



Town of Whitby Policy

Policy Title:	Review and Approval of Radiocommunications and Broadcasting Antenna Systems
Policy Number:	MS 070
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Point of Contact:	Planning Department

Policy Statement

Industry Canada Guidelines, titled "Radiocommunication and Broadcasting Antenna Systems - Client Procedures Circular (CPC-2-0-03)" direct proponents to consult with the Land Use Authority for any proposals for such facilities.

In accordance with the new Industry Canada Procedures, The Town of Whitby has the ability to establish local protocols for proposals for new Radiocommunication and Broadcasting Systems. The following policy identifies the purpose, scope and procedures for reviewing such proposals.

Purpose

To establish policies and procedures for the review and approval of Radiocommunication and Broadcasting Systems. The protocol shall:

1. Identify preferred locations for radiocommunication and broadcasting facilities, with the goal of optimizing efficiency through co-location and respecting adjacent sensitive land uses;
2. Provide a transparent process for the review of applications proposing new radiocommunication and broadcasting services, with a clear understanding of the requirements, expectations and standards established in the Town of Whitby Protocols;
3. Observe the Industry Canada Public Circulation and Notification Requirements and ensure the Planning Department and proponent receives, reviews and responds to

public concerns;

4. Identify proposals that may be exempt from the approval process.

Scope

This policy shall apply to all proposed Radiocommunication and Broadcasting systems, including telecommunications towers, antennas and ancillary equipment and structures.

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1 Definitions

- 1.1 Co-locations** means the placement of one or more antenna on the same telecommunication tower or alternative tower structures.
- 1.2 Radiocommunication and Broadcasting Systems** means any structure or equipment used for communication or broadcasting purposes. This includes antennas, masts, towers, and ground related equipment or support structures for the purposes of personal communication cellular services, fixed wireless services, broadcasting, amateur radio operators and others.

2 Procedure

2.1 Identifying Preferred Locations

The proponent shall undertake an investigation to ensure any proposed facilities are in compliance with the preferred locations. The installation and creation of separate, stand alone, radiocommunication towers and broadcasting facilities is discouraged unless all other options have been explored and are considered unfeasible. The preferred methods of achieving additional capacity are as follows:

- a) Co-location on existing towers;
- b) Location on hydro transmission towers;
- c) Use of alternative tower structures; and
- d) Clustering adjacent to existing telecommunication towers.

In the event that the above options are unavailable, it may be necessary to locate on a separate, stand-alone site. When locating a new radiocommunication and/or broadcasting facility, the following shall be considered:

- a) Avoidance of natural features, significant vegetation, hazard lands (floodplains, steep slopes, etc.) and environmental sensitive areas;
- b) Proximity to incompatible and/or sensitive lands uses, such as residential areas, historic sites, areas with predominant vistas, and environmentally sensitive areas;
- c) Locations that maintain appropriate setbacks from road right-of-ways;
- d) Areas with compatible lands uses shall be encouraged, such as industrial areas, lands adjacent to hydro corridors, and on top of high-rise buildings;
- e) Any new facility/site shall include provision for future additions and co-location options;
- f) Any new facility/site shall be encouraged on municipally owned lands.

2.2 Exemption Criteria

Prior to undertaking the municipal approval process, the proponent, in consultation with Planning staff, should establish whether the proposal meets the exemption criteria. The exemption criteria are as follows:

- a) Maintenance of existing radio apparatus including antenna system, transmission line, mast, tower or other antenna supporting structure;
- b) 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;
- c) Maintenance of an antenna system's painting or lighting in order to comply with transport Canada's requirements;
- d) 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;
- e) New antenna systems, including masts, towers or other antenna-supporting structure, with a height of less than 15 metres above ground level; and
- f) New radio apparatus, including antenna systems, transmission line, mast, tower, or other antenna supporting structures or ground equipment with a height less than 3.0 metres above ground level or on the roof of a building or structure.

Radiocommunication and broadcasting facility proposals that meet the exclusion criteria may be asked to proceed with a pre-consultation meeting for information purposes, but are exempt from public consultation and the municipal approval process.

2.3 Pre-consultation

Prior to making a formal submission, proponents are encouraged to consult with the Planning Department and attend a pre-consultation meeting. For the pre-consultation meeting, the proponent is required to submit seven (7) copies of a scaled concept plan, showing any structures, fencing, paving and landscaping. If applicable, elevations of any proposed structures will be required. The Planning Department will schedule a pre-consultation meeting within three weeks of receiving the required items. The Planning Department will circulate the concept plans to all relevant agencies both internal (e.g. Engineering, CMS) and external (e.g. Region of Durham, CLOCA), and request that these agencies attend the pre-consultation meeting to provide preliminary feedback on the submission.

The Planning Department's review of the concept plans shall have regard for the following:

- a) Impact on natural features, hazard lands, and environmentally sensitive areas.
- b) Appropriate setback from adjacent roadways;
- c) Appropriate landscaped screening of all ground equipment;
- d) Designs which do not incorporate guy-wire support. Mono-pole designs shall be encouraged;
- e) Consultation with all relevant internal and external agencies including adjacent municipalities;
- f) Proximity to incompatible land-uses;

Should there be no major issues with the submission, the Planning Department shall instruct the applicant to submit a formal application.

2.4 Submission of Formal Application

For the purposes of administration and processing, the proponent will be required to complete an application for municipal approval. The application shall be submitted to the planning Department with the appropriate fee and materials. Such applications are not processed under the Planning Act.

2.5 Submission Requirements

The proponent will be required to submit the following material as part of the Formal Submission:

- a) A completed Application for Radiocommunication/Broadcasting Antenna System;
- b) The appropriate fee;
- c) Written justification from the proponent, detailing the need for the facility and how it complies with the preferred locations criteria;
- d) A site plan showing such items as the subject property, including the property lines and the leased area (if applicable), existing and proposed structures, fences, buffering, building elevations, access, parking and the type and height of any proposed tower. Additional plans such as a landscape plan, a site servicing/grading plan, and erosion and sediment control plan may also be required later in the review process;
- e) Pictures of the location and the proposed tower and associated facilities superimposed on the picture from four directions, north, south, east and west; and
- f) A plan showing the horizontal distance between any proposed tower and the nearest residential zone and/or residential dwelling.

The Planning Department will coordinate a circulation of the amended submitted plans to all relevant agencies both internal (e.g. Engineering, CMS)

and external (e.g. Region of Durham, CLOCA) agencies to ensure that all concerns raised during the pre-consultation process have been adequately addressed and to request official comments on the submission. Comments from these agencies shall be requested no later than 14 days from the date the materials were circulated. Should a circulated agency fail to provide comments prior to this deadline, the Planning Department shall assume that the agency has no objection to the proposal.

2.6 Public Notification

The proponent will be required to fulfill the public notification requirements established in the Industry Canada Procedures. The Industry Canada Default Public Consultation process contains four steps:

- a) Proponents are required to provide a notification package in accordance with the Industry Canada Procedures to the local public (including nearby residences, community gathering areas, public institutions, schools, etc.), neighbouring land use authorities, businesses and property owners, etc. located within a radius of three times the tower height, measure 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 support mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc.
- b) It is the proponent's responsibility to ensure that the notification provides at least 30 days for written public comment.
- c) In addition to the minimum notification distance noted above, in areas of seasonal residence, the proponent, in consultation with the land use authority, is responsible for determining the best manner to notify such residents to ensure their engagement.
- d) In addition to the public notification requirements noted above, proponents of antenna supporting structures that are proposed to be 30 metres or more in height must place a notice in a local community newspaper circulating the proposed area.

Proponents are required to respond to any public inquiries within the requirements set out in Industry Canada Procedures. In addition, Town of Whitby Planning staff is to receive copies from the proponent of any public comments. The proponent shall also provide planning staff with a copy of their response to any public comments.

2.7 Municipal Approval

Municipal approval will be done through the Planning and Development Committee and Council. Planning staff shall prepare a report to the Planning and Development Committee and Council which includes the following.

- a) Information on the size, height and design of the proposed telecommunications tower /antenna and accessory equipment;
- b) Surrounding land uses;
- c) Any correspondence received by the public and responses to any concerns.
- d) Agency comments and conditions; and,
- e) A recommendation.

2.8 Letter of Undertaking

Should Council approve the application, the proponent shall be responsible to enter into a letter of undertaking with the municipality and payment of all associated fees. This letter shall be signed by both the applicant and the municipality. The letter of undertaking may address such matters as:

- a) Site design, landscaping, grading and servicing and building elevations;
- b) Approval for any new driveway entrances;
- c) Signage;
- d) The removal of all structures upon expiration of the lease;
- e) A commitment to accommodate other telecommunications companies on site where feasible; and,
- f) Other conditions as required.

It shall be the responsibility of the applicant to provide a copy of the signed letter of undertaking to Industry Canada. The Letter of Undertaking will be sufficient to satisfy Industry Canada's requirement for consultation with the Land Use Authority.

2.9 Proposals on Town Owned Land

Any proposal which includes Town owned lands shall follow the same five stage process. In addition, an acceptable lease agreement shall be established between the Town of Whitby and the proponent.

2.10 Completion of Consultation

The process is intended to be completed within the Industry Canada Mandated timeframe of 120 days. The process officially commences with receipt of written submission of a proposal, and concludes with Planning Committee and Council Approval.

This Policy is hereby approved by Council Resolution # 338-09 on this 14th day of December, 2009.