

COUNTY OF BRANT

COMMUNICATION TOWER AND COMMUNICATION ANTENNA PREFERRED LOCATION PROTOCOL

(Industry Canada Local Land-use Authority Consultation Process)

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 communication tower and communication antenna site proposals within the County of Brant, providing guidance to the communications 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 communication tower and communication antenna site proposals;
2. To set out a straightforward, objective process, criteria and guidelines for the evaluation of communication tower and communication antenna site proposals that:
 - (a) minimize the number of new communication tower and communication antenna sites, where appropriate;
 - (b) discourage new communication tower and communication antenna sites within or adjacent to Residential Neighbourhoods and Natural Heritage System Features and other sensitive land uses as may be defined/identified in section 2;
 - (c) encourage new communication tower and communication antenna sites on, within or adjacent to Institutional Facilities, Parks and Recreation Areas as well as facilities, buildings, lands, properties and/or structures of a Public Agency or Authority as may be defined/identified in section 2, where a business case can demonstrate that the anticipated outcomes, benefits and revenues of the tower or antenna project outweigh the expected costs and risks of the tower or antenna project;
 - (d) provide an opportunity for meaningful local public consultation with affected property owners; and

- (e) allow Industry Canada and the communications 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 communication tower and communication antenna site 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 non-exempt communication tower and communication antenna site 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

1. 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.
2. Institutional Facilities – means all lands designated and zoned for institutional land uses in the Official Plan for the County of Brant.
3. Co-location - means the sharing of a communication tower or placement of a communication antenna on a building, structure or tower by more than one proponent.
4. Height – for notification purposes in Section 11B, the height of a Tower or Antenna is defined as the distance measured in accordance with Industry Canada’s illustrative guidelines for measurement.
5. 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:
 - a) significant habitat of endangered species and threatened species;
 - b) significant wetlands;
 - c) hazardous sites; and
 - d) hazardous lands - flooding hazard (except where a Special Policy Area has been approved) or erosion hazard.
6. Parks and Recreation Areas – means all lands designated as Parks and Recreation Areas in the Official Plan for the County of Brant.
7. 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.

8. 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 such as visual incursions and contaminant discharges such as noise generated by a new communication tower and communication antenna and associated infrastructure. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centers, and public gathering places within or adjacent to sites of topographic prominence as well as public views and vistas.

9. Communication Antenna - means the components, either individually or in combination, needed to operate a wireless communication network for the purpose of radio and television communications, including but not limited to:

- a) 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 communication tower.

10. Communication Tower - means all types of towers including but not limited to:

- a) a monopole; tripole; lattice tower; guyed tower; self-support tower; pole; mast; or other structure, which are used to support one or more communication antennae for the purpose of radio and television communications 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.

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

12. Subject Property - means the entire municipally assessed property for which the proponent of a communication tower and communication antenna is attempting to secure permission to erect the said structure and includes the land leased by the proponent for a proposed communication tower as well as the land required solely to access the site, such as an access aisle way or right-of-way.

13. Business Case – means a form of advice, in the form of a report, substantiating an argument for the new communication tower and communication antenna proposal. It is an essential and useful tool for substantiating the viability of initiatives and the justification for the proposed project. The business case shall set out the following:

- a) The problem or situation addressed by the proposal;
- b) The features and scope of the proposed project;
- c) The options considered and the rationale for choosing the solution proposed;
- d) The proposal's conformity with existing policies, protocol, etc.;
- e) The implementation plan;

- f) The expected costs over the life of the project;
- g) The anticipated outcomes, benefits and revenues; and
- h) The expected risks associated with the proposal's implementation.

14. Public Agency or Authority – means

- a) the Government of Canada, the Government of Ontario or any municipal corporation;
- b) any ministry, department, commission, corporation, authority, board or other agency established from time to time by the Government of Canada, the Government of Ontario or any municipal corporation;
- c) any public utility;
- d) any railway company authorized under The Railway Act, as amended from time to time, or any successors thereto; or
- e) any school board, public utility commission, transportation commission, public library board, board of parks management, board of health, police services board, planning board or other board or commission or committee of local authority established or exercising any power or authority under any general or special Statute of Ontario with respect to any of the affairs or purposes of a municipality or any portion thereof, and includes any board, commission or committee or local authority established by By-Law of the Municipality.

3. PRELIMINARY CONSULTATION

1. A preliminary consultation meeting between the proponent and the County Planning and County Building Division staff is required for all communication towers and communication antenna site proposals not exempted under this Protocol, before a Communication Tower Application and/or Building Permit application is submitted. The County agrees to keep the details of the pre-consultation confidential pursuant to section 11 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, until such time as a formal application has been made in order to ensure the process does not affect the proponent's ability to finalize a lease/license agreement. The purpose of this meeting is to:

- a) determine if a without prejudice Building Permit application, as described in section 10, is required; and if applicable, explore preferred site locations and siting, design & co-location considerations in accordance with this protocol.

For communication tower and communication antenna site proposals exempted from consultation under this Protocol, the proponents are requested to provide information to the County on: the nature and the location of the proposal/installation within a reasonable period of time, being 120 days, following the completion of such installation, for the County's records.

2. 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.

3. At the preliminary consultation meeting, County staff will provide the proponent with an information package that includes:

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

4. 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 before submitting the application.

4. PREFERRED LOCATION GUIDELINES

In general, the County prefers that the following options be considered (in order) when a communication tower and communication antenna site proposal is submitted to the County in pursuit of a statement letter of concurrence:

- I. Co-location on an existing facility (tower, building or structure), unless the existing facility is to be located in a Residential Neighbourhood, or within three times the tower height (measured from the base of the tower) from a Residential Neighbourhood, in which case a new single user tower located an appropriate distance away from the Residential Neighbourhood is preferred.
- II. New Locations on an existing facility.
- III. Siting a new tower in an industrial area (Employment Area) that is 120 metres away from Residential Neighbourhoods, Natural Heritage System Features, and other sensitive land uses.
- IV. Locating a new communication tower and communication antenna site in or on Institutional Facilities, Parks and Recreation Areas as well as facilities, buildings, lands, properties and/or structures of a Public Agency or Authority, which is supported by a satisfactory business case, that is 120 metres away from Residential Neighbourhoods, Natural Heritage System Features, and other sensitive land uses. Where the County owns lands within the Proponent's search area that is suitable for the proposed communication tower and meets the Proponent's technical requirements, the County prefers to be the landlord of first choice, and the County agrees that any such sites will be according to the usual commercial terms and will not be unduly delayed.
- V. Monopoles with Co-location capability located on lands at least 120

metres away from Residential Neighbourhoods.

- VI. Disguised Installations within 120 metres of Residential Neighbourhoods, Natural Heritage System Features and sensitive land uses where deemed appropriate.

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

A. General Location Preferences

- (a) The proponent will select a location in order to minimize the total number of communication tower and communication antenna sites required in the County as a whole.
- (b) The proponent will be encouraged to use existing communication tower and communication antenna sites, where appropriate.
- (c) It is preferred that new communication tower and communication antenna sites be located outside of Residential Neighbourhoods, Natural Heritage System Features and other sensitive land uses, preferably in areas designated and zoned to permit employment, industrial, commercial, rural land uses or on facilities, buildings, lands, properties and/or structures of a Public Agency or Authority.
- (d) New communication tower and communication antenna sites will be strongly discouraged within or within 120 metres of Residential Neighbourhoods, Natural Heritage System Features 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 communication tower and communication antenna site, the following will be considered:
 - (i) maximizing distance from Residential Neighbourhoods;
 - (ii) maximizing distance from Natural Heritage System Features;
 - (iii) maximizing distance from listed heritage buildings and sites;
 - (iv) avoiding sites of topographical prominence, where possible;
 - (v) avoiding sites that would obscure public views and vistas of important natural or human-made features;
 - (vi) ensuring compatibility with adjacent uses; and
 - (vii) access.

B. Co-Location

- (a) The County expects proponents to share communication tower and communication antenna sites (co-locate), where possible, unless the existing facility is to be located in a Residential Neighbourhood, or within three times the tower height (measured from the base of the tower) from a Residential Neighbourhood, in which case a new single user tower located an appropriate distance away from the Residential Neighbourhood is preferred and co-location

is not required, in order to minimize the impact on the County's urban and rural environments.

- (b) Proponents will comply with Industry Canada's requirements with respect to co-location so as to minimize the total number of communication tower and communication antenna sites in the County as a whole.
- (c) Proponents for a new communication tower and communication antenna site will be required to submit a Site Selection / Justification Report, prepared by a certified engineer or land use planner. The report should identify all communication tower and communication antenna sites 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 communication tower and communication antenna sites in the surrounding area and provide detailed documentary evidence as to why collocation of an existing communication tower and communication antenna site is not a viable alternative to a new communication tower and communication antenna site. The report should also document the site selection process followed by the proponent 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 communication tower and communication antenna site by other proponents is unacceptable. A signed undertaking is to be submitted to the County stating that the proponents will comply with Industry Canada's requirements with respect to co-location.

C. Site Preferences

Further to the General Location Preferences and Co-location subsections noted above, it is the County's preference that:

- (a) A new communication antenna mounted on a building or structure such as an existing communication tower, hydro transmission tower, utility pole or water tower, is to be explored by the proponent before any proposal is made for the construction and development of a new communication tower and communication antenna site.
- (b) The construction and development of a new communication tower and communication antenna site in locations 120 metres or greater outside of a Residential Neighbourhood is generally encouraged. The construction and development of a new communication tower and communication antenna site in locations within 120 metres or less of a Residential Neighbourhood, Natural Heritage System Features, and other sensitive land uses is generally discouraged and will be accepted only when all other options to accommodate the new communication antenna on existing buildings, facilities,

structures and towers are not viable. The construction and development of a new communication tower and communication antenna site within 120 metres of a Residential Neighbourhood, Natural Heritage System Features, and other sensitive land uses shall be restricted to a disguised, monopole installation where possible and, where appropriate and practical, should be designed with future co-location capacity.

- (c) Where co-location is not possible, the construction and development of a new communication tower and communication antenna site will be designed to minimize visual impact and to avoid disturbance to Natural Heritage System features and areas of topographic prominence.
- (d) The construction and development of a new communication tower and communication antenna site will have due regard for the height restrictions in vicinity of Brantford Airport as may be required by Transport Canada and Nav Canada. The proponent of a new communication tower and communication antenna site will provide detailed documentary evidence to this effect to the County as part of the submission of their Communication Tower Application.

D. Design and Landscaping

Further to the General Location Preferences, Co-location and Site Preferences subsections noted above, it is the County's preference that:

- (a) Architectural principles will be incorporated into the design and landscaping of a new communication tower and communication antenna site to ensure the compatibility of the site with the surrounding buildings and neighbourhood, where possible.
- (b) Disguised, monopole installation will be used where a new communication tower and communication antenna site must be located within 120 metres of a Residential Neighbourhood, Natural Heritage System Features, and other sensitive land uses, where possible.
- (c) New communication tower and communication antenna sites will be setback an appropriate distance from all property lines and public road allowances such that line of sight is not obstructed and functionality of the public road is not adversely affected, whenever possible.
- (d) One parking space will be provided at each new communication tower and communication antenna 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 90 metres of the communication tower and communication antenna site, the parking space for the site is not required (parking spaces need not be exclusively devoted to communication tower and communication antenna site usage). This policy may be waived when the site is located on land owned by the County or its agencies, boards and/or commissions.

- (e) All reasonable efforts will be made to decrease the size and visibility of all communication towers and communication antennas so that they will blend in with the surroundings. To ameliorate the scale and visual impact of communication tower and communication antenna sites, mitigation measures should include consideration of: design features, structure type, design, colour, materials, landscaping, screening and decorative fencing. In general and where possible, communication towers, communication antennas, associated equipment and infrastructure 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 communication tower and communication antenna site will be designed to resemble features commonly found in the surrounding urban and rural areas, such as a flagpole, clock tower, silo or streetlight. For installations within 120 metres of a Residential Neighbourhood, Natural Heritage System Features, and other sensitive land uses, an unobtrusive design, such as a monopole or stealth design, should be considered.
- (f) Lighting of communication towers and communication antennas is prohibited unless required by Nav Canada. Lighting of a communication tower and communication antenna site is prohibited at grade unless for the health and safety of the Proponent's employees and contractors. In this regard, lighting of the site at grade shall adversely affect surrounding land uses. Details to this effect should be provided by the proponent at the time of submission of the Communication Tower Application.
- (g) Communication towers will accommodate only communication 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. Notwithstanding the foregoing, signage shall be permitted where such signage is incorporated into the design of a stealth design communication tower structure, provided such signage complies with the County Sign By-law. The County agrees that any applications required under the Sign By-law in connection with such a communication tower structure will be processed expeditiously, and that such application by the proponent relates solely to the proposed signage and does not constitute acquiescence by the proponent to provincial jurisdiction with respect to any part of the federal undertaking.
- (h) 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, where possible.
- (i) Where a new communication tower and communication antenna site is proposed to be located on a roof of building, the proponent is encouraged to be

a minimize height from roof level and maximize the set-back from the roof edge to ensure the compatibility of the site with the surrounding buildings and neighbourhood, where possible.

5. APPLICATION SUBMISSION

- (a) Once a location has been selected for a communication tower site, the proponent will complete a Communication 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, agencies and abutting municipalities within a 120 metre radius of the subject property as well as a radius of the leased area boundaries that is equal to or greater than three (3) times of the proposed communication tower of the proposed installation measured from the base for review and comment.

6. APPLICATION SUBMISSION REQUIREMENTS

- (a) All proposals for communication tower and communication antenna sites 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 communication 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 Communication tower and communication antenna sites requiring public consultation, a map showing all municipally assessed properties within a 120 metre radius of the subject property as well as a radius of the leased area boundaries that is equal to or greater than three (3) times of the proposed communication tower and a mailing list of all affected property owners s provided from the County's current tax roll.

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. LETTER OF UNDERTAKING

(a) The proponent shall be required, if requested by the County, to sign a Letter of Undertaking, which shall include the following requirements:

(i) Site Drawings

- a) The plans and specifications that show the location of the communication tower and communication antenna site, related equipment cabinets and or equipment shelter, compound fence, access driveway and landscaping, which proponent proposes to erect on the Lands.
- b) The proponent shall undertake that no buildings or structures other than those accessory to the communication tower and communication antenna sites be erected on the subject property.
- c) Notwithstanding Clause b) above, a Letter of Undertaking will not restrict the number, type or configuration of antennas on/at the communication tower and communication antenna site, nor does it restrict future changes and/or additions to the site structures/buildings or Site Plan including the construction of additional related buildings whose sole use is to house electronic equipment related to the communication tower and communication antenna site, provided that proponent first complies with Industry Canada's requirements for a Local Land-use Authority Consultation Process set out in the CPC or its successors, nor shall it prevent any facility painting or lighting required by the Government of Canada now or in the future.

(ii) Construction Supervision

- a.) The proponent acknowledges that the approval of the Site Drawings does not require issuance of a building permit by the County's Chief Building Official for the communication tower and communication antenna site, related equipment cabinets and or equipment shelter.
- b.) The proponent acknowledges that the County will not inspect the communication tower and communication antenna site and agrees that the County will not have any liability to proponent arising out of the construction or maintenance of the communication tower and communication antenna site, related equipment cabinets and or equipment shelter facility.

(iii) Conditions

- a.) Subject to the Site Plans paragraph 8 (a) (i) above, the proponent will take steps to satisfy the conditions such as the posting of a security for the construction of any proposed fencing, screening and landscaping.

9. EXEMPTIONS TO COMMUNICATION TOWER APPLICATION REVIEW

Communication towers and communication antennas, 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 Communication Tower Review Application. To this end, for the following types of installations, proponents are excluded from the requirement for a Communication Tower Application Review:

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

10. **BUILDING PERMITS**

The application of the Ontario Building Code is not aimed at regulating broadcasting or communications 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 permit is required:

(i) Where a communication tower and communication antenna site is proposed on a structure previously subjected to the Ontario Building Code, a “without prejudice” building permit shall be required. The permit application is to be limited to the material effect on the pre-existing support structure, which is agreed shall be limited to loading characteristics.

(b) A building permit is not required for a ground mounted communication tower and communication antenna.

11. **PUBLIC CONSULTATION**

A. Exemptions to Public Consultation

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

- all proposals exempt from the County's Communication Tower Application 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 information session in a community center in close proximity to the local neighbourhood, with all costs to be borne by the proponent, as well as be responsible for presenting the merits of the communication tower and antenna facility proposal at a formal Public Meeting before the Planning Advisory Committee of the County of Brant.
- (b) The proponent, in consultation with the Planning Division of the County of Brant, will schedule the appropriate dates, times and locations for the community information session and Public Meeting.
- (c) Mail Notice of a proposed communication tower and communication antenna site is to be provided to all municipally assessed property owners located within a 120 metre radius of the subject property as well as a radius of the leased area boundaries that is equal to or greater than three (3) times of the proposed communication tower and communication antenna measured from its base, with 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 proponent.
- (d) Newspaper Notice of a proposed communication tower and communication antenna site, where the proposed facility is more than 30 metres or more in height, must be synchronized with the distribution of the public notification package as stated in subsection (c) with all costs to be borne by the proponent. It must be legible and placed in the public notice section of the local newspaper with appropriate circulation in the area surrounding the subject property. The notice must include: a description of the proposed installation; its location and street address; proponent contact information and mailing address; and an invitation to provide public comments to the proponent within 30 days of the notice as well as an invitation to attend a community information session and public meeting as stated in subsection (a). In areas without a local newspaper, other effective means of public notification must be implemented. The proponent may contact the Planning Division of the County of Brant for guidance.
- (e) Notification will be sent to both property owners within the notification area.
- (f) The proponent will give notice to these property owners, all members of Council, the Director of Development Services or his/her delegate and Industry Canada

as well as Nav 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 community information session and public meeting, respectively. The proponent will provide written confirmation to the County in this regard.

- (g) The mail notice will be sent and the newspaper notice, pursuant to subsection (d), will be posted a minimum of 30 days before the community information session and the public meeting, respectively. The proponent will provide written confirmation to the County confirming that notice has been given as required under Section 11.

The mail and newspaper notices will include:

- (i) the date, time and location of the community information session and public meeting;
- (ii) information on the location, height, type, design and colour of the proposed structure, including a 8½" x 11" size site plan in the mail notice only;
- (iii) the rationale for the selection of the designated site;
- (iv) an agenda;
- (v) the name and telephone number of a contact person for the proponent. Note: The County Clerk will give notice;
- (vi) the newspaper notice, pursuant to subsection (d), is to consist of a typical advertising page layout with ad size not need to be greater than a quarter of a page; and
- (vii) all costs to be borne by the proponent.

(i) The notice shall be posted on the subject property in a manner that is clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property within the subject property or, if posting on the subject property is impractical, at a nearby location chosen by the Clerk of the County of Brant or the Director of Development Services.

(j) The proponent will also make available at the community information session and public 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 communication tower and communication antenna site.

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

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

- (i) List of attendees/parties, including names, addresses and phone numbers;
- (ii) Written confirmation 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) An acknowledgement letter will be sent to the parties within 14 days indicating receipt any questions or concerns about the proposed communication tower and communication antenna site and a follow-up letter of response to the parties outlining how the concerns and issues raised at the community information session, public meeting and in any letters will be addressed within 60 days of the public meeting, or alternatively, clearly setting out the reasons why such concerns cannot be addressed.

12. RESOLVING CONCERNS

Proponents are to address all reasonable and relevant concerns, make all reasonable efforts to resolve them in a mutually acceptable manner and must keep a record of all associated communications. If the public, the County or agency raises a question, comment or concern relating to the communication tower and antenna system as a result of the public notification process, then the proponent is required to:

1. respond to the party in writing within 14 days acknowledging receipt of the question, comment or concern and keep a record of the communication;
2. address in writing all reasonable and relevant concerns within 60 days of receipt or explain why the question, comment or concern is not, in the view of the proponent, reasonable or relevant; and
3. in the written communication referred to in the preceding point, clearly indicate that the party has 21 days from the date of the correspondence to reply to the proponent's response. The proponent must provide a copy of all public reply comments to the County of Brant and the local Industry Canada office.

Responding to reasonable and relevant concerns may include contacting a party by telephone, engaging in a community meeting or having an informal, personal discussion. Between steps 1 and 2 above, the proponent is expected to engage the public in a manner it deems most appropriate. Therefore, the letter at step 2 above may be a record of how the proponent and the other party addressed the concern at hand.

The County will provide the proponent with division and agency comments from the Communication Tower Application Review. If any revisions are agreed to, the proponent will be encouraged to resubmit drawings and documents to address concerns identified during the Communication Tower Application Review and public consultation processes. 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 Communication Tower Application Review and will forward the comments raised during the public consultation process to Industry Canada.

(b) The Clerk and/or the Director of Development Services, or his/her delegates, 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 of Brant - Communication Tower and Communication Antenna Preferred Location Protocol and will include 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 to 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. PROCESS TIMEFRAME - COMMUNICATION TOWER APPLICATION REVIEW

(a) The County will endeavor 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 days may be required.

(c) In the event of unavoidable delays preventing the completion of the application process within the 120 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, as amended, will come into effect the day after the date of its adoption by County Council.