



<b>Policy Number:</b>	<b>A-308</b>
<b>Policy Owner:</b>	<b>Planning and Development Services</b>
<b>Adopted By:</b>	<b>Chief Executive Officer</b>
<b>Adoption Date:</b>	<b>2020 October 21</b>
<b>Effective Date:</b>	<b>2020 October 21</b>
<b>Date Last Amended:</b>	<b>n/a</b>
<b>Date Last Reviewed:</b>	<b>n/a</b>

### Purpose

- 1 This policy establishes Rocky View County’s (the County’s) process for evaluating proposals for commercial communications facilities in the County.



### Policy Statement

- 2 The County is not the approving authority for commercial communications facilities.
- 3 Industry Canada mandates the placement, modification, or removal of commercial communications facilities in Canada. In certain cases, Industry Canada consults with the County and the public regarding the development of these facilities.
- 4 This policy:
  - (1) outlines the roles and responsibilities of the applicant, Planning and Development Services, and the Development Authority when processing a proposal for commercial communications facilities;
  - (2) provides clear guidelines for the location and design of proposed commercial communications facilities in the County;
  - (3) ensures that there are guidelines for telecommunications service providers to locate their facilities in the County given current and anticipated future demand; and
  - (4) ensures that the evaluation process is transparent and gives the public adequate opportunity to comment on significant facility installations in their communities.





### Policy

#### Commercial Communications Facility Proposals

- 5 The County uses its development permitting process to evaluate proposals for commercial communications facilities. A development permit (concurrence) or refusal (non-concurrence) is issued after a commercial communications facility proposal has gone through the development permitting process.
- 6 Planning and Development Services uses this policy to make recommendations to the Development Authority as to whether a development permit for a commercial communications facility can be issued.
  - (1) At its discretion, Planning and Development Services may relax or expand the criteria outlined in this policy when making recommendations to the Development Authority.
- 7 The Development Authority is not bound by the recommendations Planning and Development Services makes based on this policy.

#### Public Notification

- 8 The applicant must notify the public of the proposed development prior to the submission of any development permit application for Type A, Type B, or Type C facilities.
- 9 The applicant must distribute the public notification to all properties within:
  - (1) 250 metres of the proposed Type A facility;
  - (2) 500 metres of the proposed Type B facility; and
  - (3) 1,600 metres of the proposed Type C facility.
- 10 The public notification packages must include all relevant information related to the proposed commercial communications facility, including a location map, elevation drawings, a written description, and the applicant's contact information.
- 11 The public notification period must last at least 21 days.



### Application Submission

- 12 Planning and Development Services cannot consider a development permit application for a commercial communication facility (Type A, B, or C) unless it is a listed use in the *Land Use Bylaw* for the applicable land use district.
- 13 The applicant:
  - (1) notifies the County's Emergency Services department with plans for proposed Type B or Type C facilities and, where possible, coordinates the location of emergency equipment on the proposed facility with Emergency Services;
  - (2) submits a development permit application in accordance with relevant legislation, bylaws, and policies; and
  - (3) pays all applicable fees as set out in the *Master Rates Bylaw*.

### Type A Facilities

#### Application Requirements for Type A Facilities

- 14 Development permit applications for Type A facilities must include:
  - (1) current photographs of the existing building or structure where the Type A facility is proposed, taken from the north, south, east, and west, to show the site prior to the proposed development;
  - (2) a second set of these photographs with the proposed Type A facility superimposed to reflect the appearance of the proposed development and associated structure after installation. This is not required when a proposed antenna will be attached to an existing commercial communications facility; and
  - (3) all public submissions received during the public notification period.

#### Evaluation Criteria for Type A Facilities

- 15 Planning and Development Services evaluates proposals for Type A facilities based on the following criteria:
  - (1)



Any new antennae must not project above the highest point of the structure more than a length equal to 25% of the structure to which it is attached; and

- (2) Any new antennae must not project more than 4 metres beyond the vertical plane of the structure to which it is attached.

### Type B and C Facilities

#### Application Requirements for Type B and Type C Facilities

- 16 Development permit applications for Type B or Type C facilities must include:
  - (1) current photographs of the lands where the Type B or C facility is proposed, taken from the north, south, east, and west, to show the site prior to the proposed development;
  - (2) a second set of these photographs with the proposed Type B or C facility superimposed to reflect the appearance of the proposed development and associated buildings after installation;
  - (3) a letter to the County stating that the carrier permits co-location with other users, provided all structural and technological characteristics of the facility support the additional development;
  - (4) letters of offer to the other major carriers to co-locate on the proposed commercial communications facility. Responses to these letters from the other carriers must be included in the application package; and
  - (5) all public submissions received during the public notification period.
- 17 If there are other structures (i.e. other Type B or Type C facilities, flag poles, church steeples, electrical transmission towers, smoke stacks, etc.) that could support communications equipment within two kilometres of the proposed location for the new facility, the applicant must identify them and provide reasons why these structures are unable to accommodate additional communications equipment (i.e. structural capabilities, safety, available space, frequency interference, etc.).

#### Evaluation Criteria for Type B and Type C Facilities

- 18 Planning and Development Services evaluates proposals for Type B and Type C facilities based on the following criteria:
  - (1) In consideration of the rural vistas of the County, Planning and Development favours facility locations that protect prominent natural or cultural features and views;



- (2) Any facility proposed on a site abutting existing dwellings must be located a minimum of 500 metres from those dwellings;
  - (3) The minimum distance between a proposed tower and an existing or future road allowance must be at least half of the height of the proposed tower. This criteria may be relaxed at the discretion of the Development Authority; and
  - (4) The minimum distance between the proposed Type B or Type C facility and another Type B or C facility must be two kilometres.
- 19 Co-location of communications equipment on Type B and Type C facilities is preferred whenever possible.
- 20 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 must be lit with the lowest intensity light possible.

### Overall Visual Impact Evaluation Criteria

- 21 The proposed commercial communications facility must be designed to limit the overall visual impact to the area.
- 22 Planning and Development Services evaluates the design of the proposed commercial communications facility based on the following criteria:
- (1) All towers and pole structures should be screened or concealed using innovative design strategies or camouflage, to the satisfaction of the Development Authority. The use of landscaping, fences, and architectural features on and around the equipment compounds, shelters, and cabinets associated with the proposed development should contribute to these structures blending in with their surrounding environment.
  - (2) Proposed commercial communications facilities that are neutral in colour and blend in with the surroundings are preferred. Mitigation of the proposed development's visual aspects may include painting, appropriate and effective decorative fencing, screening, and landscaping. The proposed commercial communications facility should not visually interfere with the sky or landscape, given Alberta's changing seasons, to the satisfaction of the Development Authority.
  - (3) Planning and Development Services may consider a proposed commercial communications facility as stealthy or camouflaged if the design of the facility blends its appearance into and with the surrounding lands to the satisfaction of the department.



Planning and Development Services will evaluate facilities based on the massing, form, colour, material, and other decorative elements.

### Mandated Installation of a Commercial Communications Facility on County Land

- 23 If Industry Canada mandates the installation of a commercial communications facility on County lands, the proponent must request a 'Licence of Occupation-Telecommunications' from the County's Legal and Land Administration department.
- 24 Proponents are responsible for all public consultation pertaining to the placement of a commercial communications facility in accordance with the public notification section(s) of this policy.
- 25 Proponents must minimize visual impact through structure design and provisions for co-location opportunities pursuant to this policy and to the satisfaction of the County's Legal and Land Administration department.
- 26 The subject County lands must hold an appropriate land use designation in which a commercial communications facility is listed as a permitted or discretionary use.
- 27 Occupants of the facility must hold adequate insurance liability coverage, as determined by Legal and Land Administration, for the duration for the 'Licence of Occupation-Telecommunications'.
- 28 Occupancy fees associated with the 'Licence of Occupation-Telecommunications' are determined in accordance with the County's *Master Rates Bylaw*.

### Removal of Inactive Commercial Communications Facilities

- 29 The County strives to have only active commercial communications facilities on the landscape.
- 30 Once a commercial communications facility is inactive for more than six consecutive months, the carrier is responsible for the removal of the commercial communications facility.
- 31 If the carrier does not remove an inactive commercial communications facility, the Planning and Development Services department may request the removal of the facility through Industry Canada.



### References

Legal Authorities	<ul style="list-style-type: none"> <li>• <i>Municipal Government Act</i>, RSA 2000, c M-26</li> <li>• <i>Radiocommunication Act</i>, RSC 1985, c R-2</li> </ul>
Related Plans, Bylaws, Policies, etc.	<ul style="list-style-type: none"> <li>• Rocky View County bylaw C-8000-2020, <i>Land Use Bylaw</i></li> <li>• Rocky View County <i>Master Rates Bylaw</i></li> <li>• Rocky View County bylaw C-7967-2019 <i>Municipal Planning Commission Bylaw</i></li> </ul>
Related Procedures	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
Other	<ul style="list-style-type: none"> <li>• Industry Canada CPC-2-0-03, <i>Radiocommunication and Broadcasting Antenna Systems</i></li> </ul>



### Policy History

Amendment Date(s) – Amendment Description	<ul style="list-style-type: none"> <li>• Council Policy C-308 rescinded (2020-04-28) and replaced by A-308 (2020-10-21)</li> </ul>
Review Date(s) – Review Outcome Description	<ul style="list-style-type: none"> <li>• N/A</li> </ul>



### Definitions

32 In this policy:

- (1) “applicant” means any person applying for a commercial communications facility in accordance with this policy;
- (2) “carrier” means a business that provides network, voice, and data services to subscribers;
- (3) “co-location” means the locating multiple wireless broadcast facilities or providers within the same facility;
- (4) “commercial communication facility” means a facility that is used for transmission of wireless communication signals and includes Type A, B, and C facilities. These facilities include telecommunications towers, antennae, and the buildings that house their supporting equipment. These facilities are used to transmit radio-frequency signals, microwave signals, or other communications energy;
- (5) “County” means Rocky View County;



- (6) “County land(s)” means land legally owned by the 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, and leased and Licenced land;
- (7) “Development Authority” means a committee or person:
  - (a) authorized to make development decisions on behalf of the County as outlined in the *Land Use Bylaw*; and
  - (b) delegated the authority, as outlined in , to make decisions on commercial communications facility proposals;
- (8) “existing structures” means operating communications towers, utility towers or poles, farm and other commercial buildings, private residences, or any other building currently on the proposed land;
- (9) “Industry Canada” means the department of the Government of Canada responsible for regulating radio communications in Canada;
- (10) “*Land Use Bylaw*” means Rocky View County Bylaw C-8000-2020, the *Land Use Bylaw*, as amended or replaced from time to time;
- (11) “Licence of Occupation-Telecommunications” means a non-exclusive formal agreement between the County and a telecommunications service provider that is specific to the installation of a commercial communications facility on County lands;
- (12) “*Master Rates Bylaw*” means the Rocky View County bylaw known as the *Master Rates Bylaw*, as amended or replaced from time to time;
- (13) “*Municipal Government Act*” means the province of Alberta’s *Municipal Government Act*, RSA 2000, c M-26, as amended or replaced from time to time;
- (14) “occupancy fee” means monies specific to occupancy occurring on County Lands and collected by the County in accordance to the *Master Rates Bylaw*;
- (15) “proponent” means a party or an individual representing a telecommunications service provider developing a commercial communications facility;
- (16) “Rocky View County” means Rocky View County as a municipal corporation and the geographical area within its jurisdictional boundaries, as the context requires;
- (17) “Transport Canada” is the department of the Government of Canada responsible for transportation policies, services, and programs, including air navigation services;





- (18) “Type A facility” means an antennae that is incorporated within or mounted on an existing structure, such as a building or other commercial communication facility, no more than four metres (13.12 feet) above the highest point of the structure;
- (19) “Type B facility” means either a tower or pole structure between four and 20 metres (13.12 to 65.62 feet) in height to which antennae are mounted for the purpose of telecommunications broadcast or signal transmission; and
- (20) “Type C facility” means either a tower or pole structure greater than 20 metres (65.62 feet) in height to which antennae are mounted for the purpose of telecommunications broadcast or signal transmission.