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ELECTORAL AREA SERVICES COMMITTEE

Notice of Meeting on **Wednesday, January 15, 2014, at 1:30 pm**

Room 651, 625 Fisgard Street, Victoria, BC

M. Hicks (Chair) W. McIntyre (Vice Chair) D. Howe

AGENDA

1. Approval of Agenda
2. [Adoption of Minutes of November 20, 2013](#)
3. Presentations/Delegations
4. [Terms of Reference – Electoral Area Services Committee](#)
5. [Salt Spring Island \(SSI\) Noise Bylaw Regarding Use of the SSI Rod and Gun Club Indoor and Outdoor Range \(under separate cover\)](#)
6. [Grants-in-aid](#)
7. New Business
8. Adjournment

Next Meeting: February 19, 2014 @ 1:30 pm

To ensure quorum, please advise Shannon Asdal at 250-360-3129 if you or your alternate cannot attend.

Minutes of a Meeting of the Electoral Area Services Committee**Held Wednesday, November 20, 2013, in Room 333, 625 Fisgard St., Victoria, BC**

Present: Directors: M. Hicks (Chair, 1:43), W. McIntyre (Vice Chair), D. Howe**Staff:** R. Lapham, Chief Administrative Officer; M. Rachwalski, Acting General Manager, Planning and Protective Services; T. Whiting, Acting General Manager, Planning and Protective Services; K. Campbell, Senior Manager, Salt Spring Island Administration; R. Sharma, Senior Manager, Financial Services; M. Walton, Senior Manager, Regional Parks; D. Brown, Chief Bylaw Officer, Bylaw Enforcement and Animal Care; R. Gutierrez, Manager, Building Inspection; J. Klassen, Manager, Local Area Planning; Brian MacDonald, Manager, Financial Planning and Treasury; P. Dayton, Senior Financial Analyst, Financial Services; S. Webb, Planner, Regional Planning; S. Santarossa, Corporate Officer; S. Asdal (Recorder)

The meeting was called to order at 1:32 pm.

1. Approval of Agenda

MOVED by Director Howe, **SECONDED** by Director McIntyre,
That the agenda be approved as circulated.

CARRIED

2. Adoption of Minutes

MOVED by Director Howe, **SECONDED** by Director McIntyre,
That the minutes of the October 16, 2013, meeting be adopted as previously circulated.

CARRIED

3. Presentations/Delegations: There were none.**4. Salt Spring Island Cycling Master Plan**

S. Webb provided an overview of the Plan. The Committee discussed including an additional focus on pedestrian related benefits and information and renaming the document accordingly.

MOVED by Director McIntyre, **SECONDED** by Director Howe,
That, consistent with highlighting pedestrian related benefits and information, the Salt Spring Island Cycling Master Plan be amended to include the word "Pedestrian" in the title; and

That it be recommended to the Capital Regional District Board:

That the Salt Spring Island Pedestrian and Cycling Master Plan be accepted and taken into account in preparation of the Regional Transportation Plan.

CARRIED

5. Community Works Fund Allocation: Trail Access Between Roche Cove/Mount Matheson Lake Regional Park and Mount Matheson Estates

R. Lapham introduced the report.

MOVED by Director Howe, **SECONDED** by Director McIntyre,

That it be recommended to the Capital Regional District Board:

That a contribution of \$20,000 be authorized from the Juan de Fuca Electoral Area portion of the Gas Tax Community Works Fund for development of a neighborhood access trail between Roche Cove/Mount Matheson Lake Regional Park and Mount Matheson Estates.

CARRIED

6. Grants-in-Aid

MOVED by Director Howe, **SECONDED** by Director McIntyre,

That it be recommended to the Capital Regional District Board:

That payment for the following grants-in-aid be approved:

- 1) Southern Gulf Islands Grant-in-Aid as approved by Director Howe
 - a. Pender Island Conservancy Association \$ 700

7. Salt Spring Island Governance Study - Verbal Update

Director McIntyre reported that the Study is expected to be finalized by November 29. Once complete, the Governance Study Committee will make a recommendation to the Minister of Community, Sport and Cultural Development about the findings and whether further financial review is required regarding the cost of potentially incorporating. Extensive community outreach was carried out with survey results indicating the top three concerns are jobs/economy, water and wastewater infrastructure and governance.

8. Meeting with Minister Oakes – Verbal Update

Director McIntyre advised that he met with Minister Oakes, Ministry of Community, Sport and Cultural Development regarding rural designation of Electoral Areas, the Salt Spring Island Governance Study and the Union of British Columbia Municipalities Small Water Systems Working Group.

Chair Hicks arrived at 1:43 pm and assumed the Chair.

9. Budget Reviews

R. Sharma spoke to the budget review process highlighting that the 2014 budget, the second year of the three year planning cycle, focuses on key changes from the previous year.

Joint Services

R. Lapham provided an overview of the Joint Services budget. The Committee discussed cost allocations for each Electoral Area in regards to elections and referendums.

Juan de Fuca Electoral Area

The Committee discussion included the following topics:

- grants-in-aid requisition increase
- community planning requisition increases for advisory planning commission elections and staff adjustments
- Juan de Fuca Electoral Area office meeting room facilitation and cost servicing for building operating costs

Salt Spring Island Electoral Area

R. Lapham provided an overview of the Salt Spring Island Electoral Area budget. The Committee discussion included the following topics:

- Salt Spring Island Transit and Transportation requisition and expanded service revenue
- building numbering and allocation costs for each Electoral Area
- funding model for Salt Spring Island Search and Rescue
- requisition for Salt Spring Island Parks & Recreation swimming pool and reallocation of Parks and Recreation funding to supplement requisition
- Capital Region Emergency Service Telecommunications (CREST) and radio costs
- Beddis Water capital improvements and requisition increase to carry debt servicing charge

Southern Gulf Islands Electoral Area

R. Lapham provided an overview of the Southern Gulf Islands Electoral Area budget. The Committee discussion included the following topics:

- maintaining the grants-in-aid and economic development requisitions at the same amount as the previous year
- mortgage on Galiano Community Use Building and interest earned on reserve surplus funds
- Southern Gulf Islands Small Craft Harbour facilities requisition and contract services expenditures
- staff to follow up to confirm whether Saturna Island Fire agreement has been signed

MOVED by Director Howe, **SECONDED** by Director McIntyre,
That preliminary approval be given to the 2014 Electoral Area only budgets.

CARRIED

10. New Business: There was no new business.

11. Adjournment

MOVED by Director Howe, **SECONDED** by Chair Hicks,
That the meeting be adjourned at 3:34 pm.

CARRIED

CHAIR

RECORDER



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REPORT TO ELECTORAL AREA SERVICES COMMITTEE MEETING OF WEDNESDAY, JANUARY 15, 2014

SUBJECT 2014 ELECTORAL AREA SERVICES COMMITTEE TERMS OF REFERENCE

ISSUE

To establish the terms of reference for the 2014 Electoral Area Services Committee.

BACKGROUND

Terms of reference have been developed for each Board standing committee to identify its mandate/purpose, establishment and authority, composition, procedures and staff resources. For the most part, the committees are structured around specific service areas and identify the primary staff liaison(s) for each committee.

At a meeting held January 8, 2014, the Board considered a staff report regarding the 2014 Board standing committee structure. The terms of reference for the majority of the committees remain unchanged from 2013 with the exception of the following:

- *Finance:* The Finance and Corporate Services Committee has been redefined as the Finance Committee and the revised terms of reference reflect a narrower focus that parallels the functions of the Finance and Technology Department;
- *Governance:* The Governance Select Committee has been re-established as a standing committee of past and current Board Chairs and will meet at the call of the Chair. The terms of reference have been expanded to include consideration of general governance and corporate administration and operation matters.

The Board standing committees for 2014 are as follows:

Committee of the Whole
Core Area Liquid Waste Management
Electoral Area Services
Environmental Services
Finance
Governance
Planning, Transportation and Protective Services
Regional Parks
Transportation Select

Terms of reference for each of the above noted committees were forwarded to the Board for consideration at the January 8, 2014 meeting. The Board resolved to receive the terms of reference and refer them to the respective committees for review and approval. The terms of reference for the Electoral Area Services Committee are attached as Appendix A.

ALTERNATIVES

1. That the Electoral Area Services Committee approve the 2014 committee terms of reference as attached in Appendix A.
2. That the terms of reference be referred back to staff for further review.

CONCLUSION

Terms of reference for the 2014 Electoral Area Services Committee are attached for the committee's consideration. They will serve to clarify the mandate, responsibilities and procedures governing the committee.

RECOMMENDATION

That the Electoral Area Services Committee approve the 2014 committee terms of reference as attached in Appendix A.

ORIGINAL SIGNED BY

Sonia Santarossa
Manager, Legislative Services

ORIGINAL SIGNED BY

Robert Lapham, MCIP
Chief Administrative Officer
Concurrence

ss

Attachments: Appendix A – Terms of Reference

Terms of Reference

The logo for the Capital Regional District (CRD) is located in the top right corner of the header banner. It consists of the letters 'CRD' in a stylized, bold, sans-serif font, positioned above a series of curved, overlapping lines that suggest a landscape or water.

ELECTORAL AREA SERVICES COMMITTEE

PREAMBLE

The Capital Regional District (CRD) Electoral Area Services Committee is a standing committee established by the CRD Board and will oversee services in the electoral areas.

The Committee's official name is to be:

Electoral Area Services Committee

1.0 PURPOSE

The mandate of the Committee includes overseeing and making recommendations to the Board regarding services in the electoral areas including, but not limited to:

- building inspection
- bylaw enforcement
- animal control
- grants-in-aid
- soil deposit and removal
- stormwater quality
- fire protection
- local emergency management
- economic development

2.0 ESTABLISHMENT AND AUTHORITY

- The committee will make recommendations to the Board for consideration; and
- The Board Chair will appoint the Committee Chair, Vice Chair and committee members.

3.0 COMPOSITION

- Committee members will include the Director from each of the electoral areas: Juan de Fuca; Salt Spring Island and Southern Gulf Island

4.0 PROCEDURES

- The committee shall meet on a monthly basis, except August and December, and have special meetings as required;

- The agenda will be finalized in consultation between staff and the Committee Chair and any committee member may make a request to the Chair to place a matter on the agenda;
- With the approval of the Committee Chair and the Board Chair, committee matters of an urgent or time sensitive nature may be forwarded directly to the Board for consideration; and
- A quorum of 50% plus one of the committee membership is required to conduct committee business.

5.0 RESOURCES AND SUPPORT

- The General Managers of the Finance & Technology and Planning & Protective Services Departments will provide administrative support; and
- Minutes and agendas are prepared and distributed by the Legislative & Information Services Department.



**REPORT TO ELECTORAL AREA SERVICES COMMITTEE
MEETING OF JANUARY 15, 2014**

SUBJECT **SALT SPRING ISLAND (SSI) NOISE BYLAW REGARDING USE OF THE SSI ROD
AND GUN CLUB INDOOR AND OUTDOOR RANGE**

ISSUE

Complaints about shooting at the Salt Spring Island Rod and Gun Club (Gun Club) indoor and outdoor range resulted in a recent court action which identified the need to consider amendments to the Noise Suppression Bylaw (Salt Spring Island).

BACKGROUND

Capital Regional District (CRD) Bylaw No. 3384 "Noise Suppression Bylaw (Salt Spring Island) No. 1, 2006" (Appendix 1) prohibits disturbing noise and the discharge of firearms that disturbs other people between certain hours as noted:

Section 2 General Prohibition

No person shall make, cause to be made, or continue to make any noise or sound in the Electoral Area which creates a noise that disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons at or near the source of such noise or sound.

Section 3 Specific Prohibitions

6. No person shall discharge a firearm before 9:00 am or after sunset that disturbs other people as described in Section 2 of this bylaw.

Immediate neighbours of the Gun Club have complained that given the proximity of their houses to the range, noise from shooting at the club negatively impacts their quiet enjoyment and suggestions have been made that all shooting should be eliminated. The Gun Club has indicated that as shooting is a permitted use (lawful non-conforming), they should be allowed to continue their activities as they have since the formation of the society in 1961. At a meeting of the Electoral Area Services Committee in November 2012, recommended amendments were not supported by either side and therefore that report was tabled.

Supreme Court Decision

In 2012, the Gun Club brought an action against the CRD which went before the Supreme Court of BC to determine the validity of sections 2 and 3(6) of Bylaw 3384. In the Statement of Agreed Facts (Appendix 2), certain relevant details were presented to the court surrounding the history of the Gun Club and the associated noise bylaws. In this statement, it was noted that the original two noise bylaws (Bylaw 1441 and 2047) exempted the "discharge of firearms at outdoor rifle ranges or trap fields operated by a lawfully operated gun club or rod and gun club after 9:00 in the forenoon and before sunset". In 2006, a new bylaw (Bylaw 3384) replaced the exemption with the Specific Prohibition in Section 3 as shown above.

The case brought before the court was based on the issuance by the CRD of three tickets for shooting on the outdoor range between the hours of 9am and sunset and three tickets for shooting on the outdoor range after sunset. In his decision (Appendix 3 Reasons for Judgment) Justice Bowden noted that if the noise of a firearm being discharged is of itself disturbing then the noise bylaw would effectively deny the Gun Club the ability to carry on the activities permitted as a lawful non-conforming use. However, he also stated that although he agreed that any level of noise could be considered disturbing the "CRD could enact bylaws that define impermissible noise from that source by reference to criteria such as the decibel level".

The decision of the court was to uphold the validity of sections 2 and 3(6) of Bylaw 3384. This resulted in the three tickets for shooting between 9am and sunset being quashed by the court and

the three for shooting after sunset being held as enforceable. The Gun Club has paid the fines for the three tickets issued for shooting after sunset.

Complaints Received

Since the decision of the Supreme Court of BC was provided to the CRD, a large number of complaints continue to be received (Appendix 4). The majority of the complaints are for shooting during the hours of 9am – sunset which the courts have determined will be difficult to enforce as it would amount to an absolute prohibition of a lawful use. For those complaints of shooting after sunset, the majority are for use of the indoor range. These could be considered in violation of Section 3, sub-section 6 if it is determined that the noise created is such that it “*disturbs other people as described in Section 2*”. The CRD has not yet issued tickets for these complaints due to the need to define disturbing noise. The CRD does have the ability to issue tickets for offences up to six months from the time of the incident and this option is still available if it is determined that use of the indoor range creates a disturbing noise.

Indoor Range Noise Measurement

On November 29, 2013, the CRD contracted North West Environmental Group Ltd. to undertake a study of the noise arising from use of the indoor range as a result of complaints received from the neighbours (Appendix 5). The results of this report show that use of the range creates negligible increases in noise levels from most locations tested. The maximum increases recorded were at two locations which had measured increases of 2.7 dBA for the .22 caliber rifle up to 7.5 dBA for the 45 caliber revolver. The highest overall measurement, using the 45 caliber was recorded at one of these locations and measured 59.6 dBA.

The report references two documents that refer to measurement of noise levels in the management of shooting range activities. The most recent of these is from Australia, “*Noise from Outdoor Shooting Ranges*” (Appendix 6). This provides for defined limits to noise created from existing or planned shooting. The results from the testing for the indoor range would fall within the allowable levels.

The report also notes that while the measurements were taking place, shooting was heard from a location off of the gun club property that exceeded the measurements being taken for the indoor range.

Defining Disturbing Noise

Bylaw 3384 does not define disturbing noise. By leaving the term undefined, the bylaw has a discretionary aspect to it which makes it difficult for bylaw officers to ascertain if a noise can be considered disturbing. As noted above in the case study from Australia, a measurement based on either a total noise level or an increase over existing natural noise is used. This allows measurements to be taken of the natural noise in an area, to be compared against the noise being described as disturbing.

Additional Issues

A number of other issues have been brought forward by the neighbours to staff and elected officials regarding use of the Gun Club property, including:

- zoning issues (lawful non-conforming/permitted use in residential area)
- environmental damage (lead contamination)
- range safety and the *Federal Firearms Act*

The questions around zoning were addressed in letters on May 30, 2012 (Appendix 7) and February 2, 2013 (Appendix 8) from the Islands Trust that outlines the land use bylaws and implications. The issues of range safety and the *Federal Firearms Act* are the responsibility of the Chief Firearms Officer and issue of contamination is the responsibility of the Ministry of Environment.

Specific Prohibition 6.0 Discharge of a Firearm

The current prohibition in the Noise Suppression Bylaw in sub-section 6 refers to the discharge of a firearm. As it appears that the original intention of this prohibition was to provide for specific and reasonable limitations on the use of the Gun Club (as provided for in the original exemption), this section could be amended to specifically address noise from shooting. The inclusion of a new definition of disturbing noise levels would apply to all types of potentially disturbing noise.

ALTERNATIVES

That the Electoral Area Services Committee recommends:

1. That staff be directed to bring an amended bylaw and enforcement policy back to the Committee that includes definitions of disturbing noise and the limits noted in this report on use of the outdoor and indoor ranges.
2. That Bylaw 3384 not be amended and the Salt Spring Island Rod and Gun Club be notified that they will be ticketed for shooting, either indoors or outdoors, that is not within the hours of 9am and sunset.

Recommended Bylaw Amendments

Staff recommends that the following amendments be made to the existing noise bylaw:

- definition of disturbing noise levels in relation to existing natural noise levels to allow for future determination of disturbance under this bylaw;
- remove sub-section 6 and replace with wording specific to the Gun Club and its activities;
- limit shooting at the outdoor range at the Gun Club to:
 - Tuesday to Friday 9am – 7pm or sunset (whichever is earlier)
 - Saturday 9am – 3pm
 - Sunday and Monday – closed
 - closed for all Statutory holidays, with the exception of Father's day;
- limit shooting at the indoor range at the Gun Club to:
 - the outdoor range hours, plus
 - Tuesday to Friday from sunset until 9pm with the doors and windows closed;
- that Trap Shooting and Cowboy Action be limited to one day a week, Tuesday to Saturday between 9am to sunset;
- designate December 23 – January 2 of each year as prohibited shooting days at both the outdoor and indoor shooting range.

Recommended Enforcement Policy

Staff recommend that a policy be put in place that when a complaint for violations of this bylaw occur, on the indoor or outdoor range, that both the offending shooter if known and the Gun Club be subject to enforcement.

IMPLICATIONS

Legal Implications

The recommended amendments have been reviewed by legal counsel and are determined to be reasonable and valid to enforce. Further review will be required for defined levels of disturbance noise.

CONCLUSION

Shooting at the Gun Club is a lawful permitted use (lawful non-conforming). Neighbours complain that shooting creates a noise that disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood. The Gun Club and neighbours have not agreed with previous attempts to resolve the issue or amend the Noise Suppression Bylaw. The courts have indicated it is not appropriate to prohibit a lawful permitted use through a Noise Suppression Bylaw. However, such a bylaw can be used to establish reasonable limits to the activities undertaken at the range. At the same time, properly defining disturbing noise on a measurable scale will allow for more clarity in the overall enforcement of the bylaw.

The recommended amendments to the bylaw would define disturbing noise, provide reasonable limits on the Gun Club activities and would establish more clarity with respect to the noise that will be allowed on a property that is lawfully permitted to make noise. It is recommended that staff prepare an amended bylaw based on the recommendations contained within this report and bring that amended bylaw back to the next Electoral Area Services Committee meeting for consideration. This will allow time for public feedback on these recommendations prior to consideration of first reading.

RECOMMENDATION

That staff be directed to bring an amended bylaw and enforcement policy back to the Committee that includes definitions of disturbing noise and the limits noted in this report on use of the outdoor and indoor ranges

ORIGINAL SIGNED BY

Travis Whiting
Acting General Manager
Planning and Protective Services

ORIGINAL SIGNED BY

Robert Lapham, MCIP, RPP
Chief Administrative Officer
Concurrence

- Appendix 1 Bylaw 3384
- Appendix 2 Statement of Agreed Facts
- Appendix 3 Reasons for Judgment
- Appendix 4 Complaints by neighbours
- Appendix 5 Environmental Noise Assessment (Dec 2013)
- Appendix 6 Noise from outdoor shooting ranges, published by EPA, Victoria (Australia), October 2012
- Appendix 7 May 30, 2012 Letter from Islands Trust
- Appendix 8 February 7, 2013 Letter from Islands Trust

CAPITAL REGIONAL DISTRICT

BYLAW NO. 3384

**A BYLAW FOR THE ABATEMENT AND CONTROL OF DISTURBING NOISE IN THE ELECTORAL
AREA OF SALT SPRING ISLAND IN THE CAPITAL REGIONAL DISTRICT**

WHEREAS: the Capital Regional District, pursuant to Section 724 of the *Local Government Act* is empowered to regulate or prohibit the making of noise or sounds;

NOW THEREFORE, the Regional Board of the Capital Regional District, in open meeting assembled, enacts as follows:

SECTION 1 DEFINITIONS AND INTERPRETATIONS

In this Bylaw:

“Board” means the Board of the Capital Regional District;

“Construction” includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, equipment installation and alteration and the structural installation of construction components and materials in any form or for the purpose, and includes any work in connection therewith;

“Enforcement Officer” means a person appointed by the Capital Regional District as a Bylaw Enforcement Officer, or any member of the Royal Canadian Mounted Police;

“Electoral Area” means the Electoral Area of Salt Spring Island;

“Legitimate Farm Operations” means any of the normal activities involved in carrying on a farm business, as defined under the Farm Practice Protection (right to farm) Act, on lands included in the Agricultural Land Reserve, farm class lands or land zoned for agriculture use;

“Ticket” means municipal ticket information in the form described in the *Community Charter* Bylaw Enforcement Ticket Regulation, B.C. REG. 425/2003;

“Public Facility” means any facility that is permitted to hold public assemblies in accordance with local government land use and building bylaws.

SECTION 2 GENERAL PROHIBITION

No person shall make, cause to be made, or continue to make any noise or sound in the Electoral Area which creates a noise that disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons at or near the source of such noise or sound.

SECTION 3 SPECIFIC PROHIBITIONS

Without limiting the generality of the prohibition contained in Section 2:

1. No person shall load or unload any truck, motor vehicle, or trailer in or upon any public or private place or premises before the hours of 7:00 am (8 am on Saturdays, Sundays or Holidays) or after sunset or 7:00 pm, whichever is latest.

2. No person shall construct or use construction equipment before the hours of 7:00 am (8 am on Saturdays, Sundays or Holidays) or after sunset or 7:00 pm, whichever is latest.
3. No person or business shall play amplified music outdoors between the hours of 11:00 pm and 9:00 am, that disturbs other people as described in Section 2 of this Bylaw.
4. No person or business shall play amplified music indoors between the hours of 11:00 pm and 9:00 am, unless all reasonable measures have been taken to abate the noise that disturbs other people as described in Section 2 of this Bylaw.
5. No person shall operate on a property any automobile, truck, motorcycle, trail bike, bus, motorized hang glider, or other vehicle which by reason of disrepair, lack of a sufficient muffler, or any other cause, creates noise or sound that disturbs the quiet, peace, rest, enjoyment or comfort of individuals or the public.
6. No person shall discharge a firearm before 9:00 am or after sunset that disturbs other people as described in Section 2 of this Bylaw.

SECTION 4 EXEMPTIONS

The provisions of this Bylaw shall not apply to:

1. Any vehicle of the police, fire department, or other public body, or any ambulance or any other public services or emergency vehicle, while engaged in service of public convenience or necessity.
2. The sounding of a horn or other signalling device where such sounding is properly and necessarily used as a danger or a warning signal.
3. The use of bells or chimes by churches, schools or any public body.
4. Forestry, construction or industrial activities where hours of operation cannot be reasonably altered due to factors such as tides, ferry schedules, weather conditions or fire hazards in forests, and all reasonable measures have been taken to abate noise as described in Section 2.
5. The operation of farm equipment and the noise associated with legitimate farm operations, providing all reasonable measures have been taken to abate noise as described in Section 2.
6. A public assembly use or activity in a public park or public facility in connection with a public meeting, public celebration or other public gathering.

SECTION 5 OFFENCE

1. No person, owner, tenant, or occupier of private premises, shall do any act or permit any act or thing to be done which contravenes this Bylaw.
2. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon conviction to the penalties prescribed by the *Offence Act* provided that the minimum penalty is not less than ONE HUNDRED (\$100.00) DOLLARS.

3. A separate offence shall be deemed to be committed if a contravention of this Bylaw occurs or continues to occur upon receipt of a subsequent complaint.
4. The penalties imposed under Subsection (2) hereof, shall be in addition to and not a substitution for any other penalty or remedy imposed by this Bylaw or any other statute, law, or regulation.

SECTION 6 INSPECTIONS

An Enforcement Officer is hereby authorized to enter, at all reasonable times, on any property subject to this Bylaw, to ascertain whether this Bylaw is being observed.

SECTION 7 SEVERABILITY

If any section or lesser portion of this Bylaw is held to be invalid by a Court, such invalidity shall not affect the remaining portions of the Bylaw.

SECTION 8 REPEAL

Capital Regional District Bylaw No. 2047 "Noise Suppression Bylaw (Salt Spring Island) No. 1, 1992" is repealed and replaced by this Bylaw.

SECTION 9 CITATION

This Bylaw may be cited as Bylaw No. 3384 "Noise Suppression Bylaw (Salt Spring Island) No.1, 2006".

READ A FIRST TIME THIS	11 th	day of	October	2006
READ A SECOND TIME THIS	11 th	day of	October	2006
READ A THIRD TIME THIS	11 th	day of	October	2006
ADOPTED THIS	8 th	day of	November	2006

Chair

Corporate Secretary

Statement of Agreed Facts

Re: Noise Bylaw Tickets, Salt Spring Island Rod & Gun Club

1. Salt Spring Island Rod & Gun Club (the “Gun Club”) is a registered Society incorporated in 1961, and has been in operation for many years prior to that date.
2. The Capital Regional District (the “CRD”) is a Regional District duly incorporated pursuant to the *Local Government Act*, R.S.B.C. 1996, Chapter 323, and Letters Patent.
3. The CRD has the authority to *regulate or prohibit the making or causing of noises* pursuant to section 724 of the *Local Government Act*, R.S.B.C. 1996, Chapter 323 (the “LGA”).
4. The CRD regulates noise and sounds that disturb the public on Salt Spring Island by means of CRD Bylaw No. 3384, Noise Suppression Bylaw (Salt Spring Island) No. 1, 2006 (the “2006 Bylaw”). The 2006 Bylaw is the relevant and applicable noise bylaw in this ticket prosecution.
5. The Gun Club is located within the boundaries and jurisdiction of the CRD and is regulated by the 2006 Bylaw.
6. Since 1961, the Gun Club established upon its grounds a clubhouse, an indoor shooting range, an outdoor shooting range, a trap shooting field and trap throwing installation, an archery field and butts and similar facilities. It has carried on outdoor shooting activities consistently since 1961.
7. The first noise bylaw on Salt Spring Island was Bylaw No. 1441, Noise Suppression Bylaw (Salt Spring Island), 1986 enacted on the 23rd day of July, 1986 (the “1986 Bylaw”).
8. The second noise bylaw, CRD Bylaw No. 2047, Noise Suppression Bylaw (Salt Spring Island) No. 1, 1992 was enacted on the 17th day of December, 1992 and repealed Bylaw No. 1441 (the “1992 Bylaw”).
9. The third and current 2006 Bylaw was enacted on the 8th day of November, 2006, and repealed Bylaw No. 2047.
10. Over the last two years, the CRD has received numerous complaints from neighbours adjacent to the Gun Club over the excessive noise from the Defendant’s discharge of firearms, contrary to the 2006 Bylaw.
11. Until the enactment of the 2006 Bylaw, the provisions of the two preceding Bylaws exempted the “discharge of firearms at outdoor rifle ranges or trap fields

operated by a lawfully operated gun club or rod & gun club after 9:00 in the forenoon and before sunset”.

12. The 2006 Bylaw replaced the exemption with a specific prohibition in section 3(6) as follows:

3(6) No person shall discharge a firearm before 9:00 a.m. or after sunset that disturbs other people as described in Section 2 of this Bylaw.

13. The CRD provided its constituents with notice of the proposed 2006 Bylaw by publication in the local newspaper, the *Driftwood*. The CRD permitted the public to inspect the 2006 Bylaw at its main office, Millstream office, or Salt Spring Island office, or on the Internet. The Notice advised the public that:

The purpose of Bylaw No. 3384 is to ensure the peace and enjoyment of residents in the Salt Spring Island Electoral Area by establishing regulations and penalties to assist with and encourage the abatement and control of disturbing noise.

14. The CRD enacted the 2006 Bylaw based on its staff recommendations that the 1992 Bylaw was outdated and needed to be revised and replaced.

15. The report by CRD staff to the Electoral Area Services Committee of October 8, 2006 and to the Board of the Capital Regional District of October 11, 2006 makes no mention of the repeal of this section of the bylaw. The Gun Club was not notified of the proposed repeal of this section nor was notice required other than to the general public.

16. Prior to the passing of CRD Bylaw No. 66 in January 1971, there were no land use or zoning bylaws in existence and at all times subsequent, outdoor shooting on the Gun Club's property was a lawful non-conforming use.

17. CRD Bylaw No. 66 adopted January 1971 permitted outdoor shooting as a principal use on the Gun Club's property.

18. Under Bylaw No. 14 adopted March 21, 1979, outdoor shooting was a permitted use.

19. Under Bylaw No. 123 adopted June 5, 1985, outdoor shooting was a permitted use.

20. Bylaw No. 14 and Bylaw No. 123 permitted “outdoor non-commercial recreation facilities compatible with a residential area”.

21. Under Bylaw No. 355 adopted June 28, 2001, outdoor shooting was a permitted use under the provision for "non-commercial outdoor recreation.

22. Municipal Ticket Information Nos. 24130, 24131 and 24132 were issued under section 2 of the 2006 Bylaw.

23. Municipal Ticket Information Nos. 24136, 24137 and 24138 were issued under section 3(6) of the 2006 Bylaw, involved discharges of firearms at respectively 5:04 p.m., 4:32 p.m. and 6:28 p.m., all of which occurred after sunset, emanated from the Gun Club and disturbed people.

Date: May 14, 2013

Agreed:

John W. Horn, Q.C.

Agreed:

Troy DeSouza

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Salt Spring Island Rod and Gun Club v.
Capital Regional District*,
2013 BCSC 1612

Date: 20130903
Docket: S69775
Registry: Nanaimo

Between:

Salt Spring Island Rod and Gun Club

Petitioner

And

Capital Regional District

Respondent

Before: The Honourable Mr. Justice Bowden

Reasons for Judgment

Counsel for the Petitioner:

J.P. Millbank

Counsel for the Respondent:

T.J.DeSouza

Place and Date of Chambers Petition:

Nanaimo, B.C.
August 1, 2013

Place and Date of Judgment:

Nanaimo, B.C.
September 3, 2013

I. INTRODUCTION

[1] The petitioner, Salt Spring Island Rod and Gun Club, seeks a declaration that sections 2 and 3(6) of Bylaw No. 3384, a Noise Suppression Bylaw on Salt Spring Island, are invalid and that municipal tickets issued to the petitioner thereunder be quashed.

II. FACTUAL BACKGROUND

[2] The petitioner was incorporated as a registered society in 1961 and has operated for many years both before and after that year. It operates on land on Salt Spring Island that is within the jurisdiction of the Capital Regional District ("CRD").

[3] Since 1961, the petitioner has established on its lands a clubhouse, an indoor and outdoor shooting range, a trap shooting field, an archery field and other facilities. Outdoor shooting activities have been carried on consistently since that time.

[4] Over the past two years the CRD has received numerous complaints from neighbours adjacent to the petitioner's property about the noise from the discharge of firearms.

[5] As a result, three tickets were issued to the petitioner under section 2, and three tickets were issued under section 3(6) of Bylaw No. 3384. Before proceeding with a dispute of the tickets, the petitioner commenced these proceedings to challenge the validity of those sections.

III. STATUTORY FRAMEWORK AND BYLAW HISTORY

[6] Section 724(1) of the *Local Government Act*, R.S.B.C. 1996, c. 323, provides, in part:

724 (1) If a regional district provides a service referred to in section 797.1 (1) (d), the board may, by bylaw, do one or more of the following:

(a) regulate or prohibit the making or causing of noises or sounds in or on a highway or elsewhere in the regional district

(i) that disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort or convenience

of the neighbourhood, or of persons in the vicinity, or

(ii) that the board believes are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

[7] Pursuant to its authority under the *Local Government Act*, the CRD has enacted bylaws to regulate noise on Salt Spring Island.

[8] The first noise bylaw on Salt Spring Island was enacted in 1986. Section 2 of Bylaw No. 1441 provided:

No person shall make, cause to be made, or to continue to make any objectionable noise in, or on, a highway, at, in or on, streets, wharves, docks, beaches or elsewhere in the electoral area.

[9] Section 4(7) of that Bylaw provided the following exemption:

Discharge of firearms at outdoor rifle ranges or trap fields operated by a lawfully operated gun or rod and gun club, after nine o'clock in the forenoon and before sunset.

[10] Bylaw 2047, enacted in 1992, replaced the earlier general noise bylaw with the following in section 2:

No person shall make, cause to be made, or continue to make any noise or sound in the Electoral Area which creates a noise that disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons at or near the source of such noise or sound.

[11] Bylaw 2047 continued the exemption for the discharge of firearms at a gun club.

[12] Bylaw No. 3384 (the "Bylaw"), enacted in 2006, included the same general noise bylaw in section 2 but the exemption was deleted. Section 3(6), described as a "specific prohibition," was added and provided:

No person shall discharge a firearm before 9:00 am or after sunset that disturbs other people as described in Section 2 of this Bylaw.

[13] Prior to its enactment, notice of the proposed Bylaw was published in the local newspaper and the public was permitted to inspect the proposed Bylaw at the CRD's Salt Spring Island office or on the internet. The notice stated:

The purpose of Bylaw No. 3384 is to ensure the peace and enjoyment of the residents in the Salt Spring Island Electoral Area by establishing regulations and penalties to assist with and encourage the abatement and control of disturbing noise.

[14] The current zoning of the land where the petitioner is situated permits "non-commercial active outdoor recreation." The respondent accepts that this permits the shooting activities that take place on the petitioner's property.

IV. POSITION OF THE PARTIES

[15] The petitioner challenges the validity of section 2 on the basis of vagueness and says that an ordinary member of the petitioner club cannot understand what noise is permitted when they discharge a firearm. That section does not define what sort of noise is prohibited and what sort is permissible.

[16] The petitioner also argues that the Bylaw is a collateral attack on the permitted use of the land under the applicable zoning. It argues that since the making of noise by discharging firearms is necessarily a feature of an outdoor shooting range, a noise bylaw that prevents the firing of guns that may tend to disturb someone close by, effectively denies the petitioner the right to carry on activities authorized by the zoning. Further, in effect, by issuing tickets the CRD is seeking to prevent the lawful use of the land which involves the discharge of firearms.

[17] The petitioner also submits that the Bylaw is discriminatory but accepts that the evidence does not support that position.

[18] The petitioner also argues that while section 3(6) appears to permit the noise from the discharge of firearms between 9:00 a.m. and sunset, the CRD considers that the general noise restriction in section 2 applies to that period of time although

the three tickets issued under section 3(6) all relate to the discharge of firearms after sunset.

[19] The respondent submits that case authorities dealing with materially identical provisions to section 2 of the Bylaw have upheld their validity.

[20] With regard to section 3(6), the respondent says that the discharge of firearms is permitted from 9:00 a.m. until sunset unless the noise emitted is unreasonably loud and disturbs persons as provided in section 2. The respondent says that unless that qualification is made there would be no limit to the volume or intensity of a noise emitted by the discharge of firearms between 9:00 a.m. and sunset.

[21] The respondent also submits that the Bylaw does not make the petitioner's permitted land use activities impossible to exercise. The respondent says that the Bylaw is regulatory and restricts but does not prohibit the use. Section 2 is a general regulation applicable to all persons, not just members of the petitioner club and section 3(6) restricts the discharge of firearms outside the period from 9:00 a.m. to sunset, not just to the discharge of firearms by members of the petitioner.

V. ANALYSIS

[22] In considering whether a bylaw is invalid because of its vagueness, Levine J.A. said at para. 47 of *Okanagan Land Development Corporation v. City of Vernon*, 2012 BCCA 332:

There are well-established principles for interpreting municipal bylaws to determine if they are vague or uncertain.

[23] The test for uncertainty articulated by Oppal J. in *Dhillon v. Richmond (Mun.)*, [1987] B.C.J. No. 1566, was approved by the Court of Appeal. Oppal J. stated:

The general approach to examining a municipal bylaw whose validity is challenged on the grounds of uncertainty or vagueness is that the vagueness must be so pronounced that a reasonably intelligent person would be unable to determine the meaning of the bylaw and govern his actions accordingly. A mere difficulty in interpretation will not be sufficient.

[24] In *Okanagan Land Development Corporation*, Levine J.A. stated at para. 50:

... municipal bylaws are to be interpreted "benevolently" and supported if possible. What is required is that a reasonably intelligent person be able to determine the meaning of the bylaw and govern his or her actions accordingly. ...

[25] In *Dhillon*, this Court considered whether a noise control bylaw was invalid because of its uncertainty. The impugned bylaw read as follows:

A person shall not make nor permit to be made, by any animal, or by any bird or fowl, or by any vehicle, conveyance, vessel, machinery, equipment or device, or by any activity, a noise, which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity.

[26] The noise in question was that which emanated from noise making devices used on a blueberry farm to frighten away birds.

[27] At para. 26, Oppal J. stated:

Although there are some subjective elements in the words "tend to disturb", "quiet", "peace", "rest", "enjoyment", "comfort" and "convenience" the use of the expression "tend to disturb", I do not think that these subjective elements cause special or particular problems in interpretation. Moreover, the words "neighbourhood or vicinity" should not lead to any confusion in that it would be a matter of evidence in each individual case.

[28] In *Coquitlam (City) v. Vivanco*, [1993] B.C.J. No. 3201, this Court considered the validity of the following bylaw:

No person shall make or cause, or permit to be made or caused, any noise in or on a public or private place which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity.

[29] In that case, counsel for the City of Coquitlam argued that the *Dhillon* decision should be followed and the bylaw upheld. At para. 12, Shaw J. stated:

I am in agreement with the submission of counsel for Coquitlam. In my view, the addition of a definition of noise in the Coquitlam bylaw is not a sufficient basis to distinguish it from the bylaws addressed in *Dhillon* and the cases that have followed *Dhillon*, nor does the bylaw definition warrant a different conclusion being arrived at in the case before me. *Dhillon* is well recognized

jurisprudence in this court, and, in my view, I should follow it, and I do so. I respectfully decline to follow Harvey.

[30] The reference to *Harvey* was a decision of the then County Court of B.C., *R. v. Harvey*, [1988] B.C.J. No. 1285, relied on by the petitioner in the case at bar, which distinguished *Dhillon*.

[31] I am in agreement with the respondent that materially identical general noise bylaws have been considered and upheld by this Court and I am not satisfied that there is any reason to distinguish those cases in considering the impugned Bylaw in this case. In my view, section 2 of the Bylaw is valid and not void for vagueness or uncertainty.

[32] Based on my interpretation of the combined effect of sections 2 and 3(6) of the Bylaw I also do not consider that the Bylaw prohibits the activities of the petitioner that are permitted on its property by the zoning bylaw. In particular, the specific prohibition in section 3(6) provides a time period when the discharge of firearms is implicitly not prohibited.

[33] There is no question that the discharge of any firearm creates noise, and such noise might well tend to disturb someone in the vicinity of the petitioner's property. Accordingly, in my view, section 3(6) contemplates that there will be noise when firearms are discharged between 9:00 a.m. and sunset, and that such noise is not subject to the general noise bylaw in section 2. Indeed, even if a firearm is discharged outside that period of time, it is only prohibited if the noise therefrom disturbs the neighbourhood as provided in section 2.

[34] If the respondent's interpretation of section 3(6) is correct, namely, that section 2 limits the noise emanating from the discharge of firearms at any time, including the period from 9:00 a.m. until sunset, then in my view the combined effect of sections 2 and 3(6) would be to prohibit the activity of discharging firearms on the petitioner's property as permitted under the current zoning.

[35] Clearly, the activity of discharging firearms on an outdoor shooting range will create noise and if the effect of sections 2 and 3(6) of the Bylaw is to prohibit noise, as described in section 2, emanating from the petitioner's property at any time, then the discharge of firearms on the petitioner's property at any time will offend the Bylaws. As the petitioner says, that result will effectively deny the gun club the right to carry on the activities authorized by the zoning bylaw. It would be absurd to think that the permitted activity of discharging firearms on the petitioner's property only allows the discharge of firearms that do not create noise.

[36] Romilly J.'s comments about a dog kennel in *Coquitlam (City) v. Crawford et al*, 2007 BCSC 146 at para. 5, could well apply to the operation of a gun club:

... There is also no suggestion that when the City permitted the commercial kennel on the Respondents' property it was intended that only silent dogs should be kept there. The fact is that dogs bark. This fact must have been realized by the City when they allowed the Respondents to operate a commercial kennel on their property.

[37] Just as dogs bark, firearms make noise when discharged. This must have been realized by the Islands Trust when the zoning bylaws were passed, allowing activities which include the discharge of firearms on the petitioner's property.

[38] The respondent argued that some restriction on noise emanating from the petitioner's property between 9:00 a.m. and sunset is necessary. Using the example of the discharge of a Howitzer, the respondent says that clearly such noise would be disturbing to the neighbourhood.

[39] In my view, while the example used by the respondent is unrealistic or, at least, not supported by any evidence, it does point to the desirability of some reasonable standard applying to noise emanating from the petitioner's property between 9:00 a.m. and sunset.

[40] While I consider that the Bylaw, as currently drafted, does not restrict the noise emanating from the discharge of firearms on the petitioner's property between 9:00 a.m. and sunset, it is my view that the CRD could enact bylaws that clearly define impermissible noise from that source by reference to criteria such as the

decibel level as measured on a sound level measuring device or other objectively determinable criteria.

[41] In the end result, the petition is dismissed. With regard to the municipal tickets, if any of them relate to the discharge of firearms between 9:00 a.m. and sunset, they are quashed. Otherwise, the petitioner is free to dispute the tickets based upon the facts and circumstances of the alleged violations.

[42] Costs are awarded to the respondent at Scale B.

"Bowden J."

Complaints from Neighbours

Date	# Complaints	Time	Outdoor (Y?N)	Permitted time (Y/N)
October 10/13	1	4:23 – 6:20 pm	Y	Y
October 11/13	1	1:20 – 1:52 pm	Y	Y
October 12/13	1	1 – 3:37, 4:52 pm	Y	Y
October 14/13	1	12:30 – 2 pm	Y	Y
October 18/13	1	3:08 pm	Y	Y
October 19/13	2	2:30 – 3:22 pm	Y	Y
October 21/13	2	12:27 – 3:30 pm	Y	Y
October 24/13	1	2:04 pm, 4:15 pm	Y	Y
October 25/13	1	3:39 – 4:33 pm	Y	Y
October 26/13	2	11:55 – 5 pm	Y	Y
October 28/13	2	3:40 pm	Y	Y
October 30/13	1	1:38 – 3:30 pm	Y	Y
November 5/13	2	6 – 7:13 pm	N	N (sunset 4:46 pm)
November 7/13	2	4:20 pm for some time	Y	Y
November 9/13	2	2:30 – 4 pm	Y	Y
November 12/13	3	12:51 – 6:52 pm	Y	N (sunset 4:37 pm)
November 14/13	3	5 - 6 pm	N	N (sunset 4:34 pm)
November 16/13	2	11:34 – 12:45 pm	Y	Y
November 19/13	2	12:30 – 2 pm	Y	Y
		4:30 – 6:16 pm	N	N (sunset 4:29 pm)
November 21/13	2	1:30 pm	Y	Y
November 22/13	3	12:25 – 1:45 pm	Y	Y
November 23/13	2	4:10 pm	Y	Y
November 29/13	1	2:48 – 4:28 pm	Y	N (sunset 4:21 pm)
November 30/13	3	12:44 – 5:05 pm	N	N (sunset 4:20 pm)
December 2/13	2	2:53 – 2:58 pm	Y	Y
December 4/13	2	10:57 – 11:15 am	Y	Y
December 6/13	1	3:02 pm	Y	Y
December 7/13	1	1:37 – 2:50 pm	Y	Y
December 13/13	2	12:30 – 1:13 pm	Y	Y
December 14/13	3	10 – 2:50 pm	Y	Y
December 15/13	1	4:50 pm	N	N (sunset 4:19 pm)
December 16/13	3	7 – 7:30 pm	N	N (sunset 4:18 pm)
December 21/13	2	11:13 – 12:49 pm	Y	Y
December 25/13	3	1:23 – 2:15 pm	Y	Y
December 26/13	3	12:03 – 1:10 pm	Y	Y
December 28/13	3	11:20 – 4 pm	Y	Y
December 30/13	1	10:43 – 11:18 am	Y	Y

Summary

Since October 10, 2013 we have received 70 complaints, covering 38 instances of shooting. Of these:

- 5 instances were indoor shooting after sunset
- 2 instances were outdoor shooting after sunset
- 30 instances were outdoor/indoor shooting between 9am and sunset

Subject Site:

223 Long Harbour Road
Salt Spring Island, BC

Client:

CRD Protective Services

Environmental Noise Assessment

Indoor Range Gunshot Noise



North West
Environmental Group Ltd.

Victoria, Vancouver, Duncan, Maple Ridge

December 2013

File No. 21291 -R1



**North West
Environmental Group Ltd.**

210 – 2950 Douglas Street
Victoria, B.C. V8T 4N4

Tel: 250-384-9695
Fax: 250-384-9865
E-mail: dfulton@nwest.bc.ca

File No. 21291-R1

Via Email: twhiting@crd.bc.ca

**Capital Regional District
Protective Services
625 Fisgard St.,
Victoria, BC, V8W 2S6**

Attention: Mr. Travis Whiting, Senior Manager, Protective Services

Re: *Salt Spring Island Rod and Gun Club Environmental Noise Assessment*

1. Introduction

North West Environmental Group Ltd. (NWEGL) was retained to conduct an environmental noise assessment at the Salt Spring Island Rod and Gun Club ("Club") property located at 223 Long Harbour Road, Salt Spring Island, BC. The Club is situated in dense brush and forest on the south-west side of Long Harbour Road in a natural ravine.

The objectives of this assessment were to determine the impulse noise levels at the Club property lines from the use of the indoor small bore firearms range during any part of the day and the natural background, man-made noise levels at the Club property lines and at adjacent properties fronting on Churchill Road and Long Harbour Road.

The noise measurements were taken in response to ongoing complaints of indoor shooting after sunset, which the neighbours believe is in contravention of the CRD Noise Suppression (Salt Spring Island) Bylaw 3384, which states "No person shall discharge a firearm before 9:00 am or after sunset that disturbs other people as described in Section 2 of this Bylaw".

On November 29, 2013, the day of the assessment, sunset occurred at 4:22 pm. The firearms' noise measurements were collected during the daytime hours and the natural background and man-made noise levels measured during both the daylight hours and after sunset. The firearms were fired during the daylight hours by Club President John Folley, inside the indoor pistol range on telephone command from David Fulton, CIH, ROH who made the field measurements on November 29, 2013.

These measurements were compared to various benchmarks including the natural background noise of the area and other known sounds in order to provide CRD with information regarding the level of disturbance potentially being created from the operation of the indoor range.



Two revolvers and one rifle were fired, to represent firearms commonly used by club members, Serial numbers of the specific firearms are on file with NWEA but withheld from the report for confidentiality reasons:

1. Ruger New Valquero .45 revolver firing R&P .45 rounds
2. Ruger New Valquero 357 Magnum revolver firing Winchester 357 Special rounds, and
3. Ruger Model 10/22 Autoloading Rifle firing Blazer 22 Long Rifle rounds

2. Methodology

The Club property line location was determined from the available survey markers and by using two GPS (Delorme inReach and Garmin 62st).

Seven monitoring locations were preselected from a topographical map as being on the property line and one additional location was chosen as an opportunistic site adjacent to the south property line in the creek bed due the necessity to traverse the dense brush via the creek bed at that point. Seven locations along Churchill Road were also monitored. No properties other than the Club property and the creek bed were entered (Figure 1). All measurements were made at a height of 1.2 meters above the ground level on the property line with the microphone pointed directly towards the side/corner of indoor range closest to the monitoring location.

A Quest 2900 sound level meter (serial CD0040006) operated as an impulse sound level meter with an A weighting scale was used to make the measurements of the gunshots. The meter was also used to measure the A weight background noise levels. A Quest QC-10 Calibrator was used to calibrate the sound level meter at the start and end of the assessment (serial QIG070082, supplier calibrated 11/26/2013). The Quest 2900 calibration was unchanged during the assessment.

The monitoring for background noise levels was conducted in the late afternoon and again after sunset (4:22 pm). The measured natural background sound levels did not deviate appreciably from mid-day to sunset (less than 1-1.5 dBA), due to the heavily forested environment and lack of urban activity and are reported as a single sunset value on Figure 1.

3. Noise Measurement Data

The firearms fired inside the indoor range were not detected at any location along Long Harbour Road or Churchill Road nor at any other location except along the west property line, which coincidentally is the point of shortest distance from the indoor range building to the property line.

The indoor range firearms were detected above the natural background sound level at 2 property line locations out of 15 monitoring locations (Figure 1, Table 1).

The firearm impulse noise at the Club property line was 2.7 to 7.6 dBA above the sunset natural background sound level at those two locations on the Club property line and did not exceed the sunset natural background sound level at any other locations monitored.

The sunset natural background sound level at a height of 1.2 meters above the street centerline for properties fronting on Churchill Road was 45.1 to 51.9 dBA. The firearm noise measured at the Club property line nearest Churchill Road was 41 to 47 dBA, below all of the Churchill Road sunset natural background sound levels when the additional attenuation of distance and the forest is taken into consideration.

The sunset natural background sound level at a height of 1.2 meters above the street centerline on Long Harbour Road was 47 to 55 dBA. The Club firearm noise during the test period was less than the sunset natural background sound level on Long Harbour Road.

Table 1: Locations of Property Line Noise Level Exceeding Natural Background Noise Level

Approximate Location	Daytime Sound Level dBA	Sunset Sound Level dBA	22 cal Rifle dBAI	38 cal Revolver dBAI	45 cal Revolver dBAI
N48.51.703 W123.29.620 (west property line near Long Harbour Rd)	57	52	54.7 2.7 dBA above sunset level	57.9 5.9 dBA above sunset level	59.6 7.6 dBA above sunset level
N48.51.702 W123.29.601 (west property line opposite indoor range west wall)	41	41	43.6 2.7 dBA above sunset level	46.7 5.7 dBA above sunset level	48.5 7.5 dBA above sunset level

The noise from man-made sources exceeded the sunset natural background sound level considerably more than firearms impulse noise (Table 2).

Table 2: Causes of Off-Site Noise Level Exceeding Natural Background Noise Level

Approximate Location	Sunset Sound Level dBA	Long Harbour Road Traffic	Aircraft flying above	Chain saw
Long Harbour Rd @ Cairns Place	47 dBA	82-89 dBA 35-42 dBA above sunset level		
Long Harbour Rd @ Bullock Creek Road	55 dBA	75-89 dBA 20-34 dBA above sunset level		
N48.51.714 W123.29.572 Creek bed south east of property	30-40 dBA	32-41 dBA 1-2 dBA above sunset level	68-73 dBA 28-33 dBA above sunset level	
125 Churchill Road	50 dBA			78-91 dBA 28-41 dBA above sunset level

During the assessment two other small calibre firearms (e.g., .22) were detected by the Quest 2900 sound level meter and clearly heard being fired to the north-east on the north side of Long Harbour Road (approximately Bullock Creek Road area) and to the south-east of the Club towards the harbour.

In both instances, the off-site firearms were detected above the ambient natural background at the Club property lines by the Quest 2900 sound level meter. These off-site firearms were also

were reported to have been heard above the natural background noise level on the Club property outside the indoor range by CRD Protective Services Officer Rick Illi. The daytime natural background noise level at the gun range parking lot at the time was 52 dBA when no cars were on Long Harbour Road and 61 dBA when cars were driving in either direction on the road, thus the off-site gunshot noise exceeded 52 dBAI and possibly 62 dBAI on the Club property.

These off-site firearms noises exceed the sunset natural background sound level at all Club property lines except closest to Long Harbour Road, and exceeded the sunset natural background sound level along the street centerline for properties fronting on Churchill Road.

4. Regulatory

CRD Noise Suppression (Salt Spring Island) Bylaw 3384 states "No person shall discharge a firearm before 9:00 am or after sunset that disturbs other people as described in Section 2 of this Bylaw". No measureable technical criterion of what noise level constitutes a disturbance is referenced in the CRD Bylaw.

The RCMP cited the Ontario Model Municipal Noise Control By-law as a proposed possible fixed criterion for noise assessment in their document "Shooting Ranges and Sound". This By-law stated "For impulsive sound....from...the discharge of firearms on the premises of a licenced gun club...the applicable sound level limit – if it was in operation before January 1st, 1980 is 70 dBAI, and otherwise 50 dBAI."¹

The same RCMP guidance document also noted that the range of sound levels for limited community reaction to the sound (emphasised in RCMP report) of firearms is between 50 dBAI and 70 dBAI.

The Australian Environmental Protection Agency published a guideline document "Noise from Outdoor Shooting Ranges", Publication 1509 October 2012. That document recommended an evenings Monday to Saturday noise level limit of 60 dBAI and Sunday 55 dBAI for long established ranges operated 6-7 days per week and evenings Monday to Sunday noise level limit of 45 dBAI for established ranges operated 6-7 days per week, where "long established ranges" were those operating prior to February 1991.

The Australian Environmental Protection Agency guideline Publication 1508 recommended an evening noise level of the higher of the above noted levels or the background sound level plus 5 dBAI and restriction of shooting to Monday to Saturday 9 am to 10pm and Sunday 12 noon to 10 pm for noise sensitive areas.

5. Interpretation

The Salt Spring Island Rod and Gun Club indoor range noise levels at its property lines and on the roadway centreline on Churchill Road to the south and Long Harbour Road to the north would meet the Ontario Model Municipal Noise Control By-law fixed criterion of 70 dBAI for impulse noise assessment from the discharge of firearms from a licensed gun club that was in operation before January 1st, 1980. The RCMP guidance document "Shooting Ranges and Sound" range of sound levels for limited community reaction to the sound of firearms would also be achieved (between 50 dBAI and 70 dBAI).

¹ Ministry of the Environment, "Model Municipal Noise Control By-Lay: Final Report", August 1978, section 7.

The Australian Environmental Protection Agency guideline criteria for long established ranges operated 6-7 days per week would also be met evenings Monday to Saturday (less than or equal to 60 dBA), but the Sunday evening criteria of 55 dBA would be exceeded by 5 dBA near the property line at Long Harbour Road. This could be corrected by noise attenuation techniques.

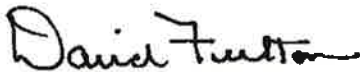
6. Conclusion and Recommendations

The Salt Spring Island Rod and Gun Club indoor range noise levels are consistently in compliance with recommended criterion in the RCMP Shooting Ranges and Noise document, the Ontario Model Noise Bylaw and the Australian EPA "Noise from Outdoor Shooting Ranges", Publication 1509.

The discharge of firearms off the Club property was detected on November 29, 2013 and found to exceed the noise point of impact levels from the Club indoor range.

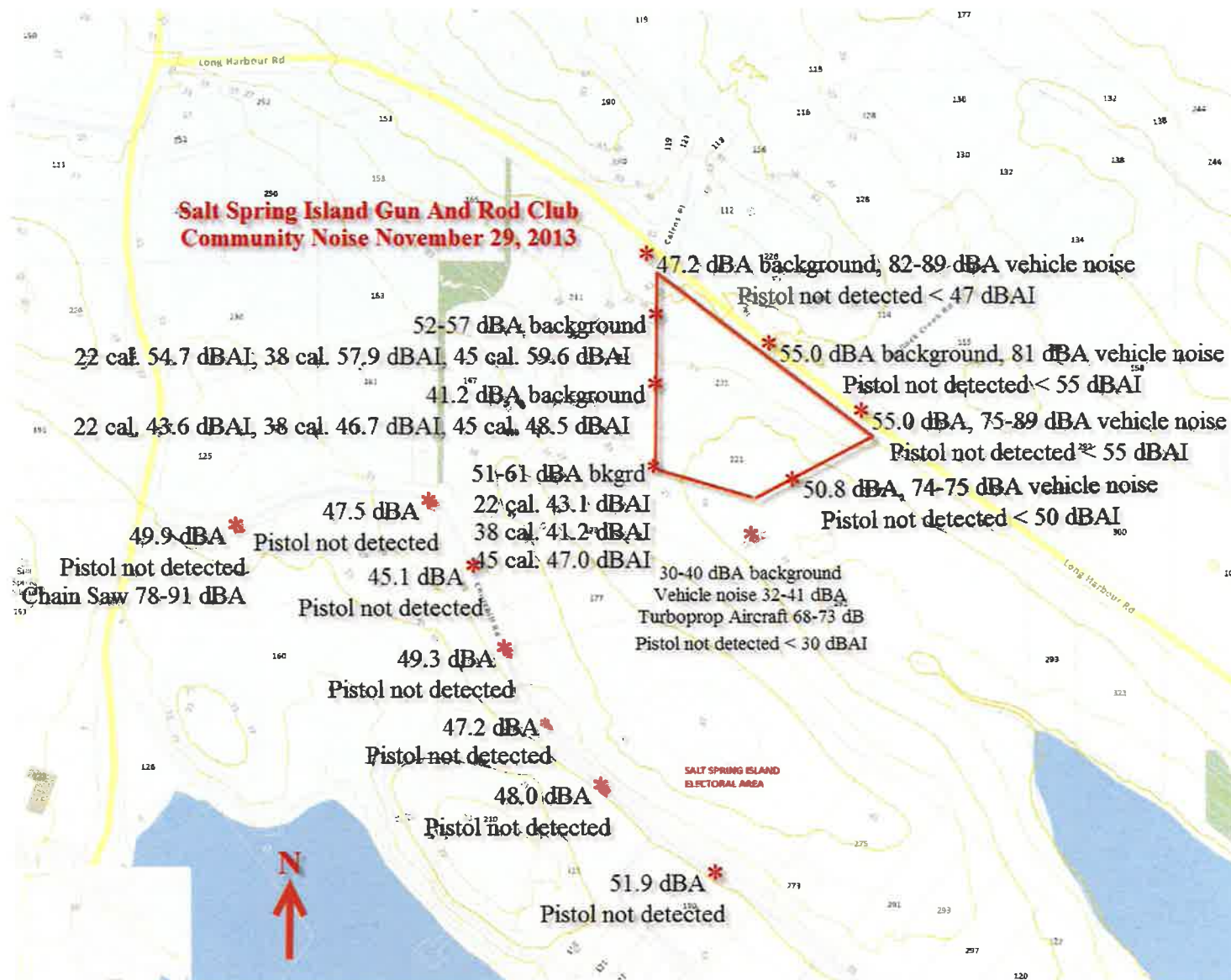
Man-made noise sources (vehicle, aircraft and chain saw) exceeded the sunset natural background noise levels by 20 to 42 dBA, whereas the Club property line exceedance is only 7.5 dBA or less above the sunset natural background noise level.

If you have any questions, please feel free to contact me



David Fulton B.Sc., DIH, CIH, ROH
Senior Industrial Hygienist
North West Environmental Group





Noise from outdoor shooting ranges

Publication number 1508 October 2012
Authorised and published by EPA Victoria, 200 Victoria Street, Carlton

Guideline



Introduction

A Gunshot noise can be disturbing and irritating. It is loud and intrusive, with an impulsive character that increases annoyance. Buffering and noise control measures need to be considered for outdoor shooting ranges to ensure that they do not affect amenity.

In 1991 EPA published the *Interim gunshot noise guidelines*. Later, EPA published the *Using the interim gunshot noise guidelines* (EPA publication 920) to supplement the interim guidelines. This document combines both these guidelines so that the content is readily accessible in one place without changing the intended environmental outcomes or obligations of shooting range operators.

Purpose of this Guideline

This guideline provides duty-holders with advice on the recommended requirements for establishing a new shooting range, changing or operating an existing range, so that noise emissions do not affect amenity or sleep during normal sleeping hours.

Councils and EPA can use this guideline when assessing noise complaints about shooting ranges to determine acceptable outcomes in relation to shooting range noise.

Application of this Guideline

The aim for new shooting range developments is to achieve acceptable outcomes. It is possible that the responsible authority (usually the local council) may decide that acceptable outcomes can be achieved, even though the recommended noise levels may not be met.

In deciding to vary from the recommended levels, the fundamental considerations are whether shooting noise will be annoying, unreasonably intrusive or disturb sleep during normal sleeping hours.

Role of the council (the responsible authority)

In considering a planning permit application, one of the council's roles under its planning scheme is to decide whether the proposal will produce acceptable outcomes. In doing so, councils must consider a range of likely impacts, including on environmental factors such as soil and water quality, and impacts of the emission of noise, dust and odours.

This guideline assists councils in their decision-making of whether the potential noise impact of a planned outdoor shooting range is acceptable.

Role of the applicant

In applying for a planning permit for an outdoor shooting range, the applicant needs to describe all the potential impacts of the proposal, including the level of compliance

with this guideline. Applicants should take a pro-active attitude towards seeking community input before and after submitting a proposal.

Open discussion is critical to successful planning, ensuring that key issues for consultation are raised early in the process. Even if no potentially contentious issues are raised, independent testing and assessment by a qualified acoustic consultant is still recommended.

Legal status of this Guideline

This guideline provides advice to help applicants and operators of shooting ranges ensure that noise emissions do not affect amenity or sleep during normal sleeping hours. If the shooting range emits noise that is unreasonable in the circumstances, EPA will take into account whether this guideline has been followed when deciding if enforcement action is necessary.

Noise levels or outcomes specified in a planning permit or other statutory approval will have precedence over the recommended levels in this guideline.

Recommended requirements

The gunshot noise level (measured as dB(A)) should be below the recommended level in a noise sensitive area.

For daytime, the recommended noise level is the higher of:

- the daytime recommended level specified in table 1 for the appropriate number of days of shooting per week
- the background sound level + 10 dB(A).

For the evening, the recommended noise level is the higher of:

- the evening recommended level specified in table 1 for the appropriate number of days of shooting per week
- the background sound level + 5 dB(A).

Shooting shall be restricted to the following hours:

- Monday - Saturday 9am - 10pm
- Sunday 12noon - 10pm.

Noise from outdoor shooting ranges

Table 1. Recommended levels for shooting range noise

	Days of shooting per week		<1	1	2	3-5	6-7
Long established range	Day	Monday - Saturday	80	75	70	65	60
		Sunday	75	70	65	60	55
	Evening	Monday - Saturday	75	70	65	60	55
		Sunday	70	65	60	55	50
Operating range	Day	Monday - Saturday	60	55	50	45	45
		Sunday	55	50	45	45	45
	Evening	Monday - Saturday	55	50	45	40	35
		Sunday	50	45	40	35	35
Planned range	Day	Monday - Saturday	60	55	50	45	45
		Sunday	55	50	45	45	45
	Evening	Monday - Saturday	55	50	45	40	35
		Sunday	50	45	40	35	35

Note: <1 means shooting on no more than one day per month.

Measurement

Measurement point

Noise from the shooting range shall be measured outdoors in a noise sensitive area, which is generally a residential site (or residential land). This includes a residential hotel or motel, a hospital, caravan park, or any similar premises where the long-term amenity of people may be affected. This does not include people at work or passers-by.

The measurement point should be within 20 metres of the most exposed external wall of the affected building on the site. For example, the measurement would not be done at the boundary of a large residential block unless a house is constructed within 20 metres of the block boundary. The measurement would not be done on the opposite side of the house from the shooting range.

Measurement method

The measurement of the noise level of each shot is the maximum level of the A-weighted sound level using the 'I' (Impulse) time-weighting.

The gunshot noise level is the logarithmic average of a number of shots as follows:

$$\text{Gunshot noise level} = 10 \times \log_{10} \left(\frac{\sum_{i=1}^N L_i}{N} \right)$$

- where L_i is the maximum level of the i^{th} gunshot measured in dB(A) and N is the number of shots measured.

The 'I' (Impulse) setting is used especially to measure impulsive type noises such as gunshot noise. The 'I' setting on a sound level meter allows the indicated level to rise very quickly after the gunshot and then fall very slowly so the maximum level can be determined.

The maximum noise level is measured and may be either:

- observed directly on the meter as the highest sound level during the gunshot
- obtained using a maximum-hold feature on the meter
- measured and recorded using a measurement storage and recall function on the meter.

The level shall be determined as the average of at least 40 individual gunshot measurements or the average over a period of 30 minutes, whichever occurs first. If there are no more than 40 shots in a 30 minute period then the gunshot noise level is the average of the noise levels of all the shots occurring within the selected 30 minute period.

Weather conditions

Noise levels at the measurement point will depend significantly on the weather conditions, especially over long distances. Wind blowing from the measurement point in the noise sensitive area towards the range may make noise less audible, but on still days or with wind blowing towards the measurement point, noise levels may be quite high and cause a noise problem.

The assessment of noise should be made when weather conditions favour the propagation of sound from the range to the measurement point. These conditions are when there are still conditions or a slight breeze from the range towards the measurement point.

If measurements are made under other conditions, the measurements should not be interpreted as the worst-case scenario and may need to be repeated.

Background noise

The background sound level is measured as the level exceeded for 90 per cent of the time interval in question, using the 'A' frequency-weighting and the 'F' (Fast) time-weighting (i.e. L_{A90}).

The L_{A90} is determined by sampling the background sound level over a specified time and determining the level

Noise from outdoor shooting ranges

which is exceeded for 90 per cent of the time. The background sound level is therefore a measure of the lower sound levels observed. It does not represent the peak noise level of a car passing or a bird chirping, for example.

Ideally, the measurement should be made over the entire day or evening period (or that part of the period for which the shooting range is used) so that an average hourly L_{A90} background can be determined for each period.

At a minimum, the measurement of background noise should be made over a period of at least 15 minutes.

The L_{A90} may be measured using an integrating sound level meter or environmental noise logger.

To ensure a representative noise measurement, the background sound level should be measured at such a time that the measured level is representative of the background level in calm to low-wind conditions with no rain.

Definitions

In this guideline the following definitions apply:

A-weighted sound level: The sound pressure level measured using the A-weighting network which approximates the human ear response to sound.

Background sound level: the sound level measured in the absence of gunshot noise or other intruding noise. (See the measurement section).

Days of shooting per week: in any week the number of days of shooting (except that "<1" means shooting occurring at a maximum of one day per month). For example, if shooting occurs two times per week, but only on six weeks of the year, then the recommended level is based on two days per week of shooting even though the average days of shooting is less than once per week. The exception is "<1" days per week which means no more than one day of shooting per month. Where shooting occurs during both the daytime period and the evening period on a single day it shall be regarded as two days of shooting per week.

Daytime: 9am – 6pm Monday to Saturday;
12noon – 6pm Sunday.

Evening: 6pm – 10pm every day of the week.

Operating range: any shooting range which is not a planned range or long established range (see definition of long established range below).

Gunshot noise level: the logarithmic average of the 'A'-weighted sound levels of a series of gunshots measured using the 'I' time-weighting. (See the measurement section).

Long established range: any range that was operating in its current form and level of activity prior to February 1991, and was not assessed by EPA or given direct advice by EPA concerning noise emissions prior to February 1991.

Planned range: any range not currently in operation.

Shooting range: any rifle, pistol or shotgun range, whether used for sport/recreation or for firearms training or practice.

Applying the recommended noise levels

A major extension of an operating range or long established range should also be treated as a planned range. This would include a physical extension to the range use or a significant increase in shooting frequency. For example, an existing pistol club that wished to establish a clay-target (shotgun) range would need to ensure that the new range and existing activities meets the noise levels for a planned range.

A long established rifle range wishing to significantly increase their frequency of operation (for example, from once per month to once per week) would need to reduce noise levels to those of a planned range. This may be a significant undertaking requiring earthworks for noise barriers, enclosures, or reorientation of shooting directions.

Example approach to the application process for a planned range

This example illustrates relevant considerations in using this guideline for a planned range. Each application involves unique circumstances that may not be covered by this example.

Example

An applicant wishes to establish a new rifle range in the outskirts of a major Victorian city. The area chosen is sparsely populated and is currently designated as a farming zone.

Before submitting the application

Before a final site is chosen, the applicant informally approaches council planners to determine:

- whether potential sites are prohibited or constrained
- the most appropriate site in the area, considering current and possible future zoning and development
- relevant council concerns (and potentially those of the community)
- the council's planning scheme provisions and application process.

The applicant also talks with local residents near sites under consideration to determine likely impacts and issues residents might have with the proposal. The residents may be concerned about tranquillity when the community population is boosted by weekend occupants. The residents may want certainty around the timetabling of shooting days and times, or the availability of noise-free sensitive days, rather than just strict decibel level adherence.

Awareness of residents' needs helps produce acceptable local amenity outcomes and helps to prevent misunderstandings and problems, which may complicate the planning process.

Noise from outdoor shooting ranges

The applicant then chooses the best suited site and hires professional consultants to advise on the planning process and assess potential noise impacts on nearby residents. With the help of the consultants the applicant prepares an application that addresses any concerns raised by the council and local residents.

The consultant arranges noise testing to help determine the appropriate level of operation for the rifle range based on the recommended levels.

In this case the acoustic consultant calculates that at the worst-affected residence, a gunshot noise level of 53 dB(A) would be reached, even after careful choice of range orientation and shooting enclosures to reduce noise impact.

The applicant's proposal is to operate the rifle range two days per week; every Friday and Saturday. At this level of operation the day recommended level of 50 dB(A) (from table 1) would be exceeded.

After discussing the issue further with local residents, the applicant decides to proceed with the application but makes some changes to the proposed operating frequency, providing some noise-free Saturdays, and offering to provide a yearly schedule to residents to give some certainty about operating days and times.

Application evaluation

In evaluating the application, the planner considers the degree of compliance with the recommended levels. While the predicted noise levels in the application do not technically comply with the recommended levels, this would not determine the outcome of the application without further consideration.

The planner considers the guidelines as part of the assessment of whether acceptable amenity outcomes can be achieved. The planner also considers:

- social impacts
- economic benefits
- whether further noise control works are possible
- the frequency and predictability of disturbance
- the nature of the area in terms of likely amenity expectations.

Consultation

The council consults the residents and objectors and involves the applicant in this process. All parties are encouraged to put forward alternative solutions. These may be more or less prescriptive than the recommended levels but are focussed on achieving acceptable amenity and operational outcomes for all parties.

During consultation, areas of disagreement arise and the proposed solutions or outcomes vary. Some parties want more frequent operating days in some weeks, with reduced days in others. Other parties agree to some exceedance of the recommended levels in lieu of some noise-free days/weekends. The residents make it clear that they prefer no shooting on any Saturday.

Alternative arrangements are considered in an effort to gain a compromise. In this example, the parties agree that

an extra weekday of shooting could be allowed in lieu of the weekend.

Council's decision

After consultation, the council must decide whether a planning permit should be issued or not. The council may decide to grant a permit having come to a solution that is more flexible than imposing the recommended levels and maximises economic development, while adequately addressing community concerns.

Alternatively, if the council considers that the amenity loss to the community is too significant then they may decide to refuse the application.

In the event that no objections to the application are received, the council must still determine whether an acceptable outcome can be achieved.

More information

For more information visit EPA's website

www.epa.vic.gov.au

or phone EPA on 1300 EPA VIC (1300 372 842).



1-500 Lower Ganges Road, Salt Spring, B.C., BC V8K 2N8
 Telephone: (250) 537-9144 Facsimile: (250) 537-9116
 Toll Free via Enquiry BC In Vancouver 660-2421. Elsewhere In BC 1.800.663.7867
 Web www.islandstrust.bc.ca

May 30, 2012

Dear Sir or Madam,

Re: Land Use Regulations, Rod and Gun Club

Islands Trust staff and the Salt Spring Island local trustees have received numerous enquiries and submissions concerning the Salt Spring Island Rod and Gun Club located at 221 and 223 Long Harbour Road. In order that all persons may have same information, we have prepared this summary of the Islands Trust regulations relating to use of the shooting range.

This same presentation was given at the Salt Spring Island Local Trust Committee on May 17, 2012 in response to questions submitted to the Salt Spring Island trustees. Members of the public are able to see the presentation at <http://www.youtube.com/saltspringvideo> by then scrolling to the SSI Trust Meeting of May 17, Part 3 of 3. The presentation by Islands Trust Bylaw Enforcement staff is at the two hour mark of this video. Key points are outlined below.

The Rod and Gun Club purchased one of the properties in 1961, the second in 1968, both parcels being created at time of subdivision of the larger original parcel. The first zoning regulations came into effect in 1970 through Capital Regional District Zoning Bylaw Number 66. The larger neighbourhood was zoned Rural, which includes as a permitted use any "Places of Outdoor Recreation including parks and golf courses".

In subsequent years, the zoning has changed from time-to-time, and the current zoning is in Salt Spring Island Local Trust Committee Land Use Bylaw Number 353. In this bylaw, the club property and surrounding land is zoned as Residential (R7). In addition to residential dwellings, this zone includes a large variety of uses such as agriculture, health care facilities, community halls and outdoor active recreation. Staff has looked thoroughly at the land use bylaw definitions and considers that the current bylaw provisions allow the shooting range and the club house as uses permitted in the zone.

It may be that, in future years, the zoning regulations may be further changed to be less permissive to outdoor recreation clubs. In that situation, the club's current activities would be permitted to continue through provisions of the provincial *Local Government Act* that essentially "grandfathers" any uses in place at the time that a land use bylaw is amended, provided that the use is not discontinued for more than six months.

With respect to noise, Islands Trust has no jurisdiction in regulating noise on Salt Spring Island, other than that originating from a home based business.

Preserving island communities, culture and environment

There have been questions asked about the Capital Regional District (CRD) Noise Bylaw and about the Federal *Firearms Act*. Contact person for the CRD Bylaw Enforcement Office is Don Brown, Manager of Bylaw Enforcement, email at drbrown@crd.bc.ca. The federal government refers questions concerning Regulations for "Shooting Clubs and Shooting Ranges" to the "Chief Firearms Officer" and contact with this federal office indicates that concerns with respect to operations of a Rod and Gun Club should be forwarded to the Officer. The preferred contact is by writing or by fax to:

Chief Firearms Officer
British Columbia and Yukon
118-5477, 152nd Street
Surrey, British Columbia
V3S 5A5
Fax: (604) 575-1241

Several neighbours have asked about covenants or other restrictions on properties that may buffer noise. Islands Trust staff has researched several of the property titles in the vicinity of the club. We note that some properties have covenants in place for the purpose of geotechnical design, to prevent flooding, or to retain creekside vegetation. These covenants are held between individual owners and either the Ministry of Environment, the Ministry of Transportation and Infrastructure, and/or the Capital Regional District. For information on an individual covenant, enquiries may be made to the relevant agency, although it is not general practice to manage a covenant for a reason other than originally stated in the covenant.

Other neighbours have asked about regulations that do restrict noise. We note that there are eight properties in a subdivision close to the Rod and Gun Club that have a Statutory Building Scheme registered on their property titles. This Building Scheme expressly states that no noise may be created, and no firearms discharged on those eight properties. A Statutory Building Scheme is a form of contract between the eight properties, and it does not affect other nearby properties such as the Rod and Gun Club. As a private contract, its enforcement does not involve any government agencies.

Islands Trust staff understands that many members of the Rod and Gun Club are residents of Salt Spring Island and are interested in restoring good relations within the neighbourhood. The club has made some modifications to its operations this spring and has appointed a contact person for members of the community to dialogue with. Mr. John Foley may be reached at 250 537-0083 and we expect that positive dialogue will continue in the future.

Since the club is operating in conformity to the SSILTC's zoning regulations, there is no further action to be taken by Islands Trust Bylaw Enforcement Officers. Islands Trust Bylaw Enforcement staff will continue to monitor any new complaints they receive.

If there are additional questions, please contact the undersigned by phone at 250-405-5175 or by email at mdrew@islandstrust.bc.ca.

Yours sincerely,
Miles Drew
Bylaw Enforcement Manager

cc: Capital Regional District, att'n: Don Brown
Royal Canadian Mounted Police, att'n: Chief Firearms Officer
Rod & Gun Club att'n: John Foley
Salt Spring Local Planning Services, att'n: Leah Hartley
Salt Spring Island Local Trust Committee



200 1627 fort Street,
Victoria, BC, V8R 1H8
Telephone 250-405-5169 Fax 250-405-5155

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

Email information@islandstrust.bc.ca

Web www.islandstrust.bc.ca

February 7, 2013

File Number: SS-BE-2012.5

Re: Rod and Gun Club

I am writing to respond to a set of questions that were submitted to Islands Trust Bylaw Enforcement Office in November and December 2012 regarding the Salt Spring Island Rod and Gun Club and the Salt Spring Island Land Use bylaws and to give an overview of the zoning history of the Salt Spring Island Rod and Gun Club. This letter is further to correspondence from Miles Drew, Bylaw Enforcement Manager on May 30, 2012, October 17, 2012 and October 29, 2012.

Staff has researched the issues of zoning compliance of the Rod and Gun Club and what we are able to find leads to the conclusions in this letter. The interpretations contained in this letter are based on the information available to Staff on February 6, 2013 and represents the Staff understanding with respect to the uses of the referenced property.

Rod and Gun Club

The Rod and Gun Club is situated at 221 and 223 Long Harbour Road on two legal parcels. It consists of an outdoor range, a clubhouse with kitchen, lounge, and indoor shooting range, a trap machine shed, a storage shed, assorted props, and a mobile home. The Rod and Gun Club's properties are currently zoned Residential 7 (R7) under Salt Spring Island Local Trust Committee Land Use Bylaw 355. Land Title records indicate that the Club has been situated in this location since 1961 with the purchase of "Lot A", followed by the purchase of the adjacent "Lot 1" in 1969. The Club's operation predates the earliest land use regulations that came into effect on Salt Spring Island with adoption of the Capital Regional District Zoning Bylaw No. 66 in January 1971.

Land Use Regulations

In total, there are four successive Land Use Bylaws relevant to the development of the Salt Spring Rod and Gun Club. These are Capital Regional District Zoning Bylaw No. 66 (CRD Bylaw 66), Salt Spring Island Local Trust Committee Zoning Bylaw No. 14 (Bylaw 14), Salt Spring Island Local Trust Committee Zoning Bylaw No. 123 (Bylaw 123), and Salt Spring Island Local Trust Committee Land Use Bylaw No. 355 (Bylaw 355). Appendix A contains a detailed chronology of development in relation to the applicable bylaws. Appendix B contains relevant extracts from each bylaw.

A response to each question received is summarized at the end of this letter, referring to details presented in this letter and the appendices.

Permitted Uses

Based on the evidence provided to date, and after considering extensive legal advice, Islands Trust Staff believes that the Club's principal buildings and uses were permitted at the time they

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Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

February 7, 2013

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were constructed, and have either been permitted by subsequent bylaws or are now lawful non-conforming uses.

Table 1: Summary of Zoning Regulation Bylaws and Club Development

Chronology of Applicable Bylaws*	Outdoor Shooting Uses (1960's onward)	Clubhouse (est. 1962)	Indoor Shooting Range (1976 addition)	Mobile Home (est. 1987)
Pre-Bylaw 66	PERMITTED due to no Land Use (or Zoning) Bylaw	Permitted due to no Land Use (or Zoning) Bylaw	Not present	Not present
CRD Bylaw 66 (Adopted January 1971; in force until Bylaw 14 adopted on March 21, 1979)	Permitted as a principal use	Permitted as an accessory use	Permitted as an accessory use	Not Present
Bylaw 14 (Adopted March 21, 1979; in force until Bylaw 123 adopted on June 5, 1985)	Likely permitted as a principal use <u>OR</u> Lawfully non-conforming	Permitted as an accessory use if Outdoor shooting uses are permitted <u>OR</u> Lawfully non-conforming	Permitted as an accessory use if Outdoor shooting uses are permitted <u>OR</u> Lawfully non-conforming	Not Present
Bylaw 123 (Adopted June 5 1985; in force until Bylaw 355 adopted June 28, 2001)	Likely permitted as a principal use <u>OR</u> Lawfully non-conforming	Permitted as an accessory use if Outdoor shooting uses are permitted <u>OR</u> Lawfully non-conforming	Permitted as an accessory use if Outdoor shooting uses are permitted <u>OR</u> Lawfully non-conforming	Likely Permitted as principal use (caretaker residence being a one family dwelling)
Bylaw 355 (Adopted June 28; 2001, remains in effect)	Permitted as a principal use**	Permitted as an accessory use	Lawfully non-conforming***	Permitted as a principal use.

- * Bylaws came into effect on date of adoption, replacing the earlier bylaw.
- ** Under provisions of the current Land Use Bylaw No. 355, the use of the land for an outdoor shooting club is lawful as one of the permitted uses in the R7 zone "Non-commercial outdoor

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active recreation." Staff considers that the outdoor range, the trap shooting and an archery range all constitute "non-commercial outdoor active recreation" use.

- *** Under the previous bylaws (66, 14 and 123) the indoor shooting range was either considered a permitted accessory use or was lawfully non-conforming. Under the current Bylaw 355 the indoor shooting range would not qualify as a permitted accessory use. This is because the definition of accessory in Bylaw 355 now requires that such a use be "exclusively devoted" to a permitted use on the lands. The operation of an indoor shooting range does not exist for the sole purposes of servicing the outdoor shooting ranges and is therefore not a permitted accessory use. The indoor shooting range can continue to operate lawfully however because of the protection afforded by section 911 of the Local Government Act, which says that *"If, at any time a bylaw...is adopted, (a) land, or a building or other structure, is lawful used, and (b) the use does not conform to the bylaw, the use may continue as a non-conforming use, but if the non-conforming use is discontinued for a continuous period of six month, any subsequent use of the land, building, or other structures becomes subject to the bylaw."*

Legal non-conforming

The term 'legal non-conforming' means that a structure or use was legal under a previous bylaw, or was previously built legally where there was no bylaw in effect, and subsequently, a new bylaw does not permit that structure or use. In these cases, the existing structure or use is protected under Section 911 of the *Local Government Act* provided that the use has continued. This status is sometimes described informally as 'grandfathered'. The protection of legal non-conforming uses and buildings 'runs with the land' and is not altered by changes in property ownership or other changes in the status of a property owner.

Siting and Setbacks

The relevant Land Use Bylaws contain regulations for siting and setbacks of buildings and structures. The conformity with these regulations has been questioned in relation to water quality and fish habitat setbacks from Madrone Creek. Bylaw 355 specifies that *"No sewage disposal field or seepage pit may be located within 30 meters of the natural boundary"* of the creek.

Official Community Plan – Development Permit Requirements

Under the Official Community Plan Bylaw No. 434 the Salt Spring Island Rod and Gun Club lands are included in Development Permit Area 4 (Lakes, Streams, and Wetlands). If situated within 10 metres of Madrone Creek, new tree cutting or other forms of new development would require a development permit, unless specific exemptions apply. The relevant wording is listed in Appendix C.

Specific Questions and Responses

Below are the questions asked in letters received from the public between November 22, 2012 and January 28, 2013 and our response to each of these questions.

1. Of the land use bylaws which is the first applicable bylaw given the dissolving of the Society between 1982 and 1984?

The first zoning bylaw applicable to the Rod and Gun Club was CRD Bylaw 66. The Salt Spring Island Local Trust Committee Zoning Bylaw 14 was in force when the Society

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was dissolved and reinstated. During the time that the Society was dissolved, the Club continued operations on the property, therefore, the use has continued uninterrupted. Its status as a Society does not affect its land use status.

2. Does the outdoor range conform to this bylaw?

Under CRD Bylaw 66, the outdoor range was a permitted principal use. Under Salt Spring Island Local Trust Committee Bylaw 14, the outdoor range was either a permitted principal use, or alternatively, a lawful non-conforming use.

3. Land Use Bylaw# 14 and Bylaw# 123 adopted in 1979 and 1985 respectively had the wording "and outdoor non-commercial recreation facilities compatible with a residential area." In 2001 compatible was removed and the wording changed to "non-commercial outdoor active recreation." A sub division approval granted around 1998 for a neighbouring eight residential lots to the Rod and Gun Club makes the removal of this word unfathomable. What was the logic behind the removal of the word *compatible* given the nature and density of development that would occur in this residential area?

The relevant public hearing records are not explicit in describing this change that was part of a comprehensive bylaw revision. Staff cannot be completely sure what the intention behind the amendment was; however Staff note that the wording may have been removed due to legal advice that vague expressions such as 'compatible' cannot be enforced and should not be included in bylaws. Bylaw 355 possibly continues the intention of the phrase "compatible with a residential area" by including a more enforceable phrase "but excludes recreation that primarily involves the use of a power driven conveyance" in the definition of active recreation. Staff understands from the planning Staff that worked on Bylaw 355, that at the time of Bylaw 355's adoption, community concern regarding outdoor recreation was primarily focused on activities such as motocross and dirt-biking.

4. How does indoor recreation conform as a permitted use?

Under Bylaw 355 the indoor hand gun range is not considered a permitted principal or accessory use; however, as this use was established as a lawful accessory use under an earlier bylaw and has continued uninterrupted ever since, Section 911 of the Local Government Act permits the use to continue as a lawful non-conforming use.

5. I reference your statement again re your letter dated 17 October, 2012

Compatible with a residential area is a requirement under Bylaw No. 123 and in all bylaws commencing with Bylaw No. 66 indoor recreation and facilities are designated only to commercial, comprehensive development and community facilities zoning but never rural or residential. This supports our belief it is not and never was compatible and therefore does not conform.

The indoor hand gun range was likely not a permitted principal use when built in 1976, but rather would have been a permitted accessory use under Bylaw 66. At that time the

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application for a building permit was reviewed and the use was presumably approved on that basis.

6. How does the Indoor range conform as an accessory use, building, or facility given it is not subordinate?

The indoor range was built when Bylaw 66 was in effect. The term "subordinate" is not associated with the phrase "accessory" in that bylaw. However, it is Staff's understanding that the indoor range is subordinate to the permitted principal uses undertaken on the property and that an attempt to remove it through legal action would be unsuccessful.

7. How many buildings exist on the property?

The largest building is a clubhouse and indoor shooting range. Records indicate that the clubhouse was originally 800 square feet in size. A 3000 sq. ft. addition includes the indoor range, a lounge and kitchen. Other buildings are detailed in Appendix A and include:

- Rifle Shooting Shelter at approximate 250 square feet
- Mobile Home, 576 sq. ft.
- Trap Machine Shelter, 100 sq. ft.
- Storage Shed, 816 sq. ft.

8. Of these buildings how many separate roofs, floors, and foundations exist?

Please itemize each separate structure that has its own roof, floor, or foundation.

There are three structures on the property with separate roof, floor and foundations; the Rifle Shooting shelter, the Clubhouse/Indoor Range and the Mobile Home.

9. How do these buildings or structures conform to the bylaw and which bylaw given the size and dimensions of each?

Please see Table 1 where we address this question in relation to the clubhouse, indoor range, and mobile home as well as uses situated on Lot A, being the larger of the two lots. The trap machine and rifle shooting shelters are considered part of the Outdoor Recreation permitted principal use.

At time of moving the mobile home onto Lot A, a one-family dwelling was also permitted as a principal use and such is the case today.

The storage shed was constructed on Lot 1 in 1987. At that time, it conformed to the maximum size of accessory buildings in accordance with Bylaw 123. Bylaw 355 has a smaller building size regulation, and the storage shed would now be considered "lawful non-conforming" as to size.

10. How many of these building have facilities such as kitchens, bathrooms, etc. that do not conform?

None. All the buildings are either lawful permitted uses or lawfully non-conforming.

February 7, 2013

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11. Why was the club property and facilities not inspected by a bylaw officer as agreed to by Trustees and the Regional Planning Manager at the meeting on September 21, 2012?

The lands were not inspected because the complaints received to that date did not provide any grounds under the Land Use Bylaw that required an on-site visit to investigate. Subsequently, when complainants alleged unlawful structures, the Manager of Bylaw Enforcement inspected the property on November 15, 2012.

12. Who overruled this agreement?

The Manager of Bylaw Enforcement has the discretion to carry out investigation and enforcement activities in accordance with the Islands Trust's policies for bylaw enforcement and to determine when a site visit is necessary for that purpose. To maximize efficiency, the Manager of Bylaw Enforcement must carefully allocate time and resources. Costly and time-consuming on-site visits are used sparingly and only where they are necessary to investigate complaints, such as those related to unlawful structures.

13. How does the trust, whose mandate of preserving the environment permit a Gun club that encroaches on a riparian area and contaminates the surface water which feeds an aquifer and stream that flow into the neighbouring property and ultimately Madrona Bay?

While the Islands Trust has a general mandate to preserve and protect the natural environment and unique amenities of the Islands Trust Area, its mandate is implemented through land use regulations that must comply with provincial laws. The Islands Trust's mandate does not supersede the rights of property owners to due process nor does it eliminate protections afforded to property owners under provincial law. While local governments such as the Salt Spring Island Local Trust Committee can adopt bylaws that regulate specific aspects of land use, they do not have unilateral powers to regulate all activities, nor to regulate retroactively. The Salt Spring Island Rod and Gun Club is lawful under Salt Spring Island Local Trust Committee bylaws and the Local Government Act.

The Ministry of Environment has jurisdiction over the water resources, so concerns related to contamination of streams and aquifers should be referred to the ministry.

14. It is noted in the Islands Trust Development Permit Area 4 Map that Madrona Creek is identified as a Fish Habitat.

While Development Permit Area 4 limits specific activities that have been identified as harmful to fish habitat, it does not restrict all activities. The Salt Spring Island Rod and Gun Club is conforming to the regulations in the Development Permit Area 4 of the Official Community Plan Bylaw No. 434. If the Club were to undertake certain kinds of new development within Development Permit Area 4, it would be required to obtain a development permit and comply with its conditions.

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15. Why were other neighbours not consulted in November 2012?

The correspondence from the Islands Trust Staff in November 2012 was in response to specific complaints received from a group of concerned neighbours. Staff understood that the neighbours were sharing the correspondence with others expressing adverse effects originating from land use regulations.

16. Would you please confirm that the report will be presented at an in camera meeting.

The information contained in this letter is not considered privileged and the letter is copied to the Salt Spring Island Local Trust Committee so that it may be widely available to the public. Since it is public, there is no need for an in-camera meeting.

While I understand that some of the Club's neighbours may wish to have some or all of the Club's operations terminated by the Salt Spring Island Local Trust Committee, the Committee could only take such action if there was clearly an unlawful activity that would withstand extensive scrutiny through the court process. In this instance, our investigations to date indicate that all of the Club's activities and structures are lawful, either because they are legal non-conforming, or because they comply with the current land use bylaw. If there is any ambiguity in interpreting land use regulations, the courts traditionally give the benefit of the doubt to the property owner. For these reasons, Staff has not recommended that the Salt Spring Island Local Trust Committee consider bylaw enforcement action to date.

If you have any further questions or if you feel there is additional or different information that we have not considered, please call me at 250-405-5169 or e-mail me at dmarlor@islandstrust.bc.ca.

Sincerely,

David Marlor, RPP, MCIP
Director of Local Planning Services
Islands Trust

pc: Salt Spring Island Local Trust Committee
Wayne McIntyre, Salt Spring Electoral Area Director, Capital Regional District
Linda Adams, Chief Administrative Officer
Leah Hartley, Regional Planning Manager
Miles Drew, Bylaw Enforcement Manager
Don Brown, Capital Regional District

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APPENDIX A: DETAILED CHRONOLOGY

The following chronology includes Islands Trust Staff's understanding of the development of the Rod and Gun Club from 1960 to the present based on evidence available on February 6, 2013.

Date	Action
October 20, 1960	SSI Rod & Gun Club property, which was purchased from Mr. Vic Jackson (Driftwood)
May 16, 1961	Lot A Plan 14462, PID 004-416-074, purchased by the Salt Spring Island Rod and Gun Club and registered in the Land Title Registry
May 31, 1962	Driftwood reports that "The Rod and Gun Club... are in the process of completing their new clubhouse. A trap shooting range will be installed shortly and it is hoped to give pistol shooting instruction soon"
May 15, 1969	Lot 1 Plan 20794, PID 003-598-861, , purchased by the Salt Spring Island Rod and Gun Club and is registered in the Land Title Registry
	Rifle Shooting Shelter, which is approximately 3 metres by 7.6 metres, is not indicated on any building inspection plans but It appears to be on Lot A.
January 13, 1971	<i>Capital Regional District Bylaw No. 66</i> adopted. Under this bylaw the Salt Spring Island Rod and Gun Club lands were zoned Rural. The pertinent sections and definitions from this bylaw are listed in Appendix B.
January 1976	<p>Building permit was issued for a 279 square metres (3,000 square foot) addition to the existing club house of 74 square metres (800 square feet). The building plans show an indoor gun range and club house. This is located on Lot A.</p> <p>The expansion of the club house and construction of the indoor shooting range in 1976 was reviewed by a CRD planning representative before the building permit was issued. The notes on the building inspection records do not indicate the reasoning for the approval. Given the fact that the Rod and Gun Club facilities are only open to members it is most likely that the club house was not considered a community hall but was approved for construction as an accessory use. The indoor shooting range must also have been considered as a use accessory to the permitted outdoor recreation taking place. The lot coverage of the building on Lot A was approximately 3,800 square feet or 4.7%, which is well below the permitted 33% permitted lot coverage.</p>
March 21, 1979	<p>Salt Spring Island Zoning Bylaw No. 14, adopted. Under this bylaw the Salt Spring Island Rod and Gun Club lands were zoned Rural Residential 1 (RR1). The pertinent sections and definitions from this bylaw are listed in Appendix B.</p> <p>The use of the lands for shooting club outdoor activities continued to be a permitted use and the club house would have been considered a lawful accessory use under Bylaw 14. The clubhouse would not have been considered a community hall given that its use was primarily for club members only. The indoor shooting range would likely not be considered a permitted principal use but considering the definition of accessory building in Bylaw 14 which uses the phrase "customarily accessory to the principal use" and in</p>

February 7, 2013

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	section 4.1(2) which permits "uses... which... are accessory to and compatible with the principal use" it would have been considered a lawful accessory use."
June 5, 1985	<p>Salt Spring Island Zoning Bylaw No. 123, adopted. Under this bylaw the Salt Spring Island Rod and Gun Club lands were zoned Rural Residential 1 (RR1). The pertinent sections and definitions from this bylaw are listed in Appendix B.</p> <p>The use of the lands for shooting club outdoor activities continued to be a permitted use and the club house would have been considered a lawful accessory use under Bylaw 123. The clubhouse would not have been considered a community hall given that its use was primarily for club members only. The indoor shooting range would likely not be considered a permitted principal use but considering the definition of accessory building in Bylaw 123 which uses the phrase "customarily accessory to the principal use" and in section 4.1(2) which permits "uses... which... are accessory to and compatible with the principal use" it would have been considered a lawful accessory use."</p>
1986	<p>The current trap shooting facility relocated from Lot A to Lot 1. According to available evidence in 1986 a lot of excavation work was undertaken on the property to re-grade it. This was done to change the location and direction of shooting for the trap shooting facility from in the front of the main club house and north to south to its present location on Lot 1 shooting west to east. At this time a trap machine shelter approximately 9 square metres (100 square feet) was constructed on Lot 1.</p>
March 4, 1987	<p>The Capital Regional District issued a building permit to move a 53.5 square metre (576 square foot) caretaker mobile home onto the property. Building inspection records show that plans were considered as conforming to siting and use provisions of the zoning bylaw.</p> <p>Bylaw 123 permitted the location of one family dwelling on Lot A. The size of the mobile home is 53.5 square metres (576 square feet) bringing the total lot coverage to 5.4%, still well below the allowable 33%.</p>
August 4, 1987	<p>The Capital Regional District issued a building permit for a storage shed, which is noted as complete in July of 1989. The plans for this shed indicate that it is the building closest to the current location of the trap shooting area and is located on Lot 1.</p>
January 20, 1987	<p>January 20, 1984 the Ministry of Consumer and Corporate Affairs issued a certificate under the Society Act. The certificate says:</p> <p><i>"I hereby certify that pursuant to section 71 of the Society Act, the Salt Spring Island Rod and Gun Club, which was incorporated on the 21st day of April, 1961, under certificate No. S-6175, and was on the 27th day of September, 1982 struck off the registrar and dissolved, has this day pursuant to an order of the court, been restored to the register."</i></p>

February 7, 2013

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	<p>It appears that the Rod and Gun Club was struck from the records as a registered society but continued to operate as a club. The effect of the order was to reconstitute the Club's status as a society. Lawful non-conforming is only concerned with the use of the land with respect to Division 7 of Part 26 of the Local Government Act. Loss of society status, lack of business license, or even a change of ownership does not act to disqualify an owner from Section 911 protection. As the Salt Spring Island Rod and Gun Club activities continued on the property, its loss of society status has no effect on Land Use Bylaw regulations.</p>
June 28, 2001	<p>Salt Spring Island Land Use Bylaw No. 355 adopted. This bylaw currently regulates the uses of the lands owned by the Salt Spring Island Rod and Gun Club. There has been no reported change in use of the lands since this bylaw has been in effect. Under this bylaw the Salt Spring Rod and Gun Club are zoned R7 (Residential 7). The pertinent sections and definitions are in Appendix B.</p>

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APPENDIX B

Excerpt from Capital Regional District Bylaw No. 66, adopted January 13, 1971.

Applicable Zoning: Rural

Definitions

Section 2.1 says:

"Building means any structure (including a mobile home) which is attached to a permanent foundation embedded in the ground and which is used or intended to be used for the shelter, habitation, accommodation, assembly or storage of persons, animals, goods or chattels."

There is no definition of community hall or accessory use.

Accessory Uses-Bylaw No. 66

Section 4.1 of Bylaw 66. Says:

*"Except where specifically excluded the following uses shall be permitted in any zone:
(2) uses, structures and buildings which are accessory to and compatible with the principle use, and to any dwelling unit;"*

Lot Coverage and Building Size-Bylaw No. 66

Section 5.5 says

"Buildings and structures shall not cover more than 33 per centum of the parcel of land on which they are located."

Permitted lot coverage on Lot A is 56,635.85 sq. ft. and permitted lot coverage on Lot 1 is 26,263.35 sq.

Permitted Uses- Bylaw No. 66

Section 5.1 of Bylaw No. 66 says

"Subject to the regulations in Section 4.1 and this Part, the following uses and no others shall be permitted in the Rural Zone.

(5) schools, churches, hospitals, community halls and libraries:

(7) places of outdoor recreation including parks and golf courses;

Development Area

At some time, Bylaw No 66 was amended to include the following regulation:

"The land zoned Rural is designated as a Development Area"

Except from the Islands Trust Salt Spring Island Zoning Bylaw No. 14, adopted March 21, 1979

Applicable Zoning: RR1 "Rural Residential 1"

Definitions

"Accessory Building" means a subordinate non-residential building or structure which is customarily accessory to the principal use being made of the land upon which it is located.

Accessory Uses:

Section 4.1 of Bylaw 14 says:

"Except where specifically excluded the following uses shall be permitted in any zone:

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(2) uses, structures and buildings which are accessory to and compatible with the principle use, and to any dwelling unit;"

Lot Coverage and Building Size

Section 4.9(2)(b)(ii) Floor area: the total combined floor area of accessory buildings shall not exceed 46.5 square metres (500 sq. ft.)

Section 6.2 Site Coverage. Buildings and structures shall not cover more than 33 percent of the parcel of land on which they are located.

Permitted Uses- Bylaw No.14

Section 6.1 of Bylaw 14 says

"In addition to the uses permitted in Section 4.1 of this By-law, the following uses and no others shall be permitted in the Rural Residential 1 Zone:

(5) schools, hospitals, churches, libraries, community halls, and outdoor non-commercial recreation facilities compatible with a residential area.

The lands are not designated a Development Area in Bylaw No 14.

Except from the Salt Spring Island Zoning Bylaw No. 123, adopted June 5, 1985

Applicable Zoning: Rural Residential 1

Definitions

"Accessory Building means a subordinate non-residential building or structure which is customarily accessory to the principal use being made of the land upon which it is located."

"Building means any structure (including a mobile home) which is attached to a permanent foundation embedded in the ground and which is used or intended to be used for the shelter, habitation, accommodation, assembly or storage of persons animals goods or chattels. "

There is no definition for community hall.

Section 4.9 (2) (a) (in effect by 2001): floor area: the total combined floor area of accessory buildings under this subsection shall not exceed 70 square metres (750 sq. ft.) which shall not include the floor area of one additional accessory building having a floor area not exceeding 24 square meters (260 sq. ft.)

Section 3 (b) (1985): The total combined floor area of accessory building under this subsection shall not exceed 54 square meters (580 sq. ft.) which shall not include the floor area of up to two (2) accessory buildings each having a floor area less than 20 square meters (215 sq. ft.).

6.2 Site Coverage

Buildings and structures shall not cover more than 33 per cent of the parcel of land on which they are located.

Permitted Uses- Bylaw No.123

Section 6.1 of Bylaw 123 says " In addition to the uses permitted in Section 4.1 of this Bylaw the following uses and no others shall be permitted in the Rural Residential 1 Zone:

(1) One-family dwelling;

Schools, hospitals, churches, libraries, community halls, and outdoor non-commercial recreation facilities compatible with a residential area;

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Excerpt from the Salt Spring Island Land Use Bylaw No. 355, adopted June 28, 2001.

Applicable Zoning: Rural 7 (R7)

Definitions-

"accessory" means, in relation to a use, building or structure: subordinate, customarily incidental and exclusively devoted to a principal use, building or structure expressly permitted by this Bylaw on the same lot or, if the accessory use, building or structure is located on a common property in a bare land strata plan, on a strata lot in that strata plan.

"building" means a structure having a roof or cover supported by columns or walls and used or intended to be used for supporting or sheltering any use or occupancy

"commercial" means occupied with or engaged in work for the purposes of earning an income".

"community hall" means a building used for recreational, social, charitable, educational, entertainment and cultural activities and intermittent commercial uses, open to the public and owned or operated by a non-profit group or government agency.

"lot coverage" means the total area on the horizontal plane of those portions of a lot that are covered by buildings or structures divided by the area of the lot and expressed as a percentage, and for this purpose, the area of a lot that is covered by a roofed building or structure is measured to the outer surface of the exterior walls and windows minus 15 cm, or in the case of roofed structures without walls it is measured to the edge of the eaves.

"outdoor" means carried on or located outside a fully enclosed building or structure.

"principal" means, in relation to a use conducted or a building or structure constructed on a lot: primary and most important.

"recreation, active" means recreation that is of a formal nature, often performed with specific people or teams, requires specialized equipment or prescribed places, sites or fields, but excludes recreation that primarily involves the use of a power-driven conveyance.

Information Note: Examples include organized team field sports, swimming in pools, bowling and tennis.

"recreation, passive" means recreation that is of an informal nature, performed by individuals or informal groups of individuals and usually requires little or no specialized equipment, places, sites or fields, but excludes recreation that primarily involves the use of a power-driven conveyance.

Information Note: Examples include hiking, picnicking, horse riding and cycling.

Accessory Uses-Bylaw No. 355

3.1.1 The following uses are permitted in every zone:

(4) uses, buildings and structures accessory to a principal use on the same lot that is permitted by this Bylaw;

Lot Coverage and Building Size-Bylaw No. 355

3.12.5 With the exception of a seasonal cottage or other permitted accessory dwelling unit, the total floor area of all accessory buildings and structures on a lot must not exceed 70 square metres for lots that are 1.2 ha or less in area and 185 square metres for lots that are greater than 1.2 ha in area. One building with a floor area less than 25 square metres may be excluded from the calculation of total floor area for accessory buildings and structures

Section 9.9.2 limits lot coverage to 33 per cent, limits maximum floor area for a dwelling in 67 sq. metres

Permitted Uses- Bylaw No. 355

Section 9.9.1 of Bylaw 355 says "In addition to the uses permitted in Subsection 3.1.1 of this Bylaw the following use, buildings and structures and no others are permitted in the Residential Zones "

The list of permitted uses includes: single-family dwelling, Community halls, Non-commercial outdoor active recreation.

APPENDIX C

Excerpt from the Official Community Plan Bylaw No. 434 - Development Permit Area 4 (Lakes, Streams, and Wetlands).

E.4.1.2 All development in this Development Permit Area is exempted from the requirement to obtain a Development Permit, except:

- a. Removal of trees within 10 m of the natural boundary of a lake or a stream (or within 300 m of Maxwell Lake).*
- b. Removal of other vegetation within 10 m of the natural boundary of a lake or stream (or within 300m of Maxwell Lake) that results in the exposure of a total area of bare soil more than 9 m2 in area.*
- c. Removal of vegetation in a wetland.*
- d. Installation of a septic field within 61 m of the natural boundary of a lake (or within 300 m of Maxwell Lake).*
- e. Development of an impervious surface within 10 m of the natural boundary of a lake or a stream (or within 300 m of Maxwell Lake).*
- f. Any works or installation of structures within a stream or below the natural boundary of a lake.*
- g. The subdivision of land parcels that create additional new lots within this Development Permit Area.*

E.4.1.3 Despite Section E.4.1.2, the following activities are also exempted from the requirement to obtain a Development Permit:

- a. land alteration and vegetation removal on agricultural land that is more than 3 m from the natural boundary of a lake or stream (except Maxwell Lake), that is done for farming purposes and that is consistent with normal farm practices under the Farm Practices Protection (Right to Farm) Act.*
- b. forest management activities related to timber production and harvesting in the Forest Land Reserve.*
- c. fish habitat enhancement work approved by the Department of Fisheries and Oceans or the Ministry of Environment.*
- d. the emergency removal of a hazardous tree.*
- e. emergency works to prevent flood damage to structures or repair to public service utilities.*
- f. vegetation removal or other works within 10 m of a lake or stream (or within 300 m of Maxwell Lake) that has been approved in writing by the Ministry of Environment or by the Department of Fisheries and Oceans.*
- g. works below the natural boundary of a lake or stream or a wetland that have been approved in writing by the Ministry of Environment or by the Department of Fisheries and Oceans.*
- h. activities on land that is within 300 m of Maxwell Lake, but is outside the lake's surface catchment area, as demonstrated by survey.*
- i. the subdivision of land parcels where a conservation covenant satisfactory to and in favour of the Salt Spring Island Local Trust Committee or the Islands Trust Fund Board has already been registered for the maintenance of natural drainage and protection of environmentally sensitive areas.*
- j. works undertaken by a waterworks district that have been certified by a Professional Engineer as consistent with the Land Development Guidelines for the Protection of Aquatic Habitat*

Attachments: 2 Applications



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DO NOT MAIL

GRANT IN AID REQUEST FORM (Vendor 900)

TO: MANAGER ADMINISTRATIVE SERVICES
CORPORATE SERVICES DEPARTMENT

DATE: 06/01/2014
(dd/mm/yy)

FROM:

SUBJECT: REQUEST FOR GRANT IN AID

Electoral Area: Southern Gulf Islands

Organization for which the Grant in Aid is requested:

Heartwood Folk School Society

Amount Approved: \$ 4500.⁰⁰

Tax Code:

Account Assignment:

B/A

G/L

Cost Centre

1001

544000

100082 - JDF _____
100083 - SSI _____
100085 - SGI _____

Requested by:

David Howe
Director's Signature

David Howe
Print Name

06/01/2014
Date Received (dd/mm/yy)

FINANCE ONLY

Request received and acted upon by:

Signature

Print Name

CRD GRANT-IN-AID APPLICATION FORM

Application Submitted By

Name and Address of Applicant: HEARTWOOD FOLK SCHOOL SOCIETY
(formerly PENDER COMMUNITY TRANSITION SOCIETY)
6612 Harbour Hill Drive, Pender Island, BC, V0N 2M1

Contact(s):	<u>ZORAH STAAR (President)</u>	<u>250-629-3825</u>	<u>cmzs@shaw.ca</u>
	(name)	(phone)	(email)
	<u>JULIE JOHNSTON (Vice-President)</u>	<u>250-629-8348</u>	<u>greenhearted@shaw.ca</u>
	(name)	(phone)	(email)

Application Summary

Project or purpose for which you require assistance:

HEARTWOOD FOLK SCHOOL (development of Phase 1 workshops)

Amount of grant requested \$4,500

To the best of my knowledge, all of the information that is provided in this application is true and correct. Furthermore, I hereby certify that this application for assistance is:

- **NOT** being made on behalf of an industrial, commercial, or business undertaking
- **NOT** available for the personal benefit of any individual, proprietor, member or shareholder


Zorah Staar

(signature of authorized signatory)

President/Coordinator

(title)

ZORAH STAAR

(print name)

Date: January 6, 2014

Applicant Profile

1. Please describe the services / benefits that your organization provides to the community. Are these services / benefits available to the community from another organization or agency?

HEARTWOOD FOLK SCHOOL for Sustainability & Resilience is a non-profit, Pender Island-initiated, source of multi-age workshops and courses that teach **practical, joyful, Earth-caring and community-strengthening skills** (see www.heartwoodfolkschool.ca). Heartwood is a local and area-serving Folk School, seeking cooperation with other learning sources and rural experts to offer educational programs for Pender, the Southern Gulf Islands (near Victoria, B.C., Canada), and beyond. Heartwood is being developed by the non-profit Pender Community Transition Society, under its new name: Heartwood Folk School Society.

2. Describe the geographic area that receives services or benefits from your organization.
NORTH & SOUTH PENDER ISLAND, and the other Southern Gulf Islands including Salt Spring, with initial workshops offered on Pender and inviting all islanders (Phase 1), and then cooperatively expanding to workshops in other communities as well (Phase 2).

3. Is your organization voluntary and non-profit? ☐ NO ☒ YES

Please detail any remuneration paid, or funds otherwise made available to members, officers, etc. of your organization. **No Society Officer or Member is compensated for these roles or related duties. One Officer (Coordinator/President Zorah Staar) is compensated for specific project services such as project coordination, consultation, and community education.**

Please indicate the number of members / volunteers in your organization and how long your organization has been in operation.

The Society has been operating since September, 2010, originally as Pender Community Transition Society, but now to operate under the name Heartwood Folk School Society (name change to be approved by Members on February 8, 2013). There are over 250 supporters who've attended our multi-age educational programs and demonstrated support. This includes 20 Pender Island (P.I.) community groups, and also other Gulf Island groups with whom we've been cooperating (below). This will evolve further with the Folk School's educational programs!

P.I. Recreation & Agricultural Hall Association
Elder College (P.I. Health Care Society)
P.I. School & Spring Leaves Family Learning
P.I. Youth Centre (Pender Island Playgroup)
TELANET Centre for Innovation & Peace
P.I. Restorative Justice
Eco Homes Network
Moving Around Pender Alternative Transportation
North & South Pender Local Trust Committees
P.I. Community Farmland Acquisition Project
P.I. Farmers Institute
P.I. Conservancy Association
P.I. Garden Club
P.I. Organic Community Gardening Society
P.I. Recycling Depot/Society
P.I. Trust Protection Society
P.I. Fire Rescue
P.I. Community Emergency Response Team
Ptarmigan Music & Theatre Society
Solstice Theatre Society

SGI Economic Development Commission
Tsawout First Nation
Tsartlip First Nation
Transition Salt Spring
Resilient Mayne
Gabriola Commons/Sustainable Gabriola
Island Futures/Island Connections
SGI Emergency Program Coordinator
Trincomali Community Arts Council

Project / Proposal Profile

1. Assistance is being requested for:

___ capital project and / or equipment

☒ special event(s) **Development & delivery of Folk School Phase 1 workshops**

___ other purpose:

2. Please describe the proposal for which you are requesting assistance. Attach additional information if required.

HEARTWOOD FOLK SCHOOL for Sustainability & Resilience is a non-profit, Pender Island-initiated, source of multi-age workshops and courses that teach **practical, joyful, Earth-caring and community-strengthening skills**. This key skill-building is in subject areas including food growing, energy conservation, nature skills, mechanical/building skills, traditional arts and crafts, health & wellbeing, community & neighbourhood capacity-building, and more. See www.heartwoodfolkschool.ca for our initial list of subject areas and potential courses.

With Pender Community Transition now evolving into the Heartwood Folk School, this current CRD application is for Heartwood **to develop and deliver the following Phase 1 workshops**, which will occur on Pender, and also invite other Gulf Island community groups and members:

A. Renewable Energy & Energy Conservation Workshop (including new CRD Rebates): education on extension of "Solar Colwood" rebates to the SGI; new Solar technology available locally; and other renewable and conservation options to make us more sustainable and resilient

B. Knitting & Wool Workshop (including First Nations & other Local Experts): education on knitting as an ancient and international art (and practical skill); Coast Salish/local knitting and wool history; technological innovations; and knitting and wool as sustainable island enterprises

C. Computerized Accounting for Non-Profit Groups & Projects: assisting community initiatives without knowledgeable Treasurers/Accountants, by teaching them to use practical accounting software (for regular organizational and also special purposes, like grant applications)

NOTE: After Heartwood's Phase 1 workshops on Pender (as above), we intend to seek resources from various sources for Phase 2 workshops, which can include repeating the above workshops on other Gulf Islands, and also offering workshops about other subject areas.

3. Please describe how this proposal will benefit the community.

Heartwood is a "Folk School for Sustainability & Resilience," meaning that the school is **intended to develop practical sustainability and resilience skills so as to benefit both community members and our larger communities**. The Folk School model is common worldwide, and is about supporting local experts (including Elders and First Nations) to teach other community members, and also about welcoming experts from away. Many valuable skills are from a more resilient past (e.g. ancient arts such as knitting). Other key skills are from sustainable innovations (e.g. new solar energy options, or computerized accounting).

Skills-based education like this can help us to sustain our Earth, and also to respond more resiliently (as communities and individuals) to challenges like climate instability, constrained energy supplies, and global financial uncertainties. In addition, the Folk School process of multi-age, hands-on, learning from each other can connect community members in powerful ways. It can also create new community social enterprise and local economic development.

Funding and Financial Information

1. Attach supporting financial information, i.e., budget / financial report. Ensure the following information is clearly itemized;

* project budget – **see attached PROJECTS BUDGET (for Phase 1 workshops)**

* grants / funding from other sources – **see attached PROJECTS BUDGET**

* funding contributed by applicant through fund raising activities or other sources of revenue

So far this fiscal year, the Society has received \$300 of Local Trust Committee funding that can support the Phase 1 workshops. Modest workshop fees will also be charged.

* financial statement that itemizes total expenses for the fiscal year, including any monies and/or benefits paid to members or officers

For the fiscal year beginning April 1, 2013 (see attached FINANCIAL STATEMENTS), the Society's total expenses for the year to date are \$8,601.73. Of that amount, \$7,420 was for specific "Project Coordinator Services" in four particular project areas, provided by one PCT Officer (Coordinator/President Zorah Staar). No PCT Officer, Director or Member was compensated in that role, i.e. for simply being an Officer, Director, or Member.

2. Have you applied for a grant / funding from another source(s)? X NO (not yet)

If yes, complete the following chart. **If no**, please explain:

The Society intends to apply for future workshop grants from Vancity Community Projects, Trincomali Community Arts Council, the Pender Nu-To-Yu, Lions, Legion, and/or others.

Name of Grant or Funding Agency	# Amount Applied For	Status of Grant Application		
		Approved	Denied	Pending

3. Have you received assistance (grant in aid, etc.), from the CRD in previous years?

 NO X YES

If yes, please complete the following chart.

Year	\$ Amount	Purpose for which assistance was used
2013 (July)	\$3,500	PENDER ELDER VILLAGE / EVERGREEN PLACE
2013 (March)	\$5,000	COMMUNITY TRANSITION PROJECTS (ENERGY, FOOD GROWING, & RELOCALIZATION)
2012	\$4,850	COMMUNITY TRANSITION PROJECTS (ENERGY, FOOD GROWING, & RELOCALIZATION)
2011	\$2,000	COMMUNITY TRANSITION PROJECTS (ENERGY, RELOCALIZATION & FOOD GROWING)
2010	\$4,000	PCT WEBSITE DEVELOPMENT, PCT PLAN DEVELOPMENT & ENERGY RESEARCH PROJECT

4. Does your organization:

Offer direct financial assistance to individuals or families?

☐ Yes ☒ No

Provide services that fall within the mandate of either
a senior government or a local service agency?

☐ Yes ☒ No

Provide an opportunity for individuals to make direct
contributions to the project (e.g., fundraising for the project?)

☒ Yes ☐ No

Or, is your organization:

part of a Provincial or National fund raising campaign?

☐ Yes ☒ No

The information provided in Section 4 is for data collection purposes.

Follow-up:

Please refer to Page 6 of the ***Grant-In-Aid - Application Completion Guide*** regarding the following:

1. Acknowledgement
2. Reporting

*** Please remember to attach the required financial report**

HEARTWOOD FOLK SCHOOL SOCIETY
(formerly PENDER COMMUNITY TRANSITION SOCIETY)

CRD Grant-in-Aid Application dated January 6, 2014: \$4,500 requested
for HEARTWOOD FOLK SCHOOL (development of Phase 1 workshops)

PROJECTS BUDGET

REVENUES:

CRD grant-in-Aid	\$4,500
Local Trust Committee Funding	\$ 300
Workshop Fees (estimated)	<u>\$ 300</u>

TOTAL REVENUES: \$5,100

Note: The goal of these initial three workshops is maximum community accessibility and also positive introduction of the new Heartwood Folk School. Therefore initial fees will be modest and on a sliding scale, other than potential Knitting & Wool afternoon Master Class fees, which are proposed to go directly to the presenters (not included in this Projects Budget).

EXPENSES:

A. Renewable Energy & Energy Conservation Workshop:

Presenter Honorariums	\$ 300
Presenter Travel	\$ 100
Project Development, Coordination, & Community Education	\$ 900
Supplies (e.g. demo materials)	\$ 100
Other Costs (Space, PR, Office)	\$ 200
Workshop Development Fund	<u>\$ 100</u>
	\$1,700

B. Knitting & Wool Workshop:

Presenter Honorariums	\$ 500
Presenter Travel	\$ 100
Project Development, Coordination, & Community Education	\$ 700
Supplies (e.g. wool & needles)	\$ 50
Other Costs (Space, PR, Office)	\$ 250
Workshop Development Fund	<u>\$ 100</u>
	\$1,700

C. Computerized Accounting for Non-Profit Groups:

Presenter Honorarium(s)	\$ 300
Presenter Travel	\$ 0
Project Development, Coordination, & Community Education	\$ 700
Supplies (e.g. software)	\$ 450
Other Costs (Space, PR, Office)	\$ 150
Workshop Development Fund	<u>\$ 100</u>
	\$1,700

TOTAL EXPENSES: \$5,100

ASSETS

CURRENT ASSETS

HSBC Bank Account	311.40
Petty Cash	0.00
Accounts Receivable	0.00
TOTAL CURRENT ASSETS	<u>311.40</u>

CAPITAL ASSETS

Capital Assets: Initial Value	0.00
Capital Assets: Depreciation	0.00
TOTAL CAPITAL ASSETS	<u>0.00</u>

TOTAL ASSETS	<u>311.40</u>
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LIABILITIES

CURRENT LIABILITIES

Wages Payable	0.00
EI Premiums Payable	0.00
CPP Contributions Payable	0.00
Income Tax Remittance Payable	0.00
Total CRA Remittance Payable	0.00
WCB Payable	0.00
Expense Reimbursement Payable	0.00
Other Accounts Payable	0.00
TOTAL CURRENT LIABILITIES	<u>0.00</u>

TOTAL LIABILITIES	<u>0.00</u>
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EQUITY

MEMBERS' EQUITY

Opening Equity Balance	0.00
Accumulated Surplus	0.00
Current Year Surplus	311.40
Grant Monies Reserved for Next Year	0.00
TOTAL MEMBERS' EQUITY	<u>311.40</u>

TOTAL EQUITY	<u>311.40</u>
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LIABILITIES AND EQUITY	<u>311.40</u>
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GRANT IN AID REQUEST FORM (Vendor 900)

TO: MANAGER ADMINISTRATIVE SERVICES
CORPORATE SERVICES DEPARTMENT

DATE: 06/01/2014
(dd/mm/yy)

FROM:

SUBJECT: REQUEST FOR GRANT IN AID

Electoral Area: Southern Gulf Islands

Organization for which the Grant in Aid is requested:

Saturna Island Marine Research & Education Society

Amount Approved: \$ \$30000.00

Tax Code:

PO

Account Assignment:

B/A

G/L

Cost Centre

1001

544000

100082 - JDF _____
100083 - SSI _____
100085 - SGI _____

Requested by:

David Howe

Director's Signature

David Howe

Print Name

01/01/2014
Date Received (dd/mm/yy)

FINANCE ONLY

Request received and acted upon by:

Signature

Print Name

CRD GRANT-IN-AID APPLICATION FORM

Application Submitted By

Name and Address of Applicant: Saturna Island Marine Research & Education Society

P. O. Box 117

Saturna Island, BC V0N 2Y0

Contact(s): Maureen Welton 250-539-3698 _____
(name) (phone) (fax)

maureenwelton@live.com

Email address

Contact(s): Charles Reif 250-539-2319 _____
(name) (phone) (fax)

creif@shaw.ca

Email address

Application Summary

Project or purpose for which you require assistance:

For the installation of a hydrophone network out at East Point & Monarch Head on Saturna Island in order to provide ongoing support and resources for marine mammal researchers who will in turn assist with the development of our educational tourism programmes.

Amount of grant requested \$ 3,000.00

To the best of my knowledge, all of the information that is provided in this application is true and correct. Furthermore, I hereby certify that this application for assistance is:

- **NOT** being made on behalf of an industrial, commercial, or business undertaking
- **NOT** available for the personal benefit of any individual, proprietor, member or shareholder


(signature of authorized signatory)

DIRECTOR, VICE PRESIDENT
(title)

MAUREEN WELTON
(print name)

Applicant Profile

1. Please describe the services / benefits that your organization provides to the community. Are these services / benefits available to the community from another organization or agency?

Our SIMRES programmes are encouraging marine researchers, educators and members of environmental organizations to join us here on the Island not only with the objective of doing their research, but also with the goal of reaching out to the general public so they can learn more about our marine ecosystems.

Students and researchers who come to Saturna Island bring with them their passion for the work they are doing. Tourists who are interested in the marine environment will also be attracted by opportunities to learn more about our Salish Sea and participate in workshops and hands-on activities. All of these visitors will be requiring accommodation, food and other attractions. No other organization is providing the services and benefits that we offer.

This is about promoting research and educational tourism.

2. Describe the geographic area that receives services or benefits from your organization.

Saturna and the Southern Gulf Islands are the main beneficiaries of our initiative but as a resource for marine research & education our work will also have a much broader social and environmental impact.

3. Is your organization voluntary and non-profit? ☐ NO ☒ YES

Please detail any remuneration paid, or funds otherwise made available to members, officers, etc. of your organization.

NONE

Please indicate the number of members / volunteers in your organization and how long your organization has been in operation.

Our SIMRES board has nine directors and a number of dedicated community volunteers including a volunteer advisory board with some of BC's senior scientists and educators.

We have been in operation for nearly two years and have been a registered non-profit society since January 21, 2013.

Project / Proposal Profile

1. Assistance is being requested for:

capital project and / or equipment

special event

other purpose (Underwater installation hardware/materials & transmission of data)

2. Please describe the proposal for which you are requesting assistance. Attach additional information if required.

SIMRES is planning to install an array of hydrophones and webcams to support marine research, education and interpretive programmes. With the help of volunteers, we are putting together the first phase of our scientific resource initiative with a hydrophone network off East Point and Monarch Head to support two whale researchers who will be studying Orca Whales and Harbour Porpoises in the spring of 2014. This is the beginning of establishing a research presence on Saturna which is already encouraging marine scientists and educators to work with us here on the island. Our next step will be to partner with schools, community colleges and universities, creating links to the marine science resources here on Saturna Island and establishing workshops and all-inclusive educational tourism packages related to our Salish Sea marine environment and ecosystems. Over the past 18 months with considerable support we have invited some of BC's top marine scientists and educators to join our Advisory Board and are in the process of establishing ties with our regional educational institutions and environmental organizations. We have raised the funds for and organized the Moby Doll Whale Symposium which received repeated Canada-wide coverage on CBC's "The National" and have delivered ten educational presentations over the course of this period. We are now also working with Ocean Networks Canada and Parks Canada to help establish a marine observatory base out at East Point.

3. Please describe how this proposal will benefit the community.

The SIMRES project had its beginnings as a result of a Saturna Island Community Economic Development Conference in April of 2012. Our mandate is (a) To attract scientific research and educational programmes to our island through partnerships with universities, aquariums, scientists, educators and other environmental organizations. (b) To encourage the development of citizen science and stewardship by creating a centre for research and education. (c) To bring the general public closer to an understanding and appreciation of our marine ecosystems through workshops, presentations & hands-on experiences. An ultimate objective is to establish a marine research station on Saturna.

Our SIMRES programmes are designed to encourage students and researchers to come to Saturna Island and bring with them their passion for the work they are doing. Tourists who are interested in the marine environment will also be attracted by opportunities to learn more about our Salish Sea and will be encouraged to participate in workshops and hands-on activities. All of these visitors will be requiring accommodation, food and other attractions. In conclusion, this initiative will contribute to the growth of educational tourism, promote economic development and help build a more sustainable community on Saturna Island with benefits to all of the Southern Gulf Islands.

Funding and Financial Information

1. Attach supporting financial information, i.e., budget / financial report. Ensure the following information is clearly itemized;
 - o project budget,
 - o grants / funding from other sources,
 - o funding contributed by applicant through fund raising activities or other sources of revenue and,
 - o financial statement that itemizes total expenses for the fiscal year, including any monies and/or benefits paid to members or officers.

2. Have you applied for a grant / funding from another source(s)? ☐ NO ☒ YES

If yes, complete the following chart. **If no**, please explain _____

Name of Grant or Funding Agency	\$ Amount Applied For	Status of Grant Application		
		Approved (Y)	Denied (Y)	Pending (Y)
Saturna Lions Club	\$ 3,000.00	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

3. Have you received assistance (grant in aid / waiving of fees, etc.), from the CRD in previous years?

☐ NO ☒ YES..... **If yes**, please complete the following chart.

Year	\$ Amount	Purpose for which assistance was used
2013	\$3,000.00	Start-up funding & our 2013 "Sea Talks" Presentations

4. Does your organization:

Offer direct financial assistance to individuals or families? ☐ Yes ☒ No

Provide services that fall within the mandate of either
a senior government or a local service agency? ☐ Yes ☒ No

Provide an opportunity for individuals to make direct
Contributions to the project (e.g., fundraising for the project)? ☒ Yes ☐ No

Or, is your organization:

part of a Provincial or National fund raising campaign? ☐ Yes ☒ No

The information provided in Section 4 is for data collection purposes.

Followup:

Please refer to Page 6 of the ***Grant-In-Aid - Application Completion Guide*** regarding the following:

1. Acknowledgement

2. Reporting

Saturna Island Marine Research & Education Society

Budget for Hydrophone Project

Amount of Funding Requested from CRD Grant-in-Aid:	Requesting	\$3,000.00
<u>SIMRES Hydrophone Project - Funds Required</u>		
Hardware, software, electronics & mounting	-	\$3,000.00
Underwater hardware & other materials	-	\$2,000.00
Bandwidth for hydrophone data (12 months)	-	<u>\$1,000.00</u>
		\$6,000.00
Funds & Donations from other sources:		
Additional funds from Saturna Lions Club	- Requesting	\$3,000.00
Donated surface installation resources from Saturnanet	-	\$1,500.00
4 Hydrophones donated by Tom Dakin (Ocean Networks Canada)	-	\$2,500.00
Donated sea floor installation (Pacific Wild/Pelagic Technologies)	-	<u>\$2,000.00</u>
		\$6,000.00
Project value:	-	\$12,000.00
Total Funds from all sources:	-	<u>\$6,000.00</u>

Saturna Island Marine Research & Education Society **Income Statement Jan 01, 2013 to Dec 13, 2013**

REVENUE

Revenue

Dedicated Donations	500.00
Event Revenue	2,136.49
Fund Raising	9,000.00
Total Revenue	11,636.49

Other Revenue

Interest Revenue	1.34
Miscellaneous Revenue	284.00
Total Other Revenue	285.34

TOTAL REVENUE	11,921.83
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EXPENSE

Event Expenses

SeaTalks Advertising	570.78
SeaTalks Honourariums	200.00
SeaTalks Meals	305.29
SeaTalks Travel	507.45
Transportation	100.00

TOTAL SEATALKS EXPENSES	1,683.52
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Other Advertising	44.97
Other Meals	21.12

TOTAL OTHER EXPENSES	66.09
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Total Event Expenses	1,749.61
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General & Administrative Expe...

Advertising & Marketing	1,519.15
Bank Charges	152.15
Courier & Postage	6.62
Membership Fees	5.00
Miscellaneous Expense	31.49
Office Furniture & Equipment	684.52
Office Supplies	290.73
Organizational Develop. Meals	146.77

TOTAL ORG & DEVELOP EXPE...	146.77
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Website	525.00
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Total Administration Expenses	3,361.43
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TOTAL EXPENSE	5,111.04
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NET INCOME	6,810.79
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