

**THE CORPORATION OF THE TOWNSHIP OF SOUTHGATE**

**BY-LAW NUMBER 2021-123**

being a By-law to adopt a Communications Tower and Antenna Projects Planning Approval Policy and Guidance Document

**Whereas** the Municipal Act, S.O. 2001, Chapter 25, as amended, Section 5 (3), states that municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

**Whereas** the Municipal Act, S.O. 2001, Chapter 25, as amended, Section 9, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

**Whereas** the Council of The Township of Southgate has deemed it desirable to adopt a Communications Tower and Antenna Projects Planning Approval Policy and Guidance Document,

**Now therefore be it resolved that** the Corporation of the Township of Southgate hereby enacts as follows:

1. **That** the Communications Tower and Antenna Projects Planning Approval Policy and Guidance Document, attached hereto as Schedule A is hereby adopted; and
2. **That** this by-law shall come into force and effect on the date of its passing.

**Read a first, second and third time and finally passed this 25<sup>th</sup> day of August, 2021.**

**Original Signed By**

\_\_\_\_\_  
John Woodbury – Mayor

**Original Signed By**

\_\_\_\_\_  
Lindsey Green – Clerk



## **Southgate Communication Tower & Antenna Projects Planning Approval Policy & Guidance Document**

### **Policy Statement**

It is the policy of the Corporation of the Township of Southgate to require public consultation for the installation of telecommunication towers and antenna facilities as set out in the Industry Canada Standards. It is the intent of this Township of Southgate policy to work with and support a proponent's installation of Communication Towers, to facilitate public engagement, to ensure the Federal CPC 2-0-03 Policies are followed and to collaboratively work out and find solutions that meet the public needs with the assistance of Industry Canada.

### **Purpose**

The purpose of this policy and guidance document is to provide a consistent process to be followed by proponents and the Township when reviewing and commenting on telecommunication facility installation proposals and to provide an opportunity for meaningful public consultation prior to the approval of a proposal.

Applications for the installation of telecommunication facilities fall under the jurisdiction of Industry Canada. The Township recognizes that it has no jurisdiction to regulate telecommunication facilities under the Planning Act, R.S.O., 1990. Policies currently followed by Industry Canada require that the proponent of a new telecommunication facility that is subject to federal approval must consult with the appropriate municipality and indicate whether the municipality concurs with the application. Industry Canada also encourages municipalities to develop their own consultation policy regarding telecommunication tower installations to create a framework to manage the process of identifying their concerns, as well as those of the residents they represent.

Due to the potential for land-use conflicts, public safety concerns, impacts on views and environmentally sensitive areas as a result of site development, Southgate Council requires that a proponent follow the consultation process outlined below.

This process is based on Industry Canada's Default Public Consultation process, but includes additional requirements if a public engagement process is established by the municipality.

The Township of Southgate does not assess submissions for telecommunications facility installations with respect to any issues that may be associated with health and radio frequency exposure. Health Canada has safety guidelines for exposure to radio frequency fields and Industry Canada has adopted these guidelines for radio communications and broadcasting installations.

The Township of Southgate does not support the licensing and installation of new telecommunication facilities unless the requirements of the Industry Canada CPC 2-0-03 have been followed, this Southgate policy have been satisfied and public resolutions addressed in a timely manner by the proponent.

### **Process to Site Towers Recommended by Industry Canada**

1. Investigating sharing or using existing infrastructure before proposing new antenna-supporting structures.
2. Contacting the land-use authority (LUA) to determine local requirements regarding antenna systems.
3. Undertaking public notification and addressing relevant concerns, whether by following local LUA requirements or Industry Canada's default process, as is required and appropriate.
4. Satisfying Industry Canada's general and technical requirements.
5. Completing the construction.

### **Scope**

This policy applies to all proposals for telecommunication antennas, towers and related structures, with the exception of proposals for the following:

- a) Maintenance of existing radio apparatus including antenna systems, transmission lines, masts, towers or other antenna-supporting structures which may include painting or lighting;
- b) An addition or modification of an existing antenna system, provided the addition or modification does not result in an overall height increase of 25% of the original height; and
- c) Installation of an antenna system for a limited duration used for a special event, or one used for emergency operations or Township projects.

### **Administration of Policy**

This policy will be implemented by the Township's Planning Department and will be overseen by the Municipal Planner.

#### **Objectives:**

- a) To balance the location and design requirements of proponents with the need to minimize a telecommunication facility's visual impact;
- b) To address local land use concerns while respecting federal jurisdiction; and
- c) To ensure co-location opportunities for telecommunication antennas are explored and acted upon, where appropriate.
- d) To ensure public safety and land rights are respected.

### **Preliminary Consultation:**

The proponent will arrange for preliminary consultation with the Township prior to presenting its proposal. Township staff will provide the proponent with the following:

- a) This policy, including the process to be followed and requirements for public consultation; and
- b) A list of agencies and ratepayer associations to be consulted, if applicable.

### **Site Selection and Structure Design:**

In determining an appropriate site for a new tower, the proponent shall adhere to the following principles:

1. New towers are restricted within three times the tower height as set out by the Federal CPC 2-0-03 policy of any Residential Zone, existing dwelling or other sensitive land use (as defined by the Provincial Policy Statement), unless required for reasons of engineering or network objectives. If a new tower is proposed to be located within three times the tower height (whichever is greater), of a Residential Zone, existing dwelling, or other sensitive land use, a detailed rationale for the necessity of this location must be provided in the Site Selection/Justification Report.
2. When selecting sites for towers, the following shall be considered:
  - (a) Maximizing distance from residential uses, schools and active park spaces and lot lines where the owner does not own the adjacent land;
  - (b) Maximizing distance from natural features, environmentally sensitive areas, hazard lands, and natural heritage features (submission of an Environmental Impact Study may be required should the tower be located on lands adjacent to these areas/features);
  - (c) Maximizing distance from cultural heritage features (submission of a Heritage Impact Study may be required should the tower be located on lands adjacent to these features);
  - (d) Avoiding sites that would obscure public views and vistas; and
  - (e) Compatibility with adjacent uses.
3. Proponents shall be encouraged to locate telecommunication towers with at minimum setback to all property lines and to all existing buildings of a distance equivalent to the height of the tower plus 10 meters (measured from grade) with a justification report.
4. The use of design features, colour and landscaping used to screen telecommunication towers from view should be encouraged, whenever possible. The following design guidelines should be taken into consideration when designing a new tower:

- (a) Wherever possible, telecommunication facilities should utilize existing towers or structures and share facilities (co-location);
  - (b) The Township encourages telecommunication facilities to be camouflaged or designed to blend in with and fit the context of the surrounding area. Monopine structures are the preferred structure where appropriate; however, the Township may consider the installation of monopole or other structures as an alternative. If a monopine or monopole tower is not possible, sufficient justification for another type of structure must be provided;
  - (c) To reduce the scale and visual impact of towers, mitigation measures should include consideration of design features, structure type, colour, materials, landscaping, screening and decorative fencing. Where equipment shelters are located on the ground, the visual impact of the built form shall be mitigated through the use of colour, decorative fencing, screening, and/or landscaping;
  - (d) Where appropriate, the planting of trees and shrubs at the tower site is encouraged to enhance the character of the surroundings; and
  - (e) Telecommunication towers will only accommodate telecommunication antennas. Only signage directly related to the equipment or required by Industry Canada shall be permitted on the site. A small plaque must be placed at the base of the structure identifying the owner/operator and contact information. No third part advertising or promotion shall be permitted.
- 5 Lighting of telecommunication towers is prohibited unless required by Transport Canada. Proof of this requirement shall be provided by the proponent. Where Transport Canada requires a telecommunication facility to be lit or where lighting is required for security purposes, the lighting should be to the minimum number of lights and the lowest illumination allowable. All outdoor illumination should be dark-sky friendly (i.e. full cut-off lighting; no uplighting, or have reflectors installed to direct the light downward).

**Submission Requirements:**

The proponent shall submit the following documentation to the Municipal Planner for review and submission to Council for consideration:

- a) Site Plan with Key Map for the entire property and not only the leased portion, showing the relationship between the proposed telecommunication facility and existing features on the property such as buildings, parking, pedestrian and vehicular movement, natural features, site grading, property lines, fencing and landscaping. The Site Plan is to be drawn to scale, illustrating proposed setbacks from existing buildings and structures, all property lines and natural features as well as the height and type of tower in profile;

- b) A letter of intent by the owner(s) of the subject land to enter into a lease agreement to permit the establishment of a telecommunication facility on their lands and if required a letter granting permission(s) from adjacent landowner(s) that would have their land sterilized by locating of this tower to close to adjacent property line in relation to tower height and setback requirements of this policy;
- c) Site Selection/Justification Report. This report shall outline the steps taken by the proponent to investigate all co-location options and why a new tower is the preferred alternative. The report shall identify the location of all existing telecommunication towers within the proponent's search area and identify the reasons why these towers are not suitable for co-location. The location of these towers shall be illustrated on a map to be included in the report. In addition, the report shall identify any alternative sites for the location of the new tower that were investigated by the proponent and the rationale for eliminating these sites as the preferred alternatives. The report shall confirm the need for a new tower at the proposed location and the need for the proposed height of the tower. Future sharing possibilities with other providers shall also be reviewed. Finally, the report shall confirm that the criteria set out in the 'Site Selection and Structure Design' section of this Policy has been satisfied including the design elements proposed in order to minimize the visual impact of the proposed structure, and address any lighting requirements that may be required by Transport Canada;
- d) Photo simulation package of the proposed tower, including views from all road allowances and the closest residences;
- e) Description of the proposed facility and accessory structures (if applicable);
- f) Site changes (i.e. fencing, landscaping, access and parking);
- g) One hard copy and one electronic copy of all of the requirements in this section of the Policy; and
- h) A cheque payable to the Township of Southgate to cover the administrative and processing costs in the amount of \$1200.00 as per the Township Fee & Chares By-law, as amended. Once the submission has been made, the proponent will be required to make a deputation to Council presenting the telecommunication facility installation proposal at the required public open house during a regularly scheduled Council meeting.

**Public Consultation Process:**

The Township shall organize and facilitate the public consultation process. The public consultation process shall be a requirement for all telecommunication facility installation proposals. The Township will ensure the properties located within a radius of 120 metres from the subject property, agencies and any adjacent ratepayer associations are notified with respect to the date and location of the public open house. The Township will prepare and circulate by regular mail a notification package a minimum of 20 calendar days prior to the Public Open House to the following:

- Municipal Clerk for the Township of Southgate;
- Clerk of the adjoining municipality, if the subject property is located within 120 metres of a municipal boundary; and
- All persons within 120 metres of the subject property. If the subject property is within 120 metres of a Township boundary, the proponent shall obtain the names and addresses of those persons affected from the adjacent municipality.

The notification package shall include the following:

- Notice of Public Open House including the date, time and location of the meeting including virtual meetings if necessary;
- The name, telephone number and email address of the project lead contact person employed by the proponent;
- Description of the land and key map showing the location of the property;
- Physical details of the tower, including its height, colour, type and design; and
- Where and when additional information regarding the proposal will be available to the public for inspection.

A 1.0 metre square sign is recommended to be erected along each street frontage of the subject property a minimum of 20 calendar days prior to the advertised public open house, notifying the public of the proposal to establish a telecommunications facility on the site.

The sign will read as follows with the underlined information being filled out by the Township from the application information submitted:

NAME OF THE APPLICANT  
HAS PROPOSED TO LOCATE A TELECOMMUNICATIONS  
FACILITY, BEING (HEIGHT) METRES IN HEIGHT,  
ON THIS PROPERTY.  
PUBLIC COMMENTS ARE INVITED.  
FOR FURTHER INFORMATION,  
CONTACT: PROPONENT'S INFORMATION

The document attached as Schedule A to this policy must be returned to the Township as an affidavit prior to the Public Open House. Failure to do so will result in the need for the Public Open House to be rescheduled and the proponent to provide further notice.

Once the public open house has been held by the Township, the sign(s) on the subject property shall be removed by the proponent within 30 days.

**Public Open House:**

a) Notice of the Public Open House shall be placed by the Township in all local area newspapers (i.e. the Dundalk Herold, The Biz Bull, or other papers of sufficient circulation to, in the Clerks opinion, provide proper notice).

b) The Public Open House shall occur no sooner than 20 calendar days from the date that the Notice is placed in the newspapers, mailed and posted.

c) In addition to the tower details provided in the Notice of Public Open House, the proponent shall make available at the Public Open House the Site Selection/Justification Report and the photo simulation package. The report and all material shall be posted on the Township's website.

d) Following the Public Open House, the Township shall provide the following to the Proponent:

- i. a record of names and addresses of attendees;
- ii. minutes of the Public Open House to identify the issues and concerns that were raised; and
- iii. The proponent following receipt of the list of names and minutes from the public open house, shall prepare a follow-up letter to the Township to indicate the proponent's formal response to the concerns raised at the Public Open House. Should any modification of the proposed structure be required, further details (i.e. revised plans or technical drawings) shall be provided as soon as possible.

f) Upon receipt of the above information, Township staff will prepare an information report for the next available regularly scheduled Council meeting, where possible. The proponent will be required to make a presentation to Council at the same meeting, summarizing the public consultation process, and to be available to answer any questions on the project. The proponent shall provide a summary of all responses to comments received and submit revised plans and drawings, where required.

f) The Township will inform the proponent and Industry Canada by way of a letter and resolution of Council that the land use authority consultation process has been completed in accordance with the Township's Telecommunication Facility Policy. In addition, the Township will also advise the above noted parties of its position on the proposed facility by way of concurrence or non-concurrence subject to obtaining an entrance permit and 911 emergency number from the Township for the subject

property. Prior to issuing a letter advising the proponent of the Township's position, a letter of undertaking from the proponent permitting the Township to install radio telecommunication equipment on the proposed facility is required. Note: Issuance of non-concurrence does not mean installation of the proposed telecommunication facility will not proceed. As the approval authority for such installations, Industry Canada will consider the Township's position and whether the proposed installation meets Industry Canada requirements before issuing a decision.

**Authority**

The authority for the Telecommunication Facility Policy shall be by the approval of the Council of the Township of Southgate.

**SCHEDULE A**

I hereby confirm that advertising for the Public Open House proposal has been completed and the recommended sign for the Telecommunication location has been posted along the street frontage on the subject property. I understand that failure to comply advertising in local newspapers will mean that proper notice was not given. In that event, the Public Open House will have to be rescheduled.

Property Location: \_\_\_\_\_  
\_\_\_\_\_

Name of staff person: \_\_\_\_\_

Date of Optional Sign Posting: \_\_\_\_\_

Signature: \_\_\_\_\_

\_\_\_\_\_  
(Please print name above)

\_\_\_\_\_  
(Date of Signature)

Please return this signed form to the Township Clerk as soon as possible. In the event that this form is not received one week prior to the meeting date, the meeting will not proceed as scheduled.