



A NOTICE OF A BUSINESS MEETING OF **THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE**
to be held at 10:15 AM on Thursday, April 19, 2012 at the Women's Institute,
476 South Road, Gabriola Island, BC

Revised – May 1, 2012

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 March 22, 2012 – <i>for adoption</i>	1-8	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 dated March 15, 2012 – <i>for information</i>	9-10	
4.	BUSINESS ARISING FROM MINUTES		
4.1	Follow-up Action List dated April 5, 2012 - <i>attached</i>	11-15	
4.2	Regional District of Nanaimo Water Budget Funding Request – <i>for discussion</i>		
5.	CORRESPONDENCE		
6.	REPORTS		10:45 am
6.1	Work Program Reports		
	Top Priorities Report and Projects Report dated April 5, 2012 - <i>attached</i>	16-17	
6.2	Applications Log		
	Report dated April 5, 2012 – <i>attached</i>	18-23	
6.3	Trustee and Local Expenses		
	6.3.1 Expenses posted to March 31, 2012 - <i>attached</i>	24	
	6.3.2 Local Trust Committee Budget for 2012-2013 – <i>for discussion</i>		
7.	NEW BUSINESS		11:10 pm
7.1	Advisory Planning Commission Appointments – <i>for discussion</i>		
7.2	2011-2012 Annual Report – Draft Wording	25-26	
	Memorandum dated March 29, 2012 - <i>attached</i>		

7.3	Screening Officer and duties Cancellation Policy for Bylaw Enforcement Notification Bylaw No. 263, 2011		
7.3.1	Staff Report dated February 28, 2012 - <i>attached</i>	27-30	
7.3.2	Screening Officer and duties Cancellation Policy - <i>attached</i>	31-32	
7.3.3	Bylaw Violation Notice - <i>attached</i>	33-34	
7.4	Budget Amount for Snuneymuxw First Nation Memorandum dated April 3, 2012 - <i>attached</i>	35	
	BREAK		11:30 am
8.	TRUSTEES' REPORT		12:00 pm
9.	CHAIR'S REPORT		
10.	REGIONAL DIRECTOR'S REPORT		
11.	DELEGATIONS		
12.	TOWN HALL SESSION		
13.	APPLICATIONS AND PERMITS		12:15 pm
13.1	Proposed Radio Communication Tower		
13.1.1	Staff Report dated March 23, 2012 - <i>attached</i>	36-58	
13.1.2	Email dated March 6, 2012 from George Szanto regarding Proposed Radio Tower - <i>attached</i>	59-60	
13.1.3	Correspondence Package dated April 15 to 18, 2012 - <i>attached</i>		
14.	LOCAL TRUST COMMITTEE PROJECTS		12:45 pm
14.1	Official Community Plan and Land Use Bylaw Review		
14.1.1	Riparian Areas Regulation Staff Report dated April 5, 2012 - <i>attached</i>	61-79	
14.1.2	Draft Community Engagement Survey Staff Report dated April 4, 2012 - <i>attached</i>	80-85	
15.	BYLAWS		2:00 pm
15.1	Bylaw Enforcement Notification System		
15.1.1	Staff Report dated February 28, 2012- <i>attached</i>	86	
15.1.2	Proposed Bylaw No.263 cited as "Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No.263, 2011". - <i>for consideration of adoption</i>	87-109	
16.	ISLANDS TRUST WEBSITE		
16.1	Gabriola Page – <i>attached</i>	110-112	
17.	NEXT BUSINESS MEETING Wednesday, May 9, 2012 at 10:15 a.m. at the Women's Institute, 476 South Road, Gabriola Island, BC		
18.	TOWN HALL SESSION – <i>time permitting</i>		2:20 pm
19.	ADJOURNMENT		2:30 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 AM ON THURSDAY, MARCH 22, 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
	Chloe Fox	Island Planner
	Stephen Orgill	Recorder

There were two (2) local media representatives and nine (9) members of the public in attendance.

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.

2. APPROVAL OF AGENDA

The agenda was reviewed and the following changes and additions were made:

- Add item 13.3.1 Correspondence dated March 15, 2012 from Scott Littlejohn and Mary Beckstead
- Add item 4.2 Agricultural Advisory Commission meeting as an update to the Follow-up Action list

The Local Trust Committee adopted the agenda by consensus as amended.

3. MINUTES

3.1 *Local Trust Committee Meeting Minutes of February 14, 2012*

The Local Trust Committee reviewed the minutes of the February 14, 2012 Local Trust Committee meeting and the following amendments were made:

- Page 3, item 4.3, add to the end of the sentence, "that funding a workshop on this topic isn't within the Local Trust Committee's authority."
- Page 5, item 9, second sentence, insert "*proposed*" before "*budget increase*"
- Page 5, item 10, delete from first and second sentence "*reported that Regional District of Nanaimo budget meetings had been completed. He*"
- Page 7, item 12, last sentence delete "*and doesn't see any link*"
- Page 8, item 14.1.1, third paragraph, first sentence, replace "*under sight*" with "*oversight*"

The Local Trust Committee approved the minutes of February 14, 2012 by consensus as amended.

3.2 *Section 26 Resolutions Without Meeting*

There were no Resolutions Without Meeting.

3.3 *Gabriola Island Advisory Planning Commission Meeting Minutes*

There were no Advisory Planning Commission meeting minutes.

3.4 *Mudge Island Advisory Planning Commission Meeting Minutes*

There were no Mudge Island Advisory Planning Commission minutes.

4. **BUSINESS ARISING FROM MINUTES**

4.1 *Follow-up Action List dated March 13, 2012*

The Local Trust Committee reviewed the Follow-up Action List dated March 13, 2012.

Planner Fox asked the trustees if there were questions concerning the Follow-up Action Report and discussion followed concerning clarification and additional details of several items.

4.2 *Agricultural Advisory Commission*

Trustee Malcolmson reported that the Agricultural Advisory Commission recently held a meeting and the members had been provided with information packages. Chair Graham updated the Local Trust Committee on the Denman Island Farm Plan.

GB-031-2012

It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee refer the Denman Island Farm Plan draft and Agricultural Strategy when available to the Gabriola Agricultural Advisory Commission to provide further background to assist the existing referral.

CARRIED

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.

There was no correspondence other than those pertinent to agenda items.

6. **REPORTS**

6.1 *Work Program Reports*

The Local Trust Committee reviewed the Top Priorities and Projects dated March 12, 2012.

6.2 *Applications Log dated March 12, 2012*

The Local Trust Committee reviewed the Applications Log.

6.3 *Trustee and Local Expenses posed to February 23, 2012*

The Local Trust Committee reviewed the local expense statement with postings to February 23, 2012.

7. **NEW BUSINESS**

7.1 *A Strategic Approach to Islands Trust Communications*

The Local Trust Committee reviewed a memorandum dated February 21, 2012 to Local Trustees from David Marlor, Director of Local Planning Services of Islands Trust. Trustee Malcolmson advised that the memorandum was a result of discussion last term that points out thinking about the communication component of applications and will be integrated into each staff report. There was further discussion.

8. **TRUSTEES' REPORTS**

Trustee Rudischer briefly reported and commented on meetings that she had attended since the last Local Trust Committee. She reported that she had attended the Agricultural Advisory Commission and provided a summary of matters discussed at the meeting.

Trustee Malcolmson reported that the Islands Trust would not be accepting a grant to review the Islands Trust Policy and elaborated on the reasons for Trust Council's decision. She elaborated on the Oil Spill Preparedness workshop for Islands Trust officials and staff.

9. **CHAIR'S REPORT**

Chair Graham reported on having enjoyed visiting Gabriola while attending the recent Trust Council meeting at the Haven. He felt that the trustees had summarized the important events at Trust Council and spared further elaboration.

10. **REGIONAL DIRECTOR'S REPORT**

Director Houle reviewed several meetings he had attended since the last Local Trust Committee meeting. Among those meetings were with the Sustainability Select Committee, the Emergency Management Select Committee, the Gabriola Firehall Open House, the Gabriola Health Clinic Open House, the Parks and Open Space Advisory Committee, the Regional District of Nanaimo Parks, Recreation, and Culture Commission, the Regional District of Nanaimo Parks and Trails Select Committee, and a round table meeting with MLA Jean Crowder and twenty-five Gabriolans discussing senior's issues.

11. **DELEGATIONS**

There were no delegations.

12. **TOWN HALL SESSION**

There were no members of the public wishing to comment.

13. **APPLICATIONS AND PERMITS**

13.1 GB-DP-2012.2 (Zane – 2411 South Road, Gabriola Island)

Planner Fox referred to a staff report dated February 27, 2012 regarding the application to request a development permit in order to facilitate the proposed subdivision of the property that is within an area designated for the purpose of protecting development from hazardous conditions. Planner Fox noted that a subdivision application had concurrently been filed with the Ministry of Transportation and Infrastructure.

Planner Fox summarized the current planning status of the property and commented on development guidelines. Trustee Malcolmson pointed out the difficulty of local landowners to know the boundaries of protected areas considering the mapping information.

Chair Graham asked the applicant, who was present at the meeting, if he wished to make a comment. Mr. Zane pointed out that there are no significant trees on the property since it had been logged twice in the past. He said that he was willing to comply with regulations that the Local Planner had discussed.

GB-032-2012

It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee instruct staff to issue development permit GB-DP-2012.2 (Zane).

CARRIED

13.2 GB-RZ-2007.1 (Powell – 725 Church Street, Gabriola Island)

Planner Fox referred to the staff report dated February 29, 2012 regarding the application to rezone 1 hectare portion of a 5.96 hectare property for development of a seniors housing complex. Planner Fox reminded the Local Trust Committee that a resolution dating from September 7, 2007 requested additional information from the applicant. She informed the Local Trust Committee that the applicant wished to proceed with the application. Planner Fox updated the Local Trust Committee on changes in the Official Community Plan with respect to senior's housing developments.

Brad Powell addressed the Local Trust Committee on behalf of the application and explained the reason for the delay.

GB-033-2012

It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee request that the applicant for GB-RZ-2007.1 (Powell) address the current multi-dwelling affordable housing policies contained in the Gabriola Island Official Community Plan prior to further consideration of the application.

CARRIED

Trustees Malcolmson and Rudischer commented on the current Official Community Plan policies that provide more flexibility on density for seniors and special needs housing projects.

GB-034-2012

It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee direct staff to initiate the process for a Cost Recovery Agreement with the owner of Lot 1, Section 19, Gabriola Island, Nanaimo District Plan 45775 for application GB-RZ-2007.1 (Powell) for all planning and legal review services related to the application effective February 29, 2012 and up until such time as proposed bylaws are brought to the Local Trust Committee for final consideration and adoption or, should the application not proceed to bylaw stage, such time as a decision is made by the Local Trust Committee to reject the application.

CARRIED

13.3 GB-RZ-2010.1 (Beckstead & Littlejohn – Coho Boulevard, Mudge Island)

Planner Fox provided an update referring to a staff report dated February 29, 2012. She explained the applicants' amended proposal and recommended that the Local Trust Committee consider a resolution authorizing staff to initiate a Cost Recovery Agreement with the applicant commencing February 29, 2012 for extraordinary planning services provided for this application. Planner Fox reported that the applicants were not able to attend but had submitted written comments that she distributed. Chair Graham appointed reading time to review the comments. Discussion followed.

GB-035-2012

It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee defer further consideration of GB-RZ-2010.1 (Littlejohn & Beckstead) until such time as the applicant has provided the following information, in accordance with the Mudge Island Official Community Plan:

- Identify and comment on adequate sources of potable water, including on-site storage capacity and impact on the quality and quantity of water available for adjacent land uses both existing and potential;
- Identify and comment on sewage disposal capability, including how the development will not lead to cross contamination of wells and not negatively impact neighbouring use and enjoyment of property nor negatively affect wetlands, streams and the sea;
- Mapping of the parcel and proposed plan of subdivision, prepared by a BC Land Surveyor to show accurate parcel dimensions, the location of the road right-of-way, and the location of wells, septic fields and reserve fields;
- Provide comment on access to the island, including daily commuting and transportation of large items and construction material;
- Provide comments on site development and land alteration, including;
 - Soil conditions – stability, drainage, slope, topography, absorption and suitability for vegetation
 - Changes to surface water drainage patterns to and from wetlands, streams, the sea and adjacent properties
 - Selective, careful and sustainable use of renewable natural resources in ways consistent with the goals and policies of the Official Community Plan
 - Preservation of historic, cultural and archaeological sites
 - Creation of sufficient buffer areas to minimize potential conflicts with neighbours
 - How land clearing and alteration disturbances will be minimized
 - Retention of views from neighbouring properties and from the sea
 - Provision of trails

CARRIED

Trustee Malcolmson commented on the number of staff reports that had been prepared for this application and the subsequent revisions to the proposal.

GB-036-2012

It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee direct staff to initiate the process for a Cost Recovery Agreement with the owner of Parcel A (DD 5023N) of Section 28, Mudge Island, Nanaimo District for application GB-RZ-2010.1 (Beckstead & Littlejohn) for all planning and legal review services related to the application effective February 29, 2012 and up until such time as proposed bylaws are brought to the Local Trust Committee for final consideration and adoption or, should the application not proceed to bylaw stage, such time as a decision is made by the Local Trust Committee to reject the application.

CARRIED

14. **LOCAL TRUST COMMITTEE PROJECTS**

14.1 *Official Community Plan and Land Use Bylaw Review*

14.1.1 *Riparian Areas Regulation Watercourse Assessment and Mapping*

Planner Fox provided the Local Trust Committee with the revised final report from Madrone Environmental Services dated February 24, 2012 for information. The report titled "Gabriola Island Riparian Area Regulation Stream Identification (Updated Revised Version February 24, 2012)" contains revisions following comments from the Local Trust Committee.

14.1.2 *Options for Online Public Engagement*

Planner Fox referred to the staff report dated March 1, 2012 providing a preliminary outline of the options available with respect to online engagement tactics and tools as well as a preliminary discussion of capacity considerations. The Local Trust Committee discussed the options of online surveys, anonymous respondents and what would encourage people to engage.

GB-037-2012

It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee direct staff to develop a draft survey, to be available both online and in hard copy, designed to gather input from the public on preferred methods of engagement and that staff present the draft survey along with a strategy and budget for distribution and advertisement of the survey at a future meeting of the Gabriola Island Local Trust Committee.

CARRIED

15. **BYLAWS**

15.1 There were no bylaws for consideration.

16. **ISLANDS TRUST WEBSITE**

The Local Trust Committee reviewed the Gabriola Island Local Trust Committee page of the Islands Trust website and noted that the Development Permit Area Factsheet had been posted for distribution.

17. **NEXT BUSINESS MEETING**

The next Local Trust Committee meeting will be held at 10:15 am on April 19, 2012 at the Women's Institute, 476 South Road, Gabriola Island.

18. TOWN HALL SESSION

Terry Hanna requested that the Local Trust Committee keep the public informed of the Common's application for the Elder Eco Village through its newsletter or a report in the local papers. He also asked about gradual destruction of foreshore at Narrow's Road (El Verano beach access). Trustee Rudischer told Mr. Hanna that if an application is forthcoming from the Commons, it will have to be considered in terms of the sewage and water and that nothing can be built until there is an Official Community Plan amendment.

19. ADJOURNMENT

The Local Trust Committee adjourned the meeting by consensus at 12:15 pm.

Recorder

Chair



MINUTES OF THE GABRIOLA ISLAND

AGRICULTURAL ADVISORY COMMISSION MEETING

Held on March 15, 2012, 7:00 pm

At 700 North Rd. (Islands Trust Office), Gabriola Island, BC

PRESENT AAC Members: Eric Veale, Veronica Hartman, Sal Dominelli, John Switzer

Trustees: Gisele Rudischer

Islands Trust Staff Chloe Fox, Island Planner

Recorder: Eric Veale

Regrets (if any): Jenny MacLeod, Sheila Malcolmson

There were 3 members of the public present.

AGENDA:

1. Call to Order
2. Orientation
3. Election of Officers
4. Referral
5. Next Meeting and Adjournment

1. Call to Order

Meeting was called to Order at 7:00 pm

2. Orientation

Chloe Fox gave an overview of the AAC roles, terms of reference and expectations. Discussion followed on the scope of the AAC and expectations.

3. Election of Officers

The following members were elected as officers:

Chair: Veronica Hartman; Vice Chair: Sal Dominelli; Secretary: Eric Veale

4. Referral

Planner Fox presented Memorandum regarding referral from Local Trust Committee.

It was agreed that more time was required to properly evaluate the Official Community Plan Policies and the Food Security Report (November 2010 by Katlin Kazmierowski) and make recommendations to the Local Trust Committee.

Draft minutes

5. Next Meeting and Adjournment

April 10, 2012 at 7:00 pm Woman's Institute Hall, 476 South Rd. Gabriola Island, BC

Chair, Veronica Hartman

Secretary, Eric Veale



Islands Trust

Follow Up Action Report w/ Target Date

Gabriola Island Jul-22-2010

No.	Activity	Responsibility	Target Date	Status
1	Regional District of Nanaimo, Protocol Agreement meeting to be added to next LTC agenda; PA meeting not to be held until updates to PA are prepared in Draft form; agenda items identified to date include: Greenhouse Gas Reduction targets and actions, overlap and complimentary efforts for climate change and GHG reduction work, public transportation, watershed protection work and information sharing; housing agreements and administration thereof; building permits and inspection, OCP and LUB Review including designation and zoning of community and regional parks Groundwater - for addition on agenda as per Aug 19 LTC meeting Update (October 27, KK): Meeting not to take place until staff have drafted wording for the protocol, LTC would like this meeting to happen ASAP. Questions to ask RDN: How will Gabriolans benefit from paying taxes towards the Regional Growth Startegy? What will the benefits be (funding for GHG projects, affordable housing)?What does RDN have coming up for Gabriola in terms of ground water? Update (September 22, 2011 LTC meeting, CF): Staff directed to set up a meeting with the RDN before mid-November, if possible, or otherwise early in the next term (ie: January 2012). Staff are working with RDN staff to set up a meeting for late November 2011. Meeting date and agenda items TBD (October 18, 2011 - CF) Update (October 27, 2011 LTC meeting, CF): LTC requests that the RDN administer Housing Agreements within Electoral Area B as part of the protocol agreement.	Chloe Fox Chris Jackson	Aug-19-2010	On Going

Meeting not scheduled for November 2011. RPM to work on scheduling a meeting for the new year (November 28, 2011 - CF).

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.	Chloe Fox Chris Jackson	Dec-30-2011	On Going

Sep-22-2011

No.	Activity	Responsibility	Target Date	Status
1	Staff to report back to the LTC regarding a finalized consultation strategy for general education and information regarding DPAs.	Chloe Fox	Feb-01-2012	On Going

Oct-27-2011

No.	Activity	Responsibility	Target Date	Status
1	Move \$200 from the Special Projects Account (65230) to the Communications Account (65220).	Nancy Roggers	Nov-30-2011	On Going

Jan-19-2012

No.	Activity	Responsibility	Target Date	Status
1	LTC to allocate up to \$600 of its local expense funds to the Gabriola Rescue of Wildlife Society for creating and distributing an Eagle Nest and Perching Tree brochure, to provide environmental stewardship information and education on bylaws and regulations, and that it be delivered to the Islands Trust Northern Office by March 30, 2012.	Chloe Fox Nancy Roggers	Mar-30-2012	On Going

Feb-14-2012

No.	Activity	Responsibility	Target Date	Status
1	Release up to \$200 from the local expense communications budget (65220) to get printed copies of the DPA factsheet for public distribution.	Chloe Fox Nancy Roggers	Mar-16-2012	Done
1	Release up to \$500 from the local expense communications budget (65220) for a trustee newsletter to be distributed before March 31, 2012.	Chloe Fox Nancy Roggers	Mar-16-2012	On Going
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

Mar-22-2012

No.	Activity	Responsibility	Target Date	Status
1	The Gabriola Island Local Trust Committee requests that the applicant for GB-RZ-2007.1 (Powell) address the current multi-dwelling affordable housing policies contained in the Gabriola Island OCP prior to further consideration of the application. Letter sent to applicant April 4, 2012.	Chloe Fox	Mar-30-2012	Done
1	Staff directed to initiate the process for a cost recovery agreement with the owner of Lot 1, Section 19, Gabriola Island, Nanaimo District Plan 45775 for application GB-RZ-2007.1 (Powell) for all planning and legal review services related to the application effective February 29, 2012 and up until such time as proposed bylaws are brought to the LTC for final consideration and adoption, or should the application not proceed to bylaw stage, such time as a decision is made by the LTC to reject the application.	Chloe Fox	Mar-30-2012	On Going
1	The Gabriola Island Local Trust Committee defers further consideration of GB-RZ-2010.1 (Littlejohn & Beckstead) until such time as the applicant has provided the following information, in accordance with the Mudge Island OCP: • identify and comment on adequate sources of potable water, including on-site storage capacity and impact on the quality and quantity of water available for adjacent land uses, both existing and potential; • identify and comment on sewage disposal capability, including how the development will not lead to cross contamination of wells and not negatively impact neighbouring use and	Chloe Fox	Mar-30-2012	Done

enjoyment of property nor negatively affect wetlands, streams and the sea;

- Mapping of the parcel and proposed plan of subdivision, prepared by a BC Land Surveyor to show accurate parcel dimensions, the location of the road right-of-way, and the location of wells, septic fields and reserve fields;
- provide comment on access to the island, including daily commuting and transportation of large items and construction material;
- provide comments on site development and land alteration, including:
 - soil conditions - stability, drainage, slope, topography, absorption and suitability for vegetation
 - changes to surface water drainage patterns to and from wetlands, streams, the sea and adjacent properties
 - selective, careful and sustainable use of renewable natural resources in ways consistent with the goals and policies of the OCP
 - preservation of historic, cultural and archaeological sites
 - creation of sufficient buffer areas to minimize potential conflicts with neighbours
 - how land clearing and alteration disturbances will be minimized
 - retention of views from neighbouring properties and from the sea
 - provision of trails

Letter sent to applicant April 4, 2012.

1	Staff directed to initiate the process for a cost recovery agreement with the owner of Parcel A (DD 5023N) of Section 28, Mudge Island, Nanaimo District for application GB-RZ-2010.1 (Beckstead & Littlejohn) for all planning and legal review services related to the application effective February 29, 2012 and up until such time as proposed bylaws are brought to the LTC for consideration and adoption or, should the application not proceed to bylaw stage, such time as a decision is made by the LTC to reject the application	Chloe Fox	Mar-30-2012	On Going
1	Staff directed to develop a draft survey, to be available both online and in hard copy, designed to gather input from the public on preferred methods of engagement and that staff present the draft survey along with a strategy and budget for distribution and advertisement of the survey at a future LTC meeting	Chloe Fox	Apr-19-2012	Done

1	Staff to bring consideration of RDN water budget funding request to the April 19th LTC meeting now that the 2012/13 budget has been approved.	Chloe Fox	Apr-19-2012	Done
1	Staff instructed to issue GB-DP-2012.2 (Zane).	Chloe Fox Jacquie Hill Becky McErlean	Apr-19-2012	Done
1	The Gabriola Island Local Trust Committee refers the Denman Farm Plan draft and Denman Agriculture Strategy, when available, to the AAC to provide further background information to assist with the existing referral. Agriculture strategy forwarded to AAC March 28, 2012.	Chloe Fox	May-31-2012	On Going



Islands Trust

Top Priorities

Gabriola Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Explore the use of alternate consultation methods (social media, online surveys, etc.) in the OCP review process	Staff to report back on capacity to use alternate consultation methods in the OCP review process	Jan-19-2012	Chloe Fox	Mar-22-2012	On Going
2	Gabriola Planning Area OCP Review:		Jun-28-2011	Chloe Fox	May-09-2012	On Going
	1) Hazardous Areas and Steep Slopes DPA (finalize draft maps and public consultation strategy)					
	2) Riparian Areas Regulation (mapping only)					
	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					
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: Apr-05-2012

Projects

Gabriola Island

No.	Description	Activity	Received/Initiated	Status
2	Development Approval Information Bylaw		Mar-20-2008	On Going
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

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
GB-ALR-2011.1	George & Lorna Davison Planner: Chloe Fox	Sep-14-2011	2370 Shaw Road & 2345 South Road Boundary adjustment with neighbour

Planning Status

Status Date: Feb-10-2012

Application has been forwarded to ALC for consideration

Status Date: Jan-19-2012

LTC resolved to forward the application to the ALC

Status Date: Jan-06-2012

Staff report to January 19, 2012 LTC meeting

Development Permit

File Number	Applicant Name	Date Received	Purpose
GB-DP-2012.1	George Davison Planner: Chloe Fox	Jan-18-2012	2345 South Road & 2370 Shaw Road Development Permit Area 6 - Escarpment Areas Development Permit required in conjunction with proposed boundary adjustment

Planning Status

Status Date: Jan-31-2012

Planner reviewing file

Rezoning

File Number	Applicant Name	Date Received	Purpose
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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: Apr-04-2012

Letter sent to applicant re March 22, 2012 LTC resolutions

Status Date: Mar-22-2012

LTC requested applicant address new OCP policies for multi-dwelling affordable housing

Status Date: Mar-01-2012

Staff report to March 22, 2012 LTC meeting

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.

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2010.1	Mary & Scott/Linda Beckstead & Littlejohn	Jul-14-2010	Coho Boulevard, Mudge Island Rezoning to increase density potential from 1 to 4

Planner: Chloe Fox

Planning Status

Status Date: Apr-04-2012

Letter sent to applicant re March 22, 2012 LTC resolutions

Status Date: Mar-22-2012

LTC requested applicant address directive policies in Mudge OCP prior to further consideration

Status Date: Mar-01-2012

Staff report to March 22, 2012 LTC meeting

Subdivision

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

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	Nov-28-2008	Boundary adjustment.

Planner: Chris Jackson

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-2009.3	Michael/Marie Zane/Gauvin Planner: Chloe Fox	Jul-20-2009	2411 South Road. Four lot subdivision.

Planning Status

Status Date: Apr-04-2012

DP issued. Letter sent to MOTI advising of compliance with bylaws

Status Date: Jan-10-2012

Subject property is in DPA 6 - DP required to facilitate subdivision.

Status Date: Oct-19-2011

Applicant working on PLA conditions. Final plans submitted for compliance with IT bylaws. Planner reviewing submission (CF)

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: 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.

Status Date: Jan-17-2011

Staff reviewing application

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 separately. Planner currently reviewing file.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2011.3	Williamson & Associates Planner: Chloe Fox	Aug-23-2011	Windecker Drive / Jolly Brothers Road Subdivision to create 4 rural residential parcels

Planning Status

Status Date: Oct-24-2011

PLA from MoTI recieved

Status Date: Oct-03-2011

Priliminary Approval sent to MoTI

Status Date: Sep-15-2011

Site Visit conducted

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2011.4	John & Janice Raven Planner: Chloe Fox	Sep-12-2011	1597 Starbuck Lane / 1589 Whalebone Drive Boundary Adjustment

Planning Status

Status Date: Apr-04-2012

Final plans submitted for review. Planner to review.

Status Date: Oct-21-2011

Referral report sent to MOTI

Status Date: Oct-12-2011

Planner 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

From: Linda McClung
Sent: March-29-12 9:23 AM
To: Chloe Fox; David Graham; Gisele Rudischer; Sheila Malcolmson; Becky McErlean
Cc: Cindy Shelest; Nancy Roggers
Subject: Gabriola LTC March/12 Expense Report

Please direct any questions you have to Nancy Roggers.

Thanks.

620 Gabriola	Invoices posted to March 31, 2012		Budget		Spent		Balance
65000	LTC "Trustee Expenses"	0	1,200.0	5	167.2		1,032.75
65200	LTC Local Exp LTC Meeting Expenses	0	3,000.0	4	3,270.3	4)	(270.3
65210	LTC Local Exp APC Meeting Expenses	0	700.0	0	975.0	0)	(275.0
65220	LTC Local Exp Communications	0	650.0	7	277.2	3	372.7
65230	LTC Local Exp Special Projects	0	3,825.0	0	500.0		3,325.00
65240	LTC Local Exp Miscellaneous	0	2,725.0	0	225.0		2,500.00
TOTAL LTC Local Expense			10,900.00		5,247.61		5,652.39
72300	Project OCP update	0	8,000.0	8	6,014.9		1,985.02



Memorandum

700 North Road Gabriola Island, BC V0R 1X3

Telephone 250. 247-2063 FAX: 250. 247-7514

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC 1.800.663.7867

northinfo@islandstrust.bc.ca www.islandstrust.bc.ca

Date: March 28, 2012 File Number: 3030-20

To: Gabriola Island Local Trust Committee
For meeting of April 19, 2012

From: Chloe Fox
Island Planner

Re: 2011-2012 Annual Report – Draft Wording for Gabriola Island Local Trust Committee Section

The *Islands Trust Act* requires that Trust Council prepare an annual report of the operations of Trust Council, the Executive Committee and the Local Trust Committees. With the end of the fiscal year on March 31, 2012, it is now time to start compiling information for the 2011-2012 Annual Report. In developing the content of the report, Local Trust Committees (LTCs) are requested to provide wording for their individual sections of the report. As a change from previous years, LTCs are now required to approve the final wording of their section of the report. The purpose of this memo is to provide for consideration draft wording for the Gabriola Island LTC section of the 2011-2012 Annual Report.

While the length of each LTC's section will vary, LTCs are advised to aim for a minimum of two paragraphs and a maximum of one page. The section should describe the activities of the LTC over the fiscal year, such as projects or processes initiated or completed, and permits or rezonings of interest to the community.

The Gabriola Island LTC section from the 2010-2011 Annual Report reads as follows:

The Gabriola Island Local Trust Committee held 11 business meetings, eight special meetings, and four Community Information Meetings. Work focused on the rezoning of the Gabriola Commons and the rezoning of donated Forestry land for a medical clinic. Phase 1 of the Gabriola Island Official Community Plan review includes new and updated policies relating to multi-dwelling affordable housing and density banking for affordable housing, First Nations cultural references, bicycle and bus routes, housekeeping, and community context updates. Ongoing work with the Volunteer Review Committee helped inform these new OCP policies. Two protocol working group meetings were also held with the Snuneymuxw First Nation.

A Hazardous Areas and Steep Slopes mapping contract was carried out, which will inform Development Permit policy in the coming months. The Gabriola Island Local Trust Committee also hosted several workshops including a Riparian Areas Regulation workshop, and "Five for the Future", a community event focused on climate change and reducing Gabriola's greenhouse gas emissions.

Two Development Variance Permits, two Development Permits, two rezoning, and two subdivision applications were received over the course of this fiscal year.

Draft wording for the 2011-2012 Annual Report has been prepared by staff and is provided below for consideration:

The Gabriola Island Local Trust Committee held 12 regular business meetings, 10 special meetings, two public hearings and two Community Information Meetings. Work focused on continuing with Phase 1 of the Gabriola Island Official Community Plan review, culminating with the adoption of amending Bylaw No. 262 in September 2011. Bylaw No. 262 includes new and updated policies relating to multi-dwelling affordable housing and density banking for affordable housing, First Nations cultural references, bicycle and bus routes, housekeeping, and community context updates. A list of recommended topic areas for Phase 2 of the Official Community Plan review was also developed, which will inform the work of the Gabriola Island Local Trust Committee through the next fiscal year.

To kick-start some of the work recommended for Phase 2 of the Gabriola Island Official Community Plan review, the Gabriola Island Local Trust Committee held a World Café workshop on the Village Core in October 2011 and established both an Agricultural Advisory Commission and a Transportation Advisory Commission. The Gabriola Island Local Trust Committee also began exploring options for using online public engagement tools as part of community consultation during Phase 2 of the Gabriola Island Official Community Plan review.

A stream mapping and assessment contract was carried out between November 2011 and February 2012 as a first step in achieving compliance with the provincial Riparian Areas Regulation. This work will help inform the creation of Development Permit policy over the course of 2012. The Gabriola Island Local Trust Committee also developed a Development Permit Area Factsheet designed to enhance community knowledge of Development Permit Areas, their purpose and current use on Gabriola Island.

Two Agricultural Land Reserve applications, two Development Permit applications, two Development Variance Permit applications, four Subdivision Referral applications, and one Temporary Use Permit application were received over the course of this fiscal year. In addition, work continued on several rezoning and subdivision referral applications from previous years.

Respectfully prepared and submitted by:

Chloe Fox
Island Planner

Pc: Chris Jackson, Regional Planning Manager



STAFF REPORT

Date: February 28, 2012 **File No.:** Bylaw No. 263, 2011

To: Gabriola Island Local Trust Committee
For Meeting April 19, 2012

From: Miles Drew, Bylaw Enforcement Coordinator

CC:

Re: **Appointment of Screening Officers**
Designation of Screening Officer Powers and Duties
Bylaw Violation Notice Cancellation Policy
Stipulation of the Form of Violation Notice

THE PROPOSAL:

This report will recommend to the Gabriola Island Local Trust Committee that it:

1. appoint screening officers;
2. designate the powers and duties of specific screening officers by adopting the attached policy;
3. authorize the reasons for cancellation of a bylaw violation notice by adopting the attached policy; and
4. approve the attached form of violation notice to be used (attached).

STAFF COMMENTS

Section 7 of the Bylaw Enforcement Notification Bylaw requires that the Local Trust Committee (LTC) appoint screening officers. The powers and duties of screening officers are described in section 7 of the bylaw which is listed below. These powers and duties include release of information about bylaw violation notices (BVN) to various persons, negotiation of compliance agreements in return for reduced fine amounts, and cancellation of tickets. The LTC will give guidance to this process through the attached policy and thus ensure consistency.

The Bylaw permits the bylaw enforcement assistant, bylaw enforcement officers, the bylaw enforcement coordinator and regional planning managers to be appointed as screening officers. As very low numbers of BVNs will be issued there is no need at this time to appoint bylaw enforcement officers as screening officers.

The policy designates the bylaw enforcement assistant as a screening officer but limits the powers and duties to dissemination of information only. Permitting the bylaw

enforcement assistant to relay information about BVNs and the process will ensure that the public has immediate access to information. The bylaw enforcement coordinator is designated as a screening officer with full powers and duties. To avoid any perceived conflict of interest when BVNs are issued by the bylaw enforcement coordinator, the duties of screening officer will fall to the regional planning manager.

Negotiation of compliance agreements and cancellation of notices are reserved to senior staff to ensure that whatever agreement is made fully complies with the requirements of bylaws.

7.0 SCREENING OFFICERS

7.1 The position of screening officer is established.

7.2 The following are designated classes of person that may be appointed as screening officers:

- (1) Regional Planning Manager;
- (2) Bylaw Enforcement Coordinator;
- (3) Bylaw Enforcement Officer;
- (4) Bylaw Enforcement Assistant;

and the LTC may appoint screening officers from these classes of persons by name of office or otherwise.

7.3 The powers duties and functions of screening officers are as set out in the *Act*, and include the following powers:

(1) Where requested by the person against whom a contravention is alleged, to communicate information respecting the nature of the contravention, the provision of the bylaw contravened, the facts on which the contravention allegation is based, the penalty for a contravention, the opportunity to enter into a compliance agreement, the opportunity to proceed to the Bylaw Notice dispute adjudication system and the fee or fees payable in relation to the Bylaw Notice enforcement process;

(2) To communicate with any or all of the following for the purposes of performing their functions under this bylaw or the *Act*:

- (a) the person against whom a contravention is alleged or their representative;
- (b) the officer issuing the Notice;
- (c) the complainant or their representative;

(d) the Islands Trust staff and record regarding the disputant's history of bylaw compliance.

(3) To prepare and enter into compliance agreements under the *Act* with persons who dispute Bylaw Notices, including to establish terms and conditions for compliance that the screening officer considers necessary or advisable, including time periods for payment of penalties and compliance with the bylaw;

(4) To provide for payment of a reduced penalty if a compliance agreement is entered into as provided in column A5 of Schedule "A" and Schedule "B" as attached to this bylaw; and

(5) To cancel Bylaw Notices in accordance with the *Act* or LTC policies and guidelines.

7.4 The bylaw contraventions in relation to which a screening officer may enter into a compliance agreement are indicated in column A4 of Schedule "A" and Schedule "B" as attached to this bylaw.

7.5 The maximum duration of a compliance agreement is one year.

Section 9 of the bylaw required that the LTC stipulate the form of the Bylaw Violation Notice. Attached is the version of the notice that Staff recommends be used. This version is very similar to those used by other jurisdictions. The form has been developed so that it may be used in all the Local Trust Areas which have adopted a Bylaw Enforcement Notification Bylaw.

RECOMMENDATION:

Staff recommends that the Gabriola Island LTC make the following resolutions:

1. The Gabriola Island Local Trust Committee appoints the Bylaw Enforcement Assistant, the Bylaw Enforcement Coordinator and the Regional Planning Manager as Screening Officers pursuant to Gabriola Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 263, 2011;
2. The Gabriola Island Local Trust Committee adopt the Bylaw Enforcement Notice Bylaw Screening Officers' Powers and Duties Policy attached to staff report dated February 28, 2012; and

3. The Gabriola Island Local Trust Committee stipulates that the attached Bylaw Violation Notice is the form of violation notice to be used pursuant to the Bylaw Enforcement Notice Bylaw No. 263, 2011.

ATTACHMENTS:

Attachment 1 – Screening Officers’ Powers and Duties Policy

Attachment 2 – Bylaw Violation Notice

Prepared and Submitted by:

Miles Drew
Bylaw Enforcement Coordinator

February 26, 2012

Date



Gabriola Island Local Trust Committee

Bylaw Enforcement Notice Bylaw Screening Officers' Powers and Duties Policy February 28, 2012

Appointment of Screening Officers

Pursuant to section 7.2 of the Gabriola Local Trust Committee Bylaw Enforcement Notification Bylaw No. 263, 2011 the persons holding the following positions are appointed as screening officers:

- 1) Regional Planning Manager;
- 2) Bylaw Enforcement Coordinator; and
- 3) Bylaw Enforcement Assistant

Screening Officer Powers and Duties

The powers and duties of the screening officer are contained in section 7.3 of the bylaw. However, it is the direction of the Local Trust Committee that these powers and duties only are carried out in respect to each of the above positions as follows:

- 1) **Regional Planning Manager.** In respect to Bylaw Violation Notices issued by the Bylaw Enforcement Coordinator only the Regional Planning Manager, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of Bylaw No. 263, 2011;
- 2) **Bylaw Enforcement Coordinator.** In respect to Bylaw Violation Notices issued by Bylaw Enforcement Officers only the Bylaw Enforcement Coordinator, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of Bylaw No. 263, 2011;
- 3) **Bylaw Enforcement Assistant.** In respect to Bylaw Violation Notices issued by the Bylaw Enforcement Coordinator and Bylaw Enforcement Officers the Bylaw Enforcement Assistant, acting as Screening Officer, may exercise only those powers and duties in Section 7.3(1) and 7.3(2) of Bylaw No. 263, 2011.

Authorized Reasons to Cancel Bylaw Violation Notices

The Screening Officer may cancel a Bylaw Violation Notice if satisfied that one or more of the following reasons exist:

- 1) the Bylaw Violation Notice was issued to the wrong person;
- 2) an exception specified in the bylaw or related enactment exists;
- 3) a permit exists which authorises the alleged violation;
- 4) there is poor likelihood of success at adjudication for the Local Trust Committee. For example:
 - a) The evidence is inadequate to show a contravention;
 - b) The officer relied on incorrect information in issuing the Bylaw Violation Notice;
 - c) The Bylaw Violation Notice was not completed properly;
- 5) it is not in the public interest to proceed to adjudication for one of the following reasons:
 - a) The bylaw has changed since the Bylaw Violation Notice was issued, and now authorizes the contravention;
 - b) The offence occurred as a result of a circumstance that made it impossible for the person to reasonably comply with the bylaw.



No.

BYLAW VIOLATION NOTICE

THE ISSUING OFFICER SAYS YOU ARE IN BREACH OF A LOCAL TRUST AREA BYLAW AS FOLLOWS:

ISSUED TO:

NAME OF PERSON OR COMPANY		
ADDRESS		
LEGAL DESCRIPTION		
DATE YYYY MM DD	TIME HH:MM AM/PM	LOCATION ISSUED
BYLAW NAME		
BYLAW NUMBER		SECTION
DESCRIPTION OF CONTRAVENTION		
ISSUING OFFICER NAME:		SIGNATURE

THE PENALTY FOR A CONTRAVENTION REFERRED TO ABOVE IS:

Discounted rate If paid within 14 days \$ _____

If paid within 15-28 days \$ _____

If paid after 28 days* \$ _____

*See reverse for additional information on late payments.

METHOD OF DELIVERY:

- ☐ In Person
☐ By Mail

**ADJUDICATION REQUEST**

To dispute this Bylaw Violation Notice please complete the form below and deliver, mail, or fax to any Islands Trust office within 14 days of receipt of this notice. The request can also be made online at www.islandstrust.bc.ca. See the reverse side of this ticket for addresses and additional information.

Bylaw Notice #:	Date of Issue:
Name:	
Postal Address:	
City/Island:	Province: Postal Code:
Daytime Phone #	Email Address:
Signature:	

ALLEGED OFFENDER'S COPY

COMPLIANCE

- ▶ Failure to comply with the bylaw may result in additional penalties.
- ▶ To arrange a compliance agreement and to receive a discount on the penalty indicated on this notice, contact us.

PAYMENT INFORMATION

PAY BY MAIL OR IN PERSON BY CASH OR CHEQUE
PRESENT THIS NOTICE AT THE TIME OF PAYMENT

- ▶ Please make your cheque or money order payable to Islands Trust.
- ▶ Do not send cash in the mail.
- ▶ Payment must be received within the noted time limits to receive the discounted amounts.
- ▶ A dishonoured cheque will not be considered payment of the penalty within the prescribed time. NSF fees will be applied.
- ▶ Failure to pay promptly will result in additional penalties being added.
- ▶ Overdue fines may be subject to collection process.

DISPUTE ADJUDICATION

- ▶ Adjudication requests must be filed within 14 days of violation notice receipt to be eligible for an adjudication hearing.
- ▶ Deliver, mail, or fax the request form on reverse to any Islands Trust office or complete a request form online at www.islandstrust.bc.ca.
- ▶ Unsuccessful adjudicated disputes will be charged an additional \$25 administration fee.

CONTACT US

Phone: 250-405-5175
Fax: 250-405-5155

Email: bylawenforcement@islandstrust.bc.ca
Web: www.islandstrust.bc.ca

ISLANDS TRUST OFFICES

Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8

Islands Trust
1-500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8

Islands Trust
700 North Road
Gabriola Island, BC V0R 1X3



Memorandum

7.4

700 North Road Gabriola Island, BC V0R 1X3

Telephone 250. 247-2063 FAX: 250. 247-7514

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC 1.800.663.7867

northinfo@islandstrust.bc.ca www.islandstrust.bc.ca

Date: April 3, 2012 File Number: 3070-20

To: Gabriola Island Local Trust Committee
For meeting of April 19, 2012

From: Chloe Fox
Island Planner

Re: Funding for Work with Snuneymuxw First Nation

Local planning staff have recently become aware that there is \$1,426.38 in funds from the provincial government available for the Gabriola Island Local Trust Committee (LTC) to use towards work with the Snuneymuxw First Nation. These funds remain from funding received for treaty negotiations with the Snuneymuxw First Nation a number of years ago. As there is no obligation to return these unspent funds, this amount will remain until such time as expenditures are incurred related to work with the Snuneymuxw First Nation. There is no deadline for spending the funds.

Snuneymuxw First Nation Protocol Agreement Implementation is currently the fourth priority on the work program. Below are a number of items that the LTC may wish to consider putting these funds towards:

- Pay a contract, such as Katherine Gordon, to help with logistics related to protocol agreement meetings between the LTC and the Snuneymuxw First Nation
- Cover staff costs to travel and spend time coordinating referral responses and, generally, developing a better working relationship with staff at the Snuneymuxw First Nation
- Complete the following items on the Follow-Up Action List from January 27, 2011:
 - o Staff to work the Snuneymuxw First Nation staff to finalize joint letter seeking funding for archaeological mapping and bring letter to an LTC meeting before sending
 - o GBLTC to host and invite Snuneymuxw First Nation Councillor Geraldine Manson to make a storytelling presentation on Gabriola.

Staff request additional direction as to whether or not the LTC would like to pursue any work with these funds at this time.

Respectfully prepared and submitted by:

Chloe Fox
Island Planner

Pc: Chris Jackson, Regional Planning Manager



STAFF REPORT

Date: March 23, 2012

File No.: GB/15-4

To: Gabriola Island Local Trust Committee
For the meeting of April 19, 2012

From: Chloe Fox
Island Planner

CC: Chris Jackson
Regional Planning Manager

Re: Application for Radio Tower – Gabriola Radio Society

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)

THE PROPOSAL:

The Gabriola Radio Society (CKGI 98.7 FM) has submitted a proposal for the siting of a radio tower on the northeasterly portions of the subject property near the end of Chernoff Drive (please refer to map on following page). 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, a copy of which is included as Attachment 1 to this report.

SITE CONTEXT:

The location of the subject property is shown in Figure 1, below. The subject property is approximately 31.65 hectares (78.17 acres) in area and is zoned Resource (R). The property is hooked across Lockwood Drive and consists of a large panhandle-shaped portion to the north of Lockwood Drive and a smaller portion to the south of Lockwood Drive. The subject property is bounded by South Road and a triangular parcel zoned R to the south and Coats Drive East and five parcels, which were previously subdivided off from the subject property, zoned Resource (R), to the north (note: the subject property has a no further subdivision restrictive covenant on title). Chernoff Drive ends near the northeasterly corner of the property and surrounding properties to the east and north across Coats Drive East are zoned Large Rural Residential (LRR). Properties to the west are zoned LRR and properties across South Road to the south are zoned LRR and R. The proposed location of the radio tower is in the northeasterly portion of the property, near the end of Chernoff Drive (circled x in Figure 2).

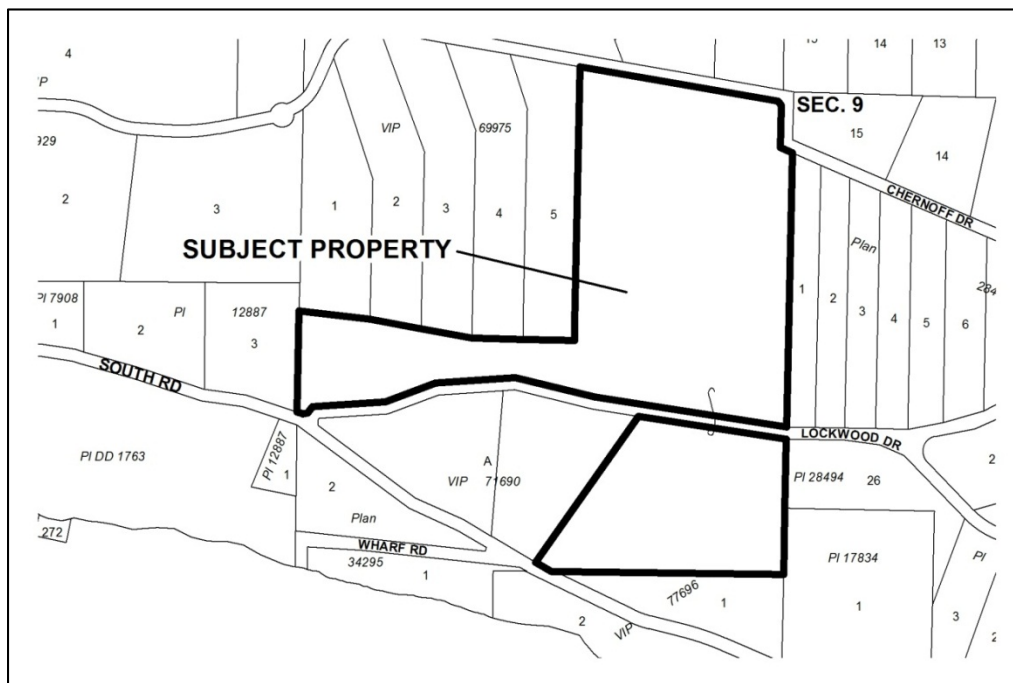


Figure 1: Subject Property

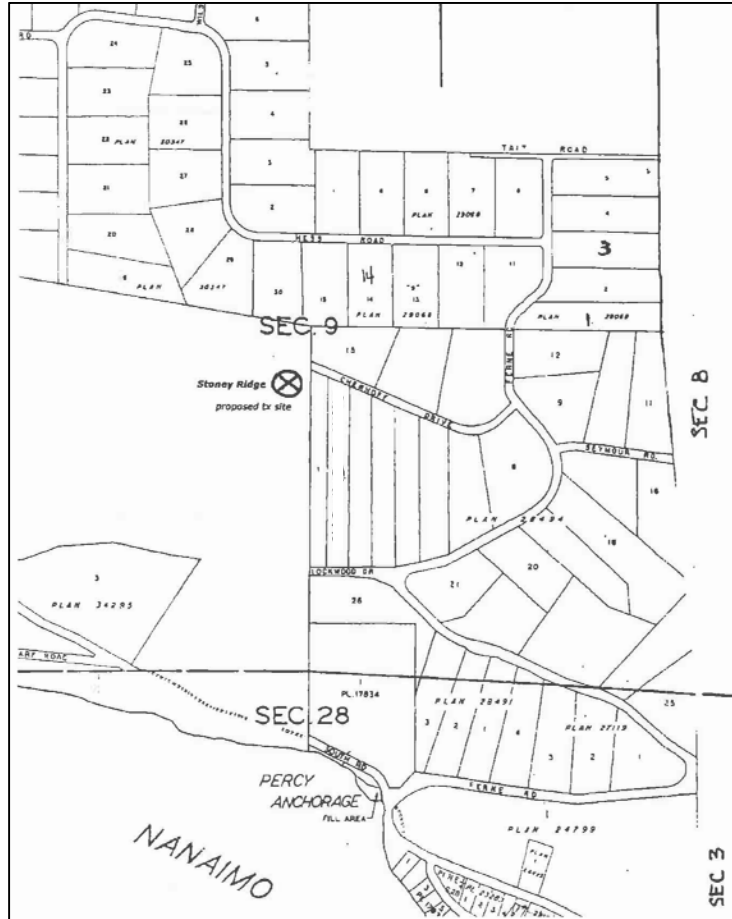


Figure 2: Proposed Communication Tower Location

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

The Islands Trust Policy Statement contains the following policies that are relevant to this application:

- 5.3.1 *Trust Council holds that local trust committees and island municipalities should be consulted and involved in the decision-making process regarding provision of utilities, transportation services or facilities that might affect land use in their local planning areas.*

The proposed radio-communication tower is not contrary to or at variance with the Trust Policy Statement.

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

The subject property is designated Resource (R) in the OCP. This land use designation identifies lands which are not within the Agricultural Land Reserve or the former Forest Land Reserve and is generally characterized by large parcels 8.0 hectares or larger that are predominantly undeveloped. The intent of the designation is to retain much of the land within the designation in large parcels so as to maintain a rural landscape. The following uses are

permitted within the Resource designation: one single-family residential unit, horticulture, agriculture, silviculture, forestry and home occupations, AM/FM tower (permitted on one property only) and shooting range (permitted on one property only).

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

The subject property is zoned Resource (R) in the LUB. This zone permits agriculture, forestry, and single-family residential uses as well as AM/FM tower (permitted on one property only) and a shooting range (permitted on one property only). The permitted AM/FM tower is noted in the bylaw does not include the subject property. The LUB also permits public utilities to be located in any zone, with the exception of public parks and ecological reserves. The definition of 'public utilities', however, specifically excludes radio and television broadcast towers.

Although the LUB does not expressly permit this type of land use (or building or structure) on the subject property, communications towers are within federal jurisdiction and local land use bylaws cannot prohibit the siting of either licensed or unlicensed antenna (for more information, *Canadian Municipalities and the Regulation of Radio Antennae and their Support Structures*, produced by Industry Canada and available upon request).

Islands Trust Fund:

As per the Islands Trust Fund Policy Manual, this application does not directly affect Trust Fund Board (TFB) interests as it does not directly affect TFB owned property or conservation covenants, does not affect property directly adjacent to TFB owned property or conservation covenants, and does not pertain to Crown Land within 100m of a TFB owned property or conservation covenant. However, due to the nature of the proposal, the Islands Trust Fund should be made aware of the proposal and have opportunity to comment.

Regional Conservation Plan:

The Islands Trust Fund Regional Conservation Plan (RCP) identifies areas of low to medium relative composition importance of the subject property. This indicates a low to medium occurrence of special habitats. The RCP also states that Gabriola is vulnerable to a loss of natural ecosystems from residential and associated uses. Gabriola saw a significant increase in the number of private dwellings between 2001 and 2006 compared with other areas in the Trust Area. In addition, Gabriola Island has been identified as an area of moderate conservation focus due to medium levels of unprotected high relative biodiversity composition.

Sensitive Ecosystems and Hazard Areas:

Islands Trust Sensitive Ecosystem Mapping identifies areas with a primary ecosystem of mature Douglas Fir forest and other forest species such as salal in the northwestern portion of the subject property bordering Coats Drive East, areas with a primary ecosystem of swamp wetland in the eastern portion of the subject property, immediately south of the proposed tower location, and an area with a secondary ecosystem of wetland swamp (primary class: seasonally flooded cultivated field) in the northwesterly portion of the lot and covering the area of the proposed tower location.

Archaeological Sites:

Data from the Provincial Remote Access to Archaeological Data (RAAD) system shows archaeological sites within on the hooked portion of the subject property south of Lockwood Drive. The proposed location of the radio tower, however, does not appear to be within 50m of

these sites. Referral to the Snuneymuxw First Nation is required under Standing Resolution GB-025-2010 and staff recommend that the applicant be required to consult with the provincial Archaeology Branch as part of the consultation process.

Covenants:

The following covenants are registered against the property:

EL75076

This is a Statutory Right-of-Way (SRW) registered in favour of the Gabriola Fire Protection District to construct, operate and maintain a system of waterworks and various associated equipment including a pond, a waterworks pump station, suction devices, tanks, fire hydrants and other conveying devices. The SRW covers the portion of the subject property lying easterly of a line drawn parallel to and perpendicularly distant 300m westerly of the easterly boundary of the property. The proposed radio tower appears to be located within this area; as such, staff recommend that part of the consultation process on this application involve a referral to the Gabriola Fire Protection District.

EN117465 & EN117466

These covenants are registered in favour of the Regional District of Nanaimo and the Minister of Environment, Lands and Parks – Water Management Branch restricting the location of buildings, including mobile homes, used for habitation, business or storage of goods damageable by floodwaters in relation to McGuffies Swamp. This swamp area is located to the south of the proposed location of the radio tower.

EN117467 & EN117468

These covenants are registered in favour of the Regional District of Nanaimo and the Minister of Environment, Lands and Parks – Fish, Wildlife and Habitat Branch restricting vegetation removal, building or other human-induced changes within 15m of the natural boundary of McGuffies Swamp and its associated streams without prior written consent of the Ministry of Environment – Fish, Wildlife and Habitat Manager in Nanaimo. The information submitted with the application does not contain enough detail on the proposed location of the tower to determine whether or not the proposed siting will be in violation of this covenant.

EN117469 & EN117470

These covenants are registered in favour of the Regional District of Nanaimo and the Minister of Transportation and Highways for geotechnical purposes and specifies that the property shall only be used, built upon or developed in accordance with the geotechnical report included in Schedule A to the covenant. The report identifies an area of slope hazard that cuts through the subject property east to west roughly in line with the rear property line of the five adjacent lots to the north, which have been subdivided off from the remainder parcel. The proposed location of the tower appears to be well outside the area of slope hazard.

EN117471 & EN117472

These covenants are registered in favour of the Gabriola Island Local Trust Committee restricting further subdivision of the property.

ISSUES SUMMARY:

1. Compliance with Standing Resolution GB-025-2010

STAFF COMMENTS:

The applicant is proposing to site a radio tower on the northeasterly portions of the subject property, near the end of Chernoff Drive, which would be used for FM broadcasting for the Gabriola Radio Society. The applicant has indicated that their broadcast engineer has identified the site as being suitable to the task of broadcasting to Gabriola.

While this type of land use falls within the jurisdiction of the federal government (Industry Canada), a key component of Industry Canada's application process is to ensure that applicants looking to erect communications towers consult with the local land use authority and follow the documented consultation process of the local land use authority, if one exists. Staff have been in contact with Industry Canada staff, who are aware of the requirements of Standing Resolution GB-025-2010 and that, to date, the applicant has not fulfilled its requirements. In order for the federal application process to move forward, Industry Canada will be looking for a written document from the LTC showing that the applicant has followed our process for consultation and indicating support for the proposed communication tower. Should the applicant and LTC not be able to reach a mutually-acceptable agreement on the proposal, Industry Canada would become involved.

The applicant submitted a completed Antenna Proposal Form in July 2011 and at the end of February 2012 submitted a proposal for fulfilling the requirements of the standing resolution, the details of which are included in Attachment 2. The following provides a review of the submitted proposal against the requirements of the standing resolution:

1. *Proposals for any new or expanded communication towers and antennae require an application to the Gabriola Island Local Trust Committee*

The applicant has submitted a completed Antenna Proposal Form.

2. *The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting and one advertisement in both local newspapers*

The applicant's proposal for fulfilling the requirements of the standing resolution includes one mailed notice to neighbours, one public meeting and one advertisement in both newspapers. Additional advertisement is proposed to be posted to the Gabriola Radio Society website at www.ckqi.ca.

The public meeting is proposed to be held at the Gabriola Commons on a Wednesday from 2pm to 8pm. The applicant proposes to hold the meeting in an open house style whereby community members are free to drop-in at any time during the event. CKGI volunteers and board members should be in attendance and it is anticipated that the room will be set up with printed presentation, including sketches and diagrams for visual aid. The applicant's proposal does not provide any draft materials that are proposed to be shown at the event. The applicant has also indicated that they are proposing to set up specific tables where attendees could ask specific questions and engage in a dialogue with CKGI representatives.

Feedback from the meeting is proposed to be gathered in a 'meeting book' where community members would be able to leave comments, which would then be submitted to the LTC through a follow-up report from staff. In addition, the applicant proposes to

post an announcement of the meeting on the Gabriola Radio Society website (www.ckgi.ca) with the post open to receive comments. Staff recommend that the applicant be required to submit any feedback gathered through this method to staff, along with the 'meeting book', for compilation into a follow-up staff report.

3. *The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal; however, as a minimum, the proponent shall give written notice to the Islands Trust Northern Office staff and the Snuneymuxw First Nation, all owners and residents of properties within a 2 kilometre radius of the subject property where the facility is proposed. The required notice shall include the following information:*
 - a. *The proposed location of the tower on the subject site*
 - b. *A description of the predicted power density level of the antenna/tower*
 - c. *Methods to mitigate any aesthetic or visual impact*
 - d. *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*
 - e. *Physical details and example illustrations of the tower including its height, colour, type and design*
 - f. *The time and location of a public meeting and advertising*
 - g. *The name and contact information of the contact person employed by the proponent*
 - h. *The name and all contact information of the Islands Trust planning staff available for public comments and questions regarding the proposal; and*
 - i. *The proponent may be required to enter into a cost recovery agreement with the Islands Trust, in order to offset application processing costs incurred*

The required notice is proposed to consist of the complete Antenna Proposal Form, only slightly modified to remove the word 'cellular' as no cellular service is proposed. The application form and accompanying materials are included in Attachment 2 to this report.

If only the application form and accompanying materials are provided, while they contain the information requested in Standing Resolution GB-025-2010 and outlined above, neighbouring property owners receiving the notice will likely experience confusion without an explanation of the purpose of the notice. Staff recommend that either a covering letter be included in the notice introducing the application and the materials enclosed or, that the information requested in the standing resolution and included in the application package be transcribed into a notification letter. The intent of the standing resolution appears to promote a greater level of community engagement, and as such, without a covering letter or explanatory document, the notice may be cryptic.

One area that staff recognize as warranting additional information in the notice is item d) above. In the submitted materials, the applicant's description of the natural environment, sensitive ecosystems and important habitat areas is limited to the following statement:

"The net incremental environmental impact of the tower will in fact be positive because the alternate use is for gravel extraction." (see Attachment 2, 'Environmental Assessment').

As indicated previously in this report, Islands Trust Sensitive Ecosystem Mapping shows areas of mature Douglas Fir forest and wetland ecosystems within the vicinity of the proposed tower. How the proposed tower would affect these ecosystems has not been

addressed in the submitted materials, nor have any mitigation measure been identified. Although Industry Canada's process does take into consideration the requirements of the *Canadian Environmental Assessment Act*, staff recommend that additional details regarding the surrounding ecosystems and potential impacts and mitigation measures be addressed in the required notice and at the public meeting. In particular, staff recommend that in addition to policies within the OCP that relate to d), this proposal be reviewed against furthering the Islands Trust preserve and protect object. Environmental impacts must be taken with earnest.

The applicant is proposing to send the same notice to the Snuneymuxw First Nation as that sent to the neighbouring property owners, with a cover letter to provide context. Given that there are areas of archaeological significance on the subject property, albeit outside of the vicinity of the proposed tower, staff recommend that the applicant be required to provide an opportunity for the First Nation to provide written comment on the application, outside of the public meeting, and that the applicant be required to follow up with the Snuneymuxw First Nation by telephone should a written response not be received within one (1) month of sending the notice. Additionally, the applicant could communicate with email, and submit such correspondence for the public record.

Standing Resolution GB-025-2010 also specifies that the proponent may be required to enter into a cost recovery agreement with the Islands Trust, in order to offset application processing costs incurred. This application has already required a significant amount of staff time and is anticipated to require additional staff time to coordinate the mailed notice, monitor the consultation process, and report back to the LTC with the results of the consultation. As such, staff recommend that the LTC direct staff to initiate the process for a Cost Recovery Agreement with the applicant. At a minimum, the mailout costs could be recovered.

OPTIONS:

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

1. Reject the proposed consultation, and request an alternative proposal be submitted;
2. Approve the proposed consultation in fulfillment of Standing Resolution GB-025-2010 as provided; or
3. Request modifications to the proposed consultation in fulfillment of Standing Resolution GB-025-2010 and approve an amended plan for consultation.

RECOMMENDATION:

Staff recommends THAT the Gabriola Island Local Trust Committee:

1. Approve the proposed consultation as an overall concept towards fulfillment of Standing Resolution GB-025-2010, subject to the following modifications:
 - That the applicant give notice to the Islands Trust Fund, including an opportunity to provide written comments on the application;
 - That the applicant give notice to the Gabriola Fire Protection District, including an opportunity to provide written comments on the application;
 - That the applicant give notice to the provincial Archaeology Branch, including an opportunity to provide written comments on the application;

- That the applicant include in the notice to the Snuneymuxw First Nation an opportunity to provide written comments on the application and that the applicant follow up by telephone with the Snuneymuxw First Nation should a written response not be received within one (1) month of sending the notice;
 - That the applicant include either a covering letter with the notice introducing the application and the materials enclosed or, that the information requested in the standing resolution and included in the application package be transcribed into a notification letter;
 - That the notice include additional details regarding ecosystems in the vicinity of the proposed tower and that potential impacts and mitigation measures be addressed in the required notice and at the public meeting;
 - That the applicant retain and submit a record of all public feedback received at the public meeting or on the Gabriola Radio Society's website to the Islands Trust Northern Office;
 - That the the applicant retain and submit all written comments received from the Snuneymuxw First Nation, the provincial Archaeology Branch, the Islands Trust Fund and the Gabriola Fire Protection District; and
 - That the applicant retain and submit all other correspondence sent and received as part of their consultation efforts.
2. Request that the applicant provide more precise details regarding the proposed location of the tower to determine whether or not the proposed siting will be in violation of covenants *EN117467 and EN117468*;
 3. Request staff to initiate the process for a Cost Recovery Agreement with the Gabriola Radio Society as the applicant for a proposed communication 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 all application processing costs incurred effective April 19, 2012 and up to such time as the consultation process with the Gabriola Island Local Trust Committee has finished.

Attachments:

Attachment 1 – Standing Resolution GB-025-2010

Attachment 2 – Applicant's Proposal for Compliance with Standing Resolution GB-025-2010

Prepared and Submitted by:

Chloe Fox

Chloe Fox
Island Planner

March 23, 2012

Date

Concurred in by:

Chris Jackson

Chris Jackson, MCIP
Regional Planning Manager

March 29, 2012

Date



**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
RESOLUTION GB-025-2010
REGARDING COMMUNICATION TOWERS
AND ANTENNAE**

GB-025-2010 It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee adopt the following standing resolution:

- o Proposals for any new or expanded communication towers and antennae require an *application* to the Gabriola Islands Local Trust Committee.
- o The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting and one advertisement in both local newspapers.
- o The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal; however, as a minimum, the proponent shall give written notice to Islands Trust Northern Office staff and the Snunéymuxw First Nation, all owners and residents of properties within a 2 kilometre radius of the subject property where the facility is proposed. The required notice shall include 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 of impacts to such areas
 - physical details and example illustrations of the tower including its height, colour, type and design
 - the time and location of a public meeting and advertising
 - the name and contact information of the contact person employed by the proponent
 - the name and all contact information of the Islands Trust planning staff available for public comments and questions regarding the proposal; and
 - the proponent may be required to enter into a cost recovery agreement with the Islands Trust, in order to offset application processing costs incurred.

CARRIED

Chloe Fox

From: Ken Zakreski <ken.zakreski@gmail.com>
Sent: Wednesday, February 29, 2012 1:10 PM
To: Chloe Fox
Cc: staff@ckgi.ca
Subject: Proposal for a new communication tower

Follow Up Flag: Follow up
Flag Status: Completed

Chloe Fox, Island Planner
 Northern Office
 Islands Trust
 700 North Rd
 Gabriola Island, BC
 V0R 1X3

Dear Chloe,

Re : Proposal for a new communication tower

Further to our telecom of today and proposal for a new communication tower and antennae which you have already received.

We wish to outline our public consultation component, which includes at least one notification to neighbours, one public meeting and one advertisement (minimum ~ 5 x 5 inches) in both local newspapers (Shingle / Sounder).

We shall give written notice to the Snunéymuxw First Nation at Main Office, 668 Centre Street, NANAIMO, BC V9R 4Z4. All owners and residents of properties within a 2 kilometre radius of the subject property where the facility is proposed will be notified by mail with a copy of the information included with the application. We understand due to privacy requirements Islands Trusts will actually address and handle the completed mailer and Gabriola Radio Society will not have access to that private information.

The notice shall include the following information (which is outlined in detail in our application):

- the proposed location of the tower on the subject site
 (Stoney Ridge, end of Chernoff Drive- 49 08 52 N North Latitude 123 47 14 W West Longitude)
- a description of the predicted power density level of the antenna/tower
 (0.075 microwatts / cm squared at base)
- methods to mitigate any aesthetic or visual impact
 (tower behind snag of trees, see application)
- 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
 (gravel pit with adjacent swampy area, see application)
- physical details and example illustrations of the tower including its height, colour, type and design
 (steel monopole designed to earthquake standards CSA Technical Standard S37; see application)
- the time and location of a public meeting and
 (we propose a Wednesday meeting at the Gabriola Commons 2pm - 8 pm)
- advertising the name and contact information of the contact person employed by Gabriola Radio Society
 (Ken Zakreski president and CEO Gabriola Radio Society)

- the name and all contact information of the Islands Trust planning staff available for public comments and questions regarding the proposal; and
(Chloe Fox, Island Planner)

We understand Gabriola Radio Society may be required to enter into a cost recovery agreement with the Islands Trust, in order to offset application processing costs incurred.

Regards,

Ken Zakreski, president
gabriolaradio@shaw.ca
CKGI 98.7 fm,
Gabriola Radio Society
#9 - 575 North Road, Gabriola Island, BC, V0R 1X0
Ph: 250-247-9891, Fax: 250-247-9852
<http://www.ckgi.ca/>
FACEBOOK: Gabriola Co-opRadio

coHost
NCRC2010 Gabriola

Working group member
NCRA/ANREC Journal Project (hiatus)
The Canadian Journal of Community Communications
<http://cjcc.ncra.ca/>
reporting: <http://staticreporting.blogspot.com/>

Antenna Proposal Form



Islands Trust

Islands Trust, Northern Office
700 North Road, Gabriola Island, BC V0R 1X3

Phone: 250-247-2063

Fax: 250-247-7514

www.islandstrust.bc.ca

northinfo@islandstrust.bc.ca



OFFICE USE ONLY

File No.: GB/15-4

Be sure to include all required information indicated on the form and checklist, and ensure your site plan is accurate and complete. **CONSULTATION WILL START UPON RECEIPT OF COMPLETE INFORMATION.**

PRIMARY CONTACT (PLEASE PRINT)

(Please list all owners as indicated on Certificate of Title)

Name(s) David John Lorette and Keni Rae Lorette

Address Box 196, South Road City Gabriola Island, BC

Postal Code V0R 1X0 Phone 250-616-8382 Fax _____ Other _____

INDUSTRY CANADA CONTACT (PLEASE PRINT)

Name(s) Jim Laursen, District Manager, Vancouver Island District Office

Address 430-1230 Government St City Victoria, BC

Postal Code V8W 3M4 Phone (250) 363-3747 Fax _____ Other jim.laursen@ic.gc.ca

DESCRIPTION OF PROPERTY (AS INDICATED ON CERTIFICATE OF TITLE)

Lot/Parcel 1 hectare parcel Plan _____ Block _____ District Lot/Section Nanaimo Land District

Range _____ Other Description 1 hectare parcel, SW 1/4 Section 9, Gabriola Island

Street Address or General Location 1 hectare parcel at end of Chernoff Drive, Gabriola BC

Jurisdiction and Folio Number _____ (From Property Assessment/Tax Notice)

Parcel Identifier (PID) 009 - 796 - 193 (From Certificate of Title)

GENERAL INFORMATION

Proposed Use of Antenna: FM Broadcasting

Antenna Type: A Shively model 6602B, omni-directional, horizontally polarized, antenna, or equivalent.

Is this a new structure? Yes! No!

Is this a modification to an existing structure? Yes! No!

Base Height (Geodetic): 172 metre Height of 40 metres

Tower Colour: As far as Transport Canada will allow -- colour of the tower will be the same as bark and moss, brownish and green so as to blend in with surrounding tree growth.

PREDICTED EMR POWER DENSITY

It is a policy guideline of the Gabriola Island Local Trust Committee that no telecommunication antenna or facility emitting Electromagnetic Radiation (EMR) should be installed within 500 metres of any use, building or structure where there is continuous human activity (dwellings, schools, hospitals, workplaces, parks, etc.). Proponents wishing to install or modify an antenna or facility closer than this distance should demonstrate, using an independent consultant acceptable to the Islands Trust, that the measured and/or predicted EMR power density levels of the antenna, or cumulative levels emitted from the facility, are less than 2 microwatts per square centimetre at the use, building or structure.

New or Modified Structure:

Please provide information on the predicted EMR power density levels for the new or modified structure taking into account factors such as the power of transmission (number of channels, channel power output, reach of signal), direction of transmission and height of antenna. Separate predicted and/or measured EMR levels should be provided at any use, building or structure where there is continuous human activity within 500 metres of the antenna. Include attachments if required.

The calculated worst case power density in the vicinity of the tower base will be 0.075 microwatts per cm squared.

Cumulative EMR Levels:

Where co-location is proposed or where there are a number of transmitters active at a site, provide information on the cumulative EMR power density levels of the site with the new or modified structure at any use, building or structure where there is continuous human activity within 500 metres. Include attachments if required.

Gabriola First Responders (Fire, RCMP, Ambulance) have expressed interest previously, however nothing has been confirmed, to date.

AESTHETIC IMPACTS

It is a policy guideline of the Gabriola Island Local Trust Committee that the aesthetic/visual impacts of antenna towers be mitigated. Site options where the antenna would be attached to existing structures should be given preference over constructing new structures. Co-location by multiple providers is encouraged provided the power density guidelines are met.

Please provide information on the height, and colour of the tower, views from public roads, parks, vista points, or residential areas, and any design considerations that have been incorporated to mitigate aesthetic impacts.

see attached

NATURAL ENVIRONMENT IMPACTS

It is a policy guideline of the Gabriola Island Local Trust Committee that impacts to the natural environment should be mitigated. Site alternatives should be evaluated and site options where the antenna would be attached to existing structures should be given preference over constructing new structures. New antenna towers should not be constructed in wetlands, environmentally sensitive ecosystems, areas of high bio-diversity, environmentally sensitive habitat, Garry Oak habitat, fish habitat and on shorelines.

Please describe below or attach information on the potential impacts to the natural environment:

see attached

Please submit site plans to show (where applicable):

- ☐ provide 2 sets of 11" x 17" drawings
- ☐ topographical information including the location of wells, drainage areas, ponds
- ☐ existing and proposed uses, buildings and structures on the parcel
- ☐ dimensions and/or floor areas of existing and proposed buildings
- ☐ location of all site access and egress points
- ☐ location of the site, antennae structure and buildings in relation to property lines, the natural boundary of the sea, streams, wetlands, environmentally sensitive ecosystems, areas of high biodiversity, environmentally sensitive habitat, sensitive shoreline areas, fish habitat, etc. (see Gabriola Island Official Community Plan Maps)
- ☐ the presence of any high surface erosion hazards and high slope stability hazards
- ☐ location of the site, antennae structure and buildings in relation to national, provincial, regional, or local parks, ecological reserves or other protected or conservation areas
- ☐ current uses of land and buildings on adjacent properties and an indication of distances within 500 m of the antennae structure to all buildings or structures where there is continuous human activity (dwellings, schools, hospitals, workplaces, parks, etc.)

Please submit elevation plans to show (where applicable):

- ☐ elevation plans of the antenna
- ☐ height of antenna
- ☐ proposed construction materials to be used

CERTIFICATION

I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS
TRUE TO THE BEST OF MY KNOWLEDGE

[Signature]
END MEM

SIGNATURE

July 11, 2011
DATE

Freedom of Information and Protection of Privacy

Personal information contained on this form is collected under the *Local Government Act* for the purpose of responding to this application, or for purposes directly connected with this application. Information on your application form is available to the public upon request under freedom of information legislation. Please contact the Island Planner, Islands Trust, Northern Office, if you have any questions regarding the collection of personal information on this form.

AESTHETIC IMPACTS

It is a policy guideline of the Gabriola Island Local Trust Committee that the aesthetic/visual impacts of antenna towers be mitigated. Site options where the antenna would be attached to existing structures should be given preference over constructing new structures. Co-location by multiple providers is encouraged provided the power density guidelines are met.

Please provide information on the height, and colour of the tower, views from public roads, parks, vista points, or residential areas, and any design considerations that have been incorporated to mitigate aesthetic impacts.

Height:

- height of tower 40 m.
- average elevation of terrain = 27m. above mean. sea level.
- site ground elevation = 172m above average elevation of terrain.
- antenna centre line = 205 m from mean. sea level, 178m from average elevation of terrain, 33m from site ground elevation.

Colour of the tower:

- As far as Transport Canada will permit - colour of the tower will be the same as bark and moss, brownish and green.

Views from public roads:

- from Chernoff Drive, shielded by conifer grove, so as not to be obvious, if visible at all.
- from South Road, if visible at all, will appear as a douglas fir tree.

Views from parks:

- not visible from ANY parks.
- to be confirmed from:
 - Degnan Bay
 - 707 Community Park
 - Drumbeg Provincial Park

Views from vista points:

- from peak of 707 park, tower may be visible IF a lookout tower was constructed on a peak in the 707 park, then there would be a line of sight.

Views from residential areas:

- it appears the intervening forest will only permit glimpses of the tower to the immediate neighborhood.
- to be confirmed possible views from:
 - Legends residential area.
 - El Verano Drive to Stokes Road area.
 - Ferne Road.

Design considerations that have been incorporated to mitigate aesthetic impacts:

- new structure
- as far as Transport Canada will allow, the mono-pole will for all intensive purposes, appear as a 40 metre douglas fir tree.
- colour of the tower will be the same as bark and moss, brownish and green so as to blend in with surrounding tree growth therefore mitigating any aesthetic impact.

ENVIRONMENTAL ASSESSMENT

The subject property consists of a right of way of one hectare, is currently zoned "Resource" and has an operating gravel pit upon it. The tower site will occupy a 100 by 100 metre portion of the right of way. This will easily accommodate the tower of some 40 metres in height. The tower itself will be a mono-steel construction disguised so as to appear to be a local conifer. The transmitter will be 60 Watts. A small building will house the electronics as well as back-up power to provide the 24/7 emergency broadcast service promised in our Application to the CRTC.

The net incremental environmental impact of the tower will in fact be positive because the alternate use is for gravel extraction.

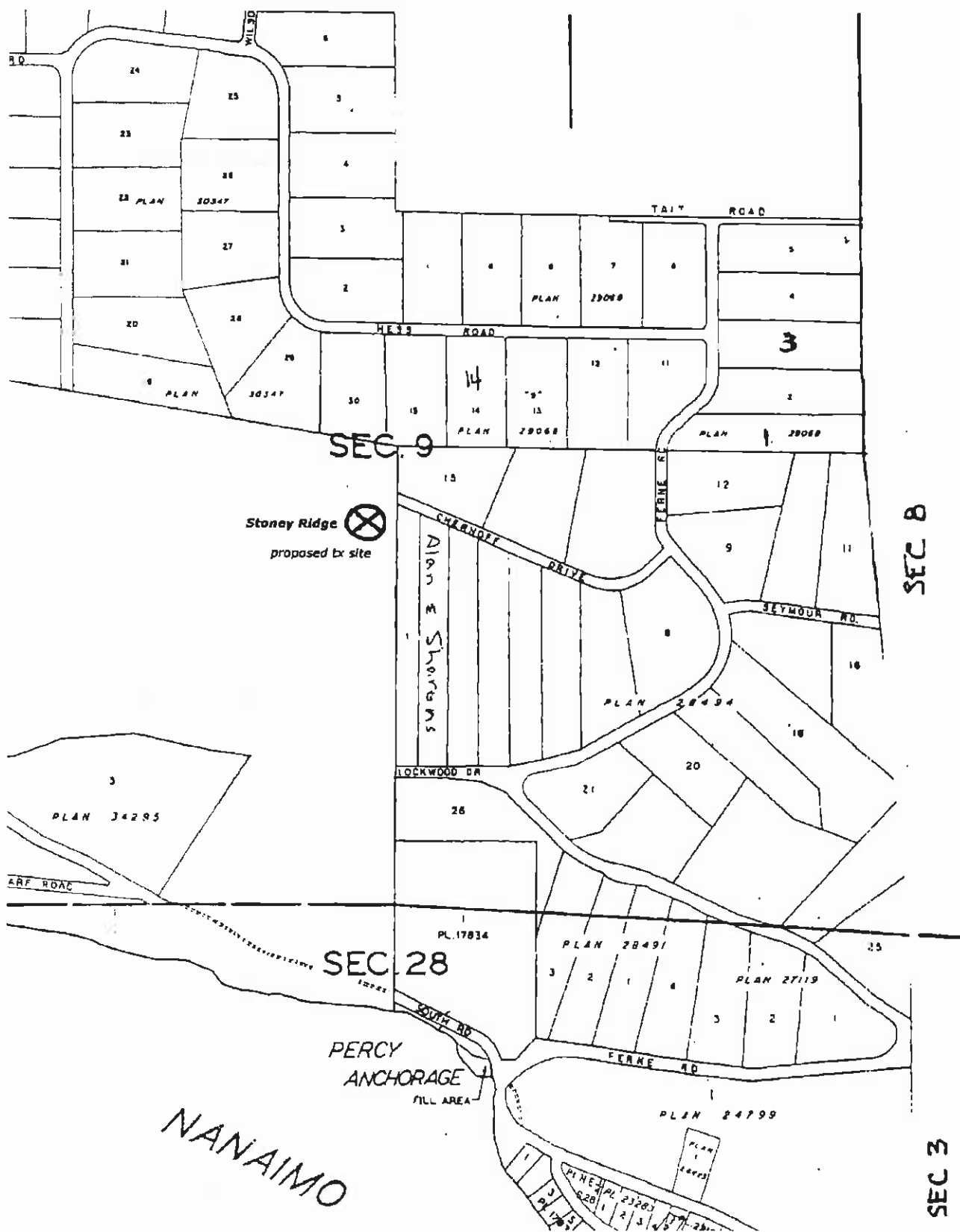
"Net Social Benefit"

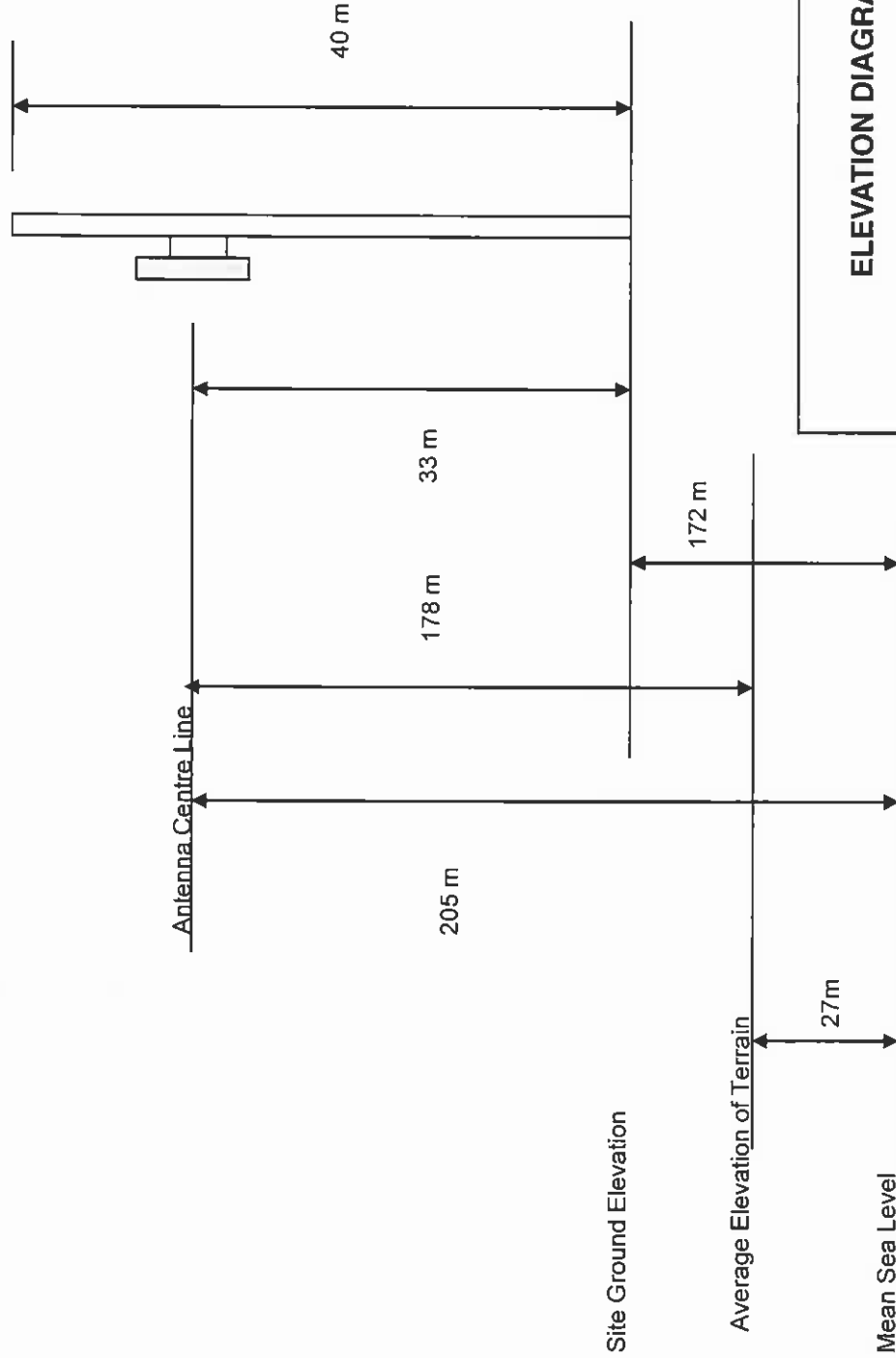
Given the net positive environmental impact as discussed above, and the net positive economic impact to the community that is self evident, a comment on the social benefit of the tower as part of a dedicated, not-for-profit community radio station will clearly justify a conclusion that the over-all project will have a net positive social benefit.

Community communications services will contribute social benefits from the following:

1. 24/7 Emergency Broadcast, supported with "green" back up power.
2. Availability of the transmission resource for use by first responders such as fire, police and ambulance.
3. Public service announcements for the myriad service groups in the community.
4. In depth locally oriented news, news features and issues in focus documentaries.
5. Training for those who want to at least check out a career in broadcasting.
6. Spoken word, radio theatre, story telling and other local, high calibre content.
7. Support for local musicians, vocalists, song writers and other cultural resources.

Given the volunteer, non-for-profit foundation of the radio station and its membership in the "National Campus and Community Radio Association" which provides high quality, no cost, programming sharing, the net social benefit to our community is clear.





ELEVATION DIAGRAM

New FM Gabriola Island BC
March, 2011

MTC Project 141-02

36 37 38 39 50' 40 41 42 43 44 45 45' 49°15'

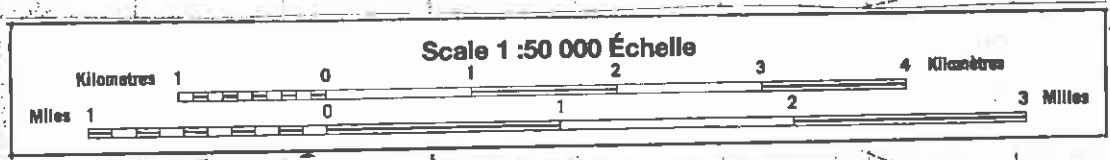
ESTIMATED 100 dBu Contour

New FM

Gabriola Island, BC
March, 2011

MTC

Project 141-02



CHANNEL

RAY CHANNEL

Gabriola Sands Provincial Park
Malaspina Point
Gallardo Gallery

THUMBERLAND CHANNEL

Forwood Channel
Oneber Point

Lock Bay
Sandwell Provincial Park

Transmitter Site
49° 08' 52" N. Lat.
123° 47' 14" W. Long.

100 dBu

G A B R I O L A

I S L A N D

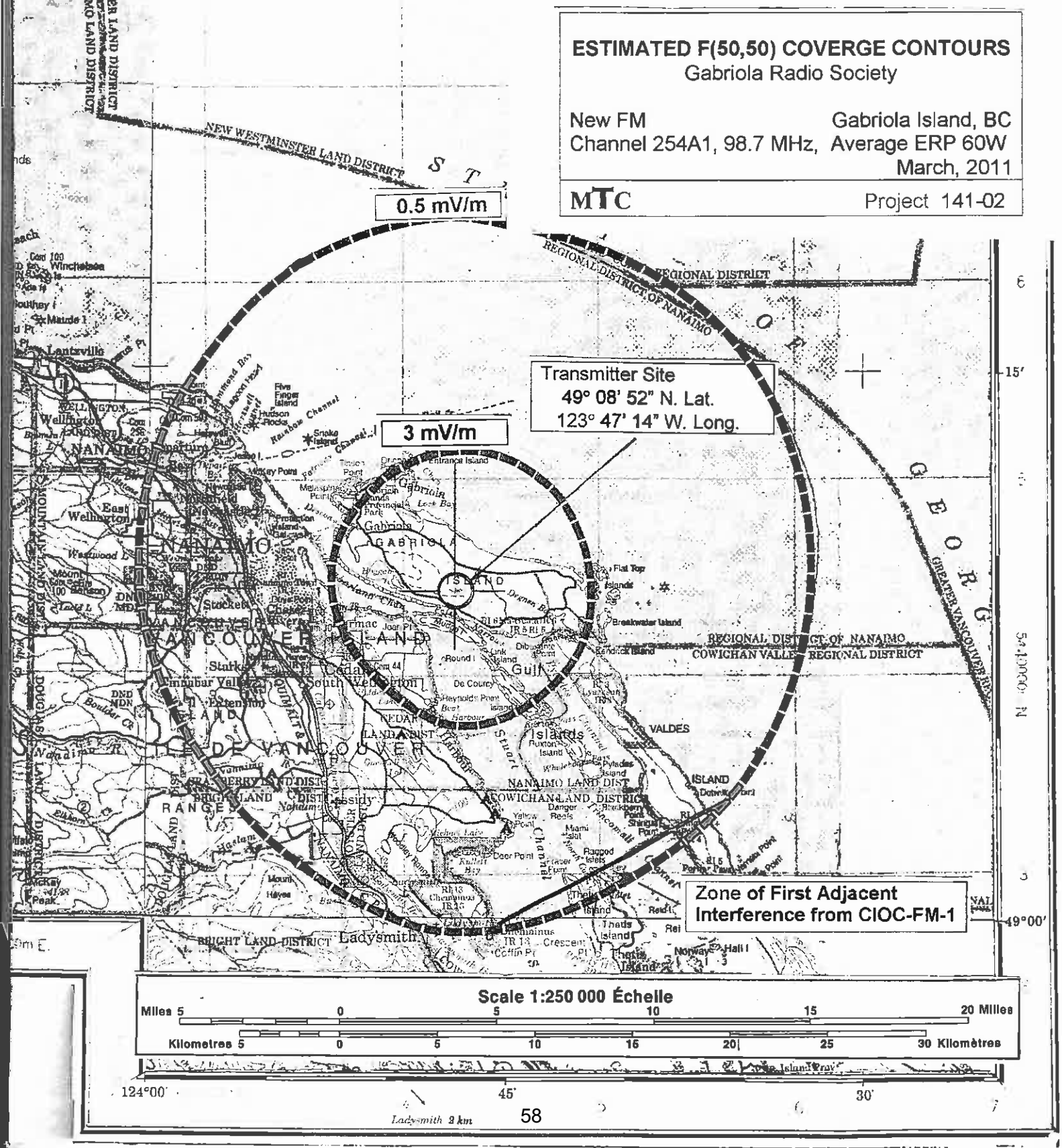


ESTIMATED F(50,50) COVERGE CONTOURS Gabriola Radio Society

New FM Gabriola Island, BC
 Channel 254A1, 98.7 MHz, Average ERP 60W
 March, 2011

MTC

Project 141-02



Scale 1:250 000 Échelle

Miles 5 0 5 10 15 20 Miles
 Kilometres 5 0 5 10 15 20 25 30 Kilomètres

124°00'

45'

30'

Ladysmith 2 km

58

From: gszanto@aol.com [<mailto:gszanto@aol.com>]

Sent: March-06-12 11:01 AM

To: Sheila Malcolmson; David Graham; Gisele Rudischer; Chloe Fox

Subject: the proposed radio tower

March 5, 2012

Hello Sheila, Giselle, David and Chloe,

This letter is to request that you, the Islands Trust trustees, to do everything in your power to ensure that a full public hearing be held regarding the possible construction of a radio tower at the end of Chernoff Drive.

I live at 1601 Chernoff Drive, directly beside the site of the proposed tower for Gabriola Radio. As at least two of you know, I am, as are many like me, deeply opposed to setting the site of the proposed tower at the end of Chernoff Drive. My reasons are triple:

- 1. the danger of radio waves to the health of someone whose immune system has been compromised, and others with radiation-imperiled conditions;
- 2. the aesthetics of such an unsightly construction;
- 3. the fact that having a radio tower as a neighbour drastically decreases property values in the area.

1. My wife and I retired to Gabriola to get away from the many pollutions of cities. I have a deteriorative eye condition called birdshot retinopathy. From the first year of living in our Chernoff home, my condition went into and remains in remission. The presence of pollution and radiation on Gabriola, both of which affect auto-immune diseases, is low. I believe the stabilization of my retinopathy is in large part due to living in our present home. And I know of at least three others who live nearby who are suffering from auto-immune diseases and of cancer.

There is conflicting evidence regarding the dangers of radio waves; may we not err on the side of prudence?

The potential danger of radio waves is a function of *power*, *distance*, and *time*.

-- The *power* of the radio waves produced by such a tower will be many times greater than those produced by any smart meter, to which many Gabriolans are passionately opposed.

-- The *distance* from the base of the proposed 140 foot high tower—higher than any surrounding trees—to my writing studio is approximately 200 feet, with whatever amount of radiation the proposed tower produces raining down on me, as on my neighbours.

-- *Time*. Mr. Zakreski, with whom I have talked about this, says there is no danger from such a proposed tower—no more than sitting in front of a computer, using a cell phone or cooking with a microwave oven. This may or may not be true, but such home items are used sporadically, and one can opt not to use them at all; many of us have made this choice. But the proposed radio tower would be emitting radiation on me and my neighbors ALL THE TIME.

2. I would like to ask you to take two minutes to look at the brief video which can be found by way of this hyperlink:

<http://www.youtube.com/watch?v=XPYRMn8knU8>

It depicts the tower at Cottle Hill in Nanaimo. The tower as you can see is exceptionally ugly. I have been up to the tower site there and have spoken to several of the neighbours. They are deeply upset with its presence in their community. The daughter of one neighbour who has an autoimmune disease has had to move out of her parents' home.

Many might not object to a tower on Chernoff Drive because it would be built at the end of a short quiet rarely visited street, and they would not see it. For its neighbours it would be a dominating obnoxious presence every day.

The Cottle Hill tower was built as a radio tower only, but is now festooned with other radiation producers. One night, without any neighborhood consultation, Telus attached cell phone emitters to the tower. Once a radio tower exists, in most cases other organizations take advantage of it.

I have to ask myself, where is the community interest in such a radio station beyond its few proponents? If there were an interest, why has no one set up an interim station using the internet, a much cheaper medium for diffusion of local talent? The Cottle Hill tower serves CHLY Campus Radio, which can reach me in my car all over Gabriola Island—as long as that tower is there anyway, could not Gabriola Radio use it as well?

My suspicion and fear is that Gabriola Radio's promoters want a tower more than a station, because a tower is vertical real estate. Telus and other radiation producers pay well to attach their devices to radio towers. As the owners of other kinds of electronic hardware have discovered, there's a lot of money to be made from such a tower. If a tower is built at the end of Chernoff Drive, it will be almost impossible to resist adding cell phone antennae and other electronic connections, as was done on Cottle Hill, to the profit of the tower's owner.

3. If this tower gets built, who would want to buy property directly beside it? Like many of us on Gabriola, our biggest investment is our home. A tower would radically decrease the value of our house and all the houses on this part of the island. This is not a Not In My Back Yard issue. It's a Not In My Front Yard issue.

I would ask the Islands Trust trustees to do everything in their power to insure that a full public hearing be held about the construction of such a tower.

Thank you.

George Szanto

Correspondence Package

dated April 15 – 18, 2012

Regarding Proposed Radio Communication
Tower

From: Judith Graham [mailto:ja_graham@live.com]
Sent: April-16-12 9:07 AM
To: Sheila Malcolmson; Gisele Rudischer; David Graham
Subject: GB/15-4

Dear Islands Trustees:

In response to the Staff Report on File Number GB/15-4 with respect to an application put forward by Gabriola Radio Society or Dave & Keni Lorette, I am writing to respectfully request you to consider adding the attached document as a late agenda item for the upcoming meeting at the Womens' Institute Hall on Thursday, April 19, 2012.

In addition to the questions put forward in the attached document, I am a bit unclear as to who is the applicant. The Staff Report lists Gabriola Radio Society, however the Antenna proposal form lists David John Lorette and Keni Rae Lorette. Also, on that form, I am wondering about the description of the property being a '1 hectare parcel'. Does this imply subdivision, or is there some other category for sectioning off land on private property?

Thank you for your consideration,

Judith Graham



GB/15-4

A Community Resident's Perspective

Prepared by: Judith Graham

April 15, 2012

Ferne Road Neighbourhood

Site Context

Further to the Staff Report which describes the site, I would like to offer a few comments in a slightly broader, neighbourhood context:

- The Ferne Road vicinity is a vibrant, active residential community consisting of approximately 150 full time residents. The residential properties adjacent to the subject property will have clear views of the proposed structure.
- Area residents enjoy working outdoors, growing their own food, creating beautiful gardens and play areas for their children, and frequently entertain in their backyards.
- Because of the open, relatively level terrain, the peaceful serenity, and the unobstructed views, the roadway immediately adjacent to the site of the proposed structure has many frequent daily, year round cyclists, runners, walkers, dog walkers and riders on horseback, from all over the Island.
- The wetland immediately adjacent is teeming with frogs and its many aquatic residents. It is carefully watched over by the immediately adjacent residents. In addition, it is a significant migratory pathway and nesting area for numerous birds.
- A number of residents have health issues. Many have specifically chosen this neighbourhood to escape the noise and infrastructure of urban environments.

Industry Canada

Under the description of the proposal put forward in the Staff Report, I note that the Islands Trust Council is guided by a Letter of Understanding with Industry Canada dated October 30, 1996.

A number of reports and recommendations with respect to Antenna Tower Policy have been issued by Industry Canada in the intervening period, utilizing a number of sources which included government officials at every level, environmental advocates, and citizen groups. Some examples, from one of these reports, are listed below:

- Recommendation 11 suggests that land-use authorities and members of the public should be fully informed about the site and policy expectations set by Industry Canada for antenna proponents. The department should regard local consultations as activities strategic to the implementation of its policy objectives.
- Recommendation 16 suggests a requirement to report on the detrimental impact that antenna structures may have on the flight of migratory birds. Industry Canada and Environment Canada should collaborate to perform an up-to-date literature review on the issue of bird collisions with antenna facilities so that the extent of this problem and possible remedial options may be better understood.
- Recommendation 28 suggests that Industry Canada implement new and more explicit policies designed to stimulate the sharing of antenna towers and other supporting structures for the mounting of radio antennas
- Co-locating with existing towers, siting near other urban infrastructure is strongly encouraged.

In addition, new protocols have been established all across the country between numerous municipalities, cities and Industry Canada. In an effort to assist its members who wish to establish their own antenna-siting protocols, in March 2002 the Federation of Canadian Municipalities (FCM) began mounting representative samples of protocols on its web site. "Viewed generally and over time, one must conclude that the various elements addressed within the most recent protocols have become more comprehensive in their scope." These agreements contain procedural and policy details regarding how siting issues are handled. While no two are identical, they provide a process to permit the local administration to influence siting issues.

Question: Would it be possible for the Islands Trust to consider a policy review of its protocols with Industry Canada?

Industry Canada requirements

3.2 Compliance with CPC-2-0-03, Radiocommunication and Broadcasting Antenna Systems

Applicants must comply with the procedures, as outlined in CPC-2-0-03, *Radiocommunication and Broadcasting Antenna Systems*. These procedures, amongst other issues, require that:

1. radio stations are installed and operated in a manner that complies with the limits of human exposure to radio frequency fields established by Health Canada;
2. prior to installation or modification of significant antenna structures, necessary consultation has taken place;
3. the installation and modification of radio stations are done in a manner that complies with the *Canadian Environmental Assessment Act*; and
4. antenna structures are marked in accordance with the recommendations of Transport Canada.

Question: Would it possible to request more specific detailed information with respect to the structure proposed, along with the necessary infrastructure surrounding it? For example, the type of shelter proposed to contain the technical equipment required to receive and transmit a signal, along with fencing, security, a generator and a fuel tank. Here is an example of a base structure for CHLY Radio on Cottle Hill, Nanaimo:



“The applicant has indicated that their broadcast engineer has identified the site as being suitable to the task of broadcasting to Gabriola”.

It would appear that this statement is all we have at the moment, in terms of the tower site selection. I have requested, but have not received, any response from the proponent with regard to compliance issues on the siting or the structure. For example, the contour maps are quite vague. I understand that because of our topography, it is not possible to have the Island covered.

Question: Would it be possible to request a complete copy of the Engineer’s Report from the applicant, or Industry Canada? For example, there are a number of compliance issues as noted below, would it be possible to request more detail from the proponent with respect to these?

B-2.9.2 A map showing the service area contours as required in Section B-2.4.8, shall be provided. For further details concerning the preparation of maps for engineering briefs, refer to Section 3 "Preparation of Field Strength Contour Maps" in the BPR-I.

B-8.3.2 When conditional technical acceptance is given, the applicant is notified accordingly. If the application is approved by the CRTC (also conditionally), the letter of authority issued by Industry Canada will identify the nature of the required tests. It will also specify the period required as notice to the Industry Canada before the on-air testing takes place. Adherence to the terms of the notice is mandatory. Monitoring may be undertaken by this Department or the Department of Transport or both. Flight tests are conducted by both Industry Canada and DOT.

Letter of Intent

Question: Would it be possible to request a copy of the applicant's Letter of Intent?

Please see below:

4.1.2 Contents of the Letter of Intent

The Letter of Intent should contain sufficient information to permit a comprehensive examination of the proposal. The applicant should consider including the following data but may omit any items that are not relevant to the issues under study:

- The applicant's full name, address, telephone number, and the individual that the Department can contact regarding the application;
- For existing licensees, the company code assigned by the Department;
- For new licensees, sufficient information must be provided to assess their eligibility to hold a radio licence. Refer to sections 9 and 10 of the *Radiocommunication Regulations*;
- The purpose of the system and a description of the type of traffic that will be carried;
- The proposed frequency band and reason for its selection;
- System growth data (if applicable);
- The in-service date of the system;
- Technical data on the system design such as site locations, equipment and antenna characteristics, and frequency plan; and
- If the system is in non-conformance with any of the Department's policies, technical requirements, or consultations in progress, a description of the non-conforming aspects should be provided. An explanation should be provided for the non-conformance.

Question: In addition, is it possible to request a description from the applicant as to compliance with the following information?

Appendix A - Frequency Coordination

Requests for frequency coordination must include enough technical information for a full assessment of whether a proposed radio system, and any planned growth of the system, will cause harmful interference to existing radio systems. The response time for requests for frequency coordination is typically 30 days, effective from the date that all of the necessary information is received.

The following minimum data is to be included:

Administrative Information

- Originating coordinator's name, address, and internal contact
- Phone number, fax number, and e-mail address
- Date coordination request sent

- Confirmation of whether this a new system or a modification to an existing licensed system
- In-service date of the proposed system

Station Data

- Site names and licence numbers (if existing)
- Latitude and longitude (Specify NAD27 or NAD83)
- Ground level above mean sea level

Radio Equipment Details

- Equipment makes and models
- Power output (include information on ATPC if utilized)
- Transmit and receive frequencies
- Polarization
- Bandwidth and type of modulation
- Capacity

I have noticed that the 98.7 signal is broadcasting from Lake Cowichan, and they are looking to expand their coverage.

Posted on February 24, 2012

LAKE COWICHAN – A volunteer run radio station in Lake Cowichan is at risk of falling silent. 98.7 FM The Lake broadcasts out of an old barn to a limited audience, but hitting air waves in Canada means getting the blessing of the CRTC (Canadian Radio Television Telecommunications Commission), and getting a new license is extremely expensive. Without approval the small town radio would fall on deaf ears by the end of this summer.

Last month the community based broadcaster put out and S.O.S. Looking for donors who might help with the massive 15 thousand dollar tab upgrades, and inspections would cost. The station has no way of knowing how many people are listening in the Cowichan Valley, they don't do ratings, but after a generous donor came forward this week they know someone is listening.

Antennas

- Makes and models
- Gains
- Radiation patterns
- Azimuths and elevation angles
- Height of each antenna centreline above ground level
- Antenna system losses between the radio antenna coupling and the antenna input

Passive Reflector or Repeater (if used)

- Latitude and longitude of passive reflector or repeater
- Ground level above sea level
- Passive reflector surface area, azimuth normal to the reflecting surface, and elevation angle
- Passive repeater antenna makes and models, gains, polarizations, and azimuths
- Height above ground level of the centre line of the reflecting surfaces

System Growth (optional)

All technical information on system growth that is to be included in the licence application must be part of the frequency coordination request and include:

- Additional RF channels and dates of implementation up to 5 years in the future;
- Bandwidths, type of modulation, and capacities of future channels; and
- For any future planned expansion of an RF channel bandwidth, the final bandwidth, capacity, and type of modulation.

Any additional information that may be relevant to the frequency coordination request should be included.

4.3.5 Radio Model Data

Radio Model Data

Reference Information	
Model Number	
Manufacturer	
Radio Model Specifications	
RF Bandwidth (MHz)	
Maximum Tx Power (dBm)	
Tx Frequency Stability (%)	
Type of Modulation	
Number of Modulation Levels (not applicable for analogue video)	
Bandwidth and Emission Designator	
Capacity (Mbit/s or number of video channels and subcarriers)	
Receiver Threshold Level (dBm) for BER= 10^{-3} or S/N ratio = 40 dB for video	

The Maximum Tx Power is defined as the power into the antenna system coupling or branching unit. If the transmitter is capable of Automatic Transmit Power Control (ATPC), indicate the maximum ATPC value in watts.

The receiver threshold and corresponding BER or video S/N ratio are to be measured at the receiver input coupling.

The modulation bit rate includes the aggregate of all data that is carried over the radio link. It includes the capacity available for service plus all supervisory, orderwire, and housekeeping bits related to the operation of the radio equipment.

Information on specifying bandwidth and emission designator may be found in Telecommunications Regulation Circular 43, *Notes Regarding Designation of Emission (Including Necessary Bandwidth and Classification), Class of Station and Nature of Service* (TRC-43).

4.4 Frequency Coordination Attestation

The applicant must state whether the coordination analysis for the proposed system resulted in frequency coordination with other domestic or international spectrum users. If coordination did occur, the applicant must confirm that the coordination was successful.

Applicants are required to retain all technical studies, correspondence, and any other relevant supporting data regarding frequency coordination and/or antenna structure coordination for five years. This documentation must be made available to the Department upon request.

4.3.3 Frequency Data

This data describes the characteristics of the radio path.

Frequency Data

	Site 1	Site 2
Reference Information		
Application type	New ☐ Modification ☐	New ☐ Modification ☐
Record Identifier (if applicable)		
Technical Parameters		
Transmit Frequency (MHz)		
Total Attenuation (dB)*	Tx: Rx:	Tx: Rx:
RF Output Power (dBm)		
Radio Make & Model		
Antenna		
Antenna Make & Model		
Gain (dBi)		
Polarization		
Azimuth (degrees)		
Elevation Angle (degrees)		
Antenna Height Above Ground Level (m)		
Received Signal		
Path Length (km)		
Unfaded Received Signal Level (dBm)		
Total Propagation Availability (%)		
Link Diversity (If applicable)**		
Space Diversity Antenna Make and Model		
Diversity Antenna Height Above Ground Level (m)		

* The total attenuation is defined as the summation of the losses in dB between the radio antenna coupling and the antenna input. These losses are specified separately for the transmit and receive paths. Include all losses associated with monitored hot stand-by or diversity configurations.

APPENDIX 8 FM/NAV/COM COMPATIBILITY (Provisional) (91-2)

SECTION A INTERNATIONAL AGREEMENTS

Within 320 km of the Canada-United States border, FM broadcasting allotments and assignments in Canada are subject to the terms of the "Revision of the Working Arrangement for Allotment and Assignment of FM Broadcasting Channels 201-300 Under the Canadian-U. S. A. FM Broadcasting Agreement of 1984".

The working arrangement between the Federal Communications Commission (FCC) and Industry Canada (formerly Department of Communications) states the basis upon which both Administrations propose to consider responses to border area allotments and assignments. It also defines technical criteria for the notification of FM allotments and assignments. Acceptance of such allotments or assignments shall be obtained from the United States before authorization to implement the Canadian proposals is granted.

The working arrangement also contains lists of the Canadian and U. S. A. allotments within their respective co-ordination zones. These lists are updated annually.

It should be noted that applications for new assignments or changes in facilities of existing Canadian stations, within 320 km of the common border, have to meet both domestic and bilateral criteria.

FM assignments other than low power and very low power stations (refer to Section C-1). 1 Form 16-2 is presently under review. The new title will refer to Broadcasting Certificate instead of TC & 2 OC.

B-1.1.5 Three copies of Department of Transport (DOT) Form 26-0427 entitled "Aeronautical Obstruction Clearance Form" shall be completed. Topographic maps showing the elevation contours and the exact location of the antenna site as set forth in section 2 or BPR-I shall be attached. All shall be submitted directly to the Regional Office of DOT for clearance. A copy of DOT's letter of aeronautical approval shall be sent to Industry Canada.

Form 26-0427 is obtainable from the Regional Office of the Department of Transport or Industry Canada.

B-2 ENGINEERING BRIEF SECTIONS

The order of material presented in the engineering brief should be maintained as listed below to simplify processing in the Department. The metric system known as SI (Système International) shall be used throughout the engineering brief.

B-2.1 Title Page

The title page should include the submission title, project or reference number, date, name and address of applicant, name of consultant and location of the station. The following parameters of the proposal shall also be listed: frequency, maximum and average effective radiated power (ERP) and effective antenna height above average terrain (EHAAT).

B-2.2 Table of Contents (Index)

To be prepared as cross-reference to pages and sections of the brief.

B-2.3 Summary Sheet

To be prepared as per APPENDIX 2 attached.

B-2.4 Main Section of Brief

B-2.4.1 Introduction - A general statement of the purpose of the brief in relation to the application, including the principal centre(s) to be served with the proposed grade of service.

B-2.4.2 Discussion - There should be a discussion on the design considerations necessary to accomplish the applicant's objectives, including the location of site, and choice of frequency (here the consultant should be guided by the requirements set forth in Section C).

B-2.4.3 Interference Analysis - An analysis of interference to related station(s) and allotment(s) is required as detailed in Sections C-1, C-5 and C-6.

B-2.4.4 Assumptions and Sources of Information -List and explain all assumptions and sources of information used in compiling the engineering brief.

B-2.4.5 Transmitter - The intent to use a type-approved transmitter(s) in accordance with Radio Standards Specification (RSS) No. 153 shall be made clear, either by specifying the make, model and type-approval number, or by a statement that the transmitter will be type-approved prior to on-air operation. The rated power of the transmitter shall be specified.

B-2.4.6 Description of Antenna System - The following details are required: Antenna - Manufacturer, type, number of sections (if applicable) power gain and vertical radiation pattern. For directional antennas, the horizontal pattern is also required.

Transmission Line - Manufacturer, type, length in metres, and efficiency.

Combiner - Manufacturer and operational characteristics.

Polarization - Horizontal, vertical, circular or elliptical polarization as proposed.

B-2.4.7 Ancillary Equipment - All other equipment shall be listed.

B-2.4.8 Determination of the location of Service Contours - The location of service contours shall be determined by the method as detailed in Section C-3 and Section 3 of BPR-I. The contours to be determined are: 3 mV/m (70 dBu) and 0.5 mV/m (54 dBu).

In cases where proposed FM stations are located in areas of mountainous terrain or in the proximity of other natural obstacles, an additional analysis will be necessary to establish more realistic locations for the service contours. In preparing contour maps for these cases, the contours as determined from the standard method (refer to Section C-3) above should also be shown on the map with broken lines.

B-2.4.9 Special Analyses and Undertakings Relative to Interference to Other Broadcast Services -Analyses shall be submitted with appropriate undertakings made in regard to all potential interference situations with other broadcasting stations as a result of the operation of the proposed FM facility. The following are some examples of interference possibilities with other broadcasting services which should be explored for each proposal:

- (a) "Ghost" reflections of television signals from the new FM antenna structure (refer to Section C-7, BPR-IV);
- (b) distortion of AM radiation patterns by the new FM tower located in the vicinity of an AM antenna array;
- (c) isolation of AM, TV and FM transmissions, where such services are co-located;
- (d) interference to television service due to harmonics of the FM operation (Section C-6.1);
- (e) interference to TV channel 6 from broadcasting stations on FM channels 201 to 220 (Section C-6.2);
- (f) intermodulation with other broadcasting services in the vicinity of the proposed station (Section C-5);
- (g) assessment and control of maximum field strengths for FM broadcasting stations: the 100 and 115 dBu contours shall be determined and shown on a suitable map (Section C-5)

Co-Location

As noted at the beginning of this document, Industry Canada strongly encourages co-location of transmission facilities. There are a number of advantages:

- Capital cost savings
- Fast implementation cycle
- Superior transmitter site
- Avoid community issues
- Specialist engineering and management
- No tower or site maintenance
- Security and backup power

For example, Gabriola Island receives excellent signal reception from CHLY VIU Campus Community Radio. Their programming is excellent and eclectic, and they solicit ideas from individuals and groups to present programming proposals. My thought is that, if possible, the cooperative possibilities should be fully encouraged and explored, before accepting the assumptions being put forward by the applicant.

Question: Would it be possible to request a review of application with a view to fully exploring a co-location possibility by the proponent? Coincidentally, would it be possible to formulate or initiate a renewed conversation and focus with Industry Canada, as has occurred with other local authorities and communities, as noted earlier, so as to try and find a mutually agreeable resolution?

I am concerned that the Staff Recommendation is to approve the proposed consultation, without having had the opportunity to receive more detailed information provided by the proponent and the community.

Thank you,

Judith Graham



Cottle Hill, Nanaimo – TX site for CHLY VIU Campus Community Radio

Chloe Fox

From: Ken Zakreski <ken.zakreski@gmail.com>
Sent: Monday, April 16, 2012 7:22 PM
To: Sheila Malcolmson; Gisele Rudischer
Cc: Chloe Fox; staff@ckgi.ca; David J Lorette
Subject: Request to waive cost recovery

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Trustees,

Please accept this email as our request for the Islands Trustees to waive partial cost recovery for the **Application for Radio Tower – Gabriola Radio Society File No.: GB/15-4**. I will be at this weeks meeting to answer any questions that may arise.

The staff report states as point #3...

Request staff to initiate the process for a Cost Recovery Agreement with the Gabriola Radio Society as the applicant for a proposed communication tower on the property legally described as: The Southwest 1/4 of Section 9, Gabriola Island, Nanaimo District, Except that Part in Plans 34295, VIP69975 and VIP71690, for all application processing costs incurred effective April 19, 2012 and up to such time as the consultation process with the Gabriola Island Local Trust Committee has finished.

Shared Costs

Gabriola Radio is requesting the trustee's waive the cost recovery for only that portion of the costs associated with this consultative process that includes Islands Trust staff time, postage for the notice and associated copying.

Gabriola Radio will cover the Costs for the public meeting location, food and beverages, printed material at the meeting, advertising costs for the meeting and associated reporting costs.

Rationale

A Community Radio license is an asset to the community of its service. CKGI 98.7 FM would provide access to the airwaves for the community in ways that other media cannot. Our benefits to the community extend several fold. Given that we are not for profit and, by definition, break-even, the only direct economic impact is our capital investment, half of which will be with local suppliers. The ongoing local direct impact will be our salaries and utilities and rent. However, we will operate essentially with volunteer support.

The approval of CKGI 98.7 consisted of two public consultations by the CRTC which included public notice and public comment. This additional public consultation comes from the Trust standing resolution GB-025-2010 and is not directed by any senior government. Further the role of the Trust is consultative and self imposed.

Public Benefits

The substantial economic development impact of our community radio station will be the indirect results of our creating an additional medium in the local community communications infrastructure. Those positive impacts

will arise and increase over time:

> > 1. Our local audio artists will reach all of our local service territory, and through audio streaming, the entire globe. Their economic success will flow partly back to our community.

> > 2. Our local businesses will benefit through their sponsorship by reaching the complete local market in the most timely way possible.

> > 3. Our local first responders will be able to upgrade their radio communications reach by mounting their radio transmitters on our broadcast tower. This will ultimately save money for our fire, police, ambulance as well as Coast Guard and other partners who share our tower resource. But more importantly, their improved communications reach will help save lives and protect property.

> > 4. Our 24/7 Emergency Broadcast Service will provide FM as well as first responder radio communications capability even if we experience wide-spread power failures, and failures of other terrestrial systems. Lives and property will be better served.

> > 5. Our support of local volunteer organizations, some 100 of them, will enhance their work and help them attract funding and participants.

> > 6. Our mentoring and training of volunteer broadcasters will complement the Media Studies program at VIU and prepare our young aspirants for professional media careers.

> > 7. Our "Self-Help" spoken word features will spread the knowledge around the community from the many retired professionals who live here. Seniors helping seniors, will alleviate problems and supplement government initiatives.

> > 8. Our FM broadcast capability will extend over the adjacent waters of the Salish Sea, providing emergency and up to date weather information for those boaters not in possession of VHS radios.

> > 9. Our coverage of local economic, social, environmental, political issues and concerns will greatly enhance the participation rate of all local residents and help us create better local by-laws and a more healthy, prosperous and sustainable community. Local radio can play a significant role in "creative conflict" resolution.

> > 10. Our contribution to community communications infrastructure will help ease the pressures on our transportation systems.

Please approve our our request for Islands Trust to waive cost recovery for the **Application for Radio Tower – Gabriola Radio Society File No.: GB/15-4.**

Ken Zakreski, developer
gabriolaradio@shaw.ca
CKGI 98.7 fm,
Gabriola Radio Society
PO Box 98, Gabriola Island, BC, V0R 1X0
Ph: 250-247-9891, Fax: 250-247-9852
<http://www.ckgi.ca/>
FACEBOOK: Gabriola Co-opRadio

coHost
NCRC2010 Gabriola

Working group member
NCRA/ANREC Journal Project (hiatus)
The Canadian Journal of Community Communications
<http://cjcc.ncra.ca/>
reporting: <http://staticreporting.blogspot.com/>



Gabriola Radio Society ciuf-fm
solar powered radio
#9 - 575 North Road
Gabriola Island, BC V0R 1X0

2005-2006 Directors
Ken Zakreski
Kathy Ramsey
Gerry Mountain

phone : 250-247-9891
fax : 250-247-9852
email : gabriolaradio@shaw.ca
website : www.members.shaw.ca/gabriolaradio

Gisele Rudischer, Gabriola Island Trustee
Sheila Malcolmson, Gabriola Island Trustee
Kim Benson, Chair Gambier Island Trustee
Local Trust Committee
700 North Road
Gabriola Island BC V0R 1X3

Attention: Local Trust Committee Members

Please accept this as our request to the Islands Trust council to sponsor or initiate, at the appropriate time and if required, the Gabriola Radio development application.

Gabriola Radio has completed a CRTC application for an FM community radio broadcast licence. This request specifically addresses points of our CRTC application as it applies to Land Use Bylaw amendments.

This request includes:

- an introduction to Gabriola Radio Society.
- specifics regarding our intent for land use at our proposed tower site.
- a request to the Islands Trust council to sponsor or initiate, at the appropriate time and if required, the Gabriola Radio development application.
- copies of wording and reference to regulations and documents pertinent to the matter of land use and the consultative process between Gabriola Co-op Radio and the Islands Trust including CPC-2-0-03 Annex 1.

Thank you,

Ken Zakreski, developer

Introduction

We are making this request because the properties zoned on Gabriola for broadcast towers are not suitable for the difficult task of broadcasting to Gabriola.

Gabriola Radio Society, # S- 49407, operating as Gabriola Co-op Radio, proposed ciufm, has completed a CRTC Application to Obtain a Broadcasting Licence to Carry on a Community Radio Programming Undertaking. We are seeking a Type B licence. That application will be submitted for CRTC and Industry Canada Approval when an Engineering Brief determining our frequency and broadcast parameters has been authored. Co-op Radio will be regulated by the Federal Government under the Broadcast Act.

We have received letters of support from Islands Trust, Gabriola Chamber of Commerce, Vancouver Island Regional Library, Gabriola Emergency Plan Co-ordinator, BC Ferries, PHC other NGO's, Members of Parliament and the Legislature. The local Arts and Cultural community has also forwarded letters of support or participated in fund raising events to the benefit of our application. Our meetings and events are regularly covered in the local papers and our efforts have been featured on Television and in the Nanaimo Daily News. To date we have raised over \$10,000 from the community to secure our broadcast licence.

The Regional District of Nanaimo has the authority (RDN report included) to fund this undertaking if the RDN board of directors agree to do so. We will be seeking a referenda from the residents of electoral area B after we have received a CRTC decision to start broadcasting. Residents and property owners of electoral area B have been supporting the call for a referenda on this question of funding by a petition (wording included below).

We agree to what ever funding model the community decides to adopt for Gabriola Radio.

The Fire Trustees have been substantial supporters of this proposed radio station, second only to the general public. The Fire Department is at a disadvantage planning for

wild fire caused evacuation of the island. Fire officials do not know where a fire could start or what direction the wind may be blowing. They need to be able to communicate, in real time, to a fleeing public, evacuation instructions.

FM radio has been determined to be an appropriate way assist during an emergency. A trusted local community station would, by utilizing repeated emergency programming, regularly discussing wildfire evacuation and emergency planning updates be able to assist this effort. We have entered into discussions with Gabriola Emergency Social Services to do so. In fact, our coverage area is intended to coincide with the area under the responsibility of the Gabriola Emergency Co-ordinator to better assist during an emergency.

First Responders have requested we locate our tower on Gabriola so that access to the tower and broadcast facility can be accomplished during an emergency.

Be advised that a Gabriola tower site is our plan. However, the FM spectrum is crowded, allotments are all used up, channels are scarce, it may be impossible to find a channel from this location. Further, should we find a channel suitable to our needs with a transmitter on Gabriola, the CRTC approval process may determine it be allotted to another applicant or located at another tower site due to engineering requirements.

Gabriola Radio Intended Land Use on Gabriola

Studio

Our studio use is defined under Bylaw 177 as a *public utility* as we would be regulated by the federal government under the Broadcast Act. We are in preliminary discussions with the Gabriola Commons to locate our studio offices there. No Islands Trust involvement is expected for the studio offices.

Tower Site

Existing Tower Sites on Gabriola were designed for service off Gabriola Island, that is not to service Gabriola. A suitable site has been found on Gabriola that over comes the engineering problems of broadcasting to a island with substantial intervening topography and most of the population living on the shorelines.

This proposed tower site, (that 1 hectare parcel in remainder SW 1/4 of Section 9 Gabriola Island, Nanaimo Land District), referred to as, Stoney Ridge is currently zoned Resource (R) as outlined in bylaw 177, Section D.2.4.

Subsequent to the contract expiring, the property owners have agreed to sell Gabriola Radio the parcel, subject to appropriate government approvals and vendor financing. A one year option was agreed to by the parties expiring January 1st, 2007.

It is our intent, when appropriate, to subdivide and apply to amend Bylaw 177 to include the 1 hectare lot with an approved use of FM tower.

The adjacent lot is serviced by Hydro and Shaw Cable, Telus phone lines are nearby.

Tower Site Uses

We do not want the proposed lot to include a residential density, nor permit increased residential occupancy of Gabriola.

We will need to be able to send and receive radio signals.

We do want to allow rental of aperture on the tower and transmitter building space to other broadcasting concerns. The CBC has expressed interest in obtaining transmitter facilities east of Nanaimo (see email from Business Manager).

We may need to offer free of charge wireless internet access to the neighbours of the tower site.

In order to prepare for emergency broadcasts we would want to be able to park an attended vehicle at the lot to use for broadcast operation. This vehicle would also serve the community as a remote broadcast vehicle.

We would also need to leave the transmitter site unattended, but able to remotely shut it down when required.

We will want to generate off grid power to be able to broadcast during extended periods of power outage. We may want to include wind, solar and diesel powered electrical generation to recharge our planned back up battery power.

We will need to periodically service the free standing tower and equipment.

We do want to be able to mill windfall logs on the proposed tower site for use constructing our studio / offices on Gabriola.

Land Use Regulation / Challenges

There are no exceptions in the bylaws for this type of bylaw amendment application.

Below is a list of the challenges I see for this project to succeed.

- The property we wish to subdivide has a covenant opposing further subdivision.
EN117471
- Attending the tower site equipment may be required during emergencies and prior for training purposes. *Bylaw 177 Section E.1.5.1 Lot Area Exceptions*
- Subdivision will be smaller than 2 hectares. *Bylaw 177 Section E.1.5.1 Lot Area Exceptions*
- the minimum and average lot sizes need to be exceptions
- Definition of public utilities preclude FM towers. *Bylaw 177 Section F1 Definitions*
- The tower will be around 30m from a wetlands *CPC-2-0-03 Annex 1*
- Gabriola OCP amendment may be required *Bylaw 166*

Industry Canada Requires Consultation with Land Use Authority

Gabriola Radio is a Type 1 applicant for an FM community radio station broadcast licence and we wish to construct a significant tower on Gabriola to service the community in our coverage area.

Industry Canada CPC-2-0-03 states;

The Canadian Environmental Assessment Agency, Industry Canada, the land-use authority and the applicant or radio station owner all have an important role to play. Full consultation can only be achieved through early contact by the applicant or owner with the other parties, and with the co-operation of everyone involved.

Applicants for site-specific radio stations are required to include a Preliminary Environmental Information and Municipal/Land-Use Consultation Attestation (Annex 1) with each application.

Applicants for broadcast undertakings shall consult with the local municipality or land-use authority regarding the location of all proposed antenna towers.

I am presenting Annex 1 so the Islands Trust is aware of its requirement by us.

Request to Sponsor or Initiate the Co-op Radio Development Application

We make this request to the Islands Trust council to sponsor or initiate, at the appropriate time and if required, the Gabriola Radio development application.

Please work with us to establish a Community owned, volunteer operated, not-for-profit, FM radio broadcasting facility benefiting the community at large and consistent with goals in the Official Community Plan.

Thank you for your consideration to our request.

Ken Zakreski,
developer

Regulations and Reference Documents pertinent to Land Use.

Letter of Support from Islands Trust, dated December 18, 2002, File number GB/05

Industry Canada CPC-2-0-03, Issue 3, June 24, 1995, **Spectrum Management and Telecommunications Policy, Client Procedures Circular, Environmental Process, Radiofrequency Fields and Land-Use Consultation** (included)

CPC-2-0-03 also refers to the following Broadcast Procedures and Rules that the following publications give further information about broadcast undertaking municipal consultation:

- Broadcast Procedures and Rules, Part II (BPR-II) Section C-10.4.2
- Broadcast Procedures and Rules, Part III (BPR-III) Sections C-5.5.2, D-1.3 and F-1.3
- Broadcast Procedures and Rules, Part IV (BPR-IV) Sections C-5.5.2, D-1.3, F-1.3 and H-2.2
- Broadcast Procedure 23 (BP-23) Section 6.11

Gabriola Island Official Community Plan Bylaw No. 166, 1997, Consolidated: November, 2005

Gabriola Island Local Trust Committee Bylaw No. 177, Schedules A, B and C, Appendixes A, B, C, D and E. Adopted November 22, 1999, Consolidated November, 2005.

Guidelines for Local Trust Committee Sponsored or Initiated Development Applications Policy Manual Code: 4.1.xiii Date: May 20, 2004; Date Approved June 10, 2004

ISLANDS TRUST ACT, [RSBC 1996] CHAPTER 239, Copyright (c) 2004: Queen's Printer, Victoria, British Columbia, Canada.

LOCAL GOVERNMENT ACT, [RSBC 1996] CHAPTER 323, Copyright (c) 2004: Queen's Printer, Victoria, British Columbia, Canada.

Regulations and Reference Documents pertinent to Land Use (continued)

CHAPTER B-9.01, **Broadcasting Act**, 1991

Community Radio Policy (Public Notices CRTC 2000-13, 2000-13-1)

RDN Finance Report on Authority to fund community radio station, November 8th, 2005. (copy included)

Gabriola Co-op Radio CRTC Application, <http://members.shaw.ca/gabriolaradio/>

Proposed Island Trust Application for Sub Division Review (incomplete)

Proposed Island Trust Bylaw Amendment Application Form (incomplete)

Contract of Purchase and Sale (expired) between Gabriola Radio Society, buyer and Dave & Keni Lorette, seller for the 1 hectare parcel in SW 1/4 section 9 Gabriola Island, Nanaimo Land District including Title Search and Covenant EN117471

RDN report on funding community radio:

True copy available at RDN Committee & Board agendas at their website www.rdn.bc.ca (centre column of the webpage, second item down - RDN agendas - click on this and you'll get to Nov 8th's agenda as a PDF file. Go to Finance Report.

TO: Members of the Board:

FROM: N.Avery

FILE :Manager, Financial Services

SUBJECT:Authority to fund community radio station

PURPOSE:

To report on staff findings with respect to the ability of a Regional District to create a service to provide a community radio station.

BACKGROUND:

Earlier this year Mr. Ken Zakreski reported to the Board his involvement with establishing a community radio station on Gabriola Island . The station would be operated under CRTC guidelines for community radio stations . The Board passed the following motion in this regard at its May 24" meeting: `That staff investigate and report back to the Committee on the District's ability to address the Gabriola Radio's request for funding and support in their application for a FM license through the CRTC'. The Local Government Act contains a prohibition against support for a business enterprise (Section 182) and accordingly staff consulted with our solicitor as to whether, in his opinion the organization could be classified as a business enterprise. Based on the information presented by Mr. Zakreski, information available from the CRTC with regards to the governance and purpose of community radio stations, staff and solicitor review, staff have concluded that establishing a service of a community radio would not contravene the Local Government Act.

ALTERNATIVES:

1. Receive this report for information.
2. Provide further direction to staff

SERVICE IMPLICATIONS:

Mr. Zakreski has requested a referendum on the question of establishing a community radio service on Gabriola Island. The mechanics and cost of holding a referendum and developing a reporting and funding structure are not insurmountable. The question of support goes further than merely asking a question and receiving an answer. This request raises broader questions of what sorts of activities a local government should provide funding for. There are no other instances in Canada at the present time, where a community radio station is supported by a local municipal government. Beyond the precedent, support for this service would initiate a broader debate about the merits of numerous other activities which have community support but are operated by volunteers.

SUMMARY/CONCLUSIONS:

Staff were requested to review and report on the authority of the Regional District to support a community radio initiative on Gabriola Island. The short answer is yes, there appears to be no impediment within the Local Government Act. Advisedly however, staff are concerned that supporting this initiative, despite its potential merits, will result in a multitude of funding requests for community initiatives each of which will require staff resources for oversight.

RECOMMENDATION:

That the report on the Regional District's authority to fund a community radio station on Gabriola Island be received for information.

COMMENTS:

Petition to Regional District of Nanaimo Board of Directors

Attention : Director Gail Lund we are requesting a bylaw.

We the undersigned residents of electoral Area B support Gabriola Radio Society.

*We are in favour of **holding a referendum** this November during the Regional District Area B elections to secure financial support for the start up and operation of a not for profit, community owned, volunteer operated Gabriola FM radio station.*

The cost to ratepayers will be \$7.70 per \$100,000 assessed property value for 7 years. This would provide approximately \$58,000 per year for 7 years to establish the radio station.

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Chloe Fox

From: Sheila Malcolmson
Sent: Tuesday, April 17, 2012 12:04 PM
To: Chloe Fox
Subject: Fw: Staff Report GB/15-4
Attachments: trust letter April 2012.docx

Follow Up Flag: Follow up
Flag Status: Flagged

From: Teresa [\[mailto:teresa.b@shaw.ca\]](mailto:teresa.b@shaw.ca)
Sent: Tuesday, April 17, 2012 11:15 AM
To: Sheila Malcolmson; Gisele Rudischer; David Graham
Subject: Staff Report GB/15-4

Dear Gabriola Island Trustees,

Attached is a short document I have written in response to the Staff Report GB15-4 regarding the application from Gabriola Radio Society/Dave & Keni Lorette. I respectfully request that you include this as a late agenda item for your upcoming meeting on Thursday, April 19th.

Thank you for your consideration.

Teresa Beers

I am writing to express my deep concern about Gabriola Radio's/Dave & Keni Lorette's application. As I have said in my previous communications with the Trust and the Trust Council over the past few years, the issue for me is that of a telecommunications tower, and the additional relay towers that Mr. Zakreski has said is necessary to ensure island-wide coverage. The substantial increase in radiation from these proposed structures and the resulting adverse health affects from exposure to radio frequency electromagnetic fields are my primary concerns.

Regardless of Gabriola Radio's stated intention of radiation output and power wattage, it is a well known fact that once a telecommunications structure is in place, very often there are various telecommunication transmitters added and/or additional towers erected on that site – a practice supported by Industry Canada. There has already been mention of considering the addition of emergency services transmitters. As the owners of such structures are financially compensated, this also creates a potential situation for vertical real estate.

As the staff report has stated, Industry Canada does have jurisdiction over matters of communication towers. However, they make it clear in their literature and policies that they look to the local land-use authorities for input and recommendations. I am asking you to use your political position to make it clear that there is considerable opposition to having another communications tower on Gabriola based on many concerns, including the health risks associated with non-thermal radiation exposure. Surely the Island Trust's mandate of 'preserve and protect' can extend to the health and welfare of the people and fragile ecosystems of our Islands.

Chloe Fox

From: Adam & Josee Velsen <velsen@telus.net>
Sent: Wednesday, April 18, 2012 4:29 PM
To: Chloe Fox; Sheila Malcolmson
Subject: radio tower/radio station application
Attachments: PastedGraphic-5.pdf; ATT00002..htm

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Islands Trust,
please include my letter at tomorrow's meeting.

I have questions and great concerns regarding the proposed radio tower/station application on Gabriola Island. I have read and researched much on the dangers of such towers on our eco system and our selves, we would be putting our Animals and Human Beings in danger for years to come. How can such a tower be put up on private property, where people of all ages live close by in their homes, their sanctuary where one is suppose to be able rest and rejuvenate, to live a healthy lifestyle. I really believe we have a great radio station established in Nanaimo within walking distance from our ferry that needs our support to keep it running. I don't believe that Gabriola needs our very own for such a small rural Island.

Please consider a public information session.

Please preserve and protect our Incredible Island for all of us now and years to come.

thank you for your time
Josee and Adam Velsen

Chloe Fox

From: Deb Scott <deb Scott1@shaw.ca>
Sent: Tuesday, April 17, 2012 11:11 PM
To: Chloe Fox
Cc: Gisele Rudischer
Subject: radio tower/radio station application

Follow Up Flag: Follow up
Flag Status: Flagged

Dear LTC:

I am concerned about the current application for a radio tower being erected on Gabriola. I have many reasons why related to fiscal, environmental and aesthetic aspects but I will stick to the LTC zoning issues for the purpose of this letter. I understand that the applicant has proposed this tower be built on private land, but I strongly disapprove of what this could mean on an island like Gabriola. I think it is in an ecological sensitive area(McGuffie Swamp) and perhaps would damage more than just rural character. I suspect that many of the neighbours will be against this plan too as Gabriola is not a city but a rural island and the Islands trust mandate is to preserve and protect ecologically sensitive areas.

I hope alot more public consultation will occur and in tandem alot more research on the effects of radio towers in rural neighbourhoods with regards to natural habitats being negatively affected, not to mention supposed human health problems.

I do question why Gabriola needs to build such a structure when we have a very good radio station just over the water, Malaspina Radio. CHLY would serve Gabriolans more than adequately and once again I wonder why we have to create (at great expense and a large eco-footprint)a brand new amenity on this island when something is available close at hand.

Sincerely,
Deb Scott

Chloe Fox

From: M Wilde <mellywilde@yahoo.ca>
Sent: Wednesday, April 18, 2012 11:06 AM
To: Chloe Fox; giselerudischer@gmail.com
Subject: radio tower

To the LTC,

I understand the proposed radio tower at the south end of Gabriola will be on the agenda for this Thurs. meeting. I live nowhere near there but as an islander concerned about the environmental health of Gabriola, I wish to state that I am deeply opposed to the tower being built. The tower is proposed for an ecologically sensitive area (McGuffie Swamp) and from a human rights point of view, the neighbours are being absolutely wronged. It seems redundant to have this tower anyway as we have CHLY so close for those who want to get involved with radio. There is no need for this structure.

Sincerely,

Melinda Wilde

www.melindawilde.com

Chloe Fox

From: Paul Macewen <macewen@mac.com>
Sent: Thursday, April 19, 2012 7:26 AM
To: Chloe Fox
Cc: Sheila Malcolmson; giselerudischer@gmail.com
Subject: radio tower gabriola

Follow Up Flag: Follow up
Flag Status: Flagged

Dear LTC:
I am concerned about the current application for a radio tower being erected on Gabriola. I have many reasons why related to fiscal, environmental and aesthetic aspects but I will stick to the LTC zoning issues for the purpose of this letter. I understand that the applicant has proposed this tower be built on private land, but I strongly disapprove of what this could mean on an island like Gabriola. I think it is in an ecological sensitive area(McGuffie Swamp) and perhaps would damage more than just rural character. I suspect that many of the neighbours will be against this plan too as Gabriola is not a city but a rural island and the Islands trust mandate is to preserve and protect ecologically sensitive areas.

I hope alot more public consultation will occur and in tandem alot more research on the effects of radio towers in rural neighbourhoods with regards to natural habitats being negatively affected, not to mention supposed human health problems.

I do question why Gabriola needs to build such a structure when we have a very good radio station just over the water, Malaspina Radio. CHLY would serve Gabriolans more than adequately and once again I wonder why we have to create (at great expense and a large eco-footprint)a brand new amenity on this island when something is available close at hand.
Sincerely,

Michelle MacEwen

Chloe Fox

From: Sheila Haniszewska <shewa@shaw.ca>
Sent: Tuesday, April 17, 2012 7:27 PM
To: Chloe Fox
Subject: Fw: radio tower concerns

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Fox,
This letter expresses my concerns about the radio tower.

Sincerely,
Sheila Haniszewska
----- Original Message -----

From: [Sheila Haniszewska](#)
To: [Sheila Malcolmson](#)
Cc: grudisher@islandstrust.bc.ca
Sent: Tuesday, April 17, 2012 5:03 PM
Subject: radio tower concerns

Dear Sheila and Gisele,

I am writing concerning the zoning application for the proposed radio communication tower.
I am very concerned about the environmental impact such a structure might have. Clearly, there needs to be much further study and consultation around the environmentally sensitive areas at the proposed site. (I understand that there are several covenants on this land as well as the McGuffy swamp)
There needs to be widespread public education and information dispensing events such as an open house as well as more than one public meeting..
I urge you to do this!
Sincerely,
Sheila Haniszewska

April 15, 2012

Hello Sheila, Giselle, David and Chloe,

I have read the Islands Trust Staff Report and would like to make a few comments additional to those in my communication of March 5, 2012, regarding the site of the proposed radio tower off Chernoff Drive.

1. The Report mentions, p. 37, that the subject property “has a no further subdivision restrictive covenant on title.” When the property was subdivided to allow for five 10 acre lots (rather than the required 20 acre parcels) we who live close by did not argue against this happening because we believed the five lots would be the end of any further subdivisions on that piece of land. We believe that the covenant on that land must be allowed to stand.
2. In reference to Bylaw No. 166, 1997 (OCP), p. 38, we agree that it is essential to “retain much of the land within the designation in large parcels so as to maintain a rural landscape.” A radio tower, painted whatever colour, is a metal construct and looks precisely as depicted in the brief video I mentioned (<http://www.youtube.com/watch?v=XPYRMn8kn>) in my previous communication—nothing that would be found in any rural landscape.
3. Regarding the Regional Conservation Plan, p. 39, your document states that “Gabriola is vulnerable to a loss of natural ecosystems from residential and associated uses.” The proposed site of the tower is less than 100 metres from a natural wetlands, McGuffie’s Swamp, which is as well part of our property, 1601 Chernoff Drive. The wetlands is alive with frogs, blackbirds and many other local creatures. Such a tower this close to the wetlands could imperil any small biological beings, frogs, tadpoles, bird eggs, etc., which are highly susceptible to even the lowest doses of radiation.
4. Under Staff Comments, p. 41, it is noted that “the applicant has indicated that their broadcast engineer has identified the site as being suitable to the task of broadcasting to Gabriola.” The site is at the edge of a quarry which has been rendered unstable by quarrying over the last ten years. The quality of the shale on the land is flaky and crumbly. We would fear for the fate a tower supposedly anchored there in loose rock.
5. On p. 52, under Aesthetic Impacts, under “Views from public roads,” Radio Garbiola notes: “from Chernoff Drive, shielded by a conifer grove, so as not to be obvious, if visible at all.” The conifers on this piece of land, directly bordering 1601 Chernoff Drive, are spindly, many of them have fallen over due to root rot, and extend at most ten metres onto the land. There is no grove here. I invite the trustees to visit the end of Chernoff Drive.
6. On p. 54 of the Staff Report, Environmental Assessment, it states that the tower site would “occupy a 100 by 100 metre portion of the right of way.” If one assumes that the tower would be constructed in the middle of the 100 square metres, then it will be completely visible from all sides, as THERE ARE NO TREES ON THAT PART OF THE LAND. Again, please come and see.
7. Finally, we believe there must be a public meeting regarding the building of this tower. Gabriola Radio asks for a six hour open house session, a meet and greet, with Gabriola Radio representatives present. Under such circumstances there would be no airing of views by Gabriolans to other Gabriolans. An open house is not a public meeting. Only if we on the island are able to hear each other’s positions can we know if there is any substantial demand on the island for a radio tower.



STAFF REPORT

Date: April 5, 2012

File No.:

To: Denman Island Local Trust Committee
 Gabriola Island Local Trust Committee
 Gambier Island Local Trust Committee
 Hornby Island Local Trust Committee
 Lasqueti Island Local Trust Committee
 Thetis Island Local Trust Committee

From: Chris Jackson, MCIP

CC: Northern Region Planners

Re: Compliance with Provincial Riparian Areas Regulation

PURPOSE

This comprehensive report provides Northern Region Local Trust Committees with:

1. background on the Provincial *Fish Protection Act* and the *Riparian Areas Regulation*;
2. a summary of related Legislation and Policy;
3. a summary of Islands Trust RAR Implementation Progress to Date;
4. a briefing on community consultation and budget considerations;
5. options for compliance with these Provincial Laws; and
6. recommended next steps for each Local Trust Committee.

Note: this report contains information previously provided to some LTCs; for others, this is the first report on this topic. All Northern Region LTCs are receiving this report in order to provide consistent communication. As individual LTCs move forward, future reports will be tailored to each LTC.

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Acronyms used in this report:

- DPA - Development Permit Area
- FA - Fisheries Act
- FPA - Fish Protection Act
- LUB - Land Use Bylaw
- LTC - Local Trust Committee
- LTA - Local Trust Area
- MOE - Ministry of Environment
- OCP - Official Community Plan
- QEP - Qualified Environmental Professional
- RAA - Riparian Assessment Area
- RAR - Riparian Areas Regulation
- SPEA - Streamside Protection and Enhancement Area

FISH HABITAT PROTECTION IN BRITISH COLUMBIA

Please refer to the Attachment 1, which contains a detailed summary of the legal framework of fish habitat protection in British Columbia and the role of local governments. Below is a summary of that attachment.

The federal *Fisheries Act* (FA), the provincial *Fish Protection Act* (FPA) and *Riparian Areas Regulation* (RAR) are used to protect fish habitat in BC. The *Riparian Areas Regulation* (RAR) was enacted under Section 12 of the *Fish Protection Act* (FPA) in July 2004 (amended by Order-in-Council in 2006) and took effect on March 31, 2006.

The Province considers local government land use controls as an effective means to protect fish habitat and fish processes. The *Fish Protection Act* (from which RAR stems) states that a local government must provide a level of protection that is comparable to or exceeds the RAR.

The Riparian Areas Regulation:

- covers any area within 30 metres of a “stream”, referred to as the “Riparian Assessment Area” (RAA).
- defines a “stream” to include a watercourse, whether it usually contains water or not, that provides fish habitat, including ponds, lakes, rivers, creeks and brooks as well as ditches, springs, and wetlands that are connected by surface flow to such watercourses.
- includes “streams” where fish could potentially be present in the event that the introduced obstructions were made passable, even if no fish are currently present.
- defines “fish” to include salmonids, game fish and regionally significant fish (these include all salmon species and trout).
- methodology is meant to provide objective Qualified Environmental Professional (QEP) assessments; as a science based approach, assessments are intended to be measureable and repeatable independent of the observer.

Provincial Expectations of Local Government

The Riparian Areas Regulation:

- requires local governments to amend bylaws to ensure that riparian areas are protected.
- requires local governments to protect riparian areas during residential, commercial, and industrial development by ensuring that proposed activities are subject to a science-based assessment conducted by a QEP.
- prohibits a local government from approving or allowing a development to proceed within a Riparian Assessment Area without the provision of a QEP report; such applications that trigger RAR include: rezoning, development variance permit, development permit, temporary use permit and subdivision.

Development within the Riparian Assessment Area (RAA)

The Province allows local governments to approve/permit development within 30 metres of the high water mark of a stream or top of a ravine bank (referred to as the Riparian Assessment Area), provided that a QEP:

- completes an Assessment Report;
- submits the Report to the Province;
- concludes that development will not result in a harmful alteration of riparian fish habitat;
- establishes, on a site-specific basis, a Streamside Protection and Enhancement Area (SPEA).

The Assessment Report may also include QEP recommendations on mitigation or enhancement measures specific to the development proposal, and identify measures to maintain the integrity of the riparian area during the development process.

CURRENT LEGISLATION AND POLICY

Islands Trust Act

Section 3. Object of trust

The object of the trust is 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. [Note: Underlining added for emphasis]

Trust Policy Statement:

Policies for Ecosystem Preservation and Protection

- 3.1.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.*
- 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.*

Policies for Stewardship of Resources

- 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.[Note: Instream Uses - include water uses such as fish and habitat uses, aesthetic uses, recreational opportunities and the maintenance of water quality in lakes and streams and wetlands.]*

Trust Council Strategic Plan:

The current Trust Council Strategic Plan includes “Implementation of Riparian Area Regulations” as the first focus area.

Northern Region Local Trust Committee Work Programs

All northern Local Trust Committees (LTC) have RAR compliance among their three top priorities.

Official Community Plans and Land Use Bylaws

This report is directed at all Northern Region Local Trust Committees, and as such will not list the various Official Community Plan (OCP) policies and Land Use Bylaw (LUB) regulations relevant to this project.

STATUS OF ISLANDS TRUST RIPARIAN AREAS REGULATION IMPLEMENTATION

In 2006 Trust Council adopted a resolution directing staff to prepare development permit area provisions to implement the RAR. Local Trust Committees were also requested to consider amending setback provisions to correspond with RAR in their Land Use Bylaws as a first step prior to implementing development permit areas.

The implementation of RAR in the Trust Area has been delayed since 2006. Principally, the delay was attributable to issues with identifying watercourses that are subject to the RAR and in accurately mapping those watercourses.

In 2008/9, staff undertook a watershed mapping exercise, derived from 2-metre contour Digital Elevation Mapping, with the Ministry of Environment and the School of Architecture and Landscape Architecture at UBC. The UBC work identified watershed boundaries on most of the 450 islands within the Islands Trust. This mapping provided the platform for MOE staff to indicate which watersheds they believe to be applicable under RAR.

In a letter dated July 20, 2011, Ministry of Forests, Lands and Natural Resource Operations (formerly Ministry of Environment) staff confirmed those watersheds where RAR applies [Note: Hornby, Gambier, and Lasqueti lacked conclusive information]. Since receipt of this letter, mapping of Northern RAR applicable watershed streams have been completed for: Gabriola and Thetis, and partly for Hornby (two of five) and Denman (one of five) Local Trust Areas (LTA).

Two LTAs within the Islands Trust have RAR compliant bylaws: North Pender and Galiano. In 2011, Islands Trust Council endorsed the North Pender Island RAR bylaw as a reference for all Local Trust Committees. However, given that every island is unique it is imperative that each Local Trust Committee decide how best to proceed with implementing the RAR on their respective Islands.

Status of the Northern Region Local Trust Committees:

Denman: there are five MOE verified RAR watersheds; one of these watersheds is mapped. Next steps include further mapping work, LTC determination of public process and bylaw development.

Gabriola: initial review from MOE indicated one watershed was RAR applicable. Further investigation found that three watersheds are RAR applicable. These watersheds are now mapped. Next steps include LTC determination of public process and bylaw development.

Gambier: the MOE, Vancouver Island Region, does not cover those islands in the Gambier LTA, and as such were unable to provide RAR verification. Next steps include further mapping work, LTC determination of public process and bylaw development.

Hornby: the MOE determined two watersheds were RAR applicable, three lacked information to verify, and the remainder were not RAR applicable. The two verified watersheds were mapped. Next steps include further mapping work, LTC determination of public process and bylaw development.

Lasqueti: the MOE does not have the knowledge base required to determine which watersheds on Lasqueti are RAR applicable. Next steps include further mapping work, LTC determination of public process and bylaw development.

Thetis: the MOE determined that one watershed on Thetis is RAR applicable. That watershed is now mapped. Next steps include LTC determination of public process and bylaw development.

COMMUNITY CONSULTATION and EDUCATION

Typically LTCs go into community consultation processes with a mind to create bylaw provisions that match the expectations and vision of the community. A possible outcome could be that the community does not support a proposal; the LTC could then resolve to not proceed any further given the limited appeal of moving forward. This is not an option with regard to the Riparian Areas Regulation project. Provincial Law requires that local governments must determine which streams the RAR applies to, and then take measures that protect fish habitat.

With this requirement in mind, staff recommends that community consultation focus on appropriate ways to implement RAR and become compliant with Provincial Law, rather than considering whether it should be undertaken.

Community consultation is fundamental to any proposed changes to LTC policies and regulations. Here are several approaches LTCs may consider, alone or in combination:

- Establish a Northern working group made up of trustees and staff for the purposes of information sharing, developing consultation options and educational materials.
- Direct contact with land owners/residents may be a feasible option depending on the number of properties affected, for example, letters providing opportunities to individually contact trustees and staff to have questions answered.
- Information materials and links to on-line information can be provided in letters.
- An open house, where affected and interested persons can drop-in and ask questions specific to their property and their concerns.
- Town hall, where all affected and interested persons can attend and hear others questions and comments, and the answers and responses.
- Use of the new Islands Trust website where a separate RAR page can be developed and maintained, with links connected from each individual LTC.
- Advisory Planning Commission referrals.
- Trustee newsletters and other articles in local papers and community on-line webpages.
- Development of a brochure explaining RAR and DPAs.
- Retain qualified environmental professionals for on-island presentations that focus the technical aspects of RAR and protection of fish and fish habitat.
- Invite Provincial Ministry staff to assist with the process and participate with on-island presentations.

BUDGET ALLOCATION

The recently approved 2012/13 Trust Council budget allocated \$71,000 for LTC work related to RAR. Of this, \$40,000 will be used for stream mapping on Salt Spring Island, and the remaining \$31,000 is divided amongst LTCs for 'public process'.

As noted in the briefing to Trust Council "Riparian Areas Regulation – Funding to Map All Riparian Areas Regulation Streams in the Trust Area to a Consistent Standard" dated February 23, 2012: "With this funding, local trust committees should have the resources to have a discussion with the community on the Riparian Areas Regulation, options to be compliant and development of amendment bylaws to become compliant using existing mapping products available for the local trust area."

Mapping Budget

Over the last several fiscal years, mapping has started on Salt Spring Island and all RAR mapping is now complete for Southern Region LTAs. Northern mapping started last fiscal and is now complete for Gabriola and Thetis. Hornby and Denman are partially complete. Lasqueti and Gambier have not started any mapping work at this time. There is no funding this fiscal for RAR mapping of northern LTAs.

Public Process Budget

During the last previous fiscal years, Salt Spring Island has undertaken public processes related to RAR, and will continue to do so [note: there are 24 RAR applicable watersheds on Salt Spring Island]. There is \$5000 allocated this fiscal for public process on Salt Spring Island.

Mayne and Saturna Islands will undertake public processes this fiscal to become RAR compliant. Each LTA received \$4000 for public process.

Denman, Gabriola, Gambier and Lasqueti were each allocated \$4,000 for public process for RAR this fiscal. Thetis received \$2,000, and Hornby did not have funds allocated for public process.

Public process funds are intended to cover costs associated with: hiring consultants, meeting venues, advertising, mail-outs, printing of informational material, and minute takers.

RIPARIAN AREAS REGULATIONS IMPLEMENTATION OPTIONS

At March, 2010 Trust Council, the following four options on how to comply with RAR were provided in a briefing dated February 10, 2010 (provided as Attachment 2 in this report).

1. Amend the LUB to establish both a 30 metre setback and a landscape strip for all watercourses within the RAR-identified watersheds. This approach is possible but not recommended as it does not establish any certainty with respect to the actual location of streams, any development within 30 metres of a watercourse would require a variance (which could only be approved once a QEP assessment is provided), and conditions cannot be incorporated in the variance.
2. Amend the OCP to designate all RAR-identified watersheds as a Development Permit Area (DPA). This approach may be optimal where there are a limited number of larger properties in the watershed, where subdivision is anticipated, or where it is not anticipated that the watercourse(s) will be mapped. The advantages of this approach is that the flexibility of DPA provisions can be used to establish exemptions for work that is found to be further than 30 metres from a watercourse and a Development Permit (DP)

can incorporate any conditions recommended by the QEP's assessment report. The disadvantage of this approach is that all land within the watershed would be designated as a DPA, regardless of where the actual watercourse is, imposing requirements on landowners to determine if development activity actually requires an assessment and DP. However, as noted previously in this report, the RAR was established to allow the cost of this assessment to be the responsibility of the land developer, allowing governments to focus on monitoring and enforcement within their respective jurisdictions. This approach is recommended for consideration by all LTCs at this time in consideration of the necessity to comply with the RAR, internal budget constraints and land developer responsibilities.

3. Amend the OCP to designate all land within 30 metres of watercourses in RAR-identified watersheds as a Development Permit Area (DPA). This approach requires the Islands Trust to map watercourses in RAR-identified watersheds and is currently being undertaken for the Southern Region islands through the use of existing and new watercourse mapping. The advantage of this approach is that it provides greater certainty with respect to actual watercourse locations and limits reviews and applications to work within 30 metres of fish-bearing or potential fish-bearing streams. The disadvantage is that a DPA would not be applied to areas more than 30 metres from a watercourse but still within a RAR-identified watershed. In addition, the quality of existing mapping may vary greatly between Local Trust Areas and contractors will need to be hired to map the watercourses within the identified RAR watersheds to an acceptable standard and confirm that the watershed is fish bearing or potentially fish bearing.
4. Exceed RAR by:
 - a. Designating a DPA within 30 metres of all watercourses, regardless of fish habitat status: this would require mapping of the location of all watercourses with an acceptable degree of certainty, but would not require any confirmation of fish habitat. The advantage of this approach is that all values associated with watercourse protection are addressed, not just fish habitat.
 - b. Designating one DPA within 30 metres of RAR watercourses and a second DPA, with different requirements, over the remainder of the land within the RAR-identified watershed. This would require mapping of watercourses, but may be preferred if there is evidence that activities permitted more than 30 metres from a watercourse could affect fish habitat and thus require regulation.
 - c. Designating all watershed areas a DPA, regardless of RAR designation. This would result in comprehensive regulation of all watershed areas and not require further mapping of watercourses, but would present a significant impact on landowners and on planning staff to administer such a DPA.

STAFF COMMENTS AND RECOMMENDATIONS

Community consultation and education are areas all LTCs need to address, as noted earlier in this report. An LTC could provide specific direction to staff on proceeding immediately to organize consultation, or direct staff to prepare options for consideration at a later meeting. Given that this project is being undertaken by all northern region LTCs, a working group (made up of trustees and staff) could be established that would assist with developing options and educational materials.

The provincial RAR requires local governments to use their existing land use planning authority to protect fish habitat. Of the four options noted previously, staff seeks direction from each LTC on how they wish to proceed.

Each LTC requires a unique approach to bringing bylaws into compliance with provincial RAR. Below is a preliminary discussion of each LTCs status and recommended next steps.

Denman

The MOE identified five RAR applicable watersheds on Denman Island. The community of Denman Island has had development permit areas in place for many years, so the concept of DPAs as a land use tool is not new. Specifically, DPA-4: streams, lakes and wetlands, in the Denman Island Official Community Plan states the following:

Riparian areas are important because they include ecosystems that support a disproportionately high number of vascular plant, moss, amphibian and small mammal species for the area they occupy.

This development permit area includes streams, lakes, and wetlands that have been identified as important fish, wildlife, and plant habitats and as water supplies for rural and residential use. Trees and shrubs shade streams, preventing high water temperatures that can be harmful to fish and other aquatic animals and providing cover that enables fish to avoid predators. Mature trees along streams provide a source of large organic debris that maintains pools and cascades used by fish. Plant roots and ground-covering vegetation stabilize stream banks and help to maintain high water quality by filtering sediments and pollutants throughout a drainage system. Riparian and aquatic habitats are unique and necessary to many species of plants and animals. Land use practices including land clearing, logging, road building, 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 Denman Island.

The current DPA extends out from the natural boundary of a watercourse to 10 or 30 m, depending on how the stream was categorized (i.e. major or minor). The LTC should consider establishing the DPA consistently at 30 m, within those watersheds verified as RAR applicable.

Stream mapping was recently completed for the Morrison Marsh watershed. This mapping can be used to refine the DPA boundaries. Additional mapping should be completed for the four remaining verified RAR applicable watersheds. Funding is required to complete this mapping work, which is not allocated for this fiscal year.

Staff recommends that the Denman Island LTC direct staff to proceed with:

- ***establishing a northern working group made up of northern trustees and staff in order to develop community consultation options and education materials for RAR implementation; and***
- ***reviewing Development Permit Area 4 and prepare draft wording and mapping for compliance with RAR.***

Gabriola

The MOE identified one RAR applicable watershed on Gabriola Island. Upon further review, this was expanded to two verified watersheds and two unverified watersheds. Watercourses within the verified watersheds have now been mapped and the unverified watersheds have been assessed and, where applicable, mapped.

The community of Gabriola Island has had development permit areas in place for many years, so the concept of DPAs as a land use tool is not new. Current DPAs include DP-3 Hoggan Lake Area, which serves to protect the riparian habitat within 15m of the natural boundary of the lake. Staff recommends that the LTC consider using DPAs as the land use tool to comply with RAR. The DPA could be based on establishing a 30 m riparian assessment area extending from the recently mapped streams natural boundary.

Staff recommends that the Gabriola Island LTC direct staff to proceed with:

- ***establishing a northern working group made up of northern trustees and staff in order to develop community consultation options and education materials for RAR implementation; and***
- ***preparing draft development permit area maps and provisions for LTC review that would be in accordance with the provincial Riparian Areas Regulation.***

Gambier

The MOE, Vancouver Island Region, was not able to verify which watersheds on Gambier Island are RAR applicable. Without that information or a QEP assessment report, all streams on Gambier Island are considered RAR applicable until proven otherwise.

The Gambier Island Official Community Plan, Schedule F contains a map of watersheds and watercourses (Schedule I illustrates development permit area designations). The text of the OCP states that streamside protection and enhancement areas should be established by DPA. This provides a basis from which to consider implementing RAR.

It may be that some of these streams are not RAR applicable. This can be determined by a QEP. However, funding was not allocated for such work this fiscal year. As an interim measure, implementing DPA guidelines for the watershed and watercourse mapping already within the OCP would bring LTC bylaws into compliance with RAR.

Staff recommends that the Gambier Island LTC direct staff to proceed with:

- ***establishing a northern working group made up of northern trustees and staff in order to develop community consultation options and education materials for RAR implementation;***
- ***reviewing the current Gambier Island Official Community Plan, Schedules F and I, and drafting development permit area provisions for LTC review that would be in accordance with the provincial Riparian Areas Regulation; and,***
- ***exploring other methods that could be used to determine RAR applicability to Gambier Island Local Trust Area watersheds and watercourses.***

Hornby

The MOE confirmed that two watersheds are RAR applicable on Hornby Island, with three other watersheds lacking information needed to confirm or reject RAR applicability. Streams within the two verified watersheds were recently mapped by a QEP.

The Hornby Island OCP has development permit areas in place. Staff recommends the LTC use DPAs as a land use tool to become RAR compliant.

In terms of establishing DPA boundaries, those streams recently mapped can be incorporated into a DPA with a 30 m riparian assessment area extending out from the natural boundary of the stream. The three watersheds that have not been mapped require a different approach.

To be RAR compliant, either a setback regulation needs to be created, or a DPA boundary established that includes all properties within the entire watershed. Staff recommends that the LTC consider using DPAs for all five watersheds. Two watersheds would have 30 m DPAs extending from the natural boundary of the stream, while the other three would establish the DPA boundary along the watershed boundary. Exemptions from the DPA requirement could be further reviewed for those developments more than 30 m from the stream, but still within the watershed. A watershed level DPA could be an interim measure until mapping is conducted, and then a more refined DPA boundary can be established. Funding was not allocated for mapping work this fiscal year.

Staff recommends that the Hornby Island LTC direct staff to proceed with:

- ***establishing a northern working group made up of northern trustees and staff in order to develop community consultation options and education materials for RAR implementation; and***
- ***preparing draft development permit area maps and provisions for LTC review that would be in accordance with the provincial Riparian Areas Regulation.***

Lasqueti

The MOE was unable to verify which watersheds are subject to RAR and which are not on Lasqueti Island, due to a lack of information. The Lasqueti OCP does not have any DPAs. However, the Lasqueti LUB has 30 m setback requirements for buildings and structures from the natural boundary of a watercourse. As an interim measure, expanding on zoning setback provisions would meet RAR requirements, and provide time for QEP assessment reports to be undertaken to determine and map those streams that are RAR applicable.

The zoning provisions in the LUB should be expanded to include landscape strips and drainage requirements.

Staff recommends that the Lasqueti Island LTC direct staff to proceed with:

- ***establishing a northern working group made up of northern trustees and staff in order to develop community consultation options and education materials for RAR implementation;***
- ***preparing draft Land Use Bylaw provisions for LTC review that would be in accordance with the provincial Riparian Areas Regulation.***

Thetis

The MOE identified one RAR applicable watershed on Thetis Island. Currently, Thetis Island bylaws do not include DPAs, however Thetis Island OCP policy introduces DPAs as appropriate land use planning tools.

Staff recommends that the LTC consider using DPAs as the land use tool to comply with RAR. Recent stream mapping can be used to accurately define a DPA. As well, staff is aware that the small number of affected landowners have developed long term plans for their property, with

stewardship and conservation in mind. Staff could work with these land owners during the development of DPA guidelines.

It is understood that a QEP report was recently completed that comments on a lack of fish presence within the stream identified by MOE as RAR applicable. The argument is that this disqualifies the stream from being RAR applicable. It is important to note that RAR applies in order to protect fish habitat for watercourses that have the potential for fish presence. The RAR does not require that fish be present year round in order to apply.

Staff recommends that the Thetis Island LTC direct staff to proceed with:

- ***establishing a northern working group made up of northern trustees and staff in order to develop community consultation options and education materials for RAR implementation; and***
- ***working with the landowners of the RAR affected properties; and***
- ***preparing a draft development permit area map and provisions for LTC review that would be in accordance with the provincial Riparian Areas Regulation.***

Prepared and Submitted by:

Chris Jackson

MCIP, Regional Planning Manager

April 5, 2012

Date

Fish Protection in British Columbia:

The federal *Fisheries Act* (FA), the provincial *Fish Protection Act* (FPA) and *Riparian Areas Regulation* (RAR) are used to protect fish habitat in BC. The federal FA protects fish habitat through provisions that prohibit activities that cause damage to fish habitat. It governs the management of fisheries and the protection of fish habitat (including both physical habitat and water quality) throughout Canada. The Ministry of Environment (MOE) considers the *Riparian Areas Regulation* (RAR) as an alternate model for urban riparian management that has been developed under the provincial legislation that satisfies the statutory obligations of the federal FA.

The Department of Fisheries and Oceans (DFO) has an agreement with MOE where it accepts the RAR as legislation that protects fresh water fish habitat. If a local government complies with the RAR through its planning policies and regulations it, as a result, complies with both DFO and MOE requirements. If the RAR is not implemented then the local government and landowners may be out of compliance with both federal and provincial requirements.

What is the Riparian Areas Regulation (RAR)?

RAR Website: http://www.env.gov.bc.ca/habitat/fish_protection_act/riparian/riparian_areas.html

Riparian areas are the areas bordering on streams, lakes, and wetlands that link water to land. The blend of streambed, water, trees, shrubs and grasses directly influences and provides fish habitat. The *Riparian Areas Regulation* (RAR) was enacted under Section 12 of the *Fish Protection Act* (FPA) in July 2004 (amended by Order-in-Council in 2006) and took effect on March 31, 2006. The RAR is to be applied by local governments listed in the 2006 amendments using their Part 26 powers under the *Local Government Act*. The objectives of the FPA are to:

- (1) ensure sufficient water for fish;
- (2) protect and restore fish habitat;
- (3) improve riparian protection and enhancement; and
- (4) provide stronger local government powers in environmental planning.

The RAR requires local governments, including local trust committees, to protect riparian areas during residential, commercial, and industrial development by ensuring that proposed activities are subject to a science-based assessment conducted by a Qualified Environmental Professional (QEP). According to MOE, a QEP includes agrologists, biologists, foresters, geoscientists, and technologists who are in good standing with their respective professional organizations and are working in their area of expertise (i.e. fish habitat).

The Purpose of RAR:

The Ministry of the Environment's website states that the purpose of the Regulation is to protect the features, functions and conditions that are vital in the natural maintenance of stream health and productivity. These vital features, functions and conditions are numerous and varied and include such things as:

- Sources of large organic debris, such as fallen trees and tree roots;
- Areas for stream channel migration;
- Vegetative cover to help moderate water temperature;
- Provision of food, nutrients and organic matter to the stream;
- Stream bank stabilization; and

- Buffers for streams from excessive silt and surface runoff pollution.

Section 4 of the RAR prohibits a local government from approving or allowing a development to proceed in a riparian assessment area (RAA) unless the local government is notified by the Ministry of Environment that the developer has provided an assessment report by a qualified environmental professional (QEP) which certifies that the development can be carried out without damaging fish habitat.

Where Does the RAR Apply?

The RAR applies to an area, “Riparian Assessment Area” (RAA), which is defined in the RAR to mean any area within 30 metres of a “stream”.

A “stream” is defined in RAR to include a watercourse, whether it usually contains water or not, that provides fish habitat, including ponds, lakes, rivers, creeks and brooks as well as ditches, springs, and wetlands that are connected by surface flow to such watercourses.

Even if the watercourse may not currently have fish present, they are still considered a “stream” for the purposes of the RAR if fish could potentially be present in the event that the introduced obstructions were made passable.

“Fish” is defined for the purposes of the RAR to include salmonids, game fish and regionally significant fish (these include all salmon species and trout). According the Ministry of Environment, while there are no regionally significant fish on Northern Local Trust Area islands, there are still RAR designated watersheds supporting salmonids or game fish.

Under the Regulation there is no authority provided to the Ministry of Environment or a QEP to regulate development. The RAR establishes that it is the local government that must amend its bylaws to ensure that riparian areas are protected and that development does not proceed within a Riparian Assessment Area (RAA) without the provision of a QEP report.

However, local governments may allow development within 30 metres of the high water mark of a stream or top of a ravine bank provided the prescribed riparian assessment methods have been followed. The riparian assessment method requires a Qualified Environmental Professional (QEP) to provide an opinion – in an Assessment Report – that the development will not result in a harmful alteration of riparian fish habitat. In the assessment, the QEP will establish, on a site-specific basis, an area within the 30 metre RAA that cannot be developed - termed a Streamside Protection and Enhancement Area (SPEA) and those portions of the site where development may occur within the 30 metre RAA. The QEP may also provide recommendations on mitigation or enhancement measures specific to the development proposal. The Assessment Report can also identify measures to maintain the integrity of the riparian area during the development process. These conditions can become part of a development permit should Development Permit Areas be established to implement RAR.

Role of the Local Government:

Local governments have land use decision making authority under Part 26 of the *Local Government Act* (LGA). The implementation of the RAR through land use control has been seen by MOE as an effective means to protect fish habitat and fish processes. The *Fish Protection Act* (from which RAR stems) states that a local government must provide a level of protection that is comparable to or exceeds RAR.

If a development is residential, commercial or industrial in nature, local governments must either include riparian area protection in its zoning and rural land use bylaws in accordance with the RAR or ensure that its Part 26 bylaws afford protection that compares to or exceeds the RAR. Although agricultural, mining and forestry uses are not regulated by the local government act non-agricultural uses locating in the ALR are subject to the RAR. The regulation encourages

environmentally responsible development. The intent is so that activities are conducted responsibly to avoid degrading valuable riparian fish habitat.

Any application to a local government for a rezoning, development variance permit, development permit, temporary use permit or subdivision can trigger the requirement for an assessment by a qualified environmental professional (QEP).

It applies to local government regulation or approval of residential, commercial and industrial activities, or ancillary activities, as regulated by Part 26 of the LGA being:

- a) removal, alteration, disruption or destruction of vegetation;
- b) disturbance of soils;
- c) construction or erection of buildings and structures;
- d) creation of nonstructural impervious or semi-impervious surfaces;
- e) flood protection works;
- f) construction of roads, trails, docks, wharves and bridges;
- g) provision and maintenance of sewer and water services;
- h) development of drainage systems;
- i) development of utility corridors;
- j) subdivision as defined in section 872 of the Local Government Act;

It does not apply to a development permit (DP) or development variance permit (DVP) issued for -reconstruction of a legal non-conforming use (*Local Government Act* Section 911 (8)) nor does it apply to a land use or development activity under the RAR that is sited beyond the 30m setback requirement. It also does not apply to agricultural or institutional development. Nor does it apply to mining activities or First Nations reserve lands. However, other provincial or federal legislation may still apply in these instances.

In summary, the *Riparian Areas Regulation* specifies that:

- local governments must protect riparian areas in accordance with the regulations when exercising their powers with respect to commercial, residential and industrial development; and,
- local governments must meet or better the regulations, but cannot reduce them without specific authorization from Fisheries and Oceans Canada. For example, a local government could not issue a development variance permit for a new residential, commercial or industrial building within a RAA except in accordance with the riparian area regulations.

As the RAR has been in effect for over 4 years, any Part 26 application can trigger the requirements for an assessment. For example, an unrelated variance for work that happens to be within 30 metres of a watercourse within a RAR designated watershed would trigger the requirement for a QEP assessment.

ATTACHMENT 2

ISLANDS TRUST BRIEFING

DATE: 10 February 2010

TOPIC: RIPARIAN AREA REGULATION IMPLEMENTATION IN THE ISLANDS TRUST AREA

DIRECTED TO: Trust Council

CONFIDENTIAL: No

DESCRIPTION OF ISSUE: To inform the Islands Trust Council (through the Local Planning Committee) of the status of implementation of the provincial Riparian Area Regulation in the Islands Trust Area.

BACKGROUND: The provincial Ministry of Environment website (www.env.gov.bc.ca/habitat/fish_protection_act/riparian/riparian_areas) provides the following overview of the Riparian Area Regulation.

The Riparian Area Regulation (RAR), enacted under section 12 of the Fish protection Act in July 2004, calls on local governments to protect riparian areas during residential, commercial, and industrial development by ensuring that proposed activities are subject to a science based assessment conducted by a Qualified Environmental Professional (QEP).

The purpose of the Regulation is to protect the features, functions and conditions that are vital in the natural maintenance of stream health and productivity. These vital features, functions and conditions are numerous and varied and include such things as:

- *Sources of large organic debris, such as fallen trees and tree roots;*
- *Areas for stream channel migration;*
- *Vegetative cover to help moderate water temperature;*
- *Provision of food, nutrients and organic matter to the stream;*
- *Stream bank stabilization; and*
- *Buffers for streams from excessive silt and surface runoff pollution.*

The RAR implementation model detailed in the Regulation uses QEPs, hired by land developers, to:

- *Assess habitat and the potential impacts to the habitat;*
- *Develop mitigation measures; and*
- *Avoid impacts from development to fish and fish habitat, particularly riparian habitat.*

The cost of this assessment is the responsibility of the land developer, allowing governments to focus on monitoring and enforcement within their respective jurisdictions. By conscientiously following the assessment procedure set out in the Regulation, the QEP and the land developer will have applied due diligence in avoiding a harmful alteration, disruption or destruction (HADD) of riparian fish habitat. If a HADD cannot be avoided, an application for an authorization must be submitted to Fisheries and Oceans Canada.

The assessment methods are attached to the Regulation as a schedule and are a key component of the regulatory regime for riparian protection that is clear and measurable, but does not rely exclusively on default setbacks. The assessment is based on the best available science with respect to riparian habitats.

The assessment methodology provides clear direction to QEPs on:

- How to assess impacts;*
- How to determine setbacks based on site conditions; and*
- The measures that need to be employed to maintain the integrity of the setbacks.*

QEPs submitting RAR assessments must certify that they have the qualifications, experience and skills necessary to conduct the assessment. The assessment will form the content of notifications by development proponents to regulatory agencies. The Ministry of Environment provides local governments with confirmation that an assessment report has been received, enabling local governments to move forward in approving development without taking on the liability for reviewing and approving riparian setbacks.

To increase the accountability of the QEP and to permit compliance monitoring, the assessment methodology will yield outcomes that are measurable, repeatable, and independent of observer. The assessment methodology will also enable effectiveness monitoring to be undertaken to determine whether impacts from development on riparian habitats are being fully avoided when the assessment methodology is used correctly.

The Islands Trust and Islands Trust Fund staff identified a program in 2006 to proactively undertake watercourse mapping. Review of the potential scope of work for this mapping identified a workload that exceeded the requirements of the RAR and would provide an information base appropriate for the unique responsibilities and challenges of the Islands Trust.

To achieve this higher standard of information procurement, it was proposed to ground truth every aquatic watercourse in the Islands Trust Area through a multi-year program with a cost of \$30,000/year for an undefined number of years.

In 2007, a review of this program identified an opportunity to expedite compliance with the RAR by determining which of the approximately 450 watersheds in the Islands Trust Area fall under the RAR requirements through an interpretative watershed mapping project in conjunction with the University of British Columbia and the provincial Ministry of Environment. Watercourse mapping has been completed in some watersheds through independent work initiated by Islands Trust and other groups. The interpretative watershed mapping project has now been completed for the Islands Trust Area except for the Hornby, Lasqueti and Gambier Local Trust Areas, Mudge/Link and De Courcy Islands in the Gabriola Local Trust Area, and Valdes and Ruxton Islands within the Thetis Local Trust Area. Mapping of these remaining LTAs required the completion of the Digital Elevation Mapping acquisition program which was completed in late 2009. The work to complete the interpretative watershed mapping set for the remaining LTAs will start shortly and should be done before the March Islands Trust Council meeting.

The interpretative watershed mapping project for the entire Islands Trust Area will cost \$42,000 in total (\$37,000 in Fiscal Year 2008/2009 and \$5,000 in Fiscal Year 2009/2010) and has to date identified 48 of the 385 watersheds (or 12.5%) as falling under the requirements of the RAR. The corollary to this is that, for the areas mapped to date, 87.5% of the watersheds do not benefit from the regulatory protection of the RAR. There are, to-date, two Official Community Plans covering areas with no identified RAR watersheds: the North Pender Associated Islands OCP and Piers Island OCP. Despite the focus on RAR compliance, it is submitted that the Islands Trust (and Local Trust Committees) must seriously consider if, and how, to further preserve and protect watersheds not falling under the RAR requirements.

A meeting on January 22nd between Islands Trust planning managers and Ministry of Environment staff responsible for the RAR in their Vancouver Island Region re-confirmed the methodology and validity of this interpretative watershed mapping approach. The Ministry of Environment will provide a letter confirming that the Islands Trust will be fully compliant with the RAR following the completion of the interpretative watershed mapping and Local Trust Committee amendments to their bylaws to protect Riparian Areas. It may be of interest to know that of the 28 local governments in the Ministry of Environment Vancouver Island Region, only the Islands Trust and the newly formed Strathcona Regional District are currently non-compliant with the RAR.

In the interim, until the Ministry of Environment confirms full compliance with the RAR, the, on those islands where watershed mapping has been completed, the watershed mapping is being used by planning staff to ensure that any application made to an LTC that affects lands within an RAR-identified watershed is reviewed for the presence of a watercourse within 30 metres of any residential, commercial or industrial development activity. Until the watershed mapping is completed on the remaining islands, Staff will review all applications to the LTC for the presence of a watercourse within 30 metres of any residential, commercial or industrial development activity. The presence of a watercourse within 30 metres would trigger the requirement for a report from a qualified environmental professional (QEP) and the LTC cannot approve an application in the absence of such an assessment.

As noted above, compliance with the RAR is contingent upon LTCs amending their bylaws to include riparian area protection provisions. An LTC has options with respect to meeting this legislative requirement as follows:

1. Amend the LUB to establish both a 30 metre setback and a landscape strip for all watercourses within the RAR-identified watersheds. This approach is possible but not recommended as it does not establish any certainty with respect to the actual location of streams, any development within 30 metres of a watercourse would require a variance (which could only be approved once a QEP assessment is provided), and conditions cannot be incorporated in the variance.
2. Amend the OCP to designate all RAR-identified watersheds as a Development Permit Area (DPA). This approach may be optimal where there is a limited number of larger properties in the watershed, where subdivision is anticipated, or where it is not anticipated that the watercourse(s) will be mapped. The advantages of this approach is that the flexibility of DPA provisions can be used to establish exemptions for work that is found to be further than 30 metres from a watercourse and a Development Permit (DP) can incorporate any conditions recommended by the QEP's assessment report. The disadvantage of this approach is that all land within the watershed would be designated as a DPA, regardless of where the actual watercourse is, imposing requirements on landowners to determine if development activity actually requires an assessment and DP. However, as noted previously in this report, the RAR was established to allow the cost of this assessment to be the responsibility of the land developer, allowing governments to focus on monitoring and enforcement within their respective jurisdictions. This approach is recommended for consideration by all LTCs at this time in consideration of the necessity to comply with the RAR, internal budget constraints and land developer responsibilities.
3. Amend the OCP to designate all land within 30 metres of watercourses in RAR-identified watersheds as a Development Permit Area (DPA). This approach requires the Islands Trust to map watercourses in RAR-identified watersheds and is currently being undertaken for the Southern Region islands through the use of existing and new watercourse mapping. The advantage of this approach is that it provides greater certainty with respect to actual watercourse locations and limits reviews and applications to work within 30 metres of fish-bearing or potential fish-bearing streams. The disadvantage is that a DPA would not be applied to areas more than 30 metres from a watercourse but still within a RAR-identified watershed. In addition, the quality of existing mapping may vary greatly between Local Trust Areas and contractors will need to be hired to map the watercourses within the identified RAR watersheds to an acceptable standard and confirm that the watershed is fish bearing or potentially fish bearing.
4. Exceed RAR by:

- a. Designating a DPA within 30 metres of all watercourses, regardless of fish habitat status: this would require mapping of the location of all watercourses with an acceptable degree of certainty, but would not require any confirmation of fish habitat. The advantage of this approach is that all values associated with watercourse protection are addressed, not just fish habitat.
- b. Designating one DPA within 30 metres of RAR watercourses and a second DPA, with different requirements, over the remainder of the land within the RAR-identified watershed. This would require mapping of watercourses, but may be preferred if there is evidence that activities permitted more than 30 metres from a watercourse could affect fish habitat and thus require regulation.
- c. Designating all watershed areas a DPA, regardless of RAR designation. This would result in comprehensive regulation of all watershed areas and not require further mapping of watercourses, but would present a significant impact on landowners and on planning staff to administer such a DPA.

Planners will be reviewing these options with local trust committees during the course of developing bylaws for compliance with the Riparian Area Regulation. Planning staff recognizes that, with respect to each watershed, unique situations exist, data may not be readily available or suitable, and funding may not be available to complete required mapping; therefore, planning staff will assess each watershed and for each, outline the advantages and disadvantages of each options listed above and make a recommendation on which option the local trust committee should consider.

ATTACHMENT: No

FOLLOW-UP: DLPS will ensure the completion of the Islands Trust interpretative watershed mapping project and that all Local Trust Committees receive staff reports for amending LTC bylaws to become compliant with the Riparian Area Regulation as soon as possible.

PREPARED BY: Mac Fraser, DLPS, David
Marlor, RPM and Robert
Kojima, Island Planner

REVIEWD BY: Local Planning Committee, Feb
10, 2010
Executive Committee Feb 24,
2010

SUBMITTED BY: Mac Fraser, DLPS



STAFF REPORT

Date: April 4, 2012

File No.: GB/04-1-I
(OCP / LUB review)

To: Gabriola Island Local Trust Committee
For the meeting of April 19, 2012

From: Chloe Fox
Island Planner

CC: Chris Jackson
Regional Planning Manager

Re: Draft Community Engagement Survey and Strategy for Distribution & Advertisement

OVERVIEW:

At the January 19, 2012 regular business meeting, the Gabriola Island Local Trust Committee (LTC) amended the Top Priority List of the work program to undertake, as the first priority project, an exploration of the capacity to use online engagement tools in the Official Community Plan (OCP) review process. At the March 22, 2012 regular business meeting, staff presented a preliminary report discussing options for online engagement and the LTC passed a resolution directing staff to develop a draft survey, to be available both online and in hard copy, designed to gather input from the public on preferred methods of engagement generally, and that staff present the draft survey along with a strategy and budget for distribution and advertisement of the survey at a future meeting of the LTC. The purpose of this report is to present a draft survey and strategy and budget for distribution and advertisement.

DISCUSSION:

Survey Purpose and Design

The success of any engagement strategy largely hinges on the interest by a wide cross-section of the community in participating. While the LTC has employed a range of face-to-face engagement techniques, including Community Information Meetings and World Cafes, there has not been any use of online engagement techniques outside those tools currently associated with the Islands Trust website. The community engagement survey has been drafted with the goal of gaining a better understanding of how community members currently engage with the LTC, whether or not they are currently satisfied with the range of engagement opportunities available, whether or not they would be interested in using online engagement tools generally, and whether or not responses vary across segments of the community. While the results will be completely anonymous, the draft survey does request that respondents identify themselves to help ensure individual's views are counted only once. The survey also requests some demographic information to provide insight as to whether or not levels of engagement and/or

engagement preferences vary across demographic groups. A draft version of the hard-copy version is included as Attachment 1 to this report.

The online version will be developed through the Islands Trust surveymonkey account and will use the same questions as the hard-copy version. It is also possible through surveymonkey to allow only one survey to be submitted per IP address, which can help alleviate the concern of individuals submitting more than one response. However, this can also limit the use of a shared home computer or public computer for submitting responses from multiple family members or members of the public who may not own personal computers. The use of this functionality is not proposed for this survey as the risk of skewed results by multiple submissions from individuals is felt to be very minimal for a survey of this nature.

Budget and Strategy for Distribution and Advertisement

Staff propose that the survey be available, both online and in hard-copy, for a two-week period from Friday, April 27, 2012 to Friday, May 11, 2012. Staff would then compile the results and bring them to the LTC at their June 28, 2012 regular business meeting.

During the two-week survey period, hard copies of the survey would be available at the Islands Trust Northern Office and a link to the online version of the survey, with a small description advertising the survey and its purpose, would be available on the Gabriola Island page of the Islands Trust website. Staff also propose posting links to the online version of the survey, with a small description advertising the survey and its purpose, to websites frequented by the Gabriola Island community, including: Gabriolan.ca (Gabriola Island blog) and the Gabriola Island Facebook Discussion Group.

In addition to the exposure gained by posting a description and link to the survey on community websites, staff propose running two advertisements in both the Gabriola Sounder and the Flying Shingle in the April 30, 2012 and May 7, 2012 editions and posting the same advertisement on the community bulletin boards near each mailbox. There are options for newspaper advertisement sizing, which range in price accordingly. Staff recommend advertisements that are in the mid-size range to maximize exposure while keeping costs down, which would incur up to approximately \$400.00. Options in the mid-size range include banner-style advertisements, for a total cost of between approximately \$250.00 to \$400.00 over the two weeks or block advertisements of up to 4 inches x 3 inches, for a total cost of between approximately \$225.00 and \$320.00 over the two weeks. Posting of the advertisement on the community bulletin boards is anticipated to incur up to \$20.00 (for the hiring of outside help to do the posting). Printing of the advertisement for the community bulletin boards, as well as of the hard-copy version of the survey for distribution, will be done in-house. All advertising costs are proposed to come out of the Official Community Plan budget.

As an additional strategy to advertise the survey and to distribute hard-copies of the survey, staff propose operating a booth in a prominent location, such as Folklife Village, over the course of a few hours with hard copies of the survey and links to where people can complete the online version of the survey. The booth could be manned by volunteers from the Advisory Planning Commission (APC). Staff note that current APC term is scheduled to end on April 30, 2012, which would require this activity to be completed before this date. As such, this could be viewed as a sort of launching event for the survey. Staff note that, as Folklife Village is privately owned property, permission from the landowner would be needed in order to undertake this activity.

RECOMMENDATIONS:

Staff recommend:

THAT the Gabriola Island Local Trust Committee endorse the proposed advertisement and distribution of the Community Engagement Survey, including the posting of advertisements on all community bulletin boards on Gabriola Island and the running of advertisements in the April 30, 2012 and May 7, 2012 editions of both the Gabriola Sounder and the Flying Shingle.

THAT the Gabriola Island Local Trust Committee request that the Gabriola Island Advisory Planning Commission provide two to three volunteers from their membership to operate a booth in a prominent location in the community, possibly Folklife Village, for a period of at least 3 hours on a day / time of their choosing, prior to April 30, 2012, to promote and distribute the Community Engagement Survey.

Attachments:

Attachment 1 – Draft Community Engagement Survey (Hard Copy Version)

Prepared and Submitted by:

Chloe Fox

Chloe Fox
Island Planner

April 4, 2012

Date

Concurred in by:

Chris Jackson

MCIP, Regional Planning Manager

April 4, 2012

Date



GABRIOLA ISLAND LOCAL TRUST COMMITTEE

COMMUNITY ENGAGEMENT SURVEY

The Gabriola Island Local Trust Committee is interested in exploring new ways of engaging the community, including through the use of online engagement tools, to foster broad community participation. As a first step, the Gabriola Island Local Trust Committee is gathering information on current levels of engagement, satisfaction with engagement options and interest in exploring options for online engagement.

Data gathered from this survey will be compiled by Islands Trust staff and presented to the Gabriola Island Local Trust Committee at their June 28, 2012 meeting. The results will be completely anonymous and will be used to inform future engagement strategies. This survey will take approximately 5 minutes to complete. All completed survey responses must be received by **4pm on Friday, May 11th, 2012**. Submission instructions are at the end of the survey, only **1 RESPONSE PER PERSON** will be accepted.

1. In the past **FIVE YEARS**, have you attended a meeting, workshop or public hearing, or otherwise participated in a planning process initiated by the Gabriola Island Local Trust Committee?

☐ Yes ☐ No

2. If you answered **YES to Question #1**, in which of the following ways have you participated (Please select all that apply):

☐ Attended a Gabriola Island Local Trust Committee meeting
☐ Volunteered on an appointed advisory commission (e.g. Advisory Planning Commission)
☐ Attended an advisory commission meeting
☐ Attended a Community Information Meeting
☐ Attended a World Café workshop
☐ Attended an Open House
☐ Attended a Public Hearing
☐ Submitted correspondence to a Gabriola Island Local Trust Committee meeting agenda
☐ Appeared as a delegation at a Gabriola Island Local Trust Committee meeting
☐ Spoke at a Town Hall session at a Gabriola Island Local Trust Committee meeting
☐ Other (please specify): _____

3. How would you rate your current level of engagement with the Gabriola Island Local Trust Committee?

Not engaged <i>I am not aware of opportunities for engagement and have never attended meetings/events</i>	Minimal <i>I am aware of opportunities for engagement, but have never attended meetings/events</i>	Average <i>I have attended a few meetings/events and am aware of opportunities for engagement</i>	Engaged <i>I regularly attend meetings/events, but only where specific topics of interest are discussed</i>	Very Engaged <i>I regularly attend meetings/events, regardless of whether specific topics of interest are discussed</i>
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☐
☐
☐
☐
☐

4. How satisfied are you with the community engagement opportunities currently offered by the Gabriola Island Local Trust Committee?

Very Unsatisfied

☐

Unsatisfied

☐

Neutral

☐

Satisfied

☐

Very Satisfied

☐

5. How could the Gabriola Island Local Trust Committee improve your level of satisfaction with community engagement opportunities?

6. The Gabriola Island Local Trust Committee is considering using online engagement tools, in addition to traditional face-to-face methods, in the next phase of the Official Community Plan review. In general, how interested would you be in using online engagement tools (e.g. websites, blogs, surveys, etc.)?

Very Uninterested

☐

Uninterested

☐

Neutral

☐

Interested

☐

Very Interested

☐

7. In general, would you be more likely to participate in engagement processes hosted by the Gabriola Island Local Trust Committee if there were options for online participation?

☐ Yes

☐ No

Comments:

8. Have you ever visited the Islands Trust website (www.islandstrust.bc.ca)?

☐ Yes ☐ No

9. The Gabriola Island Local Trust Committee would like to ensure that all community members have a satisfactory opportunity to engage in local planning processes. In order to do so, it is important to know whether or not specific segments of the population are currently participating and whether or not they are satisfied with the participation options available to them. As such, please provide the following demographic information:

a) Age:

☐ 0-19 ☐ 40-49
☐ 20-29 ☐ 50-59
☐ 30-39 ☐ 60-69
☐ 70-79 ☐ 80+

b) Gender:

☐ M ☐ F

c) Which of the following BEST describes your residency on Gabriola Island?

☐ I live on Gabriola Island **year-round** (I am a full-time resident)
☐ I live on Gabriola Island on a **seasonal** basis (I am a seasonal resident)
☐ I do not live on Gabriola Island

d) Do you own property on Gabriola Island?

☐ Yes ☐ No

10. While the results of this survey will be published anonymously, we request that you please provide your name below to ensure each respondent's view is only counted once. Only **1 RESPONSE** per person will be accepted either online or in hard-copy.

Name: _____

Please return completed surveys to the Islands Trust Northern Office:

Mail: 700 North Road
Gabriola Island BC
V0R 1X3

Fax: 250-247-7514

E-mail: cfox@islandstrust.bc.ca

Surveys will be accepted until
4pm on
Friday, May 11th, 2012

Thank You for Participating!



STAFF REPORT

February 28, 2012

File No.: Bylaw No. 263

To: Gabriola Island Local Trust Committee
For Meeting April 19, 2012

From: Miles Drew
Bylaw Enforcement Coordinator

Re: Final Adoption of Bylaw Notice System Bylaw

THE PROPOSAL:

This report will recommend to the Gabriola Island Local Trust Committee that it adopt Bylaw No. 263.

STAFF COMMENTS:

Authority to Adopt

On February 14, 2012 the Gabriola Island Local Trust Committee gave third reading to the attached Bylaw No. 263 and referred it to the Executive Committee for approval. The approval was given on February 21, 2012. As this is an administrative Bylaw it does not require the approval of the Minister. The Gabriola Island Local Trust Committee may now adopt the Bylaw.

Next Steps

The last steps to be taken before Bylaw Violation Notices can finally be issued are:

- approve and print required bylaw notices;
- Appoint Screening Officers and develop necessary policies to direct the Screening Officers;
- Conduct necessary staff training.

RECOMMENDATION:

That the Gabriola Island Local Trust Committee adopt Bylaw No. 263 the "Gabriola Island Local Trust Area Bylaw Enforcement Notification Bylaw, No. 263, 2011".

Prepared and Submitted by:

Miles Drew,
Bylaw Enforcement Coordinator

February 28, 2012

Date

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 263

A BYLAW TO RESPECT THE ENFORCEMENT OF BYLAW NOTICES WITHIN THE GABRIOLA ISLAND LOCAL TRUST AREA

WHEREAS the Gabriola Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Gabriola Island Local Trust Area, pursuant to the *Islands Trust Act*; and

WHEREAS the Gabriola Island Local Trust Committee wishes to regulate the Enforcement of Bylaw Notices in the Gabriola Island Local Trust Area;

NOW THEREFORE the Gabriola Island Local Trust Committee enacts, in open meeting assembled, as follows:

Citation

1. This Bylaw may be cited as “Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 263, 2011”.

1.0 INTERPRETATION

In this Bylaw:

- 1.1 “Act” means the *Local Government Bylaw Notice Enforcement Act*, SBC 2003, c 60.
- 1.2 “Registry” means the North Shore Bylaw Notice Adjudication Registry established pursuant to section 6 of this bylaw.
- 1.3 “LTC” means the Gabriola Island Local Trust Committee.

2.0 DEFINITIONS

The terms in this bylaw have the same meaning as the terms defined in the *Act*.

3.0 BYLAW CONTRAVENTIONS

The bylaws and bylaw contraventions designated in Schedules “A”, “B” and “C” attached to this bylaw may be dealt with by Bylaw Violation Notice.

4.0 PENALTY

The penalty for a contravention referred to in Section 3 is as follows:

- (1) subject to paragraphs (2) to (4), is the Penalty amount set out in column A1 of Schedules “A”, “B” and “C” as attached to this bylaw;
- (2) if received by the Islands Trust within 14 days of the person receiving or being presumed to have received the bylaw violation notice, is the Early Payment Penalty set out in column A2 of Schedules “A”, “B” and “C” as attached to this bylaw applies;
- (3) if more than 28 days after the person has received or is presumed to have received the bylaw violation notice, is subject to a late payment surcharge in addition to the penalty under paragraph (1), and is the Late Payment Surcharge set out in column A3 of Schedules “A”, “B” and “C” as attached to this bylaw or
- (4) if paid under a compliance agreement, may be reduced as provided under column A5 of Schedules “A”, “B” and “C” as attached to this bylaw.

5.0 PERIOD FOR PAYING OR DISPUTING NOTICE

5.1 A person who receives a bylaw violation notice must, within 14 days of the date on which the person received or is presumed to have received the bylaw violation notice,

- (1) pay the penalty, or
- (2) request dispute adjudication

by filling in the appropriate portion of the bylaw violation notice indicating either a payment or a dispute and delivering it, either in person during regular office hours, or by mail, to the Islands Trust as directed on the bylaw violation notice.

5.2 A person may pay the indicated penalty after 14 days of receiving the notice subject to the applicable surcharge for late payment in accordance with Section 4(3) of this bylaw, but no person may dispute the bylaw violation notice after 14 days of receiving it.

5.3 Where a person was not served personally with a bylaw violation notice and advises the Islands Trust that they did not receive a copy of the original notice, the time limits for responding to a bylaw violation notice under Sections 5, 6 and 7 of this bylaw do not begin to run until a copy of the bylaw violation notice is re-delivered to them in accordance with the *Act*.

6.0 BYLAW NOTICE DISPUTE ADJUDICATION SYSTEM

6.1 The Registry is established as a bylaw violation notice dispute adjudication system in accordance with the *Act* to resolve disputes in relation to bylaw violation notices.

6.2 The civic address of the Registry is 141 West 14th Street, North Vancouver, BC, V7M 1H9.

6.3 Every person who is unsuccessful in dispute adjudication in relation to a bylaw violation notice, or a compliance agreement under the dispute adjudication system established under this Section, must pay the Islands Trust an additional fee of \$25.00 for the purpose of the Islands Trust recovering the costs of the adjudication system.

7.0 SCREENING OFFICERS

7.1 The position of screening officer is established.

7.2 The following are designated classes of person that may be appointed as screening officers:

- (1) Regional Planning Manager;
- (2) Bylaw Enforcement Coordinator;
- (3) Bylaw Enforcement Officer;
- (4) Bylaw Enforcement Assistant;

and the LTC may appoint screening officers from these classes of persons by name of office or otherwise.

7.3 The powers, duties and functions of screening officers are as set out in the *Act*, and include the following powers:

- (1) Where requested by the person against whom a contravention is alleged, to communicate information respecting the nature of the contravention, the provision of the bylaw contravened, the facts on which the contravention allegation is based, the penalty for a contravention, the opportunity to enter into a compliance agreement, the opportunity to proceed to the bylaw violation notice dispute adjudication system and the fee or fees payable in relation to the bylaw violation notice enforcement process;
- (2) To communicate with any or all of the following for the purposes of performing their functions under this bylaw or the *Act*:
 - (a) the person against whom a contravention is alleged or their representative;

- (3) To prepare and enter into compliance agreements under the *Act* with persons who dispute bylaw violation notices, including to establish terms and conditions for compliance that the screening officer considers necessary or advisable, including time periods for payment of penalties and compliance with the bylaw;
- (4) To provide for payment of a reduced penalty if a compliance agreement is entered into as provided in column A5 of Schedules “A”, “B” and “C” as attached to this bylaw; and
- (5) To cancel bylaw violation notices in accordance with the *Act* or LTC policies and guidelines.

7.5 The maximum duration of a compliance agreement is one year.

(a) Bylaw Enforcement Coordinator;
(b) Bylaw Enforcement Officer.

- (a) Schedule A – Gabriola Island Land Use Bylaw No. 186, 1999 Contraventions and Penalties
- (b) Schedule B – Mudge Island Land Use Bylaw No. 228, 2007 Contraventions and Penalties
- (c) Schedule C – DeCourcy Island Zoning Bylaw No. 44, 1987 Contraventions and Penalties

ADOPTED THIS DAY OF ,20

89

Schedule A
GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
B.1.2.1(a)	Unlawful Use Of Accessory Building For Human Habitation	\$300.00	\$225.00	\$150.00	Yes	50%
B.1.2.1(b)	Rental Of Personal Water Craft	\$150.00	\$112.50	\$75.00	Yes	50%
B.1.2.1(c)	Disposal Of Sewage/Waste Originating Outside Of Area Covered By Gabriola Land Use Bylaw	\$500.00	\$375.00	\$250.00	Yes	50%
B.1.2.1(d)	Use Of Building/Structure/Vessel In Water Area As Residence	\$300.00	\$225.00	\$150.00	Yes	50%
B.1.2.1(e)	Use Of Land/Building/Structure For Gaming Activities	\$300.00	\$225.00	\$150.00	Yes	50%
B.1.2.1(f)	Wrecking/Storage Of Derelict Vehicles Or Operating Junkyard/Garbage Dump	\$150.00	\$112.50	\$75.00	Yes	50%
B.1.2.1(g)	Use Of Land/Building/Structure For Drive-through Service	\$300.00	\$225.00	\$150.00	Yes	50%
B.1.2.1(h)	Use Of Land/Building/Structure For Hunting Game Farm Animals In Confined Areas	\$300.00	\$225.00	\$150.00	Yes	50%
B.1.2.2(a)	Non Permitted Boathouse In Water Zone	\$300.00	\$225.00	\$150.00	Yes	50%
B.1.2.2(b)	Non Permitted Building/Structure In Water Zone	\$300.00	\$225.00	\$150.00	Yes	50%
B.1.2.3(a)	More Than One Dwelling Unit And More Than One Cottage On A Lot	\$300.00	\$225.00	\$150.00	Yes	50%
B.1.2.3(b)	Accessory Structure Contains Toilets/Bathrooms And/Or Food Preparation Areas	\$300.00	\$225.00	\$150.00	Yes	75%
B.2.1.1(a)	Encroachment Into Setback From Watercourses/Sea	\$300.00	\$225.00	\$150.00	Yes	75%
B.2.1.1(b)	Encroachment Of Septic Disposal Sewage Field Into Setback From Sea/Lake/Stream/Wetland	\$300.00	\$225.00	\$150.00	Yes	75%
B.2.1.2(a)	Encroachment Into Setback From A Bluff	\$300.00	\$225.00	\$150.00	Yes	75%
B.2.1.3(a)	Inadequate Landscape Screen To Protect Nesting Trees	\$300.00	\$225.00	\$150.00	Yes	75%
B.2.1.4(a)	Encroachment Of Structure Into Setback From Zone Boundary	\$300.00	\$225.00	\$150.00	Yes	75%
B.2.3.2	Structure Exceed Height Restriction	\$300.00	\$225.00	\$150.00	Yes	75%
B.2.4.1	Fence Exceeds Height Restriction	\$300.00	\$225.00	\$150.00	Yes	75%
B.2.5.1(a)	Exceed Maximum Floor Area Of Pump/Utility House	\$300.00	\$225.00	\$150.00	Yes	75%
B.2.5.1(b)	Exceed Maximum Height Of Pump/Utility House	\$300.00	\$225.00	\$150.00	Yes	75%
B.2.6.1(a)	Exceed Maximum Height Of Retaining Wall	\$300.00	\$225.00	\$150.00	Yes	75%
B.2.7.1	Inadequate Landscape Screens	\$100.00	\$75.00	\$50	Yes	75%

Schedule A
GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
B.2.9	Over-Height Landscape Screen/ Landscaping/Fences/Building/ Structure On Corner Lot	\$100.00	\$75.00	\$50	Yes	75%
B.2.10	Fail To Provide Landscape Screen For Bulk Transportation Containers	\$100.00	\$75.00	\$50	Yes	75%
B.3.1.1	Home Occupation Use Not Carried Out By At Least One Permanent Resident	\$250.00	\$187.50	\$125.00	Yes	50%
B.3.1.2	Permanent Resident Not Principal Worker/Operator Of Home Occupation	\$250.00	\$187.50	\$125.00	Yes	50%
B.3.2.1	Non Permitted Home Occupation	\$250.00	\$187.50	\$125.00	Yes	50%
B.3.3.1(a)	Home Occupation Not Accessory To Principal Residential Use Of The Property	\$250.00	\$187.50	\$125.00	Yes	50%
B.3.3.1(b)	Exceed Maximum Floor Area For Home Occupation	\$250.00	\$187.50	\$125.00	Yes	50%
B.3.3.1(c)	Home Occupation Not Retaining Residential Appearance	\$250.00	\$187.50	\$125.00	Yes	50%
B.3.3.1(d)	Home Occupation Producing Vibration/Smoke/Dust/Odour/ Litter/Electrical Interference/Fire Hazard/Effluence/Glare Detectable Outside The Boundaries Of The Lot	\$250.00	\$187.50	\$125.00	Yes	50%
B.3.3.1(e)	Home Occupation Producing Noise Detectable Outside Boundaries Of Lot	\$250.00	\$187.50	\$125.00	Yes	50%
B.3.3.1(f)	Home Occupation Contaminating Soil/Surface Water	\$300.00	\$225.00	\$150.00	Yes	50%
B.3.3.1(g)	Drainage/Catchment Mechanisms Not Maintained Or Impervious Barrier/Container Not Preventing Contamination Of Unpaved Area	\$300.00	\$225.00	\$150.00	Yes	50%
B.3.3.1(h)	Fail To Provide Required Parking For Home Occupation	\$250.00	\$187.50	\$125.00	Yes	75%
B.3.4.1	Non Permitted Home Industry	\$250.00	\$187.50	\$125.00	Yes	50%
B.3.4.2(a)	Home Industry Does Not Meet Minimum Lot Size Area	\$250.00	\$187.50	\$125.00	Yes	50%
B.3.4.2(b)	Fail To Provide Screening Of Home Industry	\$100.00	\$75.00	\$50	Yes	75%
B.3.4.2(c)	Exceed Maximum Combined Areas For Home Occupations	\$250.00	\$187.50	\$125.00	Yes	50%
B.3.4.2(d)	Operation Of Home Industries Outside Of Permitted Hours/Days	\$250.00	\$187.50	\$125.00	Yes	50%
B.3.4.2(e)	Home Industry Areas/Activities Within 30 Metres From Any Lot Line	\$250.00	\$187.50	\$125.00	Yes	50%
B.3.5	Exceed Permitted Number Of Employees In Home Occupation	\$250.00	\$187.50	\$125.00	Yes	50%

Schedule A
GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
B.3.6.1(a)	B&B Exceeds Permitted Number Of Temporary Accommodation Bedrooms Per Lot Size	\$250.00	\$187.50	\$125.00	Yes	50%
B.3.6.1(b)	B&B Temporary Accommodation Bedrooms Not Reduced In Direct Proportion To Number Of Bedrooms Used For Boarders	\$250.00	\$187.50	\$125.00	Yes	50%
B.3.6.1(c)	Use Of Accessory Building For B&B	\$300.00	\$225.00	\$150.00	Yes	50%
B.3.6.1(d)	B&B Serving Meals Other Than Breakfast	\$250.00	\$187.50	\$125.00	Yes	50%
B.3.6.2(e)	B&B Providing Additional Cooking Facilities	\$250.00	\$187.50	\$125.00	Yes	50%
B.4.1.1	Exceed Number/Area Restriction For Signs	\$150.00	\$112.50	\$75.00	Yes	75%
B.4.1.2	Real Estate Signs Too Large And/Or Not Removed Within Two Weeks Of Sale	\$150.00	\$112.50	\$75.00	Yes	75%
B.4.1.3	Non Permitted Illuminated Sign	\$150.00	\$112.50	\$75.00	Yes	75%
B.4.1.4	Home Occupation Sign Exceeds Number/Area Restrictions	\$150.00	\$112.50	\$75.00	Yes	75%
B.4.3.1	Third Party Signs Exceed Area Restriction	\$150.00	\$112.50	\$75.00	Yes	75%
B.5.1.1	Fail To Provide/Maintain Required Off-road Parking Spaces	\$250.00	\$187.50	\$125.00	Yes	75%
B.5.3.1	Fail To Provide Adequate Manoeuvring Aisle	\$250.00	\$187.50	\$125.00	Yes	75%
B.5.3.2	Inadequate Parking Spaces	\$250.00	\$187.50	\$125.00	Yes	75%
B.5.3.3	Inadequate Disabled Parking Spaces	\$250.00	\$187.50	\$125.00	Yes	75%
B.5.4.1	Inadequate Parking On Lot On Which Use/Building/Structure Served Is Located	\$250.00	\$187.50	\$125.00	Yes	75%
B.5.4.2	Inadequate Disabled Parking Adjacent To Building	\$250.00	\$187.50	\$125.00	Yes	75%
B.5.4.3	More Than 50% Of Setback Used For Parking/Manoeuvring Or Parking Space Located Within 1.5 Meters (4.9 Feet) Of Property Boundary	\$250.00	\$187.50	\$125.00	Yes	75%
B.6.1.1	More Than Four Boarders	\$250.00	\$187.50	\$125.00	Yes	75%
B.6.2.1	Fail To Enclose/Screen/Fence Equipment When Market Closed	\$100.00	\$75.00	\$50	Yes	75%
B.6.2.2	Market Vendor Sign Exceeds Maximum Area Restriction	\$150.00	\$112.50	\$75.00	Yes	75%
B.6.2.3	Use Of Permanent Structure Primarily For Market	\$300.00	\$225.00	\$150.00	Yes	50%
B.6.3.1	Use Of Cottage For Overnight	\$300.00	\$225.00	\$150.00	Yes	50%

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	Accommodation On Less Than A Monthly Basis For Monetary Gain					
B.6.3.2	Exceed Maximum Permitted Floor Area Of Cottage	\$300.00	\$225.00	\$150.00	Yes	75%
B.6.4.1	Non Permitted Use Of Temporary Dwelling Unit	\$300.00	\$225.00	\$150.00	Yes	50%
B.6.4.1(a)	Use Of Temporary Dwelling Without Building Permit For Principal Dwelling	\$300.00	\$225.00	\$150.00	Yes	50%
B.6.4.1(b)	Inadequate Screening Of Trailer/Recreational Vehicle Used As Temporary Dwelling	\$300.00	\$225.00	\$150.00	Yes	50%
B.6.4.1(c)	Trailer/Recreational Vehicle Used As Temporary Dwelling Not Connected To Approved Sewage System	\$300.00	\$225.00	\$150.00	Yes	75%
B.6.4.2	Improper Use Of Temporary Seasonal Accommodation	\$300.00	\$225.00	\$150.00	Yes	50%
B.6.4.3	Storage Of More Than One Travel Trailer/Recreational Vehicle On Lot	\$150.00	\$112.50	\$75.00	Yes	50%
B.6.5.1	Improper Storage Of Unlicensed And Enclosed Vehicle On Lot	\$150.00	\$112.50	\$75.00	Yes	50%
D.1.1.1	Non Permitted Use Of Land/Building/Structure In Small Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.1.1.2	Non Permitted Size/Density/Building/Structure In Small Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.1.1.3(a)	Encroachment Of Building/Structure Into Setback In Small Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.1.1.3(b)	Exceed Lot Coverage Restriction In Small Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.1.2.1	Non Permitted Use Of Land/Building/Structure In Large Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.1.2.2	Non Permitted Size/Siting/ Density/Building/Structure In Large Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.1.2.3(a)	Encroachment Of Building/Structure Into Setback In Large Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.1.2.3(b)	Exceed Lot Coverage Restriction In Large Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.1.3.1	Non Permitted Use Of Land/Building/Structure In Seniors And Special Needs Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.1.3.2	Non Permitted Density/Building/Structure In Seniors And Special Needs Zone	\$300.00	\$225.00	\$150.00	Yes	75%

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Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
D.1.3.3(a)	Exceed Height Restriction Of Building/Structure In Seniors And Special Needs Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.1.3.3(b)	Encroachment Of Building/Structure Into Setback In Seniors And Special Needs Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.1.3.3(c)	Exceed Lot Coverage Restriction In Seniors And Special Needs Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.1.3.3(e)	Dwelling Unit Exceeds Maximum Area Restriction In Seniors And Special Needs Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.2.1.1	Non Permitted Use Of Land/Building/Structure In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.2.1.2	Non Permitted Size/Density/Building/Structure In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.2.1.3(a)	Encroachment Of Building/Structure Into Setback In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.2.1.3(b)	Exceed Lot Coverage Restriction In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.2.2.1	Non Permitted Use Of Land/Building/Structure In Forestry Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.2.2.2	Non Permitted Size/Density/Structure/Building In Forestry Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.2.2.3(a)	Encroachment Of Building/Structure Into Setback In Forestry Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.2.2.3(b)	Exceed Lot Coverage Restriction In Forestry Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.2.3.1	Non Permitted Use Of Land/Building/Structure In Forestry/Wilderness Recreation 1 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.2.3.2	Non Permitted Structure/Building In Forestry/Wilderness Recreation 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.2.3.3(a)	Building/Structure Exceeds Maximum Height Restriction In Forestry/Wilderness Recreation 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.2.3.3(b)	Encroachment Of Building/Structure Into Setback In Forestry/Wilderness Recreation 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.2.4.1	Non Permitted Use Of Land/Building/Structure In	\$300.00	\$225.00	\$150.00	Yes	50%

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Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Resource Zone					
D.2.4.2	Non Permitted Size/Density/Building/Structure In Resource Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.2.4.3(a)	Encroachment Of Building/Structure Into Setback In Resource Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.2.4.3(b)	Exceed Lot Coverage Restriction In Resource Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.2.6.1	Non Permitted Use Of Land/Building/Structure In Resource Residential 1 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.2.6.2	Non Permitted Size/Density/Building/Structure In Resource Residential 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.2.6.3(a)	Encroachment Of Building/Structure Into Setback In Resource Residential 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.2.6.3(b)	Exceed Lot Coverage Restriction In Resource Residential 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.2.7.1	Non Permitted Use Of Land/Building/Structure In Gravel Pit Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.2.7.2	Non Permitted Density/Building/Structure In Gravel Pit Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.2.7.3(a)	Exceed Height Restriction Of Building/Structure In Gravel Pit Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.2.7.3(b)	Encroachment Of Building/Structure Into Setback In Gravel Pit Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.2.7.3(c)	Exceed Lot Coverage Restriction In Gravel Pit Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.2.8.1	Non Permitted Use Of Land/Building/Structure In Comprehensive Development Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.2.8.2	Non Permitted Size/Density/Building/Structure In Comprehensive Development Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D2.8.3(a)	Encroachment Of Building/Structure Into Setback In Comprehensive Development Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D2.8.3(b)	Exceed Height Restriction Of Building/Structure In Comprehensive Development Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D2.8.3(c)	Exceed Lot Coverage Restriction	\$300.00	\$225.00	\$150.00	Yes	75%

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Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	In Comprehensive Development Zone					
D.3.1.1	Non Permitted Use Of Land/Building/Structure In Village Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.3.1.2	Non Permitted Density/Building/Structure In Village Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.1.3(a)	Exceed Height Restriction Of Building/Structure In Village Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.1.3(b)	Encroachment Of Building/Structure Into Setback In Village Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.1.3(c)	Exceed Lot Coverage/Floor Area Restriction In Village Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.1.3(e)	More Than 10 Vehicles Offered For Sale/Rent on Lot In Village Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.3.2.1	Non Permitted Use Of Land/Building/Structure In Village Commercial 2 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.3.2.2	Non Permitted Density/Building/Structure In Village Commercial 2 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.2.3(a)	Exceed Maximum Height Restriction Of Building/Structure In Village Commercial 2 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.2.3(b)	Encroachment Of Building/Structure Into Setback In Village Commercial 2 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.2.3(c)	Exceed Lot Coverage/Floor Area Restriction In Village Commercial 2 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.2.3(e)	Exceed Combined Floor Area Restriction Of Retail/Restaurants/Cafes/Bakeries In Village Commercial 2 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.3.1	Non Permitted Use Of Land/Building/Structure In District Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.3.3.2	Non Permitted Density/Building/Structure In District Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.3.3(a)	Exceed Height Restriction Of Building/Structure In District Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.3.3(b)	Encroachment Of Building/Structure Into Setback In District Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%

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Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
D.3.3.3(c)	Exceed Lot Coverage/Floor Area Restriction Of Building/Structure In District Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.3.3(e)	More Than 10 Vehicles Offered For Sale/Rent In District Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.4.1	Non Permitted Use Of Land/Building/Structure In Local Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.3.4.2	Non Permitted Density/Building/Structure In Local Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.4.3(a)	Exceed Height Restriction Of Building/Structure In Local Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.4.3(b)	Encroachment Of Building/Structure Into Setback In Local Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.4.3(c)	Exceed Lot Coverage Restriction In Local Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.5.1	Non Permitted Use Of Land/Building/Structure In Local Commercial 2 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.3.5.2	Non Permitted Density/Building/Structure In Local Commercial 2 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.5.3(a)	Exceed Height Restriction Of Building/Structure In Local Commercial 2 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.5.3(b)	Encroachment Of Building/Structure Into Setback In Local Commercial 2 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.5.3(c)	Exceed Lot Coverage/Floor Area Restriction In Local Commercial 2 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.6.1	Non Permitted Use Of Land/Building/Structure In Local Commercial 3 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.3.6.2	Non Permitted Density/Building/Structure In Local Commercial 3 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.6.3(a)	Exceed Height Restriction Of Building/Structure In Local Commercial 3 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.6.3(b)	Encroachment Of Building/Structure Into Setback In Local Commercial 3 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.6.3(c)	Exceed Lot Coverage Restriction In Local Commercial 3 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.6.3(e)(i)	Exceed Floor Area Restriction Of Mini Storage In Local Commercial	\$300.00	\$225.00	\$150.00	Yes	75%

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Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	3 Zone					
D.3.6.3(e)(ii)	Fail To Provide Screening Of Mini Storage In Local Commercial 3 Zone	\$100.00	\$75.00	\$50	Yes	75%
D.3.7.1	Non Permitted Use Of Land/Building/Structure In Ferry Parking Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.3.7.2	Exceed Maximum Height/Floor Area Restrictions Of Buildings/Structures/Signs In Ferry Parking Zone	\$250.00	\$187.50	\$125.00	Yes	75%
D.3.7.3(a)	Exceed Lot Coverage Restriction In Ferry Parking Zone	\$250.00	\$187.50	\$125.00	Yes	75%
D.3.7.3(c)(i)	Inadequate Landscape Screening Of Parking Area In Ferry Parking Zone	\$250.00	\$187.50	\$125.00	Yes	75%
D.3.7.3(c)(ii)	Non Permitted Or Inadequate Parking Area Surface/Drainage In Ferry Parking Zone	\$250.00	\$187.50	\$125.00	Yes	75%
D.3.7.3(c)(iii)	Lighting Not Deflected Towards Surface of Parking Area	\$250.00	\$187.50	\$125.00	Yes	75%
D.3.8.1	Non Permitted Use Of Land/Building/Structure In Tourist Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.3.8.2	Non Permitted Density/Building/Structure In Tourist Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.8.3(a)	Exceed Maximum Height Restriction Of Building/Structure In Tourist Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.8.3(b)	Encroachment Of Building/Structure Into Setback In Tourist Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.8.3(c)	Exceed Lot Coverage/Floor Area Restriction In Tourist Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.8.3(e)(i)	Exceed Maximum Size Restriction Of Tourist Accommodation Unit In Tourist Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.8.3(e)(ii)	Non Permitted Cooking Facilities In Tourist Accommodation Unit In Tourist Commercial 1 Zone	\$250.00	\$187.50	\$125.00	Yes	75%
D.3.8.3(e)(iii)	Tourist Accommodation Unit Occupancy Exceeds Maximum Time Period In Tourist Commercial 1 Zone	\$250.00	\$187.50	\$125.00	Yes	75%
D.3.8.3(e)(iv)	Campsite Occupancy Exceeds Maximum Time Period In Tourist Commercial 1 Zone	\$250.00	\$187.50	\$125.00	Yes	75%

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Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
D.3.8.3(e)(v)	Non Permitted Licensed Liquor Establishments In Tourist Commercial 1 Zone	\$250.00	\$187.50	\$125.00	Yes	75%
D.3.9.1	Non Permitted Use Of Land/Building/Structure In Tourist Commercial 2 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.3.9.2	Non Permitted Density/Building/Structure In Tourist Commercial 2 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.9.3(a)	Exceed Height Restriction Of Building/Structure In Tourist Commercial 2 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.9.3(b)	Encroachment Of Building/Structure Into Setback In Tourist Commercial 2 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.9.3(c)	Exceed Lot Coverage/Floor Area Restriction In Tourist Commercial 2 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.9.3(e)(i)	Exceed Permitted Number Of Campsites Per Hectare In Tourist Commercial 2 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.9.3(e)(ii)	Tent/Tent-Trailer/Camper Vehicle/Recreation Vehicle On Campsite For More Than 60 Days A Year	\$250.00	\$187.50	\$125.00	Yes	50%
D.3.9.3(e)(iii)	Campsite Occupied By Person Consecutively Or Cumulatively For More Than 60 Days Within A Year In Tourist Commercial 2 Zone	\$250.00	\$187.50	\$125.00	Yes	50%
D.3.10.1	Non Permitted Use Of Land/Building/Structure In Industrial – Light 1 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.3.10.2	Non Permitted Density/Building/Structure In Industrial – Light 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.10.3(a)	Exceed Height Restriction Of Building/Structure In Industrial – Light 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.10.3(b)	Encroachment Of Building/Structure Into Setback In Industrial – Light 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.10.3(c)	Exceed Lot Coverage/Floor Area Restriction In Industrial – Light 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.10.3(e)(i)	Exceed Maximum Floor Area For Sales Of Products/Services On Property In Industrial – Light 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.3.10.3(e)(ii)	Inadequate Landscape Screen Or Non permitted Storage Of	\$100.00	\$75.00	\$50	Yes	75%

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Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Materials In Industrial – Light 1 Zone					
D.3.10.3(e)(iii)	Non Permitted Storage Of Hazardous Materials In Industrial – Light 1 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.4.1.1	Non Permitted Principle Use In Provincial And Regional Park Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.4.1.2	Non Permitted Use Of Land/Building/Structure In Provincial And Regional Park Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.4.1.3(a)	Exceed Height Restriction Of Building/Structure In Provincial And Regional Park Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.4.1.3(b)	Encroachment Of Building/Structure Into Setback In Provincial And Regional Park Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.4.1.3(c)	Exceed Lot Coverage Restriction In Provincial And Regional Park Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.4.2.1	Non Permitted Principle Use In Parks 2 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.4.2.2	Non Permitted Use Of Land/Building/Structure In Parks 2 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.4.2.3(a)	Exceed Height Restriction Of Building/Structure In Parks 2 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.4.2.3(b)	Encroachment Of Building/Structure Into Setback In Parks 2 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.4.2.3(c)	Exceed Lot Coverage Restriction In Parks 2 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.4.3.1	Non Permitted Principal Use In Parks 3 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.4.3.2	Non Permitted Use Of Land/Building/Structure In Parks 3 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.4.3.3(a)	Exceed Height Restriction Of Building/Structure In Parks 3 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.4.3.3(b)	Encroachment Of Building/Structure Into Setback In Parks 3 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.4.3.3(c)	Exceed Lot Coverage Restriction In Parks 3 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.4.4.1	Non Permitted Use Of Land/Building/Structure In Institutional 1 Zone	\$300.00	\$225.00	\$150.00	Yes	50%

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GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
D.4.4.2	Non Permitted Building/Structure In Institutional 1 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.4.4.3(a)	Exceed Height Restriction Of Building/Structure In Institutional 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.4.4.3(b)	Encroachment Of Building/Structure Into Setback In Institutional 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.4.4.3(c)	Exceed Lot Coverage/Floor Area Restriction In Institutional 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.4.5.1	Non Permitted Use Of Land/Building/Structure In Institutional 2 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.4.5.2	Non Permitted Building/Structure In Institutional 2 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.4.5.3(a)	Exceed Height Restriction Of Building/Structure In Institutional 2 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.4.5.3(b)	Encroachment Of Building/Structure Into Setback In Institutional 2 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.4.5.3(c)	Exceed Lot Coverage Restriction In Institutional 2 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.4.6.1	Non Permitted Use Of Land/Building/Structure In Institutional 3 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.4.6.2	Non Permitted Building/Structure In Institutional 3 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.4.6.3(a)	Exceed Height Restriction Of Building/Structure In Institutional 3 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.4.6.3(b)	Encroachment Of Building/Structure Into Setback In Institutional 3 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.4.6.3(c)	Exceed Lot Coverage Restriction In Institutional 3 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.4.7.1	Non Permitted Use Of Land/Building/Structure In Yacht Club Outstation – Upland Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.4.7.2	Non Permitted Density/Building/Structure In Yacht Club Outstation – Upland Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.4.7.3(a)	Exceed Height Restriction Of Building/Structure In Yacht Club Outstation – Upland Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.4.7.3(b)	Encroachment Of Building/Structure Into Setback In Yacht Club Outstation – Upland Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.4.7.3(c)	Exceed Lot Coverage Restriction	\$300.00	\$225.00	\$150.00	Yes	75%

Schedule A
GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	In Yacht Club Outstation – Upland Zone					
D.5.1.1	Non Permitted Use In Water General Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.1.2	Non Permitted Structure In Water General Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.1.3.(a)	Exceed Height Restriction Of Structure In Water General Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.5.1.3.(b)	Encroachment Of Structure Into Setback In Water General Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.5.1.3.(c)(i)	Non Permitted Building In Water General Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.1.3.(c)(ii)	Non Permitted Use Of Float/Wharf/Dock Or Other Structure For Commercial Or Industrial Use	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.2.1	Non Permitted Use Of Structure In Water Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.2.2	Non Permitted Building/Structure In Water Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.2.3(a)	Exceed Height Restriction Of Building/Structure In Water Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.5.2.3(b)	Encroachment Of Building/Structure Into Setback In Water Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.5.2.3(c)	Non Permitted Residential Use Of Vessels In Water Commercial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.3.1	Non Permitted Use In Water Commercial 2 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.3.2	Non Permitted Structure In Water Commercial 2 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.3.3(a)	Exceed Height Restriction Of Structure In Water Commercial 2 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.5.3.3(b)	Encroachment Of Structure Into Setback In Water Commercial 2 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.5.3.3(c)	Non Permitted Building In Water Commercial 2 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.4.1	Non Permitted Use Of Structure In Water Commercial 3 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.4.2	Non Permitted Structure In Water Commercial 3 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.4.3(a)	Exceed Height Restriction Of Structure In Water Commercial 3 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.5.4.3(b)	Encroachment Of Structure Into Setback In Water Commercial 3 Zone	\$300.00	\$225.00	\$150.00	Yes	75%

Schedule A
GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
D.5.4.3(c)	Non Permitted Building In Water Commercial 3 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.5.1	Non Permitted Use In Water Industrial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.5.2	Non Permitted Building/Structure In Water Industrial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.5.3(a)	Exceed Height Restriction Of Building/Structure In Water Industrial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.5.5.3(b)	Encroachment Of Building/Structure Into Setback In Water Industrial 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.5.6.1	Non Permitted Use In Water Industrial 2 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.6.2	Non Permitted Structure In Water Industrial 2 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.6.3(a)	Exceed Height Restriction Of Structure In Water Industrial 2 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.5.6.3(b)	Non Permitted Building In Water Industrial 2 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.7.1	Non Permitted Use In Water Industrial 3 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.7.2	Non Permitted Structure In Water Industrial 3 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.7.3(a)	Exceed Height Restriction Of Structure In Water Industrial 3 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.5.7.3(b)	Encroachment Of Structure Into Setback In Water Industrial 3 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.5.7.3(c)	Non Permitted Building In Water Industrial 3 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.8.1	Non Permitted Use In Water Protection 1 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.8.2	Non Permitted Structure In Water Protection 1 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.8.3(a)	Exceed Height Restriction Of Structure In Water Protection 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.5.8.3(b)	Encroachment Of Structure Into Setback In Water Protection 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.5.8.3(c)(i)	Non Permitted Use Of Buildings In Water Protection 1 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.8.3(c)(ii)	Non Permitted Use Of Float/Wharf/Dock/Mooring Buoys Or Other Structure For Commercial Or Industrial Use	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.9.1	Non Permitted Use In Water Protection 2 Zone	\$300.00	\$225.00	\$150.00	Yes	50%

Schedule A
GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
D.5.9.2	Non Permitted Structure In Water Protection 2 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.9.3(a)	Exceed Height Restriction Of Structure In Water Protection 2 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.5.9.3(b)	Encroachment Of Structure Into Setback In Water Protection 2 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.5.9.3(c)(i)	Non Permitted Use Of Buildings In Water Protection 2 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.9.3(c)(ii)	Non Permitted Use Of Float/Mooring Buoys Or Other Structure For Commercial Or Industrial Use	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.10.1	Non Permitted Use In Water Protection 3 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.10.2	Non Permitted Structure In Water Protection 3 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.10.3	Non Permitted Building Water Protection 3 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.11.1	Non Permitted Use In Water Yacht Club Outstation Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.11.2	Non Permitted Structure In Water Yacht Club Outstation Zone	\$300.00	\$225.00	\$150.00	Yes	50%
D.5.11.3(a)	Exceed Height Restriction Of Structure In Water Yacht Club Outstation Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.5.11.3(b)	Encroachment Of Structure Into Setback In Water Yacht Club Outstation Zone	\$300.00	\$225.00	\$150.00	Yes	75%
D.5.11.3(c)	Non Permitted Building In Water Yacht Club Outstation Zone	\$300.00	\$225.00	\$150.00	Yes	50%

Schedule B
MUDGE ISLAND LAND USE BYLAW NO. 228, 2007
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.1	Non Permitted Use/Structure	\$300.00	\$225.00	\$150.00	Yes	50%
3.2.1(a)	Storage And Disposal Of Domestic/Hazardous/Toxic Waste	\$300.00	\$225.00	\$150.00	Yes	50%
3.2.1(b)	Bridges/Causeways/Tunnels/Utility Lines Connecting Islands	\$300.00	\$225.00	\$150.00	Yes	75%
3.3.2	Encroachment Of Building/Structure Into Setback	\$300.00	\$225.00	\$150.00	Yes	75%
3.3.3	Encroachment Of Trough/Manure Pile Into Setback	\$300.00	\$225.00	\$150.00	Yes	75%
3.3.4	Encroachment Into Setback From Natural Boundary Of Wetland/Watercourse/Sea/Body Of Water	\$300.00	\$225.00	\$150.00	Yes	75%
3.3.5	Encroachment Into Setback From Natural Boundary Of Sea	\$300.00	\$225.00	\$150.00	Yes	75%
3.4.1(a)	Building/Structure Exceeds Height Restriction	\$300.00	\$225.00	\$150.00	Yes	75%
3.4.1(b)	Fence Exceeds Height Restriction	\$300.00	\$225.00	\$150.00	Yes	75%
3.5.1	Non Permitted Use Of Building/Structure For Overnight Accommodation	\$300.00	\$225.00	\$150.00	Yes	50%
3.5.3	Non Permitted Residential Use Of Vessel/Building/Structure Located On Waters	\$300.00	\$225.00	\$150.00	Yes	50%
3.6.1	Non Permitted Home Occupation	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.2(a)	Home Occupation Not Accessory To Active Residential Use	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.2(b)	Home Occupation Not Carried Out By Minimum One Permanent Resident Or Permanent Resident Not Sole/Principal Worker And Operator Or More Than Two People Employed At Any Given Time	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.2(c)	Fail To Retain Residential Appearance On Home Occupation Premises	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.2(d)	Home Occupation Produces Excessive Vibration/Smoke/Dust/Odour/Litter/Electrical Interference/Fire Hazard/Effluent/Glare Detectable Outside Boundaries Of Lot	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.2(e)	Create/Permit Noise Which Disturbs Persons/Clearly Audible Off Lot Of Home Occupation	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.2(f)	Home Occupation Results In Contamination Of Any Soil/Surface Water	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.2(g)	Inappropriate/Not Maintained Mechanisms To Prevent Spills/Contaminations For Paved And Unpaved Areas Used for Vehicle/Engine/Equipment/Appliance/Vessel Construction Or Repairs	\$250.00	\$187.50	\$125.00	Yes	50%

Schedule B
MUDGE ISLAND LAND USE BYLAW NO. 228, 2007
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.6.2(h)	Home Occupation Not Entirely Conducted In Single Family Dwelling Unit Or Non-residential Accessory Building And Exceeds Maximum Floor Area Restriction	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.2(i)	Non Permitted Use Of Outdoor Space For Home Occupation	\$300.00	\$225.00	\$150.00	Yes	50%
3.7.1	Inadequate Landscape Screen	\$100.00	\$75.00	\$50.00	Yes	75%
3.8.1(a)	Inadequate Landscape Screen Or Unapproved Sewage Disposal System For Recreational Vehicles/Tents/Campers Used As Residential Dwellings	\$200.00	\$150.00	\$100.00	Yes	50%
3.8.1(b)	Exceed Time Period Of Recreational Vehicles/Tents/Campers Used As Seasonal Non-commercial Accommodation	\$300.00	\$225.00	\$150.00	Yes	50%
3.8.2	Temporary Residential Use Of Vehicles/Tents/Campers During Construction Of Dwelling Not Ceased Upon Occupancy Of The Dwelling	\$300.00	\$225.00	\$150.00	Yes	50%
3.9.1	Wrecking/Storage Of Vehicles/Vessels Or Use Of Parcel As Junkyard	\$150.00	\$112.50	\$75.00	Yes	50%
3.9.2	Inadequate Screening Of Unlicensed Vehicles/Vessels Undergoing Repair Or Exceed Maximum Number Vehicles/Vessels	\$150.00	\$112.50	\$75.00	Yes	50%
5.1.1	Non Permitted Principal Use In A Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.1.2	Non Permitted Accessory Use In A Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.1.3	Non Permitted Building/Structure In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.1.4	Exceed Maximum Lot Coverage In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.1.5	Cottage Exceeds Maximum Permitted Floor Area	\$300.00	\$225.00	\$150.00	Yes	75%
5.1.6	Encroachment Into Setback In Rural Residential Zone On Lots 0.4 Hectares Or Less	\$300.00	\$225.00	\$150.00	Yes	75%
5.1.7	Encroachment Into Setback In Rural Residential Zone On Lots Greater Than 0.4 Hectares	\$300.00	\$225.00	\$150.00	Yes	75%
5.2.1	Non Permitted Use In A Park And Institutional Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.2.2	Non Permitted Building/Structure In Park And Institutional Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.2.3	Exceed Maximum Lot Coverage In Park And Institutional Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.2.4	Encroachment Into Setback In Park And Institutional Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.3.1	Non Permitted Use/Structure In Water Zone	\$300.00	\$225.00	\$150.00	Yes	50%

Schedule B
MUDGE ISLAND LAND USE BYLAW NO. 228, 2007
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
5.3.2	Float/Dock/Wharf Exceeds Area Restriction	\$300.00	\$225.00	\$150.00	Yes	50%
5.3.3	Access Ramp/Pier/Walkway Connecting To Float/Dock/Wharf Exceeds Width Restriction	\$300.00	\$225.00	\$150.00	Yes	50%
5.3.4	Storage Structure Exceeds Maximum Height/Floor Area Restrictions In Water Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.3.5	Encroachment Into Setback In Water Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.4.1	Non Permitted Principal Use In A Water Marina Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.4.2	Non Permitted Accessory Use In A Water Marina Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.4.3	Non Permitted Building/Structure In Water Marina Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.4.5	Storage Structure Exceeds Maximum Height/Floor Area Restrictions In Water Marina Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.4.6	Encroachment Into Setback In Water Marina Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.4.7	Bulletin Boards Exceed Maximum Height/Area Restrictions In Water Marina Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.4.8	Inappropriate Deflecting Of Lighting Or Lighting Structure Exceeds Maximum Height Restriction In Water Marina Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.4.9	Non Permitted Parking Area Surface Or Inadequate Drainage And Pollution Measures In Water Marina Zone	\$250.00	\$187.50	\$125.00	Yes	75%
6.1.1	Exceed Maximum Number/Area Of Signs	\$150.00	\$112.50	\$75.00	Yes	75%
6.1.2(a)	Home Occupation Sign Exceeds Permitted Combined Face Area	\$150.00	\$112.50	\$75.00	Yes	75%
6.1.2(c)	Real Estate Signs Exceed Maximum Area/Permitted Time Period To Be Displayed	\$150.00	\$112.50	\$75.00	Yes	75%
6.2	Non Permitted Animated/Illuminated/Flashing Sign	\$150.00	\$112.50	\$75.00	Yes	75%
6.3	Obsolete Sign Not Removed Immediately	\$150.00	\$112.50	\$75.00	Yes	75%
7.1.1	Fail To Provide/Maintain Off-road Parking	\$250.00	\$187.50	\$125.00	Yes	75%
7.1.2	Parking Space Does Not Meet Size Requirements	\$250.00	\$187.50	\$125.00	Yes	75%
7.1.3	Fail To Provide Off Road Parking Spaces On Lot/Site Containing Use/Building/Structure Being Served	\$250.00	\$187.50	\$125.00	Yes	75%
7.2	Fail To Provide Minimum Number Of Parking Spaces Required	\$250.00	\$187.50	\$125.00	Yes	75%

Schedule C
DECOURCY ISLAND ZONING BYLAW NO. 44, 1987
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.1	Non Permitted Use/Structure	\$300.00	\$225.00	\$150.00	Yes	50%
2.6	Non Permitted Guest Cottage/Guest Cottage Exceeds Floor Area Restriction	\$300.00	\$225.00	\$150.00	Yes	50%
2.7	Non Permitted Transient Vessel	\$300.00	\$225.00	\$150.00	Yes	50%
3.1(a)	Non Permitted Use In A Settlement Residential Zone	\$300.00	\$225.00	\$150.00	Yes	50%
3.1(b)	Non Permitted Building/Structure In Settlement Residential Zone	\$300.00	\$225.00	\$150.00	Yes	50%
3.1(c)(i)	Exceed Site Density In Settlement Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
3.1(c)(ii)	Building/Structure Exceeds Height Restriction In Settlement Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
3.1(c)(iii)	Encroachment Into Setback In Settlement Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
3.1(c)(iv)	Exceed Maximum Lot Coverage In Settlement Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
3.2(a)	Non Permitted Use In Rural Zone	\$300.00	\$225.00	\$150.00	Yes	50%
3.2(b)	Non Permitted Building/Structure In Rural Zone	\$300.00	\$225.00	\$150.00	Yes	50%
3.2(c)(i)	Exceed Site Density In Rural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
3.2(c)(ii)	Building/Structure Exceeds Height Restriction In Rural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
3.2(c)(iii)	Encroachment Into Setback In Rural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
3.2(c)(iv)	Exceed Maximum Lot Coverage In Rural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
3.3(a)	Non Permitted Use In Public Recreation Zone	\$300.00	\$225.00	\$150.00	Yes	50%
3.3(b)	Non Permitted Building/Structure In Public Recreation Zone	\$300.00	\$225.00	\$150.00	Yes	50%
3.3(c)(i)	Building/Structure Exceeds Height Restriction In Public Recreation Zone	\$300.00	\$225.00	\$150.00	Yes	75%
3.3(c)(ii)	Encroachment Into Setback In Public Recreation Zone	\$300.00	\$225.00	\$150.00	Yes	75%
3.4(a)	Non Permitted Use In Water General Zone	\$300.00	\$225.00	\$150.00	Yes	50%
3.4(b)	Non Permitted Building/Structure In Water General Zone	\$300.00	\$225.00	\$150.00	Yes	50%
3.4(c)(i)	Non Permitted Residential Use In Water General Zone	\$300.00	\$225.00	\$150.00	Yes	50%
3.4(c)(ii)	Non Permitted Building In Water General Zone	\$300.00	\$225.00	\$150.00	Yes	50%
3.4(c)(iii)	Encroachment Into Setback In Water General Zone	\$300.00	\$225.00	\$150.00	Yes	75%
3.5(a)	Non Permitted Use In Mariculture Zone	\$300.00	\$225.00	\$150.00	Yes	50%
3.5(b)	Non Permitted Building/Structure In Mariculture Zone	\$300.00	\$225.00	\$150.00	Yes	50%
3.5(c)(i)	Non Permitted Residential Use In Mariculture Zone	\$300.00	\$225.00	\$150.00	Yes	50%

Schedule C
DECOURCY ISLAND ZONING BYLAW NO. 44, 1987
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.6(a)	Non Permitted Use In Centralized Moorage Zone	\$300.00	\$225.00	\$150.00	Yes	50%
3.5(b)	Non Permitted Building/Structure In Centralized Moorage Zone	\$300.00	\$225.00	\$150.00	Yes	50%
3.5(c)(i)	Use Of Land/Water/Structures As Yacht Club/Yacht Club Outstation In Centralized Moorage Zone	\$300.00	\$225.00	\$150.00	Yes	50%



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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.

February 2012

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

September 2011

- [Trustee Newsletter - September 2011](#)

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Gabriola Island Local Trust Committee Projects

- [Local Trust Committee Support Action for Water](#)

Climate Change Action

- [Staff Report - October 2009](#)
- [Staff Report - January 15, 2010](#)
- [Staff Report - February 21, 2010](#)
- [Climate Wise Islands](#)
- [Newsletter - November 2009](#)
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- [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](#)

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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

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Meetings

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

Transportation Advisory Committee

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Meetings

• 2011

- January 11, 2011 - Cancelled
- January 17, 2011 [Agenda - revised](#) | [Minutes](#)
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- May 9, 2011 [Agenda](#) | [Minutes](#)
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- August 17, 2010 - Cancelled
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- October 5 , 2010 [Agenda - revised](#) | [Minutes](#)
- November 2, 2010 - Cancelled
- December 7, 2010 - Cancelled

Communication Towers and Antenna

- [Staff Report dated January 2010](#)
- [Gabriola Island Local Trust Resolution GB-025-2010](#)
- [Cellular Antenna Proposal Form](#)

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](#)

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