



TO: GENERAL COMMITTEE

SUBJECT: TELECOMMUNICATION FACILITIES PROTOCOL

PREPARED BY AND KEY CONTACT: ROSS COTTON, M.PL., M.C.I.P., R.P.P., POLICY PLANNER
EXT. 5135

SUBMITTED BY: S. NAYLOR, M.E.S., M.C.I.P., R.P.P., DIRECTOR OF PLANNING SERVICES 

GENERAL MANAGER APPROVAL: R. FORWARD, MBA, M.Sc., P. ENG.
GENERAL MANAGER OF INFRASTRUCTURE, DEVELOPMENT & CULTURE 

CHIEF ADMINISTRATIVE OFFICER APPROVAL: C. LADD, CHIEF ADMINISTRATIVE OFFICER 

RECOMMENDED MOTION

1. That the protocol for the review of applications and submission of comments to Industry Canada for telecommunication facilities in the City of Barrie as set out in Appendix "D" of Staff Report PLN038-12 be adopted.

PURPOSE & BACKGROUND

Report Overview

2. The purpose of this report is to make recommendations to Council on the adoption of a revised protocol for the review of proposed telecommunication facilities within the City of Barrie.

Background

3. On May 28, 2012, Staff Report PLN016-12 was adopted by General Committee (Appendix "A" to this report). The report in part recommended the adoption of a revised protocol with regard to the City's review procedure respecting the placement of proposed telecommunication towers.
4. As part of the report circulation for May 28th, Staff Report PLN016-12 had been circulated to telecommunication service providers with existing or proposed facilities in the City. As a result of the circulation, two providers had expressed concern with several aspects of the proposed protocol.
5. Staff met with these service providers to review and consider their input. As a result, staff recommended that Council defer consideration of the proposed protocol until further input had been received. Subsequently, the City has received written comments from Rogers Communications Inc. dated June 1, 2012 (Appendix "B") and from FONTUR International Inc. on behalf of Bell Mobility dated June 15, 2012 (Appendix "C").

ANALYSIS

6. The correspondence from Rogers Communication Inc. indicated concern for the proposed 120 metre setbacks from all residential areas. Rogers contends that this provision could result in residential areas with "...pockets with poor to no coverage." As an alternative, they

recommended that suitable design criteria be included to prevent or mitigate against any negative visual impacts in areas of visual sensitivity.

7. These same concerns extend to the proposed restriction from the Central Area Commercial (C1) Zone, Transition Centre (C2) Zone and shorelines of Lake Simcoe and Little Lake in which there is a high density of wireless users that require service including emergency services.
8. There was also concern respecting the proposed 120 metre notification radius (Section 6.1) for towers less than 40 metres in height, the requirement for Notice signs for wireless facilities less than 15 metres in height (Section 6.4), and concern for the abbreviated consultation process (Section 6.7) for facilities less than 15 metres in height.
9. As stated in Staff Report PLN016-12, these proposed requirements seek to encourage an improved level of public consultation yet place a greater burden of notification on service providers than required by Industry Canada standards for facilities less than 15 metres in height.
10. The correspondence from FONTUR International Inc. on behalf of Bell Mobility outlines similar concerns regarding the proposed 120 metre setback from all residential areas making it difficult to meet client's needs for wireless services. FONTUR recommended an alternative of placing equipment on commercially designated and zoned neighbourhood plazas in residential areas. FONTUR, on behalf of Bell Mobility, share similar concerns over the proposed notification provisions for facilities less than 15 metres in height.
11. The concern of the service providers is to meet the wireless telecommunication needs of the residents and businesses of the City. The service providers indicate increased levels of usage in recent years as more residents use cell phone communication for their daily use as well as the related additional demands on their tower infrastructure from newer technology such as smart phones. FONTUR for example indicates that approximately 80% of Canada's population has cell phones and half of those use a smart phone. In order to best meet these increased demands, the service providers have indicated that telecommunication facilities are required to be located within and/or adjacent to residential neighbourhoods. The service providers are also concerned respecting the complexity related to the need for public consultation over and above Industry Canada guidelines for facilities less than 15 metres in height.
12. Staff recognize there is a need to provide appropriate wireless telecommunication for the City's residents, businesses and emergency service providers. This public interest must be balanced against the need to maintain the visual character of residential areas, the waterfront and downtown areas. The service providers have indicated that increased design standards could be incorporated in the design of the free standing facilities such as use of flag pole designs, colouring, and stealth designs where appropriate such as church steeples and pine trees, the screening of the base support structure, and/or the selection of locations to minimize the view of the facility.
13. Staff also recognize the need for public consultation with the City's residents when infrastructure such as telecommunication facilities are proposed near or in their residential neighbourhoods. However, it is also recognized that the City is not the approval authority but rather a commenting agency to Industry Canada on the installation of these facilities. Industry Canada has an existing protocol for facilities 15 metres or greater in height but exempt facilities less than 15 metres from public consultation. Staff have proposed an abbreviated public consultation for facilities less than 15 metres, which is intended to facilitate public consultation yet fast track the process for the service provider. However, it is important to note that the City would need to rely on the goodwill of the service providers to participate in this public consultation process given Industry Canada's exemption.

14. Having reviewed the comments of the service providers, staff are recommending revisions to the proposed protocol however recognizing the protocol does not inhibit or work to restrict facilities. The revisions proposed are outlined in bold on Appendix "B":
- a) Recognizing the importance of providing cellular coverage to the residential areas of the City for the benefit of the residents, staff are recommending in the protocol that towers be considered on a restricted basis in residential areas after considering visual impact and locational criteria. This would include increased visual design standards such as the use of flag pole designs, colouring, and stealth designs where appropriate such as church steeples and pine trees, the screening of the base support structure, or the selection of locations to minimize the view of the facility. This would also include a minimum setback of 60 metres from residential uses for free standing facilities. It is anticipated such criteria will provide more flexibility for the service providers in siting facilities to meet residents needs while minimizing visual impacts on the residents.
 - b) Staff recommend in the protocol that free standing facilities from the Central Area Commercial (C1) Zone, Transition Centre (C2) Zone and shorelines of Lake Simcoe and Little Lake not be considered. However, facilities can be located as roof top installations.
 - c) Staff feel it important to have public consultation in the location on free standing facilities particularly in any residential area. As such, staff continue to recommend the use of the abbreviated public consultation process for telecommunication towers less than 15 metres in height.
 - d) The distance of 120 metres for written notification had been chosen since it is the notification distance used for applications related to Zoning By-law Amendments and Official Plan Amendments. For Minor Variances, the distance is 60 metres for commercial and industrial uses and 30 metres for residential uses. Given the telecommunication facility is of a commercial nature, staff recommend the minimum written notification distance be revised from 120 metres to 60 metres for telecommunication towers less than 15 metres in height.
 - e) The requirement for the posting of signs for all applications is recommended to be maintained allowing others outside of the written notification distance in the residential area to be aware of the proposed facility.

ENVIRONMENTAL MATTERS

15. The environmental matters were discussed in Staff Report PLN016-12.

ALTERNATIVES

16. The alternative available for consideration by General Committee is:

Alternative #1

General Committee could continue to endorse the proposed protocol approved by General Committee in Staff Report PLN016-12.

This alternative is satisfactory to staff but would not reflect the input from the service providers, particularly related to their comments regarding potential impact on level of service to the City's residents and emergency service responders.

FINANCIAL

17. Staff have recommended a fee to be associated with the submission of an application. This fee will be reviewed periodically by staff to ensure that it is in line with the costs incurred by the City in processing these types of applications.

LINKAGE TO 2010-2014 COUNCIL STRATEGIC PLAN

18. The Linkage to the 2010-2014 City Council Strategic Plan were discussed in Staff Report PLN016-12.

Attachments: Appendix "A" – Staff Report PLN016-12

Appendix "B" - Rogers Communication Inc. letter dated June 1, 2012

Appendix "C" – FONTUR International Inc. letter dated June 15, 2012 on behalf of Bell Mobility

Appendix "D"– Revised Protocol for Consideration of Telecommunication Facilities Applications

APPENDIX "A"

STAFF REPORT PLN016-12 DATED MAY 28, 2012

TO: GENERAL COMMITTEE

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RECOMMENDED MOTION

1. That the existing protocol approved November 29, 2010 for the provision of City comments and recommendations to Industry Canada for the installation of telecommunications facilities be replaced by the revised protocol as set out in Appendix "A" to Staff Report PLN016-12.
2. That Council amend the General Provisions of the Zoning By-law related to Section 4.2.1.1 of Zoning By-law 2009-141. The amendment to the Zoning By-law is as follows:

Section 4.2.1.1 be amended by replacing (c) with the following: "*(c) Private utility, save and except for (i) incinerators, sanitary landfill projects, waste collection and recycling facilities, and any function involving open storage of materials. (ii) free standing transmission towers in the Central Area Commercial C1 and Transition Centre Commercial C2 Zones or in any Residential Zone or Environmental Protection EP Zone.*"
3. That Council direct staff to prepare an amendment to the Official Plan restricting the location of telecommunication facilities for Council's consideration.
4. That pursuant to Section 34 (17) of the Planning Act, no further written notice be required (D14-1502).
5. That Council amend the City's Fee By-law to charge a \$2,500.00 fee for the processing and review of applications for the installation of telecommunication facilities.

PURPOSE & BACKGROUND

Report Overview

6. The purpose of this report is to make recommendations to Council on the adoption of a revised protocol for the provision of comments to Industry Canada for the installation of telecommunication facilities. The report also makes recommendations on related amendments to the City's Zoning By-law and Official Plan.

Background

7. On November 29, 2010, Council adopted the recommended motion in Staff Report PLN022-10 establishing a standard protocol with regard to City comments and decisions on the placement of cellular and electronic transmission facilities, primarily transmission towers, to assist the proponent in carrying out the obligations to satisfy the requirement related to City input and public consultation for Industry Canada (Council Motion 10-G-412).
8. The existing protocol has been in effect for over one year and City staff have had the opportunity to monitor its implementation. During this time period, City staff have processed 4 applications. It has been the experience of staff that there is a need for increased public engagement in particular for towers that are less than 15 metres in height located in community-sensitive areas such as in residential neighbourhoods. As a result, staff are recommending a revised protocol which is attached as Appendix "A" to this report.
9. Council Motion 10-G-412 also directed that a public meeting be scheduled to consider an amendment to the General Provisions of the Zoning By-law related to the restrictions of free standing transmission towers in the Central Area Commercial (C1) Zone and the Transition Centre Commercial (C2) Zone. This public meeting was held on April 11, 2011.
10. The installation and operation of antenna systems or transmission towers is regulated by the Federal Department of Industry Canada. Being under federal jurisdiction, they are not subject to regulation under the Ontario Planning Act through the City's Official Plan, Zoning By-law, or Site Plans. Appendix "B" describes procedures for the regulation of telecommunication facilities.

ANALYSIS

11. Staff is concerned that the November 2010 City protocol adopted by Council Resolution 10-G-412 does not provide for the submission of sufficient information for staff and the public and that the process does not provide for a more extensive notice of the application to the public and the holding of a public open house by the proponent in order to provide more comprehensive public input in the consideration of these applications. There is also concern that there is a need for criteria for consideration of proposed facilities that are proposed at less than 15 metres in height.
12. It should be noted that any enhancements of the City protocol that exceed current Industry Canada requirements would not have to be adhered to by applicants of transmission facilities. Staff are recommending these enhancements to the protocol to encourage applicants to undertake these additional initiatives in the spirit of cooperation and transparency.
13. Staff have reviewed protocols of 12 other municipalities not only in Ontario but in other provinces to guide the consultation process in providing comments to proponents and Industry Canada. Those protocols address in most instances the application and information requirements, the internal organizational review process and public consultation. Most protocols include location and site criteria developed by the municipality, generally derived from policies found within their Official Plans and/or Zoning By-laws. It appears the protocols have generally been successfully utilized.
14. In each of the municipal protocols reviewed, the public consultation processes are much more comprehensive than the Industry Canada default process described in Appendix "B". There typically is also a cost recovery by means of an application fee charged by the municipalities.
15. The proposed revised protocol (attached as Appendix "A" to this report) requires a pre-consultation meeting with City staff in which the proponent discusses the nature of the proposal and staff advise as to the application requirements and the City's preferred locational criteria.

16. The proposed protocol indicates free standing transmission towers should not be located on lands designated in the Official Plan as Residential, City Centre, Environmental Protection Area, Open Space or within 120 metres of the high water mark of Lake Simcoe or Little Lake, but may be considered for co-location on existing towers or on existing structures in such zones. For Commercial designated lands, free standing transmission towers should not be located within 120 metres of Residential designated lands. The restriction on free standing transmission towers not being located within 120 metres of the shoreline of Lake Simcoe is intended to preserve the visual aspect of the shoreline. This is a standard used in other jurisdictions such as the Town of Oakville. Installation of antenna systems shall also respect and not detract from the preservation of historic sites, districts, and neighbourhoods, or tourism attractions. "Stealth" towers, which are camouflaged towers within church steeples, clock towers, or flagpoles or otherwise designed to resemble natural vegetation, should be used where feasible.
17. If the facilities are less than 15 metres in height, they will be excluded from the protocol if the facility is proposed in the Industrial, Agricultural or special Rural land use and is setback 120 metres from any Residential, City Centre and Environmental Area and Open Space designation. If the facilities are less than 15 metres in height, they will be subject to an abbreviated application and public consultation process if proposed in the locations described in clause 16.
18. The protocol also sets forth the information requirements for the submission of the application and the requirements for public consultation. Included in the public consultation process is the requirement for the posting of an information sign, written notice to persons within 120 metres of the facility location, and if the facility is proposed to be 30 metres or greater in height, the publication of a newspaper ad.
19. Associated with the public consultation process is the requirement for a public open house to be sponsored and conducted by the proponent. The protocol specifies the information to be provided to the public at this open house and the subsequent reporting requirements to the City before a decision can be made.
20. Following the completion of the public consultation process, the Director of Planning Services will make the decision whether to recommend the approval or denial of the application to Industry Canada. This process generally would be completed within 120 days of receiving the complete application.
21. The proposed revised protocol proposes a 120 day response time in providing comments to Industry Canada commencing upon receipt of a complete application. The default provisions of the Industry Canada (also existing City protocol) provides a 120 day response period commencing the first date of initial formal contact with the City. The time period proposed in the revised protocol is the standard used by other municipalities.
22. It is recommended that a fee be charged for the review of applications for the installation of transmission facilities. The application fee of other municipalities range from \$1,500.00 to \$7,000.00. Staff recommend an application fee of \$2,500, which is a similar application fee for the removal of a Holding symbol which is considered to be of comparable work effort.
23. There had been a public meeting held on April 18, 2011 related to proposed revisions to the General Provisions of the Zoning By-law as follows:

Section 4.2.1.1 be amended by replacing (c) with the following: "(c) *Private utility, save and except for (i) incinerators, sanitary landfill projects, waste collection and recycling facilities, and any function involving open storage of materials. (ii) free standing transmission towers in the Central Area Commercial C1 and Transition Centre Commercial C2 Zones or in any Residential Zone.*"

24. One written submission was received from Mr. Alan McNair on behalf of the Brereton Field Naturalists' Club. Mr. McNair also made verbal representation at the public meeting.
25. The submission and representation by Mr. McNair requested that free standing transmission towers also be restricted from locating in any Environmental Protection (EP) Zone or Open Space (OS) Zone to be consistent with the policies of the Official Plan. Mr. McNair also is requesting that if a proponent sought to locate a facility in an EP Zone or OS Zone, they would require an amendment to the Zoning By-law as well as be subject to the submission of an Environmental Impact Study (EIS).
26. While staff agree that the request by Mr. McNair would provide an additional layer of procedures, staff however do see additional benefit by requiring as part of the proposed revised protocol that an EIS be undertaken if the facility is proposed in the Environmental Protection Area or Open Space designations or zones. Staff also agree with the Environmental Protection EP Zone be added after Residential Zone in the Zoning By-law Amendment to restrict the facility in that zone.
27. Staff also recommend that Council direct staff to prepare an Official Plan Amendment to reflect the restrictions proposed on transmission facilities related to the proposed protocol.

ENVIRONMENTAL MATTERS

28. The following environmental matters have been considered in the development of the recommendations:
 - a) Directing antenna systems away from Environmental Protection Area, Open Space designations and the shoreline of Lake Simcoe and Little Lake, except where no alternatives are available.
 - b) Mitigating the impact of the installation of antenna systems on natural heritage features and functions through preparation of an Environmental Impact Statement if proposed to be located in Environmental Protection Area or Open Space designations or zones.

ALTERNATIVES

29. Two alternatives are available for consideration by General Committee:

Alternative #1

General Committee could maintain the existing default procedure of Industry Canada with respect to the installation of antenna systems.

This alternative is not recommended, as it does not assist in the enhanced public consultation and procedures to deal with antenna system applications.

Alternative #2

General Committee could revise the proposed protocol respecting the public consultation process or the areas of the City where there would be restrictions for the installation of antenna systems.

This alternative could be considered by Council.

FINANCIAL

30. Staff have recommended a fee to be associated with the submission of an application. This fee will be reviewed periodically by staff to ensure that it is in line with the costs incurred by the City in processing these types of applications.

LINKAGE TO 2010-2014 COUNCIL STRATEGIC PLAN

31. The recommendations included in this staff report support the following goals identified in the 2010-2014 City Council Strategic Plan:

- Manage Growth and Protect the Environment
- Improve and Expand Community Involvement and City Interactions

The proposed protocol will assist in establishment and maintenance of an effective telecommunication system to assist with improved communication for our community.

The protocol will assist in directing the location of telecommunication facilities to the appropriate location while maintaining the protection of the environment.

The protocol discourages the location of facilities in the City Centre area and along the waterfront. This will assist in maintaining the aesthetic character of these areas.

The protocol requires public consultation and engagement with the City's residents in the determination on the location and design of telecommunication facilities.

- Attachments: Appendix "A" - Protocol for Consideration of Telecommunication Facilities Applications
Appendix "B" - Background to Existing Approval Process for Telecommunication Facilities

APPENDIX "A"

PROTOCOL FOR CONSIDERATION OF TELECOMMUNICATION FACILITIES APPLICATIONS

1.0 Purpose and Background

The purpose of the Telecommunication Facilities Protocol is to detail the review process for an application for Municipal Letters of Concurrence as well as defining the City's expectations relating to the location and design of telecommunication facilities. All new telecommunication facilities are expected to follow this process in the City of Barrie to obtain a Municipal Letter of Concurrence.

This protocol applies to any proponent planning to install a new, or modify an existing, telecommunication facility that requires approval under the jurisdiction of Industry Canada as approval authority.

Industry Canada guidelines and processes are set out in Client Procedures Circular *Radiocommunication and Broadcasting Antenna Systems, CPC-2-0-03*.

Included in the Client Procedures Circular are requirements for a proponent to (1) consult with the "land-use authority" (the City of Barrie) regarding the City's location policies for antenna systems and (2) undertake a public consultation exercise with residents and landowners in the vicinity of the proposed tower.

2.0 Process Requirements

2.1 The designated contact of the City of Barrie for proponents of telecommunication facilities within the City is the Director of Planning Services ("the Director") or his/her designate.

2.2 The Director shall review with the proponent the following matters:

- Site options including co-location on existing towers or placement on existing buildings or structures;
- The provisions in this protocol and other City policy and regulatory documents related to antenna system location;
- Application submission requirements; and
- Relevant concerns of the land-use authority and community regarding the land use impacts of the proposed antenna systems.

2.3 The Director will consult with the Director of Information and Communications Technology or his/her designate to review the City's current transmission assets and needs.

2.4 The Director shall consult with the Director of Building Services or his/her designate to determine if any building permits are required in association with the proposed antenna systems and advise the proponent accordingly.

2.5 The Director shall advise the Ward Councillor of the application and provide available information as requested by him/her.

- 2.6 The Director shall discuss reasonable location alternatives and/or mitigation measures with proponents where he/she has specific concerns regarding a proposed antenna system.
- 2.7 The Director after consideration of Clauses 2.2 to 2.6 shall determine whether the protocol shall be applied to the proposed antenna system.
- 2.8 The proponent shall satisfy the application requirements in Section 4.0 of this protocol and undertake public consultation in accordance with the public consultation process outlined in Section 6.0 of this protocol.
- 3.0 City Location Policies**
- 3.1 Telecommunication facilities are encouraged to locate in Industrial, Agricultural, or Special Rural land use designations as an alternative to other more community-sensitive Official Plan land use designations such as City Centre, Residential, Open Space or Environmental Protection Areas.
- 3.2 Notwithstanding 3.1, antenna systems may be located in any land use designation as set out in the Official Plan, except lands designated Environmental Protection Area and Open Space, unless deemed necessary and appropriate. They should also not be located in Commercial designated lands within 120 metres of Residential designated lands. Location within Environmental Protection Area and Open Space designations may be considered only if co-location or other site options have been determined not to be feasible. Where telecommunication facilities are proposed for Environmental Protection Area or Open Space designations, the proponent shall prepare an Environmental Impact Statement satisfactory to the City to identify and mitigate any impacts on natural heritage features and functions.
- 3.3 Free standing transmission towers should not be located in or within 120 metres of the shorelines of Lake Simcoe and Little Lake, or in Residential, Central Area Commercial, or Transition Centre Zones, but may be considered for co-location on existing towers or on existing structures in such zones.
- 3.4 Installation of antenna systems shall respect and not detract from the preservation of historic sites, districts, and neighbourhoods, or tourism attractions. "Stealth" towers, which are camouflaged towers within church steeples, clock towers, or flagpoles or designed to resemble natural vegetation, should be used where feasible.
- 4.0 Application Requirements**
- 4.1 A pre-consultation meeting shall be conducted prior to the submission of an application. Prior to the pre-consultation meeting, the following information must be submitted:
- Location of the proposed facility;
 - Proposed setbacks from existing buildings and from property lines;
 - Description of proposed facility, accessory structures;
 - Site changes, fencing, landscaping, access, and parking;
 - Summary how applicable facility meets exclusion criteria of Industry Canada; and
 - Five copies and one electronic copy of preliminary set of drawings describing site development and location of facilities, elevation drawing and surrounding land uses.
- 4.2 The pre-consultation shall not mark the commencement of the 120 day consultation process in accordance to Section 7.4 of this protocol.

- 4.3 Any proposal for a non excluded telecommunication facility outlined in Section 8.0 of this protocol will require the submission of a complete application form, fees, and required documentation as specified below:
- a) A justification report outlining the following:
 - Purpose of proposed facility;
 - Rationale for the selection of the proposed site and description of other alternatives considered including co-located alternatives;
 - Location and address of facility and location on site or existing structure;
 - Statement indicating justification for the height of the proposed structure;
 - Statement on size and location of any support structure and potential of support structure for co-location use;
 - Statement related to site alteration requirements for proposed structure and support structure including any site alterations for access driveways or servicing lines;
 - Environmental Impact Statement (EIS) if the facility or related site alterations are proposed on lands designated or zoned Environmental Protection or Open Space. This is to be prepared by a qualified professional;
 - Statement if the lands are located within the "Annexed Lands" how the facility will complement and become part of the future community without unduly limiting the potential for future urban development; and
 - Statement indicating justification if applicable for not satisfying the City Location Policies in Section 3.0 of this protocol.
 - b) Colour photographs of subject site including:
 - One set showing existing site conditions and surrounding land uses;
 - One set from the road in front of site including superimposed images of the proposed facility.
 - c) Site Drawing, Elevations and Boundary survey drawn in appropriate metric scale showing:
 - Subject property and leased area;
 - General site grading and drainage;
 - Setbacks from lot lines and any existing building and structures on site;
 - Setback from any natural heritage feature on site or on adjoining lands;
 - Existing and proposed vegetation including any landscaping and fencing;
 - Access to the site including any driveways and vehicular parking;
 - For any co-located facilities on the roof of a building or structure, a visual plane analysis demonstrating that any support structure is not visible from both sides of any public road right of way abutting the subject lands; and
 - The proposed structure type and height of the facility.
 - d) Network coverage mapping showing the applicant's current coverage and anticipated coverage with the installation of the proposed facility.
 - e) Confirmation that Transport Canada, NAV Canada, adjoining municipalities within 500 metres, and all other public authorities having an interest in the lands.
 - f) Description of Transport Canada's and NAV Canada's aeronautical obstruction marking requirements as applicable.

- 4.3 The City shall consider the date a complete application was received as the official commencement of the 120 day consultation process. A determination on the completeness of an application or request for additional information will be provided within five days of receipt of the application by the City.

5.0 **Siting on City Owned Properties**

Any request to install a facility on lands owned by the City shall be made to the City, in accordance with City policy. A formal application for approval shall be required in accordance with Section 4.0 of this protocol.

6.0 **Public Consultation Concurrence**

It is required the proponent organize and facilitate the public consultation process. The public consultation process shall be required only for facilities that are not exempt from this protocol as outlined in Section 8.0.

If the facility is less than 15 metres in height and proposed to be in a location identified in Sections 3.2, 3.3 and 3.4, an abbreviated public consultation process will be utilized as outlined in Section 6.7.

- 6.1 The City will provide to the applicant a list of the street addresses of the properties located within a radius of the greater of 120 metres or three times the height of the proposed facility whichever is greater. This distance shall be measured outward from the furthest point of the facility's supporting mechanism (eg. outermost guy line, building edge, or tower face).
- 6.2 The proponent is required to prepare and circulate the notification package a minimum of 30 calendar days prior to the public open house to the following:
- Director of Planning Services;
 - Clerk of the City of Barrie;
 - Clerk of the adjoining municipality if site is located within 500 metres of boundary;
 - Mayor of the City and Ward Councillor; and
 - Those persons within 120 metres located as per Section 6.1.
- 6.3 The notification package shall include the following:
- Public Open House Notice in the form and content approved by the City;
 - Description and rationale for facility including structure type, design, dimensions, colour, lighting, site access and supporting structure; and
 - Superimposed images of facility.
- 6.4 Posting of sign on property is required as follows:
- The applicant shall erect one notice sign on the subject lands along any lot line abutting a public street;
 - When a public open house is required, the sign shall be erected a minimum of 30 calendar days prior to the public open house;
 - The sign shall be in the form and with the content approved by the City; and
 - Any sign must be removed no later than 20 days after the issuance of the Municipal Letter of Concurrence or advisement of non-concurrence.
- 6.5 **Public Open House**
- The public open house will be convened and facilitated by the applicant. The applicant shall at the start of the open house advise attendees that the City is a commenting agency only;

- A representative of the City of Barrie may attend to assist in answering questions;
- The applicant shall provide at a minimum of two sets of display panels indicating on one panel the current site conditions and proposed design, and on the second panel, colour photographs of the subject lot including superimposed images of the proposed facility; and
- The applicant shall record all names, addresses and other contact information regarding any attendees. The applicant shall provide comment sheets for attendees to complete and shall make notes of any verbal comments received.

6.6 Newspaper Notice

- Where a facility is proposed that is 30 metres or greater in height, the proponent shall also place a notice in the local newspaper;
- The publication shall be co-ordinated with the mailing of the notice and the erection of the sign;
- The publication shall be prepared in the form and with the content approved by the City.

6.7 Abbreviated Consultation Process

If the determination is made that the facility is subject to the abbreviated consultation process, no public open house is required and the following is required to be undertaken:

- To prepare and circulate the notification package to all those persons listed in Section 6.2;
- The notification package shall include the description and rationale for facility including structure type, design, dimensions, colour, lighting, site access and supporting structure; and superimposed images of facility;
- Posting of sign on property is required as per Section 6.4.

7.0 Consultation Completion

7.1 The timeline and process for the disposition of written or telephone correspondence shall be the Default Industry Canada process outlined in Section 4.2 of CPC-2-0-03.

7.2 The applicant will provide a package summarizing the results of public consultation to the City containing, at a minimum, the following:

- Summary of the public open house (when required) including attendee list and contact information;
- Copies of all letters and other written communication received on or before the last date for comments associated with the application;
- Copies of response provided by the applicant or agents outlining how the concerns and issues raised were or will be addressed or, alternatively clearly setting out the reasons why such concerns are not reasonably relevant;
- Copies of any follow-up responses received from residents.

7.3 Where the preceding steps have appropriately addressed alternatives and issues, and the public consultation process has been completed, the Director shall either issue the Municipal Letter of Concurrence to the proponent and Industry Canada, or advise Industry Canada that the City is not in concurrence with the application based upon this protocol. The Director will provide a copy of this decision to the consulted departments.

7.4 The land-use authority consultation process shall normally be completed within 120 days from the acceptance by the Director of a complete application from the proponent. Where unavoidable delays are encountered, the Director shall indicate to the proponent when he/she can expect a response to the application.

8.0 Excluded Telecommunication Facilities

8.1 The following are excluded from this protocol:

- Maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
- 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, a building, water tower, etc. providing the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height except in circumstances where a previous consultation did not occur;
- Maintenance of an antenna system's painting of lighting in order to comply with Transport Canada's requirements;
- Installation, for a limited duration (typically not more than 3 months), of an antenna system that is used for a special event, or one that is used to support local, provincial or national emergency operations during the emergency, and is removed within 3 months after the emergency or special event; and
- New antenna systems, including masts, towers or other antenna-supporting structure, with a height of less than 15 metres above ground level including located on a building unless the facility is proposed in Sections 3.2, 3.3 and 3.4 of the City Location Policies.
- New antenna systems, including masts, towers or other antenna-supporting structure, with a height of 15 metres or greater above ground level including located on a building if the facility is proposed in the Industrial, Agricultural, or Special Rural land use designations as identified in Section 3.1 of the City Location Policies and is setback 120 metres from any Residential, City Centre and Environmental Protection Area and Open Space designation.

APPENDIX "B"

Background to Existing Approval Process for Telecommunication Facilities

1. Client Procedures Circular *Radiocommunication and Broadcasting Antenna Systems, CPC-2-0-03* of Industry Canada was to assist Industry Canada in the consideration of applications. The Circular sets out a range of technical requirements for the location and installation of towers and antenna systems, together with the consultation process the proponent must undertake with the land-use authority (the City of Barrie) and the public in the vicinity of the proposed installation.
2. Industry Canada Circular CPC-2-0-03 requires that before constructing a new stand alone transmission tower, proponents explore the following options:
 - Consider sharing an existing tower or antenna system (co-location).
 - Locate, analyze, and attempt to use any feasible existing infrastructure such as rooftops, water towers and other structures.
3. Where such options are not feasible, a proponent may propose to build a new free standing tower at some other location in the municipality. With the exception of facilities that are proposed with a height less than 15 metres, the Circular would require the proponent to consult the land-use authority (the City of Barrie) about the City's requirements, and would trigger a public consultation process.
4. If the land-use authority has no consultation policy or protocol of its own, Industry Canada in the Circular has a "default" public consultation process that applicants must follow.
5. The Industry Canada Procedures Circular provides some exclusion to the public and land-use authority consultation requirements: exclusions are for applications related to temporary installations usually less than 3 months, extensions of less than 25% of a tower's height, maintenance activities and towers less than 15 metres in height. Such installations can be put in place without reference to the land-use authority or the public but still require Industry Canada approval.
6. Industry Canada however does provide that the land-use authority can request the Industry Canada to override the Procedures Circular on excluded facilities where a facility is proposed within a community-sensitive location, is in proximity to neighbouring residents, lighting is required by Transport Canada or if the dimensions of the facility do not match the local surroundings. No definition for community-sensitive locations is provided in the Circular which has been confirmed by Industry Canada staff. However, a number of municipal adopted protocols consider community-sensitive locations to include residences, daycare centres and educational and health facilities.
7. For those installations subject to the consultation requirements, transmission facility proponents must consult with the land-use authority with the objective of:
 - Discussing site options.
 - Ensuring that local processes related to antenna systems are respected.
 - Addressing reasonable and relevant concerns from both the land-use authority and the community it represents.
 - Obtaining land-use authority concurrence in writing.
8. The requirement of Industry Canada that low impact options, such as co-location of transmission equipment on existing towers or placement on suitable buildings, be first considered by the proponent as appropriate and reflects City priorities.

9. The City has policies in the Official Plan regarding transmission towers that provide a basis for the preparation of components of the City's protocol and a basis for the City's comments and recommendations to the proponent and Industry Canada.
10. Section 5.1.2.1 of the City's Official Plan states "...telecommunication/communication infrastructure or any other utilities shall be permitted within any land use designation of this Plan. Wherever possible, public utilities/facilities shall not be located on lands designated Environmental Protection or Open Space. Where the location of public utilities on lands designated Environmental Protection or Open Space is efficient, cost effective and in the public interest, an EIS shall be undertaken in accordance with the policies of Section 6 of this Plan."
11. Section 5.1.2.1 does not reflect the intent of other policies of the Official Plan to enhance the visual aspects of the City Centre and the waterfront. Staff are proposing that new free standing transmission towers not be permitted in City Centre designated lands or within 120 metres of the high water mark of Lake Simcoe or Little Lake. Transmission facilities could however be located on existing or future buildings in these areas. The Official Plan is recommended to be amended to include these restrictions.
12. Antenna systems that are under the approval authority of Industry Canada are not subject to the Ontario Building Code. However, structures that are associated with antenna systems and apparatus or structural alterations associated with building mounted antenna may be subject to requirements for building permits.
13. The protocol as adopted by Council Resolution 10-G-412 utilized the public consultation process in accordance to Industry Canada's default process in Client Procedures Circular CPC-2-0-03. Included are the following steps:
 - Proponents must provide a notification package to the local public and landowners (including residences, community gathering areas, public institutions, schools and similar uses) within a radius of three times the height of the proposed tower;
 - The notification must provide for at least 30 days for written public comment;
 - If the proposed tower is greater than 30 metres tall, the proponent must place a notice in a local community newspaper circulating in the proposed area;
 - Proponents must address all reasonable and relevant concerns, make all reasonable efforts to resolve them in a mutually acceptable manner, and keep a record of all associated communications;
 - Proponents must respond to written comments within 14 days acknowledging receipt of the communication;
 - The proponents must provide written answers to all reasonable questions within 60 days;
 - Indicate that the party has 21 days from the date of the correspondence to reply to the proponent's response.
14. The adopted protocol also specified where a tower over 30 metres in height is proposed to be developed in an Agricultural (A), General Industrial (EM4), or Restricted Industrial (EM5) Zone, and there is no residential dwelling, Residential Zone, or school located within a distance three times the height of the proposed tower, an advertisement in the newspaper is not required.
15. The proponent may commence installation or modification of an antenna system only after the consultation process has been completed and all reasonable and relevant concerns have been addressed. Industry Canada must concur that the process has been followed and that the installation or modification may proceed.

APPENDIX "B"

ROGERS COMMUNICATIONS LETTER DATED JUNE 1, 2012



Rogers Communications Inc.
8200 Dixie Rd.
Brampton, Ontario
L6T 0C1

June 1, 2012

The City of Barrie
70 Collier Street
Barrie, ON L4M 4T5

Attn: Mr. Ross Cotton, Policy Planner

Re: Telecommunication Facilities Protocol - Staff Report PLN016-12

Dear Mr. Cotton,

Further to our meeting of May 29, 2012, Rogers is pleased to provide its comments on the recommendations set out in the Staff Report PLN016-12 (May 28, 2012, File A09-TRA D14-1502).

For the most part, Rogers supports the staff's recommendations and looks forward to a Protocol that will permit the deployment of the infrastructure necessary to provide businesses and the residents of Barrie with the high-speed wireless services while at the same time minimizing the impact on land use.

Wireless telecommunications are an important part of everyday life, whether they are used to support security and safety services or to keep track of the score in the latest playoff game. Wireless telecommunications have become an essential contributor to the economic success of municipalities such as Barrie. Strong wireless networks are building blocks for all sectors of the economy and have created a competitive advantage for Canadian communities.

We are in the process of building and expanding our network in order to satisfy the enormous demand for new high-speed wireless services. At the same time, we recognize that municipal governments must balance the need for technological innovation and economic growth with the public interest and the need to minimize undue land use impacts. Rogers is committed to working with municipalities Barrie to achieve this balance.

We have had the opportunity to review Barrie's proposed *Telecommunication Facilities Protocol*, as well as the Staff Report, and would like to put forth the following comments for review by City staff.

1. Process Requirements

Section 2.4 of the Protocol provides that Barrie staff will review the requirement to issue building permits for a proposed site. We note this provision creates a conflict in jurisdiction because proponents of wireless facilities, as federally-regulated entities, are required to comply with the *National Building Code of Canada* and the applicable CSA standard. We recommend that this provision be removed from the Protocol.

2. Set-Backs

The Protocol requires a 120 metre set-back from all Residential areas. While we understand what the City is hoping to achieve, we believe that such restrictions on the siting of antenna sites are unnecessarily far-reaching and impractical. Given the pattern of wireless usage experienced in Canada, it is inevitable that Barrie's residential areas will include pockets with poor to no coverage. Since wireless technology must be located proximate to its users, new facilities will be required in the residential areas to properly serve those living and working there.

Under these circumstances, a policy that prohibits wireless facilities within 120 metres of residential areas will likely result in a complete lack of service to those areas. We would expect that this prohibition will be repeatedly challenged by the wireless carriers who will ask Industry Canada to overrule it.

Therefore, we recommend that the Protocol require that suitable design criteria be adopted in order to prevent or mitigate against any negative visual impact in areas with visual sensitivity.

The same set-back has been applied to areas designated as Central Area Commercial, Transition Centre Zones, and the shorelines of Lake Simcoe and Little Lake. We note that the shorelines of Lake Simcoe and Little Lake are areas with a high density of wireless users and, in order to provide services to those located in these areas, including emergency services, we will have to locate our facilities there.

In our view, a more appropriate approach would be to devise a policy stating that Barrie prefers new towers be located in these "sensitive" areas only as a last resort, and that suitable design criteria be adopted to mitigate against any negative visual impact of the towers.

3. Application Requirements

The Protocol requires in Section 4.3 (c) that for any co-located facilities on the roof of a building or structure, a visual plane analysis is to be submitted, demonstrating that any support structure is not visible from both sides of any public road right-of-way abutting the subject lands. In our view, this requirement is inappropriate as this is a design requirement and should be reflected in the design section. Furthermore, most of co-located facilities on roofs of buildings or structures are excluded from the need to consult. We would suggest that this provision be removed from this section of the Protocol.

4. Public Consultation Concurrence

Section 6.1 of the Protocol requires that the notification radius is the greater of 120 metres or three times the tower height. In our experience, such an approach results in higher tower heights since proponents are required to give the same notice whether the tower is 30 metres or 40 metres. Therefore, there is no incentive for carriers to install shorter towers. In addition, Industry Canada has advised that a municipality's protocol may not be any more burdensome to proponents than its own default process. In our view, mandating a 120 metre notification radius for towers less than 40 metres in height clearly breaches Industry Canada's guidelines and would be subject to challenge by carriers at every opportunity.

5. Notice Sign

Section 6.4 of the Protocol requires a notice sign for all facilities that require consultation, even those below 15 metres in height. Given the minor land use impact associated with wireless facilities less than 15 metres in height, a notice sign is unjustified in these circumstances and constitutes an undue burden on proponents contrary to Industry Canada's guidelines.

6. Abbreviated Consultation Process

We have concerns regarding provisions that limit Industry Canada's exemptions for ground-mounted towers less than 15 metres in height (as referenced in Section 6.7 of the Staff Report). Industry Canada's guidelines have established certain sites that are otherwise exempt from the requirement for public or municipal consultation. However, a protocol may include additional exemptions that encourage proponents to locate sites in less sensitive areas (e.g., industrial, commercial) in order to reduce the entire application process. This strategy can, where technically feasible, create a voluntary buffer between the site and residential uses.

We note that, while the Protocol provides some relief from the requirement for a public open house, it requires notice and notice signs with respect to each and every application. Requiring notice to the public for all sites undermines the incentive that would otherwise exist to influence proposals.

One approach would be to require carriers to first consider the use of municipal lands as opposed to more sensitive areas. These sites would then be exempt from any further municipal or public consultation since the lease agreement would contain the municipality's requirements.

Conclusion

Rogers is committed to work with the City of Barrie to develop policies that create a balance between the need for high-speed wireless networks and the City's interest in reducing land use impacts. Rogers intends to continue an open dialogue and work with the City in a cooperative and collaborative effort.

We hope that Staff will consider carefully and take into account our recommendations when completing the Protocol. We look forward to continuing the discussion with the City of Barrie leading to the implementation of a successful Protocol.

Sincerely,

Tatyana Moro, Municipal Relations Specialist
Michelle Vivar, Municipal Relations Specialist
Rogers Communications Inc.
Network Implementation

For further information in relation to Industry Canada's CPC Default Consultation Process please refer to the following websites: http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf06136.html

"Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols" which sets the permitted scope of a protocol. <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08839.html>

APPENDIX "C"

**FONTUR INTERNATIONAL INC. LETTER
DATED JUNE 15, 2012
ON BEHALF OF BELL MOBILITY**



FONTUR
International Inc.

15 June 2012

Mr. Merwan Kalyaniwalla
Manager of Policy Planning
Planning Services Department
City of Barrie
70 Collier Street
Barrie, ON L4M 4T5

RE: Comments on Barrie's Proposed Telecommunication Facilities Protocol

Dear Mr. Kalyaniwalla:

Thank you for meeting with us to discuss the proposed changes to the City of Barrie's Telecommunication Facilities Protocol. We are writing to you to reiterate some of the comments we made during our meeting about the protocol.

While we recognize the City's desire to keep telecommunication facilities outside of residential areas as much as possible, we feel that the revised protocol does not sufficiently recognize these areas as places where demand is highest. As we discussed in our meeting, the general trend is towards the abandonment of landline telephones and towards the greater use of wireless smartphones. Approximately 80% of Canada's population now has a cell phone; nearly half of those use a smartphone. The use of these smartphones places a heavy demand on the network, as customers use them to not only place calls, but to browse the internet and watch videos. As such, we feel that the requirement for a 120m buffer from all residential areas is too restrictive and, given Barrie's built form, would make it very difficult to provide the kind of coverage that citizens of Barrie demand. In many cases, our only option to provide neighbourhood-level coverage is to locate equipment in small commercial lots in the midst of largely residential areas.

In addition, the suggestion that towers under 15m in height follow an "abbreviated" public consultation process, we find also to be restrictive. These short towers, about the height of regular telephone poles, are innocuous structures and are normally exempt from municipal review under Industry Canada's CPC 2-0-03. We often propose these structures in sensitive areas (i.e. residential) and design them so that any possible negative effects are mitigated sufficiently. Placing these structures under the same process as a 70-metre telecommunication tower we feel is too restrictive.

We also find issue with a minimum 120-metre circulation radius for every type of facility. This is the same radius that would be used for a 40-metre facility under Industry Canada's CPC 2-0-03. This kind of circulation is beyond what is required of many *Planning Act* applications, such as a minor variance or zoning by-law amendment.

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416-111-1111

www.fonturinternational.com

Bell



FONTUR
International Inc.

For the most part, the revisions to the Barrie protocol are well-researched and thoughtful. However, we feel that some further changes should be made to recognize the extensive growth in the demand for wireless services and the resultant need for infrastructure at this point in time. The protocol should also recognize the general trend toward shorter, well-designed infrastructure that will eventually become a part of the urban landscape, as landline telephone poles have.

We thank you for the opportunity to comment on your revised protocol, and we wish to commend you for your efforts to reach out to industry members. Should you have any questions, please do not hesitate to contact me at 647-888-9155 or james.kennedy@fonturinternational.com

Sincerely,

A handwritten signature in black ink that reads 'James Kennedy'.

James Kennedy, MCIP, RPP
Municipal Affairs Manager

cc. Bell Mobility

APPENDIX "D"

**PROTOCOL FOR CONSIDERATION OF
TELECOMMUNICATION FACILITIES APPLICATIONS**

Protocol for Consideration of Telecommunication Facilities Applications

1.0 Purpose and Background

The purpose of the Telecommunication Facilities Protocol is to detail the review process for an application for Municipal Letters of Concurrence as well as defining the City's expectations relating to the location and design of telecommunication facilities. All new telecommunication facilities are expected to follow this process in the City of Barrie to obtain a Municipal Letter of Concurrence.

This protocol applies to any proponent planning to install a new, or modify an existing, telecommunications facility that requires approval under the jurisdiction of Industry Canada as approval authority.

Industry Canada guidelines and processes are set out in Client Procedures Circular *Radiocommunication and Broadcasting Antenna Systems, CPC-2-0-03*.

Included in the Client Procedures Circular are requirements for a proponent to (1) consult with the "land-use authority" (the City of Barrie) regarding the City's location policies for antenna systems and (2) undertake a public consultation exercise with residents and landowners in the vicinity of the proposed tower.

2.0 Process Requirements

- 2.1 The designated contact of the City of Barrie for proponents of telecommunication facilities within the City is the Director of Planning Services ("the Director") or his/her designate.
- 2.2 The Director shall review with the proponent the following matters:
 - Site options including co-location on existing towers or placement on existing buildings or structures;
 - The provisions in this protocol and other City policy and regulatory documents related to antenna system location;
 - Application submission requirements; and
 - Relevant concerns of the land-use authority and community regarding the land use impacts of the proposed antenna systems.
- 2.3 The Director will consult with the Director of Information and Communications Technology or his/her designate to review the City's current transmission assets and needs.
- 2.4 The Director shall consult with the Director of Building Services or his/her designate to determine if **there are any requirements associated** with the proposed antenna systems and advise the proponent accordingly.
- 2.5 The Director shall advise the Ward Councillor of the application and provide available information as requested by him/her.
- 2.6 The Director shall discuss reasonable location alternatives and/or mitigation measures with proponents where he/she has specific concerns regarding a proposed antenna system.
- 2.7 The Director after consideration of Clauses 2.2 to 2.6 shall determine whether the protocol shall be applied to the proposed antenna system.

- 2.8 The proponent shall satisfy the application requirements in Section 4.0 of this protocol and undertake public consultation in accordance with the public consultation process outlined in Section 6.0 of this protocol.

3.0 City Location Policies

- 3.1 Telecommunication facilities are encouraged to locate in Industrial, Agricultural, or Special Rural land use designations as an alternative to other more community-sensitive Official Plan land use designations such as City Centre, Residential, Open Space or Environmental Protection Areas.
- 3.2 Notwithstanding 3.1, antenna systems may be located in any land use designation as set out in the Official Plan, except lands designated Environmental Protection Area and Open Space, unless deemed necessary and appropriate. Location within Environmental Protection Area and Open Space designations may be considered only if co-location or other site options have been determined not to be feasible. Where telecommunication facilities are proposed for Environmental Protection Area or Open Space designations, the proponent shall prepare an Environmental Impact Statement satisfactory to the City to identify and mitigate any impacts on natural heritage features and functions.
- 3.3 Free standing transmission towers should not be located in or within 120 metres of the shorelines of Lake Simcoe and Little Lake, or in the Central Area (C1) Commercial, or Transition Centre (C2) Zones or **if possible** in Residential Zones, but may be considered for co-location on existing towers or on existing structures in such zones.
- 3.4 **Notwithstanding Section 3.3, free standing transmission towers may be located in or within 120 metres of residential areas provided the facility is not located within 60 metres of any residential uses and is designed to respect and not detract from the residential character of the area and in accordance to Section 3.5.**
- 3.5 Installation of antenna systems shall respect and not detract from the preservation of historic sites, districts, and neighbourhoods, or tourism attractions. "Stealth" towers, which are camouflaged towers within church steeples, clock towers, or flagpoles or designed to resemble natural vegetation, should be used where feasible. **The screening of the base support structure shall be undertaken and/or the selection of locations to minimize the view of the facility.**

4.0 Application Requirements

- 4.1 A pre-consultation meeting shall be conducted prior to the submission of an application. Prior to the pre-consultation meeting, the following information must be submitted:
- Location of the proposed facility;
 - Proposed setbacks from existing buildings and from property lines;
 - Description of proposed facility, accessory structures;
 - Site changes, fencing, landscaping, access, and parking;
 - Summary how applicable facility meets exclusion criteria of Industry Canada; and
 - Five copies and one electronic copy of preliminary set of drawings describing site development and location of facilities, elevation drawing and surrounding land uses.
- 4.2 The pre-consultation shall not mark the commencement of the 120 day consultation process in accordance to Section 7.4 of this protocol.
- 4.3 Any proposal for a non excluded telecommunication facility outlined in Section 8.0 of this protocol will require the submission of a complete application form, fees, and required documentation as specified below:
- a) A justification report outlining the following:
 - Purpose of proposed facility;

- Rationale for the selection of the proposed site and description of other alternatives considered including co-located alternatives;
 - Location and address of facility and location on site or existing structure;
 - Statement indicating justification for the height of the proposed structure;
 - Statement on size and location of any support structure and potential of support structure for co-location use;
 - Statement related to site alteration requirements for proposed structure and support structure including any site alterations for access driveways or servicing lines;
 - Environmental Impact Statement (EIS) if the facility or related site alterations are proposed on lands designated or zoned Environmental Protection or Open Space. This is to be prepared by a qualified professional;
 - Statement if the lands are located within the "Annexed Lands" how the facility will complement and become part of the future community without unduly limiting the potential for future urban development; and
 - Statement indicating justification if applicable for not satisfying the City Location Policies in Section 3.0 of this protocol.
- b) Colour photographs of subject site including:
- One set showing existing site conditions and surrounding land uses;
 - One set from the road in front of site including superimposed images of the proposed facility.
- c) Site Drawing, Elevations and Boundary survey drawn in appropriate metric scale showing:
- Subject property and leased area;
 - General site grading and drainage;
 - Setbacks from lot lines and any existing building and structures on site;
 - Setback from any natural heritage feature on site or on adjoining lands;
 - Existing and proposed vegetation including any landscaping and fencing;
 - Access to the site including any driveways and vehicular parking; and
 -
 - The proposed structure type and height of the facility.
- d) Network coverage mapping showing the applicant's current coverage and anticipated coverage with the installation of the proposed facility.
- e) Confirmation that Transport Canada, NAV Canada, adjoining municipalities within 500 metres, and all other public authorities having an interest in the lands.
- f) Description of Transport Canada's and NAV Canada's aeronautical obstruction marking requirements as applicable.

4.3 The City shall consider the date a complete application was received as the official commencement of the 120 day consultation process. A determination on the completeness of an application or request for additional information will be provided within five days of receipt of the application by the City.

5.0 Siting on City Owned Properties

Any request to install a facility on lands owned by the City shall be made to the City, in accordance with City policy. A formal application for approval shall be required in accordance with Section 4.0 of this protocol.

6.0 Public Consultation Concurrence

It is required the proponent organize and facilitate the public consultation process. The public consultation process shall be required only for facilities that are not exempt from this protocol as outlined in Section 8.0.

If the facility is less than 15 metres in height and proposed to be in a location identified in Sections 3.2, 3.3 and 3.4, an abbreviated public consultation process will be utilized as outlined in Section 6.7.

- 6.1 The City will provide to the applicant a list of the street addresses of the properties located within a radius of the greater of **60 metres** or three times the height of the proposed facility whichever is greater. This distance shall be measured outward from the furthest point of the facility's supporting mechanism (ex. outermost guy line, building edge, or tower face).
- 6.2 The proponent is required to prepare and circulate the notification package a minimum of 30 calendar days prior to the public open house to the following:
 - Director of Planning Services;
 - Clerk of the City of Barrie;
 - Clerk of the adjoining municipality if site is located within 500 metres of boundary;
 - Mayor of the City and Ward Councillor; and
 - Those persons within **60 metres** located as per Section 6.1.
- 6.3 The notification package shall include the following:
 - Public Open House Notice in the form and content approved by the City;
 - Description and rationale for facility including structure type, design, dimensions, colour, lighting, site access and supporting structure; and
 - Superimposed images of facility.
- 6.4 Posting of sign on property is required as follows:
 - The applicant shall erect one notice sign on the subject lands along any lot line abutting a public street;
 - When a public open house is required, the sign shall be erected a minimum of 30 calendar days prior to the public open house;
 - The sign shall be in the form and with the content approved by the City; and
 - Any sign must be removed no later than 20 days after the issuance of the Municipal Letter of Concurrence or advisement of non-concurrence.
- 6.5 **Public Open House**
 - The public open house will be convened and facilitated by the applicant. The applicant shall at the start of the open house advise attendees that the City is a commenting agency only;
 - A representative of the City of Barrie may attend to assist in answering questions;
 - The applicant shall provide at a minimum of two sets of display panels indicating on one panel the current site conditions and proposed design, and on the second panel, colour photographs of the subject lot including superimposed images of the proposed facility; and
 - The applicant shall record all names, addresses and other contact information regarding any attendees. The applicant shall provide comment sheets for attendees to complete and shall make notes of any verbal comments received.
- 6.6 **Newspaper Notice**
 - Where a facility is proposed that is 30 metres or greater in height, the proponent shall also place a notice in the local newspaper;
 - The publication shall be co-ordinated with the mailing of the notice and the erection of the sign;
 - The publication shall be prepared in the form and with the content approved by the City.

6.7 Abbreviated Consultation Process

If the determination is made that the facility is subject to the abbreviated consultation process, no public open house is required and the following is required to be undertaken:

- To prepare and circulate the notification package to all those persons listed in Section 6.2;
- The notification package shall include the description and rationale for facility including structure type, design, dimensions, colour, lighting, site access and supporting structure; and superimposed images of facility;
- Posting of sign on property is required as per Section 6.4.

7.0 Consultation Completion

7.1 The timeline and process for the disposition of written or telephone correspondence shall be the Default Industry Canada process outlined in Section 4.2 of CPC-2-0-03.

7.2 The applicant will provide a package summarizing the results of public consultation to the City containing, at a minimum, the following:

- Summary of the public open house (when required) including attendee list and contact information;
- Copies of all letters and other written communication received on or before the last date for comments associated with the application;
- Copies of response provided by the applicant or agents outlining how the concerns and issues raised were or will be addressed or, alternatively clearly setting out the reasons why such concerns are not reasonably relevant;
- Copies of any follow-up responses received from residents.

7.3 Where the preceding steps have appropriately addressed alternatives and issues, and the public consultation process has been completed, the Director shall either issue the Municipal Letter of Concurrence to the proponent and Industry Canada, or advise Industry Canada that the City is not in concurrence with the application based upon this protocol. The Director will provide a copy of this decision to the consulted departments.

7.4 The land-use authority consultation process shall normally be completed within 120 days from the acceptance by the Director of a complete application from the proponent. Where unavoidable delays are encountered, the Director shall indicate to the proponent when he/she can expect a response to the application.

8.0 Excluded Telecommunication Facilities

8.1 The following are excluded from this protocol:

- Maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
- 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, a building, water tower, etc. providing the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height except in circumstances where a previous consultation did not occur;
- Maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;
- Installation, for a limited duration (typically not more than 3 months), of an antenna system that is used for a special event, or one that is used to support local, provincial or national emergency operations during the emergency, and is removed within 3 months after the emergency or special event; and
- New antenna systems, including masts, towers or other antenna-supporting structure, with a height of less than 15 metres above ground level including

located on a building unless the facility is proposed in Sections 3.2, 3.3, **3.4** and **3.5** of the City Location Policies.

- New antenna systems, including masts, towers or other antenna-supporting structure, with a height of 15 metres or greater above ground level including located on a building if the facility is proposed in the Industrial, Agricultural, or Special Rural land use designations as identified in Section 3.1 of the City Location Policies and is setback 120 metres from any Residential, City Centre and Environmental Protection Area and Open Space designation **except as provided in Sections 3.4 and 3.5 of the City Location Polices.**