



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** September 13, 2022  
**MEETING TYPE & DATE** Committee of the Whole of September 28, 2022  
**FROM:** Strategic Initiatives Division  
Land Use Services Department  
**SUBJECT:** CVRD Telecommunications Antenna Structure Policy  
**FILE:** 6480-01

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## **PURPOSE/INTRODUCTION**

The purpose of this report is to introduce the draft CVRD Telecommunications Antenna Structure Policy (TAS).

## **RECOMMENDED RESOLUTION**

That it be recommended to the Board that the CVRD Telecommunications Antenna Structure Policy, be approved.

## **BACKGROUND**

A Telecommunications Antenna Structure Policy has been developed applicable to the Electoral Areas which:

1. Clarifies the Board's jurisdiction with respect to Telecommunication Antenna Structure proposals;
2. Outlines a community consultation process for proponents; and
3. Provides siting and design preferences for new antenna structures within the authority of a local government.

## **Context**

Demand for wireless services has increased significantly over the past decade because of a) widespread utilization of wireless technology devices such as smartphones and tablets, b) increased global reliance on wireless networks in order to help people stay connected, and c) in the CVRD Electoral Areas, increased population. These demands have challenged the telecommunications industry to provide adequate infrastructure to ensure sufficient coverage and capacity, particularly in rural areas. Telecommunications towers have evolved to come in many shapes and sizes, from small units on lamp and utility poles to towers, which are often required in more rural areas to cover greater distances.

This report offers a draft Policy based on a review of the Municipality of North Cowichan's Telecommunications Antenna Structure Policy and jurisdictional clarifications.

See Attachment A – Draft CVRD Telecommunications Antenna Structure Policy

## **1. Jurisdiction with respect to TAS**

The authority for TAS is essentially under two federal ministries: ISED and Health Canada. Local government, however, is offered the opportunity to comment on ISED referrals.

*Innovation, Science and Economic Development*

In Canada, the federal Ministry of Innovation, Science and Economic Development (ISED), formerly known as Industry Canada, has sole jurisdiction under the *Radiocommunication Act* to license the operation of telecommunication facilities and approve the towers used to support these facilities. The final decision to approve a TAS is made by ISED. Local governments do not possess the authority to override ISED's decision in this regard. The role of local government is to issue a statement of concurrence or non-concurrence to the proponent and to ISED. The process that must be followed by proponents seeking to install or modify antenna systems is outlined by ISED's Client Procedures Circular [CPC-2-0-03 Radiocommunication and Broadcasting Antenna Systems](#).

ISED requires that companies first explore sharing existing tower infrastructure whenever possible to reduce the number of new towers needed in the community.

ISED can exercise exclusive jurisdiction over the placement of telecommunications towers that supersedes the objections of members of the public or the Board.

#### *Health Canada*

Health concerns likewise relating to radiofrequency, energy, and safety also fall under the federal jurisdiction, in this instance Health Canada. Local governments have no authority to regulate health and safety requirements related to antenna systems.

#### *Local Government*

A local government's concurrence or disagreement with a proposal is an influencing but not determinative factor regarding the placement or height of a TAS. There are however, various ways in which local government can exert influence on the process and outcome, including through involvement of local emergency management, and through consultation processes and expressed preference on siting and design, both of which are discussed now.

## **2. Consultation Process**

The ISED's Client Procedures Circular [CPC-2-0-03 Radiocommunication and Broadcasting Antenna Systems](#) includes default public consultation requirements for proponents to follow in the absence of an adopted local government policy. Local governments are encouraged to develop their own consultation requirements to establish reasonable, relevant and predictable consultation processes specific to telecommunication structures.

The draft policy contains consultation processes intended to inform and solicit public input which in turn is provided to the CVRD Board, proponents and the ISED. The main differences between ISED and the draft CVRD policy are notification range, communication media and response to the public.

Table 1 summarizes the difference between the default ISED public consultation process and the proposed CVRD policy process.

*Table 1 - Comparison of ISED and proposed CVRD policy consultation processes*

	<b>Innovation, Science and Economic Development (ISED)</b>	<b>Proposed CVRD Policy</b>	<b>Rationale</b>
<b>Notification Range</b>	3 times the height of the structure	300 m from the perimeter of the structure.	Larger notification range due to rural areas.
<b>Communication Media</b>	Written letters	Written letters  Signage on location  Two consecutive newspaper ads  Public information meeting in person or virtually, to be determined with the CVRD.	Additional consultation is recommended for broader reach.
<b>Response to Public</b>	Proponent must acknowledge receipt of correspondence from the public within 14 days, provide answers & explanations within 60 days and provide notice of a 21-day period in which to receive replies. Final responses are included in a record that is submitted to ISED as part of the application.	Proponent provides to CVRD a written summary of public meeting, public comment and replies to public comment within a 21-day public consultation period and demonstrate to the Board that comments have been considered and reasons (if any) for being rejected.  The Board may forward record of comments to ISED.	The key difference is that the Board receives the record of public input to better inform decision CVRD making.

### 3. Siting & Design

Though ISED retains exclusive jurisdiction to regulate core matters relating to telecommunication, including siting of towers, local government policy can indicate siting and design preferences.

The siting of new telecommunication structures should be reviewed on a site-by-site basis, to ensure that the nuanced characteristics of each potential area are considered during the decision-making process. Industry perspective indicates that locations are assessed based on numerous factors including topography, tree cover, existing levels of service, demand on the network, network capacity and cellular coverage objectives. In addition to these technical factors, proposed locations are dependent on interested property owners with feasible sites, which includes proximity to road access, hydro power, etc.

Consideration of requests to the Board for statements of concurrence can be informed by understanding the location of existing telecommunication structures within the region. Attachment B is a map based on data from the Regional Infrastructure and Service Availability report by IBI Group, submitted to the Board May 13, 2022, as part of the Cowichan Internet & Cellular Connectivity Strategy undertaken by CVRD Economic Development. The map shows the location of telecommunication towers within the region with a 5 km buffer. It demonstrates that cellular communications structure density overlaps with highest population density areas.

See Attachment B – Cell Tower Clusters map with 5 km radius.

#### **ANALYSIS**

The draft CVRD Telecommunications Antenna Structure Policy sets out guidelines regarding the involvement of the Board in relation to TAS that are under the jurisdiction of and regulated by the government of Canada. The policy will assist the telecommunications industry, ISED, the Board, staff and members of the public in understanding the requirements for community consultation specific to the CVRD and siting and design preferences and is timely as more applications are expected as the Electoral Areas continue to grow.

Note that adopting the policy, while recommended, is not necessary. In the absence of a CVRD policy, the process established by ISED is followed.

#### **Options**

1. Adopt as presented
2. Adopt with changes
3. Default to ISED process.

#### **Recommendation**

Staff recommend approval of the CVRD Telecommunications Antenna Structure Policy as presented.

#### **FINANCIAL CONSIDERATIONS**

##### CVRD Bylaw No. 4379 – Development Application Procedures Bylaw, 2022

CVRD Bylaw No. 4379 – Development Application Procedures Bylaw, 2022 will be amended to include a fee applicable for applications for statement of concurrent with respect to telecommunications antenna structures proposals. As per the bylaw, the cost of advertising will be borne by the applicant.

#### **COMMUNICATION CONSIDERATIONS**

N/A

#### **STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

6.4) Develop a regional connectivity strategy and pursue provincial and federal funding to support the delivery of broadband service to all communities in the CVRD.

#### **GENERAL MANAGER COMMENTS**

☐ Not Applicable

Referred to (upon completion):

- ☐ Community Services (*Arts & Culture, Cowichan Community Centre, Cowichan Lake Recreation, South Cowichan Recreation, Facilities & Transit*)


- ☐ Corporate Services (*Finance, Human Resources, Information Technology, Legislative Services*)
- ☐ Operations (*Parks & Trails, Recycling & Waste Management, Utilities*)
- ☐ Land Use Services (*Building Inspection & Bylaw Enforcement, Community Planning, Development Services, Strategic Initiatives*)
- ☐ Strategic Services (*Communications & Engagement, Economic Development, Emergency Management, Environmental Services*)

Prepared by:

Reviewed by:



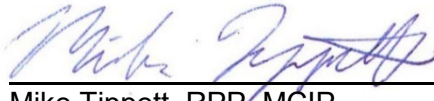
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Reviewed for form and content and approved for submission to the Committee:

Resolution:

Financial Considerations:

☒ Corporate Officer

☒ Chief Financial Officer

**ATTACHMENTS:**

Attachment A – Draft CVRD Telecommunication Antenna Structures Policy

Attachment B – Cell Tower Clusters Map with 5 km Radius