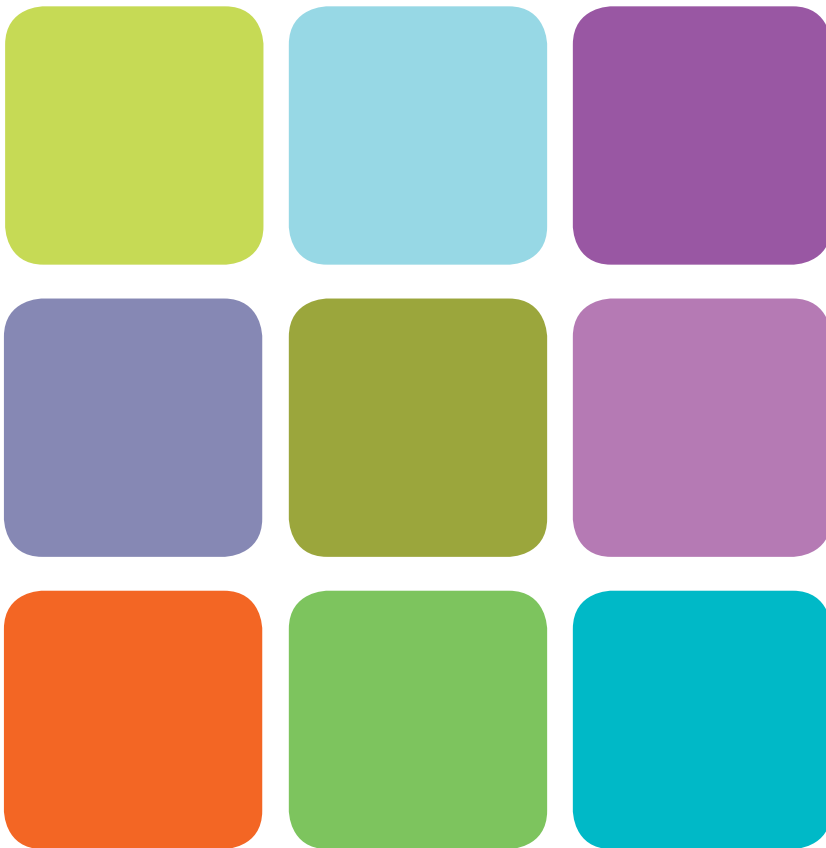


ANTENNA SYSTEM SITING PROTOCOL TEMPLATE

CWTA/FCM JOINT PROTOCOL - REVISED DECEMBER 2014



www.fcm.ca

www.cwta.ca



PURPOSE:

(TO BE REMOVED FROM FINAL PROTOCOL)

The purpose of this protocol template is to provide Municipalities with a tool to develop customized protocols for the siting of Antenna Systems within their Municipality.

As the template was developed jointly by the FCM and the CWTA, and is consistent with Industry Canada rules on Antenna System consultations, its use should result in consistent and predictable Antenna System siting protocols. This template encourages the development of local protocol guidelines that fully express the Municipality's location and design preferences. It is desirable for protocols to highlight local knowledge and expertise by suggesting preferred sites in all zoning designations and community development plans, including in Residential Areas, as well as design and screening preferences.

Additionally, all examples of local customization provided in the Appendix are endorsed by the wireless industry as being reasonable and practical components of an antenna siting protocol. Some of these examples are better suited to urban, suburban or rural Municipalities, depending on the Municipality from which they derive, but they serve as 'best practices' and should be considered by Municipalities as they examine options for developing their own local protocols. Municipalities should remove all items from this template that are not relevant considering its municipal policies and preferences before finalizing its protocol.

The following sections set out recommended language that may be adopted or adapted by Municipalities wishing to develop a customized protocol in a manner that reflects local circumstances.

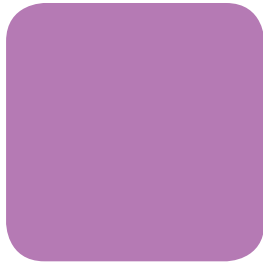
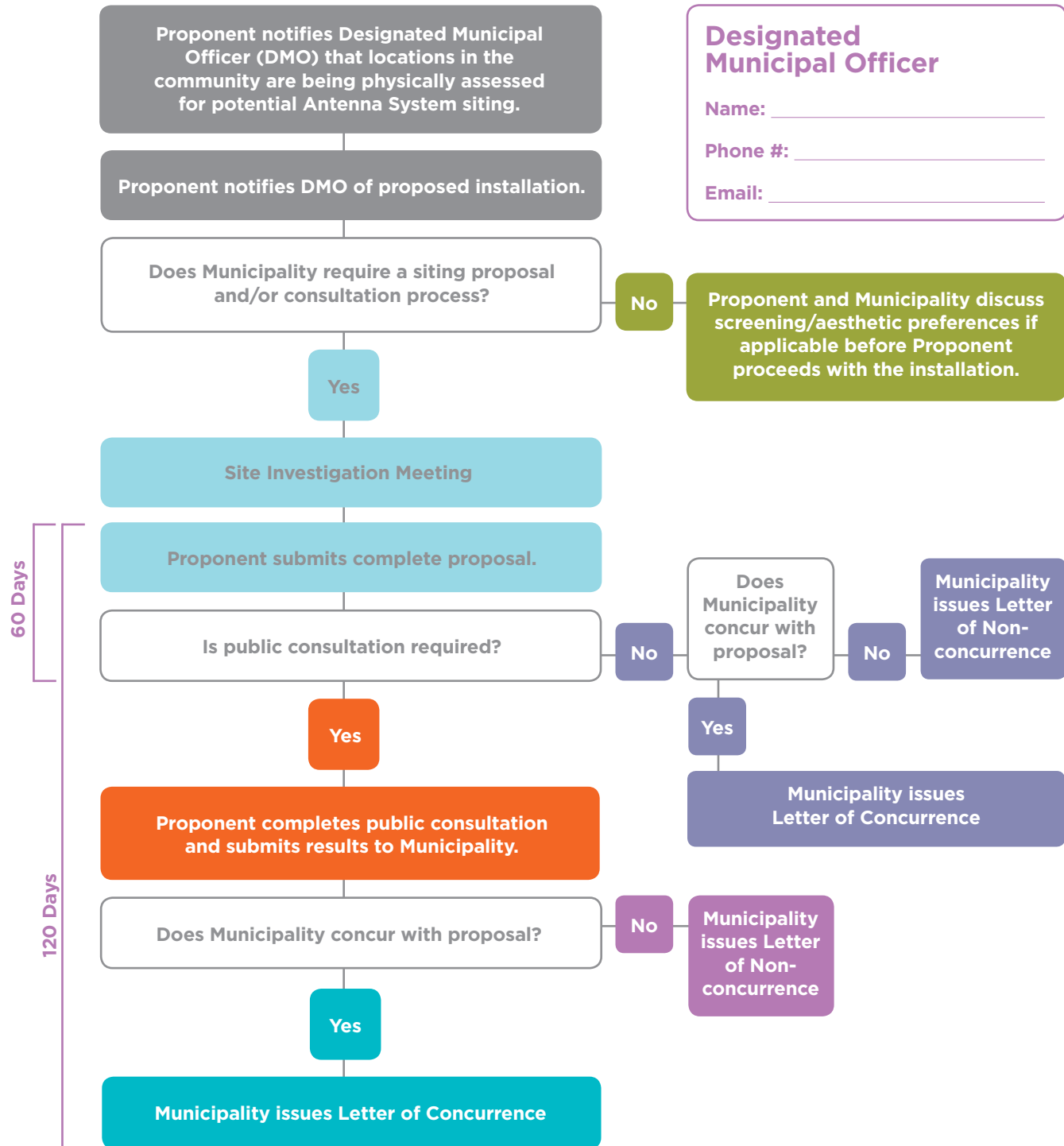


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Antenna System Siting Process Flowchart



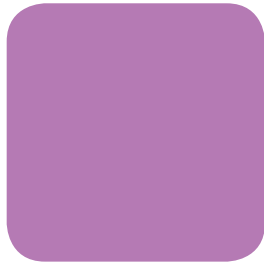
Section 1



OBJECTIVES

The objectives of this Protocol are:

- (1) To establish a siting and consultation process that is harmonized with Industry Canada's *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)* and *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* for reviewing land use issues associated with Antenna System siting proposals;
- (2) To set out an objective process, criteria and guidelines that are transparent, consistent and predictable for the evaluation of Antenna System siting proposals that:
 - a. Minimize the number of new antenna sites by encouraging co-location;
 - b. Encourage designs that integrate with the surrounding land use and public realm;
 - c. Establish when local public consultation is required; and
 - d. Allow Industry Canada and the communications industry to identify and resolve any potential land use, siting or design concerns with the Municipality at an early stage in the process.
- (3) To provide an expeditious review process for Antenna System siting proposals;
- (4) To establish a local land use consultation framework that ensures the Municipality and members of the public contribute local knowledge that facilitates and influences the siting - location, development and design (including aesthetics) - of Antenna Systems within municipal boundaries;
- (5) To contribute to the orderly development and efficient operation of a reliable, strong radiocommunication network in the Municipality; and
- (6) To provide the Municipality with the information required to satisfy the requirements of Industry Canada regarding local land use consultation, resulting in an informed statement of concurrence, concurrence with conditions, or non-concurrence from the Municipality to Industry Canada at the end of the process.



JURISDICTION AND ROLES

INDUSTRY CANADA: Under the *Radiocommunication Act*, the Minister of Industry has sole jurisdiction over inter-provincial and international communication facilities. The final decision to approve and licence the location of Antenna Systems is made only by Industry Canada. In June 2014, Industry Canada issued an update to its *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)* which outlines the process that must be followed by Proponents seeking to install or modify Antenna Systems, effective July 15, 2014.¹

Industry Canada also requires that Proponents intending to install or modify an Antenna System notify and consult with Municipality (Land Use Authority), and the local community within a Prescribed Distance from the proposed structure. Industry Canada also published a *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* in January 2008, stating that it “considers that the Municipality’s and local residents’ questions, comments and concerns are important elements to be considered by a Proponent seeking to install, or make modifications to, an antenna system.” The CPC also establishes a dispute resolution process to be used where the Proponent and Municipality have reached an impasse.

ROLE OF THE MUNICIPALITY: The ultimate role of the Municipality is to issue a statement of concurrence or non-concurrence to the Proponent and to Industry Canada. The statement considers the land use compatibility of the Antenna System, the responses of the affected residents and the Proponent’s adherence to this Protocol. The Municipality also guides and facilitates the siting process by:

- **Communicating** to Proponents the particular amenities, sensitivities, planning priorities and other relevant characteristics of the area;
- **Developing the design guidelines** for Antenna Systems contained in Section 6 of this Protocol; and
- **Establishing** a community consultation process, where warranted.

¹ For additional information regarding Industry Canada’s mandate and the application of its authority in the wireless telecommunications process, please consult Industry Canada’s Spectrum Management and Telecommunications Sector at <http://ic.gc.ca/spectrum>.



By working with Proponents throughout the siting process, beginning with preliminary notification and the site investigation meeting, the Municipality seeks to facilitate Antenna System installations that are sensitive to the needs of the local community.

ROLE OF THE PROPONENT: Proponents need to strategically locate Antenna Systems to satisfy technical criteria and operational requirements in response to public demand. Throughout the siting process, Proponents must adhere to the antenna siting guidelines in the CPC, including:

- Investigating sharing or using existing infrastructure before proposing new antenna-supporting structures (consistent with CPC-2-0-17 *Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*);
- Contacting the Municipality to determine local requirements regarding Antenna Systems; and
- Undertaking public notification and addressing relevant concerns as is required and appropriate.

OTHER FEDERAL LEGISLATION: Proponents additionally must comply with the following federal legislation and/or regulations, where warranted:

- Health Canada's Safety Code 6 - Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 KHZ to 300 GHZ - Safety Code 6 (2009);²
- The *Canadian Environmental Assessment Act*; and
- NAV Canada and Transport Canada's painting and lighting requirements for aeronautical safety.

² The Municipality does not assess any submission for an Antenna System with respect to health and radiofrequency exposure issues or any other non-placement or non-design related issues. Any questions or comments the public may wish to make regarding health issues related to cell phones, cell towers and radiofrequency exposure guidelines (Safety Code 6) should be directed to Health Canada on-line at healthcanada.gc.ca and to the Proponent's representative.

Section 3



DEFINITIONS

ANTENNA SYSTEM: an exterior transmitting device – or group of devices – used to receive and/or to transmit radio-frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas. Antenna Systems include the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter. This protocol most commonly refers to the following two types of Antenna Systems:

1. **Freestanding Antenna System:** a structure (e.g. tower or mast) built from the ground for the expressed purpose of hosting an Antenna System or Antenna Systems;
2. **Building/Structure-Mounted Antenna System:** an Antenna System mounted on an existing non-tower structure, which could include a building wall or rooftop, a light standard, water tower, utility pole or other.

CO-LOCATION: the placement of antennas and equipment operated by one or more Proponents on a telecommunication Antenna System operated by a different Proponent, thereby creating a shared facility.

COMMUNITY SENSITIVE LOCATIONS: land on which the siting of new Antenna Systems is discouraged, or requested to be subject to greater consultation than otherwise dictated by the standard protocol. Such locations may be defined in local zoning bylaws, community plans, or statutory plans.

DESIGNATED COMMUNITY ASSOCIATION: area- or neighbourhood-specific group that is recognized by the Municipality.

DESIGNATED MUNICIPAL OFFICER (AND HIS OR HER DESIGNATE): the municipal staff member(s) tasked with receiving, evaluating and processing submissions for telecommunication Antenna Systems. The Designated Municipal Officer's name and contact information is provided in the Antenna System Siting Flowchart provided in this protocol.



ELECTED MUNICIPAL OFFICIAL: the political leader of the demarcated area of the Municipality (e.g. ward) in which the Antenna System is proposed.

HERITAGE STRUCTURES/AREAS: buildings and structures (e.g. monuments) or areas/ neighbourhoods receiving a heritage designation by the Municipality.

MUNICIPAL DEPARTMENTS: branches of municipal government that administer public services and are operated by city staff.

OTHER AGENCIES: bodies (e.g. boards or commissions) that administer public services but are not operated or staffed by the Municipality.

PRESCRIBED DISTANCE: [TO BE DETERMINED BY THE MUNICIPALITY³], measured horizontally from the outside perimeter of the supporting structure of the proposed Freestanding or Building/Structure-Mounted Antenna System. 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.

PROPONENT: a company or organization proposing to site an Antenna System (including contractors undertaking work for telecommunications carriers and third-party tower owners) for the purpose of providing commercial or private telecommunications services, exclusive of personal or household users.⁴

RESIDENTIAL AREA: lands used or zoned to permit residential uses, including mixed uses (i.e. where commercial use is permitted at-grade with residential apartments/ condominiums above).

³ Industry Canada recommends in the CPC a distance of three times the height of the proposed tower. The CPC also states that "Proponents are advised that municipalities may set reasonable public notification distances appropriate for their communities when establishing their own protocols." Existing municipal protocols have adopted a range of prescribed distances, e.g. six times the height of the proposed tower, a minimum of 100 metres, a minimum of 120 metres.

⁴ While the best practices established in this Protocol reflect an agreement between FCM and the telecommunications industry as represented by the CWTA, the CPC applies to "anyone who is planning to install or modify an antenna system regardless of type. This includes telecommunications carriers, businesses, governments, Crown agencies, operators of broadcasting undertakings and the public (including for amateur radio operation and over-the-air TV reception)." For applications from other proponents (i.e. not telecommunications carriers or third parties operating on behalf of telecommunications carriers), the Municipality may wish apply this Protocol or a separate review process, or defer to the CPC.



EXCLUDED STRUCTURES

This section outlines the criteria for identifying Antenna Systems excluded from the consultation process by Industry Canada, the need to consider local circumstances for all exempt structures, and the process for Proponents to notify and discuss proposed exempt structures with the Municipality.

4.1 EXEMPTIONS FROM ANTENNA SYSTEM SITING PROPOSAL REVIEW AND PUBLIC CONSULTATION

For the following types of installations, Proponents are generally excluded by Industry Canada from the requirement to consult with the Municipality and the public, but must still fulfill the General Requirements outlined in Section 7 of the CPC:

- (1) New Freestanding Antenna Systems: where the height is less than 15 metres above ground level. This exclusion does not apply to Antenna Systems proposed by telecommunications carriers, broadcasting undertakings or third party tower owners;
- (2) Existing Freestanding Antenna Systems: where modifications are made, antennas added or the tower replaced⁵, including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial Antenna System installation⁶. No increase in height may occur within one year of completion of the initial construction. This exclusion does not apply to Antenna Systems using purpose built antenna supporting structures with a height of less than 15 metres above ground level operated by telecommunications carriers, broadcasting undertakings or third party tower owners;

⁵ The exclusion for the replacement of existing Freestanding Antenna Systems applies to replacements that are similar to the original design and location.

⁶ Initial Antenna System installation refers to the system as it was first consulted on, or installed.



- (3) Building/Structure-Mounted Antenna System: antennas on buildings, water towers, lamp posts, etc. may be excluded from consultation provided that the height above ground of the non-tower structure, exclusive of appurtenances, is not increased by more than 25%;
- (4) Temporary Antenna Systems: used for special events or emergency operations and must be removed within three months after the start of the emergency or special event; and
- (5) No consultation is required prior to performing maintenance on an existing antenna system.

The CPC also states that: 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 Municipality 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.



4.2 NOTIFICATION AND MUNICIPAL REVIEW OF EXEMPT ANTENNA SYSTEMS

Notwithstanding Industry Canada's exemption criteria for certain Antenna Systems, Municipalities should be informed of all new Antenna System installations within their boundaries so they can:

- Be prepared to respond to public inquiries once construction/installation has begun;
- Be aware of site Co-location within the Municipality;
- Maintain records to refer to in the event of future modifications and additions; and
- Engage in meaningful dialogue with the Proponent with respect to the appearance of the Antenna System and structure prior to the Proponent confirming a final design.

Therefore, Proponents are required to undertake the following steps for **all exempt Antenna System installations before commencing construction**.

4.2.1 Building/Structure-Mounted Antenna Systems:

The Proponent will in all cases provide the following information for all new Antenna Systems or modifications⁷ to existing Antenna Systems that are mounted to an existing structure, including (but not limited to) a building/rooftop, water tower, utility pole or light standard, and which are exempted from public consultation in Section 4.1(3):

- (1) The location of the Antenna System (address, name of building, rooftop or wall mounted, etc.);
- (2) Description of proposed screening or stealth design measures with respect to the measures used by existing systems on that site and/or the preferences expressed in Section 6;
- (3) The height of the Antenna System;
- (4) The height of any modifications to existing systems.

The Municipality may notify the Proponent of any inconsistency with the preferences and sensitivities expressed in Section 6 and the parties will work towards a mutually agreeable solution.

⁷ Notification is required for modifications that materially or noticeably changed the appearance of the system. Maintenance works that do not result in such changes are excluded from the notification requirement.



4.2.2 Additions that Increase the Height of Freestanding Antenna Systems:

The Proponent will confirm to the Municipality that an addition that extends the height of an existing Freestanding Antenna System as defined in Section 4.1(2), meets the exclusion criteria in Section 4.1 by providing the following:

- (1) The location, including its address and location on the lot or structure;
- (2) A short summary of the proposed addition including a preliminary set of drawings or visual rendering of the proposed system; and
- (3) A description of how the proposal meets one of the Section 4.1 exclusion criteria.

The Municipality will review the documentation and will contact the Proponent where there is a site-specific basis for modifying the exemption criteria based on the preferences and sensitivities expressed in Section 6 of this Protocol. In such cases, the Municipality and the Proponent will work toward a mutually agreeable solution, which may include the Municipality requesting the proposal be subject to all or part of the pre-consultation, proposal submission and public consultation process defined in Sections 5, 7 and 8 of this protocol, as applicable, concluding with a letter of concurrence or non-concurrence.

4.3 ADDITIONAL EXEMPTIONS

Municipalities may exclude from all or part of the consultation process any antenna system installation in addition to Industry Canada's basic exemptions listed in subsection 4.1.

- (1) New Antenna Systems which will be located outside the Prescribed Distance (as identified in Section 3) from the nearest Residential Area are exempt from the public consultation requirement.
- (2) Notwithstanding subsection (1) above, the Municipality may additionally, on a case-by-case basis, exempt a Proponent from all or part of the consultation requirements under Section 8 of this Protocol.⁸ For example, exemptions may be granted where the proposed location is separated from a Residential or Heritage area or structure by an arterial roadway, and/or is buffered by substantial tree cover, topography, or buildings.

4.4 SITING ON MUNICIPAL-OWNED PROPERTIES

Any request to install an Antenna System on lands owned by the Municipality shall be made to the appropriate official dealing with municipal properties, in accordance with Municipal policy.⁹

⁸ For example, a Municipality may decide to exclude certain proposals from the requirement to hold a public meeting, but not from issuing a public notification to affected property owners/tenants within the Prescribed Distance.

⁹ Existing municipal procedures related to the leasing/selling of municipal-owned land to third parties may necessitate a consultation process irrespective of whether an exemption is provided under this Protocol.

Section 5



PRE-CONSULTATION WITH THE MUNICIPALITY

Pre-consultation is one of the most important elements in the antenna siting process as it generally occurs at a point before the Proponent is committed to a site or design. As a result it represents the best opportunity to influence the siting decision since the Proponent will more likely become committed to a site once the detailed engineering has been completed. While a discussion of submission requirements is appropriate the proposal will benefit most from early direction on matters of siting and design. Proponents are strongly encouraged to initiate pre-consultation as early as possible in the antenna siting process for exempt and non-exempt structures.

Prior to submitting an Antenna System proposal that does not meet any of the exemptions listed in Section 4.1 the Proponent will undertake the following preliminary consultations with the Municipality.

5.1 NOTIFICATION

Proponents will notify the Designated Municipal Officer that locations in the community are being physically assessed for potential Antenna System siting.

5.2 SITE INVESTIGATION MEETING WITH MUNICIPALITY

Prior to submitting an Antenna System siting proposal, the Proponent will initiate a site investigation meeting with the Municipality.

The purpose of the site investigation meeting is to:

- Identify preliminary issues of concern;
- Identify requirements for public consultation (including the need for additional forms of notice and a public information session);
- Guide the content of the proposal submission; and
- Identify the need for discussions with any Municipal Departments and Other Agencies as deemed necessary by the Designated Municipal Officer.

Where the Municipality has an initial concern with the proposed siting of the proposal they will make known to the Proponent alternative locations within the Proponent's search area for consideration.



The Proponent will bring the following information to the site investigation meeting¹⁰:

- (1) The proposed location;
- (2) Potential alternative locations;
- (3) The type and height of the proposed Antenna System; and
- (4) Preliminary drawings or visual renderings of the proposed Antenna System superimposed to scale; and
- (5) Documentation regarding the investigation of co-location potentials on existing or proposed Antenna Systems within 500 metres of the subject proposal.

If desired by both the Proponent and the Municipality, multiple Antenna System siting proposals may be reviewed at a site investigation meeting.

5.3 CONFIRMATION OF MUNICIPAL PREFERENCES AND REQUIREMENTS

Following the site investigation meeting, municipal staff will provide the Proponent with an information package that includes:

- (1) This Protocol, which outlines the approval process, excluded structures, requirements for public consultation and guidelines regarding site selection, co-location, installation, design and landscaping;
- (2) Proposal submission requirements;
- (3) A list of plans and studies that may be required (i.e. environmental impact statements);
- (4) A list of Municipal Departments and Other Agencies to be consulted; and
- (5) An indication of the Municipality's preferences regarding Co-location for the site(s) under discussion.

To expedite the review of the proposal, the Proponent will review this information package before the proposal is submitted so that the interests of Municipal Departments are taken into account. The Proponent is encouraged to consult with affected Departments as well as the local Elected Municipal Official and/or Designated Municipal Officer, and adjacent Municipalities within a Prescribed Distance¹¹, before submitting the proposal.

¹⁰ Proponents may prefer to attend the site investigation meeting without some of the required documents - particularly preliminary drawings - if it is waiting on Municipality feedback before settling on a final location, structure height or design. This should be confirmed with the Municipality. Such documents will be required to be provided following the meeting and prior to the Municipality providing the Proponent with the information package.

¹¹ The CPC states 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."

Section 6



DEVELOPMENT GUIDELINES

BACKGROUND (TO BE REMOVED FROM FINAL PROTOCOL):

Municipalities are advised to provide as much detail as possible in this section in order to guide the development of Antenna Systems in their community in a manner that respects local sensitivities and land-use compatibility while providing transparency and predictability to Proponents. Various common criteria for development guidelines are included below. Suggestions for specific guidelines that have been identified as best practices from other Municipal protocols are provided in the Appendix as a reference point. Municipalities are encouraged to populate this guidelines section (or remove any inapplicable categories) as is appropriate to identify their local sensitivities.

Municipalities should ensure that all relevant Zoning By-law regulations are cited in this section as deemed necessary.

Antenna Systems should be sited and designed to respect local sensitivities and preferences as identified by the Municipality.

The Municipality has set out a number of guidelines under the following criteria for the selection of sites and/or construction of new Antenna Systems:

- **Location, including Co-location; and**
- **Development and Design Preferences**

The Proponent should review the guidelines identified below as early as possible, and should attempt to resolve any outstanding issues prior to submitting its Antenna System siting proposal and undertaking the public consultation, where required by the Municipality. Because expressed preferences may be location- or site-specific, the Proponent is encouraged to discuss the guidelines fully with the Municipality at the site investigation meeting.

Proponents are also required to obtain all applicable building permits for additions and/or modifications to existing buildings.



6.1 LOCATION

Co-location:

Before submitting a proposal for an Antenna System on a new site, the Proponent must 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, including (but not limited to) rooftops, water towers, utility poles or light standards.

Where Co-location on an existing Antenna System or structure is not possible, a new Antenna System should be designed with Co-location capacity, including in Residential Areas when identified as the Municipality's preference.

The Municipality recognizes that the objective of promoting Co-location and the objective of making Antenna Systems less noticeable may sometimes come into conflict. Nevertheless, the Municipality intends to review each submission on its merits with a view to promoting both objectives and, where necessary, will determine the appropriate balance between them. The Proponent should, in all cases, verify the Municipality's site-specific design preferences during the pre-submission consultation process before investing in a final design or site.

Preferred Locations:

When new Antenna Systems must be constructed, **where technically feasible**, the following locations are preferred:

-

Discouraged Locations

New Antenna Systems should avoid the following areas:

-



6.2 DEVELOPMENT AND DESIGN PREFERENCES

Antenna Systems should be designed in terms of appearance and aesthetics to respect their immediate surroundings (e.g. Residential, parkland, Heritage district, etc.), including being unobtrusive and inconspicuous, minimizing visual impact, avoiding disturbance to natural features, and reduce the need for future facilities in the same area, where appropriate. The Municipality's preferred design and development preferences are described below.

The Municipality will identify to the Proponent which of the following development and design preferences are encouraged in the proposed location.

Style and Colour:

-

Buffering and Screening:

-

Structure:

-

Height:

-

Yards, Parking and Access:

-

Equipment Cabinets in Public Spaces:

-

Signage and Lighting:

-

Rooftop Equipment:

-

Section 7



For a proposed Antenna System, except for cases in which consultation is not required as per Sections 4.2 or 4.3, the Proponent will submit to the Municipality an Antenna System siting proposal and the applicable fee.

7.1 PROPOSAL SUBMISSION REQUIREMENTS

The Proponent must include the following information when submitting an Antenna System siting proposal:

- (1) A letter or report from the Proponent indicating the need for the proposal, the proposed site, the rationale for site selection, coverage and capacity of existing Antenna Systems in the general area and a summary of opportunities for Co-location potentials on existing or proposed Antenna Systems within 500 metres of the subject proposal;
- (2) Visual rendering(s) of the proposed Antenna System superimposed to scale;
- (3) A site plan showing the proposed development situated on the site;
- (4) A map showing the horizontal distance between the property boundary of the proposed site and the nearest property in residential use;
- (5) For Antenna Systems requiring public consultation, a map showing all properties located within the Prescribed Distance from the proposed Antenna System;¹²
- (6) Confirmation of legal ownership of the lands subject to the proposal, or a signed letter of authorization from the registered property owner of the land, their agent, or other person(s) having legal or equitable interest in the land;
- (7) An attestation that the Antenna System will respect Health Canada's Safety Code 6 which sets safe radiofrequency emission levels for these devices; and
- (8) Any other documentation as identified by the Municipality following the site investigation meeting.¹³

¹² The Proponent may request to use the Municipality's mapping system.

¹³ For example, in cases where the Proponent commits to a design that includes Co-location capacity, the Municipality may require the Proponent to verify that other Proponents in the area have been notified of the potential Co-location opportunities.



A determination on the completeness of an application or request for additional information will be provided within **five working days** of receipt of the proposal.

Upon receipt of a complete proposal submission, the Municipality will circulate the proposal for review and comment to:

- (1) Affected Municipal Departments;
- (2) Any adjacent Municipalities within the Prescribed Distance;¹⁴ and
- (3) The local Elected Municipal Official.

7.2 FEES

Remove reference to fees if not applicable to your Municipality.

The Proponent must pay any applicable application fee to the Municipality.

The Proponent is responsible for securing applicable applications or permissions from all relevant municipal departments and paying any applicable application fees or charges as required to the Municipality.

¹⁴ As part of inter-municipal processes, the Municipality may also request that the Proponent notify adjacent Municipalities at greater distances, subject to review by the Municipality or at the request of the adjacent Municipality.

Section 8



PUBLIC CONSULTATION PROCESS

BACKGROUND (TO BE REMOVED FROM FINAL PROTOCOL):

Industry Canada believes that nearby residents should be consulted regarding non-excluded antenna proposals. Consultation allows the community to be involved and ultimately influences the proposal's siting. Discussions allow stakeholders to work towards a consensus.

While Industry Canada provides a default public consultation process in the CPC, Municipalities are free to structure their public consultation process to meet their needs. Most often, Municipalities customize their public consultation process in two ways:

- By prescribing which information must be included in the public notification; and
- Requiring that either a face-to-face public consultation (i.e. open-house, drop-in or public meeting) process or a written (or other) consultation process take place.

If the proposed Antenna System is not exempt from the public consultation process as per the requirements in Section 4, the Proponent will initiate the following public consultation process, including issuing notice, undertaking written consultation, hosting a public information session where required and reviewing the consultation results with the Municipality.

8.1 NOTICE RECIPIENTS

After the Proponent has submitted an Antenna Systems siting proposal, the Proponent will give notice to:

- (1) All affected residential properties within the Prescribed Distance;
- (2) All Designated Community Associations within the Prescribed Distance.
- (3) Any adjacent municipalities within the Prescribed Distance;
- (4) The local Elected Municipal Official;
- (5) The Designated Municipal Officer; and
- (6) The Industry Canada regional office.



The Municipality will assist the Proponent in compiling a mailing list of addresses of the affected residences within the Prescribed Distance from the proposed Antenna System.¹⁵ The Municipality may charge a fee for this service.

8.2 NOTICE REQUIREMENTS

The notice will be sent by regular mail or hand delivered, a minimum of 30 days before the public information session (where a public information session is required), and include:

- (1) the proposed Antenna System's purpose, including height and location requirements, 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 coordinates and the specific property or rooftop, including a 21 cm x 28 cm (8 1/2" x 11") size copy of the site plan submitted with the application;
- (3) an attestation¹⁶ 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) information on the environmental status of the project, including any requirements under the *Canadian Environmental Assessment Act, 2012*;
- (6) a description of the proposed Antenna System including its height, dimensions, type, design and colour, 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.;
- (10) notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website (<http://www.ic.gc.ca/towers>);

¹⁵ Notices may be delivered to a condo/strata corporation instead of to each unit owner.

¹⁶ 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.



- (11) contact information for the Proponent, the Designated Municipal Officer and the local Industry Canada office;
- (12) The date, time and location of the public information session (where required); and
- (13) A deadline date for receipt by the Proponent of public responses to the proposal:
 - a. Where a public information session is required, the deadline date must be no more than five days before the date of the session.
 - b. Where a public information session is not required, the deadline date must be at least 30 days after the notices are mailed.

The notification shall be sent out in an envelope addressed to the “Occupant” and shall clearly show in bold type on the face of the envelope the statement:

“NOTICE FOR RESIDENTS WITHIN [INSERT PRESCRIBED DISTANCE] OF A NEW PROPOSED CELL TOWER. INFORMATION IS ENCLOSED.”

The Municipality may also require the Proponent, based on local conditions such as a high proportion of rental accommodation in the vicinity of the site, to provide such additional forms of notice as deemed necessary. Additional notification requirements will be identified by the Municipality during or following the site investigation meeting. Other forms of notification may include, but are not limited to:

- A large format notice board sign or signs, posted on the site of the proposed Antenna System, that is clearly visible from any roadway abutting the site;
- Publication of the notice in a local newspaper(s); and/or,
- Hand delivery of notices to specified buildings.

In addition to the public notification requirements noted above, proponents of an antenna system proposed to be 30 metres or more in height must place a notice in a local community newspaper circulating in the proposed area.¹⁷ Height is measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the particular installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the antenna system.

¹⁷ 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. Municipalities may choose to provide a standardized template for newspaper advertisements in their local customized protocols.



8.3 WRITTEN CONSULTATION PROCESS

Following the delivery of the notification, the Proponent will allow the public to submit written comments or concerns about the proposal.

The Proponent will:

- (1) Provide the public at least 30 days to submit questions, comments or concerns about the proposal;
- (2) Respond to all questions, comments and concerns in a timely manner (no more than 60 days from the date of receipt); and
- (3) Allow the party to reply to the Proponent's response (providing at least 21 days for public reply comments).
- (4) Keep a record of all correspondence that occurred during the written consultation process. This includes records of any agreements that may have been reached and/or any concerns that remain outstanding.
- (5) Provide a copy of all written correspondence to the Municipality and the regional Industry Canada office.

8.4 PUBLIC INFORMATION SESSION

The municipality may request the Proponent chair a public information session in cases where there is significant public interest in the proposed Antenna System. The type of public meeting to be conducted (open house, drop-in or town hall format) is up to the discretion of the Proponent, however:

- An appropriate date, time and location for the public information session will be determined in consultation with the Designated Municipal Officer.
- The Proponent will make available at the public information session an appropriate visual display of the proposal, including a copy of the site plan submitted with the application and an aerial photograph of the proposed site.

The Proponent will provide the Municipality with a package summarizing the results of the public information session containing at a minimum, the following:

- (1) List of attendees, including names, addresses and phone numbers (where provided voluntarily);
- (2) Copies of all letters and other written communications received; and
- (3) A letter of response from the Proponent outlining how all the concerns and issues raised by the public were addressed.

8.5 POST CONSULTATION REVIEW

The Municipality and the Proponent will communicate following completion of the public consultation process (and arrange a meeting at the Municipality's request) to discuss the results and next steps in the process.



STATEMENT OF CONCURRENCE OR NON-CONCURRENCE

9.1 CONCURRENCE AND CONCURRENCE WITH CONDITIONS

The Municipality will provide a letter of concurrence to Industry Canada (copying the Proponent) where the proposal addresses, to the satisfaction of the Municipality, the requirements as set out within this Protocol and the Municipality's technical requirements, and will include conditions of concurrence, if required.¹⁸

The Municipality will issue the letter of concurrence within the timeframe established in Section 10.

9.2 NON-CONCURRENCE

The Municipality will provide a letter of non-concurrence to Industry Canada (copying the Proponent) if the proposal does not conform to Municipality requirements as set out within this Protocol. The Municipality will also forward to Industry Canada any comments on outstanding issues, including those raised during the public consultation process.

The Municipality will issue the letter of non-concurrence within the timeframe established in Section 10.

9.3 RESCINDING A CONCURRENCE

The Municipality may rescind its concurrence if following the issuance of a concurrence, it is determined by the Municipality that the proposal contains a misrepresentation or a failure to disclose all the pertinent information regarding the proposal, or the plans and conditions upon which the concurrence was issued in writing have not been complied with, and a resolution cannot be reached to correct the issue.

In such cases, the Municipality will provide notification in writing to the Proponent and to Industry Canada and will include the reason(s) for the rescinding of its concurrence.

¹⁸ The Municipality may, on case-by-case basis, include in writing specific conditions of concurrence such as design, screening or Co-location commitments.



9.4 DURATION OF CONCURRENCE

A concurrence remains in effect for a maximum period of three years from the date it was issued by the Municipality. If construction is not completed within this time period the concurrence expires except in the case where a proponent secures the agreement of the Municipality to an extension for a specified time period in writing.¹⁹ Once a concurrence expires, a new submission and review process, including public consultation as applicable, is necessary prior to any construction occurring.

In addition, if construction has not commenced after two years from the date the concurrence was issued, the Municipality requests that the Proponent send a written notification of an intent to construct to the Designated Municipal Officer, the Elected Municipal Official and any Designated Community Association once the work to erect the structure is about to start. This notification should be sent 60 days prior to any construction commencing. No further consultation or notification by the Proponent is required.

9.5 TRANSFER OF CONCURRENCE

Once concurrence has been issued, that concurrence may be transferred from the original Proponent to another Proponent (the current Proponent) without the need for further consultation provided that:

- (1) All information gathered by the original Proponent in support of obtaining the concurrence from the Municipality is transferred to the current Proponent;
- (2) The structure for which concurrence was issued to the original Proponent is what the current Proponent builds; and
- (3) Construction of the structure is commenced within the Duration of Concurrence period.

¹⁹ A copy of the agreement must be provided to the local Industry Canada office.

Section 10



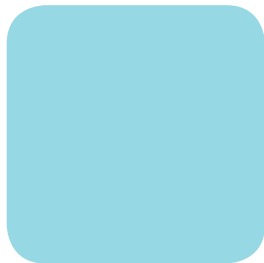
Consultation with the Municipality is to be completed within 60 days of the proposal being accepted as complete²⁰ by the Municipality as explained in Section 7 of this Protocol.

Where public consultation is required, consultation with the Municipality and public consultation are both to be completed within 120 days of the proposal being accepted as complete by the Municipality.

The Municipality or Proponent may request an extension to the consultation process timeline. This extension must be mutually agreed on by both parties.

In the event that the consultation process is not completed in 270 days, the Proponent will be responsible for receiving an extension from the Municipality or reinitiating the consultation process to the extent requested by the Municipality.

²⁰ According to the CPC, "The 120-day consultation period commences only once proponents have formally submitted, in writing, all plans required by the land-use authority, and does not include preliminary discussions with land-use authority representatives."

Section 11**LETTER OF
UNDERTAKING**

The Proponent may be required, if requested by the Municipality, to provide a Letter of Undertaking, which may include the following requirements:

- (1) The posting of a security for the construction of any proposed fencing, screening and landscaping;
- (2) A commitment to accommodate other communication providers on the Antenna System, where feasible, subject to the usual commercial terms and Industry Canada Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements (CPC-2-0-17); and
- (3) All conditions identified in the letter of concurrence.

Section 12

Municipalities can issue a request to network operators to clarify that a specific Antenna System is still required to support communication network activity. The network operator will respond within 30 days of receiving the request, and will provide any available information on the future status or planned decommissioning of the Antenna System.

Where the network operators concur that an Antenna System is redundant, the network operator and Municipality will mutually agree on a timeframe to remove the system and all associated buildings and equipment from the site. Removal will occur no later than 2 years from when the Antenna System was deemed redundant.



APPENDIX

Industry Canada's *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* suggests that protocols can include promoting the placement of antennas in optimal locations from a land-use point of view,²¹ or excluding certain lands and rooftops from protocol requirements.

The protocol should identify areas of historic, cultural or environmental importance to the community and the need to minimize the impact of the proposal on these areas, and identify local preferences for antenna siting. **In particular, the Municipality should define Community Sensitive Areas in which the siting of new Antenna Systems is discouraged, as may be defined in local zoning bylaws or community plans.** Industry Canada also requires Proponents to use existing antenna towers or infrastructure (such as rooftops, water towers, etc.) where possible, and the Municipality may wish to provide guidance as to its own preferences regarding Co-location.

Suggestions for specific location and design guidelines that have been identified as best practices from other Municipality protocols, and can be used to customize Section 6 of your protocol, are provided below as a reference point.

²¹ The land-use compatibility of Antenna Systems may be guided by municipal plans, design bylaws, relevant planning work (i.e. neighbourhood plans and antenna site pre-selection studies) and/or any other municipal guiding document or policy.



LOCATION

Preferred Locations:

- Areas that maximize the distance from Residential Areas.
- Industrial and commercial areas.
- Mounted on buildings or existing structures within the downtown area.
- Areas that respect public views and vistas of important natural or manmade features.
- Agricultural areas.
- Transportation and utility corridors.
- As near as possible to similarly-scaled structures.
- Institutional uses where appropriate, including, but not limited to, those institutions that require telecommunications technology: emergency services, hospitals, colleges and universities.
- Adjacent to parks, green spaces and golf courses.
- Located in a manner that does not adversely impact view corridors.
- Other non-Residential Areas where appropriate.

Discouraged Locations

- Locations directly in front of doors, windows, balconies or residential frontages.
- Ecologically significant natural lands.
- Riverbank lands.
- Inappropriate sites located within Parks and Open Space Areas (with the exception of sites zoned to permit utilities and/or unless designed to interact with the area's character).
- Sites of topographical prominence.
- Heritage areas (unless visibly unobtrusive) or on heritage structures unless it forms an integrated part of the structure's overall design (i.e. through the use of stealth structures).
- Pitched roofs.
- Community Sensitive Locations (as may be defined by the Municipality prior to being included in this Protocol).



DEVELOPMENT AND DESIGN PREFERENCES

Style and Colour:

- The architectural style of the Antenna System should be compatible with the surrounding neighbourhood and adjacent uses (Example: monopole near Residential Area or lattice-style in industrial areas).
- In all instances the Proponent should mitigate negative visual impacts through the use of appropriate landscaping, screening, stealth design techniques, etc.
- An Antenna System may be designed or combined as a landmark feature to resemble features found in the area, such as a flagpole or clock tower, where appropriate, subject to any zoning approvals required for the landmark feature.
- In the downtown area, the design of Antenna Systems should generally be unobtrusive and consistent with Downtown Design Guidelines.
- Towers and communication equipment should have a non-reflective surface.
- Special design treatments should be applied to Antenna Systems proposed to be located within parks and open space areas or on listed Heritage buildings and/or sites to make the system unobtrusive.
- Cable trays should generally not be run up the exterior faces of buildings.
- Antennas that extend above the top of a supporting utility pole or light standard should appear (e.g. in colour, shape and size) to be a natural extension of the pole.

Buffering and Screening:

- Antenna Systems and associated equipment shelters should be attractively designed or screened and concealed from ground level or other public views to mitigate visual impacts. Screening could include using existing vegetation, landscaping, fencing, or other means in order to blend with the built and natural environments.
- A mix of deciduous and coniferous trees is preferred to provide year-round coverage.
- Where adjacent to a principal building, equipment shelters should be constructed of a material similar in appearance to at least one of the materials used in the facades of the principal building and one of the same colours used in the principal building.



Structure:

- Single operator loaded towers (i.e., monopoles) are generally unobtrusive and of low impact and may therefore be located near living areas.
- New structures in residential or high-traffic areas should consider multi-use design (street lighting, electric vehicle charging, parking payment terminals, signage, Wi-Fi etc.).
- Individual wall-mounted antennas should be fixed as close to the wall as possible and should not project above the height of the wall face they are mounted on, in order to avoid visual clutter, and should be painted to match the wall colour for stealth.
- Facilities located on rooftops should be not be visible (to the extent possible) from the street.
- The appropriate type of telecommunication antenna structure for each situation should be selected based upon the goal of making best efforts to blend with the nearby surroundings and minimize the visual aesthetic impacts of the telecommunication antenna structure on the community.
- Pinwheel telecommunication antennas are discouraged (or encouraged).
- The use of guy wires and cables to steady, support or reinforce a tower is discouraged (or encouraged).

Height:

- The Municipality prefers that Freestanding Antenna Systems be a maximum of [TO BE DETERMINED BY THE Municipality] in height, except in industrial areas.
- Height for a Freestanding Antenna System must be measured from grade to the highest point on the structure, including lighting and supporting structures.
- Where Building/Structure-Mounted Antenna Systems will exceed 25% of the height of the existing building, the Municipality prefers that the height not exceed [TO BE DETERMINED BY THE Municipality] measured from the top of the roof or [TO BE DETERMINED BY THE Municipality] above the highest point of the elevator penthouse, whichever is higher.

Yards, Parking and Access:

- Adequate yards, to be determined on a site-by-site basis, should separate Antenna Systems from adjacent development without unduly affecting the development potential of the lot over the lease period.



- Parking spaces, where provided at each new Antenna System site, should have direct access to a public right-of-way at a private approach that does not unduly interfere with traffic flow or create safety hazards.

Equipment Cabinets in Public Spaces²²:

- Cabinets shall be designed in a manner which integrates them into their surroundings, including use of decorative wraps that are graffiti-resistant.
- Cabinet dimensions shall be as minimal as possible.
- Cables and wires must be concealed or covered.

Signage and Lighting:

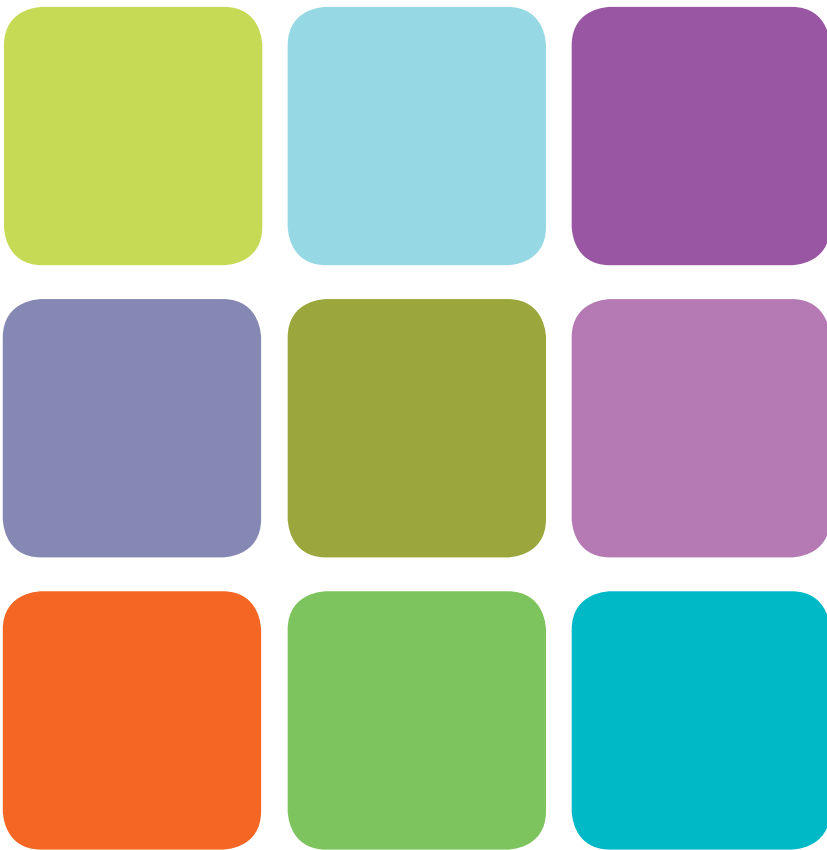
- Small owner identification signs up to a maximum of 0.19 square metres may be posted on Antenna Systems and associated equipment shelters or perimeter fencing.
- No advertising sign or logo is permitted.
- Appropriate signage may also be used as part of screening or disguise.²³
- Unless specifically required by Transport Canada and/or NAV Canada, the display of any lighting is discouraged.
- Where Transport Canada and/or NAV Canada requires a structure to be lit, the lighting should be limited to the minimum number of lights and the lowest illumination allowable, and any required strobe lightning should be set to the maximum strobe interval allowed by Transport Canada.
- The lighting of Antenna Systems and associated equipment shelters for security purposes is supportable provided it is shielded from adjacent residential properties, is kept to a minimum number of lights and illumination intensity, where possible, is provided by a motion detector or similar system.

Rooftop Equipment:

- Equipment shelters located on the roof of a building should be set back from the roof edge to the greatest extent possible, and painted to match the penthouse/building.

²² This section is intended to apply to mechanical equipment cabinets that are located in public spaces (e.g. at the bottom of a utility pole) and do not apply to cabinets that are located inside fenced in areas (e.g. in industrial areas or on rooftops).

²³ Municipality concurrence under this protocol does not include approval for associated signage. Proponents are required to obtain any necessary approvals for signage through the Municipality's development process or sign by-law as applicable.



www.fcm.ca

www.cwta.ca