



STAFF REPORT TO COMMITTEE

DATE OF REPORT October 4, 2024

MEETING TYPE & DATE Electoral Area Services Committee Meeting of October 16, 2024

FROM: Development Services Division
Land Use Services Department

SUBJECT: Request for Concurrence Renewal: Telecommunications Tower (1345 Fisher Road/PID: 031-891-861)

FILE: Telecommunications Tower – Rogers Comms 1345 Fisher Rd.

PURPOSE/INTRODUCTION

The purpose of this report is to present a request from Rogers Communications to renew land use concurrence for a proposed telecommunications tower at 1345 Fisher Road.

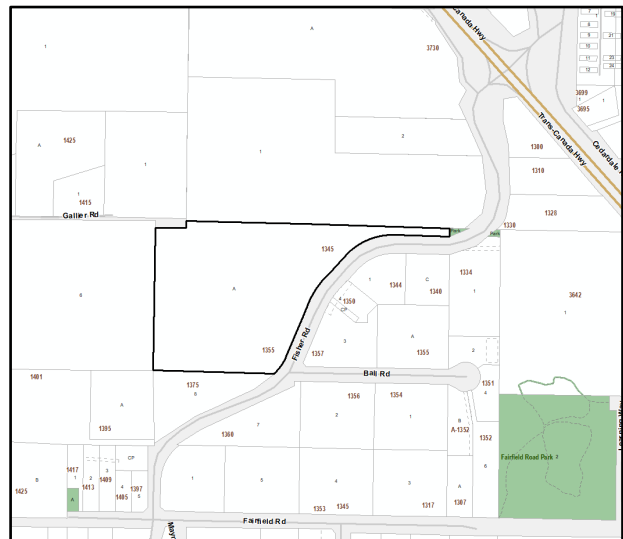
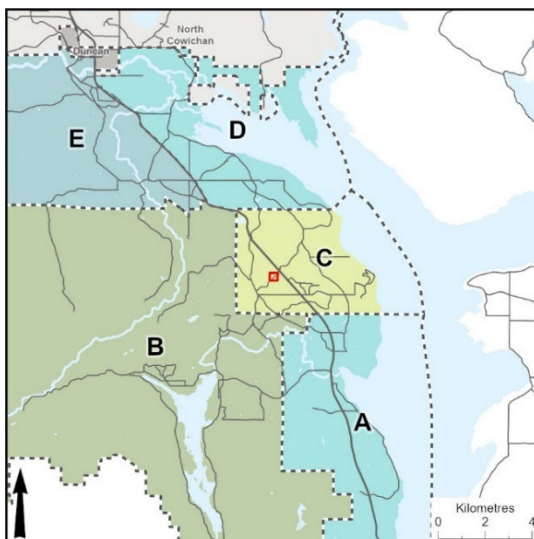
The EASC considered this application on [April 21, 2021](#), and the CVRD Board resolved to issue a Letter of Concurrence on April 28, 2021. The letter was issued May 31, 2021, and lapsed on May 31, 2024. Land use concurrence letters are valid for three years.

RECOMMENDED RESOLUTION

That it be recommended to the Board that in response to a proposed telecommunication antenna structure at 1345 Fisher Road (PID: 017-088-151), the 2021 Letter of Concurrence be renewed and provided to Innovation, Science and Economic Development Canada with the following conditions:

1. That the telecommunications compound be placed at least 9 meters from the north parcel line, adjacent to the north west side of the existing building;
2. That the monopole be painted dark green; and
3. That the telecommunications compound be enclosed with a solid fence, which is constructed of cementitious fibre board and painted dark green.

LOCATION MAP



BACKGROUND

The proposal is for a 50-meter tall monopole tower at 1345 Fisher Road. All of the equipment necessary to operate this facility will be housed within a fenced area located at the base of the monopole.

Proposals for telecommunications facilities within the Electoral Areas of the Cowichan Valley Regional District (CVRD) are subject to a federal approval process (Innovation, Science and Economic Development Canada [ISED], formally Industry Canada), which includes consultation with the local land use authority (the CVRD).

The proponent secured a right-of-way agreement with the owner in 2014/2015 and first requested a Letter of Concurrence in 2015. At that time, the Board did not grant land use concurrence and gave direction to Rogers to explore co-locating their infrastructure with existing towers. The proponent eventually determined that co-locating was not feasible, and returned to the CVRD in 2021 with a revised request for land use concurrence.

When the request for a Letter of Concurrence was received in 2021 the CVRD Board had not adopted a consultation policy for telecommunications facilities; therefore, the proponents were required to follow the default ISED process: <https://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08777.html#seca1>. This included notification to properties within 150 m of the tower's base, notice in two consecutive issues of the Cowichan Valley Citizen newspaper.

The CVRD Board adopted a [Telecommunications Antenna Structures Policy](#) in 2023 well after the first letter of concurrence was issued.

OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS

Official Community Plan for Electoral Areas Bylaw No. 4270:

The subject property is designated "Industrial" by the Official Community Plan. This designation helps to ensure that industrial uses are located where there are minimal negative impacts of increased noise, traffic or servicing costs or loss of environmental quality to the surrounding neighbourhood.

The subject property is also designated Village Industrial by the Cobble Hill Local Area Plan. The Village Industrial designation provides for industrial uses that may enhance the village character by providing employment opportunities within the local community.

The Federal Government (through ISED) has exclusive jurisdiction regarding the regulation of telecommunications facilities. Although the proposed development falls within a Development Permit Area, telecommunications towers are exempt from local government development permit requirements.

South Cowichan Zoning Bylaw No. 3520:

The subject property is zoned *Fisher Road Industrial 1E Zone (I-1E)* which permits a range of industrial uses.

Part 13.6 (4) – I-1E Setbacks

- The I-1E zone requires 9-meter setbacks from the side and rear parcel lines where the adjacent parcel is zoned other than industrial.
 - The land to the South and East is currently zoned industrial.
 - The land to the North is currently Zoned A-1 (Agricultural Resource 1).
 - The land to the west is zoned Residential (CD-10 - Village Comprehensive Development 10).
- The I-1E zone requires 4.5 m, setbacks from the front and exterior side parcel lines.

In addition to the I-1E zoning:

- A “Utilities, excluding offices, maintenance garages and storage areas” use is permitted in all zones under Part 4.1(e) of Bylaw No. 3520.
- A “telecommunications antenna” may be of unlimited height under part 4.4(a) of Bylaw No. 3520

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

Public Notification:

ISED has jurisdiction over telecommunications facilities and has set out default public and land use authority consultation requirements for telecommunications carriers. The default public notice was carried out in 2021.

In 2021, Rogers was required to notify property owners within a radius of three times the proposed tower height, measured from the tower base or the outside perimeter of the supporting structure. In this instance, the required notification radius was 150 meters.

In 2021, the public was asked to submit comments within 30 days of the receiving the notice.

PLANNING ANALYSIS

Board Resolution No. 21-209 was passed by the CVRD Board, at its regular meeting of April 28, 2021:

“That a letter of concurrence be provided to Innovation, Science and Economic Development Canada in response to a proposed telecommunications facility at 1345 Fisher Road (PID: 017-088-151), with the following conditions:

- 1. That the telecommunications compound be placed at least 9 meters from the north parcel line, adjacent to the north west side of the existing building;*
- 2. That the monopole be painted dark green; and*
- 3. That the telecommunications compound be enclosed with a solid fence, which is constructed of cementitious fibre board and painted dark green.”*

As per *Innovation, Science and Economic Development Canada (ISED) policy CPC-2-0-03 — Radiocommunication and Broadcasting Antenna Systems*, the Letter of Concurrence issued in 2021 based on Board Resolution No. 21-209 is considered to be expired. Section 4.5 of the ISED policy states that ***after three years, consultations will no longer be deemed valid except in the case where a proponent secures the agreement of the relevant land-use authority to an extension for a specified time period in writing. A copy of the agreement must be provided to the local ISED office.***

The CVRD's practice in 2021 was to encourage proponents to co-locate such infrastructure in industrial areas. This practise was later adopted into policy in 2023. A key difference between the default ISED process and the 2023 [Telecommunications Antenna Structures Policy](#) is the extent of public engagement. The 2023 policy also includes additional guidance for tower design and screening.

It is the opinion of staff that the request for renewal of the land use concurrence letter should not be subject to the CVRD Telecommunications Antenna Structures Policy as this policy does not contemplate renewal requests, and the current proposal remains unchanged from what was previously supported by the CVRD Board.

The applicant, on behalf of Rogers Communications Inc., is proposing to renew the 2021 Letter of Concurrence and advises that construction is anticipated in 2025. It is reasonable for the CVRD Board to confirm that resolution No. 21-209 remains valid.

In 2021, staff reported that Industrial lands are preferred sites for telecommunications towers and the proposed site is in an established industrial area.

- The proponent has entered into a long-term agreement with the property owner for the proposed tower.
- The proponent advises that the proposed telecommunications tower would provide high-speed, high-bandwidth cellular service to the surrounding community.

OPTIONS

Option 1 (Recommended):

That it be recommended to the Board that in response to a proposed telecommunications facility at 1345 Fisher Road (PID: 017-088-151), the 2021 Letter of Concurrence be renewed and provided to Innovation, Science and Economic Development Canada with the following conditions:

1. That the telecommunications compound be placed at least 9 meters from the north parcel line, adjacent to the north west side of the existing building;
2. That the monopole be painted dark green; and
3. That the telecommunications compound be enclosed with a solid fence, which is constructed of cementitious fibre board and painted dark green.


Option 2 (Additional Engagement):

That it be recommended to the Board that the proponent be directed to undertake public engagement in accordance with the 2023 [Telecommunications Antenna Structures Policy](#).

Option 3 (Non-Concurrence):

That it be recommended to the Board that a letter of **non-concurrence** be provided to Innovation, Science and Economic Development Canada in response to a proposed telecommunications facility at 1345 Fisher Road (PID: 017-088-151).

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Reviewed for form and content and approved for submission to the Committee:

Resolution:

☒ Corporate Officer

Financial Considerations:

☒ Chief Financial Officer

ATTACHMENTS:

Attachment A – Rogers Land Use Concurrence Renewal

Attachment B – Site Plan and Elevations

Attachment C – Rogers Land Use Concurrence Request and Public Consultation Summary (2021)