

# Protocol and Guideline for Establishing Wireless Telecommunication Facilities Within City of Brampton

(February 2002)

(Revised, January 2011) Council approval CW062-2011

(Revised, February 2011) revisions completed to change reference from “Site Plan Agreement” to “Letter of Undertaking”, and reference Planning Act regulations are not applicable.

(Revised, April 2014) Council approval CI125-2014, revisions completed to include changes to Industry Canada Standards

Whereas in 2001 Brampton City Council approved a Protocol and Guidelines Document for Establishing Wireless Telecommunication Facilities Within the City of Brampton (“Protocol Document”); and

Whereas there is an increasing number of requests since approval of the Protocol Document to establish wireless telecommunications facilities (“Telecom Facilities”) on properties owned by the City of Brampton (“City”); and,

Whereas it is in the best interest of the City to amend the Protocol Document by adding specific guidance for the establishment of Telecom Facilities on property owned by the City (“City Property”) as the protocol differs from the protocol for establishing Telecom Facilities on non-City-owned property;

Whereas it is in the best interest of the City to amend the Protocol Document by requiring municipal consultation for all communication towers, including towers less than 15 metres in height, by requiring public consultation in the form of notification being placed in the local newspaper for all towers 30 metres in height or greater, and by requiring that construction of all communication towers be completed within three (3) years of concurrence.

Now therefore, the amended Protocol Document is as follows:

## 1. Background

Industry Canada is the Federal Government Department responsible for regulating telecommunications in Canada. Under the *Radiocommunication Act*, Industry Canada acts as the approval authority for the establishment of radiocommunication and broadcasting apparatuses such as antenna systems (this may include masts, towers, and other supporting structures).

The Industry Canada document entitled “Radiocommunication and Broadcasting Antenna Systems, Issue 4, released June 2007, effective January 1, 2008” regulates antenna systems. Industry Canada recognizes that the local land-use authority should have an opportunity to influence the location of such facilities. Therefore, Industry Canada instituted procedures to ensure that municipalities are consulted prior to the building of antenna structures. Specifically, Industry Canada requires telecommunication carriers to follow the land use consultation process established by the local land use authority (i.e.

City of Brampton). Industry Canada identified that the consultation process should typically be completed in 120 days.

The purpose of this City protocol and guideline is to clearly outline the land use consultation process to be followed by telecommunication carriers when submitting a proposal to modify or install a telecommunication tower within the City of Brampton for both non-City-owned properties and on City-owned properties. Subsequent to the City's land use consultation process final approval for antenna structures is granted by Industry Canada.

## 2. Procedure for Municipal Consultation Regarding Non-City-Owned Properties

### 2.1. Antennas Affixed to Existing Structures

The Planning and Infrastructure Services Department requests that all installations of antennas on existing structures be subject to the City's expedited Site Plan Approval process (Site Plan Waiver process). Although some antenna installations may qualify for exemptions as per Industry Canada regulations, Industry Canada identifies that consideration of local circumstances and prudence in consulting with the local land use authority is appropriate.

### 2.2. Antennas Affixed to New Structures

#### 2.2.1. Preliminary Consultation

The Planning and Infrastructure Services Department requires proponents to pre-consult with Planning staff prior to the submission of a Site Plan Application for all new antenna structures, including proposals for structures less than 15 metres in height. During the site selection stage, the proponent is to submit a completed Pre-Consultation Application with associated plans and background materials, and the applicable fees. The pre-consultation stage provides Planning staff the opportunity to meet with the proponent to discuss the proposal and understand the proposal and its location. Staff will offer preliminary feedback for the site selection such as land use compatibility, sensitive visual areas and vistas, existing and proposed land uses, and any other potential impacts.

#### 2.2.2. Formal Consultation

When a telecommunication company finalizes the site selection process for any antenna structure, including structures less than 15 metres in height, the proponent shall submit a site plan application to the City. City staff acknowledges however that the site plan application will not be subject to the regulations of the Planning Act, and rather Industry Canada policies are to apply to structures dedicated to wireless telecommunication antennas.

### *Submission*

The application shall include detailed plans showing the location, design, grading/drainage, and landscaping buffer of the telecommunication facilities. Upon receiving a completed application, it is considered that the land-use consultation, as referred to by Industry Canada regulations, has been initiated.

### *Circulation by the City of Brampton*

The City will circulate the submission to affected internal departments and external agencies, including abutting municipalities if the proposed location is within 500 metres of an adjacent municipal boundary.

### *Circulation by Applicant to Property Owners*

The City requires the proponent to circulate written notification of the application, with applicable background information, to all property owners 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. Upon request, City of Brampton staff can provide a list of municipal addresses located within the circulation distance.

In the notification, the applicant shall outline jurisdiction matters, the rationale for the selection of the designated site, and request that any comments be sent to the applicant with a copy to be provided to the City of Brampton. It is the proponent's responsibility to ensure that the notification provides at least 30 days for written public comment.

In addition to the written notification identified above, where proposed communication towers are 30 metres in height or greater, notice of the proposal must also be placed in the local newspaper by the proponent. The notice will include all applicable background information, as specified above.

When the aforementioned notification has been appropriately sent, the applicant shall provide an affidavit to the City in this regard, which specifies the type of notification that was completed. Such affidavit shall be provided within 30 days of the notification.

### *Response to Public Comments*

Proponents are to address all reasonable and relevant concerns, make all reasonable efforts to resolve them in a mutually acceptable manner and must keep a record of all associated communications. The proponent is also required to:

1. Respond to the party in writing within 14 days acknowledging receipt of the question or comment or concern and keep record of the communication.

2. Address in writing all reasonable and relevant concerns within 60 days of receipt or explain why the question, comment or concern is not, in the view of the proponent, reasonable or relevant. The proponent shall provide a copy of the responses to the City of Brampton.
3. Address in any response letters that the party has 21 days from the date of correspondence to reply to the proponent's response with a copy provided to the City of Brampton.

#### *Circulation by Applicant to other Telecommunication Providers*

In association with any formal site plan application, a letter shall also be sent to all other telecommunication providers indicating that you are pursuing a telecommunication tower on the subject site, and requesting confirmation whether the other carriers are interested in co-locating on the proposed tower. Copies of the letters and comments received are to be provided as part of a site plan application.

#### *Timing of Approvals*

Within 60 days of the land-use consultation being initiated (receipt of a site plan application), the City will endeavour to provide site plan comments to the applicant. The applicant shall then resubmit drawings and documents to respond to the comments. Within 60 days of the resubmission, if the proposal is deemed acceptable, the City will issue a municipal concurrence (site plan approval) and advise of any conditions of approval which may be facilitated through a letter of undertaking. Subsequent to issuance of site plan approval and completion of any letter of undertaking the site plan approved drawings will be released to the applicant to facilitate any required building permits. If there are irresolvable concerns, the City will inform Industry Canada accordingly. It is understood that Industry Canada will review the municipal consultation result and make a decision on the matter.

#### 2.2.3. Duration of Concurrence

Construction of a communication tower must be completed within three (3) years of concurrence being issued by Planning staff. After three years, if the tower has still not been constructed, the previous concurrence/approval will be deemed null and void, notwithstanding whether communication is sent in this respect to the telecommunication carrier.

### 2.3. Guidelines Regarding Non-City-Owned Properties

#### *Justification and Utilization of Existing Structures*

- 2.3.1 New communication towers should be justified on an as-needed basis. Any possibility to place equipment on existing structures such as high-rise

buildings, church steeples, hydro transmitting towers, existing telecommunication towers, etc. is encouraged.

#### *Co-location*

- 2.3.2 Towers shall be designed to allow co-occupancy and all tower owners are required to allow co-location on existing or planned towers by other telecommunication carriers.

#### *Setbacks*

- 2.3.3 Towers shall not be located at prominent vistas and shall be located away from residential developments or frontages of major roads and highways wherever possible.
- 2.3.4 Wherever feasible, the minimum setback of a telecommunication tower that does not mimic streetlights and other street furniture to a road right-of-way shall be the height of the tower, and the setback from a tower to a residential property shall be twice of the height of the tower.

#### *Design and Treatment*

- 2.3.5 The design of towers shall be to the satisfaction of the City. In general, the style of a tower shall be suited to the surrounding area. Generally, lattice style towers will not be permitted anywhere in the City, unless it is demonstrated that they will not be visible outside of an industrial area. Slim monopole tower design, with antennas that are flush mounted, will be the standard tower design required in the City. Where appropriate, 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. The design of each tower will be reviewed on a site specific basis.
- 2.3.6 The colour of a tower shall be such to make it less visually obtrusive. A non-reflective white or light grey colour shall be provided. The City shall be informed if there is any other requirement by any agency (ie. Transport Canada and NAV Canada).
- 2.3.7 The ground level of telecommunication facilities shall be landscaped. Particularly, where equipment shelters are located on the ground, the visual impact of these shelters shall be mitigated through the use of colour, decorative fencing, screening and/or landscaping.
- 2.3.8 Other than a plaque to identify the carrier(s), there shall be no advertisement on the facilities. A small plaque must be placed at the base of the structure identifying the owner/operator and contact information. No third party advertising shall be permitted.

### 3. Procedure for Municipal Consultation Regarding City-Owned Properties

When the proponent's site search area includes a City-owned property, the above noted requirements will apply, except with respect to preliminary consultation. To initiate preliminary consultation, the proponent shall contact the Manager of the City's Realty Services Division. The preliminary consultation process for City-owned properties will include review and comment by the City's Real Estate Coordinating Team. These comments will be forwarded to the City's Planning staff within 30 days for additional comment and circulation to the proponent.

#### 3.1 Guidelines Regarding City-Owned Properties

The proponent shall follow the same guidelines as described in Clause 2, and shall consider the additional guidelines described in the following clauses:

- 3.1.1 Telecom facilities shall not be installed in locations that would create electromagnetic interference with the City's wireless communication/security systems, i.e. near fire stations and other emergency services facilities, municipal communications facilities. Telecom providers are to take Radio Frequency interference mitigation measures or in the case of interference remove their equipment that is causing interference.
- 3.1.2 In general, telecom facility proposals for City-owned sites should avoid the use of parklands and recreational open space. When proposing the use of City-owned lands, including parklands, for telecom facilities, telecom providers shall provide an evaluation of other potential antenna and tower locations within the area to be served by the proposed facilities that demonstrates other potential locations are not suitable or viable.
- 3.1.3 Telecom providers shall enter into a market value based license agreement with the City that specifies the terms and conditions of the provider's occupancy of City property, including but not limited to length of term, rent payable, insurance requirements, indemnity, co-locates, site location and access, design of facility, letter of credit.
- 3.1.4 Occupancy agreements with telecom providers should facilitate the removal or relocation of a tower at no cost to the City, if necessary in light of redevelopment of the City site.
- 3.1.5 Telecom providers will consult with the municipality to provide the most suitable location on the identified City owned site that takes into account planned development or redevelopment on the site, and so as to cause the least visual disturbance.
- 3.1.6 Telecom providers should be encouraged to design telecom tower facilities in a manner which incorporates upscale architectural elements such as flag poles, clock towers, and faux water towers.

- 3.1.7 Telecom providers are required to provide technical specifications of all radio equipment to be used on the premises.
- 3.1.8 Telecom providers are to conduct preliminary radio frequency study reports confirming that the intended wireless services will not interfere with any of the City's wireless services. City staff will provide technical information regarding the City's wireless systems when required.
- 3.1.9 Telecom providers are required to provide updated technical information when installing additional antennas/wireless services on an existing tower.
- 3.1.10 Telecom providers are required to work with city staff to mitigate any interference caused by their systems, including the removal of devices causing the interference to the City's wireless services if required.