

Regional District of Nanaimo
Summary of the Electoral Area 'A' Official Community Plan Review
Citizen's Committee Meeting Held on Monday, May 10, 2010 at 6:30pm
At the North Cedar Improvement District Hall
2100 Yellow Point Road

Joe Burnett	Committee Chair
Mike Hooper	Committee Member
Ray Digby	Committee Member
Jill Maibach	Committee Member
Brian Collen	Committee Member
Jack Anderson	Committee Member
Garry Laird	Committee Member
Donna Sweeney	Committee Member
Joanne McLeod	Committee Member
Henrik Kriebert	Committee Member
Paul Thorkelsson	General Manager of Development Services
Greg Keller	Senior Planner
Stephen Boogaards	Recording Secretary

CALL TO ORDER

The meeting was called to order at 6:30 pm by the Chair. There were approximately 25 people in attendance.

MINUTES

The Chair asked the Committee for a motion to adopt the summary of the April 14, 2010 meeting.

MOVED Joanne McLeod, SECONDED Donna Sweeney, that the summary of the Area 'A' Citizen's Committee meeting held on April 14, 2010 be adopted.

CARRIED

NANAIMO AIRPORT DISCUSSION

Paul Thorkelsson provided an overview of the RDN position in relation to the airport lands. The legal opinion provided to the RDN clarifies that local government do not have control over land use on airport lands. The approach to the Official Community Plan is to be realistic in what the RDN can and cannot do. The Official Community Plan includes some general terms on the airport, and the accord would establish more specific parameters.

Greg Keller reviewed the report that went to the Committee of the Whole which presented two options to deal with the airport lands in the draft OCP. Mr. Keller provided a summary of the Board's actions which indicate that the Regional Board supports the Nanaimo Airport. The Board Strategic Plan also includes policies that support the expansion of travel options in the RDN including air travel. Mr. Keller explained the options from the report:

1. General land use policies in support of the airport with an emphasis on the creation of an accord between the RDN and airport. This option includes an extra process for the community to be involved with the airport.
2. The Official Community Plan may include a land use designation but no policies and emphasize the creation of an accord between the RDN and the airport.

Staff had recommended the first option that was endorsed by the Committee of the Whole. The Committee also provided direction that the Official Community Plan must be consistent the RDN position on the airport.

The group discussed what the accord development process would look like. Mr. Thorkelsson explained that the RDN has never done this type of process before but they would continue with public meetings. But he did emphasize that the accord would be a regional issue, much broader than Area 'A'. Some of the committee members expressed concerns that the Committee of the Whole did not see the third option in the report, in which the airport land use designation would have been developed by the community.

One of the participants questioned if the RDN does have influence over the airport lands since it does control community water, sewer and the urban containment boundary. The RDN seems to be using tax money to support the airport with these services. Mr. Keller explained that the airport has complete control over the land despite any RDN services and any land use controls in the Official Community Plan would be unrealistic. Instead the RDN could work cooperatively with the airport to identify opportunities that benefit the adjacent community. Mr. Thorkelsson also clarified that all infrastructure costs would be borne by the developer.

The Citizen's Committee discussed the accountability of the Nanaimo Airport Commission Board. Mike Hooper explained that the airport is accountable to meet the expectations of regulatory bodies such as Transport Canada. Some of the members questioned the RDN for supporting the airport with services and changes to the growth containment boundary. Mr. Thorkelsson explained that the Board is concerned about development but the accord is the only method to address expectations of all parties.

The group discussed the legal opinion received by the RDN and why it may not be disclosing the information to the Committee. Mr. Thorkelsson explained that it was not disclosed because of solicitor-client privilege. Some of the Committee members had suggested that the content of the legal opinion depended on the phrasing of the question that was asked and that tax money was being used for the industrial lands on the airport. The Chair clarified that federal money had not gone into non-aeronautical land uses, only the airport proper.

The group discussed several options to either address the airport section immediately in the Official Community Plan, include the accord as an appendix to the Official Community Plan, or not include the airport in the Official Community Plan. Many Committee members agreed that the Plan should not go to the public before the issue is resolved. A representative from the Mid Island Sustainable Stewardship Initiative announced that they had received a legal opinion from West Coast Environmental Law confirming that the RDN does have the ability to regulate non-aviation related lands on the airport. The organisation is requesting that the accord be set aside and not be negotiated further. West Coast Environmental Law has offered to assist with legal matters if the RDN proceeds with the Nanaimo Airport Commission.

The group discussed the timing for the Official Community Plan to go for public consultation. Mr. Keller suggested by June if possible, though the RDN would not pursue consultation during the summer.

MOVED Ray Digby, SECONDED Jack Anderson that the Official Community Plan not go to the public until we have a response back for the issue (the airport) raised today.

CARRIED

OFFICIAL COMMUNITY PLAN IMPLEMENTATION

Greg Keller provided an overview of the implementation options following the adoption of the Plan. He explained that the Official Community Plan is a policy document that provides direction to the Regional

Board. The Plan alone cannot achieve the community vision. He provided a map that showed the inconsistencies between the Official Community Plan designation and the current zoning. He explained that it would be very difficult to protect rural integrity, wildlife corridors, watersheds, and reduce greenhouse gases without making changes to the zoning.

Mr. Keller continued to explain that changing the zoning will affect property values. In Canada there is no right to profit from land and there will be some property owners who would be negatively affected by zoning changes. The *Local Government Act* does offer some protection to local governments for downzoning (Section 914) so that it cannot be sued. It also offers protection to property owners (Section 943) offering them a 12 month grace period to satisfy the conditions of the subdivision to the satisfaction of the provincial subdivision approving officer.

The RDN GIS department has prepared a handout on three different scenarios for development build-out in Area 'A'. The three scenarios are broken into development potential based on existing zoning, if the minimum parcel sizes were increased to that supported by the draft Official Community Plan, and if the minimum parcel sizes were increased to an intermediate step. If the zoning was not changed there could be an additional 1056 lots created outside of the Growth Containment Boundary. In the intermediate step there could be an estimated 500 additional lots outside of the Growth Containment Boundary. And full implementation there could be about 300 additional lots outside the Growth Containment Boundary.

The group discussed the growth rate in Area 'A'. Mr. Keller explained that traditionally Area 'A' has been below the RDN average, but the maps provided are only meant to show development potential based on zoning and are not tied to growth rate. The benefit of the intermediate step would be that only 500 new lots could be created but would affect fewer properties, whereas full implementation would only create 300 new lots but would affect twice as many properties. Mr. Keller clarified that for the purpose of this analysis, an affected property is one which would no longer be subdividable. It was noted that there would be other properties that may lose some subdivision potential under options 2 and/or 3.

The group discussed the Official Community Plan implementation experience in Area 'G'. Mr. Thorkelsson explained that Area 'G' did not have the intermediate option. It was either full implementation or nothing. The group also discussed trying to get the most benefit while affecting the fewest people. Mr. Keller had suggested that the RDN is beginning to use new software that shows the implications of various development scenarios.

Some of the committee members expressed the need to notify affected property owners directly if implementation was to happen. Mr. Keller advised that the RDN meets all legal requirements for notification. The committee members discussed if some property owners can be unfairly exempted from the zoning change.

ADJOURNMENT

The meeting was adjourned at 9:35 pm.

Certified correct by:

Director Joe Burnett, Committee Chairperson