

## **Request for Decision**

File No: P 096 001

**Date** March 24, 2020  
**Author** Krista Gilbert, Planning Technician  
**Subject** Requests for Letter of Concurrences and a Statutory Right of Way for a Proposed Communications Site - TELUS Communications Inc. (SitePath Consulting Ltd.)

---

### **REQUEST**

To approve a Letter of Concurrence request from TELUS Communications Inc. (TELUS) for a proposed communication site at RDEK owned Tie Lake Regional Park, and to enter into a long-term Statutory Right of Way (SRW) agreement with TELUS for the proposed communication site at Tie Lake Regional Park.

### **OPTIONS**

1. THAT TELUS Communications Inc. be advised:
  - a) TELUS Communications Inc. has satisfactorily completed its consultation with the Regional District of East Kootenay;
  - b) The Regional District of East Kootenay is satisfied with TELUS Communications Inc.'s public consultation process; and,
  - c) The Regional District of East Kootenay concurs with TELUS Communications Inc.'s proposal to construct a wireless telecommunications facility on property located at 6370 Tie Lake Road in Tie Lake, provided it is constructed substantially in accordance with the plans submitted to the RDEK.
2. THAT staff be authorized to enter into a Statutory Right-of-Way agreement with TELUS Communications Inc. for a proposed wireless telecommunications facility at Tie Lake Regional Park.
3. THAT TELUS Communications Inc.'s request for a Letter of Concurrences and an SRW for a proposed wireless telecommunications facility at RDEK Tie Lake Regional Park at 6370 Tie Lake Road not be approved.

### **RECOMMENDATION**

Options 1 and 2.

### **BACKGROUND/ANALYSIS**

The RDEK has received a request for a Letter of Concurrence from TELUS for a wireless telecommunications facility (tower) on RDEK owned property at 6370 Tie Lake Road (Tie Lake Regional Park). A Letter of Concurrence is required by Industry Canada as a condition for their approval of the facility and it provides confirmation to Industry Canada that the proponents

have consulted with the local government. An SRW agreement is required to allow TELUS access to and use of RDEK land within Tie Lake Regional park for the proposed tower site.

The proposed new wireless communication facility at Tie Lake will include a 35 m tall monopole tower and a 144 m<sup>2</sup> fenced compound that includes all of the equipment necessary to operate this facility. TELUS has identified that there is currently not dependable wireless service, including wireless high-speed internet access, in the Tie Lake community and the proposed facility can improve on current services.

In the request package submitted, TELUS stated that they recently completed public consultation in which they posted ads in two consecutive issues of two newspapers and notified residents within an area 3 times the height of the tower. TELUS received comments from twenty-seven community members during the Tie Lake consultation process, seventeen of which expressed support and ten of which expressed concerns. Concerns identified were regarding health and safety and whether the siting of the tower in the park is the best option available.

The Regional District also completed a public consultation process for the proposed facility at Tie Lake, as the property owner. An email was sent to 217 recipients on our Tie Lake email group and to the Tie Lake Property Owners Association on January 13, 2020 requesting comments or concerns residents have with the proposal. Forty-two responses were received, twenty-four in support of the proposal and eighteen expressing concerns. Concerns identified included whether siting within the Regional Park was appropriate, health concerns, and aesthetics of the tower.

## **SPECIFIC CONSIDERATIONS**

### **Land Use Bylaw**

Jaffray, Tie Lake, Rosen Lake Land Use and Floodplain Management Bylaw

Current Designation: P-1, Public Institutional Zone, wireless communication facility is a permitted use

### **Agricultural Land Reserve**

The subject property is not within the ALR.

### **Financial**

The SRW agreement with TELUS for a wireless communication facility at Tie Lake Regional Park is proposed to include a 10 year term with an \$8,000 annual fee paid to the RDEK regional parks service. The SRW may be renewed for two additional 10 year terms with the annual fee adjusted in accordance with the CPI.

Attachments: Location Map  
Proposal  
(Comments received by TELUS and the RDEK from the public are available if requested)