

DATE OF MEETING October 15, 2018

AUTHORED BY LAINYA ROWETT, MANAGER, CURRENT PLANNING AND
SUBDIVISION

SUBJECT **PROPOSED TELECOMMUNICATIONS TOWER – 821 MAUGHAN
ROAD**

OVERVIEW

Purpose of Report

To present Council with information regarding a request from Rogers Communications Inc. for a letter of concurrence indicating municipal support for a proposed telecommunications facility at 821 Maughan Road.

Recommendation

That Council give direction for Staff to provide a letter of concurrence to Industry Canada in response to a proposed 45m telecommunications facility at 821 Maughan Road.

BACKGROUND

Proposals for telecommunications facilities within the City of Nanaimo are subject to a federal approvals process (Industry Canada), which includes consultation with the local land-use authority (City of Nanaimo) as a commenting body in the process. Rogers Communications Inc. (Rogers) is proposing a new telecommunications facility in Nanaimo and has proceeded to the stage of a formal request for concurrence from the City respecting the location of a new cell tower.

The City of Nanaimo does not have an established antenna siting protocol, nor a documented public consultation process applicable to the siting of antenna systems. Industry Canada requires cell tower proponents to consult with the local land-use authority and to conduct public consultation. Where the local government does not have an established process for consultation, proponents use Industry Canada's *Default Public Consultation Process*, as outlined in their *Radio Communication and Broadcasting Antenna Systems Client Procedures Circular* (CPC-2-0-03, Issue 5). The Industry Canada process requires, at minimum, the proponents to provide all residents within an area three times the tower height (135m) with a notification package, as well as place the notice in a local community newspaper.

The Federal Government (through Industry Canada) has exclusive jurisdiction regarding the regulation of telecommunication facilities. Under the "City of Nanaimo 2011 Zoning Bylaw No. 4500" Part 6 – General Regulations, utility installations, such as a telecommunications tower, are permitted in all zones and are exempt from height regulations. Respecting past cell tower proposals requiring a consultation process, the proponents have completed the Industry Canada consultation process and requested comment from Staff regarding a proposed location. The City's practice to date has been to encourage proponents to co-locate such infrastructure in industrial and/or commercial areas.

DISCUSSION

The proponent (Cypress Land Services on behalf of Rogers) has put forward a proposal to build a 45m monopole telecommunications tower on private lands at 821 Maughan Road. If constructed, the tower will improve Rogers' wireless services at the Duke Point Ferry Terminal and nearby industrial lands. The proponent has explored opportunities for collocation, but found no structures, buildings, or existing towers nearby that have adequate height to accommodate an antenna installation. Industrial lands are preferred sites for cell towers, and the proposed location is within an industrial area. In addition, the proponent has entered into a long-term agreement with the property owner to permit the installation.

Pre-consultation occurred with Staff in April 2018, followed by an information package submission. The proponent conducted a public consultation process (per Industry Canada process), which included mailing of a notification package to surrounding properties and placing an advertisement in the local newspaper (May 2018). Rogers' public consultation process concluded in June 2018 and they received no public comments.

The subject property is zoned Industrial (I4 Zone) and contains an existing auto wrecking operation. The property is situated between Maughan Road and the Duke Point Highway and is surrounded by other industrial uses.

The proposed improvements will be located in the north end of the property including:

- a 45m slim tapered monopole with 9 panels and 2 microwave antennas on top of the pole;
- a small equipment shelter (3.84m²) at the base;
- a wood utility pole (7m in height) for the electrical drop from the street;
- a 4m-wide gated access off Maughan Road;
- an enclosed compound with a 1.82m-high chain link fence with barbed wire for security purposes and green slats to provide visual screening of the compound; and
- the addition of green slats to a portion of the existing fence along the west property line facing the Duke Point Highway to screen the existing auto wrecking use.

The design of the proposed tower and screened compound area minimizes visual impact along the highway and is not anticipated to negatively impact surrounding industrial lands. A development permit is not required for the proposed construction of the tower and compound area. See Attachments for more information.

As a conclusion to the Industry Canada approvals process, the proponent has requested a letter of concurrence be sent to Industry Canada for the proposed telecommunications tower at 821 Maughan Road.

OPTIONS

1. That Council give direction for Staff to provide a letter of concurrence to Industry Canada in response to a proposed 45m telecommunications facility at 821 Maughan Road.
2. That Council direct Staff to provide a letter of non-concurrence to Industry Canada indicating the reasons and/or concerns in response to a proposed 45m telecommunications facility at 821 Maughan Road; or
3. That Council direct Staff to provide a letter to Industry Canada advising the City has no comment in response to a proposed 45m telecommunications facility at 821 Maughan Road.

SUMMARY POINTS

- The City has received a request for a letter of concurrence in response to a proposed 45m telecommunications tower at 821 Maughan Road.
- The proposed tower location is on an existing industrial property and the tower design minimizes visual impact on surrounding industrial lands.

ATTACHMENTS

ATTACHMENT A: Request for Concurrence for a Rogers Communication Inc. Wireless Communications Facility Proposal

Submitted by:

L. Rowett
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Concurrence by:

D. Lindsay
Director, Community Development