

REGIONAL DISTRICT OF NANAIMO

COMMITTEE OF THE WHOLE

TUESDAY, MAY 12, 2015

7:10 PM

(RDN Board Chambers)

A D D E N D U M

PAGES

LATE DELEGATIONS (requires motion)

2-6 **John Barker and Garry Hein**, re Rogers Cell Tower, 1957 Plecas Road, Electoral Area 'C'.

COMMUNICATIONS/CORRESPONDENCE

7 **Darren Hird, Rogers**, re Update with regard to Rogers proposed telecommunications installation in Electoral Area 'C' (1957 Plecas Road).

8-9 **Lavonne Garnet**, re Rogers Telecommunications Proposed Cell Tower.

10-11 **Todd Stone, Minister of Transportation and Infrastructure**, re Transit Services.

12-13 **Derek Sturko, Ministry of Agriculture**, re Regulatory Amendments Affecting the Production of Medical Marijuana on Agriculture Land Reserve.

May 08, 2015

THE BOARD OF DIRECTORS
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

Ladies and Gentlemen

Re: PUBLIC COMMENT FOR PROPOSED ROGERS TELECOMMUNICATIONS TOWER
IMPLEMENTATION PROJECT - W3540 -- 1957 PLECAS ROAD, NANAIMO, BC

The residents of the South Wellington neighbourhood wish to address the Board of Directors on the subject of Rogers proposed telecommunication antenna at 1957 Plecas Road in Area C of the RDN.

The project has gone through a public consultation process under the Industry Canada "Default Consultation Process". Industry Canada prescribes a public consultation period of 120 days concluding with a response from the Land Use Authority (LUA), in this case RDN. Within the Industry Canada default process, the start of the 120-day public consultation is the date of the proponent's public notification, which was January 12, 2015. Thus, the conclusion and LUA response date is May 12, 2015.

We seek clarification as to the status of the project. The RDN passed a motion on January 27, 2015 to *"inform Industry Canada and the proponent that prior to the Board receiving a request for concurrence regarding the proposed tower, the Board requests that the proponent explore additional siting locations, hold an additional advertised public information meeting not less than 60 days after February 15, 2015, and extend the required consultation period by at least 90 days from February 15."*

We understand the RDN communication has not been acknowledged by either Rogers or Industry Canada, and the requested additional public information meeting was not arranged. Does it follow that the Board will not receive a request for concurrence?

In any case, we believe the 120 day period expires no later than May 15, 2015. Under Industry Canada's Default Consultation Process (CPC-2-0-03), the LUA is treated the same as the public, and **Industry Canada may act in the absence of a timely response from a Land Use Authority**. Therefore we urge the RDN to review all of the materials provided by the public during the consultation process and provide notice to Industry Canada of its disposition with respect to concurrence or non-concurrence without delay.

The residents of South Wellington, and in particular all of the neighbours of the proposed tower site have provided many letters to Rogers, Industry Canada and RDN expressing their concerns. We do not include copies of those with this letter, but highlight some concerns briefly as follows:

LOCATION and VISUAL IMPACT

The proposed fifty metre high tower is intended to serve the Cinnabar Valley subdivision in the City of Nanaimo. The proposed site is on top of a steep ridge forming the East side of the valley. The proposed lot location is part of a small acreage Rural Residential subdivision. The lot is small, so the neighbouring houses are very close. The tower is proposed to be only 3 metres from the property line and only 23 metres from house on the nearest neighbouring lot. Residents feel it is entirely unreasonable and unacceptable that all residents of this area should be forced to accept this monstrous tower because a single property owner at 1957 Plecas agrees to receive lease revenue from Rogers.

The development will require clearing the natural vegetation from a large area of the lot to accommodate the tower footprint plus the surrounding compound and building, gravel parking and service area, and access road. The installation will turn a residential lot into an industrial site.

The location is close to Nanaimo airport and so will require markings and lighting that will be visible and disturbing 24 hours a day.

Most towers are located in industrial or commercial areas or along highway or railway rights of way distant from residences. In those locations the visual impact is not as severe as in a residential subdivision where people must view them every day, all day and all night.

PUBLIC CONCERN and ROGERS' RESPONSES

All of the neighbours have signed and submitted a petition to stop the construction of this tower. A map has been provided to illustrate that the opposition comes from the entire area. A total of 172 residents signed the petition in a few days. Rogers' provided no response to this.

Public asked about Rogers' investigation of co-location opportunities on other towers. We pointed out that their target area is fully serviced by Telus, so an obvious solution would be to co-locate on Telus towers. Rogers provided only vague responses and not the list of locations considered and reasons they were unsuitable, as is required by Industry Canada's public notification process.

Public asked repeatedly what aeronautical markings and lighting were required on the tower as these are a large factor in assessing visual impact, and Industry Canada requires that this issue be addressed during the public consultation period. Roger's provided no information.

Public notified Rogers that the site is underlain by unmapped coal mine workings and is too close to the edge of an unstable fractured rock cliff edge. An earlier geotechnical study

performed for a neighbour has indicated the site is not safe. This is a public safety issue that RDN should be concerned about.

Public notified Rogers that there are numerous water wells in close proximity to the site. The wells are weak and are very sensitive to ground disturbance. Drilling and excavation in rock that will be required for the tower foundation and underground services will likely cause damage or loss of several wells. Rogers did not address that concern.

Residents researched and mapped ten possible alternate sites that are distant from residential areas and that would meet Rogers objectives. Rogers advised on April 17 that they are investigating alternate candidates.

Public advised Rogers that the area is habitat to an endangered species listed in Canada's Species at Risk Act. Rogers shrugged this off, responding that they are not required to perform an assessment under the Canadian Environmental Assessment Act. The two acts are distinct and an exclusion, if applicable, from one does not provide exclusion from the other.

ROGERS' CONSULTATION / NOTIFICATION PROCESS

Rogers did not satisfactorily respond to public concerns as identified above.

Rogers misrepresented the visual impact of the tower in their "before and after" pictures.

Rogers did not name City of Nanaimo as an additional LUA. This is required by Industry Canada due to the proximity of the proposed location to the city boundary.

Rogers makes frequent reference to the requirement of emergency responders for increased cellular service. This is misleading as local emergency responders use VHF radio communications. 9-1-1 service is adequately covered in the target area and existing services will respond to calls made from any cell phone.

With respect, we request that **the RDN provide a notice of non-concurrence** to Industry Canada and Rogers with respect to Rogers proposed Telecommunications Tower Implementation Project W3540 at 1957 Plecas Road, Nanaimo.

Respectfully submitted

On behalf of residents of South Wellington and area,

JOHN BARKER

GARRY HEIN

To Scale

Proposed Rogers & Additional Company's Equipment Concerns:

- Sound issues (future additional company's gear)
- Interference with our Wireless Home Security, Computer System and Digital TV reception through our antenna.
- Visible Sight: making an all ready horrible tower worse adding more company's gear to it.
- Fire Hazard in an already high risk area. (no fire hydrants)

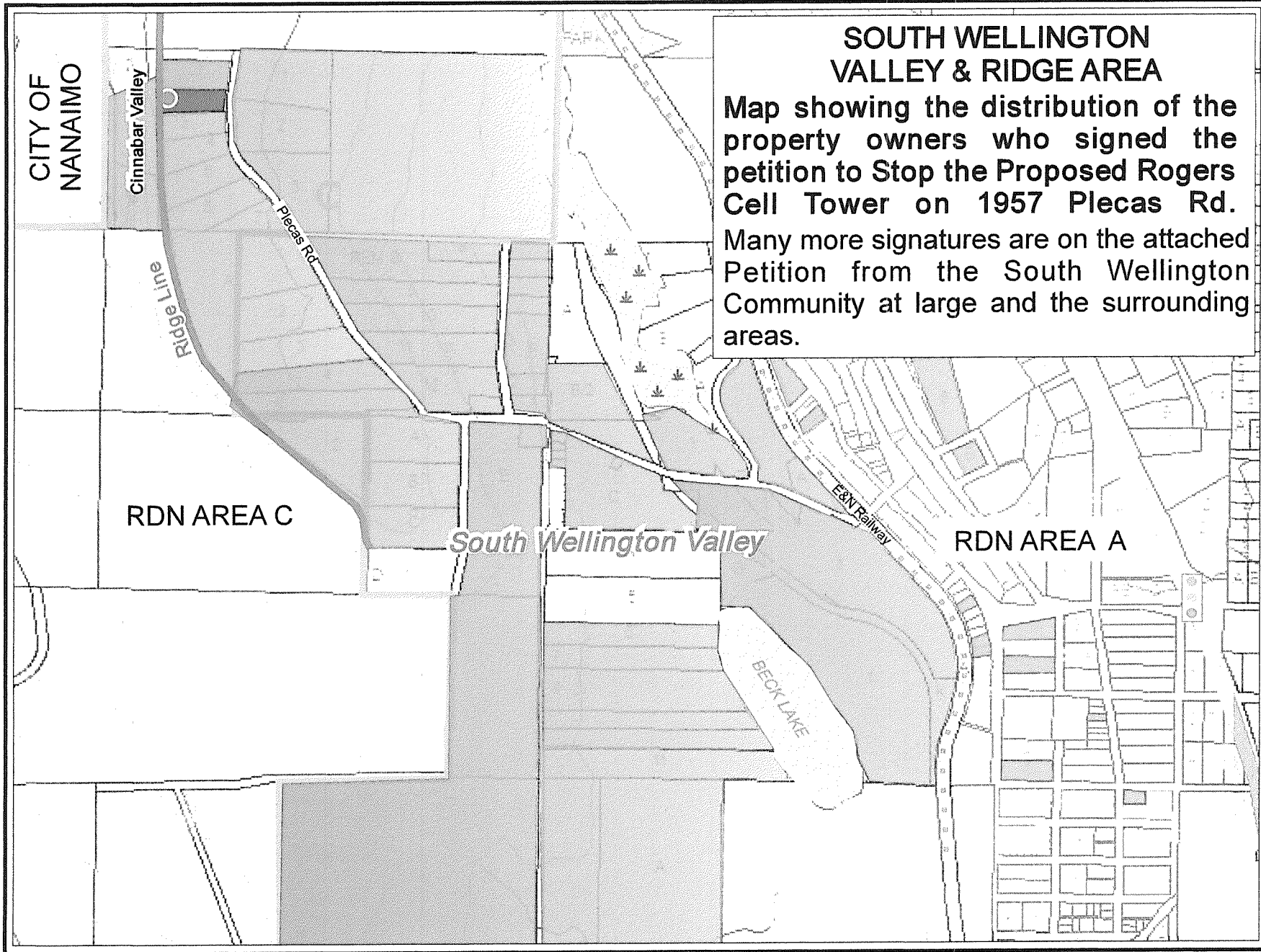
50 m Monopole
with Red Beacon

- WOULD YOU LIKE TO BE FORCED TO LIVE NEXT TO THIS?
- WOULD YOU BUY THIS HOUSE?

Rogers Monopole located right next to the 25 m high fir tree.

23m (House to
Compound)

Site Photo Showing Proposed Tower Location
Which Is Too Close To The House






Proposed Rogers Cell Tower Petition Map

Please see attached for signed petition

On behalf of the residents of South Wellington, please find attached to this map the start of the petition to the Proposed Rogers Location at 1957 Plecas Rd. We submit this portion of the petition to include signatures up to the date of February 11, 2015. We send this portion in now as Rogers has placed a deadline on us of February 15, 2015 to address our concerns to them.

Legend

-  Wants the Rogers Tower
-  Proposed Rogers Cell Tower
-  Signed Petition Property Owners Location



May 11, 2015

Regional District of Nanaimo
6300 Hammond Bay Road,
Nanaimo, BC
V9T 6N2

Attention: Director Young, Director McPherson, Jeremy Holm, Geoff Garbutt

RE: Update with regards to Rogers proposed telecommunications installation in Electoral Area C (1957 Plecas Road)

Rogers commitment to equipping Nanaimo with the most updated infrastructure to meet their increasing demand for connectivity and service has not changed.

Throughout the consultation process, we heard important feedback from residents regarding a proposed Rogers cell tower on Plecas Road. During the open house held earlier this year, residents expressed concerns and provided us with sites to explore as an alternate site candidate to the site on Plecas Road.

Rogers is exploring and evaluating all viable options in the area before moving forward with the most responsible location to ensure wireless service to the community. Once an alternate candidate has been qualified, Rogers will re-consult with the community on that alternate location.

We look forward to ongoing consultation with the residents and the Regional District of Nanaimo during this process.

Sincerely,

Darren Hird,
Manager, Real Estate & Municipal Affairs BC, Access Network Implementation

From: LAVONE GARNET
Sent: Tuesday, May 12, 2015 10:57 AM
Subject: RDN Board meeting-Rogers cell tower proposal

To: the RDN Board
Re: Rogers Telecommunications Proposed Cell Tower

My name is Lavonne Garnett. I live at 2219 Gomerich Road in South Wellington and wish to express my concern about Rogers proposed cell tower at 1957 Plecas Road.

In February 2015, after a trip to the Nanaimo Regional General Hospital emergency ward, I have learned that I have developed a sensitivity to electromagnetic frequencies. When under fluorescent and recessed lights or in the presence of wi-fi, even at this computer, I start to feel pressure on the top of my head, diagnosed as a migraine, without a headache. I feel other symptoms where electricity emissions are high, such as a "buzziness" in my body, weakness in my legs and nausea. I share my experience, because, before my symptoms became so aggravated, I, like many others, never thought of myself as electrosensitive.

Now, I must limit myself where I go and activities I engage in. I learned that the RDN Board office has fluorescent lights and wi-fi, so therefore am writing to you rather than attend the board meeting this evening. I no longer attend meetings at the Nanaimo City Hall, because of the wi-fi there. This is ironic in light of the fact that the reason I wanted to attend this evening's meeting is to support those persons, who will be representing the residents of South Wellington, who are opposed to the proposed installation of a cell tower next to residential homes.

I want to take this opportunity to caution all people about the effects of electromagnetic frequencies. I have learned that it takes time for the effects to become noticeable, and some people, such as young developing children, the elderly and those of us who were exposed to heavy metals, are more vulnerable. There are considerable scientific studies that cite the dangers, and I understand that Health Canada, I believe, in a very recent report now recognizes the carcinogenic effects. (I will let others provide you with references, if you need, as I must limit my time in this writing.) Who knows what effects years of exposure to emfs, as exists in our society now, will have on all of us as we get older, or how they will effect our children!

It gives me great concern to think that Nanaimo General Hospital has wi-fi and that our schools are increasingly endorsing this technology. I worry about the effects this can have on my grandchildren. With adulterated food, air, water and this deluge of emfs throughout our society, how healthy are future generations going to be? I ask myself how it is that some babies are born with cancer. I think we need to consider the widespread, accumulative effects of what we are doing. I don't know if there is any turning back, but surely, from this moment forward, we can stop the installation of technology that increases the effect of emfs. This includes not allowing a telecommunications company to set up its towers in or near residential areas.

We, the people, choose you, the Board, to represent us and act on our behalf. The greatest good for us, is not communication over and above land phone availability, but is rather for our health and the health of future generations.

Lavonne Garnett
2219 Gomerich Road
Nanaimo, BC V9X 1R8



RDN CAO'S OFFICE			
CAO	<input checked="" type="checkbox"/>	GM R&P	
GMS&CD		GM T&SW	
GM R&CU		DF	
MAY 11 2015			
DCS		BOARD	<input checked="" type="checkbox"/>
CHAIR	<input checked="" type="checkbox"/>		

May 11, 2015

Joe Stanhope, Chair
 Regional District of Nanaimo
 6300 Hammond Bay Road
 Nanaimo BC V9T 6N2

Reference: 235029

Dear Chair Stanhope:

Re: Transit Services

I am writing to update you on steps government is taking to ensure that B.C. continues to lead the nation in its level of funding support for transit services, and in doing so, to support stable levels of transit services over the next three years. Despite protected funding, delivery costs may challenge some communities to maintain current service levels. Therefore, ensuring that every transit dollar possible is focused on providing front-line transit service is a critical priority for the province. Consequently, I have provided direction to BC Transit to refocus its approach, in concert with local governments, to deliver on this objective.

First, on March 26, 2015 a Crown Agency Review of BC Transit began. My expectation is that this review will contribute to a dialogue amongst the partners in each community through the identification of revenue opportunities as well as efficiencies, ensuring each transit community reflects best practices. Secondly, we are working with BC Transit to develop options which will ensure it has maximum flexibility in applying provincial funding to community transit service priorities within the current service plan period. I am confident that these steps will immediately inform local planning discussions now underway, and will go a long way towards positioning participating communities in their efforts to get the most out of their transit systems.

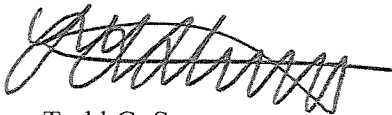
These initial efforts by the province are only part of the story. Local governments and contracted service providers must also play their part in managing costs and optimizing revenues as local service priorities are considered. That is why I am also calling on BC Transit to work with local governments to develop broad and clear strategies based on local ideas for service innovations, cost savings (such as through administrative or route efficiencies), and increased revenues (such as through increasing marketing and advertising opportunities like bus wraps). These strategies must play an important role in ensuring both provincial and local funding contributions are fully leveraged to the benefit of those who rely on transit services.

.../2

With these steps, I am confident we can continue to build on the mutual success of our transit record. The Province of British Columbia's financial commitment to transit operations is the highest in Canada, twice the national average, and we are committed to maintaining this leadership position with investments of \$312 Million in transit services over the next three years alone. In partnership with our local government partners, our record level of funding support for transit service resulted in 51 Million trips on BC Transit buses last year and a 40 per cent increase in overall transit service since 2001. Together with our partners, we will continue our commitment to environmental stewardship with investments in compressed natural gas bus fleets in Nanaimo and Kamloops, and in fact we will replace approximately half of BC Transit's fleet (500 buses) over the next five years. What makes this even more exceptional is that this is all being accomplished while keeping our promise to British Columbians to balance the budget and exercise fiscal discipline in all provincial programs.

By aggressively employing cost saving and revenue strategies, BC Transit has assured me that it will be able to stabilize service hours in your community through 2017. I look forward to BC Transit's continued progress with its partners in developing a transit service strategy that meets the needs of both transit users and taxpayers.

Sincerely,



Todd G. Stone
Minister

Copy to: Kevin Mahoney, Chair
BC Transit

Manuel Achadinha, President and CEO
BC Transit



Ref: 182047
File No.: 0280-20

May 7, 2015

Paul Thorkelsson
Chief Administrative Officer
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo BC V9T 6N2

RDN CAO'S OFFICE			
CAO		GM R&P	
GMS&CD		GM T&SW	
GM R&CU		DF	
MAY 11 2015			
DCS		BOARD	
CHAIR			

Dear Paul Thorkelsson,

Re: Regulatory Amendments Affecting the Production of Medical Marijuana on Agriculture Land Reserve

As you may already be aware, on May 7, 2015, the Province announced two items relating to the Agricultural Land Reserve (ALR):

The first item is an amendment of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (171/2002) under the *Agricultural Land Commission Act*, (the Regulation). The Regulation now explicitly identifies medical marijuana as a farm use in the ALR which local governments can regulate, but not prohibit.

The second item is a new BC Minister's Bylaw Standard for medical marihuana production facilities (MMPF) located in the ALR and licensed by Health Canada under its Marihuana for Medical Purposes Regulations. Bylaw Standards approved by the Minister and their specific criteria are a part of the Ministry's 'Guide for Bylaw Development in Farming Areas' which can be found on the Ministry's website at www.gov.bc.ca/agri. A discussion paper that provides further information and a description of the consultation process is also available on the website.

These two items are consistent with the Agricultural Land Commission's (ALC) January 2014 Medical Marihuana Production the Agricultural Land Reserve Information Bulletin²⁰¹ which states that the farming of medical marijuana in the ALR is considered by the ALC as a 'farm use', and the June 24, 2014 Provincial announcement²⁰² which advises that local governments should not prohibit medical marijuana production in the ALR and that for tax purposes, the BC Assessment Authority will not provide a MMPF with farm classification.

Some local government bylaw provisions for MMPFs may be inconsistent with the updated ALC Regulation and/or Minister's Bylaw Standard criteria regarding MMPFs in the ALR. To determine whether or not they are consistent, the Province's expectation is that local governments will review, and as necessary, amend their bylaws in order to achieve consistency by early fall of this year. I acknowledge

²⁰¹<http://www.alc.gov.bc.ca/alc/DownloadAsset?assetId=28F687FC8AB640CFB33D46FB3F1B30EC>

²⁰²<http://www.newsroom.gov.bc.ca/2014/06/bc-preserves-local-governments-tax-revenues-from-medical-marijuana-growers.html>

the resources required to amend local government bylaws but I would appreciate your participation in this endeavor.

For those local governments that do not intend to make amendments to inconsistent bylaw provisions, or who are considering implementing a bylaw prohibiting medical marijuana, I would advise that they seek legal counsel, as enacting such a bylaw may give rise to a constitutional challenge as frustrating a lawful initiative of the federal government and such a bylaw may have no force and effect under section 46(4) of the *Agricultural Land Commission Act*.

Please contact your local Regional Agrologist, or contact the following number if you have any other questions on this topic or other Planning for Agriculture matters.

South Coast and Vancouver Island:

- Agri.South.Coast@gov.bc.ca
- 1-888-221-7141

Regards,



Derek Sturko
Deputy Minister