



## ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni BC, CANADA V9Y 2E3

Telephone (250) 720-2700 Fax (250) 723-1327

January 12, 2022

### CHERRY CREEK ADVISORY PLANNING COMMISSION

Please find enclosed the following applications for your review and consideration:

- TUP20005 (Application to Renew TUP17010) – 3133 Alberni Highway, Port Alberni, (Heather Powell), OTG Developments, Agent

At the November 24, 2021 ACRD Board meeting, the Board of Directors directed staff to refer this application back to the Cherry Creek APC.

Please review this application so that your Director can submit your recommendations to the Board of Directors on January 26, 2022.

Your next meeting is scheduled for **Monday, January 17th at 7:00 pm** through Zoom Video Conferencing. Please refer to the email for details and Zoom invitation.

Thanks in advance!

Sincerely,

*Michael Irg*

Mike Irg, MSc, MCIP, RPP  
General Manager of Planning & Development

Enclosures

Cc Applicants



## **TEMPORARY USE PERMIT APPLICATION**

**TO:** ACRD Board of Directors

**MEETING DATE:** November 24, 2021

**FROM:** Mike Irg, GM of Planning and Development

### **TEMPORARY USE PERMIT**

**APPLICATION #:** TUP20005 (Application to Renew TUP17010)

**APPLICANTS:** Heather Powell, Owner (OTG Developments, Agent)

### **LEGAL**

**DESCRIPTION:** LOTS 21 & 22, DISTRICT LOT 18, ALBERNI DISTRICT, PLAN 906

**LOCATION:** 3133 Alberni Highway, Port Alberni

**ELECTORAL AREA:** "F" Cherry Creek

**Applicant's Intention:** The owner has hired OTG Developments to assist with this application and has submitted a new TUP application to allow 35 commercial RV campsites at 3133 Alberni Highway.

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**Recommendation:** THAT the Board of Directors confirm the 17 conditions listed below are a requirement for proceeding with TUP20005, as per the Board resolution from July 28, 2021, including limiting the campground to 22 campsites.

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At the July 28, 2021 Board meeting the Board of Directors passed a resolution to consider issuing Temporary Use Permit TUP20005, subject to:

- Neighbouring properties being notified as per section 494 of the Local Government Act;
- The applicant agreeing to proposed conditions of TUP20005 numbered 1 through 17 (listed below);
- Positive referral responses from Island Health, Cherry Creek Fire Department, and MOTI;
- Limiting the number of campsites to 22 prior to the TUP being issued;
- Holding a public meeting to allow for public input; and
- Require that the owner provide a security to guarantee the performance of the terms of the permit as per section 496 of the Local Government Act.

### **Conditions:**

1. This permit is only applicable to that part of the lands not within the Agricultural Land Reserve.
2. For the purposes of this temporary use permit, "campground" means a site operated and occupied for part of the year only for transient occupation in a recreational vehicle. For clarity a "campground" is not a mobile home park, or motel, or hotel, or auto court.

## **TUP20005**

3. This permit is issued for a campground containing a maximum of 22 campsites.
4. The campground may be operated 365 days of the year.
5. Individual campsites may only be occupied on a temporary basis by an individual occupant for a maximum of 180 days.
6. Individual campsites must be a minimum of 120 square meters.
7. All campsites are to be clearly marked and delineated.
8. The owner must ensure a minimum distance of 5 meters is maintained between individual recreational vehicles occupying individual campsites.
9. No campsites or associated campsite use to be located within the Agricultural Land Reserve portions of the properties.
10. Access within the campground to be maintained and clearly marked.
11. No permanent structures to be erected within the individual campsites.
12. Maintain a 5 meter vegetation buffer on the west and east sides of that portion of the properties that are subject to the temporary use permit.
13. The property owner must comply with all conditions required by the Ministry of Transportation and Infrastructure.
14. The property owner must comply with all conditions required by the Cherry Cree Fire Department.
15. The property owner must comply with all conditions required by Island Health.
16. There is to be no vegetation removal within 15 meters of any streams.
17. If any conditions of this permit are not met, or if there is a change of ownership of the property, the ACRD may rescind or terminate the temporary use permit.

### Comments:

The original application was for a temporary commercial use permit for a 22 site campground / RV park which expired in May 2020. Once the TUP expired, the number of RV campsites increased to 31. On December 10, 2020, staff observed 26 RVs onsite and fill that has been brought onto the property. On March 29, 2021, staff observed 31 RVs onsite (one of the RVs is owned by the applicant), on April 21st 30 RVs, and on November 1st 24 RVs. The owner has provided an email indicating the number of campsites will be reduced to 22 by December 1, 2021. Staff note that this is 18 months after the original TUP expired.

A public meeting scheduled for September 23, 2021 was cancelled, as the owner had not provided information requested by staff that was to be available at the public meeting. This application for a 35-site RV campground was only received after ACRD legal counsel wrote to the owner advising of the bylaw infractions and consequences of not complying.

Staff was clear with the owner's agent that the Board resolved to consider this TUP with all 17 conditions, including the limit of 22 campsites and the 180 day maximum individual occupancy.

The original TUP application was made for 22 campsites. The ACRD zoning bylaw definition of a campground is: "campground means a site operated and occupied for part of the year only as temporary accommodations for holiday makers in tents and recreational vehicles; but a campground is not a mobile home park."

### TUP20005

The use of this property to have RVs as permanent or long-term accommodations is not what was intended in the original 2017 application.

If the Board wishes to issue this temporary use permit with 22 campsites, and then consider a rezoning application, staff recommends issuing the temporary use permit for the maximum amount of time permitted under the LGA, which is three years. A temporary use permit allows the ACRD to require conditions that are not allowed under zoning regulations, including security requirements and the ability to revoke the TUP. For the duration of the TUP, the ACRD can monitor the operations of the campsite to ensure compliance with the conditions of the TUP. As well, when the TUP expires, the property must be returned to its original condition if the Board determines it is not in the public interest to rezone to a campground use.

If the Board wishes to proceed with this TUP application, the next step would be to hold a public meeting and then bring the TUP back to the Board to consider issuing the TUP.

**Options:**

- 1/ The Board consider a temporary use permit for a 35 RV site campsite with year round occupancy.
- 2/ The Board deny the TUP application.

Prepared by:

  
\_\_\_\_\_  
Mike Irg MCIP, RPP, GM of Planning and Development

Reviewed by:

\_\_\_\_\_  
Teri Fong CPA, CGA, Acting Chief Administrative Officer

**TUP20005**



## ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni, BC V9Y 2E3

Phone: (250) 720-2700 Fax: (250) 723-1327

### APPLICATION FOR DEVELOPMENT

- |  |   |
|--|---|
| <input type="checkbox"/> Official Community Plan Amendment | <input type="checkbox"/> Minimum Parcel Frontage Waiver             |
| <input type="checkbox"/> Zoning Map Amendment              | <input type="checkbox"/> Board of Variance Application              |
| <input type="checkbox"/> Zoning Text Amendment             | <input checked="" type="checkbox"/> Temporary Commercial Use Permit |
| <input type="checkbox"/> Development Permit                | <input type="checkbox"/> Temporary Industrial Use Permit            |
| <input type="checkbox"/> Development Variance              | <input type="checkbox"/> Other: _____                               |

Applicant/Property Owner Information	Agent Information (if applicable)
Name: 1047819 BC Ltd. Heather Powers	Name: OTG Developments Ltd. (Shannon Webb)
Mailing Address: #1-924 ISLAND HIGHWAY EAST PARKSVILLE, B.C. V9P 1R6	Mailing Address: Unit 520 - 45715 Hocking Avenue Chilliwack, B.C. V2P 6Z6
Telephone: 250.607.7054	Telephone: 250.686.5793
Fax:	Fax:
Cell:	Cell:
Email:	Email: shannon@otgdevelopments.com

- Legal Description: LOT 21, DISTRICT LOT 18, ALBERNI DISTRICT, PLAN 906 EXCEPT PART IN PLAN 2051 RW
- Particulars of Proposed Development:
  - Existing OCP Designation: Recreational Use
  - Proposed OCP Designation: \_\_\_\_\_
  - Text Amendment: \_\_\_\_\_
  - Existing Zone: Recreation Commercial District (C7) and Small Holdings District (A1)
  - Proposed Zone: \_\_\_\_\_
  - Within the Agricultural Land Reserve (ALR)?: No
  - Within a Development Permit Area?: Yes
  - Method of Sewage Disposal: Onsite Septic
  - Method of Water Supply: Cherry Creek Improvement District
- Other (explain): \_\_\_\_\_
- Describe the existing land use of the subject property: An existing RV park under expired TUP 17010 which is located on the southern portion of Lots 21 & 22 of 3133 Alberni Highway.

- Describe the existing land use of lands adjacent to the subject property:

North: Two lots which form part of Hollies Executive Golf Course (A2 Zone)

South: Single-family residential (A1 Zone)

East: Single-family residential (A1 Zone)

West: Single-family residential (RA2 and A1)

- Describe the proposed development of the subject property (attach additional pages if necessary):

An RV park with up to 35 sites located on the non-ALR portion of the subject properties

- Reasons and comments in support of the application (attach additional pages if necessary):

See attached cover letter.

- The following information is required. Failure to provide any of the following may delay the application.

A sketch/plan of the subject property showing:

- the legal boundaries and dimensions of the subject property;
- boundaries, dimensions, and area of any proposed lot (if subdivision is being proposed);
- the location of permanent building and structures on the subject property with distances to property lines;
- the location of any proposed building, structures, or additions hereto, with distances to property lines;
- the location of any existing sewage disposal systems and/or property water source; and
- topographic features (rock outcroppings, etc.).

- Additional or more detailed information may be requested by the Regional District following review of your application.

**If the Regional District believes it to be necessary for the property boundaries and the location of buildings and structures to be more accurately defined, a plan prepared by a registered BC Land Surveyor may be required.**

**I accept responsibility for delays in processing caused by incorrect or insufficient submission. Personal information contained on this form is collected under the *Local Government Act*. Contact the Planning Department if you have any further questions.**

**I hereby grant Regional District staff full right of access to the subject property, during the hours of 8:00 am until 4:30 pm, Monday to Friday, except statutory holidays, while this application is in effect; and**

**I/We hereby declare that the information provided in this application is, to the best of my/our knowledge, true and correct in all respects, and I/we enclose the required fee with this application.**

**NOTE: All items submitted as part of the application will not be returned to the applicant and are subject to the *Freedom of Information and Privacy Act*. All relevant correspondence will be provided to both the applicant and the agent when applicable.**

Applicant/Owner Signature: S Webb

Applicant/Owner Signature: See attached Letter

Date: 18 October 2021

**From:** [Riverbend Resort - Heather](#)  
**To:** [Mike Irg](#)  
**Cc:** ["Shannon Webb"](#)  
**Subject:** Hollies Golf and RV  
**Date:** October 28, 2021 11:35:53 AM

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**[WARNING] This email originated from outside of the ACRD. Do not click links or open attachments unless you recognize the sender and know the content is safe. If this email says it is from someone from inside the ACRD it is most likely fraudulent!**

Good morning Mike,

I just wanted to keep you up to date on our progress of lowering the site number to 22.

By November 1<sup>st</sup> we will have reduced the number of sites to 24 and by mid-November we will be down to 23 sites. We are hoping to have the last site vacated by January 1<sup>st</sup> at the latest.

We have moved people to our site in Parksville and we have provided letters of referral upon request.

Even though this is the case, one of the people that we asked to leave has ended up homeless on the streets of Port Alberni. Obviously there is more to this story however, I feel horrible that I am partly responsible for her current situation.

If you could please reconsider your position and look at allowing us additional sites in the new TUP we would greatly appreciate it. Our infrastructure provides for it (water, sewer, power), the sites are the correct size and outside of the ALC boundary, Moti has issued an access permit, the fire department has no concerns and confirmed there are no structures on the sites. There has been no noise complaints, no police presence required, no bylaw infractions other than the expiration of the TUP.

I also wanted to up-date you that we have contacted Thomas Elliot a local agrologist to help us apply for a permit to the ALC to allow fill to be brought onto the property. If there is any indication that we will not be allowed to keep the existing soil

on the ALR part of the property, we will move it to the area of our property that is not in the ALR.

Respectfully,

Heather

October 28, 2021

Our File: 21-318

Mike Irg,  
General Manager of Planning and Development  
Alberni-Clayoquot Regional District  
Port Alberni, BC V9Y 2E3

**Via Email**

**Re: Temporary Use Permit Application for Commercial Campground - 3133  
Port Alberni Highway.**

This letter has been prepared by OTG Developments on behalf of property owner, Heather Powell, in support of a Temporary Use Permit (TUP) application, to permit the continued operation of an existing commercial campground within 3133 Port Alberni Highway (LOT 22, DISTRICT LOT 18, ALBERNI DISTRICT, PLAN 906 & LOT 21, DISTRICT LOT 18, ALBERNI DISTRICT, PLAN 906 EXCEPT PART IN PLAN 2051 RW).

The TUP application is seeking approval for the continuation of a commercial campground within the non-ALR portion of the properties for a further three years. This new TUP application is being sought to provide sufficient time to prepare, submit, and process a rezoning application to permit permanent commercial uses within the site.

It is understood that the previous TUP (TUP17010) permitted the commercial campground subject to the owner satisfying the following conditions:

- This permit is only applicable to that part of the lands not within the Agricultural Land Reserve (ALR);
- This permit is issued for a seasonal commercial campground for a maximum of 22 camping sites;

- All campsites are to be clearly marked and delineated;
- There is to be no vegetation removal within 15m of any streams;
- No campsites to be located within the Agricultural Land Reserve (ALR);
- Access within the campground to be maintained and clearly marked; and
- No permanent structures to be erected within the individual campsites.

It is further understood that Regional District staff are supportive of renewing the previous TUP subject to the owner meeting the following additional conditions:

- The campground may be operated 365 days of the year;
- Individual campsites may only be occupied on a temporary basis by an individual occupant for a maximum of 180 days;
- Individual campsites must be a minimum of 120 square meters;
- The owner must ensure a minimum distance of 5 metres is maintained between individual recreational vehicles occupying individual campsites;
- No campsite or associated campsite use to be located within the Agricultural Land Reserve (ALR) portions of the properties;
- No permanent structures to be erected within the individual campsites;
- Maintain a 5 metre vegetation buffer on the west and east sides of that portion of the properties that are subject to the Temporary Use Permit;
- The property owner must comply with all conditions required by the Ministry of Transportation and Infrastructure;
- The property owner must comply with all conditions required by the Cherry Creek Fire Department; and
- The property owner must comply with all conditions required by the Vancouver Island Health Authority (VIHA).

The owner is committed to meeting all of the original and new conditions, with the exception of limiting the number of units onsite to 22 and limiting the maximum stay to 180 days. The owner is seeking approval for an additional 13 units for a total of 35 campsites (Note: only 32 will be connected to the onsite septic system). The attached Site Plan has been prepared to depict the approximate layout for all 35 sites within the subject properties. In accordance with the above conditions, the Site Plan also demonstrates that all campsites will provide a minimum area of 120 square metres and allow a minimum distance of 5 metres to be maintained between individual

recreational vehicles occupying individual campsites. The plan also confirms that all sites will be located within the non-ALR portion of the properties and that fencing, and landscaping is proposed to ensure that the two areas remain separate.

### Rationale for Support of Application

It was noted that the staff report presented to the Board for the previous TUP application, did not raise any concerns with respect to the proposed number of units at that time. The report specifically did not include any comments on the need to limit the number of units to 22 based on factors such as access / traffic concerns, fire protection measures, or limitations on servicing etc. The comments in the report indicated that additional units would likely have been supported under the previous TUP if the owner had made the request at that time. On this basis, the new application seeks support for the additional units. This request is supplemented with the following additional documentation (**see Appendix 1 and 3**) to demonstrate that the site is safe and suitable for the intended capacity:

- A copy of an email from the Cherry Creek Fire Department which was provided as a follow-up to a site inspection conducted by Fire Department staff on September 21, 2021. The email confirms that the access / egress was sufficient for Fire Department requirements and that no permanent structures have been built onsite with respect to the campsite use. The email provided the owner with two recommendations to ensure the safe of the site which the owner immediately addressed.
- A copy of the Highway Access Permit issued by the Ministry of Transportation to the owner dated September 20, 2021. This permit demonstrates that the existing access / egress for the campground is safe and suitable for the existing and proposed land use.

In addition to the above two items, it is understood that District staff have been provided with full details on the existing septic systems onsite. These details include confirmation of the adequacy of these systems by Vancouver Island Health Authority for the proposed 32 campsites and the existing ancillary buildings within the property.

It is felt that limiting the maximum stay to 180 days is unwarranted and creates an unnecessary burden on the campground visitors and business owner. It is also considered that this condition is likely unenforceable by District staff. The campground has been operating successfully within

the site for several years without the proposed maximum stay condition. During this time, the owner has not received any noise or other similar complaints from the residents of neighbouring properties. The operation of the campground has also not required any police presence or triggered bylaw infraction notices. The existing services e.g., water, power and septic systems are furthermore adequate to cater for any duration of stay.

Campgrounds which are limited to shorter stays also tend to create greater impacts on the neighbouring properties as visitors to these sites are often “rowdier” and less considerate of other campers. Long-term campers on the other hand treat their environment and neighbours with greater respect. There are several examples of existing similar campgrounds on Vancouver Island and throughout BC which successfully permit unlimited stays. Locally, there are three similar campgrounds within Campbell River, two in Qualicum Beach and one within Ucluelet which offer unlimited stays. These campgrounds provide the same level of services and amenities as the owner’s campground. To ensure that the visitors remain respectful of the campground and adjacent property owners, visitors are required to always comply with campground rules. For information, a copy of these rules has been provided with this letter in **Appendix 3**.

The facility is centrally located where it attracts and encourages tourists and motorists to stay and spend locally. The facility is also located within an appropriate buffered and separated area to ensure that the commercial use is compatible with the surrounding residential land uses. It is considered that the continuation and minor expansion of the existing commercial campground within this location provides a significant commercial and tourist benefit for the City of Port Alberni. It is the owner’s intention to continue to operate the facility in a manner which provides a positive addition to the City’s commercial and tourist-based services.

I wish to thank you for your time and consideration and trust that this letter provides an adequate description of the owner’s intentions. If you have any questions, please do not hesitate to contact me.

Regards,



Shannon Webb,  
Senior Planner, Project Manager  
OTG Developments Ltd.

Phone: 250 686 5793

Email: [shannon@otgdevelopments.com](mailto:shannon@otgdevelopments.com)

## **Appendix 1 - Copy of Email Received from Cherry Creek Fire Department**

**From:** Riverbend Resort - Heather <[heather.riverbend@shaw.ca](mailto:heather.riverbend@shaw.ca)>

**Sent:** September 21, 2021 4:17 PM

**To:** 'Cherry Creek Fire Department' <[ccvfd@shaw.ca](mailto:ccvfd@shaw.ca)>

**Subject:** RE: Hollies Site Visit

Good afternoon Lucas,

Thank you for going to our site and sharing your recommendations.

1. Trevor will have those propane tanks moved to the side or backs of the sites as you have suggested. Thank you for the fresh set of eyes.
2. Once a year we request, copies of insurance on each of the units in the park. We will request that everyone check and update their fire extinguisher at the same time.

If in the future you have any thoughts that could improve our site safety please let us know.

Heather

**From:** Cherry Creek Fire Department <[ccvfd@shaw.ca](mailto:ccvfd@shaw.ca)>

**Sent:** September 21, 2021 10:41 AM

**To:** [heather.riverbend@shaw.ca](mailto:heather.riverbend@shaw.ca)

**Cc:** Cherry Creek Waterworks <[ccww@shaw.ca](mailto:ccww@shaw.ca)>

**Subject:** Hollies Site Visit

Hi Heather,

I completed a site visit with Trevor today at Hollies. The access/egress was sufficient for fire department requirements and it was good no permanent structures were present. I did make a couple recommendations to Trevor:

1. There were a couple 500 pound propane tanks positioned at the front two RV sites. This does pose a real risk of someone backing into the tank and causing a leak. Propane being heavier than air makes it more dangerous than natural gas, without adequate air movement propane will pool in low areas. Any propane tanks should be secured and protected as best as possible.
2. We recommend the site manager encourages each RV have an operational fire extinguisher.

Thank you for taking the time and care to improve site safety.

Lucas

**Appendix 2 - Copy of Ministry of Transportation Permit**



BRITISH  
COLUMBIA

Ministry of  
Transportation

Permit/File Number: 2021-05014

Office: Vancouver Island District

**PERMIT TO CONSTRUCT,  
USE, AND MAINTAIN ACCESS TO A CONTROLLED ACCESS  
HIGHWAY**

**PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS  
ACT AND/OR THE MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE  
NISGA'A FINAL AGREEMENT AND THE NISGA'A FINAL AGREEMENT ACT.**

**BETWEEN:**

The Minister of Transportation and Infrastructure

Vancouver Island District  
Third Floor  
2100 Labieux Road  
Nanaimo, BC V9T 6E9

("The Minister")

**AND:**

Heather M Powell  
1047819 BCLTD  
#1-924 Island Highway East  
Parksville, BC V9P 1R6

("The Permittee")

**WHEREAS:**

- A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;
- B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:

**The installation, operation, and maintenance of two Commercial accesses comprising one one-way entry and one one-way exit for RV park and golf course, within Alberni Hwy and Old Nanaimo Hwy, to serve Lot 21, DL 18, Alberni, Plan VIP906, in accordance with drawing attached.**

- C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

1. The Minister shall designate an official ("the Designated Ministry Official") who shall act as the Minister's agent in the administration of this permit in the manner hereinafter set out.
2. The Use shall be carried out according to the reasonable satisfaction of the Designated Ministry Official.

3. The Permittee shall indemnify and save harmless the Ministry, its agents and employees, from and against all claims, liabilities, demands, losses, damages, costs and expenses, fines, penalties, assessments and levies made against or incurred, suffered or sustained by the Ministry, its agents and employees, or any of them at any time or times, whether before or after the expiration or termination of this permit, where the same or any of them are based upon or arise out of or from anything done or omitted to be done by the Permittee, its employees, agents or Subcontractors, in connection with the permit.
4. The Permittee shall make diligent attempts to determine if there are other users of the right of way in the vicinity of the Permittee's location whose use may be affected. It shall be the responsibility of the Permittee to contact any such users before exercising any of the rights granted hereunder and to attempt to reach an accommodation.
5. The Minister shall take reasonable care to do as little damage or interference, as possible, to any Use authorized by this permit in the carrying out of the construction, extension, alteration improvement, repair, maintenance or operation of any work adjacent

Page 1 of 3



BRITISH  
COLUMBIA

Ministry of  
Transportation

Permit/File Number: 2021-05014

Office: Vancouver Island District

thereto, but the Minister shall not be responsible for any damage regardless.

6. The Minister at the absolute discretion of the Minister may, at any time, cancel this permit for any reason upon giving reasonable notice; provided, however, that in the case of default by the Permittee or in the case of an emergency no notice shall be necessary. The Minister shall not be liable for any loss incurred as a result of permit cancellation.
7. Placing of speed arresters on the access (or accesses) or in the Permittee's property without the prior consent in writing of the Designated Ministry Official shall render the permit void.
8. The Permittee shall be responsible for replacing any survey monuments that may be disturbed or destroyed by the Use. Replacement must be by a British Columbia land surveyor at the Permittee's expense.
9. The Permittee shall remove any mud, soil, debris, or other foreign material tracked onto the highway from the access authorized herein. Such removal shall be at the Permittee's expense and shall be done at any time the material unduly inconveniences traffic and, in any event, daily.
10. The Permittee acknowledges that the issuance of this permit by the Minister is not a representation by the Minister that this permit is the only authority needed to carry out the Use. The Permittee shall give deference to any prior permission given for use of the right of way in the vicinity of the permit area, shall obtain any other permission required by law, and shall comply with all applicable laws regardless of their legislative origin.
11. At the end of the term of this permit, or when the permit is cancelled or abandoned, the Permittee shall, if so requested by the Minister, remove all installations and shall leave the site as near as reasonably possible in the condition it was in before this permit was issued or such other condition as shall reasonably be required by the Designated Ministry Official. If the Permittee refuses to comply with these obligations, the Minister may perform them as required and the Permittee shall be liable to the Minister for the costs of doing so.
12. The rights granted to the Permittee in this permit are not assignable without the consent of the Minister.
13. As a condition of this permit, the permittee unconditionally agrees with the Ministry of Transportation and Infrastructure that the permittee is the prime contractor or will appoint a qualified prime contractor, as described in Section 118 of the Workers Compensation Act, for the purposes of the work described by this permit, at the work location described in this permit, and that the permittee or designated prime contractor will observe and perform all of the duties and obligations which fall to be discharged by the prime contractor pursuant to the Workers Compensation Act and the Occupational Health and Safety Regulation.
14. The permittee is advised and acknowledges that the following hazards may be present at the work location and need to be considered in co-ordinating site safety: overhead hazards, particularly electrical or telecommunications lines; buried utilities, particularly electrical, telecommunication, and gas lines; traffic, danger trees, falling rocks, and sharp or infectious litter.
15. Any works within the Ministry right-of-way that fall within the scope of "engineering" under the Engineers and Geoscientists Act will be performed by a Professional Engineer, and shall comply with this Ministry's

"Engineer of Record and Field Review Guidelines". The Guidelines can be viewed on the Ministry's website at <http://www2.gov.bc.ca/assets/gov/driving-and-transportation/transportation-infrastructure/engineering-standards-and-guidelines/technical-circulars/2009/t06-09.pdf>

16. The permittee is responsible for preventing the introduction and spread of noxious weeds on the highway right-of-way as defined by the British Columbia Weed Control Act and Weed Control Regulation.
17. The Use shall be carried out according to the following drawings and specifications, which are attached and shall be considered to be part of this permit:

MAP SHOWING LOCATION AND DIRECTION OF ACCESSES

18. (a) The rights granted under this permit shall not be exercised before September 20<sup>th</sup> 2021. (b) The Construction and Installations must be completed on or before December 31<sup>st</sup> 2021.

19. A. LOCATION

20. The layout shown on the attached drawing is a condition of this permit, and any change in layout without the prior consent in writing of the Designated Ministry Official shall render the permit void.

21. B. CONSTRUCTION AND INSTALLATIONS:

22. The rights granted under this permit and certificate are temporary and will expire on September 30th, 2026.
23. The Permittee shall take all reasonable precautions to attempt to ensure the safety of the public in connection with the Use. In particular, but not so as to limit this obligation, the Permittee shall, if so required by the Designated Ministry Official on reasonable grounds, prepare and implement a traffic control plan. The contents of the plan and the manner in which it is implemented must meet the reasonable satisfaction of the Designated Ministry Official.

24. The Permittee shall, at his cost, supply, erect, and maintain standard traffic control devices in accordance with the Ministry of Transportation and Infrastructure Traffic Control Manual for Works on Roadways and Occupational Health and Safety

Page 2 of 3



BRITISH  
COLUMBIA

Ministry of  
Transportation

Permit/File Number: 2021-05014

Office: Vancouver Island District

Regulation.

25. That before opening up any highway or interfering with any public works, written notice of intention to do so must be given to the Designated Ministry Official at least two(2) weeks before the work is begun.
26. If there is an existing access to a highway on property owned or controlled by the Permittee in the vicinity of the permit area, that access shall, unless the Designated Ministry Official says otherwise, be closed and the manner of closure shall be to the reasonable satisfaction of the Designated Ministry Official.
27. If necessary, the access (or accesses) shall be constructed with minimum 450mm culvert pipe, as appropriate for ditch width and depth, manufactured to CSA or ASTM standards and laid at ditch invert elevation. Maintenance and periodic cleaning of this culvert is the responsibility of the Permittee.
28. The profile of the access (or accesses) shall not exceed 2% grade from the ditchline for a distance of at least 10 metres as measured away from the highway along the centerline of the access.
29. The finished grade of the access (or accesses) at the ditch-line shall be 15 cm below the highway shoulder elevation.
30. Access to be constructed at 90 degrees to the highway for a distance of 15 metres from the highway shoulder.
31. C. AUTHORIZED ACTIVITIES
32. The access (or accesses) shall be restricted to the following movements only ENTRY ONLY from Highway 4, EXIT ONLY to Old Nanaimo Highway and the Permittee shall construct and erect all necessary channelization, signs, and other traffic-control devices at his cost.
33. D. OPERATION AND MAINTENANCE
34. The Permittee will ensure that the works do not, impair, impede or otherwise interfere with;
  - I. public passage on the Highways;
  - II. the provision of highway maintenance services by the Province, or by its servants,

contractors, agents or authorized representatives of the Province in connection with the Highways; or

III. the operation of the Highways;

35. That where the said works are in the proximity of any bridge, culvert, ditch or other existing work, such work shall be properly maintained and supported in such manner as not to interfere with its proper function, and on the completion of the said works any bridge, culvert, ditch or other existing work interfered with shall be completely restored to its original condition.
36. That when necessary all excavations, materials, or other obstructions are to be efficiently fenced, lit, and watched, and at all times every possible precaution is to be taken to ensure the safety of the public.
37. The permittee is responsible for decommissioning the access and returning the area to its original condition prior to the expiration of this permit, if requested by the designated Ministry official

The rights granted to the Permittee in this permit are to be exercised only for the purpose as

defined in Recital B on page 1. Dated at Nanaimo, British Columbia, this 20th day of September

, 2021

A handwritten signature in black ink, appearing to be a stylized name, possibly "J. Smith", written over a horizontal line.

On Behalf of the Minister

### **Appendix 3 – Copy of Campground Rules**

**Hollies RV & Golf**  
3133 Alberni Hwy  
Port Alberni, BC V9Y 8R5  
250-724-5333

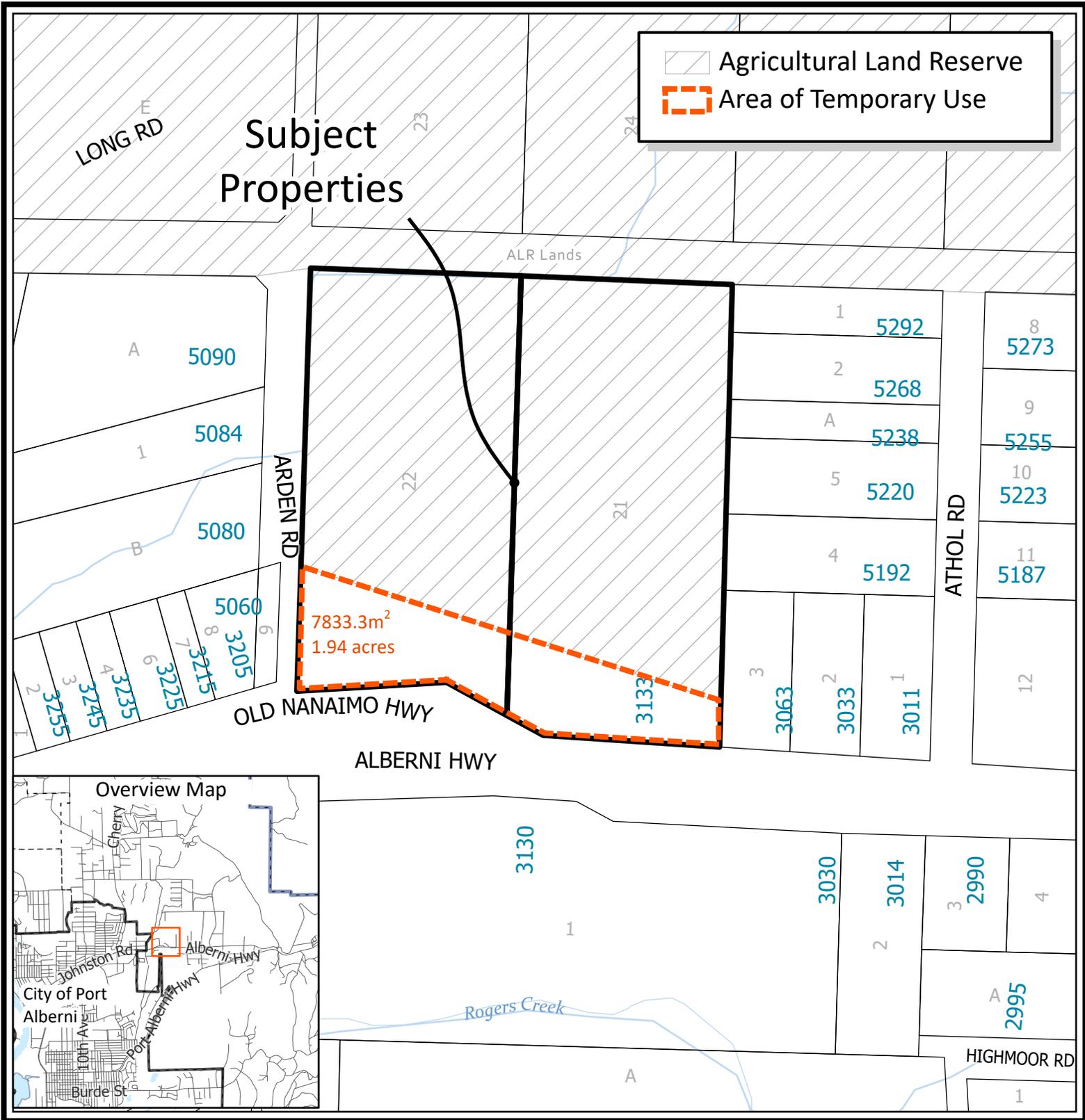
Welcome to Hollies RV & Golf...

#### **Please be advised of our Rules and Regulations:**

- Speed limit through out the site is strictly 10km.
- Dogs must always leashed and not to be left unattended, this includes in your site.
- Dogs must be picked up after.
- All Visitors must check in at the office upon arrival.
- No wood fires are permitted. Guests are more than welcome to use a propane firepit if you would like to have a fire.
- Quiet time is strictly 10:00pm.
- No garbage is to be left at sites. Please use the Recycling and Garbage bins provided as per signs.
- Waterlines must be insulated for the winter.
- We do not allow permanent structures on any of our sites.
- Temporary skirting is allowed upon approval from management.
- Please do not leave valuables outside of your RV.

If you have any questions or concerns regarding the above Rules and Regulations, please contact the office at the number above.

Thank you and enjoy your stay at The Hollies RV & Golf.  
Management.



**TUP20005 (Hollies Golf Course) - 3133 Alberni Hwy**  
 Legal Description: a portion of LOT 21, DISTRICT LOT 18, ALBERNI DISTRICT, PLAN 906, EXCEPT PART IN PLAN 2051 RW and a portion of LOT 22, DISTRICT LOT 18, ALBERNI DISTRICT, PLAN 906

