Telecommunications Facility Policy
(Protocol)

(Industry Canada Local Land-Use Authority Consultation)

Adopted by Town Council
May 21, 2012
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1.0 INTRODUCTION

1.1 Purpose
The purpose of this Telecommunications Facility Policy is to establish a framework for the municipal review and consultation, and to provide design guidelines for the evaluation of telecommunications facilities within the Town of Milton. The intent is to address local land-use concerns, while respecting federal jurisdiction.

1.2 Objectives
It is the objective of the Town of Milton to:

- Provide a transparent, consistent and timely process for the review of telecommunication facilities and installations within the Town of Milton;
- Provide an appropriate and effective opportunity for agency and public consultation with respect to the siting of telecommunications facilities;
- Provide locational and design criteria to assist in the siting of telecommunications facilities in a manner which minimizes the necessity to locate towers in proximity to residential areas, lessens visual impact, and respects natural and cultural heritage features to the greatest extent possible;
- Ensure compatibility between telecommunications facilities and the surrounding uses and neighbourhoods;
- Encourage co-location on existing facilities, where appropriate;
- Encourage the siting of new towers within lands zoned primarily for Industrial, Commercial or Utility uses;
- Outline the roles and responsibilities of the various stakeholders in the review process; and,
- Recognize that matters pertaining to health (e.g. Safety Code 6), structural safety and the environment fall under the mandate of the federal government, and are taken into consideration by Industry Canada, as detailed in CPC-2-0-03 in considering the location of telecommunications facilities.

2.0 JURISDICTION AND ROLES

2.1 Jurisdiction

2.1.1 Radiocommunications and Telecommunications
Under the Radiocommunication Act, the federal government has exclusive and comprehensive jurisdiction over radiocommunications and telecommunications. Industry Canada is the approval authority with respect to telecommunications towers and other equipment in Canada under Section 5 of the Radiocommunication Act.

2.1.2 Health Related Matters
Health Canada sets standards for safe exposure of Canadians to radiofrequency fields. The guideline used by Industry Canada as its exposure standard for the regulation of mobile phones, base stations, Wi-Fi technologies and other radiocommunication transmitters is Safety Code 6. The exposure limits given in Safety Code 6 have been established after reviewing all scientific studies on the health effects of RF energy.
exposure and also considering international exposure standards. Health Canada last published a revised edition of this standard in 2009.

Concerns relating to health relative to proposed telecommunications facilities are a matter of federal jurisdiction.

2.2 Roles and Responsibilities

2.2.1 Industry Canada

Industry Canada has the sole authority to approve or deny the placement of telecommunications facilities. As part of the approval process, Industry Canada works with local municipalities and telecommunication facility providers in order to address local concerns.

The most recent Industry Canada Client Procedures Circular CPC-2-0-03, “Radiocommunication and Broadcasting Antenna Systems”, states that “Proponents must follow the land-use process for the siting of antenna systems, established by the land-use authority.” However, Industry Canada can override a municipal authority’s consultation process where it is viewed as unreasonable.

Industry Canada also requires that radio apparatus complies with Health Canada’s Safety Code 6 Guidelines. The validity or adequacy of Safety Code 6 is not subject to consultation under Industry Canada’s antenna siting process.

2.2.2 Health Canada

Even though the exposure limits in Safety Code 6 are used in Industry Canada’s radiocommunication and broadcasting regulations, it should be noted that Health Canada has no role in the licensing, siting and compliance of radiocommunication and broadcast transmitters. With respect to these matters, Health Canada acts primarily as the principal health advisor to Industry Canada.

2.2.3 Land Use Authority (Town)/ Designated Municipal Official

As a result of federal jurisdiction over telecommunications operations, traditional municipal land-use planning controls such as zoning by-laws, site plan control, development approvals and building code requirements are not applicable. However, Industry Canada requires proponents who are interested in installing or modifying an antenna system that does not meet certain criteria to consult with the local land use-authority (i.e. the Town) and in some circumstances, the public, or to follow the protocol adopted by the land-use authority.

The role of the Town in the approval process is to provide input to Industry Canada through a letter of concurrence or non-concurrence with respect to proposed installations. The Town’s response will include comment relating to the proponent’s adherence to the municipal and public consultation process and guidelines contained in this Policy, an opinion on whether the proposal is appropriate from a land use planning perspective, and will also include a summary of the community response. The Town does not have any authority to make decisions regarding telecommunications facilities.

For the purpose of this policy, the only members of Town staff having the authority to manage and exercise responsibilities under this protocol shall be the Director of Planning and Development or his/her designate. The Designated Municipal Official (DMO) shall be responsible for the administration, maintenance and interpretation of this protocol. All correspondence and materials submitted as part of this process shall be directed to the attention of the Designated Municipal Official, unless otherwise noted.
The Town does not have authority to determine compliance with federal policies, including compliance with Safety Code 6.

2.2.4 Public Consultation
Proponents of non-excluded telecommunications facilities are required to consult with the public. Although the Town does not have jurisdiction to approve or deny applications, the input received through consultation is included within the Town’s official response for consideration by Industry Canada.

2.2.5 Niagara Escarpment Commission
For lands within the Niagara Escarpment Plan Area the Niagara Escarpment Commission (NEC) is the land use authority. The Town of Milton is a commenting agency to the NEC in these cases, and will provide comments in response to the circulation of an application.

3.0 APPLICABILITY OF PROTOCOL
All applications are subject to the directions of this policy, with the exception of those facilities that meet specific exclusion criteria, or proposals on Town owned lands and proposals within road allowances.

3.1 Exclusions
3.1.1 The following activities and structures are excluded from both municipal and public consultation. It is noted that Exclusions a) through e) are Industry Canada exclusions and that Exclusions f) to i) are additional Town of Milton exclusions.

a) Maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;

b) 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;

c) Maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;

d) 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;

e) New antenna systems, including masts, towers or other antenna-supporting structure, with a height of less than 15 metres above grade;

f) New antenna systems located on sites licensed for mineral resource extraction in accordance with the Aggregate Resource Act and located more than 6 times (minimum 300 metres) the proposed tower height above grade level from a residential zone or the closest residential dwelling in a non-residential zone and/or institutional building provided a telecommunications tower that has a height in
excess of 15 metres does not already exist within the licensed area;

g) Locations within 120 metres of Provincial Highway 401 or Highway 407 right-of-way and situated more than 6 times (minimum 300 metres) the proposed tower height above ground level from a residential zone or the closest residential dwelling in a non-residential zone and/or institutional building;

h) Locations solely within industrial and commercially zoned areas, excluding the Central Business District and Urban Growth Centre, and situated more than 6 times (minimum 300 metres) the proposed tower height above ground level from a residential zone or the closest residential dwelling in a non-residential zone and/or institutional building; and;

i) Installation of an antenna system, or additions to an existing system used for emergency operations for an indefinite period of time if required as per the requirements of the applicable emergency services organization.

3.1.2 It is the responsibility of all proponents, including those excluded from municipal and public consultation, to demonstrate compliance with all Federal requirements.

3.2 Proposals on Town Owned Lands Excluding Within Road Allowances

3.2.1 Where a proponent seeks the installation of a telecommunications tower and/or any related facilities on Town-owned lands or facilities, including accessory buildings and structures, but excluding municipally owned rights-of-way, the following requirements apply:

a) The proponent will make a request for a preliminary consultation meeting to discuss the proposal, even where the proposal may meet the exclusion criteria. The Designated Municipal Official will obtain information from the department affected by the proposal, to obtain some preliminary feedback, and/or invite a representative from that department to attend the meeting.

b) A request to use public land or facilities for telecommunications is subject to the submission of a complete application form and accompanying materials as set out in Section 4.0 of this protocol.

c) Proposals on Town owned properties will be reviewed by the appropriate Town department(s) responsible for the property on which the telecommunications facility is proposed, and is subject to the exclusion criteria, design guidelines, as well as public consultation, as applicable.

d) If there are no objections from the affected department, the Designated Municipal Official will coordinate a meeting of the following departments and/or agencies:

i) Community Services Department;
ii) Engineering Department;
iii) Fire Department;
iv) Corporate Services Department;
v) Region of Halton;
vi) Conservation Authority, if required;
to provide an opportunity to discuss the proposal, to identify impacts/issues that should be noted to the proponent, and work out the draft business terms of the lease agreement.

e) Upon agreement between the service provider and the Town on the draft business terms of the lease agreement, the application will proceed to the next step of the approval process.

f) Where a proposal meets the requirements for public consultation, the proponent will be subject to the policies and provisions as set out in Section 6.0 of this protocol.

g) The Designated Municipal Official will bring an information report forward to Council to advise of the proposal and to seek additional feedback. If Council refuses the application, the Designated Municipal Official will advise the applicant.

h) If Council’s response and the internal review are positive, the Designated Municipal Official will coordinate the finalization of a site plan and lease that meets the requirements of the Town.

i) The Corporate Service Department will prepare an estimate of the value of any lease arrangement with the service provider.

j) Following the site plan/lease agreement, a report will be prepared evaluating the proposal and seek Council authorization to execute the agreement.

k) Executive Services staff will prepare the lease agreement for execution by the Mayor and Clerk upon Council approval.

l) The service provider will then be required to secure a building permit for the structures and associated buildings.

m) The Building Inspection Services Division shall provide for inspections and remind the proponent of the post construction requirements as outlined in Section 7.3 of the Protocol.

### 3.3 Proposals Within Town Owned Road Allowances

3.3.1 An application for a proposed telecommunications facility within a municipal road allowance will only be considered in accordance with the following guidelines:

a) The proposed facility is a direct replacement of or retrofit to an existing or planned structure (e.g. a light standard)

b) The proposed facility shall be as close as possible in appearance and height to the existing structure, unless otherwise directed by the Designated Municipal Official or the Director of Engineering Services, with a total height of less than 15 metres above ground level;

c) Where a structure has a luminaire, the luminaire shall continue to be provided on
the replacement structure, in the same general location as on the existing structure, to ensure that it provides the planned level of road illumination, unless otherwise directed by the Town;

d) Equipment boxes shall be set back appropriately to minimize damage that could occur during routine maintenance of adjacent streets (e.g. snow plowing); and,

e) The telecommunication facility is designed and constructed in accordance with all applicable provisions of the Town of Milton’s Development Standards Manual.

3.3.2 Where a proponent is interested in securing a location for a replacement light standard, or other existing structure within a Town owned road allowance, the proponent is subject to the following requirements:

a) The proponent will contact the Designated Municipal Official to request a pre-consultation meeting with the Director of Engineering Services or his/her designate to discuss the proposal, even where the proposal meets the exclusion criteria noted in Section 3.0 of this protocol.

b) A request to use lands within a municipal road allowance will be subject to review under the Municipal Consent process. Proponents must submit Municipal Consent and Road Cut Permit applications and the applicable fees in accordance with the Town’s User Fee By-law, to the Director of Engineering Services or his/her designate, along with the required materials outlined in Section 4.0 of this protocol.

c) Once the application has been submitted, the Engineering Services Department will:

i) Circulate the proposal to all affected utility companies, departments (including the Designated Municipal Official) and agencies;

ii) Coordinate any responses received through the circulation; and,

iii) Outline any issues that must be resolved before the application will be supported.

d) Proposals will also be evaluated against the remaining policies of this protocol. Where a proposal meets the requirements for public consultation, the proponent will be subject to the policies and provisions as set out in Section 6.0 of this protocol.

n) If there are no objections to the proposal, the Director of Engineering Services or his/her designate will work out the terms of a blanket Municipal Access/Lease Agreement with each carrier that meets the requirements of the Town and other affected interests. This agreement will include a schedule that lists all locations implemented within the municipal road allowances by the specific carrier.

o) Any special conditions that the utility companies, departments and agencies may have may be incorporated into the Municipal Access Agreement and/or Road Cut Permit to be issued for each carrier and each site, respectively. Utility issues must be resolved and documented prior to the issuance of the Agreement.

p) Following the preparation of the agreement, a report will be prepared evaluating the proposal and seek Council authorization to execute the agreement.
q) Executive Services Department will prepare the agreement for execution by the Mayor and Clerk upon council approval.

r) The service provider will then be required to secure a Road Cut Permit for the telecommunications facility and associated structure(s).

s) The Engineering Services Department shall provide for inspections and remind the proponent of the post construction requirements as outlined in Section 7.3 of the Protocol.

4.0 COMPLETE APPLICATION REQUIREMENTS (FOR NON-EXCLUDED APPLICATIONS)

4.1 Preliminary Consultation

4.1.1 All tower proposals whether excluded from this Policy or not, are strongly encouraged to consult with the Designated Municipal Official at the beginning of the Industry Canada Authorization process for the purposes of notification and identification of Town interests.

4.1.2 All proponents of non-excluded telecommunications facilities are required to attend a pre-consultation meeting with the Designated Municipal Official of the Town of Milton at the beginning of the Industry Canada Authorization process.

4.1.3 The purpose of the preliminary consultation meeting is to identify preliminary issues and concerns, review the local policies and procedures, outline requirements for municipal and public consultation, where applicable, discuss the details of the proposal including the rationale for the selected site and the content of the proposal submission, and identify additional agencies to be consulted.

4.1.4 Staff requests that proponents provide one paper copy and electronic version of the following to the Designated Municipal Official at least 7 days prior to the preliminary consultation meeting:

a) A site plan, including address and location of the facility on the lot or structure, and setbacks from the nearest building(s), measured from the nearest point of the building, structure, or feature;

b) A description of the proposal including the type, design and height of tower, antenna and/or facility, its context within the community, whether the proposal will provide co-location opportunities and where applicable, how it meets one of the exclusion criteria under Section 3.0 of this protocol; and,

c) A colour photograph with a super-imposed image of the proposed structure.

4.1.5 In order to identify and resolve any potential issues with a proposal it is the proponent's responsibility to contact any and all municipal governments and governing bodies that have an interest in lands within 500 metres of the proposed facility site to obtain their requirements and initial feedback.
4.1.6 In addition to 4.1.5 above, it is also the proponent’s responsibility to contact the local and/or regional emergency services division to ensure that the proposed telecommunications facility installation will not impede emergency wireless or other radio link functions associated with emergency service operations.
4.2 Complete Application and Formal Submission Requirements

4.2.1 All proposals for non-excluded installations require the submission of a completed application form (including owners authorization letter and Environmental Screening Questionnaire), the applicable processing fee(s) in accordance with the Town of Milton’s Fees By-law, made payable to the Town of Milton, and the following materials to the Designated Municipal Official:

a) A Site Selection/Justification Report outlining the purpose of the telecommunications facility, the rationale for the site selection and a description of the other alternatives considered.

For all new tower structures, the proponent shall conduct a Co-location Feasibility Review, which is an analysis of sites within a minimum distance of 500 m of the proposed location or location(s) of the proposed telecommunication facility (ies).

A report prepared by a certified engineer or land use planner summarizing the results of the review, shall identify the telecommunication facilities within the 500m radius of the proposed location and provide evidence as to why co-location with an existing telecommunication facility is not feasible.

The justification report shall also address: proximity of the telecommunication facilities to residential and institutional uses, amenity areas, viewscapes, existing vegetation, height, colours, proximity to public roadways, off-site impacts including the effect of the installation on existing or proposed emergency service wireless or any other radio link functions, and any other related concepts.

b) The proposed location of the antenna within the community including its geographic co-ordinates and the specific property or rooftop description;

c) A colour photograph of the subject property with a superimposed image of the proposed facility;

d) A full site plan, elevation plan and survey (10 copies) drawn to metric scale and dimensioned showing the following:

   i) The subject property (or leased area if the property is not owned by the Applicant);
   ii) General site grading;
   iii) The location of existing property lines;
   iv) Setback distances from existing or proposed buildings, property lines, and fences;
   v) The limits of significant natural heritage features and/or natural hazards;
   vi) Buffering;
   vii) Existing and proposed landscaping;
   viii) Areas of access;
   ix) Parking, and,
   x) Type and height of the proposed facility.

Any significant vegetation on a particular site should be inventoried on the plan.
e) Two sets of drawings of the tower design. In the case of roof mounted towers, a structural engineer’s report may also be required to address the structural effects on the building;

f) Confirmation that all governing bodies that have an interest in the lands located within 500 metres of the proposal, have been contacted including Transport Canada, Halton Region, the applicable Conservation Authority, CN and/or CP Rail and GO Transit;

g) Statements from the proponent in relation to the following:

   (i) The need for the proposed tower’s height;
   (ii) The project's status under the Canadian Environmental Assessment Act;
   (iii) How all aspects of the proposal comply with the National or Ontario Building Code, whichever applies to the construction; and;
   (iv) The potential effects that the proposal may have on nearby electronic equipment (both existing and proposed) in accordance with Industry Canada documents CPC-2-0-03 (Issue 4) and EMCAB-2 (Issue 1);

h) A map showing the horizontal distance between the tower installation and the nearest residential zone or the closest residential dwelling in a non-residential zone and/or institutional buildings;

i) A description of the proposed lighting scheme for the tower along with a list of alternatives that were all the possible lighting schemes for the tower in accordance with Transport Canada requirements;

j) A description of Transport Canada’s aeronautical obstruction marking requirements (whether paintings, lighting or both) if available. If unavailable, the proponent’s expectation of Transport Canada’s requirements together with an undertaking to provide Transport Canada’s requirements once they become available;

k) Written attestation that the proposed structure will be in compliance with Health Canada’s Safety Code 6 (Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency range from 3kHz to 300GHz) including combined effects within the local radio environment at all times; and,

l) A statement on the potential effects that the proposal may have on nearby electronic equipment (both existing and proposed) in accordance with Industry Canada documents CPC-2-0-03 (Issue 4) and EMCAB-2 (Issue 1).

Notes:

1. External agencies including, but not limited to the Region of Halton and the applicable Conservation Authority may request separate review fees in addition to the Town’s fees.

2. Additional fees may be payable for each revised submission:
3. No refund of fees will be granted upon refusal or withdrawal of an application.

5.0 GUIDELINES FOR TELECOMMUNICATION FACILITIES

The locational and design guidelines that apply to all telecommunication facilities in the Town are described herein. As a general principle, the Town encourages proponents, where technically feasible, to select site locations that minimize the overall number of telecommunication facilities required. The intent is to reduce the frequency of facilities punctuating the urban landscape.

5.1 Preferred Location and Siting Requirements

5.1.1 In general the Town prefers that the following options be considered (in order) when a new telecommunication facility is proposed:

a) Co-location on an existing facility (tower, building or structure):
   i) The use of existing telecommunication towers and infrastructure is encouraged wherever possible.

b) Roof-top and wall-mounted facilities:
   i) These facilities are encouraged on industrial, office or high rise residential buildings, or on utility structures such as hydro transmission towers, utility poles or water towers.
   ii) Roof-top antennae and/or utility shelters shall be setback from the edge of the roof line so as to minimize visual impact from the ground level.
   iii) Wall-mounted structures shall project no more than 1m.
   iv) Where technically feasible, roof-top and wall-mounted facilities will be designed with co-location capabilities.

c) New towers with co-location capabilities, in industrial, commercial and other non-residential areas, where appropriate:
   i) Maximize the distance from residential areas and zones, listed and designated heritage buildings and sites and sensitive institutional uses.
   ii) Avoid sites that obscure public views and vistas of the Niagara Escarpment.
   iii) Ensure compatibility with adjacent uses.
   iv) Provide access that does not unduly interfere with traffic flows or creates safety hazard.
   v) Avoid the placement of structures and equipment shelters in front of building(s) unless it is architecturally compatible.
   vi) Accommodate a minimum of two users where possible.
   vii) Encourage monopoles or other streamlined structures.

d) Disguised (stealth) installations:
   i) Ensure compatibility with the use, buildings and/or structures on the site and the surrounding neighbourhood.
ii) Incorporate *telecommunication facilities* into the design of new buildings or structures.

iii) Consider landmark features such as clock towers, church steeples or flag poles where appropriate.

5.1.2 The Town discourages *telecommunications facilities* in the following locations:

a) Residential areas and zones, except where located on high rise buildings or are necessary for emergency service operations;

b) Environmentally sensitive areas including but not limited to significant wetlands, significant woodlands, significant valley lands, significant wildlife habitats, significant areas of natural and scientific "interest and areas of natural hazard as defined by the Provincial Policy Statement;

c) within Stormwater Management Facilities; and,

d) Heritage areas (unless visibly *unobtrusive*) or on heritage structures unless it forms an integrated part of the structure’s overall design.

Notwithstanding above, the establishment of *telecommunication facilities* shall only be considered in residential areas and zones where all other alternatives have been exhausted.

5.1.3 Where a *telecommunications facility* is proposed on an undeveloped site, the Town’s preference is to locate the structure and equipment shelter so they do not constrain future site development, with the equipment shelter screened from view.

5.1.4 Where *telecommunications facilities* are proposed to be located in an area designated for future urban development, the proposal(s) shall complement and become a part of the future community without unduly limiting the potential for orderly development of the neighbourhood, and be designed to provide the greatest coverage with the lowest amount visual impact.

5.1.4 The placement of *telecommunication facilities* or any associated parking spaces shall not create or cause a situation of non-compliance with any Town zoning by-law for any other use, building or structure on the same lot.

5.2 General Design and Visual Impact Guidelines

5.2.1 Screening: Preserve existing vegetation, and use landscaping, natural fencing (vegetative wall), or other means in order to blend with the built and natural environments.

5.2.2 Design: Be sensitive to and compatible with the style of architecture in the neighbourhood. Where a *telecommunications facility* is placed adjacent to a principal building, *telecommunications facilities* and accessory equipment buildings should be constructed so that they are as similar in appearance to the facades of the principal building.

5.2.3 Massing: Situate as near as possible to similarly-scaled structures.

5.2.4 Colour: Use a colour that is neutral and blends in with the surrounding area, where
possible. Non-reflective surfaces and paints shall be used.*

5.2.5 **Illumination**: Where proposed, illumination shall be of the lowest intensity possible and be shielded from neighbouring properties.*

5.2.6 **Fencing**: Avoid where possible and use other screening techniques. Where necessary, fencing shall incorporate materials compatible and sensitive to the surrounding landscape and community.

5.2.7 **Tower Type**: Where towers are required in residential areas, monopole structures, the use of stealthing techniques or use of other unobtrusive designs should be used as opposed to a tri-pole (tripod tower) or lattice tower (tripod tower with metal bracing) where technically possible, in order to minimize visual impact.

5.2.8 **Equipment Shelters**: Preference is to situate equipment within main or accessory buildings used for other uses on a lot. New, above ground equipment shelters shall require architectural and design treatments for screening that are appropriate to the siting location and that are compatible and sensitive to the surrounding landscape and community.

5.2.9 **Signage**: Only signage directly related to the telecommunication facility as required by Industry Canada shall be permitted. Third party advertising or promotion of the service provider shall not be permitted on the facility.

*Notwithstanding the above, Transport Canada and NAV Canada requirements for illumination and colour of the telecommunication facility shall supersede this protocol.

### 5.3 Design Criteria for Greenfield Areas

5.3.1 All proponents with proposals for new telecommunications facilities within new secondary plan areas will be required to submit a master plan to the Designated Municipal Official, which shall include the following information:

a) The overall number and location of towers, antennas and/or facilities proposed for the entire area, phase, and/or subdivision and the corresponding service area rings;

b) The type, height and detailed design of the towers, antennas and/or facilities being proposed;

c) Identification of specific locations where proposed towers may be adapted to the future built form (e.g. stealth design on future high rise development) based on the planned land uses for the secondary plan area, to minimize the impact on the area and the number of permanent towers to be constructed over the long term; and,

d) Innovative and creative solutions to ensure the highest level of compatibility (aesthetically and functionally) between the various land uses and telecommunication services to minimize the visual impact on the community.

### 6.0 CONSULTATION

#### 6.1 Municipal Consultation Process

6.1.1 Municipal consultation will be required when proposed telecommunications facilities do not meet the criteria for exclusion listed in Section 3.0, or where a proposal meets the criteria for exclusion, but the Designated Municipal Official has requested that municipal
consultation along with public consultation shall occur. The specific reasons for requesting the consultation will be provided to the proponent by the Designated Municipal Official.

4.2.2 Upon receipt of a complete application, the Town will begin its formal municipal consultation process by circulating the proposal for comment to the affected Town departments and external agencies, Town Councillors of the applicable ward(s), and any adjacent municipalities within 500 m from the base of the proposed telecommunications facility.

6.1.2 Where municipal consultation is required, the Designated Municipal Official will circulate the completed application and requested information relating to the proposal to the affected Town departments and agencies, abutting municipalities within 500 metres of the subject site and the Local Ward Councillors for review and comment. Comments are generally requested to be forwarded to the Designated Municipal Official within 14 days of the circulation date, unless otherwise specified.

6.1.3 Upon completion of the circulation and receipt of any comments from the various agencies, staff will arrange for follow-up consultation with the proponent (and Industry Canada) if necessary, to discuss any issues or concerns identified through the municipal consultation process and prior to the public consultation process. A copy of all correspondence received by the Designated Municipal Official will be provided to the proponent for information purposes.

6.1.4 If a proposal is determined through this process to be unsuitable for the proposed location, the application may be revised by the applicant and re-circulated for the applicable fee, and reassessed through the municipal consultation process.

6.2 Public Consultation Process

Public consultation is required when proposed telecommunications facility does not meet the criteria for exclusion listed in Section 3.0, or where a proposal meets the criteria for exclusion, and the Designated Municipal Official has requested that this consultation still occur due to potential impacts on the surrounding community.

When public consultation is required, the proponent will hold an Open House to inform the public about the proposal, solicit their views on matters related to site impact mitigation and address any other concerns residents might have with the technology that is being used.

6.2.1 Role of Proponent

The proponent shall erect a sign on the property notifying the public of a proposal to establish a telecommunications facility on the property within 30 days prior to holding the public open house. The sign shall be erected on the property so that it is clearly visible and legible from the roadway and shall be a minimum 1.5m wide by 1.5m high and located a minimum 0.6m from the ground. Each sign shall be professionally prepared and contain the following wording:

Name of Proponent proposing to locate a telecommunications tower/antenna facility, being (height) metres in height, on this property.

Public Comment is invited

An Open House information session is scheduled on (Date of meeting) from __ to _ at the (location)

For further information, contact (Proponent name and contact phone number),

The Town of Milton is a commenting agency only. All decisions relating to this application will be made by Industry Canada.

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A photograph illustrating each of the required signs and the date on which it was erected on the subject property must be submitted to the Designated Municipal Official immediately upon its erection.

Once the application has satisfied the requirements of this protocol, the signs on the property must be removed no later than 30 days from the submission of the Town’s response to the proponent otherwise the Town may take the sign down and charge the proponent accordingly.

Where a tower or antenna structure is proposed that is greater than 30 metres or more in height (above grade) the proponent shall:

a) Notify all AM, FM and TV operators within 2 kilometers of the undertaking; and,

b) Place a notice in the local community newspaper(s), as identified by the Designated Municipal Official. This notice must be synchronized with the distribution of the public notification package. It must be legible and include:
   i) Description of the proposed installation;
   ii) Its location and street address;
   iii) The proponents contact information and mailing address;
   iv) The following sentence "The Town of Milton is a commenting agency only. All decisions relating to this application will be made by Industry Canada";
   v) Municipal contact information (designated official) and mailing address, and;
   vi) An invitation to provide public comments to the proponent within 30 days of the notice.

6.2.2 Notice of Requirements
The Municipality will provide the proponent with a list of landowners located within the following required radium:

**Urban Area:** a radius of 120 metres or three times the height of the tower, whichever is greater, of the proposed telecommunications facility, unless otherwise revised by the Designated Municipal Official; or

**Rural Area:** a radius of 300 metres of the proposed telecommunications facility, unless otherwise revised by the Designated Municipal Official.

With respect to minimum circulation distances, Council and the Designated Municipal Official have the authority to increase the notification area if desired to address potential impacts on a community in proximity to the proposal.

The proponent will be required to prepare and distribute the notice, a minimum of 30 days prior to the meeting, which will include:
a) The date, time and location of the open house/meeting;
b) A location map of the proposed site;
c) The rationale for the selection of the designated site;
d) Physical details of the tower including location, street address, description of the proposed structure including height, colour, lighting, site access (including areas accessible to the general public and measures to control public access) type and design, and the dimensions of property to be leased;
e) Simulated images of the proposal;
f) Name and telephone number of a contact person employed by the proponent, the appropriate Town staff member and the local Industry Canada office;
g) Attestation 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;
h) The project's status under the Canadian Environmental Assessment Act;
i) Transport Canada's aeronautical obstruction marking requirements (whether paintings, lighting or both) if available. If unavailable, the proponent's expectation of Transport Canada's requirements together with an undertaking to provide Transport Canada's requirements once they become available;
j) An attestation that the installation will respect good engineering principals including structural adequacy;
k) Notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website (http://strategis.ic.gc.ca/antenna);
l) Reference to the Town of Milton's Telecommunications Facility Policy and where it can be viewed;
m) Contact information for the proponent, the Town and the local Industry Canada office; and;
n) Information on how to submit comments to the proponent in writing and the closing date for submission of written public comments (not less than 30 days from receipt of notification).

The list of addresses utilized by the proponent shall be no older than two months from the date the list was provided to the proponent by the municipality. The proponent shall provide a copy of the notification package to the Designated Municipal Official and members of Council, and the local Industry Canada office at the same time the package is provided to the public.

6.2.3 Public Open House Procedural Requirements

The following procedural requirements shall be followed by the proponent as part of the Open House requirement for all non-excluded facilities:

a) The proponent in consultation with the Designated Municipal Official, will schedule an appropriate date, time and location (preferably in the vicinity of the proposed telecommunication facility) for the open house;
b) The Open House will be open and accessible to all members of the public and local stakeholders;
c) The Open House will be convened and facilitated by the proponent. A representative from the Town of Milton may attend the meeting to hear public input, and provide Town related information and clarification on the Town’s Telecommunications Facility Policy, if required. However, the main role of the representative is to observe.

d) The Open House shall occur no sooner than 30 days, and no later than 40 days, from the date that the notices are mailed and the sign erected, and where applicable, published in the local newspaper;

e) To clarify the application process and jurisdictional matters, or in the case where the application is complex or community sensitive, the proponent may want to request that a representative of Industry Canada be available to attend the open house meeting;

f) The proponent will make available at the public open house an appropriate visual display of the proposal including a site plan and four (4) colour photographs of the subject property (no smaller than 11”X17”) with a superimposed image of the proposed structure. The pictures shall face each of the north, south, east and west directions and be taken from a distance, from the base of the tower as specified by the municipality;

g) The proponent shall record all names, addresses, and contact information (emails addresses and phone numbers) of attendees and provide the record to the Town; and,

h) The proponent shall make it clear at the beginning of the open house and in any public information/literature that “the Town of Milton is a commenting agency only and that all decisions relating to this application are to be made by Industry Canada at a later date”.

6.2.4 Concluding Consultation

Following the Open House, the proponent shall forward a copy of the contact information for all attendees, correspondence received prior to and during the meeting; and a follow-up letter to the Town indicating their formal response to the concerns raised during and prior to the public meeting. If any modifications to the proposed structure are agreed to, then further details such as revised plans or drawings shall be provided to the Town.

6.3 Discretion of the Town of Milton’s Planning and Development Department

6.3.1 Notwithstanding any policy in this protocol, The Town of Milton’s Planning and Development Department may use its discretion to modify the review process, on a site by site basis, given local factors, to:

a) Ask for municipal or public consultation even when an application meets exclusion criteria; and/or

b) Increase the notification area for public consultation to satisfy Town or agency concerns about a proposal, and/or

c) Waive the requirement for an open house, if determined appropriate by the Designated Municipal Official.

Should there be a dispute between the proponent and the Town, Industry Canada will be contacted for guidance.
7.0 DELIVERABLES

7.1 Confirmation of Local Land Use Authority Consultation/Municipal Response

7.1.1 Following the completion of the review by Town Staff, the Designated Municipal Official shall either:

a) Provide a letter of recommendation to the proponent and Industry Canada advising that the local land-use consultation process (i.e. the municipal and/or public consultation) has been completed in accordance with the Town’s protocol, and will include recommendations regarding the proposal as follows:

i) **Concurrence**, if the proposal complies with: municipal and public consultation requirements and how the application has met the locational objectives set out for new towers by this policy, and will include conditions of concurrence, if required.

ii) **Non-Concurrence** if the proposal does not conform with the Towns requirements as set out within this protocol.

b) For applications which, in the opinion of the Town are not appropriate based upon probable land use impacts, the Town will prepare a response incorporating any comments or concerns to the proponent for consideration by Industry Canada and include notification to Industry Canada of this impasse.

c) Where the Town has exercised its discretion to require municipal and/or public consultation for a proposal that meets exclusion criteria set out in Section 3.0, the Designated Municipal Official will provide similar correspondence as noted above after the consultation has occurred.

7.1.2 The Designated Municipal Official can, at his/her discretion, ask Council to ratify a position taken by the Designated Municipal Official in a circumstance where the Proponent has not met the consultation requirements set out in this policy and/or the policy's locational objectives.

7.2 Letter of Undertaking

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

a) The removal of all structures upon expiration of the lease; and/or

b) The posting of sufficient securities to guarantee the removal of the facility and restoration of the site

7.3 Post Construction Requirements

7.3.1 The Town requires submission of the following documentation within 14 days of completing all construction associated with the telecommunications facility. In the event of non-submission, the Town shall advise Industry Canada of the situation and request assistance with ensuring compliance:
8.0 MILESTONES

8.1 Application Process Time Frames

8.1.1 All new telecommunications facilities establishing in the Town of Milton will follow the process herein (See Figure 1: Telecommunications Facility Policy Process Flowchart) prior to approval by Industry Canada. Should any stage of the process not be followed, the consultation requirements of Industry Canada for projects of this sort may be viewed as not being satisfied. In such an event, the Town may register a formal objection to the application with Industry Canada. In all situations, it is expected that the proponents will work co-operatively with the Town to complete the processing of the proposal in accordance with this protocol.

8.1.2 In an attempt to accommodate the needs of the telecommunication industry, the public and Industry Canada, the following steps and milestones after pre-consultation and upon submission of a complete application, are recommended:

   a) The Town will endeavor to expedite the municipal consultation process within 60 days of the proposal being accepted by the Town.
   b) For proposals that require public consultation, a time period of up to 120 days of the proposal being accepted by the Town may be required.
   c) Where delays prevent the completion of the application process within 120 days, the Town shall identify such delays to the proponent and indicate when completion may be expected. In a case where the Town and the proponent do not agree with the reasons for delay or the delay has gone beyond 150 days, the Town will provide an explanation in writing to Industry Canada to seek guidance on the matter.

9.0 MONITORING

This policy shall be reviewed every three years or upon the adoption of new procedural requirements by Industry Canada.

NOTES:

1. The application of the Ontario Building code is not aimed at regulating broadcasting or telecommunications or an integral part thereto. The objective is to ensure the structural integrity of ordinary buildings or property and account for the impact of the antenna and/or tower on the building.

   While not required under this protocol, where a telecommunications facility is proposed to be placed on a building or structure not exclusively used as a telecommunications facility, the land owner will be required to obtain a building permit for:

   a) the material alteration to a building that occurs when a telecommunication antenna or telecommunication tower is to be located on the roof of an existing building; and/or
b) the construction of, or material alteration, to buildings associated with either a **telecommunication antenna** or **telecommunication tower** structure and/or:

A building permit will also be required where an equipment shed or facility is larger than 10 sq. m in size.

2. Any design that incorporates a telecommunications facility into signage that is regulated through the Town’s Sign By-law, as amended, shall require a Sign Permit through that By-law prior to installation.

3. Nothing in this policy shall be deemed to exempt the **proponent** of a wireless **telecommunications facility** from compliance with any other applicable legislation or requirement, including those of other agencies such as the Conservation Authority.

### 10. DEFINITIONS

**Central Business District** - means the area defined as the “Central Business District” in the Town of Milton’s Official Plan.

**Carrier** – See “Proponent”

**Co-location** - means the placement of multiple **telecommunications antenna** systems or other platforms on a building, structure or tower by two or more **carriers**.

**Height** - for notification purposes, the **height** of a Tower or Antenna is defined as the distance between the tip of the highest point and the point at which the base of the tower meets the ground.

**Greenfield Area** - means lands within the Town of Milton’s Urban Area, but outside of the Built Boundary as defined by the Province of Ontario’s *Growth Plan for the Greater Golden Horseshoe, 2006.*

**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. This also includes those contractors undertaking work for **proponents**.

**Safety Code 6** - means Health Canada’s standards for acceptable human exposure to radiofrequency electromagnetic fields which are outlined in the document “Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 KHZ to 3000 GHZ, as amended

**Stealth Structure** – means a facility that is designed and constructed so as to be integrated into the structure of an existing or new building or other structure such that it appears to be part of that building or structure and not a **telecommunication tower** or **antenna**. Such structures can include replacement structures or elements of a building.

**Telecommunication Antenna** - means the components, either individually or in combination, needed to operate a wireless communication network for the purpose of radio telecommunications, including but not limited to: cell sites, transmitters, receivers, signaling and control equipment shelter containing electronic equipment and which is not staffed on a permanent basis and only requires periodic maintenance but does not include a **telecommunication tower**.
Telecommunication Tower - means all types of towers including but not limited to: a monopole, tripod, lattice tower, guyed tower, self support tower, pole; mast; or other structure, which are used to support one or more telecommunication antennae for the purpose of radio telecommunications and which may be located at ground level or on the roof of a building and may include an equipment shelter containing electronic equipment and which is not staffed on a permanent basis and only requires periodic maintenance.

Telecommunications Facility - means the components, either individually or in combination, required to operate a wireless communications network, including cell sites, transmitters, receivers (antennae), signaling and control equipment and associated equipment shelters.

Unobtrusive - means of low visual impact and not undesirably noticeable or conspicuous.

Urban Growth Centre - means the area identified as the “Urban Growth Centre” for the Town of Milton within the Province of Ontario’s Growth Plan for the Greater Golden Horseshoe, 2006 and associated Technical Paper, Proposed Size and Location of Urban Growth Centres for the Greater Golden Horseshoe, Spring 2008.
Figure 1: Telecommunications Facility Policy Process Flowchart

Proponent provides information required in Section 4 to Town staff 7 days prior to preliminary consultation meeting

Preliminary consultation with Designated Municipal Official (DMO) and agencies, as applicable (refer to Section 4)

Proposal meets exclusion criteria, but consultation has been requested by DMO (refer to Section 6)

Submission of Formal Application and Fees/Consultation required (refer to Section 4)

Proposal meets Exclusion Criteria, and is exempt from Municipal (LUA) and Public Consultation (refer to Section 3)

Municipal and Agency Circulation (refer to Section 6)

Recirculation fee applies

Follow-up Consultation with Proponent (and Industry Canada, if required) (refer to Section 6)

Proposal deemed unsuitable

Public Consultation Process Commences and Notification provided (signage, mail, local newspaper, if required) (refer to Section 6)

Public Open House (Proponent hosts, Town staff may attend) (refer to Section 6)

Proponent responds to Questions/Concerns, and provides Concluding Documentation Letter of Undertaking may be required (refer to Section 7)

Town confirms completion of LUA Consultation / Provides Municipal Response to Industry Canada

Industry Canada makes final decision

Note: In the case of a delay, where the Town and proponent do not agree with the reasons for delay, or the delay has gone beyond 150 days, the Town will provide an explanation in writing to Industry Canada and seek guidance from them on the matter.

Flowchart provided for illustrative purposes only – refer to entire Policy for further review.

Adopted on May 21, 2012