



February 17, 2012

ACS2011-ICS-PGM-0045

NOTICE OF PLANNING COMMITTEE MEETING

Dear Sir/Madam:

Re: Municipal Concurrence and Public Consultation Process

This is to advise you that the above-noted matter will be considered by the City of Ottawa Planning Committee on **Tuesday, February 28, 2012.**

The meeting will begin at 9:30 a.m. in the Champlain Room, City Hall, 110 Laurier Avenue West, Ottawa. You are welcome to attend the meeting and present your views.

Attached is a copy of the report outlining the Departmental recommendation.

The Committee will consider any written submissions in respect to this matter if provided to the Committee Coordinator of the Planning Committee at 110 Laurier Avenue West, Ottawa, K1P 1J1 or by fax at 613-580-9609 or by e-mail at caitlin.salter-macdonald@ottawa.ca.

If you wish to speak to the Committee or hear this item, please call Caitlin Salter-MacDonald at 613-580-2424 extension 28136 by 4:00 p.m. on the day before the meeting **to determine if a specific time has been set for this item to be considered.**

For information on the item itself, please contact the undersigned at 613-580-2424, extension 27892 or e-mail at eric.cooper@ottawa.ca.

Yours truly,

Original signed by

Eric Cooper
Program Manager
Legislative and Technical Services

Attach.

*Shaping our future together
Ensemble, formons notre avenir*

City of Ottawa
Infrastructure Services and Community Sustainability
110 Laurier Avenue West
Ottawa, ON K1P 1J1
Tel : 613-580-2400
Fax : 613-580-2576
www.ottawa.ca

Ville d'Ottawa
Services d'infrastructure et Viabilité des collectivités
110, avenue Laurier Ouest
Ottawa, ON K1P 1J1
Tél : 613-580-2400
Fac : 613-580-2576
www.ottawa.ca



Le 17 février 2012

ACS2011-ICS-PGM-0045

AVIS DE RÉUNION DU COMITÉ DE L'URBANISME

Madame, Monsieur,

Objet: **Processus municipal d'approbation et de consultation publique concernant les systèmes d'antennes**

La présente vise à vous informer que le Comité de l'urbanisme de la Ville d'Ottawa étudiera l'article cité sous rubrique **le mardi 28 février 2012**.

La réunion commencera à 9 h 30 dans la salle Champlain, hôtel de ville, 110, avenue Laurier ouest, Ottawa. Vous pourrez y présenter votre point de vue.

Veuillez trouver ci-joint une copie du rapport comprenant la(es) recommandation(s) du Service. Le rapport est disponible en anglais seulement. Toutefois, si vous désirez obtenir des éclaircissements, veuillez communiquer directement avec l'urbaniste qui se fera un plaisir de répondre à vos questions en français.

Le Comité étudiera les rapports écrits traitant de la question qui sont présentés à la coordinatrice du Comité de l'urbanisme, 110, avenue Laurier ouest, Ottawa, K1P 1J1, par télécopieur au 613-580-9609 ou par courrier électronique à caitlin.salter-macdonald@ottawa.ca.

Quiconque souhaite faire une présentation au Comité ou entendre la question, est prié de communiquer avec Caitlin Salter-MacDonald au 613-580-2424, poste 28136, à 16 h au plus tard, le jour précédant la réunion afin **de savoir si l'étude de cet article a été fixée à une heure précise**.

Pour obtenir des renseignements au sujet, veuillez communiquer avec la personne soussignée, au 613-580-2424, poste 27889 ou par courriel à steve.gauthier@ottawa.ca.

Veuillez agréer, Madame, Monsieur, l'expression de mes sentiments les meilleurs,

Original signé par

Steve Gauthier
Urbaniste
Service de l'Urbanisme et Gestion de la croissance

p.j.

*Shaping our future together
Ensemble, formons notre avenir*

City of Ottawa
Planning, Transit and the Environment
110 Laurier Avenue West
Ottawa, ON K1P 1J1
Tel : 613-580-2400
Fax : 613-580-2576
www.ottawa.ca

Ville d'Ottawa
Urbanisme, Transport en commun et Environnement
110, avenue Laurier Ouest
Ottawa, ON K1P 1J1
Tél : 613-580-2400
Fac : 613-580-2576
www.ottawa.ca



February 17, 2012

ACS2011-ICS-PGM-0045

NOTICE OF AGRICULTURE AND RURAL AFFAIRS COMMITTEE MEETING

Dear Sir/Madam:

Re: Municipal Concurrence and Public Consultation Process

This is to advise you that the above-noted matter will be considered by the City of Ottawa Agriculture and Rural Affairs Committee on **Thursday, March 1, 2012**.

The meeting will begin at 9:30 a.m. in the Champlain Room, City Hall, 110 Laurier Avenue West, Ottawa.. You are welcome to attend the meeting and present your views.

Attached is a copy of the report outlining the Departmental recommendation.

The Committee will consider any written submissions in respect to this matter if provided to the Committee Co-ordinator of the Agriculture and Rural Affairs Committee at 110 Laurier Avenue West, Ottawa, K1P 1J1 or by fax at 613-580-9609 or by e-mail at chris.zwierzchowski@ottawa.ca.

If you wish to speak to the Committee or hear this item, please call Chris Zwierzchowski at 613-580-2424, extension 21359 by 4:00 p.m. on the day before the meeting **to determine if a specific time has been set for this item to be considered**.

For information on the item itself, please contact the undersigned at 613-580-2424, extension 27892 or e-mail at eric.cooper@ottawa.ca.

Yours truly,

Original signed by

Eric Cooper
Program Manager
Legislative and Technical Services
Planning and Growth Management Department

Attach.

*Shaping our future together
Ensemble, formons notre avenir*

City of Ottawa
Infrastructure Services and Community Sustainability
110 Laurier Avenue West
Ottawa ON K1P 1J1
Tel : 613-580-2400
Fax : 613-580-2576
www.ottawa.ca

Ville d'Ottawa
Services d'infrastructure et Viabilité des collectivités
110, avenue Laurier Ouest
Ottawa ON K1P 1J1
Tél : 613-580-2400
Fac : 613-580-2576
www.ottawa.ca



Le 17 février, 2012

ACS2011-ICS-PGM-0045

AVIS DE RÉUNION DU COMITÉ DE L'AGRICULTURE ET DES QUESTIONS RURALES

Madame, Monsieur,

Objet: **Processus municipal d'approbation et de consultation publique concernant les systèmes d'antennes**

La présente vise à vous informer que le Comité de l'agriculture et des questions rurales de la Ville d'Ottawa étudiera l'article cité sous rubrique **le jeudi 1^e mars 2012**.

La réunion commencera à 9 h 30 dans la salle Champlain, hôtel de ville, 110, avenue Laurier ouest, Ottawa. Vous pourrez y présenter votre point de vue.

Veillez trouver ci-joint une copie du rapport comprenant la(es) recommandation(s) du Service. Le rapport est disponible en anglais seulement. Toutefois, si vous désirez obtenir des éclaircissements, veuillez communiquer directement avec l'urbaniste qui se fera un plaisir de répondre à vos questions en français.

Le Comité étudiera les rapports écrits traitant de la question qui sont présentés à la coordinatrice du Comité de l'agriculture et des questions rurales, 110, avenue Laurier ouest, Ottawa, K1P 1J1, par télécopieur au 613-580-9609 ou par courrier électronique à chris.zwierzchowski@ottawa.ca.

Quiconque souhaite faire une présentation au Comité ou entendre la question, est prié de communiquer avec Chris Zwierzchowski au 613-580-2424, poste 21359, à 16 h au plus tard, le jour précédant la réunion afin **de savoir si l'étude de cet article a été fixée à une heure précise**.

Pour obtenir des renseignements au sujet, veuillez communiquer avec la personne soussignée, au 613-580-2424, poste 27889 ou par courriel à steve.gauthier@ottawa.ca.

Veillez agréer, Madame, Monsieur, l'expression de mes sentiments les meilleurs,

Original signé par

Steve Gauthier
Urbaniste
Service de l'Urbanisme et Gestion de la croissance

p.j.

*Shaping our future together
Ensemble, formons notre avenir*

City of Ottawa
Infrastructure Services and Community Sustainability
110 Laurier Avenue West
Ottawa ON K1P 1J1
Tel : 613-580-2400
Fax : 613-580-2576
www.ottawa.ca

Ville d'Ottawa
Services d'infrastructure et Viabilité des collectivités
110, avenue Laurier Ouest
Ottawa ON K1P 1J1
Tél : 613-580-2400
Fac : 613-580-2576
www.ottawa.ca



ITEM N^o

NUMÉRO DE L'ARTICLE _____

Request to speak form
Fiche de demande d'intervention

Please complete the 'Request to Speak' form and give to the Committee Coordinator at the beginning of the meeting or send it by Fax at 613-580-9609.

Veuillez remplir la fiche de 'Demande d'intervention' et la remettre à la coordonnatrice/au coordonnateur du Comité au début de la réunion ou l'envoyer par Facsimile au (613) 580-9609.

Committee and Meeting Date

Comité et date de la réunion _____

Subject/Objet _____

**Please indicate your position with respect
to the REPORT RECOMMENDATION:**

☐ I agree

☐ I oppose

**Veuillez donner votre opinion sur la
RECOMMANDATION DU RAPPORT :**

☐ Je suis d'accord

☐ Je suis en désaccord

Name/Nom: _____

Company, Agency or Community Organization (if applicable)

Société, agence ou organisme communautaire (s'il y a lieu): _____

Street and/or e-mail address, Postal Code and Telephone/Adresse municipale et/ou courriel, code postal et
numéro de téléphone: _____

Personal Information contained on this form is collected pursuant to s.75 (4) of By-Law No. 2002-247, and will be used as a record of, and possible follow up to, participation in this meeting. Questions about this collection should be directed to the Manager, Council and Committee Services, 110 Laurier Avenue, Ottawa, Ontario K1P 1J1. Telephone (613) 580-2424, ext. 26836. / Les renseignements personnels contenus dans le présent formulaire sont recueillis en vertu du p.75(4) du Règlement municipal 2001-20, et seront utilisés à des fins de référence et de suivi éventuel à la participation à cette réunion. Toute question concernant cette collecte de renseignements doit être adressée au Gestionnaire des services au Conseil et aux Comités, 110, avenue Laurier Ouest, Ottawa (Ontario) K1P 1J1. Téléphone (613) 580-2424, poste 26836.

Report to/Rapport au :

**Planning Committee
Comité de l'urbanisme
and
Agriculture and Rural Affairs Committee
Comité d'agriculture et des affaires rurales**

**and Council / et au Conseil
2012 / le 2012**

**Submitted by/Soumis par : Nancy Schepers, Deputy City Manager/Directrice municipale adjointe,
Infrastructure Services and Community Sustainability/Services d'infrastructure et Viabilité des collectivités**

*Contact Person/Personne-ressource : John Smit, Manager/Gestionnaire,
Development Review-Urban Services/Examen des projets d'aménagement-Services urbains
Planning and Growth Management/Urbanisme et Gestion de la croissance
(613) 580-2424, 13866 John.Smit@ottawa.ca*

All Wards

Ref N°: ACS2012-ICS-PGM-0045

**SUBJECT: MUNICIPAL CONCURRENCE AND PUBLIC CONSULTATION
PROCESS FOR ANTENNA SYSTEMS**

**OBJET : PROCESSUS MUNICIPAL D'APPROBATION ET DE CONSULTATION
PUBLIQUE CONCERNANT LES SYSTÈMES D'ANTENNES**

REPORT RECOMMENDATIONS

That the Planning Committee and the Agriculture and Rural Affairs Committee recommend Council approve:

- 1. The Municipal Concurrence and Public Consultation Process for Antenna Systems contained in Document 1;**
- 2. Implementation of the Process 30 days after it is approved by Council;**
- 3. Amendments to the Delegation of Authority By-law No. 2011-28, Planning Fees By-law 2011-92 and the Site Plan Control By-law No. 2002-4 as detailed in Document 2; and**
- 4. The implementing by-law for the amendment to the Site Plan Control By-law No. 2002-4 not be forwarded to Council until the process contained within Document 1 has come into effect.**

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'urbanisme et le Comité de l'agriculture et des affaires rurales recommande au Conseil d'approuver ce qui suit :

- 1. Le processus municipal d'approbation et de consultation publique figurant dans le document 1;**
- 2. Que le processus figurant dans le document 1 n'entre pas en vigueur avant une période de 30 jours suivant son approbation par le Conseil;**
- 3. Les modifications au Règlement 2011-28 sur la délégation de pouvoirs, au Règlement 2011-92 sur les droits de demandes d'aménagement et au Règlement 2002-4 sur la réglementation des plans d'implantation, tel qu'exposé en détail dans le document 2;**
- 4. Que le règlement de mise en oeuvre visant la modification du Règlement 2002-4 sur la réglementation des plans d'implantation ne soit pas transmis au Conseil avant que processus figurant dans le document 1 ne soit entré en vigueur.**

EXECUTIVE SUMMARY

Assumptions and Analysis:

Radiocommunication and broadcasting antenna systems are federal undertakings regulated by Industry Canada. Under Industry Canada's regulatory framework, proponents of new or modifications to existing antenna systems must consult with the municipality and the public unless otherwise exempt. Where required to consult, Industry Canada has established a default process. However, Industry Canada encourages municipalities to establish their own consultation processes. Based on these consultations, a municipality would provide its concurrence, conditional concurrence, or where considered unsupportable on the basis of land use concerns, its non-concurrence to the proponent and Industry Canada. In deciding whether or not to allow the installation to proceed, Industry Canada would take a municipality's comments into account.

Currently the City regulates these installations under its Official Plan, Zoning By-law 2008-250 and Site Plan Control By-law 2002-4. Because antenna systems fall under federal jurisdiction, the City does not have the authority to regulate these installations through these *Planning Act* controls. Such was made clear in a 2007 Court Decision where the City of Toronto's site plan processes were ruled inapplicable to the antenna systems constructed by the applicant. Furthermore, this type of development does not involve public consultation under the City's existing Site Plan processes, and the scope of review is limited to the site that is the subject of the Site Plan application.

In July 2010, staff received direction from the Planning and Environment and Agricultural and Rural Affairs Committees to prepare a draft municipal concurrence and public consultation process in accordance with Industry Canada's regulatory framework. Attached as Document 1 to this report is the recommended process entitled *Municipal Concurrence and Public Consultation Process for Antenna Systems*, which if approved would replace existing *Planning Act* controls.

Two reports under separate cover and before Committee also recommend the removal of Official Plan policies and zoning regulations related to antenna systems.

Staff have developed a process in keeping with Industry Canada's regulatory framework, similar to existing development review processes and, where applicable, the City's Public Notification and Consultation Process. Exemptions from municipal and public consultation have been established for installation types anticipated to have little adverse land use impact or are already exempted under Industry Canada's regulatory framework. Where not otherwise exempt, public notification and consultation requirements have been set out and ward councillors are to be notified of all non-exempt proposals.

Given the nature of the City's role in the approval of antenna systems, onus is placed on the proponent to undertake all external notifications and consultations with the public, community groups that have requested to receive notice of development applications (registered community groups), technical agencies and public bodies. Information as to who must be notified and consulted will be provided by staff following application submission. After reviewing an application, including comments provided by the public and the responses of proponents, staff under delegated authority will provide to the proponent and Industry Canada the City's concurrence, conditional concurrence, or non-concurrence with the respect to the proposal.

Staff are recommending that the attached process not come into effect for 30 days following its approval by Council, in order to provide time to establish the specific process steps for administering an application for municipal review.

Legal Implications:

As provided by Legal

Financial Implications:

It is anticipated that there will be eight applications per year for Municipal Concurrence and Public Consultation Process for Antenna Systems, and two applications per year for Municipal Concurrence and Public Consultation Process for Antenna Systems for residential use. Estimated annual revenue is \$21,952; this will affect Planning and Growth Management's annual operating status.

Public Consultation/Input:

Consultation was undertaken with Industry Canada, industry stakeholders, registered community groups, relevant technical agencies and public bodies, as well as the public.

A website providing background information as well as a draft copy of the process was made available on the City's website for review and comment between September 15th and October 14th, 2011.

Notice of the website was provided city wide in English in the EMC, and in French in L'Express in Orleans and Perspectives in Vanier. Notice of the website was provide to all Registered Community Groups, relevant technical agencies and public bodies, industry stakeholders and the

public. Both the notices and website provided a staff contact, and the website was equipped with a feedback form. The notices and website provided a timeline of 30 calendar days for the provision of feedback.

RÉSUMÉ

Hypothèses et analyse :

Les systèmes d'antennes de radiocommunications et de radiodiffusion sont des projets fédéraux réglementés par Industrie Canada. En vertu du cadre de réglementation d'Industrie Canada, les promoteurs de nouveaux systèmes d'antennes ou de modifications de systèmes existants doivent, sauf exception, consulter la municipalité et le public. Un processus de consultation par défaut a été mis en place par Industrie Canada, qui encourage toutefois les municipalités à créer leur propre processus de consultation. Au terme de ce processus de consultation, la municipalité donnera son accord, son accord conditionnel ou, dans les cas où la proposition est considérée non fondée pour des raisons d'utilisation du sol, refusera son accord au promoteur et à Industrie Canada. En décidant d'autoriser ou non l'installation, Industrie Canada devra tenir compte des commentaires de la municipalité.

À l'heure actuelle, la Ville réglemente ces installations dans le cadre de son Plan officiel, de son Règlement de zonage 2008-250 et de son Règlement 2002-4 sur la réglementation des plans d'implantation. Étant donné que les systèmes d'antennes relèvent de l'autorité fédérale, la Ville ne dispose pas de l'autorité pour réglementer ces installations par le biais de contrôles de la *Loi sur l'aménagement du territoire*. Cet état de fait a été clairement démontré par une décision de la Cour de 2007, selon laquelle les processus de réglementation des plans d'implantation de la Ville de Toronto ont été jugés inapplicables aux systèmes d'antennes construits par le requérant. En outre, ce type d'aménagement n'implique aucune consultation publique dans le cadre de ses processus actuels réglementation des plans d'implantation, et la portée de l'examen est limitée au site faisant l'objet de la demande de réglementation du plan d'implantation.

En juillet 2010, le personnel a été chargé par le Comité de l'urbanisme, le Comité de l'environnement et le Comité de l'agriculture et des affaires rurales d'élaborer un processus municipal d'approbation et de consultation publique, conformément au cadre de réglementation d'Industrie Canada. Le document 1 joint au présent rapport, intitulé *Processus municipal d'approbation et de consultation publique concernant les systèmes d'antennes*, décrit le processus recommandé. S'il est approuvé, il remplacerait les contrôles actuels de la *Loi sur l'aménagement du territoire*. Deux rapports, sous pli séparé et soumis au Comité, recommandent également la suppression des politiques du Plan officiel et des règlements de zonage liés aux systèmes d'antennes.

Le personnel a élaboré un processus conforme au cadre de réglementation d'Industrie Canada, similaire aux processus actuels d'examen des demandes d'aménagement et, s'il y a lieu, au processus d'émission d'avis publics et de mise en œuvre d'activités de consultation. Des exemptions de consultation municipale et publique s'appliquent aux types d'installation pour lesquels peu de répercussions défavorables sur les utilisations du sol sont prévues ou faisant déjà l'objet d'une exemption en vertu du cadre de réglementation d'Industrie Canada. Pour le cas où aucune exemption n'est applicable, les exigences relatives aux avis publics et aux consultations

ont été établies, et les conseillers de quartier doivent être avisés de toutes les demandes de ce type.

Compte tenu de la nature du rôle de la Ville dans l'approbation des systèmes d'antennes, il incombe au promoteur de procéder à toutes les émissions d'avis externes et à toutes les consultations auprès des membres du public, des groupes communautaires ayant demandé à recevoir un avis de demande d'aménagement (groupes communautaires enregistrés) ainsi que des organismes techniques et publics. Les renseignements concernant les intervenants à aviser et à consulter seront fournis par le personnel après la présentation de la demande. Après avoir examiné la demande, y compris les commentaires des membres du public et les réponses des promoteurs, le personnel municipal, en vertu de l'autorité qui lui est déléguée, donnera au promoteur et à Industrie Canada son accord, son accord conditionnel ou son refus pour chaque proposition.

Le personnel recommande que le processus décrit dans le document ci-joint n'entre pas en vigueur avant une période de 30 jours suivant son approbation par le Conseil, afin d'accorder suffisamment de temps pour établir les étapes précises du processus d'administration des demandes aux fins d'examen par l'autorité municipale.

Répercussions légales et gestion des risques :

Telles que fournies par les Services juridiques

Répercussions financières :

On prévoit qu'il y aura huit demandes par année dans le cadre du processus municipal d'approbation et de consultation publique concernant les systèmes d'antennes et deux demandes par année dans le cadre du processus municipal d'approbation et de consultation publique concernant les systèmes d'antennes à usage résidentiel. Les recettes annuelles sont évaluées à 21 952 \$; cette opération aura une incidence sur les dépenses de fonctionnement annuelles du Service de l'urbanisme et de la gestion de la croissance.

Consultation publiques / commentaires :

Des activités de consultation ont été entreprises auprès d'Industrie Canada, des intervenants du secteur, des groupes communautaires enregistrés, des organismes techniques pertinents et divers organismes publics ainsi que les membres du public.

Une page Web proposant de l'information contextuelle et le texte provisoire du processus a été mise à la disposition des membres du public, du 15 septembre au 14 octobre 2011, sur le site Web de la Ville, aux fins d'examen et de commentaires.

Un avis mentionnant l'existence de cette page Web a été diffusé sur le territoire municipal en anglais dans EMC ainsi qu'en français dans L'Express à Orléans et dans Perspectives à Vanier. Cet avis a été transmis à l'ensemble des groupes communautaires enregistrés, des organismes techniques et publics pertinents, aux intervenants du secteur ainsi qu'aux membres du public. Les avis et la page Web contenaient les coordonnées d'une personne-ressource et la page Web

contenait également un formulaire de commentaires, avec un délai de 30 jours civils pour leur acheminement.

BACKGROUND

Radiocommunication and broadcasting antenna systems are federal undertakings regulated by Industry Canada, and include the antenna, as well as its supporting tower, mast or other supporting structure. These systems, hereinafter referred to as antenna systems, are currently regulated as a form of development under the Site Plan Control By-law No. 2002-04, as a land use under the Zoning By-law No. 2008-250, and are subject to policies contained within the Official Plan, all pursuant to the *Planning Act*.

Given these installations, which include cellular and amateur radio towers, are federal undertakings, the City cannot continue to require compliance with the above mentioned *Planning Act* controls. Such was made clear in a 2007 Superior Court decision in which the City of Toronto's Site Plan Control By-laws were rendered inapplicable to the antenna system installations of the applicant, Telus.

On January 1, 2008 Industry Canada's Client Procedure Circular 2-0-03 *Radiocommunication and Broadcasting Antenna Systems* came into effect (CPC-2-0-03). Under CPC-2-0-03 Industry Canada in some cases requires as a condition of the operating license granted to proponents, that they consult with land use authorities, in this case the City, and the public for the purpose of addressing reasonable and relevant concerns regarding the siting and design of new or modifications to antenna systems.

At the conclusion of the consultation process proponents would receive municipal concurrence, conditional concurrence, or in instances where for example the proposal is considered unsupportable due to size, location or poor design, non-concurrence. Where a municipality does not support a proposal, it would be for Industry Canada to determine whether the installation could proceed as proposed. While Industry Canada is not bound by a municipality's position on a proposal, Section 4.1 of CPC-2-0-03 states:

"Industry Canada believes that any concerns or suggestions expressed by land-use authorities are important elements to be considered by proponents regarding proposals to install, or make changes to, antenna systems."

Industry Canada is encouraging municipalities to adopt protocols or policies establishing a local consultation process for the provision of the municipality's position. Several Ontario municipalities have adopted protocols or policies establishing municipal and public consultation requirements, as well as the provision of their position in accordance with Industry Canada's regulatory requirements.

In July of 2010 staff brought forward a report to Planning and Environment (PEC) and Agricultural and Rural Affairs (ARAC) Committees, which set out the jurisdictional issues and rationale for adopting a municipal concurrence and public consultation process in keeping with Industry Canada's regulatory framework. The report provided the rationale for replacing existing Site Plan Control approval processes with a municipal concurrence and public consultation

process as the means for providing the City's position to Industry Canada on proposed antenna system installations. To review, this rationale is based on the following:

- i) A municipal concurrence and public consultation process clearly establishes for the public the City's role in the approval of antenna systems;
- ii) As compared to Site Plan regulations under the *Planning Act*, more flexibility is afforded staff for the review of antenna system proposals under a municipal concurrence and public consultation process. Under the existing site plan process staff are limited in their review to those issues expressly set out under the *Planning Act* as they apply to the lands that are the subject of the application. Conversely, under Industry Canada's framework the City is limited only in that concerns raised must be reasonable and relevant according to CPC-2-0-03. That document describes a reasonable and relevant concern as one which relates to the requirements of CPC-2-0-03 and to the particular amenities or important characteristics of the area surrounding the proposed installation, and not just those of the immediate site. Under such circumstances staff can advance with the proponent issues such as co-location, alternate site possibilities, as well as site and design considerations.
- iii) Antenna systems do not involve public consultation under the City's existing Site Plan processes. Under the proposed municipal concurrence and public consultation process public consultation requirements are based on an antenna system's proximity to residential areas and the height of the installation, as well as lighting requirements.

Both PEC and ARAC directed staff to develop and bring forward such a process for committees' and Council's approval.

As per the 2010 Report, the proposed *Municipal Concurrence and Public Consultation Process for Antenna Systems* (the "Process", see Document 1), is similar to and modelled after the Planning and Growth Management Department's existing development review processes, and where applicable, consistent with the City's Public Notification and Consultation Process approved by Council on July 11, 2001. In preparing the Process, Planning and Growth Management staff consulted with other relevant City departments, applicable technical agencies and public bodies, reviewed existing concurrence processes from other Canadian municipalities, and undertook public and stakeholder consultations.

Since the 2010 Report staff have investigated, in consultation with Legal Services, the removal of *Planning Act* controls related to antenna systems contained within the Official Plan, Zoning By-law and Site Plan Control By-law. Legal Services concurs with the position of the Planning and Growth Management Department that as the City has no regulatory control over antenna system installations, its role in their approval should be limited to its involvement as set out in the attached Process. As such this report recommends an amendment to the Site Plan Control By-law (Document 2) to remove antenna systems from it. Similarly, two reports under separate cover and before Committee contain an Official Plan amendment to remove policies governing antenna systems, and a Zoning By-law amendment to remove antenna system regulations. Except where modified through consultations, the Official Plan policies and Zoning By-law regulations now form part of the Process and will be used to educate proponents on the City's preferred options for antenna system development, and would help guide the determination of whether the City would provide its concurrence, conditional concurrence or non-concurrence with respect to a proposed antenna system.

RECOMMENDATION 1 – Municipal Concurrence and Public Consultation Process for Antenna Systems

Industry Canada's Regulatory Framework

As Industry Canada is the approval authority for antenna systems, any municipal consultation Process must operate within the context of Industry Canada's regulatory framework. In addition, Industry Canada requires that all municipal consultation policies be reasonable, relevant and predictable.

Industry Canada sets out exceptions under which a proponent is not required to consult with either the public or the municipality. In implementing their own consultation processes, municipalities may expand upon these exceptions, but may not be more restrictive. The exceptions are as follows:

- (i) Maintenance of an existing antenna system;
- (ii) The modification of an existing antenna system, or the addition of an antenna system to existing infrastructure, a building, water tower, etc. provided the modification or addition does not result in an overall height increase above the existing structure of 25% of the original structure's height;
- (iii) Maintenance of an existing antenna system's painting or lighting;
- (iv) Installation of temporary antenna system for a special event or emergency operation for a period of not more than 3 months; and
- (v) New antenna systems with a height of less than 15 metres above ground level.

Industry Canada has identified circumstances where despite these exceptions it may be prudent for a proponent to consult the municipality where local sensitivities exist. As discussed further below, to ensure installations proposed within community-sensitive locations are reviewed, the City has developed more restrictive exemption criteria.

In addition to any consultation with a municipality and the public, Industry Canada requires all proponents of proposals for new or modifications to existing antenna systems to comply, in addition to requirements related to electronic interference, with the following:

- (i) Transport Canada and NAV Canada's aeronautical safety requirements;
- (ii) Health Canada's safety guidelines (Safety Code 6) regarding limits of exposure to Radiofrequency Electromagnetic fields;
- (iii) The Canadian Environmental Assessment Act, where required;
- (iv) Industry Canada's immunity criteria dealing with the minimization of malfunctioning of electronic equipment in the local surroundings; and,
- (v) CPC-2-0-17 - Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements.

Determination of compliance with these requirements is solely within the jurisdiction of Industry Canada.

Proposed Municipal Concurrence and Public Consultation Process for Antenna Systems

To ensure the City's expectations with respect to antenna system development are clearly articulated to the public, and in keeping with Industry Canada's expectations under CPC-2-0-03, the Process sets out the following objectives:

- (i) The establishment of a documented consultation process, criteria and guidelines for the review of land use impacts associated with antenna systems;
- (ii) To provide an opportunity for public consultation;
- (iii) To encourage antenna system development with minimal visual impact and which leaves undisturbed, natural and human heritage features and sensitive lands to the greatest extent possible; and,
- (iv) To minimize the number of new towers within the city.

As described below, these objectives are achieved by way of a process which establishes:

- (i) Definitive criteria as to when a proponent must consult with the City and the public;
- (ii) Relevant siting and design guidelines that build upon the City's expectations for antenna system development as stated in (iii) and (iv) above; and,
- (iii) Predictable public consultation requirements.

In so doing the Process clearly establishes the City's role in the approval of antenna systems, while providing an opportunity for meaningful involvement in the location and design of antenna systems by affording the ability for purposeful and relevant input.

Process Overview

The Process requires proponents of new or modifications to existing antenna systems, unless otherwise exempt, to submit an application for review to the City. After reviewing the proposal staff will provide the proponent and Industry Canada with the City's position on the installation in the form of either concurrence, conditional concurrence, or in instances where for example the proposal is considered unsupportable due to size, location or poor design, non-concurrence.

Industry Canada, as the approval authority, maintains the right to allow a proponent to circumvent a particular provision of the Process on the basis that it is unreasonable or overly burdensome as compared to CPC-2-0-03. This may occur where a municipal process requires consultation where a proposal would be otherwise exempt under CPC-2-0-03.

Staff are of the opinion that the provisions of the Process, including its exemption criteria, are both reasonable and in keeping with the intent of CPC-2-0-03. However, should Industry Canada receive a request from a proponent to be deemed exempt even if not otherwise so under the Process, Industry Canada has assured staff that the City would have an opportunity to make submissions in support of a requirement for municipal review and, if applicable, public consultation.

One issue not addressed within the Process is health impacts. Industry Canada and Health Canada are the federal departments responsible for ensuring antenna systems pose no adverse health impacts, and Industry Canada requires antenna systems comply with Health Canada's

guidelines concerning radiofrequency emissions. As such, the City of Ottawa will not be addressing health related issues through the proposed Process. This approach has been reviewed with and agreed to by Ottawa Public Health.

The following provides an overview of the six main parts of the Process, with the applicable Part identified in parenthesis and which can be found in Document 1:

1. Exemptions (Part 4)
2. Site Selection and Design Guidelines (Part 5)
3. Pre-Application Consultation (Part 6)
4. Application Submission (Part 7)
5. Public Consultation (Part 8)
6. Review and Position Submission (Parts 9 through 12)

The Process differentiates between antenna systems used primarily for personal use, such as amateur radio antennas and satellite dishes, and all others, such as cellular towers. Under the Process the former type of antenna systems are defined as residential use antenna systems, while all other types are defined as antenna systems. This terminology is maintained below and therefore where reference below is made to an antenna system, it does not include a residential use antenna system, and vice versa.

1. Exemptions (Part 4)

As noted above, Industry Canada exempts proponents of certain types of installations from the requirement to consult with the City and the public. In some instances the proposed Process builds upon these exemptions in order to recognize installations with little or no land use impact. In other instances the Process is more restrictive (i.e., it includes certain types of installations that would otherwise be excluded under CPC-2-0-03) on the basis that there exists local sensitivities, which necessitate the need to review a proposed antenna system installation in order to notify the proponent and Industry Canada of potential land use impacts. In this regard the Process differs from Industry Canada's exemptions in two key areas i) antenna systems within the downtown, and iii) the treatment of residential use antenna systems.

The Process employs a more restrictive threshold than Industry Canada within the Central Area, as defined under the Zoning By-law and within the view plane of Parliament Hill from Beechwood Cemetery, as set out within the Official Plan. When proposed within these areas, a proponent is not exempt from the Process if the antenna system or residential use antenna system exceeds the maximum permitted building height limit as established under the Zoning By-law, regardless of whether it would qualify under Industry Canada's CPC-2-0-03. The purpose of this is to protect the visual integrity of the Parliamentary Precinct, an area of national importance, by ensuring proposed installations exceeding the established height limits within these areas are subject to municipal review and comment.

For residential use antenna systems, because of their location in residential areas, within which sensitivities to the visual impacts of antenna systems are heightened, an installation must respect all of the applicable siting and design guidelines (described further below). These guidelines revolve around the location of the installation on the lot, as well as its height, and if they all cannot be met, an application for review will be required. However, as discussed below, staff

may, on a case-by-case basis, exempt individual installations on the basis that they are perceived to pose little or no land use impact, despite not meeting all of the applicable siting and design guidelines.

Where an antenna system is proposed within a municipal right-of-way the City's position on the installation will be provided through the municipal consent process. However, where such an installation would not otherwise meet the exemption criteria (e.g., it is 15 metres or more in height), the City will require the proponent to undertake public consultation in accordance with the proposed Process before municipal consent can be obtained.

2. Site Selection and Design Guidelines (Part 5)

The Process contains guidelines against which proposals for new or modifications to antenna systems and residential use antenna systems not otherwise exempt are to be evaluated. These Site Selection and Design Guidelines (the "Guidelines") set out the City's expectations with respect to the installation of these systems throughout the city.

Existing Official Plan policies and Zoning By-law regulations were reviewed for inclusion within these Guidelines, and included where appropriate. In certain instances the Guidelines have moved away from existing zoning controls, for example defined parking rates, which have been replaced with recommendations to provide adequate parking as determined by staff in each instance. Such changes were made on the basis of consultation with staff, applicable technical agencies and public bodies, the public and industry stakeholders, as well as a review of guidelines from other Canadian municipalities.

Particularly as regards residential use antenna systems the Guidelines represent a departure in some respects from the Zoning By-law regulations contained within Section 120 (currently under appeal and recommended for removal through a separate report) concerning accessory tower antennas in residential areas. The following table summarizes these changes:

Table 1: Performance Standard Differences

	Zoning By-law Section 120 as applicable to Accessory Tower Antennas in Residential Zones	Proposed Guideline
Height	Same as building height or amount equal to lot width, whichever greater, unless on roof of building three-storeys or 11 metres in height, in which case the installation cannot exceed nine metres from highest point of the roof	In keeping with Industry Canada requirements, 15 metres above ground level, whether on the ground or on the roof.
Location	Ground Mounted – Only in rear yard and not in extension of corner side yard into the rear yard Roof Mounted: i) Less than three-storeys or 11 metres – only on half of roof closest to rear yard ii) Greater than three-storeys or 11 metres – setback 4.5 metres from roof edge	Same

Setback	Amount equal to quarter of the height of the antenna, with the exception of roof mounted installations described in “ii” directly above	Installations must be setback 1.5 metres from all lot lines.
Number of Support Structures	One	No limit

Staff are of the opinion that these changes reflect an appropriate balance between acceptable development and respect for technical constraints associated with these installations. Further guidelines have been included to promote the protection of environmentally sensitive areas.

Where a proponent cannot meet all of the Guidelines, their application must include an explanation as to how they will minimize negative visual impacts on surrounding properties through the use of for example screening, landscaping and design changes.

The Guidelines applicable to antenna systems fall into two categories: i) site selection, and ii) engineering, design and landscaping. The site selection guidelines promote co-location or the placement of antennas on existing infrastructure before new tower construction, and where a new tower is necessary, the maximization of its distance from residential areas. This is consistent with Industry Canada’s requirement that proponents investigate co-location opportunities before constructing a new tower. However, where the addition of an antenna to a co-located structure would increase the adverse visual impact, and the tower is located close to residential areas, new, smaller and less obtrusive towers are preferred.

The Guidelines recommend the avoidance of environmentally sensitive areas such as flood plains and areas designated in the Official Plan as Natural Environment Areas, Significant Wetlands and Urban Natural Features. This recommendation reflects the language of policies 11 and 12 of Section 3.1 of the Official Plan. Of note however, agricultural resource areas are not recommended as places to avoid, due to the limited impact antenna systems have within these areas, and the revenue potential for land owners. The acceptance of antenna systems within agricultural resource areas is also consistent with the Provincial Policy Statements.

The Guidelines also recommend proponents avoid placement of antenna systems on properties designated under Parts IV or V of the *Ontario Heritage Act*, and the placement of antenna systems in such a manner as to block views and vistas identified within the Official Plan, in particular those of the Parliamentary Precinct.

The second category, engineering, design and landscaping guidelines include the promotion of appropriate servicing, drainage and access, environmental preservation, the utilization of design techniques such as stealthing (e.g., camouflaging an antenna system within a church steeple or flagpole), as well as the use of landscaping or screening to minimize negative land use impacts. Where an antenna system must be lit in accordance with Transport Canada requirements, the Guidelines recommend the use of the lowest illumination and number of lights allowable.

3. Pre-application Consultation (Part 6)

Consultation with staff will be required before an application may be submitted. At this meeting the proponent will provide information concerning their proposed installation, and staff will

provide information concerning the Process, application requirements, any public consultation requirements, and the City's site selection and design guidelines. Co-location opportunities, alternate site locations and design alternatives will also be discussed. Proponents of antenna systems will also be encouraged to pre-consult with the Ward Councillor.

In the instance of residential use antenna systems, the Process delegates to staff the opportunity to exempt on a case-by-case basis installations which do not meet all of the applicable site selection and design guidelines, but are anticipated to pose little or no negative land use impact. Such instances may for example, include installations which are located partially within the front yard, but the subject lands are in the rural area and the installation is located such that there is little or no adverse land use impacts.

4. Application Submission (Part 7)

Application Submission requirements were created based on consultations with staff, a review of municipal concurrence processes in other Canadian municipalities, as well as submission requirements for existing development review applications. Proponents must include a Site Selection / Justification Report which explains the rationale for the selected site and design of the installation.

In the case of antenna systems, staff will provide the Councillors of all wards within a distance equal to 120 metres or three times the height of the antenna system, whichever is greater, of the proposed location of the installation with a heads-up, unless the Councillor was consulted previously by the proponent. At this stage staff will also provide to the proponent a list of technical agencies, public bodies, property owners and registered community groups to be consulted by the proponent.

5. Public Consultation (Part 8)

Public notification and consultation requirements are included within the Process in light of residents' concerns over antenna system and residential use antenna system development throughout the city, and the need to clarify with the public the roles of Industry Canada and the City in the approval of these installations. Review processes instituted by other Canadian municipalities also include public notification and consultation requirements, and Industry Canada encourages public consultation. If a process is silent on public consultation, Industry Canada requires proponents to consult the public pursuant to its default public consultation process.

Where triggered, public notification and consultation requirements must be undertaken by a proponent not otherwise exempt from the Process, to ensure members of the public are informed as to the approval process, receive information on the proposed development before construction, and are provided an opportunity to discuss their concerns directly with the proponent. Owing to the City's role as a commenting agency, public consultation requirements under the Process are completely proponent driven, and require the proponent to engage the property owners, technical agencies, public bodies, and registered community groups directly.

The Process provides for different notification and consultation requirements for residential use antenna systems from all other types. This distinction recognizes limitations in the size, scale and

visual impact of antenna systems used by residents, and the excessiveness of requiring a resident to undertake extensive consultation.

Where a residential use antenna system is proposed and not otherwise exempt, a proponent must notify the City, the Ward Councillor, and the adjacent property owners, as well as those property owners on the opposite side of the abutting street. The Process prescribes the content of the notice, which in addition to information about the proposed installation must include statements:

- (i) that Industry Canada is the approval authority, and the City will be providing its position to Industry Canada at the conclusion of the review process;
- (ii) that the City will be taking into account public comments received by the proponent and the proponent's response to each when providing its position to Industry Canada;
- (iii) that the antenna system will comply with Health Canada's Safety Code 6, which regulates exposure to radiofrequencies; and,
- (iv) inviting those notified to provide the proponent with their comments or a request to be informed of the City's position within 30 days.

Where staff anticipates no public reaction to a proposal, but a review by City staff or other technical agencies is still warranted, they may waive some or all of the public consultation requirements.

For all other types of antenna systems public notification and consultation will consist of notice to affected property owners within a defined radius and the hosting of a Community Information and Comment Session, and may also include the placement of a notice in the local community newspaper, all of which is to be undertaken by the proponent.

Specifically, where the antenna system is located within 120 metres or three times the height of the installation, whichever is greater, of a residential zone, residential use or mixed use building, notice must be provided to all property owners within this same radius, and a Community Information and Comment Session must be held within the community. Where a proponent of an antenna system must notify property owners, the proponent must also notify staff, all Councillors who received a heads-up from staff, as well as applicable Registered Community Groups. Additionally proponents must notify all neighbouring municipalities within 120 metres or three times the height of the proposed installation, whichever is greater, from the base of the antenna system.

In all instances a notice in the local community newspaper will be required where the installation will be 30 metres or more in height or contain white lights to satisfy Transport Canada's requirements. The Process delegates to staff the discretion to waive the requirements for a Community Information and Comment Session and a notice within a local community newspaper in instances where, for example, only two or three residences are captured within the notification radius and no high intensity white lights are required by Transport Canada.

The Process prescribes the content of the notice sent to property owners and the notice published in the local community newspaper. For notifications provided directly the required statements are similar to that required for a residential use antenna system. However, more detail regarding the proposal must be provided, including maps showing the location of the antenna system within the community and photographs of its location with the installation superimposed. For

notifications published in a local community newspaper, the details are limited to a brief description of the proposal and statements regarding Industry Canada and the City's role in the approval of the installation, as well as an invitation to provide comments to or receive notice of the City's position from the proponent. Similarly, the Process sets out the minimum content that must be made available at a Community Information and Comment Session.

The intended effect of these public notification and consultation requirements is to encourage proponents to locate more visually obtrusive antenna systems outside of residential areas, and where these installations must be located in proximity to residents, provide property owners with sufficient information about the proposal and the opportunity to have their questions answered by the proponent. In so doing, and by ensuring that residents are consulted, the City is working to encourage less contentious locations for antenna system development, and ensuring Industry Canada is aware of land use issues associated with their installation.

6. Review and Position Submission (Parts 9 through 12)

The test to be employed by staff when determining the City's position on a proposal is twofold. Firstly, the proponent must have followed the steps as set out within the Process, for example all necessary consultations must have been undertaken and completed. Secondly the proponent must have addressed the Process's site selection and design guidelines, comments received by the proponent during consultations, and any other reasonable land use issue identified to the satisfaction of the City.

Based on its review, the City will provide its concurrence, conditional concurrence, or non-concurrence for consideration by Industry Canada. Staff anticipate under normal circumstances to conclude their review and provide a position within 100 calendar days after the date an application is submitted.

Should the City and a proponent disagree as to a condition of concurrence, or the City provides non-concurrence, the proponent may petition Industry Canada for a review. Pursuant to CPC-2-0-03, Industry Canada maintains a dispute resolution process. Where utilized, each side is requested to submit evidence to Industry Canada for it to make a determination on what action must be taken by the proponent in light of the City's position and comments received by the public. Similarly, should a proponent fail to adhere to a condition of the City's concurrence, the City may petition Industry Canada to review the matter and render a decision.

RECOMMENDATION 2: Process to come into effect 30 days after approval

Before the Process can be implemented the internal administrative procedures must be established. This includes developing specific process steps for administering the application, the establishment of MAP tasking, and the creation of correspondence templates, an application form and website material. Staff are requesting 30 days after Council adoption of the Process to provide the necessary resources for the Process's implementation.

RECOMMENDATION 3:**Proposed Amendment to Site Plan Control By-law 2002-4**

As detailed above, it is recommended that the Site Plan Control By-law be amended to remove reference to communication towers as such installations fall outside the scope of the City's authority to regulate. Document 2 contains an amendment to the By-law to remove reference to communication towers so as to enable such installations to be reviewed pursuant to the proposed Process.

Proposed Amendment to Delegation of Authority By-law 2011-28

As the City is not approving the establishment of new or changes to existing installations, but instead providing its position for the benefit of Industry Canada, the Process delegates to staff the responsibility for providing concurrence, conditional concurrence or non-concurrence on behalf of the City. As set out in Document 2, an amendment to the Delegation of Authority By-law 2011-28 is proposed to provide the staff person to whom the application for municipal review is assigned the authority to provide concurrence, conditional concurrence or non-concurrence on behalf of the City.

Providing staff the authority to submit comments to Industry Canada on behalf of the City is in keeping with the Council approved Strategic Priorities related to Governance, Planning and Decision Making and Council's objectives of improving transparency, accountability and streamlining the decision making process, as well as Service Excellence and the objective of improving the effectiveness and efficiency of City services.

Proposed Amendment to Planning Fees By-law 2011-29

As this is a new process, the level of effort required by staff to process an application has not yet been determined. It was determined that the level of effort required to process an application for an antenna system under the Process most closely resembles the level of effort required to process a Staff Approved Site Plan Revision, which has a \$2,699.00 application fee. It is recommended that until such time as sufficient data can be accumulated to accurately assess the level of effort required by staff, this fee be applied to applications for municipal review associated with antenna systems.

Where a residential use antenna system is proposed, representatives of the amateur radio community informed staff that a \$2,699.00 fee is unreasonable and would in many instances exceed the cost of the equipment involved. Staff were informed that such a fee would be tantamount to a prescriptive requirement to meet the exemption criteria and may deter future persons from taking up the activity.

In addition, it is anticipated that far less time and resources will be required than is involved in the review of an antenna system due to the reduced application submission and consultation requirements. Staff recommend a fee of \$300.00 for the review of residential use antenna systems, which is the same fee for a pool enclosure permit.

An amendment to the Planning Fees By-law 2011-29 is detailed in Document 2.

ENVIRONMENTAL IMPLICATIONS

Through the proposed Process the City will continue to recommend protection of significant natural heritage features and ecological functions. The guidelines within this proposed Process are consistent with Official Plan policies for environmental protection. Environmental impact statements will be requested in support of antenna system applications where appropriate; in some cases, an environmental screening may also be required under the Canadian Environmental Assessment Act. City staff will not support proposals within areas identified for environmental preservation (i.e., Natural Environment Areas, Significant Wetlands, Urban Natural Features) or areas of significant habitat for endangered and threatened species, and will recommend to Industry Canada that any mitigation measures identified in an environmental impact statement be implemented as conditions of concurrence.

RURAL IMPLICATIONS

It is proposed that the recommendations of this report be applied to all City Wards.

CONSULTATION

Consultation has been undertaken with Industry Canada, industry stakeholders, registered community groups, relevant technical agencies and public bodies, as well as the public.

A draft of the Process was provided to Industry Canada for review and comment. Industry Canada commented that the City was free to institute any process it felt necessary, however where the City's process was unacceptably more restrictive or burdensome than the CPC-2-0-03, Industry Canada may not require proponents to comply with the specific requirement of the Process at issue. As stated above, where such a situation arises, Industry Canada has assured staff that the City will have an opportunity to present its case before a decision is rendered.

A website providing background information as well as a draft copy of the Process was made available on the City's website. Notice of the proposed Process and the website was provided city wide in English in the EMC, and in French in L'Express in Orleans and Perspectives in Vanier. Notice of the website was provided to all registered community groups, relevant technical agencies and public bodies, industry stakeholders and the public. Both the notices and website provided a staff contact, and the website was equipped with a feedback form. The notices and website provided a timeline of 30 calendar days for the provision of feedback.

A summary of the comments received and staff responses are found in Document 3 – Consultation details.

COMMENTS BY THE WARD COUNCILLOR(S)

No comments were received from Ward Councillors.

LEGAL IMPLICATIONS

Approval of a process for municipal review of antenna systems will clarify the City's role in the approval process vis-a-vis Industry Canada. A similar process has been adopted by other Canadian municipalities.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications

TECHNICAL IMPLICATIONS

There are no direct technical implications associated with this report.

FINANCIAL IMPLICATIONS

It is anticipated that there will be eight applications per year for Municipal Concurrence and Public Consultation Process for Antenna Systems, and two applications per year for Municipal Concurrence and Public Consultation Process for Antenna Systems for residential use. Estimated annual revenue is \$21,952; this will affect Planning and Growth Management's annual operating status.

ACCESSIBILITY IMPACT

There are no impacts on accessibility associated with this report

CITY STRATEGIC PLAN

The Process is in keeping with the City's Strategic Priorities related to:

- i. Governance, Planning and Decision Making and Council's objectives of improving transparency, accountability and streamlining the decision making process. The delegation to staff for coordinating the City's position for the benefit of Industry Canada represents an effective allocation of City resources;
- ii. Service Excellence and the objective of improving the effectiveness and efficiency of City services;
- iii. Economic Prosperity and the related objective of supporting the development of the necessary infrastructure to stimulate growth; and
- iv. Environmental Stewardship and Council's objective of reducing environmental impacts, in this instance by promoting where feasible the use of existing infrastructure, minimizing the disturbance of existing natural features, and mitigating potential environmental impacts associated with antenna system development.

SUPPORTING DOCUMENTATION

Document 1 Municipal Concurrence and Public Consultation Process for Antenna Systems

Document 2 Amendments to:

- Site Plan Control By-law 2002-4
- Delegation of Authority By-law 2011-28
- Planning Fees By-law 2011-29

Document 3 Consultation details

Please also see Reports ACS2011-ICS-PGM-0201 (Official Plan Amendment) and ACS2011-ICS-PGM-0204 (Zoning By-law Amendment).

DISPOSITION

Planning and Growth Management to:

- prepare the implementing by-laws, and forward to Legal Services; and,
- undertake implementation and application of Municipal Concurrence and Public Consultation Process.

Legal Services to forward the implementing by-laws to City Council.

CITY OF OTTAWA**Municipal Concurrence and Public Consultation Process for Antenna Systems****1.0 Introduction**

Radiocommunication and broadcasting antenna systems are federal undertakings regulated by Industry Canada. Antenna systems include the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter.

Industry Canada requires proponents of proposals for new or modifications to existing antenna systems, to consult with municipalities and the public. Industry Canada's public and municipal consultation requirements are set out in CPC-2-0-03 entitled *Radiocommunication and Broadcasting Antenna Systems*, and provide that proponents must follow the consultation process put in place by the municipality where one exists. Under Section 6 of CPC-2-0-03 proponents of certain types of antenna system development are not required to consult with the municipality and the public.

This Municipal Concurrence and Public Consultation Process for Antenna Systems allows the City meaningful involvement in the location and design of antenna systems by affording the ability for purposeful and relevant input. Guidelines and criteria for the siting and design of new or modifications to existing antenna systems not otherwise exempt are set out, as well as requirements for proponent driven consultation with the public and the City.

At the conclusion of the consultation process City staff under delegated authority will provide their concurrence, conditional concurrence, or in instances where for example the proposal is considered unsupportable due to size, location or poor design, their non-concurrence for each proposal.

This process distinguishes between antenna systems used solely for personal use by residents, such as for amateur radio, and all others. This distinction recognizes limitations in the size and scale of antenna systems used by residents, and the means available to a resident to undertake extensive consultation. As such the process introduces separate siting and design guidelines, as well as submission and public consultation requirements for antenna's used solely for personal use, different than those for all other antenna systems.

Final approval for the siting and design of an Antenna System rests with Industry Canada. In addition to requiring public and municipal consultation Industry Canada requires proponents to comply with the following:

- a) Transport Canada's lighting and marking requirements;
- b) NAV Canada's aeronautical safety requirements;
- c) Health Canada's safety guidelines regarding limits of exposure to Radiofrequency Electromagnetic fields, commonly known as Safety Code 6;
- d) The *Canadian Environmental Assessment Act*, where required;
- e) Industry Canada's immunity criteria dealing with the minimization of malfunctioning of electronic equipment in the local surroundings; and,

- f) CPC-2-0-17 - Conditions of License for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements.

2.0 Objectives

The objectives of this process are:

- a) to establish a documented and predictable land-use consultation process for the review of proposals for antenna systems and residential use antenna systems (RUAS) in accordance with Industry Canada's regulatory framework;
- b) to establish guidelines which set out the City of Ottawa's preferences for the development of antenna systems and RUAS throughout the city;
- c) to encourage the development of antenna systems and RUAS in a manner which minimizes their visual impact, and leaves undisturbed natural and human heritage features and sensitive lands to the greatest extent possible;
- d) to minimize the number of new towers within the city and encourage the placement of antennas on existing towers, buildings or structures; and,
- e) to provide an opportunity for public consultation to address concerns over the development of non-exempted antenna systems and RUAS.

3.0 Definitions

Antenna – means a device designed for the purpose of the reception and/or transmission of radiocommunications, but does not include a tower or other supporting structure, or an equipment shelter.

Antenna System – means all the components and equipment required on a site, including an antenna and, if required, its supporting tower and an equipment shelter, for the operation of a wireless communication network, but does not include a residential use antenna system.

Co-location – means the placement of antennas by at least two proponents on the same building, structure or tower.

Equipment shelter – means a building or structure containing electronic equipment for the operation of an antenna system, which is not staffed on a permanent basis and only requires periodic maintenance.

Height – means the vertical distance between the grade at the base of the tower, or if the installation is located on a building or structure, the average grade abutting the building or structure, to the installations highest point including any antenna, lighting, lightning rod or other attached device.

Mixed Use Building - means a building which contains both residential and non-residential uses as defined within the City of Ottawa Zoning By-law No. 2008-250 (the "Zoning By-law")

Residential Use Antenna System (RUAS) – means an antenna used primarily for personal use by a resident, such as satellite dish or for amateur radio communications, and may include a supporting tower.

Residential Use Building – means a building which contains solely residential uses as defined within the Zoning By-law.

Stealth Design Techniques – the blending in or hiding of an antenna system within surrounding buildings, structures or landscaping such as camouflaging antenna systems within church steeples, clock towers, flagpoles or lighting standards.

Tower – means all types of towers including but not limited to: a monopole; tripole; lattice tower; guyed tower; self-supported tower; pole; mast; or other structure, which are used to support one or more antennas and may be located at ground level or attached to a building or structure.

4.0 Exemptions to the City of Ottawa Municipal Concurrence and Public Consultation Process

4.1 Exemptions

All proposals for new or modifications to antenna systems or residential use antenna systems (RUAS) are subject to this process except for the following:

- a) proposals for new RUAS provided the proposal;
 - (i) is a satellite dish less than or equal to 1 metre in diameter which does not have a supporting tower and is attached directly to a building or structure by means of an arm and a bracket; or
 - (ii) complies with all of the guidelines set out in (a) through (f) in Part 5.1;
- b) proposals for temporary antenna systems or RUAS installed for no longer than six months;
- c) maintenance of an antenna System's painting or lighting in order to comply with Transport Canada's requirements;
- d) maintenance of existing radio apparatus including the antenna, transmission line, mast, tower or other antenna-supporting structure;
- e) proposals for new ground mounted antenna systems including masts, towers or other antenna-supporting structure, with a height of less than 15 metres above ground level;
- f) proposals for the addition to, reconstruction of, or modification of a RUAS or an antenna system provided the addition, reconstruction or modification does not result in an overall height increase above the existing antenna system or RUAS of 25% or more of its original height; and,
- g) proposals for rooftop or structure mounted antenna systems that do not result in an overall height increase above the existing building or structure of 25% or more of the original height of the building or structure.

Proponents should consider and incorporate the siting and design guidelines contained in Part 5, even if exempt pursuant to this part.

4.2 Parliamentary Precinct

Despite the exemptions contained in Part 4.1 above, in order to protect the visual integrity and symbolic primacy of the Parliament buildings, a proposed new or modification to an antenna system or RUAS is subject to this process if it will protrude above the maximum permitted height limit specified in the Zoning By-law within the following areas:

- a) the Central Area as identified in Schedule 11 of the Zoning By-law; and,
- b) the Beechwood Cemetery viewshed as shown in Annex 12 of the Official Plan.

4.3 Antenna systems within the Municipal Right-of-Way

Antenna systems located within a municipal right-of-way are not subject to this process, but instead are subject to the municipal consent process. A decision by the City under the municipal consent process shall constitute the City's position on the proposal for the purposes of satisfying Industry Canada's requirements under CPC-2-0-03.

Despite the above, where an antenna system is proposed within a municipal right-of-way, and would not otherwise qualify under one of the exemptions listed in Part 4.1 above, a proponent must undertake public consultation in accordance with Part 8.

5.0 Site Selection and Design Guidelines

5.1 Residential Use Antenna Systems (RUAS)

The purpose of these guidelines is to encourage the development of RUAS in a manner which mitigates the visual impact on the adjacent property owners.

All residential use antenna systems should:

- a) be setback at least 1.5 metres from all lot lines, unless located on a roof in accordance with (c) below;
- b) be located only in the rear yard but excluding the extension of a corner side yard into a rear yard, as defined in the Zoning by-law unless located on a roof in accordance with (c) below;
- c) if located on the roof:
 - (i) of a building three storeys or 11 metres or less in height, be located only on that half of the roof closest to the rear yard; or,
 - (ii) of a building higher than three storeys or 11 metres, be setback a minimum of 4.5 metres from the perimeter of the roof;
- d) be no higher than 15 metres measured from ground level, whether located on the ground, or attached to a building or structure;
- e) carry no advertising, flags, graphics or other such devices, as well as permanent lighting;
- f) avoid placement of an RUAS within:
 - (i) Natural Environment Areas, Significant Wetlands or Urban Natural Features as shown on Schedules A & B of the Official Plan;

- (ii) Any 1:100 year flood plain, and Unstable Slopes shown on Schedule K of the Official Plan;
- (iii) significant habitat of endangered and threatened species as defined in Section 4.7.4 of the Official Plan; and,
- (iv) 30 metres to the normal highwater mark or 15 metres to the top of the bank of any watercourse or waterbody, whichever is greater.

Where a proposal for an RUAS does not conform to all of the above guidelines (a) to (f) it should be designed so as to mitigate negative impacts on the surrounding properties and the environment, including but not limited to decreasing the size and visibility of the RUAS, or selecting an alternate location on the property. To reduce the scale and visual impact mitigation measures could include the installation of screening and landscaping, the application of appropriate design features, colour and materials. Non-reflective surfaces and neutral colours that blend with the surrounding should be used.

5.2 Antenna Systems

The purpose of these guidelines is to:

- *minimize the number of new towers associated with antenna systems by encouraging co-location and the use of existing infrastructure, where appropriate;*
- *minimize their impact on residential communities by encouraging the placement of antenna systems outside of residential communities;*
- *minimize their impact on natural and human heritage features as well as sensitive land uses; and,*
- *promote their integration, to the extent technically feasible, into their surroundings by reducing their visual impact.*

Antenna systems should have minimal impact on living areas and areas of historical or environmental significance. In general, the City prefers that antenna systems not locate in or near residential areas and that proponents explore opportunities for co-location and the placement of antennas on existing towers, buildings or structures. However, where an antenna must be located in or near a residential area, the use of unobtrusive towers such as monopoles or the use of stealth design techniques may be preferable to the co-location of the antenna on an existing tower, building or structure.

5.2.1 Site Selection

When selecting a site for an antenna system a proponent should:

- a) attempt to co-locate the antenna on an existing tower or place it on a building or structure before constructing a new tower;
- b) maximize the distance of new towers from residential zones, residential use and mixed use buildings;
- c) avoid placement of an antenna system within:
 - (i) Natural Environment Areas, Significant Wetlands or Urban Natural Features as shown on Schedules A & B of the Official Plan;
 - (ii) Areas designated as Sand and Gravel or Limestone Resource Area, except as an interim use pending future extraction of mineral resources;

- (iii) Any 1:100 year flood plain and Unstable Slopes shown on Schedule K of the Official Plan or as identified through a site specific geotechnical investigation
 - (iv) significant habitat of endangered and threatened species as defined in Section 4.7.4 of the Official Plan; and,
 - (v) 30 metres to the normal highwater mark or 15 metres to the top of the bank of any watercourse or waterbody, whichever is greater.
- d) ensure compliance with those policies within Section 3.6. of the Official Plan that deal with protecting the visual integrity of the Parliament Buildings including protected views from Beechwood Cemetery, and avoid exceeding the maximum permitted height limits set out in the Zoning By-law within the following areas:
 - a. the Central Area as shown on Schedule 11 of the Zoning By-law; and,
 - b. the Beechwood Cemetery viewshed as shown in Annex 12 of the Official Plan;
 - e) avoid blocking or marring views or vistas identified in the Official Plan;
 - f) ensure that new towers and equipment shelters are setback an appropriate distance from lot lines;
 - g) avoid placement of an antenna system within the Heritage Conservation Districts set out in Official Plan Annex 4, and if for technical reasons the antenna system must be located within the Heritage Conservation District take steps to minimize the antenna system's visual impact;
 - h) avoid placement of an antenna system on a property designated under Part IV of the *Ontario Heritage Act* and if for technical reasons the antenna system must be located on a property designated under Part IV of the *Ontario Heritage Act* take steps to minimize the antenna system's visual impact; and,
 - i) minimize the impact on the natural environment and preserve where feasible existing trees and vegetation.

5.2.2 Engineering, Design and Landscaping

When designing an antenna system a proponent should:

- a) where it includes a new tower and the tower is located more than 120 metres or three times the antenna system height, whichever is greater, from a residential zone, residential use or mixed use building, ensure that the antenna system is designed to provide for future co-location;
- b) where the antenna must be located within 120 metres or three times the antenna system height, whichever is greater, of a residential zone, residential use or mixed use building and requires a tower because:
 - a. the antenna cannot be placed on an existing building or structure; or
 - b. co-location would increase the adverse visual impact of an existing antenna system,
 utilize a monopole or stealth design technique, and not design the antenna system to provide for future co-location;
- c) in all instances mitigate negative impacts on surrounding uses including but not limited to the use of stealth design techniques, or decreasing the size and visibility of the antenna system so that it blends in with the surroundings to the greatest extent possible. To reduce the scale and visual impact of antenna systems, mitigation measures should include where feasible the installation of screening and landscaping, design features, structure type, colour and materials. Non-reflective surfaces and

neutral colours that blend with the surroundings are to be used (though it is recognized that new antenna systems must comply with the requirements of Transport Canada and NAV Canada);

- d) not include any offices, maintenance uses or indoor or outdoor storage facilities unless otherwise permitted under the Zoning By-law;
- e) ensure that the antenna system is no higher than is necessary to operate effectively and safely;
- f) place a small plaque in a clearly visible location and in accordance with By-law No. 2005-439, as amended, and entitled “*A by-law of the City of Ottawa regulating permanent signs on private property*”, which identifies the owner of the tower and contact information. No advertising or promotion is permitted on the antenna system unless used for the purposes of stealth design;
- g) where Transport Canada requires an antenna system be lit, limit lighting to the minimum number of lights and the lowest illumination allowable;
- h) ensure that any lighting other than that required by Transport Canada meets the criteria for “full cut-off” and results in minimal spillage onto adjacent properties, generally not exceeding 0.5 foot candles;
- i) provide appropriate parking, access, security, servicing, grading, and drainage;
- j) ensure that the placement of any parking space or any component of the antenna system does not create or cause a situation of non-compliance with the Zoning by-law for any other use, building, or structure on the same lot;
- k) where feasible, locate equipment in an existing building or structure before constructing a new equipment shelter; and,
- l) when a new equipment shelter is necessary, ensure that it is attractively designed and screened from public view.

6.0 Pre-Application Consultation

Unless otherwise exempt under Part 4, pre-application consultation is required prior to the submission of an Application for Municipal Review and Concurrence. At the pre-application consultation meeting City staff:

- a) will outline the City’s site selection and design guidelines;
- b) will discuss with the proponent the appropriateness of the selected site for, and design of the antenna system or residential use antenna system (RUAS), including all proposed works and any expected lighting requirements in light of the City’s site selection and design guidelines, as well as alternative siting and design options if necessary;
- c) may, where it is anticipated that there will be no negative impacts associated with an RUAS, exempt the proponent from the requirements of this process and will issue concurrence or conditional concurrence in accordance with Part 12;
- d) will if necessary provide the proponent with a copy of this document;
- e) will explain the application submission, public consultation and review process including:
 - (i) the extent of the lands to be included on the site plan or sketch; and,
 - (ii) the applicable public consultation requirements.

Proponents of antenna systems must bring to a pre-application meeting a map of the service area showing any existing towers within the search area and the closest residential zone, residential use or mixed use building to the base of the antenna system.

Following the pre-application consultation with City staff, proponents of antenna systems are strongly encouraged to undertake pre-application consultation with the applicable Ward Councillor.

Following the pre-application consultation the City shall e-mail the proponent the *Applicant's Study and Plan Identification List*¹ detailing any plans, studies and / or reports that are required by the City for its review of the antenna system or RUAS proposal.

7.0 Application Submission Requirements

Unless exempt under Part 4 or Part 6(c) a proponent must submit an Application for Municipal Review and Concurrence to a Client Service Centre comprised of the information outlined below.

7.1 Submission Requirements for Residential Use Antenna System (RUAS)

- a) Site Selection / Justification Report which sets out:
 - (i) the rationale for the RUAS location and its height; and,
 - (ii) any design elements or mitigation measures proposed in order to minimize the impact of the RUAS;
- b) a sketch including the dimensions of the lot or that part of the lot on which the RUAS will be located, showing the RUAS and its distance in metres to adjacent lot lines, as well as the location of the principal dwelling, and where relevant, the location of any accessory buildings and structures; and,
- c) a completed Application for Municipal Review and Concurrence including the Application fee.

7.2 Submission Requirements for Antenna Systems

- a) Site Selection / Justification Report which sets out:
 - (i) a map showing the area to be serviced by the antenna system and the location of all existing towers within it;
 - (ii) the rationale for the antenna system's location and its height;
 - (iii) why the antenna couldn't/shouldn't be co-located on an existing tower, or placed on a building or structure within the proponent's search area;
 - (iv) any alternate sites for the location of the antenna system that were investigated by the proponent, and the rationale for eliminating these sites as the preferred alternative;
 - (v) any design elements proposed in order to minimize the visual impact of the antenna system;

¹For the purposes of determining the required plans, studies and reports, an Application under this process is to be considered an application for Site Plan Approval under the Official Plan.

- (vi) any lighting and marking features that are anticipated to be required by Transport Canada; and,
- (vii) in addition to the above, any site selection and design guidelines which have not been met, and the reasons why;
- b) a photograph of the selected lot taken from the street lot line closest to the antenna system with the installation superimposed in colour showing its height, design and any expected lighting and marking features;
- c) a site plan which includes the antenna system, the leased area, and those applicable elements set out in the City of Ottawa *Guide to Preparing Plans and Studies*;
- d) any other plans, reports and studies identified on the *Applicant's Study and Plan Identification List* which may include landscape plans, site servicing plans grading and drainage plans, and erosion and sediment control plans;
- e) scaled elevation drawings noting any expected lighting and marking features;
- f) certification from an acceptable professional engineer that all lighting features other than those required by Transport Canada have been designed using only fixtures that meet Full Cut-Off Classification as recognized by the Illuminating Engineering Society of North America and that spillage onto adjoining properties will not exceed 0.5 foot candles, or an amount acceptable to the City;
- g) confirmation as to whether or not pre-application consultation was undertaken with the Ward Councillor;
- h) an undertaking to provide the City with written confirmation of any lighting and marking required by Transport Canada;
- i) any other information requested by City staff; and,
- j) a completed Application for Municipal Review and Concurrence including the Application fee.

Once an Application for Municipal Review and Concurrence has been submitted City staff will review the Application to ensure that all required information has been submitted, and upon verification deem the Application complete. Once deemed complete City staff shall:

- a) in the instance of an antenna system, provide the Ward Councillor (if the proponent did not pre-consult) and the Councillors of all Wards within 120 metres or three times the antenna system's height, whichever is greater, of the base of the tower with a heads-up indicating the location and nature (including the height and any expected lighting requirements) of the antenna system;
- b) set out which technical agencies and public bodies (e.g., Hydro Ottawa, National Capital Commission, applicable Conservation Authority, School Board, Ministry of Transportation, Parks Canada etc.) must be consulted by the proponent;
 - i. The proponent must provide and inform any such agencies or bodies that they have 30 days to provide their comments to the proponent, and it is the responsibility of these agencies and bodies to comment within these timelines;
- c) if applicable, provide the proponent with a list of those Councillors to be notified and a list of the addresses of all property owners and registered community groups to be notified pursuant to Part 8;
- d) if required, identify the applicable local community newspapers in which notice is to be placed; and,
- e) if required, identify appropriate venues for the Community Information and Comment Session.

A proponent of an antenna system must also notify all neighbouring municipalities within 120 metres or three times the antenna system's height, whichever is greater, measured from the base of the tower.

In addition to this Application, the proponent is responsible for securing all applicable permits or approvals from City departments or other agencies, if required.

8.0 Public Consultation

Unless exempt under Part 4 or Part 6(c), a proponent must undertake public notification and consultation in accordance with this Part. Where notification of the public is required, the notice must be placed in an envelope and the envelope must have in bold type on its face the statement:

“Contains Information Concerning an [select one] Antenna System or Residential Use Antenna System Proposed in Your Community”

If the provisions of this Part require notification of owners located within a condominium development, a proponent may provide the required notice to the condominium corporation, instead of the individual owners within the development.

8.1 Public Consultation for Residential Use Antenna Systems (RUAS)

A proponent of an RUAS must provide written notice of the proposal to:

- a) the City;
- b) the Ward Councillor; and
- c) all owners or occupants of residential property abutting the lot and directly across the street from the lot on which the RUAS is to be located.

The notification must include the following information:

- a) the statement:
“I/We is/are proposing [select one] an antenna system or an addition to the existing antenna system at [insert address], which consists of the following: [insert description of proposed works including the location, colour, type and design]. Once completed the antenna system will measure [insert height] metres in height.
- Industry Canada is responsible for the approval of this antenna system, and requires that I/we review this proposal with the local municipality. After reviewing this proposal the City of Ottawa will provide its position to Industry Canada and myself/us”;*
- b) information explaining:
 - (i) the RUAS purpose;
 - (ii) the need for the RUAS height and its location on the lot;
- c) a statement that the RUAS will comply with Health Canada's Safety Code 6, and an explanation that Safety Code 6 regulates human exposure to radiofrequency emissions from antennas;

- d) a statement that the RUAS will respect good engineering practices including structural adequacy;
- e) the statement:
“I/We invite(s) you, within 30 calendar days of the date of this notice, to provide by letter your comments, and / or request to be informed of the City’s position on the proposed antenna system. To do so please contact...” followed by the name of the proponent and their mailing address; and,
- f) a statement that the proponent will respond to all reasonable and relevant concerns, and that the City will be taking into account comments from the public and the proponent’s response to each when providing its position to the proponent and Industry Canada.

Despite the notification requirements of Part 8.1, the City may waive some or all of these requirements, upon consultation with the proponent, where the City anticipates there to be no public reaction to the proposal.

8.2 *Public Consultation for Antenna Systems*

8.2.1 *Waiver of Public Consultation Requirements*

The City may waive the requirement for a Community Information and Comment Session, for example where only two or three residences are captured within the notification area, however in such instances notice shall be provided in accordance with Part 8.2.2 and the proponent shall indicate and allow 30 days for property owners to provide their comments to the proponent or request notification of the City’s position on the installation. Similarly, the City may also waive the requirement for a notice in the local community newspaper.

8.2.2 *Notice of Community Information and Comment Session*

A proponent of an antenna system must host a Community Information and Comment Session within the community in which the antenna system is proposed if the base of the tower is within 120 metres, or three times the antenna system height, whichever is greater, of a residential zone, residential use or mixed use building.

Written notice of the Community Information and Comment Session must be provided in both official languages to:

- a) the City;
- b) all Councillors identified by City staff and the Member of Parliament for that constituency;
- c) Registered community groups; and,
- d) all property owners within 120 metres or a distance equal to three times the antenna system height, whichever is greater, as measured from the base of the tower.

The notification must include the following information:

- a) the statement:

“[insert name of proponent] *is/are proposing* [select one] *an antenna system or an addition to the existing antenna system at* [insert address], *which consists of the following:* [insert description of proposed works including the antenna system’s colour, type, design and any lighting and marking features]. *Once completed the antenna system will measure* [insert height] *metres in height.*

Industry Canada is responsible for the approval of this antenna system, and requires [insert name of proponent] *to review this proposal with the nearby public and local municipality. After reviewing this proposal the City of Ottawa will provide its position to Industry Canada and* [insert name of proponent]”;

- b) a map showing the location of the antenna system within the community;
- c) information explaining:
 - (i) the antenna system’s purpose;
 - (ii) the reasons why existing antenna systems or other infrastructure cannot be used to support the antenna; and,
 - (iii) the need for the antenna system’s height and its location on the lot;
- d) a photograph of the selected lot taken from the street lot line closest to the antenna system with the installation superimposed in colour showing the height, design and any expected lighting and marking features;
- e) a statement that the antenna system will comply with Health Canada’s Safety Code 6, and an explanation that Safety Code 6 regulates human exposure to radiofrequency emissions from antennas;
- f) a statement that the antenna system will respect good engineering practices including structural adequacy;
- g) if applicable, an explanation of the expected Transport Canada lighting and marking requirements for the proposal;
- h) the statement:

“[insert name of proponent] *invite(s) you to attend our Community Information and Comment Session at* [insert date, time and location], *or within 30 calendar days of the date of this notice provide by e-mail or letter your comments, and / or request to be informed of the City’s position on the proposed antenna system. Please contact...*” followed by the name of the proponent, their mailing address, phone number and e-mail.”; and,
- i) a statement that the proponent will respond to all reasonable and relevant concerns, and that the City will be taking into account comments from the public and the proponent’s response to each when providing its position to the proponent and Industry Canada.

8.2.3 Information at Community Information and Comment Session

The proponent must convene a Community Information and Comment Session no earlier than 14 days and no later than 20 days from the date of mailing of the notice or the publication of the notice in the local community newspaper (if required), whichever occurs later.

At the Community Information and Comment Session the proponent must, in addition to addressing all reasonable and relevant concerns raised by the public, present the following information:

- a) an explanation that Industry Canada is the approval authority for antenna systems, Industry Canada's requirements for consultation with the public and the land use authority under CPC-2-0-03, the City's role as a commenting body within Industry Canada's approval process, and the purpose of the Community Information and Comment Session;
- b) an explanation of the purpose of the antenna system, the need for the selected location and height, its future sharing possibilities and what other structures were considered and reasons why existing antenna systems or other infrastructure cannot be used;
- c) a description of the design of the antenna system including its height, colour, dimensions, any expected lighting and marking features, as well as a description of all other works proposed;
- d) a map showing the antenna system's location within the community;
- e) a photograph of the selected lot taken from the street lot line closest to the antenna system with the installation superimposed in colour and including its height, design and any expected lighting and marking features;
- f) if applicable, an explanation of the expected Transport Canada lighting and marking requirements for the proposal;
- g) a statement that the proponent will respond to reasonable and relevant concerns raised by the public and:
 - (i) an explanation of what Industry Canada under CPC-2-0-03 classifies as a reasonable and relevant concern; and,
 - (ii) the deadline (i.e. 10 days) for bringing reasonable and relevant concerns to the proponent after the Community Information and Comment Session.

This information may be provided in English, but a representative of the proponent must be available at the Community Information and Comment Session to provide information and respond to comments and questions in French.

8.2.4 Notice in Local Community Newspaper

A proponent must place a notice in the local community newspaper where an antenna system is:

- a) to be 30 metres or more in height; or
- b) after an addition will measure 30 metres or more in height; or,
- c) is expected to contain medium or high white intensity lighting for the purposes of satisfying Transport Canada requirements,

The notice must include the following in both official languages:

- d) the statements:

"[insert name of proponent] is/are proposing [select one] an antenna system or an addition to the existing antenna system at [insert address], which consists of the following: [insert description of proposed works including the antenna system's colour, type, design and any lighting and marking features]. Once completed the antenna system will measure [insert height] metres in height.

Industry Canada is responsible for the approval of this antenna system, and requires [insert name of proponent] to review this proposal with the public and local

municipality. After reviewing this proposal the City of Ottawa will provide its position to Industry Canada and [insert name of proponent]”;

“[insert name of proponent] invite(s) you, within 30 calendar days of the date of this notice, to provide by e-mail or letter your comments, and / or request to be informed of the City’s position on the proposed antenna system. Please contact...” followed by the name of the proponent, their mailing address, phone number and e-mail.”; and,

- e) a statement that the proponent will respond to all reasonable and relevant concerns, and that the City will be taking into account comments from the public and the proponent’s response to each when providing its position to the proponent and Industry Canada.

Where a Community Information and Comment Session is also required, the notice must, in addition to the above, include an invitation to the Community Information and Comment Session, along with its date, time and location.

8.3 Record of Public Consultation

Within fourteen days of the close of the public consultation period the proponent shall provide to the City the following:

- a) an affidavit executed by an authorized representative of the proponent stating that public consultation was carried out in accordance with the requirements of this process and, if applicable, that all technical agencies and public bodies identified by City staff, as well as neighbouring municipalities were notified of the proposal;
- b) written copies of all submissions made by the public and, if applicable, registered community groups to the proponent and all responses provided;
- c) if applicable, a record of attendees, comments and the proponent’s responses provided at the Community Information and Comment Session; and,
- d) if applicable, copies of all correspondence, comments, etc. provided to and received from technical agencies, public bodies and neighbouring municipalities relating to their review of the proposal, as well as any information pertaining to how concerns or issues were resolved.

9.0 Application Review

9.1 Changes to Application

If at any point during this process the proposal is revised, the proponent must advise the City of these changes as soon as possible. If revisions to the proposal include:

- a) a change in the location of an antenna system, which results in the base of the tower being within 120 metres or a distance equal to three times the antenna system height, whichever is greater, of a residential zone, residential use or mixed use building; or,
- b) a significant change in the height or design of an antenna system,

City staff shall notify those Ward Councillors previously notified under Part 7 of the changes.

City staff shall notify the proponent if:

- a) the proponent is required to resubmit drawings, documents, reports or studies showing proposed changes;
- b) the proponent must consult with additional technical agencies or public bodies, undertake public consultation or further public consultation as the case may be, in accordance with Part 8 as a result of revisions to the proposal; or,
- c) the timeframes under Part 10.0 need to be extended.

9.2 Concluding Review

Where the proposal fails to adequately address the siting, design, engineering and landscaping criteria set out in this process, or any other reasonable land-use issues identified, City staff shall discuss with the proponent alternatives or mitigation measures for resolving any concerns.

Once the review is complete, including the review of any resubmitted documents, drawings, etc., City staff shall determine whether the City will provide its concurrence, conditional concurrence or non-concurrence based on whether the proponent has followed this process and addressed to the satisfaction of the City the following:

- a) the site selection and design guidelines set out in Part 5;
- b) comments received from the public, registered community groups, technical agencies and public bodies; and,
- c) any other reasonable land use issue identified by City staff.

10.0 Timelines for Municipal Concurrence or Non-Concurrence

Once an Application for Municipal Review and Concurrence has been deemed complete, the City will work to conclude its review and provide its position to the proponent within 100 calendar days.

11.0 Letter of Undertaking

A proponent may be required, if requested by the City, to provide a Letter of Undertaking, requiring the posting of security for the remediation of City-owned property.

12.0 Concluding Municipal and Public Consultation

The proponent and Industry Canada will be notified of the City's position by City staff. Staff shall provide a letter to the proponent, copied to Industry Canada and all those Ward Councillors notified under Part 8 indicating the following:

- a) whether the proponent followed this process and if not, identify what issues remain outstanding; and,
- b) that based on its review the City:
 - (i) concurs with the proposal, or

- (ii) concurs with the proposal subject to the proponent meeting certain conditions detailed within the letter to the proponent, or
- (iii) does not concur with the proposal and the reasons why.

City staff will include with the letter to Industry Canada a copy of all documentation provided by the proponent to the City related to submissions by the public, registered community groups, technical agencies and public bodies as well as the proponent's response to each.

All proponents are responsible for distributing, within 15 days of receiving the City's position, a copy of the City's position to all persons who requested that they be notified in accordance with Part 8.

BY-LAW AMENDMENTS

DOCUMENT 2

Proposed Changes to Site Plan Control By-law 2002-4:

1. Delete the following:
 - (a) paragraph 4(1)(a)(viii);
 - (b) paragraph 4(1)(b)(v);
 - (c) subparagraph 4(2)(c)(i)(B); and,
 - (d) subparagraph 4(2)(c)(ii)(C).
2. Delete references to the above paragraphs appearing in any other sections, subsections or paragraphs of the by-law”

Proposed Changes to Delegation of Authority By-law 2011-29:

1. Add to Schedule “C”, Infrastructure Services and Community Sustainability Portfolio the following Section immediately after Section 47:

“MUNICIPAL REVIEW OF ANTENNA SYSYTEMS

- 47A. (1) The staff person to whom the application for municipal review of an antenna system or residential use antenna system has been assigned is delegated the authority to provide,
 - (a) Concurrence;
 - (b) Concurrence with conditions; or
 - (c) Non-concurrence
 on behalf of the City to the applicant and Industry Canada in accordance with the Municipal Concurrence and Public Consultation Process for Antenna Systems as approved by Council and provided the applicant has complied with all applicable requirements outlined therein.
- (2) The exercise of delegated authority pursuant to subsection (1) shall be reported to the appropriate Standing Committee at least once in a calendar year.

Proposed Changes to Planning Fees By-law 2011-92:

1. Add the following as Section 17:

“MUNICIPAL REVIEW OF ANTENNA SYSTEM

17A. The fees for an application for municipal review of antenna system shall be in accordance with Schedule “L”.

2. Renumber all Sections of the By-law accordingly.
3. Add the following as Schedule L:

“SCHEDULE “L”

Municipal Review of Antenna Systems

1. A fee of \$2669.00 excluding HST is payable at the time of an application for Municipal Review where such application is required pursuant to the Council approved *Municipal Concurrence and Public Consultation Process for Antenna Systems* for an antenna system as defined under that process.
2. A fee of \$300.00 excluding HST is payable at the time of an application for Municipal Review where such application is required pursuant to the Council approved *Municipal Concurrence and Public Consultation Process for Antenna Systems* for a residential use antenna system as defined under that process.
3. No application described in Section 1 or Section 2 of this Schedule shall be processed by the City unless and until the fee described in Sections 1 or 2 is paid in full.”

CONSULTATION DETAILS**DOCUMENT 3**

The following set out a summary of and staff responses to comments received during public consultation on the proposed Process.

The comments are organized under the following headings:

1. Process Scope and Exemptions – relating to the rationale for the Process itself and what it specifically exempts from review.
2. Health Issues – relating to the treatment of health issues associated with antenna systems by the City through the Process.
3. Residential Use Antenna Systems – relating specifically to how amateur radio installations are addressed within the Process.
4. Public Consultation and Application Submission – relating to the public notification and consultation requirements required under the Process.
5. Process Objectives and Siting and Design Guidelines – relating to what the Process is and should be attempting to achieve and the City’s recommended guidelines for antenna systems.
6. Review and Comment by the City to the Proponent and Industry Canada – relating to how the City will review a proposal and enforcement of the City’s position as provided to Industry Canada.

1. PROCESS SCOPE AND EXEMPTIONS:

Public Comment:

The City of Ottawa should not be removing current *Planning Act* controls such as Official Plan policies, but instead strengthening its by-laws. By doing away with Official Plan provisions, regulations and by-laws, and instead establishing “guidelines” and focussing on “consultation”, the City is effectively renouncing its responsibility for safeguarding urban integrity and the health of its residents. Specifically, the proposed change effectively leaves the City powerless to prevent the location of high-powered antenna systems in health-threatening locations.

Industry Canada does not and cannot authorize the construction of antenna systems because they are not legally mandated to do so. Industry Canada can licence and approve operation, based on meeting technical specifications and related criteria, but this is not an authority to build. Therefore the City has the authority and the duty to maintain its land use controls.

In adopting the proposed Process the City would effectively leave approval of locations for antenna systems entirely to Industry Canada, a federal body mandated to promote business, not safeguard public health, and the City would be reduced to a mere consultation-convening role. Even in such a role, the Process uses weak language such as “should” instead of “must”.

Staff Response:

As antenna systems are federal undertakings, the jurisdiction to regulate them lies with the Federal Government. Industry Canada, pursuant to the *Radiocommunications Act*, has the authority under Section 5 of that Act to approve each site of an antenna system, as well as the

erection of all masts, towers and other antenna-supporting structures. Furthermore, the Ontario Superior Court has ruled that the City of Toronto's site plan control by-laws are inapplicable to antenna systems, as these are federal undertakings. Given this, and as confirmed with City Clerk and Solicitor Department staff, Planning and Growth Management staff are of the opinion that the City cannot continue to regulate antenna systems through its *Planning Act* controls.

To ensure the City continues to provide meaningful input into potential land use impacts associated with antenna systems, the proposed Process is recommended for approval. While the City would be providing its position on each installation to Industry Canada, representatives from Industry Canada have advised that these comments will be taken into account. Furthermore, while the City cannot prevent the installation of an antenna system, it does have the capacity to influence antenna system siting through its municipal and public consultation practices.

The City of Ottawa is not alone in this initiative. The City of Toronto, along with numerous other Canadian municipalities such as Calgary, Edmonton, Oakville, Burlington, Winnipeg, Hamilton, Kitchener and Waterloo have instituted consultation policies similar to the one proposed by the City of Ottawa, for the purposes of providing comments to Industry Canada on individual proposals.

Public Comment:

The Process should not exempt antenna systems that are under 15 metres in height. The potential health impact on humans is actually higher if the antenna is closer to the ground and other impacts including those on the landscape can be high depending on location, not on absolute antenna height.

Staff Response:

Industry Canada exempts all antenna systems below 15 metres in height from the requirement to consult with the City and the public. While the municipality cannot deviate from these exemptions, staff are recommending the City take the position that in the instance of installations that exceed the permitted height limit under the Zoning By-law, the process still be followed. Similarly, residential use antenna systems, because they will be constructed within residential areas, are proposed to be subject to different exemption criteria and siting and design guidelines which seek to reduce any negative visual impacts.

As regards health issues associated with the height of the antenna system, Industry Canada requires that all antenna systems, regardless of height, comply with Health Canada's Safety Code 6 dealing with safe exposure levels for radiofrequency emissions.

Public Comment:

Will the proposed Process address existing installations, including those that are no longer in use?

Staff Response:

The proposed Process is not retroactive, but instead applies to new proposals or modifications to existing installations unless otherwise exempt under the proposed Process.

Public Comment:

The City should not adopt the proposed Process and should maintain its land use controls as such installations would still require a building permit, therefore evidencing the City's right to control these installations.

Staff Response:

As antenna systems are federally regulated (please see the staff response above), the support structures (i.e., towers) are not subject to the Ontario Building Code and accordingly, the City is not able to require the owner of the tower to submit a building permit application for its construction and installation, no matter the size. Should a building that houses the equipment for the antenna system have a surface area of greater than 10 square meters, a building permit, for the construction of the building only, is required.

Some proponents submit a building permit application for a tower and/or the accessory building even though these are not required, as a courtesy and for obtaining code advice. The City in this case is only able to provide comments which the applicant may or may not choose to incorporate into their proposal.

Towers that are attached to a building or installed atop a building are subject to the building permit process but again, the City is not able to dictate any standards regarding the tower itself, and can only direct the applicant vis a vis the implications of the installation to the building's structure itself.

Industry Comment:

The exemption regarding additions to or modifications of existing antenna systems should also include instances where antenna systems are reconstructed and should enable a proponent to reconstruct the antenna system within a radius of one tower height of the original location.

Staff Response:

The above wording has been added, with the exception of allowing as an as of right exemption for antenna system reconstruction within one tower height of the original location. Such changes to the location of an antenna system may result in negative land use impacts, and as such the City should be made aware of these, and afforded the opportunity to comment before it is constructed.

Industry Comment:

The proposed Process cannot be more restrictive than Industry Canada's CPC-2-0-03. In requiring proponents to consult when a proposed installation exceeds the maximum permitted building height within the Central Area, despite meeting one of the exemption criteria set out in

CPC-2-0-03, the Process is being more restrictive. The planning objective here can be met instead through the use of design guidelines.

Staff Response:

Given the need to protect the visual integrity of the Parliamentary Precinct, the Process must ensure staff have the opportunity to review and comment on proposals which would impact on the view planes and viewscales of this national symbol. CPC-2-0-03 encourages proponents to consider, where community sensitivities exist, consultation with the municipal authority. Staff are of the opinion that the need to maintain oversight of development affecting the foreground and background views of the Parliamentary Precinct necessitates the inclusion of this requirement, instead of allowing proponents to exercise discretion in each instance. The incorporation of design guidelines, although already included within the Process, are insufficient in and of themselves to ensure proponents respect the views of Canada's Parliament.

Industry Comment:

The Process should indicate the use of municipal lands as the preferred option for the location of antenna systems.

Staff Response:

As this is a policy document it is inappropriate for the City to use the Process to place itself at a competitive advantage over private land owners. While the City may wish to pursue rental incomes associated with antenna systems, these endeavours should be the subject of a separate policy, which addresses the unique considerations associated with the landlord / tenant relationship. The Real Estate Partnership and Development Office is undertaking the preparation of a policy dealing with antenna systems on City owned lands.

Industry Comment:

The method by which the proposed Process is applied to antenna systems within the ROW is confusing and results in significant duplication, process delay.

Staff Response:

Staff agree, the Process has been revised such that all antenna systems within the ROW will be dealt with under the municipal consent process, but will be subjected to the public consultation measures as set out within the municipal concurrence process. In so doing residents are assured that the same notification and consultation requirements will apply regardless of the location of the antenna system.

2. HEALTH ISSUES:

Public Comment:

Antenna siting is no longer merely an argument about aesthetics versus utility for a commercial enterprise. Frequencies used for telecommunications are an increasingly recognized serious

health issue. The City of Ottawa not only has a right, it has a duty to its citizens, with its mandate to protect public health, to maintain input into siting of antennas.

The City of Ottawa should maintain power to control the siting of communication antennas. The City must have the power to have harmful antennas removed swiftly.

Staff Response:

Industry Canada requires all proponents to comply with Health Canada's safe exposure guidelines entitled Safety Code 6. As such, the City of Ottawa will not be addressing health related issues through the proposed Process. This approach has been reviewed with and agreed to by Ottawa Public Health. Specifically, Ottawa Public Health does not comment on the siting of antenna systems, and relies on the expertise of Health Canada, who are mandated to investigate and set out public health requirements for protection from radiofrequency energy. As more and more evidence-based information becomes available, it will be incumbent on Health Canada to keep Safety Code 6 current.

Public Body Comment:

The International Cancer Research Centre (le Centre international de Recherche sur le Cancer) classifies electromagnetic fields such as radiofrequency emissions as possibly carcinogenic for humans. Le Conseil des écoles catholiques du Centre-Est (CECCE) has concerns about the exposure of radiofrequency energy to its students and staff. The CECCE recommends that regardless of whether an antenna system is exempt or not, it should be limited in its emissions (transmission power) to an acceptable threshold and setback sufficiently so as not to encroach upon neighbouring properties if the tower broke and fell. For antenna systems not otherwise exempt from the process the CECCE recommends that these be setback at least 500 metres from its schools. The CECCE is opposed to any antenna system within 500 metres of its schools.

Staff Response:

As already noted, Industry Canada is the regulatory authority for antenna systems, and requires that proponents of all installations maintain radiofrequency emissions at levels recommended in Health Canada's Safety Code 6. Health Canada is the government body responsible for studying the effects of radiofrequency emissions on human health. Should a proponent fail to meet the emission guidelines of Safety Code 6, it would be for Industry Canada, as the regulatory authority, to ensure this is corrected.

As Industry Canada presumes an installation to have no negative health impact provided it complies with Safety Code 6, the City in turn cannot justify promoting the location of antenna systems away from residential areas, schools, hospitals, etc. on the basis of health concerns. Instead, the City must focus on land use issues, in accordance with Industry Canada's regulatory framework, and the Process sets out siting and design guidelines which seek to minimize adverse land use impacts.

3. RESIDENTIAL USE ANTENNA SYSTEMS:

Public Comment:

Residential Use Antenna Systems (RUAS) should be subject to the same consultation process as Antenna Systems, and should be required to notify everyone within 120 metres, as well as the registered community groups.

Staff Response:

As land use impacts associated with an RUAS are anticipated to be limited to the immediate neighbours, large scale consultations with those within 120 metres of the installation is considered excessive, as would requiring the proponent to notifying individuals and groups beyond the immediate neighbours.

Public Comment:

Installations used for amateur radio (which would be classified as Residential Use Antenna Systems) are not only used to maintain the hobby, but also serve a useful function within the community and the City as a whole. Amateur radio plays an important function in emergency response and disaster relief situations. Amateur radio operators also offer services to the community, using their installations to assist in events where other systems are absent or not functioning.

Our primary concern is to avoid a process that is so onerous as to discourage amateurs from pursuing their interests and erecting the antennas that are necessary to support these interests. Many municipal protocols focus only on commercial installations.

It appears that an amateur radio operator contemplating a relatively simple installation could be involved in a very onerous process, beginning with a pre-application meeting, progressing to involving the Ward Councillor and culminating in lengthy paperwork. The root of the problem is that amateur radio operators get caught up in procedures that are actually designed more with commercial radio installations in mind. But amateur radio interests are nothing like those of a commercial radio operation. Most amateur radio installations are small and have such a small impact that there seems to be no good reason to regulate them at all. CPC-2-0-03 fails in this regard by treating amateurs in a manner similar to commercial installations, and the City's Process suffers the same defect.

Most municipalities do not address amateur radio installations because they are not growing as rapidly as commercial telecommunications, they are much smaller in scale, and consequently they do not generate significant issues for municipalities compared to commercial installations. This is the situation in Ottawa today. The amateur radio community does not expect a rapid increase in the number of amateur radio towers in the coming years. In fact it is quite likely that the number of new towers to be built will be roughly the same as the number of towers that come down as people leave the hobby.

There is no evidence in the general population of Ottawa of a clamor to regulate or control amateur radio nor are there specific changes in the hobby that would merit increased attention by

the City. There has been no rash of conflicts between radio amateurs and their neighbours. City officials have been unable to quantify or even describe what complaints may have been made in past years. The amateur radio community is small and relatively closely connected. If there were problems someone in the clubs would have heard about it. As there is no evidence of a need to review these installations, the City should focus its attentions on the issue of commercial installations and should exempt Residential Use Antenna Systems from the Process because of their minimal land use impacts. A failure to exempt amateur radio installations, with few exceptions, would result in extra work for both amateur operators and City staff.

Staff Response:

Irrespective of the limited size of an RUAS, one of the principal objectives of the Process is to reduce the negative visual impacts associated with all types of antenna systems, and such impacts are most prevalent in residential areas, the City must ensure there is a mechanism within the Process to review an RUAS which poses potential negative effects on surrounding property owners.

As described in the staff response immediately below, the City has worked with the amateur radio community to find a balance so as to exempt low impact installations while still retaining the ability to review and comment on installations which pose potential land use issues.

Public Comment:

The Process creates consultation requirements that are more onerous for Residential Use Antenna Systems (RUAS) than for Antenna Systems (e.g., cell towers) because the outright exemption for antenna systems less than 15 metres in height does not apply to an RUAS. Industry Canada's CPC-2-0-03 states that all installations less than 15 metres in height are exempt from any requirement for consultation as they are deemed to have minimal impact. The City cannot, pursuant to this document, include installations that would otherwise be exempt, and any attempt to would violate federal direction and be of no effect. Instead, the City can only build upon this exemption.

The CPC-2-0-03 does permit some exceptions to its exemptions under limited and special circumstances, and states that in such instances it may be prudent for the proponent to consult with the municipality even if exempt. Instead of only in special circumstances, the City is applying limited exemption criteria to an RUAS in all instances. The CPC-2-0-03 makes it clear that it is up to the proponent, not the City, to decide if he wishes to follow a process for public consultation even though his installation is exempted by the CPC.

Additionally, there is no justification provided for this distinction and commercial antennas could be installed in a residential area.

Staff Response:

Given the sensitivities associated with residential areas, particularly in the urban context, staff feel it is prudent to ensure that some degree of consultation is undertaken in all instances where, even though an installation would be otherwise exempt, negative impacts on the neighbourhood would exist regardless. For example, while built at a height less than 15 metres, a residential use

antenna system located within a front yard would result in a negative visual impact within the community. Exemption criteria based on the location of the installation in an area of the property that is less obtrusive, instead of just a height limit, better balances the interests of all residents so as not to create potential situations of conflict within neighbourhoods. Such direction is in keeping with the approach taken by some other municipalities and reflects the intent of the regulations currently within the Zoning By-law related to tower antennas accessory to a residential use.

Staff do not dispute that CPC-2-0-03 places the onus on proponents to consult in instances where local sensitivities exist. However, as stated, all residential areas are considered areas of local sensitivity, and therefore the City should take the position that a blanket exemption is inappropriate in such areas. In this particular instance, staff are of the opinion that such a position is warranted, regardless of the language of the CPC-2-0-03.

Furthermore, in recognition of the possibility that residential use antenna systems which do not meet the exemption criteria may still pose no adverse land use impact, the Process provides to staff the authority to exempt on a case-by-case basis, proposals that are likely to pose no adverse land use impact. Such a determination would be made at the Pre-Application Consultation stage of the Process. Staff are of the opinion that this mechanism balances the concerns of amateur radio operators that otherwise innocuous installations will be subject to review, with staff's concerns that some level of review will be required in some instances. Lastly, it must be kept in mind that not all residential use antenna systems are amateur radio installations, as these include antennas used for the reception of television broadcasts, and therefore the City cannot provide a total exemption based on the concerns of only some of those affected.

Furthermore applicants for residential use antenna systems are subject to limited municipal and public consultation processes as compared to commercial or government proponents, which is designed to recognize the limited means of applicants and the more limited extent of potential visual impacts from their proposed installations. Specifically, application submission requirements are reduced, so as to avoid the need for the inclusion of consultants, and public consultation is limited to immediate neighbours, as opposed to the larger community. Where land use impacts may exist, such as issues related to flood plains or environmentally sensitive areas, but no visual impacts on abutting property owners are evident, staff are delegated the authority to waive some or all of the public consultation requirements.

Staff are of the opinion that residential use antenna systems should not be exempt from the process, as their location within sensitive areas means there may be land use impacts of which the City should advise the proponent and Industry Canada, and to which neighbouring residents should have the opportunity to comment. However, in recognizing that such instances will likely be in the minority, staff have developed a Process which also protects the interests of the amateur radio community.

As regards the distinction between the application of the 15 metre height exemption to residential use antenna systems and all others, it is staff's opinion that there is little to no likelihood that a commercial antenna system would be located on a residential property. To date such installations appear to be limited to placement on or near the rooftops of larger apartment buildings.

Public Comment:

The inclusion within the City's zoning by-law of a section dealing with antenna systems accessory to residential uses was not prompted by complaints. This clearly indicates that amateur radio operators in the City have been sensitive to their neighbours without any form of government regulation or involvement. Furthermore, large residential areas of the City are governed by deed covenants that prohibit all outdoor antennas and this practice has been going on for at least forty years. Finally, the relative impact of amateur-radio antenna systems is trivial in comparison with other construction that is permitted by zoning. Therefore, the City should exempt amateur radio installations from the proposed Process.

Staff Response:

Please see the response above.

Public Comment:

As regards the requirement for review if within the Beechwood Cemetery viewshed, any antenna system or residential use antenna system not exceeding a height of 15 metres would be inconsequential at a distance of a couple hundred metres and virtually invisible at a distance of a few hundred metres even if installed such that there were no obstructions blocking its view.

Beechwood Cemetery is on a hill above Beechwood / Hemlock and the closest part of the corridor outside of the cemetery is in a valley that is itself virtually invisible from the cemetery. Further, trees (exceeding a height of 20 metres) are virtually ubiquitous throughout the occupied portion of this corridor. As a result, it is unlikely that any antenna system or residential use antenna system not exceeding a height of 15 metres would be visible unless it were installed on the grounds of the cemetery itself. Therefore, there is no reason for this and all other exemptions not to apply in this corridor.

Staff Response:

The Beechwood Cemetery viewshed is designed to protect the views from Canada's National Cemetery of the Parliamentary Precinct. This protection applies equally to all buildings or structures within the corridor, including antenna systems of all types. Where a residential use antenna system were proposed within it, but as noted above resulted in no real land use impact on the viewshed, it would be exempted by staff at the pre-application consultation stage, subject perhaps to the results of any consultations with the National Capital Commission. As noted in earlier staff responses the aim is to balance the protection of neighbourhood (and in this case national) interests, with those of the proponent.

Public Comment:

The siting and design criteria for residential use antenna systems, which also serve as the exemption criteria, show some misunderstanding of the requirements of amateur radio installations. Taken together, the definition of tower (which could include any kind of support), the restriction that only one tower is permitted per lot, the setback requirements, together with

the inapplicability of the exemption for installations less than 15 metres in height, would have the effect of requiring almost every amateur antenna installation to undergo consultation.

As amateur radio operators use different frequencies, they often have multiple antennas and these antennas have different design requirements. For example the common wire antenna uses supports (i.e., towers) with a wire strung between. The most visible components are the lightweight poles that hold up the antenna in cases where there are no nearby structures or trees to perform this function. These are no more visible than a clothes line and much less visible than the power lines running through many neighbourhoods. As these types of installations require two supports, and most often must be quite long, they violate the one tower preference, and may be required to locate within the front yard.

There should be no setback requirement in cases where a pole or mast is simply supporting one end of a wire antenna.

The Process does not appear to recognize the differences between urban and rural locations. Many municipalities have chosen to exempt rural areas from consultation requirements. The City could consider exempting from consultation structures that are separated from residential areas by several (3-6) times the height of the antenna.

The City of Winnipeg uses setbacks of one foot from the property line for the antenna system, and has no limit on the number of towers. This puts a reasonable constraint on design and does not needlessly rule out long wire antennas. Winnipeg also sets out a height limit of 21 metres which recognizes the legitimate need for height for the antennas to work properly.

Staff Response:

In response to concerns raised by the amateur radio community, staff have revised the siting and design requirements for residential use antenna systems. The one tower preference has been removed and the setback revised from being $\frac{1}{4}$ of the installation's height to being setback 1.5 metres from all lot lines. However, given the sensitive nature of residential areas, particularly in the urban context, the City has maintained its preference not to have residential use antenna systems in the front yard, and has instituted a preferred height limit of 15 metres.

While more restrictive than those provided for by the City of Winnipeg, these setbacks are in keeping with those proposed by other Ontario municipalities, and the height limit reflects that chosen by Industry Canada as part of its exemption criteria. Staff are of the opinion that a higher height limit exemption and smaller setback would result in the exemption of installations which may pose negative land use impacts, and in such instances should be reviewed by staff. These revisions will continue to ensure that only antenna systems which pose limited visual impact are exempted, while providing amateur radio operators with greater flexibility to pursue their hobby without the need to consult with the City.

As noted in the previous staff response, and to address the differing context between the urban and rural areas, the Process delegates to staff the ability to exempt at the Pre-Application Consultation stage, proposals that even if otherwise not-exempt, pose no adverse visual impact.

Public Comment:

The definition of the term “tower” is too encompassing for use with amateur radio, as it includes all manner of supports and could possibly be interpreted to even include a tree or building as a “tower”.

Staff Response:

In recognition of the concerns raised by the amateur radio community the preference for one tower has been eliminated. As such, staff do not feel it necessary to revise the definition of tower, and to do so may result in the inadvertent exclusion of installations which may pose adverse visual impacts.

Public Comment:

The fee set for review of residential use antenna systems should be related to the scale of the project and the amount of work the city needs to undertake, suggesting a fee of less than 1% of that required for a commercial system. The City recognizes the difference between commercial and non-profit activities in its present fee structure, allowing the latter to have its development fee reimbursed, and something similar should be considered for residential use antenna systems.

Staff Response:

Staff are proposing different fees for residential use antenna systems and all other types in light of the factors raised above and as detailed within the report.

Public Body Comment:

The Rideau Canal, a World Heritage Site, must be protected. Therefore, Residential Use Antenna Systems, like Antenna Systems, should be requested to locate outside the 30 metre setback from the high water mark. Also, Parks Canada should be identified by staff at the pre-application consultation as an agency which must be consulted by the proponent.

Staff Response:

Staff agree and these recommendations have been included within the Process.

4. PUBLIC CONSULTATION AND APPLICATION SUBMISSION:**Public Comment:**

The consultation process should provide an opportunity at least for residents living near the antenna system to be aware of the risks posed by these devices and have the opportunity to express their view.

Staff Response:

Where not otherwise exempt, proponents must at the very least notify all property owners within 120 metres or three times the antenna system height, whichever is greater, of a proposed antenna system about the nature of the proposal if located within this same distance of a residential area. This notification must include a statement that the installation will comply with Health Canada's Safety Code 6, as regards health impacts, and a proponent must invite those notified to provide their comments, questions or concerns to the proponent and to attend a Community Information and Comment Session, which the proponent must also host. Additionally, in all instances where an installation contains white lighting as required by Transport Canada, or exceeds 30 metres in height, notice within a local community newspaper is required.

Public Comment:

Can a resident request a public meeting?

Staff Response:

The ability of a resident to request a public meeting is not included within the Process. Staff are of the opinion that the instances when such a meeting is required are sufficient, and any further requirements would be overly burdensome.

Public Comment:

Proponents are not required, but only recommended to consult with the Ward Councillor. This should be mandatory.

Staff Response:

Staff received direction from Committees of Council to prepare a Process which was in keeping with existing development review processes. Existing processes and the City's Public Notification and Consultation Process do not require, but instead encourage pre-application consultation with the Ward Councillor. As this consultation has not been mandated for existing applications, it would not be in keeping with current practices to require it in the instance of an application for municipal concurrence. However, in the absence of a proponent pre-consulting with the Ward Councillor, staff will provide a heads-up following the submission of an application.

Public Comment:

What if a proponent does not meet the notification requirements?

Staff Response:

Where a proponent fails to meet any requirement of the Process, the City will not provide its concurrence to Industry Canada and the proponent on this basis, and will notify both parties as to which requirements remain outstanding.

Public Comment:

What is considered a reasonable and relevant concern, and whether there will be no public reaction to a proposal seem subjective in their determination.

Staff Response:

Industry Canada has determined through its regulatory requirements what qualifies as a reasonable and relevant concern. The factors that will determine whether a concern is reasonable and relevant will vary but will generally be considered if they relate to the requirements of the CPC-2-0-03 and to the particular amenities or important characteristics of the area surrounding the proposed antenna system. Examples include: Why is an alternate site not possible? What are the steps the proponent took to ensure compliance with Safety Code 6? One example of a question which is not reasonable and relevant includes questioning whether Safety Code 6 is valid or should be reformed in some manner (taken directly from CPC-2-0-03).

City staff will evaluate individual situations to determine whether public reaction is anticipated. While not all situations can be anticipated, one example could be an instance where a residential use antenna system at the proposed height can not be viewed by the neighbours.

Public Comment:

All proponents of antenna systems proposed to be 15 metres or more in height, either initially or after an addition, should be required to place an advertisement in the local community newspaper and hold a Community Information and Comment Session.

Staff Response:

In keeping with Industry Canada's default public consultation process, and consultation processes instituted by other municipalities, the extent of any public consultation is related to the height of the installation, lighting, as well as its proximity to residential areas. Therefore only large scale installations are subject to the advertisement requirements, and only installations close to residential areas are subject to the requirement to notify and host a Community Information and Comment Session. This provides an incentive to proponents to locate away from residential areas and thereby avoid public consultation requirements.

Industry Comment:

The ability of a Ward Councillor to require a Community Information and Comment Session in any instance is arbitrary and contrary to Industry Canada's requirement for a predictable process. Additionally, there is no incentive to locate outside of residential areas.

Staff Response:

To provide predictability in the process, staff have amended the public consultation requirements. To ensure residents are provided with sufficient opportunity to gain information and comment on proposals, Community Information and Comment Sessions will be required if the installation is not otherwise exempt, and is proposed within 120 metres or three times the

antenna system height, whichever is greater, of a residential zone or existing dwelling. Staff are of the opinion that this balances the interests of Councillors and the concerns of the community, while establishing a predictable process that encourages development away from existing residential areas.

Industry Comment:

To require an ad be published when a Community Information and Comment Session is required is unduly onerous. The limited land use impact associated with these installations does not warrant inviting the whole community.

Staff Response:

Presently the Process requires the publishing of a newspaper notice where the installation is to be 30 metres or more in height or contains white lighting for the purpose of satisfying Transport Canada's requirements. This is consistent with Industry Canada's default consultation process, and other municipal concurrence policies within Ontario.

Industry Comment:

To ensure the public consultation process is traceable and recordable the submission of comments by telephone should not be allowed.

Staff Response:

Staff agree and have limited submissions to letter or email.

Industry Comment:

The use of a trigger based on the greater of 120 metres or three times the height of the antenna system will result in taller towers on average as there is no process advantage for towers shorter than 1/3 the numeric value, i.e., 40 metres in height. Instead the Process should utilize only three times the tower height, as per CPC-2-0-03.

Staff Response:

The use of 120 metres as a minimum separation distance threshold, whether for public notification or as per certain siting and design requirements is a recognized standard under the Planning Act, and has been utilized within numerous other municipal policies. Staff are of the opinion that this minimum distance best ensures that residents are notified of installations within their area. Staff also assume that proponents will construct installations only to the necessary height, and should such installations need to be located within 120 metres of a residential zone or existing dwelling, the Process operates to encourage appropriate design and facilitate public notification and consultation.

Industry Comment:

To require proponents to undertake public consultation prior to the submission of an application is overly onerous as a proponent has not finalized, through discussions with the municipality, the location and design of its installation. In addition, should the municipality not concur with a proposal, the proponent should have the right to withdraw the application before creating any public controversy.

In addition, the Ward Councillor should only be notified following submission of an application, and not after pre-application consultation.

Staff Response:

Undertaking public consultation (and Ward Councillor) notification following the submission of an application is consistent with current development review practices, and therefore staff have no issue with making this change. Furthermore, the Process does encourage proponents to pre-consult with the Ward Councillor prior to submitting an application.

Industry Comment:

Circulation to technical agencies and public bodies should be undertaken by the municipality.

Staff Response:

In keeping with the City's role as a commenting body in the approval of antenna systems, this step will be undertaken by proponents to limit the use of staff resources associated with this type of application.

Industry Comment:

Application to Transport Canada to determine obstruction marking and lighting requirements is not made until after municipal consultation is complete.

Staff Response:

The proposed Process now speaks to "expected" lighting and marking requirements, and requires an undertaking on the part of the proponent to advise City staff of the actual requirements once assigned. Should concurrence be provided on the basis that the installation is to contain no white lighting, but such lighting is in fact added, the City may revoke its concurrence.

Industry Comment:

Site servicing, grading and drainage, as well as erosion and sediment control plans are not necessary for this type of development.

Staff Response:

These plans are not required for every installation and their necessity will be judged on a case-by-case basis.

Industry Comment:

Proponents should not be required to verify the classification of lights at an installation.

Staff Response:

This is a standard condition utilized by the City to ensure there will be no light pollution spilling onto adjacent properties, and should be applied to ensure such impacts on neighbours are mitigated.

Industry Comment:

The proposed Process is geared towards the urban area, and does not recognize the unique characteristics of the rural area, particularly the fact that there exist fewer residences.

Staff Response:

In part, out of recognition of the fact that there may be a limited number of residents to consult within the rural area, the Process now provides discretion to staff to waive the requirement for a notice in a community newspaper and a Community Information and Comment Session. However, in all instances notice will still need to be provided to all property owners within 120 metres or three times the antenna system height, whichever is greater, where such a requirement is triggered.

Industry Comment:

Where a meeting is required, an open house should be acceptable an forum for communicating with the public.

Staff Response:

Staff were directed by Planning and Environment and Agricultural and Rural Affairs Committees to develop a draft process in keeping with existing development review processes. Therefore, staff are recommending as part of the Process that proponents be required to undertake a Community Information and Comment Session, as this is currently used where public consultation is required pursuant to the Council approved Public Notification and Consultation Policy.

5. PROCESS OBJECTIVES AND SITING AND DESIGN GUIDELINES:

Public Comment:

Stealth design techniques should be applied to antenna systems and where recommended, acted upon by proponents.

Staff Response:

The proposed Process encourages the use of stealth design techniques when within 120 metres of residential areas. When located farther than 120 metres, co-location, as opposed to stealth design is encouraged.

The rationale for these requirements is based on the Process's objectives of both reducing the visual impact of antenna systems for residents, and reducing the number of new towers within the city. In all instances, proponents are encouraged to take measures to reduce any negative visual impacts, whether through the use of stealth design techniques, or by way of screening measures such as landscaping.

Public Comment:

The Process should aim to reduce the number of new towers within the city and encourage co-location in all instances.

Staff Response:

The Process has as one of its objectives the limitation of new towers throughout the city. However, this objective must be balanced against the need to reduce negative visual impacts associated with these installations, and therefore in some instances multiple small, unobtrusive towers such as monopoles, may be better suited for an area than one larger tower with multiple antennas co-located on it.

Industry Canada also requires that proponents investigate co-location opportunities prior to constructing new antenna support structures.

Public Comment:

There needs to be strong criteria identified and a suitable weighting scheme used to control site plan selection.

The proposed Process should provide the preamble objective of fostering appropriate land usage and minimizing intrusion into otherwise desirable public and private lands.

The guidelines set out within the Process for use when evaluating a proposal should identify a weighted factor selection process to show how potential sites will be evaluated.

Staff Response:

The Process sets out as its objective the development of antenna systems in a manner which minimizes their visual impact, and leaves undisturbed natural and human heritage features and sensitive lands to the greatest extent possible. Additional objectives include the reduction of new towers, and the opportunity for public involvement and input. These objectives orient the Process, including its siting and design guidelines, towards the consideration of the most appropriate location for antenna systems within the context of a given situation.

As every proposal and site is different, the Process places the responsibility on staff to determine whether in the particular circumstances, and based on the applicable siting and design guidelines, feedback from the public, technical agencies and public bodies, the proposal is acceptable from a land use perspective. Given the variation in sites and circumstances, it is not possible to give definitive weight to each guideline in all instances.

Public Comment:

The proposed Process only states “proponents should” and does not prohibit the placement of installations within sensitive areas, nor does it speak to agricultural lands.

Staff Response:

As Industry Canada approves the installation of antenna systems, the City can only discourage the placement of antenna systems within a given area. This being said, the City will not provide its concurrence if it does not agree with the selected location. Staff are of the opinion that antenna systems pose little land use impact to agricultural areas, and represent a source of additional revenue for land owners. Additionally, the location of these land uses within these areas is consistent with the Provincial Policy Statements.

Public Comment:

Telecommunication antennas are several orders of magnitude more powerful than individual cell phones, and yet the new Process would do nothing to effectively prevent their placement on or in the immediate vicinity of schools, hospitals and residential buildings. Instead the Process would actually encourage it, as use of “existing infrastructure”.

Staff Response:

As set out in this report, health issues associated with antenna systems are matters within the sole jurisdiction of the federal government, and are regulated by Industry Canada pursuant to Safety Code 6. The proposed Process will address the identification of potential land use impacts. Staff are of the opinion that such impacts are not prevalent where the antenna system is located on an existing building or structure, regardless of its type (i.e., whether it be a school, hospital, office, industrial building, etc.).

Industry Comment:

Co-location results in an increase in the visual obtrusiveness of a facility.

Staff Response:

One objective of the Process is to reduce the number of new towers throughout the City, thus reducing the overall impact on the cityscape. While a co-located facility may be more visually obtrusive than several smaller installations, when located outside of residential areas co-location offers an opportunity to reduce the overall impact on the landscape. However, the City encourages (in appropriate situations) the construction of a new tower as an alternative to co-location where the antenna must be within 120 metres of a residential area. Ultimately therefore, the Process seeks to achieve a reduction in visual impact through an overall reduction in new towers throughout the City, and the use of stealth design techniques and mitigation measures to reduce an installation's visual impact when located near a residential area.

Industry Comment:

A requirement to maximize towers from residential zones and existing dwellings will result in more facilities because proponents will not be able to maximize coverage by siting at preferred locations.

Staff Response:

Because of their visual impact, staff are of the opinion that efforts should always be made to maximize the distance of new towers from residential areas. However, this is only one preference to be taken into account, and where technically feasible, or where adequate mitigation measures have been incorporated, staff may not be averse to new tower development in or near residential areas. Each installation must be evaluated on a case-by-case basis and all of the siting and design guidelines weighed.

Industry Comment:

The requirement to separate from both residential zones and existing dwelling units creates uncertainty as it will not always be apparent that there is a dwelling unit in the vicinity. Even if a dwelling is present, the land use impacts associated with an antenna system are inconsequential compared to the impacts normally associated with the normal uses within a mixed use zone. Only zone boundaries should be used for the sake of certainty.

Staff Response:

The use of zone boundaries alone does not guarantee that dwelling units within non-residential zones will be identified. A major component of the proposed Process is public notification and consultation and the City should not differentiate between residents within residential and mixed-use zones. Where the impacts are considered limited, the Process proposes staff be delegated the authority to exempt proponents from certain public consultation requirements. Staff feel the current policy framework sets an appropriate balance between assurances that all affected residents are captured, while not unduly burdening proponents.

Industry Comment:

It is unfair to have proponents ensure the antenna system is designed with co-location capacity where there has been no identified need for it.

Staff Response:

A key objective of the Process is the reduction of new towers throughout the city. Staff are of the opinion that this is best achieved through the encouragement of co-location, which in turn relies on encouraging proponents of new towers to ensure this is feasible in the future. Where a proponent does not foresee any future co-location potential they can address this siting and design guideline within the justification report, which accompanies the application. If staff are satisfied with the rationale as to why future co-location capacity is not needed, concurrence may still be provided.

Industry Comment:

Equipment shelters are not subject to zoning regulations because they are part of the federal undertaking.

Staff Response:

Staff agree and the guideline has been changed to recommend placement of equipment shelters within existing buildings before constructing a new one, or where a new building is required, recommending that it be attractively designed and screened from public view.

Industry Comment:

There should be no parking requirement on the basis of the Zoning By-law as antenna systems only require intermittent visits for maintenance.

Staff Response:

The guideline has been revised to require “appropriate parking”.

Industry Comment:

The height of the antenna system should be measured to the top of the supporting structure rather than to the top of the antenna system equipment located on the tower.

Staff Response:

Antennas attached to a supporting structure may protrude considerably above the height of the supporting structure, and therefore add to the visual impact created by the overall height of the installation. For this reason the antenna should be included in the calculation of height.

Industry Comment:

There should be no prohibition on the placement of antenna systems within flood plains. This type of development does not pose a risk to human health and these sites present a good opportunity to site away from nearby residential areas.

Staff Comment:

Installations of such structures may require significant grading changes through the removal or placement of fill, and may also require the installation of an access road. The installations themselves may cause an obstacle to flooding, and debris caught up in the installation may make it unsafe.

While the City prefers such structures not locate within flood plains, a proponent is not prohibited from presenting through its justification report sound planning rationale and sufficient evidence of how any environmental impacts will be mitigated, which may be acceptable to staff and the applicable Conservation Authority in the particular situation.

Industry Comment:

The City should consider monopoles with internat antennas (i.e., no pinwheels) as an acceptable stealth design technique.

Staff Response:

Whether such an antenna system would qualify as a stealth design technique would depend on the specific location of the antenna system, which is to say whether or not the antenna system is designed to blend in with its surroundings.

Industry Comment:

The ultimate location of an antenna system within a given property is often dictated by the land owner. Carriers often have limited control over the exact location of their antenna system.

Staff Response:

While the preferences of the landlord are one factor to be considered, the City will evaluate each application for municipal concurrence on the basis of the anticipated land use impacts and the mitigation measures undertaken by the proponent. Whether the City will concur with an antenna system proposal will depend upon an evaluation of all the issues involved.

Industry Comment:

The plaque to be placed on the antenna system should identify the owner of the tower, not the lessee or operator.

Staff Response:

Staff agree and the proposed Process has been amended.

Public Body Comment:

The recommendation to locate antenna systems outside of flood plains and unstable slopes shown on Schedule K of the Official Plan should be broadened as this Schedule does not identify all floodplains and areas of unstable slopes.

Staff Response:

Staff agree and have broadened the language to include any 1:100 year floodplain or area subject to unstable slopes as identified on Schedule K of the Official Plan or identified through a site specific geotechnical investigation.

Public Body Comment:

Conservation Authorities should be circulated prior to pre-application consultation to indicate for a proponent whether they are within a regulatory area.

Staff Response:

Similar to existing Pre-Application Consultation procedures, staff can extend an invitation to participate and advise the applicable Conservation Authority when a meeting is to be held with the proponent.

6. REVIEW AND COMMENT BY THE CITY TO THE PROPONENT AND INDUSTRY CANADA:

Public Comment:

Will the City have engineering / technical experts to deal with claims by telecom companies that their proposed location is the only suitable one?

Staff Response:

The City will not have experts specifically within the field of telecommunications to determine whether a site is the only suitable one from a technical perspective. Instead, the City will utilize its land use expertise do review and discuss with a proponent whether, from a land use perspective, an alternative site or design may be more appropriate. Proponents are required under the Process, and as part of the application submission, to provide a Site Selection and Justification Report, which explains the need for the installation at that particular location.

If staff are of the opinion that a different design or location is preferable, and the proponent disagrees on the basis of technical constraints, the City will provide either conditional concurrence or non-concurrence to the proponent on the basis of its land use concerns, and it will

be for Industry Canada, as the approval authority, to determine whether the proponent must revise its proposed installation.

Public Comment:

How will the City ensure that telecom companies comply with landscape requirements the City deems necessary?

Staff Response:

The City cannot approve or refuse an installation, but can only provide its position on it to Industry Canada and the proponent. Should conditional concurrence (or non-concurrence) be provided, based in part on landscaping requirements, and the proponent proceed irrespective of the City's position, the City will advise Industry Canada and request that it take appropriate action.