# Corporate Policy

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| **Title:** | **Telecommunication Facilities Policy** |
| **Number:** | GOV-07-02 |
| **Approved By:** | City Council |
| **Administered By:** | Planning Services |
| **Effective Date:** | June 11, 2007 |
| **Revision Date(s):** | June 2, 2008, September 22, 2014 |

## 1. Purpose

To establish policies and procedures for the installation of new telecommunication antennas, towers and related structures which emphasize the following:

- Selecting locations for telecommunication facilities which ultimately minimize the number of such facilities and their visual impact;
- Allowing input from the public; and
- Providing a clear process for the installation of new telecommunications facilities.

Innovation, Science and Economic Development Canada, the approval authority for regulating telecommunications facilities, ensures that municipalities are consulted prior to the construction of towers and antenna structures. The role of the City is to provide comments with respect to land use compatibility and community input. Innovation, Science and Economic Development Canada advises that the City has no constitutional authority to regulate or prohibit telecommunications facilities.

## 2. Policy

### 2.1 Definitions

**Antenna** shall mean a device for transmitting and receiving electromagnetic waves, wireless communication signals or other communication signals.

**Alternative tower structures** shall mean man-made support structures that camouflage or conceal the presence of antennas or towers such as flagpoles, clock towers, church steeples, street lights, artificial trees and other everyday features.

**Co-location** shall mean the placement of one or more antenna on the same telecommunication tower or alterative tower structures.

**Equipment Shelter** shall mean a structure containing equipment necessary to transmit and receive signals.

**Height** shall mean the height of an antenna system measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the particular installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the antenna system.

**Telecommunications Facilities** shall mean telecommunication tower and/or antenna and an equipment shelter.

**Telecommunications Towers** shall mean structures designed and constructed to support one or more antennas, including lattice towers, monopoles and guyed towers.

## 2.2 Site Selection for New Telecommunication Towers

(a) The installation of new telecommunications towers is discouraged unless all other options within the telecommunication company search area have been explored and are considered inappropriate. The preferred methods of achieving additional capacity are:

(i) Co-location on existing towers;

(ii) Location on hydro transmission towers;

(iii) Location of towers within or adjacent to hydro transmission corridors;

(iv) Use of alternative tower structures; and

(v) Clustering adjacent to existing telecommunication towers.

(b) A telecommunication tower shall be located in a manner which minimizes its visual impact. When locating a new telecommunication tower the following shall considered:

(i) Avoidance of natural features, significant vegetation, hazard lands (e.g. floodplains, steep slopes) and environmentally sensitive areas;

(ii) Locations shall be sensitive to residential areas, historic sites, environmentally sensitive areas and hazard lands;

(iii) Alternative tower structures are encouraged within the Major Urban Area and Hamlet boundaries as identified in the Oshawa Official Plan;

(iv) An appropriate setback shall be maintained from road right-of-ways;

(v) Avoiding areas of topographical prominence, where possible, to minimize long/short range viewscapes; and

(vi) Locations and heights that are in compliance with Transport Canada's requirements relative to the Oshawa Municipal Airport.

## 2.3 Site Design and Layout

(a) **New Telecommunication Towers**

The following shall be considered in the site design and layout of new telecommunications towers:

(i) Planting of trees and shrubs around the perimeter fencing to mitigate the visual impact of the tower and equipment shelter,

(ii) Small identification sign(s) of the telecommunication company may be permitted on the equipment shelter or perimeter fencing subject to the issuance of a sign permit as necessary; and

(iii) Where alternative tower structures are not feasible, telecommunication towers and equipment shelters should blend in with the context (e.g. colour, etc.) of its surroundings. The architecture of an equipment shelter should reflect the area within which it is located (e.g. pitched roof, or brick if in a residential area).

(b) **Installations on Roof Tops or Existing Structures**

When locating a telecommunication antenna or equipment shelter on rooftops or existing structures, telecommunication companies shall endeavour to minimize the visual impacts of such uses by considering the following:

(i) Wall mounted antenna on the side of a building are discouraged below the roof but may be permitted subject to appropriate design. Wall mounted antenna on penthouses and stairwells above the roof are preferred;

(ii) Utilizing alternative tower structures;

(iii) New antennas should have a maximum height of 6 metres above the highest point of the building or existing structure and it should be setback a minimum of 3 metres from the roof edge on a building;

(iv) Equipment shelters on roof tops should be setback from the roof edge as appropriate with appropriate consideration of the structural design of the roof;

(v) The colour and architectural style of the antenna and equipment shelter shall blend in with the building or structure;

(vi) If an equipment shelter is aboveground and related to a roof-top antenna then the architecture of the equipment shelter must reflect appropriate urban design considerations related to the area within which it is located (e.g. pitched roof, brick if in a residential area); and

(vii) Locations and heights that are in compliance with Transport Canada's requirements relative to the Oshawa Municipal Airport.

### 2.4 Other

(a) The City will encourage buildings greater than 6 storeys to be pre-designed to accommodate antenna and equipment shelters.

(b) Telecommunication companies shall be encouraged to remove facilities after their lease has expired.

## 3. Procedure

### 3.1 Pre-consultation

Prior to the installation of telecommunications facilities, telecommunication companies are encouraged to consult with the City's Planning Services Branch in the Development Services Department to discuss the site search area, site selection, including land use compatibility, sensitive visual areas and vistas, existing and proposed land uses and other potential impacts. Consultation with the Chief Building Official may also be required.

Telecommunications companies are requested to consult with the City on proposals that involve above ground equipment shelters even though they may be exempt according to Innovation, Science and Economic Development Canada's procedures to ensure the shelters are appropriately located, designed (e.g. architecture) and landscaped given the site context (e.g. in a residential area).

### 3.2 Submission Requirements

For the purposes of administration and processing, telecommunication companies will be required to complete an application for site plan approval. The application shall be submitted to the Planning Services Branch in the Development Services Department with the appropriate fee. Such applications are not processed under the Planning Act.

(a) **New Telecommunication Towers**

All proposals for new telecommunication towers, where consultation with the City is required by Innovation, Science and Economic Development Canada, will generally include the following information:

(i) Written justification from the telecommunication company, as to the need for the telecommunication tower and that the proposed location for the new tower is the preferred alternative. Non-tower, co-location and alternative tower structures shall be addressed in the justification;

(ii) A site plan showing such items as the subject property, including the existing property lines and the leased area (if applicable), existing and proposed buildings, fences, buffering, building elevations, access, parking and the type and height of the proposed tower structure. Additional plans such as a landscape plan, a site servicing/grading plan and erosion and sediment control plan may also be required later in the review process;

(iii) Pictures of the location and the proposed tower and associated facilities superimposed on the picture from four directions, north, south, east and west;

(iv) A plan showing the horizontal distance between the tower installation and the nearest residential zone and/or residential dwelling; and

(v) A public notification package containing the information required by Appendix 1 – Innovation, Science and Economic Development Canada's Default Public Consultation Process – Public Notification Package in Innovation, Science and Economic Development Canada's Radiocommuniation and Broadcasting Antenna Systems Client Procedures Circular.

(b) **Installations on Roof Top or Existing Structures**

All proposals for telecommunication antenna or equipment shelters on roof tops or existing structures, where consultation with the City is required by Innovation, Science and Economic Development Canada, will generally include the following information:

(i) A statement from the telecommunication company on the need for any increase in proposed tower height if the increased height is greater than 25% of the originally approved height;

(ii) A plan showing the location and setbacks for the proposed antenna and associated facilities on the roof top or existing structure;

(iii) A plan showing such items as building elevations and the location, type and height of the proposed antenna. A site plan showing such items as the subject property, the leased area, existing and proposed buildings, fences, buffers, access and parking is required for any aboveground equipment shelter. Additional plans such as a landscape plan, a site servicing/grading plan and erosion and sedimentation control plan may also be required at a later date for any aboveground equipment shelter/uses related to the antenna;

(iv) Any relevant information as may be required by the Chief Building Official at a later date during the review process; and

(v) Upon review of the site plan, the Development Services Department may require the telecommunication company to submit pictures of the building or structure with the proposed antenna and equipment shelter superimposed on the picture from four directions; north, south, east and west.

(c) **Alterations to Existing Facilities**

Where a modification to an existing site is proposed, which may include, but not be limited to, an increase in the height of the tower, additional equipment shelters or entrances, an amendment to an approved Site Plan may be required.

### 3.3 Public Consultation Process

(a) **Exemptions from Public Consultation**

Public consultation is not required in the following situations:

(i) For installations of roof-top antenna, roof-top equipment shelters and wall mounted antenna that do not project more than 2 metres from the face of the building provided they are designed and are in a location on the roof acceptable to the Development Services Department; and

(ii) Co-location of an antenna on an existing telecommunication tower or hydro tower.

City Council may also exempt other proposals from public consultation as appropriate. For example, City Council may consider exempting proposals from the public process where towers are proposed adjacent to 250 kv or 500 kv hydro towers or adjacent to other telecommunication towers or where equipment shelters related to a roof top antenna are located on sites which are occupied by non-residential uses or that abut non-residential uses.

Notwithstanding any provisions of this policy to the contrary the City's policy does not apply to the following types of installations, based on Innovation, Science and Economic Development Canada's exemption criteria:

(i) New Antenna Systems: where the height is less than 15 metres above ground level. This exclusion does not apply to antenna systems proposed by telecommunications carriers, broadcasting undertakings or third party tower owners;

(ii) Existing Antenna Systems: where modifications are made, antennas added or the tower replaced, including to facilitate sharing, provided that the total cumulative height increase is not greater than 25% of the height of the initial antenna system installation. No increase in height may occur within one year of completion of the initial construction. This exclusion does not apply to antenna systems using purpose built antenna supporting structures with a height of less than 15 metres above ground level operated by telecommunications carriers, broadcasting undertakings or third party tower owners;

(iii) Non-Tower Structures: antennas on buildings, water towers, lamp posts, etc. may be excluded from consultation provided that the height above ground of the non-tower structure, exclusive of appurtenances, is not increased by more than 25%;

(iv) Temporary Antenna Systems: used for special events or emergency operations and must be removed within three months of the start of the emergency or special event; and

(v) No consultation is required prior to performing maintenance on an existing antenna system.

(b) **Required Public Consultation**

(i) Subject to the exemptions set out above, a public meeting is required for any new tower or any new aboveground equipment shelter.

(ii) The Development Services Department shall give written notice, by regular mail, of the public meeting to the owners and tenants of the lands within the circulation area around the subject property, to all Members of City Council and to adjacent municipalities if the new tower is within 500 metres of the municipal boundary. The notice shall be sent at least 30 days before the public meeting date. A newspaper advertisement notifying the public of any tower proposed to be 30 metres or more in height is required as part of the public consultation process. The newspaper advertisement will be paid for by the telecommunication company.

The circulation area for the notice is as follows:

- Within the Major Urban Area boundary - 120 metres or 4 times the height of the tower whichever is greater measured from the outside perimeter of the supporting structure. For the purpose of this requirement, the outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc.;
- In all other areas – 250 metres measured from the outside perimeter of the supporting structure. For the purpose of this requirement, the outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc.;

The notice shall include, at a minimum, the following information:

- The location of the proposed site;
- Date, time and location of Public Meeting; and
- The name and telephone number of a contact person employed by the telecommunication company, as well as a municipal contact person.

An information package provided by the telecommunication company will be included with the mailed notice.

The notice shall be clearly marked, making reference to the proposed antenna system, so that it is not misinterpreted as junk mail and that the face of the package must clearly reference that the recipient is within the prescribed notification radius of the proposed antenna system.

(iii) The Public Meeting shall be held by the Development Services Committee.

At the Public Meeting, the telecommunication company shall be responsible for displaying all the necessary drawings and pictures and making a presentation. Subsequent to the Public Meeting, the telecommunication company shall provide to the Development Services Department a letter indicating how the telecommunication company will address the concerns raised at the public meeting.

### 3.4 Approvals

(a) **Letter of Recommendation with a Public Meeting**

(i) After the public meeting, the Development Services Department will prepare a report for the consideration by the Development Services Committee. The telecommunication company and any person that attended the public meeting and left their names will be invited to the Development Services Committee meeting to make any comments on the staff report, as appropriate. The Development Services Committee will then make a recommendation to Council. The telecommunication company or any person can request to speak to Council if they do not agree with the Development Services Committee recommendation. Council will then take a position on the proposal.

(ii) The Development Services Department will issue to the telecommunication company (with a copy to Innovation, Science and Economic Development Canada) a Letter of Recommendation (Yes; No; Yes with conditions) stating that the company has consulted with the City and advising of Council's position on the proposal. Such letter will be provided within two weeks from the date of Council's decision or, in the case where a Letter of Undertaking is required, when a Letter of Undertaking has been completed to the City's satisfaction.

(b) **Letter of Recommendation without a Public Meeting**

(i) City Council delegates the responsibility to provide the City's position on any proposal that does not require a public meeting to the Commissioner of Development Services;

(ii) The Development Services Department will issue to the telecommunication company (with a copy to Innovation, Science and Economic Development Canada) a Letter of Recommendation (Yes; No; Yes with conditions) stating that the company has consulted with the City and advising of the City's position on the proposal. Such letter will be provided within two weeks of site plan approval including the execution of a Letter of Undertaking if required.

(c) **Letter of Undertaking**

(i) A Letter of Undertaking is required only in situations where:

- A new telecommunication tower is proposed;
- A new aboveground equipment shelter is proposed; and
- An upgrade to an existing facility is required by the City to improve the aesthetics or address grading issues.

(ii) When the Development Services Department is satisfied with the site location, layout and design, the telecommunication company shall provide a Letter of Undertaking in the City's prescribed format. The Letter of Undertaking may address such matters as:

- Site design, landscaping, grading and servicing and building elevations;
- Approval for any new driveway entrances;
- Signage;
- Security deposits for site improvements;
- The removal of all structures upon expiration of the lease;
- A commitment to accommodate other telecommunication companies on site where feasible; and
- Other conditions as required.

(d) **Proposals on City Land**

(i) Any proposal from a telecommunication company to acquire or lease land from the City for a telecommunication facility shall be placed on the Development Services Committee agenda;

(ii) If the proposal has merit then it should be referred to the Council for approval in principle to acquire or lease City land;

(iii) In the event Council approves in principle the sale or lease of City land, the process for considering the merits of the proposed tower or proposed aboveground equipment shelter shall be coordinated by Planning Services including the scheduling of a public meeting in accordance with this policy;

(iv) Once Council takes a formal position on a proposal on City land, after any required public meeting, then Development Services will report on the proposed terms of the lease; and

(v) The process for any proposal that does not require a public meeting shall be coordinated by Development Services.

### 3.5 Time Limit for Construction

Any antenna system that has followed a consultation process with the City shall be constructed within three (3) years of the conclusion of the consultation process. Extensions to the time limit are permitted for a specified time period if a proponent secures the agreement of the City in writing and provides a copy of the agreement to the local Innovation, Science and Economic Development Canada office.

**Note:** Minor changes to or deviations from this policy and procedure may be made by the Commissioner of Development Services. Any significant changes must be approved by City Council.

## Appendix 1:
## Industry Canada's Default Public Consultation Process - Public Notification Package

The proponent must ensure that at least ***30 days*** are provided for public comment. Notification must provide all information on how to submit comments to the proponent in writing. Notices must be clearly marked, making reference to the proposed antenna system, so that it is not misinterpreted as junk mail. The notice must be sent by mail or be hand delivered. The face of the package must clearly indicate that the recipient is within the prescribed notification radius of the proposed antenna system. The proponent must also provide a copy of the notification package to the land-use authority and the local
Industry Canada office at the same time as the package is provided to the public.

Notification must include, but need not be limited to:

1) the proposed antenna system's purpose, the reasons why existing antenna systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable and future sharing possibilities for the proposal;

2) the proposed location within the community, the geographic coordinates and the specific property or rooftop;

3) an attestation[19] that the general public will be protected in compliance with Health Canada's Safety Code 6 including combined effects within the local radio environment at all times;

4) identification of areas accessible to the general public and the access/demarcation measures to control public access;

5) information on the environmental status of the project, including any requirements under the *Canadian Environmental Assessment Act, 2012*;

6) a description of the proposed antenna system including its height and dimensions, a description of any antenna that may be mounted on the supporting structure and simulated images of the proposal;

7) Transport Canada's aeronautical obstruction marking requirements (whether painting, lighting or both) if available; if not available, the proponent's expectation of Transport Canada's requirements together with an undertaking to provide Transport Canada's requirements once they become available;

8) an attestation that the installation will respect good engineering practices including structural adequacy;

9) reference to any applicable local land-use requirements such as local processes, protocols, etc.;

10) notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website (http://www.ic.gc.ca/towers);

11) contact information for the proponent, land-use authorities and the local Industry Canada office; and

12) closing date for submission of written public comments (not less than ***30 days*** from receipt of notification).

[19] Example: I, (*name of individual or representative of company*) attest that the radio installation described in this notification package will be installed and operated on an ongoing basis so as to comply with Health Canada's Safety Code 6, as may be amended from time to time, for the protection of the general public, including any combined effects of nearby installations within the local radio environment.