

THE TOWNSHIP OF MELANCTHON PROTOCOL FOR ESTABLISHING TELECOMMUNICATION FACILITIES

Approved: August 18, 2011
Amended: October 20, 2011
Amended: May 21, 2020 – Sections 5 & 7
Amended: February 18, 2021

THE TOWNSHIP OF MELANCTHON PROTOCOL FOR ESTABLISHING TELECOMMUNICATION FACILITIES

1. INTRODUCTION

The purpose of this document is to outline the process for the establishment of or modification to any antenna system regardless of the type of installation or service. This includes, amongst others, Personal Communications Services (PCS) and cellular, fixed, wireless, broadcasting, land-mobile, license-exempt and amateur radio operators.

Telecommunication facilities are generally approved under the requirements and process of Industry Canada, which includes consultation with Local Land Use Authorities (i.e. the Township of Melancthon) to ensure local land use policies and objectives are met. Industry Canada has a four-part process in establishing telecommunication facilities, which has been generalized as follows:

- 1) Consultation - including, but not limited to, gaining the approval or recommendation of Township of Melancthon;
- 2) Application to Industry Canada - which includes a detailed review in accordance with health guidelines set out by Health Canada;
- 3) Canadian Environmental Assessment - including a physical review of the property to ensure there are no physical environmental concerns; and,
- 4) An Electromagnetic (EMC) Analysis - to ensure that there is no conflict with other EMC operations (radar, other communication facilities).

In the event that under Section 1) Consultation, an Applicant is unable to gain the approval of the Township of Melancthon, the matter can be referred to the Ministry of Industry Canada for a decision. This protocol has been established to ensure that applicants are able to determine the municipality's development objectives in preparing future plans for facilities in the community, and surrounding communities.

Detailed information on the procedures and processes to be followed in the establishment of telecommunication facilities with Industry Canada are set out in Environmental Process, Radiofrequency Fields and Land Use Consultation in Industry Canada Publication CPC-2-0-09.

2. MUNICIPAL OBJECTIVES

The Township of Melancthon has portions of the Niagara Escarpment Development Plan Area, the Nottawasaga Valley Conservation Authority area, the Grand River Conservation Authority Area, the Saugeen Valley Conservation Authority, the headwaters of four major rivers systems (Saugeen, Mad, Nottawasaga, and Grand), and other significant natural and cultural landscapes within the municipality. The topography of the community presents numerous vistas which could be compromised by large antennae and towers which are associated with

telecommunication facilities.

The Township of Melancthon will ensure that new and existing telecommunication facilities follow Township guidelines as best suited for the Township and the residents. The Township will continue to maintain open and regular discussions with Industry Canada and telecommunication providers to ensure that the objectives of Industry Canada, the Township of Melancthon, and private business interests can be met in the community, to the extent that that is possible.

The Township shall strive to minimize the number of facilities to be located within the community through co-location.

3. PRELIMINARY CONSULTATION

Prior to site selection by an Applicant, preliminary consultation meeting will occur between the Township and the interested Telecommunication Company. A copy of the Township's protocol will be provided to the Company at that time, as well as any known or available site specific information and land use sensitivities which the Applicant should be aware. This Protocol is available on the Township's website and Industry Canada is aware of its provisions.

The Township shall emphasize the need for co-location of major installations constructed by cellular providers and wireless internet service providers (WISPs), to reduce the quantity of towers/antennae which are being located across the rural landscape. Proponents who submit proposals which involves co-location or which involve minor installations or alternate forms of infrastructure which are less obtrusive may be subject to exemptions as outlined in this protocol.

Where the proposed sites are located within the Niagara Escarpment Development Plan Area, or within the regulated areas of the Grand River Conservation Authority Area, the Nottawasaga Valley Conservation Authority Area or the Saugeen Valley Conservation Authority Area, the Township will require proponents to consult with these agencies in order to fulfill the Industry Canada consultation.

4. GENERAL SITE SELECTION CRITERIA FOR TELECOMMUNICATION FACILITIES

The following general selection criteria shall be applied by Applicants when finalizing site selection:

- 1) Co-location on existing sites/facilities;
- 2) Consideration of possible location on municipal, county, provincial or federal property;

- 3) If the above options are not available, locations along major Provincial and County transportation corridors (County Road 124, Highway 10, and Highway 89) may be considered in order to provide commuters and residents travelling through the municipality with optimum cellular phone service;
- 4) Location within or near residential areas should be avoided, unless there is no other option, the facility is essential, and the applicant demonstrates that there will be no negative impacts;
- 5) Location in or adjacent to environmentally significant areas identified in the Township's Official Plan, the Niagara Escarpment Development Plan, the Nottawasaga Valley Conservation Authority Plan, the Grand River Conservation Authority Plan or other features such as provincially significant wetlands, and streams should be avoided;
- 6) Locations in areas or features such as valley lands and cultural heritage areas or landscapes should be considered only if there are no other options and it can be demonstrated that the key features and functions will be maintained;
- 7) Location near other existing taller structures, such as building roofs, water towers, silos, and elevators should be encouraged;
- 8) Locations that would involve potential land use or operational conflicts such as near airstrips or wind turbines should be avoided.

5. APPLICATION

An application in writing shall be made to the municipality upon site selection, which shall include the following:

- 1) Requisite Township Application Fee for major installation application which shall be used to cover the cost of advertising fees, internal staff and external consultants, if required. Please refer to the Township of Melancthon's Tariff of Fees By-law Schedule A to confirm fees.
- 2) A letter of intent by the owner of the subject lands to enter into a lease agreement to permit the establishment of a telecommunication facility and shall also include, in a form that is to the satisfaction of the Township, that appropriate arrangements have been made to completely dismantle and remove the telecommunication facility from the property, by the Applicant or owner of the lands upon termination of its use.
- 3) Site Selection Report – which will detail why the particular site has been chosen and will document the evaluation of the site with regards to these factors:
 - a) Location of all land uses including residential uses and amenity areas within 600 meters of the subject site;

- b) Location of existing vegetation, including mature tree lines and other screening features;
 - c) Topographical prominence;
 - d) Long and short range views;
 - e) Location of private and public recreational uses within view of the proposed location;
 - f) Any other potential impacts (air strips, flight paths);
 - g) Height of structure (not to exceed 75 meters for major installations) and design configuration including colour and lighting (if required);
 - h) Location and proximity of public roadways;
 - i) Location of any environmentally significant areas and/or hazards;
 - j) Conformity with Section 4, General Site Selection Criteria, and/or justification for any deviation from or conflict with these Criteria
- 4) A site plan drawn to scale showing the property upon which the facility will be located detailing site grading, property lines, existing and proposed buildings, fences, buffering, lighting, landscaping access, parking, driveways, utilities and services, easements, and the type and height of the proposed structures.
 - 5) A colour photograph of the subject property from the closest open public road with a superimposed scaled image of the proposed antennae, support structure and facilities;
 - 6) Two sets of scaled drawings, representing a typical installation at the proposed location. In the case of structure or antenna to be mounded on existing facilities or structures, a preliminary Engineer's report shall be submitted to address the structural integrity of the existing structure or building to ensure safe installation;
 - 7) A map showing the horizontal distance between the location of the proposed structure and all adjacent properties, complete with owner's names, within 600 meters of the proposed tower location;
 - 8) Confirmation of entrance approval from the Township, County, or Ministry of Transportation, whichever is applicable; and,
 - 9) Appropriate documentation as requested by the Township that the Applicant has complied with Section 6.5 of the Protocol.
 - 10) Applicant must provide documentation of required licensing from the Federal Government Department (Industry Canada)

6 PUBLIC CONSULTATION AND TOWNSHIP DECISION MAKING

Initial Review of Applicant's Documents

1. An application prepared in accordance with the requirements of section 5 of this protocol shall be provided to the Township by the proponent along with the required fees.
2. Township staff will review the application and related documents for completeness, accuracy and any initial municipal issues. If the submitted material is determined to be complete, the applicant will be notified by the Township and instructed to begin the public notification and consultation process as set out in item 4. If significant issues or deficiencies are identified, staff will provide a report to Council.
3. If the submitted material is not complete or significant initial issues are identified, the documents will be returned to the applicant and the applicant will be advised accordingly and instructed to address any identified issues or deficiencies and resubmit the application package. A meeting with the applicant may be necessary to discuss any problems or issues with the submitted material. Once any initial issues have been addressed by the applicant and a satisfactory application submission has been received, the Township will instruct the applicant of a major installation to begin the following public notification and consultation process.

Notification

4. At least 20 days prior to holding any public information meeting/open house as required by section 6 below, the applicant shall provide concurrent public notice of the proposed telecommunications facility and the public information meeting/open house using the following three methods.
 - a. Written notice shall be mailed or delivered personally to all landowners, residents and businesses within 600 metres of the proposed tower, measured from the tower base or the outside perimeter of the supporting structure, whichever is greater. 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, or face of the self-supporting tower. The written notification will summarize the specifics of the proposal including the site and tower height, the need for the tower, and the compliance with the criteria provided in Part 5 of this protocol or the reasons why such compliance is not possible. The applicant's name and contact information shall also be provided as well as the date, time and location of the public information meeting/open house. The notice shall state that public comment is invited.
 - b. A notification sign, or signs, shall be erected on the property so that it is clearly

visible and legible from all adjacent open public roads. The sign shall be located along the frontage of the portion of the property to be leased for the telecommunications facility. The portion of the property to be leased shall be prominently staked in the field. The sign shall be a minimum of 1.5 meters wide by 1.5 meters high, and be elevated a minimum 0.6 meters from the ground. Each sign shall be professionally prepared and contain the following wording:

(NAME OF APPLICANT) HAS PROPOSED
TO LOCATE A TELECOMMUNICATIONS
FACILITY, BEING A TOWER (HEIGHT) METRES
IN HEIGHT, ON THIS PROPERTY

PUBLIC COMMENT IS INVITED

(NAME OF APPLICANT) WILL HOLD
AN INFORMATION MEETING/OPEN HOUSE
ON (DATE OF MEETING)
FROM _____ TO _____ AT THE
(LOCATION TO BE DETERMINED)

FOR FURTHER INFORMATION, CONTACT
(APPLICANT'S NAME AND CONTACT INFORMATION)
OR THE TOWNSHIP OF MELANCTHON PLANNING
DEPARTMENT AT 519-925-5525

FILE NO.: (FILE #)

- c. With proposals involving antenna supporting structures 30 metres or more in height, notice also shall be published in one issue of one local newspaper having general circulation in the area in which the proposed site is located. Such notice shall include information on the specifics of the proposal including the site and tower height, the applicant's name and contact information, and the date, time and location of the public information meeting/open house. Such published notice shall also state that public comment is invited.
5. Prior to, or concurrent with the public notification procedures required in section 4 above, the applicant shall circulate the written notice required in section 4(a) above along with the complete application package to the following agencies.
- a. The Conservation Authority having jurisdiction in the area of the site
 - b. The Niagara Escarpment Commission, if the site is within the Commission's area of jurisdiction
 - c. The Township
 - d. The County of Dufferin if the site would have access from a County Road
 - e. Any neighbouring municipality within 600 metres of the proposed tower as

- measured in accordance with subsection 4(a) above
- f. Industry Canada

Public Consultation

6. The applicant shall schedule and hold a public information meeting/open house on the proposal. At that meeting/open house the applicant shall outline all details of the proposal and shall provide for verbal and written comments and objections from the public.
7. Any public information meeting/open house required by section 6 above shall be held a minimum of 20 days after the completion of the notification required by section 4 above.
8. The applicant shall provide a 20 day period immediately following the public information meeting/open house for the receipt of written comments/objections from the public and agencies. Information on this shall be provided at the public meeting.
9. At the end of the 20 day commenting period, the applicant shall prepare a report to the Township on the results of the public consultation process to that point. It shall document the completion of the required notification and consultation components, the input from the public and the agencies, and any objections or concerns received from the public or agencies.
10. The above referenced applicant's report will be presented to Township Council along with a report from staff that will provide comments on the applicant's material and identify any areas of potential municipal concern or interest relating to the proposed telecommunications facility. Based on the latter report and Council's decision on it, the Township shall provide its comments or concerns, if any, to the applicant. Any Township concerns will be addressed by the applicant either immediately or as part of the resolution process beginning in section 12 below.
11. If there are no objections from the public, agencies or the Township, the municipality shall prepare its comments and recommendations to Industry Canada in accordance with section 19 below.

Applicant's Process to Attempt to Resolve Concerns and Objections

12. If objections or concerns are received in the public and agency consultation process, after reporting to the Township in accordance with section 9 and receiving the Township's comments and concerns as provided for in section 10, the applicant shall attempt to resolve all objections and address all concerns received from the public and agencies through direct communications and, if necessary, meetings with the individual objectors and with those raising concerns.

13. The applicant shall make reasonable efforts to resolve the objections received in a mutually acceptable manner with each of the objectors and shall keep a written record of all associated meetings and communications.
14. If all of the objections are not resolved within 60 days of the Township's report to Council required in section 10 above, the applicant shall submit to the remaining objector(s) and to the Township by written notice delivered personally or by mail the following:
 - a. a list of unresolved objections;
 - b. documentation of attempts to resolve the objections;
 - c. the applicant's recommendations for resolving the objections; and,
 - d. a notice of a final 20 day response period as per section 15 below.
15. Within the 20 day response period referenced in section 14(d) above, any objector shall submit to the applicant and the Township recommendations that may resolve the objection. The recommendations shall be delivered personally or by mail within the above referenced 20 day response period or the Township shall deem that there is no longer an objection.
16. If within 7 days of the end of the above referenced 20 day response period the applicant does not advise the Township and the objector that they agree with the submitted recommendations or does not reach agreement with the objector on modified recommendations, the Township shall deem that the subject objection has not been resolved. If the applicant does reach agreement with the objector and immediately reports to the Township on that agreement, the Township shall deem the objection to be resolved.
17. If the applicant does not provide the information required in section 14 within 80 days of the Township's report to Council as required in section 10, or does not provide a positive response or report in accordance with section 16, in its decision making and reporting to Industry Canada, as required under the provisions below, the Township shall advise that there are unresolved objections and provide related documentation.
18. If the objections are resolved through the process provided in this Protocol, the applicant shall:
 - a. make whatever changes to the application, proposal and the related documentation that are necessary to implement the resolution of the objection;
 - b. obtain written conformation from the objector(s) that their objection(s) have been addressed satisfactorily; and,
 - c. provide documentation to the Township relating to the resolution of the objections, including all correspondence and information relating to items (a) and (b) in this section.

Township Decision-Making Process

19. If during the above described notification and consultation process, the applicant did not receive any objections from the public, agencies or the Township, upon receipt of documentation to that effect from the applicant, the Township shall proceed to make a decision on its position and recommendations regarding the proposal in accordance with the following process.
 - a. A report on the proposal and the consultation process will be prepared by the Township's Planning Department for consideration by Council in deciding whether or not to support the application and what recommendations may be appropriate.
 - b. Township Council will then make a decision providing both its recommendations on the application and, if necessary, any related recommended approval conditions or recommendations for revisions to the application. Recommended approval conditions could address such matters as a requirement for the execution of a development agreement, the provision of screening or the provision of additional documentation.
 - c. Council's decision and recommendations will then be sent to the applicant and to Industry Canada. In accordance with section 21 below, that will conclude the public and Township consultation portion of this protocol.

20. If the applicant received objections to the proposal or concerns about it, upon receipt of related documentation from the applicant concerning objection resolution attempts in accordance with the applicable provisions of sections 14, 16 and/or 18, the Township shall proceed to make a decision on its position and recommendations concerning the proposal. The Township decision making process of section 19 shall apply where the objections have been resolved and the related documentation has been provided in accordance with sections 16, where applicable, and 18. In applications involving unresolved objections or incomplete related documentation from the applicant, the following Township decision making process shall apply.
 - a. A report on the proposal and the consultation process will be prepared by the Township's Planning Department for consideration by Council in deciding whether or not to support the application, what recommendations may be appropriate and what course of action may be necessary with regard to the unresolved objections.
 - b. Township Council may decide to hold an additional municipally hosted public meeting for applications having significant public interest or involving a number of unresolved objections. The notification process used with the initial meeting/open house would be used with appropriate modifications.

- c. In addition or alternatively, Township Council may decide to further pursue the resolution of any or all outstanding objections. If any agreement is reached on those objections, the applicant will be asked to make the changes to the application, proposal and the related documentation that are necessary to implement any such agreement. The Township will keep a written record of all such attempts at the resolution of objections.
 - d. Township Council will then make a decision providing both its recommendations on the application and, if necessary, any related recommended approval conditions or recommendations for revisions to the application. Recommended approval conditions could address such matters as a requirement for the execution of a development agreement, the provision of screening or the provision of additional documentation.
 - e. Council's decision and recommendations will then be sent to the applicant and to Industry Canada. In accordance with section 21 below, that will conclude the public and Township consultation portion of this protocol.
21. The provision of Council's decision and recommendations to the applicant and to Industry Canada concludes the public and Township consultation process under the terms of this protocol. It does not, however, preclude the possibility of further consultation between the parties if Industry Canada deems this to be appropriate.
22. The Township will endeavour to expeditiously process all applications to attempt to meet the Industry Canada consultation process standard of 120 days. That 120 period begins with the public notification required in section 4 of this part of the protocol.

Public Concerns in General

The factors that will determine whether a concern is reasonable or relevant will vary. Such comments or concerns will generally be considered particularly relevant 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 such concerns 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 as to whether the Radiocommunication Act, this document, Safety Code 6, the Township's established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

7. MINOR INSTALLATIONS

The Township recognizes that minor installations may not require public consultations or a detailed public process as outlined by this protocol. If Council has reviewed the applicant's submission and has resolved that the installation meets one or more criteria as set out below, items 4 to 19 of Section 6 shall not apply, except as provided for herein, shall not apply:

- a) Co-location on existing sites;
- b) Increase of existing tower to a maximum of 25% of existing height to a maximum of 30 metres with the resulting tower height not to exceed 30 metres;
- c) Roof top or silo installations provided such structures are lawful and structurally sound;
- d) Tower does not exceed 30 metres in height, is not located in a settlement area and it has been confirmed in the submission required under Section 5 that the installation will meet the following criteria:
 - i. Provide service speeds of 50/10;
 - ii. Service packages must include packages with no data caps or limits;
 - iii. Installation must serve a local area where a lack of service currently exists;
 - iv. If the Applicant is not the owner of the site property the written consent, irrevocable of the owners, and
 - v. Must provide proof of required licensing from Government of Canada.