



STAFF REPORT

To: Electoral Area Services Committee

Date: 2025-11-21

From: Christopher Fequet, Planner 1

Subject: Telecommunications Tower Policy

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RECOMMENDATION

This report is being brought forward for the Board's information and there is no staff recommendation.

BACKGROUND

Innovation, Science and Economic Development Canada (ISED) is the regulating authority over the installation and operation of Telecommunication Antenna Systems (TAS) under the **Radiocommunication Act**. Although federal authority over antenna siting is exclusive, ISED's CPC-2-0-03 requires proponents to consult with local governments and nearby residents before a tower may be licensed.

FVRD does not currently have a standardized telecommunications policy for the Electoral Areas. As a result, recent applications have been reviewed on a case-by-case basis under the federal process alone. This approach has created the potential for inconsistent expectations for proponents, uneven public notification, and uncertainty for Electoral Area Directors when considering whether to issue concurrence or non-concurrence.

To address these gaps, staff reviewed TAS policies and siting protocols from a range of BC regional districts and municipalities as well as the FCM-CWTA protocol template and ISED guidance materials. This comparative analysis informed the development of a robust, modern, and comprehensive policy framework tailored to the diverse conditions of the Electoral Areas.

Directors provided initial feedback at a previous Electoral Area Services Committee meeting, including:

- strengthening Committee discretion in issuing concurrence or non-concurrence;
- clarifying expectations around setbacks from residential development;
- explaining the legal limitations on regulating tower heights; and

- enhancing public engagement expectations.

These revisions have now been incorporated into the updated draft. Staff are preparing a broader public engagement process, including a “Have Your Say” campaign and targeted outreach to community associations, to ensure the final policy reflects both Director direction and local input. Results will be integrated into the next draft, which will return to the FVRD Board in February for further consideration.

DISCUSSION

Following a presentation of the draft policy on November 13th, 2025, Directors provided several **substantial comments aimed at reinforcing the FVRD’s role in the federal review process and improving clarity for proponents and residents**. Staff have revised the policy to respond directly to this feedback.

Strengthening Discretion in Concurrence / Non-Concurrence Decisions

Directors emphasized the importance of ensuring that the concurrence/non-concurrence process remains a fully discretionary function of the FVRD Board. In response, the revised policy:

- affirms that the FVRD Board may consider any relevant land-use, community, or contextual factor, provided it is within local jurisdiction;
- reiterates that the FVRD Board’s **final determination is not automatic or predetermined, but** reflects local planning objectives, site-specific context, and the adequacy of public consultation.

This approach ensures that while the policy provides structure and predictability for proponents, it does **not constrain the Committee’s ability to respond to unique local circumstances**.

Regulation of Tower Height

Directors raised questions regarding whether the policy could establish maximum tower heights. Based on established case law, including *Telus Communications Co. v. Toronto (City) (2007)*, and the generally understood limits of federal jurisdiction under the *Radiocommunication Act*, it is well recognized that:

- municipalities and regional districts cannot impose height restrictions on federally regulated telecommunications infrastructure;
- any bylaw or policy attempting to regulate height would be invalid and unenforceable under the doctrine of federal paramountcy;
- only ISED has authority to make technical determinations regarding tower design, height, and antenna configuration.

Accordingly, the policy clarifies the distinction between design guidance, which is permitted, and technical specifications, which fall under exclusive federal jurisdiction.

Avoiding Jurisdictional Overreach

While strengthening EASC discretion was a key Director priority, the policy must remain within the limits of local authority to ensure it is defensible and credibly recognized by ISED. Staff have incorporated discretion in a manner consistent with CPC-2-0-03, and Case Law (*Telus Communications Co. v. Toronto (City)* (2007)).

Policies that overreach such as imposing de facto prohibitions, technical requirements, or absolute restrictions unrelated to land-use compatibility risk being found inconsistent with federal authority. In such cases, ISED may disregard the policy or require proponents to bypass local consultation altogether. **This would significantly reduce the FVRD's influence over siting preferences, design expectations, and the scope of community engagement.**

The revised draft therefore balances strong local guidance with clear respect for federal jurisdiction, **ensuring the FVRD's policy remains credible, durable, and enforceable within the federal consultation framework.**

Residential separation and Siting Considerations

Directors also requested clearer expectations for minimizing impacts on nearby residential areas. While local governments cannot prohibit federally regulated towers or impose mandatory setbacks, the policy now:

- identifies greater separation from residential uses as an important consideration when evaluating land-use compatibility;
- supports siting new infrastructure as far as reasonably practicable from homes, schools, and community gathering spaces;
- clarifies that separation distances function as planning guidance, not enforceable standards, in recognition of federal jurisdiction over telecommunications.

These refinements strengthen the FVRD's ability to express community preferences and evaluate proposals transparently, while remaining fully compliant with federal constraints.

Comprehensive and Evidence-Based Policy Development

The updated draft reflects a significant review of best practices from other BC local governments and federal guidelines. Key improvements include:

- clear **articulation of FVRD's scope of authority and limitations;**
- strengthened decision-making protocols and documentation requirements;
- enhanced expectations for alternative site analysis and co-location;
- expanded criteria informing concurrence/non-concurrence decisions;
- a modernized and transparent public consultation framework based on ISED expectations and rural community realities.

The result is a thorough, consistent, and defensible policy that balances federal requirements, local planning objectives, and community interests.

Comparison to Other Local Government Policies

Staff note that the draft FVRD Telecommunications Antenna System Siting & Consultation Policy is substantially more comprehensive than most policies currently in place across B.C. regional districts and municipalities, including several FVRD member municipalities. Many existing protocols focus primarily **on basic siting preferences and minimum consultation steps. In contrast, the FVRD's draft policy:**

- integrates best practices drawn from recent policies across the province;
- provides a clearer articulation of federal–local jurisdictional boundaries, reducing the risk of overreach;
- establishes a more structured and transparent public consultation framework aligned with ISED expectations and rural community realities;
- introduces more detailed criteria to guide concurrence/non-concurrence decisions; and
- consolidates expectations for co-location, alternative site analysis, design, documentation, and community engagement into a single, consistent process.

This level of clarity, structure, and procedural guidance exceeds what is commonly found in comparable policies, providing the Board with a robust framework for addressing TAS proposals across the Electoral Areas.

Public Engagement Plan

Consistent with direction from the Electoral Area Services Committee, staff are preparing a public engagement process to gather early community input on the draft Telecommunications Antenna System (TAS) Siting and Consultation Policy prior to final consideration.

1. “Have Your Say” FVRD Online Engagement

Staff are preparing a dedicated Have Your Say FVRD project page as the central platform for public review and comment. The page will include:

- a plain-language summary of the draft policy;
- a downloadable version of the draft policy;
- an online submission form for written comments.

Staff are targeting a late-December 2025 launch, with a primary engagement window from January 5th –23rd, 2026, to accommodate holiday schedules and align with the February Electoral Area Services Committee meeting schedule.

2. Engagement with the Hatzic Community Association

Given ongoing TAS interest in the Hatzic Valley and the Association’s involvement in local planning discussions, the Electoral Area Directors emphasized the importance of targeted outreach. Staff will:

- invite Association representatives to an in-person meeting in December or early January;
- present the policy, answer questions, and discuss local siting concerns;
- encourage the Association to distribute the Have Your Say link broadly.

This approach provides residents an early and direct opportunity to participate.

COST

The development of the policy has been undertaken with existing staffing resources and no direct costs have been incurred. Public consultation will rely on the use of the existing HYS platform and advertisement using FVRD social media. No mailout or advertisement costs are anticipated.

CONCLUSION

The updated draft Telecommunications Antenna System (TAS) Siting and Consultation Policy reflects the clear direction provided by the Electoral Area Services Committee to strengthen local discretion, improve clarity around siting and design expectations, and enhance transparency in the public

consultation process. Staff have incorporated Director feedback while ensuring the policy remains **within the limits of federal jurisdiction under the Radiocommunication Act and ISED's CPC-2-0-03**. This balance is essential: a policy that overreaches or functions as a de facto prohibition, risks being set aside **by ISED, which would significantly diminish the FVRD's long-term** ability to influence tower siting, design, and community engagement.

The resulting draft is a comprehensive, evidence-based, and defensible policy framework informed by best practices from regional districts and municipalities across British Columbia, federal guidance materials, and Case Law. It introduces clearer expectations for proponents, reinforces Electoral Area **Services Committee's discretionary authority in issuing** concurrence or non-concurrence, and provides a consistent process that supports both community participation and administrative clarity.

Before further consideration of the draft policy by the FVRD board, staff will undertake a public engagement process as directed by the Electoral Area Services Committee. This will include a Have Your Say FVRD campaign and targeted outreach to the Hatzic Community Association, to gather early input prior to final consideration. Feedback received through this process will inform the next iteration of the policy, which will be brought back to the Electoral Area Services Committee early in the new year for review.