



Antenna Systems Protocol

Date	July 5, 2022
To	Regina Planning Commission
From	City Planning & Community Development
Service Area	Planning & Development Services
Item No.	RPC22-23

RECOMMENDATION

Regina Planning Commission recommends that City Council:

1. Remove items RPC10-5 Cell Phone Towers and RPC15-3 Application for Sale of Dedicated Lands (15-SD-01) Portion of Qu'Appelle Park - 1301 Parker Avenue from the List of Outstanding Items.
2. Approve the Antenna System Protocol, attached as Appendix A.
3. Approve these recommendations at its meeting on July 13, 2022.

ISSUE

The City of Regina (City) Administration has prepared a protocol for reviewing proposed new antenna systems. The *Antenna System Protocol* (Protocol) outlines the City's preferred location and design standards for proposed new antenna systems (primarily, cell towers), as well as expectations respecting City and public consultation. This report summarizes the Protocol and the full Protocol is attached to this report as Appendix A.

The implementation of this Protocol is timely, as antenna system applications have increased as new, advanced service and technology are introduced. The Protocol will be a public document and it is intended that antenna system proponents will refer to, and follow, the Protocol when considering new antenna systems. The Protocol will also help inform City decisions regarding the purchase or lease of City lands for antenna systems.

The Protocol was subject to stakeholder and public review and complies with applicable policy and standards: *Antenna System Siting Protocol Template, 2014* (Federation of Canadian Municipalities/ Canadian Wireless Telecommunications Association); *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular; Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* (Government of Canada). Administration, therefore, recommends City Council approval the Protocol.

IMPACTS

This Protocol is necessary to provide the basis for response to proposed new antenna systems. This is essential infrastructure to support economic growth and public safety in all neighbourhoods of the city. The overarching goal of the protocol is to ensure efficient cell tower coverage, while directing the location of infrastructure in preferred locations, where possible and practical.

OTHER OPTIONS

1. Amend the Protocol and then approve.
2. Direct Administration to revise the Protocol and bring back to City Council. In the interim, the City would continue to rely on the Federal Government's default notice and consultation process.
3. Deny the proposal. The City would continue to rely on the Federal Government's default notice and consultation process.

COMMUNICATIONS

The Protocol was subject to stakeholder and public review, including review by the major carriers (e.g. SaskTel, Rogers, TELUS, Access), Government of Canada officials, school boards and Saskatchewan Health Authority. Public feedback is included as Appendix B.

DISCUSSION

Background

Antenna systems, such as cell towers, transmit and receive radiofrequency communication ("wireless telecommunication") and work in tandem with cell/smart phones, computers, etc. As technology evolves, antenna systems will be replaced and upgraded to provide faster, more reliable service. While antenna systems are increasingly regarded as providing essential communication service, the facilities also impact the urban environment; therefore, the proposed Protocol will inform location and design considerations.

The decision authority respecting antenna system applications is the Government of Canada

(Innovation, Science and Economic Development Canada - ISED) and proposed new antenna systems must be constructed in accordance with Federal Government regulations; however, ISED expects antenna system proponents to work with municipalities when locating and designing new antenna systems. Because of this jurisdictional situation, the Protocol serve as “guidelines” (as opposed to City regulation, like a zoning bylaw).

Objectives

The key objectives of the Protocol are:

- 1) To help ensure that proposed new antenna systems:
 - a) Are co-located, when possible and practical, to minimize redundant facilities.
 - b) Minimize impacts on parks and open space from a recreation and visual perspective.
 - c) Are appropriately located in the context of schools and residential areas.
 - d) Generally, avoid lands protected for natural or wildlife habitat.
 - e) Integrate with surrounding land-use and public realm and not be visually obtrusive.
- 2) To establish a process for reviewing antenna system proposals that:
 - a) Aligns with the requirements of the Government of Canada.
 - b) Addresses public and stakeholder consultation, where applicable.
 - c) Ensures that the design and location guidelines of this Protocol are respected.
 - d) Ensures timely resolution of issues and decisions.

Procedure

The aforementioned objectives are supported by an established procedure, addressed in the Protocol, which includes preliminary consultation with the City; submission of an application package; public consultation; City technical review and City recommendation.

For most antenna system applications, the proponent must inform residents, school boards, etc. within a prescribed radius and provide an opportunity to comment. For proposed antenna systems that are over 30 metres in height, the proponent must also place an ad in the local newspaper. For proposed antenna systems that challenge the Protocol location guidelines, the City may require an open house event, which would allow service providers to have dialog with affected persons to ensure that location decisions are fully understood.

The City’s decision is in the form of a recommendation, submitted to ISED, of either “concurrence” or “non-concurrence”. Where the City issues non-concurrence, the ISED can over-rule the decision respecting the proposed antenna system.

Where the antenna system proponent also wants to purchase or lease City-owned land, the Protocol acknowledges that the City reserves the right to require additional process components, or to decline the purchase or lease request for any reason.

ISED also reviews proposed antenna systems in terms of conformity with federal regulations. Importantly, antenna systems must meet radiofrequency exposure requirements recommended by

Health Canada and enforced by ISED.

Location

The Protocol recognizes the key role of wireless telecommunication infrastructure and does not prohibit location contexts. Instead, the Protocol establishes a process whereby the antenna system proponent is required to consider “priority” locations first and only consider “secondary” locations when a priority location is not available.

Priority locations include:

- a) Co-location with existing antenna systems or suitable structures.
- b) Industrial, commercial, or nonresidential areas (rear of lot or behind building preferred).
- c) Utility parcels, buffers and corridors (drainage ditches and ponds shall be avoided).
- d) Major transportation corridors (e.g. major arterials or expressways), excluding parkways.

Secondary locations include:

- a) Within and adjacent to public parks and open space.
- b) Within and adjacent to residential areas
- c) Parkway corridors and identified ceremonial routes.

Areas to be avoided include:

- a) Sites of topographical prominence or important view planes.
- b) Areas protected as natural or wildlife habitat.

As the Protocol functions as guidelines, the City may waive or relax the location preferences if the service provider demonstrates that there are no preferable alternatives. Public engagement and associated feedback will be an important part of the review process, in interpreting and applying the Protocol.

Regarding the proposed residential and school setbacks: There are no recommended setbacks provided by the federal, provincial or school authorities and a review of the protocol of other cities reveals a broad spectrum of practice. The Protocol recommends a minimum setback that is equivalent to the height of the tower.

Ultimately, all proposed new antenna systems are also reviewed by the Federal Government, which is responsible for enforcing Health Canada guidelines relating to radiofrequency exposure. Further, the design of cell towers must be in accordance with structural plans approved by a qualified engineer.

City Lands

Although ISED is the decision authority respecting proposed antenna systems, City Council is the decision authority respecting proposals to purchase or lease City-owned lands. One exception to this is the expropriation powers afforded to SaskTel, through *The Saskatchewan Telecommunications Act*, to acquire land for telecommunication infrastructure. Administration is not

aware of SaskTel having invoked this power in the past, or the circumstances in which it might use it in the future for the purpose of acquiring land for a proposed cell tower.

The Protocol does not serve as a comprehensive procedural guide for assessing and acquiring City lands; however, it does include City-owned land scenarios in the section pertaining to location and design guidelines and provides special public communication instructions where City-owned lands are involved.

Stakeholders

The Protocol was subject to stakeholder and public review, including review by the major carriers (e.g. SaskTel, Rogers, TELUS, Access), Government of Canada (ISED) officials, school authorities and the Saskatchewan Health Authority - a summary follows:

- SaskTel, who develops most new antenna systems in the city, expressed some concerns regarding location and design guidelines – noting that the guidelines could prevent the installation of optimal service coverage

The Administration responded by adjusting both the location and design requirements and by emphasizing in the Protocol that the “requirements” are guidelines rather than stringently applied regulations, which can be relaxed where appropriate.

- ISED expressed no major concern with the Protocol but noted some minor inconsistencies with Federal Government requirements.

The Administration responded by revising the Protocol accordingly.

- The Regina Public Schools requested that the Protocol setbacks relating to school sites be strengthened by having setback areas added to a category, within the Protocol, relating to specific areas that should be avoided for proposed new cell towers.

While the Administration respects the interest of the school authorities to always keep cell towers far away from school sites, the Protocol retains its provision that allows setback areas to be considered where it can be demonstrated that “priority” locations are not available. Further, Administration emphasizes that the Federal Government has responsibility to review cell tower applications and is responsible for ensuring that the location meets Health Canada recommendations relating to radiofrequency exposure.

Summary

Ultimately, the decision process must balance location and design considerations with the provision of essential wireless telecommunication infrastructure. Developed areas of the city are further challenged by intensification (increase service demand) and limited site options for new antenna systems. For these reasons, demand to locate on City lands and within residential areas will continue.

The Protocol is not intended to restrict wireless telecommunication service, but to guide proposed new cell towers toward preferred locations and design results where possible and practical. Thus, an important component of the Protocol is the review process, which are instructions for ensuring that antenna system proponents are working with the City and consulting the public. Moving forward, the Protocol will provide an additional procedural layer for better managing antenna systems.

DECISION HISTORY

- On February 24, 2010, Regina Planning Commission directed Administration to conduct a review of the policy related to the sale of parcels of City land for the installation of cell towers, including the size of the parcel and related setbacks, as well as any related Bylaw changes that may be required (RPC10-5).
- On June 3, 2015, Regina Planning Commission directed Administration to prepare a report on guidelines and/or principles for cell phone towers on City of Regina property (RPC15-31).

Respectfully Submitted,

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Autumn Lawson, Director, Planning & Development Services

6/15/2022


Deborah Bryden, Acting Executive Director

6/21/2022

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ATTACHMENTS

Appendix A - Antenna Protocol

Appendix B - Antenna Protocol