



Islands Trust

A NOTICE OF A BUSINESS MEETING OF **THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE**
to be held at 10:15 AM on Thursday, September 6, 2012 at the Women's Institute,
476 South Road, Gabriola Island, BC

AGENDA

		Page No.	*Approx. Time*
1.	CALL TO ORDER		10:15 am
2.	APPROVAL OF AGENDA		
3.	MINUTES		
3.1	Local Trust Committee Meeting Minutes of July 26, 2012 – <i>for adoption</i>	1-12	10:20 am
3.2	Section 26 Resolutions Without Meeting - <i>none</i>		
3.3	Gabriola Island Advisory Planning Commission Meeting Minutes – <i>none</i>		
3.4	Mudge Island Advisory Planning Commission Meeting Minutes - <i>none</i>		
3.5	Gabriola Island Agricultural Advisory Commission Draft Meeting Minutes - <i>none</i>		
4.	BUSINESS ARISING FROM MINUTES		10:25 am
4.1	Follow-up Action List dated August 15, 2012 - <i>attached</i>	13-15	
5.	CORRESPONDENCE		10:35 am
	<i>"Correspondence specific to an active development application and/or project will be received by the Gabriola Island Local Trust Committee when that application or project is on the Agenda for Consideration"</i>		
5.1	Email dated July 31, 2012 from David Young and Michiko Young regarding Gabriola Rod, Gun & Conservation Club - <i>attached</i>	16	
5.2	Email dated July 31, 2012 from Drew Staniland regarding Gabriola Rod, Gun & Conservation Club - <i>attached</i>	17	
5.3	Email dated July 31, 2012 from Fred Harris and Mary Ann McDonald regarding Gabriola Rod, Gun & Conservation Club - <i>attached</i>	18	
5.4	Email dated August 3, 2012 from Tammy Hudgeon and Ode Howard regarding Gabriola Rod, Gun & Conservation Club - <i>attached</i>	19	
5.5	Email dated August 24, 2012 from Maureen Karagianis regarding Oil Spills and Tanker Traffic - <i>attached</i>	20	

6.	REPORTS		
6.1	Work Program Reports		
	Top Priorities Report and Projects List dated August 15, 2012 - <i>attached</i>	21-22	
6.2	Applications Log		
	Report dated August 15, 2012 – <i>attached</i>	23-26	
6.3	Trustee and Local Expenses		
	6.3.1 Expenses posted to July 31, 2012 - <i>attached</i>	27	
	6.3.2 Fiscal Year Budget for 2013/14		
7.	NEW BUSINESS		11:15 am
7.1	Islands Trust Fund Board Referral	28-43	
	Briefing and Five Year Plan - <i>attached</i>		
7.2	Ministry of Transportation and Infrastructure Meeting Follow Up – <i>verbal update</i>		
7.3	Regional District of Nanaimo Meeting Follow Up – <i>verbal update</i>		
	BREAK FOR REFRESHMENTS and COMMUNITY STEWARDSHIP AWARD PRESENTATION		11:45 am
8.	TRUSTEES' REPORT		12:15 am
9.	CHAIR'S REPORT		
10.	REGIONAL DIRECTOR'S REPORT		
11.	DELEGATIONS		12:35 am
11.1	Ken Zakreski for Gabriola Radio Society		
12.	TOWN HALL SESSION		12:45 am
13.	APPLICATIONS AND PERMITS		12:55 pm
13.1	Gabriola Radio Society Tower Application		
	13.1.1 Staff Report dated August 15, 2012 - <i>attached</i>	44-56	
	13.1.2 Compilation of Correspondence to July 26, 2012 to August 24, 2012 - <i>attached</i>	57-83	
	13.1.3 Letter received after deadline from Dr. D.C. Worthing - <i>attached</i>	84-85	
14.	LOCAL TRUST COMMITTEE PROJECTS		1:30 pm
14.1	Gabriola Island Development Permit Areas (Riparian Areas, Hazardous Areas & Steep Slopes)	86-106	
	Staff Report dated August 13, 2012 - <i>attached</i>		
	14.1.1 Project Charter – standing item	107	
	14.1.2 Communication Strategy – standing item	108-109	
	14.1.3 Email dated July 26, 2012 from Nick Doe - <i>attached</i>	110	
15.	BYLAWS		
16.	ISLANDS TRUST WEBSITE		
16.1	Gabriola Page – <i>attached</i>	111-113	

17. NEXT BUSINESS MEETING

Thursday, October 4, 2012 at 10:15 a.m. at the Women's Institute, 476
South Road, Gabriola Island, BC

18. TOWN HALL SESSION – *time permitting*

2:00 pm

19. ADJOURNMENT

2:10 pm

*Approximate time is provided for the convenience of the public only and is subject to change without notice

**MINUTES OF THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE MEETING
HELD AT 10:15 P.M. ON THURSDAY, JULY 26, 2012
AT THE WOMEN'S INSTITUTE
476 SOUTH ROAD, GABRIOLA ISLAND, BC**

<u>PRESENT:</u>	David Graham	Chair
	Sheila Malcolmson	Local Trustee
	Gisele Rudischer	Local Trustee
	Chris Jackson	Regional Planning Manager
	Chloe Fox	Island Planner
	Stephen Orgill	Recorder

There were two (2) local media representatives and fourteen (14) members of the public attending the meeting.

1. CALL TO ORDER

Chair Graham called the meeting to order at 10:15 am. He introduced himself, the Local Trust Committee and staff to the public in attendance. Chair Graham acknowledged that the meeting is taking place on the traditional territory of the Coast Salish People.

2. APPROVAL OF AGENDA

Planner Fox distributed additional correspondence concerning agenda item 13.2 that were numbered 13.2.4, 13.2.5 and 13.2.6. The Local Trust Committee adopted the agenda by consensus as amended.

3. MINUTES

3.1 *Local Trust Committee Special Meeting Minutes to Hold a Community Information Meeting of June 25, 2012.*

The Local Trust Committee reviewed the minutes of the special meeting held on June 25, 2012 and made the following amendments:

- Page 1, item 2., second paragraph, second sentence, delete “a” insert “*the final*” before “decision”; add “*and would make a final recommendation to Industry Canada*” at the end of the sentence.
- Page 3, item 4., seventh paragraph, last sentence, correct typo “fort” to “for”.
- Page 4, item 4., correct spelling of “Coates” to “Coats” where necessary.
- Page 6, item 4., second paragraph, second sentence, end sentence after “*binding*”, delete “*under the circumstances...*”
- Page 7, item 4., second paragraph, correct spelling of “Denholm”

The Local Trust Committee adopted the minutes of the June 25, 2012 Community Information Meeting by consensus as amended.

3.2 *Local Trust Committee Meeting Minutes of June 28, 2012*

The Local Trust Committee reviewed the minutes of the June 28, 2012 Local Trust Committee meeting and the following amendments were made:

- Page 1, attendance notation, change to “There were *two* (2) local media representatives and *six* (6) members of the public attending the meeting.
- Page 2, item 4.2, third paragraph, second sentence, replace “*recommended*” with “*suggested*”.
- Page 3, item 4.2, add new final paragraph; “*The Chamber and Arts Council were each asked to clarify whether their request was site-specific or for all institutional zones, and to indicate which of the three options outlined in the June 11, 2012 memorandum they prefer.*”
- Page 4, item 6.1, second paragraph, delete second sentence, “*Chair Graham summarized... in the permit.*”
- Page 6, item 8., change first part of sentence to: “ *Trustee Malcolmson reported that Neighbourhood Zero Emission Vehicles (NZEV) were demonstrated at the June Islands Trust Council meeting, and after mentioning ...*”

The Local Trust Committee adopted the minutes of the June 26, 2012 Local Trust Committee meeting by consensus as amended.

3.3 *Section 26 Resolutions Without Meeting*

None.

3.4 *Gabriola Island Advisory Planning Commission Meeting Minutes*

None.

3.5 *Mudge Island Advisory Planning Commission Meeting Minutes*

None.

3.6 *Gabriola Island Agricultural Advisory Commission Draft Meeting Minutes*

None.

4. **BUSINESS ARISING FROM MINUTES**

4.1 *Follow-up Action Report dated July 18, 2012*

Planner Fox raised the August 19, 2011 item for discussion, suggesting that more context is needed. The item requests that staff consider developing an Islands Trust-wide Official Community Plan review process ‘Best Practices Model’. She

provided several options for the trustees to consider. Trustee Malcolmson agreed to speak to this item at the upcoming Trust Council meeting.

4.2 *Gabriola Rescue of Wildlife Society Living with Eagles Brochure*

The trustees reviewed the brochure produced by Gabriola Rescue of Wildlife Society that was financially assisted by the Local Trust Committee. The Local Trust Committee thanked Gabriola Rescue of Wildlife Society for the brochure. Chair Graham commented that the brochure is an excellent piece of community driven information.

4.3 *Velo Village Cycling and Rural Mobility Conference*

4.3.1 *Report from Steven Earle and Fay Weller , dated July 2012*

The trustees reviewed the report received from the Velo Village Cycling and Rural Mobility Conference held on June 21-23, 2012 on Salt Spring Island and agreed to discuss this item in greater detail following the delegation from Steven Earle scheduled for later in the meeting.

4.3.2 *Email from Steven Earle dated July 7, 2012*

The Local Trust Committee considered a request for support received from Steven Earle in an email dated July 7, 2012 to offer a one-day version of the Can-Bike Rural Cycling course to people on Gabriola Island and agreed to discuss this item in greater detail following the delegation from Steven Earle scheduled later in the meeting.

5. CORRESPONDENCE

Correspondence specific to an active development application and/or project will be received by the Gabriola Island Local Trust Committee when that application and/or project is on the agenda for consideration.

5.1 *Letter dated July 3, 2012 from Jim Ramsay of the Gabriola Transportation Association to the Ministry of Transportation and Infrastructure*

The Local Trust Committee reviewed the letter for information from Jim Ramsey addressed to the Ministry of Transportation and Infrastructure. The trustees commented that they had appreciated that the community group had documented some of the items heard at the public meeting for discussion of road related issues on June 18, 2012. The meeting with Ministry of Transportation and Infrastructure also included representatives of the Gabriola Chamber of Commerce, Gabriola Ratepayers Association and the Gabriola Transportation Association. Director Houle pointed out that the opinions in the letter are of the Gabriola Ratepayers Association, the Gabriola Chamber of Commerce and the Gabriola Transportation Association.

6. **REPORTS**

6.1 *Work Program Reports*

The Local Trust Committee reviewed the Top Priorities Report and Projects List dated July 18, 2012. Trustee Malcolmson commented on the ordering priority.

6.2 *Applications Log dated July 18, 2012*

The Local Trust Committee briefly reviewed the Applications Log dated July 18, 2012. Planner Fox noted that application GB-RZ-2010.1 for rezoning on Mudge Island has been withdrawn and the file will be closed.

6.3 *Trustee and Local Expenses posed to June 30, 2012*

The Local Trust Committee reviewed the local expense statement with postings to June 30, 2012. There was a question concerning account 65210 expenses for the Advisory Planning Commission.

7. **NEW BUSINESS**

There was no new business on this agenda.

8. **TRUSTEES' REPORTS**

Trustee Rudischer provided a report about the meetings she had attended since the last Local Trust Committee meeting. She thanked the members of the Save the Shores group who had made their presence known in Nanaimo at the Ocean Days Festival to draw attention to the passage of oil tankers through the coastal waters. Trustee Rudischer reported that she had made a site visit to the proposed radio transmission tower and felt that the beauty of McGuffie's Swamp is the sort of place that is important to protect. She congratulated the Gabriola Health Care Foundation, Society and Auxiliary on behalf of the Local Trust Committee on receiving the Islands Trust Stewardship Award for building the Gabriola Medical Clinic, noting that the award will be officially presented on September 6, 2012. Trustee Rudischer had participated in a webinar hosted by BC Sustainable Energy Association and commented on the presentation by Mathias Wackernagel, president of Global Footprint Network and an international think-tank working on bringing about a sustainable world economy in which everyone can live well within the means of our planet. Trustee Rudischer concluded by reporting that the Ministry of Transportation and Infrastructure is hiring a consultant to undertake a public consultation process in the near future that will provide the community with the opportunity to comment on transportation to the Gulf Islands. She said that the Ferry Advisory Committee would let the community know what to expect as soon as information as to what form the consultation will take is received.

Trustee Malcolmson added that there would be a meeting this evening at the Agricultural Hall to discuss the possible creation of a streamkeepers group on Gabriola Island. Trustee Malcolmson reported that Trust Council had been experimenting with a new internet

technology called Place Speak to garner public input on local issues. Trust Council had been engaged in public consultation on the Strategic Priorities that Trust Council should take on such as whether time should be spent on advocating for shipping issues and keeping tankers out of the Gulf Islands waters. She said there were ten big areas identified and Trust Council is looking for public input on what priorities should be considered. Trustee Malcolmson urged the constituents to go to Islands Trust website before the end of July, locate the link for "Have Your Say", register, and fill out the survey. She also asked that if it doesn't work well to please give feedback.

9. CHAIR'S REPORT

Chair Graham followed up on Place Speak, advising that Trust Council do want public feedback, and invited the public to visit the website and provide comments on the strategic priorities until the next Trust Council meeting on Bowen Island in Early September. He said that any local initiatives that are on the strategic plan can benefit with support from the federation.

10. REGIONAL DIRECTOR'S REPORT

Regional District of Nanaimo (RDN) Director Howard Houle reported that building permits were slow in June with only two permits to build houses, one to move a house onto a lot and four permits under the "other" category. He reported on some road improvements on Wharf Road and the Ministry of Transportation and Infrastructure had created a parking area by widening, grading and resurfacing the first part of the road. He noted that there had also been road edge posts and reflectors installed. Director Houle reported that the directional signs for the 707 Acre Park should be installed by the end of the month and thanked Randy Young and his team at the Gabriola Lands and Trails Trust for their work on the trails. Director Houle reported that the Regional District of Nanaimo had been reviewing the design of the stairs that will be built at the South Road Park. Director Houle also reviewed with Regional District of Nanaimo staff the upgrading of the driveway and parking lot at the Rollo McClay Park. He concluded his report with information about work the Regional District of Nanaimo had started this week.

Trustee Rudischer asked Director Houle what the cost of stairs would be. Director Houle responded that Regional District of Nanaimo staff is presently working on a materials list and that the project had been budgeted for \$25,000.

Trustee Malcolmson asked Director Houle for his comment about funding the rural cycling program that arose previously on this agenda and the foot/bicycle path plan in the village area.

Chair Graham requested that the meeting proceed to hearing from the delegation.

11. DELEGATIONS

11.1 *Steven Earle regarding Velo Village Cycling and Rural Mobility Conference*

Steven Earle thanked the Local Trust Committee for their encouragement and assistance in attending the Cycling and Rural Mobility Conference on Salt Spring Island. He described the conference as the rural version of a conference that had been held in Vancouver. He reviewed the list of speakers and said that 75 people attended the conference. Steven Earle told the Local Trust Committee that the message of the conference is that cycling is good for us and it is good for the health of individuals and the community's economy and environment. He elaborated that about 2% of Canadians cycle regularly compared with 30% in Denmark. He said that 2% is an increase over the past 50 years and that cyclists report Canadian weather and the road risk perception are the main obstacles preventing more people from using a bicycle. He provided some recommendations derived from the conference; safe cycling course, improve infrastructure, reduction in speed limits, and use whatever tools available to motivate people to get around with non-motorized transportation.

Trustee Rudischer thanked Mr. Earle for having attended the conference and commented that it was a good report he had provided about the conference.

Trustee Malcolmson commented on speed limit reduction on Gabriola and that the Ministry of Transportation and Infrastructure had reduced the speed limit to accommodate zero emission neighbourhood vehicles. Trustee Malcolmson also commented on support for a rural safety course and noted that the Official Community Plan has language that supports the idea of a course to educate cyclists and motorists on road safety. She explained how funding may be arranged and it would not be within the Local Trust Committee's budget to provide financial support for a course. However, the Local Trust Committee can be enthusiastic with a letter of support. There was further discussion.

GB-074-2012

It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee provide a letter of support to Steven Earle for a Rural Cycling Safety course, citing Gabriola Official Community Plan advocacy policy 7.1v ("programs to educate cyclists, motorists and pedestrians on road safety issues shall be supported") and Objective 7.1.1 ("To provide a network of bicycle routes and ensure island roads are able to accommodate cycling safely").

CARRIED

12. TOWN HALL SESSION

Judith Graham commented on the staff report concerning the radio transmission tower. She asked what type of format the report would be in that will go to Industry Canada and said that she would like to see the report when it is available. She said that McGuffies Swamp is identified as a sensitive eco-system and the swamp has been seriously degraded over the last ten years.

Linnet Kartar asked if there would be a Town Hall after the radio tower issue had been discussed on this agenda. Chair Graham responded that, time permitting, there would be a Town Hall session at the end of this meeting where the public can address the Local Trust Committee.

Trustee Malcolmson asked Steven Earle about the Madrona Marketplace Phase 2 application and asked if he could speak to the map that was included in terms of the connection of trails. Mr. Earle showed a map with the tentative route of the Gabriola Village trail. He pointed out that the intention is to reduce the number of cars in the village. He noted that it was Phase 1 of the Madrona Marketplace development that proposed the trail and he thought it should be continued into the village.

13. **APPLICATIONS AND PERMITS**

13.1 *GB-DP-2012.3 (Intrascap Developments Inc.)*

Planner Fox summarized the application for the commercial development of 7300 square feet located in the Development Permit Area 7 – The Village Centre as per the Gabriola Island Official Community Plan, No. 166, 1997. She described the site and proposed building style. Planner Fox summarized the ten development guidelines that apply to Development Permit Area 7 – The Village Centre. In conclusion, Planner Fox recommended that the Local trust Committee instruct staff to issue the development permit to the applicant.

Trustee Rudischer asked whether the setbacks are on the plan. Chris Hock, the applicant, responded that many of the trees straddle the property line. Trustee Rudischer also asked if a trail could be incorporated into the area of the landscaping. Chris Hock explained what the plan for the trail would be, but would need approval from the Ministry of Transportation and Infrastructure .

Trustee Rudischer asked whether the driveway is shared with Phase 1 of the development. Chris Hock explained that the driveway is a temporary driveway and would be incorporated. He explained further the Ministry of Transportation and Infrastructure regulation that prohibits left turns at that location.

Trustee Rudischer asked about the green space on the plan. The applicant responded and discussion included cisterns collecting roof water, the landscaping, parking areas, setbacks, and public walkways.

Trustee Malcolmson commented on the removal of trees on the property and expressed concern that the second guideline in Development Permit Area 7 is not met in the proposed plan. She asked for further explanation. Chris Hock and Lana Pearson, the applicants, provided explanations to the trustees. Trustee Malcolmson said that she agrees with the walkway that is proposed in the plan and would like to refer the application to the Advisory Planning Commission for feedback on whether or not it meets the development guidelines. Chris Hock remarked that the application either meets the guidelines or it doesn't. He observed that the trustees are struggling over whether the development guidelines had been met and acknowledged that the process builds better support for the development.

GB-075-2012

It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee refer Madrona Marketplace Phase 2 (GB-DP-2012.3) to the Advisory Planning Commission for comment on whether it considers the Development Permit Area 7 guidelines for the Village Centre to have been met.

CARRIED

13.2 Gabriola Radio Society Tower Application

13.2.1 Staff Report dated July 18, 2012

Planner Fox reviewed the staff report dated July 18, 2012. She said that the deadline for comments to the Local Trust Committee was July 25, 2012 at 4:00 pm. She said there had been only one agency referral response received by the deadline. Planner Fox provided a number of options for the Local Trust Committee to consider.

Trustee Rudischer said that she has concerns with the bylaws that federal regulations override in the local zoning. She said that Gabriola bylaws don't allow the tower. Trustee Malcolmson said that she supports the option to defer consideration of a resolution until the September 6, 2012 Local Trust Committee meeting to allow for additional time for submission of a legal survey, information on environmental impacts and mitigation and responses from referral agencies. She remarked that there is still some outstanding information that had been asked for. Trustee Malcolmson continued that the application has been taking up a lot of planning time, but it would be the most responsible move to be given the time to get all the necessary information.

Trustee Malcolmson expressed some concern that had been heard from the public that the Gabriola Radio Society might not be operating in the future due to the financial viability of the operation that may give rise to the incentive to lease out space on tower to corporate interests to cover operating costs. She asked if the landowner would voluntarily be willing to restrict the lease to the Gabriola Radio Society. She suggested that the landowner could sign a covenant restricting the transmission tower to the Gabriola Radio Society's exclusive use for broadcasting a community radio station. Trustee Rudischer said that she is not willing to make a decision because she hasn't been able to read the late correspondence received this week.

GB-076-2012

It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee request that staff report on whether the Lorettes would voluntarily restrict the proposed radio tower to broadcast by the Gabriola Radio Society alone, and require that the tower be dismantled if the Gabriola Radio Society ceased to exist, and advise the Local Trust Committee at its September meeting on mechanisms to secure such a commitment in perpetuity if the landowner is willing.

CARRIED

13.2.2 Compilation of Correspondence to July 18, 2012

The Local Trust Committee received correspondence for information

13.2.3 Email dated July 9, 2012 from John Hague regarding Legal Survey Request

The Local Trust Committee reviewed the request from John Hague, Director, Gabriola Radio Society, for financial assistance to cover professional fees in providing a legal survey of the leased section of the property.

13.2.4 Comment Forms and Correspondence Post July 18, 2012

Received.

13.2.5 Letter dated July 25, 2012 from Regional District of Nanaimo

13.2.6 Email dated July 25, 2012 from Ken Zakreski

Received.

13.2.7 Email dated July 23, 2012 from John Hague

Received.

GB-077-2012

It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee defer consideration of a resolution on the Gabriola Radio Society application until the September 6, 2012 Local Trust Committee meeting to allow additional time for submission of the following materials:

- a. A legal survey, as per resolution GB-067-2012;
- b. Additional information on environmental impacts and mitigation;
- c. Responses from referral agencies.

CARRIED

GB-078-2012

It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee extend the deadline for public and agency comment on the Gabriola Radio Society radio tower proposal until 4:00 pm, Friday, August 24, 2012.

CARRIED

There was discussion on disseminating the notice of extending the deadline for submissions.

GB-079-2012 It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee release up to (\$200) two hundred dollars from the local expense budget to advertise that public input on the radio tower is extended to August 24, 2012.

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 *Gabriola Island Development Permit Areas (Riparian Areas, Hazardous Areas and Steep Slopes)*

Planner Fox reviewed the staff report dated July 13, 2012 regarding the revised Project Charter and Communications Strategy.

Trustee Malcolmson asked the planner if there would be a recommendation to put some of the items on the long-term project list. Discussion continued with questions and answers from the planner about the timeline and project list and risk assessment.

Planner Fox provided the Local Trust Committee with four options with respect to the recommendations of the report. The Local Trust Committee discussed the four options.

GB-080-2012 It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee endorse the July 13, 2012 Gabriola Island Development Permit Areas (Riparian Areas, Hazardous Areas and Steep Slopes) Project Charter and the Gabriola Island Development Permit Areas (Riparian Areas, Hazardous Areas and Steep Slopes) Communication Strategy.

CARRIED

GB-081-2012 It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee refine the scope of the hazardous areas and steep slopes component of the Gabriola Island Development Permit Areas (Riparian Areas, Hazardous Areas and Steep Slopes) project to include consideration of the following hazard categories identified in the report prepared by EBA Engineering Consultants, dated January 28, 2011, only: low hazard terrain, moderate/high hazard terrain, other potential terrain issues (gentle over steep and areas proximal to toes of moderate/high hazard terrain).

CARRIED

GB-082-2012 It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee request staff advise on how to address areas of potentially problematic soils, shoreline erosion, and localized areas of steep terrain in future Local Trust Committee project work.

CARRIED

15. **BYLAWS**

There were no bylaws for consideration on this agenda.

16. **ISLANDS TRUST WEBSITE**

The Local Trust Committee reviewed the Gabriola Island Local Trust Committee page of the Islands Trust website.

17. **NEXT BUSINESS MEETING**

The next Local Trust Committee will be at 10:15 am on September 6, 2012 at the Women's Institute, 476 South Road, Gabriola Island.

The Local Trust Committee considered the following items to include on the next meeting agenda:

- Follow-up on Ministry of Transportation and Infrastructure/Regional District of Nanaimo meeting.
- How to give the stewardship awards.

18. **TOWN HALL SESSION**

Theresa Beers said that she is shocked that the Local Trust Committee will be making a decision on the tower on September 6, 2012 and asked why it is necessary. Chair Graham explained the reasons for extending the deadline and noted that at a certain point the decision will have to be made. He said that the Local Trust Committee has an obligation to the applicant. There was further discussion regarding the application between Ms. Beers and the trustees.

John Hague responded to Ms. Beers' question and elaborated on the Radio Society's status report and the response from the Fire Improvement District. He asked the trustees about the question to the owners of the property and said it would deny the first responders the benefit of the tower. He suggested asking the Lorrettes to restrict use to the first responders community (fire, ambulance, medical). He explained the value of the license in the marketplace and said that values are hard to measure.

Mike Philips added some comments on emergency broadcasting service paid by Canadian taxpayers.

Linnet Kartar believed that the public should have seen the recent Ken Zakreski (13.2.6) letter prior to the meeting and would have given more community response.

19. ADJOURNMENT

The Local Trust Committee adjourned the meeting by consensus at 1:12 pm.

_____ Chair

_____ Recorder



Islands Trust

Follow Up Action Report w/ Target Date

Gabriola Island Jan-27-2011

No.	Activity	Responsibility	Target Date	Status
1	Staff directed to do the following with respect to Snuneymuxw First Nation: 1) Staff to work with Snuneymuxw First Nation staff to finalize joint letter seeking funding for archaeological mapping and bring letter to an LTC meeting before sending. 2) GBLTC to host and invite Snuneymuxw First Nation Councilor Geraldine Manson to make a storytelling presentation on Gabriola.	Chloe Fox	May-19-2011	On Going

Aug-19-2011

No.	Activity	Responsibility	Target Date	Status
1	Staff to consider developing a Trust-wide OCP review process 'Best Practices Model', in light of budget and resource restrictions. The Gabriola Island LTC refers this FUAL item to the Trust Council Local Planning Committee. (CF - May 9, 2012 LTC meeting). To LPC at the August 15, 2012 meeting. Trustee Malcolmson to speak to this item.	Chris Jackson David Marlor	Dec-30-2011	Done

Feb-14-2012

No.	Activity	Responsibility	Target Date	Status
1	Staff requested to prepare a detailed report on open bylaw enforcement files in the Gabriola local trust area.	Miles Drew	Mar-22-2012	On Going

Apr-19-2012

No.	Activity	Responsibility	Target Date	Status
1	Trustee Malcolmson to write to the Chief of the Snuneymuxw First Nation to discuss funding ideas in the memorandum from staff dated April 3, 2012.	Chloe Fox	May-11-2012	On Going

May-09-2012

No.	Activity	Responsibility	Target Date	Status
1	Staff instructed to reallocate staff time to a 70/30 split between projects and day-to-day (applications, inquiries, etc.)	Chris Jackson	May-31-2012	On Going

Jun-28-2012

No.	Activity	Responsibility	Target Date	Status
1	The LTC refers the draft Regional District of Nanaimo Area Farm Plan to the Agricultural Advisory Commission for background information.	Chloe Fox	Sep-30-2012	Done

Jul-26-2012

No.	Activity	Responsibility	Target Date	Status
1	The Gabriola LTC endorses the Gabriola Island Development Permit Areas (Riparian Areas, Hazardous Areas and Steep Slope) Project Charter and Communications Strategy dated July 13, 2012	Chloe Fox	Aug-03-2012	Done
1	The scope of the hazardous areas and steep slopes portion of the Gabriola Island Development Permit Areas (Riparian Area, Hazardous and Steep Slopes) project is refined to include the following hazard categories identified in the report prepared by EBA, only: - low hazard terrain - moderate / high hazard terrain - other potential terrain issues: • areas proximal to toes of moderate / high hazard terrain • gentle over steep	Chloe Fox	Aug-03-2012	Done
1	The Gabriola LTC to provide a letter of support to Steve Earle for a Rural Cycling Safety course, citing Gabriola OCP advocacy policy 7.1v ('Programs to educate cyclists, motorists and pedestrians on road safety issues shall be supported') and Objective 7.1.1 ('To provide a networks of bicycle routes and ensure isalnd roads are able to accommodate cycling	Chloe Fox	Aug-10-2012	Done

safely').

1	The Gabriola LTC extends the deadline for public and agency comment on the Gabriola Radio Society radio tower proposal until 4pm Friday, August 24, 2012	Chloe Fox	Aug-24-2012	Done
1	The Gabriola LTC refers the Madrona Marketplace Phase 2 development permit application (GB-DP-2012.3) to the Gabriola Advisory Planning Commission for comment on whether it considers the Development Permit Area 7 guidelines for the Village Centre to have been met.	Chloe Fox Becky McErlan	Aug-30-2012	On Going
1	The Gabriola LTC releases up to \$200 from its Local Expense Account to advertise that public input on the radio tower is extended until Aug 24, 2012	Chloe Fox Nancy Roggers	Aug-31-2012	On Going
1	Trustee Malcolmson to email the Gabriola Chamber of Commerce and the Gabriola Arts Council regarding their request for changes to Institutional zoning on Gabriola Island and ask them to clarify which option from the June 11, 2012 memorandum from staff they prefer.	Chloe Fox	Aug-31-2012	On Going
1	Staff requested to report on whether the Lorette's would voluntarily restrict the proposed radio tower to broadcast by the Gabriola Radio Society alone, and require that the tower be dismantled if the Gabriola Radio Society ceased to exist, and advise the LTC at the September 6, 2012 meeting on mechanisms to secure such a commitment in perpetuity if the landowner is willing.	Chloe Fox	Sep-06-2012	Done
1	The Gabriola LTC defers consideration of the Gabriola Radio Society radio tower proposal until the Sept. 6, 2012 meeting, to allow additional time for the submission of a legal survey, additional information on environmental impacts and mitigation and responses from referral agencies.	Chloe Fox	Sep-06-2012	Done
1	The LTC requests staff advice on how to address areas of potentially problematic soils, shoreline erosion, and localized areas of steep terrain in future LTC project work	Chloe Fox	Jan-31-2013	On Going

From: **David Young** <deyoung2@hotmail.com>
 Date: Tue, Jul 31, 2012 at 8:04 AM
 Subject: RE: Request for Zoning Review:1825 Tait Road

Dear Gisele Rudischer and Sheila Malcolmson:

We endorse the letter below concerning the Gun Club. We hope you will consider this rezoning request. We appreciate your past support.

Thank you.

David and Michiko Young

From: rcperry [mailto:rcperry@shaw.ca]
Sent: July-30-12 10:17 PM
To: 'Gisele Rudischer'; 'Sheila Malcolmson'
Subject: Request for Zoning Review:1825 Tait Road

July 30, 2012

Giselle / Sheila

Please consider this letter a request for a zoning review of the property at 1825 Tait Road during the upcoming OCP review process. As you are aware the property at that address is currently occupied by a club devoted exclusively to shooting sports. This is a change over the historic use of the property which was a Rod Gun and Conservation Club. This change of use was passed by the GRGCC membership last year.

Regardless of the use or intended use of the property, I feel that the activities permitted by the current zoning are out of step with the character of the surrounding neighbourhood and are no longer suitable given the growth in density of the area and the establishment of parkland in the immediate area.

Thank you for including this item in the OCP review.

Sincerely,

Roger, Catherine, Jack and Ian Perry

1610 Hess Road
 Gabriola Island, BC

From: **Drew Staniland** <cathartist@juno.com>

Date: Tue, Jul 31, 2012 at 11:30 AM

Subject: OCP review process and the Gun Club

To: smalcolmson@islandstrust.bc.ca, giselerudischer@gmail.com

Cc: rcperry@shaw.ca, nikolaus.buelles@nikbcon.com, fred.harris1@gmail.com, bateson@telus.net, thudgeon@telus.net, ode2u2004@yahoo.com, nrich2004@yahoo.ca, guy.reyn@telus.net, scossar3@gmail.com, deyoung2@hotmail.com

Giselle Rudischer
Sheila Malcolmson

Giselle / Sheila

It has come to my attention that, just last year, the Gabriola Rod and Gun Club passed a motion regarding "change of use" of their facility from the club's historic use as a Rod, Gun and Conservation Club, to a club devoted exclusively to shooting sports. As I am a neighbour living not far from what is now the "Gabriola Gun Club", I have experienced first-hand the nuisance that the club has become, particularly in the last 3 years. Like many of my neighbours, I feel that the activities of the club are no longer conducive to the residential landscape that now exists in the Fern/Hess/Seymour area. I ask that you consider this letter a request for a zoning review at 1825 Tait Road during the upcoming OCP(Official Community Plan) review process.

Sincerely,

Drew Staniland
1435 Hess Road
Gabriola, BC V0R 1X6

From: **fred harris** <fred.harris1@gmail.com>
Date: Tue, Jul 31, 2012 at 9:20 AM
Subject: Zoning Review Request 1825 Tait Road Gabriola
To: Gisele Rudischer <giselerudischer@gmail.com>, Sheila Malcolmson
<smalcolmson@islandstrust.bc.ca>

July 31, 2012

Giselle Rudischer

Sheila Malcolmson

Dear Giselle and Sheila

Please consider this letter a request for a zoning review of the property at 1825 Tait Road during the upcoming OCP review process. As you are aware the property at that address is currently occupied by a club devoted exclusively to shooting sports. This is a change over the historic use of the property which was a Rod Gun and Conservation Club. This change of use was passed by the GRGCC membership last year.

We feel that the firearms activities permitted by the current zoning are out of step with the character of the surrounding neighbourhood, given the increase in residential dwelling in the area. For enthusiasts who enjoy shooting, excellent venues exist a short distance away on Vancouver Island.

Thank you for including this item in the OCP review.

Sincerely,

Fred Harris and Mary Ann McDonald

1755 Seymour Road

Gabriola V0R 1X6

From: **Tammy Hudgeon** <thudgeon@telus.net>
Date: Fri, Aug 3, 2012 at 6:17 PM
Subject: Zoning Review of GRGCC
To: Gisele Rudischer <giselerudischer@gmail.com>, Sheila Malcolmson
<smalcolmson@islandstrust.bc.ca>

Giselle Rudischer
Sheila Malcolmson

Giselle / Sheila

Please consider this letter a request for a zoning review of the property at 1825 Tait Road during the upcoming OCP review process. As you are aware the property at that address is currently occupied by a club devoted exclusively to shooting sports. This is a change over the historic use of the property which was a Rod Gun and Conservation Club. This change of use was passed by the GRGCC membership last year.

Regardless of the use or intended use of the property, I feel that the activities permitted by the current zoning are out of step with the character of the surrounding neighbourhood and are no longer suitable given the growth in density of the area and the establishment of parkland in the immediate area.

Thank you for including this item in the OCP review.

Tammy Hudgeon
Ode Howard

1790 Seymour Rd.
Gabriola Island, B.C.

From: makaragianis@shaw.ca [mailto:makaragianis@shaw.ca]
Sent: August-24-12 4:57 PM
To: gbltcwebmail
Cc: makaragianis@shaw.ca
Subject: Gabriola Island Local Trust Committee

August 24, 2012

From: Maureen Karagianis
Email: makaragianis@shaw.ca

Subject: Gabriola Island Local Trust Committee

I just want to congratulate the Islands Trust for your perspective and tenacity when it comes to protecting our gulf islands from oils spills and tanker traffic. It is comforting to know that the system set up so many years ago, namely The Islands Trust, was truly necessary in ways that could not have been entirely predicted back then. Keep up the good work!!

www.islandstrust.bc.ca



Islands Trust

Top Priorities

Gabriola Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Gabriola Planning Area OCP Review:		Jun-28-2011	Chloe Fox	May-09-2012	On Going
	1) Hazardous Areas and Steep Slopes DPA					
	2) Riparian Areas Regulation					
	3) Update the 2010 build out map and report (including the number of existing / potential residential cottages and a list of forestry parcels with the potential for density transfer)					
	4) Rezoning new RDN Parks and ITF nature reserves					
1	Development Approval Information bylaw		Jun-28-2012	Chloe Fox	Jan-31-2013	On Going
3	Development of policies regarding cottage densities for density banking.			Chloe Fox		On Going
4	Snuneymuxw First Nation Protocol Agreement Implementation			Chris Jackson		On Going



Islands Trust

Print Date: Aug-15-2012

Projects

Gabriola Island

No.	Description	Activity	Received/Initiated	Status
2	Mudge and DeCourcy Island greenhouse gas emission inventories		Jan-27-2011	On Going
2	DeCourcy Island Official Community Plan Review and Advisory Planning Commission Appointments		Apr-21-2011	On Going



Applications w/ Status - Gabriola Island Status: Open

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GB-DP-2012.3	Intrascap Developments Planner: Chloe Fox	Apr-20-2012	480 North Road - Commercial development with both office and retail space - phase 2 of Madrona

Planning Status

Status Date: Jul-26-2012

LTC referred application to APC

Status Date: Jul-17-2012

Staff report to July 26, 2012 LTC meeting

Status Date: Apr-27-2012

Planner reviewing file

Rezoning

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2007.1	Donald and Brad Powell Planner: Chloe Fox	Feb-16-2007	725 Church Street To rezone a portion of approximately 2 acres from institutional to seniors.

Planning Status

Status Date: Aug-10-2012

Cost Recovery Agreement signed by applicant

Status Date: May-11-2012

Finance Officer working with applicant re Cost Recovery Agreement

Status Date: Apr-04-2012

Letter sent to applicant re March 22, 2012 LTC resolutions

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2009.1	Williamson & Associates	Nov-09-2009	Proposed Density Transfer - transfer of lands off South Road (south of 707 park) to lands off Daniel Way in the Locke Bay Development Permit Area to create 10 new lots.

Planner: Chloe Fox

Planning Status

Status Date: Jan-06-2012

Early referral responses sent to applicant, waiting to hear back from applicant on how he wishes to proceed

Status Date: Oct-19-2011

Supplemental information staff report including early referral responses to the LTC for their October 27, 2011 meeting

Status Date: Sep-08-2011

Staff met with applicant to discuss the conceptual plan as methods for protecting unique natural features on the receiver parcels.

Subdivision

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2001.1	Centre Stage Holdings Ltd.	Mar-15-2001	To create 49 lots from 2 lots. Revised application for 49 lots.

Planner: Chris Jackson

Planning Status

Status Date: Nov-28-2011

MOTI granted one-year extension to PLA, new expiry date is November 17, 2012

Status Date: Aug-14-2009

Contact with potential agent/new owner of lots within the approved subdivision. Awaiting information from applicant on potential DVP application and/or proceeding with subdivision of remaining lands.

Status Date: Aug-06-2009

Multi stage proposal - applicant has completed density transfer. Staff to send letter to applicant confirming that applicant intends to proceed.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2008.3	C.O. Smythies & Associates Ltd.	Oct-06-2008	To create 6 parcels btwn McCollum & Tait Roads. (PARCEL C (DD 51803I) OF THE NORTH 1/2 OF THE NORTH EAST 1/4 OF SECTION 9, GABRIOLA ISLAND, NANAIMO DISTRICT)

Planner: Marnie Eggen

Planning Status

Status Date: Aug-12-2011

Staff reviewed revised plan; parkland ded., no further sub. cov. and frontage relief conditions removed.

Status Date: Jul-20-2011

Applicant submitted new site plan. Plan omits park land dedication. Staff in contact with applicant and RDN regarding this.

Status Date: Aug-12-2010

Waiting for information from applicant

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2008.4	J.E. Anderson & Associates Planner: Marnie Eggen	Nov-28-2008	Boundary adjustment.

Planning Status

Status Date: Aug-12-2010

please refer to GB-SUB-2001.1 for update

Status Date: Aug-14-2009

see GB-SUB-2001.1

Status Date: Aug-06-2009

File relates to 2001.1 (Centre Stage) and is a boundary adjustment. Requires a DVP. Staff are in discussions with new owner of subject property

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2010.2	Gary and Jane McCollum and Krul Planner: Chloe Fox	Aug-13-2010	1520 McCollum Road Create 7 parcels

Planning Status

Status Date: May-03-2012

Correspondence with MOTI staff - applicant intends to submit a revised application. No revised plans have been received yet by MOTI.

Status Date: Sep-12-2011

Applicant is reviewing options for water/ sewer on small parcels as per VIHA referral response. MOTI awaiting revised plan.

Status Date: May-31-2011

Preliminary subdivision referral report sent to MOTI and applicant.

File Number	Applicant Name	Date Received	Purpose
-------------	----------------	---------------	---------

GB-SUB-2011.1

Williamson &
Associates
Professional
Surveyors
Planner: Marnie Eggen

Dec-23-2010

To create 2 parcels on Daniel Way (THE NORTHWEST 1/4 OF THE
SOUTHEAST 1/4 OF SECTION 22, GABRIOLA ISLAND, NANAIMO
DISTRICT, EXCEPT PARTS IN PLANS 22029, 30038, 32376 AND
VIP54644)

Planning Status

Status Date: Oct-25-2011

PLA received

Status Date: Aug-22-2011

Referral review completed and sent to MOTI.

Status Date: May-11-2011

Related to GB-RZ-2009.1, but can proceed seperately. Planner currently reviewing file.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2011.5	George Davison Planner: Chloe Fox	Sep-26-2011	2370 Shaw Road / 2345 South Road Boundary Adjustment

Planning Status

Status Date: Jan-06-2012

Subdivision Referral Report sent to MOTI January 6, 2011

Status Date: Dec-15-2011

Site visit conducted

Status Date: Oct-19-2011

Planner reviewing file

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2012.1	Centre Stage Holdings Ltd. Planner: Marnie Eggen	Jun-29-2012	Stokes, Carrier and Bonnieview Roads 2 Lot subdivision

Planning Status

From: Nicole Ranger
Sent: August-09-12 9:32 AM
To: Gabriola Island Local Trust Committee; Theresa Warren; Becky McErlean
Cc: Cindy Shelest
Subject: Gabriola LTC Expenses - July 31/12

Islands Trust
LTC EXP SUMMARY REPORT F2012
 Invoices posted to July 31, 2012

620 Gabriola	Invoices posted to July 31, 2012	Budget	Spent	Balance
65000	LTC "Trustee Expenses"	1,600.00	13.50	1,586.50
65200	LTC Local Exp LTC Meeting Expenses	3,000.00	1,883.34	1,116.66
65210	LTC Local Exp APC Meeting Expenses	1,400.00	1,054.65	345.35
65220	LTC Local Exp Communications	1,500.00	238.50	1,261.50
65230	LTC Local Exp Special Projects	2,200.00	-	2,200.00
65240	LTC Local Exp Miscellaneous	2,800.00	-	2,800.00
TOTAL LTC Local Expense		10,900.00	3,176.49	7,723.51
73001	Project OCP update	19,000.00	-	-

Thanks,

Nicole Ranger
 Finance Clerk

From: Jennifer Eliason
Sent: August-02-12 1:50 PM
To: Robert Kojima; Chris Jackson; Leah Hartley; Courtney Simpson
Cc: David Marlor; Lisa Gordon
Subject: Trust Fund Board referral of ITF Five-Year Plan

Hello Regional Planning Managers,

Please find attached a briefing and draft of the Islands Trust Fund Five-Year Plan 2013-2017. Our *Islands Trust Fund and Local Planning Services Coordination* policy and memoranda of agreement between the Trust Fund Board and all LTCs and IMs dictate that any new or revised version of the Islands Trust Fund Five Year Plan be referred to the LTCs/IMs for comment. Could you please provide these documents to the relevant planners to ensure it is brought to the next local trust committee meeting for each area? We are asking for responses by September 30th, but would appreciate receiving them as soon as possible. We do not require a resolution of the LTC or endorsement, but do ask that any comments provided are those of the LTC (not individual trustee responses). The Plan itself is quite straightforward, and reflects the Board's current policies and the Regional Conservation Plan. If you or the planners have any questions, or would like additional information, please do not hesitate to contact me.

With thanks,

Jennifer Eliason
 Manager
 Islands Trust Fund
 200-1627 Fort St.
 Victoria, BC V8R 1H8

tel: (250) 405-5191 fax: (250) 405-5155
www.islandstrustfund.bc.ca

A conservancy for Canada's islands in the Salish Sea.

ISLANDS TRUST FUND BRIEFING

DATE: August 2, 2012

TOPIC: ISLANDS TRUST FUND FIVE YEAR PLAN 2013-2017

DIRECTED TO: All Local Trust Committees and Bowen Island Municipality

COPIES TO: Lisa Gordon, Director, Trust Area Services
David Marlor, Director, Local Planning Services
Kathy Lalonde, Interim CAO, Bowen Island Municipality

DESCRIPTION OF ISSUE: The *Islands Trust Act* requires that the Trust Fund Board prepare and submit to the Minister, at least once every 5 years, a plan for the trust fund respecting policies on acquisition, management, and disposal of property, investment of money, goals for major acquisitions, and other matters as required.

Islands Trust Policy 3.3.ii) *Islands Trust Fund and Local Planning Services Coordination* (TFB Policy 96010) requires the Plan to be referred to every LTC and Island Municipality for comment (not endorsement). The Trust Fund Board will also be submitting the Plan to Trust Council for endorsement at its September 2012 meeting.

BACKGROUND: The Islands Trust Fund Plan is administrative in nature, and explains current Trust Fund Board policies on land acquisition, management and disposition of land, and investment of funds. It also summarizes the Regional Conservation Plan.

It is important to distinguish between the Islands Trust Fund Five-Year Plan which requires Ministerial approval under the *Islands Trust Act*, and the Regional Conservation Plan, which provides science-based operational direction to the Trust Fund Board and its staff. The documents are complementary, but serve different functions.

DESIRED OUTCOME: The Trust Fund Board seeks comments from local trust committees / Bowen Island Municipality (LTCs/BIM) on the content of the plan. Comments should be received no later than **September 30, 2012**, although earlier comment is appreciated.

ATTACHMENT(S): Draft Islands Trust Fund Five-Year Plan 2013-2017

FOLLOW-UP: LTC and BIM comments are due to **Jennifer Eliason, Manager of the Islands Trust Fund** jeliason@islandstrust.bc.ca by **September 30, 2012**.

While we do not require a resolution of the LTC/IM, we would appreciate any comments provided being those of the LTC/IM (not individual trustee/councilor responses). A final version of the Islands Trust Fund Board Five-Year Plan 2013-2017 will be submitted to the Minister of Community, Sport and Cultural Development in October 2012.

PREPARED BY: Jennifer Eliason, Manager, Islands Trust Fund

REVIEWED BY: Lisa Gordon, Director of Trust Area Services

ISLANDS TRUST FUND

FIVE-YEAR PLAN

2013-2017

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Appendices

- A) List of properties protected by the Trust Fund Board**
- B) List of Trust Fund Board policies**

1. The Trust Fund Board Mandate, Vision and Mission

The Legislated Mandate of the Trust Fund Board

In 1974 the Province of British Columbia recognized the islands between Vancouver Island and the mainland as a special place within the province where the unique beauty, rural character and diverse ecosystems should be protected for future generations. Through the *Islands Trust Act*, the province established the Islands Trust, a local government, with the following mandate (known as the Object of Islands Trust):

To preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.

In 1990, through the enactment of a section of *Islands Trust Act*, the Islands Trust Fund was established as a conservation land trust to assist in carrying out the “preserve and protect” mandate. Part 6 of the *Islands Trust Act* establishes the corporate status, responsibilities, and governance structure of the Trust Fund Board.

Under the *Islands Trust Act* (Section 44)

- (1) the Trust Fund Board must prepare and submit to the Minister, at least once every five years, a plan for the Trust Fund respecting
 - a) policies on acquisition, management and disposal of property of the trust fund,
 - b) policies on investment of money of the trust fund,
 - c) goals for major acquisitions of property by the trust fund, and
 - d) other matters as required by the Minister of Community Services.
- (2) The Trust Fund Board must not, without the prior approval of the Minister, acquire, hold or dispose of land except in accordance with a trust fund plan under subsection (1) that has been approved by the Minister.

The Trust Fund Board is one of fifteen corporate entities* charged to uphold the Object of the Islands Trust. It is responsible for the actions of the Islands Trust Fund and since 1990 has protected almost 1,075 hectares of land as nature reserves, nature sanctuaries or conservation covenants.

The **vision of the Islands Trust Fund** is that the islands and waters of the Strait of Georgia and Howe Sound will be a vibrant tapestry of culture and ecology

* The Corporate entities charged to uphold the Object of the Islands Trust include the Trust Council, twelve local trust committees, one island municipality and the Trust Fund Board.

where humans live and work in harmony with the natural world. This special place will have a network of protected areas that preserve in perpetuity the native species and natural systems of the islands. Engaged residents and conservation partners will work together to protect large natural areas and key wildlife habitat. Viable ecosystems will flourish alongside healthy island communities.

The **mission of the Islands Trust Fund** is to protect special places by encouraging, undertaking, and assisting in voluntary conservation initiatives within the Islands Trust Area.

The Coastal Douglas-fir zone is one of B.C.'s rarest biogeoclimatic zones and is of great conservation concern. Many of the ecosystems of this zone are globally rare. In 2007, scientists advised the provincial government that the Coastal Douglas-fir zone is at high risk of disappearing. In 2010, the Forest Practices Board found that the amount of Crown land available for ecosystem protection was insufficient to maintain the viability of the Coastal Douglas-fir zone. It wrote "private landowners, federal and local governments, and non-government conservation agencies will have to fill the gap".

The Islands Trust Area holds 46% of British Columbia's Coastal Douglas-fir zone, the largest percentage of any local government jurisdiction in the province. The Islands Trust Fund's work encouraging and assisting private landowners to protect ecologically valuable land in this zone is vital to the government's efforts to protect these important and imperiled ecosystems.

The undeniable beauty of the Islands Trust Area attracts visitors and residents to this region each year. More than 65% of the Islands Trust Area is privately owned, and over 3.3 million people live in the surrounding areas. The pressure to develop and change the natural landscape in the islands is tremendous. Biodiversity here is exposed to some of the highest threat levels in British Columbia. The conservation work of the Islands Trust Fund is critical in ensuring that the natural beauty that draws so many to the region is not lost.

2. Trust Fund Board Successes

Protected Lands

Since its inception in 1990, the Trust Fund Board has protected over 1000 hectares of ecologically-significant natural area on the islands. As of July 2012, the Trust Fund Board has acquired 21 properties, and worked with private landowners to register 63 conservation covenants for a total of 84 protected areas, covering 1,074 hectares (2,654 acres).

See Appendix A for a list of properties.

Collaboration

The Trust Fund Board supports and enhances the capacity of the local island-based conservancy groups through funding grants, partnership projects and facilitating education opportunities. The Trust Fund Board's Opportunity Fund is funded by private donations and has provided more than \$40,000 in grants to local conservancies, helping protect more than 300 additional hectares of land¹ since it was developed in 2005.

Strategic Planning

In 2010 the Trust Fund Board approved a new Regional Conservation Plan. The 2011-2015 Regional Conservations Plan was developed using the most up-to-date information on sensitive ecosystems, species at risk and the current threats to their survival. Island communities and conservation experts throughout the region were consulted during the development of the plan, resulting in a guide that sets a course for protecting island landscapes through collaboration and cooperation.

Private Land Stewardship

The Trust Fund Board's innovative financial incentive program for private landowners to place conservation covenants on their properties, the Natural Area Protection Tax Exemption Program (NAPTEP), is now available in 12 local trust areas. The program provides a permanent 65% reduction on property taxes on the portion of an eligible property protected by a conservation covenant. Many local governments in BC are now interested in seeing a program like NAPTEP expanded throughout the Province.

Growth and Organizational Stability

Other accomplishments in the last five years include the establishment of a Covenant Management and Defence Fund to help provide for the long-term stewardship needs of covenant lands, the protection of two parcels of Crown land in Howe Sound (Mt. Artaban Nature Reserve on Gambier Island and Fairy Fen Nature Reserve on Bowen Island) and the development of two geographically-restricted funds dedicated to land acquisition, the Lasqueti Island Acquisition Fund and the Gambier Island Acquisition Fund.

The Trust Fund Board also launched a new logo and website in 2012, revitalizing the image of the Islands Trust Fund as an important conservation organization, connected to, yet distinct from, the Islands Trust.

¹ Opportunity fund grants have been awarded to the Salt Spring Island Conservancy, Galiano Conservancy Association, Mayne Island Conservancy Society, Lasqueti Island Nature Conservancy, and TLC The Land Conservancy of BC.

3. Trust Fund Board Strategic Direction (2013-2017)

Organizational Development

Over the past several years, the Trust Fund Board has given increased attention to anticipating and addressing the long-term funding needs of the Islands Trust Fund, to ensure adequate funding exists into the future to meet its stewardship commitments. The Trust Fund Board's Long-term Funding Committee worked for two years, with the assistance of a consultant, to develop a strategy to address this need. Refinement and implementation of this strategy continues to be a focus of interest for the Board, with a current emphasis on building community and donor support. Current efforts to raise the organizations profile include a new logo and website, launched in 2012.

Stakeholder research undertaken in 2010 as part of the development of a communications strategy clearly identified the name *Islands Trust Fund* as a source of confusion and an impediment to effective fundraising and organizational development. This confirmed for the Trust Fund Board that changing the name and corporate structure, as set out in the *Islands Trust Act*, would be necessary to fully realize the organization's potential. Several prospective names were reviewed by the Board, and after thoughtful consideration and focus group testing, the name *Islands Trust Conservancy* was selected. The name maintains the connection to the Islands Trust, but better reflects the land conservation function of the organization. The Board is currently seeking legislative change to make the required changes.

The requested legislative amendments put forward by the Trust Fund Board would simplify the corporate structure of the organization under the name *Islands Trust Conservancy* and would greatly assist efforts to develop the brand, communicate and fundraise effectively, and improve operational efficiencies.

Regional Conservation Plan

In December 2010, the Trust Fund Board approved a new five-year Regional Conservation Plan (2011-2015). The Regional Conservation Plan is a tool used by the Islands Trust Fund to focus its resources – staff, board, financial – on areas with the highest biodiversity values and greatest need for conservation. It can also be used by Islands Trust decision makers to support ecologically responsible land use planning and has been designed as an information resource for citizens and organizations working towards conservation of biodiversity within the Islands Trust Area.

Based on scientific information and local knowledge, the 2011-2015 Regional Conservation Plan identifies areas of interest for conservation within the Islands Trust Area and strategies for achieving better levels of land conservation. Some of the strategies involve land acquisition and conservation covenants with willing

landowners. Other strategies involve working with partner agencies and local trust committees to increase our knowledge base, encouraging protection of private land within the Islands Trust Area and managing existing conservation lands effectively.

Goals of the 2011-2015 Regional Conservation Plan

To protect biodiversity, the 2011-2015 Regional Conservation Plan focuses the Islands Trust Fund's future conservation efforts on these priorities:

- **Rare and fragile ecosystems** such as cliffs, wetlands, old forests, woodlands, riparian, herbaceous, and freshwater ecosystems
- **Representative ecosystems** - reasonable levels of all ecosystem types
- **At risk species and ecosystems**
- **Nearshore zone areas** such as beaches, bluffs, forage fish habitat, and kelp and eelgrass beds
- **Islets and small islands**

The 2011-2015 Regional Conservation Plan sets out seven long-term goals that reflect the enduring aspirations of the Islands Trust Fund to work with landowners and partner organizations to protect the rich biodiversity of the Islands Trust Area:

Goal 1. Secure* core conservation areas that effectively conserve biodiversity priorities within the Islands Trust Area and within individual local trust areas or island municipalities

- Based on the identified biodiversity priorities, identify 3,000 hectares of priority lands for conservation within the Islands Trust Area
- Develop a strategic plan for the creation of core conservation areas that protect biodiversity priorities, including a proposed budget/financing plan
- Implement the recommendations of the core conservation area strategic plan, including acquiring sufficient funding, with the aim of securing, through acquisition, bequest, donation or conservation covenant, at least 500 hectares within the timeframe of the 2011-2015 Regional Conservation Plan
- Work with partner organizations to acquire at least 20 hectares of publicly accessible natural park or nature reserve on Thetis Island
- Assist other organizations with efforts to protect lands in the Islands Trust Area that protect the biodiversity priorities identified in the 2011-2015 Regional Conservation Plan

* Land is secured through direct purchase, land donation, bequests, conservation covenant (including through the Natural Area Protection Tax Exemption Program) or through the granting of a Life Estate. It is intended to be a permanent protection of land. The Islands Trust Fund does not acquire land through expropriation.

Goal 2. Investigate the protection of biodiversity priorities on lands outside of core conservation areas, including working landscapes

- Improve mapping of current land uses, especially of areas under active agricultural and forest management. Note areas where Environmental Farm Plans or Ecoforestry Management Plans are in place
- Identify residential neighbourhoods where there are high biodiversity priority areas that are impractical for land securement efforts. In consultation with local conservation organizations and local trust committees/island municipalities, conduct focused landowner contact programs in these areas
- Identify organizations managing working lands that also protect natural values and provide information and links to these organizations on the Islands Trust Fund website
- Research staff and resource requirements of organizations that protect conservation lands that include working landscapes and cultural features. Assess capacity of Islands Trust Fund and prepare a report, for consideration by the Trust Fund Board, detailing requirements (staff & budget) for acquiring and managing working and cultural lands

Goal 3. Work with partner organizations to conserve marine ecosystems and habitats

- Provide support to partners for improved nearshore mapping and data collection projects, including mapping of eelgrass and kelp beds and forage fish habitat, which cover the entire Islands Trust Area
- As nearshore mapping becomes available for the entire Islands Trust Area, work with partner agencies to perform data analyses to identify important habitat areas and provide this information to local trust committees and island municipalities
- Coordinate a reporting system for Trust Area Services and Local Planning Services to provide regular updates on the progress of marine initiatives such as the Green Shores for Homes program and the National Marine Conservation Area

Goal 4. Work with the Islands Trust Council, local trust committees and island municipalities to implement and accentuate Regional Conservation Plan goals and objectives within official community plans and land use bylaws

- Assist local trust committees and island municipalities with obtaining the information required to include provisions for the protection of sensitive ecosystems in official community plans and land use bylaws

- Develop mapped protected area networks based on the biodiversity priorities for each of the thirteen major islands and larger associated islands, as needed
- Assist local trust committees and island municipalities with obtaining the information required to include provisions for the creation of protected area networks in official community plans and land use bylaws
- Assist local trust committees and island municipalities with obtaining the information required to include provisions for the protection of nearshore marine habitats in official community plans and land use bylaws
- Work with Islands Trust Council to encourage incorporation of the goals and objectives of the 2011-2015 Regional Conservation Plan into Islands Trust policies and strategic planning documents
- Work with Local Planning Committee to establish a program for ongoing terrestrial ecosystem and sensitive ecosystem mapping updates

Goal 5. Promote community participation in conservation within the Islands Trust Area through effective stewardship and management of private lands, information sharing and support of conservation education

- Produce and distribute an Islands Trust Fund newsletter (currently, the Heron) at least twice each year
- Contribute two articles per year about the natural history and stewardship of the Islands Trust Area to local papers and newsletters
- Research and develop landowner contact programs that educate about biodiversity priorities and conservation options. Conduct a pilot landowner contact program in an area that is not served by a local conservancy organization. Evaluate the success of this program and explore future opportunities in other areas as appropriate

Goal 6. Support and enhance the work of conservation partners working in the Islands Trust Area

- Provide funding and support for networking opportunities between island conservation groups on an annual basis
- Provide training opportunities to organizations involved in conservation in the Islands Trust Area
- Provide mapping and other data as needed to organizations involved in conservation in the Islands Trust Area

- With proceeds from donations and fundraising revenue, continue to operate the Opportunity Fund as a source of startup funds for land protection projects of partner organizations

Goal 7. Monitor and manage existing Islands Trust Fund conservation areas to maintain and enhance existing biodiversity and cultural features, with the understanding that ecosystems are continuously in a state of change

- Establish a species at risk monitoring program on Islands Trust Fund owned and covenanted lands where known populations of species at risk have been found. Adapt property management based on monitoring program findings
- Where previous populations of species at risk have been identified historically and where areas have high capacity to support species at risk on Islands Trust Fund owned and covenanted lands, conduct inventories to locate species at risk or record their absence
- Establish an invasive species monitoring and removal program for Islands Trust Fund owned and covenanted lands
- Where significant ecosystems exist, as identified by Islands Trust Fund staff, establish ecosystem monitoring programs to monitor their change over time with a view towards managing for maintenance of ecological integrity

Progress is being made in many of these areas. The Regional Conservation Plan is reviewed annually as part of an adaptive management process which can include revising or adding goals, depending on new data or changing circumstances. The full 2011-2015 Regional Conservation Plan is available on-line at www.islandstrustfund.bc.ca

4. Trust Fund Board Policies

The Trust Fund Board is a member of the Land Trust Alliance of BC and, except for practices that are not applicable to a government agency, meets the Standards and Practices of the Canadian Land Trust Alliance.

Below is a summary of Trust Fund Board policies affecting the public interest. A full list of policies can be found in Appendix B.

4.1 Acquisition of Property and Covenants

Under the *Islands Trust Act*, the Trust Fund Board can accept donations and grants of private land, Crown Land, conservation covenants, cash and securities, and other real property in support of the protection of the Islands Trust Area.

The Trust Fund Board is a corporation that is, for all purposes, an agent of the government, and accordingly can issue receipts for income tax purposes for donations and is exempt from paying property taxes on its lands.

The Trust Fund Board is an approved recipient of gifts of land and interests in land through Environment Canada's Ecological Gifts Program.

The Trust Fund Board is not limited to acquiring property for itself. It can, for example, contribute to the acquisition of a property within the Trust Area by another agency or group provided that protection in perpetuity is reasonably assured.

Land donation is the preferred method of protecting land. The Trust Fund Board also accepts donations of conservation covenants, applies for Sponsored Crown Grants and partners in the purchase of exceptional properties within the Islands Trust area. In all cases, the Trust Fund Board will work with Trust Council to ensure that sufficient resources will be available for long-term management of those properties.

The Trust Fund Board will encourage owners of land within ecologically significant areas or with significant characteristics or values identified in the Regional Conservation Plan to protect their land using binding conservation covenants and will work with interested owners to achieve protection of significant areas on all the Islands.

The Trust Fund Board will continue to work with Trust Council to promote and expand the Natural Area Protection Tax Exemption Program (NAPTEP) to the entire Trust Area. The program provides a property tax incentive for property owners who register conservation covenants on their lands to protect the natural features and values of their properties.

As a further measure of protection, wherever possible, the Trust Fund Board will develop and register a conservation covenant on each of its owned lands if an appropriate conservation agency can be found to hold the covenant and if the values on the land warrant the investment of staff time and legal fees.

The Trust Fund Board may refuse to acquire properties with existing conservation covenants that include rent charges². Rent charges will not be included in covenants to be registered on Trust Fund Board owned properties as the Board cannot incur liabilities without Ministerial approval.

² "Rent charge" is similar to a fine and is a charge registered against the land to enable enforcement of a breach of a covenant agreement.

4.2 Management of Property and Covenants

The acquisition of land or registration of conservation covenants does not by itself guarantee the long term protection of the significant features and values. Active management of protected areas is also necessary. The Trust Fund Board's objective in managing its properties is to protect public safety and ecological values. Lands owned by the Trust Fund Board are not parks but are nature reserves and nature sanctuaries, and this concept is considered in both acquisition discussions and management planning initiatives of the Trust Fund Board. The Trust Fund Board's properties are privately insured as nature reserves, and not as public parks.

In order to effectively preserve and protect ecologically significant areas, the Trust Fund Board works cooperatively with landowners, Local Trust Committees, Island Municipalities, Trust Council, other conservation groups, individuals and various levels of government.

Qualified personnel will develop management plans for all lands owned by the Trust Fund Board. Management plans will be used to provide long term direction regarding allowable public use, the reduction of risk to public safety and the reduction of risk to ecological values and other significant features.

When the Trust Fund Board receives donations of land, it will consult with the donor(s) regarding any specific wishes they might have for the property and will take these comments into account in management planning.

Generally, management plans will address the following matters:

- purpose and objectives for the site;
- background information including the site history and local and regional context;
- environmental inventory;
- management issues such as the extent and nature of protection required, appropriate uses and level of use, research guidelines, risk management, special needs at the site;
- strategies and actions to achieve the purpose and objectives for the site and to address management issues and needs; and
- traditional use and protection of cultural sites.

The Trust Fund Board will seek assistance from local community groups to implement management plans and, where appropriate, will request such groups to enter into management agreements with the Board regarding management operations and responsibilities.

The Trust Fund Board will monitor all of its lands and covenanted areas regularly to assess the character and key features of the sites, evaluate the effectiveness of the management program, identify any new issues that need to be addressed by the Board or the management group, and identify and respond to any breaches to the terms of a covenant.

The Trust Fund Board will request, where necessary, that the Local Trust Committee or Island Municipality re-designate and rezone Trust Fund Board lands to the most appropriate designation and zone for nature protection when it is reviewing its Official Community Plan and/or Land Use Bylaw and will work with the Local Trust Committee to determine the most appropriate designation and zone.

Where land or interests in land have been donated through Environment Canada's Ecological Gifts Program, the Trust Fund Board will manage them to maintain the values protected under the program.

4.3 Disposition of Property

The Trust Fund Board intends to maintain its protected areas in perpetuity. However, there are circumstances where the Trust Fund Board will consider transferring property (or interests in a property, such as a conservation covenant) it has acquired to another agency.

If the Trust Fund Board receives an unrestricted donation of land with little or no ecological value, and if no other barriers to disposition exist, the Trust Fund Board may sell the land and use the proceeds to further its conservation objectives.

If the Trust Fund Board receives a proposal to transfer an ecologically significant property (or an interest in land) to another conservation agency, and determines that there is no legal barrier to transfer and that the proposal is worthy of consideration, the Trust Fund Board will direct staff to conduct and prepare a thorough assessment of the proposal for consideration by the Board.

The Trust Fund Board will only dispose of the fee simple title or an interest in ecologically significant land if it can be determined that the recipient agency has the expertise and long-term financial resources to manage the property or interest as well as, or better than, the Board. If the land, or interest in land, was acquired as an Ecological Gift, prior written authorization from Environment Canada must be received before proceeding with a disposition.

When considering a transfer of ecologically significant land, the Trust Fund Board may:

- a. transfer the land on condition that it be used for conservation purposes, or transfer the land as determinable fee simple providing that the land will revert to the Trust Fund Board if the land is no longer being used for the specified purposes.
- b. register a conservation covenant on title to the land before the transfer, to ensure the protection of the land's ecological values, provided an appropriate agency can be found to hold the covenant, and the recipient agency has the legal authority to accept the encumbrance.

4.4 Investment of Funds

Trust Council approves an annual budget for the administrative operations of the Trust Fund Board. This funding covers operating expenses including, but not limited to, board meetings and training, staff salaries and benefits, conservation planning, communications, land and covenant negotiations, and property management costs. However, the operating budget is not intended to be used for direct acquisition of properties (i.e., purchase costs). Accordingly, to buy land or contribute to acquisitions by other agencies, the Trust Fund Board must raise additional funds. The *Islands Trust Act* provides the Board with the ability to raise funds in a variety of ways.

The Trust Fund Board is now routinely suggesting cash endowments with land donations, to ensure that there are funds available to manage the land in perpetuity. The Board invests these endowments only with institutions whose investment policies are consistent with the *Trustee Act*, and whose withdrawal policies allow retrieval of the full investment if required.

4.5 General Accounting

The financial transactions of the Trust Fund Board are carried out using standard accounting procedures and are subject to an annual audit by a recognized financial management company.

To ensure financial accountability, the Trust Fund Board will:

- follow the purchasing policies established by Trust Council,
- direct staff to track all income and expenses and provide the Trust Fund Board with updates at regular board meetings,
- require prior approval from the Islands Trust Fund Manager for expenditures up to and including \$5,000, and

- require prior approval of the Board Chairperson for expenditures in excess of \$5,000 unless a prior resolution from the Board approves a plan, project or policy authorizing such an expenditure.

The Trust Fund Board will not incur any liabilities without the prior approval of the Minister responsible for the Islands Trust.

5. Conclusion

Guided by the Regional Conservation Plan, the Trust Fund Board will continue to pursue its mandate in accordance with its policies and in partnership with island communities as well as local, regional, provincial and national conservation agencies.

The Board will continue to strive for organizational excellence, and to eliminate barriers to its continued success. If the requested legislative amendment is achieved, resulting in a change of name and corporate structure for the organization, the Board hopes to embark on a new era of fundraising and growth. With excellent working relationships with the island-based and regional land trusts and strong connections to local governments, the Trust Fund Board is well positioned to take a lead role in the protection of the ecologically significant areas found in Canada's islands in the Salish Sea.

We look forward to the next five years of conservation successes, inspired by the generosity and perseverance of our island partners and donors, and the endless beauty of fragile island ecosystems.



STAFF REPORT

Date: August 15, 2012

File No.: 5590-20-01
(Gabriola Radio Society)

To: Gabriola Island Local Trust Committee
For the meeting of September 6, 2012

From: Chloe Fox
Island Planner

CC: Chris Jackson
Regional Planning Manager

Re: Gabriola Radio Society Radio Tower Proposal – Final Report

Owners: David & Keni Lorette

Applicant: Gabriola Radio Society (CKGI 98.7 FM)

Locations: The Southwest ¼ of Section 9, Gabriola Island, Nanaimo District, Except that Part in Plans 34295, VIP69975 and VIP71690
PID: 009-796-193
(1400 South Road)

OVERVIEW:

At the July 26, 2012 regular business meeting, the Gabriola Island Local Trust Committee (LTC) received a report from staff presenting the results of public consultation on the Gabriola Radio Society's proposal for the siting of a radio tower on the subject property and passed the following resolutions:

GB-076-2012 It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee request that staff report on whether the Lorettes would voluntarily restrict the proposed radio tower to broadcast by the Gabriola Radio Society alone, and require that the tower be dismantled if the Gabriola Radio Society ceased to exist, and advise the Local Trust Committee at its September meeting on mechanisms to secure such a commitment in perpetuity if the landowner is willing.

CARRIED

GB-077-2012 It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee defer consideration of a resolution on the Gabriola Radio Society application until the September 6, 2012 Local Trust Committee meeting to allow additional time for submission of the following materials:

- a. A legal survey, as per resolution GB-067-2012;
- b. Additional information on environmental impacts and mitigation;
- c. Responses from referral agencies.

CARRIED

GB-078-2012 It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee extend the deadline for public and agency comment on the Gabriola Radio Society radio tower proposal until 4:00 pm, Friday, August 24, 2012.

CARRIED

The purpose of this report is to provide an update on these resolutions and to present the proposal for final consideration by the LTC.

BACKGROUND:

The Gabriola Radio Society (CKGI 98.7 FM) has submitted a proposal for the siting of a radio tower on the northeasterly portion of the subject property near the end of Chernoff Drive. The proposed tower would be 40m in height and is proposed to be located on a right-of-way of 100m by 100m adjacent to the Chernoff Drive road right-of-way. The proposed antenna would be used for FM broadcasting for the Gabriola Radio Society, and is proposed to have a predicted Electromagnetic Radiation (EMR) power density level of 0.075 microwatts per square centimeter in the vicinity of the tower base. The proposal also includes a small building associated with the tower structure to house the required electronic equipment.

The federal government (Industry Canada) has jurisdiction over telecommunications enterprises, such as radio broadcast towers and cellular telephone towers, which are licensed under the federal *Telecommunications Act*. Applicants for licenses are required to consult with the local land use authority for their installations although the ultimate approval authority for such installations rests with Industry Canada.

Within the Islands Trust, the consultation process on these types of applications is guided by the Letter of Understanding (LOU, signed October 30, 1996) that exists between Industry Canada and the Islands Trust Council, on behalf of Trust Area Local Trust Committees, for proposed towers of over 25m in height measured from ground level. In order to refine the consultation process further, the Gabriola Island Local Trust Committee (LTC) has developed an Antenna Proposal Form and has adopted Standing Resolution GB-025-2010 regarding communications towers and antennae, which covers proposals for any new or expanded communications towers and antennae in the Gabriola Local Trust Area. Applicants for new or expanded communication towers and antennae are expected to submit an application by way of the Antenna Proposal Form and follow the process for public consultation outlined in Standing Resolution GB-025-2010.

Industry Canada's application process for considering proposals for new radio towers and antennae is illustrated in Figure 1, on the following page. As highlighted in Figure 1, step 3) Follow Land Use Authority Public Consultation Process (Standing Resolution GB-025-2010) has now been completed and we are now at step 4) Conclude Public Consultation Process. At this time, the LTC may consider whether or not to issue concurrence, by way of a resolution, for the application to proceed with Industry Canada's other application requirements.

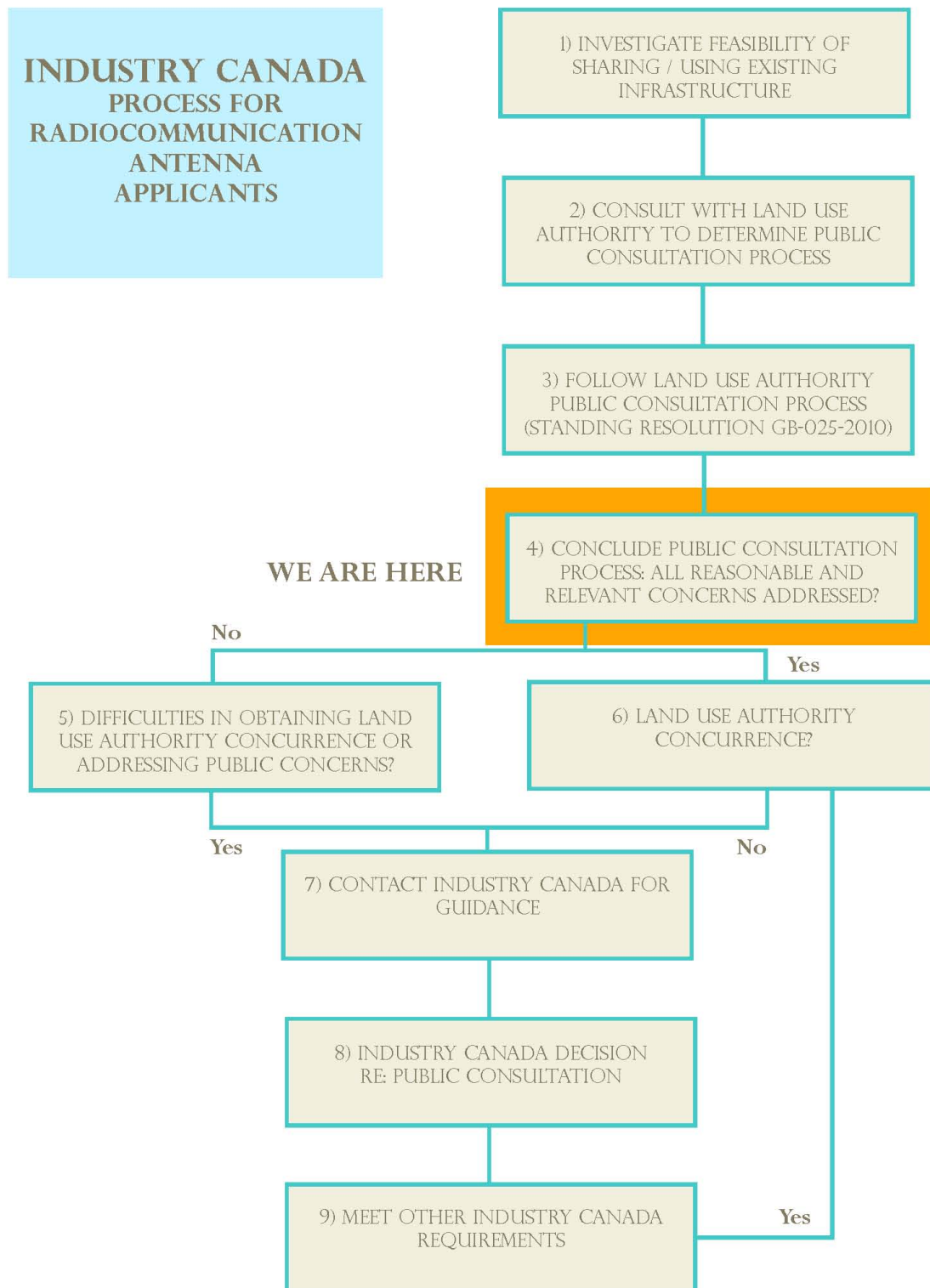


Figure 1: Industry Canada's Process for Radiocommunication Tower / Antenna Applicants

RESULTS OF CIRCULATION:

As directed by resolution of the LTC, the public consultation process included one public meeting, run by the LTC, one mail-out to all property owners within a 2km radius of the subject property and referral to the following agencies:

- BC Ambulance Service;
- Provincial Archaeology Branch;
- Gabriola Fire Protection District;
- Islands Trust Fund;
- Gabriola RCMP;
- Regional District of Nanaimo; and
- Snuneymuxw First Nation.

The commenting period for comments from referral agencies and the public was extended to Friday, August 24, 2012. All items of correspondence received between the previous deadline of Wednesday, July 25, 2012 and the new extended deadline are included in the agenda package as a 'Compilation of Correspondence' under a separate heading.

The overwhelming majority of public input, received at the June 25, 2012 public meeting and/or received through correspondence, has expressed opposition to the proposal. There have been a variety of individual reasons for opposition; however, a number of common concerns emerged, including:

- Environmental concerns
 - The proposed radio tower appears to be located less than 100m from McGuffies Swamp, a large, sensitive wetland that is home to a diverse collection of flora and fauna. Many expressed concerns over the potential impacts to this area due to the construction and maintenance of the proposed radio tower.
- Aesthetic concerns
 - Concern was expressed by many attendees that the proposed 40m radio tower would be visually intrusive to neighbouring residential properties.
- Concerns over potential future tower uses
 - Concern was expressed by many attendees over the potential, once erected, for the tower to support additional antennae.
- Health concerns
 - Concern was expressed by many attendees over the potential health effects of living and farming in proximity to the proposed tower.
- Concerns over a lack of available information
 - Concern was expressed by many over a lack of information made available by the applicant, including the location of the tower with respect to covenants registered against the subject property.

Prior to the August 24, 2012 deadline, referral responses were received from the Islands Trust Fund, the Provincial Archaeology Branch and the Regional District of Nanaimo. Referral responses and are included as Attachment 1 to this report.

ISSUES SUMMARY:

1. Outstanding Consultation Information
2. Tower Restrictions by Property Owner

STAFF COMMENTS:

As mentioned, it is now time to conclude the consultation process on this proposal and for the LTC to consider whether or not to issue concurrence, by way of a resolution, for the application to proceed with Industry Canada's other application requirements. In considering how to proceed, the LTC should consider whether or not all the consultation requirements have been met and whether or not all reasonable and relevant concerns, as defined by Industry Canada, have been met. Industry Canada considers 'reasonable and relevant' concerns to include:

- Why is the use of an existing antenna system or structure not possible?
- Why is an alternate site not possible?
- What is the proponent doing to ensure that the antenna system is not accessible to the general public?
- How is the proponent trying to integrate the antenna into local surroundings?
- What options are available to satisfy aeronautical obstruction marking requirements?
- What are the steps the proponent took to ensure compliance with Industry Canada's following general requirements?
 - Health Canada's radio frequency exposure guidelines (Safety Code 6)
 - Radio Frequency Interference and Immunity
 - Canadian Environmental Assessment Act
 - Aeronautical Safety – Transport Canada and NAV CANADA requirements

Staff have identified two issues in concluding the consultation process that arise from the resolutions passed at the July 26, 2012 meeting and presented in the 'Overview' section in this report. These are discussed in the sub-sections below.

Outstanding Consultation Information

The consultation requirements for communications tower proposals in the Gabriola Local Trust Area are outlined in Standing Resolution GB-025-2010. These requirements specify a base level of consultation that must be met in all instances and allow the LTC some freedom to amend the consultation process over and above these requirements on a case by case basis. For this application, the specified consultation process includes the items listed below; items in which staff have concerns are elaborated in the following paragraphs:

- The submission of an application to the LTC
- One notification to neighbours within a 2km radius of the subject property
- One public meeting
- One advertisement in local newspapers
- Referral to:
 - BC Ambulance Service
 - Provincial Archaeology Branch
 - Gabriola Fire Protection District
 - Islands Trust Fund
 - Gabriola RCMP
 - Regional District of Nanaimo
 - Snuneymuxw First Nation
- Submission of the following information:
 - The proposed location of the tower on the subject site
 - A description of the predicted power density level of the antenna/tower
 - Methods to mitigate any aesthetic or visual impact
 - Description of the natural environment, any sensitive ecosystems or other important habitat areas within 120 metres of the subject property and mitigation impacts to such areas

- Physical details and example illustrations of the tower including its height, colour, type and design.

Tower Location

At the June 28, 2012 meeting, the LTC again requested that the Gabriola Radio Society provide a legal survey showing the proposed tower location, and structure location and dimensions, in relation to the exiting covenants and setbacks from property lines. Subsequently, at the July 26, 2012 meeting, the LTC resolved to defer consideration of the proposal until the September 6, 2012 meeting to allow additional time for the submission of the requested legal survey. To date, this information has not been provided by the applicant. As such, an accurate picture of the proposed tower and right-of-way location in relation to covenants and property lines is not available.

Environmental Impacts & Mitigation

As outlined in Attachment 2, the applicant has stated that no adverse environmental impact is anticipated from the development of the proposed radio tower. Islands Trust Sensitive Ecosystem Mapping shows areas of mature Douglas Fir forest and wetland ecosystems (McGuffies Swamp) within the vicinity of the proposed tower. In addition, the Regional Conservation Plan identifies the McGuffies Swamp area as having a high relative composition, indicating a high occurrence of special habitats. The Regional Conservation Plan also states that Gabriola is vulnerable to a loss of natural ecosystems to residential and associated uses.

Although Industry Canada's process does take into consideration the requirements of the *Canadian Environmental Assessment Act*, it is the mandate of the Island Trust is to preserve and protect the trust area and its environment for the benefit of residents and the province. Despite numerous requests by staff, how the proposed tower would affect the environment surrounding the tower site has not been adequately addressed in the materials submitted by the applicant, nor have any mitigation measures been identified. Environmental impacts must be taken with earnest.

Tower Restrictions by Property Owner

Staff have relayed Resolution GB-076-2012 to the property owners, Dave and Keni Lorette, and have received a response from their representative, Brian J. Senini, stating that the property owners may be interested in restricting the permitted tower uses of their property and have requested that this matter be postponed for one additional month.

OPTIONS:

The LTC has the following options with respect to this application:

1. Pass a resolution supporting the proposal and instruct staff to forward this resolution, along with all accompanying public correspondence received during the consultation period, referral responses, meeting minutes and staff reports, to the applicant and Industry Canada;
2. Pass a resolution opposing the proposal, including reasons for the opposition, and instruct staff to forward this resolution, along with all accompanying public correspondence received during the consultation period, referral responses, meeting minutes and staff reports, to the applicant and Industry Canada; or
3. Defer further consideration of the proposal to the October 4, 2012 Local Trust Committee meeting to allow additional time for the property owners to consider whether or not they would be willing to restrict the permitted tower uses on their property.

Staff recommends proceeding with Option 2.

RECOMMENDATION:

Staff recommends:

THAT the Gabriola Island Local Trust Committee not support the proposal submitted by the Gabriola Radio Society, file 5590-20-01 (Gabriola Radio Society), for the siting of a radio tower on the property legally described as: The Southwest ¼ of Section 9, Gabriola Island, Nanaimo District, Except that Part in Plans 34295, VIP69975 and VIP71690, for the following reasons:

- Significant opposition among neighbouring property owners,
- A lack of information provided by the applicant to address environmental requirements of Standing Resolution GB-025-2010 of the Gabriola Island Local Trust Committee, and
- A lack of information provided by the applicant to determine the exact location of the tower, associated buildings and structures, and the proposed easement / lease area, in relation to property lines and covenants, as required by Standing Resolution GB-025-2010, the Antenna Proposal Form and as requested by the Gabriola Island Local Trust Committee in Resolution GB-067-2012.

THAT the Gabriola Island Local Trust Committee instruct staff to include in the final package to Industry Canada and the applicant for file 5590-20-01 (Gabriola Radio Society) a copy of the final resolution, a copy of all public correspondence received during the consultation period, a copy of all staff reports written on the application and a copy of all referral responses received on the application.

Attachments:

Attachment 1 – Referral Responses to August 24, 2012

Attachment 2 – Email from Ken Zakreski, dated August 24, 2012

Prepared and Submitted by:

Chloe Fox

Chloe Fox, MCIP
Island Planner

August 15, 2012

Date

Concurred in by:

Chris Jackson

Chris Jackson, MCIP
Regional Planning Manager

August 27, 2012

Date

Chloe Fox

From: Bond, Hayley FLNR:EX <Hayley.Bond@gov.bc.ca>
Sent: Thursday, July 26, 2012 3:14 PM
To: Chloe Fox
Subject: Notification of Proposed Radio Tower at PID 009-796-193

Follow Up Flag: Follow up
Flag Status: Completed

Hello Chloe,

Thank you for the notification regarding proposed construction of a radio tower at PID 009-796-193, 1400 South Road, Gabriola. Provincial records indicate archaeological sites DgRw-201, DgRw-202 and DgRw-207 are recorded on the property. DgRw-201, DgRw-202 and DgRw-207 are protected under the *Heritage Conservation Act* and must not be altered or damaged without a site alteration permit from the Archaeology Branch. Given the subsurface nature of archaeological deposits, boundaries of archaeological sites are difficult to determine without extensive subsurface testing. Therefore, any mapped boundaries are considered to be approximate. Additionally, archaeological potential mapping for the area indicates that portions of the property have potential to contain unknown archaeological sites.

Prior to any land-altering activities within or 50 m from a recorded archaeological site a qualified ([able to hold heritage inspection permits through the Archaeology Branch](#)) consulting archaeologist must be engaged to determine the steps in managing impacts to the archaeological site. If the archaeologist determines that development activities will not impact any archaeological deposits, then a site alteration permit is not required.

For the remainder of the property, given the potential to contain unknown archaeological sites, a qualified (able to hold heritage inspection permits through the Archaeology Branch) consulting archaeologist should be engaged prior to any land-altering activities to determine if development activities are likely to impact unknown archaeological sites. If the archaeologist determines that development activities will not impact any archaeological deposits, then a site alteration permit is not required.

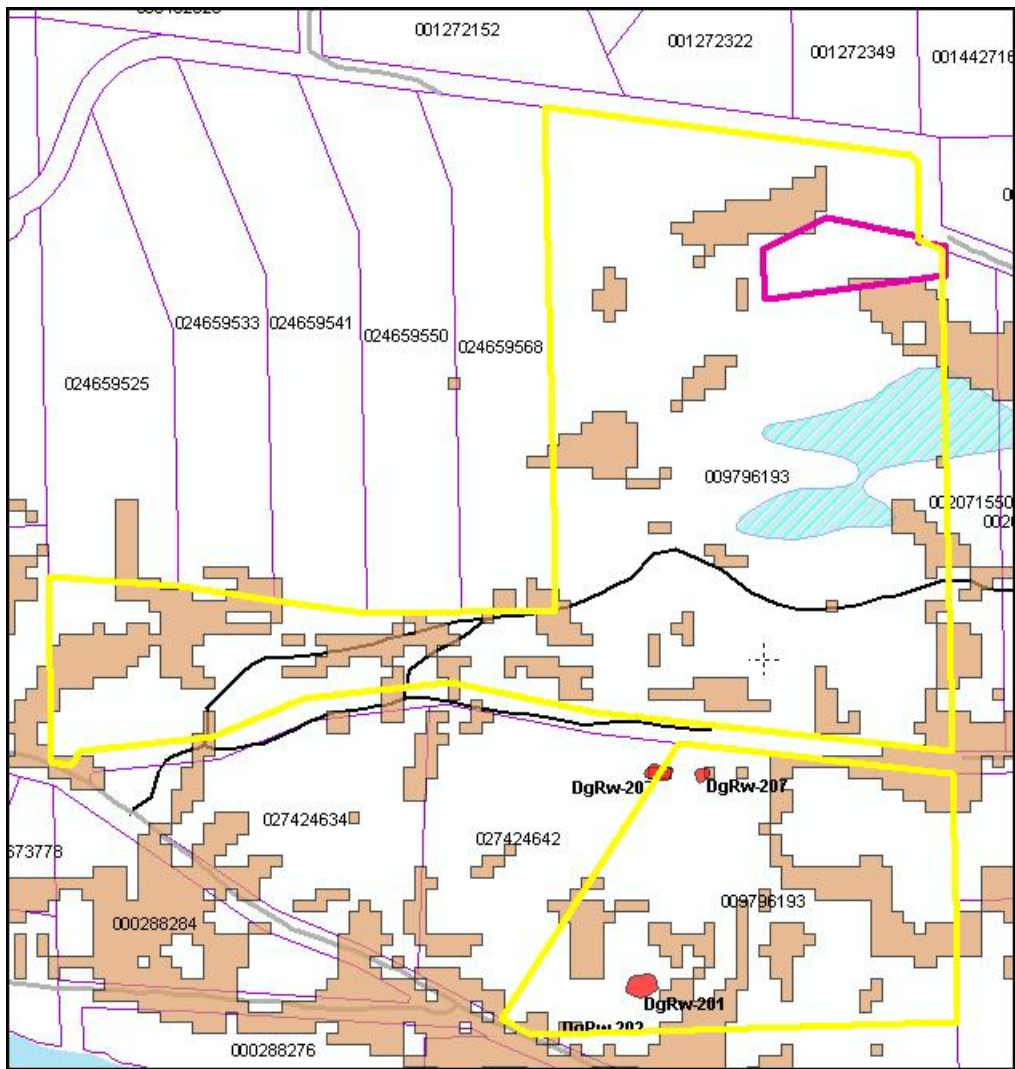
Archaeologists may be contacted through the BC Association of Professional Archaeologists (www.bcapa.ca/) or through local yellow pages and online directories. If you or proponents have additional questions please visit the FAQ page at <http://www.for.gov.bc.ca/archaeology/faq.htm> and the Property Owners and Developers web page at http://www.for.gov.bc.ca/archaeology/property_owners_and_developers/index.htm. If you or proponents have further questions regarding the permitting process, please contact Doug Glaum (Manager of Permitting and Assessment, Archaeology Branch) at 250-953-3357 or Doug.Glaum@gov.bc.ca.

Below is a screenshot showing the property (outlined in yellow) in relation to DgRw-201, DgRw-202 and DgRw-207 (red polygon). The proposed tower site area is outline in pink. If this is not the property listed in the referral please contact me. Please feel free to contact me should you have any questions regarding this referral.

I apologize for the delayed response.

Best,
 Hayley

Hayley E. Bond | Archaeological Site Inventory Information and Data Administrator
Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
 Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3
 Phone: 250-953-3343 | Fax: 250-953-3340 | Website: <http://www.for.gov.bc.ca/archaeology/>



From: Jennifer Eliason

Sent: Tuesday, August 07, 2012 3:31 PM

To: Chloe Fox

Subject: RE: Referral - Gabriola Radio Society Radio Tower proposal

Hi Chloe, thank you for referring this proposal to us. While the Trust Fund Board holds a covenant on an adjacent piece of land, I do not feel that the proposal has any potential impact on that protected area. Therefore, please report to the LTC that the Trust Fund Board interests are unaffected by the proposal.

Regards,

Jennifer Eliason
Manager
Islands Trust Fund

tel: (250) 405-5191

www.islandstrustfund.bc.ca

Chloe Fox

From: Holm, Jeremy <JHolm@rdn.bc.ca>
Sent: Wednesday, July 25, 2012 2:46 PM
To: Chloe Fox
Subject: RE: Gabriola Radio Society - Chernoff Drive (1400 South Road) - Referral Response RDN

Chloe,

In response to your recent referral to the RDN regarding the Gabriola Radio Society proposed radio tower, I can advise of the following in relation to the RDN's interests in the property as per the referenced covenants:

- Charge EN117465 & EN1177466 - additional information in the way of survey confirmation of location and elevation of proposed structures in relation to McGuffies Swamp is required in order to consider the proposal's potential impact on the RDN's interest in this covenant.
- Charge EN117467 & EN117468 - additional information in the way of survey confirmation of location of proposed structures in relation to McGuffies Swamp and associated watercourses is required in order to consider the proposal's potential impact on the RDN's interest in this covenant.
- Charge EN117469 & EN117470 - based on the location of the proposed tower provided on the referral, it appears that the proposed tower is outside the slope hazard area. As per the covenant, the property may only be used in a manner as determined in the geotechnical report Attached as covenant Schedule 'A'.

Please advise if you have any questions or require anything further on the above.

Regards,
Jeremy

Jeremy Holm, MCIP
Manager, Current Planning
Regional District of Nanaimo
jholm@rdn.bc.ca
250-390-6510

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From: Ken Zakreski [ken.zakreski@gmail.com]
Sent: Friday, August 24, 2012 1:52 PM
To: Chris Jackson
Cc: Sheila Malcolmson; Gisele Rudischer; Chloe Fox; staff@ckgi.ca; Shelley Robinson
Subject: Re: Islands Trust Resolution GB-077-2012 part (b)

August 16, 2012

Chris Jackson
Regional Planning Manager
Northern Planning Team
ISLAND TRUST
700 North Road
Gabriola Island BC
V0R 1X3

Hi Chris,

Chloe is away and asks that I forward questions regarding our application to you.

I am seeking clarification on Islands Trust Resolution **GB-077-2012 part (b)**. This is regarding the "environmental impacts" of the operation of a transmission tower on Gabriola, draft copy below.

When we were originally asked for further information on this proposal we responded with information found in our Engineering Brief (brief), received by Industry Canada **6206-9355**, written by a professional engineer who is recognized by Industry Canada, which states that this proposal will present "no hazard to the general public." and "No adverse environmental impact is anticipated."

The relevant sections from the from the brief are included below.

7.8 Environmental Assessment

*The proposal is to install a small building to house the equipment and a new 40 meter tower. An application for site use is being filed with the Islands Trust (the land use authority) as documented in **Appendix A**. No adverse environmental impact is anticipated.*

With respect to RF exposure, calculations made, in accordance with BPR-I, Section 8.2, indicate that the fractional contribution from the proposed new FM station will be well less than 1% in the worst case, in the immediate vicinity of the tower. Consequently there will be no hazard to the general public.

MTC 8.0 QUALIFICATIONS

The qualifications of the Engineer are on file with, and have been accepted by, Industry Canada, Ottawa, Ontario.

McCORMICK TELECOM CONSULTING LTD.

H. Grant McCormick, P. Eng.

1. We acknowledge that Safety Code 6 applies to human impacts of Electromagnetic Radiation

and ask you acknowledge it is clear that human safety is assured by our proposal.

2. We acknowledge that the Trust has a mandate and is legislated to "preserve and protect" the special environment of the Gulf Islands.

3. What further assurances of "no environmental impact", from our proposal, will the Trust accept? For example, would assurance from a Director of Industry Canada suffice?

(a) Does "no impact" need to extend to the vegetation surrounding the tower site?

(b) Does "no impact" need to extend to animal life surrounding the tower site?

(c) Does "no impact" need to extend to the atmosphere around the tower site?

4. Additionally, we note the new authority granted to Islands Trust:

New Authority Granted by Bill 27

Bill 27 amended the Local Government Act to expand the authority of LTCs to use land use planning to promote energy conservation and reduce greenhouse gas emissions

In order to promote these objectives it seems clear to us that a community radio infrastructure, such as we propose, will in fact assist with promoting "energy conservation" and assist with a public information component to "reduce greenhouse gas emissions" by the broadcast of forward thinking programming as proposed by CKGI - fm.

Thank you for your reply.

Ken Zakreski
via email
from Navojoa, Sonora, Mexico

cc, NCRA, Industry Canada local office, CKGI staff

Gabriola Radio Society Tower Application
Compilation of Correspondence
From July 26, 2012 to August 24, 2012

July 25, 2012

From: Hilary Peach
Email: hpeach@me.com

Subject: Gabriola Local Trust Committee – Radio Tower

Dear Trustees,

I'm writing to express input on the proposed radio tower on Chernoff Rd. Like many of my neighbours, I am categorically against the tower. As a long-time arts festival and event producer on the island, I understand the importance of information technology, communications, and event marketing, and I can see very little advantage to a Gabriola-based radio station. The Gabriola community already has a variety of ways to get the word out – including the excellent community radio station CHLY and great coverage from the CBC. A radio station on the island and its attendant tower seems like a prohibitively expensive, redundant idea.

I believe this is yet another example of local empire building, where an individual (Ken Zagreski) with a small group of followers, has decided he would like to leave an indelible mark on the community and provided himself with a salary. I am sure some of the other people in the radio society would love to use a radio station to market their businesses, but I don't see this as a reasonable benefit to be traded against the negative impacts of the tower.

It has not been proven that the radio society is capable of filling the bandwidth with programming, and there has been no discussion about payment to local artists who are expected to "contribute" their work "for the exposure" on air. The radio benefit concerts that have been held for the past several years exemplify the society's mystifying financial process – thousands of dollars have been raised "for the Radio Society" and the money has disappeared. Where did it go?

The environmental impact of a tower at the end of Chernoff Road is also a big deal. There were some rare ducks living in the wetland there – we counted them on the bird count. I doubt they are in favour of the tower, its construction process, or the disturbing electronic emissions it promises.

This is an example of The Edifice Complex, where an individual or small group wants to build something big as a form of self-aggrandizement, with due consideration of the over all picture.

Sincerely,

Hilary Peach

Chloe Fox

From: Sheila Malcolmson
Sent: Monday, July 30, 2012 9:54 AM
To: Chloe Fox; Gisele Rudischer
Subject: FW: letter

Follow Up Flag: Follow up
Flag Status: Completed

-----Original Message-----

From: Hilary Peach [\[mailto:hpeach@mac.com\]](mailto:hpeach@mac.com)
Sent: July-26-12 9:26 AM
To: Sheila Malcolmson
Subject: letter

PS the last line of my letter should read "without due consideration..." not "with due consideration"...

Hilary

From: Judith Graham [<mailto:judith48@live.ca>]
Sent: July-26-12 4:41 PM
To: Sheila Malcolmson; Gisele Rudischer; David Graham
Subject: Fw: GRS technical acceptance

Hello Everyone,

Here is a response by Shaun Morgan at IC with respect to some questions, noted at the bottom of this email. I proposed these questions because the spectrum allocation 98.7, as mentioned by Mr. Hague today, is worth a lot of money, and is the very heart and reason why we are in this situation. I feel it prudent to continue to delve into the rationale and background. From my research so far, it is a bit murky, but meanwhile, please note the closing comment in Mr. Morgan's email.

Best wishes,

Judith Graham

From: Shaun.Morgan@ic.gc.ca
Sent: Thursday, July 26, 2012 4:19 PM
To: judith48@live.ca
Cc: Jim.Laursen@ic.gc.ca
Subject: RE: GRS technical acceptance

Good afternoon,

I will answer your questions to the best of my ability.

Angela Kelly was the person in Ottawa who received the application. However, they do not deal with the public generally. That is the District Offices role. We action information requests of this nature.

I am not at liberty to disclose the information contained in the Industry Canada applications. Generally, the information is held in confidence, until the application process has been completed. That said, you know the frequency proposed, and the proposed location of the tower. 98.7 Watts, and tower on Chernoff Rd.

You will have to refer to our Official Publications if you wish to learn about the technical requirements of this Class A1 station. They are too complex in nature to discuss in an email.

BPR-3 is the Broadcast Procedures and Rules for FM Broadcasting in Canada. See also BPR-1, the General Rules.

Link: http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf06134.html

Our "Guide for Submitting a Broadcast Application" may also help you to understand the process.

It is found in the "Forms Section, under Broadcasting.

Link: http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf01700.html#broadcasting

As I have mentioned to you before, the Islands Trust represents the residents of Gabriola Island.

You should make your views known to them.

If they approve of the proposed antenna structure, then the application to establish this radio station will proceed.

If they do not approve, then the matter will be considered by Industry Canada, who has the final say over these matters.

Generally, we do not go against the will of the Islands Trust.

Sincerely,

Shaun Morgan

Spectrum Management Officer | Agent, Gestion du spectre

Spectrum Management Operations Branch | Direction générale des opérations de la gestion du spectre

Spectrum, Information Technologies and Telecommunications Sector | Secteur du Spectre, des technologies de l'information et des télécommunications

Industry Canada | Industrie Canada

#430, 1230 Government Street, Victoria BC V8W 3M4 | #430 - 1230, rue Government, Victoria BC V8W 3M4

Shaun.Morgan@ic.gc.ca

Telephone | Téléphone 250-363-3597

Facsimile | Télécopieur 250-363-0208

Teletypewriter | Téléimprimeur 1-866-694-8389

Government of Canada | Gouvernement du Canada

From: Judith Graham [<mailto:judith48@live.ca>]

Sent: Thursday, July 26, 2012 9:40 AM

To: Morgan, Shaun: DGSO-DGOGS

Subject: GRS technical acceptance
Hello Shaun,

Further to our telephone conversation this morning, could you please describe the process by which Technical Acceptance is granted.

Specifically, I would like to know:

- the person in Ottawa who receives the application
- what information does the application contain
- what are the technical requirements for this class of station
- what is the methodology for arriving specifically at 98.7

Thanks ~ Judith Graham

Chloe Fox

From: Judith Graham <judith48@live.ca>
Sent: Friday, July 27, 2012 9:13 AM
To: Chloe Fox; Sheila Malcolmson; Gisele Rudischer; David Graham
Subject: Gabriola Tower Application

Follow Up Flag: Follow up
Flag Status: Completed

Dear Trustees and Planner

Thank you for extending the deadline for responses to this application to August 24.

I noticed very brief reference to McGuffies Swamp in the Madrone Environmental Services Report of February 2012 as follows:

"Site 2 - McGuffies Swamp

This seasonally inundated wetland is located at the end of Coates Drive. A property access road crosses from north to south through the eastern end of the northern extension of the wetland. During the assessment, deep pockets of standing water existed in the wetland. Vegetation consists of dense hardhack, with sedges (Carex sp), reed canary grass and common rush also occurring.

The edges of the wetland were checked for inflows and outflows, but none were found. Based on the field verification, this wetland represents an isolated feature that does not provide fish habitat or connect by surface flow to fish habitat. Despite not offering fish habitat values, this wetland complex has been identified under the SEI as a sensitive ecosystem (T1245 WN:sp)."

I and others have noticed degradation and disturbance to McGuffies Swamp over some years by the owner of the covenanted land. Here is an excerpt from a letter written by Mr. Phillips, a nearby resident with respect to the Gabriola Tower application:

"McGuffies Swamp:

To make things worse, the site is very close to McGuffies Swamp, an integral part of Gabriola's water shed and a haven for wildlife. Unfortunately the swamp has been the focus of a great deal of disturbance over the years including in fill and peat mining and the land around it has been disturbed. Until recently it was a major supplier of water to the Coats Marsh Regional Park. Water routinely flowed overland to the marsh in the winter months but last year, water did so on only one day. McGuffies Swamp has received no protection, protection that it deserves and needs."

I can attest to Mr. Phillips' description of water flows. I have personally observed this going back over 10 years. Based upon this information:

- Will a survey include a precise delineation around McGuffies?
- Is there any way the Environmental Services Group could re-visit this location to provide a closer analysis of its condition and parameters

- Is there anything in the way of covenant protection which would provide for rehabilitation of the Swamp to its prior state?

Thanks ~ Judith Graham

From: snarkle@telus.net [mailto:snarkle@telus.net]
Sent: July-25-12 5:07 PM
To: gbltcwebmail
Cc: snarkle@telus.net
Subject: Gabriola Island Local Trust Committee



Islands Trust

Preserving **island** communities, culture and environment.

July 25, 2012

From: Alex Varty
Email: snarkle@telus.net

Subject: Gabriola Island Local Trust Committee

Dear Trustees:

Once again, I feel compelled to write in about a small group of islanders wishing to impose their will on the general public—although at least this time public consultation has been better handled. I'm referring to the Gabriola Radio Society's plan to mount a tower on Chernoff, a plan I'm categorically against.

Note that I'm not against community radio, having been a longtime volunteer and online host at Vancouver Co-Op Radio.

In this instance, though, there seems to be little demand for a radio station on Gabriola, and less financial acumen on the part of its proponents. In fact, the only way I see the Society finding the funds it needs would be to turn its tower into a commercial facility, thus significantly uglifying an already dubious structure and upping its electronic emissions.

Surely a more cost effective, and contemporary, approach would be to develop an online broadcasting system.

Thanks,

Alex Varty

www.islandstrust.bc.ca

From: snarkle@telus.net [mailto:snarkle@telus.net]
Sent: July-25-12 5:13 PM
To: gbltcwebmail
Cc: snarkle@telus.net
Subject: Gabriola Island Local Trust Committee



Islands Trust

Preserving **island** communities, culture and environment.

July 25, 2012

From: Alex Varty
Email: snarkle@telus.net

Subject: Gabriola Island Local Trust Committee

"on-air host", not "online" host!

But the point remains...

av

www.islandstrust.bc.ca

Chloe Fox

From: Sheila Malcolmson
Sent: Wednesday, August 01, 2012 4:36 PM
To: Chloe Fox; Gisele Rudischer
Subject: Fw: Re Gabriola radio tower

----- Original Message -----

From: Jeremy Meharg [<mailto:jmeharg@me.com>]
Sent: Wednesday, August 01, 2012 04:32 PM
To: Sheila Malcolmson
Subject: Re Gabriola radio tower

I support the idea of the radio station but feel we are being offered only one alternative the Cadillac version with the huge tower and expensive running costs. A possible alternative is a low power transmitter (with small antennae) at the north end of the island to cover the ferry line up and hopefully reach the Nanaimo ferry terminal, and stream the station on the Internet for people at home. I get CBC this way as reception is very poor where I live. I suggested streaming to Ken a couple of years ago but he seemed uninterested. This station could be run successfully for a fraction the cost.

Many thanks
Jeremy Meharg
975 Canso road

Sent from my iPad

Chloe Fox

From: Judith Graham <ja_graham@live.com>
Sent: Wednesday, July 25, 2012 11:17 PM
To: Sheila Malcolmson; Gisele Rudischer; David Graham; Chloe Fox
Subject: Spectrum Management and Telecommunications

Follow Up Flag: Follow up
Flag Status: Completed

Hello Everyone,

Thanks Sheila for sending this link.

There are a few dangling issues re the Consultation session held at the Community Hall. There were many questions put forward which were not answered, or which were disingenuous. For example, the response to a query about the height of the tower - that if not that then why not start with a 25 m tower and go from there, was that a threat?

Industry Canada's only interest is in the spectrum. There is very little mention anywhere in their documents about Support/Tower Structures. In fact, that is a whole other group. However, quite ironically and sadly, the Support/Tower structure is the **key** component - once established there is no more responsibility from either Industry Canada or the applicant:

To refresh your memories, here is an excerpt from Mr. Zakreski's letter attached to his application to you (copies to Director Broadcast Applications Engineering, Industry Canada, Grant McCormick Telecom Consulting Engineer):

"The following list identifies the types of complaints judged not valid by Industry Canada and for which the Applicant is not responsible for remedial action:

- where the complaint is attributed to the use of a malfunctioning or mistuned receiver or improperly installed or defective antenna system;
- where the complaint involves non-radio frequency devices such as computers, microprocessors, calculators, audio or video recorders, record or disc players, electronic organs, hi-fi amplifiers. etc.
- where the complaint is attributed to the desired signal being received at a location outside the coverage area of the station;
- where the complaint is attributed to the desired signal not being favourably received because of adverse local propagation conditions or building penetration losses;
- where the complaint involves the reception of signals originating from outside Canada
- where the complaint involves the malfunction of radio and non-radio frequency devices that are located inside the 115dBuV/m countour, if the devices were introduced within the contour after the station started operating at the said location
- where the complaint involves a high gain receiving antenna and/or antenna booster amplifier intended for reception of distant stations which as a consequence overloads the receiver or creates intermodulation in the amplifier output
- where the complaint is attributed to overload interference in radio receivers that are located outside the 115 dBuV/m countour

- **if subsequent development occurs within the 115 dBu contour which could give rise to interference, or if new or existing devices are added or relocated inside the contour, the applicant would not be expected to assume responsibility for corrective action for such new entrants**

I urge more succinct questions of the proponent. I have deep concerns about the intentions of Gabriola Radio to install a tower at Stoney Ridge.

Thank you ~ Judith Graham

From: [Sheila Malcolmson](#)

Sent: Wednesday, July 25, 2012 9:47 AM

To: [Judith Graham](#)

Subject: RE: Canadian Municipalities and the Regulation of Radio Antennae and their Support Structures - Spectrum Management and Telecommunications

Judith, thanks so much for all your input.

The radio tower proposal will be discussed at Thursday's Local Trust Committee meeting at WI Hall; you can read the staff recommendations and the public input we've had over the past month here:

<http://www.islandstrust.bc.ca/ltr/gb/agendas.cfm> (go to page 54 of the July 26 agenda package).

A town hall session is scheduled for 11:10am, if you'd like to add any comments to what you've written, and the radio tower application will be heard soon after that.

Many thanks for being involved; it is helpful and appreciated.

Hope you're enjoying summer,

Sheila Malcolmson
Gabriola Island Local Trustee
250-247-8078
www.islandstrust.bc.ca

From: Judith Graham [mailto:ja_graham@live.com]

Sent: June-19-12 6:26 PM

To: Chloe Fox

Cc: Sheila Malcolmson

Subject: Fw: Canadian Municipalities and the Regulation of Radio Antennae and their Support Structures - Spectrum Management and Telecommunications

Hello Chloe,

The Industry Canada link below provides some information on land use authorities' influence with respect to siting and zoning of radiocommunication facilities and ancillary structures. I note in particular the following excerpt:

"(j) Land Use Planning Restrictions - despite or because of the uncertainty of the legal status of provincial or municipal land use restrictions, which relate to radiocommunication facilities, the existence of such continues to be a site selection factor. Generally, engineering consultants recommend against siting radio facilities in an area where land use restrictions expressly attempt to prohibit them...Also, when radiocommunication installations involve the siting and construction of ancillary structures, such as production studios there is little doubt that these structures can be regulated like any other building within a municipality. Therefore, restrictions which relate to such ancillary structures may discourage the siting of an antenna.

<http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf09386.html>

Thank you for the update on the plans for the evening's program.

Judith Graham

Chloe Fox

From: Peter Wishinski <peter.wishinski@gmail.com>
Sent: Wednesday, July 25, 2012 6:15 PM
To: Chloe Fox
Subject: Support for the radio tower!

Follow Up Flag: Follow up
Flag Status: Completed

Greetings,

I am here by declaring my support for the radio tower, situated on Dave Lorrette's property, for the use of the Gabriola Radio Societies use for the broadcast purposes put forward by the Radio Society. I believe that this will serve to be a great service to the community, encourage new areas of economic growth, new opportunities for artists and aspiring radio personalities on the island to have an outlet for locally flavoured expressions.

The tower comes in under all health parameters put forward by both Industry Canada and the World Health Organization, and will even be designed and constructed in such a way as to minimize the amount it "sticks out" and has been given an artistic flare to give a feeling that will be unique to our unique island and community.

Thank you for all your help so far facilitating this process for the GRS and the people of this community!

Peter.

--

Music Director for CKGI 98.7 fm
Gabriola Co-op Radio association

www.worldenlightenment.com
Some of my peace and sustainability work

<http://soundcloud.com/nerdicus>
My music creations

Chloe Fox

From: Judith Graham <judith48@live.ca>
Sent: Tuesday, July 31, 2012 5:22 PM
To: Sheila Malcolmson; giseleruischer@islandstrust.bc.ca; davidgraham@islandstrust.bc.ca; Chloe Fox
Subject: Fw: transmission towers in the Islands Trust Area

Hello,

Further to this, the delineation and separation of the 'spectrum' - the stuff that's in the air - and the physical permanent infrastructure (the tower, which may be added to without further consultation, and associated building), would provide a key component in the determination of a decision which is locally forthcoming. ~ JG

From: [Judith Graham](#)
Sent: Tuesday, July 31, 2012 4:37 PM
To: strategicplan@islandstrust.bc.ca ; [malcolmson sheila](#)
Subject: transmission towers in the Islands Trust Area

Hello Everyone,

Thank you for the opportunity to provide input to the updated Strategic Plan for the Islands Trust.

One major very recent concern is with respect to the siting and placement of transmission and communication towers. I would like to propose the following points for your consideration:

- While it is very clear that the Spectrum and allocation of frequencies is unquestionably Federal jurisdiction, the infrastructure and zoning are in the hands of The Islands Trust.
- Industry Canada has very little interest or concern about tower structures per se. Their interest is in Antenna Structures, which are the things mounted on the towers
- Industry Canada responds to willing applicants who wish to provide space on their property for tower infrastructure, once they provide such infrastructure
- Is it possible for Islands Trust to say no to tower infrastructure?
- It is not up to local authorities to enable spectrum allocation and proliferation by allowing the physical placement of structures which support Antenna Structures
- Is it possible to review the (1996) letter of understanding and protocol agreement between Industry Canada and Islands Trust to reflect these concerns and develop more specific definitions - i.e., separating the Spectrum (which is federally regulated) and the physical on the ground building of the tower infrastructure and associated support buildings

I support the following comments provided by another resident, and suggest that with respect to the Application to the Islands Trust the application should require much more detailed information from the proponent and clearly inform the proponent the land use and zoning issues they would be required to adhere to from a Local Land Use Policy perspective, before they would consider moving forward with Spectrum and CRTC applications.

"We are currently involved in a public consultation process on Gabriola Island for a proposed FM radio tower which has been (and still is) a difficult process for all concerned. There is widespread community opposition to this tower; yet there is limited power the community or our LTC has at this time given the current IT protocols and processes. It has become very clear to me that if we had a process in place which demanded that any proposed communications tower/antennae by any

person/corporation/landowner would have to undergo public consultation and approval BEFORE any application was send to Industry Canada (or BEFORE any agreement was signed between a landowner and a proponent that Industry Canada didn't require an application for), the wellbeing of the community and of the environment could be safeguarded. If the process took the form of a bylaw that was made known to all concerned, much of the frustration, disruption in the community and work for the LTC and Planners would be a non-issue.

Generally, *Industry Canada does not go against the will of the Islands Trust.*"

Please keep me updated on this issue,

Regards ~ Judith Graham

Chloe Fox

From: Renée deJong <sitka93111@yahoo.com>
Sent: Thursday, August 09, 2012 9:26 AM
To: Chloe Fox; Sheila Malcolmson; Gisele Rudischer; David Graham
Subject: Additional comments in objection to GRS application for radio tower - Chernoff Road

Dear Trustees and Ms. Fox:

Thank you for all you do. This letter is submitted for inclusion as opposition to Gabriola Radio Society (GRS) proposal for a radio tower at the top of Chernoff Road.

1. I (and others), have been in touch with Industry Canada staff. I posed this specific question: *"If Islands Trust sent Industry Canada a letter of objection to the proposed GRS radio Tower on Chernoff Road, do you have any thoughts on how Industry Canada might consider this in its decision making?"* Industry Canada has responded as follows: *"Industry Canada will consider the position of the Islands Trust, when it comes time to make a decision on this Broadcasting application." "Generally, we do not go against the will of the Islands Trust."*

Therefore, I request that Islands Trust send a letter of opposition to Industry Canada. Industry Canada practically invites it. Gabriolans have spoken clearly and often that they do not support the proposed radio tower.

2. It was frightening to read in the July 30, 2012 "Flying Shingle" that Mr. John Hague, representing GRS at the July 26 meeting, stated that the market value of the license "is probably in excess of \$1 million." A financial jackpot awaits the seller(s) of the turn-key operation of a license (for spectrum 98.7FM), together with a ready-to-transmit radio tower. Or, perhaps the winner of the jackpot will be the person who leases space on the radio tower. I understand that tower operators can earn upwards of \$300,000 a year from such leases.

GRS has been financially unable to provide and pay for: (i) its own required notices for the June 25, 2012 meeting; (ii) a legal survey for the location of the proposed radio tower; and (iii) any meaningful, professional description of the environmental/ecosystem issues within 120 meters of the proposed site of the proposed tower and any mitigations of such issues. How will it buy and erect the radio tower, together with the required infrastructure to transmit from its studio? How will it pay for the studio and required equipment? They have admitted they have no money. I have

not spoken to, nor read a single letter from anyone who wishes to support this folly through property taxes.

Considering GRS' financial unviability and the value of the spectrum 98.7FM/radio tower, it appears inevitable that the operation will become commercial. There is no benefit for Gabriolans, except the lucky few jackpot winners, and it will affect the entire population of the island forever. The bell cannot be unrung!

Please *actively oppose* GRS' Industry Canada application in writing.

3. „I reiterate (below) a portion from a recent letter to you that describes a threshold issue that Industry Canada must consider before it can approve an application. Industry Canada could deny the GRS Application based on GRS' refusal to share CHLY facilities and tower:

"Pursuant to Industry Canada's Client Procedure Circular CPC-2-0-03, the first item that Industry Canada considers is ***“investigating sharing or using existing infrastructure before before proposing new antenna-supporting structures.”*** Industry Canada should know that better alternative options are available.

Gabriolans currently broadcast 3 different weekly programs from the community radio facility at CHLY 101.7 FM located in Nanaimo - about 5km away.

In discussion with CHLY, I have learned that: (i) CHLY would welcome more community programs from Gabriolans; (ii) unlike the radio tower proposed in the Application, which, by GRS' own admission, would require repeaters to cover Gabriola, CHLY can, and does, reach all of Gabriola from its existing transmission tower at Cottle Hill; and (iii) if CKGI 98.7 FM still prefers to broadcast community programs from its own frequency, CHLY could receive such programing and retransmit it through the Cottle Hill tower on GRS' behalf.

This would reach all of Gabriola, without the need for any radio tower or repeaters on Gabriola.

Therefore, existing infrastructure could be used. It appears that GRS has not considered this option. I urge IT to provide this information to Industry Canada so that Industry Canada can verify same with CHLY 101.7 FM."

Please advise Industry Canada of this fact in a written opposition to GRS' radio tower application.

4. I attended the Local Trust Committee meeting held by Islands Trust on July 26, 2012. At that time, Trustee Rudischer made a motion to ask Mr. Lorette to provide a covenant that only a local co-op radio station be allowed to make use of a radio tower, now or in the future. IT staff can draft a covenant to achieve the intended result by having the legal owner of the real property execute a covenant running with the land that is written so that it will bind any person(s), entity or entities that now, or in the future, may hold any legal interest in the real property where a proposed tower is located.

Thank you for your consideration of the issues addressed in this letter.

Renée deJong

Chloe Fox

From: Deb Ferens <debferens@hotmail.com>
Sent: Thursday, August 09, 2012 4:20 PM
To: Sheila Malcolmson; Gisele Rudischer
Cc: Chloe Fox
Subject: Radio Tower proposal

Aug 8, 2012

Dear Island Trustees Malcolmson and Rudischer,

CC: Planner Fox

CC: Howard Houle, Regional Director

Re: Gabriola Radio Society - Radio Tower Proposal

In appreciation of the amount of Trustee and planner time invested in the Radio Tower application to date, I am not expecting a personal response to the following questions. I am hoping that the Planner will assess any relevant points for further clarification and that the Trustees will consider the questions in their decision-making on the proposal.

Subject Property

Does it matter for the purposes of determining whether the all the requirements of Standing Resolution GB-025-2010 have been met if there seems to be a discrepancy in the reference to "subject property" between the staff report of March 23, 2012 and the proponent's application? The Standing Resolution asks for the following information from the proponent: "description of the natural environment, any sensitive ecosystems or other important habitat areas within 120 metres of the subject property and mitigation of impacts to such areas". The staff report of Mar 23, 2012 describes the "subject property" as "approximately 31.65 hectares (78.17 acres) in area". The proponent's (July 13, 2011) application seems to refer to a subject property that "consists of a right of way on one hectare" with "an operating gravel pit upon it" and that the "tower site will occupy a 100 by 100 metre portion of the right of way".(page 54 staff report). Similarly, on the Antenna Proposal Form (page 48,staff report) the proponent has described the <subject> property as a "1 hectare parcel at the end of Chernoff Drive".

OCP Policies and Land Use regulations amendments

Given that the OCP and LUB permit the existing AM/FM tower on a specific piece of property only (Resource Policy 5.b and LUB Schedule C, Map 5), would the LTC need to amend both the OCP policies and the LUB regulations and the mapping to permit another site specific tower should the proposal be approved by Industry Canada? Would the amendments involve the normal legislative process and opportunity for further community input?

In a related matter, LUB regulation B.1.1.2.b.iv, permits buildings and structures to accommodate *public utilities* except in public parks and ecological reserves. But if the OCP and LUB definition of public utilities excludes broadcast towers, would a small building to house the electronics, as well as back up power to provide the 24/7 emergency broadcast service as included in the proponent's application, be permitted?

Industry Canada Intervention

Should an impasse occur between the LTC and the proponent on the application what is the nature of Industry Canada's intervention? The Letter of Understanding states that upon request of the LTC, IC will meet with LTC to hear concerns before final approval. Would this meeting be open to the public? Would the public have any opportunities to make comments or provide further input?

Perhaps these next two items are more appropriately addressed to the Regional Director.

Building Permit

Is a building permit required for the installation of the tower and the small building? If so, would the RDN issue a permit as per Industry Canada's authorization and in possible contradiction of existing local government policies and regulations?

Right of Way

Does a Right of Way run with the land or expire when a lease agreement expires? Can a right of way be granted to another entity should the Gabriola Co-op Radio Society cease to exist or cease to provide broadcasting services in the future for some reason?

Thank you for your attention to my questions and your work on this application.

Deborah Ferens

Chloe Fox

From: Frank Moher <fmoher@gmail.com>
Sent: Thursday, July 26, 2012 12:11 AM
To: Sheila Malcolmson; David Beeston; Gisele Rudischer
Cc: staff@ckgi.ca; Ken Zakreski; Chloe Fox
Subject: CKGI tower

Sheila, David, Gisele:

I am writing to express my support for CKGI's request for a letter of no objection from the Islands Trust regarding its proposed tower on the Stony Ridge site, and to ask you to help expedite the creation of this much-needed resource on Gabriola.

The advantages of a community radio station -- to our first responders, to Gabriola in the event of an earthquake or other disaster, to the vibrant cultural community on "The Isle of the Arts," and to our self-sufficiency in general -- have been widely remarked on over a number of years now. Gabriolans have repeatedly shown their support for the station, most strikingly at the series of New Years fundraisers held at The Haven. If that support seems more subdued at present, I would suggest it is because exhaustion has set in. The process has taken a painstakingly long time. I am certain that once CKGI is able to take the final steps towards realization of the project, we will once again see the great majority of Gabriolans exuberantly support it.

Of course, one respects the concerns of those landowners who have objected to the proposed site. In fact, I have myself been a NIMBYist in the past, when the ballpark was proposed for what is now Rollo-McClay Park, near my home. The difference between that situation and this provides some perspective, I think; where creation of the ballpark involved razing a large section of forest, the CKGI proposal involves placing a single monopole tower in an existing quarry, where it will apparently be at least partially obscured by some trees. If we concluded as a community that the benefits of the ballpark were sufficient to clear forest to create it, it seems to me we can see our way to accepting the relatively minor negatives posed by this project. Gabriola Co-op Radio has clearly demonstrated that Stoney Ridge is the only viable location for the tower, and it seems to me the very significant benefits it will provide to Gabriola plainly outweigh the aesthetic drawbacks to a relatively small number of people. (Personally, I would have no objections to "having" to look at it. And for what it's worth, I now very happily listen to the sounds of cheering kids coming from the ballpark on summer's evenings.)

I encourage you to consider the long history of support for the idea of a community radio station on Gabriola, and the likelihood that it will not be realized if the tower question cannot be resolved expeditiously, in making your decision.

Sincerely,

Frank Moher

Chloe Fox

From: Stuart Denholm <stuartdenholm@hotmail.com>
Sent: Wednesday, July 25, 2012 7:43 AM
To: Sheila Malcolmson; Gisele Rudischer; Chloe Fox
Cc: j elsey; Teresa Beers
Subject: Radio Tower

Gabriola Island Local Trust Committee

I do not support the proposal by Gabriola Radio Society to install a radio broadcasting tower on Gabriola Island.

The broadcasting tower proposed does not fit with my vision of my community.

I do support community radio. I support Co Op Radio in Vancouver , which I can happily listen to on line , and CHLY in Nanaimo. Whether or not Gabriola can support a station is debatable.

If adequate options regarding safety and emergency communications already exist , I don't see the need for a very expensive tower on Gabriola. One that the taxpayers have no interest in funding.

The residents in the immediate vicinity of the proposed site are rightfully concerned about how this could affect their lifestyles, and property values.

I am concerned about protecting the adjoining marshland.

Curious also that our local government is completely powerless to defend it's mandate in this case.

It is my hope that our LTC submit a decision of non-concurrence to Industry Canada.

Perhaps our MP could support this decision and be useful in persuading Industry Canada to observe and respect the role the LTC should be able to fulfill.

Sincerely,

Stuart Denholm

S. Denholm Construction
Licenced Residential Builder
2120 South Rd.
Gabriola Island, B.C
V0R 1X6
(250) 247-8400

Islands Trust,
Gabriola Local Trust Committee,
Sheila Malcolmson, Trustee,
Gisele Rudischer, Trustee,
David Graham, Chair.

By e mail.

August 24, 2012.

Dear Sheila, Gisele and David.

Gabriola Radio Society

I would like to make some additional comments with regard to the Gabriola Radio tower proposal.

The lack of transparency about the Society and its ability to continually change the story has disturbed me greatly as has the lack of public input to date. Even now, many people on the Island do not know what is planned, in part because the Society has failed to hold open and public meetings to stand up to the community's scrutiny. The recent trust meetings have been the first opportunity for open public input and discussion but sadly the Society's information provided has been very weak. The Society has made it clear that it will press on regardless, if the Trust recommends against the proposed tower, and let the Federal minister decide. The Society's attitude towards the Trust seems strange.

It is also not clear who has control of the Society. In a November 29, 2010 letter to the CRTC the Society advised the CRTC that individuals can become yearly members for \$20 annually. The Society said that these members then vote for the Board members. That is normal but in this case the wrong information was provided. Just why is not clear. The reality is, according to the Society's by laws, that anyone can pay \$20 but the memberships are non voting. The Society takes the money but won't let members vote at annual meetings or special meetings and certainly not for the Board. This could be the least democratic society on Gabriola, but that is how the GRS bylaws are set up. There are voting members but each one must be appointed by way of a resolution, presumably passed by the Board. So who is really calling the shots and who has the power to hold the Board and management accountable? It does not seem possible to find out. The CEO will not even explain who the Directors are.

The BC Society Act and the GRS by laws outline the manner in which information should be made available to Society members and in some cases, the public at large. The process is easy and clear. Unfortunately, a recent request by me, as a member of the public and a Society member, to review the information that all societies are required to provide, was turned down. I have concluded the Society's books and records are not available. This includes the minute book, financial statements, records of annual meetings and the Register of Members in the form prescribed by the BC Society Act. By not

providing this basic information, GRS is out of compliance with the BC Society Act and its own by laws. Why the Society will not provide legally required information is not clear. I received no explanation.

Don't look to the BC Registry Services where societies are required to file certain information. As of July 3, 2012 the last annual general meeting reported is December 15, 2009, the list of directors is incorrect I believe and the last filing for anything shows as December 30, 2009.

We don't know who all the legal directors are, who or how many members there are, who and how many can vote or the Society's financial position. So much seems out of date or wrong, and yet the Society expects the Islands Trust, Industry Canada, the CRTC and Gabriola taxpayers to provide it with the keys to the kingdom.

At the last Islands Trust meeting GRS Director John Hague did provide some new information, specifically that the project now has a commercial valuation of \$1 million. Is that the kingdom? Is this what it is really all about? I thought, based on the Society's portrayal of itself, that this was to be a nice little community radio station. Now however it seems to have become far more and effectively, the Trust is being asked to support this.

During a recent radio interview the Society CEO stated that GRS has a financial plan, not that it has been explained to the Community. Now we can anticipate what the plan is. The commercial valuation has one purpose it seems. That would be to set the financial parameters under which other users could be charged to place their equipment on the tower. There may be another explanation but none was forthcoming.

The Islands Trust does not seem to have been given any drawings of the tower not what the final configuration will be. We do not know the tower dimensions, only the proposed height of approximately 15 stories. We do not know what toxic substances will be stored on site nor how many gallons of fuel will be there or the storage method. Will a leak destroy McGuffie's Swamp or contaminate ground water? Since the site is unattended any leak or adverse environmental incident could carry on undetected for an extended period of time. As far as I am aware, the Society seems to have failed to comment on any of this.

On another matter, much has been made of the emergency response aspects of the proposal. I have commented on this to the Trust previously, specifically, that in my opinion the tower may never be able to service the community properly if there is an emergency. There is no evidence of current support for the tower from any of the potential emergency services. I have asked the CEO for this information but nothing has been forthcoming. Do not believe in this argument until it is proven to be valid by the applicant. Right now it seems to be comprised of little more than an appeal to peoples' fears which is convenient for GRS.

A new piece of information provided by Director Hague is that the broadcast office, anticipated to be in the Village area, will have wireless transmission of signals to the tower site. This is another change of the story. The Society's engineer in his technical report states that the signal will be delivered by Shaw to the site, presumably by land line. Wireless sounds good but the conventional way of transmitting signals from studio to tower, over long distance, requires a line of sight micro wave system to maintain signal quality. This would likely require a high tower in the Village blasting microwaves (which are dangerous) across the Island. I am worried that the microwaves would cross the flight path of the low flying ambulance helicopter and helicopters using the fire hall landing site. The Trust might ask for clarity on this. Are we talking about not one, but two towers? Will the Trust have any say at all over the second one. As well, reference has been made to repeater towers. The Trust should ask GRS what is really going on. As of now, nothing is acceptably explained.

Gabriola does not need this tower and the Society does not need it. The environmental impact can only be negative with risk that will last forever. Why should a very small group with uncertain credibility and little money or accountability be allowed to spoil our Island. I ask that you tell Industry Canada the risk is too high and recommend against the tower proposal. There can still be Gabriola Community Radio if the proponents want to proceed; it only needs to be done over an existing tower elsewhere to avoid construction of the proposed monster, or over the internet. In both cases there is no new environmental risk created, costs will be much lower and the target audience can be met.

Please do what is right to protect our Island.

Mike Phillips

From: Judith Graham [ja_graham@live.com]
Sent: Thursday, August 23, 2012 11:55 AM
To: Chloe Fox
Subject: Fw: transmission towers in the Islands Trust Area

Hello Chole,

Please include the following in the Gabriola Radio public correspondence. Thanks ~ Judith Graham

From: Judith Graham<<mailto:judith48@live.ca>>
Sent: Tuesday, July 31, 2012 4:37 PM
To: strategicplan@islandstrust.bc.ca<<mailto:strategicplan@islandstrust.bc.ca>> ; malcolmson sheila<<mailto:smalcolmson@islandstrust.bc.ca>>
Subject: transmission towers in the Islands Trust Area

Hello Everyone,

Thank you for the opportunity to provide input to the updated Strategic Plan for the Islands Trust.

One major very recent concern is with respect to the siting and placement of transmission and communication towers. I would like to propose the following points for your consideration:

- * While it is very clear that the Spectrum and allocation of frequencies is unquestionably Federal jurisdiction, the infrastructure and zoning are in the hands of The Islands Trust.
- * Industry Canada has very little interest or concern about tower structures per se. Their interest is in Antenna Structures, which are the things mounted on the towers
- * Industry Canada responds to willing applicants who wish to provide space on their property for tower infrastructure, once they provide such infrastructure
- * Is it possible for Islands Trust to say no to tower infrastructure?
- * It is not up to local authorities to enable spectrum allocation and proliferation by allowing the physical placement of structures which support Antenna Structures
- * Is it possible to review the (1996) letter of understanding and protocol agreement between Industry Canada and Islands Trust to reflect these concerns and develop more specific definitions - i.e., separating the Spectrum (which is federally regulated) and the physical on the ground building of the tower infrastructure and associated support buildings

I support the following comments provided by another resident, and suggest that with respect to the Application to the Islands Trust the application should require much more detailed information from the proponent and clearly inform the proponent the land use and zoning issues they would be required to adhere to from a Local Land Use Policy perspective, before they would consider moving forward with Spectrum and CRTC applications.

"We are currently involved in a public consultation process on Gabriola Island for a proposed FM radio tower which has been (and still is) a difficult process for all concerned. There is widespread community opposition to this tower; yet there is limited power the community or our LTC has at this time given the current IT protocols and processes. It has become very clear to me that if we had a process in place which demanded that any proposed communications tower/antennae by any person/corporation/landowner would have to undergo public consultation and approval BEFORE any application was sent to Industry Canada (or BEFORE any agreement was signed between a landowner and a proponent that Industry Canada didn't require an application for), the wellbeing of the community and of the environment could be safeguarded. If the process took the form of a bylaw that was made known to all concerned, much of the frustration, disruption in the community and work for the LTC and Planners would be a non-issue.

Generally, Industry Canada does not go against the will of the Islands Trust."

Please keep me updated on this issue,

Regards ~ Judith Graham

July 25, 2012

Islands Trust,
Northern Planning Office,
Gabriola Island, B.C.

Trustee Sheila Malcolmson

Trustee Gisele Rudischer

Subject-----Radio Tower on Gabriola Island



Dear Trustees;

From a financial viewpoint, I am concerned with the way in which the Gabriola Radio Society wishes to finance their project. There seems to be no business plan where there are assets of any type to balance or offset the proposed costs and expenses.

The Society has now started to appeal to the public tax base to help with just the initial costs and I strongly urge you to deny their request for funding. There appears to be a strong public feeling against the need and necessity for an island radio station and I would suggest that in light of funding cuts to real needs such as the school lunch program, that we examine our spending priorities and put tax dollars where they are really needed.

Phil Marchant
950 Carmen Crescent
Gabriola Island

Gabriola Radio Station (Tower) Proposal

Herein is a brief statement of understanding as regards the proposal for a local radio station. I convey my disapproval, in the strongest measure, the proposed tower for a local radio station and the radio station in principle.

I attended the information meeting the other evening to further inform myself of the proposal. It is my best understanding that the potential deleterious effects to the environment and to the community of having a tower located anywhere on Gabriola are completely unacceptable and far outweigh any benefit of having a 'local' radio station. The efforts taken by the few proponents of the radio station (an necessary tower) to minimize their effects by invoking other rationalizations and referencing questionable sources to legitimize their agenda is, in short, disquieting in large measure.

Should the particularly small number (20 or .0047%), some of whom may be permanent residents, wish to follow what they claim is an interest of a local content sharing medium they would be strongly advised to register it so as an online technology. I am sure the community would be far less concerned about their efforts in that regard.

Beyond the issues of concern with respect to the tower placement there are many others. Not the least of which I will mention the question of whether the supposed local radio station would truly reside in 'local' hands. There is absolutely no way, legal and otherwise, despite the applicant's stated intent, that the radio station would belong to, in substance and format, the community of Gabriola and here forward always rightfully service its needs. Industry Canada, with its business first agenda to its core, and which condones this application, has no interest in ensuring specific community wellbeing and is necessarily open to other mega-media sources coopting at will the physical means and program agenda of the radio station basically from the start.

Further, the CRTC approval of the application was not held open to the public of Gabriola and as such is flawed in its decision to support the proposal for a 'local' radio station.

Stated above is an overview of some of the concerns which inform my disapproval of the proponents intent and commensurate modus operandi to establish a radio station resident on Gabriola (not of or for the residents).

Thank you for the opportunity to express my interest and concerns.

Best regards,

Dr. D. C. Worthing



STAFF REPORT

Date: August 13, 2012

File No.: 6500-20
(Gabriola RAR, Hazard
Land/Slope Study)

To: Gabriola Island Local Trust Committee
For the meeting of September 6, 2012

From: Chloe Fox
Island Planner

CC: Chris Jackson
Regional Planning Manager

**Re: Gabriola Island Development Permit Areas (Riparian Areas,
Hazardous Areas & Steep Slopes) – Draft Amendments**

INTRODUCTION:

At the July 26, 2012 meeting of the Gabriola Island Local Trust Committee (LTC), the LTC endorsed a Project Charter and Communications Strategy to guide the Gabriola Island Development Permit Areas (Riparian Areas, Hazardous Areas & Steep Slopes) project. Since that time, staff has been working on various items identified in the Communications Strategy and Project Charter, including the drafting of development permit area amendments for both the Riparian Areas and Hazardous Areas & Steep Slopes portions of the project. The purpose of this report is to provide an update on project communications that are underway, to present draft development permit area amendments and to seek LTC direction to proceed with next steps in the project process.

PROJECT OVERVIEW:

The purpose of this project is to review and update current development permit areas in the Gabriola Island Official Community Plan to implement the provincial *Riparian Areas Regulation* and to update mapping and guidelines for hazardous and steep slope areas to better assist in planning future development to protect riparian ecosystems and to avoid hazardous areas. In order to do so, this project will involve reviewing and updating existing Development Permit Area 3 – Hoggan Lake Area and existing Development Permit Area 6 – Escarpment Areas, and, ultimately, adopting amended mapping, justifications, objectives and guidelines to achieve the project purpose.

Figure 1, below, has been developed based on the endorsed Project Charter and Communications Strategy, and outlines the process and anticipated timeframes for key components of this project:

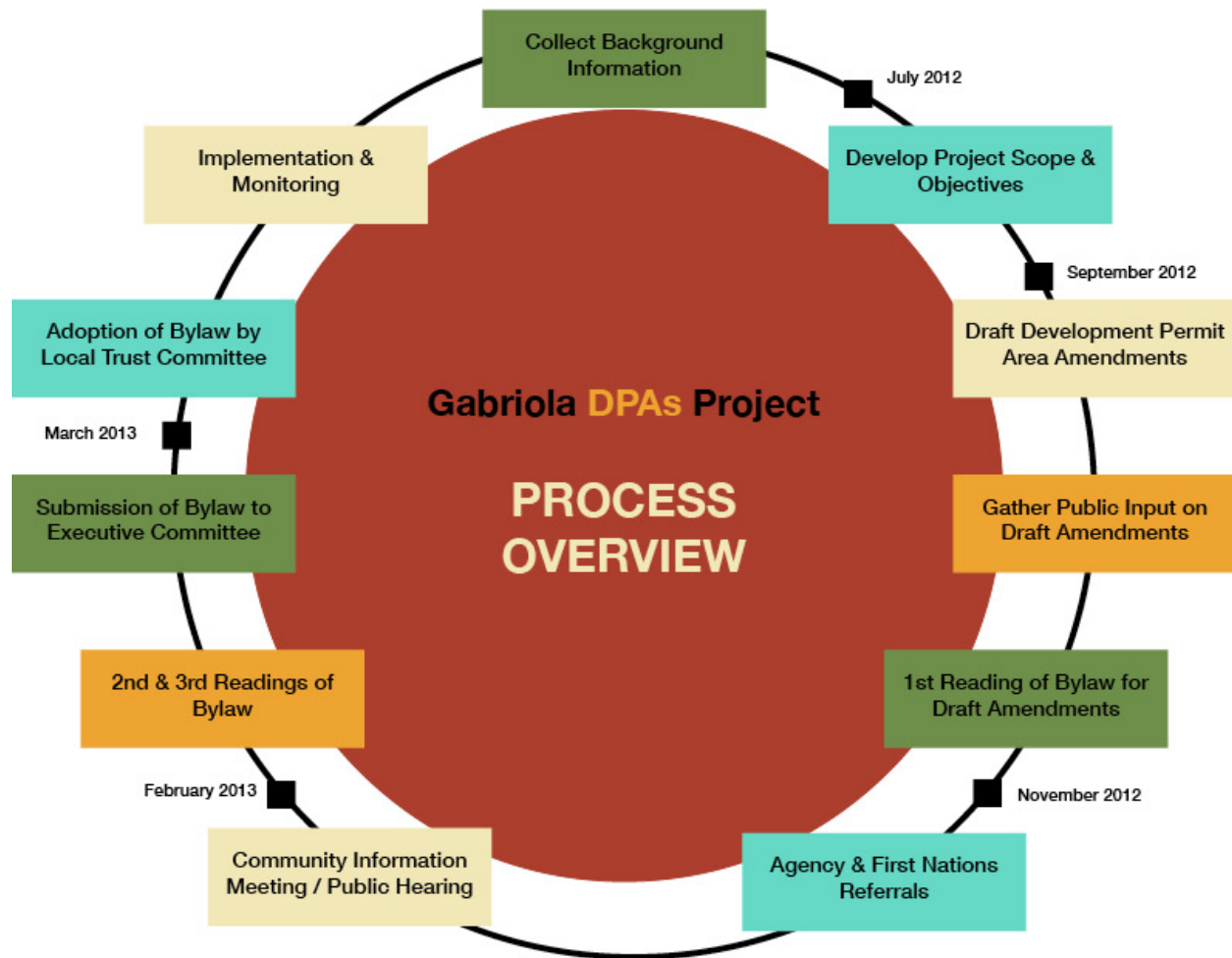


Figure 1: Gabriola Island Development Permit Areas Project Process

LOCATION CONTEXT:

This project applies to the whole of Gabriola Island as there are riparian zones as well as hazardous areas and steep slopes throughout the island. Three watersheds on Gabriola Island have been identified by the Madrone Environmental Services Ltd. as containing streams, lakes and/or wetlands that are subject to the provincial *Riparian Areas Regulation*. In addition, EBA Engineering Consultants has identified a number of areas on Gabriola Island that contain steep slopes and hazardous areas. Draft development permit area amendments including maps showing the location of the subject areas have been developed and are included as attachments to this report.

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement

The Islands Trust Policy Statement contains directive policies related to ecosystem preservation and protection, the stewardship of resources, and the growth and development of sustainable communities, the following of which are relevant to this project:

- 3.1.3 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.*
- 3.3.2 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.*
- 4.4.3 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses.*
- 5.2.6 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.*

The goals of this project and the draft development permit area amendments are not contrary to or at variance with the Islands Trust Policy Statement.

Gabriola Island Official Community Plan Bylaw No. 166, 1997 (OCP)

On Gabriola Island the designation of development permit areas and the guidelines for development are contained in the OCP. Currently, the only development permit area that addresses habitat protecting in freshwater riparian areas is Development Permit Area 3 – Hoggan Lake Area (DP-3). DP-3 has been in effect since 1998 and is focused on protecting wildlife values, freshwater and natural vegetation in the area of Hoggan Lake. The current extent of DP-3 is shown in Figure 2 below.

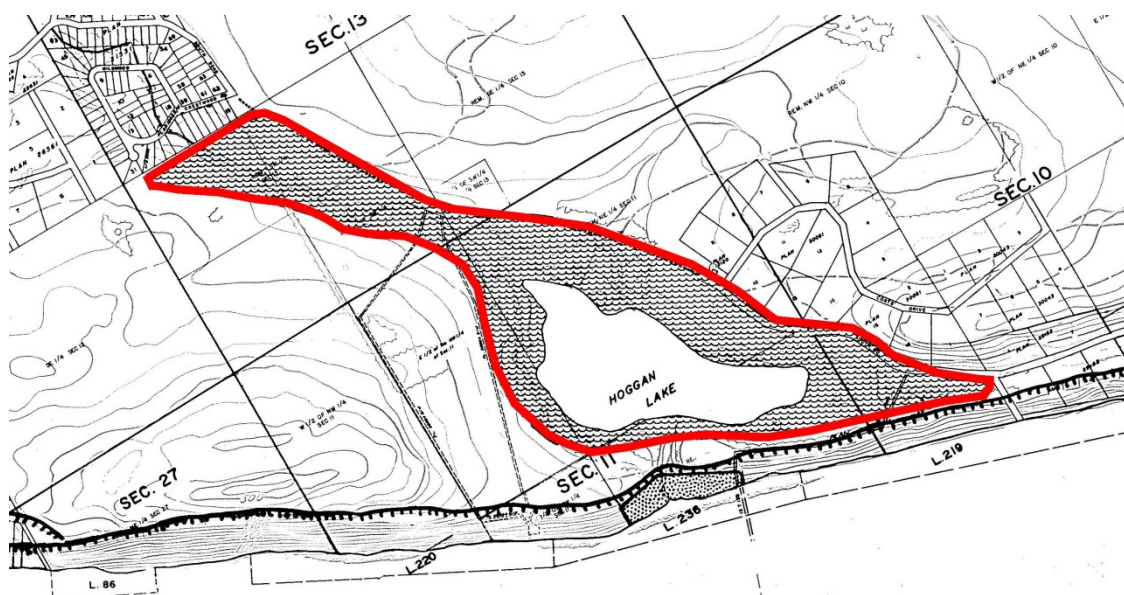


Figure 2: Location of Current DP-3 Hoggan Lake Area

While Hoggan Lake is indeed an important riparian ecosystem on Gabriola Island, the current extent of DP-3 does not encompass the entire Hoggan Lake watershed, nor does it account for other areas subject to the provincial *Riparian Areas Regulation*, as identified by Madrone Environmental Services Ltd. In addition, the current guidelines for DP-3 do not comply with the requirements of the provincial *Riparian Areas Regulation*. As such, staff recommend that current DP-3 be replaced with a revised and updated Development Permit Area 3 – Riparian Areas, which encompasses all areas identified by Madrone Environmental Services Ltd. as subject to the provincial *Riparian Areas Regulation* and which is structured such that Gabriola Island comes into compliance with the provincial *Riparian Areas Regulation*.

The OCP also currently contains Development Permit Area 6 – Escarpment Areas (DP-6), which has been in effect since 1998. DP-6 encompasses escarpment areas with a slope of 80% or greater and contains guidelines that restrict development within these areas. A number of issues have been identified with current DP-6, including a lack of mapping accuracy and clarity and outdated and ineffective guidelines. In response, EBA Engineering Consultants was contracted in 2010 to provide GIS-based mapping of steep slopes and hazardous areas as well as recommendations for updated development permit area guidelines to better regulate development in these areas. Staff recommend that current DP-6 be replaced with a revised and updated Development Permit Area 6 – Steep Slopes, which encompasses areas identified by EBA Engineering Consultants as containing Low, Moderate or High Hazard Terrain, and areas proximal to the top or toe of Moderate or High Hazard Terrain and which is structured to better protect development against hazardous slope conditions and to protect sensitive cliff and forested slope ecosystems.

Gabriola Island Land Use Bylaw No. 177, 1999 (LUB)

This project is not proposed to not affect the regulations contained in the LUB. Under the *Local Government Act*, Development Permit Area guidelines can be contained within a LUB. This approach negates the requirement for amendments to the guidelines to be granted ministerial approval as the amendment would only be to the LUB, not the OCP. Currently, Gabriola Island's Development Permit Area guidelines are contained within the OCP.

Islands Trust Fund

Pursuant to the Memorandum of Agreement between the Gabriola Island Local Trust Committee and the Trust Fund Board, draft bylaws should be referred to the Trust Fund Board for comment if the LTC considers them to have an impact on the responsibilities of the Board. In this case staff recommends that the Trust Fund Board does receive a referral before public hearing.

Regional Conservation Plan

This project does not directly impact the goals and objectives of the Regional Conservation Plan but can be seen to enhance the broad goal of the plan to protect the rich biodiversity of Trust Area by affording a greater level of protection to important ecosystem areas on Gabriola Island.

Sensitive Ecosystems and Hazard Areas

The purpose of this project is to enhance protection of the sensitive freshwater ecosystems and cliff and forested slope ecosystems on Gabriola Island as well as to enhance protection of development from hazardous slope conditions.

Archaeological Sites

Archaeological sites are not a significant consideration for this project as they are not likely to be negatively affected by enhanced protection of riparian areas or steeply sloped areas. Increased protection of these areas may enhance protection of certain archaeological sites.

Climate Change Mitigation and Adaptation

There are no expected changes to GHG emissions resulting from this project. The impacts of climate change may be more or less surface water and/or more frequent extreme weather events. Improving protection of surface water, riparian areas and hazardous terrain areas through this project may assist in adapting to climate change should higher water levels and/or more frequent extreme weather events occur.

COMMUNICATIONS STRATEGY:

The Communications Strategy endorsed by the LTC for this project includes two stages, Stage 1 - general education on development permit areas, and Stage 2 - public input on proposed development permit area amendments.

Stage 1 includes the development of a project website, which will house general information on development permit areas and will serve as a platform for the dissemination of information on the project and a means of gathering public input in Stage 2. This website has been developed by staff using wordpress and will be launched on Monday, August 27, 2012.

Coinciding with the launch of the project website, the first article in the newspaper article series, also included as part of Stage 1, along with an advertisement for the new project website, will run in both the Gabriola Souther and the Flying Shingle. This first article will be followed by two subsequent articles, as well as the accompanying advertisement, in the September 3, 2012 and September 10, 2012 issues of both local newspapers.

With Stage 1 of the Communications Strategy near completion, it is now time to initiate Stage 2. This stage includes the activation of the blog function on the project website, a mail-out to affected property owners, referral to the Advisory Planning Commission, and two Community Information Meetings. At this time, staff recommend that the draft development permit area amendments be referred to the Advisory Planning Commission for comment, that staff develop and distribute a mail-out to all affected property owners explaining the draft amendments, that the draft amendments be posted on the project website and the blog function activated to receive public comment, and that staff schedule the first of the two Community Information Meetings. In order to move forward with a referral to the Advisory Planning Commission and with the scheduling of a Community Information Meeting, additional direction is needed from the LTC.

STAFF COMMENTS:

Draft Development Permit Area Amendments

Riparian Areas

In 2011, Madrone Environmental Services Ltd. was contracted to identify and map drainages on Gabriola Island subject to the provincial *Riparian Areas Regulation*. The final report and mapping from Madrone Environmental Services was received by the LTC at the March 22, 2012

meeting. The findings of this report have been used to inform the development of development permit area amendments to implement the provincial *Riparian Areas Regulation*.

Draft Development Permit Area 3 – Riparian Areas is provided in Attachments 1 and 2: the draft text is provided in Attachment 1 to this report, while Attachment 2 provides draft mapping to accompany the designation. Staff has drafted the text based on a template development permit area, which has been developed recently through the implementation of the *Riparian Areas Regulation* by the North Pender, Galiano and Denman LTCs. The bylaw wording for the template has been reviewed by legal counsel and represents a significant amount of research and review by staff. The template text has been adjusted to fit the style and format of the Gabriola Island OCP.

The focus of the designation and the accompanying guidelines for this draft development permit area is protecting sensitive riparian ecosystems from inappropriate development and, in so doing, achieving compliance with provincial *Riparian Areas Regulation*. A key component of the *Riparian Areas Regulation*, which is reflected in the draft development permit area (Attachment 1), is the requirement for an assessment report prepared by a Qualified Environmental Professional (QEP) for all development activities, as they are defined under the regulation. The purpose of the assessment report is to determine the Streamside Protection and Enhancement Area (SPEA), an area where development should not take place without measures to mitigate its impact. For the purpose of issuing a development permit, the LTC may wish to outline specific issues to be addressed in the QEP report so that they can be easily translated to a development permit. These requirements must be included in a development approval information bylaw (DAI). The LTC currently has the development of a DAI bylaw on its work program and staff recommends that this bylaw be considered for adoption at the same time as a bylaw to replace current DP-3. Over recent years Islands Trust staff have developed and refined a standard and comprehensive DAI bylaw that can be used as a starting point for Gabriola Island.

Mapping to accompany the draft development permit area text has also been developed to protect riparian ecosystems and achieve compliance with the provincial *Riparian Areas Regulation* (Attachment 2). According to the *Riparian Areas Regulation*, the development permit area must extend at least 30.0m from the natural boundary of a stream, lake or wetland, with different criteria for a ravine that are described in the attached draft text for DP-3.

Hazardous Areas & Steep Slopes

In 2010, EBA Engineering Consultants was contracted to provide geohazard mapping and to develop a geohazard management strategy for development based on this mapping. The final report from EBA was presented to the LTC and referred to the Volunteer Review Committee in 2011. The findings and recommendations of this report have been used to inform the development of development permit area amendments to revise and update current Development Permit Area 6 – Escarpment Areas.

In addition, at the July 26, 2012 regular business meeting, the LTC resolved to limit the scope of this portion of the project to include consideration of the following hazard categories identified in the report prepared by EBA Engineering Consultants only: Low Hazard Terrain, Moderate / High Hazard Terrain, and Other Potential Terrain issues (gentle over steep and areas proximal to toes of moderate/high hazard terrain). As such, the development permit area amendments have been drafted to reflect this scope.

Draft Development Permit Area 6 – Steep Slopes is provided in Attachments 3 and 4: text is provided in Attachment 3 to this report, while Attachment 4 provides draft mapping to accompany the designation. This development permit area is proposed to be designated for two purposes under the *Local Government Act*, Section 919.1(a) protection of the natural environment, its ecosystems and biological diversity, and Section 919.1(b) protection of development from hazardous conditions. The purpose of this dual designation is to allow for the enhanced protection not only of development from hazards associated with steep slopes but also, conversely, of sensitive cliff and forested slope ecosystems from inappropriate development. The *Local Government Act* specifies what a development permit may do when issued for a particular purpose. In this case, the dual purpose designation would allow for a development permit to require, among other conditions, that specified natural features to be preserved, protected, restored or enhanced, and to specify areas of land that must remain free of development, except in accordance with any conditions contained in the development permit, that may be significant natural areas and/or areas that may be subject to debris torrents, erosion, land slip or rock falls.

In keeping with this dual purpose designation, the development guidelines for Draft Development Permit Area 6 – Steep Slopes have been created to contain a mixture of guidelines designed to protect the natural environment and those designed to protect development from hazardous conditions. The guidelines have been organized into general guidelines applicable to all development subject to the requirement for a development permit, guidelines applicable only to land alteration and construction activities and guidelines applicable only to subdivision. The guidelines for all categories of development focus on minimizing the alteration of steep slopes to accommodate development, preserving natural erosion protection through vegetation retention and/or enhancement and locating development outside of hazardous areas.

A key component of the general guidelines is the requirement for a geotechnical assessment report prepared by a qualified professional. The purpose of the assessment report is to address issues related to site drainage, soil slippage (surface or deep seated), rock fall hazards, seismic constraints, site clearing, vegetation retention and how this relates to the proposed development usage, setbacks and design. For the purpose of issuing a development permit, the LTC may wish to outline specific issues to be addressed in the report so that they can be easily translated to a development permit. These requirements must be included in a development approval information bylaw (DAI). The LTC currently has the development of a DAI bylaw on its work program and staff recommends that this bylaw be considered for adoption at the same time as a bylaw to replace current DP-6. Over recent years Islands Trust staff have developed and refined a standard and comprehensive DAI bylaw that can be used as a starting point for Gabriola Island.

A number of exemptions have been built into the draft development permit area to ensure that the requirement to obtain a development permit is appropriate to the scope of the proposed development. A number of exemptions are listed in the draft text in Attachment 3. Notably, for the Low Hazard Terrain category, a development permit is only proposed to be required where:

- proposed construction or land alteration involves excavation of greater than 1.2 metres in depth or that involves fill placement of greater than 1.0 metre in vertical height;
- proposed construction or land alteration activity involves land clearing of greater than 0.05 hectares;
- proposed subdivision, construction, addition or alteration to buildings or structures, and land alteration occurs in areas located directly above an area classified as Moderate or High Hazard Slope;

- retaining structures are proposed to be constructed greater than 1.2 metres in height;
- trees with a trunk diameter of greater than 20.0 centimetres (measured 1.5 metres above the ground) are proposed for removal, directly upslope of an existing building or structure; and/or
- subdivision, construction, addition or alteration to buildings or structures, and land alteration are proposed on properties containing a localized area of steep slope that is either:
 - o a rock bluff that is greater than 3.0 metres in vertical height, or
 - o a soil slope that has a slope gradient in excess of 33%.

These exemptions have been developed in accordance with the recommendations of the report prepared by EBA Engineering Consultants. Mapping to accompany the text has also been developed based on the work completed by EBA Engineering Consultants and includes a buffer of 5.0m around those areas identified as Moderate or High Hazard Terrain (Attachment 4). This is intended to address the recommendations from EBA to capture proposed development proximal to the top or toe of a Moderate or High Hazard slope.

RECOMMENDATIONS:

Staff recommends:

THAT the Gabriola Island Local Trust Committee refer Draft Development Permit Area 3 – Riparian Areas and Draft Development Permit Area 6 – Steep Slopes, including accompanying mapping, to the Gabriola Island Advisory Planning Commission for comment.

THAT the Gabriola Island Local Trust Committee request staff to schedule a Community Information Meeting as a Special Meeting of the Gabriola Island Local Trust Committee for the purpose of presenting and receiving input from the general public on Draft Development Permit Area 3 – Riparian Areas and Draft Development Permit Area 6 – Steep Slopes.

THAT the Gabriola Island Local Trust Committee request staff to post Draft Development Permit Area 3 – Riparian Areas and Draft Development Permit Area 6 – Steep Slopes, including accompanying mapping, to the Gabriola Island Development Permit Areas (Riparian Areas, Hazardous Areas and Steep Slopes) website, <http://gabrioladpas.com>, for public viewing and comment.

Attachments:

Attachment 1 – Draft Text: Development Permit Area 3 – Riparian Areas

Attachment 2 – Draft Mapping: Development Permit Area 3 – Riparian Areas

Attachment 3 – Draft Text: Development Permit Area 6 – Steep Slopes

Attachment 4 – Draft Mapping: Development Permit Area 6 – Steep Slopes

Prepared and Submitted by:

Chloe Fox

Chloe Fox, MCIP
Island Planner

August 13, 2012

Date

Concurred in by:

Chris Jackson

RPP, MCIP, Regional Planning
Manager

August 27, 2012

Date

DP-3 Riparian Areas

Development Permit Area 3 (DP-3) is established, pursuant to Section 919.1(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

Terms used in this section that are defined in the *Riparian Areas Regulation* (RAR) are intended to be interpreted in accordance with the definition given in the Regulation, as it may be amended from time to time.

Location

DP-3 includes all land designated on Schedule D of this plan as being within the Riparian Areas development permit area. DP-3 includes the following:

Riparian assessment areas related to the watercourses, wetlands and lakes identified on Schedule D as the term “streams” is defined in the *Riparian Areas Regulation*, which includes any of the following that provides fish habitat:

- a) a watercourse, whether it usually contains water or not;
- b) a pond, lake, river, creek or brook;
- c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b);

and consisting of the surface of the water body and:

- for a watercourse, a 30 metre strip on both sides of the stream measured from the high water mark;
- for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank;
- for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank;
- for a lake, wetland or other water body, 30 m around the water body measured from the high water mark of the water body;
- for a ditch, a 5 metre strip on both sides of the ditch measured from the high water mark.

and Schedule D shall be so interpreted. The designation and delineation of Development Permit Area 3 consists of a digital record stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust. The actual location of the streams and water bodies may need to be determined on a site-specific basis by a qualified environmental professional or a surveyor.

Justification

This development permit area contains streams, lakes and wetlands and their associated riparian areas, which have been identified as important fish, wildlife and plant habitats. Riparian ecosystems perform a number of valuable services to humans, plants and animals alike. They support a diversity of plants and animals, provide important refuges and migration routes for birds and wildlife, and support fish life processes. Vegetation in riparian areas moderates the volume and rate of water flowing through the watershed and stabilizes stream banks by holding soil in place. Plant root systems enhance the soil's ability to absorb water by making it more porous. This allows water to be stored and released slowly into the watercourse, reducing erosion and flooding, and facilitating the recharge of aquifers that store groundwater. Soils also filter impurities and sediment from runoff water, improving water quality in the stream channel.

Riparian vegetation provides food and shelter for many animal species. Shade from trees within the riparian area regulates water temperatures within the stream, which is critical for salmon, trout and other fish species that need cool water to survive. Logs and other woody debris fall into streams from the riparian area influencing stream channel morphology, dissipating the stream's natural erosive energy and

providing habitat for a diverse range of species. Land use practices including land clearing, road building, construction of buildings and structures, and location of septic systems in or near riparian areas can jeopardize these habitats and water quality. Protection of riparian vegetation and watercourses is therefore necessary to protect the natural environment, ecosystems and biological diversity of Gabriola Island.

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is a policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or water courses, wetlands or riparian zones and to protect aquatic wildlife.

Furthermore, the province of British Columbia’s *Fish Protection Act*, requires that local governments establish regulations to protect riparian areas. This designation is intended, in part, to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.

Objectives

The objectives of this development permit area are as follows:

1. To protect the biological diversity and habitat values of riparian and aquatic ecosystems
2. To protect the natural environment necessary to conserve productive fish habitat, including both streams and the adjacent land and vegetation
3. To minimize adverse impacts of land use practices on wildlife habitats and plant habitats in riparian areas
4. To prevent the degradation of existing and future water supplies on Gabriola Island
5. To prevent water pollution
6. To honour provincial designations of certain lands as for agricultural purposes

Development Approval Information

Development Permit Area 3 is designated as an area for which development approval information may be required as authorized by Section 920.01 of the Local Government Act. Development approval information in the form of a report from a qualified environmental professional (QEP) or another professional may be required due to the special conditions and objectives described above.

Application Requirements

The applicant must, in addition to any other application requirements enacted or imposed by the Local Trust Committee, provide at their expense an assessment report from a Qualified Environmental Professional (QEP), which has been submitted to the RAR Notification System.

Applicability

The following activities shall require a development permit whenever they occur within Development Permit Area 3, unless specifically exempted below:

1. subdivision, as defined in Section 872 of the *Local Government Act*;
2. construction of, addition to or alteration of a building or other structure;
3. removal, alteration or destruction of vegetation;
4. disturbance of soils;

5. creation of nonstructural impervious or semi-impervious surfaces;
6. construction of flood protection works;
7. construction of roads, trails, docks, wharves and bridges;
8. provision and maintenance of septic and water services;
9. development of drainage systems; and
10. development of utility corridors.

A separate development permit, or additional development permit conditions in a single permit, may be required or imposed if the development is occurring in another development permit area designated in this plan.

Exemptions

The following activities are exempt from any requirement for a development permit:

1. for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
2. the reconstruction, repair or maintenance of a pre-existing permanent structure on its existing foundation;
3. interior or structural exterior alterations, renovations or repair to a pre-existing permanent building or structure on an existing foundation to an extent that does not alter, extend or increase the building's footprint;
4. the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
5. gardening and yard maintenance activities within an existing landscaped area;
6. pruning conducted in accordance with the standards and recommendations of the International Society of Arboriculture, and that does not involve: the life pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one season, topping, or the pruning or removal of a structural root within the critical root zone;
7. the placement of impermanent or moveable structures, such as benches, tables and garden ornaments;
8. ecological restoration and enhancement projects undertaken or authorized by a public body;
9. work that is authorized by Fisheries and Oceans Canada by permit under section 35 of the *Fisheries Act*;
10. emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - a) emergency actions for flood protection and erosion protection;
 - b) clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow
 - c) repairs to bridges and safety fences carried out in accordance with the *Water Act*.
11. changes in or about a stream authorized under Section 9 of the *Water Act*;
12. forest management activities, as defined in the *Private Managed Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*;
13. forest management activities on land that is the subject of a woodlot license or tree farm license under the *Forest and Range Practices Act*;
14. mining activities regulated by the *Mines Act*;
15. actions undertaken by the Crown or an agent of the Crown;

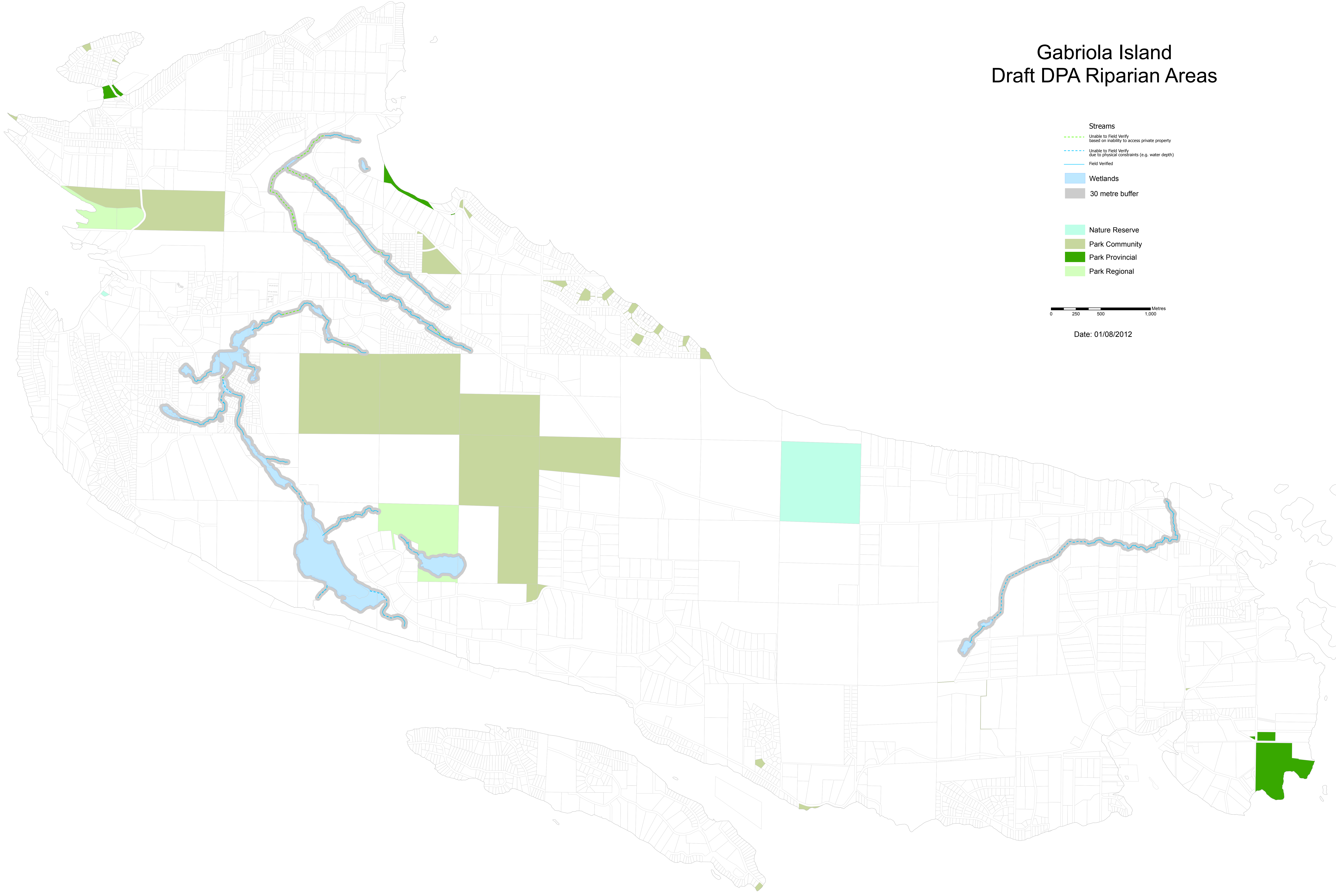
16. works undertaken by a local government or a body established by a local government; and
17. farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*.

Development Guidelines

Prior to undertaking any development activities within DP-3, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

1. In general, all development in this DPA should be undertaken in a manner that restores or maintains the proper functioning condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.
2. The development permit should not allow any development activities, including the storage or application of pesticides and other chemicals for non-essential cosmetic purposes, to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP and the owner should be required to implement a plan for protecting the SPEA or riparian buffer over the long term through measures that may be implemented as conditions of the development permit.
3. Where the QEP or other professional's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.
4. If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly.
5. The Local Trust Committee may consider variances to the subdivision, siting or size regulations of the *Gabriola Island Land Use Bylaw, No. 177, 1999* where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report.
6. The following guidelines are applicable to floats and associated structures within the development permit area:
 - a) floats should not be placed in areas identified as important to fish life processes where installation of a float would compromise the functioning of these processes;
 - b) a ramp or float should not rest on the bed of the water body;
 - c) the use of treated wood in the water body should be avoided;
 - d) floatation material should be contained within a durable shell to prevent disintegration;
 - e) pervious surfacing should be used on ramps and floats (e.g. grating or separated boards);
 - f) any areas disturbed during installation should be restored; and
 - g) where a float is being replaced, all old materials should be removed from the riparian area.

Gabriola Island Draft DPA Riparian Areas



DP-6 Steep Slopes

Development Permit Area 6 (DP-6) is established, pursuant to Section 919.1(1)(a) and (b) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity and for the protection of development from hazardous conditions.

Location

DP-6 includes all land designated on Schedule E of this plan as being within the Steep Slopes development permit area. DP-6 includes the following:

1. Low Hazard Terrain (20-32% slope)
2. Moderate Hazard Terrain (33-79% slope)
3. High Hazard Terrain ($\geq 80\%$ slope)

and Schedule E shall be so interpreted. The designation and delineation of Development Permit Area 6 consists of a digital record stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust. The actual location of the development permit area may need to be determined on a site-specific basis by a qualified BC Land Surveyor.

Justification

The topography of Gabriola Island is characterized by steep coastal bluffs and sandy beaches at sea level with forested hills and areas of rocky outcroppings in the centre of the island. This development permit area contains areas of steep slopes that, in combination with geological conditions, may pose a hazard to development, principally in the form of rock fall. The Local Trust Committee has obtained advice from a geotechnical consulting firm on the general location of such areas, as well as recommendations to restrict development activities that could increase or exacerbate such hazards.

In addition to the hazards associated with these areas, the Local Trust Committee recognizes that cliff ecosystems offer a variety of highly specialized habitats, supporting a unique association of plants, and animal communities. Forested hillsides are an important environmental resource due to extensive tree cover and are also a visual resource that reinforces the rural character of Gabriola Island. Special care is needed to ensure that new development is sensitively integrated into the natural environment to protect these ecosystems.

The general intent of the designation of this development permit area is to ensure that development in steeply sloped areas does not result in hazardous conditions and that cliff and hillside ecosystems are protected during development.

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is a policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address the identification of areas hazardous to development including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards and address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.

Furthermore, the province of British Columbia’s *Local Government Act*, requires that an Official Community Plan include restrictions on the use of land that is subject to hazardous conditions.

Objectives

The objectives of this development permit area are as follows:

1. To minimize the risk to people and property from hazardous slope conditions;
2. To avoid alteration of steeply sloped lands that may cause increase instability of the land or adjacent areas;
3. To minimize the environmental impact of development on hillsides and steeply sloped lands; and
4. To retain the natural features of sloped lands;

Development Approval Information

Development Permit Area 6 is designated as an area for which development approval information may be required as authorized by Section 920.01 of the *Local Government Act*. Development approval information in the form of a report from a qualified professional may be required due to the special conditions and objectives described above.

Application Requirements

The applicant must, in addition to any other application requirements enacted or imposed by the Local Trust Committee, provide at their expense a geotechnical assessment report from a qualified professional.

Applicability

The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted below:

1. Subdivision of land;
2. Construction of, addition to or alteration of a building or other structure; and
3. Alteration of land.

A separate development permit, or additional development permit conditions in a single permit, may be required or imposed if the development is occurring in another development permit area designated in this plan.

Exemptions

The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, owners must satisfy themselves that they meet any other applicable local, provincial or federal requirements.

1. for certainty: development or alteration of land occurring outside of the designated development permit area;
2. non-structural repairs or renovations (including roof repairs or replacement) to an existing building or structure provided that there is no expansion of the building footprint, including no cantilevered or projecting portions of the building or structure, and provided that such repairs or renovations do not increase the floor area of the building or structure;
3. replacement or repair of an existing deck, provided that the location and dimensions do not change;
4. the placement of impermanent structures, such as benches, tables and garden ornaments;
5. the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
6. gardening and yard maintenance activities within an existing landscaped area;
7. pruning conducted in accordance with the standards and recommendations of the International Society of Arboriculture, and that does not involve: the life pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one season, topping, the pruning or removal of a structural root within the critical root zone;

8. the construction of a trail provided all of the following apply:
 - a) the trail is 1 metre wide or less;
 - b) no trees with a trunk diameter greater than 20 centimetres (measured 1.5 metres above the ground), are removed;
 - c) the surface of the trail is pervious; and
 - d) the trail follows the existing topography and does not alter the contours of the land;
9. the construction of a fence provided no trees with a trunk diameter greater than 20 centimetres (measured 1.5 metres above the ground) are removed, there is no alteration to the contours of the land, and the disturbance of vegetation is restricted to 0.5 metres on either side of the fence;
10. repair and maintenance of existing roads, driveways, utility lines, infrastructure, paths or trails, provided there is no:
 - a) expansion of the width or length;
 - b) blasting, excavation or fill placement which alters the pre-existing grade; or
 - c) installation of new or additional impervious surfacing, including paving, asphaltting or similar surfacing;
11. forest management activities, as defined in the *Private Managed Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*;
12. forest management activities on land that is the subject of a woodlot license or tree farm license under the *Forest and Range Practices Act*;
13. farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*;
14. mining activities regulated by the *Mines Act*;
15. work undertaken by the Crown or an agent of the Crown;
16. works undertaken by a local government body or a body established by a local government;
17. emergency procedures to prevent, control or reduce immediate threats to life or property including emergency actions for flood protection and erosion protection;
18. within the low hazard slope classification only (20-32% slope), all subdivision, construction, addition or alteration to buildings or structures, and land alteration is exempt, except for the following:
 - a) any construction or land alteration activity that involves excavation of greater than 1.2 metres in depth or that involves fill placement of greater than 1.0 metre in vertical height;
 - b) any construction or land alteration activity that involves land clearing of greater than 0.05 hectares;
 - c) all subdivision, construction, addition or alteration to buildings or structures, and land alteration activities in areas located directly above an area classified as moderate or high hazard slope;
 - d) construction of retaining structures greater than 1.2 metres in height;
 - e) removal of trees with a trunk diameter of greater than 20 centimetres (measured 1.5 metres above the ground), directly upslope of an existing building or structure;
 - f) all subdivision, construction, addition or alteration to buildings or structures, and land alteration activities on properties containing a localized area of steep slope that is either:
 - i. a rock bluff that is greater than 3 metres in vertical height; or
 - ii. a soil slope that has a slope gradient in excess of 33%

Development Guidelines

Prior to undertaking any development activities within DP-6, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

Guidelines for All Development Activities

1. Applicants shall be required to submit a geotechnical report, prepared by a qualified professional, for all development activities within the development permit area. This report shall address all issues related to site drainage, soil slippage (surface or deep seated), rock fall hazards, seismic constraints, site clearing, vegetation retention and how this relates to development usage, setbacks and design. In addition, this report must meet the report guidelines for *Legislated Landslide Assessments for Proposed Residential Development in British Columbia* published by the Association of Professional Engineers and Geoscientists of British Columbia, May 2010, including submission of Schedule D (Landslide Assessment Assurance Statement) to specify that the land may be safely used for the use intended.
2. Where applicable, the required geotechnical report shall be co-ordinated with the environmental report required by other development permit areas, to create a combined solution that mitigates both hazard and environmental impacts and protects environmentally valuable resources.
3. Where the geotechnical report describes an area as suitable for development provided that specific mitigating measures are taken, the development permit should only allow the development to occur in compliance with the measures described in the report.
4. If the nature of the proposed work in the development permit area changes after the geotechnical report has been prepared such that the qualified professional's assessment of the impact of the development may reasonably be expected to be affected, the LTC may require the applicant to obtain a new development permit, or to have the professional update the report at the applicant's expense and in that event may revise DP conditions accordingly.
5. Monitoring and regular reporting to the Islands Trust by a qualified professional at the applicant's expense may be required during construction and land development phases, as specified in a development permit.
6. Where a permit authorizes the removal of vegetation and/or cutting of trees, re-planting and maintenance of disturbed areas shall be considered for inclusion as conditions of the permit. The planting and introduction of non-native species should be avoided and the permit may require a landscaping plan security, in the form of an irrevocable letter of credit, for 125% of the cost of re-planting the site as determined by a qualified professional.
7. The LTC may consider variances to the siting of buildings and structures and/or the subdivision regulations required by the *Gabriola Island Land Use Bylaw, No. 177, 1999* where the variance may result in a reduction in potential hazards to development, a reduction in cut and fill, an improvement in level entry, or a reduction in driveway grades.

Guidelines for Construction & Land Alteration

1. Designs should avoid the need for retaining walls, particularly to minimize cutting of the uphill slope. Where retaining structures are necessary, "living walls" or bioengineered retaining structures will be considered as a preferable alternative to hard surfaced retaining walls and should be addressed prior to considering hard engineering approaches. Any structural mitigation measures must be designed by a qualified professional.
2. Building sites should fit with natural slope contours, minimizing any alteration to steep slopes, such that structural retaining walls or extensive cut and fill are not required, and so that no blasting or significant soil/rock removal or fill is required to build on the site. The creation of large, flat terraces on hillsides in order to expand developable area or create large level front or rear yards is not supported.
3. No fill, including yard clippings, excavated material, sand or soil, should be placed within 10.0 metres of the top of slopes or along drainage channels.
4. Avoid grading or alteration of key topographic features (i.e. rock outcroppings, ridgelines, cliffs) and avoid grading that results in landforms that are not characteristic of the natural topography (i.e. linear terraced benches with no undulations or irregularities).

5. The construction of buildings, structures, pathways/trails, driveways, utilities, drainage fields, septic fields, swimming pools, hot tubs, landscaping or other uses at or near the top or base of steep slopes within the Moderate or High Hazard Terrain categories (as identified on Schedule E) should be set back a minimum horizontal distance of:
 - a) For upland areas:
 - i. near the top of a slope, the greater of 10.0 metres or 2.0 times the vertical height of the slope, as measured horizontally from the toe of the slope
 - ii. near the base of a slope, the greater of 10.0 metres or 3.0 times the vertical height of the slope, as measured horizontally from the toe of the slope
 - b) For waterfront areas:
 - i. for all buildings, structures and uses, with the exception of septic fields, 15.0 metres, measured horizontally from the natural boundary of the sea
 - ii. for septic fields, 30.0 metres, measured horizontally from the natural boundary of the seaor as determined by a qualified professional.
6. Conservation design site planning principles shall be incorporated into the development that minimize the impacts of development on steeply sloped areas by clustering development on less steep portions of the site and by minimizing the footprints of buildings.
7. Natural features and existing native vegetation on the site should be preserved and incorporated into the design of the site.
8. Vegetation should be maintained and/or reinstated on soil slopes and within 10.0 metres above the top of a slope in order to filter and absorb water and minimize erosion. Native species, including trees, shrubs and other plants, should be used for any new planting. All new planting shall be done in accordance with the recommendations of a qualified professional, and a permit issued under this section.
9. The extent of impervious surfaces should be limited, and absorbent or permeable surfaces should be used instead to encourage infiltration, where appropriate, and to reduce runoff.
10. Low impact stormwater management techniques, based on natural hydrologic cycles, should be incorporated into the development to reduce runoff and to capture water and encourage infiltration, where appropriate. Such techniques may include, but are not limited to: the use of rain gardens and bioretention facilities, rooftop gardens, rain barrels and cisterns, and permeable pavers, the reduction and disconnection of impermeable surfaces and the preservation of existing trees and native vegetation on the site.

Guidelines for Subdivision

1. Subdivision layouts should be designed to fit the site to reduce the extent of site alteration for development;
2. Every residential lot created by subdivision shall have a safe building envelope located on stable slopes at less than 20% grade;
3. Clustering of permitted density is encouraged as a means of preserving environmentally sensitive areas and to avoid the hazards associated with steeply sloped areas;
4. The Local Trust Committee does not support the dedication of areas within the Moderate and High Hazard Terrain categories (as per Schedule E) or localized areas within the Low Hazard Terrain designation consisting of rock bluffs over 3.0 metres in height or soil slopes in excess of 7.0 metres in length and 33% in slope gradient to fulfill any parkland dedication required through subdivision.
5. Conservation design site planning principles shall be incorporated into the development that minimize the need to alter natural grades by increasing the lot size as slope gradient increases, using

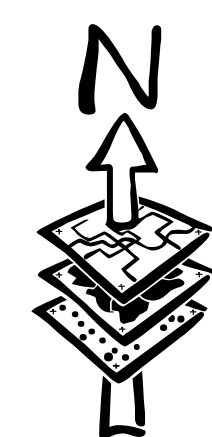
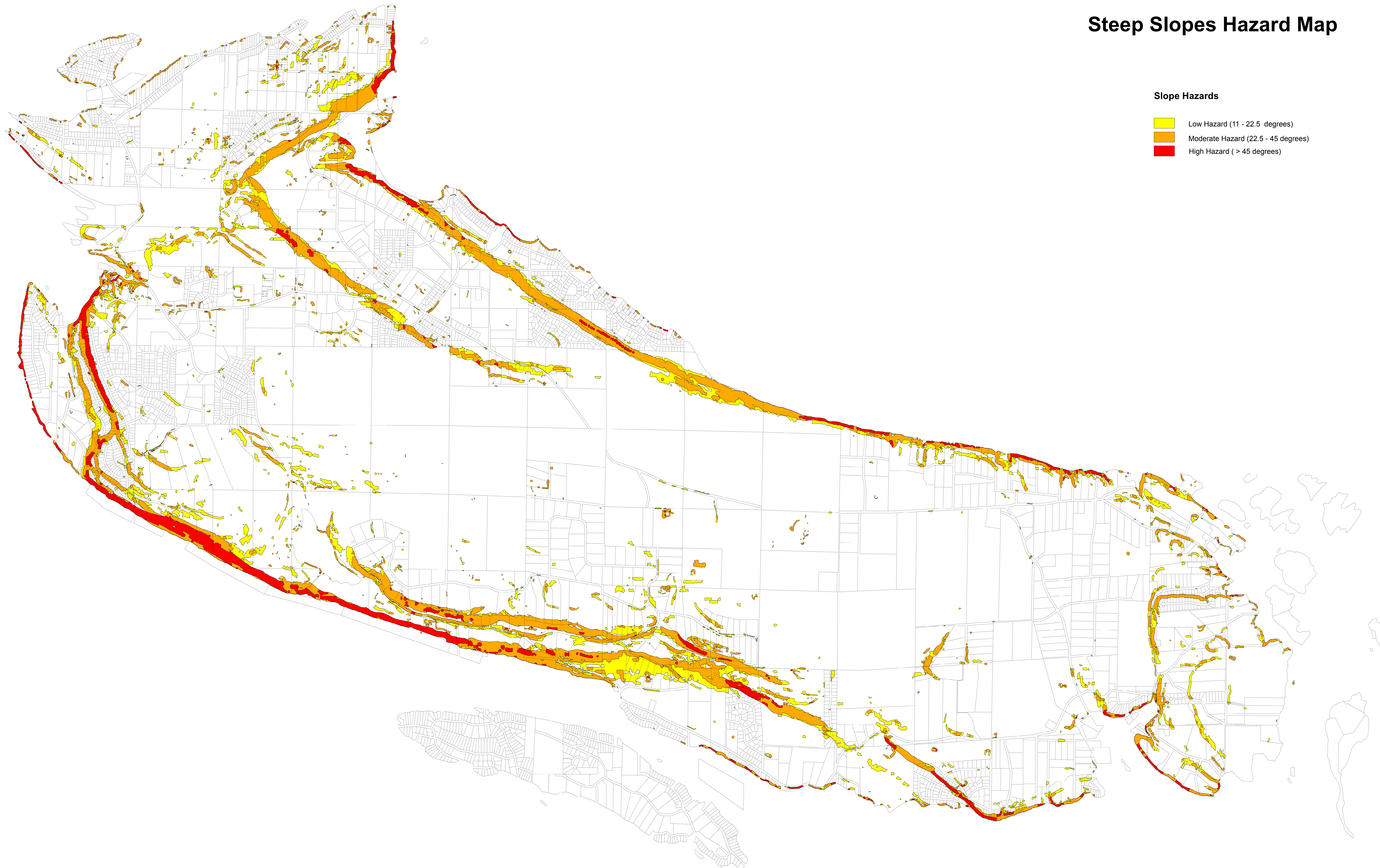
variations in lot sizes and subdivision layouts to reflect natural site contours, minimizing the length of roads, and considering the use of shared driveways to reduce the cut and fill of slopes.

GABRIOLA ISLAND

Steep Slopes Hazard Map

Slope Hazards

- Low Hazard (11 - 22.5 degrees)
- Moderate Hazard (22.5 - 45 degrees)
- High Hazard (> 45 degrees)



0 0.25 0.5 1 1.5 2 Kilometers

Purpose To review and update current Development Permit Areas (DPAs) in the Gabriola Island Official Community Plan to implement the provincial *Riparian Areas Regulation* and to update the mapping and guidelines for hazardous and steep slope areas to better assist in planning future development to protect riparian ecosystems and to avoid hazardous areas.

Background This project is part of the Gabriola Official Community Plan review. In 2010, EBA Engineering Consultants were contracted to provide geohazard mapping and a management strategy. In 2011, Madrone Environmental Services Ltd. was contracted to assess and map watercourses subject to the provincial *Riparian Areas Regulation*. The mapping and recommendations of these reports will assist in the development of updated DPAs. During these processes, concern has been expressed regarding the general level of knowledge in the community around DPAs.

Objectives

- Adoption of amended mapping and guidelines for DPA-6 to provide precise detail on the location of hazardous areas and more detailed / appropriate guidelines to protect future development from the hazards associated with these areas.
- Adoption of amended mapping and guidelines for DPA-6 that are consistent with the Islands Trust Policy Statement.
- Adoption of mapping and guidelines to implement the provincial Riparian Areas Regulation, including review of existing DPA-3.
- Ongoing notification and effective engagement with property owners, residents and the Snuneymuxw First Nation.

In Scope

- Review and update of existing DPA-3 and DPA-6, including mapping, justification, objectives and guidelines.
- Consideration of clarification around when a development permit will be required, including possible exemptions for certain types of development.
- Consistency of with the Islands Trust Policy Statement.
- Consistency with *Riparian Areas Regulation* requirements.
- Low Hazard Terrain, Moderate / High Hazard Terrain, Gentle Over Steep and Areas Proximal to Toes of Moderate / High Hazard Terrain, as per EBA report.

Out of Scope

- Review of other DPAs
- Review of other areas of the OCP
- Major applications to amend the OCP while review is in progress.
- Areas of Potentially Problematic Soils, Areas of Potential Shoreline Erosion, and Localized Areas of Steep Terrain

Links & Dependencies

- LTC meeting schedule as framework for deliverables.
- Victoria mapping department for draft mapping schedules.
- Referral agency response turn-around
- Island planner workload

Critical Success Factors

- Stay within reasonable budget
- Clear and timely communication of project, timelines and opportunities for input to community
- Development and implementation of a Development Approval Information bylaw in conjunction with the project
- Cooperative, respectful environment
- Executive Committee approval

Project Team
Name/Project Role
Chloe Fox/Island Planner
I.T. Victoria Mapping Department
Gabriola LTC
Jacquie Hill/Planning Clerk (Legislative Process)

Governance	
Name/Project Role	Responsibility
GBLTC	Bylaw review / consideration /adoption
Executive Committee	Bylaw approvals
Minister of Community, Sport & Cultural Development	Bylaw approval

Interest Groups
Name
Property owners and residents
Snuneymuxw First Nation; other First Nations
RDN; MOTI; VIHA; other referral agencies
Advisory Planning Commission
Local Realtors, Contractors, Excavators

Risk Assessment				
Risk	Probability	Impact	Response Strategy	Residual Risk
LTC efforts focused on other regional or trust wide work program items	Low	High	Promote project to work program priority #1 until final adoption	Low
Unable to meet deliverable dates due to aggressive timelines	Med	High	Detailed planning, clear roles and responsibilities of team members	Low
Property owner discourse over private property rights or implications of land use regulations being proposed	Med	High	Clear communications; ample opportunity for public review of draft regulations	Low
Unable to meet deliverable dates due to staff time commitments to development applications	Med	High	LTC direction on staff time allocation. RPM to balance application workload between Planner 1 / 2 / Island Planner	Low

Workplan Overview	
Deliverable/Milestone	Targeted Completion
General education on DPAs with community	Aug. 2012
Release of draft DPA amendments	Sept. 2012
Consultation with community / APC on draft DPA amendments	Sept. / Oct. 2012
1st reading of draft bylaw—agency and First Nation referrals	Nov. 2012
Community Information Meeting/Public Hearing and further readings	Jan. / Feb. 2013
Submission of draft bylaw to Executive Committee/Minister of CSCD	Feb. 2013
Consideration of adoption of DPA amendments	Spring 2013

Budget	
Item	Cost
Consultation	\$3,500
Legislative Process	\$2,000
Advertising	\$900
Total	\$6,400

Regional Planning Manager Approval:
Date: July 18, 2012

GBLTC Endorsement Resolution #:

GB-080-2012
Date: July 26, 2012

1.0 Objectives & Scope

Project Name	Gabriola Island DPAs (RAR, Hazardous Areas & Steep Slopes)	
What is the decision being made in this project?	OCP amendments to update development permit areas mapping and guidelines for hazardous areas and steep slopes and for implementation of the provincial <i>Riparian Areas Regulation</i> (RAR).	
Who will make the final decision?	Gabriola Island Local Trust Committee	
What is the scope of this project?	Review and update of existing Development Permit Area No. 6 – Escarpment Areas (DPA-6) and Development Permit Area No. 3 – Hoggan Lake (DPA-3), including mapping, justification, objectives and development guidelines.	
How will this project decision impact: - Other LTC decisions or projects - Individuals / Businesses - Specific communities - Environment	- The guidelines adopted will direct future LTC decisions on DP applications within these areas - The updating of DPAs will impact landowners within the areas identified as they will be subject to updated and/or new regulations for land development - The project is intended to add further protection to private property and the environment by ensuring development occurs in an appropriate manner near sensitive riparian ecosystems and hazardous slopes	
Are there historical factors or previous decisions that will affect how this project is implemented?	In 2006 the provincial government introduced RAR, which local governments are required to implement through their land use planning powers. Gabriola Island has yet to achieve compliance with this legislation. For steep slope areas, concern has been expressed about the reliability of current DPA-6 mapping, which has resulted in little enforcement. A lack of understanding amongst the general public around DPAs has been identified, in particular around the obligations of the LTC under the <i>Local Government Act</i> with respect to DPAs. The LTC has developed a DPA factsheet to foster greater levels of public knowledge around DPAs and additional education regarding DPAs should be incorporated into consultation at the outset of the project to ensure informed engagement. While this will incur additional costs on the project, there will be benefit to future projects involving DPAs.	
Why would you involve the public in this decision? What exactly do you want to achieve?	The intention is to first inform the public about DPA legislation and the purpose of DPAs and then, to consult on proposed amendments. We want the public to be more informed on the purpose and application of DPAs and how they are affected by the designation of a DPA. Secondly, we want public feedback on proposed amendments and additions to DPAs.	
What information do decision makers need to assist them in this decision?	The LTC needs to know that the proposed amendments will bring Gabriola Island into compliance with RAR, will protect development from hazards associated with steep slopes and will preserve environmental values.	
What factors will influence the decision about level and scope of consultation? How?	FACTOR	IMPACT
	Resources	Limited budget and staff time may limit the possibilities with respect to engagement
	Potential tie-ins	A Development Approval Information bylaw will be developed in conjunction with the project
Driving questions: - What information are you seeking from the public? - How will this add value to the decision making process?	Seeking to inform the community and to come to some common ground for implementation that achieves the objectives of the project in a way that is implementable and understood by those working with them. This will provide the basis for future LTC decisions on DP applications and should mitigate community concern regarding future decisions.	

2.0 Methods & Delivery

CONSULTATION STAGE 1 – General Education

<i>Project Name</i>	<i>Gabriola Island DPAs (RAR, Hazardous Areas & Steep Slopes)</i>			
Methods	Cost	Content Focus	Audience	Publication Date
Web Page	To be developed in-house by staff using Wordpress. Launch advertised in both local papers. Rough estimate: \$300	Repository for general information and project specific information	Property owners, residents, local realtors & contractors, general community	Aug. 2012
Newspaper Article Series	To be written by staff, featured in both local newspapers Rough estimate: \$1000	Series of three short articles written by staff focused on certain general aspects of DPAs	Property owners, residents, local realtors & contractors, general community	Aug. 2012

CONSULTATION STAGE 2 – Public Input on Proposed Amendments

<i>Project Name</i>	<i>Gabriola Island DPAs (RAR, Hazardous Areas & Steep Slopes)</i>			
Methods	Cost	Content Focus	Audience	Publication Date
Blog on web page	To be developed in-house by staff using the same web page developed in Stage 1 Rough estimate: N/A	Allow individuals to post comments on draft amendments, possibility of hosting surveys	Property owners, residents, local realtors & contractors, general community	Sept. 2012
Mail-out	To all affected property owners Rough estimate: \$2500	Explaining the proposed amendments and how they will affect property owners and residents	Property owners and residents	Sept. 2012
Advisory Planning Commission	Rough estimate: N/A	Referral of draft amendments to APC for comment	Advisory Planning Commission members	Sept. / Oct. 2012
Community Information Meetings (2)	Two consecutive advertisements for each, run in both local papers Rough estimate: \$600	To present and obtain feedback on draft amendments. One prior to 1 st reading, one immediately prior to public hearing.	Property owners, residents, local realtors & contractors, general community	1) Oct. 2012 2) Jan. 2013

Chloe Fox

From: nick doe <nickdoe@island.net>
Sent: Thursday, July 26, 2012 2:55 PM
To: Chloe Fox; sheila malcolmson; gisele rudischer; steve earle; john peirce
Subject: Steep slopes

Follow Up Flag: Follow up
Flag Status: Completed

At today's LTC meeting the topic of problem soils was discussed briefly.

In my opinion, this topic should be dropped completely. To single out Parksville soils and not include Cowichan, Denman Island, Metchosin, and Tolmie soils, all of which are just as poorly drained as Parksville soil makes no sense. Neptune soil is only a problem because it contains archaeological material, I know of no example of the soil being a problem otherwise, and I live on it, if only because building on it requires extraordinary measures to avoid damage to heritage sites.

My suspicion is that the flag was raised on these soils on the basis of a brief desk-bound perusal of Gabriola soil reports without any local input. It has no place among steep-slope concerns.

Regards

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Nick Doe
1787 El Verano Drive
Gabriola, BC
Canada V0R 1X6

Phone: 250-247-7858
E-mail: nickdoe@island.net
Internet: <http://www.nickdoe.ca>



Islands Trust

Preserving **island** communities, culture and environment.

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Population (2011):

Approximately 4,045

Size:

5,256 hectares (12,987 acres)

Location:

6 kilometres east of Nanaimo located on Vancouver Island.

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Gabriola Island Local Trust Committee

Latest News

In this section you will find current news items that are relevant to your Local Trust Area and your community. [Subscribe](#) to the Gabriola Island Latest News updates and receive the latest information on official community plan reviews, staff reports, notifications and other documents published in the latest news section.

July 2012

UPDATE: The deadline for public comments on the Gabriola Radio Society Radio Tower proposal has been extended to 4pm, Friday, August 24th. Send your comments to cfox@islandstrust.bc.ca today!

- [Living Near Riparian Areas Brochure](#)

April 2012

- [Gabriola Island Riparian Area Regulation Stream Identification – Final Report, Madrone Environmental Services Ltd.](#)
- [Trustee Newsletter – April 2012](#)

February 2012

- [Gabriola Island Development Permit Area Factsheet](#)

September 2011

- [Trustee Newsletter - September 2011](#)

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Gabriola Island Local Trust Committee Projects

Communication Towers and Antenna

Background Information

- [Staff Report dated January 2010](#)
- [Gabriola Island Local Trust Resolution GB-025-2010](#)
- [Cellular Antenna Proposal Form](#)
- [Industry Canada's Client Circular Radiocommunications and Broadcasting Antenna Systems](#)

Gabriola Radio Society Proposal

- [Staff report dated July 18, 2012](#)
- [Compilation of Public Correspondence to July 25, 2012](#)
- [E-mail Response from Applicant to July 18, 2012 Staff Report dated July 25, 2012](#)
- [Staff Report dated March 23, 2012 - Gabriola Radio Society Application](#)
- [Community Information Meeting Agenda - Gabriola Radio Society Radio Tower Proposal - June 25, 2012 5pm-9pm](#)
- [Community Information Meeting on the Gabriola Radio Society's proposed radio tower to be held June 25, 2012](#)
- [Application Process / Site Location & Covenants / Contact Information Handout](#)
- [Application Notification - Gabriola Radio Society Application](#)

Local Trust Committee Support Action for Water

Committee Links

[Committee Home](#)
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[Contact Planning Staff](#)
[Planning Bylaws](#)
[Administrative Bylaws](#)
[Meetings Schedule](#)
[Meeting Agendas](#)
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[Resolutions-Without-Meeting](#)
[Associated Islands](#)
[Land Use Application Forms](#)

Climate Change Action

- [Staff Report - October 2009](#)
- [Staff Report - January 15, 2010](#)
- [Staff Report - February 21, 2010](#)
- [Climate Wise Islands](#)
- [Newsletter - November 2009](#)
- [Newsletter - Mudge Island - March 2010](#)
- [Newsletter - DeCourcy Island - March 2010](#)
- [Fact Sheets](#)
- [Minutes - November 26, 2009](#)
- [Minutes - March 10, 2010](#)
- [Minutes - March 20, 2010](#)
- [2007 Community Energy and Emission Inventory Reports \(CEEIs\) now available](#)
- [New Islands Trust GHG Emission Inventories webpage posted](#)

Build-Out Project Map (3rd Edition)

- [Final Report](#)
- [Map of Development Potential \(May 2010\)](#)
- [Map of Development Potential \(January 2006\)](#)

Ecosystem Mapping

- [Draft Gabriola Island Local Trust Area ecosystem maps and feedback form](#)

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Official Community Plan and Land Use Bylaw Review

- [Gabriola Island Affordable Housing Needs Assessment](#)
- [Community Profile](#)
- [Shared Roadways - Gabriola Island Bicycle Route Plan, 2010](#)
- [Geohazard and Mapping - Report from Consultant](#)
- [List of Recommended OCP/LUB Review Phase 2 Topic Areas](#)

November 22, 2010 Community Meeting - Information Packages

- [Community Context, Plan Principle and Major Goals Information Package](#)
- [Bicycle and Bus Route Policies Information Package](#)
- [Affordable Housing, Density Transfer and Density Bank Information Package](#)

Advisory Planning Commission

- December 1, 2010 – [Agenda Package and LTC Referral](#) | [Minutes](#)
- February 15, 2011 – [LTC Referral Package](#) | [Approved Minutes](#)
- July 21, 2011 - [LTC Referral Package](#)

Agriculture Advisory Committee

- [Terms of Reference](#)

Meetings

- [March 15, 2012 – Agenda Package and LTC Referral](#)

Transportation Advisory Committee

- [Terms of Reference](#)

Volunteer Review Committee

- [Terms of Reference](#)

Meetings

- 2011
 - January 11, 2011 - Cancelled
 - January 17, 2011 [Agenda - revised](#) | [Minutes](#)
 - February 7, 2011 [Agenda - revised](#) | [Minutes](#)
 - May 9, 2011 [Agenda](#) | [Minutes](#)
 - June 20, 2011 [Agenda](#) | [Minutes](#)
 - [October 25, 2011 Agenda](#)

- 2010

▪

- December 15, 2009 [Agenda](#) | [Minutes](#)
- January 26, 2010 [Agenda revised](#) | [Minutes](#)
- February 9, 2010 [Agenda](#) | [Minutes](#)
- March 30, 2010 [Agenda - revised](#) | [Minutes](#)
- April 20, 2010 [Agenda](#) | [Minutes](#)
- May 18, 2010 [Agenda - revised](#) | [Minutes](#)
- June 15, 2010 [Agenda - revised](#) | [Minutes](#)
- July 20, 2010 [Agenda](#) | [Minutes](#)
- August 17, 2010 - Cancelled
- September 7, 2010 [Agenda - revised](#) | [Minutes](#)
- October 5 , 2010 [Agenda - revised](#) | [Minutes](#)
- November 2, 2010 - Cancelled
- December 7, 2010 - Cancelled

Community Wildfire Protection Plan

- [Community Wildfire Protection Plan May 2008](#)

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Applications

GB-RZ-2009.1 (Williamson & Associates, density transfer)

- [Preliminary Staff Report dated July 11, 2011](#)
- [Technical reports from Applicant submitted November 2, 2010](#)
- [Staff Report dated October 18, 2011](#)

Trustee Newsletters

- [March 2010](#)
- [April 2009](#)
- [September 2008](#)

DeCourcy Island

- No items at this time

Mudge Island

GB-RZ-2010.1 (Littlejohn & Beckstead)

- [Staff Report dated October 13, 2010](#)
- [Staff Report dated April 14, 2011](#)
- [Staff Report dated September 9, 2011](#)
- [Staff Report dated December 15, 2011](#)
- [Staff Report dated February 29, 2012](#)

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