



**City of Kingston
Report to Council
Report Number 16-136**

To: Mayor and Members of Council
From: Lanie Hurdle, Commissioner, Community Services
Resource Staff: Paige Agnew, Director, Planning, Building & Licensing Services
Date of Meeting: May 3, 2016
Subject: Radiocommunication Facilities – Proposal for Third Party
Reviewer and Amendment to By-law Numbers 2005-10 and
2006-75
File Number D29-001-2014

Executive Summary:

The following is a report to recommend to Council to utilize the services of the Canadian Radiocommunications Information and Notification Service / Service d'Information et de notification en radiocommunications canadienne (CRINS-SINRC) for the review and processing of radiocommunication facility applications within the City's jurisdiction.

Radiocommunication facilities are regulated federally under the *Radiocommunication Act* and are therefore exempt from provincial legislation such as the *Planning Act* and municipal official plans and zoning by-laws. The authority for approving a radiocommunication facility is with the federal agency of Industry Canada. As part of the approval process, Industry Canada requires proponents to consult with municipalities to determine local requirements for antenna systems and follow the land-use consultation process for the siting of antenna systems, established by the municipality, where one exists. Municipalities can provide comments to Industry Canada, however, municipalities do not have the authority to prevent the construction of a radiocommunication facility.

The fee schedule attached to By-Law Number 2005-10, "A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston, as amended", is updated annually. An amendment to the Planning fees charged is required in Schedule 'A' to the by-law, in order to cover the administrative costs associated with the review of applications for radiocommunication facilities and to provide support to CRINS-SINRC.

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An amendment to By-Law Number 2006-75, "A By-law to Delegate Various Planning Approvals to Staff and to Adopt Certain Procedures for the Processing of Planning Applications Subject to Delegated Authority", as amended, will also be required to delegate authority to designated staff to issue the City's statement of concurrence for applications for radiocommunication facility applications unless an application is referred to Council.

Recommendation:

That the City of Kingston become a member of the Canadian Radiocommunications Information and Notification Service / Service d'Information et de notification en radiocommunications canadienne (CRINS-SINRC), and

That Council authorize CRINS-SINRC staff to act as the authorized representative of the City of Kingston for the purposes of reviewing and processing radiocommunication facility applications within the City's jurisdiction, working with the Director of Planning, Building & Licensing Services or designate; and

That the CRINS-SINRC Reference Protocol, Issue 3 (Exhibit A), and subsequent amendments as may be approved from time to time, be used as the municipality's protocol for the review of radiocommunication facility applications; and

That the proposed 'Guidelines for Establishing Radiocommunication Facilities in the City of Kingston' (Exhibit B) be accepted and forwarded to CRINS-SINRC as additional guidelines for the review of requests for radiocommunication facilities in Kingston; and

That Council authorize the Director of Planning, Building & Licensing Services to execute any documentation required to enter into a relationship with CRINS-SINRC; and

That the Director of Planning, Building & Licensing Services be the designated staff member to sit on the CRINS-SINRC Advisory Board; and

That By-Law Number 2005-10, "A By-law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston," as amended, be further amended, as per Exhibit C (Draft By-Law to amend By-Law Number 2005-10) of Report Number 16-136; and

That By-Law Number 2006-75, "A By-law to Delegate Various Planning Approvals to Staff and to Adopt Certain Procedures for the Processing of Planning Applications Subject to Delegated Authority", as amended be further amended as per Exhibit D (Draft By-Law to amend By-Law Number 2006-75) of Report Number 16-136.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Lanie Hurdle, Commissioner, Community Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Cynthia Beach, Corporate & Strategic Initiatives	Not required
Denis Leger, Transportation, Facilities & Emergency Services	Not required
Jim Keech, President and CEO, Utilities Kingston	Not required
Desiree Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:**Origin**

At its meeting of April 1, 2014, Council passed the following motion directing staff to undertake an evaluation of the City's current process used to review radiocommunication facilities:

“Whereas Health Canada's Safety Code 6 for Radiofrequency Exposure (RF) allows for higher emissions than many other countries; and

Whereas the Telecommunications Act of 1996 prohibits discussion of potential health risks to humans exposed to electromagnetic radiation in the siting of Radiocommunications facilities; and

Whereas the current approval process for Radiocommunication Facilities does not allow local Municipalities to reject applications other than to “concur” or “not to concur”;

Therefore be it resolved that Council directs staff to undertake an evaluation of the City's current process used to review Radiocommunications Facilities which is to include research into best practices and protocols recommended by the Federation of Canadian Municipalities (FCM) and used by other municipalities; research into best practices should include a review of appropriate separation distances from sensitive land uses and standards determined for fencing/landscaping and appearance of the towers; General information on Radiocommunications Facilities can be communicated to the public and how approved projects can be reported out to Council, following the public meeting held for each proposal at Planning Committee; and

That the City of Kingston calls upon the Minister of Industry to recognize and enable municipalities jurisdiction in the community infrastructure planning process regarding zoning and setback requirements for Radiocommunications Facilities; and

That the City of Kingston's resolution be forwarded to the Federation of Canadian Municipalities (FCM), Association of Municipalities of Ontario (AMO), the Prime Minister of Canada and Cabinet, the local Member of Parliament, Leader of the Opposition and Leader of the Third Party, the Premier of Ontario, Leader of the Opposition in Ontario, and Leader of the Third Party in Ontario.”

Report Number PC-15-007 provided an overview of Industry Canada's process that must be followed by proponents seeking to install or modify antenna systems, the Federation of Canadian Municipalities (FCM) *Antenna System Siting Protocol Template*, best practices from other municipalities, as well an overview of the current process used by the City of Kingston to review radiocommunication facilities. Staff also developed a draft protocol to update the City's existing process for the review of requests for radiocommunication facilities. The draft protocol was included as Exhibit D to Report Number PC-15-007. A non-statutory public meeting was held on September 3, 2015 to receive public feedback on the draft protocol. The report is

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available at this link: https://www.cityofkingston.ca/documents/10180/10704491/PLN_A1415-15007.pdf/739b2ab9-34dd-45b6-aec7-5aa1893139e6.

In the process, staff learned about the Canadian Radiocommunications Information and Notification Service / Service d'Information et de notification en radiocommunications canadienne (CRINS-SINRC) which is a not-for-profit organization that acts as a designated representative to receive and process applications for radiocommunication facilities on behalf of participating member municipalities and provincial government agencies. Report Number PC-16-040 outlined the process utilized by CRINS-SINRC to review applications for radiocommunication facilities. The report is available at this link: https://www.cityofkingston.ca/documents/10180/13506096/PLN_A0816-16040.pdf/50402715-111d-40fc-91a7-ae7c7bd236cc.

Background

Radiocommunication facilities are regulated federally under the *Radiocommunication Act* and are therefore exempt from provincial legislation such as the *Planning Act* and municipal official plans and zoning by-laws. The Government of Canada regulates radiocommunication facility siting decisions, settles disputes, and sets health and safety standards. The sole authority for approving a radiocommunication facility is with the federal agency of Industry Canada.

While radiocommunication facilities are federally regulated, Industry Canada requires proponents to consult with municipalities to determine local requirements for antenna systems and follow the land-use consultation process for the siting of antenna systems, established by the municipality, where one exists. Municipalities can provide comments to Industry Canada, however, municipalities do not have the authority to prevent the construction of a radiocommunication facility. The ultimate role of the municipality is to issue a statement of concurrence or non-concurrence to the proponent and to Industry Canada.

Canadian Radiocommunications Information and Notification Service (CRINS-SINRC)

A number of municipalities have developed their own protocols for the review of radiocommunication facilities. However a growing number of municipalities across Canada (approximately 250), including Guelph, Region of Durham, Township of Rideau Lakes, etc. have elected to become members of CRINS-SINRC. CRINS-SINRC is a non-governmental, not-for-profit organization formed in 2012, owned and operated on behalf of participating member municipalities and provincial government agencies. Its mandate is to inform the public on matters pertaining to radiocommunication facilities, manage the public consultation process, and assist municipalities in evaluating proposed radiocommunication facility applications.

As part of the services provided, CRINS-SINRC has developed an "Antenna System Siting Review and Consultation Protocol" which participating Land Use Authorities (typically municipal governments, or in the case of Crown Lands a provincial or federal agency) adopt. The CRINS-SINRC protocol details the process for the review of a radiocommunication facility application on behalf of participating Land Use Authorities and is included as Exhibit A. Participating Land Use Authorities can also advise CRINS-SINRC of locally defined requirements relating to the location and design of radiocommunication facilities.

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Report PC-16-040 outlined the five-step review process utilized by CRINS-SINRC. The key highlights of the CRINS-SINRC review process are as follows:

- Industry Canada excludes proposals, which meet the following criteria, from municipal and public consultation requirements:
 - New antenna systems where the height is less than 15 metres above ground level;
 - Existing antenna systems where modifications are made, antennas added or the tower replaced, including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial antenna system installation. No increase in height may occur within one year of completion of the initial construction;
 - Non-tower structures such as antennas on buildings, water towers, lamp posts, etc. provided that the height above ground of the non-tower structure, exclusive of appurtenances, is not increased by more than 25%; and
 - Temporary antenna systems used for special events or emergency operations and must be removed within three months after the start of the emergency or special event.

The protocol maintains Industry Canada's exemptions. However proponents are required to confirm with the municipality that the proposed facility meets to exclusion criteria. If the proposal is deemed to meet the applicable exclusion criteria, a Notice of Facility Exemption is issued to the proponent and Industry Canada by CRINS-SINRC.

- Regardless of the exclusion criteria, proponents are required to engage in pre-consultation with the municipality to determine if the proposed facility is within a community sensitive location. Community sensitive locations are determined by each municipality based on local considerations, and may include heritage sites, areas of architectural or archaeological significance, natural conservation areas, etc. Requests for pre-consultation are to be made through the CRINS-SINRC online system.
- Any proposals for non-excluded radiocommunication facilities require a submission of a complete application through the CRINS-SINRC online system and the payment of the requisite fees.
- The protocol identifies community sensitive locations and includes general design recommendations that include such considerations as preservation of existing vegetation and architectural treatments for equipment shelters.
- The protocol also includes an "Antenna Siting Design Framework" (ASDF) which is a quantitative scoring mechanism which assesses proposed installations by considering their design relative to the surrounding visual landscape. The ASDF provides an overall classification of the proposed design through a concept known as "Degree of Visual

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Change” which is characterized as “Low”, “Medium” or “High”, and which dictates the level of public consultation required (for example a facility proposed in an industrial area will likely get a “Low” score, whereas a tower proposed in a community sensitive location will likely get a “High” score). A public meeting is held for applications that score “High”. The scoring mechanism is based on the following:

- Visibility Score: provides a measurement of how visible the site is within the surrounding landscape;
 - Design Compatibility Percentage: scores the proposed site design in terms of its visual elements (structure type, antenna mounts, equipment shelters, antennas and cables) relative to the surrounding landscape; and
 - Degree of Visual Change: assesses the visual effect of the site on the surrounding landscape.
- CRINS-SINRC prepares a Land Use Authority Recommendation Report as a deliverable resulting from the Land Use Authority’s (municipality’s) adoption of the CRINS-SINRC protocol. The report is signed off by the designated municipal staff member. Once municipal staff sign-off on the report, CRINS-SINRC staff forward the signed report as well as the municipal statement of concurrence to Industry Canada. The municipal statement of concurrence is signed by a staff member to whom this authority has been delegated in all instances other than a proposal that has a “High” ASDF score. For these proposals, the report is presented to the LUA’s Planning Committee and/or Council for review, and a statement of concurrence from the LUA only occurs with the approval of Council.
 - The protocol follows a more comprehensive public consultation and notification process than Industry Canada’s default public consultation procedure, such as notifying all property owners within a radius of the greater of 120 metres or three times the tower height.
 - The CRINS-SINRC website provides a central repository for public comments on proposed radiocommunications facilities, as well as a host of informative material to educate the public on the factors and considerations involved in the development of these sites, thereby allowing the public to assess the impact of proposed facilities in their area.
 - Any final decisions by Industry Canada are included in the CRINS-SINRC online system.

Staff recommend that the City become a CRINS/SINRC member for the following reasons:

- CRINS-SINRC has expert staff on board (such as radiofrequency engineers and lawyers) who manage these specialized applications throughout Canada. The City would benefit from the knowledge and experience of these staff as City staff do not have the technical expertise to review radiocommunication facilities.

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- CRINS-SINRC staff ensure that co-location options are fully explored and considered by proponents before considering a new site for a radiocommunication facility.
- Membership would be at no cost to the City, but instead CRINS-SINRC would obtain cost recovery through application fees to proponents to recover both CRINS-SINRC costs as well as the costs incurred by the City.
- CRINS-SINRC would manage the public consultation process on behalf of the City as well as educate the public on antenna siting issues. CRINS-SINRC send an extensive information package for each proposed application to property owners within a radius of the greater of 120 metres or three times the tower height.
- CRINS-SINRC follows a code of best practice for the review of radiocommunication facilities.
- CRINS-SINRC also considers any additional locational and design criteria established by municipalities for the review of radiocommunication facilities.
- CRINS-SINRC is not affiliated with the federal government or any of the proponents in the wireless industry, and assures the public of its neutrality and commitment to transparent discourse.

Proposed Additional Considerations

In addition to the objectives and design considerations included in the CRINS-SINRC protocol, staff have developed additional “made in Kingston” criteria for the review of radiocommunication facilities within the City’s jurisdiction (Exhibit B). These supplementary considerations identify preferred locations in the City for the placement of radiocommunication facilities from a land use perspective, and also identify community sensitive locations where the siting of new antenna systems is discouraged. Within the City, community sensitive locations include lands that are designated Residential and Environmental Protection Area in the Official Plan, the Downtown and Harbour Special Policy Area, a Heritage Conservation District or a heritage listed or designated property, sites on or in proximity to the Lake Ontario shoreline, and sites that would obscure protected views as shown on Schedule 9 of the Official Plan. The development and design preference guidelines include such considerations as co-location, preservation of existing vegetation, and the use of stealth techniques. CRINS-SINRC and City staff will consider these additional criteria in the review of radiocommunication facilities.

CRINS-SINRC Membership

For a municipality to become a member of CRINS-SINRC, CRINS-SINRC requires that the municipality’s Council pass a motion to join CRINS-SINRC and authorize CRINS-SINRC and its staff to act as the municipality’s designated representatives for all radiocommunication matters and appoint a member of staff to the CRINS-SINRC Advisory Board. The second step is the adoption of the CRINS-SINRC protocol to initiate and give force to the protocol for all applications within the municipality. For information purposes, an example of a joining letter is included as Exhibit E.

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Application Review Fees and Proposed Amendment to By-Law Number 2005-10

The current fee charged by CRINS-SINRC for the review of applications for radiocommunication facilities is \$1,750. Municipalities can add a municipal review fee on top of the CRINS-SINRC fee. CRINS-SINRC collects the combined fee from proponents at the time of application submission. Once CRINS-SINRC deems the application complete and ready for review, it forwards the municipal portion of the cost recovery fees to the municipality. The CRINS-SINRC services are provided free of charge to participating municipalities.

The fee schedule attached to By-Law Number 2005-10, “A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston,” as amended, is updated annually. This process was completed for 2016 on December 15, 2015. The Planning Division presently collects an application fee of \$1,774.95 plus \$208.20 for the Public Notice (based on 2016 fees) for the review of applications for “above ground utilities infrastructure containing less than 300 metres squared floor area/communication towers”.

If Council approves of the CRINS-SINRC membership, staff recommend to continue to use the fee of \$1,774.95 to recover the costs associated with reviewing applications for radiocommunication facilities and for providing support to CRINS-SINRC. However it is recommended that a new row be added to Schedule ‘A’ to By-Law Number 2005-10 so that a radiocommunication facility is its own category, and is not combined with “above ground utilities infrastructure containing less than 300 metres squared floor area”. Staff will monitor the fees and staff time spent on applications for radiocommunication facilities and will revisit these fees as part of future reviews of By-Law Number 2005-10. The following table outlines the proposed amendment to Schedule ‘A’ to By-Law Number 2005-10. The draft amending by-law is included as Exhibit C.

	2016 Fees	HST
Planning		
Site Plan Control Other		
Above ground utilities infrastructure containing less than 300 metres squared floor area/communication towers (plus PN)	\$1,774.95	No
Radiocommunication Facilities		
Review of radiocommunication facilities (plus third party review fees charged by CRINS-SINRC)	\$1,774.95	No

As mentioned previously, the current fee charged by CRINS-SINRC for the review of applications for radiocommunication facilities is \$1,750. As such the total fees will be \$3,524.95 (CRINS-SINRC fees plus City fees) for review of applications for radiocommunication facilities within the City.

Proposed Amendment to By-law Number 2006-75

By-Law Number 2006-75, “A By-law to Delegate Various Planning Approvals to Staff and to Adopt Certain Procedures for the Processing of Planning Applications Subject to Delegated Authority”, as amended, sets out the planning approvals that have been delegated to staff and the procedures for the processing of planning applications that are subject to the delegated authority.

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As mentioned previously in this report, the ultimate role of the municipality is to issue a statement of concurrence or non-concurrence to the proponent and to Industry Canada with respect to a proposed radiocommunication facility. Currently, the City follows a modified Site Plan Control process to review applications for radiocommunication facilities. A security deposit or a registered Site Plan Control agreement are not required for these applications. A staff report with a recommendation is presented to the Planning Committee. If approved by the Planning Committee, the Director of Planning, Building & Licensing Services issues a Site Plan Control approval letter to the proponent with a copy to Industry Canada. If not approved by the Planning Committee, the matter must go to Council for a decision.

If Council approves of the CRINS-SINRC membership, CRINS-SINRC will prepare a Land Use Authority Recommendation Report as a deliverable resulting from the Land Use Authority's (municipality's) adoption of the CRINS-SINRC protocol. Staff recommend that for proposed facilities that are characterized as "Low" or "Medium" using the "Antenna Siting Design Framework" (ASDF) outlined in the CRINS-SINRC protocol, the Director of Planning, Building & Licensing Services be delegated the authority to provide a municipal statement of concurrence. However, for proposals with a "High" score, the municipal statement of concurrence or non-concurrence will only occur with the approval of Council.

Staff recommend an amendment to By-Law Number 2006-75 to list the review of radiocommunication facilities as a separate category and to delegate the authority to the Director of Planning, Building & Licensing Services to issue a statement of concurrence, unless an application for a radiocommunication facility is referred to Council. However, any statements of non-concurrence would be issued by Council. Staff also recommend a housekeeping amendment to change the reference to the Director from the "Director of Planning and Development" to the "Director of Planning, Building & Licensing Services" throughout the by-law to reflect the updated department name. The draft amending by-law is included as Exhibit D.

Reporting Out of Approved Projects to Council

The sole authority for approving a radiocommunication facility is with the federal agency of Industry Canada. Any final decisions by Industry Canada for an application for a radiocommunication facility will be included on the CRINS-SINRC online system and on the City's DASH system. A list of approved facilities will be included in the Planning Committee meeting agendas, similar to the lists that are included for approved site plan control applications and for applications appealed to the Ontario Municipal Board.

As well, after an application for a radiocommunication facility is deemed complete, the District Councillor will be consulted by CRINS-SINRC staff so that they are aware of the proposal.

Existing Policy/By-Law:

City of Kingston Official Plan

Section 3.1.4 of the Official Plan identifies that freestanding wireless telecommunication towers are permitted in all land use designations, except lands designated Residential or Environmental Protection Area where the structure would conflict with environmental objectives of the Cataraqui Region Conservation Authority or Parks Canada.

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The Official Plan encourages the shared use of transmission facilities in order to minimize the need for additional structures.

In the interest of protecting the visual amenity of the UNESCO World Heritage designated Rideau Canal, the Official Plan discourages wireless telecommunication towers from locating where they would constitute a major visual intrusion. Parks Canada must be consulted on such applications.

By-Law Number 2005-10

The *Municipal Act, 2001* gives the City the authority to charge fees for the provision of administrative services. By-Law Number 2005-10, "A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston," as amended, was updated on December 15, 2015.

By-Law Number 2006-75

By-Law Number 2006-75, "A By-law to Delegate Various Planning Approvals to Staff and to Adopt Certain Procedures for the Processing of Planning Applications Subject to Delegated Authority", was passed by Council on April 4, 2006, and amended by By-Law Number 2012-104 on June 19, 2012.

Notice Provisions:

An e-mail notification of this Council report was sent to individuals who have expressed an interest in radiocommunication facilities and have provided their contact information.

Accessibility Considerations:

Not applicable

Financial Considerations:

The CRINS-SINRC services are provided free of charge to participating municipalities.

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Other City of Kingston Staff Consulted:

Alan Mcleod, Senior Legal Counsel, Legal Services

Lana Foulds, Manager, Financial Planning, Financial Services

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Exhibits Attached:

- Exhibit A Antenna System Siting Review and Consultation Protocol, Reference Issue 3, July 15, 2014
- Exhibit B Guidelines for Establishing Radiocommunication Facilities within the City of Kingston
- Exhibit C Draft By-law to amend By-law Number 2005-10, "A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston", as amended
- Exhibit D Draft By-law to amend By-law Number 2006-75, "A By-law to Delegate Various Planning Approvals to Staff and to Adopt Certain Procedures for the Processing of Planning Applications Subject to Delegated Authority", as amended
- Exhibit E Example of a CRINS-SINRC Joining Letter



Antenna System Siting Review
and Consultation Protocol,

Reference Issue 3

July 15, 2014



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Introduction

The purpose of the *Antenna System Siting Review and Consultation Protocol, Reference Issue 3*¹ is to detail the review process for an application submitted through CRINS-SINRC to a participating Land Use Authority (LUA) for the siting and construction of an antenna system, as well as defining the participating LUA's expectations relating to the location and design of radiocommunications facilities.

This protocol applies to any proponent planning to install a new or modify an existing radiocommunications facility regardless of the type of installation or service. This includes, but not limited to:

- Personal Communications Services (PCS);
- Cellular operators;
- Fixed wireless operators;
- Broadcasting operators;
- Land-mobile operators;
- License-exempt operators; and,
- Amateur radio operators.

All new radiocommunications facilities are expected to follow this process to obtain either a Notice of Facility Exemption or a Notice of Completion relating to the consultation and the corresponding Land Use Authority (LUA) Recommendations Report.

¹ [Short Title: *CRINS-SINRC Reference Protocol, Issue 3 (2014)*]

1 Objectives

The goal of this protocol is to provide a framework which sets out the LUA's expectations for appropriate design and satisfactory public consultation for proposed radiocommunications facilities. The objectives that implement this goal are:

- 1.1 Having regard for Industry Canada's legislative authority in a protocol which also respects the context for development, and land-use mandate of the LUA;
- 1.2 Setting out a transparent, consistent, and predictable process for the evaluation of all radiocommunications facility proposals that:
 - a) Establishes objective criteria and guidelines for evaluating and processing applications seeking LUA concurrence;
 - b) Specifies the LUA's expectations as to how new radiocommunications facilities are to be sited and designed in a manner that compliments the surrounding landscape and public realm;
 - c) Defines a clear consultation process administered through CRINS-SINRC that requires proponents to engage and inform stakeholders about radiocommunications facilities; and,
 - d) Develops a predictable timeline for issuing of LUA recommendations that incorporates early consultation to identify potential issues with applications in order to meet Industry Canada's timeline requirements.
- 1.3 Detailing the roles and responsibilities of the various parties in the radiocommunications facility consultation process;
- 1.4 Ensuring that the LUA's residents and businesses are made adequately aware of radiocommunications facility proposals through education and public consultation; and,
- 1.5 Establishing an appropriate conclusion to the LUA consultation process, including specific outcomes and deliverables.

2 Jurisdiction and Interpretation

- 2.1 Wireless communications and broadcast operators in Canada are licensed by the Department of Industry (Industry Canada) in accordance with the exclusively federal jurisdiction vested in the *Radiocommunications Act Section 5(1) (a) (i.1)*. Additionally, the broadcasting communication operator's activities are licensed separately by the *Canadian Radio-television and Telecommunications Commission (CRTC)*.
- 2.2 As a federal undertaking, radiocommunications sites must adhere to all applicable federal regulations and guidelines, including but not limited to:
- The National Building Code and National Fire Code;
 - Canadian Environmental Assessment Act;
 - Industry Canada's CPC-2-0-17 - *Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*;
 - Health Canada's Safety Code 6; and,
 - Industry Canada's CPC-2-0-03.
- 2.3 Radiocommunications sites are not subject to either municipal or provincial land-use legislation including the Planning Act and /or Municipal Governance Act of a province or territory. No formal development or planning agreements can be executed and registered on title with respect to radiocommunications facilities.
- 2.4 For the purposes of this protocol, the Land Use Authority (LUA) shall be the municipal government, or in the case of land administered by the Crown, the relevant provincial government or federal government agency.
- 2.5 For radiocommunications facilities not excluded under Section 4 of this protocol, proponents are expected to satisfy the public consultation requirements of the applicable LUA. The role of the LUA is to provide input and comments to Industry Canada as part of that process.
- 2.6 This protocol is to be read in its entirety as a comprehensive and integrated policy framework to establish the site criteria and process leading to the issuing of a Notice of Completion or Notice of Facility Exemption, and a LUA Recommendations Report for a proposed facility.
- 2.7 For the purposes of this protocol, the only member of LUA staff having the authority to manage and exercise responsibilities under this protocol shall be the Director of Planning or his or her designate. No powers or privileges under this protocol shall at any time be interpreted to extend to any other member of staff.

3 Radiocommunications Development Plan

3.1 Annual Review

- 3.1.1 Proponents shall be invited to submit within 90 days of the adoption of this protocol and by September 30th of each subsequent year, a written Radiocommunications Development Plan (RDP) which outlines the proponent's expected areas of infrastructure development for the coming year.
- 3.1.2 The LUA shall review each proponent's plan and identify areas of common interest between proponents. The LUA shall host a meeting with all Proponents who submitted an RDP to identify opportunities for joint build and co-location pursuant to Industry Canada's CPC 2-0-03 and CPC 2-0-17.
- 3.1.3 The LUA shall identify, as part of the meeting, areas of development and development applications within its jurisdiction where Proponents may have an interest in expanding their services. The LUA may facilitate discussion with land developers, and other interested parties, to allow the Proponents to consider infrastructure options during the planning stage.
- 3.1.4 Where feasible, the LUA may offer the Proponents an option for pre-approval on proposed facilities where a joint build option exists.

4 Excluded Antenna Systems

4.1 Basic Exclusions

Industry Canada excludes a number of proposals from any consultation whatsoever with the land-use authority, its residents and businesses. The exclusions are as follows:

- a) The maintenance of existing radio apparatus including the antenna system, transmission line, mast, power, 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, building, or other structure, provided the addition or modification does not result in an overall height increase above the existing structure of no greater than 25% of the height of the original structure. For greater clarity, Industry Canada extends this exclusion to radiocommunications facilities proposed to be attached or affixed to any building or structure, including a rooftop or support pillar;
- c) Maintenance of a radiocommunications facility's painting or lighting in order to comply with the requirements of Transport Canada;
- d) Installation of a radiocommunications facility used for a limited duration for a special event or to support local, provincial, or national emergency operations during that emergency, and is removed

within three months after the special event or emergency; and,

- e) All radiocommunications facilities less than 15 metres (50 feet) in height.

4.2 Additional Exclusions

The LUA additionally excludes the following radiocommunications facilities from public consultation:

- a) Any facility which has been pre-approved as part of a proponent's annual Radiocommunications Development Plan; and,
- b) Additional equipment shelters associated with a new co-located facility.

4.3 Confirmation of Exclusion

- 4.3.1 The proponent is required to confirm with the LUA that the proposed facility meets the exclusion criteria by submitting proposal information in accordance with Section 5.1 of this protocol.
- 4.3.2 Where a proponent demonstrates that their proposal meets one or more of the exclusion criteria of Sections 4.1 or Section 4.2, the LUA shall issue a Notice of Facility Exemption to the proponent and Industry Canada.
- 4.3.3 Proponents are asked to incorporate the design recommendations provided in Section 7.2 of this protocol (as applicable), even if a Notice of Facility Exemption has been issued.

4.4 Community Sensitive Locations

- 4.4.1 Notwithstanding the exclusions outlined in Section 4.1 and Section 4.2 of this protocol, Industry Canada states in Section 6 of CPC-2-0-03 that exclusion criteria should be applied with consideration for local surroundings. To that end, proponents are expected to engage in a pre-consultation review with the LUA, even where a proposed radiocommunications facility is excluded, to allow the LUA an opportunity to determine if the proposed facility falls within a Community Sensitive Location.
- 4.4.2 A Community Sensitive Location shall be defined as any property, which under the relevant LUA regulations:
- is currently designated as a Heritage Property;
 - is an area of designated architectural significance;
 - contains a site of archeological significance; or,
 - is an natural conservation area.
- 4.4.3 A proposed facility will not be eligible for an exemption from consultation, and the LUA will request that Industry Canada override their policy on radiocommunications facilities excluded from consultation, where a facility is proposed within a Community Sensitive Location.

5 Application Requirements

5.1 Pre-consultation Review

Proponents shall request a pre-consultation review through the CRINS-SINRC system. Requests for pre-consultation will be accepted once the proponent has submitted the following information to the CRINS-SINRC online system:

- The location of the proposed radiocommunications facility, including its address and location on the lot or structure (CRINS-SINRC Site Information Abstract);
- A short summary of the proposed radiocommunications facility and, if applicable, how it meets one of the exclusion criteria under Section 4 of this protocol (CRINS-SINRC Facility Type Abstract);
- Set of drawings illustrating the proposal, including a conceptual site plan, elevation drawings, and context plan showing the development within the existing neighborhood (which can be supplied using an aerial photograph base) according to the drawing guidelines outlined in Section 5.2 (c) and (d).

Such a request shall not be deemed by the LUA as the official commencement of the 120-day consultation process, in accordance with Section 5.3 of this protocol.

5.2 Non-Excluded Radiocommunications Facilities

Any proposals for non-excluded radiocommunications facilities will require the submission of a complete application through the CRINS-SINRC online system. This includes completing the online application information, payment of fees, and uploading electronic versions of supporting documentation as follows:

a) CRINS-SINRC online data entry of the following information :

- The location of the proposed radiocommunications facility, including its geographic coordinates, its address and location on the lot or structure (CRINS-SINRC Site Information Abstract);
- A description of the proposed structure type, shelter type, height, access, and utility sources (CRINS-SINRC Facility Type Abstract);

b) Upload a written justification on the CRINS-SINRC Facility Type Abstract containing:

- The rationale for the selection of the proposed site (indication of whether the site provides coverage and/or capacity, what communities / areas will benefit from the new facility);
- Description of co-location alternatives considered within a 3 km radius of the proposed site;
- A statement indicating the justification for the height of the proposed radiocommunications facility (towers only);
- A statement on future co-location possibilities for the support structure, if applicable (CPC-2-0-17);
- A statement on how the radiocommunications facility, if located in an area designated for future urban development, shall complement and become a part of the future community without unduly limiting the potential for future urban development; and,
- A statement indicating the justification for not complying with any of the LUA's preferred design criteria in Section 7.3 of this protocol, as applicable.



- c) Upload to the CRINS-SINRC system a set of colour photographs of the subject lot, oriented toward the proposed radiocommunications facility from at least three landmarks or important locations in the vicinity of the proposed site:
- One set showing the current site conditions (minimum 3 photos); and,
 - One set including superimposed images of the proposed radiocommunications facility (minimum 3 photos).
 - A topographical map or satellite image showing the location from which the pictures were taken (1 image).
- d) Upload to the CRINS-SINRC system a site plan, elevations, and survey drawings prepared to appropriate metric scale showing:
- The subject lot and lease area (a key plan can be used for properties having an area of 2.0 hectares or greater);
 - General site grading;
 - The location of existing lot lines, and setbacks from those for the proposed radiocommunications facility;
 - Setbacks from existing and proposed buildings and structures for the proposed radiocommunications facility;
 - Setbacks from the nearest building not on the subject property, measured from the nearest point of the building, structure, or feature;
 - The staked limits of significant natural heritage features and other sensitive lands and setbacks from those for the proposed radiocommunications facility within 3 times the height of the proposed structure (if applicable);
 - Existing and proposed landscaping, including an inventory of existing vegetation and any plantings proposed to screen the base of the tower and any structures on the ground where applicable;
 - Access proposed to the radiocommunications facility, including any motor vehicle parking spaces including dimensions; and,
 - The structure type and height of the proposed radiocommunications facility.
- e) Upload to the CRINS-SINRC system mapping prepared to appropriate metric scale showing:
- The location of the proposed radiocommunications facility within the community; and,
 - Network coverage mapping showing the applicant's current coverage and anticipated coverage (including signal strengths in dBm) with the installation of the proposed radiocommunications facility including the nearest existing antenna systems belonging to the proponent.
- f) Upload approvals from Transport Canada's and NAV Canada outlining aeronautical obstruction marking requirements (whether painting, lighting, or both) if available. If unavailable, the proponents can provide their applications to Transport Canada and NAV Canada together with an undertaking to provide those requirements once they become available;
- g) Upload a written attestation that the proposed radiocommunications facility will comply with Safety Code 6, including combined effects within the local radio environment at all times, signed by the Professional Engineer taking responsibility for the site's compliance;



- h) Upload a statement on the potential effects that the proposal may have on nearby electronic equipment (both existing and proposed) in accordance with CPC-2-0-03 and EMCAB-2, as well as measures proposed to mitigate those effects; and,
- i) Upload a written attestation that the proposed radiocommunications facility will comply with the National Building Code and National Fire Code in accordance with the proponent's responsibilities under enabling federal legislation, signed by the Professional Engineer taking responsibility for the site's compliance.

5.3 Complete Application

To clarify Industry Canada's requirements of Section 4 of CPC-2-0-03, the LUA shall consider the date a Complete Application was received as the official commencement of the 120-day consultation process. Such a process is consistent with and required for other development applications in the LUA. A determination on the completeness of an application or request for additional information will be provided within five days of receipt of the application by the LUA.

5.4 Additional Information

If a request is made to the proponent for additional information prior to the LUA deeming the application to be complete and no additional information is supplied within 90 days, the LUA shall advise Industry Canada of the incomplete nature of the application and will deem the application abandoned.

6 Siting on LUA-owned Properties

Any request to install a radiocommunications facility on lands owned by the LUA shall be made to the Manager of Realty Services, in accordance with LUA policy. Independently, an application shall be required by the proponent in accordance with Section 5.2 of this protocol.

7 LUA Recommendations Report

The LUA acknowledges that proponents can install radiocommunications facilities in almost any location. It is the LUA's position to work with proponents to achieve the best possible design of a radiocommunications facility for constituents. Such design strikes an appropriate balance between technological and network coverage requirements, and unobtrusive development that compliments or improves the surrounding landscape and public realm.

As part of the input provided to proponents and Industry Canada, an LUA Recommendations Report will be provided for all proposed installations and shall be a required deliverable for non-excluded applications prior to a Notice of Completion being issued. The LUA Recommendation report shall consist minimally of the following elements:

7.1 Statement on Land Use

The LUA shall provide a statement on the Proponent's choice of site relative to the following criteria:

- Community Sensitive Locations
- Fire routing and access.
- Zoning and compatibility with existing Strategic Plans.
- Environmental Concerns

7.2 Antenna Siting Design Framework Criteria

7.2.1 The LUA shall provide Antenna Siting Design Framework (ASDF) criteria for the proposed site to the proponent through the CRINS-SINRC system. The ASDF criteria shall outline design goals for the proposed site based on the location chosen by the proponent. The LUA shall inform its recommendations based on how well the proponent's design meets the ASDF design criteria.

7.2.2 The ASDF provides an overall classification of the proposed design through a concept known as "Degree of Visual Change" which is characterized as "Low", "Medium" or "High".

7.2.3 The level of public consultation required for a proposed site shall be dictated by the ASDF "Degree of Visual Change" classification as follows:

- "Low" – the proposed facility requires that land owners within a minimum of 120 metres or 3 times the structure height, whichever is greater, be notified by mail/courier requesting comments or questions over a 30 day period. No road signage is required. No public meeting is required. LUA Staff shall issue a LUA Recommendation Report within 30 days. A Notice of Completion shall be issued by CRINS-SINRC upon receipt of the LUA Recommendation Report and approval by the LUA Designated Representative.
- "Medium" – the proposed facility requires that land owners within a minimum of 120 metres or 3 times the structure height, whichever is greater, be notified by mail/courier requesting comments or questions over a 30 day period. A Public Notice shall be placed in local media outlets requesting comments or questions over a 30 day period. Road signage shall be erected prior to the mailout to adjacent landowners and publication of the Public Notice. No public meeting is required. Staff shall issue an LUA Recommendation report within 30 days and such report shall be accompanied by a summary of public comments received from adjacent landowners and members of the public. A Notice of Completion shall be issued by CRINS-SINRC upon receipt of the LUA Recommendation Report and approval by the LUA Designated Representative.
- "High" – the proposed facility requires that land owners within a minimum of 120 metres or 3 times the structure height, whichever is greater, be notified by mail/courier requesting comments or questions over a 30 day period. Road signage shall be erected prior to the mailout to adjacent landowners. A Public Information Meeting shall be held no later than 14 days after the closing date for submissions from adjacent landowners. LUA staff shall prepare an LUA Recommendations Report within 60 days, including a summary of public comments received during the public information meeting, and shall present the report to the LUA's Planning Committee and/or Council for review. A Notice of Completion shall be issued by CRINS-



SINRC on the date the LUA Recommendation Report is presented to Council. However, a statement of concurrence from the LUA will only occur with the approval of Council.

7.3 Statement on Compliance with General Design Recommendations

The following general design guidelines shall apply for all radiocommunications facilities in the LUA and proponents are asked to follow these guidelines, as applicable, for all proposed facilities:

- 7.3.1 Colors used for all components of the radiocommunications facility shall be compatible with the surrounding landscape and public realm:
- a) Color matching shall be the first preference for the LUA, with the exact color(s) determined on a case-by-case basis to enhance the surrounding landscape and public realm;
 - b) Neutral colors shall be the second preference; and,
 - c) Non-reflective surfaces and paints shall be used.
- 7.3.2 Designs requiring no illumination are expected except where Transport Canada and NAV Canada requirements for illumination of the radiocommunications facility are identified.
- 7.3.3 Where a proposed radiocommunications facility requires an equipment shelter:
- a) The first preference is to locate such structures within a main or accessory building used for other uses on the same lot;
 - b) A new, above-ground equipment shelter at the base of the structure or abutting the penthouse of a building is the next preference of the LUA; and,
 - c) Any new equipment shelter shall require architectural treatments sensitive to the surrounding landscape and public realm and in the case of a building, consistent with the architectural style of the building.
- 7.3.4 Where a proposed radiocommunications facility requires screening and access restriction:
- a) Existing vegetation shall be preserved wherever possible, with new plantings provided to enhance the surrounding landscape and public realm;
 - b) Where fencing is proposed, design details including the materials proposed and elevation drawings showing details and gate locations shall be provided in the drawings uploaded with the application;
 - c) Fencing shall use materials sensitive to the surrounding landscape and public realm; and,
 - d) The use of razor wire requires analysis in the justification report, including how its use will not compromise the surrounding landscape and public realm.



- 7.3.5 Vehicular access to the proposed radiocommunications facility should be provided as follows:
- a) Access needs to be suitably provided to a public street or across a private right-of-way; and,
 - b) Any parking space provided shall not be within a road allowance.
- 7.3.6 Where a proposed radiocommunications facility is located on the roof of a building or structure:
- a) Support structures and equipment shelters should be color-matched or designed with architectural treatments and/or shrouding to compliment or blend in with the existing building; and,
 - b) Antennas should be flush-mounted wherever possible.
- 7.3.7 New radiocommunications facilities shall avoid obscuring significant views and vistas.
- 7.3.8 Where a proposed radiocommunications facility is located on the roof of a building or structure:
- a) Any signage required by Industry Canada shall be permitted to be posted on the radiocommunications facility;
 - b) The LUA shall require the posting of a small plaque at the base of the radiocommunications facility, identifying its owner/operator and contact information for that party; and,
 - c) No third-party signage, flags, or graphics are permitted on a telecommunication facility except where such signage is part of the shrouding scheme for the site and the signage is compliant with the LUAs existing signage requirements.

7.4 Siting of Facility Relative to Existing Use

The LUA acknowledges that radiocommunications facilities are not subject to the requirements of a Zoning By-law. Notwithstanding this, the following requirements apply to radiocommunications facilities:

- 7.4.1 The placement of any parking space or any component of a radiocommunications facility shall not create or cause a situation of non-compliance with any LUA Zoning By-law for any other use, building, or structure on the same lot.



7.5 Statement of Concurrence

The LUA shall provide a statement of concurrence or non-concurrence with the proposed facility, signed by the Director of Planning.

- 7.5.1 If the LUA concurs with the proposed facility subject to conditions, the Statement of Concurrence shall state any conditions to be satisfied by the proponent, and the Proponent shall be asked to provide a Letter of Undertaking on their letterhead agreeing to satisfy the conditions.
- 7.5.2 If the LUA does not concur with proposed facility, then the Statement of Non-Concurrence shall detail the reasons that the proposed facility is deemed unacceptable, and any remedies available to the Proponent to satisfy the LUA and bring their proposal into an acceptable state.
- 7.5.3 In the case that non-concurrence is due to the Proponent not being prepared to satisfy the conditions provided under a conditional Statement of Concurrence, then the LUA shall request that Industry Canada not provide a license to the Proponent for the proposed site.

8 Public Consultation

In completing a public consultation process for a new, non-excluded radiocommunications facility, it is expected that CRINS-SINRC and LUA staff shall facilitate the process with support from the proponent as required. A Public Consultation shall be required only for facilities that do not meet the exclusion criteria of Section 4 of this protocol, and shall be conducted according to the following process:

8.1 Notification Package

- a) The LUA will provide CRINS-SINRC staff with a list of landowners and tenants, where applicable, within a radius of the greater of 120 metres or three times the height of the proposed radiocommunications facility. This distance shall be measured outward from the furthest point of the radiocommunications facility's supporting mechanism (i.e. outermost guy line, building edge, or tower face). All properties within this distance shall be included on the mailing list.

- b) CRINS-SINRC will prepare and distribute the notification package to the following recipients:
 - To the landowners within a radius the greater of 3 times the tower height or 120 metres from the proposed radiocommunications facility, addressed to the name on the list and "or the occupant";
 - The Director of Planning or his or her designate;
 - The CAO of the LUA;
 - If an adjacent municipality is located within 120 metres or three times the tower height of the proposed radiocommunications facility, the CAO of that municipality; and,
 - The local councilor(s).

- c) The package shall include the following items submitted under Section 5.2 of this protocol:
 - Description of and rationale for the proposed structure including structure type and design, dimensions, height, color, lighting, and site access (including measures to control public access);
 - Superimposed images of the proposed radiocommunications facility;
 - Attestation that the general public will be protected in compliance with Safety Code 6, including combined effects within the local radio environment at all times;
 - The project's status under the Canadian Environmental Assessment Act;
 - A description of Transport Canada's and NAV Canada's aeronautical obstruction marking requirements (whether painting, lighting, or both) if available. If unavailable, the proponents can provide their expectation of Transport Canada's requirements together with an undertaking to provide those requirements once they become available;
 - A statement on the potential effects, measures that the proposal may have on nearby electronic equipment (both existing and proposed) in accordance with CPC-2-0-03 and EMCAB-2, as well as measures proposed to mitigate those effects;
 - Attestation that the proposed facility shall comply with all structural codes and regulations;
 - Notice that general information relating to antenna systems is available on the CRINS-SINRC website;



- Contact information for CRINS-SINRC, a representative of the proponent, the Director of Planning Services or his or her designate, and a representative from Industry Canada; and,
- Information on how to submit comments and the closing date for submission of written public comments (which shall be not less than 30 days from the date of transmission of the notification).

8.2 Notice Sign

- The proponent shall erect, when required under this protocol, one notice sign along each lot line abutting a public street or roadway.
- Where a public meeting is required, the sign shall be posted at least 21 days before the public information meeting. Where no public information meeting is required, the sign shall be posted for three weeks at any point during the consultation process.
- All notice signs shall be erected on the lot so that it is clearly visible and legible from all public streets or roadways abutting the subject lot. The signs shall be provided by CRINS-SINRC and conform to the following format:

Canadian Radiocommunications Information and Notification Service Service d'information et de notification en radiocommunications canadiennes

Public Notice

[Name of Proponent]

Has submitted an application to construct a

Radiocommunications Facility

[Civic Address]

For Further Information visit

www.crins-sinrc.ca

or call

1-855-502-7467

Refer to

Case Number:

[XXXX-XXX-XXXX]

- d) Photographs illustrating all notice signs posted and the date on which they were installed on the subject lot shall be uploaded to the CRINS-SINRC online system by the proponent as soon as possible after installation.
- e) All notice signs must be removed no later than 21 days after an issuance of a Notice of Completion.

8.3 Public Information Meeting

- a) The Public Information Meeting shall be required for all non-excluded facilities classified as “High” under ASDF criteria, and shall be open and accessible to all members of the public and local stakeholders.
- b) The convener shall make it clear at the beginning of the public meeting that the LUA is a commenting agency only, and that all decisions relating to the proposal are to be made by Industry Canada at a later date.
- c) The public information meeting will be convened and facilitated by the LUA or CRINS-SINRC at the LUA’s request. A representative from the LUA may attend to assist in answering questions.
- d) The proponent shall provide, at a minimum, two sets of display panels containing a site plan drawing and colour photographs of the subject lot, oriented toward the proposed radiocommunications facility from at least three landmarks or important locations in the vicinity of the proposed site:
 - o One set showing the current site conditions; and,
 - o One set including superimposed images of the proposed radiocommunications facility.
 - o The convener shall record all names, addresses, and contact information for attendees.
- e) All Public Information Meetings convened by CRINS-SINRC shall be video recorded and made available on the CRINS-SINRC website for viewing.

8.4 Local Media Notice

Where a Notice in the local media is required under this protocol, CRINS-SINRC shall additionally place a notice in the outlets identified by the LUA. Publication of this notice shall be synchronized with the distribution of the public notification package. The notice shall be consistent with the following format:


CRINS-SINRC

Public Notice

In accordance with the *Radiocommunications Act* and Industry Canada procedure CPC-2-0-03, Issue 5 (2014), be advised that

[Name of Proponent]

has submitted an application and notified **[Name of LUA]** of its intentions to develop a Radiocommunications Site located at

[LOCATION OF PROPOSED SITE]

For further information on the above proposal visit the CRINS-SINRC website:

<http://www.crins-sinrc.ca/>

or call

1-855-502-7467

Please reference the following Case Number:

XXXX-XXXX-XXXX

ANY PERSON may make a written submission by **[DATE]** with respect to this matter addressed to:

Canadian Radiocommunications Information and Notification Service

501-1500 Bank Street,
Ottawa, Ontario
K1H 7Z2

Fax: 613-482-2299

Email: submissions@crins-sinrc.ca

8.5 Timelines and Concluding Consultation

- a) All written submissions received from the public by a means other than direct entry into the CRINS-SINRC online system by a registered user shall be entered into the online system by CRINS-SINRC staff with 24 hours of receipt. Once entered into the online system an acknowledgement by the proponent shall be made within 14 days.
- b) A dialogue between a party who has provided a written submission and a proponent shall continue until all Relevant Concerns are answered, or a further response or inquiry is not received from either party within 21 days, whichever occurs first. A proponent must respond to all reasonable and relevant inquiries within 60 days or provide a reason why the question or concern is not relevant.
- c) CRINS-SINRC will maintain the official records of public consultation for the LUA containing, at a minimum, the following:
 - Copies of all letters and other written communications received on or before the last day for comments associated with the application;
 - Copies of responses outlining how the concerns and issues raised were or will be addressed or, alternatively, clearly setting out the reasons why such concerns are not reasonable or relevant; and,
 - Copies of any follow-up responses received from residents.
 - Summary of the public information meeting including attendee list and contact information (if applicable);

9 Deliverables

Copies of the Notice of Facility Exemption or Notice of Completion, and LUA Recommendations Report shall be sent directly to Industry Canada with copies sent to the following parties:

- The proponent;
- The CAO of the LUA;
- The applicable Councilors;
- If an adjacent municipality is located within 120 metres of the proposed radiocommunications facility, the CAO of that municipality; and,
- The Director of Planning for the LUA.

Copies of the above notices and reports shall be maintained by CRINS-SINRC online for 7 years following the completion of the consultation.

9.1 LUA Recommendations Report and Concurrence

The end result of a successful land use authority consultation process consists of two parts:

- 9.1.1 The first component is an LUA Recommendation Report. This report shall outline the recommendations of the LUA with respect to the design of the proposed facility. This part of the Concurrence shall only be signed by the Director of Planning once a Letter of Undertaking signed by the proponent is received by the LUA. This Letter of Undertaking shall form a Schedule(s) to the final LUA Recommendations Report and shall include the following requirements, if applicable:
- a) Attestation that the proponent shall construct and operate the radiocommunications facility in accordance with the drawings and justification report submitted; and
 - b) Any noted design requirements or considerations and other conditions to meet LUA expectations.
- 9.1.2 The second component is a Notice of Completion of Public Consultation, or a Notice of Facility Exemption. This part of the Concurrence shall only be signed by the Executive Director of CRINS-SINRC and the LUA Director of Planning, or his designate, once proponent has completed the consultation as set out in this protocol.
- 9.1.3 A proposal which has received a Notice of Facility Exemption or Notice of Completion, and a LUA Recommendations Report where the LUA has approved the site and the proponent have agreed to be bound by the conditions of the approval (if applicable) shall be deemed to have received Municipal Concurrence.
- 9.1.4 The only valid Municipal Concurrence statement the LUA shall issue is one attached to the LUA Recommendations Report and signed by the Director of Planning or his or her designate and sent directly to Industry Canada, with a copy to CRINS-SINRC for publication and archive.

9.2 Circumstances of Municipal Non-concurrence

- 9.2.1 Where the LUA is not in concurrence with a proposal, the LUA will advise the proponent and Industry Canada within the Industry Canada stipulated 120-day period of its non-concurrence with the proposal.
- 9.2.2 The LUA will request, for a radiocommunications facility not yet constructed, that Industry Canada not issue radio license prior to the LUA issuing a Municipal Concurrence.
- 9.2.3 The LUA will request, for a radiocommunications facility constructed without a Municipal Concurrence, that Industry Canada direct the proponent to consult with the LUA or use its own powers to remedy the situation.

9.3 Time Frames

- 9.3.1 If, in the mutual opinion of the Director of Planning Services and the proponent, outstanding issues are close to being resolved approaching the end of the 120-day period but more time is required to finalize, the LUA shall advise Industry Canada of the situation and provide an estimated date for delivery of a Municipal Concurrence. The LUA will also request Industry Canada not issue a radio license prior to the LUA issuing a Municipal Concurrence.

10 Definitions

Co-location (and co-located)

Means the placement of antenna systems on an existing building or structure, or the placement of additional antenna systems on an existing support structure, by one or more proponents.

Complete application

Means an application for Letter of Municipal Concurrence where all of the items listed in Section 4.1 of this protocol have been provided to the LUA.

CPC 2-0-03

Means Industry Canada's Client Procedures Circular, "Radiocommunication and Broadcasting Antenna Systems," Issue 5, effective July 15, 2014.

EMCAB-2

Means "Criteria for Resolution of Immunity Complaints Involving Fundamental Emissions of Radiocommunications Transmitters," Issue 1, June 1994.

Equipment shelter

Means a structure containing equipment such as radios, electronic, and other apparatus necessary to support the operation of the radiocommunications facility to receive or transmit signals, and which is not staffed on a permanent basis.

Height

Means the vertical distance measured from the established grade of a building or structure to the highest point of the building or structure, including any components attached to the building or structure.

Land Use Authority (LUA)

Means the municipal government, provincial government (Crown land), or federal agency (i.e. Indian and Northern Affairs Canada) responsible for land use and planning and development within a jurisdiction.

LUA

Same as "Land Use Authority" above.

Landlord

Means the owner of a lot, building, or structure who permits occupancy of that lot, building, or structure by a radiocommunications facility.

Municipal Concurrence

Means satisfaction by the LUA that the proponent has given adequate regard to this protocol in the siting and



design of a proposed radiocommunications facility, and satisfaction with the completeness of the public consultation process undertaken by the proponent. Such satisfaction shall only be expressed through a statement issued by the Director of Planning Services or his or her designate as part of the LUA Recommendations Report.

Proponent

Means a company, organization, or person which offers, provides, or operates a radiocommunications facility for personal use or the general public.

Public Authority

Means the LUA, Government of Canada, Provincial Government, or a Conservation Authority.

Public Realm

Means, in an area of suburban or urban development, the appearance, form, and function of buildings, structures, landscape, linkages, places, and activities occurring or planned on the subject lot and within the immediate vicinity, regardless of ownership.

Radio License

Means the approval of sites to be used for radiocommunications facilities, issued only by Industry Canada.

Safety Code 6

Means Health Canada's Safety Code 6, "Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 kHz to 300 GHz," 2009.

Surrounding Landscape

Means, in a rural or undeveloped area, the geography of and appearance of the land and associated features including buildings and vegetation.

Support Structure

Means a structure permanently affixed to the ground or onto an existing building or other existing structure used to support one or more antenna systems or other platforms for the primary purpose of radiocommunications.

Radiocommunications Facility

Means the components, either individually or in combination, required to operate a wireless communications network including cell sites, transmitters, receivers, antennae, and signaling and control equipment, and may include an accessory equipment shelter and support structure.

Guidelines for Establishing Radiocommunication Facilities within the City of Kingston



City of Kingston
Planning, Building and Licensing Services
April 2016



The *Guidelines for Establishing Radiocommunication Facilities within the City of Kingston* were adopted by City Council on _____.

Additional information can be obtained from the City of Kingston's website at www.CityofKingston.ca
or by contacting Planning, Building and Licensing Services at
(613) 546-4291 extension 3180

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1. Introduction

The purpose of this document is to outline the City's locational criteria and design guidelines that should be considered by proponents of radiocommunication facilities within the City of Kingston.

These guidelines are to be read in their entirety and in conjunction with the CRINS-SINRC Antenna System Siting Review and Consultation Protocol (hereto referred as the "Reference Protocol"), Reference Issue 3, July 15, 2014, which may be amended from time to time.

2. Supplementary Objectives

In addition to the objectives outlined in Section 1 of the Reference Protocol, the City of Kingston has the following further objectives:

- Minimize the number of new radiocommunication facilities in the City;
- Encourage the location and siting of new radiocommunication facilities in a manner which minimizes their visual impact and respects sensitive land uses and natural and built heritage features;
- Encourage co-location on an existing radiocommunication facility;
- Ensure compatibility with surrounding uses;
- Establish development and design guidelines for evaluating proposals; and
- Manage radiocommunication facilities in accordance with the Kingston Airport Zoning Regulations.

3. Location and Design Guidelines

To minimize the impact of antenna systems on a neighbourhood, location and design guidelines have been established. While it is recognized that radiocommunication facilities need to be strategically located to satisfy specific technical criteria and operational requirements, proponents are encouraged to work with the City of Kingston to address environmental, natural heritage, cultural heritage and land use compatibility concerns.

3.1 Use of Existing Infrastructure

Proponents are required, by Industry Canada and the City of Kingston, to first consider using existing towers or other infrastructure (i.e. rooftops, utility poles, etc.). Co-location on an existing antenna system is the preferred option in order to minimize the proliferation of antenna systems.

3.2 Preferred Locations

Where co-location on an existing antenna system or structure is not possible, new antenna systems are preferred in the following locations:

- a) Sites that are within industrial or commercial areas, utility corridors, or non-residential areas considered appropriate by the City of Kingston;

- b) Areas that maximize the distance from residential dwellings, day care centres, and educational and health facilities; and
- c) Areas that maximize the distance from active park space.

3.3 Community Sensitive Locations

The City of Kingston discourages the installation of new antenna systems in the following locations:

- a) Within lands designated Residential in the City of Kingston Official Plan;
- b) Within lands designated Environmental Protection Area in the City of Kingston Official Plan as these areas are associated with natural heritage features and natural hazard lands;
- c) Within a Heritage Conservation District or on a heritage listed or designated property under the authority of Part IV or Part V of the *Ontario Heritage Act*. If for technical reasons the antenna system must be located within the Heritage Conservation District or on a heritage listed or designated property under the authority of Part IV or Part V of the *Ontario Heritage Act*, steps shall be taken to minimize the antenna system's visual impact. A Heritage Permit Application may be required for antenna systems proposed on properties located within a Heritage Conservation District (designated under Part V of the Ontario Heritage Act) or properties designated under Part IV of the *Ontario Heritage Act*, and all properties directly adjacent to a designated property;
- d) Within the Downtown and Harbour Special Policy Area as shown on Schedule DH-1 of the City of Kingston Official Plan;
- e) On or in proximity to the Lake Ontario shoreline; and
- f) Sites that would obscure protected views as shown on Schedule 9 of the City of Kingston Official Plan.

3.4 Development and Design Preferences

In addition to the general design recommendations listed in Section 7.3 of the Reference Protocol, proponents are encouraged to follow the City's additional development and design preference guidelines set out below:

- a) A new antenna system should be designed with co-location capacity;
- b) On undeveloped sites, locate the new antenna system so as not to preclude future development opportunities for the site;
- c) Antenna systems and equipment shelters should be located away from the street line to minimize visual impacts from the streetscape;
- d) Antenna systems shall be sited to preserve as much existing vegetation as possible;

- e) An antenna system shall be designed and constructed in a way so that drainage from the site does not adversely affect any neighbouring properties or existing stormwater management;
- f) Antenna systems and equipment shelters should be attractively designed or screened and concealed from ground level or other public views to mitigate visual impacts. Screening could include using landscaped treatment, decorative fencing, etc.;
- g) Monopole towers with antennas shrouded or flush mounted are preferred;
- h) Stealth techniques, such as flagpoles, clock towers, trees, light poles, etc., should be considered and used where appropriate to minimize visual impact within the context of the surrounding area; and
- i) At the base of the structure, a small sign with a maximum size of 0.5 square metres shall be provided identifying the owner/operator and their contact information.

4. Kingston Airport

The Kingston Airport Zoning Regulations are federal regulations administered by Transport Canada and are specific to the Kingston Airport.

The Kingston Airport Zoning Regulations limit the height of any obstruction, including telecommunications towers, within a 4 kilometre radius of the Kingston Airport. Outside of this radius, the maximum height along the approach and departure paths for the runways extends up to 15 kilometres beyond the airport. In addition, any high obstructions within the City should be assessed by NAV Canada for possible interference with flight paths and aviation safety.

5. Siting On City-Owned Property

Any request to install an antenna system on lands owned by the City of Kingston shall be made to the Manager of Real Estate & Land Development in accordance with the City's Revenue Leasing and Licensing Policy and will be subject to Council approval.

By-Law Number 2016-XX

A By-Law to Amend By-Law Number 2005-10, “A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City Of Kingston”, as amended

Passed: [Meeting Date]

Whereas radiocommunication facilities are exempt from *Planning Act* approvals, and are instead regulated federally under the *Radiocommunication Act*; and

Whereas the review of an application associated with a radiocommunication facility takes a considerable amount of staff time; and

Whereas the *Municipal Act*, 2001 permits municipalities to charge a fee for administrative services;

Therefore be it resolved That the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. By-Law Number 2005-10, “A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City Of Kingston”, as amended is hereby further amended as follows:
 - 1.1. Amend Schedule ‘A’ by adding the following new section to the Planning Fees and Charges:

	2016 Fees	HST
Planning		
Radiocommunication Facilities		
Review of radiocommunication facilities (plus third party review fees charged by CRINS-SINRC)	\$1,774.95	No

- 1.2. Amend Schedule ‘A’ by deleting the words “/communication towers” after the words “Above ground utilities infrastructure containing less than 300 metres squared floor area” listed under Site Plan Control Other of the Planning Fees and Charges so that the revised wording reads as follows:

	2016 Fees	HST
Planning		
Site Plan Control Other		
Above ground utilities infrastructure containing less than 300 metres squared floor area (plus PN)	\$1,774.95	No

2. This by-law shall come into force and take effect on the date of its passing.

Given First and Second Readings [Meeting Date]

Given Third Reading and Passed [Meeting Date]

John Bolognone
City Clerk

Bryan Paterson
Mayor

By-Law Number 2016-XX

A By-Law to Amend By-law Number 2006-75, “A By-law to Delegate Various Planning Approvals to Staff and to Adopt Certain Procedures for the Processing of Planning Applications Subject to Delegated Authority”, as amended – Add New Provisions Respecting Radiocommunication Facilities

Passed: [Meeting Date]

Whereas radiocommunication facilities are exempt from *Planning Act* approvals, and are instead regulated federally under the *Radiocommunication Act*, and

Whereas Industry Canada requires proponents of a radiocommunication facility to contact the local municipality with the aim of discussing site options; ensuring that local processes related to antenna systems are respected; addressing reasonable and relevant concerns from both the municipality and the community it represents; and obtaining municipal concurrence in writing; and

Whereas the Council of The Corporation of the City of Kingston deems it appropriate to extend the authority to staff to issue the City’s statement of concurrence for applications for radiocommunication facilities;

Therefore be it resolved That the Council of the Corporation of the City of Kingston hereby enacts as follows:

1. By-Law Number 2006-75, “A By-Law to Delegate Various Planning Approvals to Staff and to Adopt Certain Procedures for the Processing of Planning Applications Subject to Delegated Authority”, as amended, is hereby further amended as follows:

1.1. **Replacing** the words “Director of Planning and Development” with the words “Director of Planning, Building & Licensing Services” throughout the by-law.

1.2. **Adding** the following new Section 12 and renumbering the sections following new Section 12 accordingly:

“12. Radiocommunication Facilities

- (i) That Council hereby delegates to the Director of Planning, Building & Licensing Services or, in the absence of the Director, the Commissioner or the Acting Director or his / her Designate, the

authority to issue a municipal statement of concurrence for applications for radiocommunication facilities;

- (ii) Notwithstanding the provisions of Clause 12.(i) of this by-law, City Council shall retain all powers and authority with respect to the issuance of a municipal statement of concurrence where the Director of Planning, Building & Licensing Services or, in the absence of the Director, the Commissioner or the Acting Director or his/her Designate at his/her sole discretion refers the matter to City Council;
- (iii) City Council shall retain all powers and authority with respect to the issuance of a municipal statement of non-concurrence."

2. This by-law shall come into force and take effect on the date of its passing.

Given First and Second Readings [Meeting Date]

Given Third Reading and Passed [Meeting Date]

John Bolognone
City Clerk

Bryan Paterson
Mayor

7
Regional Service Commission
Commission de services régionaux

March 3, 2014

CRINS-SINRC
1500 Bank Street, Suite 501
Ottawa, Ontario K1H 7Z2
Attention: Todd White

Dear Mr. White:

On behalf of the Regional Service Commission #7, I am pleased to accept your invitation to become a participating Commission in the Canadian Radiocommunications Information and Notification Service/Service d'Information et de notification en radiocommunications canadiennes (CRINS-SINRC).

At a meeting of the Regional Service Commission #7, on February 25, 2014, a motion was adopted to participate in CRINS-SINRC and to utilize the services of CRINS-SINRC to manage the processing of all radiocommunications applications within the jurisdiction of the Regional Service Commission #7 in our capacity as the Land Use Authority as recognized by Industry Canada under Client Procedure Circular (CPC) 2-0-03, Issue 4 (2008).

To that end, the Regional Service Commission #7 hereby authorizes CRINS-SINRC and its staff to act as the authorized representative of the Regional Service Commission #7, pursuant to Section 4 of CPC 2-0-03, Issue 4 for the purpose of receiving and acting upon all radiocommunications applications, reporting to and working with the Regional Service Commission #7's Director of Planning or a member of staff which the Director may designate from time to time.

The Regional Service Commission #7 also adopted the CRINS-SINRC Reference Protocol Issue 2, and subsequent amendments as may be approved from time to time, as the Regional Service Commission #7's protocol in force for all applications.

Furthermore, we accept your offer to designate a representative from our Planning Department as a member of the CRINS-SINRC Advisory Board to provide guidance to the operations of CRINS-SINRC in fulfillment of its mandate to educate the public and provide transparency and accountability surrounding applications for radiocommunications facilities.

.../2

Westmorland Albert (Moncton)
Terminal Plaza Building, 1222, rue Main Street, 4th floor/4ième étage, Unit/unité 4000, Moncton NB, E1C 1H6
Tel: (506) 382-5386 Fax: (506) 382-3651

Todd White
CRINS-SINRC
March 3, 2014
Page 2

We look forward to working with CRINS-SINRC on the issue of radiocommunications facilities within our jurisdiction which has become a concern for our constituents.

I have attached a copy of the adopted motion and meeting minutes for your records and would ask that you coordinate training of our staff with Lori Bickford, Planning Manager.

Sincerely yours,



Sébastien Doiron
Director of Planning, RSC #7

Attachment Copy of Resolution

**RSC #7 – RESOLUTION
CANADIAN RADIOCOMMUNICATIONS INFORMATION AND NOTIFICATION
SERVICE**

RESOLUTION

that the Board of Directors of the Regional Service Commission #7 agrees to participate and become a member in the *Canadian Radiocommunications Information and Notification Service (CRINS)* and to utilize the services of *CRINS* to manage the processing of all radiocommunications applications within the jurisdiction of the Regional Service Commission 7, in our capacity as the Land Use Authority for the municipalities receiving planning services throughout RSC #7, as recognized by *Industry Canada*;

that the Board of Directors of the Regional Service Commission #7 hereby authorizes *CRINS* and its staff to act as the authorized representative of the municipalities receiving planning services from RSC #7 for the purpose of receiving and acting upon all radiocommunications applications, reporting to and working with the planning staff of RSC #7;

that the *CRINS “Antenna System Review and Consultation Protocol”* **be adopted**; and

that the fee established, in the amount of \$2 500, for the review of all telecommunication tower application be collected.

Moved by: **Jacques LeBlanc**

Seconded by: **Maryse LeBlanc**

Certified Copy of Resolution
Adopted February 25, 2014


Pauline Magee
RSC #7 Board Secretary

**CSR No. 7 – RÉSOLUTION
SERVICE D'INFORMATION ET DE NOTIFICATION EN
RADIOCOMMUNICATIONS CANADIENNES**

que le conseil d'administration de la Commission des services régionaux no 7 s'engage à participer et devenir membre du *Service d'information et de notification en radiocommunications canadiennes (SINRC)* et utiliser les services du *SINRC* pour gérer le traitement de toutes les demandes de radiocommunications en dedans de la région de la CSR No. 7, en tant que l'autorité d'utilisation de terres, pour les municipalités recevant le service de planification dans toute la région de la CSR No. 7, tel que reconnu par l'*Industrie Canada*;

que le conseil d'administration de la Commission des services régionaux no. 7 autorisé, par les présentes, *SINRC* et son personnel d'agir comme représentant autorisé aux municipalités recevant des services de planification de la CSR No. 7, aux fins de la réception et agissant sur toutes les demandes pour radiocommunication, en travaillant en collaboration avec le personnel de CSR No. 7;

que le «*Protocole d'évaluation et de consultation applicable à l'implantation d'antennes*» soit adopté; et

que les frais de traitement de révision de la planification soit fixé à 2 500\$ par demande.

Proposé par: Jacques LeBlanc

Appuyé par: Maryse LeBlanc

**Copie certifiée d'une résolution
Adoptée le 25 février 2014**


**Pauline Magee
Secrétaire du conseil d'administration CSR No 7**