

COMMITTEE OF THE WHOLE JUNE 16, 2003

PROTOCOL FOR ESTABLISHING TELECOMMUNICATION TOWER/ANTENNA FACILITIES

Recommendation

The Commissioner of Planning recommends:

1. THAT the processing of applications for telecommunications facilities shall be subject to the site plan application fees set out in the City's fee by-law.
2. That for all applications for new telecommunications towers, replacements and modifications to existing towers:
 - a) a supporting information package as outlined in Appendix 1 to this report shall be submitted in support; and
 - b) the proponent shall be responsible for the notification and public consultation process, as outlined in this report.
3. That the Exemptions to Municipal Approval section of the approved Protocol be revised to:
 - a) add hydro towers as a co-location situation which is exempt from municipal approval, provided that such antenna facility is at least 100m away from a residential area.

Purpose

To set out a process to implement the "Protocol for Establishing Telecommunications Tower/Antenna Facilities", adopted by Council on December 16, 2002, including a fee schedule, and the requirements for giving notification and conducting a community information meeting.

Background - Analysis and Options

On June 17, 2002, Vaughan Committee of the Whole considered a report entitled, "Protocol for Establishing Telecommunication Tower/Antenna Facilities Within The Region Of York". The Committee resolved as follows:

- "1. That the recommendations contained in the following report of the Commissioner of Planning, dated June 17, 2002, be approved, subject to the notification to property owners being measured within a radius of 500m from the location of the tower; and
2. That the deputation from Mr. Stephen D'Agostino, Thomson Rogers, 390 Bay Street, Suite 3100, Toronto, M5H 1W2, and maps submitted be received."

At the following Council meeting of June 24, 2002, Council resolved:

"That this matter be deferred to a Committee of the Whole meeting in September 2002, to allow further discussion and review of the policy."

At the June 24, 2002 meeting, Council also had a letter dated July 19, 2002, from Mr. S. D'Agostino of Thomson Rogers, Barristers and Solicitors, outlining three concerns with the protocol:

1. The need to enter into an Agreement registrable on title for the following:
 - the removal of all structures upon expiration of the lease;
 - the posting of securities for the cost of removal; and
 - a commitment to accommodate other providers on site where feasible.
2. The replacement of and modification of existing towers shall be exempt from municipal approval if they meet all of the following criteria:
 - the proposed height does not exceed the existing height by more than 10%
 - the proposed radius does not exceed the existing radius by more than 10%
 - tower replacement within identified development envelope/leased area.
3. There was also concern raised with the requirement that notice of public consultation, with respect to proposed tower(s), be given to owners of properties within a radius of 500m of the proposed tower. Mr. D'Agostino is of the opinion that the 500m requirement is excessive and that 120m is sufficient.

On December 16, 2002, Council re-considered the matter and resolved as follows:

- 1) That the recommendations contained in the following report of the Commissioner of Planning dated November 26, 2002, be approved subject to the deletion of the phrase "Ward Councilor" in Clause 1 of the recommendation, and the insertion of the phrase "the Members of Council";
- 2) That where possible, flag pole cell towers or other desirable forms are the preferred styles to be used;
- 3) That the Members of Council receive at least two weeks prior notice of any proposed modifications to the Telecommunications Tower/Antenna Facilities; and
- 4) That the deputation of Mr. Stephen D'Agostino, Thomson Rogers, 390 Bay Street, Suite 3100, Toronto, M5H 1W2, be received."

Work Program

The June 2002 staff report indicated that a work program should be undertaken to implement the processing of telecommunication facility proposals and to develop a notification protocol for public meetings. Staff have had an opportunity to review these matters, and prepare the implementation program as set out below.

Information Required

All proposals for new telecommunication towers, and modifications to existing towers that are not exempt from this protocol, shall be supported by an information package which includes the information as outlined in Appendix 1 to a Site Plan Application (See Attachment 1).

Site Plan Fees

An application for a telecommunication facility shall be subject to the City's site plan application fee as set out in the City's Fee By-law, in effect at the time of submission. Other fees may apply if additional applications from other approval authorities, e.g. Region of York and Toronto Region Conservation Authority, are required.

Public Consultation/Notification Requirements

The following sets out the public consultation and notification requirements for community meetings for applications proposing towers, or alterations to existing towers that do not meet the exemption criteria:

1. For each application for a telecommunication tower as a minimum, the proponent shall give notice of a community meeting by regular mail to all owners within a radius of 120m or within a distance of three times the height of the proposed tower, whichever is greater, measured from the tower base, within urban areas and within 250m measured from the tower base in the rural areas, and to area ratepayers associations impacted by the proposal. The notice shall also be provided to the Members of Council, the Commissioner of Planning, the City Clerk, and to the Clerk and the Commissioner/Director of Planning of any municipality within 500m of the proposed facility.

If a condominium development(s) is located within the required polling radius, notice may be given to the condominium corporation instead of the all assessed owners in respect of the condominium development.

2. The notice shall be post-dated at least 20 days prior to the date of the community information meeting.
3. The required notice shall include the following information:
 - the proposed location of the tower on the subject site;
 - physical details of the tower, including its height, colour, type and design;
 - the time and location of the community information meeting;
 - the name and telephone number of a contact person employed by the proponent.

Community Information Meeting

1. The proponent is responsible to sponsor the meeting, and is also responsible for all arrangements, scheduling, notice minutes and follow-up. Notice is to be provided as per the Public Consultation Requirement above.
2. In addition to tower details provided in the notice, the proponent shall also make available at the community information meeting, a colour photograph of the subject property (8 1/2" X 14" minimum) with a superimposed image of the proposed tower, accurate and to scale;
3. After the meeting, the proponent shall provide to the Members of Council, the Commissioner/Director of Planning and the City Clerk, the following:
 - i) a record of names, addresses and phone numbers of attendees;
 - ii) minutes of the meeting to identify issues and concerns that were raised;
 - iii) a follow-up letter, copied to the local Ratepayers Association, all attendees to the community information meeting, and those who made written submissions, to indicate the proponent's formal response to any concerns or issues raised during the meeting.

Clarification to Exemption to Municipal Approval

The Protocol for the Establishment of Telecommunication Tower/Antenna Facilities Within the Region of York provides opportunities for exemptions to municipal approvals, if a proposal is to co-locate new telecommunication facilities on an existing telecommunication structure. As further clarification, Staff would recommend that co-location on hydro towers should also be exempt, provided that such facilities are at least 100m away from residential areas. Co-location on existing hydro towers would reduce the number of new telecommunication towers and the impacts of such structures within the municipality.

Conclusion

Staff, in reviewing the above-noted issues, have proposed the implementation of a fee structure which is similar to the fees applied to site plan applications (\$550.00), the provision of an information package (Appendix 1 attached), as supporting information for proposals for new telecommunications towers, and for replacement and modifications to existing towers that are not exempt from the protocol, and an outline of the public consultation/notification requirements that need to be undertaken by the proponent. Should the Committee concur, the recommendations in this report can be adopted.

Attachments

1. Appendix 1 - Checklist of Information to be Submitted With Telecommunications Facilities Proposals

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Respectfully submitted,

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Commissioner of Planning

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ATTACHMENT #1

APPENDIX I

CHECKLIST OF INFORMATION TO BE SUBMITTED WITH TELECOMMUNICATIONS FACILITIES PROPOSALS

- A site selection/justification report which outlines the location of non-tower and co-location options which have been considered, and why the proponent's proposal is the preferred option. This report shall include a Needs Assessment which contains details with respect to the coverage and capacity of the existing facilities in the surrounding area in map form, and confirm the need for a new tower at the proposed location within this context.
- Map/inventory of all towers within the area as defined at the preliminary consultation meeting.
- Letter of authorization from property owner.
- PIN printout/survey
- Colour photograph(s) with support structure superimposed from the various directions of adjacent properties and/or public locations.
- Site Layout plan showing all structures and distances to lot lines and adjacent structures.
- Elevation drawings showing all structure(s) from all four sides, height and size of facilities, and grading plans.
- Information required as per municipal building permit process (if required).
- Information required as per Conservation Authority permit process (if required).
- Environmental Impact Statement, if required by the City.
- Landscape drawings, if required by the City, for aesthetic purposes.
- Confirmation that appropriate utility providers, such as gas companies and hydro providers, have been consulted for utility locate purposes.
- Confirmation that Transport Canada has been consulted.
- Public Consultation report.
- Applicable processing fees.