

Radiocommunication & Broadcasting Antenna Systems Protocol

1.0 Introduction

The purpose of this Radiocommunication & Broadcasting Antenna Systems Protocol is to outline the process applicants will follow to establish and expand antenna systems in the Town of Aurora. Antenna systems are required to address the increasing demands for wireless communications (cellular telephone) service in the Town of Aurora. This protocol exists so that the process for establishing antenna systems in Aurora is outlined in advance in order that telecommunications and broadcasting companies can satisfy the requirements of Industry Canada for consultation with local Land Use Authorities prior to approval of new installations. The Region of York utilizes the Industry Canada protocol.

This protocol provides guidance and direction to applicants, Town Council, the Town's Planning & Development Services staff, and members of the public about the process of establishing radiocommunication and broadcasting antenna systems including Industry Canada's authority, mandate and process. The proponents of communication facilities will follow this protocol as a condition of the licenses that are issued by Industry Canada.

Industry Canada, which is the approval authority for communications facilities, encourages the establishment of protocols, recognizing that land use authorities are best positioned to contribute to optimum siting of facilities. Although Industry Canada does not play a direct role in the land use consultation process, it is expected that Industry Canada will ensure, by a condition of the licenses that it issues, that the land use authority consultation has taken place prior to the erection of individual antenna structures. Industry Canada utilizes Health Canada's Safety Code 6 criteria for the safety guidelines for exposure to radio frequency fields.

It is intended that by outlining the procedures to be followed in considering proposals, a framework for identifying and resolving any land use conflicts at an early stage in the process will be established. Some variation from the details of this protocol may be required depending on case specific circumstances.

1.2 Objectives

The intent of this protocol is to:

- Balance demands for facilities with a desire to preserve the natural and cultural landscape and minimize community impacts, through sharing antenna systems

- Outline a general process to be followed by the applicants within the Town of Aurora for reviewing and processing communications facility proposals which are NOT excluded from this protocol, and to provide an opportunity for public consultation
- Provide for consistency within the Town of Aurora regarding the review of antenna system proposals
- Provide for high calibre wireless telecommunications service, in order to promote economic development, and meet the business and safety needs of the public and community.

2.0 Preliminary Consultation

Preliminary consultation shall be required between proponents and the Town's Planning and Development Services staff. The proponent will be provided with information detailing:

- Copy of the Protocol including requirements and/or recommendations for public consultation
- Documents, drawings and fees required
- List of commenting agencies/departments to be consulted, which shall be determined at the pre-consultation session
- Municipally owned property and/or infrastructure in the proponent's search area that may be suitable for the establishment of an antenna system
- Discussion on the preferences to the proponent on the various possible areas and sites to be considered
- Historic and environmental land use sensitivities
- Municipal preferences regarding tower design & location, recognizing that the detailed consideration of tower design will occur on a site specific basis
- Information concerning any aesthetic or landscaping preferences

It is strongly recommended that the proponent will consult with adjacent municipalities within 120 metres of the subject property limits or within a distance of three times the height of the antenna system, whichever is greater, by circulating proposals when they are brought forward to the Clerk and Director of Planning of the adjacent municipalities. The proponent shall provide confirmation of this consultation to the Town if this was undertaken. Height is measured from the lowest ground level at the base, including foundation, to the tallest point of the antenna system. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) is unacceptable.

3.0 Site Selection Criteria

The proponent shall be encouraged to identify a location that minimizes the total number of tower sites as much as possible and to use existing structures (sharing) wherever possible. In selecting a site for a new antenna system, the following shall be considered:

- The availability of Town or Region owned land to accommodate the proposal
- Property and/or infrastructure owned by the Town or Region that meets the proponent's network objectives, subject to standard industry financial compensation arrangements
- The availability and physical limitations of nearby existing structures (towers, rooftops, water towers, etc.) to accommodate additional antennas
- Maximizing the distance from residential zones, where possible and minimizing any negative visual impacts
- Maximizing the distance from public and institutional facilities such as schools, hospitals, community centres, day care facilities and senior's residences
- Avoidance of natural features, vegetation, hazard lands (flood plain, steep slopes)
- Avoidance of areas of topographical prominence, where possible to minimize long/short range views
- Compatibility with adjacent uses
- Access to the antenna system site are sensitively integrated
- Avoidance of new towers in Heritage Conservation Districts, Heritage Resource Areas and in the vicinity of prominent cultural landmarks and cultural views and vistas

3.1 Information Required

All proposals for new antenna systems, and modifications to existing systems that are not exempt from this protocol, shall be supported by an information package including the information outlined in Appendix A included as part of this protocol.

3.2 Design

It is important to note that tower design and location should be considered on a site by site basis. Where sharing is not possible, structures shall be designed to minimize visual impact and to avoid disturbance of significant natural features. The type and colouring of structures shall be selected to blend in with the surroundings. Landscaping will be required where appropriate. Antenna systems and any accessory base stations should be designed to fit into the context of the surrounding area to the maximum extent possible. In appropriate circumstances, proponents will consider unobtrusive tower design recognizing that such design may limit the structure's sharing capacity in the future. Tower designs that mimic other features customarily found in an urban area context, such as trees and flagpoles, are encouraged where appropriate. Towers shall accommodate only radiocommunication and/or broadcasting facilities. No signs or other materials not directly related to this equipment shall be permitted on the tower unless authorized by the Town and in compliance with the Town's sign by-law.

3.3 Fees

The proponent shall be required to pay the applicable processing fees. Other fees may apply if additional applications to other approval authorities, e.g. Regional Municipality of York, conservation authority, etc. are required.

3.4 Agreement/Letter of Undertaking

In certain circumstances the proponent may be required to enter into an agreement or undertaking, with and acceptable to the Town to ensure:

- The completion of landscaping and site works
- In the case of a lease between the Town and a proponent, lease provisions acceptable to the Town Solicitor

3.5 Exclusions from Municipal Approval

Proposals to share communication facilities on existing antenna systems shall be exempt from municipal approval.

In addition the following shall be exempt from municipal approval:

- 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
- New antenna systems, including masts, towers or other antenna-supporting structure, with a height of less than 15 metres above ground level. This exclusion does not apply to antenna systems operated by telecommunications carriers, broadcasting undertakings, or third party owners.

4.0 Public Consultation

Proponents are required to hold a public information session. If the session is scheduled between Canada Day and Labour Day, two information sessions are recommended to ensure that residents have the opportunity to attend. The two information sessions are to be a minimum of two weeks apart.

It is recommended that the proponent shall give notice by regular mail to all owners of properties and municipalities within a radius of 120 metres of the subject property limits

or within a distance of three times the height of the tower, whichever is greater, from the subject property. If a condominium development is located within the required circulation radius, notice may be given to the condominium corporation, instead of all owners assessed in respect of the condominium development. To prevent confusion on the mailed Public Information Session notice, applicants are required to clearly mark in bold type on the envelope and letter to residents **“Notice for Residents of a New Proposed Communication Antenna System. Your property is within the 120 m notification radius of the proposal. Information is Enclosed.”** The Public Information Session notice is to be sent to residents at least 30 days before the Public Information Session(s). The notice is to include:

1. Information on the location, height, type, design and colour of the proposed Antenna System, including a 21 cm x 28 cm (8.5” x 11”) size copy of the site plan submitted with the application;
2. The rationale, including height and location requirements, of the proposed Antenna System;
3. The name and contact information of a contact person for the Proponent;
4. The name and contact information of the Designated Municipal Officer;
5. An attestation that the Antenna System will respect Heal Canada’s Safety Code 6 which sets safe radiofrequency emission levels for these devices;
6. The date, time, and location of the public information session(s); and
7. A deadline date for receipt by the Proponent of public responses to the proposal. The deadline date must be no more than 5 days before the date of the session(s).

An on-site notification sign shall also be erected on the subject property. One sign is to be erected on each street frontage approximately at mid-point along the frontage, within 6.0 m from the lot line, and should be clearly visible from the street. The sign is to be a minimum of 1.2 m by 1.2 m in size.

The proponent must also provide a copy of the notification package to the Town and the local Industry Canada office at the same time as the package is provided to the public. The Town strongly recommends that the wording for the notice and sign follow the suggested wording included in Appendix B and shall be provided a minimum of 30 days before the community information session.

All proponents shall be required to include the public notice in both local community newspapers: the Auroran and the Aurora Banner. Notice is to be provided to the Town Clerk and Director of Planning & Development Services.

The proponent shall submit to the Town a record of attendees, minutes, and a formal written response to concerns or issues raised at the community information session, including revised plans or drawings, if necessary. In addition, the proponent shall respond in writing within 14 days acknowledging receipt of correspondence from the public and copy the Town Planning & Development Services. Furthermore, the proponent shall address all public comments in writing within 60 days of receipt of the

correspondence and the proponent is to clearly indicate that the public has 21 days from the date of the response to provide a reply.

The Director of Planning & Development Services may waive the requirement for a public information session, at his/her discretion.

4.1 Exclusions from Public Consultation

For ground supported antenna systems which meet the following criteria, public consultation is not required:

- Antenna systems less than 15 metres in height above ground level
- All proposals exempt from municipal approval

In the case of proposed antennas that are constructed on buildings, water towers, lamp posts, etc., the following exclusion would apply:

- Antennas located on any building, water tower, lamp post, etc. where the height does not exceed 25% of the height of the non-tower structure or 15 metres above ground level, whichever is the greater

Where there is no public consultation required, the Town shall apply its best efforts to finalize the site plan application within 3 weeks of receiving a written request from the proponent.

4.3 Approvals Required

The following approvals may be required, as determined at the preliminary consultation meeting, but not limited to:

- Vehicular access approval from Ministry of Transportation/Region of York/Town of Aurora
- Conservation Authority fill, construction and alterations to waterways approval
- Transport Canada
- Council Approval
- Other Municipal Approval, including building permits

4.4 Post-Consultation

Construction of an antenna system must be completed within three years of the conclusion of consultation. After three years, consultations will no longer be deemed valid except in the case where a proponent secures the agreement of the Town to an extension for a specified time period in writing. A copy of the agreement must be provided to the local Industry Canada office.

5.0 Municipal Action

The Town when it receives a site plan application shall:

- Review the proposal as discussed in the pre-consultation process
- Obtain departmental comments and provide guidance to the proponent regarding the public consultation process
- Request comments from the Regional Municipality of York and receive feedback
- Make recommendations based on the public consultation process and discussion with the proponent
- Prepare a recommendation report to Council
- Endeavour to complete its circulation and make its views known to the applicant within 60 days and complete the review and site plan process within 120 days

6.0 Dispute Resolution

The Town acknowledges that Industry Canada has a formal dispute resolution process available should recognized parties reach an impasse. For this process to proceed, a written request must be submitted to Industry Canada from a stakeholder other than the general public, asking for intervention concerning a reasonable and relevant concern. The Federal Department may make a final decision on the issue in question or suggest that parties enter into an alternative dispute resolution process. Should parties continue to be unable to reach a mutually agreeable solution, either party may request that Industry Canada make a final decision.

APPENDIX A

Checklist of Information to be Submitted with the Site Plan Application for Radiocommunication & Broadcasting Antenna Systems Proposals

1. A site selection/justification report which outlines the location of non-tower and sharing options which have been considered, and why the proponent's proposal is the preferred and/or only option. This report shall include a Needs Assessment which contains details with respect to the coverage and capacity of the existing facilities in the surrounding area in map form, and confirm the need for a new tower at the proposed location within this context.
 Yes No
2. Map/inventory of all antenna systems within the area as defined at the preliminary consultation meeting.
 Yes No
3. Letter of authorization from the property owner.
 Yes No
4. PIN printout/survey.
 Yes No
5. Visual Assessment study including colour photograph(s) with support structure superimposed from the various directions of adjacent properties and/or public locations.
 Yes No
6. Site layout plan showing all structures and distances to lot lines and adjacent structures, landscaping (removal/proposed) and proposed vehicular access points.
 Yes No
7. Elevation drawings showing structure(s) from all four sides, height and size of facilities, and grading plans.
 Yes No
8. Is a municipal building permit required?
 Yes No
9. Is a conservation authority permit or clearance required?
 Yes No
10. Scoped Environmental Impact Statement, if required by the Town of Aurora.
 Yes No

APPENDIX B

Sample Notice and Sign Wording

Sample Notice Wording:

NOTICE OF PROPOSED COMMUNICATIONS ANTENNA SYSTEM

An application has been submitted by **(Name of Applicant)** on behalf of **(Owner)** to erect a **(type, e.g. telecommunication or broadcasting)** antenna system, being (height in metres) metres in height on lands municipally known as:

Municipal Address Legal Description

A **Public Open House** has been scheduled for **(meeting date)** at **(time)** at:
(Meeting Place)
(Full Address)

The purpose of this Open House being held by (Name of Applicant) is to allow the public to discuss the proposed location of the antenna system.

For additional information, please contact **(Name of Contact Person)** at **(Name of Applicant)** at **(Telephone Number/Email Address)** quoting File No. (File Number).

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

Location Map of the Proposed Antenna System Location

Sample Sign Wording:

NOTICE OF PROPOSED COMMUNICATIONS ANTENNA SYSTEM

AN APPLICATION HAS BEEN SUBMITTED BY (NAME OF APPLICANT) ON BEHALF OF (OWNER) TO ERECT A (TYPE, E.G. TELECOMMUNICATION OR BROADCASTING) ANTENNA SYSTEM, BEING (HEIGHT IN METRES) METRES IN HEIGHT ON LANDS MUNICIPALLY KNOWN AS:

**Full Municipal Address
Legal Description**

**A PUBLIC OPEN HOUSE HAS BEEN SCHEDULED FOR (MEETING DATE) AT (TIME) AT:
(MEETING PLACE)
(MUNICIPAL ADDRESS)**

THE PURPOSE OF THIS OPEN HOUSE BEING HELD BY (NAME OF APPLICANT) IS TO ALLOW THE PUBLIC TO DISCUSS THE PROPOSED LOCATION OF THE ANTENNA SYSTEM.

FOR ADDITIONAL INFORMATION, PLEASE CONTACT (NAME OF CONTACT PERSON) AT (NAME OF APPLICANT) AT (TELEPHONE NUMBER/EMAIL ADDRESS) - QUOTING FILE No. (FILE NUMBER)

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