

TOWNSHIP OF KING

Protocol for Establishing Telecommunications Tower/Antenna Facilities

INTRODUCTION

Wireless telecommunications have become an important component of the way business, and society in general, operates today. Accordingly, municipalities are experiencing an increasing demand to accommodate telecommunications facilities. In considering proposals to locate telecommunications facilities, there is a need to balance the locational and design requirements of the proponent with the desire to minimize the impact on the community.

The purpose of this protocol is to provide guidance to the Township, proponents, and the general public in considering proposals to locate telecommunications facilities. It is anticipated that the telecommunications industry will continue to pursue innovative technology that will reduce the visual impact on communities.

Industry Canada, which is the approval authority for telecommunications facilities, encourages the establishment of protocols, recognizing that land use authorities are best positioned to contribute to optimum siting of facilities. Although Industry Canada does not play a direct role in the land use consultation process, it is expected that Industry Canada will ensure, by a condition of the licenses that it issues, that land use authority consultation has taken place prior to the erection of individual antenna structures.

It is intended that by outlining the procedures to be followed in considering proposals, a framework for identifying and resolving any land use conflicts at an early stage in the process will be established. The process to be followed is similar to and will make use of the site plan approval process used by the Township. Some variation from the details of this protocol may be required depending on case-specific circumstances.

OBJECTIVES

The intent of this protocol is:

- To balance demands for facilities with a desire to preserve natural and cultural landscape and minimize community impacts, including health and safety concerns;
- To outline a general process to be followed by the Township for reviewing and processing telecommunications facility proposals which are not exempt by this protocol, and to provide an opportunity for public consultation;
- To provide for consistency with York Region and other local municipalities regarding the review of telecommunications facility proposals;
- The provision of high calibre wireless telecommunications facilities, in order to promote economic development, and meet the business and safety needs of the traveling public.

PRELIMINARY CONSULTATION

Preliminary consultation shall be required between proponents and the Township. At the preliminary consultation meeting, municipal staff shall provide the proponent with an information package detailing:

- the process to be followed, including requirements for public consultation;
- documents, drawings and fees required;
- list of agencies to be consulted, which shall be determined at the pre-consultation session.

The proponent will be requested to consult with adjacent municipalities within 500 metres of the proposed facility site by circulating proposals when they are brought forward, to the Clerk and Planning Director/Commissioner of the adjacent municipalities. The proponent shall provide confirmation of this consultation to the Township.

SITE SELECTION CRITERIA

The proponent shall be encouraged to minimize the total number of tower sites as much as possible and to use existing structures (co-location) wherever possible. In selecting a site for a new tower, the following shall be considered:

- proposed towers/antennae shall be encouraged to locate in hydro corridors, industrial areas, and building roof-tops within commercial areas, and maximize their distance from residential areas. The Township shall not support towers within a minimum of 100 metres of areas predominantly used for residential purposes, unless it can be clearly demonstrated to the satisfaction of the Township that the proposed tower and location are reasonably necessary and no other reasonable option exists as outlined in the site selection/justification report required to be submitted by this Protocol, and that there will be no negative impacts such as visual prominence, community and environmental impacts, including health and safety concerns;
- distance from public and institutional facilities such as schools, hospitals, community centres, day care facilities, and senior's residences;
- avoidance of natural features, vegetation, hazard lands (flood plain, steep slopes);
- avoiding areas of topographical prominence, where possible to minimize long/short range viewscapes;
- compatibility with adjacent uses;
- access.

INFORMATION REQUIRED

All proposals for new telecommunications towers, and modifications to existing towers that are not exempt from this protocol, shall be supported by an information package including the information outlined in the Appendix included as part of this protocol.

DESIGN

Where co-location is not possible, structures shall be designed to minimize visual impact and to avoid disturbance of significant natural features, together with an intent to accommodate co-location opportunities. The type and colouring of structures shall be selected to blend in with the surroundings. Landscaping will be provided where appropriate. Towers, and any accessory base stations should be designed to fit into the context of the surrounding area. Tower designs that mimic other features customarily found in an area context, such as trees and flagpoles, are encouraged where appropriate. Towers shall accommodate only telecommunications facilities. No signs or other material not directly related to this equipment shall be permitted on the tower.

FEES

The proponent shall be required to pay the applicable processing fees. These fees may include, but not necessarily be limited to:

- Municipality/Region – application fee (Site Plan, etc.);
- Conservation Authority.

The Township should be contacted to determine which fees will apply.

AGREEMENT

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

- the removal of all structures upon expiration of the lease;
- the posting of securities to cover the cost of removal;
- a commitment to accommodate other providers on-site where feasible.

EXEMPTIONS TO MUNICIPAL APPROVAL

Proposals to co-locate telecommunications facilities on existing telecommunications structures shall be exempt from municipal approval.

Replacements of, and modifications to, existing towers shall be exempt from municipal approval if they meet all of the following criteria:

- the proposed height does not exceed the existing height by more than 25%;
- tower replacement remains on the same property and within an area defined by a radius measured horizontally from the base of the existing tower to a distance equal to and not more than 50% of the height of the existing tower;
- tower replacement shall remain within the identified development envelope/leased area.

In the case of proposed towers that are constructed on buildings, the following exemption would apply:

- towers located on any building where the tower height does not exceed 25% of the height of the building or 16.6 metres above ground level, whichever is the greater, and a municipal building permit is not required.

In the case of maintenance for existing towers, the following exemptions would apply:

- maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
- maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements.

In the case of a temporary tower, the following exemption would apply:

- 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.

PUBLIC CONSULTATION

The Township shall determine whether the proponent, or the municipality shall be responsible for organizing and holding a community information session. For proposed towers or alterations to existing towers that do not meet the above noted exemption criteria, as a minimum, the proponent shall give notice by regular mail to all owners of properties within a radius of 120 metres or within a distance of three times the height of the proposed tower, whichever is greater, from the subject property within the three urban villages of King City, Nobleton, and Schomberg, and within 250 metres from the subject property in the rural area, and to area ratepayers associations impacted by the proposal. The notice shall also be provided to the Ward Councilor, the Township's Director of Planning and the Township Clerk, and to the Clerk and Commissioner/Director of Planning of any adjacent municipality within 500 metres of the proposed facility.

An on-site notification sign shall also be erected on the subject property. The notice and sign should follow a standard format provided by the Township as agreed to by the municipalities in the Region and the telecommunications industry and shall be provided/erected a minimum of 30 days before the community information session, and shall include:

- the proposed location of the tower and the subject property including a location map;
- physical details of the tower including its height, colour, type, design and base structure;
- the date, time and location of the community information session;
- the name and contact information of a contact person for the proponent, as well as a Township and Industry Canada contact person;
- an educational package, to be developed by the telecommunications industry, in consultation with the municipalities in the Region.

A proponent that proposes a tower 30 metres or more in height shall be required to include the public notice in the local community newspaper.

The proponent shall submit to the Township a record of attendees, minutes, and a formal written response to concerns or issues raised at the community information session, including revised plans or drawings, if necessary. In addition, the proponent shall respond in writing within 14 days acknowledging receipt of correspondence from the public and copy the Township Planning Department. Furthermore, the proponent shall address all public comments in writing within 60 days of receipt of the correspondence and the proponent is to clearly indicate that the public has 21 days from the date of the response to provide a reply.

The Director of Planning, in consultation with the Ward Councilor, may waive the requirement for a community information session, at his/her discretion.

EXEMPTIONS TO PUBLIC CONSULTATION

For ground supported towers, which meet the following criteria, public consultation is not required:

- towers less than 16.6 metres in height above ground level;
- all proposals exempt from municipal approval in accordance with the protocol.

In the case of proposed towers that are constructed on buildings, the following exemption would apply:

- towers located on any building where the tower height does not exceed 25% of the height of the building or 16.6 metres above ground level, which ever is the greater.

Proposed towers within hydro corridors, industrial zoned areas, and commercial zoned areas (roof-top antennae only), located a minimum of 100 metres away (or more, if determined by the Township) from residential/amenity areas and public and institutional facilities such as schools, hospitals, community centres, day care facilities, senior's residences, and other similar uses, as determined by the municipality, shall be exempt from public consultation.

In cases where no public consultation is required, the Township shall make its best efforts to expedite and provide a Letter of Recommendation as soon as possible upon receiving a written request from the proponent to advise that the municipality's requirements have been satisfied.

DISPUTE RESOLUTION PROCESS

The Township acknowledges that Industry Canada has a formal dispute resolution process available should recognized parties reach an impasse. For this process to proceed, a written request must be submitted to Industry Canada from a stakeholder other than the general public, asking for intervention concerning a reasonable and relevant concern. The Federal Department may make a final decision on the issue in question or suggest that parties enter into an alternative dispute resolution process. Should parties continue to be unable to reach a mutually agreeable solution, either party may request that Industry Canada make a final decision.

APPROVALS REQUIRED

The following approvals may be required, as determined at the preliminary consultation meeting:

- Municipal approval – Building Permit, Site Plan (in accordance with Township By-law No. 90-20), and agreement, if required;
- Access approval from the Ministry of Transportation, Region of York, Township of King;
- Conservation Authority fill, construction and alteration to waterways approval;
- Transport Canada.

MUNICIPAL ACTION

The Township, when it receives a proposal for consideration shall:

- provide guidance to the proponent regarding the public consultation process;
- provide direction to the proponent regarding the format to be used for the notice for the community information session and a mailing list of parties to be notified;
- provide direction to the proponent to determine an appropriate location for the community information session;
- contact the Regional Municipality of York if there are any cross-boundary issues so that the Region can coordinate a mediation meeting and provide mediation assistance;
- make recommendations based on the public consultation process and discussions with the proponent;
- endeavour to complete its circulation and make its views known to the applicant within 60 days and complete the review and approval process within 120 days;
- advise York Region when a proposal has been received and when it has been approved, so the Region can maintain a database of pending and approved facilities.

The Development Services Branch of the York Region Planning and Development Services Department shall coordinate a one-year review of the protocol with the area municipalities, with subsequent reviews being undertaken every two years. These reviews shall include consultation with the telecommunications industry and Industry Canada, and a request that the industry advise the municipalities of their future needs and expansion plans.

APPENDIX

CHECKLIST OF INFORMATION TO BE SUBMITTED WITH TELECOMMUNICATIONS FACILITIES PROPOSALS

1. A site selection/justification report which outlines the location of non-tower and co-location options which have been considered, and why the proponent's proposal is the preferred and/or only option. This report shall include a Needs Assessment which contains details with respect to the coverage and capacity of the existing facilities in the surrounding area in map form, and confirm the need for a new tower at the proposed location within this context.
 - Yes
 - No
2. Map/inventory of all towers within the area as defined at the preliminary consultation meeting.
 - Yes
 - No
3. Letter of authorization from property owner.
 - Yes
 - No
4. PIN printout/survey.
 - Yes
 - No
5. Visual Assessment study including colour photograph(s) with support structure superimposed from the various directions of adjacent properties and/or public locations.
 - Yes
 - No
6. Site layout plan showing all structures and distances to lot lines and adjacent structures.
 - Yes
 - No
7. Elevation drawings showing structure(s) from all four sides, height and size of facilities, and grading plans.
 - Yes
 - No
8. Information required as per municipal building permit process (if required) and Conservation Authority permit process (if required).
 - Yes
 - No
9. Scoped Environmental Impact Statement, if required by the Township.
 - Yes
 - No
10. Landscape drawings, if required by the Township, for aesthetic purposes.
 - Yes
 - No

11. Confirmation that appropriate utility providers, such as gas companies and hydro providers, have been consulted for utility locate purposes.

- Yes
- No

12. Confirmation that Transport Canada has been consulted.

- Yes
- No

13. Public Consultation report.

- Yes
- No

14. Applicable processing fees.

- Yes
- No