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| TITLE: | |  |
| DESIGNATION OF CITY OF BRANDON REPRESENTATIVE FOR RADIOCOMMUNICATIONS FACILITIES APPLICATIONS | | |
| PRESENTER: Louisa Garbo | AGENDA NO: | |
| DEPARTMENT: Planning and Building | DATE: August 22, 2012 | |
| CLEARANCES: | ATTACHMENTS: 1. CRINS-SINRC Protocol 2. Letter of membership | |
| APPROVALS: | | |
| <i>Original Signed By</i> <u>T. E. Snure</u> | <u>August 22, 2012</u> | <i>Original Signed By</i> <u>T. E. Snure</u> |
| General Manager of Development Services | Date | Acting City Manager |
| | | <u>August 22, 2012</u> Date |

REQUEST:

This is a request from the Department of Planning and Building Inspections to City Council to designate the Canadian Radiocommunications Information and Notification Service (CRINS-SINRC) as the representative for the submission of proposed radiocommunications sites for consultation and review within the City of Brandon jurisdiction in accordance with Industry Canada’s CPC 2-0-03 (2008).

BACKGROUND:

Pursuant to the Radiocommunication Act, R.S.C. 1985, c. R-2, the Minister of Industry is empowered with the exclusive authority and responsibility for managing the use of the radio frequency spectrum, including the approval of radiocommunications facility installations. Radiocommunications have long been confirmed to be within the jurisdictional competence of the federal parliament; the Canadian federal jurisdiction over radio broadcasting is under section 91 and 92 of the Constitution Act.

Pursuant to Industry Canada (IC) guidelines, Client Procedure Circular (CPC) 2-0-03, Issue 4 (2008), the proponents (any radiocommunications facility service providers) are not required to go through any public consultation on the “exempt” radiocommunications facilities, which is anything less than 15 metres in height. The exempt activities also include maintenance on existing structures, replacing an existing structure on the same site or upgrading the structure provided the structure is not increased in height by more than 25%, and antennas attached to buildings provided the height of the building is not increased more than 25%. Industry Canada only requires consultation on a narrow range of new facilities – namely, new towers greater than 15 metres in height. As a result, these radiocommunications sites often are not known to the local communities. For the “non-exempt” facilities, consultation occurs through either the Industry Canada Default Consultation Process, or where one exists, a municipality’s own protocol established in compliance with the requirements set forth by Industry Canada. Currently, the City of Brandon does not have any protocol established.

Local land use authorities (LUAs), such as the City of Brandon, do not have a role in approving radiocommunications facility installations. Even for municipalities that have their own protocol, proponents are required to address only the “reasonable and relevant concerns” raised by a municipality or the general public during these consultation processes.

Municipalities are bound to address only health and safety concerns within the parameters set out by Industry Canada and Health Canada's Safety Code 6 regarding electromagnetic radiation emissions (EME); municipalities do not have the legislative authority to establish their own requirements.

DISCUSSION:

The lack of requirements for proponents to notify local authorities means municipalities who were facing an increasing number of new tower sites, some located within areas close to residential uses, will have no idea when and where those towers would be constructed within their jurisdictions. These facilities do not even require building permit from the LUAs. However, these facilities required municipal services such as fire, and police, and most importantly, they are part of the municipal tax base; this lack of disclosure also means that no tax assessments have been conducted on some of these sites.

The Canadian Radiocommunications Information and Notification Service (CRINS-SINRC) is an organization providing a shared-service bureau that works on behalf of participating LUAs to ensure that proper notification and public consultation processes occur and land use concerns are properly communicated to stakeholders. CRINS-SINRC is a not-for-profit organization, owned by its members, the municipalities. They manage the processing of applications for radiocommunications facilities and ensure that public consultation is conducted according to the LUA's consultation protocol. Its members have complete access to all applications through CRINS-SINRC's National Antenna Information database on both the exempt or non-exempt facilities. Launched in January of this year, CRINS-SINRC has 75 municipalities as their members primarily on the east coast. There are 300 more municipalities currently in the process of becoming members and the organization is hoping to reach out to as many municipalities as possible in western Canada by the end of the year.

As part of the services provided, CRINS-SINRC have developed a comprehensive Reference Protocol which members may adopt and amend to satisfy local requirements to protect Community Sensitive Locations, and identify local preferences. Most of CRINS-SINRC's current members have adopted and given force to the Reference Protocol as is, while some jurisdictions such as the City of Fredericton have made amendments to reflect the need to tightly control antenna siting in historical precincts and other sensitive areas. The CRINS-SINRC Reference Protocol also addresses the concerns over exempt facilities whereby proponents are required to notify the municipality of all facilities, whether or not exempt from public consultation, to allow municipalities the opportunity to conduct re-assessment of municipal taxes and ensure that sites are not interfering with Community Sensitive Locations.

Currently, the City of Brandon is not a member, and has no "radiocommunications facilities protocol" established. As a result, the City does not have the ability to comprehensively address any applications for radiocommunications facilities submitted to Industry Canada through the Default Protocol where they are proposed to be located within the City, nor does the City have information on the number of radiocommunications facilities already established within the City.

The Department of Planning and Building Inspections is recommending that City Council submit a request to CRINS-SINRC to become a member based on the following reasons:

1. The City will have complete access to information pertaining to existing and proposed locations of all radiocommunications facilities.
2. The City will be able to work with CRINS-SINRC to amend the protocol that identifies sensitive areas within Brandon, which would allow CRINS-SINRC to better assist in the processing of all applications on behalf of the City.
3. The participation in CRINS-SINRC is at no cost to the City.
4. City of Brandon will be able to start recover costs associated with applications from proponents through the levying of an application fee to be collected by CRINS-SINRC.
5. City of Brandon will have voting rights, a share in the corporation, and be entitled to have representation on the CRINS-SINRC Advisory Board to direct their governance.

RECOMMENDATION:

That the City of Brandon hereby authorize the Canadian Radiocommunications Information and Notification Service (CRINS-SINRC) and its staff to act as the authorized representative of the City of Brandon pursuant to Section 4 of CPC 2-0-03 (2008), for the purpose of receiving and acting upon all radiocommunications applications for radiocommunications facilities on behalf of the City of Brandon, and that the CRINS-SINRC Antenna system Siting Review and Consultation Protocol, Reference Issue 2 as attached to the report of the Director of Planning dated June 1, 2012 be adopted and given force within the City of Brandon.



Antenna System Siting Review
and Consultation Protocol,

Reference Issue 1

January 12, 2012

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Introduction

The purpose of the *Antenna System Siting Review and Consultation Protocol, Reference Issue 1*¹ is to detail the review process for an application submitted through CRINS-SINRC to a participating Land Use Authority (LUA) for the siting and construction of an antenna system, as well as defining the participating LUA's expectations relating to the location and design of radiocommunications facilities.

This protocol applies to any proponent planning to install a new or modify an existing radiocommunications facility regardless of the type of installation or service. This includes, but not limited to:

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

All new radiocommunications facilities are expected to follow this process to obtain either a Notice of Facility Exemption or a Notice of Completion relating to the consultation and the corresponding Land Use Authority (LUA) Recommendations Report.

¹ [Short Title: *CRINS-SINRC Reference Protocol, Issue 1 (2012)*]

1 Objectives

The goal of this protocol is to provide a framework which sets out the LUA's expectations for appropriate design and satisfactory public consultation for proposed radiocommunications facilities. The objectives that implement this goal are:

- 1.1 Having regard for Industry Canada's legislative authority in a protocol which also respects the context for development, and land-use mandate of the LUA;
- 1.2 Setting out a transparent, consistent, and predictable process for the evaluation of all radiocommunications facility proposals that:
 - a) Establishes objective criteria and guidelines for evaluating and processing applications seeking LUA concurrence;
 - b) Specifies the LUA's expectations as to how new radiocommunications facilities are to be sited and designed in a manner that compliments the surrounding landscape and public realm;
 - c) Defines a clear consultation process administered through CRINS-SINRC that requires proponents to engage and inform stakeholders about radiocommunications facilities; and,
 - d) Develops a predictable timeline for issuing of LUA recommendations that incorporates early consultation to identify potential issues with applications in order to meet Industry Canada's timeline requirements.
- 1.3 Detailing the roles and responsibilities of the various parties in the radiocommunications facility consultation process;
- 1.4 Ensuring that the LUA's residents and businesses are made adequately aware of radiocommunications facility proposals through education and public consultation; and,
- 1.5 Establishing an appropriate conclusion to the LUA consultation process, including specific outcomes and deliverables.

2 Jurisdiction and Interpretation

- 2.1 Wireless communications and broadcast operators in Canada are licensed by the Department of Industry (Industry Canada) in accordance with the exclusively federal jurisdiction vested in the *Radiocommunications Act Section 5(1) (a) (i.1)*. Additionally, the broadcasting communication operator's activities are licensed separately by the *Canadian Radio-television and Telecommunications Commission (CRTC)*.
- 2.2 As a federal undertaking, radiocommunications sites must adhere to all applicable federal regulations and guidelines, including but not limited to:
- The Building Code of Canada;
 - Canadian Environmental Assessment Act;
 - Industry Canada's CPC-2-0-17 - *Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*;
 - Health Canada's Safety Code 6; and,
 - Industry Canada's CPC-2-0-03.
- 2.3 Radiocommunications sites are not subject to either municipal or provincial land-use legislation including the Planning Act and /or Municipal Governance Act of a province or territory. No formal development or planning agreements can be executed and registered on title with respect to radiocommunications facilities.
- 2.4 For the purposes of this protocol, the Land Use Authority (LUA) shall be the municipal government, or in the case of land administered by the Crown, the relevant provincial government or federal government agency.
- 2.5 For radiocommunications facilities not excluded under Section 4 of this protocol, proponents are expected to satisfy the public consultation requirements of the applicable LUA. The role of the LUA is to provide input and comments to Industry Canada as part of that process.
- 2.6 This protocol is to be read in its entirety as a comprehensive and integrated policy framework to establish the site criteria and process leading to the issuing of a Notice of Completion or Notice of Facility Exemption, and a LUA Recommendations Report for a proposed facility.
- 2.7 For the purposes of this protocol, the only member of LUA staff having the authority to manage and exercise responsibilities under this protocol shall be the Director of Planning or his or her designate. No powers or privileges under this protocol shall at any time be interpreted to extend to any other member of staff.

3 Radiocommunications Development Plan

3.1 Annual Review

- 3.1.1 Proponents shall be invited to submit within 90 days of the adoption of this protocol and by September 30th of each subsequent year, a written Radiocommunications Development Plan (RDP) which outlines the proponent's expected areas of infrastructure development for the coming year.
- 3.1.2 The LUA shall review each proponent's plan and identify areas of common interest between proponents. The LUA shall host a meeting with all Proponents who submitted an RDP to identify opportunities for joint build and co-location pursuant to Industry Canada's CPC 2-0-03 and CPC 2-0-17.
- 3.1.3 The LUA shall identify, as part of the meeting, areas of development and development applications within its jurisdiction where Proponents may have an interest in expanding their services. The LUA may facilitate discussion with land developers, and other interested parties, to allow the Proponents to consider infrastructure options during the planning stage.
- 3.1.4 Where feasible, the LUA may offer the Proponents an option for pre-approval on proposed facilities where a joint build option exists.

4 Excluded Antenna Systems

4.1 Basic Exclusions

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

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

4.2 Additional Exclusions

The LUA additionally excludes the following radiocommunications facilities from public consultation:

- a) Any facility which has been pre-approved as part of a proponent's annual Radiocommunications Development Plan; and,
- b) Additional equipment shelters associated with a new co-located facility.

4.3 Confirmation of Exclusion

- 4.3.1 The proponent is required to confirm with the LUA that the proposed facility meets the exclusion criteria by submitting proposal information in accordance with Section 5.1 of this protocol.
- 4.3.2 Where a proponent demonstrates that their proposal meets one or more of the exclusion criteria of Sections 4.1 or Section 4.2, the LUA shall issue a Notice of Facility Exemption to the proponent and Industry Canada.
- 4.3.3 Proponents are asked to incorporate the design recommendations provided in the LUA Recommendations Report and well as Section 7.2 of this protocol (as applicable), even if a Notice of Facility Exemption has been issued.

4.4 Community Sensitive Locations

- 4.4.1 Notwithstanding the exclusions outlined in Section 4.1 and Section 4.2 of this protocol, Industry Canada states in Section 6 of CPC-2-0-03 that exclusion criteria should be applied with consideration for local surroundings. To that end, proponents are expected to engage in a pre-consultation review with the LUA, even where a proposed radiocommunications facility is excluded, to allow the LUA an opportunity to determine if the proposed facility falls within a Community Sensitive Location.
- 4.4.2 A Community Sensitive Location shall be defined as any property, which under the relevant LUA regulations:
 - is currently designated as a Heritage Property;
 - is an area of designated architectural significance;
 - contains a site of archeological significance; or,
 - is an natural conservation area.
- 4.4.3 A proposed facility will not be eligible for an exemption from consultation, and the LUA will request that Industry Canada override their policy on radiocommunications facilities excluded from consultation, where a facility is proposed within a Community Sensitive Location.

5 Application Requirements (for Non-Excluded Applications)

5.1 Pre-consultation Review

Proponents shall request a pre-consultation review through the CRINS-SINRC system. Requests for pre-consultation will be accepted once the proponent has submitted the following information to the CRINS-SINRC online system:

- The location of the proposed radiocommunications facility, including its address and location on the lot or structure (CRINS-SINRC Site Information Abstract);
- A short summary of the proposed radiocommunications facility and, if applicable, how it meets one of the exclusion criteria under Section 4 of this protocol (CRINS-SINRC Facility Type Abstract);
- Set of drawings illustrating the proposal, including a conceptual site plan, elevation drawings, and context plan showing the development within the existing neighborhood (which can be supplied using an aerial photograph base) according to the drawing guidelines outlined in Section 5.2 (c) and (d).

Such a request shall not be deemed by the LUA as the official commencement of the 120-day consultation process, in accordance with Section 5.3 of this protocol.

5.2 Non-Excluded Radiocommunications Facilities

Any proposals for non-excluded radiocommunications facilities will require the submission of a complete application through the CRINS-SINRC online system. This includes completing the online application information, payment of fees, and uploading electronic versions of supporting documentation as follows:

a) CRINS-SINRC online data entry of the following information :

- The location of the proposed radiocommunications facility, including its geographic coordinates, its address and location on the lot or structure (CRINS-SINRC Site Information Abstract);
- A description of the proposed structure type, shelter type, height, access, and utility sources (CRINS-SINRC Facility Type Abstract);

b) Upload a written justification on the CRINS-SINRC Facility Type Abstract containing:

- The rationale for the selection of the proposed site (indication of whether the site provides coverage and/or capacity, what communities / areas will benefit from the new facility);
- Description of co-location alternatives considered within a 3 km radius of the proposed site;
- A statement indicating the justification for the height of the proposed radiocommunications facility (towers only);
- A statement on future co-location possibilities for the support structure, if applicable (CPC-2-0-17);
- A statement on how the radiocommunications facility, if located in an area designated for future urban development, shall complement and become a part of the future community without unduly limiting the potential for future urban development; and,
- A statement indicating the justification for not complying with any of the LUA's preferred design criteria in Section 7.3 of this protocol, as applicable.

- c) Upload to the CRINS-SINRC system a set of colour photographs of the subject lot, oriented toward the proposed radiocommunications facility from at least three landmarks or important locations in the vicinity of the proposed site:
- One set showing the current site conditions (minimum 3 photos); and,
 - One set including superimposed images of the proposed radiocommunications facility (minimum 3 photos).
 - A topographical map or satellite image showing the location from which the pictures were taken (1 image).
- d) Upload to the CRINS-SINRC system a site plan, elevations, and survey drawings prepared to appropriate metric scale showing:
- The subject lot and lease area (a key plan can be used for properties having an area of 2.0 hectares or greater);
 - General site grading;
 - The location of existing lot lines, and setbacks from those for the proposed radiocommunications facility;
 - Setbacks from existing and proposed buildings and structures for the proposed radiocommunications facility;
 - Setbacks from the nearest building not on the subject property, measured from the nearest point of the building, structure, or feature;
 - The staked limits of significant natural heritage features and other sensitive lands and setbacks from those for the proposed radiocommunications facility within 3 times the height of the proposed structure (if applicable);
 - Existing and proposed landscaping, including an inventory of existing vegetation and any plantings proposed to screen the base of the tower and any structures on the ground where applicable;
 - Access proposed to the radiocommunications facility, including any motor vehicle parking spaces including dimensions; and,
 - The structure type and height of the proposed radiocommunications facility.
- e) Upload to the CRINS-SINRC system mapping prepared to appropriate metric scale showing:
- The location of the proposed radiocommunications facility within the community; and,
 - Network coverage mapping showing the applicant's current coverage and anticipated coverage (including signal strengths in dBm) with the installation of the proposed radiocommunications facility including the nearest existing antenna systems belonging to the proponent.
- f) Upload approvals from Transport Canada's and NAV Canada outlining aeronautical obstruction marking requirements (whether painting, lighting, or both) if available. If unavailable, the proponents can provide their applications to Transport Canada and NAV Canada together with an undertaking to provide those requirements once they become available;
- g) Upload a written attestation that the proposed radiocommunications facility will comply with Safety Code 6, including combined effects within the local radio environment at all times, signed by the Professional Engineer taking responsibility for the site's compliance;

- h) Upload a statement on the potential effects that the proposal may have on nearby electronic equipment (both existing and proposed) in accordance with CPC-2-0-03 and EMCAB-2, as well as measures proposed to mitigate those effects; and,
- i) Upload a written attestation that the proposed radiocommunications 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.

5.3 Complete Application

To clarify Industry Canada's requirements of Section 4 of CPC-2-0-03, the LUA shall consider the date a Complete Application was received as the official commencement of the 120-day consultation process. Such a process is consistent with and required for other development applications in the LUA. 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 LUA.

5.4 Additional Information

If a request is made to the proponent for additional information prior to the LUA deeming the application to be complete and no additional information is supplied within 90 days, the LUA shall advise Industry Canada of the incomplete nature of the application and will deem the application abandoned.

6 Siting on LUA-owned Properties

Any request to install a radiocommunications facility on lands owned by the LUA shall be made to the Manager of Realty Services, in accordance with LUA policy. Independently, an application shall be required by the proponent in accordance with Section 5.2 of this protocol.

7 LUA Recommendations Report

The LUA acknowledges that proponents can install radiocommunications facilities in almost any location. It is the LUA's position to work with proponents to achieve the best possible design of a radiocommunications facility for constituents. Such design strikes an appropriate balance between technological and network coverage requirements, and unobtrusive development that compliments or improves the surrounding landscape and public realm.

As part of the input provided to proponents and Industry Canada, an LUA Recommendations Report will be provided for all proposed installations and shall be a required deliverable for non-excluded applications prior to a Notice of Completion being issued. The LUA Recommendation report shall consist minimally of the following elements:

7.1 Statement on Land Use

The LUA shall provide a statement on the Proponent's choice of site relative to the following criteria:

- Community Sensitive Locations
- Fire routing and access.
- Zoning and compatibility with existing Strategic Plans.
- Environmental Concerns

7.2 Antenna Siting Design Framework Criteria

7.2.1 The LUA shall provide Antenna Siting Design Framework (ASDF) criteria for the proposed site to the proponent through the CRINS-SINRC system. The ASDF criteria shall outline design goals for the proposed site based on the location chosen by the proponent. The LUA shall inform its recommendations based on how well the proponent's design meets the ASDF design criteria.

7.2.2 The ASDF provides an overall classification of the proposed design through a concept known as "Degree of Visual Change" which is characterized as "Low", "Medium" or "High".

7.2.3 The level of public consultation required for a proposed site shall be dictated by the ASDF "Degree of Visual Change" classification as follows:

- "Low" – the proposed facility requires that land owners within a minimum of 120 metres or 3 times the structure height, whichever is greater, be notified by mail/courier requesting comments or questions over a 30 day period. No road signage is required. No public meeting is required. LUA Staff shall issue a LUA Recommendation Report within 30 days. A Notice of Completion shall be issued by CRINS-SINRC upon receipt of the LUA Recommendation Report and approval by the LUA Designated Representative.
- "Medium" – the proposed facility requires that land owners within a minimum of 120 metres or 3 times the structure height, whichever is greater, be notified by mail/courier requesting comments or questions over a 30 day period. A Public Notice shall be placed in local media outlets requesting comments or questions over a 30 day period. Road signage shall be erected prior to the mailout to adjacent landowners and publication of the Public Notice. No public meeting is required. Staff shall issue an LUA Recommendation report within 30 days and such report shall be accompanied by a summary of public comments received from adjacent landowners and members of the public. A Notice of Completion shall be issued by CRINS-SINRC upon receipt of the LUA Recommendation Report and approval by the LUA Designated Representative.
- "High" – the proposed facility requires that land owners within a minimum of 120 metres or 3 times the structure height, whichever is greater, be notified by mail/courier requesting comments or questions over a 30 day period. Road signage shall be erected prior to the mailout to adjacent landowners. A Public Information Meeting shall be held no later than 14 days after the closing date for submissions from adjacent landowners. LUA staff shall prepare an LUA Recommendations Report within 60 days, including a summary of public comments received during the public information meeting, and shall present the report to the LUA's Planning Committee and/or Council for review. A Notice of Completion shall be issued by CRINS-

SINRC on the date the LUA Recommendation Report is presented to Council. However, a statement of concurrence from the LUA will only occur with the approval of Council.

7.3 Statement on Compliance with General Design Recommendations

The following general design guidelines shall apply for all radiocommunications facilities in the LUA and proponents are asked to follow these guidelines, as applicable, for all proposed facilities:

- 7.3.1 Colors used for all components of the radiocommunications facility shall be compatible with the surrounding landscape and public realm:
- a) Color matching shall be the first preference for the LUA, with the exact color(s) determined on a case-by-case basis to enhance the surrounding landscape and public realm;
 - b) Neutral colors shall be the second preference; and,
 - c) Non-reflective surfaces and paints shall be used.
- 7.3.2 Designs requiring no illumination are expected except where Transport Canada and NAV Canada requirements for illumination of the radiocommunications facility are identified.
- 7.3.3 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 lot;
 - b) A new, above-ground equipment shelter at the base of the structure or abutting the penthouse of a building is the next preference of the LUA; and,
 - c) Any new equipment shelter shall require architectural treatments sensitive to the surrounding landscape and public realm and in the case of a building, consistent with the architectural style of the building.
- 7.3.4 Where a proposed radiocommunications facility requires screening and access restriction:
- a) Existing vegetation shall be preserved wherever possible, with new plantings provided to enhance the surrounding landscape and public realm;
 - b) Where fencing is proposed, design details including the materials proposed and elevation drawings showing details and gate locations shall be provided in the drawings uploaded with the application;
 - c) Fencing shall use materials sensitive to the surrounding landscape and public realm; and,
 - d) The use of razor wire requires analysis in the justification report, including how its use will not compromise the surrounding landscape and public realm.

7.3.5 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 right-of-way; and,

- b) Any parking space provided shall not be within a road allowance.

7.3.6 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.

7.3.7 New radiocommunications facilities shall avoid obscuring significant views and vistas.

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

- a) Any signage required by Industry Canada shall be permitted to be posted on the radiocommunications facility;

- b) The LUA 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 telecommunication facility except where such signage is part of the shrouding scheme for the site and the signage is compliant with the LUAs existing signage requirements.

7.4 Siting of Facility Relative to Existing Use

The LUA acknowledges that radiocommunications facilities are not subject to the requirements of a Zoning By-law. Notwithstanding this, the following requirements apply to radiocommunications facilities:

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

7.5 Statement of Concurrence

The LUA shall provide a statement of concurrence or non-concurrence with the proposed facility, signed by the Director of Planning.

- 7.5.1 If the LUA concurs with the proposed facility subject to conditions, the Statement of Concurrence shall state any conditions to be satisfied by the proponent, and the Proponent shall be asked to provide a Letter of Undertaking on their letterhead agreeing to satisfy the conditions.
- 7.5.2 If the LUA does not concur with proposed facility, then the Statement of Non-Concurrence shall detail the reasons that the proposed facility is deemed unacceptable, and any remedies available to the Proponent to satisfy the LUA and bring their proposal into an acceptable state.
- 7.5.3 In the case that non-concurrence is due to the Proponent not being prepared to satisfy the conditions provided under a conditional Statement of Concurrence, then the LUA shall request that Industry Canada not provide a license to the Proponent for the proposed site.

8 Public Consultation

In completing a public consultation process for a new, non-excluded radiocommunications facility, it is expected that CRINS-SINRC and LUA staff shall facilitate the process with support from the proponent as required. A Public Consultation shall be required only for facilities that do not meet the exclusion criteria of Section 4 of this protocol, and shall be conducted according to the following process:

8.1 Notification Package

- a) The LUA will provide CRINS-SINRC staff with a list of landowners and tenants, where applicable, within a radius of the greater of 120 metres or three times the height of the proposed radiocommunications facility. This distance shall be measured outward from the furthest point of the radiocommunications facility's supporting mechanism (i.e. outermost guy line, building edge, or tower face). All properties within this distance shall be included on the mailing list.
- b) CRINS-SINRC will prepare and distribute the notification package to the following recipients:
 - To the landowners within a radius the greater of 3 times the tower height or 120 metres from the proposed radiocommunications facility, addressed to the name on the list and "or the occupant";
 - The Director of Planning or his or her designate;
 - The CAO of the LUA;
 - If an adjacent municipality is located within 120 metres or three times the tower height of the proposed radiocommunications facility, the CAO of that municipality; and,
 - The local councilor(s).
- c) The package shall include the following items submitted under Section 5.2 of this protocol:
 - Description of and rationale for the proposed structure including structure type and design, dimensions, height, color, lighting, and site access (including measures to control public access);
 - Superimposed images of the proposed radiocommunications facility;
 - Attestation that the general public will be protected in compliance with Safety Code 6, including combined effects within the local radio environment at all times;
 - The project's status under the Canadian Environmental Assessment Act;
 - A description of Transport Canada's and NAV Canada's aeronautical obstruction marking requirements (whether painting, lighting, or both) if available. If unavailable, the proponents can provide their expectation of Transport Canada's requirements together with an undertaking to provide those requirements once they become available;
 - A statement on the potential effects, measures that the proposal may have on nearby electronic equipment (both existing and proposed) in accordance with CPC-2-0-03 and EMCAB-2, as well as measures proposed to mitigate those effects;
 - Attestation that the proposed facility shall comply with all structural codes and regulations;
 - Notice that general information relating to antenna systems is available on the CRINS-SINRC website;

- Contact information for CRINS-SINRC, a representative of the proponent, the Director of Planning Services or his or her designate, and a representative from Industry Canada; and,
- Information on how to submit comments and the closing date for submission of written public comments (which shall be not less than 30 days from the date of transmission of the notification).

8.2 Notice Sign

- a) The proponent shall erect, when required under this protocol, one notice sign along each lot line abutting a public street or roadway.
- b) Where a public meeting is required, the sign shall be posted at least 21 days before the public information meeting. Where no public information meeting is required, the sign shall be posted for three weeks at any point during the consultation process.
- c) All notice signs shall be erected on the lot so that it is clearly visible and legible from all public streets or roadways abutting the subject lot. The signs shall be provided by CRINS-SINRC and conform to the following format:

Canadian Radiocommunications
Information and Notification Service  Service d'information et de notification
en radiocommunications canadiennes

Public Notice
[Name of Proponent]

Has submitted an application to construct a

**Radiocommunications
Facility**
[Civic Address]

For Further Information visit

www.crips-sinrc.ca

or call

1-855-502-7467

Refer to

Case Number:
[xxxx-xxx-xxxx]

- d) Photographs illustrating all notice signs posted and the date on which they were installed on the subject lot shall be uploaded to the CRINS-SINRC online system by the proponent as soon as possible after installation.
- e) All notice signs must be removed no later than 21 days after an issuance of a Notice of Completion.

8.3 Public Information Meeting

- a) The Public Information Meeting shall be required for all non-excluded facilities classified as “High” under ASDF criteria, and shall be open and accessible to all members of the public and local stakeholders.
- b) The convener shall make it clear at the beginning of the public meeting that the LUA is a commenting agency only, and that all decisions relating to the proposal are to be made by Industry Canada at a later date.
- c) The public information meeting will be convened and facilitated by the LUA or CRINS-SINRC at the LUA’s request. A representative from the LUA may attend to assist in answering questions.
- d) The proponent shall provide, at a minimum, two sets of display panels containing a site plan drawing and colour photographs of the subject lot, oriented toward the proposed radiocommunications facility from at least three landmarks or important locations in the vicinity of the proposed site:
 - o One set showing the current site conditions; and,
 - o One set including superimposed images of the proposed radiocommunications facility.
 - o The convener shall record all names, addresses, and contact information for attendees.
- e) All Public Information Meetings convened by CRINS-SINRC shall be video recorded and made available on the CRINS-SINRC website for viewing.

8.4 Local Media Notice

Where a Notice in the local media is required under this protocol, CRINS-SINRC shall additionally place a notice in the outlets identified by the LUA. Publication of this notice shall be synchronized with the distribution of the public notification package. The notice shall be consistent with the following format:



CRINS-SINRC

Public Notice

In accordance with the *Radiocommunications Act* and Industry Canada procedure CPC-2-0-03 (2008), be advised that

[Name of Proponent]

has submitted an application and notified **[name of LUA]** of its intentions to develop a Radiocommunications Site located at

[insert civic address],
[city/town/village and province].

For further information on the above proposal visit the CRINS-SINRC website:

<http://www.crins-sinrc.ca/>

or call

1-855-502-7467

Please reference the following Case Number:

[XXXX-XXX-XXXX]

ANY PERSON may make a written submission by **[date]** with respect to this matter addressed to:

**Canadian Radiocommunications Information
and Notification Service**

501-1500 Bank Street,
Ottawa, Ontario
K1H 7Z2

Fax: 866-240-7025

Email: submissions@crins-sinrc.ca

8.5 Timelines and Concluding Consultation

- a) All written submissions received from the public by a means other than direct entry into the CRINS-SINRC online system by a registered user shall be entered into the online system by CRINS-SINRC staff with 24 hours of receipt. Once entered into the online system an acknowledgement by the proponent shall be made within 14 days.
- b) A dialogue between a party who has provided a written submission and a proponent shall continue until all Relevant Concerns are answered, or a further response or inquiry is not received from either party within 21 days, whichever occurs first. A proponent must respond to all reasonable and relevant inquiries within 60 days or provide a reason why the question or concern is not relevant.
- c) CRINS-SINRC will maintain the official records of public consultation for the LUA containing, at a minimum, the following:
 - Copies of all letters and other written communications received on or before the last day for comments associated with the application;
 - Copies of responses outlining how the concerns and issues raised were or will be addressed or, alternatively, clearly setting out the reasons why such concerns are not reasonable or relevant; and,
 - Copies of any follow-up responses received from residents.
 - Summary of the public information meeting including attendee list and contact information (if applicable);

9 Deliverables

Copies of the Notice of Facility Exemption or Notice of Completion, and LUA Recommendations Report shall be sent directly to Industry Canada with copies sent to the following parties:

- The proponent;
- The CAO of the LUA;
- The applicable Councilors;
- If an adjacent municipality is located within 120 metres of the proposed radiocommunications facility, the CAO of that municipality; and,
- The Director of Planning for the LUA.

Copies of the above notices and reports shall be maintained by CRINS-SINRC online for 7 years following the completion of the consultation.

9.1 LUA Recommendations Report and Concurrence

The end result of a successful land use authority consultation process consists of two parts:

- 9.1.1 The first component is an LUA Recommendation Report. This report shall outline the recommendations of the LUA with respect to the design of the proposed facility. This part of the Concurrence shall only be signed by the Director of Planning once a Letter of Undertaking signed by the proponent is received by the LUA. This Letter of Undertaking shall form a Schedule(s) to the final LUA Recommendations Report and shall include the following requirements, if applicable:
- a) Attestation that the proponent shall construct and operate the radiocommunications facility in accordance with the drawings and justification report submitted; and
 - b) Any noted design requirements or considerations and other conditions to meet LUA expectations.
- 9.1.2 The second component is a Notice of Completion of Public Consultation, or a Notice of Facility Exemption. This part of the Concurrence shall only be signed by the Executive Director of CRINS-SINRC and the LUA Director of Planning, or his designate, once proponent has completed the consultation as set out in this protocol.
- 9.1.3 A proposal which has received a Notice of Facility Exemption or Notice of Completion, and a LUA Recommendations Report where the LUA has approved the site and the proponent have agreed to be bound by the conditions of the approval (if applicable) shall be deemed to have received Municipal Concurrence.
- 9.1.4 The only valid Municipal Concurrence statement the LUA shall issue is one attached to the LUA Recommendations Report and signed by the Director of Planning or his or her designate and sent directly to Industry Canada, with a copy to CRINS-SINRC for publication and archive.

9.2 Circumstances of Municipal Non-concurrence

- 9.2.1 Where the LUA is not in concurrence with a proposal, the LUA will advise the proponent and Industry Canada within the Industry Canada stipulated 120-day period of its non-concurrence with the proposal.
- 9.2.2 The LUA will request, for a radiocommunications facility not yet constructed, that Industry Canada not issue radio license prior to the LUA issuing a Municipal Concurrence.
- 9.2.3 The LUA will request, for a radiocommunications facility constructed without a Municipal Concurrence, that Industry Canada direct the proponent to consult with the LUA or use its own powers to remedy the situation.

9.3 Time Frames

- 9.3.1 If, in the mutual opinion of the Director of Planning Services and the proponent, outstanding issues are close to being resolved approaching the end of the 120-day period but more time is required to finalize, the LUA shall advise Industry Canada of the situation and provide an estimated date for delivery of a Municipal Concurrence. The LUA will also request Industry Canada not issue a radio license prior to the LUA issuing a Municipal Concurrence.

10 Definitions

Co-location (and co-located)

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

Complete application

Means an application for Letter of Municipal Concurrence where all of the items listed in Section 4.1 of this protocol have been provided to the LUA.

CPC 2-0-03

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

EMCAB-2

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

Equipment shelter

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

Height

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

Land Use Authority (LUA)

Means the municipal government, provincial government (Crown land), or federal agency (i.e. Indian and Northern Affairs Canada) responsible for land use and planning and development within a jurisdiction.

LUA

Same as "Land Use Authority" above.

Landlord

Means the owner of a lot, building, or structure who permits occupancy of that lot, building, or structure by a radiocommunications facility.

Municipal Concurrence

Means satisfaction by the LUA that the proponent has given adequate regard to this protocol in the siting and design of a proposed radiocommunications facility, and satisfaction with the completeness of the public consultation process undertaken by the proponent. Such satisfaction shall only be expressed through a statement issued by the Director of Planning Services or his or her designate as part of the LUA Recommendations Report.

Proponent

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

Public Authority

Means the LUA, Government of Canada, Provincial Government, or a Conservation Authority.

Public Realm

Means, in an area of suburban or urban development, the appearance, form, and function of buildings, structures, landscape, linkages, places, and activities occurring or planned on the subject lot and within the immediate vicinity, regardless of ownership.

Radio License

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

Safety Code 6

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

Surrounding Landscape

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

Support Structure

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

Radiocommunications Facility

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

CRINS-SINRC
1500 Bank Street, Suite 501
Ottawa, Ontario K1H 7Z2
Attn: Todd White

September 18, 2012

Dear Mr. White:

At the City Council meeting on September 17, 2012 a Resolution was adopted to participate in the Canadian Radiocommunications Information and Notification Service/Service d'Information et de notification en radiocommunications canadiennes (CRINS-SINRC) and to utilize the services of CRINS-SINRC to manage the processing of all radiocommunications applications within the jurisdiction of the City of Brandon in our capacity as the Land Use Authority as recognized by Industry Canada under Client Procedure Circular (CPC) 2-0-03, Issue 4 (2008).

To that end, the City of Brandon hereby authorizes CRINS-SINRC and its staff to act as the authorized representative of the City of Brandon pursuant to Section 4 of CPC 2-0-03, Issue 4 for the purpose of receiving and acting upon all radiocommunications applications, reporting to and working with the City's Director of Planning & Building Safety or a member of City staff which the Director may designate from time to time.

Furthermore, we accept your offer to designate a representative from our Planning & Building Safety Department as a member of the CRINS-SINRC Advisory Board to provide guidance to the operations of CRINS-SINRC in fulfillment of its mandate to educate the public and provide transparency and accountability surrounding applications for radiocommunications facilities.

We look forward to working with CRINS-SINRC on the issue of radiocommunications facilities within our jurisdiction which has become a concern for our constituents.

I have attached a copy of the adopted Resolution and meeting minutes for your records and would ask that you coordinate training of our staff with the Director of Planning & Building Safety.

Sincerely yours,

Shari Decter Hirst
Mayor