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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, NOVEMBER 17, 2020**

SUBJECT **Radio Communication and Broadcasting Antenna Systems Application for Block A, District Lot 49, Otter District – 3727 Otter Point Road**

ISSUE SUMMARY

An application has been received for a 45 metre (m) radio communication tower with a 48.2 m antenna at 3727 Otter Point Road for the purpose of improving public safety radio coverage in the community.

BACKGROUND

The 1.3 hectare (ha) subject property at 3727 Otter Point Road was granted to the Capital Regional District (CRD) by the Crown in 1982 for use as a fire hall site (Appendix A). The property was rezoned from Rural (A) to Community Facility (P-2) in 2003 (Z-02-03) and development of the fire hall site has occurred between the early 1980s to present.

The applicant has requested a Licence of Occupation from CRD to erect a 45.0 m radio communication tower and 48.2 m antenna on the Otter Point Fire Hall site to increase public safety radio coverage in the Otter Point area, which is consistent with the fire hall use. The proposal includes a fenced compound enclosing the self-supported tower structure and associated infrastructure (Appendix B). The applicant anticipates a possible co-location agreement with Rogers in future to augment cellular service, but this agreement is not finalized.

Staff initiated public consultation for the application from September 10 – October 9, 2020. Four submissions were received (Appendix C) and the applicant has submitted a response (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 to 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 for the proposed 45.0 m radio communications tower and 48.2 m antenna on Block A, District Lot 49, Otter District for the purpose of improving public safety radio coverage.

Alternative 2

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

That a statement of non-concurrence be provided for the proposed 45.0 m radio communications tower and 48.2 m antenna on Block A, District Lot 49, Otter District for the purpose of improving public safety radio coverage.

Alternative 3

That more information be provided.

IMPLICATIONS

Legislative

Section 5 of the *Radiocommunication Act* states that the Minister may, taking into account all matters the Minister considers relevant for ensuring the orderly development and efficient operation of radiocommunication 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 this document when installing or modifying an antenna system.

Industry Canada's Spectrum Management and Telecommunications Client Procedures Circular outlines the process that must be followed by proponents seeking to install or modify antenna systems. Part of the process includes contacting the land use authority and following the land use authority's consultation process or the Default Public Consultation Process established by Industry Canada. 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 established a public consultation process and procedures following Industry Canada's guidelines.

Public Consultation

In accordance with the Policy, a notice was published in the newspaper and a notice delivered to property owners and occupants within 500 m of the subject property advising the public of the application and the opportunity to provide written comments and questions. The notice was published on September 10, 2020, and submissions were to be received by 4:00 p.m. on October 9, 2020. As of that time, four submissions were received (Appendix C).

In advance of the November 17, 2020, Land Use Committee meeting, notices were sent to property owners and occupants within 500 m of the subject property advising of the application and the opportunity to be heard and provide comment at the meeting.

The public consultation process is to be complete within 120 days from initial contact with the application. 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.

Land Use

The Otter Point OCP designates the subject property as Settlement Area 2, which supports institutional uses including fire halls. The OCP policies include consideration of the community's ability to provide fire protection and emergency services as development occurs. The Community Facility P-2 zone permits *civic uses*, which also includes fire halls. Part 1, Section 4.05 of Bylaw No. 2040, exempts transmission towers from height requirements specified in the zone. The proposal is consistent with all other bylaw requirements.

In accordance with the Policy, staff conducted public consultation and referred the application to applicable CRD departments. A comment was received from the JdF Emergency Program in support of the application as it would improve radio reception in the area. The Otter Point Fire Chief provided a letter of support for the application. CRD Building Inspection responded to indicate that a building permit is not required for a stand-alone tower. A letter was received from local residents outlining concerns and questions related to opportunities to co-locate on existing towers in the area, consideration for alternative locations, the public consultation process, exposure to radio frequencies, and aeronautical obstruction markings. Copies of submissions are included as Appendix C. The applicant was provided the submissions and requested to respond to the concerns and questions raised. Their response letter clarifies the rationale for the proposed location is to provide public safety radio coverage towards Shirley, that no letters of concern were received from immediate neighbours, and that the proposal complies with Health Canada's Safety Code 6 for and Navigation Canada's lighting regulations (Appendix D).

The Policy includes the following evaluation criteria the CRD Board may consider when reviewing an application for an antenna system (Appendix E). The applicant states that many locations have been evaluated for the proposed tower and there are currently no towers west of Sooke that will provide the necessary coverage. The proposed tower will be surrounded by trees and only the portion above the tree tops will be visible. A perimeter fence will be erected to secure the tower and associated infrastructure. The subject property is adjacent to undeveloped land to the north and east, and an unconstructed road right of way to the south; however, some rural residential properties in the vicinity of Otter Point and Kemp Lake roads are within the 135 m setback guideline outlined in the Policy. The location is outside of any development permit areas identified in the Otter Point OCP. An "L-810 obstruction light" will be mounted at the top of the tower as required by Transport Canada. Staff do not identify any concerns or issues relating to the proposal.

Given the public benefit of improvements to the public safety radio coverage for the Sooke, Otter Point and Shirley areas resulting from the tower installation, and a lack of more suitable locations, staff recommend that a statement of concurrence be provided subject to any additional public comments.

CONCLUSION

An application has been received to construct a 45.0 m radio communications tower and a 48.2 m antenna for the purpose of improving public safety radio coverage in the Otter Point area. Public consultation was conducted and four letters were received. The applicant has addressed questions and concerns related to the proposal. Staff recommend that a statement of concurrence be provided for the application.

RECOMMENDATION

The Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:
That a statement of concurrence be provided for the proposed 45.0 m radio communications tower and 48.2 m antenna on Block A, District Lot 49, Otter District for the purpose of improving public safety radio coverage.

Submitted by:	Iain Lawrence, RPP, MCIP, Manager, Juan de Fuca Community Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, RPP, MCIP, Chief Administrative Officer

ATTACHMENTS

- Appendix A: Subject Property Map
- Appendix B: Development Proposal
- Appendix C: Comments Received
- Appendix D: Applicant's Response Letter
- Appendix E: Evaluation Criteria