



**To:** Planning Committee  
**From:** Brian J. Jackson, MCIP  
Director of Development

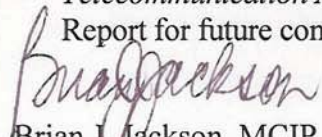
**Date:** January 18, 2012  
**File:** 08-4040-01/2012-Vol  
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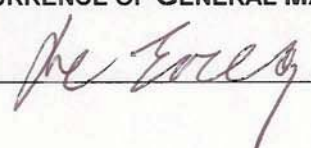
**Re:** Telecommunication Antenna Consultation and Siting Protocol

**Staff Recommendation**

That:

1. The proposed *Telecommunication Antenna Consultation and Siting Protocol* be adopted as a Council Policy to guide the City's review of telecommunication antenna proposals and to facilitate commenting to telecommunication antenna proponents and Industry Canada under the Federal *Radiocommunication Act* as set out in the Staff Report entitled "Telecommunication Antenna Consultation and Siting Protocol" dated January 18, 2012;
2. Staff be directed to prepare the proposed amendments to *Zoning Bylaw 8500* as set out in the above Staff Report for future consideration by Council; and
3. Staff be directed to prepare an amendment to *Development Application Fee Bylaw 7984* to include an application fee to cover the cost of processing applications under the proposed *Telecommunication Antenna Consultation and Siting Protocol* as set out in the above Staff Report for future consideration by Council.

  
Brian J. Jackson, MCIP  
Director of Development  
MM:blg  
Att. 3

FOR ORIGINATING DEPARTMENT USE ONLY			
<b>ROUTED TO:</b>	<b>CONCURRENCE</b>	<b>CONCURRENCE OF GENERAL MANAGER</b>	
Real Estate Services	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
City Clerk	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Engineering	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Law	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Parks	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
<b>REVIEWED BY TAG</b>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<b>REVIEWED BY CAO</b>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>



## Staff Report

### Origin

The initial impetus for development of a Telecommunications Antenna Consultation & Siting Protocol (Protocol) arose from Planning Committee's consideration of a proposed large cellular tower antenna in the ALR in the vicinity of Moncton Street and No. 2 Road in late 2008.

Planning Committee made the following recommendation that Council approved by resolution as a referral on November 23, 2009:

*"That the Telecommunication Antenna Consultation and Siting Protocol Attachment 1 to the staff report dated October 28, 2009 be approved for discussion with key stakeholders."*

The Federal *Radiocommunications Act* regulates the telecommunications network (e.g., antennas). The Protocol identifies the City's consultation process and siting preferences for telecommunication providers. The telecommunication providers have indicated they agree with the Protocol approach provided it would "not impair the performance of the telecommunications network." Specifically, the Protocol enables Council to respond to Federal Government directives to telecommunication providers to seek local governments comments (e.g. to concur, concur with recommended conditions or not concur) on telecommunication antenna proposals.

Following this referral, the first draft Protocol was referred to telecommunication stakeholders. In response to this referral, staff received a number of comments from these stakeholders in early 2010. These comments focused on the Federal jurisdiction over telecommunications and the lack of Municipal authority over the approval of telecommunication antennas.

In Fall, 2011, after further consultation on the Federal Government's policies, staff revised the draft Protocol. Thus, the revised second draft Protocol was discussed with telecommunication industry stakeholders at two workshops on November 17, 2011 and January 5, 2012. A number of revisions were made to the draft Protocol based on the comments from stakeholders and staff's review of policies and guidelines from Industry Canada. With the understanding that Federal authority for regulation of telecommunications supercedes local zoning powers, the stakeholders generally agreed on the second draft Protocol, with the changes made by staff through negotiations at these two workshops, which were then used to develop the final draft Protocol (**Attachment 1**).

On December 8, 2011, the Agricultural Advisory Committee (AAC) reviewed the second draft revised Protocol and suggested extending the notification area to the adjacent parcels or the proposed six (6) times tower height consultation radius (whichever is greater) and ensuring that the telecommunication antenna proposals in the ALR be referred to the AAC. With these changes, AAC members did not have any concerns or objections to the proposed Protocol (**Attachment 2**).

These stakeholder changes, along with those of the AAC, were used to develop the final draft Protocol which is included with this report for consideration for Council (**Attachment 1**). A summary flow chart of the proposed Protocol application process is also included (**Attachment 3**).



## Findings Of Fact

### *Federal Authority to Regulate and Approve Telecommunication Antennas*

Federal authority over telecommunications antennas under the *Radiocommunication Act* provides that the City is not able to prohibit these uses under its zoning or other policies. The Federal government requests comments from local governments to concur, concur with recommended conditions, or not concur on telecommunication antenna proposals.

Industry Canada, the Federal agency responsible for regulating and approving telecommunications antennas, requires public consultation to take place at the local level prior to its approval of most types of applications. Industry Canada sets out its own criteria for such industry consultation with local communities, but also encourages municipalities to develop their own Protocols, provided that consultation is not required for federally-exempted antenna situations. Industry Canada's exemptions to the public consultation requirements are included as exemptions under the City's proposed Protocol (Section 2A of the Protocol in **Attachment 1**).

It is also noted that Transport Canada's YVR maximum height zoning also applies and can limit height beyond the City's zoning, depending upon the site location in relation to flight paths.

### *Provincial Agricultural Land Commission Jurisdiction*

The Protocol encourages "minimizing agricultural impact" and acknowledges the Agricultural Land Reserve (ALR) regulations by stating new antenna facilities must:

1. Comply with ALR regulations, including requiring that all tower and related equipment/buildings not exceed a maximum footprint area of 100 m<sup>2</sup> (1076 ft<sup>2</sup>); and
2. If this maximum footprint area is exceeded, a "non-farm use" application to the City and Agricultural Land Commission will be required.

### *Local Government Jurisdiction & Richmond's Zoning Bylaw*

Richmond's *Zoning Bylaw 8500* allows for "telecommunications antennas" as local governments are not empowered to prohibit telecommunication installations that are permitted and regulated under Federal jurisdictional powers. However, Section 5.13.7 of Bylaw 8500 does limit the height of "telecommunication antennas" to that of the maximum height for accessory structures and setbacks in each given zone.

The Zoning Bylaw's Agricultural and Industrial zones set a 20 m (66 ft.) maximum height for non-residential accessory structures. The Residential, Mixed Use, Commercial and Institutional zones have a range of 9.0 m (33 ft.) to 12 m (39 ft.) for maximum heights for accessory structures with the exception of the Entertainment and Athletics (CEA) and School & Institutional Use (SI) zones that have no maximum heights for accessory structures.

Currently, when there is an antenna proposal with a height greater than the maximum accessory structure height for a zone, a Development Variance Permit (DVP) application will need to be

considered by the City's Development Permit Panel with final approval of the Panel's recommendation by City Council. For DVPs, the City mails notices to property owners and residents within the standard 50 m (164 ft.) DVP notification radius of the proposed tower.

Although telecommunication antennas are exempted from the BC Building Code, Building Permits are required to be issued by the City for antenna foundations and associated construction of new buildings and building additions over 10 m<sup>2</sup> (108 ft<sup>2</sup>).

## Analysis

### Summary of the Protocol

The City's Protocol is aimed at facilitating opportunities for new stand-alone towers, that generally avoid residential areas, parks, riparian and environmental management areas, and ALR areas where proposed stand-alone towers could adversely affect agriculture.

The proposed Protocol (**Attachment 1**) covers two major topics:

1. Consultation Process
2. Siting & Design Guidelines

### Consultation Process

The Protocol also proposes a public consultation process requiring full consultation for stand alone telecommunication antenna towers over 15 m (48 ft.) in height in the above geographic areas. Sections 2 and 3 of the Protocol (**Attachment 1**) outline where telecommunication antenna proponent *and* City consultation are required.

- a. *Where Consultation is Required* - Consultation is required for new stand-alone towers in the *Residential, Agriculture, Agriculture & Open Space*, and *Public & Open Space* OCP land-use designations<sup>1</sup> except where exempted under Section 2A:
  - i. Industry Canada's exemptions to public consultation which include new towers under 15 m (48 ft.) in height, and antenna or tower *additions* that do not increase height more than 25% above the original height (see Section 2A(a-e) for full exemption list); and
  - ii. Other situations including City antennas, *new* building-mounted antennas that do not extend more than 3.0 m above highest point of the building, replacement towers within 15 m of the original tower of the same height, and areas to which the City's "Airport" and "Business & Industry" land-use designations apply (see Section 2A(f-j) for full exemption list).

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<sup>1</sup> "Residential" includes *Residential, Neighbourhood Residential, Neighbourhood Service Centre, Mixed Use, High-Density Mixed Use* land use designations in the current OCP. The Protocol will apply to equivalent designations in the new OCP.



- b. *Stepped Public Consultation Process* - Section 3 of the Protocol provides for a *Stepped Consultation Process* that follows three (3) *Consultation Streams* (see summary in **Attachment 3**). The Protocol provides Richmond with a standard framework to consider concurrence, concurrence with recommended conditions or non-concurrence on telecommunication antenna proposals.
- i. *Stream 1 (Staff Decision: Design Guidelines Only)* – The application follows this stream where exempted from public consultation for smaller proposals and special cases as outlined in Section 2A of the Protocol. The application goes through a staff design review process under *Stream 1* in Section 3B where the application is assessed against the Design Guidelines in Section 4. The Director of Development makes the decision to concur, concur with recommended conditions or not concur on the proposal.
  - ii. *Stream 2 (Council Decision: Regular Consultation Process)* – This stream is for situations set out under Section 2B in areas designated in the OCP for residential, mixed-use, agriculture and open space uses. The application also goes through a staff design review process where the application is assessed against the Design Guidelines in Section 4. The consultation process required under Section 3A involves up to two possible *proponent-led consultation steps* at the proponent's cost and a *City-led consultation step* at City cost where Planning Committee considers the application under *Stream 2* in Section 3B. Council then makes the final decision to concur, concur with recommended conditions or not concur on the proposal.
  - iii. *Stream 3 (Council Decision: Consultation With a DVP)* – This stream is for situations set out under Section 2B in areas designated in the OCP for residential, mixed-use, agriculture and open space uses. The application also goes through a staff design review process where the application is assessed against the Design Guidelines in Section 4. The consultation process required under Section 3A involves up to two possible *proponent-led consultation steps* at the proponent's cost and a *City-led consultation step* at City cost where there is a DVP considered by Development Permit Panel under *Stream 3* in Section 3B. Council then makes the final decision to concur, concur with recommended conditions or not concur on the proposal.
- c. The *Consultation Steps* for *Streams 2 and 3* are generally as follows:
- i. As required by City staff, the initial consultation includes the proponent's request to the public for verbal or written public comments;
  - ii. City staff may require a secondary proponent-led consultation where there are outstanding issues of concern. This may be a public meeting or a meeting of those who have expressed unresolved concerns.
  - iii. Referral of the proposed application to the AAC for consultation is required when the site is located within the ALR.



- iv. The consultation process then moves to City-led *Consultation Streams 2 or 3* to consider making recommendations of concurrence to Industry Canada where the City takes the antenna proposal to:
- *Stream 2* - Planning Committee and Council consider providing concurrence if there is no variance to the City's zoning setback or height provisions; or
  - *Stream 3* - Development Permit Panel and Council consider providing concurrence if there is a DVP variance to zoning provisions being considered.
- d. *Consultation Area* - The proposed consultation area is six (6) times the proposed tower height, or includes the adjacent parcels (whichever is greater), instead of Industry Canada's recommended three (3) times tower height. Thus, the consultation area for a 30 m (98 ft.) proposed tower would be 180 m (590 ft.) under the proposed Protocol. This is more than adequate given that towers for which consultation is required would typically range from 15 m (48 ft.) to 50 m (164 ft.) in height. Such towers would require a consultation radius ranging from 90 m (295 ft.) to 300 m (980 ft.) under the six (6) times height approach. The initial proponent-led consultation is undertaken and paid for by the proponent, and documented to the satisfaction of the City.
- Of note, the City's standard DVP notification radius of 50 m (164 ft.) is taken from parcel boundaries and would be expanded to the six-(6) times-tower-height radius from the antenna/tower site when the above public consultation is required of the proponent under the proposed Protocol. This expanded notification will be undertaken by the City's Planning and Development Division with costs being covered by the application fee.
- e. *Newspaper Advertising* - For towers over 30 m (98 ft.) in height, there is also a requirement for the proponent to advertise in two (2) weekly issues of a local new paper. This consultation approach will apply to each of the steps where general public comment is requested. This process is paid for by the proponent and undertaken to the satisfaction of the City.
- d. *DVP Notification Only* - Where there is a DVP to vary zoning provisions, but Protocol consultation does not apply, the City Clerk will notify residents and owners of properties within the standard 50 m (164 ft.) consultation radius of the parcel on which the tower/antenna is to be located in advance of consideration of the DVP by the City's Development Permit Panel.

### Design Guidelines

The following guidelines apply to all new antenna installations, whether they require consultation or not, and whether they are completely new towers or co-located on existing towers or erected on existing structures/buildings or involve modifications in any of these situations.

*Co-Location for All New Installations (Section 4A)*

Co-location is supported where it does not unduly increase the visible bulk of towers in the following ways:

- a. Co-Locate on existing towers where possible.
- b. Planning for co-location for future towers with proponents providing offers to share the installations with other telecommunication providers.

*Specific Siting Criteria for All New Installations (Section 4B)*

The following guidelines apply:

- a. Integrate with existing adjacent buildings and landscape.
- b. Integrate into building design with antennas not extending more than 3.0 m (9.8 ft.) above the highest point of buildings.
- c. Conform with any applicable existing Development Permit (DP) and Development Permit Area (DPA) design guidelines.

*General Location for New Stand-Alone Towers (Section 4C)*

General location is focused as follows:

- a. Preference to locate outside of the *Residential, Agriculture, Agriculture & Open Space*, and *Public & Open Space* OCP land-use designations<sup>2</sup>.
- b. Preference to Locate within the OCP *Industry and Business* and *Airport* land-use designations.
- c. Minimize environmental impact.
- d. Minimize impact to OCP-designated *Public & Open Space* lands.
- e. Protect and utilize existing vegetation.
- f. Follow ALC regulations (as outlined above).

*Screening and Landscaping For New Stand-Alone Towers (Section 4D)*

Provisions include:

- a. Fencing
- b. Screening Buffers
- c. Maintenance

**Next Steps**

Should Council adopt the proposed Protocol, amendments to *Zoning Bylaw 8500* and *Development Application Fee Bylaw 7984* would be brought forward for Council consideration shortly thereafter.

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<sup>2</sup> "Residential" includes *Residential, Neighbourhood Residential, Neighbourhood Service Centre, Mixed Use, High-Density Mixed Use* land use designations in the current OCP. The Protocol will apply to equivalent designations in the new OCP.



### Proposed Zoning Bylaw Changes

It is proposed that *Zoning Bylaw 8500* be amended to be consistent with Industry Canada consultation exemptions and to allow for some small antennas and towers to be built without variances being required. The proposed changes include:

1. A maximum height for stand-alone telecommunication antenna towers at 15 m (48 ft.) or the current maximum height for an accessory structure in a zone, whichever is greater.
2. An allowance for building-mounted antennas to extend 3.0 m (9.8 ft.) above the maximum building height for a zone. This would apply when the roof on which the antenna is attached at or within 3.0 m (9.8 ft.) of the maximum permitted building height. This provision is also provided on the basis that it does not contravene Transport Canada's YVR maximum height zoning.

### Proposed Application Form and Fee

To include specific, consistent applications requirements, a Protocol application form will be created should Council approve the Protocol. An application fee (TBD) for processing applications under the Protocol would also require an amendment to *Development Application Fee Bylaw 7984*.

Opportunities for revenue and amenities resulting from telecommunication installations in public places will be part of a negotiation process consistent with existing Municipal Access Agreements and subject to Council approval.

### **Financial Impact**

While the majority of current telecommunication antenna proposals reviewed by City staff and Council involve DVPs which include application fees, the amendments to *Development Application Fee Bylaw 7984* would also allow for the City to recoup the additional cost of processing Protocol applications through fees for the review and expanded consultation area for more complex antenna proposals that would not be covered by the current DVP fee, as well as establish fees for proposals that do not require DVPs.

### **Conclusion**

The proposed Protocol is designed to provide Richmond with the opportunity to establish its own local consultation procedures along with siting and design guidelines instead of telecommunication antenna proponents relying on only the standard Industry Canada local government consultation process. The Protocol provides Richmond with a standard framework to consider concurrence, concurrence with recommended conditions or non-concurrence on telecommunication antenna proposals. The telecommunication stakeholders generally agree on the Protocol, with Telus noting the paramouncy of Federal authority on regulating telecommunications over local zoning powers and the need to ensure that local zoning is not applied so as to impair the performance of the telecommunications network.

On public consultation, the proponent consultation area in the proposed Protocol is six (6) times the proposed tower height, or the adjacent parcels (whichever is greater), instead of



Industry Canada's standard three (3) times tower height consultation area. Where there is also a DVP application to vary the zoning, the City's standard DVP notification radius of 50 m (164 ft.) from the parcel would be expanded to the same six (6) times-tower-height consultation radius from the tower/antenna site as required for telecommunication antenna proponents under the proposed Protocol.

With regards to zoning, it is recommended that the maximum height for stand-alone towers be set at 15 m (48 ft.) or the maximum accessory structure height in a given zone, whichever is greater. Also, it is proposed that building-mounted telecommunication antennas may be allowed to extend 3.0 m (9.8 ft.) above the maximum building height permitted in the zone.

With regards to process, an amendment to Bylaw 7984 is proposed to set application fees for antennas and towers being considered under the proposed Protocol.

In summary, the Telecommunication Antenna Consultation and Siting Protocol (Protocol) provides for a systematic means of consulting with the public whether or not there is a variance under a DVP. The Protocol also provides for a City-designed process instead of relying on the standard Industry Canada default consultation process.



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Page 1 of 8	Adopted by Council:	Policy
File Ref: 08-4040-01-2012	Telecommunication Antenna Consultation and Siting <b>Protocol</b>	

## **POLICY**

The Federal *Radiocommunications Act* regulates the telecommunications network (e.g. antennas) and supersedes local zoning powers. Nevertheless, the *Telecommunication Antenna Consultation and Siting Protocol* (**Protocol**) identifies the City's interests in managing network elements, in order for network providers to know and follow them, as long as they do not impair the performance of the telecommunications network.

The Protocol addresses:

- A. **City zoning**, acknowledging the authority of the *Radiocommunication Act* (**Act**), Industry Canada's role, policy and regulations under this Act, and that local zoning is not applied so as to impair the performance of the telecommunications network.
- B. **Public consultation** requirements associated with the placement of certain telecommunication antenna installations within the City of Richmond (**City**), including completing the consultation process **within 120 days** of a Protocol application being received by the City.
- C. **Siting design guidelines** applicable to all telecommunication antenna installation proposals described under this **Protocol**.
- D. The City's process for Council and staff for providing recommendations of concurrence or non-concurrence under the authority of the **Act** as well as exemptions to this process.

### **1. Federal Authority and City Regulations**

- A. **Zoning** - Federal authority over telecommunication antenna **installations** provides that the **City** is not able to prohibit these uses under its zoning, and thus:
  - a. **Telecommunication antenna installations (Installations)** are a permitted use in all zones.
  - b. **Zoning regulations** apply to the zone in which the **installation** is located (i.e. siting, height, landscaping, etc.).
  - c. **Development Variance Permit** applications to vary height or siting provisions under the zoning may be considered if necessary to the extent that they would not reasonably prohibit an Installation.
- B. **Siting Design Guidelines** are included in this **Protocol** with a preference for new tower **Installations** to be located outside of the **Residential, Agriculture, Agriculture & Open Space and Public & Open Space** OCP land-use designations or associated zones.
- C. **Building permits** are required to be issued by the **City** for foundations for antennas and associated construction of new buildings and building additions to accommodate **Installations**.
- D. **Municipal Access Agreements** apply to any **Installations** within the City's roads, rights of way and other public places as defined and permitted in such Municipal Access Agreements.

#### **Notes:**

- a. For the purposes of this **Protocol**, "**telecommunication antenna Installations**" (**Installations**) can take the form of either antennas mounted on stand-alone towers or building-mounted antennas along with any supporting mechanical rooms, buildings and infrastructure of telephone and data networks that serve public subscribers.





Page 2 of 8	Adopted by Council:	Policy
File Ref: 08-4040-01-2012	Telecommunication Antenna Consultation and Siting <b>Protocol</b>	

- b. **"Residential"** includes all Residential, Neighbourhood Residential, Mixed Use, High-Density Mixed-Use, and Neighbourhood Service Centre land use designations in the OCP and includes all zones consistent with these OCP designations.
- c. Subsequent OCP land use designations with similar uses to those described in this Protocol may be used in place of the current OCP land use designations.
- d. **"Tower"** includes monopoles, stand-alone towers, masts and similar structures to which antennas are attached, but does not include building-mounted antennas under 6.0m in height.

## **2. Antennas Requiring Protocol Processing**

### **A. Situations Where Protocol Consultation Provisions Do not Apply**

**Sections 3 (Consultation), 4A(Co-Location) of this Protocol do not apply to:**

#### **Industry Canada Exclusions**

- a. **Maintenance** of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure.
- b. **Addition or modification of an antenna system** (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna-supporting structure or other radio apparatus to existing infrastructure, a building, water tower, etc. provided the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height.
- 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 to support local, provincial, territorial or national **emergency operations** during the emergency, and is removed within 3 months after the emergency or special event; and
- e. **New antenna systems**, including masts, towers or other antenna-supporting structure, with a height of **less than 15 metres** above ground level.

#### **City Exclusions**

- f. **New building-mounted Installations** provided they do not extend more than 3.0m above highest point of the building and meet section 4B of the Design Guidelines.
- g. **A new stand-alone tower that replaces an existing tower** provided it does not exceed the height of the existing tower and that the new tower is located **not more than 15m from the existing tower**; the Proponent is required to remove the existing tower along with any unused associated foundations, buildings, fencing and other structures to the extent agreed by the landowner and the **City**.





Page 3 of 8	Adopted by Council:	Policy
File Ref: 08-4040-01-2012	Telecommunication Antenna Consultation and Siting <b>Protocol</b>	

- h. Land that is designated in the OCP as Airport, Business and Industry and that is more than 300m (for new towers over 30m in height) or more than 150m (for new towers between 15m and 30m in height) from land with Residential OCP land-use designations.
- i. **Local government Installations** that are solely dedicated to operation of local government utilities and infrastructure.
- j. Private receiving antennas and closed telecommunication networks, neither of which serve public subscribers.

### B. Situations Where Both Protocol Consultation and Detailed Design Provisions Apply

Sections 3 (Consultation) and Section 4 (Design Guidelines) of this Protocol apply to all new stand-alone Installations on sites that are:

- a. Within the Agriculture and Agriculture & Open Space OCP land-use designations/associated zones<sup>1</sup>;
- b. Residential or Public & Open Space OCP land use designations /associated zones or are within 300m for (new towers over 30m in height) or more than 150m (for new towers between 15m and 30m in height) of such lands.

#### Notes:

- a. Broadcasters require licensing approval from the Canadian Radio-Television and Telecommunications (CRTC). Where a broadcaster constructs an **installation**, the broadcaster is required to provide documentation to the **City** confirming the initiation of the applicable (CRTC) licensing process and it's decision when made.
- b. Where an **installation** is located on a **City** property the proponent may be required to enter into a specific agreement related to that property, or in the case of a road or SROW the proponent may be required to enter into a Municipal Access Agreement with the **City**.
- c. **Transport Canada and other federal transportation regulations and policies, including the current YVR maximum height zoning, is to be followed by the Proponent.**

### 3. Stepped Consultation Process

- A. **For those new Installations to which this Protocol applies**, the process will generally involve the following steps:
  - a. **Proponent** should undertake initial pre-application consultation with the City to ascertain policy and technical issues as well as alternatives to locations that require consultation.
  - b. **Proponent** submits the **Protocol** application along with a siting plan that addresses this **Protocol's** Design Guidelines (Section 4) and provides written confirmation of compliance with Industry Canada, Nav Canada and other federal regulations. The City confirms whether the consultation process under this Protocol applies and whether a Development Variance Permit (DVP) to relax zoning regulations is required. If neither of these are required for more minor applications, an application for **Design Review: Staff Concurrence** is made under **Process Stream No. 1** under Section 3B below.

<sup>1</sup> See Notes A and B on page 1.  
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Page 4 of 8	Adopted by Council:	Policy
File Ref: 08-4040-01-2012	Telecommunication Antenna Consultation and Siting <b>Protocol</b>	

- c. **City** reviews the application based on the parameters established in this **Protocol** and provides initial comments
- d. **Proponent** undertakes **initial public consultation, at his/her cost**, that includes:
- Advertising** in at least two consecutive weekly issues of a local newspaper and City Hall Bulletin Board to inform the public of a proposed **installation over 30m in height**; and
  - Written notification**, via direct-addressed mail, to all property owners within a radius from the base of the proposed tower equal to 6 times the tower height or adjacent property owners if no other property is located within 6 times tower height (mailing address list is provided by the City).
- e. **Proponent receives any public comments, within a 10-day public comment period** commencing on the notice mailing date or second advertisement date (whichever is later), and addresses them with the public via correspondence through explanation or proposed changes to the proposal **within a 10-day Proponent reply period** commencing immediately after the public comment period.
- f. Proponent documents all aspects of the public consultation process and provides a summary report to the City not more than 10 days after the end of the Proponent reply period . In addition to highlighting the details of the consultation process, the report must contain all public correspondence received and responses by the proponent to address public concerns and comments. Examples of concerns that proponents are to address, as identified by Industry Canada, include, but are not limited, to issues similar to the following:
- Why is the use of an existing antenna system or structure not possible?
  - Why is an alternate site not possible?
  - What is the proponent doing to ensure that the antenna system is not accessible to the general public?
  - How is the proponent trying to integrate the antenna into the local surroundings?
  - What options are available to satisfy aeronautical obstruction marking requirements at this site?
  - What are the steps the proponent took to ensure compliance with the general federal requirements including the *Canadian Environmental Assessment Act* (CEAA), Safety Code 6, etc.?
- g. **Proponent may be required to hold a first public meeting** if there are any outstanding public concerns after responding to any public comments from the initial consultation and reporting them back to the **City**. This meeting may take the form of a general public open house or invitee meeting if there are relatively few people expressing issues of concern. The notification process will be the same of that of initial notification if there is to be a public meeting or notification of only interested parties to an invitee meeting.(As necessary - determined at the discretion of the **City's** Director of Development, based on public comments from initial mail-out consultation).





- h. **Proponent addresses** public comments from the first public or invitee meeting on issues and repeats documentation process as outlined in (e) above.
- i. **Proponent may need to make a DVP application** if the proposal does not meet the applicable zoning setbacks, heights or landscaping/screening provisions. The DVP process is coordinated with the **Protocol** consultation process. If the **Installation does not require public consultation as outlined above**, but requires a DVP to relax zoning provisions, the **Proponent** will need to **submit a standard DVP application** following Process Stream 3 below, but with the regular 50m DVP consultation radius.
- j. If the proposed **Installation** is located within the ALR, the proposal will also be referred to the City's Agricultural Advisory Committee (AAC) concurrently with the above Proponent consultation process.

B. The application takes one of **Three Process Streams** depending on whether the above public consultation and a DVP are required.

### PROCESS STREAMS

1. Staff Concurrence: Design Guidelines Only	2. Council Concurrence: Regular Consultation Process	3. Council Concurrence: Consultation Process With a DVP
a. If there is no public consultation required as set out above nor a DVP required to relax zoning requirements, City staff will view an application for siting and design.	a. <b>City undertakes public notification</b> for formal consideration of application using the consultation area as set out in this <b>Protocol</b> .	a. <b>City undertakes public notification</b> for formal consideration of a DVP following the <b>City DVP process</b> , but using the consultation area as set out in this <b>Protocol</b> .
b. Staff prepares a memo reviewing how the proposed <b>Installation</b> meets the <b>Design Guidelines</b> under Section 4	b. <b>City staff prepares a report to Planning Committee</b> that reviews how the proposal meets the <b>Protocol Design Guidelines</b> , addresses public comments and provides a recommendation (i.e. endorse; not endorse).	b. <b>City staff prepares a report to DP Panel</b> that reviews how the proposal requires a variance to zoning, meets the <b>Protocol Design Guidelines</b> , addresses public comments and provides a recommendation (i.e. endorse; not endorse).
c. The Director of Development considers the above memo and either issues a letter with a <b>recommendation of concurrence or requests changes to design and/or siting</b> .	c. <b>City Planning Committee reviews the application and staff report</b> . This will be the first meeting if no previous proponent-held meeting was required by the City or a second meeting if there was an initial public meeting.	c. <b>City Development Permit (DP) Panel reviews the application and staff report</b> . This will be the first meeting if no previous proponent-held meeting was required by the City or a second meeting if there was an initial public meeting.
	d. <b>City Planning Committee makes a recommendation of concurrence or non-concurrence</b> .	d. <b>City DP Panel makes a recommendation of concurrence or non-concurrence</b> .
d. Proponent may undertake possible design or siting modifications and/or provides additional documentation on design rationale if required.	e. <b>Proponent undertakes possible proposal modifications and commitments</b> , if any, requested by Planning Committee.	e. <b>Proponent undertakes possible proposal modifications and commitments</b> , if any, requested by DP Panel.
e. The Director of Planning and Development issues a letter with a <b>recommendation of concurrence or non-concurrence for design and siting</b> .	f. <b>Council considers Planning Committee's Recommendation of concurrence or non-concurrence</b> that is then forwarded to the proponent and Industry Canada to conclude processing.	f. <b>Council considers DP Panel Recommendation of concurrence or non-concurrence</b> that is then forwarded to the proponent and Industry Canada to conclude processing.





Page 6 of 8	Adopted by Council:	Policy
File Ref: 08-4040-01-2012	Telecommunication Antenna Consultation and Siting <b>Protocol</b>	

**Note:** The City's DVP notification area is expanded, at City cost, beyond the standard 50m-radius area to a radius of equal to 6 times the proposed tower/antenna height measured from the tower/antenna or includes adjacent properties (whichever is greater) to be consistent with the proponent notification area in this **Protocol**.

#### **4. Design Guidelines**

**These design guidelines apply to all Installations - whether they involve new towers or are co-located on existing towers or erected on existing buildings.** Proponents must also comply with Industry Canada design requirements, some of which are included in these guidelines (Please refer to CPC-2-0-03 – Issue 4 or subsequent Industry Canada Policies and Regulations).

##### **A. Co-Location: The First Choice for All New Installations**

- a. **Co-Locate on Existing Towers** - Each proponent proposing a new **tower Installation** will need to explore opportunities for co-location on existing towers as required by Industry Canada, particularly to the extent that it does not significantly increase the visible bulk of antennas of the tower. Proponents should contact all other relevant telecommunication service providers to confirm opportunities for or agreements to co-locate on an existing **tower installation**.
- b. **Planning for Co-Location** - All new **Installations** should be designed and engineered to accommodate additional antennas and related supporting infrastructure (e.g., mechanical buildings) as required by Industry Canada, particularly to the extent that it does not significantly increase the visible bulk of antennas for stand-alone towers or that accommodates multiple antennas on a building consistent with these guidelines.
- c. **Confirming Support for Co-Location** - The proponent is to document whether they will **be co-locating on existing towers** Installations or **providing offers to share for future co-location opportunities** if there are no current opportunities for co-location. Appropriate information from the Proponent's professional consultants, may be required to confirm the extent to which co-location is possible under the above sections.

##### **B. Specific Siting Criteria for All New Installations**

The following guidelines apply **to all new Installations** (whether completely new towers or co-located on existing towers or erected on existing structures/buildings):

- a. **Comply with Existing Zoning** - All applicable zoning regulations (height, setback, lot coverage and landscaping) apply to both stand-alone and building mounted **Installations** and supporting utility structures unless a DVP is obtained, while acknowledging the *Radiocommunication Act*.
- b. **Integrate With Existing Adjacent Buildings and Landscape** – Stand-alone **Installations** should be properly integrated with existing buildings/structures and landscape in a manner that does not unduly affect their technical performance and be located to minimize the visual impact of the Installation on surrounding land uses.
- c. **Integrate Into Building Design** - Building-mounted **Installations** should be architecturally integrated into the design of the building with appropriate screening (that does not unduly add the appearance of building mass) in a manner that does not unduly decrease their technical performance and colour





Page 7 of 8	Adopted by Council:	Policy
File Ref: 08-4040-01-2012	Telecommunication Antenna Consultation and Siting <b>Protocol</b>	

applied to minimize and integrate their appearance to the building. The preference is to have antennas screened only when screening will:

- i. Not to increase mass unless appropriately integrated into the building mass; and
  - ii. Reduce visibility from street level and other major nearby buildings.
- d. **Coordinate With Current Building Rooflines** – Building-mounted antennas should not extend beyond 3 m above the highest point of a building nor 3 m above a parapet wall surrounding the main part of a flat-roofed building to which the antenna is affixed. In addition to this guideline, the installation must comply with the maximum permitted building height under the applicable zoning, unless a DVP to relax the height provision is issued by the City.
- e. **Conform with Any Applicable Existing Development Permit (DP) and Development Permit Area (DPA) Design Guidelines – Installations** affixed to existing buildings and structures should be consistent with or not defeat the intent of the applicable DP conditions or DPA design guidelines to the extent that conformity does not hamper the functionality of the **Installation**.

### C. General Location for New Stand-Alone Installations

The following guidelines **apply to new stand-alone Installations** (where they can not be co-located on existing towers or erected on existing buildings/structures).

- a. **Preference to Locate in OCP Industry and Business and Airport Designations** – A new stand-alone **Installation** should be located in the designated or zoned areas provided it is greater than 300m **(for new towers over 30m in height), or more than 150m (for new towers between 15m and 30m in height)**, from lands with Residential or Public & Open Space land-use designations or associated zones.
- b. **Minimize Environmental Impact** – Do not locate **Installations** in a manner that would negatively impact designated OCP Conservation Areas, Riparian Management Areas, and other areas with ecological habitat.
- c. **Minimize Impact to Public & Open Space lands** – Do not locate **installations** in a manner that would negatively impact existing parkland and other public open spaces which include playgrounds, sports fields, trails and other similar recreational features.
- d. **Protect and Utilize Existing Vegetation – Installations** should be located to minimize disturbance of and maximize screening from existing trees and landscaping with the objective of minimizing the visual impact of the **Installations**.
- e. **Minimize Agricultural Impact** – Proponents should avoid locating **Installations** on land within the Agricultural Land Reserve (ALR) or in the OCP Agriculture and Agriculture & Open Space designations or associated zones. If it is deemed necessary for a proposed **installation** to be located in these areas, the following requirements apply:
  - i. Comply with ALR regulations, including requiring that all tower and related equipment/buildings **not exceed** a maximum footprint area of 100 sq. m.
  - ii. If this maximum footprint area is exceeded, a “non-farm use” application to the **City and Agricultural Land Commission will be required prior** to going through the **Protocol** consultation and any applicable DVP application processes.
  - iii. **Installations** should be located in a manner that maximizes land available for farming and minimize negative impacts to existing and future potential agricultural operations.



### **D. Screening and Landscaping For New Tower Installations**

**Proponents are encouraged** to construct **any new tower Installations** meeting the following screening guidelines:

- a. **Fencing** - Appropriate fencing is to be implemented to properly secure **Installations**.
- b. **Screening Buffers**- A contiguous, solid decorative fence or planted landscape buffer, consisting of a combination of hedging, trees and shrubs, is to be implemented to screen stand-alone tower **Installations** from **Residential** areas, adjacent buildings and public roads. A minimum height of 2.0 m, and sufficient thickness for vegetation screening to obscure view of the installation, constitutes a landscape buffer.
- c. **Maintenance** - Proponents should provide for long-term maintenance and upkeep of appropriate landscaping for its stand-alone telecommunication **Installations**.



**Excerpt from Draft December 8, 2011  
Agricultural Advisory Committee Minutes**

**Telecommunication Consultation and Siting Protocol – Review and Comment**

City staff provided background on the development of a specific Telecommunication Consultation and Siting Protocol, which has been under development with the City. Information was provided on the general provisions of the protocol, with specific focus on telecommunication antenna proposals in the ALR. Topics covered included preferred land uses, consultation requirements, processing of applications, exemptions and siting/design criteria. Staff also highlighted that the Federal Agency regulating telecommunication services and infrastructure (Industry Canada) prefers for local municipalities to develop specific protocols and consultation requirements rather than rely on blanket Federal processes.

AAC members noted a concern about property owners of larger, vacant farm parcels placing a telecommunication tower in the middle of the parcel (thereby resulting a very large loss of farmland) to bypass requirements for public consultation. As a result, one recommendation was to include the requirement to consult with all adjacent property owners to the site, no matter what the identified consultation radius of the tower is. To assist with assessing agricultural impacts, Committee members suggested that telecommunication tower proposals on agricultural land be referred to the AAC for review and comment and that policy statements be included into the protocol to site/locate installations to minimize impact on agricultural land.

With the suggested comments, the AAC members did not have any concerns or objections to the proposed protocol.

# Summary of Telecommunications Antenna Consultation and Siting Protocol City of Richmond

