

# Interim Radiocommunications Facilities Protocol

Industry Canada  
Local Land Use Authority Consultation

**Council Approved  
May 17, 2012  
(Reports PD-008-12 and PD-041-12)**

Amended by Council on October 26, 2015

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# Table of Contents

|                                                                                    |           |
|------------------------------------------------------------------------------------|-----------|
| <b>Introduction</b> .....                                                          | <b>1</b>  |
| <b>1.0 Objectives</b> .....                                                        | <b>2</b>  |
| <b>2.0 Jurisdiction and Interpretation</b> .....                                   | <b>2</b>  |
| <b>3.0 Excluded Antennae Structures</b> .....                                      | <b>3</b>  |
| 3.1 Basic Exclusions .....                                                         | 3         |
| 3.2 Additional Exclusions .....                                                    | 4         |
| 3.3 Confirmation of Exclusion .....                                                | 4         |
| 3.4 Community Sensitive Locations .....                                            | 4         |
| <b>4.0 Complete Application Requirements (for Non-Excluded Applications)</b> ..... | <b>5</b>  |
| 4.1 Pre-consultation Meeting .....                                                 | 5         |
| 4.2 Complete Application Requirements.....                                         | 5         |
| 4.3 Timelines .....                                                                | 7         |
| <b>5.0 Siting on Town-owned Properties</b> .....                                   | <b>7</b>  |
| <b>6.0 Facility Design</b> .....                                                   | <b>7</b>  |
| 6.1 Siting on a Property.....                                                      | 7         |
| 6.2 Support Structures .....                                                       | 8         |
| 6.3 Equipment Shelters .....                                                       | 9         |
| 6.4 Access Restriction.....                                                        | 9         |
| 6.5 Vehicular Access.....                                                          | 10        |
| 6.6 Colour and Illumination .....                                                  | 10        |
| 6.7 Facility Signage, Flags, and Other Graphic Elements .....                      | 10        |
| <b>7.0 Public Consultation</b> .....                                               | <b>11</b> |
| 7.1 Notification Package .....                                                     | 11        |
| 7.2 Notice Sign .....                                                              | 12        |
| 7.3 Public Open House .....                                                        | 12        |
| 7.4 Newspaper Notice .....                                                         | 13        |
| 7.5 Concluding Consultation .....                                                  | 13        |
| <b>8.0 Deliverables</b> .....                                                      | <b>14</b> |
| 8.1 Letter of Municipal Comment .....                                              | 14        |
| 8.2 Circumstances of Municipal Non-concurrence or Non-comment .....                | 14        |
| 8.3 Time Frames .....                                                              | 15        |
| 8.4 Post-Construction Requirements .....                                           | 15        |
| <b>Notes</b> .....                                                                 | <b>15</b> |
| <b>Definitions</b> .....                                                           | <b>17</b> |

## **Introduction**

**(Not an operative part of the protocol)**

The purpose of the *Radiocommunications Facilities Protocol* is to establish and detail the review process for an application for *Municipal Letters of Comment* as well as defining the *Town's* expectations relating to the location and design of radiocommunications facilities. All new *radiocommunications facilities* are expected to follow this process in Oakville to obtain either a Confirmation of Exclusion or *Municipal Letter of Comment*.

This protocol applies to any *proponent* planning to install a new or modify an existing *radiocommunications facility* regardless of the type of installation or service. This includes, amongst others:

- Personal Communications Services (PCS);
- Cellular operators;
- Fixed wireless operators;
- Broadcasting operators;
- Land-mobile operators;
- Licence-exempt operators; and,
- Amateur radio operators.

This protocol was approved by Council on May 17, 2012. All terms defined and used in this protocol are shown in *italics* (except on the sample Notice Sign).

Council may review and amend this protocol from time to time. An amendment was approved by Council on October 26, 2015, to exempt facilities proposed on employment lands greater than 200 metres from a community sensitive location from the letter of endorsement requirement for applications.

## 1.0 Objectives

The goal of this protocol is to provide a framework which sets out the *Town's* expectations for appropriate design and satisfactory public process for proposed *radiocommunications facilities*. The stated expectations contribute to the orderly development and efficient operation of a reliable and strong radiocommunications network in Oakville. The objectives that implement this goal are:

- 1.1 Having regard for Industry Canada's applicable procedures in a protocol respecting the context for development in Oakville;
- 1.2 Setting out a transparent, consistent, and predictable process for the evaluation of all *radiocommunications facility* proposals that:
  - a) Establishes objective criteria and guidelines for evaluating and processing applications for *Municipal Letters of Comment on Facility Design and Public Consultation* ("*Municipal Letters of Comment*");
  - b) Specifies the *Town's* expectations as to how new radiocommunications facilities are to be sited and designed in a manner that adds to the *surrounding landscape* and *public realm*;
  - c) Defines a clear consultation process that requires *proponents* to engage and inform stakeholders about non-excluded *radiocommunications facilities*; and,
  - d) Develops a timeline for issuing *Municipal Letters of Comment* that incorporates early consultation to identify potential issues with applications in order to meet Industry Canada's commenting requirements.
- 1.3 Detailing the roles and responsibilities of the various parties in the *radiocommunications facility* concurrence process;
- 1.4 Ensuring that Oakville's residents and businesses are made adequately aware of *radiocommunications facility* proposals that are subject to Industry Canada's municipal concurrence through public consultation; and,
- 1.5 Establishing an appropriate conclusion to the municipal concurrence application process, including specific outcomes and deliverables.

## 2.0 Jurisdiction and Interpretation

- 2.1 Under the *Radiocommunication Act*, the federal government has jurisdiction over all interprovincial and international communication facilities. Industry Canada has been granted the authority to approve the location and operation of several classes of *radiocommunications facilities* through both *spectrum licences* (specific to cellular operators and issued across a broad geographic region) and *radio licences* (for individual facility approvals).
- 2.2 Any decision to issue a *spectrum licence* or *radio licence* is made only by Industry Canada.
- 2.3 For *radiocommunications facilities* not excluded under Section 3 of this protocol, *proponents* are expected to satisfy the land-use compatibility and public consultation requirements of the applicable *land use*

*authority*. The role of the *Town* is to provide such input and comments to Industry Canada as part of that process.

- 2.4 For the purposes of this protocol, the *land use authority* on *Town*-owned lands and all private lands excluding those owned by the Canadian National Railway within the geographic limits of Oakville shall be the Corporation of the *Town* of Oakville. The *Town* shall work with other *land use authorities* within its geographic limits to ensure its facility design and consultation goals are achieved.
- 2.5 This protocol is to be read in its entirety as a comprehensive and integrated policy framework for setting priorities issuing *Municipal Letters of Comment* on proposed facilities.
- 2.6 For the purposes of this protocol, the only member of *Town* staff having the authority to manage and exercise responsibilities under this protocol shall be the Director of Planning Services or his or her designate. No powers or privileges under this protocol shall at any time be interpreted to extend to any other member of staff.
- 2.7 *Radiocommunications facilities* are not subject to the requirements of Ontario legislation, including the *Planning Act*. No formal agreement can be executed and registered on title with respect to *radiocommunications facilities*.

### **3.0 Excluded Antennae Structures**

#### **3.1 Basic Exclusions**

Industry Canada excludes a number of proposals from any consultation whatsoever with the *land use authority*, and its residents and businesses. The exclusions are as follows:

- a) The maintenance of existing radio apparatus including the antenna system, transmission line, mast, power, or other antenna-supporting structure;
- b) Addition or modification of an antenna system (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna-supporting structure, or other radio apparatus to existing infrastructure, building, or other structure, provided the addition or modification does not result in an overall *height* increase above the existing structure of no greater than 25% of the *height* of the original structure. For greater clarity, Industry Canada extends this exclusion to *radiocommunications facilities* proposed to be attached or affixed to any building or structure, including a rooftop or support pillar;
- c) Maintenance of a *radiocommunications facility's* painting or lighting in order to comply with the requirements of Transport Canada;
- d) Installation of a *radiocommunications facility* used for a limited duration for a special event or to support local, provincial, or national emergency operations during that emergency, and is removed within three months after the special event or emergency; and,
- e) All *radiocommunications facilities* less than 15 metres (50 feet) in *height*.

## 3.2 Additional Exclusions

The *Town* additionally excludes, from public consultation only (a notice sign meeting the requirements of Section 7.2 is still required) and excludes from the Section 4.2.1 letter of endorsement requirement, new *radiocommunications facilities* located on lands designated as employment in the Livable Oakville Plan (Official Plan), North Oakville East Secondary Plan, or North Oakville West Secondary Plan and set back at least 200 metres away from a community sensitive location identified in Section 3.4 of this Protocol.

(Amended language approved by Council at its [meeting of October 26, 2015](#).)

## 3.3 Confirmation of Exclusion

- 3.3.1 The *proponent* is required to confirm exclusion with the *Town*.
- 3.3.2 Where a *proponent* demonstrates that their proposal meets one or more of the exclusion criteria of Sections 3.1, the *Town* shall issue a Confirmation of Exclusion to the *proponent* and Industry Canada.
- 3.3.3 *Proponents* are asked to consider and incorporate the design guidelines of Section 5 of this protocol, even if a Confirmation of Exclusion has been issued.

## 3.4 Community Sensitive Locations

- 3.4.1 Industry Canada recommends, in Section 6 of CPC-2-3-03, for *proponents* to be prudent and consult the *land use authority* and general public, even where a proposed *radiocommunications facility* is excluded. A *land use authority* can request that Industry Canada override their policy on *radiocommunications facilities* excluded from consultation where a facility is proposed within a community sensitive location.
- 3.4.2 The *Town* will not issue a *Municipal Letter of Comment*, in any circumstance, and recommends Industry Canada not approve of any *radiocommunications facility*, excluded or non-excluded, sited in any of the following locations:
  - a) On or within 200 metres of any *sensitive land use*, measured from the nearest point on the building nearest to the furthest point of the proposed *radiocommunications facility*'s supporting mechanism (i.e. outermost guy line, building edge, or tower face);
  - b) On or within 20 metres of any building, structure, lot, or cultural heritage landscape designated under Part IV or Part V of the *Ontario Heritage Act*, measured from the nearest point on the building nearest to the furthest point of the proposed *radiocommunications facility*'s supporting mechanism (i.e. outermost guy line, building edge, or tower face);
  - c) On or within 120 metres of the Lake Ontario shoreline; and,
  - d) On any lands designated Natural Area in the Livable Oakville Plan (Official Plan), or designated Natural Heritage System Area in the North Oakville West Secondary Plan or North Oakville East Secondary Plan.

## 4.0 Complete Application Requirements (for Non-Excluded Applications)

### 4.1 Pre-consultation Meeting

- 4.1.1 Industry Canada recommends, in Section 6 of CPC-2-3-03, for *proponents* to be prudent and consult the *land use authority* and general public prior to construction, even where a proposed *radiocommunications facility* is excluded.
- 4.1.2 All *proponents* of *radiocommunications facilities* are required to attend a pre-consultation meeting with the *Town*, where the Confirmation of Exclusion would be issued.
- 4.1.3 Pre-consultation meetings are held on regularly scheduled dates. Agendas are set prior to the meeting and in the order that requests are made. Requests must be made at least 7 working days prior to the pre-consultation meeting by submitting the following information:
- The location of the proposed *radiocommunications facility*, including its address and location on the lot or structure;
  - The Livable Oakville Plan (Official Plan), North Oakville West Secondary Plan, or North Oakville East Secondary Plan designation;
  - Setbacks from the nearest building used for a *sensitive land use*, measured from the nearest point of the building, structure, or feature;
  - A short summary of the proposed *radiocommunications facility* and, if applicable, how it meets one of the exclusion criteria under Section 3 of this protocol;
  - Five paper copies and one electronic copy of a preliminary set of drawings illustrating all components of the facility, including a conceptual site plan, elevation drawings, and context plan showing the development within the existing neighbourhood (which can be supplied using an aerial photograph base).

Such a request shall not mark the official commencement of the 120-day consultation process, in accordance with Section 4.3 of this protocol.

### 4.2 Complete Application Requirements

- 4.2.1 Any application to the *Town* for a *Municipal Letter of Comment* will not be considered complete and will not be processed without a letter of endorsement from the Member of Parliament for the riding in which the proposed installation is to be located.
- 4.2.2 Any proposals for non-excluded *radiocommunications facilities* will require the submission of an application for *Municipal Letter of Comment* to Planning Services. This includes a completed application form, fee, and seven paper sets and one electronic set of the following required materials to the *Town*:
- a) A justification report outlining the following:
- The purpose of the proposed *radiocommunications facility*;
  - The rationale for the selection of the proposed site, and description of the other alternatives considered, including *co-located* alternatives;
  - The location of the proposed *radiocommunications facility*, including its geographic coordinates, its address and location on the lot, building, or structure;

- A statement indicating the justification for the *height* of the proposed *radiocommunications facility*;
  - A statement on future *co-location* possibilities for the *support structure*, if applicable;
  - A statement on how the effects of the *radiocommunications facility* on any nearby *sensitive land uses* are mitigated, if applicable. Such a statement should be prepared by a qualified professional;
  - A statement on how the *radiocommunications facility*, if located in an area designated for future urban development, shall complement and become a part of the future community without unduly limiting the potential for future urban development; and,
  - A detailed design response for all components of the *radiocommunications facility* and how they address the *Town's* preferred design criteria in Section 6 of this protocol.
- b) Two sets of colour photographs of the subject lot, oriented toward the proposed *radiocommunications facility* from at least three landmarks or important locations in the vicinity of the proposed site:
- One set showing the current site conditions; and,
  - One set including superimposed images of the proposed *radiocommunications facility*.
- c) Site plan, elevations, and survey drawings prepared to appropriate metric scale showing:
- The subject lot and lease area (a key plan can be used for properties having an area of 2.0 hectares or greater);
  - General site grading;
  - The location of existing lot lines, buildings and structures, and setbacks from those for the proposed *radiocommunications facility*;
  - Setbacks from the nearest building used for a *sensitive land use*, measured from the nearest point of the building, structure, or feature;
  - If the subject lot is adjacent to lands designated Natural Area in the Livable Oakville Plan (Official Plan), or designated Natural Heritage System Area in the North Oakville West Secondary Plan or North Oakville East Secondary Plan, the staked limits of significant natural heritage features and other hazard lands and setbacks from those for the proposed *radiocommunications facility*;
  - Existing and proposed landscaping, including an inventory of existing vegetation and any plantings proposed to screen the base of the tower and any structures on the ground;
  - The structure type, colours, height, and materials proposed to be used for any *support structure, equipment shelters*, screening, or other structural elements;
  - Access proposed to the *radiocommunications facility*, including any motor vehicle parking spaces; and,
  - For *co-located radiocommunications facilities* on the roof of a building or structure, a visual plane analysis demonstrating that any *equipment shelter* is not visible from both sides of any public right-of-way abutting the subject lot.
- d) Mapping prepared to appropriate metric scale showing the location of the proposed *radiocommunications facility* within the community;
- e) Confirmation of the legal ownership of the lands subject to the application, or a signed Letter of Authorization from the owner of the lands subject to the application;

- f) Confirmation that Transport Canada, NAV Canada, municipalities and all other public authorities having an interest in the lands located within 500 metres of the proposed *radiocommunications facility* have been consulted or will be consulted as part of the public consultation process;
- g) A description of Transport Canada's and NAV Canada's aeronautical obstruction marking requirements (whether painting, lighting, or both) if available. If unavailable, the *proponents* can provide their expectation of Transport Canada's requirements together with an undertaking to provide those requirements once they become available;
- h) A statement on the potential effects that the proposal may have on nearby electronic equipment (both existing and proposed) in accordance with *CPC-2-0-03* and *EMCAB-2*, as well as measures proposed to mitigate those effects; and,
- i) An estimate of the power density (W/m<sup>2</sup>) emitted by the *radiocommunications facility* measured at the nearest point of the building associated with a *sensitive land use*, or the nearest point of a building, structure, lot, or cultural heritage landscape designated under Part IV or V of the *Ontario Heritage Act*, nearest to the furthest point of the proposed *radiocommunications facility's* supporting mechanism (i.e. outermost guy line, building edge, or tower face).

### 4.3 Timelines

- 4.3.1 To clarify Industry Canada's requirements of Section 4 of *CPC-2-0-03*, the *Town* shall consider the date a *complete application* was received as the official commencement of the 120-day consultation process. Such a process is consistent with and required for other development applications in the *Town*. A determination on the completeness of an application or request additional information will be provided within five days of receipt of application by the *Town*.
- 4.3.2 If a request is made to the *proponent* for additional information prior to the *Town* deeming the application to be complete and no additional information is supplied within 90 days, the *Town* shall advise Industry Canada of the incomplete nature of the application and request that Industry Canada not issue any decision prior to the *Town* issuing a *Municipal Letter of Comment*.

### 5.0 Siting on Town-owned Properties

Any request to install a *radiocommunications facility* on lands owned by the *Town* shall be made to the Manager of Realty Services, in accordance with *Town* policy and subject to Council approval.

### 6.0 Facility Design

It is the *Town's* position to work with *proponents* to achieve the best possible design of a *radiocommunications facility* for our community. Such an agreement will provide an appropriate balance between technological and network coverage requirements, and unobtrusive development that compliments or improves the *surrounding landscape* and *public realm*.

The following design guidelines shall apply for all *radiocommunications facilities* in the *Town*:

#### 6.1 Siting on a Property

- 6.1.1 Where a *radiocommunications facility* is proposed on a developed site:

- a) The *Town's* first preference is to locate all components of the *radiocommunications facility* within a main building or accessory building used for other uses on the same lot using stealth techniques or other minimally obtrusive designs;
  - b) The second preference is to locate any component of the *radiocommunications facility* attached to the exterior of the main building or accessory building used for other uses on the same lot using stealth techniques or other minimally obtrusive designs;
  - c) The third preference is to locate the *support structure* and *equipment shelter* behind the building(s) on the site so that the *equipment shelter* is screened from view from the public realm;
  - d) The fourth preference is to locate the *support structure* and *equipment shelter* at the side of building(s) on the site so that the *equipment shelter* is screened from view from the public realm through built form and other by minimally obtrusive designs;
  - e) The least preferred location for the *support structure* and *equipment shelter* is in front of building(s); that is, between the building(s) and the municipal right-of-way. This location shall only be used where all other alternatives have been exhausted. A detailed rationale for this necessity must be provided in the justification report, along with a design response that effectively blends the screening treatment into the surrounding public realm.
- 6.1.2 Where a *radiocommunications facility* is proposed on an undeveloped site, the *Town's* preference is to locate the *support structure* and *equipment shelter* so they do not constrain future site development, with the *equipment shelter* screened from view from the public realm.
- 6.1.3 New *radiocommunications facilities* shall be sited to avoid obscuring significant views and vistas.
- 6.1.4 *Radiocommunications facilities* shall be sited to preserve existing vegetation wherever possible. Additional plantings may be required to assist in screening the *equipment shelter* and enhancing the *surrounding landscape* and *public realm*.
- 6.1.5 New *radiocommunications facilities* should comply with the minimum yard requirements for accessory buildings for the zone applying to the subject lot in the applicable Zoning By-law.
- 6.1.6 The placement of a *radiocommunications facility* or associated parking space shall not create or cause a situation of non-compliance with any *Town Zoning By-law* for any other use, building, or structure on the same lot.
- 6.1.7 The following additional criteria apply to amateur radio operators in residential areas:
- a) No part of the *radiocommunications facility* should be located within 0.6 metres of any lot line.
  - b) The maximum *height* of the *radiocommunications facility* should not exceed 15.0 metres.

## **6.2 Support Structures**

- 6.2.1 The *Town's* preference is for the *co-location* of *radiocommunications facilities*, use of a single carrier monopole or other streamlined structure, use of stealth techniques, or use of other minimally obtrusive designs. The preferred design shall be determined on a case-by-case basis.

- 6.2.2 The construction of new *support structures* is discouraged, and will only be accepted when all other options to accommodate the *radiocommunications facility* are not viable:
- a) A detailed rationale for this necessity and proposed design must be provided in the justification report required by this protocol; and,
  - b) Such a *support structure* may be required to be designed to permit future *co-location*, depending upon its location.
- 6.2.3 The type of *support structure* used shall be selected in order to mitigate visual impact to the maximum degree possible and to be compatible with the *surrounding landscape* and *public realm*. This includes:
- a) Mimicking other architectural features or the creation of new landmarks and amenities for the community;
  - b) Investigating opportunities to incorporate a *radiocommunications facility* into the design of a new building or structure; and,
  - c) Erecting a streamlined support structure with flush-mounted antenna(e) and *equipment shelter(s)*.

### **6.3 Equipment Shelters**

- 6.3.1 Where a proposed *radiocommunications facility* requires an *equipment shelter*:
- a) The first preference is to locate such structures within a main or accessory building used for other uses on the same lot;
  - b) The least preferred option is the installation of a new, above-ground *equipment shelter*. This shall only be used where all other alternatives have been exhausted. A detailed rationale for this necessity must be provided in the justification report; and,
  - c) Any new *equipment shelter* shall require architectural and design treatments for screening that are appropriate to the siting location and that are compatible and sensitive to the *surrounding landscape* and *public realm*.
- 6.3.2 Where a proposed *radiocommunications facility* is located on the roof of a building or structure:
- a) *Support structures* and *equipment shelters* should not be visible from any public street, as demonstrated in the visual plane analysis; and,
  - b) *Radiocommunications facilities* should be positioned on the rooftop in a manner that provides for an attractive appearance, in addition to the other design criteria of this protocol.

### **6.4 Access Restriction**

Where a proposed *radiocommunications facility* requires access restriction controls:

- 6.4.1 By achieving the other design guidelines of this protocol, there should be no requirement for fencing. Where fencing is proposed, a detailed rationale for this necessity including the materials proposed and elevation drawings showing details and gate locations shall be provided in the justification report;

- 6.4.2 Fencing shall incorporate materials compatible and sensitive to the *surrounding landscape* and *public realm*; and,
- 6.4.3 The use of razor wire requires analysis in the justification report, including how its use will not compromise the *surrounding landscape* and *public realm*.

## **6.5 Vehicular Access**

Vehicular access to the proposed *radiocommunications facility* should be provided as follows:

- 6.5.1 Access should be suitably provided to a public street or across a private right-of-way; and,
- 6.5.2 Any parking space provided shall not be within a road allowance.

## **6.6 Colour and Illumination**

- 6.6.1 Colours used for all components of the *radiocommunications facility* shall be compatible with the *surrounding landscape* and *public realm*:
- a) Colour matching shall be the first preference for the *Town*, with the exact colour(s) determined on a case-by-case basis to enhance the *surrounding landscape* and *public realm*;
  - b) Neutral colours shall be the second preference; and,
  - c) Non-reflective surfaces and paints shall be used.
- 6.6.2 Designs requiring no illumination are expected. Where proposed, illumination shall be of the lowest intensity possible and the rationale detailed in the justification report required by this protocol.
- 6.6.3 Notwithstanding the above, Transport Canada and NAV Canada requirements for illumination and colour of the *radiocommunications facility* shall supersede this protocol.

## **6.7 Facility Signage, Flags, and Other Graphic Elements**

- 6.7.1 Any signage required by Industry Canada shall be permitted to be posted on the *radiocommunications facility*;
- 6.7.2 The *Town* shall require the posting of a small plaque at the base of the *radiocommunications facility*, identifying its owner/operator and contact information for that party;
- 6.7.3 Any design that incorporates a *radiocommunications facility* into signage that is regulated through the *Town's* Sign By-law 2006-005, as amended, shall require a Sign Permit through that By-law prior to installation;
- 6.7.4 Any design that incorporates any type of flag is not preferred. Where a flag is proposed, a detailed rationale for this necessity including the design of the flag shall be provided in the justification report; and,
- 6.7.5 No third-party graphics or signage of any type is permitted on a *radiocommunications facility*.

## 7.0 Public Consultation

In completing a public consultation process for a new, non-excluded *radiocommunications facility*, it is expected that the *proponent* shall organize and facilitate the process with support from *Town* staff as required. Public consultation shall be required only for facilities that do not meet the exclusion criteria of Section 3 of this protocol (with the exception of the notice sign described in Section 7.2, which is required for all facilities).

### 7.1 Notification Package

7.1.1 The *Town* will provide the *proponent* with a list of landowners and tenants, where applicable, within a radius of the greater of 120 metres or three times the *height* of the proposed *radiocommunications facility*. This distance shall be measured outward from the furthest point of the *radiocommunications facility*'s supporting mechanism (i.e. outermost guy line, building edge, or tower face). All properties within this distance shall be included on the mailing list.

7.1.2 The *proponent* will be required to prepare and distribute the notification package a minimum of 21 days prior to the public open house to the following recipients:

- To the landowners within a radius of 120 metres of the proposed *radiocommunications facility*, addressed to the name on the list or “the occupant”;
- The Director of Planning Services or his or her designate;
- The Clerk of the *Town*;
- The Mayor;
- The local Councillors;
- The designated contact from the area neighbourhood association;
- If an adjacent *Land Use Authority* is located within 120 metres of the proposed *radiocommunications facility*, the Clerk or other designated contact for that *LUA*; and,
- The Members of Parliament for the riding in which the proposed installation is to be located.

7.1.3 The mailed notice shall include the following items:

- Address, location (including a key map), and time of the public open house;
- Description of and rationale for the proposed *radiocommunications facility* including *support structure* and *equipment shelter* type and design, dimensions, *height*, colour, lighting, and site access (including measures to control public access);
- Superimposed images of the proposed *radiocommunications facility* and *equipment shelter*;
- Attestation that the general public will be protected in compliance with *Safety Code 6*, including combined effects within the local radio environment at all times;
- The project's status under the Canadian Environmental Assessment Act;
- A description of Transport Canada's and NAV Canada's aeronautical obstruction marking requirements (whether painting, lighting, or both) if available. If unavailable, the *proponents* can provide their expectation of Transport Canada's requirements together with an undertaking to provide those requirements once they become available;
- Notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website;
- Reference to the *Town's Radiocommunications Facilities Protocol*;
- Reference to where any additional documents about the project can be found online, if applicable;

- Contact information for a representative of the *proponent* and a representative from Industry Canada; and,
- Information on how to submit comments to the *proponent* and the closing date for submission of written public comments (which shall be not less than 30 days from the receipt of notification).

## 7.2 Notice Sign

- 7.2.1 The *proponent* shall erect one notice sign along any lot line abutting a public street for any *radiocommunications facility*, including those excluded under Section 3.3 of this Protocol.
- 7.2.2 The notice sign shall be posted at least 21 days before the public open house. Where no open house is required, the sign shall be posted for three weeks at any point during the consultation process.
- 7.2.3 All notice signs shall be designed and erected on the lot so that they are clearly visible and legible from all public streets abutting the subject lot. It shall be professionally prepared and contain the following wording:

|                                                                                                                                                                                                      |                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| <p><b>[Name of Applicant]</b> is <b>proposing to locate a radiocommunications facility</b>, being [#] metres in height, on this property.</p>                                                        |                                                                 |
| <p>[A description of the event being held is required. At a minimum, this information includes the name of the event and, in <b>bold font</b>, the date, open hours, and location of the event.]</p> |                                                                 |
| <p>Public comment is invited – for further information, contact:</p>                                                                                                                                 |                                                                 |
| <p>Proponent’s representative<br/>[Phone and email]</p>                                                                                                                                              | <p>Industry Canada<br/>representative<br/>[Phone and email]</p> |
| <p>Deadline for receipt of written comments is <b>[Deadline Date]</b></p>                                                                                                                            |                                                                 |
| <p>The Town of Oakville is a commenting agency only.<br/>All decisions relating to this facility will be made by Industry Canada.</p>                                                                |                                                                 |

- 7.2.4 Photographs illustrating all notice signs posted and the date on which they were erected on the subject lot shall be submitted to the Director of Planning Services or his or her designate immediately following the erection of the sign.
- 7.2.5 All notice signs must be removed no later than 21 days after an issuance of a *Municipal Letter of Comment* or advisement of non-comment.

## 7.3 Public Open House

- 7.3.1 The public open house shall be required for all non-excluded facilities, and shall be open and accessible to all members of the public and local stakeholders.

- 7.3.2 The open house will be convened and facilitated by the *proponent*. The format of the event is at the sole discretion of the *proponent*.
- 7.3.3 The *proponent* shall provide, at a minimum, two sets of display panels containing a site plan drawing and colour photographs of the subject lot, oriented toward the proposed *radiocommunications facility* from at least three landmarks or important locations in the vicinity of the proposed site:
- One set showing the current site conditions; and,
  - One set including superimposed images of the proposed *radiocommunications facility*.
- 7.3.4 The *proponent* shall record all names, addresses, and contact information for attendees.
- 7.3.5 The *proponent* shall make it clear at the beginning of the open house that the *Town* is a commenting agency only, and that all decisions relating to the proposal are to be made by Industry Canada at a later date.

## 7.4 Newspaper Notice

Where a *support structure* is proposed that is 30 metres or greater in *height*, the *proponent* shall additionally place a notice in the Oakville Beaver and/or Oakville Times, the community's newspapers. Publication of this notice shall be synchronized with the distribution of the public notification package. The notice shall contain the following items:

- A description of the proposed *radiocommunications facility*;
- The address of the proposed *radiocommunications facility*, including a key map (which can be provided by the *Town* if requested);
- Contact information for a representative of the *proponent*, the Director of Planning Services or his or her designate, and a representative from Industry Canada; and,
- The following sentence in **bold** font: "The *Town* of Oakville is a commenting agency only. All decisions relating to this facility will be made by Industry Canada."

## 7.5 Concluding Consultation

- 7.5.1 The timeline and process for the disposition of written or telephone correspondence shall be the Default Industry Canada process outlined in Section 4 of *CPC-2-0-03*.
- 7.5.2 The *proponent* will provide a package summarizing the results of public consultation to the *Town* containing, at a minimum, the following:
- Summary of the open house including attendee list and contact information;
  - An affidavit that the Notification Package was distributed to all required recipients and in accordance with Section 7.1 of this Protocol;
  - Copies of all letters and other written communications received on or before the last day for comments associated with the application;
  - Copies of responses outlining how the concerns and issues raised were or will be addressed or, alternatively, clearly setting out the reasons why such concerns are not reasonable or relevant; and,
  - Copies of any follow-up responses received from residents.

## 8.0 Deliverables

Copies of the Confirmation of Exclusion, *Municipal Letter of Comment*, or correspondence associated with non-comment shall be sent directly to Industry Canada, with copies sent to the following individuals:

- The *proponent*;
- The Clerk of the *Town*;
- The Mayor;
- The applicable Ward Councillors;
- Any individual requesting a copy from the *Town*;
- If an adjacent *Land Use Authority* is located within 120 metres of the proposed *radiocommunications facility*, the Clerk or other designated contact for that *LUA*; and,
- The Members of Parliament for the riding in which the proposed installation is to be located.

### 8.1 Letter of Municipal Comment

The end result of a successful *land use authority* consultation process in Oakville is a two-part *Municipal Letter of Comment*:

8.1.1 The first component is Facility Design Comment. This part of the Comment shall only be signed by the Director of Planning Services once a Letter of Undertaking signed by the *proponent* is received by the *Town*. This Letter of Undertaking shall form a Schedule(s) to the Letter and shall include the following requirements, if applicable:

- a) Attestation that the *proponent* shall construct and operate the *radiocommunications facility* in accordance with the drawings and justification report submitted; and
- b) Any noted design requirements or considerations and other conditions to meet *Town* expectations.

8.1.2 The second component is Public Consultation Comment. This part of the Comment shall only be signed by the Director of Planning Services once the *proponent* has completed the consultation as set out in this protocol.

8.1.3 The only valid *Municipal Letter of Comment* the *Town* shall issue is one issued by the Director of Planning Services or his or her designate and sent directly to Industry Canada.

### 8.2 Circumstances of Municipal Non-concurrence or Non-comment

8.2.1 Where the *Town* is not in concurrence with or not commenting on a proposal for any reason specified by this protocol, the *Town* will advise the *proponent* and Industry Canada within the 120-day period of its non-concurrence with or inability to comment on the proposal.

8.2.2 The *Town* will request, for a *radiocommunications facility* not yet constructed, that Industry Canada not issue a decision prior to the *Town* issuing a *Municipal Letter of Comment*.

8.2.3 The *Town* will request, for a *radiocommunications facility* constructed without a *Municipal Letter of Comment* or Confirmation of Exclusion, that Industry Canada either direct the *proponent* to consult with the *Town* or use its own powers to remedy the situation.

### **8.3 Time Frames**

- 8.3.1 Figure 1, on the following page, illustrates how the *Town's* process works to meet Industry Canada's 120 day maximum timeline for *land use authority* consultation.
- 8.3.2 In the mutual opinion of the Director of Planning Services and the *proponent*, if issues are close to being resolved approaching the end of the 120-day period but more time is required to finalize, the *Town* shall advise Industry Canada of the situation and provide an estimated date for delivery of a *Municipal Letter of Comment*.
- 8.3.3 The *Town* will also request Industry Canada not issue *radio licence* prior to the *Town* issuing a *Municipal Letter of Comment*.

### **8.4 Post-Construction Requirements**

The *Town* shall require the following documentation to be submitted within 14 days of completing all construction associated with the *radiocommunications facility*. In the event of non-submission, the *Town* shall advise Industry Canada of the situation and request assistance with ensuring compliance:

- 8.4.1 As-built structural drawings; and,
- 8.4.2 A copy of the Safety Code 6 Site Validation Report submitted to Industry Canada, including all figures, attestations and explanations.

### **Notes**

1. While not required under this protocol, where a *co-located radiocommunications facility* is proposed on a building or structure not exclusively used as a *radiocommunications facility*, the land owner will be required to obtain a building permit for material alterations to the existing building or structure, in accordance with the Ontario Building Code.

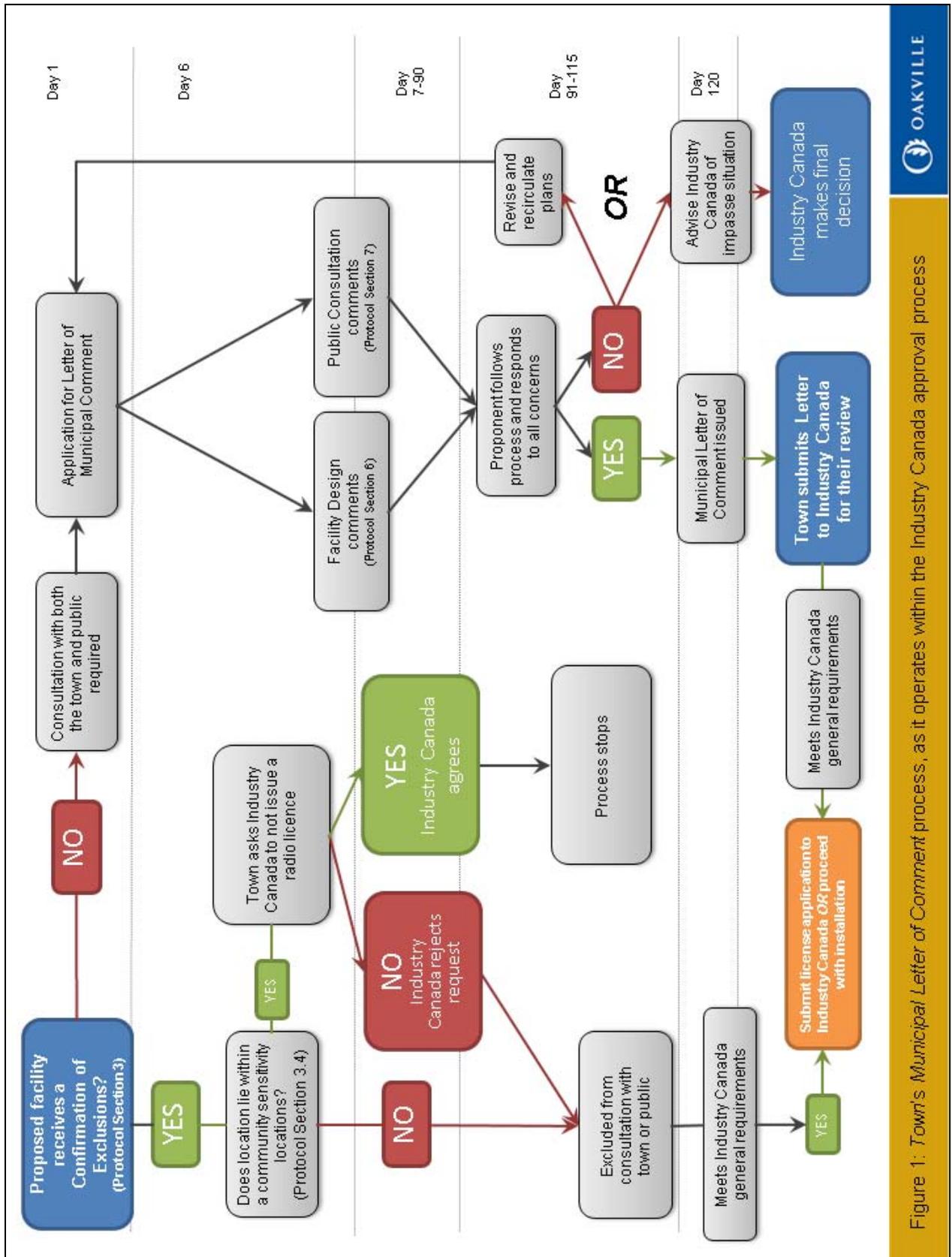


Figure 1: Town's Municipal Letter of Comment process, as it operates within the Industry Canada approval process



## Definitions

### **Co-location (and co-located)**

Means the placement of antenna systems on an existing building or structure, or the placement of additional antenna systems on an existing *support structure*, by one or more *proponents*.

### **Complete application**

Means an application for *Municipal Letter of Comment* where all of the items listed in Section 4.2 of this protocol have been provided to the *Town*.

### **CPC-2-0-03**

Means Industry Canada's Client Procedures Circular, "Radiocommunication and Broadcasting Antenna Systems," Issue 4, effective January 1, 2008.

### **Daycare**

Means indoor and outdoor premises where more than 5 children are provided with temporary care and/or guidance for a continuous period not exceeding twenty-four hours and are licensed in accordance with the applicable Provincial Act, or indoor and outdoor premises in which care is offered or supplied on a regular schedule to adults for a portion of a day but does not provide overnight accommodation.

### **EMCAB-2**

Means "Criteria for Resolution of Immunity Complaints Involving Fundamental Emissions of Radiocommunications Transmitters," Issue 1, June 1994.

### **Equipment shelter**

Means a cabinet, vault, or other structure containing equipment such as radios, electronics, cables, and other apparatus necessary to support the operation of the *radiocommunications facility* to receive or transmit signals, and which is not staffed on a permanent basis.

### **Height**

Means the vertical distance measured from the established grade of a building or structure to the highest point of the building or structure, including any components attached to the building or structure.

### **Land Use Authority (LUA)**

Means the governmental or corporate body responsible for land use decision on the subject property. Within the geographic boundaries of the Corporation of the *Town* of Oakville, these bodies include the Government of Canada, Province of Ontario, Region of Halton, and the *Town* of Oakville.

### **Municipal Letters of Comment**

Means comment expressed through a letter issued by the Director of Planning Services or his or her designate, regarding a proposed *radiocommunications facility* that Industry Canada shall consider in making their decision on the proposal.

### **Proponent**

Means a company, organization, or person which offers, provides, or operates a *radiocommunications facility* for personal use or the general public.

### **Public realm**

Means, in an area of suburban or urban development, all exterior places, linkages, and built form elements that are physically and visually accessible from public places, regardless of ownership.

**Radiocommunications facility**

Means the components, either individually or in combination, required to operate a wireless communications network including cell sites, transmitters, receivers, antennae, and signalling and control equipment, and may include an accessory *equipment shelter* and *support structure*.

**Radio licence**

Means the individual approval of sites to be used for *radiocommunications facilities*, issued only by Industry Canada.

**Safety Code 6**

Means Health Canada's Safety Code 6, "Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 kHz to 300 GHz," 2009.

**School, Private**

Means a building, structure or part thereof where academic instruction in a full range of the subjects of the elementary or secondary school courses of study is provided, but does not include a *public school*.

**School, Public**

Means a building, structure or part thereof where academic instruction in a full range of the subjects of the elementary or secondary school courses of study is provided under the jurisdiction of a school board established by the Province of Ontario.

**Sensitive land use**

Means 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 may be a part of the natural or built environment. Examples may include, but are not limited to: residences, *daycare* centres, and educational and health facilities.

**Spectrum licence**

Means the approval of regional, geographic-based licences for wireless spectrum to cellular operators, issued only by Industry Canada.

**Streamlined structure**

Means a structure used to support one or more antenna systems or other platforms where radiocommunications is the secondary purpose

**Surrounding landscape**

Means, in a rural or undeveloped area, the geography of and appearance of the land and associated features including buildings and vegetation.

**Support structure**

Means a structure permanently affixed to the ground or onto an existing building or other existing structure used to support one or more antenna systems or other platforms for the primary purpose of radiocommunications.

**Town**

Means the Corporation of the Town of Oakville.