

The Township of Cavan Monaghan

By-law No. 2024-58

Being a by-law to adopt a Telecommunications Structures Procedure Policy

Whereas pursuant to Section 5(1) of the Municipal Act, S.O., 2001, as amended, the powers of a municipality shall be exercised by its Council.

And Whereas pursuant to Section 5(3) of the Municipal Act, S.O., 2001, as amended, a municipal power, including a municipality's capacity, rights, powers, and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

Now Therefore the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. That the Council of the Township of Cavan Monaghan hereby adopts a Telecommunication Structures Procedure Policy, as in Schedule 'A', attached hereto and forming part of this By-law.
2. That this By-law shall become in effect the 4th day of November, 2024

Read a first, second and third time and passed in open Council this 4th day of November, 2024.

Matthew Graham
Mayor

Cindy Page
Clerk

Schedule ‘A’ to By-law No. 2024-58

 <p align="center">Telecommunication Structures Procedure Policy</p>			
Policy Title:	Telecommunication Structures Procedure Policy	Policy Number:	2024-04
Effective Date:	November 2024	Replaces:	Antenna Systems Policy
Prepared By:	Planning Department	Approved By:	Council

Policy Statement:

1. This policy implements the Township of Cavan Monaghan’s Telecommunication Structures Procedure Policy. The purpose of this policy is to provide a procedural framework to guide proponents and Township Staff and Council for the siting and design of telecommunication structures. The framework is presented in a manner that is meant to adhere to federal and local land use requirements and provide opportunity for the public to provide feedback. This procedure applies to all:
 - Township Staff, elected officials, and committees that support or are involved in the facilitation of any process regarding telecommunication structures;
 - Proponents proposing to install a telecommunication structure as defined within this policy;
 - Existing and new support structures within the Township; and
 - Lands for which the Township is the land use authority.
2. Consultation must respect the Federal Government’s exclusive jurisdiction over radiocommunication and broadcasting but does not give a municipality the right to prevent any Antenna System proposal.
3. The Township, in its capacity as the local land use authority, has the authority to state preferences for the siting, public consultation, site design, and size of telecommunication structures.
4. This protocol shall become effective immediately upon approval by The

Township of Cavan Monaghan Council.

Definitions:

“Co-location” shall mean an installation of a telecommunication structure used by two or more proponents or the installation of multiple telecommunication structures on a support structure by two or more proponents.

“CPC-2-0-03” shall mean the Innovation Science and Economic Development (ISED) Canada’s Client Procedures Circular, CPC-2-0-03, Radiocommunication and Broadcasting Antenna Systems, or any subsequent amendments.

“Designated Official” shall mean the Director of Planning, or their designate, as delegated by the Council of the Township of Cavan Monaghan.

“Installation” shall mean the construction, erection, or modification of a telecommunication structure by a proponent.

“ISED” shall mean Innovation, Science and Economic Development Canada, or any of its successor organizations having jurisdiction over telecommunications system approval.

“Proponent” shall mean a company, organization or person that is subject to ISED’s CPC-2-0-03.

“Proposal” shall mean a suggestion by a proponent to install a telecommunication structure.

“Site” shall mean the location or the proposed location of a telecommunication structure.

“Sensitive Land Use” shall mean buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses maybe a part of the natural or built environment. Examples may include but are not limited to residences, day care centres, educational and health facilities.

“Support Structure” shall mean a structure, including a building or water tower, upon which a telecommunication structure may be installed.

“Telecommunication Structure” shall mean an antenna, tower, and/ or equipment shelter installed, or proposed to be installed, by a proponent as part of a federally regulated telecommunication undertaking.

“Township” shall mean The Corporation of the Township of Cavan Monaghan also

known as the land-use authority (LUA).

Exclusions:

5. Proposals that meet the exclusion criteria identified in ISED's CPC-2-0-03 or this procedure may be excluded from the requirement of public consultation.
6. Exclusions are identified because, they generally represent the least contentious alternative for installing a telecommunication structure.
7. For telecommunication structures exempted from consultation by ISED, proponents are requested to provide notification to the Township of the installation within a reasonable period of time following such installation, for the Township's records.

Exclusions from Public Consultation:

8. In addition to ISED's exclusions, set out in Appendix G, the following proposals are excluded from the requirement for public consultation as they generally represent use on a site that has previously received concurrence:
 - Proposals to co-locate on an existing telecommunication structure.
 - Proposals to co-locate a telecommunication structure on a support structure.
 - Proposals to construct an additional equipment shelter in conjunction with a co-location.

Principles for Site Selection:

9. In determining an appropriate site for a telecommunication structure, the proponent shall adhere to the principles listed below.
10. Proposals for new telecommunication structures that are designed to serve only a single provider will be discouraged by the Township.
11. Sites should be selected to minimize the total number of telecommunication structures required in the Township.
12. The construction of a new telecommunication structure is discouraged and should only be considered by the proponent when all other options to accommodate the telecommunication structure are demonstrated as not being viable.
13. Proposals on existing structures or buildings or co-locations on existing telecommunication structures are strongly encouraged.

14. Opportunities to incorporate a telecommunication structure into the design of a new building or structure should be explored by the proponent.
15. New telecommunication structures are strongly encouraged to be more than 120 metres, or three times the tower height, whichever is greater, from any lands zoned to permit residential or sensitive land uses. The distance is to be measured from the base of the tower or the outside perimeter of the supporting structure, whichever is greater.
16. If a new telecommunication structure is to be located within 120 metres of lands zoned to permit residential use or sensitive land uses, a detailed rationale for the necessity of this location must be provided in the Site Selection and Justification Report.

Considerations for Site Selection:

17. When selecting a site for a new telecommunication structure, subject to engineering and network objectives, proponents are required to demonstrate they have considered:
 - a) Minimizing the overall number of sites required within the Township;
 - b) Utilizing existing support structures;
 - c) Landscaping and setback standards for the zone in which the structure is proposed;
 - d) Maximizing the distance from lands zoned which permit residential uses or sensitive land uses;
 - e) Maximizing the distance from environmentally sensitive lands;
 - f) Maximizing the distance from listed heritage buildings and sites;
 - g) Avoiding sites that would obscure public views and vistas of important natural or cultural significance;
 - h) Avoiding natural hazards;
 - i) Ensuring compatibility with adjacent uses; and
 - j) Access for maintenance purposes.

Design and Landscaping:

18. The choice and design of structure type will affect the ability of the structure to be used for co-location in the future. Proponents are required to apply design techniques that will mitigate the presence of a telecommunication structure to achieve a less obtrusive design. Any reasonable measure to blend the installation with its surroundings should be taken. Mitigation design techniques should be applied to the following features:
 - Structure type (e.g., architectural style).
 - Colour (e.g., neutral or blending colour unless specified by Transport

Canada and Navigation Canada).

- Material type (e.g., non-reflective surfaces).
- Landscaping (e.g., buffering).
- Lighting (e.g., design that reduces harm to migratory birds).
- Fencing (e.g., screening).

Parking:

19. One parking space will be provided at each new site with access from a public right-of-way at a location acceptable to the Township. Any parking space provided at a telecommunications structure must not be located within the public highway or road right-of-way. Driveway access is subject to a Township entrance permit to ensure conformity with applicable driveway and entrance by-laws, policies, and design standards.

Lighting:

20. All lighting on a telecommunication structure is prohibited unless required by Transport Canada, Navigation Canada, or for the health and safety of the proponents' employees. Lighting will utilize a design that reduces harm to migratory birds (i.e. the use of flashing lights instead of steady burning lights), whenever feasible.
21. The use of dark sky compliant lighting is required, where appropriate.

Signage and Other Uses of a Telecommunication Structure:

22. A telecommunication structure shall only accommodate structures specifically designed for telecommunication purposes. Only identification or information signs or other material directly related to the identification or safe operation of the equipment will be permitted on the telecommunication structure.
23. A small up-to-date plaque must be installed and maintained at the base of the structure, (or at the main entrance to the site where the site is not accessible under normal circumstances), identifying the owner/operator of the structure and a contact telephone number.
24. Third party advertising of the proponent or the proponent's services shall not be permitted.
25. Notwithstanding the foregoing, where the signage is the telecommunication structure, it shall be permitted provided the sign complies with the Township of Cavan Monaghan Sign By-law.
26. The Proponent shall permit the installation of emergency services telecommunication equipment on the antenna.

Telecommunication Structures Sited Upon a Support Structure (e.g., Building or Water Tower):

27. A telecommunication structure sited upon a support structure which shall have a maximum projection, beyond the exterior wall of the support structure, will generally not exceed 2.0 metres and equipment shelters are encouraged to maintain a minimum setback from the roof edge of 3.0 metres and a maximum height of 4.0 metres.

Preliminary Notification:

28. Preliminary notification shall occur between the proponent and the Township's Designated Official for all proposals. The proponent shall provide notification to the Township's Land Use Inquiry Portal.
29. The proponent should provide sufficient information and materials needed to effectively discuss the proposal.

Submission Requirements:

30. Submission requirements shall be provided following preliminary consultation with the Township's Designated Official.
31. All proposals are subject to submission requirements. For complete lists of submission requirements, see Appendices A, B, C, D, E, and F.

Fees:

32. A fee equal to the Application for Telecommunication Tower Consultation and Review fee in the Township's User Fee and Charges By-law will apply. Other fees and expenses may be applicable.
33. If the proposal requires public consultation, the proponent shall be responsible for all costs associated with the public consultation process, which includes public notice and any public information sessions. The Township shall not incur any expense resulting from a proposal.
34. The proponent shall pay the fee for a building permit, as required.

Municipal Notification:

35. All proponents must consult the land-use authority and/ or the public unless a proposal is specifically excluded as per the ISED's CPC-2-0-03 document or specified in this policy. Individual circumstances vary with each antenna system installation and modification, and the exclusion criteria in Appendix G should be applied in consideration of local circumstances. Consequently, it is prudent for

the proponent to consult the municipality even though the proposal meets an exclusion criterion.

Therefore, if the proponent is applying the criteria for exclusion as identified in ISED's CPC-2-0-03, the proponent shall submit the materials listed in Appendix A to the Township within a reasonable period of time following the installation of the structure for Township records.

Municipal Consultation:

36. For proposals that do not meet ISED's or the Township's exclusions criteria, a complete municipal consultation package is required to be submitted to the Township containing all information and materials identified in Appendix B for requests including proposals for new telecommunication structures.

Public Consultation:

37. The public consultation process includes providing public notice and organizing an in-person public information session. A complete public consultation process (Appendix B) and an in-person public information session (Appendix D) is required for proposals that do not meet ISED's or the Township's exclusion criteria.

Public Notice:

38. The proponent shall submit a complete Public Notice Information Packages to the Township, containing all information and materials identified in Appendix D.
39. Public Notice Information Packages shall:
 - a) Be prepared to the satisfaction of the Township;
 - b) Be addressed and mailed by the Township in Township envelopes;
 - c) Include a covering letter prepared by the proponent to be reviewed by the Township;
 - d) Be mailed by the Township as pre-paid first-class mail at the expense of the proponent;
 - e) Be mailed a minimum of 21 days prior to the date of the public information session;
 - f) Be posted to the Township website;
 - g) Provide a copy of notice posted in a local newspaper, as directed by the Township. The proponent shall, at their expense, prepare and advertise such notice in accordance with the requirements of ISED's CPC-2-0-03. In areas without a local newspaper, other effective means of public notification must be implemented. Proponents shall contact the local Township office for guidance; and,
 - h) The Township shall mail the Public Notice Information Packages, on behalf

of the proponent, to:

- i. All property owners located within 240 metres or three times the height of the telecommunication structure measured from the base of the structure whichever is greater;
- ii. Innovation Science and Economic Development (ISED) Canada;
- iii. Township of Cavan Monaghan Mayor and Councillors; and
- iv. The Clerk of any adjacent municipality within the greater of 240 metres or three times the height of the telecommunication structure measured from the property line of the proposed site.

Documentation of Public Comments:

40. Industry Canada's "Client Procedure Circular", CPC-2-0-03, Section 4.2, Default Public Consultation Process - Responding to the Public and Public Reply Comments - details the responses required by the Proponent to the public and the public's reply in kind.
41. The Proponent shall document the public consultation process including:
 - a) The names, addresses, phone numbers and E-mail addresses of respondents; and
 - b) The Proponent shall provide a follow-up letter to the Township indicating the Proponent's formal response to the concerns and/or comments received from the Local Public on the proposal.

Public Information Session:

42. At the public information session, the proponent shall provide the materials and information identified in Appendix E.
43. The proponent, in consultation with Township Staff shall, schedule an appropriate date, time, and location for the public information session which shall be conducted in-person.
44. The proponent shall be responsible for organizing and chairing the public information session.
45. Following the public information session, the proponent shall submit a record to the Township that contains the materials identified in Appendix F.

Confirmation of Local Land Use Authority Consultation:

46. Township Staff will submit a report to Council indicating whether the proponent has complied with the Township's Telecommunication Structures Procedure Policy and request from Council direction concerning whether ISED should be provided with a letter of concurrence or non-concurrence.
47. The Township's response to the proponent and ISED will take into consideration all responses from the municipal consultation process and, when applicable, the public consultation process. The Township will forward comments raised during the public consultation process to ISED.

Application Process Timeline:

- a) The Township will endeavour to expedite the local land-use authority consultation within 60 days.
- b) For proposals that require public consultation, a time period of up to 120 days may be required.
- c) In the event of unavoidable delays preventing the completion of the application process within the 120 days period, the Township shall identify such delays to the proponent and indicate when the completion is expected to occur.

Related Forms:

Appendix A: Municipal notification requirements for proposals that meet Innovation, Science and Economic Development Canada (ISED) exclusions criteria.

Appendix B: Municipal notification requirements for proposals that do not meet Innovation, Science and Economic Development Canada (ISED) exclusions criteria.

Appendix C: Submission requirements for proposals that require public consultation.

Appendix D: Public Notice requirements.

Appendix E: Public information session requirements.

Appendix F: Requirements following a public information session.

Appendix G: Innovation, Science and Economic Development Canada (ISED) Exclusions.

Appendix A: Municipal notification requirements for proposals that meet Innovation, Science and Economic Development Canada (ISED) exclusions criteria

If a proposal meets the exclusions identified by the ISED, the Township requests that the proponent submit the following to the Township within a reasonable period of time following the installation of the structure:

- a) A letter demonstrating compliance with exclusion criteria identified in ISED's CPC-2-0-03.
- b) Supporting drawings.
- c) Engineered stamped drawing if altering existing structure.
- d) Maps illustrating structure location and surrounding land uses.
- e) A site plan.
- f) General Review Commitment Certificate.
- g) Letter of Substantial Completion.

Appendix B: Municipal notification requirements for proposals that do not meet Innovation, Science and Economic Development Canada (ISED) or the Township's exclusions criteria

For proposals that do not meet ISED's or the Township's exclusions, the proponent shall submit to the Township, concurrently with submission requirements in Appendix C and Appendix D when applicable, a complete package containing the following:

- a) A Site Selection and Justification Report prepared by a professional engineer or land use planner. In recognition of the sensitive nature of information contained in the Site Selection and Justification Report, Township Staff will, subject to the requirements of this procedure, the Municipal Freedom of Information and Protection of Privacy Act, and other applicable law, maintain confidentiality of information where reasonably requested by the proponent. The report shall include:
- b) The record of pre-consultation meeting with the Township's Designated Official.
- c) A location map and inventory of co-location site options that have been considered.
- d) An evaluation of site alternatives and the rationale for the selection of the preferred option, including a description of why co-location options have not been arranged as directed by ISED, for those sites which require co-location.
- e) Confirmation of the need for a new telecommunication structure at the proposed location.
- f) A description of the design elements proposed to minimize the visual impact of the telecommunication structure, considering the Township's preferences identified in this procedure.
- g) A signed agreement stating that the proponent will allow co-location, subject to standard industry financial compensation arrangements to the owner of the telecommunication structure and provided all safety, structural, and technological requirements are met.
- h) One full-size hard copy and a digital version of a site plan drawn to a metric scale showing site grading, location of existing property lines or leased area, existing or proposed buildings, fences, lighting fixtures, parking facilities, existing and proposed landscaping, access, type, height of the proposed telecommunication structure, and any other item as reasonably requested by the Township.
- i) One full-size hard copy and a digital version of scaled elevation drawings.

- j) Agreement to submit a General Review Commitment Certificate prior to construction.
- k) Agreement to submit a Letter of Substantial Completion following construction.
- l) Agreement to submit a Building Permit prior to construction, limited to matters within the Township's jurisdiction.
- m) A map indicating the horizontal distance between the structure and the nearest lands zoned to permit residential uses, sensitive lands uses and the nearest environmentally sensitive lands.
- n) Agreement to submit proof of compliance with Transport Canada and Navigation Canada's regulations prior to construction.
- o) A statement, acceptable to the Township, regarding the removal of the telecommunication structure in the event that the structure is no longer being used for a telecommunication purpose.
- p) A Property Identification Number (PIN) printout.
- q) A legal survey of the property identifying the leased area, if any.
- r) Colour photographs with the telecommunication structure superimposed.
- s) An Environmental Impact Statement.
- t) Agreement to submit confirmation of utility locates for ground-mounted structures prior to construction.
- u) All applicable fees and related costs.
- v) Agreement to provide notice in a local newspaper for proposed structures with a height of 30 metres or more. When notice in a local newspaper is required, the proponent shall, at their expense, prepare and advertise such notice in accordance with the requirements of ISED's CPC-2-0-03. The timing of the notice must be synchronized with the distribution of the Public Notice Information Packages. In areas without a local newspaper, other effective means of public notification must be implemented. Proponents shall contact the local Township office for guidance.
- w) The proponent's formal response to the concerns and/or comments received from all the public consultation

Appendix C: Submission requirements for proposals that require public consultation

For proposals that require municipal consultation and public consultation, proponents shall concurrently submit the following materials to the Township:

- a) Public Notice Information Packages, containing the materials and information identified in Appendix D; and,
- b) Municipal Notification requirements as identified in Appendix B of this Procedure.

Appendix D: Public Notice requirements

Proponents are required to submit Public Notice Information Packages to the Township that comprise the following materials and information:

- a) Date, time, location, and agenda for the public information session.
- b) The purpose of the proposed telecommunication structure, the reasons why an existing telecommunication structure or other infrastructure cannot be used, a list of other telecommunication structures that were considered unsuitable and future co-location possibilities for the proposed telecommunication structure.
- c) The proposed site within the community, the geographic co-ordinates, and the specific property or support structure (e.g. rooftop).
- d) A site plan printed on standard letter-size paper.
- e) Identification of areas accessible to the public and the access/demarcation measures to control public access.
- f) A description of the proposed telecommunication structure including its height and dimensions, type, design, and colour.
- g) Superimposed images of the proposed telecommunication structure at the site.
- h) Transport Canada's and Navigation Canada's aeronautical obstruction marking requirements, if applicable.
- i) The proponent's expectation of Transport Canada's and Navigation Canada's requirements together with an undertaking to provide Transport Canada's requirements once they become available.
- j) The project's status under the Canadian Environmental Assessment Act.
- k) Written confirmation that the installation shall conform with accepted engineering practices including structural adequacy.
- l) Written confirmation containing details of compliance with Health Canada's Safety Code 6.
- m) The name and telephone number of a contact person for the proponent, ISED, and Health Canada.
- n) Reference to compliance with this procedure.
- o) Notice that general information relating to antenna systems is available on ISED's

Spectrum Management and Telecommunications website
(<http://strategis.ic.gc.ca/antenna>).

- p) Closing date for submission of written public comments (not less than 20 days from the date of the public information session).

Appendix E: Public information requirements

The Township will advise the proponent of the number of copies of the following materials to be made available for each public information session:

- a) An appropriate visual display, including at a minimum, a display-size (61cm x 92cm) colour photograph of the proposed site/subject property with a superimposed image of the proposed telecommunication structure.
- b) An Environmental Impact Statement.
- c) Public Notice Information Packages, as outlined in Appendix D, containing all materials included in the public notice mailing.
- d) Copies of all materials listed under the applicable Appendix B of this procedure. Confidential information contained in the Site Selection and Justification Report may be removed.
- e) A hard copy of Health Canada's Safety Code 6 and other related Health Canada public information materials that discuss Safety Code 6 as it pertains to Telecommunication Structures.

Appendix F: Requirements following a public information session.

Following each public information session, the proponent shall provide the Township with a record that contains the following:

- a) Complete list of attendees, including names, and addresses.
- b) Minutes indicating the topics discussed, concerns, issues raised, resolutions and any outstanding issues.
- c) Copies of letters or other communications received from the public.
- d) A follow-up letter of response provided to the Township within 40 days of the information session outlining:
- e) How the concerns and issues raised at the information session and in any letters received prior to, at, or up to 20 days following the information session will be addressed; or
- f) Clearly setting out the reasons why the raised concerns cannot be addressed.

Appendix G: Innovation, Science and Economic Development Canada (ISED) Exclusions

(Excerpt from CPC-2-0-03 - Exclusions)

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
- Transport Canada's marking and lighting requirements for the proposed structure

For the following types of installations, proponents are excluded from the requirement to consult with the LUA and the public, but must still fulfill the General Requirements outlined in Section 7.

- a) 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.
- b) Existing antenna systems: where modifications are made, antennas added or the tower replaced, including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial antenna system installation.
- c) Non-tower structures: including antennas on buildings, water towers, lamp posts, etc. These 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%.
- d) Temporary antenna systems: used for special events or emergency operations. Temporary antenna systems must be removed within three months after the start of the emergency or special event.
- e) No consultation is required prior to performing maintenance on an existing antenna system.