

Protocol for Radio and Telecommunications Facilities

Approved by: Council
Approval Date: June 21, 2016
Effective Date: June 21, 2016
Revision Date: March 1, 2022

Definitions

Township of Douro-Dummer By-law: By-law 10-1996 as amended by the Township of Douro-Dummer in accordance with Section 34 of the Planning Act, R.S.O. 1990, also known as the Township of Douro-Dummer Zoning By-law.

Proponent: A company, organization or person that is subject to Industry Canada's Client Procedure Circular CP-2-0-03.

Clerk: "Clerk" shall mean the Clerk of The Corporation of the Township of Douro-Dummer or their designate.

Council: Council of the Township of Douro-Dummer.

Township: The Corporation of the Township of Douro-Dummer, which constitutes the "land-use authority" for purposes of Industry Canada's Client Procedure Circular, and herein is referred to as "the Township."

Telecommunications Facility: A wireless radio communication or broadcasting (telecommunication) installation, which may include antennas, masts, towers and other supporting structures, such as guy wires.

1.0 Purpose

Applications for telecommunications facilities fall under the jurisdiction of Industry Canada. The Township recognizes that it has no jurisdiction to regulate telecommunications facilities under the *Planning Act, 1990, as amended*. Policies currently followed by Industry Canada require that the proponent of a new

telecommunications facility is subject to federal approval must consult with the municipality and indicate whether the municipality concurs with the application. In addition, Industry Canada requires proponents to follow the public consultation process established by the land-use authority, where one exists.

Due to the potential for land-use conflicts, impacts on significant views and vistas, and impacts on ecologically sensitive areas as a result of site development, the Township has established a process for proponents to follow, outlined below in Section 3.0 *Public Participation Programme*, which uses Industry Canada's default public consultation as a starting point but includes additional requirements. New telecommunications facilities and modifications to existing facilities that are deemed insignificant based on the criteria in Section 4.0 *Exemptions* of this policy, may be exempted by Council from the public participation programme requirements.

The Township does not support the licensing of any new telecommunication facility or modification to an existing facility unless the requirements of this policy have been complied with.

2.0 Contacting the Township

In order for the Township to review the proposal, the applicant will voluntarily apply to the Clerk of the Township and provide the following documentation:

- a) A support study in which the proponent will document their site selection process together with a description and explanation for the proposed height and design of all antenna support structures. For proposals to modify an existing telecommunications tower, the proponent will provide a description and explanation for the proposed changes.
- b) A scaled drawing illustrating the location of the telecommunications tower in relation to surrounding topographic features.
- c) A calculation of the distance between the tower and the nearest residential dwelling
- d) Application fees: \$1200.00 for a proposal to install a telecommunications tower
 \$600.00 for a proposal to modify an existing telecommunications tower

The 120-day time period for consultation as identified by Industry Canada in its *Client Procedure Circular CPC 02-0-03, Issue 4*, will begin once all the above listed items have been received by the Clerk of the Township.

If the proposal meets the criteria in Section 4.0 *Exemptions* of this policy, the Clerk will prepare a report to Council. Council may exempt an application from the public participation programme requirements.

3.0 Public Participation Programme

The public participation programme will consist of four components whereby the proponent:

- 1) Provides written notification to the public and the Township of the proposed telecommunications installation or modification;
- 2) Engages the public and the Township in order to address relevant questions, comments and concerns regarding the proposal, including a minimum of two public participation meetings in the community;
- 3) Provides documentation of the proposal, including landscape visualization computer modeling at the request of the Township, to enable interested or affected parties to evaluate the potential impacts of the proposed telecommunications installation or modification; and
- 4) Provides an opportunity to the public and the Township to formally respond in writing to the proponent regarding measures taken to address all reasonable and relevant concerns.

Public Participation Meetings

The proponent will host two sets of public participation meetings in the community, as follows:

- 1) Presentation of location alternatives + design alternatives, for public comment
- 2) Presentation of any additional location alternatives, design alternatives, and refinements to previously presented alternatives, based on comments received following the first presentation

In order to provide ample opportunity for all affected and interested parties to attend, a public participation meeting held on a weekday will be repeated on a following Saturday, or vice versa.

Public Notification

The proponent will publish notice for each public participation meeting in a local community newspaper. Notice will be published a minimum of thirty (30) days prior to the first public participation meeting. Separate notice will be published for the second public participation meeting a minimum of thirty (30) days prior to the meeting, but not prior to the preceding public participation meeting. Also, general circulation of notice will be distributed in area of proposed tower.

The notice will be synchronized with the distribution of the *notification package* as outlined below. The notice must be legible and placed in the public notice section of the local community newspaper. It must include: a description of the proposed installation; its location information and street address; a key map showing the location in relation to nearby roads and topographical features; proponent contact information and mailing address; and an invitation to provide public comments to the proponent within thirty (30) days of the notice.

The proponent will publish notice of the first public participation meeting within fourteen (14) days of receipt by the Clerk of the Township of the items listed in Section 2.0 above; such receipt will initiate the 120-day time period for consultation as identified by Industry Canada in its *Client Procedure Circular CPC 02-0-03, Issue 4*.

In addition to providing published notice, the proponent will deliver a notification package for each public participation meeting to the landowners and tenants (where these names are available) of all properties located within a radius of six times (6x) the tower height, measured from the tower base or the outside perimeter of the supporting structure, whichever is greater. Such notification package will be delivered at least thirty (30) days in advance of the public participation meeting. In areas of seasonal residence, the proponent is responsible for obtaining the permanent address of all landowners within the abovementioned radius and to deliver notification packages to the permanent addresses of each landowner. Notification shall also be sent to the Chief of the Hiawatha First Nation band and the Chief of the Curve Lake First Nation band.

Public Participation Programme Resources

The proponent will submit the following documentation to the Township and make all documentation available at the abovementioned public participation meetings:

- a) Written documentation outlining the steps taken to investigate all non-tower and co-location options and why a new tower is the only option, and a statement indicating the reasons for the tower height.
- b) A site plan drawn to scale showing the subject property; location of proposed tower(s) and accessory buildings; supporting mechanisms such as guy lines; site grading; drainage; driveways and entrances; parking; fencing details; existing and proposed landscaping and vegetation; screening; lighting; setbacks from the lot lines; and the type and height of the proposed tower. In the case of towers proposed for television and radio transmitting purposes, the site plan will also indicate the "overload contour."
- c) A context map to scale showing the tower site, surrounding roads and topographical features, and the locations and civic addresses of all businesses and residential dwellings within a radius of six times (6x) the tower height, measured from the tower base.

- d) A written description of proposed aeronautical safety lighting and beacons.
- e) The project's status under the *Canadian Environmental Assessment Act*.
- f) A landscape visualization computer modeling study illustrating the visual impact of the proposed tower and any alternative tower locations and designs.

The proponent will have the computer model available at all public participation meetings and will generate specific views of the model during the meetings at the request of any attendee. The proponent will advise attendees of the opportunity to request views of the proposed telecommunications facility using the model. Following the meetings, the proponent will publish 'still-frame' views of the model on a webpage maintained by the proponent. The internet address/location of the webpage will be indicated to attendees at the meetings.

Council Response

All comments made at the public meetings will be recorded by the proponent and provided, together with copies of all resource materials presented at the meetings, to the Township. The proponent will also provide a written explanation of how public concerns have been addressed in the siting and design of the proposed telecommunications facilities.

At the conclusion of the Public Participation Programme, the Clerk of the Township will prepare a report to Council summarizing the results of the Programme and seeking direction from Council with respect to the information it would like forwarded to Industry Canada.

Public Health

Any concerns about public health in relation to the proposed telecommunications installation, that are not adequately addressed by the information provided by the proponent or by the standards established by Health Canada and applied by Industry Canada for the regulation of radiofrequency transmission, should be directed to the Medical Officer of Health (MOH) or the Board of Health for the Peterborough Public Health, who hold provincially legislated responsibility for public health issues in the Peterborough area.

4.0 Exemptions

Council may exempt a proposal concerning the erection of a telecommunications antenna and support structure from the requirement for a public participation programme, in cases where the proposed antenna support structure:

- a) Does not exceed a height of 15 metre measured from the base of the antenna support structure; or

- b) Does not exceed a height of 30 metres measured from the base of the antenna support structure; and is situated at a minimum distance of six times (6x) the height of the antenna support structure from any dwelling unit as defined by the Township Zoning By-law and any area designated for future residential land use as designated by the Township local component section of the Peterborough County Official Plan, such distance being measured from the base of the antenna support structure.

In instances where a proposal is made concerning modifications to an existing telecommunications facility, Council may exempt the proposal from the requirement for a public participation programme, in cases where the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height, as measured from the base of the antenna support structure.

Any Radio or Telecommunications Facilities which is part of a public-private partnership that Council has provided support either via an endorsement or via direct financial support such as ERON's Broadband Phase 1, Gig Project or the Cell Gap Project shall be exempt from the Public Participation Programme as outlined in this Policy. Notification of the project and of its exemption shall be provided to Council via a report from the Clerk.

5.0 Environmental Evaluation Report

Council may require that an Environmental Evaluation Report be provided as part of the public participation programme if the proposed telecommunications facility is located in or adjacent to any Conservation Zone as established in the Township Zoning By-law, or located in or adjacent to lands having one of the following designations in the Township local component section of the Peterborough County Official Plan:

- a) Significant Wildlife Habitat
- b) Provincially Significant Wetland
- c) Area of Natural and Scientific Interest (ANSI)

The proponent shall consult with the Otonabee Region Conservation Authority (ORCA) and provide written confirmation to the Township of this consultation and any resulting requirements of the study as required by ORCA.

The purpose of the Environmental Evaluation Report is to:

- a) Evaluate the natural features of the proposed location for a telecommunications facility and the natural features of adjacent lands
- b) Evaluate the ecological function of the natural features in the proposed location and adjacent lands

- c) Determine if there will be any negative impacts on natural features and their ecological functions as a result of the construction and operation of the proposed telecommunications facilities
- d) Make the above information available to the public as part of the Public Participation Programme

Where an Environmental Evaluation Report is required by Council, such report will be prepared to a standard equivalent to the example provided in the "*Natural Heritage Reference Manual, 2nd Edition*" (2010), as amended.