



THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

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**To:** Council

**File No.:** ALC00002

**From:** Director of Development Services

**Date:** September 13, 2023

**Subject:** Application for a Non-Farm Use in the Agricultural Land Reserve - 4795, 4825, 4835, 4839, and 4875 Headquarters Road and unaddressed property Lot 3, Section 45, Comox District, Plan 13392 Except Part on Plan EPP81392

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### PURPOSE:

The City has received a referral through Section 25 of the *Agricultural Land Commission Act* for an application made by the Comox Valley Regional District (CVRD) under Sections 20(2) and 20.3(5) of the *Agricultural Land Commission Act*. The application is for the Comox Valley Exhibition Grounds (CVEG) Concept Site Plan and Implementation Strategy dated June 25, 2021 for non-farm uses and the placement of fill on lands in the Agriculture Land Reserve (ALR). The Agricultural Land Commission (ALC) is seeking the City's comments on this application as the CVRD is proposing to expand some of the non-farm uses.

### BACKGROUND:

The CVRD owns the CVEG grounds and facilities and is responsible for their operation and maintenance. The site is multifunctional and currently includes facilities for equestrian events, festivals, trails for walking or riding of horses along with hosting the Comox Valley Farmers Market. CVEG contains a number of uses, many of which are permitted as farm uses or permitted non-farm uses regulated under Part 2 of the *Agricultural Land Commission Act Agricultural Land Use Reserve Regulation, 2019*. The site also contains some other existing and historical non-farm uses. As new uses are proposed that are not permitted under the ALC Act, an ALC non-farm use application is required.

The Comox Valley Exhibition Grounds (CVEG) consists of seventy-four (74) acres (30 hectares) of agriculturally zoned lands, shown in **Figure No. 1** and legally described as:

- Lot 1, Sections 18 and 45, Comox District, Plan 11475 Except Part in Plan 12735 (4795 Headquarters Rd);
- Lot 1 Sections 18 and 45 Comox District Plan VIP76128 (4825 and 4839 Headquarters Rd);
- Lot A, Section 18, Comox District, Plan 12735 (4835 Headquarters Rd);
- Lot 2, Section 45 Comox District Plan 13392 (4875 Headquarters Rd); and
- Lot 3, Section 45, Comox District, Plan 13392 Except Part on Plan EPP81392 (unaddressed lot on Dove Creek Place).



Figure No. 1: Existing Site Context Map. Tsolum River floodplain shown in orange hatching and 4875 Headquarters Road (Stonehenge Farms) outlined in green (referenced specifically further in this report).

### **The Proposal**

In the summer of 2020 the CVRD retained Urban Systems who completed a Conceptual Site Plan and Implementation Strategy for the CVEG properties (**Attachment No. 1**). The plan describes specific site improvements as “zones” as shown in **Figure No. 2**, to be phased over a ten-year period: Dove Creek Field; the Lower Field; the Rotary Bowl; the Market Field; the Curling Centre and Kin Hut Field; the Upper Ring and the Stonehenge Farm property.

In general terms the proposal includes:

- expanding and formalizing the farmers market area,
- relocation and expansion of educational garden beds including open air food processing facility shelter,
- internal storage facility which would in the future accommodate an agriculturally-focused events facility,
- additional parking lots,
- urban plaza opportunity on existing parking lot,
- new amphitheatre into landscape,
- covered shelter with picnic tables and bike racks,
- changes to washroom facility,
- improved wayfinding facilities,
- realignment of driveways on Headquarters Rd.,
- internal road network and drainage improvements.

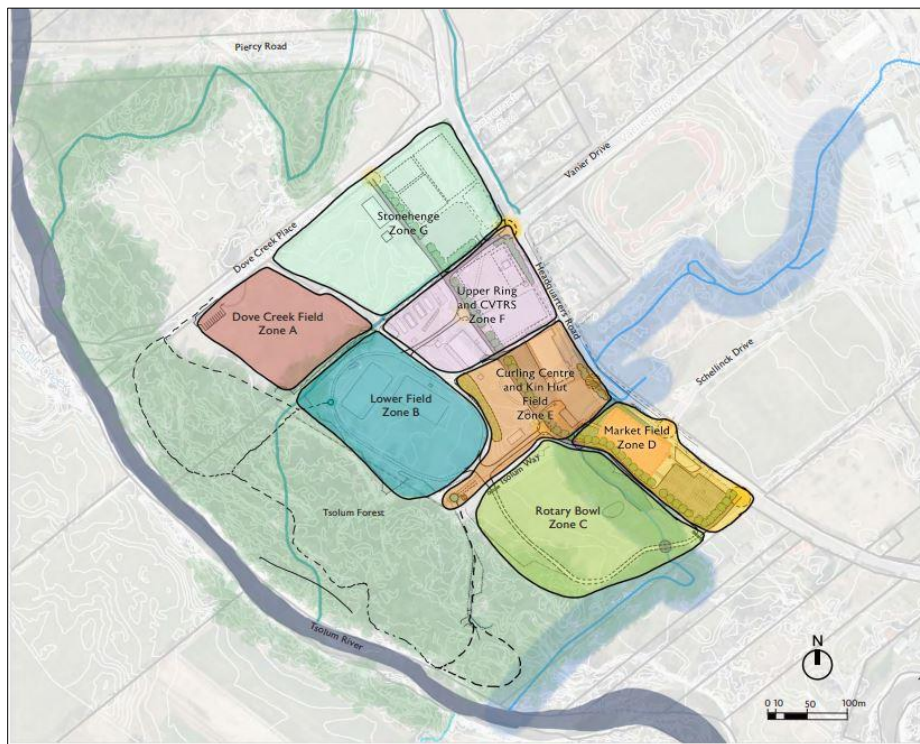


Figure No. 2: Site Plan Zones.

The improvements have been prioritized into three implementation phases and are detailed on pages 33, 34 and 35 of **Attachment No. 1**. Staff note that the improvements proposed over the longer-term are intended to support additional facilities and the expected increase in larger events and visitors.

The application includes a request to permit fill to be imported to the site to construct or conduct proposed non-farm uses particularly in the area of the “Market Field” (location of farmers market). Fill in the form of aggregate base is proposed to be used to support pedestrian walkways, light duty roads and parking.

## DISCUSSION:

### ***Land Uses Supported***

#### Official Community Plan

**Figure No. 3** identifies the subject properties that are designated as Agriculture and Institutional. OCP Bylaw No. 3070, 2022 supports the proposed non-farm uses for the CVEG on the subject lands that are designated Institutional. This Institutional designation reflects the longstanding non-farm community exhibition uses at the CVEG. The ALC referral response (July 15, 2022) to OCP Bylaw No. 3070, 2022 acknowledged this as an acceptable land use designation for these lands.

The subject lot designated Agricultural, 4875 Headquarters Road (Stonehenge Farm site), however was historically, and currently is, designated Agricultural. The horse activities and residential use appear to be considered farm uses under the *ALC Act*. The proposed additional uses do not align with this land use and staff recommends the lands be designated to Institutional to align with the remainder of the lands.

### Zoning Bylaw No. 2500

**Figure No. 4** below outlines where A-1 Agricultural One Zone and A-2 Agricultural Two Zone apply to the lands in the CVRD proposal for the CVEG. The property located at 4875 Headquarters Road (Stonehenge Farm site) is zoned Agricultural One Zone (A-1). The proposed uses include overflow parking and community gardens along with education. Neither the City's A-1 zone nor the listed ALC permitted non-farm uses permit overflow parking. Further, there is a conflict between A-1 zone which does not permit community gardens and education, and the listed ALC non-farm uses which does permit this use. Staff would recommend that this lot be rezoned to A-2 to support the ALC non-farm use for community gardens and education. The A-2 would also support overflow parking should the ALC permit this as a non-farm use. The city's definitions of agriculture do not align with the ALC's definitions and staff suggests some updates to the definition should this application proceed.

The subject lands that are zoned Agricultural Two Zone (A-2) permits all of the non-farm uses the applicant is proposing in their master plan on the respective parcels.



Figure No. 3: OCP Designations of the CVEG



Figure No. 4: Zoning Map of the CVEG

Further details on the proposed uses, permitted farm uses under the ALC Act and permitted uses in the zoning are detailed in **Attachment No.3**.

### Development Permits

The lands that are designated Institutional do not require any development permit as they are exempt. Normal farm practices are also exempt from environmental development permit.

The lands designated Agriculture are not exempt, structures and buildings may trigger a requirement for a DP if they are outside of normal farm practices. Staff recommend changing the land designation from Agriculture to Institutional to align with the other lands.

### Floodplain

A majority of the properties are located in the Tsolum River Floodplain. The proposal is designed to avoid sensitive uses in the floodplain and the applicant will need to ensure that the proposed site improvements and works meet flood construction levels. The City will be requesting a report be submitted from a Geotechnical Engineer which will include a Flood Hazard Risk Assessment for the proposed facilities being constructed onsite as part of the City's building permit application process.

### Environmental

There are environmentally sensitive areas onsite including the eastern bank of the Tsolum River which consists of established riparian forest which extends approximately 150m from the riverbank. There is also the riparian area of Vanier Creek located on the eastern portion of the site and the riparian area of an unnamed stream located on the north-west portion of the site. Both Vanier Creek and the unnamed stream show connectivity to the Tsolum River. Because a portion of the CVEG site, specifically 4875 Headquarters Road is not designated as Institutional; is it subject to the City's environmental development permit (EDP) process for uses that do not follow normal farm practices.

#### Community Heritage Register

The City of Courtenay Community Heritage Register was established in 2009 and identifies the CVEG as one of the places to monitor. The proposed concept plan aligns with the description in this document.

Staff note that although the site is recognized in the City's Community Register it is not designated as a protected Heritage Property with the Province of BC nor does it have legal protection under a heritage revitalization agreement, designation or conservation area.

#### Cultural Heritage Investigation Permit

The subject properties have been identified as having archeological potential and previously recorded archeological sites. The applicant has been advised to contact K'ómoks First Nations to determine if they require a Cultural Heritage Investigation Permit for the proposed site improvements.

The applicant is subject to additional Provincial and Federal applications, these applications are detailed in Appendix C in **Attachment No. 1**.

#### ***Referral Comments and Requests***

The City referred this application to both internal and external agencies. Staff have summarized the concerns and requests received from this process for the CVRD and ALC to consider in the review of this application and next steps.

1. The City has an interest in trail connectivity through and around the CVEG properties as illustrated in the City Parks and Trails Master Plan and the City Parks and Greenways Policies in the OCP.
2. There is City interest in siting a new Transit Stop near the CVEG properties as the City is developing bicycle lanes on Headquarters Road in 2023.
3. The City has an interest in the wayfinding signage plans and consulting with the CVRD on location and maintenance of the signage.
4. That the primary site access (driveway) on the site align with Schellink Drive, needs to be coordinated with the proposed pedestrian crossing and meet all City road standards including lighting.
5. Driveway permits are required for any new driveways onsite.
6. Mid-block pedestrian crossing proposal on Headquarters Road not an ideal location and presents a safety hazard. The City is open to discussing the crossing on Headquarters with the CVRD, but will require a detailed design and safety analysis to be conducted prior to approving the proposed crossing and suggests looking at a crossing at Vanier Drive.
7. The City notes that the parking area on Dove Creek Road is supported in principle but the applicant should be aware that there is a deep ditch on both sides of Dove Creek Place. The CVRD should provide further detail on the plans for this ditch including: which government will fill in or move the ditch and which government will pay for the costs associated with the ditch work. The City will assess any detailed designs provided by the CVRD and work with the CVRD to resolve.

8. The applicant's report discusses the conflicts between parked vehicles and pedestrians and cyclists along Headquarters during events and the weekly Farmer's Market, and that is a concern. If the CVRD is planning for better onsite parking it would be a good opportunity for the City to consider the installation of concrete barriers to support the deterrence of parked vehicles from what will be the bike lane.
9. Regarding the various parking facilities proposed with this development, the applicant has offered to provide a Parking and Transportation Demand Study to confirm parking requirements for the facilities and amenities onsite which the City would request to be shared with staff.
10. A Traffic Impact Assessment is requested by the City as part of the of the ALC application and shall include adequacy of street lighting.
11. The City will require that adequate water, sanitary and storm services are provided to all CVEG properties. Capacity modelling to support the proposed plan is required. Access/egress to bulk watering station shall be included.
12. Staff note that as part of the referral process, BC Hydro may require a Statutory Right of Way (SRW) agreement over the land prior to development.
13. Staff recommend designating the parcel known as 4875 Headquarters Road (Stonehenge Farm) from Agriculture to Institutional requiring an OCP amendment.
14. Staff recommend designating the parcel known as 4875 Headquarters Road (Stonehenge Farm) from A-1 to A-2 requiring a Zoning Bylaw Amendment.
15. Staff recommend consolidating all parcels into one to address impacts of multiple property lines.

#### **POLICY ANALYSIS:**

Official Community Plan (OCP) Bylaw No. 3070 designates the majority of the CVEG lands as Institutional in order to continue to support the use of said lands for the exhibition grounds purposes.

OCP Policy also:

- Supports the preservation and protection of agricultural lands for agricultural purposes including food processing and distribution;
- Encourages and supports the development of partnerships with food security organizations and regional jurisdictions to ensure food access services and programs are available when needed; and
- Supports educational programming on urban agriculture, traditional Indigenous foods practices, environmental stewardship, and food security.

The CVEG grounds continue to support agriculture by:

- Providing sales and marketing opportunities to farmers;
- Offering expanded educational gardens to provide for greater access to learning agriculture methods and best practices;
- Providing opportunities for food growing activities and expanded teaching and education plots; and
- Hosting the Comox Valley Farmers Market, Comox Valley Exhibition and other agriculturally focused festivals and events.

#### **STRATEGIC PRIORITIES REFERENCE:**

This initiative addresses the following strategic priorities:

- Municipal Infrastructure - Continued regional collaboration: Regional Growth Strategy, Liquid Waste Management Plan, South Sewer Conveyance, organics/solid waste, air quality, and regional parks

- Food Systems - Engage with Agricultural Community and Food Policy Council to identify needs and support relevant OCP policies
- Parks and Recreation - Provision of public amenities through development (requirements for parks, trees, accessible benches, and public art)

#### **PUBLIC ENGAGEMENT:**

As part of the 2017 Master Plan process the CVRD conducted significant community engagement including informant interviews and focus groups with key individuals and organizations in the Comox Valley. These groups are detailed in Section 4.0 in **Attachment No. 1**. The CVEG project team has indicated that this user-based input is still current and it has been used to inform the development of the proposal.

#### **OPTIONS:**

1. That Council direct staff to forward to the Agricultural Land Commission, with a recommendation of support, the application for a non-farm use and associated fill placement application for the Comox Valley Exhibition Grounds properties located at 4795, 4825, 4835, 4839, and 4875 Headquarters Road and Lot 3, Section 45, Comox District, Plan 13392 Except Part on Plan EPP81392;  
AND THAT Council request that the ALR consider the following items be addressed:
  - a. Traffic Impact Assessment
  - b. Capacity modelling for infrastructure
  - c. Coordination of parks plans, cycling network plan, and infrastructure plans into the proposed master plan
  - d. City land use and zoning items be addressed for 4875 Headquarters Road and consolidation of the parcels into one to address impacts of multiple property lines.
2. THAT Council provide alternative direction to staff.
3. THAT Council not support the application.

#### **ATTACHMENTS:**

1. Comox Valley Exhibition Grounds Conceptual Site Plan and Implementation Strategy
2. ALC Application Report (referred to) the City of Courtenay
3. Comparative analysis of proposed uses with ALC and City of Courtenay Zoning regulations

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