



The Township of Cavan Monaghan – Policy for Antenna Systems

Policy Title:	Antenna Systems	Policy Number	
Effective Date:	August 7, 2018	Revision Number: Replaces:	New Policy
Prepared By:	Planning Department	Approved By:	Council

Policy Statement:

1. The Township of Cavan Monaghan recognizes that the Federal Minister of Industry has the authority under the *Radiocommunication Act* to issue radio authorizations and approve each site on which Antenna System installations may be located.
2. As such, Proponents of Antenna Systems do not require permitting of any kind from the Township.
3. Notwithstanding the above, the Federal Government of Canada’s regulating body, Industry Canada, amended its procedures as of January 1, 2008 to promote a better balance between the rights of Proponents of Antenna Systems, municipalities and the public who may be affected by the selection and installation of Antenna Systems within the Township.
4. Industry Canada’s “Client Procedure Circular”, CPC-2-0-03, contains the procedures that require Proponents of Antenna Systems to consult with land-use authorities (LUA), such as the Township of Cavan Monaghan under certain circumstances. The purpose of the consultation is to ensure that the Township is aware of significant Antenna Systems proposed within its boundaries and afford the Township and public an opportunity to provide comments and concerns which may influence Industry Canada’s decisions with respect to the approval of proposed Antenna Systems and their location.
5. Consultation must respect the Federal Government’s exclusive jurisdiction over radiocommunication and broadcasting but does not give a municipality the right to prevent any Antenna System proposal.

6. The following consultation protocol is deemed to be fair and transparent, and ensures that any concerns of the Township and the Local Public affected by the installation is addressed at an early stage of deployment while recognizing that the Federal Government's regulatory arm for radiocommunication and broadcasting, Industry Canada, is the final approval authority.

Purpose:

7. The *Radiocommunication Act* grants Industry Canada the role, responsibility and authority to be the final approval body for the location of radiocommunication and broadcasting Antenna Systems. Industry Canada procedures allow the Township and the Local Public the opportunity, under specific circumstances, to provide feedback to both Industry Canada and the Proponents of Antenna Systems on proposals, including their proposed locations. Certain circumstances, as established by Industry Canada and replicated in Appendix "A" exempt the Proponent from consulting with the Township or Local Public.
8. The Township's interests, on behalf of its constituents, are to prevent the proliferation and possible negative aesthetics of antenna systems within the Township while at the same time recognizing the business, institutional and consumer demands for such radiocommunication and broadcasting systems. This protocol enunciates what Proponents must consider, under Industry Canada procedures, if they wish to establish or expand Antenna Systems within the Township of Cavan Monaghan.

Further to Proponents in order to satisfy not only Industry Canada requirements, but also the Township's requirements to complete public consultation prior to the approval of an application. The establishment of distance separation criteria, among others, provides the Proponent the opportunity to be considered an Insignificant Antenna System and be exempt from public consultation.

Definitions:

9. Antenna System: A wireless radiocommunication or broadcasting (telecommunication) installation, which may include antennas, masts, towers and other supporting structures, such as guy wires;
10. Designated Official: The Director of Planning, or their designate, as delegated by the Council of the Township of Cavan Monaghan.
11. Insignificant: A proposed Antenna System that is small in size and scope and is deemed to have minimal impact on the Local Public by the Designated Official;

12. Local Public: The inhabitants of nearby residences; businesses; property owners; community gathering areas; public and private institutions; elementary and secondary schools; and, if applicable, neighbouring land-use authorities;
13. Proponent: A company, organization or person that is subject to Industry Canada's "Client Procedure Circular" CPC-2-0-03;
14. Tower Height: A measurement 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 mechanisms, be it the outmost guy line, building edge, face of the self-supporting tower, etc.; and
15. Township: The Corporation of the Township of Cavan Monaghan also known as the land-use authority (LUA).

Township Requirements:

16. The Township, in consultation with the Proponent, will ensure public consultation in the locating of wireless Antenna Systems according to the following principles:
 - 16.1. Where reasonably possible, prior to finalizing plans, Proponents of an Antenna System shall consider:
 - 16.1.1. Pre-consulting with the Designated Official of the Township to identify any concerns with the Proponent's search area; and
 - 16.1.2. During this pre-consultation, the Proponent will provide the Township with an Information Checklist (Appendix "C") that will set out the requirements for the application to the Township, recognizing that Proponents of Antenna Systems do not require permitting of any kind from Township, and unless the Proponent is excluded from the requirement to consult in accordance with Section E, herein.
 - 16.2. Having regard to matters of engineering and economics, the following are the Township's preferences for the locating of proposed Antenna Systems:
 - 16.2.1. Review all potential non-tower options;
 - 16.2.2. Review all potential co-location options;

- 16.2.3. Identify Township lands, with or without buildings, which may be suitable for sale or lease for proposed Antenna Systems. The approval of any such sale or lease remains to be at the sole discretion of Township Council;
 - 16.2.4. Investigate new structures on lands owned by private landowners;
 - 16.2.5. Identify lands outside of residentially zoned or residentially designated lands in accordance with the Township's Zoning By-law, as amended, and Official Plan, as amended, respectively, unless the Antenna System is considered as part of a non-tower option; and
 - 16.2.6. Ensure that Antenna Systems will not be located on environmentally sensitive lands (i.e. wetlands, floodplains and steep slopes), and areas of topographical prominence per the Cavan Monaghan Township Official Plan and the Peterborough County Official Plan, as amended.
- 16.3 The Proponent must demonstrate that any lease includes provision for the removal of the tower at the end of the lease period, unless the carrier or owner of the property on which the tower is located, can demonstrate that the tower is required for other purposes. The Proponent will be encouraged to remove the tower, if other, more suitable locations to relocate communications equipment become available. A small plaque must be placed at the base of the tower, identifying the owner/operator of the tower and a contact number.
- 16.4 The Proponent must permit the installation of emergency service telecommunication equipment on the antenna.
17. The Township recognizes that it has no jurisdiction to regulate Antenna Systems under the *Planning Act, 1990*. Despite the jurisdictional issue, when not excluded from the requirement to consult with the land-use authority and the public, the Proponents of Antenna Systems will voluntarily provide drawings and information for the Township's review at a site plan level of detail, together with a justification report in which the proponent will document their site selection process and accompanying rationale and as well as the rationale for the height and built-form of the new Antenna System. Recognizing this is not a site plan application, the Town will not circulate the plan. However, the Proponent will undertake to provide the aforementioned information package to those agencies identified by the Township in its normal circulation.

Exclusions:

18. Industry Canada excludes the Proponent's requirement to consult with the land-use authority and the public for the installation of Antenna Systems in accordance with Section 6, Exclusions, found in Industry Canada's "Client Procedure Circular", CPC-2-0-03 (Appendix "A" – Industry Canada exclusions).
19. The Township is permitted to build upon such exclusions, where it deems appropriate, as follows:
 - 19.1. The Township excludes the Proponent's requirement to consult with the land-use authority and Local Public where an Antenna System is equal to or greater than 15 metres (49 feet, 3 inches) in height and located on lands where the distance radius of three times (3X) the proposed Antenna System's Tower Height does not extend beyond the property on which the Antenna System is to be built.
 - 19.2. Despite Section 19.1, an exemption will continue to be provided to a Proponent whose distance radius of three times (3X) the proposed Antenna System's Tower Height extends beyond the property on which the Antenna System is to be built onto property zoned Commercial, Institutional or Industrial in accordance with the Township's Zoning By-law, as amended, or property designated Commercial, Institutional or Employment in accordance with the Township's Official Plan, as amended.
 - 19.3. The circumstances described within Sections 19.1 and 19.2, herein, are considered to be Insignificant Antenna Systems, as deemed by the Designated Official, if certain criteria are met and, in addition to those exemptions set out by Industry Canada (Appendix "A", herein), such installations will be exempt from the requirements to consult with the land-use authority and the Local Public. The Designated Official will provide written confirmation to the Proponent in this regard.
 - 19.4. The Township requires that the Proponents of Antenna Systems, described in Sections 19.1, consult with the Township and the Local Public if the Antenna System does not meet the minimum distance separation requirements, namely, where the distance radius of three times (3X) the proposed Antenna System's Tower Height extends beyond the property on which the Antenna System is to be built onto property zoned or designated Residential in accordance with the Township's Zoning By-law or the Township's Official Plan, as amended, respectively. The Township will provide the Proponent a list of properties within a distance measured as the radius of three times (3X)

the Tower Height. The Proponent shall provide a notification package, at their cost, delivered to landowners within the above- noted radius to ensure that the affected Local Public is consulted, in accordance with Industry Canada's "Client Procedure Circular", CPC-2-0-03, Appendix 2, (Appendix "B").

Public Input Requirements:

20. The Township requires that the Proponents of Antenna Systems consult with the Township and the Local Public if the Antenna System does not meet the minimum distance separation requirements as described in Section 19.4 or as set out in Section 18. In addition to the details that are to be provided in the notification package, as set out in Appendix "B", to assist in the consultation with the affected Local Public, the Proponent shall make available for public review a colour photograph of the subject property with a superimposed image of the proposed Antenna System portraying both leaf-on and leaf-off perspectives.

Notice to Neighbouring Municipalities:

21. If the proposed Antenna System is located within the distance of three times (3X) the Tower Height from a neighbouring municipality, the Proponent shall notify the affected neighbouring municipality, in writing, of their intent. Such notification will provide 30 days for comment from the neighbouring municipality. For the purposes of this protocol, receipt of the notification package shall mean 5 days after its posting.

Documentation of Public Comments:

22. Industry Canada's "Client Procedure Circular", CPC-2-0-03, Section 4.2, Default Public Consultation Process - Responding to the Public and Public Reply Comments - details the responses required by the Proponent to the public and the public's reply in kind.
23. The Proponent shall document the public consultation process including:
 - 23.1. The names, addresses, phone numbers and E-mail addresses of respondents; and
 - 23.2. The Proponent shall provide a follow-up letter to the Township from indicating the Proponent's formal response to the concerns and/or comments received from the Local Public on the proposal.

24. The Proponent shall obtain the Township's concurrence in writing. In instances where the Proponent has received no objections to the proposal, the Designated Official shall be delegated the power to review and provide a letter of concurrence with the documentation of the public consultation process prepared by the Proponent and forward the Township's concurrence, in writing, to the Proponent and Industry Canada.
25. In instances where the Proponent has received objections to the proposal, the documentation of the public consultation process shall be conducted by the Proponent, reviewed by the Designated Official and presented to Council; thereafter the Designated Official will forward the Township's concurrence or objections, in writing, to the Proponent and Industry Canada.
26. At the conclusion of the public consultation process, if the public and/or the Township have offered comments on the Proponent's plans, such comments shall be discussed with the Proponent. Assuming agreement is reached between the Proponent and the Designated Official, then the Proponent will voluntarily provide the Township with an undertaking to construct the Antenna System in accordance with the information package and the agreed upon modifications. The undertaking will document concurrence between the residents, the Township and the Proponent. Such considerations that may be reviewed, subject to the requirements of Transport Canada and NAV Canada, include:
 - 26.1. Tower type;
 - 26.2. Placement of the tower on the subject lands, recognizing the Proponent's engineering or network requirements and/or the particulars set out in the lease agreement between the Proponent and landowner;
 - 26.3. Tower and base station/equipment shelter colours, preferably neutral to blend into the environment;
 - 26.4. Unobtrusive design of base station/equipment shelter;
 - 26.5. Preservation of existing landscape; and
 - 26.6. Additional landscaping.
27. All of the foregoing shall respect Industry Canada's expectation that consultation will conclude within 120 days.

Implementation:

28. This protocol shall become effective immediately upon approval by the Council of the Corporation of the Township of Cavan Monaghan.
29. Township Council may impose fees for the receipt of comments for the installation of Antenna Systems in accordance with the Township's User Fees and Charges By-law.
30. Township Council delegates the consultation function on Antenna Systems to the Director of Planning, or their designate. The role of the Designated Official is to facilitate discussion and the timely exchange of information between Proponents, the Township and the public, as required.
31. This protocol applies to all committees of Council, Departments and Staff.
32. Township Council may review and amend this protocol as required.

Appendix “A”

Industry Canada “Client Procedures Circular” CPC-2-03, January 2008

Excerpt from Section 6 – Exclusions

For the following types of installations, proponents are excluded from the requirement to consult with the Land-use authority (LUA) and the public, but must still fulfill the General Requirements (Outlined in Section 7 of Industry Canada’s “Client Procedure Circular”, CPC-2-0-03).

- 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 (49 feet, 3 inches) 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.

Appendix “B”

Industry Canada “Client Procedures Circular” CPC-2-0-03 (Appendix 2), January 2008 Public Notification Package

Industry Canada’s “Client Procedure Circular”, CPC-2-0-03 public notification package must include, but need not be limited to:

1. The purpose of the Antenna System, the reasons why existing antenna systems or other infrastructure cannot be utilized, a list of other structures that were considered unsuitable and future sharing possibilities for the proposal;
2. The proposed location and key map of the proposed Antenna System in the community;
3. An attestation 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. Areas for public access and/or the control of public access to the Antenna System;
5. The project’s status under the *Canadian Environmental Assessment Act*;
6. A description of the proposed Antenna System including height, 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 required;
8. An attestation that the installation will respect good engineering practices including the structural adequacy of the proposed Antenna System;
9. Reference to any applicable local land-use requirements such as local processes, protocols, etc.;
10. Notice that information relating to Antenna Systems is available on Industry Canada’s, Spectrum Management and Telecommunications, website and citing the same;

11. Contact information for the Proponent and/or their Agent, the Town's Designated Official and the local Industry Canada office; and
12. The closing date for the submission of written comments shall be not less than 30 days from receipt of the notice. For the purposes of this protocol, receipt shall mean 5 days after posting of the notification package.

Appendix “C”

Application for the Establishment of an Antenna System Information Checklist

Where a proponent is not excluded from the requirement to consult with the land-use authority and the public, then proposed new installations or modifications of Antenna Systems require the submission of an application where consultation is required with the Township of Cavan Monaghan and the affected public. Such consultation is required by Industry Canada and the information gathered will expedite any approvals sought by the Proponent of the Antenna System.

1. Written documentation from the Proponent outlining their steps taken to investigate all non-tower and co-location options, demonstrating why the site for the erection of a new Antenna System tower is the preferred alternative for the Proponent.
2. If a new Antenna System option is the only viable alternative, then the Proponent shall provide an analysis of the other possible sites considered and provide a description as to why the alternative sites were not preferred.
3. A pre-consultation meeting with the Township’s Designated Official is strongly encouraged to share mutual local knowledge from the Township’s officials and, at the same time, share the technical needs of the Proponent.
4. A site plan, drawn to an acceptable scale, showing the subject property owned by the Proponent or, alternatively, indicating the leased area of land the Proponent will be utilizing; site grading, the location of existing property line; the location of existing or proposed buildings and structures; fences; existing vegetation; proposed vegetation through additional landscaping; and parking access. Furthermore, the site plan should indicate, in profile, the type and height of the tower.
5. Two sets of stamped engineer’s drawings depicting the tower’s design.
6. A statement from the Proponent to indicate the need for the proposed tower’s height.
7. A map indicating the horizontal distance between the tower and the nearest lands zoned residential; designated residential; the nearest environmentally sensitive lands, including wetlands.