

Title: Radiocommunication Tower and Antenna Protocol Policy

Date: December 20, 2023

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Subject: Radiocommunication Tower and Antenna Protocol Policy

1.0 PURPOSE

The purpose of the Radiocommunication Tower and Antenna Protocol Policy is to provide guidance to staff, Council, proponents, and members of the public, by outlining the process proponents must follow to establish new and/or expand existing Radiocommunication towers, antennas, or related facilities within the Township of Puslinch.

2.0 JURISDICTION

The regulation and approval of telecommunication towers, antennas, and related facilities falls under federal jurisdiction and is governed by the *Radiocommunication Act* administered by Innovation, Science and Economic Development Canada (ISED). By extension, telecommunication structures are not subject to municipal or provincial land-use legislation, including the *Planning Act* and the *Municipal Act*.

Under the authority of the *Radiocommunication Act*, the ISED developed the Client Procedure Circular CPC-2-0-03 to outline development and licensing requirements for proposed telecommunication facilities. To ensure local compatibility, the ISED requires proponents to obtain Municipal Concurrence and to engage in both municipal and public consultation.

3.0 AMENDMENTS

This policy may be amended from time to time by the Township, as it deems necessary or appropriate, as relevant circumstances change, and will be applied in accordance with the *Radiocommunication Act*, and the ISED developed the Client Procedure Circular CPC-2-0-03.

4.0 OBJECTIVES

This protocol has been developed with the following objectives and intent:

1. To provide an opportunity to have land-use concerns addressed, while respecting federal jurisdiction.
2. To balance demands for facilities with a desire to preserve natural and cultural landscape and minimize community impacts, through co-location, including health and safety concerns.
3. To outline a general process to be followed by the Township of Puslinch for reviewing and processing telecommunications facility proposals which are not exempt by this protocol, and to provide an opportunity for public consultation.
4. To provide a consistent and timely process for the review of telecommunication facility proposals within the Township of Puslinch.
5. To provide high caliber wireless telecommunications facilities that promote economic development and meet the business and safety needs of the traveling public.
6. To encourage consultation with the municipality as early in the location process as practical and feasible.
7. To encourage the location and siting of telecommunication facilities in a manner which minimizes the effects on residents, lessens visual impact, and respects natural and human heritage features and sensitive land uses to the greatest extent possible.
8. To encourage public notification with respect to mitigating concerns over the siting of wireless telecommunication facilities.
9. To recognize that matters pertaining to health, structural safety (Safety Code 6, NAV Canada, and Transport Canada obligations) and the environment fall under the mandate of the federal government, which are further taken into consideration by ISED, as detailed in CPC-2-0-03.

5.0 MUNICIPAL CONSULTATION AND APPLICATION PROCESS

Proposals to establish new and/or expand existing telecommunication towers, antennas, or related facilities, apart from those that qualify under the Exclusion Criteria identified in Section 6.0 of this Protocol, must apply for municipal concurrence by submitting a Formal Application to the Township using the prescribed form(s).

5.1 Pre-consultation

1. A Pre-consultation Meeting between the applicant, municipality, and other designated authorities having jurisdiction, as deemed necessary by the Township, shall be required prior to the acceptance of a Formal Application.
2. The purpose of the Pre-consultation Meeting shall be to identify the information and materials necessary for the processing of an application, which shall be submitted, in a manner prescribed by the municipality, before an application will be deemed to be complete.
3. The Pre-consultation Meeting, and any preceding discussions with the municipality, are not considered to be included in the 120-day consultation period identified by the ISED. The 120-day consultation period shall not commence until the application is deemed to be complete to the satisfaction of the Township.
4. To initiate the Pre-consultation Meeting, the applicant is required to submit a pre-consultation request which shall include the following materials:
 - a. Prescribed application form and applicable fee;
 - b. Confirmation from all registered property owners in the form of an authorization to support the proposed telecommunications facility on the property;
 - c. The location of the proposed telecommunications facility, including the municipal address and a map identifying where it is to be situated on the subject property (mapping should be current and any new structures or features not identified on the mapping shall be noted by the proponent);
 - d. An outline of the proposed telecommunications facility and, if applicable, how it meets one of the exclusion criteria;
 - e. Set of drawings illustrating the proposal, including a conceptual site plan, elevation drawings, engineered drawings as applicable, and context plan showing the development within the existing neighborhood (which can be supplied using an aerial photograph base);
 - f. Documentation to demonstrate the identification of co-location alternatives considered within a 3 km radius of the proposed site using the National Antenna Information Database to identify candidates and a statement on future co-location possibilities for the support structure, if applicable.
5. For the purpose of this policy a Pre-consultation shall mean:
 - a. An initial meeting with the applicant and all required Township staff, regulatory agencies, Township Consultants and any other person or agency the Township deems necessary to determine a list of required supporting documents for the proposal.
 - b. Following the initial meeting, the applicant shall submit the required list of documents for circulation to Township staff, regulatory agencies, Township Consultants and any

- other person or agency the Township deems necessary for the review and preparation of formal written comments to be provided to the applicant.
- c. Subsequent submission by the applicant may be required as determined through the Pre-Consultation process.

5.2 Submission Requirements

The municipality has the discretion to deem an application incomplete if the applicant fails to fulfill the submission requirements. The following information shall be provided as part of the formal application request for Municipal Concurrence:

1. Prescribed Application form and applicable fee;
2. A description of the proposed structure type, shelter type, height, access, and utility sources;
3. A title search of the property identifying all registered property owners and confirmation from all registered property owners in the form of an authorization to support the proposed telecommunications facility on the property;
4. A written explanation detailing:
 - a. The rationale for the selection of the proposed site, indicating whether the location provides coverage and/or capacity, and what areas/communities will benefit from the new facility;
 - b. Justification for the proposed height of the tower;
 - c. How the facility will compliment and become a part of the future community without unduly limiting the potential for future development;
 - d. If applicable, the justification as to why the proponent is not able to comply with the design criteria identified under this Protocol; and
 - e. The potential effects that the proposal may have on nearby electronic equipment (both existing and proposed) in accordance with CPC-2-0-03 and EMCAB-2, as well as measures proposed to mitigate those effects.
5. Identification of co-location alternatives considered within a 3 km radius of the proposed site using the National Antenna Information Database to identify candidates and a statement on future co-location possibilities for the support structure, if applicable.
6. Colour photographs of the subject property showing current site conditions, an architectural rendering of the proposed facility in order to demonstrate the visual impacts related to the tower including all existing features and buildings, and a topographical map or satellite image showing

the location and proposed facility (mapping should be current and any new structures or features not identified on the mapping shall be noted).

7. Site plan or survey drawn to scale and showing:
 - a. The subject lot and lease area (a key plan can be used for properties having an area of 2.0 hectares or greater);
 - b. General site grading;
 - c. The location of existing lot lines and setbacks from the proposed facility;
 - d. Setbacks from the proposed facility to existing and proposed buildings;
 - e. Setbacks from the nearest building not on the subject property, measured from the nearest point of the building, structure, or feature;
 - f. Existing and proposed landscaping, including an inventory of existing vegetation and any plantings proposed to screen the base of the tower and any structures on the ground where applicable;
 - g. Access proposed and any motor vehicle parking spaces with dimensions;
 - h. The structure type and height of the proposed facility.
8. Network coverage mapping showing the applicant's current coverage (if applicable) and anticipated coverage with the installation of the proposed facility, including the nearest existing antenna systems belonging to the proponent.
9. Approvals from Transport Canada and NAV Canada outlining aeronautical obstruction marking requirements (whether painting, lighting, or both) if available. If unavailable, the proponents can provide their applications to Transport Canada and NAV Canada together with an undertaking to provide those requirements once they become available.
10. A written attestation signed by the Professional Engineer taking responsibility for the site's compliance, stating: That the proposed facility will comply with Safety Code 6 and that the proposed facility will comply with the National Building Code and National Fire Code in accordance with the proponent's responsibilities under enabling federal legislation.
11. In lieu of providing attestations for the above matters, a Declaration of Insurance and Liability Statement is required.
12. The Township shall provide written confirmation to the proponent within 30 days of the formal application being submitted to the Township confirming whether the application has been deemed to be complete/incomplete. The written confirmation of a complete application shall commence the 120 day consultation period. Should the application be deemed to be incomplete,

the proponent shall be required to satisfy all outstanding issues prior to the application being deemed to be complete and the 120 day period commencing.

5.3 Site Plan Approval

1. Proposals to establish new and/or expand existing telecommunication towers, antennas, or related facilities on a property with an existing Site Plan Agreement, the Site Plan shall be amended to include the location of the telecommunication tower, antenna, or related facility, as deemed necessary by the municipality.
2. Proposals to establish new and/or expand existing telecommunication towers, antennas, or related facilities on a property without an existing Site Plan Agreement, Site Plan Approval shall be required in accordance with the Township Site Plan Control By-law 2022-027 and to the satisfaction of the municipality.

6.0 EXCLUSION CRITERIA

1. Where the following criteria applies, Municipal Concurrence is not required:
 - a. New Antenna Systems with a height less than 15 metres above ground level provided the antenna system is not proposed by a telecommunication carrier, broadcasting undertaking or third-party tower owner.
 - b. Non-tower structures including antennas on buildings, water towers, lamp posts, etc., may be excluded provided that the height above ground is not increased by more than 25%.
 - c. Temporary antenna systems used for special events or emergency operations, provided they are removed within a three-month timeframe.
 - d. Municipal consultation is not required for the routine maintenance of existing telecommunication towers, antennas or related facilities.
 - e. Transfer of Concurrence is not exempt from the Township's Pre-Consultation process, however, may be excluded from obtaining Municipal Concurrence through a formal application process, subject to the Pre-Consultation submissions and findings.
2. Height shall be measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance.

3. Notwithstanding the above, applicants are still required to contact the Township irrespective of the exclusion criteria to confirm that the proposed facility meets the exclusion and obtain written confirmation from the Township, to be provided to the ISED.

7.0 SITE SELECTION AND DESIGN STANDARDS

7.1 Site Selection Criteria

1. The proponent shall be encouraged to use existing and/or approved structures wherever possible. This includes sharing an existing or approved telecommunication tower, antenna or related facility; modifying, or replacing (if necessary), existing structures; and using existing infrastructure such as rooftops, water towers, etc.
2. Where co-location is not possible, when selecting a site for a new telecommunication tower, antenna or related facility, the following shall be taken into consideration:
 - a. Maximizing the distance from residential areas;
 - b. The distance from public and institutional facilities such as schools, hospitals, community centre, daycare facilities, and senior's residences;
 - c. Avoidance of natural features, vegetation, hazard lands (floodplains, steep slopes);
 - d. Avoiding areas of topographical prominence, where possible, to minimize long/short range viewsapes; and
 - e. Compatibility with adjacent land uses.

7.2 Design Standards

1. Structures shall be designed to minimize visual impact and to avoid disturbance of significant natural features by:
 - a. Selecting a type and colouring of structure that blends in with the surroundings;
 - b. Providing landscaping and visual screening where appropriate;
 - c. Incorporating safety features to prevent unauthorized access;
 - d. Designing towers and any accessory base stations so that they fit into the context of the surrounding area;
 - e. Implementing tower designs that mimic other features customarily found in the area, such as trees and flagpoles, where appropriate; and
 - f. Ensuring towers only accommodate telecommunication facilities and that there are no signed or other materials apart from that which is required by ISED or for safety or identification purposes (e.g. small plaque at the base of the tower), as deemed appropriate by the Township or other authority.

8.0 PUBLIC CONSULTATION

8.1 Exemptions

1. Proposed telecommunication towers, antennas or related facilities located in commercial or industrial zones (in accordance with the Township's Zoning By-law 2018-023, as amended) and a minimum of 120 metres from residential, agricultural, or other sensitive land uses, as deemed by the municipality, shall not require public consultation. The minimum distance shall be measured from the location of the tower to the nearest lot line of the property where the sensitive land use is located.

8.2 Notification Requirements to the Public

1. Notice of a Formal Application shall be provided in the manner prescribed below, unless otherwise stated in this Protocol:
 - a. Regular mail to all property owners located within a radius of three times the tower height, to a minimum of 120 meters, measured from the outside perimeter of the supporting structure;
 - b. An advertisement in the local newspaper; and
 - c. Posting of signage on the subject property.
2. Notice of a Formal Application shall include the following information:
 - a. A key map;
 - b. The address of the proposed location;
 - c. A description of the proposed structure type, shelter type, height, access, and utility sources; and
 - d. Key dates associated with the public consultation process.
3. The proponent shall be responsible to prepare all public notices in accordance with the Township's prescribed content and format, prior to publication by the Township.

8.3 Notification Requirements to the Municipality and other Agencies

1. Notice of a Formal Application and materials shall be circulated to the following municipal stakeholders, unless otherwise stated in this Protocol:
 - a. The Township Municipal Clerk, Chief Building Official, Fire Prevention Officer, and any other staff as deemed appropriate by the Township;
 - b. The Municipal Clerk(s) of adjacent municipalities within 500 metres of the proposed site;
 - c. The Township Heritage Advisory Committee, if applicable;
 - d. The Conservation Authority having jurisdiction, if applicable;

- e. The Ministry of Transportation, if applicable; and
- f. The County of Wellington.

8.3 Public Comment

1. The public shall be provided with a minimum of 30 days, from the date of the notice, to submit written or verbal comments, including questions and concerns. Comments shall be submitted directly to the proponent and the Township shall be copied on all responses.
2. Responses to questions, comments and concerns received from the public shall be acknowledged by the proponent within two (2) business days and responded to by the proponent within a maximum of five (5) business days of receipt.
3. Proponents are to address in writing, all reasonable and relevant concerns within 60 days of receipt or explain why the question, comment, or concern is not reasonable or relevant.
4. The proponent shall submit to the Township a listing of all public comments, responses to each comment and how they have been addressed, and confirmation that the above response timelines have been appropriately met.

8.4 Community Information Meeting

1. Where the visual impact or degree of visual change is considered by the municipality to be high, or where a significant objection to the proposal is raised during the public comment period, the proponent shall be responsible for organizing and holding a Community Information Meeting in consultation with the Township.
2. Notice of the Community Information Meeting through mail, advertisement and signage is to be provided a minimum of 20 days prior to the meeting date. The contents and format of the notice shall be prescribed and verified by the Township prior to being circulated. The Notice shall be circulated to the distribution list outlined in section 8.2.1(a) and 8.3, and including all individuals that submitted public comments.
3. The proponent shall prepare a record of attendees, minutes, and responses to concerns raised at the Community Information Meeting, to the satisfaction of the municipality, and shall provide such record to the Township.

8.5 Fulfillment of Public Consultation

1. Consultation responsibilities will normally be considered complete when the proponent has carried out the public consultation requirements prescribed by the municipality and has appropriately addressed all reasonable and relevant concerns.
2. A Staff report shall be prepared for Council to consider the proposal in accordance with this Protocol.

9.0 CONCLUSION OF MUNICIPAL CONSULTATION

9.1 Letter of Concurrence

1. Upon completion of all municipal requirements to the satisfaction of the Township of Puslinch, and where Puslinch Council has passed a Resolution in support of the proposed telecommunication tower, antenna or related facility, the Township will issue a Letter of Concurrence to the ISED, to be signed by the Township Clerk or Chief Administrative Officer (CAO) under the delegated authority provided by Council.
2. The Letter of Concurrence, including any related resolutions, shall be provided to the ISED as a record of municipal approval/support and the satisfaction of municipal and public consultation requirements.
3. The Letter of Recommendation shall include an attestation that the proponent shall construct and operate the telecommunication tower, antenna or related facility in accordance with:
 - a. The drawings and justification report submitted to the Township;
 - b. Any required design requirements or considerations and other conditions as determined by the Township through the consultation process.
4. If the requirements of this Protocol are satisfied and the proposal proceeds, the construction of the telecommunication tower, antenna or related facility shall be completed within two (2) years of the conclusion of the consultation. Construction of Telecommunication towers, antennas or related facilities that are not completed within this timeframe will be treated as a new proposal and shall be subject to the application and public consultation requirements set out in this Protocol.
5. The proponent may only commence installation/modification of a telecommunication tower, antenna or related facility after the municipal consultation process has been completed by the municipality, or ISED confirms concurrence with the consultation portion of this process, and after all other requirements under this process have been met.

9.2 Letter of Non-Concurrence

1. Where the Township is not in support of a proposal made through a formal application, and where Puslinch Council has passed a Resolution that is not in support of the proposed telecommunication tower, antenna or related facility, the Township will issue a Letter of Non-Concurrence to the ISED, to be signed by the Township Clerk or Chief Administrative Officer (CAO) under the delegated authority provided by Council.
2. The Township will include in the Letter of Non-Concurrence, the results of the consultation process and any outstanding issues to be provided to the ISED.
3. Where a telecommunication tower, antenna or related facility is constructed in whole or in part, without municipal concurrence or consultation, the Township shall inform the ISED and request that the site be decommissioned, or if under construction, that all works stop until such time that the obligations under this Protocol have been met.

10.0 FEES

1. The proponent shall be required to pay all applicable processing fees. These fees may include, but are not necessarily limited to, the cost incurred by the municipality for the processing of the application such as administration, planning, engineering, and legal fees.
2. The Township relies on external consultants to undertake peer review works. The proponent is required to pay all third party costs and disbursements generated through the application review, including pre-consultation. The proponent will also be responsible for any fees applied by external regulatory agencies, such as the Conservation Authority having jurisdiction, the Ministry of Transportation, The County of Wellington, etc.