

Current Planning & Development

Sturgeon County Telecommunication Tower and Antenna Systems Application for Letter of Concurrence

1. Purpose of the Application

This process was established to address the requirement for public and land use authority consultation as outlined in Innovation, Science and Economic Development Canada (originally Industry Canada) procedures circular entitled: "Spectrum Management and Telecommunications" (CPC-2-0-03 – Radiocommunication and Broadcasting Antenna Systems), Issue 5, which was posted on Industry Canada's website on June 26, June 2014. Telecommunication tower/antenna systems are ultimately regulated exclusively by Federal Legislation under the Federal *Radiocommunication Act* and administered by Innovation, Science and Economic Development Canada.

The objectives of this process include the following:

- 1.1 to provide a reasonable, consistent and timely process for the review of telecommunication facilities and installations within the County;
- 1.2 to work co-operatively with Applicant to facilitate, co-ordinate and influence the siting and design of wireless telecommunication facilities within the County;
- 1.3 to encourage the location, siting and mitigation of significant wireless telecommunication facilities in a manner which minimizes visual impact and respects natural and cultural heritage features and sensitive land uses to the greatest extent possible;
- 1.4 to encourage the co-location of telecommunication facilities, where appropriate, in order to minimize the overall number of installations;
- 1.5 to provide an appropriate opportunity for public consultation with respect to mitigation of telecommunication facilities;
- 1.6 to support the direction of Industry Canada to require Applicants of telecommunication facilities to consult with land use authorities;
- 1.7 to encourage the removal of towers and installations which are no longer required upon the expiration of the carrier's lease agreement with the property owner; and
- 1.8 to discourage the declaration of an impasse between a Applicant and the County, where possible.

2. Scope and Exemptions

This process applies to all telecommunication facilities and antenna systems within Sturgeon County. Unless specifically exempt, all telecommunication facilities shall be subject to County review prior to the issuance of comments to Industry Canada. It is acknowledged that since telecommunication facilities are a federally regulated matter, in general, the County may only influence rather than control these installations.

For the purposes of submitting an application, the following installations shall be exempt from County review unless the County wishes to invoke their option to review an installation under the conditions described in Section 6 of the Industry Canada Protocol CPC-2-0-03:

- 2.1 New antenna systems: where the height is less than 15 metres above ground level. This exclusion does not apply to antenna systems to be used by broadcasting undertakings or telecommunications carriers.
- 2.2 Existing Towers: modifications may be made, or the tower may be replaced, to facilitate sharing or the addition of antennas, provided that the total height increase is no greater than 25% of the height of the initial antenna system installation.
- 2.3 Non-Tower Structures: antennas on buildings, water towers, lamp posts, etc. may be installed provided that the height of the structure is not increased by more than 25%.
- 2.4 Temporary Antenna Systems: used for special events or emergency operations and must be removed three months after the start of the emergency or special event.
- 2.5 Maintenance on an existing antenna system.

Where, in the opinion of the Manager of Current Planning and Development, appropriate stealth design techniques are

employed in the design of a facility, the application is excluded from the requirement of public notification.

3. Site selection Procedure

In determining an appropriate site for a new telecommunications facility, the Applicant shall adhere to the following principles:

- 3.1 Sites should be selected to minimize the total number of telecommunication tower sites required where appropriate. The construction of a new telecommunication tower is discouraged, and will be accepted when all other options to accommodate the telecommunication facility are deemed not viable. Locations on existing structures or buildings or co-locations on existing tower sites are the preferred option within the County. Opportunities to incorporate an antenna into the design of a new building or structure should be explored by the Applicant, where applicable.
- 3.2 The Applicant shall make every effort to locate new telecommunication towers on lands that are zoned Industrial or Commercial, whenever possible and where technically feasible.
- 3.3 When selecting sites for telecommunication towers, the following shall be considered from a local land use perspective:
 - a. Maximizing locations with a minimum distance separation of three times the tower height or more from residential uses.
 - b. Maximizing locations with a minimum distance separation of three times the tower height or more from properties designated as a Provincial Historic Resource under the Historical Resources Act.
 - c. Maximizing locations with a minimum distance separation of three times the tower height from natural features, environmentally sensitive areas, hazard lands.
 - d. Avoiding parkland except where new telecommunication facilities can make use of existing facilities and/or infrastructure.
 - e. Avoiding sites that would obscure or impact public views and vistas and significant cultural heritage landscapes.
 - f. Compatibility with adjacent uses.

New telecommunication towers that do not meet these criteria are strongly discouraged. If a proposed tower does not meet these criteria, a detailed rationale for the necessity of this location must be provided in the Site Selection/Justification Report (see 'Submission Requirements')

Applicants are encouraged to locate telecommunication towers outside the minimum prescribed setbacks to all property lines, whenever possible.

4. County-owned Land

The County will not consider the location of any privately-owned telecommunication facility on County owned land.

5. Design Guidelines

The use of design features, colour, and landscaping can be used to screen telecommunication facilities from view and should be encouraged, whenever possible. The following design guidelines should be taken into consideration when designing a new tower or antenna structure:

- 5.1 Rooftop telecommunication facilities such as the equipment shelter shall be set back from the roof edge, whenever practical, to minimize its visual impact from the street. The colour and materials of the antenna and equipment shelter should be compatible with the building.
- 5.2 Rooftop telecommunication facilities shall be screened, where technically feasible, to ensure integration into the rooftop architecture.
- 5.3 All reasonable efforts shall be exhausted to not locate Telecommunication facilities on sites of topographical prominence that would obscure public views and vistas, on environmentally sensitive lands or on properties designated as a Provincial Historic Resource.

- 5.4 Where appropriate, telecommunication facilities should be located internal to the site to the maximum extent possible while still achieving its engineering or network requirements.
- 5.5 Where appropriate, a monopole tower or stealth design techniques, including, but not limited to, camouflaging antenna, should be used in the design of a new telecommunication tower
- 5.6 The design of the tower or antenna should be sympathetic to the surrounding architecture and built form.
- 5.7 Safety features shall be incorporated to prevent unauthorized access.

Where appropriate, efforts should be made to decrease the size and visibility of telecommunication towers so that they blend in with the surroundings to the greatest extent possible. To reduce the scale and visual impact of towers, mitigation measures should include consideration of design features, structure type, colour, materials, landscaping, screening, and decorative fencing. Neutral colours that blend the structure with its surroundings are encouraged (though it is recognized that new towers must comply with the requirements of Transport Canada and NAV Canada). Where equipment shelters are located on the ground, the visual impact of the built form shall be mitigated through the use of colour, decorative fencing, screening, landscaping and/or building material similar to the neighbourhood.

6. County Review

Applicants who want to propose a new telecommunication tower which is not exempt from the requirement for municipal consultation, as specified in Paragraph 2, are required to submit an Application for a Letter of Concurrence to the County for review and a recommendation. Applications are to be submitted to the attention of the Manager, Current Planning and Development.

While the County recognizes that Industry Canada is the final approval authority for telecommunication facilities, it is also recognized that Industry Canada directs Applicants to consult with the local municipality prior to erecting any non-exempt telecommunication facilities. As new telecommunication facilities are not required to obtain development permit approval under the *Municipal Government Act*, the County will follow the same process though to review and comment on new telecommunication towers.

PRE-CONSULTATION

Prior to submitting an application for review and comment, the Applicant is advised to attend an informal pre-consultation meeting with County staff for any proposed telecommunication towers which are not exempt from the requirement for municipal consultation, as specified in paragraph 2. Applicants should submit a letter outlining the proposal with a conceptual sketch that identifies the proposed facilities on the site and an elevation drawing identifying the type of telecommunication facilities proposed, and any other proposed structures on the site.

The purpose of a pre-consultation meeting is to:

- determine if the proposal will require public notification and advertisement in the paper as per paragraph 2;
- provide an opportunity for discussion of site selection and design guidelines to ensure that all siting options are considered prior to an application being submitted;
- to determine whether a public meeting will be necessary;
- identify any preliminary concerns or constraints on potential telecommunication tower sites; and,
- review submission requirements for the application and identify any additional studies that may be required to be submitted with the application (including, for example, a Heritage Impact Assessment or an Environmental Impact Statement).

Following the pre-consultation meeting, the applicant will be provided with an application form.

APPLICATION PROCESS

Following the pre-consultation meeting and upon submission of a completed application submission and fee, the following process shall be undertaken:

- The applicant shall arrange a public meeting during the 30-day notification period if so required by the County;
- Current Planning and Development (CPAD) staff shall circulate the application to relevant departments/agencies, including the Division Councillor, for information and comment;
- CPAD staff shall notify all landowners affected by the application (which would include at least all adjacent landowners to the subject property) and prepare an advertisement in the local newspaper. The public shall have a 30-day period to provide comments in writing to the County;
- All comments received as a result of the internal and external circulation of the application shall be provided to the Applicant;
- The Applicant shall respond to the comments received, make the required modifications to the plans and submit revised plans and drawings, where required; and
- The Manager of Current Planning and Development will review the application and make a recommendation. If the Manager is in agreement, the CPAD staff shall provide support of the proposed telecommunication facility through a formal letter of concurrence to Industry Canada and the Applicant. If there is non-concurrence with the proposal, a letter will be provided to Industry Canada and the Applicant accordingly.

The entire process shall take no more than 120 days to complete, as outlined in Industry Canada's publication CPC-2-0-03 ("Telecommunication and Broadcasting Antenna Systems", July 2014).

SUBMISSION REQUIREMENTS

The following information shall be submitted to the County with the Application:

- Application Form and Fee. (Note that the form is available on the County website, www.sturgeoncounty.ca, or can be provided by contacting the Current Planning and Development Department.)
- Site Selection/Justification Report (2 copies) which provides the following information:
 - Land Title Certificate;
 - The steps taken by the Applicant to investigate all non-tower and co-location options;
 - identification of the location of all existing telecommunication towers (illustrated on a map) within the Applicant's search area;
 - The reasons why existing facilities are not suitable for co-location;
 - The area that the tower will provide coverage for;
 - Identification of any alternate sites for the location of the new tower that were investigated by the Applicant, and the rationale for eliminating these sites as the preferred alternative;
 - Evaluation of the need for a new tower at the proposed location, and confirmation of the need for the proposed height of the tower; and
 - Description of design elements proposed in order to minimize the visual impact of the proposed structure, and how the design has incorporated future sharing possibilities, where applicable.
- Site Plan with Key Map (2 copies). The Site Plan shall be for the entire property if possible. If not feasible, then only the leased portion may be shown with its location identified on the key map which identifies the entire property. The Site Plan shall show:
 - The relationship between the proposed Telecommunication facilities and existing features on the property such as buildings, parking, pedestrian and vehicular movement, natural features, site grading, property lines, fencing, and landscaping; and,
 - Proposed facilities including fencing, landscaping, driveways, access, buildings or structures and proposed changes to the existing grading.
- Elevation Drawings (2 copies) identifying the type of tower (freestanding, self-support, guyed wire), colour and material of the proposed facilities;

- If the Applicant is proposing a roof-top antenna and/or other roof-top facilities that are greater than 25% of the building height, a cross-section of the building will also be required to understand visibility of the facilities from street level and proposed mitigation measures (2 copies);
- A vegetation management plan (2 copies), as applicable;
- A map indicating the horizontal distance between the proposed tower installation and the nearest residentially used property, and/or, Provincial Historic Resource, and or Environmental Sensitive/Hazard lands (2 copies);
- A colour photograph of the subject property with a superimposed image of the proposed tower from locations identified in the pre-consultation meeting (2 copies); and
- Any other information or studies identified in the pre-consultation meeting.

CONCLUDING CONSULTATION

The County's response to the Applicant and Industry Canada will take into consideration all staff and agency responses from the application review and from the public notification.

The Manager of Current Planning and Development or designate will provide the Applicant and Industry Canada with a letter stating whether the local land-use consultation process has been completed in accordance with the County's Protocol, and will include recommendations regarding the proposal as follows:

- Concurrence, if the proposal conforms with the County's requirements, as set out within this Protocol, and will include conditions of concurrence, if required with expiration date of letter of concurrence (which would be a year after the date of the letter); or
- Non-concurrence, if the proposal does not conform with the County's requirements, as set out in this Protocol. The County will further provide details of what deficiencies, under the protocol, the non-concurrence was based upon.

The letter of concurrence or non-concurrence will be provided to the Applicant and Industry Canada within 120 days of the formal submission.

7. Application fees

Cell/internet tower	Each	\$1,000
Amateur radio tower	Each	\$300

NOTE: Fees are non-refundable and subject to change without notice.

Note: *The applicant will be responsible for the additional payment of any costs incurred by the County for the review of any documentation and reports by 3rd party legal and engineering consultants.*

Applicant's Authorization

I/We, [redacted] being the registered owner(s) of lands legally described as:

All/part of the [redacted] ¼ Sec. [redacted] Twp. [redacted] Range [redacted] West of the [redacted] Meridian

Lot [redacted] Block [redacted] Plan [redacted]

Municipal Address [redacted]

do hereby authorize [redacted] to submit an application for a letter of concurrence for a telecommunication tower and antenna systems affecting the above noted property.

Dated this [redacted] day of [redacted], 20 [redacted]

[redacted]

Signature of Registered Landowner

[redacted]

Signature of Registered Landowner

Freedom of Information and Protection of Privacy (FOIP) Act

The personal information provided will be used to process the application is collected under the authority of Section 33(c) of the Freedom of Information and Protection of Privacy (FOIP) Act. If you have any questions about the collection and use of this information, please contact the Sturgeon County FOIP Coordinator at 9613 – 100 Street, Morinville, Alberta, T8R 1L9 (780) 939.4321

Office Use Only

Date Accepted

Receipt Number:

Application Fee:

Roll Number:

File Number:

This form is to be completed in full (wherever applicable) by the registered owner of the land, the subject of the application, or by an authorized person acting on his behalf.

General Information

Name of registered owner(s) of subject property(ies):

Address:

Postal Code:

Telephone:

Email:

Authorized person(s) acting on behalf of registered owner:

Address:

Postal Code:

Telephone:

Email:

LEGAL LAND DESCRIPTION AND PROPERTY INFORMATION

All/part of the $\frac{1}{4}$ Sec. Twp. Range West of the Meridian

Lot Block Plan C. of Title No.

Total parcel size as found on the land title certificate: hectares (acres)

SUBMITTED DOCUMENTATION IN SUPPORT OF APPLICATION:

- Land Title Certificate
- Site Selection/Justification Report (required)
- Site Plan with Key Map (required)
- Elevation Drawings (required)
- Cross-section of building for roof-top facility
- Vegetation management plan
- Colour photograph of the subject property with a superimposed image of the proposed facility
- Other – please specify _____

Right of Entry Authorization

Owners consent to the Right of Entry by an authorized person of Sturgeon County for the purpose of a land site inspection relative to a proposed area structure plan application.

Section 542(1) of the Municipal Government Amendment Act stipulates that:

"If this or any other enactment of a by-law authorizes or required anything to be inspected, remedied, enforced or done by a municipality, a designated officer of the municipality may, after giving reasonable notice to the owner or occupier of land or the structure to be entered to carry out the inspection, remedy, enforcement or action.

(a) *enter such land or structure at any reasonable time and carry out the inspection."*

In accordance with this Section and the County's application requirements, it is necessary that this form be completed and returned with your application submission.

I/We, _____

do grant consent for an authorized person of Sturgeon County to enter upon the subject land for a site inspection and evaluation regarding the proposed facility plan.

Please indicate any safety issues or special concerns on your property (i.e. guard dog): _____

Dated this _____ day of _____, 20 _____

Signature of Registered Landowner

Signature of Registered Landowner

Registered owner(s) or person acting on his behalf

I, _____ hereby certify that

Full name in block capitals.

I am the registered owner, or

I am the agent authorized to act on behalf of the registered owner
(If acting on behalf of the Land Owner, please include the signed authorization form)

and that the information given on this subdivision application package is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this area structure plan application.

Signature of Registered Landowner

Signature of Registered Landowner

Freedom of Information and Protection of Privacy (FOIP) Act

The personal information provided will be used to process the application for an Area Structure Plan and is collected under the authority of Section 33(c) of the Freedom of Information and Protection of Privacy (FOIP) Act. If you have any questions about the collection and use of this information, please contact the Sturgeon County FOIP Coordinator at 9613 – 100 Street, Morinville, Alberta, T8R 1L9 (780) 939.4321