POLICY 5045:

It is Council policy that:

POLICY 5045

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 i**nstallations** 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.

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.**

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[1];**

[1] See Notes A and B on page 1.

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.

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:

i. **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

ii. **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 Concurrent 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. City undertakes public notification for formal consideration of application using the consultation area as set out in this Protocol.	a. City undertakes public notification for formal consideration of a DVP following the City DVP process, but using the consultation area as set out in this Protocol.
b. Staff prepares a memo reviewing how the proposed Installation meets the Design Guidelines under Section 4	b. City staff prepares a report to Planning Committee that reviews how the proposal meets the Protocol Design Guidelines, addresses public comments and provides a recommendation (i.e. endorse; not endorse).	b. City staff prepares a report to DP Panel that reviews how the proposal requires a variance to zoning, meets the Protocol Design Guidelines, 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 recommendation of concurrence or requests changes to design and/or siting.	c. City Planning Committee reviews the application and staff report. 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. City Development Permit (DP) Panel reviews the application and staff report. 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. City Planning Committee makes a recommendation of concurrence or non-concurrence.	d. City DP Panel makes a recommendation of concurrence or non-concurrence.
d. Proponent may undertake possible design or siting modifications and/or provides additional documentation on design rationale if required.	e. Proponent undertakes possible proposal modifications and commitments, if any, requested by Planning Committee.	e. Proponent undertakes possible proposal modifications and commitments, if any, requested by DP Panel.
e. The Director of Development issues a letter with a recommendation of concurrence or non-concurrence for design and siting.	f. Council considers Planning Committee's Recommendation of concurrence or non-concurrence that is then forwarded to the proponent and Industry Canada to conclude processing.	f. Council considers DP Panel Recommendation of concurrence or non-concurrence that is then forwarded to the proponent and Industry Canada to conclude processing.

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 <u>All New Installations</u>**

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 <u>All New Installations</u>**

The following guidelines apply **<u>to all new Installations</u>** (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 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 <u>New Stand-Alone Installations</u>**

The following guidelines **<u>apply to new stand-alone Installations</u> (**where they cannot 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 <u>New Tower Installations</u>**

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**.