

Installation of Communication Towers Policy



Section	Date	By-Law Number	Page	Of
Development Services	July 5, 2017	97-2017	1	6
Subsection	Repeals By-Law Number		Policy Number	
Installation Of Communication Towers	107-2009		DS-1-1	

Background

As demand increases for mobile phones and new communications services, additional towers are required to improve and maintain the quality of service. Industry Canada is the Federal department responsible for licensing and approving telecommunications equipment and facilities in Canada. Local zoning by-laws cannot prevent a telecommunication tower from being built, as the Federal Government has the approval authority under the Radio communications Act. Industry Canada, however, recognizes the importance of considering the potential impact of communication towers on their surroundings and that the community should have input with respect to the location of new towers. As a result, they require proponents to work with the City and they encourage property owners to make their concerns known.

General Requirements

In addition to roles and responsibilities for site sharing, land-use consultation and public consultation, proponents must also fulfill other important obligations including: compliance with Health Canada's Safety Code 6 guideline for the protection of the general public; compliance with radio frequency immunity criteria; notification of nearby broadcasting stations; environmental considerations; and Transport Canada/NAV CANADA aeronautical safety responsibilities.

Applicants must have regard to all provisions of Industry Canada's Client Procedure Circular CPC-2-0-03 – Radiocommunication and Broadcasting Antenna Systems which can be found at : <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08777.html>.

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Application

All proposals for new telecommunication towers, and modifications to existing towers, where municipal consultation is required by Industry Canada, require the submission of an application package including the following:

An applicant for a radio communication tower shall provide the following:

- Applicant's name, address and contact person
- Legal description and property address of proposed tower location and the name and address of the property owner
- Three (3) sets of plans showing location and details of the tower and all associated equipment and facilities, including the engineered site plans indicating all servicing requirements
- Applicant shall install landscaping and screening appropriate to the location to screen the auxiliary structure
- A full site plan drawn to scale showing the subject property (or leased area if the property is not owned by the applicant), site grading, the location of existing property lines, existing or proposed buildings, fences, buffering, existing and proposed landscaping, access, parking, and the type and height of the proposed tower structure. Any significant vegetation on a particular site should be inventoried on the plan.
- A statement from the applicant to indicate the need for the proposed tower height.
- A map showing the horizontal distance between the tower installation and the nearest residential zone and/or residential dwelling.
- Application for building permits in accordance with the Ontario Building Code, to address the following matters:
 - Equipment shelters that exceed 10 square metres of gross floor area.
 - Towers/antennae that are to be mounted or attached to an existing building.

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- The A cheque payable to the City of Kenora to cover administrative and processing costs, as determined by staff's hourly rate
- Applicant shall provide the City of Kenora with a copy of any required site application to Industry Canada, complete with the Municipal Land Use Consultation Declaration form

Public Consultation Process

The Applicant will conduct a public meeting, take an attendance log, take minutes of the meeting and provide this information to the City of Kenora.

The Applicant shall place an advertisement in the local newspaper and post an informational sign not less than 1.5 metres by 1 metre, on the proposed site, at a location clearly visible from the nearest road. The sign will advise of the proposed siting of a communications tower and will be posted for a period of not less than 14 days before the public meeting. The sign will include contact information for both the applicant and Industry Canada in order that questions and concerns can be addressed. The sign and advertisement will include the time, date and location of the public meeting.

As a minimum, proponents must provide a notification package 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, measured from the tower base or the outside perimeter of the supporting structure, whichever is greater. For the purpose of this requirement, the outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc.

Information to be included in the notification package will be in accordance with **CPC-2-0-03 - Radiocommunications and Broadcasting Antenna Systems: Appendix 2 – Industry Canada's Default Public Consultation Process – Public Notification Package**

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The Applicant shall provide the City of Kenora with confirmation from Transport Canada and the Kenora Airport Authority that there are no objections to the proposed site and height of the facility, or alternatively the conditions or requirements that would apply to the installation of the tower.

Following the public meeting the applicant will provide the City of Kenora with the following:

- A record of names, addresses and phone numbers of attendees
- Minutes of the meeting, including identification of issues and concerns raised
- Follow up letter to the City of Kenora to indicate their formal response to the concerns raised during the public meeting. Should any modifications of the proposed structure be agreed upon, further details such as revised plans or drawings will be provided to the City as soon as possible

After the Applicant has satisfied the above requirements, a "Letter of Concurrence" may be provided by the City of Kenora if the City is satisfied that the Applicant has acted reasonably in mitigating any concerns with the proposed tower.

City's Role

The City of Kenora will, where possible, provide a mailing list to the Applicant, of all those property owners 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 of the proposed location.

The City of Kenora reviews the material supplied by the Applicant, after the public consultation process and provides a statement to Industry Canada as to whether, in the opinion of the City, the applicant has conducted a satisfactory consultation process, and whether the City supports or does not support the proposal.

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Exclusions

- For the following types of installations and proponents are excluded from the requirement to consult with the LUA and the public, but must still fulfill the maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
- addition or modification of an antenna system (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna-supporting structure or other radio apparatus to existing infrastructure, a building, water tower, etc. provided the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height;
- maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;
- installation, for a limited duration (typically not more than 3 months), of an antenna system that is used for a special event, or one that is used to support local, provincial, territorial or national emergency operations during the emergency, and is removed within 3 months after the emergency or special event; and
- new antenna systems, including masts, towers or other antenna-supporting structure, with a height of less than 15 metres above ground level;

towers located within the RR, TR, ML, MH, MX, RU, WD, and BSL zones, that are not required to be lit and less than 20 metres, are not subject to the following public engagement requirements: holding of a public meeting, posting notice in the paper, and posting a 1 x 1.5 metre sign. Individual circumstances vary with each antenna system installation and modification, and the exclusion criteria above should be applied in consideration of local circumstances. Consequently, it may be prudent for the proponents to consult the LUA and the public even though the proposal meets an exclusion noted above. Therefore, when applying the criteria for exclusion, proponents should consider such things as:

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- 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

General Requirements outlined in this policy

- Transport Canada marking and lighting requirements for the proposed structure.

Proponents who are not certain if their proposed structure is excluded, or whether consultation may still be prudent, are advised to contact the land-use authority and/or Industry Canada for guidance.