



COUNCIL POLICY

Antenna System Siting Policy

C-3A.009

Section: 3.0 Planning and Community Services
 - A. Planning and Development Services

Authority: ~~General Manager of Planning and Community Services~~ Council

Administering Department: Planning and Community Services

Statement

The Municipal District of Bonnyville (M.D.) recognizes the need for Radiocommunication Antenna Systems. ~~This policy outlines the siting preferences, the Land Use Authority (LUA) consultation process and the public consultation process that Proponent/Applicant are to undertake prior to applying for a development permit and letter of concurrence.~~

Purpose

The purpose of this policy is ~~t~~To provide specific guidelines to assist the M.D. with providing consistent and predictable Antenna System siting and consultation protocols while ensuring responsible development and reducing land use conflicts.

Definitions

For the purposes of this policy:

- (1) "Antenna System" is 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;
- (2) "Chief Administrative Officer" (CAO) means the Chief Administrative Officer of the M.D. appointed by Council, or their authorized delegate;
- (3) "Co-location" is the placement of antennas and equipment operated by one or more companies on a telecommunication Antenna System operated by a different company, thereby creating a shared facility;
- (4) "Community-Sensitive Locations" are 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;
- (5) "Council" means the duly elected Council of the M.D.;
- (6) "Development Authority" is the development officer or Council Municipal Planning Commission of the M.D., or both, as the case may be;
- (7) "Development Officer" is the municipal staff member(s) tasked with receiving, evaluating and processing submissions for telecommunication Antenna Systems;

Date Adopted: May 23, 2018

Resolution No: 18.306

Date Amended⁽⁰¹⁾: June 26, 2019

Resolution No: 19.366

- (8) “Elected Municipal Official” is the political leader of the defined area of the municipality (e.g. ward) in which the Antenna System is proposed;
- (9) “Heritage Structures/Areas” are buildings and structures (e.g. monuments) or areas/neighbourhoods receiving a heritage designation by the municipality;
- (10) “Municipal Departments” are branches of municipal government that administer public services and are operated by municipal staff;
- (11) “Prescribed Distance” is three times the tower height 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.;
- (12) “Proponent/Applicant” is a company or organization proposing to site an Antenna System (including contractors undertaking work for telecommunications carriers and third-party tower owners) to provide commercial or private telecommunications services, exclusive of personal or household users;
- (13) “Multi-Lot Residential Subdivision” is lands districted to permit five (5) or more residential lots per quarter section;
- (14) “Excluded Structures” Industry Canada’s Radiocommunication and Broadcasting Antenna Systems CPC-2-0-03¹, Section 6, as amended **from** time to time, states the exclusions to the consultation process. Applicants shall satisfy the General Requirements outlined in Section 7 of CPC-2-0-03, regardless of an exclusion. **The** applicant shall consult with the **LUA Development Authority** regarding an excluded installation to provide documentation for the land file.

Policy Procedures

- (1) Pre-Consultation with the Municipality
 - (a) Site investigation includes:
 - (i) proposed location and alternative locations;
 - (ii) the type and height of the tower;
 - (iii) a drawing or visual rendering of the proposed Antenna System superimposed to scale;
 - (iv) documentation on co-location, including modifying and replacing, **on** towers within 500 metres of the proposed location.
 - (b) Municipal preferences and requirements:
 - (i) Preferred locations include: agricultural, industrial and commercial areas;
 - (ii) Discouraged locations include: Multi-Lot **Country** Residential lots, locations directly in front of doors, windows, balconies, or residential frontages, community-sensitive locations, and within 30 metres of the top of a bank of any named river, creek, or waterbody, or slope greater than fifteen percent (15%);
 - (iii) Additional setbacks of 100% of the tower height will be required from residences and property boundaries;
 - (iv) Co-locating shall be required on towers within a multi-lot country residential subdivisions;

- (v) Only one free-standing communication tower to a maximum height of 46 metres shall be permitted within a multi-lot country residential subdivision;
- (vi) If co-locating is not possible, the applicant shall provide documentation with a detailed explanation, to the satisfaction of the **LUA Development Authority**, as to why it is not a viable option.

(2) Proposal Submission

- (a) The Applicant must include the following information when submitting an Antenna System siting proposal:
 - (i) A completed development permit application and fee;
 - (ii) A letter or report from the Applicant 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;
 - (iii) Visual rendering(s) of the proposed Antenna System superimposed to scale;
 - (iv) A site plan showing the proposed development situated on the site;
 - ~~(v) A map showing the horizontal distance between the property boundary of the proposed site and the nearest property in residential use;~~
 - (vi) For Antenna Systems requiring public consultation, a map showing all properties located within a radius of three times the tower height from the proposed Antenna System;
 - (vii) Confirmation of legal ownership of the lands subject to the proposal, or a signed authorization form from the registered property owner of the land, their agent, or other person(s) having legal or equitable interest in the land;
 - (viii) An attestation that the Antenna System will respect Health Canada's Safety Code 6 which sets safe radiofrequency emission levels for these devices; and
 - (ix) Any other documentation as identified by the municipality following the site investigation meeting.²

(3) Public Consultation Process

- (a) The applicant shall follow Industry Canada's Default Public Consultation Process as outlined in Radiocommunication and Broadcasting Antenna Systems CPC-2-03, Section 4 as amended from time to time.

(4) Statement of Concurrence or Non-Concurrence

- (a) Concurrence and Concurrence with Conditions:

The municipality will provide a letter of concurrence to Industry Canada (copying the Applicant) 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. The municipality will issue the letter of concurrence within the timeframe established in Section 5 of this Policy.
- (b) Non-Concurrence:

The municipality will provide a letter of non-concurrence to Industry Canada (copying the Applicant) 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 5 of this policy.

(c) 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~~ **notify** the Applicant and Industry Canada **in writing** and ~~will~~ include the reason(s) for rescinding ~~of~~ its concurrence.

(d) 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 an Applicant secures the agreement of the municipality to an extension for a specified time period in writing. 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 requires the Applicant to send a written notification of intent to construct to the Development Officer, and the Elected Municipal Official once the work to erect the structure is about to start. This notification ~~should~~ **shall** be sent 60 days prior to any construction commencing. No further consultation or notification by the Applicant is required.

(e) Transfer of Concurrence:

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

- (i) all information gathered by the original Applicant in support of obtaining the concurrence from the municipality is transferred to the current Applicant;
- (ii) the structure for which concurrence was issued to the original Applicant is what the current Applicant builds; and
- (iii) construction of the structure is commenced within the Duration of Concurrence period.

(5) Consultation Process Timeframe

- (a) Consultation with the municipality is to be completed within 60 days of the proposal being accepted as complete by the municipality; ~~as explained in~~ (Section 2) **of this Protocol.**

- (b) When a 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.
 - (c) The municipality or Applicant may request an extension to the consultation process timeline. This extension must be mutually agreed on by both parties.
 - (d) In the event that the consultation process is not completed in 270 days, the Applicant will be responsible for receiving an extension from the municipality or reinitiating the consultation process to the extent requested by the municipality.
- (6) Removal and Reclamation
- (a) When communication towers and facilities become obsolete and/or damaged and unrepaired they shall be immediately removed, and the development site reclaimed within six (6) months of cessation of operation at the expense of the tower owner.
- ¹ Accessible via <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08777.html> **Government of Canada Radiocommunication and Broadcasting Antenna Systems website.**
- ² For example, in cases where the Applicant commits to a design that includes co-location capacity, the municipality may require the Applicant to verify that other Applicants in the area have been notified of the potential co-location opportunities.

Policy Review

Within **five four (54)** years from date adopted / amended / reviewed.

For administrative use only:

Previous Policy Number: (prior to July 24, 2019)	60.61.05
Related Documentation: (plans, bylaws, policies, procedures, etc.)	