

Request for Decision

Title	Telecommunication Tower and Antenna Systems Protocol Proposed Application Package for a Letter of Concurrence
Proposed Motion	<ol style="list-style-type: none"> 1. That Council accept the proposed Application Package for a Letter of Concurrence as information. 2. That Council approve the amendment to the Fees and Charges Schedule reducing the application fees for Cell/internet Towers from \$2,000 to \$1,000.
Administrative Recommendation	Administration recommends the noted motions given the Federal jurisdiction associated with Telecommunication Towers installations.
Previous Council Direction	<p>March 10, 2015 - Motion 094/15:</p> <p>That County Council request the County Commissioner explore whether or not it would be beneficial for Sturgeon County to have an “Antenna System Siting Protocol” and to bring forward an administrative recommendation regarding such a protocol.</p>
Report	<p>Background information</p> <ul style="list-style-type: none"> • Innovation, Science and Economic Development Canada (originally Industry Canada and abbreviated as ISEDC) procedures circular entitled: “Spectrum Management and Telecommunications” (CPC-2-0-03 – Radiocommunication and Broadcasting Antenna Systems), Issue 5, was posted on ISEDC’s website on June 26, 2014 to address the requirement for public and land use authority consultation for proponents undertaking to construct or modify telecommunication tower and antenna systems. • The circular was issued under <i>the Federal Radiocommunication Act</i>, RSC 1985, c. R-2. The said procedures circular notes that <i>Industry Canada is available to assist land-use authorities in the development of local consultation processes. In addition, land-use authorities may wish to consult Industry Canada’s guide for the development of local consultation processes. Municipalities may also wish to refer to the protocol template developed in partnership between the Federation of Canadian Municipalities (FCM) and the Canadian Wireless Telecommunications Association (CWTA).</i>

- Instead of compiling a protocol as per the said circular, Administration created an application package (Attachment 1) to serve the purpose of the above-mentioned protocol, but also as a practical means for proponents to be informed of the process to be followed in applying for a letter of concurrence. The objectives of the application package include the following:
 - to provide a reasonable, consistent and timely process for the review of telecommunication facilities and installations within the County;
 - to work cooperatively with proponents to facilitate, coordinate and influence the siting and design of wireless telecommunication facilities within the County;
 - 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;
 - to encourage the co-location of telecommunication facilities, where appropriate, in order to minimize the overall number of installations;
 - to provide an appropriate opportunity for public consultation with respect to mitigation of telecommunication facilities;
 - to support the direction of ISEDC to require proponents of telecommunication facilities to consult with land use authorities;
 - 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
 - to discourage the declaration of an impasse between a Proponent and the County, where possible.
- Besides addressing the County's review process of applications, the package also addresses design guidelines and submission requirements. Ultimately, the same process as that for an application for a development permit is proposed, except that no submission to the MPC is required nor is a development permit issued.
- Current Planning and Development will advertise an application and, ultimately, review the proposal and 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 proponent and ISEDC 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 the package, and will include conditions of concurrence, if required; 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 Proponent and ISEDC within 120 days of the formal submission.

Land Use Bylaw

- In terms of Section 6.20 of Land Use Bylaw 819/96, radiocommunication antenna towers require a development permit. This practice has been followed by Administration until recently when a refusal by the MPC for a telecommunication tower was appealed. In its decision on May 17, 2016, the SDAB did not accept jurisdiction over the hearing and revoked the decision of the MPC.
- It was the SDAB's opinion that the Development Approving Authority did not have authority to require a development permit for a telecommunication tower, and it was recommended that the County forward its comments regarding whether the proposed telecommunication tower was appropriate from a land use perspective to ISEDC. The reason for the SDAB's decision was described as follows: *Telecommunications are under federal jurisdiction (Industry Canada). Therefore, while the County is entitled to provide input to Industry Canada, once federal approval for a telecommunications tower has been granted, a development permit is not required. As such, the development permit process may not be the appropriate avenue for the County to provide its input to Industry Canada. In particular, having telecommunications towers go through the development process may cause confusion to the residents as even if the County refuses the development permit, the telecommunications tower can still proceed if Industry Canada ultimately approves it. The requirement that proponents of a telecommunications tower consult with the municipality applies to all towers unless specifically excluded by Industry Canada.*
- Administration abides by the decision of the SDAB. Theoretically, the Land Use Bylaw should be amended accordingly, however, given that Administration is in the process of rewriting the Land Use Bylaw, it is recommended to accommodate these changes in the new Land Use Bylaw rather than amending the existing Land Use Bylaw. In the interim and for the future, Administration intends following the processes as stipulated in the proposed application package.

Application fees

- At present, the following fees are charged for telecommunication towers:

Amateur/HAM Radio Tower	\$300.00
Cell/Internet/Communication Towers	\$2,000.00

- A comparison of the application fees for adjacent municipalities

confirmed the following:

Municipality	Item	Fee
City of St. Albert	Telecommunication Tower and Facility Siting	\$2,365
Strathcona County	Cell tower Institutional installation Amateur tower	\$1,600 \$525 \$260
City of Edmonton	Freestanding Tower Rooftop tower	\$3,310 \$2,300
County of Leduc	Proponents refer to administration only for comments. (They are in the process of changing this and most likely will require a fee)	None
County of Lamont	Discretionary use	\$150
Parkland County	Discretionary use	\$300
Westlock County	Discretionary use	\$475
County of Lac St. Anne	Discretionary use	\$210

- It is obvious that application fees differ widely between the different municipalities. It also appeared that all the municipalities contacted require the proponent to pay for all of the required advertising and notifications, i.e. a cost that would be included in the fees charged by the municipality.
- Ultimately, Administration is of the opinion that the fees charged should cover the costs associated with processing an application for a letter of concurrence. Advertising costs can add up to ±\$400 (one ad in two papers) whilst processing and consultation time will depend on the location of the proposed facility and the public feedback received.
- Given that towers or antennae less than 30m in height do not require an advertisement in the paper, Administration is confident that the existing fee of \$300 for Amateur/HAM Radio Towers should cover the processing costs incurred by an application.
- As for Cell/Internet/Communication Towers, submission of an application to the MPC will not be required anymore. As such, Administration is of the opinion that a fee of \$1,000 for this category should be sufficient to cover the processing costs incurred by an application.

External Communication

Administration provided a draft copy to MSCnet of the application package for comment. The only concern received back was the requirement for a pre-consultation meeting as they felt this would be time consuming. It was mentioned that the pre-consultation meeting was advised, rather than it being a mandatory obligation.

	<p><u>Relevant Policy/Legislation/Practices:</u></p> <p><i>Radiocommunication Act, RSC 1985, c. R-2</i></p> <p>Innovation, Science and Economic Development Canada procedures circular entitled: <i>Telecommunications and Broadcasting Antenna Systems (CPC-2-0-03, Issue 5, June 2014)</i></p> <p>Federation of Canadian Municipalities and the Canadian Wireless <i>Telecommunications Association's Antenna System Siting Protocol Template Radiocommunication Act, RSC 1985, c. R-2</i></p>
<p>Implication</p>	<p><u>Strategic Alignment:</u></p> <p>Sturgeon County Strategic Plan 2012 -2021</p> <p>Focus Area: Operational Excellence</p> <p>Goal 6.1.2 Sturgeon County has streamlined operational processes, through standardization and continuous improvement.</p> <p>Goal 6.1.3 Sturgeon County has policies, operating systems and practices that support effective engagement and professional interaction with stakeholders.</p> <p>Goal 6.1.4 Sturgeon County has an organizational cost structure which allows us to remain competitive within a regional, national, and global marketplace.</p> <p><u>Organizational:</u></p> <p>The application package will streamline the application process, bring it in line with the requirements of the <i>Radiocommunication Act</i> and reduce time and effort for both the proponent and the MPC.</p> <p><u>Financial:</u></p> <p>The fees charged are expected to cover the costs associated with processing an application for a letter of concurrence.</p>
<p>Alternatives Considered</p>	<ol style="list-style-type: none"> 1. Council could choose not to adopt the proposed Application Package for a Letter of Concurrence as information. 2. That Council refuses/modifies the revised application fees for Cell/internet Towers and Amateur Radio Towers, as presented.
<p>Implications of Alternatives</p>	<p><u>Strategic Alignment:</u></p> <ol style="list-style-type: none"> 1. Not supporting adoption of the proposed application package will maintain the status quo and be contrary to Operational Excellence Goal 6.1.2 of Council's Strategic Plan: <i>Sturgeon County has streamlined operational processes, through standardization and continuous improvement.</i> 2. Refusal of the proposed fees will be contrary to Operational Excellence Goal 6.1.4 of Council's Strategic Plan: <i>Sturgeon County has an organizational cost structure which allows us to remain competitive within a regional, national, and global marketplace.</i>

Organizational:

The status quo will remain and will not streamline the application process, not bring it in line with the requirements of the *Radiocommunication Act* and not spare time and effort for both the proponent and the MPC. The Development Authority, the applicants and landowners will be left trying to navigate an undefined process that will introduce conflict.

Financial:

The fees charged will not necessarily cover the costs associated with processing an application for a letter of concurrence.

Follow up Action

Administration to implement the proposed application package and the Fees and Charges Schedule will be updated accordingly.

Attachment(s)

1. Telecommunication Tower and Antenna Systems: Application for Letter of Concurrence.

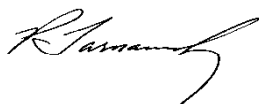
**Report Reviewed
by:**



Clayton Kittlitz, Manager Planning & Development



Collin Steffes for Stephane Labonne, General Manager of Integrated Growth



Peter Tarnawsky, County Commissioner – CAO

Strategic Alignment Checklist

Vision: Sturgeon County: a diverse, active community that pioneers opportunities and promotes initiative while embracing rural lifestyles.

Mission: Provide quality, cost effective services and infrastructure to meet the diverse needs of the Sturgeon County community, while improving competitiveness and sustainability.

Focus Areas	Not consistent	N/A	Consistent
Strong Local Governance and Regional Leadership			
<i>We promote consistent and accountable leadership through collaborative and transparent processes (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Consistent with neighborhood role (see MDP), master plans, policies</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Considers fiscal stability and sustainability</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Has a positive impact on regional and sub-regional cooperation</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Respect the Natural Environment			
<i>We acknowledge the importance of a healthy environment and will minimize and monitor our impact on ecosystems (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Compliance with Provincial and Federal regulations and/or legislation</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Ensure effective environmental risk management</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community Identity & Spirit			
<i>We will build upon our strengths, where together we will create an inclusive, caring community (Strategic Plan, (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Promotes and/or enhances residents' identification with Sturgeon County</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Enhances service provision through community partnerships</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Supports Sturgeon County's cultural history</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Planned Growth and Prosperity			
<i>We encourage varied and integrated enterprises that enhance our strong economic base, while balancing the needs of the community and natural environment. (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Does the proposal align with the Integrated Regional Growth Strategy (map/policies) pg. 26 MDP</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Considers cumulative costs and long-term funding implications</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Targets growth around current or planned infrastructure</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maintain and Enhance Strong Communities			
<i>We are committed to a safe, secure community, where our residents are respected and provided with access to opportunities. (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Positive impact on residents' quality of life</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Supports and promotes volunteer efforts</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Provides programs and services that are accessible to all residents</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operational Excellence			
<i>We have the organizational capability to deliver consistent and defined levels of service to all stakeholders in a professional, efficient, and cost effective manner</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • <i>Staff have the knowledge, skills, resources and capability to perform their jobs</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • <i>Streamlines operational processes and policies</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • <i>Promotes engagement and professional interaction with stakeholders</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • <i>Considers a cost-structure which allows Sturgeon County to remain competitive within a regional, national and global context</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>