

acknowledged in Section 4.13 of the current OCP. Therefore, it is reasonable to assume that, notwithstanding the "Right to Farm" legislation, the subject area would have been recognized in the same fashion in the current OCP as it was in the 1994 plan.

Similarly, the Regional Growth Strategy designated all ALR lands as Resource or Open Space. None of these lands could be included in any Urban Containment Boundary. Otherwise, the Strategy would not have been approved by the ALC. Nonetheless, the RDN in Policy 3C recognizes that there are some lands in the ALR which may not be suitable for agriculture. The RGS states that if properties were to be removed from the ALR, the appropriate use of the property would be determined through the OCP and zoning bylaw.

The RGS, through the Urban Containment Fringe Area Management Implementation Agreement, of which Parksville is a party, provides a process whereby adjustments to the Urban Containment Boundary can be made between the Regional Growth Strategy reviews. If the subject area were to be removed from the ALR, amendments can be made to the OCP and RGS to reflect the proposed land uses.

Therefore, it is not believed that the proposal is contrary to the RGS and the OCP. The current OCP only reflects changes with respect to the subject area that was forced upon it by the "Right to Farm" legislation and RGS recognizes that not all lands in the ALR are suitable for agriculture. In addition, a mechanism exists whereby changes can be made to the RGS and the UCB, prior to a review of the RGS.

As noted earlier, the City of Parksville has recognized the long-term benefits to the community in looking at the subject area to fulfill its residential objectives.

The current OCP notes that Parksville experienced 111% growth between 1980 and 2002. Since 1991, there has been a 37% growth in population, with the fastest growth occurring in the +64 age group. By 2006, the population is expected to reach 11,669 and 13,788 by 2011.

With these growth rates and an average household population of only 2.05 due to the large percentage of the +64 age group, Parksville is quickly running out of developable land. Just using the projected 2006 and 2011 population figures shows that an additional 1060 housing units will be required during these five years to handle this growth in population. This equates to an average of 212 housing units per year.

In a recent report, it was noted by the then City Manager for Parksville that in "recent forecast undertaken as part of the review of Development Cost Charges, it is becoming clear that lands for residential purposes are starting to become in short supply. Consumption at historical rates would leave the City without any new single-family lots in about seven years. With the current pace of growth having increased, that period could be shorter."

Clearly, Parksville, based on historical growth patterns, is running out of land. Its vision for the subject area as outlined in the 1994 OCP needs to be realized for the City to grow and prosper. While the shortage of land may not be immediate, planning to accommodate new growth has to start taking place shortly. The subject area is well positioned to help in that respect.

The subject area is within the City's municipal boundaries, all services are available, and it is in close proximity to all community services. Its development would also be beneficial to the City in that Ermineskin Park could be legally conveyed to the City if the subject area is excluded.

The subject area's close proximity to the City's commercial core results in quick access to police, fire protection, medical services, as well as shopping opportunities. From an educational perspective, schools are also located in close proximity to the subject area. Recreational opportunities are also close by.

The subject area is well positioned and ideally located to be considered for residential development. As indicated earlier in this report, any development undertaken on the subject area would be guided by the principles of the OCP with respect to form and density of housing, open space, and other community benefits.

Given the issues with respect to trying to use the subject area for agricultural purposes, its development for residential purposes would provide great benefit to the City. Attempting to keep the property for farming would be futile given the conflict with surrounding urban uses and varying agricultural capability of the subject area. Therefore, in the context of growth occurring in Parksville, the impending lack of residential land, and the poor agricultural potential of the site, the subject area should be considered for exclusion.

From a precedent perspective, the OCP only references two other areas within its boundaries that are still in the ALR. If they are similar in circumstances, they should also be considered in the same light.

In terms of potential conflicts with other lands in the ALR, if the subject area is excluded, proper buffering could be incorporated within the development plans for the subject area to ensure that the same type of conflicts that the subject area suffers from are not imposed on other ALR lands, even though they are not in the City.

## **SUMMARY**

The applicant has requested exclusion of a portion of the subject property, from the ALR, in order to development for residential purposes. The subject area has never been utilized for agricultural purposes and is adjacent to not only land developed for residential purposes, but also land that had previously been excluded from the ALR.

The subject area would suffer from impact and conflict brought about by the adjacent residential uses if it were ever to be used for agricultural purposes. This agricultural potential is reduced even further if one considers the variable agricultural capability of the property and the restrictions on the suitability of the subject area for agricultural purposes.

The subject property was identified by the City of Parksville with having the potential for residential purposes due to the proximity of the urban development and the potential for conflict between the two land uses. This was reflected in the previous OCP and the subject property was identified for exclusion.

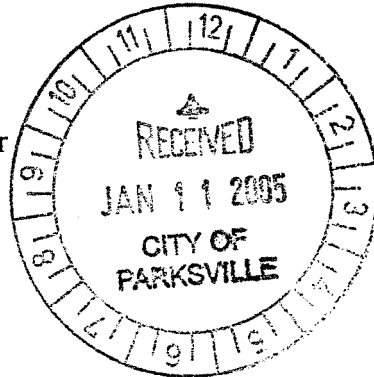
Parksville has and is experiencing a rate of growth that is greater than most communities due to it being a desirable place to live. This growth is expected to occur, especially in the +64 demographic age group. As a result, residential land is in short supply. The subject area is well positioned to respond to this need given its position and the impact of the surrounding land uses, along with the lack of agricultural potential.



**KHEVIN DEVELOPMENT SERVICES LTD.**  
140 - 4651 SHELL ROAD  
RICHMOND, B.C. V6X 3M3  
Phone (604) 341-0212 Fax (604) 207-1256  
e-mail: [kabel-atwall@shaw.ca](mailto:kabel-atwall@shaw.ca)

January 7, 2005

Cheryl Wirsz  
Assistant City Planner  
City of Parksville  
P.O. Box 1390,  
100 E. Jensen Ave.  
Parksville, B.C.  
V9P 2H3



Dear Cheryl:

Re: ALR Exclusion Application – Ermineskin Tribal Enterprises Ltd.

Further to our discussions earlier this week, I would like to take this opportunity to confirm the following:

1. Ermineskin Park will be dedicated to the City of Parksville, if the subject property is excluded from the ALR
2. The area of the wells contained within VIP65615RW will be dedicated to the City of Parksville upon receiving rezoning and/or subdivision approval for the site under application for exclusion. This area may be dedicated as part of the Despard Road right-of-way, as shown the enclosed conceptual development prepared by Wright Focus, dated October 10, 1999.

For your information, I have enclosed copies of the three charges registered against the Title of the property in favour of the City of Parksville that pertain to the park and water works and that are applicable to the area under application for exclusion.

Essentially, the charges relate to the following:

CHARGE EL084848

This is a Section 219 Covenant between Ermineskin Tribal Enterprises Ltd. and the City of Parksville, which allows the use of approximately 32 acres of Ermineskin Tribal

Enterprises Ltd. land to be used as a public nature park, in accordance with the Agricultural Land Commission Act and its regulations.

CHARGE EL084849

This is a Section 218 Statutory Right of Way granted by Ermineskin Tribal Enterprises Ltd. to the City of Parksville for the construction, extension, removal, alteration, repair, maintenance, replacement, access to and use of works, which consist of a system of water works and access to the water supply works. Plan VIP65615 defines the SRW.

CHARGE EL084850

This is a Section 218 Statutory Right of Way granted by Ermineskin Tribal Enterprises Ltd. to the City of Parksville to facilitate the establishment and preservation of a park and recreation area and the construction of buildings, structures, and other improvements for park and recreation purposes, as well as access for the passage of the public to the park and recreation area. Plan VIP65616 defines the SRW.

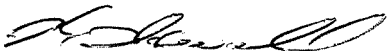
I have also enclosed a copy of a letter to the City of Parksville from Ermineskin Tribal Enterprises Ltd., wherein the Ermineskin Tribal Enterprises Ltd. commits, among other things, to set aside 32 acres of the Remainder of D.L. 16 south of the E & N Railway for nature park purposes and to dedicate this land to the City of Parksville if and when the Agricultural Land Commission approves the subdivision of the "Park" from the Remainder of D.L. 16.

I trust this provides you with the information that you require and I hope that the Ermineskin Tribal Enterprises Ltd. commitment to convey the "Park" upon receiving a positive approval from the ALC is clearly understood. If the subject property is excluded from the ALR, Ermineskin Tribal Enterprises Ltd. would then convert the SRWs for the well and water works as dedications to the City of Parksville upon receiving rezoning and/or subdivision approval.

Also please note that the conceptual plan of development prepared by Wright Focus is only preliminary at this time and will undoubtedly undergo modifications in order to respond to development issues as the rezoning and/or subdivision application proceeds through the regulatory process.

If you have any further questions, please do not hesitate to contact me.

Yours sincerely,



Kabel Atwall  
Khevin Development Service Ltd.

AGENDA  
COUNCIL  
FEB 21 2005  
DATE

**ERMINESKIN TRIBAL ENTERPRISES LTD.**  
**BOX 219**  
**HOBBEWA, ALBERTA**  
**T0C 1N0**

May 14, 1997

City of Parksville  
P.O. Box 1390  
Parksville, B.C.  
V9P 2H3

Dear Sirs:

**Re: Ermineskin Tribal Enterprises Ltd.**  
**City of Parksville**  
**District Lot 16, Nanoose District, except parts in Plans 879 OS, 988**  
**BL, 31745, VIP 52134 and VIP 62665 (herein called "Remainder of**  
**D.L. 16")**

We refer to our ongoing discussions with respect to the parkland exchange matters and, in particular, we refer to the meeting between Ermineskin and the City on November 14, 1996 where we reached agreement in principle regarding the parkland exchange.

The purpose of this letter is to formally record the legally binding agreement between Ermineskin Tribal Enterprises Ltd. and the City of Parksville regarding these matters.

For good and valuable consideration each of Ermineskin Tribal Enterprises Ltd. ("Ermineskin") and the City of Parksville (the "City") agree as follows:

1. Ermineskin will set aside the land area of approximately 32 acres of the Remainder of D.L. 16 south of the E & N Railway (the "Park Land") for nature park purposes. The form of setting aside the Land will be a s. 219 covenant and a statutory right of way in the forms attached hereto as Schedules A and B. The cost of registration of the s. 219 covenant and the statutory right of way will be paid by the City. The cost of any required plans will be paid by Ermineskin. Ownership of the property will remain with Ermineskin as the Agricultural Land Commission will not approve a subdivision at the present time. The park will be known as "Ermineskin Park".

2. If, in the future, the Agricultural Land Commission will approve a subdivision whereby the Park Land may be subdivided from the Remainder of D.L. 16, then Ermineskin will make application to subdivide the Park Land and will transfer the Park Land to the City for park purposes without any obligation on the part of the City to pay any additional compensation for the Park Land. The subdivision will be at the cost of Ermineskin and the City will bear any property transfer tax applicable to the transfer of the Park Land to the City. Ermineskin agrees with the City that it will not transfer the Remainder of D.L. 16 to any third party unless such third party first agrees with the City to assume the obligations set out in this paragraph 2.
3. Upon compliance with the normal requirements, the approving officer of the City will approve a subdivision of Lot 68, District Lot 16, Nanoose District, Plan VIP57329 into eight residential lots. On the development cost charges for the subdivision of Lot 68 becoming due, the City will pay to Ermineskin an amount equal to the development cost charges due to the City in respect of the subdivision and Ermineskin will then pay that same amount to the City, to be deposited in the development cost charge reserve funds of the City. Ermineskin will pay the portion of the development cost charges levied by the Regional District of Nanaimo. The City has a registered option to purchase charging Lot 68 and the City will discharge its option to purchase from the Land Title Office records concurrently with the deposit of the subdivision plan in the Victoria Land Title Office.
4. The 32 acres set aside for park under paragraph 1 hereof fulfils the parkland requirement for all of Phase 4 (including the existing 50 lot subdivision application and the proposed future single or multi-family subdivision of the balance of Phase 4) other than the linear park strip along the easterly boundary of Phase 4 to be dedicated as park on the Phase 4 subdivision plan. The term "Phase 4" refers to the land legally described as Parcel Identifier: 000-134-937, Lot 1, District Lot 16, Nanoose District, Plan 31745 except parts in Plans 42965, 51365 and VIP57329.
5. With respect to the requirements for water the following points are agreed:
  - (a) Ermineskin will allow the City to test for two well sites on Ermineskin lands - one well to service the 50 lot subdivision application and the other to augment the City's general water supply. The location of the wells will be subject to Ermineskin's approval, acting reasonably;
  - (b) Ermineskin will pay the cost (up to a maximum of \$15,000.00) for one test well and the City will pay the cost of the other test well. The City acknowledges that Ermineskin has paid the \$15,000 to the City;

- (c) if and when suitable well sites are located, the City will provide an estimate of the cost of the well to service the 50 lot subdivision application (expected not to exceed \$150,000.00) and if Ermineskin is satisfied with the cost estimate, Ermineskin will pay for the cost of construction of the well to service its present subdivision application. The City will pay the cost of the second well which would augment the City's existing water supply;
  - (d) Ermineskin will grant a statutory right of way to the City in the form attached hereto as Schedule C to access and service the well sites as well as including within such statutory right of way the area presently included in the statutory right of way registered in the Victoria Land Title Office under No. ED046934. The cost of registration of the statutory right of way is to be paid by the City and the cost of survey is to be paid by Ermineskin. On deposit for registration of the statutory right of way, the City will execute and register a discharge of statutory right of way No. ED046934.
6. If Ermineskin pays the cost of the well to service its 50 lot subdivision, Ermineskin will receive a credit in the amount of \$76,250 in respect of the development cost charges for its 50 lot subdivision application which is equivalent to the water component of the development cost charges which relate to the application. The credit arises under Section 933(8) of the *Municipal Act* and entitlement to the credit will run with the land.
7. Ermineskin agrees that it will obtain priority for the s.219 covenant and the statutory rights of way referred to herein over any financial charges registered against the Remainder of D.L. 16.

The City of Parksville should indicate its agreement to the terms and conditions of this letter by signing this letter in the manner indicated below. Each of Ermineskin Tribal Enterprises Ltd. and the City of Parksville agree that on execution of this letter agreement the terms and conditions hereof are legally binding obligations of each of the parties to this letter agreement.

Yours truly,

ERMINESKIN TRIBAL ENTERPRISES LTD.

Per:

Authorized Signatory



THE TERMS AND CONDITIONS OF THIS LETTER  
AGREEMENT ARE AGREED TO THIS 18<sup>th</sup> DAY  
OF ~~MAY~~, 1997.

*JUNE*  
CITY OF PARKSVILLE

Per:

*Julia Macdonald*  
Authorized Signatory  
**JULIA F. MACDONALD**  
MAYOR

Per:

*Shirley E. Hine*  
Authorized Signatory  
**SHIRLEY E. HINE, CMC**  
CITY CLERK



# City of PARKSVILLE

PO Box 1390, 194 Memorial Avenue, Parksville, BC, V9P 2H3  
Telephone: (250) 248-6144 Fax: (250) 248-6650

August 7, 1997

Ermineskin Tribal Enterprises Ltd.  
Box 219  
Hobbema, Alberta T0C 1N0

RECEIVED

AUG 11 1997

WRIGHT PARRY

Dear Sirs:

**SUBJECT: COST ESTIMATE - SPRINGWOOD PARK WELL NO. 9**  
**LEGAL: DISTRICT LOT 16, NANOOSE DISTRICT, EXCEPT PARTS IN**  
**PLANS 879 OS, 988 BL, 31745, VIP 52134 AND VIP 62665 (HEREIN**  
**CALLED "REMAINDER OF DL 16)**  
**FILE: 3320-30-96-06**

In reference to your letter of May 14, 1997, the cost estimate of the well to service the 50 lot subdivision application made by Ermineskin Tribal Enterprises Ltd. is \$153,000.00. Enclosed is a copy of the estimate prepared by Koers & Associates Engineering Ltd. We hope this meets your requirements.

Please contact me if you have any further questions.

Yours truly

Greg Scott, P.Eng.  
Director of Engineering and Operations

GS:bc  
Enclosure

gs\subdiv\96-06\estimate

cc Wright Parry

CIRCULATION	
NRP	
HTJ.	
FILE No. P2932?	
P2949	

P2801

## ENGINEERING AND OPERATIONS DEPARTMENT

Director of Engineering & Operations  
Direct Line: (250) 954-4659  
Fax: (250) 248-6140

PAGE  
39



Manager of Operations & Information Systems  
Direct Line: (250) 954-4667  
Fax: (250) 248-6140

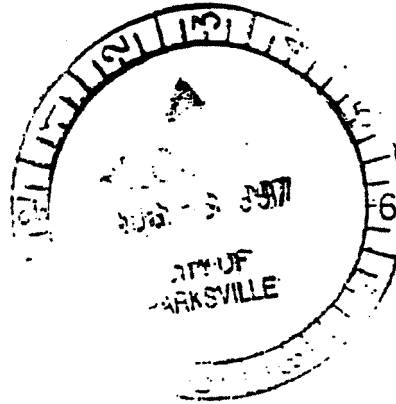
10 - Site  
→ Copy to Budget.



**KOERS  
& ASSOCIATES  
ENGINEERING LTD.**  
*Consulting Engineers*

August 6, 1997  
File.: M8910-42.doc

City of Parksville  
P.O. Box 1380  
Parksville, B.C. V9P 2H3



P.O. BOX 1289  
182 MEMORIAL AVENUE  
PARKSVILLE, B.C. V9P 2H3  
Phone (250) 248-3151  
Fax (250) 248-5362  
kael@koers-eng.com

**Attention:** Mr. Greg Scott, P.Eng.  
Director of Engineering and Operations

Dear Sirs:

**Re:** City of Parksville Well Development Program.  
Springwood Park Well No. 9.  
Cost Estimates.

As requested, we have prepared a cost estimate for construction of Springwood Park Well No. 9. A sketch of the work proposed is attached. Construction items and their associated costs are listed below:

**SPRINGWOOD PARK WELL NO. 9**

Completed Construction Items	Estimated Cost (GST extra)
Well No. 9 Well Drilling	\$15,195.00
Well No. 9 Pump Testing	\$3,002.49
Construction Items To Complete	
Construct Watermain to Well No. 9	\$12,600.00
Install Well No. 9 Well Pump & Wellhead	\$14,200.00
New Power Feed & Control Cable From Pump Stn. #1	\$37,000.00
Well No. 9 Electrical Work, Kiosk, Level Transducer, & SCADA	\$29,000.00
<hr/>	
Well No. 9 Construction Subtotal	\$111,000.00
Construction Contingency Allowance at 10 %	\$11,000.00
Hydrology Fees by Thurber Engineering Ltd. to July 31/97	\$9,700.00
Remaining Hydrology Fees by Thurber Engineering Ltd.	\$0,000.00
Engineering Fees by Koers & Associates to July 31/97	\$4,300.00
Remaining Engineering Fees by Koers & Associates	\$17,000.00
<b>Estimated Total Costs For Well No. 9 (GST extra)</b>	<b>\$153,000.00</b>

August 6, 1997  
File.: M8910-42.doc

City of Parksville  
Mr. Greg Scott, P.Eng.

We estimate total project costs for Springwood Park Well No. 9 will come to \$153,000.00, plus GST. Our estimate allows for a new power feeder and control cable to be installed from Pump Station No. 1. This is required because the spare power supply that currently exists near Springwood Park Well No. 8 is reserved for future City Wells to the West. This estimate does not include any work performed by Wright Parry and their Road Contractor for layout work and ramp construction performed prior to the well drilling work. In addition, we have not included costs associated with staking and preparation of legal plan documents for the Springwood Park Well No. 9 right-of-way.

As we would be excavating a trench for the new power feeder and control cable, it would be to the City's advantage to upgrade the old A/C watermain that currently collects all the existing Springwood Park well supplies. Assuming this work could be done in conjunction with the work identified above, the additional cost to install a new 250 mm dia. Class 100 PVC watermain, including a 25 % allowance for engineering and contingencies, would be approximately \$39,500.00, plus GST. This estimate is based on the assumption that the gravity supply concept would remain viable. We could design the watermain such that it could be switched to a pressure system in the future. However, a number of system components would have to be changed or added before a pressure system could be implemented between the Springwood Wells and the low level reservoirs.

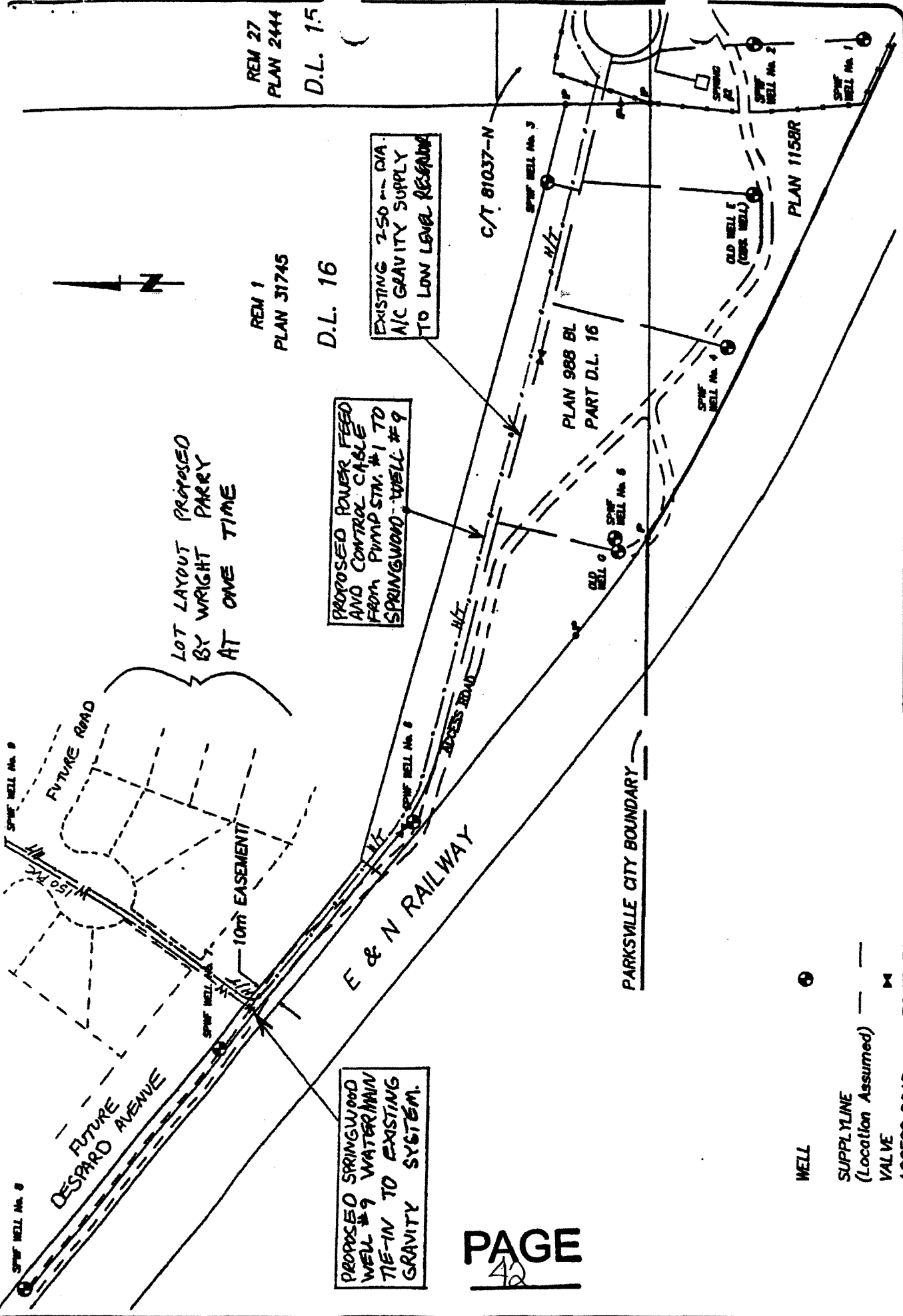
We trust this is the information you require at this time. Please call if you have any questions.

Yours truly,

KOERS & ASSOCIATES ENGINEERING LTD.



Matt Palmer, P.Eng.  
Project Engineer



LOT LAYOUT PROPOSED  
BY WRIGHT PARRY  
AT ONE TIME

PROPOSED POWER FEED  
AND CONTROL CABLE  
FROM PUMP STN. #1 TO  
SPRINGWOOD WELL #9

EXISTING 2.50" DIA.  
A/C GRAVITY SUPPLY  
TO LOW LEVEL RESERVOIR

PROPOSED SPRINGWOOD  
WELL #9 WATERMAIN  
TIE-IN TO EXISTING  
GRAVITY SYSTEM.

REM 27  
PLAN 2444  
D.L. 1.5

REM 1  
PLAN 31745  
D.L. 16

C/T 81037-N

PLAN 988 BL  
PART D.L. 16

PLAN 115BR

- WELL (Symbol: circle with dot)
- SUPPLYLINE (Location Assumed) (Symbol: dashed line)
- VALVE (Symbol: square)
- ACCESS ROAD (Symbol: dashed line with double parallel lines)

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42

SUBJECT		SPRINGWOOD PARK WELLFIELD	
APPROVED	SCALE	1:2000	
DATE	DATE	AUG. 1997	
JOB No.	DWG No.	M8910	
		SKETCH	

CLIENT/PROJECT		CITY OF PARKSVILLE	
		GROUNDWATER SUPPLY	
		SPRINGWOOD PARK WELL NO. 9	



# City of PARKSVILLE

PO Box 1390, 194 Memorial Avenue, Parksville, BC, V9P 2H3  
Telephone: (250) 248-6144 Fax: (250) 248-6650

December 5, 1997

Wright, Parry  
P. O. Box 89  
Parksville, BC  
V9P 2G3

RECEIVED

DEC 12 1997

Attn: Roger Parry, BCLS

WRIGHT PARRY

Dear Sir:

**SUBJECT: Ermineskin Subdivision Water Supply**  
**Our File: 3220-20-96-06**

Further to our previous conversations with reference to this 50 lot subdivision project and the water supply, the City has agreed to the following process:

1. The Ermineskin band will forward the funds in the amount of \$155,000.00 to provide a well on the lands for the purpose of the 50 lot subdivision.
- \* 2. The Ermineskin band will receive a Development Cost Charges credit for water supply in the amount contributed by the applicant.
3. The applicant has forwarded \$15,000.00 for well development.
4. The City has drilled and tested a well on the lands for the applicant. The cost of this work is \$34,237.60. *paid*

*\$150,000 per hand exchange Agreement.*

It was anticipated that the 50 lot subdivision would have been approved by the end of 1997, and the remaining funds for the well development (\$120,762.40) would have been forwarded to the City for the completion of the project.

115,762.40

.../2

## ENGINEERING AND OPERATIONS DEPARTMENT



.../2

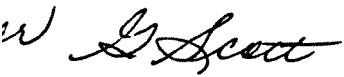
December 5, 1997

Wright Parry

Since the applicant has not completed the subdivision by the end of 1997, and as there is an outstanding balance of \$19,237.60 for well development, the City requests that, to continue with the process, the applicant forward \$19,237.60 by December 31, 1997. The City is required by law to have these funds collected by year end. If a payment is not received, the City has another applicant who can use this well and will forward the necessary funds to cover these costs. The City will return the \$15,000.00 to the Ermineskin band and another water supply will be required for this subdivision.

Thank you for your attention to this matter.

Yours truly



Greg Scott, P.Eng.  
Director of Engineering and Operations

GS:jr  
gs\subdiv\96-06\well