



Thetis Island Local Trust Committee Regular Meeting Addendum

Date: January 26, 2016
Time: 9:30 am
Location: Thetis Island Community Centre (Forbes Hall)
North Cove Road, Thetis Island, BC

	Pages
10. APPLICATIONS AND REFERRALS	10:20 AM - 11:00 AM
10.1 TH-DVP-2015.3 (Ryals)	
10.1.3 <u>Correspondence Regarding TH-DVP-2015.3 (Ryals) Ruxton Island</u>	2 - 2
10.2 TH-DVP-2015.4 (Carncross)	
10.2.4 <u>Memorandum dated January 22, 2016 Regarding TH-DVP-2015.4 (Carncross)</u>	3 - 3
13. NEW BUSINESS	
13.1 <u>Memorandum dated January 25, 2016 regarding Land Use Consultation for Radio Communication Utilities</u>	4 - 13

From: Doug & Deb Tuck [REDACTED]
Sent: Friday, January 22, 2016 12:55 PM
To: Teresa Rittemann
Subject: TH-DVP-2015.3 (RYALS) Ruxton Island

Dear Teresa Rittemann:

We recently received a letter and documentation form from the Island Trust Committee with information on PID 003-625-371 Lot 38 Section 31, Nanaimo District, Plan 19830 regarding a Development Variance Permit. You were named in the document as the contact for any comments or questions regarding this Variance Permit.

This letter is to confirm that we have no problems or concerns with the issuing of a Development Variance Permit for the the above mentioned property. We own Lot 37 next to or directly North of Lot 38, the Ryal's property. Please pass this note or email along at the Thetis Island Community Center meeting to be held on January 26th, 2016 at Forbes Hall.

Sincerely
Douglas J. Tuck
Debra B. Tuck



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 January 22, 2016 File Number TH-DVP-2015.4
(Carncross)
For meeting January 26th, 2016 – Late Item

To Thetis Local Trust Committee
From Marnie Eggen, A/Island Planner

Re Amendment to Archaeological Site Alteration Permit & Implications for Consideration of
Development Variance Permit

Staff have learned that the recent amendment to the applicant's archaeological Site Alteration Permit (as mentioned in the Staff Report dated January 8, 2016) may have implications for the proposed rock retaining structure and recommend that the LTC defer consideration of the Development Variance Permit (DVP).

The amendment to the Site Alteration Permit requires referrals to First Nations, which are due by February 1, 2016 to the BC Archaeology Branch. Staff understand from the Archaeology Branch that their staff may request changes to the proposed rock retaining structure depending on the comments received by First Nations. As such, the applicant may need to adjust/revise their plans for their DVP application. Staff are therefore recommending that the LTC defer their decision of the DVP until after the Archaeology Branch has completed the amendment process, subsequent to receipt of First Nations comments. Staff have advised the applicant of this.

Staff understand from the Archaeology Branch that they expect to conclude the processing of the amendment shortly after First Nations comments are due. Staff suggest that this DVP could be considered at the next LTC meeting scheduled for March 29, 2016.

Recommendation:

THAT the Thetis Local Trust Committee defer consideration of TH-DVP-2015.4 (Carncross) until after the BC Archaeology Branch has completed the amendment process for the Site Alteration Permit (Permit no. 2015-0246) under the *Heritage Conservation Act*.

pc Ann Kjerulf, Regional Planning Manager



Memorandum

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Date January 25, 2016 File Number 3030-01

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
Ballenas Winchelsea Islands (Executive Committee) Local Trust Committee

From Sonja Zupanec
Island Planner
Local Planning Services

Re Land Use Consultation for Radio Communication Utilities

The Executive Committee is asking LTC's to consider the attached letter from Innovation, Science and Economic Development Canada indicating they are giving notice of rescinding the 1996 Letter of Understanding (LOU) "Land Use Consultation for Radio Communication Utilities". The LOU is included in the attachment.

As indicated in the letter, the Federal Government (Canada) has developed an antenna siting policy and a guide to assist local governments in developing antenna system siting protocols. In addition, the Federation of Canadian Municipalities has developed an Antenna system siting protocol template.

In the absence of a LOU, Canada will expect local trust committees to either develop their own consultation policy or use the consultation guidelines provided by Canada. The Gabriola LTC is the only northern LTC with a standing resolution (GB-025-2010) stipulating consultation policies for radio communication utilities.

If a local trust committee would like to have a Trust-wide consultation policy, or model policy and procedures developed by Trust Council, a resolution indicating your LTC's preference is requested. This resolution will be forwarded to the Executive Committee for consideration as a Trust Council agenda topic.

Option 1: Request Trust Council develop a Trust-wide consultation policy

THAT the XX Island Local Trust Committee requests Trust Council explore the option of a Trust-wide policy on land use consultation for radio communication utilities.

Option 2: Request Trust Council develop model policy and procedures for each LTC to consider

THAT the XX Island Local Trust Committee requests Trust Council explore the option of a model policy and procedures on land use consultation for radio communication utilities.

R:\LTC\Multi-LTC Projects\Radio Communications Utilities\LTC memo Jan 2016 Radio communication utilities.docx

copy Ann Kjerulf, Manager

Attachment:

1. Letter from Innovation, Science and Economic Development Canada



Linda Adams
Chief Administrative Officer, Islands Trust
Suite 200, 1627 Fort St.
Victoria, BC
V8R 1H8

Date: December 1st, 2015

Subject: Rescinding the 1996 Letter of Understanding (LOU) "Land use Consultation for Radio Communication Utilities"

Dear Ms. Adams,

As per our telephone discussion today, please accept this letter as our formal notification to provide a three month notice to rescind the above LOU. I have attached a copy for your reference. It is our belief that this document is outdated.

Going forward, Islands Trust may wish to consider an "islands wide" tower siting consultation policy of their own. There are many good examples of these being used by various local governments. If drafted well, clearly outlining the requirements and obligations of both the proponent and the land use authority, such a policy can save both parties time and result in a more streamlined, timely and assured process.

Most jurisdictions either have their own tower siting consultation policy or use the Innovation, Science and Economic Development Canada policy:

CPC 2-0-03 Radiocommunication and Broadcasting Antenna Systems: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08777.html>

If this is of interest, our department provides a guide that can be used to help develop a policy. It is called the Guide to Assist Land-use Authorities in Developing Antenna System Siting Protocols:

<http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf10860.html>

Also, the Federation of Canadian Municipalities, in partnership with the Canadian Wireless Telecommunications Association, have developed a policy template: Antenna System Siting Protocol Template:

http://www.fcm.ca/documents/tools/fcm/Antenna_System_Siting_Protocol_EN.pdf

If you have any questions, please do not hesitate to call me at the number below.

Sincerely,

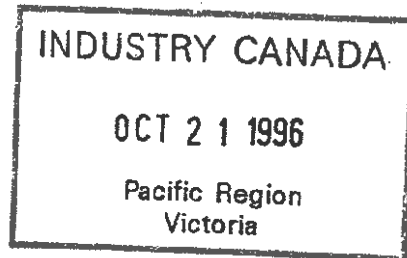

Jeff Stanhope

Spectrum Operations Manager, Spectrum Management Operations Branch
Innovation, Science and Economic Development / Government of Canada
Jeff.Stanhope@canada.ca / Tel: 250-363-3597 / TTY: 1-866-694-8389

Letter of Understanding

between

INDUSTRY CANADA
Vancouver Island District
Spectrum Program
("Industry Canada")



and the

ISLANDS TRUST COUNCIL on behalf
of Trust Area Local Trust Committees
("Islands Trust")

regarding

LAND-USE CONSULTATION FOR RADIO COMMUNICATION UTILITIES
within the Islands Trust Area

WHEREAS, section 8.1 of the *Islands Trust Act* authorizes the Islands Trust Council to enter into agreements with the Government of Canada on behalf of one or more local trust committees to coordinate activities within the Islands Trust Area to achieve the legislated object of the *Islands Trust Act* ... "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 the Province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of the Province";

WHEREAS, a local trust committee is responsible for regulating the development and use of land within a local trust area;

WHEREAS, Section 5 of the *Radiocommunications Act* defines the Minister's powers, the Minister may, (i) approve each site on which radio apparatus, including antenna systems, may be located and approve the erection of all masts, towers and other antenna-supporting structures;

WHEREAS, Industry Canada recognizes that land-use authorities may have an interest in the location of significant antenna structures proposed within their jurisdiction and may have concerns that should be considered in the exercise of authority under the *Radiocommunications Act*;

AND WHEREAS, the Islands Trust consider significant antenna structures as being any structure over 25 metres measured from the ground level.

NOW THEREFORE, both parties agree to implement the following interagency consultation procedures regarding applications to Industry Canada for the site-specific authorization of significant antenna structures within the Islands Trust Area:

1.0 NOTIFICATION

- 1.1 Either party will use best efforts to notify the other party of an applicant's expression of interest to build or modify a significant antenna structure.
- 1.2 Industry Canada will use best efforts to advise applicants that they are required to notify and consult with the appropriate local trust committee to address local land-use concerns as explained in Client procedure Circular, CPC-2-0-03.

2.0 APPLICANT / LOCAL TRUST COMMITTEE CONSULTATION

- 2.1 Local trust committees will make their views known to both the applicant and Industry Canada within 60 days of receiving an application unless otherwise mutually agreed by the local trust committee and the applicant.
- 2.2 The local trust committee will use its best efforts to consult with the applicant and to consider requirements of the applicant.
- 2.3 When Industry Canada becomes aware of a local trust committee's objection to a site-specific significant antenna structure, consideration to issue a license will be delayed for up to 60 days or longer if otherwise mutually agreed by the local trust committees and the applicant so consultations can occur between the applicant and the local trust committee.

3.0 APPLICATION APPROVAL

- 3.1 Industry Canada does not play a direct role in land-use consultations. This responsibility remains with the applicant and the local trust committee to work toward a mutually acceptable agreement.
- 3.2 Industry Canada will use best efforts to notify a local trust committee of its intent to process an application indicating the content of the applicant's signed land-use consultation attestation.
- 3.3 Industry Canada, upon the request of a local trust committee, will meet with that local trust committee to hear its concerns before final approval of a license.

4.0 CONDITIONS

- 4.1 Nothing in this agreement shall be construed to fetter the legislative or administrative discretion of either of the parties within their respective areas of jurisdiction.
- 4.2 Any party to this Agreement may terminate this Agreement at any time by delivering three months written notice to the other party.
- 4.3 The officials of each party who shall be responsible for notices and the administration of this Agreement are:

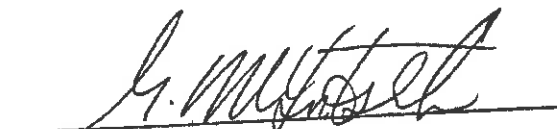
Executive Director
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2nd Floor, 1627 Fort Street
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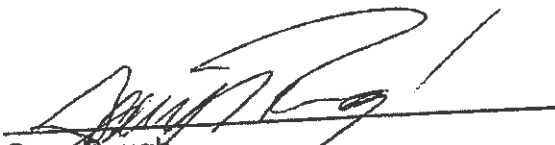
Phone #: (604) 952-4182
Fax #: (604) 952-4193

Director, Vancouver Island District
Pacific Region
Industry Canada
#318 - 816 Government Street
Victoria, British Columbia
V8W 1W9

Phone #: (604) 363-3800
Fax #: (604) 363-0208

Both parties commit to respect the terms of this agreement dated this 30 day of October, 1996.


Gordon A. McIntosh
Executive Director
Islands Trust


Gary Paugh
Director, Vancouver Island District
Industry Canada



Linda Adams
Chief Administrative Officer, Islands Trust
Suite 200, 1627 Fort St.
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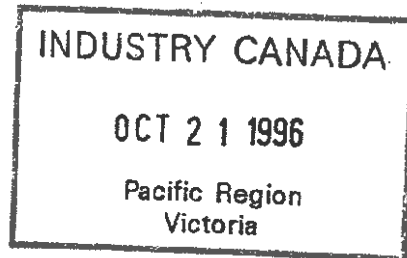
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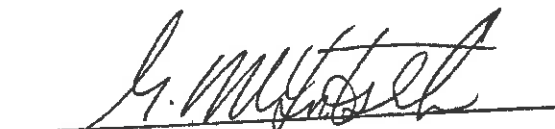
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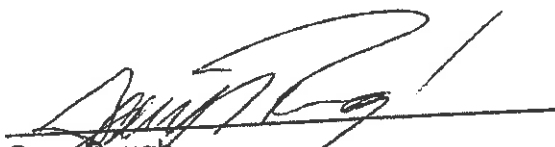
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