



The Corporation of the City of Courtenay

Staff Report

To: Council
From: Director of Development Services
Subject: Antenna System Proposal for 1000 Piercy Avenue

File No.: 3010-00-2501
Date: June 11, 2025

PURPOSE:

To introduce a proposal by Telus Communications Inc. and SitePath Consulting Ltd. ("the Proponent") to construct 44.0-meter-tall monopole antenna system with a 2.0-meter lightening rod and one equipment building within an estimated 225 square meter fenced compound at 1000 Piercy Avenue, legally described as Lot A District Lot 127 Section 69 Comox District Plan VIP 85657 Except Plan EPP 81814, currently own by the City of Courtenay.

EXECUTIVE SUMMARY:

Telus has made an application for use of city owned land for a monopole antenna system intended to address growing demand for reliable wireless service in the City which aligns with Official Community Plan (OCP) objectives to support high-quality communications infrastructure. Given the subject property is City-owned, Staff is seeking Council's support to initiate a development variance permit to vary the zoning bylaw provisions for the height exemption formula and rear setback, required public consultation and a Licence of Occupation. On completion of the public consultation, Staff would return with a report to Council for their decision. Given, the identified service needs and alignment with the OCP, Staff recommend proceeding and seek support for the Licence of Occupation for the siting of an antenna system and equipment compound on City-owned lands.

BACKGROUND:

The subject property, 1000 Piercy Avenue, is located in West Courtenay and is 2.83 hectares in area. It is designated 'Institutional' under Official Community Plan Bylaw No. 3070, 2022, which supports the integration of civic and institutional uses within existing neighbourhoods, including educational facilities, health-care facilities, religious institutions, utilities, and agencies with limited accessory uses. See *Figure 1 Subject Property location and context and Figure 2 OCP Land Use Designation*.

Figure 1: Subject Property Location and Context

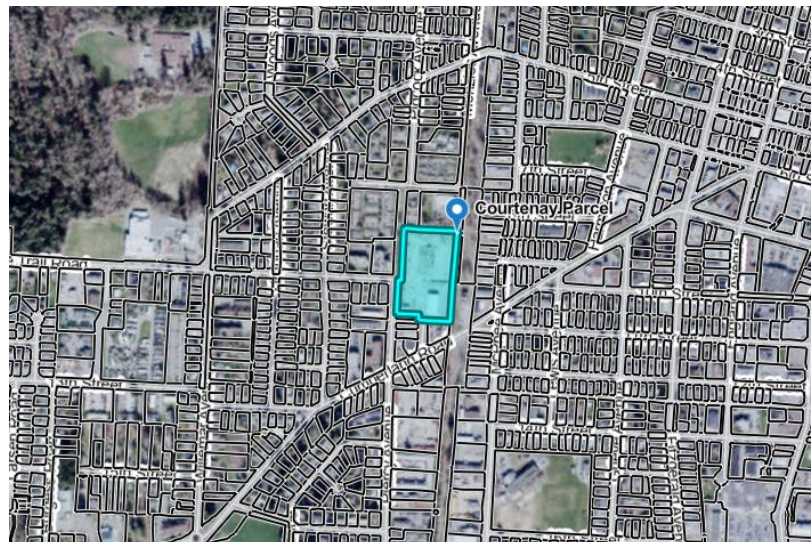
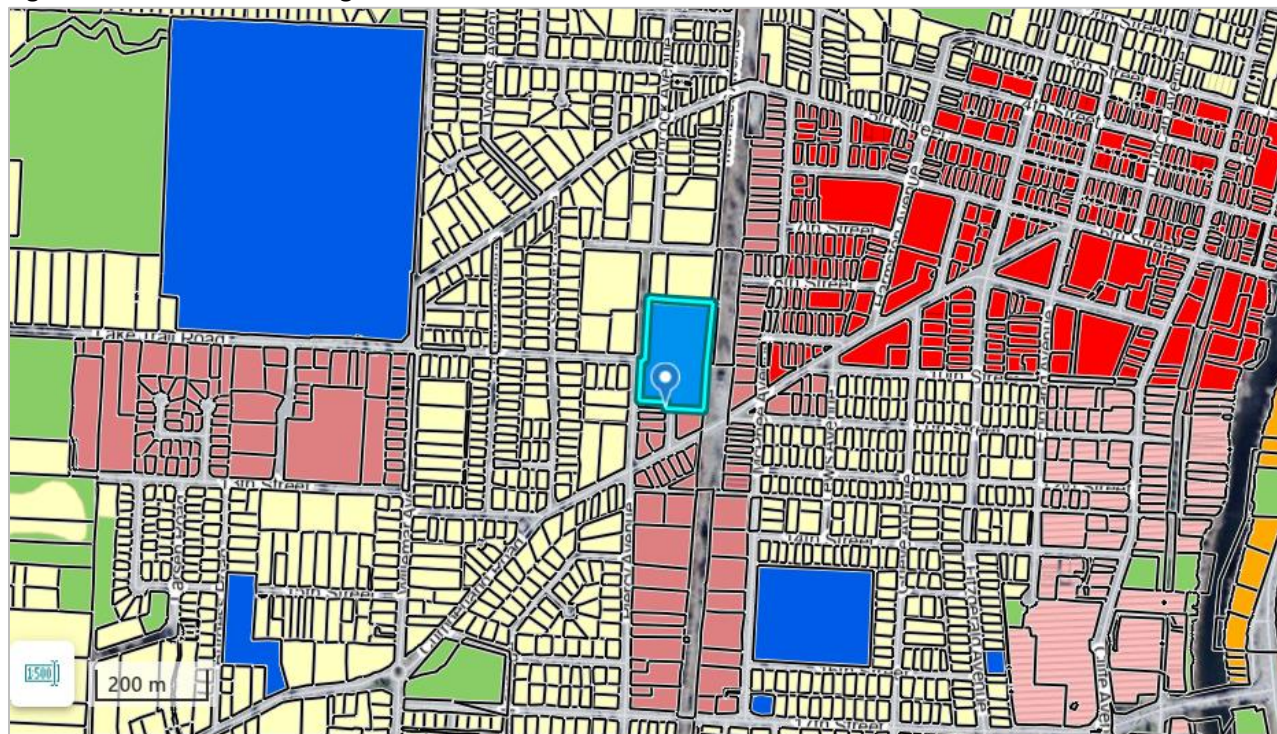


Figure 2: OCP Land Use Designation



The property is zoned 'Industrial Two Zone (I-2)' under Zoning Bylaw No.2500, 2007. The current use of the land is the City's Operational Services Department, Public Works Yard with related buildings and structures consistent with the OCP land designation and zoning. The properties immediately adjacent are a mix of public, industrial and residential zoning. To the: north - Public Areas One (P-1); east - Industrial Three; south - Industrial Two (I-2) and west - Residential Three A (R-3A), Residential Four(R-4) and Residential Small-Scale Multi-Unit Housing (R-SSMUH).

The proposal is to retain the existing Public Works Yard related buildings and structures and add an antenna system in the northwest corner of the subject property. The installation includes a 44m tall monopole antenna system with a 2m lightning rod (total height 46m) on a foundation and equipment building, all within an estimated 225m² (15m by 15m) fenced compound. According to the subject experts, this is the minimum height required to deliver reliable connectivity to the surrounding area.

To facilitate periodic inspections conducted by Telus and to avoid disruption of existing on-site operations, a separate access to the antenna system compound is proposed. Access would be off of 8th Street, across City owned land, currently zoned Industrial Three (I-3) and immediately adjacent to the subject property. Further details and illustrations of the location, access apppoint and streetscape is provided in *Attachment 1: Proposed Site Plan* and *Attachment 2: Letter of Rationale*.

Legislation and Policy Considerations

Under the *Radiocommunication Act*, the Federal Minister of Innovation, Science, and Economic Development Canada (ISED) has sole jurisdiction over inter-provincial and international communication facilities. ISED requires all proponents to consult with the local land use authorities and public, notwithstanding that ISED has exclusive jurisdiction in the licensing of telecommunication sites.

Health concerns relating to radiofrequency, energy, and safety are cited by members of the public fall under the national jurisdiction of Health Canada. Municipalities posses no authority to regulate health and safety requirements related to antenna systems. Health Canada requires that all antenna system installations

(including 5G installations) must comply with all existing safety regulations, including Safety Code 6 (SC6), which determines exposure limits for wireless devices and their associated infrastructure. In addition, ISED requires that all antenna systems meet Canadian limits on the amount of radio frequency energy that can be present in areas to which the public has access.

Local governments can communicate and provide guidance to the Proponent on the particular sensitivities, planning priorities, and characteristics of an area and they can establish siting guidelines as outlined in the City's Antenna System Applications and Process Policy DS-02.

DISCUSSION:

Demand for wireless services has increased significantly over the last decade with wide spread usage on wireless devices such as smartphones and tablets. People, businesses and emergency services require reliable wireless coverage and to meet this demand new infrastructure is frequently needed. To address known service area gaps in West Courtenay new telecommunication infrastructure is required in strategic locations guided by federal legislation, City land use policy and regulations. Based on this framework, the remainder of this report outlines the required steps involved to proceed with the Telus antenna system proposal for 1000 Piercy Avenue.

Authorization to Proceed

The City's Procurement, Risk and Real Estate Staff manage property transactions on behalf of Courtenay's residents, including the buying, selling, disposing of property, leasing and licensing of City-owned land and buildings. Given the City is the property owner, Council would need to pass a resolution to direct Staff to proceed with this TELUS proposal to build structures on city owned land, request to vary zoning requirements for setbacks and exemption formula for height calculations, and for city to enter into a licence of occupation agreement with Telus.

Antenna System Applications and Process Policy DS-02

Policy DS-02 articulates preferences on location, design, public engagement and application procedures harmonize with federal government processes for proposals to construct most new antenna systems. Planning Staff have reviewed the submission package and Letter of Rationale (Attachment 2) provided by the Proponent confirming the DS-02 policies for siting, design, signage, lighting have been met with the exception of the preferred height of a tower is a maximum of 15m. Note, height variance is addressed in section Development Variance Permit.

Pre-consultation between the Proponent and applicable City Services Departments (Development, Operation, Parks and Recreation, Cultures and Community, Fire and Information Systems and Finance) has taken place over the last year to explore options for on-site location and access. As a result, the proposed telecommunication service, on-site location and access is generally supported by the noted Departments.

Public consultation requirements would be addressed in collaboration with Development Services (per ISED and DS Policy-02). This includes the Proponent hosting an Open House to share relevant information about the proposal (including visual images and site plan). The session will be communicated by a mail-out notification to adjacent properties with 30 m radius of the subject property. Concurrently, the public notice must be advertised by the proponent in at least two consecutive issues of the newspaper leading up to the date of the Open House.

Upon completion of the required public consultation, a follow up staff report would be presented to Council with a summary of the public consultation and applicable recommendations. It is the discretion of Council to provide a statement of siting concurrence, non-concurrence or to provide no comment with respect to the Proponent's proposal.

Development Variance Permit

The proposal complies with Zoning Bylaw No. 2500, 2007 with the exception of the height of the monopole and rear yard setback.

- Under General Regulations, Part 1, Section 6.2.3, the Bylaw No.2500 exempts transmission towers from the maximum height of any zone, stating that “no such structure shall exceed 1.2 times the maximum permitted height of a building in that zone. When applied to the maximum height permitted in the I-2 zone (15m) the permitted transmission tower height is up to 18m.
- Under I-2 zone 8.24.6(2)(i) the permitted rear yard setback is 9 m in case of a one storey building.

To support this proposal a variance to both of these provisions is required as outline in Table 1.

Table 1: Proposed Zoning Bylaw No.2500, 2007 Variances

Zoning Bylaw Section	Permitted	Proposed Variance
General Regulation, Section 6.2.3 Building Structure Exemptions	1.2 times 15m (18m)	3.1 times (from 1.2 times to 3.1 times maximum permitted height of building in that zone)
Industrial Two Zone (I-2) 8.24.6 Setbacks	Rear yard 9.0m in case of a one-storey building	7.61m (from 9.0m to 7.61m in case of a one storey building)

Prior to Council consideration of the proposed variances, public notification within 30m radius of the subject property would be carried out by Staff, in accordance City’s Development Procedural Bylaw No.3106, 2023. This would be coordinated with the ISED and DS Policy-02 required public consultation to be undertaken by the Proponent to promote clear and consistent communications.

Licence of Occupation

The siting and access to City lands would be enacted through a Licence to Occupy between the City of Courtenay and Telus Communications Inc. City Financial Services staff obtained a review of recent licence rates for various antenna systems on Central Vancouver Island from Cunningham & Rivard Appraisals Ltd. This information was used to inform initial discussions with Telus to understand the terms of an acceptable LOO between the parties. Finance staff recommend the licence include the following terms:

- \$18,000 annual licence fee;
- Consumer Price Index escalation clause;
- an initial 5-year term, with four additional 5-year extensions;
- additional revenue opportunities for future sub-licenses;
- termination clause – should the planned land use change in the future; and
- indemnity and save harmless clause in favour of the City.

Given the strategic location of the subject property, current land use designation and zoning, Staff support proceeding with this proposal to enable the Proponent to carry out the required public consultation for the proposal (per ISED and DS-02) and for Planning Staff to provide public notification of the Development Variance Permit (per the Development Procedural Bylaw No. 3106, 2023). Upon completion of the consultation, Staff would present a report for Council’s consideration including: Statement of Concurrence, issuance of a Development Variance Permit and a resolution for staff to be authorized to execute the draft Licence of Occupation. Staff are seeking Council approval to proceed with the drafting

of this licence so that Telus can execute the document for Council's consideration with the next staff report.

POLICY ANALYSIS:

The subject property is designated *Institutional* within the City's Official Community Plan (OCP). The proposed development would support, among others, the realization of the following OCP policies:

- Municipal Infrastructure Objective 5: "Third party utility providers such as energy and communications utilities are low carbon and reliable."
- Municipal Infrastructure Policy #20: "Support the creation of high quality and assured communications links."

FINANCIAL IMPLICATIONS:

If Council directs Staff to proceed, this associate application and procedural process would be incorporated into the Development Services and Financial Services 2025 Work Plans.

ADMINISTRATIVE IMPLICATIONS:

Processing development requests, including antenna systems and related structures, is a statutory component of the corporate work plan and a core duty of the Development Services Department. Work to date has primarily been carried out by Development Services staff, although senior leadership from other service departments have provided comment and guidance (including Operations, Recreation, Culture and Community, Fire, Information Systems and Finance).

STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priorities:

- Local Economy - Identify actions Courtenay is taking to attract new industries into the community
- Public Safety - Build capacity for emergency planning and local response

PUBLIC ENGAGEMENT:

As outlined in this report public consultation is a legislated requirement of this planning process to inform and to provide opportunity for local interest holders to provide feedback to the Proponent, City Staff and ultimately to Council prior to any decision.

OPTIONS:

1. THAT Council direct staff to proceed with processing a Development Variance Permit application to permit a 46.0-meter-tall monopole antenna system and equipment building compound on a portion of 1000 Piercy Avenue, legally described as Lot A District Lot 127 Section 69 Comox District Plan VIP 85657 Except Plan EPP81814.

THAT Council direct staff to negotiate a Licence of Occupation between the City of Courtenay and Telus Communications Inc. for the purposes of permitting the location of a cell tower on a portion of 1000 Piercy Avenue, legally described as Lot A District Lot 127 Section 69 Comox District Plan VIP 85657 Except Plan EPP81814, for up to a maximum of a 25 year-term.

2. THAT Council provide alternative direction to staff.

ATTACHMENTS:

1. Proposed Site Plan, prepared by Roehampton West, dated May 21, 2025
2. Letter of Rationale, prepared by Brian Gregg, SitePlan Consulting Ltd., dated May 20, 2025

Prepared by: Jamai Schile, RPP MCIP, Manager of Development Planning
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