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**TO:** CITY MANAGER **DATE:** 2018 Oct 29

**FROM:** DIRECTOR PUBLIC SAFETY AND  
COMMUNITY SERVICES

**SUBJECT: RENEWAL OF UPLAND CONSENTS**

**PURPOSE:** To seek Council approval to renew the City's Upland Consent Agreements with  
Island Timberlands GP Ltd.

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**RECOMMENDATION:**

1. **THAT** Council approve the renewal of the upland consent agreements with Island Timberlands GP Ltd.

**REPORT****1.0 INTRODUCTION**

The City of Burnaby owns land that borders the Fraser River and Island Timberlands has been allowed by Her Majesty the Queen in Right of the Province of British Columbia, through the Ministry of Forests, Land and Natural Resource Operations and Rural Development (FLNR) to use part of the river for their log storage and booming purposes. As owner of the land that adjoins the high watermark of the river, the City is being asked to renew the previously issued approvals for this forest company to have access over the City's land to the water. The approval is known as an "upland consent". The booms are typically accessed from the water, so access over City land is rarely required. Furthermore, the booms are not allowed to be secured to the foreshore.

Island Timberlands has four water lots and four adjoining upland consents as shown graphically on the maps and air photos (Attachments 1 and 2).

The City first entered into an Upland Consents for these properties with Weyerhaeuser Company Ltd. in 2002. The agreements were subsequently assumed by Island Timberlands in 2005 and have been renewed on a regular basis. This report requests approval for a five year term at the rates indicated in the following table:

To: City Manager  
From: DIRECTOR PUBLIC SAFETY AND  
COMMUNITY SERVICES  
Re: RENEWAL OF UPLAND CONSENTS  
2018 Oct 29..... Page 2

THESE RATES ARE SUBJECT TO GST		Year One	Year Two	Year Three	Year Four	Year Five
Waterlot lease no. 5771	COB/10000214	\$ 230	\$ 236	\$ 242	\$ 248	\$ 254
Waterlot lease no. 5772	COB/10000210	\$ 292	\$ 299	\$ 307	\$ 314	\$ 322
Waterlot lease no. 6317	COB/10000209	\$ 1,856	\$ 1,902	\$ 1,950	\$ 1,999	\$ 2,049
Waterlot lease no. 7-4	COB/10000215	\$ 1,253	\$ 1,284	\$ 1,316	\$ 1,349	\$ 1,383
Total/Year		\$ 3,631	\$ 3,722	\$ 3,815	\$ 3,910	\$ 4,008

Year one is a 6.27% increase over the last year of the previous agreement. Years 2 through 5 allow a 2.5% increase per year. The agreement would terminate 2022 October 14 unless cancelled earlier by Island Timberlands or by the City with written notice of termination. If the agreement runs for the full five years it will be worth \$19,086 to the City.

Conditions to be included in the renewal agreement are as follows:

- a) The permission will expire on the date noted in the agreement.
- b) That the log booms be secured in such a way that they do not connect to the land at either high or low tide.
- c) That the consent is subject to termination within thirty (30) days upon receipt of written notice of termination from the City.
- d) That the log booms stored on this water lot shall be removed by the company within thirty (30) days of written notice from the City of termination of the consent.
- e) That the company erects and maintains signs forbidding the public to trespass on the water lot(s).
- f) That the company indemnifies and saves the City of Burnaby harmless under any circumstance resulting from any act or omission by them and further that the company carry appropriate insurance that names the City of Burnaby as additional insured.
- g) That the log booming operation does not obstruct any existing storm drainage flood-box outfalls, and that the company accepts responsibility in writing for any damage to those flood-box outfalls or upstream improvements as a result of their log booming operations.
- h) That the company agrees to keep the foreshore clean of debris from the log booms.
- i) The company agrees to respond to collecting, storing and appropriately disposing of all debris attributed to its business which is deposited on the City's lands, in a timely manner and at its cost.

## 2.0 POLICY SECTION

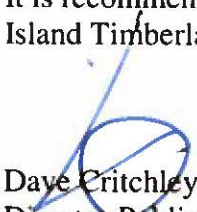
The recommended action is aligned with the City of Burnaby's Corporate Strategic Plan by supporting the following goal and sub-goal of the plan:

- A Dynamic Community
  - Economic opportunity – Foster an environment that attracts new and supports existing jobs, businesses and industries

To: City Manager  
From: DIRECTOR PUBLIC SAFETY AND  
COMMUNITY SERVICES  
Re: RENEWAL OF UPLAND CONSENTS  
2018 Oct 29..... Page 3

### **3.0 RECOMMENDATION**

It is recommended that Council approve the renewal of the upland consent agreements with Island Timberlands GP Ltd. under the conditions listed in this report.

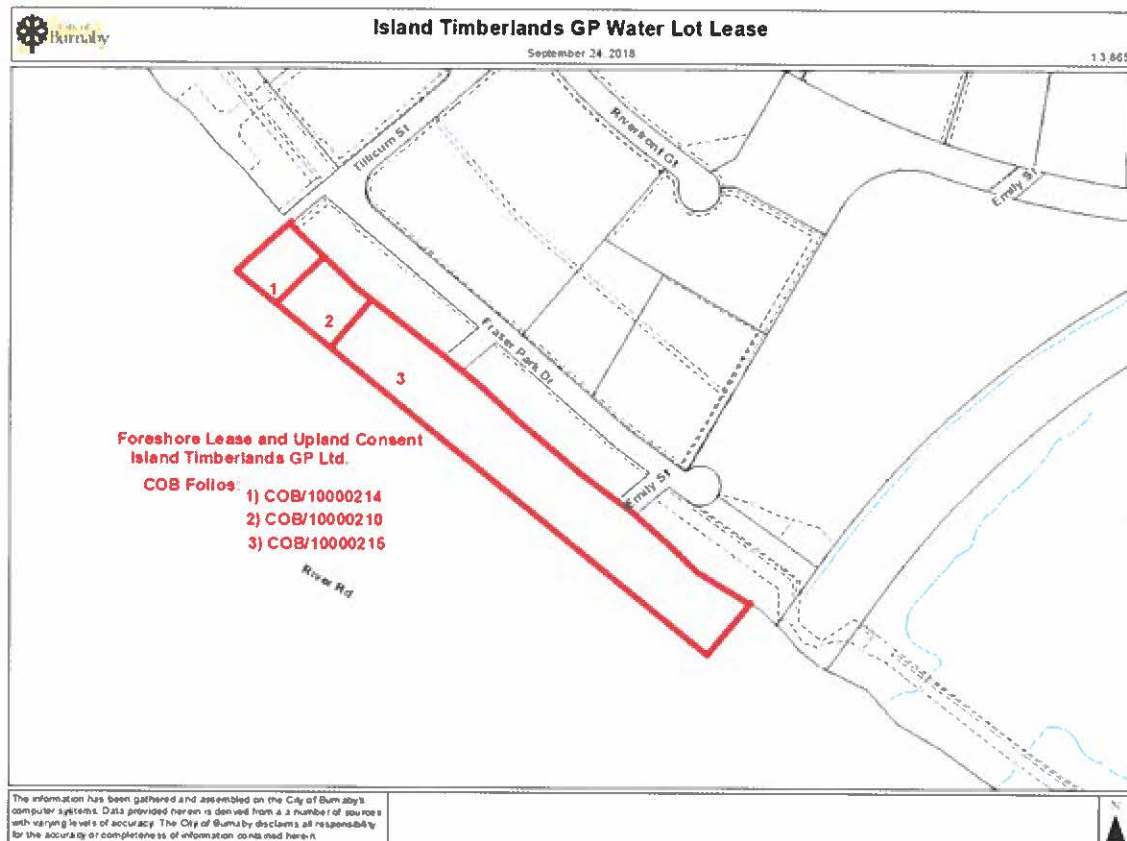
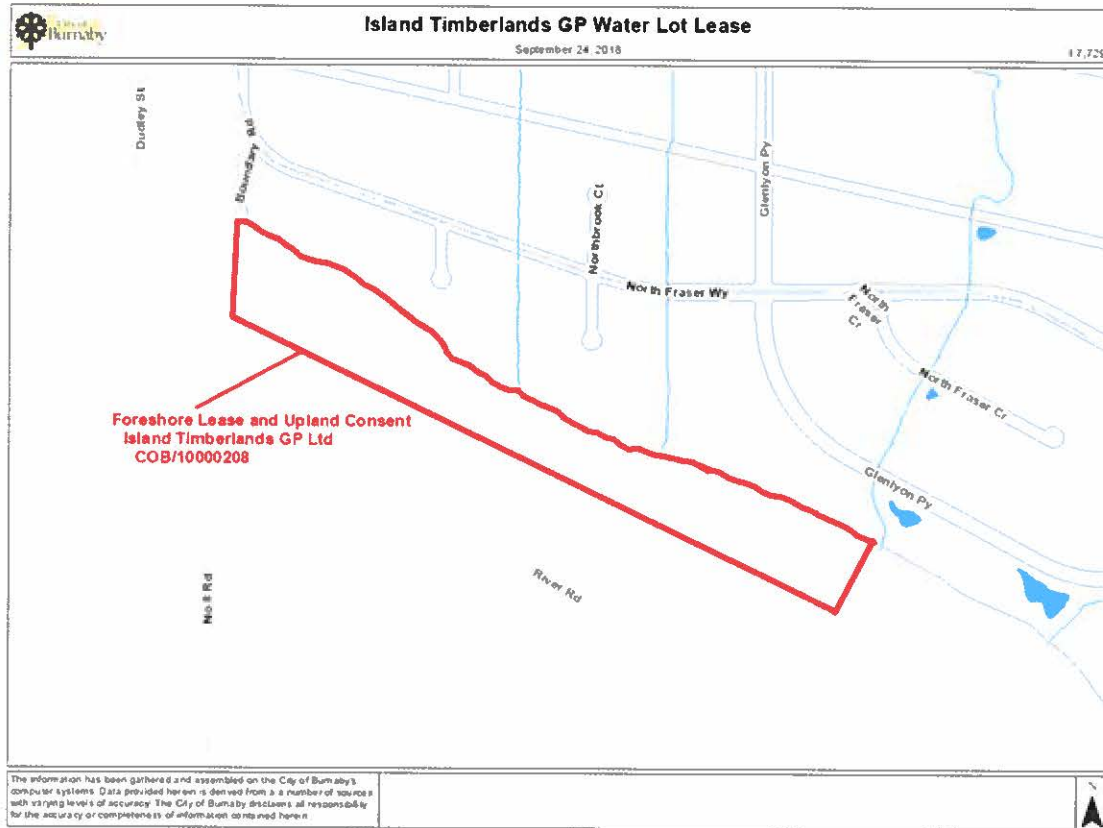


Dave Critchley  
Director Public Safety & Community Services

Copied to: Director Planning & Building  
City Solicitor  
Chief Licence Inspector

Attachment 1 - Maps  
Attachment 2 - Air photos

# Attachment 1





## Attachment 2

