

Development and/or Redevelopment of Telecommunications Towers/Antenna Facilities	
Effective Date: November 25, 2013	Revision Date:
Approved By Council Resolution No. 2013-576	

Section 1: Jurisdiction and Roles

1.1 **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 2007, 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 January 1, 2008.

Industry Canada also requires that Proponents intending to install or modify an Antenna System notify and consult with the 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 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.

1.2 **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 4 of this Protocol; and
- Establishing a community consultation process.

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.

1.3 **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 consultation process and addressing relevant concerns as is required and appropriate.

1.4 **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);
- The Canadian Environmental Assessment Act; and
- NAV Canada and Transport Canada's painting and lighting requirements for aeronautical safety.

Section 2: Purpose

2.1 The purpose of this policy is to provide a process for Proponents of new telecommunication towers to use to consult with the City of North Bay and its residents and achieve municipal approvals. It is anticipated that the telecommunications industry will continue to pursue innovative technology that will reduce the visual impact on communities.

2.2 Industry Canada, which is the approval authority for telecommunication facilities, encourages the establishment of local policies for consultation, where required, given that local land use authorities are best positioned to contribute details of the host municipality, helping identify appropriate locations for new and expanded telecommunications.

2.3 This policy document will outline the local land use consultation process and guidelines to be followed in evaluating telecommunication facility proposals.

Section 3: Location

3.1 In determining an appropriate site for a new tower or antenna, the Proponent shall adhere to the following principles:

3.1.1 Sites should be selected to minimize the total number of telecommunication tower sites required. Locations on existing structures or buildings or co-locations on existing tower sites are strongly encouraged. Opportunities to incorporate an antenna into the design of a new building or structure should be explored by the Proponent. The construction of a new telecommunication tower is discouraged, and will be accepted only when all other options to accommodate the telecommunication antenna are not viable.

3.1.2 New telecommunication towers are strongly discouraged within 120 metres of any Residential Zone or elementary or secondary school, unless required for reasons of engineering or network objectives.

If a new tower is proposed to be located within 120 metres of a Residential Zone or a school, a detailed rationale for the necessity of this location must be provided in the Site Selection/Justification Report.

3.1.3 The preferred location of new towers is in the industrial, commercial and rural areas (excluding the North Bay Escarpment), whenever possible, where technically feasible.

3.2 When selecting sites for telecommunication towers, the following shall be considered:

3.2.1 Maximizing distance from residential uses, schools, and active park space;

3.2.2 Maximizing distance from environmental constraint areas, natural heritage features and the North Bay Escarpment as defined by the City's Official Plans (completion of an Environmental Impact Statement may be required should the telecommunication tower be located on lands adjacent to a natural heritage feature);

3.2.3 Avoiding sites that would obscure public views and vistas; and,

3.2.4 Compatibility with adjacent uses.

- 3.3 Proponents shall be encouraged to locate telecommunication towers with a minimum setback to all property lines and to all existing buildings of a distance equivalent to the height of the tower (measured from grade), whenever possible.
- 3.4 New telecommunication facilities should comply with all Zoning By-law regulations.

Section 4: Design and Landscaping

4.1 The use of design features, colour, and landscaping can be used to screen telecommunication facilities from view and should be encouraged, whenever possible. The following design guidelines should be taken into consideration when designing a new tower or antenna:

4.1.1 New telecommunication towers which are located greater than 120 metres from a Residential Zone or elementary or secondary school shall be designed with co-location capacity.

4.1.2 A new telecommunication tower, which must be located within 120 metres of a Residential Zone or elementary or secondary school for reasons of engineering or network objectives, is not required to be designed for future co-location capacity. In this situation, a monopole design or other stealth design technique, as described in 4.1.3 below, may be considered.

4.1.3 Where appropriate, stealth design techniques, including, but not limited to, camouflaging towers within church steeples, clock towers, or flagpoles, should be used in the design of a new telecommunication tower.

If stealth design techniques are employed in the design of a new tower, co-location capacity will not be required in accordance with Section 4.1.2 above.

4.1.4 The design of the tower or antenna should be sympathetic to the surrounding architecture and built form.

4.1.5 Towers and base stations should be of a neutral colour that blends with the surrounding area (though it is recognized that new towers must comply with the requirements of Transport Canada and NAV Canada). To reduce the scale and visual impact of towers, mitigation measures should include consideration of design features, structure type, colour, materials, landscaping, screening, and decorative fencing.

Where equipment shelters are located on the ground, the visual impact of the built form shall be mitigated through the use of colour, decorative fencing, screening, and/or landscaping.

4.1.6 Where appropriate, the planting of trees and shrubs at the tower site to enhance the character of the surroundings is highly recommended.

4.1.7 Towers shall accommodate only telecommunication facilities and no signs or other material not directly related to this equipment shall be permitted on the tower, with the exception of signage directly related to the equipment or required by Industry Canada. A small plaque must be placed at the base of the structure identifying the owner/operator and contact information. No third party advertising or promotion shall be permitted. All signage shall comply with the City of North Bay's Sign By-law.

4.1.8 Lighting of telecommunication antenna and towers is prohibited unless required by Transport Canada. Proof of this requirement should be provided by the Proponent to the City of North Bay with the application.

4.2 Redundant Antenna System

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.

Section 5: Consultation Requirements

5.1 For proposed towers or alterations to existing towers that do not meet the exemption criteria outlined in Section 6, the Proponent shall give notice, by regular mail, to the City of North Bay Planning Services Department and to all owners within a radius of 120 metres, measured from the tower base or the outside perimeter of the supporting structure, whichever is greater.

5.2 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) Information on the location, height, type, design and colour of the proposed Antenna System; including a 21 cm x 28 cm (8½" x 11") size copy of the site plan submitted with the application
- (2) The rationale, including height and location requirements, of the proposed Antenna System;
- (3) The name and contact information of a contact person for the Proponent;
- (4) The name and contact information of the Designated Municipal Officer;
- (5) An attestation that the Antenna System will respect Health Canada's Safety Code 6 which sets safe radiofrequency emission levels for these devices;
- (6) The date, time and location of the public information session where required; and
- (7) 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 120 METRES OF A NEW PROPOSED CELL TOWER. INFORMATION IS ENCLOSED."

5.3 The City will provide the mailing list to the Proponent.

5.4 The City shall also require that the notice be published in the local newspaper to inform residents of the proposal if it is the opinion of staff that the visual impacts of the installation would be of a significant nature to local residents and property owners.

5.5 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);
- (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.

5.6 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) Summary of comments received at the aforementioned public information session;
 - (3) Copies of all letters and other written communications received; and
 - (4) Provide a follow-up letter to the municipality to indicate their formal response to the concerns raised during the open house.
- Should any modifications of the proposed structure be agreed to then further details will be provided as soon as possible to the City.

Section 6: Exemptions from Public Consultation

6.1 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 investing in full design.

Therefore, Proponents are required to undertake the steps in Section 6.2 to 6.4, if applicable, for all exempt Antenna System installations before commencing construction.

6.2 Building/Structure-Mounted Antenna System:

The Proponent will in all cases provide the following information to the municipality for all new Antenna Systems or modifications 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:

- (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 4;
- (3) The height of the Antenna System;
- (4) The height of any modifications to existing systems;
- (5) Description of tower's ability to co-locate additional infrastructure in the future.

The Municipality may notify the Proponent of any inconsistency with the preferences and sensitivities expressed in Section 4 and the parties will work towards a mutually agreeable solution.

6.3 Freestanding Antenna Systems and additions to Freestanding Antenna Systems:

The Proponent will confirm to the Municipality that the Freestanding Antenna System to be erected or an addition to an existing Freestanding Antenna System meets the exclusion criteria in Section 6 by providing the following:

- (1) The proposed location, including its address and location on the lot or structure;
- (2) A short summary of the proposed Antenna System 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 6 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 4 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 Section 5 of this protocol, as applicable, concluding with a letter of concurrence or non-concurrence.

6.4 Municipal Exemptions:

- 6.4.1 Proposed telecommunication towers and antennas which are exempted from the requirement to consult with the City of North Bay under the provision of Industry Canada's CPC-2-0-03 ("Radiocommunication and Broadcasting Antenna Systems", June 2007) will be exempt from the public consultation requirements:

The exemptions are listed as follows:

- 6.4.1.1 Maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
 - 6.4.1.2 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;
 - 6.4.1.3 Maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;
 - 6.4.1.4 Installation, for a limited duration (typically not more than 3 months), of an antenna system that is used for a special event, or one that is used to support local, provincial, territorial or national emergency operations during the emergency, and is removed within 3 months after the emergency or special event; and
 - 6.4.1.5 New antenna systems, including masts, towers or other antenna-supporting structure, with a height of less than 15 metres above ground level.
- 6.4.2 In addition to the above exemptions mandated by Industry Canada, the City of North Bay will also exempt the following installations from the public consultation requirements:
- 6.4.2.1 Any new telecommunication tower or antenna, which is less than 50 metres in height, proposed within an Industrial Zone, provided that the following criteria are met:
 - 6.4.2.1.1 The proposed tower is located a minimum of 120 metres away from a road that forms the boundary to an Industrial Area or an Industrial Business Park, as defined by the City of North Bay's Official Plan, measured from the tower base or the outside perimeter of the supporting structure, whichever is greater;
 - 6.4.2.1.2 The proposed tower is not located within the Airport Industrial Business Park as defined in the City of North Bay's Official Plan; and,

- 6.4.2.1.3 The proposed tower is located a minimum of 120 metres away from a Residential Zone, elementary or secondary school, or existing dwelling, measured from the tower base or the outside perimeter of the supporting structure, whichever is greater.
- 6.4.2.1.4 The proposed tower is not located within or adjacent to an environmental constraint area or natural heritage feature as defined in the City of North Bay's Official Plans.
- 6.4.2.2 Any new telecommunication tower or antenna, which is less than 100 metres in height, proposed within a Rural Zone, provided that the following criteria are met:
 - 6.4.2.2.1 The proposed tower is located a minimum of 120 metres away from a Residential Zone, elementary or secondary school, or existing dwelling, measured from the tower base or the outside perimeter of the supporting structure, whichever is greater; and,
 - 6.4.2.2.2 The proposed tower is not located within or adjacent to an environmental constraint area or natural heritage feature as defined in the City of North Bay's Official Plans.
- 6.4.3 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:
 - 6.4.3.1 The Antenna System's physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;
 - 6.4.3.2 The location of the proposed Antenna System on the property and its proximity to neighbouring residents;
 - 6.4.3.3 The likelihood of an area being a Community-Sensitive Location; and
 - 6.4.3.4 Transport Canada marking and lighting requirements for the proposed structure.

Section 7: Submission Requirements

- 7.1 All proposals for new telecommunication tower/antenna facilities and modifications to existing towers that are not exempt, as outline in Section 6 above, requires the submission of a package which shall include the following information:
- 7.1.1 Site Selection/Justification Report from the Proponent (carrier) outlining the steps taken by the Proponent to investigate all non-tower and co-location options and/or why a tower option is the preferred alternative. The report shall identify the location of all existing telecommunication towers within the Proponent's search area, and identify the reasons why these towers are not suitable for co-location. The location of these towers shall be illustrated on a map to be included in the report. In addition, the report shall also identify any alternate sites for the location of the new tower that were investigated by the Proponent, and the rationale for eliminating these sites as the preferred alternative. The report shall confirm the need for a new tower at the proposed location, and will also confirm the need for the proposed height of the tower. Future sharing possibilities with other providers shall also be reviewed. Finally, the report shall outline the design elements proposed in order to minimize the visual impact of the proposed structure, and address any lighting requirements that may be required by Transport Canada;
 - 7.1.2 A full site plan drawn to a metric scale showing the subject property (or leased area if the Proponent is not the property owner), site grading, the location of existing property lines, existing or proposed new buildings, fences, buffering, existing and proposed landscaping, access, parking and the type and height of the proposed tower structure;
 - 7.1.3 Visual rendering(s) of the proposed Antenna System superimposed to scale;
 - 7.1.4 A map showing the horizontal distance between the property boundary of the proposed site and the nearest property in residential use;
 - 7.1.5 For Antenna Systems requiring public consultation, a map showing all properties located within the Prescribed Distance from the proposed Antenna System;
 - 7.1.6 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;

- 7.1.7 An attestation that the Antenna System will respect Health Canada's Safety Code 6 which sets safe radiofrequency emission levels for these devices;
- 7.1.8 Application for building permits in accordance with the Ontario Building Code;
- 7.1.9 A cheque payable to the City of North Bay to cover administrative and processing costs set out in the User Fee By-law.

Section 8: Concluding Consultation

8.1 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.

8.2 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.

The Municipality will issue the letter of concurrence within the timeframe established in Section 8.7.

8.3 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 8.7.

8.4 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.

8.5 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 has not commenced within this time period the concurrence expires and 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.

8.6 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.

8.7 Timing of Consultation

Consultation with the Municipality is to be completed within 60 days of the proposal being accepted as complete by the Municipality.

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.

Appendix A: Definitions

Adjacent Lands - those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives. (PPS, 2005)

Antenna - an exterior transmitting device used in telecommunications designed for various uses such as telephonic, radio, or television communications by sending and/or receiving radio signals.

Co-location - the installation of multiple telecommunication antenna systems on a building or tower structure by two or more Proponents.

Industry Canada - the Federal Department which is responsible for radio frequency spectrum management. Information detailing federal procedures relating to the siting of radiocommunication and broadcasting antenna systems is available at:
www.ic.gc.ca/antenna

Proponent - shall include the following: AM, FM, TV Broadcast Undertakings; Cable Television Distribution Undertakings; Radiocommunication Service Providers; and Radiocommunication Users (business or government use only).

Radiocommunication Carrier - a person who operates an interconnected radio-based transmission facility used by that person or another person to provide Radiocommunication services for compensation. (Radiocommunication Regulations, 1996)

Radiocommunication Service Provider - a person, including a Radiocommunication Carrier, who operates radio apparatus used by that person or another person to provide radiocommunication services for compensation. (Radiocommunication Regulations, 1996)

Radiocommunication User - a person who operates radio apparatus for government use or for a business other than the business of a Radio Communication Service Provider. (Radiocommunication Regulations, 1996)

Significant - in regard to cultural heritage and archaeology, means cultural heritage resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people. (PPS, 2005)

Telecommunication Facility - the components required for the operation of a wireless communication network, which includes cell sites, transmitters, receivers (antennae), and an unoccupied equipment shelter.

Telecommunication Tower - a structure used to support one or more antenna systems for the purpose of radio telecommunications, and which may include, but is not limited to, a guyed tower, a self-support tower or monopole tower, and which may be located at ground level or on the roof of a building.

Appendix B: Process Flowchart

