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## **CITY OF SARNIA**

### **PROTOCOL FOR THE DEVELOPMENT OR REDEVELOPMENT OF TELECOMMUNICATION TOWERS**

Date of Last Revision: January, 2019

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#### **INTRODUCTION**

The purpose of this protocol is to provide guidelines concerning the siting of Federally licensed towers and antennas within the City of Sarnia. These guidelines are intended to safeguard legitimate concerns regarding land use. They can assist Radiocommunication applicants to implement radio infrastructure and give due consideration to local land use plans and specific environmentally sensitive areas. Mutual co-operation between the City of Sarnia and the applicant will result in the provision of new and enhanced wireless services to the community while minimizing the impact of necessary associated telecommunication infrastructure.

The primary intent of this document is to outline the approach which must be followed within the City of Sarnia by applicants proposing radiocommunication antenna structures. The process is intended to balance the local land use interests with that of bringing enhanced wireless telecommunications services to Sarnia.

The consultation process attempts to resolve concerns at the local level, however, participation by the City in this process does not transfer any federal decision-making authority, nor does it confer a right of veto in the location of the radiocommunication facility. Local By-laws cannot prevent a radiocommunication facility from being built as Industry Canada has the final authority over them under the Radiocommunication Act.

#### **PRINCIPLES IN SITE CONSIDERATION**

1. To encourage consultation between telecommunications carriers and the Municipality that will address matters such as co-location and optimal site selection
2. To provide a forum that will allow public involvement as determined by this protocol

## **GUIDELINES**

1. Protect the natural landscape of a site at all times. Where appropriate, the planting of trees and shrubs at the tower site to enhance the character of the surroundings is highly recommended.
2. Towers shall accommodate only telecommunications facilities and no signs or other material not directly related to this equipment shall be permitted on the tower.
3. The location of towers in or near existing or future residential areas will be discouraged.
4. The consolidation of more than one telecommunication facility on a tower shall be encouraged in order to reduce the necessity to construct new towers.
5. The carrier shall remove the tower if the telecommunication equipment on it has been deactivated and unused continuously for six months. Such tower and equipment shall be removed within 90 days after the six month period. Consideration may be given to extending the time noted if the carrier can demonstrate a real and probable use of the equipment beyond the six month period.
6. For purposes of this Protocol, a tower referred to herein includes all towers, antennae and other appurtenances attached thereto.

## **PROCEDURES**

### **Submission Requirements to the City of Sarnia**

All proposals for new telecommunication towers and modifications to existing towers, where municipal consultation is required by Industry Canada, require the submission of an application package to the City of Sarnia Department of Planning and Building which shall include the following information:

1. Written documentation from the Proponent outlining the steps taken by the proponent to investigate all non-tower and co-location options and why a tower option is the only viable alternative. A pre-consultation meeting with City of Sarnia planning staff is strongly encouraged in conjunction with this exercise to discuss the proposal.
2. A site plan drawn to scale showing the subject property or leased area, site grading, the location of existing property lines, existing or proposed buildings, fences, buffering, existing and proposed landscaping, access, parking and the type and height of the proposed tower structure. Any

- significant vegetation on a particular site should be inventoried on the plan.
3. Two sets of stamped engineered drawings of the tower design. In the case of roof mounted towers, a structural engineer's report may also be required to address the structural effects on the building.
  4. A statement from the Proponent indicating the reasons for the proposed tower height.
  5. A map showing the distance between the proposed tower installation and the nearest Residential Zone, residential use or residentially designated lands in the Official Plan.
  6. Application for a building permit in accordance with the Ontario Building Code for any of the following which apply:
    - a) Equipment shelters that exceed 10 square metres of gross floor area;
    - b) Towers that are to be mounted on, or attached to, an existing building;
    - c) Ground supported towers that exceed 16.6 metres (54.5 feet) above ground level.
  7. A cheque payable to the City of Sarnia to cover administrative and processing costs as set out in the attached Schedule "A".

## **PUBLIC REVIEW PROCESS**

### **A. Criteria for Exemption From The Public Consultation Process**

1. For towers which meet any one of the following criteria, public consultation is not required for:
  - a) ground supported towers which are less than 16.6 metres (54.5 feet) in height above ground level;
  - b) ground supported towers which are 16.6 metres (54.5 feet) or greater in height above ground level or roof mounted towers which are more than 30% of the building height and which both are located more than 300 metres (984 feet) from a Residential Zone, a residential use or a residentially designated parcel of land in the Official Plan;
  - c) towers to be constructed on the top of buildings provided that the tower height does not exceed 30% of the height of the building.

2. In cases where no public consultation is required, a letter of recommendation shall be provided by the Director of Planning and Building within two weeks of receiving a written request from the proponent to advise that the City's requirements have been satisfied.

### **B. Process to be Followed When Public Consultation is Required**

1. For proposed towers that do not meet the exemption criteria, the proponent shall conduct a public meeting and the City shall give notice of such meeting by regular mail to all owners of all properties which are zoned residentially, used residentially or designated as residential in the Official Plan, within a radius of 300 metres (984 feet) of the tower.
2. The required notice shall include the following information:
  - the proposed location of the tower on the subject site,
  - physical details of the tower including its height, colour, type and design,
  - the date, time and location of the public meeting,
  - the name and telephone number of a contact person employed by the proponent, as well as a Municipal contact person.
3. The City will prepare the mailing list and the notice for the public meeting.

### **C. Public Meeting**

1. The Public Meeting shall occur no sooner than 20 days, and no later than 40 days, from the date that notices are mailed.
2. The proponent shall conduct the public meeting.
3. In addition to the tower details provided in the notice, the Proponent shall also make available at the public meeting a large colour photograph of the subject property with a superimposed image of the proposed tower.
4. Following the meeting, the Proponent shall:
  - a) Provide a record of names, addresses and phone numbers of attendees;
  - b) Provide minutes of the meeting to identify the issues and concerns that were raised;

- c) Provide a follow-up letter to the City to indicate their formal response to concerns raised during the public meeting. Should any modifications of the proposed structure be agreed to, then further details (revised plans or drawings) will be provided as soon as possible.
5. After the Proponent has satisfied the public meeting requirements, and within two weeks of receiving a written request from the Proponent to do so, a Letter of Recommendation shall be provided by the Director of Planning and Building to the Proponent for consideration by Industry Canada to advise:
- a) whether or not, in the opinion of the City, adequate public consultation has been conducted by the Proponent, and,
  - b) to indicate the City's position based on probable land use impacts, and,
  - c) where it is clear that both parties have exhausted all attempts to resolve local concerns and disagreement still exists, the City will provide formal notification of the impasse to Industry Canada and request their intervention.

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## **SCHEDULE 'A'**

### **FEES**

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1. For applications that require public consultation, as set out in this Protocol, the required fee shall be \$500.00. The fee is payable by cash, debit or cheque.
2. All applicable building permit fees shall be paid, if a building permit is required

**Revised January, 2019**