

Protocol and Guideline for Establishing Wireless Telecommunication Facilities Within the Municipality of Grey Highlands

Initial Draft – May 13, 2019

1. Background

Industry Canada is the Federal Government Department responsible for regulating telecommunications in Canada. Under the Radiocommunication Act, Industry Canada acts as the approval authority for the establishment of radiocommunication and broadcasting apparatuses such as antenna systems (this may include masts, towers, and other supporting structures).

The Industry Canada document entitled “Radiocommunication and Broadcasting Antenna Systems, Issue 4, released June 2007, effective January 1, 2008” regulates antenna systems. Industry Canada has instituted procedures to ensure that municipalities are consulted prior to the building of antenna structures. Specifically, Industry Canada requires telecommunication carriers to follow the land use consultation process established by the local land use authority. Industry Canada identified that the consultation process should typically be completed in 120 days.

The purpose of this Municipal Protocol and Guideline is to clearly outline the land use consultation process to be followed by telecommunication carriers when submitting a proposal to modify or install a telecommunication tower within the Municipality of Grey Highlands for both non-municipal-owned properties and on municipal-owned properties.

Following the municipality’s land use consultation process is prescribed by Industry Canada and is considered to be a component of the approval process for antenna structures mandated by Industry Canada.

2. Procedure for Municipal Consultation Regarding Non-Municipal-Owned Properties

2.1. Antennas Affixed to Existing Structures

The Planning and Building Services Department requests that all installations of antennas on existing structures be subject to the Municipality’s Site Plan Approval process. Although some antenna installations may qualify for exemptions as per Industry Canada regulations, Industry Canada identifies that consideration of local circumstances and prudence in consulting with the local land use authority is appropriate.

2.2. Antennas Affixed to New Structures

2.2.1. Preliminary Consultation

The Planning and Building Services Department requires proponents to pre-consult with Planning staff prior to the submission of a Site Plan Application for all new antenna structures, including proposals for structures less than 15 metres in height. The pre-consultation stage provides Planning staff the opportunity to meet with the proponent to discuss the proposal and understand the proposal and its location. Staff will offer preliminary feedback for the site selection such as land use compatibility, sensitive visual areas and vistas, existing and proposed land uses, and any other potential impacts.

2.2.2. Formal Consultation

When a telecommunication company finalizes the site selection process for any antenna structure, including structures less than 15 metres in height, the proponent shall submit a site plan application to the Municipality. Municipal staff acknowledges however that the site plan application will not be subject to the regulations of the Planning Act, but rather, Industry Canada policies are to apply to structures dedicated to wireless telecommunication antennas.

Submission

The application shall include detailed plans showing the location, design, grading/drainage, and landscaping buffer of the telecommunication facilities. Upon receiving a completed application, it is considered that the land-use consultation, as referred to by Industry Canada regulations, has been initiated.

Circulation by the Municipality

The Municipality will circulate the submission to affected internal departments and external agencies, including abutting municipalities if the proposed location is within 500 metres of an adjacent municipal boundary.

Circulation by Applicant to Property Owners

The Municipality requires the proponent to circulate written notification of the application, with applicable background information, to all property owners within a radius of three (3) times the tower height, measured from the tower base or the outside perimeter of the supporting structure, whichever is greater. Upon request, Municipal staff can provide a list of municipal addresses located within the circulation distance.

In the notification, the applicant shall outline jurisdiction matters, the rationale for the selection of the designated site, and request that any comments be sent to the applicant with a copy to be provided to the Municipality. It is the proponent's responsibility to ensure that the notification provides at least 30 days for written public comment.

In addition to the written notification identified above, where proposed communication towers are 30 metres in height or greater, notice of the proposal must also be placed in the local newspaper by the proponent. The notice will include all applicable background information, as specified above.

When the aforementioned notification has been appropriately sent, the applicant shall provide an affidavit to the Municipality in this regard, which specifies the type of notification that was completed. Such affidavit shall be provided within 30 days of the notification.

Response to Public Comments

Proponents are to address all reasonable and relevant concerns, make all reasonable efforts to resolve them in a mutually acceptable manner and must keep a record of all associated communications. The proponent is also required to:

- a) Respond to the party in writing within 14 days acknowledging receipt of the question or comment or concern and keep record of the communication.
- b) Address in writing all reasonable and relevant concerns within 60 days of receipt or explain why the question, comment or concern is not, in the view of the proponent, reasonable or relevant. The proponent shall provide a copy of the responses to the Municipality.
- c) Address in any response letters that the party has 21 days from the date of correspondence to reply to the proponent's response.
- d) Provide the Municipality with an Affidavit noting the nature of any comments and concerns and how such comments and concerns have been addressed.

Circulation by Applicant to other Telecommunication Providers

In association with any formal site plan application, a letter shall also be sent to all other telecommunication providers indicating that you are pursuing a telecommunication tower on the subject site, and requesting confirmation whether the other carriers are interested in co-locating on the proposed tower. Copies of the letters and comments received are to be provided as part of a site plan application.

Timing of Approvals

Within 60 days of the land-use consultation being initiated (receipt of a site plan application), the Municipality will endeavour to provide site plan comments to the applicant. The applicant shall then resubmit drawings and documents to respond to the comments. Within 60 days of the resubmission, if the proposal is deemed acceptable, the Municipality will issue Municipal Concurrence (site plan approval) and advise of any conditions of approval which may be facilitated through a letter of undertaking.

Subsequent to issuance of site plan approval and completion of any letter of undertaking the site plan approved drawings will be released to the applicant to facilitate any required building permits. If there are irresolvable concerns, the Municipality will inform Industry Canada accordingly. It is understood that Industry Canada will review the municipal consultation result and make a decision on the matter.

2.2.3. Duration of Concurrence

Construction of a communication tower must be completed within three (3) years of concurrence being issued by Planning staff. After three years, if the tower has still not been constructed, the previous concurrence/approval will be deemed null and void, notwithstanding whether communication is sent in this respect to the telecommunication carrier.

2.3. Guidelines Regarding Non-Municipal-Owned Properties

Justification and Utilization of Existing Structures

- 2.3.1. New communication towers should be justified on an as-needed basis. Any possibility to place equipment on existing structures such as high-rise buildings, church steeples, hydro transmitting towers, existing telecommunication towers, etc. is encouraged.

Co-location

- 2.3.2. Towers shall be designed to allow co-occupancy and all tower owners are required to allow co-location on existing or planned towers by other telecommunication carriers.

Setbacks

- 2.3.3. Towers shall not be located at prominent vistas and shall be located away from residential developments or frontages of major roads and highways wherever possible.
- 2.3.4. Wherever feasible, the minimum setback of a telecommunication tower that does not mimic streetlights and other street furniture to a road right-of-way shall be the height of the tower, and the setback from a tower to a residential property shall be twice of the height of the tower.

Design and Treatment

- 2.3.5. The design of towers shall be to the satisfaction of the Municipality. In general, the style of a tower shall be suited to the surrounding area. Generally, lattice style towers will not be permitted anywhere in the Municipality, unless it is demonstrated that they will not be visible outside of an industrial area. Slim monopole tower design, with antennas that are flush mounted, will be the standard tower design required in the Municipality.

Where appropriate, design techniques, including but not limited to, camouflaging towers within church steeples, clock towers or flagpoles should be used in the design of a new telecommunication tower. The design of each tower will be reviewed on a site-specific basis.

- 2.3.6. The colour of a tower shall be such to make it less visually obtrusive. A non-reflective white or light grey colour shall be provided. The Municipality shall be informed if there is any other requirement by any agency (ie. Transport Canada and NAV Canada).
- 2.3.7. The ground level of telecommunication facilities shall be landscaped. Particularly, where equipment shelters are located on the ground, the visual impact of these shelters shall be mitigated through the use of colour, decorative fencing, screening and/or landscaping.
- 2.3.8. Other than a plaque to identify the carrier(s), there shall be no advertisement on the facilities. A small plaque must be placed at the base of the structure identifying the owner/operator and contact information. No third-party advertising shall be permitted.

3. Procedure for Municipal Consultation Regarding Municipal-Owned Properties

When the proponent's site search area includes a Municipal-owned property, the above noted requirements will apply, except with respect to preliminary consultation. To initiate preliminary consultation, the proponent shall contact the Manager of Facilities. The preliminary consultation process for Municipal-owned properties will include review and comment by the Municipality's Senior Management Team. These comments will be forwarded to the Municipality's Planning staff within 30 days for additional comment and circulation to the proponent.

3.1. Guidelines Regarding Municipal-Owned Properties

The proponent shall follow the same guidelines as described in Section 2.3, and shall consider the additional guidelines described in the following clauses:

- 3.1.1. Telecom facilities shall not be installed in locations that would create electromagnetic interference with the Municipality's wireless communication/security systems, i.e. near fire stations and other emergency services facilities, municipal communications facilities. Telecom providers are to take Radio Frequency interference mitigation measures or in the case of interference remove their equipment that is causing interference.
- 3.1.2. In general, telecom facility proposals for Municipal-owned sites should avoid the use of parklands and recreational open space. When proposing the use of Municipal-owned lands, including parklands, for telecom facilities, telecom providers shall provide an evaluation of other potential antenna and tower locations within the area to be served by the proposed

facilities that demonstrates other potential locations are not suitable or viable.

- 3.1.3. Telecom providers shall enter into a market value based license agreement with the Municipality that specifies the terms and conditions of the provider's occupancy of Municipal property, including but not limited to length of term, rent payable, insurance requirements, indemnity, co-locates, site location and access, design of facility, letter of credit.
- 3.1.4. Occupancy agreements with telecom providers should facilitate the removal or relocation of a tower at no cost to the Municipality, if necessary in light of redevelopment of the Municipal site.
- 3.1.5. Telecom providers will consult with the Municipality to provide the most suitable location on the identified Municipal-owned site that takes into account planned development or redevelopment on the site, and so as to cause the least visual disturbance.
- 3.1.6. Telecom providers should be encouraged to design telecom tower facilities in a manner which incorporates upscale architectural elements such as flag poles, clock towers, and faux water towers.
- 3.1.7. Telecom providers are required to provide technical specifications of all radio equipment to be used on the premises.
- 3.1.8. Telecom providers are required to provide updated technical information when installing additional antennas/wireless services on an existing tower.
- 3.1.9. Telecom providers are required to work with Municipal staff to mitigate any interference caused by their systems, including the removal of devices causing the interference to the Municipality's wireless services if required.