

REPORT: Planning & Building Services Department



REPORT TO: Planning and Building Committee
MEETING DATE: February 6, 2012
REPORT NO.: PL.12.19
**SUBJECT: Update Report –
County of Grey Broadband Initiative
and Proposed Telecommunications
Tower Consultation Process**
PREPARED BY: Bryan Pearce, Planner I

A. Recommendations

THAT Council receive Planning Staff Report PL.12.19, “Update Report - County of Grey Broadband Initiative and Proposed Telecommunications Tower Consultation Process”; and,

THAT Council determine that the proponent for the proposed telecommunications tower at Part of Lot 14, Concession 4; Part 2, RP 16R-5458:

- a) must adhere to the Town of The Blue Mountains Protocol for Establishing Telecommunication Facilities;**
- OR,**
- b) follow Industry Canada’s Default Consultation Process.**

B. Background

As the Committee may recall, on January 23, 2012 Council requested that prior to considering a request related to consultation on a proposed telecommunications tower, that they would like to hear from the proponents on the project. In light of this, the proponent submitted a Deputation Form with the Town Clerk on February 1, 2012 so as to be heard at the Planning and Building Committee on February 6, 2012.

It is noted that Industry Canada encourages Land Use Authority’s (LUA’s) to develop local protocols to manage the process of identifying their concerns, and residents they represent. This gives due consideration to:

- local land-use plans
- public sensitive areas
- specific environmentally sensitive areas

Further, this allows for development to occur in a community friendly manner. The establishment of LUA protocols can achieve the following:

- promote the placement of antenna in optimal locations from a land-use point of view
- local area sensitivities

- local environmental impact
- local visual impact
- local cultural impact
- land-use compatibility
- preliminary consultation (ie. Pre-consultation)
- enhance local public consultation

As directed by Council sometime ago, the Town adopted its own Protocol for Establishing Telecommunications Facilities with same addressing these matters.

The default LUA consultation process must be completed within 120 days from FORMAL consultation. Industry Canada gives guidance to LUA's to develop a protocol with a timely process with this parameter. The Town's protocol addresses this timeframe.

It is Staff's understanding that the proponent is desirous of proceeding with a proposal for a site on the 4th Line. Staff note that formal consultation with respect of this site has not occurred.

Under the default process of Industry Canada, public and LUA consultation is required. As for the public consultation, at minimum requires 30 days for public comment. If public comments are received the proponent has 14 days to reply in writing. The public then has 21 days to reply to the proponent's letter above. Therefore this takes between 30 days and 65 days. As for LUA consultation, the default process expects the consultation process to be completed within 120 days and obtain final concurrence.

If everything went as quickly as possible, the minimum 30-day public consultation period would take the proposal to the 2nd week of March 2012. Council should note that the program requires a technical audit on the project as well as a final report, inclusive of costs incurred and paid out by the County of Grey, by March 31, 2012. The County could ask for an extension from the province, but it might be a challenge as the allocation was for this fiscal year, with year-end being March 31, 2012.

Staff are of the opinion that co-location should be explored in great detail prior to making a decision on this proposal. As noted at the January 23, 2012 Council Meeting, there are a number of existing towers within this area that could potentially be utilized (Hydro-One Tower, Bell Tower, Rogers Tower) all within a couple of kilometres from both the 3rd Line and 4th Line site locations. This would further expedite the timeframe constraint as there are exclusions listed under Section 6 of CPC-2-03.

Summary

As was noted at the January 23, 2012 Council Meeting, the Rural Connections Program with the County of Grey commenced greater than three years ago, with dozens of sites being constructed over the years to improve coverage within the County.

Council should note that LUA protocols have been followed in multiple instances throughout the years by the proponents. This Grey County project even had a few sites that are within the Niagara Escarpment Plan, which requires the proponents to follow the Niagara Escarpment Commission Protocol on the matter.

Town Staff are concerned with the indeterminate impact of the proposed telecommunications tower.

C. The Blue Mountains' Strategic Plan

The recommendation in this Planning Staff Report PL.12.19 is consistent and supports the following Strategic Plans Goals:

Managing growth to ensure the ongoing health and prosperity of the community.

Preserving and enhancing natural and environmental features, and cultural heritage of the community.

D. Environmental Impact

Indeterminate

E. Budget Impact

Significant staff time that has been expended on this proposal however a formal submission has not been received with the prescribed \$1,500.00 fee.

F. In Consultation With

Nil

G. Attached

1. Planning Staff Report PL.12.13

Respectfully submitted,

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REPORT: Planning & Building Services Department



REPORT TO: Council
MEETING DATE: January 23, 2012
REPORT NO.: PL.12.13
**SUBJECT: County of Grey Broadband Initiative
and Proposed Telecommunications
Tower Consultation Process**
PREPARED BY: Bryan Pearce, Planner I

A. Recommendations

THAT Council receive Planning Staff Report PL.12.13, “County of Grey Broadband Initiative and Proposed Telecommunications Tower Consultation Process”; and,

THAT Council determine that the proponent for the proposed telecommunications tower at Part of Lot 14, Concession 4; Part 2, RP 16R-5458:

- a) must adhere to the Town of The Blue Mountains Protocol for Establishing Telecommunication Facilities;**
- OR,**
- b) follow Industry Canada’s Default Consultation Process.**

B. Background

The purpose of this Report is to seek Council’s direction with respect to the consultation process for a proposed telecommunications tower.

The proponent, Barrett Xplore Inc., desires to erect a telecommunications tower at Part Lot 14, Concession 4; Part 2, RP 16R-5458.

The subject tower is one of the towers associated with the Capital Facility Agreement entered into between the County and Barrett Xplore Inc. to build/complete a broadband network in the County of Grey.

The Town was advised by Geoff Hogan, Director of Information Technology, County of Grey, on January 18, 2012 that the deadline for funding from the Province is March 31, 2012 and that this deadline cannot be reached if the proponent must follow the Town’s protocol. Given this, Mr. Hogan has requested that the Town consider waiving the protocol for this tower.

Telecommunication Facilities – Federal Undertakings

Telecommunication facilities are a federal undertaking, regulated through Industry Canada. Through land-use consultation, Industry Canada recognizes that land-use authorities have an interest in the location of significant antenna structures proposed within their jurisdiction and may have legitimate concerns that should be considered in the exercise of authority under the *Radiocommunication Act, R.S. 1985, c. R-2*. Also, it is part of their policy to ensure that land-use authority consultation has been taken into consideration before issuing a site-specific radio authorization for significant antenna structures. This is done by the proponent filing a Municipal/Land-use Consultation Attestation as part of the requirements of Industry Canada.

The purpose of this procedure is to ensure that land-use authorities are aware of significant antennas proposed within their boundaries, making their views known prior to construction. Industry Canada note that the proposed location is best dealt with in a spirit of co-operation and to minimize the impact on the surroundings and consider existing sites, minimizing the number of structures needed by the service providers.

Federal Strategy to Extend Broadband Coverage

As part of Federal Budget 2009: Canada's Economic Action Plan, the Government of Canada provided \$225 million over three years, beginning in 2009–10, for Industry Canada to develop and implement a strategy to extend broadband coverage. By far the biggest component of this strategy is Broadband Canada: Connecting Rural Canadians.

The program aims to extend broadband service to as many unserved and underserved Canadian households as possible. The program's focus on connecting households provides a clearer understanding of the availability of service to Canadians. Because communities vary greatly in size, the fact that a community has broadband access does not always mean that service is available to individual households.

On November 6, 2010, the Government of Canada announced the third round of projects in Ontario to receive conditional funding approval through the Broadband Canada: Connecting Rural Canadians program. The seven projects conditionally approved in this round reflect a total investment of \$19,859,547 in the Province of Ontario.

Province of Ontario – Rural Connections Broadband Program

Under the Ontario Ministry of Agriculture, Food and Rural Affairs, the Rural Connections Broadband Program commenced expanding broadband service for rural residents and businesses. Since launching Rural Connections in 2007, the Government of Ontario has partnered with rural municipalities on 55 high-speed Internet infrastructure projects.

The County of Grey is among fifteen municipalities moving forward with plans to build local broadband infrastructure in conjunction with the Province of Ontario. The province will provide funding for one-third of the approved eligible costs of the project.

County of Grey

On November 25, 2008 Grey County Council passed County Bylaw No. 4553-08 authorizing the Warden and Clerk to enter into a Municipal Capital Facility Agreement with Everus Communications Inc. to build a broadband network. Since that time, the assets of Everus were purchased by Barrett Xplore Inc.

On August 3, 2010 Grey County Council passed County By-law No. 4679-10 authorizing the Warden and Clerk to enter into a Municipal Capital Facility Agreement with Barrett Xplore Inc. to build a broadband network and approved the providing of a grant or aid in relation to the construction of the Network to be paid over a period of eighteen months.

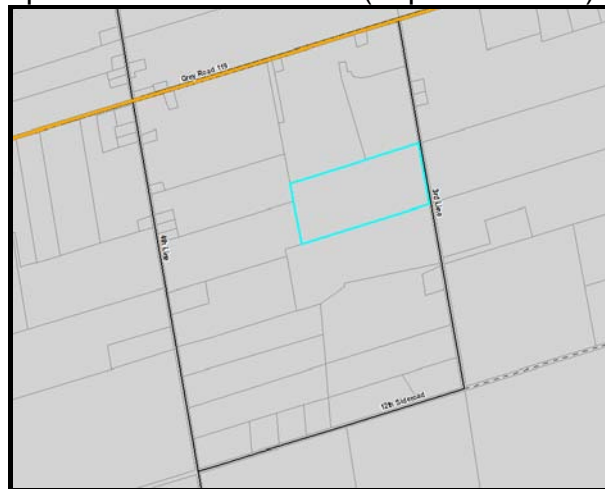
Barrett Xplore Inc.

Barrett Xplore Inc., a division of Barrett Corporation, thru its Xplornet brand, is a wireless broadband service provider.

Consultation To-Date

Original Proposed Site Selection

On September 13, 2011 Xplornet Communications Inc. made formal land use consultation with respect to 615852 3rd Line (depicted below):



The proposal was to construct a 45m (150 feet) tall self supporting tower.

On September 20, 2011, Town Staff noted concern with the Public Notice placed by the proponent, prescribed land-use consultation fees, and the lack of a required pre-consultation process.

The Public Notice was provided in The Blue Mountains Courier-Herald Newspaper (September 14, 2011 edition) but not within the Collingwood

Enterprise-Bulletin – both of which are needed to capture the local community newspaper circulating in the proposed area.

It was also noted that the Town's comments with respect to the consultation process are required to be approved by Town Council, with it being further noted that the Town's application fee for this process is \$1,500.00.

It was also noted that pre-consultation would be beneficial in order to provide information (ie. site selection/justification report, address how visual impacts would be minimized and not detrimental to the natural environment, opportunities for co-location, maintenance of the proposed facility) to the Town in order to allow Town Staff to review the information and take the development proposal to Town Council in order to provide land-use authority comments to Industry Canada.

As time progressed, it ended up that the land owner declined their initial interest in having the proposed telecommunications tower on the site.

Revised Proposed Site Selection

Subsequent to the abandonment of the initial proposed site, the Town provided the Town's Protocol for Establishing Telecommunication Facilities (as authorized by Council in October 2009).

On December 16, 2011 the Town received a request to pre-consult with respect to a proposed telecommunications facility on a parcel of land on the east side of the 4th Line as depicted below:



A pre-consult meeting was scheduled for January 3, 2012 however, due to road conditions was cancelled by the proponent. The pre-consult meeting took place on January 13, 2012. Although no specific details were provided with respect to the proposed tower location on the subject lands, Town Staff note that the lands contain:

- ANSI - Earth Science (Banks Moraine)
- Rare Species Occurances (data extracted from MNR – do not know what it is until it is studied) – Appendix ‘D’ of the Town’s Official Plan
- Natural Hazard (low lying depression(s) on the property)

In addition, Town staff note that a visual impact analysis was not provided at the pre-consult.

If the proposal proceeds in accordance with the Industry Canada’s Default Consultation Process, the Town will be required to provide comments and could “flag” these issues.

Industry Canada Default Public Consultation Process

Industry Canada’s Default Public Consultation Process requires that the proponent:

- Circulate notice of the proposal to neighbouring residents (3 x the tower height); and,
- If the proposed tower exceeds 30.0 metres, publish a notice in a local community newspaper circulating in the proposed area.

The Consultation Process is considered concluded when the proponent has either:

- received no written questions, comments or concerns to the formal notification within the **30-day** public comment period; or
- if written questions, comments or concerns were received, the proponent has addressed and resolved all reasonable and relevant concerns and the public has not provided further comment within the **21-day** reply comment period.

In the case where the public responds within the **21-day** reply comment period, the proponent has the option of making further attempts to address the concern on its own, or can request Industry Canada engagement. If a request for engagement is made at this stage, Industry Canada will review the relevant material, request any further information it deems pertinent from any party and may then decide that:

- the proponent has met the consultation requirements of this process and that Industry Canada concurs that installation or modification may proceed; or
- the parties should participate in further attempts to mitigate or resolve any outstanding concern.

In all instances the proponent is required to provide evidence of “Final Concurrence” from the Land-use Authority.

Town of The Blue Mountains Protocol for Establishing Telecommunication Facilities

The Town has a Protocol in place for Establishing Telecommunication Facilities. As detailed in the Protocol, the objective is as follows:

The Town wishes to preserve the natural beauty and environmental significance of the landscapes of the Niagara Escarpment, and other natural and cultural landscapes in the Town, by limiting the impact of visually incompatible and/or environmentally harmful support facilities (structures, fencing, accessory buildings, driveways, etc.) proposed to be erected or established in the Town. The Town also appreciates that the topography of the landscape makes efforts to establish wireless communications challenging without suitably located antennas to service the growing population of wireless communications users in the Town. The Town strives to work together with the telecommunication companies to locate antennas in optimal locations for providing service while minimizing the visual and environmental impacts of support structures for the antenna.

The purpose of the land-use consultation is to make the Town, and residents of the Town and other stakeholders, aware of the details of a proposed telecommunication facility, to allow for resolution opportunity of any concerns in cooperation with the applicant, and to provide for input about the proposal by the Town to Industry Canada. This protocol has been established to identify the agreed upon expectations of this review process between the Town and members of the telecommunications industry.

The Town's Protocol requires, amongst other things, the following:

- Preliminary Pre-consultation (in advance of site selection)
- Pre-consultation (when a site has been selected)
- Regard to Potential for Co-location
- Sensitivity Scan
- Regard to Environmental Policy Areas (Environmental Impact Study)
- Visual Impact Analysis
- Regard to tower design
- Fee of \$1,500.00

As detailed in the Town's Protocol for approval process timeframe, for proposals that are in "limited-sensitive areas", the Town will do everything to expedite the land-use authority consultation process within sixty (60) days. For proposals that are in more sensitive locations, a time period of up to 120 days may be required for the appropriate review of proposals which are supported with well documented material. Where applicable, the NEC and the applicable conservation authority should be contacted regarding their processing timeframe as the Town may comment adversely on applications that have not been reviewed and cleared for installation by these public agencies.

Summary

Town Staff are concerned with the indeterminate impact of the proposed telecommunications tower.

Geoff Hogan, Director of Information Technology, County of Grey, will be in attendance to address any questions from Council.

C. The Blue Mountains' Strategic Plan

The recommendation in this Planning Staff Report PL.12.13 is consistent and supports the following Strategic Plans Goals:

Managing growth to ensure the ongoing health and prosperity of the community.

Preserving and enhancing natural and environmental features, and cultural heritage of the community.

D. Environmental Impact

Indeterminate

E. Budget Impact

Significant staff time that has been expended on this proposal however a formal submission has not been received with the prescribed \$1,500.00 fee.

F. In Consultation With

Nil

G. Attached

1. Industry Canada, Spectrum Management and Telecommunications - CPC-2-0-03 - Radiocommunication and Broadcasting Antenna Systems, Issue 4, Released: June 2007, Effective: January 1, 2008, Client Procedures Circular
2. Town's Protocol for Establishing Telecommunications Facilities

Respectfully submitted,

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Industry
Canada

Industrie
Canada

CPC-2-0-03

Issue 4

Released: June 2007

Effective: January 1, 2008

Spectrum Management and Telecommunications

Client Procedures Circular

Radiocommunication and Broadcasting Antenna Systems

**(Formerly CPC-2-0-03 - Environmental Process, Radiofrequency Fields and
Land-Use Consultation)**

Comments and suggestions may be directed to the following address:

Industry Canada
Radiocommunications and
Broadcasting Regulatory Branch
300 Slater Street
Ottawa, Ontario
K1A 0C8

Attention: DOSP

Via e-mail: spectrum_pubs@ic.gc.ca

All Spectrum Management and Telecommunications publications are available on the following website at: <http://strategis.gc.ca/spectrum>.

Contents

1.	Introduction	1
1.1	Mandate	1
1.2	Application	1
1.3	Process Overview	1
2.	Industry Canada Engagement	2
3.	Use of Existing Infrastructure (Sharing)	2
4.	Land-use Authority and Public Consultation	3
4.1	Land-use Authority Consultation	4
4.2	Industry Canada’s Default Public Consultation Process	5
4.3	Concluding Consultation	7
5.	Dispute Resolution Process	8
6.	Exclusions	9
7.	General Requirements	10
7.1	Radio Frequency Exposure Limits	10
7.2	Radio Frequency Immunity	10
7.3	Proximity of Proposed Structure to Broadcasting Undertakings	11
7.4	Canadian Environmental Assessment Act	11
7.5	Aeronautical Safety	13
	Appendix 1 - Consultation Flow Chart	14
	Appendix 2 - Industry Canada’s Default Public Consultation Process - Public Notification Package	15

1. Introduction

Radiocommunication and broadcasting services are important for all Canadians and are used daily by the public, safety and security organizations, government, wireless service providers, broadcasters, utilities and businesses. In order for radiocommunication and broadcasting services to work, antenna systems including masts, towers, and other supporting structures are required. There is a certain measure of flexibility in the placement of antenna systems which is constrained to some degree by: the need to achieve acceptable coverage for the service area; the availability of sites; technical limitations; and safety. In exercising its mandate, Industry Canada believes that it is important that antenna systems be deployed in a manner that considers the local surroundings.

1.1 Mandate

Section 5 of the *Radiocommunication Act* states that the Minister may, taking into account all matters the Minister considers relevant for ensuring the orderly development and efficient operation of radiocommunication in Canada, issue radio authorizations and approve each site on which radio apparatus, including antenna systems, may be located. Further, the Minister may approve the erection of all masts, towers and other antenna-supporting structures. Accordingly, proponents must follow the process outlined in this document when installing or modifying an antenna system. Also, the installation of an antenna system or the operation of a currently existing antenna system that is not in accordance with this process may result in its alteration or removal and other sanctions against the operator in accordance with the *Radiocommunication Act*.

1.2 Application

The requirements of this document apply to anyone (referred to in this document as the proponent) who is planning to install or modify an antenna system regardless of the type of installation or service. This includes, amongst others, Personal Communications Services (PCS) and cellular, fixed wireless, broadcasting, land-mobile, licence-exempt and amateur radio operators. As well, parts of this process contain obligations that apply to existing antenna system operators.

1.3 Process Overview

This document outlines the process that must be followed by proponents seeking to install or modify antenna systems. The broad elements of the process are as follows:

1. Investigating sharing or using existing infrastructure before proposing new antenna-supporting structures.
2. Contacting the land-use authority (LUA) to determine local requirements regarding antenna systems.
3. Undertaking public notification and addressing relevant concerns, whether by following local LUA requirements or Industry Canada's default process, as is required and appropriate.
4. Satisfying Industry Canada's general and technical requirements.

It is Industry Canada's expectation that steps (2) to (4) will normally be completed within *120 days*. Some proposals may be excluded from certain elements of the process (see Section 6). It is Industry Canada's expectation that all parties will carry out their roles and responsibilities in good faith and in a manner that respects the spirit of this document.

2. Industry Canada Engagement

There are a number of points in the processes outlined in this document where parties must contact Industry Canada to proceed. Further, anyone with any question regarding the process may contact the local Industry Canada office¹ for guidance. Based on a query by an interested party, Industry Canada may request parties to provide relevant records and/or may provide direction to one or more parties to undertake certain actions to help move the process forward.

3. Use of Existing Infrastructure (Sharing)

This section outlines the roles of proponents and owners/operators of existing antenna systems. In all cases, parties should retain records (such as analyses, correspondence and engineering reports) relating to this section.

Before building a new antenna-supporting structure, Industry Canada requires that proponents first 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 such as rooftops, water towers etc.

Proponents are not normally expected to build new antenna-supporting structures where it is feasible to locate their antenna on an existing structure, unless a new structure is preferred by land-use authorities.

Owners and operators of existing antenna systems are to respond to a request to share in a timely fashion and to negotiate in good faith to facilitate sharing where feasible. It is anticipated that 30 days is reasonable time for existing antenna system 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 antenna system; or
- a detailed explanation of why sharing is not possible.

¹ Please refer to Radiocommunication Information Circular 66 (RIC-66) for a list of addresses and telephone numbers for Industry Canada's regional and district offices. [RIC-66](http://strategis.ic.gc.ca/epic/internet/insmt-gst.nsf/en/sf01742e.html) is available via the Internet at: <http://strategis.ic.gc.ca/epic/internet/insmt-gst.nsf/en/sf01742e.html>.

4. Land-use Authority and Public Consultation

Contacting the Land-use Authority

Proponents must always contact the applicable land-use authorities to determine the local consultation requirements unless their proposal falls within the exclusion criteria outlined in Section 6. If the land-use authority has designated an official to deal with antenna systems, then proponents are to engage the authority through that person. If not, proponents must submit their plans directly to the council, elected local official or executive. Proponents are expected to establish initial formal contact with the land-use authority in writing in order to mark the official commencement of the *120-day* consultation process.

Proponents should note 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. As well, in cases where proponents are aware that a potential Aboriginal or treaty right or land claim may be affected by the proposed installation, they must contact Industry Canada in order to ensure that the requirements for consultation are met.

Following the Land-use Authority Process

Proponents must follow the land-use consultation process for the siting of antenna systems, established by the land-use authority, where one exists. In the event that a land-use authority's existing process has no public consultation requirement, proponents must then fulfill the public consultation requirements contained in Industry Canada's Default Public Consultation Process (see Section 4.2). Proponents are not required to follow this requirement if the LUA's established process explicitly excludes their type of proposal from consultation or it is excluded by Industry Canada's criteria. Where proponents believe the local consultation requirements are unreasonable, they may contact the local Industry Canada office in writing for guidance.

Broadcasting Undertakings

Applicants for broadcasting undertakings are subject to Canadian Radio-television and Telecommunications (CRTC) licensing processes in addition to Industry Canada requirements. Although Industry Canada encourages applicants to consult as early as practical in the application process, in some cases it may not be prudent for the applicants to initiate public and municipal/land-use consultation before receiving CRTC approval, as application denial by the CRTC would result in unnecessary work for all parties involved. Therefore, assuming that the proposal is not otherwise excluded, broadcasting applicants may opt to commence land-use consultation after having received CRTC approval. However, broadcasting applicants choosing this option are required, at the time of the CRTC application, to notify the land-use authority with a Letter of Intent outlining a commitment to conduct consultation after receiving CRTC approval. If the land-use authority raises concerns with the proposal as described in the Letter of Intent, applicants are encouraged to engage in discussions with the land-use authority regarding their concerns and attempt to resolve any issues. See Broadcasting Procedures and Rules, Part 1 (BPR-1), for further details.

4.1 Land-use Authority Consultation

Industry Canada believes that any concerns or suggestions expressed by land-use authorities are important elements to be considered by proponents regarding proposals to install, or make changes to, antenna systems. As part of their community planning processes, land-use authorities should facilitate the implementation of local radiocommunication services by establishing consultation processes for the siting of antenna systems.

Unless the proposal meets the exclusion criteria outlined in Section 6, proponents must consult with the local land-use authority(ies) on any proposed antenna system prior to any construction with the aim of:

- discussing site options;
- ensuring that local processes related to antenna systems are respected;
- addressing reasonable and relevant concerns (see Section 4.2) from both the land-use authority and the community they represent; and
- obtaining land-use authority concurrence in writing.

Land-use authorities are encouraged to establish reasonable, relevant, and predictable consultation processes² specific to antenna systems that consider such things as:

- the designation of suitable contacts or responsible officials;
- proposal submission requirements;
- public consultation;
- documentation of the concurrence process; and
- the establishment of milestones to ensure consultation process completion within *120 days*.

Where they have specific concerns regarding a proposed antenna system, land-use authorities are expected to discuss reasonable alternatives and/or mitigation measures with proponents.

Under their processes, land-use authorities may exclude from consultation any antenna system installation in addition to those identified by Industry Canada's own consultation exclusion criteria (Section 6). For example, an authority may wish to exclude from public consultation those installations located within industrial areas removed from residential areas, low visual impact installations, or certain types of structures located within residential areas.

² Industry Canada is available to assist land-use authorities in the development of local processes. In addition, land-use authorities may wish to consult Industry Canada's guide for the development of local consultation processes.

4.2 Industry Canada's Default Public Consultation Process

Proponents must follow Industry Canada's Default Public Consultation Process where the local land-use authority does not have an established and documented public consultation process applicable to antenna siting. Proponents are not required to follow Industry Canada's Default Public Consultation Process if the land-use authority's established process explicitly excludes their type of proposal from public consultation or it is excluded by Industry Canada's criteria (see Section 6). Industry Canada's default process has three steps whereby the proponent:

1. provides written notification to the public, the land-use authority and Industry Canada of the proposed antenna system installation or modification (i.e. *public notification*);
2. engages the public and the land-use authority in order to address relevant questions, comments and concerns regarding the proposal (i.e. *responding to the public*); and
3. provides an opportunity to the public and the land-use authority to formally respond in writing to the proponent regarding measures taken to address reasonable and relevant concerns (i.e. *public reply comment*).

Public Notification

1. Proponents must ensure that the local public, the land-use authority and Industry Canada are notified of the proposed antenna system. As a minimum, proponents must provide a notification package (see Appendix 2) to the local public (including nearby residences, community gathering areas, public institutions, schools, etc.), neighbouring land-use authorities, businesses, and property owners, etc. 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. For the purpose of this requirement, the outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc.
2. It is the proponent's responsibility to ensure that the notification provides at least **30 days** for written public comment.
3. In addition to the minimum notification distance noted above, in areas of seasonal residence, the proponent, in consultation with the land-use authority, is responsible for determining the best manner to notify such residents to ensure their engagement.
4. In addition to the public notification requirements noted above, proponents of antenna-supporting structures that are proposed to be 30 metres or more in height must place a notice in a local community newspaper circulating in the proposed area.³

³ 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 Industry Canada office for guidance.

Responding to the Public

Proponents are to address all reasonable and relevant concerns, make all reasonable efforts to resolve them in a mutually acceptable manner and must keep a record of all associated communications. If the local public or land-use authority raises a question, comment or concern relating to the antenna system as a result of the public notification process, then the proponent is required to:

1. respond to the party in writing within **14 days** acknowledging receipt of the question, comment or concern and keep a record of the communication;
2. address in writing all reasonable and relevant concerns within **60 days** of receipt or explain why the question, comment or concern is not, in the view of the proponent, reasonable or relevant; and
3. in the written communication referred to in the preceding point, clearly indicate that the party has **21 days** from the date of the correspondence to reply to the proponent's response. The proponent must provide a copy of all public reply comments to the local Industry Canada office.

Responding to reasonable and relevant concerns may include contacting a party by telephone, engaging in a community meeting or having an informal, personal discussion. Between steps 1 and 2 above, the proponent is expected to engage the public in a manner it deems most appropriate. Therefore, the letter at step 2 above may be a record of how the proponent and the other party addressed the concern at hand.

Public Reply Comments

As indicated in step 3 above, the proponent must clearly indicate that the party has **21 days** from the date of the correspondence to reply to the response. The proponent must also keep a record of all correspondence/discussions that occurred within the **21-day** public reply comment period. This includes records of any agreements that may have been reached and/or any concerns that remain outstanding.

The factors that will determine whether a concern is reasonable or relevant according to this process will vary but will generally be considered if they relate to the requirements of this document and to the particular amenities or important characteristics of the area surrounding the proposed antenna system. Examples of concerns that proponents are to address may include:

- Why is the use of an existing antenna system or structure not possible?
- Why is an alternate site not possible?
- What is the proponent doing to ensure that the antenna system is not accessible to the general public?
- How is the proponent trying to integrate the antenna into the local surroundings?
- What options are available to satisfy aeronautical obstruction marking requirements at this site?
- What are the steps the proponent took to ensure compliance with the general requirements of this document including the *Canadian Environmental Assessment Act* (CEAA), Safety Code 6, etc.?

Concerns that are not relevant include:

- disputes with members of the public relating to the proponent's service, but unrelated to antenna installations;
- potential effects that a proposed antenna system will have on property values or municipal taxes;
- questions whether the *Radiocommunication Act*, this document, Safety Code 6, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

4.3 Concluding Consultation

The proponent may only commence installation/modification of an antenna system after the consultation process has been completed by the land-use authority, or Industry Canada confirms concurrence with the consultation portion of this process, and after all other requirements under this process have been met. Consultation responsibilities will normally be considered complete when the proponent has:

1. concluded consultation requirements (Section 4.1) with the land-use authority;
2. carried out public consultation either through the process established by the land-use authority or the Industry Canada's Default Public Consultation Process where required; and
3. addressed all reasonable and relevant concerns.

Concluding Land-use Authority Consultation

Industry Canada expects that land-use consultation will be completed within **120 days** from the proponent's initial formal contact with the local land-use authority. Where unavoidable delays may be encountered, the land-use authority is expected to indicate when the proponent can expect a response to the proposal. If the authority is not responsive, the proponent may contact Industry Canada. Depending on individual circumstances, Industry Canada may support additional time or consider the land-use authority consultation process concluded.

Depending on the land-use authority's own process, conclusion of local consultation may include such steps as obtaining final concurrence for the proposal via the relevant committee, a letter or report acknowledging that the relevant municipal process or other requirements have been satisfied, or other valid indication, such as the minutes of a town council meeting indicating LUA approval. Compliance with informal city staff procedures, or grants of approval strictly related to zoning, construction, etc. will not normally be sufficient.

Industry Canada recognizes that approvals for construction (e.g. building permits) are used by some land-use authorities as evidence of consultation being concluded. Proponents should note that Industry Canada does not consider the fact a permit was issued as confirmation of concurrence, as different land-use authorities have different approaches. As such, Industry Canada will only consider such approvals as valid when the proponent can demonstrate that the LUA's process was followed and that the LUA's preferred method of concluding LUA consultation is through such an approval.

Concluding Industry Canada's Default Public Consultation Process

Industry Canada's Default Public Consultation Process will be considered concluded when the proponent has either:

- received no written questions, comments or concerns to the formal notification within the **30-day** public comment period; or
- if written questions, comments or concerns were received, the proponent has addressed and resolved all reasonable and relevant concerns and the public has not provided further comment within the **21-day** reply comment period.

In the case where the public responds within the **21-day** reply comment period, the proponent has the option of making further attempts to address the concern on its own, or can request Industry Canada engagement. If a request for engagement is made at this stage, Industry Canada will review the relevant material, request any further information it deems pertinent from any party and may then decide that:

- the proponent has met the consultation requirements of this process and that Industry Canada concurs that installation or modification may proceed; or
- the parties should participate in further attempts to mitigate or resolve any outstanding concern.

5. Dispute Resolution Process

The dispute resolution process is a formal process intended to bring about the timely resolution where the parties have reached an impasse.

Upon receipt of a written request, from a stakeholder other than the general public, asking for Departmental intervention concerning a reasonable and relevant concern, the Department may request that all involved parties provide and share all relevant information. The Department may also gather or obtain other relevant information and request that parties provide any further submissions if applicable. The Department will, based on the information provided, either:

- make a final decision on the issue(s) in question, and advise the parties of its decision; or
- suggest the parties enter into an alternate dispute resolution process in order to come to a final decision. Should the parties be unable to reach a mutually agreeable solution, either party may request that the Department make a final decision.

Upon resolution of the issue under dispute, the proponent is to continue with the process contained within this document as required.

6. Exclusions

For the following types of installations, proponents are excluded from the requirement to consult with the LUA and the public, but must still fulfill the General Requirements outlined in Section 7:

- 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 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;
- 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 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
- 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 proponents 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:

- 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.

Proponents who are not certain if their proposed structure is excluded, or whether consultation may still be prudent, are advised to contact the land-use authority and/or Industry Canada for guidance.

7. General Requirements

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 guideline 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.

7.1 Radio Frequency Exposure Limits

Health Canada has established safety guidelines for exposure to radio frequency fields, in its Safety Code 6 publication, entitled: *Limits of Human Exposure to Radiofrequency Electromagnetic fields in the Frequency Range from 3 kHz to 300 GHz*.⁴ While the responsibility for developing Safety Code 6 rests with Health Canada, Industry Canada has adopted this guideline for the purpose of protecting the general public. Current biomedical studies in Canada and other countries indicate that there is no scientific or medical evidence that a person will experience adverse health effects from exposure to radio frequency fields, provided that the installation complies with Safety Code 6.

It is the responsibility of proponents and operators of installations to ensure that all radiocommunication and broadcasting installations comply with Safety Code 6 at all times, including the consideration of combined effects of nearby installations within the local radio environment.

For all proponents following Industry Canada's Default Public Consultation Process, the proponent's notification package must provide a written attestation that there will be compliance with Safety Code 6 for the protection of the general public, including consideration of nearby radiocommunication systems. The notification package must also indicate any Safety Code 6 related signage and access control mechanisms that may be used.

Compliance with Safety Code 6 is an ongoing obligation. At any time, antenna system operators may be required, as directed by Industry Canada, to demonstrate compliance with Safety Code 6 by (i) providing detailed calculations, and/or (ii) conducting site surveys and, where necessary, by implementing corrective measures. Proponents and operators of existing antenna systems must retain copies of all information related to Safety Code 6 compliance such as analyses and measurements.

7.2 Radio Frequency Immunity

All radiocommunication and broadcasting proponents and existing spectrum users are to ensure that their installations are designed and operated in accordance with Industry Canada's immunity criteria as outlined in EMCAB-2⁵ in order to minimize the malfunctioning of electronic equipment in the local surroundings. Broadcasting proponents and existing undertakings should refer to Broadcasting

⁴ [Safety Code 6](http://www.hc-sc.gc.ca/ewh-semt/pubs/radiation/radio_guide-lignes_direct-eng.php) can be found on Health Canada's website at: http://www.hc-sc.gc.ca/ewh-semt/pubs/radiation/radio_guide-lignes_direct-eng.php.

⁵ For more information see [EMCAB-2](#), entitled: *Criteria for Resolution of Immunity Complaints Involving Fundamental Emissions of Radiocommunications Transmitters* available on Industry Canada's Spectrum Management and Telecommunications website at: www.strategis.ic.gc.ca/epic/internet/insmt-gst.nsf/en/sf01005e.html.

Procedures and Rules - Part 1, *General Rules* (BPR-1) for additional information and requirements⁶ on this matter.

Proponents are advised to consider the potential effect that their proposal may have on nearby electronic equipment. In this way, they will be better prepared to respond to any questions that may arise during the public and land-use consultation processes, or after the system has been installed.

Land-use authorities should be prepared to advise proponents and owners of broadcasting undertakings of plans for the expansion or development of nearby residential and/or industrial areas. Such expansion or development generally results in the introduction of more electronic equipment in the area and therefore an increased potential for electronic equipment to malfunction. By keeping broadcasters aware of planned developments and changes to adjacent land-use, they will be better able to work with the community. Equally, land-use authorities have a responsibility to ensure that those moving into these areas, whether prospective residents or industry, are aware of the potential for their electronic equipment to malfunction when located in proximity to an existing broadcasting installation. For example, the LUA could ensure that clear notification be provided to future prospective purchasers.

7.3 Proximity of Proposed Structure to Broadcasting Undertakings

Where the proposal would result in a structure that exceeds 30 metres above ground level, the proponent is to notify operators of AM, FM and TV undertakings within 2 kilometres, due to the potential impact the physical structure may have on these broadcasting undertakings. Metallic structures close to an AM directional antenna array may change the antenna pattern of the AM broadcasting undertaking. These proposed structures can also reflect nearby FM and TV signals, causing 'ghosting' interference to FM/TV receivers used by the general public.

7.4 Canadian Environmental Assessment Act

Industry Canada requires that the installation and modification of antenna systems be done in a manner that complies with appropriate environmental legislation. This includes the CEAA and local environmental assessment requirements where required by the CEAA.

Proponents will ensure that the environmental assessment process is applied as early as is practical in the planning stages. This will enable proponents and other stakeholders to consider environmental factors in any decisions that may be made. As part of their environmental assessment, proponents are to give due consideration to potential environmental impacts including cumulative effects.

Proponents are advised to view the current CEAA exclusion list⁷ to see if their proposed installation meets the requirements to be excluded from assessment under the CEAA.

⁶ [BPR-1 - Part I: General Rules](http://strategis.ic.gc.ca/epic/internet/insmt-gst.nsf/en/sf01326e.html) can be found on the Spectrum Management and Telecommunications website at: <http://strategis.ic.gc.ca/epic/internet/insmt-gst.nsf/en/sf01326e.html>.

⁷ The [CEAA exclusion list](http://laws.justice.gc.ca/en/C-15.2/SOR-94-639/index.html) can be found at <http://laws.justice.gc.ca/en/C-15.2/SOR-94-639/index.html>.

If not excluded, the proponent must first notify the local Industry Canada office which will direct the proponent on how to proceed with an environmental assessment. At this point, the proponent must not proceed with any construction related to the proposal.

Where the proposal requires assessment under the CEAA, the proponent must either:

- abandon the proposal; or
- participate in the environmental assessment process as established under the CEAA.

Should the environmental assessment identify that there is the potential for an adverse environmental effect, the proponent will be required to describe the effect and propose mitigation measures. Through an environmental assessment, careful consideration may be given to potential adverse environmental effects during the planning stages. This makes it possible to introduce measures which permit the project to proceed while protecting the environment.

Should any significant adverse environmental effect become apparent at any time during the installation, all construction must be stopped, regardless of whether the installation was excluded from environmental assessment.

For all proponents following Industry Canada's Default Public Consultation Process, the proponent's notification package must provide written confirmation of the project's status under the *Canadian Environmental Assessment Act*.

In those situations where an environmental assessment is required, Industry Canada will post a notification of the commencement of the assessment on the Canadian Environmental Assessment Registry website.⁸ This will help to ensure that all interested parties, including the general public, are aware of an assessment from the outset. The notification will include the name, location and a summary description of the project, and identify the project proponent(s) and federal department(s) directly involved in the assessment. Other pertinent documents will be placed on the Internet site as the assessment proceeds, including all public notices, decisions and information about follow-up programs. Should mitigation measures be identified further to the assessment, Industry Canada will ensure that the project does not proceed unless these measures are adequately addressed.

In addition, proponents are responsible to ensure that antenna systems are installed and operated in a manner that respects the local environment and complies with other statutory requirements such as the *Canadian Environmental Protection Act*, the *Migratory Birds Convention Act* and the *Species at Risk Act*, where applicable.

⁸ The [Canadian Environmental Assessment Registry website](http://www.ceaa-acee.gc.ca/050/index_e.cfm) can be found at: http://www.ceaa-acee.gc.ca/050/index_e.cfm.

7.5 Aeronautical Safety

Proponents must ensure their proposals for any antenna system are first reviewed by Transport Canada and NAV CANADA.

Transport Canada will perform an assessment of the proposal with respect to the potential hazard to air navigation and will notify proponents of any painting and/or lighting requirements for the antenna system. NAV CANADA will comment on whether the proposal has an impact on the provision of their national air navigation system, facilities and other services located off-airport.

As required, the proponent must:

1. submit an Aeronautical Obstruction Clearance form to Transport Canada;
2. submit a Land-use Proposal Submission form to NAV CANADA;
3. include Transport Canada marking requirements in the public notification package;
4. install and maintain the antenna system in a manner that is not a hazard to aeronautical safety; and
5. retain all correspondence.

For those antenna systems subject to Industry Canada's Default Public Consultation Process, the proponent will inform the community of any marking requirements. Where options are possible, proponents are expected to work with the local community and Transport Canada to implement the best and safest marking options. Proponents should be aware that Transport Canada does not advise Industry Canada of marking requirements for proposed structures. Proponents are reminded that the addition of, or modification to, obstruction markings may result in community concern and so any change is to be done in consultation with the local public, land-use authority and/or Transport Canada, as appropriate.

References and Details

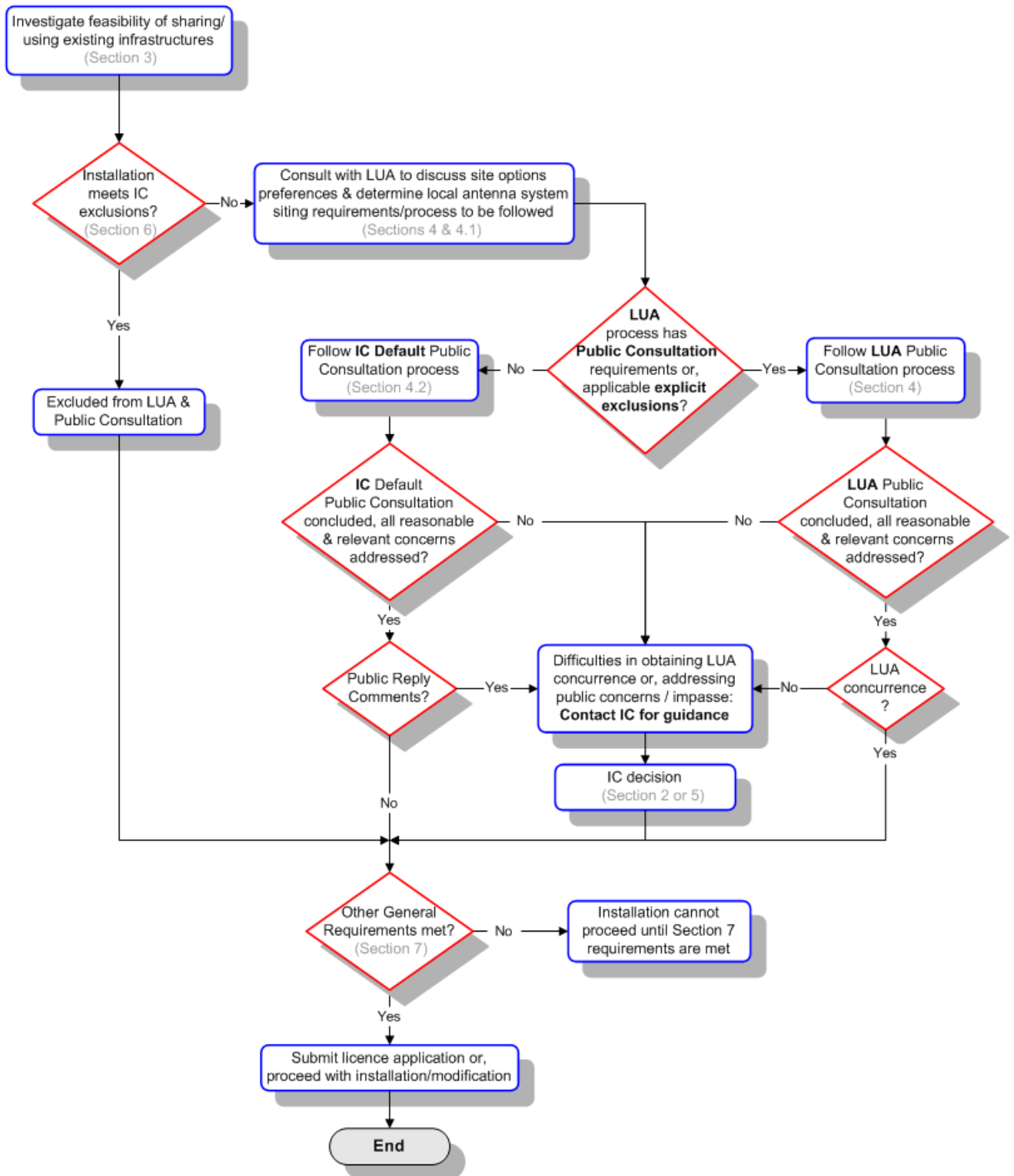
Aeronautical Obstruction Clearance forms are available from any Transport Canada Aviation Group Office. Both the Aeronautical Obstruction Clearance form (#26-0427) and a list of Transport Canada Aviation Group regional offices are available on the Transport Canada website.⁹ Completed forms are to be submitted directly to the nearest Transport Canada Aviation Group office. (Refer to Canadian Aviation Regulations, Standard 621.19, Standards Obstruction Markings).

Land-use Proposal Submission forms are available from NAV CANADA¹⁰ and completed forms are to be sent to the appropriate NAV CANADA General Manager Airport Operations (GMAO) office, East or West.

⁹ The [Transport Canada website](http://www.tc.gc.ca) can be found at: <http://www.tc.gc.ca>.

¹⁰ Search keywords "Land-use Proposal" on the [NAV CANADA website](http://www.navcanada.ca) at: <http://www.navcanada.ca>.

Appendix 1 - Consultation Flow Chart



Appendix 2 - Industry Canada's Default Public Consultation Process - Public Notification Package (See Section 4.2)

The proponent must ensure that at least **30 days** are provided for public comment. Notification must provide all information on how to submit comments to the proponent in writing. The proponent 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 attestation¹ 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*²;
- (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 available, the proponent'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 any applicable local land-use requirements such as local processes, protocols, etc.;

¹ 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.

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

- (10) notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website (<http://strategis.ic.gc.ca/antenna>);
- (11) contact information for the proponent, land-use authorities and the local Industry Canada office;
and
- (12) closing date for submission of written public comments (not less than **30 days** from receipt of notification).



Protocol for Establishing Telecommunication Facilities

The purpose of this Telecommunication Protocol is to outline the process telecommunication applicants will follow to establish and expand telecommunication facilities in the Town of The Blue Mountains (the "Town").

All new telecommunications facilities establishing in the Town will follow the process herein prior to approval by Industry Canada. Should any stage of this process not be followed, the consultation requirements of Industry Canada will be viewed as not being satisfied. In such event, the Town will register a formal objection to the application with Industry Canada. In all situations, it is expected that proponents will work co-operatively with the Town to complete the processing of the proposal in accordance with this protocol.

A. Objective

The Town wishes to preserve the natural beauty and environmental significance of the landscapes of the Niagara Escarpment, and other natural and cultural landscapes in the Town, by limiting the impact of visually incompatible and/or environmentally harmful support facilities (structures, fencing, accessory buildings, driveways, etc.) proposed to be erected or established in the Town. The Town also appreciates that the topography of the landscape makes efforts to establish wireless communications challenging without suitably located antennas to service the growing population of wireless communications users in the Town. The Town strives to work together with the telecommunication companies to locate antennas in optimal locations for providing service while minimizing the visual and environmental impacts of support structures for the antenna.

The purpose of the land-use consultation is to make the Town, and residents of the Town and other stakeholders, aware of the details of a proposed telecommunication facility, to allow for resolution opportunity of any concerns in cooperation with the applicant, and to provide for input about the proposal by the Town to Industry Canada. This protocol has been established to identify the agreed upon expectations of this review process between the Town and members of the telecommunications industry.

B. Preliminary Consultation

Prior to site selection, it is recommended that preliminary consultation occur between the applicant and the Town's Planning Services Division staff so that there is an understanding in terms of areas of sensitivity, formal submission requirements, including fees, as well as process. This advanced contact will foster better site selection prior to public involvement.

Where the property is within the Niagara Escarpment Development Control Area, the primary land use authority shall be considered a shared responsibility between the Niagara Escarpment Commission ("NEC") and the Town. Generally, the Town is a commenting agency to the NEC on all development applications proposed to be established in the Niagara Escarpment Development Control Area within the Town's municipal boundaries. However, Planning Services staff recommends that the Town and the NEC undertake a joint review of telecommunication facilities proposed within the Niagara Escarpment in the

Town. The response to the Industry Canada will therefore represent a joint review and assessment of both the NEC and the Town.

C. Required Pre-consultation

When a site has been selected, and in accordance with the Town's Pre-consultation policies, a proponent must pre-consult with the Town's Planning Services Division prior to a formal application being made and/or accepted. Following the Pre-consult, Town Planning Services staff will advise the applicant of the supportability of the proposal based on a sensitivity and environmental scan of the proposal.

D. Determining Sensitivity

Proposals for new telecommunication facilities will have to be evaluated on a site by site basis so as to determine "sensitivity". Sensitivity will be measured by a variety of factors including environmental issues, visual impacts, land use compatibility, and other community planning matters that may be significant at any proposed telecommunications facility location. Appropriate regard should be given to the "location considerations" identified in Section H of this protocol to reduce potential sensitivities.

E. Site Selection – Environmental Policy Areas

The Official Plan of the Town strongly discourages structures in any Environmental Policy Areas. In spite of this, should it be demonstrated that a proposed site outside these areas is unavailable or unsuitable to the telecommunication company's needs, appropriate review shall be undertaken to ensure the intent of the Official Plan is being met. This may include the requirement for the proponent to have an Environmental Impact Study prepared by a duly qualified consultant.

F. Site Selection – Nature and Design of Support Structures and Antennae

Consideration shall be given to the nature and design of the support structure of the antenna and the nature of its potential impacts on the community. Wherever possible, the antenna and/or ancillary facilities shall be placed on an existing structure where its visual impact will thereby be minimized. Where a new support structure is required or is more compatible, the applicant shall provide a design layout to the Town which illustrates the structure to be the most appropriate tower construction (aesthetically and functionally) and site design for the proposed location (e.g. height of structure, mono pole versus lattice structure, and the appropriate use of existing nearby structures such as water towers, silos, transmission towers, etc. for the purpose of support and screening).

G. Corridors of Demand for Telecommunication Facilities

The Town has transportation corridors that will be primary targets to establish telecommunication facilities. These include Highway 26 and Grey County Roads 2, 13, 19, 40, 113 and 119. The Town recognizes the need to review telecommunication facility proposals effectively and efficiently in order that the applicants may provide the users of our transportation corridors with cellular phone service. While proper evaluation of any proposed location will still be required, the Town understands the importance of providing service to these corridors and will process the submission as quickly as possible for appropriately located and designed facilities.

Along these corridors, telecommunication facilities should be located at a distance great enough so as not to interfere with public safety (i.e. a greater distance from the road allowance, than the height of the tower and in accordance to Provincial, County or Town setbacks) but still within a distance as to provide service to the users of the transportation corridor.

H. Site Selection Report (“Location Considerations”)

As outlined in Section I, a Site Selection Report (“SSR”) shall be submitted to the Town in support of a Telecommunication Facility Consultation (“TFC”) Submission. The SSR shall include information related to the cell or cover area and steps taken by the applicant to investigate all non-support structure and co-location options, and a rationale explaining why a new support structure in a particular location is the only viable alternative. In selecting a location, the applicant will have regard to the following potential impacts and will document their evaluation of alternative sites with regard to these factors:

- a) location of residential uses and amenity areas;
- b) location of existing vegetation including mature tree lines and other screening features;
- c) topographical prominence;
- d) long and short range viewscales;
- e) location of private and public recreational uses within view of the proposed location;
- f) height of structure and design configuration including colouration and lighting (if required);
- g) location and proximity of public roadways;
- h) location of any Environmental Policy Areas or other natural area; and
- i) location within Natural Hazard areas and potential off-site impacts.

This procedure is intended to avoid potential land use conflicts by having these local interests and concerns taken into account at the earliest possible time.

I. Telecommunication Facility Consultation Submission Requirements

Once a location has been selected, all proposals for new telecommunication antennae, support structures and substantial modifications to existing support structures require the submission of documents and drawings to provide the Town with an opportunity to review the proposal as the local land-use authority, which shall include, but not be limited to, the following:

- A Site Selection Report (including documentation outlining the steps taken by the applicant to investigate all non-support structure and co-location options and a rationale explaining why a new support structure in a particular location is the only viable alternative);
- A letter of intent by the owner of the subject lands to enter into a lease agreement to permit establishment of a telecommunication facility, as well as a copy of the deed and survey of the property;
- A colour photograph of the subject property with a superimposed scaled image of the proposed antennae, support structure and facilities;
- A site plan drawn to a 1:250 metric scale showing the entire property upon which the telecommunication facility will be located, site grading, property lines, existing or proposed buildings, fences, buffering, lighting, existing and proposed landscaping, access, parking, driveways, utilities and services, easements, significant vegetation or wetlands, and the type and height of the proposed support structure. Should the subject lands consist of a significant land area, then two (2) drawings of different scales may be permissible; 1) 1:250 Facility Site Plan and 2) 1:1000 Entire Property.
- Two sets of scaled engineered drawings, stamped and certified by a professional engineer of the proposed support structure required. These drawings must indicate the construction specifications of the proposed support structure. In the case of antennas and assorted support structures proposed to be mounted on other structures, an engineer’s report is also required to address the predicted effects and the safe installation of the facilities on the existing building or structure and confirmation the result of the proposed installation will not jeopardize the structural integrity of the structure or building and will incorporate safety measures to protect the general public from harm.

- A map showing the horizontal distance between the location of the proposed support structure installation and all adjacent properties within 500 metres of the subject property.
- Appropriate documentation from the road authority having jurisdiction concerning new entrances.
- Appropriate documentation as requested by the applicable conservation authority or the NEC for their review of proposals involving construction in a flood plain, filling within regulated areas, alterations to a watercourse, or crossing of a watercourse.
- Assurance shall be given, in a form that is to the satisfaction of the Town, that appropriate arrangements have been made to completely dismantle and remove the telecommunication facility from the property, by the Applicant or owner of the lands upon the termination of its use.
- A cheque payable to the Corporation of the Town of The Blue Mountains in the amount of \$1,500.00.

Note: The applicant is also required to provide the Town with a copy of the lease agreement for the site location once it has been finalized.

The Town will conduct an initial review of the SSR and attempt to resolve issues in relation to site selection in advance of detailed drawings and information being submitted by the applicant.

J. Signing of the Property

A sign shall be erected along each street frontage of the property, notifying the public of the proposal to establish a telecommunication facility on the site before the Town can begin its review of the location and at least 20 days prior to the applicant's advertized public information meeting.

- Size: The sign must be 1.2 metres wide by 1.2 metres high with a 1.0 metre ground clearance.
- Material: The sign shall be constructed of durable material and be adequately anchored.
- Lettering: Professionally lettered, upper case letters, size 50 mm and 100 mm. Lettering is to be black inscribed on a white background.
- Location: One sign shall be erected along each street frontage of the property and be erected on the property (versus the road allowance) midway between the adjacent property lines.
- Wording: The sign will read as follows with the appropriate information filled in that is underlined:

**(NAME OF APPLICANT) HAS PROPOSED TO LOCATE A TELECOMMUNICATIONS FACILITY,
BEING (HEIGHT) METRES IN HEIGHT, ON THIS PROPERTY.
PUBLIC COMMENT IS INVITED.**

**A PUBLIC INFORMATION MEETING SCHEDULED WILL BE HELD ON (DATE of MEETING) FROM (xx) to (yy) AT
THE TOWN OF THE BLUE MOUNTIANS TOWN HALL (32 MILL STREET, THORNBURY)
FOR FURTHER INFORMATION CONTACT THE (CARRIER) OR THE TOWN'S PLANNING SERVICES DIVISION AT (TOLL FREE)
888.258.6867 OR 519.599.3131, EXT. 283.**

- 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 applicant and/or owner accordingly.

K. Public Consultation

Public consultation will take place in the form of notifying all interested and affected residents (including, at a minimum, the Town and all property owners within five hundred (500) metres of the support structure or, 10 times the structure's height, whichever is greater) by mail and notice by publication in a newspaper shall be undertaken. Notification by mail and publication in a newspaper with the details of any meeting shall occur no sooner than twenty (20) days and no later than forty (4) days before the scheduled meeting. As a minimum, the following details shall be included in the notice:

- i. Key Map complete with the proposed location of the site
- ii. A description as to the type of structure, colour, height, etc.
- iii. The Public Information Meeting date, time and location
- iv. Town contact information
- v. Carrier contact information

In order to ensure ongoing communication amongst residents and the facility operators, a plaque shall be installed at a suitable location at the base of the facility and an identical plaque at the driveway entrance once it has been constructed identifying the facility operator, a contact telephone number, and the facility's site identification number.

L. Planning Report

Should the Town's assessment of location considerations be satisfactory and in compliance to the Town's protocol, Town staff will inform the applicant that staff is of the opinion that the proposed telecommunication facility's selected location is suitable and its design appropriate. This opinion will then be further outlined in a report to Town Council. Town Council will make the final determination of the comments to be forwarded to Industry Canada from the local land-use authority. This process may take up to sixty (60) days from the date of submission to Town staff of all necessary documents as set out in this protocol.

Please note that, the Town will consult with the NEC, the County of Grey, and the applicable conservation authority to expedite the Town's assessment and therefore the proponent is advised to consult with all agencies prior to submitting any applications proposing to establish new telecommunications facilities in the Town.

Should the applicant not have satisfactorily addressed location considerations or, should Town Council decide that the site is not satisfactory, the Town will require the applicant to reassess their initial site selection, provide additional supporting documentation and may require further time to properly review the amended submission and comment on any outstanding concerns that may arise to Industry Canada. This analysis may take up to 120 days from the date of the original submission by the applicant.

M. Confirmation of Land-Use Authority Consultation

The Town will inform the applicant and Industry Canada through Town Council resolution that the land-use authority consultation process has been completed in accordance to the Town's Telecommunication Facility Protocol and will advise the applicant and Industry Canada of its findings and recommendations about the proposed facility.

N. Approval Process Timeframe

For proposals that are in "limited-sensitive areas", the Town will do everything to expedite the land-use authority consultation process within sixty (60) days. For proposals that are in more sensitive locations, a time period of up to 120 days may be required for the appropriate review of proposals which are supported with well documented material. Where applicable, the NEC and the applicable conservation authority should be contacted regarding their processing timeframe as the Town may comment adversely on applications that have not been reviewed and cleared for installation by these public agencies.