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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, OCTOBER 19, 2021

SUBJECT **Radio Communication and Broadcasting Antenna Systems Applications for:**
1. **Lot 205, Renfrew District – 6215 Powder Main Road; and**
2. **Block C, District Lot 251, Renfrew District as shown on Plan EPP100555 – West Coast Road.**

ISSUE SUMMARY

Applications have been received by Rogers Communications for two radio communication towers with attached antennas and lightning rods, for the purpose of expanding telecommunication services.

BACKGROUND

Rogers Communications has requested a statement of concurrence from CRD to construct two radio communications towers on the subject properties as part of an initiative to expand service between Sooke and Port Renfrew.

A 68 m radio communication tower with antennas and lightening rod is proposed on Lot 205, Renfrew District, located at 6215 Powder Main Road in Port Renfrew (LP000026) (Appendix A and B). The approximately 64 hectare (ha) property is designated as Rural Resource Land under the Official Community Plan for the Rural Resource Lands, 2009, Bylaw No. 3591. Portions of the property are within a Watercourses, Wetlands and Riparian Areas Development Permit (DP) area. The property is zoned Rural Resource Lands (RRL) under the Land Use Bylaw for the Rural Resource Lands, 2009, Bylaw. No. 3602. Access to the parcel is via an easement over an adjacent parcel. The property owners have granted permission to the applicant to pursue this development.

A 63 m radio communication tower with antennas and lighting rod is also proposed on Block C, District Lot 251, Renfrew District as shown on Plan EPP100555, located on the south side of West Coast Road, near Minute Creek (LP000027) (Appendix C and D). The approximately 151 ha subject property is designated Resource Land under Bylaw No. 3591. Portions of the property are within a Watercourses, Wetlands and Riparian Areas DP area. The parcel is zoned Resource Land (RL) under Bylaw No. 3602. The property owners have granted permission to the applicant to pursue this development.

Staff initiated a 30-day public consultation for the proposed tower applications on August 19, 2021. One comment was received regarding LP000026 from a member of the public during that period and the applicant has provided a response (Appendix E). As the land use authority for the application, the CRD Board is required to provide a statement of concurrence or non-concurrence on the applications.

ALTERNATIVES

Alternative 1

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

1. That a statement of concurrence be provided to Rogers Communications for the proposed 68 m radio communication and broadcasting antenna system on Lot 205, Renfrew District (LP000026); and
2. That a statement of concurrence be provided to Rogers Communications for the proposed 63 m radio communication and broadcasting antenna system on Block C, District Lot 251, Renfrew District as shown on Plan EPP100555 (LP000027).

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 68 m radio communication and broadcasting antenna system on Lot 205, Renfrew District (LP000026); and for the proposed 63 m radio communication and broadcasting antenna system on Block C, District Lot 251, Renfrew District as shown on Plan EPP100555 (LP000027).

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 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, which 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 August 19, 2021, and submissions were to be received by 9:00 pm by September 20, 2021. A request for comment was also circulated to relevant CRD departments. One submission regarding LP000026 was received during the notification period. The submission was forwarded to the applicant who then provided a response to the concerns and questions raised (Appendix E).

The submission raised concern for safety code enforcement policy, public disclosure and frequency of inspections. Concerns that pertain to debating the validity of Health Canada's Safety Code 6, which regulates radiofrequency emitting infrastructure, are beyond the scope of local government consultation. The proponent has no influence over the safety code and is required to comply.

In advance of the October 19, 2021, 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.

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 and Industry Canada.

Land Use

As part of the federal review process, proposals for radiocommunication and broadcasting antenna systems require local government concurrence for siting. Public communication towers and antennas for the reception of communication signals are exempted from height limitations set out in the zoning bylaw for the Rural Resource Lands, as stated in Bylaw No. 3602, Section 2.8. Further, Section 2.12 exempts public communication towers and antennas from any setback requirements established by zoning.

The subject properties were 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, and the feasibility of construction.

Development of the sites will involve improving or creating driveway/road accesses, clearing land for erecting the towers, and installing cement pads and fenced compounds. Prior to site alteration, issuance of a development permit may be required to address the watercourses, wetlands and riparian development permit guidelines in the OCP if the proposed work is within 30 m of a watercourse. 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 F.

Rationale for the proposed location: Rogers Communications states that the service coverage objectives to provide strong and reliable service to Highway 14 corridor and the surrounding community require sites with appropriate elevation, a clear line of site to other towers in the network, as well as proximity to customers while still being distanced from residential buildings. The location also requires a site with good conditions such as electricity, access, minimal environmental impacts. The subject properties offer many of these requirements compared to other sites considered. The applicant has also received permission from the subject property owners to submit the applications to pursue approval for the towers. A member of the public questioned whether rezoning of the property is required. As is noted in the applicant's response, the federal government is the approving authority for telecommunication towers and has outlined a local government public consultation process to evaluate the suitability of particular sites. The CRD's Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy was approved by the CRD Board and meets the requirements for public consultation established by ISED. Therefore, rezoning of the site is not required.

Proximity to residential uses, institutions, and public lands: The proposed tower site for LP000026 is adjacent to Crown land to the east and south, an undeveloped RRL zoned parcel to the west, and RL, Community Residential 1 (CR-1) and Tourist Commercial 1 (TC-1) zoned land to the north. The closest structure to the proposed tower is located approximately 350 m away, on the same property. This is greater than the CRD Policy guideline of 204 m, which is three times the height of the antenna system. The proposed tower site for LP000027 is adjacent to the Juan de Fuca Provincial Park and vacant Crown land. There are no buildings or structures located in proximity to the proposed tower. A member of the public questioned the financial responsibility for potential damage to Powder Main Road from heavy equipment associated with the proposed tower. The applicant's response states that road agreements with property owners and road authorities would be pursued subsequent to the public consultation process for siting and Rogers will be responsible for any damage directly caused by their activities.

Visibility and measures to integrate the tower in to local surroundings: The proposed location of the tower site for LP000026 is on a height of land overlooking Port Renfrew. The area consists of forest in various stages of growth. The proposed location of the tower for LP000027 is adjacent to West Coast Road in an area previously cleared for construction staging and gravel extraction. The tower and fenced compound would be visible to those travelling Highway 14.

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

Alternatives/mitigation measures: The proposed locations for the towers meet the applicant's required siting conditions, including proximity to Highway 14, ease of access, electricity, cleared land and willing property owners. Other locations in the vicinity did not meet the applicant's technical requirements for providing coverage or did not have an agreeable property owner.

Hazardous areas: There are no known hazardous conditions in proximity to the proposed tower locations. A member of the public asked about fire protection plans and emergency access considerations. The applicant's response indicates that towers and equipment are constructed out of non-combustible materials and fires from radiocommunications infrastructure are extremely rare. Rogers will adhere to best practices for fire prevention. Access needs to the site are infrequent after the initial construction period, but Rogers has access to vehicles appropriate to access the site in all conditions.

Environmentally sensitive areas: A member of the public requested information about riparian and sensitive ecosystems and about proposed land clearance and fill coverage. Portions of the properties are designated as watercourses, wetlands and riparian development permit areas in the Rural Resource Lands Official Community Plan Bylaw No. 3591. However, the proposed tower is located outside of the riparian development permit areas and there is no requirement for a professional report or permit.

Aeronautical safety requirements: The applicant will be required to confirm with Transport Canada regarding any requirement for installing lights on 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 the communities between Sooke and Port Renfrew. Other service providers may co-locate on the towers in future. A member of the public questioned the impacts of noise and pollution from the use of generators during power outages. The applicant responded with information about Rogers' use of generators during power outages and the associated noise levels.

Designs that address the guidelines: The proximity of the proposed towers to adjacent residences is greater than three times the tower height, as recommended by the CRD policy.

Based on a review of the application, the proposed tower locations and designs satisfy the evaluation criteria outlined in the CRD's policy. The applicant has presented rationale for the proposed locations, demonstrated consideration of alternatives and mitigation measures, and provided information that address comments and questions received about LP000026 from a member of the public. Therefore, staff recommend that statements of concurrence be provided for the proposed 68 m telecommunications tower (LP000026) and 63 m tower (LP000027).

CONCLUSION

Applications have been received from Rogers Communications to construct a 68 m telecommunications tower at 6215 Powder Main Road, and a 63 m tower on the south side of West Coast Road near Minute Creek for the purpose of expanding telecommunications coverage in the Port Renfrew area, and as part of a larger initiative to improve service along Highway 14. The proposals address 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. One submission was received and the applicant has provided additional information in response. Staff recommend that statements of concurrence be provided.

RECOMMENDATION

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

1. That a statement of concurrence be provided to Rogers Communications for the proposed 68 m radio communication and broadcasting antenna system on Lot 205, Renfrew District (LP000026); and
2. That a statement of concurrence be provided to Rogers Communications for the proposed 63 m radio communication and broadcasting antenna system on Block C, District Lot 251, Renfrew District as shown on Plan EPP100555 (LP000027).

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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 LP000026
- Appendix B: Development Proposal LP000026
- Appendix C: Subject Property Map LP000027
- Appendix D: Development Proposal LP000027
- Appendix E: Public Submission and Applicant Response
- Appendix F: Evaluation Criteria