Minutes – Executive Policy Committee – April 21, 2010

REPORTS

Minute No. 238 **Text Amendments – Winnipeg Zoning By-law No. 200/2006 – Downtown Winnipeg Zoning By-law No. 100/2004 – Communication Facility Protocol File DAZ 200/2010**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Standing Policy Committee on Downtown Development and recommends to Council:

1. That the Communication Facility Protocol to guide review and decision making of development proposals for wireless communication facilities provided in Attachment "A" to the report of the Winnipeg Public Service dated March 12, 2010 be adopted.

2. That the Winnipeg Zoning By-law No. 200/2006, and the Planning, Development and Building Fees By-law No. 77/2009 be amended as outlined in Attachment "B" to the report of the Winnipeg Public Service dated March 12, 2010.

3. That the Downtown Winnipeg Zoning By-law No. 100/2004 and the Planning, Development and Building Fees By-law No. 77/2009 be amended as outlined in Attachment "B" to the report of the Winnipeg Public Service dated March 12, 2010.

4. That the Communication Facility Protocol shall come into effect thirty (30) days after the date of Council approval.

5. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

DECISION MAKING HISTORY:

Moved by Councillor Steeves,

That the recommendations of the Standing Policy Committee on Property and Development and the Standing Policy Committee on Downtown Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATIONS:

On April 6, 2010, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

On April 12, 2010, the Standing Policy Committee on Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

RE: **Text Amendment - Winnipeg Zoning By-law No. 200/2006 - Communication Facility Protocol**
File DAZ 200/2010

For submission to: **Executive Policy Committee**

Prepared by: **Carlos Gameiro, Senior Committee Clerk**
Standing Committee on Property and Development

Report date: **April 6, 2010**

STANDING COMMITTEE RECOMMENDATION:

On April 6, 2010, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and recommends to the Executive Policy Committee and Council:

1. That the Communication Facility Protocol to guide review and decision making of development proposals for wireless communication facilities provided in Attachment "A" to the report of the Winnipeg Public Service dated March 12, 2010 be adopted.

2. That the Winnipeg Zoning By-law No. 200/2006, and the Planning, Development and Building Fees By-law No. 77/2009 be amended as outlined in Attachment "B" to the report of the Winnipeg Public Service dated March 12, 2010.

3. That the Communication Facility Protocol shall come into effect thirty (30) days after the date of Council approval.

4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

The Standing Policy Committee on Property and Development provided the following supporting reason for its recommendation:

1. The Standing Policy Committee on Property and Development agreed with the administrative comments contained in the report of the Director of Planning, Property and Development dated March 12, 2010.

PUBLIC HEARING SUMMARY

File: DAZ 200/2010

Before: Standing Policy Committee on Property and Development
Councillor Steeves, Chairperson
Councillor Browaty
Councillor O'Shaughnessy
Councillor Wyatt

Public Hearing: April 6, 2010
West Committee Room, Council Building, 510 Main Street

Applicant: Director of Planning, Property and Development

Subject:

City of Winnipeg Winnipeg

NOTICE OF PUBLIC HEARING

Under the authority of The City of Winnipeg Charter the Standing Policy Committee on Property and Development and the Standing Policy Committee on Downtown Development will conduct PUBLIC HEARINGS as indicated, to receive representations on the proposal listed hereunder. A copy of the proposed amendments to the Winnipeg Zoning By-law No. 200/2006 and the Downtown Winnipeg Zoning By-law No. 100/2004 and supporting materials may be inspected at the City Clerk's Office, Council Building, 510 Main Street during normal office hours (8:30 AM - 4:30 PM), Monday-Friday, excluding holidays, or on the City of Winnipeg website at www.winnipeg.ca/ppd.

NOTICE OF STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT AND STANDING POLICY COMMITTEE ON DOWNTOWN DEVELOPMENT

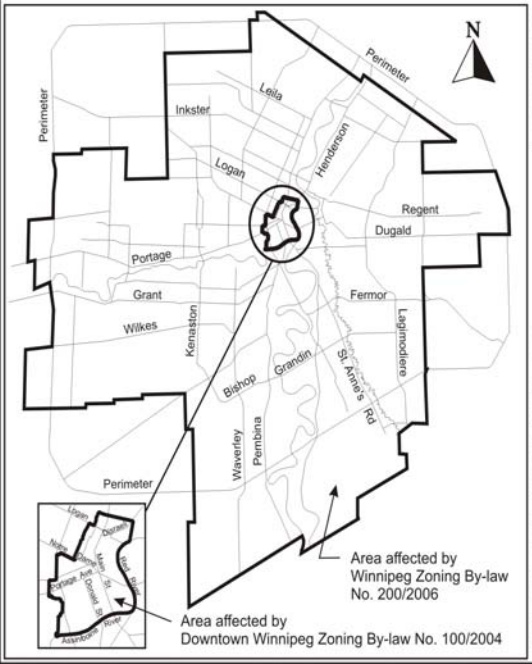
PUBLIC HEARINGS

Standing Policy Committee on Property and Development
(Winnipeg Zoning By-law No. 200/2006)

Date: Tuesday, April 6, 2010
Time: 9:00 AM
Location: West Committee Room, Council Building, 510 Main Street, Winnipeg, Manitoba

Standing Policy Committee on Downtown Development
(Downtown Winnipeg Zoning By-law No. 100/2004)

Date: Monday, April 12, 2010
Time: 9:00 AM
Location: West Committee Room, Council Building, 510 Main Street, Winnipeg, Manitoba



Applicant: Director, Planning Property and Development Department
File: DAZ 200/10
Proposal: Winnipeg Zoning By-law No. 200/2006 regulates the use and development of land in the City of Winnipeg with the exception of the area of the City regulated by the Downtown Winnipeg Zoning By-law No. 100/2004. Downtown Winnipeg Zoning By-law No. 100/2004 regulates the use and development of land in downtown Winnipeg. The Director, Planning Property and Development Department proposes to amend the text of these by-laws to:

1. Add a definition of "communication facility" and repeal the definitions of "wireless communication freestanding tower", "wireless communication building mounted tower" and "wireless telecommunication tower";
2. Allow a communication facility as a permitted use in all zoning districts if it complies with the proposed Communication Facility Protocol;
3. Remove references to wireless communication towers in the Principal and Accessory Use Tables and the Parking Table;
4. Repeal Use Specific Standards for wireless communication towers.

For information regarding the proposed zoning by-law amendments, contact Ms V. Buckley, MCIP at 986-5161.

A copy of the proposed amendments to the Winnipeg Zoning By-law No. 200/2006 and the Downtown Winnipeg Zoning By-law No. 100/2004 and supporting materials and a description of the procedure to be followed at the hearings may be inspected at the City Clerk's Office, Council Building, 510 Main Street during normal office hours (8:30 AM - 4:30 PM), Monday-Friday, excluding holidays, or on the City of Winnipeg website at www.winnipeg.ca/ppd.

The purpose of the public hearings is to allow interested persons to make submissions, ask questions, or register objections in respect of the Proposal. Persons wanting to make representation at a Public Hearing should notify Mr. Carlos Gameiro, Senior Committee Clerk at 986-6631, Council Building, 510 Main Street, Winnipeg, MB, R3B 1B9.

Presentations may be made in either official language. Simultaneous interpretive services are available if requested at least 48 hours prior to the meetings.

Exhibits Filed:

1. Standing Policy Committee on Property and Development Decision of January 16, 2009; contains report from the Director of Planning, Property and Development dated January 12, 2010
2. Statutory Public Notice (newspaper Advertisements)
3. Notification of Public Hearing to adjacent Municipalities and Planning Districts
4. Report from the Director of Planning, Property and Development dated March 12, 2010
5. Presentation in support of the Application, submitted at the public hearing by Keith McIntosh
6. PowerPoint Presentation in support of the Application, submitted at the public hearing by Stephen D'Agostino
7. Audio Recording of representations of public hearing held on April 6, 2010

REPRESENTATIONS:

In Support:

Barry Thorgrimson, Acting Director of Planning, Property and Development
Valdene Buckley, Manager of Regulatory Reform
Stephen D'Agostino
Keith McIntosh
Reg Parkin

In Opposition:

Nil

RE: **Text Amendment – Downtown Winnipeg Zoning By-law No. 100/2004 - Communication Facility Protocol**
File DAZ 200/2010

For submission to: **Executive Policy Committee**

Prepared by: **Carlos Gameiro, Senior Committee Clerk**
Standing Committee on Downtown Development

Report date: **April 12, 2010**

STANDING COMMITTEE RECOMMENDATION:

On April 12, 2010, the Standing Policy Committee on Downtown Development concurred in the recommendation of the Winnipeg Public Service and recommends to the Executive Policy Committee and Council:

6. That the Communication Facility Protocol to guide review and decision making of development proposals for wireless communication facilities provided in Attachment "A" to the report of the Winnipeg Public Service dated March 12, 2010, be adopted.

7. That the Downtown Winnipeg Zoning By-law No. 100/2004 and the Planning, Development and Building Fees By-law No. 77/2009 be amended as outlined in Attachment "B" to the report of the Winnipeg Public Service dated March 12, 2010.

8. That the Communication Facility Protocol shall come into effect thirty (30) days after the date of Council approval.

9. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

The Standing Policy Committee on Downtown Development provided the following supporting reason for its recommendation:

1. The Standing Policy Committee on Downtown Development agreed with the administrative comments contained in the report of the Planning and Land Use Division dated March 12, 2010.

PUBLIC HEARING SUMMARY

File: DAZ 200/2010

Before: Standing Policy Committee on Downtown Development
Councillor Swandel, Chairperson
Councillor Gerbasi
Councillor Pagtakhan

Public Hearing: April 12, 2010
West Committee Room, Council Building, 510 Main Street

Applicant: The Director of Planning, Property and Development

Subject:

City of Winnipeg
NOTICE OF PUBLIC HEARING

Under the authority of The City of Winnipeg Charter the Standing Policy Committee on Property and Development and the Standing Policy Committee on Downtown Development will conduct PUBLIC HEARINGS as indicated, to receive representations on the proposal listed hereunder. A copy of the proposed amendments to the Winnipeg Zoning By-law No. 200/2006 and the Downtown Winnipeg Zoning By-law No. 100/2004 and supporting materials may be inspected at the City Clerk's Office, Council Building, 510 Main Street during normal office hours (8:30 AM - 4:30 PM), Monday-Friday, excluding holidays, or on the City of Winnipeg website at www.winnipeg.ca/ppd.

NOTICE OF STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT AND STANDING POLICY COMMITTEE ON DOWNTOWN DEVELOPMENT

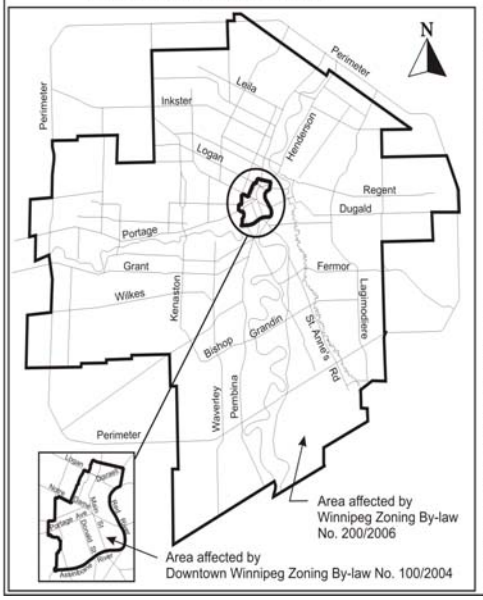
PUBLIC HEARINGS

Standing Policy Committee on Property and Development
(Winnipeg Zoning By-law No. 200/2006)

Date: Tuesday, April 6, 2010
Time: 9:00 AM
Location: West Committee Room, Council Building, 510 Main Street, Winnipeg, Manitoba

Standing Policy Committee on Downtown Development
(Downtown Winnipeg Zoning By-law No. 100/2004)

Date: Monday, April 12, 2010
Time: 9:00 AM
Location: West Committee Room, Council Building, 510 Main Street, Winnipeg, Manitoba



Applicant: Director, Planning Property and Development Department
File: DAZ 200/10
Proposal: Winnipeg Zoning By-law No. 200/2006 regulates the use and development of land in the City of Winnipeg with the exception of the area of the City regulated by the Downtown Winnipeg Zoning By-law No. 100/2004. Downtown Winnipeg Zoning By-law No. 100/2004 regulates the use and development of land in downtown Winnipeg. The Director, Planning Property and Development Department proposes to amend the text of these by-laws to:

1. Add a definition of "communication facility" and repeal the definitions of "wireless communication freestanding tower", "wireless communication building mounted tower" and "wireless telecommunication tower";
2. Allow a communication facility as a permitted use in all zoning districts if it complies with the proposed Communication Facility Protocol;
3. Remove references to wireless communication towers in the Principal and Accessory Use Tables and the Parking Table;
4. Repeal Use Specific Standards for wireless communication towers.

For information regarding the proposed zoning by-law amendments, contact Ms V. Buckley, MCIP at 986-5161.

A copy of the proposed amendments to the Winnipeg Zoning By-law No. 200/2006 and the Downtown Winnipeg Zoning By-law No. 100/2004 and supporting materials and a description of the procedure to be followed at the hearings may be inspected at the City Clerk's Office, Council Building, 510 Main Street during normal office hours (8:30 AM - 4:30 PM), Monday-Friday, excluding holidays, or on the City of Winnipeg website at www.winnipeg.ca/ppd.

The purpose of the public hearings is to allow interested persons to make submissions, ask questions, or register objections in respect of the Proposal. Persons wanting to make representation at a Public Hearing should notify Mr. Carlos Gameiro, Senior Committee Clerk at 986-6631, Council Building, 510 Main Street, Winnipeg, MB, R3B 1B9.

Presentations may be made in either official language. Simultaneous interpretive services are available if requested at least 48 hours prior to the meetings.

Exhibits Filed:

1. Standing Policy Committee on Property and Development Decision of January 16, 2009; contains report from the Director of Planning, Property and Development dated January 12, 2010
2. Statutory Public Notice (newspaper Advertisements)
3. Notification of Public Hearing to adjacent Municipalities and Planning Districts
4. Report from the Director of Planning, Property and Development dated March 12, 2010
5. PowerPoint Presentation in support of the Application, submitted at the public hearing by Reg Parkin

REPRESENTATIONS:

In Support:

Barry Thorgrimson, Acting Director of Planning, Property and Development
Valdene Buckley, Manager of Regulatory Reform
Misty Carson, MMM Group
Veronica Hicks, MMM Group
Reg Parkin

In Opposition:

Harold Funk
Gareth Simons

Exhibit “4” referred to in File DAZ 200/2010

ADMINISTRATIVE REPORT

ISSUE: DAZ 200/2010 - Communication Facility Protocol and Related By-law Amendments – Supplementary Report

Critical Path: Standing Policy Committee on Property and Development – Standing Policy Committee on Downtown Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Himbeault	D. Joshi	N/A	G Laubenstein

RECOMMENDATIONS

1. That the Communication Facility Protocol to guide review and decision making of development proposals for wireless communication facilities provided in Attachment “A” be adopted.
2. That the Winnipeg Zoning By-law No. 200/2006, Downtown Winnipeg Zoning By-law 100/2004 and the Planning, Development and Building Fees By-law No. 77/2009 be amended as outlined in Attachment "B".
3. That the Communication Facility Protocol comes into effect thirty (30) days after the date of Council approval.
4. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

IMPLICATIONS OF THE RECOMMENDATIONS

- Policy implications – Adoption of the proposed Protocol will constitute a new policy specifically targeted to communication facilities.
- Regulatory implications – Provisions in the City’s two zoning by-laws related to communication facilities will be amended and streamlined. Management of communication facilities will occur through the new Protocol.
- General implications – Communication facility proposals would no longer be subject to development applications (e.g., conditional use, variance, rezoning) and mandatory public hearings at the Board of Adjustment or Community Committee. The onus would be on the proponent to conduct a public consultation program to facilitate input from those most affected and satisfy the City that any outstanding public concerns have been addressed.

- Financial implications – There should be no net loss to the City in terms of development application fees and charges as a new fee structure would be established for communication facility proposals. Some revenue in application fees for variances, conditional uses, rezonings and land dedication will be lost, however, there is potential for additional revenue to the City as proponents seek to establish facilities by lease on City-owned land (e.g., parks, City buildings, etc).

HISTORY

On November 21 2007, Council adopted the following recommendation as part of the adoption of the Winnipeg Zoning By-law 200/2006:

> *That the Winnipeg Public Service commence a consultation process with the wireless communication services industry during the enactment period for the Winnipeg Zoning By-law to discuss the regulations for establishment of wireless communication towers.*

The Winnipeg Public Service convened an Industry Advisory Committee (IAC) composed of wireless telecommunication industry providers and stakeholders (Rogers, TELUS, MTS, amateur radio clubs, and the National Telecommunication Association) to respond to Council's request.

Industry Canada is the licensing authority for radiocommunication and telecommunication and encourages municipalities to develop Protocols to seek meaningful local input on antenna and tower siting as part of the Federal licensing process. The overall goal of a Protocol is to ensure a reliable communications network in the city while at the same time protecting the safety of residents and minimizing adverse visual impacts on the community.

A Protocol document would outline the City's recommended public consultation process and design and development standards for the siting and placement of telecommunication towers and antennae. It would complement zoning by-law regulations and be adopted as Council policy. The Protocol would outline the City's expectations and provide transparency to the public and carriers.

Currently, across Canada, municipalities employ a variety of approaches for managing communication facilities. Some continue to maintain communication facilities in their zoning by-laws while others are moving toward the creation of new policy documents that deal exclusively with communication facilities. Some issue development and building permits while others do not. A sampling of communities in Ontario and Alberta lean toward a policy approach with communication facilities exempt from their zoning by-laws while those in British Columbia rely on zoning, but with a much simplified form of regulation. More communities are proceeding to prepare Protocols to either replace or complement their zoning by-laws.

The former Winnipeg Zoning By-law 6400/94 contained provisions related to communication facilities. The Winnipeg Zoning By-law 200/2006 came into force and effect on March 1, 2008 to replace By-law 6400/94 and contains regulations for communication facilities. The Downtown Winnipeg Zoning By-law 100/04 also maintains regulations for communication facilities.

Zoning By-laws are open to legal challenge if they could impair the efficient and effective operation of the telecommunication network. The industry expressed concern that the zoning by-laws are unreasonable in restricting operations of the carriers to provide services in all areas of the city and are more restrictive than rules for the licensing of towers in the Industry Canada Client Procedures Circular (CPC) 2-0-03 (January 1, 2008).

Industry Canada expects any local antenna siting process to respect the Radiocommunication Act and to not unduly impede the development of telecommunication facilities.

The recommended approach is to manage the siting and development of communication facilities through the Protocol and cross reference the Protocol in the zoning by-laws. The purpose of the Protocol is to outline the local consultation process proponents will follow and guidelines the City will consider in evaluating communication facility proposals. The Protocol would be adopted as Council's policy on wireless communication facilities (see proposed Communication Facility Protocol in Attachment “A”).

The Winnipeg and Downtown Winnipeg Zoning By-laws would be amended to make communication facilities a permitted use in all zoning districts. All other use and design specific regulations for communication facilities would be repealed, for example in the Use Tables and Use Specific Standards (see amending by-law in Attachment “B”). A complementary amendment to the Planning, Development and Building Fees By-law is required to accommodate a fee for communication facility applications.

The wireless communication industry and Industry Canada are in concurrence with the proposed Protocol and by-law amendments.

Currently, telecommunication providers are subject to the default consultation and approval process for communication facilities under the Industry Canada CPC. If adopted by Council, the new review and consultation process under the Protocol would mimic the default process and place the onus on the proponent to consult with area residents. The City would be responsible for drafting a final letter to Industry Canada indicating the City’s concurrence or non-concurrence with a proposal based on input from the Public Service and results of the consultation process.

The Standing Policy Committees on Property and Development and Downtown Development considered the proposed Communication Facility Protocol and zoning by-law amendments and recommended that public hearings be scheduled to receive public input on the proposed zoning by-law changes.

FINANCIAL IMPACT

Financial Impact Statement **Date:** **March 5, 2010**

Project Name:

Communication Facility Protocol and Related By-law Amendments – Supplementary Report

COMMENTS:

The recommendations contained in this report include that the Communication Facility Protocol to guide review and decision making of development proposals for wireless communication facilities provided in Attachment "A" be adopted and that the Winnipeg Zoning By-law No. 200/2006, Downtown Winnipeg Zoning By-law 100/2004 and the Planning, Development and Building Fees By-law No. 77/2009 be amended as outlined in Attachment "B".

There should be no net loss to the City in terms of development application fees and charges as a new fee structure would be established for communication facility proposals. While approval of these recommendations may result in a decrease in revenues associated with variances, conditional uses, rezonings and land dedication, this is anticipated to be offset by additional revenue to the City as proponents seek to establish facilities by lease on City-owned land (e.g., parks, City buildings, etc).

As such, there are no material financial implications associated with the recommendations contained in this report.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this Report there was consultation with:

- An Industry Advisory Committee was formed to facilitate consultation with the wireless communications industry consisting of representatives from: Rogers Communication, TELUS, MTS Communications, Winnipeg Amateur Radio Club, Manitoba Repeater's Society, Canadian Wireless Telecommunication Association.
- Legal Services

SUBMITTED BY

Department: Planning Property Development Department
Division: Planning and Land Use
Prepared by: Valdene Buckley, MCIP
Date: March 12, 2010
File No. O:\Reports Directive\Planning and Land Use\Long Range Planning\WCT RIS Rpt dec09 suppl rpt.doc

Attachments:
Appendix A: Draft Communication Facility Protocol
Appendix B: Draft Amending By-law

Attachment “A”

D R A F T

Communication Facility Protocol

(Industry Canada Local Land Use Authority Consultation)

Adopted by City Council
xxxx xx, 2010

Prepared by:
Planning Property and Development Department

Last Revised:
March 3, 2010

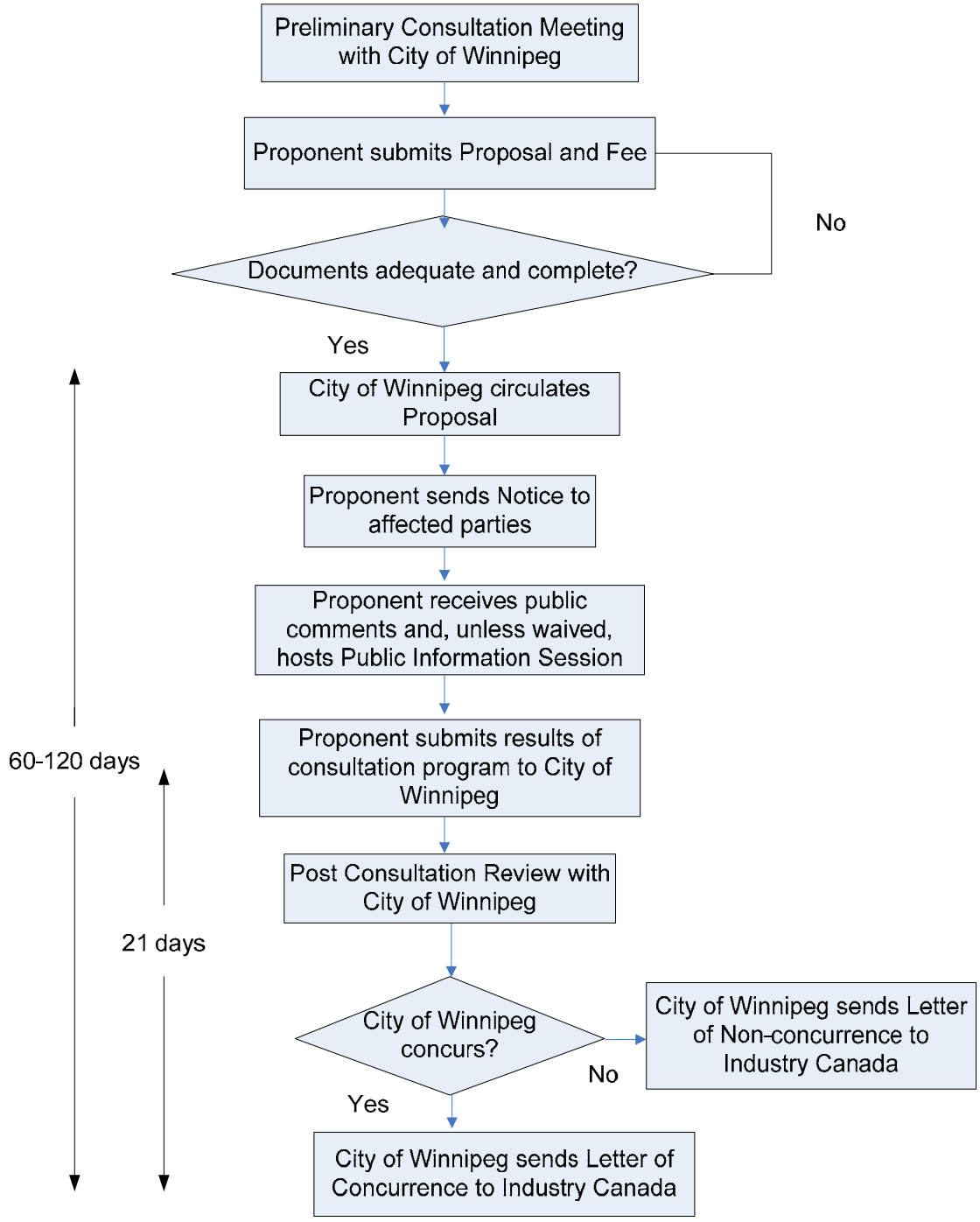
TABLE OF CONTENTS

Page
PURPOSE **3**
OBJECTIVES **3**
DEFINITIONS **3**
JURISDICTION **4**
PROPOSAL SUBMISSION **4**
Proposal Submission Requirements 5
Fees 5
CONSULTATION PROCESS **5**
Consultation with the City of Winnipeg 5
Public Consultation 6
Consultation Process Timeframe 7
Confirmation of City Position 7
DEVELOPMENT GUIDELINES **8**
Site Selection 8
Development and Design Standards 9
Amateur Radio Antenna Support Structures in Residential Areas 10
Environmental Considerations 10
LETTER OF UNDERTAKING **11**
EXCLUDED STRUCTURES **11**
Exemptions from Communication Facility Proposal Review 11
Exemptions from Public Consultation 11

LIST OF FIGURES

Figure 1: Communication Facility Protocol Process Flowchart ii

Figure 1: Communication Facility Protocol Process Flowchart



PURPOSE

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

OBJECTIVES

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

DEFINITIONS

3. This section defines terms used throughout this Protocol:

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

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

   Communication facility means a range of wireless communication facilities, including freestanding and building-mounted cellular and personal cellular service (PCS) providers and other point-to-point and point-to-multi-point wireless communication facilities including radio and television broadcasting, using a variety of technologies.

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

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

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

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

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

JURISDICTION

4. Under The Radiocommunication Act, the federal government has jurisdiction over inter-provincial and international communication facilities. Industry Canada has been granted the authority to approve and licence the location of communication towers and facilities. Other federal legislation that applies includes: the Canadian Environmental Assessment Act and Health Canada, Safety Code 6 (Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 KHZ to 300 GHZ, 1999).

   In June 2007, Industry Canada issued an update to its Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03) which outlines the process that must be followed by proponents seeking to install or modify antenna systems, effective January 1, 2008. In addition, in January 2008, Industry Canada published a Guide to Assist Land Use Authorities in Developing Antenna Siting Protocols. The CPC requires that proponents intending to install or modify an antenna system notify and consult with the local land use authority, and the local community in the vicinity of the proposed structure and it sets out a process and timeline for this consultation program.

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

PROPOSAL SUBMISSION

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

Proposal Submission Requirements

6. The proponent must include the following information when submitting a communication facility proposal:
   (1) A letter or report from the proponent indicating the need for the proposal, the proposed site, the rationale for site selection, coverage and capacity of existing communication facilities in the general area and a summary of opportunities for co-location;
   (2) Colour photograph(s) with the proposed communication facility superimposed;
   (3) Site Plan showing the proposed development situated on the site;
   (4) Map showing the horizontal distance between the property boundary of the proposed site and the nearest property in residential use; and
   (5) For communication facilities requiring public consultation, a map showing all properties located within a radius of three times the height of the proposed communication facility.

7. Upon receipt of a complete proposal submission, the City will circulate the proposal for review and comment to:
   (1) Affected City Departments,
   (2) Any municipalities within 500 m (.3 miles) from the base of the proposed communications facility, and
   (3) The local City Councillor.

Fees

8. The proponent must pay a communications facility submission fee to the City. Fees will be set in accordance with the Planning, Development and Building Fees By-Law No. 166/2004, as amended.

9. The proponent is responsible for securing applicable applications or permissions from City of Winnipeg departments and paying any applicable application fees or charges as required.

CONSULTATION PROCESS

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

Consultation with the City of Winnipeg

Consultation Meeting

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

12. The purpose of the consultation meeting is to identify preliminary issues of concern, identify and agree on requirements for public consultation (including the need for additional forms of notice and a public information session), guide the content of the proposal submission, and identify the need for discussions with any City departments.

13. At the consultation meeting, City staff will provide the proponent with an information package that includes:

(1) This Protocol, which outlines the approval process, requirements for public consultation and guidelines regarding site selection, co-location, siting, design and landscaping;
(2) Proposal submission requirements included in Sections 5-9;
(3) A list of City Departments to be consulted; and
(4) Where appropriate, the location of City owned land that should be considered for lease as part of the site selection process.

14. To expedite the review of the proposal, the proponent will review this information package before the submission is made so that the interests of City departments are taken into account. The proponent is encouraged to consult with affected Departments as well as the local City Councillor before submitting the proposal.

Public Consultation

Notice

15. After preliminary consultation with the City of Winnipeg is complete, the proponent will give notice to:
(1) All property owners and tenants within a radius of three times the height of the proposed communication facility;
(2) Any municipalities within 500 m (.3 miles) from the base of the proposed communications facility;
(3) The local City Councillor and Member of Parliament;
(4) Director of the Planning Property and Development Department; and
(5) Industry Canada regional office.

16. The City of Winnipeg will assist the proponent in compiling a mailing list of property owners/tenants within a radius of three times the height of the proposed communication facility. The City of Winnipeg may charge a fee for this service.

17. The notice will be sent by regular mail, a minimum of 21 days before the public information session, where required, and include:
(1) The date, time and location of the public information session;
(2) Information on the location, height, type, design and colour of the proposed communication facility, including a 21 cm x 28 cm (8½" x 11") size site plan;
(3) The rationale for the selection of the designated site;
(4) The name and telephone number of a contact person for the proponent;
(5) The name and telephone number of the Local Area Planner at the City of Winnipeg; and
(6) A deadline date for receipt by the proponent of public responses to the proposal. Where a public information session is required, the deadline date must be no more than five days before the date of the session. Where a public information session is not required, the deadline date must be at least 14 days after the notices are mailed.

18. The City may also require the proponent, based on local conditions such as a high proportion of rental accommodation in the vicinity of the site, to provide such additional forms of notice as necessary. The prospect of additional notification will be identified during the preliminary consultation meeting. Other forms of notification may include, but are not limited to:
(1) A 1.2 m x 2.4 m (4' by 8') large format notice board sign or signs, posted on the site of the proposed communication facility, visible from any roadway abutting the site;
(2) Publication of the notice in a local newspaper(s); and/or,
(3) Hand delivery of notices to specified buildings.

Public Information Session

19. The proponent will be responsible for organizing and chairing a public information session. The City of Winnipeg may waive this requirement where, upon consultation with the proponent, the City determines that the anticipated level of public reaction to a proposal will be minimal.
    (1) An appropriate date, time and location for the public information session will be determined in consultation with the Local Area Planner.
    (2) The proponent will make available at the public information session an appropriate visual display of the proposal, including a site plan and an aerial photograph of the proposed site.

20. The proponent will provide the City with a package summarizing the results of the public consultation process containing at a minimum, the following:
    (1) Copies of all letters and other written communications received; and
    (2) A letter of response from the proponent outlining how all the concerns and issues raised by the public will be addressed, or alternatively, clearly setting out the reasons why such concerns cannot be addressed.

Post Consultation Review

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

Consultation Process Timeframe

22. Subject to Section 24, consultation with the City of Winnipeg is to be completed within 60 days of the proposal being accepted by the City of Winnipeg.

23. Subject to Section 24, where public consultation is required, consultation with the City and public consultation are both to be completed within 120 days of the proposal being accepted by the City of Winnipeg.

24. The City may request an extension to the consultation process timeline in writing to the proponent and Industry Canada.

Confirmation of City Position

25. The City will provide a letter to Industry Canada of either:
    (1) Concurrence. Concurrence would occur if the proposal conforms to the City's requirements as set out within this Protocol and the City's technical requirements, and will include conditions of concurrence, if required. The City will also forward comments on outstanding issues raised during the public consultation process; or,
    (2) Non-concurrence. Non-concurrence would occur if the proposal does not conform to City requirements as set out within this Protocol. The City will also forward comments on outstanding issues raised during the public consultation process.
26. The Director of Planning Property and Development or his/her delegate will issue the City's letter within 21 days of receipt of the package from the proponent with the results of the public consultation process.

DEVELOPMENT GUIDELINES

Site Selection

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

Co-Location

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

29. The City supports co-location in rural, industrial and some commercial areas of the city as outlined in the sections below. Co-location is discouraged in proximity to residential areas.

Location

30. Communication facilities located within a radius of three times the height of the facility from the nearest residential area should be designed to be unobtrusive, minimizing visual impact and avoiding disturbance to natural features. Communication facilities located outside a radius of three times the height of the facility from the nearest residential area may be co-located. Residential areas are recognized as those areas zoned: RR2 (Rural Residential), R1 (Residential), R2 (Residential), RMF (Residential Multi-Family), RMU (Residential Mixed Use), RMH (Residential Mobile Home Park) under the City of Winnipeg Zoning By-law 200/2006.

31. The City may take the following into consideration when reviewing proposals for the siting of new communication facilities:
    (1) Maximizing the distance of co-located communication facilities from residential areas. The City prefers that obtrusive facilities be located in industrial areas (e.g., areas zoned M2: Manufacturing General and M3: Manufacturing Heavy).
    (2) Strategically placing communication facilities in the downtown. The City prefers that communication facilities be mounted on buildings or be designed to be unobtrusive.
    (3) Applying special design treatments to communication facilities proposed to be located within parks and open space areas or on listed heritage buildings and/or sites to make communication facilities unobtrusive.
    (4) Avoiding ecologically significant natural lands.
    (5) Avoiding all riverbank lands.
    (6) Respecting public views and vistas of important natural or manmade features.
    (7) Ensuring compatibility with significant character areas in the downtown (e.g., Exchange District National Historic Site, The Forks, Legislature).
    (8) Ensuring compatibility with the pedestrian character of neighbourhood main street business areas (e.g., Academy, Corydon, Provencher, Osborne, Selkirk, Main, Ellice, Sargent, West Broadway).
    (9) Minimizing the impact on the natural environment where access and parking are required on-site.

Development and Design Standards

Design

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

Height of Freestanding Communication Facilities

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

Height of Building-Mounted Communication Facilities

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

Yards

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

Parking

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

Signs

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

Rooftop Equipment

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

Buffering and Screening

39. Buffering and screening requirements are as follows:
    (1) The City recommends that communication facilities and equipment shelters be attractively designed or screened and concealed from ground level or other public views to mitigate visual impacts.
    (2) Where adjacent to a principal building, equipment shelters should be constructed of a material similar in appearance to at least one of the materials used in the facades of the principal building and one of the same colours used in the principal building.

Amateur Radio Antenna Support Structures in Residential Areas

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

41. The City prefers that amateur radio antenna support structures not exceed 21 m (69 feet) in height.

Environmental Considerations

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

LETTER OF UNDERTAKING

43. The proponent may be required, if requested by the City, to provide a Letter of Undertaking, which may include the following requirements:
    (1) The posting of a security for the construction of any proposed fencing, screening and landscaping;
    (2) A commitment to accommodate other communication providers on a communication facility, where feasible subject to the usual commercial terms and Industry Canada Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements (CPC-2-0-17); and
    (3) Other conditions of concurrence.

EXCLUDED STRUCTURES

Exemptions from Communication Facility Proposal Review

44. The following are exempt from the requirement to submit a communication facility proposal:
    (1) Maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
    (2) Addition or modification of an antenna system (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna-supporting structure or other radio apparatus to existing infrastructure, a building, water tower, etc. provided the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height;
    (3) Maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;
    (4) Installation, for a limited duration (typically not more than 3 months), of an antenna system that is used for a special event, or one that is used to support local, provincial, territorial or national emergency operations during the emergency, and is removed within 3 months after the emergency or special event;
    (5) Facilities less than 15 m (50 feet) in height.

Exemptions from Public Consultation

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

Attachment “B”

THE CITY OF WINNIPEG

BY-LAW NO. /2010

A By-law of The City of Winnipeg to amend the Winnipeg Zoning By-law No. 200/2006, the Downtown Winnipeg Zoning By-law No. 100/2004 and the Planning, Development and Building Fees By-law No. 77/2009 with respect to communication facilities.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1 *The Winnipeg Zoning By-law No. 200/2006 is amended*

(1) in section 48:

(a) by adding the following definition after the definition "commercial school":

*“***communication facility"** means a range of wireless communication facilities, including freestanding and building-mounted cellular and personal cellular service (PCS) providers and other point-to-point and point-to-multi-point wireless communication facilities including radio and television broadcasting, using a variety of technologies.

*(b) by repealing the definitions “*wireless communication freestanding tower*” and “*wireless communication building-mounted tower*”.*

(2) in section 59, by adding the following after subsection (5):

Communication Facility

(5.1) A communication facility is a permitted use in all zoning districts if it complies with the Communication Facility Protocol adopted by Council.

(3) in section 62:

(a) in Table 4-1: Principal Use Table*, under* Transportation, Utility and Communications, *by striking out Use Category* “Communications” *and Use Types* “Wireless communication, building-mounted tower” *and* “Wireless communication, freestanding tower” and all corresponding entries in those rows*;*

(b) in Table 4-2: Accessory Use Table*, by striking out Use Category* "wireless communication, building-mounted tower" *and all corresponding entries in that row.*

(4) by repealing sections 99 and 100.

(5) by adding the following after section 131:

131.1 This Part does not apply to communication facilities.

(6) in section 161, Table 5-9: General Accessory Parking Requirements*, under* Parking Category 0*, by striking out* "Wireless communication, building-mounted tower" *and* "Wireless communication, freestanding tower"*.*

2 *The Downtown Winnipeg Zoning By-law No. 100/2004 is amended*

(1) by adding the following after subsection 200(10):

Communication Facility
200(11) A communication facility is a permitted use in all sectors if it complies with the Communication Facility Protocol adopted by Council.

(2) in subsection 310(2), under Transportation, Utility, & Communications, by striking out "Wireless communications tower" and the corresponding entry in that row.

(3) in subsection 410(2), under Transportation, Utility, & Communications*, by striking out* "Wireless communications tower" and the corresponding entry in that row*.*

(4) in subsection 510(2), under Transportation, Utility, & Communications*, by striking out* "Wireless communications tower" and the corresponding entry in that row*.*

(5) in subsection 610(2), under Transportation, Utility, & Communications*, by striking out* "Wireless communications tower" and the corresponding entry in that row*.*

(6) in subsection 700(3):

(a) by adding the following definition after the definition "commercial marina:

*"***"Communication facility"**
Means a range of wireless communication facilities, including freestanding and building-mounted cellular and personal cellular service (PCS) providers and other point-to-point and point-to-multi-point wireless communication facilities including radio and television broadcasting, using a variety of technologies.*"; and*

*(b) by repealing the definition "*wireless telecommunications tower*".*

3 *The Planning, Development and Building Fees By-law No. 77/2009 is amended by adding the following after section 72:*

Communication facility proposal review
72.1 The following fee is hereby imposed for a communication facility proposal review…….. $1,076.00

DONE AND PASSED this th day of , 2010.

_____
Mayor

_____
City Clerk

Approved as to planning details:

_____ _____
for Director of Planning, Property and Development

Approved as to form:

_____ _____
James Carter
for Director of Legal Services and City Solicitor

Exhibit "1" referred to in File DAZ 200/2010

ADMINISTRATIVE REPORT

ISSUE: DAZ 200/2010 - Communication Facility Protocol and Related By-law Amendments

Critical Path: Standing Policy Committee on Property and Development – Standing Policy Committee on Downtown Development

AUTHORIZATION

Author	Department Head	CFO	CAO
D Himbeault	D Joshi	N/A	G Laubenstein

RECOMMENDATIONS

Standing Policy Committee on Property and Development

1. That a public hearing be scheduled at the Standing Policy Committee on Property and Development to consider proposed amendments to the Winnipeg Zoning By-law No. 200/2006 with respect to communication facilities (DAZ 200/2010).

Standing Policy Committee on Downtown Development

1. That a public hearing be scheduled at the Standing Policy Committee on Downtown Development to consider proposed amendments to the Downtown Winnipeg Zoning By-law No. 100/2004 with respect to communication facilities (DAZ 200/2010).

IMPLICATIONS OF THE RECOMMENDATIONS

- Policy implications – Adoption of the proposed Protocol will constitute a new policy specifically targeted to communication facilities.
- Regulatory implications – Provisions in the City's two zoning by-laws related to communication facilities would be amended to make communication facilities a permitted use in all zoning districts subject to compliance with the Protocol. Siting and development of communication facilities will be managed through the new Protocol.
- General implications – Communication facility proposals would no longer be subject to development applications (e.g., conditional use, variance, rezoning) and mandatory public hearings at the Board of Adjustment or Community Committee. The onus would be on the proponent to conduct a public consultation program to facilitate input from those most affected and satisfy the City that any outstanding public concerns have been addressed.

- Financial implications – There should be no net loss to the City in terms of development application fees and charges as development application fees would be replaced by a new fee for communication facility proposals. However, there is potential for additional revenue to the City as proponents seek to establish facilities by lease on City-owned land (e.g., parks, City buildings, etc).

HISTORY

On November 21, 2007 Council adopted the following recommendation as part of the adoption of the Winnipeg Zoning By-law 200/2006:

> *That the Winnipeg Public Service commence a consultation process with the wireless communication services industry during the enactment period for the Winnipeg Zoning By-law to discuss the regulations for establishment of wireless communication towers.*

The Winnipeg Public Service convened an Industry Advisory Committee (IAC) composed of wireless telecommunication industry providers and stakeholders (Rogers, TELUS, MTS, amateur radio clubs, and the National Telecommunication Association) to respond to Council's request.

Industry Canada is the licensing authority for radiocommunication and telecommunication and encourages municipalities to develop Protocols to seek meaningful local input on antenna and tower siting as part of the Federal licensing process. The overall goal of a Protocol is to ensure a reliable communications network in the city while at the same time protecting the safety of residents and minimizing adverse visual impacts on the community.

A Protocol document would outline the City's recommended public consultation process and design and development standards for the siting and placement of telecommunication towers and antenna. It would replace zoning by-law regulations and be adopted as Council policy. The Protocol would outline the City's expectations and provide transparency to the public and carriers.

Currently, across Canada, municipalities employ a variety of approaches for managing communication facilities. Some continue to maintain communication facilities in their zoning by-laws while others are moving toward the creation of new policy documents that deal exclusively with communication facilities. Some issue development and building permits while others do not. A sampling of communities in Ontario and Alberta lean toward a policy approach with communication facilities exempt from their zoning by-laws while those in British Columbia rely on zoning, but with a much simplified form of regulation. More communities are proceeding to prepare Protocols to replace their zoning by-laws.

The former Winnipeg Zoning By-law 6400/94 contained provisions related to communication facilities. The Winnipeg Zoning By-law 200/2006 came into force and effect on March 1, 2008 to replace By-law 6400/94 and contains regulations for communication facilities. The Downtown Winnipeg Zoning By-law 100/04 also maintains regulations for communication facilities.

Zoning By-laws are open to legal challenge if regulations appear to impair the efficient and effective operation of the telecommunication network. The industry expressed concern that the

zoning by-laws are unreasonable in restricting operations of the carriers to provide services in all areas of the city and are more restrictive than rules for the licensing of towers in the Industry Canada Client Procedures Circular (CPC) 2-0-03 (January 1, 2008).

Industry Canada expects any local antenna siting process to respect the Radiocommunication Act and to not unduly impede the development of telecommunication facilities. However, Industry Canada advises that municipalities may maintain a zoning approach provided the consultation and public notification processes respect the exclusion criteria outlined in the CPC as well as the 120 day reporting timeframe.

The recommended approach is to manage the siting and development of communication facilities through the Protocol and cross reference the Protocol in the zoning by-laws. The purpose of the Protocol is to outline the local land use consultation process and guidelines to be followed in evaluating communication facility proposals. The Protocol would be adopted as Council's policy on wireless communication facilities (see proposed Communication Facility Protocol in Appendix “A”). The Protocol is being forwarded to the Standing Policy Committees for information only.

The Winnipeg and Downtown Winnipeg Zoning By-laws would be amended to make communication facilities a permitted use in all zoning districts. All other use and design specific regulations for communication facilities would be repealed; for example, in the Use Tables and Use Specific Standards (see amending by-law in Appendix “B”). A complementary amendment to the Planning, Development and Building Fees By-law is required to accommodate a fee for communication facility applications. The wireless communication industry and Industry Canada are in concurrence with the proposed Protocol and by-law amendments.

Currently, telecommunication providers are subject to the default consultation and approval process for communication facilities under the Industry Canada CPC. If adopted by Council, the new review and consultation process under the Protocol would mimic the default process and place the onus on the proponent to consult with area residents. The City would be responsible for drafting a final letter to Industry Canada indicating the City’s concurrence or non-concurrence with a proposal based on input from the Public Service and results of the consultation process.

Notice of the public hearing will be advertised in the newspaper together with instructions on how to access information about the draft Protocol and proposed zoning by-law amendments. A project website will be established to post information about the project. Copies of the supporting materials will be available on the project website and at the City Clerk’s Office for public viewing.

FINANCIAL IMPACT

Financial Impact Statement **Date:** January 11, 2010

Project Name:

DAZ 200/2010 - Communication Facility Protocol and Related By-law Amendments

COMMENTS:

The recommendations contained in this report are 1) that a public hearing be scheduled at the Standing Policy Committee on Property and Development to consider proposed amendments to the Winnipeg Zoning By-law No. 200/2006 with respect to communication facilities (DAZ 200/2010) and 2) that a public hearing be scheduled at the Standing Policy Committee on Downtown Development to consider proposed amendments to the Downtown Winnipeg Zoning By-law No. 100/2004 with respect to communication facilities (DAZ 200/2010).

It is anticipated that any lost revenues (approximately $10,000 in a typical year) resulting from no longer collecting development application fees and charges would be replaced by a new fee for communication facility proposals. In addition, there is potential for additional revenue to the City as proponents seek to establish facilities by lease on City-owned land (e.g., parks, City buildings, etc).

As such, there are no financial implications associated with the recommendations contained in this report.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this Report there was consultation with:

- An Industry Advisory Committee was formed to facilitate consultation with the wireless communications industry consisting of representatives from: Rogers Communication, TELUS, MTS Communications, Winnipeg Amateur Radio Club, Manitoba Repeater's Society, Canadian Wireless Telecommunication Association.
- Internal Services, Legal Services

SUBMITTED BY

Department: Planning Property Development Department
Division: Planning and Land Use
Prepared by: Valdene Buckley, MCIP
Date: January 12, 2010
File No. DAZ 200/2010

Attachments:
Appendix A: Draft Communication Facility Protocol
Appendix B: Draft Amending By-law

O:\Reports Directive\Planning and Land Use\Long Range Planning\WCT RIS Rpt dec09.doc

Appendix “A”

D R A F T

Communication Facility Protocol

(Industry Canada Local Land Use Authority Consultation)

Adopted by City Council
xxxx xx, 2010

Prepared by:

Planning Property and Development Department

Last Revised:
May 12, 2009

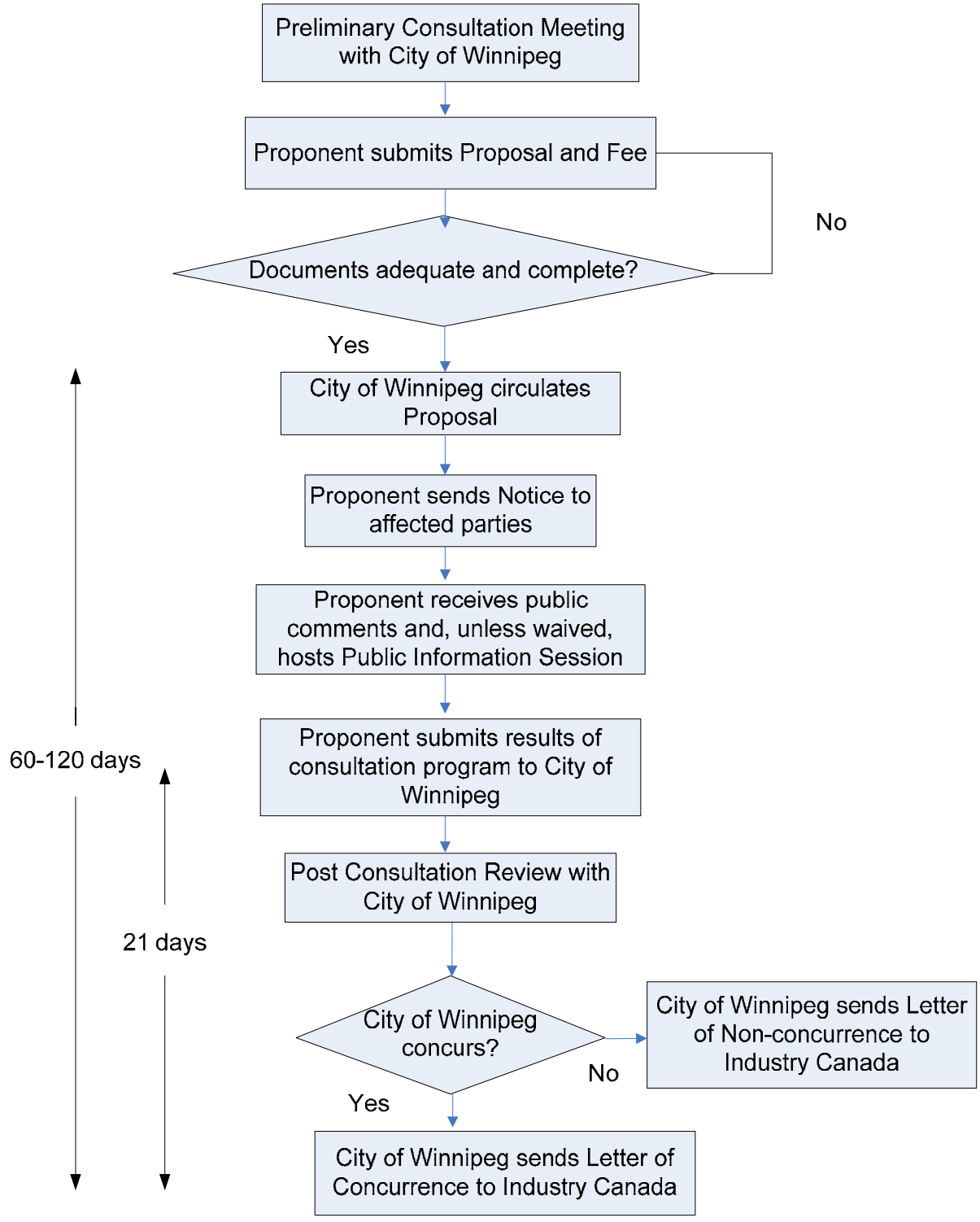
TABLE OF CONTENTS

Page
PURPOSE **3**
OBJECTIVES **3**
DEFINITIONS **3**
JURISDICTION **4**
PROPOSAL SUBMISSION **4**
Proposal Submission Requirements 5
Fees 5
CONSULTATION PROCESS **5**
Consultation with the City of Winnipeg 5
Public Consultation 6
Consultation Process Timeframe 7
Confirmation of City Position 7
DEVELOPMENT GUIDELINES **8**
Site Selection 8
Development and Design Standards 9
Amateur Radio Antenna Support Structures in Residential Areas 10
Environmental Considerations 10
LETTER OF UNDERTAKING **11**
EXCLUDED STRUCTURES **11**
Exemptions from Communication Facility Proposal Review 11
Exemptions from Public Consultation 11

LIST OF FIGURES

Figure 1: Communication Facility Protocol Process Flowchart ii

Figure 2: Communication Facility Protocol Process Flowchart



PURPOSE

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

OBJECTIVES

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

DEFINITIONS

3. This section defines terms used throughout this Protocol:

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

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

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

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

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

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

Letter to Industry Canada means a letter, Development Permit or an Order issued by the City of Winnipeg. The issuance of a Development Permit or Order (with or without conditions) granting approval for the Communication Facility shall constitute concurrence as contemplated by CPC-2-0-03.

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

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

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

JURISDICTION

4. Under The Radiocommunication Act, the federal government has jurisdiction over inter-provincial and international communication facilities. Industry Canada has been granted the authority to approve and licence the location of communication towers and facilities. Other federal legislation that applies includes: the Canadian Environmental Assessment Act and Health Canada, Safety Code 6 (Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 KHZ to 300 GHZ, 1999).

   In June 2007, Industry Canada issued an update to its Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03) which outlines the process that must be followed by proponents seeking to install or modify antenna systems effective January 1, 2008. In addition, in January 2008, Industry Canada published a Guide to Assist Land Use Authorities in Developing Antenna Siting Protocols. The CPC requires that proponents intending to install or modify an antenna system notify and consult with the local land use authority, and the local community in the vicinity of the proposed structure and it sets out a process and timeline for this consultation program.

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

PROPOSAL SUBMISSION

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

Proposal Submission Requirements

6. The proponent must include the following information when submitting a communication facility proposal:
   (6) A letter or report from the proponent indicating the need for the proposal, the proposed site, the rationale for site selection, coverage and capacity of existing communication facilities in the general area and a summary of opportunities for co-location;
   (7) Colour photograph(s) with the proposed communication facility superimposed;
   (8) Site Plan showing the proposed development situated on the site;
   (9) Map showing the horizontal distance between the property boundary of the proposed site and the nearest property in residential use; and
   (10) For communication facilities requiring public consultation, a map showing all properties located within a radius of three times the height of the proposed communication facility.

7. Upon receipt of a complete proposal submission, the City will circulate the proposal for review and comment to:
   (4) Affected City Departments,
   (5) Any municipalities within 500 m (.3 miles) from the base of the proposed communications facility, and
   (6) The local City Councillor.

Fees

8. The proponent must pay a communications facility submission fee to the City. Fees will be set in accordance with the Planning, Development and Building Fees By-Law No. 166/2004, as amended.

9. The proponent is responsible for securing applicable applications or permissions from City of Winnipeg departments and paying any applicable application fees or charges as required.

CONSULTATION PROCESS

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

Consultation with the City of Winnipeg

Consultation Meeting

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

12. The purpose of the consultation meeting is to identify preliminary issues of concern, identify and agree on requirements for public consultation (including the need for additional forms of notice and a public information session), guide the content of the proposal submission, and identify the need for discussions with any City departments.

13. At the consultation meeting, City staff will provide the proponent with an information package that includes:
    (5) This Protocol, which outlines the approval process, requirements for public consultation and guidelines regarding site selection, co-location, siting, design and landscaping;
    (6) Proposal submission requirements included in Sections 5-9;
    (7) A list of City Departments to be consulted; and
    (8) Where appropriate, the location of City owned land that should be considered for lease as part of the site selection process.

14. To expedite the review of the proposal, the proponent will review this information package before the submission is made so that the interests of City departments are taken into account. The proponent is encouraged to consult with affected Departments as well as the local City Councillor before submitting the proposal.

Public Consultation

Notice

15. After preliminary consultation with the City of Winnipeg is complete, the proponent will give notice to:
    (6) All property owners and tenants within a radius of three times the height of the proposed communication facility;
    (7) The local City Councillor and Member of Parliament;
    (8) Director of the Planning Property and Development Department; and
    (9) Industry Canada regional office.

18. The City of Winnipeg will assist the proponent in compiling a mailing list of property owners/tenants within a radius of three times the height of the proposed communication facility. The City of Winnipeg may charge a fee for this service.

19. The notice will be sent by regular mail, a minimum of 21 days before the public information session, where required, and include:
    (7) The date, time and location of the public information session;
    (8) Information on the location, height, type, design and colour of the proposed communication facility, including a 21 cm x 28 cm (8½" x 11") size site plan;
    (9) The rationale for the selection of the designated site;
    (10) The name and telephone number of a contact person for the proponent;
    (11) The name and telephone number of the Local Area Planner at the City of Winnipeg; and
    (12) A deadline date for receipt by the proponent of public responses to the proposal. Where a public information session is required, the deadline date must be no more than five days before the date of the session. Where a public information session is not required, the deadline date must be at least 14 days after the notices are mailed.

18. The City may also require the proponent, based on local conditions such as a high proportion of rental accommodation in the vicinity of the site, to provide such additional forms of notice as

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

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

Public Information Session

19. The proponent will be responsible for organizing and chairing a public information session. The City of Winnipeg may waive this requirement where, upon consultation with the proponent, the City determines that the anticipated level of public reaction to a proposal will be minimal.
    (3) An appropriate date, time and location for the public information session will be determined in consultation with the Local Area Planner.
    (4) The proponent will make available at the public information session an appropriate visual display of the proposal, including a site plan and an aerial photograph of the proposed site.

20. The proponent will provide the City with a package summarizing the results of the public consultation process containing at a minimum, the following:
    (3) Copies of all letters and other written communications received; and
    (4) A letter of response from the proponent outlining how all the concerns and issues raised by the public will be addressed, or alternatively, clearly setting out the reasons why such concerns cannot be addressed.

Post Consultation Review

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

Consultation Process Timeframe

22. Subject to Section 24, consultation with the City of Winnipeg is to be completed within 60 days of the proposal being accepted by the City of Winnipeg.

23. Subject to Section 24, where public consultation is required, consultation with the City and public consultation are both to be completed within 120 days of the proposal being accepted by the City of Winnipeg.

24. The City may request an extension to the consultation process timeline in writing to the proponent and Industry Canada.

Confirmation of City Position

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

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

DEVELOPMENT GUIDELINES

Site Selection

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

Co-Location

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

29. The City supports co-location in rural, industrial and some commercial areas of the city as outlined in the sections below. Co-location is discouraged in proximity to residential areas.

Location

30. Communication facilities located within a radius of three times the height of the facility from the nearest residential area should be designed to be unobtrusive, minimizing visual impact and avoiding disturbance to natural features. Communication facilities located outside a radius of three times the height of the facility from the nearest residential area may be co-located. Residential areas are recognized as those areas zoned: RR2 (Rural Residential), R1 (Residential), R2 (Residential), RMF (Residential Multi-Family), RMU (Residential Mixed Use), RMH (Residential Mobile Home Park) under the City of Winnipeg Zoning By-law 200/2006.

31. The City may take the following into consideration when reviewing proposals for the siting of new communication facilities:
    (10) Maximizing the distance of co-located communication facilities from residential areas. The City prefers that obtrusive facilities be located in industrial areas (e.g., areas zoned M2: Manufacturing General and M3: Manufacturing Heavy).
    (11) Strategically placing communication facilities in the downtown. The City prefers that communication facilities be mounted on buildings or be designed to be unobtrusive.
    (12) Applying special design treatments to communication facilities proposed to be located within parks and open space areas or on listed heritage buildings and/or sites to make communication facilities unobtrusive.
    (13) Avoiding ecologically significant natural lands.
    (14) Avoiding all riverbank lands.
    (15) Respecting public views and vistas of important natural or manmade features.
    (16) Ensuring compatibility with significant character areas in the downtown (e.g., Exchange District National Historic Site, The Forks, Legislature).

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

Development and Design Standards

Design

32. The City may take the following into consideration when reviewing proposals for the design of communication facilities:
    (8) Where co-location is not possible, a new communication facility located away from residential areas, as described in Section 30, should be designed with co-location capacity, whenever possible.
    (9) The architectural style of the communication facility should be compatible with the surrounding neighbourhood.
    (10) Where a communication facility is located in close proximity to residential areas, a monopole design is preferred.
    (11) A communication facility may be designed or combined as a landmark feature to resemble features found in the area, such as a flagpole or clock tower, where appropriate, subject to any zoning approvals required for the landmark feature.
    (12) To ameliorate the scale and visual impact of communication facilities, the proponent should consider mitigation measures including: design features, structure type, colour, materials, landscaping, screening and decorative fencing. In general, towers and communication equipment should have a non-reflective surface.
    (13) In the downtown area, the design of communication facilities should generally be unobtrusive and consistent with Downtown Winnipeg Urban Design Guidelines.
    (14) A communication facility may be combined with a new or existing sign supporting structure, subject to any zoning approvals required for the sign.

Height of Freestanding Communication Facilities

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

(5) The City prefers that freestanding communication facilities be a maximum of 30 m (100 feet) in height, except in industrial areas. Industrial areas refer to areas zoned M2 (Manufacturing General) or M3 (Manufacturing Heavy) under the Winnipeg Zoning By-law 200/06.

(6) The City will consider height bonuses over 30 m (100 feet) where communication facilities are co-located up to a maximum of 76 m (250 feet). A new facility may exceed the maximum height of 30 m (100 feet) only if designed to accommodate one additional user's equipment for every 7.6 m (25 feet) of height above 30 m (100 feet).

(7) Applicants seeking to erect a communication facility greater than 30 m (100 feet) in height, and proposed to be located within 914 m (3,000 feet) of any facility greater than 30 m (100 feet) in height, must provide evidence that reasonable efforts have been made to lease space on an existing planned or constructed facility or that no existing facility will technically satisfy the applicant's needs.

(8) Height for a freestanding communication facility must be measured from grade to the highest point on the structure, including lighting and supporting structures.

Height of Building-Mounted Communication Facilities

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

Yards

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

Parking

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

Signs

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

Rooftop Equipment

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

Buffering and Screening

39. Buffering and screening requirements are as follows:

(3) The City recommends that communication facilities and equipment shelters be attractively designed or screened and concealed from ground level or other public views to mitigate visual impacts.

(4) Where adjacent to a principal building, equipment shelters should be constructed of a material similar in appearance to at least one of the materials used in the facades of the principal building and one of the same colours used in the principal building.

Amateur Radio Antenna Support Structures in Residential Areas

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

41. The City prefers that amateur radio antenna support structures not exceed 21 m (69 feet) in height.

Environmental Considerations

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

LETTER OF UNDERTAKING

43. The proponent may be required, if requested by the City, to provide a Letter of Undertaking, which may include the following requirements:
    (4) The posting of a security for the construction of any proposed fencing, screening and landscaping;
    (5) A commitment to accommodate other communication providers on a communication facility, where feasible subject to the usual commercial terms and Industry Canada Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements (CPC-2-0-17); and
    (6) Other conditions of concurrence.

EXCLUDED STRUCTURES

Exemptions from Communication Facility Proposal Review

44. The following are exempt from the requirement to submit a communication facility proposal:
    (6) Maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
    (7) Addition or modification of an antenna system (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna-supporting

structure or other radio apparatus to existing infrastructure, a building, water tower, etc. provided the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height;

(8) Maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;

(9) Installation, for a limited duration (typically not more than 3 months), of an antenna system that is used for a special event, or one that is used to support local, provincial, territorial or national emergency operations during the emergency, and is removed within 3 months after the emergency or special event;

(10) Facilities less than 15 m (50 feet) in height.

Exemptions from Public Consultation

46. The following types of communication facilities are exempt from the public consultation requirement:

(1) All communication facilities which under Section 44 are exempt from the requirement to submit a communication facility proposal;

(2) New communication facilities which will be located outside a radius of three times the height of the facility from the nearest residential area; and

(3) New communication facilities on top of a building more than 23 m (75.5 feet) in height or having more than 6 stories.

Appendix “B”

THE CITY OF WINNIPEG

BY-LAW NO. /2010

A By-law of The City of Winnipeg to amend the Winnipeg Zoning By-law No. 200/2006, the Downtown Winnipeg Zoning By-law No. 100/2004 and the Planning, Development and Building Fees By-law No. 77/2009 with respect to communication facilities.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1 *The Winnipeg Zoning By-law No. 200/2006 is amended*

(1) in section 48:

(a) by adding the following definition after the definition "commercial school":

*“***communication facility"** means a range of wireless communication facilities, including freestanding and building-mounted cellular and personal cellular service (PCS) providers and other point-to-point and point-to-multi-point wireless communication facilities including radio and television broadcasting, using a variety of technologies.

*(b) by repealing the definitions “*wireless communication freestanding tower*” and “*wireless communication building-mounted tower*”.*

(2) in section 59, by adding the following after subsection (5):

Communication Facility

(5.1) A communication facility is a permitted use in all zoning districts if it complies with the Communication Facility Protocol adopted by Council.

(3) in section 62:

(a) in Table 4-1: Principal Use Table*, under* Transportation, Utility and Communications, *by striking out Use Category* “Communications” *and Use Types* “Wireless communication, building-mounted tower” *and* “Wireless communication, freestanding tower” and all corresponding entries in those rows*;*

(b) in Table 4-2: Accessory Use Table*, by striking out Use Category* “wireless communication, building-mounted tower” *and all corresponding entries in that row.*

(4) by repealing sections 99 and 100.

(5) by adding the following after section 131:

131.1 This Part does not apply to communication facilities.

(6) in section 161, Table 5-9: General Accessory Parking Requirements*, under* Parking Category 0*, by striking out* "Wireless communication, building-mounted tower" *and* "Wireless communication, freestanding tower"*.*

2 *The Downtown Winnipeg Zoning By-law No. 100/2004 is amended*

(1) by adding the following after subsection 200(10):

Communication Facility
200(11) A communication facility is a permitted use in all sectors if it complies with the Communication Facility Protocol adopted by Council.

(2) in subsection 310(2), under Transportation, Utility, & Communications, by striking out "Wireless communications tower" and the corresponding entry in that row.

(3) in subsection 410(2), under Transportation, Utility, & Communications*, by striking out* "Wireless communications tower" and the corresponding entry in that row*.*

(4) in subsection 510(2), under Transportation, Utility, & Communications*, by striking out* "Wireless communications tower" and the corresponding entry in that row*.*

(5) in subsection 610(2), under Transportation, Utility, & Communications*, by striking out* "Wireless communications tower" and the corresponding entry in that row*.*

(6) in subsection 700(3):

(a) by adding the following definition after the definition "commercial marina:

*"***"Communication facility"**
Means a range of wireless communication facilities, including freestanding and building-mounted cellular and personal cellular service (PCS) providers and other point-to-point and point-to-multi-point wireless communication facilities including radio and television broadcasting, using a variety of technologies.*"; and*

*(b) by repealing the definition "*wireless telecommunications tower*".*

4 *The Planning, Development and Building Fees By-law No. 77/2009 is amended by adding the following after section 72:*

Communication facility proposal review
72.1 The following fee is hereby imposed for a communication facility proposal review……. $1,090.00

DONE AND PASSED this th day of , 2010.

_____
Mayor

_____
City Clerk

Approved as to planning details:

_____ _____
for Director of Planning, Property and Development

Approved as to form:

_____ _____
James Carter
for Acting City Solicitor/Manager of Legal Services

Exhibit “2” referred to in File DAZ 200/2010

City of Winnipeg

Winnipeg

NOTICE OF PUBLIC HEARING

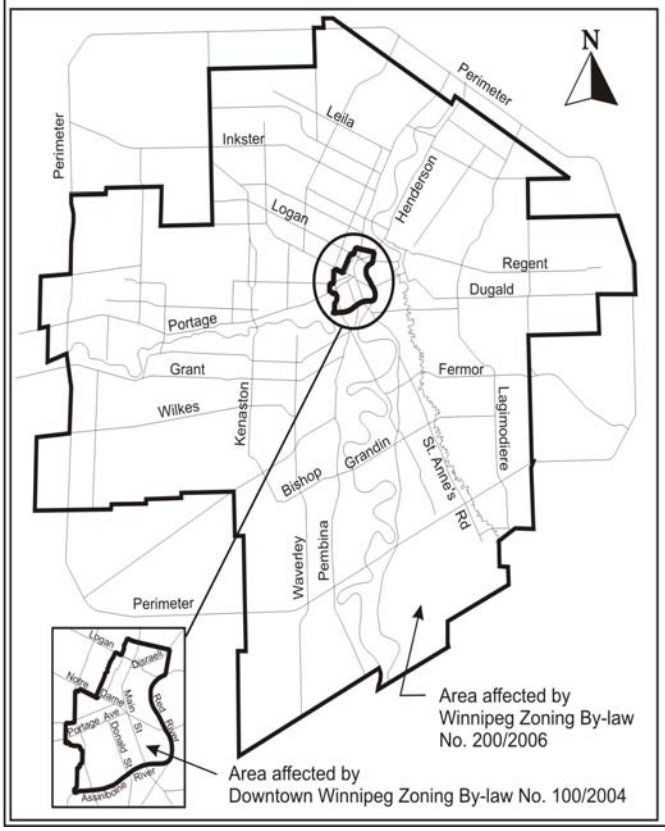
Under the authority of The City of Winnipeg Charter the Standing Policy Committee on Property and Development and the Standing Policy Committee on Downtown Development will conduct PUBLIC HEARINGS as indicated, to receive representations on the proposal listed hereunder. A copy of the proposed amendments to the Winnipeg Zoning By-law No. 200/2006 and the Downtown Winnipeg Zoning By-law No. 100/2004 and supporting materials may be inspected at the City Clerk's Office, Council Building, 510 Main Street during normal office hours (8:30 AM - 4:30 PM), Monday-Friday, excluding holidays, or on the City of Winnipeg website at www.winnipeg.ca/ppd.

NOTICE OF STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT AND STANDING POLICY COMMITTEE ON DOWNTOWN DEVELOPMENT

PUBLIC HEARINGS

Standing Policy Committee on Property and Development
(Winnipeg Zoning By-law No. 200/2006)

Date: Tuesday, April 6, 2010
Time: 9:00 AM
Location: West Committee Room, Council Building,
510 Main Street, Winnipeg, Manitoba



Standing Policy Committee on Downtown Development
(Downtown Winnipeg Zoning By-law No. 100/2004)

Date: Monday, April 12, 2010
Time: 9:00 AM
Location: West Committee Room, Council Building,
510 Main Street, Winnipeg, Manitoba

Applicant: Director, Planning Property and Development Department
File: DAZ 200/10
Proposal: Winnipeg Zoning By-law No. 200/2006 regulates the use and development of land in the City of Winnipeg with the exception of the area of the City regulated by the Downtown Winnipeg Zoning By-law No. 100/2004. Downtown Winnipeg Zoning By-law No. 100/2004 regulates the use and development of land in downtown Winnipeg. The Director, Planning Property and Development Department proposes to amend the text of these by-laws to:

1. Add a definition of “communication facility” and repeal the definitions of “wireless communication freestanding tower”, “wireless communication building mounted tower” and “wireless telecommunication tower”;
2. Allow a communication facility as a permitted use in all zoning districts if it complies with the proposed Communication Facility Protocol;
3. Remove references to wireless communication towers in the Principal and Accessory Use Tables and the Parking Table;
4. Repeal Use Specific Standards for wireless communication towers.

For information regarding the proposed zoning by-law amendments, contact Ms V. Buckley, MCIP at 986-5161.

A copy of the proposed amendments to the Winnipeg Zoning By-law No. 200/2006 and the Downtown Winnipeg Zoning By-law No. 100/2004 and supporting materials and a description of the procedure to be followed at the hearings may be inspected at the City Clerk's Office, Council Building, 510 Main Street during normal office hours (8:30 AM - 4:30 PM), Monday-Friday, excluding holidays, or on the City of Winnipeg website at www.winnipeg.ca/ppd.

The purpose of the public hearings is to allow interested persons to make submissions, ask questions, or register objections in respect of the Proposal. Persons wanting to make representation at a Public Hearing should notify Mr. Carlos Gameiro, Senior Committee Clerk at 986-6631, Council Building, 510 Main Street, Winnipeg, MB, R3B 1B9.

Presentations may be made in either official language. Simultaneous interpretive services are available if requested at least 48 hours prior to the meetings.

Exhibit "3" referred to in File DAZ 200/2010

Tracking Number

RT886758018CA

Please note that this is the most up-to-date information available in our system. Our telephone agents have access to the same information presented here.

Track Status

Date	Time	Location	Description	Retail Location	Signatory Name
2010/03/30	13:07	STONEWALL	Item successfully delivered		

Track History

Date	Time	Location	Description	Retail Location	Signatory Name
2010/03/30	13:07	STONEWALL	Item successfully delivered		
2010/03/30	13:07		Signature image recorded for Online viewing		P JENKYNS
2010/03/30	07:32	STONEWALL	Attempted delivery. Notice card left indicating where item can be picked up.		

Shipping Options and Features for this Item

© 2009 Canada Post Corporation

City Clerks

CANADA POST / POSTES CANADA

Tracking Number

RT886758083CA

Please note that this is the most up-to-date information available in our system. Our telephone agents have access to the same information presented here.

Track Status

Date	Time	Location	Description	Retail Location	Signatory Name
2010/03/30	AM	WINNIPEG	Item successfully delivered		

Track History

Date	Time	Location	Description	Retail Location	Signatory Name
2010/03/30	AM	WINNIPEG	Item successfully delivered		
2010/03/30	AM		Signature image recorded for Online viewing		MCINNIS
2010/03/30	08:07	WINNIPEG	Item out for delivery		

Shipping Options and Features for this Item

Signature Required

© 2009 Canada Post Corporation

Tracking Number

RT886758097CA

Please note that this is the most up-to-date information available in our system. Our telephone agents have access to the same information presented here.

Track Status

Date	Time	Location	Description	Retail Location	Signatory Name
2010/03/30	AM	WINNIPEG	Item successfully delivered		

Track History

Date	Time	Location	Description	Retail Location	Signatory Name
2010/03/30	AM	WINNIPEG	Item successfully delivered		
2010/03/30	AM		Signature image recorded for Online viewing		MARYNICK
2010/03/30	09:09	WINNIPEG	Item out for delivery		

Shipping Options and Features for this Item

Signature Required

© 2009 Canada Post Corporation

Tracking Number

RT886758052CA

Please note that this is the most up-to-date information available in our system. Our telephone agents have access to the same information presented here.

Track Status

Date	Time	Location	Description	Retail Location	Signatory Name
2010/03/30	10:52	SANFORD	Item successfully delivered		

Track History

Date	Time	Location	Description	Retail Location	Signatory Name
2010/03/30	10:52	SANFORD	Item successfully delivered		
2010/03/30	10:52		Signature image recorded for Online viewing		rm of macdonald
2010/03/30	08:31	SANFORD	Attempted delivery. Notice card left indicating where item can be picked up.		

Shipping Options and Features for this Item

© 2009 Canada Post Corporation

Tracking Number

RT886758066CA

Please note that this is the most up-to-date information available in our system. Our telephone agents have access to the same information presented here.

Track Status

Date	Time	Location	Description	Retail Location	Signatory Name
2010/03/30	12:40	WINNIPEG	Item successfully delivered		

Track History

Date	Time	Location	Description	Retail Location	Signatory Name
2010/03/30	12:40	WINNIPEG	Item successfully delivered		
2010/03/30	12:40		Signature image recorded for Online viewing		S MILLER
2010/03/30	08:21	WINNIPEG	Item out for delivery		

Shipping Options and Features for this Item

Signature Required

© 2009 Canada Post Corporation

Tracking Number

RT886758070CA

Please note that this is the most up-to-date information available in our system. Our telephone agents have access to the same information presented here.

Track Status

Date	Time	Location	Description	Retail Location	Signatory Name
2010/03/30	11:47	ROSSER	Item successfully delivered		

Track History

Date	Time	Location	Description	Retail Location	Signatory Name
2010/03/30	11:47	ROSSER	Item successfully delivered		
2010/03/30	11:47		Signature image recorded for Online viewing		rm or rosser SSS
2010/03/30	10:35	ROSSER	Attempted delivery. Notice card left indicating where item can be picked up.		

Shipping Options and Features for this Item

© 2009 Canada Post Corporation

Tracking Number

RT886758021CA

Please note that this is the most up-to-date information available in our system. Our telephone agents have access to the same information presented here.

Track Status

Date	Time	Location	Description	Retail Location	Signatory Name
2010/03/30	15:17	OAKBANK	Item successfully delivered		

Track History

Date	Time	Location	Description	Retail Location	Signatory Name
2010/03/30	15:17	OAKBANK	Item successfully delivered		
2010/03/30	15:17		Signature image recorded for Online viewing		RM of Springfield
2010/03/30	10:02	OAKBANK	Attempted delivery. Notice card left indicating where item can be picked up.		

Shipping Options and Features for this Item

© 2009 Canada Post Corporation

Tracking Number

RT886758035CA

Please note that this is the most up-to-date information available in our system. Our telephone agents have access to the same information presented here.

Track Status

Date	Time	Location	Description	Retail Location	Signatory Name
2010/03/30	AM	DUGALD	Attempted delivery. Notice card left indicating where item can be picked up.		

Track History

Date	Time	Location	Description	Retail Location	Signatory Name
2010/03/30	AM	DUGALD	Attempted delivery. Notice card left indicating where item can be picked up.		
2010/03/30	10:32	LORETTE	Item successfully delivered		
2010/03/30	10:32		Signature image recorded for Online viewing		R.M. Tache
2010/03/30	09:39	LORETTE	Item available for pickup at Post Office		
2010/03/30	07:43	DUGALD	Item out for delivery		

Shipping Options and Features for this Item

© 2009 Canada Post Corporation

Tracking Number

RT886758049CA

Please note that this is the most up-to-date information available in our system. Our telephone agents have access to the same information presented here.

Track Status

Date	Time	Location	Description	Retail Location	Signatory Name
2010/03/30	AM	WINNIPEG	Item successfully delivered		

Track History

Date	Time	Location	Description	Retail Location	Signatory Name
2010/03/30	AM	WINNIPEG	Item successfully delivered		
2010/03/30	AM		Signature image recorded for Online viewing		E LAGASSE
2010/03/30	08:41	WINNIPEG	Item out for delivery		

Shipping Options and Features for this Item

Signature Required

© 2009 Canada Post Corporation

Tracking Number

RT886757998CA

Please note that this is the most up-to-date information available in our system. Our telephone agents have access to the same information presented here.

Track Status

Date	Time	Location	Description	Retail Location	Signatory Name
2010/03/30	10:52	SANFORD	Item successfully delivered		

Track History

Date	Time	Location	Description	Retail Location	Signatory Name
2010/03/30	10:52	SANFORD	Item successfully delivered		
2010/03/30	10:52		Signature image recorded for Online viewing		rm of macdonald
2010/03/30	08:31	SANFORD	Attempted delivery. Notice card left indicating where item can be picked up.		

Shipping Options and Features for this Item

© 2009 Canada Post Corporation

Tracking Number

RT886758004CA

Please note that this is the most up-to-date information available in our system. Our telephone agents have access to the same information presented here.

Track Status

Date	Time	Location	Description	Retail Location	Signatory Name
2010/03/30	09:26	SELKIRK	Item successfully delivered		

Track History

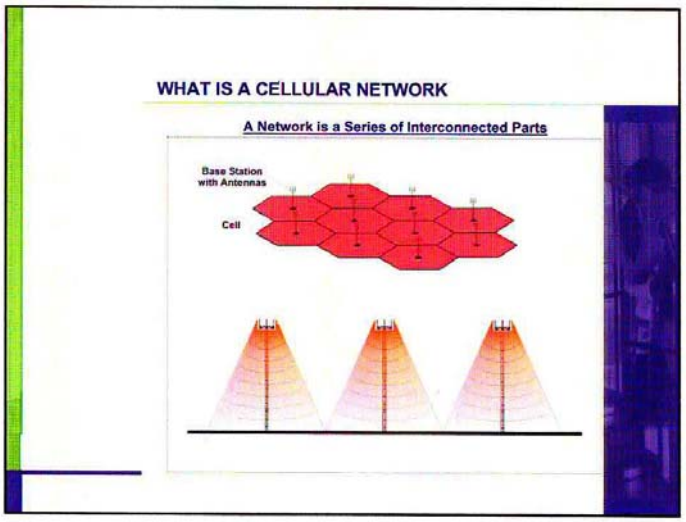
Date	Time	Location	Description	Retail Location	Signatory Name
2010/03/30	09:26	SELKIRK	Item successfully delivered		
2010/03/30	09:26		Signature image recorded for Online viewing		KELLY WILKINSON
2010/03/30	07:22	SELKIRK	Item out for delivery		

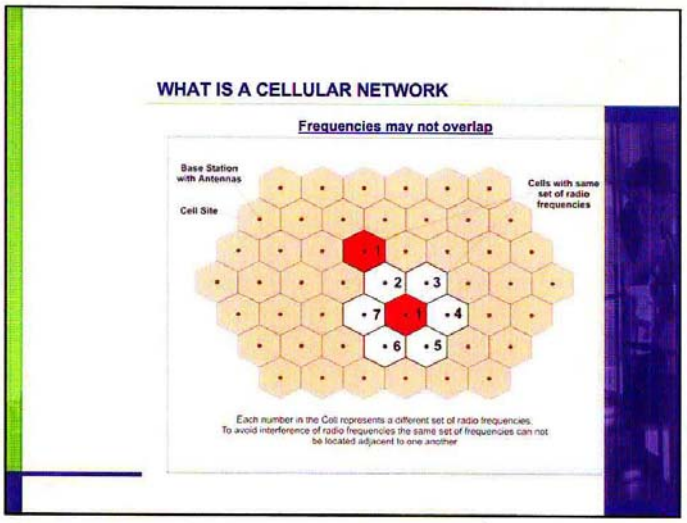
Shipping Options and Features for this Item

Signature Required

© 2009 Canada Post Corporation

Exhibit “5” referred to in File DAZ

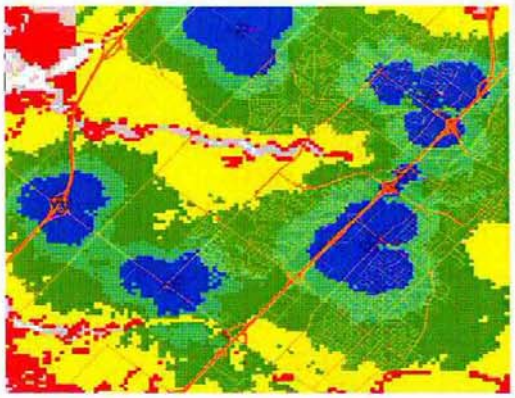




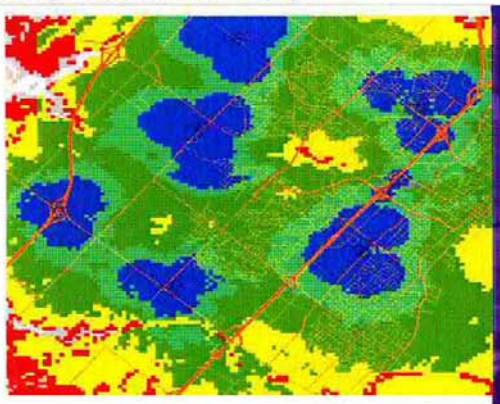
1

200/2010

Wireless Telecommunications:
Existing Coverage Example



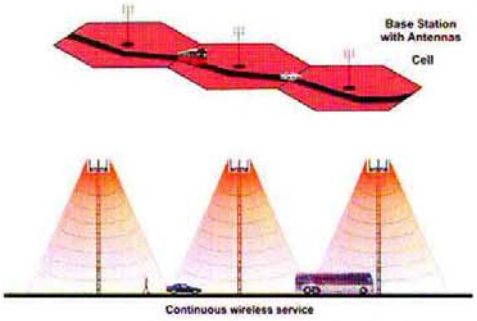
Wireless Telecommunications:
Coverage with New Tower Example



2

EVOLUTION OF THE CELLULAR NETWORK

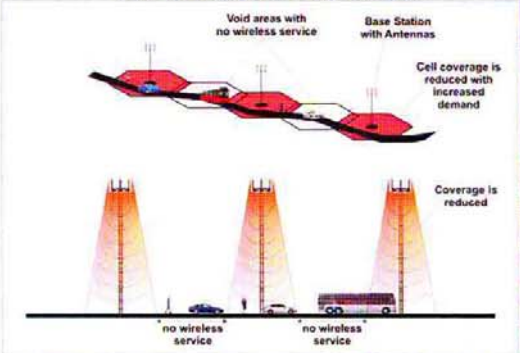
A continuous cellular service network



Each cell may serve a fixed number of calls

EVOLUTION OF THE CELLULAR NETWORK

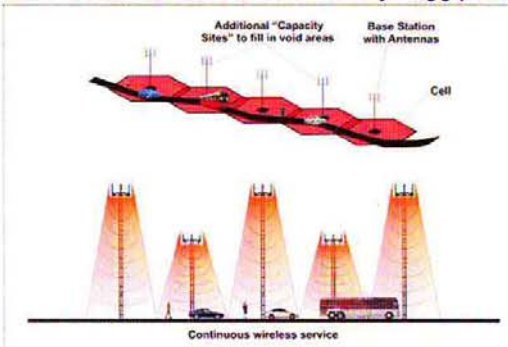
Increased users creates gaps in service



Number of calls in a cell is limited. When a cell reaches it's maximum capacity it reduces it's footprint in order to provide service to the strongest signals

EVOLUTION OF THE CELLULAR NETWORK

Continuous cellular network restored by filling gaps



New towers constructed to fill in the void areas, restoring continuous wireless service

EVOLUTION OF THE CELLULAR NETWORK

Cellular Service at Street Level



EVOLUTION OF THE CELLULAR NETWORK

Cellular Service coverage reduces with increased demand



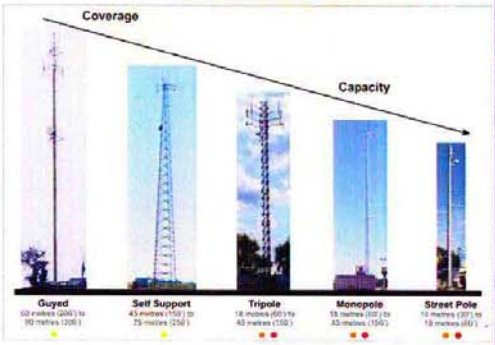
EVOLUTION OF THE CELLULAR NETWORK

Continuous Cellular Service Restored



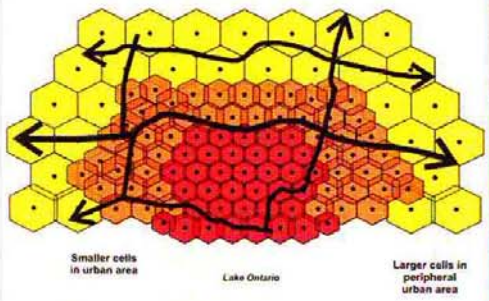
WHAT IS A CELLULAR NETWORK

Coverage and Capacity



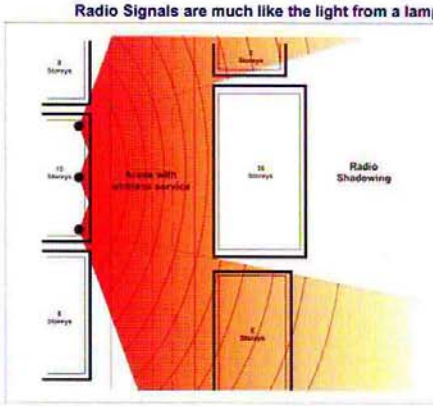
WHAT IS A CELLULAR NETWORK

The number of Cell Sites is related to the concentration of use and increasing public demand



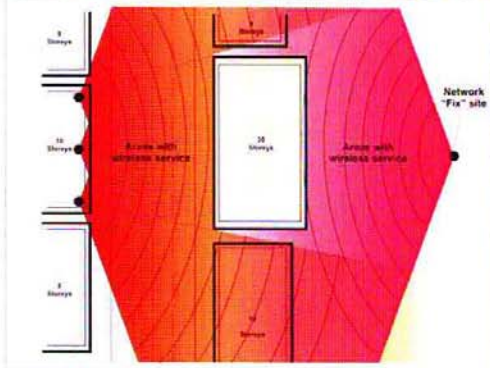
LIMITATIONS OF CELLULAR SERVICES

Radio Signals are much like the light from a lamp



LIMITATIONS OF CELLULAR SERVICES

Continuous wireless network restored by filling gaps



7

TYPES OF INSTALLATIONS

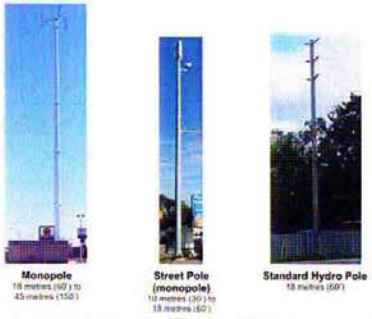
Antennas can be mounted on roof tops of buildings or on towers.

Roof Mount Antennas



TYPES OF INSTALLATIONS

Comparison of Monopole tower installations with standard Hydro Pole



Monopole
18 metres (60') to 45 metres (150')

Street Pole (monopole)
10 metres (30') to 18 metres (60')

Standard Hydro Pole
18 metres (60')

CO-LOCATION

Visual Impact of Single-Carrier tower vs Co-location tower



Single-Carrier Tower



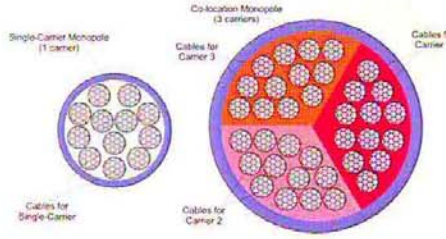
Co-location Tower



9

CO-LOCATION

Cross Section of Single-Carrier and Co-location Monopole towers



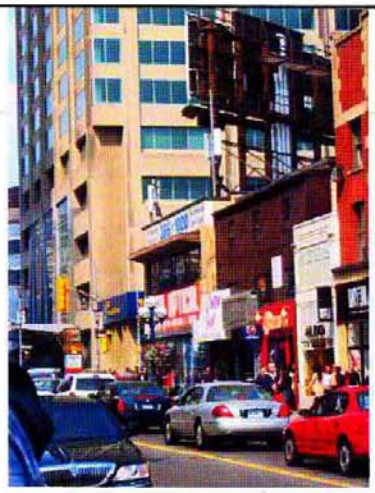
A monopole must carry all cables to the antennas within the shaft of the tower. The more wireless carriers sharing a monopole, the larger the diameter the shaft of the tower needs to be in order to contain them. A single-carrier monopole is the thinnest possible monopole tower.



TYPES OF INSTALLATIONS
Camouflage Sites continued





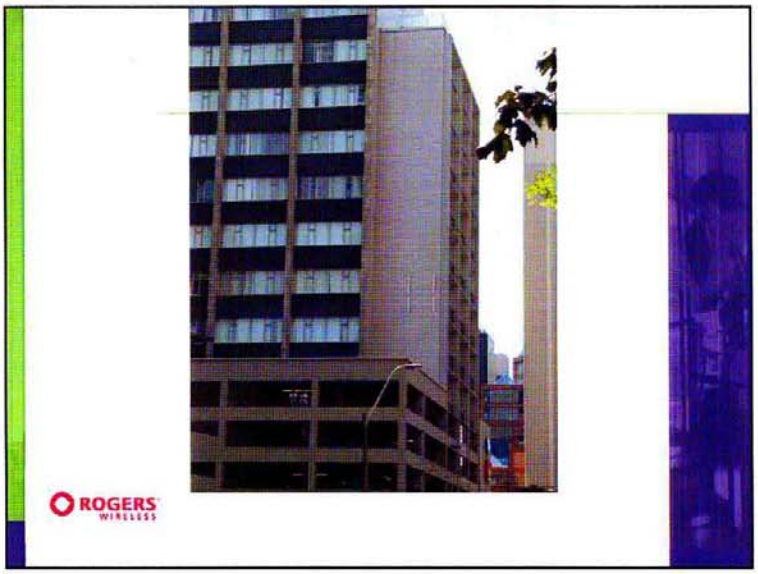
11

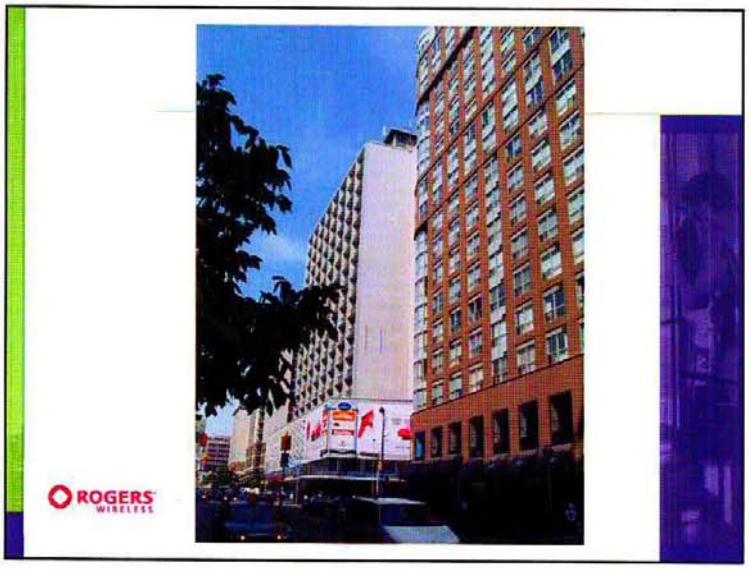


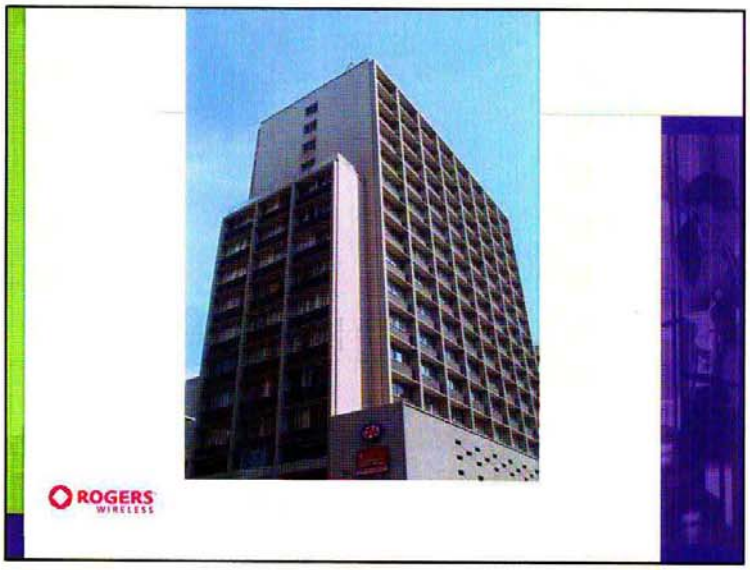


12

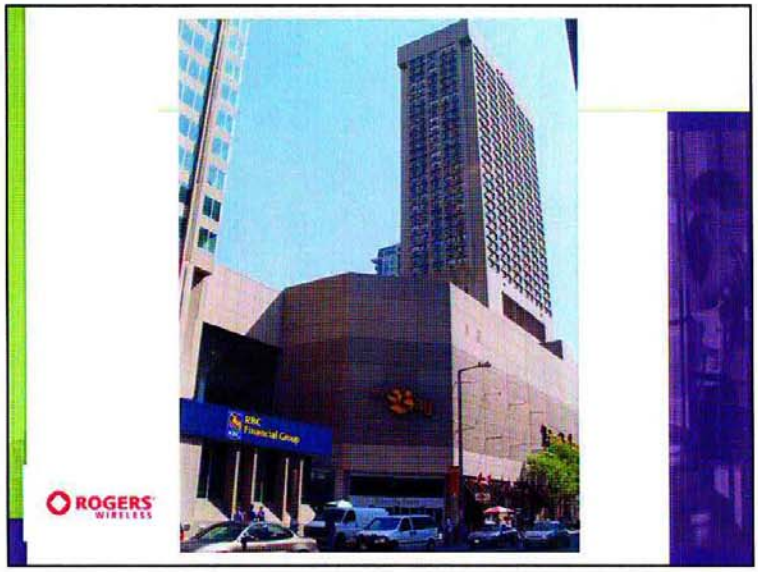



ROGERS
WIRELESS



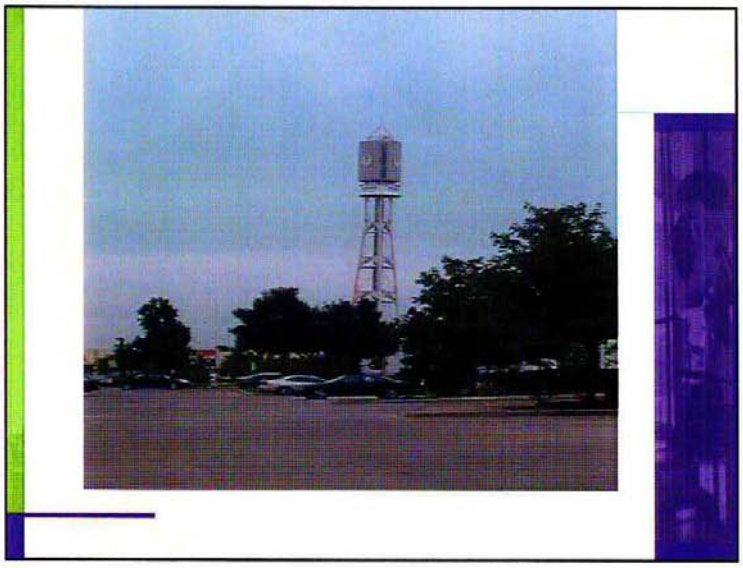


14





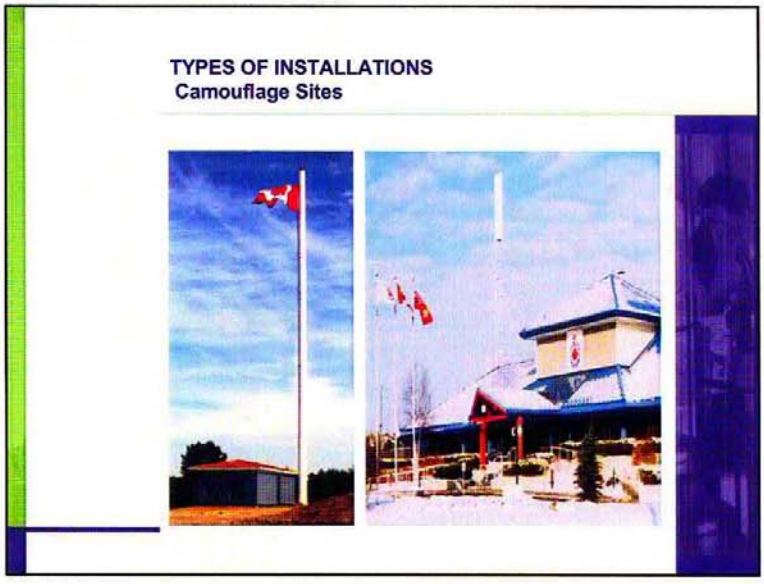
15



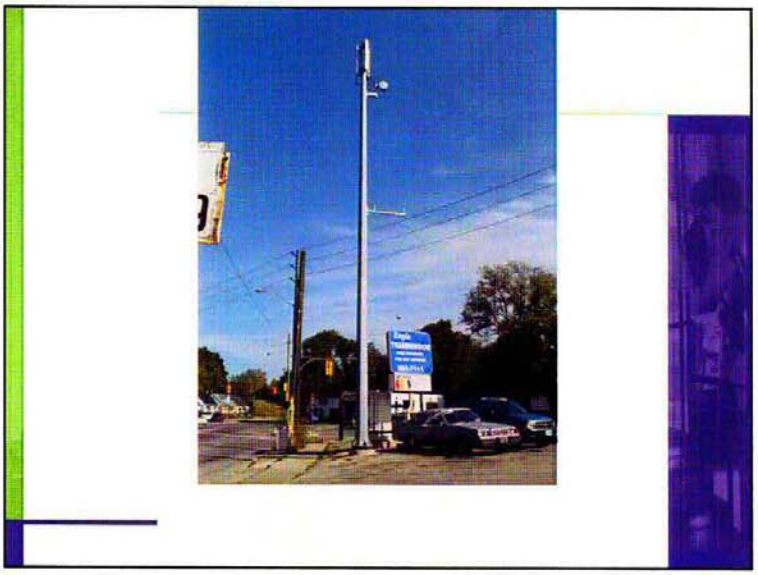


16





17

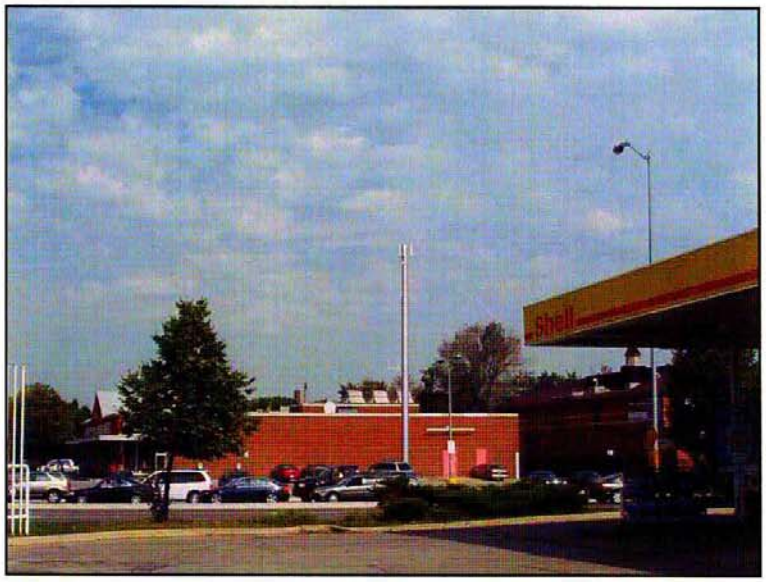




18





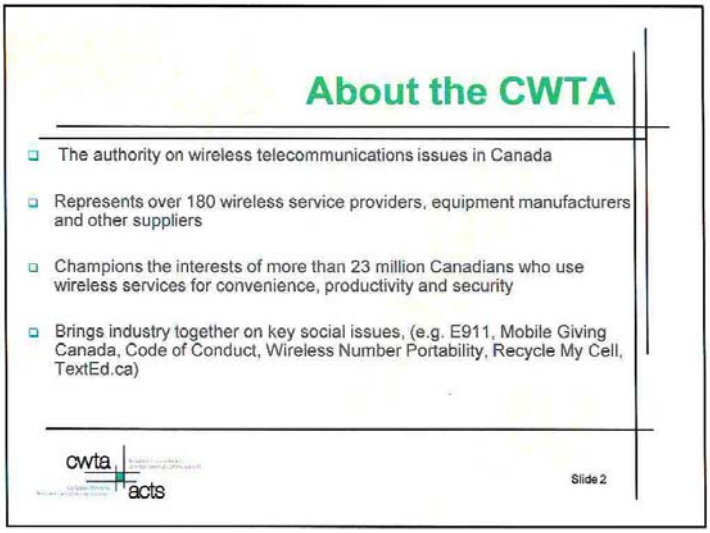




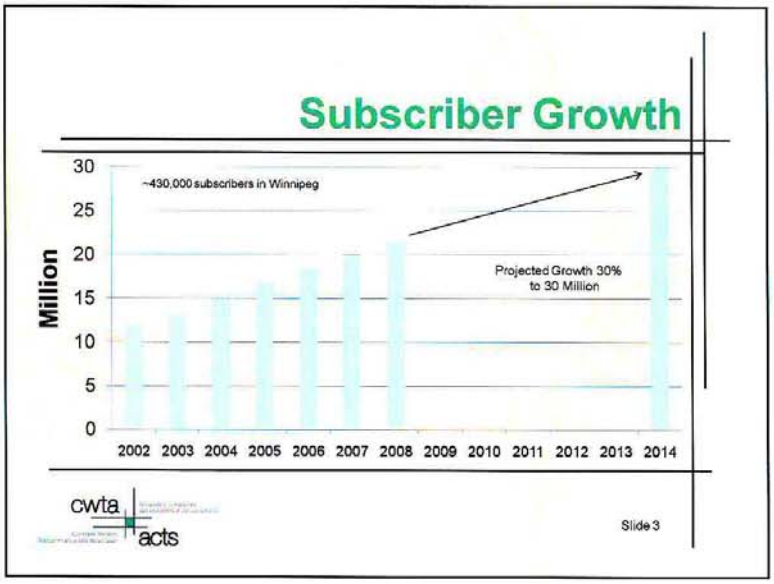
20

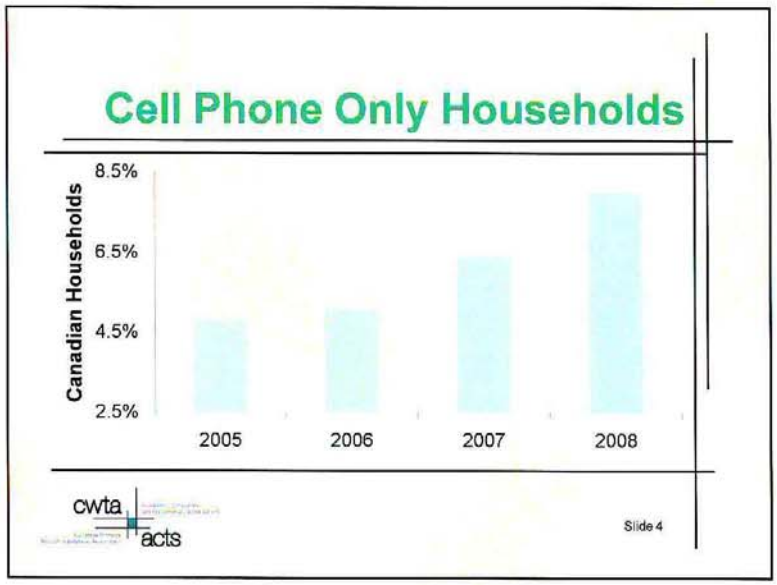
Exhibit “6” referred to in File DAZ 200/2010





1


Subscriber Growth
30
25
20
15
10
5
0
Million
~430,000 subscribers in Winnipeg
Projected Growth 30%
to 30 Million
2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014
cwta
acts
Slide 3


Cell Phone Only Households
8.5%
6.5%
4.5%
2.5%
Canadian Households
2005
2006
2007
2008
cwta
acts
Slide 4

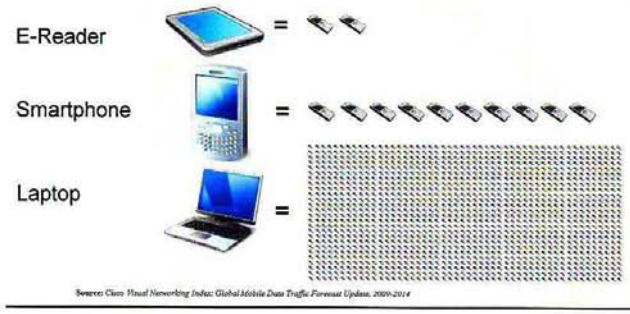
Wireless internet usage

- Mobile internet in Canada is reaching critical mass:
  - 93% have access to "3G"mobile internet service (CRTC)
  - In June 2009, 21% of mobile consumers were using their cell phones to browse the web and access their email accounts, up from 16% in December 2008. (Neilsen)
  - 50% of Canadians purchasing cellphones are buying a smartphone
  - Canadians sent 25 billion text messages in the first nine months of 2009: 100 million per day in September
  - In 2010 Canada will have more "3.5G" separate High Speed Packet Access, or HSPA, providers with their own networks than most other countries

cwta facts

Slide 5

Data Consumption



Source: Cisco Visual Networking Index: Global Mobile Data Traffic Forecast Update, 2009-2014

cwta facts

Slide 6

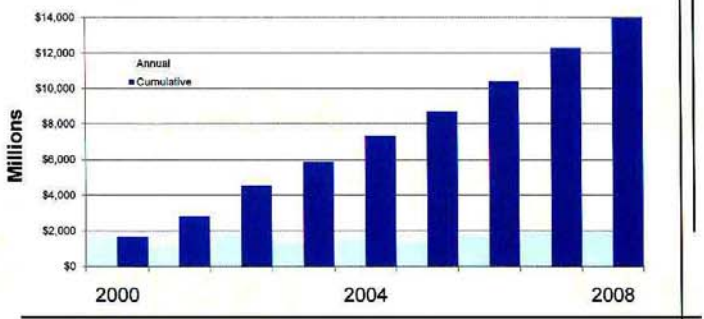
Value of Canadian Wireless Industry

- Creating new jobs and opportunities
- Generating new investments
- Increasing business productivity and competitiveness
- Enhancing our cultural and social lives
- Connecting families and friends
- Making our communities safer
- Responsible and proactive
- Among the best in the world

cwta acts

Slide 7

Capital Investment



cwta acts

Consumer Expectations

- Ubiquity
  - Connectivity wherever they are
- Reliability
  - Whenever they are using their device

cwta acts

Slide 9

Antenna Protocol

- Protocols benefit
  - Municipalities
  - Wireless Service Providers
  - Citizens/Wireless consumers

cwta acts

Slide 10

Antenna Protocol

- Municipalities
  - Clear influence in the process
- Wireless Service Providers
  - Predictability, timeliness
- Citizens/Wireless consumers
  - Recognized in the process, access to quality networks

cwta acts

Slide 11

Contact

Keith McIntosh
Director, Regulatory Affairs
Canadian Wireless Telecommunications Association
130 Albert Street, Suite 1110
Ottawa, Ontario K1P 5G4
Tel: (613) 233-4888 ext. 216
Fax: (613) 233-2032
E-mail: kmcintosh@cwta.ca

cwta acts

Slide 12