



# Regional Board Report

## Request for Decision

**To:** Regional Board

**From:** Director of Community Services

**Date:** February 2, 2023

**Subject:** Request for Concurrence, Telecommunications Facility (MISC-22-42)  
Rogers Communications Inc. c/o Cypress Land Services  
Lot 5, Plan KAP5621, DL 3745, ODYD, Except Plan H17953, Exc Leased Portion to  
Regional District (Fire Hall) - 2411 Westside Place

**Voting Entitlement:** *All Directors – Unweighted Corporate Vote – Simple Majority (LGA s.208)*

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**Purpose:** To consider a proposal to install a telecommunications tower on privately owned land.

### Executive Summary:

The applicant, Rogers Communications Inc. c/o Cypress Land Services, proposes to install a 15.9-metre-tall telecommunication tower on private land. Approvals for antenna siting proposals are governed and processed by Innovation, Science, and Economic Development Canada (ISED), however, a Regional Board resolution that indicates land-use authority approval is also required.

### Recommendations:

**THAT** the Regional Board receives the report from the Director of Community Services, dated February 2, 2023, with respect to RDCO File: MISC-22-42 for the property located at 2411 Westside Place and legally described as Lot 5, Plan KAP5621, DL 3745, ODYD, Except Plan H17953, Exc Leased Portion to Regional District (Fire Hall) (“the Subject Property”);

**AND THAT** the Regional Board confirms that Rogers Communications Inc. (“the Applicant”) has completed satisfactory public notification, and consultation with the Regional District of Central Okanagan with respect to RDCO File MISC-22-42;

**AND FURTHER THAT** the Regional Board approve sending a letter of concurrence for the Applicant’s proposal (RDCO File MISC-22-42) to construct a wireless telecommunications facility with the following comments:

1. It is constructed substantially in accordance with the plans submitted and described as W4847; and
2. The proposal can be shown to substantially comply with the Development Permit Area guidelines as defined in *Rural Westside Official Community Plan Bylaw No. 1274*, and
3. Provincial approval for access is granted.

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*Respectfully submitted by: Shaun O’Dea, Planner*

Approved by:



Todd Cashin,  
Director of Community Services

- Attachments:
1. Location Map
  2. Site Plan
  3. Request for Concurrence and Public Notification Package
  4. Excerpt from Government of Canada Client Procedures Circular CPC-2-0-03, Radiocommunication and Broadcasting Antenna Systems, issue 6, July 2022
  5. Presentation Slides
  6. Notification Response Letter
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### **Strategic Plan Alignment:**

Priorities: Sustainable Communities, Economic Development

Values: Good Governance

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### **Background:**

Approval for telecommunications tower placement is governed and processed by Innovation, Science, and Economic Development Canada (ISED). For towers proposed on private property, ISED's processes require that carriers consult the local land use authority and receive their concurrence on proposed locations.

Where the local land use authority does not have policy to guide antenna siting decisions and consultation procedures, the applicant must conduct public notification in accordance with ISED's Default Public Consultation Process. This process requires that carriers;

- send out notification packages to all properties located within three times the height of the proposed tower (measured from the tower base or the outside perimeter of the supporting structure); and
- publish a notice in local papers if the tower height is over 30m.

The Regional Board has previously issued Resolution #106/19, directing staff to amend Development Applications Procedures Bylaw No. 944 to create a procedure and fee for telecommunication tower proposals. This project is intended for inclusion in staff's 2023 work plan.

### **Proposal:**

The applicant seeks to install a 15.9-metre-tall telecommunication tower to expand their network on the east and west sides of Okanagan Lake. There is an existing Telus tower located on the subject property, however the existing tower is considered unsuitable for the proposed Rogers' equipment, and not tall enough to provide coverage improvements.

The applicant has completed preliminary design plans which include a simulated photo, providing a visual indication of the proposed tower appearance. The tower installation is on privately owned land, however access is planned via a gravel roadway that partially extends onto Crown land adjacent to the subject property. Ministry of Forests staff have advised that this accessway will require a Crown land tenure approval.

Per the ISED Default Public Consultation Process, notification was sent to eight (8) property owners and occupants within a radius of 48 metres of the subject property. Subsequently, at the request of RDCO staff, the applicant expanded the notification radius to 200 metres and distributed seven (7) additional letters. At the time of writing this report, one response letter was received from a neighbouring property owner, indicating that they are not in favor of the proposal.

### **Applicable RDCO Policy:**

#### **Zoning Bylaw No. 871**

The following excerpts from Zoning Bylaw No. 871 support the proposal;

- Section 3.12 permits public utility facilities for local transmission of water, sewage, electrical power, telephone, natural gas, and other similar services in all zones.
- Section 3.9 exempts transmission antennas from the height limitations specified in each zone.

#### **Regional Growth Strategy Bylaw No. 1336**

The following policy from the Regional Growth Strategy supports the proposal;

- Policy 3.2.1.13 - Ensure there is an appropriate supply of land used for economic opportunities, public facilities and infrastructure and protection of natural environment for the regions projected population growth.

#### **Rural Westside Official Community Plan Bylaw No. 1274**

The following policy from the Rural Westside Official Community Plan (OCP) supports the consultation and coordination approach taken by this proposal;

- Policy 9.7.1 - The Regional District will encourage the cooperation and coordination of all utility companies, the Ministry of Transportation and Infrastructure, and the Regional District.

The proposed works are within Development Permit Areas. Pending Regional Board concurrence for the proposed siting, the applicant should engage Qualified Professionals to complete assessments (i.e. Environmental Impact Assessment and Management Plan) and reviews (i.e. Geotechnical Assessment) to address OCP policy, guidelines and recommendations.

The proposed access road is adjacent to a gully that has historically seen debris flow events. In conjunction with recommendations from a Qualified Environmental Professional, any proposed works should respect setbacks and OCP policy. The services of an Environmental Monitor should be retained to ensure best management practices are adhered to for works, given the proximity to an environmentally sensitive area.

#### **RDCO Noxious Weed Control Bylaw No. 179**

The owner or occupier of the land shall prevent the infestation of noxious weeds and cut down or otherwise destroy and mulch or remove all noxious weeds and replant with native grasses or other native vegetation.

#### **Additional Information:**

<b>Applicant:</b>	Rogers Communications Inc. c/o Cypress Land Services
<b>Owner:</b>	Anglican Synod of Diocese Kootenay
<b>Address:</b>	2411 Westside Place
<b>Legal Descriptions:</b>	Lot 5, Plan KAP5621, DL 3745, ODYD, Except Plan H17953, Exc Leased Portion to Regional Dist (Fire Hall)
<b>Lot Size:</b>	20.62 ha (50.96 acres)
<b>OCP Designation:</b>	Institutional and Utility Services / Large Holding
<b>Zoning:</b>	P2 – Institutional and Assembly / RU2 – Rural 2
<b>Existing Use:</b>	Religious or Non-denominational Camp (Lakeside portion of lot)
<b>Surrounding Uses:</b>	<b>North:</b> P1/RU1 – Crown Land <b>South:</b> RU5 – Small Lot Country Residential

	<b>East:</b> P2 – Wilsons Landing Fire Hall / P1 – Camp Owaissi <b>West:</b> P1/RU1 – Crown Land
<b>ALR:</b>	No
<b>Fire Protection:</b>	Wilsons Landing Fire Protection Area
<b>Water Supply:</b>	None
<b>Wastewater Disposal:</b>	None

**RDCO TECHNICAL COMMENTS:**

**Inspection Services** staff advise that tower structures are fully engineered and do not fall under the B.C. Building Code, therefore a Building Permit is not required and the applicant's engineer is responsible for the structural integrity of the tower. Ancillary structures at the base of the tower may require building permits.

**AGENCY REFERRAL COMMENTS:**

**Ministry of Forests** staff have advised that any structures or accessways upon Crown land will require a Crown land tenure application and subsequent approval.

**Considerations:**

**Organizational:** The Development Applications Procedures Bylaw No. 944 does not include application requirements or public consultation processes for tower siting proposals. Board Resolution #106/19 directed staff to amend the Procedures Bylaw to create processes and establish an application fee, this project is intended for inclusion in staff's 2023 work plan.

**External:** The Regional District does not have an established public consultation process applicable to antenna siting proposals. As such, applicant must follow the ISED's mandated public consultation process.

On October 20, 2022, the applicant sent notification letters to properties within three times the height of the proposed tower (48 metres). The notification letter was to advise residents and other affected parties of the proposal, and to offer an opportunity to provide comments.

Eight notification letters were initially distributed and no comments were received during the 30-day public consultation period, which concluded November 23, 2022 (see Attachment 3). Following staff's recommendation to expand the notification radius, seven additional letters were sent on January 10, 2023. One neighbouring property owner response was received, indicating that they did not support the proposal.

**Statutory Authority:** The Government of Canada has jurisdiction for the approval of tower siting. The Regional Board is responsible for confirming whether the application conforms with local land use regulations.

Considerations not applicable:

- Financial
- Legal
- Alternate Recommendation

**Approved for Agenda**



**Brian Reardon, CAO**