



ADOPTED

Galiano Island Local Trust Committee Minutes of Special Meeting

Date: October 17, 2017
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

Members Present: Laura Busheikin, Chair (via phone)
Sandy Pottle, Local Trustee (Acting Chair)
George Harris, Local Trustee

Staff Present: Rob Milne, Islands Planner
Colleen Doty, Recorder

Special Advisory Planning Commission Members Present: Kiyo Okuda, Member
Stephen Rybak, Chair

1. OPEN HOUSE

Approximately 25 members of the public attended.

2. CALL TO ORDER

The Community Information Meeting was called to order at 1:30 p.m. Due to weather conditions Chair Busheikin could only join by phone. Trustee Pottle chaired the meeting in her absence. Acting Chair Pottle acknowledged the meeting was held on un-ceded territory of Coast Salish First Nations. Introductions were made.

3. APPROVAL OF AGENDA

By **general consent** the agenda was approved as presented.

4. COMMUNITY INFORMATION MEETING

4.1 Telecommunications Tower Protocol

The LTC received correspondence from **Joan Robertson** and **Rose Longini**.

Stephen Rybak, Chair of the Special Advisory Planning Commission (SAPC), provided a summary of the reference materials and work of the SAPC.

Planner Robert Milne provided a presentation entitled "Galiano Island Antenna System Siting and Consultation Protocol" (the "Protocol"). He noted that documents such as the draft Protocol are not adopted by Bylaw; thus, there would not be a Public Hearing on the matter.

Paul Leblond congratulated members of the SAPC for producing an informative report. He referenced a 2016 Supreme Court of Canada judgment in favour of Rogers Communications Inc., which had sued the Quebec city of Châteauguay for trying to block its efforts to erect a cell tower [Rogers Communications Inc. v. Châteauguay (City), 2016 SCC 23, [2016] 1 S.C.R. 467.] Mr. Leblond was surprised this case was not referenced in any of the Protocol materials, for the judgment seemed at odds with the notion of local government concurrence.

Kiyo Okuda noted the SAPC were unaware of this judgment. The SAPC had specific instructions. Mr. Okuda noted that the Islands Trusts preserve and protect mandate has been defended and supported by the courts.

Stephen Rybak noted that courts have also upheld the decision of some jurisdictions, using similar protocols, to not concur.

Sheila Anderson asked whether, with the Protocol in place, it were possible for a cell tower to be built closer than 500 metres to a residence.

Stephen Rybak stated it would be up to the LTC to judge each application by its merits, but that the Protocol supports having 500m as a buffer for Wireless Telecommunications Service Providers and Broadcasters for towers under and over 15 metres in height. The 500 metres was selected because it had been used in the past. Different measures have been used in different jurisdictions.

Planner Milne noted that Industry Canada (IC) has provided a tool for local governments to craft their own consultation protocol. Through this process, local governments have the ability to have some say.

Sheila Anderson would like to see a clear direction to LTC to not have any towers within 500 metres of any residence.

A/Chair Pottle noted that the SAPC had recommended that no tower be placed within 500 metres of any residence.

Stephan Rybak noted that the Protocol was designed to be technology-neutral. Whatever the proposal, it would have to be judged on its own particular merits.

Kiyo Okuda referred to an epidemiological study of exposure limits at 500m.

Francis Moyle asked whether a proponent would have to demonstrate the anticipated coverage of their proposal.

Kiyo Okuda noted the topography of Galiano and resulting challenges with reception. Because the process is proponent driven, he hoped the LTC could have some authority to make decisions on the strength of proponents' applications based on the principle of prioritizing who receives the benefits: 1) Islanders first, 2) visitors second, 3) rest of BC last.

Stephen Rybak noted that the Protocol underlines that they would like to see evidence of the benefits anticipated.

A member of the public asked whether tower height would be a consideration given by the LTC in weighing a possible application.

Stephen Rybak noted that tower height could be among the conditions.

Tom Hennessy indicated that he himself has been affected by microwave radiation. He urged the LTC to use the Precautionary Principle when evaluating future antennae proposals. He referred to a number of scientific studies showing harmful impacts of microwave radiation, and provided some of his research to the LTC. Among those studies is the Bio-Initiative Report of 2012, which cites numerous health risks associated with chronic exposure to electromagnetic fields and radiofrequency radiation.

Paul Leblond requested a clarification with respect to Proponent Category #4, Private Individuals.

Kiyo Okuda provided clarification.

Discussion followed with respect to third party installers.

Stephen Rybak wanted to see precise language on public participation and consultation to ensure community expectations are clear. He also recommended that proponents be required to advise on the environmental impacts of the particular proposal, noting that the LTC had a better chance of saying non-concurrence because of flora and fauna rather than health concerns for people. Lastly, he noted that proponents need to demonstrate, in their proposal, the benefits to this island.

Kiyo Okuda referred to the chain of authority and noted that consultation guidelines were developed within that framework. While IC has the ultimate authority, he was disappointed that the "Preserve and Protect" Islands Trust mandate was not shown in the staff version of the Protocol. Local land use authorities may develop protocols, but public consultation is not required for installations under 15 metres. He referred to a proliferation of installations under 15 metres because there is no requirement for public consultation. Mr. Okuda acknowledged that his position, with respect to BC Hydro's Smart Metres being defined as telecommunications and made to comply with IC standards, is contrary to the SAPC majority view. Proponents are supposed to consider the local radio-environment. He was concerned that IC likely does not have a record of installations and would like to see the LTC keep a record, to inform residents.

Sheila Anderson would like to see the Precautionary Principle put back into the Staff Report.

There was discussion about Health Canada's Safety Code 6 (SC6) and Smart Metres.

Stephen Rybak recommended people read a recent study by the Centre for Disease Control (2016) referencing Smart Metres.

Peter Midgley, former SAPC Commissioner, clarified that IC have regulations in effect for Smart Metres and that they do comply. He noted that Parker Island, Phillimore Point and other islands, will never have land lines. His further comments:

- 1) With respect to the draft Protocol recommendation to add BC Hydro Right of Ways as preferred locations: There are only three (3) towers with base elevations over 200 metres. Their locations are not optimal, nor is their road access, or power supply. Even though power is being sent over to Vancouver Island, it does not mean there is power available at the site. Solar sites have stiff regulations.
- 2) With respect to the recommendation to have the LTC provide information on the local radio-environment, he thought this would be onerous for staff, who have indicated they did not have the ability to provide that information.
- 3) Requirements to have antenna beam lengths and widths might be too much.
- 4) Requirements to have SC 6 compliance levels sounds confusing in the Protocol, but is not, in reality.
- 5) He claimed responsibility for having drafted complex details in the consultation protocol, and emphasized that it would be helpful to see that information in a proponent's application.

He reminded the LTC of a petition of 480 names requesting improved cellular service and connectivity. He also referenced the SAPC survey where a high percentage of people supported improved telecommunications. He noted the market is small, and not attractive to proponents. To justify any improvements to Galiano, we may have to accept improved service to others, as well.

A/Chair Pottle asked whether there was any device that could measure EMF.

Mr. Midgley responded there were several receivers that could add up all EMF's; however, the challenges inherent with such an approach were noted.

Dawn Lybarger expressed concern about the demographic present at the CIM. With the timing of the meeting falling within business hours, many working people were unable to attend. She thought after-hours meeting times were better and would like to see a wider sampling of public consultation.

Ed Andrusiak echoed thanks to the SAPC. He was concerned about disaster-resilience and would like to see resilience factors worked into the Protocol to account for high winds, fires, earthquakes.

Trustee Harris, while acknowledging the point, noted it was the job of engineers of proponent technology to consider resilience factors.

Kiyo Okuda referred to the last page of the SAPC Final Report, showing geographic correlations from mail survey respondents (not online survey respondents) and satisfaction levels. The most unsatisfied group (75%) were

located in zone 9. Also, many respondents were satisfied without internet. He noted the potential for fibre-optic; Galiano already has fibre-optic cable across it.

There was discussion about SC6 and its latest revision in 2015.

A member of the public noted that cell phones should be 5cm away from the body.

Stephen Rybak would like to see the public consultation section in the staff version of the Protocol strengthened. He thought that section 4.6.6 (p. 28) of the SAPC report was more robust.

Planner Milne noted that the Islands Trust cannot charge a proponent a fee.

Ed Andrusiak agreed with past comments about fibre-optic potential, commenting, however, that it was not resilient on its own. To make a system robust, he supported having a combination of various technologies.

Stephen Rybak proposed a bullet, "system resiliency in the face of natural disasters and recovery," could be added to page 9 of the Protocol.

Kiyo Okuda commented on the influence of slow levels of microwave radiation. He was of the view that SC6 should be reconsidered further.

A/Chair Pottle read questions from emails sent to her. One person had asked: How many towers would it take to give everyone cell coverage? The consensus was that this was a complex question given island topography, among other issues. **Another member of the public had asked:** If a neighbourhood within 1km of a cell tower proposal were majority-opposed to it, would it go ahead?

Stephen Rybak noted that the LTC response would depend on the nature of the objections. Some objections might carry more weight.

There was a brief discussion about environmental impacts on wildlife and trees.

5. ADJOURNMENT

There not being any further questions, **by general consent**, the Community Information Meeting was adjourned at 3:30pm, thereby adjourning the Special Local Trust Committee meeting at the same time.

Laura Busheikin, Chair

Certified Correct:

Colleen Doty, Recorder