

**COUNTY OF BRANT**  
**TELECOMMUNICATION TOWER AND ANTENNA PROTOCOL**  
(Industry Canada Local Land-use Authority Consultation)

1. BACKGROUND

A. Purpose

The purpose of this protocol is to outline the local land-use consultation process and guidelines to be followed in evaluating telecommunication tower and telecommunication antenna proposals within the County of Brant, providing guidance to the telecommunication industry, Industry Canada, County Council, County staff and members of the public.

B. Objectives

The objectives of this protocol are:

1. To establish a harmonized County-wide process and criteria for reviewing telecommunication tower and telecommunication antenna proposals;
2. To set out a straightforward, objective process, criteria and guidelines for the evaluation of telecommunication tower and telecommunication antenna proposals that:
  - (a) minimizes the number of new telecommunication towers;
  - (b) discourages new towers within or adjacent to Residential Neighbourhoods, Institutional Facilities, Intensive Livestock Facilities, Natural Heritage System Features, Parks and Recreation Areas and other sensitive land uses as may be defined/identified in section 2;
  - (c) provides an opportunity for meaningful local public consultation with affected property owners; and
  - (d) allows Industry Canada and the telecommunications industry to identify and resolve any potential land use, siting or design concerns with the County at an early stage in the process.
3. To provide an expeditious review process for telecommunication tower and telecommunication antenna proposals that are established in accordance with this protocol; and
4. To establish a local land-use consultation framework that allows the County to provide input on all telecommunication tower and telecommunication antenna proposals to proponents and Industry Canada in order that the proponent can satisfy the requirements of Industry Canada regarding local land-use consultation.

2. DEFINITIONS

- (a) Residential Neighbourhoods – means all lands designated and zoned for residential land uses (i.e. Urban Residential, Suburban Residential, Hamlets and Villages, Rural Residential) in the Official Plan for the County of Brant.
- (b) Institutional Facilities – means all lands designated and zoned for institutional land uses in the Official Plan for the County of Brant.

(c) Co-location - means the sharing of a telecommunication tower or placement of a telecommunication antenna on a building, structure or tower by more than one proponent.

(d) Height – for notification purposes in Section 11B, the height of a Tower or Antenna is defined as the distance between the tip of the highest point and the crown of the adjacent road.

(e) Intensive Livestock Facilities – means an agricultural use consisting of the raising, harbouring, breeding or care of a specific type or types of livestock and/or poultry which has greater than 150 livestock units and no more than 500 livestock units, as defined in Schedule “C” of this By-Law. Additionally, “AGRICULTURAL USE, INTENSIVE LIVESTOCK means an agricultural use consisting of the raising, harbouring, breeding or care of a specific type or types of livestock or poultry being defined has an operation where the total number of livestock units as defined in Schedule “C” of the Zoning By-Law 110-01 is 2.5 units per hectare or greater. An Agricultural Use, Intensive Livestock, includes any farm dwelling, the land base, and accessory buildings and uses.

(f) Natural Heritage System Features – means all lands that have been identified by the County, a local Conservation Authority, or the Ministry of Natural Resources, on Schedule A and Schedule C of the Official Plan, as:

- i) significant habitat of endangered species and threatened species;
- ii) significant wetlands;
- iii) hazardous sites; and
- iv) hazardous lands - flooding hazard (except where a Special Policy Area has been approved) or erosion hazard.

(g) Parks and Recreation Areas – means all lands designated as Parks and Recreation Areas in the Official Plan for the County of Brant.

(h) 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.

(i) Sensitive Land Uses – means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities

(j) 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; and an 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.

(k) 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.

(l) Tower Lease Area Boundary – means the extent of the land leased by the proponent for a proposed Telecommunications Tower, but does not include and land required solely to access the site, such as an access aisle way or right-of-way.

### 3. PRELIMINARY CONSULTATION

(a) A preliminary consultation meeting between the proponent and the County Planning and County Building Division staff is required for all telecommunication tower and telecommunication antenna proposals not exempted from consultation by Industry Canada, before a Telecommunication Tower Review Application and/or Building Permit application is submitted. The purpose of this meeting is to:

- determine if a Building Permit is required; determine emission levels in compliance with Safety Code Six and if applicable, explore preferred site locations and siting, design & co-location considerations in accordance with this protocol.

For telecommunication tower and telecommunication antenna proposals exempted from consultation by Industry Canada, the proponents are requested to provide information to the County on: the nature of the proposal; the location of the proposal; and the emission levels of the proposal in compliance with Safety Code Six.

(b) This meeting may involve staff from other County Divisions. It will identify issues of concern and concurrence and identify requirements for public consultation; will guide the content of the application submission; and will identify the need for any other applications or approvals.

(c) At the preliminary consultation meeting, County staff will provide the proponent with an information package that includes:

- (i) This protocol, which outlines the approval process, requirements for public consultation and guidelines regarding site selection, co-location, siting, design and landscaping;
- (ii) Telecommunication Tower Review Application, including submission requirements included in Section 6; and
- (iii) List of County divisions and agencies to be consulted.

(d) To expedite the review of the application, the proponent will review this information package before the submission is made so that the interests of the County and agencies are taken into account. The proponent is encouraged to consult with affected divisions and agencies, as well as the Mayor and Ward Councillors before submitting the application.

### 4. GUIDELINES

In general the County prefers that the following options be considered (in order) when a new telecommunications tower is proposed:

- I. Co-location on an existing facility (tower, building or structure)
- II. New Locations on an existing facility
- III. Siting a new tower in an industrial area (Employment Area) 120 metres away from Residential Neighbourhoods, Institutional Facilities, Intensive Livestock Facilities, Natural Heritage System Features, Parks and Recreation Areas and other sensitive land uses
- IV. Monopoles with Co-location capability
- V. Disguised Installations

Further details on the above are provided in the sections below.

#### A. Site Selection

- (a) The proponent will select a site location to minimize the total number of telecommunication tower sites required.
- (b) The proponent will be encouraged to use existing telecommunication towers.
- (c) It is preferred that Telecommunication towers be located outside of Residential Neighbourhoods, Institutional Facilities, Intensive Livestock Facilities, Natural Heritage System Features, Parks and Recreation Areas and other sensitive land uses, preferably in areas designated and zoned to permit industrial and commercial uses.
- (d) Telecommunication towers will be strongly discouraged within or within 120 metres of Residential Neighbourhoods, Institutional Facilities, Intensive Livestock Facilities, Natural Heritage System Features, Parks and Recreation Areas and other sensitive land uses as well as on listed and/or designated heritage buildings and sites.
- (e) When selecting a site for a new telecommunication tower, the following will be considered:
  - (i) maximizing distance from Residential Neighbourhoods;
  - (ii) maximizing distance from Institutional Facilities;
  - (iii) maximizing distance from Intensive Livestock Facilities;
  - (iv) maximizing distance from Natural Heritage System Features;
  - (v) avoiding sites containing sites located within Parks and Recreation Areas;
  - (vi) maximizing distance from listed heritage buildings and sites;
  - (vii) avoiding sites of topographical prominence, where possible;
  - (viii) avoiding sites that would obscure public views and vistas of important natural or human-made features;
  - (ix) ensuring compatibility with adjacent uses; and
  - (x) access.

#### B. Co-Location

- (a) The County expects proponents to share telecommunication towers (co-locate) in order to minimize the impact on the County's urban and rural environments.
- (b) Proponents will work co-operatively in reaching agreements which allow for collocation so as to minimize the total number of telecommunication towers in the County.

(c) Proponents for new telecommunication towers will be required to submit a Site Selection / Justification Report, prepared by a certified engineer or land use planner. The report should identify all telecommunication towers within a radius of 1500 metres of the proposed location. It should also include details with respect to the coverage and capacity of the existing telecommunication towers in the surrounding area and provide detailed documentary evidence as to why collocation of an existing telecommunication tower is not a viable alternative to a new telecommunication tower. The report should also document the site selection process followed by the applicant for selecting this site in accordance with this protocol. In recognition of the sensitive nature of such information, County staff will, subject to the requirements of this protocol in respect of public notice and public consultation and the Municipal Freedom of Information and Protection of Privacy Act, maintain confidentiality of information where requested by the proponent.

(d) Any exclusivity agreement which limits access to a telecommunication tower by other proponents is unacceptable. A signed agreement is to be submitted to the County stating that the proponents will allow co-location with other proponents, provided all safety, structural and technological requirements are met, subject to standard industry financial compensation arrangements to the tower owner.

### C. Siting

(a) A telecommunication antenna mounted on a building or structure such as an existing telecommunication tower, hydro transmission tower, utility pole or water tower, is to be explored by the proponent before any proposal is made for the construction of a new telecommunication tower.

(b) The construction of a new telecommunication tower to accommodate a telecommunication antenna is discouraged and will be accepted only when all other options to accommodate the telecommunication antenna are not viable. A new telecommunication tower shall be designed with co-location capacity.

(c) Where co-location is not possible, a new telecommunication tower will be designed to minimize visual impact and to avoid disturbance to Natural Heritage System features and areas of topographic prominence.

(d) Brantford Airport

### D. Design and Landscaping

(a) Where co-location is not possible, a telecommunication tower located outside of Residential Neighbourhoods, Institutional Facilities, Intensive Livestock Facilities, Natural Heritage System Features, Parks and Recreation Areas and other sensitive land uses will be built to accommodate the proponent and a minimum of two additional users whenever possible.

(b) The architectural style of telecommunication tower will be chosen which is most compatible with the surrounding neighbourhood.

(c) Where a telecommunication tower must be located within or in close proximity (within 120 metres) to Neighbourhoods, Apartment Neighbourhoods and Centres, monopoles will be used.

(d) Proponents will be encouraged to locate telecommunications towers with a minimum setback to all property lines and public road allowances of a distance equivalent to the height of the telecommunication tower (measured from grade) whenever possible.

(e) Two parking spaces will be provided at each new telecommunication tower site with access from a public right-of-way at a location acceptable to the County. Where parking is provided for another use on the site and this parking is within 20 metres of the telecommunication tower, the parking space for the tower is not required (parking spaces need not be exclusively devoted to telecommunications tower usage.)

(f) All efforts will be made to decrease the size and visibility of all telecommunication antennas and telecommunication towers, so that they will blend in with the surroundings. To ameliorate the scale and visual impact of telecommunication towers and telecommunication antennas, mitigation measures should include consideration of: design features, structure type, design, colour, materials, landscaping, screening and decorative fencing. In general, Towers and telecommunications equipment shall have a non-reflective surface and be of a neutral colour (e.g. light grey) which is compatible with the sky and the surroundings. Where appropriate, a telecommunication tower will be designed as a landmark feature to punctuate the urban and rural landscapes to resemble features found in the area, such as a flagpole, clock tower or silo.

(g) Lighting of telecommunication antennas and telecommunication towers is prohibited unless required by Navigation Canada. Proof of this requirement should be provided by the applicant.

(h) Telecommunication towers will accommodate only telecommunication antennas. Only identification or information signs or other material directly related to the identification or safe operation of this equipment will be permitted on the tower. A small plaque must be placed at the base of the structure, (or at the main entrance to the site where the site is not accessible under normal circumstances), identifying the owner/operator of the structure and a contact telephone number. No third party advertising, or advertising or promotion of the proponent or the proponent's services shall be permitted.

(i) Where equipment shelters are on roofs of buildings, they shall be encouraged to maintain a setback of a minimum of 3.0 metres to the roof edge and to a maximum height of 4.0 metres.

(j) Where telecommunications towers are proposed to be located on roofs of buildings they will be encouraged to be a maximum of 5 metres in height from roof level and set-back a minimum of 5 metres from the roof edge.

## 5. APPLICATION SUBMISSION

(a) Once a site has been selected for establishing a telecommunication tower, the proponent will complete a Telecommunication Tower Application Review Form and submit a fee for each site.

(b) Upon receipt of a complete application, the County will begin its review of the proposal.

(c) The application will be circulated to affected County Divisions and agencies, abutting municipalities within 120 metres of the site and the Mayor and Ward Councillors for review and comment.

(d) All County Agencies, Boards and Commissions and County Divisions are advised that

they should not lease space for the erection of a cellular tower without consultation with the Mayor and Ward Councillors and specific authorization from County Council.

(e) Agencies, Boards and Commissions and County Divisions are advised of this protocol and their requirement to observe it.

## 6. APPLICATION SUBMISSION REQUIREMENTS

(a) All proposals for telecommunication towers that are not exempt from this protocol will be supported by the following information:

- (i) Site Selection / Justification Report, as outlined in Section 4B(c) of this protocol;
- (ii) colour photograph(s) with proposed telecommunication tower superimposed;
- (iii) Site Plan showing the proposed leased area;
- (iv) map showing the horizontal distance between the proposed leased area boundary and the nearest property zoned for low density residential uses; and
- (v) for telecommunication towers requiring public consultation, a map showing all properties within a 120-metre radius of the leased area boundaries and a mailing list of all affected property owners and tenants.

## 7. APPLICATION FEES

(a) The proponent must pay an application fee (i.e. same as the Major Zoning By-law Amendment fee) to the County.

(b) Other fees may apply if applications for other matters (e.g. entrance permits, curb cuts, tree removal etc.) from other County divisions and agencies are required.

## 8. AGREEMENT

(a) The proponent shall be required, if requested by the County, to enter into an agreement, which shall include the following requirements:

- (i) The removal of the telecommunication tower if the telecommunication tower is deactivated and left unused (abandoned) for a continuous period of more than two (2) years;
- (ii) The posting of a security for the construction of any proposed fencing, screening and landscaping;
- (iii) A commitment to accommodate other telecommunication providers on site or on their telecommunication tower, where feasible, subject to standard industry financial compensation arrangements to the tower owner; and
- (iv) Other conditions of concurrence.

## 9. EXEMPTIONS TO TELECOMMUNICATION TOWER APPLICATION REVIEW

Telecommunications antennas and towers, which are exempted from the requirement to consult with the County under the provision of Industry Canada's CPC-2-0-03 ("Radiocommunication and Broadcasting Antenna Systems", June 2007 (Effective January 1, 2008)) will be exempt from a Telecommunications Review Application.

## 10. BUILDING PERMITS

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.

(a) A building permits is required:

- (i) For 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
- (ii) For the construction of or material alteration to buildings, which exceed 10 square metres, associated with either a telecommunication antenna or telecommunication tower structure.

## 11. PUBLIC CONSULTATION

### A. Exemptions to Public Consultation

Public consultation under Section 11B is not required for the following:

(a) Replacement of and/or modification to existing telecommunication towers located outside of Neighbourhoods, Apartment Neighbourhoods and Centres, where the tower lease area boundaries are located a minimum of 120 metres from Residential Neighbourhoods, Institutional Facilities, Intensive Livestock Facilities, Natural Heritage System Features, Parks and Recreation Areas and other sensitive land uses, provided that any increase in height does not exceed 25% of the originally approved height and any telecommunication tower replacement is located within the originally approved development envelope;

(b) All proposals exempt from Local Land-Use Review included in Section 9.

### B. Procedure for Public Consultation

(a) For proposals that do not meet the exemption criteria in Section 11A, the proponent will be responsible for organizing and chairing the community meeting.

(b) The proponent, in consultation with the County Planning Division and the Mayor and Ward Councillors, will schedule an appropriate date, time and location for the meeting.

(c) The Mayor and Ward Councillors will be invited to attend the required preliminary consultation meeting and may attend if they so wish.

(d) Notice to be provided to all property owners and tenants located within 120 metres of a proposed Telecommunication Tower or three times the height of the tower (whichever is greater), and within 25 metres of a proposed antenna, such Notice to be prepared and sent by the County Clerk's Office as pre paid first-class mail, with all costs to be borne by the Applicant.\*

(e) Upon receipt of an application for a permit and prior to notification, County staff will consult with the Mayor and Ward Councillors to determine if it is necessary to expand the notification area.

(f) County Staff, in consultation with the Mayor and Ward Councillors, are authorized to extend the notification area of a Tower or Antenna, and the costs associated with extending the notification area are to be paid by the applicant.

(g) Notification will be sent to both property owners and tenants within the notification area.

(h) The proponent will provide County Planning with a copy of this mailing list for our records.\*

(i) The proponent will give notice to these property owners and tenants, all members of Council, the Director of Development Services or his/her delegate and Industry Canada as well as Navigation Canada and the City of Brantford if the project is within 5000 metres of the Brantford Airport. This notice will be sent by regular mail, a minimum of 30 days before the meeting.

Note: The proponent will provide an affidavit to the County in this regard.

(j) The notice will be sent by regular mail, a minimum of 30 days before the meeting. Note: The proponent will provide an affidavit to the County confirming that notice has been given as required under this section 11.

The notice will include:

- (i) the date, time and location of the meeting;
- (ii) information on the location, height, type, design and colour of the proposed structure, including a 8½" x 11" size site plan;
- (iii) the rationale for the selection of the designated site;
- (iv) an agenda; and
- (v) the name and telephone number of a contact person for the applicant. Note: The County Clerk will give notice with all costs to be borne by the applicant.

(k) The proponent will also make available at the community meeting an appropriate visual display, including at a minimum, a display-size (24"x36") colour photograph of the subject property with a superimposed image of the proposed telecommunication tower.

(l) To clarify the application process and jurisdictional matters, Industry Canada will be requested to attend open community information meetings for complex or sensitive applications.

(m) The proponent will provide the County with a record containing the following:

- (i) List of attendees, including names, addresses and phone numbers;
- (ii) Minutes indicating the topics discussed and concerns and issues raised, resolutions and any outstanding issues;
- (iii) Copies of letters or other communications received from the public; and
- (iv) A follow-up letter of response outlining how the concerns and issues raised at the meeting and in any letters will be addressed within 20 days of the meeting, or alternatively, clearly setting out the reasons why such concerns cannot be addressed.

## 12. RESOLVING CONCERNS

(a) The County will provide the proponent with division and agency comments from the Telecommunication Tower Review Application process.

(b) If any revisions are agreed to, the proponent will be encouraged to resubmit drawings and documents to address to concerns identified during the Telecommunication Tower Review Application and public consultation processes.

(c) Any revised plans will be submitted to the County for review, circulation and comment.

### 13. CONFIRMATION OF LOCAL LAND-USE AUTHORITY CONSULTATION

(a) The County's response to the proponent and Industry Canada will take into consideration all division and agency responses from the Telecommunication Tower Review Application process and will forward the comments raised during the public consultation process.

(b) The County will inform the proponent and Industry Canada in a letter stating whether the local land-use consultation process has been completed in accordance with the County's protocol and will include recommendations regarding the proposal and including recommendations regarding the proposal as follows:

- (i) Concurrence, if the proposal conforms with: the County requirements as set out within this protocol; the County's technical requirements and will include conditions of concurrence if required. The County will also forward comments raised during the public consultation process for Industry Canada to resolve; or
- (ii) non-concurrence, if the proposal does not conform with County requirements as set out within this protocol. The County will also forward comments raised during the public consultation process for Industry Canada to resolve.

(c) The County will provide a copy of this letter to all interested parties and all members of Council.

### 14. APPLICATION PROCESS TIMEFRAME

(a) The County will endeavour to expedite the local land-use authority consultation within 60-90 days.

(b) For proposals that require public consultation, a time period of up to 120-150 days may be required.

(c) In the event of unavoidable delays preventing the completion of the application process within the 120-150 days period, the County shall identify such delays to the proponent and indicate when the completion is expected to occur.

### 15. COMMENCEMENT

(a) This protocol will come into effect 60 days after the date of its adoption, being May 3, 2011.