

**PROTOCOL FOR THE
DEVELOPMENT OF
TELECOMMUNICATION TOWERS IN
THE TOWN OF MIDLAND**



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Council Approval Date: March 28, 2011

Table of Contents

1.0	Introduction.....	1
2.0	Definitions.....	1
3.0	Objectives.....	1
4.0	CPC-2-0-03 Guidelines.....	2
5.0	Site Selection Criteria.....	3
6.0	Procedures.....	4
6.1	Criteria for Exemption from Municipal Review	
6.2	Process to be Followed when Public Consultation is Required	
6.3	Public Meeting/Open House	
6.4	Meeting Follow-up	

Appendices

Appendix 1 – Documents to Be Included in Public Hearing Package

Appendix 2 – Signage Requirements

1.0 Introduction

The regulation and approval of radio communication and telecommunication towers and related facilities falls under Federal jurisdiction, governed by the *Radiocommunication Act, 1985, as amended* and *Radiocommunication Regulations, 2007*, and is administered by Industry Canada. Industry Canada sets out procedures to be followed by a Proponent in the *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular, 2008 (CPC-2-0-03)*, Issue 4. CPC-2-0-03 is a policy document that governs the orderly development and efficient operation of radio and telecommunications in Canada. CPC-2-0-03 outlines the process that must be followed by Proponents seeking to install or modify a Telecommunication Tower, where a Land Use Authority (LUA) does not have a consultation protocol. Although, Industry Canada does provide a Default Public Consultation Process in CPC-2-0-03, they encourage LUA's to establish policies, recognizing that they are best positioned to contribute to optimum siting of facilities, to meet their own community needs.

The intent of this Protocol is to outline the process and procedures that are to be followed by a Proponent to establish Telecommunication Towers in the Town of Midland. The process is intended to resolve any local concerns and/or issues at an early stage in the planning process. However, the final approval for all Telecommunication Towers remains with Industry Canada.

2.0 Definitions

Co-location – the installation of multiple telecommunication antenna systems on a building or tower structure by two or more Proponents.

Land Use Authority (LUA) – the body governing planning and land use related issues. In the Town of Midland, either Council or the Director of Planning and Development may provide letters of concurrence as the Land Use Authority, subject to this Protocol.

Proponent – a company, organization, or person that is subject to Industry Canada's CPC-2-0-03, or its successors.

Telecommunication Tower – a structure or structures used to support one or more antenna systems for the purpose of radio telecommunications and which may include, but is not limited to, a guyed tower, a self-supported tower, a tripole tower, a monopole tower or street pole, and which may be located at ground level or on the roof of a building.

3.0 Objectives

The objectives of this Protocol are:

- a) To work with telecommunication providers to provide good and reliable service to the residents of, and visitors to, the Town of Midland and area.
- b) To minimize the number of new telecommunication towers in the Town of Midland.
- c) To limit the number of stand alone telecommunication towers in the Town of Midland.
- d) To outline the general process to be followed by a Proponent and by the Town for reviewing and commenting on telecommunication tower proposals, which are not exempt by this policy, and to provide an opportunity for public consultation.
- e) To preserve and enhance the natural and cultural heritage of the Town of Midland by limiting the impact of visually incompatible and/or environmentally harmful telecommunication towers and support facilities proposed to be erected or established within the Town.
- f) To provide a consistent and timely process for the review of telecommunication towers and installations within the Town of Midland.

4.0 Guidelines

Industry Canada has set out guidelines that are to be followed when a Proponent wishes to install or modify telecommunication systems. These guidelines are outlined in the CPC-2-0-03, Issue 4. The following Sections outline the process that is to be followed by Proponents in the Town of Midland seeking to install or modify telecommunication towers and facilities.

4.1 Process

The broad elements process in the Town of Midland include:

- 1. Investigating sharing or using existing infrastructure before proposing new telecommunication towers and facilities.
- 2. Contacting the Town of Midland to determine local requirements regarding telecommunication towers.
- 3. Undertaking public notification and addressing relevant concerns, by following the Towns requirements as are set out herein and as are appropriate and if required.
- 4. Satisfying Industry Canada's general and technical requirements.

It is the Town's expectation that steps 2 to 4 will normally be completed within 120 days.

4.2 Use of Existing Infrastructure

Before building a new telecommunication tower, the Town requires that the proponent first explore the following, and retains a record of related documents:

1. Consider sharing an existing telecommunication tower or facility, modifying or replacing the structure if necessary;
2. Locate, analyze, and attempt to use any feasible existing structure such as rooftops, water towers, etc.

Owners and operators of existing telecommunication towers are to respond to a request to share in a timely fashion and negotiate in good faith to facilitate sharing where feasible. It is anticipated that 30 days is a reasonable time for existing owners/operators to reply to a request by a proponent in writing with either:

- A proposed set of reasonable terms to govern the sharing of the telecommunication tower; or
- A detailed explanation of why sharing is not possible.

4.3 Exclusions

Section 6.1 of this Protocol sets out standards for determining whether an installation requires consultation with the Town of Midland and the public or is exempt from the requirements.

4.4 General Requirements

Section 7 GENERAL REQUIREMENTS of Industry Canada's CPC-2-0-03 states, "In addition to roles and responsibilities for site sharing, land-use consultation and public consultation, proponents must also fulfill other important obligations including":

- Compliance with Health Canada's Safety Code 6 guidelines for the protection of the general public,
- Compliance with radio frequency immunity criteria,
- Notification of nearby broadcasting stations,
- Environmental considerations, and;
- Transport Canada/NAV CANADA aeronautical safety responsibilities

It is the Town's expectation and requirements that all Proponents of new telecommunication towers to be located in the Town shall meet the requirements of Section 7 of CPC-2-0-03, Issue 4

5.0 Site Selection Criteria

- i) Sites should be selected to minimize the total number of telecommunication tower sites required. Locations on existing towers or buildings or co-locations on existing towers are strongly encouraged. Opportunities to incorporate a telecommunication tower or facility into the design of a new building or structure should be explored by the Proponent. The construction of a new telecommunication tower is discouraged, and will only be accepted when all other opportunities to accommodate the telecommunication antenna on other sites are not excluded for technical reasons. In or adjacent to residential areas as zoned by the Town of Midland Zoning By-law 2004-90, new unobtrusive street poles or similar towers may be appropriate and acceptable to the Town.
- ii) Sites for new telecommunication towers should be selected to maximize the distance from Residential, Institutional, and Open Space Zones and uses shall not be located in lands zoned Environmental Protection, as zoned in the Town of Midland's Zoning By-law 2004-90, as amended.
- iii) Sites should be selected that avoid locations that would obscure the public views, and vistas of significant cultural heritage facilities and structures.
- iv) Sites that are zoned Industrial (M1 Zone and M2 Zone) in the Town of Midland Zoning By-law 2004-90, as amended, should be considered first for locating new telecommunication towers, followed by lands zoned Commercial.
- v) Sites should be selected that are compatible with adjacent properties and uses and will not adversely impact the use and operations of the site and adjacent lands.

6.0 Procedures

6.1 Criteria for Exemption from Municipal Review

The following types of installations are exempt from consultation with the Town and the public:

- Maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower, or other antenna-supporting structure;

- Addition or modification of an antenna system (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna-supporting structure or other radio apparatus attached to existing infrastructure, such as a building, water tower, or similar structure provided the addition or modification is limited to an overall height increase above the existing structure of 25% or less of the original structure's height;
- Maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;
- Installation, for a limited duration (typically not more than 3 months), of a telecommunication tower or antenna system that is used for a special event, or one that is used to support local, provincial, territorial, or national emergency operations during the emergency, and is removed within 3 months after the emergency or special event; and
- New telecommunication towers or antenna-supporting structures with a height of less than 15 metres above ground level;
- Installation of a new antenna system on an existing telecommunication tower that does not increase the height of the tower.

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

6.2 Process to be Followed When Public Consultation is Required

6.2.1 Public Notification and Consultation:

When a new telecommunications tower is not exempt in accordance with Section 6.1 above, public notification and consultation shall occur in accordance with the following:

- When public consultation is required, the Town will forward a list of all property owners within a radius of three times the height of the proposed telecommunication tower, as measured from the base, to the Proponent.
- The Proponent will be responsible for providing the required public notice to all owners with a radius of three times the height of the proposed tower and following the required public consultation process.
- Public Notice must be given no less than 30 days prior to the deadline for comments or the holding of the required public open

house (see Appendix 1 – “Documents to be Included in Public Consultation Package”).

- A sign shall be erected along each frontage of the property, notifying the public of the proposal to establish a telecommunication facility on the site before the Town begins its formal review of the application (See Appendix 2 – “Signage Requirements for details”).
- The Proponent is responsible to ensure that the notification provides 30 days for written public comment.
- For a telecommunication tower that is greater than 50 metres in height the Proponent must also place a notice in the local newspaper.

6.2.2 Public Response:

- The Proponent shall be responsible for responding, in writing, to all reasonable and relevant concerns, 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 all comments received from the public, as well as a copy of the response provided, to the Town.

6.3 Public Open House

- The Proponent shall conduct a public open house where the proposed telecommunications tower is greater than 50 metres in height or is located in or within 120 metres of a residential zone in accordance with Zoning By-law 2004-90.
- All costs associated with the public consultation, including the public open house, shall be borne by the Proponent
- In addition to the details provided in the notice, the Proponent shall also make available at the public open house a *Large colour photograph of the subject property with a superimposed image of the proposed tower.*
- ,Following the public open house, the Proponent shall provide the Town with the following:
 - A record of name, addresses, and phone numbers of all attendees
 - Any letters from property owners expressing comments
 - Minutes of the meeting or record of comments received
 - How any questions or concerns are to be addressed by the Proponent
 - Should any modifications of the proposed structure be agreed to, the Proponent will provide the Town with further details (revised plans or drawings) as soon as possible.

6.4 Municipal Follow-up

After the Proponent has satisfied the public consultation process requirements, and within two weeks of receiving a written request from the Proponent to do so, a Letter shall be provided by the Director of Planning and Development to the Proponent for consideration by Industry Canada to advise:

- i) whether or not, in the opinion of the Town, adequate public consultation has been conducted by the Proponent in accordance with this Protocol; and,
- ii) to indicate the Town's position based on probable land use impacts, if any; and,
- iii) provide a statement of concurrence with the project where appropriate; or
- iv) where it is clear that both parties have exhausted all attempts to resolve local concerns and disagreement still exists, the Town will provide formal notification of the impasse to Industry Canada and request their intervention.

In the event that there are outstanding public concerns with the proposed telecommunications tower, the Director of Planning and Development shall direct the request for comment to Council along with the outstanding public concerns and a detailed staff report for consideration.

Appendix 1

Documents to Be Included in Public Open House Package

- Address, location and timing of meeting
- A location map of the proposed site
- Description of the proposed structure
- Physical details of the tower including location, street address, height, colour, lighting, site access (including areas accessible to the general public and measures to control public access) type and design, and the dimensions of the property to be leased
- Simulated images of the proposal
- Name and telephone number of a contact person employed by the Applicant, the appropriate Town staff member, and the local Industry Canada Office
- Attestation that the general public will be protected through compliance with *Health Canada's Safety Code 6* including combined effects within the local radio environment at all times
- The project's status under the *Canadian Environmental Assessment Act*
- Transportation Canada's aeronautical obstructions marking requirements (whether paintings, lighting, or both) if available. If unavailable, the Applicant's expectation of Transportation Canada's requirements together with undertaking to provide Transport Canada's requirements once they become available
- An attestation that the installation will respect good engineering principles including structural adequacy
- Notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunication website (<http://strategis.ic.gc.ca/antenna>)
- Reference to the Town of Midland's "PROTOCOL FOR THE DEVELOPMENT OF TELECOMMUNICATION TOWERS" and where it can be viewed
- Information on how to submit comments to the Proponent in writing and the closing date for submission of written public comments (not less than 30 days from receipt of notification).

Appendix 2

Signage Requirements

Size: The sign shall be 1.5 metres high by 1.5 metres wide and be placed a minimum of 0.6 metres from grade.

Material: The sign shall be on white chloroplast with black lettering.

Lettering: The sign is to be professionally lettered or silk screened, using uppercase letters size 50 mm and 100 mm.

Location: One sign shall be erected along each street frontage of the property, and shall be erected at a minimum distance of 6.0 metres from the property line and midway between the adjacent property lines, ensuring not to cause a visual distraction to motorists.

Wording: The sign will read as follows with the appropriate information filled in that is underlined:

NAME OF PROPONENT HAS PROPOSED TO LOCATE A
TELECOMMUNICATIONS ANTENNA/ TOWER STRUCTURE,
BEING (HEIGHT) METRES (FEET) IN HEIGHT, ON THIS
PROPERTY.

PUBLIC COMMENT IS INVITED

AN OPEN HOUSE INFORMATION SESSION IS SCHEDULED
ON (DATE OF MEETING) FROM ____ TO ____ AT
(LOCATION).

FOR FURTHER INFORMATION, CONTACT (PROponent
NAME AND CONTACT NUMBER).

THE TOWN OF MIDLAND IS A COMMENTING AGENCY
ONLY.

ALL DECISIONS RELATED TO THIS APPLICATION WILL BE
MADE BY INDUSTRY CANADA.

Proof of Posting: A photograph illustrating the required signs and the date on which it was posted on the subject property must be submitted to the Town of Midland Planning and Development Department immediately upon its erection.

Removal: Once the application has satisfied the requirements of this Protocol, the signs on the property must be removed within 30 days of the establishment of the telecommunication facility; otherwise the Town may take the sign down and charge the proponent and/or owner accordingly.