Telecommunications Development Permit Application Package
Title: Policy Guidelines to Evaluate Commercial Communications Facilities

Legal References:
Radio Communication Act
Municipal Government Act
Land Use Bylaw C-4841-97

Policy Category: Planning and Development Services

Cross References:
PRO-#308
Land Use Bylaw C—4841-97

Effective Date: July 23, 2013

Authority:

The Federal Minister of Industry is the approving authority for the development and operation of radio communication in Canada, including telecommunication antenna structures, pursuant to the Radio Communication Act. Industry Canada is tasked with, among other things, administering the orderly development and operation of telecommunication antenna structures.

Rocky View County is not the approving authority for telecommunication antenna structures.

The County cannot prevent a proponent from ultimately gaining permission from Industry Canada to install a telecommunications antenna structure on any lands; privately held, County owned or otherwise.

In this regard, Industry Canada requires that, in certain cases, the local land use authority and the public must be consulted for input regarding the proposed placement of a telecommunication antenna structure. Rocky View County’s Development Planning Group reviews each proposed submission for a telecommunication antenna structure based on specific physical criteria. The review involves evaluating such things as the proposed location of a telecommunication antenna structure and aspects of its design, including, but not limited to, height, colour, type, screening, the potential for co-location of other proponents on the structure, and compliance with Rocky View County Policy Guidelines to Evaluate Commercial Communications Facilities. Based on this review, a development permit (concurrence) or refusal (non-concurrence) is issued.

Purpose:

The purpose of the Commercial Communications (CC) Facilities Policy is to provide Rocky View County’s Development Authority with guidelines to evaluate applications for Development Permits related to the location and construction of commercial communications facilities. This policy will also provide applicants with clear, predictable and transparent performance criteria with which to develop their proposals. Above all, this goal respects the need for an efficient communication network in Rocky View County that responds to consumer demand, and respects the scenic environment and community values of the County.

1. To provide clear guidelines for location and design of commercial communications equipment;
2. To ensure that there are sufficient opportunities for telecommunications service providers to locate their facilities given current and anticipated future demand;
3. To facilitate a fast track process that encourages more unobtrusive installation of telecommunications facilities. This can potentially be achieved pursuant to Section 7.25 of the LUB which allows stealth facilities to be considered deemed approved;
4. To ensure a transparent process in which the public is given adequate opportunity to comment on significant facility installation in their communities;
5. To ensure through sensitive location selection that CC facilities do not adversely affect significant
viewscapes.

Definitions:

- “Applicant” means any person applying for a Commercial Communications Facility in accordance with this Policy.
- “Co-location” means the practice of locating multiple wireless broadcast facilities/providers within the same facility.
- “Commercial Communications (CC) Facilities” means facilities that are used for transmission of wireless communication signals. These facilities include telecommunication towers, antennas, and the buildings that house their supporting equipment. These facilities are used to transmit radio-frequency signals, microwave signals or other communications energy. The Land Use Bylaw defines three types of CC facilities:
  - Type A facilities means: antennae that are incorporated within or are mounted on existing structures, no more than 4.00 meters (13.12 feet) above the highest point of the structure;
  - Type B facilities means: either tower or pole structures between 4 and 20 meters (13.12 to 65.62 feet) in height, to which antennae are mounted for the purpose of telecommunications broadcast or signal transmission.
  - Type C facilities means: either tower or pole structures greater than 20.00 meters (65.62 feet) in height, to which antennae are mounted for the purpose of telecommunications broadcast or signal transmission.
- “County” means Rocky View County.
- “County Lands” means land legally owned by Rocky View County including Municipal Reserves, Environmental Reserves, Municipal and School Reserves, Public Utility Lots, fee simple lands, and land owned by another party but administered by the County including but not limited to road allowances, easements, leased and licensed land.
- “Industry Canada” means the department of the Government of Canada with responsibility for regulating radio communications in Canada.
- “License of Occupation-Telecommunications” means an occupancy agreement held between the County and a telecommunication service provider which is specific for the installation of a Telecommunication Antenna Structure on County Lands.
- “Municipal Government Act” means an act of the legislature of the Province of Alberta, which authorizes and creates the governance of urban and rural municipalities throughout Alberta.
- “Proponent” means a party or an individual representing a telecommunication service provider who is making the application.
- “Radio communication Act” means the Act of Parliament governing radio communication in Canada.

Policy Statements:

Policy guidelines give direction to the design and development of CC facilities. The decision of the Development Officer will be based on the criteria being satisfied. Where appropriate, certain criteria can be relaxed at the discretion of the Development Officer.

1. Public Notification shall be the responsibility of the applicant prior to the submission of any development permit application for Type A, Type B, or Type C facilities.
2. Commercial communication installations should be designed to limit the overall visual impact to the area.
3. Co-location of communications equipment on Type B and Type C facilities is advised whenever possible.
4. Should Industry Canada mandate that a CC Facility is to be located on County Lands; the proponent shall enter into a License of Occupation-Telecommunications with Rocky View County.
**Title:** Procedure Guidelines to Evaluate Commercial Communications Facilities

**Policy Category:** Planning and Development Services

<table>
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<tr>
<th>Legal References:</th>
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<tr>
<td>Radio Communication Act</td>
<td>Policy 210 - Insurance Requirements for Use of Municipally Controlled Property or Land</td>
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<tr>
<td>Municipal Government Act</td>
<td>Policy 308 – Guidelines to Evaluate Commercial Communication Facilities</td>
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<tr>
<td>Land Use Bylaw C-4841-97</td>
<td>Policy 314 – License of Occupation for County Lands</td>
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**Effective Date:** July 23, 2013

**Purpose:**
Under Policy 308 on the evaluation of Commercial Communication Facilities, this procedure outlines steps and decision-making guidelines for handling development applications for these types of installations.

**Definitions:**
- “Administration” means an employee with Rocky View County.
- “Applicant” means any person applying for a Commercial Communications Facility in accordance with this Policy.
- “Carrier” means a business that provides network, voice, and data services to subscribers.
- “Co-location” means the practice of locating multiple wireless broadcast facilities/providers within the same facility.
- “Commercial Communications (CC) Facilities” means facilities that are used for transmission of wireless communication signals. These facilities include telecommunication towers, antennas, and the buildings that house their supporting equipment. These facilities are used to transmit radio-frequency signals, microwave signals or other communications energy. The Land Use Bylaw defines three types of CC facilities:
  - Type A facilities means: antennae that are incorporated within or are mounted on existing structures, no more than 4.00 meters (13.12 feet) above the highest point of the structure;
  - Type B facilities means: either tower or pole structures between 4 and 20 meters (13.12 to 65.62 feet) in height, to which antennae are mounted for the purpose of telecommunications broadcast or signal transmission.
  - Type C facilities means: either tower or pole structures greater than 20.00 meters (65.62 feet) in height, to which antennae are mounted for the purpose of telecommunications broadcast or signal transmission.
- “Council” means the Council of Rocky View County.
- “County” means Rocky View County.
• “County Lands” means land legally owned by Rocky View County including Municipal Reserves, Environmental Reserves, Municipal and School Reserves, Public Utility Lots, fee simple lands, and land owned by another party but administered by the County including but not limited to road allowances, easements, leased and licensed land.

• “Industry Canada” means the department of the Government of Canada with responsibility for regulating radio communications in Canada.

• “License of Occupation-Telecommunications” means an occupancy agreement held between the County and a telecommunication service provider which is specific for the installation of a Telecommunication Antenna Structure on County Lands.

• “Master Rates Bylaw” means the bylaw outlining rates, fees and charges for various goods, licenses, permits and services provided by Rocky View County.

• “Municipal Government Act” means an act of the legislature of the Province of Alberta, which authorizes and creates the governance of urban and rural municipalities throughout Alberta.

• “Occupancy Agreement” means a non-exclusive formal agreement between the County and a group or an individual, otherwise known as a Lease or a License of Occupation.

• “Occupancy Fee” means monies specific to occupancy occurring on County Lands, collected by the County in accordance to the Master Rates Bylaw.

• “Policy 210” means the policy document also known as Insurance Requirements for Use of Municipally Controlled Property or Land which allows Administration to determine the level of required insurance coverage by Licensees.

• “Proponent” means a party or an individual representing a telecommunication service provider who is making the application.

• “Telecommunication Antenna Structure” means a cellular phone tower, antenna and related infrastructure used for wireless transmission.

• “Radio communication Act” means the Act of Parliament governing radio communication in Canada.

• “Stealth Design” means those facilities that are camouflaged or concealed so as to minimize their visual impact.

Procedure Statements:

Procedure guidelines give direction to the design and development of CC facilities. The decision of the Development Officer will be based on the criteria being satisfied. Where appropriate, certain criteria can be relaxed at the discretion of the Development Officer.

1. Public Notification shall be the responsibility of the applicant prior to the submission of any development permit application for Type A, Type B, or Type C facilities.

   a. Public Notification is to include all properties within 250 meters of a proposed Type A facility, 500 meters of a proposed Type B facility, and 1,600 meters of a proposed Type C facility.

   b. Public Notification packages are to include all relevant information related to the proposed facility, including a location map, elevation drawings, description, and contact information.

   c. The Public Notification period is to last a minimum of 21 days, and all public submissions are to be included with the development permit application package.

2. The following criteria give direction to the installation of Type A facilities on existing structures (Types of existing structures include: operating communications towers, utility towers or poles, farm and other commercial buildings, private residences). Type A commercial communication facilities will be evaluated based on the following criteria:
a. CC Facility Type A must be listed as a use in a District in the Land Use Bylaw before an application for a Development Permit can be considered.

b. The maximum height of any new antennae should not exceed 25% of the existing structure above the highest point of the structure to which it is to be attached.

c. The maximum projection beyond the vertical plane of the structure should be no more than 4 meters.

d. Applications shall include current pictures of the existing building/structure (before installation) from the North, South, East, and West. A second set of these pictures should be provided with the proposed facility superimposed (after the installation) to reflect the appearance of the building and the antenna after installation. (This is not required for antenna proposed to be attached to existing communications tower facilities.)

3. The following criteria give direction to the development of Type B and Type C facilities. Type B and C commercial communication facilities will be evaluated based on the following criteria:

a. CC Facility Type B or C must be listed as a use in a District in the Land Use Bylaw before an application for a Development Permit can be considered.

b. The rural vistas of the County should be respected. Tower and pole locations are discouraged on prominent natural or cultural features for the protection of views.

c. Although criteria can be relaxed at the discretion of the Development Authority, as a guideline it is recommended that:

i. Any tower proposed to be placed on a site abutting existing dwellings should be located no closer than 500 meters from those dwellings.

ii. Type B and Type C facilities should be located one half times the height of the facility from an existing or future road allowance.

iii. Type B or Type C facilities should not be closer than 2,000 meters from other Type B or Type C facilities.

d. Application for CC facility approval shall include a current picture of the lands where the tower is proposed (before installation), and a picture of the same lands with the proposed facility superimposed (after the installation) to reflect the appearance of the facility and associated buildings after installation.

e. The County prefers to only have active CC facilities on the landscape. Once a CC facility becomes inactive for a period of more than six months, the Carrier should remove the facility. If non-compliance with this policy occurs, the County will request removal of the facility through Industry Canada.

4. Commercial communication installations should be designed to limit the overall visual impact to the area. The design of commercial communication facilities will give consideration to the following criteria:

a. All towers and pole structures should be screened where possible or concealed through the use of innovative design strategies or camouflage. The use of landscaping, fences and architectural features on and around the equipment compounds, shelters and cabinets associated with a CC facility is encouraged to assist these structures to blend in with their surrounding environment.
b. All CC facilities should be neutral in colour and blend with the surroundings when possible. Mitigation of the visual aspects of the facility may include painting, appropriate and effective decorative fencing, screening, and/or landscaping, and should not clash with the sky or landscape given Alberta's changing seasons.

c. Where applicable, Type B and Type C facilities must comply with Transport Canada's painting and lighting requirements for aeronautical safety. In all other locations Type B and Type C facilities should be lit with the lowest intensity light possible.

d. Certain CC facilities will be considered Stealth or camouflaged when, in the opinion of the Development Authority, the design of the facility, based on an evaluation of the massing, form, colour, material, and other decorative elements, will blend the appearance of the facility into and with the surrounding lands. Applications for Type A or B or C facilities that propose stealth design, may be considered "deemed approved" by the Development Officer of the County, as per Section 7.24 of the Land Use Bylaw.

5. Co-location of communications equipment on Type B and Type C facilities is advised whenever possible.

a. Along with a development permit application, a letter is required to be submitted to the County stating that the carrier will allow co-location with other users, provided all structural, and technological characteristics of the facility can support additional development.

b. Each application for Type B and Type C facilities will include letters of offer to the other major carriers to co-locate on the proposed facility. Responses to these letters from other carriers should be copied to Rocky View County's Development Authority.

c. If there are other structures (i.e. other Type B or Type C facilities, flag poles, church steeples, electrical transmission towers, chimneys of smoke stacks) within 2,000 meters of the proposed location, which could support communications equipment, the applicant must identify them and provide reasons why these structures are unable to accommodate additional communications equipment (i.e. due to: structural capabilities, safety, available space, frequency interference).

d. The applicant should notify Rocky View County Emergency Services department with plans for new Type B or Type C facilities. Where possible coordination with the County's Emergency Services regarding locating emergency equipment on the proposed facility should occur.

6. Should Industry Canada mandate that a CC Facility is to be located on County Lands, to the proponent shall enter into a License of Occupation-Telecommunications with Rocky View County.

a. All requests to enter into a License of Occupation-Telecommunications shall be directed to the Municipal Lands office.

b. Proponents shall be responsible for all public consultation pertaining to locating a telecommunications antenna structure location on County Lands pursuant to Section 1 of this procedure.

c. Proponents shall be willing to minimize visual impact through consideration of structure design and provisions for co-location opportunities pursuant to Section 4 of this procedure and to the satisfaction of the County.

d. The subject County Lands shall hold an appropriate Land Use Designation in which a CC
Facility is a listed permitted or discretionary use.

e. All Occupants shall hold adequate insurance liability coverage determined by Policy 210 for the duration for the License of Occupation-Telecommunications.

f. All Occupancy Fees associated with a License of Occupation-Telecommunications shall be determined at market value with terms suitable to the County.
APPLICATION FOR A
DEVELOPMENT PERMIT

Name of Applicant __________________________ Email __________________________

Mailing Address ___________________________________________________________

__________________________________________________________ Postal Code ______

Telephone (B) ____________________________ (H) ____________________________ Fax ______

For Agents please supply Business/Agency/Organization Name _________________________________

Registered Owner (if not applicant) ____________________________________________

Mailing Address ___________________________________________________________

__________________________________________________________ Postal Code ______

Telephone (B) ____________________________ (H) ____________________________ Fax ______

1. LEGAL DESCRIPTION OF LAND
   a) All / part of the ______ ¼ Section ______ Township ______ Range ______ West of ______ Meridian
   b) Being all / parts of Lot _________ Block __________ Registered Plan Number __________
   c) Municipal Address ___________________________________________________________
   d) Existing Land Use Designation ___________ Parcel Size ___________ Division ______

2. APPLICATION FOR

________________________________________________________________________________

____________________________________________________________________________________

3. ADDITIONAL INFORMATION
   a) Are there any oil or gas wells on or within 100 metres of the subject property(s)? Yes ______ No ______
   b) Is the proposed parcel within 1.5 kilometres of a sour gas facility? (Sour Gas facility means well, pipeline or plant) Yes ______ No ______
   c) Is there an abandoned oil or gas well or pipeline on the property? Yes ______ No ______
   d) Does the site have direct access to a developed Municipal Road? Yes ______ No ______

4. REGISTERED OWNER OR PERSON ACTING ON HIS BEHALF

________________________________________________________________________________

I ___________________________ hereby certify that _____ I am the registered owner

(Full Name in Block Capitals)

 _____ I am authorized to act on the owner’s behalf

and that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application.

Applicant’s Signature __________________________ Owner’s Signature __________________________

Date __________________________ Date __________________________
5. RIGHT OF ENTRY

I hereby authorize Rocky View County to enter the above parcel(s) of land for purposes of investigation and enforcement related to this Development Permit application.

__________________________________________
Applicant’s/Owner’s Signature

Please note that all information provided by the Applicant to the County that is associated with the application, including technical studies, will be treated as public information in the course of the municipality’s consideration of the development permit application, pursuant to the Municipal Government Act, R.S.A 2000 Chapter M-26, the Land Use Bylaw and relevant statutory plans. By providing this information, you (Owner/Applicant) are deemed to consent to its public release. Information provided will only be directed to the Public Information Office, 262075 Rocky View Point, Rocky View County, AB, T4A 0X2; Phone: 403-520-8199.

I, _________________________________, hereby consent to the public release and disclosure of all information contained within this application and supporting documentation as part of the development process.

__________________________________________       _______________________
Signature                                      Date
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<th>FOR OFFICE USE ONLY</th>
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Telecommunications Permit Checklist

The following must be included with your application. Without it, your application will be considered incomplete, and it will not be processed until it has been supplied.

☐ APPLICATION FEE
See Development Permit Fee Schedule.

☐ CURRENT COPY OF THE CERTIFICATE OF TITLE INCLUDING NON-FINANCIAL CAVETS AND COVENANTS REGISTERED ON THE TITLE
Searched within 30 days prior to the application, the copy of the title may be obtained from any Provincial Registry Office.

☐ SITE PLAN OF THE PROPOSED DEVELOPMENT
Showing all dimensions and setbacks.

☐ APPLICATION FORM(S)
The form is to be completed in full and signed by the registered owner of the land and/or the person authorized to act on their behalf (if any). Provided either by signing the Development Permit Application or an attached letter from owner giving authorization.

☐ PUBLIC NOTIFICATION PACKAGE
Including a map of the area included in the circulation, a location map, elevation drawings, description, contact information, and all public submissions.

☐ PICTURES
Current pictures of the existing building/structure (before installation) from the North, South, East, and West. A second set of these pictures should be provided with the proposed facility superimposed (after the installation) to reflect the appearance of the building and the antenna after installation.

☐ LETTER OF OFFER TO CO-LOCATE
Each application for Type B and Type C facilities will include letters of offer to the other major carriers to co-locate on the proposed facility. Responses to these letters from other carriers should be copied to Rocky View County’s Development Authority. Additionally, a letter to indicate that co-location on an existing tower in the area is not feasible for the proponent.

FOR OFFICE USE ONLY

☐ PARCEL INFORMATION AND LAND USE MAPS

☐ LAND USE DESIGNATION__________________________________________________________

☐ PROPOSED DEVELOPMENT______________________________________________________

☐ AIR PHOTO

☐ CONCEPT PLAN/ASP INFO ________________________________________________________

**Any proposed Accessory Buildings or Shelters must meet LUB requirements**

<table>
<thead>
<tr>
<th>Road Type</th>
<th>Bylaw</th>
<th>Proposed</th>
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<tr>
<td>Front Yard Setback Minimum</td>
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<td>Side Yard Setback Minimum</td>
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<td>Height Maximum</td>
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<tr>
<td>Building Size</td>
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Comments

_________________________________________  Staff Signature
LETTER OF AUTHORIZATION

I, (We) _______________________________ being the owner (s) of
Lot_______ Block _______ Plan ______________________

Legal:
NW/NE/SE/SW Section _____ Township ______ Range ______ W ______M

give ________________________________ permission to act on my
(our) behalf in applying for a Development Permit for the above subject property.

____________________________
Signature

____________________________
Signature

____________________________
Date