



LICENSE AGREEMENT WITH THE CITY OF NANAIMO FOR USE OF PORTION OF REGIONAL DISTRICT OF NANAIMO LAND AT GREATER NANAIMO POLLUTION CONTROL CENTRE FOR FRONTAGE TRAIL AND NECK POINT PARKS TRAIL NETWORK

RECOMMENDATION

That the Board authorize the License Agreement attached as Appendix 1 that would permit the City of Nanaimo continued use of Regional District of Nanaimo-owned land at 4600 Hammond Bay Road for the Greater Nanaimo Pollution Control Centre Frontage Trail and the Neck Point Park trail network.

BACKGROUND

The Regional District of Nanaimo (RDN) holds land at 4600 Hammond Bay Road (PID 029-550-238, Lot A, District Lot 41, Wellington District Plan EPP49694), part of which provides for future expansion of the Greater Nanaimo Pollution Control Centre (GNPCC) located on Hammond Bay Road as well as a buffer with residential development in the vicinity.

In 1996, the City of Nanaimo (CON) acquired property at Neck Point for the development of Neck Point Park. In 2002, the Board approved a ten-year agreement with the CON to permit the development of trails on the subject property which would connect with the existing trail network at Neck Point Park. In 2013, a ten-year License Agreement was approved as the previous agreement had lapsed.

In 2020, the design and construction of the GNPCC frontage trail was required by the CON under Bylaw 2011 No. 4500 as a condition of issuance of development and building permits for the GNPCC Secondary Treatment Upgrade Project. The existing License Agreement with the CON was amended and approved in 2020 to include the Greater Nanaimo Pollution Control Centre Frontage Trail.

The Agreement permits continued public use of the property for park purposes and allows the CON to manage the lands for park purposes on an ongoing, temporary basis, provided that the CON assumes responsibility for the management, maintenance, and liability associated with its use by the public.

Since signing the Agreement, the CON Parks Department has established a trail connection to Shores Drive, which provides additional park access and parking, as well as connecting with Hammond Bay School. The Trail Network specified in the Agreement retains a buffer between these trail improvements from the GNPCC, as referenced in Attachment 2.

As the current agreement lapsed on November 30, 2023, a new ten-year License Agreement has been drafted for Regional District Board and City of Nanaimo Council Approval (Attachment 1). The new License Agreement would permit the CON to continue the use of existing trails and further develop the trail network on the Regional District lands at the CON's cost, in a manner that would not impede the future development of the GNPCC and would

continue to minimize vegetation removal to maintain a buffer between the existing and future plant from the residential development in the vicinity. The CON would also assume all liability associated with the trail network.

FINANCIAL IMPLICATIONS

The City of Nanaimo would continue to be responsible for all trail network costs, assume all liability associated with the trail network, and carry five (5) million-dollar liability insurance with the RDN as additionally named insured.

STRATEGIC PLAN ALIGNMENT

Protecting Our Vital Lands & Ecosystems - Identify and foster partnering opportunities with other organizations and governments that have shared interests in land protection to leverage resources.

REVIEWED BY:

- B. Woods, Manager, Wastewater Services
- E. Tian, General Manager, Regional & Community Utilities
- C. Crabtree, Acting Chief Administrative Officer

ATTACHMENTS

1. License of Use Agreement for Land Use at PID 029-550-238
2. Neck Point Park Trails