



Regional Board Report

TO: Regional Board

FROM: Todd Cashin
Director of Community Services

DATE: May 27, 2019

SUBJECT: Request for Wireless Telecommunications Facility (MISC-19-15)
Freedom Mobile Inc. c/o Cypress Land Services – Applicant
Part NW ¼, Except Plan A499, Section 13, Township 28 – 5819 Chute Lake Rd

Voting Entitlement: *All Directors – Unweighted Corporate Vote – Simple Majority – LGA 208.1*

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

Executive Summary:

The proponent, Freedom Mobile Inc. c/o Cypress Land Services, proposes to install a 50-metre-tall telecommunication tower on private land. Approval for proposed telecommunication sites on privately owned land is governed and processed by Innovation, Science, and Economic Development Canada (ISED), formerly Industry Canada. Although Zoning Bylaw No. 871 permits the proposed use in all zones, in accordance with ISED's Default Public Consultation Process, the proponent requires a Regional Board resolution indicating land-use authority approval.

RECOMMENDATION #1:

THAT the Regional District of Central Okanagan confirms that the proposed wireless telecommunications facility on the subject property, 5819 Chute Lake Road, conforms with RDCO Zoning Bylaw No. 871 and therefore has no objections provided it is constructed substantially in accordance with the plans submitted to the Regional District of Central Okanagan.

RECOMMENDATION #2:

THAT the Regional Board direct staff to amend Development Applications Procedures Bylaw No. 944, 2002 to include a development application procedure and application fee for future requests for installation of telecommunication towers.

Respectfully Submitted:

Todd Cashin, Director of Community Services

Approved for Board's Consideration

Brian Reardon, CAO

Implications of Recommendation:

Strategic Plan:

- Strategic Priority 1: Provide proactive and responsive governance; and,
- Strategic Priority 2: Ensure asset, service, and financial sustainability.

Organizational:

Directing staff to amend Development Applications Procedures Bylaw No. 944 will assist the organization in providing proactive governance by specifying an organizational process for future requests for concurrence.

Financial:

Directing staff to amend Development Applications Procedures Bylaw No. 944 will assist the organization in ensuring service and financial sustainability by specifying an application fee for future requests for concurrence.

Policy:

Supporting the request complies with Part 3, Section 3.12 of Zoning Bylaw No. 871 “Public utility facilities for local transmission of water, sewage, electrical power, telephone, natural gas, and other similar services are permitted uses in all land use designations”; and,

Policy No. 3.2.1.4 of the Regional Growth Strategy Bylaw No. 1336 “Encourage access to and opportunity for development of Crown resources and rural land that provide economic opportunities that contribute revenues to support community social, health, education and transportation services for the citizens of the Central Okanagan while having minimal impacts to the land, wildlife, and sensitive environmental areas”.

Legal/Statutory Authority:

Jurisdiction for approving the application lies with the Government of Canada Confirmation that the application conforms with RDCO’s zoning bylaw lies with the Regional Board.

Background**Process:**

Typically, applications for proposed telecommunication sites on Crown land are processed by FrontCounter BC, reviewed by the Regional District, and approved by the Province. Final approval for tower siting decisions is governed and processed by Innovation, Science, and Economic Development Canada (ISED), formerly Industry Canada, on behalf of the Government of Canada. As the proposed tower is located on private property, the FrontCounter BC portion of the above process is not required.

However, in accordance with ISED’s Default Public Consultation Process (DPCP), the proponent requires acknowledgement from the Regional District that the local government process or other requirements have been satisfied in a format such as a Regional Board resolution indicating land-use authority approval. The closest structure is a Rogers Communications tower approximately 18 metres from the proposed Freedom Mobile communications tower. The Regional Board previously approved a request for a telecommunication tower on May 14, 2015 (Resolution #92/15) for the existing Rogers Communications tower.

Project Description:

The proponent, Freedom Mobile Inc. c/o Cypress Land Services, proposes to install a 50-metre-tall telecommunication tower (See Appendix 'A'). The intent is to expand their network within the Okanagan and to improve coverage and network quality in the Upper Mission area. While it is preferable to share sites with other carriers, the existing Rogers telecommunications tower located on the same parcel is unsuitable for upgrades as it was determined that it would not structurally support the equipment required for Freedom Mobile. As such, a new structure is required.

The proponent has completed preliminary design plans, which includes a simulated photo to provide a visual of what the proposed tower may look like. The proposed telecommunication tower is to be installed on privately owned land located within the South Slopes Official Community Plan Area, and will be accessed via an existing route through the property. It is in close proximity to a high density, residential area within the City of Kelowna.

Additional Information:

Applicant:	Freedom Mobile Inc. c/o Cypress Land Services
Owner:	Roman Catholic Bishop of Nelson
Legal:	Part NW ¼, Except Plan A499, Section 13, Township 28 (PID: 015-122-077)
Lot Size:	+/- 62.31 ha (153.96 acres)
Zoning:	RU1 Rural 1 / P2 Institutional and Assembly
OCP Designation:	Rural Resource / Institutional
Existing Use:	Prayer retreat centre (St. Elizabeth Seton House of Prayer) and gravel extraction operation
Surrounding Uses:	
North:	Lands within the City of Kelowna
South:	Crown Land
East:	Rural Private Parcel
West:	Lands within the City of Kelowna
A.L.R.:	Not within the A.L.R.
Fire Protection:	Not within an established Fire Protection Area

Referral Comments:

RDCO Planning Services staff advises that the proposed site is located within a Sensitive Aquatic Development Permit Area under the South Slopes Official Community Plan Bylaw No. 1304. If approved, the proposed tower will be located in close proximity to two ephemeral tributaries of Lebanon Creek, Cedar Creek and Leon Creek, which are connected to fish bearing waters and may also be of importance for wildlife habitat connectivity. Based on information provided by the proponent, it is expected that the tower will be situated a minimum of 30 m from Cedar Creek. If the tower or any other structure is to be located within Development Permit Areas, the proponent should contact the Regional District for additional information on the process for a Development Permit application.

RDCO Inspection Services staff notes that tower structures are engineered and do not fall under the B.C. Building Code. As such, the proponent's engineer would be responsible for ensuring the tower is structurally sound and built as designed. If any other associated structure over 100 sq. ft. (i.e. equipment building) is to be constructed, the proponent should contact the Regional District for additional information on the process for a Building Permit application.

FortisBC staff indicates that there are FortisBC Inc. (Electric) (“FBC(E)”) primary distribution facilities within the boundary of the subject property. The applicant is responsible for costs associated with changes to the subject property’s existing service, if any, as well as the provision of appropriate land rights where required.

There are also FBC(E) transmission facilities bisecting the subject property. While the proposed development does not appear to affect the existing transmission facilities, the applicant should note that proposals for any construction within the right of way, including, but not limited to, water, sewer, and other utilities must be reviewed and approved by FBC(E) prior to installation for safety and operational purposes. No elevation changes are permitted within all right of way areas without review and approval by FBC(E). The applicant is responsible for costs related to the detailed review of their proposal in addition to any other costs which may arise or be required related to this development’s potential or actual impact on the transmission corridor. It is advised that the applicant contact FortisBC for further information.

Unaffected RDCO Departments include Parks Services, Engineering Services, and Fire Services.

Unaffected Agencies include B.C. Hydro and the City of Kelowna.

Financial Considerations:

The Development Applications Procedures Bylaw No. 944 does not include an application fee or process for a request for concurrence. As such, staff is recommending that the Regional Board direct staff to review Development Applications Procedures Bylaw No. 944 to include a document administration fee.

Organizational Issues:

The Development Applications Procedures Bylaw No. 944 does not include application requirements, public consultation or procedures for processing a request for concurrence or other requests for written responses to inquiries requiring Regional Board resolution. As such, staff is recommending that the Regional Board direct staff to review Development Applications Procedures Bylaw No. 944 to clarify and define organizational procedures for similar requests.

External Implications:

The Regional District does not have an established public consultation process applicable to antenna siting on private property. As such, proponents must follow the ISED’s mandated public consultation process.

On April 3, 2019, the proponent provided notification letters via regular mail to residents and other affected parties within a radius of three times the height of the proposed tower (150.0 metres). The notification letter was to advise residents of the proposed installation and to offer an opportunity to obtain additional information and provide comments. Furthermore, a notice was placed in the Kelowna Capital News on April 10, 2019 inviting the community to comment on the proposal for a period of 30 days.

The proponent has advised the Regional District that no comments were received during the 30-day public consultation period, which concluded May 10, 2019 (See Appendix ‘B’). To date, the Regional District has received no submissions from the public related to the proposed telecommunication facility.

Conclusion:

Should the Board choose not to support the staff position, the following alternative recommendations are provided:

Alternative Recommendation #1:

THAT the Regional District of Central Okanagan does not concur with the proposal to build a 50-metre-tall telecommunications tower on privately owned land located at 5819 Chute Lake Road and therefore does not support the proposal (PID: 015-122-077) (MISC-19-15).

Alternative Recommendation #2:

THAT the Regional Board direct staff to continue with the current process and not amend Development Applications Procedures Bylaw No. 944, 2002 to include a development application procedure and application fee for future requests for concurrence.

Considerations not applicable to this report:

- *General*

Attachment(s):

- Subject Property Map and Orthophoto
- Appendix 'A' – Information Package
- Appendix 'B' – Request for Concurrence and Public Consultation Summary