

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 20, 2016

Item 2, Report No. 31, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on September 20, 2016, as follows:

By approving the following in accordance with Communication C11, from the Director of Development Planning, dated September 19, 2016:

1. ***That consideration of Item #2, Report #31 of the Vaughan Committee of the Whole (City of Vaughan – Telecommunication Facility Siting Protocol) be deferred to the Council meeting of October 19, 2016, to allow further consultation between the Development Planning Department and the wireless carriers to address outstanding matters related to the letter received by the City Clerk's office on September 7, 2016 from Stephen J. D'Agostino, Thomson Rogers Lawyers.***

**2 CITY OF VAUGHAN - TELECOMMUNICATION FACILITY SITING PROTOCOL
(TELECOMMUNICATION ANTENNA SYSTEMS THAT INCLUDE FREE-STANDING
TOWERS AND BUILDING/STRUCTURE MOUNTED ANTENNAS)
ALL WARDS - CITY WIDE**

The Committee of the Whole recommends:

- 1) **That consideration of this matter be deferred to the Council meeting of September 20, 2016, to allow further consultation; and**
- 2) **That the deputation of Mr. Stephen D'Agostino, Thomson Rogers, Bay Street, Toronto, and Communication C13, dated September 6, 2016, be received.**

Recommendation

The Deputy City Manager, Planning and Growth Management, Director of Development Planning, Senior Managers of Development Planning, and Manager of Urban Design recommend:

1. **THAT the City of Vaughan Telecommunication Facility Siting Protocol as shown on Attachment #1, BE APPROVED.**

Contribution to Sustainability

The application implements the following Goal and Objective of Green Directions Vaughan:

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**

Economic Impact

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

Communications Plan

On August 17, 2016, Vaughan Development Planning staff notified the members of the Telecommunication Facility Siting Protocol Task Force ("Task Force") and known telecommunications industry professionals of this report proceeding to the September 7, 2016 meeting of the Committee of the Whole. Vaughan Council's decision in this matter, and a copy of

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the staff report, will be communicated to the Task Force members. The final Protocol, should it be approved by Council, will be made available on the City's website, and to known telecommunications companies that the City regularly works with.

Purpose

To seek approval from the Committee of the Whole on the City of Vaughan Telecommunication Facility Siting Protocol shown on Attachment #1. This protocol updates the current protocol currently in effect for siting telecommunication facilities in the City of Vaughan (June 23, 2003), and is informed by the Telecommunication Facility Task Force Findings Report, which included 35 recommendations and various definitions and input from the Task Force members, Development Planning Staff, and various City of Vaughan Departments throughout the process.

Background - Analysis and Options

Synopsis:

The Telecommunication Facility Siting Protocol (Attachment #1) updates the City's current Protocol, which dates back to June, 2003. The Protocol reflects the Innovation Science and Economic Development Canada (formerly Industry Canada) current jurisdictional structure Client Procedures Circular (CPC-2-0-03) effective July 15, 2014, and incorporates the 35 recommendations made by the Vaughan Telecommunications Facility Siting Task Force as approved by Vaughan Council on June 24, 2014. The Vaughan Development Planning Department has prepared and supports the new Telecommunication Facility Siting Protocol included in Attachment #1 of this report.

City of Vaughan's Telecommunication Tower/Antenna Siting Protocol

On June 23, 2003, Vaughan Council adopted a protocol for siting and establishing telecommunication tower/antenna facilities. In accordance with the City's Protocol, all siting of new tower/antenna systems (as superseded by Innovation, Science and Economic Development Canada's Protocol (June 2014) (ISED) (formerly called Industry Canada)), require consideration by Vaughan Council.

On June 7, 2011, Vaughan Council resolved to appoint a Telecommunication Facility Siting Task Force ("Task Force") comprised of residents, industry representatives, and two Vaughan Council Members to review the City of Vaughan's existing Protocol for establishing Telecommunication Tower/Antenna Facilities.

On June 7, 2011, Vaughan Council also resolved:

"That Site Development Applications for new telecommunication facilities submitted prior to approval of a new City protocol to be reviewed under the current City of Vaughan protocol for Establishing Telecommunication Tower/Antenna Facilities."

The Task Force developed a comprehensive work plan to formulate a Findings Report with assistance from City staff. The Task Force also consulted with and heard presentations from a variety of sources such as ISED, Public Health Ontario, Bell Mobility, Rogers Communications, and telecommunications industry professionals. The Task Force approved the final Findings Report at its meeting on December 17, 2013, and forwarded the Findings Report and the following recommendation to the Committee of the Whole meeting on January 14, 2014, which Vaughan Council adopted on January 28, 2014:

"That the Findings Report be referred to staff for review, and that a report be provided to a future Committee of the Whole Meeting; and,

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That the Findings Report form the basis for developing the City of Vaughan's Telecommunication Facility Siting Protocol."

City Staff reviewed the Findings Report and provided recommendations through a report from the Commissioner of Planning for consideration by the Committee of the Whole on June 17, 2014. On June 24, 2014, Vaughan Council adopted the following resolution:

"THAT the Vaughan Planning Department be directed to prepare a new City of Vaughan Telecommunication Siting Protocol ("Protocol"), for consideration at a future Committee of the Whole (Working Session) meeting, in early 2015."

The Protocol shown on Attachment #1, reflects the findings report adopted by Council on June 24, 2014, ISEDC's Protocol of June 2014, and comments from City of Vaughan departments.

The Protocol is being forwarded directly to the Committee of the Whole rather than to Working Session for consideration and approval as Development Planning staff is of the opinion that the document reflects the Task Force Findings Report, which Council has recommended support of, and therefore, the contents in the final Protocol document are consistent therewith. Additional time to prepare the protocol was required to reflect the new Industry Canada Protocol and to address implementation issues observed in 2015, following release of the protocol through the processing and review of telecommunication facility proposals in Vaughan.

Role and Jurisdiction of Innovation, Science and Economic Development Canada (ISEDC) (formerly called Industry Canada)

The *Radiocommunication Act* designates ISEDC as the approval authority for all matters respecting telecommunication towers and antenna facilities. Federal regulations are not subject to Provincial policies, including the *Planning Act* and *Building Code Act*. Additionally, telecommunication towers and antenna facilities are exempt from municipal zoning by-law requirements and site plan control approval (i.e. no implementing Site Plan Agreement or Letter of Undertaking).

New Protocol

The City of Vaughan Telecommunication Facility Siting Protocol aims to achieve the following objectives:

1. To establish a concise, consolidated protocol for reviewing Antenna System siting proposals within the City of Vaughan.
2. To require active participation by Proponents and municipal stakeholders in locating future Antenna Systems.
3. To ensure the City of Vaughan plays an important role in harmonizing telecommunication network objectives with Vaughan's policies and procedures.
4. To identify site selection criteria and design guidelines which minimize the scale, visual impact and number of Antenna Systems, particularly within or adjacent to sensitive land uses (ie. Residential Zones, Heritage Conservation Districts).
5. To establish a transparent and meaningful consultation and review process that enables effective communication between the Proponent, other industry carriers, the public, the City of Vaughan, Innovation, Science and Economic Development Canada (ISEDC), formerly called Industry Canada, and other stakeholders or agencies in a timely manner.

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6. To promote economic development and competitiveness through supporting effective telecommunication services that meet the needs of Vaughan residents and businesses, and that encourages the most advanced Antenna Systems.
7. To set out an objective process, criteria and guidelines that are transparent, consistent and predictable for the evaluation of Telecommunication Facility Siting proposals that:
 - a) Minimize the number of new antenna system sites by requiring co-location, where feasible;
 - b) Encourage designs that integrate with the surrounding land use and public realm;
 - c) Establish when local public consultation is required; and,
 - d) Allow ISEDC and the telecommunications industry to identify and resolve any potential land use, siting or design concerns with the City of Vaughan at an early stage in the process.
8. To establish a consultation framework that ensures the City of Vaughan and members of the public contribute local knowledge that facilitates and influences the siting, location, development and design (including aesthetics) of Antenna Systems within the City's boundaries.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

This report supports the following priority set forth in the Term of Council Service Excellence Strategy Map (2014-2018):

- Invest, renew and manage infrastructure and assets
- Attract investment and create jobs

It should be noted that telecommunications underpins and supports work on the City's Digital Strategy, which is currently underway as part of the Service Excellence Program.

Regional Implications

On April 23, 2009, York Region adopted Innovation, Science and Economic Development Canada's Protocol (formerly Industry Canada's Protocol) (CPC-2-0-03) 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 new protocol does not have any implications on York Region.

Conclusion

The City of Vaughan Development Planning Department has developed the new Protocol through the review of the Telecommunications Facility Siting Task Force Findings Report – Staff Review and Response, adopted by Vaughan Council on June 24, 2014, the current jurisdictional structure regarding Telecommunication Antenna Systems in Canada (CPC-2-0-03), and City of Vaughan Official Plan 2010. In consideration of the review undertaken, the Vaughan Development Planning Department recommends approval of the proposed Telecommunication Facility Siting Protocol shown on Attachment #1.

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Attachments

1. City of Vaughan Telecommunication Facility Siting Protocol

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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.)