Antenna System Siting Protocol Policy

Department:	Development Services	Policy No.:	DEV-007
Sub-department:		Created By:	Caroline Lamont
Approved By:	Council	Amended By:	
Approved Date:	17 June 2104	Amendment:	
Meeting No.:	1366	Meeting No.:	

POLICY PURPOSE

The *Antenna System Siting Protocol Policy* identifies the requirements for the installation of antennae systems in the Village of Pemberton. In particular, the protocol includes the Village objectives; jurisdiction, definitions, policy and that includes Village requirements related to the application requirements and the approval procedures.

JURISDICTION

The jurisdiction and roles of the regulatory authorities and the Proponent in the review and approval of antenna systems are generally described as follows:

- Industry Canada - In accordance with the *Radiocommunication Act*, the Minister of Industry has sole jurisdiction over inter-provincial and international communication facilities. The final decision to approve and license the location of antenna systems is made only by Industry Canada. In June 2007, Industry Canada issued an update to its *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular* (CPC-2-0-03) which outlines the process that must be followed by Proponents seeking to install or modify antenna systems, effective January 1, 2008.

Industry Canada also requires that Proponents intending to install or modify an antenna system notify and consult with the Village, and the local community within a prescribed distance from the proposed structure. Industry Canada also published a *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* in January 2008,stating that it *"considers that the Municipality's and local residents' questions, comments and concerns are important elements to be considered by a Proponent seeking to install, or make modifications to, an antenna system."* The Client Procedures Circular also establishes a dispute resolution process to be used where the Proponent and Municipality have reached an impasse.

- Village of Pemberton - The role of the municipality is to issue a statement of concurrence or non-concurrence (acceptance or non-acceptance) to the Proponent and to Industry Canada. The statement considers the land use compatibility of the antenna system, the responses of the affected residents and the Proponent's adherence to this Protocol. The municipality also guides and facilitates the siting process by:
    - Communicating to Proponents the particular amenities, sensitivities, planning priorities and other relevant characteristics of the area;
    - Developing the design guidelines for antenna systems contained in this Protocol; and
    - Establishing a community consultation process, where warranted.

By working with Proponents throughout the siting process, beginning with preliminary notification and the site investigation meeting, the Village seeks to facilitate antenna system installations that are sensitive to the needs of the local community. The Village has developed this Protocol, adopted by Council Policy, consistent with the roles set forth by Industry Canada.

- Proponents - The Proponents for the antenna installations need to strategically locate the antennae to satisfy technical criteria and operational requirements in response to public demand. Throughout the siting process, Proponents must adhere to the antenna siting guidelines in the CPC, including:
    - Investigating sharing or using existing infrastructure before proposing new antenna-supporting structures (consistent with CPC-2-0-17 *Conditions of License for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*) ;
    - Contacting the municipality to determine local requirements regarding Antenna Systems; and
    - Undertaking public notification and addressing relevant concerns as is required and appropriate.

- Other Federal Legislation - Proponents additionally must comply with the following federal legislation and/or regulations, where warranted:
    - Health Canada's Safety Code 6 – Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 KHZ to 300 GHZ - Safety code 6 (2009);
    - The Canadian Environmental Assessment Act; and
    - NAV Canada and Transport Canada's painting and lighting requirements for aeronautical safety.

OBJECTIVES

- Support the provision of a full range of high quality telecommunication for the local community, visitors and businesses, while minimizing costs and potential social and environmental impacts that may result from infrastructure installations.
- Encourage choice in telecommunications for residents and visitors to the community, provided that the number of service providers and the impacts of their infrastructure do not compromise the livability experience or increase costs to the Village.
- Recover costs from telecommunications providers, taking into consideration any actual and ongoing costs to the Village, to ensure that telecommunication providers install, maintain, operate and renew their infrastructure when situated on public lands.
- Establish an objective process, criteria and guidelines that are transparent, consistent and certain for the evaluation of antenna system siting proposals that:
- Minimize the number of new antenna sites by encouraging co-location;
- Encourage designs that integrate with the surrounding land use and;
- Indicate when public consultation is required;
- Allow Industry Canada and the communications industry to identify and resolve any potential land use, siting or design concerns with the Village at an early stage in the process.

- Adopt the Village's land use consultation framework that ensures that the Village and members of the public contribute local knowledge related to the siting, location, development and design (including aesthetics) of antenna systems within Village boundaries.
- To facilitate the coordinated and respectful development of antenna systems in Pemberton.

DEFINITIONS

antenna systems is an exterior transmitting device or group of devices used to receive and/or to transmit radio-frequency (RF) signals, microwave signals or other federally-licenced communications energy transmitted from, or to be received by, other antennas. Antenna systems include the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter. This protocol most commonly refers to the following two types of antenna systems:

- *freestanding antenna system*: a structure (e.g. tower) built from the ground for the expressed purpose of hosting an antenna system or antenna systems;
- *building/structure-mounted antenna system* mounted on an existing structure, which could include a building wall or rooftop, a light standard, water tower, utility pole or other.

co-location: the placement of antennas and equipment operated by one or more Proponents on a telecommunication antenna system operated by a different Proponent, thereby creating a shared facility.

community sensitive locations: land on which the siting of new antenna systems is discouraged, or requested to be subject to greater consultation than otherwise dictated by the standard protocol.

prescribed distance: A distance measured horizontally from the subject property of the proposed freestanding or building/structure-mounted antenna system for notification.

Proponent: a company or organization proposing to site an antenna system (including contractors undertaking work for telecommunications carriers) for the purpose of providing commercial or private telecommunications services, exclusive of personal or household users.

POLICY

Village Approvals

- The Village will provide a letter of concurrence (support) to Industry Canada (copying the Proponent) where the proposal addresses, to the satisfaction of the Village, the requirements as set out within this Council Policy and the Village's technical requirements, and will include conditions of concurrence, if required.

- The Village will provide a letter of non-concurrence to Industry Canada (copying the Proponent) if the proposal does not conform to the Village requirements as set out within this Council Policy. The Village will also forward to Industry Canada any comments on outstanding issues, including those raised during the public consultation process.

- The Village may rescind its concurrence if following the issuance of a concurrence, it is determined by the Village that the proposal contains a misrepresentation or a failure to disclose all the pertinent information regarding the proposal, or the plans and conditions upon which the concurrence was issued in writing have not been complied with, and a resolution cannot be reached to correct the issue. In such cases, the Village will provide notification in writing to the Proponent and to Industry Canada and will include the reason(s) for the rescinding of its concurrence.

- A concurrence remains in effect for a maximum period of three years from the date it was issued by the Village. If construction has not commenced within this time period the concurrence expires and a new submission and review process, including public consultation as applicable, is necessary prior to any construction occurring. In addition, if construction has not commenced after two (2) years from the date the concurrence was issued, the Village requests that the Proponent send a written notification of an intent to construct to the Development Services Department, once the work to erect the structure is about to start. This notification should be sent sixty (60) days prior to any construction commencing. No further consultation or notification by the Proponent is required.

- Once concurrence has been issued, that concurrence may be transferred from the original Proponent to another Proponent (the current Proponent) without the need for further consultation provided that:
    - All information gathered by the original Proponent in support of obtaining the concurrence from the Village is transferred to the current Proponent;
    - The structure for which concurrence was issued to the original Proponent is what the current Proponent builds; and
    - Construction of the structure is commenced within the duration of concurrence period.

- Consultation with the Village is to be completed within ninety (90) days of the proposal being accepted as complete by the Village as explained in Section 6 of this Protocol. Where public consultation is required, consultation with the Village and public consultation are both to be completed within one hundred and eighty (180) days of the proposal being accepted as complete by the Village. The Village or Proponent may request an extension to the consultation process timeline. This extension must be mutually agreed on by both parties.

- In the event that the consultation process is not completed in two hundred and seventy (270) days, the Proponent will be responsible for receiving an extension from the Village or reinitiating the consultation process to the extent requested by the Village.

- Letter of Undertaking - The proponent may be required, if requested by the Village, to provide a Letter of Undertaking, which may include the following requirements:
    - The posting of a security for the construction of any proposed fencing, screening, and landscaping;

- A commitment to accommodate other communication providers on the Antenna, where feasible, subject to the usual commercial terms and Industry Canada Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements (Client Procedures Circular-2-0-17); and
- All conditions identified in the letter of concurrence.

- Redundant Antenna System - The Village can issue a request to network operators to clarify that a specific antenna system is still required to support communication network activity. The network operator will respond within thirty (30) days of receiving the request, and will provide any available information on the future status or decommissioning of the antenna system.

- Applicants should update their wireless communication facility technology in a timely manner if improvements are made in relation to health concerns and/or advancements are made that require fewer installations in the Village.

- Where the network operators concur that an antenna system is redundant, the network operator and Village will mutually agree on a timeframe to remove the systems and all associated buildings and equipment from the site. Removal will occur no later than one (1) year from when the antenna system was deemed redundant.

Village Development Guidelines

Antenna systems should be sited and designed to respect local sensitivities and preferences identified by the Village. Wireless carriers are expected to disclose their short- and mid-term needs for antenna sites, and to collaborate with other carriers in order to find sites in common and minimize the overall number of unique antenna sites required. The Village has set out a number of guidelines under the following criteria for the selection of sites and/or construction of new antenna systems specific to location (including co-location; and development and design preferences.

The proponent is encouraged to discuss the guidelines fully with the Village at the site investigation meeting because the preferences may be location or site-specific. As part of the application submitted for consideration, the applicant must describe in detail how the proposal is addressing these Development Guidelines, with supporting documentation.

Location

Co-location - Before submitting a proposal for an antenna system on a new site, the Proponent must explore the following options:

- Consider sharing an existing antenna system, modifying or replacing a structure, if necessary;
- Locate, analyze and attempt to use any feasible existing infrastructure, including (but not limited to) rooftops, water towers, utility poles or light standards.
- Co-location with other wireless carriers at new and existing antenna sites is expected and preference will be given to upgrading or replacing existing sites to accommodate

additional carriers rather than creating additional unique antenna sites. It is assumed that these common sites may not be the perfect site (from a radio-frequency perspective) for any single wireless carrier.

Preferred Locations - When new antenna systems must be constructed, where technically feasible, the following locations are preferred:

- Existing building and/or structure-mounted antenna systems are the preferred location for antenna systems.
- Areas that can access fiber optic networks to allow for backhauling into the fiber optic network.
- All applicants for free-standing antenna systems of any height shall ,as a priority, pursue opportunities to use existing structures for locating their devices, such as BC Hydro infrastructure and existing antenna systems, where feasible.
- Areas that maximize the distance of antenna systems from residences, Unsurveyed Crown Land, BC Hydro Transmission Towers, and Industrial areas
- Mounted on buildings or existing structures
- Areas that respect public views and vistas of important natural or manmade features
- Institutional uses where appropriate, including but not limited to, those institutions that require telecommunications technology: emergency services, hospitals, colleges and universities
- Located in a manner that does not adversely impact view corridors
- Multiple locations of smaller scale installations are preferred over larger scale installations (towers) to mitigate aesthetic impacts.

Discouraged Locations - New antenna systems should avoid the following areas:
New freestanding installations are discouraged

- Community Sensitive Locations: Residential areas, scenic vistas, ridgelines, Highway 99 and Portage Road corridor
- Locations directly in front of doors, windows, balconies or residential frontages
- Ecologically significant natural lands
- Parks and wetlands
- Sites of topographical and geographic prominence
- Established residential neighbourhoods and local roads, schools, daycares, playgrounds and similar facilities.

- Development and Design Preferences

Antenna systems should be designed in terms of appearance and aesthetics to respect their immediate surroundings (e.g. residential, downtown, parks) including being unobtrusive and inconspicuous, minimizing visual impact, avoiding disturbance to natural features, and reduce the need for future facilities in the same area. The Village's preferred design and development preferences are described below.

Buffering and Screening - Antenna systems and associated equipment shelters:

- Should be attractively designed or screened and concealed from ground level or other public views to mitigate visual impacts. Screening could include using existing vegetation, landscaping, fencing or other means in order to blend with the built and natural environments.

- Provide a mix of deciduous and coniferous trees is preferred to provide year-round buffering.
- Where adjacent to a principal building, equipment shelters should be constructed of a material similar in appearance to at least one of the materials used in the facades of the principal building and one of the same colours used in the principal building

Style and Colour - Consider the following in the design of the antennae system:

- Mitigate negative visual impacts through the use of appropriate landscaping, screening, camouflaging design techniques.
- Designed or combined as a landmark features to resemble features found in the area, such as a flagpole or clock tower, where appropriate, subject to any zoning approvals required for the landmark feature.
- Generally be unobtrusive and consistent with applicable Design Guidelines.
- Towers and communication equipment should have a non-reflective surface
- Cable trays should generally not be run up the exterior faces of buildings
- Antennas that extend above the top of a supporting utility pole or light standard should appear (e.g. in colour, shape and size) to be a natural extension of the pole

Structure:

- New structures in residential or high-traffic areas should consider multi-use design (street lighting, electric vehicle charging, parking payment terminals, signage, Wi-Fi etc.)
- Facilities located on rooftops should not be visible (to the extent possible) from the street.
- Individual wall-mounted antennas should be fixed as close to the wall as possible and should not project above the height of the wall face they are mounted on, in order to avoid visual clutter, and should be painted to match the wall colour for stealth.
- The appropriate type of telecommunication antenna structure for each situation should be selected based upon the goal of making best efforts to blend with the nearby surrounds and minimize the visual aesthetic impacts of the telecommunication antenna structure on the community.
- Pinwheel telecommunication antennas are discouraged.
- The use of guy wires and cables to steady, support or reinforce a tower is discouraged.

Height:

- The Village prefers that freestanding antenna systems height be minimized to blend into the surrounding area.
- Smaller freestanding antenna systems are preferred to larger freestanding antenna systems.
- Height for a freestanding antenna system must be measured from grade to the highest point on the structure, including lighting and supporting structures.
- Where building/structure-mounted antenna systems will exceed twenty-five (25) percent of the height of the existing building, the Village prefers that the height not exceed three (3) metres measured from the top of the roof or 3 metres above the highest point of the elevator penthouse, whichever is higher. The building/structure-mounted antenna systems should be screened and not be visible from the street.

Yards, Parking, Access:

- Adequate yards, to be determined on a site-by-site basis, should separate Antenna
- Systems from adjacent development without unduly affecting the development potential of the lot over the lease period
- Parking spaces, where provided at each new antenna system site, should have direct access to a public right of way that does not unduly interfere with traffic flow or create safety hazards

Equipment cabinets in public spaces:

- Cabinets shall be designed in a manner which integrates them into their surroundings
- Cabinet dimensions shall be as minimal as possible
- Cables and wires must be concealed or covered

Signage and Lighting:

- Small signs may be permitted to address any safety concerns and to discourage public access to the site
- No advertising sign or logo is permitted
- Unless specifically required by Transport Canada and/or NAV Canada, the display of any lighting, flashing lights or markings is discouraged
- Where Transport Canada and/or NAV Canada requires a structure to be lit, the lighting should be limited to the minimum number of lights and the lowest illumination allowable, and any required strobe lighting should be set to the maximum strobe interval allowed by Transport Canada
- The lighting of antenna systems and associated equipment shelters for security purposes is supportable provided it is shielded from adjacent residential properties, is kept to a minimum number of lights and illumination intensity, where possible, is provided by a motion detector or similar system.

Rooftop Equipment

- Equipment shelters located on the roof of a building should be set back from the roof edge to the greatest extent possible, and painted to match the building.

PROCEDURE

Exemptions from Antenna System Siting Proposal Review and Public Consultation - Industry Canada's Radiocommunications and Broadcasting Antenna Systems (CPC-2-0-03) identifies exclusions from the requirement to consult with local governments and the public. The link to this regulation is https://www.ic.gc.ca/eic/site/smt-gst.nsf/vwapj/cpc2003-issue4e.pdf/$FILE/cpc2003-issue4e.pdf.

Regardless, since individual circumstances vary with each antennae system, the exclusion should be applied to the local circumstances. Industry Canada further indicates that it may be prudent for the Proponents to consult with the local government and the public even though the proposal may be exempt, and recognize possible impacts related to:

- The physical dimensions, including the antenna, mast and tower compared with local surroundings;
- The location of the proposed antenna system on the property and its proximity to neighbouring residents
- The likelihood of an area being a community-sensitive location; and
- Transport Canada marking and lighting requirements for the proposed structure.

Notification and Village Review of Exempt Antenna Systems - Notwithstanding Industry Canada's exemption criteria for certain antenna systems, the Village requires that before antenna system and structures are designed the Proponent that they be informed of all installations within their boundaries to:

- Be prepared to respond to public inquiries once construction/installation has begun;
- Be aware of site co-location within the Village;
- Maintain records to refer to in the event of future modifications and additions; and
- Engage in meaningful dialogue with the Proponent with respect to the appearance of the antenna system and structure.

Site Investigation Meeting with Village - Prior to submitting an antenna system siting proposal, the proponent will initiate a site investigation meeting with the Development Services Department to:

- Identify preliminary issues of concern;
- Identify requirements of public consultation (public information sign, delivery of public notices, newspaper advertisements and public information session as required);
- Guide the content of the proposal submission; and
- Identify the need for discussions with the Development Services Department and other agencies as deems necessary.

Where the Village has an initial concern with the proposed siting of the proposal they will make known to the proponent alternative locations within the Proponents search area for consideration. The proponent will bring the following information to the site investigation meeting:

- The proposed location.
- Potential alternative locations.
- The type and height of the proposed antenna system and alternatives considered/requested.
- Preliminary drawings and visual rendering of the proposed antenna system and alternatives superimposed to scale.
- Documentation regarding the investigation of co-location potentials on existing or proposed antenna systems within five hundred (500) metres of the subject proposal.
- Multiple antenna system siting proposals should be reviewed at a site investigation meeting with the proponent and the Village.

Proposal Submission Requirements - Following the site investigation meeting, Village staff will provide the proponent with an information package that includes this protocol with specific reference to submission requirements, public consultation, guidelines regarding site selection, co-location, installation, design and landscaping and a list of plans and studies that may be required.

The Proponent will submit to the Village an antenna system siting proposal application and the applicable processing fee for a proposed antenna system, except in cases in which consultation is not required as per Section 4.1. in accordance with the Development Procedures Bylaw as amended from time to time.

The Proponent must include the following information when submitting an antenna system siting proposal:

- A letter or report from the Proponent indicating the need for the installation, the proposed site, the rationale for site selection, coverage and capacity of existing antenna systems in the general area and a summary of opportunities for co-location potentials on existing or proposed antenna systems within 500 metres of the subject proposal. This must describe in detail how the proposal addresses the Village's Official Community Plan Development Guidelines (Section 7.0);
- For installations in the Commercial and Residential Zones (Zoning Bylaw 466, 2011) visual rendering(s) of the proposed antenna system superimposed to scale;
- A site plan showing the proposed development situated on the site;
- A map showing the horizontal distance between the property boundary of the proposed site and the nearest property in residential use;
- For antenna systems requiring public consultation, a map showing all properties locations within the prescribed distance from the proposed subject property;
- Confirmation of legal ownership of the lands subject to the proposal, or a signed letter of authorization from the registered property owner of the land, their agent or other person(s) having legal or equitable interest in the land;
- An attestation that the antenna system will respect Health Canada's Safety Code 6 which sets safe radiofrequency emission levels for these devices including the cumulative effects of multiple antenna systems at the location and in the immediate area; and
- Any other documentation as identified by the Village following the site investigation meeting.

Fees - The Proponent must pay the applicable application fees to the Village in accordance with the Village's Development Procedures Bylaw, as amended from time to time. No fees will be charged for any exemptions as listed in Section 4.1.

Public Consultation Process - If the proposed antenna system is not exempt from the public consultation process as per the requirements in Section 4.1, the Proponent will initiate the public consultation process, including issuing notice, undertaking written consultation, hosting a public information session where required and reviewing the consultation results with the Village.

Public Consultation Exemption - Notwithstanding the following types of antenna systems are exempt from the public consultation requirement by the Village:

- New antenna systems which will be located further than one hundred and fifty (150) metres from the nearest residence.
- Notwithstanding the subsection (1) above, the Village may, on a case-by-case basis, exempt a proponent from all or part of the consultation requirements whereby the impacts are mitigated by existing conditions such as separation from a residential area or structure by an arterial road, and/or is buffered by substantial tree cover, topography or buildings.

Notice Recipients - After the proponent has submitted an antenna systems siting proposal, the proponent will give notice to:

- All affected residential properties within one hundred and fifty (150) metres of proposed subject property;
- The Development Services Department
- The Industry Canada regional office
- The Village will assist the proponent in compiling a mailing list of addresses of the affected residences within the prescribed distance from the proposed antenna system. The Village may charge a fee for this service.

Notice Requirements - The notice will be sent by regular mail or hand delivered, a minimum of ten (10) days before the public information session (where a public information session is required), and include:

- Information on the located, height, type, design and colour of the proposed antenna system;
- The rationale, including height and location requirements, of the proposed antenna system;
- The name and contact information of a contact person for the Proponent;
- The name and contact information of the Development Services contact person;
- An attestation that the antenna system will respect Health Canada's Safety Code 6 which sets safe radiofrequency emission levels for these devices;
- The date, time and location of the public information session where required; and
- The deadline date for receipt by the proponent of public responses to the proposal.
- Where a public information session is not required, the deadline date must be at least ten (10) days after the notices are mailed.
- The notification shall be sent in an envelope addressed to the "Occupant" and/or "Tenants" and shall clearly show in bold type on the face of the envelope the statement:

"NOTICE FOR RESIDENTS WITHIN ONE HUNDRED AND FIFTY (150) METRES OF A NEW PROPOSED CELL TOWER INFORMATION IS ENCLOSED."

- The Village will require publication of the notice in two (2) editions of the local newspaper not less than three (3) and not more than ten (10) days before the Public Information Meeting.

Written Consultation Process - Following the delivery of the notification, the proponent will allow the public to submit written comments or concerns about the proposal. The Proponent will:

- Respond to all questions, comments and concerns in a timely manner (no more than sixty (60) days from the date of receipt);
- Keep a record of all correspondence that occurred during the written consultation process. This includes records of any agreements that may have been reached and/or any concerns that remain outstanding.
- Provide a copy of all written correspondence to the Village and the regional Industry Canada office.

Public Information Session - The Village may request the proponent chair a public information session in cases where there is significant public interest in the proposed antenna system. The

type of public meeting to be conducted is to be determined in consultation with the Village (open house, drop-in or town hall or public hearing format) and must address:

- An appropriate date, time and location for the public information session will be determined in consultation with the Development Services Department.
- The proponent will make available at the public information session an appropriate visual display of the proposal, including a copy of the site plan submitted with the application and aerial photograph of the proposed site.
- The public will be provided an opportunity to provide further comments. Additional comments from the public should be provided fourteen (14) days following the public meeting.
- The proponent will provide the Village with a package summarizing the results of the public information session containing at a minimum, the following: list of attendees, including names, address, and phone numbers (where provided voluntarily); copies of all letters and other written communications received; and a letter of response from the proponent outlining how all the concerns and issues raised by the public were addressed.

Post Consultation Review - The Village and the proponent will communicate following completion of the public consultation process (and arrange a meeting at the Proponent's request) to discuss the results and next steps in the process.