



PROCEDURE

Planning

Policy #: 500.20

Issue Date: July 21, 2008

Revision Date: April 30, 2019

Consultation Process for Radio Telecommunication Facilities

Procedure

1. It is recognized that Industry Canada is responsible for the licensing and approval of telecommunication equipment and facilities across Canada and considers the input of local land use authorities and residents important elements to consider.
2. The City of Niagara Falls shall be a commenting agency on any proposal to construct such facilities, unless the works are exempt under the Default Consultation Protocol issued by Industry Canada.
3. In addition to the requirements of Industry Canada's Default Public Consultation Protocol, the proponent of any telecommunication facility shall meet the following design and siting policies and, if it is unable to do so, provide the City with a proper justification of their reasons.

Facilities shall be located outside of and at the maximum distance away from:

- built residential structures/areas, areas zoned or designated for future residential use;
- significant natural heritage areas as designated by the Niagara Region, the City or the Niagara Peninsula Conservation Authority;
- cultural heritage sites including sites listed or designated under the City's Register of Heritage Properties;
- the Niagara Escarpment unless approval of the location has been obtained by the Niagara Escarpment Commission;
- the Niagara Parkway being designated as a scenic roadway in the City's Official Plan;
- parks and open space areas;
- important tourist vistas;
- municipal road allowances;
- and should not result in the removal of healthy wooded areas.

In terms of siting and design:

- building/rooftop facilities, where properly designed, are preferred rather than towers within the tourist serving areas of the City;
- rooftop facilities should be set back from the roof edge and painted to match the building to mitigate visual impact;
- wall mounted facilities should be fixed as close to the wall as possible;

- towers should be designed to accommodate more than one service in order to minimize the number of towers in each area;
 - the tower should be as unobtrusive as possible and take advantage of tower design (e.g. monopole), elevations, topography and existing vegetation to minimize visual impact;
 - the colour of the tower should blend in and reflect the surrounding area;
 - towers shall not exceed a maximum of 40 m in height except in industrial areas;
 - a mix of deciduous and coniferous trees shall buffer the tower and equipment shelter where visible from public spaces;
 - regard shall be given to the intent of the provisions of the City's Zoning By-law in siting an antenna support structure. Accessory buildings/structures not providing structural support to the tower or antenna shall comply with the setback and lot coverage requirements of the City's Zoning By-law; and
 - The City may request a Letter of Undertaking for:
 - the posting of security for the construction of fencing, screening and landscaping; and
 - any conditions imposed by Council in their concurrence.
4. The proponent shall conduct a public information meeting for all proposals not exempt by Industry Canada and shall forward any minutes, written or oral concerns or issues received from the public through the consultation process, as well as the efforts of the proponent to address those issues, to the City prior to the City's preparation of a response.
 5. Staff shall circulate any proposal for a telecommunication facility not exempt under the provisions of Industry Canada's Default Public Consultation Process, to all internal departments for information and comment.
 6. A report to City Council will be prepared by Planning Staff which, along with the decision of the Council, will serve as a written response to Industry Canada.
 7. Any issue on design or siting of a proposed facility which cannot be agreed upon by the City and the proponent shall be forwarded in written form directly to Industry Canada for mediation.
 8. A request for extension of concurrence where a tower has not been constructed within 3 years of concurrence shall re-initiate the consultation process outline herein and include the submission of an updated planning justification report.

Where a request for extension of concurrence meets all of the criteria detailed below, the Director of Planning, Building and Development may extend concurrence for a maximum period of one year:

- there has been no change to the design, height or location of the tower;
- there have been no new towers either approved or constructed within 2 km of the tower since the original concurrence;
- there has been no new residential development (including building permits), or land use designation/zoning changes for residential use within the standard circulation distance (3X antenna height) since the original concurrence;
- there were no concerns received through the consultation process for the original tower; and

- the extension request is accompanied by an updated Planning Justification report that addresses the above criteria as well as need for the facility.

A maximum of one extension of concurrence may be considered under this process. Council will receive a copy of the extension.

Please Note:

In keeping with the City's direction to establish a user fee system within the municipality, a consultation fee will be required to cover the administrative costs of reviewing the antenna/tower proposal and the preparation of a report and response (2019 fee: \$400). An additional fee for the preparation of a mailing list, when requested, will be applied (2019 fee: \$100). These fees may be reviewed annually.

Submitted By: Alex Herlovitch, Director of Planning & Development

Recommended By: Ken Todd, CAO

Approved By Council On: April 30, 2019

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