



TOWN OF COMOX

1809 Beaufort Avenue Ph: (250) 339-2202
Comox BC V9M 1R9 Fx: (250) 339-7110

REGULAR COUNCIL MEETING **AGENDA FOR WEDNESDAY OCTOBER 2, 2019**

We respectfully acknowledge that we live, work and play on the traditional lands of the K'ómoks First Nation ... Gila'kasla ... Hay ch q' a'

Meeting Location: Council Chambers, 1801B Beaufort Avenue, Comox

Call to Order: 5:30 p.m.

Adoption of the Agenda

1. DELEGATIONS: NIL

2. MINUTES OF MEETINGS:

- (7) a. [Regular Council Meeting Minutes](#)
That the Minutes of the Regular Meeting of Council, held in Council Chambers on Wednesday September 18, 2019, be Approved.

3. COMMITTEE REPORTS: NIL

4. UNFINISHED BUSINESS:

- (11) a. [Management Report - October 2, 2019](#)
That the Management Report for October 2, 2019 be received and filed for information.

5. SPECIAL REPORTS:

- (18) a. [Comox Valley Regional District Meeting Minutes](#)
That the following Comox Valley Regional District meeting minutes be received for information:
- Comox Strathcona Waste Management Board held on Thursday, September 12, 2019, and
- Comox Strathcona Regional Hospital District Board held on Thursday, September 19, 2019.

6. BYLAWS: NIL

7. NEW BUSINESS AND NOTICES OF MOTION:

- a. [Notice of Motion \(Councillor Minions\): Town Hall Meeting - Climate Crisis and Adaptation](#)

That a Town Hall meeting be held at the Comox Community Centre on the topic of Climate Crisis and Adaptation during one of Council's Committee of the Whole meetings in October, 2019.

- (29) b. [PR 19-13 Cannabis Production Update](#)

That Council direct staff to prepare for Council's consideration a zoning amendment bylaw to permit recreational cannabis production in the I2.1 Aeronautical Industrial Zone and update references to federal regulations.

- (36) c. [RZ 19-8 Cannabis Retail Store Regulation Update](#)

1. *That Comox Zoning Amendment Bylaw 1929 Amendment be given First and Second Readings.*
2. *That comox Business Regulation Amendment Bylaw No. 1930, 2019 be given First, Second and Third Readings.*
3. *That a Public Hearing in respect of Bylaw 1929 be scheduled for 6:30 pm, November 6, 2019, at Council Chambers, 1801B Beaufort Avenue, and staff be instructed to publish the requisite notices as required by the Local Government Act.*
4. *That staff be instructed to publish notice of Comox Business Regulation Amendment Bylaw No. 1930, 2019 in accordance with Section 94 of the Community Charter.*

- (46) d. [Permissive Property Tax Exemption s for 2020](#)

That Bylaw No. 1931 (Comox Permissive Tax Exemption Bylaw, 2019) be given First, Second and Third Readings.

- (62) e. [Revitalization Tax Exemption Agreement for Berwick Addition](#)

That the Town of Comox enter into a Revitalization Tax Exemption Agreement with Berwick Retirement Comox Ltd. In order to permit the issuance of a Revitalization Tax Exemption Certificate for the years 2020 to 2027 inclusive.

8. CORRESPONDENCE:

- (69) a. [Rick Folk \(Comox Valley Pickleball Association\) Thank You](#)

9. LATE ITEMS: NIL

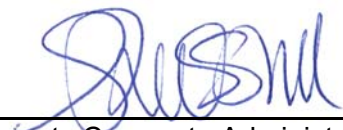
10. REPORTS FROM MEMBERS OF COUNCIL: NIL

11. MEDIA QUESTION PERIOD:

12. PUBLIC QUESTION PERIOD:

13. EXCLUDE THE PUBLIC:

ADJOURNMENT



Deputy Corporate Administrator

TOWN OF COMOX
Minutes of the Regular Council Meeting,
held in Council Chambers on Wednesday September 18, 2019

Present: Mayor R. Arnott
Councillors A. Bissinger, K. Grant, S. McGowan,
P. McKenna, N. Minions, M. Swift
Staff S. Russwurm, Deputy Corporate Administrator
C. Freundlich, Director of Finance
M. Kamenz, Municipal Engineer

Absent: Nil

Call to Order:

The meeting was called to order at 5:30 p.m.

The Agenda was Adopted.

There were 0 visitors in attendance.

1. DELEGATIONS: NIL

2. MINUTES OF MEETINGS:

a. Regular Council Meeting Minutes

RCM Meeting

That the Minutes of the Regular Meeting of Council, held in Council Chambers on Wednesday September 4, 2019, be Approved.

(2019.273) -- CARRIED

b. Special Council Meeting Minutes

Special Council Meeting

That the Minutes of the Special Meeting of Council, held in Council Chambers on Thursday September 5, 2019, be Approved.

(2019.274) -- CARRIED

c. Committee of the Whole Meeting Minutes

COW Meeting

That the Minutes of the Committee of the Whole Meeting, held in Council Chambers on Wednesday September 11, 2019, be Received.

(2019.275) -- CARRIED

COMMITTEE RECOMMENDATIONS:

- (1) Comox Valley Sports Centre Commission - Low Income Regional Recreation All Access Pass Program

All Access Pass

1. *That participation with the Comox Valley Regional District and other local municipalities, in developing a Low Income Regional Recreation All Access Pass Program, be referred to staff for a report.*

That the main motion be amended to read "That staff participate with the Comox Valley Regional District and other local municipalities in developing a Low Income Regional Recreation All Access Pass Program.

(2019.276) -- DEFEATED

[Opposed: Mayor Arnott, Councillors ABissinger KGrant NMinions MSwift]

COMMITTEE RECOMMENDATIONS:

- (1) Comox Valley Sports Centre Commission - Low Income Regional Recreation All Access Pass Program

All Access Pass

2. *That participation with the Comox Valley Regional District and other local municipalities, in developing a Low Income Regional Recreation All Access Pass Program, be referred to staff for a report.*

That the main motion be amended to add the text, "That the report include a discussion on how the All Access Pass Program would potentially affect the capacity of the Comox Community Centre."

(2019.277) -- CARRIED

3. *That the main motion be amended to add the text, "That staff report back on the progress of the report within 30 days."*

(2019.278) -- CARRIED

Main motion as amended:

4. *That participation with the Comox Valley Regional District and other local municipalities, in developing a Low Income Regional Recreation All Access Pass Program, be referred to staff for a report;*

That the report include a discussion on how the All Access Pass Program would potentially affect the capacity of the Comox Community Centre; and further,

That staff report back on the progress of the report within 30 days.

(2019.279) -- CARRIED

3. COMMITTEE REPORTS: NIL

4. UNFINISHED BUSINESS:

- a. **Management Report - September 18, 2019**

Management Report

That the Management Report for September 18, 2019 be received and filed for information.

(2019.280) -- CARRIED

5. SPECIAL REPORTS: NIL

6. BYLAWS: NIL

7. NEW BUSINESS AND NOTICES OF MOTION:

- a. **Street Closure - Highridge Drive Block Party**

Highridge Drive Block Party

That the Town of Comox - Road Permit Application received September 9, 2019 from Paula Ives be received; and further,

That the request to close the cul-de-sac portion of Highridge Drive between 5:00 p.m. and 10:00 p.m. on Saturday September 21, 2019 be approved, subject to all emergency service providers being notified and the applicant meeting all other conditions of the Town of Comox Road Permit.

(2019.281) -- CARRIED

- b. Notice of Motion (Councillor Minions): Town Hall Meeting - Climate Crisis and Adaptation**

Notice of Motion

That a Town Hall meeting be held at the Comox Community Centre on the topic of Climate Crisis and Adaptation during one of Council's Committee of the Whole meetings in October, 2019.

(2019.282) -- CARRIED

8. CORRESPONDENCE:

- a. Robert James (Point Holmes Recreation Association) Pavilion Celebration**

Point Holmes Pavilion

That the September 11, 2019 email, inviting Council to a BBQ to celebrate the construction of the Point Holmes Pavilion, be received and filed for information.

(2019.283) -- CARRIED

9. LATE ITEMS: NIL

10. DELEGATIONS: NIL

11. REPORTS FROM MEMBERS OF COUNCIL:

- a. Councillor Bissinger**

Councillor Bissinger advised that she attended the Town barbeque at the Fire Hall.

- b. Councillor Grant**

Councillor Grant advised that he attended the Regional District board meeting and the Town barbeque at the Fire Hall.

- c. Councillor Minions**

Councillor Minions advised that she attended the Town barbeque at the Fire Hall and participated in a Climate conference call.

- d. Councillor McGowan**

Councillor McGowan advised that she attended:

- a Climate Caucus meeting,
- the Comox Valley Exhibition,
- a forum on Building Partnerships for Smaller Communities, and
- a Social Planning Society meeting.

- e. Councillor Swift**

Councillor Swift advised that she attended the Town barbeque at the Fire Hall and the Regional District board meeting.

- f. Councillor McKenna**

Councillor McKenna advised that he attended a Nautical Days Committee de-brief and the opening of the Pickleball facility.

- g. Mayor Arnott**

Mayor Arnott advised that he attended:

- a Comox Valley Economic Development Society performance review,
- the Town barbeque at the Fire Hall,
- the New Traditions grand opening, and
- a meeting with Lee Everson regarding the Red Dress Campaign.

14. EXCLUDE THE PUBLIC:

a. Exclude the Public

Exclude the Public

That the Public be Excluded from the In-Camera Meeting of Council on Wednesday September 18, 2019, pursuant to the following sub-sections of the Community Charter:

90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; and

90(1)(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

(2019.284) -- CARRIED

THE MEETING WAS CLOSED TO THE PUBLIC AT 6:10 P.M.

THE REGULAR COUNCIL MEETING RECONVENED AT 7:25 P.M.

Adjournment:

Regularly moved and seconded that the meeting adjourn at 7:25 p.m.

CARRIED

Certified correct pursuant to Section 97(1)(b) of the Community Charter

MAYOR

CORPORATE OFFICER

TOWN OF COMOX – MANAGEMENT REPORT				
OCTOBER 2, 2019				
DATE	SUBJECT	COUNCIL DIRECTION	STATUS	COMPLETED
07-Mar-2007	Organic Waste Collection Service	Investigate the provision of an Organic Waste Collection Service in Comox-Courtenay. (Council provided conditional support on Aug 1, 2018 for a regional organics program, subject to a detailed cost comparative analysis being completed by the CVRD on site location alternatives.)	Regional District continuing to investigate options. Organics collection fell slightly (by 8%) during the first half of 2019, most likely due to the dry weather. Staff report examining implications of altering garbage collection for upcoming Committee of the Whole. CAO of CVRD to be invited to present to Council on process/status.	
20-Aug-2014	Fixed Wing Search and Rescue Training Facility	Investigate the feasibility of financial and other incentives that would support the selection of 19 Wing Comox.	Grant-in-aid to be provided to 19 Wing Comox for facility. Expected building completion by October 2019.	
18-Jan-2017	Northeast Comox Storm Water Management Plan	Implementation of Northeast Comox Storm Water Management Plan	Financial consultants are working on different funding scenarios and Engineering consultants are preparing Class D cost estimates for pond construction options. Awaiting completion of legal review of regulatory bylaws.	
18-Jan-2017	Mack Laing Trust	That staff be directed to begin the process to modify, if necessary, the terms of the Trust.	Facilitated Public Meeting and Workshop held March 27, 2019. Revised design for viewing platform approved by Council at May 15, 2019 Regular Meeting. Revised design presented to KFN Chief and Council on June 26, 2019. Sept 2019 staff responding to queries from province.	
02-Aug-2017	Wayfinding Signage	Implement wayfinding signage standards, prototypes and implement Phase 1 signage	Project substantially complete. One more sign to be installed in front of Comox Golf Club, after planting bed restoration complete.	
17-Jan-2018	Boundary Extension Request - Torrence Road	That the Town of Comox proceed with a boundary extension proposal in the Noel, Torrence and Lazo Roads area that includes the	Discussions held with Ministry staff regarding condition of Lazo Road and Town desire for grant funding or improvements to be made	

NOTE: Shaded items will be removed from the Management Report unless otherwise directed by council.

TOWN OF COMOX – MANAGEMENT REPORT

OCTOBER 2, 2019

DATE	SUBJECT	COUNCIL DIRECTION	STATUS	COMPLETED
		following: • 480 Torrence Rd • Vacant Land • 456 Torrence Rd • Vacant Land (Lot 10) • 274 Torrence • 1310 Lazo Rd • Vacant Land (Lot A) • 1250 Lazo Rd • Adjacent portions of Torrence and Lazo Roads plus undeveloped south end of King Road; and further, That Town of Comox staff be authorized to develop, sign and submit the proposal to the Ministry of Municipal Affairs and Housing.	prior to bringing it into Town boundary. Ministry staff advised that it is not a priority for them for the next few years. Owner of three parcels has also requested that his properties now be excluded. Report on Oct 16, 2019 RCM agenda recommending that the application be withdrawn.	
07-Feb-2018	Comox Harbour Promenade Enhancement Project	That Council supports, in principle, the concept of an Enhanced Promenade and directs staff to consult with the public and other stakeholders on the proposal.	Presented at capital projects open house. No other work currently underway.	
16-Jan-2019	LGMA Commemorative Tree Planting - 100th Anniversary	That Council authorize staff to proceed with selecting a tree to plant in a location recommended by staff and hold a commemorative tree planting ceremony in recognition of the local government profession and ongoing commitment to the community.	Plaque has been prepared. Preparations underway for planting ceremony. Council will be informed/invited in near future.	
16-Jan-2019	Dog Park Feasibility and Public Consultation Process	That a public consultation process regarding the feasibility of a dog park be undertaken, for an amount up to \$20,000.	Staff preparing RFP to invite local firms to undertake this consultation process	

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TOWN OF COMOX – MANAGEMENT REPORT

OCTOBER 2, 2019

DATE	SUBJECT	COUNCIL DIRECTION	STATUS	COMPLETED
20-Mar-2019	Planning Report PR 19-4: Affordable Housing, Town Initiatives	That staff be instructed to prepare a report on: a. Options for local government provision of affordable housing; b. Options for the use of rental zoning; and d. Impact of short term rentals on the supply of affordable housing, including an allowance for rental of primary units.	Complex issues that will require considerable staff time to complete.	
03-Apr-2019	Notice of Motion from March 20, 2019 Meeting (Councillor McGowan) - Heritage Registry	That a staff report be provided on whether a Heritage Registry be created within the Town of Comox.	No action taken to date due to lack of resources.	
17-Apr-2019	Interim Report on Affordable Housing Initiatives	That the Town request that the Comox Valley Regional District amend its Development Cost Charge Bylaws (DCCs) to exempt from required DCCs payments the construction or alteration of self-contained dwelling units in buildings in which each unit is not larger than 45 m2;	Letter sent May 24, 2019 from Mayor to CVRD chair. No update received to date.	
17-Apr-2019	Electric Vehicle Charging Station - Grant Funding Opportunity	That the Town of Comox participate in the Mid-Island EV Network project and associated CleanBC Communities Fund application with the Regional District of Nanaimo as the lead applicant and dedicate a total of up to \$6,000 to be funded from General Revenue, and representing the Town's portion of the cost of one (1) dual port public electric vehicle charging station at a Town owned site within the community and that the location of the charging station be referred to staff.		
17-Apr-2019	New Motion (Councillor McKenna): Communications Specialist	That staff include in the 2019 budget, the provision of salary to hire a communications specialist in the year 2019.	Additional support in Corporate Administration starting October 2019. Hiring of addition staff member with broader	

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TOWN OF COMOX – MANAGEMENT REPORT OCTOBER 2, 2019				
DATE	SUBJECT	COUNCIL DIRECTION	STATUS	COMPLETED
			responsibility for communications and legislative functions (records management, FOIs, etc.) by the end of the year.	
01-May-2019	Andy Merrick - Request to name a park or street after Comox's third Mayor	That the request from Andy Merrick, asking that a park or a street be named after Comox's third Mayor (Dick Merrick), be referred to staff for followup.	Staff recommends no change to the current street naming policy.	
01-May-2019	Wendy Laing - Speed, sidewalks and bikelanes on Comox Avenue	That the April 12, 2019 email from Wendy Laing, regarding concerns and suggestions related to speed, sidewalks and bikelanes on Comox Avenue, be received and referred to staff for followup.	2016 traffic counts show majority of vehicles adhering to regulations. Engineering to place traffic counters in the area again in near future. Design of sidewalks on the south side of Comox Avenue from Rodello to Ellis Street(s) to occur in this year's financial plan that will also include consideration of the installation of bike lanes.	
01-May-2019	Walter Carroll - Parking on Murrelet from Land and Sea Brewery	That the April 22, 2019 letter from Walter Carroll, regarding parking on Murrelet from the Land and Sea Brewery, be received and referred to staff for followup.	Staff to conduct review of the area including consideration of the suggestions offered from Carroll. Bylaw Enforcement Officer continues to monitor area for parking infractions.	
15-May-2019	Climate Emergency (April 17, 2019 Notice of Motion: Councillor Bissinger)	That the following motions be referred to Council's next strategic planning process: - "That staff prepare a report to Council within six months with tangible actions the Mayor/Council and Town staff can take to address the Climate Crisis", and - "That Council seek commitment and financial support from the Comox Valley Regional District and its member communities for a shared position of Sustainability and Long Range Planning Manager for the Comox Valley."		

NOTE: Shaded items will be removed from the Management Report unless otherwise directed by council.

TOWN OF COMOX – MANAGEMENT REPORT

OCTOBER 2, 2019

DATE	SUBJECT	COUNCIL DIRECTION	STATUS	COMPLETED
19-Jun-2019	Single Use Plastic Regulation Bylaw	That Council direct staff to arrange for the required statutory advertising regarding the "Town of Comox Single Use Plastic Regulation Bylaw No. 1923, 2019" prior to adoption of the bylaw.	Bylaw given First, Second and Third Readings at June 19, 2019 RCM and staff directed to proceed with local stakeholder engagement. Similar Victoria bylaw struck down in July 2019 as being outside municipality's jurisdiction. Federal government announced in June 2019 its intention to ban harmful single-use plastics as early as 2021.	
03-Jul-2019	Susan Anderson - Safety concern regarding the vehicle traffic on Hillside Avenue	That the June 24, 2019 letter to Mayor Arnott from Susan Anderson, regarding the Hillside/Nimpkish neighbourhood's safety concerns with vehicle traffic on Hillside Avenue, be received and referred to staff for followup.	Traffic tabulators to be placed on Hillside Avenue in September of this year. Following the collection of information staff to review and present a report to Council that may recommend formal changes to existing traffic patterns and/or pedestrian flow on Hillside Avenue.	
07-Aug-2019	Alena, Quinn and Max Barner - Clamshell plastic used to sell bakery items	That the July 3, 2019 email from Alena, Quinn and Max Barner, asking Council to consider eliminating single use clamshell plastic, be received and referred to staff for inclusion in the Town of Comox Single Use Plastics Regulation Bylaw.		
07-Aug-2019	Dr. John D. Neilson - Safety concern on Balmoral Avenue	That the July 2, 2019 email from Dr. John D. Neilson, expressing safety issues on Balmoral Avenue, be received and referred to staff for follow-up.	Planned upgrade to the section of Balmoral Avenue between Donovan Drive and Torrence Road will include consideration of installing a rectangular rapid flashing beacon at the Brooklyn Creek crosswalk in addition to upgrading the existing road surface. Associated design works complete funding opportunities being investigated to assist with implementation.	

NOTE: Shaded items will be removed from the Management Report unless otherwise directed by council.

TOWN OF COMOX – MANAGEMENT REPORT OCTOBER 2, 2019				
DATE	SUBJECT	COUNCIL DIRECTION	STATUS	COMPLETED
07-Aug-2019	Bruce Gibbons (Merville Water Guardians) Status of request on prohibiting the bottling of groundwater	That the July 17, 2019 email from Bruce Gibbons, Merville Water Guardians, inquiring of the status of his request on banning the bottling of groundwater, be received and that staff be directed to prepare a bylaw prohibiting the bottling of water except where the source of the water is the municipal water supply supplied to the property on which the bottling is taking place.	Added to work program. Planning report tentatively targeted for Nov 2019.	
18-Sep-2019	Comox Valley Sports Centre Commission - Low Income Regional Recreation All Access Pass Program	That participation with the Comox Valley Regional District and other local municipalities, in developing a Low Income Regional Recreation All Access Pass Program, be referred to staff for a report; That the report include a discussion on how the All Access Pass Program would potentially affect the capacity of the Comox Community Centre; and further, That staff report back on the progress of the report within 30 days.	Staff update on report to be provided at October 16, 2019 RCM.	

NOTE: Shaded items will be removed from the Management Report unless otherwise directed by council.

STRATEGIC PRIORITIES CHART

Updated: August 2019

CORPORATE PRIORITIES (Council/CAO)

NOW

1. **MACK LAING: Future**
2. **5-YEAR CAPITAL PLAN: Priorities**
3. **NE INDUSTRIAL LANDS STRATEGY: Terms of Reference**
4. **AFFORDABLE HOUSING: Current Town Actions**
5. **OFF LEASH DOG PARK: Public Consultation**

TIMELINE

May
June
July
March [number of steps underway]
March/April

NEXT

- CLIMATE CHANGE ADAPTATION: Project
- LONG TERM CAPITAL PLAN
- DOWNTOWN REVITALIZATION: Zone Expansion
- ORGANICS COLLECTION PROGRAM: Review
- WATERFRONT WALKWAY: Options
- CLIMATE CHANGE ADAPTATION STRATEGY
- MARINA PARK: Phase II
- SHORT TERM RENTAL: Policy Options
- SHELF/SHOVEL-READY GRANT PROJECT

ADVOCACY / PARTNERSHIPS

- *Regional Organics Facility: Decision (RD)*
- *NE Industrial Land Strategy (CVEDS)*
- *Coalition to end Homelessness: Support*
- *Climate Change Grant (FCM)*
- *Regional Transit Review (RD)*
- *Regional Connectivity System (RD)*

OPERATIONAL STRATEGIES (CAO/Staff)

CHIEF ADMINISTRATIVE OFFICER

1. MACK LAING: Future – August
2. **NE INDUSTRIAL LAND STRATEGY: TOR** – Sept
3. CLIMATE CHANGE ADAPTATION: Project – July

PLANNING SERVICES

1. Subdivision Bylaw: Update - November
2. NE Comox SWMP: Implementation - September
3. Step Code - November
4. Anderton Corridor Land Use: – Preliminary/Density concept Plan to consulting eng. March 2019

FINANCE

1. Office Space: Relocations/renos - July/August
2. **CAPITAL PLAN: Priorities** – Sept-Dec.
 - Payroll Software (replacement) – Aug - Dec
 - Fiber Optics - September

CORPORATE

1. Policy Manual: October
2. Procedure Bylaw: October
3. Records Management - Administration: December

PARKS

1. **DOG PARK: Options** – Public Consultation
2. Wayfinding Project – April
 - Ellis Street Walkway: Replacement
 - Greenway Development: Detailed Design

PUBLIC WORKS & ENGINEERING

1. Anderton Servicing Plan – 75% complete [water/sanitary and storm]. Construction ready spring 2020
 - Foreshore Sanitary Replacement
 - Transportation Plan: Update

FIRE

1. POC / Volunteer Retention: Review – FT Assistant hired – July
2. Full Time Staff: Review - March
3. Service Level Review – September

RECREATION

1. Site Master Plan: 1st draft - June
2. Programmer Hours: Review – add 5 hrs. approved
 - Fitness Studio: Capital Equipment - ongoing
 - Regional Recreation Initiative – discussions in progress



COMOX STRATHCONA WASTE MANAGEMENT BOARD

Thursday, September 12, 2019

Minutes of the meeting of the Comox Strathcona Waste Management Board of Directors held on September 12, 2019 at the Campbell River Maritime Heritage Centre, 621 Island Highway, Campbell River, BC commencing at 9:45 am.

MINUTES

Present:

Chair:	B. Wells	City of Courtenay
Vice-Chair:	A. Hamir	Lazo North (Area B)
Directors:	D. Arbour	Baynes Sound-Denman/Hornby Islands (Area A)
	J. Abram	Discovery Islands - Mainland Inlets (Area C)
	N. Anderson	Cortes (Area B)
	M. Babchuk	City of Campbell River
	J. Colborne	Village of Zeballos
	C. Cornfield	City of Campbell River
	D. Frisch	City of Courtenay
	B. Leigh	Oyster Bay – Buttle Lake (Area D)
	A. Adams	City of Campbell River
	W. Cole-Hamilton	City of Courtenay
	M. Davis	Village of Tahsis
	B. Unger	Village of Gold River
	G. Whalley	Kyuquot – Nootka/Sayward (Area A)
	C. Moglove	City of Campbell River
	M. Swift	Town of Comox
Alt. Directors:	W. Morin	City of Courtenay
	C. Evans	City of Campbell River
	B. Ives	Village of Sayward
	G. Sproule	Village of Cumberland
	N. Minions	Town of Comox
Staff:	K. Douville	Manager of Financial Planning
	R. Dyson	Chief Administrative Officer
	M. Rutten	General Manager of Engineering Services
	J. Warren	General Manager of Corporate Services
	J. Martens	Manager of Legislative Services

Absent:

Directors:	E. Grieve	Puntledge/Black Creek (Area C)
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ATTENDANCE:

Director Arbour was not in attendance when the meeting was called to order.

CALL TO ORDER AND APPROVAL OF THE AGENDA:

RCM Agenda October 2, 2019

A. Adams/B. Unger: THAT agenda item F.3 - Regional Organics Compost Project September 2019 Update, be brought forward ahead of agenda item F.2 - Regional Organics Compost Project Procurement Recommendations;

AND FURTHER THAT the agenda be approved as amended.

208

Carried

IN-CAMERA MEETING:

B. Leigh/J. Colborne: THAT the board adjourn to an in-camera session pursuant to the following sub-section(s) of section 90 of the Community Charter:

90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the Board considers that disclosure might reasonably be expected to harm the interests of the regional district;

AND FINALLY THAT the in-camera portion convene immediately following the open portion of the meeting.

208

Carried

ADOPTION OF MINUTES:

B. Leigh/J. Colborne: THAT the Comox Strathcona Waste Management Board minutes dated June 20, 2019 be adopted.

208

Carried

REPORTS:

COMOX STRATHCONA WASTE MANAGEMENT ADVISORY COMMITTEE MINUTES

B. Unger/J. Colborne: THAT the Comox Strathcona Waste Management Advisory Committee minutes dated August 15, 2019 be received.

208

Carried

REGIONAL ORGANICS COMPOST PROJECT - SEPTEMBER 2019 UPDATE

D. Frisch/N. Anderson: THAT the report dated September 6, 2019 regarding a regional organics compost project update be received.

209

Carried

Director Arbour joined the meeting at 9:59 am and was present for the vote.

A. McGifford, Senior Manager of CSWM Services, provided a presentation on the regional organics compost project update.

The board recessed at 10:45 am and reconvened at 11:00 am.

REGIONAL ORGANICS COMPOST PROJECT – PROCUREMENT RECOMMENDATIONS

J. Colborne/D. Frisch: THAT the report dated September 5, 2019 regarding a summary of procurement options and to recommend a project delivery method for the regional compost processing facility and

transfer station be received.

209

Carried

A. Hamir/B. Unger: THAT the Comox Strathcona Waste Management compost processing facility and the compost transfer station be procured through a design-build or design-bid-build procurement method.

209

Carried

CAMPBELL RIVER WASTE MANAGEMENT CENTRE – LANDFILL GAS MANAGEMENT REGULATION WARNING LETTER

D. Frisch/A. Hamir: THAT the report dated September 5, 2019 regarding the recommended plan and timeline to complete the closure of the Campbell River Waste Management Centre in consideration of the requirements under the Landfill Gas Management Regulation and the Ministry of Environment and Climate Change Strategy, be received.

209

Carried

A. McGifford, Senior Manager of CSWM Services, presented an overview of the staff report regarding the recommended plan and timeline to complete the closure of the Campbell River Waste Management Centre in consideration of the requirements under the Landfill Gas Management Regulation and the Ministry of Environment and Climate Change Strategy.

N. Anderson/J. Colborne: THAT the Comox Strathcona Waste Management Board support the planned closure approach described as option 2 in the September 5, 2019 staff report, subject to funding support being provided by the Province.

209

The board was polled on the following motion:

C. Cornfield/G. Whalley: THAT consideration of the following motion be deferred to the November 14, 2019 board meeting:

"THAT the Comox Strathcona Waste Management Board support the planned closure approach described as option 2 in the September 5, 2019 staff report, subject to funding support being provided by the Province."

209

Defeated

Vote taken on main motion as follows:

THAT the Comox Strathcona Waste Management Board support the planned closure approach described as option 2 in the September 5, 2019 staff report, subject to funding support being provided by the Province.

209

Defeated

The dissenting votes for the above motion were as follows: B. Ives, C. Moglove, D. Frisch, G. Sproule, M. Swift, J. Abram, M. Davis, A. Adams, B. Unger, B. Leigh, B. Wells, J. Colborne, G. Whalley, C. Evans, M. Babchuk, and C. Cornfield.

A. Adams/B. Unger: THAT the Comox Strathcona Waste Management Board support the planned closure

approach described as Option 3 in the September 5, 2019 staff report, and direct staff to continue to follow the 2017 Design, Operations and Closure Plan for the Campbell River Waste Management Centre to meet Landfill Gas Management Regulation in 2023;

AND FURTHER THAT the Comox Strathcona Waste Management Board send a letter to the Ministry of Environment and Climate Change Strategy to confirm our intent to meet the Landfill Gas Management Regulation as outlined in the 2017 Design, Operations and Closure Plan for Campbell River;

AND FINALLY THAT the 2020 - 2024 Financial Planning ensures that the necessary funding is available within the budget to undertake the closure works to proceed as per Option 3.

The board recessed at 12:36 pm and reconvened at 1:04 pm.

B. Leigh/W. Morin: THAT consideration of the following motion be deferred to the November 14, 2019 board meeting:

"THAT the Comox Strathcona Waste Management Board support the planned closure approach described as Option 3 in the September 5, 2019 staff report, and direct staff to continue to follow the 2017 Design, Operations and Closure Plan for the Campbell River Waste Management Centre to meet Landfill Gas Management Regulation in 2023;

AND FURTHER THAT the Comox Strathcona Waste Management Board send a letter to the Ministry of Environment and Climate Change Strategy to confirm our intent to meet the Landfill Gas Management Regulation as outlined in the 2017 Design, Operations and Closure Plan for Campbell River;

AND FINALLY THAT the 2020 - 2024 Financial Planning ensures that the necessary funding is available within the budget to undertake the closure works to proceed as per Option 3."

209

Defeated

The dissenting votes for the above motion were as follows: A. Hamir, N. Anderson, W. Morin, D. Arbour, N. Minions, W. Cole-Hamilton, B. Ives, C. Moglove, D. Frisch, G. Sproule, M. Swift, J. Abram, M. Davis, A. Adams, B. Unger, B. Wells, G. Whalley, C. Evans, M. Babchuk, and C. Cornfield.

Vote taken on main motion as follows:

THAT the Comox Strathcona Waste Management Board support the planned closure approach described as Option 3 in the September 5, 2019 staff report, and direct staff to continue to follow the 2017 Design, Operations and Closure Plan for the Campbell River Waste Management Centre to meet Landfill Gas Management Regulation in 2023;

AND FURTHER THAT the Comox Strathcona Waste Management Board send a letter to the Ministry of Environment and Climate Change Strategy to confirm our intent to meet the Landfill Gas Management Regulation as outlined in the 2017 Design, Operations and Closure Plan for Campbell River;

AND FINALLY THAT the 2020 - 2024 Financial Planning ensures that the necessary funding is available within the budget to undertake the closure works to proceed as per Option 3.

209

Carried

NAY: A. Hamir, B.
Leigh, W. Cole-

C. Moglove/C. Cornfield: THAT the potential purchase of carbon offsets for the emissions from the Campbell River Waste Management Centre, as outlined in the staff report dated September 5, 2019 be referred to staff for a report with further options for the board's consideration.

209

Carried NAY: G. Whalley, D.
Arbour

COMOX VALLEY WASTE MANAGEMENT CENTRE – REQUIREMENT FOR ADDITIONAL LEACHATE MANAGEMENT MEASURES

D. Frisch/J. Colborne: THAT the report dated September 5, 2019 regarding the results of an assessment of the first full year of operations of the Leachate Treatment Facility at the Comox Valley Waste Management Centre be received.

209

Carried

SINGLE-USE ITEMS REDUCTION REPORT

D. Frisch/J. Colborne: THAT the report dated September 4, 2019 regarding a reduction to the distribution of single-use items in the Comox Strathcona Waste Management service area in response to the CleanBC Plastics Action Plan Policy Consultation Paper be received.

209

Carried

A. Hamir/M. Davis: THAT the Comox Strathcona Waste Management Board submit a formal response to the CleanBC Plastics Action Plan Policy Consultation Paper;

AND FURTHER THAT the Comox Strathcona Waste Management Board recommend to member municipalities to exclude compostable and biodegradable plastics as allowable substitutions within single-use item reduction bylaws;

AND FURTHER THAT the Comox Strathcona Waste Management Board encourage visitors, residents and all businesses within the service area to restrict the use of single-use items by allocating \$8,000 in communication and educational resources from the 2020 budget from 391, general education and advertising;

AND FINALLY THAT the Comox Strathcona Waste Management Board direct staff to track the impact of the material bans for the purposes of reporting in the next Solid Waste Management Plan using business outreach and waste audit tools.

209

Carried NAY: C. Cornfield

2019-2023 FINANCIAL PLAN AMENDMENT – CSWM SERVICE – FUNCTION 391 - 2019 CAPITAL PROJECT – 1029 BUILDING IMPROVEMENTS

J. Colborne/D. Frisch: THAT the report dated September 4, 2019 regarding an increase in the capital project budget for building expenditures in project #1029 – annual provision for capital projects, to meet the change in scope for the Comox Valley Waste Management Centre operational staff facility be received.

209

Carried

D. Arbour/W. Cole-Hamilton: THAT the 2019 – 2023 Financial Plan for the Comox-Strathcona Waste

Management Service, functions 391 – 393, be amended to increase building expenses by \$15,000, for an operational staff facility at the Comox Valley Waste Management Centre;

AND FURTHER THAT this be funded by decreasing the operational expense budget for contracted services buildings and land maintenance by \$15,000, then transferred to capital, to provide further financial support to this project.

209

Carried

VARY THE AGENDA

N. Anderson/D. Frisch: THAT the agenda be varied to bring forward item F.10 Management Report.

208

Carried

CSWM MANAGEMENT REPORT

D. Arbour/M. Davis: THAT the Comox Strathcona Waste Management Board management report dated September 2019 be received.

209

Carried

SUMMARY – BOARD ROUND TABLE DISCUSSION FROM JUNE 20, 2019

D. Arbour/B. Unger: THAT the report dated September 4, 2019 regarding a summary of the the Comox Strathcona Waste Management Board's input provided through the round table session at the June 20, 2019 Board meeting be received.

209

Carried

W. Morin/J. Colborne: THAT the Comox Strathcona Waste Management Board support two round table sessions annually and to schedule these at the Board meetings occurring in June and November of each year;

AND FURTHER THAT staff address the seven action items stemming from the June 20, 2019 Comox Strathcona Waste Management Board round table session related to governance, waste composition, the Solid Waste Management Plan, and taxation and tipping fees as outlined in the August 6, 2019 report.

209

A. Adams/D. Frisch: THAT the motion be amended to reflect only one round table session being held each year.

209

Carried

Vote on main motion as amended as follows:

THAT the Comox Strathcona Waste Management Board support one round table session annually and schedule it at the Board meeting occurring in June of each year;

AND FURTHER THAT staff address the seven action items stemming from the June 20, 2019 Comox Strathcona Waste Management Board round table session related to governance, waste composition, the Solid Waste Management Plan, and taxation and tipping fees as outlined in the August 6, 2019 report.

209

Carried

PESTICIDE AND HERBICIDE USE – DRAFT POLICY INPUT

D. Frisch/B. Unger: THAT the report dated September 5, 2019 regarding an opportunity to review and understand the proposed changes related to the draft Pesticide and Herbicide Use policy be received.
209 Carried

D. Arbour/J. Colborne: THAT the Comox Strathcona Waste Management Board support the changes for the Pesticide Use on Comox Valley Regional District Property policy to include herbicides and updated language related to the addition of herbicides, as proposed.
209 Carried

ADJOURN TO IN-CAMERA

The board adjourned to its in-camera session at 2:03 pm.

RISE AND REPORT:

The board rose from its in-camera session at 2:32 pm.

TERMINATION:

A. Adams/D. Frisch: THAT the meeting terminate.
208 Carried

Time: 2:33 pm.

Confirmed this _____ day of _____ 20__:

Bob Wells
Chair

Certified Correct and Recorded by:

Jake Martens
Manager of Legislative Services



COMOX STRATHCONA REGIONAL HOSPITAL DISTRICT BOARD

Thursday, September 19, 2019

Minutes of the meeting of the Comox Strathcona Regional Hospital District Board of Directors held on Thursday, September 19, 2019 in the boardroom of the Comox Valley Regional District offices located at 550B Comox Road, Courtenay, BC commencing at 9:34 am.

MINUTES

Present:

Chair:	C. Cornfield	City of Campbell River
Vice-Chair:	D. Hillian	City of Courtenay
Directors:	D. Frisch	City of Courtenay
	J. Abram	Discovery Islands - Mainland Inlets (Area C)
	N. Anderson	Cortes (Area B)
	M. Babchuk	City of Campbell River
	J. Colborne	Village of Zeballos
	D. Arbour	Baynes Sound-Denman/Hornby Islands (Area A)
	R. Kerr	City of Campbell River
	B. Leigh	Oyster Bay – Buttle Lake (Area D)
	M. Davis	Village of Tahsis
	B. Unger	Village of Gold River
	B. Wells	City of Courtenay
	G. Whalley	Kyuquot – Nootka/Sayward (Area A)
Alt. Directors:	C. Scoville	Puntledge/Black Creek (Area C)
	B. Price	Lazo North (Area B)
	C. Evans	City of Campbell River
	W. Cole-Hamilton	City of Courtenay
	K. Dahl	City of Campbell River
	A. Bissinger	Town of Comox
	G. Sproule	Village of Cumberland
	B. Ives	Village of Sayward
	N. Minions	Town of Comox
Staff:	J. Warren	General Manager of Corporate Services
	J. Bradley	Executive Manager of Human Resources
	B. Dunlop	Corporate Financial Officer
	J. Martens	Manager of Legislative Services
	A. Baldwin	Legislative Services Assistant
Other:	S. Christiansen	Ka: 'yu : ' k't'h / Che : k'tles7et'h First Nations

ATTENDANCE:

Director Whalley was not in attendance when the meeting was called to order.

ADOPTION OF MINUTES:

B. Leigh/J. Abram: THAT the minutes of the Comox Strathcona Regional Hospital District Board meeting held April 11, 2019 be amended to reflect the correct spelling of pathology;

AND FURTHER THAT the minutes be adopted as amended.

HDA (9)

Carried

PETITIONS AND DELEGATIONS:**ISLAND HEALTH - LABORATORY SERVICES**

B. Wells/D. Arbour: THAT the information presented by Dr. David Robertson, Geography 3 Executive Medical Director, Island Health, regarding changes to hospital laboratory services be received.

HDA (9)

Carried

Director Whalley entered the meeting at 9:40 am.

B. Wells/C. Evans: THAT the handout of the presentation by Dr. Leia to the City of Campbell River regarding pathology services in Campbell River be received.

D. Frisch/N. Anderson: THAT consideration of receipt of the handout presentation regarding pathology services in Campbell River be postponed to Section G. New Business.

HDA (9)

Carried

REPORTS:**NORTH ISLAND HOSPITALS AND SERVICES**

B. Wells/N. Anderson: THAT the information provided by Mark Blandford, Executive Director, Primary Care & Seniors Health, Priority Populations & Initiatives, Scott McCarten, Capital Management & Finance Projects, and Dermot Kelly, Executive Director, Geography 1, Island Health, regarding the following topics be received:

- the current state post occupancy overview for North Island Hospitals Project;
- work in community and long term care; and
- expansion of the North Island hospitals.

HDA (9)

Carried

B. Leigh/J. Abram: THAT the Comox Strathcona Regional Hospital District (CSRHD) Board does not support Island Health's plan to outsource pathology services to the North Islands Hospitals;

AND FURTHER THAT the CSRHD Board support the pathology services in Courtenay and Campbell River being maintained and enhanced with the addition of a third pathologist at Campbell River.

HDA (9)

B. Wells/W. Cole-Hamilton: THAT consideration of the motion concerning pathology services be deferred until after a presentation from Dr. Leia and Dr. Tabarsi regarding pathology services in Campbell River has been received.

HDA (9)

Defeated

Vote taken on main motion as follows:

THAT the Comox Strathcona Regional Hospital District (CSRHD) Board does not support Island Health's plan to outsource pathology services to the North Islands Hospitals;

AND FURTHER THAT the CSRHD Board support the pathology services in Courtenay and Campbell River being maintained and enhanced with the addition of a third pathologist at Campbell River.

Defeated

B. Leigh/J. Abram: THAT the Comox Strathcona Regional Hospital District contact Premier Horgan to request that an inquiry be initiated on Island Health's conduct in attempting to contract out North Island Hospitals pathology services to the private corporation known as VICPCC.

HDA (9)

J. Colborne/J. Abram: THAT the motion be amended to replace "to the private corporation known as VICPCC" with "before the facilities at the North Island Hospitals are utilized to their full capacity."

HDA (9)

D. Arbour/C. Evans: THAT the matter be referred to the next meeting of the Comox Strathcona Regional Hospital District Board.

HDA (9)

With the unanimous consent of the board the following main motion and its subsidiary motions were withdrawn:

"THAT the Comox Strathcona Regional Hospital District contact Premier Horgan to request that an inquiry be initiated on Island Health's conduct in attempting to contract out North Island Hospitals pathology services to the private corporation known as VICPCC."

DIRECTOR REMUNERATION

B. Wells/M. Babchuk: THAT the report dated September 10, 2019 regarding an overview of Remuneration to the Directors of Comox Strathcona Regional Hospital District Board with an option for remuneration adjustment be received.

HDA (9)

Carried

B. Wells/D. Arbour: THAT Bylaw No. 244 being "Comox Strathcona Regional Hospital District Remuneration and Expenses Bylaw 2008" be amended to reflect an adjustment to the meeting remuneration from \$125 per meeting to \$160 per meeting as outlined in the staff report dated September 10, 2019;

AND FURTHER THAT subject to adoption of an amendment to Bylaw No. 244, the Comox Strathcona Regional Hospital District Board authorize retroactive pay from January 1, 2019 for the difference of \$35.00 per meeting for meeting attendees.

LGA (196 and 197)

Carried

SUMMARY OF PROJECTS AS OF AUGUST 20, 2019

B. Wells/M. Babchuk: THAT the Summary of Projects as of August 20, 2019 be received.

HDA (9)

Carried

RCM Agenda October 2, 2019

MANAGEMENT REPORT

D. Arbour/B. Wells: THAT the Comox Strathcona Regional Hospital District management report be received.
HDA (9) Carried

BYLAWS AND RESOLUTIONS:

D. Arbour/B. Wells: THAT Bylaw No. 292 being "Comox-Strathcona Regional Hospital District Remuneration and Expenses Bylaw 2008, Amendment No. 2" be given first and second readings concurrently.
LGA (196 and 197) Carried

J. Colborne/B. Price: THAT Bylaw No. 292 being "Comox-Strathcona Regional Hospital District Remuneration and Expenses Bylaw 2008, Amendment No. 2" be read a third time.
LGA (196 and 197) Carried

NEW BUSINESS:**PRESENTATION REGARDING PATHOLOGY SERVICES IN CAMPBELL RIVER**

B. Wells/C. Evans: THAT the handout of the presentation by Dr. Leia to the City of Campbell River regarding pathology services in Campbell River be received.
HDA (9) Carried *NAY: D. Arbour; J. Colborne*

TERMINATION:

B. Wells/N. Anderson: THAT the meeting terminate.
HDA (9) Carried

Time: 11:59 am.

Confirmed this _____ day of _____ 20____:

Charles J. Cornfield
Chair

Certified Correct:

Jake Martens
Manager of Legislative Services

Recorded By:

Antoinette Baldwin
Recording Secretary



TOWN OF COMOX PLANNING REPORT

TO:	AL KENNING, INTERIM CHIEF ADMINISTRATIVE OFFICER
FROM:	MARVIN KAMENZ, MUNICIPAL PLANNER ELLIOT TURNBULL, PLANNING TECHNICIAN
SUBJECT:	PR 19-13 CANNABIS PRODUCTION UPDATE
DATE:	OCTOBER 2, 2019 RCM


Submitted by


Concurrence


Approval

Planner's Recommendation:

That Council direct staff to prepare for Council's consideration a zoning amendment bylaw to permit recreational cannabis production in the I2.1 Aeronautical Industrial Zone and update references to federal regulations.

Purpose:

The purpose of this report is to provide an update on evolving cannabis production regulations in relation to municipal bylaws.

Background:

Prior to adoption of the Federal *Cannabis Act*, the only allowance for the production of Cannabis was under the *Access to Cannabis for Medical Purposes Regulations (ACMPR)* which allowed for the production and sale of medicinal cannabis under a license issued by Health Canada. The *Cannabis Act*, effective October 17, 2018, absorbed the ACMPR while creating new classes of cannabis production.

The *Cannabis Act* includes licenses for the following production and research activities:

- Cultivation (including micro and standard cultivation or nursery);
- Processing (including micro or standard processing);

- Sale for medical purposes;
- Analytical testing;
- Research;
- Cannabis drug license; and,
- Industrial hemp license.

For a summary of each class of license, see **Attachment 1**. A facility may apply for multiple licenses and there is no differentiation between the production, analysis, or research of medical versus recreational cannabis. The main difference is in the way the cannabis is sold to the consumer.

Zoning Bylaw Implications

For cannabis production, Zoning Bylaw 1850 defines a Medical Cannabis Production Facility as follows:

"A building or part thereof used, in accordance with a licence issued under Part 1 of the Access to Cannabis for Medical Purposes Regulations or under the Narcotic Control Regulations, to produce cannabis for medical use, including cultivation, drying, testing and research laboratory, packaging and shipping; does not include a retail store."

The interpretation of the existing zoning definition is difficult given that the ACMPR has been replaced by the *Cannabis Act* and the production, processing, testing, etc. of cannabis is no longer separated into recreational versus medical.

In addition, the Agricultural Land Commission (ALC) has defined all cannabis production (medical and recreational) as a farm use, meaning that it cannot be PROHIBITED on lands within the Agricultural Land Reserve (ALR).

Therefore a two tier system currently exists in the Town with regard to cannabis production:

1. within the ALR, medical and recreational cannabis production is permitted (**Attachment 2**)
2. outside the ALR, cannabis production is limited to medical cannabis on lands zoned I2.1 Industrial Aeronautical (**Attachment 3**).

Hence amending the definition to reference the current legislation and addressing if recreational cannabis production is permitted on non-ALR lands would be prudent.

Retaining the restriction in the I2.1 zone to medical cannabis production is likely to be problematic from both a staff application and industry perspective as the Federal legislation does not differentiate medical versus recreational with the exception of sales.

As the cannabis industry continues to evolve and adjust to the new Federal license requirements, inquiries to the Town have increased regarding municipal regulations on recreational cannabis production and the possibility of opening facilities in Town.

With a medical cannabis production and research facility under construction at 1590 Galbraith Road, (Anandia Labs), a zoning regulation update to allow recreational cannabis production in the I2.1 zone has the potential to attract more companies to the area, creating an economic hub and a wider range of employment opportunities.

Within the ALR, municipalities may restrict cannabis production which occurs inside of a structure with a non-soil base constructed after July 13, 2018: e.g. prohibit cannabis production inside buildings that are on a non-soil foundation constructed after July 13, 2018.

The primary community concern with regards to the Anandia Labs development has been odour and security. The I2.1 zoning of the property limits cannabis production to within enclosed buildings which has helped address these concerns. The Town currently does not restrict cannabis production in the ALR which occurs inside of a structure with a non-soil base constructed after July 13, 2018. Enactment of such a regulation may significantly limit the ability to enclose ALR cannabis production facilities within buildings. Unless otherwise directed by Council, the drafting, for Council consideration, of a zoning bylaw amendment to permit recreational cannabis production in the I2.1 zone would not include such a provision.

As cannabis legalization is still an emerging area, it is expected that municipalities will continue to have to adjust their regulations as those from the higher levels of government and the industry itself evolves.

MK/ET

Attachments:

1. Cannabis Act License Class Summary
2. ALR and I.21 Zone Map

ATTACHMENT 1

LICENSE CLASS SUMMARY

License class	Authorized Activities
Cultivation	- Propagate, cultivate, harvest cannabis. - Posses cannabis. - Sell and distribute dried cannabis, fresh cannabis, cannabis plants or cannabis plant seeds to other license holders. - Alter chemical/physical properties of cannabis for the purpose of testing. - Ancillary activities (e.g. drying, trimming, milling, etc). - Includes micro-cultivation (plant area surface cannot exceed 200m²). - Allows both indoor and outdoor cultivation.
Cultivation – Nursery	- Same as cultivation but nurseries may only sell and distribute cannabis plants and seeds to other license holders.
Processing	- Posses cannabis. - Produce cannabis other than by propagation, cultivation, or harvesting. - Sell cannabis to other license holders. - Indoors only.
Sale for medical purposes	- Same allowances as the previous Access to Cannabis for Medical Purposes Regulations. - Possess cannabis. - Sell or distribute cannabis to other license holders and registered clients authorized to use medical cannabis (no on-site sales).
Analytical testing	- Possess cannabis. - Alter the chemical or physical properties of the cannabis for the purposes of testing.
Research	- For the purposes of research, possess, produce, and transport, send or deliver cannabis between sites that are authorized by the license.

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	- Sell cannabis plants or seeds to other license holders.
Cannabis drug license	- Manufacture and sell a drug that contains cannabis. - Also requires a separate Drug Establishment License under the Food and Drug Regulations.
Industrial hemp license	- Cultivation, sale, importation, exportation, cleaning, preparing, and processing of industrial hemp.

ATTACHMENT 2

SUBJECT ALR LAND (ZONED AG 1.1)



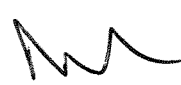
ATTACHMENT 3

SUBJECT INDUSTRIAL LAND (ZONED I2.1)



TOWN OF COMOX PLANNING REPORT

TO:	AL KENNING, CHIEF ADMINISTRATIVE OFFICER
FROM:	MARVIN KAMENZ, MUNICIPAL PLANNER ELLIOT TURNBULL, PLANNING TECHNICIAN
SUBJECT:	RZ 19-8 CANNBIS RETAIL STORE REGULATION UPDATE
DATE:	RCM OCTOBER 2, 2019 FIRST AND SECOND READING REPORT

		
Submitted by	Concurrence	Approval

Recommendation:

1. That Comox Zoning Amendment Bylaw 1929 be given First and Second reading (**Attachment 2**);
2. That Comox Business Regulation Amendment Bylaw No. 1930, 2019 be given First, Second and Third Reading (**Attachment 3**);
3. That a Public Hearing in respect of Bylaw 1929 be scheduled for 6:30pm, November 6, 2019, at Council Chambers, 1801B Beaufort Avenue, and staff be instructed to publish the requisite notices as required by the *Local Government Act*.
4. That staff be instructed to publish notice of Comox Business Regulation Amendment Bylaw No. 1930, 2019 in accordance with section 94 of the *Community Charter*.

Proposal

The proposal is to amend zoning and business licence regulations regarding recreational cannabis retail stores to align with regulations from higher levels of government.

Background:

At the August 1, 2018 Regular Council Meeting, Council adopted bylaws to legalize and regulate the retail sale of cannabis. These regulations were prepared prior to the finalization and adoption of federal and provincial regulations to ensure that a framework was in place once legalization occurred.

Since legalization has occurred and regulations from higher levels of government are now in practice, it has become apparent that some of the Zoning Bylaw and Business License Bylaw regulations do not align with regulations from the higher levels of government. As the legalization and regulation of cannabis continues to evolve, it is expected that municipalities will continue to have to adjust their regulations as those from the higher levels of government and the industry itself evolves.

OCTOBER 2, 2019

Business License Bylaw Implications

Comox Business Regulation Bylaw No. 1882, 2018 Section 8(4)(i) contains the following regulation for cannabis retail stores:

“No person shall block a window which may be seen outside of the Recreational Cannabis Retail Store with translucent or opaque material, artwork, posters, signs, shelving, display cases or similar elements.”

The intent of this regulation was to minimize the potential for promotion of cannabis use and encourage pedestrian-oriented storefronts. However, provincial cannabis licensing regulations¹ include the provision that “a cannabis retail store must be located in a permanent building or structure and be enclosed by floor-to-ceiling walls that are not transparent”. As Business Bylaw section 8(4)(i) is in conflict with provincial requirements, proposed Bylaw 1930 would remove section 8(4)(i).

Zoning Bylaw Implications

Under Comox Zoning Bylaw 1850, recreational cannabis retail stores are restricted to the provision of the following:

- (1) Cannabis;
- (2) Cannabis product information for cannabis sold on site;
- (3) Federal or provincial government health information on cannabis or cannabis use; and
- (4) Contact information for the recreational cannabis retail store.

Cannabis is defined by Bylaw 1850 as: “Any part of the cannabis plant, including its preparations and derivatives; does not include:

- (1) a non-viable seed;
- (2) a mature stalk without any leaf, flower, seed, or branch;
- (3) fiber derived from such stalks; or
- (4) the roots of a cannabis plant.”

Provincial cannabis licensing regulations allow cannabis retail stores to sell “cannabis accessories as defined by the federal *Cannabis Act*” which includes items such as rolling paper or wraps, holders, pipes, water pipes, bongs and vaporizers.

Proposed Bylaw 1929 would update the Zoning Bylaw regulations to permit cannabis retail stores to sell cannabis accessories in addition to cannabis in alignment with provincial regulations. This would contribute to the reduction of any competitive advantages/disadvantages between stores as follows:

1. If a Provincial recreational cannabis retail store were to open in Comox, they may be able to sell accessories as they are a Provincial agency operating under their own regulations while non-provincial stores would be limited to selling only cannabis; and,
2. Stores in other local jurisdictions which allow the sale of accessories and cannabis would be at an advantage compared to stores in Comox which could only sell cannabis.

Proposed Bylaw 1929 also includes a definition for cannabis accessory which is the same definition found in the federal *Cannabis Act*.

¹ British Columbia Cannabis Retail Store Terms and Conditions July 2019

OCTOBER 2, 2019

MK/ET

- Attachment:
1. Process Steps
 2. Comox Zoning Amendment Bylaw 1929
 3. Comox Business Regulation Amendment Bylaw No. 1930, 2019

OCTOBER 2, 2019

ATTACHMENT 1

PROCESS STEPS

1. First, Second, and Third Reading of proposed Business Regulation Bylaw;
2. First and Second Reading of proposed Zoning Bylaw;
3. Notification of proposed amendments to Business Regulation Bylaw;
4. Public notification of Public Hearing on proposed Zoning Bylaw;
5. Public Hearing on proposed Zoning Amendment Bylaw;
6. Third Reading of proposed Zoning Amendment Bylaw;
7. Adoption of Zoning Amendment Bylaw; and
8. Adoption of Business Regulation Amendment Bylaw.

OCTOBER 2, 2019

ATTACHMENT 2

COMOX ZONING BYLAW AMENDMENT 1929

TOWN OF COMOX

BYLAW 1929

A BYLAW TO AMEND COMOX ZONING BYLAW 1850

WHEREAS the Council of the Town of Comox has the authority under the provisions of the *Local Government Act* to amend the Zoning Bylaw;

NOW THEREFORE the Council of the Town of Comox, in open meeting assembled, enacts as follows:

1. Title

This bylaw may be cited for all purposes as "Comox Zoning Amendment Bylaw 1929".

2. Amendments

(1) Comox Zoning Bylaw 1850, Section 3.2 Definitions is hereby amended by:

(a) Replacing the definition for Recreational Cannabis Retail Store with the following:

Recreational Cannabis Retail Store

A building or part thereof, licensed under Part 4 of the *Cannabis Control and Licensing Act* and holding a valid business licence issued by the Town of Comox, where cannabis is offered or kept for sale at retail; does not include retail stores or liquor stores.

Recreational cannabis retail store shall be limited to the sale or provision of the following:

- (1) cannabis;
- (2) cannabis accessory;
- (3) cannabis product information for cannabis sold on site;
- (4) Federal or provincial government health information on cannabis or cannabis use;
and
- (5) contact information for the recreational cannabis retail store.

(b) Adding the following definition to the list of definitions in alphabetical order:

Cannabis Accessory

A thing, including rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers, that is represented to be used in the consumption of cannabis or a thing that is commonly used in the consumption of cannabis.

(2) Comox Zoning Bylaw 1850 is hereby further amended by making such consequential changes as are required to reflect the foregoing amendments, including without limitation changes in the numbering and order of the sections of this bylaw.

3. Adoption

- | | | |
|-----|-----------------------------------|-----------------|
| (1) | READ A FIRST AND SECOND time this | th day of, 2019 |
| (2) | ADVERTISED A FIRST time this | day of, 2019 |
| (3) | ADVERTISED A SECOND time this | day of, 2019 |
| (4) | PUBLIC HEARING HELD this | day of, 2019 |
| (5) | READ A THIRD time this | day of, 2019 |
| (6) | ADOPTED this | day of, 2019 |

Russ Arnott,
Mayor

Corporate Officer

OCTOBER 2, 2019

ATTACHMENT 3

COMOX BUSINESS REGULATION AMENDMENT BYLAW NO. 1930, 2019

TOWN OF COMOX

BYLAW NO.1930

A BYLAW TO AMEND COMOX BUSINESS LICENCE BYLAW

WHEREAS the Council of the Town of Comox has the authority under the provisions of the Community Charter to amend Comox Business Regulation Bylaw No. 1882, 2018;

NOW THEREFORE the Council of the Town of Comox, in open meeting assembled, enacts as follows:

1. Title

This bylaw may be cited for all purposes as the "Comox Business Regulation Amendment Bylaw No. 1930, 2019".

2. Amendments

(A) Comox Business Regulation Bylaw No. 1882, 2018 is hereby amended by:

(1) Deleting section 8(4)(i)

(2) Deleting Section 11 Municipal Ticketing subsection (4); and replacing Section 11 Municipal Ticketing, subsection (4) with the following text:

Pursuant to section 265(1) of the *Community Charter* the fine amount set forth below in Column 3 is the fine amount for the offence that corresponds to the section number and words or expressions set out in Columns 1 and 2 opposite the fine amount:

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine Amount
No Business Licence	3(1)	\$500.00
Fail to Display Licence	3(3)	\$100.00
Unlicensed Business Location	3(4)	\$100.00
Unlicensed Name Change	3(5)	\$100.00
Unlicensed Business Change	3(8)	\$250.00
Unlawful Placement of Equipment	7(c)	\$100.00
Fail to Obtain Permission	7(d)	\$100.00
Contractor-Fail to Produce Licence	8(1)(a)	\$500.00

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine Amount
Fail to Produce Sub Licence	8(1)(b)	\$200.00
No Mobile Vending Licence	8(2)(a)	\$100.00
No Parks Use Permit	8(2)(b)	\$100.00
No Discharge Management Plan	8(2)(c)	\$100.00
Insufficient Permission	8(2)(d)	\$100.00
Visible cannabis items	8(4)(g) or 8(5)(a)	\$500.00
Visible cannabis promotion	8(4)(h) or 8(5)(b)	\$500.00
Blocking window to cannabis related establishment	8(5)(c)	\$500.00
Installed security bars	8(4)(j) or 8(5)(d)	\$500.00
Visible shutters	8(4)(k) or 8(5)(e)	\$500.00

(B) Comox Business Regulation Amendment Bylaw No. 1882, 2018 is hereby further amended by making such consequential changes as are required to reflect the foregoing amendments, including without limitation changes in the numbering and order of the sections of the bylaw.

3. Adoption

READ A FIRST, SECOND and THIRD
time this

day of September , 2019

Notice of intention to adopt given
this

day of Month , Year

Representations to Council heard this

day of Month , Year

ADOPTED this

day of Month , Year

MAYOR

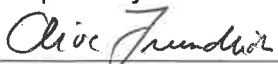
CORPORATE OFFICER



TOWN OF COMOX
REGULAR COUNCIL MEETING

STAFF REPORT
Meeting Date: October 2, 2019

TO: Mayor and Council	FILE: 1850-25
FROM: Clive Freundlich, Director of Finance	DATE: September 26, 2019
SUBJECT: Permissive Property Tax Exemptions for 2020	

Prepared by:  C. Freundlich, Fin. Director	Supervisor: _____	Financial Approved: _____ Clive Freundlich, Fin. Director	Report Approved:  Al Kenning, CAO
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Recommendation from the Chief Administrative Officer:

That Bylaw No. 1931 (Comox Permissive Tax Exemption Bylaw, 2019) be given First, Second and Third Readings.

Purpose

To inform Council of recommended permissive property tax exemptions for 2020, and seek first three readings of the Permissive Property Tax Exemption Bylaw, 2019.

Strategic Plan Linkage

Permissive property tax exemptions fall under Council's Core Service of Strong Governance and Administration.

Background

Council can grant permissive tax exemptions under Section 224 of the Community Charter, which we do by bylaw annually. Many of our permissive exemptions (like the land around churches and the hospital) go hand in hand with statutory exemptions (that already exempt the churches and hospitals and the land immediately underneath them). Other exemptions are for property owned by non-profit organizations or municipal property occupied by them, that together benefits the general public. Occupiers of crown or municipal property are assessed as if they owned the property freehold.

The recommended exemptions are the same as last year.

The estimated effect of the exemptions is based upon the effect of last year's bylaw on 2019 taxes plus the expected growth in tax rates for the next three years.

Copies of the applications (including financial statements for each organization) and related correspondence are publicly available (in a binder at our front counter).

TOWN OF COMOX

BYLAW NO. 1931

A BYLAW TO AUTHORIZE PERMISSIVE TAX EXEMPTIONS FOR 2020

WHEREAS Section 224 (2) (a) of the Community Charter allows Council to grant permissive exemptions from taxation of land or improvements that are owned by a not-for-profit corporation and that Council considers is used for a purpose that is directly related to the purposes of the corporation;

AND WHEREAS Section 224 (2) (f) of the Community Charter allows Council to grant permissive exemptions from taxation of a hall and additional land related to an exempt building or hall set apart for public worship;

AND WHEREAS Section 224 (2) (h) of the Community Charter allows Council to grant permissive exemptions from taxation of additional land surrounding an exempt hospital or senior's home;

AND WHEREAS the Town of Comox wishes to grant certain permissive tax exemptions for 2020 within the limitations of the Community Charter;

NOW THEREFORE the Town of Comox, in open meeting assembled, enacts as follows:

1. Title

- (1) This bylaw may be cited for all purposes as the "Comox Permissive Tax Exemption Bylaw No. 1931, 2019".

2. Permissive Tax Exemptions Authorized for 2020

- (1) The following described properties (shadowed in Schedule "A" which is attached to and forms part of this bylaw) owned by Courtenay Golf Club Ltd. and used for the purpose of a public golf course shall be exempt from property value taxation for the year 2020 to the amount of seventy-six percent (76%) of the value of land for:

Amended Lot 11, Plan 3556 D.D.-22371-N, excepting Plans 4991 and 5368, plus lots 26, 28, 29, 30, 38 and 41 of Plan 104, all in Section 56, Comox Land District.

- (2) The following described properties (shadowed in Schedule "B" which is attached to and forms part of this bylaw) owned by the Town of Comox and occupied by the Filberg Heritage Lodge and Park Association for the purpose of maintaining it as a heritage lodge and park, shall be exempt from property value taxation for the year 2020 on all land and improvements for:

Lot A, Plan 32509 and Lot 1, Plan VIP71815, both in District Lot 87, Comox Land District.

- (3) The portions of the following described property (shadowed in Schedule "C" which is attached to and forms part of this bylaw) owned by the Town of Comox, and occupied by the Comox Archives and Museum Society (used as a public archives and museum), and by the Pearl Ellis Gallery Association (used as a public art gallery), and by the Comox Valley Lions Club (used as a meeting hall), and by Unity Comox Valley (used as a meeting place), shall be exempt from property value taxation for the year 2020 on all land and improvements for:

Lot A, Plan 31594, Section 56, Comox Land District.

2. Permissive Tax Exemptions Authorized for 2020 (continued)

- (4) The following described property (shadowed in Schedule “D” which is attached to and forms part of this bylaw) owned by the Comox Valley Children’s Day Care Society and used for the purpose of a day care facility and pre-school, shall be exempt from property value taxation for the year 2020 to the extent of one-half (1/2) of the value of land and improvements at:

Lot 1, Plan 22777, Section 70, Comox Land District.

- (5) The following described property (identified as “Marine Rescue Station” in Schedule “E” which is attached to and forms part of this bylaw) owned by the Comox Valley Marine Rescue Society, occupying a portion of the Town of Comox Municipal Marina, shall be exempt from property value taxation for the year 2020 on all land and improvements for:

Float Building in District Lot 380, Nanaimo Land District (except Blocks A & B).

- (6) The following described property (outlined in bold on Schedule “F” which is attached to and forms part of this bylaw) owned by the Town of Comox and occupied by the Point Holmes Recreation Association for the purpose of providing and maintaining a public boat launch, shall be exempt from property value taxation for the year 2020 on all land and improvements on:

District Lot 459, Nanaimo Land District.

- (7) The following described property (shadowed in Schedule “G” which is attached to and forms part of this bylaw) owned by the United Church of Canada and used for the purpose of public worship, shall be exempt from property value taxation for the year 2020 to the extent of all the value of land surrounding the building for public worship, and the value of any hall on:

Lots 75, 76, 77, and 78, Plan 18100, Section 1, Comox Land District.

- (8) The following described property (shadowed in Schedule “H” which is attached to and forms part of this bylaw) owned by the Pentecostal Assemblies of Canada and used for the purpose of public worship, shall be exempt from property value taxation for the year 2020 to the extent of all the value of land surrounding the building for public worship, and the value of any hall on:

Lot 1, Plan 34892, Section 70, Comox Land District.

- (9) The following described property (shadowed in Schedule “I” which is attached to and forms part of this bylaw) owned by the Anglican Synod of the Diocese of British Columbia and used for the purpose of public worship, shall be exempt from property value taxation for the year 2020 to the extent of all the value of land surrounding the building for public worship, and the value of the hall on:

Lot A, Plan 26068, Section 56, Comox Land District.

2. Permissive Tax Exemptions Authorized for 2020 (continued)

- (10) The following described property (shadowed in Schedule "J" which is attached to and forms part of this bylaw) owned by Bay Community Church and used for the purpose of public worship, shall be exempt from property value taxation for the year 2020 on the all of the value of the land surrounding the place of public worship, and the value of any hall on:

Lot 2, Plan 45138, D.L. 205, Comox Land District.

- (11) The following described property (shadowed in Schedule "K" which is attached to and forms part of this bylaw) owned by the Trustees of the Comox Valley Presbyterian Church and used for the purpose of public worship, shall be exempt from property value taxation for the year 2020 on all of the value of the land surrounding the building for public worship, and the value of any hall on:

Lot A, Plan VIP69225, Section 65, Comox Land District.

- (12) The following described property (shadowed in Schedule "L" which is attached to and forms part of this bylaw) owned by the Bishop of Victoria and used for the operation of a not-for-profit residential care facility shall be exempt from property value taxation for the year 2020 on all of the value of the land surrounding the care facility on:

Lot 1, Plan 17718, Sections 1 & 2, Comox Land District, except Plan 18512.
excepting areas designated for tenant occupiers.

- (13) The following described property (shadowed in Schedule "M" which is attached to and forms part of this bylaw) owned by the Town of Comox and occupied by the Comox Seniors Centre Association and used for the operation of the d'Esterre Seniors Centre shall be exempt from property value taxation for the year 2020 on all of the value of all land and improvements for:

Lot 16, Plan 3923, Section 56, Comox Land District, except plans 13321&17061.

- (14) The following described property (shadowed in Schedule "N" which is attached to and forms part of this bylaw) owned by the Royal Canadian Legion Comox Branch 160 and used to serve veterans and their dependants, promote remembrance and act in the service of Canada and Comox, shall be exempt from property value taxation for the year 2020 on all of the value on all land and improvements for:

Lots 6, 7, and 8, Plan 3923, Section 56, Comox Land District.

- (15) The following described property (darkened in Schedule "O" which is attached to and forms part of this bylaw) owned by the Nature Trust of B.C. and will be used for recreation, wildlife conservation and public open space purposes shall be exempt from property value taxation for the year 2020 on all of the value of all land for:

Lot 8, Plan 2657, District Lot 87, Comox Land District, except Plans 24797 and 29411.

2. Permissive Tax Exemptions Authorized for 2020 (continued)

- (16) The following described property (also darkened in Schedule "O" which is attached to and forms part of this bylaw) partially (3/8 interest) owned by the Nature Trust of B.C. and will be used for recreation, wildlife conservation and public open space purposes shall be exempt from property value taxation for the year 2020 on all of the value of all land and improvements for:

Closed Road 40 feet wide on the easterly boundary of Lot 9, Plan 2657, District Lot 87, Comox Land District (PID 006-310-320)

- (17) The following described property (darkened in Schedule "P" which is attached to and forms part of this bylaw) partially owned by the Nature Trust of B.C. and will be used for recreation, wildlife conservation and public open space purposes shall be exempt from property value taxation for the year 2020 on all of the value of all land for:

Lot 28, Plan VIP80065, District Lot 244, Comox Land District.

- (18) The following described property (darkened in Schedule "Q" which is attached to and forms part of this bylaw) owned by the 888 (Komox) RCAF Wing of the Air Force Association, and used for educational purposes in support of 386 (Komox) Squadron Royal Canadian Air Cadets, shall be exempt from property value taxation for the year 2020 on all of the value of Class 8 (Recreation / Non-Profit) land and improvements for:

Lot A, Plan 50460, District Lot 217, Comox Land District.

- (19) The following described property (darkened in Schedule "R" which is attached to and forms part of this bylaw) owned by the D'Esterre Senior Citizens Society, and used for low income rental housing for seniors, shall be exempt from property value taxation for the year 2020 on all of the land surrounding the rental units for:

Lot A, Plan 22917, District Lot 87, Comox Land District.

- (20) The following described property (darkened in Schedule "S" which is attached to and forms part of this bylaw) owned by the Town of Comox and occupied by the Comox Valley Tennis Club (used for recreation), shall be exempt from property value taxation for the year 2020 on all land and improvements for:

Lot 9, Block 3, Plan 2696 and Lots 3 & 4, Plan 4215 of Section 56, Comox Land District.

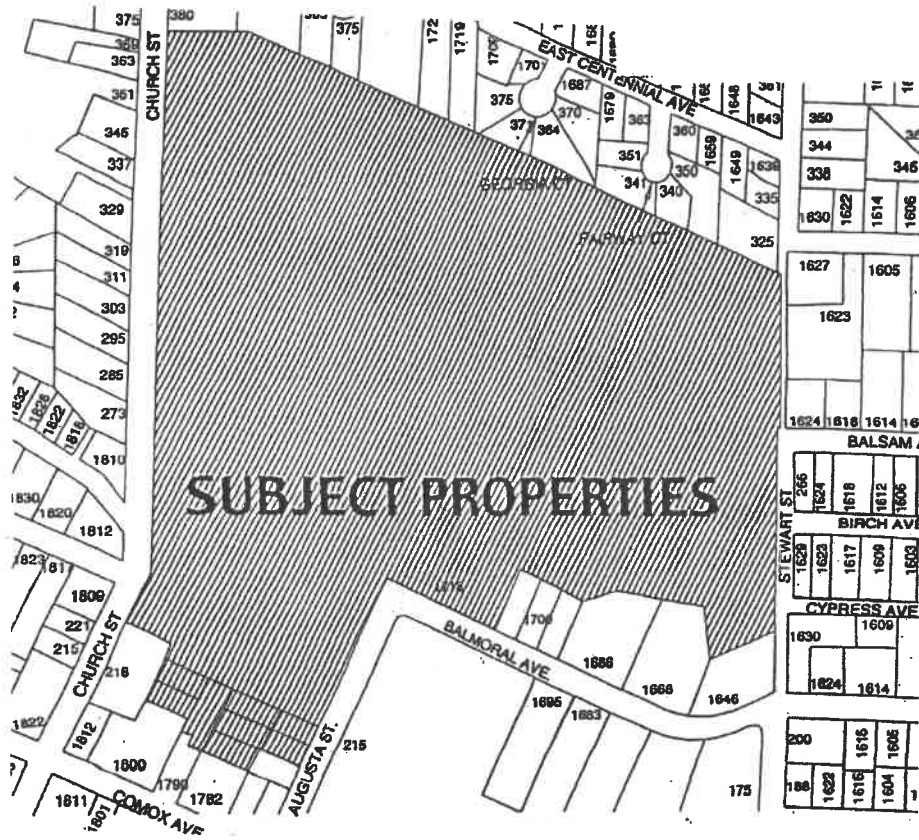
3. Adoption

- (1) READ A FIRST, SECOND and THIRD
time this day of
- (2) ADOPTED this day of

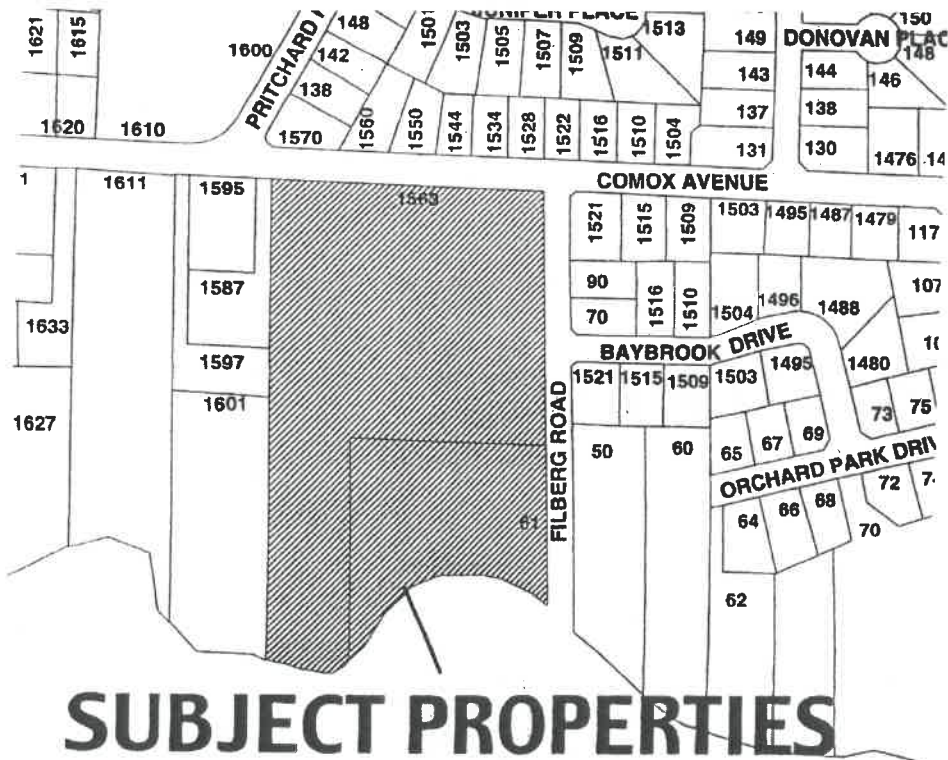
MAYOR

CORPORATE OFFICER

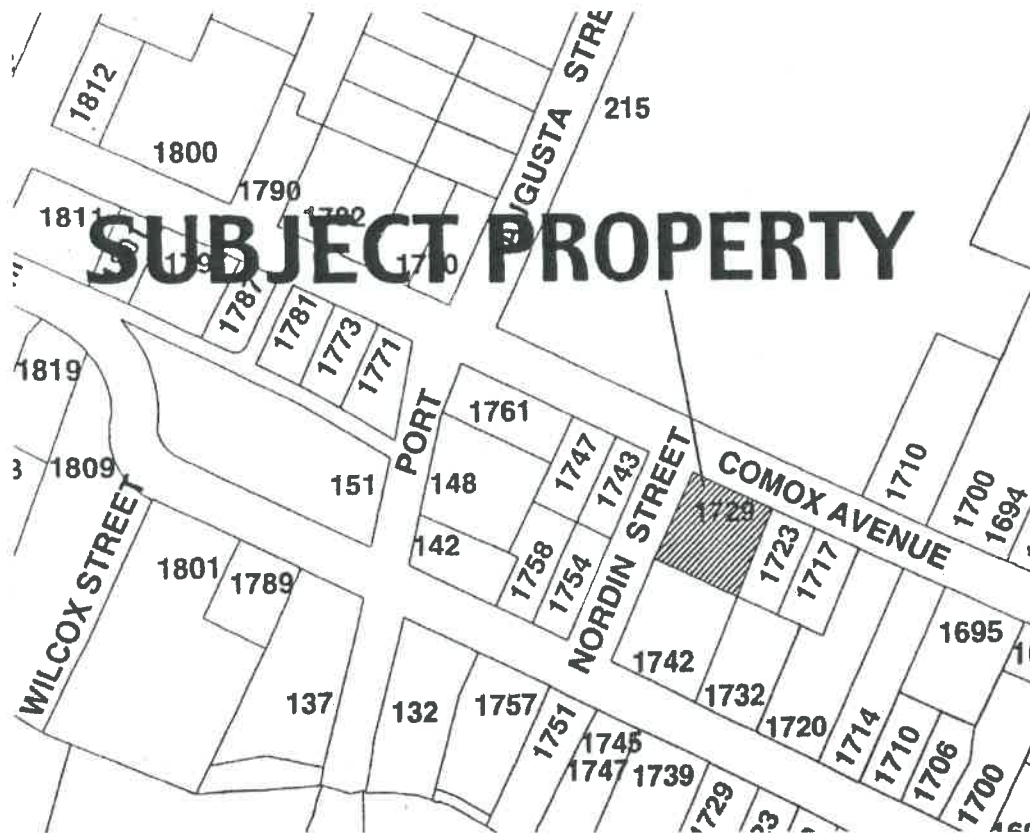
Comox Permissive Tax Exemption Bylaw, 2019 - Bylaw No. 1931
Schedule "A"



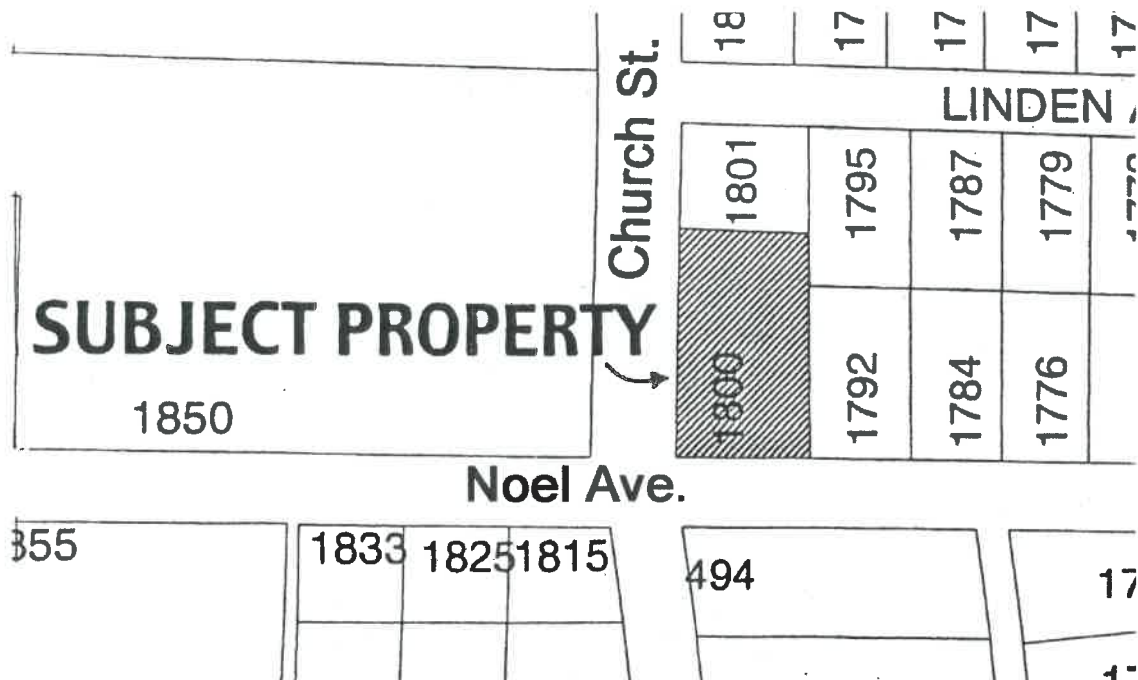
Schedule “B”



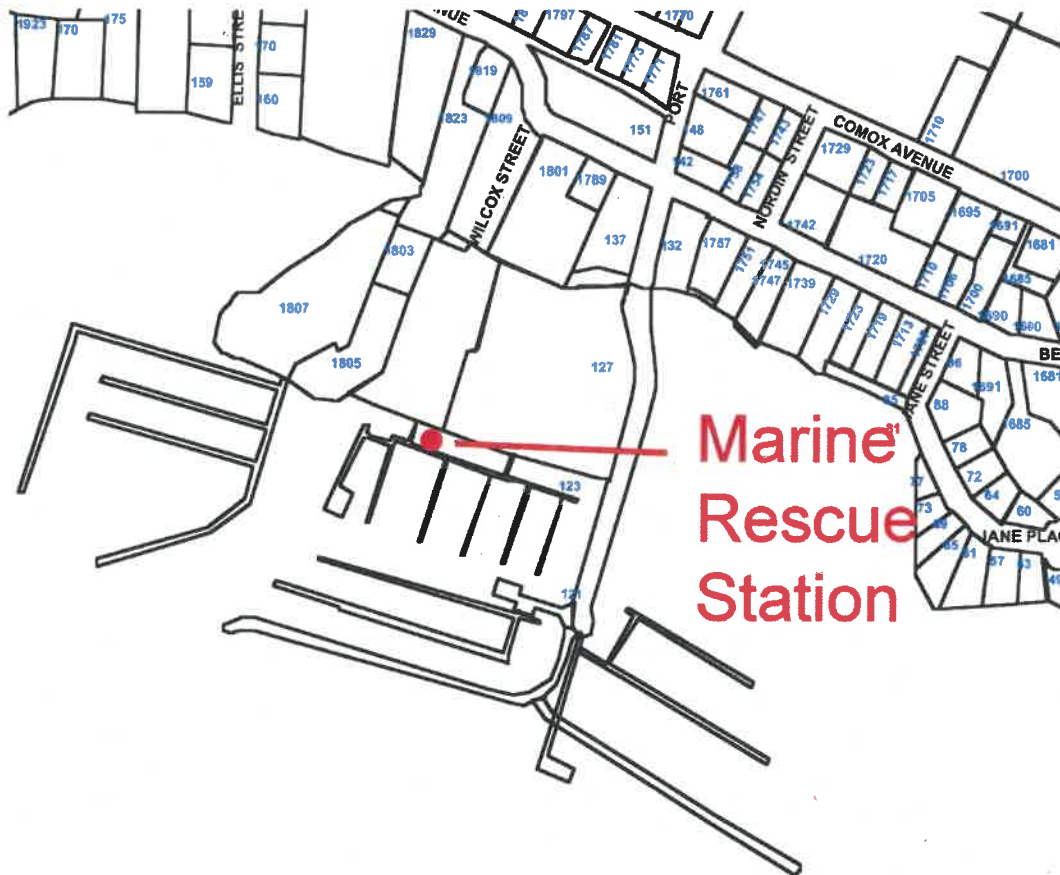
Comox Permissive Tax Exemption Bylaw, 2019 - Bylaw No. 1931
Schedule "C"



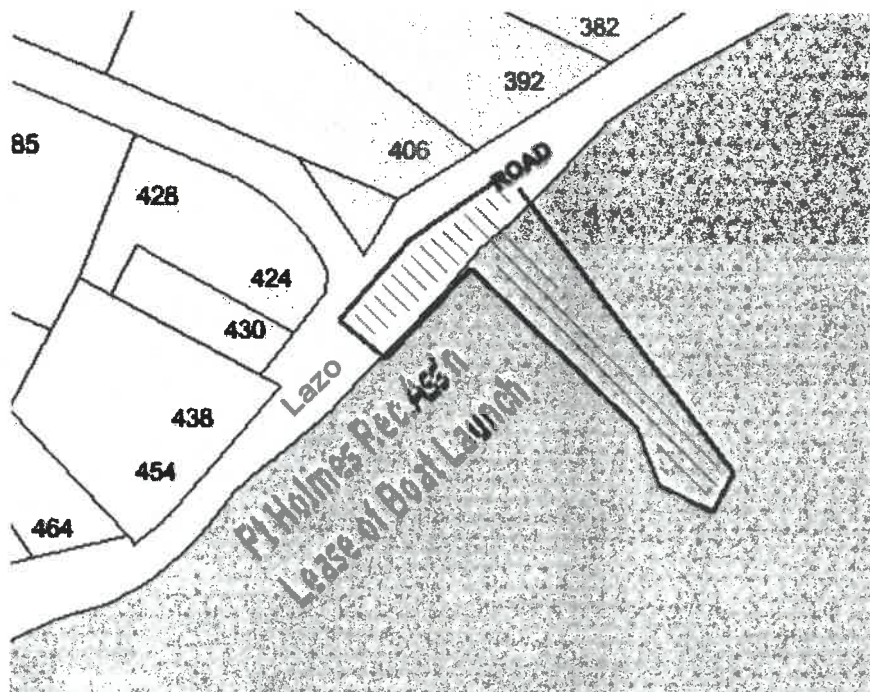
Schedule "D"



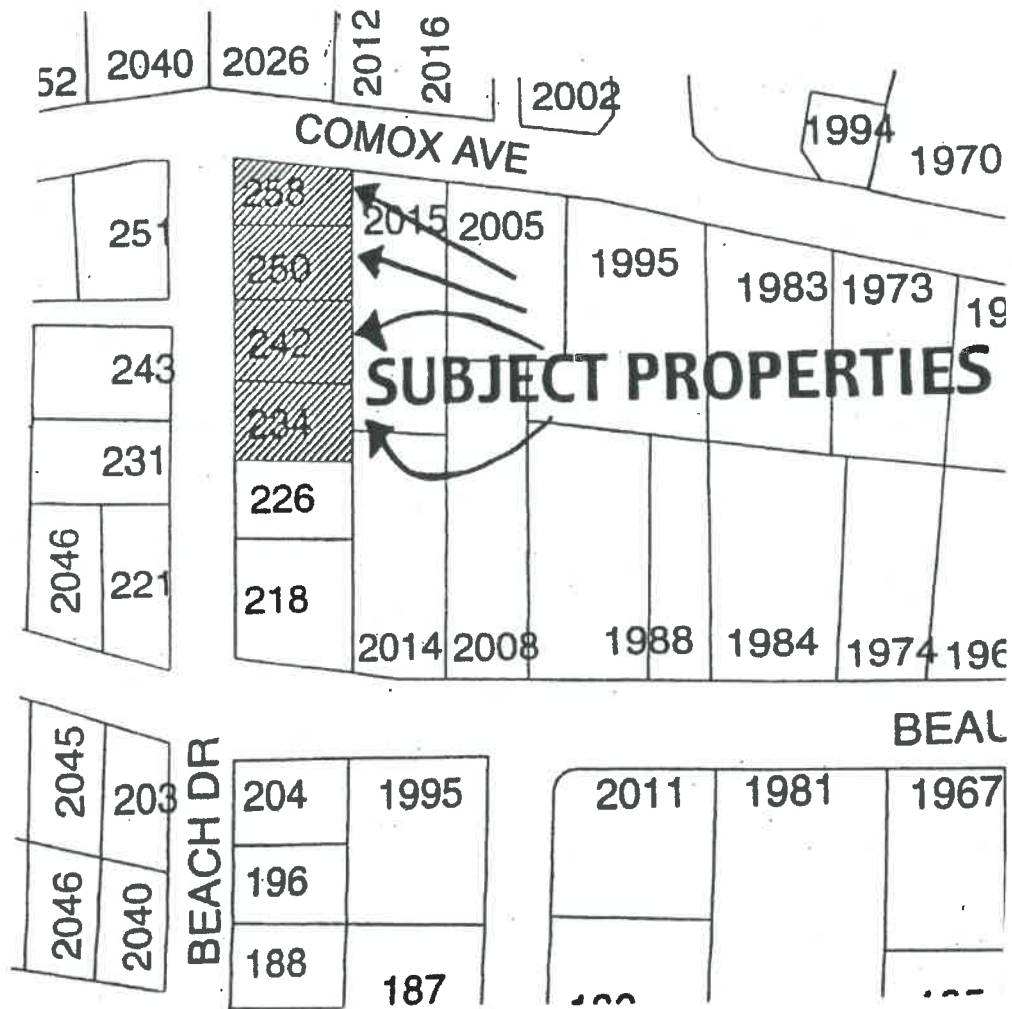
**Comox Permissive Tax Exemption Bylaw, 2019 - Bylaw No. 1931
Schedule "E"**



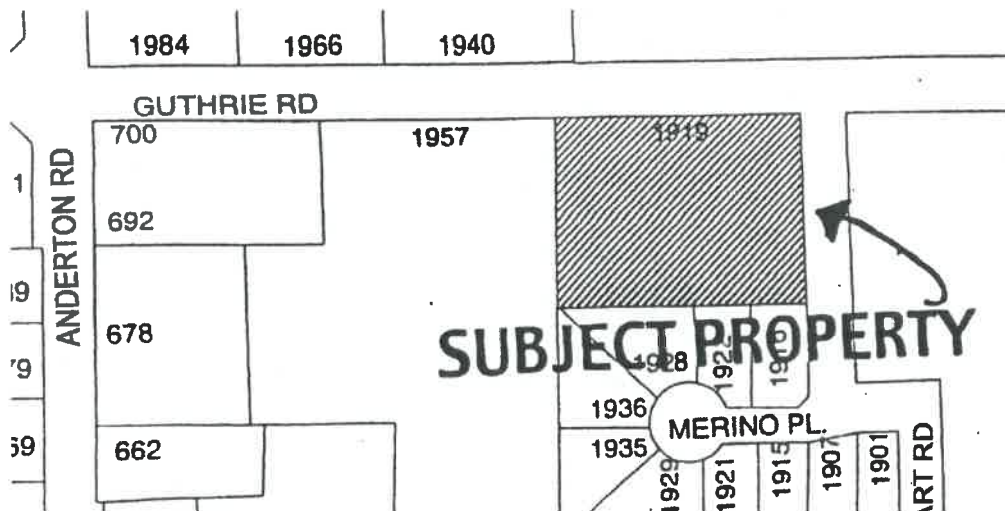
Schedule "F"



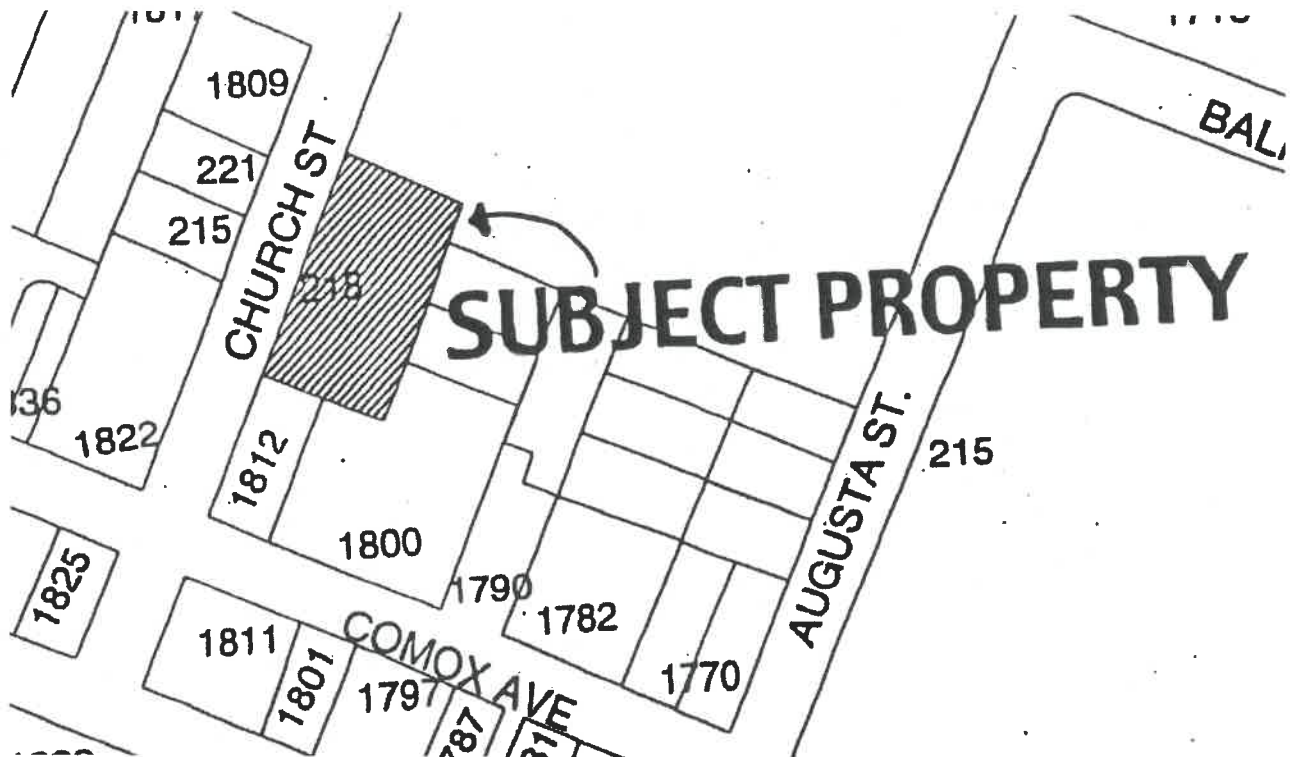
Comox Permissive Tax Exemption Bylaw, 2019 - Bylaw No. 1931
Schedule "G"



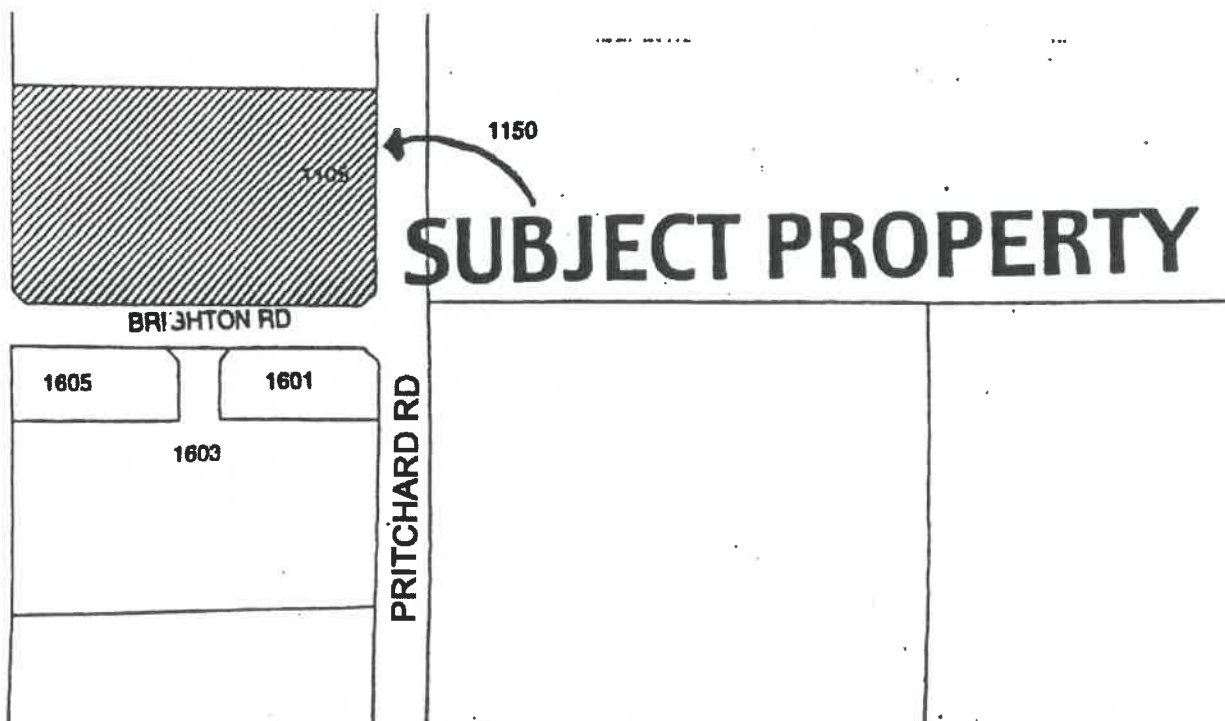
Schedule “H”



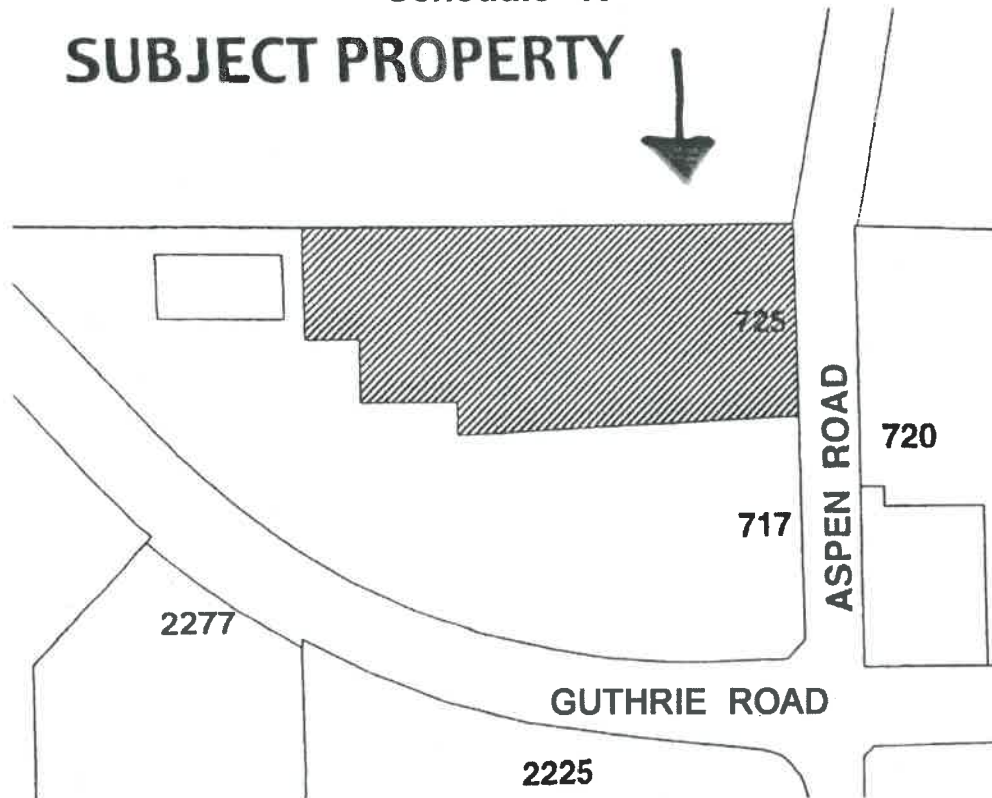
**Comox Permissive Tax Exemption Bylaw, 2019 - Bylaw No. 1931
Schedule "I"**



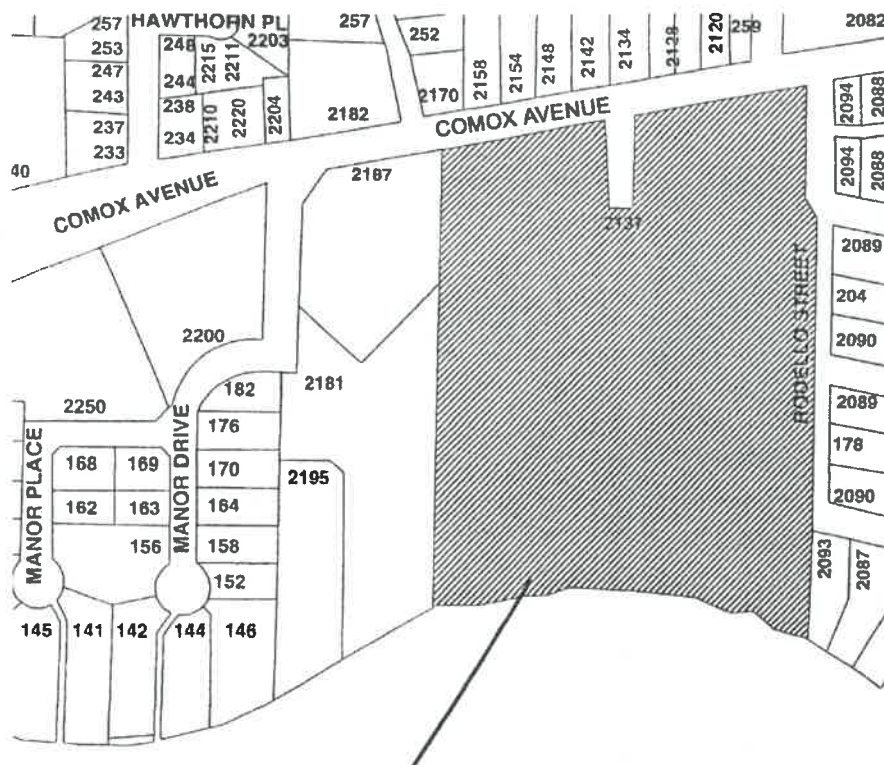
Schedule "J"



Comox Permissive Tax Exemption Bylaw, 2019 - Bylaw No. 1931
Schedule "K"



Schedule "L"

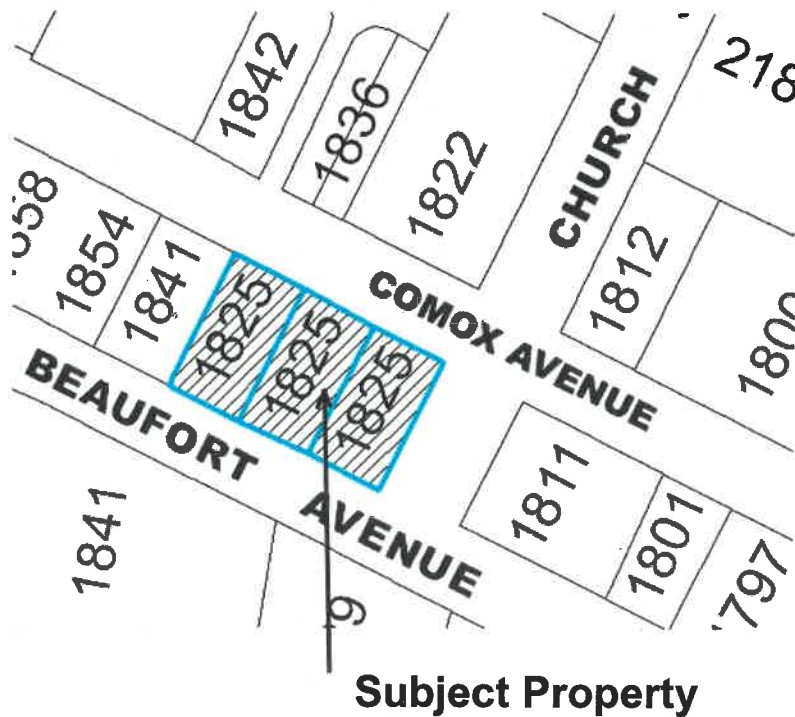


SUBJECT PROPERTY

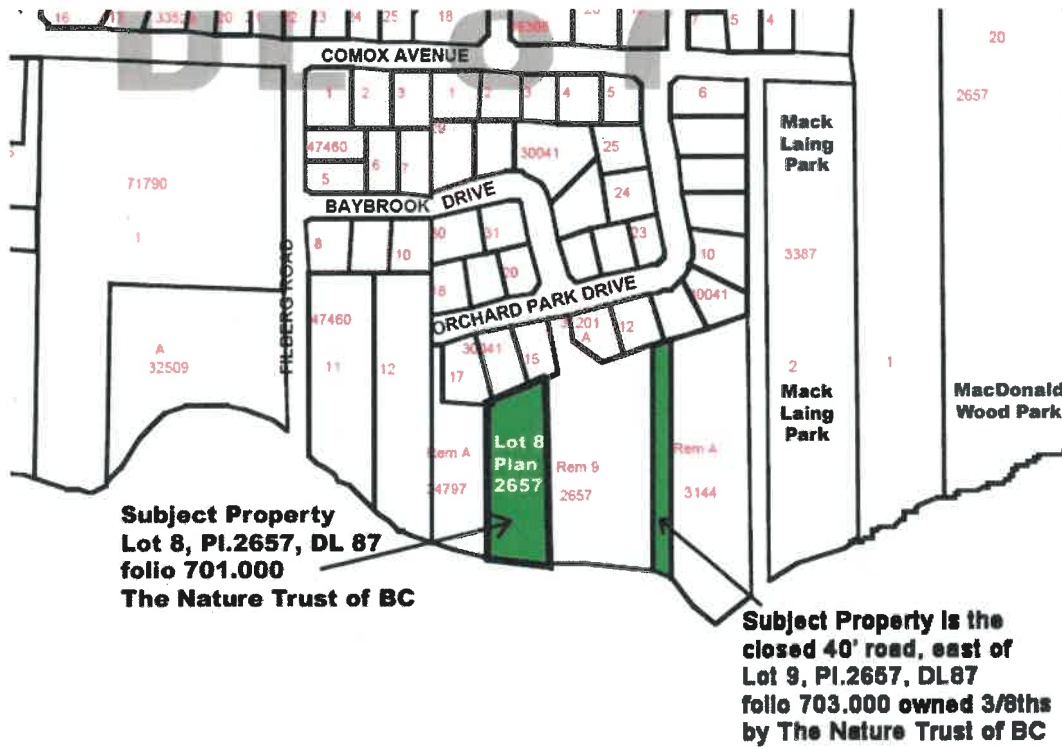
Comox Permissive Tax Exemption Bylaw, 2019 - Bylaw No. 1931
Schedule "M"



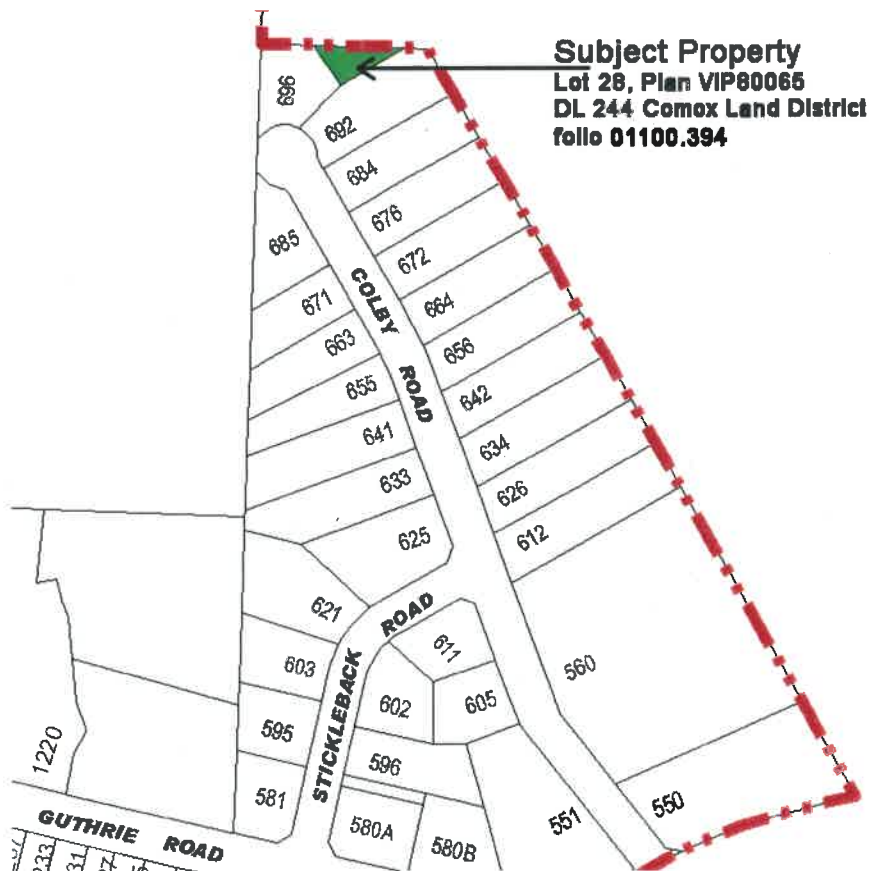
Schedule "N"



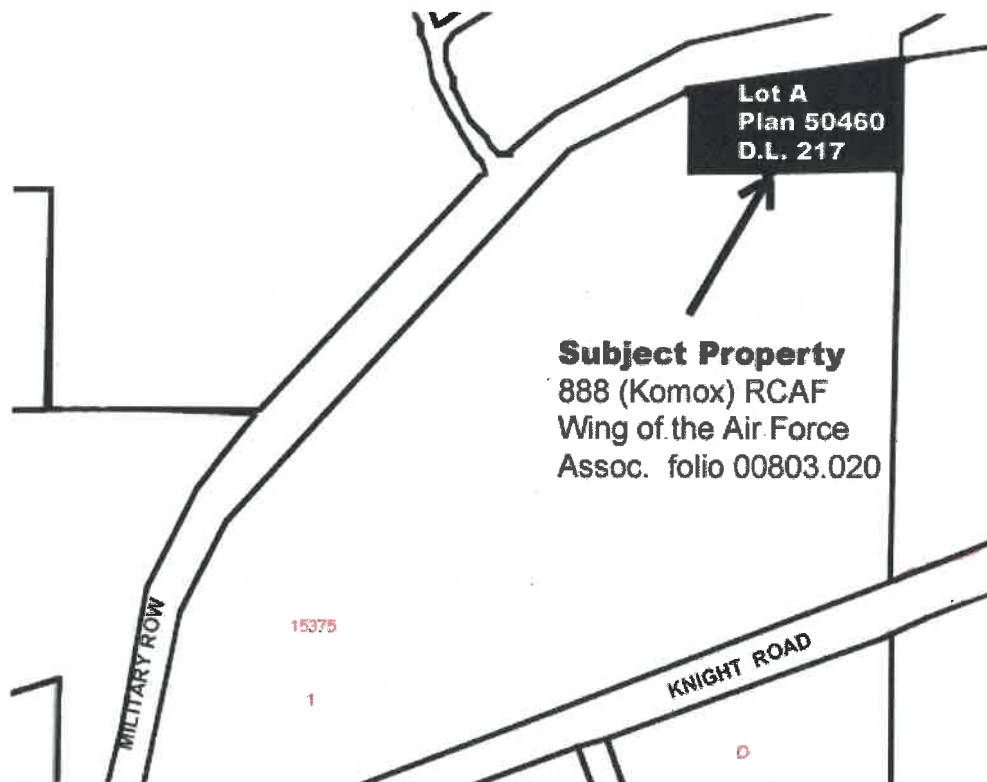
Comox Permissive Tax Exemption Bylaw, 2019 - Bylaw No. 1931 **Schedule "O"**



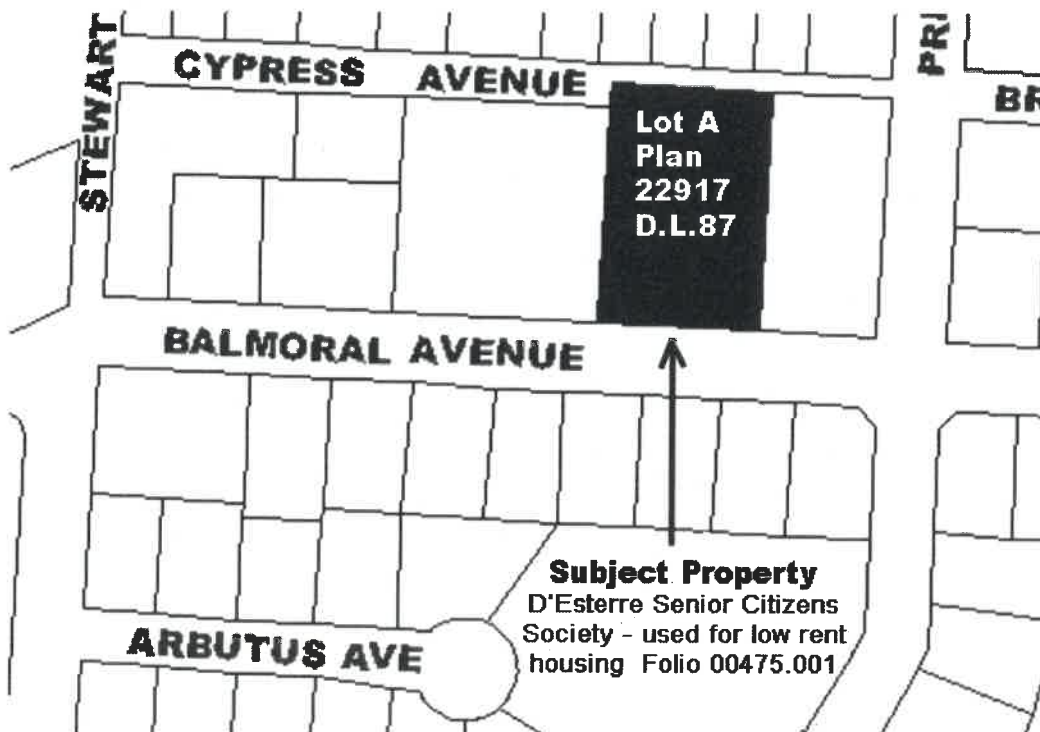
Schedule "P"



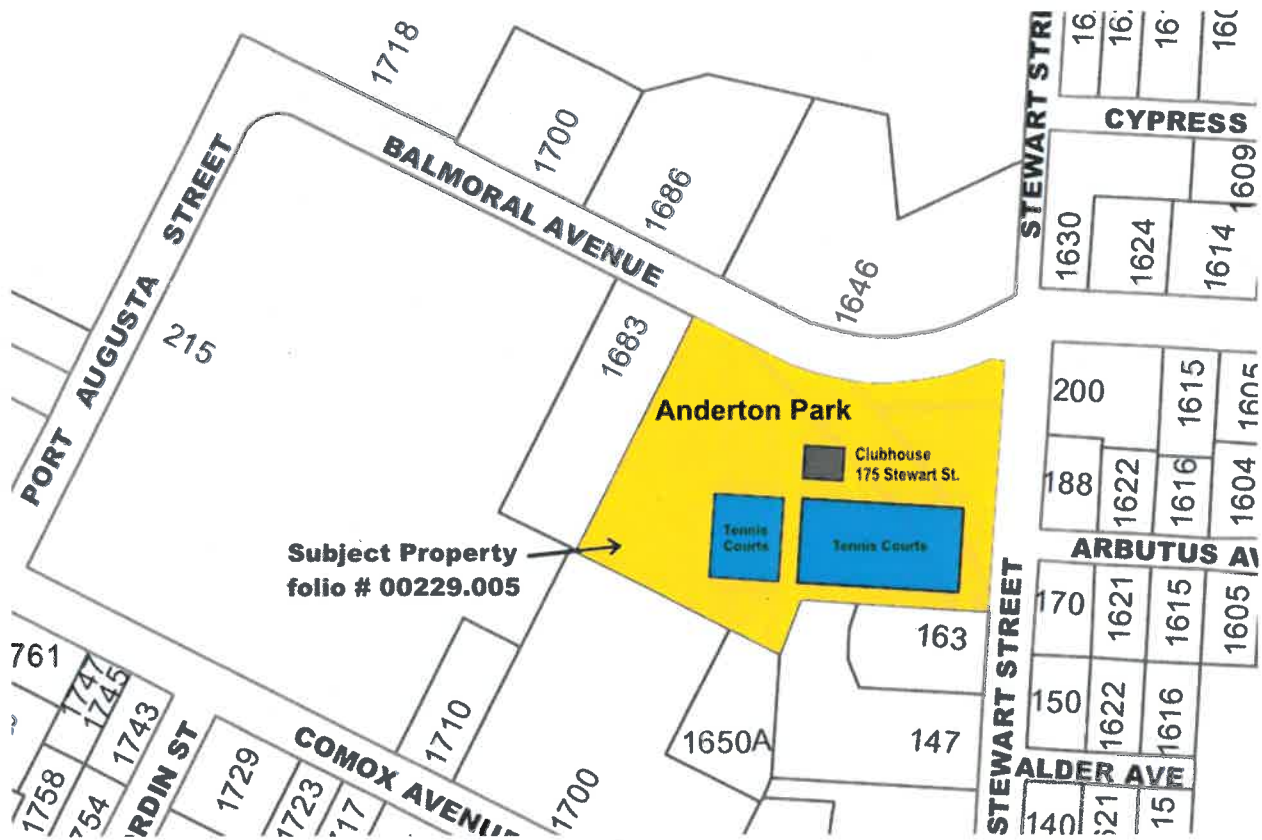
Comox Permissive Tax Exemption Bylaw, 2019 - Bylaw No. 1931
Schedule "Q"



Schedule "R"



Comox Permissive Tax Exemption Bylaw, 2019 - Bylaw No. 1931
Schedule "S"

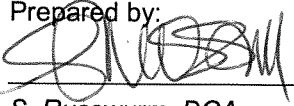
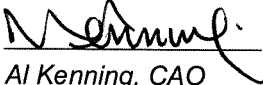




TOWN OF COMOX
REGULAR COUNCIL MEETING

STAFF REPORT
Meeting Date: October 2, 2019

TO:	Mayor and Council	FILE:	2240-95
FROM:	Shelly Russwurm, Deputy Corporate Administrator	DATE:	Sept. 27, 2019
SUBJECT: Revitalization Tax Exemption Agreement for Berwick Addition			

Prepared by:  S. Russwurm, DCA	Supervisor: _____	Financial Approved: _____ Clive Freundlich, Fin. Director	Report Approved:  Al Kenning, CAO
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Recommendation from the Chief Administrative Officer:

That the Town of Comox enter into a Revitalization Tax Exemption Agreement with Berwick Retirement Comox Ltd. in order to permit the issuance of a Revitalization Tax Exemption Certificate for the years 2020 to 2027 inclusive.

Purpose

To obtain authorization from Council to enter into an agreement with owners of Berwick Retirement Comox Ltd. in order to issue a Revitalization Tax Exemption Certificate that exempts from municipal taxation a portion of the assessed value of their residential improvements.

Strategic Plan Linkage

Affordable Housing is a Strategic Priority of Council, under its "NOW" category of priorities. Downtown Vitalization has been a past priority of past Councils and the expansion of the zone is a Strategic Priority of Council, under its "Next" category of priorities. Tax exemptions for residential revitalization projects in the downtown help to meet both these priorities of Council.

Background

In June of 2014, Council passed the Comox Downtown Revitalization Tax Exemption Bylaw No. 1784, which established a program for issuing tax exemptions for new residential development in the downtown area that meets certain standards, such as quality, density and sustainability. In November 2015, Berwick Retirement Comox Ltd. (Berwick) submitted a development application for additional seniors' accommodation and other community amenities, as an expansion to their existing Berwick by the Sea community at 1700 Comox Avenue.

At the time of application, Berwick advised that they would also be applying for a Revitalization Tax Exemption Certificate once the project was complete. Due to the nature of the development, and the fact that they met all of the conditions for a Certificate, Berwick is eligible for an eight-year exemption on a portion of the new assessed value for their residential improvements.

Berwick's assessed value on the new residential development, that is applicable to the tax exemption, is approximately \$4.3 million. Using the Town's general municipal tax rate per \$1,000 of assessed value for residential property, the tax exemption available to Berwick for 2020 will be approximately \$10,000. The values in subsequent years will be similarly dependent on the newer residential assessment in those years.

Berwick has brought new, high-quality residential development into the downtown, in addition to providing important community infrastructure, both of which are helping to revitalize the downtown core.

The Town must enter into the enclosed agreement with Berwick in order to permit the issuance of the Revitalization Tax Exemption Certificate.

Enclosed: Proposed Revitalization Tax Exemption Agreement with Berwick Retirement Comox Ltd.

REVITALIZATION TAX EXEMPTION AGREEMENT

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

BETWEEN:

BERWICK RETIREMENT COMOX LTD.
c/o Gordon Denford
1162 Fort Street
Victoria BC V8V 3K8

(the "Owner")

AND

TOWN OF COMOX
1809 Beaufort Avenue
Comox, BC
V9M 1R9

(the "Town")

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of that parcel of land in the Town of Comox (**1700 Comox Avenue**) and legally described as **Lot A Section 56 Comox District Plan EPP60489** (the "Parcel");
- B. Council of the Town has established a revitalization tax exemption program pursuant to the Downtown Revitalization Tax Exemption Bylaw No. 1784 (the "Bylaw") to encourage the construction of residential development within downtown Comox;
- C. The Owner constructed 35 additional seniors' accommodation suites, plus additional and enlarged amenities to enhance seniors' accommodation, as well as an ambulance service station on the Parcel (the "Project")
- D. The Owner submitted to the Town a complete application for tax exemption under the Bylaw which indicates that the Project will meet the criteria for a tax exemption under the Bylaw;
- E. This Agreement establishes the terms and conditions that must be met by the Owner in order to be issued a Tax Exemption Certificate;

THIS AGREEMENT WITNESSES that in consideration of the mutual covenants and agreements contained in this Agreement (the receipt and sufficiency of which consideration the Town and the Owner hereby expressly acknowledge), the Town and Owner covenant and agree with each other as follows:

1. Definition - In this Agreement the following words have the following meanings:

(a) "Agreement" means this Agreement;

- (b) "Bylaw" means, Downtown Revitalization Tax Exemption Bylaw No. 1784; and
 - (c) any terms not defined in this Agreement but defined in the Bylaw have the meaning given in the Bylaw.
2. Term - This Agreement shall commence on the date of its full execution by both parties and shall terminate when and if the Tax Exemption Certificate is issued.
3. Tax Exemption Certificate - If the Owner meets all of the following conditions, the Town will issue a Tax Exemption Certificate, in the form generally attached as a schedule to the Bylaw, for a Tax Exemption in respect of the Parcel:
- (a) Application - the Owner submitted a completed application for such rezoning or development permit on November 23, 2015;
 - (b) Commence Construction - the Owner commenced construction of the Project on or before July 20, 2017 (a one year anniversary of the Development Permit issuance on July 20, 2016);
 - (c) Construction - the Owner constructed the Project with its state of completion as evidenced by a final building inspection and all residential units in the Project have received an Occupancy Permit issued by the Building Official on December 31, 2018;
 - (d) Standard of Completion - the Project was completed in accordance with the BC Building Code, building permits, and applicable bylaws and agreements with the Town;
 - (e) No Other Improvements - there was no construction on the Parcel other than the Project;
 - (f) Compliance with Bylaw - the Parcel was developed in accordance with all applicable criteria set out in the Bylaw;
 - (g) No Government Orders - the construction of the Project was not in response to an order of the Town or an order of another public authority;
 - (h) No Change in Zoning - the Owner did not apply to the Town during the term of this Agreement to change the zoning of the Parcel to some use other than the proposed use stated in the application;
 - (i) Payment of Taxes - all property taxes, rates, fees and other charges levied by the Town, including penalties and interest, on the Parcel and on other land owned by the Owner within the Town, must be paid;
 - (j) Compliance with Laws and Covenants - the Owner must have, during the term of this Agreement, used and occupied the Parcel in compliance with all enactments, regulations and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, all federal, provincial, or municipal laws, statutes, bylaws, licenses, permits or approvals, including all the rules, regulations, policies, guidelines, criteria or the like made under any such laws and shall have complied with all land use covenants and land-use agreements and charges registered against title to the Parcel;

(k) Change in Ownership - the Owner must not have sold, assigned or otherwise transferred all or a portion of his or her equitable or legal interest in the Parcel during the term of this Agreement unless the transferee took an assignment of this Agreement, in a form satisfactory to the Town, and agreed to be bound by it. The Owner may not otherwise assign this Agreement and the benefit of it; and

4. Term of Tax Exemption Certificate - Provided the requirements of this Agreement and of the Bylaw are met, the Tax Exemption Certificate shall be for:

The years 2020 to 2027 inclusive, if the Project meets BUILT GREEN Silver or Alternative Standard.

5. Strata Subdivision - If, during the term of this Agreement, the Owner deposits a strata plan in the Land Title Office under the *Strata Property Act*, that subdivides the Project, then any issuance of a Tax Exemption Certificate under this Agreement will be issued in respect of each strata lot subdivided from the Parcel.
6. Entire Agreement - This Agreement constitutes the entire agreement between the Owner and the Town with regard to the subject matter hereof and supersedes all prior agreements, understandings, negotiations, and discussions, whether oral or written, of the Town with the Owner.
7. Further Assurances - The Owner shall, on the request of the Town, execute and deliver or cause to be executed and delivered, all such further agreements, documents, instruments, deeds, and assurances, and do and perform or cause to be done and performed, all such acts and things as may be, in the opinion of the Town, necessary to give full effect to the intent of this Agreement.
8. No Town Representations - It is mutually understood, agreed and declared by and between the parties at the Town has made no representations, covenants, warranties, guarantees, promises, or agreements (oral or otherwise), express or implied, with the Owner other than those expressly contained in this Agreement.
9. Notices - All notices to be given under this Agreement must be in writing and may be delivered by hand or mailed by prepaid ExpressPost mail to the address for the party at the top of this Agreement . Any notice delivered by hand is deemed to be given and received on the day it is sent. Any notice mailed is deemed to be given and received on the 4th day after it is posted (unless there is a mail strike, slow down or other labor dispute which might affect delivery, in which case the notice will be effective only if actually delivered). Notices must be addressed to the addresses on page 1 or to such other address as may from time to time be advised by either party in writing. Notices to the Town must be addressed to the attention of the "Chief Administrative Officer".
10. Powers Preserved - Nothing contained in or implied by this Agreement prejudices or affects the rights and powers of the Town in the exercise of its functions under any enactment or at common law, all of which may be fully and effectively exercised in relation to the Project and the Parcel. This Agreement does not relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Parcel, and without limitation, does 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 Town.

11. Relationship - Nothing in this Agreement is to be interpreted as creating an agency, partnership or joint venture between the Town and the Owner.
12. Time - Time is of the essence in this Agreement.
13. Remedies not Exclusive - No reference to or exercise of any specific right or remedy by the Town prejudices or precludes the Town for any other remedy, whether allowed at law or in equity or expressly provided for herein.
14. Headings - The headings appearing in this Agreement have been inserted for reference and as a matter of convenience and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.
15. Waiver - An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.
16. Interpretation - Wherever the singular or masculine or neuter is used in this Agreement, the same will be construed as meaning the plural, the feminine or body corporate where the context or the parties so require.
17. Severance - If any section, subsection, clause or phrase of this Agreement is held to be invalid for any reason 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 the Agreement.
18. Enurement - This Agreement enures to the benefit of and is binding upon the parties and their respective successors and in the case of the Owner, its permitted assigns.
19. Statutory References - A reference in this Agreement to a statute includes regulations made pursuant to it and includes all amendments and replacements to them from time to time.
20. Modifications - No amendment or modification of any of the terms or provisions of this Agreement will be of any force or effect unless the amendment or modification is in writing and duly executed by the Town and the Owner.
21. Governing Law - This Agreement will be governed by and interpreted in accordance with the laws of British Columbia.
22. Joint and Several Liability - In circumstances where two or more persons comprise the Owner, those persons shall be jointly and severally liable for performance of the obligations of the Owner under this Agreement.
23. Expense of the Owner - The expense of performing the obligations and covenants of the Owner contained in this Agreement, and of all matters incidental to them, is solely that of the Owner.
24. Owner's Representations and Warranties - The Owner represents and warrants to the Town that:
 - (a) If the Owner is a corporation, all necessary corporate actions and proceedings have been taken by the Owner to authorize its entry into and performance of this Agreement;

- (b) If the Owner is a corporation, the Owner has the corporate capacity and authority to enter into and perform this Agreement;
- (c) Upon execution and delivery on behalf of the Owner, this Agreement constitutes a valid and binding contractual obligation of the Owner; and
- (d) Neither the execution and delivery, nor the performance, of this Agreement shall breach any other agreement or obligation, or cause the Owner to be in default of any other agreement or obligation, respecting to the Parcel.

As evidence of their agreement to be bound by the terms of this Agreement, the parties have executed this Agreement on the dates written below.

DATED the ____ day of _____ 20__

Executed by the TOWN OF COMOX
by its authorized signatories:

Mayor:

Corporate Officer:

DATED the ____ day of _____ 20__

Executed by the [insert owner name]
by its authorized signatories:

Name:

Name:

Comox Valley Pickleball Association
cvpickleball.ca

RECEIVED

SEP 03 2019

TOWN OF COMOX

September 4, 2019

Mayor Russ Arnott,
Town of Comox

LOG: 19-471	REFER:	AGENDA: RCM
FILE: 6120-01	ACTION: MR	Oct 2

o-RCM Agenda
copies - Council
- AIK
- AIF

Your Worship:

On behalf of the Comox Valley Pickleball Association, I would like to sincerely thank the Town of Comox for the construction of the dedicated pickleball courts at Highland Park. These six courts have been used extensively in 2019, and I know they will be heavily used in the future, as they are among the finest pickleball courts in our Province. As well, thank you again to councilors Ken Grant, Nicole Minions, and Pat McKenna for participating in the Official Opening on August 14.

Sincerely,



Rick Folk,
President, Comox Valley Pickleball Association