

CITY OF WHITEHORSE

COUNCIL POLICY



TELECOMMUNICATION ANTENNA STRUCTURES SITING POLICY

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Approved by:	Council
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Next revision due:	2022
Department:	Land and Building Services

PURPOSE

The purpose of this policy is to establish consistent implementation methods, processes, procedures and criteria for the placement of telecommunication antenna structures within the municipality.

AUTHORITY

Council Resolution 2018-04-04 dated February 26, 2018

POLICY STATEMENT

This policy is designed to provide clarity for council, administrative staff, Industry Canada, representatives of the telecommunications industry and members of the public. This policy establishes the procedural standards that will allow the City of Whitehorse to effectively participate in and influence the placement of telecommunication antenna structures within municipal boundaries.

The City of Whitehorse is not the approving authority for telecommunication antenna structures. The federal Minister of Industry is the approving authority for the development and operation of radiocommunication in Canada, including telecommunication antenna structures, pursuant to the *Radiocommunication Act*.

Industry Canada is tasked with, among other things, administering the orderly development and operation of telecommunication antenna structures.

Industry Canada requires that, in certain cases, the local land use authority and the public must be consulted for input regarding the proposed placement of a telecommunication antenna structure. The Land and Building Services Department is responsible for reviewing these submissions on behalf of the City of Whitehorse and, depending on the nature of the proposal, a letter of support (concurrence) or non-support (non-concurrence) is sent to the wireless service provider upon completion of its review of the proposal, pursuant to Industry Canada's CPC 2-0-03, Issue 5, dated effective July 15, 2014 and amendments.

Notwithstanding that the City may issue a letter of non-concurrence, Industry Canada, as the approving authority, may ultimately choose to issue permission to install a telecommunication antenna structure in non-conformance with this policy.

This policy is pursuant to section 265 of the *Municipal Act* (R. S. Y. 2002) as amended, which gives the City the authority to adopt bylaws for municipal purposes respecting the matters of safety, health, welfare of the people and the protection of persons and property.

This policy should be read in conjunction with the City's applicable acts, bylaws (including the Zoning Bylaw and Official Community Plan), policies, procedures and any related federal legislation and supporting references.

SCOPE

The telecommunication antenna structures siting policy applies to proponents of submissions for new telecommunication antenna structures within the municipal boundaries of the city. There are no exceptions provided in this policy.

Consequence of Non-Compliance

City staff charged with the administration of the telecommunication antenna structures siting policy and proponents applying under this policy would be accountable to the provisions under this policy and any related City bylaws or policies.

DEFINITIONS

“administration” means the staff of the Land and Building Services Department tasked with receiving, evaluating and processing submissions for telecommunication antenna structures.

“adjacent residential” means residential properties that abut a proposed or existing telecommunication antenna structure site, including those sites separated by a public or private thoroughfare, utility right-of-way, railway, stream, river, or other natural or manmade feature or element as determined by administration.

“affected residential properties” means all residential properties within a 200 metre radius of a proposed telecommunication antenna structure to which notification of a public consultation meeting must be sent.

“City” means the City of Whitehorse.

“co-location” means the placement of telecommunication antennas and equipment operated by one or more proponents on a telecommunication antenna structure operated by a different proponent, thereby creating a shared facility.

“futures” means the identification of locations on a telecommunication antenna structure allocated for antenna arrays which will be installed at some time in the future rather than at the time of the initial construction of the structure.

“height” means the measurement to determine the height of any proposed or existing tower that shall be taken from the ground, not the top of any base upon which the tower may sit, and extends to the highest point of the tower which includes any GPS or antenna array, lightning rod or other attached device.

“**Industry Canada**” means the federal government body responsible for radio frequency spectrum management. Information detailing federal procedures relating to the siting of radiocommunication and broadcasting antenna systems available at: www.ic.gc.ca/antenna

“**letter of concurrence**” means a letter from the City supporting a proponent’s proposal for the installation of a telecommunication antenna structure within the city.

“**letter of non-concurrence**” means a letter from the City signifying no support for a proponent’s proposal for the installation of a telecommunication antenna structure within the city.

“**proponent**” means a company, business or organization providing wireless telecommunication services.

“**protocol**” means the provisions of this telecommunication antenna structures siting policy.

“**public consultation meeting**” means a meeting conducted by a proponent’s representatives to which members of the public (affected residential properties) are invited, and at which the public is informed about a proposed telecommunication antenna structure placement within the community. The meeting may be either formal or open house format, at the discretion of administration.

“**residential designation**” means any area of land either designated by the City’s Official Community Plan or zoned by the City’s Zoning Bylaw as an area primarily for residential development, which may or may not contain buildings.

“**residential development**” means land that has residential buildings (dwellings) constructed upon it.

“**residential properties**” means land subdivided for residential development that either has existing residential buildings on it or is currently vacant but intended for future residential use.

“**roof-top installation**” means any telecommunication antenna structure that is placed on the roof of a building.

“**Safety Code 6**” means Health Canada’s standards for acceptable human exposure to radiofrequency electromagnetic fields as set out in its document “Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 KHZ to 300 GHZ”, as amended. Pursuant to federal requirements, all telecommunication antenna structures within the city must comply with these standards.

“**stealth structure**” or “**stealth installation**” means the installation of a telecommunication antenna structure in a manner that is designed and constructed to hide, camouflage or integrate the telecommunication antenna structure into an existing building, landscape, topography or structure.

“**submission**” means an information package with respect to a proposed telecommunication antenna structure submitted by a proponent to the City for concurrence, and containing materials for review such as site plans, photographs, and detailed drawings of the structure.

“**telecommunication antenna**” means a device that requires a permit from the federal government and is used to receive and/or to transmit radio-frequency signals, microwave signals or other communications energy transmitted from or to be received by other antennas.

“**telecommunication antenna structure**” means any roof-top, building-mounted or ground mounted pole, tri-pole, spire, lattice work or other freestanding structure, tower, streetlight, parking lot light or combination thereof, including supporting lines, cables, wires, and braces intended for the purpose of mounting a telecommunication antenna or series of antennas on it. Also included are any cabinets or shelters containing electronic or other equipment associated with these antenna structures and any compound required to accommodate these components. Amateur radio antenna structures are excluded and are not administered by this policy.

“**tower**” means any ground-mounted monopole, tri-pole, or lattice work structure upon which telecommunication antennas are attached. Not included are streetlight poles, parking lot light poles, existing electric utility towers or similar type structures as determined by administration.

“**Type A submission**” means the submission processing method for those telecommunication antenna structures listed in subsection 4.1 of this policy.

“**Type B submission**” means the submission processing method for those telecommunication antenna structures listed in subsection 4.2 of this policy.

“**Type C submission**” means the submission processing method for those telecommunication antenna structures listed in subsection 4.3 of this policy.

1.0 OBJECTIVES

- Establish a process and criteria for consistently and equitably reviewing, evaluating and rendering a decision of either concurrence or non-concurrence on each proposal for placing a telecommunication antenna structure within the city.
- Provide clear and reasonable requirements for effective participation and cooperation between proponents and the City.
- Minimize the number of towers required for telecommunication antenna networks within the city.
- Ensure co-location opportunities for telecommunication antenna structures are explored and acted upon.
- Encourage and promote opportunities for improved telecommunication antenna structure design and concealment in order to minimize visual impacts on the surrounding area and the city in general.
- Provide an opportunity for residents located near specific types of proposed telecommunication antenna structures to make comments, ask questions or raise concerns relating to the proposal, make the proponent aware of local considerations and provide recommendations regarding the placement and/or appearance of the structure.

2.0 RESPONSIBILITIES

2.1 City Council

City Council endorses the processes set out in this policy.

2.2 City Administration

For the purposes and administration of this policy, the designated official for the City is the Manager of Land and Building Services, or his/her designate. All correspondence and materials submitted as part of this process shall be directed to the attention of the Manager, Land and Building Services. City administration reviews and evaluates each submission. The specific elements and issues observed, reviewed, analysed and evaluated in reaching a decision to either support or not support a submission include, but are not limited to, the following:

- Proposed location of telecommunication antenna structure in a community or area;
- Existing and proposed on-site uses and structures;
- Adjacent sites and their existing and proposed uses and structures;
- How close a cell tower is proposed to residential development;
- Co-location potentials on the site and on nearby sites with other antenna structures;
- Compliance with the City's telecommunication antenna structures policy;
- Conformity with the City's policies regarding historic sites and environmentally sensitive areas; and
- Design aspects of the proposal, including:
 - height;
 - colour;
 - type of structure;
 - diameter (if a monopole or tri-pole);
 - number of antenna arrays (including futures), shrouding of antenna arrays;
 - potential for disguising or camouflaging, screening of equipment compound and shelters, plans, arrangement, materials and colour of equipment shelters;
 - location on the site, access/egress to the facility;
 - impact to on-site parking facilities and vehicular movement;
 - impact to on-site garbage facilities, impact to on-site utility rights-of-way;
 - proposed signage or other markings and lighting, distance to other existing towers; and
 - removal of redundant structures (if a re-build, replacement or co-location).

2.3 Proponents

Pre-submission Consultation

Proponents are encouraged to conduct a pre-submission consultation with administration to identify preliminary issues of concern prior to making their submissions. In this regard, pre-submission consultations should ensure the following factors are addressed:

- the submission type;
- the proposed telecommunication antenna structure location;
- potential alternative locations;
- the type and height of the proposed telecommunication antenna structure;
- documentation regarding the investigation of co-location potential on existing or proposed telecommunication structures within 500 metres of the subject proposal;
- documentation regarding the offer for co-location on the proposed telecommunication antenna structure;
- issuance of a pre-submission notification to City Council; and
- the necessity for a public consultation meeting.

3.0 TELECOMMUNICATION TOWER SUBMISSIONS

3.1 Submission Content Requirements:

The details provided by a proponent in support of a submission to the City for a proposed telecommunication antenna structure must include all of the following information and materials before the submission will be considered complete:

- The type of telecommunication antenna structure being proposed;
- A copy of all required application and authorization forms;
- A letter of authorization from the registered property owner of the land, their agent, or other persons having legal or equitable interest in the land. Where an agent is authorizing the use on the property, proof verifying the agent's authority must be submitted;
- The proponent's name, company name and address, phone and fax numbers; colour photographs showing the proposed location of the telecommunication antenna structure as well as immediate surroundings;
- The appropriate submission fee; where applicable, a brief or report documenting any pre-submission consultation or meeting between the proponent and the City, members of the public, or a community association;
- A brief, or report documenting the public consultation meeting required for the telecommunication antenna structure where required by the policy;

- Copies of correspondence documenting notification to the City and community associations where required by the policy;
- Copies of correspondence documenting co-location information pursuant to subsection 6.3 of this policy (must be provided – identified submission processing time periods will not commence unless and until this information is provided to the City); and
- Three copies of a site plan, drawn to a readable and measurable scale, showing:
 - North arrow;
 - Municipal address and assigned city address;
 - Legal address (plan/block/lot);
 - Property lines with adjacent streets and lanes;
 - Location of the antenna structure and any support buildings, including their dimensions;
 - Location of existing buildings on the site and access to the site;
 - Existing and proposed landscaping, fencing, screening;
 - Distance to the nearest residential property (or residential designation if no dwellings are existing yet);
 - Elevation drawings showing all sides of the antenna structure; and
 - Proposed colour, material, diameter and height (if a pole or tri-pole structure); and
 - Any other additional information or material that administration determines to be necessary and appropriate to properly evaluate the proposed submission.

3.2 Submission Processing Time Period

Except as set out in subsection 3.3 of this policy, the City will process submissions and render a decision of either concurrence or non-concurrence within the time periods set out in sections 4.1, 4.2 and 4.3.

3.3 Extending the Submission Processing Time Period

The processing time periods set out in sections 4.1, 4.2 and 4.3 of this policy may be extended by the proponent or the City, through mutual consent, when:

- Further negotiations are deemed by either party to be required;
- Additional notification is deemed by either party to be required; or
- A public consultation meeting that was not initially thought to be required is determined by the City to be necessary.

3.4 Concurrence

When a submission is given concurrence, the proponent will receive a letter of concurrence and a set of the drawings stamped “Plan Approved” from the City documenting the details of the concurrent submission. A copy of the letter will also be sent to City Council for information purposes. In addition, in those cases involving Type A and Type B submissions (see subsections 4.1 and 4.2 for particulars), the appropriate community associations will also receive written notification of the concurrence, including a set of drawings stamped as noted above.

3.5 Non-Concurrence

When a submission is deemed to be in non-concurrence, the proponent will receive a letter of non-concurrence and a set of drawings stamped “Plan Not Approved”, documenting the non-concurrent aspects. The City will provide reasons for its position, and send copies of the correspondence to mayor and council, as well as to the appropriate community associations in those cases involving Type A and Type B submissions (see subsection 4.1 and 4.2 for particulars). The City will also send a copy of the letter of non-concurrence to Industry Canada for information purposes.

3.6 Rescinding a Concurrence

If, following the issuance of a letter of concurrence, it is determined by the City that the submission contains a misrepresentation or a failure to disclose all of the pertinent information regarding the proposal, or the plans and conditions upon which the concurrence was issued have not been complied with, and a resolution cannot be reached to correct the issue, the City may rescind its concurrence. Notification of any such action will be given in writing to the proponent and to Industry Canada and will include the reasons for the rescinding of its concurrence.

3.7 Duration of a Concurrence

A letter of concurrence remains in effect for a maximum period of three years from the date it was issued by the City. If construction has not commenced within this time period the concurrence expires and a new submission and review process, including a public consultation (where required by this policy) is necessary prior to any construction occurring. For the purpose of this policy, construction will be deemed by the City to have commenced when the preparation of a base for a telecommunication antenna structure has been physically initiated on the site for which concurrence was issued or an existing telecommunication antenna structure is about to be altered in any way in preparation of an increase in height to that structure.

In addition, if construction has not commenced after two years from the date the letter of concurrence was issued, the City requests that the proponent send a written notification of intent to construct to the applicable community associations, and the City once the work to erect the structure is about to start. This notification should be sent 60 days prior to any construction commencing. No further consultation or notification by the proponent is required.

3.8 Transfer of Concurrence

Once a letter of concurrence has been issued, that concurrence may be transferred from the proponent that initially received the concurrence (the original proponent) to another proponent (the current proponent) without the need for further consultation with the City or the public, provided that:

- all information gathered by the original proponent in support of obtaining the concurrence from the City, including correspondence and information arising from the public consultation meeting, is also transferred to the current proponent to substantiate the concurrence;
- the structure for which concurrence was issued to the original proponent is what the current proponent builds; and
- construction of the structure is commenced within three years of the date the concurrence was issued, not three years from when the current proponent obtained the concurrence from the proponent to whom it was originally issued.

If the structure will be shorter than what the letter of concurrence was originally issued for, it will not be necessary to obtain a new concurrence or conduct a public consultation. However, the City must be notified in writing of this change. If the structure is to be increased in height, or changed (e.g. from a monopole to a tri-pole), then the current proponent must make a new submission to the City, undertake a public consultation following the provisions set out in section 7.0 and obtain a new letter of concurrence prior to any construction taking place.

4.0 SUBMISSION CATEGORIES

The City of Whitehorse recognizes that different types of telecommunication antenna structures may create different magnitudes or degrees of impact and concern within the community and on the existing built environment of the city in general. Consequently, the City has grouped the various types of telecommunication antenna structures into three main categories with the objective of making the assessment and evaluation of these types of submissions more efficient and functional with respect to procedures, actions required and processing times.

All submissions are subject to review by the City of Whitehorse Development Review Committee and are also subject to all City permitting requirements.

4.1 Type A Submissions

Type A submissions involve those telecommunication antenna structures deemed by the City of Whitehorse to have potential impacts on or concerns for the community, the environment or the existing urban fabric of the city in general, that are proposed:

- on any tower of any height to be placed within 200 metres of any residential development or residential designation (to be measured from the centre of the base of the proposed structure);

- on any tower of any height to be placed in areas of environmental, historic, strategic or operational importance or sensitivity as identified by the City's Official Community Plan, Zoning Bylaw, or any other bylaws, policies or guidelines;
- to increase the height of any existing tower by more than 25% of the existing height; and
- on any other telecommunication antenna structures not identified as a Type B or a Type C submission structure, excluding amateur radio antenna structures which are not governed by this policy.

In addition to the preceding, Type A submissions also include telecommunication antenna structures (towers) that are proposed in locations designated as a commercial, industrial or institutional area and further than 200 metres away from any residential development or residential designation. Type A submissions in these areas will follow the same circulation and processing procedures as those noted above, however, no public consultation process will be required for this group of telecommunication antenna structures.

The use of any City-owned park or reserve land proposed for the placement of a Type A telecommunication antenna structure will require a public consultation process pursuant to the provisions set out in section 7.0.

A copy of each Type A submission received will be forwarded by administration to mayor and council and the appropriate community associations for information and comment purposes.

A public consultation meeting, conducted prior to making a submission to the City, will be required pursuant to the provisions set out in section 7.0. The City recommends at least a two week interval between the date of the public consultation meeting and making a submission to the City to ensure time for post-consultation inquiries and comments to be received from the public and answered by the proponent.

Type A submissions will be processed by the City within 45 days of receipt of a complete telecommunication antenna structure submission.

4.2 Type B Submissions

Type B submissions include those telecommunication antenna structures considered by the City to have low or no adverse impacts or concerns with respect to the community or the city in general. These include proposed telecommunication antenna structures in such locations as:

- on roof tops of high rise buildings (Note: the roof top should be higher than any adjacent residential developments or a public consultation may be required at the discretion of the City);
- on street light poles;
- on parking lot light poles;
- on existing utility towers and similar structures as determined by the City; and

- on towers less than 15 metres in height that are not identified as a Type A telecommunication antenna structure in section 4.1.

A public consultation meeting will not be required for Type B submissions.

Type B submissions will be processed by the City within 21 days of receipt of a complete telecommunication antenna structure submission.

4.3 Type C Submissions

Type C submissions primarily apply to proposals for telecommunication antenna structures that will have a limited operational time frame and no or negligible adverse impacts on the community, the environment or the existing urban fabric of the city in general, as determined by the City. This category also includes the addition of telecommunication antenna structures to an existing tower in specific circumstances. Type C submissions include:

- a temporary telecommunication antenna structure, including a Cell on Wheels (COW), for a duration of no longer than 3 months;
- a time extension request for an existing temporary telecommunication antenna structure or COW to remain in place beyond the initial 3 month duration limit;
- a telecommunication antenna structure to be used for a special event;
- a telecommunication antenna structure to be used for an urgent situation or emergency event;
- the co-location of a proponent's telecommunication antennas on an existing tower where an increase in tower height is not required; and
- the addition of new shelters, cabinets and other similar enclosures or compounds required to house a proponent's equipment associated with the telecommunication antennas being connected to an existing telecommunication antenna structure.

The proponent will submit a written notification to the City for information, allowing 10 days for response time prior to installing any proposed Type C telecommunication antenna structure or commencing a time extension for an existing Type C telecommunication antenna structure within the city. Type C telecommunication antenna structures used to provide service during an emergency event may be installed without submitting a written notification to the City and are excluded from the 10-day response period requirement. As a courtesy, the City encourages a verbal notification in these circumstances, to be completed within 24 hours of the deployment of the telecommunication antenna structure.

5.0 DESIGN CHARACTERISTICS

5.1 Disguised and Camouflaged Structures

The City encourages the use of telecommunication antenna structures that are designed to be as stealthy, unobtrusive and inconspicuous as possible, particularly in residential areas and on sites abutting residential uses.

This includes the hiding or disguising of telecommunication antennas in or on buildings, placing them on roof tops or on other existing structures, and the camouflaging of telecommunication antennas on street lights or other apparatuses, appliances and objects.

The appropriate type of telecommunication antenna structure for each situation should be selected based upon the goal of making best efforts to blend with the nearby surroundings and minimize the visual aesthetic impacts of the telecommunication antenna structure on the community.

5.2 Preferred Built Forms

Roof top installations, freestanding telecommunication antenna structures in the form of monopole and tri-pole towers with flush mounted or cluster mounted telecommunication antennas, and streetlight and parking lot light poles that have telecommunication antennas sheathed completely within the pole are preferred built forms for telecommunication antenna structures within the city.

Pinwheel telecommunication antennas are discouraged, as is the use of guy wires and cables to steady, support or reinforce a tower. Lattice work towers may be considered in specific circumstances, at the discretion of the City.

5.3 Screening Features

The use of landscaping, fences and architectural features on and around the equipment compounds, shelters and cabinets associated with a telecommunication antenna structure is encouraged to assist these structures to blend in with their surrounding environment.

5.4 Signage

The placement of signs on telecommunication antenna structures is generally discouraged. However, in circumstances where the City determines it is appropriate, signage may be used to assist in screening, disguising or camouflaging a telecommunication antenna structure. In these cases, signage must be limited to identifying only businesses, uses or services occurring on the site.

An approved development permit for the signage component will be required as signage is not an essential element needed for the operation of a telecommunication installation. The designated processing period for a letter of concurrence or non-concurrence does not apply to the signage portion of any such submission.

5.5 Lighting

Unless specifically required by Transport Canada, the display of any type of lighting on a telecommunication antenna structure is discouraged. Where Transport Canada requires a telecommunication antenna structure to be lit, the lighting should be limited to the minimum number of lights and the lowest illumination allowable.

Any required strobe lighting should be set to the maximum strobe interval allowed by Transport Canada.

The lighting of telecommunication antenna structure compounds for security purposes is supportable provided it is shielded from adjacent residential properties, is kept to a minimum number of lights and illumination intensity and, where possible, it is provided by a motion detector type of system. Where possible, lights should be capped and downward facing.

5.6 Residential Development Setback Guidelines

The City recommends that the placement of telecommunication antenna structures utilizing towers should not be located in very close proximity to residential developments of any built form or density. As a guideline, it is recommended that any towers proposed to be placed on a site abutting existing dwellings should be located:

- at least three times the height of the proposed tower away from existing dwellings for towers less than 15 metres in height;
- at least 90 metres away from existing dwellings for towers 16 to 30 metres in height;
- at least 150 metres away from existing dwellings for towers 31 to 45 metres in height;
- at least 250 metres away from existing dwelling units for towers 46 to 55 metres in height; and
- at least 10 times the height of the proposed tower away from existing dwellings for towers 56 metres or greater in height.

The distance shall be determined by measuring from the nearest wall of the nearest dwelling unit (including any secondary suite located in a rear yard or on a detached garage) to the proposed tower. In addition, for the purpose of this subsection, where the height of a tower is between whole numbers, the measurement shall be rounded up to the next full number (e.g. a tower measuring 30.34 metres in height shall be considered to be 31 metres in height).

The City may, at its discretion, modify these setback guidelines on a site by site basis, taking into account such factors as buffering topography and vegetation, intervening major transportation and utility corridors, rivers and streams, intervening non-residential buildings and information arising from a public consultation meeting concerning the proposed telecommunication antenna structure. Exceptions will also be considered for those telecommunication antenna structures that are considered to be stealth structures or stealth installations.

6.0 CO-LOCATION

6.1 Co-location Options

The City encourages the co-location of telecommunication antenna structures. This may include, but is not limited to:

- the installation of a proponent's telecommunication antennas on any existing telecommunication antenna structure;
- the construction of a new telecommunication antenna structure on which other proponents are invited to co-locate;

- the reconstruction or modification of an existing telecommunication antenna structure to accommodate the equipment of additional proponents; or
- the relocation of a proponent's existing telecommunication antennas to another proponent's telecommunication antenna structure followed by the removal of the redundant existing telecommunication antenna structure.

In cases where a telecommunication antenna structure is being replaced or taken out of service, the City acknowledges that the existing telecommunication antenna structure could remain temporarily while a new telecommunication antenna structure is being built and the telecommunication antennas and equipment relocated from the existing structure to the new structure.

6.2 Replacement or Modification due to Co-location

Where the reconstruction or modification of an existing telecommunication antenna structure is proposed to accommodate either additional telecommunication antennas or a co-location not identified on the drawings approved with the original concurrence, a public consultation is not required if the height of the replacement or modified structure is not increased more than 25% of the existing structure's height. However, the proponent's representative is requested to provide the following information to administration:

- The height and type (e.g. monopole, tri-pole, etc.) of the existing telecommunication antenna structure;
- The height and type of the proposed reconstructed telecommunication antenna structure;
- The location and type (e.g. pinwheel, cluster mount, etc.) of all telecommunication antennas, including any futures;
- The location, size, height, colour and finishing materials of any additional equipment shelter and screening for same;
- The name of any co-locating proponent; and
- Any other material that the proponent's representative considers important in explaining clearly what changes are proposed to take place and why.

No changes to the existing telecommunication antenna structure, its screening or its equipment shelter should take place until a written acknowledgement is received from the City or the 10 day response period set out in subsection 4.3 has lapsed, whichever occurs first.

6.3 Evidence of Co-location Review

The City strongly recommends that a co-location review take place prior to any Type A or Type B submission for concurrence for a telecommunication antenna structure. In this regard, the proponent is requested to provide written evidence, as part of their submission to administration, demonstrating that co-location on an existing telecommunication antenna structure, a replacement or modified telecommunication

antenna structure or a proposed new telecommunication antenna structure has been reviewed with other proponents operating within the city limits. Also requested is information regarding the feasibility of co-location versus the construction of an additional telecommunication antenna structure. All existing and proposed telecommunication antenna structures within a 500 metre radius of any proposed new telecommunication antenna tower's location must be included in the review for co-location potentials. If co-location is not possible for technical reasons, a statement signed by an appropriate technical expert is requested in support of the written evidence noted above. If co-location is not possible due to a lack of interested participants or other considerations, a statement signed by an appropriate authority for the proponent making the submission is requested as part of the aforementioned written evidence.

6.4 Co-location and Unobtrusiveness

The City recognizes that the objective of promoting co-location as described in this section, and the objective of making telecommunication antenna structure facilities less noticeable, as described in section 5.0, may sometimes come into conflict. Nevertheless, the City intends to review each submission on its merits with a view to promoting both objectives and, where necessary, will determine the appropriate balance between them. The proponent will be given direction in this regard by administration during the pre-submission consultation process, or if no pre-submission consultation has taken place, during the review and evaluation of the submission.

7.0 NOTIFICATION AND PUBLIC CONSULTATION PROCESS

7.1 Initial Contact with the City

Prior to physically investigating an area for potential telecommunication antenna structure site locations, the City requests that proponents provide administration with a courtesy notification that locations in the community are being assessed for a telecommunication antenna structure site.

7.2 Notification Obligations -- Public Consultation Meeting Not Required

When a public consultation meeting is not required pursuant to subsections 4.2, or 4.3, notification of a proposed telecommunication antenna structure siting shall be given to administration and the appropriate community associations by the proponent either in advance or at the time a submission is made to the City for concurrence. This notification must be made in writing (e.g. letter, e-mail or brief) and must include:

- the proponent's name and contact information;
- the municipal address of the proposed location;
- the type and height of the telecommunication antenna structure; and
- a brief explanation as to why a public consultation meeting is not required.

7.3 Notification Obligations -- Public Consultation Meeting Required

When a public consultation meeting is required pursuant to subsections 3.3 or 4.1 of this policy, written notification of a proposed telecommunication antenna structure siting shall be given by the proponent to mayor and council, the appropriate community associations (including any adjoining community if portions of such community lie within the 200 metre notification ring detailed in subsection 7.4 of this policy) and administration. Notification of community associations shall be by regular mail. The proponent shall include in the notification a copy of the plans for the structure and a copy of the notice of public consultation meeting. The proponent shall then undertake the public consultation meeting process by conducting a public meeting prior to making a telecommunication antenna structure submission to the City in accordance with the provisions of subsections 7.4, 7.6, 7.7 and 7.8. The proponent will also place an advertisement in the local newspaper for two consecutive weeks prior to the meeting.

7.4 Notification to Affected Residential Properties

Except as may be allowed in subsection 7.5 of this policy, when a public consultation meeting is required pursuant to subsections 3.3, or 4.1, notification of the proposed siting of a telecommunication antenna structure shall be sent by the proponent to all affected residential properties within a 200 metre radius of the proposed telecommunication antenna structure. The measurement to determine the 200 metre distance shall be taken from the centre of the proposed structure. Where the 200 metre notification radius bisects a multi-unit residential building or a residential block, notice shall be extended to the whole building or to all residential properties on the affected block face. In addition, for apartment buildings and condominium buildings, the proponent must provide notification to each dwelling unit in the building.

7.5 Exceptions to the Notification Area Requirement

The City anticipates that, in certain cases, it may be reasonable to reduce the 200 metre notification area. This may involve, but is not limited to, proposed telecommunication antenna structures where the location is separated and or buffered from residential properties within the 200 metre notification area by:

- Significant or extensive topographical features;
- A major transportation or utility corridor;
- Tall buildings that will block all or most of the proposed telecommunication antenna structure's visibility from those residential properties beyond them; or
- Substantial tree cover that will block all or most of the proposed telecommunication antenna structure's visibility from those residential properties beyond them.

Any reduction of the 200 metre notification area will be at the discretion of the City and must be negotiated with the City by the proponent at the pre-submission consultation stage.

7.6 Public Consultation Meeting Notification Method and Timing

When a public consultation meeting is required, the proponent shall issue a notification in written form in accordance with subsection 7.7 and deliver it, either by regular mail service or by hand, to all affected residential properties within the notification area defined in subsection 7.4. If the notification is to be given by regular mail service, it must be mailed at least 21 days prior to the date of the public consultation meeting. If the notification is to be hand delivered, it must be delivered to the affected residential properties at least 14 days prior to the date of the public consultation meeting. It is recommended that the proponent keep a log or similar record showing mail out or delivery dates, times and addresses in case of a dispute regarding the notification procedure.

7.7 Public Consultation Meeting Notification Form and Content

A written public consultation notification shall be sent out in an envelope addressed to the owner. No advertisement shall be on the outside of the envelope. The notification shall include, as a minimum, the following information:

- The date, time and place where the public consultation meeting will be held;
- Any agenda or itinerary for the meeting;
- the name and telephone number of the proponent's representative as a contact for the public;
- Information about the size, type, location on the site and diameter of the proposed telecommunication antenna structure, as well as the number and type of antenna arrays to be mounted (such as pin wheel mounted, cluster mounted, etc.), including any potential for futures and co-location opportunities; and
- Any other material the proponent deems appropriate to best inform the public.

Details should also be provided to show the proposed telecommunication antenna structure and its associated equipment shelters in context with the area immediately adjacent. In this regard, presentation of accurately scaled photographic simulations depicting the proposed facility and its environs is also recommended, but is not mandatory as part of the notice.

7.8 Public Consultation Meeting Format

It is solely the responsibility of the proponent, at the proponent's own cost, to arrange, organize and conduct a public consultation meeting. At the City's discretion, the proponent may conduct the meeting in either a formal manner or an open house format.

A formal meeting entails the public seated facing the proponent's representatives. The representatives provide information concerning the proposed telecommunication antenna structure and answer questions about the proposal and telecommunications in general.

An open house format involves a meeting with no formal seating provided. The public is free to walk through a series of displays providing information about the proposal and about telecommunications in general. The proponent's representatives are available to discuss issues and answer questions in a one-on-one setting.

In either case, the City recommends the following basic information be provided at a public consultation meeting:

- The proposed location of the telecommunication antenna structure;
- Why and how the location was chosen;
- What other locations were considered and why they weren't chosen;
- An aerial photograph or site plan showing the proposed location of the telecommunication antenna structure, the notification area and the properties within the notification area that received a notice of the meeting;
- The height, type of telecommunication antenna structure, colour, materials, type and number of telecommunication antennas (including futures) and co-locations;
- A site plan showing where on the property the telecommunication antenna structure will be situated;
- Plans showing the design and appearance of the telecommunication antenna structure and any equipment shelters, cabinets, compounds, fencing and landscaping to be provided as part of or in support of it;
- Accurately scaled photographic simulations showing the property with and without the telecommunication antenna structure in place;
- The name, phone number, e-mail address and fax number of a contact person employed by the proponent;
- Health and safety information regarding radio frequency transmission (Health Canada Safety Code 6);
- Technical information regarding radio frequency transmission as it relates to cell phone and cell tower functions;
- The time frame within which questions, concerns and comments will be received and addressed by the proponent after the meeting and prior to making a submission to the City; and
- Any other material that the proponent considers important to best inform the public regarding its proposal.

7.9 City's Obligation to the Public Consultation Meeting

The City performs three main functions at a public consultation meeting.

- 1 Scrutinize the consultation process:
 - By observing how and what information is provided to the public by the proponent about the proposed telecommunication antenna structure and its intended location;
 - By observing what questions arise from the public about the proposed installation;
 - by observing what answers to these questions are provided by the proponent; and
 - By observing how concerns and other issues regarding the proposed telecommunication antenna structure's placement are resolved.
- 2 Clarify the provisions of the policy as required:
 - By explaining the procedures regarding the notification process ;
 - By articulating what is expected in terms of resolving the issues brought forward at the meeting by the public;
 - By communicating the City's objective regarding the co-location of other proponents' antennas on existing and proposed telecommunication antenna structures; and
 - By outlining the circumstances required for the issuance of a letter of concurrence or non-concurrence.
- 3 Explain the City's role in the deployment of telecommunication antenna structures, which includes:
 - Ensuring the policy is followed;
 - Evaluating each proposal based on specific criteria, reasoning and development guidelines;
 - Confirming that the proponent has conducted and completed any follow-up work arising from a public consultation meeting; and
 - Facilitating communication between other proponents regarding co-location arrangements.

7.10 Proponent Obligations after the Public Consultation Meeting

Following a public consultation meeting, the proponent must respond to any concerns or issues arising from it. It is recommended that 10 working days be allowed to ensure time for receiving and responding to any concerns from the public arising as a result of the meeting. Subsequently, the proponent may proceed with a submission to the City.

7.11 Documenting the Public Consultation Meeting

Where a public consultation meeting has been conducted and the proponent proceeds with a telecommunication antenna structure submission, a brief containing the names and addresses of all attendees at the public consultation meeting must be included. A copy of any agenda, presentation, minutes or similar record may also be included at the proponent's discretion. However, the brief must document the topics discussed, concerns raised, resolutions reached and, where arising, any outstanding issues that could not be resolved.

The proponent must demonstrate how the issues have been addressed and subsequently resolved or, where issues have not been resolved, the brief must explain why.

8.0 REDUNDANT TELECOMMUNICATION ANTENNA STRUCTURES

Regardless of telecommunication antenna structure type, when a telecommunication antenna structure becomes redundant to the operation of a proponent's telecommunications network, the City requests that the proponent remove the telecommunication antenna structure and all buildings and associated equipment from the site and remediates the property to the satisfaction of the property owner.

Unless otherwise specified in a written agreement with the property owner, the City recommends that removal and remediation take place within 60 days of the telecommunication antenna structure becoming redundant. Notification to the City is requested within 30 days of the proponent's abandoning or decommissioning the telecommunication antenna structure.

Regardless of telecommunication antenna structure type, in cases where a redundant telecommunication structure is not being removed by the proponent abandoning or decommissioning the structure, but is instead to be sold to a party that is not another proponent or a party that will not be using the telecommunication antenna structure for wireless telecommunication or other radiocommunication purposes, the City requests a notification in writing within 30 days of the sale of the telecommunication antenna structure.

9.0 HEALTH AND RADIOFREQUENCY EXPOSURE

The City reviews and evaluates submissions for a telecommunication antenna structure in relation to land use planning criteria. The City does not assess submissions with respect to health and radiofrequency exposure issues or any other non-placement or non-design related issues.

Any questions or comments the public may wish to make regarding health issues related to cell phones, cell towers and radiofrequency exposure guidelines ([Safety Code 6](#)) should be directed to Health Canada on-line at <http://www.hc-sc.gc.ca> and to the proponent's representative.

Supporting References

Please note that some of the items below may not be publicly available.

- Related Council Policies, bylaws and other applicable Acts and Regulations
- Federal Government of Canada – Radiocommunication Act (R.S.C. 1985, c.R-2)
- Industry Canada - CPC-2-0-03 — Radiocommunication and Broadcasting Antenna Systems
- Industry Canada - Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols
- Health Canada – Safety Code 6 (2015) : Health Canada’s Radiofrequency Exposure Guidelines and amendments
- Yukon Government *Municipal Act and Regulation (Act. SY 2002, c.154) & (Regulation. O.I.C. 1988/43)*

History of Amendments

<u>Date of Council Decision</u>	<u>Reference (Resolution #)</u>	<u>Description</u>
February 2018	2018-04-04	Initial Approval