



CITY POLICY

2013SCP005
Attachment 2

POLICY NUMBER: C471C

AUTHORITY: City Council

EFFECTIVE DATE: DRAFT

TITLE: Policy for Siting Telecommunications Facilities

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REFERENCE:

City Council 1997 07 15 C471A
City Council 1998 07 07 C471A
City Council May 9, 2006 C471B

ADOPTED BY:

City Council

SUPERSEDES:

C471B

PREPARED BY: Sustainable Development Department

DATE: DRAFT 08 January 2013

TITLE: Policy for Siting Telecommunications Facilities

Policy Statement:

The City of Edmonton requires a facility siting and public consultation process to be conducted by a Proponent, as mandated by Industry Canada, prior to the endorsement of site(s) for Telecommunications Facilities.

This Policy shall apply to proposed Telecommunication Facilities located within the City of Edmonton. This Policy does not apply to Telecommunication Facilities placed within road right-of-ways or Provincial Transportation Utility Corridors (TUC).

1 PURPOSE

- 1.01 To minimize adverse land use impacts of Telecommunications Facilities within the City of Edmonton;
- 1.02 To influence the appearance and concealment of Telecommunication Facilities when the wireless service demand necessitates Telecommunications Facilities within the City;
- 1.03 To establish a transparent, consistent and predictable framework for the evaluation of Telecommunication Facility proposals that:
 - (a) Discourages obtrusive Telecommunication Facilities within or adjacent to Residential Areas, Heritage Areas and Environmentally Sensitive Areas;
 - (b) Encourages Proponents to co-operate when expanding their networks, with an emphasis on Antennas Co-location and Site Co-location;
 - (c) Establishes a public notification and public consultation process for Proponents to follow, in order to solicit comments on proposed Telecommunications Facilities and provides an opportunity for proponents to engage in meaningful public consultation with affected residents and property owners, and address reasonable and relevant concerns;
 - (d) Encourages Proponents to identify and resolve any potential land use, site selection, or design concerns raised by local residents and property owners, stakeholders, and/or political entities at an early stage in the process;
 - (e) Contributes to the orderly development and efficient operation of a reliable, strong Radiocommunication network in the City; and
 - (f) Provides the City of Edmonton with the information required to make a statement of concurrence or non-concurrence to Industry Canada, which would evaluate the adequacy of the Proponent's consultation process and the Proponent's efforts to address stakeholder concerns and to meet



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the guidelines related to land use impacts contained in this Policy, in a manner that is consistent with the Client Procedures Circular, CPC-2-0-03, Issue 4: *Radiocommunication and Broadcasting Antenna Systems* (effective January 1, 2008) published by Industry Canada.

- 1.04 To inform occupants, property owners and Neighbourhood Groups of relevant legislation that affects the placement and operation of Telecommunication Facilities.

2 DEFINITIONS

- 2.01 Antenna: means a device or combination of devices used, intended to be used, or capable of being used for Radiocommunication.
- 2.02 City: unless otherwise specified, means the City of Edmonton, the "Sustainable Development Department" or "Development Officer", as applicable.
- 2.03 Co-location, Antennas: means the installation of more than one Antenna on a single Telecommunications Tower, building, or other structure, in cooperation with other Proponents.
- 2.04 Co-location, Site: means a site having more than one Telecommunication Tower.
- 2.05 Environmentally Sensitive Area: means an area protected for environmental reasons in regional or local land use plans, or by a local, regional, provincial or federal government body.
- 2.06 Heritage Area: means a property having one or more of the following attributes:
- (a) Any property zoned Heritage Area (HA) within the Edmonton Zoning Bylaw;
 - (b) A property listed on the *Edmonton Register of Historic Places*; or
 - (c) A property within a heritage overlay, or Statutory Plan that identifies heritage resources.
- 2.07 Neighbourhood Group: Any group or organization authorized by the individuals it represents to communicate with the City and the Proponent on behalf of residents, property owners, or both, about land use impacts of a proposed facility. This term includes a Community League, Edmonton Federation of Community Leagues, Business Revitalization Zones (BRZs) and community councils.
- 2.08 Prescribed Distance: means six times the proposed tower height, measured horizontally from the base of the Telecommunications Tower or building-mounted structure, or from the outside perimeter of the supporting structure (e.g. guy wires), whichever is greater.
- 2.09 Proponent: means a company, organization or individual, or a designated company, organization or individual acting on their behalf, which provides commercial or private telecommunications services that are under the regulation of Industry Canada.
- 2.10 Radiocommunication: means any transmission, emission or reception of signs, signals, writing, images, sounds or intelligence of any nature by means of electromagnetic waves of frequencies lower than 3 000 GHz propagated in space without artificial guide.
- 2.11 Regular Mail: means non-registered first class mail services offered by Canada Post.
- 2.12 Residential Area: means an area that is zoned for residential or residential-related uses and includes an abutting road right-of-way.
- 2.13 Safety Code 6: means Health Canada's standards for acceptable human exposure to radiofrequency fields as described in the document *Limits of Human Exposure to Radiofrequency Electromagnetic*



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Energy in the Frequency Range from 3 kHz to 300 GHz - Safety Code 6 (2009) as amended from time to time, which all Telecommunications Facilities are required to meet.

- 2.14 Significant Telecommunications Facility: means a Telecommunications Facility that is:
- (a) In the case of freestanding structures, the combined height of the Telecommunications Tower and Antenna(s) is greater than 15 metres above the average finished grade at the base of the Tower; or
 - (b) In the case of building-mounted structures, when the structure exceeds the height limitations as follows:
 - (i) Where a Telecommunications Facility is proposed on a building having a height of 15 metres or less, any Telecommunications Facility placed on the top of a building exceeding 4 metres in height;
 - (ii) Where the aggregate height of a Telecommunications Facility and a building is between 15 metres and 23 metres, and the height of the Telecommunications Facility exceeds 30 percent of the building height.
- 2.15 Site: means the subject property for which the Telecommunications facility is proposed.
- 2.16 Statutory Plan: means an area redevelopment plan or area structure plan adopted by the City of Edmonton pursuant to the *Municipal Government Act* R.S.A. 2000, c. M-26.
- 2.17 Stealth Structure: means a Telecommunications Facility that is designed and constructed so as to:
- (a) be integrated into a building or other structure in such a way that it appears to be part of that building or structure and not a Tower or Antenna; or
 - (b) disguise, blend with, or mimic the surrounding environment in order to remain unnoticed.
- 2.18 Telecommunications Facility: means the Telecommunication Tower(s), Antenna(s), accessory building(s), fencing, equipment boxes, the premises, access areas to the compound/telecommunications facility, and any other associated infrastructure required for the transmission of Radiocommunication.
- 2.19 Telecommunication Tower (or Tower): means an engineered structure, including the foundation and supports, which is designed primarily to support Antenna(s).

3 FEDERAL AND MUNICIPAL AUTHORITY

3.01 Federal Authority

(a) Radiocommunication:

- (i) The Minister of Industry has authority under the *Radiocommunications Act* R.S.C. 1985 c. R-2 to “approve each site on which radio apparatus, including Antenna systems, may be located, and may approve the erection of all masts, towers, and other Antenna-supporting structures”. Industry Canada licenses the operation of Telecommunication Facilities and the towers used to support these facilities. **The federal Minister of Industry is the sole approving authority for the development and operation of Radiocommunication in Canada, including Telecommunication Facilities.**
- (ii) The Client Procedures Circular CPC-2-0-03 Issue 4: *Radiocommunication and Broadcasting Antenna Systems* (effective January 1, 2008) published by Industry Canada, and in reference



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to Federal legislation, has identified that Proponents must meet four broad elements of the process in order to install or modify Telecommunication Facilities (p. 1):

- A) Co-location: "Investigating sharing or using existing infrastructure before proposing new Antenna-supporting structures."
 - B) Municipal Process: "Contacting the land-use authority (LUA) to determine local requirements regarding Antenna systems."
 - C) Consultation: "Undertaking public notification and addressing relevant concerns, whether by following the local LUA requirements or Industry Canada's default process, as is required and appropriate." (See subsection 4.2 of Industry Canada's Client Procedures Circular: CPC-2-0-03).
 - D) Technical Requirements: "Satisfying Industry Canada's general and technical requirements."
- (b) Transportation Safety:
- (i) Where applicable, freestanding Telecommunication Facilities must comply with Transport Canada's and NAV Canada's painting and lighting requirements for aeronautical safety; and
 - (ii) Design and construction shall conform to Transport Canada and NAV Canada standards for those structures located within the Airport Protection Overlay (APO) contained within the *City of Edmonton Zoning Bylaw 12800* and other areas, as applicable.
- (c) Health
- (i) Levels of radiofrequency transmission will be in accordance with Safety Code 6, and shall also comply with all other Federal Health standards, as amended from time to time.
- (d) Environment
- (i) Industry Canada requires that:
 - A) Telecommunications Facilities comply with the *Canadian Environmental Assessment Act* and an environmental assessment may be required in order to verify compliance.
 - B) Application for Significant Telecommunication Facilities address the potential for adverse environmental effects and proposed mitigation measures, as provided for under the *Canadian Environmental Assessment Act* and that installations respect the local environment.
 - C) Telecommunication Facilities be installed and operated in compliance with other statutory requirements, including the *Canadian Environmental Protection Act*, the *Migratory Birds Convention Act* and the *Species at Risk Act*.

3.02 Municipal Authority

- (a) The City has the authority and responsibility under the *Municipal Government Act* R.S.A. 2000, c. M-26 to regulate land use; however, these powers are superseded by the authority of the Federal Government, and in this case, the *Radiocommunication Act* and the Minister of Industry (see subsection 3.01(a)(i)).
- (b) As part of the approval process, Industry Canada works with local municipalities and Proponents in order to ensure that local context is considered, and consultation with the public is carried out, when applicable.



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- (c) Industry Canada mandates that Proponents adhere to municipal land use consultation processes as they apply to the siting of Telecommunication Facilities. As a result, Proponents must adhere to the guidelines in this Policy in order to receive a statement of concurrence from the City.
- (d) The role of the City in the approval process is to provide input to Industry Canada through the City's statement of concurrence or non-concurrence (subsection 13.01). The City reviews the Proponent's proposed location of the Telecommunications Facilities, the Proponent's community consultation, and how the Proponent resolved or attempted to resolve issues identified through the consultation process.
- (e) The City will comment on the Proponent's adherence to the public consultation process (Section 11), and to the guidelines contained in this Policy regarding co-location, preferred and discouraged locations (Section 4), technical requirements, design and visual impact (Section 5) and environmental considerations (Section 7).
- (f) Applications may be subject to other regulations and consultation requirements within and outside of the City's municipal jurisdiction. For sites within the City boundary that are under alternative jurisdiction, such as Sites zoned "AJ", or Aboriginal land, the City is still responsible for writing a letter of concurrence or non-concurrence. Since the lands are located in the City, the proponent must contact City Administration and follow the City's land-use consultation process. The Proponent will likely also have to contact the Province or other applicable entity and ensure they follow their land-use consultation process.

4 LOCATION

4.01 Co-location:

- (a) Proponents shall be required to investigate opportunities for Site Co-location and Antennas Co-location of their Telecommunication Facilities as part of a "Co-location Feasibility Review" in accordance with subsections 8.02 through 8.04 of this Policy.

4.02 Preferred Locations:

- (a) Locations for a Telecommunication Facility should be chosen strategically to fulfill the purpose of this policy (Section 1, Purpose).
- (b) Where wireless service demand necessitates the erection of a new Telecommunication Facility, the following locations shall be preferred and should be reviewed for feasibility by an appropriate technical expert prior to consideration of any discouraged locations as described under subsection 4.03 (not in order of preference):
 - (i) Antennas Co-location on existing Telecommunications Facilities, including, but not limited to, buildings, structures, overhead power transmission towers, broadcast towers, utility poles and light standards;
 - (ii) Site Co-location when co-location on existing structures is not feasible;
 - (iii) Transportation and Utility Corridors:
 - A) Municipal Transportation and Utility Corridors, subject to the City of Edmonton Transportation Services' Wireless Communication Towers on Public Road Rights-of-Way Application & Circulation Process; and



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B) Provincial Transportation Utility Corridor (TUC), subject to the *Transportation/Utility Corridor Policy*, of Alberta Infrastructure;

- (iv) Industrial and commercial areas;
- (v) Roof top or wall-mounted facilities on buildings having a height greater than 23 metres;
- (vi) Land designated as a “Basic Service” or “Community, Educational, Recreational, and Cultural Service” Use Class in Zoning Bylaw 12800, as deemed appropriate by the City.
- (vii) Where a Telecommunications Facility is proposed on a building having a height exceeding 23 metres, there is no set limitation on maximum height that would trigger it to be a Significant Telecommunications Facility
- (viii) Agricultural areas; and
- (ix) Other areas with non-residential uses where appropriate.

4.03 Discouraged Locations:

- (a) Residential Areas, except in the case of Antennas meeting the requirements of subsections 4.02(b),(v), (vii) and/or 5.02(g) of this Policy;
- (b) Environmentally Sensitive Areas and significant natural areas (e.g. bird habitat, wetland), including but not limited to, those identified in the *Inventory of Environmentally Sensitive and Significant Natural Areas* (City of Edmonton 1993);
- (c) Heritage Areas; and
- (d) Parks locations as determined by the Development Officer in consultation with Community Services Department (typically the Neighbourhoods, Parks and Community Recreation Branch).

4.04 Technical Location Requirements:

- (a) A geotechnical evaluation may be required by the City for those sites located in proximity to the North Saskatchewan River Valley and Ravine System.
- (b) Setbacks:
 - (i) The City requests that the Proponent consider the development setbacks of the zone in which the site is located;
 - (ii) Where there is no alternative to the placement of Telecommunication Towers in Residential Areas, setbacks to residential buildings should be maximized where possible and should meet, at a minimum, the setbacks of the applicable Zone; and
 - (iii) Where a Tower is proposed on non-residential property that abuts residential property, the Tower should meet the minimum setbacks for the applicable non-residential zone.

5 DESIGN AND VISUAL IMPACT

5.01 The City will require that any application, and in particular any application for a Significant Telecommunication Facility, consider the context within which the structure is proposed during the design and siting process. A Significant Telecommunication Facility should be designed, screened, and situated on the site in such a way as to minimize any potential land use impacts on the neighbourhood area or existing uses on the property within which it is proposed. Subsection 5.02 provides a non-comprehensive list of criteria, indicating different aspects of a project that the Proponent should address during the consultation process.



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- 5.02 The following should be considered by the Proponent, in consultation with affected Neighbourhood Groups and others, as appropriate, in the design and siting of Telecommunication Facilities:
- (a) Screening: using existing or new vegetation, landscaping, fencing, or other means in order to blend the proposed Telecommunications Facility with the surrounding built and natural environment.
 - (b) Design, colour and massing: sensitive and complimentary to the style of architecture, the materials and colours used, the overall design and the massing of the existing buildings on the Site and within the vicinity. Where placed adjacent to a principal building, Telecommunications Facilities should be constructed so that they are as similar as possible in appearance to the facades of the principal building.
 - (c) Lighting and colour: locate towers and minimize tower height where possible to avoid Transport Canada and/or NAV Canada requirements for painting and lighting.
 - (d) Visibility: where located in proximity to bird migration routes (see subsection 3.01(d) and 7.01(a)), guy wires should be made more visible (e.g. through sleeves) to help prevent birds from colliding into them.
 - (e) Structure: wherever possible, Telecommunications Facilities should be built as Stealth Structures. The Stealth Structure shall be unobtrusive at street level so that a casual observer would not realize it is being used for Radiocommunication.
 - (f) Tower type: designs with the least visual impact should be used. Flush-mounted Antennas are preferred, pinwheel Antennas are discouraged.
 - (g) Building-mounted Telecommunications Facilities:
 - (i) Setbacks:
 - A) Where Antennas and/or utility shelters are placed on the tops of buildings, they should be setback from the edge of the roof line so as to minimize visual impact from ground level.
 - (ii) Height:
 - A) Proponents should scale building-mounted Telecommunication Facilities in such a way that the height meets one of the exclusions for consultation, as indicated by Industry Canada in CPC-2-0-03.
 - (iii) Side-mounted structures on buildings:
 - A) Where Antennas and associated equipment is placed on the side of buildings, equipment shall project not more than 2 metres from the wall surface.
 - (h) Access: when a Proponent makes an application to the City to review a Telecommunications Facility, and the submission requires modifications to an existing access or construction of a new access, the submission should:
 - (i) Be circulated to Transportation Services for review
 - (ii) Satisfy the road right-of-way access, location and configuration requirements of the City, to the satisfaction of Transportation Services. If reconstruction of an existing access or construction of a new access is required, the Proponent will be required to enter into a Municipal Improvement Agreement with the City for construction of the access.
 - (iii) Not unduly interfere with traffic, parking, flow, circulation or create a safety hazard.



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6 HEALTH AND SAFETY

6.01 Health:

- (a) Health impacts of Radiocommunication are under the jurisdiction of the Federal Government. See subsection 3.01(c) for the relevant Acts.

6.02 Safety:

- (a) Telecommunication Facility design shall include construction drawings stamped by a professional engineer, licensed to practice in Alberta.

7 ENVIRONMENTAL CONSIDERATIONS

7.01 Environmentally Sensitive Areas:

- (a) While siting Telecommunications Facilities within Environmentally Sensitive Areas is discouraged (subsection 4.03(b)), should a Proponent still propose a facility in proximity to such an area, the City will recommend to Industry Canada that the applicant be required to address the potential for adverse environmental effects. The City will inform the Proponent of the City's concerns, under the following conditions:
 - (i) A Telecommunication Facility having a significant height (higher than 61 metres), that is located within 500 metres of an Environmentally Sensitive Area that is known bird habitat, as identified in the *Inventory of Environmentally Sensitive and Significant Natural Areas* (City of Edmonton 1993);
 - (ii) A Telecommunication Facility having guy wires that is located within 500 metres of an Environmentally Sensitive Area that is known bird habitat as identified in the *Inventory of Environmentally Sensitive and Significant Natural Areas* (City of Edmonton 1993); and
 - (iii) A Telecommunication Facility within close proximity to other Environmentally Sensitive Area that are not known bird habitat, as identified in the *Inventory of Environmentally Sensitive and Significant Natural Areas* (City of Edmonton 1993) shall be subject to review by the City.

8 SITE INVESTIGATION

8.01 When a Proponent determines that wireless service demand in an area necessitates the erection of additional Telecommunication Facilities, the Proponent shall commence a site investigation in preparation for an initial submission to the City (Section 9).

8.02 Co-location Feasibility Review:

- (a) In cases where a Telecommunications Facility is proposed to include a new Telecommunications Tower, the Proponent shall first determine the suitability of Co-location on existing Telecommunication Facilities, other infrastructure, or buildings within the operational range of the Antenna, typically a minimum of 500 metres of the location of the proposed Telecommunication Facility.
 - (i) The Proponent shall submit a site selection and justification analysis during the Initial Submission to the City as stated in Section 9. The analysis is expected to be prepared by an appropriate professional who is qualified to give an opinion, and include details about how the existing telecommunications infrastructure does not meet the needs of the network. If the Proponent determines that Co-location is not viable, the analysis shall include detailed



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documentary evidence as to why Antenna Co-location on an existing Telecommunication Tower is not a viable alternative to a new Telecommunication Tower. The City may require verification of the results through Industry Canada.

- (ii) In addition, the analysis in 8.02(a)(i) should include maps that show the location of existing Telecommunication Facilities, and the opportunities each has for Antenna Co-location. Ideally, these maps would show the gap in coverage or capacity (bandwidth) in the existing network and the options that the Proponent is considering for Co-location or Site selection to close the gap. These maps should be used during the public consultation meeting (subsection 11.02(a)) to help explain why the Proponent has chosen (or shortlisted) the particular Site(s). The analysis and accompanying maps shall be provided to the satisfaction of the City.
- (iii) Proponents should consider the possibility of future requests for co-location on proposed facilities and sites, in the design of Telecommunication Facilities. (See also subsection 8.03)
- (b) The Proponent shall contact the owner/operator of those Telecommunication Facilities, other infrastructure, or buildings as listed in subsection 8.02(a), to determine availability and suitability of Antenna Co-location or Site Co-location;
 - (i) All Proponents so contacted shall provide a response in writing to the Proponent indicating the feasibility of co-locating on existing equipment (if applicable) and/or their interest or lack thereof, and include an assessment of the likelihood of potential for use of a site within 500 metres of the proposed facility, in accordance with Section 3 of Industry Canada's Client Procedures Circular: CPC-2-0-03;

8.03 Other Proponent interest:

- (a) If no existing Telecommunication Facilities, other infrastructure, or buildings are found to be suitable for co-location (subsection 8.02), the Proponent shall contact in writing all other Proponents who provide similar services, using similar structures, who are operating within the City of Edmonton, including, but not limited to, those who may own equipment identified in subsection 8.02 above, in order to advise the other Proponents of its requirements and the potential siting area, and seek an expression of interest in co-location opportunities in that area. It is anticipated that 30 days is reasonable time for existing Antenna system owners/operators to reply to a request by a proponent in writing with either:
 - (i) A proposed set of reasonable terms to govern the sharing of the Antenna system; or
 - (ii) A detailed explanation of why sharing is not possible.
- (b) This process can occur concurrently with the other consultation requirements in this document. If the Proponent does not receive a response within 30 days, the City shall deem that there is no other proponent interest.

8.04 Inter- Proponent communication:

- (a) If one or more of the Proponents contacted (subsection 8.03) indicate a need to locate in the identified area, the Proponents shall co-operate, in good faith, and in a timely manner to involve technical and real estate representatives of each Proponent and landowner(s) if appropriate, to exchange further information and to determine if co-location is possible.



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8.05 Proponent /Councillor/Interest Group meeting:

- (a) Prior to a Public Consultation Meeting (subsection 11.02) the Proponent may invite, or be invited by, the ward Councillor(s) and the representatives of the executive of any Neighbourhood Group operating in the area to a pre-consultation meeting to discuss the potential location(s) for the Telecommunication Facility.
- (b) The intent of this meeting is to fully discuss all potential locations within an identified service area, to determine which site is (or sites are) most likely to meet with community support and which most closely meet the requirements of this policy.
- (c) The design, location, strategy and other relevant alternatives identified shall then be the subject of the Public Consultation Requirements, as described in Section 10 and 11. The Proponent shall document the proceedings (subsection 11.02(d)) and make them available to the City (subsection 12.01).

9 INITIAL SUBMISSION TO THE CITY

9.01 Prior to Submission:

- (a) The Proponent should review the standards identified in sections 4 through 7, as early as possible, and should attempt to resolve any outstanding issues prior to or during the Site Investigation phase (Section 8).
- (b) Exploration of Co-Location can occur concurrently with other requirements of this policy. At a minimum, the results of the exploration shall be provided with the Final Submission to the City (Section 12), but ideally this information should be provided during the initial submission to the City.

9.02 Submission Requirements

- (a) Fees in accordance with the fee schedule as established by City Council;
- (b) A map (or maps) showing the location of other Telecommunications Facilities located within 500 metres of the proposed site as well as a co-location analysis if required under subsection 8.02(a). Other infrastructure and buildings that could support the Antenna(s) should also be shown on this map;
- (c) A map (or maps) showing the typical coverage area of existing Towers, which shows the need for additional Telecommunication Facilities;
- (d) Proposed drawings (site plan, elevation, structure, etc.) of the Telecommunication Facility;
- (e) Certificate of Title & Owner Letter of Authorization
- (f) If co-location is not possible for technical reasons, a statement signed and/or stamped by an appropriate technical expert outlining the reasons, shall be provided to the City. The statement shall include a map of all similar existing telecommunications equipment located within 500 metres of the proposed site, above, "Co-location Feasibility Review";
- (g) If Co-location is not possible for non-technical reasons, a statement signed by an appropriate representative of the Proponent outlining the reasons, shall be provided to the City; and
- (h) Councillor/Neighbourhood Group record of meeting (if conducted).
- (i) Plus any additional information the City requires.



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9.03 Determination of Notification Requirements

(a) Proponent meeting with Sustainable Development Staff:

- (i) After the Proponent has completed the site investigation (Section 8) and the Proponent decides to proceed further, a meeting shall be held between the interested Proponents and a representative of the City, in order to discuss proposed site(s), co-location opportunities and to determine the notification area and public consultation requirements, as applicable, according to sections 10 and 11 of this Policy.
- (ii) When consultation is required under subsection 11.01, the City will establish the notification area and the Proponent will carry out the notification as per Section 10.
 - A) The City may modify the consultation and notification process noted in subsections 9.03(a)(ii) on a site by site basis, given local factors, and determine whether or not a proposed Telecommunication Facility will have an adverse land use impact, and therefore be subject to public consultation, notwithstanding subsection 11.02.

10 PUBLIC NOTIFICATION REQUIREMENTS

10.01 Notification

- (a) Where Public Consultation is required, under subsection 11.01, the City will assist the Proponent in notification responsibilities by providing addresses, or other contact information as permitted under governing legislation and City Policy, and the Proponent shall provide at its own cost, notification by regular mail or hand delivery, as appropriate, to:
 - (i) All occupants and property owners within the Prescribed Distance of the proposed Telecommunications Facility location, unless that distance is changed in accordance with subsection 9.03(a).
 - (ii) Elected officials:
 - A) City Councillor(s)
 - B) Member of Parliament
 - (iii) Any other interest group or individual which the City may determine to be potentially affected by the proposed Telecommunication Facility. These include, but are not limited to:
 - A) The president(s) of any applicable Community League, or other Neighbourhood Group within the Prescribed Distance of the proposed Telecommunications Facility location;
 - B) Area business groups such as Business Revitalization Zone (BRZ) associations;
 - C) Special interest groups (such as the Edmonton Design Committee and the Edmonton Historical Board); and
 - D) The adjacent municipality or municipalities, as applicable, in accordance with subsection 10.03.
- (b) The Notification under subsection 10.01(a) shall contain the following information:
 - (i) The proposed location of the tower within the subject site;
 - (ii) Physical details of the proposed tower, such as:
 - A) Height;
 - B) Colour;



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- C) Type of structure (i.e. monopole, lattice tower, etc.) as well as the design of the structure;
 - D) Design and appearance of the Antenna(s) to be installed on the tower; and
 - E) A representative image of the proposed site location, with and without the proposed Telecommunication Facility (or part thereof), including any proposed site treatment, including landscaping and screening;
- (iii) The time and location of a meeting open to the public, the purpose of which is to discuss the proposal and respond to comments;
 - (iv) Name and contact information of a person working on behalf of the Proponent, to which comments may be submitted;
 - (v) Time frame within which comments are required to be submitted to the Proponent for consideration (if they are not submitted at the meeting):
 - A) This shall be no less than seven days from the date of the scheduled public meeting and not less than 30 days from the date of notification of the scheduled public meeting;
 - B) Where notification is mailed, date shall be deemed to be date of mailing plus five days.
 - (vi) A statement indicating the involvement of community representatives up to that time (such as Edmonton Federation of Community Leagues, other community league, or other group or organization) claiming to work on behalf of the residents and property owners in the Prescribed Distance.
 - (vii) The outside of the mail package should have a statement printed on it that indicates that the mail contains an invitation for public participation. Suggested wording would include: "A telecommunication tower is proposed within [insert the Prescribed Distance in metres] of this residence. Information is enclosed"
- (c) Where an extension of concurrence past the initial two years is given, the Proponent shall send a notification to the persons or groups who initially received a notice in 10.01(a)(ii) and (iii).

10.02 Other Means of Notification

- (a) The City may also require the Proponent, based on local conditions or circumstances and the initial submission, to provide such other additional forms of notification, which in the opinion of the City, would be likely to inform area residents and property owners of the proposal. These other forms of notification may include, but are not limited to:
 - (i) A sign or signs, each having a minimum area of 1 square metre, posted on the site of the proposed tower, visible from any roadway abutting the subject site;
 - (ii) A notice in a local newspaper of general circulation in the affected municipality/municipalities;
 - (iii) Hand delivery to specified buildings; and/or
 - (iv) Notice within common areas of specified buildings.

10.03 Adjacent Municipalities

- (a) The City will request that the Proponent notify the appropriate government department of the adjacent municipality under the following conditions:
 - (i) Freestanding towers: where the location of a proposed new freestanding tower 15 metres in height or greater, is less than the Prescribed Distance from the adjacent municipality;



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- (ii) Building-mounted structures: where the Antennas and associated structure exceeds the limits in 5.02(g), and the site is abutting the adjacent municipality.
- (b) As part of inter-municipal processes, the City may also request that the Proponent notify adjacent municipalities at greater distances than 10.03(a), subject to review by the City or at the request of the adjacent municipality, and notify the affected residents and property owners:
 - (i) In accordance with their relevant telecommunication policy of that municipality (if one exists); or
 - (ii) If no relevant telecommunication policy exists under subsection 10.03(b)(i), the notification in the shall be made in accordance with subsection 4.2 of Industry Canada's Client Procedures Circular: CPC-2-0-03.

11 PUBLIC CONSULTATION REQUIREMENTS

11.01 Public consultation is required where any one of the following situations apply:

- (a) Freestanding Telecommunication Facilities
 - (i) A Significant Telecommunications Facility (as defined in subsection 2.14) is proposed to be located less than the Prescribed Distance from a Residential Area;
 - (ii) The proposed Telecommunications Facility does not substantially meet the Design and Visual Impact guidelines in Section 5 of this Policy;
 - (iii) At the discretion of the City, where a Significant Telecommunications Facility is proposed to be located in areas farther than the Prescribed Distance from Residential Areas;
 - (iv) At the discretion of the City, where a Telecommunications Facility is proposed in a discouraged location (subsection 4.03);
- (b) Notwithstanding 11.01(a), public consultation may not be required, subject to review by the City of Edmonton's Planning and Development Department, in the following cases:
 - (i) If a Statutory Plan pre-identifies sites for Telecommunication Facilities, and the proposed Telecommunication Facility is consistent with that plan. The Proponent shall consider the context of the Structure Plan and any potential future development within the area as directed in the Structure Plan;
 - (ii) Where the location is separated from the residential development or other discouraged area by an arterial roadway, and/or is buffered by substantial tree cover, topography, or buildings;
 - (iii) Modification, maintenance or replacement of a Telecommunication Facility (including improving the structural integrity of its integral mast to facilitate sharing), or the addition of Antenna(s) or other radio apparatus to existing infrastructure, provided
 - A) The addition or modification does not result in an overall height increase of 25% above the original structure's height;
 - B) The addition would not increase the height of the Telecommunications Facility in such a way that it would be located within the Prescribed Distance from an existing Residential Area in cases where the new height would exceed 15 metres; and
 - C) The addition may increase the height of the Telecommunications Facility so that the new height would now exceed 15 metres, provided that with the extended height it would not be within the Prescribed Distance from a Residential Area.



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- (iv) The proposal is for a temporary Telecommunications Facility to be used for a special event, or to support a local, provincial, territorial or national emergency operation for a period of up to three months, and which shall be removed within three months of the event;
- (c) Building-mounted Telecommunications Facilities,
 - (i) On any building where the aggregate height of the building and tower are between 15m and 23m, and the tower height is greater than 30% of the building height itself, where the proposed building-mounted location is setback a less than the Prescribed Distance from Residential Areas.
 - (ii) A proposed Telecommunication Tower proposed to be located within the Prescribed Distance from any Heritage Area will be subject to special requirements such as contained within a Statutory Plan, and may require public consultation.
- (d) Notwithstanding 11.01(c), public consultation may not be required, subject to review by the City, in the following cases:
 - (i) The location is on top of any downtown building (as identified in the *Capital City Downtown Plan* (Downtown Area Redevelopment Plan, Bylaw 15200), provided that it is consistent with the Design and Visual Impact guidelines in Section 5 of this Policy;
 - (ii) If a Statutory Plan pre-identifies sites for Telecommunication Facilities, and the proposed Telecommunication Facility is consistent with that plan. The Proponent shall consider the context of the Structure Plan and any potential future development within the area as directed in the Structure Plan;
 - (iii) Addition, modification or maintenance or replacement of a Telecommunication Facility (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna-supporting structure or other radio apparatus to existing infrastructure, a building, water tower, etc. provided the addition or modification does not result in an overall height increase of 25% above the original structure's height;
 - (iv) The proposed Telecommunications Facility meets the Design and Visual Impact guidelines in Section 5 of this Policy, and in particular, is a Stealth Structure;
 - (v) The proposal is for a temporary Telecommunications Facility to be used for a special event, or to support a local, provincial, territorial or national emergency operation for a period of up to three months, and which shall be removed within three months of the event; and
 - (vi) On top of any building greater than 23m (or 6 stories) in height;
 - (vii) The location is on the top or side of any building where the antenna projects less than 2m from the top or side;
 - (viii) Where the location is separated from the residential development or heritage area or structure by an arterial roadway, and/or is buffered by substantial tree cover, topography, or buildings;
 - (ix) On a building where the combined height of the building and the tower would not exceed 15 metres in height;



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11.02 Public Consultation Meeting

- (a) The type of public meeting is determined by the Proponent, in a manner it deems most appropriate.
 - (i) The public consultation meeting should be held at a time that would capture a representative cross-section of neighbourhood demographics (ex. the meeting should not be held on a Statutory Holiday);
 - (ii) More than one meeting may be required, as circumstances warrant, and a range of meeting formats should be considered, appropriate for the level of resident interest in the project;
- (b) The public meeting is to be held in the affected area of the proposed Telecommunications Facility.
 - (i) For the purposes of this subsection the location of the meeting should be no greater than 1.5 kilometres from the Site;
- (c) The Proponent is responsible for all costs associated with the public meeting; and
- (d) During the meeting, the Proponent shall:
 - (i) Seek permission to, and record the names, addresses and phone numbers of all those in attendance;
 - (ii) Keep minutes or record of the meeting, which shall fully identify any comments raised by the attendees, and fully identify the response of the Proponent to these comments (in accordance with subsection 4.2 "Responding to the Public" of Industry Canada's Client Procedures Circular: CPC-2-0-03);
 - (iii) If a questionnaire or comment form is provided during the meeting to solicit responses from area residents and property owners, then those comments, or a summary thereof shall be provided to the City of Edmonton as part of the final submission package (Section 12);
 - (iv) Give a time frame within which written comments on the proposed Telecommunications Facility are requested to be submitted to the Proponent for consideration (if they are not submitted at the meeting), which shall be no less than seven days from the date of the meeting and not less than 30 days from the date of notification of the meeting;
 - (v) Include the name and contact information of a person working on behalf of the Proponent to which comments may be submitted;
 - (vi) Provide supporting materials for the option(s) that are under consideration, including the information required to address the Design and Visual Impact guidelines in Section 5, and include materials to best inform the public, as deemed appropriate, including, but not limited to:
 - A) A map showing the notification area (determined in Section 9.03(a)), which includes the location of the proposed the Telecommunications Facility, as well as existing Telecommunications Facilities within 500 metres or the Prescribed Distance;
 - B) The design attributes as described in the notification letter subsection 10.01(b);
 - C) Images, showing views of the proposed site and surrounding area, with and without the proposed Telecommunication Facility (or additions thereto). The Proponent should be prepared to discuss how the proposed Telecommunications Facility meets the Design and Visual Impact guidelines in Section 5;



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- D) Technical information on radiofrequency transmission and point-to-point radiofrequency transmission, Tower type and Antenna(s) configuration; and
 - E) Health information on radiofrequency transmission and health standards (Safety Code 6).
 - (vii) Provide the means by which a participant or stakeholder may obtain a record of the meeting, and the Proponent's response to concerns (e.g. through provision of participant/stakeholder address information to the Proponent, or making the meeting record available through a website, or the applicable Neighbourhood Group).
- 11.03 In scheduling the meeting, the Proponent shall ensure that the meeting is conducted no less than 21 days from the date the notices of the meeting are mailed to area residents and property owners.
- 11.04 Alternative Consultation
- (a) At the discretion of the City, in circumstances where only a few properties would fall within the Prescribed Distance the Proponent may carry-out "paper consultation" in order to satisfy the consultation requirements of this Policy. A paper consultation solicits comments by mail or other means, and would not require a public consultation meeting.
- 11.05 A Proponent will be deemed to have satisfied the public consultation requirements of this Policy when sections 10 and 11 have been conducted in accordance to the standards set out within this Policy to the satisfaction of the City.
- 11.06 If no Public Consultation is Required:
- (a) Where the type and/or location of a Telecommunications Facility does not trigger a public consultation process (subsection 11.02), or the City, under subsection 9.03(a)(ii), determines that notification may be reduced, the City will review the application on the basis of the Preferred and Discouraged locations, and write a concurrence or non-concurrence as a result of the findings; and
 - (b) the Proponent shall submit the required documentation under Section 12, and request a statement of concurrence or non-concurrence from the City.

12 FINAL SUBMISSION TO THE CITY

- 12.01 Within 60 days after the public consultation meeting (subsection 11.02), which is generally held no less than 21 days after the date of mailing of the notification of the public meeting (subsection 10.01(b)(v)(B)), the Proponent shall provide the City of Edmonton's Sustainable Development Department with the following, if a statement of concurrence from the City is requested:
- (a) Final proposed drawings (site plan, elevation, structure, etc.) of the Telecommunication Facility;
 - (b) A copy of the meeting minutes or meeting records;
 - (c) A summary of comments received from those unable to attend the meeting (including written or verbal submissions) and the Proponent's response to those comments, which shall separate comments received from those residents and property owners within the Prescribed Distance and those comments received from those outside the Prescribed Distance;
 - (d) An explanatory document that describes how the Proponent has agreed (or not) to modify the proposed Telecommunications Facility or its location to address the concerns raised at the public consultation meeting (subsection 11.02) including an explanatory document which explains why the Proponent cannot, or chooses not to, address any outstanding concerns; and



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- (e) Notwithstanding subsections 12.01(b) through 12.01(d), if the proposed Telecommunications Facility does not require public consultation in accordance with subsection 11.02, meeting minutes do not need to be included in the submission package.

12.02 The submission shall also include all responses from other Proponents regarding potential co-location as a result of meeting the requirements of subsection 8.02 and a statement that the proposed location meets the technical needs of the Proponent, if such written documentation has not already been submitted to the City of Edmonton as per subsection 9.02.

12.03 Plus any addition information the City requires.

13 STATEMENT OF CONCURRENCE OR NON-CONCURRENCE

13.01 Statement of concurrence or non-concurrence to Industry Canada

- (a) Upon receipt of formal submission to the City as per Section 12, the City shall, within 21 days, forward this package to Industry Canada with a covering letter [with a copy to the Proponent, and the Ward Councillor(s) where the Telecommunication Facility is proposed].
- (b) The letter shall include:
- (i) A statement as to whether or not the City of Edmonton concurs with the proposed Telecommunication Facility. The decision for concurrence shall be based the Proponent's attempt to meet the guidelines forming part of this policy (sections 4 through 11), as well as their efforts to work with residents and property owners, Neighbourhood Groups, and other Proponents to resolve or mitigate any potential negative land use impacts;
 - (ii) Conditions of concurrence, if required, or reasons for non-concurrence; and
 - (iii) The time frame for which the concurrence is valid.
- (c) Concurrence shall not be issued if the Telecommunication Facility does not fulfill or allow to be fulfilled, the requirements of an existing development permit.

13.02 Concurrence validity:

- (a) Concurrence is valid for two years, within which time, the construction of a Telecommunication Facility must commence. Concurrence shall expire and no longer be valid after two years from the date of issuance of the concurrence statement if construction has not been initiated.

13.03 Concurrence extension:

- (a) An extension of up to one year may be granted at the discretion of the Development Officer. After three years from the first statement of concurrence, a new application must be made by the Proponent.

13.04 Concurrence transferability:

- (a) A statement or concurrence or non-concurrence that is issued by the City of Edmonton for a particular project may be transferred to another Proponent, provided that the project is exactly the same as the submission package (Section 12). The transfer does not affect the timeframe for application processing, or the concurrence validity.



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- 13.05 Existing applications at the time of passing of this Policy:
- (a) The statement of concurrence or non-concurrence of an application submitted prior to the adoption of this Policy is valid for the lesser of: two years from the date of the passing of this Policy, or the expiry date indicated on the original statement of concurrence or non-concurrence;
- 13.06 Within a reasonable time after the public meeting, sufficient to consider the comments received, the Proponent should inform the City and Neighbourhood Groups listed in subsection 10.01(a)(ii) as to whether they intend to proceed with the project. A period not exceeding 90 days after the public meeting would generally be considered sufficient for this purpose. Two scenarios:
- (a) The Proponent requests a letter of concurrence or non-concurrence, however is unable to resolve issues regarding the siting of Telecommunications Facilities, or has not received support for concurrence; or
- 13.07 The Client Procedures Circular CPC-2-0-03 Issue 4: *Radiocommunication and Broadcasting Antenna Systems* (effective January 1, 2008) published by Industry Canada states that municipalities must “establish milestones to ensure consultation process is completed within 120 days”.
- (a) Initial submission to the City: 21 days
 - (i) Days 0 to 21;
 - (ii) To determine notification and consultation requirements;
 - (b) Mailing notification: 5 days
 - (i) Days 22 to 26;
 - (ii) To allow time between the mailing of the letter and when it is expected to be received;
 - (c) Time required between mail being received by residents and property owners and the public meeting: 21 days
 - (i) Days 27 to 47;
 - (ii) To allow time for written public comment and to prepare for the public meeting;
 - (d) Wait for comment after the meeting: 30 days
 - (i) Days 48 to 77;
 - (ii) Mandated time for public comment;
 - (e) Response to public and/or make final submission: 21 days
 - (i) Days 78 to 98;
 - (ii) Proponent’s time to respond to comments and prepare final submission for the City to review;
 - (f) City to reviews final submission: 21 days
 - (i) Days 99 to 119;
 - (ii) City makes a statement of concurrence or non-concurrence and forwards the package to Industry Canada.



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- 13.08 Notwithstanding subsection 13.07, The Client Procedures Circular CPC-2-0-03 has additional time requirements in the case that the Proponent receives written comments, as follows:
- (a) After soliciting public comment (subsection 13.07(b)), the proponent must wait a minimum of 30 days before proceeding. If written comment is received by the Proponent in that time:
 - (i) The Proponent has 14 days to acknowledge the comment;
 - (ii) The Proponent has 60 days to respond to the comment with an answer to the query, and provide reasons why they can or cannot do what was asked (if applicable);
 - (iii) The Proponent then must wait an additional 21 days in expectation of receiving a follow-up comment;
 - (iv) At which point the Client Procedures Circular is open-ended, and states that the Proponent may request Industry Canada involvement.
 - (b) If any comments are received, it is unlikely that the 120 day maximum time to complete the public consultation process will be met, as the mandated process may take an additional 64 days, bringing the comment period from 30 days to 94 days (or longer, if the Proponent requests Industry Canada's involvement).