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Telecommunications Towers/Antenna Facilities Protocol

Purpose

The purpose of this protocol is to outline the local land-use consultation process and guidelines to be followed in evaluating telecommunication tower and telecommunication antenna proposals within the Township of Selwyn, providing guidance to the telecommunication industry, Innovation, Science and Economic Development Canada (ISED), Township Council, Township staff and members of the public.

1.0 Objectives

The objectives of this protocol are:

1. To establish a consistent Township process and criteria for reviewing telecommunication tower and telecommunication antenna proposals.
2. To set out a straightforward, objective process, criteria and guidelines for the evaluation of telecommunication tower and telecommunication antenna proposals that:
 - a) minimizes the number of new telecommunications towers;
 - b) encourage the location and siting of telecommunication facilities in a manner which minimizes the effects on residents, lessens visual impact, and respects natural and human heritage features and sensitive land uses to the greatest extent possible
 - c) provides an opportunity for meaningful local public consultation with affected property owners; and
 - d) allows ISED and the telecommunications industry to identify and resolve any potential land use, siting or design concerns with the Township at an early stage in the process.
3. To provide an expeditious review process for telecommunication tower and telecommunication antenna proposals that are established in accordance with this protocol.

4. To establish a local land-use consultation framework that allows the Township to provide input on all telecommunication tower and telecommunication antenna proposals to proponents and ISED in order that the proponent can satisfy ISED requirements regarding local land-use.
5. To recognize that matters pertaining to health (e.g. Safety Code 6), structural safety and the environment fall under the mandate of the federal government, which are further in turn taken into consideration by ISED as detailed in the Radio Communication and Broadcasting Antenna Systems – Client Procedures circular CPC-2-0-03 Issue 6 (July 2022).

2.0 Jurisdictions

A. Innovation, Science and Economic Development Canada (ISED)

Under the Radiocommunication Act, the federal government has exclusive and comprehensive jurisdiction over radiocommunications and telecommunications. ISED is the approval authority with respect to telecommunications towers and other equipment in Canada under Section 5 of the Radiocommunication Act.

Section 5 of the Radiocommunication Act states that the Minister may, taking into account all matters the Minister considers relevant for ensuring the orderly development and efficient operation of radiocommunication in Canada, approve sites on which antenna systems may be located and approve the erection of all masts, towers and other antenna-supporting structures.

In exercising its mandate, Innovation, Science and Economic Development Canada (ISED) believes that it is important that antenna systems be deployed in a manner that considers the local surroundings. ISED encourages the establishment of local protocols, recognizing that LUAs are best positioned to contribute to optimum siting of facilities. Proponents must follow the land-use consultation process for the siting of antenna systems, established by the land-use authority, where one exists. Where proponents believe the local consultation requirements are unreasonable, they may contact the local ISED office in writing for guidance.

Although ISED does not play a direct role in the land use consultation process, it is expected that ISED will ensure, by a condition of the licenses that it issues, that the land use authority consultation has taken place prior to the erection of individual antenna structures.

B. Land Use Authority (LUA)

As a result of federal jurisdiction over telecommunications operations, traditional municipal land-use planning controls such as zoning by-laws, site plan control,

development approvals and building code requirements are not applicable. However, ISED requires proponents who are interested in installing or modifying an antenna system that does not meet the exemption criteria to consult with the local (LUA) and in some circumstances, the public, or to follow the protocol adopted by the LUA.

The role of the Township in the federal approval process is to provide input to ISED through a letter of concurrence or non-concurrence with respect to proposed installations. The Township does not have any authority to make decisions regarding telecommunications facilities or to determine compliance with federal policies, including compliance with Safety Code 6.

For the purpose of this protocol, the Manager of Building and Planning or their designate shall be responsible for the administration, maintenance and interpretation of this protocol. All correspondence and materials submitted as part of this process shall be directed to the attention of the Manager of Building and Planning, unless otherwise noted.

3. Definitions

Co-location - means the sharing of a telecommunication tower or placement of a telecommunication antenna on a building, structure or tower by more than one proponent.

CPC-2-0-03 — Innovation, Science and Economic Development Canada Client Procedures Circular 2-0-03 (CPC-2-0-03), as amended.

Height – means the distance measured from the finished grade at ground level to the top of the antenna as mounted on a tower, building or other structure.

Land Use Authority (LUA) — the body governing planning and land use related issues. In the Township of Selwyn, the Manager of Building and Planning, or their designate, may provide letters of concurrence as the LUA, subject to this protocol and in accordance with a resolution of Council .

ISED - Innovation, Science and Economic Development Canada.

Natural hazard: hazardous lands including the flooding hazard as outlined and defined in the Provincial Policy Statement, as amended.

Proponent – means a company, organization or person including its heirs and successors which offers, provides or operates wireless broadcasting or communication services subject to CPC-2-0-03.

Telecommunication Antenna or Antenna- means the components, either individually or in combination, needed to operate a wireless communication network for the purpose of radio telecommunications, including but not limited to: cell sites; transmitters; receivers; signaling and control equipment; and an

equipment shelter containing electronic equipment and which is not staffed on a permanent basis and only requires periodic maintenance **but does not include a telecommunication tower.**

Telecommunication Tower or Tower - means all types of towers including but not limited to: a monopole; tripole; lattice tower; guyed tower; self-support tower; pole; mast; or other structure, which are used to support one or more telecommunication antennae for the purpose of radio telecommunications and which may be located at ground level or on the roof of a building and may include an equipment shelter containing electronic equipment and which is not staffed on a permanent basis and only requires periodic maintenance.

Tower Lease Area Boundary – means the extent of the land leased by the proponent for a proposed Telecommunications Tower, but does not include any land required solely to access the site, such as an access aisle way or right-of-way.

4. Preliminary Consultation

- a) A preliminary consultation meeting between the proponent and the Township's Building and Planning Department staff is required for all telecommunication tower and telecommunication antenna proposals not exempted from consultation by ISED, before a Telecommunication Tower Review Application and/or Building Permit application is submitted. The purpose of this meeting is to:
 - i. Determine if a Building Permit is required;
 - ii. Explore preferred site locations and siting;
 - iii. Review design & co-location considerations in accordance with this protocol;
 - iv. Obtain input from Township Departments and external agencies, including First Nations;
 - v. Identify issues of concern;
 - vi. Identify requirements for public consultation;
 - vii. Provide guidance on the application submission requirements; and
 - viii. Identify the need for any other applications or approvals.
- b) During or after the preliminary consultation meeting, Township staff will provide the proponent with an information package that includes:
 - i. This protocol
 - ii. Telecommunication Tower Review Application
 - iii. List of Township Departments and agency contacts including First Nations.
- c) To expedite the review of the application, the proponent will review this information package before the submission is made so that the interests of the Township and agencies are taken into account. The proponent is encouraged to consult with affected departments and agencies..

5. Preferred Location Guidelines

In general, the Township prefers that the following options be considered (in order) when a new telecommunications tower is proposed:

1. Co-location on an existing facility (tower, building or structure)
2. New locations on an existing facility
3. Siting a new tower in an industrial area (employment area) 120 metres away from areas zoned for residential, open space and community facility uses.
4. Monopoles with Co-location capability
5. Disguised Installations

Further details on the above are provided in the sections below.

A. Site Selection

- a) The proponent will select a site location to minimize the total number of telecommunication tower sites required.
- b) The proponent will be encouraged to use existing telecommunication towers.
- c) The proponent will be encouraged to locate new towers in areas zoned to permit industrial uses.
- d) Telecommunication towers will be strongly discouraged in or within 120 metres of areas zoned for residential, community facility and open space uses, listed and/or designated heritage buildings and sites as well as natural hazard areas.
- e) When selecting a site for a new telecommunication tower, the following will be considered:
 - i. maximizing distance from areas zoned for residential areas, community facility and open space uses, listed heritage buildings and sites;
 - ii. avoiding sites of topographical significance, where possible;
 - iii. avoiding sites of natural hazards;
 - iv. avoiding sites that would obscure public views and vistas of important natural or human-made features;
 - v. ensuring compatibility with adjacent uses; and
 - vi. access.

B. Co-Location

- a) The Township expects proponents to share telecommunication towers (co-locate). The Township may require the proponent to provide co-location capacity for municipal communications antennas such as for fire department emergency services communications.
- b) Proponents will work co-operatively in reaching agreements which allow for co- location to minimize the total number of telecommunication towers in the Township.
- c) Proponents for new telecommunication towers will be required to submit a Site Selection / Justification Report, prepared by a certified engineer or land use planner. The report must:
 - i. Provide detailed rationale to demonstrate the need for the project and legislative compliance (eg. Canadian Impact Assessment Act, Transport Canada requirements, Health Canada Safety Code 6 Compliance, etc)
 - ii. Identify all telecommunication towers within a radius of 500 metres of the proposed location;
 - iii. Include details with respect to the coverage and capacity of the existing telecommunication towers in the surrounding area;
 - iv. Provide detailed documentary evidence as to why co-location of an existing telecommunication tower is not a viable alternative to a new telecommunication tower; and
 - v. Document the site selection process followed by the applicant for selecting this site in accordance with this protocol.
- d) Any exclusivity agreement which limits access to a telecommunication tower by other proponents is unacceptable.

C. Siting

- a) A telecommunication antenna mounted on a high-rise building or structure such as an existing telecommunication tower, hydro transmission tower, utility pole or water tower, is to be explored by the proponent before any proposal is made for the construction of a new telecommunication tower.
- b) The construction of a new telecommunication tower to accommodate a telecommunication antenna is discouraged and will be accepted only when all other options to accommodate the telecommunication antenna are not viable. A new telecommunication tower shall be designed with co-location capacity.
- c) Where co-location is not possible, a new telecommunication tower will be designed to minimize visual impact and to avoid disturbance to natural features.

D. Design and Landscaping

- a) Where co-location is not possible, a telecommunication tower located will be built to accommodate the proponent and a minimum of two additional users whenever possible.
- b) An architectural style of telecommunication tower compatible with the surrounding neighbourhood is encouraged.
- c) Where a telecommunication tower must be located within or in close proximity (within 120 metres) to areas zoned residential, community facility and open spaces uses, monopoles or disguised poles will be encouraged.
- d) Proponents will be encouraged to locate telecommunications towers with a minimum setback to all property lines of a distance equivalent to the height of the telecommunication tower (measured from grade) whenever possible.
- e) One parking space will be provided at each new telecommunication tower site with access from a public right-of-way at a location acceptable to the Township. Where parking is provided for another use on the site and this parking is within 20 metres of the telecommunication tower, the parking space for the tower is not required (parking spaces need not be exclusively devoted to telecommunications tower usage.)
- f) All efforts should be made to decrease the size and visibility of all telecommunication antennas and telecommunication towers, so that they will blend in with the surroundings. To ameliorate the scale and visual impact of telecommunication towers and telecommunication antennas, mitigation measures should include consideration of: design features, structure type, design, colour, materials, landscaping, screening and decorative fencing. In general, towers and telecommunications equipment shall have a non-reflective surface and be of a neutral colour (e.g. light grey). Where appropriate, a telecommunication tower will be designed to resemble features found in the area such as a flagpole or clock tower.
- g) Lighting of telecommunication antennas and telecommunication towers is prohibited unless required by Navigation Canada.
- h) Telecommunication towers will accommodate only telecommunication antennas. Only identification or information signs or other material directly related to the identification or safe operation of this equipment will be permitted on the tower. A small plaque must be placed at the base of the structure, (or at the main entrance to the site where the site is not accessible under normal circumstances), identifying the owner/operator of the structure and a contact telephone number. No third party advertising, or advertising or promotion of the proponent or the proponent's services shall be permitted.

6. Application Submission

- a) Once a site has been selected for establishing a telecommunication tower, the proponent will complete a **Telecommunication Tower Application Review Form** and submit a fee for each proposal.
- b) Upon receipt of a complete application as identified at the preliminary consultation meeting including the applicable application fee, the Township will begin its review of the proposal.
- c) The application will be circulated to affected Township Departments and abutting municipalities within 120 metres of the property boundaries.
- d) The Manager of Building and Planning will provide a notice of application to Council.

A. Application Submission Requirements

- a) All proposals for telecommunication towers that are not exempt from this protocol will be supported by the following information:
 - i. Site Selection / Justification Report, as outlined in Section 5.B c) of this protocol;
 - ii. A digital site plan drawn to metric scale showing site grading, location of existing property lines or leased area, existing or proposed buildings, fences, lighting fixtures, parking facilities, landscaping (existing and proposed), entrances and access routes.
 - iii. Elevation drawings showing design and height of structure including antenna.
 - iv. Colour photograph(s) showing the proposed telecommunication tower superimposed as viewed from various directions.
 - v. Property reference survey, if available.
 - vi. Letter of authorization from the property owner if the proponent is not the property owner.
 - vii. Map/inventory of all towers within the area defined at the preliminary consultation meeting.

7. Application Fees

- a) The proponent must pay an application fee to the Township in accordance with the Township's User Fees and Charges By-law.

8. Exemptions to Application Review

- a) Telecommunications antennas and towers, which are exempted from the requirement to consult with the Township under the provisions of CPC-2-0-03 will be exempt from a Telecommunications Review Application.

- b) Although it is not required by the *CPC-2-0-03*, the Township requests that the proponent provide the Township with information (location, type, height) on their proposed installation of new towers or facilities as a courtesy and for information purposes only.

9. Building Permits

- a) The application of the Ontario Building Code is not aimed at regulating broadcasting or telecommunications or an integral part thereto. The objective is to ensure the structural integrity of ordinary buildings or property and account for the impact of the antenna and/or tower on the building.

- b) A building permits is required:
 - i. For the material alteration to a building that occurs when a telecommunication antenna or telecommunication tower is to be located on the roof of an existing building; and/or
 - ii. For the construction of or material alteration to buildings associated with either a telecommunication antenna or telecommunication tower structure.

10. Public Consultation

- b) The proponent will be responsible for organizing a Community Information Session at the cost of the proponent.

- c) The proponent, in consultation with the Township's Building and Planning Department, will schedule an appropriate date, time and location for the Community Information Session (CIS).

- d) A minimum of 30-days notice of the CIS is to be provided to all property owners located within 120 metres of the property boundaries or proposed antenna, whichever is greater. Such Notice is to be sent by prepaid first-class mail, with all costs to be borne by the Applicant. The notice will include:
 - i. The date, time and location of the meeting;
 - ii. Information on the location, height, type, design and colour of the proposed structure, including a 8½" x 11" size site plan;
 - iii. The rationale for the selection of the designated site;

- iv. The name, email and telephone number of a contact person for the applicant to which written comments or questions may be submitted; and
 - v. Notice stating that written comments from the public must be received on or before the date of the CIS.
 - vi. At the CIS, the proponent will also make an appropriate visual display, including at a minimum, a display-size (24"x36") colour photograph of the subject property with a superimposed image of the proposed telecommunication tower.
- e) The Township will provide the proponent with the required mailing list required under Section 10(c).
- f) In addition, the proponent will give notice of the CIS to the Manager of Building and Planning and ISED, via email, a minimum of 30 days before the meeting.
- g) The Manager of Building and Planning will provide a copy of the CIS notice to Council.
- h) The notice of the CIS to property owners will be sent by first class pre-paid mail, a minimum of 30 days before the CIS and will include the public notification package information requirements included in Annex A of CPC-2-0-03.
- i) In addition to publication notification by mail, proponents of an antenna system proposed to be 30 metres or more in height must place a notice in any available local community newspaper with sufficient circulation, as determined by the Township's Clerk, a minimum of 30 days before the CIS. This notice will include the items listed in 10(c) excluding item 10 (c)(vi).
- j) The proponent will provide an affidavit to the Township confirming that notice has been given as required under this section. To clarify the application process and jurisdictional matters, the Proponent will request ISED attendance at the community information session for complex or sensitive applications.
- k) The proponent shall be responsible for responding, in writing, to all comments received. The proponent will address all reasonable and relevant concerns, or explain why the question, comment, or concern is not, in the view of the proponent, reasonable or relevant, within 30 days of the receiving public comments.
- l) The proponent will provide the Township with a record containing the following:
- i. List of attendees at the CIS, including names, addresses and phone numbers;

- ii. Minutes of the CIS indicating the topics discussed and concerns and issues raised, resolutions and any outstanding issues;
- iii. Copies of letters or other communications received from the public along with the Proponent's responses thereto.

11. Resolving Concerns

- a) The Township will provide the proponent with department and agency comments from the Telecommunication Tower Review Application process.
- b) If any revisions are agreed to, the proponent will be encouraged to re-submit drawings and documents to address the concerns identified during the Telecommunication Tower Review Application and public consultation processes.
- c) Any revised plans will be submitted to the Township for review, circulation and comment.

12. Concluding Consultation

- a) The Township's response to the proponent and ISED will take into consideration all department and agency responses from the Telecommunication Tower Review Application process as well as comments raised during the public consultation process.
- b) After the proponent has satisfied the public consultation process requirements, and within 30 days of receiving a written request from the proponent to do so, a letter shall be provided by the Manager of Building and Planning, under Council's direction, to the proponent for consideration by ISED advising:
 - i. whether or not, in the opinion of the Township, adequate public consultation has been conducted by the proponent in accordance with this Protocol; and,
 - ii. to indicate the Township's position based on probable land use impacts, if any; and,
 - iii. provide a statement of concurrence with the project where appropriate; or
 - iv. in the event that there are outstanding public concerns with the proposed telecommunications tower, and it is clear that both parties have exhausted all attempts to resolve local concerns and disagreement still exists, the Township will provide formal notification of the impasse to ISED and request their intervention.

- c) Upon written request, the Manager of Building and Planning will provide a copy of the letter of concurrence or non-concurrence to any interested party.

13. Process Timeframe

- a) The Township will endeavour to issue a letter of concurrence or non-concurrence within 120 days of receiving a complete application.
- b) In the event of unavoidable delays preventing the issuance of a letter of concurrence or non-concurrence within 120 days, the Township shall identify such delays to the proponent and indicate when a letter of concurrence or non-concurrence is expected to occur.

14. Inactive or Abandoned Telecommunication Tower

- a) If a telecommunication tower has been deactivated or left unused (abandoned) for more than 2 years, the Manager of Building and Planning will contact the proponent, landowner and/or ISED to encourage the removal, re-activation by the proponent or transfer of the tower to a new party to re-activate the tower for telecommunication purposes.

15. Commencement

This protocol will come into effect immediately upon approval by Council.