

Date: August 16, 2024

To: **Mayor and Council**

Name and title: Deanna Wasnik, Director of Planning and Development

Subject: Request for Concurrence – Proposed TELUS Wireless Communications Facility (BC104269)

Applicant: Cypress Land Services on behalf of TELUS Communication Inc.

Location: 9808 Kelly Road

Attachment(s): Location and Existing Zoning Map
Public Consultation Summary Package

Recommendation(s):

1. That Council INSTRUCTS the Corporate Officer to advise Innovation, Science and Economic Development Canada in writing that:
 - a. TELUS Communications Inc. (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 be constructed substantially in accordance with the plans submitted to the City of Prince George for a 60.0 m self-support tower (plus a 4.0 m lighting rod) and ancillary equipment (BC104269) at 9808 Kelly Road (The Northwest 1/4 of District Lot 2432, Cariboo District, Except Plan PGP39486).

Purpose:

The City has received a request for concurrence confirming that the City has been consulted and concurs with the design and location of the proposed wireless communications facility at 9808 Kelly Road (subject property). This proposal was previously granted a resolution by Council in 2019. Given that more than three years have passed and the tower has not been constructed, the applicant has been required to reconsult the City and the public.

Background:

The applicant is proposing to erect a 60.0 m self-support tower (plus a 4.0 m lighting rod) and ancillary equipment (wireless communications facility) on the subject property to improve coverage and network quality.

The applicant is proposing to place the wireless communications facility in the northwest corner of the subject property. The proposed tower and ancillary equipment will be securely fenced by a 33.0 m by 20.0 m compound area at the base. A preliminary site plan, compound layout, and photo rendering are included in the Public Consultation Summary Package attached to this report.

Site Characteristics

Location	9808 Kelly Road
Legal Description	The northwest 1/4 of District Lot 2432, Cariboo District, Except Plan PGP39486
Current Use	Agricultural
Site Area	63.3 ha (156.4 acres)
Growth Management Class	Rural Resource
Zoning	AF: Agriculture & Forestry

Surrounding Land Use Table

North	Vacant land
South	Rural Residential
East	Rural Residential; Highway 97 N
West	Kelly Road N; Rural Residential

Police / 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 used. The policy requires that the proponent provides 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 structure and location. The proponent responds to any reasonable and relevant comments provided. The submissions are then 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 regarding wireless communications facilities.

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 City approval is not required.

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: Agriculture and Forestry. The AF zone is intended to conserve and manage agricultural and forestry land by providing for a compatible range of uses with regulations that maintain parcels at least 15.0 ha in size. The AF zone limits the height of development to 20.0 m. However, Section 4.3 of the Zoning Bylaw outlines that telecommunication 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 tower and ancillary equipment cover a very small (<1%) area of the subject property; therefore, the proposal is consistent with the Zoning Bylaw.

The Zoning Bylaw is intended 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. The main area of concern is the visual impact of such a structure, particularly regarding height. The tower is proposed to be located on the southwest portion of the subject property. The subject property is bound by vacant land to the north, rural residential uses to the east and south, and Kelly Road N to the west.

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 three times the height of the proposed tower received a copy of the attached consultation package and were provided more than 30 days to respond. No comments were received throughout the 30 day consultation period.

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 wireless communications facility. Staff believes that this proposal will not cause any undue concerns and recommends 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 calculations for 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.

Referrals

This application was referred to internal City divisions and external agencies for comments. There are no outstanding comments or concerns with this application.

Property Title

A review of the legal title of the subject property indicated no encumbrances or restrictions that would affect this application.

Alternatives:

THAT Council instruct the Corporate Officer to advise ISED in writing that the City of Prince George does not support the applicant's proposal to construct a wireless communications facility on the subject property.

Should Council object to the proposed tower 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 erect a 60.0 m self-support tower (plus a 4.0 m lighting rod) and ancillary equipment. Administration recommends that Council concur with the proposal as per the information provided in this report.

Respectfully submitted:

Deanna Wasnik, Director of Planning and Development

Prepared by Thane Greydanus, Planning Technician Student

Approved:

Walter Babicz, City Manager

Meeting date: 2024/09/09