
TO: Electoral Area Services Committee **DATE:** September 9, 2020

FROM: Courtney Simpson
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Long Range Planning **FILE:** 2400-20 NAV/AVI

SUBJECT: Official Community Plan and Zoning Amendments for Nanaimo Airport
3350 Spitfire Road, Electoral Area A
Amendment Bylaws No. 1620.06, 2020 and No. 500.429, 2020 – Referral
Responses

Please note: Recommendation #3 was varied by the Committee as follows:

That the Board introduce and give first reading to revised “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Amendment Bylaw No. 1620.06, 2020”, as amended, with revised wording for the third paragraph under Section 8.8 Nanaimo Airport, as follows: The airport lands are located above the Cassidy Aquifer, which is highly vulnerable to surface contamination. Aquifer protection is of utmost importance. Other important ecological features of the area include Haslam Creek, which provides significant ecological benefits to the area, and an area of Critical Habitat identified to protect the only known breeding area of an Endangered subspecies, the Coastal Vesper Sparrow in Canada.

RECOMMENDATIONS

1. That the Board rescind first and second reading of “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.429, 2020”.
2. That the Board rescind first and second reading of “Regional District of Nanaimo Electoral Area A Official Community Plan Amendment Bylaw No. 1620.06, 2020”.
3. That the Board introduce and give first reading to revised “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Amendment Bylaw No. 1620.06, 2020”.
4. 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.
5. That the Board introduce and give two readings to revised “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.429, 2020”.
6. That the Chair of the public hearing on “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Amendment Bylaw No. 1620.06, 2020” and “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.429, 2020” be delegated to Director Wilson.

SUMMARY

This report provides the Board with the opportunity to review referral responses and consider changes to the Regional District of Nanaimo Electoral Area A Official Community Plan

Amendment Bylaw No. 1620.06, 2020 and Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.429, 2020 for the Nanaimo Airport lands. The purpose of these bylaw amendments is to acknowledge current airport use and to facilitate development of the Nanaimo Airport lands, including commercial uses complimentary to the Nanaimo Airport on portions of the lands adjacent to the Trans-Canada Highway.

The amendment bylaws were given first and second reading on April 28, 2020, and the bylaws were referred to First Nations, agencies and community groups for comment. The referral period is complete, and this report recommends changes to the bylaws to address the responses. Given the number of changes, it is recommended the revised version of the amendment Bylaws be read a first and second time and re-referred to First Nations, agencies and community groups.

Referral responses were first presented to the Electoral Area Services Committee on July 14, 2020. At the July 28, 2020 Board meeting, the report was referred back to staff to incorporate additional changes based on further stakeholder input, which is now incorporated into this report and revised Bylaws.

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 (Bylaw 500) to support further development on the Nanaimo Airport lands as a regional transportation hub and important part of the Central Vancouver Island economy.

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 (Attachment 1 – Subject Property Map). Lot 1 contains the airport runway and Cottonwood Golf Course, Lot 2 contains the terminal and parking areas, and Lot 3 is currently used to park containers and tractor-trailer units. A fourth, 33-hectare parcel north of Haslam Road is also owned by the NAC but is not within the federally designated Airport. An approximately 15-hectare area of Lot 1 is located within the Cowichan Valley Regional District.

The NAC recently adopted their Nanaimo Airport Land Use Plan and Development Design Guidelines to guide future land development. The RDN proposes to amend the OCP and Bylaw 500 to acknowledge current airport uses and support development of the Nanaimo Airport lands.

Referral Responses and Recommended Changes

After second reading, the proposed Bylaws were referred to First Nations, agencies and community groups. The responses are summarized in Attachment 4 and provided in full in Attachment 5. The following changes are recommended to address concerns or requests received in referral responses and are included in the revised draft Bylaws (see Attachments 6 and 7):

Official Community Plan

- a) Add reference to the Agricultural Land Commission (ALC) covenant that limits use to “airport-related commercial and light industrial activities” on Lot 2 noting that consultation with the ALC may be required before some new uses are started (as requested by the ALC). Clarify associated references to land inside and outside the Agricultural Land Reserve (ALR).

- b) Add the “Nanaimo Airport: Development Design Guidelines” to OCP Schedule C containing the Nanaimo Airport Land Use Plan (as requested by the NAC). Add the Nanaimo Airport Master Plan (which is an attachment to the Nanaimo Airport Land Use Plan) to provide a more complete description of future land uses.
- c) Add “airport-related” to policies 8.8.2 and 8.8.3 to clarify that both airport use and airport-related use are supported in this OCP designation.
- d) Remove “hours of usage” from OCP policy 8.8.4 encouraging the NAC to consult with the public (as requested by the NAC).

Bylaw 500

- e) Revise introductory language in section 3.4.3.1 to clarify that regulations in the zone do not apply to buildings and structures intended to be used for airport purposes (to address a NAC response).
- f) Add “airport-related” to section 3.4.3.1 Application and 3.4.3.4 Maximum Parcel Coverage for clarity (to address a NAC response).
- g) Add public utility and transportation terminal to the list of permitted uses in Development Area B (as requested by the NAC).
- h) Add a condition that permitted uses other than “airport” may require approval from the ALC where there is a covenant limiting use to airport-related commercial and light industrial activities (to address ALC response).
- i) Add setbacks for farm buildings, structures and uses (to address Cowichan Valley Regional District response).
- j) Change Lot 3 from Development Area A to a new Development Area C where airport, outdoor sales, parking and public utility are permitted uses. The parcel is currently used for parking containers and tractor-trailer units. The NAC requested this parcel be added to Development Area B and that “outdoor sales” is added as a permitted use. Although it is designated as groundside commercial in the Nanaimo Airport Master Plan, the full scope of permitted uses in Development Area B are not contemplated for this parcel in that Plan. The NAC has stated it may plan to move Arbutus RV Sales from adjacent to Spitfire Road to Lot 3 or sell the property.
- k) Rezone the parcel north of Haslam Road from Agriculture 1 (AG1) to Nanaimo Airport 1 (AR1) and include in Development Area A. The NAC previously advised that retaining the AG1 designation was suitable but now have requested it be included in the AR1 zone to better reflect the Nanaimo Airport Master Plan.

On July 10, 2020, NAC senior staff contacted the RDN via email to advise that after reviewing the updated draft Bylaws, the NAC requests addition of the term “airport-related” in the “Application” section of the new Nanaimo Airport zone for added clarity. This was in addition to their earlier referral response (see Attachment 5 Compilation of Referral Responses) of May 28, 2020. With this addition, the NAC indicated support of the proposed Bylaws during a follow up call with NAC senior staff on July 10, 2020. Adding the term “airport-related” supports the project intent of acknowledging current airport uses and supporting development of the airport lands as listed in points c) and f) above.

Land Use Implications

Agency referral responses related to site servicing (water and wastewater), highway access upgrades and the ALR are discussed further below.

Drinking Water: The Nanaimo Airport holds a permit to operate a water supply system issued under the British Columbia *Drinking Water Protection Act* and Regulation. The system contains between 2 and 14 connections, so is classified as a small drinking water system. Expansion of the water supply system would require a construction permit or waiver issued by the British Columbia Public Health Engineer under the *Drinking Water Protection Act*. Prior to issuing a building permit, confirmation of potable water connection will be required by the RDN.

Wastewater: New development at the Nanaimo Airport that increases wastewater flows will require a new or expanded wastewater disposal system as required under the British Columbia Sewerage System Regulation (where volume of discharge is less than 22,700 litres per day) or the Municipal Wastewater Regulation (where volume of discharge is equal to or greater than 22,700 litres per day). Island Health expects the required size of system will fall under the Municipal Wastewater Regulation, which is their preference due to the higher level of required monitoring. The RDN does not have the authority to require a particular system size, but prior to issuing a building permit, confirmation of an approved wastewater connection will be required.

Highway Access Upgrades: The Ministry of Transportation and Infrastructure advises further 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 Nanaimo Airport Land Use Plan. The NAC should work closely with the Ministry of Transportation and Infrastructure to plan access improvements and future access permits.

Agricultural Land Reserve (ALR): The ALR is designated on Lot 1 and the lot north of Haslam Road. These areas are currently zoned AG1, and are proposed to be rezoned to AR1, with “farm use” retained as a permitted use. The ALC indicated opposition to this change in their referral response, as it “diminishes the recognition that the land is impacted by the provincial ALR designation”. Retaining the Agriculture zone, however, would not meet the objectives of the Project, including recognizing existing airport uses.

Agricultural Land Commission Covenant: An existing covenant on Lot 2, registered in favour of the ALC, restricts land uses to “airport-related commercial and light industrial activities”. The ALC indicated the NAC could request removal or amendment of the covenant to be consistent with the proposed Bylaw 500 amendment. To address this concern, the Bylaw 500 amendment should include a condition that permission from the ALC may be required where the covenant applies.

Environmental Implications

Environmental sensitivities identified on the subject property include the Cassidy aquifer and critical habitat of the Coastal Vesper Sparrow. Aquifer protection is legislated through provincial regulations on drinking water and wastewater disposal, including the *Drinking Water Protection Act* and Sewerage System Regulation.

The Coastal Vesper Sparrow is a provincially red-listed endangered species and a federally endangered species. The Nanaimo Airport Master Plan outlines protection measures for both the aquifer and the Coastal Vesper Sparrow habitat. The NAC is actively engaged with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development and Canadian Wildlife Service on protection measures for the Coastal Vesper Sparrow habitat. Recommended changes

to the Bylaw 500 amendment include changing the lot south of Simpson Road from Development Area A to Development Area C to allow outdoor sales as per the request of NAC. This area is classified in the Nanaimo Airport Master Plan as critical habitat of the Coastal Vesper Sparrow and is currently used to park containers and tractor-trailers. Pursuant to the Nanaimo Airport Master Plan, wildlife management measures are in place and monitored by the NAC in coordination with provincial and federal agencies.

Intergovernmental Implications

Upon first and second reading of the revised Bylaws, the Bylaws will be referred again to First Nations and agencies.

The Bylaw 500 amendment requires approval from the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* as the subject property is within 800-metres of a controlled access highway.

Public Consultation Implications

In November and December 2019, the RDN sought input from stakeholders and the public on draft Bylaws through live events and online opportunities. Following first and second reading, the proposed Bylaws were referred to community groups. Due to the scope of recommended changes resulting from referral responses, the proposed Bylaws will be referred again to the same community groups prior to a public hearing.

ALTERNATIVES

1. Rescind first and second reading of the Amendment Bylaws 1620.06 and 500.429; give first and second reading to revised Bylaws to address referral responses, and; direct a public hearing.
2. Provide alternate direction.

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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August 18, 2020

Reviewed by:

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- P. Thompson, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments:

1. Subject Property Map
2. Proposed Amendment Bylaw No. 1620.06
3. Proposed Amendment Bylaw No. 500.429
4. Summary of Referral Responses
5. Compilation of Referral Responses
6. Revised Amendment Bylaw No. 1620.06
7. Revised Amendment Bylaw No. 500.429