



The Corporation of the City of Courtenay

Staff Report

To: Council

From: Acting Director of Development Services

Subject: Request for Statement of Concurrence and Development Variance Permit Application No. 2503 for 1000 Piercy Avenue

File No.: 3090-20-2503/DVP00064

Date: October 1, 2025

PURPOSE:

For Council to consider a request from Telus Communications Inc. for concurrence and approval of Development Variance Permit (DVP) No. 2503 to permit a 46-meter monopole antenna system on the subject property (1000 Piercy Avenue). This application is to vary Zoning Bylaw No. 2500, 2007, section 6.2.3, from “1.2 times” to “3.1 times” the maximum permitted building height; and vary section 8.24.6(2)(i), the minimum permitted rear yard setback from “9m” to “7.61m”. Additionally, Council is to provide a statement of siting concurrence, non-concurrence or other comment with respect to this proposal.

BACKGROUND:

At the June 11, 2025 meeting, Council considered a staff report detailing the application submitted by SitePath Consulting Ltd. on behalf of Telus Communications Inc. for a monopole antenna system, inclusive of legislative and policy consideration, proposed siting variances, licence of occupation and public engagement process. At this meeting, Council passed a resolution enabling Staff to proceed with the required steps as follows:

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.

Following this direction, SitePath Consulting carried out the federally mandated 90-day public consultation process, which is detailed in this report under the ‘Public Engagement’ section.

Proposal and Property Context

The proposal is to construct a 44m tall monopole antenna system with a 2 m lightning rod (total height 46m) on a foundation and equipment building, all within an estimated 225m² (15m by 15m) fenced compound at 1000 Piercy Avenue, currently own by the City of Courtenay. Property information and proposed construction layout and road access off 8th Street are shown in Figure 1 and 2. Also, **Attachment 1:** A certified site survey plan and **Attachment 2:** Site Survey prepared by Adam Brash, BCLS, dated May 5, 2025, and forms part of **Attachment 2:** Draft Development Variance Permit No. 2503.

The subject property is located in West Courtenay and is approximately 2.83 hectares in area. It is designated ‘Institutional’ in the Official Community Plan Bylaw No.3070, 2022 and zoned ‘Industrial Two Zone (I-2)’

under Zoning Bylaw No.2500, 2007 and is currently the City's Public Works Yard. The properties immediately adjacent are a mix of public, industrial and residential zoning. Uses are: 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).

Figure 1: Subject Property Location and Context

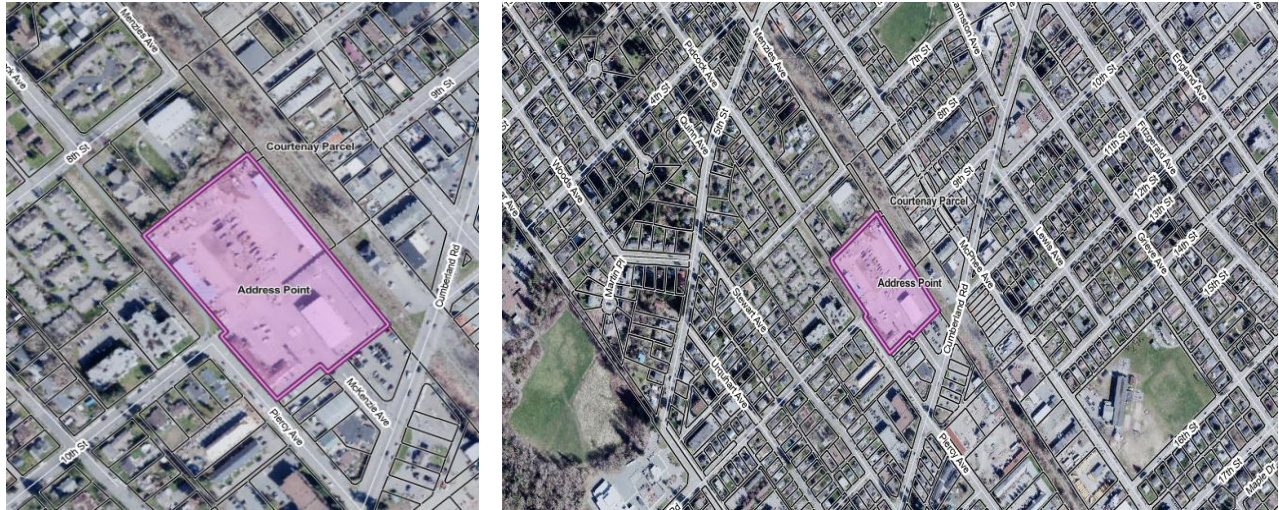
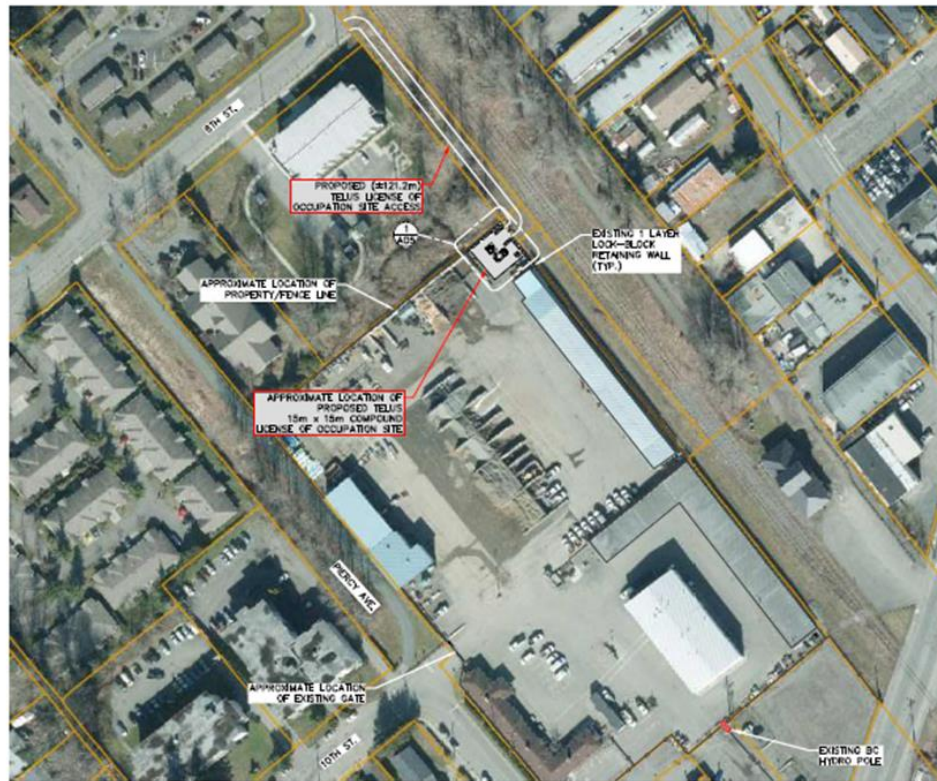


Figure 2: Proposed Site Layout Plan



⊕ SITE ACCESS PLAN

Legislation and Jurisdictional 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. Proponents must also comply with all relevant federal regulations, including:

- Health Canada’s Safety Code 6 (SC6);
- Canadian Environmental Assessment Act; and
- NAV Canada and Transport Canada requirements for painting and lighting to ensure aeronautical safety.

The applicant has provided a professional report prepared by Red Oak Technologies, dated September 3, 2025, verifying that the site will provide radiofrequency emission levels which do not exceed health Canada’s SC6 limits for uncontrolled environments.

Local Government Jurisdiction

While the authority of local governments over a telecommunication antennae system is limited, they can communicate and provide guidance on land use planning priorities, characteristics and establish design, siting guidelines and a statement of concurrence or non-concurrence as outlined in the City’s Antenna System Applications and Process Policy DS-02.

DISCUSSION:

Wireless service demand has grown significantly with the widespread use of smartphones and tablets. Reliable coverage is essential for residents, businesses and emergency services, requiring new infrastructure to fill service gaps. To address known coverage gaps in West Courtenay, new telecommunication infrastructure is needed in strategic locations, following federal legislation and City land use policies as outlined above.

To advance this application the following variances to Zoning Bylaw No. 2500, 2007 are summarized in the table below.

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)

The proposed height and siting of the antenna system structure has been established by an engineering professional and determined to be the minimum height required to deliver reliable connectivity to the surrounding area. In addition, the applicant has indicated that the flush-mounted monopole tower is the slimmest tower structure available. From a land use prospective the siting of the structure’s supporting base and related compound are not anticipated to have a negative impact to existing on-site uses or to adjacent properties. For these reasons, staff support this Development Variance Permit application.

POLICY ANALYSIS:

Official Community Plan Bylaw No. 3070, 2022

The subject property is designated *Institutional* within the 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.”

Antenna System Applications and Process Policy (DS-02)

This policy articulates preferences on siting design (including tower profile and colour) , signage, lighting, public engagement and application procedures harmonized with federal government processes for proposals for most new antenna systems. Planning Staff have reviewed the submission package, sequential applicant-lead public consultation materials with photo simulations and find it aligns with the City’s policy. Per the policy, concurrence is at the discretion of Council. The applicant’s request for a statement of concurrence and summary of consultation is provided as part of **Attachment 3**.

FINANCIAL IMPLICATIONS:

There is no direct financial implication related to this Development Variance Permit. If Council provides a statement of concurrence in favour of the application, the City will enter a License of Occupation with Telus Communications Inc. inclusive of indemnification clause and annual licence fee of \$18,000.

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. 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:

Applicant-lead Consultation (July – September 2025)

In accordance with ISED notification requirements (*Annex A of CPC-2-0-03 - Radiocommunication and Broadcasting Antenna Systems – Issue 6*) and the City’s Antenna System Applications and Process Policy (DS-02), a 90-day public consultation period was implemented.

Telus provided public notification to all properties within a 140-metre radius - three times the height of the proposed tower – 430 properties received mail out notification. The applicant-lead process included:

- mailed out notification including an information package, comment sheet and invitation to public open house;

- Comox Valley Record newspaper advertisement for public open house;
- public open house held on July 24th, 2025, 5:00 to 7:00pm at the Florence Filberg Centre;
- acknowledge receipt of comments and questions received within 14 days and address all relevant and reasonable concerns within 60-days;
- additional 21-day period for public to comment on the response; and
- a summary of all comments received submitted to the City of Courtenay.

During this period the City received written comments from 14 people, which were forwarded to Telus/SitePath for inclusion in their consultation process.

Open House – Staff Observations

A member of Development Services attended the Open House held on July 24, 2025. It was observed that approximately 20 members of the public attended; 3 - 4 people expressed being in favour of the application, while the remaining expressed being opposed. Common themes related to concerns on socio-economic and health vulnerabilities; lack of transparency/ data disclosure (such as network outage testing); potential impacts on property value. Those in favor noted that downtown Courtenay suffers from poor network coverage, network expansion is essential for enabling reliable internet access, especially for those working from home or relying on digital services.

Applicant's Public Consultation Summary

Aligned with the DS-Policy 02, Telus submitted a request for concurrence (**Attachment 3**) and a Public Consultation Package (187 pages) to Council. According to the consultation summary, over the course of the engagement period (including the open house), 82 written comments were received, 55 (67%) indicated support for the proposal, 25 (31%) indicated concerns or opposition to the proposal, and 2 (3%) asked questions or provided comments, but did not take a position of support or non-support (neutral comments).

Of the 25 opposed, 7 identified as being outside of the city or provided no address. Concerns expressed are similar to what was heard at the open house; a predominate theme was the perceived health impacts related to wireless infrastructure.

Of the 55 comments in support all identified themselves as a local resident or business owner with an expressed desire for improved network services for West Courtenay. The proposal also received positive feedback from representatives of the following key stakeholder groups:

- RCMP
- Comox Valley Schools (School District 71)
- Comox Valley Search and Rescue

City lead -Development Variance Permit Notification (September 2025)

In accordance with *Local Government Act* Section 499, Staff mailed a public notification to 167 property owners and occupants within a 30-metre area on September 15, 2025. At the time this report was written no comments were received. Any written comments received by 1:00 p.m. on Wednesday, October 1, 2025, will be presented to Council in advance or at the regular council meeting.

OPTIONS:

1. THAT Council issue a statement of concurrence to Telus Communications Inc. in support of a 46-meter monopole antenna system within an estimated 225m² 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, for the following reasons:
 - a. The City of Courtenay is satisfied with the TELUS consultation process, as outlined in the City of Courtenay Antenna System Applications and Process Policy, Policy No. DS-02;
 - b. That the proposed tower is a permitted use;
 - c. That the proposed design and location is acceptable; and
 - d. That the City of Courtenay has been consulted and concurs with the antenna system location; and

THAT Council vary *Zoning Bylaw No. 2500, 2007* as follows:

General Regulations, Section 6.2.3 Building and Structure Height Exemptions - from "1.2 times" to "3.1 times" the maximum permitted height of a building in that zone;

Industrial Two Zone, Section 8.24.6 Setbacks (2) Rear Yard (i) - from "9 m" to "7.61 m" in the case of a one-storey building;

THAT Council approve "Development Variance Permit No. 2503 (1000 Piercy Avenue)"; and

THAT Council direct the Acting Director of Development Services to issue "*Development Variance Permit No. 2503 (1000 Piercy Avenue)*"; and

THAT Council direct the Director of Finance Services to fully execute a Licence of Occupation between the City of Courtenay and Telus Communications Inc. to the City's satisfaction.
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2. THAT Council issue statement of non-concurrence or provide comment with respect to the Telus antenna system proposal and deny Development Variance Permit No. 2305.
3. THAT Council provide alternative direction to staff.

ATTACHMENTS:

1. Site Survey prepared by Adam Brash, BCLS, dated May 5, 2025
2. Draft Development Variance Permit No. 2503
3. Request for Concurrence, dated August 20, 2025

Prepared by: Andrew Stewart-Jones, Planner 2, Development Services
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Patricia Maloney, FCIP, RPP Acting Director of Development Services
Concurrence: Geoff Garbutt, M.PI., MCIP, RPP, City Manager (CAO)