

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:

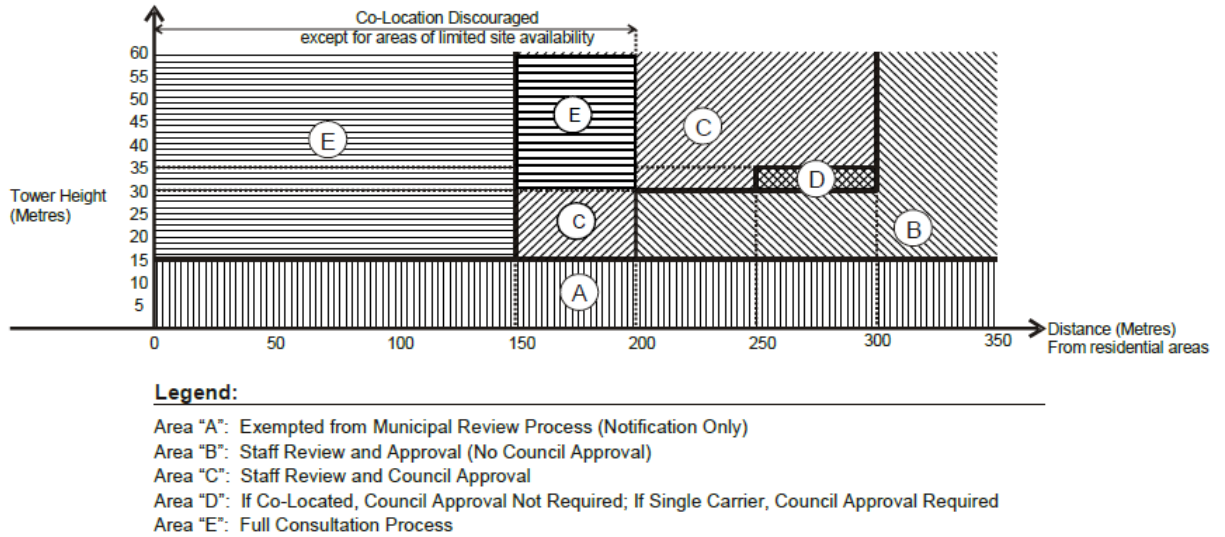
- a) **Industry Canada Exemptions from the Requirement to Consult with the City:**
 - i. The maintenance of existing telecommunications apparatus including the antenna system, transmission line, mast, or other antenna-supporting structure or maintenance of an antenna system's painting or lighting in 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 its 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:

Daniel Woolfson, Planner, ext. 8213
Carmela Marrelli, Senior Planner, ext. 8791

(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.)

COMMITTEE OF THE WHOLE JUNE 17, 2014

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

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

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 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.

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.”

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:
 - 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.

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, 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.), 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.

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 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.

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;**
- 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 AI 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 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.

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.

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 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, 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.

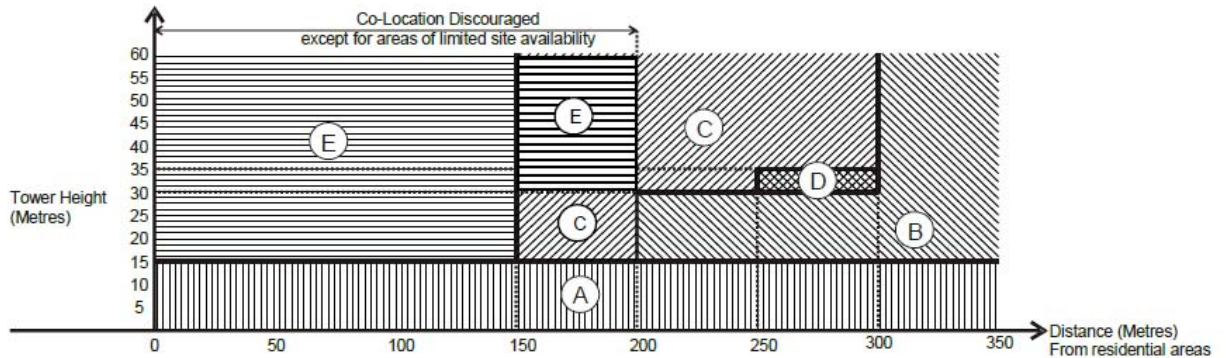
Further, the Vaughan Planning Department will review the opportunity to appropriately site new telecommunication towers through the approval process for future Official Plan reviews, Secondary Plans for new communities, and Block Plans. This will ensure that the telecommunications industry has an opportunity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

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



Legend:

- Area "A": Exempted from Municipal Review Process (Notification Only)
- Area "B": Staff Review and Approval (No Council Approval)
- Area "C": Staff Review and Council Approval
- Area "D": If Co-Located, Council Approval Not Required; If Single Carrier, Council Approval Required
- Area "E": Full Consultation Process

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 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".

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;**
- 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 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).

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;
 - 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:

“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 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

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 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, 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.

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.

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.

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.

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 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 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

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Respectfully submitted,

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/CM

**TELECOMMUNICATION FACILITY SITING
PROTOCOL TASK FORCE
Findings and Recommendations Report**

A – BACKGROUND

1. Summary

This report provides recommendations and guidelines for the development of a protocol for the siting of Telecommunication Towers and Antennas in the City of Vaughan. Under the *Radiocommunications Act*, Industry Canada has the final authority to approve the location of telecommunication towers and antennae. As Industry Canada currently has a process in place for taking municipal and public concerns into consideration during their review of telecommunications proposals, many Canadian municipalities have developed protocols to review telecommunication proposals. The City of Vaughan adopted a protocol in 2002, with a small revision in 2003, but has not otherwise amended it since that time.

The Task Force met regularly in 2011, 2012, and 2013. In addition to extensive discussions, the Task Force heard presentations from:

- Madeline Zito, then Director of Communications, City of Vaughan, who provided input with respect to communications;
- Melissa Rossi, Senior Planner, Policy Planning Department, City of Vaughan, with respect to the City's growth projections to 2031;
- Farhad Jalili, Urban Designer, City of Vaughan, with respect to urban design matters;
- Task Force members Stephen D'Agostino and Colin Lavery, concerning telecommunication facility siting challenges from the Industry's perspective and other municipal protocols of note;
- Samuel Domingues, RF Engineering Manager, Bell Mobility, with respect to Health Canada's Safety Code 6;
- Dr. Ray Copes, Chief, Environmental and Occupational Health, Public Health Ontario, concerning the risk of health effects; and
- Mike Lang, Spectrum Manager, Industry Canada, concerning Industry Canada's process for wireless communications approvals and expectations for a municipal protocol.

In addition to this findings report, the Task Force conducted a review of the *Terms of Reference*, and this report was prepared with express adherence to these Terms, and considered all concerns brought forward by City staff and the general public. The future City of Vaughan Telecommunication Tower and Antenna Protocol will propose to establish a vision for a harmonized municipal process and criteria for evaluating all wireless proposals subject to compliance with Industry Canada's CPC-2-0-03, and not exempted by the forthcoming protocol. This report includes recommendations that work within Industry Canada's CPC-2-0-03 guidelines, and provides a foundation for the future protocol, that will aim to appropriately site wireless facilities, promoting a transparent consultation process that considers the public and the telecommunications industry.

In response to the City of Vaughan's desire to review telecommunications towers and antennas and in consideration of the *Terms of Reference*, the following findings report has been prepared by the Task Force.

2. Objectives

The Task Force was given the following objectives:

- 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, as discussed in Section 8.0 of this *Terms of Reference*;
- 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; and
- 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 was fortunate to receive guidance and assistance from City staff. Representatives from a number of departments/divisions were present at meetings, including the Development Planning Department and Corporate Communications. Staff members made themselves available to provide support, educate, clarify, and aid the Task Force in their deliberations. A Recording

Secretary from the City Clerk's Office was also available to assist the Task Force by providing notification of meetings, preparing and circulating agendas and minutes, attending meetings, recording minutes, and keeping attendance records.

The Task Force thanks City staff for their valued clarification, assistance, and support.

B – GENERAL ISSUES

A list of key issues was provided to members of the Task Force for their consideration. These key issues are reflected and addressed in the findings of this report as are other matters deemed to be of concern to the committee, and provide the basis for a future protocol.

1. Jurisdiction

The *Terms of Reference* provided to the Task Force from the City of Vaughan outline the following:

Under the *Radiocommunications Act*, Industry Canada is the designated approval authority for all matters respecting telecommunication towers and antenna systems. As federal regulations supersede the *Ontario Building Code* and the *Planning Act*, telecommunication towers and antenna facilities are exempt from municipal zoning by-law requirements and site plan control. Industry Canada requires that Proponents seeking to install or modify an antenna system adhere to the following broadly outlined process:

- 1) Investigating sharing or using existing infrastructure before proposing new antenna-supporting structures;
- 2) Contacting the local land-use authority (LUA) to determine local requirements regarding antenna systems;
- 3) Undertaking public notification and addressing relevant concerns, whether by following local LUA requirements or Industry Canada's default process, as is required and appropriate; and
- 4) Satisfying Industry Canada's general and technical requirements, including: Health Canada guidelines as per Safety Code 6, radiofrequency immunity criteria, notification of nearby broadcasting stations, environmental considerations under the *Canadian Environmental Assessment Act*, and Transport Canada and NAV CANADA requirements regarding aeronautical safety.

The *Radiocommunication Act* and the *Telecommunications Act* provide for the regulation, where required, of Canadian telecommunications common carriers. These include, among others, the incumbent telephone companies, the new competitive local and long distance service providers, mobile and fixed wireless service providers, as well as satellite services providers.

Telecommunications has increasingly become an essential facet of daily life. This is attested to in Section 7 of the *Telecommunications Act*, which reads as follows:

7. It is hereby affirmed that telecommunications performs an essential role in the maintenance of Canada's identity and sovereignty and that the Canadian telecommunications policy has as its objectives:
- (a) to facilitate the orderly development throughout Canada of a telecommunications system that serves to safeguard, enrich and strengthen the social and economic fabric of Canada and its regions;
 - (b) to render reliable and affordable telecommunications services of high quality accessible to Canadians in both urban and rural areas in all regions of Canada;
 - (c) to enhance the efficiency and competitiveness, at the national and international levels, of Canadian telecommunications;
 - (d) to promote the ownership and control of Canadian carriers by Canadians;
 - (e) to promote the use of Canadian transmission facilities for telecommunications within Canada and between Canada and points outside Canada;
 - (f) to foster increased reliance on market forces for the provision of telecommunications services and to ensure that regulation, where required, is efficient and effective;
 - (g) to stimulate research and development in Canada in the field of telecommunications and to encourage innovation in the provision of telecommunications services;
 - (h) to respond to the economic and social requirements of users of telecommunications services;
 - (i) to contribute to the protection of the privacy of persons.

Telecommunication Facility Proponents operate their networks based on spectrum licenses issued by the Federal government pursuant to these two Acts. A spectrum license provides pre-approval for the construction of wireless facilities within a specific geographic area at a specific frequency subject to conditions of license. Once the conditions have been satisfied, the carrier is free to construct the Telecommunication Facility in accordance with its spectrum license. Compliance with the CPC-2-0-03 including the requirement to obtain municipal concurrence is a condition of those licenses. Industry Canada is only involved in decision making concerning siting and design where an impasse has arisen that requires their determination related to a specific site. As a result of the condition of license, CPC-2-0-03 provides a legal framework for the City's review of Telecommunication Facility proposals.

CPC-2-0-03 provides the framework for land-use consultation and the development of protocols. It contains default municipal and land use authority consultation provisions as well as technical requirements. The CPC requires that the Wireless Carriers follow its default consultation provisions unless the council of the municipality has adopted a protocol establishing a local wireless telecommunications process. In some respects, such as the usual requirement for co-location, protocols are permitted to influence processes or influence siting decisions to accommodate local preferences.

Based on the findings of the Task Force, and as outlined above, the City of Vaughan would have limited jurisdiction around the regulation of communication facilities. The federal government has jurisdiction over all inter-provincial and international communication facilities. Therefore, the execution of decisions around approving the location and operation of telecommunications facilities can only occur through Industry Canada's approval process. The Task Force believes that Industry Canada's requirements, including CPC-2-0-03, provide Vaughan with the ability to meaningfully influence the siting of wireless telecommunications facilities.

Recommendation: The Task Force recommends 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.

2. Economic Issues

According to Section 5 of the City of Vaughan's Official Plan (2010), "Vaughan has one of the strongest local economies in the Greater Golden Horseshoe and a high ratio of jobs to population."

The City is an attractive location for newcomers, as the City boasts a wide range of employment opportunities, industries, and is expected to grow at a brisk pace as per the Growth Plan's growth projections to 2031. "A strong economic future for Vaughan requires further economic growth and diversification. Forecast to

grow from 162,200 jobs in 2006 to 266,100 jobs by 2031, economic growth will occur within strong and established sectors. However, new growth will also occur in a variety of emerging sectors that together have potential for significant expansion. With a diverse economic base, Vaughan will promote a welcoming environment for a variety of new employers and job opportunities, where residents and employees can both live and work in Vaughan.”

In the context of developing a protocol for the siting of telecommunications facilities, it is important to note that, as is reflected above, the City of Vaughan is a centre of economic activity, most notably in recent decades, and the City makes the encouragement of such activity a priority. The Official Plan addresses this:

It is the policy of Council:

5.1.1.1. To promote economic growth and diverse employment opportunities in order to:

- a) support the long-term economic health and financial stability of the City;
- b) allow residents and employees the opportunity to both live and work in Vaughan.

Under Section 5.1.1.1, the sheer growth and promise of stability, which will allow residents and employees to both live and work in Vaughan, ushers forward a greater need for businesses to thrive, as well as the impetus to respond to the needs of daily family life. With the many technological advances of recent years, Vaughan residents are expected to be counted among the countless users who employ wireless telecommunications in their daily lives. As such, it is essential that the City encourage further growth and provide ample opportunity for its residents to do the same.

The City should promote economic competitiveness, while supporting effective telecommunication services that meet the needs of Vaughan residents and businesses. This can be accomplished simply by providing various carriers with access to Vaughan in order to increase capacity. Information has a great role in economic development. Wireless telecommunications can impact economic development by reducing the costs of communication by lowering search costs and making information more accessible to the general population. Businesses thrive on wireless telecommunications and providing better access to business owners employing these services will encourage more businesses to open their doors in Vaughan.

The City of Vaughan establishes a set list of fees, through subsection 69(1) of the *Ontario Planning Act*, which an applicant shall remit to the City upon submission of a Planning Act application. The fee schedule is set through By-law 187-2012, which was enacted by Vaughan Council on December 10, 2012, and

establishes fees for Planning Act applications to the end of the calendar year 2016. The fees are based on the anticipated cost to process applications and include a variety of factors, including, but not limited to the complexity of each application type (e.g. Official Plan Amendment, Zoning By-law Amendment, Site Development and Draft Plan of Subdivision Applications, etc.), and the amount of staff time and resources required to review each application. The fees increase yearly for each application type. As the Task Force considers it appropriate to treat the submission of applications to site Telecommunication Facilities akin to the submission of a Site Development Application, and further, as the amount of staff time and resources required to review an application to site a Telecommunication Facility is similar to that of a Site Development Application, the Task Force deems it appropriate to install a fee for Telecommunication Facility applications that mirrors the "base fee" for Site Development Applications outlined in By-law 187-2012.

Recommendation: That the City of Vaughan implement in the protocol an application fee that is the same as the "Base Fee" for a Site Plan 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.

3. Radiofrequency Exposure, Health Concerns, and Safety Standards

According to Health Canada's, "Safety of Cell Phones and Cell Phone Towers"¹, which discusses the concerns around the safety of cellular phone towers and the growing demand for new wireless services, "the number of cell phone users in Canada rose from 100,000 in 1987 to more than 24 million by the end of 2010. To meet the demand for new wireless services, cell phone towers have been put up across the country." While the demand for wireless services has increased, the amount of attention on the potential risks of radiofrequency exposure has also increased. This topic was the subject of much debate during the Task Force's discussions and it should be noted that, ultimately, the Task Force was deeply divided.

Health Canada reports that "there are a small number of epidemiology studies that have shown brain cancer rates may be elevated in long-term/heavy cell phone users. Other epidemiology studies on cell phone users, laboratory studies and animal cancer studies have not supported this association."² Health Canada concludes that "with respect to cell phone towers, as long as exposures respect the limits set in Health Canada's guidelines (Safety Code 6), there is no scientific reason to consider cell phone towers dangerous to the public"³.

¹ <http://www.hc-sc.gc.ca/hl-vs/iyh-vsv/prod/cell-eng.php>

² <http://www.hc-sc.gc.ca/hl-vs/iyh-vsv/prod/cell-eng.php>

³ <http://www.hc-sc.gc.ca/hl-vs/iyh-vsv/prod/cell-eng.php>

According to Industry Canada's Frequently Asked Questions web page⁴, while there is evidence to suggest that exposure to radiofrequency (RF) energy can result in biological effects, "for frequencies from 3 kHz to 100 kHz, the biological end point on which the limits are based is nerve and muscle stimulation. Although these are acute effects, they are non-thermal in nature. At higher frequencies, non-thermal effects are not well established and currently do not form a scientifically acceptable basis for restricting human exposure to RF energy."

In addition, Industry Canada states "Health Canada has no scientific reason to consider that RF exposures have any link to cancer initiation or promotion. The body of peer-reviewed literature in this area overwhelmingly demonstrates a lack of linkage, and where the few reports of linkage effects were found, it was concluded that these results could be attributed to factors other than RF energy."

Industry Canada's website states the following: "The biological effects from laboratory studies reported in scientific peer-reviewed literature include those related to changes in temperature, blood brain barrier, melatonin, calcium efflux, DNA damage and gene expression. However, not all these biological effects have been established or are considered to be health effects. For example, blood brain barrier and melatonin effects have not been consistently replicated. Studies on DNA strand breaks have also failed numerous independent attempts at confirmation and calcium efflux changes are considered to be more of a biological response than an adverse health effect."

"Several laboratory studies have looked into whether RF energy can initiate and promote cancer. The overwhelming majority of these studies have found no evidence that RF energy damages DNA or that it is likely to act as an initiator or a promoter of carcinogenesis."

Although currently there is no consensus, a number of studies have been published which raise concerns about the potential biological and health effects of RF energy. These studies contributed to a World Health Organization classification of RF energy as "possibly carcinogenic to humans" (Group 2B)⁵.

Health Canada indicated that it updates Safety Code 6 based on monitoring and reviewing current research on the potential biological effects. Although the latest guideline was updated in 2009, the safe dose limits were unchanged since the revision completed in 1999. While there is continued scientific debate on the health effects of RF radiation, here in Canada the safe dose has not been

⁴ <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08792.html>

⁵ <http://monographs.iarc.fr/ENG/Monographs/vol102/mono102.pdf>

IARC Press Release dated May 31, 2011.

IARC Report dated October 3, 2011

changed, although some regulators internationally have chosen to put more stringent limits to the use of this technology.

In an effort to understand the various risk factors and latest scientific findings with respect to radiofrequency exposure, the Task Force heard from Dr. Ray Copes of Public Health Ontario, as well as Mike Lang of Industry Canada, and Samuel Domingues, an RF engineer from Bell Mobility.

The Task Force heard from Mr. Lang that Industry Canada has made it a condition of the wireless carriers' licenses that they comply with the radiofrequency exposure requirements of Health Canada's Safety Code 6 on an ongoing and cumulative basis. Safety Code 6 is Health Canada's guideline for human exposure to radiofrequency electromagnetic energy. Its exposure limits are set 50 times below the threshold for potential adverse health effects. Provided a wireless facility meets the requirements of Safety Code 6, Industry Canada informed the Task Force that its process is satisfied. Industry Canada provides in its Municipal Consultation document that the adequacy of Safety Code 6 is not relevant to a Proponent's consultation with the public or a municipality.

Dr. Copes advised the Task Force of the following:

- Despite proliferation of wireless technologies, measurements done in community settings are typically a small fraction of current limits;
- Exposures from cell phone base stations, TV, radio, Bluetooth are all orders of magnitude lower than cell phones;
- In reviewing studies that addressed the possible association between environmental exposure to RF-EMF and cancer, the International Agency for Research on Cancer Working Group found the available evidence insufficient for any conclusion;
- Cell phone use dominates exposures. One can reduce exposure through: reducing use, texting, selection of phone with lower SAR, use of speaker, headset, and avoiding use where there is weak signal, because mobile devices increase power output levels to compensate. However, it is unclear whether this reduces risk of adverse effects.

The Task Force learned from Mr. Domingues and Dr. Copes that the total radiofrequency energy received by the public located close to a wireless base station, such as the one currently located at the Al Palladini Centre, is very small in relation to Safety Code 6.

In the case of the Al Palladini Centre, Public Health Ontario undertook an investigation which found that the measurement taken closest (80 metres) to the existing communication tower produced a cumulative reading (for all RF energy sources such as radio, TV and the communication tower) 1286 times below

Health Canada's requirements. Public Health Ontario's report was presented to Council in September, 2012.

The Task Force was presented with a number of studies, in addition to those referenced above, that concluded that no health effects were attributed to cell towers. In the interest of fairness, the Task Force also considered other reports that concluded that the non-thermal effects of RF radiation may in fact elicit negative health effects, contrary to the findings of the above referenced studies. In considering all such studies, there was much discussion on this subject, however no consensus emerged. It was agreed that ongoing research and reporting to Council by the Medical Officer of Health is recommended.

As detailed in Section 1, exposure limits to RF Radiation, are federally regulated by defined limits set forth in Safety Code 6. Therefore the municipality does not have the authority to address health effects. The Task Force can, however, recommend responsible siting based on other factors.

The City is expanding rapidly and wireless communications facilities will continue to be necessitated so as to respond to the demands of its citizens. While the City must respond to this need, the Task Force believes that the continued study of health effects associated with radiofrequency exposure is also in the public interest. This view was shared by several members of the public who attended Task Force meetings. As such, the Task Force recommends the following:

Recommendation:

- 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;
- 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.

C – SITING ISSUES

1. Site Selection Criteria

The Task Force heard that site selection of Telecommunications Facilities is often constrained. Among the factors considered by the Telecommunication Facility Proponents are:

- 1) expected usage patterns of wireless service including proximity to users;
- 2) local terrain and building heights which can be a significant challenge as a result of shadowing;
- 3) interaction with existing radio base stations;
- 4) line of site requirements for high quality communications;
- 5) opportunities to use existing structures; and
- 6) the availability of a willing landlord.

Notwithstanding, the Task Force believes that it is appropriate for the City of Vaughan to influence the siting of Telecommunication Facilities recognizing that the Provincial Policy Statement requires that they be accommodated to serve present and future needs.

The Task Force believes that selection and design should, where possible, respect the policies of the relevant Provincial Plans and most updated and in-force Vaughan Official Plan document. Where such facilities are proposed within the Greenbelt or the Oak Ridges Moraine, the protocol should refer to the respective policies in each of the applicable plans, specifically Section 3.4 of the Oak Ridges Moraine Conservation Plan, subsection 3.4.10, which addresses Transportation/Infrastructure Utilities on the Oak Ridges Moraine, and Section 3.5 of the Greenbelt Plan, specifically subsection 3.5.6, which addresses General Infrastructure in the Greenbelt.

Once a preliminary consultation has occurred and/or a search area has been determined, which should include consideration of City owned land, the Proponent is strongly encouraged to contact the City's Real Estate Department, to determine if an appropriate municipally-owned property could accommodate the proposed communication facility.

The consideration of municipal or privately owned lands in the site selection process should be made with deference to the following recommendations:

Recommendation: 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;

- 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.

Recommendation: 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 Proponent's siting decision.

2. Co-location and Use of Existing Infrastructure

Industry Canada defines "co-location" to occur when two or more Telecommunication Facility Proponents locate their antennas on the same support structure. Co-location is the default preference expressed in CPC-2-0-03 as it has the effect of reducing the number of towers required in a given area.

While Telecommunication Facility Proponents are prepared to co-locate when the existing tower meets their radio requirements, since co-location is generally a faster and cheaper option, the Task Force discovered that co-location results in an increase in the visual obtrusiveness of the Telecommunication Facility. Generally co-location results in:

- an increase in massing compared to a facility that has not been co-located due to the additional number of antennas, cabling and other tower mounted equipment, and the increase in size of the structure required by the increased weight and wind loading;

- an increase in the height of the facility in order to meet radio objectives and prevent radio interference between antennas;
- and more radio equipment at the base of the Telecommunication Facility to power the antennas.

The Task Force learned that many of the stealth or unobtrusive designs will not accommodate co-location for the foregoing reasons. As a result it was determined that a better approach for the City would be to balance the desire for co-location against the desire to reduce impact in visually *sensitive* areas.

Accordingly, it is the opinion of the Task Force that existing tower facilities, structures and infrastructure should be utilized for the purpose of co-location, in areas where there is less concern with visual impact so as to minimize the proliferation of new tower facilities in the City of Vaughan. In order to maximize co-location opportunities and further minimize the number of Telecommunication Facilities, Proponents of new towers in areas where co-location is encouraged should notify other industry carriers.

The Task Force considered the co-utilization of Hydro One's high tension towers. Currently, Hydro One is prohibiting the use of their hydro structures for locating telecommunication antennas, however because of the negative impact these towers already exhibit on the landscape, it is advantageous to locate antennas on the existing structures and preclude the need for erecting additional structures that add to even more visual clutter.

However, in areas where visual impact is more important, (such as when Telecommunication Facilities are proposed to be located within 200 metres of a residential area), the Task Force recommends single carrier stealth or minimally obtrusive towers, except in areas of limited site availability where towers will be located in close proximity to each other. In such a scenario, a co-located tower is suggested.

Infrastructure such as utility poles and street light poles should be used when possible to minimize the visual impact of wireless facilities, especially in high-profile and visually sensitive areas.

Where co-location of towers is strongly preferred away from residential areas and encouraged in industrial/employment areas, commercial areas and natural areas and open space, incentives have been developed as detailed in Part C Section 1 Site Selection Criteria. Further guidance with respect to the siting of facilities, including co-located facilities, is provided in Part C Section 3 under Schedule 1.

Recommendation: 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.

Recommendation: 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.

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

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

Recommendation: 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.

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

Recommendation: 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.

3. Exemptions

Industry Canada's CPC-2-0-03 contains a number of exemptions to the usual requirement to consult with municipalities such as the City of Vaughan. These exemptions were put in place after the adoption of Vaughan's current protocol. Industry Canada expects that these exemptions will be respected in local protocols. However, Industry Canada's documentation makes it clear that its exemptions may be expanded or new exemptions created in order to meet local needs.

Exemptions have long been used to encourage Telecommunication Facility Proponents to adjust the preferred location of their infrastructure based upon the encouragement of a faster process, or a path of least resistance. Often, these Proponents will, to some degree, compromise their engineering objectives in exchange for a quick approval. Where the Telecommunication Facility Proponent is unable to meet the terms of the exemption, the proposal is subject to more scrutiny through a more intense process.

The protocols considered by the Task Force contained exemptions that focused on template designs and distance from identified land uses to trigger a fast track

process (i.e. shorter consultation process). In some instances the fast track was facilitated by exempting the Telecommunication Facility Proponent from the need to consult with the municipality and/or the public. In other instances the fast track was facilitated by the delegation of the concurrence function from Council to an identified member of the City's staff.

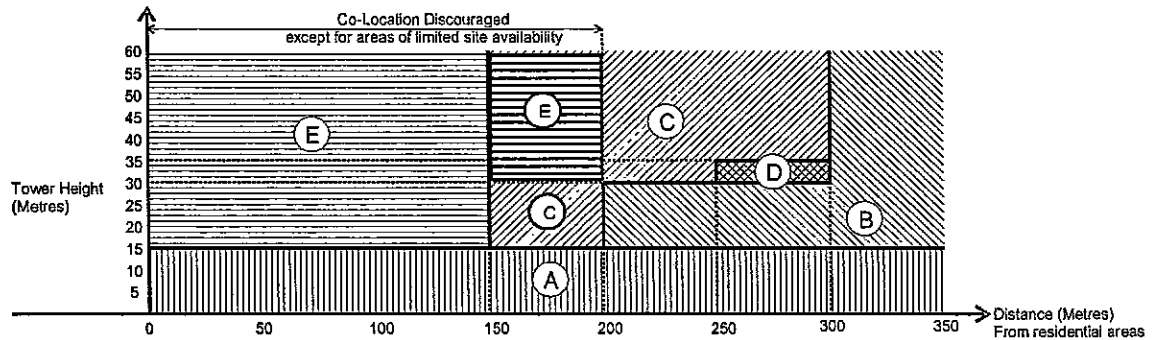
The City of Vaughan's current protocol outlines a number of exemptions, including co-locating antennae on existing structures, or modifying or replacing towers where the proposed height does not exceed the existing height by a certain percentage. The Task Force would like to build on the current provisions in the protocol in addition to Industry Canada's requirements in order to meet the Task Force's objectives of reducing visual obtrusiveness and maximizing the distance between sensitive land uses and wireless facilities. As a result, the Task Force, would like to recommend that the following specifications be included in the forthcoming protocol:

Recommendation: 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



Legend:

- Area "A": Exempted from Municipal Review Process (Notification Only)
- Area "B": Staff Review and Approval (No Council Approval)
- Area "C": Staff Review and Council Approval
- Area "D": If Co-Located, Council Approval Not Required; If Single Carrier, Council Approval Required
- Area "E": Full Consultation Process

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 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 Council. These proposals are exempted from full consultation if:
- 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
 - 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
 - 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 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.

4. Telecommunication Facilities Siting on City-Owned Lands

Proponents are encouraged to consider the use of City-owned lands and/or facilities where feasible, for the siting of telecommunications facilities. It is the opinion of the Task Force that the City of Vaughan should be adequately prepared for such a possibility. The Task Force recommends the following:

Recommendation: 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 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 reports 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;
- 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.

D – URBAN ISSUES

1. Urban Design Guidelines

Considering the growing demand for telecommunication facilities and their increasing presence within the public realm, the Task Force recommends that comprehensive design guidelines be developed to complement the City's Telecommunication Facilities Siting Protocol. These guidelines will provide a framework to set out the City's expectations and desires for appropriate design for future telecommunication facility proposals.

A number of municipalities in Ontario make mention of the importance of executing particular design styles that complement and respect the surrounding land uses and ensures that the telecommunication facilities are not visually obtrusive. The City of Vaughan has emphasized its recognition of the importance of facilitating the telecommunication network as a major infrastructural component of the City. However, the character and quality of the urban areas should not be compromised. As such, the design of these facilities should strive to minimize negative visual impact, where possible. The following represent considerations the Task Force feels would be appropriate to include within the forthcoming Protocol's Urban Design Guidelines.

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

Recommendation: That City staff develop Urban Design Guidelines, in consultation with Industry representatives, that incorporate the above recommendations.

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

E – PROCESS ISSUES

1. Application Process

It is the opinion of the Task Force that a comprehensive application should be made to the City at such a time as the Proponents wish to site a telecommunications facility in the municipality.

The Task Force makes the following recommendation:

Recommendation: 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;
 - 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 express 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.

2. Preliminary Consultation with the City

There are two aspects to pre-consultation. The first is a voluntary opportunity for Proponents to meet with City planning staff early in their siting process to help identify acceptable siting options. The second is a formal requirement of the protocol prior to submission.

Pre consultation is one of the most important elements in the consultation process as it generally occurs at a point before the Proponent is committed to a site or design. As a result, it represents the City's best opportunity to influence the siting decision at an early stage since the Proponent will more likely become committed to a site once the detailed engineering has been completed. While a discussion of submission requirements is appropriate, the proposal will benefit most from early direction on matters of siting and design which will then inform the production of the detailed engineering and other studies required for the application to consult. It is for that reason that pre-consultation meetings should be documented by staff in a memo to the carrier.

In Section 6 of CPC-2-3-03, Industry Canada recommends that Proponents be prudent and consult with the land use authority and general public prior to construction, even where a proposed telecommunications facility is excluded or exempted. In the opinion of the Task Force, unless a proposal is exempt, Proponents should pre-consult with the City of Vaughan concerning siting and site design, at which point staff will provide details regarding location, potential sites within City-owned lands, process, public consultation, submission requirements, and fees, and to identify the City of Vaughan's requirement that the Proponent address issues of emission levels (in compliance with Safety Code 6), land use compatibility, consideration of sensitive lands, and any other potential impacts.

Recommendation: 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.

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

Recommendation: 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 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.

3. Public Consultation

The public consultation process is a key requirement in the land use planning process, and should continue to be valued as an essential component of the planning for the siting of a telecommunications facility. Based on research into similar protocols, the Task Force recommends the following when completing a public consultation process for a new, non-exempted telecommunications facility:

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

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

Recommendation: 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;

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

4. City Review Process

The application review process should consist of a clear step-by-step process by which the City can thoroughly review all applications and subsequently render them complete, or in some instances, request further information, should it be required. To aid in the review process, the Task Force recommends that the following be instituted as part of the final protocol:

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

Recommendation: 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).

Recommendation: 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.

5. Dispute Resolution

The City of Vaughan's existing protocol currently leaves the issue of resolving any disputes up to the Proponent. Industry Canada's⁶ Guide to Assist Land-use Authorities 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. According to that document:

"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."

In order to ensure that, to the extent possible, wireless facility siting decisions are made in conjunction with the City, the Task Force believes that a dispute resolution process should be adopted which fosters dialogue between the City

⁶ <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08839.html#sect26>

and the Proponent in advance of a final decision. The elements of such a process include:

- 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.

To ensure that the City is adequately prepared, should a dispute occur, the Task Force recommends the following:

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

6. Concluding Consultation

Under the existing protocol, the City of Vaughan endeavours to conclude the consultation process via a clear and straightforward process. However, the protocol does not address the completion of the consultation process as executed by the Land Use Authority (i.e. the City of Vaughan). To provide for this aspect of the process, the Task Force makes the following recommendations:

Recommendation: That the timeline 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.

Recommendation: 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.

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

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

Recommendation: 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);
- 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.

F – DEFINITIONS

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 signalling 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.*

G -- References and Resources

- SUMMARY OF RESEARCH FINDINGS FOR TELECOMMUNICATIONS TASK FORCE 2011-2012 CITY OF VAUGHAN.pdf prepared by Von Chaleunsouk in support of a setback of 300m from homes, schools and daycares, submitted to the Task Force March 22, 2012
- AN OVERVIEW OF CURRENT RADIO FREQUENCY (RF) RADIATION EXPOSURE LIMITS AND ASSOCIATED HEALTH RISKS.pdf prepared by Tina Catalano, dated April 23, 2012 in support of the need for a precautionary approach for the municipal siting of telecommunication towers
- City of Cambridge Radiocommunication Tower and Antenna Systems Protocol
- Industry Canada Tower Database:
http://sd.ic.gc.ca/pls/engdoc_anon/web_search.geographical_input
- Easy view of Industry Canada Tower Database: <http://loxcel.com/celltower>
- The reports and submissions from the Task Force Google Drive site:
 - Wireless Network Communication Within the City of Vaughan.pdf
 - Public Health Ontario Vaughan-Exposure to Radio-Frequency Electromagnetic Fields.pptx
 - CWTA Antenna FARNES.pptx
 - Industry Canada CWTA Wireless Antenna Siting Forum.PPT
 - News Article - The Globe and Mail "A Catholic teachers association looks to ban WiFi".pdf
 - Safety Code 6 and RF Exposure – Resources
 - Letter from Industry Canada dated April 10, 2008 re: Prudent Avoidance.pdf
 - Letter from Industry Canada dated January 16, 2009 re: Bell Mobility - 9200 Bathurst (Approval Letter).pdf
 - Letter from Industry Canada dated October 15, 2008 re: Telus CN Rail Tracks.pdf

- Guidance letter from Industry Canada dated September 30, 2008 re: Notice Distance Township of King.pdf
- Ontario Superior Court of Justice Decision *Telus v. City of Toronto* dated March 2, 2007.pdf
- Industry Canada Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements (CPC-2-0-17 November 2008).pdf
- Industry Canada Radio Communication and Broadcasting Antenna Systems (CPC-2-0-03 Effective January 1, 2008).pdf
- Industry Canada Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols.pdf
- Health Folder
 - American Cancer Society.pdf
 - Royal Society of Canada for Health Canada (1999).pdf
 - Royal Society of Canada (2004 – 2007).pdf
 - Norwegian Institute of Public Health.pdf
 - Health Protection Agency.pdf
 - Health Protection Agency Report.pdf
 - Health Canada Presentation to Oakville.mov
 - Carcinogenicity of Radiofrequency Electromagnetic Fields.pdf
 - BMJ Mobile Phone Use and Glioma Risk.pdf
 - BMJ: Mobile Phone Base Stations and Early Childhood Cancers.pdf
 - Royal Society of Canada (2001-2003).pdf
 - COMAR – The Committee on Man and Radiation (2009).pdf
 - Electromagnetic Hypersensitivity.pdf
 - Letter from York Region dated January 9, 2009 re: Safety Code 6.pdf
 - Vancouver Coastal Health June 2011.pdf
 - Vancouver Coastal Health June 20, 2005.pdf
 - Ontario Agency for Health Protection and Promotion September 16, 2010.pdf
 - Ontario Ministry of Health and Long-Term Care September 16, 2010.pdf
 - Hamilton Information Report June 10, 2008.doc
 - Letter from Halton Region Health Department February 17, 2012.pdf
 - BMJ: Mobile Phone Use and Glioma Risk March 8, 2012.pdf
 - BMJ: Mobile Phone Base Stations and Early Childhood Cancer June 22, 2010.pdf
 - Health Protection Agency April 26, 2012.pdf

ATTACHMENT NO. 2



**Industry
Canada**

**Industrie
Canada**

CPC-2-0-03

Issue 4

Released: June 2007

Effective: January 1, 2008

Spectrum Management and Telecommunications

Client Procedures Circular

Radiocommunication and Broadcasting Antenna Systems

**(Formerly CPC-2-0-03 - Environmental Process, Radiofrequency Fields and
Land-Use Consultation)**

Comments and suggestions may be directed to the following address:

Industry Canada
Radiocommunications and
Broadcasting Regulatory Branch
300 Slater Street
Ottawa, Ontario
K1A 0C8

Attention: DOSP

Via e-mail: spectrum_pubs@ic.gc.ca

All Spectrum Management and Telecommunications publications are available on the following website at: <http://strategis.gc.ca/spectrum>.

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1. Introduction

Radiocommunication and broadcasting services are important for all Canadians and are used daily by the public, safety and security organizations, government, wireless service providers, broadcasters, utilities and businesses. In order for radiocommunication and broadcasting services to work, antenna systems including masts, towers, and other supporting structures are required. There is a certain measure of flexibility in the placement of antenna systems which is constrained to some degree by: the need to achieve acceptable coverage for the service area; the availability of sites; technical limitations; and safety. In exercising its mandate, Industry Canada believes that it is important that antenna systems be deployed in a manner that considers the local surroundings.

1.1 Mandate

Section 5 of the *Radiocommunication Act* 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, may be located. Further, the Minister may approve the erection of all masts, towers and other antenna-supporting structures. Accordingly, proponents must follow the process outlined in this document when installing or modifying an antenna system. Also, the installation of an antenna system or the operation of a currently existing antenna system that is not in accordance with this process may result in its alteration or removal and other sanctions against the operator in accordance with the *Radiocommunication Act*.

1.2 Application

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 of installation or service. This includes, amongst others, Personal Communications Services (PCS) and cellular, fixed wireless, broadcasting, land-mobile, licence-exempt and amateur radio operators. As well, parts of this process contain obligations that apply to existing antenna system operators.

1.3 Process Overview

This document outlines the process that must be followed by proponents seeking to install or modify antenna systems. The broad elements of the process are as follows:

1. Investigating sharing or using existing infrastructure before proposing new antenna-supporting structures.
2. Contacting the land-use authority (LUA) to determine local requirements regarding antenna systems.
3. Undertaking public notification and addressing relevant concerns, whether by following local LUA requirements or Industry Canada's default process, as is required and appropriate.
4. Satisfying Industry Canada's general and technical requirements.

It is Industry Canada's expectation that steps (2) to (4) will normally be completed within *120 days*. Some proposals may be excluded from certain elements of the process (see Section 6). It is Industry Canada's expectation that all parties will carry out their roles and responsibilities in good faith and in a manner that respects the spirit of this document.

2. Industry Canada Engagement

There are a number of points in the processes outlined in this document where parties must contact Industry Canada to proceed. Further, anyone with any question regarding the process may contact the local Industry Canada office¹ for guidance. Based on a query by an interested party, Industry Canada may request parties to provide relevant records and/or may provide direction to one or more parties to undertake certain actions to help move the process forward.

3. Use of Existing Infrastructure (Sharing)

This section outlines the roles of proponents and owners/operators of existing antenna systems. In all cases, parties should retain records (such as analyses, correspondence and engineering reports) relating to this section.

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.

Owners and operators of existing antenna systems are to respond to a request to share in a timely fashion and to negotiate in good faith to facilitate sharing where feasible. It is anticipated that 30 days is reasonable time for existing antenna system owners/operators to reply to a request by a proponent in writing with either:

- a proposed set of reasonable terms to govern the sharing of the antenna system; or
- a detailed explanation of why sharing is not possible.

¹ Please refer to Radiocommunication Information Circular 66 (RIC-66) for a list of addresses and telephone numbers for Industry Canada's regional and district offices. RIC-66 is available via the Internet at: <http://strategis.ic.gc.ca/epic/internet/insmt-gst.nsf/en/sf01742e.html>.

4. Land-use Authority and Public Consultation

Contacting the Land-use Authority

Proponents must always contact the applicable land-use authorities to determine the local consultation requirements unless their proposal falls within the exclusion criteria outlined in Section 6. If the land-use authority has designated an official to deal with antenna systems, then proponents are to engage the authority through that person. If not, proponents must submit their plans directly to the council, elected local official or executive. Proponents are expected to establish initial formal contact with the land-use authority in writing in order to mark the official commencement of the *120-day* consultation process.

Proponents should note that there may be more than one land-use authority with an interest in the proposal. Where no established agreement exists between such land-use authorities, proponents must, as a minimum, contact the land-use authority(ies) and/or neighbouring land-use authorities 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. As well, in cases where proponents are aware that a potential Aboriginal or treaty right or land claim may be affected by the proposed installation, they must contact Industry Canada in order to ensure that the requirements for consultation are met.

Following the Land-use Authority Process

Proponents must follow the land-use consultation process for the siting of antenna systems, established by the land-use authority, where one exists. In the event that a land-use authority's existing process has no public consultation requirement, proponents must then fulfill the public consultation requirements contained in Industry Canada's Default Public Consultation Process (see Section 4.2). Proponents are not required to follow this requirement if the LUA's established process explicitly excludes their type of proposal from consultation or it is excluded by Industry Canada's criteria. Where proponents believe the local consultation requirements are unreasonable, they may contact the local Industry Canada office in writing for guidance.

Broadcasting Undertakings

Applicants for broadcasting undertakings are subject to Canadian Radio-television and Telecommunications (CRTC) licensing processes in addition to Industry Canada requirements. Although Industry Canada encourages applicants to consult as early as practical in the application process, in some cases it may not be prudent for the applicants to initiate public and municipal/land-use consultation before receiving CRTC approval, as application denial by the CRTC would result in unnecessary work for all parties involved. Therefore, assuming that the proposal is not otherwise excluded, broadcasting applicants may opt to commence land-use consultation after having received CRTC approval. However, broadcasting applicants choosing this option are required, at the time of the CRTC application, to notify the land-use authority with a Letter of Intent outlining a commitment to conduct consultation after receiving CRTC approval. If the land-use authority raises concerns with the proposal as described in the Letter of Intent, applicants are encouraged to engage in discussions with the land-use authority regarding their concerns and attempt to resolve any issues. See Broadcasting Procedures and Rules, Part 1 (BPR-1), for further details.

4.1 Land-use Authority Consultation

Industry Canada believes that any concerns or suggestions expressed by land-use authorities are important elements to be considered by proponents regarding proposals to install, or make changes to, antenna systems. As part of their community planning processes, land-use authorities should facilitate the implementation of local radiocommunication services by establishing consultation processes for the siting of antenna systems.

Unless the proposal meets the exclusion criteria outlined in Section 6, proponents must consult with the local land-use authority(ies) on any proposed antenna system prior to any construction with the aim of:

- discussing site options;
- ensuring that local processes related to antenna systems are respected;
- addressing reasonable and relevant concerns (see Section 4.2) from both the land-use authority and the community they represent; and
- obtaining land-use authority concurrence in writing.

Land-use authorities are encouraged to establish reasonable, relevant, and predictable consultation processes² specific to antenna systems that consider such things as:

- the designation of suitable contacts or responsible officials;
- proposal submission requirements;
- public consultation;
- documentation of the concurrence process; and
- the establishment of milestones to ensure consultation process completion within *120 days*.

Where they have specific concerns regarding a proposed antenna system, land-use authorities are expected to discuss reasonable alternatives and/or mitigation measures with proponents.

Under their processes, land-use authorities may exclude from consultation any antenna system installation in addition to those identified by Industry Canada's own consultation exclusion criteria (Section 6). For example, an authority may wish to exclude from public consultation those installations located within industrial areas removed from residential areas, low visual impact installations, or certain types of structures located within residential areas.

² Industry Canada is available to assist land-use authorities in the development of local processes. In addition, land-use authorities may wish to consult Industry Canada's guide for the development of local consultation processes.

4.2 Industry Canada's Default 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. Proponents are not required to follow Industry Canada's Default Public Consultation Process if the land-use authority's established process explicitly excludes their type of proposal from public consultation or it is excluded by Industry Canada's criteria (see Section 6). Industry Canada's default process has three steps whereby the proponent:

1. provides written notification to the public, the land-use authority and Industry Canada of the proposed antenna system installation or modification (i.e. *public notification*);
2. engages the public and the land-use authority in order to address relevant questions, comments and concerns regarding the proposal (i.e. *responding to the public*); and
3. provides an opportunity to the public and the land-use authority to formally respond in writing to the proponent regarding measures taken to address reasonable and relevant concerns (i.e. *public reply comment*).

Public Notification

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.), 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.
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-supporting structures 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.³

³ The notice must be synchronized with the distribution of the public notification package. It must be legible and placed in the public notice section of the newspaper. The notice must include: a description of the proposed installation; its location and street address; proponent contact information and mailing address; and an invitation to provide public comments to the proponent within *30 days* of the notice. In areas without a local newspaper, other effective means of public notification must be implemented. Proponents may contact the local Industry Canada office for guidance.

Responding to the Public

Proponents are to address all reasonable and relevant concerns, make all reasonable efforts to resolve them in a mutually acceptable manner and must keep a record of all associated communications. If the local public or land-use authority raises a question, comment or concern relating to the antenna system as a result of the public notification process, then the proponent is required to:

1. respond to the party in writing within **14 days** acknowledging receipt of the question, comment or concern and keep a record of the communication;
2. address in writing all reasonable and relevant concerns within **60 days** of receipt or explain why the question, comment or concern is not, in the view of the proponent, reasonable or relevant; and
3. in the written communication referred to in the preceding point, clearly indicate that the party has **21 days** from the date of the correspondence to reply to the proponent's response. The proponent must provide a copy of all public reply comments to the local Industry Canada office.

Responding to reasonable and relevant concerns may include contacting a party by telephone, engaging in a community meeting or having an informal, personal discussion. Between steps 1 and 2 above, the proponent is expected to engage the public in a manner it deems most appropriate. Therefore, the letter at step 2 above may be a record of how the proponent and the other party addressed the concern at hand.

Public Reply Comments

As indicated in step 3 above, the proponent must clearly indicate that the party has **21 days** from the date of the correspondence to reply to the response. The proponent must also keep a record of all correspondence/discussions that occurred within the **21-day** public reply comment period. This includes records of any agreements that may have been reached and/or any concerns that remain outstanding.

The factors that will determine whether a concern is reasonable or relevant according to this process will vary but will generally be considered if they relate to the requirements of this document and to the particular amenities or important characteristics of the area surrounding the proposed antenna system. Examples of concerns that proponents are to address may include:

- Why is the use of an existing antenna system or structure not possible?
- Why is an alternate site not possible?
- What is the proponent doing to ensure that the antenna system is not accessible to the general public?
- How is the proponent trying to integrate the antenna into the local surroundings?
- What options are available to satisfy aeronautical obstruction marking requirements at this site?
- What are the steps the proponent took to ensure compliance with the general requirements of this document including the *Canadian Environmental Assessment Act* (CEAA), Safety Code 6, etc.?

Concerns that are not relevant include:

- disputes with members of the public relating to the proponent's service, but unrelated to antenna installations;
- potential effects that a proposed antenna system will have on property values or municipal taxes;
- questions whether the *Radiocommunication Act*, this document, Safety Code 6, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

4.3 Concluding Consultation

The proponent may only commence installation/modification of an antenna system after the consultation process has been completed by the land-use authority, or Industry Canada confirms concurrence with the consultation portion of this process, and after all other requirements under this process have been met. Consultation responsibilities will normally be considered complete when the proponent has:

1. concluded consultation requirements (Section 4.1) with the land-use authority;
2. carried out public consultation either through the process established by the land-use authority or the Industry Canada's Default Public Consultation Process where required; and
3. addressed all reasonable and relevant concerns.

Concluding Land-use Authority Consultation

Industry Canada expects that land-use consultation will be completed within *120 days* from the proponent's initial formal contact with the local land-use authority. Where unavoidable delays may be encountered, the land-use authority is expected to indicate when the proponent can expect a response to the proposal. If the authority is not responsive, the proponent may contact Industry Canada. Depending on individual circumstances, Industry Canada may support additional time or consider the land-use authority consultation process concluded.

Depending on the land-use authority's own process, conclusion of local consultation may include such steps as obtaining final concurrence for the proposal via the relevant committee, a letter or report acknowledging that the relevant municipal process or other requirements have been satisfied, or other valid indication, such as the minutes of a town council meeting indicating LUA approval. Compliance with informal city staff procedures, or grants of approval strictly related to zoning, construction, etc. will not normally be sufficient.

Industry Canada recognizes that approvals for construction (e.g. building permits) are used by some land-use authorities as evidence of consultation being concluded. Proponents should note that Industry Canada does not consider the fact a permit was issued as confirmation of concurrence, as different land-use authorities have different approaches. As such, Industry Canada will only consider such approvals as valid when the proponent can demonstrate that the LUA's process was followed and that the LUA's preferred method of concluding LUA consultation is through such an approval.

Concluding Industry Canada's Default Public Consultation Process

Industry Canada's Default Public Consultation Process will be considered concluded when the proponent has either:

- received no written questions, comments or concerns to the formal notification within the *30-day* public comment period; or
- if written questions, comments or concerns were received, the proponent has addressed and resolved all reasonable and relevant concerns and the public has not provided further comment within the *21-day* reply comment period.

In the case where the public responds within the *21-day* reply comment period, the proponent has the option of making further attempts to address the concern on its own, or can request Industry Canada engagement. If a request for engagement is made at this stage, Industry Canada will review the relevant material, request any further information it deems pertinent from any party and may then decide that:

- the proponent has met the consultation requirements of this process and that Industry Canada concurs that installation or modification may proceed; or
- the parties should participate in further attempts to mitigate or resolve any outstanding concern.

5. Dispute Resolution Process

The dispute resolution process is a formal process intended to bring about the timely resolution where the parties have reached an impasse.

Upon receipt of a written request, from a stakeholder other than the general public, asking for Departmental intervention concerning a reasonable and relevant concern, the Department may request that all involved parties provide and share all relevant information. The Department may also gather or obtain other relevant information and request that parties provide any further submissions if applicable. The Department will, based on the information provided, either:

- make a final decision on the issue(s) in question, and advise the parties of its decision; or
- suggest the parties enter into an alternate dispute resolution process in order to come to a final decision. Should the parties be unable to reach a mutually agreeable solution, either party may request that the Department make a final decision.

Upon resolution of the issue under dispute, the proponent is to continue with the process contained within this document as required.

6. Exclusions

For the following types of installations, proponents are excluded from the requirement to consult with the LUA and the public, but must still fulfill the General Requirements outlined in Section 7:

- maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
- 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 height;
- maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;
- 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; and
- new antenna systems, including masts, towers or other antenna-supporting structure, with a height of less than 15 metres above ground level.

Individual circumstances vary with each antenna system installation and modification, and the exclusion criteria above should be applied in consideration of local circumstances. Consequently, it may be prudent for the proponents to consult the LUA and the public even though the proposal meets an exclusion noted above. 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 marking and lighting requirements for the proposed structure.

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

7. General Requirements

In addition to roles and responsibilities for site sharing, land-use consultation and public consultation, proponents must also fulfill other important obligations including: compliance with Health Canada's Safety Code 6 guideline for the protection of the general public; compliance with radio frequency immunity criteria; notification of nearby broadcasting stations; environmental considerations; and Transport Canada/NAV CANADA aeronautical safety responsibilities.

7.1 Radio Frequency Exposure Limits

Health Canada has established safety 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*.⁴ While the responsibility for developing Safety Code 6 rests with Health Canada, Industry Canada has adopted this guideline for the purpose of protecting the general public. Current biomedical studies in Canada and other countries indicate that there is no scientific or medical evidence that a person will experience adverse health effects from exposure to radio frequency fields, provided that the installation complies with Safety Code 6.

It is the responsibility of proponents and operators of installations 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.

For all proponents following Industry Canada's Default Public Consultation Process, the proponent's notification package must provide a written attestation that there will be compliance with Safety Code 6 for the protection of the general public, including consideration of nearby radiocommunication systems. The notification package must also indicate any Safety Code 6 related signage and access control mechanisms that may be used.

Compliance with Safety Code 6 is an ongoing obligation. At any time, antenna system operators may be required, as directed by Industry Canada, to demonstrate compliance with Safety Code 6 by (i) providing detailed calculations, and/or (ii) conducting site surveys and, where necessary, by implementing corrective measures. Proponents and operators of existing antenna systems must retain copies of all information related to Safety Code 6 compliance such as analyses and measurements.

7.2 Radio Frequency Immunity

All radiocommunication and broadcasting proponents and existing spectrum users are to ensure that their installations are designed and operated in accordance with Industry Canada's immunity criteria as outlined in EMCAB-2⁵ in order to minimize the malfunctioning of electronic equipment in the local surroundings. Broadcasting proponents and existing undertakings should refer to Broadcasting

⁴ Safety Code 6 can be found on Health Canada's website at:
http://www.hc-sc.gc.ca/ewh-semt/pubs/radiation/99ehd-dhm237/index_e.html.

⁵ For more information see EMCAB-2, entitled: *Criteria for Resolution of Immunity Complaints Involving Fundamental Emissions of Radiocommunications Transmitters* available on Industry Canada's Spectrum Management and Telecommunications website at: www.sstrategis.ic.gc.ca/epic/internet/insmt-gst.nsf/en/sf01005e.html.

Procedures and Rules - Part 1, *General Rules* (BPR-1) for additional information and requirements⁶ on this matter.

Proponents are advised to consider the potential effect that their proposal may have on nearby electronic equipment. In this way, they will be better prepared to respond to any questions that may arise during the public and land-use consultation processes, or after the system has been installed.

Land-use authorities should be prepared to advise proponents and owners of broadcasting undertakings of plans for the expansion or development of nearby residential and/or industrial areas. Such expansion or development generally results in the introduction of more electronic equipment in the area and therefore an increased potential for electronic equipment to malfunction. By keeping broadcasters aware of planned developments and changes to adjacent land-use, they will be better able to work with the community. Equally, land-use authorities have a responsibility to ensure that those moving into these areas, whether prospective residents or industry, are aware of the potential for their electronic equipment to malfunction when located in proximity to an existing broadcasting installation. For example, the LUA could ensure that clear notification be provided to future prospective purchasers.

7.3 Proximity of Proposed Structure to Broadcasting Undertakings

Where the proposal would result in a structure that exceeds 30 metres above ground level, the proponent is to notify operators of AM, FM and TV undertakings within 2 kilometres, due to the potential impact the physical structure may have on these broadcasting undertakings. Metallic structures close to an AM directional antenna array may change the antenna pattern of the AM broadcasting undertaking. These proposed structures can also reflect nearby FM and TV signals, causing 'ghosting' interference to FM/TV receivers used by the general public.

7.4 Canadian Environmental Assessment Act

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 CEAA and local environmental assessment requirements where required by the CEAA.

Proponents will ensure that the environmental assessment process is applied as early as is practical in the planning stages. This will enable proponents and other stakeholders to consider environmental factors in any decisions that may be made. As part of their environmental assessment, proponents are to give due consideration to potential environmental impacts including cumulative effects.

Proponents are advised to view the current CEAA exclusion list⁷ to see if their proposed installation meets the requirements to be excluded from assessment under the CEAA.

⁶ BPR-1 - Part I: General Rules can be found on the Spectrum Management and Telecommunications website at: <http://strategis.ic.gc.ca/epic/internet/insmt-gst.nsf/en/sf01326e.html>.

⁷ The CEAA exclusion list can be found at <http://laws.justice.gc.ca/en/C-15.2/SOR-94-639/index.html>.

If not excluded, the proponent must first notify the local Industry Canada office which will direct the proponent on how to proceed with an environmental assessment. At this point, the proponent must not proceed with any construction related to the proposal.

Where the proposal requires assessment under the CEAA, the proponent must either:

- abandon the proposal; or
- participate in the environmental assessment process as established under the CEAA.

Should the environmental assessment identify that there is the potential for an adverse environmental effect, the proponent will be required to describe the effect and propose mitigation measures. Through an environmental assessment, careful consideration may be given to potential adverse environmental effects during the planning stages. This makes it possible to introduce measures which permit the project to proceed while protecting the environment.

Should any significant adverse environmental effect become apparent at any time during the installation, all construction must be stopped, regardless of whether the installation was excluded from environmental assessment.

For all proponents following Industry Canada's Default Public Consultation Process, the proponent's notification package must provide written confirmation of the project's status under the *Canadian Environmental Assessment Act*.

In those situations where an environmental assessment is required, Industry Canada will post a notification of the commencement of the assessment on the Canadian Environmental Assessment Registry website.⁸ This will help to ensure that all interested parties, including the general public, are aware of an assessment from the outset. The notification will include the name, location and a summary description of the project, and identify the project proponent(s) and federal department(s) directly involved in the assessment. Other pertinent documents will be placed on the Internet site as the assessment proceeds, including all public notices, decisions and information about follow-up programs. Should mitigation measures be identified further to the assessment, Industry Canada will ensure that the project does not proceed unless these measures are adequately addressed.

In addition, proponents are responsible to ensure that antenna systems are installed and operated in a manner that respects the local environment and complies with other statutory requirements such as the *Canadian Environmental Protection Act*, the *Migratory Birds Convention Act* and the *Species at Risk Act*, where applicable.

⁸ The Canadian Environmental Assessment Registry website can be found at: http://www.ceaa-acee.gc.ca/050/index_e.cfm.

7.5 Aeronautical Safety

Proponents must ensure their proposals for any antenna system are first reviewed by Transport Canada and NAV CANADA.

Transport Canada will perform an assessment of the proposal with respect to the potential hazard to air navigation and will notify proponents of any painting and/or lighting requirements for the antenna system. NAV CANADA will comment on whether the proposal has an impact on the provision of their national air navigation system, facilities and other services located off-airport.

As required, the proponent must:

1. submit an Aeronautical Obstruction Clearance form to Transport Canada;
2. submit a Land-use Proposal Submission form to NAV CANADA;
3. include Transport Canada marking requirements in the public notification package;
4. install and maintain the antenna system in a manner that is not a hazard to aeronautical safety; and
5. retain all correspondence.

For those antenna systems subject to Industry Canada's Default Public Consultation Process, the proponent will inform the community of any marking requirements. Where options are possible, proponents are expected to work with the local community and Transport Canada to implement the best and safest marking options. Proponents should be aware that Transport Canada does not advise Industry Canada of marking requirements for proposed structures. Proponents are reminded that the addition of, or modification to, obstruction markings may result in community concern and so any change is to be done in consultation with the local public, land-use authority and/or Transport Canada, as appropriate.

References and Details

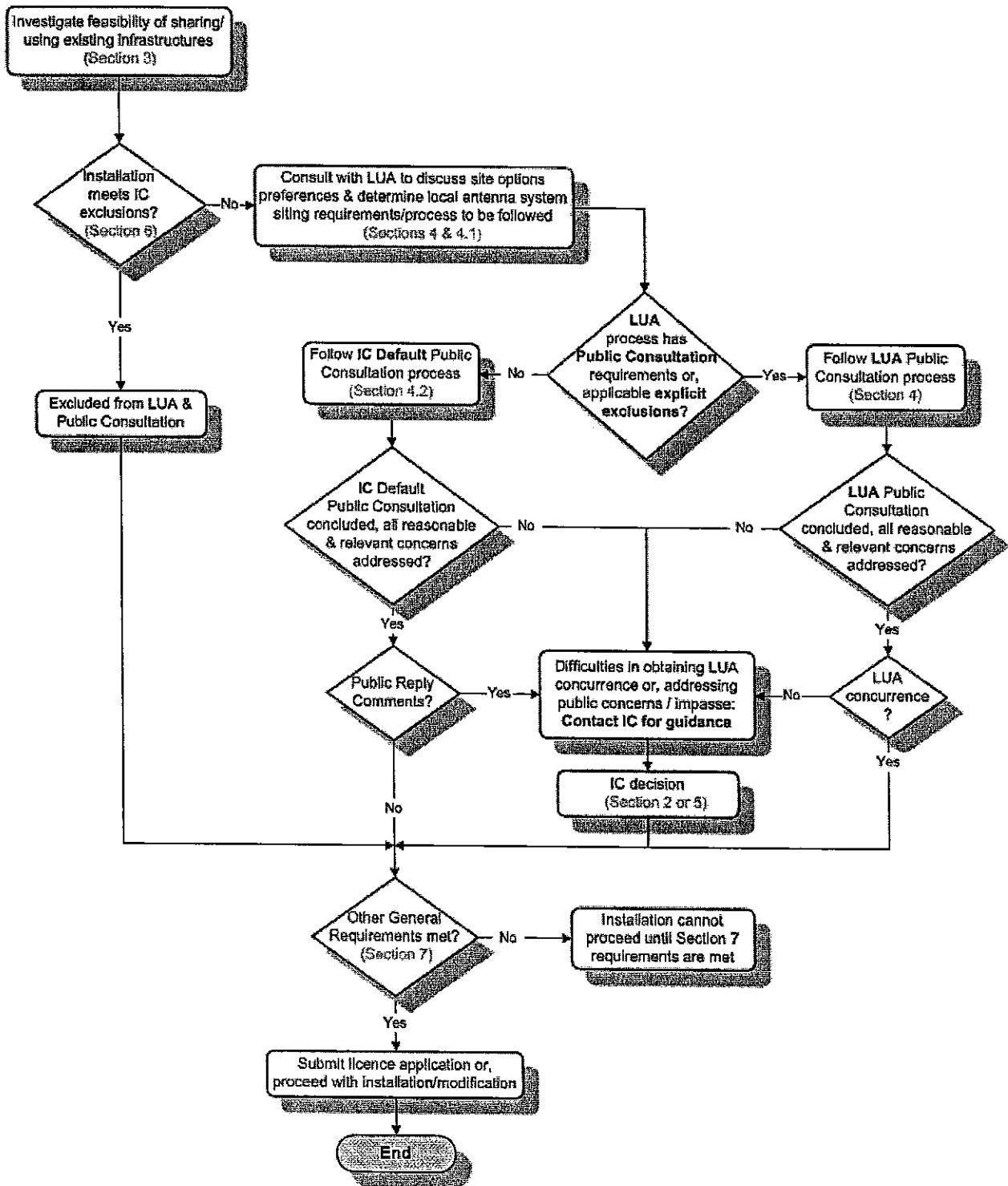
Aeronautical Obstruction Clearance forms are available from any Transport Canada Aviation Group Office. Both the Aeronautical Obstruction Clearance form (#26-0427) and a list of Transport Canada Aviation Group regional offices are available on the Transport Canada website.⁹ Completed forms are to be submitted directly to the nearest Transport Canada Aviation Group office. (Refer to Canadian Aviation Regulations, Standard 621.19, Standards Obstruction Markings).

Land-use Proposal Submission forms are available from NAV CANADA¹⁰ and completed forms are to be sent to the appropriate NAV CANADA General Manager Airport Operations (GMAO) office, East or West.

⁹ The Transport Canada website can be found at: <http://www.tc.gc.ca>.

¹⁰ Search keywords "Land-use Proposal" on the NAV CANADA website at: <http://www.navcanada.ca>.

Appendix 1 - Consultation Flow Chart



Appendix 2 - Industry Canada's Default Public Consultation Process - Public Notification Package (See Section 4.2)

The proponent must ensure that at least *30 days* are provided for public comment. Notification must provide all information on how to submit comments to the proponent in writing. The proponent must also provide a copy of the notification package to the land-use authority and the local Industry Canada office at the same time as the package is provided to the public.

Notification must include, but need not be limited to:

- (1) the proposed antenna system's purpose, the reasons why existing antenna systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable and future sharing possibilities for the proposal;
- (2) the proposed location within the community, the geographic co-ordinates and the specific property or rooftop;
- (3) an attestation¹ that the general public will be protected in compliance with Health Canada's Safety Code 6 including combined effects within the local radio environment at all times;
- (4) identification of areas accessible to the general public and the access/demarcation measures to control public access;
- (5) the project's status under the *Canadian Environmental Assessment Act*²;
- (6) a description of the proposed antenna system including its height and dimensions, a description of any antenna that may be mounted on the supporting structure and simulated images of the proposal;
- (7) Transport Canada's aeronautical obstruction marking requirements (whether painting, lighting or both) if available; if not available, the proponent's expectation of Transport Canada's requirements together with an undertaking to provide Transport Canada's requirements once they become available;
- (8) an attestation that the installation will respect good engineering practices including structural adequacy;
- (9) reference to any applicable local land-use requirements such as local processes, protocols, etc.;

¹ Example: I, (*name of individual or representative of company*) attest that the radio installation described in this notification package will be installed and operated on an ongoing basis so as to comply with Health Canada's Safety Code 6, as may be amended from time to time, for the protection of the general public including any combined effects of nearby installations within the local radio environment.

² Example: I, (*name of individual or representative of company*) attest that the radio antenna system described in this notification package is excluded from environmental assessment under the *Canadian Environmental Assessment Act*.

- (10) notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website (<http://strategis.ic.gc.ca/antenna>);
- (11) contact information for the proponent, land-use authorities and the local Industry Canada office;
and
- (12) closing date for submission of written public comments (not less than *30 days* from receipt of notification).



memorandum

DATE: March 31, 2014

VIA EMAIL: spectrum.operations@ic.gc.ca

TO: Director, Spectrum Management Operations, Industry Canada
235 Queen Street, Ottawa, Ontario K1A 0H5

FROM: Grant Uyeyama
Interim Director of Planning, and
Director of Development Planning

RE: *Canada Gazette*, Part I, March 1, 2014, Consultation on Amendments to Industry Canada's Antenna Tower Siting Procedures (DGSO-001-14)

The Vaughan Planning Department would like to provide comments on the proposed updates to Industry Canada's Antenna Tower Siting Procedures.

For your information, the City of Vaughan is currently updating its Protocol for Establishing Telecommunication Tower/Antenna Facilities. This update is based on the findings and recommendations of the City of Vaughan's Telecommunication Facility Siting Protocol Task Force (attached). The Council of the City of Vaughan established the Task Force on June 7, 2011, with a mandate to bring together various stakeholders to develop recommendations for siting telecommunication towers and antenna facilities in the City of Vaughan. The Task Force concluded its term in December 2013 and forwarded its findings and recommendations to Vaughan Council in January 2014 for further consideration by City staff.

The Vaughan Planning Department has reviewed the proposed updates, as detailed in Section 5 – Review of Updates in the "Consultation on Amendments to Industry Canada's Antenna Tower Siting Procedures" document. The following constitutes the Planning Department's comments. Given the short window to comment on the proposed updates (March 1 to 31, 2014), Planning staff was unable to develop a report in time for consideration by Vaughan Council and obtain a Council resolution on the proposed Industry Canada changes.

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.

Comment on Update #1

The Vaughan Planning Department has no objection to Update #1. We agree with the recommended update, as it provides further clarification as to the application of Industry Canada's Antenna Tower Siting Procedures. Further, the inclusion of "third party tower owners" is a welcomed addition to Section 1.2 – Application, as the Vaughan Planning Department has held conversations with, and reviewed formal applications by, companies who provide the service of constructing and installing a tower for lease to licensed telecommunication companies. This practice has become more common in the City of Vaughan in recent years.

For further clarification, the addition of a definition section for pertinent terms such as antenna systems, telecommunication carriers, etc. may be useful and should be considered, especially for terms that are not defined in the *Radiocommunication Act*.

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.), 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.

Comment on Update #2

The Vaughan Planning Department has no objection to Update #2. We agree with the recommended update as it allows for an open and transparent process that provides further direction to accurately notify residents of an upcoming community/public consultation meeting for a proposed telecommunication tower, where questions can be asked and answers obtained through a more informative process. However, to ensure consistency with notification mailings throughout Canada, the Vaughan Planning Department suggests the inclusion of a standard template for the face of the envelope and letter within Industry Canada's Antenna Tower Siting Procedures to ensure a consistent notification process. The Vaughan Planning Department has worked with various telecommunication companies and consulting firms in the industry, and ensuring consistency of documents is a difficult task. If Industry Canada provides a template that all proponents (including telecommunication companies, industry consultants, government agencies, etc.) must adhere to, this would ensure consistency in notification across Canada.

Further, the Vaughan Planning Department would like Industry Canada to consider the use of a notification sign, to be placed on the lands for which a telecommunication tower is proposed, to provide additional notification to neighbouring residents and landowners. Again, a template for

the notification sign could be provided within Industry Canada's Antenna Tower Siting Procedures to ensure a consistent notification process throughout Canada.

The Vaughan Planning Department is of the opinion that the inclusion of new, clear language to clarify how height will be measured, and what actions are/are not acceptable, is appropriate and has no objection to this update.

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.

Comment on Update #3

The Vaughan Planning Department supports the inclusion of a 3-year time limit on the duration of concurrence granted by the local land-use authority and has no objection to Update #3. This needed section restricts the ability of a proponent to obtain concurrence from the local land-use authority, without any intention of constructing a telecommunication tower shortly thereafter. The Vaughan Planning Department agrees with the rationale for the new section as detailed in Section 5 – Review of Updates in the "Consultation on Amendments to Industry Canada's Antenna Tower Siting Procedures" document.

The Vaughan Planning Department recently proposed changes to the existing Notification Procedures for Public Hearings (OPA #478), 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. Also, in June 2013, Vaughan Council approved amendments to the City's Site Plan approval process to apply a 24-month expiration date to obtain a building permit after site plan approval has been granted. These changes are similar to Update #3, noted above, except for the specified timeframe. As the Vaughan Planning Department is moving in a similar direction for Notification Procedures, we have no objection to, and agree with, Update #3, and encourage the use of a 3-year time limit as proposed by Industry Canada.

Further, the Vaughan Planning Department has the following questions on the proposed new section:

1. How does Industry Canada expect the 3-year time limit to be monitored? Will the onus be on the local land-use authority to notify proponents that their time limit has expired, or will the onus be on the proponent to ensure they do not construct new telecommunication towers beyond the 3-year time limit? Once municipal concurrence has been granted, there is no means to keep track of the status of the construction of the telecommunication tower as a municipal building permit is not issued (unlike for roof-top antennas).
2. If the proponent constructs a telecommunication tower beyond the 3-year time limit, and the local land-use authority notifies Industry Canada of such, what punishment mechanism, if any, will be employed by Industry Canada (i.e. will fines be levied upon the proponent and the parent telecommunication company, etc.)?

The Vaughan Planning Department requests that a response to the above-noted questions be provided and/or to have further clarification added to the proposed new section based on the above-noted questions.

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.

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.

Comment on Update #4

The Vaughan Planning Department has no objection to Update #4. We agree with the recommended update to require consultation on all new antenna systems proposed by telecommunication carriers, through the *Telecommunications Act*, or broadcasting undertakings, through the *Broadcasting Act*.

However, the Vaughan Planning Department requests further clarification on whether the 15 m height exemption would apply to any Antenna System not proposed by a broadcasting undertaking or telecommunications carrier, such as a private business, government, a Crown agency, and a member of the public? Although the exemption of telecommunication towers are currently the main source of contention for residents with respect to not allowing public consultation, the City has entertained radio transmission antenna towers from the Region of York, and other public agencies, to facilitate communication. In addition, there have been proposals for ham radio antennas on residential properties in the City of Vaughan. Given the proximity and visibility of these types of towers and antennas to residential and other sensitive land uses, this should warrant the same public consultation requirements as antenna/tower systems proposed by broadcast undertakings and telecommunication carriers.

The Vaughan Planning Department is very pleased with the proposed update to Section 6 of CPC-2-0-03. It has been very difficult for Vaughan Planning staff to maintain a record of all new Antenna Systems in the City of Vaughan, without required notification for any new Antenna System less than 15 m in height. This new update will assist Vaughan Planning staff in maintaining a proper record of all new Antenna Systems in the City of Vaughan, regardless of height.

As a point of record, there are two updated paragraphs that deal with height, which are found within the document "Consultation on Amendments to Industry Canada's Antenna Tower Siting Procedures". It is noted that these two paragraphs have different language. That is, in the proposed update to Section 4.2, it states that "any attempt to artificially reduce the height is unacceptable", whereas in the proposed update to Section 5.4, it states that "any attempt to artificially reduce the height will not be taken into account in the measurement". The Vaughan Planning Department is of the opinion that these two sentences should be identical and prefers the stronger language found in the first sentence (i.e. any attempt to artificially reduce the height is unacceptable).

Update #5

Canadian Environmental Assessment Act 2012 – Proposed Update to Section 7.4 of GPC-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 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.

Comment on Update #5

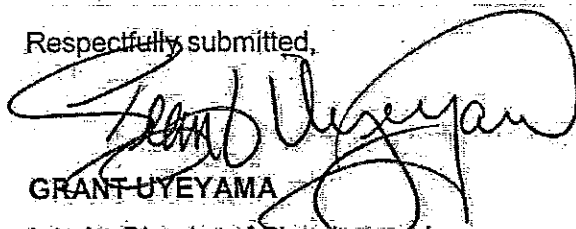
The Vaughan Planning Department has no objection to Update #5. We agree with the recommended update.

Conclusion

The City of Vaughan Planning Department generally supports the changes proposed to Industry Canada's Antenna Tower Siting Procedure. However, there are a few changes that we are requesting to be made, questions that we would like a response to, and inconsistencies in wording that we would like to see rectified.

Should you require additional information, please contact the undersigned at 905.832.8585, Extension 8635, or Daniel Woolfson, Planner at Extension 8213.

Respectfully submitted,



GRANT UYEYAMA

Interim Director of Planning, and
Director of Development Planning

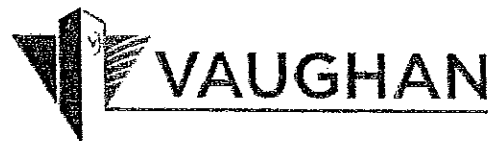
Copy to: Honourable Mayor and Members of Council
Barbara Cribbett, Interim City Manager
Jeffrey A. Abrams, City Clerk
John MacKenzie, Commissioner of Planning
Mauro Peverini, Manager of Development Planning
Rob Bayley, Manager of Urban Design
Carmela Marrelli, Senior Planner
Farhad Jalilli, Urban Designer
Daniel Woolfson, Planner

Pre- Application Consultation

Complete Application
Package Guide

Development Planning
Department

2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1 Canada
T: (905) 832-8585
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For the purposes of the following Development Planning Applications:

- Official Plan Amendment
- Zoning By-law Amendment
- Draft Plan of Subdivision
- Site Development
- Draft Plan of Condominium (Vacant Land/Common Element Only)

This package includes the following:

1. Guide for Applicants
2. Chart 1: Development Planning Application Process
Official Plan, Zoning By-law, and Draft Plan of Subdivision and Condominium
3. Chart 2: Development Planning Application Process Site Plan
4. Pre-Application Consultation [PAC] Understanding
5. Appendix A: Glossary

Purpose of Pre-Application Consultation Meetings

Pursuant to Bill 51 changes to the *Planning Act*, the City of Vaughan has implemented OPA #705 and By-law 278-2009, which requires Pre-Application Consultation (PAC) meetings prior to the submission of **all** Development Planning applications.

The purpose of this meeting is for the applicant to present a development proposal on which the City would on a preliminary basis **only** identify required materials for a full and complete submission of the development application(s). Pre-Application consultation is helpful to both the applicant and the City as it ensures applications are processed efficiently and establishes the requirements for the submission of a complete application.

For additional information, please contact the Development Planning Department at (905) 832-8585 or visit our website: <http://www.vaughan.ca>.

PLEASE NOTE:

- 1. The intent of the PAC meeting is to only identify the requirements and materials to assist the applicant in their submission of a complete planning application.**
- 2. The comments generated from the PAC meeting do not constitute an approval nor does it reflect the position of the Development Planning Department.**
- 3. The applicant is advised that any discussion on the merit or the design of the development proposal(s) may require a separate meeting.**

1. Introduction

This guide has been developed to assist in the preparation of the following development applications: Official Plan Amendment, Zoning By-law Amendment, Site Development, Draft Plan of Subdivision, and/or Draft Plan of Condominium (vacant land and common element).

2. Planning Application Process

The City's planning application approval process for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of

Condominium is summarized on Chart 1. The application process for Site Development approval is summarized on Chart 2. The required forms and related background information to prepare for the mandatory PAC meeting are provided in this package. The application form is not part of this package.

3. Pre-Application Consultation Meeting Request

The City requires all applicants to attend a PAC meeting before submitting a development planning application. PAC meetings are hosted by the Development Planning Department and may include representatives from various other City departments involved in the evaluation of planning applications (e.g. Building Standards, Finance, Parks Development, Public Works Department, and Engineering Services). Please contact your Area Planner in the Development Planning Department at (905) 832-8585 to arrange for a PAC meeting or for further information.

4. Preparation for Pre-Application Consultation Meeting

The applicant is required to provide the Development Planning Department with the following in order to schedule a PAC meeting:

- a) the site address and legal description;
- b) a written summary of the development proposal;
- c) information on any known encumbrances on the property (e.g. easements); and,

MATERIALS 8 Copies + digital form (PDF/Tiff)	Official Plan	Zoning By-law	Site Plan	Sub.	Condo.
Concept Plan	✓				
Architectural Site Plan		✓	✓		
Preliminary Building Elevations		✓	✓		
Draft Plan of Subdivision				✓	
Draft Plan of Condominium (Vacant Land/Common Element)					✓

PLEASE NOTE: *If the above noted information is not submitted in its entirety, a Pre-Application Consultation meeting will not be held.*

5. Complete Application requirements

The City has established submission requirements for complete applications in the Official Plan. An application for Official Plan Amendment, Zoning By-law Amendment, Site Development, Draft Plan of Subdivision and/or Draft Plan of Condominium (vacant land and common element) will be considered complete under the *Planning Act* only when all of the following items have been provided to the City:

- a complete application form;
- all information or materials prescribed by statute;
- an executed Pre-Application Understanding;
- all supporting information and materials required to be provided with the initial submission pursuant to the Pre-Application Understanding;
- the prescribed application fee(s); and,
- external agency preliminary review acknowledgement*¹ (as required).

Note ¹: A letter from an external agency on their letterhead acknowledging that they met the applicant on a preliminary basis and that additional requirements for a complete application were identified.

6. Other Fees & Approvals

Please note that there may be additional financial requirements arising from the application to be paid by the applicant, including, but not limited to: parkland dedication; development charges; payment of outstanding taxes; peer review of technical reports; agreements and associated fees; securities; retrieval from archives; and/or, Ontario Municipal Board appeals.

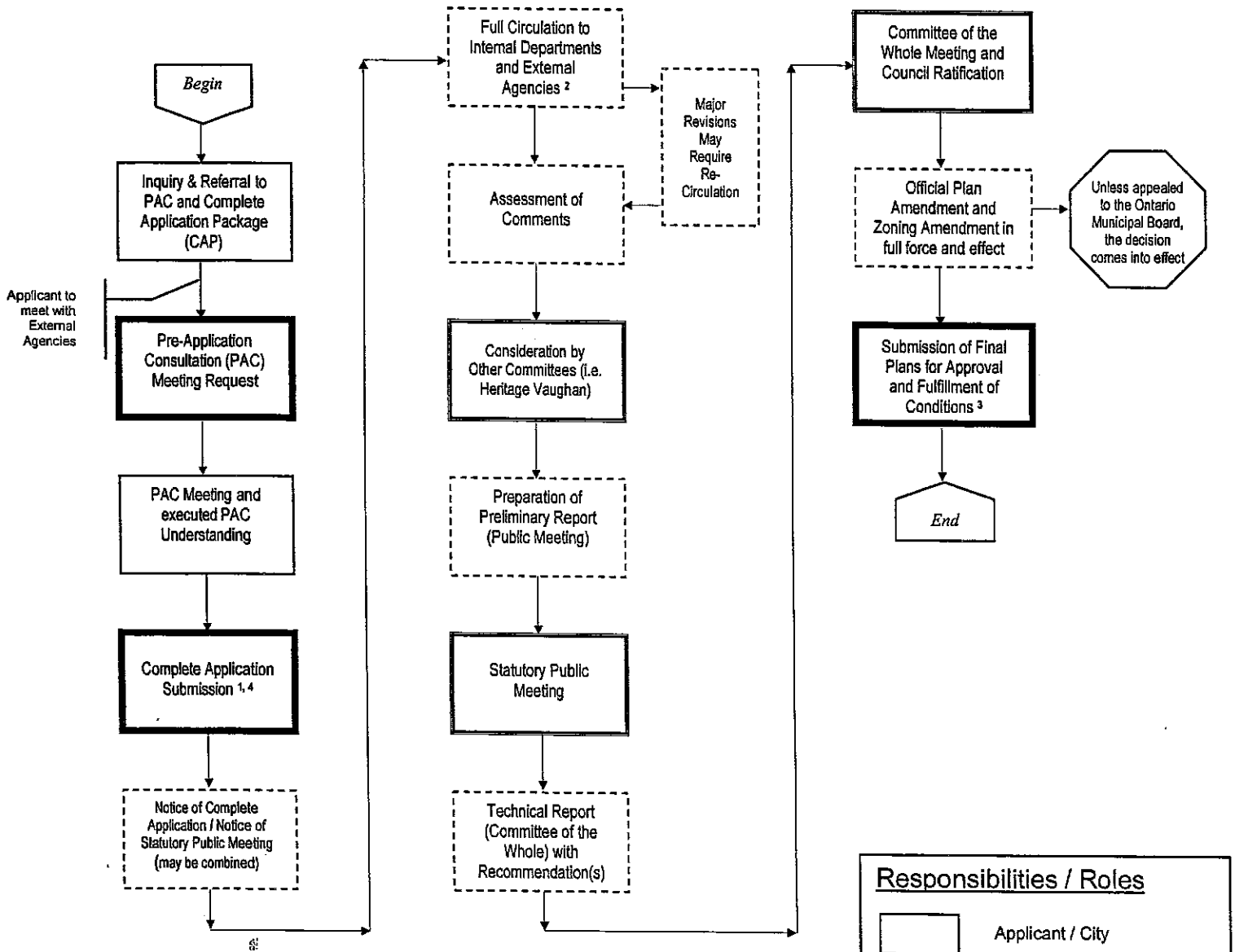
Additional applications to the other agencies, including federal, provincial, regional and/or other City Departments, may be necessary depending on the nature of the application. The applicant is advised to consult with other agencies identified at the PAC meeting.

7. Requirement for Additional Meeting(s)

Policies and regulations are continually changing in the Development Planning industry, i.e. changes to parking standards, fees and tariffs, provincial policies. As a result, and to the benefit of the applicant, an additional PAC meeting shall be required under the following circumstances:



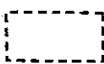


- a) a complete application submission has not been submitted to the Development Planning Department following **180 days**, or at an extended date up to 1 year upon the review of the Development Planning Department, after the date of the execution of the Pre-Application Consultation Understanding by the owner/applicant/agent and the Development Planning Department; and/or,
- b) if the development proposal has been changed from the initial Pre-Application Consultation meeting.

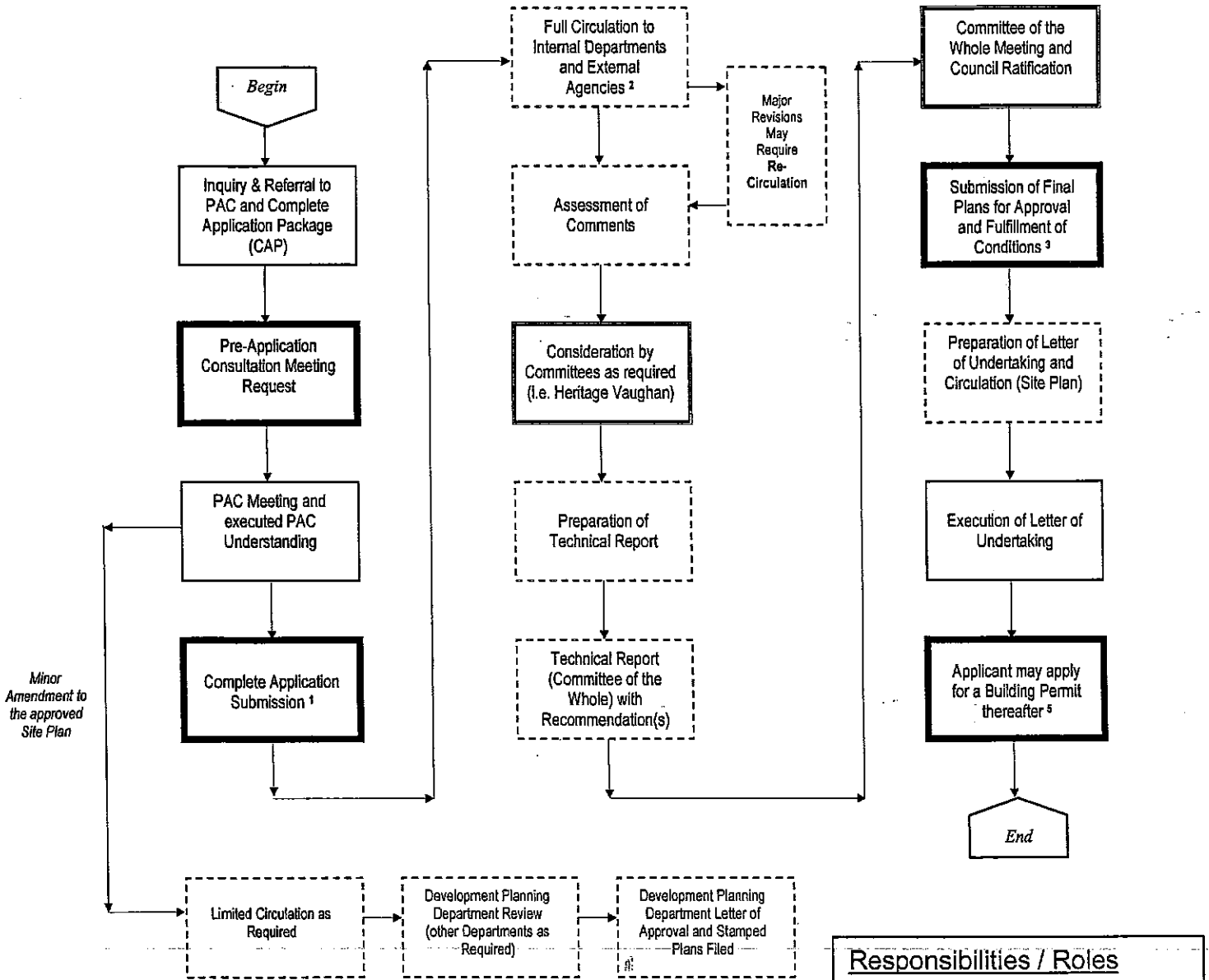
The applicant can arrange for subsequent meetings through the Development Planning Department.



IMPORTANT:



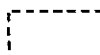

1. Ensure all supporting documents are submitted with the application to facilitate its review.
2. It is recommended that the applicant maintain close contact with external agencies to assist in facilitating the application.
3. It is the responsibility of the applicant to meet the "Conditions of Approval" as imposed by the City and other Agencies.
4. It is noted that Official Plan Amendments are approved by the Regional Municipality of York. However, the Applicant may apply for an exemption to Region of York approval, which must be granted PRIOR TO the statutory Public Meeting. Please contact the Region of York Planning Department for details and applicable fees.

Responsibilities / Roles	
	Applicant / City
	Applicant
	City
	Public Meeting
	Other



IMPORTANT:

1. Ensure all supporting documents are submitted with the application to facilitate its review.
2. It is recommended that the applicant maintain close contact with external agencies to assist in facilitating the application.
3. It is the responsibility of the applicant to meet the "Conditions of Approval" as imposed by the City and other Agencies.
4. It is noted that the Applicant may be required to enter into a Site Plan Agreement with the Regional Municipality of York. Please confirm with the Region of York.
5. A Regional Site Plan Agreement may be required prior to the release of a Building Permit.

Responsibilities / Roles	
	Applicant / City
	Applicant
	City
	Public Meeting

Office Use Only	Assigned PAC No.:	
	Date of PAC Meeting:	
	PAC Expiration Date:	
	Planner's Name:	

IMPORTANT: READ THIS FIRST

1. This form will be completed with Development Planning Department Staff at a PAC meeting and will form part of a complete application;
2. All AutoCAD drawings must be Geo-Referenced and be tied to UTM NAD 83, Zone 17;
3. All Drawings and subsequent revisions submitted in support of a Planning application(s) and signed and/or stamped by a qualified professional shall be submitted in hard copy and in an AutoCAD and PDF format on a CD or USB device;
4. All documents (e.g. reports, studies, photos, design briefs) and subsequent submissions in support of a Planning application(s) shall be submitted in hard copy and in a digital PDF format on a CD and, where required, must be prepared and signed and/or stamped by a qualified professional;
5. In the event of an Ontario Municipal Board (OMB) appeal, the applicant will be required to submit additional hard copies of all documents submitted in support of a Planning application(s), consistent with the OMB requirements;
6. With the exception of Plan of Condominium Planning Applications, site walks or site visits may be required for all Planning Applications and must be conducted prior to the submission of the complete application(s), as determined by the Development Planning Department. This typically includes staff from the City, Conservation Authority, and/or the Region of York;
7. If the subject lands are within or adjacent to the Toronto and Region Conservation Authority (TRCA) screening area, members of the TRCA may be invited to the PAC meeting;
8. For development proposals within intensification and/or heritage areas or as deemed appropriate, the application may be considered by the Design Review Panel prior to formal submission of any development planning application. More information about the Vaughan Design Review Panel is available at www.vaughan.ca;
9. If the lands subject to a Planning application is located abutting a Regional Road, Provincial Highway, railway line, an adjacent municipality (if required), and/or special study areas (for example, but not limited to, the GTA West Corridor), include 3 additional copies of all Drawings and Reports.
10. **Acknowledgement and Acceptance of the above:**

 Owner/Agent (Please Print)

 Owner/Agent (Please Initial)



**PRE-APPLICATION CONSULTATION
UNDERSTANDING**

Applicant: _____

Site Location: _____

Proposal: _____

Check the Required Applications

- Official Plan Amendment
 Plan of Subdivision
 Site Development
 Zoning By-law Amendment
 Plan of Condominium ^{Note 1}
 (Vacant Land/Common Element only)

Requirements (Planner to confirm if not required)

Submission Requirements						
Drawings and Reports	OPA	ZBL	DA	SUB	CONDO	# of Copies
1. Description of Development Proposal	✓	✓	✓	✓	✓	3
2. Application Form	✓	✓	✓	✓	✓	3
3. Aerial Orthophotograph(s) - Colour	✓	✓	✓	✓	✓	6
4. Planning Justification Report	✓					10
5. Parcel Abstract (within last 30 days)			✓			3
6. Draft Official Plan Amendment	✓					4
7. Draft Zoning By-law Amendment		✓				3
8. Legal Survey Plan	✓	✓	✓	✓	✓	3
9. Concept Plan	✓					20
10. Draft Plan of Subdivision				✓		45
11. Draft Plan of Condominium					✓	25
12. Reductions of Plans (Legal Size 8 -1/2 x 14)	✓	✓	✓	✓	✓	3
13. Heritage Impact Assessment						3
14. Archaeological Assessment				✓		3
15. Market Impact Study	✓					3
16. Architectural Site Plan		✓	✓			25
17. Internal Floor Plans			✓			8
18. Parking Level Plans		✓	✓			8

Submission Requirements						
Drawings and Reports	OPA	ZBL	DA	SUB	CONDO	# of Copies
19. Cross Sections (Building)			✓			6
20. Sign Design			✓			5
21. Comprehensive Development Plan						3
22. Digital Drawing Documents (UTM NAD 83, Zone 17)	✓	✓	✓	✓	✓	1 CD
23. Digital Supporting Documents (Reports, Studies, etc.)	✓	✓	✓	✓	✓	1 CD
24. Real Estate Appraisal Report						3
25. NAV Canada (6-Storeys or Greater) ^{Note 3}	✓	✓	✓	✓	✓	PDF Only
26. Bombardier (Within Downview Flight Path) ^{Note 3}	✓	✓	✓	✓	✓	PDF Only
27. Community Services & Facilities Study	✓	✓	✓	✓		8
Engineering Requirements:						
1. Master Environmental Servicing Plan (MESP)	✓			✓		6
2. Stormwater Management Report			✓			6
3. Functional Servicing Report			✓	✓		6
4. Phase I Environmental Site Assessment (ESA) ^{Note 2}	✓	✓	✓	✓	✓	6
5. Transportation Study or Traffic Impact Study	✓			✓		12
6. Noise and Vibration Report	✓			✓		8
7. Geotechnical/Soils Report				✓		6
8. Parking Study	✓					4
9. Site Servicing and Grading Plan			✓			6
10. Erosion and Sediment Control Plan			✓			4
11. Environmental Site Screening Checklist	✓	✓	✓	✓	✓	3
12. Transit Facilities Plan						3
13. Environmental Impact Study/Report	✓					6
14. Waste Collection Design Standards	✓	✓				3
Urban Design Requirements:						
1. Urban Design and Sustainable Design Guidelines	✓			✓		4
2. Urban Design and Sustainable Design Brief			✓			4
3. Landscape Cost Estimate			✓	✓		3
4. Landscape Plans and Landscape Details	✓		✓	✓		9
5. Landscape Master Plan	✓			✓		4

Submission Requirements						
Drawings and Reports	OPA	ZBL	DA	SUB	CONDO	# of Copies
6. Elevations (Black and White)		✓	✓			9
7. Colour Rendered Drawings and Perspectives		✓	✓			16
8. Architectural Control Architect Approved Drawings						2
9. Architectural Guidelines				✓		4
10. Pedestrian Level Wind Impact Study		✓	✓			3
11. Sun/Shadow Study	✓			✓		3
12. Demarcation of physical and stable top of bank, areas regulated by the Toronto and Region Conservation Authority, and/or limits of natural heritage systems, wetlands, and/or natural hazards		✓		✓		8
13. Tree Inventory and Preservation Study/Arborist Report/Edge Management/Restoration Plans	✓		✓	✓		6
14. Pedestrian and Bicycle Circulation Plan	✓			✓		6
15. Computer Generated Building Mass Model	✓					6
16. Architectural Materials Board or High-Quality Photos			✓			1
17. Exterior Photometric Lighting Plan			✓			6
Public Works Requirement						
1. Waste Collection Design Standards			✓			3
Specific Area Requirements:						
1. Oak Ridges Moraine Conformity Report						
2. Greenbelt Conformity Report						
3. Environmental Features Checklist						
4. Special Policy Area Studies (Woodbridge)						
5. Valley Policy Area 1 to 4 (Kleinburg)						
6. Heritage District Conformity Report						
Additional Requirements: (Planner to Fill In)						
1.						
2.						
3.						
4.						
5.						
6.						

Notes:

1. Where rental housing is to be converted to condominium status, condominium approval authority is assigned by the Rental Housing Protection Act to local Councils.
2. Phase 2 and/or Phase 3 Environmental Impact Reports may be required by the Engineering Department after the review of the Phase 1 Report. Prior to any approval, the City requires documented proof of registration of the Record of Site Condition (RSC) with the Environmental Site Registry (ESR) of the Ministry of Environment (MOE), which includes the RSC signed by a Qualified Person. The acknowledgement from MOE is required by the City for review and approval.
3. Coordinates (in longitude and latitude) and the geodetic heights of all proposed buildings are required for review by Nav Canada and/or Bombardier.

Other Agencies to be Contacted by Applicant (Check the Required Agency(ies))			
Region of York		PowerStream	
Toronto and Region Conservation Authority		City of Toronto	
Toronto Transit Commission		Region of Peel	
Go Transit/Metrolinx		City of Brampton	
TransCanada Pipeline		Township of King	
Enbridge Gas		Town of Richmond Hill	
Industry Canada (Telecommunication towers)		Conseil Scolaire de District Catholique Centre – Sud	
VIVA		York Region Catholic School Board	
Canada Post		York Region District School Board	
Hydro One		Canadian National Railway	
Telecommunication Companies		Canadian Pacific Railway	
Nav Canada		Bombardier	
Other:		Other:	
Other:		Other:	
Other:		Other:	
Affected Provincial Ministries (e.g. Ministry of Municipal Affairs and Housing, Ministry of Transportation, Ministry of Environment, Ministry of Culture, Ministry of Consumer and Commercial Relations)			

Background Information

1. In-effect Regional Official Plan Designation:

Conformity with Regional Official Plan land use designation? (www.region.york.ca) Yes No

If "No", has or will an application been made to amend the Regional Official Plan or Regional Exemption? (Note: an Exemption must be approved by the Region of York **PRIOR TO** the statutory Public Meeting) Yes No

2. Existing City Official Plan designation: _____

Conformity with the City's Official Plan land use designation? Yes No

If "No" what is the nature of the amendment needed? _____

3. City of Vaughan Official Plan (VOP) 2010 designation: _____

Conformity with VOP 2010 land use designation? Yes No

If "No", provide an explanation. _____

4. Existing Zoning: _____

Compliance with the City's Zoning By-law? Yes No

If "No" what is the proposed zoning or amendment required? _____

5. Applicable Policies:

Compliance with the Greenbelt Plan? Yes No N/A

Compliance with the Oak Ridges Moraine Plan? Yes No N/A

Compliance with the applicable Heritage Conservation District Plan? Yes No N/A

Compliance with the Special Policy Area? Yes No N/A

Compliance with the Architectural/Urban Design Guidelines? Yes No N/A

Compliance with the following additional policies:

_____ Yes No
 _____ Yes No

6. Related File No(s): _____

7. Additional Information: _____

Reminders:

- a) The purpose of this agreement is to identify the information required to commence a complete application as set out in the *Planning Act* for only the specific development application(s) subject to this Understanding. Pre-Application Consultation does not imply or suggest any decision whatsoever on the part of City staff or the Corporation of the City of Vaughan to either support or refuse the application(s).
- b) This agreement expires **180 days** from the date of signing, or at an extended date up to 1 year upon the review of the Development Planning Department. In the event that this Pre-Application Consultation Understanding expires prior to the complete application being accepted by the City, another agreement shall be required.
- c) An application submitted without the information identified in this Pre-Application Consultation Understanding will not be considered a complete application. If a site walk is required, the application will not be considered complete until it has taken place.
- d) All AutoCAD drawings must be Geo-Referenced and be tied to UTM NAD 83, Zone 17.
- e) Additional studies and/or information may be required to be submitted as identified by the City and/or external agencies through the planning review process.
- f) All required fees are required to be submitted in accordance with the Tariff of Fees for Vaughan Planning Applications at the time of submission.



**PRE-APPLICATION CONSULTATION
UNDERSTANDING**

g) Acknowledgement of Public Information:

The applicant acknowledges that the City considers the application forms and all supporting materials, including studies and drawings, filed with any application to be public information and to form part of the public record. By filing an application, the applicant consents to the City photocopying, posting on the internet and/or releasing the application and any supporting materials either for its own use in processing the application or at the request of a third party, without further notification to or permission from the applicant. The applicant also hereby states that it has authority to bind its consultants to the terms of this acknowledgement.

Development Planning Staff (Please Print)	Development Planning Staff (Signature)	Date
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Applicant Signature:

This Understanding, which in no way confirms support or non-support by the City of the presented proposal, is based on the agreed processing and submission requirements discussed. Additional PAC meetings may be required in accordance with By-law 278-2009.

By signing this agreement, I acknowledge that, subject to any appeals, the drawings, report(s) and other requirements indicated in the above table must be submitted along with a completed application form, any information or materials prescribed by statute, the required planning application fees and this executed Pre-Application Consultation Understanding to be considered complete. In addition, I have read, understood, and agreed to all the notes listed in this Understanding.

Owner/Agent (Please Print)	Owner/Agent (Signature)	Date
--------------------------------------	-----------------------------------	-------------

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Drawings and Reports:

- 1. Description of Development Proposal**
A formal letter addressed to the Development Planning Department that provides a detailed description of the development proposal.
- 2. Application Form**
A development planning application form in accordance with the Ontario *Planning Act* and includes applications for official plan amendment, zoning by-law amendment, draft plan of subdivision, draft plan of condominium (for vacant land/common element), and site development approval.
- 3. Aerial Orthophotograph(s)**
A recent high-resolution colour aerial photo, showing the context of the subject site to the extent of one urban block on every direction.
- 4. Planning Justification Report**
Prepared and provided by a land use planner or other related qualified professional, a planning justification report must address the development proposal's compliance with Provincial regulations, documents and principles (e.g. Places to Grow Act and Provincial Policy Statement), and York Region and City of Vaughan planning documents.
- 5. Parcel Abstract**
An up-to-date (within the last 30 days) parcel abstract obtained from the Ontario Land Registry Office to verify the ownership and legal description of the subject property.
- 6. Draft Official Plan Amendment**
A draft official plan amendment includes all text, maps and appendices required by the City.
- 7. Draft Zoning By-law Amendment**
A draft zoning by-law amendment includes all text, maps and appendices required by the City.
- 8. Legal Survey Plan**
Current legal survey plan prepared by a licensed member of the Ontario Land Surveyor Association that includes the location and nature of any easement affecting the subject lands.
- 9. Concept Plan**
A Concept plan showing the proposed development in context of the adjacent lands to the extent of one urban block on all directions. The plan is to show all existing natural and human elements, such as buildings, public and private amenities, sidewalks, walkways, driveways, landscaped areas, street intersections as well as land uses, zones, and property limits and descriptions.
- 10. Draft Plan of Subdivision**
The information required on plans is to be in accordance with the *Planning Act* and its regulations. The information required to be shown on the draft plan are:
 - a) the boundaries of the land to be subdivided as certified by an Ontario Land Surveyor;
 - b) the locations, widths, and names of the proposed highways within the proposed subdivision and of existing highways on which the proposed subdivision abuts;
 - c) on a small key plan, on a scale of not less than one centimetre to 100 metres, all of the land adjacent to the proposed subdivision that is owned by the applicant or in which the applicant has an interest, every subdivision adjacent to the proposed subdivision, and the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which such land forms the whole or part;

- d) the purpose for which the lots or blocks are to be used;
- e) the existing uses of all adjoining lands;
- f) the approximate dimensions and layout of the proposed lots;
- g) natural and artificial features such as buildings or other structures or installations, railways, highways, watercourses, drainage ditches, swamps, and wooded areas within or adjacent to the land proposed to be subdivided;
- h) the availability and nature of domestic water supplies;
- i) the nature and porosity of the soil;
- j) existing contours or elevations as may be required to determine the grade of the highways and the drainage of the land;
- k) the municipal services available or to be available to the land proposed to be subdivided; and,
- l) the nature and extent of any restrictive covenants or easements affecting the land proposed to be subdivided.

It is necessary to take into account the health, safety, convenience and welfare of the future inhabitants when considering a subdivision application.

Every municipality may enter into a subdivision agreement imposed as a condition of draft plan approval by the Minister, regional, district or municipality.

The Minister, regional, or municipality may impose conditions of approval, including that a maximum of 2% of the land in a proposed commercial or industrial subdivision, or a maximum of 5% of the land in any other proposed subdivision, be conveyed to the area municipality for park or other public recreational purposes.

Where the Minister, regional, or municipality imposes a condition regarding parkland conveyance and the municipality has parkland provision policies in its official plan, the municipality may require that land included in a residential subdivision plan be conveyed at the rate of up to 1 hectare for each 300 dwelling units proposed.

Where the Minister, regional, or municipality imposes a condition regarding parkland conveyance, the area municipality may, in lieu of accepting such conveyance, require the payment of money by the Owner of the land to the value of the land otherwise required to be conveyed.

11. Draft Plan of Condominium

The information required on plans is to be in accordance with the *Planning Act* and its regulations. It is necessary to take into account the health, safety, convenience and welfare of the future inhabitants when considering a condominium application. The information required to be shown on the draft plan are:

- a) Proposed exclusive use areas of the common element, such as outdoor yards and parking; and,
- b) Roadways and pedestrian access to proposed private units.

12. Reduction of Plans

Legal size (8.5" x 14") reductions of all original plans or surveys submitted in support of the application.

13. Heritage Impact Assessment

A Heritage Impact Assessment demonstrates how new development involving a heritage resource will preserve, revitalize, improve, and manage the heritage components.

14. Archaeological Assessment

An Archaeological Assessment in accordance with Provincial and municipal requirements in or near areas of archaeological potential.

15. Market Impact Study

The purpose of a Market Impact Study is to define the trade area, the current and future market supports, identify the area and measure the existing competition, evaluate the sales impact implications for existing and planned retail facilities, and address the existing market and potential impacts of an application. These studies will be evaluated by the City on the basis of a peer review to be undertaken at the applicant's expense.

16. Architectural Site Plan

A site plan, with the signed architect's seal, shall be prepared in accordance to the City of Vaughan's drawing requirements with the following, but not limited to, information in metric scale and dimensions:

- a) a true north arrow, scale bar, key plan, and project north arrow to create clearer referencing for the provided elevation;
- b) site statistics including total site area, total building area, percentage of lot coverage, paved and/or gravelled area, parking space breakdown; a legible chart on the plan summarizing the total area of the property (m²);
- c) boundary lines of property with dimensions;
- d) location of buildings and structures and their setbacks, including adjacent properties and structures when required, all municipal services, roads, sidewalks, storm sewers, sanitary sewers, watermain and ditches, septic tile field, if required, and water bodies, including streams, lakes, ponds and wetlands;
- e) abutting road allowances and their widths (existing and future);
- f) curbs, parking facilities, driveways with dimensions and widths, including proposed direction of traffic flow (including emergency vehicle routes);
- g) parking and loading spaces;
- h) existing and proposed sidewalks, walkways and bikeways (identify surface type);
- i) existing and proposed grades;
- j) exterior lighting: show location and height of all parking lot, walkway and wall fixtures, luminaire specifications and sustainability measures;
- k) access to interior refuse and recyclable collection areas;
- l) proposed and existing use(s) on the lands;
- m) location and detailed drawings of fences and retaining walls;
- n) freestanding sign locations and setback dimensions;
- o) information in accordance with the City's "Waste Collection Design Standards Policy", including, but not limited to, waste collection access routes, designated collection and internal storage areas (dimensioned), and construction of the collection pad area;
- p) municipal address, names of adjacent streets, project name, applicant's name, and name of firm preparing the plans;
- q) drawing title and number, preparation date, dates of any revisions; and,
- r) municipal reference file name (e.g. DA.11.111).

For more information, please see the Urban Design Submission Requirements.

17. Internal Floor Plans

Floor plans show the typical layout of each floor, representing internal vertical and horizontal access areas and facilities, as well as functional and service areas of the building(s). The floor plans shall identify the multi-sort waste and recycling systems on every floor, in accordance with the City's "Waste Collection Design Standards Policy" and "Recycling in New Residential Apartment

and Condominium Buildings" report (for more information visit the City of Vaughan's website at www.vaughan.ca).

18. Parking Level Plans

Parking level plans show the planned layout of each parking level within dimensions of all parking spaces and parking aisles and all exit and entry points and may include accessory areas such as, but not limited to, storage lockers spaces, bicycle parking, garbage rooms/storage, elevators and lobby areas, etc.

19. Cross Sections (Building)

Cross-sections of the building are to ensure that:

- a) roof-top mechanical equipments and rooms are not visible from any abutting public areas. The plan shall include details of all screening materials (heights, finishing materials, dimensions, and colours); and,
- b) underground parking ceiling level is not higher than adjacent public sidewalks and streets.

20. Sign Design

A sign design package consists of the following:

- a) a site plan indicating the location of the proposed signs;
- b) existing building photos or elevations showing the proposed signs in relation with the structure(s);
- c) detailed, descriptive and dimensioned plans (in metric), cross-sections and elevations showing the materials used, electrical and mechanical components; and,
- d) colour elevations with Pantone colour index reference numbers.

21. Comprehensive Development Plan

A plan that illustrates the subject lands in context with abutting properties and land uses in the surrounding area.

22. Digital Drawing Documents

All digital drawing files are to be compatible with the City's current software requirements as follows:

- a) AutoCAD drawings must be geo-referenced and be tied to UTM NAD 83, Zone 17;

AND

- b) digital vector files copies of the provided drawings in DWG or DXF formats;
- c) raster base image files in JPG format; and,
- d) illustrated graphic files in AL or PDF formats.

23. Digital Supporting Documents

Digital supporting documents, which are to be prepared and signed and/or stamped by a qualified professional, include, but are not limited to reports, studies and briefs, along with all subsequent submissions in support of a Planning application(s) are to be submitted in a PDF format and on a CD or other devices (e.g. USB).

24. Real Estate Appraisal Report

An appraisal prepared by a certified member of the Ontario Association of the Appraisal Institute of Canada (OA-AIC) to establish the current market value of the lands.

25. Nav Canada (6-storeys or Greater)

Nav Canada is a private sector, non-share Capital Corporation that owns and operates Canada's civil air navigation service (ANS). NAV CANADA co-ordinates the safe and efficient movement of aircraft in Canadian domestic airspace and international airspace assigned to Canadian control. Through its coast to coast to coast operations, NAV CANADA provides air traffic control, flight information, weather briefings, aeronautical information, airport advisory services, and electronic aids to navigation. For more information please visit www.navcanada.ca.

Nav Canada acknowledgement and approval will be required for all developments that are 6-storeys in height and higher. The coordinates (in longitude and latitude) along with the geodetic heights of all proposed buildings will be required.

26. Bombardier (With Downsview Flight Path)

Bombardier Aerospace exclusively owns and operates the Toronto Downsview Airport for the purposes of a testing facility. All development proposals within the flight path to the airport will require review by Bombardier, in addition to Nav Canada. The coordinates (in longitude and latitude) along with the geodetic heights of all proposed buildings will be required.

27. Community Services & Facilities Study

A community services and facility study is a report providing specific information about demographics, community services and facilities that exist in a study area surrounding the subject lands. Such studies assist in identifying the levels of necessary infrastructure required to support health, safety and the well-being of local and area residents.

Engineering Requirements:**1. Master Environmental Servicing Plan (MESP)**

A plan to address environmental and servicing considerations in regards to a development application.

2. Storm Water Management Report

A report that presents the data, methods, procedures and predicted results associated with the design of drainage works and erosion protection measures related to a development application. Such a report shall be prepared by a qualified engineer and provide details on the following: techniques used to control storm runoff to allowable runoff rate; and method and volume of storm water storage.

3. Functional Servicing Study

The report must address and ensure that the proposed development may be serviced in accordance with all City of Vaughan Engineering Department Design Standards and Criteria. The Report should include the proposed servicing scheme (Water Supply and Distribution, and Sanitary and Storm Drainage), the proposed grading for the site, and Roads/Access and Right-of-Way widths, etc.

4. Phase I Environmental Site Assessment (ESA)

The first phase of the systematic identification and evaluation of the potential impacts (effects) of proposed developments relative to the physical, chemical and biological components of the environment. Please note that a Phase II or III Environmental Report may be required pending the recommendations of the Phase 1 Report.

Please Note: Prior to any approval, the City requires documented proof of registration of the Record of Site Condition (RSC) with the Environmental Site Registry (ESR) of the Ministry of Environment

(MOE), which includes the RSC signed by a Qualified Person. The acknowledgement from MOE is required by the City for review and approval.

- 5. Transportation Study or Traffic Impact Study**
These can be required by City or Regional Staff. Contact the City's Engineering Department and/or the Regional Transportation Services Department for detailed information on study requirements. The prescribed format for this study can be obtained from the Region of York website at www.york.ca.
- 6. Noise and Vibration Report**
A noise and/or vibration study determines the impact on adjacent developments and recommends mitigation measures.
- 7. Geotechnical/Soils Report**
This report analyses soil composition to determine its structural stability and its ability to accommodate development.
- 8. Parking Study**
A study typically prepared when a development proposal that does not meet the minimum parking standards prescribed by the City's zoning by-law. The study shall be prepared by a qualified transportation engineer and provide a basis in support of the reduced parking standard.
- 9. Site Servicing and Grading Plan**
A plan detailing the water and sanitary servicing, hydro, lighting, and other infrastructure, and grading to facilitate the development of a specific site. The plan shall be prepared by a qualified engineer.
- 10. Erosion and Sediment Control Plan**
A plan detailing the measures that will be taken to control sediment and erosion. The plan shall be prepared by a qualified engineer.
- 11. Environmental Site Screening Checklist**
A copy of the Environmental Site Screening Checklist is found in the respective application form. In accordance with the protocol for contaminated sites, the possibility of site contamination may result in a required Phase 1 Environmental Assessment, Phase 2 Environmental Assessment and/or Record of Site Condition.
- 12. Transit Facilities Plan**
The Transit Facilities Plan addresses transit facilities in the planning of the proposed development and their integration into the transit network.
- 13. Environmental Impact Study/Report**
A report that addresses among other things and contains a description of the proposal, a description of the natural environment, and assessment of environmental effects, a description of mitigating measures and recommendations.

Urban Design Requirements:**1. Urban Design and Sustainable Design Guidelines**

The purpose of the Urban Design and Sustainable Design Guidelines is to provide designers with detailed knowledge of the City's current urban design and sustainable communities policies and directions, as well as design tools to organize and optimize development proposals. The design guidelines assist City staff as a reference document to examine all development proposals for different development types.

2. Urban Design and Sustainable Design Brief

A shorter version of Urban Design and Sustainable Design Guidelines, a design brief report is provided by the applicant for larger scale developments that have a great impact on the surrounding neighbourhoods and urban environments, such as high-density residential and large mixed-used or commercial proposals.

3. Landscape Cost Estimate

The landscape cost estimate includes detailed information on the hard and soft landscaping elements itemizing quantities, areas, sizes, equipment, and labour and material costs required for the total cost of the construction of the plan, including fencing, sidewalks, decorative hard service areas, retaining walls, recreation equipment, plant material, fine grade and sod, irrigation system where applicable, cost of one year maintenance, actual current market price, and cost for municipal streetscape works (applicable in some areas). For phased projects, a detailed landscape cost estimate, which indicates the area and work to be undertaken for each phase, must be provided. The landscape cost estimate shall be provided by a fully certified landscape architect.

4. Landscape Plans and Landscape Details

The landscape plan, provided by a fully certified landscape architect, is to include:

- a) location of existing trees 20cm in caliper or greater and proposed methods of preservation;
- b) boundary lines of the property with dimensions;
- c) existing site features, retention/preservation areas;
- d) surrounding streets and sidewalks;
- e) contour lines and spot elevations (ghosted lines or separate grading plan);
- f) existing and future setbacks, easements, and rights-of-way;
- g) existing natural features, open space, water bodies, and preservation areas;
- h) vehicular and pedestrian paving;
- i) existing and proposed plant materials at installed sizes, location and spacing and dimensions of planting areas in metric;
- j) plant list naming all recommended plant material and size specifications;
- k) location and detailed drawings of fences and retaining walls;
- l) locations of buildings and structures;
- m) location of all engineering services (overhead, underground, light standards, etc.), which may affect landscaping;
- n) adjacent landscape/development features, where applicable;
- o) area of site to be landscaped;
- p) parking and loading spaces;
- q) curbs, parking facilities and driveways with dimensions and widths;
- r) existing and proposed walkways and bikeways; and,
- s) planting details should conform with the City of Vaughan standards.

The landscape plan shall provide opportunities for the creation of well defined and dynamic public spaces, which includes, but not limited to public squares, public courtyards, and public commons.

5. Landscape Master Plan

Required for any application where all or part of a new City park/open space or addition to a City park/open space and boulevards, buffers and streetscape areas, are included as part of the proposal. The required facilities and standards are available from the Parks Development Department and the Development Planning Department.

6. Elevations (Black and White)

Architectural drawings presenting the external makeup of all proposed structures within the site building, including, retaining walls, fences, signs, and loading and garbage collection doors. The elevations shall include all components and finishing of the building's exterior, such as windows, doors, loading doors, projections, decorative elements, and lighting, as well as all finishing materials (e.g., brick, stucco, vinyl siding, and metal siding).

7. Colour Rendered Drawings and Perspectives

All rendered drawings and illustrations should present realistic views of the proposed building(s), featuring all finishing material texture, colour, shades, shadows, landscaping, etc. Perspectives are to be presented from critical and important parts of the project, normally from surrounding public areas, viewed from human eye level.

8. Architectural Control Architect Approved Drawings

Where mandated by the Urban Design Guidelines, Block Plans, or the City's other official documents, site plan approval drawings, including site and landscape plans, elevations, and cross-sections, are to be reviewed by the "Control Architect" to confirm that all aspects of the project are in accordance with the abovementioned documents' requirements.

9. Architectural Guidelines

The intent of the architectural guidelines is to provide architects and designers direction on the character and standards of future buildings and ancillary structures.

10. Pedestrian Level Wind Impact Study

A wind study will determine the wind impact on adjacent developments and public realm areas at the pedestrian level for existing and after construction of the proposed development conditions. The study is to provide solutions and recommends mitigation measures to provide adequate protection for all surrounding pedestrian areas by suggesting architectural and permanent solutions. The study is required for Zoning By-law Amendment applications and may be necessary at the site development stage.

11. Sun/Shadow Study

A study showing the effects of the development on sunlight reaching surrounding properties, buildings, and adjacent public realm areas by calculating the shadow that will be cast by the development at different times of day in different seasons. Sun/Shadow Studies may be required for Official Plan Amendments, Zoning By-law Amendments and Site Plan Applications for developments usually over 20 metres in height. The Study may also be required for developments that are lower than 20 metres near shadow sensitive areas.

Sun/Shadow tests should be done for March 21 and September 21 at the following hours: 9:18am; 10:18am; 11:18am; 12:18pm; 3:18pm; 4:18pm; 5:18pm; 6:18pm. These times allow for the measuring of hours of sunlight windows. The Sun/Shadow diagram should identify permanently shaded areas between the beginnings of December to the end of February.

Development with potential shadow impacts on adjacent parks or public open spaces will require Sun/Shadow tests at hourly increments for both June 21 and December 21 to provide additional information to measure the effects on these shadow sensitive areas.

- 12. Demarcation of physical and stable top of bank, areas regulated by the Toronto and Region Conservation Authority, and/or limits of natural heritage systems, wetlands, and/or natural hazards**

A recent plan of survey showing the staked limits of natural features (e.g. physical top-of-bank, stable top-of-bank, natural heritages system limit, natural hazards and/or lands regulated by the TRCA) to the satisfaction of the TRCA and the City of Vaughan.

- 13. Tree Inventory and Preservation Study/Arborist Report/Edge Management/Restoration Plans**
A tree survey must be prepared by a certified arborist, identifying all existing trees, their type, size and condition, those trees proposed to be removed and retained, and the methods to be used to ensure preservation of those trees to be retained. The report shall have regard for the Regional and City Tree By-laws.

Edge management/restoration plans must be prepared by a qualified professional, which will identify how vegetation at the fringes of a development will be maintained and/or restored to its original state.

- 14. Pedestrian and Bicycle Circulation Plan**
If required, the plan is to demonstrate conformity with the City's approved pedestrian and bicycle circulation master plan or a proposed alternative with justification.
- 15. Computer Generated Building Mass Model**
The digital model needs to be completed in DWG format or other software supported by the City, i.e. Sketch-Up.
- 16. Architectural Materials Board or High-Quality Photos**
A board including samples of exterior finish materials with labels. High-quality photos are acceptable showing the exterior finish materials are acceptable.
- 17. Exterior Photometric Lighting Plan**
The Photometric Lighting Plan shows the location of each current and/or proposed outdoor lighting fixture with projected hours of use measured in lux and the area of the lighting dispersment by each lighting fixture. Illustrate no light spill onto adjacent properties.

Public Works Requirement:

- 1. Waste Collection Design Standards**
Applicant must complete the Waste Collection Design Standards form in accordance with City policy.

Specific Area Requirements:

- 1. Oak Ridges Moraine Conformity Report**
A report required in accordance with the Oak Ridges Moraine Conservation Plan (ORMCP) for developments on any lands located on the Oak Ridges Moraine for the purpose of ensuring that the proposed development conforms to the Plan's policies.

For applications in the Natural Core, Natural Linkage or Countryside designations, the applicant should follow the policies provided in Section 19(2) under Part III of the Oak Ridges Moraine Conservation Plan. For applications in Settlement designations, the applicant should follow the

policies in Section 19(3) under Part III of the Oak Ridges Moraine Conservation Plan. The technical papers associated with the Oak Ridges Moraine Conservation Plan shall be consulted in the preparation of the conformity report.

Note that a Natural Heritage Evaluation (NHE) is required for applications:

- a) within 90 m of an OS5 Zone as described in Zoning By-law 1-88, equivalent to the 120 m area of influence of a key natural heritage feature or key hydrological feature; and,
- b) in the Natural Core, Natural Linkage or Countryside designation of the ORCMP.

The NHE requirements are described in Section 23 of the ORMCP and in ORMCP Technical Paper 8 (Preparation of Natural Heritage Evaluations for All Key Natural Heritage Features) and ORMCP Technical Paper 12 (Hydrological Evaluations for Hydrologically Sensitive Features).

2. Greenbelt Conformity Report

A report required in accordance with the Greenbelt Plan for developments on any lands located within the Greenbelt. Applications for development or site alteration shall be supported by a natural heritage and/or hydrological evaluation as detailed in the Greenbelt Plan if it occurs:

- a) within 120 metres of a key natural heritage feature within the Natural Heritage System of the Protected Countryside of the Greenbelt Plan; or,
- b) within 120 metres of a key hydrologic feature anywhere within the Protected Countryside of the Greenbelt Plan.

Applicants are advised to seek advice from City staff regarding the nature and scope of a conformity report.

3. Environmental Features Checklist

A checklist used to ensure that the applicant identifies each feature or policy area of relevance to the development application and demonstrates actions, as appropriate, to maintain or enhance the feature. The environmental feature or policy is of relevance when the application (a) includes or is in proximity to the feature or (b) is either in or adjacent to a policy area (e.g. Oak Ridges Moraine or Greenbelt Plan area).

In most cases, the feature or policy area has been considered at the Block Plan stage and through an Environmental Impact Study and related reports. The applicant should demonstrate consistency with these past studies or recommend changes if new information is available.

4. Special Policy Area Studies (Woodbridge)

Studies carried out in relation to a proposed development in the Woodbridge Special Policy Area. The nature of these studies as well as the geographical boundaries of the Special Policy Areas is explained in Subsection 6.3.3 of OPA 240, the Woodbridge Community Plan, as amended by OPA 440 and OPA 597. These studies must be approved by the City and/or other relevant agencies before their findings are accepted, and shall be carried out by qualified professionals in the relevant field/fields. Please note that an Official Plan Amendment within a Special Policy Area must be approved by both the Minister of Municipal Affairs and Housing and the Minister of Natural Resources as noted in the Provincial Policy Statement.

Proposed changes to the policies and boundaries pertaining to the Woodbridge Special Policy Area are currently being prepared as part of the Woodbridge Centre Secondary Plan and will be provided for review by the Province in 2011. Once approved by the Province (Minister of Municipal Affairs and Housing and the Minister of Natural Resources), the City will seek approval from the Region for the SPA policies and boundaries as described in the Woodbridge Centre Secondary Plan.

5. Valley Policy Area 1 to 4 (Kleinburg/Nashville)

Studies to be carried out in relation to a proposed development in the Kleinburg/Nashville Valley Policy Area - the nature of these studies as well as the geographical boundaries of the Valley Policy Area are explained in s.4.10.10.1 15) of OPA 601, as amended by OPA 610. The purpose of these studies will be to identify the appropriate, primarily low intensity land uses, while also addressing issues regarding the following: the environmental function of the area, including integration of a trail system, transportation impacts on the functioning of Regional Road 27, servicing options, urban design, etc. The studies will include consultation with the TRCA, affected landowners, York Region, and area residents, and shall be carried out by qualified professionals in the relevant fields.

6. Heritage District Conformity Report

A report prepared for development on any lands located within a designated Heritage District in the City's Official Plan to ensure that any development on these lands are in conformance with the Heritage District designation and do not result in a change in the factors that led to the decision to designate the property as part of a Heritage District. This report must be prepared by a Certified Heritage Consultant.

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