

Hornby Island Local Trust Committee

Regular Meeting Addendum

Date: December 2, 2016
 Time: 11:30 am
 Location: Room to Grow
 2100 Sollans Road, Hornby Island, BC

		Pages
10.	APPLICATIONS AND REFERRALS	12:00 PM - 12:30 PM
10.2	<i>HO-LCB-2016.1 Seabreeze Lodge - Staff Report</i>	2 - 19
11.	LOCAL TRUST COMMITTEE PROJECTS	
11.1	<i>Relationship Building with K'omoks First Nation - for discussion</i>	
14.	NEW BUSINESS	1:00 PM - 1:20 PM
14.1	<i>Telecommunications Facility Proposal - Options for Public Consultation Process - Staff Report</i>	20 - 82
14.2	<i>Information for New Property Owners - discussion</i>	



File No.: HO-LCB-2016.1 (Sea Breeze Lodge Ltd.)

DATE OF MEETING: December 2, 2016

TO: Hornby Island Local Trust Committee

FROM: Marnie Eggen, Island Planner
Northern Office

SUBJECT: Application to change an existing liquor licence for Sea Breeze Lodge, Hornby Island

Applicant: Suzie Bishop

Location: 5205 Fowler Road

RECOMMENDATION

1. That the Hornby Island Local Trust Committee request staff to inform the Liquor Control and Licensing Branch that it has considered application HO-LCB-2016.1 (Sea Breeze Lodge) for a 'food-primary entertainment endorsement' to allow 'patron participation entertainment,' does not recommend the issuance of this endorsement, and provides the following comments as per the staff report dated November 28, 2016:
 - a) The potential for noise if the application is approved is not anticipated to exceed that which is currently permitted with the existing licence that includes 'patron non-participation entertainment';
 - b) The impact on the community if the application is approved is anticipated to lead to increased traffic in the local area;
 - c) If the amendment should be approved, it is unknown whether the change would result in the establishment to be operated in a manner contrary to its primary purpose, which is the service of food, or a use contrary to the Commercial 4 – Resort (C4) Zone (Sea Breeze) zone under the Hornby Island Land Use Bylaw No. 150, 2014; and
 - d) Notice regarding the amendment was published in "The Little Tribune" in order to gather the views of residents; the five residents that responded are unsupportive of the application and concerns include the noise particularly associated with weddings, the increase in traffic during events, and the possibility that the change may result in the establishment operating in a manner contrary to its primary purpose.

REPORT SUMMARY

The Liquor Control and Licensing Branch (LCLB) have requested the owners/operators of Sea Breeze Lodge to apply for a permanent change to their food primary liquor licence to include a 'food-primary entertainment endorsement.' This change to the existing licence allows 'patron participation entertainment' (i.e. dancing on a dance floor) until midnight while alcohol is being served and would be consistent with the permitted uses of the Commercial 4 - Resort (C4) zone of the Hornby Island Land Use Bylaw (LUB). There are no proposed changes to the licensed occupancy load, nor to the interior or exterior layout of the facility. However, neighbouring residents are unsupportive, noting that the change may have an adverse community impact. As per Section 11.1 of the *Liquor Control and Licensing Act*, local governments are notified of and requested to provide comments on liquor licence applications (including changes to existing liquor licences).

BACKGROUND

The LCLB became aware of the limitations of Sea Breeze Lodge's existing liquor licence during a routine inspection. Sea Breeze Lodge is applying for a change to their existing licence to include 'patron participation entertainment' for the purposes "of hosting live bands and/or DJs to play at special events throughout the year." The most common patron participation will be wedding guest dancing. (see Attachments for a copy of the 'Application for a Permanent Change to a Liquor Licence,' the current 'Food Primary Licence' and Floor Plan).

The following is a table illustrating the parameters of the current food primary liquor licence along with the change in parameters with the requested addition of the 'patron participation entertainment' endorsement:

Table 1: Parameters of Sea Breeze Lodge's Current Food Primary Liquor Licence and with requested addition of 'Patron Participation Entertainment'

Parameters Of Licence	Current Food Primary Liquor Licence that includes 'Non Patron Participation Entertainment' (musicians, comedians etc.)	With requested 'Patron Participation Entertainment' endorsement (dine and dance or karaoke etc.)
Licensed days and hours permitted to serve liquor & have 'non patron participation entertainment'	Mon. – Sat.: 11:00am to 1:00am Sun.: 11:00am to midnight	Mon. – Sun.: 11:00am to midnight
Area of establishment permitted to have liquor and 'non patron participation entertainment'	Only inside establishment and outside on patio as per licence floor plan	Only inside establishment and outside on patio as per licence floor plan
Occupancy load	309 total for all of licensed area	309 total for all of licensed area

Local Governments Roles and Responsibilities in the Provincial Liquor Licensing Process

Under the *Liquor Control and Licensing Act* (LCLA), the LCLB is required to notify and provide an opportunity for input from the local government that has jurisdiction in the area where there is an application to amend an existing licence. A local government may then choose whether or not to provide input on the application. If the local government chooses to opt out of providing input, the LCLB will gather the views of residents if the licence amendment may affect them, and the LCLB will consider the regulatory criteria by requesting additional information from the local government. Alternatively, if the local government chooses to provide input they must gather the views of residents that may be affected by the proposed establishment (if necessary) and provide the branch with a resolution within 90 days of notification. At the October 14, 2016 Hornby Island Local Trust Committee (LTC) meeting, the LTC chose to gather the views of residents and provide a resolution (see below for October 14th resolutions).

The document "*Local Governments and First Nations Roles and Responsibilities in the Provincial Liquor Licensing Process: Guide for Local Governments and First Nations*"¹ ("The Guide") characterizes the role of local government in the application process as follows (**emphasis added**):

*Local governments are responsible for addressing issues at the local or community level and often regulate areas such as **noise, parking and fire safety surrounding licensed establishments**. As they address issues at the local level, local governments ... are best situated to understand the potential impact of a licensed establishment on a community.*

¹ "The Guide": <http://www.pssg.gov.bc.ca/lclb/docs-forms/PSSG-LocalGovt-Fst-Nation.pdf>

*Accordingly, the local government ...role in the licensing process is designed to allow local governments ... to **consider the impact of the licence application on their community** and to **provide comments in the form of a resolution**.*

Despite the wide breadth of regulatory criteria that may be considered for new liquor licence applications, this application is required to consider a select few regulatory criteria since it is a **change to an existing licence**. In evaluating food-primary licensing, “*The Guide*” requires local governments to provide a resolution within 90 days after receiving notification. The local government must provide a resolution that includes:

- Comments on both points in the regulatory criteria (potential for noise if the application is approved, and the impact on the community if the application is approved);
- Indication of whether or not the views of residents were gathered (and why if not gathered);
- The views of residents, if they were gathered;
- The method used to gather the views of residents;
- Comments and recommendations with respect to the views of residents;
- Recommendations as to whether the application should be approved; and
- The reasons for its recommendations.

The regulatory criteria for amendments to existing liquor licences require these considerations:

- the potential for noise;
- the impact on the community; and
- if the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose.

These matters are discussed in further detail in the staff report.

Previous Resolutions

The Sea Breeze Lodge Application for a Permanent Change to a Liquor Licence was considered by the Hornby Island Local Trust Committee at their October 14, 2016 business meeting. The LTC decided to conduct public consultations and respond to the Liquor Control and Licencing Branch within 90 days:

HO-2016-047

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee sign the Application for a Permanent Change to a Liquor Licence for Sea Breeze Lodge and forward to the Liquor Control Board, and subsequently conduct public consultations within ninety days, and respond to the Liquor Control Board by resolution.

CARRIED

HO-2016-048

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to advertise regarding the Application for a Permanent Change to a Liquor Licence for the Sea Breeze Lodge in the Little Tribune.

CARRIED

Staff advertised the notice of application in The Little Tribune in their October 26th edition and public comments received are summarized in the Consultation section below.

ANALYSIS

Policy/Regulatory:

Official Community Plan

The Hornby Island Official Community Plan Bylaw No. 149 designates the property as Visitor Accommodation (VA). Existing and proposed uses of the subject property are consistent with this designation.

Land Use Bylaw

The Hornby Island Land Use Bylaw No. 150 zoning for the Sea Breeze Lodge is 'Commercial 4 - Resort' (C4) and the existing and proposed uses are consistent with the zone. Figure 1 is an aerial photograph of the subject property and applicable zoning.

Figure 1. Aerial Photo and Zoning of the Subject Property (Sea Breeze Lodge)



Consultation:

Staff advertised the notice of application to amend Sea Breeze Lodge's liquor licence in the Little Tribune in their October 26th edition in accordance with the recommended methods of advertising as provided in "The Guide." (See Attachments for a copy of the notice).

Five public comments were received at the time of completion of the staff report. All five public comments were from neighbouring properties and were not supportive of the application. Concerns and comments related to the amendment are summarized below:

- loud music and lodge patrons is audible on neighbouring rural residential properties during the day and late into the night, past midnight, sometimes includes fireworks mainly associated with weddings;
- increased traffic during events, with inebriated drivers sometimes well into the morning hours;

- suggest that there are other venues on Hornby Island for concerts and similar events;
- ‘patron participation entertainment’ wasn’t traditionally a part of their operation that catered mainly to families on vacation, and afraid the amendment would attract different patrons and create problems;
- Music should be indoors and outdoor activities should end before midnight;
- Guests should be made aware of neighbouring properties;
- May open the door to the establishment operating in a manner that is contrary to its primary purpose.

Any additional comments received subsequently and prior to the LTC meeting on December 2, 2016 will be brought to the meeting for consideration by the LTC.

Issues and Opportunities:

The LCLB requests local governments consider and comment on these regulatory criteria for liquor licence amendments:

- the potential for noise;
- the impact on the community; and
- if the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose.

The Potential for Noise

The application for the ‘patron participation entertainment endorsement’ amendment to the food primary liquor licence allows patrons to dance while alcohol is being served. The existing food primary liquor licence currently permits ‘non patron participation entertainment’ where patrons can come to listen to music, comedians etc., but patrons may not dance. The amendment does not propose to increase the occupancy which is currently 309 people for the food primary licence nor expand the existing licence floor plan or extend the hours. In fact, the amendment would decrease the hours that all entertainment (music and dancing) would be permitted by one hour. Instead of a 1:00am restriction, all entertainment (music and dancing) must end by midnight under the ‘patron participation entertainment endorsement.’ The potential for noise specific to the requested change to patron participation is not anticipated to exceed that which is currently permitted - playing music inside and outside.

Nuisance noise from a licensed establishment most typically arises from conflict with nearby residents. The Sea Breeze Lodge has been in operation as a resort in this location for decades amidst rural residential uses in the immediate vicinity. Typical noise associated with the permitted land use and existing licence includes audible music from within and outside of the building; and patrons inside or outside on the patio.

Staff has confirmed with the Comox Valley Regional District (CVRD) bylaw enforcement staff, that any disturbing noise emanating from the resort would be enforced upon as per CVRD bylaw No. 102. Staff understand that the RCMP are stationed on Hornby Island from May through to September and respond to bylaw complaints outside of CVRD office hours.

Community Impact

Staff expects the change in the existing licence may have an adverse community impact, given the public comments received. Staff notes that the change to allow ‘patron participation entertainment’ does not add additional capacity or increase hours, or change the fact that music is currently permitted to be played inside or

outside the lodge under their current liquor licence. However, the addition of 'patron participation entertainment' (dancing) may lead to increased traffic in the area because the resort will be able to host events and weddings involving dancing, which has not previously been permitted by the liquor licence. Traffic in the area is currently identified by residents as problematic.

Establishment Operating Contrary to its Primary Purpose

Staff are unable to provide comment with regard to whether the amendment could lead to the establishment being operated in a manner that is contrary to its primary purpose (i.e. if the focus would shift from the service of food to the service of liquor), because it would really depend on how the establishment would be managed. Should the focus of the resort shift more to the service of liquor and away from primarily providing food, the resort would be in jeopardy of contravening the Hornby Island Land Use Bylaw No. 150 with respect of permitted uses within the Commercial 4 – Resort (C4) Zone (Sea Breeze). The zone currently allows restaurant, and not a pub.

Rationale for Recommendation:

While the proposed change to the existing liquor license would not be contrary to the land use bylaw, nearby residents may be adversely impacted by increased traffic resulting from this change. As such, it is recommended that the LTC not support a change to the existing licence for a food-primary entertainment endorsement as per page one of the staff report.

ALTERNATIVES

1. Recommend issuance of the amendment

The LTC may recommend issuance of the amendment for a 'food-primary entertainment endorsement' to allow 'patron participation entertainment'. If this alternative is selected, the LTC should state the reasons for the positive recommendation.

Resolution:

That the Hornby Island Local Trust Committee request staff to inform the Liquor Control and Licensing Branch (LCLB) that it has considered application HO-LCB-2016.1 (Sea Breeze Lodge) for a 'food-primary entertainment endorsement' to allow 'patron participation entertainment,' and recommends the issuance of it and provides the following comments:

- a) The potential for noise if the application is approved is not anticipated to exceed that which is currently permitted with the existing licence that includes 'patron non-participation entertainment';
- b) The impact on the community if the application is approved [provide comments];
- c) If the amendment should be approved, whether the change would result in the establishment to be operated in a manner contrary to its primary purpose [provide comments].
- d) Notice regarding the amendment was published in "The Little Tribune" and the residents that responded are concerned with the noise particularly associated with weddings, the increase in traffic during events, and the possibility that the change may result in the establishment operating in a manner contrary to its primary purpose [provide comments].

NEXT STEPS

Staff will forward a copy of this staff report and the resolution of the LTC to the LCLB to comply with section 53 of the *Liquor Control and Licencing Regulation*.

Submitted By:	Marnie Eggen, MCIP, RPP Planner 2	November 28, 2016
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	November 29, 2016

ATTACHMENTS

1. Application for a Permanent Change to a Liquor Licence
2. Current Food Primary Licence
3. Current Floor Plan
4. Notice



Application for a Permanent Change to a Liquor Licence

All Licence Types

Liquor Control and Licensing Form LCLB005b

FILLING OUT THIS FORM:

Complete all applicable fields then submit with payment as outlined in Part 10 of this application form.

- If you have any questions about this application, call Liquor Control and Licensing Branch (LCLB) toll-free at: **1 866 209-2111**.
- LCLB forms and supporting materials referred to in this document can be found at: **www.pssg.gov.bc.ca/lclb**

Application Contact Information

The applicant authorizes the person below to be the primary contact for the duration of the application process only.

Name: Suzie Bishop

Phone number: 250 335-2321

Fax number: 250 335-3190

E-mail address: info@seabreezelodge.com

Licensee Information

Licensee name [as shown on licence]: Sea Breeze Lodge

Establishment name [as shown on licence]: Sea Breeze Lodge

Establishment

Location address 5205 Fowler Road

Hornby Island

BC

V0R1Z0

(as shown on licence):

Street

City

Province

Postal Code

Mailing address:

(All correspondence will go to this address)

5205 Fowler Road

Hornby Island

BC

V0R1Z0

Street

City

Province

Postal Code

Business Tel with area code: 250 335-2321

Business Fax with area code: 250 335-3190

Business e-mail: info@seabreezelodge.com

Contact Name: Bishop, Suzie Violet

Title/Position: Owner/Manager

last / first / middle

Type of Change Requested

Please check (☑) appropriate box(es) below and provide licence numbers affected for each requested change. You may complete more than one change section on this form. An incomplete application will be held for a maximum of thirty (30) days. If still incomplete after the thirty (30) day period, the application may be terminated. See Part 13 for the approval process for the change you have requested.

Type of change requested	Licence numbers affected MANDATORY	Job Number Office Use ONLY
☐ 1. Establishment/business or licence name change (p.2)		(C2-LIC) (sub)
☒ 2. Food-primary entertainment endorsement (p.2)	080374	(C2-LIC) (sub)
☐ 3. Request for change in terms and conditions (p.2)		(C3-LIC) (sub)
☐ 4. Live theatres requesting liquor service (p. 2)		(C3-LIC) (sub)
☐ 5. Request for tied house restrictions exemption (p. 3)		(C3-LIC) (sub)
☐ 6. Change to hours of sale (p.3)		(C3-LIC) (sub)
☐ 7. Catering endorsement (p.4)		(C3-LIC) (sub)
☐ 8. Temporary off-site sale endorsement (p.4)		(C2-LIC) (sub)

Applying for other permanent changes to your licence?

- To apply for alterations or additions to a licensed establishment (structural changes), use an *Application for a Structural Change*. For Liquor Primary and Liquor Primary Club, use form LCLB012a; for Food Primary, use LCLB012b; for Manufacturer and Winery Endorsements, use LCLB013; for Wine Store and Licensee Retail Store, use LCLB012c.
- To apply to have a third party management firm or lessee operate your licensed establishment, use the *Application to Add or Change a Licensee's Third Party Operator* (LCLB026) or to apply for a resident manager to operate your establishment, use the *Application to Add or Change a Licensee's Resident Manager* (LCLB025).
- To apply for a change to the shareholders, directors, licensee name or to add a receiver or executor, use the *Application for a Permanent Change to a Licensee* (LCLB005a).

PART 1: Establishment or Business Name Change and/or Licence Name Change C2 - LIC

To be completed when the licensee wishes to change the name of an establishment or business and/or licence.

Note: If a name change results in a change in exterior signs, the signs are subject to branch approval.

Fee: \$220 per licence x licences = \$

Establishment or business name change:

Current establishment or business name as shown on licence:

Proposed name:

Licence name changes:

Licence #: Current licence name:

Proposed licence name:

Licence #: Current licence name:

Proposed licence name:

Attach the following:

☐ Sketch or picture of the proposed establishment or business signage.

Also complete Parts 9 and 10

PART 2. Entertainment Endorsement (Food Primary licenses only) C2 - LIC

According to the type of entertainment being applied for, complete either (A) or (B) below and attach required documents:

A) Patron non-participation entertainment endorsement (e.g., musicians)

Note: Patron non-participation entertainment must end by 1:00 a.m. Fee: \$220 per licence x licences = \$

☐ Submit a letter of intent describing, in detail, the form of patron non-participation entertainment proposed and where it will take place in your restaurant.

B) Patron participation entertainment endorsement (e.g., dance floor):

Note: Patron participation entertainment must end by midnight. Fee: \$330 per licence x licences = \$

☒ Submit a letter of intent describing, in detail, the form of patron participation entertainment proposed and where it will take place in your restaurant.

☒ Request a local government/First Nation resolution commenting on the application (local government must complete Part 12 of this form. For further information on local government resolutions, read Part 11).

There are restrictions related to forms of entertainment, sound systems, etc. If you are uncertain about any of the details of your proposal, consult with licensing staff at LCLB in Victoria (see contact information on page 5 of this form).

NOTE – When relocating a Food-Primary establishment: An endorsement for patron participation entertainment cannot transfer location without local government/First Nations comment and LCLB approval. This is required because the local government/First Nation must be provided an opportunity to reconsider the impact of the endorsement on the community given the establishment's new location. Use this form to reapply for the endorsement but do not pay the application fee(s).

Are you submitting an application to transfer the location of a Food Primary licence with this application? ☐ Yes ☒ No

Also complete Parts 9 and 10

PART 3. Request of Change in Terms and Conditions C3 - LIC

This section may be used for requests to change the terms and conditions on a liquor licence including requests to the general manager for an exercise of discretion. Depending on the nature of the licence change requested, local government and public input may be required.

Fee: \$220 per licence x licences = \$

Attach:

☐ A letter of intent describing, in detail, the proposed change to your licence and compelling reasons for your request. To request discretion, provide a written submission detailing why a request for discretion should be approved. All documentation to support your request for discretion must be submitted together in one package; the branch will not consider additional materials submitted after a completed application is received. If a staff report is prepared in regards to your request, you will be provided with a copy and will have two weeks to provide any comment before the request for discretion is considered by the General Manager. For more information on requests for discretion, see section 4.1.2 of the Licensing Policy Manual (<http://www.pssg.gov.bc.ca/lclb/docs-forms/lclb207-policy-licensing.pdf>)

Also complete Parts 9 and 10

PART 4. Live theatres requesting liquor service in conjunction with films/broadcasts C3 - LIC Fee: \$330

Licensed live event theatres may apply for permission to serve liquor in conjunction with films and broadcasts. Please provide a written proposal detailing your request.

See Policy Directive 12-02 for the conditions that apply to liquor service at live theatres during films and broadcasts.

LCLB will forward your application to your local government/first nation for comment. Consideration will also be given to the compliance history of the establishment.

Also complete Parts 9 and 10

PART 5. Request for Exemption from Tied House Restrictions (Manufacturers only)**C3 - LIC**

Fee: \$220 per affected licence x [] licences = \$ []
 (where you are adding or removing an exemption)

Small and medium manufacturers may apply to have a tied house association with up to 3 licensed establishments (LP, LRS, FP, Catering) that are not located on the same site as the manufacturer and where the manufacturer's products may be sold.

Attach a signed letter for each manufacturing licence that you are applying for above, stating the following:

- ☐ Identify the manufacturer (by licence name and licence number) applying for the exemption. If the manufacturer is not yet licensed, provide the proposed licence name, location address and the job number assigned to your file.
- ☐ Identify the liquor licences (by name and number) that you wish to have exempted from the tied house restrictions (maximum you can ever apply for is three) as well as any licence where you want the exemption removed
- ☐ Disclose the manufacturer's production amount (minus spillage) for the previous year.

For more information on requests for exemption, see [Policy Directive 13-03](#).

Also complete Parts 9 and 10

PART 6. Change to Hours of Sale**C3 - LIC**

(Liquor Primary, Liquor Primary Club, Food Primary & Manufacturer endorsements)

Pursuant to Section 12(3) of the Liquor Control and Licensing Act, the general manager may limit the days and hours that an establishment is permitted to be open for the sale of liquor.

Hours of liquor sales for Food Primary establishments must meet with the dining habits of the clientele expected. Liquor must not be served unless the establishment is open for the service of a varied selection of menu items.

Licensees may apply to revise hours of sale, subject to any restrictions within the *Liquor Control and Licensing Act*, Regulations, branch policies and/or original terms and conditions of licensing. In some instances, the general manager of the Liquor Control and Licensing Branch may require the licensee to post public notices before a decision to alter licence hours is considered.

Check (☒) the appropriate change, and provide the requested information and documents:

A) Food Primary

- ☐ (i) Request to change hours of liquor sales before midnight **Fee: \$220 per licence x [] licences = \$ []**
 • complete proposed hours of sale table below
- ☐ (ii) Request to extend hours of liquor sales later than midnight **Fee: \$330 per licence x [] licences = \$ []**
 • complete proposed hours of liquor sale table below, and
 • request a local government/First Nation resolution commenting on the application (local government must complete Part 12 of this form; for further information on local government/First Nations resolutions, read Part 11).

Note: if you have patron participation entertainment, it must end by midnight

B) Liquor-Primary, Liquor-Primary Club, Manufacturer Special Event Area or Manufacturer Lounge

- ☐ (i) Request to change the hours of liquor sales within the hours currently approved:
 • complete proposed hours of sale table below **Fee: \$220 per licence x [] licences = \$ []**
- ☐ (ii) Request to change the hours of liquor sales outside the hours currently approved:
 • complete proposed hours of liquor sale table below, and **Fee: \$330 per licence x [] licences = \$ []**
 • request a local government/First Nation resolution commenting on the application (local government must complete Part 12 of this form; for further information on local government/First Nation resolutions, read Part 11).

Complete the table below, indicating proposed hours of liquor sales:

Current Hours of Liquor Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	[]	[]	[]	[]	[]	[]	[]
CLOSED	[]	[]	[]	[]	[]	[]	[]

Proposed Hours of Liquor Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	[]	[]	[]	[]	[]	[]	[]
CLOSED	[]	[]	[]	[]	[]	[]	[]

NOTE – When relocating a Food-Primary establishment: An endorsement for hours of liquor service after midnight cannot transfer location without local government/First Nations comment and LCLB approval. Use this form to reapply for the endorsement but do not pay the application fee(s).

Are you submitting an application to transfer the location of a Food Primary licence with this application? ☐ Yes ☐ No

Also complete Parts 9 and 10

PART 7. Request for Catering Endorsement (Food Primary and Liquor Primary licences only)

Food primary and liquor primary licensees (**excluding** liquor primary club licensees) may apply for a catering endorsement if they wish to be licensed to transport and sell liquor at catered events where they have been hired to provide food service. The catered events must be hosted by other people and must take place outside the 'red-lined area' (the area where liquor is sold, served and consumed) and generally away from the establishment. The caterer must be present for the duration of a catered event. Licences with a catering endorsement are subject to an annual licensing fee of \$100 in addition to the annual renewal fees.

Fee: \$330 per licence x licences = \$

To qualify for an endorsement the applicant must demonstrate at the time of inspection:

- Catering service is focused on the preparation and serving of food.
- The applicant has the personnel and infrastructure necessary to prepare and serve food at events hosted by others. This includes a requirement to have a full commercial kitchen at the applicant's existing licensed establishment.

NOTE: If a licence is approved with a catering endorsement, the licensee must notify LCLB of all catered events (except in private residences) using OneStop (www.bcbusinessregistry.ca). Some events may require approval from LCLB before the catered event can take place. Further information about how to notify LCLB will be provided by your local liquor inspector when they complete their final inspection.

LCLB will review your application and if approved you will be required to arrange a final inspection. If the liquor inspector is not satisfied with your kitchen equipment, food selection, advertising and staffing, you may be required to make changes and schedule a second (2nd) inspection to confirm you meet the requirements of a catering endorsement. **A fee of \$200 will be charged if a second (2nd) inspection is required.**

Also complete Parts 9 and 10

PART 8. Temporary Off-Site Sale Endorsement (Licensee Retail Store & Wine Store licences only)

Licensee retail store (LRS) licensees and wine store (WS) licensees may apply for a temporary off-site sale endorsement to permit the sale of packaged liquor in conjunction with a Special Occasion Licensed (SOL) event that has a focus on food and/or beverage tasting (e.g., a wine festival).

A temporary off-site store can only operate during the festival days and hours but liquor sales cannot take place before 9am or after 11pm. The LRS or WS licensee must have an agreement with the SOL licensee and confirm with the SOL licensee that Local Government /First Nations permits the sale of packaged liquor products for off site consumption at the SOL event. Wine store licensees can only sell the range of products permitted by their store licence.

No Fee

NOTE: If a licence is approved with a temporary off-site sale endorsement, the licensee must notify LCLB for each temporary off-site store they will be operating by submitting a complete Temporary Off-site Sale Authorization form (LCLB 091) by fax or email 14 calendar days prior to the SOL event. A copy of LCLB 091 form can be found on our website at <http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB091.pdf>. An event specific authorization will be issued.

Also complete Parts 9 and 10

PART 9: Declaration

My signature (the licensee's) below indicates that I understand and acknowledge:

All of the information given is true and complete to the best of my knowledge. Section 15(2) of the *Liquor Control and Licensing Act* states, "A person applying for the issue, renewal, transfer or amendment of a licence who fails to disclose a material fact required by the form of application or makes a false or misleading statement in the form of application, commits an offence".

Signature of any shareholder of a private corporation, signing officer of a public corporation or society, sole proprietor or **all** individuals in a partnership is required below:

Note: An agent, lawyer, resident manager or third party operator **may not** sign the declaration on behalf of the applicant.

Name of Official: Bishop Stephen Brian

(last / first / middle)

Position: President - Owner

Date: 28/08/2016

(Day/Month/Year)

Signature: [Redacted]

Name of Official:

(last / first / middle)

Position:

Date:

(Day/Month/Year)

Signature:

Name of Official:

(last / first / middle)

Position:

Date:

(Day/Month/Year)

Signature:

Name of Official:

(last / first / middle)

Position:

Date:

(Day/Month/Year)

Signature:

PART 10: Application Fees

TOTAL FEE Submitted: \$ 330.00

In accordance with Payment Card Industry Standards, the branch is no longer able to accept credit card information via email.

Payment is by (check ☒ one):

☐ Cheque, payable to Minister of Finance (if cheque is returned as non-sufficient funds, a \$30 fee will be charged)

☐ Money order, payable to Minister of Finance

☒ Credit card: ☒ VISA ☐ MasterCard ☐ AMEX

☐ I am submitting my application by email and I will call with my credit card information. I will call Victoria Head Office at 250-952-5787 or 1-866-209-2111 and understand that no action can proceed with my application until the application fee is paid in full.

☒ I am submitting my application by fax or mail and have given my credit information in the space provided at the bottom of the page.

Liquor Control and Licensing Branch

Location: 4th Floor, 3350 Douglas St., Victoria BC V8Z 3L1

For Mail Only: PO Box 9292 Stn Prov Govt Victoria, BC V8W 9J8

Phone: 250 952-5787 Fax: 250 952-7066 Web: www.pssg.gov.bc.ca/lclb E-mail: liquor.licensing@gov.bc.ca

LCLB005b

5 of 7

Application for Permanent Change to Liquor Licence

Credit Card Information (To be submitted by fax or mail only)

Name of cardholder (as it appears on card): [Redacted]

Credit card number: [Redacted]

Expiry date:

05

(Month)

20

(Year)

Signature: [Redacted]

PART 11: Local Government/First Nation Resolutions: (Information for the Applicant)

For the following changes a resolution from your local government or First Nation, commenting on the application is required:

- Part 2(B): Food-primary patron participation entertainment endorsement, and
- Parts 5(A)(ii) and 6(B)(ii): Change to hours of sale

Licensee responsibilities:

- Fill out appropriate change application sections in this form.
- **Request your local government/First Nation to sign and date Part 12 of this form.**
- Provide a photocopy of this form to the local government/First Nation and request that a resolution be provided within 90 days and sent directly to the Liquor Control and Licensing Branch, Victoria Head Office.
- Send the original form and application fees to the branch.
- The Liquor Control and Licensing Branch will follow up with the local government/First Nation if a resolution has not been received by the Branch within 90 days of the local government's receipt of your request.

Your local government/First Nation may decide that it does not wish to provide comment on your change request. However, they must still provide a resolution stating this decision and this resolution must be submitted to the Liquor Control and Licensing Branch.

For more information on resolutions regarding B.C. liquor licences, please visit the LCLB website publication index to consult the guide *Role of Local Government and First Nation* at <http://www.pssg.gov.bc.ca/lclb>.

PART 12: Local Government/First Nation Confirmation of Receipt of Application

This application serves as notice from the Liquor Control and Licensing Branch (LCLB) that an application for one or more of the following changes to a liquor licence has been made within your community:

- Hours of liquor service past midnight for a food primary licence.
- Change to hours of liquor service for a liquor primary, liquor primary club, winery lounge or winery special event endorsement
- Addition of patron participation entertainment endorsement for a food primary licence.

Local government/First Nation (name): _____

Hornby Island Local Trust Committee

Name of Official: _____

Kjerulf, Ann
(last / first / middle)

Title/Position: _____

Regional Planning
Manager

Date of receipt of application: _____

14 / Oct / 2016
(Day/Month/Year)

Phone Number: _____

250.247.2209

Signature of Official: _____

The Liquor Control and Licensing Branch requires a resolution commenting on the application be sent to the LCLB Victoria Head Office within 90 days of the above date of receipt.

To comply with section 53 of the Liquor Control and Licensing Regulation, this resolution must:

- Comment on the following regulatory criteria:
 - the potential for noise if the application is approved;
 - the impact on the community if the application is approved; and
 - whether the amendment may result in the establishment being operated in a manner that is contrary to the primary purpose (provide comments only if the application is from a food-primary licence for an extension of hours of liquor service past midnight or the addition of patron participation entertainment).
- Indicate whether or not the views of residents were gathered, and if not, provide reasons why they were not gathered (residents include residents and business owners).
- If the views of residents were gathered explain:
 - the views of the residents;
 - the method used to gather the views of the residents; and
 - comments and recommendations with respect to the views of residents.
- Provide recommendation as to whether the amendment should be approved.

You must refer to and attach any report presented by an advisory body or sub-committee to the council or board.

If more than 90 days is required to provide a resolution, please contact the branch to make a request to the general manager for an extension. If the local government/First Nation decides not to provide comment, a resolution indicating this decision must be provided to the branch. Please be advised that if the LCLB does not receive a resolution or a request for an extension within 90 days, the general manager is authorized to review the application without a resolution and make a decision about the application.

For more information on resolutions regarding B.C. liquor licences, please visit the LCLB website publication index to consult the guide *Role of Local Government and First Nation* at <http://www.pssg.gov.bc.ca/lclb>.

PART 13: Application and Approval Process – What happens next?

For the following change requests (all C2):

- Part 1 Establishment or Licence Name Change
- Part 2 Food-Primary Entertainment Endorsement (may require local government/First Nations resolution).
- Part 8 Temporary Off-site Sale Endorsement

The process is:

1. Applicant will complete the appropriate section of this form and Parts 9 and 10, and attach all required documents.
2. Applicant must submit a complete application package and fee to the Liquor Control and Licensing Branch.
3. Liquor Control and Licensing Branch (LCLB) staff will review the application package for completeness and will advise the applicant of any information/documentation required before the application can be processed. If a complete application is not received within 30 days of notification, your application will be terminated and you will have to re-apply and pay the application fees.
4. LCLB staff will advise the applicant and the liquor inspector when the application is approved.

For the following change requests:

- Part 3 Change to Terms and Conditions (all C2)
- Part 4 Live theatres requesting liquor service (all C2)
- Part 5 Request for exemption from tied house restrictions (all C3)
- Part 6 Change to Hours of Sale (may require local government/First Nations resolution) (all C3)

The process is:

1. Applicant will complete the appropriate section of this form and Parts 9 and 10, and attach all required documents.
2. Applicant must submit a complete application package and fee to the Liquor Control and Licensing Branch.
3. Liquor Control and Licensing Branch (LCLB) staff will review the application package for completeness and will advise the applicant of any information/documentation required before the application can be processed. If a complete application is not received within 30 days of notification, your application will be terminated and you will have to re-apply and pay the application fees.
4. LCLB staff may request your local liquor inspector to provide comments regarding your application.
5. LCLB staff will advise the applicant and the liquor inspector when the application is approved.

For the following change request:

- Part 7 Catering Endorsement (all C1)

The process is:

1. Applicant will complete the appropriate section of this form and Parts 9 and 10, and attach all required documents.
2. Applicant must submit a complete application package and fee to the Liquor Control and Licensing Branch.
3. Liquor Control and Licensing Branch (LCLB) staff will review the application package for completeness and will advise the applicant of any information/documentation required before the application can be processed. If a complete application is not received within 30 days of notification, your application will be terminated and you will have to re-apply and pay the application fees.
4. If the application requirements have been met, the applicant will be asked to contact the inspector for an interview/final inspection. Before contacting the inspector for the interview/final inspection, the applicant must have the inspector interview letter.
Note: The applicant must contact the local area inspector to arrange for a final inspection by the date noted on the letter (30 days from the date on the letter). If the inspector is not contacted to arrange for a final inspection or for an extended time, the application will be terminated.
5. At your final inspection, the inspector will verify that your business location meets the requirements for a catering licence by reviewing the food selection, the kitchen equipment, advertising and staffing resources. If the inspector is not satisfied your business location meets the requirements of a catering licence you may be asked to make changes and schedule a second (2nd) inspection to confirm you meet the requirements of a catering licence. **A fee \$200 will be charged if a second (2nd) inspection is required**
6. LCLB staff will advise the applicant and the liquor inspector when the application is approved.

Freedom of Information and Privacy Act - The information requested on this form is collected for the purpose of obtaining or making changes to a liquor licence. All personal information is collected under the authority of Section 15 of the Liquor Control and Licensing Act (RSBC 1996, c.267). Questions should be directed to: Liquor Control and Licensing Branch, Freedom of Information Officer, PO Box 9292 STN PROV GOVT, Victoria, BC V8W 9J8. Phone - Victoria: 250 952-5787. Outside Victoria: 1-866 209-2111. Fax: 250 952-7066

Sea Breeze Lodge Ltd.

August 28, 2016

Liquor Control and Licensing Branch
PO Box 9292 Stn Prov Govt
Victoria, BC
V8W 9J8

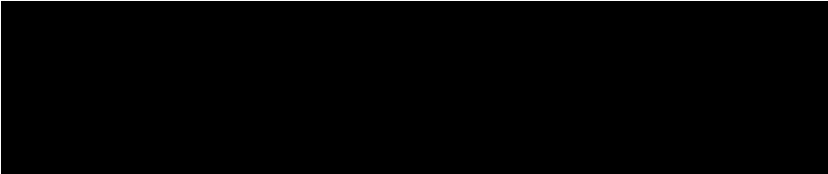
RE: Food Primary Licence #080374

To Whom It May Concern:

Please accept this application for the above licenced establishment - Sea Breeze Lodge Ltd.

We are applying for an Entertainment Endorsement with patron participation for the purpose of hosting live bands and/or DJ's to play during special events throughout the year. There's a variety of locations that bands or solo artists can set up both inside and on the licenced patio, depending on weather, size of the band and the wishes of our patrons. There are two dancing locations, one inside and one outside on the patio. The most common patron participation will be wedding guests dancing.

Further information or if you have any questions, please call or email.



Suzie Bishop
Owner/Manager
Sea Breeze Lodge Ltd.



Liquor Control and Licensing Branch
Food Primary Licence #080374

Expires on September 30, 2017

Establishment Name: **SEA BREEZE LODGE**
Licence Name: **SEA BREEZE LODGE**
Location Address: **BIG TREE 3-2**
HORNBY ISLAND, BC V0R 1Z0
Issued to: **Sea Breeze Lodge Ltd.**

TERMS AND CONDITIONS

HOURS OF SALE

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM
Close	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	Midnight

CAPACITY

Patio1	0	Patio2	0	Person01	309
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- For the sale and consumption of all types of liquor in establishments with a primary focus on the service of food.
- The terms and conditions to which this licence is subject include the terms and conditions contained in the publication 'Guide for Liquor Licensees in British Columbia' as that publication is amended from time to time.
- Liquor may only be sold, served and consumed within the areas outlined in red on the official plan, unless otherwise endorsed or approved by the LCLB.
- Patio extension permitted as outlined in red on the official plan.
- Off-site exemption to tied house restrictions allows for the sale and promotion of product from the associated manufacturer, Carbreva Vineyard Manufacturer Winery #301809, subject to product exclusivity and other requirements set out in approval letter. Licensed establishments are required to sell a range of products from a variety of manufacturers.

YOUR CURRENT VALID LICENCE MUST BE PROMINENTLY
DISPLAYED AT ALL TIMES. TAMPERING, ALTERING OR
DEFACING THIS LICENCE IN ANY MANNER MAY RESULT
IN THE LICENCE BEING CANCELLED.

September 16, 2016

DATE


GENERAL MANAGER
LIQUOR CONTROL AND LICENSING BRANCH



Sea Breeze Lodge Ltd.
 5205 Fowler Road
 Hornby Island, BC
 V0R1Z0
 250 335-2321
 250 335-3190 fax

 Entrance/Exit
 To deck
 Red line indicates
 licensed area



Islands Trust

Oct 26
paper

**NOTICE OF APPLICATION
HORNBY ISLAND LOCAL TRUST COMMITTEE**

NOTICE is hereby given that the Sea Breeze Lodge, 5205 Fowler Road, Hornby Island, BC has submitted an application to the BC Liquor Control Licencing Branch (LCLB) for an amendment to their current Liquor Licence to allow patron participation entertainment. This would allow for special events which may include weddings, bands and solo artists, throughout the year.

The Local Trust Committee is seeking any comments or concerns regarding this application. Any comments received will be forwarded to the LCLB to assist in their processing of the application.

If you have any questions or comments regarding this application, please contact Penny Hawley, Planning Team Assistant, at 250-247-2208; for Toll Free Access, request a transfer via Enquiry BC: in Vancouver 604-660-2421 and elsewhere in BC at 1-800-663-7867 or email: phawley@islandstrust.bc.ca

1/2 page B+W



DATE OF REPORT: November 22, 2016
TO: Hornby Island Local Trust Committee
FROM: Aleksandra Brzozowski, Island Planner
Northern Office
SUBJECT: 5605 Central Road (TELUS Central Office lot)
LOT A, SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 42542, PID 001-776-258

RECOMMENDATIONS:

1. **THAT the Hornby Island Local Trust Committee confirm with the proponent that it will follow Industry Canada's Default Public Consultation Process for the anticipated microwave radio tower proposal from TELUS.**
2. **THAT the Hornby Island Local Trust Committee communicate to Hornby residents information regarding public consultation procedures for antenna siting proposals.**
3. **THAT the Hornby Island Local Trust Committee request staff to work with the proponent to prepare a consultation work plan and draft notification package to be reviewed by the Local Trust Committee at a future meeting.**

REPORT SUMMARY

TELUS intends to submit a proposal to Industry Canada for a new antenna tower on Hornby Island. A key aspect of all antenna siting proposals is a Public Consultation Process, which is to be facilitated by the land use authority, the Hornby Island Local Trust Committee (LTC). The public consultation process is to be established by the LTC and communicated to the proponent in advance of the formal written proposal being submitted to Industry Canada.

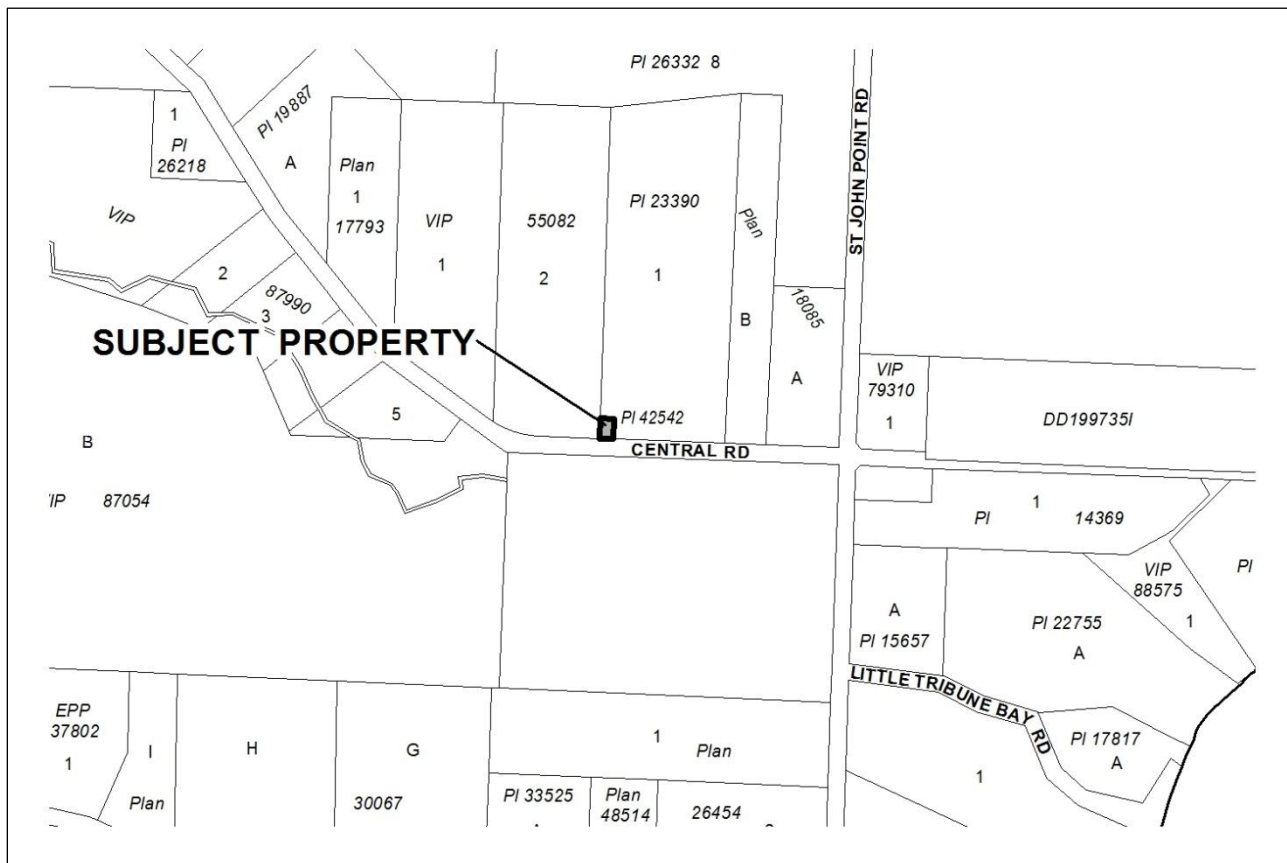
BACKGROUND

Currently, TELUS has an underwater fibre submarine cable that comes from Vancouver Island across Denman Island to Hornby Island, providing a single communications link for all services to Hornby Island. The communication services provided by the cable include voice services (including Emergency 911) as well as data services for business use. As part of a recent network resiliency audit, both Denman and Hornby Islands were identified as potential high risk locations for extended outages due to the potential long lead times to repair a damaged underwater cable.

Following this audit, TELUS assessed the options to provide backup to communication services on the two islands. The chosen option is to establish microwave radio backup links. For Denman Island, there is an existing tower already in place that will be leveraged for a backup link. For Hornby Island, there are currently no towers available for use, and TELUS proposes to build a tower on their lot on Central Road. The proposal will include a 60 metre tower height to also provide improved cellular coverage around that area. This cellular coverage improvement would occur in conjunction with the backup link installation or at a future date.

The subject property is located at 5605 Central Road on Hornby Island, as shown in Figure 1 below, and is presently used by TELUS as a central office location. The property is approximately 0.04 hectares (.1 acre) and is zoned Community Service (CS).

Figure 1: Subject Property Map



ANALYSIS

Policy/Regulatory:

Relevant objectives and policies of the Hornby Island Land Use Bylaw No. 150, 2015 (LUB), include:

3.1 Uses Permitted in All Zones

- (1) In addition to uses permitted in specific zones, the following uses are permitted in all zones:
 (a) Public service uses;

“public service use” means the provision of water, gas, electrical, telephone, television or emergency services by a government body or agency or by a company regulated by the Utilities Commission Act or the Radio communication Act of Canada, serving only the Hornby Island local community.

Under the *Radio Communication Act*, the decision to approve and licence the location of Antenna Systems is made only by Industry Canada.

Relevant objectives and policies of the Hornby Island Official Community Plan Bylaw No. 149, 2014 (OCP), include:

5.5 Public Utilities and Services

Policies

5.5.3 Transmission towers for community radio and/or to enable high-speed internet access for the community should be permitted in the community service use area and on larger lots provided the towers are below the height for which Transport Canada requires navigation lights and should be regulated to protect the visual amenity of the residential neighbourhood.

Advocacy Policies

5.5.4 All public service and utility installations on the Island should be for servicing Hornby Island only.

5.5.5 Industry Canada is encouraged to prohibit commercial microwave towers and satellite antennae on Hornby Island.

5.5.8 The provision of high-speed internet access to facilitate educational and commercial opportunities for residents is supported.

The proposed site for the microwave backup link is on a lot designated for community service use.

Advocacy policies are policies that the Hornby Island Local Trust Committee (LTC) can cite and promote but cannot enforce as the authority to do so lies outside their jurisdiction. The proponent has been advised of the above advocacy policies.

Issues and Opportunities:

Industry Canada requires that proponents intending to install an antenna system notify and consult with the appropriate Land Use Authority (in this case, the Hornby Island Local Trust Committee) and the local community. The role of the Land Use Authority is to issue a statement of concurrence or non-concurrence to the Proponent and to Industry Canada. The statement considers the land use compatibility of the antenna system, the responses of the affected residents, and the proponent's adherence to addressing concerns as required by a public consultation process.

The land use authority also guides and facilitates the siting process by:

- **Communicating** to proponents the particular amenities, sensitivities, planning priorities and other relevant characteristics of the area; and,
- **Establishing** a community consultation process.

Staff notes at this time that the LTC is not to assess antenna siting proposals with respect to health and radiofrequency exposure issues or any other non-placement or non-design related issues. Any questions or comments the public may wish to make regarding health issues related to cell phones, cell towers and radiofrequency exposure guidelines ([Safety Code 6](#)) should be directed to Health Canada, the proponent's representative, or Industry Canada's Spectrum Management Operations Branch.

Industry Canada updated its *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular* (CPC-2-0-03) in 2014 (Attachment 1) to include a Default Public Consultation Process that proponents must use if a land use authority does not have an established or documented public consultation process. That same year, the Federation of Canadian Municipalities and the Canadian Wireless Telecommunication Association jointly published a protocol template for antenna system siting proposals (Attachment 2).

The protocol template document closely follows the procedures laid out in CPC-2-0-03 with two additions: pre-application procedures to complete with land use authority staff, and template considerations for Location, Development, and Design Preferences.

For this proposal, the proponent has already contacted planning staff to review pre-application procedures and information. These include location preferences which have are noted in the Official Community Plan policies.

Industry Canada sets a timeline of 120 days (4 months) for the consultation period once a proponent formally submits in writing all plans required by the land use authority. Staff anticipates that this formal application will be submitted shortly; as such, staff recommends that the LTC confirm with the proponent that it will follow Industry Canada's Default Public Consultation Process for this proposal (Attachment 3).

Consultation:

Establishing the Consultation Process

The Default Public Consultation Process recommends the proponent work with the land use authority to agree upon certain details regarding the best manner to communicate with residents. These certain details include:

- The best manner in which to consult with seasonal residents
- The form of written response to reasonable and relevant concerns raised by the community (individual letters vs. one cumulative response)
- Recommendations regarding in-person community meetings

The LTC can delegate this work to staff; however, staff recommends that a communications plan be presented to the LTC for comment at a future meeting prior to the start of the public consultation process.

The proponent is also responsible for preparing the Public Consultation Notification Package. Once the land use authority confirms that the notification package includes all notification requirements, the package will be mailed out to impacted residents (for this proposal, property owners in a 180 metre radius) and posted in a local community newspaper. Again, although staff recommends the mailout package be reviewed by the LTC at a meeting, the LTC can delegate this confirmation to staff.

Communicating the Consultation Process

As the consultation and concurrence process is significantly different for antenna siting proposals than for standard bylaw amendment applications, Staff also recommends communicating the process clearly to the public in advance of consultation. A good example of such communication is the City of Calgary and the [information it has posted to its website regarding antenna siting proposals](#). Such a summary can be posted to Hornby Island's Current Applications webpage, communicated by the local trustees through their channels, and inserted as a preface to the proponent's public notification package.

Rationale for Recommendation:

Industry Canada has established a Default Public Consultation Process for land use authorities that do not have a protocol or policy in place; such is the case with Hornby Island. Between the policies laid out in the Hornby Island OCP and the requirements laid out in the Default Public Consultation Process, staff is of the opinion that there is clear opportunity for community concerns to be raised and addressed. Industry Canada sets a timeline of 120 days (4 months) for the consultation period once a proponent formally submits in writing all plans required by the land use authority. As the TELUS tower proposal submission is imminent and establishing a thorough customized protocol for Hornby Island could take more time than afforded by the 120-day timeline set by Industry Canada, staff recommends that the LTC confirm using the Default Public Consultation Process for this proposal.

ALTERNATIVES:

1. The Hornby Island Local Trust Committee may choose to establish its own protocol based on the template provided by the Federation of Canadian Municipalities. If the Local Trust Committee selects this alternative, it should discuss and establish development and design preferences as soon as possible to inform the proponent in a timely manner. A Special Meeting may be required.
2. In addition to confirming Industry Canada's Default Public Consultation Process for this proposal, the Hornby Island Local Trust Committee may request "Development of Antenna Siting Proposal Protocol" be placed on the Projects List.

NEXT STEPS:

Planning staff will work with the proponent to prepare the public consultation work plan and materials for the public consultation. Planning staff and local trustees will communicate to Hornby Islanders the public consultation process for antenna siting proposals.

Submitted By:	Aleksandra Brzozowski Island Planner	November 24, 2016
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	November 24, 2016

ATTACHMENTS:

1. *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)*
2. *Antenna System Siting Protocol Template*, Federation of Canadian Municipalities
3. Industry Canada's Default Public Consultation Process, excerpted from *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular*



Industry
Canada

Industrie
Canada

CPC-2-0-03

Issue 5

Released: June 26, 2014

Effective: July 15, 2014

Spectrum Management and Telecommunications

Client Procedures Circular

Radiocommunication and Broadcasting Antenna Systems

Comments and suggestions may be directed to the following address:

Industry Canada
Spectrum Management Operations Branch
235 Queen Street
Ottawa, Ontario
K1A 0H5

Attention: DOSP

Via e-mail: spectrum_pubs@ic.gc.ca

All [Spectrum Management and Telecommunications](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/home) publications are available on the following website at: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/home>.

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1. Introduction

Radiocommunication and broadcasting services are important for all Canadians and are used daily by the public, safety and security organizations, government, wireless service providers, broadcasters, utilities and businesses. In order for radiocommunication and broadcasting services to work, antenna systems including masts, towers, and other supporting structures are required. Antenna systems are normally composed of an antenna and some type of supporting structure, often called an antenna tower. Most antennas have their own integral mast so that they can be fastened directly to a building or a tower. There is a certain measure of flexibility in the placement of antenna systems which is constrained to some degree by: the need to achieve acceptable coverage for the service area; the availability of sites; technical limitations; and safety. In exercising its mandate, Industry Canada believes that it is important that antenna systems be deployed in a manner that considers the local surroundings.

1.1 Mandate

Section 5 of the *Radiocommunication Act* states that the Minister may, taking into account all matters the Minister considers relevant for ensuring the orderly development and efficient operation of radiocommunication in Canada, issue radio authorizations and approve each site on which radio apparatus, including antenna systems, may be located. Further, the Minister may approve the erection of all masts, towers and other antenna-supporting structures. Accordingly, proponents must follow the process outlined in this document when installing or modifying an antenna system. Also, the installation of an antenna system or the operation of a currently existing antenna system that is not in accordance with this process may result in its alteration or removal and other sanctions against the operator in accordance with the *Radiocommunication Act*.

1.2 Application

The requirements of this document apply to anyone (referred to in this document as the proponent) who is planning to install or modify an antenna system,¹ regardless of the type. This includes telecommunications carriers,² businesses, governments, Crown agencies, operators of broadcasting undertakings and the public (including for amateur radio operation and over-the-air TV reception). Anyone who proposes, uses or owns an antenna system must follow these procedures. The requirements also apply to those who install towers or antenna systems on behalf of others or for leasing purposes (“third party tower owners”). As well, parts of this process contain obligations that apply to existing antenna system owners and operators.

1.3 Process Overview

This document outlines the process that must be followed by proponents seeking to install or modify antenna systems. The broad elements of the process are as follows:

¹ For the purposes of this document, an “antenna system” is normally composed of an antenna and some sort of supporting structure, normally a tower. Most antennas have their own integral mast so that they can be fastened directly to a building or a tower. Thus, where this document refers to an “antenna,” the term includes the integral mast.

² For the purpose of this document, a “telecommunications carrier” means a person who owns or operates a transmission facility used by that person or another person to provide telecommunications services to the public for compensation.

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.

It is Industry Canada's expectation that steps (2) to (4) will normally be completed within **120 days**. Some proposals may be excluded from certain elements of the process (see Section 6). It is Industry Canada's expectation that all parties will carry out their roles and responsibilities in good faith and in a manner that respects the spirit of this document. If the requirements of this document are satisfied and the proposal proceeds then, under step (5), construction of the antenna system must be completed within three years of conclusion of consultation.

2. Industry Canada Engagement

There are a number of points in the processes outlined in this document where parties must contact Industry Canada to proceed. Further, anyone with any question regarding the process may contact the local Industry Canada office³ for guidance. Based on a query by an interested party, Industry Canada may request parties to provide relevant records and/or may provide direction to one or more parties to undertake certain actions to help move the process forward.

3. Use of Existing Infrastructure (Sharing)⁴

This section outlines the roles of proponents and owners/operators of existing antenna systems. In all cases, parties should retain records (such as analyses, correspondence and engineering reports) relating to this section.

Before building a new antenna-supporting structure, Industry Canada requires that proponents first explore the following options:

- consider sharing an existing antenna system, modifying or replacing a structure if necessary;

³ Please refer to Radiocommunication Information Circular RIC-66 for a list of addresses and telephone numbers for Industry Canada's regional and district offices. [RIC-66](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf06073.html) is available via the Internet at: http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf06073.html.

⁴ See also Client Procedures Circular CPC-2-0-17, *Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*. CPC-2-0-17 is available via the Internet at: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf09081.html>.

- locate, analyze and attempt to use any feasible existing infrastructure such as rooftops, water towers etc.

A proponent is not normally expected to build a new antenna-supporting structure where it is feasible to locate an antenna on an existing structure, unless a new structure is preferred by the land-use authority.

Owners and operators of existing antenna systems are to respond to a request to share in a timely fashion and to negotiate in good faith to facilitate sharing where feasible. It is anticipated that 30 days is reasonable time for existing antenna system owners/operators to reply to a request by a proponent in writing with either:

- a proposed set of reasonable terms to govern the sharing of the antenna system; or
- a detailed explanation of why sharing is not possible.

4. Land-use Authority and Public Consultation

Contacting the Land-use Authority

Proponents must always contact the applicable land-use authorities to determine the local consultation requirements and to discuss local preferences regarding antenna system siting and/or design, unless their proposal falls within the exclusion criteria outlined in Section 6. If the land-use authority has designated an official to deal with antenna systems, then proponents are to engage the authority through that person. If not, proponents must submit their plans directly to the council, elected local official or executive. The 120-day consultation period commences only once proponents have formally submitted, in writing, all plans required by the land-use authority, and does not include preliminary discussions with land-use authority representatives.

Proponents should note that there may be more than one land-use authority with an interest in the proposal. Where no established agreement exists between such land-use authorities, proponents must, as a minimum, contact the land-use authority(ies) and/or neighbouring land-use authorities located within a radius of three times the tower height, measured from the tower base or the outside perimeter of the supporting structure, whichever is greater. As well, in cases where proponents are aware that a potential Aboriginal or treaty right or land claim may be affected by the proposed installation,⁵ they must contact Industry Canada in order to ensure that the requirements for consultation are met.

Following the Land-use Authority Process

Proponents must follow the land-use consultation process for the siting of antenna systems, established by the land-use authority, where one exists. In the event that a land-use authority's existing process has no public consultation requirement, proponents must then fulfill the public consultation requirements contained in Industry Canada's Default Public Consultation Process (see Section 4.2). Proponents are not required to follow this requirement if the LUA's established process explicitly excludes their type of

⁵ Proponents are encouraged to refer to local community and online resources (for example, the Aboriginal and Treaty Rights Information System (ATRIS) (http://sidait-atris.aadnc-aandc.gc.ca/atris_online/home-accueil.aspx) as applicable.

proposal from consultation or it is excluded by Industry Canada's criteria.⁶ Where proponents believe the local consultation requirements are unreasonable, they may contact the local Industry Canada office in writing for guidance.

Broadcasting Undertakings

Applicants for broadcasting undertakings are subject to Canadian Radio-television and Telecommunications (CRTC) licensing processes in addition to Industry Canada requirements. Although Industry Canada encourages applicants to consult as early as practical in the application process, in some cases it may not be prudent for the applicants to initiate public and municipal/land-use consultation before receiving CRTC approval, as application denial by the CRTC would have result in unnecessary work for all parties involved. Therefore, assuming that the proposal is not otherwise excluded, broadcasting applicants may opt to commence land-use consultation after having received CRTC approval. However, broadcasting applicants choosing this approach are required, at the time of the CRTC application, to notify the land-use authority with a Letter of Intent outlining a commitment to conduct consultation after receiving CRTC approval. If the land-use authority raises concerns with the proposal as described in the Letter of Intent, applicants are encouraged to engage in discussions with the land-use authority regarding their concerns and attempt to resolve any issues. Refer to Broadcasting Procedures and Rules, Part 1 (BPR-1), for further details.

4.1 Land-use Authority Consultation

Industry Canada believes that any concerns or suggestions expressed by land-use authorities are important elements to be considered by proponents regarding proposals to install, or make changes to, antenna systems. As part of their community planning processes, land-use authorities should facilitate the implementation of local radiocommunication services by establishing consultation processes for the siting of antenna systems.

Unless the proposal meets the exclusion criteria outlined in Section 6, proponents must consult with the local land-use authority(ies) on any proposed antenna system prior to any construction. The aim of this consultation is to:

- discuss site options;
- ensure that local processes related to antenna systems are respected;
- address reasonable and relevant concerns (see Section 4.2) from both the land-use authority and the community they represent; and
- obtain land-use authority concurrence in writing.

Land-use authorities are encouraged to establish reasonable, relevant, and predictable consultation processes⁷ specific to antenna systems that consider such things as:

⁶ In all cases, telecommunications carriers, broadcasting undertakings and third party tower owners must notify and consult with the local public when proposing a new antenna tower either by following Industry Canada's Default Public Consultation Process or, where one exists, the land-use authority's public consultation process..

⁷ Industry Canada is available to assist land-use authorities in the development of local processes. In addition, land-use authorities may wish to consult Industry Canada's guide for the development of local consultation processes.

- the designation of suitable contacts or responsible officials;
- proposal submission requirements;
- public consultation;
- documentation of the concurrence process; and
- the establishment of milestones to ensure consultation process completion within **120 days**.

Where they have specific concerns regarding a proposed antenna system, land-use authorities are expected to discuss reasonable alternatives and/or mitigation measures with proponents.

Under their processes, land-use authorities may exclude from consultation any antenna system installation in addition to those identified by Industry Canada's own consultation exclusion criteria (Section 6). For example, an authority may wish to exclude from consultation those installations located within industrial areas removed from residential areas, low visual impact installations, or certain types of structures located within residential areas such as personal antenna systems (e.g. used for over the air and satellite television reception or amateur radio operation).

4.2 Industry Canada's Default Public Consultation Process

Proponents must follow Industry Canada's Default Public Consultation Process where the local land-use authority does not have an established and documented public consultation process applicable to antenna siting. Industry Canada's default process has three steps whereby the proponent:

1. provides written notification to the public, the land-use authority and Industry Canada of the proposed antenna system installation or modification (i.e. public notification);
2. engages the public and the land-use authority in order to address relevant questions, comments and concerns regarding the proposal (i.e. responding to the public); and
3. provides an opportunity to the public and the land-use authority to formally respond in writing to the proponent regarding measures taken to address reasonable and relevant concerns (i.e. public reply comment).

Public Notification

1. Proponents must ensure that the local public, the land-use authority and Industry Canada are notified of the proposed antenna system. As a minimum, proponents must provide a notification package (see Appendix 1) to the local public (including nearby residences, community gathering areas, public institutions, schools, etc.), neighbouring land-use authorities, businesses, and property owners, etc.

Municipalities may also wish to refer to the protocol template developed in partnership between the Federation of Canadian Municipalities (FCM) and the Canadian Wireless Telecommunications Association (CWTA). The FCM/CWTA template can be found on the [FCM's website](http://www.fcm.ca) www.fcm.ca.

located within a radius of three times the tower height.⁸ The radius is measured from the outside perimeter of the supporting structure. For the purpose of this requirement, the outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc. Public notification of an upcoming consultation must be clearly marked, making reference to the proposed antenna system, so that it is not misinterpreted as junk mail. The notice must be sent by mail or be hand delivered. The face of the package must clearly reference that the recipient is within the prescribed notification radius of the proposed antenna system.

2. It is the proponent's responsibility to ensure that the notification provides at least 30 days for written public comment.
3. In addition to the minimum notification distance noted above, in areas of seasonal residence, the proponent, in consultation with the land-use authority, is responsible for determining the best manner to notify such residents to ensure their engagement.
4. In addition to the public notification requirements noted above, proponents of an antenna system proposed to be 30 metres or more in height must place a notice in a local community newspaper circulating in the proposed area.⁹ Height is measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the particular installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the antenna system.

Responding to the Public

Proponents are to address all reasonable and relevant concerns, make all reasonable efforts to resolve them in a mutually acceptable manner and must keep a record of all associated communications. If the local public or land-use authority raises a question, comment or concern relating to the antenna system as a result of the public notification process, then the proponent is required to:

1. respond to the party in writing within **14 days** acknowledging receipt of the question, comment or concern and keep a record of the communication;
2. address in writing all reasonable and relevant concerns within **60 days** of receipt or explain why the question, comment or concern is not, in the view of the proponent, reasonable or relevant; and
3. in the written communication referred to in the preceding point, clearly indicate that the party has **21 days** from the date of the correspondence to reply to the proponent's response. The proponent must provide a copy of all public reply comments to the local Industry Canada office.

⁸ Proponents are advised that municipalities may set reasonable public notification distances appropriate for their communities when establishing their own protocols.

⁹ The notice must be synchronized with the distribution of the public notification package. It must be legible and placed in the public notice section of the newspaper. The notice must include: a description of the proposed installation; its location and street address; proponent contact information and mailing address; and an invitation to provide public comments to the proponent within **30 days** of the notice. In areas without a local newspaper, other effective means of public notification must be implemented. Proponents may contact the local Industry Canada office for guidance.

Responding to reasonable and relevant concerns may include contacting a party by telephone, engaging in a community meeting or having an informal, personal discussion. Between steps 1 and 2 above, the proponent is expected to engage the public in a manner it deems most appropriate. Therefore, the letter at step 2 above may be a record of how the proponent and the other party addressed the concern at hand.

Public Reply Comments

As indicated in step 3 above, the proponent must clearly indicate that the party has **21 days** from the date of the correspondence to reply to the response. The proponent must also keep a record of all correspondence/discussions that occurred within the **21-day** public reply comment period. This includes records of any agreements that may have been reached and/or any concerns that remain outstanding.

The factors that will determine whether a concern is reasonable or relevant according to this process will vary but will generally be considered if they relate to the requirements of this document and to the particular amenities or important characteristics of the area surrounding the proposed antenna system. Examples of concerns that proponents are to address may include:

- Why is the use of an existing antenna system or structure not possible?
- Why is an alternate site not possible?
- What is the proponent doing to ensure that the antenna system is not accessible to the general public?
- How is the proponent trying to integrate the antenna into the local surroundings?
- What options are available to satisfy aeronautical obstruction marking requirements at this site?
- What are the steps the proponent took to ensure compliance with the general requirements of this document including the *Canadian Environmental Assessment Act* (CEAA), Safety Code 6, etc.?

Concerns that are not relevant include:

- disputes with members of the public relating to the proponent's service, but unrelated to antenna installations;
- potential effects that a proposed antenna system will have on property values or municipal taxes;
- questions whether the *Radiocommunication Act*, this document, Safety Code 6, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

4.3 Concluding Consultation

The proponent may only commence installation/modification of an antenna system after the consultation process has been completed by the land-use authority, or Industry Canada confirms concurrence with the consultation portion of this process, and after all other requirements under this process have been met. Consultation responsibilities will normally be considered complete when the proponent has:

1. concluded consultation requirements (Section 4.1) with the land-use authority;
2. carried out public consultation either through the process established by the land-use authority or Industry Canada's Default Public Consultation Process where required; and
3. addressed all reasonable and relevant concerns.

Concluding Land-use Authority Consultation

Industry Canada expects that land-use consultation will be completed within **120 days** from the proponent's initial formal contact with the local land-use authority. Where unavoidable delays may be encountered, the land-use authority is expected to indicate when the proponent can expect a response to the proposal. If the authority is not responsive, the proponent may contact Industry Canada. Depending on individual circumstances, Industry Canada may support additional time or consider the land-use authority consultation process concluded.

Depending on the land-use authority's own process, conclusion of local consultation may include such steps as obtaining final concurrence for the proposal via the relevant committee, a letter or report acknowledging that the relevant municipal process or other requirements have been satisfied, or other valid indication, such as the minutes of a town council meeting indicating LUA approval. Compliance with informal city staff procedures, or grants of approval strictly related to zoning, construction, etc. will not normally be sufficient.

Industry Canada recognizes that approvals for construction (e.g. building permits) are used by some land-use authorities as evidence of consultation being concluded. Proponents should note that Industry Canada does not consider the fact a permit was issued as confirmation of concurrence, as different land-use authorities have different approaches. As such, Industry Canada will only consider such approvals as valid when the proponent can demonstrate that the LUA's process was followed and that the LUA's preferred method of concluding LUA consultation is through such an approval.

Concluding Industry Canada's Default Public Consultation Process

Industry Canada's Default Public Consultation Process will be considered concluded when the proponent has either:

- received no written questions, comments or concerns to the formal notification within the **30-day** public comment period; or
- if written questions, comments or concerns were received, the proponent has addressed and resolved all reasonable and relevant concerns and the public has not provided further comment within the **21-day** reply comment period.

In the case where the public responds within the **21-day** reply comment period, the proponent has the option of making further attempts to address the concern on its own, or can request Industry Canada engagement. If a request for engagement is made at this stage, Industry Canada will review the relevant material, request any further information it deems pertinent from any party and may then decide that:

- the proponent has met the consultation requirements of this process and that Industry Canada concurs that installation or modification may proceed; or
- the parties should participate in further attempts to mitigate or resolve any outstanding concern.

4.4 Post-Consultation

Whether the proponent followed a land-use authority's consultation process or Industry Canada's default public consultation process, construction of an antenna system must be completed within three years of the conclusion of consultation. After three years, consultations will no longer be deemed valid except in the case where a proponent secures the agreement of the relevant Land-Use Authority to an extension for a specified time period in writing. A copy of the agreement must be provided to the local Industry Canada office.

5. Dispute Resolution Process

The dispute resolution process is a formal process intended to bring about the timely resolution where the parties have reached an impasse.

Upon receipt of a written request from a stakeholder other than the general public, asking for Departmental intervention concerning a reasonable and relevant concern, the Department may request that all involved parties provide and share all relevant information. The Department may also gather or obtain other relevant information and request that parties provide any further submissions if applicable. The Department will, based on the information provided, either:

- make a final decision on the issue(s) in question, and advise the parties of its decision; or
- suggest the parties enter into an alternate dispute resolution process in order to come to a final decision. Should the parties be unable to reach a mutually agreeable solution, either party may request that the Department make a final decision.

Upon resolution of the issue under dispute, the proponent is to continue with the process contained within this document as required.

6. Exclusions

All proponents must satisfy the General Requirements outlined in Section 7 regardless of whether an exclusion applies to their proposal. All proponents must also consult the land-use authority and the public unless a proposal is specifically excluded. Individual circumstances vary with each antenna system installation and modification, and the exclusion criteria below should be applied in consideration of local circumstances. Consequently, it may be prudent for the proponent to consult even though the proposal meets an exclusion noted below. Therefore, when applying the criteria for exclusion, proponents should consider such things as:

- the antenna system's physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;

- the location of the proposed antenna system on the property and its proximity to neighbouring residents;
- the likelihood of an area being a community-sensitive location; and
- Transport Canada's marking and lighting requirements for the proposed structure.

The following proposals are excluded from land-use authority and public consultation requirements:

- **New Antenna Systems:** where the height is less than 15 metres above ground level. This exclusion does not apply to antenna systems proposed by telecommunications carriers, broadcasting undertakings or third party tower owners;
- **Existing Antenna Systems:** where modifications are made, antennas added or the tower replaced¹⁰, including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial antenna system installation¹¹. No increase in height may occur within one year of completion of the initial construction. This exclusion does not apply to antenna systems using purpose built antenna supporting structures with a height of less than 15 metres above ground level operated by telecommunications carriers, broadcasting undertakings or third party tower owners;
- **Non-Tower Structure:** antennas on buildings, water towers, lamp posts, etc. may be excluded from consultation provided that the height above ground of the non-tower structure, exclusive of appurtenances, is not increased by more than 25%;¹² 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.

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

Proponents who are not certain if their proposals are excluded, or whether consultation may still be prudent, are advised to contact the land-use authority and/or Industry Canada for guidance.

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

7. General Requirements

In addition to roles and responsibilities for site sharing, land-use consultation and public consultation, proponents must also fulfill other important obligations including: compliance with Health Canada's

¹⁰ The exclusion for the replacement of existing antenna systems applies to replacements that are similar to the original design and location.

¹¹ Initial antenna system installation refers to the system as it was first consulted on, or installed.

¹² Telecommunication carriers, operators of broadcasting undertakings and third party tower owners may benefit from local knowledge by contacting the land-use authority when planning an antenna system that meets this exclusion criteria.

Safety Code 6 guideline for the protection of the general public; compliance with radio frequency immunity criteria; notification of nearby broadcasting stations; environmental considerations; and Transport Canada/NAV CANADA aeronautical safety responsibilities.

7.1 Radio Frequency Exposure Limits

Health Canada has established safety guidelines for exposure to radio frequency fields, in its Safety Code 6 publication, entitled: *Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 kHz to 300 GHz*.¹³ While the responsibility for developing Safety Code 6 rests with Health Canada, Industry Canada has adopted this guideline for the purpose of protecting the general public. Current biomedical studies in Canada and other countries indicate that there is no scientific or medical evidence that a person will experience adverse health effects from exposure to radio frequency fields, provided that the installation complies with Safety Code 6.

It is the responsibility of proponents and operators of installations to ensure that all radiocommunication and broadcasting installations comply with Safety Code 6 at all times, including the consideration of combined effects of nearby installations within the local radio environment.

Telecommunications common carriers and operators of broadcasting undertakings are to carry out an exposure evaluation on all new installations and following any increases in radiated power. Either measurement surveys or mathematical or numerical computations can be used for this evaluation. Where the radio frequency emission of any installation, whether telecommunications carrier or broadcasting operator, is greater than, or is equal to, 50%, of the Safety Code 6 limits for uncontrolled environments at locations accessible to the general public (i.e. not solely available for access by workers), the operator(s) of radio frequency emitters must notify Industry Canada and demonstrate compliance with Safety Code 6. This determination of 50% of Safety Code 6 must be in consideration of the local radio environment.

For all proponents following Industry Canada's Default Public Consultation Process, the proponent's notification package must provide a written attestation that there will be compliance with Safety Code 6 for the protection of the general public, including consideration of nearby radiocommunication systems. The notification package must also indicate any Safety Code 6 related signage and access control mechanisms that may be used.

Compliance with Safety Code 6 is an ongoing obligation. At any time, antenna system operators may be required, as directed by Industry Canada, to demonstrate compliance with Safety Code 6 by (i) providing detailed calculations, and/or (ii) conducting site surveys and, where necessary, by implementing corrective measures.¹⁴ At the request of Industry Canada, telecommunications carriers and operators of broadcasting undertakings must provide detailed compliance information for individual installations within five days of the request. Proponents and operators of existing antenna systems must retain copies of all information related to Safety Code 6 compliance such as analyses and measurements.

¹³ To obtain an electronic copy of Safety Code 6, contact: publications@hc-sc.gc.ca.

¹⁴ See Client Procedures Circular [CPC-2-0-20](#), *Radio Frequency (RF) Fields – Signs and Access Control*.

7.2 Radio Frequency Immunity

All radiocommunication and broadcasting proponents and existing spectrum users are to ensure that their installations are designed and operated in accordance with Industry Canada's immunity criteria as outlined in EMCAB-2¹⁵ in order to minimize the malfunctioning of electronic equipment in the local surroundings. Broadcasting proponents and existing undertakings should refer to Broadcasting Procedures and Rules - Part 1, *General Rules* (BPR-1) for additional information and requirements¹⁶ on this matter.

Proponents are advised to consider the potential effect that their proposal may have on nearby electronic equipment. In this way, they will be better prepared to respond to any questions that may arise during the public and land-use consultation processes, or after the system has been installed.

Land-use authorities should be prepared to advise proponents and owners of broadcasting undertakings of plans for the expansion or development of nearby residential and/or industrial areas. Such expansion or development generally results in the introduction of more electronic equipment in the area and therefore an increased potential for electronic equipment to malfunction. By keeping broadcasters aware of planned developments and changes to adjacent land-use, they will be better able to work with the community. Equally, land-use authorities have a responsibility to ensure that those moving into these areas, whether prospective residents or industry, are aware of the potential for their electronic equipment to malfunction when located in proximity to an existing broadcasting installation. For example, the LUA could ensure that clear notification be provided to future prospective purchasers.

7.3 Proximity of Proposed Structure to Broadcasting Undertakings

Where the proposal would result in a structure that exceeds 30 metres above ground level, the proponent is to notify operators of AM, FM and TV undertakings within 2 kilometres, due to the potential impact the physical structure may have on these broadcasting undertakings. Metallic structures close to an AM directional antenna array may change the antenna pattern of the AM broadcasting undertaking. These proposed structures can also reflect nearby FM and TV signals, causing "ghosting" interference to FM/TV receivers used by the general public.

7.4 Canadian Environmental Assessment Act

Industry Canada requires that the installation and modification of antenna systems be done in a manner that complies with appropriate environmental legislation. This includes the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), where the antenna system is incidental to a physical activity or project designated under CEAA 2012, or is located on federal lands.

An antenna system may not proceed where it is incidental to a designated project (as described in the *Regulations Designating Physical Activities*), or is otherwise expressly designated by the Minister of the

¹⁵ For more information see [EMCAB-2](#), entitled: *Criteria for Resolution of Immunity Complaints Involving Fundamental Emissions of Radiocommunications Transmitters* available at: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf01005.html>.

¹⁶ [BPR-1 - Part I: General Rules](#) can be found on the Spectrum Management and Telecommunications website at: <http://strategis.ic.gc.ca/epic/internet/insmt-gst.nsf/en/sf01326e.html>.

Environment without satisfying certain requirements applicable to designated projects. Therefore, a proponent of this type of project must contact Industry Canada for direction on how to proceed.

Any proposed antenna system on federal land may not proceed without a determination of environmental effects by Industry Canada. In order to assist the Department in making such a determination, proponents must submit a project description to Industry Canada, considering and addressing those elements of the environment described in CEAA 2012, as well as any determination of environmental effects that may have been made by the authority responsible for managing the federal land. Industry Canada may also require further information before it can complete its assessment. Industry Canada will inform the proponent of the results of its determination and may impose conditions related to mitigating any adverse effects after making its determination and/or may need to refer the matter to the Governor-in-Council under CEAA 2012.

In addition, notices under Industry Canada's default public consultation process require written confirmation of the project's status under CEAA 2012 (e.g., whether it is incidental to a designated project or, if not, whether it is on federal lands).

In addition to CEAA requirements, proponents are responsible to ensure that antenna systems are installed and operated in a manner that respects the local environment and that complies with other statutory requirements, such as those under the *Canadian Environmental Protection Act, 1999*, the *Migratory Birds Convention Act, 1994*, and the *Species at Risk Act*, as applicable.

For projects north of the 60th parallel, environmental assessment requirements may arise from federal statutes other than the aforementioned Acts or from Comprehensive Land Claim Agreements. Industry Canada requires that installation or modification of antennas or antenna supporting structures be done in accordance with these requirements, as appropriate.

7.5 Aeronautical Safety

Proponents must ensure their proposals for any antenna system are first reviewed by Transport Canada and NAV CANADA.

Transport Canada will perform an assessment of the proposal with respect to the potential hazard to air navigation and will notify proponents of any painting and/or lighting requirements for the antenna system. NAV CANADA will comment on whether the proposal has an impact on the provision of their national air navigation system, facilities and other services located off-airport.

As required, the proponent must:

1. submit an Aeronautical Obstruction Clearance form to Transport Canada;
2. submit a Land-use Proposal Submission form to NAV CANADA;
3. include Transport Canada marking requirements in the public notification package;
4. install and maintain the antenna system in a manner that is not a hazard to aeronautical safety; and

5. retain all correspondence.

For those antenna systems subject to Industry Canada's Default Public Consultation Process, the proponent will inform the community of any marking requirements. Where options are possible, proponents are expected to work with the local community and Transport Canada to implement the best and safest marking options. Proponents should be aware that Transport Canada does not advise Industry Canada of marking requirements for proposed structures. Proponents are reminded that the addition of, or modification to, obstruction markings may result in community concern and so any change is to be done in consultation with the local public, land-use authority and/or Transport Canada, as appropriate.

References and Details

Aeronautical Obstruction Clearance forms are available from any Transport Canada Aviation Group Office. Both the Aeronautical Obstruction Clearance form (#26-0427) and a list of Transport Canada Aviation Group regional offices are available on the Transport Canada website.¹⁷ Completed forms are to be submitted directly to the nearest Transport Canada Aviation Group office. (Refer to Canadian Aviation Regulations, Standard 621.19, Standards Obstruction Markings).

Land-use Proposal Submission forms are available from NAV CANADA¹⁸ and completed forms are to be sent to the appropriate NAV CANADA General Manager Airport Operations (GMAO) office, East or West.

¹⁷ The [Transport Canada website](http://www.tc.gc.ca) can be found at: <http://www.tc.gc.ca>.

¹⁸ Search keywords "Land-use Proposal" on the [NAV CANADA website](http://www.navcanada.ca) at: <http://www.navcanada.ca>.

Appendix 1 – Industry Canada’s Default Public Consultation Process - Public Notification Package

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

Notification must include, but need not be limited to:

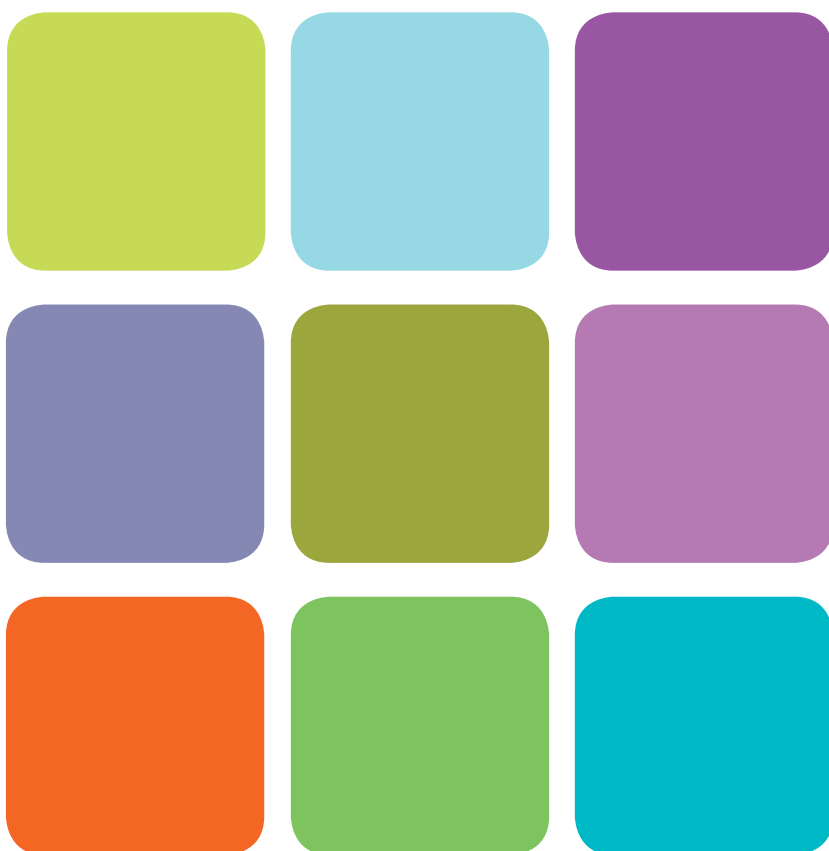
- 1) the proposed antenna system’s purpose, the reasons why existing antenna systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable and future sharing possibilities for the proposal;
- 2) the proposed location within the community, the geographic coordinates and the specific property or rooftop;
- 3) an attestation¹⁹ that the general public will be protected in compliance with Health Canada’s Safety Code 6 including combined effects within the local radio environment at all times;
- 4) identification of areas accessible to the general public and the access/demarcation measures to control public access;
- 5) information on the environmental status of the project, including any requirements under the *Canadian Environmental Assessment Act, 2012*;
- 6) a description of the proposed antenna system including its height and dimensions, a description of any antenna that may be mounted on the supporting structure and simulated images of the proposal;
- 7) Transport Canada’s aeronautical obstruction marking requirements (whether painting, lighting or both) if available; if not available, the proponent’s expectation of Transport Canada’s requirements together with an undertaking to provide Transport Canada’s requirements once they become available;
- 8) an attestation that the installation will respect good engineering practices including structural adequacy;
- 9) reference to any applicable local land-use requirements such as local processes, protocols, etc.;

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

- 10) notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website (<http://www.ic.gc.ca/towers>);
- 11) contact information for the proponent, land-use authorities and the local Industry Canada office; and
- 12) closing date for submission of written public comments (not less than **30 days** from receipt of notification).

ANTENNA SYSTEM SITING PROTOCOL TEMPLATE

CWTA/FCM JOINT PROTOCOL - REVISED DECEMBER 2014



www.fcm.ca

www.cwta.ca



PURPOSE:

(TO BE REMOVED FROM FINAL PROTOCOL)

The purpose of this protocol template is to provide Municipalities with a tool to develop customized protocols for the siting of Antenna Systems within their Municipality.

As the template was developed jointly by the FCM and the CWTA, and is consistent with Industry Canada rules on Antenna System consultations, its use should result in consistent and predictable Antenna System siting protocols. This template encourages the development of local protocol guidelines that fully express the Municipality's location and design preferences. It is desirable for protocols to highlight local knowledge and expertise by suggesting preferred sites in all zoning designations and community development plans, including in Residential Areas, as well as design and screening preferences.

Additionally, all examples of local customization provided in the Appendix are endorsed by the wireless industry as being reasonable and practical components of an antenna siting protocol. Some of these examples are better suited to urban, suburban or rural Municipalities, depending on the Municipality from which they derive, but they serve as 'best practices' and should be considered by Municipalities as they examine options for developing their own local protocols. Municipalities should remove all items from this template that are not relevant considering its municipal policies and preferences before finalizing its protocol.

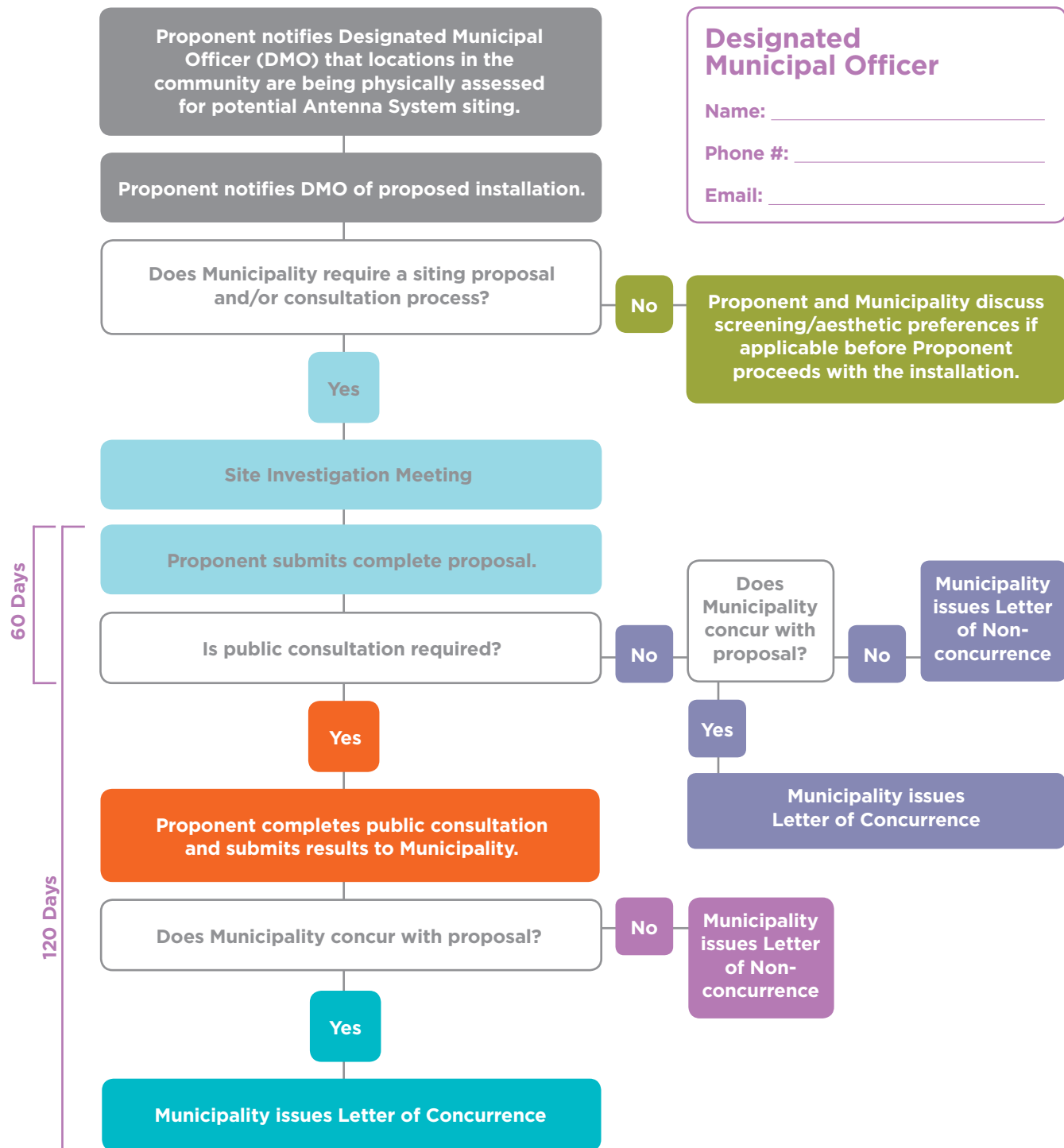
The following sections set out recommended language that may be adopted or adapted by Municipalities wishing to develop a customized protocol in a manner that reflects local circumstances.



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Antenna System Siting Process Flowchart



Section 1

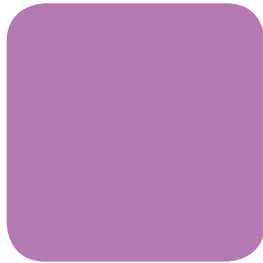


OBJECTIVES

The objectives of this Protocol are:

- (1) To establish a siting and consultation process that is harmonized with Industry Canada's *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular* (CPC-2-0-03) and *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* for reviewing land use issues associated with Antenna System siting proposals;
- (2) To set out an objective process, criteria and guidelines that are transparent, consistent and predictable for the evaluation of Antenna System siting proposals that:
 - a. Minimize the number of new antenna sites by encouraging co-location;
 - b. Encourage designs that integrate with the surrounding land use and public realm;
 - c. Establish when local public consultation is required; and
 - d. Allow Industry Canada and the communications industry to identify and resolve any potential land use, siting or design concerns with the Municipality at an early stage in the process.
- (3) To provide an expeditious review process for Antenna System siting proposals;
- (4) To establish a local land use consultation framework that ensures the Municipality and members of the public contribute local knowledge that facilitates and influences the siting – location, development and design (including aesthetics) – of Antenna Systems within municipal boundaries;
- (5) To contribute to the orderly development and efficient operation of a reliable, strong radiocommunication network in the Municipality; and
- (6) To provide the Municipality with the information required to satisfy the requirements of Industry Canada regarding local land use consultation, resulting in an informed statement of concurrence, concurrence with conditions, or non-concurrence from the Municipality to Industry Canada at the end of the process.

Section 2



JURISDICTION AND ROLES

INDUSTRY CANADA: Under the *Radiocommunication Act*, the Minister of Industry has sole jurisdiction over inter-provincial and international communication facilities. The final decision to approve and licence the location of Antenna Systems is made only by Industry Canada. In June 2014, Industry Canada issued an update to its *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular* (CPC-2-0-03) which outlines the process that must be followed by Proponents seeking to install or modify Antenna Systems, effective July 15, 2014.¹

Industry Canada also requires that Proponents intending to install or modify an Antenna System notify and consult with Municipality (Land Use Authority), and the local community within a Prescribed Distance from the proposed structure. Industry Canada also published a *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* in January 2008, stating that it “considers that the Municipality’s and local residents’ questions, comments and concerns are important elements to be considered by a Proponent seeking to install, or make modifications to, an antenna system.” The CPC also establishes a dispute resolution process to be used where the Proponent and Municipality have reached an impasse.

ROLE OF THE MUNICIPALITY: The ultimate role of the Municipality is to issue a statement of concurrence or non-concurrence to the Proponent and to Industry Canada. The statement considers the land use compatibility of the Antenna System, the responses of the affected residents and the Proponent’s adherence to this Protocol. The Municipality also guides and facilitates the siting process by:

- **Communicating** to Proponents the particular amenities, sensitivities, planning priorities and other relevant characteristics of the area;
- **Developing the design guidelines** for Antenna Systems contained in Section 6 of this Protocol; and
- **Establishing** a community consultation process, where warranted.

¹ For additional information regarding Industry Canada’s mandate and the application of its authority in the wireless telecommunications process, please consult Industry Canada’s Spectrum Management and Telecommunications Sector at <http://ic.gc.ca/spectrum>.



By working with Proponents throughout the siting process, beginning with preliminary notification and the site investigation meeting, the Municipality seeks to facilitate Antenna System installations that are sensitive to the needs of the local community.

ROLE OF THE PROPONENT: Proponents need to strategically locate Antenna Systems to satisfy technical criteria and operational requirements in response to public demand. Throughout the siting process, Proponents must adhere to the antenna siting guidelines in the CPC, including:

- Investigating sharing or using existing infrastructure before proposing new antenna-supporting structures (consistent with CPC-2-O-17 *Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*) ;
- Contacting the Municipality to determine local requirements regarding Antenna Systems; and
- Undertaking public notification and addressing relevant concerns as is required and appropriate.

OTHER FEDERAL LEGISLATION: Proponents additionally must comply with the following federal legislation and/or regulations, where warranted:

- Health Canada's Safety Code 6 - Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 KHZ to 300 GHZ - Safety Code 6 (2009);²
- The *Canadian Environmental Assessment Act*; and
- NAV Canada and Transport Canada's painting and lighting requirements for aeronautical safety.

² The Municipality does not assess any submission for an Antenna System with respect to health and radiofrequency exposure issues or any other non-placement or non-design related issues. Any questions or comments the public may wish to make regarding health issues related to cell phones, cell towers and radiofrequency exposure guidelines (Safety Code 6) should be directed to Health Canada on-line at healthcanada.gc.ca and to the Proponent's representative.

Section 3



DEFINITIONS

ANTENNA SYSTEM: an exterior transmitting device – or group of devices – used to receive and/or to transmit radio-frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas. Antenna Systems include the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter. This protocol most commonly refers to the following two types of Antenna Systems:

1. **Freestanding Antenna System:** a structure (e.g. tower or mast) built from the ground for the expressed purpose of hosting an Antenna System or Antenna Systems;
2. **Building/Structure-Mounted Antenna System:** an Antenna System mounted on an existing non-tower structure, which could include a building wall or rooftop, a light standard, water tower, utility pole or other.

CO-LOCATION: the placement of antennas and equipment operated by one or more Proponents on a telecommunication Antenna System operated by a different Proponent, thereby creating a shared facility.

COMMUNITY SENSITIVE LOCATIONS: land on which the siting of new Antenna Systems is discouraged, or requested to be subject to greater consultation than otherwise dictated by the standard protocol. Such locations may be defined in local zoning bylaws, community plans, or statutory plans.

DESIGNATED COMMUNITY ASSOCIATION: area- or neighbourhood-specific group that is recognized by the Municipality.

DESIGNATED MUNICIPAL OFFICER (AND HIS OR HER DESIGNATE): the municipal staff member(s) tasked with receiving, evaluating and processing submissions for telecommunication Antenna Systems. The Designated Municipal Officer's name and contact information is provided in the Antenna System Siting Flowchart provided in this protocol.



ELECTED MUNICIPAL OFFICIAL: the political leader of the demarcated area of the Municipality (e.g. ward) in which the Antenna System is proposed.

HERITAGE STRUCTURES/AREAS: buildings and structures (e.g. monuments) or areas/ neighbourhoods receiving a heritage designation by the Municipality.

MUNICIPAL DEPARTMENTS: branches of municipal government that administer public services and are operated by city staff.

OTHER AGENCIES: bodies (e.g. boards or commissions) that administer public services but are not operated or staffed by the Municipality.

PRESCRIBED DISTANCE: [TO BE DETERMINED BY THE MUNICIPALITY³], measured horizontally from the outside perimeter of the supporting structure of the proposed Freestanding or Building/Structure-Mounted Antenna System. The outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc.

PROPONENT: a company or organization proposing to site an Antenna System (including contractors undertaking work for telecommunications carriers and third-party tower owners) for the purpose of providing commercial or private telecommunications services, exclusive of personal or household users.⁴

RESIDENTIAL AREA: lands used or zoned to permit residential uses, including mixed uses (i.e. where commercial use is permitted at-grade with residential apartments/ condominiums above).

³ Industry Canada recommends in the CPC a distance of three times the height of the proposed tower. The CPC also states that "Proponents are advised that municipalities may set reasonable public notification distances appropriate for their communities when establishing their own protocols." Existing municipal protocols have adopted a range of pre-scribed distances, e.g. six times the height of the proposed tower, a minimum of 100 metres, a minimum of 120 metres.

⁴ While the best practices established in this Protocol reflect an agreement between FCM and the telecommunications industry as represented by the CWTA, the CPC applies to "anyone who is planning to install or modify an antenna system regardless of type. This includes telecommunications carriers, businesses, governments, Crown agencies, operators of broadcasting undertakings and the public (including for amateur radio operation and over-the-air TV reception)." For applications from other proponents (i.e. not telecommunications carriers or third parties operating on behalf of telecommunications carriers), the Municipality may wish apply this Protocol or a separate review process, or defer to the CPC.

Section 4



This section outlines the criteria for identifying Antenna Systems excluded from the consultation process by Industry Canada, the need to consider local circumstances for all exempt structures, and the process for Proponents to notify and discuss proposed exempt structures with the Municipality.

4.1 EXEMPTIONS FROM ANTENNA SYSTEM SITING PROPOSAL REVIEW AND PUBLIC CONSULTATION

For the following types of installations, Proponents are generally excluded by Industry Canada from the requirement to consult with the Municipality and the public, but must still fulfill the General Requirements outlined in Section 7 of the CPC:

- (1) New Freestanding Antenna Systems: where the height is less than 15 metres above ground level. This exclusion does not apply to Antenna Systems proposed by telecommunications carriers, broadcasting undertakings or third party tower owners;
- (2) Existing Freestanding Antenna Systems: where modifications are made, antennas added or the tower replaced⁵, including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial Antenna System installation⁶. No increase in height may occur within one year of completion of the initial construction. This exclusion does not apply to Antenna Systems using purpose built antenna supporting structures with a height of less than 15 metres above ground level operated by telecommunications carriers, broadcasting undertakings or third party tower owners;

⁵ The exclusion for the replacement of existing Freestanding Antenna Systems applies to replacements that are similar to the original design and location.

⁶ Initial Antenna System installation refers to the system as it was first consulted on, or installed.



- (3) Building/Structure-Mounted Antenna System: antennas on buildings, water towers, lamp posts, etc. may be excluded from consultation provided that the height above ground of the non-tower structure, exclusive of appurtenances, is not increased by more than 25%;
- (4) 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; and
- (5) No consultation is required prior to performing maintenance on an existing antenna system.

The CPC also states that: Individual circumstances vary with each Antenna System installation and modification, and the exclusion criteria above should be applied in consideration of local circumstances. Consequently, it may be prudent for the Proponents to consult the Municipality and the public even though the proposal meets an exclusion noted above. Therefore, when applying the criteria for exclusion, Proponents should consider such things as:

- the Antenna System's physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;
- the location of the proposed Antenna System on the property and its proximity to neighbouring residents;
- the likelihood of an area being a Community-Sensitive Location; and
- Transport Canada marking and lighting requirements for the proposed structure.



4.2 NOTIFICATION AND MUNICIPAL REVIEW OF EXEMPT ANTENNA SYSTEMS

Notwithstanding Industry Canada's exemption criteria for certain Antenna Systems, Municipalities should be informed of all new Antenna System installations within their boundaries so they can:

- Be prepared to respond to public inquiries once construction/installation has begun;
- Be aware of site Co-location within the Municipality;
- Maintain records to refer to in the event of future modifications and additions; and
- Engage in meaningful dialogue with the Proponent with respect to the appearance of the Antenna System and structure prior to the Proponent confirming a final design.

Therefore, Proponents are required to undertake the following steps for **all exempt Antenna System installations before commencing construction**.

4.2.1 Building/Structure-Mounted Antenna Systems:

The Proponent will in all cases provide the following information for all new Antenna Systems or modifications⁷ to existing Antenna Systems that are mounted to an existing structure, including (but not limited to) a building/rooftop, water tower, utility pole or light standard, and which are exempted from public consultation in Section 4.1(3):

- (1) The location of the Antenna System (address, name of building, rooftop or wall mounted, etc.);
- (2) Description of proposed screening or stealth design measures with respect to the measures used by existing systems on that site and/or the preferences expressed in Section 6;
- (3) The height of the Antenna System;
- (4) The height of any modifications to existing systems.

The Municipality may notify the Proponent of any inconsistency with the preferences and sensitivities expressed in Section 6 and the parties will work towards a mutually agreeable solution.

⁷ Notification is required for modifications that materially or noticeably changed the appearance of the system. Maintenance works that do not result in such changes are excluded from the notification requirement.



4.2.2 Additions that Increase the Height of Freestanding Antenna Systems:

The Proponent will confirm to the Municipality that an addition that extends the height of an existing Freestanding Antenna System as defined in Section 4.1(2), meets the exclusion criteria in Section 4.1 by providing the following:

- (1) The location, including its address and location on the lot or structure;
- (2) A short summary of the proposed addition including a preliminary set of drawings or visual rendering of the proposed system; and
- (3) A description of how the proposal meets one of the Section 4.1 exclusion criteria.

The Municipality will review the documentation and will contact the Proponent where there is a site-specific basis for modifying the exemption criteria based on the preferences and sensitivities expressed in Section 6 of this Protocol. In such cases, the Municipality and the Proponent will work toward a mutually agreeable solution, which may include the Municipality requesting the proposal be subject to all or part of the pre-consultation, proposal submission and public consultation process defined in Sections 5, 7 and 8 of this protocol, as applicable, concluding with a letter of concurrence or non-concurrence.

4.3 ADDITIONAL EXEMPTIONS

Municipalities may exclude from all or part of the consultation process any antenna system installation in addition to Industry Canada's basic exemptions listed in subsection 4.1.

- (1) New Antenna Systems which will be located outside the Prescribed Distance (as identified in Section 3) from the nearest Residential Area are exempt from the public consultation requirement.
- (2) Notwithstanding subsection (1) above, the Municipality may additionally, on a case-by-case basis, exempt a Proponent from all or part of the consultation requirements under Section 8 of this Protocol.⁸ For example, exemptions may be granted where the proposed location is separated from a Residential or Heritage area or structure by an arterial roadway, and/or is buffered by substantial tree cover, topography, or buildings.

4.4 SITING ON MUNICIPAL-OWNED PROPERTIES

Any request to install an Antenna System on lands owned by the Municipality shall be made to the appropriate official dealing with municipal properties, in accordance with Municipal policy.⁹

⁸ For example, a Municipality may decide to exclude certain proposals from the requirement to hold a public meeting, but not from issuing a public notification to affected property owners/tenants within the Prescribed Distance.

⁹ Existing municipal procedures related to the leasing/selling of municipal-owned land to third parties may necessitate a consultation process irrespective of whether an exemption is provided under this Protocol.

Section 5



Pre-consultation is one of the most important elements in the antenna siting process as it generally occurs at a point before the Proponent is committed to a site or design. As a result it represents the best opportunity to influence the siting decision since the Proponent will more likely become committed to a site once the detailed engineering has been completed. While a discussion of submission requirements is appropriate the proposal will benefit most from early direction on matters of siting and design. Proponents are strongly encouraged to initiate pre-consultation as early as possible in the antenna siting process for exempt and non-exempt structures.

Prior to submitting an Antenna System proposal that does not meet any of the exemptions listed in Section 4.1 the Proponent will undertake the following preliminary consultations with the Municipality.

5.1 NOTIFICATION

Proponents will notify the Designated Municipal Officer that locations in the community are being physically assessed for potential Antenna System siting.

5.2 SITE INVESTIGATION MEETING WITH MUNICIPALITY

Prior to submitting an Antenna System siting proposal, the Proponent will initiate a site investigation meeting with the Municipality.

The purpose of the site investigation meeting is to:

- Identify preliminary issues of concern;
- Identify requirements for public consultation (including the need for additional forms of notice and a public information session);
- Guide the content of the proposal submission; and
- Identify the need for discussions with any Municipal Departments and Other Agencies as deemed necessary by the Designated Municipal Officer.

Where the Municipality has an initial concern with the proposed siting of the proposal they will make known to the Proponent alternative locations within the Proponent's search area for consideration.



The Proponent will bring the following information to the site investigation meeting¹⁰:

- (1) The proposed location;
- (2) Potential alternative locations;
- (3) The type and height of the proposed Antenna System; and
- (4) Preliminary drawings or visual renderings of the proposed Antenna System superimposed to scale; and
- (5) Documentation regarding the investigation of co-location potentials on existing or proposed Antenna Systems within 500 metres of the subject proposal.

If desired by both the Proponent and the Municipality, multiple Antenna System siting proposals may be reviewed at a site investigation meeting.

5.3 CONFIRMATION OF MUNICIPAL PREFERENCES AND REQUIREMENTS

Following the site investigation meeting, municipal staff will provide the Proponent with an information package that includes:

- (1) This Protocol, which outlines the approval process, excluded structures, requirements for public consultation and guidelines regarding site selection, co-location, installation, design and landscaping;
- (2) Proposal submission requirements;
- (3) A list of plans and studies that may be required (i.e. environmental impact statements);
- (4) A list of Municipal Departments and Other Agencies to be consulted; and
- (5) An indication of the Municipality's preferences regarding Co-location for the site(s) under discussion.

To expedite the review of the proposal, the Proponent will review this information package before the proposal is submitted so that the interests of Municipal Departments are taken into account. The Proponent is encouraged to consult with affected Departments as well as the local Elected Municipal Official and/or Designated Municipal Officer, and adjacent Municipalities within a Prescribed Distance¹¹, before submitting the proposal.

¹⁰ Proponents may prefer to attend the site investigation meeting without some of the required documents – particularly preliminary drawings – if it is waiting on Municipality feedback before settling on a final location, structure height or design. This should be confirmed with the Municipality. Such documents will be required to be provided following the meeting and prior to the Municipality providing the Proponent with the information package.

¹¹ The CPC states that “there may be more than one land-use authority with an interest in the proposal. Where no established agreement exists between such land-use authorities, proponents must, as a minimum, contact the land-use authority(ies) and/or neighbouring land-use authorities located within a radius of three times the tower height, measured from the tower base or the outside perimeter of the supporting structure, whichever is greater.”

Section 6



DEVELOPMENT GUIDELINES

BACKGROUND (TO BE REMOVED FROM FINAL PROTOCOL):

Municipalities are advised to provide as much detail as possible in this section in order to guide the development of Antenna Systems in their community in a manner that respects local sensitivities and land-use compatibility while providing transparency and predictability to Proponents. Various common criteria for development guidelines are included below. Suggestions for specific guidelines that have been identified as best practices from other Municipal protocols are provided in the Appendix as a reference point. Municipalities are encouraged to populate this guidelines section (or remove any inapplicable categories) as is appropriate to identify their local sensitivities.

Municipalities should ensure that all relevant Zoning By-law regulations are cited in this section as deemed necessary.

Antenna Systems should be sited and designed to respect local sensitivities and preferences as identified by the Municipality.

The Municipality has set out a number of guidelines under the following criteria for the selection of sites and/or construction of new Antenna Systems:

- **Location, including Co-location; and**
- **Development and Design Preferences**

The Proponent should review the guidelines identified below as early as possible, and should attempt to resolve any outstanding issues prior to submitting its Antenna System siting proposal and undertaking the public consultation, where required by the Municipality. Because expressed preferences may be location- or site-specific, the Proponent is encouraged to discuss the guidelines fully with the Municipality at the site investigation meeting.

Proponents are also required to obtain all applicable building permits for additions and/or modifications to existing buildings.



6.1 LOCATION

Co-location:

Before submitting a proposal for an Antenna System on a new site, the Proponent must explore the following options:

- Consider sharing an existing Antenna System, modifying or replacing a structure if necessary;
- Locate, analyze and attempt to use any feasible existing infrastructure, including (but not limited to) rooftops, water towers, utility poles or light standards.

Where Co-location on an existing Antenna System or structure is not possible, a new Antenna System should be designed with Co-location capacity, including in Residential Areas when identified as the Municipality's preference.

The Municipality recognizes that the objective of promoting Co-location and the objective of making Antenna Systems less noticeable may sometimes come into conflict. Nevertheless, the Municipality intends to review each submission on its merits with a view to promoting both objectives and, where necessary, will determine the appropriate balance between them. The Proponent should, in all cases, verify the Municipality's site-specific design preferences during the pre-submission consultation process before investing in a final design or site.

Preferred Locations:

When new Antenna Systems must be constructed, **where technically feasible**, the following locations are preferred:

-

Discouraged Locations

New Antenna Systems should avoid the following areas:

-



6.2 DEVELOPMENT AND DESIGN PREFERENCES

Antenna Systems should be designed in terms of appearance and aesthetics to respect their immediate surroundings (e.g. Residential, parkland, Heritage district, etc.), including being unobtrusive and inconspicuous, minimizing visual impact, avoiding disturbance to natural features, and reduce the need for future facilities in the same area, where appropriate. The Municipality's preferred design and development preferences are described below.

The Municipality will identify to the Proponent which of the following development and design preferences are encouraged in the proposed location.

Style and Colour:

-

Buffering and Screening:

-

Structure:

-

Height:

-

Yards, Parking and Access:

-

Equipment Cabinets in Public Spaces:

-

Signage and Lighting:

-

Rooftop Equipment:

-

Section 7



For a proposed Antenna System, except for cases in which consultation is not required as per Sections 4.2 or 4.3, the Proponent will submit to the Municipality an Antenna System siting proposal and the applicable fee.

7.1 PROPOSAL SUBMISSION REQUIREMENTS

The Proponent must include the following information when submitting an Antenna System siting proposal:

- (1) A letter or report from the Proponent indicating the need for the proposal, the proposed site, the rationale for site selection, coverage and capacity of existing Antenna Systems in the general area and a summary of opportunities for Co-location potentials on existing or proposed Antenna Systems within 500 metres of the subject proposal;
- (2) Visual rendering(s) of the proposed Antenna System superimposed to scale;
- (3) A site plan showing the proposed development situated on the site;
- (4) A map showing the horizontal distance between the property boundary of the proposed site and the nearest property in residential use;
- (5) For Antenna Systems requiring public consultation, a map showing all properties located within the Prescribed Distance from the proposed Antenna System;¹²
- (6) Confirmation of legal ownership of the lands subject to the proposal, or a signed letter of authorization from the registered property owner of the land, their agent, or other person(s) having legal or equitable interest in the land;
- (7) An attestation that the Antenna System will respect Health Canada's Safety Code 6 which sets safe radiofrequency emission levels for these devices; and
- (8) Any other documentation as identified by the Municipality following the site investigation meeting.¹³

¹² The Proponent may request to use the Municipality's mapping system.

¹³ For example, in cases where the Proponent commits to a design that includes Co-location capacity, the Municipality may require the Proponent to verify that other Proponents in the area have been notified of the potential Co-location opportunities.



A determination on the completeness of an application or request for additional information will be provided within **five working days** of receipt of the proposal.

Upon receipt of a complete proposal submission, the Municipality will circulate the proposal for review and comment to:

- (1) Affected Municipal Departments;
- (2) Any adjacent Municipalities within the Prescribed Distance;¹⁴ and
- (3) The local Elected Municipal Official.

7.2 FEES

Remove reference to fees if not applicable to your Municipality.

The Proponent must pay any applicable application fee to the Municipality.

The Proponent is responsible for securing applicable applications or permissions from all relevant municipal departments and paying any applicable application fees or charges as required to the Municipality.

¹⁴ As part of inter-municipal processes, the Municipality may also request that the Proponent notify adjacent Municipalities at greater distances, subject to review by the Municipality or at the request of the adjacent Municipality.

Section 8



PUBLIC CONSULTATION PROCESS

BACKGROUND (TO BE REMOVED FROM FINAL PROTOCOL):

Industry Canada believes that nearby residents should be consulted regarding non-excluded antenna proposals. Consultation allows the community to be involved and ultimately influences the proposal's siting. Discussions allow stakeholders to work towards a consensus.

While Industry Canada provides a default public consultation process in the CPC, Municipalities are free to structure their public consultation process to meet their needs. Most often, Municipalities customize their public consultation process in two ways:

- By prescribing which information must be included in the public notification; and
- Requiring that either a face-to-face public consultation (i.e. open-house, drop-in or public meeting) process or a written (or other) consultation process take place.

If the proposed Antenna System is not exempt from the public consultation process as per the requirements in Section 4, the Proponent will initiate the following public consultation process, including issuing notice, undertaking written consultation, hosting a public information session where required and reviewing the consultation results with the Municipality.

8.1 NOTICE RECIPIENTS

After the Proponent has submitted an Antenna Systems siting proposal, the Proponent will give notice to:

- (1) All affected residential properties within the Prescribed Distance;
- (2) All Designated Community Associations within the Prescribed Distance.
- (3) Any adjacent municipalities within the Prescribed Distance;
- (4) The local Elected Municipal Official;
- (5) The Designated Municipal Officer; and
- (6) The Industry Canada regional office.



The Municipality will assist the Proponent in compiling a mailing list of addresses of the affected residences within the Prescribed Distance from the proposed Antenna System.¹⁵ The Municipality may charge a fee for this service.

8.2 NOTICE REQUIREMENTS

The notice will be sent by regular mail or hand delivered, a minimum of 30 days before the public information session (where a public information session is required), and include:

- (1) the proposed Antenna System's purpose, including height and location requirements, the reasons why existing Antenna Systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable and future sharing possibilities for the proposal;
- (2) the proposed location within the community, the geographic coordinates and the specific property or rooftop, including a 21 cm x 28 cm (8 1/2" x 11") size copy of the site plan submitted with the application;
- (3) an attestation¹⁶ that the general public will be protected in compliance with Health Canada's Safety Code 6 including combined effects within the local radio environment at all times;
- (4) identification of areas accessible to the general public and the access/demarcation measures to control public access;
- (5) information on the environmental status of the project, including any requirements under the *Canadian Environmental Assessment Act, 2012*;
- (6) a description of the proposed Antenna System including its height, dimensions, type, design and colour, a description of any antenna that may be mounted on the supporting structure, and simulated images of the proposal;
- (7) Transport Canada's aeronautical obstruction marking requirements (whether painting, lighting or both) if available; if not available, the proponent's expectation of Transport Canada's requirements together with an undertaking to provide Transport Canada's requirements once they become available;
- (8) an attestation that the installation will respect good engineering practices including structural adequacy;
- (9) reference to any applicable local land-use requirements such as local processes, protocols, etc.;
- (10) notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website (<http://www.ic.gc.ca/towers>);

¹⁵ Notices may be delivered to a condo/strata corporation instead of to each unit owner.

¹⁶ Example: I, (*name of individual or representative of company*) attest that the radio installation described in this notification package will be installed and operated on an ongoing basis so as to comply with Health Canada's Safety Code 6, as may be amended from time to time, for the protection of the general public, including any combined effects of nearby installations within the local radio environment.



- (11) contact information for the Proponent, the Designated Municipal Officer and the local Industry Canada office;
- (12) The date, time and location of the public information session (where required); and
- (13) A deadline date for receipt by the Proponent of public responses to the proposal:
 - a. Where a public information session is required, the deadline date must be no more than five days before the date of the session.
 - b. Where a public information session is not required, the deadline date must be at least 30 days after the notices are mailed.

The notification shall be sent out in an envelope addressed to the “Occupant” and shall clearly show in bold type on the face of the envelope the statement:

“NOTICE FOR RESIDENTS WITHIN [INSERT PRESCRIBED DISTANCE] OF A NEW PROPOSED CELL TOWER. INFORMATION IS ENCLOSED.”

The Municipality may also require the Proponent, based on local conditions such as a high proportion of rental accommodation in the vicinity of the site, to provide such additional forms of notice as deemed necessary. Additional notification requirements will be identified by the Municipality during or following the site investigation meeting. Other forms of notification may include, but are not limited to:

- A large format notice board sign or signs, posted on the site of the proposed Antenna System, that is clearly visible from any roadway abutting the site;
- Publication of the notice in a local newspaper(s); and/or,
- Hand delivery of notices to specified buildings.

In addition to the public notification requirements noted above, proponents of an antenna system proposed to be 30 metres or more in height must place a notice in a local community newspaper circulating in the proposed area.¹⁷ Height is measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the particular installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the antenna system.

¹⁷ The notice must be synchronized with the distribution of the public notification package. It must be legible and placed in the public notice section of the newspaper. The notice must include: a description of the proposed installation; its location and street address; proponent contact information and mailing address; and an invitation to provide public comments to the proponent within 30 days of the notice. In areas without a local newspaper, other effective means of public notification must be implemented. Proponents may contact the local Industry Canada office for guidance. Municipalities may choose to provide a standardized template for newspaper advertisements in their local customized protocols.



8.3 WRITTEN CONSULTATION PROCESS

Following the delivery of the notification, the Proponent will allow the public to submit written comments or concerns about the proposal.

The Proponent will:

- (1) Provide the public at least 30 days to submit questions, comments or concerns about the proposal;
- (2) Respond to all questions, comments and concerns in a timely manner (no more than 60 days from the date of receipt); and
- (3) Allow the party to reply to the Proponent's response (providing at least 21 days for public reply comments).
- (4) Keep a record of all correspondence that occurred during the written consultation process. This includes records of any agreements that may have been reached and/or any concerns that remain outstanding.
- (5) Provide a copy of all written correspondence to the Municipality and the regional Industry Canada office.

8.4 PUBLIC INFORMATION SESSION

The municipality may request the Proponent chair a public information session in cases where there is significant public interest in the proposed Antenna System. The type of public meeting to be conducted (open house, drop-in or town hall format) is up to the discretion of the Proponent, however:

- An appropriate date, time and location for the public information session will be determined in consultation with the Designated Municipal Officer.
- The Proponent will make available at the public information session an appropriate visual display of the proposal, including a copy of the site plan submitted with the application and an aerial photograph of the proposed site.

The Proponent will provide the Municipality with a package summarizing the results of the public information session containing at a minimum, the following:

- (1) List of attendees, including names, addresses and phone numbers (where provided voluntarily);
- (2) Copies of all letters and other written communications received; and
- (3) A letter of response from the Proponent outlining how all the concerns and issues raised by the public were addressed.

8.5 POST CONSULTATION REVIEW

The Municipality and the Proponent will communicate following completion of the public consultation process (and arrange a meeting at the Municipality's request) to discuss the results and next steps in the process.

Section 9



STATEMENT OF CONCURRENCE OR NON-CONCURRENCE

9.1 CONCURRENCE AND CONCURRENCE WITH CONDITIONS

The Municipality will provide a letter of concurrence to Industry Canada (copying the Proponent) where the proposal addresses, to the satisfaction of the Municipality, the requirements as set out within this Protocol and the Municipality's technical requirements, and will include conditions of concurrence, if required.¹⁸

The Municipality will issue the letter of concurrence within the timeframe established in Section 10.

9.2 NON-CONCURRENCE

The Municipality will provide a letter of non-concurrence to Industry Canada (copying the Proponent) if the proposal does not conform to Municipality requirements as set out within this Protocol. The Municipality will also forward to Industry Canada any comments on outstanding issues, including those raised during the public consultation process.

The Municipality will issue the letter of non-concurrence within the timeframe established in Section 10.

9.3 RESCINDING A CONCURRENCE

The Municipality may rescind its concurrence if following the issuance of a concurrence, it is determined by the Municipality that the proposal contains a misrepresentation or a failure to disclose all the pertinent information regarding the proposal, or the plans and conditions upon which the concurrence was issued in writing have not been complied with, and a resolution cannot be reached to correct the issue.

In such cases, the Municipality will provide notification in writing to the Proponent and to Industry Canada and will include the reason(s) for the rescinding of its concurrence.

¹⁸ The Municipality may, on case-by-case basis, include in writing specific conditions of concurrence such as design, screening or Co-location commitments.



9.4 DURATION OF CONCURRENCE

A concurrence remains in effect for a maximum period of three years from the date it was issued by the Municipality. If construction is not completed within this time period the concurrence expires except in the case where a proponent secures the agreement of the Municipality to an extension for a specified time period in writing.¹⁹ Once a concurrence expires, a new submission and review process, including public consultation as applicable, is necessary prior to any construction occurring.

In addition, if construction has not commenced after two years from the date the concurrence was issued, the Municipality requests that the Proponent send a written notification of an intent to construct to the Designated Municipal Officer, the Elected Municipal Official and any Designated Community Association once the work to erect the structure is about to start. This notification should be sent 60 days prior to any construction commencing. No further consultation or notification by the Proponent is required.

9.5 TRANSFER OF CONCURRENCE

Once concurrence has been issued, that concurrence may be transferred from the original Proponent to another Proponent (the current Proponent) without the need for further consultation provided that:

- (1) All information gathered by the original Proponent in support of obtaining the concurrence from the Municipality is transferred to the current Proponent;
- (2) The structure for which concurrence was issued to the original Proponent is what the current Proponent builds; and
- (3) Construction of the structure is commenced within the Duration of Concurrence period.

¹⁹ A copy of the agreement must be provided to the local Industry Canada office.

Section 10



Consultation with the Municipality is to be completed within 60 days of the proposal being accepted as complete²⁰ by the Municipality as explained in Section 7 of this Protocol.

Where public consultation is required, consultation with the Municipality and public consultation are both to be completed within 120 days of the proposal being accepted as complete by the Municipality.

The Municipality or Proponent may request an extension to the consultation process timeline. This extension must be mutually agreed on by both parties.

In the event that the consultation process is not completed in 270 days, the Proponent will be responsible for receiving an extension from the Municipality or reinitiating the consultation process to the extent requested by the Municipality.

²⁰ According to the CPC, "The 120-day consultation period commences only once proponents have formally submitted, in writing, all plans required by the land-use authority, and does not include preliminary discussions with land-use authority representatives."

Section 11



LETTER OF UNDERTAKING

The Proponent may be required, if requested by the Municipality, to provide a Letter of Undertaking, which may include the following requirements:

- (1) The posting of a security for the construction of any proposed fencing, screening and landscaping;
- (2) A commitment to accommodate other communication providers on the Antenna System, where feasible, subject to the usual commercial terms and Industry Canada Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements (CPC-2-0-17); and
- (3) All conditions identified in the letter of concurrence.

Section 12



Municipalities can issue a request to network operators to clarify that a specific Antenna System is still required to support communication network activity. The network operator will respond within 30 days of receiving the request, and will provide any available information on the future status or planned decommissioning of the Antenna System.

Where the network operators concur that an Antenna System is redundant, the network operator and Municipality will mutually agree on a timeframe to remove the system and all associated buildings and equipment from the site. Removal will occur no later than 2 years from when the Antenna System was deemed redundant.



APPENDIX

Industry Canada's *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* suggests that protocols can include promoting the placement of antennas in optimal locations from a land-use point of view,²¹ or excluding certain lands and rooftops from protocol requirements.

The protocol should identify areas of historic, cultural or environmental importance to the community and the need to minimize the impact of the proposal on these areas, and identify local preferences for antenna siting. **In particular, the Municipality should define Community Sensitive Areas in which the siting of new Antenna Systems is discouraged, as may be defined in local zoning bylaws or community plans.** Industry Canada also requires Proponents to use existing antenna towers or infrastructure (such as rooftops, water towers, etc.) where possible, and the Municipality may wish to provide guidance as to its own preferences regarding Co-location.

Suggestions for specific location and design guidelines that have been identified as best practices from other Municipality protocols, and can be used to customize Section 6 of your protocol, are provided below as a reference point.

²¹ The land-use compatibility of Antenna Systems may be guided by municipal plans, design bylaws, relevant planning work (i.e. neighbourhood plans and antenna site pre-selection studies) and/or any other municipal guiding document or policy.



LOCATION

Preferred Locations:

- Areas that maximize the distance from Residential Areas.
- Industrial and commercial areas.
- Mounted on buildings or existing structures within the downtown area.
- Areas that respect public views and vistas of important natural or manmade features.
- Agricultural areas.
- Transportation and utility corridors.
- As near as possible to similarly-scaled structures.
- Institutional uses where appropriate, including, but not limited to, those institutions that require telecommunications technology: emergency services, hospitals, colleges and universities.
- Adjacent to parks, green spaces and golf courses.
- Located in a manner that does not adversely impact view corridors.
- Other non-Residential Areas where appropriate.

Discouraged Locations

- Locations directly in front of doors, windows, balconies or residential frontages.
- Ecologically significant natural lands.
- Riverbank lands.
- Inappropriate sites located within Parks and Open Space Areas (with the exception of sites zoned to permit utilities and/or unless designed to interact with the area's character).
- Sites of topographical prominence.
- Heritage areas (unless visibly unobtrusive) or on heritage structures unless it forms an integrated part of the structure's overall design (i.e. through the use of stealth structures).
- Pitched roofs.
- Community Sensitive Locations (as may be defined by the Municipality prior to being included in this Protocol).



DEVELOPMENT AND DESIGN PREFERENCES

Style and Colour:

- The architectural style of the Antenna System should be compatible with the surrounding neighbourhood and adjacent uses (Example: monopole near Residential Area or lattice-style in industrial areas).
- In all instances the Proponent should mitigate negative visual impacts through the use of appropriate landscaping, screening, stealth design techniques, etc.
- An Antenna System may be designed or combined as a landmark feature to resemble features found in the area, such as a flagpole or clock tower, where appropriate, subject to any zoning approvals required for the landmark feature.
- In the downtown area, the design of Antenna Systems should generally be unobtrusive and consistent with Downtown Design Guidelines.
- Towers and communication equipment should have a non-reflective surface.
- Special design treatments should be applied to Antenna Systems proposed to be located within parks and open space areas or on listed Heritage buildings and/or sites to make the system unobtrusive.
- Cable trays should generally not be run up the exterior faces of buildings.
- Antennas that extend above the top of a supporting utility pole or light standard should appear (e.g. in colour, shape and size) to be a natural extension of the pole.

Buffering and Screening:

- Antenna Systems and associated 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 existing vegetation, landscaping, fencing, or other means in order to blend with the built and natural environments.
- A mix of deciduous and coniferous trees is preferred to provide year-round coverage.
- Where adjacent to a principal building, equipment shelters should be constructed of a material similar in appearance to at least one of the materials used in the facades of the principal building and one of the same colours used in the principal building.



Structure:

- Single operator loaded towers (i.e., monopoles) are generally unobtrusive and of low impact and may therefore be located near living areas.
- New structures in residential or high-traffic areas should consider multi-use design (street lighting, electric vehicle charging, parking payment terminals, signage, Wi-Fi etc.).
- Individual wall-mounted antennas should be fixed as close to the wall as possible and should not project above the height of the wall face they are mounted on, in order to avoid visual clutter, and should be painted to match the wall colour for stealth.
- Facilities located on rooftops should be not be visible (to the extent possible) from the street.
- The appropriate type of telecommunication antenna structure for each situation should be selected based upon the goal of making best efforts to blend with the nearby surroundings and minimize the visual aesthetic impacts of the telecommunication antenna structure on the community.
- Pinwheel telecommunication antennas are discouraged (or encouraged).
- The use of guy wires and cables to steady, support or reinforce a tower is discouraged (or encouraged).

Height:

- The Municipality prefers that Freestanding Antenna Systems be a maximum of [TO BE DETERMINED BY THE Municipality] in height, except in industrial areas.
- Height for a Freestanding Antenna System must be measured from grade to the highest point on the structure, including lighting and supporting structures.
- Where Building/Structure-Mounted Antenna Systems will exceed 25% of the height of the existing building, the Municipality prefers that the height not exceed [TO BE DETERMINED BY THE Municipality] measured from the top of the roof or [TO BE DETERMINED BY THE Municipality] above the highest point of the elevator penthouse, whichever is higher.

Yards, Parking and Access:

- Adequate yards, to be determined on a site-by-site basis, should separate Antenna Systems from adjacent development without unduly affecting the development potential of the lot over the lease period.



- Parking spaces, where provided at each new Antenna System site, should have direct access to a public right-of-way at a private approach that does not unduly interfere with traffic flow or create safety hazards.

Equipment Cabinets in Public Spaces²²:

- Cabinets shall be designed in a manner which integrates them into their surroundings, including use of decorative wraps that are graffiti-resistant.
- Cabinet dimensions shall be as minimal as possible.
- Cables and wires must be concealed or covered.

Signage and Lighting:

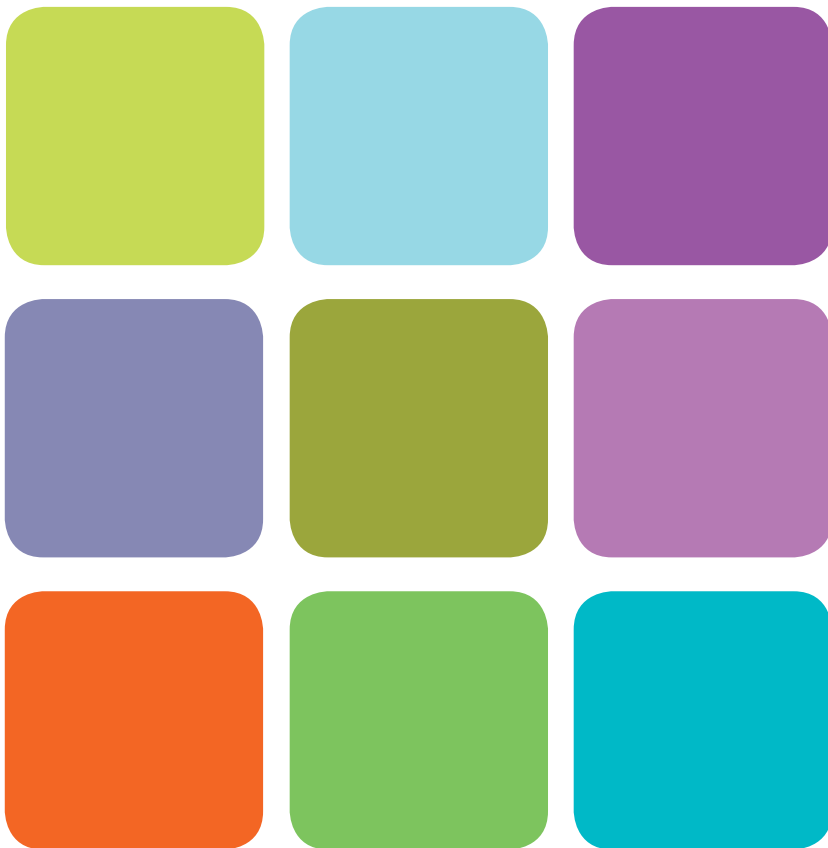
- Small owner identification signs up to a maximum of 0.19 square metres may be posted on Antenna Systems and associated equipment shelters or perimeter fencing.
- No advertising sign or logo is permitted.
- Appropriate signage may also be used as part of screening or disguise.²³
- Unless specifically required by Transport Canada and/or NAV Canada, the display of any lighting is discouraged.
- Where Transport Canada and/or NAV Canada requires a structure to be lit, the lighting should be limited to the minimum number of lights and the lowest illumination allowable, and any required strobe lightning should be set to the maximum strobe interval allowed by Transport Canada.
- The lighting of Antenna Systems and associated equipment shelters for security purposes is supportable provided it is shielded from adjacent residential properties, is kept to a minimum number of lights and illumination intensity, where possible, is provided by a motion detector or similar system.

Rooftop Equipment:

- Equipment shelters located on the roof of a building should be set back from the roof edge to the greatest extent possible, and painted to match the penthouse/building.

²² This section is intended to apply to mechanical equipment cabinets that are located in public spaces (e.g. at the bottom of a utility pole) and do not apply to cabinets that are located inside fenced in areas (e.g. in industrial areas or on rooftops).

²³ Municipality concurrence under this protocol does not include approval for associated signage. Proponents are required to obtain any necessary approvals for signage through the Municipality's development process or sign by-law as applicable.



www.fcm.ca

www.cwta.ca

Excerpted from *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular*

Industry Canada's Default Public Consultation Process

Proponents must follow Industry Canada's Default Public Consultation Process where the local land-use authority does not have an established and documented public consultation process applicable to antenna siting. Industry Canada's default process has three steps whereby the proponent:

1. provides written notification to the public, the land-use authority and Industry Canada of the proposed antenna system installation or modification (i.e. *public notification*);
2. engages the public and the land-use authority in order to address relevant questions, comments and concerns regarding the proposal (i.e. *responding to the public*); and
3. provides an opportunity to the public and the land-use authority to formally respond in writing to the proponent regarding measures taken to address reasonable and relevant concerns (i.e. *public reply comment*).

Public Notification

1. Proponents must ensure that the local public, the land-use authority and Industry Canada are notified of the proposed antenna system. As a minimum, proponents must provide a notification package to the local public (including nearby residences, community gathering areas, public institutions, schools, etc.), neighbouring land-use authorities, businesses, and property owners, etc. located within a radius of three times the tower height. The radius is measured from the outside perimeter of the supporting structure. For the purpose of this requirement, the outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc. Public notification of an upcoming consultation must be clearly marked, making reference to the proposed antenna system, so that it is not misinterpreted as junk mail. The notice must be sent by mail or be hand delivered. The face of the package must clearly reference that the recipient is within the prescribed notification radius of the proposed antenna system.
2. It is the proponent's responsibility to ensure that the notification provides at least 30 days for written public comment.
3. In addition to the minimum notification distance noted above, in areas of seasonal residence, the proponent, in consultation with the land-use authority, is responsible for determining the best manner to notify such residents to ensure their engagement.
4. In addition to the public notification requirements noted above, proponents of an antenna system proposed to be 30 metres or more in height must place a notice in a local community newspaper circulating in the proposed area. Height is measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the particular installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the antenna system.

Public Notification Package

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

Notification must include, but need not be limited to:

1. the proposed antenna system's purpose, the reasons why existing antenna systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable and future sharing possibilities for the proposal;
2. the proposed location within the community, the geographic coordinates and the specific property or rooftop;
3. an attestation that the general public will be protected in compliance with Health Canada's Safety Code 6 including combined effects within the local radio environment at all times;
4. identification of areas accessible to the general public and the access/demarcation measures to control public access;
5. information on the environmental status of the project, including any requirements under the *Canadian Environmental Assessment Act, 2012*;
6. a description of the proposed antenna system including its height and dimensions, a description of any antenna that may be mounted on the supporting structure and simulated images of the proposal;
7. Transport Canada's aeronautical obstruction marking requirements (whether painting, lighting or both) if available; if not available, the proponent's expectation of Transport Canada's requirements together with an undertaking to provide Transport Canada's requirements once they become available;
8. an attestation that the installation will respect good engineering practices including structural adequacy;
9. reference to any applicable local land-use requirements such as local processes, protocols, etc.;
10. notice that [general information relating to antenna systems](http://www.ic.gc.ca/towers) is available on Industry Canada's Spectrum Management and Telecommunications website (<http://www.ic.gc.ca/towers>);
11. contact information for the proponent, land-use authorities and the local Industry Canada office; and
12. closing date for submission of written public comments (not less than **30 days** from receipt of notification).

Responding to the Public

Proponents are to address all reasonable and relevant concerns, make all reasonable efforts to resolve them in a mutually acceptable manner and must keep a record of all associated communications. If the

local public or land-use authority raises a question, comment or concern relating to the antenna system as a result of the public notification process, then the proponent is required to:

1. respond to the party in writing within **14 days** acknowledging receipt of the question, comment or concern and keep a record of the communication;
2. address in writing all reasonable and relevant concerns within **60 days** of receipt or explain why the question, comment or concern is not, in the view of the proponent, reasonable or relevant; and
3. in the written communication referred to in the preceding point, clearly indicate that the party has **21 days** from the date of the correspondence to reply to the proponent's response. The proponent must provide a copy of all public reply comments to the local Industry Canada office.

Responding to reasonable and relevant concerns may include contacting a party by telephone, engaging in a community meeting or having an informal, personal discussion. Between steps 1 and 2 above, the proponent is expected to engage the public in a manner it deems most appropriate. Therefore, the letter at step 2 above may be a record of how the proponent and the other party addressed the concern at hand.

Public Reply Comments

As indicated in step 3 above, the proponent must clearly indicate that the party has **21 days** from the date of the correspondence to reply to the response. The proponent must also keep a record of all correspondence/discussions that occurred within the **21-day** public reply comment period. This includes records of any agreements that may have been reached and/or any concerns that remain outstanding.

The factors that will determine whether a concern is reasonable or relevant according to this process will vary but will generally be considered if they relate to the requirements of this document and to the particular amenities or important characteristics of the area surrounding the proposed antenna system. Examples of concerns that proponents are to address may include:

- Why is the use of an existing antenna system or structure not possible?
- Why is an alternate site not possible?
- What is the proponent doing to ensure that the antenna system is not accessible to the general public?
- How is the proponent trying to integrate the antenna into the local surroundings?
- What options are available to satisfy aeronautical obstruction marking requirements at this site?
- What are the steps the proponent took to ensure compliance with the general requirements of this document including the *Canadian Environmental Assessment Act* (CEAA), Safety Code 6, etc.?

Concerns that are not relevant include:

- disputes with members of the public relating to the proponent's service, but unrelated to antenna installations;
- potential effects that a proposed antenna system will have on property values or municipal taxes;
- questions whether the *Radiocommunication Act*, this document, Safety Code 6, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

Concluding Industry Canada's Default Public Consultation Process

Industry Canada's Default Public Consultation Process will be considered concluded when the proponent has either:

- received no written questions, comments or concerns to the formal notification within the **30-day** public comment period; or
- if written questions, comments or concerns were received, the proponent has addressed and resolved all reasonable and relevant concerns and the public has not provided further comment within the **21-day** reply comment period.

In the case where the public responds within the **21-day** reply comment period, the proponent has the option of making further attempts to address the concern on its own, or can request Industry Canada engagement. If a request for engagement is made at this stage, Industry Canada will review the relevant material, request any further information it deems pertinent from any party and may then decide that:

- the proponent has met the consultation requirements of this process and that Industry Canada concurs that installation or modification may proceed; or
- the parties should participate in further attempts to mitigate or resolve any outstanding concern.