

# Municipality of the District of Lunenburg POLICY

<b>Title:</b> Antenna Siting Protocol (Telecommunications Towers)	
<b>Policy No.</b> MDL-69	
<b>Effective Date:</b> October 13th, 2015	<b>Amended Date:</b>

**Establishment.**

Council recognizes that the Government of Canada, per Section 5 of the **Radiocommunications Act**, issues radio authorizations, and approves each site on which radio apparatus, including antenna systems, may be located. Proponents interested in such installations must comply with Industry Canada’s Radiocommunication and Broadcasting Antenna System Client Procedures Circular (**CPC-2-0-03, Issue 5, 2014**, as amended from time to time), which establishes that proponents are to consult local land use authorities, prior to construction taking place.

**1.0 APPLICATION AND EXCLUSIONS.**

- 1.1 It is the policy of Council that applicable proposals, subject to **CPC-2-0-03**, located in the Municipality of the District of Lunenburg, are subject to the terms and conditions identified in this Policy.
- 1.2 This Policy does not apply to any proponents that are excluded by Industry Canada from the requirement to consult with the Municipality, as identified in Section 6 of **CPC-2-0-03**.

**2.0 OBJECTIVES.**

- 2.1 Council’s principal intent is to communicate effectively with industry proponents, local residents, and with the federal government, on the location of radiocommunication antennae and related facilities developed in the Municipality.
- 2.2 Increased knowledge and ongoing awareness of existing and proposed antenna sites are important elements in influencing Council’s future decision-making. Council considers that any effective realization of co-location considerations requires the Municipality and industry proponents to communicate on a recurring basis, before detailed submissions are submitted to the Municipality regarding a specific proposal.
- 2.3 Proponents are to satisfy public consultation requirements, as established in Part 5 of this Policy, regardless of the location of the proposed installation in the Municipality.
- 2.4 Council will provide proponents and Industry Canada with an informed statement regarding a proposed radiocommunication installation, upon the completion of related requirements established in Parts 3, 4, and 5 of this Policy.

## 3.0 ONGOING COMMUNICATIONS ON TELECOMMUNICATIONS (PRE-CONSULTATIONS)

### 3.1 RATIONALE

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Ongoing consultation with industry proponents involved with telecommunications is identified as the preferable means for the Municipality to meet recognized public objectives regarding the co-location of antenna systems.

Establishing communications before a particular site has been chosen or committed to, (“Pre-consultations”) is referenced in the *Federation of Canadian Municipalities / Canadian Wireless Telecommunications Association Antenna System Siting Protocol Template for Municipalities* as one of the most important elements in the siting process. It is recognizably the time in which there can be “some influence” in decision-making. (*per page 12 in FCM Protocol, Section 5*) Most notably, from the Municipality’s perspective, where pre-consultations may result in explicitly encouraging a reduced number of installations affecting multiple properties within a community.

### 3.2 COMMITMENT TO RECURRING COMMUNICATION

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#### 3.2.1 Municipal Efforts

Municipal staff shall establish and maintain a list of industry contacts, and shall annually provide written correspondence to them, asking identified proponents for information regarding:

- a) the location of all existing installations within the Municipality in active use that are owned, leased or in any way associated with the company;
- b) the location of any existing installations within the Municipality considered inactive, or considered to become potentially inactive or abandoned within the next twelve months;
- c) whether the company is actively investigating any areas within the Municipality for a future installation.

#### 3.2.2 Proponents’ Commitment to Recurring Communications

Where industry proponents may be in the process of preparing a site-specific submission to the Municipality within the next twelve months, the Municipality would encourage proponents to communicate their potential development interests on a community-wide scale.

#### 3.2.3 Identified Opportunities for Co-location

Where the Municipality concludes, based on correspondence supplied by industry proponents, that there is an opportunity to encourage the development of a shared installation within a local community, the Municipality will provide a second communications to such parties, outlining the recognized potential to reduce the number of installations that may be developed.

## 4.0 SITE-SPECIFIC SUBMISSIONS

### 4.1 DESIGNATED MUNICIPAL OFFICIAL

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An application to establish or to modify radiocommunication antennae and related facilities associated with such activities in the Municipality of the District of Lunenburg shall be submitted to the Municipality’s Development Officer.

## 4.2 APPLICATION

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A complete application is to include:

### 4.2.1 Letter of Intent

A letter from the proponent describing the specific purpose of the related installation, its intended future use, and the rationale for the particular site's selection. Letters of Intent are to acknowledge and document the proponent's review of existing radiocommunication structures within 1 kilometre of the proposed installation, and to address why any existing structures could not be used.

### 4.2.2 Engineering Drawings & related Site Plan information

Drawings, site plans, and details identifying the proposed structure, to include:

- a) information pertinent to the specific location, height, and type of radiocommunication equipment and related structures to be installed on the property; and
- b) elevation drawings of the proposed structure; and
- c) scaled site plans, identifying setback distances from property lines, topographic features; details pertinent to existing environmental site conditions, and related site information deemed by the Development Officer to be necessary; and
- d) details pertinent to site access and lot configuration, following proposed construction, impacting on site safety (e.g. fencing and lighting), utilities, and to include any proposed accessory structures related to the installation (e.g. equipment sheds, etc); and
- e) a description of the property's location in the general community, and current use of properties surrounding the proposed site, to include scaled drawings, identifying the distance between the proposed installation and nearest residential dwellings.

### 4.2.3 Land Ownership

Confirmation of legal ownership of the property on which the development will be installed, or a signed letter from the registered property owner(s) acknowledging their consent and agreement with the proposed installation, as described.

### 4.2.4 Certification / Attestation of the Proponent's Compliance

Where radiocommunication installations are to conform with requirements determined by other agencies of government, the application is to include:

- a) copies of any other permits or approvals required by the Province of Nova Scotia, the Government of Canada, or other agencies as identified (e.g. Nav Canada);
- b) attestation by a duly authorized representative that the proposed structure will meet all structural requirements, including loading and environmental factors, and will be built using best engineering practices and in compliance with all laws and regulations;
- c) certification by a duly authorized representative that the structure, and any related use of the site surrounding the structure, complies with the Canadian Environmental Assessment Act, or is to be considered exempt from the Act;
- d) attestation by a duly authorized representative that the proposed installation will comply with any regulations and standards determined by Health Canada, in protecting the public from potential health hazard.

### 4.2.5 Public Communication Materials

Applications are to include a draft copy of the Public Notice, proposed to be sent to neighbouring property owners, as identified in section 5.2 of this Policy.

#### **4.2.6 Contact Information and Fees**

Applications are to include applicable contact information for representatives of the proponent and the owners of the identified property, and any identified application fees and/or deposit, as set by the Municipality.

### **4.3 MUNICIPAL ACKNOWLEDGEMENT OF AN APPLICATION**

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Where an application has been submitted:

#### **4.3.1 Complete Application**

The Municipality shall review materials and inform the proponent within 14 days if the application is complete.

#### **4.3.2 Determination of Permits by Development Officer**

Upon receipt of a complete application, the Municipality shall inform the proponent where there may be any additional applications required for a municipal development permit or building permit, in regard to the proposed installation. Where no additional municipal applications are required, the Municipality shall provide notification in writing.

#### **4.3.3 Outline of Public Consultation Requirements**

Upon receipt of a complete application, the Municipality shall inform the proponent of related public consultation and public notice requirements in writing, as outlined in Part 5 of this Policy, in regard to the proposed installation. Where the Municipality does not consider there to be any consultation requirements by this municipal policy, the Municipality shall provide notification in writing.

### **4.4 CHANGES MADE TO A SUBMITTED APPLICATION**

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Where changes may be made to a proponent's application following its submission, the Municipality may determine that certain consultative processes, outlined in Part 5 of this Policy, are to be undertaken by the proponent for a second time. The Municipality and proponents will also identify where such application changes impact on the identified timeline for the Municipality to provide a statement in response to the proponent, as identified in section 7.1.2 of this Policy.

## **5.0 PUBLIC CONSULTATION**

### **5.1 PROCESS**

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A proponent will undertake a local public consultation process, as determined by the Municipality, based on relevant information provided in its application.

### **5.2 NOTICE**

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Upon the Municipality having informed the Proponent that their application is complete, and identifying the consultation methods specific to their proposed installation, a Proponent will provide identified parties with an official Notice of its application. In order for the Municipality to provide a Determination to both the proponent and Industry Canada, proponents are expected to complete the process of providing Public Notice and any related consultative activities in a timely manner, as identified in section 7.1.2 of this Policy.

### 5.2.1 Recipients

Notice is to be provided to:

- a) Property owners within a fixed distance of the proposed installation, as identified in the table below; (**Note:** The identified distance is from the edge of the structure on which the installation is to be mounted, not from the property line)

Height of tower / installation	Consultation radius
Less than 15m	Three times the height of tower.
15.1m-49.9m	100 metres
50m or more	305 metres

- b) Any adjacent municipalities within 305 metres of the proposed installation; and  
c) the Designated Municipal Official; and

### 5.2.2 Method of Delivery

Notice is to be provided to Recipients directly from the Proponent by registered mail, courier, or by method of hand delivery with signed receipt by the respective party.

### 5.2.3 Notice Contents

Notice shall consist of the following

- a) a description of the proposed structure, including the specific height, type, and design of the antenna installation,  
b) a site plan identifying the location of the structure in relation to adjacent properties;  
c) a drawing of the proposed structure, or a picture of a materially similar structure;  
d) the date, time and location of any public information meeting (where applicable) that may occur within the local community, regarding the proposed installation, as identified in section 5.5 of this Policy;  
e) contact information for the proponent, outlining to whom any questions or concerns are to be directed;  
f) a weblink, and/or the contact information for the Designated Municipal Official, where additional information regarding the application can be made accessible to the public;  
g) contact information for the district office of Industry Canada,  
h) the deadline date for the receipt by the Proponent of any public responses to this particular proposal. The deadline date for public responses must be at least 30 days after all Notices have been sent or delivered, per sub-section 5.2.2.

## 5.3 OTHER FORMS OF NOTICE

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Where the Municipality considers a written Notice to property owners in the community should be supported by additional means of public communications, a Proponent may be asked to provide the general public with Notice by way of

- a) publication of a Notice in the local newspaper; and/or  
b) hosting a public information meeting, as identified in section 5.5 of this Policy.

## 5.4 SITE-SPECIFIC SIGNAGE

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Where the Municipality considers that the public's awareness of the proposed site of the installation is aided by the erection of signage, the Municipality will work with the Proponent in arranging for temporary signage, in proximity to the location of the proposed installation, where such signage is visible from a public road.

## 5.5 INFORMATION MEETINGS

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The Municipality may request the Proponent host a public information meeting in the community in specific cases where, in the opinion of the Designated Municipal Official, there is considered to be the potential for significant public interest in the proposed radiocommunication installation.

The Municipality will request that public information meetings be held, where the proponent's application is considered by the Designated Municipal Official to be inconsistent with design and siting preferences, as identified in Part 6 of this Policy.

### 5.5.1 Meeting Arrangement and Notification

The appropriate date, time and location for a public information session will be determined in consultation with, and on the advice of, the Municipality, and may be expected to occur no sooner than 14 days after any Notices have been sent or advertised, per sub-sections 5.2.2 and 5.2.3.

### 5.5.2 Meeting Contents

The proponent will make available both written and visual information materials consistent with sub-sections 4.2.2, 4.2.4, and 5.2.3, and be available during the allotted meeting time, so as to answer questions from members of the public, in the meeting format of the proponent's choosing. The Municipality will have a staff representative in attendance at such meetings, to answer questions from the public, related to associated municipal processes.

### 5.5.3 Meeting Follow-up

Following any public information meeting, the proponent will provide the Municipality with a list of the number of attendees, to include the names of attendees where such information has been provided voluntarily by participants. Further information, regarding the concerns of individual members of the public raised during the meeting, and the proponent's response to such concerns, is to comply with section 5.6. (Written Record of Consultation)

## 5.6 WRITTEN RECORD OF CONSULTATION

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Proponents will provide the Municipality with a record of their consultations with the local public.

### 5.6.1 Timeframe

The public will be provided at least 30 days following receipt of Notice to submit any questions, comments or concerns about the proposal to the proponent.

### 5.6.2 Response to Public Comment

The proponent will provide a response to all questions, comments and concerns raised during consultations with the public within 15 days, with copies of such correspondence being sent concurrently to the Municipality.

### 5.6.3 Record of Correspondence

The proponent will keep a record of all correspondence that occurred during the consultation process, to include records related to any agreements that may have been reached and/or any concerns that remain outstanding, and provide copies of all written correspondence to the Municipality.

## 6.0 DESIGN AND SITING PREFERENCES

Beyond the matter of engaging in identified local public consultation procedures, **CPC-2-0-03** notes where land use authorities are contacted as a means to determine and discuss local preferences regarding siting and design aspects of proposed installations.

The Municipality recognizes that telecommunications installations can impact the surrounding community, given their potential for visual obtrusiveness. The Municipality would therefore encourage proponents to consider the following issues in determining the potential of any site -specific installation, in considering preferred elements in the design of installations, and in regard to potential site location.

### 6.1 DESIGN PREFERENCES

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The Municipality encourages proponents to note the following design preferences, in regard to any development proposals:

#### 6.1.1 Screening and Setbacks

Design preferences to address safety and aesthetics concerns, respecting adjacent property:

- a) Adequate-sized yards, as determined based on the height of the proposed installation, should separate any proposed structure, or part of a structure, from impacting on adjacent property.
- b) Where possible, existing vegetation on the property should be maintained, where such elements (i.e. mature trees) can help mitigate the visual impact of a proposed installation.
- c) Additional landscaping activities, to include the use of a mix of plant materials / tree types, is encouraged to be part of the development proposal, in locations where the amount of any existing vegetation is negligible / not present at the time of development.

#### 6.1.2 Access

Design preferences to address security concerns, respecting access to property, and in ensuring the integrity of proposed antenna structures from trespass:

- a) Security fencing at least 2 metres in height, or a combination of walls, fencings and structures, should enclose any proposed free-standing installation, and any related storage cabinetry / sheds associated with the antenna.
- b) Identified anti-climbing measures should be incorporated with each proposal.
- c) Access to the site of a proposed installation from a public road or public right-of-way should be appropriately marked with a civic address sign, and appropriately maintained so as to provide emergency vehicles the ability to access any identified parking areas located in proximity to the installation.

#### 6.1.3 Signage and Lighting

Design preferences to address potential concerns respecting the impacts of signage and associated lighting on adjacent property:

- a) Signs posted by the proponent in relation to the proposed installation shall be for safety and wayfinding purposes only. Safety signage may include posting of small identification signs identifying contact information of the property owner or installation provider.
- b) Lighting by the proponent shall be limited to illumination for safety reasons, and be located so that nearby properties are not illuminated to the extent that a hazard or nuisance will result.

## 6.2 SITE PREFERENCES

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Proponents should note the following preferences established by Council, in regard to encouraging or discouraging the potential development of proposed telecommunication installations in specified locations of the Municipality:

### 6.2.1 Preferred Locations - As Specified

Where Council identifies and/or already owns identified properties considered to be appropriate locations for telecommunications installations, parcels will be specifically identified in Schedule "A" of this Policy, as may be amended from time to time.

### 6.2.2 Discouraged Locations - As Specified

Where Council has identified specified areas of the Municipality, for the reasons specified below, where proposed installations are to be discouraged, affected properties shall be identified in Schedule "A" of this Policy, as may be amended from time to time:

- a) Environmentally Sensitive Lands; and
- b) Registered Cultural or Historical Landmarks

### 6.2.3 Discouraged Locations - General Statement

Council considers where a proposed installation is to be located within a distance twice its height from an existing residential dwelling, or is to be located within a distance three times its height from ten or more existing residential dwellings, a school, or an established daycare facility, that the Proponent shall be requested by the Municipality to hold a public information meeting, so as to ensure that those residents immediately affected by the proposed installation can provide input, for Council's consideration.

## 7.0 MUNICIPAL STATEMENT OF CONCURRENCE / NON-CONCURRENCE

### 7.1 PROCEDURE

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#### 7.1.1 Staff Report to Council

Upon a proponent completing associated aspects found in Parts 3, 4 and 5 of this Policy, municipal staff will prepare a report to Council, outlining the pertinent aspects for consideration, in regard to the proponent's application.

#### 7.1.2 Timeline

Consultation with local land use authorities is one facet in Industry Canada's review of proposed installations. The Municipality acknowledges that it will communicate effectively with proponents, in response to their application, so that this aspect can be completed in a timely fashion.

Where the Municipality considers that there may be delays, such as may be associated with elements identified in section 4.4 and section 5.6 of this Policy, the Municipality will communicate directly with the proponent, as required, on a case-by-case basis.

In review of the particular steps identified in Parts 4 and 5 of this Policy, the following Timeline is considered as a guideline, in the Municipality making its Determination regarding concurrence:

Step	Timing	Action / Aspect	Agent	Related Policy
<b>A</b>	*	Submission of a <b>Complete</b> Application to Municipality.	Proponent	s.4.2 & s.4.3
<b>B</b>	A+14	Correspondence from Municipality identifying Consultation Requirements.	Municipality	s.4.3 & s.5.2
<b>C</b>	B+21	Notice sent to Public.	Proponent	s.5.2
<b>D</b>	C+14 (min.)	Newspaper advertisement and/or Information Meeting held. <i>(if/where applicable)</i>	Proponent	s.5.3 & s.5.5
<b>E</b>	C+30	Period for Public Response.	Public	s.5.2, s.5.5 & s.5.6
<b>F</b>	E+15	Period for Follow-up Communications.	Proponent	s.5.5 & s.5.6
<b>G</b>	F+7	Submission of identified Consultation materials to Municipality.	Proponent	s.5.6
<b>H</b>	G+30	Preparation of, and presentation of, a Report to Council	Municipality	s.7.1
<b>I</b>		<b>Council Determination</b>	Municipality	
<b>J</b>	I+3	Correspondence to Proponent and Industry Canada by Municipality.	Municipality	s.7.2

*\*A "typical" application process, from Step A to Step J, is therefore identified as being approximately 120 days in duration.*

## 7.2 DETERMINATION

### 7.2.1 Concurrence

The Municipality will provide a letter of concurrence to Industry Canada and the proponent where, in Council's consideration, the proponent's application has satisfactorily addressed the requirements established in this Policy, specifically as it pertains to fulfilling requirements for consultation, as described in Part 5, and in addressing identified design and siting preferences of the Municipality, as described in Part 6.

- a) Where Council considers that there are any identified conditions associated with its letter of concurrence, Council will include such conditions, as may be specific to each individual application.

### 7.2.2 Non-Concurrence

The Municipality will provide a letter of non-concurrence to Industry Canada and the proponent where, in Council's consideration, the proponent's application did not satisfactorily address requirements established in this Policy.

# Schedule A

## List of Preferred / Discouraged Locations for proposed installations

The Municipality, per Section 6.2 of this Policy, would note the following, in terms of specific locations or properties which are preferred and/or discouraged from being impacted by telecommunication installations:

### 6.2.1 PREFERRED LOCATIONS

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- Existing telecommunication towers.

### 6.2.2 DISCOURAGED LOCATIONS - SPECIFIED

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#### (a) Environmentally Sensitive Lands

- Provincially-identified wetlands. (identifiable through the NS Department of Natural Resources "Wetlands Vegetation and Classification Inventory")

#### (b) Registered Cultural or Historical Landmarks

- Federal/Provincial heritage properties (identifiable through the Canadian Register of Historic Places)
- Municipal heritage properties (contact the Municipality's Planning & Development Services)

### 6.2.3 DISCOURAGED LOCATIONS - GENERAL

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- See applicable section in Policy.

Council can at any time update and revise this Schedule. Its currency (the date of the last amendment) is to be posted directly on the Schedule.

**Schedule A was last amended on :** October 13th, 2015.

Annotation for Official Policy Book	
Date of Adoption:	<u>October 13th 2015</u>
Date of Notice to Council Members of Intent to Consider (7 days minimum)	<u>October 1st 2015</u>
Date of Passage of Amendments	_____
I certify that this "Antenna Siting Protocol Policy" was adopted by Council as indicated above.	
_____	_____
Acting Municipal Clerk	Date