



Staff Report

Planning & Development Services – Planning Division

Report To: COW-Operations, Planning and Development Services
Meeting Date: October 17, 2023
Report Number: PDS.23.091
Title: Recommendation Report – Updates to The Blue Mountains Protocol for Establishing Telecommunication Facilities
Prepared by: Carter Triana, Intermediate Planner

A. Recommendations

THAT Council receive Staff Report PDS.23.091, entitled “Recommendation Report – Updates to The Blue Mountains Protocol for Establishing Telecommunication Facilities”;

AND THAT Council direct Planning Staff to adopt the updated *Town of The Blue Mountains Protocol for Establishing Telecommunications Facilities*, as provided in Attachment 2 to this report.

Or

AND THAT Council direct Planning Staff to adopt the updated *Town of The Blue Mountains Protocol for Establishing Telecommunications Facilities*, as provided in Attachment 2 to this report, except the proposed reduction of the notification distance, which should remain at 500 metres.

B. Overview

The purpose of this report is to provide an overview of proposed updates to the Town of The Blue Mountains [Protocol for Establishing Telecommunications Facilities](#) (“the Protocol”) and to seek Council direction regarding the adoption of the updated document.

Telecommunication facilities are under the exclusive jurisdiction of the federal government, but proponents of some proposed facilities are required to consult with local land use authorities and the public using locally developed public consultation protocols, where adopted. The Blue Mountains Protocol was last updated in 2011 and proposed modifications would provide greater clarity to the process, better define the roles of its various actors, and improve its efficiency. Updates to the federal government’s regulations should also be incorporated into the document to ensure consistency in language and process. In conjunction with this update, Planning Staff are developing a unique application and public notice for these proposals. Planning and Communications Staff are also developing a pamphlet that provides a simplified explanation of

and answers common questions about the process for the benefit of the public. Future updates to the Protocol may be necessary pending larger local and regional efforts to plan for telecommunications infrastructure.

C. Background

Telecommunication facilities are under the authority of Innovation Science and Economic Development (ISED) Canada through the *Radiocommunication Act* of Canada. As this type of land use is federally regulated, proposals to erect new masts, towers, and other antenna-supporting structures are not subject to local planning documents. To ensure local planning concerns are considered in the site selection process, ISED Canada requires proponents of some facilities to complete a mandatory public consultation process with the local land-use authority. ISED Canada outlines a default process to be used where a local protocol has not been established, which outlines minimum requirements regarding public notice and consultation, and the type of concerns the applicant is responsible to address through the site selection process. A map of the locations of existing telecommunication facilities within the Town is provided as Attachment 1 to this report.

The Town of The Blue Mountains currently has a Protocol for Establishing Telecommunication Facilities in place to guide public consultation. Minor updates were made to the Protocol in February 2023 to correct errors related to the notification timeline, the required fee, and the header of the document; however, the last major update was in November 2011. The Protocol identifies corridors of demand, provides general direction regarding location considerations, and outlines the intended public consultation process.

Planning Staff presented [PDS.21.021](#) to the Committee of the Whole on March 23, 2021. The report sought Council direction to update the Town's policies and protocols regarding proposals for new telecommunication facilities. Council passed a resolution on April 6, 2021 directing Planning Staff, in consultation with the Rural Access to Broadband Internet Technology (RABIT) Task Force to:

- A. Initiate an update to the Protocol;
- B. Initiate a public engagement plan for the development of a Telecommunications Infrastructure Plan;
- C. Engage with municipal partners to investigate the feasibility of a regional telecommunications infrastructure plan; and
- D. Include updated telecommunication policies in the Official Plan through the review process, including reference to the Protocol and relevant findings from items B and C.

Planning Staff note that the RABIT Task Force was created by Council in 2020, but this entity does not exist under the current Council. In the absence of this task force, Planning Staff have begun work on Item A by conducting a comprehensive review of the existing Protocol to determine potential updates that would clarify and streamline the process.

Items B and C were initiatives anticipated to be initiated in 2022 through the inclusion of a \$30,000 budget item in the 2022 budget. This item proposed to update the Protocol through

assessment and review of strategic sites for new telecom towers and engagement with the public and service providers. This process would pre-approve specific locations for towers on Town-owned land and require utility providers to locate facilities at those locations. Rapidly changing requirements for new technology impact the feasibility of this assessment and it may not be appropriate to pursue this process at this time.

Notwithstanding the above, some work has since been undertaken in this regard, including working with neighbouring municipalities to ensure that consistent and fair review and approval processes are applied in support of fibre install projects. Municipal and regional telecommunications infrastructure plans have not yet been explored in depth. Completion of these types of plans may require future updates to the Protocol, however the updates outlined in this report should still be made to provide a more current, consistent, and clear document in the interim.

As part of the Official Plan review project, a review of infrastructure and servicing policies is being undertaken, including the evaluation of new policy direction on high-speed internet and telecommunication facilities. The updated Official Plan will also include explicit reference to the Protocol.

It is noted that the expansion of fiber networks within the Town does not preclude the need for additional telecommunication towers. A major benefit of fiber network expansion is the provision of reliable high-speed internet in rural areas, many of which currently rely on wireless internet. In many cases, fiber cable can replace existing cable as a lightweight and higher performing option that can carry more data at faster speeds; however, wireless networks such as point to point communication and cellular networks require antennas for the transmission of data. The topography and extensive vegetation in the region may necessitate the placement of these antennas at higher elevations to facilitate this wireless transfer of data. Enhancements to and expansion of existing fiber networks between antennas and other infrastructure serve as wired modes of data transfer, but cannot replace telecommunication towers, which are necessary for the wireless transfer of data.

D. Analysis

The main proposed updates to the Protocol are listed below, along with Staff commentary regarding the purpose of and justification for the updates. A fulsome list of proposed updates to each section of the Protocol is included as Attachment 1 to this report.

1. Clarity in language, including standardizing use of “ISED Canada” and “Proponent”

ISED Canada was known as Industry Canada prior to 2015 and this change reflects the current name of the department. Standard language used by ISED Canada identifies “proponents” rather than “applicants”, which is used in the current version of the Protocol. These updates ensure standardization with ISED Canada and its protocol.

2. Addition of ISED Canada’s role in the process

For the benefit of proponents and the public, the role of ISED Canada as the approval authority is included, along with the requirement for consultation with the Town under ISED

Canada's guidelines. These statements are included on mail notices and the development sign that is posted on site to ensure all parties are aware of ISED Canada and the Town's authority regarding these types of proposals.

3. Overview of consultation process

As the Protocol document is lengthy, an overview of major steps in the consultation process is beneficial for proponents to understand the full process from the outset.

4. Clearer distinction between recommended preliminary discussions and mandatory pre-consultation

Several portions of the Protocol were updated to provide this distinction to ensure proponents are aware of the nature of each type of consultation. Preliminary discussions generally take place with Planning Services, while pre-consultation involves Planning Services, staff from other Town departments, and external agencies for a more fulsome review of the proposal.

5. Clarity regarding role of Niagara Escarpment Commission

The NEC has developed its own [protocol](#) that outlines the public consultation process for telecommunication facilities. For proposals within the Niagara Escarpment Plan, but outside of the Area of Development Control, the Town is the primary land use authority, and the NEC acts as a commenting agency, with received comments being forwarded to ISED Canada. For proposals within the Area of Development Control, the NEC is the primary land use authority. The Town's preference is that a joint review by the Town and the NEC is undertaken for proposals within the Area of Development Control. The NEC's practice for these proposals is to write a report with a review of and recommendations for the proposal, and to then forward the report to ISED Canada. The recommended updates provide a more detailed view of the NEC's role in the process in both situations.

6. Additions to required submission materials

Two items were added to the list of required submission materials, including a complete application form and a completed comments-response matrix from pre-consultation. This matrix will serve as proof of completion of pre-consultation and will provide staff and the public with a better view of concerns raised through this process and how they have been addressed.

7. Clarity regarding roles of Town and Proponent for providing notice

The current version of the Protocol outlines requirements for mail notice and development sign. It is Town practice to create these two items based on established templates, eliminating the need for this information to be included in the Protocol. It is also Town practice for staff to send mail notice to property owners within the established notification area. Finally, the Town has a practice of creating an electronic version of a development sign for development applications and sending this version to a proponent, who is then responsible for printing and installing the sign on site. Confirmation of the posted sign is sent to the Town Clerk via email. The recommended updates provide proponents with a better understanding of their role in the notification process.

8. Reduction of notification distance

The current version of the Protocol requires notice to be provided to all property owners within 500m of the proposed location of the telecommunication facility, or within 10 times the structure's height, whichever is greater. The proposed reduction to 300m or 6 times the structure's height, whichever is greater, is aligned with the direction of Section 8.9.4(5)(d) of the Grey County Official Plan. Notice distance requirements from other agencies and municipalities that have established protocols are as follows:

Agency/Municipality	Notice Distance Requirement
ISED Canada	3 times structure height
NEC	120 metres
Collingwood	3 times structure height
Clearview	500 metres
Grey Highlands	3 times structure height
Barrie	60m or 3 times structure height
Tiny	120 metres
Springwater	Settlement Area: 200 metres, Rural Area: 500 metres
Innisfil	Settlement Area: 120 metres, Rural Area: 300 metres

The current required notification distance of 500m is much greater than both that required by ISED Canada and that required by other municipalities in the area, besides the Township of Clearview, which has the same standard, and the Township of Springwater, which has the same standard for proposals in rural areas. In comparison to notice required under the Protocol, required notification distances for applications under the Planning Act range between 60 metres and 120 metres.

The recently proposed telecommunications tower at the Margaret Drive Sewage Pumping Station provides an example of the potential effect of this change. 111 property owners within 500 metres of the proposed location were mailed notice of the proposal. 12 individuals provided comments regarding the proposal, 11 of whom were provided notice via mail. Of those 11, only one was the owner of a property located more than 300m from the proposed location. Therefore, if the reduction to the required notification distance had been reduced in this situation, 10 of the 11 individuals who received notice and provided comments would have still received a mailed notice.

The cost of postage for mailing notice is \$0.92 per envelope, but staff also folds and places notice in envelopes by hand. It is estimated that it takes approximately one hour of staff time to address, print, fold, and stuff 100 notices. In the example above, it is estimated that it would take one staff member approximately 67 minutes to fold 111 envelopes. Were the notification distance reduced to 300 metres, 34 notices would have been circulated, resulting in approximately 21 minutes of staff time, a reduction of more than two thirds.

The proposed reduction will still provide sufficient notice for residents while also reducing the resources and time needed to send notice to those residents. The proposed reduction is still above and beyond the requirements of both ISED Canada and those of other municipalities in the area and notice will still be provided to all residents through the

installation of a development sign on the property and through the newspaper when applicable. Should Council wish to maintain the current required notification distance of 500 metres, Planning Staff recommend that all other proposed updates be adopted, minus the reduction of this distance.

9. Reduced requirement for newspaper notice

The current version of the Protocol also requires notice to be provided in a newspaper for all proposed facilities, regardless of height. Agency and municipality direction related to this requirement can be divided into two practices:

- Notice required for **all** proposals: Clearview, Collingwood, Tiny, Springwater
- Notice required for proposals **greater than 30m** in height: ISED Canada, NEC, Grey Highlands, Barrie, Innisfil

This update proposes modifying the Protocol to require notice in a newspaper only for proposals greater than 30m in height, in accordance with ISED Canada standard protocol. It is noted that the Collingwood Connection is no longer in print and that the only newspaper with circulation in the Town is The Blue Mountains Review. Compared to the weekly print of the Collingwood Connection, The Review is only published monthly. This may present a timing issue as the deadline to add an item to the Public Meeting agenda is often only three days before the deadline to submit advertisements for The Review. The shift to posting additional notices in The Review may also result in increased costs to the municipality due to the increased number of pages used. A reduction in the number of notices posted in the newspaper, as recommended in this report, would both reduce this cost burden and reduce strain on staff time caused by the quick turnaround required to prepare notice.

It is anticipated that the mailed notice will still provide sufficient opportunity for individuals most directly affected by proposals to participate in the public consultation process. Proposals of a larger scale, those over 30m in height, have the potential for a wider-reaching impact and posting of notice in a newspaper in these situations would notify individuals not captured within the mailed notice area. Planning Staff note that notice for all public meetings is posted to the Town website and in Town Hall for the benefit of all community members.

10. Inclusion of new language requirements

ISED Canada's Client Procedures Circular CPC-2-0-03, *Radiocommunication and Broadcasting Antenna Systems*, issue 6, was released in July 2022 and included the implementation of official language requirements for public consultations beginning on or after August 1, 2023. This requires that public notices related to new towers be given in both official languages in communities located in census subdivisions that have a minority official language population of any size, which includes The Blue Mountains. The Protocol has been updated to state this requirement and bilingual notice and development sign templates are being developed to accommodate this requirement.

11. Clarification of method for responding to public comments

ISED Canada's default consultation protocol provides direction regarding the requirement for a proponent to respond to public comments, namely through direct responses to

commenters. This update proposes to require a proponent to respond to public comments through a comment-response matrix, which will be provided by Town Staff and included in reports related to the proposal. Town Staff and the proponent are also directed to engage directly with the public to resolve reasonable and relevant concerns prior to a report being brought to the Committee of the Whole.

Based on the above commentary and the fact that the Protocol has not been updated since 2011, Planning Staff recommend that the proposed updates be approved, and the revised Protocol be adopted for immediate use.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders.

2. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

3. Community

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

4. Quality of Life

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

F. Environmental Impacts

No adverse environmental impacts are anticipated as a result of the recommendations contained within this report.

G. Financial Impacts

No adverse financial impacts to the Municipality are anticipated as a result of the recommendations contained within this report.

H. In Consultation With

Shawn Postma, Manager of Community Planning

Senior Management Team

I. Public Engagement

The topic of this Staff Report has not been the subject of a Public Meeting or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. However, any comments regarding this report should be submitted to Carter Triana, planning@thebluemountains.ca.

J. Attached

1. Locations of Current Telecommunication Facilities Within the Town
2. Proposed Updates Matrix
3. Draft Protocol for Establishing Telecommunication Facilities
4. Draft Protocol for Establishing Telecommunication Facilities (Tracked Changes)

Respectfully submitted,

Carter Triana
Intermediate Planner

For more information, please contact:
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Report Approval Details

Document Title:	PDS.23.091 Recommendation Report - Updates to The Blue Mountains Protocol for Establishing Telecommunication Facilities.docx
Attachments:	- PDS-23-091-Attachment-1.pdf - PDS-23-091-Attachment-2.pdf - PDS-23-091-Attachment-3.pdf - PDS-23-091-Attachment-4.pdf
Final Approval Date:	Oct 5, 2023

This report and all of its attachments were approved and signed as outlined below:

Shawn Postma - Oct 5, 2023 - 4:31 PM

Adam Smith - Oct 5, 2023 - 8:57 PM