



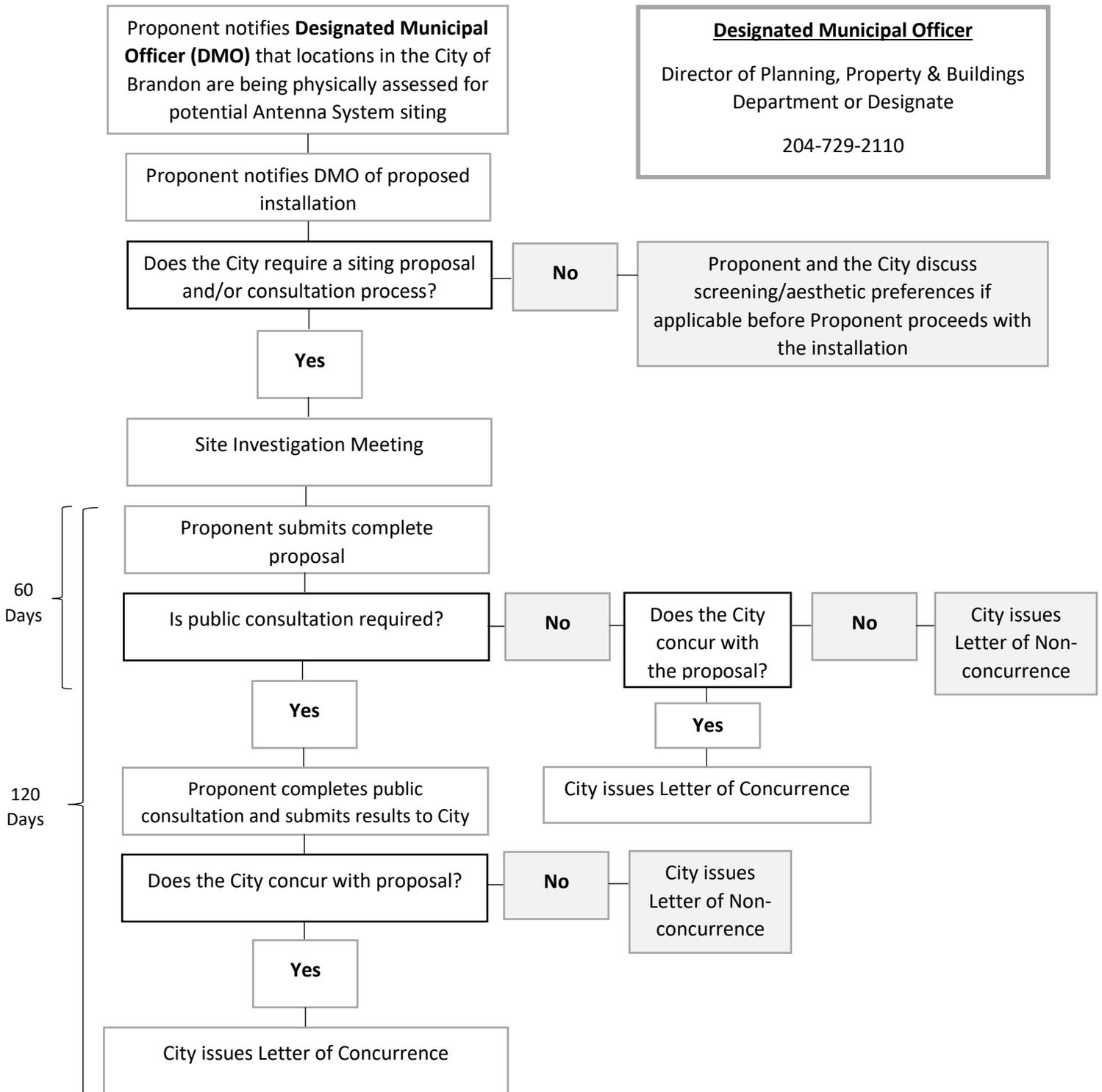
## **ANTENNA SYSTEMS PROTOCOL**

**ENACTED AND ADOPTED THIS  
5<sup>TH</sup> DAY OF SEPTEMBER, 2017**

# Table of Contents

- 1 OBJECTIVES ..... 1
- 2 JURISDICTION AND ROLES..... 1
- 3 DEFINITIONS..... 3
- 4 EXCLUSIONS ..... 4
  - 4.1 NOTIFICATION AND CITY REVIEW OF EXCLUDED ANTENNA SYSTEMS..... 5
    - 4.1.1 Building/Structure-Mounted Antenna Systems: ..... 5
  - 4.2 ADDITIONAL EXCLUSIONS ..... 6
  - 4.3 SITING ON CITY-OWNED PROPERTIES..... 6
- 5 PRE-CONSULTATION WITH THE CITY ..... 6
  - 5.1 NOTIFICATION ..... 7
  - 5.2 SITE INVESTIGATION MEETING WITH CITY ..... 7
  - 5.3 CONFIRMATION OF CITY PREFERENCES AND REQUIREMENTS ..... 8
- 6 GENERAL DESIGN GUIDELINES..... 8
  - 6.9 SITING OF FACILITY RELATIVE TO EXISTING USE ..... 9
- 7 PROPOSAL SUBMISSION ..... 10
  - 7.1 PROPOSAL SUBMISSION REQUIREMENTS ..... 10
- 8 PUBLIC CONSULTATION PROTOCOL ..... 11
  - 8.1 NOTIFICATION PACKAGE..... 11
  - 8.2 RESPONDING TO THE PUBLIC..... 13
  - 8.3 PUBLIC OUTREACH CRITERIA ..... 13
  - 8.4 PUBLIC INFORMATION OPEN HOUSE ..... 14
  - 8.5 POST CONSULTATION REPORT AND REVIEW..... 14
- 9 CITY OF BRANDON RECOMMENDATIONS REPORT..... 14
  - 9.1 STATEMENT OF LAND USE ..... 14
  - 9.2 CONCURRENCE AND CONCURRENCE WITH CONDITIONS ..... 14
  - 9.3 NON-CONCURRENCE..... 14
  - 9.4 RESCINDING OF CONCURRENCE ..... 15
  - 9.5 DURATION OF CONCURRENCE..... 15
  - 9.6 TRANSFER OF CONCURRENCE..... 15

**Figure 1: City of Brandon Antenna System Siting Process Flowchart**



## City of Brandon Antenna Systems Protocol

### 1 OBJECTIVES

The objectives of this protocol are as follows:

- 1) To establish a siting and consultation process that is harmonized with Innovation, Science and Economic Development Canada's *Radiocommunications and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)* and *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* for reviewing land use issues associated with Antenna System siting proposals
- 2) To set out an objective process, criteria and guidelines that are transparent, consistent and predictable for the evaluation of Antenna System siting proposals that:
  - a. Minimize the number of new antenna sites by encouraging Co-location;
  - b. Encourage designs that integrate with the surrounding land use and public realm;
  - c. Establish when local public consultation is required; and
  - d. Allow Innovation, Science, and Economic Development Canada and the communications industry to identify and resolve any potential land use, siting or design concerns with the City of Brandon (the "City") at an early stage in the process.
- 3) To provide an expeditious review process for Antenna System siting proposals
- 4) To establish local land use consultation framework that ensures the City and members of the public contribute local knowledge that facilitates and influences siting – location, development and design (including aesthetics) – of Antenna Systems within City boundaries
- 5) To contribute to the orderly development and efficient operation of reliable, strong radiocommunication network in the City
- 6) To provide the City with the information needed to satisfy the requirements of Innovation, Science, and Economic Development regarding local land use consultation, resulting in an informed statement of concurrence, concurrence with conditions, or non-concurrence from the City to Innovation, Science, and Economic Development at the end of the process

### 2 JURISDICTION AND ROLES

**INNOVATION, SCIENCE AND ECONOMIC DEVELOPMENT CANADA:** Under the *Radiocommunication Act*, the Minister of Innovation, Science and Economic Development Canada (formerly known as Industry Canada) has sole jurisdiction over inter-provincial and international communication facilities. The final decision to approve and licence the location of Antenna Systems is made only by Innovation, Science and Economic Development Canada. In June 2014, Innovation, Science and Economic Development Canada issued an update to its *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular*

(CPC-2-0-03) which outlines the process that must be followed by Proponents seeking to install or modify Antenna Systems, effective July 15, 2014<sup>1</sup>.

Innovation, Science and Economic Development Canada also requires that Proponents intending to install or modify an Antenna System notify and consult with the City (Land Use Authority) and the local community within a Prescribed Distance from the proposed structure. Innovation, Science and Economic Development Canada also published a *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* in January 2008, stating that it “considers that the Municipality’s and local residents’ questions, comments and concerns are important elements to be considered by a Proponent seeking to install, or make modifications to, an Antenna System”. CPC-2-0-03 also establishes a dispute resolution process to be used where the Proponent and the City have reached an impasse.

**ROLE OF THE CITY:** The ultimate role of the City is to issue a statement of concurrence or non-concurrence to the Proponent and to Innovation, Science and Economic Development Canada. The statement considers the land use compatibility of the Antenna System, the responses of the affected residents and the Proponent’s adherence to this Protocol. The City also guides and facilitates the siting process by:

- **Communicating** to Proponents the particular amenities, sensitivities, planning priorities and other relevant characteristics of the area;
- **Developing the design guidelines** for Antenna Systems contained in Section 4.3 of this Protocol; and
- **Establishing** a community consultation process, where warranted.

By working with Proponents throughout the siting process, beginning with preliminary notification and the site investigation meeting, the City seeks to facilitate Antenna System installations that are sensitive to the needs of the local community.

**ROLE OF THE PROPONENT:** Proponents need to strategically locate Antenna Systems to satisfy technical criteria and operational requirements in response to public demand. Throughout the siting process, Proponents must adhere to the antenna siting guidelines in CPC-2-0-03, including:

- Investigating sharing or using existing infrastructure before proposing new antenna-supporting structures (consistent with CPC-2-0-17 *Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*);
- Contacting the City to determine local requirements regarding Antenna Systems; and
- Undertaking public notification and addressing relevant concerns as is required and appropriate.

**OTHER FEDERAL LEGISLATION:** Proponents additionally must comply with the following federal legislation and/or regulations, where warranted:

- Health Canada’s Safety Code 6 – Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 KHZ to 300 GHZ – Safety Code 6 (2009)<sup>2</sup>;

---

<sup>1</sup> For additional information regarding Innovation, Science and Economic Development Canada’s mandate and the application of its authority in the wireless telecommunications process, please consult <http://ic.gc.ca/spectrum>.

<sup>2</sup> The City does not assess any submission for an Antenna System with respect to health and radiofrequency exposure issues or any other non-placement or non-design related issues. Any questions or comments the public may wish to make regarding health issues related to cell phones, cell towers and radiofrequency exposure

- *The Canadian Environmental Assessment Act*; and
- NAV Canada and Transport Canada’s painting and lighting requirements for aeronautical safety.

### 3 DEFINITIONS

**ANTENNA SYSTEM:** An exterior transmitting device – or group of devices – used to receive and/or to transmit radio-frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from or to be received by other antennas. Antenna Systems include the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter. This protocol most commonly refers to the following two types of Antenna Systems:

- 1) **Freestanding Antenna System:** a structure (e.g. tower or mast) built from the ground for the expressed purpose of hosting an Antenna System or Antenna Systems; and
- 2) **Building/Structure-Mounted Antenna System:** an Antenna System mounted on an existing non-tower structure, which could include a building wall or rooftop, a light standard, water tower, utility pole or other.

**CITY:** The municipal corporation of the City of Brandon or the area contained within the boundaries thereof, as the context requires.

**CO-LOCATION:** The placement of antennas and equipment operated by one or more Proponents on a telecommunication Antenna System operated by a different Proponent, thereby creating a shared facility.

**COMMUNITY SENSITIVE LOCATIONS:** Land on which the siting of Antenna Systems is discouraged, or requested to be subject to greater consultation than otherwise dictated by the standard protocol. Such locations will be informed by any Council adopted plan, policy, strategy or framework.

**DESIGNATED COMMUNITY ASSOCIATION:** area or neighbourhood specific group that is recognized by the City.

**DESIGNATED MUNICIPAL OFFICER:** The City staff member(s) tasked with receiving, evaluating and processing submissions for telecommunication Antenna Systems. For the purposes of this protocol, this Designated Municipal Officer shall be the Director of the City of Brandon Planning, Property & Buildings Department or their designate.

**ELECTED MUNICIPAL OFFICIAL:** The political leader of the demarcated area of the City (e.g. ward) in which the Antenna System is proposed.

**HERITAGE STRUCTURES/AREAS:** Building and structures (e.g. monuments) or areas/neighbourhoods receiving a heritage designation by the City of Brandon and the Province of Manitoba pursuant to *The Heritage Resources Act*, or by the Government of Canada pursuant to applicable legislation or regulation, including but not limited to *The Historic Sites and Monuments Act (Canada)*, *The Heritage Railway Stations Protection Act (Canada)* and the Treasury Board Policy on Management of Real Property (Canada).

**CITY DEPARTMENTS:** Branches of City government that administer public services and are operated by City staff.

---

guidelines (Safety Code 6) should be directed to Health Canada on-line at [healthcanada.gc.ca](http://healthcanada.gc.ca) and to the Proponent’s representative.

**OTHER AGENCIES:** Bodies (e.g. boards or commissions) that administer public services but are not operated or staffed by the City.

**PRESCRIBED DISTANCE:** Two hundred (200) metre radius of the affected property. The radius shall be measured from the property line.

**PROPONENT:** A company or organization proposing to site an Antenna System (including contractors undertaking work for telecommunications carriers and third-party tower owners) for the purpose of providing commercial or private telecommunications services, exclusive of personal or household users.<sup>3</sup>

**RESIDENTIAL AREA:** Lands used or zoned to permit residential uses, including mixed uses (i.e. where commercial use is permitted at-grade with residential apartments/condominiums above) pursuant to the City of Brandon Zoning Bylaw as amended.

## 4 EXCLUSIONS

In accordance with CPC-2-0-03, the following proposals are excluded from land-use authority and public consultation requirements however must still comply with subsections 4.1.1 and 4.1.2 herein:

- 1) **New Antenna Systems:** Where the height is less than 15 metres above ground level. This exclusion does not apply to Antenna Systems proposed by telecommunications carriers, broadcasting undertakings or third party tower owners;
- 2) **Existing Antenna Systems:** Where modifications are made, antennas added or the tower replaced<sup>4</sup>, including facilitating sharing, if the total cumulative height increase is no greater than 25% of the height of the initial Antenna System installation<sup>5</sup>. No increase in height may occur within one year of completion of the initial construction. This exclusion does not apply to Antenna Systems using purpose built antenna supporting structures with a height of less than 15 metres above ground level operated by telecommunications carriers, broadcasting undertakings or third party tower owners;
- 3) **Building/Structure-Mounted Antenna System:** Antennas on buildings, water towers, lamp posts, etc. may be excluded from consultation provided that the height above ground of the non-tower structure, exclusive of appurtenances, is not increased by more than 25%<sup>6</sup>. Antennas which are connected to a building will require a building permit under the Building Code Act.
- 4) **Temporary Antenna Systems:** Used for special events or emergency operations and must be removed within three (3) months of the start of the emergency or special event; and

---

<sup>3</sup> While the best practice established in this Protocol reflect an agreement between FCM and the telecommunications industry as represented by the CWTA, the CPC applies to “anyone who is planning to install or modify an Antenna System regardless of type. This includes telecommunications carriers, businesses, governments, Crown agencies, operators of broadcasting undertakings and the public (including for amateur radio operation and over-the-air TV reception).” For applications from other Proponents (i.e. not telecommunications carriers or third parties operating on behalf of telecommunications carriers), the City may wish to apply this Protocol or a separate review process, or defer to the CPC.

<sup>4</sup> The exclusion for the replacement of existing Antenna Systems applies to replacements that are similar to the original design and location.

<sup>5</sup> Initial Antenna System installation refers to the system as it was first consulted on, or installed.

<sup>6</sup> Telecommunication carriers, operators of broadcasting undertakings and third party tower owner may benefit from local knowledge by contacting the land-use authority when planning an Antenna System that meets this exclusion criteria.

- 5) **Maintenance:** No consultation is required prior to performing maintenance on an existing Antenna System.

CPC-2-0-03 also states that individual circumstances vary with each Antenna System installation and modification, and the exclusion criteria above should be applied in consideration of local circumstances. It may be prudent for the Proponents to consult the City and the public even though the proposal meets an exclusion noted above. Therefore, when applying the criteria for exclusion, Proponents should consider such things as:

- The Antenna System's physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;
- The location of the proposed Antenna System on the property and its proximity to neighbouring residents;
- The likelihood of an area being a Community Sensitive Location; and
- Transport Canada marking and lighting requirements for the proposed structure.

#### 4.1 NOTIFICATION AND CITY REVIEW OF EXCLUDED ANTENNA SYSTEMS

Notwithstanding Innovation, Science and Economic Development Canada's exclusion criteria for certain Antenna Systems, the City should be informed of all new Antenna Systems installations within its boundaries so it can:

- Be prepared to respond to public inquiries once construction/installation has begun;
- Be aware of site Co-location within the City;
- Maintain records to refer to in the event of future modifications and additions; and
- Engage in meaningful dialogue with the Proponent with respect to the appearance of the Antenna System and structure prior to the Proponent confirming a final design.

Proponents are required to undertake the following steps for **all excluded Antenna System installations before commencing construction.**

##### 4.1.1 Building/Structure-Mounted Antenna Systems:

The Proponent will in all cases provide the following information for all new Antenna Systems or modifications<sup>7</sup> to existing Antenna Systems that are mounted to an existing structure, including but not limited to a building/rooftop, water tower, utility pole or light standard, and which are excluded from public consultation in accordance with Section 4.2:

- 1) The location of the Antenna System (e.g. address, name of building, rooftop or wall mounted);
- 2) Description of proposed screening or stealth design measures with respect to the measures used by existing systems on that site and/or the preferences expressed in Section 6;
- 3) The height of the Antenna System; and
- 4) The height of any modifications to existing systems.

The City may notify the Proponent of any inconsistency with the preferences expressed under Section 6 and the parties will work towards a mutually agreeable solution.

---

<sup>7</sup> Notification is required for modifications that materially or noticeably changed the appearance of the system. Maintenance works that do not result in such changes are excluded from the notification requirement.

#### 4.1.2 Additions that increase the Height of Freestanding Antenna Systems:

The Proponent will confirm to the City that an addition that extends the height of an existing Freestanding Antenna System as defined under Section 3 meets the exclusion criteria in accordance with Section 4 by providing the following:

- 1) The location, including its address and location on the site or structure
- 2) A short summary of the proposed addition including a preliminary set of drawings or visual rendering of the proposed system
- 3) A description of how the proposal meets one of the Section 3 exclusion criteria

#### 4.2 ADDITIONAL EXCLUSIONS

The City may exclude from all or part of the consultation process any Antenna System installation in addition to Innovation, Science and Economic Development Canada's basic exclusions listed in Section 4.

- 1) New Antenna Systems which will be located outside the Prescribed Distance from the nearest Residential Area are exempt from the public consultation requirement.
- 2) Notwithstanding subsection 1) above, the City may additionally, on a case-by-case basis, exempt a Proponent from all or part of the consultation requirements under Section 8 of this Protocol<sup>8</sup>. For example, exemptions may be granted where the proposed location is separated from a Residential or Heritage area or structure by an arterial roadway, and/or is buffered by substantial tree cover, topography, or buildings.

#### 4.3 SITING ON CITY-OWNED PROPERTIES

Any request to install an Antenna System on lands owned by the City shall be made to the Designated Municipal Officer<sup>9</sup>.

### 5 PRE-CONSULTATION WITH THE CITY

Pre-consultation is one of the most important elements of the antenna siting process as it generally occurs at a point before the Proponent is committed to a site or design. As a result, it represents the best opportunity to influence the siting decision since the Proponent will more likely become committed to a site once the detailed engineering has been completed. While a discussion of submission requirements is appropriate, the proposal will benefit most from early direction on matters of siting and design. Proponents are strongly encouraged to initiate pre-consultation as early as possible in the antenna siting process for exempt and non-exempt structures.

Prior to submitting an Antenna System proposal that does not meet any exemptions listed in Section 4, the Proponent will undertake the following preliminary consultations with the City.

---

<sup>8</sup> For example, the City may decide to exclude certain proposals from the requirement to hold a public meeting, but not from issuing a public notification to affected property owners/tenants within the Prescribed Distance.

<sup>9</sup> Existing City procedures related to the leasing/selling of City-owned land to third parties may necessitate a consultation process irrespective of whether an exemption is provided under this Protocol.

## 5.1 NOTIFICATION

Proponents will notify the Designated Municipal Officer that locations in the community are being physically assessed for potential Antenna System siting.

## 5.2 SITE INVESTIGATION MEETING WITH CITY

Prior to submitting an Antenna System siting proposal, the Proponent will initiate a site investigation meeting with the City.

The purpose of the site investigation meeting is to:

- Identify preliminary issues of concern;
- Identify requirements for public consultation (including the need for additional forms of notice and a public information session);
- Guide the content of the proposal submission;
- Identify the need for discussions with any City Departments and Other Agencies as deemed necessary by the Designated Municipal Officer

Where the City has an initial concern with the proposed siting of the proposal, the City will make known to the Proponent alternative locations within the Proponent's search area for consideration.

The Proponent will bring the following information to the site investigation meeting<sup>10</sup>:

- 1) The proposed location;
- 2) Potential alternative locations;
- 3) The type and height of the proposed Antenna System;
- 4) Preliminary drawings or visual renderings of the proposed Antenna System superimposed to scale; and
- 5) Documentation regarding the investigation of Co-location potentials on existing or proposed Antenna Systems within five hundred (500) metres of the subject proposal.

If desired by both the Proponent and the City, multiple Antenna System siting proposals may be reviewed at a site investigation meeting.

---

<sup>10</sup> Proponents may prefer to attend the site investigation meeting without some of the required documents – particularly preliminary drawings – if it is waiting on City feedback before settling on a final location, structure height or design. This should be confirmed with the City. Such documents will be required to be provided following the meeting and prior to the City providing the Proponent with the information package.

### 5.3 CONFIRMATION OF CITY PREFERENCES AND REQUIREMENTS

Following the site investigation meeting, City staff will provide the Proponent with an information package that includes:

- 1) This protocol, which outlines the approval process, excluded structures, requirements for public consultation and general design guidelines;
- 2) Proposal submission requirements;
- 3) A list of plans and studies that may be required (e.g. environmental impact statements);
- 4) A list of City Departments and Other Agencies to be consulted; and
- 5) An indication of the City's preferences regarding Co-location for the site(s) under discussion.

To expedite the review of the proposal, the Proponent will review this information package before the proposal is submitted so that the interests of City Departments are taken into account. The Proponent is encouraged to consult with affected City Departments as well as the local Elected Municipal Official and/or Designated Municipal Officer, and adjacent municipalities within the Prescribed Distance.<sup>11</sup>

## 6 GENERAL DESIGN GUIDELINES

The following general design guidelines shall apply for all radiocommunications facilities in the City:

- 6.1** Colours used for all components of the radiocommunications facility shall be compatible with the surrounding landscape:
- a) Blending in with the surrounding landscape shall be the first preference for the City, with exact color(s) determined on a case-by-case basis to enhance the surrounding landscape;
  - b) Neutral colors shall be the second preference; and
  - c) Non-reflective surfaces and paints shall be used.
- 6.2** Designs requiring no illumination are expected except where Transport Canada and/or NAV Canada requirements for illumination of the radiocommunications facility are identified.
- 6.3** Where a proposed radiocommunications facility requires an equipment shelter:
- a) The first preference is to locate such structures within a main or accessory building used for other uses on the same site;
  - b) A new, above-ground equipment shelter at the base of the structure or abutting the penthouse of a building is the next preference; and
  - c) Any new equipment shelter shall require architectural treatments sensitive to the surrounding landscape, and in the case of a building, consistent with the architectural style of the building.
- 6.4** Where a proposed radiocommunications facility requires screening and access restriction,
- a) Existing vegetation shall be preserved whenever possible, with new plantings provided to enhance the surrounding landscape and public realm

---

<sup>11</sup> The CPC states that "there may be more than one land-use authority with an interest in the proposal. Where no established agreement exists between such land-use authorities, Proponents must, at a minimum, contact the land-use authority(ies) and/or neighbouring land-use authorities 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."

- b) Where fencing is proposed, design details including materials proposed and elevation drawings showing details and gate locations shall be provided
- c) Fencing shall use materials sensitive to the surrounding landscape and public realm
- d) The use of barbed wire requires analysis in the justification report, including how its use will not compromise the character of the surrounding area.

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

- a) Access needs to be suitably provided to a public street or across a private road; and
- b) Any parking space provided shall not be within a road right-of-way.

**6.6** Where a proposed radiocommunications facility is located on the roof of a building or structure:

- a) Support structures and equipment shelters should be color matched or designed with architectural treatments and/or shrouding to compliment or blend in with the existing building; and
- b) Antennas should be flush-mounted wherever possible.

**6.7** New radiocommunications facilities shall avoid obscuring significant views and vistas.

**6.8** Where a proposed radiocommunications facility is located on the roof of a building or structure:

- a) Any signage required by Innovation, Science, and Economic Development Canada shall be permitted to be posted on the radiocommunications facility;
- b) The City shall require the posting of a small plaque at the base of the radiocommunications facility, identifying its owner/operator and contact information for that party; and
- c) No third-party signage, flags, or graphics are permitted on a telecommunications facility except where such signage is part of the shrouding scheme for the site and the signage is compliant with the City's existing signage requirements.

#### **6.9** SITING OF FACILITY RELATIVE TO EXISTING USE

The City acknowledges that radiocommunication facilities are not subject to the requirements of the City Zoning By-law. However, the following requirements apply to radiocommunications facilities:

**6.9.1** The placement of any parking space or any component of a radiocommunications facility shall not create or cause a situation of non-compliance with the City Zoning By-law for any other use, building, or structure on the same site.

## 7 PROPOSAL SUBMISSION

For a proposed Antenna System, except for cases in which consultation is not required in accordance with Sections 4 and 4.2, the Proponent will submit to the City an Antenna System siting proposal.

### 7.1 PROPOSAL SUBMISSION REQUIREMENTS

The Proponent must include the following information when submitting an Antenna System siting proposal:

- 1) A letter or report from the Proponent indicating the need for the proposal, the proposed site, the rationale for site selection, coverage and capacity of existing Antenna Systems in the general area and a summary of opportunities for Co-location potentials on existing or proposed Antenna Systems within five hundred (500) metres of the subject proposal;
- 2) Visual rendering(s) of the proposed Antenna System superimposed to scale;
- 3) A site plan showing the proposed development situated on the site;
- 4) A map showing the horizontal distance between the property boundary of the proposed site and the nearest property in residential use;
- 5) For Antenna Systems requiring public consultation, a map showing all properties located within a Prescribed Distance from the proposed Antenna System<sup>12</sup>;
- 6) Confirmation of legal ownership of the lands subject to the proposal, or a signed letter of authorization from the registered property owner of the land, their agent, or other person(s) having legal or equitable interest in the land;
- 7) An attestation that the Antenna System will respect Health Canada's Safety Code 6 which sets safe radiofrequency emission levels for these devices;
- 8) An attestation that the proposed radiocommunication facility will comply with the National Building Code and National Fire Code in accordance with the proponent's responsibilities under enabling federal legislation, signed by the Professional Engineer taking responsibility for the site's compliance;
- 9) Any other documentation as identified by the City following the site investigation meeting<sup>13</sup>.

A determination on the completeness of an application or request for additional information will be provided within **five (5) business days** of receipt of the proposal.

Upon receipt of a complete proposal submission, the City will circulate the proposal for review and comment to

- 1) Affected City Departments
- 2) Any adjacent municipalities within the Prescribed Distance<sup>14</sup>
- 3) The Elected Municipal Official

---

<sup>12</sup> The Proponent may request to use the City's mapping system.

<sup>13</sup> For example, in cases where the Proponent commits to a design that includes Co-location capacity, the City may require the Proponent to verify that other Proponents in the area have been notified of the potential Co-location opportunities.

<sup>14</sup> As part of inter-municipal processes, the City may also request that the Proponent notify adjacent Municipalities at greater distances, subject to review by the City or at the request of the adjacent Municipality.

## 8 PUBLIC CONSULTATION PROTOCOL

### 8.1 NOTIFICATION PACKAGE

- a) The City is prepared to assist in assembling a list of addresses that are within the Prescribed Distance of the affected site.
- b) The Proponent will prepare and distribute the notification package to the following recipients:
  - 1) All affected residential sites within the Prescribed Distance of the affected property;
  - 2) All Designated Community Associations within the Prescribed Distance;
  - 3) Any adjacent municipalities within the Prescribed Distance;
  - 4) The Director of Planning, Property & Buildings;
  - 5) The Elected Municipal Official;
  - 6) The local Member of the Legislative Assembly;
  - 7) The local Member of Parliament; and
  - 8) The Innovation, Science, and Economic Development Canada regional office.
- c) In accordance with CPC-2-0-03, the notification package shall include the following information:

#### Letter of Intent

- 1) The proposed Antenna System's purpose, the reasons why existing Antenna Systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable and future sharing possibilities for the proposal;
- 2) An attestation<sup>15</sup> that the general public will be protected in compliance with Health Canada's Safety Code 6 including combined effects within the local radio environment at all times;
- 3) Information on the environmental status of the project, including any requirements under the *Canadian Environmental Assessment Act, 2012*;
- 4) Transport Canada's aeronautical obstruction marking requirements (whether painting, lighting, or both) if available
  - i. If not available, the Proponent's expectation of Transport Canada's requirements together with an undertaking to provide Transport Canada's requirements once they become available;
- 5) An attestation that the install will respect good engineering practices including structural adequacy;
- 6) Reference to any applicable land-use requirements such as local processes and protocols;
- 7) Notice that general information relating to Antenna Systems is available on Innovation, Science, and Economic Development Canada's Spectrum Management and Telecommunications website (<http://www.ic.gc.ca/towers>);

---

<sup>15</sup> Example: I, (name of individual or representative of company) attest that the radio installation described in this notification package will be installed and operated on an ongoing basis so as to comply with Health Canada's Safety Code 6, as may be amended from time to time, for the protection of the general public, including any combined effects of nearby installations within the local radio environment.

- 8) Contact information for the Proponent, land-use authorities and the local Innovation, Science, and Economic Development Canada office;
- 9) Information on how to submit comments;
- 10) Closing date for submission of written public comments (not less than thirty (30) days from receipt of notification. Where a public session is required, the deadline date must be no more than five (5) days before the date of the session); and
- 11) The date, time, and location of the public information session (where required).

Map(s)

- 12) The proposed location within the community, the geographic coordinates and the specific property or rooftop; and
- 13) Identification of areas accessible to the general public and the access/demarcation measures to control public access. Measure to control public access may be outlined in the letter of intent.

Building Plans, Site Plans and Elevation Drawings

- 14) A description of the proposed Antenna System including its height and dimensions, a description of any antenna that may be mounted on the supporting structure and simulated images of the proposal

The notification package shall be mailed in an envelope addressed in the following manner:

**“NOTICE FOR PROPERTY OWNERS AND TENANTS WITHIN [INSERT PRESCRIBED DISTANCE] OF A NEW PROPOSED CELL TOWER. INFORMATION IS ENCLOSED.”**

- d) The City may also request that the Proponent provide other forms of public notification, including but not limited to:
  - 1) A large format notice board to be erected on any property line of the affected site that is clearly visible from any roadway abutting the affected site;
  - 2) Publication of the notice in a local newspaper; and
  - 3) Hand delivery of notices to specified buildings.

In addition to the public notification requirements above, Proponents of an Antenna System proposed to be thirty (30) metres or more in height must place a notice in a local community newspaper circulating in the proposed area<sup>16</sup>. Height is measured from the lowest ground level at the base, including the foundation, to the tallest point of the Antenna System. Depending on the particular installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the Antenna System.

---

<sup>16</sup> The notice must be synchronized with the distribution of the public notification package. It must be legible and placed in the public notice section of the newspaper. The notice must include: a description of the proposed installation; its location and street address; Proponent contact information and mailing address; and an invitation to provide public comments to the Proponent within thirty (30) days of the notice. In areas without a local newspaper, other effective means of public notification must be implemented.

## 8.2 RESPONDING TO THE PUBLIC

Following the delivery of the notification, the Proponent will allow the public to submit written comments or concerns about the proposal.

The Proponent shall:

- 1) Provide the public at least thirty (30) days to submit questions, comments or concerns about the proposal;
- 2) Respond to all questions, comments and concerns by no more than sixty (60) days from the date of receipt;
- 3) Allow the party at least twenty-one (21) days to reply to the Proponent's response; and
- 4) Keep a record of all written correspondence and provide copies to the City and the local Innovation, Science, and Economic Development Canada office.

## 8.3 PUBLIC OUTREACH CRITERIA

The level of public consultation required for a proposed site shall be determined by the degree of visual change classification. The degree of visual change will be determined by the Designated Municipal Officer on a case-by-case basis. Each classification will require all affected residential sites within the Prescribed Distance of the affected site be notified by mail/courier requesting comments or questions over a thirty (30) day period. Additionally, the City will require a Post Consultation Report as outlined in Section 8.5.

- a) Low - no additional requirements. The City shall issue a recommendations report within 30 days of receiving the Post Consultation Report.
- b) Medium - a large format notice board shall be placed on any site line of the affected site that is clearly visible from any roadway abutting the affected site. The large format notice board shall be erected prior to the notification mail-out. A public notice shall be placed in the local newspaper requesting comments or questions over a thirty (30) day period. The City shall issue a recommendation report within thirty (30) days of receiving the Post Consultation Report. The recommendation report shall be accompanied by a summary of public comments.
- c) High - a large format notice board shall be placed on any site line of the affected site that is clearly visible from any roadway abutting the affected site. The large format notice board shall be erected prior to the notification mail-out. A public information open house shall be held no later than fourteen (14) days after the closing date of the public notification commenting period. The City shall issue a recommendations report within sixty (60) days of receiving the Post Consultation Report. The recommendations report shall be accompanied by a summary of public comments and shall be presented to City Council for their review. A statement of concurrence shall only be issued at the recommendation of City Council.

#### 8.4 PUBLIC INFORMATION OPEN HOUSE

The City may request the Proponent to host a public information open house if the proposed Antenna System is expected to generate significant public interest. The Proponent shall

- a) Consult with the City to identify an appropriate date, time, and location for the public information open house;
- b) Provide appropriate visual aids concluding with a question-and-answer period;
- c) Create a list of attendees that includes names, addresses, phone numbers, and email addresses (where provided voluntarily); and
- d) Provide the City with a package summarizing the results of the open house that includes a letter of response from the Proponent detailing concerns raised by the public and how they are being addressed.

#### 8.5 POST CONSULTATION REPORT AND REVIEW

At the end of the public consultation process, the Proponent shall supply the City with all copies of any written correspondence and a summary of the comments received throughout the process. The City and the Proponent will arrange for a meeting to discuss the results of the public consultation process and the next steps in the process.

### 9 CITY OF BRANDON RECOMMENDATIONS REPORT

The City will provide a Recommendations Report for all proposed installations, which shall be a required deliverable for non-excluded applications. The City of Brandon Recommendations Report shall include but not be limited to the following elements:

#### 9.1 STATEMENT OF LAND USE

A statement regarding the Proponent's choice of site utilizing the following criteria:

- Community Sensitive Locations
- Fire routing and access
- Zoning and compatibility with existing council adopted plans, policies and frameworks.
- Environmental concerns
- Letter of concurrence, concurrence with conditions, or non-concurrence

#### 9.2 CONCURRENCE AND CONCURRENCE WITH CONDITIONS

The City will provide a letter of concurrence to Innovation, Science, and Economic Development Canada (copying the Proponent) if the proposal is to the satisfaction of the City. Where required, the City may also include conditions of concurrence.

#### 9.3 NON-CONCURRENCE

The City will provide a letter of non-concurrence to Innovation, Science, and Economic Development Canada (copying the Proponent) where the proposal is not to the satisfaction of the City. The City will also include its reason(s) for its decision.

#### 9.4 RESCINDING OF CONCURRENCE

The City will rescind its concurrence if:

- The City determines that the proposal was misrepresented or failed to disclose all pertinent information
- The site is not constructed as per approved plans
- The Proponent did not comply with conditions on which the concurrence was issued

In such cases, the City will provide Innovation, Science, and Economic Development Canada (copying the Proponent) a letter advising that the concurrence has been rescinded and the reason(s) for its decision.

#### 9.5 DURATION OF CONCURRENCE

A concurrence from the City is valid for a period not exceeding three (3) years from the date of issuance. After three (3) years, consultations will no longer be deemed valid except in the case where a Proponent secures an agreement with the City for an extension for a specified time period. A copy of the agreement must be forwarded to the local Innovation, Science, and Economic Development Canada office.

#### 9.6 TRANSFER OF CONCURRENCE

After a concurrence is issued, it may be transferred from the original Proponent to another without the need for further consultation provided that:

- All information gathered by the original Proponent in support of obtaining the concurrence from the City is transferred to the current proponent;
- The structure for which concurrence was issued to the original Proponent is what the current Proponent constructs; and
- Construction of the structure is commenced within the three (3) year period pursuant to Section 9.5.