

Report

Date January 15, 2025

File: TAS00003

Subject Self-Supporting Tower Siting at 3910 Drinkwater Road

PURPOSE

To consider a request for a statement of concurrence for a proposed 50-metre self-supporting telecommunications tower at 3910 Drinkwater Road.

BACKGROUND

Innovation, Science and Economic Development Canada (ISED) has exclusive authority over the placement and approval of federally licensed wireless telecommunication facilities. While municipalities do not have authority over ISED's decisions regarding the locations of telecommunications antenna structures (TAS), a local government may issue a 'statement of concurrence or non-concurrence' to a proponent and the ISED with regards to the siting of a TAS within its jurisdiction.

Council's statement of concurrence is requested for a proposed self-supporting tower at 3910 Drinkwater Road. The subject property is within the Industrial and Employment land use designation and outside the urban containment boundary of the Official Community Plan. The 26.4-hectare property is located within the Heavy Industrial (I2) Zone of the Zoning Bylaw (Attachments 1, 2, and 3).

Proposal

Shared Tower Inc. proposes to install a 50-metre-high self-supporting telecommunications tower near the south property boundary at 3910 Drinkwater Road to improve the coverage of three carriers that would be co-located on the tower.

The applicant's Preliminary Tower Design, including a site plan indicating the proposed tower location, is provided in Attachment 4.

DISCUSSION

Purpose of a Municipal Statement of Concurrence

While the authority of local governments over a TAS is limited, a 'statement of concurrence or non-concurrence' considers the land use compatibility and siting/design preferences of an antenna system, as well as comments from residents.

Council established a [Telecommunications Antenna Structure Policy \(TAS Council Policy\)](#) (Attachment 5) and application process in July of 2021, providing a framework and process for considering a subject request. The TAS Council Policy outlines a procedure for applicants, staff, and Council to follow for TAS applications, including:

- Applicant requirements for Public Notification, and

- Council's role and decision options.

In addition to applicable regulatory requirements, key TAS Policy items concerning the application are highlighted in the following sections:

- **Regulatory Requirements**

A section 219 restrictive covenant on the subject property prevents buildings from being constructed within 15.0 metres from, and 1.5 metres elevation above, the natural boundary of Menzies Creek. Since towers are not considered buildings or structures, the covenant does not apply.

The proposed tower is sited approximately 130 meters from Menzies Creek, which is well outside the 30-metre riparian assessment area; therefore, the *Riparian Assessment Protection Area Regulations* are not applicable.

A 'blanket' Statutory Right of Way registered on the title of the subject property requires the property owner to adhere to the statutory rights of BC Hydro and Telus to unobstructed access to their works.

A referral was emailed to BC Hydro and Telus requesting comment on the applicant's proposal. BC Hydro responded with no concerns with the proposal package. No response was received from Telus.

- **Public Consultation**

The TAS Council Policy outlines procedures for the applicant to:

- Erect signage on the subject property to inform the public of the tower proposal, including a public meeting date, time, and location details (section 4.3);
- Inform property owners within 300 metres of the subject property about the proposal, its purpose and location on the property, as well as public meeting details (section 4.4, 4.7); and,
- Hold a Public Information meeting no less than 14 days from the notification mailing date (section 4.8), and for which newspaper advertisements are to be placed in two consecutive editions of a local newspaper (section 4.10).

The TAS Council Policy outlines procedures for staff to:

- Refer the application to any local government or First Nations government located within 300 metres of the proposal location (section 4.5).

The applicant adhered to minimum requirements for signage on the property and public consultation information to residents within 300 metres of the subject property and the public with newspaper advertisements included in two consecutive local newspapers (Attachments 6 & 7).

Staff did not refer the application to a local government or First Nation government since the closest governmental jurisdiction is approximately 1 kilometre from the subject property (Cowichan Valley Regional District), which is well outside the minimum area of 300 metres for required notification.

Comments received from the public are provided in Attachment 8.

• **North Cowichan's Role & Decision Options**

The role of Council when reviewing the siting of the telecom tower on the subject property is to review the application with respect to section 5 of the TAS Council Policy (see Analysis & Recommendation) and consider issuing a statement of concurrence in the form of a resolution as per section 4.13 of the TAS Council Policy:

4.13 Council will in open meeting, decide to:

- i) issue an unconditional statement of concurrence; or*
- ii) issue a statement of concurrence subject to conditions; or*
- ii) issue a statement of non-concurrence; or*
- iv) defer the decision, with or without further direction to staff or requests to the Proponent and request additional time from ISED if the process is likely to take more than 120 days (TAS Policy).*

ANALYSIS & RECOMMENDATION

In accordance with section 5 of the TAS Council Policy, which outlines the siting and design element requirements upon which applications will be assessed by Council, the applicant demonstrates:

- Analysis that co-location on an existing tower is impractical, and further, that co-location on the proposed tower is proposed.
- The proposal is:
 - At least 500 metres from any parcels zoned with a residential designation,
 - Does not interfere with important public views and vistas,
 - Is in an encouraged location, i.e., an industrial zoned property,
 - Located well outside a riparian area (i.e., approximately 130 metres from Menzies Creek), and,
 - Does not involve tree removal.
- The proposed tower will be fenced.

Further, the applicant met policy requirements for signage, newspaper advertisements, mailed public notification, and a Public Information meeting (held on October 30, 2024). No concerns were raised by the adjacent property owners or the public.

Staff recommends the issuance of a statement of concurrence in the form of a Council resolution.

OPTIONS

1. **(Recommended Option)** THAT Council issue a statement of concurrence to Shared Tower Inc. in support of a Telecommunication Antenna Structure at 3910 Drinkwater Road [Application No. TAS00003] for the following reasons:
 - (1) The Municipality of North Cowichan is satisfied with the applicant's consultation process, which is consistent with Council's Telecommunication Antenna Structures Policy;
 - (2) The proposed tower is a permitted use;
 - (3) The proposed design and location are acceptable; and,
 - (4) The Municipality has been consulted and concurs with the tower location.

2. THAT Council issue a statement of non-concurrence for application TAS00003 for the following reasons (*Council to identify their reasons*).

- This option will provide a negative response to the applicant and ISED for a statement of concurrence and possibly delay/prevent siting of the proposed tower.

IMPLICATIONS

Should Council choose to delay or deny a statement of concurrence, timelines and subsequent installation of the proposed tower may be delayed for a period or indefinitely. This may impact the intent of the tower to provide improved telecommunications coverage. Alternatively, ISED may choose to permit the tower installation without a statement of concurrence from Council.

RECOMMENDATION

THAT Council issue a statement of concurrence to Shared Tower Inc. in support of a Telecommunication Antenna Structure at 3910 Drinkwater Road [Application No. TAS00003] for the following reasons:

- (1) The Municipality of North Cowichan is satisfied with applicant’s consultation process, which is consistent with Council’s Telecommunication Antenna Structures Policy;
- (2) The proposed tower is a permitted use;
- (3) The proposed design and location are acceptable; and,
- (4) The Municipality has been consulted and concurs with the tower location.

Report prepared by:

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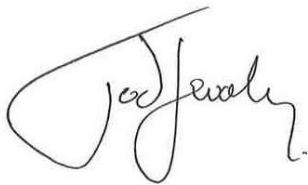
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Report reviewed by:



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Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Location Map
- (2) Orthophoto
- (3) Zoning
- (4) Preliminary Design Drawings
- (5) Telecommunications Antenna Structures Council Policy
- (6) Public Consultation Package
- (7) Signage and Newspaper Advertisement
- (8) Public Comment