

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 23, Report No. 30, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on June 24, 2014, as follows:

By approving that Recommendation #30 include the following provision:

That if the application is deemed not to conform, the Director will issue a notice of non-concurrence, and at that time, the applicant will have an opportunity to request that the matter be added as an item at the next Committee of the Whole meeting.

**23 TELECOMMUNICATION FACILITY SITING PROTOCOL
TASK FORCE FINDINGS REPORT – STAFF REVIEW AND RESPONSE
ALL WARDS**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, Interim Director of Planning/Director of Development Planning, and Manager of Development Planning, dated June 17, 2014, be approved; and**
- 2) That the revised ‘Protocol’ include strategies for ensuring the following:**
 - 1. That potential sites for telecommunications towers be pre-identified in all future block plans; and**
 - 2. That the party proposing each new tower be required to plan for the future accommodation of co-locating service providers by licensing sufficient compound space and by building towers of sufficient height to permit such accommodations.**

Recommendation

The Commissioner of Planning, Interim Director of Planning/Director of Development Planning, and Manager of Development Planning recommend:

- 1. THAT Vaughan Council BE ADVISED that the Vaughan Planning Department supports Recommendations #1 to #3, #5 to #7, #9 to #11, #15 to #18, #20, #22 to #24, #26, #27, #29, #31 to #32, and #35 of the Telecommunication Facility Siting Protocol Task Force.**
- 2. THAT Vaughan Council BE ADVISED that the Vaughan Planning Department supports Recommendations #4, #8, #12 to #14, #19, #21, #25, #28, #30, #33 and #34 of the Telecommunication Facility Siting Protocol Task Force, subject to the responses and amendments contained in this report.**
- 3. THAT the Vaughan Planning Department be directed to prepare a new City of Vaughan Telecommunication Facility Siting Protocol (“Protocol”), for consideration at a future Committee of the Whole (Working Session) meeting, in early 2015.**

Contribution to Sustainability

The application implements the following Goals and Objectives of Green Directions Vaughan:

Goal 2: To ensure sustainable development and redevelopment

- Objective 2.1: To achieve sustainable growth and development by completing and implementing Vaughan Tomorrow, the City’s Consolidated Growth Management Strategy – 2031, and by ensuring that the strategy is subject to periodic review and renewal**

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Goal 4: To create a vibrant community where citizens, businesses and visitors thrive

- Objective 4.2: Ensure that the City of Vaughan attracts businesses and investment that will result in well-paying jobs for Vaughan citizens, a sustainable tax base and continuing prosperity into the 21st century

In accordance with the goals and objectives identified above, implementing a new City of Vaughan Telecommunication Facility Siting Protocol ("Protocol") to provide a supportive municipal framework to grow Vaughan's economy by providing high quality, efficient and coordinated telecommunications infrastructure meets the goals and objectives stated above.

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

On June 6, 2014, Vaughan Planning staff notified the members of the Telecommunication Facility Siting Protocol Task Force ("Task Force") of this report proceeding to the June 17, 2014, meeting of the Committee of the Whole. Vaughan Council's decision in this matter, and a copy of the staff report, will be communicated to the Task Force and the Findings Report will be made available through the City's website. In addition, should Vaughan Council approve the recommendations in this report, the new Telecommunication Facility Siting Protocol will be prepared and considered at a future meeting of the Committee of the Whole (Working Session) and Vaughan Council meeting, in early 2015.

Purpose

To seek approval from the Committee of the Whole on staff's response to the Telecommunication Facility Siting Protocol Task Force Findings Report ("Findings Report"), which includes 35 recommendations and various definitions that are proposed to inform a new City of Vaughan Telecommunication Facility Siting Protocol, to be later prepared by Planning staff for consideration at a future Committee of the Whole (Working Session) and Council meeting in early 2015.

Background - Analysis and Options

Provincial Policy Statement, 2014

The Provincial Policy Statement, 2014 (PPS), which came into effect on April 30, 2014, speaks broadly to the need for efficient land-use and development patterns that support sustainability, protect public health and safety, and facilitate economic growth. Section 1.0 of the PPS states the following:

"Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth."

Section 1.1 – Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns of the PPS speaks to the need to sustain healthy, liveable and safe

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communities by ensuring that necessary infrastructure (including telecommunications) are or will be available to meet current and projected needs.

Further, Section 1.7 – Long-Term Economic Prosperity of the PPS speaks to the need to support long-term economic prosperity by “encouraging efficient and coordinated communications and telecommunications infrastructure”.

The provision of telecommunication towers and roof-top antenna facilities in an efficient and coordinated manner, as recommended by the Task Force Findings Report, conforms to the PPS.

Greenbelt Plan

The Greenbelt Plan, which came into effect on February 28, 2005, permits existing, expanded or new telecommunication infrastructure approved under the Environmental Assessment Act, subject to specific policies (Section 4.2). In general, planning, design and construction practices shall avoid and/or minimize any impacts to the landscape, particularly the Natural Heritage System. The Greenbelt Plan also encourages the use of existing infrastructure and coordination with different infrastructure services to maintain the rural character of the Greenbelt and support provincial growth initiatives.

Oak Ridges Moraine Conservation Plan

The Oak Ridges Moraine Conservation Plan (ORMCP) does not permit applications for telecommunication facilities in the Natural Linkage Area and Natural Core Area, unless Sections 41(2) and 41(3), respectively, are satisfied. As per Section 41(2), new telecommunication infrastructure and upgrades to existing facilities are prohibited from locating on lands with key natural heritage or hydrologically sensitive features, unless certain criteria in Section 41(5) are met. As per Section 41(3), new telecommunication infrastructure and upgrades to existing facilities are prohibited from locating on lands in a Natural Core Area, unless the requirements of Section 41(2) are met, and the project is located as close to the edge of the Natural Core Area as possible. Finally, Section 41(6) states that service and utility trenches for telecommunication infrastructure must minimize disruption to natural groundwater flow.

York Region Official Plan 2010

The York Region Official Plan, as approved by the Ontario Municipal Board on June 20, 2013, identifies the importance of telecommunication services in sustaining a high standard of living. Such facilities must have regard for potential impacts on surrounding communities and the natural environment. Additional policies in Section 7.5 include:

- encouraging utility networks that can adapt to emerging technologies;
- working with corporations, commissions and government agencies to coordinate and integrate services, and minimize exposure to electromagnetic fields;
- requiring municipalities to engage with cellular service providers early in the process and integrate telecommunication facilities within new buildings;
- encouraging steel poles instead of lattice towers, when it is not feasible to integrate telecommunication facilities within buildings; and,
- permitting telecommunication infrastructure within the Greenbelt and Oak Ridges Moraine Plan areas, subject to the requirements of the Environmental Assessment Act and the respective provincial plans.

Vaughan Official Plan 2010 (VOP 2010)

The Vaughan Official Plan 2010 (“VOP 2010”) was substantially approved by the Ontario Municipal Board (“OMB”) on February 3, 2014. VOP 2010 contains policies that speak to the importance of providing telecommunications infrastructure throughout the City of Vaughan.

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Specifically, Section 5.1.1 – Economic Growth and Diversification states that

“It is the policy of Council:

To provide a supportive municipal framework to grow Vaughan's economy by providing high quality, efficient and coordinated utilities, services and telecommunications infrastructure.”

Further, Section 8.4.4 – Telecommunications and Data states, in part, that

“The City will support the provision of high speed, reliable and accessible telecommunications and data service throughout the City where appropriate, including wired infrastructure within public rights-of-way or wireless infrastructure, such as cellular towers. Competing service providers will share resources and infrastructure in order to minimize use of public rights-of-way and reduce visual clutter from infrastructure, where possible. Design guidelines for wireless communications towers will be developed to minimize the visual impacts of such infrastructure.

It is the policy of Council:

8.4.4.1 To encourage the development of comprehensive high-speed telecommunications and data networks throughout Vaughan to contribute to economic competitiveness and support widespread access to such services.

8.4.4.2 That providers shall be encouraged to share telecommunications and data infrastructure, where feasible, to minimize adverse impacts, including visual impacts, from wireless towers.

8.4.4.3 To develop comprehensive site planning and design guidelines to provide direction for the development of wireless communications infrastructure, including:

- a. locating telecommunications towers and infrastructure to the rear of lots and away from streets and prohibiting locating such towers in parks;
- b. minimizing adverse impacts, including visual impacts, on surrounding uses;
- c. supporting integration into existing or new buildings and structures;
- d. engaging cellular service providers early in the development process to facilitate integration of wireless telecommunications infrastructure into development;
- e. ensuring infrastructure blends in with the existing built and natural landscape; and
- f. encouraging towers to be camouflaged where they are located in sensitive areas, including the Countryside, open space and residential areas.

8.4.4.4 To consider potential impacts on existing utility infrastructure and opportunities for enhancement and/or replacement, as part of street construction, improvements and maintenance through discussions with utility providers.

8.4.4.5. That the Telecommunications and Data policies 8.4.4.2 and 8.4.4.3 will not apply until such time as the Telecommunication Facility Siting Protocol Task Force has concluded its work and Council has adopted new policies.”

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The completion of the Task Force Findings Report conforms to the policies of Vaughan Council, as stated in VOP 2010, Section 8.4.4.5. The Vaughan Planning Department has conducted a review of the Task Force Findings Report, and provides analysis and recommendations on these findings in this report.

Role and Jurisdiction of Industry Canada

The approval authority for Telecommunication Tower/Antennas is Industry Canada, which is a federal agency governed by the Radiocommunication Act. In its ongoing efforts to regulate Telecommunication Tower/Antennas, Industry Canada has released documentation in the form of a Client Procedures Circular (CPC-2-0-03) titled “Radiocommunication and Broadcasting Antenna Systems (Formerly CPC-2-0-03 Environmental Process, Radiofrequency Fields and Land-Use Consultation)”, a procedural outline to assist proponents and land use authorities in the processing and implementation of radiocommunication and broadcasting antenna systems. This documentation outlines requirements, which must be followed when installing a new or modifying an existing antenna system.

Section 5 of the Radiocommunication Act, which governs the Telecommunication Industry states that “The Minister may, taking into account all matters the Minister considers relevant for ensuring the orderly development and efficient operation of radiocommunication in Canada, issue radio authorizations and approve each site on which radio apparatus, including antenna systems maybe located.” Furthermore, the Minister may approve the erection of all masts, towers and other antenna-supporting structures.

Although Industry Canada has undertaken an effort to ensure involvement on the part of the local municipalities, Industry Canada is the approval authority in matters respecting Telecommunication Towers/Antennas and associated equipment.

The installation of any telecommunication tower/antenna system or the continuing operation of a telecommunication tower, which is not in accordance with the process outlined by Industry Canada may require alteration or removal and other sanctions against the operator to be determined by Industry Canada, in accordance with the Radiocommunication Act.

Brief Overview of Industry Canada’s Current Guidelines

The Client Procedures Circular (CPC-2-0-03) outlines the required process to be undertaken by proponents seeking to install or modify antenna systems.

At the onset of the process, the proponent is required to undertake the following:

1. Investigate the possibility of sharing or using existing infrastructure before proposing a new antenna:

Industry Canada requires that proponents explore the possibility of sharing/co-located facilities on existing towers. Proponents should consider, modifying or replacing a structure if necessary, in an effort to reduce the number of structures erected overall. Proponents should also locate, analyze and attempt to use any feasible existing infrastructure such as rooftops, water towers, etc.

2. Contact the land-use authority (LUA – e.g. City of Vaughan) to determine the local requirements and the implementation process regarding antenna systems, unless the proposal is exempt from the standard LUA consultation process. Proposals would be exempt from the requirement to consult with the LUA in the following circumstances:

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- i. maintenance of existing structures, including the antenna system;
- ii. addition or modification of an antenna system, provided the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height;
- iii. a temporary installation, typically no more than 3 months; and,
- iv. a new antenna system, tower, or other antenna-supporting structure, with a height of less than 15 m above ground level.

Land-Use Authority (LUA) Consultation: Proponents are required to contact the local land-use authority (LUA ie. City of Vaughan) to determine the consultation process as required. Issues to be discussed include but are not limited to:

- i. Site options;
- ii. Local process related to proposal;
- iii. Discussion of concerns raised by both the LUA and the community they represent; and,
- iv. Obtaining LUA concurrence in writing.

Through CPC-2-0-03 proponents have been made aware that there may be more than one land-use authority with an interest in the proposal. If no agreement exists between the land-use authorities, proponents must contact the land-use authority and/or neighbouring land-use authorities when located within a radius of three times the tower height measured from the tower base or the outside perimeter of the supporting structure, whichever is greater.

Furthermore, in cases where the proponents are aware that a potential Aboriginal or treaty right or land claim may be affected by the proposed installation of an antenna, the proponent must contact Industry Canada in order to ensure that the requirements for consultation are met.

Proponents for broadcasting undertakings are subject to Canadian Radio-television and Telecommunications (CRTC) licensing processes in addition to Industry Canada requirements. Proponents for broadcasting undertakings may decide to commence land-use consultation after having been granted CRTC approvals. If the proponent chooses to postpone entering into the approval process with the LUA at the time of submitting the CRTC applications, the proponent is to notify the LUA with a Letter of Intent outlining a commitment to conduct consultation after receiving CRTC approval. Should the LUA raise concerns the proponent is encouraged to enter into discussions with the LUA respecting the raised concerns.

3. Undertake the public notification and consultation process in an effort to address relevant concerns, in keeping with the local LUA requirements or the default requirements set forth by Industry Canada where the local LUA has no established protocol.

Public Consultation Process: Proponents must follow Industry Canada's Default Public Consultation Process where the local land-use authority does not have an established and documented public consultation process applicable to antenna siting.

4. Satisfying the general and technical requirements set forth by Industry Canada.

Note: It is the expectation of Industry Canada that steps 2 through to 4 will normally be completed within 120 days. It is also noted that some proposals may be excluded from certain elements of the process as required.

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Telecommunication Facility Siting Protocol Task Force

On June 7, 2011, Vaughan Council approved the Terms of Reference and creation of a Telecommunication Facility Siting Protocol Task Force ("Task Force"). The objectives of the Task Force were:

- 1) To conduct a background review of Industry Canada requirements, applicable Provincial and Regional policies, the current City of Vaughan Protocol for Establishing Telecommunication Tower/Antenna Facilities, telecommunication protocols in other municipalities, and legal precedents.
- 2) To identify, review and analyze issues pertaining to the siting of telecommunication towers and antenna facilities, establish appropriate objectives, and evaluate alternative strategies in developing the new protocol.
- 3) To enable effective and transparent communication among members of the public, ratepayer association representatives, telecommunication industry representatives, the Region of York Medical Officer of Health, local experts in the field, Members of Council, Industry Canada, City Staff, and other stakeholders or agencies.
- 4) To make recommendations to Council addressing a Telecommunication Facility Siting Protocol, harmonized with Industry Canada, for siting telecommunication facilities within the City of Vaughan.

The Task Force included 10 members, comprised of various stakeholders (5 members from the public, 3 industry representatives, and 2 Vaughan Councillors), with technical assistance from Vaughan Planning staff.

The Task Force developed a comprehensive work plan in order to achieve the objectives stated above. City staff, primarily staff from the Planning Department, attended the Task Force meetings to provide advisory and technical support. The Task Force's deliberations also included consultation and presentations from outside sources such as Industry Canada, Public Health Ontario, Bell Mobility, Region of York Medical Officer of Health, and telecommunication industry professionals (who also participated as members of the Task Force).

The Task Force formally met a total of 14 times, and met numerous other times in a non-formal capacity, during the period from September 2011 to December 2013. The meetings of the Task Force culminated in the preparation of a Findings Report (Attachment #1), which was approved by the Task Force on December 17, 2013, and forwarded to the Vaughan Committee of the Whole on January 14, 2014, and subsequently to Vaughan Council for consideration. On January 28, 2014, Vaughan Council approved the following recommendation of the Committee of the Whole as recommended by the City Clerk, on behalf of the Task Force:

"THAT the Telecommunication Facility Siting Protocol Task Force Findings and Recommendations Report be referred to staff for review and that a report be provided to a future Committee of the Whole meeting."

Staff Review of the Task Force Findings Report

The Task Force Findings Report, set out in Attachment #1, contains 35 individual recommendations, which were reviewed by the Vaughan Planning Department (including Urban Design and Cultural Heritage). Further, the Planning Department discussed pertinent recommendations with staff from the Building and Facilities, Building Standards, City Clerks,

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Development Finance and Investments, Engineering Services, Fire and Rescue, Legal Services (including Real Estate), Parks Development, Property Tax and Assessment, and Recreation Departments. The following section identifies each individual recommendation of the Task Force (in bold text) with a corresponding response from City staff.

Recommendation #1: The Task Force recommended that the City of Vaughan, acting as the land use authority, participate fully in Industry Canada's land-use consultation process set out in CPC-2-0-03.

Background

CPC-2-0-03, as shown on Attachment #2, is the Radiocommunication and Broadcasting Antenna Systems document prepared by Industry Canada. It sets out the process that must be followed by Proponents seeking to install or modify antenna systems, which includes the requirement of the local land-use authority (being the City of Vaughan) to participate in this process. Unless a proposal is excluded through Section 6 of the CPC-2-0-03, Proponents must consult with the local land-use authority on any proposed antenna system prior to any construction of the telecommunication tower. CPC-2-0-03 sets out a default consultation process, in the event that a local land-use authority does not have a consultation process in place. The City of Vaughan has a current process in place, through the Protocol for Establishing Telecommunication Towers/Antenna Facilities ("Protocol"), which was approved by Vaughan Council on June 23, 2003. The Vaughan Planning Department recommends that a new City of Vaughan Telecommunication Facility Siting Protocol be prepared, in light of the comments and recommendations in this report, and forwarded to a future Committee of the Whole (Working Session) meeting for consideration, as identified in the recommendation of this report.

On February 27, 2014, Industry Canada posted proposed updates to the existing CPC-2-0-03, which has been in effect since January 1, 2008, in order to improve transparency and to address concerns that local residents and municipalities across Canada have expressed about antenna siting. The proposed updates are as follows:

Update #1

Antenna Siting Procedures – Proposed Update to Section 1.2 of CPC-2-0-03 (updates shown in bold font)

The requirements of this document apply to anyone (referred to in this document as the proponent) who is planning to install or modify an antenna system, regardless of the type. **This includes telecommunications carriers, businesses, governments, Crown agencies and the public. Anyone who proposes, uses or owns an antenna system must follow these procedures. The requirements also apply to those who install towers or antenna systems on behalf of others or for leasing purposes ("third party tower owners").** As well, parts of this process contain obligations that apply to existing antenna system owners.

Update #2

Industry Canada's Default Public Consultation Process – Proposed Update to Section 4.2 of CPC-2-0-03 (updates shown in bold font)

1. Proponents must ensure that the local public, the land-use authority and Industry Canada are notified of the proposed antenna system. As a minimum, proponents must provide a notification package (see Appendix 2) to the local public (including nearby residences, community gathering areas, public institutions, schools, etc.),

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neighbouring land-use authorities, businesses, and property owners, etc. located within a radius of three times the tower height, measured from the tower base or the outside perimeter of the supporting structure, whichever is greater. For the purpose of this requirement, the outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc. **Public notification of an upcoming consultation must be clearly marked, making reference to the proposed antenna system, so that it is not misinterpreted as junk mail. The notice must be sent by regular mail or be hand delivered. The face of the envelope must clearly indicate that the recipient is within the prescribed notification radius of the proposed antenna system.**

2. It is the proponent's responsibility to ensure that the notification provides at least 30 days for written public comment.
3. In addition to the minimum notification distance noted above, in areas of seasonal residence, the proponent, in consultation with the land-use authority, is responsible for determining the best manner to notify such residents to ensure their engagement.
4. In addition to the public notification requirements noted above, proponents of antenna systems that are proposed to be 30 metres or more in height must place a notice in a local community newspaper circulating in the proposed area. **Height is measured from the lowest ground level at the base, including foundation, to the tallest point of the antenna system. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) is unacceptable.**

Update #3

Post-Consultation Construction Time Limit – Proposed New Section 4.4 to be added to CPC-2-0-03 (new section shown in bold font)

Whether the proponent followed a land-use authority's process or Industry Canada's default public consultation process, construction of an antenna system must be completed within three years of conclusion of consultation. After three years, previous consultations will no longer be deemed to be valid.

Update #4

Exclusions – Proposed Update to Section 6 of CPC-2-0-03 (updates shown in bold font)

All proponents must consult the land-use authority and the public unless a proposal is specifically excluded. Individual circumstances vary with each antenna system installation and modification, and the exclusion criteria below should be applied in consideration of local circumstances. Consequently, it may be prudent for the proponent to consult even though the proposal meets an exclusion noted below. Therefore, when applying the criteria for exclusion, proponents should consider such things as:

- the antenna system's physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;
- the location of the proposed antenna system on the property and its proximity to neighbouring residents;
- the likelihood of an area being a community-sensitive location; and
- Transport Canada's marking and lighting requirements for the proposed structure.

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The following proposals are excluded from land-use authority and public consultation requirements, but must still satisfy the General Requirements outlined in Section 7:

- ***New Antenna Systems:*** where the height is less than 15 metres above ground level. **This exclusion does not apply to antenna systems to be used by broadcasting undertakings or telecommunications carriers;**
- ***Existing Towers:*** modifications may be made, or the tower may be replaced, to facilitate sharing or the addition of antennas, provided that the total height increase is no greater than 25% of the height of the initial antenna system installation. **No increase in height may occur within one year of completion of the initial construction;**
- ***Non-Tower Structures:*** antennas on buildings, water towers, lamp posts, etc. may be installed provided that the height of the structure is not increased by more than 25%; **and,**
- ***Temporary Antenna Systems:*** used for special events or emergency operations and must be removed three months after the start of the emergency or special event.

No consultation is required prior to performing maintenance on an existing antenna system.

Proponents who are not certain if their proposals are excluded, or whether consultation may still be prudent, are advised to contact the land-use authority and/or Industry Canada for guidance.

Height is measured from the lowest ground level at the base, including foundation, to the tallest point of the antenna system. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be taken into account in the measurement.

Update #5

Canadian Environmental Assessment Act 2012 – Proposed Update to Section 7.4 of CPC-2-0-03 (updates shown in bold font)

Industry Canada requires that the installation and modification of antenna systems be done in a manner that complies with appropriate environmental legislation. **This includes the Canadian Environmental Assessment Act, 2012 (CEAA 2012), where the antenna system is incidental to a physical activity or project designated under CEAA 2012, or is located on federal lands.**

An antenna system may not proceed where it is incidental to a designated project (as described in the Regulations Designating Physical Activities), or is otherwise expressly designated by the Minister of the Environment without satisfying certain requirements applicable to designated projects. Therefore, a proponent of this type of project must contact Industry Canada for direction on how to proceed.

Any proposed antenna system on federal land may not proceed without a determination of environmental effects by Industry Canada. In order to assist the Department in making such a determination, proponents must submit a project description to Industry Canada, considering and addressing those elements of the environment described in CEAA 2012, as well as any determination of environmental effects that may have been made by the authority responsible for managing the federal land. Industry Canada may also require further information

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before it can complete its assessment. Industry Canada will inform the proponent of the results of its determination and may impose conditions related to mitigating any adverse effects after making its determination and/or may need to refer the matter to the Governor-in-Council under CEAA 2012.

Also, notices under Industry Canada's default public consultation process require written confirmation of the project's status under CEAA 2012 (e.g., whether it is incidental to a designated project or, if not, whether it is on federal lands).

In addition to CEAA requirements, proponents are responsible to ensure that antenna systems are installed and operated in a manner that respects the local environment and that complies with other statutory requirements, such as those under the [Canadian Environmental Protection Act, 1999](#), the [Migratory Birds Convention Act, 1994](#), and the [Species at Risk Act](#), as applicable.

For projects north of the 60th parallel, environmental assessment requirements may arise from federal statutes other than the aforementioned Acts or from Comprehensive Land Claim Agreements. Industry Canada requires that installation or modification of antennas or antenna supporting structures be done in accordance with these requirements, as appropriate.

After releasing the proposed updates, on February 27, 2014, Industry Canada solicited comments from the public (including government agencies) on the proposed updates and amendments to CPC-2-0-03, and required that all comments be submitted electronically between March 1 and March 31, 2014. The City of Vaughan Planning Department provided written comments, in the form of an electronic memo, as shown on Attachment #3, to the Director, Spectrum Management Operations, Industry Canada, on March 31, 2014. Given the short window to respond to Industry Canada, a formal report and resolution on the proposed changes could not be obtained from Vaughan Council.

Staff Response to Recommendation #1

The Vaughan Planning Department agrees with Recommendation #1. The City of Vaughan has a responsibility to fully participate within Industry Canada's land-use consultation process, and is already reviewing applications and participating fully in this process through the previous Protocol.

Recommendation #2: That the City of Vaughan implement in the protocol an application fee that is the same as the "Base Fee" for a Site Development Application, which would be additional to the other fees that may be required from other approval authorities (York Region, TRCA, etc.) and ensure that any public consultation costs are borne by the Applicant.

Staff Response to Recommendation #2

The Vaughan Planning Department agrees with Recommendation #2. For an application submitted on privately-held lands, the Vaughan Planning Department currently charges the "Base Fee" (ie. \$7,300 in 2014, with cost of living increases each year) for a Site Development Application, and the Proponent covers all charges and costs related to the application, including costs associated with arranging and holding a community consultation meeting related to the proposed Telecommunication Tower.

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Through Staff Review, if the application merits the installation of additional landscaping to screen a proposed telecommunication tower/radio equipment cabinet, this is done at the proponent's cost, and the Vaughan Planning Department secures these costs to ensure the installation of the said landscaping is implemented through a standard Letter of Credit submitted by the landowner, through the process identified in City of Vaughan By-law 123-2013 (Site Plan Control By-law).

For Proponents who wish to locate telecommunication towers on City-owned lands, the Legal Services Department (Real Estate Division) has provided the following comments:

When a Proponent submits a request to lease City-owned lands, a \$1,500.00 Administration Fee is charged. The fee is used towards the commencement of the circulation process, which is described as follows:

1. The Proponent makes an enquiry to the Legal Services Department (Real Estate Division). The Proponent is to provide details of their selected location(s). Note: The Real Estate Division does not maintain an inventory of potential City owned sites. Each site is reviewed on a case-by-case basis.
2. The Proponent is asked if any other co-location sites are available.
3. An Application and Administration Fee of \$1,500.00 is required from the Proponent.
4. The request is circulated to internal City departments for comments based on the location of the proposed telecommunication tower and the departments affected. However, at a minimum the Real Estate Division circulates the request to the Vaughan Planning, Public Works, Development/Transportation Engineering and Engineering Services Departments. Typically, additional circulated departments include Parks Development and Parks Operations.
5. Comments are reviewed and discussed with the Proponent.
6. If the Proponent can demonstrate that the concerns or comments can be addressed, a report is prepared for consideration by Vaughan Council for the proposed location only.

If Vaughan Council approves the request, the Proponent is required to enter into the standard site plan application process as identified earlier (i.e. conduct a Pre-Application Consultation meeting with the Planning Department and submit a Site Development Application).

Further, the Property Tax and Assessment Division has advised that there is an increase in property taxes for lands maintaining telecommunication towers and/or antennas due to the increase of the assessment value to the lands where the towers and/or antennas are installed. The impact to the taxes varies depending on the size of the tower. Finally, the classification/tax rate of the telecommunication towers and/or antennas will always fall into the Commercial tax class, even if the tower is installed on Residential or Agricultural lands.

Recommendation #3

- a) **That the City of Vaughan encourage Health Canada to continue to dedicate resources to the review of health effects associated with radiofrequency exposure with the goal of determining whether existing standards, such as Safety Code 6, are appropriate;**

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- b) That the City of Vaughan requests the York Region Medical Officer of Health to provide the City with regular reviews of current research and updates, at least annually;**
- c) That the City of Vaughan requests that Public Health Ontario conduct radiofrequency measurement studies (similar to the Al Palladini study), at regular intervals, at various sites within the City, and report to Council;**
- d) That the City of Vaughan's Wireless Antenna Siting Protocol shall be drafted requiring Proponents to provide a written attestation that the proposed facilities will comply with Health Canada's Safety Code 6 on a cumulative and ongoing basis; and,**
- e) That members of the public be referred to Industry Canada if seeking radiofrequency measurement information for existing wireless antenna facilities.**

Staff Response to Recommendation #3

- a) The Vaughan Planning Department agrees with Recommendation #3a) and will include in the report for the new Protocol to be forwarded to a future Committee of the Whole (Working Session) meeting for consideration, a draft letter and a Vaughan Council resolution that Vaughan Council may forward to Health Canada respecting Recommendation #3a).
- b) The Vaughan Planning Department agrees with Recommendation #3b) and will formally request the York Region Medical Officer of Health to provide the City with regular reviews of research and updates on an annual basis, and will report to the Committee of the Whole when Vaughan Planning Department receives any updates.
- c) The Vaughan Planning Department agrees with Recommendation #3c), and will formally request through a Vaughan Council resolution at a future Committee of the Whole (Working Session) when the draft Protocol is considered that Public Health Ontario conduct radiofrequency measurement studies (similar to the Al Palladini study) at regular intervals and at various sites throughout the City of Vaughan. Should Public Health Ontario agree to undertaking regular radio frequency measurement studies, the Planning Department will work with Public Health Ontario to establish criteria for selecting future sites for testing.
- d) Health Canada has established guidelines for exposure to radio frequency fields in its Safety Code 6 publication, entitled: Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 kHz to 300 GHz. While Health Canada is responsible for developing Safety Code 6, Industry Canada has adopted this guideline for the purpose of protecting the general public. Through Industry Canada's CPC-2-0-03, all Proponents and Operators of Installations are responsible to ensure that all radiocommunication and broadcasting installations comply with Safety Code 6 at all times, including the consideration of combined effects of nearby installations within the local radio environment. Finally, Industry Canada considers compliance with Safety Code 6 to be an ongoing obligation, and, at any time, can require a demonstrated compliance with Safety Code 6 from Proponents and operators of existing antenna systems.

While understanding the jurisdictional issues associated with federally regulated enterprises as discussed earlier, the Vaughan Planning Department agrees with Recommendation #3d). Industry Canada already requires Proponents to retain copies of

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all information related to Safety Code 6 compliance, and therefore, it will not be difficult for Proponents to provide the information to the City of Vaughan, including a written attestation that the proposed facilities will comply with Health Canada's Safety Code 6 on a cumulative and ongoing basis.

- e) The Vaughan Planning Department agrees with Recommendation #3e), and will refer all inquiries from members of the public to Industry Canada. Furthermore, contact information for Industry Canada and links to Industry Canada's website are currently available on the Vaughan Planning Department's website.

Recommendation #4: That the City encourages Proponents to voluntarily select sites in the following order:

- a) Sites co-located on existing structures at least 200 metres from any residential area;
- b) Where co-location is not possible, a new tower located 200 metres away from residential areas in:
- i. Employment areas and rail facilities;
 - ii. Other non-residential areas;
 - iii. Natural areas and open space, subject to certain criteria;
 - iv. Other publicly-owned properties;
 - v. Regional and District parks;
 - vi. Towers should not be located at prominent vista wherever possible;

In each instance, the Proponent is encouraged to seek City-owned properties and facilities; and,

- c) Where it is not possible to locate outside 200 metres from any residential area, and there is limited site availability, co-location may be encouraged at the time of pre-application consultation.

Background

Significant discussion of the Task Force regarding site-selection revolved around the desire and importance of co-locating on existing telecommunication towers and other existing infrastructure (hydro towers, water towers, street furniture, etc., to be discussed further in Recommendation #6). To ensure existing telecommunication towers are considered for co-location opportunities, the Task Force specifically recommended a preference for co-locating on telecommunication towers, rather than constructing a new tower.

This Recommendation by the Task Force also complies with Industry Canada's CPC-2-0-03. Section 3 of CPC-2-0-03 states the following, in part:

Before building a new antenna-supporting structure, Industry Canada requires that proponents first explore the following options:

- consider sharing an existing antenna system, modifying or replacing a structure if necessary;
- locate, analyze and attempt to use any feasible existing infrastructure such as rooftops, water towers, etc.

Proponents are not normally expected to build new antenna-supporting structures where it is feasible to locate their antenna on an existing structure, unless a new structure is preferred by land-use authorities.

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Staff Response to Recommendation #4

The Vaughan Planning Department agrees with Recommendation #4; however, it is recommended that Recommendation #4 a) be reworded as follows:

“Sites co-located on existing telecommunication towers located at least 200 metres from any residential area”

Staff recommends the change to Recommendation #4 a) to ensure future Proponents are aware of the desire of the Task Force to co-locate new facilities on existing telecommunication towers, as the primary site-selection criteria rather than co-locating on existing municipal/regional infrastructure.

Further, the Vaughan Planning Department discussed Recommendation #4 b) with the Parks Development Department, who provided the following comments in response to this recommendation:

“The Task Force identifies natural areas and open spaces as preferred locations before consideration of other publicly owned properties. Although the siting of telecommunication towers within natural areas can provide opportunities for appropriate setbacks and buffering from residential properties, placement within these areas can impact the use and enjoyment of natural areas from a visual perspective, and for those seeking active and passive nature experiences. It is suggested that natural areas be moved to lower priority on the site selection list.”

While acknowledging the comments from the Parks Development Department, as stated above, the Planning Department agrees with Recommendation #4, and is of the opinion that the site selection criteria should remain as proposed by the Task Force. The Planning Department and Vaughan Council have previously recommended approval and granted municipal concurrence for telecommunication towers to be located in natural areas/open spaces, as locating telecommunication towers in natural areas/open spaces provides a potentially appropriate location for a tower that is setback away from a residential area.

Recommendation #5: Where the Proponent is unable to comply with the City’s siting preferences, the application to consult must include a justification explaining the rationale for the Proponent’s siting decision.

Staff Response to Recommendation #5

The Vaughan Planning Department agrees with Recommendation #5. To implement this recommendation within the City’s current review process, the current Pre-Application Consultation form will be amended to include a requirement for further justification if the Proponent is unable to comply with the City’s siting preferences. Further, it is recommended that the requirement for a justification report for a telecommunication tower be included in the City’s new Protocol, to ensure all Proponents are aware of the requirement to provide further justification if they are unable to comply with the City’s siting preferences. Finally, an addendum to the Site Development Application form will be required to outline the requirement for further justification, if Vaughan Council approves Recommendation #5.

Recommendation #6: That Proponents of telecommunication/antenna facilities be strongly encouraged to utilize existing tower facilities in all instances, except visually sensitive lands, in order to reduce further visual intrusions in these areas. In areas of limited site availability where towers will be located in close proximity to each other, co-location may be encouraged at the time of Pre-Application Consultation.

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Staff Response to Recommendation #6

As mentioned in the background of Recommendation #4, much of the discussion of the Task Force regarding site-selection was about the importance of co-locating services on existing telecommunication towers, and other existing infrastructure in visually sensitive areas. In order to reduce the proliferation of new towers and to comply with Industry Canada's CPC-2-0-03, the Vaughan Planning Department supports Recommendation #6 and will work with the Proponent to encourage the site-selection criteria and the City's desire to co-locate on existing towers and infrastructure.

Recommendation #7: That where co-location is appropriate, Proponents be required to submit a Co-location Invitation Form, or similar evidence that the Industry has been consulted with respect to co-location opportunities.

Background

With respect to the recommendation of the Task Force for Proponents to explore co-location opportunities, currently the Vaughan Planning Department requires the Proponent to consult with other licensed carriers at the time of Pre-Application Consultation, in order to determine the need for any future co-location opportunities. If a co-location opportunity is secured prior to City of Vaughan Council granting municipal concurrence on a proposed telecommunication tower, the Vaughan Planning Department will work with the Proponent to achieve the best possible design of the proposed tower.

Staff Response to Recommendation #7

The Vaughan Planning Department agrees with Recommendation #7. To implement this recommendation within the City's current review process, the Vaughan Planning Department will prepare a formal Co-location Invitation Form, and include a draft document in the report to the future Committee of the Whole (Working Session) for review and approval. If the formal Co-location Invitation Form is approved, the current Pre-Application Consultation form will be amended to include a requirement for the Form to be used by the Proponent for all future telecommunication tower proposals. Further, this process will be included in the City's new Protocol, to ensure all Proponents are aware of this requirement. Finally, an addendum to the Site Development Application form will be required to outline the requirement for the use of a Co-location Invitation Form.

Recommendation #8: That Proponents be required, where feasible and appropriate, to size leased areas to accommodate future expansion and co-location when leasing tower facilities.

Staff Response to Recommendation #8

The Vaughan Planning Department agrees with Recommendation #8, as it will assist the ability for licensed telecommunication companies to co-locate upon existing towers. Should Vaughan Council approve this recommendation, this requirement will be included in the new Protocol. Staff will also ensure that this recommendation only applies where co-location is an appropriate measure and where it will not impact visually sensitive areas, as defined in the Task Force Findings Report.

However, co-location on an existing tower requires additional at-grade infrastructure, in the form of radio equipment cabinets, to be added to the leased area. To ensure any potential visual impact is mitigated from the larger leased areas and the necessary at-grade infrastructure, the

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larger leased areas may need to accommodate additional landscaping for screening. This issue will be explored and formalized within the future Urban Design Guidelines related to Telecommunication Towers (the Urban Design Guidelines will be discussed later, in Recommendation #17).

Recommendation #9: That Council pass a resolution encouraging Hydro One to allow co-utilization of its infrastructure.

Background

The Task Force considered the co-utilization of Hydro One's high-tension towers for the location of future telecommunication antennas. Currently, Hydro One prohibits the use of their structures for the location of telecommunication antennas, however, the Task Force was of the opinion it would be advantageous to locate antennas on Hydro One's existing infrastructure, due to the impact said infrastructure already exhibits on the landscape.

Staff Response to Recommendation #9

The Vaughan Planning Department agrees with Recommendation #9. Co-utilizing existing Hydro One infrastructure will reduce visual impact due to the reduction of the requirement for new telecommunication towers.

If Vaughan Council approves Recommendation #9, the Vaughan Planning Department will include in the report for the new Protocol, to be forwarded to a future Committee of the Whole (Working Session) meeting for consideration, a draft letter and a Vaughan Council resolution that will be forwarded to Hydro One formally requesting the co-utilization of its infrastructure.

Recommendation #10: That co-utilization of facilities and infrastructure such as utility poles, street lights and other vertical real estate be encouraged in place of a new structure.

Staff Response to Recommendation #10

Any co-utilization of facilities and infrastructure on Regional Roads will necessitate an agreement with York Region. On April 23, 2009, York Region Council adopted Industry Canada's Protocol (CPC-2-0-03) outright to reduce redundancies and permit a more efficient and consistent approach for regulating telecommunication facilities, while providing an opportunity for local municipalities to determine individual procedures and protocols. Therefore, York Region has adopted Industry Canada's CPC-2-0-03, and operates under a similar mandate of supporting co-location of existing telecommunication towers and co-utilization of existing Regional facilities and infrastructure.

Regarding co-utilization of City of Vaughan facilities and infrastructure (including street light poles), the Planning Department met with the Building and Facilities, and Engineering Services Departments to discuss this matter.

The Building and Facilities and Engineering Services Departments have no fundamental issues with co-utilizing on existing City of Vaughan facilities (including City of Vaughan buildings and community centres) and infrastructure (including the replacement of existing street light poles for poles that include lighting and wireless antennas), and support the use of existing City of Vaughan facilities and infrastructure, where appropriate.

The Vaughan Planning Department supports Recommendation #10 and recommends that a formal process be implemented for co-utilizing existing City of Vaughan facilities and infrastructure. The Vaughan Planning Department will work with the Building and Facilities,

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Engineering Services, and Legal Services (Real Estate Division) Departments to formalize a process, which will be discussed in the report for the new Protocol, to be forwarded to a future Committee of the Whole (Working Session) meeting.

Recommendation #11: That the visual impact of radio equipment cabinets visible from public rights of way be mitigated.

Staff Response to Recommendation #11

The Vaughan Planning Department agrees with Recommendation #11. As discussed in Recommendation #8, Urban Design Guidelines related to Telecommunication Towers will be created, which will discuss the appropriate landscaping techniques to mitigate the visual impacts associated with radio equipment cabinets. Further, as discussed in Recommendation #2, the Vaughan Planning Department secures the costs to ensure the installation of landscape work by the Proponent through a standard Letter of Credit and inspects the landscaping after installation to ensure the landscaping was installed to City approved standards, prior to the release of the Letter of Credit.

Recommendation #12: That City staff be directed to consult with Telecommunication Facility Proponents and report back to Council on opportunities to promote unobtrusive siting using the site plan process for new mid-rise and high-rise developments and the Block Plan process.

Background

The Task Force held several discussions regarding the ability to properly plan for the location of future telecommunication towers to ensure the least obtrusive locations are chosen, which resulted in two resolutions being agreed upon by the Task Force. One, that existing and planned mid and high-rise developments be used as unobtrusive locations for new antenna systems, and secondly, that the Block Plan process be used to establish appropriate sites in new communities for the location of telecommunication towers, if required.

Staff Response to Recommendation #12

The Vaughan Planning Department generally supports Recommendation #12. To implement the recommendation, the Planning Department will be meeting with representatives from the telecommunications industry on an annual basis, to discuss plans for required service improvements and new telecommunication tower proposals. Recently, both Bell and Rogers representatives have agreed to meet more frequently with the Planning Department, and to participate in future Official Plan, Secondary Plan, and Block Plan reviews as stakeholders in the process. As well, the Urban Design Guidelines will discuss opportunities to promote unobtrusive siting of new antennas on existing and planned mid and high-rise developments. Planning Staff does not believe it is necessary to report back to Vaughan Council, as Council will be given the opportunity to review and approve the Urban Design Guidelines associated with telecommunication towers, expected to be prepared in the 1st Quarter of 2015.

Further, the Vaughan Planning Department will review the opportunity to appropriately site new telecommunication towers through the approval process for future Official Plan reviews, Secondary Plans for new communities, and Block Plans. This will ensure that the telecommunications industry has an opportunity to work with City Staff to ensure appropriate locations for new telecommunication infrastructure are appropriately considered and planned in these areas.

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Recommendation #13: That the City of Vaughan Protocol incorporate the following exemptions:

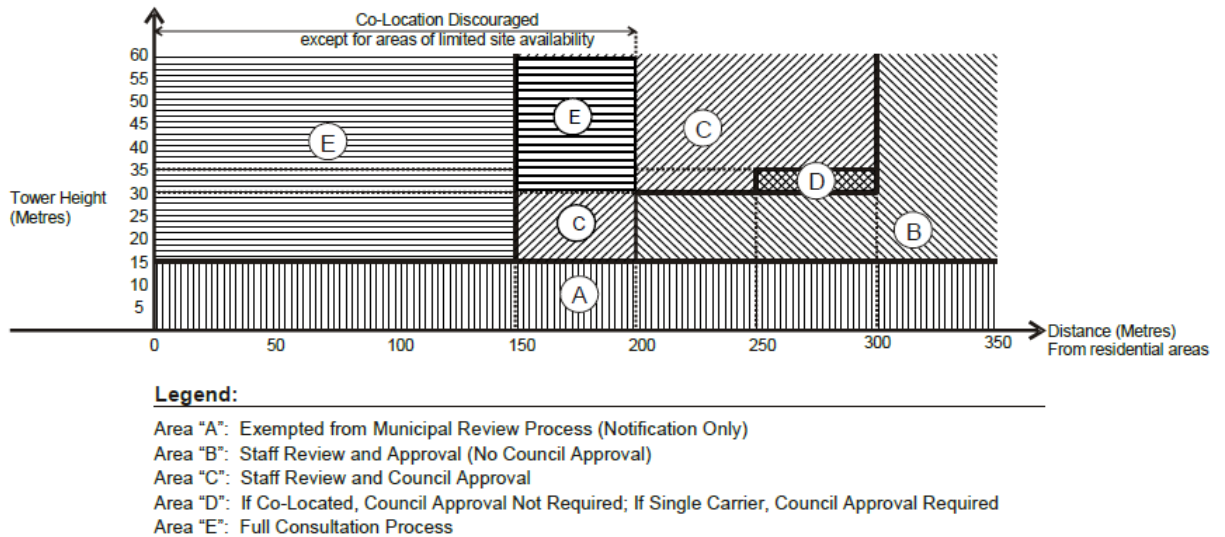
- a) Industry Canada Exemptions from the Requirement to Consult with the City:**
 - i. The maintenance of existing telecommunications apparatus including the antenna system, transmission line, mast, or other antenna-supporting structure or maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;**
 - ii. Addition or modification of an antenna system (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna-supporting structure or other radio apparatus to existing infrastructure, a building, water tower, etc. provided the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's;**
 - iii. 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;**
 - iv. New antenna systems, including masts, towers or other antenna-supporting structure, with a height less than 15 metres above ground level;**
- b) Vaughan Specific Exemptions from the Requirement to Consult with the City and the Public:**
 - i. New telecommunications facilities located a minimum of 200 metres within employment/industrial lands;**
 - ii. Amateur radio telecommunications towers, provided they are for personal use only, set back from the respective yards in accordance with the applicable zoning by-law and that the antenna is less than 15 metres in height.**
- c) Vaughan Specific Exemptions from the Requirement to Consult with Council and/or the Public In Accordance With the Chart Below:**

Schedule 1: Telecommunication application review process; modified review procedures to encourage Proponents to voluntarily select sites away from residential areas

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Explanatory Notes for Schedule 1:

- a) With respect to proposals meeting the requirements of Area "A", as per Schedule 1 above, proposals with a height of less than 15 metres are exempted from the municipal application review process. However, the submission of a notification to inform the City of a new installation is requested;
- b) With respect to proposals meeting the requirements of Area "B", as per Schedule 1 above, proposals are recommended to be exempt from Vaughan Council approval and public notification. Applications would be reviewed and granted concurrence/non-concurrence by City staff if:
 - i. a telecommunication tower is between 15 and 30 metres in height, and is located at a distance between 200 and 300 metres from residential areas; or
 - ii. a telecommunication tower height is equal to or higher than 15 metres and is installed farther than 300 metres from residential areas;
- c) With respect to proposals meeting the requirements of Area "C", as per Schedule 1 above, applications would be reviewed and processed by City staff and approved by City of Vaughan Council. These proposals are exempted from full consultation if:
 - i. a telecommunication tower is equal to or higher than 15 metres in height and below 30 metres, and is located at a distance between 150 and 200 metres from residential areas; or
 - ii. a telecommunication tower is equal to or higher than 30 metres in height, and is located at a distance between 200 and 250 metres from residential areas; or
 - iii. a telecommunication tower is equal to or higher than 35 metres in height, and is located at a distance between 250 and 300 metres from residential areas;
- d) With respect to proposals meeting the requirements of Area "D", as per Schedule 1 above, if a telecommunication tower is between 30 and 35 metres in height, located at a distance between 250 and 300 metres from residential areas, and is occupied

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by a single carrier, then the review process for Area “C” would apply. If the tower installation is co-located on an existing tower, the review process for Area “B” would apply;

- e) With respect to proposals meeting the requirements of Area “E”, as per Schedule 1 above, if a telecommunication tower has a height of 15 metres or greater and is located within 150 metres from residential areas, or if a telecommunication tower has a height of 30 metres or greater and is located at a distance between 150 and 200 metres from residential areas, then a full consultation process would apply;
- f) This schedule should be reviewed by Staff in two years to reflect the industry’s new information, technology and standards;
- g) This section is not meant to apply if a facility is proposed within a Heritage Conservation District, as they shall be subject to a full consultation process.

Background

CPC-2-0-03 is the Radiocommunication and Broadcasting Antenna Systems document prepared by Industry Canada. It sets out the process that must be followed by Proponents seeking to install or modify antenna systems, and includes a section on Exclusions (Section 6, CPC-2-0-03), which dictates areas where Proponents are excluded from the requirement to consult with the local land-use authority (City of Vaughan) and the public. The Exclusions are noted above in Recommendation #13a). As discussed earlier, Industry Canada posted proposed updates (see Recommendation #1) to the existing CPC-2-0-03 in order to improve transparency and to address concerns that local residents and municipalities across Canada have expressed about antenna siting. The proposed updates, if approved by the Federal government and implemented, will impact Section 6 - Exclusions, specifically by removing the Exclusion right for telecommunication towers proposed to be under 15 m in height.

Staff Response to Recommendation #13

- a) While the Vaughan Planning Department agrees in principle with Recommendation #13a) as discussed in the Background section above, Industry Canada’s Exclusions may be amended in the future, depending on the passing of new legislation based on the proposed updates to Section 6 within Industry Canada’s CPC-2-0-03. If the proposed updates have taken effect prior to the adoption of the City’s new Protocol, the Planning Department will incorporate the proposed updates in the new Protocol. If the proposed updates take effect after the adoption of the new Protocol, the Protocol will be subsequently amended to incorporate the updates to Section 6 of Industry Canada’s CPC-2-0-03.
- b) The Vaughan Planning Department agrees in principle with Recommendation #13b); however, to clarify the intent of this recommendation it should be reworded as follows:

“New telecommunication facilities located a minimum of 200 m away from residential zones, within lands zoned for employment and/or industrial uses”.

Further, as municipal Zoning By-laws do not apply to Federally regulated undertakings (including Telecommunication Towers/Antennas), the reference to Zoning By-laws should be removed from Recommendation #13b) ii). Therefore, the recommendation should read as follows:

“Amateur radio telecommunication towers provided they are for personal use only and less than 15 m in height”.

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To note, amateur towers less than 15 m in height would currently be exempt by Industry Canada's CPC-2-0-03. However, the Vaughan Planning Department recommends that urban design guidelines be incorporated into the protocol to minimize the impact of these antennas on adjacent property owners, particularly in a residential context.

- c) Vaughan Planning staff agree in principle with Recommendation #13c). However, as stated above, the potential updates to Industry Canada's CPC-2-0-03 may impact this recommendation. Specifically, the exemption for proposed towers under 15 m in height will need to be removed from Recommendation #13c) (i.e. Area "A") if the proposed updates to Industry Canada's CPC-2-0-03 are implemented. Therefore, if the proposed updates have taken effect prior to the adoption of the a revised chart for the Protocol, the Planning Department will incorporate the proposed updates in a revised chart for the Protocol. If the proposed updates take effect after the adoption of the new Protocol, the Protocol will be amended to incorporate the updates to Section 6 of Industry Canada's CPC-2-0-03.

Further, the Vaughan Planning Department agrees with the proposed 2 year mandated review of the chart stated in Recommendation #13c) f), however, the recommendation should be updated to also include periodic changes and updates from Industry Canada that would affect the proposed chart in Recommendation #13c).

Recommendation #14: That the City of Vaughan strongly encourage the following in the City's forthcoming protocol:

- a) The Proponent should follow the same guidelines as described in Part D (Urban Design – see Attachment #1) Section 1 of this report and should consider the additional guidelines described in this Section;
- b) Telecommunication facilities shall not be installed in locations that would interfere with the City's wireless communication/security systems; Telecommunication providers are to conduct preliminary radio frequency study report(s) confirming that the intended wireless services will not interfere with any of the City's wireless services. City staff should provide technical information regarding the City's wireless systems when required;
- c) Telecommunication providers are required to provide technical specifications of all radio equipment to be used on the premises. Providers are required to supply updated technical information when installing additional antennas/wireless services on an existing tower. Providers are also required to work with City staff to mitigate any interference caused by their systems, including the removal of devices causing interference to the City's wireless services if required;
- d) Telecommunication facility proposals for City-owned lands should avoid the use of local parks in residential areas. However, when no other suitable option can be found, proposing the use of local parks in residential areas for telecommunication facilities will be considered. As part of the evaluation process, Proponents shall demonstrate other potential locations are not suitable as detailed in Part C Section 1 of this report. These evaluations shall be provided to the Development Planning Department for review;
- e) Telecommunication providers shall enter into a license agreement with the City that specifies the terms and conditions of the provider's occupancy of City property, including but not limited to length of term, rent payable, insurance requirements, indemnity, co-locates, site location and access, design of facility, letter of credit;

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- f) **Occupancy agreements with providers should facilitate the removal or relocation of a tower at no cost to the City, if necessary, in light of redevelopment of the City site;**
- g) **Telecommunication providers shall consult with the City to provide the most suitable location on the identified City owned site that takes into account planned development or redevelopment on the site, and so as to cause the least visual disturbance;**
- h) **Providers should be encouraged to design tower facilities in accordance with urban design guidelines referenced in Part D Section 1.**

Background

The Task Force held many discussions on the use of City-owned lands and/or facilities for locating telecommunication towers and antennas. The Task Force eventually resolved and agreed that Proponents be encouraged to consider the use of City-owned lands and/or facilities where feasible, for the siting of telecommunication towers and antennas.

Staff Response to Recommendation #14

- a) The Vaughan Planning Department agrees with Recommendation #14 a), as the Urban Design Guidelines will form an important part of the new Protocol and will ensure that appropriate design measures are taken when planning new telecommunication towers.
- b) Vaughan Planning staff discussed Recommendation #14 b) with staff from the Building and Facilities, Engineering Services and Fire and Rescue Departments. As mentioned earlier, staff from the Building and Facilities and Engineering Services Departments have no fundamental issues with co-utilizing upon existing City of Vaughan lands and facilities (including City buildings and community centres) and infrastructure including on street light poles, and support the use of existing City of Vaughan lands, facilities and infrastructure, where appropriate. The Vaughan Fire and Rescue Department provided the following comments in response to Recommendation #14 b):

“Staff’s main concern is that all fire stations rely on wireless cell phones and radio frequency for emergency notification. Where public safety is involved, staff cannot take a chance that interference may take place with the alerting systems.”

Keeping the concerns noted by Fire and Rescue in mind, Vaughan Planning staff agree with Recommendation #14 b), and further recommend that telecommunication towers and/or antennas not be considered on any Fire Station sites and related facilities.

- c) For reasons stated above, the Vaughan Planning Department agrees with Recommendation #14 c). Further, for any technical information provided, if City staff do not have the expertise to review said information, the technical information shall be peer reviewed at the cost of the Proponent.
- d) The Vaughan Parks Development Department provided the following comments respecting Recommendation #14 d):

Recommendation #14 d) identifies the use of local parks in residential areas when no other suitable option can be found. Opportunities to use local parks for the placement of telecommunication towers may be significantly limiting because of the proximity of a park

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to residential properties and due to the impact of large tower facilities on small parks. The siting criteria found in Recommendation #4 identifies the use of the Regional and District Parks for locating new telecommunication towers. While typically not ideal, these may be considered when no other suitable option can be found.

The Vaughan Planning Department supports Recommendation #14 d).

- e) The Vaughan Planning Department discussed Recommendation #14 e) with the Vaughan Legal Services (Real Estate Division) and Property Tax and Assessment Departments. The Legal Services Department (Real Estate Division) provided the following comments:

The City of Vaughan currently has four telecommunication towers on City-owned lands, which were all executed under Lease Agreements not License Agreements. For all four towers on City-owned lands, the City has not previously requested Letters of Credit. Once a Lease Agreement has been finalized for City-owned lands and/or facilities, Legal Services (Real Estate) forwards a copy of the Lease Agreement to Property Tax & Assessment for notification and preparation of the tenant's portion of the property taxes.

The Property Tax and Assessment Department provided the following comments respecting Recommendation #14 e):

The Lease Agreement should include a standard clause which describes that taxes are payable by the tenant as applicable. Once Lease Agreements, with respect to City-owned lands and/or facilities are finalized, a copy of said agreement is forwarded to the attention of the Manager, Property Tax and Assessment. Thereby allowing Property Tax and Assessment to correctly assess the taxable nature of the property. Further, there is an increase in property taxes for lands maintaining telecommunication towers and/or antennas due to the increase of the assessment value to the lands where the towers and/or antennas are installed. The impact to the taxes varies depending on the size of the tower. Finally, the classification/tax rate of the telecommunication towers and/or antennas will always fall into the Commercial tax class, even if the tower is installed on Residential or Agricultural lands.

Given the information above, the Vaughan Planning Department supports Recommendation #14 e), as amended to reflect a Lease Agreement and not a Licence Agreement, and that a Letter of Credit is not required given the provisions that can be included in the lease agreement.

- f) The Vaughan Planning Department agrees with Recommendation #14 f), and consulted with the Legal Services Department (Real Estate Division) to confirm that future Lease/Occupancy Agreements will include a clause that permits the removal or relocation of a tower at no cost to the City of Vaughan, if this recommendation is approved by Vaughan Council.
- g) The Vaughan Planning Department agrees with Recommendation #14 g), and confirmed with the Legal Services Department (Real Estate Division) that this process is currently in place and conducted when an application is submitted for a proposed telecommunication tower on City-owned lands.
- h) Recommendation #14 h) is redundant, as it reflects the same sentiment as Recommendation #14 a).

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Recommendation #15: That design be harmonized with the surrounding environment. Surrounding structures and the natural environment should be considered in the design and telecommunication facilities should minimize the visual impact.

Recommendation #16: That public art and street furniture be considered in the design of facility siting in areas that are visually sensitive.

Recommendation #17: That City staff develop Urban Design Guidelines, in consultation with Industry representatives, which incorporate Recommendations #15 and #16.

Recommendation #18: When designing rooftop antenna installations and antennas on other structures, Proponents are requested to conform with the Urban Design Guidelines.

Background

The Task Force held extensive discussions regarding the importance of design as it relates to Telecommunication Towers. The Task Force resolved that Telecommunication Towers are an important component of urban infrastructure, and that the installation of new Telecommunication Towers should not compromise the character of quality of urban and rural areas within the City of Vaughan. Specifically, the Task Force resolved that the design of Telecommunication Towers should strive to minimize the negative visual impact of this important infrastructure, which led to Recommendations #15, #16, #17, and #18.

Staff Response to Recommendations #15, #16, #17 and #18

The Vaughan Planning Department agrees with Recommendations #15, #16, #17 and #18, as Urban Design Guidelines will clearly communicate the City of Vaughan's urban design expectations for proposed Telecommunication Towers. Therefore, Proponents can plan accordingly, prior to submitting applications to the Vaughan Planning Department. Further, staff agree with the specific design requirements mentioned in the recommendations.

The Vaughan Planning Department will work with telecommunication Industry representatives and affected stakeholders to draft Urban Design Guidelines that reflect the resolutions and recommendations maintained in the Task Force Findings Report. These draft Guidelines will likely be available in the 1st quarter of 2015. Once approved, the guidelines will be included in the future city-wide Urban Design Guidelines.

Prior to the Design Guidelines being developed and approved, the Vaughan Planning Department will work with all Proponents to ensure a high standard of design is achieved, as recommended by the Task Force.

Recommendation #19: That the City of Vaughan require the following as part of their Complete Application Requirements within the City's future protocol:

- a) Any proposals for non-exempted telecommunications facilities will require the submission of a completed application form, fee, and five sets and one electronic set of the required materials to the City;
- b) At the time of submission of their application, Telecommunications Facility Proponents shall append a justification report, which will chronicle the network requirements in the context of the Protocol for the proposed new telecommunications facility. The report shall include the following information to support the application:
 - i. Written description of the engineering rationale for the proposed tower installation;

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- ii. **Technical coverage and/or capacity plots (mapping) showing current compromised network state, and desired end state;**
 - iii. **Written description of the geographical area to be serviced by the proposed tower installation;**
 - iv. **Address and written description of the tower site being proposed;**
 - v. **Survey plan showing the layout of the proposed structure and ancillary equipment;**
 - vi. **Brief description of type of tower structure being proposed;**
 - vii. **Identification of any and all existing infrastructure(s) within the required coverage/capacity area. Its assessed suitability for co-location and reason(s) for disqualification;**
 - viii. **Notes from pre-consultation meeting/s;**
 - ix. **Where the proposal does not meet a preference expressed in the protocol and explanation.**
- **The justification report shall be appended to the Council Report written by Staff to accompany the application for final decision.**
 - **Survey plans shall be prepared to appropriate metric scale showing:**
 - **The location of existing lot lines, buildings and structures, and setbacks from those from the proposed facility;**
 - **Setbacks from the nearest building used for low rise residential land use, measured from the nearest point of the building, structure, or feature, if applicable;**
 - **Measurement of the subject lot to sensitive lands, if applicable;**
 - **Existing and proposed landscaping;**
 - **Key Plan showing the structure type, colours, height, and materials proposed to be used for all structural elements;**
 - **Proposed access to the facility, including any motor vehicle parking spaces, if applicable.**

City staff shall identify the final submission requirements through the pre-consultation process, including any additional items that may be required.

Background

With the assistance of the Vaughan Planning Department, the Task Force reviewed the current Site Development Application submission requirements for Telecommunication Towers. The Task Force identified some additional submission requirements, including a modified justification report that is to be appended to the final technical report prepared by the Vaughan Planning Department. It is noted that a justification report is currently required with the submission of a Site Development Application for a Telecommunication Tower.

Staff Response to Recommendation #19

The Vaughan Planning Department supports Recommendation #19, subject to the following:

- a) The Vaughan Planning Department agrees that any proposal for a non-exempted telecommunication facility will require the submission of a completed site plan application form, required fee, and a required number of materials (plans, drawings, reports, etc.) for review. However, five sets of the required materials for review is insufficient. The current Pre-Application Consultation form, as shown on Attachment #4, is used to determine the required number of submission documents to form a complete application and 25 copies of a proposed site plan/survey plan is typically requested. Therefore, the recommendation should be amended as follows:

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“Any proposals for non-exempted telecommunications facilities will require the submission of a complete application to be determined by the Vaughan Planning Department through the Pre-Application Consultation process.”

- b) The Vaughan Planning Department agrees with the recommendation to include a justification report prepared by the Proponent and agrees with the recommendation contained within the Task Force Findings Report. However, it is recommended that a coloured photo rendering of the proposed telecommunication tower within the context of the surrounding area, from a minimum of two angles as determined by the Vaughan Planning Department, be included in the justification report. A coloured photo rendering provides a more complete understanding of the proposed telecommunication tower and is very helpful from a review perspective.

Recommendation #20: That wireless carriers should be encouraged to engage with the City of Vaughan’s Development Planning Department biannually in order to review upcoming City-wide network site requirements before commencing site acquisition activities.

Staff Response to Recommendation #20

The Vaughan Planning Department agrees with Recommendation #20, as it allows staff to work with the telecommunication industry to properly plan the location of telecommunication towers, and further identify areas where co-location of telecommunication towers can and should occur. This will help to reduce the overall number of telecommunication towers in the City of Vaughan. The Vaughan Planning Department will arrange meetings with other pertinent City departments, including Building and Facilities, Engineering Services, Legal Services (including the Real Estate Division), and Parks Development, where appropriate.

The Vaughan Planning Department expects that an annual meeting rather than biannual will be conducted and is appropriate, as telecommunication industry representatives have advised that telecommunication providers plan for new telecommunication towers and related infrastructure on an annual basis. However, in recent meetings with Bell and Rogers, they have both expressed that they would like to meet regularly throughout the year with the Planning Department to discuss future tower/antenna locations, and to participate as stakeholders in the Secondary Plan and Block Plan reviews for new communities and development areas. The new Protocol should at a minimum include one annual meeting.

Recommendation #21: As a courtesy, Proponents notify the City of Vaughan when siting telecommunication facilities that are exempt.

Staff Response to Recommendation #21

The Vaughan Planning Department supports Recommendation #21 although this cannot be mandated and enforced as the current Industry Canada CPC-2-0-03 exempts a Proponent, who proposes a telecommunication tower under 15 m in height, from the requirement to consult with the local land-use authority. However, Planning staff will add this to the new Protocol.

In addition, as stated in Recommendation #1, the updates to Industry Canada’s CPC-2-0-03 propose to remove the exemption for telecommunication towers under 15 m in height and will require consultation on all new telecommunication towers, regardless of height, which may then make this recommendation redundant.

Recommendation #22: That the City of Vaughan’s Development Planning Department host pre-consultation meetings with Proponents at the time a Telecommunications Facility Proponent begins its site search and again when the Proponent is preparing its

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application to consult. Based on the models of other protocols, it is suggested that requests for a formal consultation be made at least 7 working days prior to the pre-consultation meeting by submitting the following information:

- a) The location of the proposed telecommunications facility (including rooftop antennas), including the address and location on the lot or structure;
- b) Setbacks from the nearest residential zone; and,
- c) A description of the proposed telecommunications facility, its objective, applicable planning policies, search area and candidate sites if available, and, if applicable, how the facility meets one of the exclusion criteria under Part B Section 3 of this Findings Report.

Staff Response to Recommendation #22

The Vaughan Planning Department agrees with Recommendation #22. Pre-consultation is an important part of the review process as it allows staff to provide feedback and comments prior to the Proponent entering into a lease agreement with a private land-owner and prior to finalizing a design objective and choice for the proposed telecommunication tower. After the preliminary consultation period where City staff will provide input on the location and design of a proposed telecommunication tower, Proponents will contact City staff to arrange a formal Pre-Application Consultation meeting (current PAC form shown as Attachment #4), whereby staff will confirm application submission requirements only. This recommendation ensures that staff are included in the process of site selection and tower design, which is imperative to ensure that the objectives of the new Protocol will be achieved.

Recommendation #23: That the Proponent shall organize and facilitate the process with support from City staff, as required.

Background for Recommendations #23, #24, and #25

The Task Force discussed the value of public consultation at significant length, which is reflected in the recommendations discussed below. Currently, the existing Vaughan Protocol requires that for each application the Proponent shall give notice of a community meeting by regular mail to all land-owners within a radius of 120 m, or three times the height of the proposed tower within urban areas, and within 250 m in rural areas, and to ratepayers associations impacted by the proposal, at least 20 days prior to the date of the community meeting. It further outlines the required information to be included in notices, the responsibility for the Proponent to sponsor the meeting, and required post-community meeting follow-up with City of Vaughan Council and staff. Recommendations #23 to #25 expand on the current process, as discussed below.

Staff Response to Recommendation #23

The Vaughan Planning Department agrees with Recommendation #23, as it reflects the current practice as identified in the in-effect Protocol for Establishing Telecommunication Tower/Antenna Facilities within the City of Vaughan, which is operating efficiently and appropriately, and does not need to be amended.

Recommendation #24: That a notification package be sent to affected landowners. In the case of sensitive land uses, this may result in expanded notification.

Staff Response to Recommendation #24

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The Vaughan Planning Department agrees with Recommendation #24, for the reasons stated in Recommendation #23. Further, the Vaughan Planning Department agrees with the requirement for expanded notification as defined in the Task Force Findings Report, where a telecommunication tower is proposed to be located on sensitive lands. This will allow a greater deal of potentially affected residents to be notified and properly informed of a proposed telecommunication tower. The City's current Protocol does not contemplate or permit an expanded notification area.

Recommendation #25: That the City will provide the Proponent with a list of landowners within a radius of: the greater of 150 metres within urban areas; or 250 metres within rural areas; or, three times of the height of the proposed facility. This distance shall be measured outward from the furthest point of the facility's supporting mechanism (i.e. outermost building edge). All properties within this distance shall be included on the mailing list;

The Proponent will be required to prepare and distribute the notification package a minimum of 21 days prior to the public open house;

The mailed notice shall include the following items:

- Address, location (including a key map), and time of the public open house;
- Description of and rationale for the proposed facility;
- The project's status under the Canadian Environmental Assessment Act;
- Reference to the City's Telecommunications Facilities Protocol;
- Information on how to submit comments to the Proponent and the closing date for submission of written public comments (which shall be not less than 30 days from the receipt of notification);

The Proponent shall erect one notice sign along any lot line abutting a public street for any telecommunications facility;

All notice signs shall be designed and erected on the lot so that they are clearly visible and legible from all public streets abutting the subject lot;

Public Open House: A public open house shall be required for all non-exempted facilities, and shall be open and accessible to all members of the public and local stakeholders;

The public open house will be convened and facilitated by the Proponent. The format of the event is at the sole discretion of the Proponents;

The Proponent is responsible to inform all attendees on the applicant's process and the City's responsibilities within the application process;

Newspaper Notice: the Proponent shall additionally place a Public Notice in the local print media. Publication of this Public Notice shall be synchronized with the distribution of the public notification package.

Staff Response to Recommendation #25

The Vaughan Planning Department discussed Recommendation #25 with the City Clerks Department. This department is currently reviewing the matter of providing Proponents with a list of landowners located in the predetermined radius from the proposed telecommunication tower with a goal of finalizing an appropriate process, including determining the appropriate charge to levy upon the Proponent, shortly. The Vaughan Planning Department will continue to work with

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the City Clerk's Department to ensure a finalized process to be addressed in the new draft Protocol, for consideration at a future Committee of the Whole (Working Session) in Q1 2015.

The Vaughan Planning Department supports Recommendation #25 as it would ensure that proper notification is provided to residents in the vicinity of a proposed telecommunication tower, and stakeholders provided ample opportunity to voice their opinions, either by way of verbal deputation at a public open house, or written correspondence.

However, to ensure that an appropriate location for a public open house is chosen by the Proponent, Recommendation #25, should be amended to include the following:

"The Proponent shall choose a location for the Public Open House that is as close to the proposed telecommunication tower as possible. If the Proponent is not able to secure a location for the Public Open House within a maximum distance of 5 Km from the location of the proposed telecommunication tower, the Proponent shall confirm the location of the Public Open House with the Vaughan Planning Department."

Recommendation #26: That the City of Vaughan provide the public, through the City's website, with easy access to the Industry Canada database of existing sites.

Staff Response to Recommendation #26

The Vaughan Planning Department agrees with Recommendation #26 and will provide a link (http://sd.ic.gc.ca/pls/engdoc_anon/sldr_search.sldr_search_input) to Industry Canada's "Environment Search of Spectrum Licences Technical Data" webpage on the Planning Department website. Unfortunately, as this search page is not user-friendly, the Planning Department will add a disclaimer to contact Industry Canada staff for further assistance. The Planning Department has confirmed that the appropriate Frequency Range to search for a telecommunications tower is 824 MHz to 1900 MHz. This information will be communicated on the Planning Department webpage.

Recommendation #27: That an application will not be accepted if it does not completely meet the submission requirements identified in the pre-consultation.

Background

The Planning and Conservation Land Statute Amendment Act (Bill 51), which received Royal Assent on October 19, 2006, requires that a municipality amend their Official Plan in order to identify the submission requirements for a complete application at the time of the application submission. This Amendment also contains policies that require an applicant to consult with the City of Vaughan prior to submitting an application for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision/Condominium, and/or Site Plan. The City of Vaughan implemented Bill 51 through the adoption of OPA #705 and By-law 278-2009, and created the formal Pre-Application Consultation process and document, as shown on Attachment #4. Bill 51 also implemented a new application timeline, whereby once an application is deemed "complete" by a municipality, the municipality shall have a minimum timeframe to render a decision on the development application (the timeframe varies based on the type of application).

Telecommunication towers are federally regulated and are not subject to Provincial Acts, including the Planning Act. Therefore, the City of Vaughan is not able to formally proceed through the Bill 51 Pre-Application Consultation process discussed above, which includes the ability to deem an application "complete", or "incomplete", and to request the formal submission of further information prior to deeming an application "complete", which triggers the beginning of the timeframe to render a decision on a development application. However, as stated in CPC-2-0-03,

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Industry Canada maintains an expectation that the formal consultation process for a telecommunication tower proposal will be completed within 120 days from the date of application submission. Therefore, the Vaughan Planning Department will only accept an application if it meets the complete submission requirements identified in the Pre-Application Consultation process.

Staff Response to Recommendation #27

Vaughan Planning Department agrees with Recommendation #27. As stated above, an application for a telecommunication tower cannot be deemed “incomplete” to request further documentation and is subject to a 120 day consultation process that begins upon application submission. Therefore, it is prudent that the application only be accepted if it completely meets the submission requirements outlined in the Pre-Application Consultation process, as discussed in Recommendation #22.

Recommendation #28: That the City of Vaughan consider the date a complete application was received as the official commencement of the consultation process. As such, the City shall have 60 days to provide comments to the Proponent and 120 days to complete the consultation process (from the date the site plan application is submitted).

Staff Response to Recommendation #28

Based on the background information provided for Recommendation #27, the Vaughan Planning Department concurs with Recommendation #28. However, minor amendments to Recommendation #28 are suggested as follows (changes shown in bold):

“That the City of Vaughan consider the date a complete application was received as the official commencement of the **site development application review** process. As such, the City shall have 60 days to provide comments to the Proponent **on the first, original submission**, and 120 days to complete the consultation process (from the date the **complete** site plan application is submitted).”

An application for a telecommunication tower is reviewed through the Site Development application process. Therefore, Recommendation #28 should be amended to reference the Site Development application review process, rather than the consultation process, which refers to the entirety of the process, including pre-consultation and concluding consultation as discussed in Industry Canada’s CPC-2-0-03. The site development application review process includes reviewing the application, circulating the application to pertinent internal departments and external public agencies, and formalizing a recommendation in the form of a technical report for consideration and disposition by City of Vaughan Council, to obtain concurrence or non-concurrence of the proposal.

It is also recommended that the time of 60 days commencing period be clarified to only apply to the 1st/original submission made by the Proponent. It is not reasonable to expect a timeline of 60 days is sufficient in the event that multiple comments are provided by pertinent internal departments and external review agencies requiring an additional resubmission(s).

As discussed through the background information for Recommendation #27, it is also important to clarify that the Vaughan Planning Department will only accept an application that meets the complete submission requirements identified in the Pre-Application Consultation process, to ensure that staff can meet the 120-day timeline established by Industry Canada.

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Recommendation #29: If the City of Vaughan submits a request to the Proponent for additional information prior to the City deeming the application complete and no additional information is supplied within 60 days, the City shall advise Industry Canada of the incomplete status of the application and request that Industry Canada not issue any decision prior to the City issuing any comments.

Staff Response to Recommendation #29

The Vaughan Planning Department supports Recommendation #29, as it ensures that the Proponent must conduct the consultation process in good faith with the City of Vaughan, and that should a Proponent refuse to submit a complete application as required, the Vaughan Planning Department shall notify Industry Canada. In that case, it would be unlikely that Industry Canada would grant approval for a telecommunication tower.

Recommendation #30: The City of Vaughan Protocol shall include a dispute resolution section containing the foregoing elements.

Background

As stated in the Task Force Findings Report, Industry Canada's "Guide to Assist Land-Use Authorities (LUA) in Developing Antenna Siting Protocols" encourages municipalities to document their own process for resolving disputes while recognizing that when an impasse occurs, Industry Canada is the final decision maker. Further, the document states "when developing protocols, LUAs should consider the means by which disputes will be resolved, ensuring that they are appropriate for the local community. By documenting this process, all stakeholders will understand their roles and responsibilities as well as the process under which disputes will be resolved. Industry Canada generally favours a process whereby the Proponent, the local public and the LUA work toward a solution which takes into consideration each other's interests."

The Task Force also recommends the following elements be included in a new City of Vaughan created dispute resolution process:

- a) In the normal course, the Director of Development Planning or his/her delegate would be given authority to concur with applications which meet the requirements of the Protocol;
- b) Where it appears to the Director that concurrence will not be granted, the Director will provide the Proponent with a letter detailing the reasons for the pending non-concurrence decision. The Proponent will be invited to meet with the Director to discuss reasonable alternatives, and to amend its application to address the issues identified. Where these discussions do not lead to concurrence with the proposal, and at the option of the Proponent, the Director shall issue a notice of non-concurrence;
- c) Should the Proponent wish, it may appeal the Director's non concurrence decision to Council by requesting that the City Clerk place the matter on a Council agenda for consideration, at which time the Proponent shall be permitted to make oral or written submissions as may be appropriate;
- d) At the option of the Proponent, once a notice of non-concurrence has been received, Industry Canada may be asked to intervene and grant authority to construct the proposal in accordance with Industry Canada's impasse process set out in CPC-2-0-03.

Staff Response to Recommendation #30

The Vaughan Planning Department generally agrees with Recommendation #30, as it is important and necessary to have a formal dispute resolution process in place, as recommended by Industry Canada's CPC-2-0-03.

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The only change to this recommendation would be to paragraphs b) and c), for those proposals that would be considered by Planning Staff but not by Vaughan Council as identified in the proposed chart in Recommendation #13, if there was non-concurrence with the proposal. That is, rather than the Director issuing a notice of non-concurrence, the Director would instead forward a report to the next available Committee of the Whole meeting, where the Proponent could make a deputation, and the Committee/Council would ultimately decide concurrence or non-concurrence with the proposal.

For those proposals that would be considered by the Committee of the Whole and Council as per the chart in Recommendation #13 to determine concurrence or non-concurrence, Industry Canada would then be the appeal body as identified in paragraph d), where there is non-concurrence.

Recommendation #31: That the timeline (120 days) and process for the disposition of written correspondence shall be as per the Industry Canada process outlined in Section 4 of CPC-2-0-03.

Staff Response to Recommendation #31

The Vaughan Planning Department supports Recommendation #31, as it confirms a process that is already required by Industry Canada through CPC-2-0-03.

Recommendation #32: That the Proponent will provide a package summarizing the results of public consultation to the City containing, at a minimum, the following:

- a) Summary of the open house including attendee list and contact information;
- b) An affidavit that the Notification Package was distributed to all required recipients;
- c) Copies of all letters and other written communications received on or before the last day for comments associated with the application;
- d) Copies of responses outlining how the concerns and issues raised were or will be addressed or, alternatively, clearly setting out the reasons why such concerns are not reasonable or relevant;
- e) Copies of any follow-up responses received from residents.

Staff Response to Recommendation #32

The Vaughan Planning Department supports Recommendation #32, as the Proponent is responsible for conducting the Public Open House and therefore should also be responsible for advising the City of Vaughan of the results of the Public Open House and full public consultation requirements. This process is currently conducted through the existing Vaughan Protocol for Establishing Telecommunication Tower/Antenna Facilities. However, the consultation process should be conducted prior to the Vaughan Planning Department preparing a technical report for consideration by Vaughan Council. Currently, staff require that the Proponent conduct the Public Open House and provide a summary package prior to determining whether an application for a telecommunication tower is able to proceed to the Vaughan Committee of the Whole. This is done to ensure that the public has been consulted as per the existing Protocol requirements, and that any issues raised by the public have been adequately addressed.

Recommendation #33: That staff draft a letter of concurrence that includes a 3-year requirement for a re-consultation.

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Recommendation #34: That if a telecommunication facility is not installed within 3 years after the municipal concurrence and the Proponent wishes to proceed with installation, the Proponent is required to consult with staff and review the application to determine if further action is required.

Background

As discussed earlier, Industry Canada is currently proposing updates to CPC-2-0-03, one of which proposes to include a post-consultation construction time limit and the proposed update as follows:

“Whether the proponent followed a land-use authority’s process or Industry Canada’s default public consultation process, construction of an antenna system must be completed within three years of conclusion of consultation. After three years, previous consultations will no longer be deemed to be valid.”

While this update has not yet been implemented and is subject to change, the Task Force pre-empted this update by recommending a post-consultation construction time limit of 3 years, and further recommending that the Proponent is required to consult with staff after a 3-year period to determine if further action is required.

Staff Response to Recommendations #33 and #34

The Vaughan Planning Department agrees with Recommendations #33 and #34 in principle, however, it is recommended that if a telecommunication facility is not installed within 3 years after municipal concurrence is granted, the Proponent will be required to re-consult with the City of Vaughan. This would ensure that each application is treated identically and would be consistent with the proposed updates with Industry Canada’s CPC-2-0-03.

Further, this is consistent with the recently Vaughan Council approved changes to the existing Notification Procedures for Public Hearings, to automatically require a new Public Hearing if a development application has not been considered by the Committee of the Whole within 2 years after being considered at a previous Public Hearing.

Recommendation #35: That copies of the Municipal Letter of Concurrence, with or without conditions, or Failure to Concur (with reasons), shall be sent directly to Industry Canada with copies sent to the following individuals:

- The Proponent;
- The Clerk of the City of Vaughan;
- The Mayor and Members of Council (when applicable); and,
- Any individual requesting a copy from the City

The Letter of Concurrence shall include a statement that consultation has been completed as per the protocol.

Staff Response to Recommendation #35

The Vaughan Planning Department agrees with Recommendation #35. Currently the Proponent relies on the executed Vaughan Council meeting minutes to prove municipal concurrence to Industry Canada. Implementing Recommendation #35 would more appropriately formalize the conclusion of the consultation process.

Further, a draft template of the Municipal Letter of Concurrence will be prepared for inclusion into the new Protocol, which will be considered in the future Committee of the Whole (Working Session) report in Q1 2015.

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Definitions

The Task Force Findings Report includes a definitions section, which provides the following proposed definitions for inclusion in the new Protocol:

Antenna: Means an exterior transmitting device used in telecommunications designed for various uses such as telephonic, radio, or television communications by sending and/or receiving radio signals.

City: Means the City of Vaughan.

Co-location: Means the placement of antenna systems on an existing building or structure, or the placement of additional antenna systems on an existing support structure, by one or more Proponents.

CPC-2-0-03: Means Industry Canada's Client Procedures Circular, "Radiocommunication and Broadcasting Antenna Systems," Issue 4, effective January 1, 2008.

Expanded Notification: Means notification beyond that which would be required in Part C Section 3, as mutually agreed upon by staff and the Proponents, which may include for example: a more detailed information package and/or offer of an information meeting with the Proponent that may be sent to the school principal when the impacted land use is a school. Other examples include in the event a community centre is impacted, community newsletters, bulletins, and/or postings within the building.

Height: Means the vertical distance measured from the established grade of a building or structure to the highest point of the building or structure, including any components attached to the building or structure.

Industry Canada: Means the Federal Department which is responsible for radio frequency spectrum management.

Proponent: Means a company, organization or person which offers, provides, or operates a telecommunications facility for personal use or the general public.

Radiocommunications/Telecommunications Facility: Means the components, either individually or in combination, required to operate a wireless communications network including cell sites, transmitters, receivers, antennae, and signaling and control equipment, and may include an accessory equipment shelter and support structure.

Safety Code 6: Means Health Canada's Safety Code 6, "Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 kHz to 300 GHz," 2009.

Sensitive Lands (Community, Environmental and Visually Sensitive Lands): Means lands on which tower siting is to be discouraged or requires enhanced design or expanded notification. *(Includes: elementary and secondary schools, local/neighbourhood parks, community centres, low rise residential areas, environmentally sensitive areas (ANSI, ESA's, Woodlot, Wetlands, Interior Forest) GIS data to be provided.) If you should be in a Community, Environmental and Visually sensitive area then the applicant should consult with the staff to determine whether if the proposed site is discouraged or will require an enhanced consultation process.*

Staff Response

The Vaughan Planning Department has no objections to the proposed definitions, however, recommends that where a proposed term is also defined in the Radiocommunication Act, that the

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definition in the Radiocommunication Act is used to ensure consistency with all documents. Should Vaughan Council approve staff's recommendation, the definitions will be updated for the new Protocol.

Next Steps

Should Vaughan Council approve the recommendations in this report, the Vaughan Planning Department will prepare a new draft City of Vaughan Telecommunication Facility Siting Protocol ("Protocol"), which will incorporate the recommendations found in the Telecommunication Facility Siting Protocol Task Force Findings Report ("Findings Report") and the comments and amended recommendations made by City staff, as discussed in this report, or as may be amended.

In consideration of the complexity of the Protocol, the number of City Department's involved in it's review and the number of overall recommendations made by the Telecommunication Facility Siting Protocol Task Force, the Vaughan Planning Department recommends that the new draft Protocol be forwarded to Committee of the Whole (Working Session) for consideration in the 1st Quarter of 2015. As the new Protocol and the Telecommunication Facility Siting Protocol Task Force Findings Report are related, the members of the Telecommunication Facility Siting Protocol Task Force will be invited to the Committee of the Whole (Working Session) for an opportunity to comment on the draft document. This is contained in the recommendation of this report.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the following initiatives set forth in the Vaughan Vision 2020/Strategic Plan:

i) **Plan and Manage Growth & Economic Vitality**

This report, the Task Force Findings Report, and the new City of Vaughan Telecommunication Facility Siting Protocol work in conjunction to implement the City's current Official Plan and the Growth Management Strategy as set in Vaughan Official Plan 2010.

Regional Implications

On April 23, 2009, York Region adopted Industry Canada's Protocol (CPC-2-0-03) outright to reduce redundancies and permit a more efficient and consistent approach for regulating telecommunication facilities, while providing an opportunity for local municipalities to determine individual procedures and protocols.

As the Local Land-Use Authority, the City of Vaughan is exercising its right to determine an appropriate protocol specific to the requirements of the City. The City of Vaughan in adopting its own protocol does not have any implications on York Region.

Conclusion

The Vaughan Planning Department has reviewed the Telecommunications Facility Siting Task Force Findings Report based on the current jurisdictional structure regarding Telecommunication Towers in Canada, Industry Canada's CPC-2-0-03, the Provincial Policy Statement, Greenbelt Plan, Oak Ridges Moraine Conservation Plan, the York Region Official Plan 2010 and the Vaughan Official Plan 2010. The Vaughan Planning Department agrees with many of the recommendations put forward by the Task Force, and, if Vaughan Council approves the recommendations in this report, the Vaughan Planning Department will prepare a new draft

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Protocol for Establishing Telecommunication Towers/Antenna within the City of Vaughan incorporating the recommendations of the Task Force, amendments proposed by staff or as amended by the Committee of the Whole and Council, for future consideration at a Committee of the Whole (Working Session) in the first quarter of 2015.

Attachments

1. Task Force Findings Report
2. Industry Canada's CPC-2-0-03
3. Planning Department Comments on Proposed Updates to Industry Canada's CPC-2-0-03
4. Pre-Application Consultation Form

Report prepared by:

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)