



Report to Council

To: Chief Administrative Officer
From: Planner
Date: September 9, 2010 **File No:** 5500-07
Subject: Proposed Telecommunications Tower – 4357 Rocky Point Road

OBJECTIVE:

To inform Council of a proposal from Telus for a 29.9 m antenna to be located at 4537 Rocky Point Road.

BACKGROUND:

Telus informed the District that a letter has been sent to landowners adjacent to 4537 Rocky Point Road regarding a proposal for a 29.9 m monopole to provide enhanced Telus wireless coverage. The letter to landowners (Appendix A) requests questions or comments by September 30, 2010. In addition the information includes a photo that shows what the tower would look like (Appendix B). The District of Metchosin is listed as one of the contacts on the letter, although notably the District has received no additional information on what is being proposed, and as of the writing of this report, no formal written application or notice to the District initiating the project had been received from Telus.

DISCUSSION:

Industry Canada's Process

Industry Canada has authority over the placement of antennas. In short, this means that telecommunications towers are the authority of the federal government, which supersedes local municipal authority. The location of the towers is therefore not required to conform to the District's land use or zoning regulations. The fact that telecommunication towers are not a permitted use in the Agricultural zone, or that the proposed tower does not meet the required setbacks for structures within that zone, do not enable the municipality to block or "turn down" the proposed tower.

As stated in the letter from Telus, the District does not yet have a consultation process for siting antenna systems. One has been under development over the summer months, and is currently under consideration by Council. Without an established protocol in place, the consultation process for tower proposals defaults to the federal process.

The default Industry Canada public consultation process includes the following three stages:

1. **Public notification** – the applicant must provide written notification to the public, the land-use authority and Industry Canada of the proposed antenna system installation or modification;
2. **Responding to the public** – the applicant must engage the public and the land-use authority in order to address relevant questions, comments and concerns regarding the proposal; and
3. **Public reply comment** – the applicant must provide an opportunity to the public and the land-use authority to formally respond in writing to the proponent regarding measures taken to address “reasonable and relevant” concerns.

The federal consultation process is required to be completed within 120 days. Notably, the consultation process concludes if the proponent receives no written questions, comments or concerns after public notification, or if the proponent has addressed and resolved all “reasonable and relevant concerns” and the public has not provided further comment.

Staff Concerns

Given that the District does not have all the information regarding the proposal, staff has not yet been able to provide a full analysis or feedback. However, initial concerns include the following:

- Size of the lot does not permit a sufficient setback of the antenna from neighbouring residences, particularly those located on the west side of Rocky Point Road. There is a relatively dense cluster of residences between Winfall Road and Kangaroo Road with some of the District’s smallest lots, including some as small as 0.10 ha (0.2 acres) and many below 0.2 ha (0.5 acres).
- While antennas are not a permitted use under any zone, the proposed lot (0.03 hectares/0.074 acres) is so small as to preclude the ability for the tower to meet the setbacks for any structure.
- The siting of the tower in an open field, and so close to the road, creates a greater visual impact than a tower sighted further from the road, in an area screened by trees. A screened, treed location located at a much greater distance from residences would be more suitable.

In addition, staff notes the following concerns with the process:

- Concern regarding the inclusion of the District of Metchosin on the letters sent to landowners when the District does not have any knowledge or details of the proposal (aside from what has been sent to landowners);
- Concern that Industry Canada’s minimum distance for public notification has been used (three times the height of the tower), thereby excluding many residents who may be impacted. Given the density of the neighbourhood on the west side of Rocky Point Road, at a minimum Telus should include all the residences in that cluster in their notification process.
- Given that Telus was notified of the District’s impending telecommunication tower consultation policy in late August, that the timing of the application is an attempt to circumvent the District’s policy.

OPTIONS:

Although the District does not have authority with respect to tower locations, the proponent is required to consult with the District.

To enable a detailed response and evaluation to the proposal, staff recommends the following additional information and documentation be requested:

- Other sites considered, and rationale for selecting the proposed location;
- Evaluation of co-location (Industry Canada requires proponents to consider potential for co-location first), and documentation on why this was not an option;
- Frequency range, maximum output and maximum power density in microwatts/cm², both at the tower and at the nearest residence;
- A site plan showing location of antenna and support buildings, and distances to property lines and nearest residences;
- The potential affect on nearby electronic equipment by the facility, and any mitigation measures to counter impacts; and,
- The potential health affect on residents in the vicinity according to current independent research.

In addition, staff recommends that Telus be advised of concerns regarding the process, and be requested to:

- Expand their initial public notification process to include all residents in the RR2 zone on the west side of Rocky Point Road, as well as any others within 500 m of the proposed location, and that the District of Metchosin be removed as one of the contacts on that notice;
- Hold an information meeting for residents, and provide all documentation from that meeting (attendees, minutes) to the District;
- Consider alternate sites that are better able to meet the District's objectives regarding resident safety and aesthetic concerns; and,
- Respect all aspects of the District's telecommunications tower/antenna consultation policy, recognizing that the policy was under development at the time of inquiries made to the District regarding the proposed site.

Respectfully submitted,

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Planner