

AGENDA

Regional District of Nanaimo
Electoral Area 'A' Official Community Plan Review Citizen's Committee

Monday May 10, 2010 @ 6:30 pm
(*North Cedar Improvement District – 2100 Yellow Point Road*)

1. Minutes

Adoption of the April 14, 2010 meeting notes - Page 2

2. Nanaimo Airport discussion

- Carol Mason, RDN Chief Administrative Officer
- Paul Thorkelsson, RDN General Manager of Development Services
- Mike Hooper, Nanaimo Airport President/CEO
- Copy of the report that went to the April 13 Committee of the Whole - Page 6
- Excerpt from April 13, 2010 Committee of the Whole meeting minutes - Page 13

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3. Official Community Plan implementation

- Greg Keller, Regional District of Nanaimo Senior Planner – presentation and discussion

4. Other

**Regional District of Nanaimo
Summary of the Electoral Area 'A' Official Community Plan Review
Citizen's Committee Meeting Held on Wednesday, April 14, 2010 at 6:30pm
At the North Cedar Improvement District Hall
2100 Yellow Point Road**

Joe Burnett	Chairperson
Jill Maibach	Committee Member
Jack Anderson	Committee Member
Garry Laird	Committee Member
Brian Collen	Committee Member
Joanne McLeod	Committee Member
Henrik Kriberg	Committee Member
Chris Pagan	Committee Member
Geoffrey Macaulay	Committee Member
Chris Midgley	Manager of Energy and Sustainability
Lisa Bhopalsingh	Senior Planner
Greg Keller	Senior Planner
Stephen Boogaards	Recording Secretary

CALL TO ORDER

The meeting was called to order at 6:34 pm by the Chair. There were approximately 15 people in attendance.

MINUTES

The Chair asked the Committee for a motion to adopt the summary of the March 8, 2010 meeting.

MOVED Henrik Kriberg, SECONDED Garry Laird, that the summary of the Area 'A' Citizen's Committee meeting held on March 8, 2010 be adopted.

CARRIED

SOUTH WELLINGTON RURAL COMMUNITY LAND USE DESIGNATION

Greg Keller provided a presentation on the South Wellington Rural Community Land Use Designation. He explained that a subgroup of the Citizen's Committee was formed to discuss the options for South Wellington, working in conjunction with the South Wellington and Area Community Association (SWACA). He explained that the community appears to be polarised but has come to agreement that services that provide for the needs of residents and to keep people in the community would be desirable.

Four options were identified for South Wellington which ranged from small scale changes to recognising the community as a new urban node. The group came up with an option for a new land use designation to allow for rural services within a restricted community water and sewer service area. Mr. Keller explained that the proposed option would not facilitate additional development beyond what is supported without community water and sewer services. The committee discussed the level of community support for the proposed option. Committee members present at the SWACA meetings felt that there was support both for change and no

change. The members agreed that the option for South Wellington should be presented in the draft to receive comments from the wider community.

MOVED Garry Laird, SECONDED Jill Maibach that the South Wellington Rural Land Use Designation map 8.10 be included in the draft Official Community Plan.

CARRIED

The committee members discussed the implications of community sewer and if it is possible to be provided to the community. Mr. Keller clarified that under the proposed option community sewer would not facilitate additional development since the lands in question are not within an existing or proposed Urban Containment Boundary. He also stated that it may be difficult to provide the service as it is very expensive.

SUSTAINABILITY CHECKLIST PRESENTATIONS AND DISCUSSION

Lisa Bhopalsingh, RDN Senior Planner and Chris Midgley, RDN Manger of Energy and Sustainability

Greg Keller introduced Lisa Bhopalsingh and Chris Midgley. He explained that the committee has requested the opportunity for more discussion on the sustainability checklist. The draft Official Community Plan includes policy in support of a sustainability checklist and incentives. Mr. Keller explained the draft Official Community Plan also supports green building and energy conservation.

Chris Midgley explained that none of the information presented has yet been presented to the RDN Board and was only for discussion purposes. He explained what constitutes green buildings. Characteristics of green building may be internal features, external features, siting or transportation. These features may be considered in a checklist. There are three scales for checklists:

- Community scale – Such as locating the home in the Urban Containment Boundary to reduce transportation related emissions or create population thresholds for district energy systems;
- Building scale – Such as house orientation for solar gain, improved performance for insulation, more efficient appliances, or renewable energies; and
- Human scale – Changing people’s behaviour such as lowering the thermostat or shorter showers.

Mr. Midgley explained the benefits and impacts of green building through three scenarios. These are buildings that meet only code compliance, buildings that meet green building standards, then those that meet green building standards and are in compact communities. He explained on some issues that the benefits from the green building and compact communities scenarios were very close, such as water conservation. Other issues, such as energy and emissions, the compact communities scenario performed much better. This is because smaller homes use much less energy and residents are less dependent on driving.

The committee discussed the meaning of the green building certification programs. Mr. Midgley explained that LEED and Built Green were the two common certification programs and often are

used as policy tools by local governments. He explained that a checklist may be beneficial so that developers and designers are aware of the green building options before they get too far in the development process.

Mr. Midgley suggested that Local governments must also verify that the building is performing as proposed. The RDN should not give out any incentives until it knows that the building does function properly. The group discussed if monitoring could consider the degradation of the building and if the RDN can offer free energy inspections as a way to monitor existing homes. The group also discussed if the sustainability checklist could be appropriate to the rural context.

Lisa Bhopalsingh explained that they are only at the research stages of developing a checklist which parallels the work being done by the sub-group of the Citizen's Committee. She explained that there was limited new development in Area 'A', only 1% of the housing stock last year. The region only has partial enforcement of the building codes. She also identified the large number of existing homes in need of major repair in the area and the breakdown of emissions in the RDN.

Mrs. Bhopalsingh stated that the intention of the checklist is to get developers to go beyond the building code baseline. Education, regulations and incentives may be used in a checklist to achieve these sustainability goals.

- Education - Voluntary checklist where the RDN may help developers access information;
- Regulations – Set minimum standard for minimal environmental impacts. Official Community Plan policies may suggest what to encourage in the checklist guidelines; and
- Incentives – Could be fast-tracking, refunding applications fees or development cost charges, tax reductions, density bonusing, amenity zoning or formal recognition.

Chris Midgley provided context for the four approaches to the sustainability checklist:

- Revised status quo – The checklist would remain as an educational tool, but only more user friendly. The option has low cost but may have no real impact;
- Fast-tracking – The checklist would be more regulatory through the establishment of two new development permit areas. The process would be expedited for green building projects. It is enforceable but the financial incentive is minimal;
- Everyone pays – The money is generated through tax increases to decrease permit fees for green buildings. Incentives are only given out after efficiency is proven. It is not a feasible approach; and
- Fee plus rebate – All building permit applications initially have higher fees and a rebate is offered once the green building has been proven to have higher performance.

Lisa Bhopalsingh explained that the sustainability checklist could be an educational guide, tick list, open ended questions or scored checklist. She then provided case studies of educational sustainability checklists from Salt Spring Island, Ucluelet and Kamloops. The group discussed the program for the toilet rebate and using a similar incentive program in relation to the checklist. Mr. Midgley suggested that it is very specific and would represent a gradual improvement. Mrs. Bhopalsingh suggested that other jurisdictions have incentives not tied to the checklist. Saanich offers developers 1 hour of free consultation with a green building expert. Both Saanich and Prince George have offered rebates tied to energy audits, though with varying success.

Jack Anderson and sustainability checklist sub-committee

Jack Anderson explained the draft checklist that the sub-committee has put together. Mr. Anderson expressed the group's concern that 30 years to implement the changes from the Official Community Plan will be too late. These changes need to be realised much sooner. He explained that the checklist would need to be incentive based and mandatory to complete. The checklist is a means for RDN staff to evaluate residential proposals in a way that is tied to a realistic score. This will entice green developers to come to the area and discourage non-green developers. Area 'A' is next door to the City of Nanaimo which has a pro-development council that supports development that would score very low. There should be a checklist using the 'triple bottom line' concept so there is consideration given to each environment, social and economic.

Mr. Anderson suggested that the checklist needs to fit the context of each local area. It is very difficult for one checklist to apply everywhere. There is a big distinction between a farming community like Area 'A' and urban community like Area 'G'. The weighting of the checklist may vary by electoral area, so that farming may have a high score in Area 'A' but low in Area 'G'. He expressed his appreciation to all the volunteers who worked on the draft checklist. He also emphasized that the challenge is to make sure the checklist has criteria important to development; it uses a mix of incentives and disincentives, that it does have an objective means to score it and that the development is evaluated for performance after it is built.

The **Chair** expressed the committee's appreciation to each Lisa Bhopalsingh, Chris Midgley and Jack Anderson for their presentations.

ROUNDTABLE

The group discussed the next step in the drafting of the Official Community Plan. The committee members expressed support for making a workable sustainability checklist. Greg Keller explained that the sustainability checklist is a separate process and that the draft Official Community Plan will be brought to the public through a series of open houses. Mr. Keller stated that the group still needs to discuss the airport, Official Community Plan implementation, and affordable housing, the last outstanding issues identified by the committee.

ADJOURNMENT

The meeting was adjourned at 9:18 pm.

Certified correct by:

Director Joe Burnett, Committee Chairperson

TO: Paul Thompson
Manager of Long Range Planning

DATE: March 26, 2010

FROM: Greg Keller
Senior Planner

FILE: 6480 01 EAA
Nanaimo Airport

SUBJECT: Electoral Area 'A' Draft Official Community Plan – Nanaimo Airport

PURPOSE

To request confirmation of the Board's support for the Nanaimo Airport and direction on how the draft Electoral Area 'A' Official Community Plan (OCP) should address the airport lands.

BACKGROUND

The Electoral Area 'A' OCP review began in May 2008 and has included numerous opportunities for public input and review. As part of the OCP review process, the Electoral Area 'A' OCP Review Citizen's Committee (EAACC) was established to assist with the review.

Recent runway expansion and reliability improvements (Phase 1) and scheduled terminal upgrades (Phase 2) at the Nanaimo Airport, located in the southern end of Electoral Area 'A', combined with the ongoing Electoral Area 'A' OCP review have raised public awareness over current and future activities on airport lands. In addition, there is growing concern within Electoral Area 'A' with respect to potential future uses of airport land, especially given the sensitivity of the Cassidy aquifers which are beneath these lands. The concerns with respect to the airport represent issues with significant regional significance which extend beyond the boundary of Electoral Area 'A' and are outside of the scope of the Electoral Area 'A' OCP review. In response to these concerns, staff are requesting confirmation of the Board's support for the Nanaimo Airport and direction, based on three potential options presented below, for how the Electoral Area 'A' OCP should address the airport lands.

A preliminary first draft of the OCP has been reviewed by the EAACC and is available for public input. The draft includes a land use designation as well as objectives and policies in support of the Nanaimo Airport which were developed in cooperation with the Nanaimo Airport Commission (NAC) and released for public input. This section has become a contentious issue and as a result is a major impediment to making further progress on the draft OCP.

Based on the comments received by the EAACC and the community, staff are in the process of refining the draft in preparation for formal release and referral to the agencies identified in the Board approved Electoral Area 'A' OCP Review Terms of Reference.

The Board has indicated its support and has been working cooperatively with the NAC for the past ten years. The following provides a brief summary of recent actions taken by the Board in support of the Nanaimo Airport.

December 12, 2006	Adoption of <i>'Nanaimo Airport Service Borrowing Bylaw No. 1506, 2006'</i> for the purpose of providing support and assistance to the operation of an airport in the form of acquisition of land for the use by the Nanaimo Airport including flight path approaches and lighting.
February 27, 2007	The Board requested approval from the Provincial Government to grant the RDN additional powers to regulate tree height in connection with airport operations.
May 22, 2007	The Board approved providing the NAC with a letter of support for their application for \$5 million in capital funding from the Island Coastal Economic Trust to proceed with Phase 1 improvements (reliability and runway extension).
June 23, 2009	The Board moved that it support the Nanaimo Airport Improvement Phase 2 Project, subject to the RDN obtaining the authority to regulate tree height through agreement with Transport Canada.

Most recently, the Board approved its 2010 – 2012 Strategic Plan which includes the following goals and actions related to airports and air travel:

"Support increased marine and air transportation options linking the region with other areas.

- a. *Ensure coordination between the region's transportation and transit systems, BC Ferries, local airports/airplane services and other options linking the region to Vancouver and other areas.*
- b. *Support the expansion of air travel options in the region, including the Nanaimo airport and the Qualicum Beach airport."*

Staff have been working to ensure that the draft OCP is consistent with the Board's previous actions despite public opposition to consider an alternate approach. Therefore, staff are requesting confirmation that the Board supports further development at the Nanaimo Airport and that the OCP be consistent with this position.

A reoccurring theme throughout the OCP review is the question of who has jurisdiction over the airport lands. As the Board may recall, its most recent legal opinion concluded that airport lands and aeronautic-related land uses are excluded from local government jurisdiction. The RDN published a news release dated August 22, 2007, outlining its position on the airport lands which is consistent with this opinion.

Based on the current legal opinion, it is clear that the RDN does not have jurisdiction over airport lands and can not impose conditions on the NAC through its OCP or Zoning Bylaw. In response, the approach proposed in the draft OCP is to work towards an agreement (Accord) with the NAC to define the relationship between the RDN and the NAC, as well as to address the community's concerns on issues such as land use, environmental protection, community consultation, dispute resolution, and servicing.

DISCUSSION

When the current Electoral Area 'A' OCP was adopted in 2001, the RDN believed it had jurisdiction over land use on airport lands. However, as stated above, the Board's most recent legal opinion has clarified the RDN's role with respect to jurisdiction on airport lands. As a result, the current OCP is not consistent with the RDN's position on regulation of uses on airport lands. Therefore, the revised OCP should be drafted to reflect the current understanding of the RDN's jurisdictional limitations.

Staff have identified the following three potential options to address airport lands within the draft Electoral Area 'A' OCP:

Option 1:

Draft OCP to contain a land use designation and general policies in support of the Nanaimo Airport with emphasis on the creation of an Accord between the RDN and the NAC.

In this option, the draft OCP would include a land use designation and a corresponding section which provides background information, objectives, and policies which support the Nanaimo Airport consistent with the Board's support for the airport. Please refer to Appendix 1 for a draft Nanaimo Airport section.

Based on the scale and intensity of development anticipated on the airport lands and the fact future development will require some form of community water and sewer servicing, this option proposes that the portion of the airport lands not located within the Agricultural Land Reserve be identified as a potential candidate for inclusion within the Urban Containment Boundary in the Regional Growth Strategy.

Rather than including detailed policies in the OCP with respect to future land uses on airport lands, public consultation, servicing, dispute resolution, etc., the draft would defer consideration of these matters to a more appropriate venue by supporting the creation of an Accord between the RDN and the NAC. The purpose of the Accord would be to define the relationship between the RDN and the NAC and to ensure that the parties work cooperatively towards common goals and objectives.

It is envisioned the proposed Accord be developed separate from the Electoral Area 'A' OCP review process for two primary reasons. The first is to allow the Electoral Area 'A' OCP review to proceed in a timely fashion and not be delayed for reasons which go beyond the scope of the OCP review. The second is to provide a more appropriate opportunity for public input at a regional scale aligned with those who have an interest in the airport.

Option 2:

Draft OCP to contain a land use designation with no policies and emphasis on the creation of an Accord between the RDN and the NAC.

This option is the same as Option 1 above with the exception of one key difference. In this option, the draft OCP would include a land use designation, but would not contain any policies with respect to the airport lands. Instead, there would be a general introductory statement in support of the airport.

This option would ensure that the draft OCP maintains consistency with the Board's support for the Nanaimo Airport and respects the RDN's jurisdictional limitations.

In both Option 1 and 2, the community would be given an opportunity to provide input towards the development of an Accord. Regardless of which, if any, of the options identified above the Board chooses to support, it is important to note that the NAC would appear to be well within its legal rights and authority to proceed with development without RDN approval and/or involvement. Therefore, staff are proposing that the approach taken in the draft OCP is focused on encouraging coordination and cooperation with the NAC to address the community's concerns and achieve common goals and objectives.

Of the two options described above, staff recommends Option 1 based on the fact that there is value in having general policies in support of the airport in the draft OCP to provide general guidance. This approach is consistent with the Board's previous direction and Strategic Plan. In addition, Option 1

provides an opportunity to address community concerns through the development of an Accord separate from the OCP review process where broader community input can be solicited from those who have an interest in the airport.

In Electoral Area 'A', there is a high degree of interest in providing input towards the draft OCP and how the RDN manages its relations with the NAC. Due to their proximity to the airport and involvement in the ongoing OCP review, the EAACC and area residents are engaged in the process and available, for a limited time, to assist the RDN with the development of an Accord. Therefore, staff recommends that an opportunity be provided to the EAACC and area residents during the OCP review to provide input and recommendations for consideration in the development of an Accord.

ALTERNATIVES

1. To receive this report for information and direct staff to proceed with Option 1 and to provide additional information to the Board with respect to the development of an Accord.
2. To receive this report for information and direct staff to proceed with one of the options identified above either as presented or as amended by the Board with or without support for an Accord.
3. To receive this report for information and provide staff with an alternate approach to addressing the airport in the Electoral Area 'A' OCP.

SUSTAINABILITY IMPLICATIONS

Expansion of the Nanaimo Airport is consistent with the Board Strategic Plan's strategic priority to take a sustainable approach to economic sustainability. The airport is an important component of a coordinated regional transportation system that provides options to link the region with other areas and to ensure that transportation options within the region are better integrated. In addition, expansion of the Airport is part of the sustainability objective to make the Cassidy Village Centre a more complete community by providing additional jobs and economic opportunities and in so doing make the provision of public transit more feasible.

CONCLUSIONS

Recent improvements at the Nanaimo Airport and the ongoing Electoral Area 'A' OCP review have raised public awareness and concern regarding the future use of airport lands. The draft OCP includes a section on the airport which has become a contentious issue and is a major impediment to making further progress on the draft OCP. The issue is of regional significance which goes beyond the scope of the Electoral Area 'A' OCP.

In response, staff have identified two potential options for how the OCP could address the airport lands. Both options 1 and 2 include the development of an Accord between the RDN and NAC for the purpose of defining the relationship between the RDN and the NAC and to ensure that the parties work cooperatively towards common goals and objectives.

Staff are requesting confirmation of the Board's support for the Nanaimo Airport which will provide direction on how the Electoral Area 'A' OCP will be drafted to address airport lands.

RECOMMENDATIONS

1. That the Board support Option 1: that the draft Electoral Area 'A' Official Community Plan include a land use designation and general policies in support of the Nanaimo Airport with emphasis on the creation of an Accord between the RDN and the Nanaimo Airport Commission.
2. That staff be directed to initiate the process of developing an Accord between the Regional District of Nanaimo and the Nanaimo Airport Commission for the purpose of defining the relationship between the RDN and the NAC and to ensure that the parties work cooperatively towards common goals and objectives. The Accord should at minimum address the topics identified in the draft Electoral Area 'A' OCP Nanaimo Regional Airport section attached as Appendix 1.
3. That the Electoral Area 'A' Official Community Plan Review Citizen's Committee due to their proximity to the airport and involvement in the Electoral Area 'A' Official Community Plan review process be given an opportunity to provide input and recommendations for consideration in the development of an Accord.
4. That the Board confirm that all Regional District of Nanaimo planning documents be consistent with the Board's Strategic Plan and previous actions which support the Nanaimo Airport.

Report Writer

Manager Concurrence

General Manager Concurrence

CAO Concurrence

COMMENTS:

Appendix 1
Electoral Area 'A' Draft OCP - Draft Nanaimo Airport Section
(to be considered under Option 1)

8.8 Nanaimo Airport

The Nanaimo Airport is located on approximately 211 ha of land situated in the south west corner of Electoral Area 'A'. It is a regional facility, owned and operated by the Nanaimo Airport Commission (NAC) with a primary catchment area extending from approximately Qualicum Bay in Electoral Area 'H' to the north and the City of Duncan to the south.

Recent and ongoing upgrades including a runway extension, installation of navigational equipment, and a major terminal upgrade are expected to improve airport reliability and create opportunities for increased passenger service.

The RDN has no jurisdiction over uses which occur on airport lands, nor with respect to the regulation of flight paths or other federally regulated aspects of aviation. This section is intended to establish a framework for coordination and cooperation between the RDN and the Nanaimo Airport Commission to help define their relationship and address the needs and concerns of the community.

This section is consistent with the RDN Board's position on the Nanaimo Airport which is to support the expansion of air travel options in the region.

Objectives and Policies

Section 8.8	Policy/Objective
Objective 8.8.1	Support the Expansion of Air Travel Options in the Region
Policy 8.8.1	The Regional District of Nanaimo shall support the use of the airport lands for airport and airport-related uses.
Policy 8.8.2	The RDN shall encourage the NAC to ensure that all future development activities comply with all provisions of the appropriate Provincial and/or Federal Agency.
Policy 8.8.3	This Plan supports the provision of transit services to the Nanaimo Airport.

Section 8.8	Policy/Objective
Objective 8.8.2	Encourage Cooperation and Communication
Policy 8.8.4	The RDN supports and encourages the creation of an Accord, or similar agreement between the RDN and the NAC, developed in consultation with the community, which should at minimum address the following: <ul style="list-style-type: none"> i. principles for land use planning and development on airport lands; ii. the general location and type of uses which could be established on airport lands; iii. a mechanism whereby the RDN may engage in timely and meaningful consultations with the NAC with respect to land use planning matters affecting airport lands; iv. a mechanism for timely and meaningful public consultation; v. development referral process; vi. community servicing opportunities;

Section 8.8	Policy/Objective
	<ul style="list-style-type: none"> vii. dispute resolution framework; viii. development cost charges; ix. provincial building code application and administration; x. role of Regional District bylaws on airport lands; xi. emergency response; xii. use of airport lands for community purposes; xiii. transportation and public transit; xiv. flight path protection; xv. implementation of the agreement; and, xvi. environmental management (including aquifer protection) and response.
Policy 8.8.5	The RDN may support a partnership with the NAC in providing community sewer and water service to both the Nanaimo Airport and lands within the Cassidy GCB.

Implementation Actions	Timing (Immediate, Short Term, Long Term, Ongoing)
Approach the NAC to discuss the development of an Accord, or similar agreement.	Short Term
Explore servicing options with the NAC which look at building additional capacity for community water and community sewer in conjunction with future development on Airport lands for the benefit of the NAC and the community of Cassidy.	Immediate/Ongoing

Excerpt from April 13, 2010 Committee of the Whole Meeting Minutes

PLANNING

Electoral Area 'A' Draft Official Community Plan - Nanaimo Airport.

MOVED Director Burnett, SECONDED Director Bartram, that the Board support Option 1: that the draft Electoral Area 'A' Official Community Plan include a land use designation and general policies in support of the Nanaimo Airport with emphasis on the creation of an Accord between the RDN and the Nanaimo Airport Commission.

CARRIED

MOVED Director Burnett, SECONDED Director Bartram, that staff be directed to initiate the process of developing an Accord between the Regional District of Nanaimo and the Nanaimo Airport Commission for the purpose of defining the relationship between the RDN and the NAC and to ensure that the parties work cooperatively towards common goals and objectives. The Accord should at minimum address the topics identified in the draft Electoral Area 'A' OCP Nanaimo Airport section attached as Appendix 1.

CARRIED

MOVED Director Burnett, SECONDED Director Bartram, that the Electoral Area 'A' Official Community Plan Review Citizen's Committee due to their proximity to the airport and involvement in the Electoral Area 'A' Official Community Plan review process be given an opportunity to provide input and recommendations for consideration in the development of an Accord.

CARRIED

MOVED Director Burnett, SECONDED Director Bartram, that the Board confirm that all Regional District of Nanaimo planning documents be consistent with the Board's Strategic Plan and previous actions which support the Nanaimo Airport.

CARRIED