

**TOWN OF NEW TECUMSETH**



**PROTOCOL FOR ESTABLISHING TELECOMMUNICATION  
FACILITIES**

February 2009

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## **1.0 Introduction**

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The purpose of this protocol is to define the process that applicants will follow for installing or expanding a telecommunication facility. The requirements of this document apply to all carriers planning to install or modify an antenna system. A carrier is defined as a company, organization or person that provides wireless communication services to the general public and includes, but is not limited to companies which have radio authorization from Industry Canada. This protocol will assist in selecting the most appropriate sites and allow interested parties the opportunity to provide comments as well as receive necessary information from the applicant to understand the need for telecommunication facilities in New Tecumseth. It is expected that applicants work co-operatively with the Town to complete the proposed submission in accordance with this protocol.

## **2.0 Objectives**

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1. To encourage consultation between telecommunication providers and Town Staff to address issues of site selection, environmental protection, and the character preservation of the Town.
2. To provide an opportunity for public involvement in the process such that questions and comments from affected landowners and other interested parties may be addressed.
3. To make applicants aware of criteria relevant to achieving more favourable site selection through circulation of the initial proposal to local agencies for comments.
4. To provide recommendations to the applicant on matters of importance to Town landowners and interested stakeholders.
5. To minimize the visual impact on the Town's landscapes and vistas.

## **3.0 Jurisdiction**

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Industry Canada currently maintains a Default Public Consultation Process for the development of telecommunication facilities authorized under the *Radiocommunication Act*, which contains a basic process and standards that are followed in the absence of a municipal protocol.

Land Use Authorities (LUAs) are encouraged by Industry Canada to create a protocol for the establishment of telecommunication facilities to provide a more effective public participation experience, local preference for the siting of the structures, and encourage a higher level of acceptance for the proposal.

Individual LUAs may include protocol requirements that supplement the Industry Canada Default Public Consultation Process.

## **4.0 Full Consultation Requirements**

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Industry Canada believes that not all antenna systems warrant land-use analysis and public consultation due to their minimal impact on the local surroundings. Therefore to minimize the unnecessary burden on LUA staff and the applicant, not all applications are required to undergo the full consultation process, which includes hosting public information meetings. The Town will exempt only those proposals as described by Industry Canada in CPC-2-0-03, Section 6 (Appendix B) from the full consultation requirements, however, those exempt are asked to formally advise the Town of their intentions to locate a telecommunication facility.

For the purpose of this Protocol, co-location (siting a telecommunication facility on an existing tower/structure) refers to co-location applications that are not exempt from the consultation process by Industry Canada, as per Appendix B.

Should any stage of either the Town or Industry Canada's process not be followed, the Town will consider the consultation requirements of Industry Canada for telecommunication facilities as not being satisfied. Such occurrences may result in the Town registering a formal objection to the application with Industry Canada.

## **5.0 Consultation Requirements**

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### **5.1 Preliminary Consultation**

The initial step in the process before the submission of any formal documents is a requirement for the applicant to meet with Planning Staff to discuss the general proposal, which is also required by Industry Canada's default process. At this meeting the applicant will be provided with the application package, which includes an application form, requirements for exemption from full consultation and application fee information. Where the Town determines that full consultation is not required, this will signify the end of the process for the applicant.

### **5.2 New Structures**

For new structures, the applicant will circulate the list of potential sites to all relevant agencies, and comments received should form the basis for determining a final location. This consultation, therefore, must occur prior to a final site selection and lease agreement. Upon receiving agency comments, the applicant shall decide on the most appropriate site accordingly and continue with the application process as described herein.

### **5.3 Co-Location**

Applicants proposing co-location are not required to contact agencies for comments on that specific site as mentioned above. However, if co-location ceases to be a feasible option, the applicant is required to follow the course of action described herein for new structures.

### **5.4 General Site Selection Criteria**

In their analysis to determine the most appropriate site for new structures, applicants shall complete their site selection process based on the following criteria:

- Existing infrastructure will be investigated as a first option prior to proposing new structures. The applicant should locate, analyze and attempt to use any feasible existing infrastructure such as rooftops, water towers, and telecommunication facilities.
- Public-owned lands should be assessed as potential sites for new structures prior to consideration of private property.
- No new facility may be located within a radius equal to three times the height of the tower (measured from the outermost point) of a Residential Zone as identified in the Town's Comprehensive Zoning By-law or of any residential dwelling.
- The Town favours sites in industrial areas over other locations, provided this does not adversely impact any other selection criteria.
- The applicant will consider comments from local agencies in their selection process and shall make every effort possible to implement comments received or provide a rationale for the non-compliance.

- Structures shall be located such that they will have as minimal visual impact as practicable on residential areas.
- The applicant will make every effort possible to minimize the visual impact of a proposed structure by locating it away from immediate view on the site.
- The proposed structure will blend in with its surroundings by using neutral coloured materials and paint. New telecommunications facilities shall not have reflective surfaces or have lighting on or aimed at the structure unless deemed necessary by Industry Canada.

### 5.5 Site Selection Report

The applicant will provide a report to Town Staff, written by a Professional engineer or planner, which identifies the preferred site location and measures taken by the applicant to attempt alternative locations and site options, such as co-location. The report shall also demonstrate why a new structure is required, why co-location is not feasible, and why the selected location is the best option. As part of the Site Selection Report, the applicant will include a copy of all comments received from agencies regarding the proposed sites.

A completed application form will also be submitted at this time with the applicable fee as outlined below:

- For new structure proposals – In accordance with the Town's Site Plan fees.
- For co-location proposals – \$500.

Town staff will review the Site Selection Report prior to the applicant submitting full drawings and documents in an effort to resolve any issues related to the proposed site location.

Applicants choosing co-location are not required to submit a Site Selection Report unless the chosen location is deemed to be unacceptable by Town staff.

### 5.6 Documents and Drawings required for Formal Submission

For both new structures and for co-location proposals, the following documents and drawings shall be submitted to the Town of New Tecumseth Planning and Development Department after the applicant has determined a final proposed site and all fees have been received:

1. Completed Application Form (see Appendix A).
2. A letter of intent to enter into a lease agreement with the owner(s) of the subject lands for the purpose of siting a telecommunication structure.
3. A simulated picture of the proposed site, which includes a scaled rendering of the structure.
4. Site plan showing the entire subject property, site grading, property lines, existing and proposed structures, fences, buffering, lighting, existing and proposed landscaping, access, driveways, utilities and services, easements, significant vegetation or wetlands, and the type and height of the proposed structure.
5. Documentation from the Conservation Authorities acknowledging fulfilment of their requirements, where applicable.
6. A scaled map showing the horizontal distance to all surrounding Residential Zones (as shown in Zoning By-law 96-103) and residential dwellings from the outermost point of the base of the structure.
7. A list of the names and mailing addresses of all landowners within a radius equal to three times the height of the structure, measured from the outermost point.
8. Required documents and drawings as requested by the Engineering Department.
9. Appropriate documents and drawings for review by the Public Works Department.

10. Appropriate documentation concerning new entrances as required by the Public Works Department, the County of Simcoe, and the Ontario Ministry of Transportation.
11. Appropriate documents and drawings for review by the Building Standards Department where applicable.

Upon receipt of all the items above the Town will issue a letter confirming receipt of a complete application and the consultation process will officially begin. Confirmation of finalized lease agreement is also required at the end of the process. The applicant is responsible for any and all fees incurred from consultation including those of local conservation authorities and other agencies.

Applicants may be required, if requested by the Town, to enter into an agreement, which may include the following requirements:

1. The complete removal of the telecommunication facility if it ceases to be used for two consecutive years.
2. An agreement to accommodate additional telecommunication providers on site or on the proposed structure, where feasible, subject to standard industry financial compensation arrangements to the tower owner.

#### 5.7 Signage on the Property

The applicant is responsible for putting up signage stating the intent to locate a telecommunication facility on the subject property. The sign will be a minimum of 1.2 metres by 1.2 metres with font no smaller than 50mm, which should be placed along each street frontage of the property. Signage should be put up at least twenty (20) days before the earliest public information meeting and will be taken down no later than thirty (30) days after the establishment of the facility. The Town requires proof of posting, which shows the date on which the sign was erected on the property.

#### 5.8 Notification Package and Public Information Meeting

The applicant will advertise the proposed new or co-located structure in a minimum of two local newspapers in addition to notifying all interested and affected residents and landowners within three times the height of the structure (measured from the outermost point) by first-class mail.

These measures will also be taken to advertise the public information meeting(s) and shall occur at least twenty (20) days prior to the first scheduled meeting. The applicant should retain proof of the notices.

Concurrent with notification of the proposal and Public Information Meeting, the applicant will circulate a Notification Package to all interested and affected residents and landowners within three times the height of the proposed structure (measured from the outermost point). Details regarding the contents of the Notification Package are listed in Appendix E.

Notification of the proposal and Public Information Meeting must also be sent to any municipality within one kilometre of the subject lands.

#### 5.9 Public Consultation

Public consultation is an important component of this process and will include at least one public information meeting per proposed site held by the applicant. The goal of the information meeting is to address relevant questions from landowners and other stakeholders and to provide general information about site selection and telecommunication facility technology. Correspondence

from the public must be received by the applicant within twenty-one (21) days of the last public meeting and the applicant will then respond to all relevant concerns in writing within three (3) weeks of the date of the correspondence.

The applicant shall keep a record of comments received and their efforts to respond to relevant concerns, which shall be submitted to the Town to form part of the review conducted by the Town to assess adequate consultation, and should include a summary of outstanding issues.

#### 5.10 Planning Review and Response

Upon completion of the public information meeting process and receipt of the above public comment record, Town staff will review any comments provided to the applicant as well as the applicant's formal responses, and assess whether sufficient consultation has been conducted. For applications that have not sufficiently addressed the requirements of this policy, a notification letter stating the deficiencies will be provided and two (2) weeks time allotted to then present the Town with information on how the issues are proposed to be rectified. As part of the Town's review, the Town may meet with the applicant to attempt to resolve outstanding issues or concerns.

#### 5.11 Completion of Consultation Process

A Town Staff generated report will proceed to Council stating any further concerns and the Town's position on the application. After satisfactorily meeting all requirements of this policy, Town staff will notify Industry Canada and the applicant of the completed application and consultation process as well as indicate the Town's position relative to the proposed facility. This notification will mark the end of the Town's application procedure.

### **6.0 Timeframe**

The Town respects the requests of Industry Canada to establish appropriate timeframes for the application and consultation processes, which are created to avoid unnecessary delays in decision-making. For all proposed new telecommunication facilities, an overall time period of up to one hundred and twenty (120) days is allocated in which to complete the full process (Appendix D). The timeframe will begin upon the issue of notice of complete application related to the submission of all documents outlined in Section 5.6 of this Protocol. For co-location proposals, the process is to be completed in a timeframe of ninety (90) days, and will officially begin upon the issue of notice of complete application related to the submission of all documents outlined in Section 5.6 excluding the Site Selection Report.

Both of these timeframes formally end when Council has made its recommendation. In the event of unavoidable delays preventing the completion of the application process in the suggested one hundred and twenty (120) day timeframe, the applicant shall identify such delays to the Town and indicate when the completion is then expected to occur. The Town shall consider the reason for the delay and determine whether it is appropriate.

For applicants failing to contact any of the required agencies at the beginning of the site selection process, the Town maintains the right to deviate from the applicable timeframe.

If the applicant neglects to follow the requirements outlined in this protocol the Town may contact Industry Canada at the end of the appropriate timeframe to register an objection to the application.

APPENDIX "A"

TOWN OF NEW TECUMSETH  
TELECOMMUNICATIONS FACILITIES APPLICATION FORM

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**Location of Subject Lands #1:**

Street Address: \_\_\_\_\_

Legal Address: \_\_\_\_\_

**Registered Owner of Proposed Site**

Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_

Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**Location of Subject Lands #2:**

Street Address: \_\_\_\_\_

Legal Address: \_\_\_\_\_

**Registered Owner of Proposed Site**

Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_

Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**Location of Subject Lands #3:**

Street Address: \_\_\_\_\_

Legal Address: \_\_\_\_\_

**Registered Owner of Proposed Site**

Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_

Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**Inquiries regarding this application should be directed to (Carrier):**

Company Name: \_\_\_\_\_

Contact: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_

Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Type of Tower: \_\_\_\_\_

Height of Tower: \_\_\_\_\_

**THIS APPLICATION IS TO BE COMPLETED AND SUBMITTED WITH SUPPORTING DOCUMENTATION AND FULL FEE TO:**

**Planning and Development Department  
Town of New Tecumseth  
10 Wellington Street West  
Alliston, ON  
L9R 1A1**

**ATTN: DIRECTOR OF PLANNING AND DEVELOPMENT**

## APPENDIX “B”

### **CRITERIA TO DETERMINE EXEMPTION FROM FULL CONSULTATION PROCESS AS PER INDUSTRY CANADA’S REQUIREMENTS in CPC-2-0-03, SECTION 6**

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For the following types of installations, Applicants are excluded from the requirement to consult with the Town and the public, but must still fulfill the General Requirements outlined in Section 7 of Industry Canada’s Spectrum Management and Telecommunications Client Procedures Circular:

1. Maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
2. 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 to existing infrastructure, a building, water tower, etc. provided the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure’s height;
3. Maintenance of an antenna system’s painting or lighting in order to comply with Transport Canada’s requirements;
4. Installation, for a limited duration (typically not more than 3 months), of an 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
5. New antenna systems, including masts, towers or other antenna-supporting structure, with a height of less than 15 metres above ground level.

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 Applicants to consult the LUA 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:

1. The antenna system’s physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;
2. The location of the proposed antenna system on the property and its proximity to neighbouring residents;
3. The likelihood of an area being a community-sensitive location; and
4. Transport Canada marking and lighting requirements for the proposed structure.

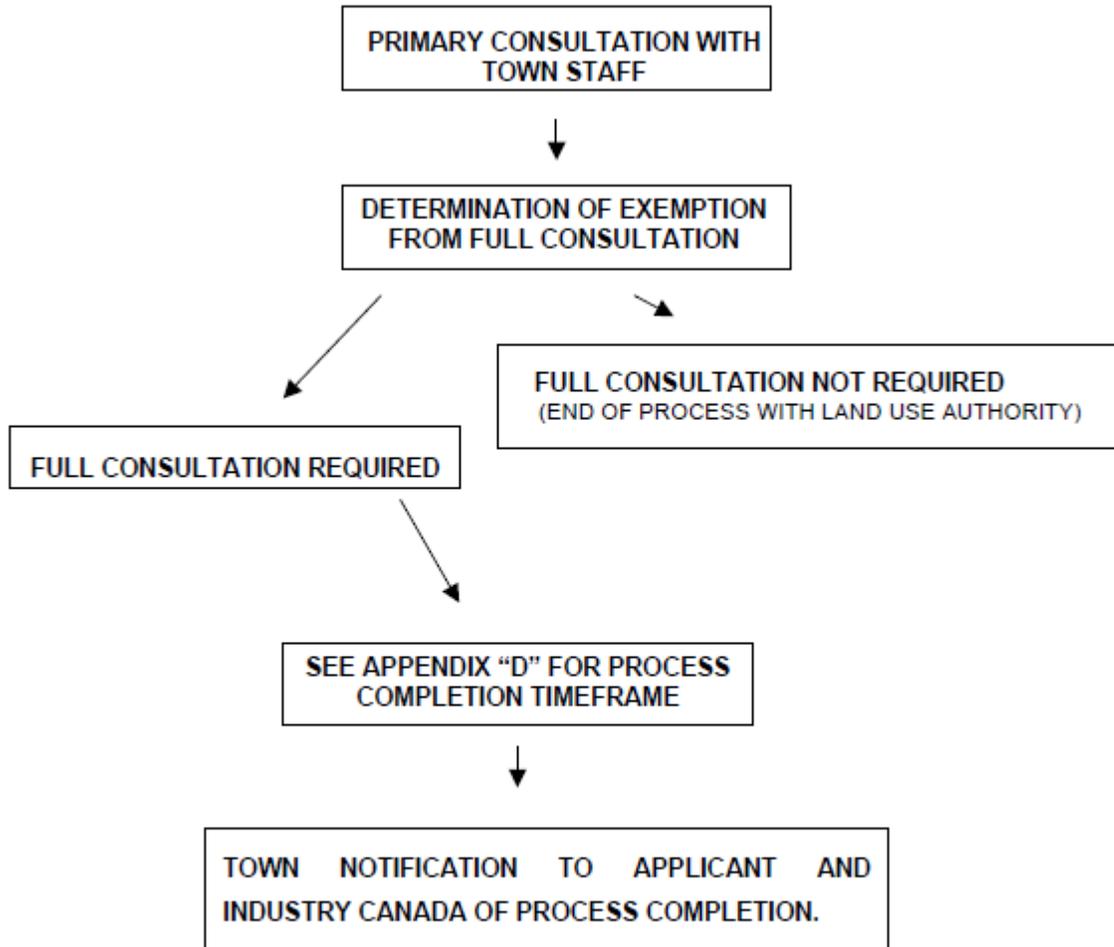
Applicants who are not certain if their proposed structure is excluded, or whether consultation may still be prudent, are advised to contact the Town or Industry Canada for guidance.

## APPENDIX "C"

### TELECOMMUNICATIONS FACILITIES APPLICATION PROCESS

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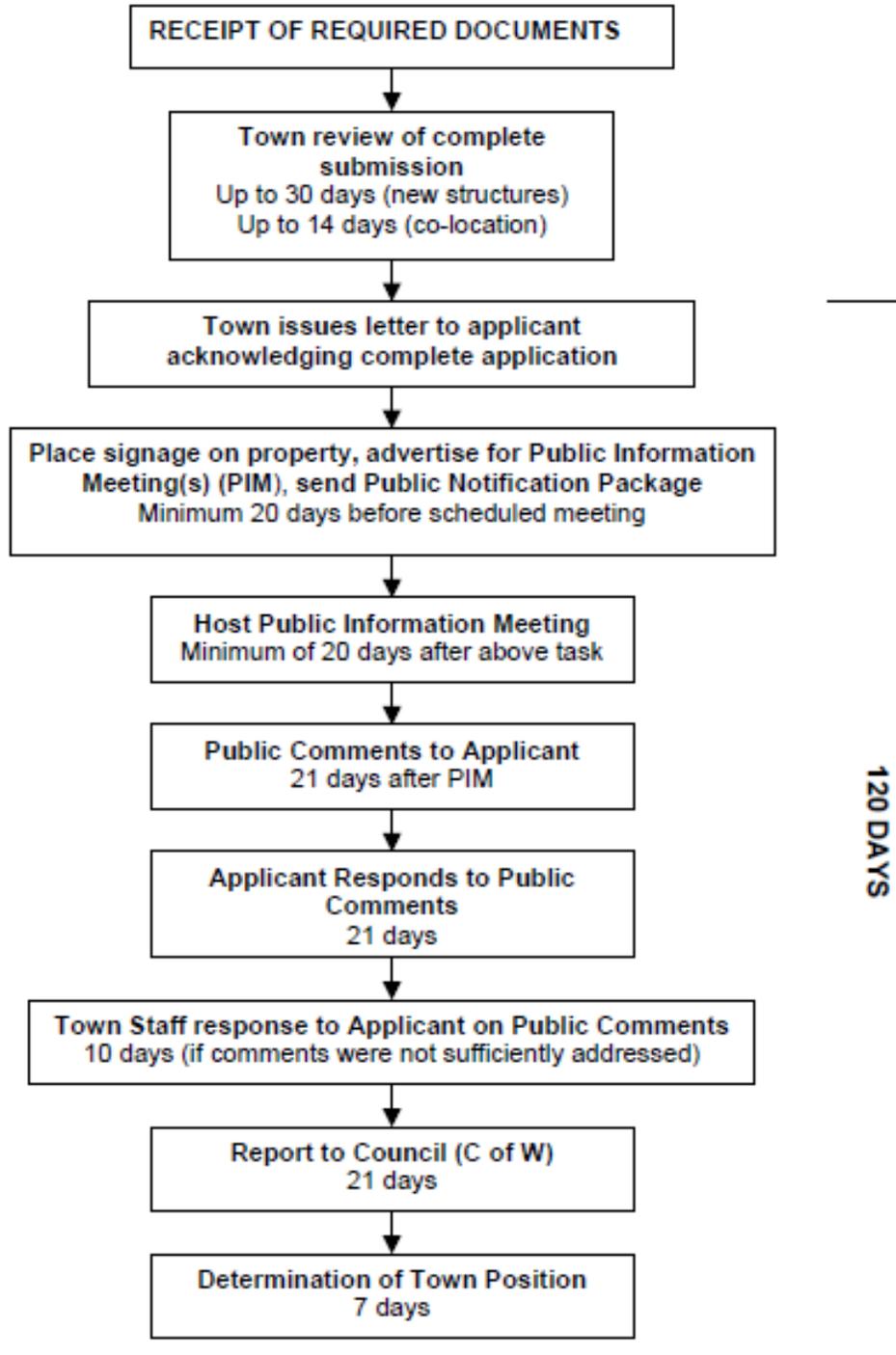
The following is intended to be a guideline only and should be used in consultation with the Telecommunication Protocol.



**APPENDIX "D"**

**TIMEFRAME FOR PROCESSING TELECOMMUNICATION APPLICATIONS**

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## APPENDIX “E”

### PUBLIC NOTIFICATION PACKAGE

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The applicant shall accept comments up to twenty-one (21) days after the last Public Information Meeting. Notification must provide all information on how to submit comments to the applicant in writing. The applicant must also provide a copy of the notification package to the land-use authority and the local Industry Canada office at the same time as the package is provided to the public.

Notification must include, but need not be limited to:

1. The proposed antenna system’s purpose, 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 co-ordinates and the specific property or rooftop;
3. An attestation<sup>1</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. The project’s status under the *Canadian Environmental Assessment Act*<sup>2</sup>;
6. A description of the proposed antenna system including its height and dimensions, 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, the applicant’s expectation of Transport Canada’s requirements together with an undertaking to provide Transport Canada’s requirements once they become available;
8. An attestation that the installation will respect good engineering practices including structural adequacy;
9. Reference to the Town of New Tecumseth’s Protocol for Establishing Telecommunication Facilities;
10. Notice that general information relating to antenna systems is available on the Industry Canada’s Spectrum Management and Telecommunications website (<http://strategis.ic.gc.ca/antenna>);
11. Contact information for the applicant, land-use authority and the local Industry Canada office; and,
12. Closing date for submission of written public comment (21 days after the last Public Information Meeting).

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<sup>1</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.

<sup>2</sup> Example: I, (name of individual or representative of company) attest that the radio installation described in this notification package is excluded from environmental assessment under the *Canadian Environmental Assessment Act*.