

# **CITY OF REGINA**

## **Antenna System Protocol**

## Table of Contents

1	OVERVIEW	.....	1
2	OBJECTIVES	.....	1
3	DEFINITIONS	.....	2
4	RESPONSIBILITIES	.....	3
5	EXCLUDED STRUCTURES	.....	5
6	GUIDELINES	.....	7
7	CITY CONSULTATION	.....	9
8	SUBMISSION REQUIREMENTS	.....	10
9	PUBLIC CONSULTATION	.....	11
10	REVIEW/ DECISION	.....	14
	APPENDIX A PROCESS SUMMARY	.....	16
	APPENDIX B PROCESS SUMMARY (City Lands)	.....	17

Approved by City Council:  
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## 1. OVERVIEW

The purpose of this Antenna Systems Protocol (Protocol) is to outline the City of Regina's (City) preferences respecting the location and design of proposed new Antenna Systems, as well as expectations respecting public engagement associated with the application review process.

This Protocol will function as "guidelines" and will be referred to by the City when reviewing, and commenting on, Antenna System proposals, recognizing that:

- The approval of proposed new cell towers is the responsibility and jurisdiction of the Federal Government – specifically, Innovation, Science and Economic Development Canada (ISED), as per the *Radio Communications Act*.
- It may not always be possible or practical to both meet service expectations and strict Protocol adherence; therefore, proposed Antenna Systems will be considered on a case-by-case basis and flexibility may be exercised where deemed warranted and justified.

This Protocol focusses on commercial and public Antenna Systems. For amateur radio operation and over-the-air TV reception, the City defers to the *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)* - all Proponents associated with these facilities are directed to ISED. All areas of the city are subject to this Protocol, excepting areas where City authority and review of proposed Antenna Systems does not apply.

This Protocol was developed using, as a base, a template developed by the Federation of Canadian Municipalities, in conjunction with the Canadian Wireless Telecommunications Association (*Antenna System Siting Protocol Template, 2014*) and is in alignment with ISED's *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)* and *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols*.

Where this Protocol conflicts with Federal requirements, the more stringent requirements shall apply, unless superseding Federal requirements is unauthorized.

## 2. OBJECTIVES

The objectives of this Protocol are:

- 1) To contribute to the orderly development and efficient operation of a reliable, strong wireless telecommunication network in the city of Regina.
- 2) To help ensure that proposed new Antenna Systems:
  - a) Are co-located, when possible and practical, in order to minimize redundant facilities.
  - b) Are appropriately located in the context of schools and residential areas.
  - c) Minimize impacts on parks and open space.
  - d) Generally avoid lands protected for natural and wildlife habitat.
  - e) Integrate with the surrounding land use and public realm.
- 3) To establish a process for reviewing Antenna System proposals that:
  - a) Is in alignment with the requirements of the Government of Canada.
  - b) Addresses public and stakeholder consultation, where applicable.
  - c) Ensures that the location and design guidelines of this Protocol are respected.
  - d) Ensures that resolution of issues and decisions is carried out in a reasonable timeframe.
- 4) To clarify the roles and responsibilities regarding the review and approval of proposed Antenna Systems.

### 3. DEFINITIONS

- 1) **Antenna System:** an exterior transmitting device used to receive and/or to transmit radio-frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas.

Antenna Systems include the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter. This Protocol most commonly refers to the following two types of Antenna Systems:

- a) **Freestanding Antenna System:** a structure (e.g. tower or mast) built from the ground for the expressed purpose of hosting an Antenna System or Antenna Systems.
  - b) **Building/Structure-Mounted Antenna System:** an Antenna System mounted on an existing non-tower structure, which could include a building wall or rooftop, a light standard, water tower, utility pole or other.
- 2) **Co-location:** the placement of antennas and equipment operated by one or more Proponents on an Antenna System operated by a different Proponent, thereby creating a shared facility.
  - 3) **Prescribed Distance:** the setback distance between the Antenna System, as measured horizontally from the outside perimeter of the supporting structure, and, where applicable, a school facility or residential area.
  - 4) **Proponent:** an individual, company or organization proposing to construct an Antenna System (including contractors undertaking work for telecommunications carriers and third-party tower owners) for the purpose of providing telecommunications services.
  - 5) **Residential Area:** lands used or zoned to permit residential uses, including mixed uses (i.e. where commercial use is permitted at-grade with residential above).
  - 6) **Stealth Structure:** means the installation of a telecommunication antenna structure in a manner that is designed to hide, camouflage or integrate the telecommunication antenna structure into an existing building, landscape, topography or structure.

## 4. RESPONSIBILITIES

### 4.1. Government of Canada

Under the *Radiocommunication Act*, the Minister of ISED has sole jurisdiction over inter-provincial and international communication facilities. The final decision to approve and license the location of Antenna Systems is made only by ISED.<sup>1</sup>

ISED requires that Proponents intending to install or modify an Antenna System notify and consult with the local authority (City of Regina), as well as with community residents within the prescribed notification radius. These processes are described herein.

### 4.2. City of Regina (City)

The role of the City is to support the installation of Antenna Systems, as important infrastructure, and to help ensure that they integrate within the urban fabric. The City pursues this role by:

- 1) Establishing protocol relating to the location and design of new Antenna Systems, as well the associated review and notification processes.
- 2) Reviewing proposed new Antenna Systems and communicating the City's position to ISED.
- 3) Reviewing, and deciding upon, proposals to purchase or lease City owned lands for the purpose of locating new Antenna Systems.

The City communicates its position by issuing a statement of "concurrence" or "non-concurrence" (copying the Proponent). The City's position takes into consideration adherence to this Protocol and the feedback of affected residents. Where the City opposes the location or design of a proposed Antenna System, it can indicate non-concurrence and request dispute resolution.

The City does not assess any proposal for an Antenna System with respect to radiofrequency exposure/ health issues, or any other non-location or non-design related issues, as these matters are not within the City's jurisdiction to comment on.

The City shall review best practices and Government of Canada requirements, relating to Antenna Systems, as they emerge, and shall consider amendments to this Protocol accordingly.

#### **Proposed Antenna Systems on City Owned Lands**

- 1) The City reserves the right to approve or refuse any request for purchase or lease of City owned land for a proposed Antenna System.
- 2) Where the purchase or lease of City owned lands is considered, the City may require:
  - a) Fair and appropriate financial compensation, at the City's discretion.
  - b) An agreement to ensure that the Antenna System meets any location, design, construction and decommissioning requirements, at the City's discretion.
- 3) The decision to sell or lease City owned land shall be made by City Council.
- 4) Public notice shall be in accordance with Section 9 and Appendix A, B of this Protocol.

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<sup>1</sup> *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular* (CPC-2-0-03)

#### **4.3. Proponent**

- 1) The role of the Proponent, when developing new Antenna Systems, is to ensure that the requirements of the Government of Canada and the City are followed, including:
  - a) Investigating sharing or using existing infrastructure before proposing new antenna-supporting structures (and, where not possible, demonstrating why).
  - b) Consulting the City early in the process to identify optimal location and design preferences.
  - c) Consulting affected landowners and stakeholders and reporting feedback to the City.
  - d) Following the guidelines of this Protocol (and, where not possible, demonstrating why).
  - e) Where the purchase or lease of City owned lands is proposed, abiding by any financial compensation and legal agreement, as negotiated by the City and the Proponent.
  - f) Obtaining required permits from other level of government and, where applicable, the City.
- 2) In addition to roles and responsibilities for site sharing, land-use consultation and public consultation, proponents must also fulfill other important obligations including the following:
  - a) Compliance with Health Canada's Safety Code 6 guideline for the protection of the public.
  - b) Compliance with radio frequency immunity criteria.
  - c) Notification of nearby broadcasting stations.
  - d) Environmental considerations.
  - e) Transport Canada aeronautical safety responsibilities.
  - f) NAV CANADA air navigation facilities.
- 3) Where there is a concurrence letter issued in support of a new Antenna System, the Proponent may be required to provide a Letter of Undertaking, which may include the following requirements:
  - a) A commitment to accommodate other communication providers on the Antenna System, where feasible, subject to the usual commercial terms and ISED requirements.
  - b) All conditions identified in the letter of concurrence.

#### **4.4. Operators**

- 1) The City can issue a request to network operators to clarify that a specific Antenna System is still required to support communication network activity. The network operator will respond within 30 days of receiving the request and will provide any available information on the future status or planned decommissioning of the Antenna System.

Where the network operators concur that an Antenna System is redundant, the network operator and the City will mutually agree on a timeframe to remove the system and all associated buildings and equipment from the site. Removal will occur no later than 2 years from the date of when the Antenna System was deemed redundant.

Where a network operator proposes to acquire City lands for the placement of a proposed antenna system, the City may require a legal arrangement for the future decommissioning of the facility and the return of the lands to the City.

## 5. EXCLUDED STRUCTURES

### 5.1. Excluded Structures

As per the regulations of ISED, the following structures are exempt from City and public review/comment, except for a notification process, where applicable:

- 1) **New Freestanding Antenna Systems** where the height is less than 15 metres above ground level. This exclusion does not apply to Antenna Systems proposed by telecommunications carriers, broadcasting undertakings or third party tower owners.
- 2) **Existing Freestanding Antenna Systems** where modifications are made, antennas added or the tower replaced<sup>2</sup>, including to facilitate sharing, provided that:
  - a) The total cumulative height increase is no greater than 25% of the height of the initial Antenna System installation<sup>3</sup>.
  - b) No increase in height may occur within one year of completion of the initial construction.
  - c) This exclusion does not apply to Antenna Systems using purpose-built antenna supporting structures with a height of less than 15 metres above ground level operated by telecommunications carriers, broadcasting undertakings or third party tower owners.
- 3) **Building/Structure-Mounted Antenna System:** antennas on buildings, water towers, lamp posts, etc. may be excluded from consultation provided that the height above ground of the non-tower structure, exclusive of appurtenances, is not increased by more than 25%.
- 4) **Temporary Antenna Systems** used for special events or emergency operations and are removed within three months after the start of the emergency or special event.

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<sup>2</sup> The exclusion for the replacement of existing Freestanding Antenna Systems applies to replacements that are similar to the original design and location.

<sup>3</sup> Initial Antenna System installation refers to the system as it was first consulted on, or installed.

## 5.2. Notification Process

Notwithstanding the applicability of an exemption, Proponents are required to notify the City of exempted structures so that the City can respond to public inquiries and is aware of construction activity. Applicability of notification is as follows:

### **Building/Structure-Mounted Antenna Systems:**

The Proponent will, prior to construction, submit the following information for all new Antenna Systems or modifications<sup>4</sup> to existing Antenna Systems that are mounted to an existing structure, including (but not limited to) a building/rooftop, water tower, utility pole or light standard:

- 1) The location of the Antenna System (address; rooftop or wall-mounted, etc.).
- 2) Description of proposed screening or stealth design measures with respect to the measures used by existing systems on that site and/or the preferences outlined in Section 6.
- 3) The height of the Antenna System.

The City may notify the Proponent of inconsistencies with the preferences outlined in Section 6.

### **Additions that Increase the Height of Freestanding Antenna Systems:**

The Proponent will confirm to the City, prior to construction, that an addition that extends the height of an existing Freestanding Antenna System, as defined in Section 3, meets the exclusion criteria in Section 5 by providing the following:

- 1) The location, including its address and location on the lot or structure.
- 2) A short summary of the proposed addition including a preliminary set of drawings or visual rendering of the proposed Antenna System.
- 3) A description of how the proposal meets one of the Section 5 exclusion criteria.

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<sup>4</sup> Notice is only required where the modification materially or noticeably changes the appearance of the system. Maintenance works that do not result in such changes are excluded from notice.



## 6. GUIDELINES

The following guidelines reflect the City's location and design preferences for proposed new Free Standing Antenna Systems. "Acceptable Locations" should be selected where possible and practical and "Discouraged Locations" should only be pursued where it is demonstrated that an Acceptable Location is not available to accommodate a target service coverage.

### 6.1. Location

- 1) Before submitting a proposal for an Antenna System on a new site, the Proponent must explore the following options:
  - a) Consider sharing an existing Antenna System or modifying or replacing a structure.
  - b) Locate, analyze and attempt to use any feasible existing structures, including (but not limited to) rooftops, utility structures, signs, light standards, etc.
- 2) Acceptable locations for new Freestanding Antenna Systems:
  - a) Industrial, commercial, or nonresidential areas (rear of lot or behind building is preferred).
  - b) Utility parcels, buffers and corridors (drainage ditches and ponds shall be avoided).
  - c) Major transportation corridors, excepting Section 6.1(3) discouraged locations.
- 3) Discouraged locations for new Freestanding Antenna Systems:
  - a) Within setback areas for residential and school properties, corresponding to:  
1.5 x (times) height of the proposed Antenna System<sup>5</sup>
  - b) Within neighbourhood parks
  - c) Parkway corridors and identified ceremonial routes.
- 4) Areas where new Freestanding Antenna Systems shall be avoided:
  - a) Sites of topographical prominence or important view planes.
  - b) Areas protected as natural or wildlife habitat/ reserve.
  - c) Areas dedicated as environmental reserve.
- 5) The City may, at its discretion, modify the Section 6.1 location preferences based on:
  - a) Buffering topography and vegetation.
  - b) The utilization of "discrete" towers (e.g. camouflaged or decorative towers or monopoles that are 30 metres or less height and have no visible arrays).
  - c) Screening via non-residential buildings and structures and trees.
  - d) Intervening transportation and utility corridors; water courses.
  - e) Information arising from public consultation.
  - f) The provision of optimal wireless telecommunication service coverage.
- 6) Where the Proponent determines that it is not possible or practical to meet the Section 6.1 Acceptable Locations, it must provide, as part of the submission:
  - a) A demonstrable rationale why the Acceptable Locations cannot be accommodated.
  - b) An explanation of measures to mitigate issues associated with a Discouraged Location.

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<sup>5</sup> The setback distance is measured from the outside perimeter of the supporting structure. For the purpose of this requirement, the outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc.

## 6.2. Design

- 1) Where a Freestanding Antenna System is proposed:
  - a) The City may require, where it is to be located in a designated heritage area/ property or the downtown or a prominent park/ civic area (as determined by the City), that the Antenna System be screened from view or incorporate stealth/ camouflage measures or be designed as public art or a landmark feature.
  - b) The antenna tower should, where possible and practical, allow for the installation of future co-location arrays/ equipment.
  - c) Lattice, tri-pole, and guyed structures are discouraged within Section 6.1(3); (4) areas.

## 6.3. Landscaping

- 1) Antenna Systems and associated equipment shelters should be attractively designed and/ or screened from ground level, or other public views, via the following screening techniques:
  - a) Attractive, well designed, graffiti-resistant fencing.
  - b) A mix of deciduous and coniferous trees in order to provide year-round coverage.
  - c) Existing vegetation, where it will not, in the case of public lands:
    - i) Result in the removal of trees, except where approved by the City.
    - ii) Degrade the ambience of an important natural landscape, as determined by the City.
- 2) Facilities proposed to be constructed on City lands used for parks and recreation shall be required to include landscaping, unless waived by the City.
- 3) Cabinets should be designed in a manner which integrates them into their surroundings.

## 6.4. Lighting

- 1) Unless specifically required by Transport Canada and/or NAV Canada, the display of any lighting is discouraged.
- 2) Where Transport Canada and/or NAV Canada requires a structure to be lit, the lighting should be limited to the minimum number of lights and the lowest illumination allowable.
- 3) The lighting of Antenna Systems and associated equipment shelters for security purposes is supportable provided it is shielded from adjacent residential properties, is kept to a minimum number of lights and illumination intensity, where possible, is provided by a motion detector.

## 6.5. Parking

- 1) Parking spaces, where required, should have direct access to a public right-of-way at a private approach that does not unduly interfere with traffic flow or create safety hazards.

**Note:** Where the purchase or lease of City land is proposed, the City reserves the right to:

- Require specific design requirements, through a legal agreement, with the proviso that such requirements do not conflict with the regulations of other levels of government.
- Approve or refuse any request to purchase or lease City lands for an Antenna System.

## 7. CITY CONSULTATION

- 1) Prior to identifying a particular site and submitting an Antenna System siting proposal, the Proponent will engage in preliminary site review consultation with the City in order to:
  - a) Consider options for site location.
  - b) Identify preliminary issues of concern.
  - c) Identify requirements for public consultation.
  - d) Guide the content of the proposal submission.
- 2) The Proponent will submit the following information to the City for the preliminary site review:
  - a) Map(s) showing option(s) for site location.
  - b) The type, height and design of the proposed Antenna System.
  - c) Preliminary drawings or visual renderings of the proposed Antenna System to scale.
  - d) Documentation regarding the investigation of co-location potential on existing or proposed Antenna Systems within 500 metres of the subject proposed location(s). This must include map showing existing and proposed Antenna System(s).
- 3) The City may require, at its discretion, a meeting with the Proponent as part of the preliminary site review, and / or after the stakeholder consultation process.
- 4) Following the preliminary site review, the City will confirm with the Proponent:
  - a) Comments regarding options for site location and design.
  - b) Proposal submission requirements.
  - c) Public engagement requirements.

**Note:** Where the purchase or lease of City owned land is proposed, the City reserves the right to require alternate or additional consultation requirements, as determined by the City.

## 8. SUBMISSION REQUIREMENTS

- 1) The Proponent must include the following information when submitting an Antenna System siting proposal to the City, unless waived by the City:
  - a) A letter or report indicating:
    - i) The location of the proposed site (civic address; legal description; coordinates).
    - ii) A description of the proposed Antenna System (type; height; arrays; etc.)
    - iii) The need for the proposed Antenna System, including an explanation of co-location potential with an existing Antenna System within 500 metres of proposed site.
    - iv) The rationale for site selection, including reference to Section 6.1 of this Protocol.
    - v) Where the site location is in non-conformance of Section 6.1 of this Protocol, an explanation of why it does not comply and proposed mitigation measures.
    - vi) Health Canada; Transport Canada; environmental; engineering overview and conformity attestations.
  - b) An aerial or satellite map(s) showing the proposed site location within a minimum 500 metre radius information area, which shows:
    - i) Existing Antenna Systems.
    - ii) All schools, streets and parks (names labeled).
    - iii) Where the proposed site is City owned lands, any applicable dedication designation (e.g. municipal reserve; environmental reserve – clearly labelled).
    - iv) Scale bar, north arrow, etc.
  - c) A site plan(s) showing:
    - i) Proposed structure and site location, and, where applicable, proposed landscaping, fencing, access and parking.
    - ii) Existing buildings, structures, utilities, accesses, and other notable features, on proposed site and adjacent properties.
    - iii) Property lines and adjacent street rights-of-ways (names labelled) and setback distances between proposed structure(s) and site and property lines.
    - iv) Scale bar, north arrow, etc.
  - d) Photo simulation of the proposed Antenna System, superimposed on a photographic image of the proposed site, including height shown to scale.
  - e) For Antenna Systems requiring public consultation, a map showing all properties located within the prescribed distance for notification from the proposed Antenna System.
  - f) Confirmation of legal ownership of the lands subject to the proposal, or a signed letter of authorization from the registered property owner of the land, their agent, or other person(s) having legal or equitable interest in the land.
  - g) Where the proposed site is City owned lands, the intent to purchase or lease.
  - h) Any other documentation as identified by the City following the preliminary review.
  - i) Any prescribed fee and application form.
- 2) A determination on the completeness of an application or request for additional information will be provided within five (5) working days of receipt of the proposal. The City will not subject the submission to review until all information, as determined by the City, has been submitted.

**Note:** Where the purchase or lease of City owned land is proposed, the City reserves the right to require alternate or additional submission requirements.

## 9. PUBLIC CONSULTATION

### 9.1. Public Notice

Unless a proposed Antenna System is exempt from the consultation process, as per Section 5.0 of this Protocol, the Proponent must undertake notification in accordance with the following:

- 1) All landowners, community associations, school boards, adjacent municipalities, Ward Councillors, Members of the Legislative Assembly and Members of Parliament shall receive notice<sup>6</sup>, by mail, within the greater distance of:
  - a) 120 metres of the proposed Antenna System<sup>7</sup>, or
  - b) In the case of a Freestanding Antenna System, 3 x the height of the tower.<sup>7</sup>
- 2) The Regina Airport Authority shall receive notice of all proposed Antenna Systems.
- 3) The notice outlined in Section 9.1(1); (2) shall include the following:
  - a) The requirements outlined in Section 8(1)(a)-(d).
  - b) Contact information for the Proponent; City; ISED.
  - c) Copy of web link/ address to ISED and City website information.
  - d) Deadline date and instructions for submitting feedback.
- 4) The notice outlined in Section 9.1(1) shall be delivered in an envelope clearly labeled: "A CELL TOWER IS PROPOSED WITHIN YOUR NEIGHBOURHOOD – IMPORTANT INFORMATION ENCLOSED"
- 5) In addition to the public notification requirements, the Proponent of a proposed Antenna System proposed to be 30 metres or more in height, or located in a public park or open space, or an area described in Section 6.1(4) of this Protocol, must place a notice in a local community newspaper circulating in the proposed area (Regina Leader Post), which includes:
  - a) An explanation of why public notice is required.
  - b) The proposed location and street address, including map.
  - c) A description of the proposed Antenna System, including type and height.
  - d) Contact information for the Proponent and City.
  - e) An invitation to provide comments to the Proponent, and a public comment deadline of no less than 30 days following the publication of the notice.
- 6) The Proponent shall provide the City with a copy of the notice described in Section 9.1(1); (5).

**Note:** Where the purchase or lease of City owned land is proposed:

- The City reserves the right to require alternate or additional consultation requirements.
- The public notification process outlined in Appendix A, B shall also be followed.

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<sup>6</sup> The Proponent may request to use the City's mapping system to obtain addresses.

<sup>7</sup> The notification radius is measured from the outside perimeter of the supporting structure. For the purpose of this requirement, the outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc.

- 7) Where the proposed site is to be located on City owned land (proposed purchase or lease):
  - a) The notice described in Section 9.1(1); (5) shall specify the applicable dedication designation, if applicable (e.g. municipal reserve; environmental reserve).
  - b) The City shall review and approve the draft notice before it is distributed/ posted.
  - c) For the Section 9.1(1) notice, the Proponent shall use an address list supplied by the City.
  - d) The Proponent shall not submit its public notification until the City has, first, notified the public of the Proponent's intent to purchase or lease City owned lands.<sup>8</sup>
  
- 8) Communicating in both official languages:
  - a) Initial communications with the public (including but not limited to notification packages and public notices) must be made in both official languages in communities located in census subdivisions that have a minority official language population of any size.<sup>9</sup>
  - b) If, in the context of the public consultation process, a member of the public in any of these communities provides written or verbal questions, comments, relevant concerns, or reply comments, the proponent must respond in the official language in which the questions, comments, relevant concerns, or reply comments were made.

**See Appendix A, B for a summary of the review and public consultation process**

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<sup>8</sup> The notice will be in the form of a written notice, mailed to landowners within the notification radius described in Section 9.1(1), as well as any requirements outlined in Bylaw No. 2020-28 (*The Public Notice Policy Bylaw, 2020*)

<sup>9</sup> A list of the census subdivisions where this requirement applies is published on ISED's website, and ISED will update the list from time to time.

## **9.2. Public Meeting**

- 1) The City may request that the Proponent chair a public information session in cases where there may be significant public interest in the proposed Antenna System, such as:
  - a) Taller Antenna Systems (e.g. 45 metres in height or more).
  - b) Locations in a public park or open space, or an area described in Section 6.1(3); (4).
  - c) Antenna Systems designed as art installations or landmark features.
- 2) The public information session shall follow a date/ time, style and form agreed upon by both the Proponent and the City.
- 3) Notice of the public information session shall be managed by the Proponent and shall:
  - a) Be in the form of mail-out letter, as per Section 9.1(1); a newspaper ad, as per Section 9.1(5) (adjusted accordingly) and any technique employed by the City.
  - b) Explain the purpose of the public information session.
  - c) Include the date, time and location (or virtual platform) of the session.
  - d) Allow an interval of 10 business days between date of mail-out delivery and the session.
  - e) Be provided to the City prior to mail-out and ad posting.
- 4) Where a public information session has been conducted:
  - a) The Proponent shall submit, to the City, a brief containing the following: names and addresses of all attendees; a copy of any agenda, presentation, minutes or similar record, which includes topics discussed, concerns raised, resolutions reached and, where arising, any outstanding issues that could not be resolved.
  - b) The overall City review period shall be extended to account for this undertaking.

## **9.3. Public Feedback**

- 1) For notification alone, the public shall be provided 30 days, after mail-out delivery or ad posting, to submit comments to the Proponent.
- 2) For information sessions, the public shall be provided 14 days, after information session date to submit comments to the Proponent.
- 3) Where a question or concern has been posed to the Proponent, the Proponent shall
  - a) Respond to the party, in writing, within 14 days, acknowledging receipt or providing response to the question or concern.
  - b) Respond to the party, in writing, within 60 days, by:
    - i) Providing response to all relevant questions or concerns, or explaining why the question or concern is not, in the view of the Proponent, relevant.
    - ii) Notwithstanding Section 9.3(1);(2), indicating that the party has 21 days from the date of the correspondence to reply to the Proponent's response.
  - c) Provide a copy of all public correspondence to the local ISED office and the City.
- 4) If the City identifies concerns, the City shall communicate this to the Proponent so that a solution or options may be discussed and potentially implemented.
- 5) The City may request a meeting with the Proponent after submission of feedback is provided.

## **10. REVIEW / DECISION**

### **10.1. Review Considerations**

- 1) When reviewing a submission for a proposed Antenna System (concurrence or non-concurrence), the City may take into consideration the following:
  - a) The City's Official Community Plan; Zoning Bylaw and Antenna System Protocol.
  - b) Existing and proposed features of proposed site and adjacent properties: land-use; development; access; landscaping; utilities; etc.
  - c) Co-location potential on existing Antenna Systems within 500 metres of proposed site.
  - d) Access/egress to the facility, on-site parking facilities and vehicular movement.
  - e) Topographical, environmental and geotechnical considerations.
  - f) Design aspects, including: height; colour; potential for stealth design; design of equipment shelters(s); landscaping, lighting and signage; co-location potential.
  - g) Impact on dedicated municipal reserve and environmental reserve lands and any City Council decision to purchase or lease City owned lands.
  - h) Legitimate issues and implications identified through public consultation feedback.
  
- 2) The City will render a decision (concurrence or non-concurrence) within 14 days of:
  - a) Completion of the Proponent's public engagement process, including submission of the public engagement summary by the Proponent.
  - b) A Council decision to sell or lease land for a proposed Antenna System.

### **10.2. Concurrence**

The City will provide a letter of concurrence to ISED (copying the Proponent) where the proposal addresses, to the satisfaction of the City, the requirements of this Protocol, and any other applicable technical requirements, and will include conditions of concurrence, if required.

### **10.3. Non-Concurrence**

The City will provide a letter of non-concurrence to ISED (copying the Proponent) where the proposal does not sufficiently address the requirements of this Protocol, and any other applicable technical requirements, and will include rationale for non-concurrence.

Where the purchase or lease of City owned land is proposed, a decision of City Council not to sell or lease land will automatically result in a statement of non-concurrence.

### **10.4. Rescinding Concurrence**

The City may rescind its concurrence if, following the issuance of a concurrence, it is determined by the City that the proposal contains a misrepresentation or a failure to disclose all the pertinent information regarding the proposal, or the plans and conditions upon which the concurrence was issued in writing have not been complied with, and a resolution cannot be reached to correct the issue. In such cases, the City will provide a letter rescinding concurrence to ISED (copying the Proponent) and will include rationale for rescinding concurrence.



## **10.5. Duration of a Concurrence**

A concurrence remains in effect for a maximum period of three years from the date it was issued by the City. If construction is not completed within this time period, the concurrence expires except in the case where a proponent secures the agreement of the City to an extension for a specified time period in writing.<sup>10</sup> Once a concurrence expires, and where no extension has been granted by the City of Regina, a new submission and review process, including public consultation, as applicable, is necessary prior to any construction occurring.

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<sup>10</sup> A copy of the agreement must be provided to the regional / local ISED office.

The approval of new cell towers is the responsibility and jurisdiction of the Federal Government – specifically, Innovation, Science and Economic Development Canada (ISED).

The City’s role is to review the proposed cell tower based on the Protocol and then submit a statement of either “concurrence” (support) or “non-concurrence” (opposition). ISED considers the municipal statement and public feedback when making its decision.

However, when the proposed cell tower involves the purchase or lease of City owned lands (like a park), City Council has final say on these transactions, and additional public consultation is required.

...here are the steps in the two processes:

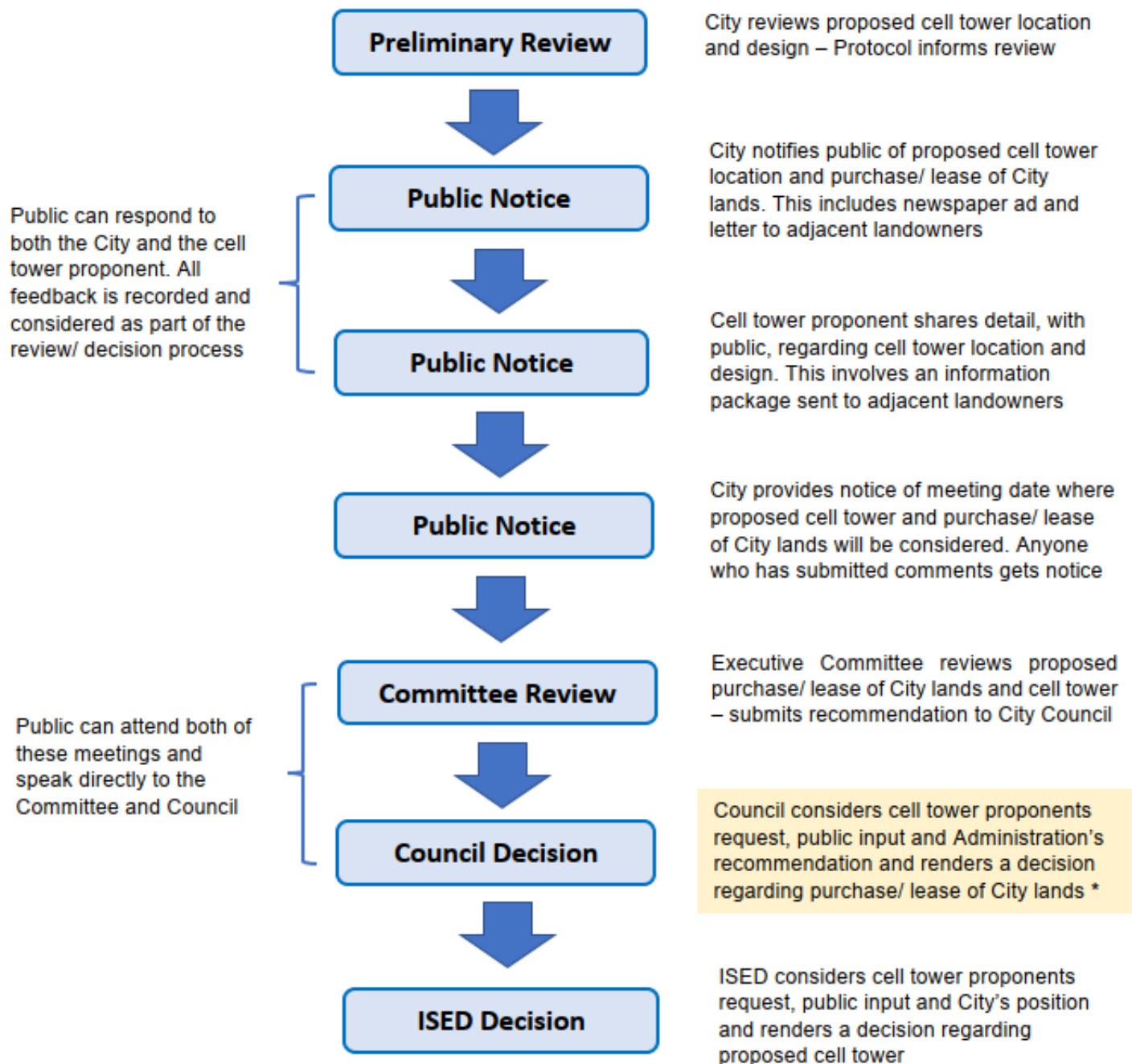
Step	City Owned Lands	Non-City Owned Lands
1	<p><b>Preliminary Review</b></p> <p>City reviews proposed cell tower location and design – Protocol informs review</p>	<p><b>Preliminary Review</b></p> <p>City reviews proposed cell tower location and design – Protocol informs review</p>
2	<p><b>Public Notice</b></p> <p>City notifies public of proposed cell tower location and purchase/ lease of City lands. This involves a letter sent to adjacent landowners</p>	<p><b>Public Notice</b></p> <p>Cell tower proponent shares detail regarding cell tower location and design. This involves an information package sent to adjacent landowners</p>
3	<p><b>Public Notice</b></p> <p>Cell tower proponent shares detail regarding cell tower location and design. This involves an information package sent to adjacent landowners</p>	<p><b>Administration Review</b></p> <p>City Development Officer considers cell tower proponents request, public input and Protocol and issues a statement of concurrence or non-concurrence to ISED*</p>
4	<p><b>Public Notice</b></p> <p>City provides notice of meeting date where proposed cell tower and purchase/ lease of City lands will be considered. This involves a notice to anyone requesting notice, and newspaper ad</p>	<p><b>ISED Decision</b></p> <p>ISED considers cell tower proponents request, public input and City’s position and renders a decision regarding proposed cell tower</p>
5	<p><b>Committee Review</b></p> <p>Executive Committee reviews proposed purchase/ lease of City lands and cell tower – submits recommendation to City Council</p>	<p>* This process follows the requirements of ISED. As this scenario does not involve City owned lands, ISED is the only decision authority.</p>
6	<p><b>Council Decision</b></p> <p>Council considers cell tower proponents request, public input and Administration’s recommendation and renders a decision regarding purchase/ lease of City lands</p>	
Done	<p><b>ISED Decision</b></p> <p>ISED considers cell tower proponents request, public input and City’s position and renders a decision regarding proposed cell tower</p>	

See Appendix B for detailed description of process involving City owned lands

## Appendix B Cell Tower Review Process – City Owned Lands

The following, is a summary of the review and consultation process where a cell tower operator wants to locate a proposed cell tower on City owned land (like a park) – either by leasing or purchasing the land.

Although the approval of new cell towers is the responsibility and jurisdiction of the Federal Government (Innovation, Science and Economic Development Canada [ISED]), the purchase or lease of City owned land requires City Council approval, as well as additional public consultation..... **here is the process:**



\* If Council approves the purchase/ lease of City lands, this results in the City Administration issuing, to ISED, a statement of "concurrence" (support) for the proposed cell tower - conversely, if Council declines the proposal, this results in a statement of "non-concurrence" (opposition) being submitted