

**REGIONAL DISTRICT OF NANAIMO**

**COMMITTEE OF THE WHOLE  
TUESDAY, SEPTEMBER 11, 2012  
7:00 PM**

***(RDN Board Chambers)***

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

- 3                    **Wendy Pratt, Nanaimo Community Hospice**, re proposed Hospice expansion.
- 4                    **Connie Clifford and Anne Banford, Gabriola Historical and Museum Society**, re 2012 Society Operations.

**MINUTES**

- 5 -10                Minutes of the regular Committee of the Whole meeting held Tuesday, July 10, 2012.

**BUSINESS ARISING FROM THE MINUTES**

**COMMUNICATIONS/CORRESPONDENCE**

**UNFINISHED BUSINESS**

***FINANCIAL SERVICES***

- 11 - 12              Proposed Schedule to Adopt the 2013 to 2017 Financial Plan.

***REGIONAL AND COMMUNITY UTILITIES***

**WASTEWATER SERVICES**

- 13 - 17              Bylaw No. 1004.06 – A Bylaw to amend the boundaries of the Duke Point Sewer Service to include the property at 500 Duke Point Highway (within the City of Nanaimo).
- 18 -21              Greater Nanaimo Pollution Control Centre Sedimentation Tank 4 Project Construction Award.

**STRATEGIC AND COMMUNITY DEVELOPMENT**

**LONG RANGE PLANNING**

22 - 54                Nanaimo Airport Land Use Process.

**CURRENT PLANNING**

55 - 60                Agricultural Area Plan – Completion of Final Draft.

61 - 64                Proposed Amendments to “Regional District of Nanaimo Planning Services Fees and Charges Bylaw No. 1259, 2002.

**COMMISSION, ADVISORY & SELECT COMMITTEE**

**ADDENDUM**

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

**BOARD INFORMATION (Separate enclosure on blue paper)**

**ADJOURNMENT**

**IN CAMERA**

*That pursuant to Sections 90(1) (e) of the Community Charter, the Committee proceed to an In Camera meeting to consider discussions related to legal issues.*

**O'Halloran, Matt**

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**From:** wendy pratt [<mailto:wendyp@nanaimohospice.com>]  
**Sent:** Wednesday, June 27, 2012 4:51 PM  
**To:** Mason, Carol; Burgoyne, Linda  
**Cc:** [jon.lampman@gmail.com](mailto:jon.lampman@gmail.com); [jeannef@nanaimohospice.com](mailto:jeannef@nanaimohospice.com)  
**Subject:** Hospice Thank You

Joe and Carol, on behalf of Jeanne, Jon, and myself I would like to thank you so much for meeting with us today. It was a pleasure to introduce our project to you. We truly appreciate the welcome that you provided – we felt at home immediately. The information you provided was most helpful and will guide us as we prepare for the RDN meeting on September 11<sup>th</sup>. In this regard, Carol, please advise who we need to contact to reserve time for a presentation at that meeting. I look forward to presenting at that time to your group.

Wendy



***Wendy Pratt, Executive Director***

[wendyp@nanaimohospice.com](mailto:wendyp@nanaimohospice.com)

[www.nanaimohospice.com](http://www.nanaimohospice.com)

Tel: 250-758-8857

Fax: 250-758-8502

## O'Halloran, Matt

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**From:** Gabriola Museum <info@gabriolamuseum.org>  
**Sent:** Wednesday, August 22, 2012 7:56 AM  
**To:** O'Halloran, Matt  
**Cc:** 'Anne Banford'; connie.clifford@shaw.ca  
**Subject:** RE: RDN Delegation - Sept 11

Hi Matthew,

Both Anne Banford and I will be attending the Committee of the Whole meeting on September 11<sup>th</sup>. There is no need for a laptop or projector, as we will provide written documentation and a short verbal presentation. How many copies of the reports will be required for distribution to the Committee members?

Thank you,  
Connie Clifford  
President  
Gabriola Historical and Museum Society

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**From:** O'Halloran, Matt [<mailto:MOhalloran@rdn.bc.ca>]  
**Sent:** Tuesday, August 21, 2012 11:35 AM  
**To:** [info@gabriolamuseum.org](mailto:info@gabriolamuseum.org)  
**Subject:** RDN Delegation - Sept 11

Good Morning,

This is just to confirm that Society Treasurer Anne Banford will be appearing as a delegation at the RDN Committee of the Whole meeting at 7pm on September 11. Ms. Banford has agreed to make a short presentation to provide an update on the Society's 2012 Operations, as per the funding agreement between the Society and the RDN.

Please let me know if you have any questions, or if you will require a laptop/projector for presentation purposes.

Thank you

Matthew O'Halloran  
Legislative Coordinator  
Regional District of Nanaimo  
250-390-6569  
[www.rdn.bc.ca](http://www.rdn.bc.ca)

\_\_\_\_\_ NOD32 1879 (20061123) Information \_\_\_\_\_

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<http://www.eset.com>

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMITTEE OF THE WHOLE  
MEETING HELD ON TUESDAY, JULY 10, 2012 AT 7:00 PM  
IN THE RDN BOARD CHAMBERS

**Present:**

Director J. Stanhope	Chairperson
Director A. McPherson	Electoral Area A
Director H. Houle	Electoral Area B
Alternate	
Director C. Pinker	Electoral Area C
Alternate	
Director F. Van Eynde	Electoral Area E
Alternate	
Director L. Salter	Electoral Area F
Director W. Veenhof	Electoral Area H
Director M. Lefebvre	City of Parksville
Director D. Willie	Town of Qualicum Beach
Director B. Dempsey	District of Lantzville
Director J. Ruttan	City of Nanaimo
Alternate	
Director F. Pattje	City of Nanaimo
Alternate	
Director B. McKay	City of Nanaimo
Director D. Johnstone	City of Nanaimo
Director J. Kipp	City of Nanaimo
Director T. Greves	City of Nanaimo

**Also in Attendance:**

C. Mason	Chief Administrative Officer
W. Idema	Director of Finance
P. Thorkelsson	Gen. Mgr., Strategic and Community Development
J. Finnie	Gen. Mgr., Regional & Community Utilities
D. Banman	A/Gen. Mgr., Recreation & Parks Services
D. Trudeau	Gen. Mgr., Transportation & Solid Waste Services
M. O'Halloran	Legislative Coordinator
C. Midgley	Mgr., Energy & Sustainability
N. Tonn	Recording Secretary

**Regrets:**

Director D. Brennan	Deputy Chairperson
Director M. Young	Electoral Area C
Director G. Holme	Electoral Area E
Director J. Fell	Electoral Area F
Director B. Bestwick	City of Nanaimo
Director G. Anderson	City of Nanaimo

## **CALL TO ORDER**

The Chairperson welcomed Alternate Directors Pinker, Van Eynde, Salter, McKay and Pattje to the meeting.

## **DELEGATIONS**

**Gary Bentham, Village Design and Drafting, re Proposed Policy Statement for Regional Growth Strategy and Agricultural Area Plan.**

Mr. Bentham spoke regarding a citizens' initiative which would allow the farming community to become more prominent through the creation of a new zoning proposal. A copy of Mr. Bentham's proposal was presented to the Chairperson and the Planning Department with a request to be invited to present this proposal to a future meeting of the Board.

**Laura Paddock and Jennifer Miller, HealthLink BC, re Overview of HealthLink BC Programs.**

Ms. Paddock and Ms. Miller provided a verbal and visual presentation on programs available to residents of British Columbia provided by HealthLink BC.

## **LATE DELEGATIONS**

MOVED Director Kipp, SECONDED Director Johnstone, that late delegations be permitted to address the Committee.

CARRIED

**Enid Mary Sangster-Kelly, re 1633 Morello Road, Area 'E' – Unsightly Premises.**

Ms. Sangster-Kelly spoke in opposition to the Unsightly Premises order citing improvements to the property at 1633 Morello Road, and requested that the Board rescind the order approved by the Board at its June 26, 2012 Board meeting.

**Brian Sangster-Kelly, re 1633 Morello Road, Area 'E' – Unsightly Premises.**

Mr. Sangster-Kelly spoke in opposition to the Unsightly Premises order for the property located at 1633 Morello Road.

**Ann Barber, re 1633 Morello Road, Area 'E' – Unsightly Premises.**

Ms. Barber provided a verbal and visual presentation of the property located at 1633 Morello Road and noted the improvements made to the property and the planned changes to the property by herself and her husband to comply with RDN regulations. Ms. Barber requested a 90 day extension to the Order to achieve this.

**MINUTES**

MOVED Director Lefebvre, SECONDED Director Willie, that the minutes of the regular Committee of the Whole meeting held Tuesday, June 12, 2012 be adopted.

CARRIED

**COMMUNICATIONS**

**Paula Young, Nanoose Place Landscaping Project, re Access Application Through Nanoose Place to Canuck Properties.**

MOVED Director Van Eynde, SECONDED Director Ruttan, that the correspondence from Paula Young be received for information.

CARRIED

**UNFINISHED BUSINESS**

**BYLAW ADOPTION**

**Bylaw 1552.01, 2012 – Southern Community Search and Rescue Contribution Service Amendment Bylaw.**

MOVED Director Kipp, SECONDED Director Lefebvre, that “Southern Community Search and Rescue Contribution Service Amendment Bylaw No. 1552.01, 2012” be adopted.

CARRIED

***FINANCE AND INFORMATION SERVICES***

**FINANCE**

**Report on Use of Development Cost Charges in 2011.**

MOVED Director Johnstone, SECONDED Director Van Eynde, that the report on Development Cost Charges provided under Section 937.01 be received for information.

CARRIED

***STRATEGIC AND COMMUNITY DEVELOPMENT***

**CURRENT PLANNING**

**Agricultural Area Plan Survey Results and Status Update.**

MOVED Director Houle, SECONDED Director Veenhof, that the status update on the AAP and the “Summary of online survey results for the RDN Draft Agricultural Area Plan” be received.

CARRIED

## **ENERGY AND SUSTAINABILITY**

### **Bylaw No. 1662 – Corporate Carbon Neutral Initiatives Fund Establishment Bylaw.**

MOVED Director Johnstone, SECONDED Director Lefebvre, that “Corporate Carbon Neutral Initiatives Reserve Fund Establishing Bylaw No. 1662, 2012” be introduced and read three times.

CARRIED

MOVED Director Johnstone, SECONDED Director Lefebvre, that “Corporate Carbon Neutral Initiatives Reserve Fund Establishing Bylaw No. 1662, 2012” be adopted.

CARRIED

### **Release of Corporate Climate Action Reserve Funds – July 2012.**

MOVED Director Johnstone, SECONDED Director Salter, that the Board approve the release of \$84,500 from the Corporate Climate Action Reserve Fund for investment in electric vehicle procurement; a 500 kVa transformer for the Greater Nanaimo Pollution Control Centre; lighting and boiler upgrades at Ravensong Aquatic Centre and Oceanside Place; and for the regional purchase of the SmartTool.

CARRIED

## ***REGIONAL AND COMMUNITY UTILITIES***

## **WASTEWATER SERVICES**

### **Vancouver Island University Woodlot Groundwater Study and Biosolids Management Contract Extension.**

MOVED Director Veenhof, SECONDED Director Houle, that the Board receive the 2012 Piteau Associates Hydrogeological Assessment of Land Application of Biosolids, Vancouver Island University Forest (WL 020) report for information.

CARRIED

MOVED Director Veenhof, SECONDED Director Houle, that the Board approve an amendment to the Vancouver Island University biosolids management contract to extend the term of the contract to December 31, 2012, to provide additional time for staff to negotiate and prepare a new longer term partnership agreement for the management of biosolids from both the Greater Nanaimo and French Creek Pollution Control Centres.

CARRIED

## ***RECREATION AND PARKS SERVICES***

### **Nanoose Place Lease Agreement Renewal.**

MOVED Director Van Eynde, SECONDED Director Veenhof, that the Board approve the Lease Agreement between the Nanoose Bay Activities and Recreation Society and the Regional District of Nanaimo for the property legally described as: Lot 2, District Lot 6, Nanoose District, Plan 50996 for a five year term expiring on July 31, 2017.

CARRIED



**COMMISSION, ADVISORY & SELECT COMMITTEES**

**Electoral Area 'G' Parks and Open Spaces Advisory Committee.**

MOVED Director Lefebvre, SECONDED Director Veenhof, that the minutes of the Electoral Area 'G' Parks and Open Spaces Advisory Committee meeting held Monday, March 19, 2012 be received for information.

CARRIED

**Electoral Area 'H' Parks and Open Spaces Advisory Committee.**

MOVED Director Veenhof, SECONDED Director Lefebvre, that the minutes of the Electoral Area 'H' Parks and Open Spaces Advisory Committee meeting held Wednesday, March 28, 2012 be received for information.

CARRIED

**Agricultural Advisory Committee.**

MOVED Director Johnstone, SECONDED Director Lefebvre, that the minutes of the Agricultural Advisory Committee meeting held Friday, June 22, 2012 be received for information.

CARRIED

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**1633 Morello Road, Area 'E' – Unsightly Premises.**

MOVED Director Salter, SECONDED Director Kipp, that the June 26, 2012 Board resolution regarding unsightly premises at 1633 Morello Road be rescinded.

It was noted that this motion is out of order as under Bylaw No. 1512, Section 27 (4), the Board shall not reconsider any question that has been acted upon by any officer or employee of the Regional District.

MOVED Director Johnstone, SECONDED Director Salter, that the compliance deadline under "Unsightly Premises Regulatory Bylaw No. 1073, 1996" for the property at 1633 Morello Road, be extended for a period of ninety (90) days.

CARRIED

**BOARD INFORMATION**

**FCM and UBCM Notification.**

It was noted that notification from the Federation of Canadian Municipalities and the Union of BC Municipalities should be provided in a more timely manner to allow input from members when requested.

**ADJOURNMENT**

MOVED Director Kipp, SECONDED Director Lefebvre, that this meeting adjourn to allow for an In Camera meeting.

CARRIED

**IN CAMERA**

MOVED Director Kipp, SECONDED Director Lefebvre, that pursuant to Section 90(1)(c) and (e) of the *Community Charter* the Committee proceed to an in Camera meeting to consider personnel and land related issues.

CARRIED

TIME: 8:37 PM

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CHAIRPERSON

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Manager, Administrative Services



RDN REPORT	
CAO APPROVAL <del>###</del>	
EAP	
COW	✓
SEP 04 2012	
RHD	
BOARD	

## MEMORANDUM

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**TO:** Paul Thorkelsson  
Interim Chief Administrative Officer

**DATE:** August 31, 2012

**FROM:** Wendy Idema  
Director of Finance

**File:**

**SUBJECT:** Proposed Schedule to Approve the 2013 to 2017 Financial Plan

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### PURPOSE:

To identify meeting and publication dates related to the review and approval of the 2013 to 2017 financial plan.

### BACKGROUND:

Local governments are required to publicize and provide opportunities for members of the public to provide input and to comment on the financial plan. This report is intended to identify for the Board, the public and staff the times and places at which the 2013 to 2017 financial plan will be reviewed and approved by the Regional Board.

The Regional District undertakes its financial plan review in two stages. During the fall of the year prior to the first year of the next plan, a preliminary budget for each service area for the next year is introduced to the Board. The proposed budget document is posted to the Regional District web site for public access. Following this introductory meeting, the accounting for the current fiscal year is completed and the next year budget is updated for any changes arising over year end such as carry forward projects and the allocation of surpluses to each service area so funds raised remain within the service they were raised for.

Late in January the Board receives an overview of the full five year financial plan as well as identifying any further changes to the new annual budget. A budget edition of the Regional Perspectives is published in mid to late February to provide residents with information by service area and by electoral area. Any remaining changes and updates are completed during February, and the final plan with any amendments is returned to the Board in March for adoption. The meeting dates are published in local newspapers and on the website in advance of each open Board meeting and an opportunity to make a presentation and ask questions is provided at those meetings.

**ALTERNATIVES:**

1. Approve the proposed schedule of meetings to review and approve the 2013 to 2017 financial plan.
2. Provide other directions regarding the review and approval process of the 2013 to 2017 financial plan.

**FINANCIAL IMPLICATIONS:**

The only costs during this process are advertising and publication costs for the Regional Perspectives, all of which are included in the annual budget.

**SUMMARY/CONCLUSIONS:**

Local governments are required to establish a public process for the review and approval of the five year financial plan. Commencing with the Board meeting on November 27, 2012 staff will publish budget documents to the Regional District web site, arrange the publication of the budget edition of the Regional Perspectives in mid-February and ensure that all meetings are advertised to provide members of the public an opportunity to attend the meetings to provide comments and input.

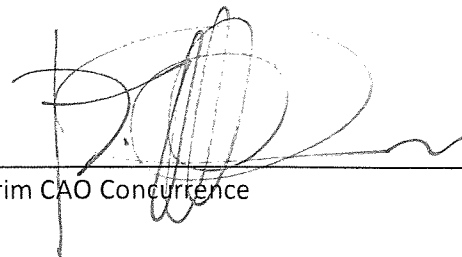
**RECOMMENDATIONS:**

That the following schedule for the review and adoption of the 2013 to 2017 financial plan be approved:

November 20, 2012	Information seminar to Board for 2013 preliminary budget
November 27, 2012	Presentation of 2013 preliminary budget at Board Meeting
January 29, 2013	2013 to 2017 financial plan presentation at Special Committee of the Whole
February 18, 2013	Publication of budget edition of Regional Perspectives
March 12, 2013	Introduce bylaw to adopt 2013 to 2017 financial plan
March 26, 2013	Adopt financial plan bylaw



Report Writer



Interim CAO Concurrence



RDN REPORT		
CAO APPROVAL <del>###</del>		
EAP		
COW	✓	
SEP 05 2012		
RHD		
BOARD		

MEMORANDUM

TO: M. Donnelly  
 Manager, Water & Utility Services

DATE: August 30, 2012

FROM: D. Churko, ASCT  
 Engineering Technologist

File: 5500-20-DP-01

SUBJECT: Bylaw No. 1004.06 - To amend the boundaries of the Duke Point Sewer Service to include the property at 500 Duke Point Highway (within the City of Nanaimo)

PURPOSE

To consider a request to include Lot 23, Plan 37924, Sections 8 & 9, DL 370 & 429, Nanaimo Land District (500 Duke Point Hwy) into the Duke Point Sewer Service for the purpose of sewer connection (see Location Plan in Figure 1).

BACKGROUND

The subject property is approximately 25 acres (10 hectares) in size, and is located on the waterfront near the Duke Point Ferry Terminal (within the city limits of Nanaimo). The property owner (Western Forest Products Inc.) has requested inclusion of the property into the Duke Point Sewer Service for the purpose of sewer connection for sewage from employee washroom facilities. Western Forest Products has utilized their own sewage treatment facility and privately-owned marine outfall for the past 30 years. Their discharge permit from the Ministry of Environment PE-5727 (circa 1980) indicates that the subject property must connect to community sewers once they become available. The Duke Point Sewer Service boundary is located immediately adjacent to the property, and a sewer main is present along the Duke Point Highway thereby making a connection to the community sewer system possible. The Duke Point treatment plant can accommodate the new connection.

The Regional District and the City of Nanaimo entered into an agreement to permit a limited number of properties to be connected to the Duke Point Sewer Service. The number of properties permitted to be connected under the agreement is fully committed but includes the subject property, as it is located within the Duke Point Industrial Park area.

The Duke Point Sewer Service collects and treats domestic sewage, and does not treat industrial waste. The property owner has been made aware of this condition, and has been forwarded a copy of *Regional District of Nanaimo Sewer Use Bylaw No. 1225 (2002)* which describes the limitations of discharges into RDN sewers.

*Duke Point Sewer Local Service Area Establishment Bylaw No. 1004 (1996)* requires amendment in order to include the subject property into the Duke Point Sewer Service. A proposed boundary amendment bylaw is attached to this report.

ALTERNATIVES

1. Accept the application from 500 Duke Point Highway and include the property in the Duke Point Sewer Service.
2. Do not accept the application from 500 Duke Point Highway. The owner could explore further options for on-site sewage treatment and disposal.

**FINANCIAL IMPLICATIONS:**

Under Option 1, if the application for 500 Duke Point Highway is approved for inclusion in the Duke Point Sewer Service, there are no financial implications to the RDN. All costs associated with connection to the community sewer system would be at the expense of the applicant. The property owner has paid a Capital Charge on the parent lot of \$54,717.73 pursuant to *Duke Point Sewer Local Service Area Capital Charge Bylaw No. 1528, 2007*. The annual property tax for sewer servicing would be collected by the City of Nanaimo and then forwarded to the Regional District.

Under Option 2, if the application is not approved, there are no financial implications to the RDN. The owner could explore options for on-site sewage treatment and disposal. The Capital Charge of \$54,717.73 would be returned to the owner.

**SUSTAINABILITY IMPLICATIONS**

By including the subject property into the Duke Point Sewer Service, there will be a net positive improvement in the environmental impact of sewage disposal. While increased development of the property would be possible with a community sewer connection, domestic sewage generated at this site will be collected by the City of Nanaimo gravity sewers, and treated and disposed of at the RDN's Duke Point Pollution Control Centre. The aging on-site sewage treatment facility at Western Forest Products and their privately-owned marine outfall would no longer be required.

Telephone discussion with the Senior Environmental Protection Officer at the Ministry of Environment (MOE) office in Nanaimo indicated that one of the stipulations in Permit No. PE-5727 was that that the subject property must connect to the community sewers once they become available. MOE staff support the connection to community sewers, and will review the closure plans for the on-site sewage treatment facility and marine outfall before closing Permit No. PE5727.

**SUMMARY/CONCLUSIONS**

The owner of the subject property (Western Forest Products Inc.) has requested to join the adjacent Duke Point Sewer Service for the purpose of connecting to the community sewer system. The property owner has paid a \$54,717.73 Capital Charge per Bylaw No. 1528 (2007), and all other costs associated with the construction and connection of 500 Duke Point Highway to the sewer system would be at the expense of the applicant. Increased development of the property would be possible with a community sewer connection. The MOE supports the connection to the community sewer system. Staff recommend adopting the bylaw as presented.

**RECOMMENDATION**


That "Duke Point Sewer Service Boundary Amendment Bylaw No. 1004.06, 2012" be introduced and read three times.



Report Writer



General Manager Concurrence

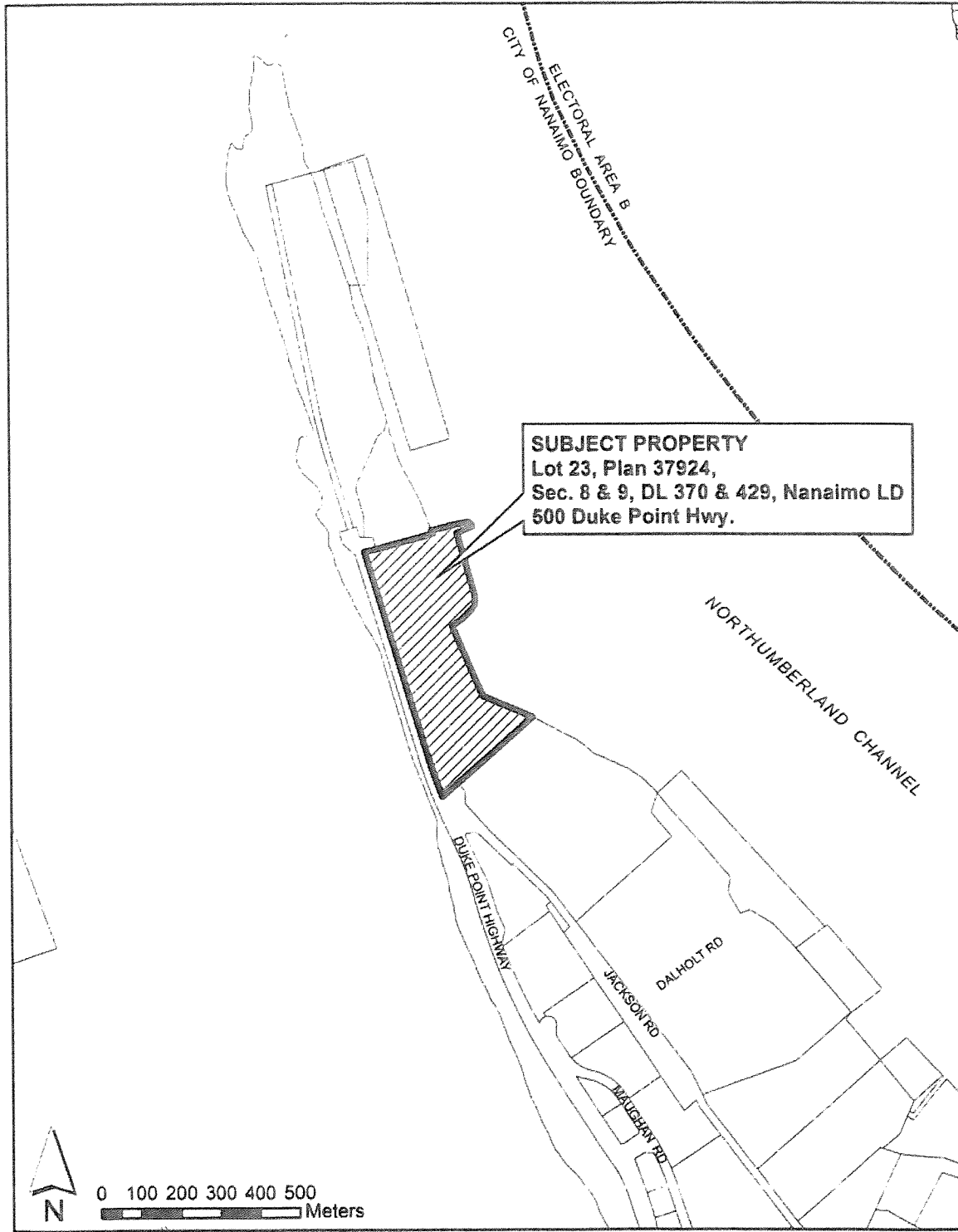


Manager Concurrence



CAO concurrence

Figure 1 - Location Plan



REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1004.06

A BYLAW TO AMEND THE BOUNDARIES OF THE  
DUKE POINT SEWER SERVICE

WHEREAS the Regional District of Nanaimo established the Duke Point Sewer Service pursuant to Bylaw No. 1004, cited as "Duke Point Sewer Local Service Area Establishment Bylaw No. 1004, 1996";

AND WHEREAS the boundaries of the Duke Point Sewer Service include properties within the City of Nanaimo and Electoral Area 'A';

AND WHEREAS the Board of the Regional District of Nanaimo has been requested by the property owner to amend the boundaries of the service area to include and additional property within the City of Nanaimo, legally described as follows:

- Lot 23, Plan 37924, Sections 8 & 9, DL 370 and 429, Nanaimo Land District (500 Duke Point Hwy);

AND WHEREAS at least 2/3 of the service participants have consented to the adoption of this bylaw in accordance with section 802 of the *Local Government Act*;

NOW THEREFORE the Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. **Amendment**

"Duke Point Sewer Local Service Area Establishment Bylaw No. 1004, 1996" is hereby amended as follows:

By deleting Schedule 'A' of Bylaw 1004 and replacing it with the new Schedule 'A' attached to this bylaw.

2. **Citation**

This bylaw may be cited for all purposes as "Duke Point Sewer Service Amendment Bylaw No. 1004.06, 2012".

Introduced and read three times this 2<sup>nd</sup> day of October, 2012.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
CORPORATE OFFICER

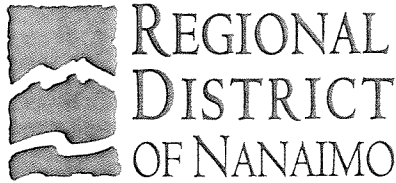


Schedule 'A' to accompany "Duke Point Sewer Service Amendment Bylaw No. 1004.06, 2012"

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Officer

**MAP OF REVISED SERVICE AREA BOUNDARIES  
TO BE ATTACHED ONCE ADOPTED**



RDN REPORT		[Signature]
CAO APPROVAL		
EAP		
CoW	✓	
SEP 06 2012		
RHD		
BOARD		

**MEMORANDUM**

**TO:** John Finnie, General Manager  
Regional and Community Utilities

**DATE:** August 24, 2012

**FROM:** Sean De Pol  
Manager, Wastewater Services

**FILE:** 5330-20-GNPC-SED4

**SUBJECT:** Greater Nanaimo Pollution Control Centre  
Sedimentation Tank 4 Project Construction Award

**PURPOSE**

To consider awarding the construction contract and project management services for the Greater Nanaimo Pollution Control Center (GNPCC) Sedimentation Tank 4 Project.

**BACKGROUND**

The main liquid stream processes at the Greater Nanaimo Pollution Control Centre (GNPCC) include screening of the raw sewage, grit removal, and chemically enhanced primary sedimentation. The primary sedimentation process is near the design capacity of the existing three sedimentation tanks, as is the existing primary scum pump station. In September 2011, the RDN Board directed staff to award the detailed design services for the Primary Sedimentation Tank 4 Project to AECOM, and AECOM has recently completed the detailed design. RDN staff review and input has been incorporated into the detailed design of the project.

The additional primary sedimentation capacity will increase the efficiency of the primary sedimentation process thereby improving effluent quality, reducing annual chemical costs and reducing the load on the future secondary treatment process. The addition of the new sedimentation tank will increase the capacity of the existing process by more than 25%, and provide sufficient capacity for the sedimentation process to meet the Stage 4 design horizon (2030). The new scum pump station and scum pipework will replace the existing scum system that serves Sedimentation Tanks 1 to 3. The existing scum system is undersized and creates challenges for operations as plugging can occur.

During the excavation of Sedimentation Tank 4, additional rock will be removed for the future Sedimentation Tank 5. If this work is not completed prior to the construction of Sedimentation Tank 4, it would limit the build-out potential of the site, as rock removal/blasting immediately adjacent to an active concrete water retaining structure is not advisable.

The Primary Sedimentation Tank 4 Project was competitively tendered between July 10, 2012 and August 20, 2012. A total of six bids were received at a public opening. The bid results were as follows:

- Palladian Developments Inc. \$ 2,205,744.50
- Island West Coast Development \$ 2,452,620.00
- Maple Reinders Inc. \$ 2,619,840.00
- Knappett Projects Inc. \$ 2,739,700.00
- CMF Construction Ltd. \$ 7,100,000.00
- D. Robinson Contracting Ltd. \$ 8,100,100.00

AECOM conducted an evaluation of the bids that were received and recommended the construction contract be awarded to Palladian. Palladian had the lowest compliant bid price and was within 5% of AECOM's pre-tender estimate. Palladian is an experienced, reputable contractor and have carried sub-contractors on their team (Archie Johnstone Plumbing & Heating and Houle Electric) who are familiar to the RDN and are currently working on wastewater projects at the Greater Nanaimo and French Creek Pollution Control Centres.

Engineering services will be required to administer and inspect the construction contract, to assist in the testing, start-up and commissioning of the new systems, and to complete the SCADA programming to integrate the new control systems into the existing GNPCC plant control system. The engineering services are recommended to be completed by AECOM for a budget of \$198,000, excluding HST.

The following is our most recent costing for the completion of the project:

	Original Estimate	Tender Estimate	Actual Costs
Functional Design (Done)	\$10,701	\$10,701	\$10,701
Detailed Design (Done)	\$220,680	\$159,440	\$159,440
Tendering and Permitting Services (Done)	(detailed design)	\$27,670	\$27,670
Construction Services and Programming	(detailed design)	\$198,000	\$198,000
Construction of 4th Sed Tank	\$1,610,820	\$1,683,000	\$1,612,009
Construction of Scum Pump Station	\$103,640	\$251,000	\$418,735
Sed Tank 5 excavation /blasting	\$0	\$175,000	\$175,000
Geotechnical Engineering Allowance	\$0	\$25,000	\$25,000
Other Costs (equipment and demolition)	<u>\$0</u>	<u>\$55,000</u>	<u>\$55,000</u>
<b>Total Project Cost</b>	<b>\$1,945,841</b>	<b>\$2,584,811</b>	<b>\$2,681,555</b>

The total budgeted amount for this project (construction, engineering and project contingency) was \$2,030,000. This has been exceeded due to the higher than anticipated construction tender results and because of the extra costs of the rock removal for the future Sedimentation Tank 5, which was not part of the Original Estimate. The project components have been reviewed with our consultants to determine whether there are components that could be deleted or deferred. This action would result in additional work being scheduled at a later date at increased costs (due in part to re-tendering smaller portions of the project) and is therefore not recommended.

## **ALTERNATIVES**

1. Award a contract to Palladian for the construction of the Greater Nanaimo Pollution Control Centre Primary Sedimentation Tank 4 Project for the tendered price of \$2,205,744.50, and a contract for the construction engineering services to AECOM for the price of \$198,000.
2. Do not award the tenders, re-assess project requirements and re-tender.

## **FINANCIAL IMPLICATIONS**

### *Alternative 1*

Although the bids submitted for this project are over budget, there are adequate funds in the DCC reserves to complete the GNPC Primary Sedimentation Tank 4 Project.

### *Alternative 2*

The existing primary sedimentation tank is near design capacity. If the Primary Sedimentation Tank 4 construction contract is not awarded at this time, the project will be delayed which could result in a compliance issue with the Ministry permit and/or increased chemical costs. The project requirements have been discussed with our consultants and this alternative would only serve to delay the project. No significant cost reductions would be realized and lower costs are not expected.

## **SUMMARY/CONCLUSIONS**


The construction of Primary Sedimentation Tank 4 is a high priority for the operation of the GNPC. The detailed design has been completed by AECOM and reviewed with RDN staff.


A competitive public tendering process was completed on August 20, 2012. Of the six bids that were received the lowest compliant bid was by Palladian for a value of \$2,205,744.50. This value compares to the pre-tender cost estimate of \$2,109,000 (excluding engineering).

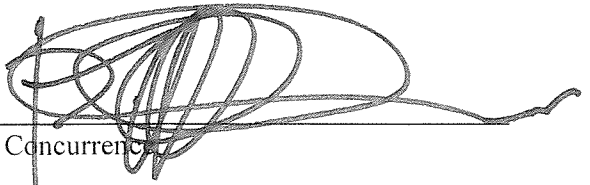
The engineering construction services proposal by AECOM of \$198,000 is in line with industry standards for projects of this nature. Since AECOM is the Engineer of Record for the Primary Sedimentation Tank 4 project design it is important for continuity that they provide the construction management and commissioning services. In addition, the provision of SCADA programming services by AECOM will ensure that the new systems are properly integrated into the existing GNPC plant control system.

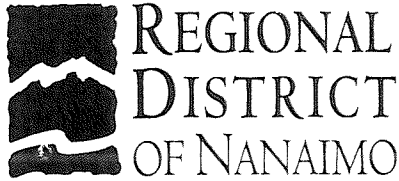
**RECOMMENDATIONS**

1. That the Board award the construction contract for the new Primary Sedimentation Tank 4 at the Greater Nanaimo Pollution Control Centre to Palladian Developments Inc. for a value of \$2,205,744.50.
2. That the Board award the engineering services during the construction of Primary Sedimentation Tank 4 and the SCADA programming services to AECOM for a total value of \$198,000.
3. Funds from the Southern Community Development Cost Charge Reserve Fund be used for the Greater Nanaimo Pollution Control Centre Primary Sedimentation Tank 4 Project.

  
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Report Writer

  
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General Manager Concurrence

  
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CAO Concurrence



RDN REPORT	
CAO APPROVAL <i>CTW</i>	
EAP	
COW	✓
AUG 20 2012	
RHD	
BOARD	
DATE:	

**MEMORANDUM**

**TO:** Paul Thorkelsson  
General Manager Strategic & Community Development

**FROM:** Paul Thompson  
Manager of Long Range Planning

**SUBJECT:** Nanaimo Airport Land Use Process

**FILE:** 2400 20 NAV/AVI

**PURPOSE**

To receive the Nanaimo Airport Land Use Final Report prepared by City Spaces Consulting and consider options for proceeding to the next phase of the Nanaimo Airport Land Use Process.

**BACKGROUND**

Jurisdiction over land use regulation at the Nanaimo Airport has been an issue that the RDN has been trying to address for several years. Most recently, during the review of the Electoral Area 'A' Official Community Plan the community raised concerns regarding the uncertainty of future land use at the Nanaimo Airport. As the OCP Review process progressed, it became apparent that this matter could not be resolved within the time-frame of the OCP review. The RDN Board directed that a separate region-wide engagement process that focused on land use at the Airport be undertaken using an independent consultant.

The identified process has three phases. The first is to obtain the views of the community and other stakeholders. The second phase, based on the findings from Phase 1, includes discussions between the RDN and Nanaimo Airport Commission (NAC) with the aim of reaching agreement on future land use, community consultation and aquifer protection. The third phase, implementation, is likely to include a master plan for the airport, an amendment to the Electoral Area 'A' Official Community Plan and an amendment to the zoning bylaw.

Following an open request for proposal process, City Spaces Consulting was chosen to conduct the first phase of the process that would focus on future land use at the Nanaimo Airport. The purpose of phase 1 of the process was threefold:

1. Increased awareness for the community and other stakeholders regarding the roles and responsibilities for planning and regulating uses on the Nanaimo Airport lands;
2. Greater certainty with respect to what is meant by non-aviation related uses at the Nanaimo Airport; and,
3. Clarification on the opportunities for community input into future development at the Airport.

As part of the community engagement process three public meetings were held in November 2011 and March 2012. As well, a meeting was held with the Electoral Area 'A' OCP Citizens Advisory Committee. Other stakeholders were approached directly and interviews were held with CAO's and/Directors of Planning for surrounding local governments, Chambers of Commerce, the Nanaimo Economic Development Corporation and others who had previously expressed an interest in the airport. The RDN maintained a project web page

and received input through a dedicated email address on the website. A summary of the input collected during phase one is included in the consultant's report.

As had been heard previously the main concerns regarding the Nanaimo Airport are:

- A significant concern is the "lack of certainty" about future use at the Airport. This uncertainty gets translated into "mistrust", toward the Regional District and the Nanaimo Airport Commission. Better communication could alleviate concerns that processes are not open and transparent.
- Impacts of aviation and non-aviation related uses on the environment, particularly the Cassidy aquifer.
- The Airport is seen in the broader region as a vital transportation link, especially for business and attracting future business. It is a regional asset.
- Some local, rural residents feel they get little benefit from the Airport and expansion means more noise and more potential risk to the environment.
- Engaging local residents is key but that other stakeholders throughout the region should be consulted as well.
- Future considerations for development of airport lands should be developed jointly between the NAC and the RDN and the community should be engaged through a public process.

City Spaces Consulting has completed phase one of the process and have prepared a report on their findings including recommendations on how to proceed with phases two and three of the process. This document is intended to provide background information for both the RDN and NAC as they enter into discussions in phase two of the process and is included in this report as Attachment 1.

To resolve the outstanding concerns and provide certainty on future use of the Nanaimo Airport Lands the consultants are recommending the following course of action:

1. Agreement of RDN Board to proceed with a collaborative process to develop a Memorandum of Understanding (MOU) and subsequent OCP amendment and zoning for the airport lands.
2. Joint meeting between the RDN and NAC to discuss "way forward principles" and structure of an MOU;
3. Assuming agreement, prepare draft MOU;
4. MOU agreement-in-principle between the RDN and NAC;
5. Provide public review of draft MOU (website, circulate to stakeholders and one public meeting);
6. Official signing of MOU;
7. Subject to the terms of the MOU, prepare/complete a plan for airport lands through a collaborative process. (Note: anticipate the Master Development Plan (MDP) to be prepared on a broad land use level with visual vignettes of future opportunities);
8. Recognize the airport's MDP in an amendment to the Area 'A' OCP, including provisions for Development Permit Area designation; and
9. At the same time as the OCP amendment process, submit an application for a zoning amendment that reflects the MDP strategies.

## ALTERNATIVES

1. Proceed as per the recommendations of the consultant to:
  - hold discussions with the NAC to reach agreement on future land use at the airport, RDN approvals for development, measures to protect the Cassidy Aquifer, and opportunities for public input into future development at the Airport;
  - participate in a process to develop a master development plan for the airport; and subsequently make amendments to the OCP and zoning bylaw.
2. Do not proceed as per the recommendations of the consultant and choose a modified course of action.

## FINANCIAL IMPLICATIONS

Costs associated with Alternative 1 would largely be staff's and Directors' time and expenses related to public consultation/reporting. Staff resources will need to be dedicated to the process so it can be finished in a timely manner. There will also be some legal expenses resulting from the RDN's solicitor review of any agreement between the RDN and NAC.

Alternative approaches that might result or rely on a legal challenge to establish approved land uses will be more costly, take much longer to resolve, and would not result in a mutually agreed upon resolution. Nor would they be conducive to fostering a good working relationship with the Nanaimo Airport.

## LAND USE IMPLICATIONS

Based on the community input received during the Electoral Area 'A' OCP review and the subsequent first phase of the Nanaimo Airport Land Use Process there are three main land use issues. The first is that there is no certainty with respect to the types of uses that may be developed or proposed at the Nanaimo Airport in the future. The second is that there is no strategy for protecting the Cassidy Aquifer in relation to development at the airport. Third, there is no opportunity for the community to have input on development proposals at the Airport unlike there is for lands where the Regional District has clear jurisdiction over land use. Alternative 1 moves forward on addressing all three of these concerns.

The RDN has jurisdiction over uses which are not related to the function of an airport. The NAC has jurisdiction over aeronautic uses and uses which are considered to be aviation related. There is a significant amount of uncertainty and divergent views with respect to which uses fall into the different categories. Rather than attempt to create an exhaustive list, Alternative 1 instead focusses on reaching agreement on an overall approach to land use (and other important issues) resulting in the desired certainty on future development at the Airport.

It is important to recognize that it is not simply a matter of stating that a use is not related to aviation but rather whether a use is separate and distinct from the operation of an Airport. There are many uses that may appear to be unrelated to the operation of an Airport but may be found to be so vital to the Airport that the local government cannot regulate in the end without impairing the operation of the Airport.

Alternatively, not following the proposed process outlined in Alternative 1 would be that decisions over land use could be made by the courts instead of the community. By not proceeding to work together to develop an agreement it is possible that either the Airport begins to develop a use that the RDN believes is not aviation related or alternatively the RDN initiates bylaw amendments that would restrict land use on airport lands. Either result would necessitate adjudication through the courts.



## SUSTAINABILITY IMPLICATIONS


Future development at the Nanaimo Airport has two main implications for a sustainable region. The first relates to the economy. The airport is a vital transportation link and as such is a key part of a healthy economy for the Nanaimo region. Activities or actions that negatively affect the operation of the airport would have implications for both the NAC and the local economy. A process that results in certainty regarding future use at the airport may have an impact on the attraction of new investment in the region. The second relates to sustainable use and protection of natural resources, in particular the groundwater aquifer. An agreement between the RDN and NAC and subsequent plan for future use at the airport will specifically address issues related to sustainable use of water from the aquifer and the protection of the aquifer from potential impacts related to future development.

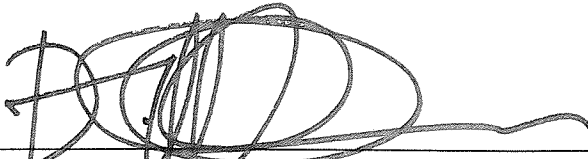
## SUMMARY/CONCLUSION

The Board directed staff to initiate a process which would lead to discussions between the NAC and the RDN with the aim of reaching agreement over land use jurisdiction, aquifer protection and public consultation. A three stage process was proposed for the Nanaimo Airport Land Use process and the first phase of this process is now complete. A consultant was hired to conduct the first phase of the process and has submitted a report which contains information on jurisdiction over airports, results of community and stakeholder engagement and recommended steps for proceeding to phases two and three of the process. With the results of the community engagement, clarification of legal jurisdiction and identification of next steps outlined in the consultant's report the RDN now has the necessary information to begin discussions with the NAC.

## RECOMMENDATION

1. That the final report from City Spaces Consulting on phase one of the Nanaimo Airport Land Use Process be received.
2. That the staff be directed to proceed with phase two of the Nanaimo Airport Land Use process as outlined in the Nanaimo Airport Land use Final Report by City Spaces Consulting.

  
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Report Writer

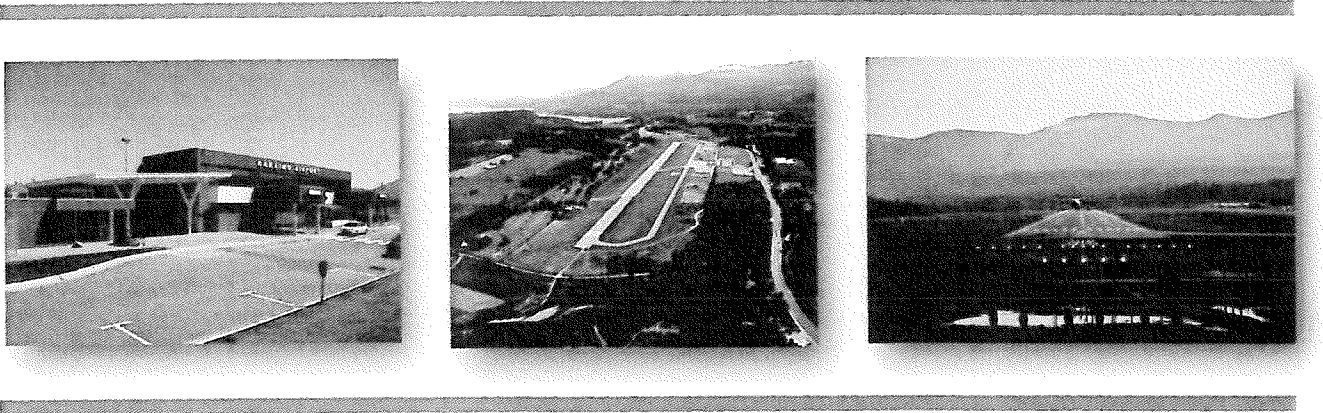
  
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General Manager Concurrence

  
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CAO Concurrence

**Attachment 1**

**City Spaces Consulting Report**

# Nanaimo Airport Land Use Final Report



Prepared for the  
REGIONAL DISTRICT OF NANAIMO

Prepared by

C I T Y  S P A C E S

June 2012

## TABLE OF CONTENTS

A. Purpose.....	1
B. Scope of Work.....	1
C. Jurisdictional Review .....	2
Federal Divestiture of Airport Lands .....	2
Legislation.....	2
Practical Consequences of the Airport Divestiture and Legislation.....	3
Other Jurisdictions.....	3
D. Public Consultation .....	4
Key Messages from Consultation .....	5
E. Recommended process And Principles for Moving Forward .....	5
Preparation of an MOU .....	6
Draft Development Principles for MOU.....	6
Public Review and Consultation.....	7
F. Next Steps and Sequencing .....	8

Appendix A: Airport Land Use Process: Comparable Jurisdictions

Appendix B: Summary of Consultation Process

## NANAIMO AIRPORT LAND USE

### A. PURPOSE

The Regional District of Nanaimo (RDN) has commissioned consultants to undertake two central tasks relating to its relationship with the Nanaimo Airport Commission (NAC):

- Seek clarity over land use jurisdiction on lands owned by the NAC. The issues relating to jurisdiction came to the forefront during the public process to update the Official Community Plan (OCP) for Area A of the RDN. It was decided at that time to exclude airport lands from the OCP process and address these lands through another process that would hopefully clarify land use jurisdiction and bring greater certainty to the RDN, the NAC and the public; and
- Provide advice to the RDN on an appropriate process to include the airport lands in the Area A OCP, based on feedback from consultations with the parties, key informants, Area A residents and the general public.

This report summarizes the work undertaken by the consultants over the past months and provides a recommendation for proceeding forward towards achieving a zoning and development permit area for the airport, and inclusion of the airport lands in the Area A OCP.

### B. SCOPE OF WORK

The consultant's work consisted of three primary tasks that are outlined below.

- A jurisdictional review of comparable airports around British Columbia was undertaken in the summer of 2011. The review examined the relationships between airport authorities and local governments in 8 jurisdictions. This report, titled "Airport Land Use Process: Comparable Jurisdictions", is included as Appendix A.



- A broad consultation process to engage key stakeholders including local governments, residents of Area A, organizations and residents of the RDN, and others with an interest residing within the catchment area of the Nanaimo Airport was undertaken between November 2011 and March 2012. The report of this consultation forms Appendix B.



Nanaimo Airport  
Land Use  
Final Report

Prepared for  
Regional District of  
Nanaimo

June 2012

- Recommendations for a process and set of principles for the development of an MOU and an approach to include the airport lands in the Electoral Area OCP has been prepared and is included in section E of this report.

## C. JURISDICTIONAL REVIEW

The consultants reviewed the ownership, operational authority, relationship with local government, and zoning status of a range of airports in BC that have some similarities with the Nanaimo Airport. In the process of doing so, it is also important to provide some background on how and why local airport authorities were first established.

### ***Federal Divestiture of Airport Lands***

In the early 1990s the federal government adopted a National Airports Policy (NAP) and, over the ensuing years, divested itself of federal management and operations of most airports. There were two significant elements of this policy that have particular relevancy to this review:

1. The principles that airports should be operationally sustainable, operate on a user-pay basis, and that local interests will lead to improved management and efficiencies; and,
2. Three categories of airports were created:
  - 2.1. Nationally significant airports (handling over 200,000 passengers per year) where the federal government retained ownership of the lands but the facilities typically are managed by a local authority (there are 4 airports in BC designated this way and 26 in Canada);
  - 2.2. Regional and local airports serving fewer than 200,000 passengers per year (unless it is a national, provincial or territorial capital). In most instances, management and ownership of the airport lands went to either local government or a locally established airport authority or commission; and,
  - 2.3. Small, remote or arctic airports where federal ownership of the airport lands remains.

The vast majority of airports, including Nanaimo Airport fall within category 2.2 above as a regional or local airport.

### ***Legislation***

Applying the principle of paramountcy of federal authority as conveyed in the *Constitution Act* of 1867, the federal government is not subject to local government control or regulation unless otherwise delegated. Prior to divestiture, when airports were largely federally maintained and operated, local government zoning or building requirements were generally not observed. The *Aeronautics Act* added to federal powers, including the right to regulate and “zone” private or public lands to ensure that land in the vicinity of airports are not used in a manner that is incompatible with the safe operation of the airport. Subject to certain procedural requirements, it can effectively control such things as use and height and would supersede local government zoning. It includes a provision that no person is entitled to compensation for federal airport zoning regulation of lands, buildings or structures.



Nanaimo Airport  
Land Use  
Final Report

Prepared for  
Regional District of  
Nanaimo

June 2012

Page 2

### ***Practical Consequences of the Airport Divestiture and Legislation***

1. Where airport lands are owned by the federal government, the question of jurisdiction is clear; the federal government does not have to comply with local government regulations (e.g. Victoria Airport Authority).
2. Where the airport lands are owned (and usually operated) by the local government, there appears to be synchronization between land use policy, zoning and uses permitted on airports lands. This comes as no surprise, since the local government has a direct interest (as owner) in the airport's viability. (e.g. City of Kelowna).
3. Where airport lands are owned by a local entity (airport commission) and operated either locally or by contract with another body (e.g. Nanaimo or North Peace Regional Airport), there is much less jurisdictional certainty. Aviation and aviation-related uses are outside of the control of the local government, however uses that are not 'vital to the operation of an airport' are subject to land use regulation by local government. There does not appear to be any substantive case law that provides precedent for specifically prescribing a list of activities and/or uses that are considered to be 'vital' to the operations of the airport, or, whether financial sustainability or operating viability of an airport are legitimate criteria to consider it "vital to the operations".

### ***Other Jurisdictions***

The consultants undertook a jurisdictional review of airports in a number of local governments in BC. The complete review is found in the appendices.

Of all of the jurisdictions investigated, the North Peace Regional Airport in Fort St. John offers the best comparison with the Nanaimo Regional Airport. These airport lands, located within the

Peace River Regional District, were transferred to the North Peace Airport Society in 1997. The airport is managed by the Society (operations are contracted to YVR). An airport development plan was developed by the Society in close collaboration with the Regional District. At the time of preparation of the report, the development plan had not been adopted by the Regional District Board.

Land uses permitted by local government zoning on airport lands vary considerably in all of the jurisdictions investigated. With the exception of the RDN, where the current zoning does not include airport or airport related uses, the list of permitted uses runs the gamut from being more or less restricted to airport and airport related uses to, more often, a more complete list of uses, from retail stores to gas bars, to accommodation and in some instances even shopping centres.



Nanaimo Airport  
Land Use  
Final Report

Prepared for  
Regional District of  
Nanaimo

June 2012

Based on the consultant's review and past experience, the greatest certainty appears to be achieved where there is collaboration between the local government and the airport authority in the planning process for the airport lands, regardless of legal rights and jurisdiction under the *Aeronautics Act* or the actual ownership of the lands (federal, municipal or society). This collaborative planning also assumes a shared vision or understanding of the purpose and mandate of airport development, as well as public engagement in the process. Regular community updates and communication can lay the groundwork for public confidence and acceptance.

#### D. PUBLIC CONSULTATION

The purpose of the public engagement was to meet the following objectives:

- Provide information to stakeholders and the public about the roles, responsibilities and jurisdiction for planning and regulating land use on airport lands;
- Gather views on the future direction of land use and development at the Nanaimo Airport;
- Gather views on how the public should be engaged in future land use and development on the Nanaimo Airport lands; and
- Consider a framework for an understanding between the RDN (Regional District of Nanaimo) and the NAC (Nanaimo Airport Commission) regarding future development and land use regulation of Nanaimo Airport lands.

Consultation has consisted of the following:

- Three public meetings, held in Cedar, Parksville and Cassidy (total attendance about 145 people);
- A meeting with the Area A Citizens Advisory Committee;
- Input received through dedicated email address [nanaimoairport@cityspaces.ca](mailto:nanaimoairport@cityspaces.ca), which was distributed at the public meetings and posted on the RDN website;
- Telephone interviews with CAOs and/or directors of planning in neighbouring local governments (Nanaimo, Ladysmith, Lantzville, Qualicum Beach, Parksville, and Alberni-Clayquot Regional District). Cowichan Valley Regional District CAO has not responded to requests for an interview;
- Interviews with Chambers of Commerce in Ladysmith and Nanaimo; and
- Telephone interview with the CEO, Nanaimo Development Corporation.

It was agreed that consultation with local First Nations was important and most appropriately undertaken directly by the RDN and NAC staffs.



Nanaimo Airport  
Land Use  
Final Report

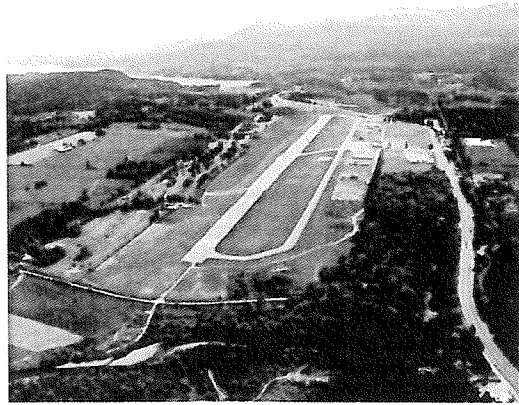
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June 2012



### ***Key Messages from Consultation***

- The airport is seen in the broader region as a vital transportation link, especially for business and attracting future business. It is a regional asset.
- Concerns about environmental impacts of aviation and non-aviation related uses, particularly concerns about the aquifer, were strongly expressed in the public meetings.
- Some local, rural residents feel they get little benefit from the airport and expansion means more noise and more potential risk to the environment. In some instances the response to any development, airport related or otherwise, was considered too much.
- A dominant concern from public discussions is over the “lack of certainty”. This uncertainty gets translated into what was described as “mistrust”, both in the public’s attitude toward the Regional District and YCD. Better communication can alleviate concerns that processes be open and transparent.
- There is general agreement that engaging local residents is key, but that other stakeholders throughout the region want to be consulted as well.
- There is a general consensus that future considerations for development of airport lands should be developed jointly between the Airport Commission and the RDN, and that the community should be engaged through a public process.



Nanaimo Airport  
Land Use  
Final Report

Prepared for  
Regional District of  
Nanaimo

June 2012

Page 5

### **E. RECOMMENDED PROCESS AND PRINCIPLES FOR MOVING FORWARD**

There are three significant steps to be taken to achieve the level of certainty desired by the RDN, the NAC, and the public. These steps require collaboration between the RDN and NAC as well as public review and consultation.

The steps are:

- Development of an agreement between the RDN and the NAC that describes the relationship and sets out agreed principles and a process that will guide development of a Master Development Plan (MDP) for the Airport;
- Preparation of a MDP that will result in an amendment to the Area A OCP referencing the MDP; and
- Concurrent with the OCP amendment, development and adoption of a zoning bylaw that reflects the uses outlined in the MDP.

### ***Preparation of an MOU***

A number of airport jurisdictions have entered into MOUs with the local jurisdiction(s) that define relationships, outline development principles and set out communications protocols between the parties and the public.

Subject to agreement between RDN and NAC, the consultants recommend:

- The development of an MOU between the two parties that will set out an agreed set of principles (draft principles are provided in the following section);
- The MOU will set out the process to achieve a MDP for the airport lands that can be recognized in an amendment to the Area A OCP; and
- That a zoning amendment be made concurrently with the OCP amendment, which will reflect the MDP.

### ***Draft Development Principles for MOU***

The following are draft principles that would form the framework for an MOU between the RDN and NAC, and subsequent affirming of a land use plan for the airport lands.

1. The RDN and NAC will agree to work collaboratively in future land use decision making;
2. To build trust in the community, agreements between the NAC and RDN will be open, transparent and include stakeholder and community consultation;
3. Protection of the Cassidy aquifer will be of paramount consideration in planning for any activities on airport lands and future development will avoid deleterious impacts on the aquifer. Development applications will include a report on impacts and mitigation measures from a certified professional engineer experienced in groundwater hydrology;
4. A recognition that the Nanaimo Airport provides a regional function and serves the local and regional economy;
5. The needs for the Nanaimo Airport to generate “ancillary” revenue to maintain and enhance airport facilities and be operationally sustainable (National Airport Policy objective) is recognized;
6. In consultation with the RDN, a Master Development Plan will be prepared with the intention of including it as an amendment to the Area A OCP;
7. A zoning bylaw amendment would be submitted, concurrent with the OCP amendment application; and
8. Uses identified in the previous Area A OCP (now superseded) can be used, in part, as a starting point for discussion.

\* Note: These principles, in a general way, have been discussed with members of the Board of the Nanaimo Airport Commission and there is general agreement to pursuing this direction.



Nanaimo Airport  
Land Use  
Final Report

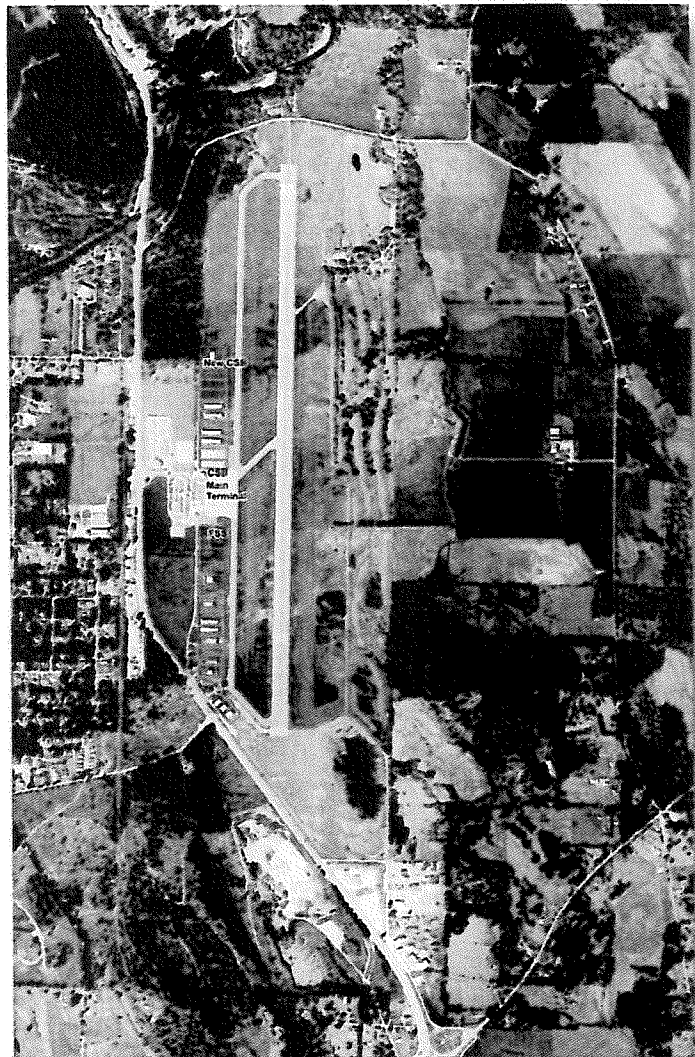
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Nanaimo

June 2012

### ***Public Review and Consultation***

Public confidence in an “open and transparent” process is important to buy-in and acceptance by the majority of the public. Members of the Area A OCP Advisory Committee suggested that there be citizen representatives from Area A participating in the development of an agreement between the RDN and the NAC, and that this agreement be appended to the Area A OCP.

The consultants recommend that the discussions to develop an MOU include the Director for Area A as the most appropriate representative of the interests of the area immediately adjacent to the airport lands. It is further recommended that the public be informed and allowed to comment on the draft MOU prior to sign-off, to ensure transparency. Based on the principle of regional influence, such public review should include areas beyond Electoral Area A, including the CVRD. Finally, it is recommended that the development of a MDP for the airport include opportunities for public input from the residents of Area A, stakeholders and interested individuals throughout the region.



Nanaimo Airport  
Land Use  
Final Report

Prepared for  
Regional District of  
Nanaimo

June 2012

Page 7

## F. NEXT STEPS AND SEQUENCING

1. Agreement of RDN Board to proceed with a collaborative process to develop an MOU and subsequent OCP amendment and zoning for the airport lands.
2. Joint meeting between the RDN and NAC to discuss “way forward principles” and structure of an MOU;
3. Assuming agreement, prepare draft MOU;
4. MOU agreement-in-principle between the RDN and NAC;
5. Provide public review of draft MOU (website, circulate to stakeholders and one public meeting);
6. Official signing of MOU;
7. Subject to the terms of the MOU, prepare/complete a plan for airport lands through a collaborative process. (Note: anticipate the MDP to be prepared on a broad land use level with visual vignettes of future opportunities);
8. Recognize the airport’s MDP in an amendment to the Area A OCP, including provisions for Development Permit Area designation; and
9. At the same time as the OCP amendment process, submit an application for a zoning amendment that reflects the MDP strategies.



Nanaimo Airport  
Land Use  
Final Report

Prepared for  
Regional District of  
Nanaimo

June 2012

Page 8

# Appendix A: Airport Land Use Process: Comparable Jurisdictions



Nanaimo Airport  
Land Use  
Final Report

Prepared for  
Regional District of  
Nanaimo

June 2012

Appendix A

## AIRPORT LAND USE PROCESS - COMPARABLE JURISDICTIONS

The Regional District of Nanaimo (RDN) is seeking clarity with the Nanaimo Airport Commission (NAC) over land use jurisdiction on lands owned by the NAC. This brief paper provides some case examples of the relationships and agreements between other airports in BC and the local government jurisdiction within which the airport is located, that provides some context for the current work being undertaken.

### BACKGROUND

#### *Role of the Federal Government*

Historically, many airports in Canada were owned and operated by the federal government, through the Ministry of Transportation or the Department of National Defense. In 1994 the federal government developed a National Airports Policy and its implementation began the following year. The principles of the policy include:

- Airports should be operated on the basis of user pay; and
- Transfer of airports to local interests will lead to improved management and efficiencies.

The National Airport Policy sets out the framework to define the federal government's role with airports. That role is defined through two main levels of federal involvement in airports with scheduled passenger traffic:

- Nationally-significant airports that form the National Airports System (NAS); and
- Regional/local airports.

The 26 NAS airports in Canada (those that handle over 200,000 passengers/year or serve the national capital or provincial or territorial capitals) continue to be owned, for the most part, by the federal government. Responsibility for the operation, management and development of NAS airports has been transferred to local airport authorities. BC airports in the National Airport System (NAS) are Kelowna, Prince George, Vancouver and Victoria.

Under the National Airports Policy, Canadian airports that handle fewer than 200,000 travelers a year are considered regional/local airports, unless they serve the national capital or a provincial or territorial capital. Under this policy, ownership and operation has been transferred to provincial, local or private sector interests. The non-NAS airports in BC are Abbotsford, Campbell River, Castlegar, Cranbrook, Dawson Creek, Fort Nelson, Fort. St. John, Kamloops, Nanaimo, Penticton, Port Hardy, Powell River, Prince Rupert, Quesnel, Smithers, Terrace, Vernon and Williams Lake.

There are three additional categories of airports owned and operated by the federal government:

- Small airports (a group of federally supported airports that have no scheduled air service);



Airport Land Use  
Process- Comparable  
Jurisdictions

Prepared for  
Regional District of  
Nanaimo

August 2011

Page 1

- Remote airports (where air service is the only year-round access); and
- Arctic airports (the federal government is currently negotiating the transfer of some these airports to the respective territorial governments).

## RELATIONSHIPS BETWEEN AIRPORT AUTHORITIES AND LOCAL GOVERNMENTS

The Nanaimo Airport is operated by the Nanaimo Airport Commission, a not-for-profit authority established under the Canada Corporations Act, which assumed management of the airport in 1992. In 1996 the Commission was granted title to the airport lands. The Board is comprised of four members nominated from local governments in the region, one nominated by the Chamber of Commerce and the four remaining appointed by the Board representing the community at large. The airport lands are located in Electoral Area A of the Regional District of Nanaimo.

As shown on the table below, the governance structure, land-ownership pattern and relationship with the local government having jurisdiction, differs from most other airports in the Province. However; like most, the NAC, is a product of the Federal aviation divestiture program that occurred in the 1990s and these examples can provide some guidance moving forward.

### Case Examples

The consultants reviewed the ownership, operational authority, relationship with local government and zoning status for several of BC's airports. The following table 1. provides a summary of the findings.

*Table 1: Examples of BC Airports and their Local Government*

Airport	Ownership	Operator	Relationship to local government	Local Govt. Zoning
Kelowna International Airport	City of Kelowna- (largest local-owned airport in Canada)	City of Kelowna	Airport Advisory Committee is a standing committee of City Council. Airport Master Plan adopted in 2007	Permits "airports" as only principle use & includes a long list of "secondary uses"
North Peace Regional - Fort St. John	North Peace Airport Society	N. P. Airport Services (Vancouver AA)	Airport Development Plan completed in 2008, not yet in Regional District Zoning By-law	Proposed CD zone permits "uses identified in the NP Airport Development Plan." Intention to include the plan in the Zoning By-law
West Kootenay Regional Airport - Castlegar	City of Castlegar	City of Castlegar	Operated in accordance with the "Castlegar Airport Operations Manual" issued by MOT (1997)	Permits wide range of uses; airports, shopping centres, arcades, auto/ rev sales, restaurants, hotels, etc.



Airport Land Use  
 Process - Comparable  
 Jurisdictions

Prepared for  
 Regional District of  
 Nanaimo

August 2011

Airport	Ownership	Operator	Relationship to local government	Local Govt. Zoning
Abbotsford International Airport	City of Abbotsford	Abbotsford Airport Authority	Transferred to the City in 1997. Strategic direction: "Develop the airport property in a way that is consistent and supportive of the City/Regional plan"; Prudently use aviation lands for other uses on an interim basis	Permits airport, airport industrial and aerospace industrial
Kamloops Airport	Kamloops Airport Authority Society	Kamloops Airport Ltd. (subsidiary of Van. Airport Services)	Comprehensive Plan prepared with City of Kamloops, and forms one of the City's local area plans	Zoning not changed to match local area plan. Restricted to airport terminals and airport-related commercial and airport (defines permitted uses) accessory uses are discretionary for city staff
Prince George Airport	Gov't of Canada	Prince George Airport Authority	Accord between PGAA and City	Contains 2 zones within airport property, one that permits airports and related uses and the other is an airport plaza zone that permits a host of commercial uses designated by "west" and "east" zones
Vernon Regional Airport	City of Vernon	City of Vernon	Agreement between the Minister of Transportation and the City of Vernon to regulate lands surrounding the airport	Permits a list of "primary uses" and "secondary uses". Primary uses limited to: airport/ aerospace/sales repairs/ r&d/vehicle rental, gas bars, parking, & utilities
Victoria International Airport	Gov't of Canada	Victoria Airport Authority	Accords with District of North Saanich and Town of Sidney	Zoning restricted to airports and aviation related uses
Nanaimo Airport	Nanaimo Airport Commission	Nanaimo Airport Commission	In RDN, no Accord.	Zoning does not permit airport or any other related uses; limited to agriculture. Operates under Aeronautics Act



Airport Land Use  
 Process- Comparable  
 Jurisdictions

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 Regional District of  
 Nanaimo

August 2011



Of the examples outlined above, the North Peace Regional Airport and the Kamloops Airport provide the closest “match” in terms of their ownership and operation structures and relationships with the local government within which the airport is located. The Accord between the City of Prince George and the PGAA and the City of Prince George’s approach within its Zoning By-law may also offer some assistance. These case examples are expanded below:

### ***North Peace Regional Airport/City of Fort St. John***

The North Peace Airport Society obtained ownership of airport lands from Transport Canada in 1997. The Society contracted with North Peace Airport Services, a wholly owned subsidiary of the Vancouver Airport Authority, to operate the airport. An airport development plan was completed in 2008, in close consultation with Peace River Regional District staff. The PRRD Zoning By-law currently outlines a specific list of permitted uses in its AP (Airport Industrial Zone). A proposed By-law amendment that would replace the existing list of permitted uses with uses identified in the North Peace Regional Airport Development Plan, failed to pass at the Regional District Board. Likely reasons for the By-law amendment being rejected include: (1) although there was close collaboration between the Airport Society and Regional District staff and airport stakeholders (those leasing land or buildings) were consulted in preparing the development plan, there was no broader public consultation and no consultation with the Agricultural Land Commission. (2) A political issue arose around a regional director’s lease of airport lands to harvest hay. The Peace River Regional District intends to re-introduce the By-law amendment in the spring of 2012. The PRRD would conduct a public process to amend the Zoning By-law, thereby giving the general public opportunity to comment on the Airport Land Use Plan. Any future changes to the plan would require a zoning amendment, which would be subject to public review.



Airport Land Use  
Process - Comparable  
Jurisdictions

### ***Kamloops Airport***

The Kamloops Airport is owned by the Kamloops Airport Authority. The board of the authority is comprised of City of Kamloops Council members, City of Kamloops staff and members drawn from the public at large. The airport is operated by Kamloops Airport Ltd., a subsidiary of Vancouver Airport Services (subsidiary of the Vancouver Airport Authority). The City of Kamloops Zoning By-law pre-dates the transfer of the airport to a local authority. The By-law lists 10 permitted uses. City of Kamloops planning staff have discretion over approval of uses “accessory” to these permitted uses. Given the make-up of the board, there is a close relationship with the City and there have been no issues with the existing By-law.

Approximately 10 years ago the Airport, in conjunction with the City of Kamloops, prepared a local area plan and development plan for the airport and the adjacent lands. The plan provides for significant growth and development of the airport lands. Implementation of the plan called for amendments to the Zoning By-law, replacing the existing zoning with five development zones. At this stage, the ‘original’ zoning is still in force and effect.

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Nanaimo

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## **Prince George Airport**

The Prince George Airport is one of four NAS airports in BC. The land is owned by the Ministry of Transportation, but responsibility for airport operations was transferred in 2003 to the Prince George Airport Authority (PGAA). In 2004, the City of Prince George and the PGAA signed an “Accord” to establish the terms for the conduct of their relations. Section 4 of the Accord addresses land use planning and the Airport Master Plan. “The Authority shall engage in timely and meaningful consultations with the City for the portion of the lands, which are located in the City, and will notify in writing and seek the opinion of the City when developing the Authority’s revised Land Use Plan and Airport Master Plan. This coordination is intended to ensure that the proposed Land Use Plan and the Airport Master Plan is consistent with the City’s Official Community Plan and Zoning Bylaw”. The Accord includes a reciprocal obligation for the City to consult with the Authority on land use and transportation planning that may affect airport operations. The Accord also includes a dispute resolution process.

The Airport Master Plan was developed in collaboration with City of Prince George staff.

The airport is identified as a specific DCC area (Development Cost Charge) in order to fund projects directly related to future development on airport lands.

The Prince George Zoning By-law includes the airport lands in a site specific zone with “airport” as the principal use and a list of 17 secondary uses.

## **PRELIMINARY ASSESSMENT**

No two airport governance and relationships with local government are alike. None of the airports that have been examined have exactly the same governance, land-ownership and local government structure or by-law regulations as the Nanaimo airport has with the RDN. Like Nanaimo, the airport lands at Kamloops and North Peace (Ft. St. John) are owned by a local airport authority (society). North Peace airport is also located in an unorganized area and the local government authority is the Regional District. However, the airport is not operated by a local operating authority.

Where land continues to be held by the Federal Government, the question of jurisdiction is very clear; the Federal Government does not have to comply with local government regulations, even where the land is occupied by a tenant not using the land for “federal purposes”, and, even if the terms of the lease stipulated that the tenant must comply with all laws of all jurisdictions. The Victoria Airport is a case in point. The airport authority leases to tenants carrying out activities not permitted in the local zoning by-law nor, in fact, do they take out building permits. The recent announcement of a new 35,000 sf Sobeys (formerly Thrifty Foods) distribution centre, now under construction on Victoria airport lands, does not comply with the District of North Saanich zoning by-law nor have any permits been issued by the District. The airport lands remain on title with the Federal Government.

Issues relating to aeronautics were not a constitutional consideration in 1867 (for obvious reasons) and are now governed by the Aeronautics Act (refer to earlier section). A recent



Airport Land Use  
Process- Comparable  
Jurisdictions

Prepared for  
Regional District of  
Nanaimo

August 2011

Page 5

Supreme Court of Canada decision (2010) reaffirmed that local governments have no authority to regulate airports not only where the Federal Government has licensed an airport but also where a licensed aviator wishes to use the land or water, irrespective of who owns the land. Local by-laws that prohibit airport use where airports are licensed or merely where a licensed operator lands, were deemed to be unconstitutional.

All local zoning by-laws in other jurisdictions investigated allow for uses ranging from “airport” and airport-related uses to a much broader range of activities, including shopping centres. In some instances, the by-laws prescribe primary and secondary uses and define secondary uses as either ancillary to the primary use and/or a lesser function by square footage than the primary use. Nanaimo airport zoning is unique, at least from the other jurisdictions investigated, in that it does not permit airports. Base on clarity provided in recent high court decisions, the current zoning by-law is ultra vires.

In most jurisdictions examined, airport lands are identified in local government land-use policy as being an economic hub for their region and tie policies relating to transportation and economic development in the discussion of airport lands.

It is clear that where airport lands are owned by the Federal Government, the local government does not have control over land use neither aviation nor non-aviation uses. Where airport lands are not federally owned, issues of authority to regulate land-use over non-aviation lands is not entirely clear. Under the Aeronautics Act, it seems clear that regulation of airports and aviation related uses are beyond the jurisdiction of local government. However, the question of uses not related to aviation is unclear.



Airport Land Use  
Process - Comparable  
Jurisdictions

Where airports are owned by local government, there seems to be a reasonable synchronization between land-use policy, zoning and uses permitted on airport lands. This should come as no surprise as the local government has a direct interest in the airport’s viability. In some local government jurisdictions, regardless of land-ownership, local plans have been developed that have incorporated, or are propose to incorporate, the master development plans of the airport in the local government zoning by-law.

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Nanaimo

The greatest certainty over jurisdiction and non-aviation uses on airport lands appears to be achieved where there has been collaboration between the local government and the airport authority in the planning process of the airport lands, regardless of legal rights and jurisdiction under the Aeronautics Act or the actual ownership of the airport lands (federal, municipal or society). In making this observation, there is an assumption that some form of public consultation is included in the process. For example, the District of North Saanich has been consulted on the master plans for the Victoria airport, and, even though the airport does not choose to comply with the zoning or take out permits, there is a positive and collaborative relationship between the airport authority and the District.

August 2011

There are a number of jurisdictions where the local government authority and the airport authority have entered into some form of MOU that describes the relationship and in some cases, clearly articulates the approvals process. But, to be successful, there must be a willingness by the parties to work together, and in principle, have a complementary vision or understanding of the purpose and mandate of airport development.

With respect to clarifying jurisdiction over non-aviation related uses at the Nanaimo Airport, the Regional District of Nanaimo and the Nanaimo Airport Commission would seem to have three options to consider. The parties could:

1. Go to court and have the courts decide. This is not a particularly desirable alternative;
2. Come to an agreement on a long list of uses that are or are not “aviation related” and that the non-aviation uses would be subject to Regional District regulation ( which would not rule out option 1 from subsequently occurring), or;
3. The Airport Authority and the Regional District could agree on a land-use process and a master plan for the airport that would be included in the Electoral Area Community Plan. It would include a public consultation process and ultimately be implemented through a replacement zoning by-law. The Regional District has to amend its zoning by-law in any case as the existing by-law is unconstitutional. (according to the 2010 Supreme court ruling cited earlier). So a community plan review and zoning by-law replacement has significant logic.

The third alternative would, in the consultants’ opinion, provide the most certainty and substance in terms of outcome. There is certainly precedence in other jurisdictions where this kind of process has been followed and where it would appear to lead to effective community support and airport stewardship.



Airport Land Use  
Process- Comparable  
Jurisdictions

Prepared for  
Regional District of  
Nanaimo

August 2011

Page 7

# Appendix B: Summary of Consultation Process



Nanaimo Airport  
Land Use  
Final Report

Prepared for  
Regional District of  
Nanaimo

June 2012

Appendix B

## NANAIMO AIRPORT LAND USE - CONSULTATION

The purpose of the public engagement was to meet the following objectives:

- Provide information to stakeholders and the public about the roles and responsibilities and jurisdiction for planning and regulating land use on airport lands;
- Gather views on the future direction of land use and development at the Nanaimo Airport;
- Gather views on how the public should be engaged in future land use and development on the Nanaimo Airport lands; and
- Consider a framework for an agreement of understanding between the RDN (Regional District of Nanaimo) and the NAC (Nanaimo Airport Commission) regarding future development and land use regulation of Nanaimo Airport lands.

Consultation has consisted of the following:

- Three public meetings, held in Cedar, Parksville, and Cassidy;
- A meeting with the Area A OCP Citizens Advisory Committee;
- Input received through a dedicated email address - [nanaimoairport@cityspaces.ca](mailto:nanaimoairport@cityspaces.ca), which was distributed at the public meetings and posted on the RDN website;
- Telephone interviews with CAO's and/or directors of planning in neighbouring local governments (Nanaimo, Ladysmith, Lantzville, Qualicum Beach, Parksville, and Alberni-Clayquot Regional District). Cowichan Valley Regional District CAO has not responded to requests for an interview;
- Interviews with Chambers of Commerce in Ladysmith and Nanaimo; and
- Telephone interview with CEO, Nanaimo Development Corporation.

It was agreed that consultation with local First Nations is important and most appropriately undertaken directly by the RDN and NAC staffs.

### PUBLIC MEETINGS

Two public meetings were held in November 2011. The first session was held at the Cedar Heritage Centre on November 10<sup>th</sup> and the second at the Parksville Community and Conference Centre on November 15<sup>th</sup>. A third public meeting was held in Cassidy on March 7, 2012. In addition to advertisements in the Nanaimo News Bulletin and the Parksville Qualicum Beach News, email invitations were sent to identified stakeholder groups including:

- Nanaimo Flying Club;
- Electoral Area 'A' OCP Citizen's Review Committee members;



Nanaimo Airport  
Land Use:  
Consultation

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Regional District of  
Nanaimo

May 2012

- Mid Island Sustainability Stewardship Initiative;
- Nanaimo Area Land Trust; and
- South Wellington and Area Community Association.

Approximately 50 people attended the meeting in Cedar and about 35 attended in Parksville. Approximately 55 people attended the meeting in Cassidy. Several individuals attended more than one of the meetings.

Each session began with a Powerpoint presentation providing information about land use, government jurisdiction, and about the consultation process. Participants were asked to respond to two questions:

1. What are your views on the direction of land use on Nanaimo Airport lands?
  - What are the issues?
  - What are the opportunities?
  - What uses do you feel would be appropriate?
2. How should the community be engaged in future development on airport lands?  
Recognizing:
  - The authority of the airport; and
  - The requirements of local government.



Nanaimo Airport  
Land Use:  
Consultation

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Regional District of  
Nanaimo

May 2012

Page 2

### ***Comments from Nov. 10 public meeting***

- A covenant was placed on the land when it was excluded from the ALR in 1997 that would not permit an industrial park.
- Concern that the airport may go beyond self-sufficiency into commercial real-estate operation.
- Would like more information about Airport Commission's plans and intents.
- Would like clarity of existing zoning on hangar and combined services building as airport is advertising land with an "industrial zone".
- It will cripple the local economy if the airport fails – needs to be self-sufficient.
- Concern about loss of control over the Cassidy aquifer after decades of work to protect the aquifer.
- Protection of the aquifer is the most important consideration.
- Watershed management needs to be taken care of first.
- If environmental issues can be mitigated, then agreement may be able to be reached between RDN, NAC and the community on what is acceptable.
- Airport provides important access for international students to VIU.

- Should not be any more development on airport lands.
- RDN could increase revenues by assessing higher taxes to NAC projects.
- Chambers of Commerce support expanding services at Nanaimo Airport. Would like to see direct flights to Calgary and Edmonton.
- Upset about the \$20 million of public funds invested in what really is a private airport.
- Don't need more infrastructure/services at the airport (hotels etc.). There are lots of services close by or can be built close by.
- With decreasing passenger loads, the NAC needs to increase revenue through development to support the Airport Commission objectives - the Commission is the issue.
- If the airport is not viable based on passenger loads, then it shouldn't be there.
- This is a rural area that gets little benefit from the airport - only noise. Larger planes will only create more noise.
- WestJet and Horizon won't use this airport due to safety and carrying capacity of the runway - it sits on a porous aquifer.
- Need to consult First Nations.

### ***Comments from Nov. 15 meeting***

- Need to know Airport Commission's plans for the airport lands. Would like to see Airport Commission come up with a Master Plan; they know what their costs are and will be in the future. Show us what will work for them and give the public something to consider.
- Need collaboration between RDN and NAC - if development across the highway, it could be for airport-related uses.
- The airport can't compete with passenger ferries and harbour flights.
- Lack of trust in all levels of government.
- During the OCP process, RDN insisted that they had no jurisdiction with respect to the airport.
- Need to sit down and work things out with the folks in Area A to find a resolution.
- Ladysmith has an economic interest in the airport, but the focus needs to be on Area A.
- It does not make sense to have development on an aquifer.
- Non-airport uses are driven by the need to raise money to be self-supporting.
- The environment is paramount; things like underground tanks should not be allowed.



Nanaimo Airport  
Land Use:  
Consultation

Prepared for the  
Regional District of  
Nanaimo

May 2012

Page 3



- Any non-airport-related uses should be subject to an environmental assessment.
- Development of an accord between the RDN and NAC was not shared with the public. This process needs to be transparent.
- Zoning is a 3-director decision, but if this is a regional asset, then decisions need to be made by all 17 directors. Airport should be recognized as an important regional asset. Deal with the local area first and then bring the regional interests in at the end of the process.
- Aviation-related uses may be of more concern than non-aviation-related uses in terms of impact on the environment and, in particular, the aquifer (e.g. helicopter repair).
- The airport was placed in the wrong place to begin with. It should have been moved inland.
- Need to plan for current and future uses (consider what happened at Mirabel; consider plans for the University; consider future green transportation).

#### ***Comments from March 7 meeting***

- Promoting economic development is inconsistent with being a non-profit society.
- Non airside land should fall under local control.
- There needs to be a full, open, transparent discussion amongst all the parties.
- There has been no independent study to determine the economic significance of the airport.
- A collaborative approach to developing a plan is preferred - NAC needs to take community interests into account.
- The viability of the aquifer is the primary consideration.
- Need to respect and protect ALR.
- The airport should follow existing RDN regulations.
- It is difficult to know what process is needed until we know what the plans of the NAC are. We would like the NAC to bring their draft Master Plan to the community. We understand that NAC has a 50 year plan; we would like to see it.
- Leave airport lands alone.
- If using a collaborative approach, need to include the ALC.
- Airport is marketing land for development.
- Agricultural and rural lands are the focus of the OCP. Airport lands should follow suit and conform to the Area A OCP (with development that is agricultural-related rather than industrial).



Nanaimo Airport  
Land Use:  
Consultation

Prepared for the  
Regional District of  
Nanaimo

May 2012

- Need a level of trust. Past experience has led us not to trust. There is a transparency/trust issue.
- Need to accept that the airport is sitting on farm land. Must not destroy the agricultural potential of the land; must not affect the aquifer; and must respect the rural character.
- Must not put other local businesses in jeopardy.
- There needs to be consideration of the value of the airport to the region, but it needs to be realistic and taken against the value of the agricultural land and the aquifer.
- Everyone could win with agricultural use of the lands.
- Timberland's development will also affect the aquifer.
- Noise pollution is not affecting the Ladysmith Marina at this time - clients use the airport to get to the marina.
- A well functioning airport is important to the greater regional area.
- The highway parallels the airport and may have a greater impact on the aquifer.
- Should go through a DPA process.
- Need to establish jurisdiction - maybe an accord could work to resolve these issues.
- Need to set aside land to provide water to Yellow Point in the future.
- If the aquifer was an open body of water, it wouldn't be treated this way.

## **AREA A OCP CITIZENS ADVISORY COMMITTEE**

Eight members of the Area A OCP Citizens Advisory Committee and the Regional Director for Area A met with the consultants on March 22, 2012.

### ***Summary of Comments from Area A OCP Advisory Committee meeting***

#### **Discussion:**

- Would like the NAC to identify where they plan future development. The community needs more detail.
- Suggested a charette hosted by the NAC and the RDN to plan the airports lands.
- Planning should not exclude people from outside of Area A.
- If the Airport Master Plan is included in the OCP, it needs to be very difficult to make significant changes to it.
- The airport will continue to make operational decisions while the planning process is undertaken.



Nanaimo Airport  
Land Use:  
Consultation

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Regional District of  
Nanaimo

May 2012

- Area A does not feel sufficiently represented on the NAC; its make-up is a source of mistrust. There is a lack of visibility/feedback. Suggest that airport do a monthly report in Take 5.

Key recommended actions/principles:

1. Planning for the airport could be initiated with a community charette.
2. There needs to be a joint effort between the RDN and NAC and some type of formal understanding. An accord/agreement must be appended to the OCP. Development of an accord between the RDN and NAC should include citizen representatives from Cedar, Cassidy, South Wellington and North Oyster in Area H. Local area directors need to be involved; they have accountability to the community. Process must be transparent and inclusive.
3. Consideration of the aquifer must be paramount.
4. A plan must maintain the rural nature of the area.
5. The airport will continue to work cooperatively with the RDN and local municipalities to meet regional transportation requirements.

## SUMMARY OF INDIVIDUAL SUBMISSIONS

- Nanaimo Flying Club expressing concern about the welfare and future of the club.
- Objections to expansion at Nanaimo airport.
- Jurisdiction of RDN over non-aeronautical uses needs to be spelled out in an addendum to the OCP and bylaws drafted to support it. Want to see the airport designated a development permit area with respect to the environment (especially the aquifer) and the look and appearance of the airport development. Suggest a public consultation like the one for Cedar Main Street, where the public can indicate online what development they see as appropriate.
- Request to have stakeholders identified.
- Request for a further opportunity for input.
- Request to meet with the South Wellington and Area Community Association or hold another public meeting in South Wellington.



Nanaimo Airport  
Land Use:  
Consultation

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Nanaimo

May 2012

## SUMMARY OF INTERVIEWS WITH LOCAL GOVERNMENTS AND OTHER REGIONAL ORGANIZATIONS

- Huge potential for growth from a tourism perspective now that reliability issues have been addressed (runway expansion, navigation system).
- Airport is a huge benefit for business. Seen by the business community as absolutely vital.
- If the Malahat shuts down or ferries don't sail, air travel is the crucial link to Victoria and to the mainland.

- Concern about industrial uses at the airport due to aesthetics, but also increased risk of fire.
- A major hotel would be in direct competition with the existing, planned or desired accommodations in other areas, and therefore should not be supported (however, one CAO stated: “If a hotel meant the difference between the airport being viable or not, then a hotel would be accepted”).
- Airport Commission has done a good job of consulting with local governments.
- Look for a niche market on airport lands - things related to air travel (e.g. accommodation for travelers arriving in private planes, rental of camping and hiking gear, etc.) - services that will direct tourists to other parts of the region to enjoy nature and other local amenities.
- Support uses that are compatible with travel, e.g. commercial uses for those in transit (gas station, restaurant).
- Some lands could be used for other commercial/industrial services such as aviation-related supply or business to remodel plane interiors.
- Non-aviation uses take away from the airport and can be confusing to consumers. Uses that are complementary to air travel will grow the core value of the airport.
- Division appears to be over those who supported (and lobbied for) funding for runway expansion and other improvements and those who opposed it and are resentful that money was received.
- Concerns about ability to service any further development at the airport.
- Studies to look at servicing growth areas should be completed before a plan is approved for any non airport-related uses at the airport.
- Growth should be promoted within existing urban areas.
- Airport is an important part of Nanaimo’s Economic Development Strategy, therefore we support initiatives that will improve its financial success.
- Local governments want to be part of the process.
- Would like another carrier, specifically WestJet. That would increase the importance of the airport to the region.
- Don’t want uses that compete with services in the urban areas.
- See airports as an economic driver.
- Relatively small population base to support airport operation. Other airports, e.g. Alberni Valley, Tofino-Uclelet looking to expand uses in order to generate revenue.
- Parksville residents may use Comox Airport more, but business clients and people doing business rely on the Nanaimo Airport.



Nanaimo Airport  
Land Use:  
Consultation

Prepared for the  
Regional District of  
Nanaimo

May 2012

Page 7

- Support uses consistent with the Regional Growth Strategy - address sustainability and food security. Showcase sustainability in building design.

### ***Key Messages from Consultation to Date***

- Airport is seen in the broader region as a vital transportation link, especially for business and attracting future business. It is a regional asset and input is needed from the region, not just the local area.
- Concerns about environmental impacts of aviation and non-aviation-related uses, particularly, concerns about the aquifer, were strongly expressed in the public meetings.
- Some local, rural residents feel they get little benefit from the airport and expansion means more noise and more potential risk to the environment. In some instances the response to any development, airport related or otherwise, was considered too much.
- A dominant concern from public discussions is over the “lack of certainty”. This uncertainty gets translated into what was described as “mistrust”, both in the public’s attitude toward the Regional District and YCD. Better communication can alleviate concerns that processes be open and transparent.
- General agreement that engaging local residents is key, but that other stakeholders throughout the region want to be consulted as well.
- General consensus that future considerations for development of airport lands should be developed jointly between the Airport Commission and the RDN and engage the community through a public process.



Nanaimo Airport  
Land Use:  
Consultation

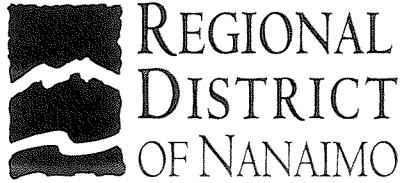
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**MEMORANDUM**

**TO:** Jeremy Holm  
Manager, Current Planning

**DATE:** August 31, 2012

**FROM:** Lainya Rowett  
Senior Planner

**FILE:** 0360 20 AAC

**SUBJECT:** Agricultural Area Plan – Completion of Final Draft

**PURPOSE**

To present the final draft of the RDN Agricultural Area Plan (AAP) to the Committee of the Whole with recommendations to adopt and implement the Plan.

**BACKGROUND**

The RDN Agricultural Area Plan (AAP) project began in July 2011 and included a fourteen-month research and community engagement process guided by the AAP Steering Committee (RDN Agricultural Advisory Committee), staff, and the project consultant (Upland Consulting). Although project activities did not formally start until 2011, a grassroots movement to address agriculture-related issues first emerged in 2007 and 2008 through Board delegations and community concerns raised during the Regional Growth Strategy and Official Community Plan reviews (see Attachment 1 for a detailed timeline of the project).

The draft AAP goals and recommendations were reviewed extensively by the Steering Committee, staff, external agencies, provincial ministries, the BC Agricultural Land Commission, and many community stakeholders and citizens (residents, food producers, farmers, educators, retailers, grocers, etc.). The AAP process successfully increased public awareness of agriculture and aquaculture in the region, and was met with broad community support and an interest to see the Plan implemented and more food grown locally. In July 2012, the Committee of the Whole received the AAP survey results and proposed revisions to the Plan. These revisions have been incorporated and the final AAP is now being presented with recommendations for adoption and implementation (see Attachment 2, as circulated).

**DISCUSSION**

***Agricultural Area Plan Objectives & Results***

The purpose of conducting an Agricultural Area Plan study for the RDN is summarized in five key objectives:

- Identify issues, trends, constraints and barriers to opportunities for agriculture and aquaculture;
- Establish an inventory of agricultural uses, products and farming practices;
- Articulate a meaningful vision for agriculture, including aquaculture, as a vibrant industry;
- Increase public awareness and understanding of the importance of agriculture and aquaculture as an economic drivers; and

- Work with the agricultural community to develop recommendations and an implementation strategy to support and enhance local agriculture and aquaculture.

The RDN Agricultural Advisory Committee served as the Steering Committee for the AAP providing continuous support and input during the Plan process, from the selection of the project consultant to the review of the AAP goals and recommendations. The Committee included representatives from the local agricultural and aquaculture (shellfish) communities and staff from the BC Ministry of Agriculture. At its meeting held on June 22, 2012, the Committee accepted the final revisions to the AAP and made a recommendation that the Board adopt and implement the revised Plan.

The AAP includes recommendations for action in support of local agriculture and aquaculture in the RDN. The Plan also includes a review of the regional planning framework; a vision statement for agriculture/aquaculture; eight broad goals and objectives to achieve the vision; an implementation strategy and work plan; a monitoring and evaluation plan; and a list of potential funding resources. Collectively, the AAP Public Consultation Summary Report (January 2012), technical Background Report (February 2012), and final Plan comprehensively address the project objectives and provide a framework for taking action towards achieving the eight AAP goals to:

- 1) Protect and Enhance the Agricultural Land Base in the RDN;
- 2) Strengthen the Local Agriculture and Aquaculture Economy;
- 3) Improve Training, Skills, and Labour Opportunities in the RDN;
- 4) Improve Opportunities for On-Farm Water Resource Management;
- 5) Address Environmental Sustainability, Wildlife, and Climate Change Challenges in the RDN;
- 6) Promote Awareness and Value of Local Agriculture and Aquaculture;
- 7) Support Agriculture and Aquaculture in Land Use Regulations and Policies; and
- 8) Consider Agriculture in Emergency Planning Initiatives.

### ***Implementation of AAP***

Many of the recommended actions in the AAP require resources that extend beyond the RDN's mandate and jurisdiction. Implementation of the AAP will therefore be a shared responsibility between the RDN and other stakeholders. One approach to implementation, as recommended in the AAP, is to establish an Implementation Steering Committee (see Section 7.1 in Attachment 2, as circulated). Members of this Committee could include:

- Staff and Elected Officials from the RDN and member municipalities;
- Members of the RDN Agricultural Advisory Committee;
- BC Shellfish Growers Association;
- Local chamber of commerce;
- Economic Development Corporation;
- Vancouver Island University;
- VIEX;
- BC Ministry of Agriculture;
- Other representatives, as required.

The Committee would be tasked with several functions: to develop a work plan; identify funding resources; monitor and evaluate progress of implementation; prepare regular reports to the Board; and review/revise the work plan as required. The creation of this committee and its Terms of Reference would require Board approval, as would any recommendations from the Committee to the Board.



The Board could consider other options including implementation overseen by the RDN Agricultural Advisory Committee (the Steering Committee for the AAP) or RDN staff in the absence of an organized committee; or the Board may choose an alternate arrangement for implementation. Each of these options will result in different resource commitments.

The AAP recommends that the first task for implementation would be to develop a three-year work plan to address the “high priority”, “short term” recommendations, and that this work plan be developed within the budget year following the AAP adoption. Therefore, the Board’s consideration of adoption at this time coincides well with the upcoming 2013 budget review.

The AAP further identifies seven key actions for the work plan, which are “high priority” items to be addressed in the “short term”, and in some cases necessary to allow other actions to proceed (see Section 7.2, Table 8 in Attachment 2, as circulated). Each recommendation and associated action will require further direction from the Board if the Plan is adopted.

#### **ALTERNATIVES**

1. To adopt the “Growing Our Future Together - Regional District of Nanaimo Agricultural Area Plan” (AAP) dated August 2012.
2. To adopt the “Growing Our Future Together - Regional District of Nanaimo Agricultural Area Plan” (AAP) dated August 2012 and to direct staff to develop an Implementation Strategy and Work Plan for the Board’s consideration.
3. To provide staff with alternative direction.

#### **FINANCIAL IMPLICATIONS**

If the Agricultural Area Plan is adopted, there will be financial and resource implications for the Board’s consideration and prioritization in order to effectively implement the recommended actions of the AAP. It is intended that these resource commitments would be reviewed in conjunction with an approved work plan and would require direction from the Board as they are considered through the adoption of annual budgets along with other competing priorities.

#### **SUMMARY/CONCLUSIONS**

The RDN Agricultural Area Plan (AAP) has been developed and is now presented for the Board’s consideration of adoption and implementation. Despite challenges to the profitability and viability of agriculture and aquaculture in the region the AAP reveals that there are opportunities for growth and diversification in these industries, and it recommends eight broad goals and numerous actions for the RDN and other stakeholders in support of local agriculture/aquaculture. Given the significance of these sectors to the local economy and cultural landscape, and the need for a clear strategy to support these uses, staff recommends the AAP be adopted and that an AAP Action Plan be developed to determine resource allocations within the 2013 budget year.


**RECOMMENDATIONS**

1. That the “Growing Our Future Together - Regional District of Nanaimo Agricultural Area Plan” (AAP) dated August 2012 be adopted.
2. That staff be directed to develop an AAP Action Plan for the Board’s consideration within the 2013 budget process.

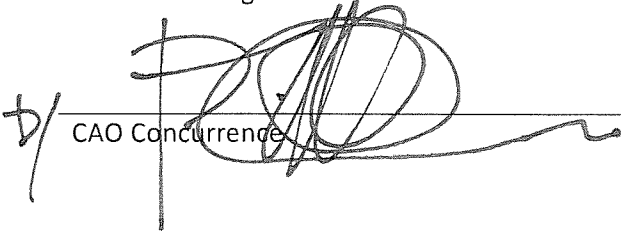


Report Writer

General Manager Concurrence



Manager Concurrence



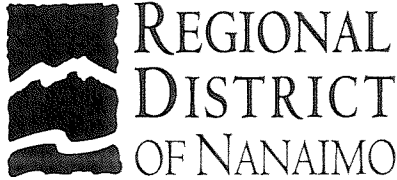
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**Attachment 1  
 AAP Project Timeline**

<b>Date</b>	<b>Action</b>	<b>Board Consideration</b>
April 2007	Delegation to Board from agricultural groups requesting formation of AAC.	Board directed staff to review opportunity to establish an AAC.
2008	Agricultural issues raised by community during OCP and RGS reviews.	
June 2008		Board resolution to establish AAC.
2009	AAC established.	
January 2010	AAC recommended development of Agricultural Area Plan (AAP).	
March 2010		Board received recommendation from AAC and directed staff to review.
May 2010		Board directed staff to apply for AAP project funding.
January 2011	Funding request approved by Investment Agriculture Foundation of BC (IAF).	
April 2011	Terms of Reference for AAP established.	Board appointed AAC as Steering Committee.
April – May 2011	Request for Proposal advertised.	
July 2011	Project consultant selected by AAC.	Board received an update on selection of consultant.
August – September 2011	Information hand-outs & displays presented at community events to publicly launch the project; Land Use Inventory completed; Growing our Future web site created.	
October 2011	AAP video interviews completed.	
November 2011	Public open houses & focus group #1 held.	
January 2012	Focus group #2 held; public consultation report and AAP story-telling video series 'Agriculture in Action' completed.	Board received the Public Consultation Summary Report and Agricultural Area Plan video series.
February 2012	AAP draft recommendations completed and reviewed by staff; project website updated.	Board received AAP – Phase 1: Background Report containing results of Land Use Inventory.
March 2012	AAP – Phase 2: Draft Plan completed and reviewed by staff and AAC.	
April 2012		Board received AAP – Phase 2: Draft Plan.
May 2012	Online public opinion survey of AAP Goals.	Board workshop to discuss draft AAP.
June 2012	Survey complete; Plan revised based on comments from the public, Board, AAC and referrals.	Board follow-up workshop ; Board received survey results and proposed revisions to AAP.
July 2012	Revisions incorporated into final AAP.	
September 2012	Final AAP submitted for Board's consideration of adoption.	

**Attachment 2**  
**“Growing Our Future Together -**  
**Regional District of Nanaimo Agricultural Area Plan”**  
**(August 2012)**

As circulated and available on the Agricultural Area Plan website: [www.growingourfuture.ca](http://www.growingourfuture.ca)



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BOARD		

**MEMORANDUM**

**TO:** Paul Thorkelsson  
General Manager, Strategic & Community Development

**DATE:** August 31, 2012

**FROM:** Jeremy Holm  
Manager, Current Planning

**FILE:** 3900 20 1259.09

**SUBJECT:** Proposed Amendments to “Regional District of Nanaimo Planning Services Fees and Charges Bylaw No. 1259, 2002”

**PURPOSE**

To consider changes to the “Regional District of Nanaimo Planning Fees and Charges Bylaw No. 1259, 2002” in order to establish a revised fee structure for residential zoning amendment applications of greater than 200 units.

**BACKGROUND**

The existing Planning Services Fees and Charges Bylaw No. 1259 establishes various application fees, for Zoning Amendments, Official Community Plan Amendments and Development Permits. The existing fee schedule for Zoning Amendment applications calculates fees based on the proposed land use and the number of proposed units or the size of the existing property. Currently, the residential zoning amendment fee includes an \$800.00 base fee plus \$100.00 per unit, for the first twenty units and \$50.00 for every unit thereafter.

Recently, the Regional District of Nanaimo (RDN) received Zoning Amendment applications for the Lakes District and Schooner Cove neighbourhoods in Electoral Area ‘E’ from Bentall Kennedy (Canada) LP. The residential component of the proposed Lakes District Zoning Amendment is 1675 units, while the residential component of Schooner Cove is 360 residential units. Both applications also include proposed commercial uses for which the zoning amendment fees are charged on a per hectare basis, and in this case represent a relatively minor portion of the fees. Based on the current fee schedule the application fees for the Lakes District are \$86,750, of which \$84,750 is for the residential component. The current fees for Schooner Cove are \$20,500, of which \$19,000 is for the residential component. Bentall Kennedy (Canada) LP is of the opinion that the current fee structure is better suited to applications of smaller scale and has requested that the RDN consider an amendment to Planning Fees and Charges Bylaw No. 1259.

The Lakes District and Schooner Cove amendment applications are of a development scale that largely exceeds than what is typically received by the Regional District of Nanaimo and appears to result in excessive application fees. The current fee structure likely did not anticipate applications of this scale. The proposed Amendment Bylaw No. 1259.09, 2012 would therefore reduce the fees for residential zoning amendment applications to a more appropriate rate.

## ALTERNATIVES

1. To approve the proposed Amendment Bylaw 1259.09, 2012 to reduce the per unit application fee for applications proposing to create more than 200 residential units.
2. To not approve the proposed Amendment Bylaw 1259.09, 2012, and to provide staff with alternate direction.

## FINANCIAL IMPLICATIONS

Application fees are intended to be reflective of the resources necessary to adequately review the application. The current fee structure for residential zoning amendment applications is two-tiered with the first 20 units charged at \$100 per unit and the remaining units thereafter charged at \$50 per unit. This structure reflects that there is generally an increase in application complexity and staff resources required for application review up to a certain scale (in this case 20 units), after which point less resources are required per unit for application review. While it is difficult to accurately determine the resources required to review applications of the complexity and scale proposed for the Lakes District and Schooner Cove, it is clear that the relationship between scale of development and resources required for review is not linear.

Given that the majority of amendment applications fall within the first-tier of the fee structure (20 units or less), appropriate fees are generally collected to adequately address the resource requirements of amendment application review. Recent residential amendment applications that would be considered 'large', Cedar Village Estates (130 units) and English River Estates (158 units), are generally less than 200 units. While these applications are not as complex as the Lakes District and Schooner Cove, they are of a scale that requires substantial staff resources and, as such, were charged appropriate fees under the current fee structure. Zoning Amendment applications at the scale of the Lakes District and Schooner Cove are rare occurrences and staff's opinion the current two-tiered fee structure results in fees that may be considered excessive relative to the amount of additional resources required to review these applications when compared to a typical 'large' scale application which are generally less than 200 units.

In order to bring the residential zoning amendment application fees in line with the resources required to review applications of the scale of the Lakes District and Schooner Cove, staff recommend the addition of a third tier to the existing residential amendment fee structure as follows:

- Tier 1 - \$100 per unit for the first 20 units (same as current fee structure)
- Tier 2 - \$50 per unit for the next 180 units (currently applies to all units after the first 20)
- Tier 3 - \$25 per unit for all units after the first 200 (currently \$50 per unit would apply)

The proposed three-tiered fee structure would result in the residential portion of the fee charges for the Lakes District and Schooner Cove amendment applications being reduced as follows:

Fee Structure	Lakes District	Schooner Cove
Current	\$84,750	\$19,000
Proposed	\$47,875	\$15,000

Based on a review of residential amendment applications received since 2009, the average fee per application is approximately \$1,800, which equates to an application for 10 residential units on average. In no case since 2009, other than the applications for the Lakes District and Schooner Cove, has the RDN received a residential zoning amendment application for more than 200 units. Given that the proposed fee structure would reduce fees only for applications with more than 200 units proposed, there would be no fee reduction for the vast majority of residential amendment applications. As such, the financial implications would be limited to reduced fees for the rare residential amendment applications of greater than 200 units. Under the proposed fee structure the application fee would be reduced by \$36,875 for the Lakes District and by \$4,000 for Schooner Cove. This is justified in that the fees received should adequately cover costs for staff resources to review and process these applications. Furthermore, the proposed amendment would only apply to the residential aspects of the applications. All other fees for amendments related to commercial and other uses would still apply.

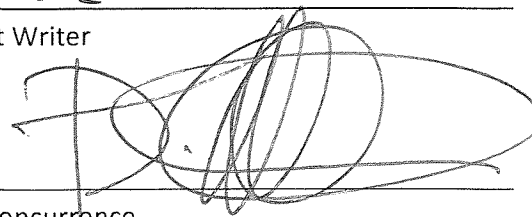
### SUMMARY/CONCLUSIONS

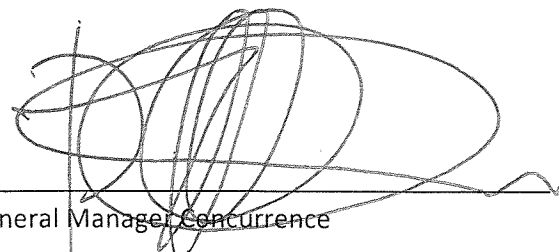
As a result of the recent zoning amendment application submissions for the Lakes District and Schooner Cove neighbourhoods and a request from Bentall Kennedy (Canada) LP for consideration of a fees reduction, staff are proposing amendments to the "Regional District of Nanaimo Planning Services Fees and Charges Amendment Bylaw No. 1259, 2002". If adopted, the proposed Amendment Bylaw No. 1259.09, 2012, will reduce the fee for residential amendment applications from \$50 per unit to \$25 per unit for each additional unit beyond the first 200 units. The current fee structure is proposed to be retained for applications of 200 units or less. The proposed fee structure is more reflective of the incremental increase in resources required to review residential applications of greater than 200 units than the current fee structure.

### RECOMMENDATIONS

1. That "Regional District of Nanaimo Planning Services Fees and Charges Amendment Bylaw No. 1259.09, 2012" be introduced and read three times.
2. That application fees in the amount of \$36,875 for the Lakes District and \$4,000 for Schooner Cove amendment applications (No. PL2012-096 and PL2012-097) be refunded to Bentall Kennedy (Canada) LP should "Regional District of Nanaimo Planning Services Fees and Charges Amendment Bylaw No. 1259.09, 2012" be adopted.

  
Report Writer

  
CAO Concurrency

  
General Manager Concurrency

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1259.09**

**A BYLAW TO AMEND PLANNING SERVICES  
FEES & CHARGES BYLAW**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

- A. This Bylaw may be cited as "Regional District of Nanaimo Planning Services Fees and Charges Amendment Bylaw No 1259.09, 2012"
- B. "Regional District of Nanaimo Planning Services Fees and Charges Bylaw 1259, 2002", is hereby amended as follows:
  1. By deleting subsection 1.a.i and replacing it with the following:
    - 1.a.i) for a residential use, \$100.00 per dwelling unit for the first 20 dwelling units, \$50 per dwelling unit in excess of 20 dwelling units and up to 200 dwelling units and where there are more than 200 dwelling units, \$25.00 per dwelling unit thereafter;.

Introduced and read three times this 2nd day of October 2012.

Adopted this this \_\_ day of \_\_\_\_\_ 201\_\_.

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Chairperson

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Corporate Officer