

## Town of Pelham Council Report

Wednesday, February 19, 2025

**Subject:** Updated Antenna System Siting Protocol – Policy No: S300-03

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**Department:** Community Planning and Development

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### Recommendation:

**BE IT RESOLVED THAT Council receive report 2025-063 “Updated Antenna System Siting Protocol – Policy No: S300 – 03,” for information;**

**AND THAT Council approve the Updated Antenna System Siting Protocol – Policy No: S300-03 as attached in Appendix B.**

### Background:

The demand for wireless services continues to grow in the Town of Pelham as more residents utilize smartphones and other mobile devices. More transmission antennas and antenna towers will be needed to accommodate this demand. Wireless companies are required to work with communities when they want to build new towers through Innovation, Science and Economic Development Canada’s (ISED) procedures.

The ISED procedures are designed to ensure that companies are looking at ways to reduce the number of new towers they build while also ensuring that, if a new tower is needed, local citizens are involved throughout the process.

When considering new towers, a wireless company must:

- Investigate sharing or using existing infrastructure before proposing new antenna-supporting structures;
- Contact the local municipal land-use authority to determine local requirements for antenna systems;
- Clearly notify and consult with the local municipality and the public and address all reasonable and relevant concerns;
- Build any tower within three years of consulting with residents; and
- Satisfy ISED’s general and technical requirements and comply with Health Canada's Safety Code 6 to ensure the safety of Canadians.

Antennas and antenna towers are governed by the federal *Radiocommunication Act*, which is administered by ISED. While the ISED procedures require consultation with the municipality where a tower will be located, the municipality cannot use its land use planning authority to regulate tower placement. Under the *Radiocommunication Act*, the federal government (through ISED) is the authority that approves sites for antennas and supporting structures. Other types of telecommunications infrastructure are subject to the federal *Telecommunications Act*, also administered by the ISED. The legislation provides for the requirement of municipal consent regarding the construction of transmission lines on public property; however, municipalities cannot regulate telecommunications matters.

The ISED procedures include a dispute resolution process that can be requested if an impasse is reached during public consultation. Where the public consultation process has not concluded, but no further progress can be made, a stakeholder other than the general public can submit a written request for ISED intervention on a “*reasonable and relevant concern*”. Examples of such concerns in the ISED procedures include why the use of an existing structure or an alternate site is not possible. Concerns that are not relevant include potential impacts of a proposed antenna system on property values or municipal taxes. If the ISED accepts the request for dispute resolution, it may make a final decision on the issues in question or propose alternative dispute resolution, failing which either party may request that ISED make a final decision. According to ISED, impasses are rare and fewer than 0.1% of cases require its intervention.

The current Town of Pelham protocol for the development and redevelopment of Telecommunication Towers was approved by Council in July 2009 and is included in Appendix A of this report.

As the technology around towers and antennae changes and improves, so should municipal protocols.

On January 29, 2025, the Town of Pelham Council directed staff to conduct a review and analysis and propose updates or amendments to the existing protocol for developing and redeveloping telecommunication towers within the Town. Staff was also to consult with the Agricultural Advisory Committee before bringing a report back to Council on February 19, 2025.

### **Analysis:**

In February 2013, the Canadian Wireless Telecommunications Association and the Federation of Canadian Municipalities (CWTA/FCM) launched a joint Antenna System Siting Protocol Template, which provides a ready-made tool that municipalities can use to develop their own customized protocols or improve existing ones.

This template encourages the development of local protocol guidelines that fully express the municipality's location and design preferences. It also outlines facilitating local knowledge by suggesting preferred sites in all zoning designations and community development plans, including residential areas and design and screening preferences.

Town Community Planning & Development staff have now had an opportunity to review the CWTA/FCM Antenna System Siting Protocol Template (revised December 2015) and review other current municipal protocols. Staff note that the current Town of Pelham Protocol would benefit from modernization. For example, the current Town of Pelham Protocol only speaks to towers and not specifically to antennas. The Protocol is not specific to locations, placement or impacts on neighbouring properties and does not consider design and landscaping elements. It also does not include a reference to the Niagara Escarpment Commission (which has its own protocol), and there are also no requirements for application circulation or definitions. The circulation of notice requirement is also specific to a set radius rather than associated with the height of the proposed antenna or tower.

Therefore, staff have updated the Town of Pelham Protocol and included it as Appendix B. Notable changes from the 2009 Protocol include:

- Clarification of Jurisdiction and Roles (including Niagara Escarpment Commission)
- Inclusion of Definitions
- Process for Exempt Structures
- Indication of Town Designated Official (Director of Community Planning & Development)
- Addition of Development Guidelines including Site Selection and Development and Design Preferences
- Proposal Submission Requirements
- Clear Notification Requirements
- Process Outcomes (Statement Concurrence / Nonconcurrence) and Timeframes
- Information Regarding Rescinding, Transferring and Duration of a Concurrence
- Consistent Consultation Process Timeframe with other Applications
- Letter of Undertaking
- Inclusion of a Process for Redundant Antenna Systems

The Town of Pelham Agricultural Advisory Committee was consulted on February 4, 2025 for their comments and feedback.

The following comments were received from Committee members:

- Antenna design and placement should minimize impacts on current and future agricultural operations and maximize the amount of arable land available for agriculture.
- Antenna design and placement should avoid disrupting natural and subsurface water flow.

Staff have included the comments from the Agricultural Advisory Committee in the revised Protocol (Appendix B).

### **Financial Considerations:**

N/A

### **Alternatives Reviewed:**

Council could decline additions or alterations to the existing Town of Pelham Protocol for the Development or Redevelopment of Telecommunication Towers—Policy NO: S300-03 (Appendix A). This option is not recommended as the current policy does not address several items discussed above.

Council could request changes to the updated Antenna System Siting Protocol – Policy No: S300-03 (Appendix B).

### **Strategic Plan Relationship: Community Development and Growth**

#### **Consultation:**

The Agricultural Advisory Committee was consulted in the review of the updated/revised Protocol.

The revised Protocol in Appendix B was provided to known providers in advance of the meeting. The timeframe did not allow for their comments to be received and included in the report; however, staff note that the revised protocol is largely consistent with the CWTA / FCM Antenna System Siting Protocol Template and protocols in other municipalities.

The Town Solicitor was consulted about the governing legislation and the ISED procedures.

**Other Pertinent Reports/Attachments:**

Appendix A - Protocol for the Development or Redevelopment of Telecommunication Towers – Policy No: S300-03

Appendix B – Antenna System Siting Protocol – Policy No: S300 – 03

**Approved and Submitted by:**

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Chief Administrative Officer