

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA 'B' PARKS AND OPEN SPACE ADVISORY COMMITTEE

TUESDAY NOVEMBER 5, 2013

7:00 PM

(Gabriola Island Women's Institute Hall)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

Motion to receive late delegation.

MINUTES

3-5 Minutes of the Regular Electoral Area 'B' Parks and Open Space Advisory Committee meeting held July 2, 2013.

Motion to approve Minutes.

BUSINESS ARISING FROM THE MINUTES

CORRESPONDENCE/COMMUNICATIONS

6 **L. Reed to Director Houle, RDN, RE: De Courcy Drive Community Park**

7 **D. Henry to Director Houle, RDN, RE: De Courcy Drive Community Park**

8-10 **C. Simpson, Islands Trust Regional Planning Manager to Tom Osborne and Dr. Jasper Lament, Re: Referral of Gabriola Island Draft Bylaws 271 and 272 to Rezone Park Areas**

UNFINISHED BUSINESS

Huxley Park Master Plan Update (verbal & handout)

REPORTS

Monthly Update of Community Parks and Regional Parks and Trails Projects (verbal)

11-44 Islands Trust Park Re-zoning Bylaw Report

Mudge Island Water Access (handout)

Motion to receive Reports.

NEW BUSINESS

2014 Committee Appointments

COMMITTEE ROUND TABLE

ADJOURNMENT

Motion to adjourn.

NEXT MEETING

TBD

Disbursement: H. Houle (Chairperson), M. Dickinson, J. Eastick, J. Young, J. Phillipoff, T. Osborne, W. Marshall,
E. McCulloch

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA 'B' PARKS AND OPEN SPACE ADVISORY
REGULAR COMMITTEE MEETING HELD
TUESDAY, JULY 2, 2013, 7.00 P.M.
AT GABRIOLA WOMEN'S INSTITUTE HALL**

Attendance: Howard Houle, Director, RDN Board, Chair
Jacinthe Eastick
Randy Young
Sam Betts

Staff: Elaine McCulloch

CALL TO ORDER

Chair Houle called the meeting to order at 7.00 p.m.

ADOPTION OF AGENDA

MOVED J. Eastick, SECONDED R. Young to adopt the agenda with the addition of the following items:
707 Trail Upgrade -Stumps to Jeannette; Bells Landings, MacDonald West- future trail , Village Trail.

CARRIED

Due to Jim Phillipoff's resignation, it was MOVED by R. Young, seconded by S. Betts to appoint J. Eastick as Area "B" POSAC secretary.

CARRIED

DELEGATIONS

Erin Mancor presented the committee members with a hand-out (attached) outlining her willingness to facilitate workshops in different settings to help youth (18 years or under) to think realistically and to plan sustainably for a Youth Skate Park and possibly for a broader vision about recreation on Gabriola.

MOVED S. Betts, SECONDED R. Young to receive Erin Mancor's delegation.

CARRIED

MINUTES

MOVED R. Young, SECONDED S. Betts to receive the Minutes of the Regular Electoral Area 'B' Parks and Open Space Advisory Committee meeting held April 2, 2013 as amended with the deletion of J. Eastick's name as attending the meeting.

CARRIED

CORRESPONDENCE/COMMUNICATIONS

MOVED J. Eastick, SECONDED R. Young to receive the following correspondence:

N. Crozier' resignation as Area 'B' POSAC member

J. Hill from RDN re appointment of Sam Betts as Area 'B' POSAC member

Dr. John W. Pierce re. Request of assistance in obtaining a MOTI Trail license across "Honeysuckle gravel pit".

CARRIED

BUSINESS ARISING FROM THE CORRESPONDENCE/COMMUNICATIONS

In his letter, Dr. Pierce, GALTT President, explained that MOTI is not willing to negotiate with community groups but that formalizing the current trail use between Honeysuckle and Wild Cherry would be a good thing. GALTT will help pay the cost of surveying the trail. It was noted by staff that work relating to implementing of trails projects and applying for permits will need to be added to the Annual Work Plan for prioritization

MOVED R. Young, SECONDED S. Betts that RDN staff apply for an MOTI permit to construct the trails between Honeysuckle Road and Wild Cherry Road and that RDN staff provide trail construction standards to GALTT for construction.

CARRIED

UNFINISHED BUSINESS

Huxley Community Park Consultation Process

A drop-in for skateboarders had a good 50 + youth turn-out. Every park stakeholder group will have a formal consultation. Gabriolans will get their first opportunity to add their thoughts at the Open House on July 13 at W.I Hall from 10am to 1 pm. Consultation is on-going.

Mudge Island Water Access Planning

The circulated draft is very rough and not available for distribution. Sam Betts would like to see a photo of the sites identified as developable. Elaine has no real concerns about "stacking" of the survey. It never was purported to be a statistically valid survey; the results will serve as guidelines and all comments are useful when making decisions.

707 Trail Upgrade – stumps to Jeannette

R. Young put forward a request to have the trail from the stumps to Jeannette upgraded for bicycle use. Director Houle commented that this stretch of trails is quite good as is and that he cycles there himself often. A drainage problem along this trail was identified; it is considered to be low priority at this time.

McDonald West Trail

GALLT proposed to build a walkway but now feels that a causeway would be a better way to link Peterson Road to MacDonald Road. A MOTI permit to construct should be amended to read causeway instead of walkway. R. Young supplied drawing of same to E. McCulloch.

The Strand Boat Launch

R. Young has found someone willing to donate time and equipment to do some levelling and re-site the ditch. E. McCulloch informed the members that Jonathan Lobb, Community Parks Operation Coordinator, needs to be involved with any and all work in all Community Parks. Director Houle will contact Mr. Lobb regarding this.

REPORTS

Monthly Update of Community Parks and Region Parks and Trails – Feb/Mar

Ms. McCulloch provided a summary of the Monthly Update Community Parks and Regional Parks and Trails projects for Feb/Mar 2013, April 2013 and, May 2013.

NEW BUSINESS

Community Works Project – Roadside Trail along portion of North Road

\$65,000 has been allocated for design, from the Community Works fund. There will be consultation with MOTI and the community. Bidding process timeline is for late September.

ADJOURNMENT

MOVED J. Eastick that the meeting be adjourned at 8:20 pm.

CARRIED

Chairperson

From: "Laura Read" <L.Read@shaw.ca>
Date: 21 September, 2013 5:41:20 PM PDT
To: <howardhoule@yahoo.ca>
Subject: Decourcy Drive Community Park

Hello Howard,
It was very nice speaking with you today.

I've enclosed the map of Gabriola Sands that Joan Michel emailed to me, and the park in question is between properties 53 & 54, which would be looking out over Pilot Bay. I am hoping you will be able to read my request at the November 5th POSAC meeting.

For the November 5th POSAC meeting:

I am a property owner on Gabriola Sands and would like to see the development of De Courcy Drive Community Park (B-24).

I am hoping the POSAC committee will consider the development of this park with a trail that would provide access to a view of the water and beach, with the potential to eventually having access to the beach with stairs.

I am also hoping that a park sign be installed on De Courcy Drive so it would be clear that this is public (park) property.

If you need any more information, please let me know.

Thank you very much for your time.

Laura Read
#4 - 3250 Ross Road
Nanaimo, BC V9T 2S4

250-585-5823

L.Read@shaw.ca



From: donna jones <donna.jones5@icloud.com>
Date: September 29, 2013 at 4:30:13 PM PDT
To: "howardhoule@yahoo.ca" <howardhoule@yahoo.ca>
Subject: De Courcy Drive Community Park

Dear Howard,

Please consider presenting the request below at the November 5th POSAC meeting.

I am only a "part time" resident on Gabriola but have spent the last 50 years (from birth - I suspect many more years than some "full time" residents) enjoying the beautiful beaches surrounding Gabriola sands. As a young child there were many family members and friends who lived on the waterfront; access to the rocks and beach was plentiful without trespassing. Now family and friends have moved away and our access to the beach is not as convenient.

I understand there is a designated beach access between lots 53 and 54. I would very much like to see this particular access developed so that everyone - and not just those fortunate enough to have waterfront property - will have access to the beach.

Thank you
Donna Henry
250-751-1281
dkhenry@telus.net



700 North Road, Gabriola Island, BC V0R 1X3
Telephone 250.247.2063 Fax 250.247.7514

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC 1.800.663.7867

Email northinfo@islandstrust.bc.ca

Web www.islandstrust.bc.ca

October 11, 2013

File: 6500-20 (Parks Rezoning)

Tom Osborne, General Manager of Parks and Recreation
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

Dr. Jasper Lament, CEO
The Nature Trust of British Columbia
#260-1000 Roosevelt Crescent
North Vancouver, BC V7P 3R4

RE: Referral of Gabriola Island draft bylaws 271 and 272 to rezone park areas

Dear Tom Osborne and Dr. Jasper Lament,

Please find attached draft bylaws 271 and 272 that the Gabriola Island Local Trust Committee directed be sent to the Regional District of Nanaimo, The Nature Trust of BC, BC Parks and the Agricultural Land Commission for early referral, prior to consideration of first reading.

Islands Trust planner Chloe Fox met with representatives from the Regional District of Nanaimo and The Nature Trust of BC on February 5 of this year. Since then we developed draft bylaws that have been reviewed and amended by the Gabriola Island Local Trust Committee and are now at a point where we would like to receive further input from your agencies.

A number of mapping changes have been made to align the park boundaries with zoning, and to change the zoning categories for a number of parks to better align with their uses. In addition to the mapping changes, below is a summary of how we have addressed the requests made and issues raised at the February 5 meeting:

Coats Marsh Regional Park

- removed provision for AM/FM tower
- added ability for caretaker residence
- confirmed that amphitheatre seating is permitted currently under the bylaw and no amendments are needed

Descanso Bay Regional Park

- buildings and structures to accommodate campground office uses and retail sales and rentals are permitted
- caretaker residence is permitted

All parks:

- Added an exemption in the sign regulations for interpretive and directional signs; this means that park entrance signs are still subject to the maximum sign area regulations but clarifies that interpretive and directional signs are not.
- A number of other requests you made are outside the scope of this project and are not planned to be addressed in these bylaws, such as: DeCoursey Island park zoning, and a review of lot coverage and height regulations in all park zones.

There are several additional issues that we would like your input on:

1. Special events:

The RDN requested that public gathering / assembly for special events is permitted in all parks, subject to permitting process for the appropriate park management authority. The Local Trust Committee is considering three options with regards to special events and seeks your input:

- a) keep the draft bylaws as written, which allows public gathering / assembly for special events in all park zones if the special event is consistent with the permitted principal uses for the zone (and subject to appropriate permissions from the park agency). This means that special events would be restricted to those that meet the principal uses such as active recreation in the P3 zone and passive recreation in the P2 zone. The risk of this approach is that an event unrelated to the principal use but potentially acceptable to the community would not be permitted.
- b) insert a new permitted use in the bylaw to specifically allow special events in all park zones and add a definition of special events stipulating that they are events authorized by the relevant park agency and subject to the management plan for the park if one is in place. This would be consistent with the request from the RDN, and would give the most authority to the park agencies to follow their own bylaws, processes and procedures in authorizing special events.
- c) allow special events only in the P1 zone and not in the P2 and P3 zones because the parks in the P2 and P3 zones do not for the most part have management plans to guide the RDN in issuing a park use permit. The risk of this approach is that no special events whatsoever would be allowed in the P2 and P3 zones.

In order to evaluate these three approaches, the Local Trust Committee requested that I seek more information on the type of special events that require a park use permit, and what process and criteria the RDN uses to evaluate applications for these permits.

2. Ecological Reserves:

You requested that ecological reserves be added as a principal use in the P1 zone. The Local Trust Committee requested more information on this. As we understand it the RDN does not currently have any parks categorized as ecological reserve on Gabriola.

3. Signs:

The Local Trust Committee is considering reducing the permitted maximum sign area per lot from 4.0 sq m to 2.0 sq m; the existing entrance signs for Coats Marsh and Descanso Bay meet this reduced limit, but staff has not measured the existing signs in other parks to know

if they meet this 2.0 sq m size limit. We would like you comment on this proposed reduction in maximum sign area.

If you have any questions about this referral please contact Regional Planning Manager Courtney Simpson at 250-247-2209 or csimpson@islandstrust.bc.ca. I would be happy to meet with you in person to discuss, or be available for a meeting of your board or advisory bodies that you are referring this to.

Sincerely,



Courtney Simpson
Regional Planning Manager

cc Gabriola Island Local Trust Committee

Attachments:

1. Draft bylaws 271 and 272
2. Staff Report dated September 19, 2013
3. Excerpt from Gabriola Island Land Use Bylaw No. 177 – section B.4 Signs and section D.4 Recreational and Institutional Zones



RDN REPORT		[Handwritten initials]
CAO APPROVAL		
EAP		
COW		
OCT 31 2013		
RHD		
BOARD		
EA 'B' POSAC / RPTSC		

MEMORANDUM

TO: Wendy Marshall
Manager of Parks Services

DATE: October 31, 2013

FROM: Elaine McCulloch
Parks Planner

FILE:

SUBJECT: Gabriola Island Parks Rezoning Referral – Islands Trust Draft Bylaws

PURPOSE

To review and provide recommendations on the draft Gabriola Island Bylaws 271 and 272 to rezone RDN community and regional parks.

BACKGROUND

A referral letter from the Islands Trust was received by the Regional District on October 11, 2013 (*Appendix 1*) requesting RDN comment on the draft Gabriola Island Bylaws 271 and 272 to rezone both community and regional parks on the Island.

As the project involves community and regional parklands, the referral will be provided to the Electoral Area 'B' Parks and Open Space Advisory Committee as well as to the Regional Parks and Trails Select Committee for review and comment.

The scope of the project being conducted by Islands Trust is limited to rezone areas that had become parks over the past number of years but still had non-park zoning such as Resource, Forestry, etc. The scope also includes updating the land use designations for Coats Marsh Regional Park and Descanso Bay Regional Park to ensure it accurately reflects the use identified in their respective management plans. The scope of the project does not include a review of all parks and all zoning categories.

For reference on the park zoning, P1 is Provincial and Regional Park, P2 is Passive Community Park and P3 is Active Recreation Community Park.

In initial meetings with the Islands Trust planning staff regarding the proposed parks rezoning, RDN Park staff identified a number of potential concerns regarding the zone descriptions as they are currently written. Those concerns, which are not within the scope of this project, will need to be reviewed by the

Islands Trust and RDN Parks staff at a future date. This deferment will also allow the Huxley Community Park Master Planning process to be completed before considering updating that park's existing P-3 zoning.

In review of the document it is has been noted that the following mapping changes have been made (*Appendix 2*):

Community Parks

1. Cox Community Park (rdn id. B21) – from Resource (R) & Agriculture (AG) to Parks 2 (P2)
2. 707 Community Park (rdn id. B26) – from Forestry Wilderness/Recreation (FWR1) to Parks 2 (P2)
3. Stalker Rd Community Park (rdn id. B12) – from Large Rural Residential (LRR) to Parks 2 (P2)
4. Stalker Rd Community Park (rdn id. B25) – from Agriculture (AG) to Parks 2 (P2)
5. Seymour Rd Community Park (rdn id. B30) – from Resource Residential 1 (RR1) to Parks 2 (P2)
6. Petroglyph Trail (rdn id. B18) – from Resource (R) to Parks 2 (P2)
7. Whalebone Community park entrances & trail connections (rdn id. B2, B3, B4, B5, B6, B7, B8, B16) – from Small Rural Residential (SRR) to Parks 2 (P2)
8. Paisley Pl Community Park (rdn id. B31) – from Institutional 3 (IN3) to Parks 2 (P2)

Regional Parks

1. Coats Marsh Regional Park – from Resource (R) to Parks 1 (P1)
2. Descanso Bay Regional Park – from Tourist Commercial 2 (TC2) to Parks 1 (P1)

In review of the document it is has been noted that following changes to the Land Use Bylaw (LUB) zoning categories have revised to better align with current management plans for the following parks (*Appendix 3*):

Coats Marsh Regional Park

- Removed provision for AM/FM tower.
- Added ability for caretaker residence.

Descanso Bay Regional Park

- Buildings and structures to accommodate campground office uses and retail sales and rentals are permitted.
- Caretaker residence is permitted.

All Parks

- Added an exemption in the sign regulations for interpretive and directional signs: this means that park entrance signs are still subject to the maximum sign area regulations but clarifies that interpretive and directional signs are not.

DISCUSSION

No concerns have been identified by staff to the above mentioned mapping changes that realign the park boundaries with current park zoning categories nor to the zoning category changes which better aligns the zone with uses identified in current park management plans.

Additional Items for Comment:

1) Signs

Current LUB Regulations

Section B.4.1 of the Gabriola Land Use Bylaw regulates signs within the park zones (P1, P2, and P3). There is currently no maximum number of permitted signs, and the total sign area permitted is 4.0 sq. m. (43.0 sq. ft.) per lot. Directional signs sited and maintained by government agencies are included in a list of exempted signs but Islands Trust staff has identified that it is unclear whether wayfinding signs in parks would be included in this exemption.

An exemption was added in the proposed Bylaw sign regulation for interpretive and directional signs - this means that park entrance signs are still subject to the maximum sign area regulations but clarifies that interpretive and directional signs are not.

RDN Parks Staff Comments:

Amend the draft Bylaw to support a maximum sign area per park entrance (e.g. 2 sq. m.) rather than a maximum sign area per park for the following reasons:

Some parks require multiple park entrance points in order to provide convenient park access to surrounding residents. Additional park entrances may be required if the lands surrounding the park are developed further. For example, the 707 Community Park Management Plan currently identifies three park entrances and seven trailhead entrances (total approximate signage area of 5.0 sq.m.). Park management plans are reviewed every five years and updated every ten years; it is possible that the community may request additional park entrances in the future.

It would also be easier to minimize the potential visual impact of park entrance signs on neighbours by limiting the amount of signage permitted at each entrance.

For reference, a park entrance signage would typically include an entrance sign (typ. =0.5 sq. m.) as well as regulatory signage (typ. = 0.5 sq. m.).

Further definition of “entrance” (e.g. within setback area) is required in the draft Bylaw to distinguish between park entrance signage and internal park signage.

2) Public Gatherings / Special Events

Current Land Use Bylaw (LUB) Regulations

Current regulations allow public gathering / assembly for special events in all park zones if the special event is consistent with the permitted principal uses for the zone (and subject to appropriate permissions from the park agency). This means that special events would be restricted to those that meet the principal uses such as active recreation in the P3 zone and passive recreation in the P2 zone.

Options being considered by the Islands Trust for proposed Bylaw include:

- a) Keep the draft bylaws as written.
- b) Insert a new permitted use in the Bylaw to specifically allow special events in all park zones and add a definition of special events stipulating that they are events authorized by the relevant park agency and subject to the management plan for the park if there is one in place.
- c) Allow special events only in the P1 zone and not in the P2 and P3 zones because the parks in the P2 zone and P3 zone do not for the most part have management plans to guide the RDN in issuing a park use permit.

RDN Parks Staff Comments:

- a) The risk of keeping the draft bylaws as written is that an event unrelated to the principal use but acceptable to the community would not be permitted. In the P2 zone permitted principal uses are “passive outdoor recreational activities including walking, hiking and nature appreciation”. Only special events that fit this description would be permitted in the park. For example a bike race may not be permitted on the trails in the 707 Community Park as it may not be considered to be a passive use. In the P3 zone permitted principal uses are “active recreational activities” including sporting events. A special event that is not a sporting event may not be allowed according to this bylaw. For example a community children’s festival would not be permitted in Huxley Community Park or Rollo McClay Community Park as it would not be considered to be a sporting event.
- b) Inserting a new permitted use in the bylaw to specifically allow special events in all park zones is the preferred option as the Regional District currently has a mechanism which regulates special use and commerce in its parks: Bylaw No. 1399 - Regulation of Park Use (Appendix 4). Section 5.16 of this bylaw requires a park use permit for any special use in the park including the following:
 - any commercial or non-commercial, industrial or professional service, activity or event that is intended to attract or requires participants or spectators;
 - any use of reservable common facilities; and
 - any incursion onto park property for non-park purposes including access for water lines, structures, roads, signs or fences.

Conditions associated with a park use permit may include:

- Confinement of the event to a specific location, time period , or group of people;
- The applicant supply, install and service additional garbage receptacles, portable toilets or pay the Regional District for additional servicing;
- The applicant provide and pay for the appropriate fire, police or security protection;
- Restrictions on noise (i.e. generators, music) and the erection or placement of any temporary structures, seating, tables, flags, banners, etc.;

- Any other terms and conditions specific to the nature of the special use requested given consideration of the impact of the special use on the park, park users and neighbours.

A park use permit must also meet a number of other criteria including the following:

- The event should conform with the intent of any management plan for the park;
- The activity does not cause a significant or permanent environmental impact on the park and is sensitive to the use of the park by others;
- The applicant assumes full responsibility for the special use and indemnifies the District to its satisfaction.

The above conditions are considered by RDN parks staff then, if the event proposal is deemed suitable, staff works with the applicant to reduce or eliminate any issues that a specific event may cause.

It is noted that the Gabriola Local Trust Committee has concerns with this broad allowance of special events particularly in parks without management plans because of uncertainty about the criteria used to evaluate applications for special events. As there is a detailed process whereby park special use permit applications are considered by the RDN, current and past practice throughout the RDN's park system has shown only applications that are deemed appropriate are approved.

- c) Another option being considered by the Islands Trust is allowing special events only in the P1 zone and not in the P2 and P3 zones because the parks in the P2 zone and P3 zone do not for the most part have management plans to guide the RDN in issuing a park use permit.

The risk of only allowing special events in the P1 zone and not in the P2 and P3 zones is that no special events whatsoever would be allowed in the P2 and P3 zones; this does not seem to be in the best interest of the community. For example, if community group would like to host a "walk for cancer" fundraiser in a P2 or P3 zoned park it would not be permitted.

ALTERNATIVES

1. That the Gabriola Island draft Bylaws 271 and 272 be supported with the following amendments:
 - a. to allow a maximum sign area of 2 sq.m. per park entrance rather than the current restriction of a maximum sign area of 4 sq.m.per park to include a new permitted use
 - b. to specifically allow special events in all park zones under permit by the Regional District
2. That the Gabriola Island draft bylaws 271 and 272 be not be supported and alternate direction be provided.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

The Islands Trust is proposing to update the land use designation and zoning of a number of Gabriola Island parks. The rezoning involves rezoning lots that have become parks over the past number of years but still have non-park zoning such as Resource, Forestry, etc. RDN staff have no objection to the proposed rezoning.

There are however additional issues identified in the Land Use Bylaw that need to be addressed. Firstly, the draft LUB proposes to amend Section B.4.2.1 to include as an exemption “interpretive and directional signs sited and maintained by government agencies in the P1, P2 and P3 zones”. Staff have no objection to this amendment, however it is recommended that the LUB be amended to allow a maximum sign area of 2 sq. m. per park entrance rather than the current restriction maximum sign area of 4 sq. m. per park in order to allow signage at multiple park entrances in some of the larger parks if so desired by the community in the future.

Secondly, current regulations allow public gathering / assembly for special events in all park zones if the special event is consistent with the permitted principal uses for the zone (and subject to appropriate permissions from the park agency). This means that special events would be restricted to those that meet the principal permitted uses such as active recreation in the P3 zone and passive recreation in the P2 zone.

This approach may not be in the best interest of the community since it may have the effect of restricting events in parks which may be acceptable to the community but be unrelated to the principle use identified in the park zone. For example, a community benefit event such as an educational or community fair may not be permitted in either Huxley or Rollo McClay parks as it would not be considered to be a sporting event. The Regional District currently has a mechanism which regulates special use and commerce in its parks: Bylaw No. 1399 - Regulation of Park Use. Any special event within a park is required to go through a permitting process which evaluates the impact a special event may have on the surrounding neighbours as well as the park itself.

Staff recommend that the LUB be amended to allow special events as a permitted use in all park zones given that the current RDN “special use” permitting process has the ability to evaluate special event applications and allow special events in parks that are acceptable to the community.

RECOMMENDATIONS

1. That the *Gabriola Island Parks Rezoning Referral – Islands Trust Draft Bylaws* report be received and forwarded to the Islands Trust for review.
2. That the Gabriola Island draft Bylaws 271 and 272 be supported with the following amendments:
 - a. to allow a maximum sign area of 2 sq. m. per park entrance rather than the current restriction of a maximum sign area of 4 sq. m. per park to include a new permitted use; and
 - b. to specifically allow special events in all park zones under permit by the Regional District of Nanaimo per RDN Bylaw No. 1399 - Regulation of Park Use



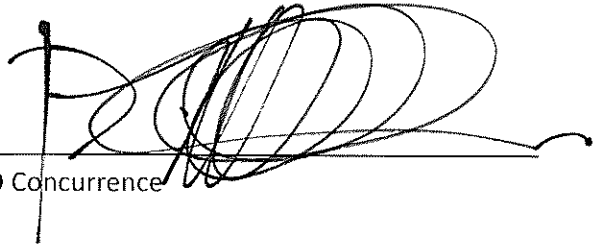
Report Writer



General Manager Concurrence



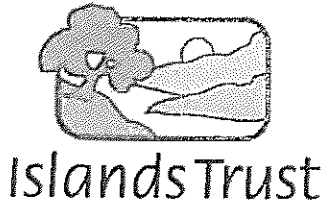
Manager Concurrence



CAO Concurrence

APPENDIX 1

C. Simpson, Islands Trust Regional Planning Manager to Tom Osborne and Dr. Jasper Lament, Re:
Referral of Gabriola Island draft bylaws 271 and 272 to rezone park areas



700 North Road, Gabriola Island, BC V0R 1X3
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Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC 1.800.663.7867

Email northinfo@islandstrust.bc.ca

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October 11, 2013

File: 6500-20 (Parks Rezoning)

Tom Osborne, General Manager of Parks and Recreation
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

Dr. Jasper Lament, CEO
The Nature Trust of British Columbia
#260-1000 Roosevelt Crescent
North Vancouver, BC V7P 3R4

RE: Referral of Gabriola Island draft bylaws 271 and 272 to rezone park areas

Dear Tom Osborne and Dr. Jasper Lament,

Please find attached draft bylaws 271 and 272 that the Gabriola Island Local Trust Committee directed be sent to the Regional District of Nanaimo, The Nature Trust of BC, BC Parks and the Agricultural Land Commission for early referral, prior to consideration of first reading.

Islands Trust planner Chloe Fox met with representatives from the Regional District of Nanaimo and The Nature Trust of BC on February 5 of this year. Since then we developed draft bylaws that have been reviewed and amended by the Gabriola Island Local Trust Committee and are now at a point where we would like to receive further input from your agencies.

A number of mapping changes have been made to align the park boundaries with zoning, and to change the zoning categories for a number of parks to better align with their uses. In addition to the mapping changes, below is a summary of how we have addressed the requests made and issues raised at the February 5 meeting:

Coats Marsh Regional Park

- removed provision for AM/FM tower
- added ability for caretaker residence
- confirmed that amphitheatre seating is permitted currently under the bylaw and no amendments are needed

Descanso Bay Regional Park

- buildings and structures to accommodate campground office uses and retail sales and rentals are permitted
- caretaker residence is permitted

Preserving Island communities, culture and environment

Bowen Denman Hornby Gabriola Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

All parks:

- Added an exemption in the sign regulations for interpretive and directional signs; this means that park entrance signs are still subject to the maximum sign area regulations but clarifies that interpretive and directional signs are not.
- A number of other requests you made are outside the scope of this project and are not planned to be addressed in these bylaws, such as: DeCoursey Island park zoning, and a review of lot coverage and height regulations in all park zones.

There are several additional issues that we would like your input on:

1. Special events:

The RDN requested that public gathering / assembly for special events is permitted in all parks, subject to permitting process for the appropriate park management authority. The Local Trust Committee is considering three options with regards to special events and seeks your input:

- a) keep the draft bylaws as written, which allows public gathering / assembly for special events in all park zones if the special event is consistent with the permitted principal uses for the zone (and subject to appropriate permissions from the park agency). This means that special events would be restricted to those that meet the principal uses such as active recreation in the P3 zone and passive recreation in the P2 zone. The risk of this approach is that an event unrelated to the principal use but potentially acceptable to the community would not be permitted.
- b) insert a new permitted use in the bylaw to specifically allow special events in all park zones and add a definition of special events stipulating that they are events authorized by the relevant park agency and subject to the management plan for the park if one is in place. This would be consistent with the request from the RDN, and would give the most authority to the park agencies to follow their own bylaws, processes and procedures in authorizing special events.
- c) allow special events only in the P1 zone and not in the P2 and P3 zones because the parks in the P2 and P3 zones do not for the most part have management plans to guide the RDN in issuing a park use permit. The risk of this approach is that no special events whatsoever would be allowed in the P2 and P3 zones.

In order to evaluate these three approaches, the Local Trust Committee requested that I seek more information on the type of special events that require a park use permit, and what process and criteria the RDN uses to evaluate applications for these permits.

2. Ecological Reserves:

You requested that ecological reserves be added as a principal use in the P1 zone. The Local Trust Committee requested more information on this. As we understand it the RDN does not currently have any parks categorized as ecological reserve on Gabriola.

3. Signs:

The Local Trust Committee is considering reducing the permitted maximum sign area per lot from 4.0 sq m to 2.0 sq m; the existing entrance signs for Coats Marsh and Descanso Bay meet this reduced limit, but staff has not measured the existing signs in other parks to know

if they meet this 2.0 sq m size limit. We would like you comment on this proposed reduction in maximum sign area.

If you have any questions about this referral please contact Regional Planning Manager Courtney Simpson at 250-247-2209 or csimpson@islandstrust.bc.ca. I would be happy to meet with you in person to discuss, or be available for a meeting of your board or advisory bodies that you are referring this to.

Sincerely,



Courtney Simpson
Regional Planning Manager

cc Gabriola Island Local Trust Committee

Attachments:

1. Draft bylaws 271 and 272
2. Staff Report dated September 19, 2013
3. Excerpt from Gabriola Island Land Use Bylaw No. 177 – section B.4 Signs and section D.4 Recreational and Institutional Zones

APPENDIX 2

Gabriola Island Local Trust Committee Draft Bylaw271

DRAFT

Gabriola Island Local Trust Committee
BYLAW NO. 271

A BYLAW TO AMEND THE GABRIOLA ISLAND OFFICIAL COMMUNITY PLAN, NO. 166

The Gabriola Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Gabriola Island Local Trust Area under *the Islands Trust Act*, enacts as follows:

1. Bylaw No 166, cited as "Gabriola Island Official Community Plan (Gabriola Island) Bylaw No. 166, 1997" is amended as shown on Schedule 1, attached to and forming part of this bylaw.
2. This bylaw may be cited as "Gabriola Island Official Community Plan (Gabriola Island) Bylaw 166, 1997, Amendment No. 1, 2013"

READ A FIRST TIME THIS	DAY OF	, 2013
PUBLIC HEARING HELD THIS	DAY OF	, 2013
READ A SECOND TIME THIS	DAY OF	, 2013
READ A THIRD TIME THIS	DAY OF	, 2013
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST		
THIS	DAY OF	, 2013
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT		
THIS	DAY OF	, 2013
ADOPTED THIS	DAY OF	, 2013

SECRETARY

CHAIRPERSON

Gabriola Island Local Trust Committee

Bylaw No. 271

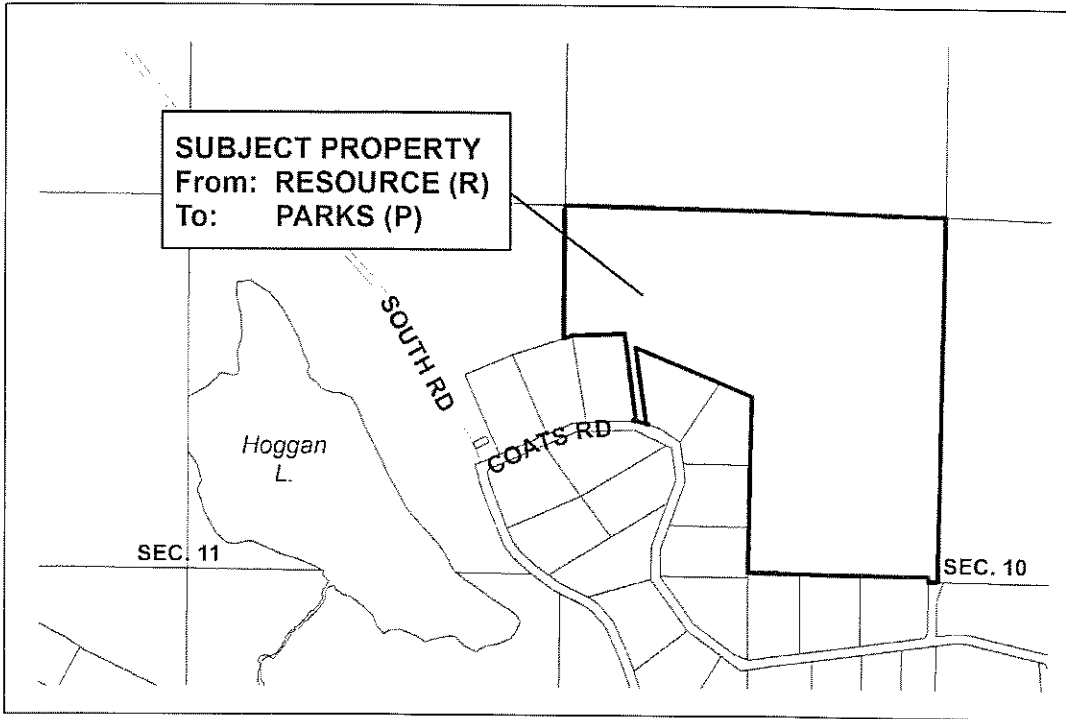
Schedule 1

The Gabriola Island Official Community Plan Bylaw No. 166 cited as "Gabriola Island Official Community Plan (Gabriola Island) Bylaw No. 166, 1997", is amended by amending Schedule B – Land Use Designations as follows:

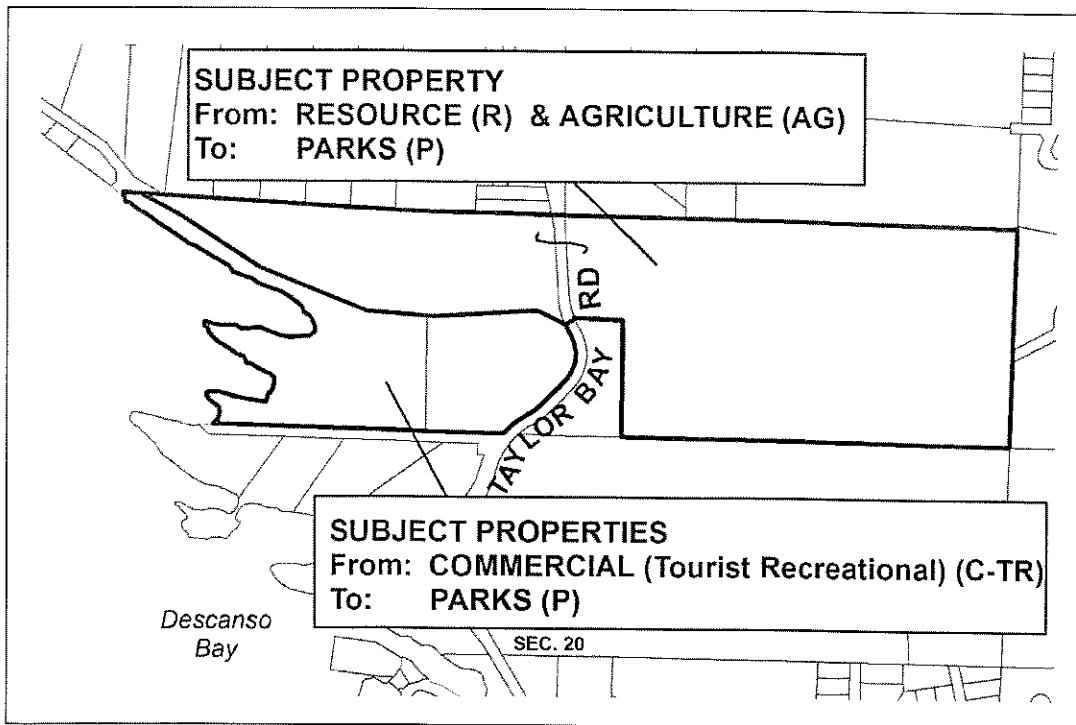
1. By changing the land use designation on the land legally described as The Northwest $\frac{1}{4}$ of Section 10, Gabriola Island, Nanaimo District, Except those Parts in Plans 29152, 30043 and 30051 (PID: 009-735-828) from Resource to Parks as shown on Plan No. 1 attached to and forming part of this bylaw.
2. By changing the land use designation on the land legally described as:
 - a. Lot B, Section 20, Gabriola Island, Nanaimo District Plan VIP73679 (PID: 025-417-681); and
 - b. Lot A, Section 20, Gabriola Island Nanaimo District Plan VIP73679 (PID: 025-417-673)from Commercial (Tourist Recreational) to Parks as shown on Plan No. 2 attached to and forming part of this bylaw.
3. By changing the land use designation on the land legally described as:
 - a. The Northeast $\frac{1}{4}$ of Section 13, Gabriola Island, Nanaimo District (PID: 006-654-843);
 - b. The Northwest $\frac{1}{4}$ of Section 14, Gabriola Island, Nanaimo District (PID: 006-655-335);
 - c. The South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 14, Gabriola Island, Nanaimo District (PID: 006-649-815);
 - d. The Southeast $\frac{1}{4}$ of Section 14, Gabriola Island, Nanaimo District (PID: 006-649-599);
 - e. The North $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 15, Gabriola Island, Nanaimo District (PID: 006-656-498); and
 - f. The East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 10, Gabriola Island, Nanaimo District (PID: 006-649-408)from Forestry to Parks as shown on Plan No. 3 attached to and forming part of this bylaw.
4. By changing the land use designation the land legally described as The North $\frac{1}{2}$ of the North $\frac{1}{2}$ of Section 20, Gabriola Island, Nanaimo District, Except Parts in plans 42874 and VIP73679 from Agriculture and Resource to Parks as shown in Plan No. 2 attached to and forming part of this bylaw.
5. By changing the land use designation of the land legally described as Lot 9, Section 18 & 23, Gabriola Island, Nanaimo District, Plan 45781 from Large Rural Residential to Parks as shown on Plan No. 4 attached to and forming part of this bylaw.

6. By changing the land use designation of the land designated as 'Park' on Plan VIP77409 from Agriculture and to Parks as shown on Plan No. 5 attached to and forming part of this bylaw.
7. By changing the land use designation of the land designated as 'Park' on Plan 41031 from Large Rural Residential to Parks as shown on Plan No. 5 attached to and forming part of this bylaw.
8. By changing the land use designation of the land designated as 'Park' on Plan VIP70945 from Large Rural Residential to Parks as shown on Plan No. 5 attached to and forming part of this bylaw.
9. By changing the land use designation of the land designated as 'Park' on Plan VIP66198 from Resource to Parks as shown on Plan No. 6 attached to and forming part of this bylaw.
10. By changing the land use designations of those portions of land designated as 'Park' on Plan 17658 from Small Rural Residential to Parks as shown on Plan No. 7 attached to and forming part of this bylaw.
11. By changing the land use designation of the land designated as 'Park' on Plan VIP82759 from Resource to Parks as shown on Plan No. 6 attached to and forming part of this bylaw.
12. By changing the land use designation of the land designated as 'Park' on Plan EPP11544 from Institutional to Parks shown on Plan No. 8 attached to and forming part of this bylaw.

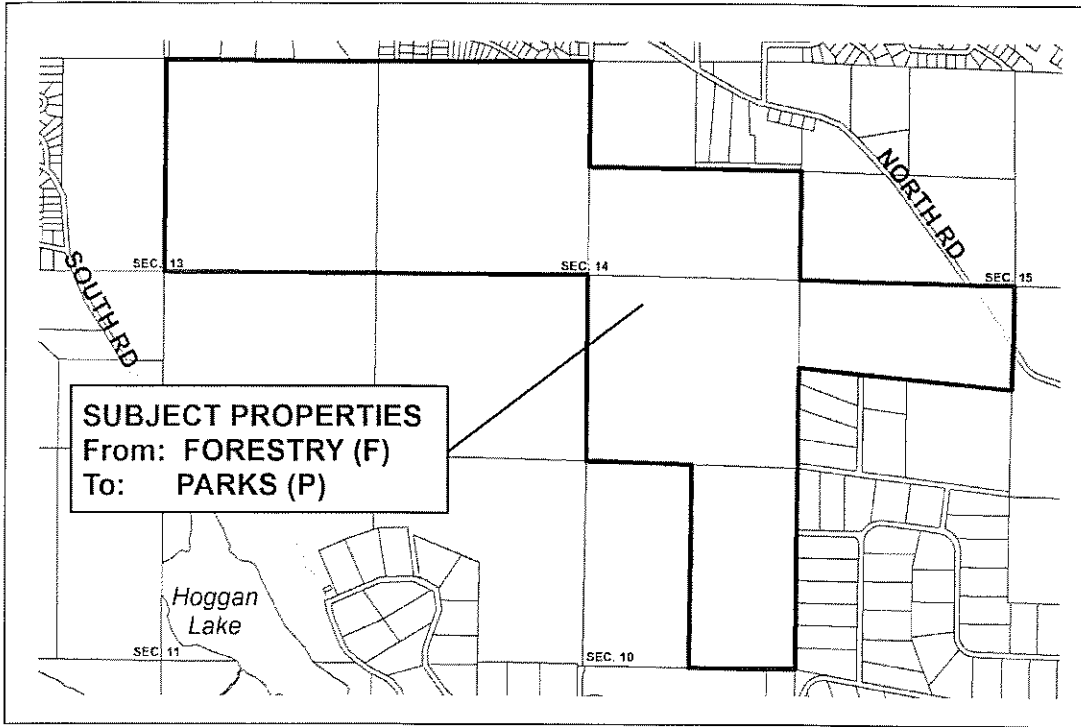
Plan No. 1



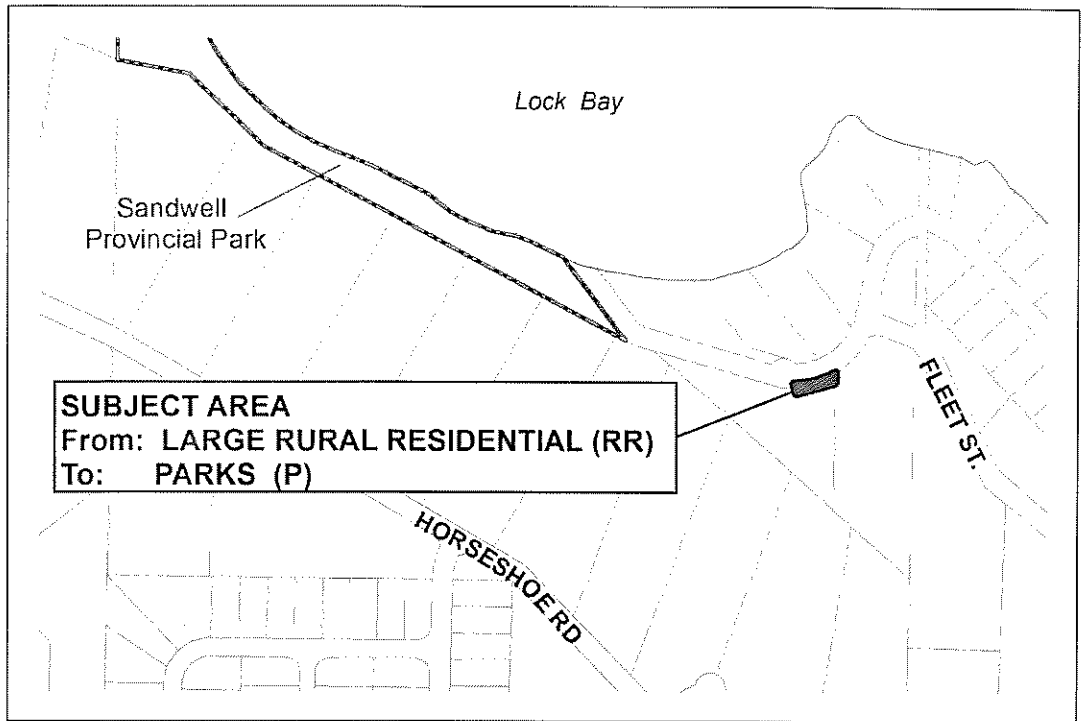
Plan No. 2



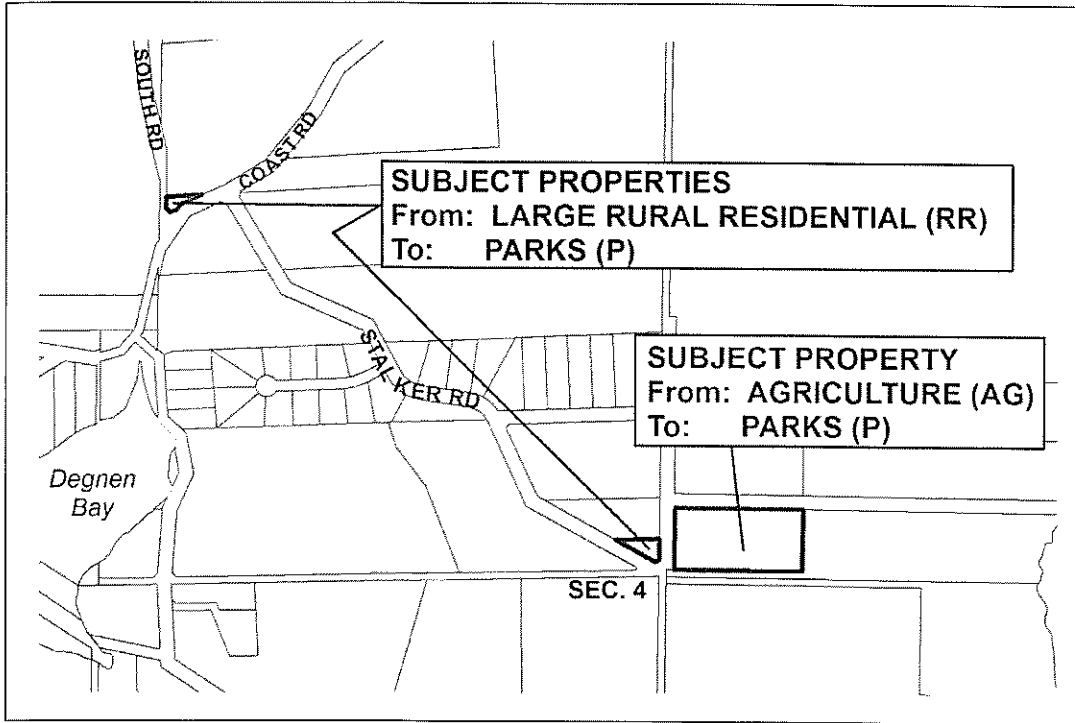
Plan No. 3



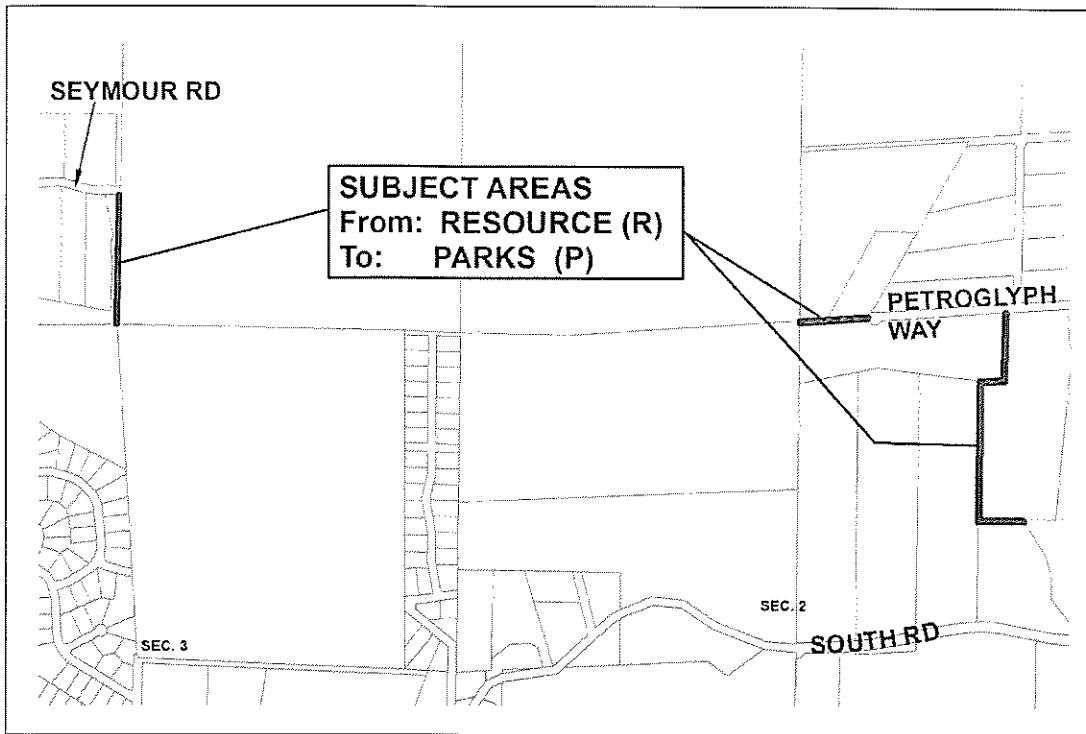
Plan No. 4



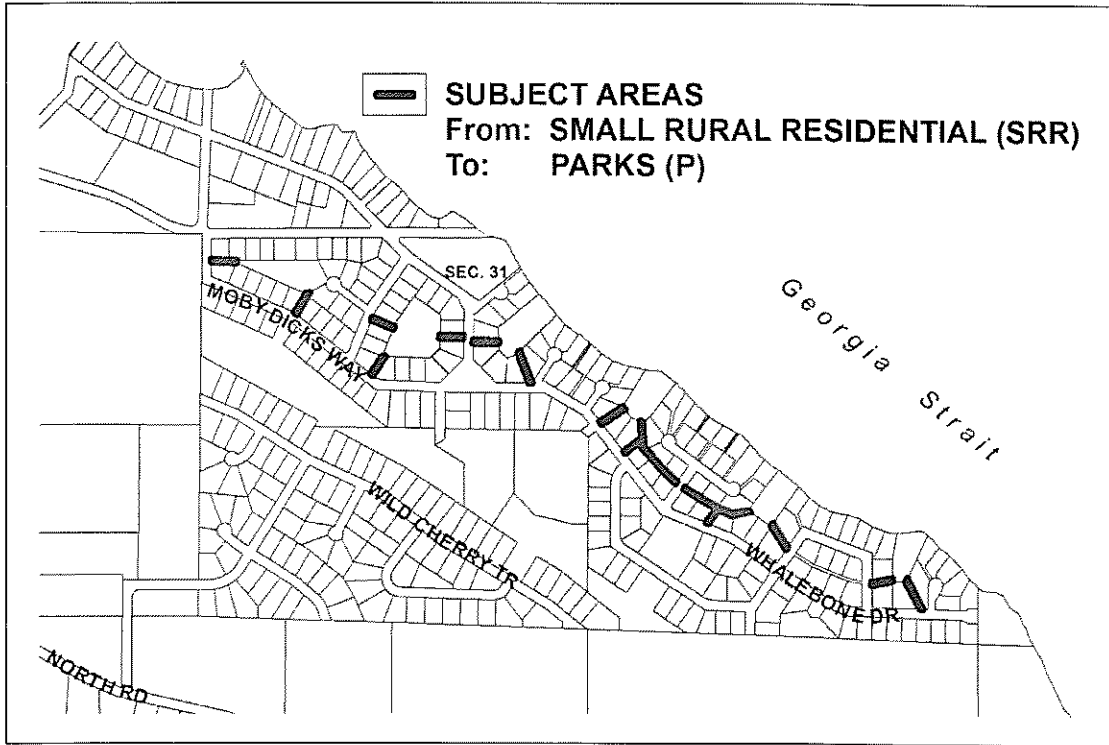
Plan No. 5



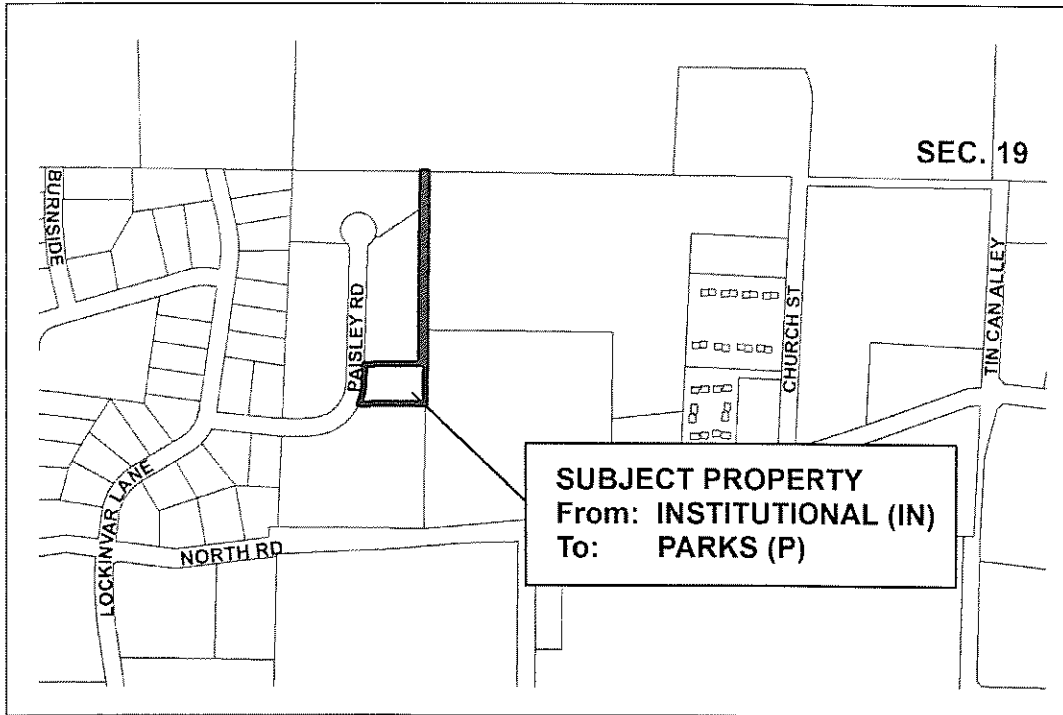
Plan No. 6



Plan No. 7



Plan No. 8



APPENDIX 3

Gabriola Island Local Trust Committee Draft Bylaw272

DRAFT

**Gabriola Island Local Trust Committee
BYLAW NO. 272**

A BYLAW TO AMEND THE GABRIOLA ISLAND LAND USE BYLAW, NO. 177

The Gabriola Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Gabriola Island Local Trust Area under *the Islands Trust Act*, enacts as follows:

1. Bylaw No. 177, cited as "Gabriola Island Land Use Bylaw No. 177, 1999" is amended as shown on Schedule 1, attached to and forming part of this bylaw.
2. This bylaw may be cited as "Gabriola Island Land Use Bylaw 177, 1999, Amendment No. 1, 2013"

READ A FIRST TIME THIS	DAY OF	, 2013
PUBLIC HEARING HELD THIS	DAY OF	, 2013
READ A SECOND TIME THIS	DAY OF	, 2013
READ A THIRD TIME THIS	DAY OF	, 2013
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST		
THIS	DAY OF	, 2013
ADOPTED THIS	DAY OF	, 2013

SECRETARY

CHAIRPERSON

Gabriola Island Local Trust Committee

Bylaw No. 272

Schedule 1

1. Schedule "A" of Gabriola Island Land Use Bylaw No. 177 cited as "Gabriola Island Land Use Bylaw No. 177, 1999", is amended as follows:
 - a) To section B.4 Signs:
 - i. article B.4.2.1 is amended to read as follows:

"B.4.2.1 Signs exempted from the provisions of Subsection B.4.1 are:

 - a. directional, traffic and marine navigational signs sited and maintained by government agencies; and
 - b. interpretive and directional signs sited and maintained by government agencies in the P1, P2 and P3 zones."
 - b) To section D.2.4 Resource (R):
 - i. sub-section D.2.4.1.a.iv is removed and the rest of the list is renumbered accordingly; and
 - ii. under sub-section D.2.4.2.a.ii, the second bullet point which reads: "AM/FM Towers on lands shown on Schedule C, Map 5" is removed.
 - c) To section D.4.1 Parks 1 – Provincial and *Regional Park* (P1):
 - i. under sub-section D.4.1.1.a "Permitted *Principal Uses*", clause D.4.1.1.a.iii and iv are inserted as follows:

"iii *ecological reserves*

iv *campground*, on lands shown on Schedule C, Map 16";
 - ii. new sub-section D.4.1.1.b is inserted as follows:

" b. Permitted Accessory Uses

 - i *caretaker residence*, on lands shown on Schedule C, Maps 16 and 17
 - ii retail sales and rentals, excluding the sale of liquor, on lands shown on Schedule C, Map 16
 - iii *campground* office use, on lands shown on Schedule C, Map 16
 - iii. under sub-section D.4.1.2.a "Permitted *Buildings and Structures*", new sub-sections ii and iii are inserted as follows:

"ii *Buildings and structures* to accommodate campground office uses, retail sales and rentals not exceeding 200 square metres (2,152.9 square feet) of combined *floor area*, on lands shown on Schedule C, Map 16

iii Maximum of one *caretaker residence*, on lands shown on Schedule C, Maps 16 and 17";

- iv. new clause D.4.1.3.b.ii, is inserted as follows:
 - “ii The minimum *setback* for *campsites* is 10.0 metres (32.8 feet) from any *lot line*.”;

- v. New sub-section D.4.1.3.d is added as follows:

“d. Other Regulations

- i. Despite Section B.6.4, a travel trailer or recreational vehicle may be used for a *caretaker residence* and may be used without a *principle dwelling unit* on the lot.
- ii. The maximum number of *campsites* is 10 per 1.0 hectares (4 per acre).
- iii. Despite section B.6.4.2, a tent, tent-trailer, camper vehicle, or recreation vehicle is only permitted on a *campsite* a maximum of 60 days in a calendar year.
- iv. Despite section B.6.4.2, no campsite may be occupied by any person, consecutively or cumulatively within a year, for more than 60 days.”

- d) To section F.1 Definitions, the following definitions are inserted in alphabetical order:

“caretaker residence means a *single family dwelling* limited in floor area to 65.0 square metres (699.7 square feet) that is *accessory* to a *principal regional park use*;

- 2. Schedule “B” of Gabriola Island Land Use Bylaw No. 177 cited as “Gabriola Island Land Use Bylaw No. 177, 1999”, is amended as follows:

- a) To the legend the word “Park” is added after “PARKS 1 – Provincial and Regional”.

- b) By changing the zoning on the land legally described as The Northwest ¼ of Section 10, Gabriola Island, Nanaimo District, Except those Parts in plans 29152, 30043 and 30051 (PID: 009-735-828) from Resource to Parks 1 – Provincial and Regional Park as shown on Plan No. 1 attached to and forming part of this bylaw.

- c) By changing the zoning on the land legally described as:

- i. Lot B, Section 20, Gabriola Island, Nanaimo District Plan VIP73679 (PID: 025-417-681); and
- ii. Lot A, Section 20, Gabriola Island Nanaimo District Plan VIP73679 (PID: 025-417-673)

from Tourist Commercial 2 - Campgrounds to Parks 1 – Provincial and Regional Park as shown on Plan No. 2 attached to and forming part of this bylaw.

- d) By changing the zoning on the land legally described as:

- i. The Northeast ¼ of Section 13, Gabriola Island, Nanaimo District (PID: 006-654-843);
- ii. The Northwest ¼ of Section 14, Gabriola Island, Nanaimo District (PID: 006-655-335);

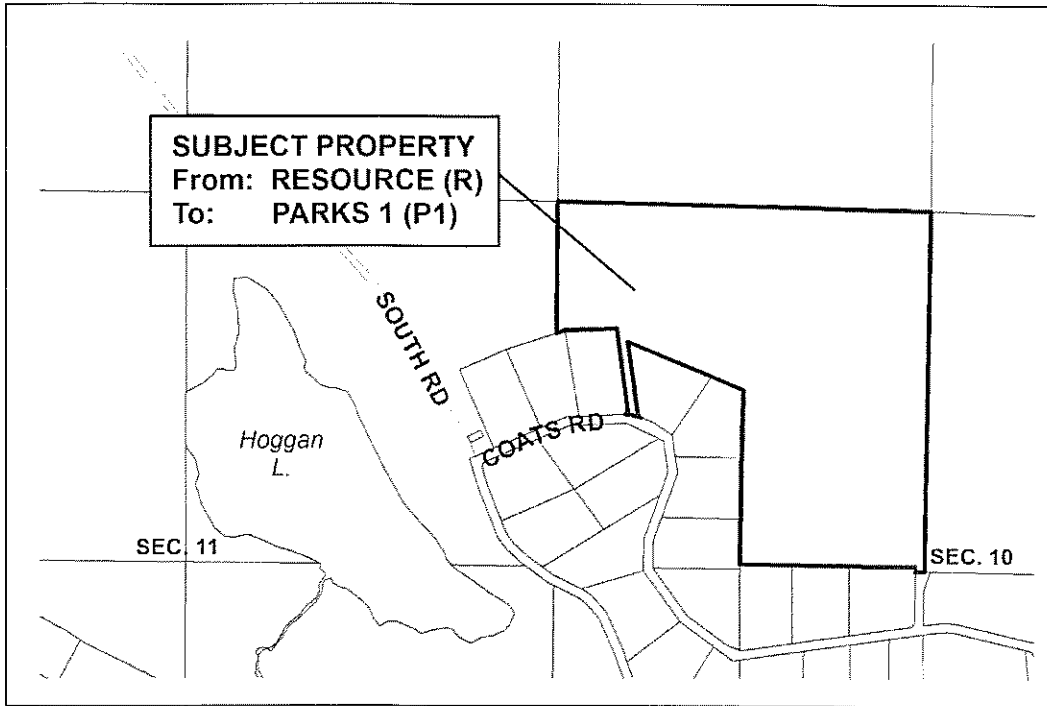
- iii. The South ½ of the Northeast ¼ of Section 14, Gabriola Island, Nanaimo District (PID: 006-649-815);
- iv. The Southeast ¼ of Section 14, Gabriola Island, Nanaimo District (PID: 006-649-599);
- v. The North ½ of the Southwest ¼ of Section 15, Gabriola Island, Nanaimo District (PID: 006-656-498); and
- vi. The East ½ of the Northeast ¼ of Section 10, Gabriola Island, Nanaimo District (PID: 006-649-408)

from Forestry Wilderness/Recreation 1 to Parks 2 – Passive Recreation Community Park as shown on Plan No. 3 attached to and forming part of this bylaw.

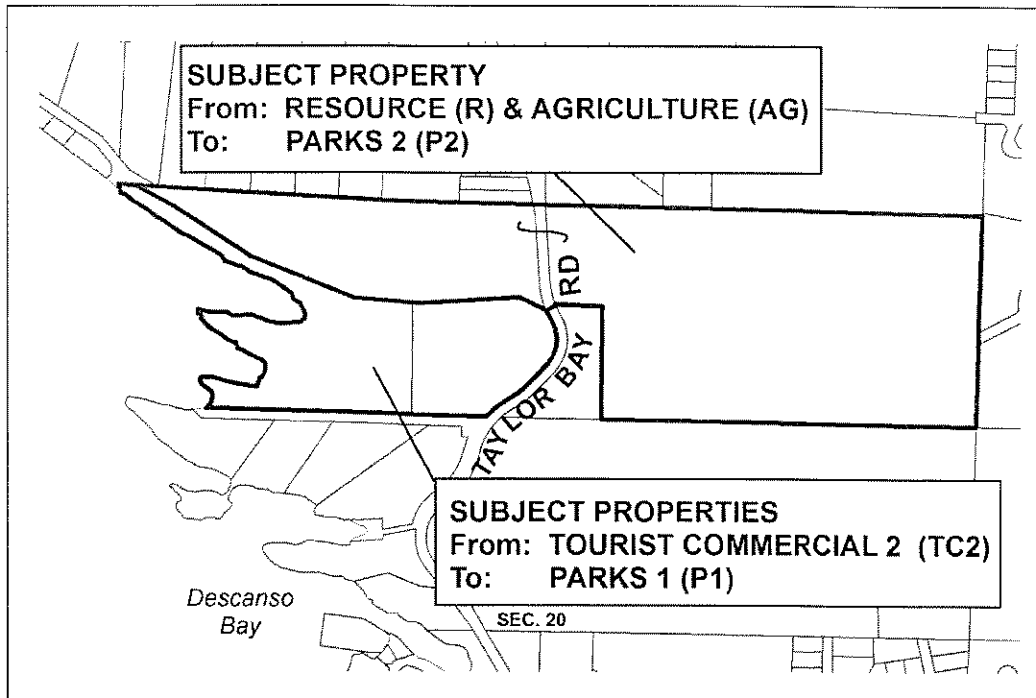
- e) By changing the zoning on the land legally described as The North ½ of the North ½ of Section 20, Gabriola Island, Nanaimo District, Except Parts in Plans 42874 and VIP73679 from Resource and Agriculture to Parks 2 – Passive Recreation Community Park as shown on Plan No. 2 attached to and forming part of this bylaw.
- f) By changing the zoning on the land designated as 'Park' on Plan 41031 from Large Rural Residential to Parks 2 – Passive Recreation Community Park as shown on Plan No. 4 attached to and forming part of this bylaw.
- g) By changing the zoning on the land designated as 'Park' on Plan VIP77409 from Agriculture to Parks 2 – Passive Recreation Community Park as shown on Plan No. 4 attached to and forming part of this bylaw.
- h) By changing the zoning on the land designated as 'Park' on Plan VIP70945 from Large Rural Residential to Parks 2 – Passive Recreation Community Park as shown on Plan No. 4 attached to and forming part of this bylaw.
- i) By changing the zoning on the land designated as 'Park' on Plan VIP66198 from Resource to Parks 2 – Passive Recreation Community Park as shown on Plan No. 5 attached to and forming part of this bylaw.
- j) By changing the zoning on the land designated as 'Park' on Plan 17658 from Small Rural Residential to Parks 2 – Passive Recreation Community Park as shown on Plan No. 6 attached to and forming part of this bylaw.
- k) By changing the zoning on the land designated as 'Park' on Plan VIP82759 from Resource Residential 1 to Parks 2 – Passive Recreation Community Park as shown on Plan No. 5 attached to and forming part of this bylaw.
- l) By changing the zoning on the land designated as 'Park' on Plan EPP11544 from Institutional 3 to Parks 2 – Passive Recreation Community Park as shown on Plan No. 7 attached to and forming part of this bylaw.
- m) By changing the zoning on that portion of land legally described as "lot 9, Section 18 & 23, Gabriola Island, Nanaimo District, Plan 45781" from Large Rural Residential to Parks 1 – Provincial and Regional Park as shown on Plan No. 8 attached to and forming part of this bylaw.

- n) By changing the zoning on that portion of water shown on Plan No. 8, attached to and forming part of this bylaw, from Water General to Water Protection 2.
 - o) By changing the zoning on that portion of water shown on Plan No. 8, attached to and forming part of this bylaw, from Water Protection 2 to Water General.
 - p) By changing the zoning on those portions of water shown on Plan No. 9, attached to and forming part of this bylaw, from Water Protection 1 to Water Protection 2.
 - q) By changing the zoning on that portion of water shown on Plan No. 9, attached to and forming part of this bylaw, from Water Protection 2 to Water Protection 1.
 - r) By changing the zoning on that portion of water shown on Plan No. 10, attached to and forming part of this bylaw, from Water General to Water Protection 2.
 - s) By changing the zoning on that portion of water shown on Plan No. 10, attached to and forming part of this bylaw, from Water Protection 2 to Water General.
3. Schedule "C" of Gabriola Island Land Use Bylaw No. 177 cited as "Gabriola Island Land Use Bylaw No. 177, 1999", is amended as follows:
- a) By deleting Map 5.
 - b) By adding Map 16 as shown on Plan No. 11, attached to and forming part of this bylaw.
 - c) By adding Map 17 as shown on Plan No. 12, attached to and forming part of this bylaw.

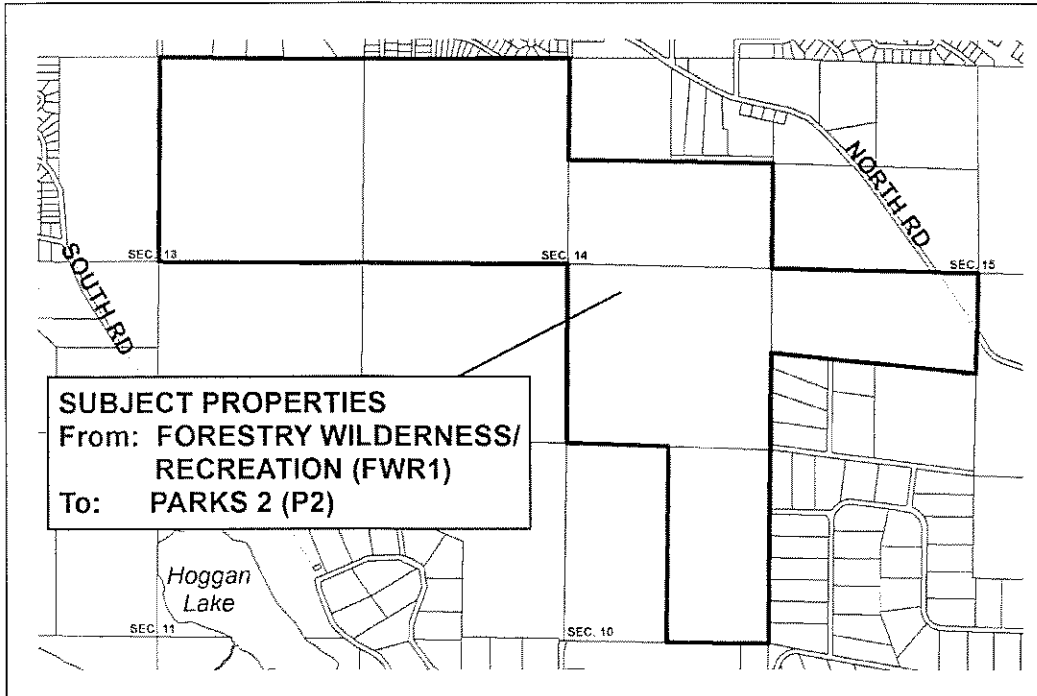
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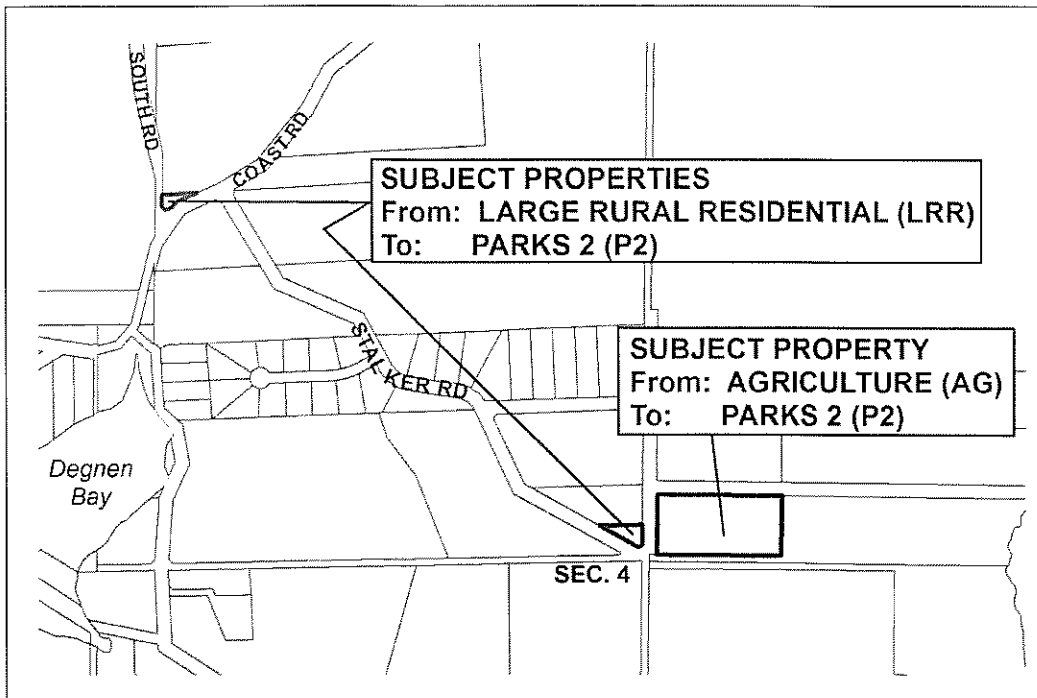
Plan No. 2



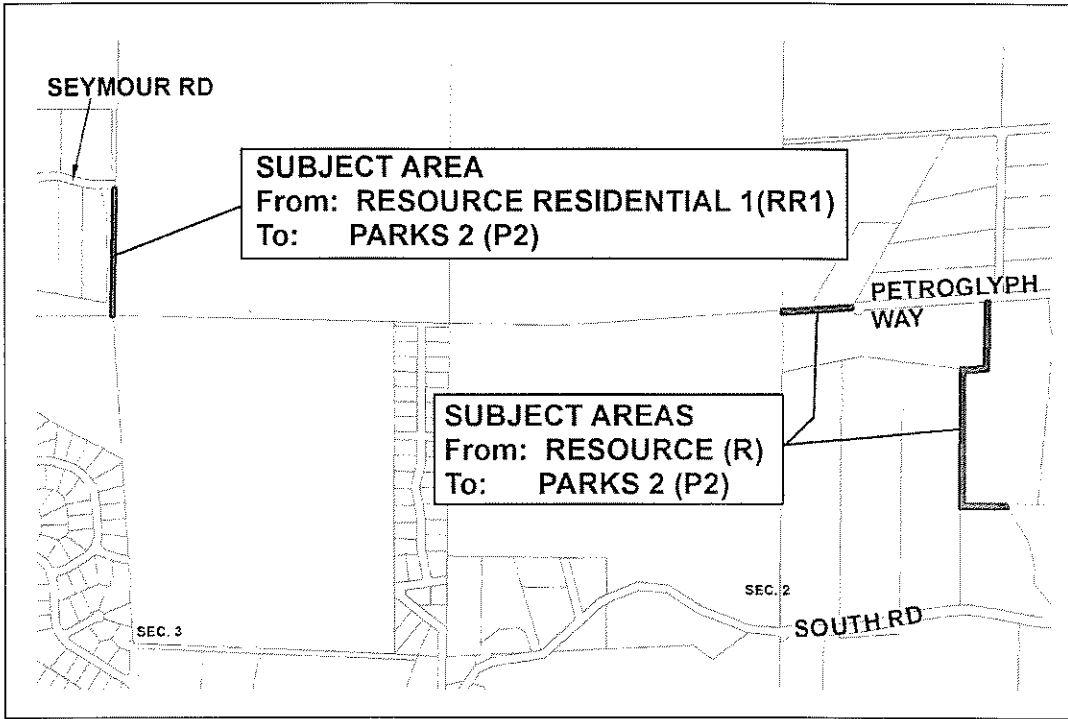
Plan No. 3



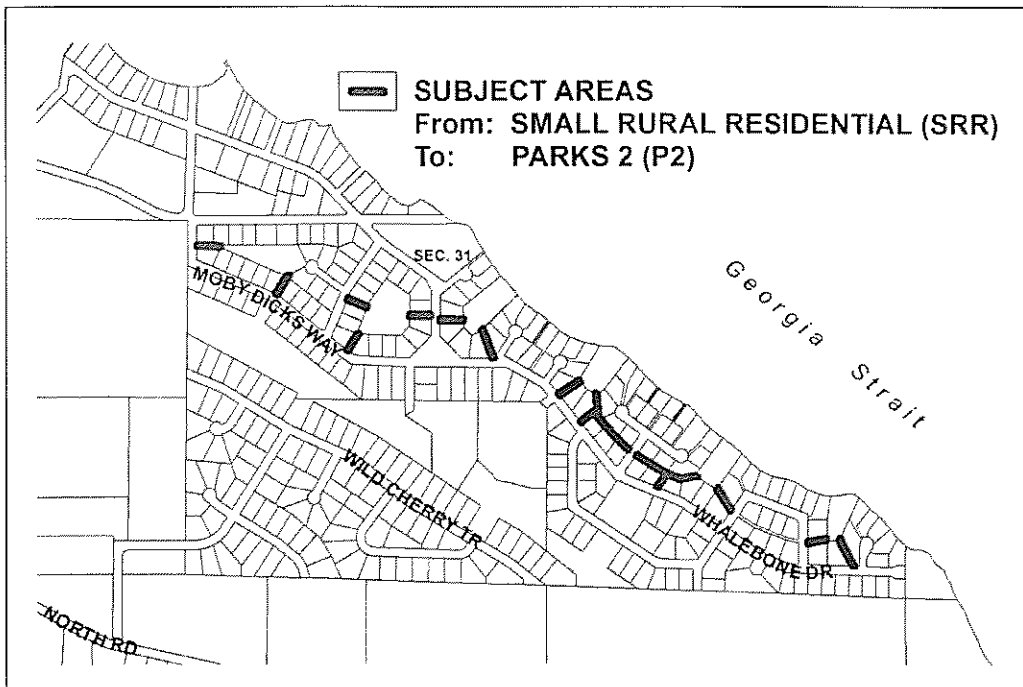
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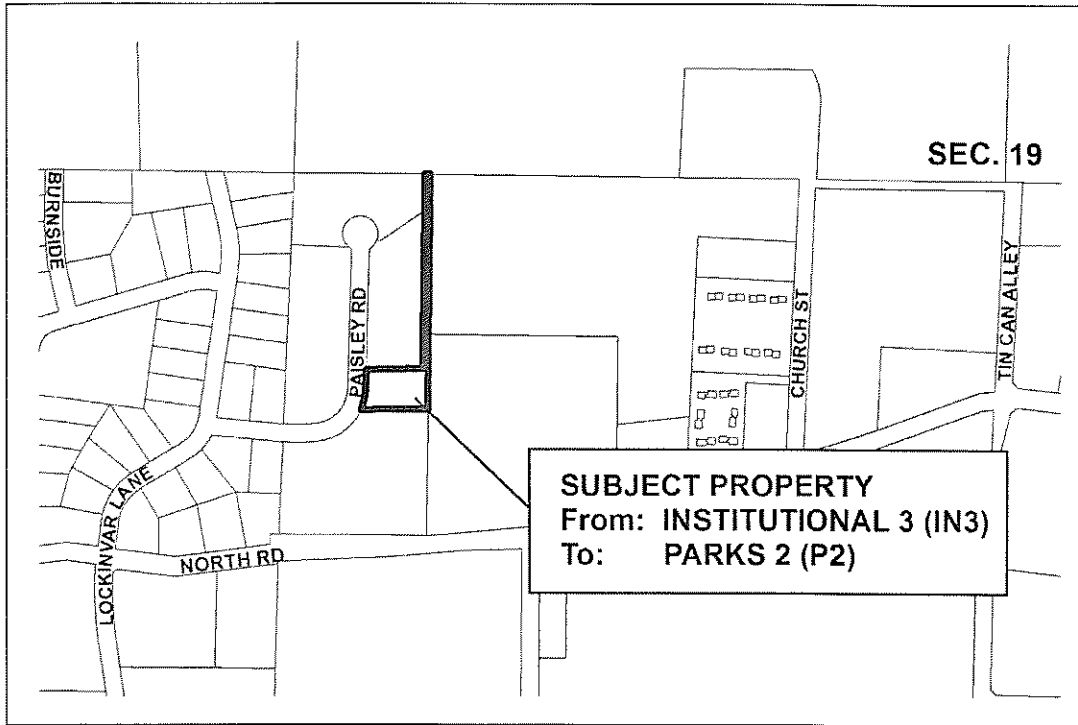
Plan No. 5



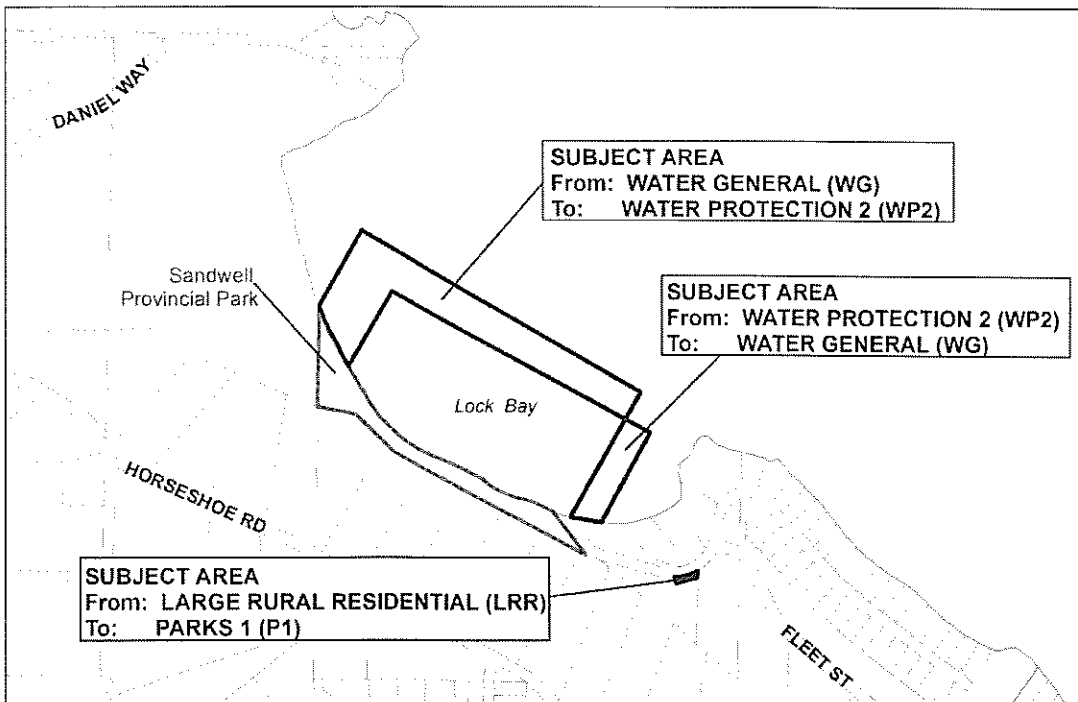
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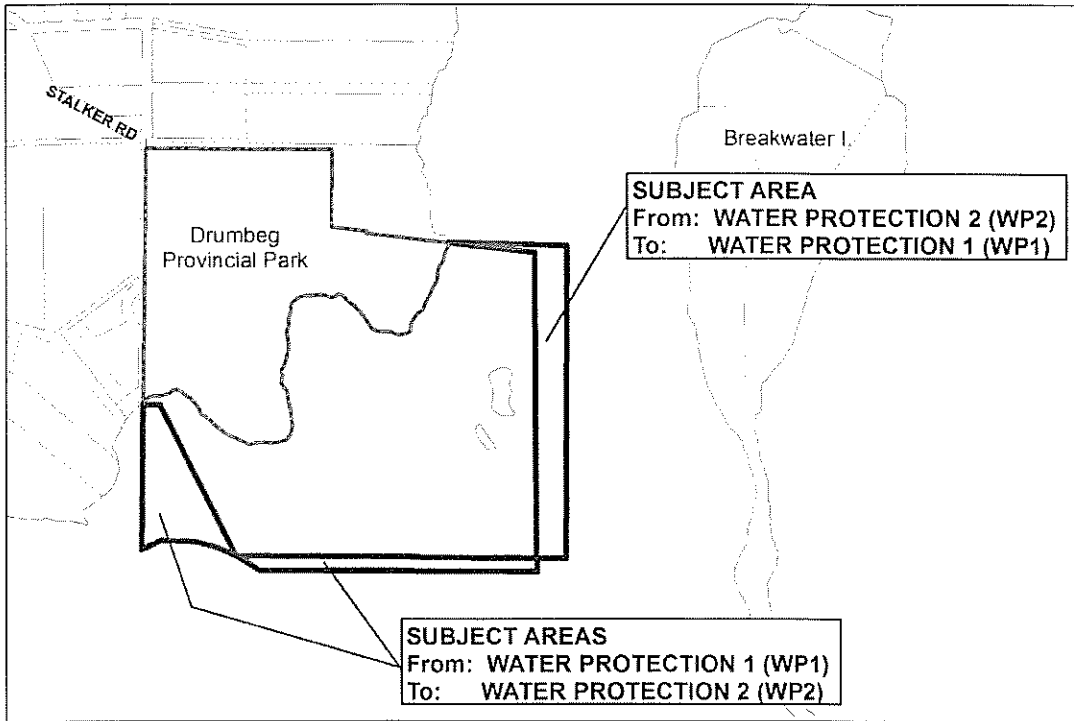
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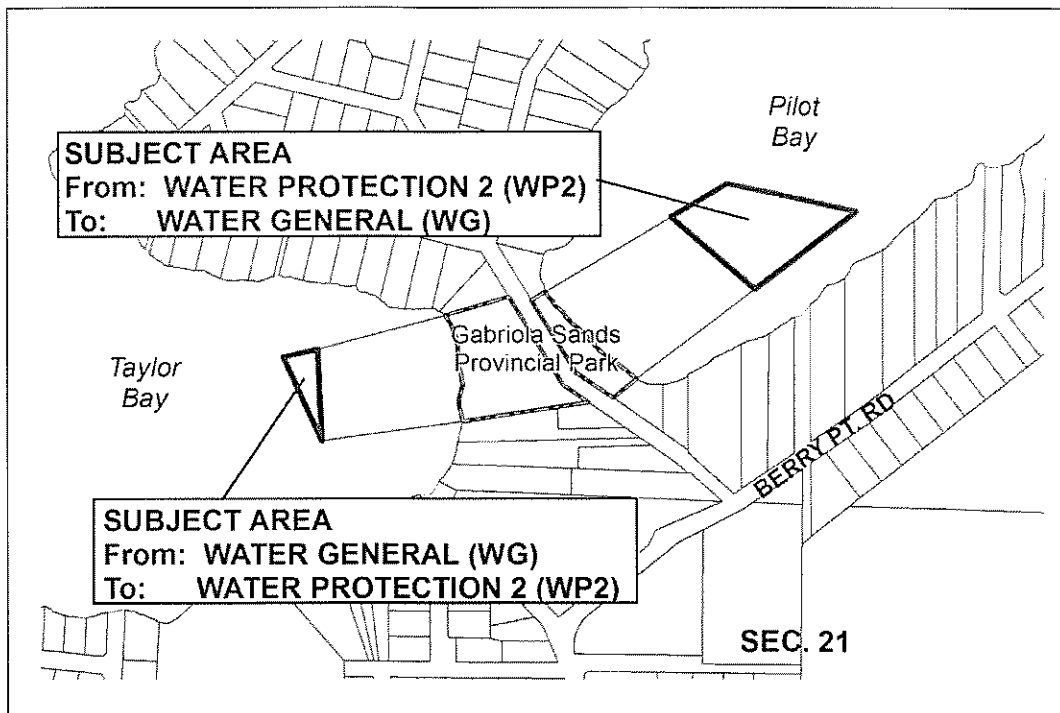
Plan No. 8



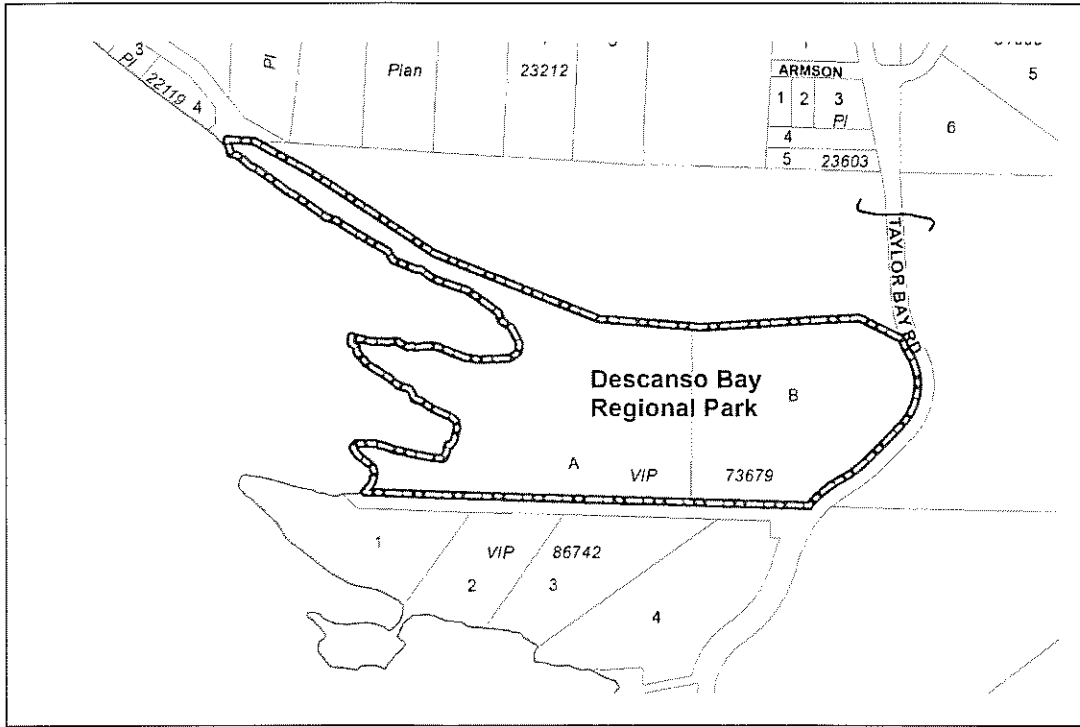
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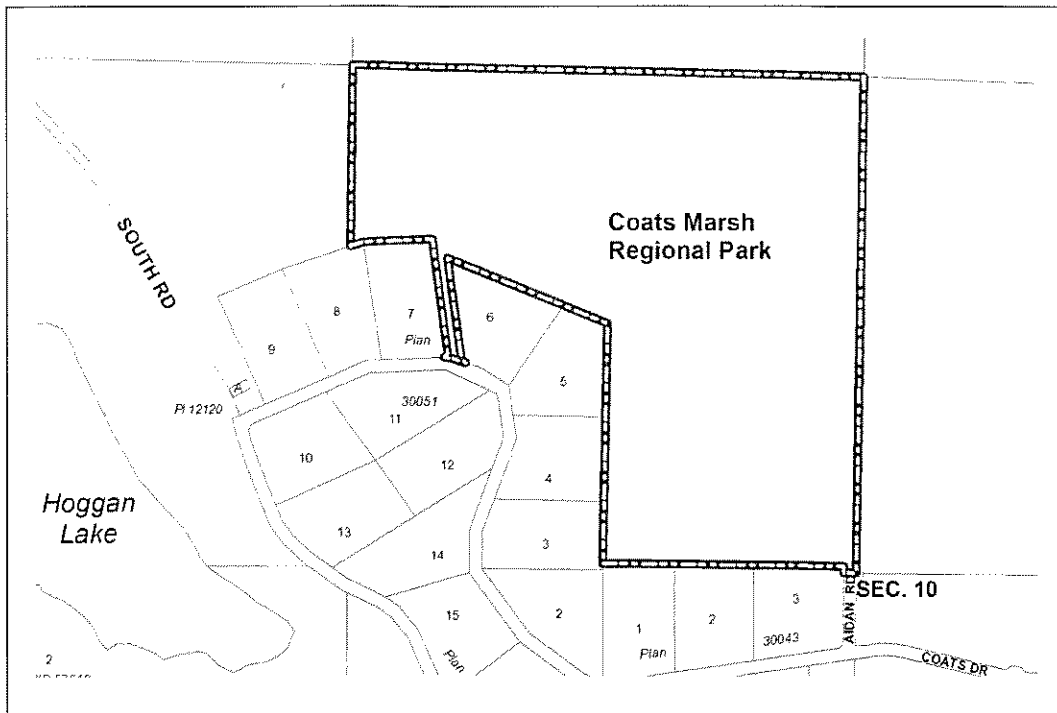
Plan No. 10



Plan No. 11



Plan No. 12



APPENDIX 4

Excerpts from Regional District of Nanaimo Park Use Regulations Bylaw No. 1399, 2004

SECTION 4 INTERPRETATION

4.1 In this bylaw:

- (r) **“Special use”** means:
 - i. any commercial or non-commercial service, activity or event that is intended to attract or requires participants or spectators and includes: a festival; competition; tournament; procession, drill, performance, concert, gathering, march; fishing derby; show; party; outdoor ceremony; regatta; animal show; group training or lesson or recreational programming; operation of a model airplane, vehicle or vessel; television or motion picture filming; and research, survey or petition activity;

5.16 Special Use and Commerce

- (a) Except for authorized personnel or where authorized by a park use permit, no person shall:
 - i. undertake or engage in a special use;
 - ii. carry on a commercial or industrial undertaking of any kind or nature or provide professional, personal or other services;
 - iii. post, paint or distribute any advertisement, sign, handbill, pamphlet, poster or placard of any kind; or
 - iv. operate, park or station any vehicle displaying advertising or equipped with a public address system.

5.17 Park Use Permits

- (a) Application for a park use permit shall be made to the District Manager who may:
 - i. grant, refuse, revoke, renew or refuse to renew a park use permit;
 - ii. establish park use permit fee amounts that differ from the general rates described in Schedule “C”;
 - iii. impose terms and conditions on obtaining, holding or renewing a park use permit;
 - iv. determine the amount of a park use permit fee refund in the event of a cancellation; or
 - v. refer an application to the District Board for determination.
- (b) An applicant for a park use permit may appeal the decision of the District Manager to the District Board by submitting a written request to the Board Chairman within 15 days of issuance of a decision by the District Manager.
- (c) A park use permit application must be accompanied by the required permit fee, damage deposit and proof of comprehensive general liability insurance, as set out in Schedule “C”.
- (d) Conditions associated with a park use permit may include:
 - i. the confinement of a special use to a specific location within a park, to certain time periods or to participation by certain people;
 - ii. that the applicant supply, install and service additional garbage receptacles or portable toilets or pay the District for additional servicing required as a result of the permitted activity;
 - iii. that the applicant provide and pay for the provision of appropriate fire and police or security protection during the course of the special use;

- iv. restrictions on the use of generators and other mechanical, electrical or electronic devices; the playing of live or recorded music; and the erection or placement of any temporary structures, seating, tables, flags, banners or other gear associated with the special use activity;
 - v. specific exemptions from provisions of this bylaw;
 - vi. any other terms and conditions specific to the nature of the special use requested given consideration of the impact of the special use on the park, park users and neighbours; and
 - vii. any other terms and conditions consistent with the intent of this bylaw.
- (e) A park use permit may not be issued unless all the following criteria are met:
- i. the special use conforms to any management plan produced for a park;
 - ii. the location of the permitted activity will not cause a significant or permanent negative environmental impact on the park and is sensitive to the use of the park by others;
 - iii. the applicant assumes full responsibility for the special use and indemnifies the District to its satisfaction; and
 - iv. the applicant has satisfied the requirements of paragraphs (c) above and agreed to the conditions set out in his park use permit.
- (f) Without limiting the authority of the District Manager, a park use permit may be refused if the applicant has previously contravened this bylaw.
- (g) The holder of a park use permit must also comply with the regulations, prohibitions and requirements of all other government bodies and local authorities including this and other District bylaws, for example, Bylaw No. 1010 Special Events Regulatory Bylaw for events involving more than 500 people, unless specifically exempted in writing.
- (h) In addition to any other penalties and enforcement actions, where the holder of a park use permit has not satisfied the terms and conditions of his permit:
- i. a park use permit may be revoked;
 - ii. a park use permit fee or a damage deposit may be forfeited to the District;
 - iii. the District may exercise any rights under the applicant's insurance; and
 - iv. the applicant may be required to pay, at the rate specified in Schedule "C", the cost of preparations, repairs, clean-up or park restoration undertaken by the District consequent to special use, failure to do so entitling the District to do the work at the applicant's expense.