



## Land Use Operational Policy Airports

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<b>NAME OF POLICY:</b>	Airports
<b>APPLICATION:</b>	Applies to all uses of Crown land for public or private airport facilities and associated services, which are neither owned nor operated by Transport Canada.
<b>ISSUANCE:</b>	Assistant Deputy Minister Reconciliation, Lands and Natural Resource Policy
<b>IMPLEMENTATION:</b>	Ministry of Water, Land and Resource Stewardship
<b>REFERENCES:</b>	<i>Land Act</i> (Ch. 245, R.S.B.C., 1996) <i>Society Act</i> (Ch.344, R.S.B.C., 1996) Canadian Aviation Regulations, 2012, Transport Canada, Civil Aviation. Guide for the Planning of Small Airports, 1980. Roads and Transportation Association of Canada, Ottawa. Land Use in the Vicinity of Airports, (8th ed., 2005) Transport Canada, Air Navigation Planning and Operational Requirements.
<b>RELATIONSHIP TO PREVIOUS POLICY:</b>	This policy amends the previous Airports Policy dated August 16, 2004.

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Colin Ward, ADM  
Reconciliation, Lands and Natural Resource Policy  
Ministry of Water, Land and Resource Stewardship

May 9, 2024

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Date:

<b>APPROVED AMENDMENTS:</b>		
Effective Date	Briefing Note /Approval	Summary of Changes:
June 17, 2022	BN 270324	Moved general information regarding insurance and financial securities to the Insurance and Financial Securities Procedure.
May 9, 2024	BN CLIFF 41581	Administrative edits to reflect the transfer of administration of the <i>Land Act</i> from the Ministry of Forests to the Ministry of Water, Land and Resource Stewardship and other regulatory body changes.

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## 1. POLICY APPLICATION

This policy applies in all cases where Crown land is required for airport facilities which will be neither owned nor operated by Transport Canada. It may include:

- private airport facilities used for private use by individuals or corporations, or
- public airport facilities which provides a public benefit, and primarily supports commercial aviation activities.

Airport in this policy may be either an “aerodrome” or “airport” as these terms are defined by [Transport Canada](#). Airports referenced in this policy may include airstrips and helicopter landing sites or heli-pads.

This policy applies to Crown land required for use as an airport except when the airport is associated with a logging camp.

This policy applies to special procedures respecting proposals by the federal government for transfer of administration and control of Crown land for airport purposes. (Refer to the section 5.6 for more information).

## 2. PRINCIPLES AND GOALS

For information on Crown land allocation principles see [Crown Land Allocation Principles](#).

## 3. DEFINITIONS AND ABBREVIATIONS

For a glossary of definitions and abbreviations see [Glossary and Abbreviations](#).

## 4. APPLICANT ELIGIBILITY

For standard policy information on eligibility see [Eligibility and Restrictions](#).

Additional or special requirements for airport allocations are:

### 4.1 Public Airport Facilities

Applicants for use of Crown land for public airport facilities must be either a municipal or regional government, or an airport society.

If the applicant is an airport society the Authorizing Agency will confirm its incorporation as a reporting society with the Corporate Registry, BC Online.

## 5. FORM OF LAND ALLOCATION

For standard policy information on forms of allocation see [Form of Crown Land Allocation](#).

Refer to Appendix 1 for a summary of the forms and terms of Crown land allocation available for airport facilities.

Airport facilities ancillary to another Crown land use tenure (e.g. adventure tourism operations, road/utility construction projects) require application for a separate airport tenure under this policy when the airport facility is located outside of the primary tenure area.

For airport facilities ancillary to another land use, where the airport facility is within the primary tenure area, an application for a separate airport tenure under this policy is

required at the discretion of the Authorizing Agency giving consideration to relevant factors which may include, but are not limited to:

- frequency/seasonality of use;
- level of construction; and
- permanency of improvements.

Where it is determined by the Authorizing Agency that a separate application for an airport facility is not required, the airport facility must be identified in and evaluated as part of the application and management plan for the primary land use.

## 5.1 Temporary Licence

The maximum term for a temporary licence is 2 years.

A temporary licence may be issued for the temporary occupation of Crown land for the construction of public or private airport facilities.

## 5.2 Licence of Occupation

Disposition of Crown land for private airport purposes to individuals or corporations may be made by licence of occupation.

The licence of occupation for private airport purposes does not preclude the public use of the airport for personal aviation activities.

The standard term for a licence of occupation is 10 years with a maximum term of 30 years.

## 5.3 Lease

The maximum term for a lease is 30 years.

Disposition of Crown land for public airport facilities to airport societies is made by lease. For more information on leases to airport societies see the [Community and Institutional Land Use Policy](#).

## 5.4 Sponsored Crown Grant

Disposition of Crown land for public airport facilities and ancillary purposes to a municipal or regional government is made by Sponsored Crown Grant (SCG) pursuant to Section 51 of the *Land Act*. A restrictive covenant on the title allows for granted land to be returned to the Crown upon request by the Province if the land is no longer used for the purpose intended. The reversionary clause must state “on the condition that the land is used for airport purposes”. For more information on SCGs see the [Community and Institutional Land Use Policy](#).

### 5.4.1 Reversion to Crown

All SCGs are subject to the provision that the land may be required to be returned to the Crown upon request if the land is not being used for the purpose intended.

If the land reverts to the Crown for any reason, the Authorizing Agency may require the land to be reclaimed by the municipal or regional government that held the SCG in such a fashion as to render it inoperable as an airport. The operator of a permanently closed

airport must remove all of the markers and markings and place closed markings on the runway in accordance with the Canadian Aviation Regulations.

Written notification regarding the action of rendering an airport, which has been published in the Canada Flight Supplement or Canada Water Aerodrome Supplement in accordance with the Canadian Aviation Regulations, inoperable must be sent to the Civil Aviation Branch, Transport Canada, Vancouver.

## **5.5 Withdrawals from Disposition**

### **5.5.1 Withdrawal from Disposition**

Prior to acceptance of an application for a public airport facility, the Authorizing Agency may withdraw Crown land from disposition under Section 16 of the *Land Act* in order to protect the land from disposition while the necessary airport development planning is being conducted. Refer to the [Reserves, Withdrawals, Notations and Prohibitions Policy](#) for additional information on Section 16 *Land Act* withdrawals.

### **5.5.2 Protective Zone Conditional Withdrawal**

To ensure continued public safety in the airport vicinity, as well as the ongoing viability of the airport, a Section 17 *Land Act* conditional withdrawal may be made over the area within a 4000 metre radius of the airport reference point (runway mid-point generally). Refer to the [Reserves, Withdrawals, Notations and Prohibitions Policy](#) for additional information on Section 17 *Land Act* conditional withdrawals.

Applications for Crown land within the conditional withdrawal area are accepted only for land uses considered compatible with airport operations and for proposed structures less than 45 metres above the reference point elevation. Uses considered to be incompatible include:

- those generating excessive smoke, noise, dust or highway or rail traffic;
- uses that attract birds (e.g. dumps, grain and seed crops, etc.);
- uses that attract high use densities;
- uses that produce electronic interference or misleading lights;
- residential and certain institutional uses (within approximately 5 km of the airport); and
- other miscellaneous uses including electrical plants, oil and gas facilities, and power lines.

Crown land applications accepted within an existing Section 17 airport protective zone are to be referred to the Civil Aviation Branch, Transport Canada for comment where the Authorizing Agency wishes to confirm that the proposed use is compatible with airport operations.

## **5.6 Transfer of Administration and Control (TAC)**

Written proposals for TAC of Crown land are only accepted from departments of the Government of Canada.

Proposals must be accompanied by supporting information which includes justification of need, a map of the area required for airport operations and area required for protective

zone designation by the Authorizing Agency, a list of proposed or existing uses and/or tenants, and specific design proposals if available.

Proposals are to be addressed to the appropriate FrontCounter BC office.

Proposals and accompanying information are to be referred by the Authorizing Agency to the appropriate local government and the Ministry of Transportation and Infrastructure (Transportation Policy and Planning Branch).

Generally, the area to be included in the TAC is the area required for any or all of the ancillary uses identified in Appendix 2.

See the [Land and Management Transfers](#) policy respecting evaluation of TAC proposals and the establishment of Orders-in-Council.

Where appropriate, upon issuance of the TAC, the Authorizing Agency is to establish the protective zone conditional withdrawal under Section 17 of the *Land Act*.

## 6. PRICING POLICY

For information on pricing see the [Pricing Policy](#).

For information on application and service fees see the [Crown Land Fees Procedure](#).

## 7. ALLOCATION PROCESSES

For detailed standard information on allocation processes see [Allocation Procedures - Applications](#) and [Land Use Management Plans webpage](#).

Additional or special requirements for airport allocations are:

### 7.1 Applications

#### 7.1.1 Application Package

##### Management Plan

All applications are to be accompanied by an outline of proposed development, to be used in the formulation of a management plan. Applicants are advised to consult the B.C. Aviation Council, Langley, B.C. in the preparation of the outline of proposed development. Additionally, applicants are advised to consult with the Civil Aviation Branch, Transport Canada, Vancouver if the airport is intended to be registered or certified with Transport Canada.

#### 7.1.2 Referrals

A mandatory referral is required for all applications for new public and private airport tenures and the accompanying outline of proposed development to local government to ensure compatibility of the proposed uses with official plans.

For proposed private airport facilities, a mandatory referral is required to the Civil Aviation Branch, Transport Canada if the airport is intended to be registered or certified with Transport Canada.

For proposed public airport facilities, a mandatory referral is required to the Civil Aviation Branch, Transport Canada. The Civil Aviation Branch, based on resources available and



the information provided to the Branch, will provide the Authorizing Agency with the following:

- appropriate runway length;
- appropriate overall length, width and area of Sponsored Crown Grant;
- extent of area required for protective zone conditional withdrawal under Section 17 of the Land Act, where appropriate; and
- desirability of proposed ancillary uses.

FrontCounter BC will refer to local government all requests from airport societies to sublease land for ancillary uses that are not specified in the society's lease document.

### **Local Government Support**

Where the proposed airport land is within a local government boundary, an airport application by an airport society is to be accompanied by a written statement from the relevant local government board or council indicating that the local government supports in principle the proposed airport use, and is not itself willing to request and administer a SCG for that purpose.

### **7.1.3 Field Inspections**

In addition to the standard field inspection procedures, the following factors are given consideration in field inspection reports for airports lands:

- existing land uses in the vicinity that may be potentially hazardous to aviation;
- potential for devaluation of existing lands;
- potential for disruption of existing land use/cultural patterns; and,
- adequacy of drainage.

### **Additional Ancillary Uses**

Where an applicant proposes ancillary uses in addition to those listed in Appendix 2 (e.g. additional revenue-generating commercial uses), Land authorizations staff, in consultation with the Executive Director, Authorizations, will prepare and submit the proposal, together with their recommendation and all relevant documentation, to the Assistant Deputy Minister (ADM), Permitting Transformation for review. Documentation is to include comments received on the proposed ancillary uses from referral agencies. Ancillary land uses not included in Appendix 2 may require a tenure under a different operational land use policy (e.g. Commercial – General).

Letters of commitment and lists of ancillary uses that are specified in Crown grant or lease documents are to be consistent with the ADM's decision respecting permitted ancillary uses.

ADM approval is also required for subsequent proposals from a local government or airport society to amend or expand the list of permitted ancillary uses, as contained in their legal documents.

## 7.1.4 Issuing Documents

### Sponsored Crown Grants

A Letter of Commitment in respect of a public airport is drafted by the Authorizing Agency. The Letter of Commitment indicates that the SCG is conditional upon the assurance by the Civil Aviation Branch, Transport Canada, that the airport will meet the requirements of the Canadian Aviation Regulations.

At such time as the Civil Aviation Branch, Transport Canada has indicated in writing that a public airport proposal will meet the requirements of the Canadian Aviation Regulations, the Authorizing Agency prepares a draft Order-in-Council for a SCG (disposition to local government only).

A copy of the Letter of Commitment for airport tenure is forwarded to the Executive Director, BC Wildfire Service, Ministry of Forests, , for information purposes.

## 8. TENURE ADMINISTRATION

For standard tenure administration information see the [Tenure Administration Procedure](#).

Additional or special requirements for airport allocations are:

### 8.1 Insurance

See the [Insurance and Financial Securities Procedure](#).

A lessee or licensee must purchase, and is responsible for maintaining during the term of tenure, sufficient commercial general liability insurance, commensurate with the type and size of aircraft for which the airport is being used. Tenure holders may also be required to obtain additional insurance policies to cover risks not dealt with under a commercial general liability insurance policy, for example: environmental pollution liability insurance or aircraft liability insurance.

### 8.2 Security/Financial Guarantee

See the [Insurance and Financial Securities Procedure](#).

### 8.3 Assignment and Sub-Tenuring

#### 8.3.1 Leasing of Crown Granted Lands

Municipal and regional governments which qualify for SCGs may issue leases over land located within the area of the Crown grant for ancillary airport uses.

The SCG may specify uses not identified in Appendix 2, provided that such uses have been approved by the Authorizing Agency.

#### 8.3.2 Sub-letting of Airport Lease

Airport societies holding a Crown lease for public airport purposes may issue sub-leases for ancillary airport uses listed in Appendix 2. These uses are to be specified in the lease document. Sub-leases for ancillary uses not indicated in Appendix 2 require the written consent of the Lessor.

The amount of revenue permitted to be generated from sub-leases should not be greater than that required to maintain and operate the facility.

## 9. VARIANCE

Variations to this policy must be completed in accordance with the [Policy Variance Procedure](#).

### Appendix 1. Airports Policy Summary

TENURE	TERM	METHOD OF DISPOSITION
<b>Public Airports</b>		
Temporary Licence	2 years standard	Application
Lease (to airport societies)	30 years standard	Application
Sponsored Crown Grant (to local government)	Perpetuity, provided that the land is used for the specified purpose	Application
<b>Private Airports</b>		
Temporary Licence	2 years	Application
Licence of Occupation	10 year standard, 30 year maximum	Application

## Appendix 2. Ancillary Uses for Public Airport Facilities

### A. Definition

Ancillary airport uses are uses deemed by the Authorizing Agency as necessary for the viable operation and management of a public airport facility.

### B. Application of List of Uses

The list in Part C is to be employed in the issuance of Sponsored Crown Grants and leases for public airport facilities and in the Transfer of Administration and Control of Crown land for airport purposes as a means of determining the amount of Crown land to be included in the disposition. It is also to be used as the basis for establishing uses for which leasing or subleasing may be permitted.

### C. List of Ancillary Uses

- (a) Terminal Building.
- (b) Hangars (either group or individual ownership).
- (c) Runways and grounds maintenance equipment building/garage.
- (d) Transport Canada flight service station (weather reports, radio, flight plan filing).
- (e) Car parking area (either free public or revenue generating).
- (f) Aircraft parking area (either free public or revenue generating).
- (g) Water bomber or chemical staging areas for forest protection (Forestry).
- (h) Air Ambulance provisions.
- (i) Flying School facilities.
- (j) Cargo handling/storage facilities.
- (k) Aircraft sales/service/maintenance /airframe/electrical/mechanical/avionics services.
- (l) Wheels-to-floats conversion facilities.
- (m) Vehicle rental office and parking facilities.
- (n) Restaurant/gift shop providing airport revenue.
- (o) Base operators—scheduled service/charters (airplane and helicopter).
- (p) Specialty agricultural and/or forest protection spraying and/or related services/storage facilities.
- (q) Flying Club House.
- (r) Caretaker's residence.
- (s) Fuel dispensing and storage facilities.
- (t) Navigation/landing aids.

### Appendix 3. Typical Land Requirements for Simple Airports Based on Runway Length

Runway Length l (metres)	Overall Length h (metres)	Widths (metres)			Area (hectares)
		A	B	W	
Up to 800	Up to 1,400	75	125	200	Up to 28
801 to 1,200	1,401 to 1,800	100	200	300	42 to 54
1,201 to 1,800	1,801 to 2,400	125	275	400	72 to 96
1,801 and over	2,401 and over	150	350	500	120 and over

