

Function: Infrastructure & Planning - 04
Department: Infrastructure - 020
Policy No.: 002



Wireless Communication Tower Policy

Effective Date: May 02, 2018

Review Date: May 02, 2023

References: Industry Canada Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols Industry Canada Client Procedures Circular CPC-2-0-03

Cancel: Policy 672 Wireless Communication Tower Policy

Resolution #: 263-18

CAO Signature: 

Purpose:

1. Encourage cooperation between Lac Ste. Anne County and applicants which will result in the development of new and enhanced wireless services and coverage in Lac Ste. Anne County;
2. Assist applicants who are planning to modify or install wireless communication tower sites in Lac Ste. Anne County and important information regarding the Lac Ste. Anne rural communications strategy;
3. To minimize adverse land use impacts of wireless towers within Lac Ste. Anne County;
4. To establish a transparent, consistent and predictable framework for the evaluation of wireless communication tower proposals that:
 - a. Discourages obtrusive wireless communication towers within or adjacent to, Heritage areas and Environmentally Sensitive Areas;
 - b. Encourages applicants to co-operate when expanding their networks, with an emphasis on tower and site collocation;
 - c. Establishes a public notification and public consultation process for applicants to follow, in order to solicit comments on proposed wireless communication towers and provides an opportunity for applicants to engage in meaningful public consultation with affected residents and property owners, and address reasonable and relevant concerns;

- d. Encourages applicants to identify and resolve any potential land use, site selection, or design concerns raised by local residents and property owners, stakeholders, and/or political entities at an early stage in the process;
- e. Provides Lac Ste. Anne County with the information required to make a statement of concurrence or non-concurrence to Industry Canada, which would evaluate the adequacy of the applicant's consultation process and the applicant's efforts to address stakeholder concerns and to meet the guidelines related to land use impacts contained in this Policy, in a manner that is consistent the Client Procedures Circular, CPC-2-0-03, Issue 4: *Radio communication and Broadcasting Antenna Systems* (effective January 1, 2008) published by Industry Canada.
- f. To inform residents, property owners and Neighbourhood Groups of relevant legislation that affects the placement and operation of wireless communication towers.

Policy Statement:

Lac Ste. Anne County is governed by provincial legislation that states that the purpose of rural municipalities is to provide services, facilities or other things that, in the opinion of council, are necessary or desirable for all or a part of the municipality. The Lac Ste. Anne County council has identified that rural communications including broadband, mobility, and public safety is an enabler for current and future economic development. In order to ensure that there is adequate coverage and bandwidth capacity, as part of its rural communications strategy, Lac Ste. Anne County will be constructing a utility communications network that supports broadband, mobility and public safety communications. Lac Ste. Anne County encourages all applicants to make every attempt to collocate on Lac Ste. Anne County owned utility tower versus build single purpose private towers.

Definitions:

1. "Applicant" is the company, organization, or communication (telecommunication) carrier applying to install a new communication tower within Lac Ste. Anne County.
2. "Collocation" means the placement of telecommunication facilities equipment owned and operated by more than one company on the same tower or supporting structure.

3. “Communication Tower” (or tower, or telecommunication tower)” means any tower used for transmitting, receiving and relaying voice or data signals.
4. “Environmentally Sensitive Area” means undisturbed or relatively undisturbed areas have natural features, value to society, and ecosystems worth protecting.
5. “Safety Code 6” is Health Canada’s standards for acceptable human exposure to radiofrequency from 10 kHz to 300 GHz.
6. “Tower Height” is the vertical distance measured from the finished grade to the highest point of the structure.

Scope: This policy applies to all communication service providers who wish to construct a wireless communication tower in Lac Ste. Anne County. Communication service providers include Wireless Internet Service Providers (WISPs), Mobility Providers, and Public Safety Agencies.

Management Responsibilities:

The County Manager is responsible for the development, implementation, and monitoring, of this policy.

Federal and Municipal Authority:

1. Federal Authority

- a. The Minister of Industry has authority under the *Radiocommunications Act* R.S.C. 1985 c. R-2 to “approve each site on which radio apparatus, including Antenna systems, may be located, and may approve the erection of all masts, towers, and other Antenna-supporting structures”. Industry Canada licenses the operation of Telecommunication Facilities and the towers used to support these facilities. **The federal Minister of Industry is the sole approving authority for the development and operation of Radiocommunication in Canada, including Telecommunication Facilities.**
- b. The Client Procedures Circular CPC-2-0-03 Issue 4: *Radiocommunication and Broadcasting Antenna Systems* (effective January 1, 2008) published by Industry Canada, and in reference to Federal legislation, has identified that Proponents must meet four broad elements of the process in order to install or modify wireless communication towers:

- c. Collocation: “Investigating sharing or using existing infrastructure before proposing new Antenna-supporting structures.”
- d. Municipal Process: “Contacting the land-use authority (LUA) to determine local requirements regarding Antenna systems.”
- e. Consultation: “Undertaking public notification and addressing relevant concerns, whether by following the local LUA requirements or Industry Canada’s default process, as is required and appropriate.” (See subsection 4.2 of Industry Canada’s Client Procedures Circular: CPC-2-0-03).
- f. Technical Requirements: “Satisfying Industry Canada’s general and technical requirements.”

2. Municipal Authority

- a. Lac Ste. Anne County has the authority and responsibility under the *Municipal Government Act* R.S.A. 2000, to regulate land use; however, these powers are superseded by the authority of the Federal Government, and in this case, the *Radiocommunication Act* and the Minister of Industry.
- b. As part of the approval process, Industry Canada works with local municipalities and applicants in order to ensure that local context is considered.
- c. The role of Lac Ste. Anne County in the approval process is to provide input to Industry Canada through the County’s statement of concurrence or non-concurrence with the applicants proposed location of the wireless communication tower.
- d. Industry Canada mandates that applicants adhere to municipal land use consultation Processes. As a result, applicants must adhere to the guidelines in this Policy in order to receive a statement of concurrence from Lac Ste. Anne County.
- e. Lac Ste. Anne County will comment on the applicant’s adherence to the public consultation process and to the guidelines contained in this Policy regarding collocation, preferred and discouraged locations, technical requirements, design and visual impact and environmental considerations.

Requirements:

- 1. A development permit is required for the location, construction, and modification of all communication towers including non-guyed tower, guyed tower, and monopole.

2. Prior to submitting a request for a development permit the applicant must contact the GIS Technician and arrange for a preliminary consultation.
3. Lac Ste. Anne County requires a public consultation if a proposed tower is greater than ten metres in height, or if attached to a building if the tower is greater than 3.5 metres or 10% of the building height, whichever is less.
 - a. Public consultations shall consist of a public meeting regarding the proposed application. In addition it may also include newspaper advertisements or a sign of not greater than 1 metre squared, at the discretion of the development officer. If a sign is required, it must be visible from any adjacent roads.
 - b. Applicants are to provide a letter to the County for mailing to affected residents, landowners, and community associations. The letter must contain the time and location of the public meeting; the location and physical details of the proposed structure; and the contact information of the applicant. The meeting must be held 21 or more days after the mail out.
 - c. At the public meeting the applicant must take an attendance log. The applicant must record issues and concerns raised in the meeting. These logs must be provided to the County, along with the applicants responses to the issues and concerns raised.
 - d. The applicant is to bear all costs associated with the public consultation including mail outs, newspaper advertisements, property signs and public meetings.
 - e. Letters of support and nonsupport must be provided to both Lac Ste. Anne County and Industry Canada.
4. Applicants are expected to conform and adhere to:
 - a. Health Canada's public radio frequency exposure guidelines - Safety Code 6
 - b. Radio Frequency Interference and Immunity - EMCAB2
 - c. Canadian Environmental Assessment Act – CEAA
 - d. Aeronautical Safety - Transport Canada and NAV CANADA requirements for aeronautical safety
5. A sign on the tower, structure, or fencing is required and must include the identity of the owner, warnings of safety issues, and the full rural address.

6. Communication towers must be located more than 30m from an environmentally sensitive area. A map must be provided showing the proposed tower site and the distance from residential and environmentally sensitive areas.
7. Communication towers are to be removed by the applicant within six months of cessation of use.
8. Where Transport Canada requires that a communication tower be lighted the following must be met:
 - a. A strobe light shall be installed.
 - b. The strobe light may not be shielded and the interval shall be the maximum allowed by Transport Canada.
9. Lac Ste. Anne County classifies communication towers as tiers. The setbacks are different for each tier:

Tier 1: CSA Approved Tower

Guyed tower between 100m to 150m in height.

Tower base must be setback from abutting parcels, occupied dwellings, and roadways by the distance of the tower height of the tower plus ten percent of the height.

Tier 2: CSA Approved Tower

Guyed tower between 51m to 99m in height.

Tower base must be setback from abutting parcels, occupied dwellings, and roadways by the distance of the tower height of the tower plus ten percent of the height.

Tier 3: Non-CSA Approved Tower

Non-Guyed tower 10m to 50m in height.

Tower base must be setback from abutting parcels, occupied dwellings, and roadways by the distance of the tower height of the tower plus ten percent of the height.

Tier 3: CSA Approved Tower

Non-Guyed tower 10m to 50m in height.

Tower base must be setback from abutting parcels, occupied dwellings, and roadways by the distance of the tower height of the tower plus ten percent of the height.

10. All communication shelters must meet the County's setback distances from roads and property lines.

11. Applicants are required to identify any other communication towers within an 8-kilometer radius of the proposed tower site.
12. Collocation analysis is required and must include:
 - a. A document stating all the potential collocation opportunities within an 8 kilometer radius.
 - b. A map showing the potential collocation opportunities.
 - c. Documentary evidence is required explaining the nonviable collocation alternative to a new tower.
13. A coverage analysis is required and must include a document showing which townships and the total number of dwellings that will be served.

Dispute Resolution Process:

Industry Canada encourages a dispute resolution process where the applicant and Lac Ste. Anne County work toward a solution which takes into consideration each other's interests. Lac Ste. Anne County or the applicant may engage Industry Canada in an effort to move the discussions forward. Under Industry Canada procedures, where either party believes that discussions have reached an impasse it can formally request departmental intervention concerning a reasonable and relevant concern.