



Council Meeting Minutes

Monday, October 18, 2021

Regular Council Meeting

Virtual

7:00 P.M.

Members Present: Mayor L. Armstrong, Councillors A. Hallman, C. Gordijk, B. Fisher, J. Gerber and J. Pfenning

Staff Present: Chief Administrative Officer S. Chambers, Acting Chief Administrative Officer / Director of Parks, Facilities and Recreation S. Jackson, Director of Information and Legislative Services / Municipal Clerk D. Mittelholtz, Director of Public Works and Engineering J. Molenhuis, Director of Development Services H. O'Kafka, Director of Corporate Services / Treasurer P. Kelly, Fire Chief R. Leeson, Curator / Director Castle Kilbride T. Loch, Manager of Information and Legislative Services / Deputy Clerk T. Murray, Manager of Planning / EDO A. Martin, Manager of Finance / Deputy Treasury A. Romany.

- 1. MOTION TO CONVENE INTO CLOSED MEETING (IF NECESSARY)**
- 2. MOTION TO RECONVENE IN OPEN MEETING (IF NECESSARY)**
- 3. MOMENT OF SILENCE**
- 4. LAND ACKNOWLEDGEMENT**
 - 4.1 Councillor J. Gerber read the Land Acknowledgement.**
- 5. ADDITIONS TO THE AGENDA**
- 6. ADOPTION OF THE AGENDA**

Resolution No. 2021-219

Moved by: Councillor C. Gordijk

Seconded by: Councillor A. Hallman

THAT the Agenda be amended to move Item 14. By-laws, to immediately following the adoption of the Agenda; and, that the numbering of the Agenda items be amended accordingly,

AND THAT the Agenda for October 18, 2021, as amended, be adopted.

CARRIED, AS AMENDED.

7. BY-LAWS

7.1 By-law No. 2021-48 By-law to appoint a Chief Administrative Officer

Resolution No. 2021-220

Moved by: Councillor J. Gerber Seconded by: Councillor B. Fisher

THAT By-law No. 2021-48 be introduced, read a first, second, and third time and finally passed in Open Council.

CARRIED.

8. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT

9. MINUTES OF PREVIOUS MEETINGS

9.1 Council Meetings Minutes Monday October 4, 2021

Resolution No. 2021-221

Moved by: Councillor B. Fisher Seconded by: Councillor C. Gordijk

THAT the minutes of the following meetings be adopted as presented:

Regular Council Meeting October 4, 2021.

CARRIED.

10. PUBLIC MEETINGS

10.1 REPORT NO. ILS 2021-38

Proposed Procedural By-law Amendment

Resolution No. 2021-222**Moved by: Councillor C. Gordijk****Seconded by: Councillor B. Fisher**

THAT Report No. ILS 2021-38 be received for information.

CARRIED.

Mayor Armstrong declared the public meeting open and stated that Council would hear all interested parties who wished to speak. Mayor Armstrong stated that persons attending as delegations at this meeting are required to leave their names and addresses which will become part of the public record and advised that this information may be posted on the Township's official website along with email addresses, if provided.

The Director of Information and Legislative Services / Municipal Clerk highlighted the report and noted that there were no registered delegations for the public meeting.

The Director of Information and Legislative Services / Municipal Clerk clarified who is considered an applicant vs. a delegation.

Mayor Armstrong advised that no registered delegations were present and declared the public meeting closed.

11. PRESENTATIONS**12. CONSENT AGENDA****12.2 REPORT NO. FD 2021-05****Third Quarter Activity Report****12.3 REPORT NO. CK 2021-005****Castle Kilbride Quarterly Report Q3****12.4 REPORT NO. DS 2021-028****3rd Quarter Building Stats****12.5 REPORT NO. ILS 2021-37**

**Lottery License Request
Optimist Club of New Hamburg
Moparfest Car Raffle**

Resolution No. 2021-223

Moved by: Councillor A. Hallman Seconded by: Councillor C. Gordijk

THAT Report Nos. FD 2021-05, CK 2021-005, DS 2021-28, and ILS 2021-37 be approved.

CARRIED, AS AMENDED.

Item 12.1 was removed from the Consent Agenda.

**12.1 REPORT NO. PW 2021-020
3rd Quarter 2021 Operations Activity Report
July – September 2021**

Resolution No. 2021-224

Moved by: Councillor A. Hallman Seconded by: Councillor C. Gordijk

THAT the Public Works and Engineering Operations 3rd Quarter Activity Report for the months of July, August and September be received for information.

CARRIED.

The Director of Public Works and Engineering clarified that the regulatory sign reflectivity testing is done annually to determine if a sign needs to be replaced, it was advised that signage sizing is determined by location. It was also advised that if residents have questions regarding signs in particular areas to reach out to staff at publicworks@wilmot.ca for timely responses.

The Director of Public Works and Engineering noted that the water system pressure testing was done and the colours of the hydrants identifies the pressure at those hydrants, it was noted that colours of the hydrants also identify if a hydrant is public or private.

The Director of Public Works and Engineering advised that at this time, utility telecom applications listed in the report are the only active applications. It was also noted that waving of fees is not a typical practice.

13. REPORTS

13.1 CORPORATE SERVICES

13.1.1 REPORT NO. COR 2021-036

Statement of Operations as of September 20, 2021 (un-audited)

Resolution No. 2021-225

Moved by: Councillor J. Gerber

Seconded by: Councillor J. Pfenning

THAT report COR 2021-036, Statement of Operations (un-audited) as of September 30, 2021, as prepared by the Manager of Finance / Deputy Treasurer, be received for information purposes.

CARRIED.

The Manager of Finance / Deputy Treasure outlined the report.

13.1.2 REPORT NO. COR 2021-037

Capital Program Review as of September 30, 2021 (un-audited)

Resolution No. 2021-226

Moved by: Councillor A. Hallman

Seconded by: Councillor B. Fisher

THAT report COR 2021-037, Capital Program Review as of September 30, 2021 (un-audited), as prepared by the Manager of Finance / Deputy Treasurer, be received for information purposes.

CARRIED.

The Manager of Finance / Deputy Treasure outlined the report.

The Director of Public Works and Engineering clarified that the Morningside Trunk Sewer project is a Regional Master Plan Project and a public information centre is expected in November. Completion of that project is expected in 2022.

The Director of Corporate Services / Treasurer advised that the renovation of the Administration Complex is currently being reviewed by the Corporate Leadership Team and a request for a design consultant will be completed to accommodate growth and the working from home environment to allow for the best use of space.

14. CORRESPONDENCE

15. NOTICE OF MOTIONS

Resolution No. 2021-227

Moved by: Councillor A. Hallman

Seconded by: Councillor C. Gordijk

- 15.1** Councillor A. Hallman brought forward the following Notice of Motion for consideration.

WHEREAS telecommunications towers and antennas are an important means of providing satellite service for cell phones and other electronic devices;

AND WHEREAS the Township Zoning Bylaw #83-38, as amended by 2020-026, permits the installation of telecommunications towers and antennas in all zones;

AND WHEREAS requests for telecommunication towers and antennas are increasing in the Township;

NOW THEREFORE, BE IT RESOLVED THAT, the Council of the Township of Wilmot direct staff to provide a report examining possible policies, procedures and bylaws regarding telecommunications infrastructure within Wilmot Township including but not limited to the following: a public consultation process regarding any proposed telecommunication and antenna installations and protocols, a consistent and timely process for the review of telecommunication installations within the Township of Wilmot, examination of potential protocols to address locations and siting of telecommunication facilities in a manner which minimizes the effects on residents, visual impact, and respects natural and human heritage features and sensitive lands, while recognizing the jurisdiction of Industry Canada with respect to the implementation of health, safety, and environmental standards in exercising its authority to approve the location of telecommunication towers and antennas.

Damien McDonald appeared as a delegation, his presentation is attached as Appendix A.

The Director of Development Services clarified that the process in place is to default to the current standards from Industry Canada and that a report will come forward for Council consideration at the December meeting, once a full review of potential policies is completed.

16. ANNOUNCEMENTS

- 16.1** Councillor C. Gordijk advised that October 17 to 23 is Small Business Week and encouraged residents support local small businesses. She advised local businesses are listed on wilmotstrongertogether.ca
- 16.2** Councillor C. Gordijk Wednesday October 27 is Dress Purple Day and encouraged everyone to participate. She noted that resources are available if anyone needs support.
- 16.3** Councillor C. Gordijk advised that October 23, 9:00 AM to Noon is a tree planting event at Petersburg Park.
- 16.4** Councillor A. Hallman advised that there was a good turn out at the Mannheim Park for the tree planting and thanked all that volunteered.
- 16.5** Councillor A. Hallman recognized that October is Breast Cancer Awareness Month and encouraged people to show their support.
- 16.6** Councillor A. Hallman recognized that October is Women's History Month and encouraged people to show their support for local contributions in the community.
- 16.7** Councillor J. Pfenning thanked staff for the support they have had for the small businesses within the Township as part of Wilmot Stronger Together.
- 16.8** The Director of Parks, Facilities and Recreation welcomed the new CAO, Sharon Chambers, to the Township on behalf of all staff.

17. BUSINESS ARISING FROM CLOSED SESSION

18. CONFIRMATORY BY-LAW

18.1 By-law No. 2021-49

Resolution No. 2021-228

Moved by: Councillor C. Gordijk

Seconded by: Councillor J. Pfenning

THAT By-law No. 2021-49 to Confirm the Proceedings of Council at its Meeting held on October 18, 2021 be introduced, read a first, second, and third time and finally passed in Open Council.

CARRIED.

19. ADJOURNMENT (7:56 PM)

Resolution No. 2021-229

Moved by: Councillor J. Pfenning

Seconded by: Councillor J. Gerber

THAT we do now adjourn to meet again at the call of the Mayor.

CARRIED.



Siting Protocol for Telecommunication Towers

Recommendation Report

Background

The Issue

- Telecommunication towers are regulated by the federal government and are exempt from local zoning by-laws and building permit requirements.
- As such, new towers can be proposed almost anywhere, including residential zones, environmentally sensitive areas, heritage corridors, and on prime agricultural land -- all without the standard level of municipal oversight that would typically apply to a project of its size.
- Where the local land use authority has not established its own telecommunications siting protocol, such proposals default to a streamlined federal approvals process characterized by limited municipal involvement and minimal public consultation.
- With the encouragement and guidance of the federal authority, hundreds of municipalities across the country have filled this gap by developing their own protocol, thus giving them more control over the process and influence in siting decisions.
- The Township of Wilmot lags its peers in this respect, as it has not developed its own siting protocol and largely plays a passive role under the federal default process.
- Consequently, constituent interests and land use priorities are not being adequately represented or protected from the proliferation of these often unsightly and intrusive structures.

Background

An Immediate Concern

- There are at least two active proposals in the Township of Wilmot to construct new telecommunication towers.
- It is likely there will be more to come in the near future, driven by:
 - 1) mobile phone carriers adding capacity to 4G/LTE networks and rolling out 5G networks;
 - 2) increased activity from independent tower operators jockeying for strategic locations; and
 - 3) the federal government's push to deliver high-speed Internet to rural areas
- The active proposals under consideration include:
 - 65m tower proposed by Signum Wireless on Huron Road in Petersburg; and
 - 45m tower proposed by Xplornet on Nafziger Road in New Hamburg
- Both proposals will reach the end of their 30-day public notification period in the first week of October, after which the Township will be required to issue a letter to the federal authority indicating its support (or otherwise) for the project.
- A detailed review of the project on Huron Road has uncovered some serious concerns, highlighting the need for the Township of Wilmot to establish its own protocol and take a more hands-on approach with respect to such proposals.

Background

Stated Purpose

- The purpose of this presentation is to recommend that the Township of Wilmot establish its own telecommunications siting protocol that allows it (and its constituents) to effectively participate in, and influence, the placement of telecommunication towers proposed within township boundaries.
- The main objective of the protocol would be to fill the gap left by the federal process, which, by design, does not attempt to address local needs or sensitivities.
- A fundamental component would be the development of a clear process for assessing and approving proposals; one that involves early and active engagement with the project proponent and gives due to consideration community preferences and land use priorities.

Background

Policy Goals Inform Protocol

- The development of a protocol should flow naturally from broad policy goals:
 - development of a reliable telecommunications network for residents and businesses;
 - minimization of tower proliferation through use of co-location and existing structures;
 - preference for stealth designs, where possible, that integrate with the surrounding land;
 - implementation of a collaborative process that can influence siting and design decisions;
 - preservation of the natural landscape and minimization of community impact; and
 - protection of environmentally sensitive and culturally significant lands
- Fortunately, the Township of Wilmot does not need to start from scratch should it choose to develop its own protocol. There are dozens of publicly available examples online from municipalities across the country.
- In particular, the Town of Caledon and the Town of Niagara-On-The-Lake have developed some of the more thoughtful protocols that would be worthy of review.

Jurisdiction and Roles

The Integral Role of the Township

Jurisdiction and Roles

Federal Jurisdiction. Municipal Influence.

- The regulation of telecommunication towers, antennas and related facilities falls under federal jurisdiction and is governed by the *Radiocommunication Act*, administered by Industry Canada¹.
- Federal jurisdiction means that municipal and provincial land-use legislation does not apply, including the *Ontario Planning Act* and any municipal zoning by-laws or building permit requirements.
- Industry Canada has outlined the process that must be followed by proponents seeking to install or modify antenna systems in *Client Procedure Circular 2-0-03 “Radiocommunication and Broadcasting Antenna Systems” (CPC-2-0-03)*.
- While Industry Canada has the final authority to approve or reject proposals for new towers, they not only seek, but mandate the participation of the local land use authority.
- Importantly, where a new telecommunications tower is proposed, Industry Canada requires the proponent to consult with the local land use authority and obtain a letter of concurrence indicating the authority’s support for the proposal. Should the land use authority oppose the proposal, a letter of non-concurrence is issued instead, detailing any objections.
- **The letter of concurrence (or non-concurrence) forms the basis upon which Industry Canada makes its final determination and underscores the vital role played by the land use authority.**

1) Industry Canada is now known as “Innovation, Science and Economic Development Canada”.
Its original name is used throughout this presentation for ease of reference

Jurisdiction and Roles

Industry Canada's Position

- The argument that the Township of Wilmot does not need a telecommunications siting protocol because Industry Canada has final approval authority is misguided.
- Industry Canada not only encourages municipalities to develop their own siting protocol, but has published a guide to assist land use authorities with this specific endeavor. Further, Industry Canada requires proponents to follow the local protocol where one exists.
- The reason is simple. While the federal government has jurisdiction over radio and telecommunications as a matter of national interest, it does not have the staffing, local knowledge, or political desire to effectively review all infrastructure proposals nationwide.
- Industry Canada's position on this matter is clearly articulated in Section 4.1 of CPC-2-0-03 which states the following:

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

- *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*

Jurisdiction and Roles

Role of the Township

- The federal regulatory framework expects the local land use authority to play an active role throughout the process, from consulting with proponents, to ensuring procedural compliance, and finally, opining on the proposal by issuing a letter of concurrence.
- The spirit of the framework is best captured by the following statements:

“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.” – CPC-2-0-03 Section 4.1

“Communities are the ones directly affected by tower locations. They are best positioned to work with wireless providers to ensure effective delivery of services, while also ensuring respect for local land-use considerations.” – Industry Canada website

“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.” – CPC-2-0-03 Section 4.1

Letter of Concurrence

- The final and most important step in the approvals process occurs when the land use authority issues a letter of concurrence or a letter of non-concurrence to Industry Canada and the project proponent.
- This letter gives the municipality an opportunity to provide input and comments to Industry Canada regarding the proposal and can take one of three forms:

1) Concurrence

Issued where there are no major objections and/or all concerns raised during the consultation process have been adequately addressed by the proponent.

2) Concurrence With Conditions

Issued where there are objections to the proposal, but the proponent has agreed to satisfy the conditions stipulated. In this situation, it would be customary for the municipality to obtain a Letter of Undertaking from the proponent confirming their agreement to the specified conditions.

3) Non-Concurrence

Issued where there are objections to the proposal that the proponent has not adequately addressed.

Concurrence Carries Weight

- Industry Canada's final decision is heavily influenced by the municipality's recommendation.
- A letter of concurrence is practically a prerequisite to obtaining approval. It is almost unheard of for Industry Canada to hand down a final decision where an impasse has been reached between the project proponent and the municipality (non-concurrence).
- According to Industry Canada's website, impasses are rare, and intervention is only required in less than 0.1% of cases. In other words, they adjudicate fewer than one out of every thousand proposals.
- What is interesting about this statistic is that letters of non-concurrence are not rare. A regional representative from Industry Canada's Burlington office recently estimated that 20% of proposals receive a letter of non-concurrence from the municipality.
- The disconnect between these two figures is accounted for by the dispute resolution process which is discussed on the next slide.

Jurisdiction and Roles

Dispute Resolution Process

- Proposals that receive a letter of non-concurrence enter a dispute resolution process where there are three possible outcomes:
 - 1) The proponent and municipality come to an agreement and the project proceeds;
 - 2) The parties fail to reach an agreement and Industry Canada is asked to make a final decision; or
 - 3) The proponent abandons the project
- The first of these outcomes is unlikely, as proposals that get this far have typically passed the point of no return and finding a mutually acceptable outcome is no longer feasible.
- The second outcome almost never happens according to Industry Canada, which leaves project abandonment as the most likely outcome.
- This makes sense given that a) proponents don't want to risk their relationships with municipalities by steamrolling them at the federal level; and b) proponents are likely to discount their chances of success given the importance that Industry Canada places on the letter issued by the municipality.
- Only in situations where the municipality is acting unreasonably does it make sense for a proponent to escalate an impasse to Industry Canada for a final decision

Protocol Review

Summary of Best Practice

Protocol Review

Protocol Review and Best Practices

- A review of municipal telecommunication siting protocols was undertaken to evaluate common themes and identify best practices.
- A vast majority of the protocols reviewed were developed by municipalities in the Province of Ontario -- all of which adopted their own protocol to improve upon the federal default process.
- The following slides present some of the best ideas from other jurisdictions, which the Township of Wilmot may want to consider should it develop its own protocol.

Application Fees

- The municipality should charge an application fee for all proposals submitted to the Department of Planning for review.
- While both the proponent and landowner stand to benefit financially from these projects, the municipality does not (not even in the form of property taxes). Instead, it incurs staffing and incidental costs related to proposal reviews.
- Charging an application fee would help offset these costs and provide a budget for independent contractors where necessary.
- A secondary benefit is that an application fee would discourage speculative proposals. With the rollout of 5G networks, increased activity from third-party tower operators, and the lengthy validity period for approvals, the environment is ripe for opportunistic, strategic, and speculative behaviour. This is even more true where the municipality does not have a telecommunications protocol in place and does not charge an application fee.
- The application fee schedule for the Township of Clearview is presented in the table to the right as an example.

Township of Clearview – Application Fee Schedule

	Minor Application Fees	Major Application Fees
Pre-consultation	\$250	\$250
Application	\$2500	\$5000
Deposit*	--	\$3000

** The deposit is a security that is refundable upon process completion provided all application processing costs have been paid by the proponent. The applicant is responsible for paying any and all costs incurred as a result of their application/project being processed.*

Municipal Property Fees

- The protocol may attempt incentivize market participants to site their telecommunications equipment on municipally owned lands or buildings by providing attractive lease terms.
- York Region's protocol provides an excellent example of this, with detailed fee schedules specified for various types of installations on municipal properties (water towers, buildings, regional rights-of-way, owned lands, etc).
- The underlying idea here is to generate revenue by offering site access at rates that are potentially more attractive than what might be available from private landowners.
- Another possible way to generate revenue could be to require the terms of privately negotiated leases to be disclosed and implement a revenue share component in favour of the municipality.

York Region – Fees Schedules For Siting On Municipal Properties

Installations On/In Buildings

No.	Description of Fees and Charges	Year 2018
1	Building application fee for Macro Cell, Small Cell and In-Building – per application	\$2,000
2	Macro Cell annual site licence fee per building	\$16,500
3	Macro Cell annual licence fee per antenna	\$1,000
4	Small Cell annual site licence fee per building	Nil
5	Small Cell annual licence fee per attachment	\$300
6	In-Building annual site licence fee per building	Nil
7	In-Building annual licence fee per attachment	Nil

Installations of Tower Consolidator and Carrier Towers

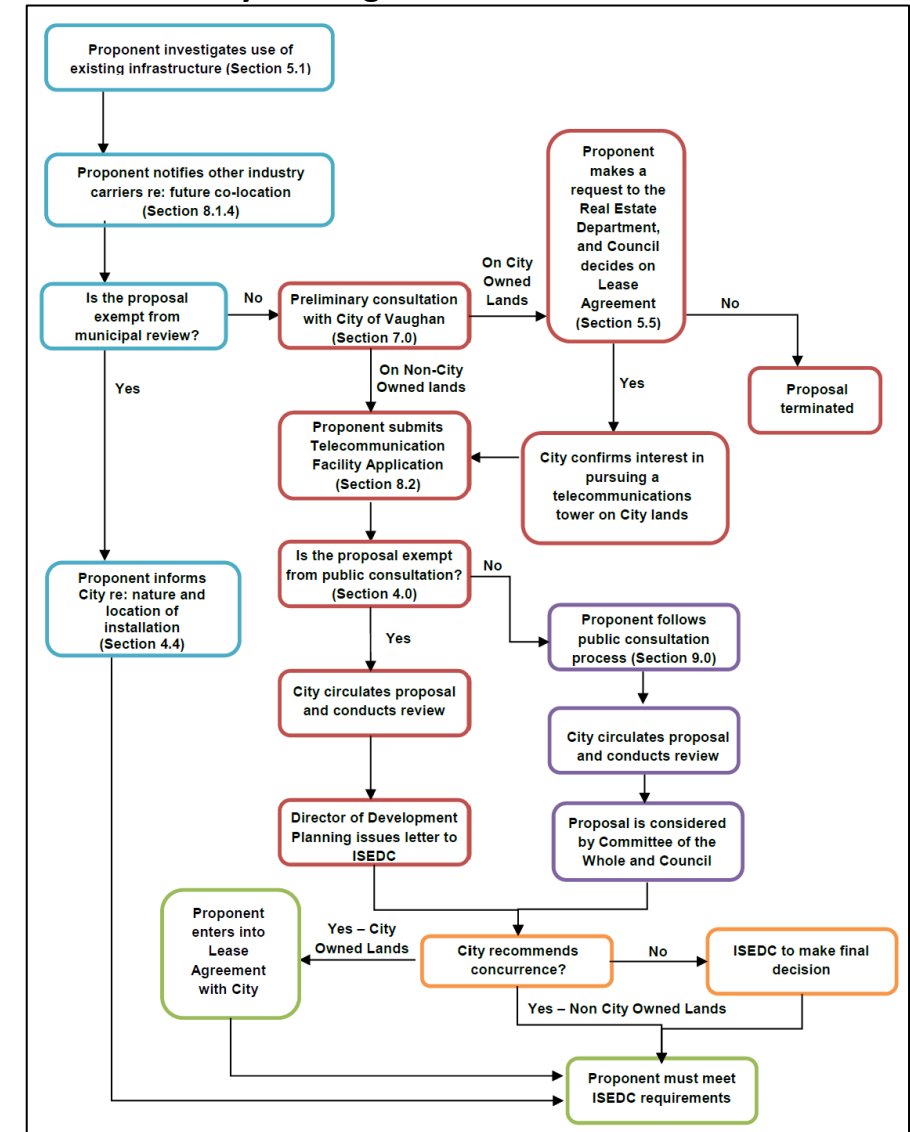
No.	Description of Fees and Charges	Year 2018
1	Carrier/tower consolidator tower installation application fee – per application	\$2,000
2	Annual site licence fee for tower and compound installation for first carrier in urban designated area	\$20,000
3	Annual site licence fee for tower and compound installation for first carrier in rural designated area	\$17,000
4	Annual co-location licence fee for each co-located carrier after first carrier	15% of rent payable to Licensee by co-locating carrier

Protocol Review

Procedural Framework

- The best protocols have a well-defined procedural framework that governs every step of the consultation process.
- Often summarized in the form of a process flow-chart, the information required at each stage is detailed in the body of the protocol.
- The framework is used to delegate authority, allocate responsibilities, establish a path for concurrence, and provide timeline extensions where necessary.
- Streamlined consultation tracks may be offered to incentivize certain siting objectives (i.e. industrial zones, use of existing structures, installations on municipally owned land, etc.)
- Information checklists, application form templates, and fixed fee schedules are common features of a good procedural framework.

City of Vaughn – Process Flow Chart



Protocol Review

Pre-consultation Process

- Establishing a pre-consultation process that begins well before the formal submission of a proposal is the best way to avoid situations where stakeholder interests conflict.
- The pre-consultation phase is designed to give the land use authority and affected residents an opportunity to provide early input and influence siting decisions -- before the proponent is committed to a particular site or design.
- It becomes much more difficult to influence a proposal when the proponent shows up with a fully scoped project complete with lease agreements, engineering plans and land surveys.
- The pre-consultation phase doesn't just serve to give the municipality a heads up about an upcoming proposal, but it presents an opportunity to communicate stakeholder obligations under the municipality's siting protocol, identify the consultation track that would apply to the proposal (or any exemptions), and provide initial feedback on the proposed design/location.
- Some protocols take the concept of pre-consultation even further, by calling on the telecommunications industry to meet annually with the Director of Planning to discuss town-wide coverage requirements before commencing site acquisition activities.

Protocol Review

Needs Assessment

- The protocol should require all projects to undergo a thorough a needs assessment.
- Ideally, this would involve an independent analysis supported by network coverage data and usage statistics.
- The intent would be to establish sufficient justification for any new structures, taking into consideration community needs and benefits.
- Simply accepting that a new telecommunications tower is needed because the proponent says so is not good enough.
- This is especially true in the current environment, where independent tower operators have a tendency to over-build their installations with the hope of leasing the excess space for profit in the future.
- The cost of conducting a needs assessment could be reimbursed by the proponent directly or funded from their application fee.

Existing Structures and Co-Location

- To minimize tower proliferation, the protocol should require proponents to consider all existing structures above a pre-defined height within a certain radius of the proposed site.
- The proponent should then be required to provide a technical justification for each structure, explaining why it is not a suitable alternative to installing a new tower.
- The parameters of this requirement should be informed by the technology being deployed as one size doesn't fit all:
 - In the case of 4G/LTE technology, which has a transmission range up to 15km, there is considerable flexibility in terms of site selection. It may therefore be reasonable to require the proponent to consider all existing structures within a 5km radius of the proposed site.
 - On the other hand, 5G technology has a limited transmission range of 500m, which significantly reduces the siting radius that would be suitable to meet project objectives.
- Where a new tower is determined to be the only viable option, the protocol should promote open dialogue with major telecommunications carriers to encourage co-location and avoid network redundancies and/or competing proposals.
- In some cases, excess capacity is built to accommodate co-location in the future. While this strategy can reduce tower proliferation, it may conflict with the desire to minimize the impact of a particular installation. In these instances, the protocol should take a practical approach that considers near-term needs, while acknowledging that technological advances could obviate the need for excess capacity before it has been utilized.

Location Preferences

- The protocol should outline the municipality's siting preferences and identify any sensitive areas that it would like to protect from visual and/or environmental disruption.
- Siting preferences may include:
 - siting towers a certain distance away from residential zones
 - specifying minimum distances to schools, day-care centers, hospitals, senior homes, etc.
 - avoiding locations with topographical prominence to minimize impact on views and vistas
 - giving preference to locations that are compatible with adjacent land uses
- Sensitive areas may include:
 - Prime agricultural land
 - Heritage conservation districts
 - Parklands and recreation
 - Waterways and wetlands
 - Breeding or migratory grounds
 - Archeological fields

Protocol Review

Design Preferences

- A common objective of all municipalities is to limit the visual impact of telecommunications infrastructure, whether it be standalone towers or small cell sites mounted on the side of buildings or on top of utility poles.
- A variety of strategies exist to install equipment in such a way that it blends in with the surrounding landscape.
- Municipalities often specify a preference for monopole structures in residential areas opposed to steel tri-pole lattice structures.
- Artificial tree towers may be preferred in rural settings, while color-matched building integrations, or property boundary setbacks might be preferred in urban environments.
- In some instances, the municipality reserves the right to request the proponent to consider alternative structures or heights -- even if it may limit the structure's sharing capacity in the future.

Notification Radius

- Under Industry Canada's default consultation process, proponents are only required to notify property owners within a distance of three times the height of a proposed tower.
- For a tower that measures 50m, this translates into a notification radius of just 150m, which, even in a dense residential area, would only capture a handful of dwellings.
- This is not sufficient, considering the visual impact of a tower can extend for several kilometers. It is also not conducive to generating effective public consultation with affected residents.
- The protocol should expand the notification radius to a more sensible range that is commensurate with the visual footprint of the tower. This could be anywhere from 1-3km depending on the location and height of the tower.

Notification Disclosure

- The protocol should also seek to improve the public notification process by mandating early notices to abutting property owners during the pre-consultation phase.
- Some municipalities have added the requirement for large project notice signs to be posted on the proposed property during the consultation phase.
- Additionally, the disclosure requirements in the public notification package could be expanded beyond the minimum standards set by Industry Canada.
- For example, it would be reasonable for the proponent to disclose the following:
 - a description of the target coverage area that the installation will serve;
 - the rationale for the proposal and a description of the public benefit;
 - the results of any needs assessment studies;
 - the identities of the anchor tenants who support the project;
 - a description of the technology that will be deployed on the structure;
 - a discussion of the site selection process; and
 - a list of existing structures considered and why they were deemed unsuitable

Protocol Review

Council Approval Required

- Given the importance of developing a strong and reliable telecommunications network, and the lasting impact it can have on township landscapes, the protocol should require all letters of concurrence to pass through council and be subject to a vote.
- The Director of Planning would typically be required to submit a report to council that:
 - describes the proposal;
 - summarizes any concerns raised during the consultation process;
 - discusses how the proponent responded to the concerns raised;
 - confirms completion of the public consultation process;
 - confirms compliance with the municipality's siting protocol; and
 - provides a recommendation to council for consideration

Protocol Review

How Prescriptive?

- The question of how prescriptive the protocol should be is not easy to answer. It really depends on how much control and involvement the municipality would like during the consultation process.
- By law, the proponent is required to adhere to the local authority's protocol, meaning it can be as detailed and demanding as the municipality desires (within reason).
- To give one example, the Town of Caledon has developed a very thorough protocol that leaves almost nothing open to interpretation.
- Similar to other municipalities, the Town of Caledon requires the proponent to erect a large notification sign on the proposed property during the consultation period.
- The protocol describes in great detail exactly what size the sign should be, what material it should be made from, the information it should contain, the size of the lettering, where it should be located, etc.

Town of Caledon – Notification Sign

<u>(NAME OF PROPONENT)</u> HAS PROPOSED TO LOCATE A TELECOMMUNICATIONS FACILITY, BEING <u>(HEIGHT)</u> METRES IN HEIGHT, _____ METRES FROM _____ ROAD ON THIS PROPERTY.	
PUBLIC COMMENT IS INVITED.	
A PUBLIC INFORMATION CENTRE IS SCHEDULED ON <u>(DATE of MEETING)</u> FROM <u>(TIME)</u> pm AT <u>(LOCATION)</u>	
FOR FURTHER INFORMATION CONTACT: <u>(PROponent COMPANY)</u> <u>(PROponent'S PHONE NUMBER)</u>	<u>(VISUAL RENDERING OF THE PROPOSED ANTENNA SYSTEM SUPERIMPOSED TO SCALE)</u>
<u>(LEAD PLANNER)</u> DAPP DEPARTMENT, TOWN OF CALEDON 905-584-2272 ext. <u>(####)</u> TOWN FILE No.: <u>(FILE #)</u>	

The sign must be 2.4 metres wide by 1.2 metres high with a 0.9 metre ground clearance.

It is recommended that the sign be constructed using a 19 mm exterior grade plywood panel. Vertical structural members should be 100 mm by 100 mm fir, installed to a depth of 1.2 metres below grade: 50 mm by 50 mm horizontal fir stringers should be located behind the top, bottom, and centre of the sign panel.

Sign panels and all structural members must be painted with quality paint. Lettering is to be black inscribed on a white background.

The sign must include a colour photograph of the subject property with a superimposed scaled image of the Antenna System, support structure and supporting facilities, with the height and width of the proposed Antenna System shown on the photo.

The sign is to be professionally lettered or silk screened, using upper case letters, size 50 mm and 100 mm.

One sign shall be erected along each street frontage of the property and midway between the adjacent property lines.

The sign will read as follows with the appropriate information filled in that is underlined:

A photograph illustrating each of the required signs and the date on which it was erected on the subject property must be submitted to the Development Approval and Planning Policy Department.

Conclusion

Customized Protocol Fits Best

Conclusion

Develop Customized Protocol

- Municipal telecommunication protocols come in various shapes and sizes. They have been developed independently by hundreds municipalities over the past decade to suit their individual needs. Many protocols were likely borne out of necessity, after the federal default process failed to protect local interests.
- In developing a protocol, the recommended approach would be to borrow heavily from municipalities that have already done it themselves and have done it well.
- Industry Canada's *"Guide to Assist Land-use Authorities in Developing Antenna System Siting Protocols"* is a useful resource, as is the ready-made template created by the Federation of Canadian Municipalities in collaboration with the Canadian Wireless Telecommunications Association.
- However, one of the main benefits of establishing a protocol is the ability to customize it to reflect unique community values, which may differ from one jurisdiction to the next.
- For example, the Township of Wilmot is a community based on agriculture. Thus, protecting prime agricultural land and taking advantage of existing structures like grain elevators to expand network coverage might be specific goals that wouldn't apply to an inner-city jurisdiction. For this reason, adopting a template protocol off the shelf is not recommended.
- With two active proposals on table, and more likely to come in the near future, it is time for the Township of Wilmot to develop its own protocol and play a more active role in telecommunications siting decisions.