

COUNCIL REPORT

To: Mayor and Council

From: Administration

Date: April 17, 2024

Subject: Community Garden – Licence of Occupation and Expansion

RECOMMENDATION:

THAT Council approves the Licence-of-Occupation for the Mackenzie Community Garden Society;

AND THAT Council determine whether the new license will include the expanded area as requested by the Mackenzie Community Garden Society;

BACKGROUND:

At the Regular Council meeting of November 13, 2003, there was a request to establish a community garden behind the emergency services building (Fire Hall). Since then, the community garden has grown in size and membership.

Currently the community garden is looking to expand its area to the whole of Lot 3 District Lot 12463 Cariboo District Plan 21790 (100 Fraser Blvd), this lot is 1.25 acres (see attachment A).

With this request for expansion, staff are looking to formalize a licence of occupation similar to the other not-for-profits in Mackenzie (Mackenzie Nordiques & Mackenzie Golf & Country Club). The term would be 5 years at \$50 annually paid as \$250.00 in a lump sum amount at the beginning of the term. The agreement has been attached as attachment B for consideration. The Community Garden Board of Directors has reviewed the document and are in agreement with the terms if approved.

TECHNICAL REVIEW:

Land Use:

Official Community Plan No. 1304, 2014

100 Fraser Blvd falls under the Downtown Core Designation. The Downtown Core designation applies to the core commercial area of Mackenzie and is intended to create a focused, vibrant

and pedestrian oriented town centre with a full range of commercial, multifamily residential, and service opportunities, with site characteristics to be specified in the zoning bylaw below.

Suitable uses include: smaller-scale and pedestrian-oriented retail uses and services, professional businesses and offices, civic and institutional uses, culture and recreational facilities, restaurants, entertainment facilities, hotels, mixed commercial and residential buildings, flex-use and live-work spaces, multi-family housing, and public parks or plazas.

Zoning Bylaw No. 1368, 2017

100 Fraser Blvd, is zoned in CD1 – Comprehensive Development Zone 1 Principal Uses from the Zoning Bylaw No. 1368

- Apartment
- Civic use
- Community care facility
- Convenience store
- Cultural facility
- Dwelling, row house
- Dwelling, townhouse
- Entertainment services
- Farmers market
- Financial institution
- Hotel
- Liquor store
- Neighbourhood pub
- Office, professional
- Parking facility
- Personal service establishment
- Recreation facility
- Restaurant
- Retail store
- School
- Theater

Supporting Policy:

Although the land use does not necessarily match the intended use of the property, the Mackenzie Community Garden Society's activities do support the District's goals and priorities for food security and agricultural development as outlined in the Official Community Plan, Regional Agricultural Strategy, the Community Economic Development Plan, and Council's Strategic Priorities.

Licensing Notes:

Although the land is not zoned for this purpose, Council may still choose to license the land to the community garden for a term for the current use. Having a formalized license will provide stability for the Mackenzie Community Garden Society and their future plans. The District has similar agreements with other not-for-profits and commercial entities in the community and it ensures there is a record of the authority to use the land as well as outlines the responsibilities of each party with respect to the land use.

Expansion Notes:

Staff have no concerns with the request for the expansion of the garden. Due to the proximity to the downtown, health services, and because the lot is one of few bare land District owned properties in the townsite, the following section in the Licence of Occupation agreement can be exercised in the event a needed development were to come forward requesting land in this area:

Section 11.2 In the event that the District requires the use of the Premises for municipal purposes in the public interest, the District may terminate this Agreement upon six (6) months' written notice to the Licensee, and following the expiration of such notice period may re-enter the Land and the rights of the Licensee with respect to the Land shall lapse and be absolutely forfeited.

BUDGETARY IMPACT:

The District would receive \$50/year for use of the land and applicable property tax revenue, unless a permissive tax exemption was granted similar to other not-for-profit land users.

COUNCIL PRIORITIES:

Community and Social Development

- Our investment in the municipality's services and infrastructure, our commitment to principles of social equity and well-being, and our belief in the value of resident engagement, creates a healthy community in which everyone feels valued and enjoys a high quality of life.

RESPECTFULLY SUBMITTED:

Luke Thorne, Land and Environmental Coordinator

Reviewed By: Corporate and Financial Services

Approved By: Chief Administrative Officer