
TO: Electoral Area Services Committee **DATE:** April 14, 2020

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SUBJECT: **OCP and Zoning Amendments for Nanaimo Airport
3350 Spitfire Way, Electoral Area A
Amendment Bylaws No. 1620.06, 2020 and No. 500.429, 2020 – Introduction**

RECOMMENDATIONS

1. That the Board introduce and give first reading to “Regional District of Nanaimo Electoral Area A Official Community Plan Amendment Bylaw No. 1620.06, 2020”.
2. That the Board give second reading to “Regional District of Nanaimo Electoral Area A Official Community Plan Amendment Bylaw No. 1620.06, 2020”, having considered the impact on the current Financial Plan and Solid Waste Management Plan.
3. That the Board introduce and give two readings to “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.429, 2020”.
4. That the Board initiate an amendment to the Regional Growth Strategy Bylaw No. 1615, 2011 to include part of the Nanaimo Airport lands adjacent to the Trans-Canada Highway within the Growth Containment Boundary.

SUMMARY

To consider first and second reading of Official Community Plan and zoning bylaw amendments for the Nanaimo Airport lands to facilitate development of the airport, as well as commercial uses complimentary to the Nanaimo Airport on the portion of the property adjacent to the Trans-Canada Highway. At this time, staff are not recommending scheduling the date of the public hearing as it is expected changes to public hearing requirements will be incorporated when provided by the Provincial government. Following the completion of the referral period a report will be brought back to the Board summarizing the referral comments and directing the public hearing.

BACKGROUND

The Regional District of Nanaimo (RDN) is undertaking a project (the Project) to amend the Regional Growth Strategy (RGS), Electoral Area A Official Community Plan, 2011 (OCP), and Nanaimo Regional District Land Use and Subdivision Bylaw 500, 1987 (zoning bylaw) to support further development on the Nanaimo Airport lands in recognition of their role as a regional transportation hub and important part of the Central Vancouver Island economy. The first phase of public, First Nations and stakeholder engagement is now complete, and the amendment bylaws are recommended for first and second reading.

The Nanaimo Airport is comprised of three parcels of land on 211 hectares owned by the Nanaimo Airport Commission (NAC), which is a federal not-for-profit corporation. A fourth, 33-hectare parcel north of Haslam Road is also owned by the NAC but is not within the federally designated Airport. An approximate 15-hectare area at the eastern boundary of the Airport is located within the Cowichan Valley Regional District (Attachment 1 – Subject Property Map).

The RGS designates the area containing the airport terminal, hangars, parking and some undeveloped land as “Industrial”. The land fronting the Trans-Canada Highway and the ALR land including the runway, golf course, and parcel north of Haslam Road is designated “Resource Lands and Open Space” to permit resource uses. The Growth Containment Boundary is immediately across the Trans-Canada Highway from the Nanaimo Airport lands (Attachment 2 – Map of Current RGS Land Use Designation). The RGS will require amendment before all the proposed OCP and zoning amendments can take effect.

The current OCP designates the subject properties as “Nanaimo Airport” and supports a future public process to assist in developing objectives and policies for the properties (Attachment 3 – Current OCP Section 8.8 Nanaimo Airport and Attachment 4 – Map of Current OCP Land Use Designation). A long-standing aim of the RDN has been to update the OCP and zoning for the Nanaimo Airport to both reflect the current use of the airport and enable commercial uses not related to aeronautics.

Current RDN zoning of the subject properties does not reflect current land uses. The zoning is Rural 4 or Agriculture 1 and is within Subdivision District 'D' (see Attachment 5 – Map of Current Zoning). The permitted uses in the Rural 4 zone are agriculture, aquaculture, home based business, produce stand, residential use, silviculture, and secondary suite. Permitted principal uses in the Agriculture 1 zone are farm use, agriculture and residential. The minimum parcel size in Subdivision District 'D' is 2.0 hectares, irrespective of the level of servicing available.

To regulate land use surrounding the Nanaimo Airport and support airport operations, Transport Canada could enact federal airport zoning regulations (AZR) and the NAC has advised it is contemplating enacting an AZR in the near future. AZRs restrict the heights of buildings, structures and objects (including natural growth, such as trees) on regulated land, and restrict land uses that could interfere with the safe operation of the airport. Legislation permitting AZR's is found in section 5.4 of the *Aeronautics Act*.

The RDN met with the NAC during development of the Terms of Reference and the draft OCP and zoning bylaw amendments. The NAC is aware of the recommendations in this report and the NAC has indicated that they do not support the proposed amendments to the OCP and zoning for the airport lands because their position is the RDN does not have land use authority over the lands.

The proposed bylaw amendments are supportive of the ongoing development of the airport as a regional economic hub and logistics centre, which is consistent with policy in the Electoral Area A OCP and historical land use policy for the airport. The proposed bylaws reflect both the Nanaimo Airport Land Use Plan 2019 (Airport Land Use Plan) that was recently adopted by the NAC and the legal authority granted to the RDN through the *Local Government Act*. Implementation of the OCP and zoning amendments is intended to: continue the longstanding support the RDN has provided to the NAC; respond to community input on the ongoing operation and expansion of the Nanaimo Airport, and; provide certainty for ongoing investment at the airport, consistent with the NAC Master Plan that guides the expansion and development of their airside and groundside lands.

NAC Proposed Development Plans

The NAC recently adopted the Airport Land Use Plan to guide development of their lands. The Airport Land Use Plan is comprised of the NAC Strategic Plan (2019 to 2023), Master Plan, Land Use and Development Principles, and Land Use Development Plan 2019. The Land Use Development Plan includes a map with five land use zones, site plan, conceptual transportation network, and a set of objectives and general policies (Attachment 6 – Airport Land Use Plan). At this conceptual stage, details such as site servicing, building height, setbacks, landscaping, signage, and details of specific uses are not yet addressed but will be guided by the objectives, policies and development principals of the Airport Land Use Plan. The Airport Land Use Plan designates areas for: airside commercial, an air terminal reserve, the runway, and future aviation (currently the Cottonwood Golf Course). It also has a concept for commercial development adjacent to the Trans-Canada Highway, currently occupied, in part, by an Arbutus RV sales lot and parking areas.

RDN Bylaw Amendments

As part of the Project, the RDN proposes bylaw amendments to amend the Electoral Area A OCP, Zoning Bylaw and RGS to acknowledge current aviation uses and support development of the Nanaimo Airport lands. Specifically, the following amendments are proposed:

- ***Official Community Plan*** – Amend the background text and add objectives and policies in Section 8.8 – Nanaimo Airport to reflect current and proposed uses of the airport as shown in the NAC Land Use Plan (Attachment 8 – Proposed Bylaw 1620.06). An amendment to the OCP designation map is not required as the OCP already designates the NAC – owned parcels as ‘Nanaimo Airport’.
- ***Zoning Bylaw*** – For the three parcels south of Haslam Road, change the current zoning from RU4 and AG1 to a new zone called ‘Nanaimo Airport 1’ and include two sub-areas based on the Nanaimo Airport Land Use Plan. Development Area A would include the area identified in the NAC Land Development Site Masterplan map as Airside, Airside Commercial, and Air Terminal Reserve. Development Area B is adjacent to the Trans-Canada Highway and would include the area identified in the NAC Land Development Site Masterplan as Groundside Commercial but exclude parking areas (Attachment 9 – Proposed Bylaw 500.429).

For the NAC-owned parcel north of Haslam Road, no change is proposed to the AG1 zone designation.

- ***Regional Growth Strategy*** – Extend the Growth Containment Boundary to include the portion of the Nanaimo Airport lands proposed for groundside commercial uses. The recommended approach is to initiate an RGS amendment after first reading of the OCP and zoning amendment bylaws. After initiation, a consultation plan for the RGS amendment must be adopted.

Land Use Implications

A number of land use considerations for the proposed development include: aquifer protection; form and character of development; existing Agricultural Land Commission covenant; future use of the parcel north of Haslam Road; building height; building fire protection; parking; site servicing; transit exchange, and; highway access upgrades. Attachment 9 contains the proposed zoning bylaw amendment.

Aquifer Protection and Form and Character of Development: Aquifer protection and form and character of development are typically addressed through a Development Permit Area, however, given the NAC Master Plan and land development guidelines it is proposed that these matters be addressed through a Memorandum of Agreement with the NAC. A Memorandum of Agreement could also include other related land use impacts such as a process for addressing noise complaints.

Existing Agricultural Land Commission Covenant: An existing covenant was registered by the ALC against Lot 2 (Attachment 1 – Subject Property Map) that restricts land uses to airport-related commercial and light industrial. The Agricultural Land Commission indicated that the NAC could request that the covenant be removed or amended to be consistent with the zoning bylaw.

Parcel north of Haslam Road: The NAC-owned parcel north of Haslam Road is not within the boundary of the federal airport designation as it was not part of the original airport lands. The Airport Land Use Plan identifies the parcel as “Agriculture / Future Aviation” and navigation lights for the airport are currently sited on this parcel. The draft zoning bylaw amendment makes no change to the zone for this parcel, currently AG1.

Height: Heights in the proposed zoning bylaw are within the capacity of available firefighting apparatus. Greater heights can be considered if firefighting service can be provided. The draft bylaw includes maximum height in Development Area B of 10.0-metres or three-storeys, which is consistent with the Nanaimo Airport Land Use Plan. Hotel use is permitted a maximum height of 15.0-metres or four-storeys anticipating a potential future need. Any maximum heights in the zone for the subject property could be further restricted by flight path requirements.

Fire Protection: The subject properties are within the Cassidy Fire Protection District wherein the Cranberry Fire Department is contracted by the RDN to provide firefighting services. While the Cranberry Fire Department does not have a ladder truck, the 10.0 metre building height is within their firefighting capabilities. A building of 15.0 metres may require a ladder truck for firefighting, which is accessible through automatic aid with the North Cedar Fire Department. To ensure sufficient water is available for firefighting, on-site water storage may be required at the time of building permit.

Parking: The zoning bylaw includes parking standards for commercial development on the Nanaimo Airport lands, but not the terminal parking provided for airport staff or travelers using the airport as this use is integral to airport operations, so would not be regulated by the RDN. Parking is included in the list of permitted uses in Development Area B to support the potential for future commuter parking related to a transit exchange.

Site Servicing: The existing airport development is serviced by onsite water and wastewater disposal. Substantial future capacity may exist but should be confirmed through a Memorandum of Agreement for aquifer protection with the NAC, and at the building permit stage. The draft

OCP land use designation includes policy 8.8.7 that encourages the NAC to consider coordinating shared wastewater treatment with the Cassidy Village Centre. This potential opportunity is stated in other policies of the OCP.

Transit Exchange: The Nanaimo Airport Land Use Plan includes planning and development of a multi-modal transportation hub as a guiding principal. A transit exchange will be contemplated in a future project.

Highway Access Upgrades: Commercial development at the Nanaimo Airport may require upgrades at the intersection of the Trans-Canada Highway and Spitfire Road, and a new second entrance to the south as shown on the NAC's land use plan would require approval from the Ministry of Transportation and Infrastructure.

Environmental Implications

Environmental sensitivities identified on the subject property include the aquifer and habitat of the Coastal Vesper Sparrow, which is a provincially red-listed species and a federally endangered species. A Memorandum of Agreement between the NAC and RDN should be developed to address aquifer protection. Protection of the Coastal Vesper Sparrow nesting habitat should be addressed with the Canadian Wildlife Service to whom the bylaw will be referred after first reading.

Intergovernmental Implications

The RDN wrote to the following First Nations informing them of the Project and asking how they would like to be involved: Stz'uminus, Snuneymuxw, Lake Cowichan, Halalt, Lyackson, Penelakut and Cowichan Tribes. The Project was further discussed with the Stz'uminus and Snuneymuxw First Nations during in-person meetings. No requests for changes to the draft bylaws from engagement with First Nations was received. First Nations will receive a formal bylaw referral after first reading.

The Agricultural Land Commission was asked to provide their interpretation of the covenant on the non-ALR portion of the Airport Lands (as previously mentioned in the Land Use Implications section). All stakeholders listed in the Terms of Reference will receive a formal bylaw referral upon First Reading.

The zoning bylaw amendment requires approval from the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* because the subject property is within 800-metres of a controlled access highway.

Public Consultation Implications

The Public Engagement Plan for the Nanaimo Airport Land Use Bylaw Updates Project directs two rounds of engagement. The first round is complete and sought input from stakeholders and the public on draft bylaws through live events and online opportunities in November and December 2019. Public input was either in support of the changes or asked questions, and there were no comments in opposition to the bylaw changes (Attachment 7 – Public Engagement Summary). Following first reading and second reading, the second round of engagement includes referring proposed bylaws to agencies and stakeholders and holding a public hearing.

ALTERNATIVES

1. Proceed with the Project and consider first and second reading of the amendment bylaws and initiate the RGS amendment.
2. Do not proceed with the amendment bylaw readings and RGS amendment, and provide alternate direction to staff.

FINANCIAL IMPLICATIONS

In accordance with Section 477 of the *Local Government Act*, following the first reading of an OCP bylaw amendment, a local government must consider the amendment in conjunction with its financial plan and any applicable waste management plan. The proposed OCP amendments will not have any implications for the current (2020-2024) [Financial Plan](#) or the [Solid Waste Management Plan](#).

STRATEGIC PLAN IMPLICATIONS

The Project supports the Board's 2019 – 2022 [Strategic Plan](#) through Goal 6.0 Economic Coordination by supporting further development on the Nanaimo Airport lands recognizing their role as a regional transportation hub and important part of the central Vancouver Island economy.



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March 31, 2020

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- P. Carlyle, Chief Administrative Officer

Attachments:

1. Subject Property Map
2. Map of Current RGS Land Use Designation
3. Current OCP Section 8.8 Nanaimo Airport
4. Map of Current OCP Land Use Designation
5. Map of Current Zoning
6. Airport Land Use Plan
7. Public Engagement Summary
8. Proposed Amendment Bylaw No. 1620.06
9. Proposed Amendment Bylaw No. 500.429