



# Salt Spring Island Local Trust Committee

## Regular Meeting Addendum

Date: August 31, 2021  
Time: 9:30 a.m.  
Location: Electronic Meeting

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13. CORRESPONDENCE <span style="float: right;">12:20 PM - 12:25 PM</span>	
13.9. <i>J. Clark to LTC - Dated August 21, 2021 - Concerning Rogers Channel Ridge Cell Tower Proposal</i>	2
For Consideration	

**From:** Julian Clark [REDACTED]  
**Sent:** Saturday, August 21, 2021 7:47 PM  
**To:** Peter Grove  
**Cc:** Laura Patrick; Peter Luckham  
**Subject:** Rogers Channel Ridge Cell Tower Proposal

Hi Peter,

Thank you for taking the time to attend and take questions at yesterday's ASK Salt Spring forum. I fully appreciate that what you and your fellow Trustees do is a thankless task, and to put yourselves "in the line of fire" at an unscripted and unsupported event is courageous indeed! Your introductory remarks were insightful, heartfelt and clearly displayed your genuine concern for Salt Spring Island and its' residents. Your remarks also made it clear that there are no silver bullets, no easy answers, but rather a web of complex issues where trade-offs and compromises must be weighed against the backdrop of societal demands and previously established community plans.

In that regard, having to make a decision on where a cell tower should be located is no easy task. After my comments yesterday on the LTCs recent concurrence with the Channel Ridge Cell Tower proposal submitted by Rogers, you asked that I provide you and your fellow Trustees with my thoughts in writing. So here goes...

First of all, it should be clearly stated that siting a cell tower is a very significant and substantive decision that should not be taken lightly. In the case of the Rogers Channel Ridge proposal, your concurrence means that:

- A 40 meter tower is to be built in the midst of a residential area with the closest property 145 feet (43 meters) from the site and at least 10 homes within 300 meters of the site.
- As a result of the exclusion rules (Rule 6 of the Innovation, Science & Economic Development (ISED Cda) Antenna Siting Policy CPC-2-0-03), once the tower has been in existence for one year, Rogers is free to expand the tower by 25% of its height without any further approval.
- A 40 meter tower exceeds (and 50 meters will vastly exceed) the surrounding tree height and will most likely require an aviation warning system to including a flashing red light that is active 24 hours a day – Rogers simply stated they will comply with Transport Canada safety requirements, but they did not clearly state what those requirements will be.

The implications of this decision are immense for the residents of Channel Ridge and especially for those households close to the proposed site. We suspect that if this tower were going up within 50 - 150 meters of your home you would readily agree with our concerns regarding:

1. **Harm to our health.** We understand that Rogers have stated the tower will be compliant with Health Canada's Safety Code 6. But that doesn't necessarily mean no harm is being done. There is a large amount of literature on whether close proximity to cell towers can lead to various health issues. A few minutes reviewing the following website <https://www.saferemr.com/2015/04/cell-tower-health-effects.html> dedicated to Electromagnetic Radiation Safety by Joel Moskowitz, PhD – Director, School of Public Health, University of California, Berkeley will expose you to numerous research studies that indicate there may well be harmful effects of being in close proximity to a cell tower for significant periods of time. I would argue that in the face of this vast body of literature on the potential

harmful effects, the LTC should follow the *Pre-cautionary Principle in Public Health* which asserts that “the burden of proof for potentially harmful actions by industry or government rests on the assurance of safety and that when there are threats of serious damage, scientific uncertainty must be resolved in favor of prevention.”

2. **Aesthetics of our Community.** Building a tower which vastly exceeds the tree line will destroy the natural environment on Channel Ridge. With at a minimum of 9 panel antennas, two microwave antennas and a CREST antenna all within plain sight during daylight, and a flashing red beacon that will light-up the neighbourhood during nightfall, the proposed tower will significantly change our community for the worse. Many of the residents in Channel Ridge, and especially those close to the proposed tower location, were attracted to this location for the green belt we abut, the trails within the SSI Water Preservation Society’s 272 forested acres on the slopes west of St. Mary Lake now protected by a conservation covenant, and the natural environment all around us. The proposed Rogers tower will significantly degrade this environment.
  
3. **Damage to Property Values.** Once again, there is a large body of literature regarding the impact on property values of locating a cell tower nearby. “The Impact of Cell Phone Towers on House Prices in Residential Neighborhoods,” which was published in *The Appraisal Journal* in 2006, found that buyers would pay as much as 20 percent less for a property near a cell tower or antenna. In a 2014 Survey by the National Institute for Science, Law and Public Policy (NISLAPP) in Washington, D.C., “Neighborhood Cell Towers & Antennas—Do They Impact a Property’s Desirability?”, the following findings were published:
  - Home buyers and renters are less interested in properties located near cell towers and antennas
  - 94% of respondents said a nearby cell tower or group of antennas would negatively impact interest in a property or the price they would be willing to pay for it
  - Read the press release: Survey by the National Institute for Science, Law & Public Policy - <https://www.businesswire.com/news/home/20140703005726/en/Survey-National-Institute-Science-Law-Public-Policy#.U8muiLGO1oY>

Secondly, this decision is squarely on the shoulders of the Salt Spring Island Local Trust Committee (LTC). One of the comments you made yesterday during the ASK forum was that this antenna siting decision is a decision for the federal government and ISED Cda. Rogers, in their disclosure documents would also have you believe that is the case when they state in their Introduction “Innovation, Science and Economic Development Canada (ISED), formerly Industry Canada, is responsible for the approval of this antenna system and requires CREST & Rogers to consult with the nearby public and local municipality.”

However, Rogers were misleading in their disclosure. The Government of Canada make their role in antenna siting clear in the following publication; Cell towers in your community: How the decision is made - <https://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf11443.html>. Please note that “The Government of Canada regulates tower siting decisions, settles disputes, and sets health and safety standards.” Yes, the federal government does approve the antenna system however they leave the siting decision up to the local municipality.

ISED do not get involved in siting decisions unless there is a unresolvable dispute between the local Land Use Authority (the LTC in our case) and the Proponent (Rogers). The Antenna Siting Policy CPC-2-0-03 makes it abundantly clear that the only disputes ISED will get involved in must be between the municipal authority and the proponent – see Section 5, Dispute Resolution Process where it clearly states that “Upon receipt of a written request from a stakeholder other than the general public, asking for Departmental intervention concerning a reasonable and relevant concern, the Department may request that all involved parties provide and share all relevant information.” Given that the LTC has concurred with the proponents siting proposal, it is highly unlikely (and completely unheard of) that ISED will change the siting decision.

So as a result of the LTC concurring with the Rogers proposal, the LTC has effectively hamstrung the residents of Channel Ridge from appealing the siting decision and have prevented the residents from asking the ISED to consider alternate siting in their approval process!

I am hopeful that with everything said thus far I have now made my case that the decision before the LTC was both extremely important and was the LTC’s decision alone to make. Given this is the case, one would hope the LTC would follow a comprehensive and rigorous process to arrive at their decision.

I noted during my comments at the ASK Salt Spring forum that the Islands Trust does have such a process published on their website and last updated in September 2018. You indicated you were aware of this policy document put out by the Galiano Island Local Trust Committee titled “Antenna System Siting and Consultation Protocol”. Whether the Salt Spring Island Local Trust Committee adopted this policy or not, without an explicit public statement that the policy was not adopted, it becomes the defacto policy for all of the Islands Trust. Section 4, Land Use Authority and Public Consultation of the CPC-2-0-03 makes it clear that “Proponents must follow the land-use consultation process for the siting of antenna systems, established by the land-use authority, where one exists.” And indeed, the Islands Trust does have an Antenna Siting Policy!

Unfortunately, the consultation process followed by Rogers in their submission, and leading up to the LTC decision to concur with the Rogers proposal, was woefully inadequate and didn’t come anywhere close to meeting the standards set out in the Islands Trust Policy. The Rogers consultation process left out numerous important and key steps that would have ensured Rogers and the LTC arrived at a decision in the best interest of Salt Spring Island and the residents of Channel Ridge. Specifically, but not in its entirety, the Consultation process was inadequate because:

**1. A Pre-Consultation Phase was not undertaken.**

The purpose of the pre-consultation phase is for the proponent to share with Islands Trust staff the network objectives, provide possible site options and receive preliminary feedback. The pre-consultation steps include:

- the proponent notifies Islands Trust staff that locations in the community are being assessed for potential antenna system siting;
- the proponent provides the Islands Trust staff potential locations and invites feedback on preferred locations and/or designs; and
- the proponent may offer to host a community workshop to provide options and invite feedback on possible solutions, although not necessary.

Without the LTC receiving possible site options, the site proposed by the proponent is inevitably the site chosen.

**2. A Site Investigation meeting was not held.**

Based on comments from the pre-consultation step, the proponent will provide a summary of a site-specific location, including:

- Site Location: preferred location, type and height of the proposed telecommunication antenna system;
- Alternative Locations: summary of what other alternative locations were considered, including options to co-locate on existing structures;
- Site Design: preliminary drawings and/or visual renderings of the proposed telecommunication antenna system;
- Co-location: summary of efforts proponent has made to allow other companies to co-locate on the tower, as well as indication from other companies regarding interest in co-locating on new telecommunications structure.

The purpose of the site investigation meeting is to:

- identify preliminary issues of concern;
- give opportunity for the proponent to outline the proposal to the LTC;
- give opportunity for the LTC and Islands Trust staff to provide initial feedback to the proponent;
- identify any locations of sensitive ecosystems ;
- identify any potential neighbouring land-use jurisdictions, school districts, emergency service providers and community associations that may be required to provide comment on the proposal as outlined in this policy;
- guide the proponent on creating localized content for public notification and distribution; and
- Inform the proponent of the LTC's preference to support future Co-location opportunities.

**3. LTC Preferences and Requirements were not provided to the Proponent.**

Following the Site Investigation Meeting, planning staff will provide the proponent with an information package within a timeframe determined by the Islands Trust that includes:

- Public consultation: confirmation if, (a) public consultation is required, and if so, the process the proponent needs to follow, including a list of any other agencies, jurisdictions, and First Nations to be consulted, and if a public information meeting is required or, (b) public consultation is not required;
- Site design: comments on proposed location and design; and
- Professional reports and permits: a list of plans, professional reports and/or permits that may be required (i.e. environmental impact statements) as well as any fees for processing application.

**4. No Public Information meeting was held.**

The LTC requests the proponent host and chair a public information meeting for all proposed telecommunication Antenna systems. The type of public meeting to be conducted is up to the discretion of the proponent, however:

- an appropriate date, time and location for the public information meeting will be determined in consultation with Islands Trust staff;
- the proponent will make available at the public information meeting an appropriate visual display of the proposal, including a copy of the site plan submitted with the application and an aerial photograph of the proposed site;
- all information and materials presented should consist of localized content;
- the proponent shall not schedule a public information meeting less than seven day prior to the close of the public consultation period; and
- the proponent may request Islands Trust staff attendance and participation in the meeting.

#### **5. Submission to the LTC was missing various items required.**

Prior to submitting a formal request for siting concurrence, the proponent must include the following information to the LTC:

- I. A summary of and a copy of all public submissions and responses, as well as the proponent's response to public submissions as outlined in ISED's Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03);
- II. A letter outlining any NAV Canada and Transport Canada requirements for lighting and painting on the proposed telecommunication antenna system;
- III. A copy of all plans and studies (i.e. Environmental Review) required for the construction of the proposed telecommunication antenna system;
- IV. A package summarizing the results of the public information meeting containing at a minimum, the following:
  - The time, date, location and number of people in attendance of any public information meeting held;
  - A List of attendees, including names, addresses and phone numbers (where provided voluntarily);
  - Copies of all letters and other written communications received; and
  - A letter outlining how all the concerns and issues raised by the public were addressed.

#### **6. The LTC ignored Discouraged Locations.**

Discouraged locations for All Antenna Systems

- 500 meters from residences or buildings that are occupied or are in use on a regular basis
- Locations directly in front of doors, windows, balconies or residential frontages
- Land zoned for nature protection
- Environmentally sensitive ecosystems as defined in the Official Community Plan

The incomplete and woefully inadequate Consultation process followed by Rogers should disqualify their application for site concurrence. And in accepting this Consultation process as complete and meeting the Islands Trust Policy requirements, the LTC did not fulfill its' trust duties to the residents of the Salt Spring Island Trust area.

There were significant and material shortfalls in the process leading up to the LTC concurrence decision. However, everyone agrees that the development of a CREST communications system on Salt Spring Island is both urgent and necessary. The Channel Ridge residents fully agree a tower must be built for CREST – but there are several important questions to be asked: Did the process followed result in the best decision possible to get this tower built? How is the Rogers Channel Ridge proposal different than previous proposals that the LTC has turned down? Has Rogers addressed the issues that lead to previous proposals being turned down?

There appear to be two significant differences between the Rogers proposal and previous proposals:

1. The Rogers proposal that enables CREST to have improved communication on the northern part of SSI is 20 times bigger than the previous CREST proposal of going it alone. Rogers will utilize 95 % of the proposed tower where CREST will only utilize 5%. This much larger proposal should require far greater inspection and review rather than less – and makes it even more meaningful that the Islands Trust policy was not followed, and
2. Based on what I have heard from Local Trust Committee members, CREST indicated to the LTC and to local emergency first responders that this proposal was the “last kick at the can”. I believe CREST's message was if you didn't concur this time around perhaps Salt Spring Island will just have to go without a reliable emergency communication system. This undue pressure was not fair to the LTC and was not fair to your constituents. If in fact this is the case, there should be far greater transparency around what CREST said. I believe, if true, this approach by CREST is not only abhorrent, but it may well be illegal!

To summarize:

- Rogers put forward a proposal to place a cell tower in the midst of a residential area, without addressing issues that previously lead the LTC to reject similar, albeit, less intrusive proposals.
- Rogers did not follow the Islands Trust Consultation process and hence, did not suggest other possible sites for location of this tower.
- The LTC did not require Rogers to follow the Islands Trust protocol, and as such did not do a site investigation or indicate to Rogers where it preferred the tower to be located
- The decision to locate a cell tower in the midst of a residential area is enormously consequential, and this decision is the LTC's decision to make alone
- The LTC was under undue pressure by CREST believing that if this proposal was not accepted, the LTC would be preventing Salt Spring Island from having an emergency response communication system
- By concurring with Rogers, the LTC has hamstrung its constituents from asking the ISED to reverse the antenna site decision

Peter, when I concluded my remarks at the ASK Salt Spring Forum, you indicated you were willing to look into the issues I raised. And in the event the Consultation process was inadequate, you indicated a

willingness to explore whether the LTC concurrence decision could be revisited and reversed until such time as a proper and required Consultation process takes place.

I now implore you and the two additional trustees to take this matter seriously and do everything in your power to ensure due process. I can assure you if proper process is followed as required by both the ISED and the Islands Trust, whatever the outcome may be, Salt Spring Island residents including Channel Ridge homeowners will accept the decision. As things stand now, the LTC concurrence decision cannot be accepted, and those of us that are negatively affected will use every means available (political, public opinion, legal) to ensure full transparency around this decision and to discredit the LTC decision for all the reasons cited in this letter in an effort to have the decision reversed.

Please feel free to contact me if there is anything else I can do to help in this process.

Respectfully,

Julian Clark,

[Redacted signature block]