



**THE CORPORATION OF THE UNITED TOWNSHIPS OF
DYSART, DUDLEY, HARCOURT, GUILFORD, HARBURN
BRUTON, HAVELOCK, EYRE AND CLYDE**

POLICY NO. 38

**A POLICY TO ESTABLISH A LOCAL MUNICIPAL PROTOCOL FOR THE
REVIEW OF TELECOMMUNICATION TOWER PROPOSALS**

Issued: March 24th, 2014

PURPOSE

The purpose of this policy is to outline the procedure to be followed by applicants wishing to establish or expand telecommunication facilities within the Corporate limits of the Municipality of Dysart et al. This procedure must be followed in order to satisfy the requirements of Industry Canada for the consultation with local land use authorities and the public, prior to approval of an application by Industry Canada to establish or expand telecommunication facilities.

Applications for the installation of telecommunication facilities fall within the jurisdiction of Industry Canada. The Municipality recognizes that it does not have jurisdiction to regulate these facilities under the Planning Act, R.S.O, 1990, c.P.13. Industry Canada has set a minimum standard for the review of and public consultation on proposals to establish or expand telecommunications facilities. However, municipalities can expand upon these minimum criteria and establish a local municipal protocol for the review of such proposals. Where there is a conflict or difference of opinion, Industry Canada remains the sole approval authority.

The Municipality of Dysart et al embraces the core values of preserving the natural environment and resources and maintaining the Municipality's rural and small town character through managed and thoughtful growth. Maintaining and protecting the esthetics values of the community is an important consideration to local land use decisions. The Municipality also recognizes that a good telecommunication network is important for health and safety reasons and to support economic development. These values are embodied in the policies of Dysart et al Official Plan. Due to the potential for land use conflicts, impacts on views and impacts on environmentally sensitive areas, Council chooses to establish a local municipal protocol to address the needs of the Municipality. The municipal protocol is consistent with Industry Canada protocol CPC-2-0-03 but includes additional requirements.

The Municipality of Dysart et al does not support the licensing and installation of new or expanded telecommunication facilities unless the requirements of this policy have been complied with.

SCOPE

This policy applies to all proposals for telecommunication antennas, towers and related structures with the exception of the following:

- (a) Maintenance of existing radio apparatus including antenna systems, transmission lines, masts , towers or other antenna-supporting structure which may include painting or lighting;

- (b) Installation for a limited duration, of an antenna system that is used for a special event, or one used for emergency operations; and/or
- (c) Towers that are less than 15 metres in height, measured from the average grade of the ground surrounding the base of the tower.

ADMINISTRATION OF THE POLICY

This policy will be implemented by the Director of Planning and Development with direction from Council.

Objectives:

This policy will address the following objectives:

- (a) Balance:
 - the need for a reliable and comprehensive telecommunication network;
 - the location and design requirements of the proponent; and
 - the need to minimize the visual impact of a telecommunication facility.
- (b) Address local land use concerns while respecting federal jurisdiction.
- (c) Ensure that co-location opportunities for telecommunication facilities are explored and acted upon where appropriate.

Preliminary Consultation:

The proponent will arrange for preliminary consultation with the Municipality prior to presenting its proposal. Municipal staff will provide the proponent with:

- (a) this policy including the process to be followed and the requirements for public consultation; and
- (b) a list of agencies and associations to be consulted.

The preliminary consultation shall not mark the commencement of the 120 day consultation period required by Industry Canada protocol CPC-2-0-03.

Site Selection and Design Criteria:

The following criteria should be considered when designing and siting telecommunication facilities:

- (a) The location of towers in the *Waterfront Areas* designation and within *Significant Natural Heritage Features*, as shown in the Dysart et al Official Plan, should generally be discouraged. In the *Settlement Area*, facilities should be designed as roof top structures and wherever possible screened or camouflaged. Towers should generally be located a minimum of 1 kilometre from the nearest residence.
- (b) Where possible, facilities should use existing towers or structures and share facilities (co-location).
- (c) Towers and bases should generally be camouflaged or designed to blend with the surroundings. Mono-pole structures are the preferred design style. However, a mono-pole structure should generally be considered where there is no alternative. Tri-pole structures, trellis structure or any antenna supporting structure that requires guy wires are discouraged and should be considered where there are no other reasonable options.
- (d) Proponents are encouraged to protect the natural landscape of the site at all times. Structures are encouraged to be at least 60 metres from the public access road and be screened with a

natural vegetation buffer. Additional planting of native shrubs and trees is encouraged and may be requested by Council.

- (e) With the exception of lighting required by Transport Canada, all outdoor illumination should be environmentally sensitive using full cut-off luminaires, no up-lighting, or have reflectors installed to direct the light downward. Where Transport Canada requires a telecommunication facility to be lit or where lighting is required for security purposes, the lighting should be the minimum number of lights and the lowest illumination allowable.

Submission Requirements:

The proponents shall submit to the Director of Planning and Development 1 hard copy and 1 electronic copy of the documentation described in paragraphs (a) to (f) below, together with the administration fee noted in paragraph (g) below.

- (a) The location of the proposed facility.
- (b) A site plan, drawn to scale, showing:
 - the access road;
 - the proposed site;
 - the proposed vegetation buffer and all landscaping;
 - the proposed setbacks from the existing property lines; and
 - the location of any existing buildings or structures.
- (c) A profile drawing showing the height and the tower type.
- (d) The description of the proposed facility and accessory structures (if applicable).
- (e) Preliminary drawings, illustrating the site development and location of the facility, elevations and surrounding land uses.
- (f) Written documentation from the proponent outlining the steps taken to investigate all non-tower and co-location options and why the selected tower option is, in the opinion of the proponent, the only viable option. If a tower option is considered to be the only viable option, then the proponent is to submit an analysis of other possible sites and the rationale as to why these sites were not acceptable.
- (g) A cheque payable to the Municipality of Dysart et al in the amount of \$500.00, which is the administration fee to process the application.

Public Consultation Process:

The proponent shall organize and facilitate the public consultation process. The public consultation process shall be required for all telecommunication facility proposals.

The Municipality will provide to the proponent a list of the mailing addresses for the properties located within a radius of 500 metres from the proposed tower. The proponent is to use this data for the sole purpose of notifying the land owners of the proposal and for no other reason. The proponent is required to prepare and circulate, by regular mail, a notification package, a minimum of 30 calendar days prior to the public open house to the following:

- (a) the Director of Planning and Development, Municipality of Dysart et al;
- (b) the Clerk of any adjoining municipality within 500 metres of the property boundary; and
- (c) all property owners within 500 metres of the proposed site. The proponent is responsible for obtaining the names and mailing addresses for owners of properties, which are located in a neighbouring municipality and are within 500 metres of the proposed site.

The notification package shall include the following information:

- (a) Notice of the Public Meeting, including the date, time and location of the meeting.
- (b) The name, mailing address, e-mail address and telephone number of the contact person employed by the proponent.

The contact information is not to direct respondents to the Municipality for the purpose of answering questions or submitting a response, as this gives confusing direction to respondents. The notice may suggest that a copy of any responses be sent to the Municipality for information purposes.

- (c) A description of the land and the key map showing the location of the property.
- (d) The physical details of the tower, including the tower style and design, height, colour and lighting requirements.
- (e) When and where additional information regarding the proposal will be obtained.

A 1.2 metre square sign is to be erected along each street bordering the property a minimum of 30 days prior to the advertised public meeting, notifying the public of the proposal to establish a telecommunication facility on the site.

The sign will read:

NAME OF THE APPLICANT HAS PROPOSED
TO LOCATE A TELECOMMUNICATIONS FACILITY, BEING
HEIGHT METRES IN HEIGHT, ON THIS PROPERTY.

PUBLIC COMMENT IS INVITED.

FOR FURTHER INFORMATION, CONTACT:
PROPONENT'S CONTACT INFORMATION

The affidavit, attached as Schedule "A" must be returned to the Municipality prior to the Public Meeting. Failure to do so will result in the need for the Public Meeting to be rescheduled and the proponent to provide further notice.

Once the public comment period is complete and Council has provided its comments to the proponent, the signs on the property shall be removed by the proponent.

Public Meeting:

The following criteria is required for the Public Meeting:

- (a) Notice of the Public meeting shall be placed by the proponent in the local newspaper, which is the Haliburton County Echo.
- (b) The Public Meeting should occur no sooner than 30 days and no later than 40 days from the date that notice was given (ie. advertisements placed in the paper and notices mailed and posted).
- (c) In addition to the details given in the notice of the Public Meeting, the proponent should make available at the Public Meeting, a colour photograph of the subject property (8 ½ " x 14" minimum) with a superimposed image of the proposed tower.
- (d) Within 15 business days following the Public Meeting, the proponent should forward to the Municipality:

- a record of the names and addresses of the attendees;
 - minutes of the Public Meeting to identify the issues and concerns that were raised;
 - a copy of all written correspondence received on the proposal; and
 - a follow-up letter to the Municipality to indicate the proponent's formal response to the concerns raised at the Public Meeting. Should any modification of the proposed structure be required, then further details (ie. revised plans or technical drawings) will be submitted to the Municipality as soon as possible.
- (e) Upon receipt of the above information, Municipal staff will forward a report to the next regularly scheduled Council meeting, where possible, and Council will inform Industry Canada and the proponent, by way of a resolution, whether the consultation process has been completed in compliance with the Municipality's Local Municipal Protocol for the Review Telecommunication Tower Proposals. In addition, the Municipality will also advise the aforementioned parties of its position on the proposed facility by way of a Council resolution indicating concurrence or non-concurrence. If additional Council meetings are necessary to address residents' concerns, the Municipality will notify the proponent accordingly.

It is understood that a resolution indicating non-concurrence with a proposal does not necessarily mean that the proposed telecommunication facility will not proceed. As the approval authority for such installations, Industry Canada will consider both the Municipality's position and Industry Canada installation requirements and issue will its decision using best judgment.

SCHEDULE "A"



I hereby confirm that a 1.2 metre square sign, advertising the proposal to establish a telecommunication facility, has been posted on the property outlined below; was posted for a minimum of 30 days prior to the scheduled Public Meeting; and that the sign will not be removed until after the public consultation process is complete.

I understand that failure to comply with the above will mean that proper notice was not given. In that event, the Public Meeting will have to be rescheduled.

Property Location: _____

Name of the Owner: _____

Date of Posting: _____

Signature: _____

(Please Print Name Above)

(Date of Signature)

Please return this form to the Municipality at the address, below as soon as possible:

The Municipality of Dysart et al
P.O. Box 389
Haliburton , Ontario
K0M 1S0
Attention: Director of Planning and Development