



# The Corporation of the TOWN OF MILTON

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Report to: Chair & Members of the Administration & Planning Standing Committee

From: W.F. Mann, Director of Planning and Development

Date: May 14, 2012

Report No. PD-026-12

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Subject: Telecommunications Towers and/or Facilities Policy (Protocol) - Proposed Revisions to Protocol and Response to the Site Specific Tower Proposal at 824 Thompson Road (New Life Church)

**RECOMMENDATION: THAT Report PD-026-12 be received for information;**

**THAT Council adopt the newly revised Telecommunications Facility Policy ("Protocol") attached as Appendix "A" to Report PD-026-12 as policy, instructing staff to review all specified Telecommunication Facility locations in light of the new criteria;**

**THAT the Town Clerk be instructed to circulate the newly revised "Protocol" to the Region of Halton, Halton MPP's, Halton MP's and to all telecommunication providers, indicating the Town of Milton's position is that Industry Canada's protocol needs to be revised to require a formal mandated approval by the local municipality and that Industry Canada should participate more actively in the public consultation process;**

**AND THAT staff be directed to continue to work with all local telecommunications providers in developing acceptable design alternatives for the general community;**

**AND FURTHER THAT, with respect to the specific "New Life Church Tower" proposal located at 824 Thompson Road, Milton Council adopt the position of non-concurrence as discussed by staff and outlined in a draft Letter of Non-Concurrence found in Appendix "C" to Report PD-026-12.**



## **EXECUTIVE SUMMARY**

The Town's Telecommunication Towers and/or Facility Policy (Protocol), adopted in March 2008, has been under review for the past several months as the policy requires that the document be reviewed every three years or upon the adoption of new procedural requirements by Industry Canada. A review has now been completed and several revisions are recommended to provide more clarity in terms of the Town's preferences for location and design of telecommunications facilities and to offer alternatives to free-standing towers. The Town's experiences with applications over the past few years has brought a number of questions and issues to light in the community, including concerns relating to health and the process in which telecommunications facilities are approved. Staff has tried to address some of these issues, within the limited jurisdiction Industry Canada gives the Town, through the newly revised protocol attached as Appendix 'A' to this report.

A proposal for a free standing tower on the New Life Church property at 824 Thompson Road, has created public awareness of matters relating to the need for telecommunications services within the Milton community, the jurisdiction and roles of various stakeholders in the review process, the need for clearer direction in the location and design of these types of facilities, and that there are procedures in place to assess proposals that do not meet certain criteria.

## **REPORT**

### **Background**

In September 2011, Planning staff brought forward Report PD-063-11, which outlined that the Town's current Telecommunications Towers and/or Facilities Policy (Protocol), December 2007, was under review as it had been in effect for over 3 years. The purpose of the review was to:

- ensure conformity with Industry Canada's latest guidelines, effective January 1, 2008, the same time that our local protocol was adopted by Council;
- consider revisions that address issues the Town has encountered over the past few years; and,
- provide more guidance in the Town's review of telecommunications facility proposals.



In addition, staff committed to investigating innovative strategies to locate telecommunication infrastructure on Town owned lands, comprehensively plan for required infrastructure in new growth areas, and at the end of the review, bring forward a recommendation report containing updates and revisions required to ensure the continued relevance of the Town's protocol.

In order to stay up-to-date with recent practices and understand preferences in terms of telecommunications installations, staff has kept an on-going dialogue with the telecommunications industry and municipalities that have been undergoing their own protocol reviews such as the Town of Oakville, the City of Mississauga and the City of Edmonton. This research has assisted staff in gathering information relating to past experience, ideas for innovative infrastructure designs and future planning schemes for new development areas.

During the review, the Town has faced some challenges in relation to appropriate locations for tower proposals in the urban area, mainly towers that are being located in proximity to residential areas. A recent case, being the cross style tower proposed on the New Life Church Property located at 824 Thompson Road.

### **Discussion**

Through the review of various applications, and attendance at public open houses relating to telecommunication proposals, staff has been able to gather public thoughts and concerns relating to specific proposals, protocols including Industry Canada's guidelines, and the public consultation process. Both staff and the public are interested in ensuring that all involved are well informed and have access to pertinent information at the appropriate times in the review process and that proposals for telecommunications facilities are located in appropriate locations.

As the Town prepares for additional growth, it is in the Town's best interest to proactively plan for the anticipated telecommunications infrastructure needs. Currently, many of the existing applications are to address gaps in service, but shortly, there will be a need to provide services in advance of development. Staffs intention is to continue to work collaboratively with the interested telecommunications carriers and Industry Canada to investigate opportunities to find the best solutions for these scenarios within our community.



### Revised Protocol

A number of amendments are being proposed through this report in relation to the Town's current Telecommunications Tower and/or Facility Policy (Protocol), resulting from staff's review and analysis of the following:

- the existing protocol;
- Industry Canada's guidelines,
- information gathered from providers in the telecommunications industry and other municipalities; and,
- experience with local applications in the past three years,

As Industry Canada is the approval authority for antenna systems, any municipal consultation process, must operate within the context of Industry Canada's regulatory framework. In addition, Industry Canada requires that all municipal consultation policies be reasonable, relevant and predictable. Onerous policies will be challenged by the Industry and overridden by Industry Canada where considered inappropriate.

Resulting from the consideration of the above noted items, the most notable revisions of the newly revised protocol, dated May 2, 2012, attached as Appendix "A" to this report, include the following:

- clarification of objectives, procedures and submission requirements (including the requirement for a Co-location Feasibility Review for all new tower structures) ;
- a description of the jurisdiction and roles of the various stakeholders;
- the inclusion of more detailed locational and design criteria that would be used to evaluate telecommunication facility proposals;
- the inclusion of the Town's policy relating to Telecommunication Towers on Town Owned Sites into one protocol; and,
- the introduction of a process that provides opportunities to locate towers on or in place of existing infrastructure within the Town's road allowances.

A more detailed discussion of the proposed amendments to the current protocol is contained in Appendix "B" to this report.

In addition to specific policy changes, staff would also like to note and expand on the following with respect to the newly revised protocol document:

- the document has been reorganized to reduce duplication and more appropriately group related policies in more relevant sections.



- Although telecommunications facilities within residential areas are discouraged in the protocol, there may be a need from time to time to investigate potential antenna locations in proximity to these areas to ensure coverage. As outlined in the newly revised protocol, locating telecommunications facilities close to residential areas will only be considered when all other options have been exhausted.
- With respect to proposed policies and procedures relating to the inclusion of antennae within infrastructure already planned for and/or constructed within the Town's road allowance. These types of installations are lower in terms of height and frequency and blend in more with the overall design of the community. Upon acceptance and adoption of this approach and the newly revised protocol, Engineering Services staff will update their development standards manual to contain specifications for these types of installations. An example of a replacement light standard with an antenna specification drawing is included in Appendix 'D' to this report.

Staff is of the opinion that the newly revised Telecommunications Facility Policy (Protocol) will be a benefit to the Town in reviewing future telecommunications facility proposals as the proposed revisions will allow for a more thorough and informed evaluation process, and a variety of options for all types of installations on both private and public lands.

#### Application of the Current and Newly Revised Protocol With Respect to Specific Proposal – 824 Thompson Road (New Life Church)

In February 2012, an application for a new telecommunications tower on the New Life Church property located at 824 Thompson Road, was filed with the Town. During the public consultation phase relating to the application, a number of concerns were raised by the public in relation to health, aesthetics and visual impact, and the proximity of the tower in relation to two daycares on the site and several residential dwellings in the adjacent neighbourhood.

The original proposal the proponent had discussed with staff in a preliminary consultation meeting was for a tri-pole tower design with a shrouded cover and a cross at a height of 25 metres (82 ft.) in the same location as the current proposal. Through the submission of the application shortly thereafter, the design of the proposed tower changed to reflect a cross style tower at 29.9 metres (98.1 ft.) in height. The design was altered to address the preference of the landowner who had been looking to construct a cross in front of his church for some time, and the height was increased to accommodate a co-location with Public Mobile, the carrier who currently has a temporary 14.9 m tower (excluded from public consultation and constructed in



December 2011) located behind the church. Public Mobile has indicated its intention to remove the temporary tower upon the approval of a more permanent structure on the site.

Prior to considering the subject site for the proposal, the proponent (Bell) and other service providers who have a great need to provide service in this area, had explored opportunities with the commercial plaza at the NE corner of Thompson and Louis St. Laurent as well as the Town owned park across the street. Since they were unsuccessful in acquiring a willing landlord on these sites, Bell looked for other alternatives (i.e. the church property).

As with all telecommunications facility applications, staff must guide proponents through the various procedures including municipal and public consultation where they are not excluded from these processes and evaluate telecommunications proposals against criteria outlined in the Town's protocol.

#### *Evaluation of Proposal*

Although the newly revised draft of the Telecommunications Facility Policy (Protocol) is being considered for adoption as part of this staff report, Staff has examined the proposal against locational and design criteria contained in both the current and newly revised protocols.

Even though the proposal is to be located on a non-residential parcel of land which in size is a larger parcel than many found within the urban community, the property contains more sensitive institutional land uses (e.g. two daycares) and is surrounded by residential uses. Both protocols do discourage new towers from locating in proximity to residential areas and institutional uses.

From a design perspective, the proposal for a somewhat stealth landmark feature with co-location opportunities for the site may seem appropriate for the church use, but at the proposed location (in the front of all buildings), the height, colour and structural design, staff believe that the proposal is out of proportion and scale with the respective neighbourhood. In addition, a Town preference is to site unobtrusive towers that have a minimal impact rather than encouraging co-location.

Although the Town does not have the jurisdiction to address health matters relating to the proposal, a significant number of residents provided their concerns in writing and in person at the open house on April 12<sup>th</sup>, 2012 with respect to the potential impact the proposed tower will have on the health of the Milton community and specifically those that live and attend daycare in this area. The Town as the commenting agency will be



bringing forward the concerns noted through the consultation process in their response to the proponent and Industry Canada.

As with any application, the Town can't always anticipate the level of concern that will be identified in relation to any one particular proposal. Through the consultation process, a staff member attends the open houses to observe the issues and concerns identified and hear the discussions occurring on these matters. Where a proposal has created a public concern, staff is committed to reviewing the proposal with the proponent again to see what other alternatives may be available. Depending on the outcome of these discussions, the municipality will issue a letter of concurrence, a letter of concurrence with conditions, or a letter of non-concurrence.

Based on the above noted evaluation, staff recommends that Council consider and endorse the directions set out in the draft letter of non-concurrence, attached as Appendix "C" to this report. A response to the proponent and Industry Canada is required to conclude the consultation process in the Town's protocol and Industry Canada's guidelines.

It should be noted that given the public concerns and the evaluation noted above, the proponent on several occasions has noted that they are willing to look at alternative designs, colours and locations on the New Life Church site.

#### Industry Standards and the Town's Role

As more towers are required and erected to meet demands of the high tech employment industry, aggressive population and job growth, and social needs for young people, the public have become increasingly aware of literature that suggests potential health risks relating to telecommunications facilities. As Council is aware, concerns relating to health relative to proposed telecommunications facilities are a matter of federal jurisdiction. The Town does not have authority to determine compliance with federal policies, including compliance with Safety Code 6. The Town can however, as the Land Use Authority, revisit the policies/protocol we use to evaluate proposals, and propose amendments that try to address these issues and concerns in other ways (e.g. clarifying preferred locations and design criteria as much as possible).

In addition to noted concerns, many residents and advocates have expressed their dissatisfaction with the Federal regulatory environment and how it limits the Town's ability to make decisions in relation to telecommunications facilities.

Staff understands the concerns that have been raised by the residents of the Milton community in relation to health and the regulatory environment and take these concerns



seriously. In the Town's current role as the Land Use Authority in the review of telecommunications facilities, staff in a formal response to Industry Canada will include details relating to the public's concerns as well as any other land use concerns that may be present in specific proposals. However, until Industry Canada alters their standards and protocol and forces the cell tower companies to "require" municipal approval, the Town will continue to be in the capacity of a commenting agency in this review process.

Staff has heard from the public on several occasions that they would like their local Council, the Halton MPP's, and MP's to be advised and recognize that Industry Canada's protocol needs to be revised to require a formal mandated approval by the local municipality and that Industry Canada needs to participate more actively in telecommunications facility proposals, especially where federally regulated issues arise. In addition, the public has been encouraging the telecommunications providers to also understand the potential health risks of these facilities and be sensitive in their designs and locations when searching for options to locate their facilities.

### **Relationship to the Strategic Plan**

Report No. PD-026-12 and its recommendations relate to the following goals and objectives of the Strategic Plan:

Goal – Well-managed growth, well planned spaces

- encourage the development of a range of uses that will support Milton as a place to live, work and play
- create a sense of civic identity and pride through a high standard of urban design for all new development

Goal – A safe, livable and healthy community

- encourage the maintenance and enhancement of the character of the existing and well established neighbourhoods

Goal – A responsible cost-effective and accountable local government

- enhance communication between the government and its citizens
- educate the public about what is within and outside of the Town's direct control/sphere of influence
- engage other levels of government to ensure that the interests of Milton residents and business owners are known



**Financial Impact**

None at this time.

Respectfully submitted,

W.F. Mann, MCIP, RPP, OALA, RPF  
Director of Planning & Development

AJ

If you have any questions on the content of this report: Angela Janzen, 905-878-7252 x2312

Attachments: Appendix A – DRAFT Telecommunications Facility Policy (Protocol) –  
May 14, 2012  
Appendix B – Detailed Description of Proposed Changes to Current  
Protocol  
Appendix C – Draft Letter of Non-Concurrence Relating to the Proposal  
at 824 Thompson Road (New Life Church)  
Appendix D - Example Specification for a Light Standard Replacement  
With Antenna Within A Town Road Allowance

CAO Approval: \_\_\_\_\_



# **Telecommunications Facility Policy (Protocol)**

(Industry Canada Local Land-Use Authority Consultation)

Adopted by Town Council  
XXXXX, 2012

DRAFT  
May 2, 2012

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DRAFT

## 1.0 INTRODUCTION

### 1.1 Purpose

The purpose of this Telecommunications Facility Policy is to establish a framework for the municipal review and consultation, and to provide design guidelines for the evaluation of *telecommunications facilities* within the Town of Milton. The intent is to address local land-use concerns, while respecting federal jurisdiction.

### 1.2 Objectives

It is the objective of the Town of Milton to:

- Provide a transparent, consistent and timely process for the review of *telecommunication facilities* and installations within the Town of Milton;
- Provide an appropriate and effective opportunity for agency and public consultation with respect to the siting of *telecommunications facilities*;
- Provide locational and design criteria to assist in the siting of *telecommunication facilities* in a manner which minimizes the necessity to locate towers in proximity to residential areas, lessens visual impact, and respects natural and cultural heritage features to the greatest extent possible;
- Ensure compatibility between *telecommunications facilities* and the surrounding uses and neighbourhoods;
- Encourage *co-location* on existing facilities, where appropriate;
- Encourage the siting of new towers within lands zoned primarily for Industrial, Commercial or Utility uses;
- Outline the roles and responsibilities of the various stakeholders in the review process; and,
- Recognize that matters pertaining to health (e.g. *Safety Code 6*), structural safety and the environment fall under the mandate of the federal government, and are taken into consideration by Industry Canada, as detailed in CPC-2-0-03 in considering the location of *telecommunications facilities*.

## 2.0 JURISDICTION AND ROLES

### 2.1 Jurisdiction

#### 2.1.1 Radiocommunications and Telecommunications

Under the *Radiocommunication Act*, the federal government has exclusive and comprehensive jurisdiction over radiocommunications and telecommunications. Industry Canada is the approval authority with respect to *telecommunications towers* and other equipment in Canada under Section 5 of the *Radiocommunication Act*.

#### 2.1.2 Health Related Matters

Health Canada sets standards for safe exposure of Canadians to radiofrequency fields. The guideline used by Industry Canada as its exposure standard for the regulation of mobile phones, base stations, Wi-Fi technologies and other radiocommunication transmitters is *Safety Code 6*. The exposure limits given in *Safety Code 6* have been established after reviewing all scientific studies on the health effects of RF energy

exposure and also considering international exposure standards. Health Canada last published a revised edition of this standard in 2009.

Concerns relating to health relative to proposed *telecommunications facilities* are a matter of federal jurisdiction.

## **2.2 Roles and Responsibilities**

### **2.2.1 Industry Canada**

Industry Canada has the sole authority to approve or deny the placement of *telecommunications facilities*. As part of the approval process, Industry Canada works with local municipalities and *telecommunication facility* providers in order to address local concerns.

The most recent Industry Canada Client Procedures Circular CPC-2-0-03, "*Radiocommunication and Broadcasting Antenna Systems*", states that "*Proponents* must follow the land-use process for the siting of antenna systems, established by the land-use authority." However, Industry Canada can override a municipal authority's consultation process where it is viewed as unreasonable.

Industry Canada also requires that radio apparatus complies with Health Canada's *Safety Code 6* Guidelines. The validity or adequacy of *Safety Code 6* is not subject to consultation under Industry Canada's antenna siting process.

### **2.2.2 Health Canada**

Even though the exposure limits in *Safety Code 6* are used in Industry Canada's radiocommunication and broadcasting regulations, it should be noted that Health Canada has no role in the licensing, siting and compliance of radiocommunication and broadcast transmitters. With respect to these matters, Health Canada acts primarily as the principal health advisor to Industry Canada.

### **2.2.3 Land Use Authority (Town)/ Designated Municipal Official**

As a result of federal jurisdiction over telecommunications operations, traditional municipal land-use planning controls such as zoning by-laws, site plan control, development approvals and building code requirements are not applicable. However, Industry Canada requires *proponents* who are interested in installing or modifying an antenna system that does not meet certain criteria to consult with the local land use-authority (i.e. the Town) and in some circumstances, the public, or to follow the protocol adopted by the land-use authority.

The role of the Town in the approval process is to provide input to Industry Canada through a letter of concurrence or non-concurrence with respect to proposed installations. The Town's response will include comment relating to the *proponent's* adherence to the municipal and public consultation process and guidelines contained in this Policy, an opinion on whether the proposal is appropriate from a land use planning perspective, and will also include a summary of the community response. The Town does not have any authority to make decisions regarding *telecommunications facilities*.

For the purpose of this policy, the only members of Town staff having the authority to manage and exercise responsibilities under this protocol shall be the Director of Planning and Development or his/her designate. The Designated Municipal Official (DMO) shall be responsible for the administration, maintenance and interpretation of this protocol. All correspondence and materials submitted as part of this process shall be directed to the attention of the Designated Municipal Official, unless otherwise noted.

The Town does not have authority to determine compliance with federal policies, including compliance with *Safety Code 6*.

#### **2.2.4 Public Consultation**

*Proponents* of non-excluded *telecommunications facilities* are required to consult with the public. Although the Town does not have jurisdiction to approve or deny applications, the input received through consultation is included within the Town's official response for consideration by Industry Canada.

#### **2.2.5 Niagara Escarpment Commission**

For lands within the Niagara Escarpment Plan Area the Niagara Escarpment Commission (NEC) is the land use authority. The Town of Milton is a commenting agency to the NEC in these cases, and will provide comments in response to the circulation of an application.

### **3.0 APPLICABILITY OF PROTOCOL**

All applications are subject to the directions of this policy, with the exception of those facilities that meet specific exclusion criteria, or proposals on Town owned lands and proposals within road allowances.

#### **3.1 Exclusions**

3.1.1 The following activities and structures are excluded from both municipal and public consultation. It is noted that Exclusions a) through e) are Industry Canada exclusions and that Exclusions f) to i) are additional Town of Milton exclusions.

- a) Maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
- b) 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*;
- c) Maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;
- d) 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;
- e) New antenna systems, including masts, towers or other antenna-supporting structure, with a *height* of less than 15 metres above grade;
- f) New antenna systems located on sites licensed for mineral resource extraction in accordance with the *Aggregate Resource Act* and located more than 6 times (minimum 300 metres) the proposed tower *height* above grade level from a residential zone or the closest residential dwelling in a non-residential zone and/or institutional building provided a *telecommunications tower* that has a *height* in

excess of 15 metres does not already exist within the licensed area;

- g) Locations within 120 metres of Provincial Highway 401 or Highway 407 right-of-way and situated more than 6 times (minimum 300 metres) the proposed tower *height* above ground level from a residential zone or the closest residential dwelling in a non-residential zone and/or institutional building;
- h) Locations solely within industrial and commercially zoned areas, excluding the *Central Business District* and *Urban Growth Centre*, and situated more than 6 times (minimum 300 metres) the proposed tower *height* above ground level from a residential zone or the closest residential dwelling in a non-residential zone and/or institutional building; and;
- i) Installation of an antenna system, or additions to an existing system used for emergency operations for an indefinite period of time if required as per the requirements of the applicable emergency services organization.

3.1.2 It is the responsibility of all *proponents*, including those excluded from municipal and public consultation, to demonstrate compliance with all Federal requirements.

### **3.2 Proposals on Town Owned Lands Excluding Within Road Allowances**

3.2.1 Where a *proponent* seeks the installation of a *telecommunications tower* and/or any related facilities on Town-owned lands or facilities, including accessory buildings and structures, but excluding municipally owned rights-of-way, the following requirements apply:

- a) The *proponent* will make a request for a preliminary consultation meeting to discuss the proposal, even where the proposal may meet the exclusion criteria. The Designated Municipal Official will obtain information from the department affected by the proposal, to obtain some preliminary feedback, and/or invite a representative from that department to attend the meeting.
- b) A request to use public land or facilities for telecommunications is subject to the submission of a complete application form and accompanying materials as set out in Section 4.0 of this protocol.
- c) Proposals on Town owned properties will be reviewed by the appropriate Town department(s) responsible for the property on which the *telecommunications facility* is proposed, and is subject to the exclusion criteria, design guidelines, as well as public consultation, as applicable.
- d) If there are no objections from the affected department, the Designated Municipal Official will coordinate a meeting of the following departments and/or agencies:
  - i) Community Services Department;
  - ii) Engineering Department;
  - iii) Fire Department;
  - iv) Corporate Services Department;
  - v) Region of Halton;
  - vi) Conservation Authority, if required;

to provide an opportunity to discuss the proposal, to identify impacts/issues that should be noted to the *proponent*, and work out the draft business terms of the lease agreement.

- e) Upon agreement between the service provider and the Town on the draft business terms of the lease agreement, the application will proceed to the next step of the approval process.
- f) Where a proposal meets the requirements for public consultation, the *proponent* will be subject to the policies and provisions as set out in Section 6.0 of this protocol.
- g) The Designated Municipal Official will bring an information report forward to Council to advise of the proposal and to seek additional feedback. If Council refuses the application, the Designated Municipal Official will advise the applicant.
- h) If Council's response and the internal review are positive, the Designated Municipal Official will coordinate the finalization of a site plan and lease that meets the requirements of the Town.
- i) The Corporate Service Department will prepare an estimate of the value of any lease arrangement with the service provider.
- j) Following the site plan/lease agreement, a report will be prepared evaluating the proposal and seek Council authorization to execute the agreement.
- k) Executive Services staff will prepare the lease agreement for execution by the Mayor and Clerk upon Council approval.
- l) The service provider will then be required to secure a building permit for the structures and associated buildings.
- m) The Building Inspection Services Division shall provide for inspections and remind the *proponent* of the post construction requirements as outlined in Section 7.3 of the Protocol.

### **3.3 Proposals Within Town Owned Road Allowances**

3.3.1 An application for a proposed *telecommunications facility* within a municipal road allowance will only be considered in accordance with the following guidelines:

- a) The proposed facility is a direct replacement of or retrofit to an existing or planned structure (e.g. a light standard)
- b) The proposed facility shall be as close as possible in appearance and *height* to the existing structure, unless otherwise directed by the Designated Municipal Official or the Director of Engineering Services, with a total *height* of less than 15 metres above ground level;
- c) Where a structure has a luminaire, the luminaire shall continue to be provided on the replacement structure, in the same general location as on the existing

structure, to ensure that it provides the planned level of road illumination, unless otherwise directed by the Town;

- d) Equipment boxes shall be set back appropriately to minimize damage that could occur during routine maintenance of adjacent streets (e.g. snow plowing); and,
- e) The *telecommunication facility* is designed and constructed in accordance with all applicable provisions of the Town of Milton's Development Standards Manual.

3.3.2 Where a *proponent* is interested in securing a location for a replacement light standard, or other existing structure within a Town owned road allowance, the *proponent* is subject to the following requirements:

- a) The *proponent* will contact the Designated Municipal Official to request a pre-consultation meeting with the Director of Engineering Services or his/her designate to discuss the proposal, even where the proposal meets the exclusion criteria noted in Section 3.0 of this protocol.
- b) A request to use lands within a municipal road allowance will be subject to review under the Municipal Consent process. *Proponents* must submit Municipal Consent and Road Cut Permit applications and the applicable fees in accordance with the Town's User Fee By-law, to the Director of Engineering Services or his/her designate, along with the required materials outlined in Section 4.0 of this protocol.
- c) Once the application has been submitted, the Engineering Services Department will:
  - i) Circulate the proposal to all affected utility companies, departments (including the Designated Municipal Official) and agencies;
  - ii) Coordinate any responses received through the circulation; and,
  - iii) Outline any issues that must be resolved before the application will be supported.
- d) Proposals will also be evaluated against the remaining policies of this protocol. Where a proposal meets the requirements for public consultation, the *proponent* will be subject to the policies and provisions as set out in Section 6.0 of this protocol.
- n) If there are no objections to the proposal, the Director of Engineering Services or his/her designate will work out the terms of a blanket Municipal Access/Lease Agreement with each *carrier* that meets the requirements of the Town and other affected interests. This agreement will include a schedule that lists all locations implemented within the municipal road allowances by the specific *carrier*.
- o) Any special conditions that the utility companies, departments and agencies may have may be incorporated into the Municipal Access Agreement and/or Road Cut Permit to be issued for each *carrier* and each site, respectively. Utility issues must be resolved and documented prior to the issuance of the Agreement.
- p) Following the preparation of the agreement, a report will be prepared evaluating the proposal and seek Council authorization to execute the agreement.

- q) Executive Services Department will prepare the agreement for execution by the Mayor and Clerk upon council approval.
- r) The service provider will then be required to secure a Road Cut Permit for the *telecommunications facility* and associated structure(s).
- s) The Engineering Services Department shall provide for inspections and remind the *proponent* of the post construction requirements as outlined in Section 7.3 of the Protocol.

## 4.0 COMPLETE APPLICATION REQUIREMENTS (FOR NON-EXCLUDED APPLICATIONS)

### 4.1 Preliminary Consultation

- 4.1.1 All tower proposals whether excluded from this Policy or not, are strongly encouraged to consult with the Designated Municipal Official at the beginning of the Industry Canada Authorization process for the purposes of notification and identification of Town interests.
- 4.1.2 All *proponents* of non-excluded *telecommunications facilities* are required to attend a pre-consultation meeting with the Designated Municipal Official of the Town of Milton at the beginning of the Industry Canada Authorization process.
- 4.1.3 The purpose of the preliminary consultation meeting is to identify preliminary issues and concerns, review the local policies and procedures, outline requirements for municipal and public consultation, where applicable, discuss the details of the proposal including the rationale for the selected site and the content of the proposal submission, and identify additional agencies to be consulted.
- 4.1.4 Staff requests that *proponents* provide one paper copy and electronic version of the following to the Designated Municipal Official at least 7 days prior to the preliminary consultation meeting:
  - a) A site plan, including address and location of the facility on the lot or structure, and setbacks from the nearest building (s), measured from the nearest point of the building, structure, or feature;
  - b) A description of the proposal including the type, design and *height* of tower, antenna and/or facility, its context within the community, whether the proposal will provide *co-location* opportunities and where applicable, how it meets one of the exclusion criteria under Section 3.0 of this protocol; and,
  - c) A colour photograph with a super-imposed image of the proposed structure.
- 4.1.5 In order to identify and resolve any potential issues with a proposal it is the *proponent's* responsibility to contact any and all municipal governments and governing bodies that have an interest in lands within 500 metres of the proposed facility site to obtain their requirements and initial feedback.
- 4.1.6 In addition to 4.1.5 above, it is also the *proponent's* responsibility to contact the local and/or regional emergency services division to ensure that the proposed telecommunications facility installation will not impede emergency wireless or

other radio link functions associated with emergency service operations.

## 4.2 Complete Application and Formal Submission Requirements

4.2.1 All proposals for non-excluded installations require the submission of a completed application form (including owners authorization letter and Environmental Screening Questionnaire), the applicable processing fee(s) in accordance with the Town of Milton's Fees By-law, made payable to the Town of Milton, and the following materials to the Designated Municipal Official:

- a) A Site Selection/Justification Report outlining the purpose of the *telecommunications facility*, the rationale for the site selection and a description of the other alternatives considered.

For all new tower structures, the *proponent* shall conduct a Co-location Feasibility Review, which is an analysis of sites within a minimum distance of 500 m of the proposed location or location(s) of the proposed *telecommunication facility (ies)*.

A report prepared by a certified engineer or land use planner summarizing the results of the review, shall identify the *telecommunication facilities* within the 500m radius of the proposed location and provide evidence as to why *co-location* with an existing *telecommunication facility* is not feasible.

The justification report shall also address: proximity of the *telecommunication facilities* to residential and institutional uses, amenity areas, viewsapes, existing vegetation, *height*, colours, proximity to public roadways, off-site impacts including the effect of the installation on existing or proposed emergency service wireless or any other radio link functions, and any other related concepts.

- b) The proposed location of the antenna within the community including its geographic co-ordinates and the specific property or rooftop description;
- c) A colour photograph of the subject property with a superimposed image of the proposed facility;
- d) A full site plan, elevation plan and survey (10 copies) drawn to metric scale and dimensioned showing the following:
- i) The subject property (or leased area if the property is not owned by the Applicant);
  - ii) General site grading;
  - iii) The location of existing property lines;
  - iv) Setback distances from existing or proposed buildings, property lines, and fences;
  - v) The limits of significant natural heritage features and/or natural hazards;
  - vi) Buffering;
  - vii) Existing and proposed landscaping;
  - viii) Areas of access;
  - ix) Parking, and,
  - x) Type and *height* of the proposed facility.

Any significant vegetation on a particular site should be inventoried on the plan.

- e) Two sets of drawings of the tower design. In the case of roof mounted towers, a structural engineer's report may also be required to address the structural effects on the building;
- f) Confirmation that all governing bodies that have an interest in the lands located within 500 metres of the proposal, have been contacted including Transport Canada, Halton Region, the applicable Conservation Authority, CN and/or CP Rail and GO Transit;
- g) Statements from the *proponent* in relation to the following:
  - (i) The need for the proposed tower's *height*;
  - (ii) The project's status under the *Canadian Environmental Assessment Act*;
  - (iii) How all aspects of the proposal comply with the National or Ontario Building Code, whichever applies to the construction; and;
  - (iv) The potential effects that the proposal may have on nearby electronic equipment (both existing and proposed) in accordance with Industry Canada documents CPC-2-0-03 (Issue 4) and EMCAB-2 (Issue1)
- h) A map showing the horizontal distance between the tower installation and the nearest residential zone or the closest residential dwelling in a non-residential zone and/or institutional buildings;
- i) A description of the proposed lighting scheme for the tower along with a list of alternatives that were all the possible lighting schemes for the tower in accordance with Transport Canada requirements;
- j) A description of Transport Canada's aeronautical obstruction marking requirements (whether paintings, lighting or both) if available. If unavailable, the *proponent's* expectation of Transport Canada's requirements together with an undertaking to provide Transport Canada's requirements once they become available;
- k) Written attestation that the proposed structure will be in compliance with Health Canada's *Safety Code 6* (Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency range from 3kHz to 300GHz) including combined effects within the local radio environment at all times; and,
- l) A statement on the potential effects that the proposal may have on nearby electronic equipment (both existing and proposed) in accordance with Industry Canada documents CPC-2-0-03 (Issue 4) and EMCAB-2 (Issue 1).

**Notes:**

1. External agencies including, but not limited to the Region of Halton and the applicable Conservation Authority may request separate review fees in addition to the Town's fees.
2. Additional fees may be payable for each revised submission:

3. No refund of fees will be granted upon refusal or withdrawal of an application.

## 5.0 GUIDELINES FOR *TELECOMMUNICATION FACILITIES*

The locational and design guidelines that apply to all *telecommunication facilities* in the Town are described herein. As a general principle, the Town encourages *proponents*, where technically feasible, to select site locations that minimize the overall number of *telecommunication facilities* required. The intent is to reduce the frequency of facilities punctuating the urban landscape.

### 5.1 Preferred Location and Siting Requirements

5.1.1 In general the Town prefers that the following options be considered (in order) when a new *telecommunications facility* is proposed:

- a) *Co-location* on an existing facility (tower, building or structure):
  - i) The use of existing *telecommunication towers* and infrastructure is encouraged wherever possible.
- b) Roof-top and wall-mounted facilities:
  - i) These facilities are encouraged on industrial, office or high rise residential buildings, or on utility structures such as hydro transmission towers, utility poles or water towers.
  - ii) Roof-top antennae and/or utility shelters shall be setback from the edge of the roof line so as to minimize visual impact from the ground level.
  - iii) Wall-mounted structures shall project no more than 1m.
  - iv) Where technically feasible, roof-top and wall-mounted facilities will be designed with *co-location* capabilities.
- c) New towers with *co-location* capabilities, in industrial, commercial and other non-residential areas, where appropriate:
  - i) Maximize the distance from residential areas and zones, listed and designated heritage buildings and sites and sensitive institutional uses.
  - ii) Avoid sites that obscure public views and vistas of the Niagara Escarpment.
  - iii) Ensure compatibility with adjacent uses.
  - iv) Provide access that does not unduly interfere with traffic flows or creates safety hazard.
  - v) Avoid the placement of structures and equipment shelters in front of building (s) unless it is architecturally compatible.
  - vi) Accommodate a minimum of two users where possible.
  - vii) Encourage monopoles or other streamlined structures.
- d) Disguised (*stealth*) installations:
  - i) Ensure compatibility with the use, buildings and/or structures on the site and the surrounding neighbourhood.

- ii) Incorporate *telecommunication facilities* into the design of new buildings or structures.
- iii) Consider landmark features such as clock towers, church steeples or flag poles where appropriate.

5.1.2 The Town discourages *telecommunications facilities* in the following locations:

- a) Residential areas and zones, except where located on high rise buildings or are necessary for emergency service operations;
- b) Environmentally sensitive areas including but not limited to significant wetlands, significant woodlands, significant valley lands, significant wildlife habitats, significant areas of natural and scientific "interest and areas of natural hazard as defined by the Provincial Policy Statement;
- c) within Stormwater Management Facilities; and,
- d) Heritage areas (unless visibly *unobtrusive*) or on heritage structures unless it forms an integrated part of the structure's overall design.

Notwithstanding above, the establishment of *telecommunication facilities* shall only be considered in residential areas and zones where all other alternatives have been exhausted.

5.1.3 Where a *telecommunications facility* is proposed on an undeveloped site, the Town's preference is to locate the structure and equipment shelter so they do not constrain future site development, with the equipment shelter screened from view.

5.1.4 Where *telecommunications facilities* are proposed to be located in an area designated for future urban development, the proposal(s) shall complement and become a part of the future community without unduly limiting the potential for orderly development of the neighbourhood, and be designed to provide the greatest coverage with the lowest amount visual impact.

5.1.4 The placement of *telecommunication facilities* or any associated parking spaces shall not create or cause a situation of non-compliance with any Town zoning by-law for any other use, building or structure on the same lot.

## 5.2 General Design and Visual Impact Guidelines

5.2.1 **Screening:** Preserve existing vegetation, and use landscaping, natural fencing (vegetative wall), or other means in order to blend with the built and natural environments.

5.2.2 **Design:** Be sensitive to and compatible with the style of architecture in the neighbourhood. Where a *telecommunications facility* is placed adjacent to a principal building, *telecommunications facilities* and accessory equipment buildings should be constructed so that they are as similar in appearance to the facades of the principal building.

5.2.3 **Massing:** Situate as near as possible to similarly-scaled structures.

5.2.4 **Colour:** Use a colour that is neutral and blends in with the surrounding area, where possible. Non-reflective surfaces and paints shall be used.\*

5.2.5 **Illumination:** Where proposed, illumination shall be of the lowest intensity possible and

be shielded from neighbouring properties.\*

- 5.2.6 **Fencing:** Avoid where possible and use other screening techniques. Where necessary, fencing shall incorporate materials compatible and sensitive to the surrounding landscape and community.
- 5.2.7 **Tower Type:** Where towers are required in residential areas, monopole structures, the use of *stealth* techniques or use of other *unobtrusive* designs should be used as opposed to a tri-pole (tripod tower) or lattice tower (tripod tower with metal bracing) where technically possible, in order to minimize visual impact.
- 5.2.8 **Equipment Shelters:** Preference is to situate equipment within main or accessory buildings used for other uses on a lot. New, above ground equipment shelters shall require architectural and design treatments for screening that are appropriate to the siting location and that are compatible and sensitive to the surrounding landscape and community.
- 5.2.9 **Signage:** Only signage directly related to the *telecommunication facility* as required by Industry Canada shall be permitted. Third party advertising or promotion of the service provider shall not be permitted on the facility.

*\*Notwithstanding the above, Transport Canada and NAV Canada requirements for illumination and colour of the telecommunication facility shall supersede this protocol.*

### 5.3 Design Criteria for Greenfield Areas

- 5.3.1 All *proponents* with proposals for new *telecommunications facilities* within new secondary plan areas will be required to submit a master plan to the Designated Municipal Official, which shall include the following information:
- a) The overall number and location of towers, antennas and/or facilities proposed for the entire area, phase, and/or subdivision and the corresponding service area rings;
  - b) The type, *height* and detailed design of the towers, antennas and/or facilities being proposed;
  - c) Identification of specific locations where proposed towers may be adapted to the future built form (e.g. *stealth design* on future high rise development) based on the planned land uses for the secondary plan area, to minimize the impact on the area and the number of permanent towers to be constructed over the long term; and,
  - d) Innovative and creative solutions to ensure the highest level of compatibility (aesthetically and functionally) between the various land uses and telecommunication services to minimize the visual impact on the community.

## 6.0 CONSULTATION

### 6.1 Municipal Consultation Process

- 6.1.1 Municipal consultation will be required when proposed *telecommunications facilities* do not meet the criteria for exclusion listed in Section 3.0, or where a proposal meets the criteria for exclusion, but the Designated Municipal Official has requested that municipal consultation along with public consultation shall occur. The specific reasons for requesting the consultation will be provided to the *proponent* by the Designated Municipal Official.

- 4.2.2 Upon receipt of a complete application, the Town will begin its formal municipal consultation process by circulating the proposal for comment to the affected Town departments and external agencies, Town Councillors of the applicable ward(s), and any adjacent municipalities within 500 m from the base of the proposed *telecommunications facility*.
- 6.1.2 Where municipal consultation is required, the Designated Municipal Official will circulate the completed application and requested information relating to the proposal to the affected Town departments and agencies, abutting municipalities within 500 metres of the subject site and the Local Ward Councillors for review and comment. Comments are generally requested to be forwarded to the Designated Municipal Official within 14 days of the circulation date, unless otherwise specified.
- 6.1.3 Upon completion of the circulation and receipt of any comments from the various agencies, staff will arrange for follow-up consultation with the *proponent* (and Industry Canada) if necessary, to discuss any issues or concerns identified through the municipal consultation process and prior to the public consultation process. A copy of all correspondence received by the Designated Municipal Official will be provided to the *proponent* for information purposes.
- 6.1.4 If a proposal is determined through this process to be unsuitable for the proposed location, the application may be revised by the applicant and re-circulated for the applicable fee, and reassessed through the municipal consultation process.

## 6.2 Public Consultation Process

Public consultation is required when proposed *telecommunications facility* does not meet the criteria for exclusion listed in Section 3.0, or where a proposal meets the criteria for exclusion, and the Designated Municipal Official has requested that this consultation still occur due to potential impacts on the surrounding community.

When public consultation is required, the *proponent* will hold an Open House to inform the public about the proposal, solicit their views on matters related to site impact mitigation and address any other concerns residents might have with the technology that is being used.

### 6.2.1 Role of *Proponent*

The *proponent* shall erect a sign on the property notifying the public of a proposal to establish a *telecommunication facility* on the property within 30 days prior to holding the public open house. The sign shall be erected on the property so that it is clearly visible and legible from the roadway and shall be a minimum 1.5m wide by 105m high and located a minimum 0.6m from the ground. Each sign shall be professionally prepared and contain the following wording:

Name of *Proponent* proposing to locate a telecommunications tower/antenna facility, being (height) metres in height, on this property.

Public Comment is invited

An Open House information session is scheduled on (Date of meeting) from \_\_ to \_ at the (location)

For further information, contact (*Proponent* name and contact phone number),

The Town of Milton is a commenting agency only. All decisions relating to this application will be made by Industry

A photograph illustrating each of the required signs and the date on which it was erected on the subject property must be submitted to the Designated Municipal Official immediately upon its erection.

Once the application has satisfied the requirements of this protocol, the signs on the property must be removed no later than 30 days from the submission of the Town's response to the *proponent* otherwise the Town may take the sign down and charge the *proponent* accordingly.

Where a tower or antenna structure is proposed that is greater than 30 metres or more in *height* (above grade) the *proponent* shall:

- a) Notify all AM, FM and TV operators within 2 kilometers of the undertaking; and,
- b) Place a notice in the local community newspaper(s), as identified by the Designated Municipal Official. This notice must be synchronized with the distribution of the public notification package. It must be legible and include:
  - i) Description of the proposed installation;
  - ii) Its location and street address;
  - iii) The *proponents* contact information and mailing address;
  - iv) The following sentence "The Town of Milton is a commenting agency only. All decisions relating to this application will be made by Industry Canada";
  - v) Municipal contact information (designated official) and mailing address, and;
  - vi) An invitation to provide public comments to the *proponent* within 30 days of the notice.

### 6.2.2 Notice of Requirements

The Municipality will provide the *proponent* with a list of landowners located within the following required radius:

**Urban Area:** a radius of 120 metres or three times the *height* of the tower, whichever is greater, of the proposed *telecommunications facility*, unless otherwise revised by the Designated Municipal Official; or

**Rural Area:** a radius of 300 metres of the proposed *telecommunications facility*, unless otherwise revised by the Designated Municipal Official.

With respect to minimum circulation distances, Council and the Designated Municipal Official have the authority to increase the notification area if desired to address potential impacts on a community in proximity to the proposal.

The *proponent* will be required to prepare and distribute the notice, a minimum of 30 days prior to the meeting, which will include:

- a) The date, time and location of the open house/ meeting;
- b) A location map of the proposed site;
- c) The rationale for the selection of the designated site;

- d) Physical details of the tower including location, street address, description of the proposed structure including *height*, colour, lighting, site access (including areas accessible to the general public and measures to control public access) type and design, and the dimensions of property to be leased;
- e) Simulated images of the proposal;
- f) Name and telephone number of a contact person employed by the *proponent*, the appropriate Town staff member and the local Industry Canada office;
- g) Attestation that the general public will be protected in compliance with Health Canada's *Safety Code 6* including combined effects within the local radio environment at all times;
- h) The project's status under the *Canadian Environmental Assessment Act*;
- i) Transport Canada's aeronautical obstruction marking requirements (whether paintings, lighting or both) if available. If unavailable, the *proponent's* expectation of Transport Canada's requirements together with an undertaking to provide Transport Canada's requirements once they become available;
- j) An attestation that the installation will respect good engineering principals including structural adequacy;
- k) Notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website (<http://strategis.ic.gc.ca/antenna>);
- l) Reference to the Town of Milton's Telecommunications Facility Policy and where it can be viewed;
- m) Contact information for the *proponent*, the Town and the local Industry Canada office; and;
- n) Information on how to submit comments to the *proponent* in writing and the closing date for submission of written public comments (not less than 30 days from receipt of notification).

The list of addresses utilized by the *proponent* shall be no older than two months from the date the list was provided to the *proponent* by the municipality. The *proponent* shall provide a copy of the notification package to the Designated Municipal Official and members of Council, and the local Industry Canada office at the same time the package is provided to the public.

### 6.2.3 Public Open House Procedural Requirements

The following procedural requirements shall be followed by the *proponent* as part of the Open House requirement for all non-excluded facilities:

- a) The *proponent* in consultation with the Designated Municipal Official, will schedule an appropriate date, time and location (preferably in the vicinity of the proposed *telecommunication facility*) for the open house;
- b) The Open House will be open and accessible to all members of the public and local stakeholders;
- c) The Open House will be convened and facilitated by the *proponent*. A representative from the Town of Milton may attend the meeting to hear public input, and provide Town related information and clarification on the Town's Telecommunications Facility Policy, if required. However, the main role of the

representative is to observe.

- d) The Open House shall occur no sooner than 30 days, and no later than 40 days, from the date that the notices are mailed and the sign erected, and where applicable, published in the local newspaper;
- e) To clarify the application process and jurisdictional matters, or in the case where the application is complex or community sensitive, the *proponent* may want to request that a representative of Industry Canada be available to attend the open house meeting;
- f) The *proponent* will make available at the public open house an appropriate visual display of the proposal including a site plan and four (4) colour photographs of the subject property (no smaller than 11 "X17") with a superimposed image of the proposed structure. The pictures shall face each of the north, south, east and west directions and be taken from a distance, from the base of the tower as specified by the municipality;
- g) The *proponent* shall record all names, addresses, and contact information (emails addresses and phone numbers) of attendees and provide the record to the Town; and,
- h) The *proponent* shall make it clear at the beginning of the open house and in any public information/literature that "*the Town of Milton is a commenting agency only and that all decisions relating to this application are to be made by Industry Canada at a later date*".

#### **6.2.4 Concluding Consultation**

Following the Open House, the *proponent* shall forward a copy of the contact information for all attendees, correspondence received prior to and during the meeting; and a follow-up letter to the Town indicating their formal response to the concerns raised during and prior to the public meeting. If any modifications to the proposed structure are agreed to, then further details such as revised plans or drawings shall be provided to the Town.

### **6.3 Discretion of the Town of Milton's Planning and Development Department**

6.3.1 Notwithstanding any policy in this protocol, The Town of Milton's Planning and Development Department may use its discretion to modify the review process, on a site by site basis, given local factors, to:

- a) Ask for municipal or public consultation even when an application meets exclusion criteria; and/or
- b) Increase the notification area for public consultation to satisfy Town or agency concerns about a proposal, and/or
- c) Waive the requirement for an open house, if determined appropriate by the Designated Municipal Official.

Should there be a dispute between the *proponent* and the Town, Industry Canada will be contacted for guidance.

## 7.0 DELIVERABLES

### 7.1 Confirmation of Local Land Use Authority Consultation/Municipal Response

7.1.1 Following the completion of the review by Town Staff, the Designated Municipal Official shall either:

- a) Provide a letter of recommendation to the *proponent* and Industry Canada advising that the local land-use consultation process (i.e. the municipal and/or public consultation) has been completed in accordance with the Town's protocol, and will include recommendations regarding the proposal as follows:
  - i) **Concurrence**, if the proposal complies with: municipal and public consultation requirements and how the application has met the locational objectives set out for new towers by this policy, and will include conditions of concurrence, if required.
  - ii) **Non-Concurrence** if the proposal does not conform with the Town's requirements as set out within this protocol.
- b) For applications which, in the opinion of the Town are not appropriate based upon probable land use impacts, the Town will prepare a response incorporating any comments or concerns to the *proponent* for consideration by Industry Canada and include notification to Industry Canada of this impasse.
- c) Where the Town has exercised its discretion to require municipal and/or public consultation for a proposal that meets exclusion criteria set out in Section 3.0, the Designated Municipal Official will provide similar correspondence as noted above after the consultation has occurred.

7.1.2 The Designated Municipal Official can, at his/her discretion, ask Council to ratify a position taken by the Designated Municipal Official in a circumstance where the *Proponent* has not met the consultation requirements set out in this policy and/or the policy's locational objectives.

### 7.2 Letter of Undertaking

7.2.1 The *proponent* may be required to enter into an undertaking, with and acceptable to the Town, registerable on title, which may include such requirements as:

- a) The removal of all structures upon expiration of the lease; and/or
- b) The posting of sufficient securities to guarantee the removal of the facility and restoration of the site

### 7.3 Post Construction Requirements

7.3.1 The Town requires submission of the following documentation within 14 days of completing all construction associated with the *telecommunications facility*. In the event of non-submission, the Town shall advise Industry Canada of the situation and request assistance with ensuring compliance:

- a) As-built structural and site drawings; and,

- b) A copy of the *Safety Code 6* Site Validation Report submitted to Industry Canada, including all figures, attestations and explanations.

## 8.0 MILESTONES

### 8.1 Application Process Time Frames

- 8.1.1 All new *telecommunications facilities* establishing in the Town of Milton will follow the process herein (See Figure 1: Telecommunications Facility Policy Process Flowchart) prior to approval by Industry Canada. Should any stage of the process not be followed, the consultation requirements of Industry Canada for projects of this sort may be viewed as not being satisfied. In such an event, the Town may register a formal objection to the application with Industry Canada. In all situations, it is expected that the *proponents* will work co-operatively with the Town to complete the processing of the proposal in accordance with this protocol.
- 8.1.2 In an attempt to accommodate the needs of the telecommunication industry, the public and Industry Canada, the following steps and milestones after pre-consultation and upon submission of a complete application, are recommended:
  - a) The Town will endeavor to expedite the municipal consultation process within 60 days of the proposal being accepted by the Town.
  - b) For proposals that require public consultation, a time period of up to 120 days of the proposal being accepted by the Town may be required.
  - c) Where delays prevent the completion of the application process within 120 days, the Town shall identify such delays to the *proponent* and indicate when completion may be expected. In a case where the Town and the *proponent* do not agree with the reasons for delay or the delay has gone beyond 150 days, the Town will provide an explanation in writing to Industry Canada to seek guidance on the matter.

## 9.0 MONITORING

This policy shall be reviewed every three years or upon the adoption of new procedural requirements by Industry Canada.

### NOTES:

- 1. The application of the Ontario Building code is not aimed at regulating broadcasting or telecommunications or an integral part thereto. The objective is to ensure the structural integrity of ordinary buildings or property and account for the impact of the antenna and/or tower on the building.

While not required under this protocol, where a *telecommunications facility* is proposed to be placed on a building or structure not exclusively used as a *telecommunications facility*, the land owner will be required to obtain a building permit for:

- a) the material alteration to a building that occurs when a *telecommunication antenna* or *telecommunication tower* is to be located on the roof of an existing building; and/or
- b) the construction of, or material alteration, to buildings associated with

either a *telecommunication antenna* or *telecommunication tower* structure and/or:

A building permit will also be required where an equipment shed or facility is larger than 10 sq. m in size.

2. Any design that incorporates a telecommunications facility into signage that is regulated through the Town's Sign By-law, as amended, shall require a Sign Permit through that By-law prior to installation.
3. Nothing in this policy shall be deemed to exempt the *proponent* of a wireless *telecommunications facility* from compliance with any other applicable legislation or requirement, including those of other agencies such as the Conservation Authority.

## 10. DEFINITIONS

**Central Business District** - means the area defined as the "Central Business District" in the Town of Milton's Official Plan.

**Carrier** – See "*Proponent*"

**Co-location** - means the placement of multiple *telecommunications antenna* systems or other platforms on a building, structure or tower by two or more *carriers*.

**Height** - for notification purposes, the *height* of a Tower or Antenna is defined as the distance between the tip of the highest point and the point at which the base of the tower meets the ground.

**Greenfield Area** - means lands within the Town of Milton's Urban Area, but outside of the Built Boundary as defined by the Province of Ontario's *Growth Plan for the Greater Golden Horseshoe, 2006*.

**Proponent** - means a company, organization or person which offers, provides or operates wireless broadcasting or communication services to the general public and includes, but is not limited to companies which have a radio authorization from Industry Canada. This also includes those contractors undertaking work for *proponents*.

**Safety Code 6** - means Health Canada's standards for acceptable human exposure to radiofrequency electromagnetic fields which are outlined in the document "Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 KHZ to 3000 GHZ, as amended"

**Stealth Structure** – means a facility that is designed and constructed so as to be integrated into the structure of an existing or new building or other structure such that it appears to be part of that building or structure and not a *telecommunication tower* or *antenna*. Such structures can include replacement structures or elements of a building.

**Telecommunication Antenna** - means the components, either individually or in combination, needed to operate a wireless communication network for the purpose of radio telecommunications, including but not limited to: cell sites, transmitters, receivers, signaling and control equipment shelter containing electronic equipment and which is not staffed on a permanent basis and only requires periodic maintenance but does not include a *telecommunication tower*.

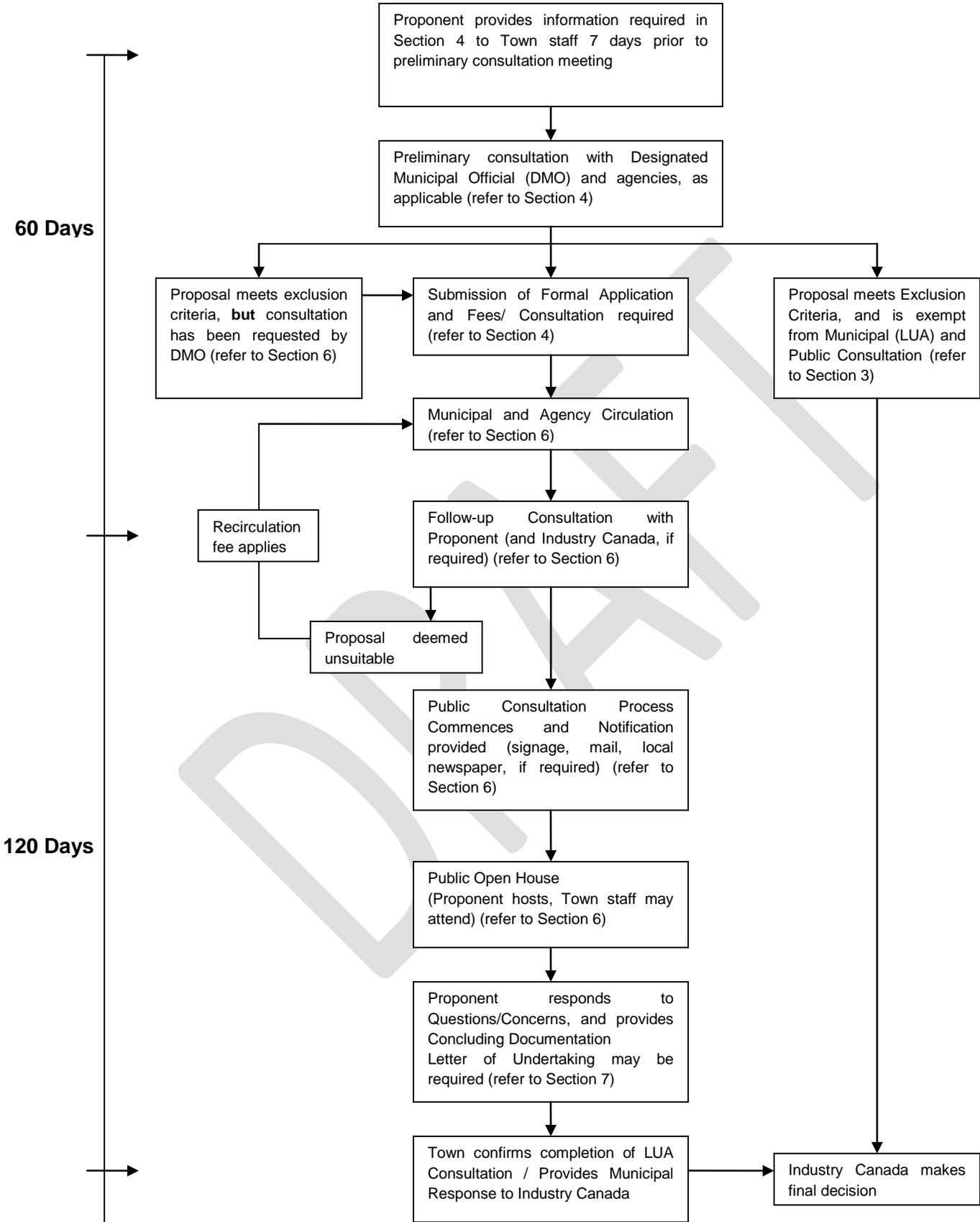
**Telecommunication Tower** - means all types of towers including but not limited to: a monopole, tripole, lattice tower, guyed tower, self support tower, pole; mast; or other structure, which are used to support one or more *telecommunication antennae* for the purpose of radio telecommunications and which may be located at ground level or on the roof of a building and may include an equipment shelter containing electronic equipment and which is not staffed on a permanent basis and only requires periodic maintenance.

**Telecommunications Facility** - means the components, either individually or in combination, required to operate a wireless communications network, including cell sites, transmitters, receivers (antennae), signaling and control equipment and associated equipment shelters.

**Unobtrusive** - means of low visual impact and not undesirably noticeable or conspicuous.

**Urban Growth Centre** - means the area identified as the "Urban Growth Centre" for the Town of Milton within the *Province of Ontario's Growth Plan for the Greater Golden Horseshoe, 2006* and associated Technical Paper, *Proposed Size and Location of Urban Growth Centres for the Greater Golden Horseshoe, Spring 2008*.

**Figure 1: Telecommunications Facility Policy Process Flowchart**



**Note:** In the case of a delay, where the Town and proponent do not agree with the reasons for delay, or the delay has gone beyond 150 days, the Town will provide an explanation in writing to Industry Canada and seek guidance from them on the matter. Flowchart provided for illustrative purposes only – refer to entire Policy for further review.

**Detailed Description of Proposed Changes to Current Telecommunications Facility Protocol**

Section	Proposed Policy	Reason for Change(s)
<p><b>Introduction</b></p> <p><b>Purpose &amp; Objectives</b></p>	<ul style="list-style-type: none"> <li>• the addition of a clear purpose for the protocol</li> <li>• revisions to the principles and objectives of the current protocol to clarify directions relating to the siting of telecommunications facilities, the procedures to be followed for private and public lands, and roles of various levels of government.</li> </ul>	<p>To clarify intent</p>
<p><b>Jurisdiction &amp; Roles</b></p>	<ul style="list-style-type: none"> <li>• descriptions included in relation to the Jurisdiction and Roles of the following stakeholders were added:               <ul style="list-style-type: none"> <li>- Federal Government</li> <li>- Health Canada</li> <li>- Industry Canada</li> <li>- Land Use Authority (the Town)</li> <li>- Public</li> <li>- Niagara Escarpment Commission.</li> </ul> </li> </ul>	<p>To provide clarification of roles and responsibilities of various stakeholders in the review and approval of telecommunication proposals:</p>
<p><b>Applicability of Protocol</b></p>	<ul style="list-style-type: none"> <li>• requiring that all applications are subject to the directions of the new policy with the exception of:               <ul style="list-style-type: none"> <li>- those facilities that meet specific exclusion criteria; and,</li> <li>- where the procedures vary for proposals located on Town owned land or in Town owned road allowances.</li> </ul> </li> <li>• addition of exclusion relating to emergency services with an indefinite time period</li> <li>• addition of the Town's existing protocol relating to Town Owned lands (Policy 130 of the Corporate/Council Approved Policy &amp; Procedures Manual into one protocol;</li> <li>• addition of a new procedure in relation to proposals for telecommunications facilities within Town Owned Road Allowances (i.e. through the Municipal Consent Process).</li> </ul>	<p>To provide clarification on the applicability of the protocol and to include all types of applications (i.e. on private or public land) within one protocol.</p>

*Telecom Towers – Proposed Revisions  
(May2, 2012)*

Section	Proposed Policy	Reason for Change(s)
<p><b>Complete Application Requirements (for non-excluded applications)</b></p>	<p><i>Preliminary Consultation</i></p> <ul style="list-style-type: none"> <li>• preliminary consultation with the Town's Designated Municipal Official is <u>strongly encouraged for all</u> tower proposals even though this is not a requirement of Industry Canada, but will be <u>required</u> for those proposals that are not excluded from the protocol.</li> <li>• requirements for pre-consultation materials to be submitted within 7 days prior to the meeting has been added</li> <li>• the purpose of the preliminary consultation meeting and the responsibilities of the proponent to consult agencies prior to the submission of an application have been clarified.</li> <li>• requirement for the proponent to contact emergency services to ensure compatibility between proposed installation and emergency services operations has been added.</li> </ul> <p><i>Formal Submission Requirements</i></p> <ul style="list-style-type: none"> <li>• streamlined existing protocol requirements</li> <li>• revised the requirements for the site selection/justification report to address matters such as: proximity of the facility to residential and institutional areas, amenity areas, viewscales, existing vegetation, height, colours, proximity to public roadways, off-site impacts including the effect of the installation on existing or proposed emergency service wireless or any other radio link functions, and any other related concepts. .</li> <li>• Where a new tower is proposed, the proponent will be required to undertake a <u>Co-location Feasibility Review</u>, which is an analysis of sites within a minimum distance of 500 m of the proposed location or locations(s) of the proposed telecommunication facility(ies). This requirement has been added to ensure that evidence is provided to show why co-location with an existing telecommunication facility is not feasible.</li> </ul>	<p>To clarify intent and requirements relating to preliminary consultation and formal submission of application. In addition, to recognize the preference for co-location and to require the proponent to demonstrate minimal impact on the community and natural features.</p>

Section	Proposed Policy	Reason for Change(s)
<b>Guidelines for Telecommunications Facilities</b>	<ul style="list-style-type: none"> <li>• preferred locations (in order of preference) and siting requirements have been added.</li> <li>• discouraged locations have been added (i.e. residential areas except high rise buildings or for emergency service, environmentally sensitive areas, within stormwater management facilities, and heritage areas.</li> <li>• policies have been added to outline the following: <ul style="list-style-type: none"> <li>- the establishment of telecommunication facilities shall only be considered in residential areas and zones where all other alternatives have been exhausted;</li> <li>- on undeveloped sites, the structure and equipment shelter shall be located on the site where it does not constrain future site development; in areas of future development, proposals shall complement and become part of the future community without unduly limiting the potential for orderly development of the neighbourhood and provide the greatest coverage with the lowest visual impact; and,</li> <li>- the placement of telecommunications facilities shall not create or cause a situation of non compliance with any Town zoning by-law for any other use, building or structure on the same lot.</li> </ul> </li> <li>• General Design and Visual Impact Guidelines have been added to address screening, design, massing, colour illumination, fencing, tower type, equipment shelters, and signage. Generally, the Town is looking for screening of equipment sheds, designs that are compatible with style of architecture in immediate vicinity, to be in scale with what surrounds it, neutral in colour, avoiding fencing where possible, establishing appropriate tower types in specific areas, and ensure that facilities do not contain any third party advertising.</li> <li>• design criteria for Greenfield areas requires the</li> </ul>	<p>To clarify preferred / discouraged locations for telecommunications facilities within the Town along with siting requirements in such locations. Also, design guidelines were necessary to provide consistency in the review of facilities and to ensure that designs assist in minimizing visual impact on communities.</p>

Section	Proposed Policy	Reason for Change(s)
	proponent to submit a master plan of the facilities being proposed.	
<b>Consultation Process</b>	<ul style="list-style-type: none"> <li>• description of the municipal consultation process (i.e. circulation to Town Departments and agencies) has been added to the consultation section of the protocol.</li> <li>• the existing public consultation requirements set out in the current protocol remain, with some minor points of clarification (e.g. the Designated Municipal Official <u>may</u> attend the open house to <u>observe</u>).</li> <li>• a section outlining that the Town’s Planning Department may use its discretion to: <ul style="list-style-type: none"> <li>- ask for municipal or public consultation even where an application meets exclusion criteria; and/or</li> <li>- increase the notification area for public consultation to satisfy Town or agency concerns about a proposal; and/or</li> <li>- waive the requirements for an open house, if determined appropriate by the Designated Municipal Official</li> </ul> </li> </ul>	To clarify procedures of the municipal and public consultation procedures and allow for the Town to have some discretion in requiring more public consultation, even where proposals are exempt
<b>Deliverables</b>	<ul style="list-style-type: none"> <li>• existing paragraph relating to the Town’s role after consultation has concluded was moved from the consultation section of the current protocol to the deliverables section in the revised protocol and referred to as “Confirmation of Local Land Use Authority Consultation/Municipal Response”. Additional details have been included to clarify the types of recommendations and correspondence will be provided to the proponent and Industry Canada upon complete of the consultation process (e.g. letter of concurrence (with or without conditions) or letter of non-concurrence).</li> <li>• two additional deliverables were added to the protocol: <ul style="list-style-type: none"> <li>- letter of undertaking – mainly to address the removal of structures upon expiration of the lease; and,</li> </ul> </li> </ul>	To clarify the Town’s options in terms of recommendations and responses to be provided to Industry Canada and the proponent upon conclusion of the consultation process. Additional requirements identified and included to ensure removal of facilities are addressed and accurate technical information is filed.

Section	Proposed Policy	Reason for Change(s)
	<ul style="list-style-type: none"> <li>- post construction plans and reports to ensure that the Town's files contain correct building and technical information.</li> </ul>	
<b>Milestones</b>	<ul style="list-style-type: none"> <li>• application process timeframes have been described in more detail, and clarified for situations that go beyond the 120 day time period for consultation encouraged by Industry Canada.</li> <li>• The accompanying flow chart reflecting these milestones required updating to reflect the process.</li> </ul>	To clarify intent and accurately reflect process.
<b>Additional Information / Notes</b>	<ul style="list-style-type: none"> <li>• three additional notes have been added to the protocol to outline requirements that relate to structural integrity (e.g. a building permit is required when alteration to a building is required to accommodate a telecommunications facility or where an equipment shed is larger than 100 sq. m in size), designs that are incorporated into signage regulated by the sign by-law shall require a sign permit through that by-law prior to installation, and compliance with other applicable legislation or requirement.</li> </ul>	To clarify requirements outside of the protocol.
<b>Definitions</b>	<ul style="list-style-type: none"> <li>• The following definitions are proposed to be added to the protocol Central Business District <ul style="list-style-type: none"> <li>- Carrier</li> <li>- Co-location</li> <li>- Greenfield Area</li> <li>- Height</li> <li>- Proponent</li> <li>- Safety Code 6</li> <li>- Stealth Structure</li> <li>- Telecommunication Antenna</li> <li>- Telecommunication Tower</li> <li>- Telecommunication Facility</li> <li>- Unobtrusive</li> <li>- Urban Growth Centre</li> </ul> </li> <li>• the existing definition of institutional use has been deleted. It no longer serves a purpose in the revised protocol.</li> </ul>	Ensures clear and consistent interpretation.



THE CORPORATION OF  
THE TOWN OF MILTON  
150 Mary Street, Milton, ON, L9T 6Z5  
Tel: 905-878-7252 ext. 2316  
Fax: 905-876-5024  
Email: angela.janzen@milton.ca

**PLANNING AND DEVELOPMENT  
DEPARTMENT**

**TO:** Industry Canada

**RE:** Proposed Telecommunications Tower/Facility  
(Where Public Consultation is Required)

**ADDRESS:** 824 Thompson Rd, Milton (Milton File # TC-02/12)

**LANDOWNER:** Pentacostal Holding (New Life Church)

**APPLICANT:** **Altus Group (on behalf of Bell)**

**DATE:** May 14, 2012

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**PROPOSAL**

For the installation of a Cross Style Steel Telecommunications Mono-pole Tower with a height of 29.9 metre to be located at the above-noted address, which is currently owned by Pentacostal Holding (New Life Church).

**BACKGROUND**

Telecommunications towers and telecommunications infrastructure fall under the jurisdiction of the Federal Government and as such, are regulated by Industry Canada. While telecommunications towers and facilities cannot be regulated through zoning or other local land use processes, under Industry Canada's CPC-2-0-03-Issue 4 (Radio communication and Broadcasting Antenna Systems Regulations), consultation with local municipalities is mandated and local municipalities are provided an opportunity to submit comments directly to Industry Canada.

Following the release of CPC-2-0-03-Issue 4 (Radio communication and Broadcasting Antenna Systems Regulations), the Town of Milton established their own Telecommunications Towers and Facilities Protocol to ensure Industry Canada's policies regarding the review of applications and public consultation are followed and to account for the unique needs of the Town of Milton with regards to the location of telecommunications towers and facilities. It is under the Town of Milton Telecommunications Towers and Facilities Protocol with which the current application was reviewed.

## **COMPLIANCE WITH TOWN OF MILTON PROTOCOL**

It is the objective of the Town's Telecommunication and Facilities Protocol to encourage new telecommunication towers and facilities to be located on lands within the urban and rural areas in a manner where impacts are minimized and also located away from prime agricultural lands, significant wetlands, woodlands, valley lands, wildlife habitats and significant areas of natural and scientific interest and areas of natural hazards. New telecommunication towers and facilities are also discouraged from being located in proximity to residential areas and institutional uses.

### *Details of Proposal*

The Proponent is proposing to locate a 29.9 metre "cross style" steel telecommunications tower on lands currently zoned IA\*12-H1 (Minor Institutional, Special Provision and Holding Zone) under the Town's Zoning By-law. The lands are currently occupied by a place of worship (the New Life Church) and other community related institutional uses such as a private school, place of assembly and two daycares. Surrounding land uses consist of a union gas line to the north, medium density residential uses to the north, east and south and open space / parkland to the west. The telecommunication tower that is the subject of this review, is to be located in front of the church building to the south of the existing entrance driveway, on the most eastern portion of the property. The Town of Milton Telecommunications Protocol discourages the construction of towers within residential areas and promotes the use of infrastructure and buildings where feasible. The nearest residential area is located approximately 80 metres of the proposed freestanding tower.

In June 2011, the proponent had discussed through a pre-consultation meeting with staff a tri-pole tower design with a shrouded cover and a cross at a height of 25 metres (82 ft.) in the same location as the current proposal. Through the submission of the application in February 2012, the design of the proposed tower changed to a cross style design with a height of 29.9 metres (98.1 ft.). The design was altered to address the preference of the landowner who had been looking to construct a cross in front of his church for some time, and the height was increased to accommodate a co-location opportunity with Public Mobile, the carrier who currently has a temporary 14.9 m tower (excluded from public consultation and constructed in December 2011) located behind the church. This temporary tower is to be removed when a permanent structure on the site is approved.

Prior to considering the subject site for the proposal, the proponent (Bell) and other service providers who have indicated a great need to provide service in this area, had explored opportunities with the commercial plaza at the NE corner of Thompson and Louis St. Laurent as well as the Town owned park across the street at this intersection. Since they were unsuccessful in acquiring a willing landlord on these sites, Bell looked for other alternatives (i.e. the church property).

### *Public Consultation*

In reviewing telecommunications applications, it is the Town's objective to provide a forum that will inform the public as to the intentions of telecommunications providers in their community. Since the cross style telecommunications tower proposal was taller than 15 metres in height, the application required Public Consultation in accordance with Section 6.0 – Exclusions of the Town's protocol. As required by the Town's protocol, the Town provided addresses of all property owners within 120 metres of the proposed structure to the Proponent and subsequent notice was provided to the adjacent landowners. In addition, a sign was erected on the property notifying the public of the proposal to establish a telecommunications facility on the lands and that an open house meeting was to be held. The open house, which occurred on April 12, 2012 was well attended by neighbouring residents, advocates and the media and a number of concerns were raised by the public in relation to health, aesthetics, and the proximity of the tower in relation to two daycares on the site and several

residential dwellings in the adjacent neighbourhood. The Town and the proponent received many written submissions, and the public has requested Milton Council's involvement in this matter.

### *Evaluation of Proposal*

Since September 2011, the Town has been reviewing its protocol to ensure conformity with Industry Canada's guidelines, to consider revisions that address issues the Town has encountered over the past few years, and to provide more guidance in the Town's review of telecommunications facility proposals. On May 14, 2012, staff brought forward a report outlining the revisions proposed to the current protocol. The nature of the proposed revisions included: clarification of the objectives, procedure and submission requirements; and, the inclusion of locational and design criteria that is to be used to evaluate telecommunication facility proposals upon adoption by Council.

Since this proposal was still active during the Town's protocol review and has had significant public opposition, Staff has examined the proposal against both Town's protocols (i.e. the current protocol dated December 2007 and the newly revised protocol dated May 2012). The Town's evaluation resulted in the following conclusions:

- Even though the proposal is to be located on a non-residential parcel of land which is a larger parcel within the urban community, the property contains more sensitive land uses (i.e. private school, and two daycares) and is surrounded by residential uses. Both protocols discourage new towers from locating in proximity to residential areas and institutional uses.
- From a design perspective, the proposal for a somewhat stealth landmark feature for the site may seem appropriate for the church use, but at the proposed location (in the front of all buildings), along with the proposed height, colour and structural design, staff believe that the proposal is out of proportion and scale with the respective neighbourhood. In addition, the Town's preference is to encourage the siting of unobtrusive designs instead of co-location.
- Although the Town does not have the jurisdiction to address health matters relating to the proposal, the Town wishes to advise Industry Canada that a significant number of residents provided their concerns in writing and in person at the open house on April 12<sup>th</sup>, 2012 with respect to the potential impact the proposed tower will have on the health of the Milton community and specifically those that live nearby and attend daycare in the area of the proposed tower.

As part of the municipal consultation process, staff circulated the application to various departments internal to the Town of Milton and to applicable external agencies including Conservation Halton and Union Gas Ltd. The Town departments provided responses asking for clarification on specific site works and engineering matters but did not object to the proposal. The external agencies offered no objection to the proposal, but Conservation Halton provided recommendations relating to the proposed landscaping.

It should be noted that given the public concerns, the evaluation noted above, and the comments received by the Town and external agencies, the proponent on several occasions has noted that they are willing to look at alternative designs, colours and locations on the New Life Church site.

## **Conclusion**

Even though the public consultation process was carried out in compliance with Section 7.0 – Public Consultation Process of the Town’s Protocol, staff is unable to provide concurrence in relation to the locational and design objectives of the Town’s protocol with respect to the proposed tower on the New Life Church property.

It is the opinion of Planning Staff for the above noted reasons, that the proposed location is **unsuitable** in accordance with the Town’s Telecommunications Facility Policy (Protocol). As such, the Town of Milton does **not** concur with the 29.9 metre telecommunications tower/facility proposed in front of the New Life Church, located at 824 Thompson Road, Milton.

Planning & Development Department  
Town of Milton

Cc: Proponent

