



**TOWN OF CRESTON
REGULAR COMMITTEE OF THE WHOLE MEETING AGENDA**

Tuesday, November 17, 2020, 4:00 P.M.

Held Electronically via Webex In Accordance with Ministerial Order No. M192

WEBEX Login:

[https://creston.webex.com/webappng/sites/creston/meeting/download/ed5acb1f282447e0b7a15e8399262bf9?
siteurl=creston&MTID=me046b5104df90934cfce53d59a74089c](https://creston.webex.com/webappng/sites/creston/meeting/download/ed5acb1f282447e0b7a15e8399262bf9?siteurl=creston&MTID=me046b5104df90934cfce53d59a74089c)

Meeting Number: 141 912 8905 Meeting Password: TownCouncil

- 1. CALL TO ORDER**
- 2. ADOPTION OF AGENDA (and additional items if necessary)**
- 3. DELEGATIONS**
 - a. WildSafeBC (Rosie Wijenberg), regarding the WildSafeBC Program Annual Report
- 4. BUSINESS**
 - a. WildSafeBC (Rosie Wijenberg), regarding the WildSafeBC Program Annual Report
 - b. Council Discussion regarding Revitalization Tax Exemption Bylaw No.1918, 2020
 - c. Council Discussion regarding Utilities and the impact of COVID-19 related closures
 - d. Council Direction Request from the Chief Administrative Officer regarding Business Support for COVID-19 Health Measures
- 5. QUESTION PERIOD**
- 6. ADJOURN AND MOVE TO A CLOSED COMMITTEE OF THE WHOLE MEETING**

Pursuant to Sub-Section 90(1)(c) labour relations and (1)(e) acquisition, disposition or expropriation of land or improvements of the *Community Charter*.



TOWN OF CRESTON DELEGATION REQUEST

File: Council File

I/WE REQUEST TO ATTEND THE FOLLOWING MEETING:

(NOTE: Items discussed at a PUBLIC Meeting are available to the press for publication.)

X **REGULAR OR** ☐ **CLOSED COMMITTEE OF THE WHOLE ON**, Nov 17 2019@ 4:00 p.m. Third Tuesday of each monthX **REGULAR OR** ☐ **CLOSED COUNCIL MEETING ON Nov 24**@ 4:00 p.m. Second and Fourth Tuesday of each month

NAME OF DELEGATION: WildSafeBC Annual Report	
SPOKESPERSON(S): Rosie Wijenberg	
MAILING ADDRESS [REDACTED]	
TELEPHONE NO.: [REDACTED]	EMAIL: selkirkpurcell@wildsafebc.com
DETAILS OF ISSUE TO BE DISCUSSED:	
Summary of seasonal activities done by WildSafeBC in Creston either in person or via ZOOM. Either Nov 17 or 24 is great but Nov 24 is preferable .	
Your Delegation Request is ___ Confirmed ___ Declined	

PLEASE READ CAEFULLY***Council Procedures Bylaw No. 1875 states:***

- (1) The Members may hear up to two (2) delegations at each Closed, Regular, Special, Council and/or Committee meeting, with a time limit of 15 minutes per delegation, unless additional time is approved by the Mayor or the Town Manager.
- (2) Requests by delegates will be reviewed by the Town Manager or designate to determine whether
 - i. the delegation concerns an administrative issue that should be dealt with by the Mayor, in which case the Town Manager will arrange a meeting between the requestor and the Mayor, or,
 - ii. the delegation should be heard by a Council Committee or by Council at one of the regular scheduled meetings, in which case the Town Manager will arrange for the delegation to be included on the agenda for the appropriate meeting. If there are two delegations already on the agenda for the next meeting, the matter will be put on the agenda of the following available meeting.

- (a) If the issue is not resolved under clause (a)(i), the requestor may write a letter to Council requesting to appear before Council as a delegation and Council may refuse the request if Council is satisfied that the Mayor has made a reasonable effort to resolve the issue or if the issue cannot be resolved as requested.
 - (b) All delegation requests must be made in writing and submitted to the Corporate Officer or designate, clearly setting out the subject matter to be dealt with, the proposals the delegation intends to make or resolution of the issue to request, and the name of the spokesperson(s).
 - (c) All delegation requests must be submitted to the Corporate Officer or designate no later than 12 p.m. on the Wednesday preceding the next regular meeting, for review and approval by the Town Manager or designate.
- (3) Council must not permit delegations to address a meeting of the Council or its committees on the following:
- (a) A bylaw, other than a bylaw referred to in Clause (b) of this section 4.11, in respect of which a public hearing required under an enactment as a pre-requisite to the adoption of the bylaw has been held, and the bylaw has not been adopted, defeated or abandoned.
 - (b) Official Community Plan Bylaws, or Zoning & Development Bylaws, including amendments to such bylaws, which have received first reading and which have not been adopted, defeated, or abandoned, except as a delegation at the statutory public hearing.
 - (c) Matters on which the Town Manager has commenced prosecution, and on which judgement has not been rendered.
 - (d) Business Licence Hearings conducted in accordance with section 60 of the Community Charter, unless the delegation is the holder of the licence that is the subject of the hearing.
 - (e) The promotion of commercial products or services that, in the opinion of the Member presiding at the meeting, have no connection to the business of the Town.
 - (f) Publicly tendered contracts or proposal calls for the provision of goods or services for the Town, from the time a contract or proposal call has been issued and the time the contract or proposal call has been awarded, either by Council or Town staff.
 - (g) Invitations for Council to participate in events and/or special occasions.
 - (h) Promotion of a private business or group.
- (4) A petition to Council shall include the name and residential address of each petitioner and the name and mailing address of a contact person.
- (5) The provisions of clause (b) of subsection 4.11(3) do not apply to delegations requesting to be heard at a second or subsequent Public Hearing held on an Official Community Plan Bylaw or Zoning & Development bylaw, or amendments to such bylaws, whichever is the case.

Please contact the Community and Corporate Services Coordinator at (250) 428-2214, ext. 231, if you require further information



British Columbia Conservation Foundation

WildSafeBC Selkirk Purcelss 2020 Year End Report

Presented by Selkirk Purcell Community Coordinator Rosie Wijenberg



Keeping Wildlife Wild and our Communities Safe

WildSafeBC is a program designed to reduce human-wildlife conflict through education, innovation and cooperation.



What is WildSafeBC?

- ▶ WildSafeBC is a program designed, owned and delivered by the BC Conservation Foundation.
- ▶ It is delivered throughout the province and exists in communities where we have established partnerships between local funding bodies (such as municipalities and regional districts) and with our primary funder: the provincial government.

Habituation: When wild animals lose their fear of humans and tolerate them at a closer distance.

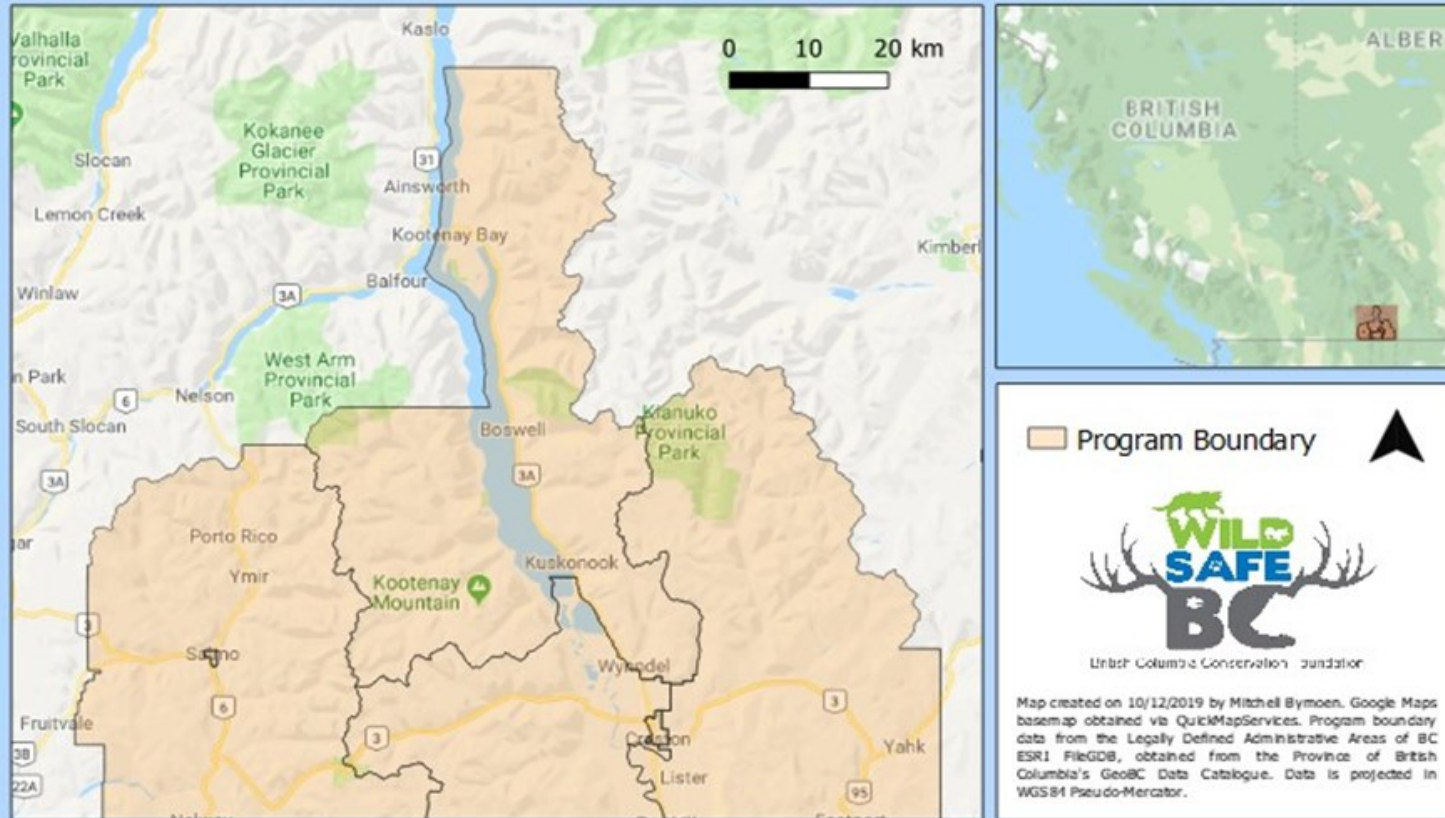


Human food conditioning: When wild animals become reliant on human sourced foods.



Human-Wildlife Conflict

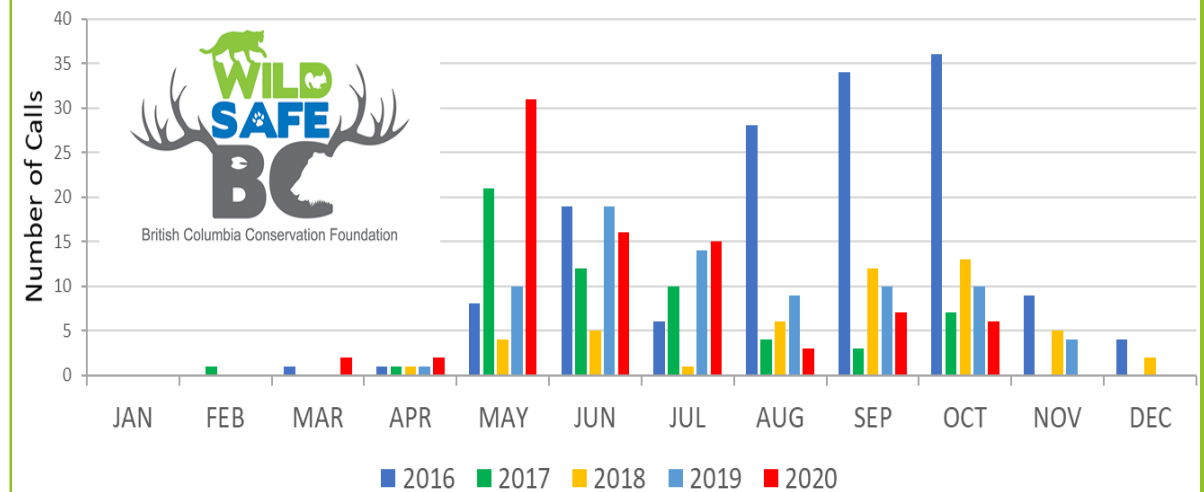
WildSafeBC Selkirk Purcells Program Coverage



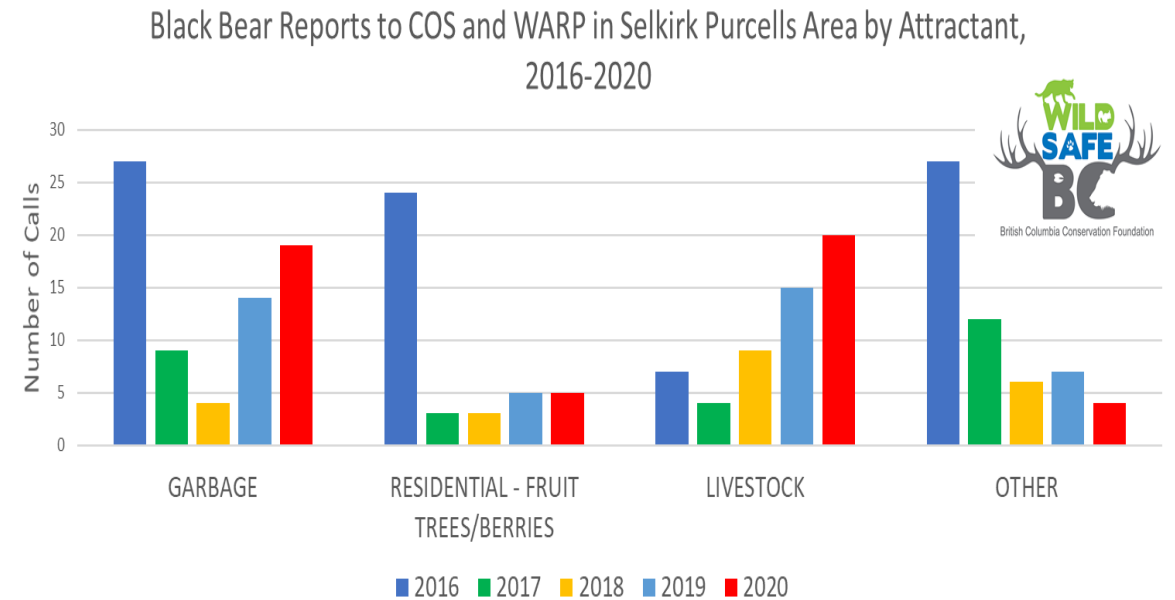
2020 Wildlife Activity in the Selkirk-Purcells



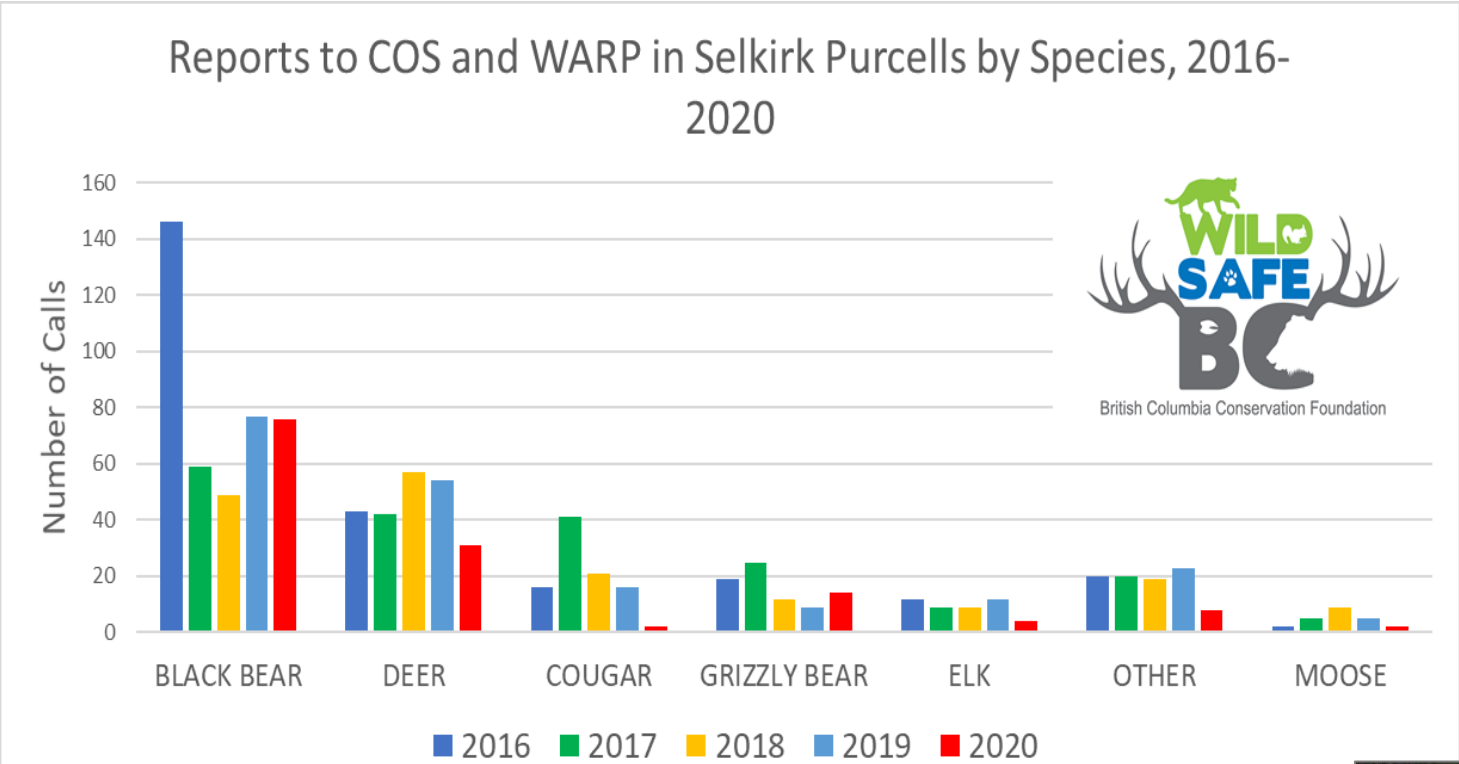
Reports to COS and WARP Regarding Black Bears in Creston Area by Month, 2016-2020



2020 Wildlife Activity in the Selkirk-Purcells



2020 Wildlife Activity in the Selkirk-Purcells



WildSafeBC 2020 Activities

Door to Door Education

Garbage Tagging

Events and Display Booths

Radio, Print and Online Media

WildSafe Rangers Youth Programming

Online and Print Resources

COVID 19 Mitigation

- ▶ Activities performed this season followed safety guidelines provided by the Province, WorkSafeBC and/or the BC Conservation Foundation's Safety Coordinator.
- ▶ Smaller groups, social distancing and video conferencing
- ▶ No contact door to door
- ▶ Safety protocols including distancing, contact tracing, masks and sanitization

Events and Display Booths

- ▶ BC Goes Wild and regular season
- ▶ Focus on safety training this year
- ▶ Attractant management
- ▶ Bear spray Training
- ▶ On demand training at booths to promote smaller groups
- ▶ Over 700 contacts
- ▶ Included information about rats at Creston Valley events



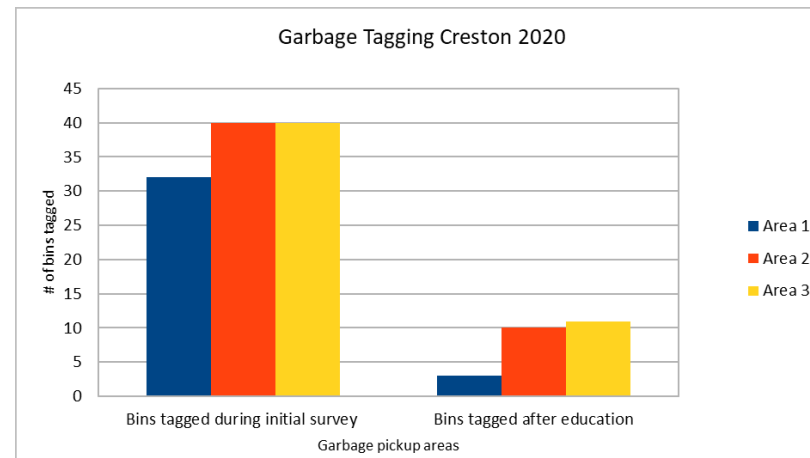
Door to Door Education

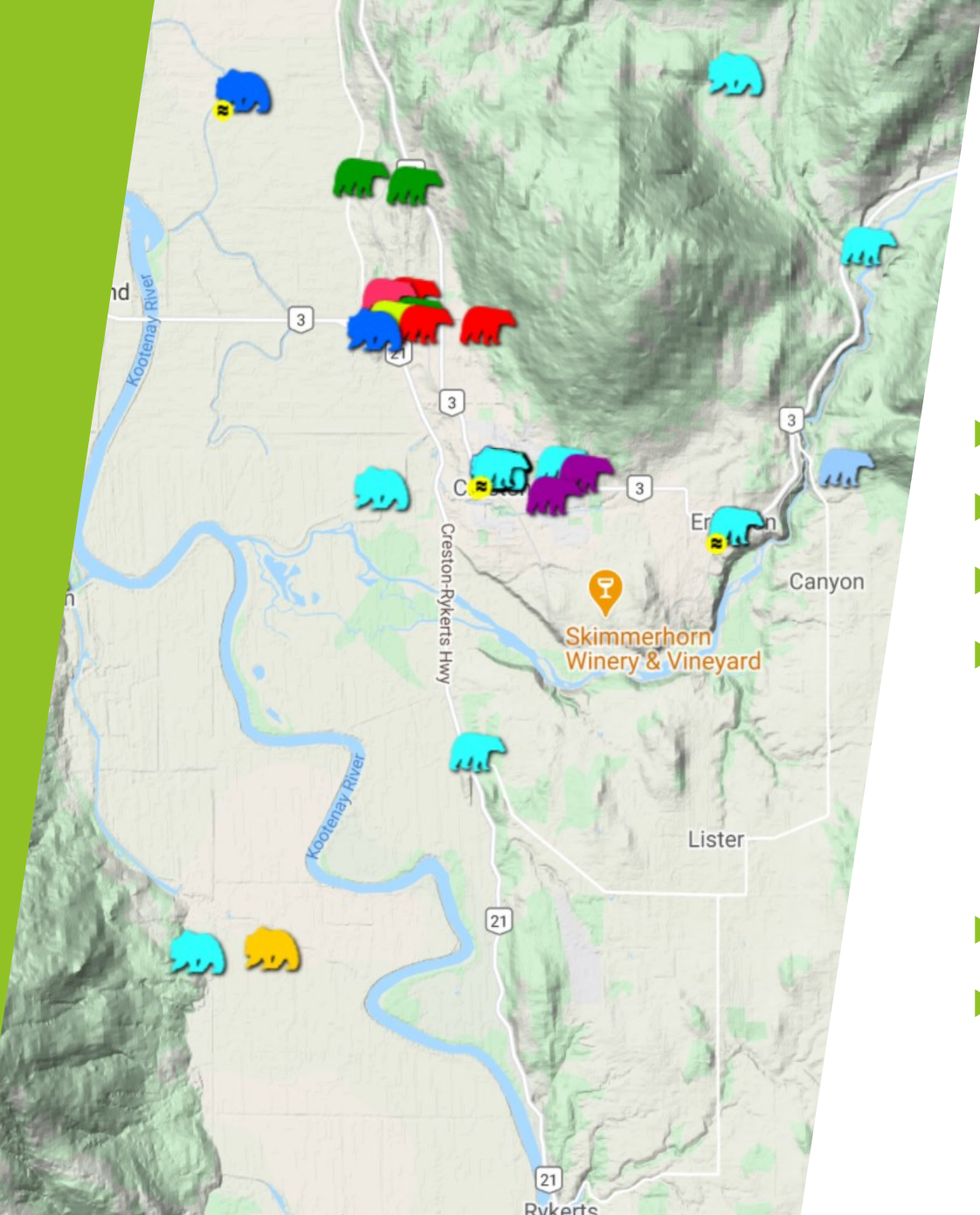
- ▶ No close contact or knocking on doors
- ▶ Leave targeted educational materials
- ▶ Residential fruit trees
- ▶ Garbage
- ▶ Rats
- ▶ Direction by the COS
- ▶ Grizzly bears in West Creston and north of Creston



Garbage Tagging

- ▶ Target residents leaving out unsecured garbage
- ▶ Educational stickers followed by targeted door-to door
- ▶ Over 200 bins tagged
- ▶ 2 sessions for each area (6 total)
- ▶ 80% reduction in repeat offenders





Print, Radio and Online

- ▶ Social media
- ▶ Creston Advance
- ▶ Juice FM on air and on line
- ▶ Topics included: local wildlife activity, fruit tree management, garbage tagging and attractant management, rats, event promotion
- ▶ WARP program
- ▶ Social media and community pages

WILDSAFE RANGERS



The WildSafeBC WildSafe Ranger Program introduces students to the concept of human-wildlife conflict. It encourages them to take an active role in reducing human-wildlife conflicts by helping their families identify wildlife attractants around their home. The program fosters a respectful relationship with all wildlife that emphasizes keeping wildlife wild and communities safe.

WILDSAFE RANGERS WILL LEARN:

- Basic needs (habitat requirements) of local wildlife species
- The root causes of human-wildlife conflicts
- How human-wildlife conflicts impact both people and animals
- What we can do at home to prevent human-wildlife conflicts
- How to stay safe in wildlife country

To learn more about the WildSafe Ranger Program visit: <http://wildsafebc.com/wrp/>

As a result of the COVID-19 pandemic, WildSafeBC is adapting by offering online delivery of our WildSafe Ranger Program to families home-schooling their children. If you have a WildSafeBC Program in your community, teachers, group leaders and/or caregivers can contact their local WildSafeBC Community Coordinator to learn how they can register for these free* online classes.

*Program costs are covered through local and Provincial funding in communities with a WildSafeBC Program.



WildSafe Rangers

- ▶ School program for elementary
- ▶ Social distancing and COVID protocols
- ▶ Teach kids about local wildlife, attractant management and safety
- ▶ Supplementary educational materials
- ▶ Over 150 children taught this year

Online and Print Resources

- ▶ Posters on community boards, parks, trails and campsites
- ▶ WildSafeBC website
- ▶ Brochures and signage
- ▶ WARP Wildlife Alert Reporting Program
- ▶ Informative videos and social media publications such as Wild Wednesdays and Bear spray demonstration videos



HELP KEEP WILDLIFE WILD AND YOUR COMMUNITY SAFE

Every year in BC, thousands of animals come into conflict with people as they seek out food, water or shelter in our communities. WildSafeBC provides information on how we can **LIVE, WORK, PLAY** and **GROW** in wildlife country.

Learn more on how you can make a difference by visiting our website, following us on social media or by contacting your local coordinator.

Find your local WildSafeBC Coordinator at
www.wildsafebc.com/contact

Report all sightings of bears, wolves, cougars and coyotes in urban areas, or wildlife in conflict, to the Conservation Officer Service at **1.877.952.7277**.

These reports are available through WildSafeBC's Wildlife Alert Reporting Program on our website.



Continued Challenges

- ▶ COVID
- ▶ 'Urban' garbage management
- ▶ Fruit tree management
- ▶ Grizzly attractants
- ▶ Electric fencing acceptance particularly with chicken and livestock owners
- ▶ Problem properties

- ▶ Increased youth events
- ▶ Building on acceptance of electric fencing with workshops and promotion of completed projects.
- ▶ Continue and expand upon collaborative local events particularly with user groups, trail and wilderness societies
- ▶ Build relationships with local businesses through our business pledge program
- ▶ Continue work with RDCK and local garbage pickup companies
- ▶ Promote our Bare Camping Program in the area
- ▶ Increase Indigenous awareness and collaboration within the program

Looking Ahead

WildSafeBC wishes
to acknowledge the
generous support
from the following:



COUNCIL DIRECTION REQUEST (CDR)

Town of Creston



ACTION DATE: September 15, 2020

SUBJECT: Renewal of the Revitalization Tax Exemption Program

SUGGESTED FOLLOW-UP ACTION: THAT Council DIRECTS Staff to prepare a new Revitalization Tax Exemption Bylaw for Council Consideration at an upcoming regular Council Meeting.

CAO COMMENTS: The revitalization bylaw program has been successfully utilized since 2011.

BACKGROUND

Staff Briefing Note:

Attached ☒

Available ☐

Nil ☐

1. DEFINE THE TOPIC

KEY INFORMATION: The Town of Creston established a Revitalization Tax Exemption (RTE) Program in 2011 through RTE Bylaw No. 1753, 2011, (exp. 2013) to support economic revitalization, development and growth in the Town of Creston. This program was renewed in 2015 (RTE Bylaw 1821, 2015), and renewed again in 2017 (RTE Bylaw 1860, 2017). RTE Bylaw 1860, 2017 (exp. August 31, 2020) was available for the construction/ alteration of all appropriately zoned commercial businesses with a construction value of at least \$150,000 for new buildings, or \$50,000 for alterations. The RTE provided eligible businesses with a tax exemption on the municipal portion of their property taxes (calculated based on the difference in assessed value attributed to the eligible improvements) for a maximum term of ten (10) years. As RTE Bylaw 1860, 2017 has expired, Council may elect to continue the RTE program through the adoption of a new RTE Bylaw (options outlined in attached staff briefing note) or choose not to adopt a new RTE Bylaw.

RELEVANT OBSERVATIONS: The existing RTE Bylaw 1860, 2017 expired on August 31, 2020.

STRATEGIC QUESTIONS: Does Council wish to continue promoting economic growth in the Town of Creston using the Revitalization Tax Exemption Program?

ESSENTIAL QUESTION: Does Council wish to consider a new Revitalization Tax Exemption Bylaw?

2. DETERMINE DESIRED OUTCOMES if the essential question is addressed.

KEY RESULT: Adoption of a new Revitalization Tax Exemption Bylaw.

DESIRED BENEFITS OF KEY RESULT: Encourage new commercial businesses to construct new buildings or renovate existing buildings for commercial use; encourage existing commercial businesses to renovate existing buildings, thereby improving the aesthetic of local businesses; reinforcing the Municipality's open for business approach to attract redevelopment and new development of commercial businesses within the Town of Creston.

REQUISITES: Staff to develop a new RTE Bylaw for Council Consideration.

UNINTENDED OUTCOMES: Where construction would have happened, regardless of the RTE program, the municipality defers the collection of the municipal portion of the property taxes.

3. EXPLORE RESPONSE OPTIONS to achieve the key result (Pros & Cons)

1.	Council Directs staff to prepare a new Revitalization Tax Exemption Bylaw for Council consideration at an upcoming Regular Council Meeting;
2.	Discontinue the Revitalization Tax Exemption Program
3.	Other, as per Council Direction

Submitted by:

Ross Beddoes

Reviewed by:

CAO

[Signature]

STAFF BRIEFING NOTE

Town of Creston



DATE: 9/15/2020

TO:	Michael Moore, Chief Administrative Officer
CC:	Steffan Klassen, Director of Finance and Corporate Services
FROM:	Ross Beddoes, Director of Community Services
DEPARTMENT:	Community Services
SUBJECT:	Revitalization Tax Exemption Program Expiration
APPENDIX:	<input type="checkbox"/> ATTACHED <input type="checkbox"/> OTHER DOCUMENT <input type="checkbox"/> NOT APPLICABLE

PURPOSE / ISSUE:

To request Council's Direction regarding the development of a Revitalization Tax Exemption (RTE) Bylaw.

BACKGROUND:

An RTE Program, for the Town of Creston, was first introduced by RTE Bylaw No. 1753, 2011, focusing on economic revitalization, development and growth. It was limited to construction / alteration of appropriately zoned hotels and motels within the Town of Creston. In order to be eligible for the Program, a construction value of at least \$1,000,000 for new buildings, or \$100,000 for alterations was required. The program expired July 31, 2013. During its two year term, three local businesses were granted RTE Certificates.

RTE Bylaw No. 1821 was adopted on June 23, 2015 expanding the scope of the Program beyond hotels and motels, to include construction / alteration of all appropriately zoned commercial businesses. In order to be eligible for the program, a construction value of at least \$150,000 for new buildings, or \$50,000 for alterations was required. Bylaw No. 1821 expired August 31, 2017 and only one RTE Certificate was issued. The RTE program continued through RTE Bylaw No. 1860, 2017 keeping the same construction value eligibility and term. Bylaw No. 1860, 2017 expired on August 31, 2020. One RTE Certificate was issued under Bylaw No. 1860, 2017 and three RTE applications were received prior to the August 31 deadline for processing and Council's consideration at an upcoming Council Meeting.

CURRENT SITUATION:

Revitalization Tax Exemption Bylaw No. 1860, 2017 expired on August 31, 2020. In order to continue the RTE program for the Town of Creston, Council may direct staff to develop a new RTE bylaw for their consideration.

KEY CONSIDERATIONS:

- The RTE program objectives include encouraging commercial businesses to invest in new and renovated buildings, establishing commercial services, investment and employment opportunities in the Town of Creston, as well as reinforcing the municipalities "open for business approach". Further, the Official Community Plan identifies the commercial objective of creating a strong and vibrant commercial economy in the Town of Creston.
- Pursuant to Section 226 of the *Community Charter*, Council is able to specify the conditions of the RTE program; as such, Council can revise the eligibility, term, and percentage of the exemption of

STAFF BRIEFING NOTE

Town of Creston



municipal portion of property taxes within the RTE program. In a survey of other local government RTE Bylaws within the Kootenay Region, eligibility requirements and RTE program structure vary; however, the term of the RTE is often five years.

- The amount of the RTE is calculated based on the increase in the general municipal property tax levied on the difference in the assessed value of improvements on the Parcel of land between the year prior to commencement of construction and the year following the issuance of the RTE Certificate, that is, the difference in assessed value attributed to the eligible improvements.

The following options for consideration maintain previous program eligibility (a minimum construction value of at least \$150, 000 for new buildings or \$50, 000 for alterations of all appropriately zoned commercial businesses). Council may wish to consider other eligibility options, such as increasing the minimum construction value of projects. Options 1 and 3 provide examples of a five year term (with different percentages of the municipal portion of the property tax exempted), and Option 2 is consistent with the RTE program previously offered through RTE Bylaw 1860, 2017.

Option 1:

Eligibility: a minimum construction value of at least \$150, 000 for new buildings or \$50, 000 for alterations of all appropriately zoned commercial businesses.

Maximum Term: Five (5) years.

Exemption: 100% tax exemption of municipal property tax on eligible improvements for five years.

Example of Municipal Taxes (Based on 2020 Commercial – Class 6 Mill Rate - \$10,49932):

Increased to Assessment	\$100,000	\$1,000,000	\$10,000,000
Tax Exemption (per year)	\$1,049.93 / yr	\$10,499.32 /yr	\$104,993.20 / yr
Total Savings (5 year term)	\$5,249.66	\$52,496.00	\$524,966.00

Pros:

- Provides eligible participants with a savings of approximately five (5) percent of their project value over the term of the RTE Program.
- Enables the municipality to begin collecting the full municipal portion of the property taxes at five years.
- Reduces the amount of RTE certificates concurrently active, therefore reducing the overall amount of the municipal portion of property tax being deferred under the RTE program at one time.

Cons:

- Changing the term of the RTE program reduces the overall cost savings to the RTE program participants

STAFF BRIEFING NOTE

Town of Creston



Option 2 (Consistent with Revitalization Tax Exemption Bylaw 1860, 2017):

Eligibility: a minimum construction value of at least \$150, 000 for new buildings, or \$50,000 for alterations of all appropriately zoned commercial businesses.

Maximum Term: Ten (10) Years

Exemption: 100% tax exemption for first five years and 50% tax exemption for years six to ten (6-10) of municipal property tax on eligible improvements for years 6 to 10.

Example of Municipal Taxes (Based on 2020 Commercial – Class 6 Mill Rate - \$10,49932):

Increased to Assessment	\$100,000	\$1,000,000	\$10,000,000
Tax Exemption (Years 1-5)	\$1,049.93 / yr	\$10,499.32 /yr	\$104,993.20 / yr
Tax Exemption (Years 6-10)	\$524.97	\$5,249.66	\$52,496.60
Total Savings (5 year term)	\$7,874.49	\$78,744.90	\$787,449.00

Pros:

- Provides eligible participants with a savings of approximately eight (8) percent of their project value.
- Provides ongoing financial support for eligible businesses for the full term available for an RTE under Section 226 of the *Community Charter* (10 years).

Cons:

- Ten year term not responsive to changing economic conditions or the Town priorities.
- Ten year deferral in collecting the full amount of the municipal portion of the participant's property taxes.
- Greater overall value of deferred municipal property tax under the RTE program, as RTE certificates may be active over the same period for many years.

Option 3:

Eligibility: a minimum construction value of at least \$150, 000 for new buildings or \$50, 000 for alterations of all appropriately zoned commercial businesses.

Maximum Term: Five (5) years.

Exemption: 100% tax exemption for first three years, 80% tax exemption on year (4) and 60% tax exemption on year five (5) of municipal property tax on eligible improvements.

STAFF BRIEFING NOTE

Town of Creston



Example of Municipal Taxes (Based on 2020 Commercial – Class 6 Mill Rate - \$10,49932):

Increased to Assessment	\$100,000	\$1,000,000	\$10,000,000
100% Tax Exemption (Years 1-3)	\$1,049.93 / yr	\$10,499.32 /yr	\$104,993.20 / yr
80% Tax Exemption (Year 4)	\$839.95	\$8,399.49	\$83,994.56
60% Tax Exemption (Year 5)	\$629.96	\$6,299.59	\$62,995.92
Total Savings (5 year term)	\$4919.70	\$46,197.01	\$461,970.08

Pros:

- Municipality begins collecting a portion of the Municipal Property Tax by Year 4 of the RTE program.
- Gradual phase out of financial support in year 4 and 5.

Cons:

- Program may not be robust enough to fulfill the objectives of the RTE program.

OPTIONS FOR FOLLOW-UP ACTION:

1. Council to direct staff to develop a new Revitalization Tax Exemption Bylaw for Council Consideration at an upcoming regular Council Meeting;
2. Discontinue the Revitalization Tax Exemption Program; or,
3. Other, as per Council Direction.

Submitted by:

Ross Beddoes

Ross Beddoes, DCS

TOWN OF CRESTON**BYLAW NO. 1860**

A Bylaw to establish a Revitalization Tax Exemption Program.

WHEREAS under Section 226 of the *Community Charter*, Council may provide a Revitalization Tax Exemption Program for land or improvements or both that is applicable to designated kinds of property, or related activities or circumstances;

WHEREAS Council wishes to establish a Revitalization Tax Exemption Program for the Eligible Improvements defined in Section 2 i) of this Bylaw;

WHEREAS Council is of the opinion that the development of new commercial businesses, or the redevelopment of existing commercial businesses, which encourage investment and employment, is seen as a critical component of the economic revitalization and growth of the Town of Creston's Commercial Areas;

WHEREAS in accordance with Section 165 of the *Community Charter*, the Town has set out the objectives and policies in relation to the use of permissive tax exemptions in the Five Year Financial Plan (2017-2021) Bylaw No. 1856 and this Bylaw is consistent with those objectives and policies;

WHEREAS the purpose of this Bylaw is to encourage the economic revitalization and economic growth of the Town of Creston by means of the development of new commercial businesses within the Designated Revitalization Area;

WHEREAS Council's reasons for creating the Revitalization Tax Exemption Program are as follows:

- a) Council recognizes that a critical component of the continued economic revitalization and growth of the Town is to build upon the success of its prior initiatives by encouraging the development of new commercial businesses, or the redevelopment of existing commercial businesses in the Town's zones that permit commercial uses, which will stimulate investment in the Town and provide new employment opportunities and commercial services for its existing and future residents, thereby attracting further economic growth and increasing the Town's tax base;
- b) the Town of Creston's Official Community Plan identifies the commercial objective of creating a strong and vibrant commercial economy in the Town of Creston; and,
- c) the Town of Creston's 2017 Corporate Strategic Plan identifies economic development as a corporate priority;

WHEREAS the objectives of the Revitalization Tax Exemption Program are to:

- a) encourage new commercial businesses in new and renovated buildings in the Town's zones that permit commercial uses and thereby establish the commercial services and the investment and employment opportunities that will attract additional investment and economic growth to the Town of Creston; and
- b) reinforce the municipality's "open for business" approach and attract redevelopment and new development of commercial businesses within the municipality;

AND WHEREAS notice of this Bylaw has been given in accordance with Sections 94 and 227 of the *Community Charter*;

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

1. This Bylaw may be cited as "Revitalization Tax Exemption Bylaw No. 1860, 2017".
2. In this Bylaw:
 - a) "Appropriately Zoned Land" means Parcels that are zoned and licensed as described in Section 4 of this Bylaw;
 - c) "Assessed Value" means the value of land and improvements in a specified year, as determined by the Assessment Authority in the assessment region of the Province of British Columbia in which the land and improvements are located;
 - d) "Calendar Year" and "Year" means all months inclusive from January to December;
 - e) "Chief Building Official" means the person appointed by the Council to that position or a person authorized by the Chief Building Official to perform his/her duties under this Bylaw;
 - f) "Council" means the Council of the Town of Creston;
 - g) "Designated Revitalization Area" means the area designated as such under Section 3 of this Bylaw;
 - h) "Director of Finance and Corporate Services" means the person appointed by the Council to that position or other Corporate Officer of the Town of Creston;
 - i) "Eligible Improvement" means:
 - .i an existing building, used only for an Eligible Use, on Appropriately Zoned Land and having a renovation project value of \$50,000.00 or greater as determined by the Town's Chief Building Official and for which a valid Building Permit has been issued by the Town;
 - .ii a new building, used only for an Eligible Use, that is constructed on Appropriately Zoned Land and having a construction project value of \$150,000.00 or greater as determined by the Town's Chief Building Official and for which a valid Building Permit has been issued by the Town;
 - .iii an Eligible Improvement for which a Building Permit must have been issued by the Town, with construction commencing after the adoption of this Bylaw, or within sixty (60) prior to the adoption of this Bylaw.
 - j) "Eligible Land" means the area of a Parcel occupied by the footprint of the Eligible Improvements on the land to be detailed in the Revitalization Tax Exemption Agreement;
 - k) "Eligible Use" means a Principal Eligible Use;
 - l) "Municipal Property Taxes" means the municipal portion of taxes imposed on the land and improvements by the Town under Section 197(1)(a) of the *Community Charter*;
 - m) "Owner" means the registered Owner of the Eligible Improvement;
 - n) "Parcel" means a parcel upon which one or more improvements are to be constructed that may qualify the land or improvements, or both, for a tax exemption under this Bylaw;
 - o) "Principal Eligible Use" means a commercial use permitted on Appropriately Zoned Land as defined under Section 4 of this Bylaw;

- p) "Recapture Amount" means the amount an Owner is required to pay to the Town under Section 8 of this Bylaw;
- q) "Revitalization Tax Exemption Agreement" or "Agreement" means an Agreement between the Owner of the Eligible Improvements and the Town of Creston that is substantially in the form attached to this Bylaw as Schedule "A";
- r) "Revitalization Tax Exemption Certificate" means a Revitalization Tax Exemption Certificate issued by the Town of Creston pursuant to this Bylaw and pursuant to the provisions of Section 226 of the *Community Charter*, substantially in the form attached to this Bylaw as Schedule "B";
- s) "Term" means the number of years for which a tax exemption is granted under Section 9 of this Bylaw;
- t) "Town" means the Town of Creston.

3. DESIGNATED REVITALIZATION AREA

- 3.1 The Designated Revitalization Area consists of all properties within the Town of Creston that are located in a commercial zone under the Town's Zoning Bylaw No. 1123, as defined in Section 4 of this Bylaw, that permits *commercial uses*.

4. APPROPRIATELY ZONED LAND

- 4.1 To qualify as an Eligible Improvement, an improvement must be located on a Parcel that is zoned *General Commercial C-1, Local Commercial C-2, Tourist Commercial C-3, Licensed Premises Commercial C-4, Mixed Use Commercial C-5, Highway Service Commercial HSC, Highway Service Commercial – Hotel/Convention Centre HSC-H, or Highway Service Commercial – Light Manufacturing HSC-M* as detailed in Schedule "A" of Zoning Bylaw No. 1123; and, have a valid Building Permit issued by the Town of Creston for the construction of a Principle Eligible Improvement.

5. REQUIRED CONSTRUCTION VALUE

- 5.1 Revitalization Tax Exemptions will apply only to:
 - a) a redevelopment or alteration of an existing Eligible Improvement that has a construction value in excess of \$50,000.00; or
 - b) construction of a new Eligible Improvement, under this Bylaw, with a construction value in excess of \$150,000.00;

both values to be determined by the Chief Building Official whose decision shall be final.

6. APPLICATION FOR EXEMPTION CERTIFICATE

- 6.1 An application for a Revitalization Tax Exemption Certificate must be made to the Town's Director of Finance and Corporate Services on or before August 31 in the year prior to the first year in respect of which a tax exemption is sought and be accompanied by an Occupancy Permit for the Eligible Improvement issued by the Town.

- 6.2 The application must include sufficient information, as required by the Director of Finance and Corporate Services, to verify that the proposed development is an Eligible Improvement.
- 6.3 The Town of Creston will accept applications for a Revitalization Tax Exemption only in the years 2018, 2019 and 2020, and no applications will be accepted after August 31, 2020.
- 6.4 After obtaining a Building Permit from the Town for the construction of an Eligible Improvement, the Applicant may submit a Revitalization Tax Exemption Application in the form provided by the Town, but the Revitalization Tax Exemption Certificate must not be issued until the requirements and conditions for a Revitalization Tax Exemption Certificate prescribed in this Bylaw, the Agreement and the form of the Revitalization Tax Exemption Certificate in Schedule B to this Bylaw, together with any additional requirements and conditions required by the Town, have been met by the Applicant.
- 6.5 If construction commenced prior to the time limit in subsection 2(i)(iii) of the definition of Eligible Improvement in this Bylaw, the Revitalization Tax Exemption Application will not be eligible for consideration under this Bylaw.

7. REVITALIZATION TAX EXEMPTION CERTIFICATE

- 7.1 Once all conditions and requirements prescribed in this Bylaw and the Agreement as prerequisites for the issuance of a Revitalization Tax Exemption Certificate have been met, the Town's Director of Finance and Corporate Services must issue a Revitalization Tax Exemption Certificate for the property that is the subject of the Agreement.
- 7.2 If the Revitalization Tax Exemption Certificate is issued on or before October 31, the tax exemption takes effect in the following Calendar Year.
- 7.3 A Revitalization Tax Exemption Certificate must be issued for the Eligible Improvements in the form attached as Schedule "B" and must include the conditions set out in that form.

8. CANCELLATION OF CERTIFICATE

- 8.1 A Revitalization Tax Exemption Certificate issued for Eligible Improvements is subject to the requirement that all of the conditions set out in the Revitalization Tax Exemption Agreement continue to be met during the Term established in Section 9 of this Bylaw.
- 8.2 Council may cancel a Revitalization Tax Exemption Certificate if any one or more of the conditions or requirements set out in the Revitalization Tax Exemption Agreement are breached, and the cancellation will be effective as of the date of the breach.
- 8.3 If the Revitalization Tax Exemption Certificate is cancelled during a year in which the Owner of Eligible Improvements has received an exemption from municipal taxes, a Recapture Amount representing the amount of the Revitalization Tax Exemption granted to the Owner from the date of the breach of the condition or requirement, as applicable, is payable to the Town by the Owner.
- 8.4 If the breach occurred during the Calendar Year, the Recapture Amount will be the portion of the annual tax exemption for the balance of the taxation year remaining from the effective date of cancellation of the Certificate.

9. TERM AND EXEMPTION AMOUNT

- 9.1 The maximum Term of an exemption under this Program is 10 years commencing on January 1 of the first Calendar Year after the year in which the Revitalization Tax Exemption Certificate is issued as long as it is issued prior to October 31.
- 9.2 The percentage of the Amount calculated in accordance with Section 9.3 of this Bylaw that will be provided in each year of the Term is set out in the following table:

Year of the Term	% of Revitalization Tax Exemption of Municipal Property Tax on Eligible Improvements
Years 1 - 5	100%
Years 6 – 10	50%

- 9.3 The amount of the Revitalization Tax Exemption (the “Amount”) is the increase in the general municipal property tax levied on the difference in the assessed value of improvements on the Parcel between the year prior to the commencement of construction of the Eligible Improvements and the year following the issuance of the Revitalization Tax Exemption Certificate, that is, the difference in assessed value attributed to the Eligible Improvements.
- 9.4 The assessed value of the improvement as determined by the BC Assessment Authority will determine the value of the Revitalization Tax Exemption. The value of construction, as determined by the Chief Building Official for the purpose of establishing Program eligibility, may not necessarily reflect the value of the improvement as determined by the BC Assessment Authority.
- 9.5 The maximum Revitalization Tax Exemption under this Bylaw must not exceed the increase in the assessed value of improvements on the property in the Calendar Year before the new construction or alteration began and the Calendar Year in which the new construction or alteration is completed.
- 9.6 Tax rate increases will still apply on the non-exempted assessment.
- 9.7 An exemption under this Program does not affect the Owner’s liability for municipal utility user fees or parcel taxes, or taxation imposed by or on behalf of other government or public bodies.
- 9.8 The Schedules to this Bylaw form a part of and are enforceable in the same manner as this Bylaw.
- 9.9 If a Schedule is referred to or mentioned in this Bylaw without identifying its location as being in another bylaw or enactment, it is a reference to a Schedule attached to this Bylaw.

PUBLIC NOTICE, pursuant to Sections 94 and 227 of the *Community Charter*, was given the 1st and 8th day of February, 2018.

READ A FIRST and SECOND TIME this 19th day of September, 2017.

READ A THIRD TIME this 19th day of September, 2017.

ADOPTED this 13th day of February, 2018.

“Ron Toyota”
Mayor Ron Toyota

“Stacey Hadley”
Stacey Hadley, Corporate Officer

SCHEDULE "A"
Town of Creston
Revitalization Tax Exemption Bylaw No. 1860

REVITALIZATION TAX EXEMPTION AGREEMENT

This Agreement dated for reference the _____ day of _____, 20____ is

BETWEEN:

(the "Owner")

AND:

The Town of Creston,
 238 – 10th Avenue North
 PO Box 1339
 Creston, British Columbia
 V0B 1G0

(the "Town")

Whereas:

- A. The Owner is the registered Owner in fee simple of lands in the Town of Creston at **[civic address]** legally described as **[legal description]** (the "Parcel");
- B. Under Bylaw No. 1860 (the "Bylaw"), the Town established a Revitalization Tax Exemption Program (the "Program") for all properties within the Town of Creston that are located in a commercial zone under the Town's Zoning Bylaw No. 1123, that permits commercial use(s) as a principal use. To be considered as an Eligible Improvement under the Program, the Owner's Parcel must:
 - a) be zoned *General Commercial C-1, Local Commercial C-2, Tourist Commercial C-3, Licensed Premises Commercial C-4, Mixed Use Commercial C-5, Highway Service Commercial HSC, Highway Service Commercial – Hotel/Convention Centre HSC-H, or Highway Service Commercial – Light Manufacturing HSC-M* as detailed in Schedule "A" of Zoning Bylaw No. 1123; have a renovation project value of \$50,000.00 or greater as determined by the Town's Chief Building Official; and, have a valid Building Permit issued by the Town of Creston for the renovation of an existing building on the Parcel for use as a Principle Eligible Improvement; or
 - b) be zoned *General Commercial C-1, Local Commercial C-2, Tourist Commercial C-3, Licensed Premises Commercial C-4, Mixed Use Commercial C-5, Highway Service Commercial HSC, Highway Service Commercial – Hotel/Convention Centre HSC-H, or Highway Service Commercial – Light Manufacturing HSC-M* as detailed in Schedule "A" of Zoning Bylaw No. 1123; provide a new construction project of a commercial use; have a construction project value of \$150,000.00 or greater as determined by the Town's Chief Building Official; and, have a valid Building Permit issued by the Town for the construction of a new building on the Parcel to be used as a Principle Eligible Improvement.

- C. The objectives of the Revitalization Tax Exemption Program are to:
- a) encourage new commercial businesses in new and renovated buildings in the Town's zones that permit commercial uses and thereby establish the commercial services and the investment and employment opportunities that will attract additional investment and economic growth to the Town of Creston; and
 - b) reinforce the municipality's "open for business" approach and to attract new and improved commercial development to the municipality;
- D. The Owner proposes to construct new improvements, or alter existing improvements (the "Project"), on the Parcel and has applied to the Town for a tax exemption under the Revitalization Tax Exemption Program in respect of the Project and the Town has agreed to grant the exemption for the Project.

THIS AGREEMENT is evidence that in consideration of the following conditions and requirements, the Owner and the Town covenant and hereby agree that:

1.0 Eligibility

A Revitalization Tax Exemption will only be granted for the Parcel if the Project meets the requirements for an Eligible Improvement as set out in the Bylaw and Recital B on page 1 of this Agreement.

2.0 The Project

The Owner must ensure that the Project is constructed, maintained, operated and used for the purposes of a Principle Eligible Improvement, as defined in the Bylaw, throughout the Term of the Tax Exemption in a fashion that will be consistent with and will foster the objectives of the Revitalization Tax Exemption Program as set out in the Bylaw.

3.0 Operation and Maintenance of Project

Throughout the Term of the Tax Exemption, the Owner must operate, repair and maintain the Project and keep the Project in a state of good repair, as a prudent Owner would do.

4.0 Revitalization Tax Exemption

Subject to fulfillment of the conditions and requirements for issuance set out in this Agreement and in the Bylaw, the Town will issue a Revitalization Tax Exemption Certificate (the "Certificate") to the Owner and provide the relevant assessor of BC Assessment with a copy of the Certificate entitling the Owner to a municipal property tax exemption in respect of the Parcel (the "Tax Exemption") for the Calendar Years set out in this Agreement.

5.0 Conditions

The following conditions must be met before the Town will issue a Certificate to the Owner:

- 5.1 The Owner must make application for a Building Permit from the Town on or after January 1, 2016 and prior to August 31, 2020 for the Project;
- 5.2 The Owner must complete, or cause to be completed, construction of the Project in conformance with the conditions of the Building Permit(s) issued for the Parcel and in compliance with all laws, statutes, regulations and orders of any authority having jurisdiction, including bylaws of the Town, that are applicable to the Project, and obtain an Occupancy Permit for the Eligible Improvement and submit that permit with the application for the Certificate; and,

5.3 The Owner must use the Eligible Improvement for the Principle Eligible Use.

6.0 Calculation of Revitalization Tax Exemption

The amount of the annual Tax Exemption shall be equal to the municipal property tax on the increase in the assessed value of improvements on the Parcel, attributable to the construction of the Eligible Improvements, between the year before the commencement of construction of the Project and the year immediately after the year in which the Tax Exemption Certificate is issued if issued prior to October 31.

7.0 Term of Revitalization Tax Exemption

The maximum Term of an exemption under the Program is 10 years commencing on January 1 of the first Calendar Year after the year in which the Revitalization Tax Exemption Certificate is issued, as long as it is issued prior to October 31 in the previous year.

8.0 Cancellation

The Town may cancel the Certificate if the Owner requests cancellation in writing or fails to meet any of the conditions and requirements specified in the Bylaw, this Agreement or Certificate as conditions on which the Tax Exemption was provided.

9.0 Recapture

If pursuant to the terms and conditions specified in this Agreement or the Tax Exemption Certificate, the Certificate is cancelled, the Owner will remit to the Town, no later than 30 days after receiving notice from the Town of the cancellation and the amount owing, the Recapture Amount prescribed in this Bylaw.

10.0 No Refund

For greater certainty, under no circumstances will the Owner be entitled, under this Agreement, the Bylaw, the Certificate or the Town's Revitalization Tax Exemption Program, to any cash credit, any carry forward tax exemption credit or any refund for any property taxes paid.

11.0 Enurement

This Agreement shall enure to the benefit of and is binding on the parties and their respective heirs, executors, administrators, successors and assigns.

12.0 Notices

Any notice or other communication required or contemplated to be given or made by any provision of this Agreement shall be given or made in writing and delivered personally (and if so shall be deemed received when delivered) or mailed by prepaid registered mail in any Canada Post Office (and if so shall be deemed delivered on the sixth business day following such mailing except that, in the event of interruption of mail service notice shall be deemed to be delivered only when actually received by the party to whom it is addressed), so long as the notice is addressed as follows:

To the Owner at:

And to the Town at:

The Town of Creston
PO Box 1339
238 – 10th Avenue North
Creston, British Columbia V0B 1G0
Attention: Director of Municipal Services

or to such other address to which a party hereto from time to time notifies the other parties in writing.

13.0 No Assignment

The Owner may not assign its interest in this Agreement except to a subsequent Owner in fee simple of the Parcel.

14.0 Severance

If any portion of this Agreement is held to be invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Agreement.

15.0 Interpretation

Wherever the singular or masculine is used in this Agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so require.

16.0 Further Assurances

The parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this Agreement.

17.0 References

A reference in this Agreement to the Town or the Owner includes their permitted assigns, heirs, successors, officers, employees and agents.

18.0 Effective Date

This Agreement shall be effective from and after the reference date in this Agreement, but only if this Agreement has been duly executed and delivered by the Owner to the Town and duly executed by the Town.

19.0 Expense

Unless otherwise expressly provided in this Agreement, the expense of performing the obligations and commitments of the Owner contained in this Agreement, and of all matters incidental to those obligations and commitments is solely at the expense of the Owner

20.0 Owner's Representations

The Owner represents and warrants to the Town that:

- a) all necessary corporate actions and proceedings have been taken by the Owner to authorize its entry into and performance of this Agreement;
- b) upon execution and delivery on behalf of the Owner, this Agreement constitutes a valid and legally binding contractual obligation of the Owner;
- c) neither the execution and delivery, nor the performance, of this Agreement shall breach any other agreement or obligation respecting the Lands; and
- d) the Owner has the corporate capacity and authority to enter into and perform this Agreement.

Approval of this Agreement by Resolution No. _____ of the Council of the Town of Creston was given on the _____ day of _____, 20_____.

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

THE TOWN OF CRESTON
by its authorized signatories:

Mayor

Corporate Officer

(Insert name of Owner, if a corporation or
corporate body) by its authorized signatories:

Name and title

Name and title

Name of Owner, if an individual

Name of Witness

Address of Witness

SCHEDULE "B"
Town of Creston
Revitalization Tax Exemption Bylaw No. 1860

REVITALIZATION TAX EXEMPTION CERTIFICATE

SECTION 226 OF THE COMMUNITY CHARTER

In accordance with the Town of Creston's Downtown Revitalization Tax Exemption Bylaw No. 1860, and in accordance with the Revitalization Tax Exemption Agreement dated for reference the _____ day of _____, 20____ (the "Agreement") entered into between the Town of Creston (the "Town") and _____ (the "Owner"), the registered Owner(s) of the parcel described below:

This **Certificate** certifies that the Parcel is subject to a Revitalization Tax Exemption in an amount equal to the tax on the increase in the assessed value of the Parcel, after the Eligible Improvements have been completed on the Parcel, between the year before the commencement of construction of the Project, and the year immediately after the Tax Exemption Certificate is issued.

The Parcel to which the tax exemption applies is located in the Town of Creston and is described as follows:

Civic Address:

PID:

Legal Description:

The Tax Exemption is for the Calendar Years commencing with the year _____ and ending with the year _____.

The Tax Exemption is provided on the following conditions:

1. The Owner does not breach any covenant or condition in the Agreement and performs all obligations to be performed by the Owner as set out in the Agreement.
2. The Owner has not sold all or any portion of his or her equitable or legal fee simple interest in the Parcel without the transferee taking an assignment of the Agreement, and agreeing to be bound by it.
3. The Owner, or a successor in title to the Owner, has not allowed the property taxes for the Parcel to go into arrears or to become delinquent.
4. The Owner, or a successor in title to the Owner, does not apply to amend the Town of Creston's Zoning Bylaw No. 1123, as amended, consolidated or replaced from time to time, to rezone the parcel from the zoning in effect at the time the Certificate was issued.
5. The Parcel is not put to a use other than those uses permitted in the applicable Commercial Zone as detailed in Zoning Bylaw No. 1123, and amendments thereto.
6. The Principal Use of the Parcel remains a Principal Eligible Use throughout the Term of the Tax Exemption.
7. As a condition of the issuance of this **Certificate**, the Owner must obtain an Occupancy

Permit from the Town for the Eligible Improvement and submit it with the Owner's application for this **Certificate**.

If any of these conditions are not met then the Council of the Town of Creston may cancel this Revitalization Tax Exemption Certificate. If such cancellation occurs, the Owner of the property for which the Certificate was issued will remit to the Town the Recapture Amount calculated in accordance with Bylaw 1821 within the notice period specified in the Agreement.

Director of Finance & Corporate Services
Town of Creston

Date

TOWN OF CRESTON**BYLAW NO. 1918**

A Bylaw to establish a Revitalization Tax Exemption Program.

WHEREAS under Section 226 of the *Community Charter*, Council may provide a Revitalization Tax Exemption Program for land or improvements or both that is applicable to designated kinds of property, or related activities or circumstances;

WHEREAS Council wishes to establish a Revitalization Tax Exemption Program for the Eligible Improvements defined in Section 2 i) of this Bylaw;

WHEREAS Council is of the opinion that the development of new commercial businesses, or the redevelopment of existing commercial businesses, which encourage investment and employment, is a critical component of the economic revitalization and growth of the Town of Creston's Commercial Areas;

WHEREAS in accordance with Section 165 of the *Community Charter*, the Town has set out the objectives and policies in relation to the use of revitalization tax exemptions in the Five Year Financial Plan (2020-2024) Bylaw No. 1899, 2020 and this Bylaw is consistent with those objectives and policies;

WHEREAS the purpose of this Bylaw is to encourage the economic revitalization and economic growth of the Town of Creston by means of the development of new commercial businesses within the Designated Revitalization Area;

WHEREAS Council's reasons for creating the Revitalization Tax Exemption Program are as follows:

- a) Council recognizes that a critical component of the continued economic revitalization and growth of the Town is to build upon the success of its prior initiatives by encouraging the development of new commercial businesses, or the redevelopment of existing commercial businesses in the Town's zones that permit commercial uses, which will stimulate investment in the Town and provide new employment opportunities and commercial services for its existing and future residents, thereby attracting further economic growth and increasing the Town's tax base;
- b) the Town of Creston's Official Community Plan identifies the commercial objective of creating a strong and vibrant commercial economy in the Town of Creston; and,
- c) the Town of Creston's 2018-2019 Corporate Strategic Plan identifies economic development as a corporate priority;

WHEREAS the objectives of the Revitalization Tax Exemption Program are to:

- a) encourage new commercial businesses in new and renovated buildings in the Town's zones that permit commercial uses and thereby establish the commercial services and the investment and employment opportunities that will attract additional investment and economic growth to the Town of Creston; and
- b) reinforce the municipality's "open for business" approach and attract redevelopment and new development of commercial businesses within the municipality;

AND WHEREAS notice of this Bylaw has been given in accordance with Sections 94 and 227 of the *Community Charter*;

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

1. This Bylaw may be cited as "Revitalization Tax Exemption Bylaw No. 1918, 2020".
2. In this Bylaw:
 - a) "Appropriately Zoned Land" means Parcels that are zoned and licensed as described in Section 4 of this Bylaw;
 - c) "Assessed Value" means the value of land and improvements in a specified year, as determined by the Assessment Authority in the assessment region of the Province of British Columbia in which the land and improvements are located;
 - d) "Calendar Year" and "Year" means all months inclusive from January to December;
 - e) "Chief Building Official" means the person appointed by Council to that position or a person authorized by the Chief Building Official to perform his/her duties under this Bylaw;
 - f) "Council" means the Council of the Town of Creston;
 - g) "Designated Revitalization Area" means the area designated as such under Section 3 of this Bylaw;
 - h) "Director of Finance and Corporate Services" means the person appointed by the Council to that position or other Corporate Officer of the Town of Creston;
 - i) "Eligible Improvement" means:
 - .i an existing building, used only for an Eligible Use, on Appropriately Zoned Land and having a renovation project value of \$50,000.00 or greater as determined by the Town's Chief Building Official and for which a valid Building Permit has been issued by the Town after the adoption of this Bylaw or within 180 days prior to adoption of this Bylaw;
 - .ii a new building, used only for an Eligible Use, that is constructed on Appropriately Zoned Land and having a construction project value of \$150,000.00 or greater as determined by the Town's Chief Building Official and for which a valid Building Permit has been issued by the Town after the adoption of this Bylaw or within 180 days prior to adoption of this Bylaw.
 - j) "Eligible Land" means the area of a Parcel occupied by the footprint of the Eligible Improvements on the land to be detailed in the Revitalization Tax Exemption Agreement;
 - k) "Eligible Use" means a Principal Eligible Use;
 - l) "Municipal Property Taxes" means the municipal portion of taxes imposed on the land and improvements by the Town under Section 197(1)(a) of the *Community Charter*;
 - m) "Owner" means the registered Owner of the Eligible Improvement;
 - n) "Parcel" means a parcel upon which one or more improvements are to be constructed that may qualify the land or improvements, or both, for a tax exemption under this Bylaw;
 - o) "Principal Eligible Use" means a commercial use permitted on Appropriately Zoned Land as defined under Section 4 of this Bylaw;
 - p) "Recapture Amount" means the amount an Owner is required to pay to the Town under Section 8 of this Bylaw;

- q) "Revitalization Tax Exemption Agreement" or "Agreement" means an Agreement between the Owner of the Eligible Improvements and the Town of Creston that is substantially in the form attached to this Bylaw as Schedule "A";
- r) "Revitalization Tax Exemption Certificate" means a Revitalization Tax Exemption Certificate issued by the Town of Creston pursuant to this Bylaw and pursuant to the provisions of Section 226 of the *Community Charter*, substantially in the form attached to this Bylaw as Schedule "B";
- s) "Term" means the number of years for which a tax exemption is granted under Section 9 of this Bylaw;
- t) "Town" means the Town of Creston.

3. DESIGNATED REVITALIZATION AREA

- 3.1 The Designated Revitalization Area consists of all properties within the Town of Creston that are located in a commercial zone under the Town's Zoning Bylaw No. 1123, 1989 as defined in Section 4 of this Bylaw, that permits *commercial uses*.

4. APPROPRIATELY ZONED LAND

- 4.1 To qualify as an Eligible Improvement, an improvement must be located on a Parcel that is zoned *General Commercial C-1, Local Commercial C-2, Tourist Commercial C-3, Licensed Premises Commercial C-4, Mixed Use Commercial C-5, Highway Service Commercial HSC, Highway Service Commercial – Hotel/Convention Centre HSC-H, or Highway Service Commercial – Light Manufacturing HSC-M* as detailed in Schedule "A" of Zoning Bylaw No. 1123, 1989; and, have a valid Building Permit issued by the Town of Creston for the construction of a Principle Eligible Improvement.

5. REQUIRED CONSTRUCTION VALUE

- 5.1 Revitalization Tax Exemptions will apply only to:
 - a) a redevelopment or alteration of an existing Eligible Improvement that has a construction value in excess of \$50,000.00; or
 - b) construction of a new Eligible Improvement, under this Bylaw, with a construction value in excess of \$150,000.00;

both values are to be determined by the Chief Building Official whose decision shall be final.

6. APPLICATION FOR EXEMPTION CERTIFICATE

- 6.1 An application for a Revitalization Tax Exemption Certificate must be made to the Town's Director of Finance and Corporate Services on or before August 31 in the year prior to the first year in respect of which a tax exemption is sought and be accompanied by an Occupancy Permit for the Eligible Improvement issued by the Town.

- 6.2 The application must include sufficient information, as required by the Director of Finance and Corporate Services, to verify that the proposed development is an Eligible Improvement.
- 6.3 The Town of Creston will accept applications for a Revitalization Tax Exemption only in the years 2021, 2022 and 2023, and no applications will be accepted after August 31, 2023.
- 6.4 After obtaining a Building Permit from the Town for the construction of an Eligible Improvement, the Applicant may submit a Revitalization Tax Exemption Application in the form provided by the Town, but the Revitalization Tax Exemption Certificate must not be issued until the requirements and conditions for a Revitalization Tax Exemption Certificate prescribed in this Bylaw, the Agreement and the form of the Revitalization Tax Exemption Certificate in Schedule B to this Bylaw, together with any additional requirements and conditions required by the Town, have been met by the Applicant.
- 6.5 If construction commenced prior to the time limit in subsection 2(i) of the definition of Eligible Improvement in this Bylaw, the Revitalization Tax Exemption Application will not be eligible for consideration under this Bylaw.

7. REVITALIZATION TAX EXEMPTION CERTIFICATE

- 7.1 Once all conditions and requirements prescribed in this Bylaw and the Agreement as prerequisites for the issuance of a Revitalization Tax Exemption Certificate have been met, the Town's Director of Finance and Corporate Services must issue a Revitalization Tax Exemption Certificate for the property that is the subject of the Agreement.
- 7.2 If the Revitalization Tax Exemption Certificate is issued on or before October 31, the tax exemption takes effect in the following Calendar Year.
- 7.3 A Revitalization Tax Exemption Certificate must be issued for the Eligible Improvements in the form attached as Schedule "B" and must include the conditions set out in that form.

8. CANCELLATION OF CERTIFICATE

- 8.1 A Revitalization Tax Exemption Certificate issued for Eligible Improvements is subject to the requirement that all of the conditions set out in the Revitalization Tax Exemption Agreement continue to be met during the Term established in Section 9 of this Bylaw.
- 8.2 Council may cancel a Revitalization Tax Exemption Certificate if any one or more of the conditions or requirements set out in the Revitalization Tax Exemption Agreement are breached, and the cancellation will be effective as of the date of the breach.
- 8.3 If the Revitalization Tax Exemption Certificate is cancelled during a year in which the Owner of Eligible Improvements has received an exemption from municipal taxes, a Recapture Amount representing the amount of the Revitalization Tax Exemption granted to the Owner from the date of the breach of the condition or requirement, as applicable, is payable to the Town by the Owner.
- 8.4 If the breach occurred during the Calendar Year, the Recapture Amount will be the portion of the annual tax exemption for the balance of the taxation year remaining from the effective date of cancellation of the Certificate.

9. TERM AND EXEMPTION AMOUNT

- 9.1 The maximum Term of an exemption under this Program is five (5) years commencing on January 1 of the first Calendar Year after the year in which the Revitalization Tax Exemption Certificate is issued as long as it is issued prior to October 31.
- 9.2 100% percent of the Amount calculated in accordance with Section 9.3 of this Bylaw will be exempted in each year of the five (5) year Term:
- 9.3 The amount of the Revitalization Tax Exemption (the "Amount") is the increase in the general municipal property tax levied on the difference in the assessed value of improvements on the Parcel between the year prior to the commencement of construction of the Eligible Improvements and the year following the issuance of the Revitalization Tax Exemption Certificate, that is, the difference in assessed value attributed to the Eligible Improvements.
- 9.4 The assessed value of the improvement as determined by the BC Assessment Authority will determine the value of the Revitalization Tax Exemption. The value of construction, as determined by the Chief Building Official for the purpose of establishing Program eligibility, may not necessarily reflect the value of the improvement as determined by the BC Assessment Authority.
- 9.5 The maximum Revitalization Tax Exemption under this Bylaw must not exceed the increase in the assessed value of improvements on the property in the Calendar Year before the new construction or alteration began and the Calendar Year in which the new construction or alteration is completed.
- 9.6 Tax rate increases will still apply on the non-exempted assessment.
- 9.7 An exemption under this Program does not affect the Owner's liability for municipal utility user fees or parcel taxes, or taxation imposed by or on behalf of other government or public bodies.
- 9.8 The Schedules to this Bylaw form a part of and are enforceable in the same manner as this Bylaw.
- 9.9 If a Schedule is referred to or mentioned in this Bylaw without identifying its location as being in another bylaw or enactment, it is a reference to a Schedule attached to this Bylaw.

READ A FIRST and SECOND TIME this 29th day of September 2020.

PUBLIC NOTICE, pursuant to Sections 94 and 227 of the *Community Charter*, was given the 15th and 21st day of October, 2020.

READ A THIRD TIME this day of , 2020.

ADOPTED this day of , 2020.

Ron Toyota, Mayor

Bev Caldwell, Corporate Officer

SCHEDULE "A"
Town of Creston
Revitalization Tax Exemption Bylaw No. 1918, 2020

REVITALIZATION TAX EXEMPTION AGREEMENT

This Agreement dated for reference the _____ day of _____, 20____ is

BETWEEN:

(the "Owner")

AND:

The Town of Creston,
 238 – 10th Avenue North
 PO Box 1339
 Creston, British Columbia
 V0B 1G0

(the "Town")

Whereas:

- A. The Owner is the registered Owner in fee simple of lands in the Town of Creston at **[civic address]** legally described as **[legal description]** (the "Parcel");
- B. Under Bylaw No.1918, 2020 (the "Bylaw"), the Town established a Revitalization Tax Exemption Program (the "Program") for all properties within the Town of Creston that are located in a commercial zone under the Town's Zoning Bylaw No. 1123,1989, that permits commercial use(s) as a principal use. To be considered as an Eligible Improvement under the Program, the Owner's Parcel must:
 - a) be zoned *General Commercial C-1, Local Commercial C-2, Tourist Commercial C-3, Licensed Premises Commercial C-4, Mixed Use Commercial C-5, Highway Service Commercial HSC, Highway Service Commercial – Hotel/Convention Centre HSC-H, or Highway Service Commercial – Light Manufacturing HSC-M* as detailed in Schedule "A" of Zoning Bylaw No. 1123; 1989, have a renovation project value of \$50,000.00 or greater as determined by the Town's Chief Building Official; and, have a valid Building Permit issued by the Town of Creston for the renovation of an existing building on the Parcel for use as a Principle Eligible Improvement; or
 - b) be zoned *General Commercial C-1, Local Commercial C-2, Tourist Commercial C-3, Licensed Premises Commercial C-4, Mixed Use Commercial C-5, Highway Service Commercial HSC, Highway Service Commercial – Hotel/Convention Centre HSC-H, or Highway Service Commercial – Light Manufacturing HSC-M* as detailed in Schedule "A" of Zoning Bylaw No. 1123;1989, provide a new construction project of a commercial use; have a construction project value of \$150,000.00 or greater as determined by the Town's Chief Building Official; and, have a valid Building Permit issued by the Town for the construction of a new building on the Parcel to be used as a Principle Eligible Improvement.

- C. The objectives of the Revitalization Tax Exemption Program are to:
- a) encourage new commercial businesses in new and renovated buildings in the Town's zones that permit commercial uses and thereby establish the commercial services and the investment and employment opportunities that will attract additional investment and economic growth to the Town of Creston; and
 - b) reinforce the municipality's "open for business" approach and to attract new and improved commercial development to the municipality;
- D. The Owner proposes to construct new improvements, or alter existing improvements (the "Project"), on the Parcel and has applied to the Town for a tax exemption under the Revitalization Tax Exemption Program in respect of the Project and the Town has agreed to grant the exemption for the Project.

THIS AGREEMENT is evidence that in consideration of the following conditions and requirements, the Owner and the Town covenant and hereby agree that:

1.0 Eligibility

A Revitalization Tax Exemption will only be granted for the Parcel if the Project meets the requirements for an Eligible Improvement as set out in the Bylaw and Recital B on page 1 of this Agreement.

2.0 The Project

The Owner must ensure that the Project is constructed, maintained, operated and used for the purposes of a Principle Eligible Improvement, as defined in the Bylaw, throughout the Term of the Tax Exemption in a fashion that will be consistent with and will foster the objectives of the Revitalization Tax Exemption Program as set out in the Bylaw.

3.0 Operation and Maintenance of Project

Throughout the Term of the Tax Exemption, the Owner must operate, repair and maintain the Project and keep the Project in a state of good repair, as a prudent Owner would do.

4.0 Revitalization Tax Exemption

Subject to fulfillment of the conditions and requirements for issuance set out in this Agreement and in the Bylaw, the Town will issue a Revitalization Tax Exemption Certificate (the "Certificate") to the Owner and provide the relevant assessor of BC Assessment with a copy of the Certificate entitling the Owner to a municipal property tax exemption in respect of the Parcel (the "Tax Exemption") for the Calendar Years set out in this Agreement.

5.0 Conditions

The following conditions must be met before the Town will issue a Certificate to the Owner:

- 5.1 The Owner must make application for a Building Permit from the Town on or after the adoption of this Bylaw or within 180 days prior to adoption of this Bylaw, and prior to August 31, 2023 for the Project;
- 5.2 The Owner must complete, or cause to be completed, construction of the Project in conformance with the conditions of the Building Permit(s) issued for the Parcel and in compliance with all laws, statutes, regulations and orders of any authority having jurisdiction, including bylaws of the Town, that are applicable to the Project, and obtain an Occupancy Permit for the Eligible Improvement and submit that permit with the application for the Certificate; and,

5.3 The Owner must use the Eligible Improvement for the Principle Eligible Use.

6.0 Calculation of Revitalization Tax Exemption

The amount of the annual Tax Exemption shall be equal to the municipal property tax on the increase in the assessed value of improvements on the Parcel, attributable to the construction of the Eligible Improvements, between the year before the commencement of construction of the Project and the year immediately after the year in which the Tax Exemption Certificate is issued if issued prior to October 31.

7.0 Term of Revitalization Tax Exemption

The maximum Term of an exemption under the Program is five (5) years commencing on January 1 of the first Calendar Year after the year in which the Revitalization Tax Exemption Certificate is issued, as long as it is issued prior to October 31 in the previous year.

8.0 Cancellation

The Town may cancel the Certificate if the Owner requests cancellation in writing or fails to meet any of the conditions and requirements specified in the Bylaw, this Agreement or Certificate as conditions on which the Tax Exemption was provided.

9.0 Recapture

If pursuant to the terms and conditions specified in this Agreement or the Revitalization Tax Exemption Certificate, the Certificate is cancelled, the Owner will remit to the Town, no later than 30 days after receiving notice from the Town of the cancellation and the amount owing, the Recapture Amount prescribed in this Bylaw.

10.0 No Refund

For greater certainty, under no circumstances will the Owner be entitled, under this Agreement, the Bylaw, the Certificate or the Town's Revitalization Tax Exemption Program, to any cash credit, any carry forward tax exemption credit or any refund for any property taxes paid.

11.0 Enurement

This Agreement shall enure to the benefit of and is binding on the parties and their respective heirs, executors, administrators, successors and assigns.

12.0 Notices

Any notice or other communication required or contemplated to be given or made by any provision of this Agreement shall be given or made in writing and delivered personally (and if so shall be deemed received when delivered) or mailed by prepaid registered mail in any Canada Post Office (and if so shall be deemed delivered on the sixth business day following such mailing except that, in the event of interruption of mail service notice shall be deemed to be delivered only when actually received by the party to whom it is addressed), so long as the notice is addressed as follows:

To the Owner at:

And to the Town at:

The Town of Creston
PO Box 1339
238 – 10th Avenue North
Creston, British Columbia, V0B 1G0

or to such other address to which a party hereto from time to time notifies the other parties in writing.

13.0 No Assignment

The Owner may not assign its interest in this Agreement except to a subsequent Owner in fee simple of the Parcel.

14.0 Severance

If any portion of this Agreement is held to be invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Agreement.

15.0 Interpretation

Wherever the singular or masculine is used in this Agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so require.

16.0 Further Assurances

The parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this Agreement.

17.0 References

A reference in this Agreement to the Town or the Owner includes their permitted assigns, heirs, successors, officers, employees and agents.

18.0 Effective Date

This Agreement shall be effective from and after the reference date in this Agreement, but only if this Agreement has been duly executed and delivered by the Owner to the Town and duly executed by the Town.

19.0 Expense

Unless otherwise expressly provided in this Agreement, the expense of performing the obligations and commitments of the Owner contained in this Agreement, and of all matters incidental to those obligations and commitments is solely at the expense of the Owner

20.0 Owner's Representations

The Owner represents and warrants to the Town that:

- a) all necessary corporate actions and proceedings have been taken by the Owner to authorize its entry into and performance of this Agreement;
- b) upon execution and delivery on behalf of the Owner, this Agreement constitutes a valid and legally binding contractual obligation of the Owner;
- c) neither the execution and delivery, nor the performance, of this Agreement shall breach any other agreement or obligation respecting the Lands; and
- d) the Owner has the corporate capacity and authority to enter into and perform this Agreement.

Approval of this Agreement by Resolution No. _____ of the Council of the Town of Creston was given on the _____ day of _____, 20____.

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

THE TOWN OF CRESTON

by its authorized signatories:

Mayor

Corporate Officer

(Insert name of Owner, if a corporation or
corporate body) by its authorized signatories:

Name and title

Name and title

Name of Owner, if an individual

Name of Witness

Address of Witness

SCHEDULE “B”
Town of Creston
Revitalization Tax Exemption Bylaw No. 1918, 2020

REVITALIZATION TAX EXEMPTION CERTIFICATE

SECTION 226 OF THE COMMUNITY CHARTER

In accordance with the Town of Creston’s Downtown Revitalization Tax Exemption Bylaw No. 1918, 2020 and in accordance with the Revitalization Tax Exemption Agreement dated for reference the _____ day of _____, 20____ (the “Agreement”) entered into between the Town of Creston (the “Town”) and _____ (the “Owner”), the registered Owner(s) of the parcel described below:

This **Certificate** certifies that the Parcel is subject to a Revitalization Tax Exemption in an amount equal to the tax on the increase in the assessed value of the Parcel, after the Eligible Improvements have been completed on the Parcel, between the year before the commencement of construction of the Project, and the year immediately after the Tax Exemption Certificate is issued.

The Parcel to which the tax exemption applies is located in the Town of Creston and is described as follows:

Civic Address:

PID:

Legal Description:

The Tax Exemption is for the Calendar Years commencing with the year _____ and ending with the year _____.

The Tax Exemption is provided on the following conditions:

1. The Owner does not breach any covenant or condition in the Agreement and performs all obligations to be performed by the Owner as set out in the Agreement.
2. The Owner has not sold all or any portion of his or her equitable or legal fee simple interest in the Parcel without the transferee taking an assignment of the Agreement, and agreeing to be bound by it.
3. The Owner, or a successor in title to the Owner, has not allowed the property taxes for the Parcel to go into arrears or to become delinquent.
4. The Owner, or a successor in title to the Owner, does not apply to amend the Town of Creston’s Zoning Bylaw No. 1123, 1989 as amended, consolidated or replaced from time to time, to rezone the parcel from the zoning in effect at the time the Certificate was issued.
5. The Parcel is not put to a use other than those uses permitted in the applicable Commercial Zone as detailed in Zoning Bylaw No. 1123, 1989 and amendments thereto.
6. The Principal Use of the Parcel remains a Principal Eligible Use throughout the Term of the Tax Exemption.

7. As a condition of the issuance of this **Certificate**, the Owner must obtain an Occupancy Permit from the Town for the Eligible Improvement and submit it with the Owner's application for this **Certificate**.

If any of these conditions are not met then the Council of the Town of Creston may cancel this Revitalization Tax Exemption Certificate. If such cancellation occurs, the Owner of the property for which the Certificate was issued will remit to the Town the Recapture Amount calculated in accordance with Bylaw 1918, 2020 within the notice period specified in the Agreement.

Director of Finance & Corporate Services
Town of Creston

Date

Revitalization Tax Exemptions

A Primer on the Provisions
in the *Community Charter*



Ministry of
Community Services

January 2008

REVITALIZATION TAX EXEMPTIONS

Legislation

Section 226 of the *Community Charter* provides authority to exempt property from municipal property value taxes. To use this authority, a Council must establish a revitalization program (with defined reasons for and objectives of the program), enter into agreements with property owners, and then exempt their property from taxation once all specified conditions of the program and the agreement have been met. Exemptions may apply to the value of land or improvements, or both. Councils are free to specify, within their revitalization programs, the amounts and extent of tax exemptions available.

Revitalization tax exemptions are limited to municipal property value taxes (Section 197(1)(a) of the *Community Charter* only) and do not extend to school and other property taxes, such as parcel taxes. An exemption may be granted for up to 10 years.

The authority to provide a revitalization tax exemption is not subject to section 25 of the *Community Charter* (prohibition against assistance to business).

Section 396E of the *Vancouver Charter* also provides the City of Vancouver with authority to provide revitalization tax exemptions.

What is the intent?

Revitalization tax exemptions are a tool that Councils may use to encourage various types of revitalization to achieve a range of environmental, economic or social objectives. A revitalization program may apply to a small area or areas, a certain type of property or properties, a particular activity or circumstance related to a property or properties, or an entire municipality.

Examples of revitalization objectives that could be encouraged through the use of a revitalization tax exemption scheme include:

- *environmental revitalization*
 - encouraging “green” building technology (e.g. a Council could exempt properties that install solar panels to conserve energy);
 - encouraging environmental sustainability (e.g. to revitalize its waterways, a Council could exempt adjacent developments that use “green” approaches to managing storm water drainage, thereby protecting the waterways from pollutants);

- brownfield redevelopment (e.g. to support the revitalization of a brownfield site, a Council could exempt the property while it is being remediated, thereby hastening its redevelopment);
- *economic revitalization*
 - encouraging investment and employment (e.g. to revitalize its economic base, a Council could partially exempt the local pulp mill from disproportionately high industrial taxes, thereby supporting reinvestment into the community and helping to retain jobs);
- *social revitalization*
 - encouraging affordable housing (e.g. to increase the supply of affordable housing, a Council could provide exemptions to commercial buildings that convert their upper floors to affordable housing rental units);
 - encouraging the construction and preservation of affordable rental housing (e.g. a Council could provide exemptions to developers who enter into housing agreements, under section 905 of the *Local Government Act*, to provide or preserve such housing);
- *other types of revitalization*
 - redevelopment for community sustainability, conservation of heritage property, residential “intensification”, neighbourhood rejuvenation, or façade improvements and beautification (e.g. to add to the scope of a more traditional downtown revitalization, a Council could exempt aging business properties that are reconstructed or otherwise reinvigorated).

What is required?

Part 7, Division 7 [*Permissive Exemptions*] of the *Community Charter* provides the general authority for permissive exemptions. The “[Permissive Exemptions](#)” guideline provides an overview of this process and related considerations.

Section 226 sets out the basic requirements for a revitalization tax exemption program:

Requirement (1) - Revitalization tax exemption program bylaw

- Council must establish a revitalization tax exemption program, by bylaw, which must include the following:
 - a description of the reasons for, and the objectives of, the program;
 - a description of how the program is intended to accomplish the objectives;
 - a description of the kinds of property, or activities or circumstances related to the property that create eligibility for exemptions (e.g. apartment buildings that supply car co-op memberships to their residents to promote environmental sustainability);
 - the extent of the exemptions available (i.e. entire properties or portions of properties);
 - the amounts of exemptions, or formulas to determine the amounts, or both; and
 - the maximum term of the exemption, which may not be longer than 10 years.

- Council may also include in its revitalization program bylaw:
 - the requirements that must be met before an exemption certificate may be issued;
 - conditions that must be included in the exemption certificate;
 - provisions for a recapture amount that must be paid if the conditions specified in the certificate are not met.
- A revitalization program bylaw may be different, for different:
 - areas of the municipality;
 - property classes;
 - classes of land and improvements, or both, as established by the bylaw;
 - activities and circumstances related to a property or its uses, as established by the bylaw, and;
 - uses as established by zoning bylaw.
- Before adopting it, Council must consider the revitalization tax exemption program bylaw in conjunction with the objectives and policies as set out under section 165(3.1)(c) [*use of permissive tax exemptions*] of the *Community Charter*. The intent is that Council consider the municipality's overall objectives and policies in relation to permissive tax exemptions, when exercising its revitalization tax exemption powers.
- Council must also, prior to adopting the revitalization tax exemption program bylaw, fulfill the general requirements for public notice as set out under section 94 of the *Community Charter* (section 94 specifies, for example, the requirement for notices to be publicly posted, and published in a newspaper for two consecutive weeks). Section 227 [*notice of permissive tax exemptions*] sets out the *specific* notice requirements in relation to a revitalization tax exemption program bylaw. A revitalization tax exemption program bylaw notice must include a general description of:
 - the reasons for, and objectives of, the program;
 - how the program is intended to accomplish the objectives;
 - the kinds of property, or activities or circumstances that are eligible for an exemption; and
 - the extent, amounts and maximum terms of tax exemptions that may be provided.

Requirement (2) - Agreement with property owner

- Once a revitalization tax exemption program bylaw has been adopted, Council may enter into an agreement with the owner of a property regarding the provision of a revitalization tax exemption. The agreement between the municipality and the property owner may outline requirements that must be met before an exemption certificate is issued, and any other conditions on which the tax exemption will be provided.

- The *agreement* with the property owner provides Council with an opportunity to build on the program bylaw by enabling Council to provide a more specific level of detail regarding the conditions of an exemption as they relate to a particular property. Essentially, the agreement is intended to take the program bylaw to another level of specificity.

Requirement (3) - Tax exemption certificate

- Once all of the requirements established in the *bylaw* and in the *agreement* have been met, a revitalization tax exemption *certificate* must be issued for the property that is the subject of the agreement. This certificate must be issued no later than October 31 in the year before the tax exemption takes effect.
- As soon as practicable, a copy of the certificate must be provided to the assessor. This ensures that any tax exemptions related to a property are taken into account by BC Assessment during the calculation of the taxable value of a property.

What to consider?

Council is not obliged to establish a revitalization tax exemption program. This is a tool that Council may use at its discretion. In addition to the requirement to consider its objectives and policies in relation to the use of permissive tax exemptions (as set out under section 165(3.1)(c) of the *Community Charter*), Council may wish to consider some additional factors in the design of any revitalization tax exemption program, such as:

- What may be the immediate and long-term implications of the exemption program on:
 - *the community* - what are the municipality's objectives for the environmental, economic and social well-being of the community, and how might the exemption program help fulfill such objectives?
 - *the municipality* - what will such an exemption program cost the municipality in terms of lost tax revenue, overhead to manage the program, and other costs (such as any costs associated with servicing a new development)?
 - *the municipality's larger operating environment* - is the exemption program consistent with the BC/Alberta Trade, Investment and Labour Mobility Agreement under which investment distorting subsidies are prohibited?
- What is the "right" amount of tax relief to encourage the desired level of revitalization under an exemption program?
- Is this type of revitalization likely to occur without any tax incentives in place?
- What other benefits might occur as a result of the exemption program (e.g. a tax exemption that partially exempts the local pulp mill from disproportionately high industrial taxes might support reinvestment into the community while helping to retain jobs)?

- Tax shift. How will the program impact the property taxes of other properties in the same assessment class, and the taxes of properties in other classes of assessment?
- Can Council clearly explain its intentions to the public and demonstrate how the program supports municipal purposes? And what does the community think about the proposal?

Frequently Asked Questions

Aren't municipalities required to designate an area to provide revitalization tax exemptions?

Not anymore. Amendments to section 226 of the *Community Charter* (via Bill 35, the *Miscellaneous Statutes Amendment Act (No.2) 2007*) came into effect on May 31, 2007. These amendments broadened the revitalization tax exemption tool in a number of ways, including by eliminating the requirement to designate an area for revitalization purposes. The new broadened tax exemption tool is a much more flexible and adaptable tool that can be used by Council to meet any type of revitalization need.

What will happen to revitalization tax exemption program bylaws and their corresponding agreements and certificates that were in place before the broadened revitalization tax exemption tool came into effect on May 31, 2007?

Transitional provisions (under Bill 35) ensure that all existing revitalization tax exemption program bylaws, and their corresponding agreements and certificates that were in place before the tool was broadened, can continue. However, if a municipality chooses to amend its revitalization program bylaw (to, for example, expand the scope of the types of property that could be exempted), it must comply with the requirements under the new, broadened section 226.

What does the legislation mean in section 226(5)(b) when it says that a program may be different for “different classes of property” and “different classes of land or improvements or both”?

This means that Council may use any criteria to identify the property that will be eligible for tax relief. For example, a class of property might include all the homes that were built before a certain date, or all the buildings that front on certain streets, whereas a class of land may include all contaminated brownfield sites within the municipality. These distinctions are designed to provide Council with the greatest flexibility to determine how best to provide a tax exemption.

What is the difference between “activities” and “circumstances” as specified under section 226(5)(b)(iv) of the legislation?

Under the legislation, a Council could choose to exempt property based on certain types of activities related to a property (such as the distribution of a free bicycle to each resident living in a condominium

building as an incentive to reduce vehicle use), or it could choose to exempt certain *circumstances* related to a property (such as the presence of solar panels on a property that are helping to reduce the burden on the community's energy grid). Essentially, *activities* require property owners to do something to receive an exemption (such as remediate a brownfield site), and *circumstances* require that there be particular conditions or factors related to the property in place that the municipality is interested in promoting (such as whether properties are LEED certified or not). This distinction enables municipalities to apply tax exemptions in the most flexible manner, to meet their individual revitalization needs.

Can a revitalization tax exemption be transferred to a new property owner?

This is a decision for Council. The legislation specifies that a tax exemption certificate must be issued “for *the property*” once all the conditions in the bylaw and the agreement have been met. So the tax exemption applies to the property. However, section 226(6) permits Council to enter an agreement with a property owner respecting the provision of a section 226 tax exemption “and the conditions on which it is made”. One such condition might be that the exemption no longer applies if the property changes ownership.

What's the difference between a section 225 exemption for heritage property and using section 226 to exempt heritage property?

A Council may decide to use either section 225 or section 226 as a way to encourage heritage preservation within the municipality.

If they wish to use section 225, the property must be “eligible heritage property” that meets one of the conditions in section 225(2)(b). For these purposes, heritage property is defined in the *Local Government Act*. In contrast, section 226 provides a way to encourage investment in property with heritage characteristics without using a formal designation process.

A heritage tax exemption exempts property from all property value taxes – provincial and municipal – while a section 226 exemption only applies to the municipal portion. Another important difference is that section 225 does not provide a time limit on heritage exemptions, while section 226 limits the benefit to 10 years. In addition, a heritage exemption bylaw requires the approval of two-thirds of all Council members; a section 226 exemption bylaw requires a simple majority vote. Both section 225 and 226 permit Council to impose conditions under which the tax exemption is granted.

What is the BC/Alberta Trade, Investment and Labour Mobility Agreement (TILMA) and why do municipalities need to consider it when providing revitalization tax exemptions?

TILMA is an inter-provincial trade agreement between B.C. and Alberta that is designed to help eliminate barriers to trade and to enhance the competitiveness and stability of both provinces. The agreement came into force on April 1, 2007.

Although local governments are not parties to the agreement, their measures, including any legislation, regulation, standard, directive, requirement, guideline, policy or program (such as a revitalization tax exemption program), are subject to TILMA. More specifically, Article 12 of the agreement prohibits both the provinces of B.C. and Alberta, as well as their local governments, from providing unfair, investment distorting business subsidies. This means that any revitalization tax exemption provided by a Council must be compliant with Article 12 of the agreement.

Although TILMA prohibits investment distorting business subsidies, it does not prohibit Council from promoting the environmental, economic and social well-being of their communities. Councils are free to use the tax exemption tool in a number of ways to promote various forms of community revitalization, so long as they use the tool in a non-discriminatory, non-distorting manner and in a manner that does not result in investment-distorting subsidies to business.

For more information:

Contact the *Local Government Infrastructure and Finance Branch*

Address: Local Government Infrastructure & Finance Division
Ministry of Community Services
4th Floor, 800 Johnson Street
PO Box 9838 Stn Prov Govt
Victoria, BC V8W 9T1

Phone: 250 387-4060 (in Victoria)

Toll Free: Call 604-660-2421 (in Vancouver) or 1-800-663-7867 (elsewhere in B.C.) and request a transfer to 250 387-4060 in Victoria

Email: lgsi@gov.bc.ca

Website: <http://www.cserv.gov.bc.ca/lgd/infra/index.htm>

Revitalization Tax Exemption Program		
Business	Revitalization Tax Exemption Term	Value of 2020 Exemption
Ramada Hotel <i>Bylaw No. 1753, 2011</i>	January 1, 2012 to December 31, 2021	\$ 14,468.06
City Centre Motel <i>Bylaw No. 1753, 2011</i>	January 1, 2012 to December 31, 2021	\$ 696.63
Jimmy's Pub and Grill <i>Bylaw No. 1753, 2011</i>	January 1, 2014 to December 31, 2023	\$ 393.72
Vinga Holdings (CV Gymnastics Club) <i>Bylaw 1821, 2015</i>	September 19, 2017 to December 31, 2027	\$ 2,110.36
Casey's Community House <i>Bylaw 1860, 2017</i>	January 1, 2019 to December 31, 2029	\$ 6,037.11
TOTAL: \$23,705.89		
<i>Approved RTE Applications (September 29, 2020) under RTE Bylaw 1860, 2017</i>		
<ul style="list-style-type: none"> • Kemlee Equipment • Napa Auto Parts • Centex Gas Station 		

Kirsten Dunbar

Subject: FW: Annual Utilities Reduction

-----Original Message-----

From: Teresa Jackson <[REDACTED]>
Sent: October 5, 2020 11:50 AM
To: Marsha Neufeld <Marsha.Neufeld@creston.ca>
Subject: Annual Utilities Reduction

Town of Creston

Re: 635 Hwy 21 Goat River Bottom (Silver Spoon Restaurant)

Acct. [REDACTED]

Dear Masha Neufeld,

We are requesting that the utilities applied to the restaurant be reduced by 50 percent due to the effect Covid-19 has impacted the operation of this building.

The leasee was shut down for 2 months and now can only fill the leased sitting area by 50% for the rest of the 2020 year.

Please consider our request and reply with a decision. If you have any questions or need to contact us please call [REDACTED]

Thank you

Russell & Teresa Jackson

COUNCIL DIRECTION REQUEST (CDR)

Town of Creston



ACTION DATE: November 17, 2020

SUBJECT: Business Support for COVID-19 Health Measures

SUGGESTED FOLLOW-UP ACTION: THAT Council DIRECT Staff to develop and implement an incentive program for local businesses to promote public health recommendations for physical distancing and masks for public indoor spaces.

CAO COMMENTS: Requests from local businesses and residents to increase community leadership in COVID-19 health recommendations and orders.

BACKGROUND

Staff Briefing Note:

Attached ☐

Available ☐

Nil ☐

1. DEFINE THE TOPIC

KEY INFORMATION: The Provincial Health Officer (PHO) has recommended masks be worn by public at indoor public spaces and to maintain physical distancing. A number of local businesses have varying messages for wearing of masks within the business ranging from “mandatory” to “highly recommended”. The municipality has no legal option to create enforcement of mask wearing in local businesses. An option to provide an incentive, such as removing fees for business licences for businesses to promote mask wearing and physical distancing measures and provide a minimal offset for offering free disposable masks. Annual business licence revenue is approximately \$40,000 per year.

RELEVANT OBSERVATIONS: There does not appear to be high compliance in following the PHO recommendations in busy public spaces such as grocery stores.

STRATEGIC QUESTIONS: Does Council wish to provide leadership in promotion of health recommendations and orders provided by the Provincial Health Officer?

ESSENTIAL QUESTION: Would Council wish to provide an incentive program to encourage local businesses to implement recommendations, such as mandatory masks in local businesses?

2. DETERMINE DESIRED OUTCOMES if the essential question is addressed.

KEY RESULT: Increased masks and physical distancing measures at indoor public spaces.

DESIRED BENEFITS OF KEY RESULT: Reduced opportunity for COVID-19 spread at indoor public spaces.

REQUISITES: N/A

UNINTENDED OUTCOMES: Unknown.

3. EXPLORE RESPONSE OPTIONS to achieve the key result (Pros & Cons)

1.	Direct staff to develop and implement an incentive program for local businesses to promote masks and physical distancing within public indoor spaces.
2.	Direct staff to an alternative approach that would increase public compliance with PHO recommendations.
3.	Status Quo

Submitted by:

Michael Moore, CAO

Reviewed by:

CAO

Michael Moore, CAO