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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, MAY 17, 2022**

SUBJECT **Radiocommunication and Broadcasting Antenna Systems Application for Lot A,
Section 23, Highland District, Plan VIP83970 – 6933 Willis Point Road**

ISSUE SUMMARY

An application has been received by Rogers Communications for a 41 m radio communication antenna system, for the purpose of replacing the existing monopole and improving telecommunication services in the Willis Point area.

BACKGROUND

Rogers Communications has requested a statement of concurrence from the CRD to construct a 41 m radio communication antenna system on the subject property (Appendix A). The new tower would expand telecommunication services by replacing the existing tower, which is nearing the end of its service life.

The approximately 1.20 hectare (ha) property at 6933 Willis Point Road is designated as Community Hall under the Willis Point Comprehensive Community Plan, Bylaw No. 3027, and is zoned Community Facility (P-2). Facilities on the property include the Willis Point Community Hall, Willis Point Fire Hall, and recreation infrastructure that presently include a tennis court and playpark. Portions of the property are designated as steep slope, sensitive ecosystems, and wetlands development permit areas by Bylaw No. 3027.

The proposal includes a fenced compound enclosing the self-supported tower structure and associated infrastructure (Appendix B).

In accordance with the Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application policy, staff initiated a 30-day public consultation period for the application from March 10 to April 8, 2022. Six submissions were received from members of public and forwarded to the applicant to provide a response. Responses are included in Appendix C. The Willis Point Fire and Recreation Commission responded to the referral sent to CRD departments (Appendix D). As the land use authority for the application, the CRD Board is requested to provide a statement of concurrence or non-concurrence to the applicant and Industry Canada.

ALTERNATIVES

Alternative 1

The Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

That a statement of concurrence be provided to Rogers Communications for the proposed 41 m radio communication and broadcasting antenna system on Lot A, Section 23, Highland District, Plan VIP83970.

Alternative 2

The Juan de Fuca Land Use Committee recommends to the CRD Board:

That a statement of non-concurrence be provided to Rogers Communications for the proposed 41 m radio communication and broadcasting antenna system on Lot A, Section 23, Highland District, Plan VIP83970.

IMPLICATIONS

Legislative

Section 5 of the *Radiocommunication Act* states that the Minister may, taking into account all matters that the Minister considers relevant for ensuring the orderly development and efficient operation of radio communication in Canada, issue radio authorizations and approve each site on which radio apparatus, including antenna systems, may be located. Further, the Minister may approve the erection of all masts, towers and other antenna-supporting structures. Accordingly, proponents must follow the process outlined in Innovation, Science and Economic Development Canada's (ISED) *Spectrum Management and Telecommunications Client Procedures Circular* when installing or modifying an antenna system.

Part of the process includes contacting the land use authority and following the required consultation process. The CRD is the land use authority for the Juan de Fuca Electoral Area where the subject property is located.

The CRD Board approved Bylaw No. 3885, the Juan de Fuca Development Fees and Procedures Bylaw No. 3, 2018, and the Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy (the “Policy”) in 2019. The Policy establishes a public consultation process and procedures.

Public Consultation

In accordance with the Policy, a notice was published in the local newspaper and a notice was delivered to property owners and occupants within 500 m of the subject property to advise of the application and the opportunity to provide written comments and questions. The notice was published on March 10, 2022, and submissions were to be received by 9:00 am on April 8, 2022. Six submissions regarding LP000032 were received during the notification period. The submissions were forwarded to the applicant who then provided a response to the concerns and questions raised (Appendix C).

In advance of the May 17, 2022, Land Use Committee meeting, notices were sent to property owners and occupants within 500 m of the subject property advising of the second opportunity to be heard and provide additional comment at the meeting.

A recommendation from the Land Use Committee along with any additional public comments received will be considered by the CRD Board and forwarded to the applicant and Industry Canada.

Referral Comments

In accordance with the JdF radiocommunication system policy, staff referred the application to applicable CRD departments. Responses were received from the Willis Point Fire and Recreation Commission in support of the application, noting that replacement of the existing tower has been under discussion for approximately five years. The Commission further advised that the Willis Point Community Association has been updated by the Commission at the Association’s annual general meetings.

Land Use

The Willis Point Comprehensive Community Plan, Bylaw No. 3027, designates the subject property as Community Hall, which supports community use services including community safety or emergency response activities. The OCP policies include consideration for seeking means to provide financial assistance to the volunteer fire department to enable the purchase of fire-fighting apparatus, and equipment, when required.

The subject property is zoned Community Facility (P-2) under Bylaw No 3027, which permits community use services, including community safety or emergency response activities such as fire, police, ambulance and first responder services. The Bylaw exempts public communication towers and antennas from any maximum height restrictions; however, the tower structure would be required to meet the setbacks specified by the P-2 zone.

Portions of the property are designated as steep slope, sensitive ecosystems, and wetlands development permit areas by Bylaw No. 3027; however, the proposed tower and compound are located outside these DP areas. CRD Building Inspection has indicated that a building permit is not required for the tower.

Evaluation criteria to be considered by the CRD when reviewing an application for a radio communication and broadcasting antenna system is outlined in the Policy and included in Appendix E.

Rationale for the proposed location: Rogers Communications states that the existing 36 m tower at this location has reached its end of service life. The proposed replacement tower will be 5 m taller, operate with a similar radiofrequency (RF) emission output, and accommodate two cellular service carriers (Rogers and Freedom Mobile) and the local fire department radios. Rogers further states that the subject location is necessary to meet the needs of customers, visitors to the area and residents relying on Rogers and Freedom Mobile networks, and that relocation of the tower away from this location was not considered since demand for services are within this locale and there are other installations in the network to the south and west. The increase in height is necessary to ensure that the quality of services for customers in the area is provided.

Proximity to residential uses, institutions, and public lands: The proposed tower site for LP000032 is adjacent to three large Rural Conservation (RC) zoned properties to the north, east, west and south. Two of the three properties are undeveloped. The closest dwelling is located approximately 120 m from the proposed tower location. The subject property is used for a fire hall, community hall, and outdoor recreation facilities including a playground and tennis court. The applicant has stated that there will be no impact on the safety of the fire department and of those that train on site, noting that the industry is closely regulated

by the Innovation, Science and Economic Development Canada. Carriers are required to operate in accordance with Health Canada's Safety Code 6, which sets out recommended safety limits for human exposure to radiofrequency electromagnetic fields (EMF). Concerns related to EMF health risks fall under Health Canada's jurisdiction and are beyond the scope of local government public consultation.

Visibility and measures to integrate the tower in to local surroundings: The proposed antenna system would be located behind the Willis Point Community Hall on Willis Point Road. The fenced tower compound is not anticipated to be visible to those travelling along Willis Point Road and existing vegetation should screen the tower and compound from the tennis court and playground area. The applicant has stated that the new tower, antennas and mounts would be painted forest green to blend in with surrounding environment.

Security measures: The applicant proposes to install perimeter fencing at the base of the tower to restrict public access.

Alternatives/mitigation measures: The proposed location for the tower meets the applicant's required siting conditions, including proximity to Willis Point Road, ease of access, electricity, cleared land and willing property owners. Other locations in the vicinity were not considered as demand for services are within this locale and there are other installations in the network to the south and west.

Hazardous areas: There are no known hazardous conditions in proximity to the proposed tower location.

Environmentally sensitive areas: The proposed tower and compound are located outside the steep slope, sensitive ecosystem and wetlands development permit areas; therefore, there is no requirement for a professional report or permit. The applicant has stated that no tree removal or cutting of mature trees in the immediate area would be required.

Aeronautical safety requirements: The applicant will be required to abide by any Transport Canada specifications for installing lights on the proposed antenna system.

Impact on community: The proposed tower would replace the existing tower, which is nearing the end of its service life, and will provide cellular coverage to residents on Rogers and Freedom Mobile networks, as well as the local fire department radios. A member of the public questioned whether residents would be notified of changes to antenna emission strength and locations of additional antennas. The applicant responded by advising that there is no requirement for carriers to notify residents of antenna changes. A member of the public questioned whether the tower would affect property values in the area. The applicant responded by commenting that the proposed location is considered the most suitable site since it is adjacent to the location of the existing 36 m tower, and that research has suggested that there would be no measurable impact on property values. The applicant responded to a further question from a member of the public advising that the applicant cannot disclose the financial aspects of the agreement with the property owner.

Designs that address the guidelines: The distance between the proposed tower and adjacent residences is approximately three times the tower height, as recommended by the CRD policy. The proposed tower site is located directly behind the community hall and existing vegetation would screen the tower from the tennis court, playground area and nearby dwellings.

In response to a request from the Commission, Rogers confirmed its commitment to painting the tower green to blend in with the surrounding trees. Rogers also revised and resubmitted its plans to re-route the power conduit around the west side of the fire hall rather than the east side of the building to avoid buried infrastructure (Drawing E4). Rogers has also indicated that it would work with the Capital Regional Emergency Service Telecommunications (CREST), should CREST wish to co-locate on the tower.

The applicant stated that the number of transmitting devices on the tower is limited by structural capacity and the cumulative emissions level. The number of antennas is also based on demand for services in the community. Rogers will offer similar services on the existing tower and may add or remove frequencies if additional licences are acquired. Further devices that may be installed include emergency responder services, community radio and weather monitoring systems.

Based on a review of the application, the proposed tower location and design satisfy the evaluation criteria outlined in the CRD's policy. The applicant has presented rationale for the proposed location, demonstrated consideration of alternatives and mitigation measures, and provided information that address comments and questions received from members of the public. Therefore, staff recommend that statements of concurrence be provided for the proposed 41 m telecommunications tower (LP000032).

CONCLUSION

An application has been received from Rogers Communications to construct a 41 m telecommunications antenna system at 6933 Willis Point Road for the purpose of replacing an existing tower and improving telecommunication services. The proposal addresses the evaluation criteria in the CRD's Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy. Through the public consultation process, owners and occupants of land in proximity to the subject properties were provided opportunity to comment or ask questions. Six submissions were received from the members of public and the applicant has submitted responses. Staff recommend that a statement of concurrence be provided.

RECOMMENDATION

The Juan de Fuca Land Use Committee recommends to the Capital Regional District Board: That a statement of concurrence be provided to Rogers Communications for the proposed 41 m radio communication and broadcasting antenna system on Lot A, Section 23, Highland District, Plan VIP83970 (LP000032).

Submitted by:	Iain Lawrence, MCIP, RPP, Senior Manager, JdF Local Area Services
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENTS

- Appendix A: Subject Property Map
- Appendix B: Revised Development Proposal
- Appendix C: Public Submissions and Applicant Responses
- Appendix D: Referral Comments
- Appendix E: Evaluation Criteria