

COUNTY OF BRANT

COMMUNICATION TOWER AND ANTENNA SYSTEM PREFERRED LOCATION PROTOCOL

(ISED Local Land-use Authority Consultation Process)

1. **BACKGROUND**

A. Purpose

The purpose of this protocol is to outline the local land-use consultation process and guidelines to be followed in evaluating communication tower and communication antenna siting proposals within the County of Brant for the purposes of issuing a letter stating concurrence on behalf of the local land-use authority.

B. Objectives

The objectives of this protocol are:

1. Establish a local consultation framework that provides a clear process for collaboration among the County of Brant, the public, and proponents to review non-exempt communication tower and antenna proposals, ensuring local land-use authority consultation is completed and a letter stating concurrence or non-concurrence is issued to ISED Canada
2. Define evaluation criteria by setting clear guidelines to:
 - Prioritize existing and shared infrastructure to minimize new tower sites.
 - Avoid siting near sensitive land uses.
 - Encourage and support development in preferred locations identified by this protocol.
3. Facilitate meaningful consultation by ensuring opportunities for public input, Indigenous Community engagement with Six Nations of the Grand River and Mississaugas of the Credit First Nation, and coordination with applicable public agencies within ISED's 120-day timeline.
4. Address land-use and site design concerns and enable early identification and resolution of land use, siting, or design issues by ISED Canada, the communications industry and the County of Brant.
5. Streamline the application review to deliver an efficient application and review process that aligns with County land-use priorities, fosters community involvement, and delivers tangible benefits.

2. DEFINITIONS

The following are the definitions for the purposes of this protocol and its implementation:

- a) Application or Submission Means, in the context of this protocol, a request to the municipality to determine local consultation, siting, and site design preferences, and to install or modify an antenna system within the municipality. Such an application may also be referred to as a “Telecommunication Tower Review Application” and shall be made to the County of Brant, including any submission requirements and fees as further outlined in this protocol.
- b) Co-location or Co-locate Means the sharing of a communication tower or placement of a communication antenna on a building, structure or tower by more than one proponent.
- c) Commercial Use Means all lands designated or zoned for commercial land uses as may be further defined within the Official Plan and Zoning By-law for the County of Brant.
- d) Communication Antenna Means the components, either individually or in combination, needed to operate a wireless communication network for the purpose of radio and television communications, including but not limited to cell sites; transmitters; receivers; signaling and control equipment; and an equipment shelter containing electronic equipment and which is not staffed on a permanent basis and only requires periodic maintenance, but does not include a communication tower.
- e) Communication Tower Means all types of towers used to support one or more communication antennae for the purpose of radio and television communications. This may include, but is not limited to, a monopole; tripole; lattice tower; guyed tower; self-support tower; pole; mast; or other structure, which may be located at ground level or on the roof of a building, and may include an equipment shelter containing electronic equipment. Such a tower is not intended to be staffed on a permanent basis and only requires periodic maintenance.
- f) Designated Official For the purpose of issuing a letter stating concurrence or non-concurrence for a communication tower or communication antennas, the designated official shall be the Council of the County of Brant, or their delegate, as may be authorized under the County of Brant Delegation of Authority By-Law.

- g) Height Height is measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the particular installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the antenna system.
- h) Industrial Use or Industrial Area Means all lands designated or zoned for industrial land uses as may be further defined within the Official Plan and Zoning By-law for the County of Brant.
- i) Institutional Use or Institutional Facility Means all lands designated or zoned for institutional land uses as may be further defined by the Official Plan and Zoning By-law for the County of Brant.
- j) Land Use Authority For the purposes of this protocol, the land use authority (or "LUA") shall refer to the County of Brant and any officer that may be delegated applicable authority on behalf of the County of Brant.
- k) Natural Hazards Means lands regulated by Grand River Conservation Authority or Long Point Region Conservation Authority pursuant to the Conservation Authorities Act. Natural hazards may include but may not be limited to wetlands, erosion hazards, and flooding hazards.
- l) Natural Heritage System Means all lands that meet the criteria for and/or that have been identified as being included in the Natural Heritage System in the County Official Plan and Zoning By-Law. The Natural Heritage System includes but is not limited to the following natural heritage features and areas:
- a) significant habitat of endangered species and threatened species;
 - b) wetlands, seepage areas and springs, fish habitat, and watercourses;
 - c) areas of natural and scientific interest;
 - d) significant woodlands;
 - e) significant valleylands;
 - f) significant wildlife habitat;
 - g) natural areas having significant environmental, cultural, economic, or historical value to indigenous Communities consisting of Six Nations of the Grand River and Mississaugas of the Credit First Nation.

- m) Parks and Recreation Use or Facility Means all lands designated or zoned for open space and/or recreational purposes, as may be further defined by the Official Plan and Zoning By-Law for the County of Brant, but does not include lands considered part of the Natural Heritage System or lands that contain Natural Hazards.
- n) Proponent Means a company, organization or person which offers, provides or operates wireless broadcasting or communication services to the general public and includes, but is not limited to, companies which have a radio authorization from ISED, and their authorized agents.
- o) Public Agency or Authority Means
- a) the Government of Canada, the Government of Ontario or any municipal corporation;
 - b) any ministry, department, commission, corporation, authority, board or other agency established from time to time by the Government of Canada, the Government of Ontario or any municipal corporation;
 - c) any public utility;
 - d) any railway company authorized under The Railway Act, as amended from time to time, or any successors thereto; or
 - e) any school board, public utility commission, transportation commission, public library board, board of parks management, board of health, police services board, planning board or other board or commission or committee of local authority established or exercising any power or authority under any general or special Statute of Ontario with respect to any of the affairs or purposes of a municipality or any portion thereof, and includes any board, commission or committee or local authority established by By-Law of the Municipality.
- p) Residential Use Means all lands designated or zoned for residential uses, as may be further defined by the Official Plan and Zoning By-Law for the County of Brant, and shall include any lands where existing residential dwellings are located on lands not zoned or designated for residential land uses but where the residential use is considered legal non-conforming.

- q) Sensitive Land Use Means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from nearby activities, such as visual incursions, contaminant discharges, and noise generated by a new communication tower and communication antenna and associate infrastructure. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to, residences, schools, day care centers, private and public open space uses, public gathering sites, sites of topographic prominence, and public views and vistas. Except in the case of a residential use, where a sensitive land use exists on a property whose designation or zoning does not indicate as such, the criteria of this protocol are intended to be applied based on the designation of the property in the County of Brant's Official Plan.
- r) Siting and Design Proposal or Proposal Means any application or proposal whereby a radiocommunication and broadcasting antenna systems is proposed to be installed or modified, as referred to and regulated by Innovation, Science, and Economic Development (ISED) Canada.
- s) Subject Property Means the entire municipally assessed property for which the proponent of a communication tower and communication antenna is attempting to secure permission to erect the said structure and includes the land leased by the proponent for a proposed communication tower as well as the land required solely to access the site, such as an access aisle way or right-of-way.
- t) Tower Lease Area Boundary Means the extent of the land leased by the proponent for a proposed communication tower and communication antenna, but does not include the land required solely to access the site, such as an access aisle way or right-of-way.

3. PRELIMINARY CONSULTATION WITH THE LAND-USE AUTHORITY

- (a) For siting and design proposals exempted from the County's land-use and public consultation process under this Protocol, the proponents shall provide information to the County on the nature and the location of the proposal and installation within a reasonable period of time, being 120 days, following the completion of such installation and for the purposes of the County's records. Such a submission should, at a minimum, provide a detailed site plan of the subject property.
- (b) For siting and design proposals not exempted from the County's land-use and public consultation process under this protocol, it is recommended that the proponent undertake a preliminary consultation meeting with the County Planning and County Building Division. This meeting would occur before a formal application is submitted to the County of Brant. The County agrees to keep the details of the preliminary consultation confidential pursuant to the exemptions under Part 1 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, in order to ensure the process does not affect the proponent's ability to finalize a lease/license agreement, and until such time as a formal application has been made.
- (c) A preliminary consultation meeting may be held in-person, or via virtual conference call. The purpose of this meeting is to:
 - i. Explore preferred site locations and siting, design and co-location considerations in accordance with this protocol';
 - ii. Determine if land use conflicts exist in accordance with this protocol
 - iii. Identify requirements for consultation;
 - iv. Determine if a site plan control agreement is required; and
 - v. Determine if a Telecommunication Tower Review Application is required.
- (d) At the preliminary consultation meeting, County staff will provide the proponent with an information package that includes:
 - i. This protocol, which outlines the application approval and exemption process, requirements for consultation, and guidelines regarding site selection, co-location, siting, design and landscaping; and
 - ii. Telecommunication Tower Review Application form.
- (e) To expedite the review of the application, the proponent will review this information package before an application submission is made so that the interests of the County, Indigenous Communities, and agencies are considered. The proponent is encouraged to consult with affected divisions and agencies before submitting the application.

4. PREFERRED LOCATION AND DESIGN REQUIREMENTS

- (a) In general, the County prefers that the following options be considered when a communication tower and communication antenna site proposal is submitted to the County in pursuit of a letter stating concurrence. The following options are listed in order of preference:
- i. Co-location on an existing facility (tower, building, or structure).
 - ii. New locations on an existing facility (tower, building, or structure).
 - iii. New locations in an industrial area.
 - iv. New locations on institutional uses, but excludes sensitive institutional land uses.
 - v. New locations outside of the Prime Agricultural Areas, as delineated by the County's Official Plan.
 - vi. Disguised installations.
 - vii. Monopoles with Co-location capability.
- (b) In general, and to supplement the criteria of this section, the following objectives will each be considered by the proponent when selecting a site for a new communication tower and/or communication antenna:
- i. maximizing setback distance from residential uses and other sensitive land uses;
 - ii. maximizing setback distance from the Natural Heritage System and Natural Hazards;
 - iii. maximizing setback distance from listed and designated heritage buildings and sites under the Ontario Heritage Act;
 - iv. avoiding sites of topographical prominence, where possible;
 - v. avoiding sites that would obscure public views and vistas of important natural or human-made features;
 - vi. ensuring compatibility with adjacent uses; and
 - vii. ensuring safe access.
- (c) Where a sensitive land use exists on a property whose designation or zoning does not indicate as such, or where the land use designation and zoning are inconsistently applied, the criteria of this protocol are intended to be applied based on the designation of the property in the County of Brant's Official Plan. The Official Plan designation is representative of the future direction and intended land use of a property.

Site Selection Criteria

- (d) For all applications, the proponent will select a site that minimizes the total number of communication tower and communication antenna sites in the County as a whole, which shall be substantiated within the Site Selection and Justification Report submitted as part of a complete application.
- (e) Where the municipality owns facilities or lands within the proponent's search area that would be suitable to accommodate the proposal, the County of Brant prefers to

be the landlord of first choice, provided that the County is given mutually agreed upon use of the tower for its own network connectivity. The proponent shall identify the possibility and feasibility of working with the municipality to install or enhance the County's IT network.

- (f) To minimize the impact on the County's urban and rural environments, a new site may be preferred where an existing site with co-location opportunities does not meet the preferred setback distances of this protocol. In these instances, co-location may be deemed not to be feasible. The new site will be expected to achieve the setback distances of this protocol.
- (g) A new communication antenna mounted on a building or structure such as an existing communication tower, hydro transmission tower, utility pole or water tower, is to be explored by the proponent before any proposal is made for the construction and development of a new communication tower and communication antenna site.
- (h) Where co-location on an existing system is not feasible and a new site is proposed, the proposal will be designed with co-location capacity. As part of the application process, the County of Brant may require that a proponent enter into an agreement with the municipality to confirm co-location opportunities and/or multi-tenant occupancy. Any exclusivity agreement which limits access to a communication tower and communication antenna site by other proponents will not be accepted by the County of Brant.
- (i) New communication tower and communication antenna sites will be located at a setback distance equal to or further than 1.5 times the tower height from residential uses and from the Natural Heritage System.
- (j) In instances where site selection involves the following considerations, additional criteria apply as follows:
 - i. Location in or within 1.5 times the tower height from Natural Hazards, such a proposal shall be reviewed and authorized by the applicable conservation authority;
 - ii. Location on a listed and/or designated heritage properties or districts under the Ontario Heritage Act, the proposal will be reviewed and authorized by the County of Brant Municipal Heritage Committee; and/or
 - iii. Location within vicinity of Brantford Airport may require consultation and/or approval by Transport Canada and Nav Canada.

Design and Landscaping Criteria

- (k) Architectural principles will be incorporated into the design and landscaping of a communication tower and communication antenna site to ensure the compatibility of the site with the surrounding buildings and neighbourhood, where possible.
- (l) Disguised, monopole installation will be used where a new communication tower

and communication antenna site is proposed to a setback distance less than 1.5 times the height of the tower from a residential use, the Natural Heritage System, and other sensitive land uses.

- (m) New communication tower and communication antenna locations will be setback an appropriate setback distance from all property lines and public road allowances such that line of sight is not obstructed and functionality of the public road is not adversely affected, in accordance with the County of Brant's Development and Engineering Standards.
- (n) New communication tower and communication antenna sites require safe access to a public right-of-way for the purposes of emergency access and regular maintenance.
- (o) All reasonable efforts will be made to decrease the size and visibility of all communication towers and communication antennas so that they will blend in with the surroundings. To improve the scale and visual impact of communication tower and communication antenna sites, mitigation measures should include consideration of:
 - i. design features,
 - ii. structure type,
 - iii. colour
 - iv. materials,
 - v. landscaping, and
 - vi. screening, decorative fencing.
- (p) Wherever feasible, communication towers and communication antennas, including associated equipment and infrastructure, shall have a non-reflective surface and be of a neutral colour which is compatible with the sky and the surroundings. They should be designed to resemble features commonly found in the surrounding urban and rural areas, such as a flagpole, clock tower, silo or streetlight, with the objective of being unobtrusive.
- (q) Communication towers will accommodate only communication antennas. Only identification or information signs or other material directly related to the identification or safe operation of this equipment will be permitted on the tower. No third-party advertising, or advertising or promotion of the proponent or the proponent's services shall be permitted.
- (r) For emergency contact purposes, a small plaque must be placed at the base of the structure, or at the main entrance to the site where the structure is not accessible under normal circumstances, identifying the owner/operator of the structure and a contact telephone number.
- (s) Where equipment shelters are on roofs of buildings, they shall be encouraged to maintain a setback of a minimum of 3.0 metres to the roof edge and to a maximum height of 4.0 metres, where possible.

- (t) Where a new communication tower and communication antenna site is proposed to be located on a roof of building, the proponent is encouraged to be a minimize height from roof level and maximize the set-back from the roof edge to ensure the compatibility of the site with the surrounding buildings and neighbourhood, where possible.

5. APPLICATION SUBMISSION REQUIRED

- (a) Where a proposed communication tower or communication antenna site is not exempt from application by this protocol, the proponent will submit a Telecommunication Tower Review Application to the County of Brant.
- (b) Upon receipt of a complete application, as described in Section 7 of this protocol, the County will begin its review of the proposal and the 120 day processing timeframe will begin. The proponent will be informed when the application is deemed to be complete.
- (c) Notice of the complete application will be circulated to affected County Divisions, Six Nations of the Grand River, Mississaugas of the Credit First Nation, and to public agencies, and abutting municipalities whose jurisdiction falls within a radius of 500 metres of the subject property.

6. EXEMPTIONS TO APPLICATION SUBMISSION

- (a) Communication towers and communication antennas, which are exempted from the requirement to consult with the County and provide public notice under the provision of ISED's CPC-2-0-03 are not required to submit a Telecommunication Tower Application review.
- (b) Further to these standard exemptions, for the following types of installations, proponents are also excluded from the requirement for a Telecommunication Tower Application Review:
 - a. installation, for a limited duration (typically not more than 3 months), of an antenna system that is used for a special event, or one that is used to support local, provincial, territorial or national emergency operations during the emergency, and is removed within 3 months after the emergency or special event;
 - b. New antenna systems, including masts, towers, or other antenna-supporting structures, erected by the County of Brant, whose primary function is to address life safety or health and safety issues by improving emergency services communication and emergency operations on an ongoing basis.

7. APPLICATION SUBMISSION

- (a) The following information is required to be submitted to the satisfaction of the County of Brant before an application is deemed to be complete:

- (i) Site Selection and Justification Report that, at a minimum, identifies the following:
- All communication tower and communication antenna sites within a radius of 1500 metres of the proposed location;
 - Details with respect to the coverage and capacity of the existing communication tower and communication antenna sites in the surrounding area, including an associated map;
 - In the case of a new tower/antenna site, detailed documentary evidence as to why collocation of the existing communication tower and communication antenna sites are not a viable alternative to a new communication tower and communication antenna site;
 - Identify any problems or situations to be addressed, the features and scope of the proposal, options considered and rationale for choosing the solution proposed.
 - The general methodology of the site selection process followed by the proponent for selecting the preferred site, including justification that the site meets the site selection criteria in accordance with this protocol; and
 - A summary of all consultation undertaken and how any concerns that have been raised were addressed.
- (ii) Archeological Assessment of any area that may be disturbed by the construction of a new site.
- (iii) Colour photograph(s) with proposed communication tower superimposed;
- (iv) Site Plan showing the proposed leased area;
- (v) map showing the horizontal setback distance between the proposed tower base, leased area boundary, and the nearest property boundary of a property containing a sensitive use;
- (vi) A map showing all municipally assessed properties within a radius of 500 metres the proposed towers height from the subject property for the purposes of public consultation; and
- (vii) The required fee(s).

(b) The proponent will pay the required application fee as outlined in the County of Brant Fees and Charges By-Law.

(c) Other fees may apply if applications for other matters such as entrance permits, curb cuts, tree removal etc. and are required to be paid to the applicable County divisions and/or agency as may be required.

(d) In recognition of the sensitive nature of such information, County staff will, subject to the requirements of this protocol in respect of public notice and public consultation and the Municipal Freedom of Information and Protection of Privacy Act, maintain confidentiality of information, where it has been requested by the proponent.

8. PUBLIC CONSULTATION

(a) For the purposes of public consultation, the proponent may contact the Planning Division of the County of Brant for guidance to ensure all consultation is undertaken in

accordance with the County of Brant's consultation and engagement policies.

- (b) It is expected that all costs associated with the public consultation and notice process will be borne by the proponent.
- (c) It is expected that the public consultation process take place after the submission of a complete application and before any letter stating concurrence is provided by the County of Brant.

Exemptions to Public Consultation

- (d) Public consultation under this section is not required for any proposals exempt by Section 6 of this protocol from making an application to the County of Brant

Procedure for Public Consultation

- (e) The proponent will be responsible for organizing and chairing a community information session in a community center near the proposed location to present the proposal to the community and collect feedback.
- (f) The proponent will, in consultation with the Planning Division of the County of Brant, schedule the appropriate dates, times and locations for any community information session.
- (g) Notice of a proposed communication tower and communication antenna site is to be provided to all property owners and tenants located within a 500 metre radius of the subject property, with such notice to be prepared and sent by the County Clerk's Office as pre-paid first-class mail, with all costs to be borne by the proponent.
- (h) Notice shall be posted on the subject property in a manner that is clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property within the subject property or, if posting on the subject property is impractical, at a nearby location chosen by the Clerk of the County of Brant or the Director of Development Services. The notice sign posted shall be a minimum of 60cm by 90cm (2' by 3'), and shall be posted at the applicant's expense. The applicant will be further required to provide photo evidence of the sign posted on the subject lands 30 days prior to both the community information session and the public meeting, respectively
- (i) Newspaper and website notice is required where the proposed facility is 30 metres or more in height. Such a notice is to be placed in the public notice section of the local newspaper with appropriate circulation in the area surrounding the subject property and on the County of Brant's applicable public notice webpage.
- (j) A notice must include:
 - a. a description of the proposed installation;
 - b. its location and street address;

- c. proponent contact information and mailing address;
 - d. an invitation to provide public comments to the proponent within 30 days of the notice
 - e. an invitation to attend the aforementioned community information meeting;
 - f. A link and contact information for where inquirers can find the following information:
 - i. the rationale for the selection of the designated site;
 - ii. The date, time and location of the community information sessions
 - iii. materials that will be available at the community information session
 - iv. Information about the ISED application process and telecommunication towers in Canada.
- (k) The proponent will give notice to these property owners, all members of Council, the Director of Development Planning or his/her delegate and ISED as well as Nav Canada and the City of Brantford if the project is within 5000 metres of the Brantford Airport. This notice will be sent by regular mail, a minimum of 30 days before the community information session and public meeting, respectively. The proponent will provide written confirmation to the County in this regard.
- (l) All notice will be provided a minimum of 30 days before the community information session. The proponent will provide written confirmation to the County confirming how and when that notice has been given.
- (m) To confirm that the public consultation requirements have been met, the proponent will provide the County with a record containing the following:
- (i) List of attendees/parties, including names, addresses and phone numbers;
 - (ii) Written confirmation indicating the topics discussed and concerns and issues raised, resolutions and any outstanding issues;
 - (iii) Copies of letters or other communications received from the public; and
 - (iv) An acknowledgement letter that has been sent to the parties within 14 days indicating receipt of any questions or concerns about the proposal and a follow-up letter of response to the parties outlining how the concerns and issues raised at the community information session, and in any letters will be addressed, or alternatively, clearly setting out the reasons why such concerns cannot be addressed.

9. DEVELOPMENT AGREEMENT

- (a) Regardless of the requirement or exemption for a telecommunication tower application review, in instances where the proposal results in a development of a property that is expected to significantly change the usability of a site in accordance with the County of Brant's Site Plan Control By-Law, and at the sole discretion of the County of Brant, the proponent may be required to enter into a development agreement pursuant to Section

41(7) of the *Planning Act*.

(b) Such an agreement may be created for the purposes of:

- (i) implementing the design criteria and objectives of this protocol;
- (ii) extending the validity of consultations beyond the three year window outlined by ISED Canada.

(c) At a minimum, such an agreement shall include the following requirements:

(i) Site Drawings

- a) The plans and specifications that show the location of the communication tower and communication antenna site, related equipment cabinets and or equipment shelter, compound fence, access driveway and landscaping, and grading changes, which proponent proposes to erect on the Lands.
- b) The proponent shall undertake that no buildings or structures other than those accessory to the communication tower and communication antenna sites be erected on the subject property.
- c) Notwithstanding Clause b) above, the agreement will not restrict:
 - the number, type, or configuration of antennas on/at the communication tower and communication antenna site,
 - future changes and/or additions to the site structures/buildings or site plan, including the construction of additional related buildings whose sole use is to house electronic equipment related to the communication tower and communication antenna site,
 - facility painting or lighting required by the Government of Canada now or in the future.
- d) Where changes to the site are to be made in accordance with clause c), the proponent is expected to notify the County of Brant and will make application to amend the site plan agreement to address the proposed changes.

(ii) Construction Supervision

- a.) The proponent acknowledges that the approval of the Site Drawings does not require issuance of a building permit by the County's Chief Building Official for the communication tower and communication antenna site, related equipment cabinets and or equipment shelter.
- b.) The proponent acknowledges that the County will not inspect the communication tower and communication antenna site and agrees that the County will not have any liability to proponent arising out of the construction or maintenance of the communication tower and communication antenna site, related equipment cabinets and or equipment shelter facility.

(iii) Conditions

- a.) Subject to the municipality's authority to apply site plan control, conditions may be applied to the development and the proponent will take steps to satisfy the conditions, which may include the

posting of a required security to ensure the provision of any or all of the facilities, works, or matters are provided to the satisfaction of the County of Brant.

b.) As part of a development agreement or as a stand alone agreement, require the proponent to enter into a lease agreement and provide proof of such an agreement to the satisfaction of the County of Brant.

(d) Such an agreement may not be required before a letter stating concurrence is issued but may be required as a condition for the validity of the concurrence that has been provided by the County of Brant and will be required in advance of a Building Permit being issued.

10. **BUILDING PERMIT**

(a) The application of the Ontario Building Code is not aimed at regulating broadcasting or communications or an integral part thereto. The objective is to ensure the structural integrity of ordinary buildings or property and account for the impact of the antenna and/or tower on the building.

(b) A building permit is required:

(i) Where a communication tower and communication antenna site is proposed on a structure previously subjected to the Ontario Building Code, a “without prejudice” building permit shall be required. The permit application is to be limited to the material effect on the pre-existing support structure, which is agreed shall be limited to loading characteristics.

(c) A building permit is not required for a ground mounted communication tower and communication antenna.

11. **RESOLVING CONCERNS**

(a) Proponents are to address all reasonable and relevant concerns, make all reasonable efforts to resolve them in a mutually acceptable manner and must keep a record of all associated communications. If the public, the County, Indigenous Communities or agency raises a question, comment or concern relating to the communication tower and antenna system, then the proponent is required to:

- i. respond to the party in writing within 14 days acknowledging receipt of the question, comment or concern and keep a record of the communication;
- ii. address in writing all reasonable and relevant concerns within 60 days of receipt or explain why the question, comment or concern is not, in the view of the proponent, reasonable or relevant;
- iii. in the written communication referred to in the preceding point, clearly indicate that the party has 21 days from the date of the correspondence to reply to the

- proponent's response. The proponent must provide a copy of all public reply comments to the County of Brant and the local ISED office; and
- iv. Responding to reasonable and relevant concerns may include contacting a party by telephone, engaging in a community meeting or having an informal, personal discussion. Between steps 1 and 2 above, the proponent is expected to engage the public in a manner it deems most appropriate. Therefore, the letter at step 2 above may be a record of how the proponent and the other party addressed the concern at hand.
- (b) The County will provide the proponent with County division, Indigenous Communities and agency comments from the application review. If any revisions are agreed to, the proponent will be encouraged to resubmit drawings and documents to address concerns identified during the application review and public consultation process. Any revised plans will be submitted to the County for further review and circulation prior to the confirmation of local land-use authority consultation being issued.
 - (c) For proposals that do not meet the preferred location and site design guidelines of Section 4 of this protocol, the proponent may request that a decision be made by County of Brant Council. In these circumstances, the following will apply:
 - a. the proponent will be responsible for presenting the merits of the communication tower and antenna facility proposal at a formal Public Meeting before the Council of the County of Brant, and
 - b. In addition to the public consultation requirements of Section 9, notice will also required to be sent out in the same manner as described and be synchronized with the distribution of the public notification package for the formal public meeting to Council.

12. CONFIRMATION OF LOCAL LAND-USE AUTHORITY CONSULTATION

(a) The County's response letter to the proponent and to ISED will take into consideration all County division, Indigenous Communities', agency and other responses from the application and will forward the comments raised during the public consultation process for ISED to resolve.

(b) The County of Brant will inform the proponent and ISED in a letter stating whether the local land-use consultation process has been completed, the local criteria have been met in accordance with this protocol, and will include direction regarding the proposal as follows:

- i. Concurrence, if the proposal conforms with the County preferred location and design requirements, as set out within this protocol; and the County's technical requirements and conditions of concurrence, as may be required.

Or

- ii. Non-concurrence, if the proposal does not conform to County requirements as set out within this protocol.

(c) The County will provide a copy of this letter to all interested parties and all members of Council.

13. PROCESS TIMEFRAME - COMMUNICATION TOWER APPLICATION REVIEW

(a) Provided adequate consultation is undertaken, the County will endeavor to expedite the local land-use authority consultation within 120 days.

(b) In the event of unavoidable delays preventing the completion of the application process within the 120-day period, the County shall identify such delays to the proponent and indicate when the completion is expected to occur.

14. COMMENCEMENT AND MODIFICATION

(a) This protocol will come into effect the day after the date of its adoption by County of Brant Council.

(b) Except where there may be changes for spelling, grammar, or clarity purposes, modifications to this protocol require a decision by Council, unless otherwise delegated.