



Protocol for Establishing Telecommunication Facilities

The purpose of this Protocol is to outline the process telecommunication facility Proponents must follow to establish or expand telecommunication facilities in the Town of The Blue Mountains (the “Town”).

The establishment and expansion of telecommunication facilities is under the exclusive jurisdiction of the Federal Government. Innovation, Science and Economic Development (ISED) Canada is the approval authority for telecommunication facilities and requires Proponents of new facilities to consult local planning authorities to ensure local protocols and surroundings are considered during the mandated site selection process.

All Proponents of proposed telecommunications facilities in the Town must follow this protocol prior to approval by ISED Canada. Should any stage of this process not be followed, the consultation requirements of ISED Canada will be viewed as not being satisfied and the Town will register a formal objection to the application with ISED 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 recognizes that the topography of the landscape presents a challenge to establish wireless communications 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, residents of the Town, and other stakeholders, aware of the details of a proposed telecommunication facility, to allow for resolution of any concerns in cooperation with the Proponent, and for the Town to provide input about the proposal to ISED 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. Overview

The land-use consultation process consists of the following steps, explained in greater detail below:

1. Recommended Preliminary Discussion
2. Required Pre-Consultation
3. Formal Application Submission
4. Public Meeting
5. Staff Recommendation Report to Committee of the Whole
6. Decision of Council and Submission to ISED Canada

C. Exemptions

ISED Canada provides direction regarding proposals that are exempt from land use authority and public

consultation. These include:

1. New antenna systems with a height less than 15 metres.
2. Modifications to existing antenna systems where the cumulative height increase is no greater than 25% of the height of the initial system.
3. Non-tower structures (buildings, water towers, lamp posts, etc.) if the height of the structure does not increase by more than 25%.
4. Temporary antenna systems.

Exemptions 1 and 2 do not apply to telecommunications carriers, broadcasting undertakings, or third-party tower owners. Proponents should consult with Town Planning Services and/or ISED Canada to determine if the proposal is eligible for exemption from the process outlined in this Protocol.

D. Approval Process Timeline

For proposals that are in areas of limited sensitivity, the Town will do everything to expedite the land-use authority consultation process within ninety (90) days. For proposals that are in more sensitive locations, a period of up to 120 days may be required for the appropriate review of proposals which are supported with well documented material. Please note that the Town will consult with the Niagara Escarpment Commission (“NEC”), the County of Grey, and the applicable conservation authority to expedite the Town’s assessment. Proponents are advised to consult with all agencies regarding their processing timeframe prior to submitting an application as the Town may comment adversely on applications that have not been reviewed and cleared for installation by these public agencies.

E. Recommended Preliminary Discussion

Prior to site selection, it is recommended that preliminary discussions occur between the Proponent and Town Planning Services staff so that there is an understanding of areas of sensitivity, formal submission requirements, including fees, and process. This advanced contact will foster better site selection prior to public involvement. Preliminary discussions are not sufficient to replace the required pre-consultation, as outlined below.

Where a development application is proposed within the Niagara Escarpment Plan Area of Development Control and within the Town’s municipal boundaries, the Town is generally a commenting agency to the NEC. It is the preference of this protocol that the primary land use authority be considered a shared responsibility between the NEC and the Town for telecommunication facilities proposed in the Niagara Escarpment Plan Area of Development Control and that a joint review and assessment be undertaken by the two parties. The NEC has established a *Consultation Protocol for Radiocommunication and Broadcasting Antenna Systems in the Niagara Escarpment Plan Area*, which states that the NEC will prepare a report containing analysis and recommendations and forward the report to ISED Canada for proposals within the Area of Development Control. It is recommended that Proponents of facilities within the Area of Development Control conduct preliminary consultation with the NEC to determine the agency’s role in the consultation process.

F. Required Pre-Consultation

When a site has been selected, and in accordance with the Town’s Pre-Consultation policies, a Proponent must formally consult with Town Planning Services staff prior to submission and/or acceptance of an application. Following the Pre-Consultation, Town Planning Services staff will advise the Proponent of the supportability of the proposal based on a sensitivity and environmental scan of the proposal. A meeting date will be scheduled upon receipt of the completed Pre-Consultation Application, submitted to planning@thebluemountains.ca, and the associated fee.

G. Site Selection

I. Determining Sensitivity

Proposals for new telecommunication facilities will have to be evaluated on a site-by-site basis 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.

II. Environmental Policy Areas

The Official Plan of the Town strongly discourages structures in any Environmental Policy Areas. Despite this, should it be demonstrated that a proposed site outside these areas is unavailable or unsuitable to the Proponent’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.

III. 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 co-located with existing infrastructure where its visual impact will thereby be minimized. Proponents will be directed to coordinate with other service providers where multiple proposals are made in the same general area. Where a new support structure is required or is more compatible, the Proponent 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. The height of the structure, structure type (monopole, lattice, etc.), and support and screening (from water towers, silos, transmission towers, landscaping, etc.) should all be taken into consideration. The design of associated equipment should also be considered. It is the Town’s preference that the design of a proposed structure should provide for the least visual impact on the surrounding area. This may include designs such as slim line monopoles, shrouded monopoles, mono-pines, flush-mounted antennas, or incorporation into existing structures.

IV. Corridors of Demand for Telecommunication Facilities

The Town has transportation corridors that are 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 Proponents 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 with 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

As outlined in Section H, a Site Selection Report (“SSR”) shall be submitted to the Town in support of an Application for Municipal Concurrence for Telecommunication Facilities. The SSR shall include information related to the cell or coverage area, steps taken by the Proponent to investigate all non-support structure and co-location options, and rationale for the necessity of a new structure in the proposed location. In selecting a location, the Proponent will have regard for the following potential impacts and will document their evaluation of alternative sites regarding 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 viewsapes;
- 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;

- I. location within Natural Hazard areas and potential off-site impacts;
- J. location of other telecommunication facilities within 1km;
- K. existing service coverage areas and gaps to be filled by proposal; and
- L. confirmation of consultation with other service providers to determine co-location opportunities.

This procedure is intended to avoid potential land use conflicts by having these local interests and concerns considered at the earliest possible time. The Town will conduct an initial review of the SSR and attempt to resolve site selection issues in advance of detailed information being submitted by the Proponent.

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 the Town for review as the local land-use authority, which shall include, but not be limited to, the following:

1. Evidence of completion of Pre-Consultation in the form of a completed Comments-Response Matrix;
2. A completed Application for Municipal Concurrence for Telecommunication Facilities;
3. A cheque payable to the Corporation of the Town of The Blue Mountains for the associated application fee for the amount listed in the current Planning Fees By-law;
4. A Site Selection Report (including documentation outlining the steps taken by the Proponent to investigate all non-support structure and co-location options and a rationale explaining why a new support structure in a particular location and with a particular design is the only viable alternative);
5. A letter of intent by the owner of the subject lands, if other than the Proponent, 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. Note: The Proponent is required to provide the Town with a copy of the lease agreement for the site location once it has been finalized;
6. A colour photograph of the subject property with a superimposed scaled image of the proposed antennae, support structure and facilities;
7. A site plan drawn to a 1:250 metric scale showing the entire property where 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.
8. 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 public from harm.
9. A map showing the location of the proposed support structure installation and all adjacent properties within 300 metres or six times the proposed tower height, whichever is greater, of the subject property.
10. Appropriate documentation from the road authority having jurisdiction concerning new entrances, if required.
11. Appropriate documentation and fees 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.
12. 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 Proponent or owner of the lands upon the termination of its use.

J. Public Consultation

Upon receipt of a complete application, Town staff will create a project page on the Town website

containing an overview of the proposal and submission materials. The project page will be updated as additional materials and information related to the project become available.

Public consultation will take place in the form of a Public Meeting. Notice of this meeting will be given by the Town to all property owners within three hundred (300) metres or six times the towers height, whichever is greater, of the proposed facility location by mail. Notice by publication in a newspaper shall also be provided by the Town if the structure's height exceeds thirty (30) metres. In accordance with ISED Canada standards, notification by mail and publication in a newspaper, when required, shall occur no later than thirty (30) days before the scheduled Public Meeting and should be synchronized, unless Town notice policies require more advanced notice. For applications submitted on or after August 1, 2023, notice must be provided in both official languages, in accordance with ISED Canada policy. The Town will be responsible for creating and mailing the notice, which will include, at a minimum, the following details:

- a) Key Map complete with the proposed location of the site
- b) A description as to the type of structure, colour, height, etc.
- c) The Public Meeting date, time, and location
- d) Town contact information
- e) Proponent contact information

A sign shall also be erected along each street frontage of the property, notifying the public of the proposal to establish a telecommunication facility on the site at least 30 days prior to the Public Meeting. The Town will provide an electronic version of a sign to the Proponent with information regarding the proposal. The Proponent is responsible for printing and installing the sign on site. Once the application has satisfied the requirements of this Protocol, the signs on the property must be removed within 30 days of the establishment of the telecommunication facility otherwise the Town may take the sign down and charge the Proponent and/or owner accordingly.

All comments received by the Town before or during the Public Meeting will be made available to the Proponent. Following the Public Meeting, the Town will provide the Proponent with a matrix of comments received. Within this matrix, the Proponent shall address each comment in writing or explain why the question, comment, or concern is not reasonable or relevant. Reasonable or relevant concerns will vary but should generally be considered if they relate to the requirements of this document and to the amenities or important characteristics of the area surrounding the proposed antenna system. The matrix will serve as a record of communication with the public, will be included in reports associated with the application, and will be provided to the local ISED office. In addition to the matrix, the Proponent and Town staff are expected to engage directly with the public to address and resolve reasonable or relevant concerns prior to a report being brought to the Committee of the Whole.

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.

K. Planning Report

Town staff will write a report to Town Council indicating whether the selected location and design are appropriate and if the Proponent has complied with the Protocol. A recommendation to issue municipal concurrence or non-concurrence will be included in this report. Town Council will make the final determination of the comments to be forwarded to ISED Canada from the Town and if concurrence should be issued.

Should the Proponent not have satisfactorily addressed location considerations or should Town Council decide that the site is not satisfactory, the Town may require the Proponent 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 ISED Canada.

L. Confirmation of Land-Use Authority Consultation

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