



# DIRECTOR REPORT

To: Broadband Internet and Mobility Committee

Report Number: DR-BIMC-001

From: Crystal Brown, Electoral Area Manager on behalf of Dan Rose, Director

Date: October 20, 2021

**Subject: Concurrence Policy for Telecommunication Facilities on Private Land**

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## **PURPOSE / ISSUE:**

To update the Concurrence Policy for Telecommunication Facilities on Private Land.

## **RECOMMENDATION #1:**

That the Broadband Internet and Mobility Committee recommend that the Regional Board authorize that the “Concurrence Policy for Telecommunication Facilities on Private Land” be amended to include public consultation protocols to ensure effective local participation for the siting of antenna systems and their supporting structures within the region.

## **RECOMMENDATION #2:**

That the Broadband Internet and Mobility Committee recommend that the Regional Board authorize that the “Concurrence Policy for Telecommunication Facilities on Private Land” be amended to designate the Electoral Area Director as the contact proponents shall engage with for the siting of antenna systems and their supporting structures within the region.

## **RECOMMENDATION #3:**

That the Broadband Internet and Mobility Committee recommend that the Regional Board authorize that the “Concurrence Policy for Telecommunication Facilities on Private Land” be amended to include submission requirements for the siting of antenna systems and their supporting structures within the region.

## **RECOMMENDATION #4:**

That the Broadband Internet and Mobility Committee recommend that the Regional Board authorize that the “Concurrence Policy for Telecommunication Facilities on Private Land” be amended to include the requirement for proponents to consult with the PRRD prior to submitting a concurrence request to the PRRD for the siting of antenna systems and their supporting structures within the region.

## **RECOMMENDATION #5:**

That the Broadband Internet and Mobility Committee recommend that the Regional Board authorize that the “Concurrence Policy for Telecommunication Facilities on Private Land” be amended to include a mechanism for issuing formal concurrence to mark the end of the consultation process with the proponent for the siting of antenna systems and their supporting structures within the region.

**RECOMMENDATION #6:**

That the Broadband Internet and Mobility Committee recommend that the Regional Board authorize that the “Concurrence Policy for Telecommunication Facilities on Private Land” be amended to include protocols for the placement of antenna systems and their supporting structures within the region.

**RECOMMENDATION #7:**

That the Broadband Internet and Mobility Committee recommend that the Regional Board authorize that the “Concurrence Policy for Telecommunication Facilities on Private Land” be amended to include the means by which disputes will be resolved for the placement of antenna systems and their supporting structures within the region.

**RECOMMENDATION #8:**

That the Broadband Internet and Mobility Committee recommend that the Regional Board authorize that the “Concurrence Policy for Telecommunication Facilities on Private Land” be amended to ensure that the consultation process has been completed within 120 days from the receipt of the formal consultation request for the placement of antenna systems and their supporting structures within the region.

**BACKGROUND/RATIONALE:**

On September 26, 2013, the Regional Board made the following resolution:

*MOVED, SECONDED and CARRIED*

That the Regional Board approve the following “Concurrence Policy for Telecommunication Facilities on Private Land”:

That in relation to Industry Canada’s Consultation Guidelines CPC-2-0-03, consultation requirements for telecommunications infrastructure, where such facilities are proposed to be sited on private land and meet Official Community Plan and Zoning Bylaw requirements, that the Peace River Regional District requires no further public consultation; and

That staff be authorized to provide land use concurrence letters to Industry Canada and the proponent where proposed telecommunications infrastructure meets Official Community Plan and Zoning Bylaw requirements.

Telecommunications towers are federally regulated by Innovation, Science and Economic Development (ISED) Canada under the *Radiocommunication Act*. A proponent planning to install a communications tower must follow the requirements in the local government’s consultation process for the siting of antenna systems.

In the event that a local government has no public consultation requirement, proponents must then fulfill the public consultation requirements contained in the Industry Canada’s Default Public Consultation Process. Industry Canada’s default process has three steps whereby the proponent:

1. provides written notification to the local government and Industry Canada of the proposed antenna system installation or modification, and provides [written notification](#) to the to the local public, businesses, and property owners, located within a radius of three times the tower height;

2. engages the public and the local government to address relevant questions, comments and concerns regarding the proposal; and
3. provides an opportunity to the public and the local government to formally respond in writing to the proponent regarding measures taken to address reasonable and relevant concerns.

### Recommendations #2 - #8

Industry Canada believes that concerns or suggestions expressed by local governments are important elements to be considered by proponents regarding proposals to install, or make changes to, antenna systems. As part of their community planning processes, local governments should facilitate the implementation of local radiocommunication services by establishing reasonable, relevant, and predictable consultation processes specific for the siting of antenna systems. Items that a local government should consider for inclusion into their policy include:

1. Designation of an elected official for each electoral area

If the local government has designated an official to deal with antenna systems, then proponents are to engage the local government through that person. If not, proponents must submit their plans directly to the Board.

2. Proposal submission requirements

This may include an application, documents, and drawings that the proponent must submit, in addition to any processing and administrative fees required by the PRRD.

3. Preliminary consultation with the PRRD

The PRRD may wish to include in their protocols a mechanism for preliminary consultation. This would allow the proponent, before making any site selection decisions, to inform the PRRD of its plans. With a protocol in place, this initial contact would allow the PRRD an opportunity to:

- inform the proponent of established and documented local requirements and consultation procedures;
- advise the proponent of historic and environmental land-use sensitivities including any related to potential Aboriginal or treaty right or land claim;
- provide guidance and preferences to the proponent on the various preferred areas and sites to be considered;
- indicate its preferences; and
- provide information concerning any aesthetic or landscaping preferences

4. Process for public consultation

Local public consultation offers a forum for members of the public located near the proposed installation to make comments, ask questions or raise concerns related to the proposed antenna system installation. Local governments are in an ideal position to develop a public consultation process because of its local experience and knowledge, and can assist and guide proponents to conduct meaningful consultation by establishing reasonable and timely protocols which ensure local land-use concerns are appropriately addressed. If the local government is silent on the issue of public consultation, then the proponent will be required to follow Industry Canada's default public consultation process.

Under their processes, land-use authorities may exclude from consultation any antenna system installation in addition to those identified by Industry Canada's own consultation exclusion criteria. For example, an authority may wish to exclude from consultation those installations located within industrial areas removed from residential areas, low visual impact installations, or certain types of structures located within residential areas such as personal antenna systems (e.g. used for over the air and satellite television reception or amateur radio operation).

5. Documentation of the concurrence process

Industry Canada advises that local governments should include a mechanism for issuing a formal concurrence to mark the end of the consultation with the proponent. This may consist of a formal decision by a designated official, or Board resolution. If the proponent has met the public consultation requirements, and neither the local government nor the public formally communicates any concerns to the proponent about its proposal, Industry Canada will deem that the local government and the public have no objections.

6. Placement of antenna systems

Local governments are encouraged to develop protocols that are clear and within their area of responsibility. Protocols can include promoting the placement of antennas in optimal locations from a land-use point of view, or excluding certain types of installations from protocol requirements. Through protocols, a local government can highlight its local knowledge and expertise related to area sensitivities, including environmental or cultural concerns, and land-use compatibility. Protocols can recognize local amenities and planning priorities while expediting the planning and approvals necessary for the installation of radiocommunication and broadcasting antenna systems.

7. Dispute resolution process

When developing protocols, local governments should consider the means by which disputes will be resolved, ensuring they are appropriate for the local community. By documenting this process, all stakeholders will understand their roles and responsibilities as well as the process for resolving disputes. Industry Canada generally favours having the proponent, the local public, and the local government work toward a solution which takes each other's interests into consideration.

8. Establishment of milestones to ensure consultation process completion within 120 days

To avoid unnecessary delays, Industry Canada's process indicates that local governments are normally expected to conclude the consultation process within 120 days from the receipt of the formal consultation request. When developing protocols, local governments are expected not to exceed these timelines.

**STRATEGIC PLAN RELEVANCE:**

- ☒ Organizational Effectiveness
  - ☒ Comprehensive Policy Review
- ☒ Advocacy
  - ☒ Increased broadband connectivity for rural communities - Situational/Gap Analysis and Investment

**OTHER CONSIDERATION(S):**

This report is in line with the following recommendation from the draft PRRD Connectivity Strategy Report:

That the Regional Board determine what role the PRRD has when it comes to Broadband and Mobility Infrastructure approvals (i.e zoning), and review the development approval processes.

**Attachments:**

1. Board Report – September 26, 2013 – Consultation Concurrence on Private Land for Telecommunication Facilities Regarding Industry Canada Consultation Guidelines CPC-2-0-03

**External Links:**

1. Industry Canada's Client Procedures Circular [CPC-2-0-03 — Radiocommunication and Broadcasting Antenna Systems](#)
2. [Guide to Assist Land-use Authorities in Developing Antenna System Siting Protocols](#)