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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, NOVEMBER 16, 2021

SUBJECT **Radio Communication and Broadcasting Antenna Systems Applications for:**
1. **Section 64, Renfrew District – West Coast Road;**
2. **District Lot 348, Renfrew District – West Coast Road; and**
3. **District Lot 319, Renfrew District – West Coast Road.**

ISSUE SUMMARY

Applications have been received by Rogers Communications for three 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 three radio communications towers on the subject properties, as part of an initiative to expand service between Sooke and Port Renfrew. The three subject properties are owned by the Crown, and the applicant is undergoing a separate application process with the Province to obtain tenure for the proposed towers.

A 63 m radio communication tower with antennas and lightening rod is proposed on Section 64, Renfrew District, located on the north side of West Coast Road, near Newmarch Creek (LP000028) (Appendix A and B).

A 52 m radio communication tower with antennas is proposed on District Lot 348, Renfrew District, located on the north side of West Coast Road, near Loss Creek (LP000029) (Appendix C and D).

A 97 m radio communication tower with antennas secured with guy-lines is proposed on District Lot 319, Renfrew District, located on the east side of West Coast Road, near Parkinson Creek (LP000030) (Appendix E and F).

The properties are designated as Resource Land under the Official Community Plan for the Rural Resource Lands, 2009, Bylaw No. 3591. Portions of each of the properties are within a Watercourses, Wetlands and Riparian Areas Development Permit (DP) area. The properties are zoned Resource Lands (RL) under the Land Use Bylaw for the Rural Resource Lands, 2009, Bylaw. No. 3602.

Staff initiated a 30-day public consultation period for the proposed tower applications on September 2, 2021. No comments were received during that period. 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 63 m radio communication and broadcasting antenna system on Section 64, Renfrew District (LP000028);
2. That a statement of concurrence be provided to Rogers Communications for the proposed 52 m radio communication and broadcasting antenna system on District Lot 348, Renfrew District (LP000029); and
3. That a statement of concurrence be provided to Rogers Communications for the proposed 97 m radio communication and broadcasting antenna system on District Lot 319, Renfrew District (LP000030).

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 63 m radio communication and broadcasting antenna system on Section 64, Renfrew District (LP000028); for the proposed 52 m radio communication and broadcasting antenna system on District Lot 348, Renfrew District (LP000029); and for the proposed 97 m radio communication and broadcasting antenna system on District Lot 319, Renfrew District (LP000030).

Alternative 3

That the applications 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 properties are 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 properties to advise of the application and the opportunity to provide written comments and questions. The notice was published on September 2, 2021, and submissions were to be received by 9:00 pm by October 4, 2021. A request for comment was also circulated to relevant CRD departments. No submissions were received during the notification period.

In advance of the November 16, 2021, Land Use Committee meeting, notices were sent to property owners and occupants within 500 m of the subject properties 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 G.

Rationale for the proposed locations: 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, and minimal environmental impacts. The subject properties offer many of these requirements compared to other sites considered. The applicant has also applied to the Province to obtain tenure on the Crown parcels for the towers.

Proximity to residential uses, institutions, and public lands: The proposed tower sites for LP000028, LP000029 and LP000030 are on large undeveloped Crown parcels accessed from West Coast Road and in proximity to the Juan de Fuca Provincial Park. There are no buildings or structures located in proximity to the proposed towers.

Visibility and measures to integrate the tower in to local surroundings: The proposed locations of the towers are in areas consisting of forest in various stages of growth. The site will require improvements to existing gravel access roads and may be visible to those travelling along 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.

Environmentally sensitive areas: 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. Any land clearing associated with installation of services and construction of the towers within 30 m of a watercourse require issuance of a *Riparian Areas Protection Regulation* report and issuance of a development 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. No comments were received from the public in response during the public consultation period.

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. Therefore, staff recommend that statements of concurrence be provided for the proposed 63 m telecommunications tower (LP000028), the proposed 52 m tower (LP000029), and the proposed 97 m tower (LP000030).

CONCLUSION

Applications have been received from Rogers Communications to construct a 63 m telecommunications tower at West Coast Road near Newmarch Creek, a 52 m telecommunications tower at West Coast Road near Loss Creek, and a 97 m telecommunications tower secured with guy-lines at West Coast Road near Parkinson 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. No submissions were received. 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 63 m radio communication and broadcasting antenna system on Section 64, Renfrew District (LP000028);
2. That a statement of concurrence be provided to Rogers Communications for the proposed 52 m radio communication and broadcasting antenna system on District Lot 348, Renfrew District (LP000029); and
3. That a statement of concurrence be provided to Rogers Communications for the proposed 97 m radio communication and broadcasting antenna system on District Lot 319, Renfrew District (LP000030).

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Community Planning
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 LP000028
- Appendix B: Development Proposal LP000028
- Appendix C: Subject Property Map LP000029
- Appendix D: Development Proposal LP000029
- Appendix E: Subject Property Map LP000030
- Appendix F: Development Proposal LP000030
- Appendix G: Evaluation Criteria