

**REGIONAL DISTRICT OF NANAIMO**

**REGULAR BOARD MEETING  
TUESDAY, MAY 24, 2016  
7:00 PM**

***(RDN Board Chambers)***

**A D D E N D U M**

**2. LATE DELEGATIONS (Requires Motion)**

3                   **Andrew Gower**, re Boomer's Legacy Bike Ride, June 11-12, 2016.

4                   **Doreen Hampton, Rob Baker**, re Update on Open Burning Concerns in RDN – River's Edge, Electoral Area 'G'.

**5. COMMUNICATION/CORRESPONDENCE**

(All Directors – One Vote)

5                   **Paul Noel**, re Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in relation to Subdivision Application No. PL2015-036 – 2320 Kaye Road, Electoral Area 'G'.

6                   **Mike Davis**, re Development Variance Permit Application No. PL2016-076 – 1380 Reef Road, Electoral Area 'E'.

7-38               **Correspondence, May 2016**, re Proposed TELUS Cell Tower at 1421 Sunrise Drive, French Creek.

**7.5 SCHEDULED STANDING, ADVISORY, AND SELECT COMMITTEES**

**Solid Waste Management Select Committee**

39-41               **Contract Award – Regional Landfill North Berm Construction – updated report**  
(All Directors – Weighted Vote).

*That the Board approve the budget for the North Berm project as set out in Table 2 and to direct staff to proceed with tender award to Wacor Holdings Ltd. for the project construction utilizing the gravel option.*

42-43               **Asbestos Disposal Backgrounder - Supplementary Information for report on pages 141-144 of Board Agenda.**

**8. ADMINISTRATOR'S REPORTS**

44-50

**2954 Canyon Road, Electoral Area 'A' – Hazardous Property** (All Directors – One Vote).

**Delegations wishing to speak to 2954 Canyon Road, Electoral Area 'A' – Hazardous Property.**

**Delegation:** Andrew Gower, re Boomer's Legacy Bike Ride, June 11-12, 2016.

**Summary:** Boomer's Legacy is a foundation started in 2006 by Comox residents Maureen and Hans Eykelenboom in memory of their son, Andrew, who was killed in Afghanistan during his tour as a medic. The presentation will review the history of Boomer's Legacy and provide information on this year's BC Bike Ride schedule for June 11th and 12th.

**Delegation:** Doreen Hampton, Rob Baker, Update on Open Burning Concerns in RDN – River’s Edge, Electoral Area ‘G.

**Summary:** To report on the open burning situation in the River’s Edge community. This is to provide an update on our experience since we reported at the April 26, 2016 meeting of the Regular Board. We wish to emphasize the need for new regulations. This presentation will require less than five minutes.

**From:** "Paul Noel"  
**To:** "Joe Stanhope" "Garbutt, Geoff"  
**Cc:** "Holm, Jeremy"  
**Subject:** Subdivision Application File #2015-00748

For the Attention of:  
Geoff Garbutt, General Manager of Strategic and Community Development  
Jeremy Holm, Manager of Current Planning  
Joe Stanhope, Director, Electoral Area G

Dear Sirs,

In reference to Subdivision Application File # 2015-00748, we would like to express our opposition to the proposed new access road at the end of Stone Fly Close, found within The River's Edge Development in Nanoose Bay.

We have resided at 930 Stone Fly Close for 10 years. We purchased our land based on the appeal of the safety of living in a cul de sac with children. The River's Edge as a subdivision was marketed to us as a high-end acreage development where we were required to follow a strict building covenant, and had to pay significantly for the approval of our building plan and landscaping.

The proposed access road will cause undue hardship for those residing on Stone Fly Close, and potentially other families who live on Peterson Road (the road leading to Stone Fly Close). We ask that you please refer to the attached letter from Dr. Tim England, P. Geol. as we are in agreement with the points he has made. We fully support the views in Dr. England's letter, and ask that you reject the owner of Lot D.L.178's application to provide relief to the frontage rule, and advise said owner to provide access to the proposed subdivided lots via a right-of-way through his remaining lots.

Sincerely,

Paul Noel  
General Manager



Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC  
V9T 6N2

Attention: Director Rogers

Dear Sir:

**RE: Lot 4, District Lot 38, Nanoose District, Plan 21633  
1380 Reef Road, Nanoose Bay**

Please be advised that I have reviewed the application pertaining to the above lot and I fully understand the variances being applied for.

I have no objection to the proposed construction or its location. Subsequently, I am in support of the required variances and the Development Variance Permit being issued.

Yours truly,

NAME: MIKE DAVIS

ADDRESS: 1382 REEF RD

NANOOSE BAY

DATE: May 13/2016

**From:** Hawthorne Rise  
**Sent:** Thursday, May 19, 2016 6:21 PM  
**Subject:** Telus Tower Support and letter being circulated here in French Creek

My name is Greg Matthews and currently own and reside at 676 Hawthorne Rise in French Creek.

The purpose of my email is purely informational as today I got home from work and found a letter in my door being circulated from a concerned resident about yes, the proposed Telus tower and to write an email if this concerns us to this email address with the request to have this correspondence submitted to the RDN board for an upcoming meeting on Tuesday May 24<sup>th</sup>.

Normally I would have tossed this letter aside and thought not much more about it however, I am actually excited to finally, hopefully, getting cellular service at home!

First and foremost, I am **not in opposition** to the tower regardless if it is within 500m from our property that is being built by Telus this June.

The letter also alludes to this being more of an Eagle crest concern being pushed upon us and I can assure you that is also not the case in the few residents I have spoken too welcoming finally cell phone signal in our area.

I am versed in the concerns and also as a property owner in Nanaimo as well as French Creek realize the importance of having cellular service at both our properties which causes me to weigh in my support of Telus and Industry Canada.

I fully support the ability to finally receive cellular signal on our property for the necessities of my employment and just wish to say, I do understand there are those that may oppose and can appreciate that, as well as not to be discounted are those that also support such a service.

Not having to worry about installing my own cellular boosters or continuing to entertain the reality of renting out our house here and moving back to our Nanaimo property allows me to focus on a more pressing issue of my drinking water thru Epcor which a separate issue altogether but a reality of whole house water filtration due to odors we have with our water for some reason.

Thank you for taking the time to read this email and also to listen to both sides of all issues.

PS. Also not keen on any amalgamation talk with Parksville that I have read in the local paper lol... again that is a sep. issue and just saying we feel well served to date by the RDN and don't have many regrets on calling French Creek home.

Enjoy the upcoming long weekend!

Greg Matthews

**From:** John Jack  
**Sent:** Thursday, May 19, 2016 4:18 PM  
**Subject:** [RDN Board Meeting Letter Request] In Support of the TELUS Tower

Hello,

Please accept the following as my intended message as a resident of French Creek.

--

To the Board of Directors of the Regional District of Nanaimo,

I am writing in response to the prospect of a new cell tower in French Creek. Having been raised in and around the Oceanside Area, I am well-aware of the dead zone that certain sections of French Creek are subject to when it comes to cellular service. While it was one of the items in the "CON" category when it came to selecting a home in which to raise my family, I did choose to live within that dead zone due to the lovely nature of French Creek.

On 19 June 2016, I received a note on my doorstep regarding opposition to the process and the site-selection of the proposed tower and site which was organized by various subsets of the French Creek community. While the letter by Kelly Olson does not outright mention opposition to this tower for NIMBY reasons, this seems to be the real case from my (admittedly biased) point of view. While I respect her right to have an opinion on the matter, I do not believe that it takes the best interests of the area into account and thus should be taken at a discount.

For reasons of convenience, economy and safety, I am in support of a increased cellular service in the French Creek area. Convenience due to having cellular service be my primary link to telephony, economy due to the increase ability of businesses to conduct their business at the expected pace by using cell phones, and safety in that increased coverage means that cellular phones can finally be more-relied-upon for calls to emergency services.

I would take the time to remind you that you are our elected leaders. You are our representatives where busy-folk like myself rely on you to make the right decision, not the easy decision as demanded by busy-bodies. Please take into the consideration the commercial, economic and safety-related reasons for continuing along the path of increased cellular service before making a decision.

Respectfully,

John Alan Jack  
695 Johnstone Road  
French Creek, BC  
V9P 2A1



**From:** diana gorenko  
**Sent:** Saturday, May 21, 2016 2:20 PM  
**Subject:** cell towers in French Creek

I am a resident in the French Creek area and I wanted to let you know I am opposed to the construction of cell phone towers close to my home. Please submit this correspondence to the RDN board. Thank-you for your time.

Concerned Resident

**From:** Gayle Goodman  
**Date:** May 21, 2016 at 11:20:03 AM PDT  
**Subject:** **Telus Cell Tower - 1421 Sunrise Drive**

Greetings,

My husband and I are in favour of the Telus Cell Tower which is to be installed directly across the street from our home and we do know many people in our area who are also in favour of this occurrence and anxious for the tower to be up and running.

Sincerely,

Gayle Goodman

23 May, 2016

Karen McKay and Roderick Campbell  
1375 Greenwood Way  
(Sandpiper subdivision, French Creek)  
Parksville, BC V9P 1X1  
250.951.3970

Regional District of Nanaimo Board Members  
attending the meeting of 24 May, 2016

Re: Proposed Telus cellular tower on Sunrise Drive, French Creek.

Dear Board Members,

We recently received a letter seeking support in blocking the aforementioned Telus cellular tower. The letter went on to claim support for this tower primarily came from those who did not live close by. That is not correct.

We live 260 meters from the proposed tower location and strongly support its construction. We are both Telus Mobility customers and often find ourselves without a cellular connection at home. I have spoken with numerous neighbours who have experienced the same problem and all look forward to the new tower.

Even aside from personal need, I believe the Board should be aware of the real impact cellular dead zones may have on first responders. Quite conceivably, the lack of good communication could hamper the efforts of police, fire and ambulance personnel.

We have become quite frustrated with the project delays and the efforts to block it, based upon what we consider junk science. We believe any further delays to be completely unwarranted and so request the Board allow this project to go ahead as soon as possible.

Yours sincerely,

Karen McKay and Rod Campbell

RDN Board members,

Below is the email that I sent to each of you yesterday. Director Fell followed up with comments related to the letter that the RDN Board sent to Industry Canada (after the June 23, 2015 Board meeting) and Industry Canada's response letter. I have attached both of those letters to this email and have also added comments at the bottom of this email.

**From:** [golson1](#)

**Sent:** Monday, May 23, 2016 7:11 PM

**To:** Olson Family

**Subject:** TELUS intends to proceed with proposed cell tower on Sunrise Dr

My name is Kelly Olson. I have been a delegation and sent information to the Board during the last year related to the proposed cell towers (1421 Sunrise Dr and 891 Drew Rd) in French Creek. As you are likely aware, on May 3<sup>rd</sup>, the RDN had a meeting related to the siting of cellular towers in District 69 and at that meeting TELUS indicated that they planned to proceed with the construction of the cellular tower at 1421 Sunrise Drive despite the RDN Boards request to not do so.

Joe Stanhope kindly met with us on Saturday to discuss TELUS's plans to proceed. I was able to share additional information with Mr. Stanhope that I said I would formalize in an email. As I will be a delegation at tomorrow's RDN Board meeting, I wanted to provide the information in advance for all to consider.

### **Situation:**

- In June 2016, TELUS will proceed with the tower on Sunrise Dr
- As Rogers has requested approval for a tower at 891 Drew Rd multiple times, complied with the RDN's requests and not received approval, Industry Canada has indicated this will likely go to IMPASSE which will result in a second tower within 600 metres of the TELUS Sunrise Dr site.

### **Who we have spoken to and what we have learned in the last 2 weeks:**

#### What I learned from TELUS:

- They plan to proceed
- When asked why this site is so important. They say it is because it is ready to go. They claim any other option would mean the difference between now and another 5 years and their customers want to have service now. However, this is not actually the case, see communication with the Town of Qualicum Beach below
- I asked them to talk to the RDN again and the talk to Rogers regarding the other site. His response was why would they do that if they don't plan to follow through with an alternative.
- They understand that by moving forward, they will upset the RDN; but are moving forward anyway.

From communication with Bob Weir, Town of Qualicum Beach engineer:

- In response to the residents of the Town of Qualicum Beach, particularly Eaglecrest and Chartwell's request for cellular coverage, the Town, in the past year, offered both Rogers and TELUS the opportunity to place a cellular tower on the water tower on Village Way.
- Rogers accepted and has a tower there now
- TELUS declined

From communication with Industry Canada I learned the following:

- they don't get involved unless there is an IMPASSE.
- That the Rogers site, as they have done all that has been requested of them by the RDN without getting approval, is likely close to IMPASSE. **This means that there will be a second tower in Sandpiper subdivision less than 600 meters to the TELUS site.**
- **And most importantly, THAT IT IS THE RDN, NOT INDUSTRY CANADA THAT HAS THE POWER TO RESCIND THE LETTER OF CONCURRENCE** (see email from Industry Canada – Appendix )

**It was my understanding that Industry Canada had to rescind the letter; they have indicated that is not the case. It is the Land Use authority that must do so. The contract is between the RDN and TELUS. Industry Canada cannot rescind their contract**

### What gives a Land Use Authority right to withdraw concurrence

As per FCM antennae Siting protocol template – (see attached appendix)

“Section 9.3 – Rescinding a Concurrence

The Municipality may rescind its concurrence if following the issuance of a concurrence, it is determined by the Municipality that the proposal contains a misrepresentation or a failure to disclose all the pertinent information regarding the proposal, or the plans and condition upon which the concurrences was issued in writing have not been complied with, and a resolution cannot be reached to correct the issue.

In such cases, the Municipality will provide notification in writing to the Proponent and to Industry Canada and will include the reason(s) for rescinding of its concurrence.”

### How does this apply to the TELUS application?

TELUS misled the RDN Board by withholding the following information:

- that the design of their tower did not allow other providers to co-locate so it would be a single provider tower.

- that the proponents (yes votes) were mainly from the Town of Qualicum Beach (Eaglecrest);
- TELUS was in communication with the Eaglecrest Residents Association (ERA) at least 9 months prior to the consultation period; TELUS told the ERA to get their membership to support the proposal (see email). Based on the following article from the Eaglecrest Residents Association newsletter, Eaglecrest appears to have had knowledge of the outcome of the public consultation process done by TELUS prior to the public (and the RDN??).
  - The March 2015 Eaglecrest Residents Association newsletter, the Eagle Eye, stated the following: “as mentioned in previous editions, we have been working with TELUS to improve cell phone service in Eaglecrest. The public consultation process is now complete with a very favourable result, thanks in no small part to an unprecedented response from Eaglecrest residents. This matter is on the agenda for the March 24<sup>th</sup> meeting of the RDN Board. We are optimistic that approval will be granted and the new tower will be built”
- Telus convinced the RDN to approve the site stating that 96.5% of the respondents were in favour. But – 96.5% of WHAT.... this was never explained.... they used data that was not statistically based or fairly collected or assessed. Statistics can be very misleading and in this situation the statistics were based on a restrictive distribution of the public consultation packages and the majority of the residents within 500 meters of the tower were unaware and unable to comment, therefore, the outcome was not representative of the area residents (12 houses by the proposed tower and members of outlying residents’ associations);

**By providing statistical information that was based on restrictive selective distribution of the public notification packages that indicated there was overwhelming support and no opposition, TELUS provided misleading information. Additionally, TELUS failed to disclose information that was relevant to the Sunrise site by withholding/not providing the above information to the RDN. This combination resulted in convincing the Board members to vote in favour of providing the letter of concurrence.**

### **What we need the RDN Board to do:**

The RDN has responded to the information we have provided in previous communications by asking TELUS not to proceed with the 1421 Sunrise (a single provider tower) and to work with other providers on a multi-carrier tower. **TELUS has ignored the RDN’s request and by proceeding with the construction is now openly defying the Board’s requests.**

- No one is telling TELUS that they can’t have a tower, just that they need to work with other providers; they are choosing to ignore you; you have the power to tell them NO.
- TELUS has been holding their cards very tightly; if not for the meeting in May, they may not have told the RDN that they planned to proceed.

- TELUS is openly defying the RDN's requests

If the RDN doesn't do anything, our subdivision is going to end up with 2 towers less than 600 meters apart. There are approximately 300 houses within the 500-meter radius of the Sunrise Tower site and many of the same houses would also be within 500 meters of the 891 site. This is not acceptable.

I respectfully request that the Board review the above information and considers its options related to the Telecommunications industry, cell phone coverage but most importantly the residents that live in the area of the proposed towers. Please do not let this small rural community end up with 2 cell towers. TELUS has been offered two alternate locations for cell towers that offer co-location that they have turned down. The TELUS site at Sunrise cannot accommodate multiple carriers (see attached letter from TELUS denying Rogers request for a co-build at the Sunrise site).

We represent the neighbourhood, you are our elected officials, you have the power to rescind the letter of concurrence. TELUS is a business that is acting like they do not have to answer to anyone. The RDN has been "playing nice" but TELUS is ignoring your requests. Please show TELUS that a large corporation needs to work with the Land Use Authority that it is not okay to ignore your requests. The RDN Board has the power to cause that to happen.... please rescind the letter of concurrence issued to TELUS for the 1421 Sunrise Drive site as this appears to be the only way to force TELUS to co-locate in this area.

**There may be another solution, but as TELUS plans to proceed in June (one week away), we request that the RDN Board act immediately to rescind the letter of concurrence to halt the construction of this tower.**

**Other information to be sent by separate email for reference:**

- Email from Industry Canada – states that is it the Land use Authority, not Industry Canada that rescinds the letter of credit
- Map – showing the electoral area/Town of Qualicum Beach boundary and the location of the respondents to the TELUS notification process that were in favour of the Sunrise Dr site
- FCM Antenna System Siting Protocol Template
- Email – series of email that show TELUS was in communication with Eaglecrest Residents' Association 9 months prior to the public consultation process and that they suggest the association encourage their membership to support the proposals
- Letter from TELUS (June 24, 2015) – denying Rogers application for a co-build at the Sunrise site, indicating that the design of the tower would not allow this. The letter again states "the public has responded with overwhelming support for the site at 1421

Sunrise Drive and TELUS is looking forward to providing improved wireless service to this area in the near future.”

- Industry Canada policy CPC – 2-0-03, Radiocommunication and Broadcasting Antenna Systems – this policy is what TELUS based their application process on as the RDN did not have its own Cellular Tower application policy.
- Handout that was provided to area residents titled - How we got to “now” - which provides a brief summary of the series of events
- Map – of the two tower sites with 500 meters’ radius indicated for each.

### Letters to/from Industry Canada related to RDN Board request for Industry Canada to withhold their approval

#### Director Fell’s comments:

The RDN sent a letter to Industry Canada requesting suspension of federal approval of the TELUS Sunrise Tower. The feds replied that they consider the matter closed as the public consultation met their requirements. The letter is on page 15 of the Committee of the Whole Agenda for 08 September 2015.

Julian

#### Response to Director Fell’s comments – what we have learned since the initial letter was sent:

Through discussion with Industry Canada I have learned that there are two parts to allowing a telecommunication company to construct a cell tower.

- 1) They must get a letter of concurrence from the land use authority
- 2) Industry Canada must formally approve this application

Industry Canada did responded to the letter that was sent to them but the RDN letter asked them to “**withhold approval of the Telus antenna structure proposal**...pending further public consultation”. Industry Canada responded that “TELUS is in full compliance with...regarding land use authority consultation”...based on the Industry Canada policy (as the RDN did not have a policy) they only had to notify 3 tower lengths, which was 12 houses. Industry Canada’s policy is to approve a tower’s application if they have received a letter of concurrence from a land use authority and the telecommunication provider has met Industry Canada’s siting policy. In Industry Canada’s eyes TELUS was in compliance with the policy and still held the letter of concurrence from the land use authority therefore Industry Canada was not able to assist with your request.



**The letter from the RDN did not ask Industry Canada to rescind the letter of concurrence, it asked Industry Canada to withhold their approval. There is a difference.**

In my conversations with Industry Canada they said that **they cannot rescind a letter of concurrence as it is between the land use authority and the telecommunications company.** The only body with the authority to formally rescind the letter is the land use authority that issued it, in this case, the RDN.

In the attachments below there is an email from Industry Canada confirming..."the Land Use Authority issuing the concurrence may rescind their concurrence at their discretion...".

Further, the email indicates the rescinding of the letter of concurrence does not require Industry Canada approval and that Industry Canada only gets involved if, after the Land use authority rescinds concurrence, that the proposed site ends up at IMPASSE.

**Of further note, the referred letter from Industry Canada included the following: "while Telus has fully complied with Industry Canada requirements, we encourage the Regional District of Nanaimo to further discuss this matter with TELUS with a view to reaching a mutually acceptable arrangement."**

The RDN has tried to work with TELUS; TELUS has not been willing to do so. Therefore, it appears the only option for the RDN is to rescind the letter of concurrence issued on March 24, 2015.

golson1@shaw.ca

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From: "Kelly Olson" <Kelly@mcgormanmaclean.com>  
Date: May 20, 2016 9:53 PM  
To: <golson1@shaw.ca>  
Subject: FW: question

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From: Krenz, Michael (IC) [michael.krenz@canada.ca]  
Sent: May 12, 2016 9:17 AM  
To: Kelly Olson  
Subject: RE: question

Good morning Kelly Olson

The LUA issuing the concurrence may rescind their concurrence at their discretion, you should talk with your legal counsel about the implications of this. If the issue goes to impasse, as a part of our assessment process it would be up to Innovation, Science and Economic Development (ISED) Canada to determine if the grounds for rescinding the concurrence were reasonable and relevant in relation to the proposal.

Mike  
604 930-8691 ext. 131

From: Kelly Olson [mailto:Kelly@mcgormanmaclean.com]  
Sent: May-12-16 8:07 AM  
To: Krenz, Michael (IC)  
Subject: question

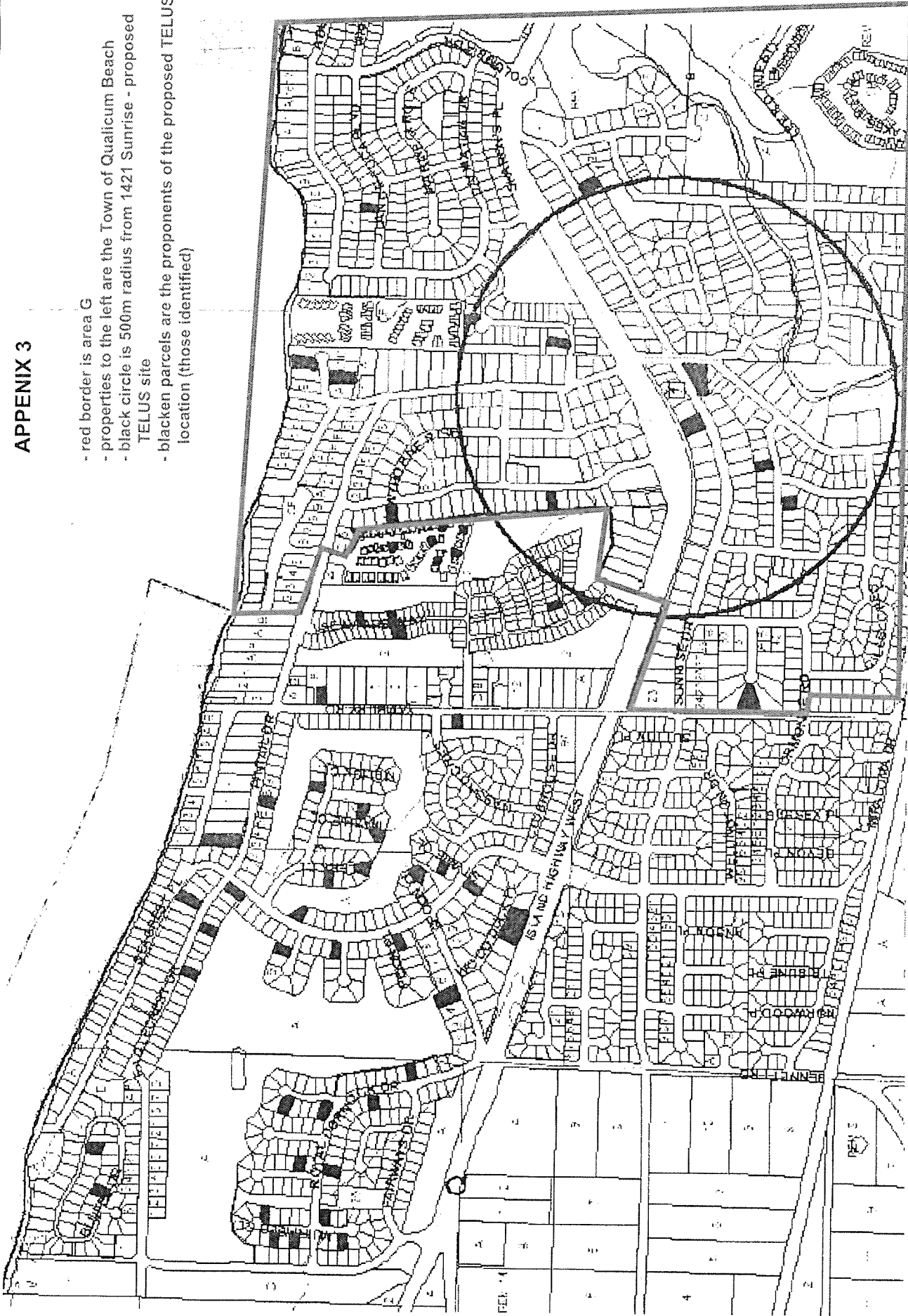
Good morning Mike,

I spoke to you last week regarding the proposed cell towers in French Creek. You made a comment about rescinding letters of concurrence. For my understanding and clarification, I would appreciate if you could answer the following questions:

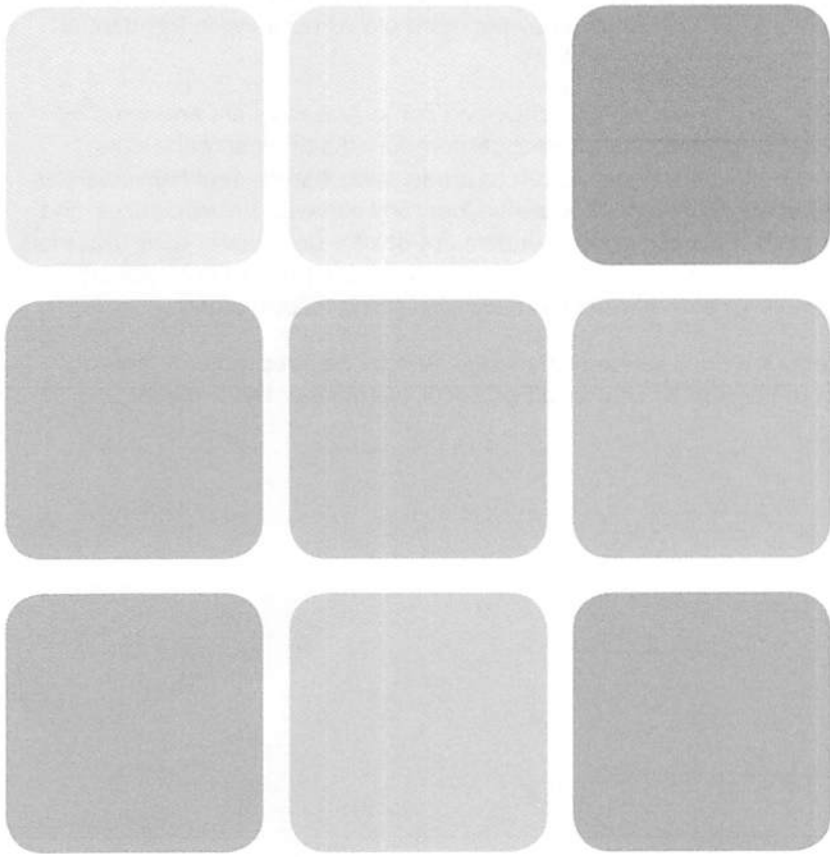
- If a letter of concurrence has been issued, who has the power to rescind that letter? Is it the land use authority or Industry Canada?
- If it is the land use authority, do they need to have the approval of Industry Canada to do so?

# APPENDIX 3

- red border is area G
- properties to the left are the Town of Qualicum Beach
- black circle is 500m radius from 1421 Sunrise - proposed TELUS site
- blacken parcels are the proponents of the proposed TELUS location (those identified)



# ANTENNA SYSTEM SITING PROTOCOL TEMPLATE



[www.fcm.ca](http://www.fcm.ca)

[www.cwta.ca](http://www.cwta.ca)



# PURPOSE:

(TO BE REMOVED FROM FINAL PROTOCOL)

The purpose of this protocol template is to provide Municipalities with a tool to develop customized protocols for the siting of Antenna Systems within their Municipality.

As the template was developed jointly by the FCM and the CWTA, and is consistent with Industry Canada rules on Antenna System consultations, its use should result in consistent and predictable Antenna System siting protocols. This template encourages the development of local protocol guidelines that fully express the Municipality's location and design preferences. It is desirable for protocols to highlight local knowledge and expertise by suggesting preferred sites in all zoning designations and community development plans, including in Residential Areas, as well as design and screening preferences.

Additionally, all examples of local customization provided in the Appendix are endorsed by the wireless industry as being reasonable and practical components of an antenna siting protocol. Some of these examples are better suited to urban, suburban or rural Municipalities, depending on the Municipality from which they derive, but they serve as 'best practices' and should be considered by Municipalities as they examine options for developing their own local protocols. Municipalities should remove all items from this template that are not relevant considering its municipal policies and preferences before finalizing its protocol.

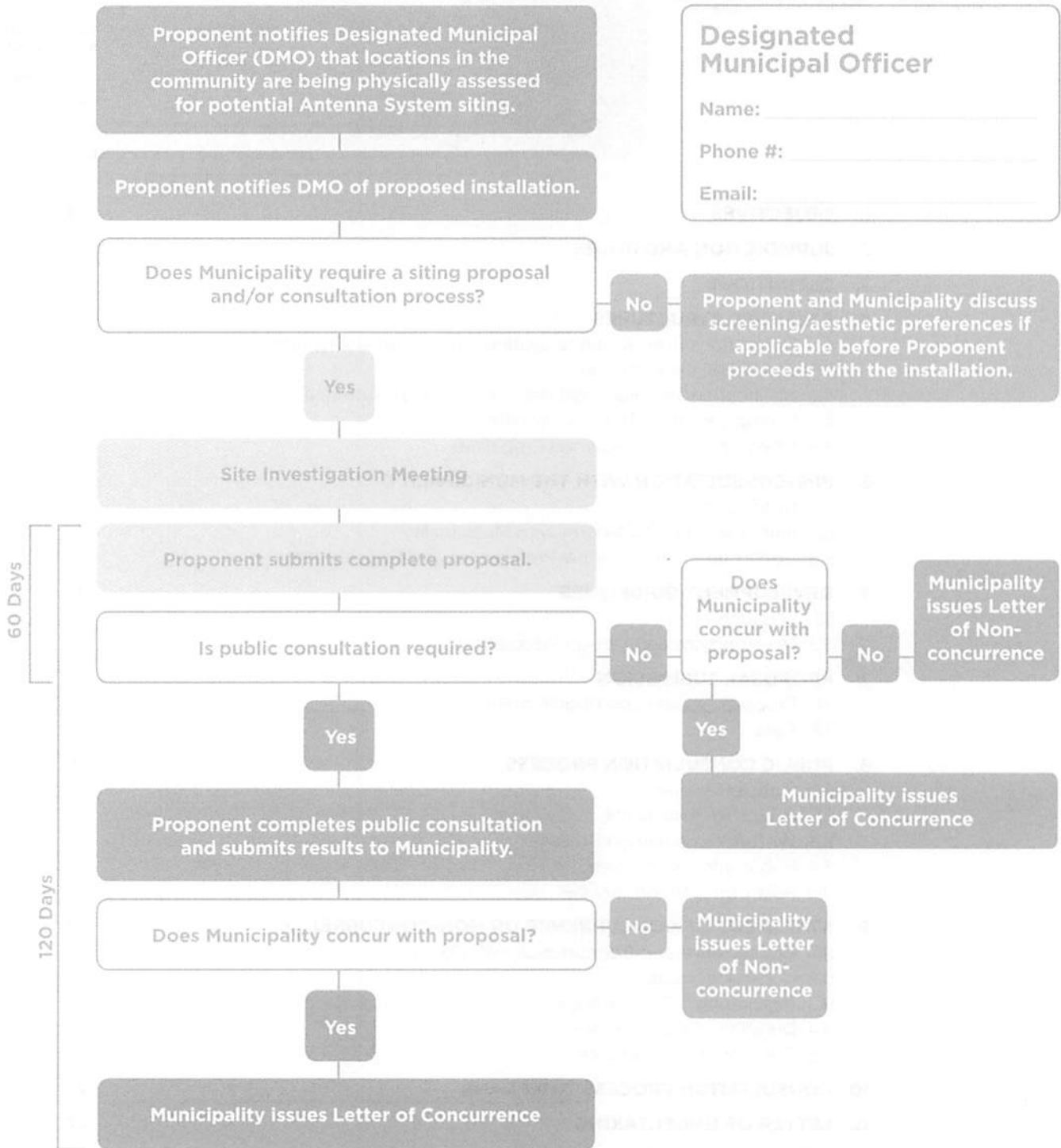
The following sections set out recommended language that may be adopted or adapted by Municipalities wishing to develop a customized protocol in a manner that reflects local circumstances.



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## Antenna System Siting Process Flowchart





## STATEMENT OF CONCURRENCE OR NON-CONCURRENCE

### 9.1 CONCURRENCE AND CONCURRENCE WITH CONDITIONS

The Municipality will provide a letter of concurrence to Industry Canada (copying the Proponent) where the proposal addresses, to the satisfaction of the Municipality, the requirements as set out within this Protocol and the Municipality's technical requirements, and will include conditions of concurrence, if required.<sup>16</sup>

The Municipality will issue the letter of concurrence within the timeframe established in Section 10.

### 9.2 NON-CONCURRENCE

The Municipality will provide a letter of non-concurrence to Industry Canada (copying the Proponent) if the proposal does not conform to Municipality requirements as set out within this Protocol. The Municipality will also forward to Industry Canada any comments on outstanding issues, including those raised during the public consultation process.

The Municipality will issue the letter of non-concurrence within the timeframe established in Section 10.

### 9.3 RESCINDING A CONCURRENCE

The Municipality may rescind its concurrence if following the issuance of a concurrence, it is determined by the Municipality that the proposal contains a misrepresentation or a failure to disclose all the pertinent information regarding the proposal, or the plans and conditions upon which the concurrence was issued in writing have not been complied with, and a resolution cannot be reached to correct the issue.

In such cases, the Municipality will provide notification in writing to the Proponent and to Industry Canada and will include the reason(s) for the rescinding of its concurrence.

<sup>16</sup> The Municipality may, on case-by-case basis, include in writing specific conditions of concurrence such as design, screening or Co-location commitments.





## LOCATION

### Preferred Locations:

- Areas that maximize the distance from Residential Areas.
- Industrial and commercial areas.
- Mounted on buildings or existing structures within the downtown area.
- Areas that respect public views and vistas of important natural or manmade features.
- Agricultural areas.
- Transportation and utility corridors.
- As near as possible to similarly-scaled structures.
- Institutional uses where appropriate, including, but not limited to, those institutions that require telecommunications technology: emergency services, hospitals, colleges and universities.
- Adjacent to parks, green spaces and golf courses.
- Located in a manner that does not adversely impact view corridors.
- Other non-Residential Areas where appropriate.

### Discouraged Locations

- Locations directly in front of doors, windows, balconies or residential frontages.
- Ecologically significant natural lands.
- Riverbank lands.
- Inappropriate sites located within Parks and Open Space Areas (with the exception of sites zoned to permit utilities and/or unless designed to interact with the area's character).
- Sites of topographical prominence.
- Heritage areas (unless visibly unobtrusive) or on heritage structures unless it forms an integrated part of the structure's overall design (i.e. through the use of stealth structures).
- Pitched roofs.
- Community Sensitive Locations (as may be defined by the Municipality prior to being included in this Protocol).

golson1@shaw.ca

---

**From:** "M Jessen" <mjessen@telus.net>  
**Date:** June 21, 2015 11:29 PM  
**To:** <golson1@shaw.ca>  
**Subject:** Re: BC1993 Qualicum Beach - BC1991 - Parksville

Sure you can use the material.  
Michael

On 6/21/2015 11:01 PM, golson1@shaw.ca wrote:

Hi Michael,

I think it would be helpful if I could share your email with the Electoral Area Planning committee as it would show that TELUS was communicating with the ERA long before the public consultation process. Would you be ok with me sharing your email. I understand if you would prefer me not doing so. Please let me know.

Thanks,

Kelly

**From:** M Jessen  
**Sent:** Sunday, June 21, 2015 8:19 PM  
**To:** golson1@shaw.ca  
**Subject:** BC1993 Qualicum Beach - BC1991 - Parksville

The following I believe is the earliest 2014 info we received on the proposal to locate a cell tower on the Telus Sunrise property near Drew.

Larry Biccum was Pres. of French Creek Res. Assn.

Waddell - believed to be an Eaglecrest resident and possible a RA director.

Weir - engineer for Town of Qualicum Beach

T Davies is pres. of Chartwell RA

I don't believe FCRA made any formal response to Telus on the basis of this correspondence. I don't think FCRA got back into the issue until it, again, received communication from others in November and December. At that time FCRA contacted Telus or its land agent and started influencing the public engagement process. At the time we believed Telus only contacted the nearby property owners as per the statutory requirements. I don't believe FCRA started receiving info from Telus until we initiated contact roughly in December, maybe mid November.

A Dec. 3 email from Eaglecrest RA is appended at the bottom with its attachment.

Michael

----- Forwarded Message -----

**Subject:**FW: BC1993 Qualicum Beach - BC1991 - Parksville

**Date:**Sat, 1 Mar 2014 17:37:10 -0800

**From:**Larry Biccum

**To:**

Something for us to discuss at our next meeting.

I received the following from Trevor Wood, the Chair of the Eaglecrest Residents' Association. He is hoping that other RAs that may be affected by poor service might support this initiative by Telus. I gather that cell phone reception in parts of Eaglecrest is virtually non-existent.

I said I would raise it for discussion but made no commitments as to support.

Larry

---

**From:** Trevor Wood [mailto:1waddell@telus.net]  
**Sent:** Saturday, March 01, 2014 11:03 AM  
**To:** tdavies; lbiccum  
**Subject:** Fw: BC1993 Qualicum Beach - BC1991 - Parksville

As discussed, our plan is to engage the Eaglecrest Community to ensure strong support on this issue.

I will keep you posted as things progress.

cheers

Trevor

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

**From:** Michael Walsh

**To:** 1waddell@telus.net (Trevor Wood Eaglecrest Residents

**Cc:** BWeir@qualicumbeach.com

**Sent:** Friday, February 21, 2014 6:07 PM

**Subject:** BC1993 Qualicum Beach - BC1991 - Parksville

Hi Trevor

(I've CC'd Bob Weir here.)

This email shows that TELUS acquired Eaglecrest Residents Association's support 9 months prior to the beginning of the consultation period

Thanks for your call today.

As discussed, we have brought the acquisition forward for this new tower, and we will start working on the acquisition, design, and municipal concurrence straight away. As I mentioned before, the water tower location does not work for us, and instead, we would like to propose a 14.9m tower at the TELUS Exchange, located near the intersection of Sunrise Dve & Drew Road, Parksville. The TELUS reference for this tower is BC1993.

We would also like to propose a second 14.9m tower somewhere near the intersection of Sanderson Rd & Foster Dve, Parksville. The TELUS reference is BC1991. At this stage we do not have a candidate identified, but will start the acquisition search very shortly.

If other members of your Residents Association are also experiencing cellular connectivity issues, I would encourage you to collectively support these two proposals when it comes time for TELUS to conduct our consultation with the Community. Generally speaking, most people don't go out of their way to support something; they usually only become vocal when they object to something. So often, the feedback we receive during our consultation is usually skewed towards the negative; in other words, there's a heavy influence from the people who object to the infrastructure, and a small number, if any, who go on the record requesting the infrastructure.

You may have seen some of the local news articles about a proposed tower on Hammond Bay Road in Nanaimo. Our proposal is appearing before Council on Monday night. After significant public consultation, roughly 40% of the people who responded are in favour of the tower, while roughly 60% have some concerns about the location of the tower. Like I said above, most people who are in favour of something don't go out of their way to support it, so 40% is a very big number in this instance! The area is a large bowl shape as far as topography is concerned, making it difficult for us to provide cellular coverage, and it is referred to the "cellular dead zone" as the locals call it. So we really hope Nanaimo City Council will grant their concurrence.

Another bit of trivia for you – in the summer/fall of last year, we were turned down by the City of Campbell River (as a landlord) to build a tower on their property, because one local resident went door-to-door and obtained approx. 200 signatures on a petition in objection to the proposed tower. Within the weeks and months after the Council refusal, there were countless Letters to the Editor published from many local residents, criticising and even blaming those petitioners for the poor cellular coverage they experience. It was a shame that more people didn't come out to support the proposal, since they did feel the coverage was inadequate.

I will keep you posted on our progress!

Regards

**Michael Walsh**

Real Estate & Government Affairs

TELUS | Wireless Network – BC

2-3500 Gilmore Way, Burnaby, BC, V5G 4W7

Cell: 778-873-9481

Direct: 604-616-4649

Email: [michael.walsh@telus.com](mailto:michael.walsh@telus.com)

This message and any accompanying attachments are intended only for the person(s) to whom this message is addressed and may contain privileged, proprietary and/or confidential information. Any unauthorized use, disclosure, reproduction or distribution of this message or its attachments is strictly prohibited. If you have received this message in error, please notify the sender immediately and permanently delete or destroy this message, including any attachments. Thank you.

This email shows that Eaglecrest Residents' Association solicited their members to send support for the proposed tower skewing the results of the public consultation process.

**From:** [eaglecrest.r.a](mailto:eaglecrest.r.a)  
**Sent:** Wednesday, December 3, 2014 9:33 PM  
**To:** undisclosed-recipients:  
**Subject:** Eaglecrest Telus Cellular phone service.

To all Eaglecrest Residents' Association Members

Re: Eaglecrest Telus Cellular phone service.

In the attached Pdf document are the details of a Telus plan to install a cell site at 1421 Sunrise Drive , Parksville. Once completed we should finally get consistent Telus cell service in Eaglecrest. Telus have advised us that a Public Consultation has commenced and we are asking for the support of as many Eaglecrest Residents as possible by **December 18th . If you support this proposal please e-mail Telus as follows;**

**To: e-mail address [chad.marlatt@telus.com](mailto:chad.marlatt@telus.com)**  
**Subject : BC 1993 plan**

**I support the proposal to install Cellular equipment at 1421 Sunrise Drive, Parksville.**

***Note : Include your name and address and reason for support.***

---

Your Information will be sent to the Regional District only and will not be used for Marketing or any other reason,

Many thanks for your time and support.

--

**EagleCrest Residents Association**  
Qualicum Beach, British Columbia  
***Working Together***



Real Estate and Government Affairs  
TELUS | Wireless Network – BC  
2-5500 Gilmore Way  
Burnaby, BC V5G 4W7

June 23, 2015

Board Members of the Electoral Area Planning Committee  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, B.C.  
V9T 6N2

BY EMAIL

Dear Mr. Chair and Board Members,

**Subject:** Special Electoral Area Planning Committee Meeting – Tuesday, June 23, 2015 for discussion regarding: ROGERS Proposed Telecommunication Antenna System Application No. PL2013-086 – 891 Drew Road, Electoral Area 'G'

---

With regret, a representative from TELUS is unable to attend the Special Electoral Area Planning Committee meeting on June 23. TELUS has observed from the Staff Report prepared for the Rogers Proposed Telecommunication Antenna System on Drew Road, that there has been mention of the wireless communications sites that TELUS is planning to serve the French Creek area, located at 1421 Sunrise Drive and 885-897 Island Highway West. In what follows, I have provided some background information and the current status of these sites.

#### 1421 Sunrise Drive

In April 2015, Rogers made a co-build (capital infrastructure sharing) request to TELUS for equipment installations at elevations of 18-meters and 42-m on the site that TELUS is planning at 1421 Sunrise Drive. TELUS was unable to proceed with the request due to the parameters for this slim monopole with flush mounted antenna which, at 17.5-m, was designed to fit-in with the residential character of the community. The Regional District Board passed a resolution granting concurrence on March 24, 2015 and TELUS has since been engaged in detailed civil design for this site. TELUS will consider all future co-location requests for this site provided these requests do not compromise TELUS' use of the 17.5m monopole and subject to other technical reviews.



**885-897 Island Highway West**

With respect to TELUS' proposed site at French Creek Landing (885-897 Island Highway West), TELUS is currently addressing the final comments made by members of the public during the public consultation phase and has not yet made a formal request for land use concurrence to the Board. Should this site proceed, we would consider all co-location requests that fit with the design and height of the tower.

In conclusion, TELUS based the location and design of these two wireless communications sites on engagement and feedback with the public. The public has responded with overwhelming support for the site at 1421 Sunrise Drive and TELUS is looking forward to providing improved wireless service to this area in the near future.

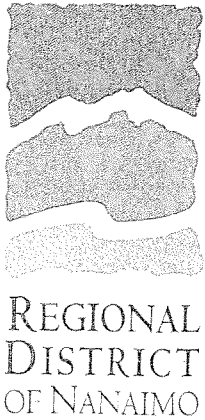
The proposed site at 885-897 Island Highway West is identical in its design parameters to 1421 Sunrise Drive and TELUS believes this is an appropriate location for the site; nevertheless, we look forward to Regional District's formal feedback through the consultation process.

Please feel free to contact me with any further questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jon Leugner'.

Jon Leugner  
Real Estate and Government Affairs



June 24, 2015

Telus | Wireless Network – BC  
Real Estate and Government Affairs  
2-3500 Gilmore Way  
Burnaby, BC V5G 4W7

Dear Jon Leugner:

**Re: Proposed Telus Radiocommunication Antenna Facility**

I am writing on behalf of the Board of the Regional District of Nanaimo to advise you that the Board passed the following resolution at its meeting of June 23, 2015:

*That Regional District of Nanaimo staff be instructed to advise Industry Canada and TM Mobile Inc. (TELUS) that based on new information provided by the public, that the Regional District of Nanaimo recommends that Industry Canada withhold approval of the proposal submitted by TM Mobile Inc. (TELUS) to construct a single-provider freestanding telecommunication antenna system at 1421 Sunrise Drive until such time as property owners within 500m of the proposed site have been given notice of the proposal and an opportunity to provide input on the proposal.*

Please feel free to contact Jeremy Holm, Manager of Current Planning, if you require any clarification regarding the above.

Sincerely,

Joe Stanhope  
Board Chair  
Regional District of Nanaimo

cc: Industry Canada  
J. Holm, Current Planning Manager, RDN

6300 Hammond Bay Rd.  
Nanaimo, B.C.  
V9T 6N2

Ph: (250)390-4111  
Toll Free: 1-877-607-4111  
Fax: (250)390-4163

RDN Website: [www.rdn.bc.ca](http://www.rdn.bc.ca)



### How we got to "now":

- French Creek has poor cell coverage and the public has been requesting additional coverage
- In September 2014, the RDN did not approve Rogers application for a cell tower at 891 Drew Rd presumably due to the area residents that asked for it not to be located at that location.
- March 2015, the newspaper said that the RDN was going to provide a letter of concurrence to TELUS for a tower at 1421 Sunrise Drive because 140 people (96.5%) voted in favour of the site.
- We live in the area but did not know anything about the tower....stunned by the news, we set out to find out who were these 140 people, how did they know about the site and how did they have to opportunity to vote when we did not?
- We discovered that the majority of the proponents were from the Town of Qualicum Beach, mainly Eaglecrest.
- We also discovered:
  - That Eaglecrest residents association (ERA) had been in discussion with TELUS prior to the public consultation and TELUS suggested they request that their membership support the TELUS application.
  - There was no notification of the people in the vicinity of the tower other than 12 houses that were required to be notified by Industry Canada policy.
- The March 2015 Eaglecrest Residents Association newsletter, the Eagle Eye, stated the following: "as mentioned in previous editions, we have been working with TELUS to improve cell phone service in Eaglecrest. The public consultation process is now complete with a very favourable result, thanks in no small part to and unprecedented response from Eaglecrest residents. This matter is on the agenda for the March 24<sup>th</sup> meeting of the RDN Board. We are optimistic that approval will be granted and the new tower will be built"
- **TELUS did not provide any information to the RDN Board regarding the location of the people that "voted" in favour of the site and unfortunately, the RDN did not ask the location of those in favour.**
- **The 96.5% "in favour" results of the responses, which was based on restricted selective distribution, was used by TELUS to show that the residents were in favour of the location of the proposed site. This is a distorted, non-statistical and therefore misleading result.**
- Effectively, the RDN elected officials voted in favour of a cell tower site in Sandpiper as there was no opposition. There was no opposition because other than the 12 required houses, the people in the vicinity of the proposed site were not consulted, did not know and did not have the opportunity to "vote" .
- It was also determined that because the TELUS tower was short, it did not allow any other providers to co-locate with them. As other providers also need to improve their coverage in this area, this meant that another tower would be required.
- When the above information was presented to the RDN, they appeared to realize that they needed to revisit their decision. They passed resolutions that requested that Industry Canada withhold approval of the TELUS site until there had been public notification of the residents

within 500 meters and that TELUS should work with other providers to have multi carrier sites to reduce the number of towers.

- Rogers had a proposed site for 891 Drew Rd, they approached TELUS to work together, TELUS declined.
- November 2015, Rogers again approached the RDN for the site at 891 Drew Rd. The RDN again did not approve the site. It appears that they were not going to issue a second approval unless TELUS was willing to co-locate with Rogers and give up the Sunrise site. At this time, the RDN asked for assistance from Industry Canada and again told TELUS not to proceed with the Sunrise site and to work at co-locating with other carriers. TELUS apparently, did not respond to the RDN and Industry Canada has since indicated that they do not get involved unless a site cannot be agreed upon by the Land Use Authority and the telecommunications company.
- It was our understanding that the RDN thought that TELUS was considering the co-location with the other providers, but on May 3, 2016, **TELUS told the RDN that they were proceeding with the 1421 Sunrise tower in June 2016, that they were not interested in co-locating with Rogers in this area and that they were not concerned that the RDN did not want them to proceed.**
- Through discussion with Industry Canada, we have determined:
  - That as ROGERS has applied 3 times, done everything that has been asked of them and have not had their site approved by the RDN, that they are close to IMPASSE. This is when a telecommunications company cannot work with a land use authority to get a site. Effectively, Industry Canada steps in and over rules the municipality (Regional District). This would mean that Sandpiper will have two towers which are approximately 600 meters apart. If TELUS were forced to work with the RDN and Rogers, there would be just one tower in this area or possibly in a completely different location that would provide the coverage needed with less impact on the area residents.
  - **We also learned that the RDN has the power to rescind the letter of concurrence issued to TELUS.**

**We want the RDN to correct the situation by rescinding the letter of concurrence that they issued to TELUS. I am sure that if the Town of Qualicum Beach council learned that they had unknowingly based a decision solely on the input of Area G residents regarding an area within the Town boundaries, they would revisit the decision and ensure that their residents had input. This has not been done by our area elected representatives and we have not been given the opportunity for any input. The RDN needs to do right by its residents and two cell towers in one rural subdivision is not right.**

We are requesting that if it concerns you as a resident of Area G in the vicinity of the proposed cell tower sites to most likely have two cell towers constructed in your neighbourhood, that you support us by attending a meeting that we are trying to arrange with Joe Stanhope for this week and again at the RDN meeting on May 24<sup>th</sup> at 7:00pm at the RDN Board Chambers, 6300 Hammond Bay Rd in Nanaimo. We do not need anyone to speak; we just need to be able to show that we have the support of the neighbourhood.

Alternatively, you could write a letter to the RDN board via Matt O'Halloran and request that the correspondence be submitted to the RDN Board ([mohalloran@rdn.bc.ca](mailto:mohalloran@rdn.bc.ca)).

If you have any questions, please contact:

Kelly Olson 250-752-9465 or [gordkel@gmail.com](mailto:gordkel@gmail.com)

If you would like to read the information presented to the RDN board which caused them to revisit their decisions, the following links will take you to various RDN agenda packages. The relevant page numbers are indicated.

[March 24, 2015 – Regular Board meeting \(pages 5 – 7\)](#)

<http://www.rdn.bc.ca/events/attachments/evID6953evattID2233.pdf>

[June 9, 2015 - Committee of the Whole meeting \(pages 21 – 40\)](#)

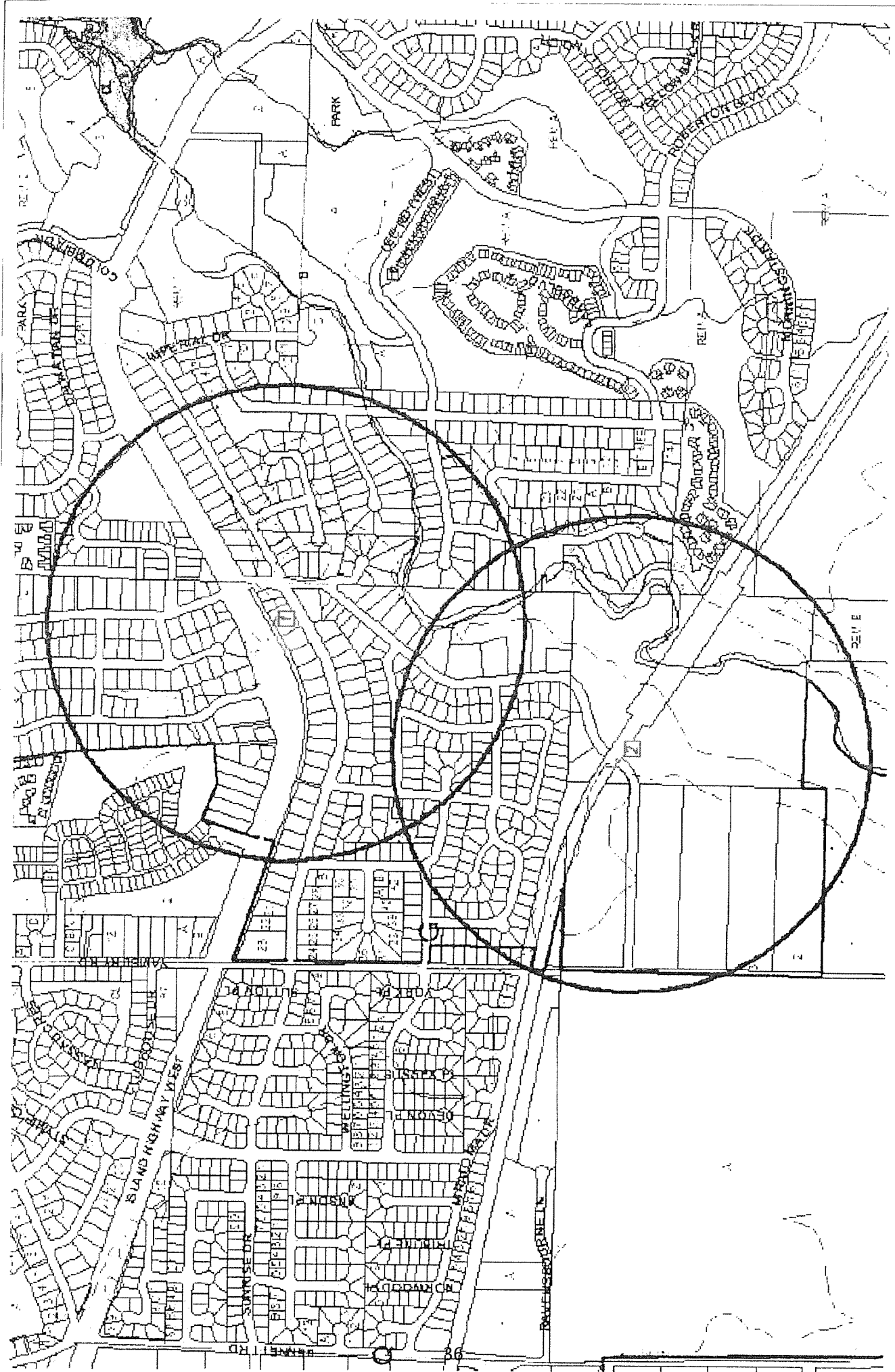
<http://www.rdn.bc.ca/events/attachments/evID6970evattID2336.pdf>

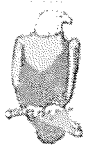
[June 23, 2015 – Special Electoral Area Planning Committee meeting \(pages 5 – 27\)](#)

<http://www.rdn.bc.ca/events/attachments/evID7141evattID2362.pdf>

[November 24, 2015 – Regular Board \(pages 3-26\)](#)

<http://www.rdn.bc.ca/events/attachments/evID6961evattID2540.pdf>





Eaglecrest  
Residents'  
Association

# THE EAGLE EYE

Eaglecrest Residents' Association Newsletter

PO Box 582, Qualicum Beach, BC V9K 1T1

Email: eaglecrest.r.a@shaw.ca

Volume 22 - No. 2

March 2015

## PRESIDENT'S COMMENTS

■ *by Joyce Daman*

Blooms are popping, the Brant have arrived, there is an aroma of herring roe in the air and the golfers have shed their heavier attire. Surely spring is looming!!!

Your ERA board of directors will report on several topics: results of the traffic survey, a new look to social events planned for 2015, updates to emergency preparedness as well as real progress on the long awaited cell tower. Also there are encouraging developments in Oceanside health care. Your council monitoring team wants to enlighten you on the town's appeal for input on uses for the "old fire hall". Look for more elaboration inside this newsletter.

Big thanks go out to all who responded to the traffic survey. It was sent to 250 households who had given consent for us to use their emails for Eaglecrest Residents' Association business. There were responses from 183 households which we found to be amazing. Look for the findings as well as a sampling of the comments further on. The catalyst was a letter from a concerned resident, and your board decided we needed to gather information on how big the issue was before we reacted. You have helped us to do that.

Did you know that Eaglecrest used to be part of the RDN, the population was sparse and development wasn't bound by strict infrastructure rules which now exist in Qualicum Beach? Marlys Diamond, one of our long-time board members, stated that she feels it important to remember that many who came to the area years ago left big cities where they were "cemented in" and that the charm of the rural feeling in Eaglecrest, with winding roads having no sidewalks, had appeal. Perhaps some of you still share that feeling while others want the amenities of sidewalks, speedbumps, trails and more. A balance needs to be struck by town council, always keeping in mind the limited tax dollars.

As spring rolls in, you will again notice activity at the entrance garden, thanks to our energetic volunteers as well as the town crew. While Vern Black has left the board after 13 years, he is still a strong leader in the entry garden work as well as the upkeep of Yambury Park. Thanks to Vern and the rest of his gardening compatriots!!

Speaking of gardening, spring brings many folks into Eaglecrest to assist us with yard maintenance, gutter cleaning and many other tasks. While this adds to the congestion on our streets, the help is welcome and needed. Please, check references before hiring someone who comes to your door offering to do work. Beware of letting strangers into your home and don't front money blindly. Trust is a wonderful thing, but... I have a wonderful spring!

### Eaglecrest Residents' Association

#### 2014-2015 BOARD OF DIRECTORS

President: Joyce Daman 752-3395  
Vice-President: position vacant  
Secretary: Marlys Diamond 752-6021  
Treasurer: Vivian FitzGerald 752-7101  
Past President: Trevor Wood 752-0601

#### DIRECTORS

Pat Ellis 752-1373  
Pat James 713-1698  
Greg Harmeson 752-2774  
Debra Kuzbik 594-7072  
Greg Slocombe 594-6277  
Lee Teal 752-2500  
Tim Pritchard 752-2723

#### THE MAIL BAG

We welcome letters to the Eagle Eye and items of interest to the residents of this area. Submissions must include the name and telephone number of the author.

Address emails and articles to:  
[eaglecrest.r.a@shaw.ca](mailto:eaglecrest.r.a@shaw.ca)  
with "Eagle Eye Editor" as the subject,  
or mail to:

P.O. Box 582  
Qualicum Beach, B.C.  
V9K 1T1  
Attn. Eagle Eye Editor

## SUMMARY OF RESULTS FROM TRAFFIC SURVEY

■ *by Joyce Daman, Pat James and Greg Harmesan*

Thanks to the input received from many of you, we now have a much better picture of concerns which have been raised. To help gather this information, we created a survey which we sent out to 250 households and were delighted to receive 183 responses. .

As your ERA board we must caution you that we cannot directly implement solutions as far as sidewalks, speed bumps, etc. and, in fact, the survey tells us not everyone would want them. What we can do is take these findings to the Town and appropriate agencies to gather information about long range plans and to help influence decision making. We will keep you apprised of updates as we receive them.

Following is a summary of the results and a sampling of comments.

- When you are a pedestrian on the streets of Eaglecrest, do you feel satisfied the way the drivers move over and slow down? 77.04% satisfied to very satisfied; 22.95 somewhat satisfied to very unsatisfied.
- When you are a driver on the streets of Eaglecrest, do you feel satisfied that pedestrians and dogs move over and make way for vehicles? 62.78% satisfied to very satisfied; 37.16% somewhat unsatisfied to very unsatisfied.
- Is there a specific street or streets where pedestrian and/or vehicle traffic are problematic? 49.73% Yes; 50.27% No.

Do you think the general speed traffic on Eaglecrest roads is an issue? 23.63% Yes; 76.37% No.

The survey has highlighted **two main points**:

1. It has been verified that many residents feel that Eaglecrest Drive, from the Entry Garden to at least Harlequin, is narrow, curvy and challenging for drivers and pedestrians. Speeding motorists complicate this issue.
2. There are over 1/3 of our responders who feel that pedestrians and walkers demonstrate disrespectful and/or inattentive behaviour toward traffic.

**A sampling of comments:** We received over 200 written comments. Here are a few of them which hit some of the key points: (It was the comments that really painted the picture for us)

- People walk in groups and hog the whole road
- Most pedestrians are aware and make way for cars to pass
- Walkers not yielding when 2 vehicles meet
- Sometimes speed is a problem, but most times drivers are careful and considerate
- Eaglecrest Drive from Entry Garden to Pintail is worst to walk on due to speeders, curves, and narrowness.
- I am fed up with the blatant disregard pedestrians have toward vehicles.
- I drive, cycle and walk my dog in this area and find most people to be patient and respectful.
- Well done, I am glad this issue has been raised for discussion and general awareness
- Most people respect the 50KM speed limit and many drive even slower
- This is an old topic that seems to get raised every 5 years. No to sidewalks.
- The curvy part at the top of Eaglecrest Drive is a real problem.

Look for updates on our findings and progress in future editions. our findings and progress in future editions.

## CELL PHONE SERVICE

■ *by Trevor Wood*

As mentioned in previous editions, we have been working with Telus to improve cell phone service in Eaglecrest. The public consultation process is now complete with a very favourable result, thanks in no small part to an unprecedented response from Eaglecrest residents.

This matter is on the agenda for the March 24th meeting of the Regional District Nanaimo Board. We are optimistic that approval will be granted and that the new tower on Drew Road will be built.



---

**TO:** Larry Gardner  
Manager, Solid Waste Services

**DATE:** May 12, 2016 (REV 1)

**FROM:** Jane MacIntosh  
Superintendent, Landfill Operations

**MEETING:** SWMSC, May 17, 2016

**FILE:** 5330-20-RLNB2

**SUBJECT:** Contract Award – Regional Landfill North Berm Construction

---

### RECOMMENDATION

That the Solid Waste Management Select Committee (SWMSC) recommend that the Regional Board approve the budget for the North Berm project as set out in Table 2 and to direct staff to proceed with tender award to Wacor Holdings Ltd. for the project construction.

### PURPOSE

The purpose of the report to provide an overview of the North Berm project and to request the SWMSC endorse a tender award for the Regional Landfill North Berm Construction in the amount of \$1,813,082.23 (exc. GST).

### BACKGROUND

In 2001 and 2002, Geotechnical Assessments were conducted by Golder Associates and Sperling Hansen Associates, respectively, to evaluate the stability of the landfill side-slopes under dynamic (earthquake) and static (settlement) loading conditions. The reports concluded that the potential exists for significant displacement of the waste mass in Cell Two in certain areas underlain by a smooth liner membrane that could result in damage to the final cover, landfill gas and leachate collection systems. The reports recommended the construction of a 2-7 meter high toe stabilization berm to provide stability to the north of the Cell Two smooth liner area.

This recommendation for a berm was included in the Design and Operations Plan (D&O Plan) completed by XCG Consultants Ltd. in 2008, which also identified the construction of this berm would extend the life of the landfill and referred to this expanded area as the North Berm. The completion of the North Berm adds approximately 10-years of operating life to the landfill. Preliminary cost estimates for the berm construction completed in the 2013 pre-design phase ranged between \$2.8M to \$5.3M.

The North Berm in conjunction with the last phase of landfill development, the South East Berm, is predicted to extend the operating life of the landfill to 2041. The D&O Plan identified the phased developments to achieve slope stability and maximize landfill operational capacity. Several phased developments have taken place since 2008 to allow the North Berm expansion with the most recent being relocation of storm-water infrastructure (2013) and realignment of the sanitary sewer along Cedar Road (2014). The final stage is relocation of the existing garage and operations building, currently underway, and construction of the berm itself, all scheduled for completion in 2016. This construction schedule coincides with the existing landfilling area being at capacity.

The regional landfill North Berm project was sent to five previously pre-qualified contractors for bid submissions with closing on April 29, 2016. The tender included two construction options: A) construction using rock; and B) construction using gravel. Two independent berm designs have been prepared based on the different type of aggregate. There is some constructability benefit in using the rock (e.g. quality assurance, placement, landscaping) and if pricing was comparable, rock would be preferred.

The North Berm construction tendering process was carried out by XCG Consultants Ltd. (XCG). One prequalified bidder was unable to deliver their submission within the required timeline. A summary of the results is provided below in Table 1.

<b>Table 1 - Tender Summary (exc. GST)</b>		
<b>Prequalified Contractor</b>	<b>Total Evaluation Price A (Rock)</b>	<b>Total Evaluation Price B (Gravel)</b>
Copcan Civil Ltd.	\$ 2,684,508	\$ 2,258,366
Knappett Industries Ltd.	\$ 3,302,543	\$ 2,469,683
Wacor Holdings Ltd.	\$ 2,313,172	<b>\$ 1,813,082</b>
Windley Contracting Ltd.	\$ 3,357,845	\$ 2,225,875

Our engineering consultant, XCG, reviewed the bids and has recommended award to Wacor Holdings Ltd. with the gravel option in the amount of \$1,813,082. The nature of large excavation projects is that they have a significant element of risk due to the variability of found conditions. Based on recommendations from the engineer, a contingency amount of \$500,000 is included to accommodate for unforeseen conditions such as the need to: 1) increase the size of the shear-key; 2) construct the shear-key out of rock; or 3) excavate additional unsuitable materials from within the berm footprint.

Table 2 below provides an overview of total project costs.

<b>Table 2 - Total Project Cost</b>		
<b>Site Activity</b>	<b>% Complete</b>	<b>Projected Costs</b>
Detailed Design, Tendering and Permitting Services	90%	\$150,000
Site Preparation (Tree and Fencing Removal)	20%	\$25,000
Environmental Assessment and Biological Monitoring	45%	\$45,000
Construction Contract Administration Services	0%	\$250,000
Construction Project	0%	\$1,813,082
Main Haul Road Realignment	0%	\$80,000
Storm Water Controls	0%	\$20,000
Reconfiguration of Bin Area	0%	\$90,000
Hydrogeological/Landfill Gas Reassessment	0%	\$30,000
Reinstatement of Gas-Probes and Monitoring Wells	0%	\$40,000
Tree and Landscape Restoration	0%	\$25,000
Project Contingency	0%	\$500,000
<b>Total Project Cost</b>		<b>\$3,068,082</b>



## ALTERNATIVES

Alternatives in proceeding with the project are as follows:

- 1) Approve the total project budget and award the project construction project to Wacor Holdings Ltd.
- 2) Do not approve the project budget and do not award the construction project.
- 3) Alternate direction as provided by the Regional Board.

## FINANCIAL IMPLICATIONS

The 2016 preliminary budget set a project cost of \$3.9M to construct the North Berm. Based on Table 2, total cost projection for the North Berm is approximately \$3M.

## STRATEGIC PLAN IMPLICATIONS

This project is consistent with key priorities of the 2016-2020 Strategic Plan in the following areas:

- *Focus on service and organizational excellence.* The construction of the North Berm is a culmination more than a decade of planning and the maintenance and funding of our infrastructure.
- *Focus on the environment.* The driver for construction of the North Berm is ensure the landfill is stable and the integrity of the pollution control works are maintained should there be a significant seismic event.

## SUMMARY/CONCLUSIONS

The North Berm is critical component of the landfill infrastructure to ensure seismic stability of the existing landfill and also adds about 10-years of landfill capacity. Construction of North Berm is a culmination of more than a decade of planning and infrastructure improvements (e.g. storm/sanitary) to realize these benefits.

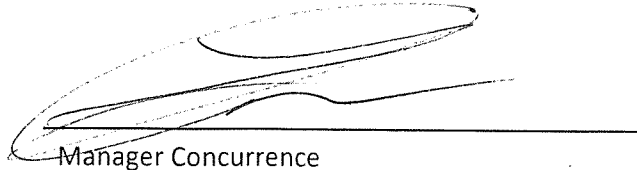
The construction project has been competitively tendered with the low bid being received from Wacor Holdings Ltd. XCG has reviewed all the submissions and is recommending award to Wacor. The aggregate costs of the North Berm construction is expected to be less than the forecast amount set out in the 2016 budget.

Subject to award, the North Berm construction is expected to commence in July and take approximately three months to complete.

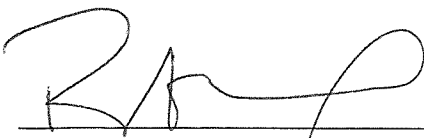


FOR JANE MACINTOSH

Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

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**TO:** Larry Gardner  
Manager, Solid Waste Services

**DATE:** May 20, 2016

**FROM:** Maggie Warren  
Superintendent Scale & Transfer Service

**FILE:** 5370-01

**SUBJECT:** Asbestos Disposal Backgrounder

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#### PURPOSE

To follow-up with additional information on the RDN's waste asbestos management practices as requested by the Solid Waste Select Committee.

#### BACKGROUND

##### Asbestos Use

Asbestos is a naturally occurring fibrous material that was a popular building material from the 1950's to the 1990's. It was used extensively because it is an insulator, has good fire protection properties, has tensile strength and is resistant to chemical erosion. Asbestos is commonly found in a variety of products including: spray applied fireproofing, mechanical insulation, linoleum, floor tiles, drywall taping compound, vermiculite, asbestos cement pipes, asbestos cement boards and tiles, and textured decorative coating. Of interest, is that there continues to be a significant quantity of asbestos brakes that are imported and used in Canada.

Asbestos products are classed into two groups: friable (easily crumbled) and non-friable. It is the friable asbestos that poses the serious health risk as a result of inhalation. "Asbestos" referred to in the remainder of this report is meaning friable asbestos.

##### Management of Waste Asbestos in BC

Waste asbestos must be transported according to the federal Transportation of Dangerous Goods Act and Regulations, transported and managed according to the provincial Environmental Management Act, the Hazardous Waste Regulation, handled by contractors and disposal facilities according to Work Safe BC Occupational Health and Safety Regulation, as well as RDN Bylaw 1531 for the Regulation of Solid Waste Management Facilities.

Commercial haulers transporting asbestos waste in quantities greater than 5 kg must complete a provincial manifest and hold a valid licence to transport asbestos. The Hazardous Waste Regulation exempts householders and farmers from the manifest and transport licence requirement for quantities less than 1,000 kg, when they transport their own waste asbestos from their homes or farms directly to the Regional Landfill.

### Asbestos Acceptance Criteria

All asbestos loads, commercial and self-haul, are required a disposal appointment on Tuesday or Friday at the Regional Landfill with 24 hours' notice. The Church Road Transfer Station (CRTS) does not accept waste asbestos for transfer to the landfill. Landfill disposal requirements, based on Work Safe BC regulations, include commercial and self-haul customers to double wrap asbestos materials to a minimum total thickness of 12mil poly.

In 2011 Work Safe BC recognized pre-1990 gypsum to be suspect asbestos containing. Asbestos may be present in either the joint filler compound or the board itself. Acceptance of gypsum for recycling is available at CRTS if the gypsum board has date stamps from January 1, 1990 or newer, or there is evidence of new material in the form of barcodes and printed web addresses and a Gypsum Declaration is completed and signed by the customer and CRTS staff.

Gypsum with no identifiers will be accepted at the Regional Landfill as asbestos waste. Gypsum, with lab analysis verifying no asbestos, will be accepted as waste material provided the lab analysis is within 30 days. These requirements are the result of Work Safe's investigation into the presence of asbestos at New West Gypsum's facility (RDN gypsum recycler). In BC all facilities accepting gypsum for recycling must follow new acceptance procedures. Conversely, in Atlantic Canada, gypsum recycling has not been affected by the provincial occupational health and safety regulation. In Nova Scotia gypsum is ground and mixed with ground wood waste for animal bedding.

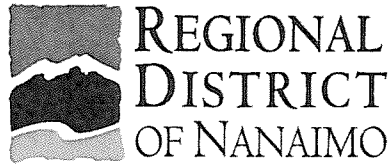
### Asbestos Exposure Control Plan

An asbestos exposure control plan (AECp) is in place to protect RDN staff and the public who enter the RDN solid waste facilities from exposure to asbestos waste. The AECp is intended to detect, assess and control any potential health hazard caused by the presence of asbestos. The primary focus of the plan is to eliminate accidental worker and/or contractor exposure to asbestos fibres and to ensure the health and safety of all those working to manage waste asbestos.

The AECp was developed in 2013 in collaboration with Work Safe BC occupational hygienists. Procedures for personnel working directly with the asbestos waste at the landfill are developed and implemented; procedures for personnel working at the transfer station directly with pre-1990 gypsum that may be asbestos containing are developed and implemented as well as provision of appropriate training, personal protective equipment including a respirator program and equipment to workers who may come into contact with asbestos. The respirator program includes annual respirator fit testing for staff. In May 2016 asbestos awareness training for solid waste facilities staff was conducted by Mid-Island Safety Consulting Incorporated as part of the solid waste AECp continuous education

### **CONCLUSION**

Written operational procedures are reviewed annually or more often if circumstances dictate to ensure safe practices and mitigate risks. This includes the review of asbestos acceptance, handling and disposal, spill response, decontamination of equipment and a respirator program



RDN REPORT		
CAO APPROVAL		<input checked="" type="checkbox"/>
EAP	<input type="checkbox"/>	<input type="checkbox"/>
COW	<input type="checkbox"/>	<input type="checkbox"/>
MAY 19 2016		
RHD	<input type="checkbox"/>	<input type="checkbox"/>
BOARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		DATE: May 19, 2016

**STAFF REPORT**

**TO:** Tom Armet  
 Manager, Building & Bylaw Services

**FROM:** Brian Brack  
 Bylaw Enforcement Officer

**SUBJECT:** 2954 Canyon Road, Electoral Area 'A' – Hazardous Property

**MEETING:** Board – May 24, 2016

**FILE:** CE20160000130

**RECOMMENDATION**

1. That the Board declare that the building on the property legally described as Lot 1, Section 3, Range 8, Cranberry District, Plan 15453 (2954 Canyon Road) creates an unsafe condition pursuant to Section 73(1) of the *Community Charter*.
2. That the Board directs the owner of the property, pursuant to Section 72 of the *Community Charter*, to undertake remedial action in accordance with the attached Order within (14) fourteen days or the work will be undertaken by the Regional District of Nanaimo (RDN) or its agents at the owner's cost.

**PURPOSE**

To obtain Board direction regarding an abandoned and hazardous building on the subject property.

**BACKGROUND**

Property: 2954 Canyon Road, Electoral Area 'A'

Legal: Lot 1, Section 3, Range 8, Cranberry District, Plan 15453

Owner: 0904255 BC Ltd, 1460 61st Ave E, Vancouver BC V9P 2J4

Zoning: Commercial 5 (CM5)

The subject property is located adjacent to the Trans-Canada Highway near the public rest area at the Nanaimo River, adjacent to a new restaurant and a rural residential neighbourhood (Attachment No.1 – Subject Map). The abandoned building on the property is the former Cassidy Inn which was closed several years ago. The property is currently owned as an investment property by a numbered British Columbia company in the Vancouver area. Ownership of the property has changed several times over the past few years.

The property has been the subject of several investigations by RDN staff, fire department and the RCMP as follows:

July 2010 – complaints were received regarding the accumulation of garbage and derelict vehicles as well as individuals living in various derelict vehicles. The owner removed the vehicles and cleaned up the property as directed by staff. The hotel was no longer in operation.

December 2014 – a complaint was received regarding the interior and exterior of the vacant building being heavily vandalized. Staff inspected the building and confirmed it was insecure, vandalized and evidence that individuals were occupying it. The property owner secured the building on the direction of RDN staff.

September 2015 – complaints were received that a vendor was selling fireworks from the parking lot on the property. Staff directed the property owner to remove the vendor due to safety concerns and zoning conflict.

April 2016 – the Nanaimo RCMP advised they have investigated numerous reports of the building being insecure and used by homeless individuals. Concerns were expressed by the police that the building is unsafe and poses a safety risk to persons using it. Bylaw Enforcement Officers inspected the building and noted that all door and window openings were accessible, more vandalism has occurred and exterior stairways were broken and unsafe. An uncovered well, cistern and septic openings were noted and there is considerable graffiti on the exterior and interior of the building (Attachment No. 2 - Photographs).

In the past 16 months, the RCMP have investigated numerous criminal offences on the property including mischief, break and enter and trespassing. RCMP officers have had to enter the building recently in search of missing persons and offenders. They have significant concerns for their safety as well as the public due to the deteriorated and unsafe condition of the building. Within the past few days, RCMP officers found several children hiding in the building in the middle of the night.

The Chief of the Cranberry Volunteer Fire Department has also expressed concerns that the condition of the building and its use by homeless people and others, poses a significant risk of fire. Should a fire occur in the building, other commercial and residential properties could be vulnerable to fire risk due to the close proximity of the building to occupied properties, public rest areas and a major highway.

On April 14, 2016, staff issued written direction to the property owner, a numbered company, to remove or remediate the building forthwith. There was no response to the letter or action taken by the owner to comply with this direction. Staff made several attempts to contact the directors of the company and late last week was advised by one of the company directors that they would secure the building and remove the graffiti. As of the date of this report, no action has been taken by the owner(s) to remedy the hazardous condition of the abandoned building and ground openings. Previous efforts to secure the building against unlawful entry have not been effective in mitigating the danger this building poses. Accordingly, staff is recommending that the Board direct the owner of property to demolish and remove the hazardous building in the interest of public safety (Attachment No. 3 - Order).

## **ALTERNATIVES**

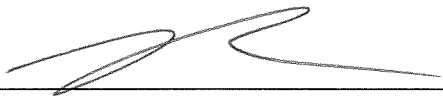
1. That the Board declare the building to be unsafe and impose remedial action requirements on the owner of the subject property by ordering its removal.
2. Provide alternate direction to staff.

**FINANCIAL IMPLICATIONS**

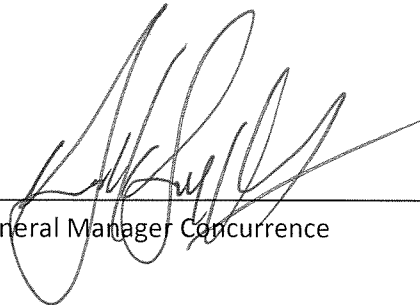
If the Board directs that remedial action be taken, any costs incurred by the Regional District of Nanaimo or its agents with respect to the removal or remediation of the building may be recovered from the property owner. If unpaid on December 31<sup>st</sup> in the year in which the work is done, the expense may be added to taxes in arrears or be collected as a debt. If the taxes and debts remain unpaid, the Province could undertake a forfeiture process after a period of time, in which case, it may become necessary for the RDN to recover the remediation costs through adjustments to the Hazardous Properties Service tax requisition.

**SUMMARY/CONCLUSIONS**


The subject property has been abandoned for several years. Area residents, RCMP and fire officials have expressed concerns that the condition of the property and building poses a significant risk of damage to adjacent properties and potential for injury to individuals accessing the building. Additionally, the property is in a highly visible location and is an eyesore for residents and visitors who visit the area. The property owner has not responded to staff direction to secure or remove the building and Board direction appears to be the only remaining option to address these risks. Staff is recommending that the Board declares the building to be unsafe pursuant to Section 73 of the *Community Charter* and directs that the owner take remedial action by removing the building and securing the ground openings in accordance with the attached Order.



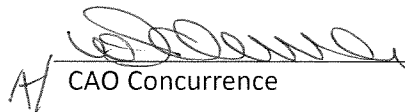
Report Writer



General Manager Concurrence

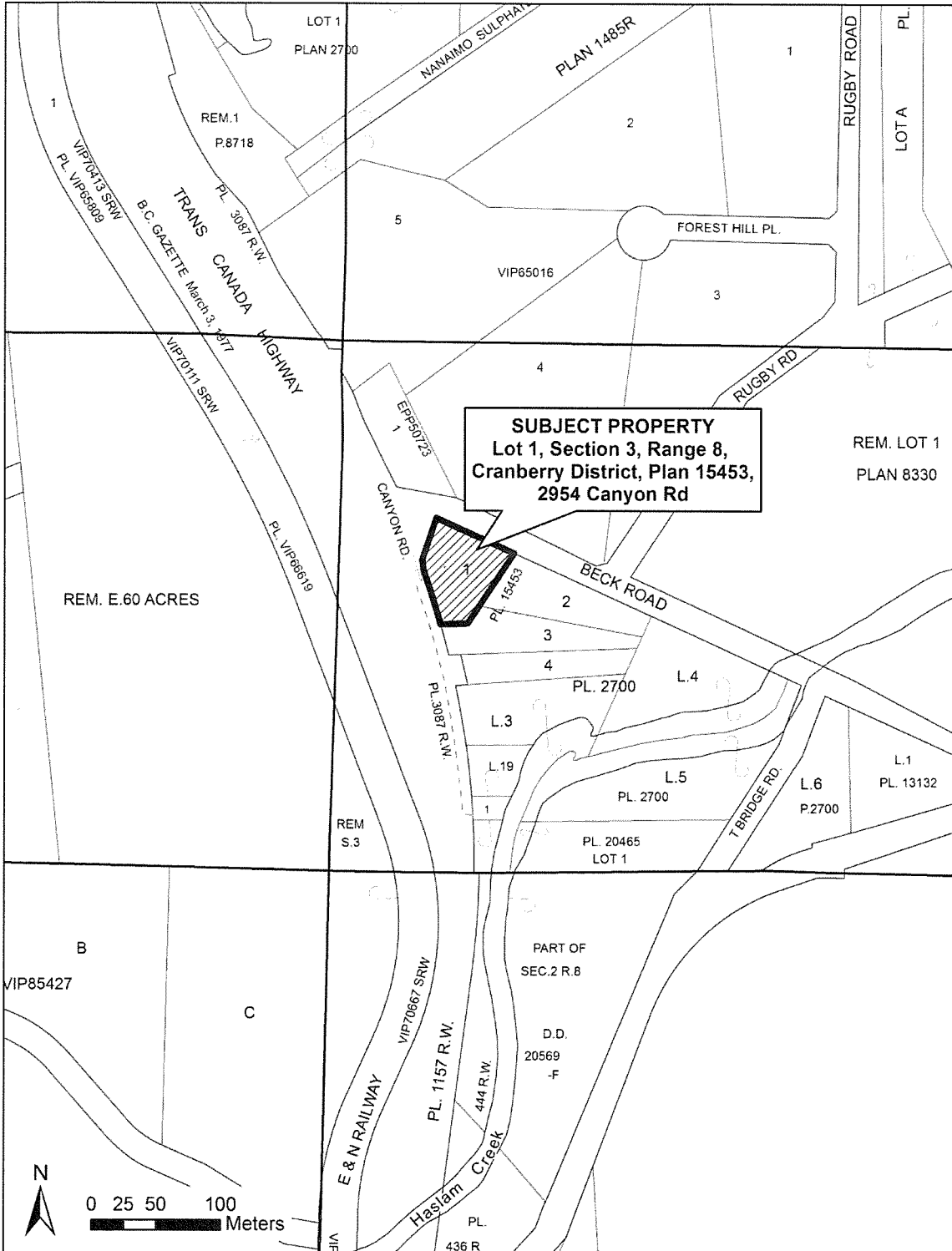


Manager Concurrence

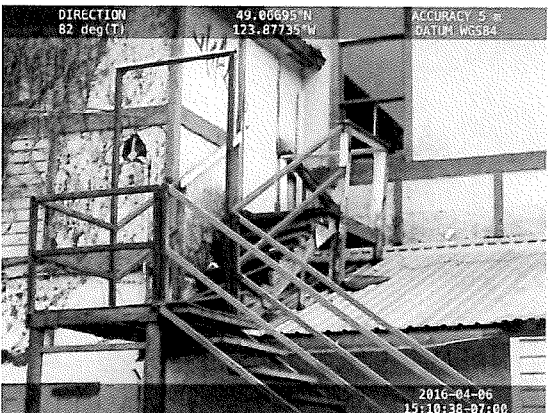


CAO Concurrence

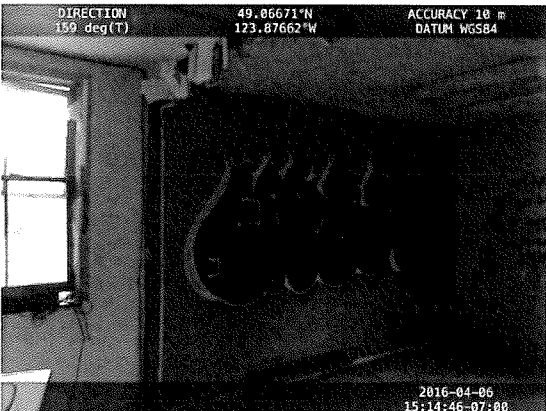
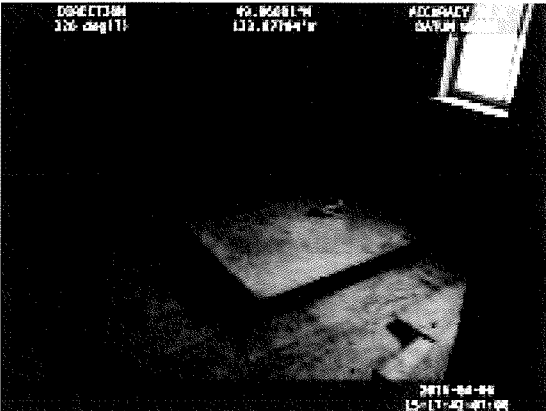
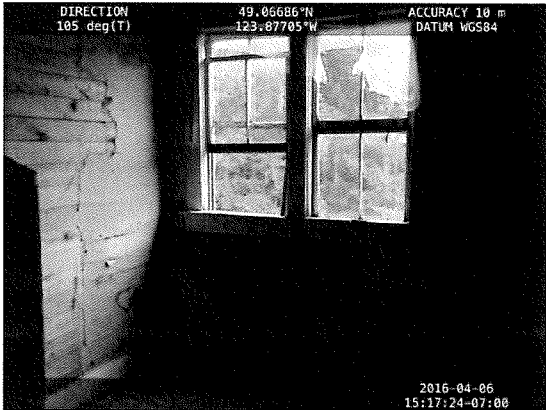
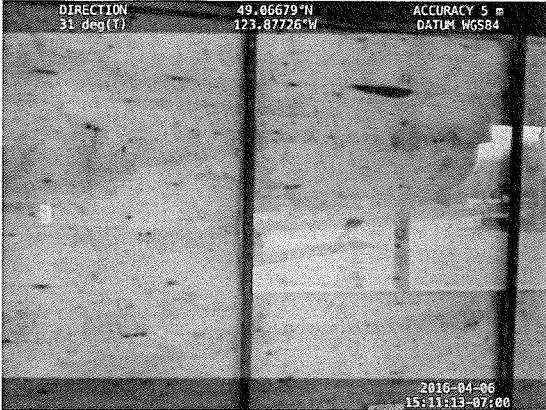
Attachment No. 1  
Subject Map



Attachment No. 2  
Photographs







**Attachment No. 3  
Order**

**ORDER UNDER DIVISION 12 OF PART 3  
OF THE COMMUNITY CHARTER**

The Board of the Regional District of Nanaimo pursuant to Regional District of Nanaimo Regulation B.C. Reg. 194/91 Division 12 of Part 3 of the *Community Charter* hereby resolves that:

1. The building on the property legally described as Lot 1, Section 3, Range 8, Cranberry District, Plan 15453 (2954 Canyon Road) creates an unsafe condition pursuant to Section 73(1) of the *Community Charter*.
2. That the Board directs the Owner of the property, pursuant to Section 72 of the *Community Charter*, to undertake remedial action in accordance with the attached Order within fourteen (14) days or the work will be undertaken by the Regional District of Nanaimo or its agents at the owner's cost.

Remedial action:        *Fill in or cover and secure all ground openings,  
Demolish and remove the building*

AND BE IT FURTHER RESOLVED that the Bylaw Enforcement Officer of the Regional District of Nanaimo BE AND IS HEREBY AUTHORIZED in default of such remedial measures being undertaken by the owner within fourteen (14) days, to carry out or have such work carried out and the expense charged to the owner. If unpaid on December 31<sup>st</sup> in the year in which the work is done, the expense shall be added to and form part of the taxes to be paid on the real property as taxes in arrears or be collected as a debt.

MOVED BY DIRECTOR:

SECONDED BY DIRECTOR:

Dated at the City of Nanaimo, BC, this 24th day of May, 2016

Certified a true copy this 25th day of May, 2016

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Corporate Officer