

DATE: August 19, 2019

TO: **MAYOR AND COUNCIL**

NAME AND TITLE: Ian Wells, General Manager of Planning and Development

SUBJECT: Request for Concurrence – Proposed TELUS Wireless Communications Facility

Applicant: Cypress Land Services for TELUS
Location: 9808 Kelly Road North

ATTACHMENT(S):

- Location and Existing Zoning Map
- Public Consultation Summary Package

RECOMMENDATION(S):

1. THAT Council instruct the Corporate Officer to advise Innovation, Science and Economic Development Canada in writing that:
 - a. TELUS has satisfactorily completed its consultation with the City of Prince George;
 - b. The City of Prince George is satisfied with TELUS' public consultation process and does not require any further consultation with the public; and,
 - c. The City of Prince George concurs with TELUS' proposal to construct a wireless communications facility provided it is constructed substantially in accordance with the plans submitted to the City of Prince George for a 60.0 metre self-support tower with 15 antennas and 4.0 metre lightning rod mounted at the top of the structure on the subject property (NW ¼ of District Lot District Lot 2432 Cariboo District, except plan PGP39486).

PURPOSE:

The City has received a Public Consultation Package from Cypress Land Services who is representing TELUS in identifying a suitable site for the installation and operation of a wireless communication facility. The proposed wireless communication facility will improve coverage and network quality.

The applicant is proposing to erect a 60.0 metre self-support tower with 15 antennas and 4.0 metre lightning rod mounted at the top of the structure on the subject property. The applicant has proposed to place the structure on the north-west portion of the subject property that will be securely fenced in a 17.6 m by 13.0 m (228.8 m²) compound. A preliminary site plan, layout and photo rendering are included in the attached Public Consultation Package.

The applicant is requesting that Council, through resolution or a letter, confirm that the City has been consulted, and concurs with the design and location of the proposed wireless communications facility.

Background

Site Characteristics

Location	9808 Kelly Road North
Current Use	Agricultural and Rural Residential
Property Size	63.3 ha (156.4 acre)
Zoning	AF: Agriculture & Forestry

Official Community Plan

Future Land Use	Rural Resource
Growth Management	Rural Resource

Surrounding Land Use Table

North	Undeveloped agricultural land
South	Rural Residential
East	Highway 97 and Residential
West	Kelly Road North and Rural Residential

POLICY/REGULATORY ANALYSIS:

Radiocommunication Act

Wireless communications are federally regulated by Innovation, Science and Economic Development Canada (ISED), formerly Industry Canada, under the *Radiocommunication Act*. Provincial and municipal governments lack constitutional jurisdiction to interfere with or impair communication facilities licensed under federal legislation.

The Federal government recognizes that municipal governments should be informed and consulted with when ISED uses its authority to locate radiocommunications facilities and ancillary structures. Therefore, ISED has instituted a consultation policy. Since the City of Prince George does not have policy addressing land use consultation for the siting of antenna systems, ISED's default public consultation process is followed. The policy requires that the proponent provide written notification of the proposal to the public, land use authority, and ISED. The municipality then has the opportunity to review and comment on the proposed antenna structure and location. The proponent would respond in an attempt to address any reasonable and relevant comments provided. The submissions would be reviewed by ISED who would then determine whether or not a license, with or without conditions, should be granted. ISED's default public consultation process requires the City of Prince George's concurrence with the tower proposal.

Although the City of Prince George has regulatory requirements (i.e., zoning) on the subject property, ISED's Federal policies and regulations supersede municipal regulatory requirements. It is ultimately ISED's decision to move forward with the installation of a radiocommunication facility and does not require City approval.

Official Community Plan

The Official Community Plan contains no specific guidance with respect to the location of wireless communications facilities.

Zoning Bylaw

The subject property is zoned AF: Agricultural and Forestry. The purpose of the AF zone is to conserve and manage agricultural and forestry land by providing for a compatible range of uses with regulations that maintain parcels of at least 15.0 ha. The AF zone limits the height of development to 20.0 m. However, Section 4.3 of Zoning Bylaw No. 7850, 2007, as amended and replaced, outlines that antenna structures are not subject to the maximum height limits of a zone, provided that no such structure shall cover more than 20% of the site area. The proposed 60.0 metre self-support tower with 15 antennas and 4.0 m lightning rod on top of the tower will be placed on a 228.8 m² leasehold area which covers less than 1% of the subject property; therefore, the proposal is consistent with the Zoning Bylaws height regulations.

The purpose of zoning is to create areas where compatible uses can co-exist while excluding uses that may not be compatible. From a land use perspective, wireless communications facilities do not raise compatibility issues such as hours of operation, noise, traffic generation, or intensity of the use. The main area of concern is the visual impact

of such a structure, particularly in regards to height. The proposed tower will be 60.0 m in height with 15 antennas and 4.0 m lightning rod on top of the tower, the structure will be situated 200.0 m east from Kelly Road North on the subject property. The applicant would leave a tree buffer around the compound that will provide a natural buffer to screen the tower base from residents on the west side of Kelly Road North and adjacent properties. Administration does not anticipate negative land use impacts as a results of the installation of the proposed tower.

OTHER CONSIDERATIONS:

Public Consultation

The proponent followed ISED's default public consultation process for this proposal as the City of Prince George does not have policy addressing land use consultation for the siting of wireless communications facilities. Public consultation was carried out through written notification to adjacent landowners and stakeholders. Property owners within 90 m and less from the proposed installation site received a copy of the attached consultation package and were provided 30 days to respond. The applicant has indicated that no written comments were received regarding the proposed facility.

The applicant is requesting that Council, through resolution or a letter, confirm that the City has been consulted and that Council concurs with the design and location of the proposed tower. Staff believes that this proposal will not cause any undue concerns and recommend that Council concur with the proposal.

Health and Safety

There are often concerns about potential health risks related to the placement of wireless communications facilities. ISED requires that such systems are operated in accordance with the safety guidelines established by Health Canada's publication "Limits of Human Exposure to Radiofrequency Electromagnetic Energy in the Frequency Range from 3Hz – 300 GHz". This is referred to as Safety Code Six. Prior to receiving a license from ISED, the operator must submit the calculations of the intensity of the radiofrequency fields to ensure that this installation does not exceed the maximum levels established by Safety Code Six requirements. This proposal indicates no concerns with respect to Safety Code Six.

Agricultural Land Commission (ALC)

The subject property is entirely located within the Agricultural Land Reserve (ALR) and may require additional approvals and applications for the proposed self-support tower leasehold area and access through agricultural land.

ALTERNATIVES:

THAT Council instruct the Corporate Officer to advise ISED in writing that the City of Prince George does not support the TELUS' proposal to construct a wireless communications facility for a 60.0 metre self-support tower with 15 antennas and 4.0 metre lightning rod attached to the top of the structure on the subject property.

Should Council object to the proposed antenna there must be reasonable and relevant concerns identified and recorded in the minutes of the relevant Council Meeting. The City of Prince George is to provide written notice to the local ISED office who would initiate a dispute resolution process. The submission would be reviewed by ISED, who would then make a final decision on the issue(s) in question.

SUMMARY AND CONCLUSION:

The applicant is requesting that Council, through resolution or a letter, confirm that the City of Prince George has been consulted and that Council concurs with the design and location of the proposed tower. Administration recommends that Council concur with the proposal as per the information provided in this report.

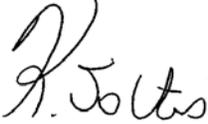
RESPECTFULLY SUBMITTED:



Ian Wells, General Manager of Planning and Development

PREPARED BY: Melissa Nitz, Planner

APPROVED:



Kathleen Soltis, City Manager
Meeting date: September 9, 2019