the address's within 100m of the property as identified by City staff:

- time, date and location of the public information meeting
- address and map of the proposed development site
- description of your proposal
- opportunity to provide written feedback
- applicant contact information

At the meeting we had for viewing and discussion a blown up copy of the proposed subdivision plan submitted with the original application.

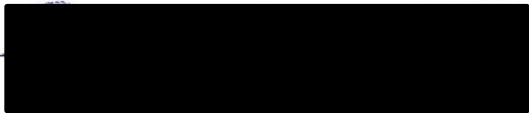
The major discussion point from the public at the meeting was support for the rezoning and that the Turnbull's should be requesting rezoning to allow for more than 2 lots as they believed the property should allow for higher density.

Kind regards

A handwritten signature in black ink that reads "Sandy Grant". The signature is fluid and cursive, with a long horizontal stroke at the end.

Sandy Grant BCLS

PUBLIC INFORMATION MEETING
March 27, 2018 - 6-8pm
SIGN IN SHEET
FOR
ROBERT TURNBULL - 4697 HEADQUARTERS ROAD

NAME (Please Print)	ADDRESS
	4694 HEADQUARTERS RD. 4680 HEADQUARTERS " " "

PUBLIC INFORMATION MEETING
March 27/18 - 6-8pm @ Courtenay Library

RECEIVED
MAR 23 2018
CITY OF COURTENAY

ZONING AMENDMENT - 4697 HEADQUARTERS ROAD

COMMENT SHEET

Name: [REDACTED]

Address: 4680 HEADQUARTERS + 4694 HEADQUARTERS
(ACROSS THE ROAD) Phone: [REDACTED]

Robert and Dianne Turnbull have applied to the City of Courtenay for an Zoning Amendment. The current zoning is Residential One A (R-1A) and the application is for the property to become Rural Residential Five (RR-5). The minimum lot size in RR-5 is 4000 sq.m (1 acre). The purpose of this application is to allow for a proposed 2 lot subdivision. This project is under review by staff in the Planning Department of the City.

Given the information you have received regarding this project do you have any comments or questions?

IN MY OPINION THIS IS A VERY REASONABLE AND RATIONAL REQUEST. IN FACT I BELIEVE HALF ACRE LOTS WOULD BE JUST FINE, LIKELY GOOD PEOPLE WILL BUY AND BUILD ON THESE LOTS MEANING AN OVERALL IMPROVEMENT TO THE NEIGHBOURHOOD. IN THE PAST WE HAVE OBSERVED UNSAVORY CHARACTERS DOING DRUGS AND SELLING DRUGS AND SQUATTING ON THE SUBJECT PROPERTY. ENCOURAGING RESPONSIBLE HOMEOWNERS, HOME BUILDERS AND FAMILIES ONTO THIS PROPERTY AND OTHER PROPERTIES IN THE NEIGHBOURHOOD WILL CLEAN UP THIS AREA OF COURTENAY. CITY SHOULD SUPPORT IT.

Please return your comments by April 6, 2018

Comment sheets can be submitted by one of the following methods:

1. Drop off or mail your comments to: Development Services Dept. City of Courtenay, 830 Cliffe Ave, Courtenay, BC V9N 2J7
2. Email your comments to planning@courtenay.ca
3. Fax your comments to: 250-334-4241

ATTACHMENT No. 4
Applicant's Submissions



February 27, 2018

PROJECT SUMMARY

To Whom It May Concern

Regarding the Rezoning Application:

The project involves the rezoning of the subject property to the minimum lot size supported in the LAP (Local Area Plan) which will then be followed by a two lot subdivision (see attached Plan). The resulting two lots could be used for:

- One single residential dwelling
- Accessory building
- Home occupation
- Agricultural use

The project is proposing to supply two lots to the real estate market.

We understand that at the acceptance of the Rezoning Application that a sign will be required to be placed on the property in the form outlined in Schedule 12 of the Development Application Procedure.

Regarding the Subdivision Application:

We anticipate requiring water, sewer and electricity servicing to support one of the permitted uses listed above.

At the point of this Subdivision Application no Development Permits were indicated as being needed by the DART or Pre-Application Meeting.



STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: Storefront Cannabis Retailers Policy

File No.: 3360-20-1811
Date: September 4, 2018

PURPOSE:

The purpose of this report is for Council to consider adopting a policy on the retail sale of cannabis in the City of Courtenay.

CAO RECOMMENDATIONS:

That based on the September 4, 2018 staff report "Storefront Cannabis Retailers Policy", Council adopt the attached Storefront Cannabis Retailer Policy.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

At the June 18, 2018 Council Meeting, staff presented a zoning amendment bylaw (Bylaw 2935) to define and restrict the retail sale of cannabis in the City in addition to a policy intended to provide guidance for staff and applicants on locating retail stores. Bylaw 2935 was adopted on July 16, 2018, but Council requested further consultation on the policy document prior to final consideration of it.

As outlined in the June 18th report, the proposed policy would not fetter Council's decision making authority in relation to each application which would ultimately be considered on its own merits. The policy would however provide a guide to applicants and staff in this process.

Similar policy frameworks are being contemplated by many local governments and is currently in place in the City of Victoria. It is supported from a legal perspective and has recently been considered by the BC Supreme Court where the Chief Justice of BC accepted that such a policy would not entitle an applicant to rezoning even if they met the general criteria.

The approach aligns with the Provincial cannabis legislation. While the Provincial Government has the authority to issue licences for the retail sale of cannabis, the City will retain control over land use management criteria such as zoning and determining where and how many cannabis retail stores will be permitted. Furthermore, pursuant to the Cannabis Control and Licensing Act (s.33) the province will not issue a licence for the retail sale of cannabis unless the local government is supportive of the proposal. Similar to the existing liquor licensing process, the City will be required to gather the views of residents

prior to forwarding comments to the province. As such the public hearing process required for a rezoning application can also be used to gather the views of residents for the provincial license.

DISCUSSION:

Following Council direction an Open House was held on the evening of July 4, 2018 at the Evergreen Lounge. Three Development Services staff members were on hand to respond to questions regarding the proposed policy specifically and cannabis regulations more generally. The event was attended by 70-80 people and approximately 55 surveys were completed that evening.

In addition to the Open House staff posted the survey on the City’s website and copies were provided at the City Hall planning desk for the month of July. **In total 549 surveys were completed.** A summary of the survey results are included in this report for Council consideration. A separate binder of all comments has been provided to Council and is available at the planning desk.

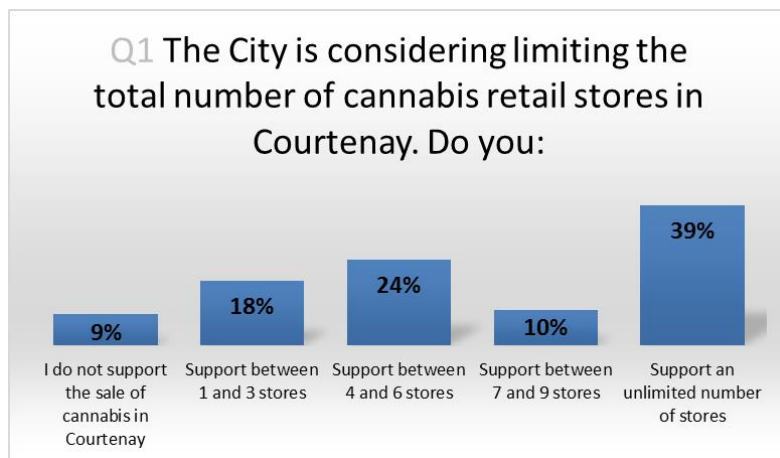
The following sections summarize the results of the survey and the changes to the proposed policy based on the feedback received.

Number of Stores

Respondents to the survey generally supported retail cannabis sales in the City with only 9% opposed. The highest proportion of respondents (39%) supported an unlimited number of stores. Staff had previously proposed a limit of 5 stores, however it is suggested this number be increased to 6.

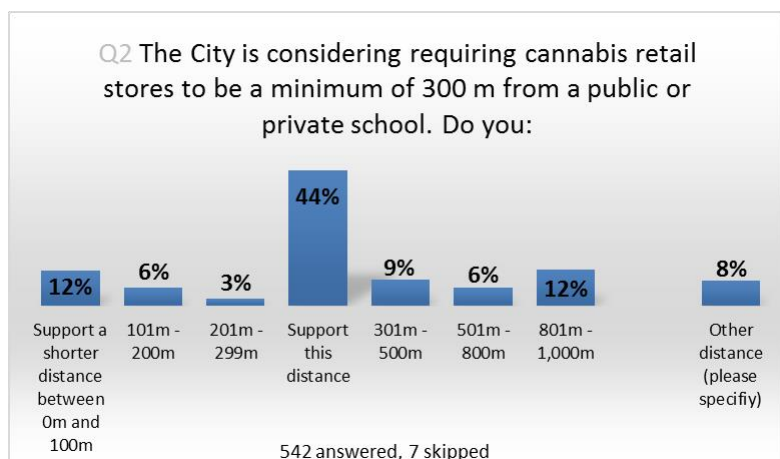
Applications would be considered on a first come first served basis as they are referred to the City by the Provincial Government. As

government run stores are not required to apply for licensing through the Provincial referral system, staff recommend that 1 of the 6 stores be allocated for a Government store.



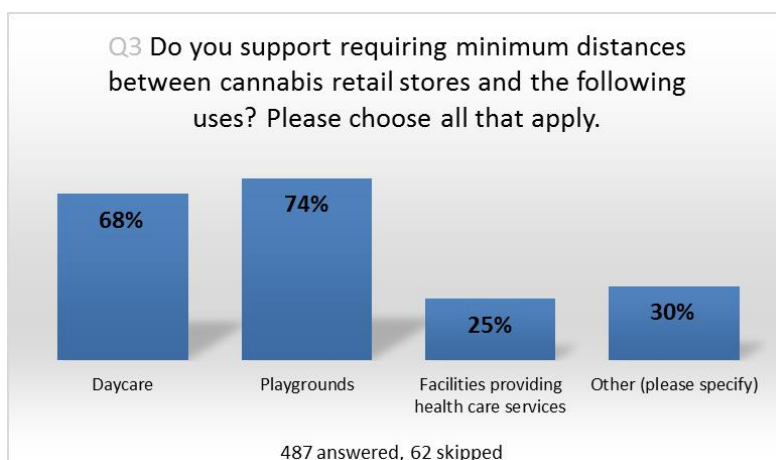
Distance to Schools

With regard to the distance from retail stores to public and private schools staff had proposed a minimum distance of 300m. The survey results indicate support for this distance with 44% in favour of 300m. There was a mix of support for both shorter distances and longer distances, but the majority (65%) supported 300m or lower. Based on these results staff recommend keeping the 300m distance.



Distance to Other Uses

In addition to the distance from schools and between retail stores, the survey asked if there was a desire to limit distances to day cares, playgrounds, or health care facilities. The responses were high for daycares (68%) and playgrounds (74%) but there was limited support (25%) for health care facilities.



Daycares

When reviewing options for the policy document earlier this year, staff considered the inclusion of daycares. It became apparent in the analysis that it was somewhat challenging to map this use. While the City has good records for the location of larger well established facilities, the provincial licensing mechanism allows daycares with 8 children or less to be located in any zone increasing the difficulty in tracking. **Staff recommend this use be left out of the policy and consider any local concern related to daycares at the time of assessing the individual rezoning applications.**

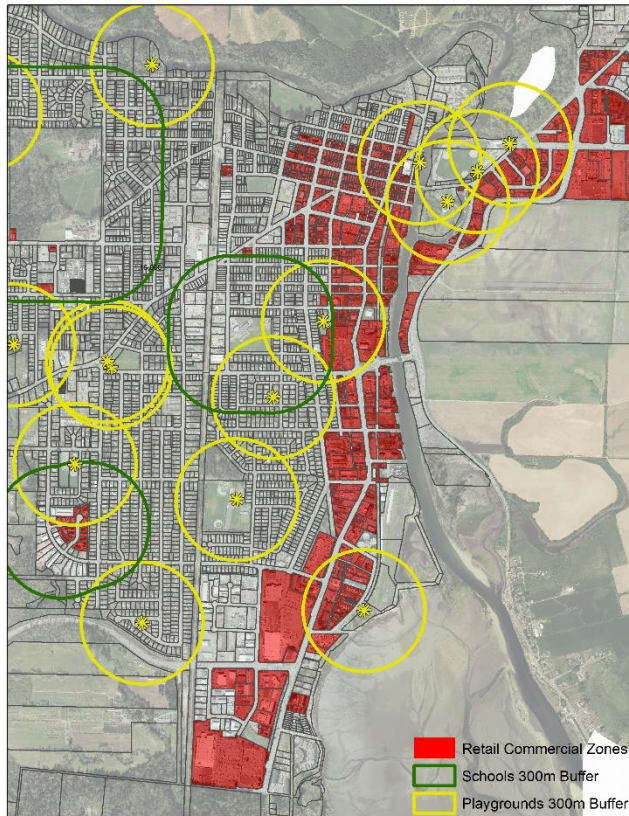
Health care facilities

With regard to health care facilities staff do not recommend including a buffer distance. This question generated some discussion at the open house and comments in the survey about the type of health care service. These comments advised that in some instances it would be beneficial to have cannabis sales very proximal to the health care service while in other instances, such as addiction services, the distance should be quite large. **Similar to daycare facilities staff recommend consideration of this use at the individual application level.**

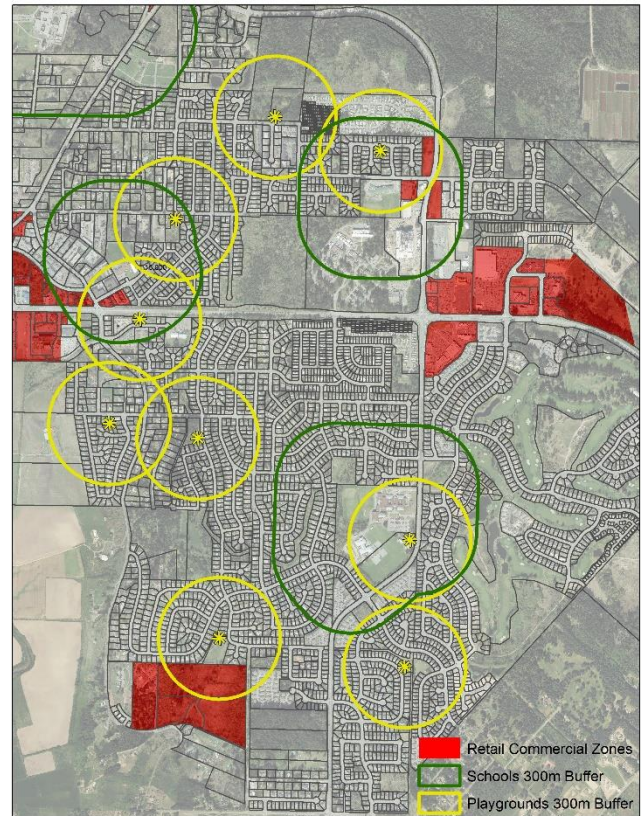
Playgrounds

Public opinion showed strong support for a buffer distance to playgrounds. The calculated average of the survey results was 439m. Review of the data shows this average was skewed by a few very large distances and **staff recommend the median value of 300m be used as a buffer, similar to what is proposed for schools.**

Using the asset management registry staff have mapped the location of playground equipment in City parks and mapped a 300m buffer to those facilities. The map below shows the 300m radius to playgrounds and to schools in relation to the commercial areas that permit retail uses. Of note, the buffer area to schools is measured from the perimeter of the school property while the playground buffers are measured from the structure itself. This was chosen as some of the playground structures were located within large park spaces.



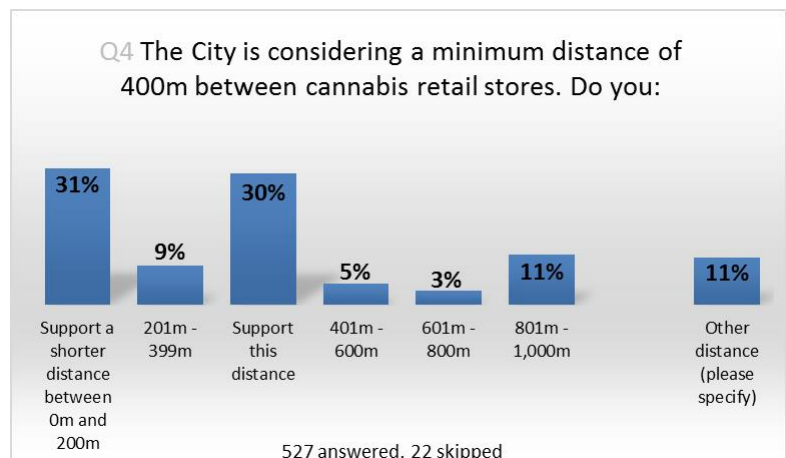
West Courtenay School and Playground Buffers



East Courtenay School and Playground Buffers

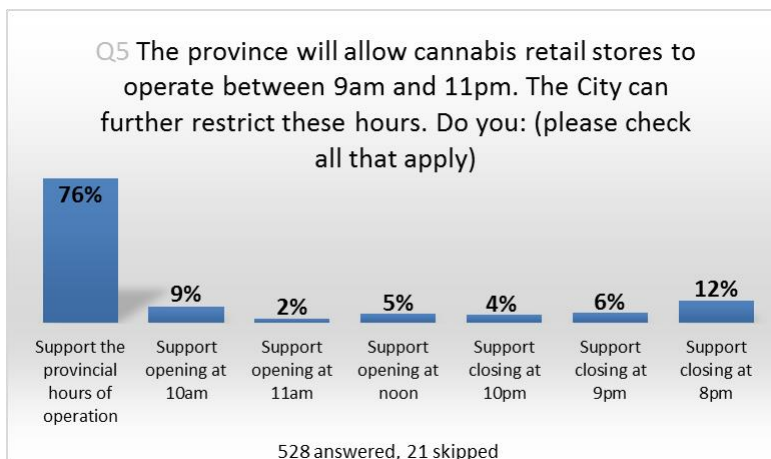
Distance Between Stores

The June 18th draft policy contained a provision for a minimum distance of 400m between individual stores. As part of the survey, the public were asked if they supported this distance or if they support shorter or longer distances. The responses showed a desire to maintain or reduce this distance. 31% of respondents supported 0m to 200m between stores and 30% supported the proposed 400m distance while 9% supported between 201 and 399m. While the public clearly supported maintaining or reducing the proposed 400m buffer there was no clear preference. Accordingly, **staff recommend keeping the original 400m proposal.**



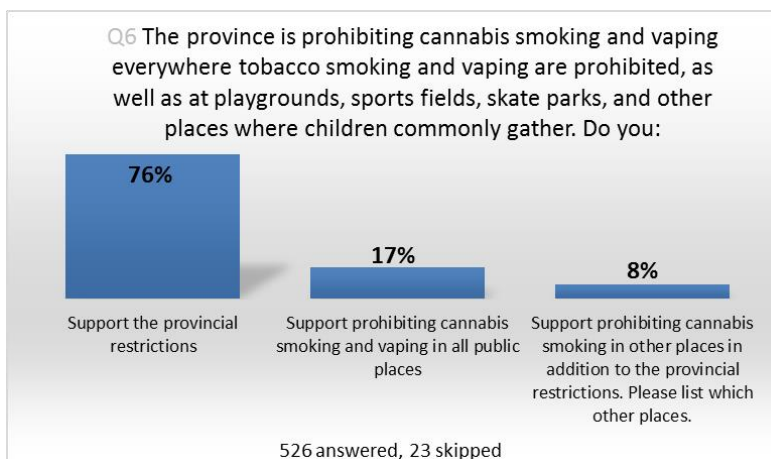
Hours of Operation

Provincial regulations will permit stores to operate between 9am and 11pm unless further restrictions are imposed by the local government. An overwhelming majority (76%) of survey respondents indicated support for the provincial hours. **Staff support maintaining the provincially regulated hours.**



Smoking Regulations

The provincial regulations prohibit cannabis smoking and vaping everywhere tobacco smoking and vaping are prohibited. Additionally, the province is restricting cannabis smoking in playgrounds, sports fields, skate parks and other places where children commonly gather. While the City has the authority to further restrict smoking in all public places **the majority of respondents (76%) indicated support for the provincial requirements.** The provincial smoking requirements are enforced locally by the VIHA Tobacco and Vapour Prevention and Control Program.



Staff suggest that if smoking complaints increase following legalization of cannabis Council may wish to direct staff to explore options and enforcement implications of broadening the scope of local smoking restrictions.

FINANCIAL IMPLICATIONS:

The Application fee for rezoning will be \$3,000 and the fee for consideration of the provincial licence will be \$500. These are the same fees charged for a liquor store.

Staff will bring forward amendments to the business licence bylaw to add the category of Storefront Cannabis Retailer and set the annual licence fee at a future council meeting.

ADMINISTRATIVE IMPLICATIONS:

The Planning Division is currently responsible for processing liquor licence applications and will be responsible for processing any storefront cannabis retailer licences. As a new, and yet to be fully

implemented provincial licensing regime, it is difficult to estimate the time required to process each application. However, current liquor licence applications take on average 10 hours to process. Applications to rezone to permit the retail sale of cannabis are anticipated to take approximately 40 hours. At this time bylaw enforcement implications are anticipated to be minimal with respect to the retail sale of cannabis from a land use perspective. If Council considers other regulations such as limiting smoking in public, the implications on bylaw enforcement could be significant.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications with the proposed policy.

STRATEGIC PRIORITIES REFERENCE:

We actively pursue vibrant economic growth

- Continue to improve our relationship with business in our community

OFFICIAL COMMUNITY PLAN REFERENCE:

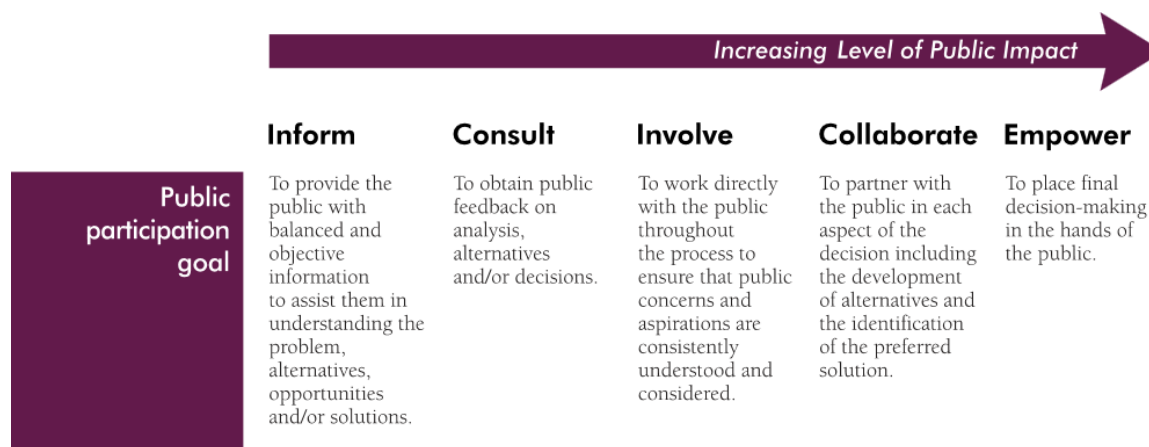
There are no direct references in the Official Community Plan to this use, however the OCP generally supports the utilization of existing serviced and designated commercial lands prior to considering new commercial development areas. The proposed policy requires storefront cannabis retailers to locate in an established retail location where the current zoning permits retail sales.

REGIONAL GROWTH STRATEGY REFERENCE:

The proposed zoning amendment aligns with the Regional Growth Strategy policy to locate retail and other commercial employment activities within Core Settlement Areas.

CITIZEN/PUBLIC ENGAGEMENT:

Staff have **consulted** with the public based on the IAP2 Spectrum of Public Participation:



As noted in the discussion above, consultation took place during the month of July and included an Open House, online survey and hardcopy survey handed out at the open house, at a City booth downtown on Market Day and at the Development Services counter at City Hall. 549 surveys were completed.

Staff have also consulted with the Downtown Courtenay Business Improvement Association (DCBIA) to gauge their desire for cannabis retailers in the Downtown area. Following a survey of their members the board made the following - "**Downtown Courtenay will allow for dispensaries Downtown Courtenay but must be a limited number of 3**". It is noteworthy that like most land use issues, the opinion was not unanimous among the membership. The discretion in the proposed policy framework is designed to take into consideration concerns of immediate neighbours in the decision making process.

OPTIONS:

OPTION 1 (recommended)

That Council adopt the Storefront Cannabis Retailers Policy as outlined in Attachment No.1 and direct staff to prepare amendments to Business Licence Bylaw 2523 to include cannabis regulations.

OPTION 2

That Council direct staff to make specific amendments to the Storefront Cannabis Retailers Policy prior to adoption.

OPTION 3

That Council not adopt a Storefront Cannabis Retailers Policy and restrict the sale of cannabis in the City.

Prepared by:



Ian Buck, MCIP, RPP
Director of Development Services

Attachment No. 1 – Storefront Cannabis Retailers Policy

Attachment No. 1 – Storefront Cannabis Retailers Policy

City of Courtenay Policy **Page 1 of 2**

Section 13 - Planning and Development	Policy #
Subject: Storefront Cannabis Retailers	Revision # 1

The purpose of this policy is to outline the criteria that may be considered by City Council as part of a rezoning application or temporary use permit application to allow for retail cannabis sales at a particular location. This policy is intended to guide applicants and City staff as part of the application process but it is not intended to fetter Council's discretion when dealing with individual applications, each of which will be evaluated on its own merits.

This policy was established in response to the legalization of cannabis by the federal government and the potential unregulated proliferation of storefront cannabis retailers. It is intended to address potentially adverse community impacts of storefront cannabis retailers, including inappropriate exposure of minors to cannabis and the undesirable concentration of storefront cannabis retailers.

B. DEFINITIONS

Applicant means an applicant for a rezoning that would allow for a storefront cannabis retailer at a particular location.

Storefront Cannabis Retailer means a premises where cannabis is sold or otherwise provided to a person who attends at the premises.

C. POLICY STATEMENTS

Rezoning Considerations

1. Storefront cannabis retailers will only be considered in an established retail location where the current zoning permits retail sales.
2. A storefront cannabis retailer should be:
 - a. at least 300 m (in a straight line from closest lot line to closest lot line) from a public or independent elementary, middle or secondary school.

AUTHORIZATION:	DATE:
-----------------------	--------------

City of Courtenay Policy **Page 2 of 2**

Section 13 - Planning and Development	Policy #
Subject: Storefront Cannabis Retailers	Revision # 1

- b. at least 400 m (in a straight line from closest lot line to closest lot line) from another lot where a storefront cannabis retailer is permitted, whether or not a storefront cannabis retailer is active on that lot.
 - c. at least 300m from a City owned playground facility including the spray park and skateboard parks.
3. Cannabis sales are not permitted at special events, public markets or farmers markets.
 4. This Policy does not limit Council from considering variances to the separation distances noted in (2) based on circumstances related to a specific application.
 5. The off-street parking requirements applicable to retail stores as outlined in Division 7 of Zoning Bylaw 2500, 2007 and amendments thereto will apply to storefront cannabis retailers.
 6. Only one storefront cannabis retailer will be allowed per lot.
 7. The maximum number of storefront cannabis retailers in the City is five (5) private retailers and one (1) Government run store.

Application Process

The applicant must undertake all of the standard processes required for a rezoning application pursuant to Development Application Procedures Bylaw No. 2790, 2014 and amendments thereto.

AUTHORIZATION:	DATE:
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STAFF REPORT

To: Council

File No.: 3360-20-1812

From: Chief Administrative Officer

Date: September 4, 2018

Subject: Zoning Amendment Bylaw No. 2936 to allow for a secondary suite at 1081 Mantle Drive

PURPOSE:

The purpose of this report is for Council to consider an application to rezone the property located at 1081 Mantle Drive from Residential One Zone (R-1) to Residential One S Zone (R-1S) to permit a secondary suite.

CAO RECOMMENDATIONS:

THAT based on the September 4th 2018 Staff report, "Zoning Amendment Bylaw No. 2936 to allow for a secondary suite at 1081 Mantle Drive" Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2936, 2018; and

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2936, 2018 on September 17th, 2018 at 5:00 p.m. in the City Hall Council Chambers.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The subject property is an approximately 933m² residential lot located at 1081 Mantle Drive in East Courtenay, legally described as Lot 45, District Lot 159, Comox District, Plan 31655 (**Figure 1**). The property is currently zoned Residential One (R-1) and developed with a 319m² two-storey single family house (**Figure 2**) with a 2-car garage and a carport. The suite layout and parking are shown in **Attachment No. 1**. The surrounding land use is predominantly single family residential, R-1, though the adjacent property at 1066 Evergreen Avenue was rezoned to R-1S in February 2017 and is currently under renovation.



Figure 1: Context map with Subject Property outlined



Figure 2: View of house from Mantle Drive and Evergreen Avenue

The proposed secondary suite would occupy a portion of the basement of the single family home that the owners intend to inhabit and would house the owners' daughter, who desires independence but has a medical disability impacting her ability to afford other accommodation. A review of the conceptual ground floor plan (**Attachment No. 1**) and existing building blueprints indicate that the proposed suite is 55m² (594ft²) in size and includes one bedroom, one bathroom, and a living/kitchen/dining area.

DISCUSSION:

The subject property is located within 2km of North Island Hospital, North Island College, Crown Isle Plaza, the Real Canadian Superstore, the Comox Valley Aquatic Centre, and schools and parks. These destinations are most easily accessible by car or transit (with 3 bus routes stopping about 350m away) but some residents may choose to cycle or walk. The intended suite resident does not drive.

OCP Review

The proposed application represents infill development within an established neighbourhood designated Urban Residential in the Official Community Plan (OCP). The property is not within a Local Area Plan area.

The OCP and the Affordable Housing Policy support infill development within existing Urban Residential areas provided it is in keeping with the character and scale of the surrounding neighbourhood. Infill housing provides more rental housing stock and diversity of housing types, and promotes more efficient use of land that is already serviced.

Affordable Housing Policy

The City's Affordable Housing Policy sets out a number of strategies that support increasing the provision of affordable housing, including secondary suites, within the community. When zoning does not permit secondary suites, Council's practice to-date has been to consider such rezoning applications on a case-by-case basis taking into account land use planning policy, servicing capacity and neighbourhood interests.

Zoning Review

This application does not include any changes to the physical dimensions of the legally non-conforming building, which has a 1.52m wide entrance projecting 0.84m into a side yard setback approved by the Board of Variance in 1987. If this application is approved and a secondary suite is placed on the property,

the development will not increase the degree of nonconformity on the setback projection and it will comply with all other applicable zoning regulations including: building height, lot coverage, building setbacks and parking requirements. Based on review of the policy and analysis of the plan, staff is in support of this application.

Requirements	Proposal
Total not more than 90.0 m ²	55m ² (includes 1 bedroom, 1 bathroom, living/kitchen/dining room)
Floor Area Less than 40% of the total habitable floor space of the building	17.3%
Located within a building of residential occupancy containing only one other dwelling unit	Yes
Located within a building which is a single real estate entity	Yes
Three Parking Spaces (2 spaces for the principal dwelling unit and 1 additional space for the secondary suite)	3+ parking spaces: 2-car garage, 1-car carport (Attachment No. 1); additional vehicles can fit in driveway

FINANCIAL IMPLICATIONS:

Application fees in the amount of \$500 have been collected in order to process the rezoning amendment application. Should the proposed Zoning Amendment Bylaw be adopted, Building Permit application fees will apply.

Properties with a secondary residence are charged a second utility fee (sewer, water, garbage) for the additional dwelling unit. Should the rezoning application be approved, the additional utility fees will be charged to the property at the time of occupancy permit. Secondary residences are exempt from paying Development Cost Charges to the City and Regional District.

ADMINISTRATIVE IMPLICATIONS:

Processing Zoning Bylaw amendments is a statutory component of the corporate work plan. Staff has spent approximately 20 hours processing this application to date. Should the proposed zoning amendment proceed to public hearing, an additional 2 hours of staff time will be required to prepare notification for public hearing and to process the bylaw. Additional staff time will be required to process the subsequent building permit application including plan checking and building inspections. Because the subject property is located within 800m of Provincially Controlled Access Highway (Ryan Road) intersections, the Ministry of Transportation would have to sign the Bylaw prior to the Third Reading. The Ministry has already indicated it has no concerns.

ASSET MANAGEMENT IMPLICATIONS:

The proposed development utilizes existing infrastructure and is connected to City Water and City Sewer. There are no direct asset management implications associated with this application.

STRATEGIC PRIORITIES REFERENCE:

Development applications fall within Council’s area of control and specifically align with the strategic priority to support meeting the fundamental corporate and statutory obligations of the City



OFFICIAL COMMUNITY PLAN REFERENCE:

The proposed zoning amendment is consistent with the Urban Residential land use designation of the Official Community Plan. It represents infill residential development near existing amenities and services, providing a range of housing choice, while fulfilling OCP Section 4.4.3 4 a) – limited infill will be considered only in keeping with the character and scale of an existing neighbourhood and 4.4.3.4 d) - secondary suites will be considered as part of a principle single family residential building subject to zoning approval.

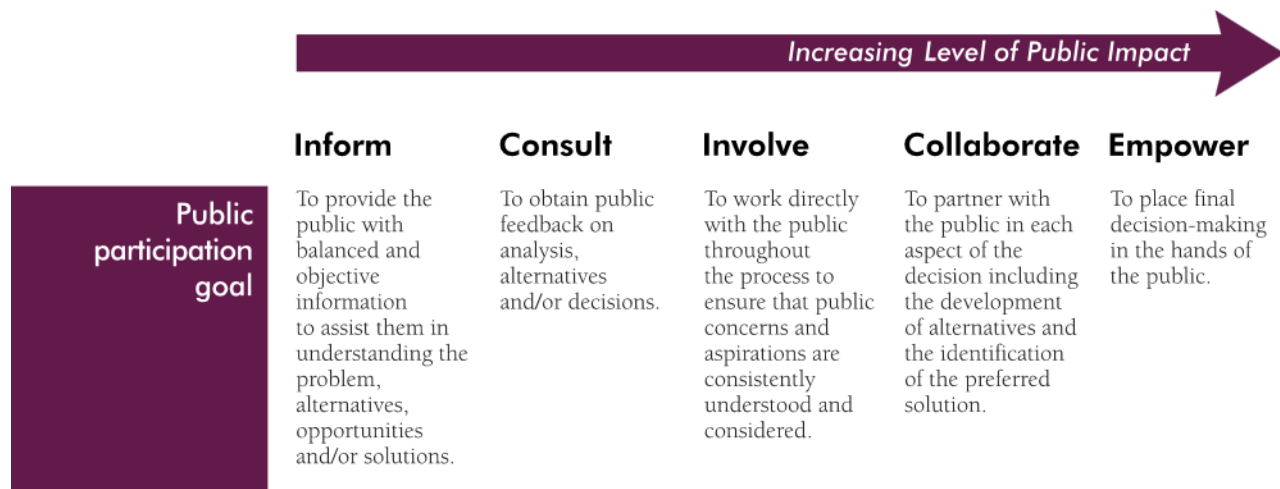
REGIONAL GROWTH STRATEGY REFERENCE:

The development proposal is consistent with the RGS Housing Goal to “ensure a diversity of affordable housing options to meet evolving regional demographics and needs” including:

- Objective 1-A: Locate housing close to existing services; and
- Objective 1-C: Develop and maintain a diverse, flexible housing stock.

CITIZEN/PUBLIC ENGAGEMENT:

Staff will “Consult” the public based on the IAP2 Spectrum of Public Participation:



Should Zoning Amendment Bylaw No. 2936, 2018 receive First and Second Readings, a statutory public hearing will be held to obtain public feedback in accordance with the *Local Government Act*.

Prior to this application proceeding to Council, the applicant held a public information meeting on July 27, 2018 at the subject property. According to the information provided by the applicant, 9 people attended the meeting including the applicants, of whom 7 signed the Sign In sheet, representing 4 property addresses. Eight comments were submitted to the City representing 8 nearby property addresses: 5 supportive, 2 opposed, and 1 neutral. All written comment sheets are included with the meeting summary in **Attachment No. 2**.

OPTIONS:

OPTION 1:

THAT based on the September 4 2018 Staff report, "Zoning Amendment Bylaw No. 2936 to allow for a secondary suite at 1081 Mantle Drive" Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2936, 2018; and

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2936, 2018 on September 17th, 2018 at 5:00 p.m. in the City Hall Council Chambers. (Recommended)

OPTION 2: Defer consideration of Bylaw No. 2936 with a request for more information.

OPTION 3: Defeat Bylaw No. 2936.

Prepared by:



Mike Grimsrud,
Planner 1

Approved by:



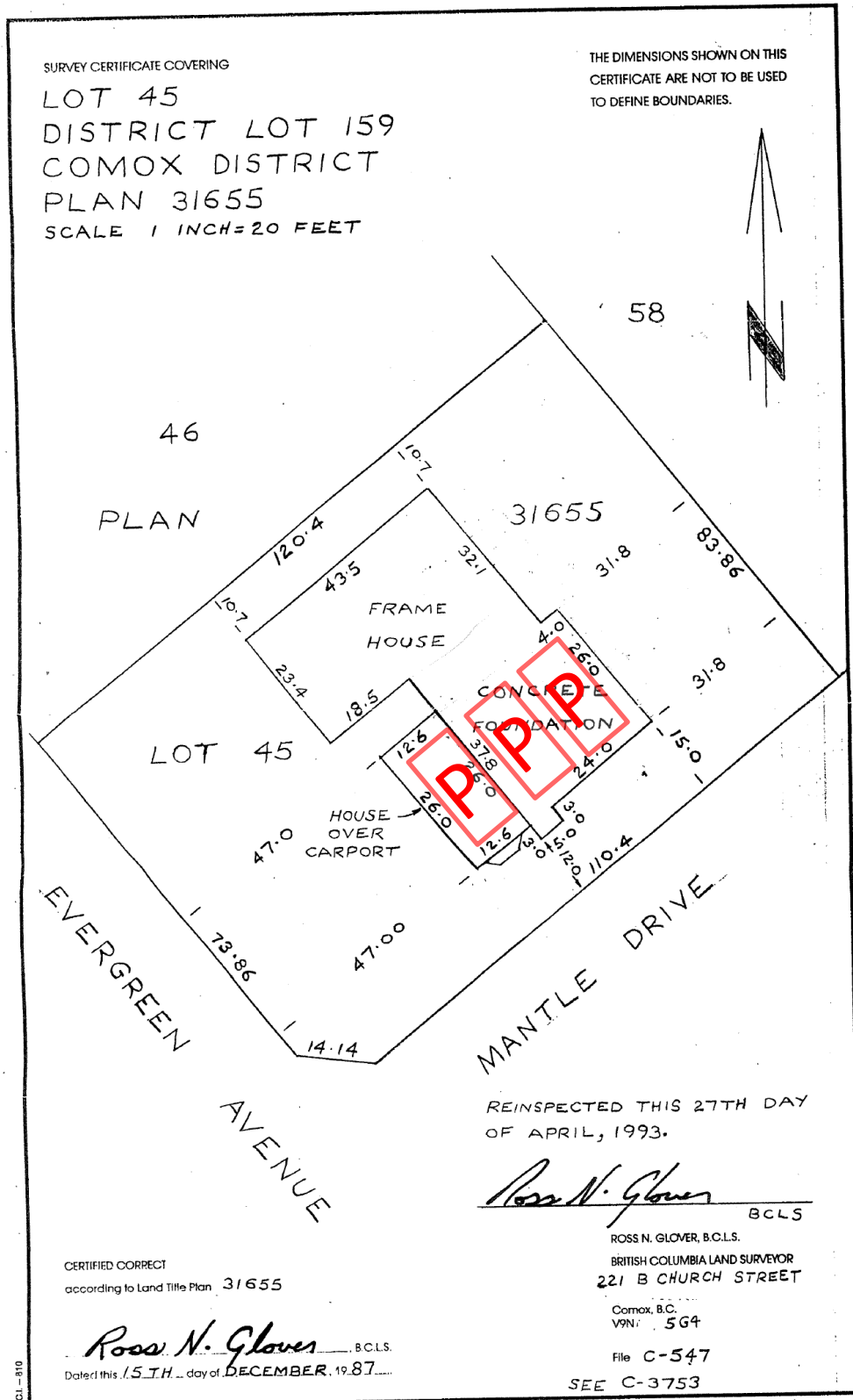
Ian Buck, MCIP, RPP
Director of Development Services

Attachments:

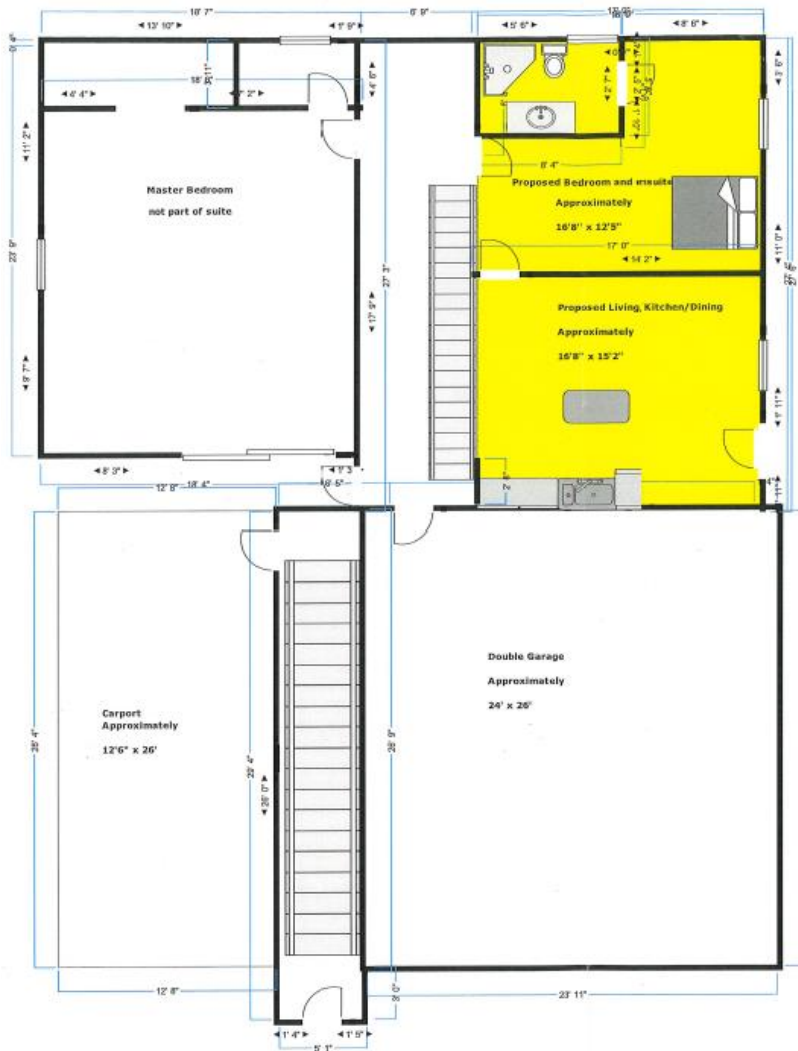
1. *Attachment No. 1: Plans*
2. *Attachment No. 2: Public Information Meeting Summary and Public Comments*
3. *Attachment No. 3: Applicant's Written Submissions and Photos*
4. *Attachment No. 4: Nearby R-1S Rezoning*

Attachment No. 1: Plans and Parking

Site Plan (parking: 2 in garage, 1 in carport)



Conceptual Ground Floor Plan (suite in yellow)



Approximate square footage of suite 55.41^m² (SR)
Approximate square footage of house 319.41^m² (F)

55m² suite
17.3% of
habitable floor
space of building

Attachment No. 2: Public Information Meeting Summary and Public Comments

Public meeting summary for 1081 Mantle Drive

Meeting was held Friday July 27th at house that is the subject of the rezoning application – 1081 Mantle Drive. The meeting started at 5 pm and continued past the scheduled 7pm end to approximately 7:30 due to late arrivals.

A total of 9 persons, including the applicant were present.

The applicants hand delivered the notice of the meeting on Wednesday July 18th. The delivery exceeded the required minimum 7 day notice. The notice was delivered to all persons on the list the Planning department provided (within 100 M of the subject property). One person resided in Vancouver, the notice was mailed to them.

Additionally, people outside the 100M had the opportunity to see the notice attached to the yard sign.

At the meeting the attendees had the opportunity to look at the plans for the proposed suite. They also had the opportunity to view other plans that detailed how the proposed suite fit into the present house. A plan outlining the available parking spots was also provided. Attendees had the opportunity to view the entrance of the proposed suite as well as the proposed Kitchen/living area. Several also requested and were provided the opportunity to see the present house layout .

Once the attendees had the opportunity to see the plans and location of the proposed suite, the major questions were around the approval process and time lines.

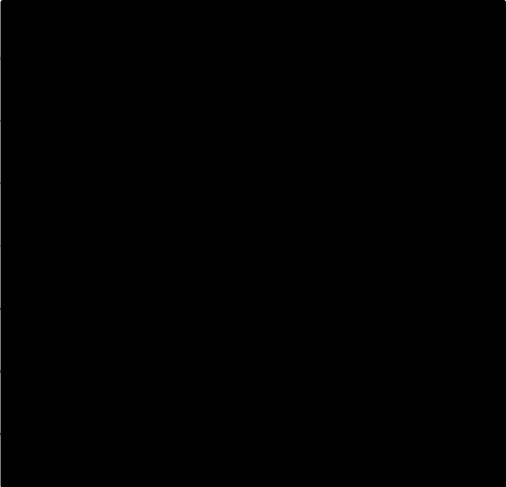
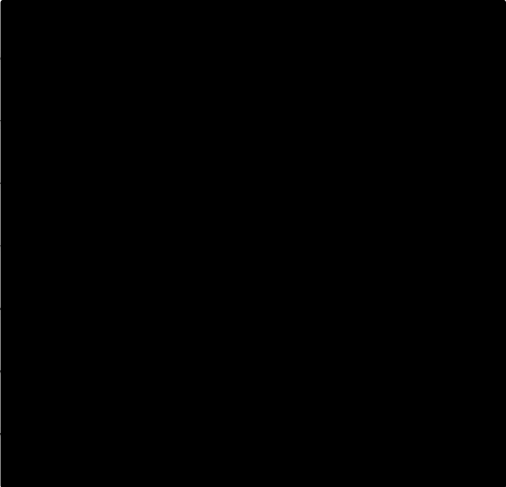
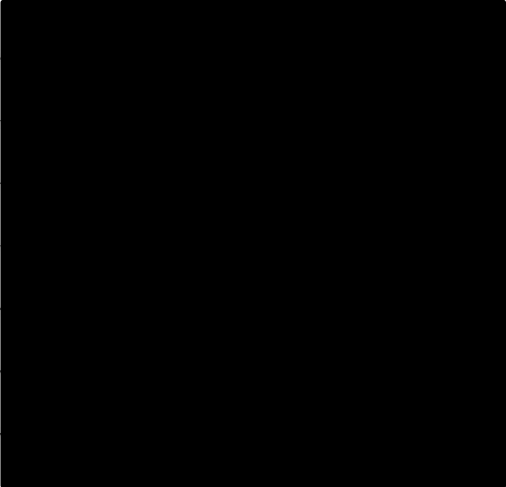
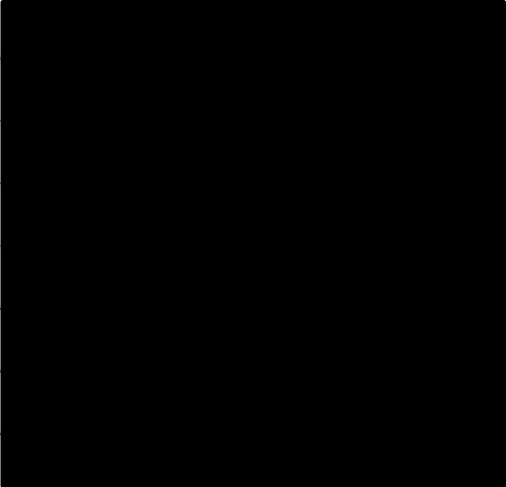
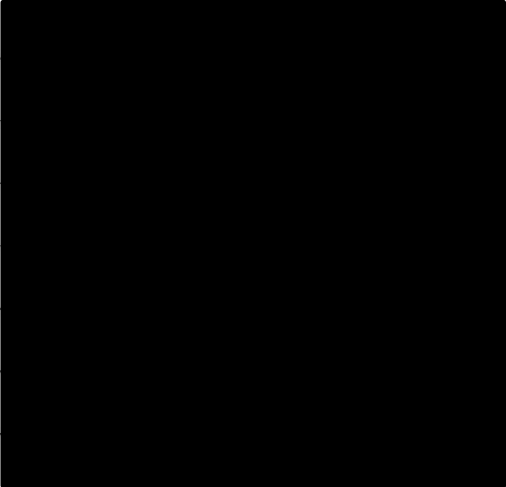
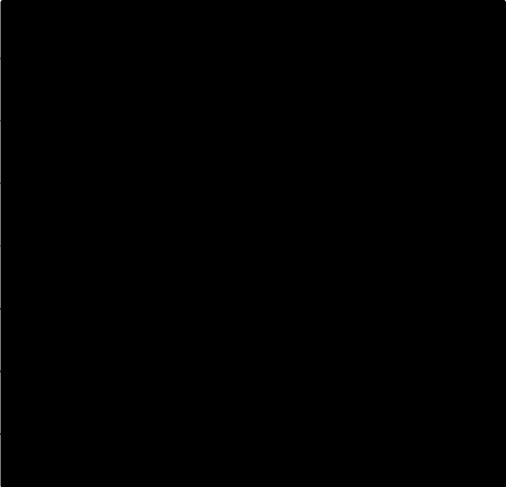
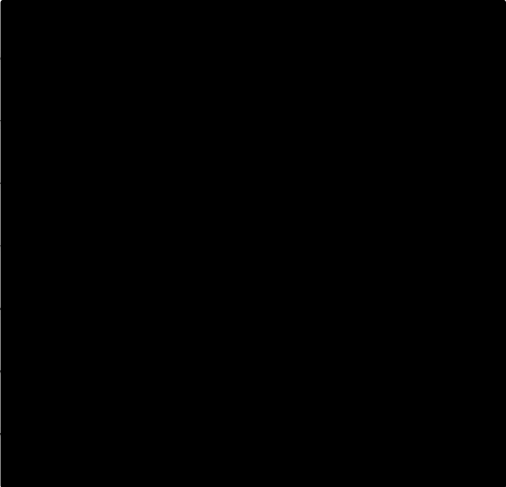
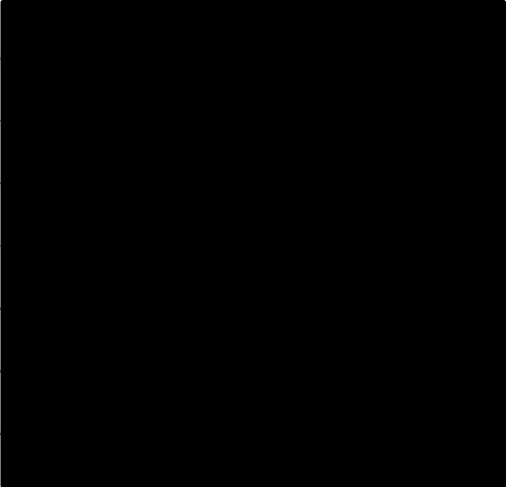
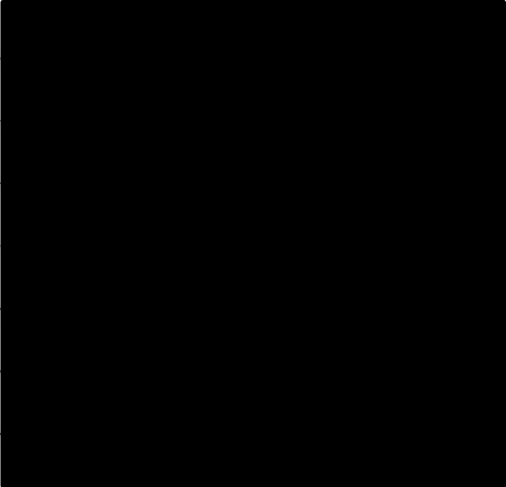
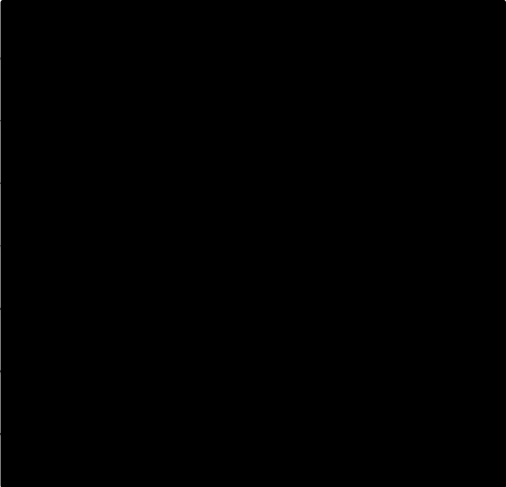
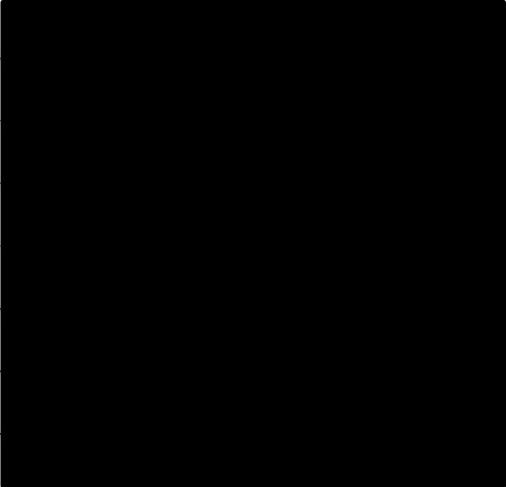
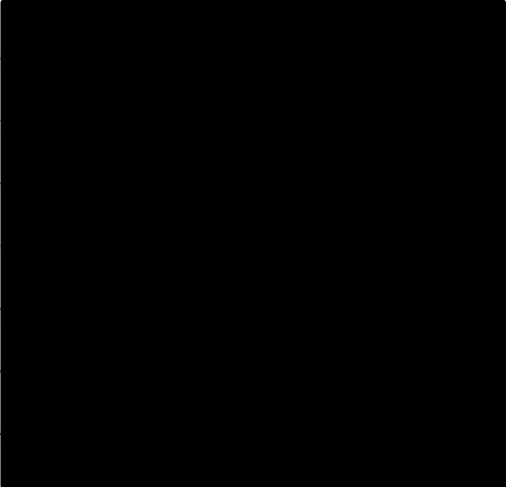
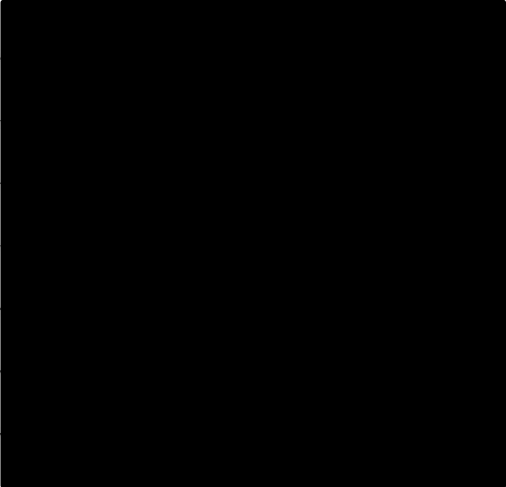
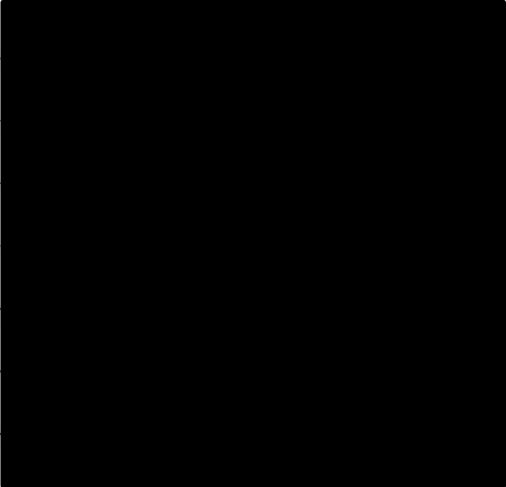
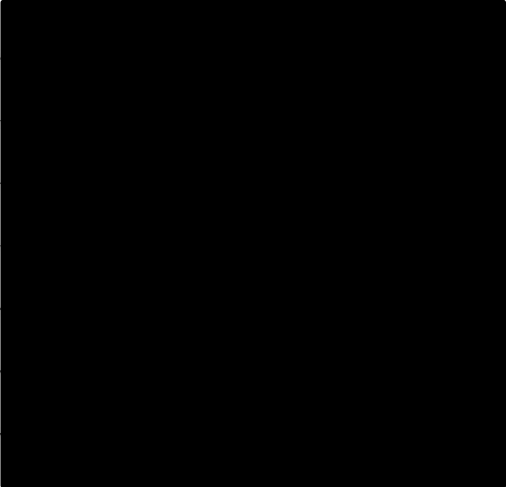
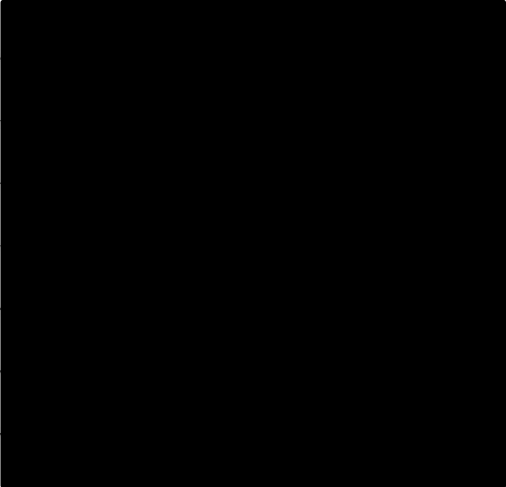
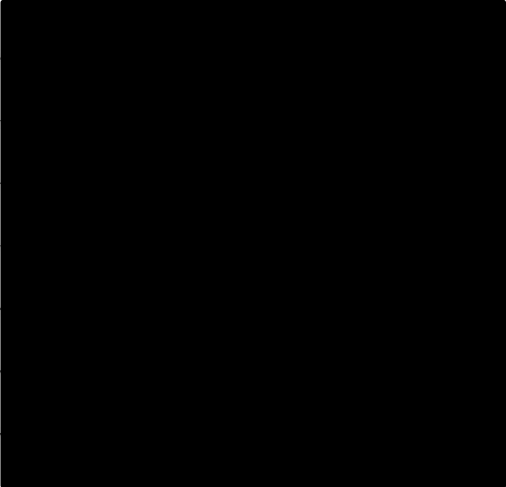
The major point of discussion concerned the low vacancy rates in the Comox Valley combined with high property values. All attendees saw the addition of a secondary suite as a positive opportunity for persons needing to rent. Concerns for young renters were mentioned as well as persons on fixed incomes.

While all persons attending were in favour of the application, concerns over parking were mentioned. Attendees were satisfied that the subject property had abundant parking, their concerns centered on illegal and in-law suites on Evergreen avenue.

In addition to the 100% support from the attendees for the application, the applicants received emails of support from two other property owners after the distribution of the meeting notice.

All of the property owners that border or directly face the subject property expressed support for the application. Most did not attend the meeting.

PUBLIC INFORMATION MEETING
July 27 2018
SIGN IN SHEET
FOR
Kathleen & Sean Doran 1081 Mantle Drive

NAME (Please Print)	ADDRESS
	1176 Zeballos Drive, Courtenay " " "
	1081 Evergreen Ave. Courtenay.
	1070 Mantle Drive
	1081 Evergreen Ave, CTRY.
	1055 Evergreen Ave
	1055 Evergreen Ave
	
	
	
	
	
	
	
	
	
	
	

PUBLIC INFORMATION MEETING

July 27 2018

Kathleen & Sean Doran of 1081 Mantle Drive

COMMENT SHEET

Name: _____ Email: _____
Address: 1055 Kulergreen Phone: _____

Kathleen & Sean Doran have applied to the City of Courtenay for an Zoning Amendment. The purpose of this application is to facilitate a secondary suite in an existing single family residence. This project is under review by staff in the Planning Department of the City.

Given the information you have received regarding this project do you have any comments or questions?

I fully support this application and the concept of a suite for a family member

Please return your comments by August 3, 2018
Comment sheets can be submitted by one of the following methods:
1. Drop off or mail your comments to: Development Services Dept. City of Courtenay, 830 Cliffe Ave, Courtenay, BC V9N 2J7
2. Email your comments to planning@courtenay.ca
3. Fax your comments to: 250-334-4241

From: [REDACTED]
Sent: July 19, 2018 2:10 PM
To: PlanningAlias
Subject: With respect to Zoning Application for 1081 Mantle Drive

To whom it may concern

I am writing this email to voice my concern that we have another house wanting to put in a legal suite in our neighbourhood. The residence next door to this requesting owner's residence is currently building a suite as I write. The concern is more suites means more vehicles parking on the street. More parked vehicles equal less efficient street cleaning, weed removal, snow removal and increase in daily traffic. Our street is not that wide with already too many parked cars. Traffic on Evergreen Avenue is already heavy for a quiet area designed for single family residences. We moved into this location to enjoy low traffic volumes, low noise levels and therefore we are opposed to changes to this single family home neighbourhood.

Please provide me with confirmation that you have received this email.

Thank you

sincerely

[REDACTED]

1115 Evergreen Ave
Courtenay, BC
V9N 6Y1

From: [REDACTED]
Sent: July 27, 2018 1:37 PM
To: PlanningAlias
Subject: Rezoning of house in East Courtenay

To: City of Courtenay Planning Department

We STRONGLY OPPOSE the application to rezone 1081 Mantle Drive.

[REDACTED] and I bought our home 30 years ago at 1915 9th St. East because it was zoned as Residential 1 . Over the years several houses on Evergreen Ave. have obviously put in illegal suites and as recently as last fall the house across the street from our house has rented out their basement.

We attended a meeting last February regarding another home on Evergreen applying to put in a suite for their son. Right now that house is being totally gutted inside and out and I don't think they are even living in it. Several people from our neighbourhood attended that meeting -- in the snow storm -- to oppose that rezoning. We are all upset with the change because that is not what we want for our R1 subdivision. We explained then that the neighbourhood cannot support all the extra traffic due to the narrow streets and the fact there are not enough street lights either in the area. It has changed the "feel" of the neighbourhood we bought into.

So NO WE DO NOT WANT ANY MORE REZONING IN THIS AREA!!

[REDACTED]
1915 - 9th St. E.
Courtenay, B.C.
V9N 7H2
[REDACTED]

From: sean doran [REDACTED]
Sent: July 28, 2018 7:07 PM
To: Grimsrud, Michael
Subject: Fwd: Re-zoning public meeting

----- Forwarded message -----

From: K DORAN [REDACTED]
Date: Sat, Jul 28, 2018 at 7:06 PM
Subject: Fwd: Re-zoning public meeting
To: [REDACTED]

From: [REDACTED]
To: "skdoran" [REDACTED]
Sent: Thursday, July 19, 2018 9:04:15 AM
Subject: Re-zoning public meeting

Hi Sean and Kathleen,

My name is [REDACTED] and I am the owner and occupant of 1986, 9th Street East just at the top of mantle. I just wanted to say that I fully support your application. There already isn't enough occupancy available in our town and more accommodation needs to be made available. Furthermore, the cost of rent is going up so rezoning locations for suites will help stem the rising cost valleywide. I see that your intentions are for you son but this rezoning is necessary for the whole community as well to show that these rezonings are usually harmless. We have already seen this in our neighborhood a few years ago when a re-zoning was passed by city council, and as a local area resident I have not seen any appreciable change.

Good luck in your application, and remember there may be some pushback from a few neighbours but the city council can (and probably will) override all of them due to their responsibility to help regulate availability and affordability of housing.

[REDACTED]
[1986 9th Street East](#)
[Courtenay BC](#)
[V9N 7E2](#)

From: sean doran [REDACTED]
Sent: July 28, 2018 7:08 PM
To: Grimsrud, Michael
Subject: Fwd: Re-zoning 1081 Mantle Drive Courtenay

----- Forwarded message -----

From: K DORAN [REDACTED]
Date: Sat, Jul 28, 2018 at 7:06 PM
Subject: Fwd: Re-zoning 1081 Mantle Drive Courtenay
To: [REDACTED]

From: [REDACTED]
To: "skdoran" [REDACTED]
Sent: Friday, July 20, 2018 10:33:53 AM
Subject: Re-zoning 1081 Mantle Drive Courtenay

Hi Sean and Katy,

[REDACTED] and I will not be able to attend your public meeting on July 27/18 but we would like you to know that you have our full support and encouragement to build your secondary suite. We have no concerns with any property rezoning that is required . Good Luck

Regards,

[REDACTED]
[1080 Mantle Drive](#)
[Courtenay, BC](#)
[V9N 7A3](#)
[Ph: \[REDACTED\]](#)

Attachment No. 3: Applicant's Written Submissions and Photos

Rationale

City of Courtenay


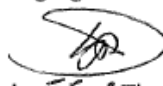
June 19, 2018

Planning department

Re: 1081 Mantle Drive

We are seeking approval to convert a portion of our present owner occupied residence into a secondary suite. We have resided in this location since August 2005, and plan on remaining for years to come.

Our proposed suite should not have any negative affects upon the neighbourhood. At present we have 4 (or more) parking spaces available. There should never be a need for on street parking. Our potential tenant does not have a vehicle or a drivers licence. The entrance into the proposed suite is not facing either of the streets that front our corner lot. We are not looking at changing the footprint of the building or its exterior.

Our house is approximately  319 m² the proposed suite is approximately  55 m² The height of the rooms in the proposed suite is greater than the 2 metre minimum.

There is a large wood burning furnace in the area where the proposed suite is to be located. If approved we plan on removing it.

The reason why we have decided to apply for a secondary suite is to provide a housing solution for our 19 year old daughter. She is on a medical disability pension (PWD –People with disabilities). This past year she was on a youth agreement with the Ministry of Children and was provided an outreach worker and an apartment. On her 19th birthday, she switched over to the PWD pension. She is very fearful of her ability to afford to live with the cost of housing. A shared accommodation is not possible due to the nature of her disability. A secondary suite would allow her to have the independence she desires and needs at a very reasonable rent. Our location would also give her greater independence as it is an easy walk to the hospital for her weekly appointments and North Island College for potential school opportunities.

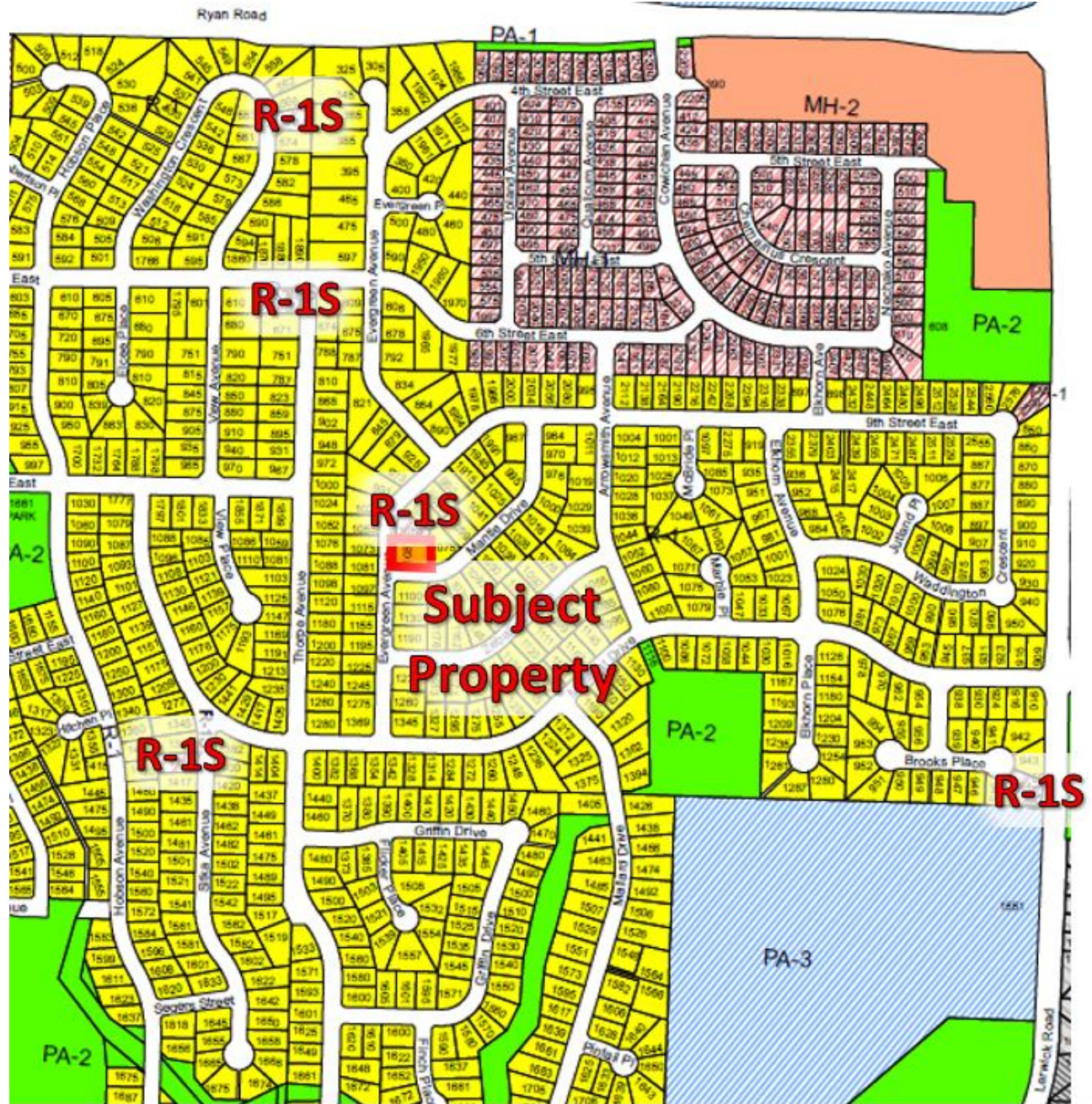
Thank you for the consideration provided for this application.

Kathleen and Sean Doran

Photos (Suite Access)



Attachment No. 4: Nearby R-1S Rezoning



R-1S properties pictured:

- 570 Washington
- 1895 Thorpe Ave
- 1066 Evergreen Ave
- 1397 Sitka Ave
- 944 Brooks Place



THE CORPORATION OF THE CITY OF COURTENAY

MEMORANDUM

To: Council

File No.: 3015-00

From: Chief Administrative Officer

Date: September 4, 2018

Subject: Cannabis Cultivation in the Agricultural Land Reserve (ALR)

ISSUE:

At the August 7, 2018 Council meeting, Council passed a resolution requesting information on the tools available and options to restrict the cultivation of cannabis on ALR lands within the City.

BACKGROUND:

In April of 2014 following the federal enactment of the *Marihuana for Medical Purposes Regulations (MMPR)*, Council adopted Bylaw 2779 that defined “medical marihuana production facilities” and prohibited them within the City.

The provincial Agricultural Land Commission (ALC) subsequently contacted the City and advised that Marihuana production was considered a farm use that could not be restricted by municipalities in the ALR. The City was advised our zoning bylaw was in conflict with the provincial regulations and must be amended. The City complied and in March 2016 amended the zoning bylaw to include a clause exempting ALR lands from the restriction.

The attached Client Bulletin from Lidstone & Company (Attachment No.1), in addition to the Information Bulletin from the ALC (Attachment No.2) provide information on a recent revision to what the ALC considers a farm use as it relates to cannabis. This information reaffirms the advice staff provided at the August 7, 2018 meeting that the City cannot restrict cannabis production on ALR lands.

KEY CONSIDERATIONS:

- The lawful production of cannabis is a designated farm use in the ALR.
- The City cannot restrict production of cannabis on ALR lands if done in compliance with the *Agricultural Land Commission Act*.
- The City can restrict concrete based facilities (“bunkers”) in the ALR.
- City requirements such as connecting to municipal services, building permits and business licensing continue to be applicable.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

Attachment No.1 – Lidstone & Company Client Bulletin

LIDSTONE & COMPANY
BARRISTERS AND SOLICITORS

MEMORANDUM

TO: Clients
FROM: Ian Moore and Rachel Vallance
DATE: August 16, 2018
Cannabis Production in the ALR
RE: Interim Committee Report re: Revitalizing the ALR and ALC

1. ALC Information Bulletin re: Cannabis Production in the ALR

On July 13, 2018, the Province amended the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* (the “Regulation”)¹ to designate the production of cannabis as a farm use if produced outdoors in a field or inside soil-based structures or structures that were pre-existing or under construction at the time of the amendment. Section 2(2.5) of the amended Regulation has the effect of allowing local governments to prohibit cement-based cannabis production facilities on land in the ALR, subject to certain exceptions.

Prior to the amendment, the Regulation designated “the production of marihuana in accordance with the Marihuana for Medical Purposes Regulation, SOR/2013-119 (Canada)” as a farm use. As a result, the amendment both narrows the scope of permitted cannabis production in the ALR (by only permitting production outdoors or in certain types of facilities) and expands it (by permitting the lawful production of cannabis generally, including for recreational purposes).

The amendment is not currently reflected in the version of the Regulation available on BC Laws, but the [Order in Council](#) is available online.

On August 15, 2018, the ALC released [Information Bulletin 04](#) which summarizes the legislative changes described above and clarifies that cannabis production that does not meet the description in section 2(2.5) of

¹ Throughout this memo:

- “ALR” refers to the “Agricultural Land Reserve”
- “ALC” refers to the “Agricultural Land Commission”
- “Act” refers to the “*Agricultural Land Commission Act*, SBC 2002, c 36”
- “Regulation” refers to the “*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, BC Reg 171/2002”

- 3 -

consultation with the Chair and by increasing the oversight role of the Chair in the selection of both Commission members and the CEO;

- iii. ensuring province-wide decision-making that is consistent and fair with an ALC governance structure that is flexible, locally-informed, regionally-representative, and puts ‘agriculture first’;
- iv. safeguarding agricultural values across the province by reinstating a one-zone ALR decision-making model across BC;
- v. strengthening ALC compliance and enforcement tools, and capacity, to better protect the ALR;
- vi. protecting the ALR from residential speculation by establishing a maximum total floor area for all primary residences in the ALR; providing local governments with flexibility to zone below the maximum; and enacting new regulations for residential siting, secondary dwellings, and home plate size;
- vii. ending the impact of illegal fill on the agricultural capability of the ALR by redefining and restricting fill throughout the ALR;
- viii. addressing speculation through better land-use planning by only considering exclusion of ALR land through a joint local government-ALC land use planning process;
- ix. making the ALR application review process more efficient by prescribing acceptable non-farm use and subdivision applications;
- x. improving clarity around the two ALC reconsideration processes;
- xi. ensuring a province-wide agricultural perspective by removing the ALC’s capacity to delegate subdivision and non-farm use decision-making authority to local governments;
- xii. building better planning and land-use decisions for agriculture by requiring all local government bylaws that affect the ALR to be endorsed by ALC resolution; and

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- 4 -

- xiii. strengthening ALC administration by clarifying and updating the Act and Regulation to improve the ALC's daily operation.

Recommendations for Immediate Action to Protect the ALR

Part II of the Report contains the Committee's recommendations for immediate action to protect the ALR. These recommendations are focused on the Committee's goals of mitigating the impacts of oil and gas activity in the ALR and restricting cannabis production in the ALR.

Oil and Gas Activity

The Committee notes the significant effect of oil and gas extraction on agricultural land and farm businesses. It also notes the inability of the current regulatory regime to adequately protect farmland and support farmers, especially in light of the extensive resources and supports in place for oil and gas development. The Committee identifies the importance of treating the agricultural productivity of land in the Northeast as a resource equivalent to other resources, including oil and gas.

The Committee makes several recommendations which it believes will assist the government in striking a balance between the needs of the agricultural and energy sectors. These recommendations include:

- The immediate creation of a Deputy Minister-level multi-agency and multi-jurisdictional taskforce to develop a strategy focused on how a balance can be achieved between agriculture and oil and gas extraction in the Peace River region; and
- Establishing an increased ALC presence in the North, in order to ensure that a "made-in-the-North" approach to these issues can be created.

Cannabis Production

The Committee expresses concern that the legalization of non-medical cannabis will lead to new and significant impacts in the ALR which are not yet understood. Stakeholder feedback on this issue almost unanimously supported significant restrictions, if not a complete ban, on cannabis production in the ALR.

The Committee's concerns arise largely from the fact that many cannabis production facilities are expected to be cement-bottomed and cover large areas of farm land. The Committee also noted the incompatibility of

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cannabis with other agricultural uses, potential nuisance issues, and the lack of local government support for cannabis production in the ALR.

The Committee makes two recommendations with respect to cannabis production in the ALR:

- an immediate moratorium on all non-soil bound cannabis production and facilities in the ALR pending provincial analysis of impacts; and
- following a provincial-level analysis, that the ALC be enabled to establish rules for cannabis production in the ALR.

As detailed above, the Province has amended the Regulation to prohibit cement-based cannabis production facilities on land in the ALR without a successful application for non-farm use. Details regarding this legislative change can be found in [Information Bulletin 04](#).

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Attachment No.2 – ALC Information Bulletin



**INFORMATION BULLETIN 04
CANNABIS PRODUCTION IN THE ALR**

August 15, 2018

SCOPE OF THIS INFORMATION BULLETIN

This information bulletin provides guidance to assist in interpreting the *Agricultural Land Commission Act*, S.B.C. 2002, c. 36 (**ALCA**) and the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, BC Reg. 171/2002 (the **ALR Regulation**), in relation to cannabis production in the agricultural land reserve (**ALR**). The ALCA and ALR Regulation will govern if inconsistent with this bulletin.

This information bulletin is directed only to interpretation of the ALCA and the ALR Regulation. All other applicable laws, regulations and bylaws related to cannabis production must also be complied with.

RECENT REGULATORY CHANGES

The ALR Regulation has recently been amended. The changes came into force on July 13, 2018. Section 2(2)(p) of the ALR Regulation, which designated as farm use “the production of marihuana in accordance with the Marihuana for Medical Purposes Regulation, SOR/2013-119 (Canada)”, has been repealed. The following has been added as **section 2(2.5)** to the ALR Regulation:

The lawful production of cannabis is designated as farm use for the purposes of the [ALCA] if produced outdoors in a field or inside a structure

- (a) that has a base consisting entirely of soil, or
- (b) that was, before the date on which this section came into force,
 - (i) constructed for the purpose of growing crops inside it, including but not limited to the lawful production of cannabis, or
 - (ii) under construction for the purpose referred to in subparagraph (i), if that construction
 - (A) was being carried out in accordance with all applicable authorizations and enactments, and
 - (B) continues without interruption from the date it began to the date the structure is completed, other than work stoppages considered reasonable in the building industry, and

that has not been altered since that date to increase the size of its base or to change the material used as its base.

Section 2(1.1) of the ALR Regulation provides:

The activities designated under [section 2 of the ALR Regulation] as farm uses for the purposes of the [ALCA] must not be prohibited

- (a) by any local government bylaw except a bylaw under section 552 of the *Local Government Act*, or
- (b) by a law of the applicable treaty first nation government, if the activity is undertaken on treaty settlement lands.

GENERAL INTERPRETATIVE PRINCIPLES

The ALCA prohibits “non-farm use” of land in the ALR unless the owner of the land successfully makes an application to the Agricultural Land Commission for permission to undertake that use or that use is expressly permitted under section 3 of the ALR Regulation: ALCA, section 20. Sections 20(3), 25 and 34 of the ALCA and Part 10 of the ALR Regulation are among the provisions relevant to non-farm use applications.

A “non-farm use” is a “use of land other than a farm use”: ALCA, s. 1.

The form of cannabis production described in section 2(2.5) of the ALR Regulation is designated as farm use. Therefore, producing cannabis on the ALR in the manner described in section 2(2.5) of the ALR Regulation does not require a non-farm use application to the Agricultural Land Commission.

However, section 2(2.5) of the ALR Regulation does not designate as farm use:

- cannabis production that does not meet the description in section 2(2.5). Having regard to the regulatory framework, this information bulletin treats forms of cannabis production that are not described in section 2(2.5), together with all activities associated with forms of cannabis production not described in section 2(2.5), as non-farm uses.
- non-production activities associated with the cannabis production described in section 2(2.5). Having regard to the regulatory framework, this information bulletin treats those activities as non-farm uses except to the extent that they fall into exceptions found elsewhere in section 2 or 3 of the ALR Regulation.

PLACEMENT OF FILL IN THE ALR

Placement of fill onto land in the ALR for any reason related to cannabis production, **whether it is a form of production described in section 2(2.5) of the ALR Regulation or not**, cannot be undertaken without a successful non-farm use application to the Agricultural Land Commission. That is, if a producer wishes to place fill on the land even for the purpose of cannabis production described in section 2(2.5) of the ALR Regulation, he or she will not be able to do so without obtaining permission from the Agricultural Land Commission through a non-farm use application.

This is because section 20(2) of the ALCA generally defines the placement of fill as a non-farm use, subject to certain exceptions. Those exceptions do not apply to cannabis production.

Though sections 2(4) and (5) of the ALR Regulation designate as farm use certain fill placement related to uses designated under sections 2(2)-(2.2) of the ALR Regulation, cannabis production is addressed in section 2(2.5), so sections 2(4) and (5) do not apply. Please consult the Agricultural Land Commission's Bylaw No. 2 – Placement of Fill in the ALR and Policy L-23 – Placement of Fill for Soil Bound Agricultural Activities.

CANNABIS PRODUCTION IN THE ALR

Section 2(2.5) of the ALR Regulation requires that to be designated as farm use, production of cannabis must meet various requirements including that the production is "lawful". The production of cannabis is not lawful unless it is licensed by the Government of Canada (excluding exemptions for personal cultivation). As such producers need to be very careful about taking steps in reliance on section 2 of the ALR Regulation without first ensuring that federal preconditions (as well as preconditions that other governments may impose) are or will be met before production occurs.

Field Production

Lawful production of cannabis in the ALR **outdoors in a field** is designated as farm use and can be undertaken without a non-farm use application to the Agricultural Land Commission.

Soil Based Structure Production

Lawful production of cannabis in the ALR **inside a structure that has a base consisting entirely of soil** is designated as farm use and can be undertaken without a non-farm use application to the Agricultural Land Commission. Note:

- The base – that is, what the structure rests on – must be "entirely" of soil in order for production in it to qualify under section 2(2.5)(a) of the ALR Regulation. Production in a structure that has a base consisting partly of a material other than soil, even if the non-soil material constitutes a very small portion of the base, does not qualify under section 2(2.5)(a) of the ALR Regulation. Structures that do not have a base consisting entirely of soil are structures that have a base consisting partly or entirely of other materials, such as structures with cement footings or a cement floor.
- "Soil" means material native to the property, not material brought onto the property for the purpose of creating the base or for any other purpose. If imported onto the property, the material is "fill", the placement of which requires a non-farm use application: ALCA, section 20.

Production in Existing Structures

Lawful production of cannabis in the ALR **inside a structure that had been, before July 13, 2018, constructed for the purpose of growing crops inside it, including but not limited to the lawful production of cannabis**, is designated as farm use and can be undertaken without a non-farm use application to the Agricultural Land Commission. Note:

- Existing structures used for the lawful production of cannabis do not have to have a base made entirely of soil.

- The structure must not have been altered on or after July 13, 2018 to increase the size of its base or to change the material used as its base.
- The structure must have been built for the purpose of growing “crops”. Livestock are not crops and, as such, production of cannabis in a converted livestock barn is not designated as farm use under section 2(2.5) of the ALR Regulation.

Production in Structures that Were Under Construction

If the requirements outlined in the bullet points set out later in this paragraph are met, lawful production of cannabis **inside a structure** (even if its base is not entirely soil) **that was under construction before July 13, 2018 for the purpose of growing crops inside it, including but not limited to the lawful production of cannabis**, is designated as farm use and can be undertaken without a non-farm use application to the Agricultural Land Commission. For a structure to have been “**under construction**” before July 13, 2018, ground disturbance (such as excavation for laying foundation) must have commenced before that date; it would not be sufficient for the property owner to have made a permit application or received a permit for construction before July 13, 2018. The further requirements for lawful cannabis production to be designated under this portion of section 2(2.5) of the ALR Regulation are as follows:

- The pre-July 13, 2018 construction was being carried out in accordance with all applicable authorizations and enactments.
- The construction must continue without interruption from the date it began to the date the structure is completed, other than work stoppages considered reasonable in the building industry.
- The construction must not be altered on or after July 13, 2018 to increase the size of the structure’s base or to change the material used as its base.

Other Cannabis Production

Cannabis production not described in section 2(2.5) of the ALR Regulation is not designated as farm use. Neither that production nor activities related to that production (such as the construction, maintenance or operation of a building or structure, or processing of the cannabis) can be undertaken without a successful non-farm use application to the Agricultural Land Commission.

CONSTRUCTING, OPERATING OR MAINTAINING CANNABIS PRODUCTION FACILITIES

A non-farm use application to the Agricultural Land Commission is not required in order to construct, maintain or operate a building, structure, driveway, ancillary service or utility that is **necessary for the lawful production of cannabis described in section 2(2.5) of the Regulation**: ALR Regulation, section 2(3). Note:

- Section 2(2.5)(a) of the ALR Regulation refers to lawful production of cannabis inside a structure “that has a base consisting entirely of soil”. Construction, maintenance or operation of the soil-based structure necessary for that production can be undertaken without applying to the Agricultural Land Commission.

- Section 2(2.5)(b) refers to lawful production of cannabis inside a structure that meets certain requirements addressed earlier in this information bulletin. Completion of the structure referred to in section 2(2.5)(b)(ii), and maintaining and operating either that structure or the structure referred to in section 2(2.5)(b)(i), can be undertaken without applying to the Agricultural Land Commission.
- Other than as described in section 2(2.5) of the ALR Regulation, a building or structure is unlikely to be necessary for the form of cannabis production described there, as section 2(2.5) already addresses where the production is located. Possible exceptions may be a small washroom facility or small office for a required supervisor no greater than necessary for that form of cannabis production to occur on the land.
- Though associated with the form of cannabis production described in section 2(2.5), construction, maintenance or operation (including for a conference centre) of a building, structure, driveway, ancillary service or utility that is not necessary for that production on the land, may not occur without a successful non-farm use application to the Agricultural Land Commission. Proponents of such uses should be prepared to justify in their application materials why such use, both in that nature/scale and at all, is appropriate in the ALR rather than, for example, in an industrial park outside the ALR.

Construction, maintenance or operation of a building, structure, driveway, ancillary service or utility necessary for a form of cannabis production that is not described in section 2(2.5) of the ALR Regulation cannot be undertaken without a successful non-farm use application to the Agricultural Land Commission.

STORING, PACKING, PREPARING OR PROCESSING CANNABIS

Storing, packing, preparing or processing cannabis yielded by the form of cannabis production described in section 2(2.5) of the ALR Regulation (and construction, maintenance or operation of a building, structure, driveway, ancillary service or utility necessary for that storing, packing, preparing or processing) can be undertaken without a non-farm use application to the Agricultural Land Commission if at least 50% of the cannabis being stored, packed, prepared or processed is produced on the "farm" (for this purpose being one or several parcels of land or tenured areas of Crown land that are being occupied or used together for designated or other farm uses), or produced by an association as defined in the *Cooperative Association Act* to which the owner of the farm belongs: section 2(2)(c) of the ALR Regulation.

Storing, packing, preparing or processing cannabis yielded by a form of production not described in section 2(2.5) of the ALR Regulation is not designated as farm use. These activities cannot be undertaken without a successful non-farm use application to the Agricultural Land Commission.

LOCAL GOVERNMENT

Local governments can have an important role to play in the regulatory framework related to cannabis production.

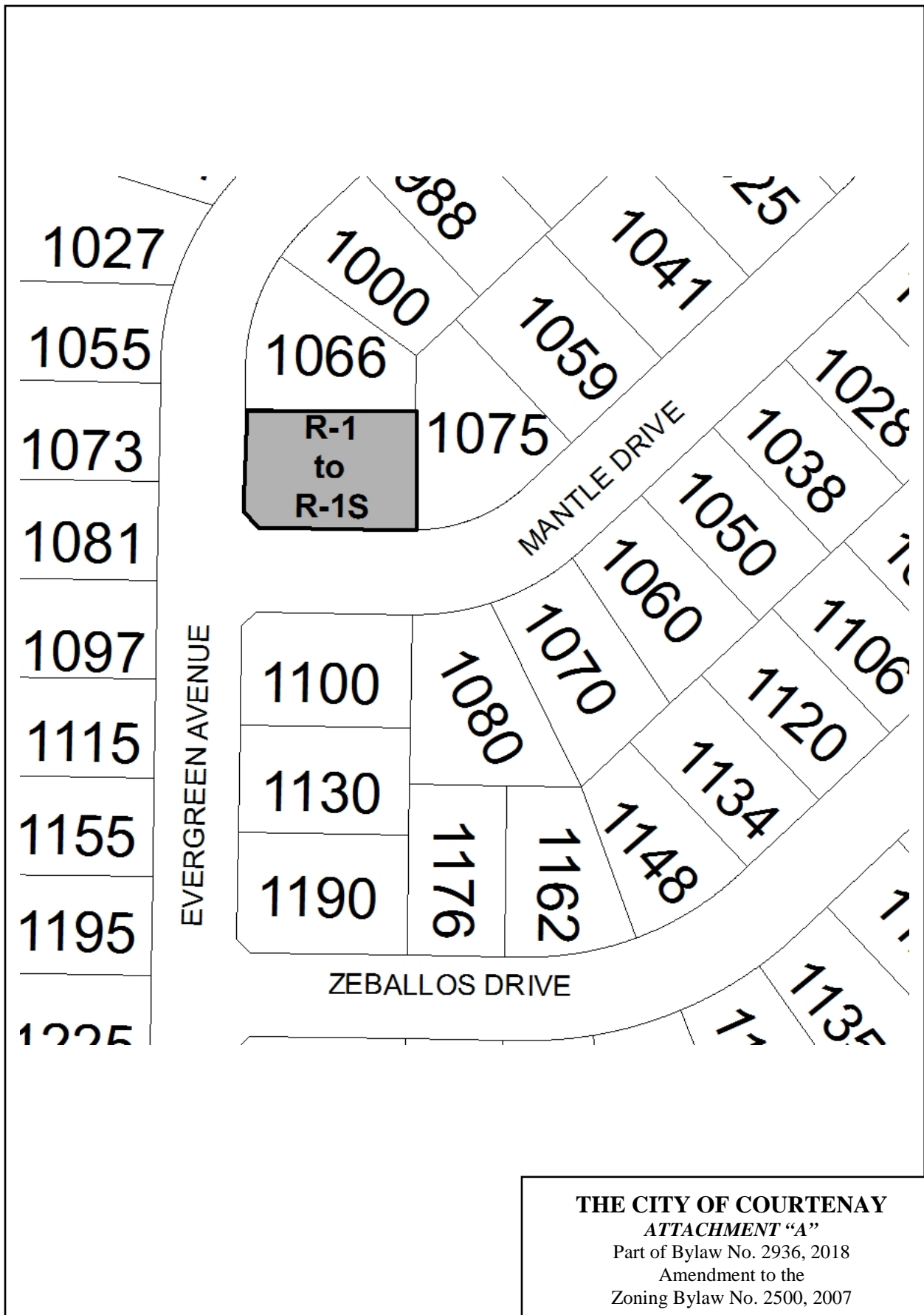
However, local government bylaws may not prohibit the lawful production of cannabis in the ALR if it is produced as described in section 2(2.5) of the ALR Regulation.

Local governments also play a role when non-farm use applications related to cannabis production and associated activities are made to the Agricultural Land Commission. Sections 25 and 34 of the ALCA are among the relevant provisions that they should consult.

FURTHER EXPLANATORY NOTES

Also note the following:

- The word “necessary” (for a designated farm use) figures in several of the above-discussed scenarios. It is within the purview of the Agricultural Land Commission to determine whether and to what extent activities are “necessary”.
- In determining whether an activity is “necessary” to a designated farm use, the Agricultural Land Commission may consider whether the nature and size of the activity are proportionate to the designated farm use.
- If someone claims that an activity is “necessary” for a designated farm use that has not yet commenced, the Agricultural Land Commission may require satisfactory evidence that the proposed use is in fact going to occur, and that the nature and size of activity characterized as “necessary” (such as construction of a driveway) will in fact be necessary to that use.
- Except for exemptions for personal cultivation, the “lawful” production of cannabis required for section 2(2.5) of the ALR Regulation requires licensing at the federal level. As noted earlier in this information bulletin, producers need to be very careful about taking steps in reliance on section 2 of the ALR Regulation without first ensuring that federal preconditions (as well as preconditions that other governments may impose) are or will be met before production occurs.
- For the purposes of sections 2(2)(o) and 4 of the ALR Regulation, structures in which cannabis is produced are not considered to be “greenhouses”. Section 2(2.5) of the ALR Regulation does not use the term “greenhouse” for any of the structures it describes. This indicates that under the ALR Regulation the concepts were to be treated as distinct and not to be confused.



THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO.2937

Downtown Courtenay Revitalization Tax Exemption Bylaw

WHEREAS Council may by bylaw establish a revitalization tax exemption program under section 226 [revitalization tax exemption] of the *Community Charter*;

AND WHEREAS Council wishes to establish a revitalization tax exemption program in order to encourage redevelopment and revitalization of those areas, identified in Schedule "A";

AND WHEREAS Council has identified in its strategic priorities that revitalizing downtown is critical to the City's economic future;

AND WHEREAS the City has adopted a "Downtown Courtenay Playbook" that specifically identified the establishment of a Revitalization Tax Exemption Bylaw as a means to stimulate downtown development projects;

AND WHEREAS Council has given notice of its intention to adopt this bylaw in accordance with section 227 of the *Community Charter* and considered this bylaw in conjunction with the objectives and policies set out in section 165(3.1)(c) of the *Community Charter* in the City's financial plan.

NOW THEREFORE the Council of the Corporation of the City of Courtenay, in open meeting assembled, enacts as follows:

1. CITATION

1.1. This bylaw may be cited for all purposes as "**Downtown Courtenay Revitalization Tax Exemption Bylaw No. 2937, 2018**".

2. DEFINITIONS

2.1. In this bylaw:

"Agreement" means a Revitalization Tax Exemption Agreement between the owner of a Parcel and the City, substantially in the format of and with the content of Schedule "B" which is attached to and forms part of this bylaw;

"Assessed Value" means the BC Assessment Authority land and improvements assessed value of the parcel subject to an Agreement for the purposes of calculating property taxes;

"City" means the City of Courtenay;

“Council” means the Council of the City of Courtenay;

"Municipal property taxes" means the property taxes imposed on new buildings or eligible improvements on eligible lands shown on Schedule "A" and as prescribed in the *Community Charter*, this does not include taxes levied by the City on behalf of Schools, Library, MFA, Regional Districts, Hospital or BC Assessment Authority;

"Owner" means the owner as registered on the Certificate of Title as of the tax exemption application date;

“Project” means a revitalization project on a Parcel involving the construction of a new improvement or alteration of an existing improvement, which meets the requirements of this bylaw, and the construction of which is begun after an application for a Tax Exemption has been submitted to, and approved by, Council;

“Property” means the legally described land and improvements to which a Revitalization Tax Exemption is applied for and as legally described in the Agreement;

“Revitalization Amount” means the municipal portion of property tax calculated in relation to the increase in the assessed value of improvements on the property resulting from the construction or alterations of a project;

“Revitalization Area” means one of the areas outlined on Schedule “A”, which is attached to and forms part of this Bylaw;

“Revitalization tax exemption agreement” means an agreement between the owner of a property and the City, substantially in the format of and with the content of Schedule “B” which is attached to and forms part of this bylaw;

“Tax Exemption” means a revitalization tax exemption pursuant to this bylaw;

“Tax Exemption Certificate” means a revitalization tax exemption certificate issue by the City pursuant to this bylaw, the relevant Agreement, and the provisions of section 226 of the Community Charter, in the form of Schedule “C”, which is attached to and forms part of this bylaw.

3. DOWNTOWN REVITALIZATION TAX EXEMPTION PROGRAM

3.1 There is hereby established a revitalization tax exemption program under section 226 of the Community Charter for the granting of *Tax Exemptions* and the issuance of *Tax Exemption Certificates*.

3.2 The terms and conditions upon which a *Tax Exemption* may be granted and a *Tax Exemption Certificate* may be issued are as set out in this Bylaw, in the Agreement and in the *Tax Exemption Certificate*.

3.3 The downtown revitalization tax exemption program is established under this Bylaw in order to promote the revitalization of Downtown Courtenay through:

- a) The development and redevelopment of buildings used for residential purposes to increase the population density in downtown Courtenay to support commercial success;
- b) The development and redevelopment of commercial buildings to create a vibrant downtown that attracts new investment opportunities and supports increased residential viability;
- c) To reinforce and strengthen downtown Courtenay as the commercial heart of the Comox Valley.

3.4 The revitalization tax exemption program is intended to accomplish the objectives referred to in Section 3.3 by providing Owners with an economic incentive in the form of a tax exemption to undertake the development of new improvements.

4. ELIGIBILITY CRITERIA

4.1 In order for a *project* to be considered by Council for a *Tax Exemption* it must meet the following criteria:

- a) For commercial *projects*, the *project* must involve construction that results in floor space being added to an existing building or in a new building being constructed on the *property*;
- b) The construction value for commercial *projects*, as determined based on the building permit(s) issued, must be \$200,000.00 or greater;
- c) Residential *projects* in Downtown Revitalization Area 2 must include four (4) residential units or more;
- d) the land use into which the *project* is intended to fit must be one of the uses permitted in the applicable zone for the *property*, as set out in City of Courtenay Zoning Bylaw 2500, 2007, as amended from time to time, and the *project* must meet all other applicable City policies and bylaws;
- e) the *owner* of the *property* must enter into an Agreement with the City;

- f) the *property* must be located in one of the Revitalization Areas shown on Schedule “A” attached hereto and forming part of the Bylaw;
- g) Any construction of a *project* undertaken prior to the application for a Revitalization Tax Exemption will not be eligible for consideration;
- h) *Properties* currently receiving a municipal tax exemption shall not be considered by Council for a Tax Exemption.
- i) *Projects* involving *properties* with any unpaid property taxes in arrears shall not be considered by Council for a Tax Exemption.
- j) The maximum Revitalization Tax Exemption authorized under this Bylaw must not exceed the increase in the *assessed value* of the improvements on the property between;
 - i. The calendar year before the *project* began; and
 - ii. The calendar year in which the *project* is completed.

5. DOWNTOWN REVITALIZATION AREA 1

5.1 The amount of the tax exemption is:

- a) 100% of the *Revitalization Amount* on the *property* for Commercial, Residential or Mixed-Use development.

5.2 The term of the tax exemption is

- a) 5 years for a *project* that is a commercial, residential or mixed-use building
- b) 8 years for a *project* that is a residential, or mixed-use building where the Owner enters into a Housing Agreement pursuant to s. 483 of the *Local Government Act* to:
 - i) Secure 10% of the residential units (minimum 1 unit) as affordable housing units; and
 - ii) Restricts the rents, lease, sale or share prices that may be charged for the units at 30% below market rates.

6. DOWNTOWN REVITALIZATION AREA 2

6.1 The amount of the tax exemption is:

- a) 100% of the *Revitalization Amount* on the *property* for Residential Development containing four (4) or more dwelling units;
- b) 50% of the *Revitalization Amount* on the *property* for Commercial developments

6.2 The term of the tax exemption is:

- a) 5 Years for a *project* that is a commercial, residential or mixed-use development
- b) 8 years for a *project* that is a residential, or mixed-use building where the Owner enters into a Housing Agreement pursuant to s. 483 of the *Local Government Act* to:
 - i) Secure 10% of the residential units (minimum 1 unit) as affordable housing units; and
 - ii) Restricts the rents, lease, sale or share prices that may be charged for the units at 30% below market rates.

7. APPLICATION PROCESS

Council may, by resolution, authorize a municipal property tax exemption pursuant to this bylaw in the manner prescribed herein:

- a) An Owner shall submit a completed application form provided by the City as amended from time to time (with all supporting documentation and the \$200 application fee) to the City concurrently with a building permit application.
- b) Upon issuance of an authorizing resolution by Council, the Owner and the City shall enter into a *revitalization tax exemption agreement* in a form provided by the City as amended from time to time.
- c) Upon execution of the *revitalization tax exemption agreement* between the owner and the City, a *tax exemption certificate* shall be issued and applied to the subject property.

8. RECAPTURE OF EXEMPTED TAXES

If a *property* that has benefited from a *tax exemption* under the Revitalization Tax Exemption Program established by this bylaw ceases to meet all the conditions of the *Tax Exemption Certificate*, then the *Tax Exemption Certificate* shall be cancelled and all the taxes which were exempted in respect of that *property* shall be repaid, plus interest, as if the taxes had never been exempted, and the City shall add those taxes to the roll for that property.

Read a first time this 16th day of July, 2018

Read a second time this 16th day of July, 2018

Notice published pursuant to Section 227 of the *Community Charter* on the 7th day of August and the 9th day of August, 2018.

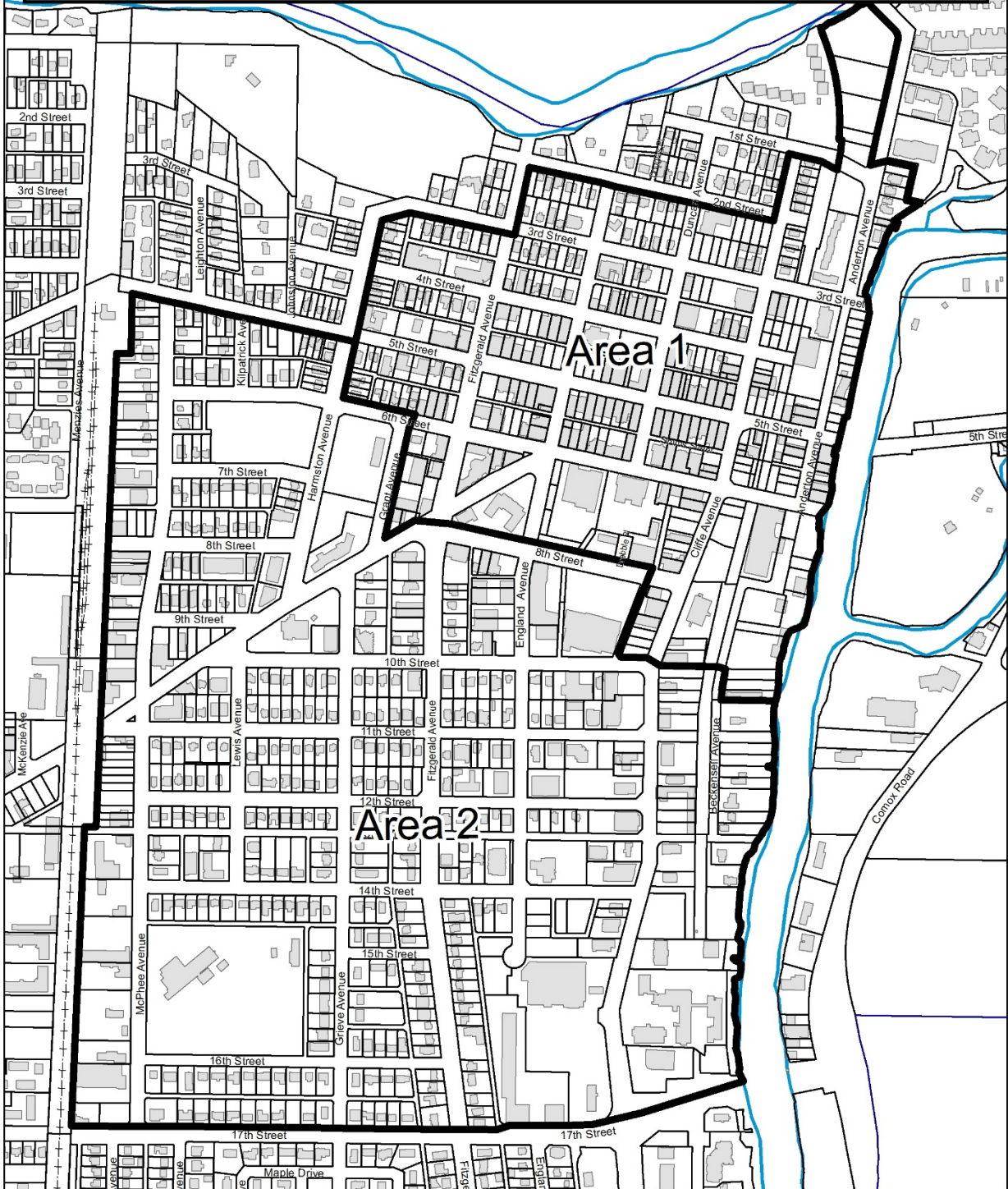
Read a third time this 20th day of August, 2018

Finally passed and adopted this day of, 2018

Mayor

Corporate Officer

Downtown Courtenay Revitalization Tax Exemption Areas Schedule A to Bylaw 2937



SCHEDULE "B"

Revitalization Tax Exemption Agreement

THIS AGREEMENT dated for reference the ___ day of _____, 20__ is

BETWEEN:

XXXX
(the "Owner")

AND:

THE CITY OF COURTENAY
830 Cliffe Avenue
Courtenay, B.C.
V9N 2J7
(the "City")

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of lands in the City of Courtenay at [*civic address*] legally described as [*legal description*] (the "Parcel");
- B. Council has established a revitalization tax exemption program and has included within the Downtown Courtenay Revitalization Tax Exemption Program Bylaw No. 2937 the designation of areas which include the Parcel as a revitalization area; and
- C. The Owner proposes to construct new improvements [*or alter existing improvements*] on the Parcel as described in Appendix "A" attached to and forming part of this agreement (the "Project") and has applied to the City to take part in the revitalization tax exemption program in respect of the Project and the City has agreed to accept the Project under the program;

THIS AGREEMENT is evidence that in consideration of the promises exchanged below, the Owner and the City covenant and agree each with the other as follows:

- 1. **The Project** – the Owner will use its best efforts to ensure that the Project is constructed, maintained, operated and used in a fashion that will be consistent with and will foster the objectives of the revitalization tax exemption program, as outlined in the Downtown Courtenay Revitalization Tax Exemption Program Bylaw No. 2937. Without limiting the generality of the foregoing, the Owner covenants to use its best efforts to ensure that the Project will:
 - a)
 - b)
- 2. **Operation and Maintenance of the Project** – throughout the term of this agreement, the

Owner shall operate, repair and maintain the Project and will keep the Project in a state of good repair as a prudent owner would do.

3. **Revitalization Amount** – In this agreement, “**Revitalization Amount**” means the municipal portion of property tax calculated in relation to the increase in the assessed value of improvements on the Parcel resulting from the construction of the Project as described in section 1;
4. **Revitalization Tax Exemption** – subject to fulfilment of the conditions set out in this agreement and in “Downtown Courtenay Revitalization Tax Exemption Program Bylaw No. 2937”, the City shall issue a revitalization tax exemption certificate (the “Tax Exemption Certificate”) to the British Columbia Assessment Authority entitling the Owner to a property tax exemption in respect of the property taxes due (not including local service taxes) in relation to the Revitalization Amount on the Parcel (the “Tax Exemption”) for the calendar year(s) set out in this agreement.
5. **Conditions** – the following conditions shall be fulfilled before the City will issue a Tax Exemption Certificate to the Owner in respect of the Project:
 - a) The Owner must obtain a building permit from the City for the Project on or before _____, 20__;
 - b) The Owner must complete or cause to be completed construction of the Project in a good and workmanlike fashion and in strict compliance with the building permit and the plans and specifications attached hereto as Appendix “A”.
 - c) The Owner must submit a copy of the Occupancy Permit and Revitalization Tax Exemption Agreement to the City of Courtenay’s Finance Department before the City will issue the Tax Exemption Certificate.
 - d) The completed Project must substantially satisfy the performance criteria set out in Appendix “B” hereto, as determined by the City’s Urban Planning Manager or designate, in their sole discretion, acting reasonably.
6. **Calculation of Calculation of Revitalization Tax Exemption** – the amount of the Tax Exemption shall be equal to *[choose one from below and insert applicable wording]*:
 - a) For “Downtown Revitalization Area 1”, 100% of the Revitalization Amount on the Parcel;
 - b) For “Downtown Revitalization Area 2,”
 - i. 100% of the Revitalization Amount on the parcel for Residential Development containing four (4) or more dwelling units;

- ii. 50% of the Revitalization Amount on the parcel for Commercial developments
7. **Term of Tax Exemption** – provided the requirements of this agreement, and of the Downtown Courtenay Revitalization Tax Exemption Program Bylaw No. 2937, are met the Tax Exemption shall be for the taxation years _____ to _____, inclusive.
8. **Compliance with Laws** – the Owner shall construct the Project and, at all times during the term of the Tax Exemption or any renewal term, use and occupy the Parcel and the Project in compliance with all statutes, laws, regulations and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, all federal, provincial, or municipal laws or statutes or bylaws, including all the rules regulations policies guidelines criteria or the like made under or pursuant to any such laws.
9. **Effect of Stratification** – if the Owner stratifies the Parcel under the Strata Property Act, then the Tax Exemption shall be prorated among the strata lots in accordance with the unit entitlement of each strata lot for:
- a. the current and each subsequent tax year during the currency of this agreement if the strata plan is accepted for registration at the Land Title Office before May 1; or
 - b. for the next calendar year and each subsequent tax year during the currency of this agreement if the strata plan is accepted for registration at the Land Title Office after May 1.
10. **Cancellation** – the City may in its sole discretion cancel the Tax Exemption Certificate at any time:
- a. on the written request of the Owner; or
 - b. effective immediately upon delivery of a notice of cancellation to the Owner if at any time any of the conditions in the Tax Exemption Certificate are not met.
 - c. If the Owner is subject to a housing agreement with the City and is not in compliance with the operating agreement.

If such cancellation occurs, the Owner of the Parcel for which the Tax Exemption Certificate was issued will remit to the City an amount equal to the value of any Tax Exemption received after the cancellation of the Tax Exemption Certificate.

11. **No Refund** – for greater certainty, under no circumstances will the Owner be entitled under the City’s revitalization tax exemption program to any cash credit, any carry forward tax exemption credit or any refund for any property taxes paid.

12. **Notices** – any notice or other writing required or permitted to be given hereunder or for the purposes hereof to any party shall be sufficiently given if delivered by hand or posted on the Parcel, or if sent by prepaid registered mail (Express Post) or if transmitted by facsimile to such party:

a. in the case of a notice to the City, at:

THE CITY OF COURTENAY
830 Cliffe Avenue
Courtenay, B.C.
V9N 2J7

Attention:

Fax:

b. in the case of a notice to the Owner, at:

[Insert name and address of owner]

Attention:

Fax:

Or at such other address as the party to whom such notice or other writing is to be given shall have last notified the party giving the same.

13. **No Assignment** – the Owner shall not assign its interest in this agreement except to a subsequent owner in fee simple of the Parcel.

14. **Severance** – if any portion of this agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this agreement.

15. **Interpretation** – wherever the singular or masculine is used in this agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so require.

16. **Further Assurances** – the parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this agreement.

17. **Waiver** – waiver by the City of a default by the Owner shall be in writing and shall not be deemed to be a waiver of any subsequent or other default.

18. **Powers Preserved** – this agreement does not:

- a. Affect or limit the discretion, rights or powers of the City under any enactment or at common law, including in relation to the use or subdivision of the Parcel;
 - b. Affect or limit any enactment relating to the use or subdivision of the Parcel; or
 - c. Relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Parcel and without limitation shall not confer directly or indirectly any exemption or right of set-off from development cost charges, connection charges, application fees, user fees or other rates, levies or charges payable under any bylaw of the City.
19. **Reference** – every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, assigns, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows.
20. **Enurement** – this agreement shall ensure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.
21. Any construction of a new improvement or alteration of an existing improvement as of this bylaw undertaken prior to the application for a Revitalization Tax Exemption will not be eligible for consideration
22. The maximum Revitalization Tax Exemption authorized under this Bylaw must not exceed the Revitalization Amount on the Property between:
- a. the calendar year before the construction or alteration began, as outlined under Section 1 of this agreement; and
 - b. the calendar year in which the construction or alteration, as outlined under Section 1 of this agreement, is completed.
23. The Property’s assessed value of improvements must not be reduced below the amount assessed in the calendar year prior to construction or alteration, as a result of the Revitalization Tax Exemption.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year first above written.

Executed by the CITY OF COURTENAY by

Its authorized signatories:

 Mayor

City Clerk

Executed by _____ by its

Authorized signatories:

Name:

Name:

Appendix "A": Plans and Specifications

Appendix "B": Performance Criteria

SCHEDULE "C"
Tax Exemption Certificate

Date of Issuance: _____ Certificate Number: _____

Term: _____ Date of Expiry: _____

Legal Description: _____

Property Address: _____

Property Roll Number: _____

Increase in Assessed Value: The increase in assessed value the property tax exemption is based on is: **[insert amount of increase resulting from improvements]**

This certificate certifies that the property is subject to a Revitalization Tax Exemption, for each of the taxation years 20__ to 20__ inclusive, equal to **[enter percent of reduction]**% of the Increase in Assessed Value multiplied by the municipal rate of tax in effect for **[enter tax class]**.

1. This Certificate is subject to the condition that:

- a) The Owner continuously meet all of its covenants and obligations under the Revitalization Tax Exemption Agreement between the Owner and the City dated _____
- b) All of the conditions under the Agreement for receipt of a tax exemption continue to be met; and
- c) The Agreement is not subject to early termination.

2. If the Certificate is cancelled during a year in which the Owner has received an exemption from taxes, a recapture amount is payable calculated as equal to a percentage of the amount of the exemption with the percentage derived from the period of the taxation year remaining from the date of cancellation.

Effective Date: This certificate does not apply to taxation in a calendar year unless it is issued on or before October 31 of the preceding year.

Issued by: _____

Chief Financial Officer