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**TO:** Regional Parks and Trails Select Committee      **MEETING:** October 9, 2018  
**FROM:** Joan Michel  
Parks and Trails Coordinator      **FILE:** 2014-001/2017-047  
**SUBJECT:** Morden Colliery Regional Trail Update

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## **RECOMMENDATION**

That the Morden Colliery Regional Trail update be received for information.

## **SUMMARY**

Planned development of the Morden Colliery Regional Trail (MCRT), including bridgeworks over the Nanaimo River, is advancing. In July 2018, the Agricultural Land Commission (ALC) reversed its 2017 decision upon appeal and issued conditional approval to the development of 1 km of trail through Agricultural Land Reserve. The ALC set a deadline of July 2021 for completion of approved works and submission of final reports.

In August 2018, the Province advised that it is giving priority to the RDN's 2015 application for a tenure upgrade over the Crown owned trail corridor from non-exclusive licence to lease. Parks Services will work with the Province as required to conclude the tenure change application process.

Over the fall of 2018, Parks Services will review and update the scope of planned MCRT development from trailhead parking lot within Morden Colliery Historic Provincial Park to Cedar Road, approximately 2 km of route. Professional service requirements for the planning and costed design to tender phase will be clarified. A proposed budget of \$300,000 for this phase is included in the preliminary 2019 Regional Parks Capital budget. If the RDN has not secured leasehold tenure over MCRT lands by the end of January 2019, Parks Services will return to the Board with recommendations before initiating planning and design work.

Assuming the RDN is on track to obtain leasehold tenure in early 2019, production of a costed and permitted design for MCRT trail and bridge development can be contracted upon approval of RDN budgets. A recommendation to proceed to tender could follow in early 2020, with construction occurring as early as 2020-2021. Currently, \$2,137,875 is identified in the preliminary 2019-2023 financial plan for bridge construction. These costs will be updated through the planning and tender process.

## **BACKGROUND**

Attachment 1 shows the portion of MCRT under consideration for change through tenure upgrade and bridge and trail development.

### Agricultural Land Reserve

The ALC's July 2018 decision to approve MCRT development is not final. The neighbour who challenged trail development has one year within which to submit a request for reconsideration. The Chair of the ALC had 60 days to recommend reconsideration, but this deadline has passed without action. At this time, the ALC's approval is conditional upon the following:

- Both sides of the 1 km corridor are to be fenced and, within the trail corridor, a minimum 3 m wide coniferous and shrub barrier is to be maintained against each fence line;
- Passage across the trail corridor by the owner of agricultural lands either side of the corridor is to be accommodated and gates or other barriers installed;
- Trail design is subject to ALC review and approval;
- A final report is to be submitted to the ALC for review and approval; and
- All works and reports are to be completed by July 2021.

### Licence to Lease Tenure Upgrade

In 1995, the Province granted the RDN a 20-year non-exclusive licence of occupation for six of seven MCRT parcels. In 2010, the Regional Board approved applying for an upgrade to the RDN's tenure from licence to lease before moving on investment in bridge and trail improvements. A lease application for all seven MCRT parcels was submitted in 2015. The seventh parcel bisects Morden Colliery Historic Provincial Park but unlike the Provincial Park, this parcel is not a registered archaeological site. Having that corridor parcel within the RDN's control will factor in the design of parking area and ability to provide for equestrian trailer parking.

Concluding a lease for the MCRT may yet involve expenditure on a survey of the entire corridor, a common requirement of Crown lease applications. Given the passage time since the lease application was submitted and changes that have occurred in Provincial land use application processes, it may also be necessary to submit an updated land use or management plan for the Crown corridor.

### MCRT Development Scope

The planning of MCRT trail and bridge works began in 1999, and preliminary design and hydro-technical studies for the bridging of the Nanaimo River have been completed. Two spans will be required. In October 2014, the Regional Board approved the following motions:

*That the updated Nanaimo River Pedestrian Crossing at the Morden Colliery Regional Trail Feasibility Study be received to use as a guiding document for the future development of a bridge crossing within the Morden Colliery Regional Trail corridor.*

*That subsequent design and assessment work proceed under the Steel Truss Bridge option.*

See Attachment 2 for the conceptual drawings of the truss bridges referenced in the motion above.

In February 2016 and further to public consultation, the Board approved the following motion:

*That the design and development of the multi-use bridge crossing over the Nanaimo River, within the Morden Colliery Regional Trail, incorporate equestrian accessibility (in addition to pedestrian, cyclist and wheelchair accessibility) in response to current community recreational needs and public support.*

With almost 20 years having passed since MCRT development was first examined, project scope requires updating before final planning and design work is contracted. For example, a series of small wooden and metal MCRT bridges developed in the mid-1990s over Thatcher Creek to the west of the Nanaimo River will likely need to be replaced. ALC conditions and the demands of construction and maintenance access given the narrow MCRT corridor may require the negotiation of temporary or permanent land access agreements with adjacent landowners. The commitment to serve equestrians raises the need to consider horse trailer parking. Safe passage across busy Hemer and Cedar Roads requires attention. There are a number of encroachments along the undeveloped MCRT to be resolved before development can proceed.

### Project Timeline

Climate change and increasingly variable river flow action has elevated the complexity of an already challenging effort to bridge the Nanaimo River within the limits of a 20 m wide corridor and an active floodplain. Preliminary project studies have raised potential issues concerning the establishment of sound bridge footings, the risk of continuing riverside erosion and the potential for trail flooding. Comprehensive hydrological, geo-technical and environmental studies will be required to conclude the planning and design of MCRT bridges and other works; this will take up much of 2019. It is possible a costed and permitted design could be achieved in time to tender construction beginning in 2020. However, while it does not appear that a *Navigable Waters Protection Act* permit will be necessary; other permitting is expected to be complex and may trigger a federal environmental review assessment. This could delay the construction phase to 2021-2022. If application must be made to external agencies for construction funding, which now typically requires shovel-ready plans, initiation of construction could again be delayed.

### **ALTERNATIVES**

1. Receive the Morden Colliery Regional Trail update.
2. Consider alternate direction.

### **FINANCIAL IMPLICATIONS**

Staff time continues to be spent on obtaining leasehold tenure for the MCRT. Should expenditure on survey be required, there is \$44,500 set aside in the approved Regional Parks capital budget to cover the cost.

The 2018 approved budget allocated \$118,000 in funds for completion of the planning and costed design phase of MCRT development, with \$37,875 of that supplied by Area A

Community Works Fund. The 2019 preliminary budget proposes \$300,000 for this work to address revised project scope and use of supplemental project administration resources.

In 2016 the high level estimated construction costs for the bridge and related trail construction was \$1,975,000 and this amount was included in the Regional Parks Capital five year plan. Through the planning process and studies, the costs will be refined. The 2019-2023 preliminary five year plan identifies \$2,137,875 for construction.

It can be expected that a developed MCRT will require more maintenance than typical of RDN regional trails because of the equestrian-friendly bridge structures, the active floodplain situation around the bridges, and ALC requirements. Once the planned MCRT works are in place, future long-term Regional Parks operating budgets will need to be adjusted accordingly. An asset replacement plan will be developed as part of the design process.

### **STRATEGIC PLAN IMPLICATIONS**

The RDN's strategic priority to focus on service and organizational excellence includes recognition that community mobility and recreational amenities are core services. Completion of MCRT development has featured in RDN park and trail planning since the late 1990s and continues to find support in the community.



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September 17, 2018

#### Reviewed by:

- W. Marshall, Manager of Parks Services
- T. Osborne, General Manager of Recreation and Parks Services
- P. Carlyle, Chief Administrative Officer

#### Attachments

1. Map of Morden Colliery Regional Trail 2018 and Planned Development
2. Arched Truss Bridge Concepts for East and West Spans of Nanaimo River