

COUNCIL POLICY C036

I3 - Planning & Development

Consultation Protocol for the Placement of Radiocommunication and Broadcasting Antenna Systems

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Reaffirmed Date: July 21, 2015

I.0 Background

I.1 Purpose

The purpose of this Policy is to govern the public consultation process for radiocommunication structures not exempt from a municipal review and to set a process by which applications for radiocommunication towers and antennas are reviewed in the City.

I.2 Jurisdiction

Under the Radiocommunication Act, the federal government has jurisdiction over interprovincial and international communication facilities. Industry Canada has been granted the authority to approve and license the location of radiocommunication facilities. Other applicable legislation include: the Canadian Environmental Assessment Act and Health Canada, Safety Code 6 (Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 KHZ to 300 GHZ, 1999).

I.3 Exemptions

Industry Canada requires that proponents intending to install or modify certain types of radiocommunication structures notify and consult with the local land use authority and the local community in the vicinity of the proposed structures. However, Industry Canada exempts the following proposals from the requirement to consult with municipal governments:

- a) Maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or antenna-supporting structures.
- b) Addition or modification of an antenna system (including improving the structural integrity of its integral mast to facilitate sharing), provided that the addition or modification does not result in an overall height increase above the existing structure of 25%.



- c) Maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements.
- d) Installation for a limited duration (typically not more than 3 months) of an antenna system that is used for a special event, or one that is used for provincial, local, or national emergency operations during the emergency, and is removed 3 months after emergency or special event.
- e) New antenna systems, including masts, towers, or other antenna supporting structure with a height of less than 15 meters above ground level only.

The City exempts the following proposals from public notification and consultation requirements.

- a) Radiocommunication facilities required for essential services such as Fire, Ambulance and Police.

Although the above proposals are exempted from a municipal review, proponents should provide information on location, type, and height of proposed radiocommunication structures as a courtesy and for information purposes only.

2.0 Development Guidelines

2.1 Site Selection and Siting

In order to explore the possibility for co-location, all applicants should identify existing facilities within a radius of 500 meters of the proposed location. When co-location is not possible, the proponent should submit to the City a rationale describing the process that determines the need for a new tower or antenna.

Radiocommunication facilities are permitted in all zones, however, sites zoned Industrial, Commercial, and Airport should be considered first.

Sites should be selected to avoid the following areas of the City:

- a) Lands located on the City's heritage register, and any lands with identified archaeological evidence.
- b) Municipal parks, or any environmentally sensitive areas, such as wetlands or riparian areas.
- c) Dyke right-of-ways. However, stealth design techniques described in Section 2.2 (c) might be considered within municipal road right-of- ways.



- d) Areas within 120 meters of any elementary or secondary school.

New radiocommunication facilities should comply with the following siting requirements:

- a) A radiocommunication facility should meet the minimum setback requirements of the zone in which it is proposed to be located, and preferably at least its height away from adjacent property lines unless it is a co-location or a system being mounted on an existing building or facility.
- b) No radiocommunication facility should be erected in a front yard and/or a minimum required rear or side yard, unless attached to the principal building.

2.2 Design Criteria

For new telecommunication facilities, the following design guidelines should be taken into consideration:

- a) New radiocommunication towers or other radiocommunication supporting structures within an urban area should be designed with co-location capacity.
- b) Radiocommunication facility design should be sympathetic to the surrounding architecture and built form.
- c) Where appropriate, stealth design techniques including but not limited to, camouflaging radiocommunication towers within church steeples, flagpoles, signs, building fascias and street lights, should be implemented. If the proposed stealth design techniques blend into the surrounding environment, co-location will not be required.
- d) When stealth design techniques are not possible, preferable radiocommunication structure forms include antennas on roof tops and a freestanding tower in the form of monopole with flush mounted or cluster mounted radiocommunication antennas.
- e) Antennas mounted on the façade of buildings should be designed and located to be compatible with the colour, material and overall appearance of the existing building. Natural colours that blend the radiocommunication structure with its surroundings are encouraged.
- f) Where appropriate, the use of landscaping is encouraged to enhance the character of the surroundings.
- g) Where appropriate, a fence is encouraged between the radio- communication structures and the adjacent land use. No fence shall be constructed wholly or partially out of barbed wire or razor wire.

3.0 Public Consultation

3.1 Public Notification and Consultation Requirements

When a radiocommunication proposal is not exempt in accordance with Section 1.3 public notification and consultation should occur in accordance with the following:

- a) For radiocommunication towers proposed in an urban area, the City will forward a list of all property owners within a radius of 122 meters (400 feet) or three times the height of the proposed tower, whichever is greater. The radius is measured from the tower base or the outside perimeter of the supporting structure, whichever is greater.
- b) For radiocommunication towers proposed in agricultural or rural areas, the City will forward a list of all property owners within a radius of 488 meters (1,601 feet). A radius is measured from the property lines of the property on which a tower is proposed.
- c) Notification must include, but need not be limited to:
 - proposed antenna purpose, the reasons why existing antenna systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable and future sharing possibilities for the proposal;
- d) The proponent will be responsible for hand delivering or mailing a notification package to the public including property owners and tenants, community associations, businesses, public institutions, schools, and other organizations located within the notification area. Notification must provide all information on how to submit comments to the proponent in writing. The proponent must also provide a copy of the notification package to the City and the local Industry Canada office at the same time as the package is provided to the public.
- e) The proponent must ensure that at least 30 days are provided for public comments.
- f) A public notice with information about the proposal shall also be advertised in two consecutive editions of a local newspaper. The minimum size of an ad shall be 7.6 cm by 17.8 cm (3" x 7") excluding a map. A notice shall include the name of the proponent, a site plan with the proposed location, type and design of the proposed radiocommunication facility, and information about means of providing public input.
- g) A copy of the public notice shall also be provided to City staff and each member of Council. For proposals in urban areas, the notification package might be placed on the City's web page during 30 days of notification timeframe.



- h) If public express any concerns about the proposal and provide input about the proposal, the proponent is required to acknowledge the receipts of the comment within 14 days.
- i) The proponent will address in writing all reasonable and relevant concerns within 60 days of receipt. The concerned party will have 21 days from the date of the correspondence to reply to the proponent's response. The proponent will make available all public comments and responses to the City.
- j) The consultation process will be completed within 120 days from the receipt of the formal consultation request.

3.2 Public Information Meeting Requirements

The proponents of new radiocommunication structures located within an urban area not exempted under Sections 1.3 are required to host a Public Information Meeting as per the following requirements:

- a) Public information meeting notices shall be delivered at least two weeks in advance of the meeting as per the notification area identified in Section 3.1 (a) of the Protocol.
- b) Public information meeting notices shall include details pertaining to the date, time, and location of the meeting.
- c) A notice shall appear in at least two consecutive issues of a local newspaper, the last publication to appear not less than three and not more than ten days prior to the meeting. The minimum size of an ad shall be 7.6 cm by 17.8 cm (3" x 7") excluding a map.
- d) Meetings are to be held mid-week evenings, in a central, easily identifiable location, and should be open for at least two hours.
- e) The meeting must be held prior to the application proceeding to Council in Committee.
- f) All costs related to the meeting are to be assumed by the applicant.
- g) The list of all meeting attendees and a summary of all comments or inquiries received by the proponent about the proposal need to be provided to the Planning Department prior to submitting a report to Council. In turn, the City will provide a copy of public comments that staff received to allow the proponent an opportunity to respond.

4.0 Approval Process

4.1 Council Role

After the proposal is reviewed by Council, a letter will be sent to the proponent and Industry Canada. The letter will confirm if the proposal:

- a) conforms with the public consultation requirements as outlined in this Policy. A letter will also include expiry date for project commencement based on two years deadline from the Council approval.
- b) does not conform with the City's requirements as set out in the Policy.

4.2 Final Approval

If Industry Canada supports the proposal, the applicant can proceed with the following:

- a) Building Permit application, if necessary.
- b) If the radiocommunication facility is proposed on City property, the applicant must enter into a signed agreement with the City which will include payment of rent. Terms of duration will be determined at the time of contract negotiation. The agreement shall include clauses related to indemnification and proof of comprehensive liability insurance coverage, termination and removal of equipment.

The City will retain the right to end the rental agreement on 180 days notice for the following reasons:

- i. Should any valid concerns arise in the future;
- ii. Should the site be scheduled for redevelopment.

4.3 Cease of Operation

The carrier shall notify the City of its intent to abandon a radiocommunication facility no less than 30 days prior to abandonment.

5.0 Definitions

Antenna – an exterior transmitting device used in telecommunications designed for various uses such as telephonic, radio, or television by sending and/or receiving radio signals.



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Co-location - the installation of multiple antenna systems on a building or tower facility by two or more proponents.

Proponent - the wireless communication company or companies

Telecommunication tower - a facility used to support one or more antennas for the purpose of radio telecommunications, and which include, but is not limited to, a guyed tower, a self-support tower or monopole tower, and which may be located at ground level or on the roof top.

Radiocommunication facility - see antenna and telecommunication tower.