



Communication Facility Protocol

(Industry Canada Local Land Use Authority Consultation)

**Adopted by City Council
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**Prepared by:
Planning Property and Development Department**

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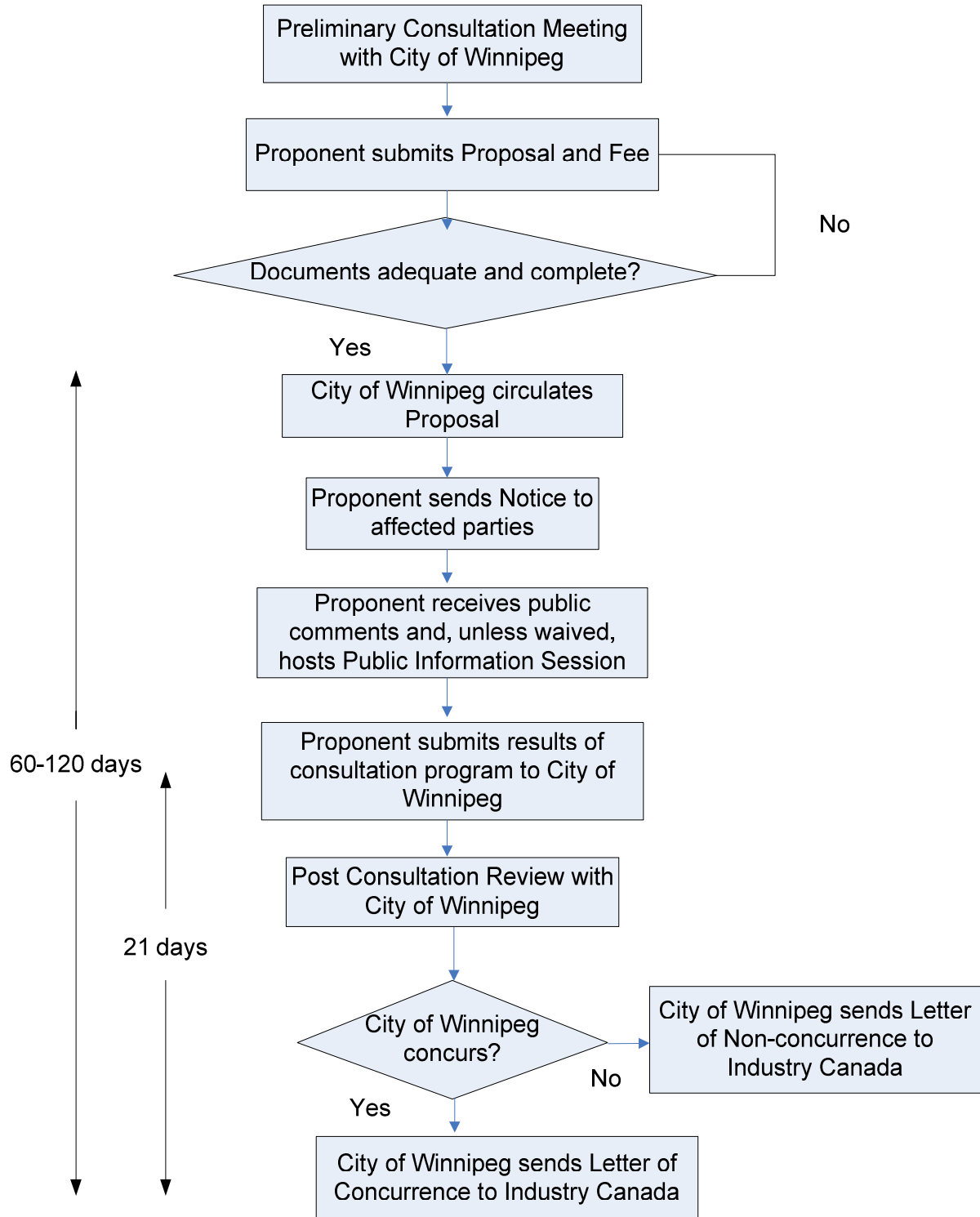
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Figure 1: Communication Facility Protocol Process Flowchart



PURPOSE

1. The purpose of this Protocol is to outline the local land use consultation process and guidelines to be followed in evaluating communication facility proposals within the City of Winnipeg, providing guidance to the communication industry, Industry Canada, City Council, City staff and members of the public. The Protocol will assist in defining the nature and type of implementation tools required to manage the introduction of communication facilities in the city, for example, by-laws, procedures or programs.

OBJECTIVES

2. The objectives of this Protocol are:
 - (1) To establish a siting and consultation process that is harmonized with Industry Canada Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03) for reviewing communication facility proposals;
 - (2) To set out an objective process, criteria and guidelines that are transparent, consistent and predictable for the evaluation of communication facility proposals that:
 - (a) Minimizes the number of new communication facilities;
 - (b) Discourages new obtrusive facilities within or adjacent to residential areas and other sensitive land uses;
 - (c) Provides an opportunity for meaningful local public consultation with affected property owners; and
 - (d) Allows Industry Canada and the communications industry to identify and resolve any potential land use, siting or design concerns with the City at an early stage in the process.
 - (3) To provide an expeditious review process for communication facility proposals;
 - (4) To establish a local land use consultation framework that allows the City to provide input on all communication facility proposals to proponents and Industry Canada in order that the proponent can satisfy the requirements of Industry Canada regarding local land use consultation; and,
 - (5) To contribute to the orderly development and efficient operation of a reliable, strong radiocommunication network in the city.

DEFINITIONS

3. This section defines terms used throughout this Protocol:

Accessory building, structure, or use means those terms as defined in the Winnipeg Zoning By-law No. 200/06.

Co-location means the placement of communication facility equipment owned and operated by more than one carrier on the same tower or supporting structure. Co-location can also mean the placement of more than one tower on a site.

Communication facility means a range of wireless communication facilities, including freestanding and building-mounted cellular and personal cellular service (PCS) providers and

other point-to-point and point-to-multi-point wireless communication facilities including radio and television broadcasting, using a variety of technologies.

Downtown means all lands covered by the Downtown Winnipeg Zoning By-law No. 100/2004.

Ecologically significant natural lands means natural areas within the City of Winnipeg that are ecologically significant by containing important pockets of natural flora and fauna as identified in the City of Winnipeg Ecologically Significant Natural Lands Strategy and Policy, as amended.

Proponent means a company, organization or person which offers, provides or operates wireless broadcasting or communication services and includes, but is not limited to, companies, organizations or persons which have a radio authorization from Industry Canada.

Safety Code 6 means Health Canada's standards for acceptable human exposure to radiofrequency electromagnetic fields which are outlined in the document "Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 KHZ to 300 GHZ", as amended.

Unobtrusive means of low visual impact and not undesirably noticeable or conspicuous.

JURISDICTION

4. Under The Radiocommunication Act, the federal government has jurisdiction over inter-provincial and international communication facilities. Industry Canada has been granted the authority to approve and licence the location of communication towers and facilities. Other federal legislation that applies includes: 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).

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. In addition, in January 2008, Industry Canada published a Guide to Assist Land Use Authorities in Developing Antenna Siting Protocols. The CPC requires that proponents intending to install or modify an antenna system notify and consult with the local land use authority, and the local community in the vicinity of the proposed structure and it sets out a process and timeline for this consultation program.

The role of the City is to provide input and comments to Industry Canada with respect to land use compatibility and a summary of community response to a communication facility proposal. This Protocol is being developed as Council policy to guide the development and installation of communication facilities and establish a community consultation process, where warranted.

PROPOSAL SUBMISSION

5. For a proposed communication facility, the proponent will submit to the City a communication facility proposal and the designated fee.

Proposal Submission Requirements

6. The proponent must include the following information when submitting a communication facility proposal:
 - (1) A letter or report from the proponent indicating the need for the proposal, the proposed site, the rationale for site selection, coverage and capacity of existing communication facilities in the general area and a summary of opportunities for co-location;
 - (2) Colour photograph(s) with the proposed communication facility superimposed;
 - (3) Site Plan showing the proposed development situated on the site;
 - (4) Map showing the horizontal distance between the property boundary of the proposed site and the nearest property in residential use; and
 - (5) For communication facilities requiring public consultation, a map showing all properties located within a radius of three times the height of the proposed communication facility.
7. Upon receipt of a complete proposal submission, the City will circulate the proposal for review and comment to:
 - (1) Affected City Departments,
 - (2) Any municipalities within 500 m (.3 miles) from the base of the proposed communications facility, and
 - (3) The local City Councillor.

Fees

8. The proponent must pay a communications facility submission fee to the City. Fees will be set in accordance with the Planning, Development and Building Fees By-Law No. 166/2004, as amended.
9. The proponent is responsible for securing applicable applications or permissions from City of Winnipeg departments and paying any applicable application fees or charges as required.

CONSULTATION PROCESS

10. The City of Winnipeg's consultation process consists of two phases: consultation with the City of Winnipeg and public consultation, as outlined in Figure 1.

Consultation with the City of Winnipeg

Consultation Meeting

11. The proponent will initiate a preliminary consultation meeting with the City of Winnipeg (Planning Property and Development Department) before a communication facility proposal is submitted.

12. The purpose of the consultation meeting is to identify preliminary issues of concern, identify and agree on requirements for public consultation (including the need for additional forms of notice and a public information session), guide the content of the proposal submission, and identify the need for discussions with any City departments.
13. At the consultation meeting, City staff will provide the proponent with an information package that includes:
 - (1) This Protocol, which outlines the approval process, requirements for public consultation and guidelines regarding site selection, co-location, siting, design and landscaping;
 - (2) Proposal submission requirements included in Sections 5-9;
 - (3) A list of City Departments to be consulted; and
 - (4) Where appropriate, the location of City owned land that should be considered for lease as part of the site selection process.
14. To expedite the review of the proposal, the proponent will review this information package before the submission is made so that the interests of City departments are taken into account. The proponent is encouraged to consult with affected Departments as well as the local City Councillor before submitting the proposal.

Public Consultation

Notice

15. After preliminary consultation with the City of Winnipeg is complete, the proponent will give notice to:
 - (1) All property owners and tenants within a radius of three times the height of the proposed communication facility;
 - (2) Any municipalities within 500 m (.3 miles) from the base of the proposed communications facility;
 - (3) The local City Councillor and Member of Parliament;
 - (4) Director of the Planning Property and Development Department; and
 - (5) Industry Canada regional office.
16. The City of Winnipeg will assist the proponent in compiling a mailing list of property owners/tenants within a radius of three times the height of the proposed communication facility. The City of Winnipeg may charge a fee for this service.
17. The notice will be sent by regular mail, a minimum of 21 days before the public information session, where required, and include:
 - (1) The date, time and location of the public information session;
 - (2) Information on the location, height, type, design and colour of the proposed communication facility, including a 21 cm x 28 cm (8½" x 11") size site plan;
 - (3) The rationale for the selection of the designated site;
 - (4) The name and telephone number of a contact person for the proponent;
 - (5) The name and telephone number of the Local Area Planner at the City of Winnipeg; and
 - (6) A deadline date for receipt by the proponent of public responses to the proposal. Where a public information session is required, the deadline date must be no more than five days before the date of the session. Where a public information session is not required, the deadline date must be at least 14 days after the notices are mailed.
18. The City may also require the proponent, based on local conditions such as a high proportion of rental accommodation in the vicinity of the site, to provide such additional forms of notice as

necessary. The prospect of additional notification will be identified during the preliminary consultation meeting. Other forms of notification may include, but are not limited to:

- (1) A 1.2 m x 2.4 m (4' by 8') large format notice board sign or signs, posted on the site of the proposed communication facility, visible from any roadway abutting the site;
- (2) Publication of the notice in a local newspaper(s); and/or,
- (3) Hand delivery of notices to specified buildings.

Public Information Session

19. The proponent will be responsible for organizing and chairing a public information session. The City of Winnipeg may waive this requirement where, upon consultation with the proponent, the City determines that the anticipated level of public reaction to a proposal will be minimal.
 - (1) An appropriate date, time and location for the public information session will be determined in consultation with the Local Area Planner.
 - (2) The proponent will make available at the public information session an appropriate visual display of the proposal, including a site plan and an aerial photograph of the proposed site.
20. The proponent will provide the City with a package summarizing the results of the public consultation process containing at a minimum, the following:
 - (1) Copies of all letters and other written communications received; and
 - (2) A letter of response from the proponent outlining how all the concerns and issues raised by the public will be addressed, or alternatively, clearly setting out the reasons why such concerns cannot be addressed.

Post Consultation Review

21. The City and the proponent will meet following completion of the public consultation process to discuss the results and next steps in the process.

Consultation Process Timeframe

22. Subject to Section 24, consultation with the City of Winnipeg is to be completed within 60 days of the proposal being accepted by the City of Winnipeg.
23. Subject to Section 24, where public consultation is required, consultation with the City and public consultation are both to be completed within 120 days of the proposal being accepted by the City of Winnipeg.
24. The City may request an extension to the consultation process timeline in writing to the proponent and Industry Canada.

Confirmation of City Position

25. The City will provide a letter to Industry Canada of either:
 - (1) Concurrence. Concurrence would occur if the proposal conforms to the City's requirements as set out within this Protocol and the City's technical requirements, and will include conditions of concurrence, if required. The City will also forward comments on outstanding issues raised during the public consultation process; or,
 - (2) Non-concurrence. Non-concurrence would occur if the proposal does not conform to City requirements as set out within this Protocol. The City will also forward comments on outstanding issues raised during the public consultation process.

26. The Director of Planning Property and Development or his/her delegate will issue the City's letter within 21 days of receipt of the package from the proponent with the results of the public consultation process.

DEVELOPMENT GUIDELINES

Site Selection

27. In general, the City prefers that communication facilities not locate in or near residential areas. Communication facilities should have minimal impacts on living areas and areas of historical or environmental significance. Single operator loaded towers (i.e., monopoles) are generally unobtrusive and of low impact and may therefore be located near living areas. The following design principles and guidelines apply for the siting, location and design of communication facilities.

Co-Location

28. The City encourages proponents to use existing communication facilities wherever feasible (co-location) in order to minimize the impact on the City's urban environment and limit the total number of communication facility sites required. The City recommends that before submitting a proposal for a communication facility on a new site, the proponent explore whether a communication facility could be mounted on a building or structure such as an existing communication facility, hydro transmission tower, utility pole or water tower.
29. The City supports co-location in rural, industrial and some commercial areas of the city as outlined in the sections below. Co-location is discouraged in proximity to residential areas.

Location

30. Communication facilities located within a radius of three times the height of the facility from the nearest residential area should be designed to be unobtrusive, minimizing visual impact and avoiding disturbance to natural features. Communication facilities located outside a radius of three times the height of the facility from the nearest residential area may be co-located. Residential areas are recognized as those areas zoned: RR2 (Rural Residential), R1 (Residential), R2 (Residential), RMF (Residential Multi-Family), RMU (Residential Mixed Use), RMH (Residential Mobile Home Park) under the City of Winnipeg Zoning By-law 200/2006.
31. The City may take the following into consideration when reviewing proposals for the siting of new communication facilities:
 - (1) Maximizing the distance of co-located communication facilities from residential areas. The City prefers that obtrusive facilities be located in industrial areas (e.g., areas zoned M2: Manufacturing General and M3: Manufacturing Heavy).
 - (2) Strategically placing communication facilities in the downtown. The City prefers that communication facilities be mounted on buildings or be designed to be unobtrusive.
 - (3) Applying special design treatments to communication facilities proposed to be located within parks and open space areas or on listed heritage buildings and/or sites to make communication facilities unobtrusive.
 - (4) Avoiding ecologically significant natural lands.
 - (5) Avoiding all riverbank lands.
 - (6) Respecting public views and vistas of important natural or manmade features.
 - (7) Ensuring compatibility with significant character areas in the downtown (e.g., Exchange District National Historic Site, The Forks, Legislature).

- (8) Ensuring compatibility with the pedestrian character of neighbourhood main street business areas (e.g., Academy, Corydon, Provencher, Osborne, Selkirk, Main, Ellice, Sargent, West Broadway).
- (9) Minimizing the impact on the natural environment where access and parking are required on-site.

Development and Design Standards

Design

32. The City may take the following into consideration when reviewing proposals for the design of communication facilities:

- (1) Where co-location is not possible, a new communication facility located away from residential areas, as described in Section 30, should be designed with co-location capacity, whenever possible.
- (2) The architectural style of the communication facility should be compatible with the surrounding neighbourhood.
- (3) Where a communication facility is located in close proximity to residential areas, a monopole design is preferred.
- (4) A communication facility may be designed or combined as a landmark feature 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.
- (5) To ameliorate the scale and visual impact of communication facilities, the proponent should consider mitigation measures including: design features, structure type, colour, materials, landscaping, screening and decorative fencing. In general, towers and communication equipment should have a non-reflective surface.
- (6) In the downtown area, the design of communication facilities should generally be unobtrusive and consistent with Downtown Winnipeg Urban Design Guidelines.
- (7) A communication facility may be combined with a new or existing sign supporting structure, subject to any zoning approvals required for the sign.

Height of Freestanding Communication Facilities

33. The City will take the following into consideration when reviewing proposals for the siting of freestanding communication facilities:

- (1) The City prefers that freestanding communication facilities be a maximum of 30 m (100 feet) in height, except in industrial areas. Industrial areas refer to areas zoned M2 (Manufacturing General) or M3 (Manufacturing Heavy) under the Winnipeg Zoning By-law 200/06.
- (2) The City will consider height bonuses over 30 m (100 feet) where communication facilities are co-located up to a maximum of 76 m (250 feet). A new facility may exceed the maximum height of 30 m (100 feet) only if designed to accommodate one additional user's equipment for every 7.6 m (25 feet) of height above 30 m (100 feet).
- (3) Applicants seeking to erect a communication facility greater than 30 m (100 feet) in height, and proposed to be located within 914 m (3,000 feet) of any facility greater than 30 m (100 feet) in height, must provide evidence that reasonable efforts have been made to lease space on an existing planned or constructed facility or that no existing facility will technically satisfy the applicant's needs.
- (4) Height for a freestanding communication facility must be measured from grade to the highest point on the structure, including lighting and supporting structures.

Height of Building-Mounted Communication Facilities

34. Where building-mounted communication facilities will exceed 25% of the height of the existing building, the City prefers that the height not exceed 5.5 m (18 feet) measured from the top of the roof or 1.2 m (4 feet) above the highest point of the elevator penthouse, whichever is higher.

Yards

35. The City recommends that adequate yards separate communication facilities from adjacent development without unduly affecting the development potential of the lot over the lease period.

Parking

36. Parking spaces where provided at each new communication facility site, should have direct access to a public right-of-way at a private approach location acceptable to the City.

Signs

37. Small owner identification signs up to a maximum of .19 sq m (2 square feet) may be posted on communications facilities, equipment shelters or perimeter fencing. No advertising sign or logo is permitted on any communication facility.

Rooftop Equipment

38. Equipment shelters located on the roof of a building should be set back from the roof edge to the greatest extent possible.

Buffering and Screening

39. Buffering and screening requirements are as follows:
 - (1) The City recommends that communication facilities and equipment shelters be attractively designed or screened and concealed from ground level or other public views to mitigate visual impacts.
 - (2) 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.

Amateur Radio Antenna Support Structures in Residential Areas

40. Development Requirements for amateur radio antenna support structures located in residential areas are as follows:
- (1) No antenna boom or other appurtenance attached to the antenna support structure shall project within .3 m (1 foot) of any property line.
 - (2) Structures should not be illuminated or carry advertising, flags, graphics or other such devices unrelated to the function of an amateur radio antenna support structure, except for warning markings and lights required by any federal or provincial authority.
 - (3) Antenna support structures should not be placed in the front yard.
41. The City prefers that amateur radio antenna support structures not exceed 21 m (69 feet) in height.

Environmental Considerations

42. While it is preferred that siting of communication facilities avoid ecologically significant natural lands, should a proponent still wish to pursue a sensitive site, the City recommends that the proponent address the potential for adverse environmental impacts. Examples where this may apply include, but are not limited to, the following:
- (1) Communication facilities with guy wires or significant height (higher than 61 m or 200 feet) located within 500 m (1,640 feet or .3 miles) of an area designated as ecologically significant natural land in the City of Winnipeg Ecologically Significant Natural Lands Strategy and Policy.

LETTER OF UNDERTAKING

43. The proponent may be required, if requested by the City, to provide a Letter of Undertaking, which may include the following requirements:
- (1) The posting of a security for the construction of any proposed fencing, screening and landscaping;
 - (2) A commitment to accommodate other communication providers on a communication facility, 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 (CPC-2-0-17); and
 - (3) Other conditions of concurrence.

EXCLUDED STRUCTURES

Exemptions from Communication Facility Proposal Review

44. The following are exempt from the requirement to submit a communication facility proposal:
- (1) Maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
 - (2) 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;
- (3) Maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;
 - (4) 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;
 - (5) Facilities less than 15 m (50 feet) in height.

Exemptions from Public Consultation

45. The following types of communication facilities are exempt from the public consultation requirement:
 - (1) All communication facilities which under Section 44 are exempt from the requirement to submit a communication facility proposal;
 - (2) New communication facilities which will be located outside a radius of three times the height of the facility from the nearest residential area; and
 - (3) New communication facilities on top of a building more than 23 m (75.5 feet) in height or having more than 6 stories.