

Town of Georgina

# Antenna System Siting Protocol

Updated May 5, 2021

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## BACKGROUND INFORMATION

Council approved the Broadband Strategy and Action Plan on April 22, 2020. It has three key actions:

- Identification of a broadband champion to ensure sustained momentum,
- Issue a Request for Information (RFI) to formally engage internet service providers on approaches for improving broadband connectivity in Georgina,
- Development of a set of broadband-related policies and requirements such as a dig-once policy, enhanced connectivity criteria for new developments, and standardized processes/agreements for access to the South Shore Community Broadband (SSCB) network and municipal rights-of-way.

As part of developing standardized processes and agreements for access to the South Shore Community Broadband (SSCB) network and municipal rights-of-way, it was discovered that Georgina's existing Antenna System Siting Protocol is out of date.

On February 28, 2013, the Federation of Canadian Municipalities (FCM) and the Canadian Wireless Telecommunications Association (CWTA) jointly issued a document entitled *"Antenna System Siting Protocol Template"*. The intent of this document was to provide municipalities with direction on how to develop a customized protocol for the siting of radio-communications antenna systems.

Records indicate that the Town of Georgina adopted the FCM/CWTA document effective August 12, 2013; however, on February 5, 2014, Industry Canada (now the Department of Innovation, Science and Economic Development "ISED") announced that it was considering changes to its *"Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)"* (Circular). The proposed changes to the Circular would serve as an update to the existing Industry Canada radio-communications antenna siting procedures and include key elements of the protocol template jointly prepared by FCM and CWTA.

On June 26, 2014, ISED released a revised Circular entitled *"Radiocommunication and Broadcasting Antenna Systems (CPC-2-0-3, Issue 5)"*. The revised Circular became effective as of July 15, 2014 and following its issuance, FCM and CWTA jointly issued a revised *"Antenna System Siting Protocol Template"* in December 2014.

The Town of Georgina has not updated its version of the Antenna System Siting Protocol and continues to rely on its August 12, 2013 edition. The revised protocol as attached reflects the updates from the above referenced "Antenna System Siting Protocol Template" dated December 2014 issued jointly by the FCM and CWTA.

Additionally, a scan of protocols adopted by several municipalities across Canada was used to confirm the revisions included in the updated Georgina Antenna System and

Siting Protocol while remaining within the parameters as set out in the aforementioned template. The scan included the following locations:

- Mississauga, ON
- Aurora, ON
- Richmond Hill, ON
- Hastings, ON
- Barrie, ON
- Hamilton, ON
- York Region, ON
- Sudbury, ON
- Markham, ON
- Durham Region, ON
- Muskoka, ON
- Seguin, ON
- Edmonton, AB
- Surrey, BC

## **TELECOMMUNICATIONS IS A FEDERALLY REGULATED INDUSTRY**

In Canada, the federal Minister of Innovation, Science and Economic Development (“ISED”), formerly known as Industry Canada, has the authority under the Radiocommunication Act to approve antenna system installations. The final decision to approve the location of antenna systems is made only by ISED. Municipalities do not possess the authority to override ISED’s decision in this regard. The process that must be followed by proponents seeking to install or modify antenna systems is outlined in ISED’s Client Procedures Circular *CPC-2-0-03 Radiocommunication and Broadcasting Antenna Systems*.

The Government of Canada’s policy guiding the installation of antenna towers was established in 2008. Industry Canada made changes to its *CPC-2-0-03 Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular* effective July 15, 2014. Changes were implemented to strengthen the official requirements for the wireless industry to consult with local residents, increase transparency for municipalities and improve communications throughout the antenna system siting process. Significant changes included in Georgina’s revised protocol include:

- Requiring consultation on all commercial tower installations, regardless of height. Previously, companies only needed to consult with local residents when they were planning to build a tower higher than 15 metres;
- Establishing a three-year limit between the time of consultation and the time an antenna system is built. In the past, there was no limit to the length of time companies could wait before they built a new tower;
- Requiring communications from the company to nearby residents be clearly marked to ensure it is not confused as junk mail; and
- Encouraging municipalities to get involved early in the antenna system siting process.

ISED requires that companies first look at sharing existing tower infrastructure, whenever possible, to reduce the number of new towers needed in the community.

ISED provides certain exclusions from consultation. One example is that small cell installations on existing structures (towers and non-tower structures such as buildings, utility

poles, streetlights) are excluded from consultation provided that the height of the structure is not increased by more than 25 percent.

## **HEALTH & SAFETY REQUIREMENTS**

Health concerns relating to radiofrequency, energy, and safety are often cited by members of the public. These matters fall under the national jurisdiction of Health Canada. Municipalities possess no authority to regulate health and safety requirements related to antenna systems.

To ensure the highest standards of safety are met and adhered to, Health Canada requires that all antenna system installations (including 5G installations) comply with all existing safety regulations, including Safety Code 6 (SC6)<sup>1</sup>, which determines exposure limits for wireless devices and their associated infrastructure. In addition, ISED requires that all antenna systems meet Canadian limits on the amount of radio frequency energy that can be present in areas to which the public has access. This means complying with the regulatory requirements and process established in the antenna siting procedures, *CPC-2-0-03, Radiocommunication and Broadcasting Antenna Systems* before an installation is approved. Once antenna systems are built, operators need to ensure their installations comply with the Canadian limits at all times as a condition of their licence. The current Canadian limits already cover the frequency ranges that will be used by 5G devices and antenna system installations.

Health Canada provides extensive public education through its website that comprehensively responds to public safety related concerns associated with 5G and antenna systems in general.<sup>2</sup>

## **TELECOMMUNICATIONS ANTENNA SITING**

As noted above, the final decision to approve the location of antenna systems is made only by ISED. Municipalities do not possess the authority to override ISED's decision in this regard. To this end, the role of municipalities, including the Town, is to issue a statement of concurrence or non-concurrence to the Proponent and to ISED. The statement considers the land use compatibility of each antenna system proposal, Georgina's design and location preferences, comments from residents and the Proponent's adherence to the Town's Policy. Accordingly, the Town's authority to regulate the siting of antenna systems permits it to establish development guidelines for antenna systems and an accompanying community consultation process. Town Council will consider all applications for Antenna Systems where Town concurrence is required (i.e., for those applications that are not already excluded by ISED).

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<sup>1</sup> <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines.html>

<sup>2</sup> <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/everyday-things-emit-radiation/cell-phones-towers.html>

## **1. OBJECTIVES**

The objectives of this Protocol are:

- (1) To establish a siting and consultation process that is harmonized with Innovation, Science and Economic Development (ISED) Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03) and Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols for reviewing land use issues associated with Antenna System siting proposals;
- (2) To set out an objective process, criteria and guidelines that are transparent, consistent and predictable for the evaluation of Antenna System siting proposals that:
  - a. Minimize the number of new antenna sites by encouraging co-location;
  - b. Encourage designs that integrate with the surrounding land use and public realm;
  - c. Establish when local public consultation is required; and
  - d. Allow ISED and the communications industry to identify and resolve any potential land use, siting or design concerns with the Municipality at an early stage in the process.
- (3) To provide an expeditious review process for Antenna System siting proposals;
- (4) To establish a local land use consultation framework that ensures the Municipality and members of the public contribute local knowledge that facilitates and influences the siting – location, development and design (including aesthetics) – of Antenna Systems within municipal boundaries;
- (5) To contribute to the orderly development and efficient operation of a reliable, strong radiocommunication network in the Municipality; and
- (6) To provide the Municipality with the information required to satisfy the requirements of ISED regarding local land use consultation, resulting in an informed statement of concurrence, concurrence with conditions, or non-concurrence from the Municipality to ISED at the end of the process.

## **2. JURISDICTION AND ROLES**

### **2.1. ISED**

Under the Radiocommunication Act, the Minister of Innovation, Science and Economic Development (ISED) has sole jurisdiction over inter-provincial and international communication facilities. The final decision to approve and licence the location of Antenna Systems is made only by ISED. In June 2014, ISED issued an update to its Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03) which outlines the process that must be followed by Proponents seeking to install or

modify Antenna Systems, effective July 15, 2014.<sup>3</sup>

ISED also requires that Proponents intending to install or modify an Antenna System notify and consult with Municipality and the local community within a Prescribed Distance from the proposed structure. ISED also published a Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols in January 2008, stating that it “considers that the Municipality’s and local residents’ questions, comments and concerns are important elements to be considered by a Proponent seeking to install, or make modifications to, an antenna system.” The CPC also establishes a dispute resolution process to be used where the Proponent and Municipality have reached an impasse.

## 2.2. **ROLE OF THE MUNICIPALITY**

The ultimate role of the Municipality is to issue a statement of concurrence or non-concurrence to the Proponent and to ISED. The statement considers the land use compatibility of the Antenna System, the responses of the affected residents and the Proponent’s adherence to this Protocol. The Municipality also guides and facilitates the siting process by:

- **Communicating** to Proponents the particular amenities, sensitivities, planning priorities and other relevant characteristics of the area;
- **Developing the design guidelines** for Antenna Systems contained in Section 6 of this Protocol; and
- **Establishing** a community consultation process, where warranted.

By working with Proponents throughout the siting process, beginning with preliminary notification and the site investigation meeting, the Municipality seeks to facilitate Antenna System installations that are sensitive to the needs of the local community.

## 2.3. **ROLE OF THE PROPONENT**

Proponents need to strategically locate Antenna Systems to satisfy technical criteria and operational requirements in response to public demand. Throughout the siting process, Proponents must adhere to the antenna siting guidelines in the CPC, including:

- Investigating sharing or using existing infrastructure before proposing new antenna-supporting structures (consistent with CPC-2-0-17 Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements);
- Contacting the Municipality to determine local requirements regarding Antenna Systems; and
- Undertaking public notification and addressing relevant concerns as is required and

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<sup>3</sup> For additional information regarding ISED’s mandate and the application of its authority in the wireless telecommunications process, please consult ISED’s Spectrum management and telecommunications Sector at <http://ic.gc.ca/spectrum>.



appropriate.

## 2.4. OTHER FEDERAL LEGISLATION

Proponents additionally must comply with the following federal legislation and/or regulations, where warranted:

- Health Canada's Safety Code 6 – Limits of Human exposure to radio frequency electromagnetic Fields in the Frequency range from 3 KHZ to 300 GHZ - Safety Code 6 (2009),<sup>4</sup>
- The Canadian Environmental Assessment Act; and
- NAV Canada and Transport Canada's painting and lighting requirements for aeronautical safety.

## 3. DEFINITIONS

**Antenna System:** an exterior transmitting device – or group of devices – 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:

- (1) 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;
- (2) 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.

**Co-location:** the placement of antennas and equipment operated by one or more Proponents on a telecommunication Antenna System operated by a different Proponent, thereby creating a shared facility.

**Community Sensitive Locations:** land on which the siting of new Antenna Systems is discouraged or requested to be subject to greater consultation than otherwise dictated by the standard protocol. Such locations may be defined in local zoning bylaws, community plans, or statutory plans.

**Designated Community Association:** area- or neighbourhood-specific group that is recognized by the Municipality.

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<sup>4</sup> The Municipality does not assess any submission for an Antenna System with respect to health and radiofrequency exposure issues or any other non-placement or non-design related issues. Any questions or comments the public may wish to make regarding health issues related to cell phones, cell towers and radiofrequency exposure guidelines (Safety Code 6) should be directed to Health Canada on-line at <https://www.canada.ca/en/health-canada.html> and to the Proponent's representative.

**Designated Municipal Officer (and His or Her Designate):** the municipal staff member(s) tasked with receiving, evaluating and processing submissions for telecommunication Antenna Systems. The Designated Municipal Officer's name and contact information is provided in the Antenna System Siting Flowchart provided in this protocol.

**Elected Municipal Official:** the political leader of the demarcated area of the Municipality (e.g. ward) in which the Antenna System is proposed.

**Heritage Structures/Areas:** buildings and structures (e.g. monuments) or areas/neighbourhoods receiving a heritage designation by the Municipality.

**Municipal Departments:** branches of municipal government that administer public services and are operated by Town staff.

**Other Agencies:** bodies (e.g. boards or commissions) that administer public services but are not operated or staffed by the Municipality.

**Prescribed Distance:** three times the height of the proposed tower or 120 metres, whichever is greater, measured horizontally from the base of the proposed Freestanding or Building/Structure-Mounted Antenna System.

**Proponent:** a company or organization proposing to site an Antenna System (including contractors undertaking work for telecommunications carriers and third-party tower owners) for the purpose of providing commercial or private telecommunications services, exclusive of personal or household users.

**Residential Area:** lands used or zoned to permit residential uses, including mixed uses (i.e. where commercial use is permitted at-grade with residential apartments/condominiums above).

## **4. EXCLUDED STRUCTURES**

This section outlines the criteria for identifying Antenna Systems excluded from the consultation process by ISED, the need to consider local circumstances for all exempt structures, and the process for Proponents to notify and discuss proposed exempt structures with the Municipality.

### **4.1. EXEMPTIONS FROM ANTENNA SYSTEM SITING PROPOSAL REVIEW AND PUBLIC CONSULTATION**

For the following types of installations, Proponents are generally excluded by ISED from the requirement to consult with the Municipality and the public, but must still fulfill the general requirements outlined in Section 7 of the CPC:

- (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>5</sup>, 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<sup>6</sup>. No increase in height may occur within one year of completion of the 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;

- (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 must be removed within three months after the start of the emergency or special event; and
- (5) No consultation is required prior to performing maintenance on an existing antenna system.

The CPC also states that: Individual circumstances vary with each Antenna System installation and modification, and the exclusion criteria above should be applied in consideration of local circumstances. Consequently, it may be prudent for the Proponents to consult the Municipality and the public even though the proposal meets an exclusion noted above. Therefore, when applying the criteria for exclusion, Proponents should consider such things as:

- The Antenna System's physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;
- The location of the proposed Antenna System on the property and its proximity to neighbouring residents;
- The likelihood of an area being a Community Sensitive location; and
- Transport Canada marking and lighting requirements for the proposed structure.

#### **4.2. NOTIFICATION AND MUNICIPAL REVIEW OF EXEMPT ANTENNA SYSTEMS**

Notwithstanding ISED's exemption criteria for certain Antenna Systems, Municipalities should be informed of all new Antenna System installations within their boundaries so they can:

- Be prepared to respond to public inquiries once construction/installation has begun;

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<sup>5</sup> The exclusion for the replacement of existing Freestanding Antenna Systems applies to replacements that are similar to the original design and location.

<sup>6</sup> Initial Antenna System installation refers to the system as it was first consulted on, or installed.

- Be aware of site co-location within the Municipality;
- Maintain records to refer to in the event of future modifications and additions; and
- Engage in meaningful dialogue with the Proponent with respect to the appearance of the Antenna System and structure prior to the Proponent confirming a final design.

Therefore, Proponents are required to undertake the following steps for **all exempt Antenna System installations before commencing construction.**

#### **4.2.1. BUILDING/STRUCTURE-MOUNTED ANTENNA SYSTEMS:**

The proponent will in all cases provide the following information for all new Antenna Systems or modifications<sup>7</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, and which are exempted from public consultation in Section 4.1(3):

- (1) The location of the Antenna System (address, name of building, 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 expressed in Section 6;
- (3) The height of the Antenna System;
- (4) The height of any modifications to existing systems.

The Municipality may notify the Proponent of any inconsistency with the preferences and sensitivities expressed in Section 6 and the parties will work towards a mutually agreeable solution.

#### **4.2.2. ADDITIONS THAT INCREASE THE HEIGHT OF FREESTANDING ANTENNA SYSTEMS:**

The Proponent will confirm to the Municipality that an addition that extends the height of an existing freestanding Antenna System as defined in Section 4.1(2), meets the exclusion criteria in Section 4.1 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 system; and
- (3) A description of how the proposal meets one or more of the exclusion criteria.

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<sup>7</sup> Notification is required for modifications that materially or noticeably changed the appearance of the system. Maintenance works that do not result in such changes are excluded from the notification requirement.

The Municipality will review the documentation and will contact the Proponent where there is a site-specific basis for modifying the exemption criteria based on the siting criteria preferences and sensitivities expressed in Section 6 of this Protocol. In such cases, the Municipality and the Proponent will work toward a mutually agreeable solution, which may include the Municipality requesting the proposal be subject to all or part of the pre-consultation, proposal submission and public consultation defined in Sections 5, 7 and 8 of this Protocol, as applicable, concluding with a letter of concurrence or non-concurrence.

#### **4.3. ADDITIONAL EXEMPTIONS**

Municipalities may exclude from all or part of the consultation process any antenna system installation in addition to ISED's basic exemptions listed in subsection 4.1.

- (1) New Antenna Systems which will be located outside the Prescribed Distance (as identified in Section 3) from the nearest Residential Area are exempt from the public consultation requirement.
- (2) Notwithstanding subsection (1) above, the Municipality may additionally, on a case-by-case basis, exempt a Proponent from all or part of the consultation requirements under Section 8 of this Protocol.<sup>8</sup> For example, exemptions may be granted where the proposed location is separated from a Residential or Heritage Area or structure by an arterial roadway, and/or is buffered by substantial tree cover, topography, or buildings.

#### **4.4. SITING ON MUNICIPAL-OWNED PROPERTIES**

Any request to install an Antenna System on lands owned by the Municipality shall be made to the appropriate official dealing with municipal properties, in accordance with municipal policy.<sup>9</sup>

### **5. PRE-CONSULTATIONS WITH THE MUNICIPALITY**

Pre-consultation is one of the most important elements in the antenna siting process as it generally occurs at a point before the Proponent is committed to a site or design. As a result, it represents the best opportunity to influence the siting decision since the Proponent will more likely become committed to a site once the detailed engineering has been completed. While a discussion of submission requirements is appropriate, the proposal will benefit most from early direction on matters of siting and design. Proponents are strongly encouraged to initiate pre-consultation as early as possible in the antenna siting process for exempt and non-exempt structures.

Prior to submitting an Antenna System proposal that does not meet any of the exemptions listed in Section 4.1 the Proponent will undertake the following preliminary consultations with the Municipality.

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<sup>8</sup> For example, a Municipality may decide to exclude certain proposals from the requirement to hold a public meeting, but not from issuing a public notification to affected property owners/tenants within the Prescribed Distance.

<sup>9</sup> Existing municipal procedures related to the leasing/selling of municipal-owned land to third parties may necessitate a consultation process irrespective of whether an exemption is provided under this Protocol.

### 5.1. NOTIFICATION

Proponents will notify the Designated Municipal Officer that locations in the community are being physically assessed for potential Antenna System siting.

### 5.2. SITE INVESTIGATION MEETING WITH MUNICIPALITY

Prior to submitting an Antenna System siting proposal, the Proponent will initiate a site investigation meeting with the Municipality.

The purpose of the site investigation meeting is to:

- Identify preliminary issues of concern;
- Identify requirements for public consultation (including the need for additional forms of notice and a public information session);
- Guide the content of the proposal submission; and
- Identify the need for discussions with any Municipal Departments and Other Agencies as deemed necessary by the Designated Municipal Officer.

Where the Municipality has an initial concern with the proposed siting of the proposal, they will make known to the Proponent alternative locations within the Proponent's search area for consideration.

The Proponent will bring the following information to the site investigation meeting<sup>10</sup>:

- (1) The proposed location;
- (2) Potential alternative locations;
- (3) The type and height of the proposed Antenna System;
- (4) Preliminary drawings or visual renderings of the proposed Antenna System superimposed to scale; and
- (5) Documentation regarding the investigation of co-location potentials on existing or proposed Antenna Systems within 500 metres of the subject proposal.

If desired by both the Proponent and the Municipality, multiple Antenna System siting proposals may be reviewed at a site investigation meeting.

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<sup>10</sup> Proponents may prefer to attend the site investigation meeting without some of the required documents – particularly preliminary drawings – if it is waiting on Municipality feedback before settling on a final location, structure height or design. This should be confirmed with the Municipality. Such documents will be required to be provided following the meeting and prior to the Municipality providing the Proponent with the information package.

### **5.3. CONFIRMATION OF MUNICIPAL PREFERENCES AND REQUIREMENTS**

Following the site investigation meeting, municipal staff will provide the Proponent with an information package that includes:

- (1) This Protocol, which outlines the approval process, excluded structures, requirements for public consultation and guidelines regarding site selection, co-location, installation, design and landscaping;
- (2) Proposal submission requirements;
- (3) A list of plans and studies that may be required (i.e. environmental impact statements);
- (4) A list of municipal departments and other Agencies to be consulted; and
- (5) An indication of the Municipality's preferences regarding co-location for the site(s) under discussion.

To expedite the review of the proposal, the Proponent will review this information package before the proposal is submitted so that the interests of municipal departments are taken into account. The Proponent is encouraged to consult with affected departments as well as the local Elected Municipal Official and/or Designated Municipal Officer, and adjacent municipalities within a Prescribed Distance<sup>11</sup>, before submitting the proposal.

## **6. DEVELOPMENT GUIDELINES**

Antenna Systems should be sited and designed to respect local sensitivities and preferences as identified by the Municipality.

The Municipality has set out a number of guidelines under the following criteria for the selection of sites and/or construction of new Antenna Systems:

- Location, including Co-location; and
- Development and Design Preferences

The Proponent should review the guidelines identified below as early as possible, and should attempt to resolve any outstanding issues prior to submitting its Antenna System siting proposal and undertaking the public consultation, where required by the Municipality. Because expressed preferences may be location- or site-specific, the Proponent is encouraged to discuss the guidelines fully with the Municipality at the site investigation meeting.

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<sup>11</sup> The CPC states that "there may be more than one land-use authority with an interest in the proposal. Where no established agreement exists between such land-use authorities, proponents must, as a minimum, contact the land-use authority(ies) and/or neighbouring land-use authorities located within a radius of three times the tower height, measured from the tower base or the outside perimeter of the supporting structure, whichever is greater."

Proponents are also required to obtain all applicable building permits for additions and/or modifications to existing buildings.

## 6.1. LOCATION

### **Co-location:**

Before submitting a proposal for an Antenna System on a new site, the Proponent must explore the following options:

- Consider sharing an existing Antenna System, modifying or replacing a structure if necessary;
- Locate, analyze and attempt to use any feasible existing infrastructure, including (but not limited to) rooftops, water towers, utility poles or light standards.

Where Co-location on an existing Antenna System or structure is not possible, a new Antenna System should be designed with Co-location capacity, including in Residential Areas when identified as the Municipality's preference.

The Municipality recognizes that the objective of promoting Co-location and the objective of making Antenna Systems less noticeable may sometimes come into conflict. Nevertheless, the Municipality intends to review each submission on its merits with a view to promoting both objectives and, where necessary, will determine the appropriate balance between them. The Proponent should, in all cases, verify the Municipality's site-specific design preferences during the pre-submission consultation process before investing in a final design or site.

### **Preferred locations:**

When new Antenna Systems must be constructed, ***where technically feasible***, the following locations are preferred:

- Areas that maximize the distance from Residential Areas.
- Industrial and commercial areas.
- Areas that respect public views and vistas of important natural or manmade features.
- Transportation and utility corridors.
- As near as possible to similarly-scaled structures.
- Institutional uses where appropriate, including, but not limited to, those institutions that require telecommunications technology: emergency services, hospitals, colleges and universities.
- Adjacent to parks, green spaces and golf courses.
- Located in a manner that does not adversely impact view corridors.



- Other non-Residential Areas where appropriate.

### **Discouraged locations:**

New Antenna Systems should avoid the following areas:

- Locations directly in front of doors, windows, balconies or residential frontages.
- Ecologically significant natural lands.
- Riverbank lands.
- Inappropriate sites located within parks and open space areas (with the exception of sites zoned to permit utilities and/or unless designed to interact with the area's character).
- Sites of topographical prominence.
- Heritage areas (unless visibly unobtrusive) or on heritage structures unless it forms an integrated part of the structure's overall design (i.e. through the use of stealth structures).
- Pitched roofs.

## **6.2. DEVELOPMENT AND DESIGN PREFERENCES**

Antenna Systems should be designed in terms of appearance and aesthetics to respect their immediate surroundings (e.g. residential, parkland, Heritage district, 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. The Municipality's preferred design and development preferences are described below.

The Municipality will identify to the Proponent which of the following development and design preferences are encouraged in the proposed location.

### **Style and Colour:**

- The architectural style of the Antenna System should be compatible with the surrounding neighbourhood and adjacent uses (example: monopole near Residential Area or lattice-style in industrial areas).
- In all instances the Proponent should mitigate negative visual impacts through the use of appropriate landscaping, screening, stealth design techniques, etc.
- An Antenna System may be designed or combined as a landmark feature to resemble features found in the area, such as a flagpole or clock tower, where appropriate, subject to any zoning approvals required for the landmark feature.
- In a downtown/commercial area, the design of Antenna Systems should generally be

unobtrusive and consistent with design guidelines.

- Towers and communication equipment should have a non-reflective surface.
- Special design treatments should be applied to Antenna Systems proposed to be located within parks and open space areas or on listed Heritage buildings and/or sites to make the system unobtrusive.
- Cable trays should generally not be run up the exterior faces of buildings.
- Antennas that extend above the top of a supporting utility pole or light standard should appear (e.g. in colour, shape and size) to be a natural extension of the pole.

### **Buffering and Screening:**

- Antenna Systems and associated equipment shelters should be attractively designed or screened and concealed from ground level or other public views to mitigate visual impacts. Screening could include using existing vegetation, landscaping, fencing, or other means in order to blend with the built and natural environments.
- A mix of deciduous and coniferous trees is preferred to provide year-round coverage.
- Where adjacent to a principal building, equipment shelters should be constructed of a material similar in appearance to at least one of the materials used in the facades of the principal building and one of the same colours used in the principal building.

### **Structure:**

- New structures in residential or high-traffic areas should consider multi-use design (street lighting, electric vehicle charging, parking payment terminals, signage, Wi-Fi etc.).
- Individual wall-mounted antennas should be fixed as close to the wall as possible and should not project above the height of the wall face they are mounted on, in order to avoid visual clutter, and should be painted to match the wall colour for stealth.
- Facilities located on rooftops should not be visible (to the extent possible) from the street.
- The appropriate type of telecommunication antenna structure for each situation should be selected based upon the goal of making best efforts to blend with the nearby surroundings and minimize the visual aesthetic impacts of the telecommunication antenna structure on the community.

## **Height:**

- Height for a Freestanding Antenna System must be measured from grade to the highest point on the structure, including lighting and supporting structures.

## **Yards, Parking and Access:**

- Adequate yards, to be determined on a site-by-site basis, should separate Antenna Systems from adjacent development without unduly affecting the development potential of the lot over the lease period.
- Parking spaces, where provided at each new Antenna System site, 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.

## **Equipment Cabinets in Public Spaces<sup>12</sup>:**

- Cabinets shall be designed in a manner which integrates them into their surroundings, including use of decorative wraps that are graffiti-resistant.
- Cabinet dimensions shall be as minimal as possible.
- Cables and wires must be concealed or covered.

## **Signage and Lighting:**

- Small owner identification signs up to a maximum of 0.19 square metres may be posted on Antenna Systems and associated equipment shelters or perimeter fencing.
- No advertising sign or logo is permitted.
- Appropriate signage may also be used as part of screening or disguise.<sup>13</sup>
- Unless specifically required by Transport Canada and/or NAV Canada, the display of any lighting is discouraged.
- 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 lighting should be set to the maximum strobe interval allowed by Transport Canada.

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<sup>12</sup> This section is intended to apply to mechanical equipment cabinets that are located in public spaces (e.g. at the bottom of a utility pole) and do not apply to cabinets that are located inside fenced in areas (e.g. in industrial areas or on rooftops).

<sup>13</sup> Municipality concurrence under this protocol does not include approval for associated signage. Proponents are required to obtain any necessary approvals for signage through the Municipality's development process or sign by-law as applicable.

- 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.

### **Rooftop Equipment:**

- Equipment shelters located on the roof of a building should be set back from the roof edge to the greatest extent possible and painted to match the penthouse/building.

## **7. PROPOSAL SUBMISSION**

For a proposed Antenna System, except for cases in which consultation is not required as per Sections 4.2 or 4.3, the Proponent will submit to the Municipality an Antenna System siting proposal and the applicable fee.

### **7.1. PROPOSAL SUBMISSION REQUIREMENTS**

The Proponent must include the following information when submitting an Antenna System siting proposal:

- (1) Completed Radiocommunication Tower Siting Application Form;
- (2) Site Clearance or permit under Ontario Regulation 179/06 from the Lake Simcoe Region Conservation Authority, if required by Lake Simcoe Region Conservation Authority;
- (3) An Environmental Impact Statement, as required by the Town;
- (4) A letter or report from the Proponent indicating the need for the proposal, the proposed site, the rationale for site selection, coverage and capacity of existing Antenna Systems in the general area and a summary of opportunities for Co-location potentials on existing or proposed Antenna Systems within 500 metres of the subject proposal;
- (5) Visual rendering(s) of the proposed Antenna System superimposed to scale;
- (6) A site plan showing the proposed development situated on the site;
- (7) A map showing the horizontal distance between the property boundary of the proposed site and the nearest property in residential use;
- (8) For Antenna Systems requiring public consultation, a map showing all properties located within the Prescribed Distance from the proposed Antenna System;<sup>14</sup>
- (9) Confirmation of legal ownership of the lands subject to the proposal, or a signed letter

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<sup>14</sup> The Proponent may request to use the Municipality's mapping system.

of authorization from the registered property owner of the land, their agent, or other person(s) having legal or equitable interest in the land;

- (11) An attestation that the Antenna System will respect Health Canada's Safety Code 6 which sets safe radio frequency emission levels for these devices; and
- (12) Any other documentation as identified by the Municipality following the site investigation meeting.<sup>15</sup>

A determination on the completeness of an application or request for additional information will be provided within **five working days** of receipt of the proposal.

Upon receipt of a complete proposal submission, the Municipality will circulate the proposal for review and comment to:

- (1) Affected Municipal Departments;
- (2) Any adjacent municipalities within the Prescribed Distance;<sup>16</sup> and
- (3) The local Elected Municipal Official.

## 7.2. FEES

The Proponent must pay any applicable application fee to the Municipality.

The Proponent is responsible for securing applicable applications or permissions from all relevant municipal departments and paying any applicable application fees or charges as required to the Municipality.

## 8. PUBLIC CONSULTATION

If the proposed Antenna System is not exempt from the public consultation process as per the requirements in Section 4, the Proponent will initiate the following public consultation process, including issuing notice, undertaking written consultation, hosting a public information session where required and reviewing the consultation results with the Municipality.

### 8.1. NOTICE RECIPIENTS

After the Proponent has submitted an Antenna Systems siting proposal, the Proponent will give notice to:

- (1) All affected residential properties within the Prescribed Distance;
- (2) All Designated Community Associations within the Prescribed Distance;

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<sup>15</sup> For example, in cases where the Proponent commits to a design that includes co-location capacity, the Municipality may require the Proponent to verify that other Proponents in the area have been notified of the potential co-location opportunities.

<sup>16</sup> As part of inter-municipal processes, the Municipality may also request that the Proponent notify adjacent municipalities at greater distances, subject to review by the Municipality or at the request of the adjacent Municipality.

- (3) Any adjacent municipalities within the Prescribed Distance;
- (4) The local Elected Municipal Official;
- (5) The Designated Municipal Officer; and
- (6) The ISED regional office.

The Municipality will assist the Proponent in compiling a mailing list of addresses of the affected residences within the Prescribed Distance from the proposed Antenna System.<sup>17</sup> The Municipality may charge a fee for this service.

## **8.2. NOTICE REQUIREMENTS**

The notice will be sent by regular mail or hand delivered, a minimum of 30 days before the public information session (where a public information session is required), and include:

- (1) The proposed Antenna System's purpose, including height and location requirements, the reasons why existing Antenna Systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable and future sharing possibilities for the proposal;
- (2) The proposed location within the community, the geographic coordinates and the specific property or rooftop, including a 21 cm x 28 cm (8 1/2" x 11") size copy of the site plan submitted with the application;
- (3) An attestation<sup>18</sup> that the general public will be protected in compliance with Health Canada's Safety code 6 including combined effects within the local radio environment at all times;
- (4) Identification of areas accessible to the general public and the access/demarcation measures to control public access;
- (5) Information on the environmental status of the project, including any requirements under the Canadian Environmental Assessment Act, 2012;
- (6) A description of the proposed Antenna System including its height, dimensions, type, design and colour, a description of any antenna that may be mounted on the supporting structure, and simulated images of the proposal;
- (7) Transport Canada's aeronautical obstruction marking requirements (whether painting, lighting or both) if available; if not available, the proponent's expectation of Transport Canada's requirements together with an undertaking to provide Transport

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<sup>17</sup> Notices may be delivered to a condo/strata corporation instead of to each unit owner.

<sup>18</sup> Example: "I, (name of individual or representative of company) attest that the radio installation described in this notification package will be installed and operated on an ongoing basis so as to comply with Health Canada's Safety Code 6, as may be amended from time to time, for the protection of the general public, including any combined effects of nearby installations within the local radio environment."

Canada's requirements once they become available;

- (8) An attestation that the installation will respect good engineering practices including structural adequacy;
- (9) Reference to any applicable local land-use requirements such as local processes, protocols, etc.;
- (10) Notice that general information relating to antenna systems is available on ISED's Spectrum Management and Telecommunications website (<http://www.ic.gc.ca/towers>);
- (11) Contact information for the Proponent, the Designated Municipal Officer and the local ISED office;
- (12) The date, time and location of the public information session (where required); and,
- (13) A deadline date for receipt by the Proponent of public responses to the proposal:
  - a. Where a public information session is required, the deadline date must be no more than five days before the date of the session.
  - b. Where a public information session is not required, the deadline date must be at least 30 days after the notices are mailed.

The notification shall be sent out in an envelope addressed to the "Occupant" and shall clearly show in bold type on the face of the envelope the statement:

**"NOTICE FOR RESIDENTS WITHIN [INSERT PRESCRIBED DISTANCE] OF A NEW PROPOSED CELL TOWER. INFORMATION IS ENCLOSED."**

The Municipality may also require the Proponent, based on local conditions such as a high proportion of rental accommodation in the vicinity of the site, to provide such additional forms of notice as deemed necessary. Additional notification requirements will be identified by the Municipality during or following the site investigation meeting. Other forms of notification may include, but are not limited to:

- A large format notice board sign or signs, posted on the site of the proposed Antenna System, that is clearly visible from any roadway abutting the site;
- Publication of the notice in a local newspaper(s); and/or,
- Hand delivery of notices to specified buildings.

In addition to the public notification requirements noted above, proponents of an antenna system proposed to be 30 metres or more in height must place a notice in a local community

newspaper circulating in the proposed area.<sup>19</sup> Height is measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the particular installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the antenna system.

### **8.3. WRITTEN CONSULTATION PROCESS**

Following the delivery of the notification, the Proponent will allow the public to submit written comments or concerns about the proposal.

The Proponent will:

- (1) Provide the public at least 30 days to submit questions, comments or concerns about the proposal;
- (2) Respond to all questions, comments and concerns in a timely manner (no more than 60 days from the date of receipt); and
- (3) Allow the party to reply to the Proponent's response (providing at least 21 days for public reply comments).
- (4) Keep a record of all correspondence that occurred during the written consultation process. This includes records of any agreements that may have been reached and/or any concerns that remain outstanding.
- (5) Provide a copy of all written correspondence to the Municipality and the regional ISED office.

### **8.4. PUBLIC INFORMATION SESSION**

The Municipality may request the Proponent chair a public information session in cases where there is significant public interest in the proposed Antenna System. The type of public meeting to be conducted (open house, drop-in, town hall or virtual format) is up to the discretion of the Proponent, however:

- An appropriate date, time and location for the public information session will be determined in consultation with the Designated Municipal Officer.
- The Proponent will make available at the public information session an appropriate visual display of the proposal, including a copy of the site plan submitted with the application and an aerial photograph of the proposed site.

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<sup>19</sup> The notice must be synchronized with the distribution of the public notification package. It must be legible and placed in the public notice section of the newspaper. The notice must include: a description of the proposed installation; its location and street address; proponent contact information and mailing address; and an invitation to provide public comments to the proponent within 30 days of the notice. In areas without a local newspaper, other effective means of public notification must be implemented. Proponents may contact the local ISED office for guidance. Municipalities may choose to provide a standardized template for newspaper advertisements in their local customized protocols.



The Proponent will provide the Municipality with a package summarizing the results of the public information session containing at a minimum, the following:

- (1) List of attendees, including names, addresses and phone numbers (where provided voluntarily);
- (2) Copies of all letters and other written communications received; and
- (3) A letter of response from the Proponent outlining how all the concerns and issues raised by the public were addressed.

#### **8.5. POST CONSULTATION REVIEW**

The Municipality and the Proponent will communicate following completion of the public consultation process (and arrange a meeting at the Municipality's request) to discuss the results and next steps in the process.

### **9. STATEMENT OF CONCURRENCE OR NON-CONCURRENCE**

#### **9.1. CONCURRENCE AND CONCURRENCE WITH CONDITIONS**

The Municipality will provide a letter of concurrence to ISED (copying the Proponent) where the proposal addresses, to the satisfaction of the Municipality, the requirements as set out within this Protocol and the Municipality's technical requirements, and will include conditions of concurrence, if required.<sup>20</sup>

The Municipality will issue the letter of concurrence within the timeframe established in Section 10.

#### **9.2. NON-CONCURRENCE**

The Municipality will provide a letter of non-concurrence to ISED (copying the Proponent) if the proposal does not conform to Municipal requirements as set out within this Protocol. The Municipality will also forward to ISED any comments on outstanding issues, including those raised during the public consultation process.

The Municipality will issue the letter of non-concurrence within the timeframe established in Section 10.

#### **9.3. RESCINDING A CONCURRENCE**

The Municipality may rescind its concurrence if following the issuance of a concurrence, it is determined by the Municipality 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 Municipality will provide notification in writing to the Proponent and to ISED and will include the reason(s) for the rescinding of its concurrence.

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<sup>20</sup> The Municipality may, on case-by-case basis, include in writing specific conditions of concurrence such as design, screening or co-location commitments.

#### **9.4. DURATION OF CONCURRENCE**

A concurrence remains in effect for a maximum period of three years from the date it was issued by the Municipality. If construction is not completed within this time period the concurrence expires except in the case where a proponent secures the agreement of the Municipality to an extension for a specified time period in writing<sup>21</sup>. Once a concurrence expires, a new submission and review process, including public consultation as applicable, is necessary prior to any construction occurring.

In addition, if construction has not commenced after two years from the date the concurrence was issued, the Municipality requests that the Proponent send a written notification of an intent to construct to the Designated Municipal Officer, the Elected Municipal Official and any Designated Community Association 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.

#### **9.5. TRANSFER OF CONCURRENCE**

Once concurrence has been issued, that concurrence may be transferred from the original Proponent to another Proponent (the current Proponent) without the need for further consultation provided that:

- (1) All information gathered by the original Proponent in support of obtaining the concurrence from the Municipality is transferred to the current Proponent;
- (2) The structure for which concurrence was issued to the original Proponent is what the current Proponent builds; and
- (3) Construction of the structure is commenced within the duration of concurrence period.

### **10. CONSULTATION PROCESS TIMEFRAME**

Consultation with the Municipality is to be completed within 60 days of the proposal being accepted as complete<sup>22</sup> by the Municipality as explained in Section 7 of this Protocol.

Where public consultation is required, consultation with the Municipality and public consultation are both to be completed within 120 days of the proposal being accepted as complete by the Municipality.

The Municipality or Proponent may request an extension to the consultation process timeline. This extension must be mutually agreed on by both parties.

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<sup>21</sup> A copy of the agreement must be provided to the local ISED office.

<sup>22</sup> According to the CPC, "The 120-day consultation period commences only once proponents have formally submitted, in writing, all plans required by the land-use authority, and does not include preliminary discussions with land-use authority representatives."

In the event that the consultation process is not completed in 270 days, the Proponent will be responsible for receiving an extension from the Municipality or reinitiating the consultation process to the extent requested by the Municipality.

## **11.LETTER OF UNDERTAKING**

The Proponent may be required, if requested by the Municipality, to provide a Letter of Undertaking, which may include the following requirements:

- (1) The posting of a security for the construction of any proposed fencing, screening and landscaping;
- (2) A commitment to accommodate other communication providers on the Antenna System, where feasible, subject to the usual commercial terms and ISED conditions of licence for Mandatory Roaming and Antenna tower and Site Sharing and to Prohibit Exclusive Site Arrangements (CPC-2-0-17); and
- (3) All conditions identified in the letter of concurrence.

## **12.REDUNDANT ANTENNA SYSTEM**

Municipalities 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 Municipality 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 when the Antenna System was deemed redundant.

### 13.ANTENNA SITING SYSTEM PROCESS FLOWCHART

