

Policy Title: Telecommunication Antenna System Application and Consultation Process Policy		Policy Number: P89
Policy Category: Planning and Development		
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PURPOSE

The purpose of this policy is to provide guidelines regarding the application and public consultation processes that telecommunications service providers are expected to undertake when requesting a letter of concurrence from the Comox Valley Regional District (CVRD) for a proposed Telecommunication Antenna System (new or increasing the height of an existing tower).

SCOPE

This policy applies to all land and areas covered by water within the CVRD excluding Denman and Hornby Islands when Innovation, Science, and Economic Development (ISED) Canada requests, or requires a Proponent to request, a letter of concurrence relating to those lands. These lands and water constitute the traditional and unceded territories of the K'ómoks First Nation.

1. JURISDICTION AND ROLES

Innovation, Science, and Economic Development Canada

Under the *Radiocommunication Act*, the Minister of ISED Canada has sole jurisdiction over inter-provincial and international communication facilities. The final decision to approve and license the location of a Telecommunication Antenna System is made only by ISED Canada. ISED Canada regulates all technical aspects and siting of Telecommunication Antenna Systems, and have established procedures to regulate the process and review of these structures, all of which may be amended or replaced from time to time. This policy is intended to complement the existing regulatory framework in place at the time of application.

Other Federal Regulations

Proponents must also comply with other applicable federal legislation and regulations, all of which may be amended or replaced from time to time, which includes:

- Health Canada's Safety Code 6 (Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 KHZ to 300 GHZ – Safety Code 6);
- The *Canadian Environmental Assessment Act*; and,
- NAV Canada and Transport Canada's painting and lighting requirements for aeronautical safety.

Local Government

The primary role of the local government is to issue a statement of concurrence or non-concurrence to the Proponent and ISED Canada. The statement considers the land use compatibility of the antenna structure, the responses of the affected residents, and the Proponent's adherence to this protocol.

Proponent

Throughout the siting process, Proponents must adhere to the antenna siting guidelines in CPC-2-0-03, as amended from time to time, including investigating the possibility of sharing or using existing infrastructure before proposing new antenna-supporting structures (consistent with CPC-2-0-17 *Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*), contacting the local land use authority to determine local requirements regarding Telecommunication Antenna Systems, and undertaking public notification and addressing relevant concerns as is required and appropriate.

2. DEFINITIONS

Co-location means the sharing of antenna or equipment space on an existing telecommunications tower owned or operated by a different party.

ISED Canada means Innovation, Science, and Economic Development Canada, and any federal ministry that may replace ISED Canada in the future that has jurisdiction over telecommunication and radiocommunication infrastructure.

Land Use Authority means the local governing body whose bylaws and regulations govern land use and land use decisions. This may include a municipality, city, town, village, township, or regional district.

Policy means, unless explicitly stated otherwise, the CVRD's Telecommunication Antenna System Application and Consultation Process Policy.

Proponent means a company or organization, or a representative thereof, for the purpose of providing commercial telecommunication services.

Regional District means Comox Valley Regional District.

Setback means the required minimum horizontal distance measured from the respective lot line or other feature as may be identified to any building or structure or part thereof.

Structure means anything that is constructed or erected, supported by, or sunk into land or water, and includes swimming pools, mobile home pads, and improvements accessory to the principal use of land, but excludes landscaping, paving improvements, signs under 1.0 metre in height, retaining walls under 2.5 metres in height, and fencing under 2.5 metres in height unless otherwise provided in this bylaw.

Telecommunication Antenna System means an exterior transmitting device(s) used to receive and/or transmit radio-frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas. Telecommunication Antenna Systems include the antenna, and may include a supporting tower, mast, or other supporting structure, and a structure or shelter for equipment.

3. EXEMPTIONS

- 1) Activities and proposed developments or works that are exempted from the public consultation requirements by ISED Canada through its policies and procedures are also exempted from the Regional District's Policy. Activities and development proposals that ISED Canada exempts from public consultation include:
 - a. Existing freestanding antenna systems where modifications are made, antennas added, or the tower replaced, including facilitating co-location, provided that the total cumulative height increase is no greater than 25 per cent of the height of the initial antenna system installation. No increase in height may occur within one year of the completion of the initial construction;
 - b. Maintenance of existing radio apparatus, including the Telecommunication Antenna System, transmission line, mast, tower, or other antenna-supporting structure;
 - c. An addition to or modification of an existing Telecommunication Antenna System that does not result in an overall height increase;
 - d. Maintenance of a Telecommunication Antenna System's painting or lighting in order to comply with either Transport Canada or NAV Canada's requirements; or,
 - e. Installation, for a limited duration of not more than three months, or one that is used to support local, provincial, or territorial or national emergency operations during an emergency, and is removed within three months after the emergency or event.
- 2) If a Proponent is planning a development that meets the criteria for exemption from this Policy, documentation outlining the proposed development and demonstrating the exemption should be submitted to the Regional District at least 30 days prior to the commencement of site activities.

4. PROPOSAL SUBMISSION AND FEES

- 1) The proponent is expected to follow the timeline and application process outlined in Bylaw No. 328, being the "Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014," as amended from time to time.
- 2) The proponent is expected to make an application fee payment at the time that a completed application is submitted, as outlined in Bylaw No. 328. An application will not be deemed to be submitted until the fee payment is received.

5. PUBLIC CONSULTATION REQUIREMENTS

- 1) The public consultation process outlined in this section includes and complements the minimum requirements outlined by ISED Canada.
- 2) The Proponent is to present the proposed development at an Advisory Planning Commission meeting for the Electoral Area within which the development is proposed.
- 3) The Proponent is to present the proposed development at an Agricultural Advisory Planning Commission meeting if the development is proposed to occur on or adjacent to lands within the Agricultural Land Reserve.

- 4) The Proponent is to host a public information meeting in order to share relevant information with members of the public who may be affected by the proposed development. The public information meeting:
 - a. Should be hosted in-person. The meeting may be hosted virtually during times at which Public Health Orders affect in-person events, but in-person events are still encouraged when strategies to mitigate public health risks can be implemented;
 - b. Must be advertised in at least two consecutive issues of the newspaper of record in a readable and understandable format that illustrates the location of the proposed Telecommunication Antenna System;
 - c. Must be advertised in a mail-out notification package.
- 5) Mail or hand-deliver a notification package at least two weeks and not more than four weeks in advance of the scheduled public information meeting. The notification package must be sent to residents within a certain radius, as described in Bylaw No. 328, and must include:
 - a. Any information required to be included by ISED Canada, currently outlined in *CP-2-0-03 Appendix 1 – Industry Canada’s Default Public Consultation Process – Public Notification Package*, as amended from time to time;
 - b. The date and location of the public information meeting;
 - c. The last date during which the public may submit comments or feedback.
- 6) The public consultation process is to be repeated if construction on the tower has not begun within 12 months of the date of the board meeting at which the letter of concurrence was granted.

6. OTHER PERMITTING REQUIREMENTS

- 1) Whenever a development is proposed to occur within 200.0 metres of a watercourse, including rivers, streams, lakes, and the sea, or within an area of potential archaeological significance, the Regional District requires the Proponent to contact K’ómoks First Nation to inquire about the need to obtain a Cultural Heritage Investigation Permit.
- 2) Height restrictions on structures do not apply to proposed Telecommunication Antenna Systems. However, these types of developments are expected to meet all lot line setbacks required for a principal structure as defined in the applicable zone within the CVRD’s Zoning Bylaw, as amended from time to time. Decreasing the setback can only be done through receipt of a Development Variance Permit or a Board of Variance appeal.
- 3) Development Permits are not enforceable for structures or infrastructure that are regulated by the federal government. However, if a letter of concurrence is granted for a Telecommunication Antenna System that is proposed to be constructed within a Development Permit Area, language should be included in the letter that encourages the involvement of any professionals in the development process that the development permit would require (for example, a Qualified Environmental Professional or a professional engineer).

7. SITING AND DESIGN GUIDELINES

The CVRD recognizes that ISED Canada has sole jurisdiction over the ultimate approval of all proposed Telecommunication Antenna System developments. The Regional District encourages the proponent to keep in mind the following location and design recommendations.

1) General Location

- a. As much as is feasible, proponents should seek to locate Telecommunication Antenna Systems in the following preferred areas:
 - i. Areas that allow for the co-location of dishes or other infrastructure on existing Telecommunication Antenna Systems;
 - ii. Infrastructure, buildings, or lands (excluding parklands) owned by the regional district;
 - iii. Areas that maximize the distance from residential development;
 - iv. Industrial and commercial areas;
 - v. Transportation and utility corridors; or
 - vi. Located in a manner that does not adversely impact significant view corridors.
- b. As much as is feasible, proponents should seek to locate Telecommunication Antenna Systems outside of the following discouraged areas:
 - i. Locations directly in front of doors, windows, balconies, or residential frontages;
 - ii. Wetlands and Ecologically sensitive lands and areas;
 - iii. Critical habitat of threatened and endangered species;
 - iv. Ecologically important parklands and parklands where migratory and resident birds are known to congregate;
 - v. Within 400 metres of ecologically sensitive lands and park spaces with significant wildlife and bird habitat values;
 - vi. Agricultural areas, unless the Telecommunication Antenna System and associated land disturbances will not interfere with current or potential agricultural operations and productivity AND where benefits to the agricultural community have been identified; and,
 - vii. Within an area of prime agricultural land as defined by the Agricultural Land Commission (e.g. Soil Class rating).

2) Siting on a Property

- a. The siting of all parts of a structure must respect all setback requirements as outlined in Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019,” as amended from time to time.
- b. If the property is zoned for agriculture, the Telecommunication Antenna System should intrude as minimally as possible into the property to avoid conflicting with agricultural uses. The amount of fill for the driveway and groundcover for the proposed structure should also be minimized as much as possible.

3) Design Considerations

- a. To the extent possible, facilities located on rooftops should not be visible from the street.
- b. The appropriate type of telecommunication antenna structure (for example, lattice structure or monopole) should be selected based upon the goal of making best efforts to blend the development in with the nearby surroundings and minimize the visual and aesthetic impacts of the structure on the community.
- c. To the extent possible, the use of guy wires and cables to steady, support, or reinforce a tower is discouraged.
- d. The perimeter of a Telecommunication Antenna System development should be buffered and landscaped with solid fencing and/ or vegetation.

- e. Where Transport Canada and/ or NAV Canada requires a structure to be lit, the lighting should be limited to the minimum number of lights and the lowest illumination allowable, and any required strobe lighting should be set to the maximum strobe interval allowed by Transport Canada.
- f. Telecommunication Antenna Systems should be painted in a way that will help it blend into its surroundings as much as is possible.

REVISION HISTORY

Approval Date	Approved By	Description of Change