



The Corporation of the City of Courtenay

Policy

Subject: Antenna System Applications and Process Policy	Policy Number: DS-02
Section: Development Services Department – Planning Division	Approved by: Council
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PURPOSE

The purpose of this policy is to provide guidance on the application content, public consultation process and outline the role for the City of Courtenay in applications received for Telecommunication Antenna System (new siting and/ or increasing the height). The industry now refers to these as “Antenna Systems”.

OBJECTIVES

1. To acknowledge that Innovation, Science and Economic Development Canada (ISED) has exclusive jurisdiction over the approval of the siting and installation of telecommunication infrastructure in Canada.
2. To set out a clear, consistent process for evaluating Antenna System proposals that:
 - a. encourage efficient and effective Antennae System infrastructure siting within the city while minimizing the number of new antenna sites by promoting co-location;
 - b. establishes when public consultation is required; and
 - c. assists the Proponent in identifying potential land uses, siting, or design concerns as early as possible in the process.
3. To establish a local consultation framework that respects the authority of the ISED regarding local land use consultation, resulting in an informed statement of concurrence, concurrence with conditions, or non-concurrence from the Council at the end of the process.
4. To contribute to the orderly and responsible siting of telecommunication infrastructure to achieve a high quality and assured communication network for emergency service providers, local businesses and the public.
5. To recover the costs from telecommunication Proponents for reviewing, evaluating and processing telecommunication infrastructure proposals and any annual fees (if applicable).

JURISDICTION AND ROLES

Innovation, Science, and Economic Development Canada

Under the *Radiocommunication Act*, the Minister of ISED Canada has sole jurisdiction over inter-provincial and national communication facilities. ISED Canada regulates all technical aspects and siting of Telecommunication Antenna Systems, and have established procedures to regulate the process and review of proposed telecommunication structures. As part of the process, Proponents are required to



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notify the local land-use authority and nearby residents and address reasonable and relevant public concerns as outlined in the ISED's *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)*.

Other Federal Regulations

Proponents must also comply with other applicable federal legislation and regulations, which includes:

- Health Canada's Safety Code 6 (Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 KHZ to 300 GHZ – Safety Code 6);
- the *Canadian Environmental Assessment Act*; and
- NAV Canada and Transport Canada's painting and lighting requirements for aeronautical safety.

Local Government

Local governments are referred applications for proposed antenna systems and provided the opportunity to comment on the proposal. Ultimately, the role of local governments is to issue a statement of concurrence or non-concurrence to the Proponent and ISED Canada. The statement considers the land use compatibility of the antenna structure, the responses of the affected residents, and the Proponent's adherence to this policy. Local government can establish siting guidelines, which includes reasonably augmenting the public consultation process as outlined in CPC-2-0-03.

Proponent

Throughout the siting process, Proponents must adhere to the antenna siting guidelines, including investigating the possibility of sharing or using existing infrastructure before proposing new antenna-supporting structures (consistent with CPC-2-0-03 and CPC-2-0-17 *Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*), contacting the local land use authority to determine local requirements regarding Telecommunication Antenna Systems, and undertaking public notification and addressing relevant concerns as is required and appropriate.

DEFINITIONS

Co-location means the sharing of antenna or equipment space on an existing antenna system owned or operated by a different party.

Emergency Service Providers means any police, fire, ambulance or search and rescue organization with a typical response area within the notification distance of a proposed Telecommunication Antenna System.

ISED Canada means Innovation, Science, and Economic Development Canada, and any federal ministry that may replace ISED Canada in the future that has jurisdiction over telecommunication and radiocommunication infrastructure.

Land Use Authority means the local governing body whose bylaws and regulations govern land use and land use decisions. This may include a municipality, city, town, village, township, or regional district.

Policy means, unless explicitly stated otherwise, the City of Courtenay's Telecommunication Antenna System Application and Consultation Process Policy.



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Proponent means a company or organization, or a representative thereof, for the purpose of providing commercial telecommunication services.

Qualified Professional An applied scientist or technologist who is registered and in good standing with an appropriate B.C. professional organization constituted under an *Act*.

Setback means the required minimum horizontal distance measured from the respective lot line or other feature as may be identified to any building or structure or part thereof.

Structure means anything that is constructed or erected, supported by, or sunk into land or water, and includes swimming pools, mobile home pads, and improvements accessory to the principal use of land, but excludes landscaping, paving improvements, signs under 1.0 metre in height, retaining walls under 2.5 metres in height, and fencing under 2.5 metres in height unless otherwise provided in this policy.

Telecommunication Antenna System means an exterior transmitting device(s) used to receive and/or transmit radio-frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas. Telecommunication Antenna Systems include the antenna, and may include a supporting tower, mast, or other supporting structure, and a structure or shelter for equipment. This policy refers to the following two types:

- a. **Freestanding Antenna System** means a structure built from the ground for the expressed purpose of hosting transmitting devices; and
- b. **Building/Structure-Mounted Antenna System** means a Telecommunication Antenna System mounted on an existing structure or building and for the purposes of height calculations, height shall be measured from the base of any building or structure to the most elevated portion of any antenna system.

EXCLUSIONS

ISED's Section 6 of CPC-2-0-03 outlines what activities or works are excluded from City and public consultation requirements as follows:

1. Activities and proposed developments or works that are exempted from the public consultation requirements by ISED Canada through its policies and procedures are also exempted from the City's Policy. Activities and development proposals that ISED Canada exempts from public consultation include:
 - a. New 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.
 - b. Existing antenna systems: where modifications are made, antennas added or the tower replaced, including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial antenna system installation. The exclusion for the replacement of existing antenna systems applies to replacements that are similar to the original design and location; "initial antenna system installation" refers to the system as it was first consulted on, or installed. No increase in height may occur within one year of completion of the



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initial construction. 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.

- c. Non-tower structures: including antennas on buildings, water towers, lamp posts, etc. These 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%. Telecommunications carriers, operators of broadcasting undertakings and third-party tower owners may benefit from local knowledge by contacting the land-use authority when planning an antenna system that meets this exclusion criteria.
 - d. Temporary antenna systems: used for special events or emergency operations. Temporary Antenna Systems must be removed within three months after the start of the emergency or special event.
2. Proponents who are not certain if their proposals are excluded, or whether consultation may still be prudent, are advised to contact the land-use authority and/or ISED for guidance.

NOTIFICATION OF EXCLUDED ANTENNA SYSTEMS

Notwithstanding ISED's exclusion criteria for certain Antenna System siting proposals, Proponents are asked, as a courtesy, to inform the City of all new Antenna System installations within the City's boundaries so the City can:

- a. be prepared to respond to public inquiries once construction/installation has begun;
- b. be aware of site Co-location within the City; and
- c. maintain records to refer to in the event of future modifications and additions. Proponents are to notify the City's Development Services Department of excluded Telecommunication Antenna System installations before commencing construction.

PROPOSALS ON MUNICIPAL LANDS

While regulatory authority rests with ISED, the Municipality has absolute discretion as a landowner to decide whether to enter into a lease arrangement (and under what conditions) for any Telecommunication Antenna System proposals located on land owned by the Municipality. This is independent of the statement of concurrence process. The Municipality may opt to use the process set out in this policy to determine its response to a proposal as landowner, in addition to its role in deciding a statement of concurrence application.

SITING AND DESIGN REQUIREMENTS

The City will assess applications for consistency with the following policy requirements:

Siting Policies

1. ISED directs co-location of an antenna on existing structures where it is feasible. The Proponent should demonstrate effort has been made to locate Telecommunication Antenna System on existing structures such as other Telecommunication Antenna System, utility poles, transmission towers and rooftops.



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2. Locations of topographic prominence affecting public views and vistas of important natural or human-made features should be avoided.
3. Locations within or affecting views of heritage site or structures should be avoided unless designed in an unobtrusive and compatible manner.
4. Areas in proximity to lakes, rivers, the shoreline and other water features should be avoided and areas designated in the Official Community Plan as development permit areas for the protection of hazardous conditions.
5. Design and location should involve minimal or no tree removal. Root protection areas of mature trees should be avoided. Any unavoidable tree removal, including to create space for wildfire protection. Trees with eagle or heron nests should not be removed.
6. Proximity to aerodromes should be avoided.
7. No Antenna Systems are to be located in Environmentally Sensitive Areas, archaeological areas, riparian lands and hazard lands.

Design Policies

1. Antenna Systems should be designed in terms of appearance and aesthetics to respect their immediate surroundings (e.g. residential, parkland, heritage areas, etc.), including being unobtrusive and inconspicuous, minimizing visual impact, avoiding disturbance to natural features, and reduce the need for future facilities in the same area, where appropriate. This may include being designed to resemble or include a character feature such as tree(s), clock tower or flagpole.
2. Structures and communication equipment should have a non-glare surface.
3. Monopole towers are preferred subject to the requirements of the siting policies outlined in this document.
4. Lattice style poles are strongly discouraged.
5. Negative visual impacts must be mitigated as far as possible by methods such as screening, stealth design and landscaping. Cable trays on buildings should be unobtrusive and concealed.
6. Proponents are encouraged to communicate with building developers at new building design stages to consider options for incorporating integrally screened Telecommunication Antenna support on the rooftops.
7. Vegetative screening is encouraged with a preference for a mix of coniferous and deciduous trees to provide year-round foliage. Irrigation should be provided where necessary.
8. Where a Qualified Professional report has been required for the installation of the antenna systems, all recommendations therein must be incorporated into the Telecommunication Antenna System design wherever technically feasible, including commitment to any post-construction monitoring and actions.



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Signage and Lighting

1. No advertising signs are permitted. No logos are permitted other than those for a manufacturer of a component of the Antenna System, or as approved in writing by Director of Development Services.
2. Unless specifically required by Transport Canada and/or NAV Canada, the display of any lighting is discouraged.
3. 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, and any required strobe lightning should be set to the maximum strobe interval allowed by Transport Canada.
4. 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 or similar system.

Height Policies

1. The City prefers that Towers be a maximum of 15 metres in height. It acknowledges that in some cases higher Towers are required to provide telecommunications coverage and will consider these proposals within the context of the land use zoning and adjacent land uses areas.
2. Height for a Tower must be measured from grade to the highest point on the structure, including lighting and supporting structures.
3. The City prefers that the height of building or structure-mounted Antenna Systems, unless shrouded in an acceptable manner, not exceed 3 metres measured from the top of the roof, but not more than 1.2 metres above the highest point of the elevator and/or penthouse.

CONSULTATION

1. Prior to submitting a Antenna System statement of concurrence application, the Proponent should undertake pre-consultation with City Development Services staff.
2. The public consultation process outlined in this section includes and complements the consultation process outlined in CPC-2-0-03 ISED.
3. The Proponent is encouraged to attend regularly scheduled meeting of Council where the proposed development is presented prior to *Public Consultation Process initiated*.
4. The Proponent should host an open house session in order to share relevant information (including visual images of the proposal and site plan submitted in application) with members of the public who may be affected by the proposed development. Arrangements include, but are not limited to:
 - a. an appropriate date, time and location is to be determined in consultation with the City's Development Services staff;
 - b. the Proponent is to host, which should be hosted in-person. The meeting may be hosted virtually during times at which Public Health Orders affect in-person events, but in-person events are still encouraged when strategies to mitigate public health risks can be implemented; and
 - c. Development Services staff have the option to attend.



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5. The meeting must be communicated in a mail-out notification package to all owners and tenants of all property parcels lying wholly or partially within the notification area. Property addresses may be provided by the City. The notification package must be sent to residents within a certain radius, and must include:
 - a. any information required to be included by ISED Canada, currently outlined in *CP-2-0-03 Appendix 1 – Industry Canada’s Default Public Consultation Process – Public Notification Package*, as amended from time to time;
 - b. the date and location of the public open house; and
 - c. the last date during which the public may submit written comments or feedback.
6. Concurrently with the distribution of the public notice, the open house must be advertised by the Proponent at their cost in at least two consecutive issues of the newspaper in local circulation in a readable and understandable format that illustrates the location of the proposed Telecommunication Antenna System, how to attend the public information meeting. A copy of published advertisement must be sent to the City’s Development Services Department.
7. A public open house must be held, at the cost of Proponent, not less than 14 days from the public notice mailing date, as determined in consultation with the City.
8. The public must be requested to submit written responses to the Proponent within consultation period.
9. The public consultation process is to be repeated if construction on the tower has not begun within three years of the date of the Council meeting at which the letter of concurrence was granted.
10. Following the notification period and the holding of a public open house, the Proponent must provide a written summary to the City’s Development Service Department including number in attendance, any comments provided to the Proponent at the public open house. information meeting.

PROPOSAL SUBMISSION AND FEES

1. The Proponent must pay a base application fee of \$2500.00 in accordance with this policy or the application fee outlined in the City of Courtenay’s Fee and Charges Bylaw, whichever is the greater of the two.
2. The Proponent is expected to pay the application fee at the time a completed application is submitted. An application will not be deemed to be submitted until the fee payment is received.
3. If an Application are inactive for 12 consecutive months the application will be closed. If an Application is closed, withdrawn or denied, fee pursuant to this policy or the Fee and Charges Bylaw are applicable to new applications.

PROCEDURE

1. An application for a statement of concurrence must include:
 - a. scaled elevation drawings of the structure, siting plan, and details of all design features such as colour, fencing, etc.;



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- b. where it's technically feasible for landscaping, a detailed landscape plan, prepared by a registered member of the British Columbia Society of Landscape Architects (BCSLA), which includes drought resistant and native plantings; and
 - c. identification and reasons for disqualification of any other existing or known proposed freestanding Telecommunication Antenna System within 500 meters of the proposed location.
2. The Proponent will notify K'ómok First Nation government of their application.
3. Upon completion of requirements in Consultation and Procedures of this policy, City staff will prepare and present a report to Council on the proposed Antenna System, a site plan, the location of the proposal, public consultation materials and summary of any comments received submitted by the Proponent for Council's review.

CONCURRENCE

1. It is the discretion of Council to provide a statement of siting concurrence, non-concurrence or to provide no comment with respect to the Proponent's proposal.
2. Council may rescind its concurrence if following the issuance of a concurrence statement, 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 notification in writing to the Proponent and to ISED and will include the reason(s) for the rescinding of its concurrence.
3. A concurrence statement remains in effect for a maximum period of three years from the date it was issued by Council for a specific tower proposal. If construction has not commenced within this time period, the concurrence expires and a new submission and review process, including public consultation as applicable, is necessary prior to any construction occurring. In addition, the City requests that the Proponent send a written notification of an intent to construct to the City's Development Services Department once the work to erect the structure is about to start. This notification should be sent 60 days prior to any construction commencing. No further consultation or notification by the Proponent is required.
4. Once concurrence has been issued, that concurrence may be transferred from the original Proponent to another Proponent without the need for further consultation provided that:
 - a. all information gathered by the original Proponent in support of obtaining the concurrence from the City is transferred to the current Proponent;
 - b. the structure for which concurrence was issued to the original Proponent is what the current Proponent builds; and
 - c. construction of the structure is commenced within the duration of the concurrence period.

TERMS OF THIS POLICY

City of Courtenay's Council is not in any way bound by this policy and is free to apply, or not apply, any evaluation criterion it deems appropriate in its consideration of applications.