
District of Lantzville

REPORT TO COUNCIL

Regular Council Agenda Item
April 26th, 2010

File: 1850-20-KC
G: Reports/10/Knarston_April 26

AUTHOR: Twyla Graff, Chief Administrative Officer

SUBJECT: Knarston Creek Overflow

1. **Results of LAS on Council Initiative Subject to Petition Against**
2. **Authorization to Proceed to Tender; and**
3. **Project Update (hydrology study & water licence application)**

Recommendations:

1. **THAT** Council receive correspondence from Twyla Graff, CAO/Director of Corporate Administration (attached) which certifies the results of the Local Area Service on Council Initiative Subject to Petition Against for the Knarston Creek Overflow Project.
2. **THAT** Council proceed with the implementation of the Knarston Creek Overflow Project by establishing a Local Area Service (twenty-one properties as outlined in Schedule 'A' attached) which will see the implementation of a pipe system (including box-culvert, bypass/outflow) for the purpose of managing flows and enhancing drainage in the Knarston Creek floodplain area.
3. **THAT** Council authorize staff to proceed with invitations to tender the District of Lantzville Knarston Creek Overflow Project.

Alternatives:

1. **THAT** Council not proceed with the implementation of the Knarston Creek Overflow Project by establishing a Local Area Service (twenty-one properties as outlined in Schedule 'A' attached).
2. **THAT** Council direct staff to abandon the project and advise the Province of British Columbia that the District wishes to return the \$400,000 obtained from the Towns for Tomorrow funding program.

Purpose:

To provide Council with results pertaining to the petition against process regarding the proposed implementation/construction of the Knarston Creek Overflow Project based on Council initiative subject to petition against. Further, to obtain Council's authorization to solicit invitations to tender the Knarston Creek Overflow Project.

Background:

Since the District was advised of its success in our application for funding from the Province of British Columbia under the Towns for Tomorrow Program, members of Council have received a variety of staff reports, hosted public information meetings, established a 'working group', and conducted a Special Meeting of Council which included extending an invitation to property owners in the Knarston Creek Overflow Project area (33 properties) to discuss next steps and more importantly financial implications associated with this initiative. As a result of these discussions (Special Meeting held January 4th, 2010), Council elected to contemplate partially funding this initiative and suggestions of a two-third/one-third and/or a 50/50 cost share methodology (with the proposed LAS participants) was introduced for additional consideration by Council.

Council, at their Regular Meeting held February 22nd, 2010 resolved to contribute additional monies to the Knarston Creek Overflow Project in the amount of \$106,800 over and above the \$400,000 secured through the District's application for funding under the Towns for Tomorrow program with the remaining monies to be through the establishment of an LAS (21 properties participating).

Discussion

1. Hydrology & Hydraulics Study

Northwest Hydraulic Consultants (NHC) have provided the District with a draft of the Knarston Creek Flood Study report. The study identified the mean annual discharge numbers that were needed for the design parameters of the intake. The study also identified that the District needs to restrict the amount of flow through an existing culvert at Lantzville Road in addition to removal of a fish screen from the overflow intake. This will be incorporated into the works associated with the Knarston Creek Overflow Project.

2. Water Licence

Staff and the District's consulting engineers are providing the Ministry of Environment with the necessary documentation needed to acquire our water licence for the Knarston Creek Overflow Project. A water licence will permit the District to enter into the creek and remove debris from sediment ponds (subject to notifying DFO when the District intends to remove debris). A meeting conducted on April 20th, 2010 with representatives from the Ministry of Environment (MoE) and the Department of Fisheries & Oceans Canada (DFO) identified items which remain outstanding including the recommendation that the District apply for a Letter of Authorization vs. a Letter of Advice. Essentially a Letter of Authorization allows for ongoing changes within the creek due to infrastructure works placed by the District. A Letter of Advice would only allow for a one-time alteration of the creek in order to place our infrastructure. Additional items which must be completed in order for the District to obtain the water licence as follows:

- a. A meeting between Snaw-Naw-As First Nation (NFN) and representatives from District of Lantzville, biologist consultant and the Ministry of Environment. The Ministry has a new policy which states that they must communicate with affected First Nations and receive a response or prove that they have made a valid attempt prior to granting a water licence.
- b. Provide DFO with the following documentation
 - Comfort that the outlet will not harm the foreshore at low tide
 - Complete report from NHC (currently in draft)

- A project description (as a result of completed study) which identifies flow velocities; restrictions that will be placed in the creek (i.e., plate on the existing culvert) and any habitat remediation; and a Habitat Impact Assessment.

NOTE: the aforementioned documentation is complete and essentially requires forwarding to DFO at the writing of this report.

3. Archaeological Sites

The District received a permit from the British Columbia Archaeology Branch to carry out works within ChSa-0028 archaeological site (north end of Benwaldun Road). As a condition of the permit the District is required to have an on-site monitor for construction between Plover Road and the foreshore at the end of Benwaldun Road. Once construction in this area commences it is expected that the District will have a representative on-site from IR Wilson (our archaeological consultant) and a representative from the Snaw-Naw-As First Nation.

4. Tender Results

At the writing of this report, Council is being requested to authorize staff to proceed with invitations to tender the Knarston Creek Overflow Project. Staff would like to advise Council that tender results will be brought forward for Council's consideration/ratification at the conclusion of the tendering process. Subject to results being received and the potential that the costs associated with this initiative may be less than initially estimated, Council may also be requested to reconsider the proportionate share surrounding this project.

Financial Implications

The financial implications associated with this initiative are identified in the "District of Lantzville Financial Plan Bylaw No. 81, 2010" in the amount of \$760,000 as follows:

- \$400,000 – Towns for Tomorrow Grant Funding
- \$253,200 – annual parcel tax of \$976 (20 yrs.) from 21 properties identified in the LAS
- \$106,800 – combination of Drainage DCCs; Community Works Fund and general surplus

Summary

The District of Lantzville applied for funding that would provide for financial assistance to those property owners who experience extreme flooding as a result of a combination of Knarston Creek overflowing and high tides (during extreme weather events). Given the number of information exchanges between the parties involved and the uncertainty of the success of the project due to its financial implications, Council reconsidered the District's cost sharing in this initiative over and above the \$400,000 secured through Towns for Tomorrow. Council did approve \$106,800 in additional funding subject to remaining monies (\$253,160) to be raised by an annual parcel tax applicable to twenty-one (21) property owners identified in the LAS.

The LAS on Council initiative – subject to petition against concluded on Wednesday, April 7th, 2010 and seven (7) valid petitions were received. As noted on the correspondence to Council attached to this report, this fails to meet the required 50% and therefore, Council is in a position to proceed with establishing the Knarston Creek Overflow LAS if Council so chooses.

This report also provides Council with an update as to the conclusion of the hydrology/hydraulics study carried out by NHC in addition to an update as it pertains to our water licence application currently underway.

Council may recall that the District is in its final year to carry out these works and still be eligible to receive our previously approved grant funding through the Towns for Tomorrow funding program. Council is being requested to consider the recommendations identified in this report.

Respectfully submitted



Twyla Graff
Chief Administrative Officer
District of Lantzville



District of Lantzville

Incorporated June 2003

April 19th, 2010

District of Lantzville
7192 Lantzville Road, P.O. Box 100
Lantzville, BC V0R 2H0

Attn: Mayor & Council

Dear Mayor Haime & Members of Council

**Re: Knarston Creek Overflow Project Petition Against
Certified Determination**

In accordance with section 212 (4) of the *Community Charter* I can advise that at the close of the period for receiving petitions, Wednesday, April 7th, 2010 at 4:00 p.m., seven (7) valid petitions were received.

This number fails to meet the required 50% in accordance with section 212 (3) of the *Community Charter*.

Certified this **19th** day of **April, 2010**, at Lantzville, British Columbia.

Yours truly

Twyla Graff
CAO/Director of Corporate Administration
District of Lantzville

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G: Projects/KCOP/ Petition Certification

