



Thetis Island Local Trust Committee

Regular Meeting Revised Agenda

Date: August 20, 2019
Time: 9:00 am
Location: Royal Canadian Legion
9775 Chemainus Road
Chemainus, BC

			Pages
1.	CALL TO ORDER	9:00 AM - 9:05 AM	
"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."			
2.	APPROVAL OF AGENDA		
3.	REPORTS	9:05 AM - 9:20 AM	
3.1	Trustee Reports		
3.2	Chair's Report		
3.3	Electoral Area Director's Report		
4.	TOWN HALL	9:20 AM - 9:30 AM	
4.1	<i>Photos and Chart regarding Riparian Areas Regulation submitted</i>		4 - 7
5.	MINUTES	9:30 AM - 9:45 AM	
5.1	Local Trust Committee Minutes dated June 11, 2019 - for adoption		8 - 14
5.2	Section 26 Resolutions-Without-Meeting Report dated August 12, 2019		15 - 15
5.3	Advisory Planning Commission Minutes - none		
6.	BUSINESS ARISING FROM MINUTES	9:45 AM - 9:55 AM	
6.1	Follow-up Action List dated August 12, 2019		16 - 16

7.	APPLICATIONS AND REFERRALS	9:55 AM - 10:15 AM	
7.1	TH-OTH-2019.1 (TELUS) - Staff Report		17 - 28
7.1.1	<u>Letter dated August 19, 2019 from Penelakut Tribe</u>		
8.	LOCAL TRUST COMMITTEE PROJECTS	10:15 AM - 10:35 AM	
8.1	Thetis Riparian Areas Regulation (RAR) Implementation Project - Staff Report		29 - 35
9.	DELEGATIONS	10:35 AM - 10:40 AM	
9.1	Lesley Buhr for Concerned residents of Thetis Island		36 - 40
	-----BREAK 10:40 - 11:00-----		
10.	CORRESPONDENCE		
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>		
11.	NEW BUSINESS	11:00 AM - 11:10 AM	
11.1	Model Cell Tower Consultation Process - Briefing		41 - 84
11.2	<i>Trustee Fenton to attend Union of British Columbia Municipalities (UBCM) 2019 Convention</i>		
12.	REPORTS	11:10 AM - 11:20 AM	
12.1	Trust Conservancy Report dated May, 2019		85 - 88
12.2	Applications Report dated August 12, 2019		89 - 90
12.3	Trustee and Local Expense Report dated June, 2019		91 - 91
12.4	Adopted Policies and Standing Resolutions		92 - 94
12.5	Local Trust Committee Webpage		
13.	WORK PROGRAM	11:20 AM - 11:35 AM	
13.1	Top Priorities Report dated August 12, 2019		95 - 95
13.2	Projects List Report dated August 12, 2019		96 - 98
14.	CLOSED MEETING - none		

15. UPCOMING MEETINGS 11:35 AM - 11:40 AM

15.1 Next Regular Meeting Scheduled for Tuesday, October 8, 2019 at 9:00 am at the
Royal Canadian Legion, Chemainus Branch 191, 9775 Chemaninus Road, Chemainus,
BC

16. ADJOURNMENT 11:40 AM - 11:40 AM



1



2



3



4



5



6



7



8



9



(10)



(11)



(12)



(13)



(14)



(15)



(16)

TABLE 1

THETIS ISLAND RAINFALL														
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019		Total	Month Avg
Jan	79	210	139	162	88	107	114	229.5	85.8	306.9	162.8		1684	153.1
Feb	48	121	77	104	58	179	148	136.1	156.7	51.1	108.9		1187.8	108.0
Mar	81	92	129	154	68	128	108	200.3	157.6	48.9	12.9		1179.7	107.2
Apr	30	66	42	64	41	43	32	15.7	97	106.9	53.4		591	53.7
May	30	89	53	47	58	32	9	13.5	47.6	6.3	23.6		409	37.2
Jun	15	31	10	62	42	13	6	30.1	43.5	31.7	17.5		301.8	27.4
Jul	9	0.5	16	20	0	4	17	33.1	1.9	1.3	24.3		127.1	11.6
Aug	7	26.5	2	6	34	20	19	16.8	2.4	5.9	7.1		146.7	13.3
Sep	43	82	55	0	90	51	28	45.4	26.8	99.6			520.8	52.1
Oct	123	74	54	158	11	168	103	281.4	109.9	80.8			1163.1	116.3
Nov	271	195	153	167	92	133	135	224.1	237.7	163.1			1770.9	177.1
Dec	110	201	61	174	28	172	269	133.2	115.7	233.1			1497	149.7
														Avg YTD
Total	846	1188	791	1118	610	1050	988	1359.2	1082.6	1135.6	410.5		10578.9	961.7
Yrly Avg	846	1017	941.7	985.8	910.6	933.8	941.6	993.8	1003.6	1016.8			Keith Rush	
													15 Foster Point Road	

NOTES BELOW - by A. Schmidt considering how the rainfall statistics might pertain to Ralston Creek.

July 2019 shows a total rainfall of 24.3mm (nearly double the July average over 9 years)

Pictures taken of Ralston Creek, on July 28th 2019 show no running water in the creek and only a small puddle of water in one location below the Pre Creek Pond - Picture #3

IN RED

There are 4 months (May, June, July, & August) where the averaged total rainfall fall over 11 years was within 10mm +/- of the the July 2019 total rainfall. Given that the creek was dry when photos were taken on July 28th, 2019, one might reasonable assume that the creek is dry throughout May to Aug, most years.

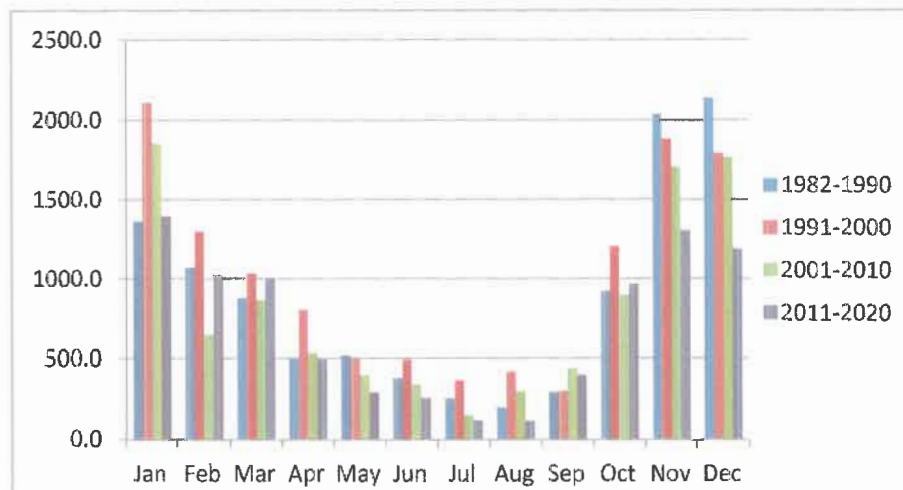
IN PURPLE

Shoulder months (April and Sept) with approximately twice the amount of rainfall experienced in July 2019 could conceivable also be dry streambed months. This would be especially probable in Sept since outflow from the main ponds would be minimal as the rainfall would top up these ponds before overspillage into the lower watercourse would occur. Surface Water would likely be absorbed into the ground after several months of seasonably dry, near drought like conditions

TABLE 2

THETIS ISLAND RAINFALL (in mm)
TOTALS (1982 - 2020)

YEARS	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTALS
1982-1990	1364.0	1069.3	881.4	500.4	518.2	378.5	254.0	198.1	292.1	922.0	2037.1	2136.1	10551.2
1991-2000	2110.7	1300.5	1031.2	802.6	501.7	490.2	364.5	417.8	299.7	1202.7	1879.6	1792.0	12193.3
2001-2010	1852.6	650.4	869.1	535.8	396.6	340.0	149.1	297.2	441.5	899.2	1707.4	1766.3	9905.1
2011-2020	1395	1018.8	1006.7	495	290	255.8	117.6	113.2	395.8	966.1	1304.9	1186	8544.9
TOTALS	6722.3	4039.0	3788.4	2333.8	1706.4	1464.5	885.2	1026.3	1429.1	3990.0	6929.0	6880.4	41194.4



Note by A. Schmidt

The table and resultant graph shows the monthly rainfall totals for 9 (1982-1990 & 2011-2020) or 10 (1991-2000 & 2001-2010) year blocks. Therefore the monthly 9 or 10 year averages would be one 9th or 10th of the figures shown. For example - 500mm over 10 yrs would be an average of 50mm annually; 1000mm would be 100mm etc.

Historically rainfall for 6 months of the years recorded is at or below 50mm per month from April through September



Thetis Island Local Trust Committee Minutes of Regular Meeting

Date: June 11, 2019
Location: Chemainus Legion,
 9775 Chemainus Road
 Chemainus, BC

Members Present: Laura Patrick, Chair
 Doug Fenton, Local Trustee
 Peter Luckham, Local Trustee

Staff Present: Ann Kjerulf, Regional Planning Manager (RPM)
 Marnie Eggen, Island Planner
 Sarah Shugar, Recorder

Others Present: Chad Marlatt, Cypress Land Services
 Doug Anastos, Telus Communications
 Approximately thirty-five (35) members of the public

1. CALL TO ORDER

"Please note the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."

Chair Patrick called the meeting to order at 9:14 am. She introduced herself, the Trustees and staff and acknowledged that the Local Trust Committee is meeting within Coast Salish Territory.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 4.4 Local Trust Committee Special Meeting Minutes dated May 31, 2019 – For Adoption
- 4.5 Local Trust Committee Public Hearing Record dated May 31, 2019 – Bylaw No. 103
 (Ruxton Island Private Moorage Structures Project) - For Receipt

By general consent the agenda was approved as amended.

3. TOWN HALL

A member of the public expressed concerns regarding the proposed Telus telecommunications facility and submitted materials entitled "Record Book of Thetis Island Residents Not In Favour of the Proposed Telecommunication Tower Sited at Lot 155 Pilkey Point Road, Thetis Island" and "Extracts of Documents Provided by the Thetis Island Residents Not In Favour of the Proposed Telecommunication Tower Sited at Lot 155 Pilkey Point Road, Thetis Island".

A member of the public expressed concerns regarding the proposed Telus telecommunications facility including its impact on the sale of a property that is in close proximity to the proposed tower.

Robert Sam spoke on behalf of Penelakut Tribe and expressed concerns regarding the proposed Telus telecommunications facility including close proximity to an ancestral burial site.

A member of the public expressed concerns regarding the proposed Telus telecommunications facility including electromagnetic frequency (EMF) radiation.

A member of the public expressed concerns regarding the proposed Telus telecommunications facility including concerns regarding the lack of consultation with the Penelakut First Nation and submitted a document entitled "LTC Meeting Tuesday June 11, 2019, Chemainus, BC."

4. MINUTES

4.1 Local Trust Committee Minutes dated April 23, 2019 - For Adoption

The following amendment to the minutes was presented for consideration:

- 12.2 Replace "Islands Trust staff will be developing a vision [plan]" with "Local Trustees consider how public engagement will roll out in their community".

By general consent the minutes were adopted as amended.

4.2 Section 26 Resolutions-Without-Meeting – none

4.3 Advisory Planning Commission Minutes – none

4.4 Local Trust Committee Special Meeting Minutes dated May 31, 2019 – For Adoption

By general consent the minutes were adopted as presented.

4.5 Local Trust Committee Public Hearing Record dated May 31, 2019 – Bylaw No. 103 (Ruxton Island Private Moorage Structures Project) - For Receipt

By general consent, the Thetis Island Local Trust Committee received the Public Hearing Record dated May 31, 2019.

5. BUSINESS ARISING FROM MINUTES

5.1 Follow-up Action List dated June 3, 2019

The Follow-up Action List was presented. Regional Planning Manager Kjerulf reported the Cowichan Valley Regional District will provide the Archaeological Chance Find Procedures document to building permit applicants.

6. APPLICATIONS AND REFERRALS

6.1 TH-OTH-2019.1 (TELUS) - Staff Report

Planner Eggen presented a staff report dated June 4, 2019 regarding a Telus Communication Telecommunications Facility Proposal at 155 Pilkey Point Road.

Doug Anastos, Telus Communications Inc. and Chad Marlatt, Cypress Land Services spoke to the application.

Discussion ensued and the following comments were noted:

- There was a question regarding whether Telus Communications is engaged in research regarding electromagnetic frequency (EMF) radiation in general and specifically regarding impacts to sensitive ecosystems such as the bat caves that are

in close proximity to the proposed tower.

- There was a question regarding whether Telus Communications would engage in consultation with First Nations.
- There is a need to balance the need for technology services with the safety and health concerns of the community and environment.
- Acknowledgement that the applicant provided a 3D rendering of the proposed facility for information.

A member of the public asked if the applicant is willing to consider design strategies to help the tower blend in with the natural surroundings such as strategies used to disguise antennae towers in California.

TH-2019-035

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee request the proponent of application TH-OTH-2019.1 (TELUS) to provide the following:

- Refer the application to surrounding First Nations and that Telus communicate with First Nations;
- An archaeology assessment be conducted in consultation with the Penelakut Nation;
- A Qualified Environmental Professional (QEP) report be brought to the Thetis LTC as recommended by the Nature Trust of BC;
- A fire suppression system including tower and ground level fire suppression including onsite water storage be included in the plan;
- The height of the antenna and service restrictions be reconsidered including vegetation management;
- A full 360 degree landscape plan be provided, including a security deposit to ensure permanence;
- Further public consultation be conducted and
- A restriction be placed on deployment of 5G technology conduct further public consultation at the time of planning.

CARRIED

TH-2019-036

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee request the proponent of application TH-OTH-2019.1 (TELUS) follow the Ministry of Innovation, Science and Economic Development Canada Default Public Consultation Process for a proposed Telecommunications Facility at 155 Pilkey Point Road, Thetis Island and that the applicant conduct a second public consultation opportunity.

CARRIED

TH-2019-037

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee request staff to advise the proponent of application TH-OTH-2019.1 (TELUS) of applicable Thetis Island Official Community Plan policies and Land Use Bylaw regulations as per Attachments 1 & 2 of the staff report dated June 11, 2019.

CARRIED

TH-2019-038

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee request the proponent of application TH-OTH-2019.1 (TELUS) confirm:

- a) whether the proposal is only for the servicing of Thetis Island residents and property owners and those of nearby adjacent islands; and
- b) whether the proposal considers minimizing the degree of visual disruption and controls the invasion of non-native species.

CARRIED

TH-2019-039

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee request staff to schedule a special meeting to consider new input regarding application TH-OTH-2019.1 (TELUS) prior to July 26, 2019.

CARRIED

The meeting recessed at 10:40 a.m. and reconvened at 10:47 a.m.

6.2 TH-DVP-2015.2 Trincomali Holdings Ltd. - Staff Report

Regional Planning Manager Kjerulf presented a staff report dated June 4, 2019 regarding a Development Variance Permit application to authorize a retaining wall within the required 6.0 metre rear setback of the subject property located at 204 Pilkey Point Road.

Applicant Dan Wickham spoke to the application.

Discussion ensued and the following comments were noted:

- The importance for management of the foreshore ecosystem going forward.
- The importance of recognizing the archaeological site and cultural values going forward.
- Support was expressed to request the applicant to work with the Archaeology Branch to place a Notice of Heritage Status on the property title.
- Concern was expressed that removing the retaining wall may be harmful.
- Support was expressed for the applicant's undertaking with the Archaeology Branch that no further development will occur on the property without required permits.
- Concern was expressed regarding the proposed enforcement policy.
- Support was expressed for designation of a Development Permit Area on Thetis Island.

TH-2019-040

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee approve issuance of application TH-DVP-2015.2 (Trincomali Holdings).

CARRIED

Trustee Patrick OPPOSED

7. LOCAL TRUST COMMITTEE PROJECTS

7.1 Ruxton Island Private Moorage Structures Project - Bylaw No. 103 - Staff Report

Planner Eggen presented a staff report dated June 5, 2019 regarding Ruxton Island Private Moorage Structures Review Project – Bylaw No. 103 and presented the Local Trust Committee Special Meeting Minutes dated May 31, 2019 and the Local Trust Committee Public Hearing Record dated May 31, 2019.

TH-2019-041

It was MOVED and SECONDED,

that third reading of Bylaw No. 103, cited as “Thetis Associated Islands Land Use Bylaw, 2014, Amendment Bylaw No. 1, 2018”, be rescinded.

CARRIED

TH-2019-042

It was MOVED and SECONDED,

that Thetis Island Local Trust Committee Bylaw No. 103, cited as “Thetis Associated Islands Land Use Bylaw, 2014, Amendment Bylaw No. 1, 2018”, be amended by adding a new section after section 1.9 that states: “PART 5 ZONES, Section 5.11 Marine Ruxton (W3), Subsection Siting and Size 5.11(2) is deleted in its entirety and the bylaw is renumbered accordingly.”

CARRIED

TH-2019-043

It was MOVED and SECONDED,

that Thetis Island Local Trust Committee Bylaw No. 103, cited as “Thetis Associated Islands Land Use Bylaw, 2014, Amendment Bylaw No. 1, 2018”, be read a third time, as amended.

CARRIED

TH-2019-044

It was MOVED and SECONDED,

that Thetis Island Local Trust Committee Bylaw No. 103, cited as “Thetis Associated Islands Land Use Bylaw, 2014, Amendment Bylaw No. 1, 2018”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

A member of the public acknowledged the Local Trust Committee for all of the work on the Ruxton Island Private Moorage Structures Review Project.

8. DELEGATIONS - none

9. CORRESPONDENCE - none

(Correspondence received concerning current applications or projects is posted to the LTC webpage.)

10. NEW BUSINESS

10.1 Public Engagement on Thetis Island for Visions 2099 - The Future of the islands in the Salish Sea -Staff Report - for decision

A staff report regarding Public Engagement in the Thetis Island Local Trust Area for Visions 2099: The Future of the islands in the Salish Sea was presented.

There was discussion and it was noted world café, web conferencing and online presence would be important to include although there is a lack of venues on Thetis Island.

TH-2019-045

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee endorse the recommended public engagement activities to take place in the Thetis Island Local Trust Area in support of the Trust Council's Visions 2099: The Future of the islands in the Salish Sea, as outlined in the June 11, 2019 staff report.

CARRIED

10.2 Board of Variance Appointments – Memorandum

Regional Planning Manager Kjerulf presented a memorandum regarding Board of Variance Appointments dated June 5, 2019.

TH-2019-046

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee appoint Jack Woodward, Laurie Jackson and Sheila Ray to the Thetis Island Board of Variance for a three-year term effective July 27, 2019.

CARRIED

11. REPORTS

11.1 Trustee Reports

Trustee Fenton reported on the following:

- Attended an Islands Trust Conservancy meeting regarding funding options.
- Attended the Special Meeting in Nanaimo regarding the Ruxton Island Private Moorage Structures Project and highlighted the need to advocate for ecosystem protection in the Salish Sea and noted the Green Shores programs.

Trustee Luckham reported on the following:

- Attended the Spring 2019 Howe Sound Community Forum and noted the Howe Sound Biosphere Region Initiative.
- Attended a number of meetings on Salt Spring Island including the Industrial Lands Review project and the CREST radio tower application.
- Has resigned from the Penelakut Elders Advisory Committee.
- Will attend the Roberts Bank Terminal 2 public consultation meeting on June 12, 2019 and present concerns regarding shipping safety, oil spill protection, vessel anchorages, oil spill prevention and species at risk.
- The Province of BC declared that Vancouver Island and the Gulf Islands are at drought level 3. He attended a CBC radio interview concerning the announcement.
- Spoke to consideration of habitat protection for FireSmart planning and programs.

11.2 Chair's Report

Chair Patrick reported the next Trust Council will be held June 18 to 20, 2019 on Galiano Island.

11.3 Trust Conservancy Report - none

11.4 Electoral Area Director's Report - none

11.5 Applications Report dated June 3, 2019

Received.

11.6 Trustee and Local Expense Report dated March 2019

Received.

11.7 Adopted Policies and Standing Resolutions

Received.

11.8 Local Trust Committee Webpage

No changes.

12. WORK PROGRAM

12.1 Top Priorities Report dated June 3, 2019

It was noted Item 2 – Ruxton Island Private Moorage Review should be amended to replace “Review regulation regarding private moorage related structures and community docks.” with “Review regulation regarding private moorage related structures”.

The report was received.

12.2 Projects List Report dated June 3, 2019

Received.

13. CLOSED MEETING - none

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Tuesday, August 20, 2019 at 9:00 am at the Chemainus Legion, 9775 Chemainus Road.

15. ADJOURNMENT

By general consent the meeting was adjourned at 12:20 pm.

Laura Patrick, Chair

Certified Correct:

Sarah Shugar, Recorder



Islands Trust

Print Date: August 12, 2019

Resolutions Without Meeting

Thetis Island

Resolution #	Action	Resolution Description	Resolution Date
2019-04	In Favour	"That Thetis Island Local Trust Committee Bylaw No. 103 cited as "Thetis Associated Islands Land Use Bylaw, 2014, Amendment Bylaw No. 1, 2018", be adopted".	24-Jun-2019

Follow Up Action Report

Thetis Island

22-Feb-2019

Activity	Responsibility	Dates	Status
1 Request staff to forward the letter and trustee toolkit included in the Indigenous People of the Thetis Island Local Trust Area binder to local First Nations. April 23, 2019 update: see standing resolution TH-2019-26.	Lisa Wilcox Marnie Eggen Penny Hawley		In Progress

11-Jun-2019

Activity	Responsibility	Dates	Status
1 Staff to schedule a special meeting to consider new input re: TH-OTH-2019.1 prior to July 26, 2019.	Becky McErlean Penny Hawley Wil Cottingham		In Progress
2 Staff to issue TH-DVP-2015.2.	Becky McErlean Penny Hawley		Completed
3 LTC endorsed the recommended public engagement activities in support of the Trust Council Visions: Future of the Salish Sea as outlined in the June 11, 2019 staff report. Staff to commence.	Gillian Nicol		Completed
4 Staff to send letters to BOV members to advise them that they are re-appointed for a three year term effective July 27, 2019.	Becky McErlean Penny Hawley		Completed



File No.: 3400-20 / TH-OTH-2019.1
(TELUS/Cypress Land Services Inc.)

DATE OF MEETING: August 20, 2019

TO: Thetis Island Local Trust Committee

FROM: Marnie Eggen, A/ Regional Planning Manager
Northern Team

COPY: David Marlor, Director Local Planning Services
Kate Emmings, A/Manager Islands Trust Conservancy

SUBJECT: TELUS Communication Inc. Telecommunications Facility Proposal
Applicant: Cypress Land Services Inc.
Location: 155 Pilkey Point Road, Thetis Island, BC

RECOMMENDATION

1. That the Thetis Island Local Trust Committee, in respect of the letter dated July 3, 2019 from TELUS, withdraw the LTC's request of the proponent of application TH-OTH-2019.1 (TELUS) to restrict future deployment of 5G technology on the proposed tower at 155 Pilkey Point Rd. and to conduct further consultation at the time of planning.

REPORT SUMMARY

The purpose of this report is to bring to the attention of the Thetis Local Trust Committee (LTC) the requests of TELUS since the last LTC meeting, held June 11, 2019. TELUS requests that the LTC formally clarify that it will not require any form of consultation with either the public or Islands Trust once the proposed tower is built for future equipment modifications and upgrades, including 5G, and that 5G be restricted. Should the LTC agree, TELUS indicates that they would move forward with the LTC's remaining requests made at the last LTC meeting (see resolutions below). Otherwise, TELUS indicates that they will not continue to pursue the current proposal and will proceed with their original 22 metre tower proposal at 61 Pilkey Point Road, which previously received concurrence from the LTC in 2018. In order to assist with advancement of the application and in recognition of the federal regulatory framework and Thetis Official Community Plan policy, staff recommends that the LTC withdraw their request to restrict future deployment of 5G technology and to conduct further consultation at the time of planning.

BACKGROUND

The LTC passed the following resolutions at their last regular business meeting held June 11, 2019:

TH-2019-035

It was **MOVED** and **SECONDED**,

that the Thetis Island Local Trust Committee request the proponent of application TH-OTH-2019.1 (TELUS) to provide the following:

- Refer the application to surrounding First Nations and that Telus communicate with First Nations;
- An archaeology assessment be conducted in consultation with the Penelakut Nation;

- A Qualified Environmental Professional (QEP) report be brought to the Thetis LTC as recommended by the Nature Trust of BC;
- A fire suppression system including tower and ground level fire suppression including onsite water storage be included in the plan;
- The height of the antenna and service restrictions be reconsidered including vegetation management;
- A full 360 degree landscape plan be provided, including a security deposit to ensure permanence;
- Further public consultation be conducted and
- A restriction be placed on deployment of 5G technology conduct further public consultation at the time of planning.

CARRIED

TH-2019-036

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee request the proponent of application TH-OTH-2019.1 (TELUS) follow the Ministry of Innovation, Science and Economic Development Canada Default Public Consultation Process for a proposed Telecommunications Facility at 155 Pilkey Point Road, Thetis Island and that the applicant conduct a second public consultation opportunity.

CARRIED

TH-2019-037

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee request staff to advise the proponent of application TH-OTH-2019.1 (TELUS) of applicable Thetis Island Official Community Plan policies and Land Use Bylaw regulations as per Attachments 1 & 2 of the staff report dated June 11, 2019.

CARRIED

TH-2019-038

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee request the proponent of application TH-OTH-2019.1 (TELUS) confirm:

- a) whether the proposal is only for the servicing of Thetis Island residents and property owners and those of nearby adjacent islands; and
- b) whether the proposal considers minimizing the degree of visual disruption and controls the invasion of non-native species.

CARRIED

TH-2019-039

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee request staff to schedule a special meeting to consider new input regarding application TH-OTH-2019.1 (TELUS) prior to July 26, 2019.

CARRIED

Since the June 11, 2019 LTC meeting, TELUS provided a letter dated July 3, 2019 to the LTC informing them that they would be pleased to proceed with the requests of the LTC for further public consultation, environmental impact analysis and preliminary archeological assessment if the LTC would formally clarify that it will not require any form of consultation with either the public or Islands Trust once the tower is built for future equipment modifications and upgrades, including 5G (Attachment 1). TELUS noted that they would need to complete the consultation process with the public and Islands Trust by August of this year to ensure that they can maintain the funds required to build the site. Staff and the LTC have received confirmation from TELUS that the LTC's consideration of their request at the upcoming August 20, 2019 business meeting would be acceptable, and that TELUS could in fact continue with the current proposal, should the LTC agree to the requests at this meeting.

Additionally, since the June 11, 2019 LTC meeting, TELUS forwarded a letter of support for their proposal from the Cowichan Valley Regional District (Attachment 2).

For further background and the previous staff report, please see TH-OTH-2019.1 on the [Thetis Current Applications](#) webpage.

ANALYSIS

Issues and Opportunities

Science and Economic Development Canada's (ISED) Client Procedures Circular (CPC) and Safety Code 6

As mentioned in the July 3, 2019 letter from TELUS, they advocate that land use authority concurrence must align with the basic principles of the federal regulatory framework. Staff note that TELUS points out that the request of the LTC to restrict future deployment of 5G on the proposed tower doesn't align with Section 6 of the Client Procedures Circular (CPC). Section 6 sets out a list of wireless installations that are excluded from public and land use authority consultation and includes future equipment modifications so long as the height of the structure is increased by less than 25%. TELUS indicates that in no case would they undertake public consultation or seek land use authority consent for equipment upgrades to existing wireless facilities.

Applicable health and safety standards with respect to exposure to radio frequency electromagnetic energy are set out by Health Canada in [Safety Code 6](#) Guidelines and TELUS indicates that their proposal is designed to be compliant with these standards, and that any future installations would also be compliant, including 5G. Staff note that the CPC identifies concerns that may not be addressed through the default public consultation process including the validity of Safety Code 6, as mentioned in the previous staff report.

Staff recommends that the LTC does not request a restriction of future installations on the proposed tower and future public consultation on those installations in recognition of the federal regulatory framework and of Thetis OCP's policy objective "To support cooperation with public utility organizations engaged in providing services on Thetis Island and with their regulatory authorities."

Islands Trust Model Radio Antenna Strategy

Staff note that included in the August 20, 2019 LTC meeting agenda package is a briefing from the Director of Local Planning Services, introducing the report, "Model Strategy for Antenna Systems." The report provides a model consultation program, land use siting criteria, and model official community plan policies. The report was received by Trust Council and forwarded to local trust committees to consider adoption of the public process contained within. Staff advise that implementation of the recommendations should not be applied to this instream proposal because it would likely delay advancement of the application.

Rationale for Recommendation

In order to advance the application and in recognition of the federal regulatory framework and Thetis OCP policy, staff recommends that the LTC withdraw their request to restrict future deployment of 5G technology and to conduct further consultation at the time of planning. See staff recommendation on Page 1 of the staff report.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Confirm LTC’s Requests of the proponent of application TH-OTH-2019.1

The LTC may confirm the LTC’s request of the proponent of application TH-OTH-2019.1 (TELUS) to restrict future deployment of 5G technology on the proposed tower at 155 Pilkey Point Rd. and to conduct further consultation at the time of planning. Staff advise that the implications of this alternative are that TELUS will not continue to pursue the current proposal and will proceed with their original 22 metre tower proposal at 61 Pilkey Point Road instead. Which means that a back up connectivity link to Thetis Island will only be provided instead of the addition of cellular, high speed internet access or emergency upgrade services. If this alternative is selected, the LTC should state the reasons for this decision. Recommended wording for the resolution is as follows:

That the Thetis Island Local Trust Committee confirm the LTC’s request of the proponent of application TH-OTH-2019.1 (TELUS) to restrict future deployment of 5G technology on the proposed tower at 155 Pilkey Point Rd. and to conduct further consultation at the time of planning [insert reasons].

2. Request further information

The LTC may request further information of the proponent prior to making a decision. Staff advise that the implications of this alternative are that further requests may result in a delay in the advancement of the application and possibly jeopardise the proponent’s funding for the project. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Thetis Island Local Trust Committee request that the proponent of application TH-OTH-2019.1 submit to the Islands Trust [insert requested information and rationale].

NEXT STEPS

Staff will advise the proponent of the LTC’s decision.

Submitted By:	Marnie Eggen, A/Regional Planning Manager	August 12, 2019
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ATTACHMENTS

1. Letter from TELUS, dated July 3, 2019
2. Letter of Support from Cowichan Valley Regional District, dated June 11, 2019



July 03, 2019

3-4535 Canada Way,
Burnaby, BC V5G 1J9

Office: 604-453-2694

Mobile: 778-874-5479

Doug.Anastos@telus.com

Sent Via Email to:

pluckham@islandstrust.bc.ca

dfenton@islandstrust.bc.ca

Mr. Peter Luckham and Mr. Doug Fenton,
Thetis Island Trustees,
Islands Trust Northern Office
700 N Rd, Gabriola, BC V0R 1X3

RE: Proposed TELUS Wireless Communications Facility, 155 Pilkey Point Road, Thetis Island

I am writing in regards to the draft resolutions that Islands Trust passed at the June 11, 2019 Local Islands Trust Committee Meeting. In what follows, I will provide an overview of regulatory and health and safety issues of TELUS' proposed wireless communications site and speak to the resolutions from the Committee meeting.

While most of the resolutions passed are acceptable to TELUS, please note that we have decided to withdraw our proposed telecommunications site on 155 Pilkey Point Road due to Islands Trust's resolution requiring TELUS to complete public and land use authority consultation for future 5G upgrades to this site. This is in line with my feedback when asked during the Committee meeting if TELUS would proceed with construction of the site if Islands Trust required consultation for 5G installations at a later date where I clearly indicated that TELUS would not be willing to proceed. Unfortunately, Islands Trust proceeded to pass the motion which has led TELUS to believe that Islands Trust is no longer supportive of TELUS proceeding with this site.

TELUS is prepared to make a substantial investment to bring reliable cell service and home-based high speed internet access to residents across Thetis Island. In order to make this investment in full connectivity, we must have certainty that we will be able to make future equipment upgrades to continue to meet the needs of our customers and ensure the ongoing reliability of our network.

Background

In 2018, TELUS proposed a new 22-metre tower at 61 Pilkey Point Road to provide a redundant communications link between Vancouver Island and Thetis Island in the event that our subsea cables become compromised. During the public consultation process, the community and Islands Trust expressed interest in an alternative proposal from TELUS that would improve cell service on Thetis Island with Islands Trust granting land use concurrence for this site subject to TELUS being "unable to secure an alternated location on Thetis Island."

TELUS subsequently proposed a 50-m tower at 155 Pilkey Point Road based on the suggestion from Islands Trust to pursue a site in this area and information from Islands Trust on a willing property owner. TELUS invested considerable time and resources to fully explore and engineer this option, enter into a long term agreement with the property owner and secure internal capital to fund the site in 2019.

Through this proposal, Thetis Island residents would have access to reliable cell service and home-based high speed internet access with download speeds up to 25mbps. The broader area would benefit from emergency services delivered by Cowichan Valley Regional District (CVRD). Installed at the top of the 50m metre tower on high-elevation, this equipment will provide far-reaching emergency services benefits to Thetis Island and the surrounding Gulf Islands and straits. CVRD, in turn, would benefit from significant savings over the long-term as TELUS has committed to provide CVRD with access to the tower for emergency services equipment at no fee.

Regulatory Authority

The federal government department Innovation, Science and Economic Development Canada (ISED) regulates wireless communications facilities in Canada. The key policy document that sets-out the guidelines and requirements for public and land use authority consultation is ISED's Client Procedures Circular 2-0-03 (CPC). Importantly, the CPC requires carriers to conduct a meaningful consultation process with the public and local land use authority culminating in land use concurrence from the land use authority. The CPC sets-out an impasse process that provides carriers with a possible means to proceed with a proposed site without land use authority concurrence. However, please note that as Islands Trust initiated the process by requesting that we investigate this site at 155 Pilkey Point Road, TELUS would not take this course of action with the site that we have proposed on Thetis Island. We would proceed with construction of a new wireless tower at 155 Pikey Road on Thetis Island only if Islands Trust supports this proposal through land use concurrence.

Considering that land use concurrence is a critical part of the process toward building new wireless tower infrastructure, TELUS must ensure that land use authorities such as Islands Trust provide clear concurrence for our proposals. Concurrence and related resolutions must align with the basic principles of the federal regulatory framework. Please refer to Section 6 of the CPC for a full list of wireless installations that are excluded from public and land use authority consultation. Included in this list are future equipment modifications provided the height of the structure is increased by less than 25%. TELUS follows these guidelines for all of our wireless infrastructure without exceptions. In no case would we complete public consultation or seek land use authority consent for equipment upgrades to our wireless facilities.

Health and Safety

Safety Code 6. As mentioned during the Committee meeting, all of TELUS' wireless infrastructure is designed to be compliant with the applicable health and safety standards which in Canada are set-out by Health Canada in the Safety Code 6 Guidelines. Further, existing wireless installations must remain compliant with SC6 should Health Canada amend these guidelines in the future. In the case of the proposed site on Thetis Island, exposure rates even at a relatively close distance would be significantly below the levels that Health Canada has determined to be safe to occupy on a 24/7 basis. Schedule A includes a general analysis that a third-party engineering company completed at the request of TELUS. This analysis shows expected exposure rates across most of Thetis Island to be between 1 million and 10 million times below the maximum level that Health Canada has found to be safe.

5G Frequencies. The concerns of some Thetis Island residents relating to 5G technology appear to be based on the higher frequencies that some 5G installations will make use of in the future. Note, however, that high frequencies in the range of 28 GHz will be used in urban areas. These frequencies are not well-suited to rural sites such as the one proposed for Thetis Island as they do not propagate well over distances. Conversely, we expect that we will deploy an even lower 5G frequency than what we currently have planned for 4G LTE on this site. The spectrum of choice for rural 5G wireless installations will be 600 MHz which TELUS recently acquired during a federal government spectrum auction. In short, future frequencies deployed on this site and power output of the equipment will be similar to what we have planned at present. Exposure from the site in relation to SC6 when equipped with 5G technology will be the same as that shown in the attached map. Regardless of what frequencies TELUS chooses to deploy

based on spectrum licenses purchased from the federal government, this site will be compliant with SC6 many times over.

Health and Safety Benefits of Connectivity. While there are no health and safety concerns from radiofrequency emissions of the site, access to reliable connectivity has clear health and safety benefits including the following examples:

- Across British Columbia, over 70% of emergency 911 calls are made from a mobile device. Emergency responders have the ability to triangulate the location of 911 callers based on their location in relation to wireless infrastructure.
- TELUS' Home Health Monitoring program enables patients with severe chronic diseases or conditions to monitor their blood pressure and other factors from the comfort of their homes and share this information electronically with their physicians and healthcare providers. Similarly, TELUS offers the LivingWell Companion which offers automatic fall detection and 24/7 emergency support at the push of a button all through TELUS' cellular network.
- TELUS recently released a health app for smartphones called Babylon. This service enables any resident of BC to remotely connect with a physician to discuss symptoms and gain referrals and prescriptions from anywhere where connectivity is available. There is no cost to patients as the service is directly linked to the provincial medical services plan.

These tools offer a useful means to bridge the gap that many patients experience when trying to access the healthcare system, especially for residents in rural areas such as Thetis Island. TELUS intends to build on these platforms with major advancements in home-based health care and monitoring in the future. However, only residents in areas with reliable connectivity will be able to access these and other services. Others in areas of poor connectivity such as that currently experienced on Thetis Island will be limited to traditional access to healthcare.

Other resolutions

TELUS would be pleased to engage third party professionals to complete an environmental impact assessment and preliminary archeological assessment of the site. We can schedule a second consultation meeting with the public as requested. We can incorporate landscaping design into our site plans. Please note, however, that TELUS has a routine approach to fire safety that we employ at all of our wireless communications facilities. As a result, we are not willing to implement the customized fire alarm and suppression systems proposed by Islands Trust should this project proceed.

Conclusion

In conclusion, through this letter, TELUS is formally withdrawing our proposed telecommunications site at 155 Pilkey Point Road from consultation. However, TELUS would be pleased to proceed with further public consultation, environmental impact analysis and preliminary archeological assessment for this site if Islands Trust formally clarifies that it will not require any form of consultation with either the public or Islands Trust once the tower is built for future equipment modifications and upgrades, including 5G. In this case, as discussed, TELUS will need to complete the consultation process with the public and Islands Trust by August of this year to ensure that we can maintain the funds required to build the site.

If Islands Trust is not willing to change its resolution relating to 5G, TELUS feels that we have fulfilled the conditions that Islands Trust placed on the original letter of concurrence for our proposed site at 61 Pilkey Point Road. In that case, we look forward to proceeding with our original plan of building a new 22 metre tower at this location to provide a redundant connectivity link to Thetis Island without cellular, high speed internet access or emergency services upgrades for the residents of Thetis Island.

Thank you for your time and consideration. I would be pleased to discuss further if needed.

Sincerely,

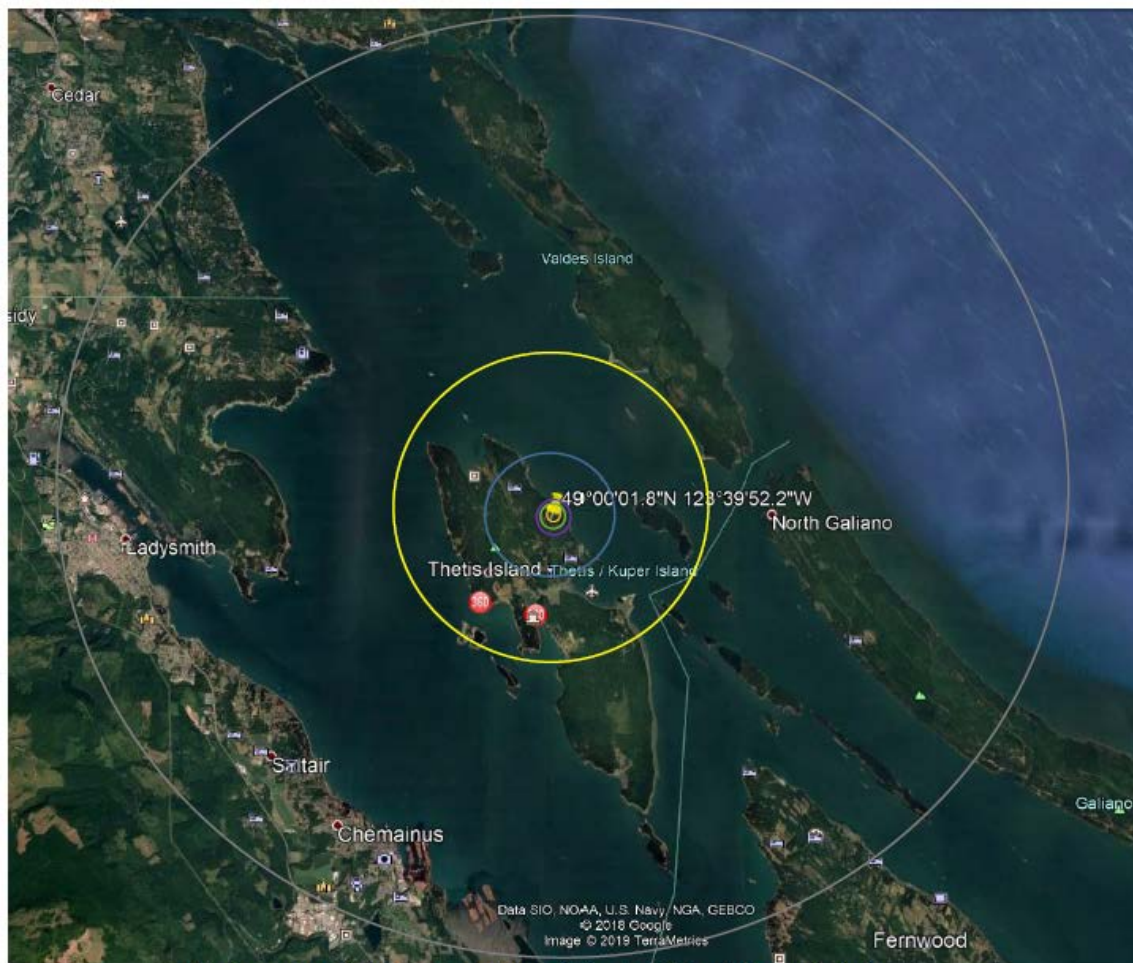
A handwritten signature in cursive script, appearing to read 'DFA'.

Doug Anastos
Senior Real Estate and Government Affairs Manager

Cc

Marnie Eggen
Island Planner
Islands Trust, Northern Office
meggen@islandstrust.bc.ca

Schedule "A" Safety Code 6 Analysis of Proposed Cell Site



Orange: 1000 times below SC6 maximum
Green: 10000 times below SC6 maximum
Purple: 100000 times below SC6 maximum
Blue: One million times below SC6 maximum
Yellow: 10 million times below SC6 maximum
Gray: A 100 million times below SC6 maximum



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Duncan, BC V9L 1N8
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June 11, 2019

Doug Anastos
Senior Real Estate and Government Affairs Manager
TELUS Wireless Network – BC
3-4535 Canada Way
Burnaby BC V5G 1J9

Dear Mr. Anastos:

**RE: Letter of Support – 50 Metre Cell-Support Tower at 155 Pilkey Point Road,
Thetis Island**

At its Regular meeting on May 22, 2019 the Board received a staff report regarding the potential installation of a 50 metre cell-support tower (plus a lightning rod) at 155 Pilkey Point Road. The staff report outlined that in addition to improving access to wireless services, supporting existing TELUS wireline services with a backup communications link off the Island and ensuring continuity of TELUS' internet and home telephone services during an outage, the new tower will also support and enhance emergency communications services operated by the Cowichan Valley Regional District by way of hosting radio communications equipment.

To that end, the Board passed the following resolution:

"That a letter of support be send to TELUS for the installation of a 50 metre cell-support tower (plus a lightning rod) at 155 Pilkey Road, Thetis Island"

The Board wishes you good luck moving this project forward. If you have any further questions, please direct them to Merrick Grieder, CVRD Emergency Telecommunications Coordinator.

Sincerely,

Ian Morrison
Chair

KG/ls

pc: Keir Gervais, Manager, Public Safety
Merrick Grieder, Emergency Telecommunications Coordinator



Cypress Land Services—Agents for Telus

ISED Vancouver Island

Island Trust

B.C. Archaeology Branch

August 19, 2019

**RE: TELUS Telecommunications Facility Proposal-155 Pilkey Point Road,
Thetis Island**

I write on behalf of the Penelakut First Nation to express our concerns about a lack of consultation with the Penelakut First Nation regarding the proposed telecommunications facility referenced above, which Penelakut understands to be a 50 metre tower in the vicinity of an area known as Moore Hill on Thetis Island. ("the Tower")

Penelakut Tribe have Aboriginal rights in and around Moore Hill and the proposed Tower area. In particular, the area has cultural heritage sites of value to Penelakut, and of archeological significance.

We request an explanation as to why Penelakut has not been directly consulted about the Tower proposal, as well as information about what archeological and heritage site impact assessments have been conducted in respect of the Tower proposal. In the meantime, we ask that no work be done on the proposed Tower.

We request a response at your earliest opportunity.

Chief Joan Brown

Penelakut Tribe

A handwritten signature in black ink, appearing to be 'JB', followed by a horizontal line extending to the right.



File No.: 6500-20
Riparian Areas Regulation
Implementation

DATE OF MEETING: August 20, 2019
TO: Thetis Island Local Trust Committee
FROM: Marnie Eggen, A/ Regional Planning Manager
Northern Team
SUBJECT: Riparian Areas Regulation Implementation

RECOMMENDATION

1. That the Thetis Island Local Trust Committee endorse the Thetis Island Riparian Areas Regulation Implementation Project Charter v.1 dated August 20, 2019.
2. That the Thetis Island Local Trust Committee request staff to prepare draft bylaws to amend the Thetis Island Official Community Plan No. 88 and the Thetis Island Land Use Bylaw No. 89 in accordance with the Thetis Island Riparian Areas Regulation Implementation Project Charter v.1 dated August 20, 2019.

REPORT SUMMARY

The purpose of this report is to request that the Thetis Local Trust Committee (LTC) consider endorsing a draft project charter outlining the process to establish a Development Permit Area for the purposes of implementing the [Riparian Areas Regulation \(RAR\)](#).

BACKGROUND

The following resolutions were passed by the LTC at their February 22, 2019 business meeting:

TH-2019-011

It was **MOVED** and **SECONDED**

that the Thetis Island Local Trust Committee endorse implementation of the Riparian Areas Regulation (RAR) through the establishment of a Development Permit Area applicable to Ralston Creek on Thetis Island.

CARRIED

TH-2019-012

It was **MOVED** and **SECONDED**

that the Thetis Island Local Trust Committee request staff to report back to the Local Trust committee with a draft revised project charter which outlines the process to establish a Development Permit Area on Thetis Island.

CARRIED

For background information on this project, including previous staff reports, see Riparian Areas Regulation on the [Thetis Island Local Trust Committee Projects & Initiatives webpage](#).

For background information about the provincial Riparian Areas Regulation (RAR), see the provincial [RAR](#) website.

PROJECT CHARTER

A draft project charter is prepared for this project and found in Attachment 1. The objectives of the project are to improve the protection of Thetis Island “streams” as defined by the RAR and to become compliant with the RAR by establishing a development permit area. To achieve these objectives, the Thetis Island Official Community Plan (OCP) and Land Use Bylaw (LUB) will need to be amended in order to designate a RAR Development Permit Area and establish effective development permit guidelines. As a part of this project staff will coordinate with the Cowichan Valley Regional District to ensure that there is a link with the building permit application process. Deliverables/milestones and anticipated budget are itemised in the project charter (Attachment 1).

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement

This project will be reviewed for consistency with the Islands Trust Policy Statement (ITPS) prior to the LTC review of draft bylaws. A detailed analysis will be provided at first reading of the bylaws.

Official Community Plan/Land Use Bylaw

Implementation of the RAR through the designation of a Development Permit Area (DPA) will require an amendment to the Thetis Official Community Plan Bylaw No. 88 (OCP) and to the Thetis Land Use Bylaw No. 89 (LUB) pursuant to Sections 488-491 of the *Local Government Act* and in accordance with the *Riparian Areas Regulation*. The OCP already includes a place holder for DPAs in Section 6 and amendments to the OCP would include the addition of a new schedule that establishes a newly designated DPA on a map of Thetis Island, and the addition of new subsections setting out the justification and objectives for the new DPA. An amendment to the LUB would include the addition of subsections setting out when a development permit would be required, the applicable guidelines that must be met before a development permit can be issued, and any exemptions.

Issues and Opportunities

Options for Implementing RAR by Development Permit Area

Following the [Riparian Areas Regulation Guidebook for Local Governments](#) and in consultation with Ministry of Environment staff responsible for RAR, the following are options available for implementing RAR by establishing a Development Permit Area:

Adopt a DPA based on the 30 metre Riparian Assessment Area (RAA)

The most immediate and straightforward option is to establish a DPA for Ralston Creek watershed that reflects the Riparian Assessment Area (RAA) as defined by the RAR, which would cover an area of 30 metres on either side of the stream. No further mapping would be required as a part of the project in order to establish the DPA because the mapping for this purpose was already obtained as a part of the stream assessment conducted by Mimulus Biological Consultants in March 2011. See Attachment 2 for a map of Ralston Creek illustrating the coverage of a 30 metre RAA.

Adopt a DPA based on a Predetermined Streamside Protection and Enhancement Area (SPEA)

This option involves contracting a QEP to conduct a “simple assessment” in accordance with RAR for all of Ralston Creek, in which a streamside protection and enhancement area (SPEA) would be defined, which would become the designated area for the DPA. The SPEA as determined using a “simple assessment” can be less than the RAA 30 metre width, if there is discontinuous existing vegetation along the stream and high number of permanent structures within 30 metres of the stream. In consultation with a qualified environmental professional (QEP) who conducted the last assessment of Ralston Creek, staff would not recommend this approach for Ralston Creek as the outcome of the simple assessment would likely result in a 30 metre SPEA; no different than the width of the RAA in the option outlined above.

Role of the Applicant

Applicants may choose to modify their development plans to avoid the DPA or for any “development”¹ that they might propose in the designated area, it would trigger the requirement for a development permit application and would require the applicant to hire a qualified environmental professional (QEP) to conduct a formal RAR Assessment according to the RAR assessment methods. In that process, the QEP would typically conduct a “detailed assessment” and determine a SPEA and measures of protection outside of the SPEA that must be undertaken by the applicant in order to prevent impacting the stream and SPEA during construction. No development may occur within the SPEA. The SPEA as determined using a “detailed assessment” is typically less than the RAA 30 metre width and in staff’s experience, SPEAs defined for streams on Islands in the Trust Area are often about 15 metres or less.

Existing 30 metre Setback from Streams for Buildings

Pursuant to subsection 2.2.6 of the Thetis LUB, no building other than a boathouse/pumphouse may be constructed within 30.5 metres of the natural boundary of any natural watercourse. Staff note that this regulation would continue to apply in addition to the proposed RAR DPA.

Statutory Requirements

Amending bylaws will be required to follow the statutory process for bylaw amendments, including holding a public hearing in accordance with the *Local Government Act*. In accordance with the *Islands Trust Act*, the amendment bylaws must be approved by the Islands Trust Executive Committee prior to adoption and the bylaw amending the OCP must be approved by the Minister of Municipal Affairs and Housing before final adoption by the LTC. Additionally, the proposed DPA must be in accordance with the RAR.

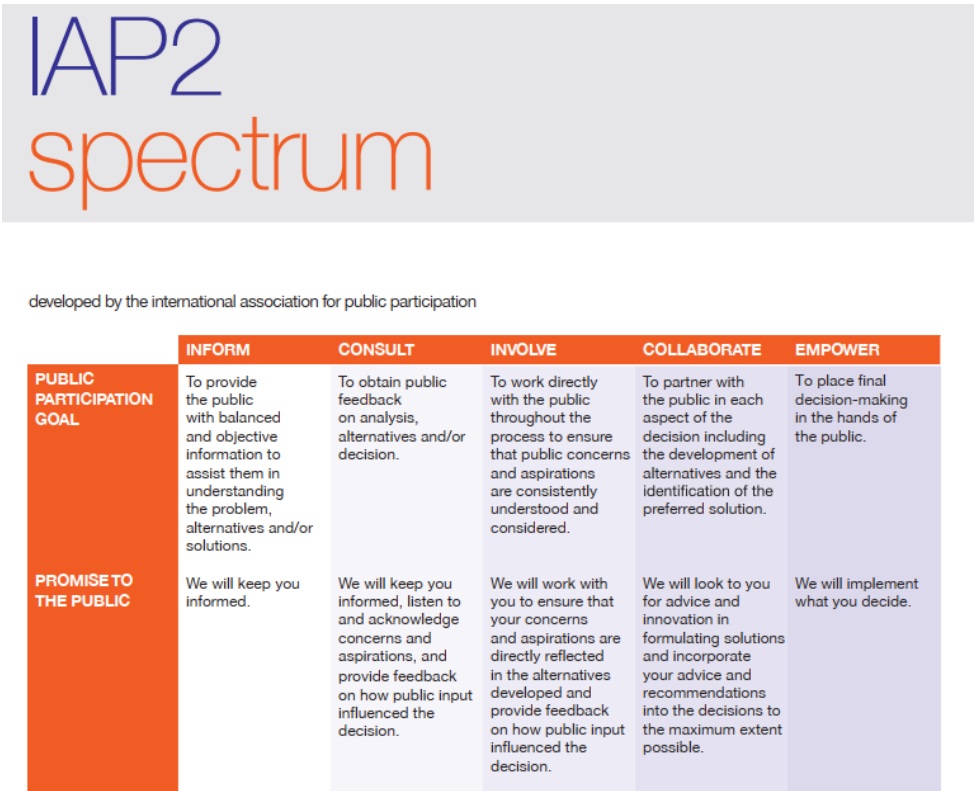
¹ As defined by RAR: “**development**” means any of the following associated with or resulting from the local government regulation or approval of residential, commercial or industrial activities or ancillary activities to the extent that they are subject to local government powers under Part 26 of the [Local Government Act](#):

- (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](#);

Consultation

In accordance with the RAR, implementation of it by a local government is quite prescriptive in nature, and allows relatively less of a degree of public consultation than would otherwise be considered for a project initiated by the Thetis Local Trust Committee. As such, staff suggest that consultation for this project would be categorized on the Spectrum of Public Participation by the International Association of Public Participation in the Inform and Consult columns (Figure 1). This would be accomplished through providing community information resources on line at the outset of the project, preparing and distributing a guide to proposed bylaws and holding a community information meeting a head of the public hearing. See Attachment 2 for Project Charter.

Figure 1



Protocols and First Nations

As per the *Protocol of Cooperation* between Lyackson First Nation and Islands Trust Council (on behalf of the Thetis Local Trust Committee), early referral of draft bylaws to Lyackson First Nation is recommended. Early referral to other First Nations, such as Penelakut First Nation is also recommended.

Rationale for Recommendation

Staff recommends that the LTC endorse the project charter and direct staff to prepare draft bylaws as per the recommendations found on page 1 of this report.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Request Amendments to the Project Charter

The LTC may request further changes to the Project Charter. If significant changes are made to the charter as presented, staff will need to bring back a revised timeline, workplan overview and budget for review.

That the Thetis Island Local Trust Committee amend the Thetis Island Riparian Areas Regulation Implementation Project Charter v. 1.0 by [insert changes] and endorse the Project Charter as amended.

NEXT STEPS

The LTC is being asked to consider endorsement of a draft project charter. Once the project charter has been endorsed by the LTC, staff will proceed with preparation of a work plan and request funding confirmation, along with preparation of draft bylaws and on line community information resources.

Submitted By:	Marnie Eggen, MCIP, RPP A/ Regional Planning Manager	August 12, 2019
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ATTACHMENTS

1. Thetis Island Riparian Areas Regulation Implementation Project Charter v.1 dated August 20, 2019
2. Map of Ralston Creek and 30 metre RAA

Thetis Island Riparian Areas Regulation Implementation — Project Charter v.1

Thetis Island Local Trust Committee

Date: August 20, 2019

Purpose: The Thetis Island Local Trust Committee seeks to bring Thetis Island into compliance with the provincial Riparian Area Regulations (RAR).

Background: As a part of the Islands Trust Strategic Plan—2014-2018, and Objective 1.3: Protect fish habitat by implementing Riparian Areas Regulation, Trust Council identifies that the Thetis Local Trust Committee should adopt new bylaws to implement RAR on Thetis Island.

Objectives

- Improve the protection of Thetis Island “streams” as defined by the RAR.
- Become compliant with the RAR through establishing a RAR development permit area.

In Scope

- Designate a RAR Development Permit Area in the Thetis Island Official Community Plan (OCP) for Ralston Creek.
- Establish effective development permit guidelines for the protection of Ralston Creek as a RAR stream.
- Coordinate with the Cowichan Valley Regional District to ensure a link with the building permit application process.
- Coordinate with provincial staff responsible for RAR.

Out of Scope

- Implementation of RAR by restrictive covenant.
- Implementation of RAR by establishing SPEAs.

Workplan Overview

Deliverable/Milestone	Date
LTC endorsement of Project Charter	August 2019
Development of preliminary draft bylaws (and legal review) & on line community information resources	Fall-Winter 2019/20
LTC consideration of first reading & bylaw referrals to First Nations and Agencies, preparation of draft guide to proposed amendments	Winter 2020
LTC consideration of referral responses	Spring 2020
Community Information Meeting & Public Hearing	Summer 2020
Second reading of proposed bylaws & Executive Committee approval	Summer-Fall 2020
Ministerial approval and adoption of bylaw amendments	Winter 2020/21

Project Team

Island Planner	Project Manager
Regional Planning Manager	Project Sponsor
Planner 1/ Planner 2 / Communications	Planning/Communications Support
Legislative Clerk	Admin Support

Budget

Budget Sources: LPS RAR Project		
Fiscal	Item	Cost
2019-20	Legal review	3000
2020-21	CIM, Public Hearing Notice	2000
	Total	\$5,000

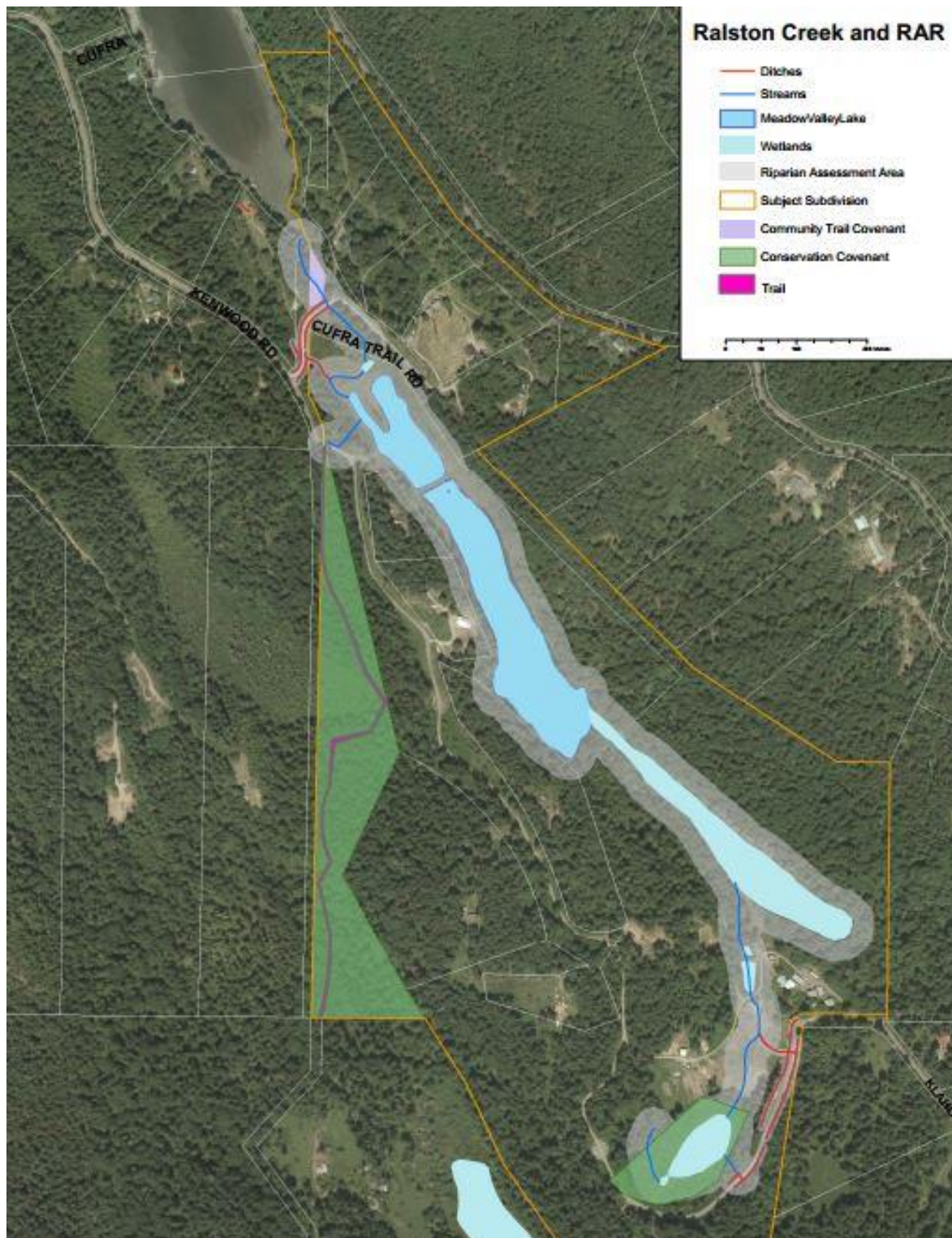
RPM Approval:

Date:

LTC Endorsement/Amendments:

Date:

ATTACHMENT 2: MAP OF RALSTON CREEK AND 30 METRE RIPARIAN ASSESSMENT AREA



PROPOSAL FOR A THETIS ISLAND OFFICIAL COMMUNITY PLAN ENGAGEMENT STRATEGY

Opening Statement

The proposed strategy is being put forward by a concerned group of residents and property owners who realize that, as there is no community engagement strategy currently in place to facilitate information sharing and interaction among all residents and property owners regarding the various proposed and ongoing projects on Thetis Island, an unsettled atmosphere has developed among both permanent and seasonal residents. It is for this reason that we recommend that this community, in particular the Land Trust Committee, undertake to amend the charter that currently governs Thetis Island, and make provisions to clearly establish a community engagement protocol unique to our island.

Desired Outcomes

1. To develop a detailed work plan and engagement strategy.
2. To recommend that an Official Community Plan Advisory Planning Commission ("the Commission") be formed in accordance with the *Local Government Act*, section 898. The Commission shall be made up of residents and property owners with the objective of enhancing community engagement opportunities, and to recommend a detailed protocol to the LTC for approval. Section 898 of the LGA contains provisions for membership as well as rules and responsibilities. It is anticipated that the LTC will consider drafting a bylaw in accordance with those provisions. The Commission will terminate should the LTC adopt the new OCP bylaw.
3. To determine the priorities and aspirations of the community, and to collaborate with the public on matters requiring engagement, summarizing and appropriately making available the results to all residents and stakeholders.
4. To identify Glen Andison, Lesley Buhr, Denis Gagnon and Anaïs Gerber as potential participants in the Commission.

Legal Framework

Part 26, Division 5 - Public Information and Advisory Commission of the *Local Government Act*, RSBC 1996, c 323, asserts the following:

Advisory planning commission

- 898.** (1) A council may, by bylaw, establish an advisory planning commission to advise council on all matters respecting land use, community planning or proposed bylaws and permits under Divisions 2, 7, 9 and 11 of this Part that are referred to it by the council.
- (2) A board may, by bylaw, establish an advisory planning commission for one or more electoral areas or portions of an electoral area to advise the board, or a director of the board representing the electoral area, on all matters referred to it by the board or by that director respecting land use, the preparation and adoption of an official community plan or a proposed bylaw or permit that may be enacted under this Part.
- (3) The bylaw establishing an advisory planning commission must provide for
- (a) the composition of and the manner of appointing members to the commission,
 - (b) the procedures governing the conduct of the commission, and
 - (c) the referral of matters to the advisory planning commission.
- (4) At least 2/3 of the members of an advisory planning commission must be residents of the municipality or the electoral area.
- (5) A council member, board director, employee or officer of the local government, or an approving officer, is not eligible to be a member of an advisory planning commission, but may attend at a meeting of the commission in a resource capacity.
- (6) The members of an advisory planning commission must serve without remuneration, but may be paid reasonable and necessary expenses that arise directly out of the performance of their duties.
- (7) Repealed. [1999-37-202]
- (8) If an advisory planning commission is established, minutes of all of its meetings must be kept and, on request, made available to the public.
- (9) If the commission is considering an amendment to a plan or bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend meetings of the commission and be heard.

Community engagement during an OCP review or amendment is a legislative requirement, whereby "during the development of an official community plan ... the proposing local government must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected (*Local Government Act*, RSBC 1996, c 323, s 879 (1))."

Part 26, Division 2 - Official Community Plans of the *Local Government Act*, RSBC 1996, c 323, asserts the following:

Consultation during OCP development

- 879.** (1) During the development of an official community plan, or the repeal or amendment of an official community plan, the proposing local government must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.
- (2) For the purposes of subsection (1), the local government must
- (a) consider whether the opportunities for consultation with one or more of the persons, organizations and authorities should be early and ongoing, and
 - (b) specifically consider whether consultation is required with
 - (i) the board of the regional district in which the area covered by the plan is located, in the case of a municipal official community plan,
 - (ii) the board of any regional district that is adjacent to the area covered by the plan,
 - (iii) the council of any municipality that is adjacent to the area covered by the plan,
 - (iv) first nations, (v) school district boards, greater boards and improvement district boards, and (vi) the Provincial and federal governments and their agencies.
- (3) Consultation under this section is in addition to the public hearing required under section 882 (3) (d).

Background

The current Guiding Principles in the *Thetis Island Official Community Plan Bylaw No. 88*, 2011 are as follows:

1. That development and growth be compatible with the diversity of lifestyles of residents and property owners who comprise the Thetis Island community.
2. That development and growth is guided in a manner that protects sensitive ecosystems, encourages sustainability, and anticipates the potential effects of climate change.
3. Land use planning should build a sense of community by supporting and encouraging engagement, dialogue and communication between and among its residents.

These guiding principles are somewhat restrictive, as their focus is more toward land use planning, which is, in itself, a very important engagement issue. Today, the scope of projects has broadened, and there is a growing need to reach out and involve all residents on issues that may have an effect on their general well-being, or that may affect them financially. Engagement may encompass a variety of local government, society, improvement district–community interactions ranging from information sharing to community consultation and, in some instances, active participation in government decision making processes.

Moreover, these principles are dated, as more and more local governments around the world are implementing engagement guidelines. For example, as of July 2018, every Alberta municipality is required to have a publicly available Public Participation Policy. The policy must be reviewed and, as required, updated every four years.

Community engagement is a process of building relationships between residents, elected officials and local organizations so that they can work side by side as long-term partners. A Thetis Island Community Engagement Strategy should seek to build a coalition of support on policies, programs, services and issues that may have an effect on the general well-being of Thetis Island’s residents, or that may affect them financially, with the end goal of reaching decisions that best reflect the interests of the entire community.

Guiding Principles

The approach to developing a community engagement protocol should be guided by the following principles:

1. Community engagement should be transparent and clear in scope and purpose.
2. The public engagement process is to generate public views and ideas to help shape local government action or policy, rather than persuade residents to accept a decision that has already been made.
3. Community engagement should be accessible to all residents and capture a full range of values and perspectives.
4. Community engagement should promote dialogue and open genuine discussions. It should be supported by timely and accurate information, be used to weigh options and develop common undertakings.
5. Community engagement should be reflected in actions. The community should be able to see and understand the impact of their involvement.
6. The public engagement process utilizes one or more discussion formats that are responsive to the needs of identified participant groups; and encourage full, authentic, effective and equitable participation consistent with process purposes. This may include relationships with existing community forums.

7. The ideas, preferences or recommendations contributed by the public are documented and seriously considered by decision makers.
8. Evaluation and monitoring of all input should be built into the protocol and encouraged throughout the engagement process with the summarized evaluation being made available and accessible to all residents and stakeholders.

To:	Local Trust Committees	For the Meeting of:	Various
From:	David Marlor, Director, Local Planning Services	Date Prepared:	June 17, 2019
SUBJECT:	Model Radio Antenna Strategy		

PURPOSE: To provide the model radio antenna strategy to local trust committees for consideration of adoption.

BACKGROUND:

The federal Ministry of Innovation, Science and Economic Development Canada (ISED)(formerly Industry Canada),has jurisdiction over telecommunications uses such as radio broadcast towers and cellular telephone towers, which are licensed under the federal *Telecommunications Act*. ISED looks for the land use authority to issue a letter of concurrence or non-concurrence with the proposal put forward by telecommunications proponents and the consultation process they conduct. ISED recommends land use authorities establish a documented public consultation process to guide cell/radio tower proponents.

Within the Islands Trust, the consultation process on these types of applications was previously guided by the Letter of Understanding (LOU, signed October 30, 1996) that existed between ISED and the Islands Trust Council, on behalf of Local Trust Committees, for proposed towers of over 25m in height. Since ISED updated its Radio communication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03) in 2014 to include a Default Public Consultation Process, the Trust Council/ISED LOU was rescinded by ISED under the terms of the agreement.

When a land use authority does not have an established or documented public consultation process, proponents of radio towers must use the ISED default process outlined in the Radio communication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03).

In March 2016, Trust Council passed the following resolution:

THAT the Islands Trust Council request the Local Planning Committee to make recommendations on policy that includes public consultation procedures and development guidelines for the siting and design of antenna systems, which may then be adapted and implemented by local trust committees.

The report, “Model Program for Antenna Systems,” dated May 3, 2018, (Attachment 1) was prepared by a consultant (James Van Hemert) under contract with Islands Trust. The report provides a model consultation program, land use siting criteria, and model official community plan policies. The report also presents a literature review and summary of background materials that were reviewed as part of the report’s creation.

The report was received by Trust Council the June 2018 Trust Council meeting and was requested to be forwarded to local trust committees. This is being forwarded to you now to allow the new local trust committees elected in November 2018 to consider adoption of the public process contained in the

“Model Program for Antenna Systems”, as well as the policy and regulatory recommendations contained in this document.

ATTACHMENT(S):

1. Model Program for Antenna Systems,” dated May 3, 2018

FOLLOW-UP:

A brochure is being developed to explain the process and will be posted on the Islands Trust website as soon as it is complete.

Prepared By: David Marlor, Director, Local Planning Services

Reviewed By/Date:

MODEL STRATEGY FOR ANTENNA SYSTEMS

LOCAL PLANNING COMMITTEE



Photo Credit: Beacon Wireless – <http://www.beaconwireless.ca/#high-speed-internet>

May 3, 2018

V A N H E M E R T & C O .

Planning Healthy Communities

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1 INTRODUCTION

Local Trust Committees (LTC) have recently been grappling with how best to consult with the public and to address local concerns around proposed cellular and radio communication towers. At the same time Innovation Science and Economic Development Canada (ISED) notes that there is a growing demand for denser wireless connectivity by citizens generally, as well as students, public service providers including 911 services, and small business. While people enjoy the relatively remote Gulf Island life, it also means they need to have adequate wireless access, including emergency services. This is especially true for the aging population on the islands who require access to health care more often and may avail of e-health services in communities with limited specialized medical staff.

The model *protocol* within this document has been prepared to help Local Trust Areas (LTA) effectively and efficiently assess antenna system proposals within their own unique contexts. The document provides a description of ISED's default public consultation process, a model public consultation *protocol*, model siting criteria, model Official Community Plan policies, and definitions. The model *protocol* may be adopted in its current form as a stand-alone document; or it may be customized for local considerations. The model siting criteria and the Official Community Plan policies may be incorporated into the *protocol* or included within an Official Community Plan. Existing processes and by-laws for each separate Local Trust Area should be reviewed in light of adopting the model *protocol* and be revised or rescinded.

The *protocol* has been developed with input and insight from Islands Trust planning staff, Local Trust Area Trustees, ISED, other land use authorities and representatives from the telecommunications industry. It should be noted, however, that input from the industry does not necessarily constitute support.

Note that words in *italics*, and not otherwise a document, legislative act or agency, are words defined in Section 7 Definitions.

2 INTERVIEWS AND REVIEW OF LITERATURE

2.1 Introduction

The model consultation *protocol* is informed by the department of Innovation Science and Economic Development (ISED) Canada's foundational guides, the Federation of Canadian Municipalities *protocol* template¹, and Health Canada's Safety Code 6 (2009) regarding limits to human exposure to radiofrequency electromagnetic fields. A discussion on the respective roles of federal government and local land use authorities sets the foundation for a defensible and effective *protocol*. Documents and telephone interviews with staff and a trustee served as an overview of the Islands Trust experience in reviewing antenna system proposals. This information provides a practical and experiential foundation of the local context. Rounding out the review, interviews were conducted with IEDC, other local government jurisdictions, and representatives of the telecommunications industry.

2.2 Local Trust Committee Jurisdiction and ISED's Requirements and Recommendations

The ISED's *Radiocommunication and Broadcasting Antenna Systems Client Protocol Circular CPC 2-0-03* (CPC) (hereinafter referred to as the CPC) is the foundation for understanding public consultation requirements and the appropriate role of the land use authority. It identifies the **mandate**, established in Section 5 of the *Radiocommunications Act* states that the Minister (of ISED) may, taking into account all matters considered relevant for ensuring the **orderly development** and **efficient** operation of radiocommunication in Canada, issue radio authorization, and approve each site on which radio apparatus, including *antenna systems*, may be located. A certain measure of flexibility is required in siting *antenna systems* in order to achieve adequate coverage for service areas.

The CPC emphasizes the importance of considering **local surroundings** in deploying *antenna systems*. Accordingly, the default public consultation process requires *proponents* of certain *antenna systems* to engage land-use authorities with regard to **site options, local public engagement and review processes, addressing reasonable and relevant concerns**, and ultimately obtain **land-use authority concurrence** in writing. Land-use authorities are encouraged to establish **reasonable, relevant, and predictable** consultation processes specific to *antenna systems* and consider matters such as designation of suitable contacts or responsible officials, proposal submission requirements, public consultation, documentation of concurrence process, and the establishment of milestones to ensure consultation process completion within 120 days. To that end, the ISED publishes the *Guide to Assist Land-use*

¹ *Antenna System Siting Protocol* template published by the Federation of Canadian Municipalities in consultation with the telecommunications industry. Available online at: https://fcm.ca/Documents/reports/FCM/Antenna_System_Siting_Protocol_Template_EN.pdf Accessed on October 2017.

Authorities in Developing Antenna System Siting Protocols which was referred to in developing this model strategy.

Certain types of proposals (listed below) are excluded from land-use authority and public consultation requirements; however, all *proponents* must consider whether or not it is prudent to undertake consultation for an excluded proposal on the basis of:

- the proposal's physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;
- the location and proximity to neighbouring residents;
- the likelihood of an area being a community sensitive location; and
- Transport Canada's marking and lighting requirements for the proposed structure.

Exclusions include the following:

- new *antenna systems* where height is less than 15 metres, but does not apply to *antenna systems* proposed by telecommunications carriers, broadcasting undertakings or third-party tower owners;
- existing *antenna systems* where modifications are made, antenna added or the tower replaced, including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial *antenna system* installation;
- non-tower structure antenna on buildings, water towers, lamp posts, etc. may be excluded provided the height of the ground of the site of the non-tower structure, exclusive of appurtenances, is not increased by more than 25%; and
- temporary *antenna systems* used for special events or emergency operations.

The CPC provides examples of relevant concerns that may be raised during public consultation, including, for example, why use of existing *antenna systems* may not be used, alternative sites, and what is being done to integrate antenna into local surroundings. Concerns that are **not** relevant include disputes with members of the public relating to *proponent's* service, potential effects that proposed *antenna system* will have on property values or municipal taxes, and questions whether or not *Safety Code 6*, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

2.3 Islands Trust Experience

Information about Islands Trust experience was gleaned from special studies, staff reports and *protocol* documents from the following Local Trust Areas: Galiano Island, Gabriola Island, Hornby Island, and Salt Spring Island. Documents reviewed included:

- Local Planning Committee briefing of January 28, 2015
- Galiano Island LTA:
 - Rogers Cell Tower referral, April 24, 2015
 - Telecommunications Strategy staff report to LTC, March 30, 2016
 - Telecommunication Strategy Project staff report, March 27, 2017

- Antenna System and Siting Consultation Protocol, March 2017
- Hornby Island LTA--TELUS tower, public consultation package, staff reports of November 22, 2016 and May 5, 2017
- Gabriola Island LTA--Resolution GB-025-2010 regarding Communication Towers and Antennae
- Salt Spring Island:
 - Cellular Antennae Proposal Form
 - Procedural Guideline, April 26, 2001

Interviews for gaining insights and information were conducted with current and former Islands Trust planning staff with experience managing *antenna system* proposals. These included Marnie Eggen, Justine Starke, Aleksandra Brzozowski, and Robert Kojima. Tony Law, a trustee for Hornby Island LTA was also interviewed for his perspective on dealing with a particularly controversial application.

Additionally, to round out the perspective from other stakeholders, representatives from the telecommunication industry (Doug Anastos, TELUS) and their process consultant, Brian Gregg (SitePath), were interviewed. Industry input, however, does not necessarily mean support for the draft *protocol* as presented.

ISED representative, Jeff Stanhope, was interviewed and he also provided comments on a draft of the public consultation *protocol*. No red flags were raised regarding consistency with the CPC, the foundational guiding document of ISED.

Following an initial review of this protocol by the Local Planning Committee further input from the telecommunication Industry was received via a roundtable discussion in January of 2018. Representatives included Doug Anastos (TELUS), Kiersten Enemark (Shaw), and Samuel Sugita (Rogers Communications).

Experience in Other Jurisdictions included the following:

- Regional District of Nanaimo
- District of North Saanich
- District of Saanich
- District of Maple Ridge
- City of North Vancouver
- Village of Pemberton

3 MODEL CONSULTATION PROGRAM

3.1 Information Science & Economic Development Canada (ISED) Application & Default Public Consultation Process

A. *Description of ISED's Application and Default Public Consultation Process*

ISED provides on its website a user-friendly text summary and infographic about how decisions are made regarding cell towers. The five-step process applies to all *telecommunication antenna systems* that are not expressly excluded from public consultation.

1. **Share**

Is a new tower necessary? Rules require companies to share towers, whenever possible, instead of building new ones.

2. **Propose**

Companies must submit a plan to the local municipality.

3. **Notify**

Once a company has a plan, it must notify local residents of the upcoming consultation. Rules require notifications be clearly marked – no confusion with junk mail. All residents within an area three times the height of the tower must be notified.

4. **Consult**

The company must consider the community's views.

Impasses are rare. <0.1% of cases require Industry Canada's decision.

5. **Build**

Following the consultation, and once the company and local municipality agree, the tower must be built within three years.

CELL TOWERS IN YOUR COMMUNITY: HOW THE DECISION IS MADE

The Government of Canada regulates tower siting decisions, settles disputes, and sets health and safety standards.

New towers give wireless customers better, more reliable mobile service.



NO SERVICE



1 SHARE

Is a new tower necessary? Rules require companies to share towers, whenever possible, instead of building new ones

2 PROPOSE

Companies must submit a plan to the local municipality.

3 NOTIFY

Once a company has a plan, it must notify local residents of the upcoming consultation.

* Rules require notifications be clearly marked – no confusion with junk mail. All residents within an area 3x the height of the tower must be notified.

4 CONSULT

The company must consider the community's views

* Impasses are rare. <0.1% of cases require Industry Canada's decision.

BUILD 5

Following the consultation, and once the company and local municipality agree, the tower must be built within three years.



Canada 

Proponents of siting and constructing an *antenna system* are required to present their plans and consult with the local land use authority; they are not required to make a formal application to ISED for siting an antenna facility. They are required, however, to provide information and notify ISED at the following points in the process in order to proceed:

- **public notification**: provide notification package;
- **responding to the public**: copy of all public reply comments; and
- **concluding consultation**: if applicable--for example, in cases where a land use authority does not provide a clear form of land-use concurrence, --the *proponent* may request ISED to confirm its concurrence that the public consultation process requirements have been met.

The ISED Default Public Consultation Process applies to *proponents* if the land-use authority does not have its own established and documented consultation process for antenna siting. ISED's default process has three steps for consultation with the public and land-use authority whereby the *proponent*:

- provides **written public notification** of the proposed *antenna system* installation or modification;
- engages and **responds to the public** to address relevant questions, comments and concerns; and
- provides an opportunity for **public reply** in writing to the *proponent* regarding measures taken to address reasonable and relevant concerns.

Details on timing, content, communication channels, and style of communication for each step are summarized below.

1. *Public Notification*

- a) *Proponent* must provide a **notification package** to the following within a **radius of three times the tower height**:
 - the local public (including residences, community gathering areas, public institutions, schools, etc.);
 - neighbouring land-use authorities, and
 - businesses, and property owners.
- b) The notice of an upcoming consultation must be clearly marked, making reference to the proposed *antenna system*.
- c) Must provide at least **30 days** for written public comment.
- d) In areas of **seasonal residence**, the *proponent* must work with the land-use authority to determine the best manner to notify such residents to ensure their engagement.

- e) In addition, for *antenna system* of 30 metres or greater in height, notice must be placed in a local community newspaper circulating in the proposed area. Timing must be synchronized with the distribution of the public notification package, must be legible and placed in the public notice section of the newspaper. Further, it must include:
 - description of proposed installation;
 - location and street address;
 - *proponent* contact information and mailing address; and
 - invitation to provide public comments to *proponent* within 30 days of the notice.
- f) In areas without a local newspaper, other effective means of public notification must be implemented.

2. *Responding to the Public*

Proponents must address all reasonable and relevant concerns, make all reasonable efforts to resolve them in a mutually acceptable manner and must keep a record of all associated communications. When a question comment or concern is raised the *proponent* is required to:

- respond to the party in writing within **14 days** acknowledging receipt;
- address in writing all reasonable and relevant concerns within **60 days** of receipt or explain why concerns are not reasonable or relevant; and
- in written communication referred to above clearly note that the party has **21 days** from date of correspondence to reply to *proponent's* response.

The *proponent* may respond to a party via telephone, engaging in a community meeting or having an informal personal discussion.

3. *Public Reply Comments*

Examples of relevant concerns to address may include:

- Why is the use of an existing *antenna system* or structure not possible?
- How is the *proponent* trying to integrate the antenna into the local surroundings?
- What is the *proponent* doing to ensure that the *antenna system* is not accessible to the general public?
- What options are available to satisfy aeronautical obstruction making requirements at this site?
- What are the steps the *proponent* is taking to ensure compliance with the general requirements of the *Innovation Science Economic Development Canada's Client Procedures*

CPC 2-0-03, the *Canadian environmental Assessment Act* (CEAA), and *Safety Code 6* of the *Health Act*?

Concerns that are **not relevant** include:

- Disputes with members of the public relating to the *proponent's* service, but unrelated to antenna installations;
- Potential effects that a proposed *antenna system* will have on property values or municipal taxes;
- Questions whether the *Radiocommunication Act*, this document, *Safety Code 6*, locally established bylaws, other legislation, procedures or processes are valid or should be reformed in some manner.

4. *Concluding Consultation*

Installation or modification of an *antenna system* may only be commenced after the consultation process has been completed by the land-use authority, or ISED confirms concurrence of the consultation portion of the default process, and after all other process requirements have been met by the *proponent*.

B. Analysis and Observations of ISED's Default Public Consultation Process

1. *ISED Limits of Public Consultation*

The limits of ISED's CPC include the following matters on which it is either silent or does not have a requirement:

- application requirements to the land use authority;
- cost recovery;
- pre-consultation; and
- a means for community based dialogue beyond providing public information.

Further, the time restrictions on notice, responses, as well as the overall consultation time frame could be restrictive in addressing controversial proposals and the efforts needed to mitigate and search for alternatives. In practice, however, some consultation takes longer than the timeframes set out in the Default process. Carriers appreciate a predictable process, but understand that certain sites may require more time.

2. *Analysis*

The CPC clearly notes that its default consultation process is a **minimum** process and anticipates through direct reference that local land-use authorities may **augment** the process by developing its own *protocol* which can address, for example, notification of additional entities, expanded

minimum prescribed notification distances, pre-consultation meetings, and community information sessions.

The CPC also contains an important clause suggesting that even though a proposal may otherwise be exempt from public consultation, there are cases where “it may be prudent for the *proponent* to consult even though the proposal meets an exclusion.” Considerations for this decision include:

- the *antenna system’s* physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;
- the location of the proposed *antenna system* on the property and its proximity to neighbouring residents;
- the likelihood of an area being a community-sensitive location; and
- NAV Canada and Transport Canada’s marking and lighting requirements for the proposed structure.

The companion *Guide to Assist Land-Use Authorities in Developing Antenna Siting Protocols* complements the CPC and addresses the role *land use authorities* (LUA)s can play in effectively participating and influencing decisions with respect to the proposed *antenna system* within the ISED’s siting procedures and sets out elements that LUAs might wish to include in establishing their own local *protocol*. These elements are incorporated in the model *protocol* described in this document.

Local knowledge is valued, particularly with regard to amenities, cultural or environmental sensitivities, Local Trust Area planning priorities such as those related to telecommunication connectivity, and other relevant characteristics of the area.

Although recognizing that the LUA or public’s preferred locations for siting may not always be feasible for strategic and technical reasons, the guide notes:

LUAs are encouraged to develop protocols that are clear and within their area of responsibility. Protocols can include promoting the placement of antennas in optimal locations from a land-use point of view, or excluding certain types of installations from protocol requirements. Through protocols, an LUA can highlight its local knowledge and expertise related to area sensitivities, including environmental or cultural concerns, and land-use compatibility.²

It is appropriate, therefore, for a local government to establish by way of policy in its Official Community Plan or Land Use Bylaw, and a *protocol* document, land use preferences, land use

² Guide to Assist Land-use Authorities in Developing antenna system Siting Protocols, Industry Canada (now Innovation, Science, Economic Development Canada), Issue 2, August 2014, Section 2.1, page 3.

sensitivities, and *design guidelines*. for siting of an *antenna system*. This conclusion has been confirmed in a conversation with an ISED representative.³

The guide suggests LUAs may consider preliminary consultation which will serve to inform, advise, guide, and indicate preferences to *proponents*. Communities such as the Regional District of Nanaimo have established a preliminary consultation step in the form of a site investigation meeting.

Further, the guide acknowledges that a LUA can set the format for public consultation in its *protocol*. These formats may take the form of a community open house, town hall style meeting, or another format preferred by the LUA. Ideally, the LUA and *proponent* will arrive at a mutually agreeable format.

In its outline template, the guide provides a set of considerations and suggested principles for a community in developing its own local *protocol*. The Regional District of Nanaimo, for example, has used this template effectively for establishing a *protocol* for all its Electoral Areas.

C. Addressing the Limitations of the ISED's Default Process

A model *protocol* for the Local Trust Areas can effectively compliment and address the inherent limitations of ISED's default process in the following manner:

- specify application requirements in detail;
- require pre-consultation;
- require information to the Local Trust Area, even if public consultation is not required;
- address cost recovery separately through an application fee;
- establish the desired format for public consultation beyond information packages;
- increase written notification area;
- identify specific groups to notify;
- establish siting criteria via OCP policy or via incorporation within a separate *protocol* document; and
- establish its own time frames, provided they do not exceed limitations of the CPC; however, the CPC provides for an opportunity to extend time frames under certain circumstances, particularly if there is an opportunity to mitigate and review options.

³ Conversation with Jeff Stanhope, Spectrums Operations Manager, Spectrum Management Operations Branch, ISED, September 29, 2017.

3.2 Model Public Consultation Protocol for Local Trust Areas

A. Introduction

Telecommunications systems that provide full coverage and service are essential to for a healthy and well-connected community. This protocol serves as a foundation to ensure that communities benefit from high quality, dependable telecommunication services that effectively support daily life activities, emergency services, citizen engagement, tourism, and local business all of which are important to the Islands Trust.

B. Objectives

The objectives of this *protocol* are:

1. to acknowledge that ISED has exclusive jurisdiction over the approval of the siting and installation of telecommunication infrastructure in Canada;
2. to establish a siting and consultation process for use by all Local Trust Areas (LTA)s that is harmonized with ISED's *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)* and *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* for reviewing land use issues associated with *antenna system* siting proposals;
3. to set out an objective process, criteria and guidelines that are transparent, consistent and predictable for the evaluation of *antenna system* siting proposals that:
 - minimize the number of new antenna sites by encouraging co-location;
 - encourage designs that integrate with the surrounding land use and public realm;
 - establish when local public consultation is required; and
 - allow ISED and *proponents* to identify and resolve any potential land use, siting or design concerns with the LTA at an early stage in the process.
4. to provide an expeditious review process for *antenna system* siting proposals;
5. to establish a local land use consultation framework that ensures the LTA and members of the public contribute local knowledge that facilitates and influences the siting--location, development and design (including aesthetics) —of *Antenna system* within LTA boundaries;
6. to contribute to the orderly development and efficient operation of a reliable, strong radiocommunication network within all LTAs;
7. to provide LTAs with the information required to satisfy the requirements of ISED regarding local land use consultation, resulting in an informed statement of concurrence, concurrence with conditions, or non-concurrence from the LTA at the end of the process; and

8. to establish administrative fees to be paid by telecommunication *proponents* with consideration given to the costs to Islands Trust to evaluate and process proposals.

C. Jurisdiction

1. Role of Innovation, Science and Economic Development Canada

Under the *Radiocommunication Act*, the Minister of ISED has sole jurisdiction over inter-provincial and international communication facilities. The final decision to approve and license the location of *telecommunication antenna system* is made only by ISED. All technical aspects and siting of telecommunication and broadcasting services are regulated by the Federal government under the *Radiocommunication Act*. ISED has an established procedure, the *CPC*, which prescribes the process and review of proposed telecommunication structures. As part of the process, *proponents* are required to notify the local land-use authority and nearby residents. Moreover, the *proponent* is required to address the public's questions, concerns and comments through ISED's prescribed public consultation process.

2. Other Federal Legislation

Public Health

With regard to public health, ISED refers to the standards set by Health Canada for determining acceptable levels of radiofrequency electromagnetic energy produced by telecommunication infrastructure. All telecommunication *proponents* are required to follow the guidelines outlined in Health Canada's *Safety Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 kHz to 300 GHz – Safety Code 6 (2009)*.⁴ This code is accompanied by the *Technical Guide for Interpretation and Compliance Assessment of Health Canada's Radiofrequency Exposure Guidelines*, to assist users in understanding and assessing the safety of electromagnetic exposures in working and living environments. This code is also accompanied by a fact sheet, *What is Safety Code 6?* (available online at <https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/radiation/fact-sheet-what-safety-code-6.html>). The document is self described as 'busting myths' with a summary of facts. The introduction to this document, cited in the following paragraphs, provides a clear summary.

The Government of Canada is committed to protecting the health and safety of Canadians from environmental risks, including those posed by exposure to radiofrequency (RF)

⁴ LTAs do not assess any submission for an Antenna System with respect to health and radiofrequency exposure issues or any other non-placement or non-design related issues. Any questions or comments the public may wish to make regarding health issues related to cell phones, cell towers and radiofrequency exposure guidelines (Safety Code 6) should be directed to Health Canada on-line at healthcanada.gc.ca and to the *proponent's* representative. The document is available online at <https://www.canada.ca/en/health-canada/services/environmental-workplace-health/consultations/limits-human-exposure-radiofrequency-electromagnetic-energy-frequency-range-3-300.html> (accessed October 27, 2017).

electromagnetic energy - the kind of energy given off by various electronic devices such as cell phones and Wi-Fi, as well as broadcasting and cell phone towers.

Health Canada has a guideline, known as Safety Code 6, which recommends limits for safe human exposure to RF electromagnetic energy. The limits established in Safety Code 6 incorporate large safety margins to provide a significant level of protection for all Canadians, including those working near RF sources.

Health Canada scientists monitor the scientific literature on this issue on an ongoing basis. Safety Code 6 is reviewed on a regular basis to verify that the guideline provides protection against all known potentially harmful health effects.

While Health Canada recommends limits for safe human exposure, Health Canada does not regulate the general public's exposure to electromagnetic RF energy. However, many provinces and territories apply the exposure limits in Safety Code 6 for general public exposure. Wireless devices and their associated infrastructure (such as cell towers) are regulated by Industry Canada, and are required to comply with Safety Code 6.

Canada's limits are consistent with the science-based standards used in other parts of the world (e.g., the United States, the European Union, Japan, Australia and New Zealand) and provide protection against all known adverse health effects from RF energy.

Environmental and Aeronautical Legislation

In addition to Health Canada's requirements, *proponents* must comply with the Canadian Environmental Assessment Act and any painting and lighting requirements for aeronautical safety prescribed by NAV Canada and Transport Canada.

3. Role of Local Government

Local governments are referred applications for proposed towers and are given the opportunity to comment on the proposal. Ultimately, the role of the Local Trust Committee (LTC) is to issue a statement of concurrence or non-concurrence to the *proponent* and ISED.⁵ The statement considers the land-use compatibility of the antenna structure, the responses of the impacted residents and the *proponent's* adherence to this *protocol*. In addition, local government can communicate and provide guidance to the *proponent* on the particular sensitivities, planning priorities, and characteristics of an area, and establish siting guidelines. Local government may adopt the default public consultation process as defined in ISED's CPC or augment the process with its own consultation process, subject to the time limitations established in the CPC.

D. Antenna Structures for which Public Consultation is Required

⁵ Regardless of whether the LTA issues a statement of concurrence or non-concurrence, ISED has exclusive jurisdiction over the approval of the siting and installation of telecommunication infrastructure in Canada.

- **New antenna systems:** where the height is greater than 15 metres
- **New antenna systems:** where the height is less than 15 metres proposed by telecommunication carriers, broadcasting undertakings or third-party owners
- **Existing antenna systems:** where modifications exceed a cumulative height increase of greater than 25%
- **Non-Tower Structures:** where the height above ground of the non-tower structure, exclusive of appurtenances, is increased by more than 25%

E. Excluded Antenna Structures & Information Requirements

This section outlines the criteria for identifying *Antenna system* excluded from the consultation process by ISED, the need to consider local circumstances for all exempt structures, and the process for *proponents* to notify and discuss proposed exempt structures with the LTA.

1. Exemptions from Antenna System Siting Proposal Review and Public Consultation

For the following types of installations, *proponents* are generally excluded by ISED from the requirement to consult with the LTA and the public, **but must still fulfill the General Requirements outlined in Section 7 of the CPC.**

- **New antenna system:** where the height is **less than 15 metres** above ground level proposed by business, government, Crown agencies, general public; this exclusion does not apply to *antenna system* proposed by telecommunications carriers, broadcasting undertakings or third-party tower owners;
- **Existing antenna system:** where modifications are made, antennas added or the tower replaced⁶, including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial *antenna system* installation⁷. No increase in height may occur within one year of completion of the initial construction. This exclusion does not apply to *antenna system* using purpose built antenna supporting structures with a height of less than 15 metres above ground level operated by telecommunications carriers, broadcasting undertakings or third-party tower owners;
- **Non-tower structure:** antennas on buildings, water towers, lamp posts, and similar structures, **are excluded** from consultation provided that the height above ground of the non-tower structure, exclusive of appurtenances, is not increased by more than 25% and have been reviewed by Islands Trust staff who will provide comment in accordance with LTA *design guidelines*; and
- **Temporary antenna systems:** used for special events or emergency operations and must be removed within three months after the start of the emergency or special event.

No consultation is required prior to performing maintenance on an existing *antenna system*

⁶ The exclusion for the replacement of existing antenna systems applies to replacements that are similar to the original design and location.

⁷ Initial antenna system installation refers to the system as it was first consulted on, or installed.

2. *Design Guidelines for Antenna Systems*

The appendix in Chapter 8 of this protocol document is a matrix of telecommunication design illustrating typical tower designs, rooftop antennas, utility poles and light standards. An LTA may choose to further exempt from public consultation any of the specific antenna systems illustrated in the matrix. Note that antennas affixed to buildings, utility poles and light standard are already exempt from public consultation, unless they exceed a 25% increase in height.

3. *Voluntary Public Consultation*

The CPC states that:

Individual circumstances vary with each antenna system installation and modification, and the exclusion criteria above should be applied in consideration of local circumstances. Consequently, it may be prudent for the proponents to consult the LTA and the public even though the proposal meets an exclusion noted above.

Therefore, when applying the criteria for exclusion, *proponents* are encouraged to consult the LTA when it is **prudent** to do so in consideration of any of the following:

- The *antenna system's* physical dimensions, including the antenna, mast, and tower, is significant compared to the local surroundings,
- The relative location of the proposed *antenna system* on the property and its proximity to neighbouring residents;
- The likelihood of an area being in a community-sensitive location; and
- The nature of Transport Canada's marking and lighting requirements for the proposed structure.

F. *Notification and LTA Review of Exempt Antenna system*

Notwithstanding ISED's exemption criteria for certain *Antenna system*, LTAs should be informed of all new *antenna system* installations within their boundaries so they can:

- be prepared to respond to public inquiries once construction/installation has begun;
- be aware of site *co-location* within the LTA;
- maintain records to refer to in the event of future modifications and additions; and
- engage in meaningful dialogue with the *proponent* with respect to the appearance of the *antenna system* and structure prior to the *proponent* confirming a final design.

Therefore, *proponents* are required to undertake the following steps for **all exempt antenna system installations before commencing construction**.

1. *Building/Structure-Mounted Antenna System:*

The *proponent* will in all cases provide the following **information** for all new *antenna system* or modifications⁸ to existing *antenna system* that are mounted to an existing structure, including (but not limited to) a building/rooftop, water tower, utility pole or light standard, and which are exempted from public consultation in sub-section 3.2 D. 1.:

- a) the location of the *antenna system* (address, name of building, rooftop or wall mounted);
- b) description of proposed **design** with respect to the measures used by existing systems on that site;
- c) the height of the *antenna system*;
- d) the height of any modifications to existing systems.

The Islands Trust staff may notify the *proponent* of any inconsistency with the preferences and sensitivities expressed in the siting criteria and /or design preferences and the parties (proponent and Islands Trust staff) will work towards a solution that minimizes visibility.

2. *Additions that Increase the Height of Freestanding Antenna system:*

The *proponent* will confirm to the LTA that an addition that extends the height of an existing *freestanding antenna system* meets the exclusion criteria in subsections 3.2 D. 1 by providing the following:

- a) the location, including its address and location on the lot or structure;
- b) a short summary of the proposed addition including a preliminary set of drawings or visual rendering of the proposed system; and
- c) a description of how the proposal meets one or more of the Article 3.2 D. 1 exclusion criteria.

The Islands Trust staff will review the documentation and will contact the *proponent* where there is a site-specific basis for modifying the exemption criteria based on the siting criteria preferences and discouragements expressed of the *protocol*. In such cases, the Islands Trust staff and the *proponent* will work toward a mutually agreeable solution, which may include the Islands Trust staff requesting the proposal be subject to all or part of the pre-consultation, proposal submission and public consultation process defined in Subsections F. 2. a) b) and F. 2. of this *protocol*, as applicable, concluding with a letter of concurrence or non-concurrence.

3. *Additional Exemptions*

Local Trust Areas may exclude from all or part of the consultation process any *antenna system* installation in addition to ISED's basic exemptions listed in articles 3.2 B. 1. & 3.

⁸ Providing information is required for modifications that materially or noticeably change the appearance of the system. Maintenance works that do not result in such changes are excluded from the information requirement.

- a) A new *antenna system* proposed to be located outside the LTA's preferred distance from the nearest lot line;
- b) Notwithstanding Subsection E. 1. Building/ Structure Mounted Antenna System, the Islands Trust staff may additionally, on a case-by-case basis, exempt a *proponent* from all or part of the consultation requirements under Section F of this *protocol*.⁹ For example, exemptions may be granted where the proposed location is separated from a *residential area* or heritage area or structure by an arterial roadway, and/or is buffered by substantial tree cover, topography, or buildings.
- c) Antenna system greater than 15 metres in height proposed by government agencies such as police, fire protection, ambulance, other emergency services, BC ferries, and BC Hydro who maintain their own two-way telecommunication networks, except, however, such systems are not exempt if they are proposed in partnership with a commercial telecommunication service provider.

G. Consultation Process

1. Consultation Objectives

The *protocol* for public consultation is designed to:

- inform;
- incorporate local knowledge;
- harmonize with ISED regulations and guidelines;
- be transparent;
- be consistent;
- be predictable; and
- be expeditious.

2. Process Steps, Requirements and Time lines

a) Pre-Consultation with the LTA

Commentary

For free-standing towers, pre-consultation is one of the most important elements in the antenna siting process as it generally occurs at a point before the proponent is committed to a site or design.

⁹ For example, a LTA may decide to exclude certain proposals from the requirement to hold a public meeting, but not from issuing a public notification to affected property owners/tenants within the *Prescribed Notification Distance*.

As a result, it represents the best opportunity to influence the siting decision since the proponent will more likely become committed to a site once the detailed engineering has been completed. While a discussion of submission requirements is appropriate, the proposal will benefit most from early direction on matters of siting and design. Proponents are strongly encouraged to initiate pre-consultation as early as possible in the antenna siting process for exempt and non-exempt structures. The process of building a good working relationship with telecommunication providers may begin even before a proposal is considered: Local Trust Areas are encouraged to invite potential proponents for a conversation about telecommunication at any time, the earlier the better.

Prior to submitting an *antenna system* proposal that does not meet any of the exemptions listed in Subsection D. 1. 3. the *proponent* will undertake the following preliminary consultations with the LTA:

Step 1: Pre-Consultation

i. Pre-Consultation

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

- the *proponent* notifies the LTA representative that locations in the community are being assessed for potential *antenna system* siting;
- the proponent provides the LTA representative 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.

ii. Site Investigation Meeting

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

- **Site Location:** 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 LTA;
- give opportunity for the LTA to provide initial feedback to the *proponent*;
- identify any potential *sensitive community locations* as defined by this policy;
- 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 LTA's preference of taller towers over shorter towers and supporting future *Co-location* opportunities.

iii. *LTA Preferences and Requirements*

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
- **Studies and permits:** a list of plans, studies and/or permits that may be required (i.e. environmental impact statements) as well as any fees that need to be paid to the LTA for processing application.

Step 2: Application

b) *Application Submission to the LTA: Initial Application Proposal*

Except for specific waivers granted for amateur operators (see Subsection 3) the *proponent* must include the following information when submitting a *telecommunication antenna system* siting proposal to the LTA that does not meet the exemption criteria for the proposal review and public consultation requirement:

- i. **Site Rationale:** a letter or report from the *proponent* indicating the need for the proposed site, the rationale for site selection, and a summary of opportunities for *co-location* potentials on existing or proposed *antenna system* within the LTA;

- ii. **Co-location:** (a) a summary of effort proponent has made to encourage others to co-locate on the proposed new infrastructure, as well as a list of parties who have expressed an interest in co-locating, and (b) a written and signed attestation that there are no *co-location* opportunities within the LTA;
- iii. **Site Design:** Preliminary engineering plans of the proposed structure which includes information outlining the number of antennas proposed on the structure, and the structure's ability to accommodate future antennas (including *co-location*). Proponents are encouraged to provide site design options;
- iv. **Visual Renderings:** visual rendering(s) of the proposed *antenna system* with best effort to superimpose to scale;
- v. **Site Plan:** a site plan showing the proposed development situated on the site;
- vi. **Site Distance to Surrounding Areas:** a map showing the horizontal distance between the proposed antenna system and the nearest residential, commercial and institutional uses;
- vii. **Letter of Authorization:** confirmation of legal ownership of the lands subject to the proposal, or a signed letter of authorization from the registered property owner of the land, their agent or other person(s) having legal or equitable interest in the land;
- viii. **Title Search:** a copy of a title search (dated within the past 30 days of proposal submission) and any restrictions, restrictive covenants, easements or rights-of-way registered against the lands the *telecommunication antenna system* is proposed on;
- ix. **Safety Code 6:** a written and signed attestation that the *telecommunication antenna system* will respect Health Canada's *Safety Code 6* which sets safe radiofrequency emission levels for these devices including the cumulative effects of multiple *telecommunication antenna system* at the location and in the immediate area;
- x. **Supplemental Documentation:** any other documentation as reasonably identified by the LTC following the site investigation meeting; and
- xi. **Fee:** the application fee as required by Local Trust Area Bylaw No. ____.
- xii. **Draft Notification:** Based on required consultation process as directed by LTA, the proponent is to provide, (a) a draft of all public notices to be delivered by mail to the public, *School Districts*, *community associations* and *neighbouring land-use jurisdictions*, which is to be approved by LTA staff prior to mail out; (b) an address list and map indicating all properties **and residents** which are to be notified by mail of the proposal, (c) a draft of newspaper advertisements indicating the time and date of any public information meeting, which is to be reviewed by LTA staff prior to publication (if a public information meeting is required); and
- xiii. **Comments from Emergency Services:** a copy of written correspondence indicating that the *proponent* has referred the proposal to local fire, police and ambulance

services, and if given, any comments received emergency services should be submitted to LTA staff prior to mail out.

3. *Waivers to Application Submissions*

- ⌘ The LTA may waive any of the Initial Application or Public Notification requirements for amateur radio operators on a case by case basis.

Step 3: Public Consultation

In addition to ISED's public consultation requirements as prescribed in *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-o-03)*, the LTA has incorporated into the requirements a number of **augmentations** to the public consultation process. Itemization of the augmented elements may be found in Table A: "Consultation and Information –Process Steps and Requirements: ISECD & Augmentation."

a) *Notification Requirements for Non-exempt Antenna Systems*

- i. The *proponent* will provide written notice, sent by regular mail or hand delivered, to all property owners and residents with a *notification distance* of 10 metres for every one metre in height from the base of the structure for a *freestanding antenna system*
- ii. The *proponent* will provide written notice, sent by regular mail or hand delivered, to all *neighbouring land-use jurisdictions, emergency service providers and school districts* with a *notification distance* of 1000 metres from the base of the structure.
- iii. The *proponent* will provide notice to ISED's regional office.
- iv. The *proponent* will provide written notification to Community Associations identified at the site investigation meeting.
- v. The proponent will place notice of the *telecommunication antenna system* proposal in at least two editions of a local newspaper.
- vi. Where a public information meeting is to be held for a proposed *telecommunication antenna system*, a notice of the meeting shall be placed in at least two editions of a local newspaper and the proponent will provide written notice of the meeting sent by regular mail or hand delivered, to all property owners, *land-use jurisdictions, emergency service providers and school districts* with a *notification distance* of 10 metres for every one metre in height for a *freestanding antenna system* and for a *building/structure-mounted antenna system*.

b) *Notice Content Requirements*¹⁰

¹⁰ These requirements are those of Appendix 1 of the CPC as well as additional requirements suitable for the Islands Trust.

The *proponent* shall include at a minimum the following information in any mailed or otherwise delivered public notice:

- i. The proposed antenna system's purpose, the reasons why existing antenna systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable and future sharing possibilities for the proposal;
- ii. Information on the location within the community, the geographic coordinates and the specific property or rooftop, height, type, design and colour of the proposed telecommunication antenna system, including a copy of the site plan submitted with the application;
- iii. Description of the antenna that may be mounted on the supporting structure and simulated images of the proposal;
- iv. Identification of areas accessible to the general public and the access/demarcation measures to control public access;
- v. An attestation that the general public will be protected in compliance with Health Canada's Safety Code 6 including combined effects within the local radio environment at all times;
- vi. An attestation that the installation will respect good engineering practices including structural adequacy;
- vii. Transport Canada's aeronautical obstruction marking requirements (whether painting, lighting or both) if available; if not available, the proponent's expectation of Transport Canada's requirements together with an undertaking to provide Transport Canada's requirements once they become available;
- viii. Information on the environmental status of the project, including any requirements under the Canadian Environmental Assessment Act, 2012;
- ix. Clear information on the role of ISED as the sole approving authority for the siting of telecommunication Antenna system and that the LTA only provides a statement of siting concurrence/non-concurrence at the request of the proponent;
- x. Notice that general information relating to antenna systems is available on ISED Canada's Spectrum Management and Telecommunications website (<http://www.ic.gc.ca/towers>);
- xi. Reference to any applicable local land-use requirements such as local processes, protocols, etc.;
- xii. Information that comments and responses should be directed to the proponent and that all submissions received by the proponent will be forwarded to the LTA for their records;
- xiii. Information that citizens may request their name and contact information be kept confidential within the published records;

- xiv. The name and contact information of a contact person for the *proponent*;
- xv. The name and contact information of ISED;
- xvi. The name and contact information of the LTAs planner;
- xvii. An attestation that the *telecommunication antenna system* will respect Health Canada's *Safety Code 6* which sets safe radiofrequency emission levels for these devices; and
- xviii. The date, time and location of the public information meeting where required.
- xix. closing date for submission of written public comments (not less than 30 days from receipt of notification).
- xx. The notification shall be sent in an envelope addressed to the "Occupant" and/or "Tenants" and shall clearly show in bold type on the face of the envelope the statement: "NOTICE FOR RESIDENTS: NEW PROPOSED CELL TOWER - INFORMATION IS ENCLOSED."

5. *Public Information Session*

The LTA requests the *proponent* chair a public information meeting for all proposed *telecommunication Antenna system* exceeding 15 metres in height **or where there is significant public interest in the new free standing proposed telecommunication antenna system**. 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 the LTA's Island Planner;
- 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 LTA staff attendance and participation in the meeting.

6. *Online Community Engagement*

- A proponent may augment the public information session with an online forum to allow information sharing and feedback from people who may not be able to attend a public forum

Table A: Consultation and Information –Process Steps and Requirements: ISED & Augmentation		
Step	Default ISED Requirement	LTA Augmentation
Pre-consultation		
Informal meetings	None	Yes
Information about exempt antenna systems	None	Yes
Notification	None	Yes
Site investigation meeting	None	In some cases
Confirmation of LTA preferences and requirements	None	Yes
Application		
Initial application proposal	None	Yes
Submission Prior to Notification –for staff review and approval	None	○ Draft of all public notices ○ Address list and map of all property owners and residents to be notified ○ Draft of newspaper ads ○ Copy of written notice referencing emergency services providers referral comments
Public Consultation		
Written notice	Property owners within 3 X tower height prescribed distance	○ Include property owners and all residents, including seasonal residents
	Neighbouring land use jurisdictions, emergency service providers, and school districts within 3 X tower or building/ structure height	○ Community associations
Newspaper notice	Notice regarding proposal in one edition of a local newspaper	○ Proposal and information meeting ○ Optional community workshop ○ Two editions of local newspaper ○ Website and/or social media notification ○ Optional online forum
Notice content	12 points of the CPC Appendix 1 ‘Public Notification Package’	○ Site plan ○ Statement on respective roles of ISED and LTA
Public information session	None	○ For all proposals exceeding 15 m in height or where there is significant public interest

7. **Step 4: Request for Concurrence**

a) *Submission to the LTA: Request for Concurrence*

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

- 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.

b) *Statement of Concurrence or Non-concurrence*

Commentary

The purpose of this protocol is to provide the LTC with consistent procedures and information with which to evaluate the siting of a telecommunication antenna system. Following the commencement of the consultation period, the proponent may request a statement of concurrence from the LTC. Once a request is received, Islands Trust staff will prepare a report with a recommendation to the LTC. The staff report will include information on the proposed telecommunication antenna system, a site plan, the location of the proposal, an overview of the application and all public consultation materials submitted by the proponent for the Committee's review. It is the discretion of the LTC to provide a statement of siting concurrence or non-concurrence or- The proponent can ask for a decision from the LTC. If nothing is forthcoming, after a certain amount of time, they can ask ISED what to do next. Should a proposal ever go to impasse (rare), ISED will look at the default process as a minimum and also consider the LTC's protocol. In reaching a decision

the ISED will consider such questions as 'Did the proponent address all requirements?', 'Did the proponent adequately address all reasonable and relevant concerns?' and 'Can the proponent argue that the LTC's process was overly onerous and unrealistic?'

The statement of concurrence or non-concurrence shall occur within 120 days of acceptance of a complete application, unless otherwise agreed to by the proponent and ISED.

c) Duration of Concurrence

- i. Concurrence remains in effect for a maximum period of 3 years from the date it was issued by the LTC. If construction has not commenced within this time period, the concurrence expires and a new submission and review process, including public consultation as applicable, is necessary prior to any construction activity.
- ii. Request notification of intent to construct 60 days prior commencement of construction activity (OR, building permit).
- iii. Once concurrence has been issued, it may be transferred from the original proponent to another proponent without the need for further consultation provided that:
 - All information gathered by the original *proponent* is transferred to the new *proponent*;
 - The structure and *antenna system* for which the concurrence was issued to the original *proponent* is what the new *proponent* builds, and
 - Construction of the structure is begun within the duration of the concurrence period.

d) Letter of Undertaking

The Proponent may be required by the LTC to provide a Letter of Undertaking which may include the following requirements:

- i. posting of a security for the construction of any proposed fencing, screening or landscaping or
- ii. building permit requirements determined by the regulations of the _____Regional District.

H. Terms of Use of This Policy

The LTA is not in any way bound by this policy and is free to apply, or not apply, any evaluation criterion it deems appropriate in its consideration of applications.

4 LAND USE SITING CRITERIA

4.1 Introduction

Antenna systems should be sited and designed to respect local sensitivities and preferences as identified by the LTA, including making efforts to being unobtrusive and inconspicuous, minimizing visual impact, avoiding disturbance to natural features and reduce the need for future facilities in the same area, where appropriate.

Commentary

An outright ban on any type of antenna system is not defensible and may ultimately not be in the LTA's best interest as the ISED has the ultimate approval authority; better to have a progressive policy that recognizes telecommunication antenna systems need to go "somewhere" and use siting criteria to help proponents find the "least worst" spot. Siting criteria puts the LTA in a position of having some control, rather than being ultimately powerless.

These criteria address co-location, re-use, use of existing infrastructure, and new *antenna systems*.

Consideration is requested in the following order of priority:

1. **Co-location** on an existing Antenna System
2. **Re-use** of an existing telecommunication facility
3. Use of **existing infrastructure** such as a building rooftop or utility pole
4. **Stealth design** of a new antenna system
5. **New antenna system** structure

The proponent should review the guidelines identified below as early as possible and should attempt to resolve any outstanding issues prior to submitting its *antenna system* siting proposal and undertaking the public consultation, where required by the LTC. Because expressed preferences may be location or site specific, the proponent is encouraged to discuss the guidelines fully with Islands Trust planning staff during a preliminary meeting.

Proponents are also required to obtain all applicable building permits for additions and/or modifications to existing buildings. `

4.2 Criteria

Before submitting a proposal for an *antenna system* on a new site, the *proponent* must explore the following options:

- consider *co-location* by sharing an existing *antenna system*;
- explore modifying or replacing a structure if necessary; and

- locate, analyze and attempt to use any feasible **existing infrastructure**, including (but not limited to) rooftops, water towers, utility poles or light standards; and
- explore the feasibility of designing a new antenna system where the visibility of the equipment is minimized from street level, including shrouding or stealth design.

Where *co-location*, re-use, modification, use of existing infrastructure, or a *stealth design* of a new structure is not feasible, a new *antenna system* should be designed with *co-location* capacity, including in *residential areas* when identified as the LTA's preference.

The LTA recognizes that the objective of promoting *co-location* and the objective of making *antenna systems* less noticeable may sometimes come into conflict. Nevertheless, the LTA intends to review each submission on its merits with a view to promoting both objectives and, where necessary, will determine the appropriate balance between them. The *proponent* should, in all cases, verify the LTA's site-specific criteria preferences during the pre-submission consultation process before investing in a final design or site.

A. Preferred locations

When new *Antenna systems* must be constructed, **where technically feasible**, the following locations are preferred:

1. Buildings & Infrastructure

- Existing buildings and/or structure mounted *antenna systems*
- Areas that can access fiber optic networks to allow for backhauling into the fiber optic network

2. Land Use Preferences

- Industrial use land
- Agricultural use land
- Highway or service commercial use land (excluding mixed residential use)
- Land owned by the Islands Trust or another government entity
- Utility institutional use land were appropriate, but not limited to those institutions that require telecommunications technology, emergency services, hospitals, colleges
- BC Hydro utility corridor rights of way
- Low density *residential areas* as defined by the Local Trust Area

B. Distance Considerations

- Distance of new free-standing towers from existing Safety shall be at least one (1) times the height of the proposed tower.
- Notwithstanding the distance of one (1) times the height of a proposed tower from property lines, the distance may be increased by the Local Trust Committee to a maximum of (3) times the height of the proposed tower. The LTC should consider a guideline of increasing the setback by up to 25% if it is reasonably anticipated that the tower may be **increased** in height by up to 25% in the future and otherwise be exempt from any public consultation process.
- Notwithstanding the distance of one (1) times the height of a proposed tower from property lines, the distance may be **decreased** if the location is consistent with the land use preferences of Article 4.2 A. 2 Preferred Locations and avoids discouraged locations of Article 4.2 C Discouraged Locations.
- Setbacks from property lines adjacent non-residential uses may invite special consideration in the Land Use Bylaw. The setbacks should serve to separate *Antenna systems* from adjacent development without unduly affecting the development potential of the lot over the lease period.

C. *Discouraged Locations*

All Antenna Systems

- 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

Free-standing Antenna Systems

- Medium and high density *residential areas* as defined by the Local Trust Area
- Schools, daycare facilities, playgrounds and similar facilities
- Areas that adversely impact view corridors
- Heritage areas (unless visibly unobtrusive) or on heritage structures unless it forms an integrated part of the structure's overall design (i.e. through the use of stealth structures).
- Sites of topographical and geographic prominence
- Sites that detrimentally affect the scenic quality of a corridor.
- Sites that detrimentally affect the foreground views of residents;

D. *Incentives*

Model Strategy for Antenna Systems—Local Planning Committee

All or part of the public consultation requirements may be waived for *antenna systems* proposed on sites that are consistent with OCP policy, preferred siting locations, that exceed setback considerations, feature innovative design to a high standard and embrace infrastructure as art, included shrouded or internal antennae, and avoid discouraged locations.

In all cases, however, the *proponent* is required to provide **information** regarding the proposed antenna system in accordance with Section 3.2 E. Notification and Municipal Review of Exempt Antenna system.

E. Criteria not to address

As described in the CPC, *proponents* have specific obligations subject to federal requirements. Additional obligations may not be imposed; however, it is appropriate to ask questions and seek clarification concerning their steps and alternatives available to satisfy these requirements.

Proponents must comply with the following:

- Health Canada's public radio frequency exposure guidelines – Safety Code 6 (Limits of Human Exposure to Radio Frequency Electromagnetic Energy in the Frequency Range from 3 kHz to 300 GHz – Safety Code (2009);
- Radio Frequency Interference and Immunity – EMCAB-2—Criteria for Resolution of Immunity Complaints Involving Fundamental Emissions of Radiocommunications Transmitters;
- Canadian Environmental Assessment Act, 2012 –CEAA 2012; and
- Aeronautical Safety—Transport Canada and NAV CANADA requirements for aeronautical safety.

5 MODEL OFFICIAL COMMUNITY PLAN POLICIES

5.1 Advocacy Policies

1. Health Canada should continue to evaluate health impacts of electromagnetic radiofrequencies from telecommunication facilities, including towers, to ensure that detrimental effects on human health do not occur.
2. Support efforts to expand electronic communications and infrastructure within the community provided it can be demonstrated that such is in compliance *with the Canadian Environmental Assessment Act (CEAA), and the Safety Code 6 of the Health Act*.
3. Support multi-Island public organizations such the Southern Gulf Islands Economic Sustainability Commission in its objective of improving the telecommunications services in the Gulf Islands.
4. Endorse the Canadian Radio and Television Commission policy statement on high speed broadband, especially by cable, as a basic service.
5. Encourage telecommunication providers to retain and increase the number of pay telephones in areas with poor cell coverage as an emergency back-up.
6. Encourage telecommunication providers to re-assess its fibre optic cable within the Local Trust Area (LTA) for public and institutional access and to allow third party access.
7. Promote the role of public and private wireless “hot spot” providers in improving connectivity.
9. Establish a fee schedule to recover reasonable staff and process expenditures to recover costs from telecommunication *proponents* with consideration given to the costs to Islands Trust to evaluate and process proposals.

5.2 Land Use Policy

A. Siting Objectives

1. Antenna Systems should be sited and designed to respect local sensitivities and preferences as identified by the LTA, including being unobtrusive and inconspicuous, minimizing visual impact, avoiding disturbance to natural features and reduce the need for future facilities in the same area, where appropriate.
2. Where *antenna systems* are proposed consideration is requested in the following order of priority:
 - a) **co-location** on an existing antenna system;
 - b) **re-use** of an existing telecommunication facility;

Model Strategy for Antenna Systems—Local Planning Committee

- c) use of **existing infrastructure** such as a building rooftop or utility pole;
 - d) *stealth design* of a new antenna system; and
 - e) **new** antenna system structure.
3. Where *co-location*, re-use, modification, or use of existing infrastructure is not feasible, a new *antenna system* should be designed with *co-location* capacity, including in *residential areas* when identified as the LTA's preference.
 4. The LTA recognizes that the objective of promoting *co-location* and the objective of making *Antenna systems* less noticeable may sometimes come into conflict. Nevertheless, the LTA intends to review each submission on its merits with a view to promoting both objectives and, where necessary, will determine the appropriate balance between them.

B. Land Use Preferences

1. When new *antenna systems* must be constructed; **where technically feasible**, and such systems are not of *stealth design* or otherwise exempt from public consultation, they should be sited in the following land use categories:
 - industrial use land;
 - highway or service commercial use land (excluding mixed residential use);
 - utility institutional use land is appropriate, but not limited to those institutions that require telecommunications technology, emergency services, hospitals, colleges;
 - BC Hydro utility corridor rights of way;
 - low density *residential areas*; and
 - agricultural use land.
2. In all land use designations, the following building and infrastructure considerations are preferred:
 - use of existing buildings and/or structure mounted *antenna systems*; and
 - siting in areas that can access fiber optic networks to allow for backhauling into the fiber optic network.

C. Setback Considerations

1. Preferred *setbacks* between antenna systems and lot lines should be at least 1 (one) times the height of the free-standing tower; the Local Trust Area may choose to adjust this preferred setback to reflect local conditions and preferences.
2. Notwithstanding a preferred *setback* distance of a proposed tower from residential uses, the setback distance may be **decreased** if the location is consistent with the land use

preferences of Article 5.2 B. 2 Land Use Preferences and avoids *discouraged locations of Article 5.2 D Discouraged Locations*.

3. Setbacks from non-residential uses may be determined on a case by case basis and should serve to separate *antenna systems* from adjacent development without unduly affecting the development potential of the lot over the lease period.

D. Discouraged Locations

1. Land use

- Medium and high density *residential areas*
- Schools, daycare facilities, playgrounds and similar facilities
- Areas that adversely impact view corridors
- Heritage areas (unless visibly unobtrusive) or on heritage structures unless it forms an integrated part of the structure's overall design (i.e. through the use of stealth structures).
- Nature protection areas
- Environmentally sensitive ecosystems

2. Other considerations, irrespective of land use designation

- Locations directly in front of doors, windows, balconies or residential frontages
- Community gathering places such as community halls, churches, commercial eating & drinking establishments
- Sites of topographical and geographic prominence

6 ON-LINE BROCHURE ON THE DEFAULT ISED PUBLIC CONSULTATION & APPROVAL PROCESS AND THE ROLE OF ISLANDS TRUST

Pending – in design phase

7 DEFINITIONS

Antenna system (also telecommunication antenna system) means an exterior transmitting device – or group of devices – used to receive and/or transmit radio-frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas. *antenna system* includes the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter. This *protocol* refers to the following three types of *telecommunication antenna system*, defined below;

Building/structure-mounted antenna system means a *telecommunication antenna system* mounted on an existing structure or building and for the purposes of height calculations, height shall be measured from the base of any building or structure to the most elevated portion of any antenna system.

Freestanding antenna system means a structure built from the ground for the expressed purpose of hosting transmitting devices; and

Tree-mounted antenna system: means an antenna system mounted on a tree.

Co-location means the placement of antennas and equipment operated by one or more *proponents* on a *telecommunication antenna system* owned by a different party, thereby creating a shared facility;

Community association means an active area or neighbourhood specific group or association within a LTA;

Distance the horizontal distance measured from the lot line to the base of a proposed freestanding antenna system or the base of any building or structure to which an antenna system is mounted to a structure, building, or facility.

Emergency service providers means any police, fire, ambulance or search and rescue organization with a typical response area within the *notification distance* of a proposed *telecommunication antenna system*;

Localized content means any public consultation materials, supporting documentation and/or other relevant promotional material provided by a *proponent* for a proposed *telecommunication antenna system* which has been tailored specifically to the context of the LTA;

Neighbouring land-use jurisdiction means any land-use authority or First Nations within a *Prescribed Notification Distance* of any proposed *telecommunication antenna system*;

Prescribed notification distance: measured horizontally from the outside perimeter of the supporting structure of the proposed *freestanding* or *building/structure-mounted antenna system*. The outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower;

Proponent: means a company or organization, including contractors or agents undertaking work for telecommunication carriers, for the purpose of providing commercial telecommunication services;

Protocol: means any written local guideline, policy or process that addresses the issue of antenna placement;

Residential area: means lands used or zoned to permit residential uses, including mixed uses (i.e. where commercial use is permitted with residential use on the same lot).

School District: means an area created or constituted as a school district under the *School Act*;

Sensitive community locations: means institutions and services, such as schools, daycares, recreation facilities, public parks, or other sensitive locations;

Stealth design: means a design of an antenna system that camouflages the antenna and supporting structure as something else such as a tree, water tower, flag pole, component of a building, or similar means.

Telecommunications antenna system: see antenna system definition.

8 APPENDIX: ANTENNA DESIGN MATRIX

Telecommunication Design

Typical Towers Designs

Guyed



Self-Supporting



Monopole



Height	30-120 m	45-60 m	14.9-45 m
Application	Rural	Rural/Suburbs/City	Rural/Suburbs/City
Compound Footprint	100m x 100m (H x 0.8 x 2)	Min. 20m x 20m	10m x 10m
Tower Diameter	Base of Pole min. 1m	Base min 10% height (H x .1 = face width)	Base footprint dependent on loading, geotechnical, environmental

Monopole Tower Designs

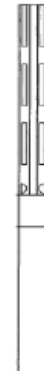
Monopole 1
(pin wheel)



Monopole 2
(flush mount)



Monopole 3
(shrouded)



Pin wheel allows tower to accommodate a larger number of antennas for futures &/or other carriers.	Flush mounted antennas minimize overall massing of the tower, but limit opportunity for future antennas, or space for other carriers	Antennas fully hidden, but diameter of the pole is wider to accommodate microwave. Can be slimmer if there is fibre to site. *Note: shrouded design does not currently support AIR antenna w. integrated RRU's
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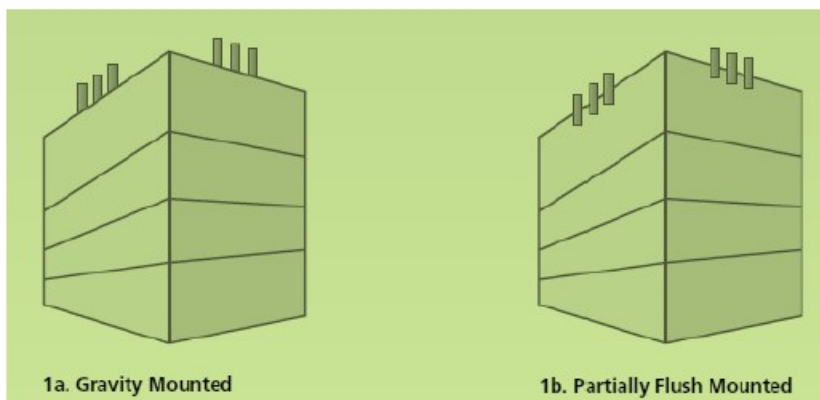
Telecommunication Design

Tripole Tower Designs



Height	14.9m-60m
Application	Rural/Suburbs/City
Compound Footprint	Medium footprint 20m x 20m
Tower Diameter	* Note: Base footprint dependent on loading, geotechnical, environmental

Rooftop antennas



Telecommunication Design

Utility Poles



Light Standards





Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality May 2019

Regional Conservation Plan

All of the work the Islands Trust Conservancy undertakes and reports on is guided by the science-based and community-informed 2018-2027 Regional Conservation Plan. The ITC continues to work towards four long-term goals (science-based conservation planning, collaboration with First Nations, protection of core conservation areas and a strong voice for nature conservation) and 25 objectives that further conservation in the entire Trust Area. The following is an update on the ITC activities from the May 2019 ITC Board meeting to meet these goals.

Islands Trust Conservancy Board Policy and Bylaw Revisions

Goal 4 – A strong voice for nature conservation, core ITC business and operations.

- The ITC Board gave first, second and third readings to Bylaw No. 2, the “Islands Trust Conservancy Meeting Procedures Bylaw, 2019.” The new bylaw replaces Bylaw No.1 and reflects the ITC name change, allows for the election of a Vice Chair and adds reference to committee meetings. The Board also amended Policy 1.2 Islands Trust Conservancy Board and Committee Elections.

Fund Development Advisory Committee (FDAC)

Goal 4 – A strong voice for nature conservation, Objective 4.1 – Develop and expand fundraising strategies to support Islands Trust Conservancy programs.

- The ITC Board received and approved the ITC Fund Development Advisory Committee Terms of Reference and Operating Guidelines.

2017-2018 Annual Report

Goal 4 – A strong voice for nature conservation, Objective 4.3 Continue to develop the Islands Trust Conservancy brand and promote organizational recognition through telling of the Islands Trust Conservancy story.

- The ITC Board received and approved the text for inclusion in the 2017-2018 annual report.

Canada Nature Fund

Goal 4 – A strong voice for nature conservation, Objective 4.1 – Develop and expand fundraising strategies to support Islands Trust Conservancy programs.

- The ITC Board discussed potential options for participating in the federal funding announced in 2018.

Draft Reconciliation Action Plan and Reconciliation Declaration

Goal 2 – Collaboration with First Nations, Objective 2.1 Amend or redraft policies, procedures, plans, document templates and reports to include acknowledgement and consideration of First Nations.

- The ITC Board direct staff to develop a specific draft reconciliation declaration and action plan for the Islands Trust Conservancy.

Executive Committee Liaison Meeting Draft Agenda

Goal Three- Objective 3.6 - Participate in significant ecosystem conservation opportunities related to land use planning in collaboration with local trust committees and island municipalities.

- The ITC Board discussed and approved the agenda items for the upcoming, annual Executive Committee Liaison Meeting.

Fire Smart from a Conservation Perspective

Goal One – Science-based Conservation Planning, Objective 1.3 - Investigate opportunities for protection of important conservation areas with partners.

- The ITC Board discussed the issues around fire safety and ecosystem management on ITC owned or protected properties.

Current Islands Trust Area Activities

Goal Three – Protection of Core Conservation Areas – Objective 3.1 – Manage islands Trust Conservancy conservation areas responsibly and strategically for ecological integrity, species and ecosystems at risk, known threats, public safety and protection of identified features using the Property Management strategy.

- The ITC has completed the management plan for Fairyslipper Forest Nature Reserve on Thetis Island, is nearing completion of three nature reserve management plans on Gambier Island, and is working on management plans for three nature reserves on Denman Island and one nature reserve on Lasqueti Island. Property monitoring was completed on Bowen, Denman, Hornby, Gabriola, Gambier, Lasqueti, Link, Little D’Arcy, Saturna, Sidney and Thetis Islands. Property monitoring is underway on North Pender and Salt Spring Islands and is being planned for Galiano, South Pender, and South Winchelsea Islands.

Current Island-by-Island Activities

Goal Three – Protection of Core Conservation Areas – Objective 3.1 – Manage islands Trust Conservancy conservation areas responsibly and strategically for ecological integrity, species and ecosystems at risk, known threats, public safety and protection of identified features using the Property Management strategy.

Please feel free to contact the Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

Islands Trust Conservancy itcmail@islandstrust.bc.ca

Denman

Management planning for three nature reserves, including the Valens Brook Nature Reserve addition, is under way. New ten-year management plans for Inner Island and Lindsay Dickson nature reserves will be completed in 2019. Property monitoring on Denman has been completed for 2019. Invasive species management activities continue at Inner Island, Lindsay Dickson, and Morrison Marsh nature reserves.

Gabriola

Expansion of the boardwalk over wet areas and exposed roots on the west side of the loop trail in Elder Cedar Nature Reserve has been completed and construction of a 93-ft boardwalk across a seasonally flooded section of trail in the northeast corner is planned for 2019. Property monitoring on Gabriola has been completed for 2019.

Galiano

Trail maintenance is being planned for Vanilla Leaf Land Nature Reserve in partnership with the Galiano Conservancy Association. Invasive species removal and annual cormorant nest monitoring are being planned for Trincomali Nature Sanctuary in partnership with the Habitat Acquisition Trust.

Gambier

Management planning for three Gambier Island nature reserves (Brigade Bluffs, Long Bay Wetland, and Mount Artaban) is nearing completion. Property monitoring on Gambier has been completed for 2019.

Lasqueti

The ITC and the Lasqueti Island Nature Conservancy (LINC) have met the fundraising goal for the Salish View acquisition campaign. Staff are continuing working to finalize the land transfer. Once the land transfer is complete, the ITC will begin public consultation on the draft management plan. Forest restoration activities at Mount Trematon Nature Reserve, led by LINC, have been completed for 2019 with assistance from Katimavik volunteers. Property monitoring on Lasqueti has been completed for 2019.

Link Island

ITC staff attended a celebration event at Link Island with the landowners and co-covenant holder (Nanaimo and Area Land Trust) and installed conservation covenant signage. Property monitoring on Link Island has been completed for 2019.

North Pender

The ITC Board discussed a referral from the North Pender Island Local Trust Committee for Bylaw No. 220. The subject property for the bylaw is adjacent to the Medicine Beach Nature Sanctuary. The ITC Board noted concerns about the effects of light pollution on many animal species, including bats, and concerns about storage of toxic materials on the site. Staff provided the ITC Board response to the local trust committee and followed up with planning staff

Please feel free to contact the Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

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regarding best management practices for external lighting and wildlife. Property monitoring on North Pender is under way.

Salt Spring

The ITC Board considered a referral from Salt Spring Island planning staff regarding a Development Variance Permit for lands adjacent to the Lower Mount Erskine Nature Reserve. The ITC Board indicated that its interests are not significantly impacted and directed staff to work with the Salt Spring Island Planner to follow up with the landowner to provide information regarding conservation options to provide a natural buffer for the nature reserve. Property monitoring on Salt Spring is under way.

Thetis

The ITC Board approved a management plan for the Fairyslipper Forest Nature Reserve, which includes a commitment to developing a parallel *Management Plan for Areas of Cultural Heritage and Sacred Significance* with a flexible timeline. ITC is collaborating with Thetis Island Nature Conservancy and Cowichan Community Land Trust on the design and building of a publicly accessible trail loop in the nature reserve, with a trail opening celebration tentatively scheduled for Earth Day 2020. ITC staff plan to install signage informing the public of Thetis Island nature reserve boundaries later this year.

Please feel free to contact the Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

Islands Trust Conservancy itcmail@islandstrust.bc.ca



Islands Trust

Print Date: August 12, 2019

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
TH-SUB-1998.1	TRAX DEVELOPMENT LTD C/O WRIGHT FOCUS ENGINEERING LTD Planner: Marnie Eggen	25-Sep-1998	Phased Strata Subdivision 'Meadow Valley Properties' phased strata to create 21 strata lots from 4 parent parcels
Planning Status			
Status Date: 05-Feb-2019 No change.			
Status Date: 19-Jul-2016 MOTI issued 1 yr. extension.			
Status Date: 18-Dec-2015 Staff comments provided to MOTI.			
File Number	Applicant Name	Date Received	Purpose
TH-SUB-2014.1	J.E. Anderson & Associates Planner: Ian Cox	23-Jun-2014	Ruxton Island to create 2 parcels from 3 existing lots
Planning Status			
Status Date: 24-Oct-2018 Update email sent to MOTI and copied to applicant to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.			
Status Date: 02-Oct-2017 Require final subdivision plans before IT can issue final letter.			
Status Date: 13-Jun-2017 MOTI letter stating they are willing to accept a 10 metre setback, as in the LUB, instead of 15 metres as in the original PLA.			
File Number	Applicant Name	Date Received	Purpose



Islands Trust

Print Date: August 12, 2019

Applications

TH-SUB-2015.1

Polaris Land Surveying Inc. 19-Aug-2015

PID:007-818-459 The proposed subdivision will create 2 parcels (including remainders) and the intended use of the land and/or buildings and structure is residential.

Planner: Marnie Eggen

Planning Status

Status Date: 19-Sep-2017

Final letter of approval sent to MOTI

Status Date: 25-May-2017

Covenant approved by RWM

Status Date: 25-May-2017

Awaiting final plan of subdivision before giving final approval.

Islands Trust
 LTC EXP SUMMARY REPORT F2020
 Invoices posted to Month ending June 2019

670 Thetis	Invoices posted to Month ending June 2019	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-670	LTC "Trustee Expenses"	218.00	279.86	-61.86
LTC Local				
65200-670	LTC - Local Exp - LTC Meeting Expenses	964.00	837.94	126.06
65210-670	LTC - Local Exp - APC Meeting Expenses	411.00	0.00	411.00
65220-670	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-670	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>1,919.00</u>	<u>837.94</u>	<u>1,081.06</u>
Projects				
73001-670-4090	Thetis Ruxton Island Private Moorage	<u>1,200.00</u>	<u>1,582.19</u>	<u>-382.19</u>
TOTAL Project Expenses		<u>1,200.00</u>	<u>1,582.19</u>	<u>-382.19</u>

Thetis Island Local Trust Committee Policies & Standing Resolutions

No.	Meeting Date	Resolution No.	Issue	Policy
1.	July 3, 2012	TH-03-2012	Professional Minute taker for APC meetings	that the Thetis Island Local Trust Committee authorizes the payment of funds from its local expense account to pay for a minute taker for Advisory Planning Commission meetings.
2.	August 28, 2018	TH-2018-036	Suspension of enforcement action regarding unlawful non-tourist accommodation at 49 Harbour Road	that the Thetis Island Local Trust Committee adopt the following standing resolution: 1. That whereas the Thetis Island Local Trust Committee intends to facilitate a community process to consider allowing Temporary Use Permits (TUP) to permit temporary non-tourist accommodation use, staff are directed to take no enforcement action against properties where temporary accommodations used for non-tourist accommodation exist. In particular, staff are directed to suspend enforcement action regarding unlawful non-tourist accommodation at 49 Harbour Road, Strata Lot B, District Lot 1, Thetis Island, Cowichan District, Strata Plan EPS644; together with an interest in the Common Property shown in proportion to the unit entitlement to the Strata Lot show on Form V. PID 028-987-691. 2. That nothing in this enforcement policy should be interpreted as giving permission to any party to violate Thetis Island Land Use Bylaw No. 89 and the Thetis Island Local Trust Committee may change this policy at any time and may give direction to commence enforcement activities with respect to the identified properties at any time without notice. That unless the Thetis Island Local Trust Committee extends the effective period, this enforcement policy expires on July 30, 2019, or when the temporary use permit review project is complete, whichever is the sooner.
3.	August 28, 2018	TH-2018-041	Non-medical cannabis retail applications	that the Thetis Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal. • However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500

				metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: ○ Name of the applicant and a description of the proposal in general terms ○ The location of the proposed establishment and the subject site ○ The place where, date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered. ○ The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application ○ How public comments may be submitted to the Local Trust Committee.
4.	December 12, 2018	TH-2018-053	Cannabis License Applications	that the Thetis Island Local Trust Committee adopt the following standing resolution: • that the Thetis Island Local Trust Committee requests that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust.
5.	February 22, 2019	TH-2019-020	Electoral Area Director	that the Thetis Island Local Trust Committee adopt the following standing resolution: that the Thetis Island Local Trust Committee request staff to circulate future meeting agendas to the Electoral Area Director and provide an invitation to attend or provide reports to the Local Trust Committee.
6.	April 23, 2019	TH-2019-026	LTC to engage in Reconciliation with local First Nations, governments and the island community	that the Thetis Island Local Trust Committee adopt the following standing resolution: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory;

				c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government to government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.
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Top Priorities Report

Thetis Island

1. *Riparian Areas Regulation Implementation*

Ensure protection of freshwater ecosystems in the Ralston Creek watershed through review of current regulation and covenants, and possible bylaw amendment.

Responsible

Marnie Eggen

Dates

Rec'd: 07-Sep-2011
Target: 15-Nov-2014

2. *Ruxton Island Private Moorage Review*

Review regulation regarding private moorage related structures.
Project Charter v.4 endorsed by LTC on Dec. 11, 2018.
Bylaw No. 103 adopted.

Responsible

Marnie Eggen

Dates

Rec'd: 11-Jan-2017

3. *Relationship Building with Local First Nations*

Potential topics to explore:
Bylaw referrals; Land & marine use on & around Lyackson Island; Shared Narrative of Place; Co-governance/co-management; follow up from Associated OCP/LUB review:land use considerations for clam gardens; explore private docks as a permitted use; potential impacts of ocean geothermal loops; switchback fencing in setback to the sea

Responsible

Marnie Eggen

Dates

Rec'd: 27-Feb-2018

Projects Report

Thetis Island

1. <i>LUB Amendments</i>	Responsible	Date Received
·short-term vacation rentals of principle dwellings in the R-2 zone ·rainwater storage requirements ·construction of a storage building prior to construction of a principal dwelling.		07-Sep-2011
2. <i>Island-wide watershed protection</i>	Responsible	Date Received
TBD		21-Nov-2012
3. <i>Pilkey Point / Marina Drive Slough Support for Habitat Restoration</i>	Responsible	Date Received
		20-Nov-2013
4. <i>Sensitive ecosystems education and engagement</i>	Responsible	Date Received
Environmental education and engagement efforts, in particular with owners on the Associated Islands, to explore ways to protect sensitive ecosystems in the Area.		19-Mar-2014
5. <i>Associated Islands OCP and LUB</i>	Responsible	Date Received
Develop new OCP and LUB to replace Ruxton Island Zoning Bylaw, 1982, CVRD Bylaw 110, and to include other islands with no zoning. Scope does not include Valdes Island, but includes establishing a Memo of Understanding with the Stzuminus Nation for a stakeholder process regarding Bute and Dunsmuir Islands.		07-Sep-2011



Projects Report

Thetis Island

	Responsible	Date Received
6. Letter of Understanding between the Thetis LTC and the Cowichan Valley Regional District.		
Planning staff to begin drafting once project progresses to Priorities.		24-Nov-2015
7. Amendments to Thetis Island OCP and LUB; staff to provide staff report when time permits.		
Moved back to Projects List:		12-Jan-2017
- (housekeeping)4.3(d) amend to say: In addition to s. 4.3(a), (b), and (c)...		
- (housekeeping) objectives and policies re sea level rise (was resolution to include in draft but did not make it in to adopted OCP).		
- OCP/LUB amendments to consider ocean loop geothermal exchange systems.		
- explore measures to address impacts of wharf related structures.		
8. Review of Development Permit Areas and development of a Development Approval Information		
Dec. 11, 2018: Incorporation of the Regional Conservation Plan, Coastal Douglas-fir and Associated Ecosystems Toolkit, Riparian Areas Regulation (RAR) Implementation, and Shoreline Protection.		21-Feb-2017
9. Consolidating lots for community benefit of Ruxton Island.		
		17-Oct-2017

Projects Report

Thetis Island

10. Review Thetis Island TUPs to include non-tourist accommodation.	Responsible	Date Received
To be advanced to top priorities at earliest convenience.		17-Apr-2018
11. "Thetis Associated Islands Land Use Bylaw Amendment, Ruxton Island Community Dock	Responsible	Date Received
Reference Ruxton Island Private Moorage Structures project for prelim consultation.		22-May-2018
12. Incorporation of the Regional Conservation Plan into Thetis LTA OCPs and LUBs	Responsible	Date Received
Investigate and provide recommendations on how to incorporate the plan elements into Thetis, Valdes, and Associated Islands OCPs and LUBs.		28-Aug-2018
13. Cannabis Production and Retail Sales	Responsible	Date Received
Consideration of regulations to guide cannabis production and retail sales activities.		11-Dec-2018
14. Affordable Housing Strategy	Responsible	Date Received
Housing for young families, workers and seniors; community engagement		11-Dec-2018