Agenda - Executive Policy Committee – May 20, 2015

Report - Standing Policy Committee on Property and Development – May 12, 2015

Item No. 12 Winnipeg Antenna Systems Policy

STANDING COMMITTEE RECOMMENDATION:

On May 12, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service, as amended, and submitted the following to Council:

1. That the Winnipeg Communication Facilities Protocol be repealed and replaced with the Winnipeg Antenna Systems Policy hereto attached as Appendix "A", with the following amendments:

    A. Delete bullet 4 under the "Height" heading of Section 6.2, in its entirety, and replace it with the following:

        i. Height of a freestanding Antenna System is measured from grade level to the highest point on the structure, including but not limited to lighting and supporting structures.

    B. Add "and Elected Municipal Official" after "Designated Municipal Officer", in Section 5.1.

    C. Add the following new subsections to Section 8.1:

        (7) Local Member of Parliament
        (8) Local Member of the Legislative Assembly

2. That a fee of $300 for amateur radio antenna systems be approved.

3. That the Proper Officers of the Public Service do all things necessary to implement the intent of the recommendations.

Agenda - Executive Policy Committee – May 20, 2015

Report - Standing Policy Committee on Property and Development – May 12, 2015

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On May 12, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service with the following amendments:

- Add the following to the end of Recommendation 1:

  ", with the following amendments:

  A. Delete bullet 4 under the "Height" heading of Section 6.2, in its entirety, and replace it with the following:

     i. Height of a freestanding Antenna System is measured from grade level to the highest point on the structure, including but not limited to lighting and supporting structures.

  B. Add "and Elected Municipal Official" after "Designated Municipal Officer", in Section 5.1.

  C. Add the following new subsections to Section 8.1:

     (7) Local Member of Parliament
     (8) Local Member of the Legislative Assembly"

and forwarded the matter to the Executive Policy Committee and Council.

Lisa Richards submitted a communication with respect to the Winnipeg Antenna Systems Policy.

Barry Malowanchuk submitted a communication titled "Comments on Draft Winnipeg Antenna Systems Policy Dated April 1, 2015", with respect to the Winnipeg Antenna Systems Policy.

Duane MacKenzie, Environmental Health Association of Manitoba, submitted communication titled "Winnipeg Antenna Systems Policy and consideration of residents with electromagnetic hypersensitivity and Experts urge cautious use of wireless devices as health effects reassessed" with respect to the Winnipeg Antenna Systems Policy.

Margaret Friesen submitted a presentation titled "Proposed Winnipeg (Radiocommunications) Antenna Systems Policy" with respect to the Winnipeg Antenna Systems Policy.

Report - Standing Policy Committee on Property and Development – May 12, 2015

DECISION MAKING HISTORY: (continued)

STANDING COMMITTEE RECOMMENDATION: (continued)

On April 14, 2015, the Standing Policy Committee on Property and Development laid over the matter to the May 12, 2015 meeting of the Standing Policy Committee on Property and Development to allow the Winnipeg Public Service to provide the Committee with proper wording:

1. To require the proponent of an Antenna System to consult the appropriate Elected Municipal Official prior to submitting their proposal, and

2. To correct an error under the Height heading of Section 6.2.

Shawn Peters submitted a communication dated April 14, 2015, with respect to the Winnipeg Antenna Systems Policy.

Barry Malowanchuk submitted a presentation titled City of Winnipeg Antenna Protocol Impacts to Amateur Radio dated April 14, 2015, with respect to the Winnipeg Antenna Systems Policy.

Derek Hay submitted communications titled Ham Radio, and Antenna Height and Communications Effectiveness with respect to the Winnipeg Antenna Systems Policy.

Margaret Friesen submitted a communication dated April 14, 2015, with respect to the Winnipeg Antenna Systems Policy.

Stephen D'Agostino submitted a communication dated April 13, 2015, with respect to the Winnipeg Antenna Systems Policy.

ADMINISTRATIVE REPORT

Title: **Winnipeg Antenna Systems Policy**

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

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	J. Kiernan A/Director	G. Chartier Acting	M. Jack Acting

RECOMMENDATIONS

1. That the *Winnipeg Communication Facilities Protocol* be repealed and replaced with the *Winnipeg Antenna Systems Policy* hereto attached as Appendix “A”.

2. That a fee of $300 for amateur radio antenna systems be approved.

3. That the Proper Officers of the Public Service do all things necessary to implement the intent of the recommendations.

REASON FOR THE REPORT

On June 10, 2014, the SPC on Property and Development directed the Winnipeg Public Service to report back within 120 days, following receipt of the Federal Joint Antenna System Siting Protocol, with recommendations as to how this protocol could be implemented in the City of Winnipeg.

IMPLICATIONS OF THE RECOMMENDATIONS

The existing Winnipeg Communication Facility Protocol ("Winnipeg Protocol") applies to radiocommunication tower and antenna installations and residential use antenna systems and can be viewed at the following link:

http://www.winnipeg.ca/ppd/planning/Communication_Facility_Protocol/pdfs/WCT_Protocol.pdf

The Winnipeg Protocol provides guidance to the wireless telecommunication industry in the siting, location and design of proposed communication facilities and associated structures in Winnipeg. Industry Canada (IC) is the final approving authority for these facilities. The City provides a letter of concurrence or non-concurrence with the proposal regarding land use compatibility to IC for use in its approval and licensing process. The health impacts of

communication facilities and towers are outside the scope of the Winnipeg Protocol and fall under the jurisdiction of Health Canada (HC).

The SPC on Property and Development has requested that the Winnipeg Protocol be amended to align with the Joint Antenna System Siting Protocol Template (the "Joint Template") for protocols prepared jointly by the Federation of Canadian Municipalities (the "FCM") and the Canadian Wireless Telecommunications Association (the "CWTA"). The proposed amendments will help guide the review and recommendations for antenna systems proposals, and would apply to proposals received by the City after Council approval.

HISTORY

In 2008, the City of Winnipeg commenced preparation of a made-in-Winnipeg Protocol for installing or modifying wireless communication facilities. Creation of the Winnipeg Protocol was in response to a directive from IC to prepare customized municipal protocols if a municipality did not want to rely on IC's default protocol and consultation process. Council adopted the *Winnipeg Communication Facility Protocol* as policy on 28 April 2010.

In 2011, the FCM, in partnership with the CWTA, initiated the production of a nationwide template to guide municipalities in the development of local protocols. The City of Winnipeg participated as a member of the national working group. In February 2012 the FCM and CWTA publicly released the Joint Template.

On November 5, 2013 the SPC on Property and Development directed the Winnipeg Public Service to review the Joint Template developed by the FCM and the CWTA, and report back within sixty (60) days with recommendations as to how this protocol could be implemented in the City of Winnipeg.

In May 2014, IC announced changes to the Federal default protocol and initiated a consultation process on the amendments. Following conclusion of the consultation, a revised Federal default protocol (CPC-2-0-03) for Radiocommunication and Broadcasting Antenna Systems was issued and came into effect on 15 July 2014 and is available at the following link:
https://www.ic.gc.ca/eic/site/smt-gst.nsf/vwapj/cpc-2-0-03-i5.pdf/$file/cpc-2-0-03-i5.pdf

In response to changes to the Federal default protocol, FCM/CWTA updated the Joint Template so it was in alignment with the federal rules. The revised Joint Template was released in February 2015 and is available at the following link:
http://www.fcm.ca/home/issues/more-issues/telecommunications/antenna-tower-siting.htm

The Public Service has prepared amendments to the Winnipeg Protocol to align with recent changes to the Federal default protocol and the Joint Template, as requested by Committee. Some additional minor improvements have been included to recognize the Winnipeg context. A copy of the new *Winnipeg Antenna Systems Policy* (the "Winnipeg Policy") is attached as Appendix A.

Summary of Key Changes

1. **New antenna systems** – Exemptions from public consultation have changed. This is the most significant change in the Federal default protocol. All proponents are required to undertake public consultation regardless of tower height, unless a proposal is specifically

excluded. Some of the exclusions include radio amateur towers less than 15m, temporary systems, maintenance, and minor modifications to existing systems to increase the height.

2. **Definition of proponent** – Clarification has been added to indicate that the Winnipeg Policy applies to any proponent including amateur radio operators and third party tower owners.

3. **Public notification** – Several minor changes have been made to align with the Federal default protocol. The minimum public notification distance has been confirmed as 3 times the height of a tower, an ad must be placed in the newspaper for towers over 30m and mailings for public notification must be clearly marked so they are not interpreted as junk mail. Also, clarification has been added on how height is measured.

4. **Construction time limit** – A limit has been placed on the amount of time between the end of consultation and construction start up. An antenna system must be built within 3 years of the close of the consultation program. Extensions would only be allowed if the municipality agrees in writing. The start of the consultation period begins with formal contact in writing (proposal submission).

5. **Alignment with Federal environmental legislation** – The Winnipeg Policy has been worded more strongly to remind proponents to comply with the Canadian Environmental Assessment Act (CEAA).

In addition, a number of minor adjustments have been made to the Winnipeg Protocol to bring the Winnipeg Policy into alignment with the suggested wording in the Joint Template and to customize it for the Winnipeg context. For example, the terminology has been changed to "antenna systems" to reflect the language in the Federal default protocol, and location and design criteria have been supplemented to provide more clarity to the industry and make the City's expectations transparent.

An outstanding issue for the City is siting on municipal-owned properties. The Joint Template indicates that a new section should be added to the Winnipeg Policy outlining the process for leasing of City lands and buildings that would be in addition to the land use review under the Winnipeg Policy. The Municipal Accommodations Division will work together with the Zoning and Permits Branch to prepare an internal process for the lease of City-owned lands for antenna system sites. Complementary amendments to the Encroachment By-law may also be required.

The Public Service worked with members of Radio Amateurs Canada (MB) to review the proposed provisions for amateur antenna systems. The amateur industry would like to see the exemption limit for public consultation increased from 15m to 21m and they find the proposed fee of $1076 unreasonable. The Public Service recommends that the Federal exemption limit of 15m for public consultation be respected and that this provision in the Winnipeg Policy stand. Consultation with the neighbouring community is important and other cities apply this same limit. The proposed fee can be adjusted to recognize that the amateur industry plays a significant role in alternative communication support in the city and provides a public service. Amateur facilities are not commercial in nature and receive no direct income. The Public Service recommends that a fee of $300 be introduced for amateur antenna systems.

FINANCIAL IMPACT

Financial Impact Statement Date: March 17, 2015

Project Name:

Winnipeg Antenna Systems Policy

COMMENTS:

There are no financial impacts associated with the recommendations in this report other than the proposed $300 fee for amateur antennae systems that, if implemented, will be immaterial in nature. The recommendations deal with proposed amendments to existing Council policy.

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

CONSULTATION

In preparing this report there was consultation with:

External stakeholders:

- Radio Amateurs of Canada (Midwest Region)
- Manitoba Telephone System
- Rogers
- TELUS
- Bell Canada
- Federation of Canadian Municipalities (FCM)
- Canadian Wireless Telecommunications Association (CWTA)
- Industry Canada

City departments:

- Legal Services, as to legal issues

SUBMITTED BY

Planning Property and Development Department
Urban Planning Division
Prepared by: Valdene Lawson, MCIP
Date: April 1st, 2015
File No. O:\Reports Directive\Planning and Land Use\Long Range Planning\Archive\Communication Facilities Protocol\2013 Review\Final RIS Rpt and Protocol\Final RIS Report Wpg Antenna Sys Policy March 2015 v2 AMC edits.docx

Attachments:
1. Appendix "A": Winnipeg Antenna Systems Policy



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