

Policy: **Antenna Siting Procedure Policy**

Date Originally Approved: July 10, 2008

Motion: "That Council approves the Municipal Antenna Siting Procedure Policy as presented." Motion carried.

Municipality of Colchester

Antenna Siting Procedure Policy

1. Application of Policy:

This Policy shall apply to projects subject to federal approval under the Antenna Siting Procedures (CPC-2-0-03, Issue 4 – 2007), as amended from time to time, and is applicable to all lands within the Municipality of the County of Colchester.

2. Purpose:

Municipal Council recognizes the role and importance of radiocommunication and broadcasting services to the residents, businesses and institutions of Colchester. While infrastructure associated with this communications medium is necessary, its design and placement can have varying degrees of impact on the communities in which they are established. The purpose of this policy is to provide for public involvement in the planning process of such projects and generally mirror the objectives outlined in the Antenna Siting Procedures (CPC-2-0-03, Issue 4 – 2007) presently administered by Industry Canada.

3. Definitions:

Municipality shall mean the Municipality of the County of Colchester.

Municipal Authority shall mean the Building Inspector and / or the Development Officer appointed by Council for the purposes of administering the Land Use Bylaw, the Subdivision Bylaw and Building Bylaw of the Municipality.

Proponent and / or Applicant shall mean any individual, business, organization, or service provider proposing to establish or modify radiocommunication antenna within the Municipality which is subject to Antenna Siting Procedures (CPC-2-0-03, Issue 4 – 2007) as amended from time to time.

Federal Approval shall mean any approvals required by federal agencies including but not limited to Industry Canada, the CRTC, Environment Canada, etc.

4. Preliminary Requirements:

4.1 The Proponent shall supply the Municipality with documents and drawings describing the proposed project and site configuration (ie. 20m, 30m, 40m, 70m, composite poles, steel tower, utility power, and green power configurations, etc.). Plans will be certified by a professional engineer and be accompanied by a Best Practices document outlining design principles to be used during construction.

- 4.2 Upon review of submitted material, Municipal Authorities will provide notice to the Applicant of its (their) intention to approve or not approve the site and / or construction plans within 14 days of receipt of the application. In cases where a Development and / or Building Permit is not required, Municipal Authorities shall inform the Applicant in writing that the project is exempt from related municipal bylaw regulations.

5. Antenna Siting Process

- 5.1 The Proponent shall make application to the Municipality for building and development permits (where applicable), or where under Section 4.2 above it has been determined the project does not require such permits, submit a letter indicating its intention to establish or modify radiocommunication antenna subject to this policy.
- 5.2 Any permit application or Letter of Intention concerning the establishment or modification of radiocommunications antenna shall include the following:
- a) Engineering drawings and description of the proposed structure including areas of public access and access demarcation/control points duly endorsed by a Professional Engineer, a member in good standing of the Association of Professional Engineers of Nova Scotia (the “Authorized Engineer”).
 - b) A description of the purpose of the structure and a discussion of future additional uses.
 - c) A review of nearby existing structures and the reasons why such structures could not be used for the purpose.
 - d) Where the Applicant intends to situate radiocommunication antenna on land not owned by the Applicant, a copy of an agreement between the Applicant and the Property Owner(s) illustrating the area of land subject to the agreement as well as a description outlining the commercial terms for the use of the property as part of the proposed site.
 - e) A description of the radiocommunication equipment to be installed on the structure. .../3
 - f) Certification by a duly authorized representative of the Applicant that the structure shall protect the public in compliance with *Health Canada’s Safety Code 6*.

- g) Certification by a duly authorized representative of the Applicant that the structure and surrounding site complies with the *Canadian Environmental Assessment Act* or is exempt from the Act under the Exclusion Regulations.
 - h) Certification by the authorized engineer that the structure shall meet all structural requirements including loading and environmental factors using best engineering practices and is compliance with all federal, provincial, and municipal laws and regulations.
 - i) Copies of any other permits or approvals required by regulatory agencies of the Province of Nova Scotia or Government of Canada.
- 5.3 The Municipality will provide assistance to the Proponent in identifying all property owners within a distance equally three (3) times the height of the proposed structure.
- 5.4 The Proponent will contact each identified landowner by registered mail, or courier (signature required). Each landowner shall be deemed served within three business days of the date on the receipt for registered mail or courier.
- 5.5 The notice to landowners shall comprise a letter which provides a description of the proposed structure including the location, a drawing of the proposed structure or a picture of a materially similar structure and any buildings or appendages, and shall provide contact information for individuals to whom any questions or concerns shall be directed. Contact information shall be provided for both Proponent and the Municipality. Individuals who have received such a notice shall respond with any objections within 15 days of receiving the notice.
- 5.6 If one of the landowners is the Municipality, or the proposed site includes a public use of land for recreational or other common purposes (schools, parks, etc.), the Proponent shall publish a Notice of Intent to establish radiocommunication antenna in the local newspaper(s) and provide contact information to address concerns or obtain more information.
- 5.7 Where a proponent intends to establish more than ten (10) antennas subject to this policy within a period of two (2) years, the proponent shall, in addition to all other requirements of this policy, arrange to hold a public meeting or information session to convey information on the project and also address matters concerning health, safety, operations, and maintenance of the project.

- 5.8 The Proponent shall provide confirmation to the Municipality when all landowners have been contacted, including the publication of a Notice of Intent where newspaper advertising is required.
- 5.9 Notified property owners, including members of the public in instances where newspaper advertising is required shall allow 14 days in which, or the public in the case of a public use land owner, may notify the Municipality or Proponent of any concerns or requests for further information.
- 5.10 On the 15th day, if no comments or concerns are received, the Municipality shall consider obligations for public consultation as being fulfilled by the Proponent.
- 5.11 Where a notified private landowner has expressed comments and / or concerns with the proposal, the Proponent shall respond to any issues in writing, and copy any such response to the Municipality, or alternatively arrange a meeting with the concerned parties and the Municipality within 20 days after the landowners have been served or a Notice of Intent published.
- 5.12 In the case of land used for a public purpose, any concerns expressed by members of the local public shall be addressed either individually, in writing, within 5 days of receipt by Proponent or, at the discretion of the Municipality, through a meeting with the affected parties which may include a requirement for the proponent to hold a public meeting. Such a meeting shall be arranged by the Proponent and the affected parties notified no later 20 days after the Notice of Intent is published.
- 5.13 If a meeting is held, minutes of the meeting shall be produced by either Proponent or the Municipality minimally outlining any concerns discussed and any action items to address either individual or group concerns.
- 5.14 The Proponent shall respond to any action items within 10 days of the meeting with copies of responses provided to the Municipality.
- 5.15 The Municipality shall verify the Applicant has responded to concerns and/or action items and determine if any future action is required. If no future actions remain outstanding, the Municipality shall acknowledge, by way of letter, that the Proponent has complied with its obligations for public consultation identified under this Policy.
- 5.16 Upon successful completion of the public consultation process, the Municipality may issue relevant building and development permits and shall provide notice to Industry Canada, by way of letter, indicating compliance with consultative review process described under this Policy.

6. Timeline Summary

Step	Date	Action
1	X	Application Submitted to Municipality
2	X+3 days	Municipality provides contact information for adjacent landowners if required.
3	X+5 days	Applicant to contact identified landowners and / or publish Notice of Intent in local newspaper (where public use of land).
4	X+20 days	Comments received from landowners/public (if none go to 5, otherwise 6)
5	X+21 days	<i>If no concerns, Municipality issues permits and Letter to Applicant for files (FINISHED)</i>
6	X+25 days	Responses sent by Applicant to any concerns in writing, or arrangement and notice of meeting to address concerns completed.
7	X+30 days	Meeting held with concerned parties if required.
8	X+40 days	Action items from meeting addressed and review with Municipality. If no further action required, go to 5, otherwise go back to 6

Clerk's Annotation For Official Policy Book

Date of Notice to Council Members of
Intent to Consider (7 days minimum): July 3, 2008

Date of Passage of Current Policy: July 10, 2008

I certify that this Policy was adopted by Council as indicated above.

Dan McDougall
Municipal Clerk

July 10, 2008
Date