

Regular Meeting Addendum

Date: October 5, 2021
Time: 9:30 a.m.
Location: Lions Club, Hart Bradley Memorial Hall
103 Bonnet Avenue, Salt Spring Island, BC

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13.	CORRESPONDENCE	12:20 PM - 12:25 PM
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September 29, 2021

File No: SS-CELLA-2020.1

Julian Clark (via email: [REDACTED])
c.c. Salt Spring Island Local Trust Committee

**Re: Response to Correspondence to the Salt Spring Island Local Trust Committee dated August 21, 2021
Concerning the Rogers Channel Ridge Cell Tower Proposal**

Dear Mr. Clark,

Thank you for your communications dated August 21, 2021 sent to the Salt Spring Island Local Trust Committee (SS LTC) in regards to the Rogers Channel Ridge Cell Tower Proposal. The SS LTC considered your letter during the August 31, 2021 regular business meeting and requested staff draft a response with recommendations on actions to be taken by the SS LTC, if any. The SS LTC has also requested staff to report back on options for the SS LTC to provide early input into the consultation plans of telecommunication tower proponents.

A detailed response to your communications is attached to this covering letter with staff's comments in red. A summary of staff's response is as follows:

- The SS LTC has the authority to create a land-use consultation process, which then must be followed by telecommunication tower proponents; however, the SS LTC has not exercised this authority. As such, Innovation, Science and Economic Development Canada's (ISED) default three-step process would apply as per [CPC-2-0-03](#) (2014): *Radiocommunication and Broadcasting Antenna Systems*;
- The SS LTC may consider making the land-use consultation process for the siting of telecommunication towers a top priority, thereby diverting resources from other current projects accordingly;
- Telecommunication towers ("public utilities") are a use permitted in every zone on Salt Spring Island and are not subject to height and siting regulations;
- Health Canada is the federal agency with authority to address health impacts of telecommunication towers;
- ISED is the federal agency with authority to address concerns regarding the public consultation process.

Please feel free to contact me if you have any further questions.

Sincerely,



Kristine Mayes
Planner 1

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From: Julian Clark
Sent: Saturday, August 21, 2021 7:47 PM
To: Peter Grove
Cc: Laura Patrick; Peter Luckham
Subject: Rogers Channel Ridge Cell Tower Proposal

Hi Peter,

Thank you for taking the time to attend and take questions at yesterday's ASK Salt Spring forum. I fully appreciate that what you and your fellow Trustees do is a thankless task, and to put yourselves "in the line of fire" at an unscripted and unsupported event is courageous indeed! Your introductory remarks were insightful, heartfelt and clearly displayed your genuine concern for Salt Spring Island and its' residents. Your remarks also made it clear that there are no silver bullets, no easy answers, but rather a web of complex issues where trade-offs and compromises must be weighed against the backdrop of societal demands and previously established community plans.

In that regard, having to make a decision on where a cell tower should be located is no easy task. After my comments yesterday on the LTCs recent concurrence with the Channel Ridge Cell Tower proposal submitted by Rogers, you asked that I provide you and your fellow Trustees with my thoughts in writing. So here goes...

First of all, it should be clearly stated that siting a cell tower is a very significant and substantive decision that should not be taken lightly. In the case of the Rogers Channel Ridge proposal, your concurrence means that:

- A 40 meter tower is to be built in the midst of a residential area with the closest property 145 feet (43 meters) from the site and at least 10 homes within 300 meters of the site.
- As a result of the exclusion rules (Rule 6 of the Innovation, Science & Economic Development (ISED Cda) Antenna Siting Policy CPC-2-0-03), once the tower has been in existence for one year, Rogers is free to expand the tower by 25% of its height without any further approval.
- A 40 meter tower exceeds (and 50 meters will vastly exceed) the surrounding tree height and will most likely require an aviation warning system to including a flashing red light that is active 24 hours a day – Rogers simply stated they will comply with Transport Canada safety requirements, but they did not clearly state what those requirements will be.

The implications of this decision are immense for the residents of Channel Ridge and especially for those households close to the proposed site. We suspect that if this tower were going up within 50 - 150 meters of your home you would readily agree with our concerns regarding:

1. **Harm to our health.** We understand that Rogers have stated the tower will be compliant with Health Canada's Safety Code 6. But that doesn't necessarily mean no harm is being done. There is a large amount of literature on whether close proximity to cell towers can lead to various health issues. A few minutes reviewing the following website <https://www.saferemr.com/2015/04/cell-tower-health-effects.html> dedicated to Electromagnetic Radiation Safety by Joel Moskowitz, PhD – Director, School of Public Health, University of California, Berkeley will expose you to numerous research studies that indicate there may well be harmful effects of being in close proximity to a cell tower for significant periods of time. I would argue that in the face of this vast body of literature on the potential harmful effects, the LTC should follow the *Pre-cautionary Principle in Public Health* which asserts that "the burden of proof for potentially harmful actions by industry or government rests on the assurance of safety and that when there are threats of serious damage, scientific uncertainty must be resolved in favor of prevention."

The SS LTC, as a land use authority, does not have jurisdiction over health in respect to telecommunications facilities – this responsibility rests with the federal government (Health Canada).

2. **Aesthetics of our Community.** Building a tower which vastly exceeds the tree line will destroy the natural environment on Channel Ridge. With at a minimum of 9 panel antennas, two microwave antennas and a CREST antenna all within plain sight during daylight, and a flashing red beacon that will light-up the neighbourhood during nightfall, the proposed tower will significantly change our community for the worse. Many of the residents in Channel Ridge, and especially those close to the proposed tower location, were attracted to this location for the green belt we abut, the trails within the SSI Water Preservation Society's 272 forested acres on the slopes west of St. Mary Lake now protected by a conservation covenant, and the natural environment all around us. The proposed Rogers tower will significantly degrade this environment.

The SS LTC, as a land use authority, would not consider the appearance of telecommunications towers. The SS LTC may consider zoning, height and siting of public utilities (towers for the provision of telecommunication services to the public). "Public Utilities" are permitted in every zone (Subsection 3.1.1); are not subject to height restrictions

(Subsection 3.8.4); and are not subject to siting regulations (Subsection 4.3.1). “Public utilities” means a use of land, or of unoccupied works and structures such as pipes, wires, poles or towers, for the provision of electricity, gas, water, sewage collection, telephone, cablevision or telecommunication services to the public of the island on which it is located; or the use of land or unoccupied structures for navigational aids” (Section 1.1).

3. **Damage to Property Values.** Once again, there is a large body of literature regarding the impact on property values of locating a cell tower nearby. “The Impact of Cell Phone Towers on House Prices in Residential Neighborhoods,” which was published in The Appraisal Journal in 2006, found that buyers would pay as much as 20 percent less for a property near a cell tower or antenna. In a 2014 Survey by the National Institute for Science, Law and Public Policy (NISLAPP) in Washington, D.C., “Neighborhood Cell Towers & Antennas—Do They Impact a Property’s Desirability?”, the following findings were published:

- Home buyers and renters are less interested in properties located near cell towers and antennas
- 94% of respondents said a nearby cell tower or group of antennas would negatively impact interest in a property or the price they would be willing to pay for it
- Read the press release: Survey by the National Institute for Science, Law & Public Policy - <https://www.businesswire.com/news/home/20140703005726/en/Survey-National-Institute-Science-Law-Public-Policy#.U8muiLGO1oY>

The SS LTC, as a land use authority, would not consider whether property values will be negatively affected by telecommunications towers. As noted above, the SS LTC may consider zoning, height and siting of public utilities (towers for the provision of telecommunication services to the public). “Public Utilities” are permitted in every zone (Subsection 3.1.1); are not subject to height restrictions (Subsection 3.8.4); and are not subject to siting regulations (Subsection 4.3.1).

Secondly, this decision is squarely on the shoulders of the Salt Spring Island Local Trust Committee (LTC). One of the comments you made yesterday during the ASK forum was that this antenna siting decision is a decision for the federal government and ISED Cda. Rogers, in their disclosure documents would also have you believe that is the case when they state in their Introduction “Innovation, Science and Economic Development Canada (ISED), formerly Industry Canada, is responsible for the approval of this antenna system and requires CREST & Rogers to consult with the nearby public and local municipality.”

However, Rogers were misleading in their disclosure. The Government of Canada make their role in antenna siting clear in the following publication; Cell towers in your community: How the decision is made - <https://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf11443.html>. Please note that “The Government of Canada regulates tower siting decisions, settles disputes, and sets health and safety standards.” Yes, the federal government does approve the antenna system however they leave the siting decision up to the local municipality.

“Public Utilities” are permitted in every zone (Subsection 3.1.1); are not subject to height restrictions (Subsection 3.8.4); and are not subject to siting regulations (Subsection 4.3.1).

ISED do not get involved in siting decisions unless there is a unresolvable dispute between the local Land Use Authority (the LTC in our case) and the Proponent (Rogers). The Antenna Siting Policy CPC-2-0-03 makes it abundantly clear that the only disputes ISED will get involved in must be between the municipal authority and the proponent – see Section 5, Dispute Resolution Process where it clearly states that “Upon receipt of a written request from a stakeholder other than the general public, asking for Departmental intervention concerning a reasonable and relevant concern, the Department may request that all involved parties provide and share all relevant information.” Given that the LTC has concurred with the proponents siting proposal, it is highly unlikely (and completely unheard of) that ISED will change the siting decision.

So as a result of the LTC concurring with the Rogers proposal, the LTC has effectively hamstrung the residents of Channel Ridge from appealing the siting decision and have prevented the residents from asking the ISED to consider alternate siting in their approval process!

I am hopeful that with everything said thus far I have now made my case that the decision before the LTC was both extremely important and was the LTC’s decision alone to make. Given this is the case, one would hope the LTC would follow a comprehensive and rigorous process to arrive at their decision.

I noted during my comments at the ASK Salt Spring forum that the Islands Trust does have such a process published on their website and last updated in September 2018. You indicated you were aware of this policy document put out by the Galiano Island Local Trust Committee titled “Antenna System Siting and Consultation Protocol”. Whether the Salt Spring Island Local Trust Committee adopted this policy or not, without an explicit public statement that the policy was not adopted, it becomes the defacto policy for all of the Islands Trust. Section 4, Land Use Authority and Public Consultation of the CPC-2-0-03 makes it clear that “Proponents must follow the land-use consultation process for the siting of antenna systems, established by the

land-use authority, where one exists.” And indeed, the Islands Trust does have an Antenna Siting Policy!

The SS LTC does not have an adopted telecommunications policy. Where land use authorities do not have an established and documented public consultation process applicable to antenna siting such in the case of the SS LTC, ISED’s default three-step process per CPC-2-0-03 (2014): *Radiocommunication and Broadcasting Antenna Systems* is as follows whereby the proponent:

1. provides written notification to the public, the land-use authority and Industry Canada of the proposed antenna system installation or modification (i.e. *public notification*);
 - *Received November 19, 2020*
2. engages the public and the land-use authority in order to address relevant questions, comments and concerns regarding the proposal (i.e. *responding to the public*); and
 - *See notification and comments received during consultation process (Appendix No. 3 of the Staff Report considered at the SS LTC meeting of June 29, 2021)*
3. provides an opportunity to the public and the land-use authority to formally respond in writing to the proponent regarding measures taken to address reasonable and relevant concerns (i.e. *public reply comment*).
 - *Consultation commenced on March 5, 2021 and closed at end of business at on April 16, 2021*

Unfortunately, the consultation process followed by Rogers in their submission, and leading up to the LTC decision to concur with the Rogers proposal, was woefully inadequate and didn’t come anywhere close to meeting the standards set out in the Islands Trust Policy. The Rogers consultation process left out numerous important and key steps that would have ensured Rogers and the LTC arrived at a decision in the best interest of Salt Spring Island and the residents of Channel Ridge. Specifically, but not in its entirety, the Consultation process was inadequate because:

1. A Pre-Consultation Phase was not undertaken.

The purpose of the pre-consultation phase is for the proponent to share with Islands Trust staff the network objectives, provide possible site options and receive preliminary feedback. The pre-consultation steps include:

- the proponent notifies Islands Trust staff that locations in the community are being assessed for potential antenna system siting;
- the proponent provides the Islands Trust staff potential locations and invites feedback on preferred locations and/or designs; and
- the proponent may offer to host a community workshop to provide options and invite feedback on possible solutions, although not necessary.

Without the LTC receiving possible site options, the site proposed by the proponent is inevitably the site chosen.

2. A Site Investigation meeting was not held.

Based on comments from the pre-consultation step, the proponent will provide a summary of a site-specific location, including:

- Site Location: preferred location, type and height of the proposed telecommunication antenna system;
- Alternative Locations: summary of what other alternative locations were considered, including options to co-locate on existing structures;
- Site Design: preliminary drawings and/or visual renderings of the proposed telecommunication antenna system;
- Co-location: summary of efforts proponent has made to allow other companies to co-locate on the tower, as well as indication from other companies regarding interest in co-locating on new telecommunications structure.

The purpose of the site investigation meeting is to:

- identify preliminary issues of concern;
- give opportunity for the proponent to outline the proposal to the LTC;
- give opportunity for the LTC and Islands Trust staff to provide initial feedback to the proponent;
- identify any locations of sensitive ecosystems ;
- identify any potential neighbouring land-use jurisdictions, school districts, emergency service providers and community associations that may be required to provide comment on the proposal as outlined in this policy;
- guide the proponent on creating localized content for public notification and distribution; and
- Inform the proponent of the LTC’s preference to support future Co-location opportunities.

3. LTC Preferences and Requirements were not provided to the Proponent.

Following the Site Investigation Meeting, planning staff will provide the proponent with an information package within a timeframe determined by the Islands Trust that includes:

- Public consultation: confirmation if, (a) public consultation is required, and if so, the process the proponent needs to follow, including a list of any other agencies, jurisdictions, and First Nations to be consulted, and if a public information meeting is required or, (b) public consultation is not required;
- Site design: comments on proposed location and design; and
- Professional reports and permits: a list of plans, professional reports and/or permits that may be required (i.e. environmental impact statements) as well as any fees for processing application.

4. No Public Information meeting was held.

The LTC requests the proponent host and chair a public information meeting for all proposed telecommunication Antenna systems. The type of public meeting to be conducted is up to the discretion of the proponent, however:

- an appropriate date, time and location for the public information meeting will be determined in consultation with Islands Trust staff;
- the proponent will make available at the public information meeting an appropriate visual display of the proposal, including a copy of the site plan submitted with the application and an aerial photograph of the proposed site;
- all information and materials presented should consist of localized content;
- the proponent shall not schedule a public information meeting less than seven day prior to the close of the public consultation period; and
- the proponent may request Islands Trust staff attendance and participation in the meeting.

5. Submission to the LTC was missing various items required.

Prior to submitting a formal request for siting concurrence, the proponent must include the following information to the LTC:

- I. A summary of and a copy of all public submissions and responses, as well as the proponent's response to public submissions as outlined in ISED's Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03);
- II. A letter outlining any NAV Canada and Transport Canada requirements for lighting and painting on the proposed telecommunication antenna system;
- III. A copy of all plans and studies (i.e. Environmental Review) required for the construction of the proposed telecommunication antenna system;
- IV. A package summarizing the results of the public information meeting containing at a minimum, the following:
 - The time, date, location and number of people in attendance of any public information meeting held;
 - A List of attendees, including names, addresses and phone numbers (where provided voluntarily);
 - Copies of all letters and other written communications received; and
 - A letter outlining how all the concerns and issues raised by the public were addressed.

6. The LTC ignored Discouraged Locations.

Discouraged locations for All Antenna Systems

- 500 meters from residences or buildings that are occupied or are in use on a regular basis
- Locations directly in front of doors, windows, balconies or residential frontages
- Land zoned for nature protection
- Environmentally sensitive ecosystems as defined in the Official Community Plan

The SS LTC does not have an adopted telecommunications policy. Where land use authorities do not have an established and documented public consultation process applicable to antenna siting such in the case of the SS LTC, ISED's default three-step process per [CPC-2-0-03 \(2014\): Radiocommunication and Broadcasting Antenna Systems](#) applies. Additionally, the Salt Spring Island Advisory Planning Commission meeting of January 23, 2001 guidelines are not a SS LTC policy or regulation

The incomplete and woefully inadequate Consultation process followed by Rogers should disqualify their application for site concurrence. And in accepting this Consultation process as complete and meeting the Islands Trust Policy requirements, the

LTC did not fulfill its' trust duties to the residents of the Salt Spring Island Trust area.

There were significant and material shortfalls in the process leading up to the LTC concurrence decision. However, everyone agrees that the development of a CREST communications system on Salt

Spring Island is both urgent and necessary. The Channel Ridge residents fully agree a tower must be built for CREST – but there are several important questions to be asked: Did the process followed result in the best decision possible to get this tower built? How is the Rogers Channel Ridge proposal different than previous proposals that the LTC has turned down? Has Rogers addressed the issues that lead to previous proposals being turned down?

There appear to be two significant differences between the Rogers proposal and previous proposals:

1. The Rogers proposal that enables CREST to have improved communication on the northern part of SSI is 20 times bigger than the previous CREST proposal of going it alone. Rogers will utilize 95 % of the proposed tower where CREST will only utilize 5%. This much larger proposal should require far greater inspection and review rather than less – and makes it even more meaningful that the Islands Trust policy was not followed, and
2. Based on what I have heard from Local Trust Committee members, CREST indicated to the LTC and to local emergency first responders that this proposal was the “last kick at the can”. I believe CRESTs message was if you didn't concur this time around perhaps Salt Spring Island will just have to go without a reliable emergency communication system. This undue pressure was not fair to the LTC and was not fair to your constituents. If in fact this is the case, there should be far greater transparency around what CREST said. I believe, if true, this approach by CREST is not only abhorrent, but it may well be illegal!

To summarize:

- Rogers put forward a proposal to place a cell tower in the midst of a residential area, without addressing issues that previously lead the LTC to reject similar, albeit, less intrusive proposals.
- Rogers did not follow the Islands Trust Consultation process and hence, did not suggest other possible sites for location of this tower.
- The LTC did not require Rogers to follow the Islands Trust protocol, and as such did not do a site investigation or indicate to Rogers where it preferred the tower to be located
- The decision to locate a cell tower in the midst of a residential area is enormously consequential, and this decision is the LTC's decision to make alone
- The LTC was under undue pressure by CREST believing that if this proposal was not accepted, the LTC would be preventing Salt Spring Island from having an emergency response communication system
- By concurring with Rogers, the LTC has hamstrung its constituents from asking the ISED to reverse the antenna site decision

Peter, when I concluded my remarks at the ASK Salt Spring Forum, you indicated you were willing to look into the issues I raised. And in the event the Consultation process was inadequate, you indicated willingness to explore whether the LTC concurrence decision could be revisited and reversed until such time as a proper and required Consultation process takes place.

I now implore you and the two additional trustees to take this matter seriously and do everything in your power to ensure due process. I can assure you if proper process is followed as required by both the ISED and the Islands Trust, whatever the outcome may be, Salt Spring Island residents including Channel Ridge homeowners will accept the decision. As things stand now, the LTC concurrence decision cannot be accepted, and those of us that are negatively affected will use every means available (political, public opinion, legal) to ensure full transparency around this decision and to discredit the LTC decision for all the reasons cited in this letter in an effort to have the decision reversed.

Please feel free to contact me if there is anything else I can do to help in this process. Respectfully,

Julian Clark

From: Julian Clark [<mailto:>]
Sent: Thursday, September 30, 2021 3:02 PM
To: Peter Grove
Subject: RE: Response to Correspondence Considered at the 31AUG2021 SS LTC Meeting

Hi Peter,

A disappointing response. But I'm not at all surprised that the person who enabled the Rogers/CREST proposal to be accepted with an insufficient amount of due diligence and reckless disregard for the wishes of the trust area citizens would conclude that the process was all good!

I am left wondering if you and your fellow Trustees actually reviewed this response before it was issued? And if so, I am deeply disturbed that you could accept the response provided (that the minimum ISSED standards were met) without any reference to:

- The LTC advising Rogers that a Model Strategy for Antenna Siting was presently under consideration by the SS LTC and could serve as a guiding document – per LTC staff report page 116 of July 27th Agenda.
- The Proponents attesting that they met the requirements under the Model Strategy for Antenna Siting protocol when in fact they did not.
- Addressing why the previous antenna siting decision required far more scrutiny than this decision, including:
 - Having the Advisory Planning Commission examine the proposal with respect to conformity with Islands Trust antenna siting guidelines as previously developed regarding public input, aesthetic impacts, natural environmental impacts and electromagnetic radiation.
 - Undertaking an RF Power Density Assessment conducted by an independent consultant.

Peter, I could go on and on with highlighting all the reasons why the LTC didn't follow responsible due process in arriving at their concurrence decision. And indeed those inconsistencies and insufficiencies were highlighted in the Sept 20th letter from the Concerned Residents of Canvasback to the LTC which is under consideration on the October 5th LTC agenda.

However, until you and/or your fellow Trustees take responsibility for a comprehensive and truthful review of the process undertaken as compared to what a reasonable trust area citizen would expect, the LTC will continue to sweep this injustice under the rug. Please ask the hard questions. Please be honest in your assessment of whether the LTC staff mislead you. Please consider whether you feel a sufficient amount of due diligence was truly undertaken before this antenna location was determined. Please ask yourself if an antenna was located 43 meters from your home, would you feel the consultation and review process as followed in this case was sufficient.

As an aside, you might want to take a quick look at the International Association of Fire Fighters take on the siting of cell towers:

<https://www.iaff.org/cell-tower-radiation/>

This association represents all 4,000 BC Fire Fighters including the Salt Spring Island team. To summarize briefly, the Fire Fighters concluded:

“For decades, the International Association of Fire Fighters has been directly involved in protecting and promoting the health and safety of our membership. However, we simply don’t know at this time what the possible health consequences of long-term exposure to low-intensity RF/MW radiation of the type used by the cell phone base stations and antennas will be. No one knows—the data just aren’t there. The chairman of the International Commission on Non-Ionizing Radiation Protection (ICNIRP), one of the leading international organizations which formulated the current RF/MW radiation exposure guidelines, has stated that the guidelines include “no consideration regarding prudent avoidance” for health effects for which evidence is less than conclusive (49)

Again, fire department facilities, where fire fighters and emergency response personnel live and work are not the proper place for a technology which could endanger their health and safety

The only reasonable and responsible course is to conduct a study of the highest scientific merit and integrity on the RF/MW radiation health effects to our membership and, in the interim, oppose the use of fire stations as base stations for towers and/or antennas for the conduction of cell phone transmissions until it is proven that such sitings are not hazardous to the health of our members.”

And as a result, the Fire Fighters passed a resolution that includes the following excerpts:

WHEREAS, fire stations across the United States and Canada are being sought by wireless companies as base stations for the antennas and towers for the conduction of cell phone transmissions; and

WHEREAS, many firefighters who are living with cell towers on or adjacent to their stations are paying a substantial price in terms of physical and mental health. As first responders and protectors of the general public, it is crucial that firefighters are functioning at optimal cognitive and physical capacity at all times; and

WHEREAS, the brain is the first organ to be affected by RF radiation and symptoms manifest in a multitude of neurological conditions including migraine headaches, extreme fatigue, disorientation, slowed reaction time, vertigo, vital memory loss and attention deficit amidst life threatening emergencies; and

WHEREAS, most of the firefighters who are experiencing symptoms can attribute the onset to the first week(s) these towers/antennas were activated; and

WHEREAS, RF radiation is emitted by these cellular antennas and RF radiation can penetrate every living cell, including plants, animals and humans; and

WHEREAS, both the U. S. and Canadian governments established regulatory limits for RF radiation based on thermal (heat) measurements with no regard for the adverse health effects from non-thermal radiation which is proven to harm the human brain and immune system

RESOLVED, That the IAFF oppose the use of fire stations as base stations for antennas and towers for the conduction of cell phone transmissions until such installations are proven not to be hazardous to the health of our members.

How then can CREST and first responders reasonably expect the residents of Canvasback to accept the siting of a second cell tower in our neighbourhood?

I hope the consideration given to our September 20th letter at the October 5th LTC is a little more honest and respectful than Ms. Mayes provided in her response to my August 21st letter.

Julian

From: Peter Grove [<mailto:pgrove@islandstrust.bc.ca>]
Sent: Wednesday, September 29, 2021 4:57 PM
To: Kristine Mayes <kmayes@islandstrust.bc.ca>; [REDACTED]
Cc: Salt Spring Island Local Trust Committee <SaltSpringIslandLocalTrustCommittee@islandstrust.bc.ca>
Subject: RE: Response to Correspondence Considered at the 31AUG2021 SS LTC Meeting

Thanks Kristine

P

From: Kristine Mayes
Sent: Wednesday, September 29, 2021 1:41 PM
To: [REDACTED]
Cc: Salt Spring Island Local Trust Committee
Subject: Response to Correspondence Considered at the 31AUG2021 SS LTC Meeting

Dear Mr. Clark –

Further to your correspondence dated August 21, 2021 regarding the Rogers Channel Ridge Cell Tower Proposal, be advised the SS LTC considered your letter during their August 31, 2021 regular business meeting and requested staff draft a response with recommendations on actions to be taken by the SS LTC, if any. Please see the attached letter.

Should you have any further questions, please do not hesitate to contact me.

Kind regards,

Kristine Mayes

Planner 1

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You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

I am humbly thankful to live and work in the treaty lands and territories of the BOKEĆEN, K'ómoks, Lək'wəŋən, Lyackson, MÁLEXET, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəx", Scia'new, səliiwətaʔ, SEMYOME, shishálh, Skwxwú7mesh, Snaw-naw-as,

Snuneymuxw, Spune'luxutth, SṪÁUTW, Stz'uminus, ʔaʔamen, toq qaymıxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLŁP, WSIKEM, Xeláitxw, Xwémalhkwu/ʔop qaymıxʷ, and xʷməθkʷəy̓əm.

From: [REDACTED]
Date: September 30, 2021 at 9:57:51 PM PDT
To: Peter Grove <pgrove@islandstrust.bc.ca>, Laura Patrick <lpatrick@islandstrust.bc.ca>, pluckham@islandstrust.bc.ca.readnotify.com
Cc: Stefan Cermak <scermak@islandstrust.bc.ca>
Subject: RZ - 2013.7

Dear Trustees

I am responding to the Staff Report, dated October 5th which recommends closing my rezoning application.

As you are aware, this application has been held up since mid-2014 when NSSWD imposed a temporary moratorium, prior to making it permanent in 2015.

Last November NSSWD budgeted for two issues with respect to the possibility of lifting the moratorium:

1. NSSWD budgeted \$30,000 and commissioned an update on the 2015 Lake Maxwell Hydrology Study by the consultants – Kerr, Wood Leidel (KWL)
2. The board budgeted a further \$25,000 for a review of the moratorium after the updated hydrology study was completed.

In June of this year, KWL submitted their update study to the NSSWD Board. The Board resolved to send the study for peer review, and, commissioned a peer review report.

I have just this Tuesday (September 28th) received an update from the Chair of the NSSWD Board – *“Staff comments are going back to the peer reviewer, who will then respond and then the peer review will be sent to KWL for comment/revision. So it will be a couple of months, at least.”*

So, it is clear, the moratorium review process is alive and well, and is still proceeding.

Which raises the question as to Staff’s rationale as to why they are recommending closure of my application. Apparently they believe, and I quote, ***“.. it is unlikely the NSSWD moratorium will be lifted or modified, (so) staff recommend closure of this application.”***

Given the Chair of NSSWD, and the Board, have given no such indication whatsoever, and the moratorium review is budgeted for, and is still in process, I find Staff’s recommendation to be biased against the application for some unknown reason. Are they aware of something the NSSWD Board is not? I believe that is highly unlikely.

To date, the application has been the “victim” of the moratorium, however, after 6 years, the question will soon be before the public, and the Board, basing the potential lifting of the moratorium on the KWL update, the findings of which will have been peer-reviewed for certainty.

I have reviewed the KWL updated study and it clearly shows there are about 30 million gallons per year available ABOVE current annual usage, and BELOW a safety threshold of 52% of the available licensed amount. The 52% threshold, in the updated study, was set by KWL to account for a 1 in 100 year

scenario as a result of worse case climate change projections.

Thus, we are now a few months away from a firm decision, based on science.

It is with all of the above in mind, that I would once again request the application remain open until the moratorium issue is finalized.

Staff do not need to spend any more time on the file in the meantime.

I would also remind the LTC that the application includes the creation of a minimum of 8 (eight) affordable housing units, AND, there is still an opportunity for there to be as many as 48 community housing units (16 – 2 bedroom, and 32 – 1 bedroom)...all within Ganges, where it is clear the community wants more density.

Thank you again for your consideration in this matter.

Yours truly,

Eric Booth