



**To:** Planning Committee **Date:** September 3, 2008  
**From:** Brian J. Jackson **File:**  
 Director of Development  
**Re:** Telecommunication Tower Proposals at No. 2 Road and Moncton Street

**Staff Recommendation**

1. That information on the two telecommunication towers proposed by Cascadia Tower Inc. and Rogers Wireless contained in the report from the Director of Development dated September 3, 2008, be received for information.
2. That City staff review and bring forward amendments to the Zoning and Development Bylaw 5300 to establish appropriate locational and siting parameters for telecommunication towers.
3. That City staff review and bring forward a policy that establishes a Local Telecommunications Tower Siting and Consultation Protocol.

Brian J. Jackson  
 Director of Development

BJ:ke  
 Att. 1

FOR ORIGINATING DEPARTMENT USE ONLY			
<b>ROUTED TO:</b>	<b>CONCURRENCE</b>	<b>CONCURRENCE OF GENERAL MANAGER</b>	
Real Estate Services .....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
<b>REVIEWED BY TAG</b>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<b>REVIEWED BY CAO</b>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

## Staff Report

### Origin

This report provides updates on two telecommunication tower proposals located on neighbouring properties forwarded to the City in July of 2008. Information is also provided on the regulations and legislation applicable to telecommunication towers.

It is also being recommended to Council that City staff bring forward the appropriate amendments to the Zoning and Development Bylaw (5300) to clarify locational criteria for telecommunication towers and develop a public consultation policy that proponents must follow when developing new towers.

### Findings of Fact

#### Proposals

The subject properties, proponents and applicable land use designations are as follows:

- 12104 No. 2 Road (Cascadia Tower Inc.)
  - Contained in the Agricultural Land Reserve (ALR).
  - Zoned Agricultural District (AG1).
- 12060 No. 2 Road (Rogers Wireless)
  - Contained in the ALR.
  - Zoned AG1.

A location map of both properties is contained in **Attachment 1**. Both proposals involve the installation of a tower on each site approximately 45 m in height with supporting equipment, structures and fencing around the base.

#### Legislation and Regulatory Framework

##### *Federal*

The approval and installation of new telecommunication towers falls under the mandate of the Federal Government (Industry Canada) and is governed through the *Radiocommunications Act*. Radiocommunication (and any related structures) is a field exclusively within the legislative authority of the Federal Government. The Federal Government may be able to place restrictions on the location and number of towers pending a review of the proposals or comments generated through the process.

##### *Provincial – Agricultural Land Commission*

Both of the subject proposals are contained in the ALR and are subject to the *Agricultural Land Commission Act (ALC Act)* and *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*. The ALC Act and Regulations states that telecommunications equipment, buildings and installations are a permitted use in the ALR. The regulations outline that the area occupied by telecommunications equipment, buildings and installations are limited to 100 sq. m for each parcel.

##### *Local Government – City of Richmond*

The subject zoning for the two sites on No. 2 Road permits telecommunication towers. The current approach in the City's Zoning and Development Bylaw is to regulate the use through zoning. The AG1 zoning for two subject properties with tower proposals allows telecommunication towers as a use and identifies minimum setbacks from property lines. There are no provisions in the City of Richmond's Zoning and Development Bylaw 5300 that limit the

location of telecommunication towers in close proximity to one another. Telecommunication towers are also subject to the ALC regulations stipulated about maximum areas that can be occupied by structures and any other comments arising out of the Commissions review. There is ongoing discussion and examination as to what the local government authority is with respect to regulating telecommunication towers.

### **New Telecommunication Towers: Process and Public Consultation**

As the regulatory agency with legislative authority over the establishment of telecommunication towers, Industry Canada's policy is to seek local input with respect to telecommunication tower siting. As a result, Industry Canada requires local public consultation to be undertaken by the proponents.

The City of Richmond does not have any specific siting criteria, aside from setbacks and height, for telecommunication towers if zoning permits the use. The City also does not have a policy on public consultation to be undertaken by telecommunication tower project proponents. In lieu of a specific local telecommunications tower siting and consultation protocol in the City, Industry Canada has a default public consultation process for applicants to follow.

### **Cascadia Towers Inc. and Rogers Wireless Tower Proposals**

In July of 2008, Cascadia Towers Inc. and Rogers Wireless contacted the City to inform staff of two telecommunication tower proposals located on separate, neighbouring properties on No. 2 Road, just east of the Moncton Road intersection within the ALR. The following is a summary of the process that both tower proponents have gone through to date:

- Throughout July and August of 2008, Cascadia Tower Inc. and Rogers Wireless undertook the required public consultation based on Industry Canada's default consultation protocol.
- In addition to the public consultation undertaken by the proponents, a significant number of emails/form letters from Richmond residents have been received by Mayor and Council noting concerns about the tower proposals. City staff have forwarded this correspondence to the appropriate proponent for inclusion and consideration in their public consultation process.
- As the properties are in the ALR and subject to the ALC Act and regulations, City staff informed the ALC of the proposals and directed the applicants to contact the ALC to obtain comments and/or determine the appropriate application process for the tower proposals. The City has not yet been informed of any specific comments or decision by the ALC on either telecommunications tower proposal.
- Upon conclusion of both proponents' public consultation process, City staff anticipate to be contacted by Cascadia Tower Inc. and Rogers Wireless for the purposes of obtaining additional comments from the City.
- Staff will continue to monitor the process and comments received for both tower proposals and will inform Council of any applicable updates.

Since being informed of the proposal, City staff have communicated to both Cascadia Tower Inc. and Rogers Wireless about the strong preference for both proponents to co-locate on one telecommunications tower situated on one property. This approach would minimize the impact of these structures on farmland, the surrounding area and Richmond residents. To date, City staff are not aware of any commitment or agreement to facilitate co-location from either Cascadia Tower Inc. or Rogers Wireless.

### **Staff Comments**

The current regulatory framework identifies the Federal Government, through Industry Canada, as the legislative authority approving the maintenance and alteration of existing towers and the establishment of new telecommunication towers. It is also Industry Canada's policy to require proponents to contact and engage local land use authorities and residents to inform and provide the opportunity for comments to be made on the proposal. In this regard, Industry Canada considers that comments, questions and suggestions offered either by a local land use authority or residents as an important element to be considered in any new telecommunication tower proposal.

It is important to highlight that any comments and recommendations offered by either the local land use authority and residents through the public consultation process are forwarded for consideration to Industry Canada. The final decision of tower approval rests with Industry Canada.

Recent changes to the wireless/cellular telecommunications industry have prompted the receipt of a number telecommunication tower inquiries and proposals to the City. Staff anticipate that the demand for additional telecommunication tower infrastructure will increase in the future, thus resulting in more proposals being forwarded to the City. Therefore, the City would be better positioned if the following was undertaken:

- Initiate appropriate amendments to the Zoning and Development Bylaw 5300, to clarify under what circumstances telecommunication towers are permitted and identify siting criteria and impact mitigation measures where appropriate.
- Develop a specific Local Telecommunications Tower Siting and Consultation Protocol for the City of Richmond to improve consultation between the City, tower proponents and Richmond residents.

The City has received a number of requests to permit telecommunication towers on City-owned land. Due to a number of issues including impact on the community and implications for existing and future use of City-owned land, these proposals are not being considered until there is an approved policy in place to address these concerns. Telecommunication towers on City-owned land will be reviewed in conjunction with the recommendations contained in this report to initiate amendments to the Zoning and Development Bylaw 5300 and development of a Local Telecommunications Tower Siting and Consultation Protocol to determine the policy implications.

Staff will review all potential policy and regulatory options available to the City and provide a recommended approach specific to Richmond.

### **Analysis**

Amendments to the City's Zoning and Development Bylaw 5300 will serve to establish clear locational criteria and parameters to help guide telecommunication tower proponents to appropriate sites in the City with the aim of minimizing impacts to residents while serving industry needs.

As outlined and encouraged by Industry Canada policy, Richmond City Council has the ability to develop a local telecommunications tower siting and consultation policy specific to the City of

Richmond. Development of a Local Telecommunications Tower Siting and Consultation Protocol will ensure:

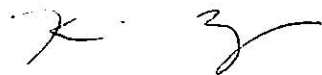
- Effective participation and cooperation between the City, proponents and residents.
- Legitimate concerns about telecommunication tower proposals are addressed.
- Promote co-location of service providers to prevent unnecessary proliferation of towers.
- That the protocol states that decisions relating to the approval of telecommunication towers remains under the authority of the Federal Government.

### **Conclusion**

Staff have recently been forwarded two proposals for telecommunication towers on neighbouring properties east of No. 2 Road and Moncton Street in the ALR. Staff will update Council as updates become available on both proposals.

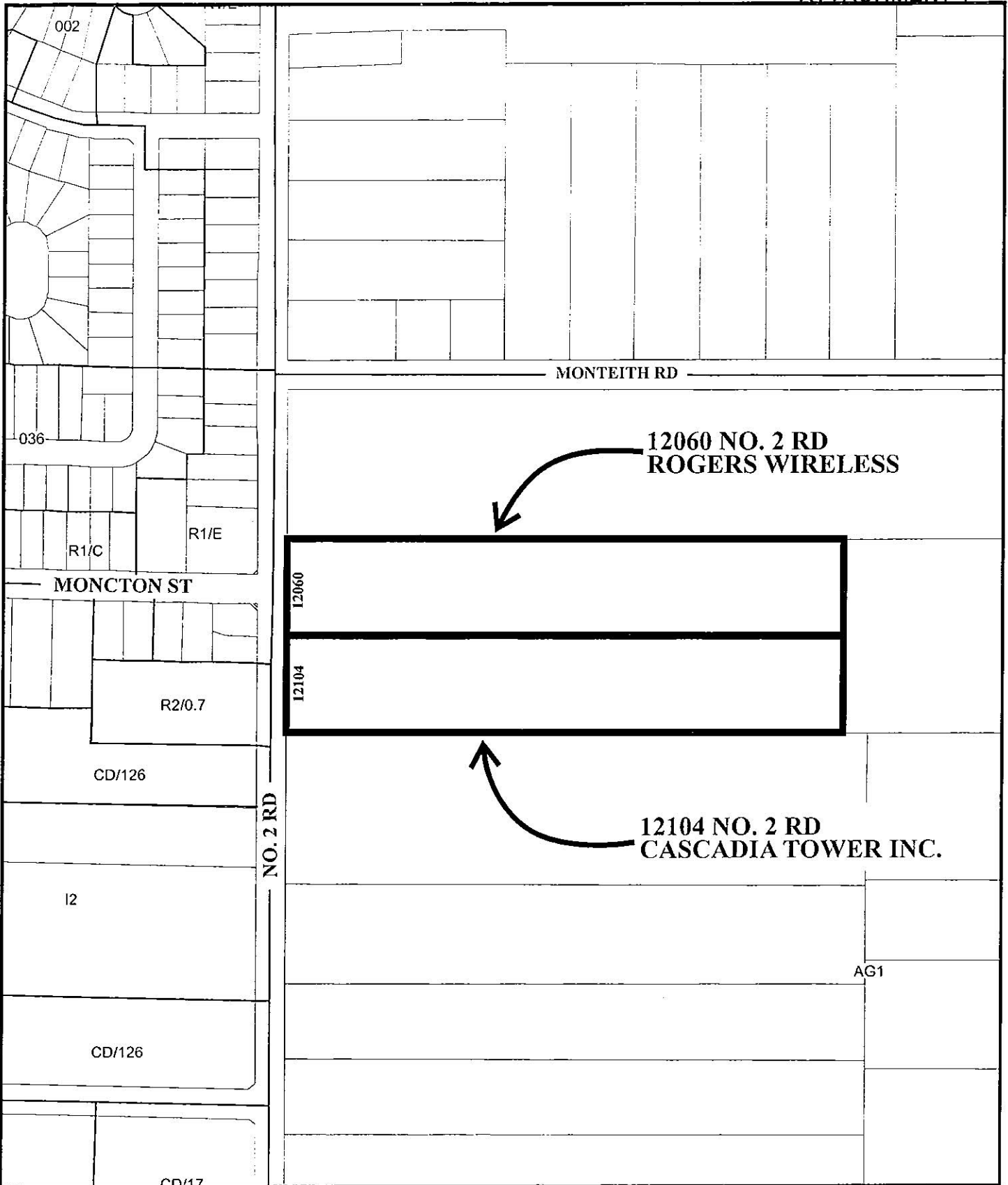
Staff recommend that appropriate amendments to the Zoning and Development Bylaw be reviewed and brought forward to establish clear siting and locational parameters on telecommunication towers City-wide. It is also recommended that a Local Telecommunications Tower Siting and Consultation Protocol be developed and brought forward for Council consideration.

The zoning amendments and formation of a local protocol, if advised to do so by Council, will be developed recognizing the Federal legislative authority pertaining to approval of telecommunications infrastructure. To do so, City staff will be liaising with Industry Canada representatives to ensure compliance with Federal regulations.



Kevin Eng  
Planner 1

KE:cas



**Proposed Telecommunication  
Towers at No. 2 Road &  
Moncton Street**

Original Date: 08/18/08

Amended Date:

Note: Dimensions are in METRES