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## REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, SEPTEMBER 21, 2021

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**SUBJECT**      **Radio Communication and Broadcasting Antenna Systems Application for District Lot 175, Renfrew District – Cedar Coast Road**

### **ISSUE SUMMARY**

An application has been received from Rogers Communications for a 57 metre (m) radio communication tower with attached antennas and satellite dishes for the purpose of expanding telecommunications services.

### **BACKGROUND**

Rogers Communications has requested a statement of concurrence from the Capital Regional District (CRD) to construct a 57 m radio communication tower on the subject property to increase their telecommunications service west of Sooke as part of an initiative to expand service between Sooke and Port Renfrew. The approximately 66 hectare (ha) subject property is located on Cedar Coast Road in Shirley (Appendix A). The proposed tower is a 50 m tri-pole with an antenna extending an additional 7 m higher (Appendix B). A 112.5 m<sup>2</sup> fenced equipment compound would be located at the base of the tower. The property owners have granted permission to the applicant to pursue this development.

The subject property is designated as Coastal Upland in the Shirley-Jordan River Official Community Plan (OCP), Bylaw No. 4001, and is zoned Resource Land (RL) in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. The parcel is outside the Shirley Fire Protection Service Area and outside of a community water service area. Portions of the property are designated as steep slope, sensitive ecosystems and riparian development permit areas in Bylaw No. 4001.

The RL zone permits residential, resource extraction, agriculture and outdoor recreation uses. At this time, proposed Bylaw No. 4413 is being considered by the CRD Board to delete *outdoor recreation* as a permitted use from the RL zone. The Bylaw will be considered by the Board for 1<sup>st</sup> and 2<sup>nd</sup> Reading at their meeting on September 8, 2021. Charges registered on title include a BC Hydro right-of-way, undersurface rights, access easements and rights-of-way.

Staff undertook public consultation for the proposed tower application between July 22 and August 23, 2021. No comments were received from members of the public or CRD departments. As the land use authority for the application, the CRD Board is required to provide a statement of concurrence or non-concurrence on the application.

### **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 57 m radio communication and broadcasting antenna system on District Lot 175, Renfrew District.

#### *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 57 m radio communication and broadcasting antenna system on District Lot 175, Renfrew District.

#### *Alternative 3*

That the application be referred back to staff for more information.

## **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 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 Industry Canada's *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, which establishes a public consultation process and procedures.

### *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 July 22, 2021, and submissions were to be received by 4:00 pm on August 23, 2021. A request for comment was also circulated to relevant CRD departments. No questions or comments were received on the application.

In advance of the September 21, 2021, Land Use Committee meeting, notices were sent to property owners and occupants within 500 m of the subject property advising of 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 applicant. The application was received on July 8, 2021, and the public consultation process is to be complete by November 5, 2021. A recommendation from the Land Use Committee along with any public comments is anticipated to be considered by the CRD Board on October 13, 2021. The Board resolution will be forwarded to the applicant and Industry Canada.

### *Land Use*

The RL zone does not expressly permit radio communication towers; however, it is considered a use permitted in all zones in accordance with Part 1, Section 4.15 of Bylaw No. 2040, which states: "Except where specifically excluded, the following uses shall be permitted in any zone: public utility poles, pipelines, radio, television, and transmission towers and wires; traffic control devices; and underground or submarine utility systems, the installation of which may be sited on any portion of a lot."

The subject property was selected by the proponent based on consideration for meeting service coverage objectives along Highway 14, the ability to connect to the existing telecommunications network, proximity to end users while being distanced from residences, having an agreeable property owner, existing access and electrical infrastructure, and the feasibility of construction.

Development of the site will involve improving the existing access road and clearing land for erecting the tower and installing a cement pad and fenced compound. Prior to site alteration, issuance of a development permit may be required to address the development permit guidelines in the Shirley-Jordan River OCP. 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 C.

Rationale for proposed location: Rogers Communications states that the service coverage objectives to provide strong and reliable service along the Highway 14 corridor and the surrounding community require a site with appropriate elevation, a clear line of site to other towers in the networks, plus proximity to customers while being distanced from residences. The location also requires good site conditions such as electrical service, access, and minimal environmental impacts. The subject property offers many of these requirements compared to other sites in the area. The applicant has also received permission from the subject property owner to submit the application to pursue approval for the tower.

Proximity to residential uses, institutions, and public lands: The proposed tower site is adjacent to Crown land to the north, a RL zoned property with one residence to the east, vacant Forestry AF zoned land to the south and vacant RL zoned land to the west. The closest residence to the proposed tower is approximately 325 m which is greater than the CRD Policy guideline of 171 m (three times the height of the antenna system) from adjacent dwellings.

Visibility and measures to integrate the tower into local surroundings: The applicant mentions the proposed tower location is surrounded with mature trees that will partially screen views of the tower. Further, the applicant has selected a tower design with a small footprint, and a structure that is self-supporting rather than being supported with guy wires and anchors.

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

Alternatives/mitigation measures: Other locations in the vicinity were considered, but did not meet the applicant's technical requirements for providing coverage or did not have an agreeable property owner.

Hazardous areas: Portions of the property are designated as steep slope development permit areas in the Shirley-Jordan River Official Community Plan Bylaw No. 4001. A development permit may be required for the alteration of land in these areas.

Environmentally sensitive areas: Portions of the property are designated as riparian and sensitive ecosystem development permit areas in the Shirley-Jordan River Official Community Plan Bylaw No. 4001. A development permit may be required for the alteration of land in these areas.

Aeronautical safety requirements: Transport Canada confirmed that no lights are required for the proposed tower.

Impact on community: The proposed project is part of a larger initiative supported by the Province to provide reliable telecommunications service along the Highway 14 corridor and to surrounding communities between Sooke and Port Renfrew.

Designs that address the guidelines: The proposed tower is to be located amongst an already cleared area surrounded by mature forest in order to minimize visibility from surrounding properties. The CRD policy recommends that the proximity of the proposed tower to adjacent residences be greater than 171 m, which is three times the 57 m tower height. In this case, the closest residential building is located 325 m away.

Based on a review of the application and comments received, the proposed tower satisfies the evaluation criteria outlined in the CRD policy. The proponents have presented their rationale for the proposed location and demonstrated consideration of alternatives and mitigation measures. No comments have been received for this application. Therefore, staff recommend that a statement of concurrence for the proposed 57 m telecommunications tower be provided.

### **CONCLUSION**

An application has been received from Rogers Communications to construct a 57 m telecommunications tower for the purpose of expanding telecommunications coverage in the Shirley-Jordan River area, and as part of a larger initiative to improve service along Highway 14 to Port Renfrew. The proposal addresses the evaluation criteria in the CRD's Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy. No concerns were raised through the public consultation process. 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 to Rogers Communications for the proposed 57 m radio communication and broadcasting antenna system on District Lot 175, Renfrew District.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Community Planning
Concurrence:	Emily Sinclair, MCIP, RPP, Acting General Manager, Planning & Protective
Concurrence:	Ted Robbins, B.Sc., C.Tech., Acting Chief Administrative Officer

### **ATTACHMENTS**

Appendix A: Subject Property Map  
Appendix B: Development Proposal  
Appendix C: Evaluation Criteria