



TELECOMMUNICATIONS ANTENNA STRUCTURES POLICY

Applicability: Electoral Areas

Effective Date: January 23, 2023

PURPOSE:

To set out guidelines regarding the involvement of the Cowichan Valley Regional District (CVRD) Board and staff in relation to telecommunication antenna structures that are under the jurisdiction of and regulated by the government of Canada.

DEFINITIONS:

APC

Electoral Area Advisory Planning Commission

ISED

Innovation, Science and Economic Development Canada, or any of its successor organizations having responsibility for TAS licensing.

Proponent

A person or organization submitting an application to the CVRD for a statement of concurrence for a telecommunications installation regulated by ISED.

Public Information Meeting

A meeting arranged by the proponent to provide the public an opportunity to seek clarification and make comments. This meeting may be held in an electronic format using a widely recognized and freely-available software platform.

Public Notification Area

The area under the CVRD's jurisdiction lying within 300m of a line drawn around the external limits of the proposed structure, including any guy wires, fencing or landscaping.

Qualified Environmental Professional (QEP)

An applied scientist or technologist who is registered and in good standing with an appropriate B.C. professional organization constituted under an Act.

Statement

The statement formally issued to ISED by the CVRD which may be a statement of concurrence (with or without conditions), or a statement of non-concurrence.

Telecommunications Antenna Structure (TAS)

Any exterior transmitting device or group of devices used to receive and/or transmit radio-frequency signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas. Telecommunication tower/antenna systems include the antenna, any tower, mast or other supporting structure, and any equipment shelters, fencing and security screening.

SCOPE:

1. This policy applies to all TAS proposals regulated by ISED, and all TAS proposals located within the electoral areas of the CVRD whether or not regulated by ISED. Table 1 below shows the scope of local government authority and limitations relating to the design and siting of TAS.

Table 1: Local Government Authority/Limitations

Category	Local Government authority/limitations
Telecommunications Antennae Siting	<p>The final regulatory decision to approve the location of antenna systems is made by ISED.</p> <p>Local governments do not have the authority to override ISED's decision. The role of local government is to issue a statement of concurrence or non-concurrence to the proponent and to ISED. The statement considers the land use compatibility of each antenna system proposal, design and location preferences, comments from residents and the proponent's adherence to the local government's policy.</p> <p>The Board will consider all applications for antenna systems where local government concurrence is required. In this regard, the local government may express its concurrence or concerns of a proposed application and, accordingly, may either approve or deny the request for a statement of concurrence.</p>
Health	<p>Health concerns relating to radiofrequency, energy and safety fall under the federal jurisdiction of Health Canada.</p> <p>Local governments do not have authority to regulate health and safety requirements related to antenna systems.</p> <p>Health Canada requires that all antenna system installations (including 5G installations) comply with all existing safety regulations, including Safety Code 6 (SC6), which determines exposure limits for wireless devices and their associated infrastructure. ISED requires</p>

	<p>that all antenna systems meet Canadian limits on the amount of radio frequency energy that can be present in areas to which the public has access. This means complying with the regulatory requirements and process established in the antenna siting procedures, <i>CPC-2-0-03, Radiocommunication and Broadcasting Antenna Systems</i> before an installation is approved. Once antenna systems are built, operators need to ensure their installations comply with the Canadian limits at all times as a condition of their license. The current Canadian limits already cover the frequency ranges that will be used by 5G devices and antenna system installations. Health Canada provides extensive public education through its website that responds to public safety related concerns associated with 5G and antenna systems in general.</p>
Out-of-scope matters	<p>ISED has determined that the following issues will not be considered relevant in its regulatory decisions:</p> <ul style="list-style-type: none"> • impact on property values or tax revenues; • the legitimacy or validity of any provincial or local government policies or statutes; and, • aspects of the proponent's service not related to the structure in question.
Proposals on CVRD land	<p>The CVRD has absolute discretion as a landowner to decide whether to enter into a lease arrangement (and under what conditions, which may include requirements to host CVRD emergency communications systems) for any TAS proposals located on land owned by the CVRD. This is independent of the statement of concurrence process. The CVRD may opt to use the process/guidelines set out in this policy to evaluate a proposal as landowner, in addition to its role in deciding a statement of concurrence application.</p>

2. The following TAS proposals are **exempt** from this policy:
- a. Modifications to existing TAS less than 15m in height, not resulting in a height increase;
 - b. Modifications to existing TAS resulting in a cumulative height increase not more than 10% of the original structure, but in any case, not resulting in a structure greater than 15m in height, or a height increase to a structure within one year of installation or previous height increase;

- c. Temporary TAS erected for special events, research or emergency purposes, for a period not exceeding 90 days, or a cumulative total of shorter periods not more than 90 days per calendar year;
- d. Non-tower-mounted TAS not exceeding 2m in height beyond the top of the highest part of the structure, or top of the roof in the case of a building, but in any case, not representing more than 25% of the height of the original building or structure.

POLICY:

The CVRD will assess applications for consistency with the Siting and Design policies.

Siting Policies

1. The proponent should demonstrate effort has been made to locate TAS on existing structures such as other TAS, utility poles, transmission towers and rooftops.
2. Freestanding TAS should be located more than 300m from an elementary or secondary school.
3. Freestanding TAS should be located more than 500 m from any parcel designated Residential.
4. Areas for location should be considered in the following order of priority from encouraged through to discouraged:
 - a. Transportation and utility corridors
 - b. commercial and industrial sites remote from residential areas;
 - c. institutional sites, including those that typically require telecommunications technology, such as hospitals, research centres, colleges and public works facilities, but not including schools.
 - d. agricultural, forested and rural areas;
 - e. village centres or other commercial areas;
 - f. parks, greenspaces, golf courses and sports grounds;
 - g. adjacent to residential areas.
5. Locations of topographic prominence affecting public views and vistas of important natural, cultural or human-made features or environmentally sensitive areas should be avoided.
6. Areas in proximity to lakes, rivers, the ocean shoreline and other water features should be avoided, as well as areas designated in the Official Community Plan as development permit areas for the protection of hazardous conditions.

7. Design and location should involve minimal or no tree removal. Root protection areas of mature trees should be avoided. Any unavoidable tree removal, including to create space for wildfire protection, should be carried out during the timing window of least risk for nesting birds. Trees with eagles or heron nests should not be removed.
8. Proximity to aerodromes should be avoided.

Design Policies

9. Monopole towers are preferred, subject to the requirements of Siting Policies 1-8.
10. Each new freestanding structure should be designed to accommodate a minimum of two additional users, taking into account impact on design height.
11. The design style of a TAS should be as unobtrusive as possible, avoiding reflective surfaces, and compatible with the surrounding area and adjoining uses. This may include being designed to resemble or include a character feature such as clock tower, flagpole or mature tree, or to mimic the façade, materials or colours used in the surrounding architecture or area.
12. Screening, stealth design and landscaping are strongly encouraged to minimize visual impacts. Cable trays on buildings should be unobtrusive and concealed.
13. Vegetative screening should be appropriately placed around the TAS with a preference for a mix of coniferous and deciduous trees to provide year-round foliage in appropriate soil conditions. Irrigation should be provided where necessary.
14. Where a QEP report has been prepared pursuant to Procedures 1(e), all recommendations should be incorporated into the TAS design wherever technically feasible, including commitment to any post-construction monitoring and actions.

CONSULTATION:

1. Prior to submitting a TAS statement of concurrence application, the proponent should undertake pre-consultation with CVRD Land Use Services staff and CVRD Emergency Management.

Notice Sign

2. Prior to submitting a statement of concurrence application, the proponent must erect a notice sign at the proposed TAS location site consistent with the requirements set out in the CVRD Development Application Procedures and Fees Bylaw. The notice sign must contain information on the exact location, appearance and dimensions of the proposed structure and provide contact information for the proponent.

Public Information Notice

3. The proponent must prepare a public information notice, including a date, time, format and location (if applicable) or electronic participation details (if applicable) for a public information meeting. This will be submitted to CVRD staff for review and approval. Once approved, the proponent must mail this notification to all owners and tenants of all property parcels lying wholly or partly within the public notification area. Property addresses may be provided by the CVRD.
4. In areas of seasonal residence, the proponent, in consultation with the CVRD, is responsible for determining the best manner to notify homeowners and occupants to ensure their engagement.
5. Concurrent with distribution of public information notice, the public information meeting must be advertised by the proponent at their cost in two consecutive editions of a regular newspaper in local circulation providing details of how to join the meeting and where a copy of the public information notice is available. A copy of published advertisements must be sent to the CVRD's Land Use Services Department.

Public Information Meeting

6. A public information meeting must be held, at the cost of proponent, not less than 14 days from the public information notice mailing date, either virtually or in-person, as determined in consultation with CVRD.
7. The public must be requested to submit written responses to the proponent within 21 days of the mailing date of the notice.

Following Public Information Meeting

8. Following the expiry of the 21-day notification period under Consultation 7 and the holding of a public information meeting under Consultation 6, the proponent must:
 - a. provide a written summary to the CVRD including record of attendance, meeting minutes and all comments or concerns expressed and written replies to comments or concerns expressed from the public.
 - b. review public concerns and consider modifications or amendments to the application in response to those concerns.
 - c. provide information to the Board demonstrating public comments or concerns have been considered and the reasons that requests for modification of the proposal are being rejected.
9. Additional public engagement opportunities may be requested by the Board.

PROCEDURES:

1. An application for a statement of concurrence must include:
 - a. scaled elevation drawings of the structure, siting plan, and details of all design features such as colour, fencing, etc.;
 - b. a detailed landscape plan, prepared by a registered member of the British Columbia Society of Landscape Architects (BCSLA), which includes drought resistant and native plantings, where appropriate;
 - c. identification of any other freestanding TAS within 500m of the proposed location;
 - d. information regarding co-location opportunities, including CVRD emergency communications systems, and potential use of any other existing structures;
 - e. a QEP report, where a proposal is situated in whole or in part within a location designated in the Official Community Plan as a development permit area for the protection of the natural environment.
2. The CVRD will notify adjacent local or First Nations governments of receipt of the application.
3. Upon completion of requirements in Consultation 1-9 and Procedures 1, staff will prepare a report to a Committee of the Board unless first referred to an Advisory Planning Commission by the Electoral Area Director.
4. The CVRD Board may:
 - a. issue an unconditional statement of concurrence; or
 - b. issue a statement of concurrence subject to conditions; or
 - c. issue a statement of non-concurrence; or
 - d. defer the decision, with or without further direction to staff or requests to the proponent, and request additional time from ISED if the process is likely to take more than 120 days; and
 - e. may forward to ISED a record of public comments received through public consultation.
5. A statement of concurrence may be issued subject to some or all of the conditions, where appropriate, including, but not limited to:
 - a. a signed agreement submitted to the CVRD stating that the proponent will allow co-location with other uses, including CVRD emergency communications systems, wherever technically feasible.
 - b. a signed undertaking for installation or vegetation removal not to be carried out during certain times of the year.

- c. posting a financial security for any proposed landscaping, tree planting, screening or fencing; and,
 - d. posting a financial security for any environmental protection or compensation measures, erosion and sediment controls, QEP oversight, reporting, or post-construction monitoring and actions.
6. Where the CVRD is the landowner, the CVRD may require the conditions listed above in Procedures 5, or other applicable conditions, to be incorporated into a lease agreement.

Approved by: Board Approval date: October 12, 2022 Amended: January 23, 2023
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