

Telecommunication Facility Policy

September 26, 2016

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SECTION 1 – Purpose of the Policy

The purpose of this policy is to advise the Proponents of new telecommunication facilities being located within the City of Waterloo, of the City's areas of interest, define the municipal process and consultation requirements, and provide the Proponents with concluding concurrence / non-concurrence comments, as anticipated by Industry Canada's CPC 2-0-03, Issue 5, dated effective July 15, 2014. The intent is to have Municipal land use concerns addressed within the 120 day process timeframe, while respecting Federal jurisdiction. This Policy will:

- Provide information to Proponents regarding matters such as sharing of facilities, site selection, and site / facility design;
- Provide awareness to Proponents of the following considerations when beginning their site selection and planning process in the City of Waterloo, such as:
 - The development or redevelopment of facilities being sensitive to the Albert MacGregor Heritage Conservation District, any environmentally sensitive areas, any designated heritage structures and or cultural heritage landscapes, the Grand River landscape, Waterloo Park, and any other City owned park;
 - Facilities, including all equipment buildings, being located away from any adjacent property lines where possible;
 - Natural landscaping being provided through the planting of trees and shrubs around the base of the tower and any associated structure;
- Provide Proponents with the public consultation process on all applications (where applicable);
- Provide all parties with a clear policy to expedite the review process for proposals;
- Provide Proponents with the Zoning By-law regulations and applicable urban design guidelines applied to the lands, and encourage them to comply in areas that do not conflict with Federal law respecting telecommunications.

SECTION 2 – Principles

1. To recognize that matters pertaining to health (e.g. Safety Code 6), structural safety, and the environment fall under the mandate of the Federal government, which are further in turn taken into consideration by Industry Canada, as detailed in CPC-2-0-03;
2. To provide a forum that will allow for public involvement (as determined by this policy) for telecommunication proposals in the City of Waterloo;
3. To encourage sharing of facilities for all proposals;
4. To encourage all new facilities to be located the greater of three times the tower height, or 120 metres, beyond areas designated residential in the City of Waterloo's Official Plan;
5. To encourage consultation between telecommunication facility Proponents and the City on matters such as sharing of facilities, design and optimal site selection, as early in the process as possible;
6. To explore alternatives such as sharing of facilities or modifying/replacing existing facilities, and support the construction of new facilities only where necessary, and with the appropriate design;
7. To encourage awareness by the Proponents for the following considerations of the City as part of their planning site selection process for telecommunication facility sites:
 - a. Towers and equipment buildings to be located away from adjoining property lines where possible;
 - b. Towers and equipment buildings to be located in a manner that reduces visual obtrusiveness;
 - c. To encourage the protection of the natural landscape, features, and systems, and significant sightlines (views and vistas) of a site at all times. Where appropriate, planting of native trees and shrubs at the tower site to enhance the character of the surroundings is highly recommended;

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- d. Towers and equipment buildings may be requested to be a neutral colour (outside of Transport Canada requirements), that blends with the surroundings to minimize the visual impact upon the surrounding area;
- e. Stealth design is encouraged for telecommunication facilities;
- f. Proposed telecommunication facilities associated with institutional uses or located on lands zoned, designated and or used for institutional purposes shall be considered on the basis of sympathetic design and in the following order of preference:
 - i. Shared facilities,
 - ii. Roof-top facilities,
 - iii. New facility only when preferences i. and ii. above are not the preferred choice based on the policies contained herein.

Where a new facility is constructed on a property zoned, designated and or used for institutional purposes, the Proponents shall consult with the Designated Municipal Official regarding appropriate safety measures to prevent access by the public to the facility (including but not limited to: signage, facility design, and fencing) for which the Proponent will maintain responsibility and liability;

- g. The Proponent is requested to remove the equipment if their telecommunication facility has been deactivated and unused (abandoned) continuously for more than two years. Such removal is to take place within 90 days after the two year period. Consideration may be given to extending the time noted if the Proponents can demonstrate a real and probable use of the equipment beyond the two year period; and,
 - h. Proponents are encouraged to explore the use of non-environmentally sensitive lands owned by the City wherever technically feasible subject to appropriate location, tower design, and leasing terms.
- 8. To designate an appropriate contact at the City for receiving, reviewing and providing comments to Proponents;
 - 9. To provide Proponents with the Municipality's opinion of a proposal within 20 days of receiving an application where no public consultation is required per this policy, or within 120 days of application submission when a public consultation process is required.
 - 10. To be clear when consultation is required or not required.

SECTION 3 – Designated Municipal Official

For the purposes and administration of this policy, the designated official for the City of Waterloo is the Director of Planning Approvals, or his/her designate. All correspondence and materials submitted as part of this process shall be directed to the attention of the Director of Planning Approvals.

SECTION 4 – Design and Landscaping

Design features, neutral colour schemes, and landscaping are encouraged and shall be incorporated whenever possible. The City of Waterloo requests the following guidelines be considered when designing a new telecommunication facility or rehabilitating an existing telecommunication facility:

1. A new telecommunication facility proposed to be located within 120 metres of a property designated residential in the City of Waterloo's Official Plan is discouraged. A facility within 120 metres of a residentially designated property is required to be designed using a stealth design technique (see definition). A monopole without opportunities for sharing facilities with another carrier may be considered in this circumstance.
2. Telecommunication facilities using stealth design may be considered without the requirement for future facility sharing opportunities.
3. The design of the telecommunication facility should be sympathetic to the surrounding landscape, architecture, and built form.
4. A landscape plan will be required (reviewed by the City of Waterloo Site Plan Review Committee), and landscaping enhancements may be required for the site, at the cost of the Proponent.
5. Safety features shall be incorporated around the telecommunication facility to prevent unauthorized access.
6. The colour of any tower shall reflect the surrounding area. White or black may not be appropriate, and the City may request a neutral colour, subject to Transport Canada or Nav Canada requirements, as a condition of concurrence.
7. All facilities are to be sited in a manner so as not to obstruct, interfere, or infringe on existing underground or above-ground services.

SECTION 5 – Preliminary Consultation

Preliminary consultation is required between the Proponent and the City of Waterloo prior to a formal submission. This consultation will include a review of this policy and a discussion of the proposal including the rationalization behind the site selection. The City of Waterloo will provide the Proponent with the following information:

- A copy of this policy
- A copy of the application form including the complete submission checklist
- Any development plans for the surrounding area
- The name and contact information for the designated municipal official
- The amount of the current fee
- Other locations preferred by the Municipality, which may include municipally owned land

SECTION 6 – Submission Requirements

1. A complete application and the applicable fee.
2. Written documentation from the Proponent outlining:
 - the purpose of the antenna system and or telecommunication facility,
 - why sharing of existing telecommunication facilities, or modifying/replacing an existing facility is not possible,
 - a list of structures that were considered unsuitable, with reason(s) defending why they are unsuitable,
 - why a tower option is the preferred alternative, and,

- future sharing possibilities, if applicable.
3. Colour photographs of the subject property with a superimposed image of the telecommunication facility in the proposed location, as well as a colour chip of the proposed colours to be used.
 4. A map/inventory of all telecommunication facilities within the Proponent's search area.
 5. A site plan for the entire property (not just the leased portion), showing:
 - the relationship between the proposed telecommunication facility and existing features on the property such as existing and proposed buildings, parking, pedestrian and vehicular movement (including access and driveways),
 - natural features,
 - site grading for the leased portion, and an appropriate buffer distance around the leased portion,
 - the location of existing property lines, fences, and buffering,
 - existing and proposed landscaping,
 - access, and,
 - the type and height of the proposed tower structure.
- Any significant vegetation on site that may be affected by the proposal should be inventoried on the plan.***
6. A map showing the horizontal distance between the telecommunication facility installation and:
 - the closest residential designation in the City of Waterloo's Official Plan, and,
 - the closest residential dwelling.
 7. Roof mounted antenna systems must include a structural engineer's report to address the structural effects on the building.
 8. A statement on the potential effects that the proposal may have on nearby electronic equipment.
 9. A statement of compliance with the *Canadian Environmental Assessment Act, 2012*, the *Canadian Environmental Protection Act, 1999*, the *Migratory Birds Convention Act, 1994*, and the *Species at Risk Act*, as applicable. If required, an environmental impact statement is to be submitted with the application.
 10. Confirmation of other applicable municipal/agency consultation.
 11. An original written copy of the property owner authorization, permitting the Proponent to act on the property owner's behalf with respect to the use of their land for the proposed telecommunication facility.

SECTION 7 – Exemptions to Municipal Review

Municipal review is required for all new facilities operated by telecommunication carriers, broadcasting undertakings, or third party tower owners. In an attempt to direct the location of telecommunication facilities, and to encourage alternatives to monopole tower structures, the City of Waterloo supports telecommunication facilities according to the following exemptions from review.

****It is noted that exempt towers may still require formal heritage approvals for properties designated under Part IV or V of the Ontario Heritage Act.****

In order to be exempt from municipal review, facilities must be:

- I. Amateur radio antenna support structures in residential areas provided:
 - a. They are strictly for personal use;
 - b. The antenna boom or other appurtenance attached to the antenna are more than 1 metre from any property line;
 - c. No structure is placed in a front yard; and,
 - d. The antenna and associated equipment is less than 15 metres in height; or,

2. Sharing of existing facilities. All existing shared facilities will be exempt from review, as it is presumed that the tower site would have been previously reviewed; or,
3. Facilities located within an Industrial zone, regardless of height, and:
 - a. Are located at least three times the height of the tower or 120 metres, whichever is greater, from the nearest property designated residential in the City of Waterloo's Official Plan; and,
 - b. Are at least 120 metres from the Grand River; or,
4. Maintenance of existing facilities associated with painting or lighting in order to comply with Transport Canada requirements; or,
5. Facilities located on rooftops where the antenna system does not exceed 25% of the building height or 10 metres in height, whichever is greater; or,
6. Addition or modification to a facility (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, a building, water tower, etc., provided the addition or modification does not result in an overall height increase beyond 25% of the original structure's height; or,
7. Installation for a limited duration (less than 3 months), of a facility that is used for a special event, or that is used to support local, provincial, territorial or national emergency operations during an emergency, and is removed within 3 months of the emergency or special event; or,
8. Facilities located within 120 metres of Conestoga Parkway, Provincial Highway 85, and situated at least three times the height of the tower or 120 metres, whichever is greater, from a property designated residential in the City of Waterloo's Official Plan.

SECTION 8 – Public Consultation Process

To assist the City of Waterloo in formulating comments to the Proponent, public consultation will be required when the proposed facility does not meet the criteria for exemption listed in Section 7. When consultation is required, the Proponent and the City of Waterloo will work together to ensure the public is made aware of the proposal and is given the opportunity to provide their concerns and comments. The criteria for public consultation is listed below.

1. The Proponents will host a public open house for all property owners located within a radius of three times the tower height measured from the tower base or the outside perimeter of the supporting structure, whichever is greater.
2. The City of Waterloo will provide a notification package, to be prepared by the Proponent, by regular mail to all property owners within a radius of a distance of three times the height of the proposed tower.
3. The City of Waterloo will distribute the notification package prepared by the Proponent a minimum of 30 days prior to the meeting.
4. The notification package shall include:
 - a. the address for the proposed location of the facility;
 - b. a location map identifying the site of the proposed facility;
 - c. a plan showing the location of the proposed facility on the site;
 - d. physical details of the facility including height, colour, type and design;
 - e. the time and location of the public open house, the name and telephone number of the contact for the Proponent, as well as a municipal contact person;
 - f. a description of the proposed obstruction marking requirements for the facility approved by Transport Canada;
 - g. a written attestation that the proposed facility will be in compliance with Health Canada's Safety Code 6 including combined effects within the local radio environment at all times;

- h. a statement from an engineer indicating the need for the height; and,
 - i. a copy of stamped engineered drawings to identify the facility design.
5. The City of Waterloo must receive a full notification package.
6. In the case of a proposed tower 30 metres or more in height, or if visual impacts or the chosen location would be of a significant nature to residents and property owners as determined by the City of Waterloo, the Proponent will provide the City of Waterloo with an advertisement to be placed in the weekly newspaper, at the cost of the Proponent, detailing the public open house and providing a brief description of the proposed facility.
7. The Proponent is to provide the City of Waterloo with a full package of all public reply comments at the end of the public commenting period.

SECTION 9 – Concluding Consultation

Following the public open house, the Proponent shall:

1. Provide the City of Waterloo with a copy of the contact information for all attendees.
2. Forward a copy of all correspondence received prior to and including the last day for public commenting associated with the application to the City of Waterloo.
3. Forward a follow up letter containing the Proponent's formal response to the concerns raised, to the City of Waterloo.

A full copy of all public reply comments must be provided to the City of Waterloo at the end of the public commenting period. Should any modifications to the proposed facility be agreed upon during the consultation process, revised drawings and plans shall be submitted to the City of Waterloo.

The City of Waterloo will review all of the above-noted documents, and a formal comment on the application will be provided by the City of Waterloo to the Proponent and Industry Canada. These comments will focus on how the Proponent has complied with this policy. Where the designated municipal official is satisfied that the proposal meets the principles of this policy, the comment will include the City's concurrence, which may be given subject to conditions. The designated municipal official may request that Waterloo City Council endorse a position taken by the designated municipal official in a circumstance where the Proponent has not met the principles of this policy. The entire consultation process shall not exceed 120 days, as per Industry Canada's requirement.

SECTION 10 – Definitions

Antenna – an exterior transmitting device used in telecommunications designed for various uses such as telephonic, radio, or television communications by sending and / or receiving radio signals. Examples include whip, omnidirectional, microwave, and panel antennas.

Sharing of facilities – the installation of multiple telecommunication antenna systems on a building or tower structure by two or more Proponents.

Industry Canada – is the Federal Government Body, which is responsible for radio frequency spectrum management. Information detailing Federal procedures relating to the siting of radiocommunication and broadcasting antenna systems is available at: www.ic.gc.ca/antenna

Institutional Uses/Buildings – for the purpose of this policy, institutional uses and buildings shall include all schools (public or private), places of worship, cemeteries, libraries, residential care facilities, public parks and community centres.

Proponent – a company, organization, or person which provides wireless communication services and is subject to Industry Canada’s CPC 2-0-03 or its successors. Examples may include AM, FM, TV broadcasting undertakings, Cable Television distribution undertakings, Radiocommunication (wireless) Service Providers, and Radiocommunication Users (business or Government use only).

Stealth Design - means state-of-the-art design techniques used to blend an object into the surrounding environment and to minimize the visual impact as much as reasonably possible. Examples of stealth design techniques include eliminating all horizontal projections; architecturally screening roof-mounted antennas and accessory equipment; integrating telecommunications facilities into architectural elements; nestling telecommunications facilities into the surrounding landscape so that the topography or vegetation reduces their view; using the location that would result in the least amount of visibility to the public, minimizing the size and appearance of the telecommunications facilities; and designing telecommunications towers to appear other than as towers, such as light poles, power poles, flag poles, and trees.

Telecommunication Facility – the components required for the operation of a wireless radiocommunication network, which includes cell sites, transmitters, antennas, receivers and an unoccupied equipment shelter.

Telecommunication Tower – a structure used to support one or more antenna systems for the purpose of radiocommunications and which may include, but is not limited to a guyed tower, a self-support tower or monopole tower, and which may be located at ground level or on the roof of a building.

SECTION II - Summary of Policy

Currently under Industry Canada's regulations, telecommunication facilities could locate anywhere in the City of Waterloo.

Under the Telecommunication Facility Policy, the City of Waterloo's locational preferences fall in this order:

1. Sharing of existing facilities.
2. Properties located at least three times the height of a tower or 120 metres, whichever is greater from the nearest property designated residential in the City of Waterloo's Official Plan, and at least 120 metres from the Grand River, in this order:
 - a) Industrial properties
 - b) Commercial properties
 - c) Institutional properties (including City owned properties)
 - d) Public Rights of Way
 - e) Public Parks
3. Properties located within three times the height of a tower or 120 metres, whichever is greater from the nearest property designated residential, and at least 120 metres from the Grand River in the City of Waterloo's Official Plan, in this order:
 - a) Industrial properties
 - b) Commercial properties
 - c) Institutional properties (including City owned properties)
 - d) Public Rights of Way
 - e) Public Parks
4. Properties located within three times the height of a tower or 120 metres, whichever is greater from the nearest property designated residential, and within 120 metres from the Grand River in the City of Waterloo's Official Plan, in this order:
 - a) Industrial properties
 - b) Commercial properties
 - c) Institutional properties (including City owned properties)
 - d) Public Rights of Way
 - e) Public Parks
5. As a last resort, the City of Waterloo will consider facilities on, or in, areas designated residential in the City of Waterloo Official Plan.

Based on the locational preferences given above, the City of Waterloo's height preference falls in this order:

- i) Facilities less than 15.0 metres in height above ground level
- ii) Facilities located on the rooftop of an existing building where the height of the antenna system does not exceed 25% of the building height or 10.0 metres, whichever is greater
- iii) Towers greater than 15.0 metres in height and less than 30.0 metres in height above ground level
- iv) Facilities located on the rooftop of an existing building where the height of the antenna system exceeds 25% of the building height and 10.0 metres
- v) Towers greater than 30.0 metres in height

Telecommunication Facility

APPLICATION FORM INCLUDING THE COMPLETE SUBMISSION CHECKLIST

www.waterloo.ca
Planning Approvals
100 Regina Street South, PO Box 337
Waterloo, ON N2J 4A8
P. 519.747.8752 | F. 519.747.8523

Municipal Date Stamp Here:

Fee Submitted: _____

Date Submitted: _____

PROPONENT TO COMPLETE - Please print or type and submit with fee

LOCATION OF SUBJECT LANDS:

Street Address: _____ Legal Description: _____

REGISTERED OWNER OF PROPOSED SITE:

Name of Registered Owner(s):	
Mailing Address:	
City:	Postal Code:
Telephone Number:	Fax Number:
Email Address:	Cell Number:

INQUIRIES REGARDING THIS APPLICATION SHOULD BE DIRECTED TO (PROPONENT):

Company Name:	Contact Person:
Mailing Address:	
City:	Postal Code:
Telephone Number:	Fax Number:
Email Address:	Cell Number:

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PROPOSED TELECOMMUNICATION FACILITY

Type and height of Tower or Antenna _____

Distance from Closest Residential Designation in the City of Waterloo Official Plan: _____

Distance from Closest Residential Dwelling: _____

Distance from Closest Institutional Building: _____

WILL THE FOLLOWING BE PROVIDED ON SITE?

An equipment building greater than 10 square metres in area? Yes No

An equipment room located within an existing building? Yes No

COMPLETE SUBMISSION CHECKLIST

- A complete application form and the applicable fee.
- Written documentation from the Proponent outlining the purpose of the facility, why sharing of an existing facility is not possible, a list of structures that were considered unsuitable, why a monopole tower option is the preferred alternative, if applicable, and future sharing possibilities, if applicable.
- Colour photographs of the subject property with an image of the proposed location of the facility superimposed, including any equipment buildings or structures.
- A map/inventory of all facilities within the Proponent’s search area.
- A site plan for the entire property (not just the leased portion), showing:
 - the relationship between the proposed facility and existing features on the property such as existing and proposed buildings, parking, pedestrian and vehicular movement (including access and driveways),
 - natural features,
 - site grading for the leased portion, and appropriate buffer distance around the leased portion
 - the location of existing property lines, fences, and buffering,
 - existing and proposed landscaping,
 - access, and,
 - the type and height of the proposed facility.
- Any significant vegetation on site that may be affected by the proposal should be inventoried on the plan.
- A map showing the horizontal distance between the tower installation and the closest residentially designated property as determined by the City of Waterloo Official Plan, and the distance to the closest residential dwelling.
- Roof mounted antenna systems must include a structural engineer’s report to address the structural effects on the building.
- A statement on the potential effects that the proposal may have on nearby electronic equipment.
- If required under the existing land use designation, an environmental impact statement.
- Confirmation that any other applicable municipality/agency(s) have been consulted.

Applicant/Proponent Signature

Date

I / WE _____ authorize _____ to act on my/our
[name of property owner(s)] (name of applicant / proponent)
behalf and present this application form to the City of Waterloo.

SIGNATURE OF OWNER(S): _____ **DATE:** _____