

Committee of the Whole (2) Report

DATE: Wednesday, May 20, 2020

WARD(S): ALL

**TITLE: NOTIFICATION TO RATEPAYER ASSOCIATIONS FOR NEW
TELECOMMUNICATION FACILITIES**

FROM:

Bill Kiru, Acting Deputy City Manager, Planning and Growth Management

ACTION: FOR INFORMATION

Purpose

To respond to Council's motion of February 11, 2020, for Development Planning staff to report back to a future Committee of the Whole meeting with amendments to the City of Vaughan Telecommunication Facility Siting Protocol as it relates to sending notices to registered Ratepayer Associations.

Report Highlights

- Vaughan Council on October 19, 2016, approved the City of Vaughan Telecommunication Facility Siting Protocol that includes criteria to notify Registered Ratepayer Associations of applications for telecommunication facilities
- This report responds to Council's February 11, 2020, motion for staff to report back to a future Committee of the Whole meeting with amendments to the City of Vaughan Telecommunication Facility Siting Protocol as it relates to sending notices to registered Ratepayer Associations
- Improvements to the City's application circulation and notification procedures, including electronic notification by email, are recommended to improve notification to Ratepayer Associations of applications for telecommunication facilities
- The Development Planning Department does not recommend amendments to the City's Telecommunications Facilities Siting Protocol

Recommendations

1. THAT this report be RECEIVED as information in response to Council's motion regarding sending notification to Ratepayer Associations of applications for telecommunications facilities.

Background

The Committee of the Whole on January 28, 2020, considered the following motion:

“25. NEW BUSINESS - TELECOMMUNICATION TOWER - CORNER OF RUTHERFORD ROAD AND WESTON ROAD - WARD 3 The Committee of the Whole recommends that staff report back to a February meeting regarding exact measurements surrounding the tower located at the corner of Rutherford Road and Weston Road and confirmation that the Telecommunication Facility Siting Protocol was followed in Ward 3.”

The Development Planning Department prepared a report (Item 7, Report No. 4) considered by the Committee of the Whole on February 4, 2020, to confirm compliance of the approved telecommunications facility located at the northwest corner of Rutherford Road and Weston Road (Piazza Villagio Corp. - Site Development File DA.19.006) with the following:

- The City of Vaughan Telecommunication Facility Siting Protocol, approved by Vaughan Council on October 19, 2016
- The Innovation, Science and Economic Development Canada ('ISED') “CPC-2-0-03 - Radiocommunication and Broadcasting Antenna Systems – Client Procedures Circulars” ('ISED Criteria')

Council on February 11, 2020, amended and ratified the Committee of the Whole recommendation of February 4, 2020, for Item 7, Report No. 4, by adding the following:

“That staff report back to a future Committee of the Whole meeting with amendments to the City of Vaughan Telecommunication Facility Siting Protocol with regards to sending notices to registered ratepayer groups.”

Previous Reports/Authority

The following links provide information related to this report:

[September 7, 2016 Committee of the Whole and October 19, 2016 Council \(Item 2, Report No. 31\)](#)

[CPC-2-0-03 — Radiocommunication and Broadcasting Antenna Systems](#)

[February 4, 2020 Committee of the Whole \(Item 7, Report No. 4\)](#)

Analysis and Options

Innovation, Science and Economic Development Canada ('ISED'), a federal agency governed by the Radiocommunication Act, is the approval authority for Telecommunication Facilities

The *Radiocommunication Act* designates ISED, formerly Industry Canada, as the approval authority for telecommunications towers and antenna facilities. Federal regulations are not subject to Provincial policies, including the *Planning Act* and the *Ontario Building Code Act*. Therefore, telecommunication towers and antenna facilities are exempt from municipal official plans, zoning by-law requirements, and site plan approval (i.e. no implementing Site Plan Agreement or Letter of Undertaking).

Proponents of telecommunications facilities are required to consult with municipalities. Public notification may also be required as discussed in this report. Municipalities can make a recommendation for a Proponent to obtain Municipal Concurrence consistent with the ISED Criteria.

Vaughan Council, on October 19, 2016, adopted the Protocol

Vaughan Council on June 7, 2011, resolved to appoint a Vaughan Telecommunications Facility Siting Task Force ('Task Force') comprised of Vaughan Councillors, industry experts and residents. The Task Force developed a comprehensive work plan to formulate a Findings Report with assistance from City staff. Vaughan Council, on January 24, 2014, approved the Findings Report and resolved that the Findings Report form the basis for developing a new City-wide Telecommunications Facility Siting Protocol (the 'Protocol').

Vaughan Council on October 19, 2016, approved the Protocol, replacing the existing Telecommunications Protocol from 2003 and incorporating 35 recommendations made by the Task Force in the Findings Report.

The Protocol provides Public Consultation and Notification Requirements in accordance with the ISEDC Criteria

Section 4 of the ISEDC Criteria permits municipalities to establish public notification requirements for proposed telecommunication facilities. Sections 9.1 and 9.2 of the Protocol includes public consultation and notification criteria for proposed telecommunication facilities including notice by regular mail to:

- all affected properties within 150 m (or 250 m in rural areas) (the 'Prescribed Distance')
- all affected Ratepayers Associations within the Prescribed Distance

Section 9.3 of the Protocol also requires the Proponent of a telecommunications facility to provide public notice in local print media.

The Protocol permits specific exemptions for public notification, subject to ISEDC and City criteria

Sections 4.1 and 4.2 of the Protocol includes the following exemptions from the requirement to consult with the City for proposed telecommunication facilities subject to ISEDC and City criteria:

- the maintenance of existing telecommunication facilities
- the addition, modification or replacement of a telecommunications facility, subject to the addition not exceeding 25% of the existing tower height
- non-tower structures (e.g. antennas, roof-top systems)
- temporary antenna systems (typically not more than three months)
- private telecommunication facilities that are less than 15 m in height
- telecommunication facilities located a minimum of 200 m away from a residential zone, and within lands zoned for employment and/or industrial uses

In the instances above, the Proponent of a proposed telecommunications facility is excluded by ISEDC and City criteria from the requirement to consult with the City and the public; however, they must satisfy technical requirements established in Section 7 of the ISEDC Criteria.

Section 4.3 of the Protocol provides the following specific exemptions to public consultation and notification for new telecommunication facilities based on the height of the proposed tower and its distance from lands zoned for residential uses, as shown on Attachment 1:

- A tower between 15 m and 30 m in height and located 150 m or more from any residential zone (Area “B” on Attachment 1)
- A tower between 30 m and 60 m in height and located 200 m or more from any residential zone (Areas “B” and “C” on Attachment 1)
- A tower 15 m or less in height and located 50 m or more from any residential zone (Area “D” on Attachment 1)

These exemptions are intended to encourage Proponents of proposed telecommunication facilities to voluntarily select sites located away from residential zones, as stated in Section 4.3 of the Protocol.

Affected Ratepayer Associations are electronically notified of all proposed telecommunication facilities in addition to the Public Notification Requirements, notwithstanding the Exemptions identified in the Protocol

The Development Planning Department, in the third quarter of 2019, implemented electronic circulation of development applications. This includes notification by email for all development applications through a “Request for Comment” to all City departments and external agencies. A “Notice of Application”, to affected Ratepayer Associations registered with the Office of the City Clerk, is also emailed.

Telecommunication facilities are exempt from the requirements of the *Planning Act*; however, the Development Planning Department uses the Site Development Application to process a request for a proposed telecommunications facility. Affected Ratepayer Associations are electronically circulated a “Notice of Application” for all proposed telecommunication facilities, notwithstanding the exemptions identified in Section 4.3 of the Protocol and in addition to the Public Notification Requirements of Section 9 of the Protocol.

The Development Planning Department will continue to notify affected Ratepayer Associations electronically of proposed telecommunications facilities

The Development Planning Department will continue to use electronic notifications to affected Ratepayer Associations for proposed telecommunication facilities. Improvements to ensure that affected Ratepayer Associations are notified include the following:

- Requesting confirmation of electronic “read receipts” for each email of a “Notice of Application” that is sent to the affected Ratepayer Association(s)
- Following up with the affected Ratepayer Association(s) by email approximately one-month prior to the date an application for a proposed telecommunication facility being considered by the Committee of a Whole Meeting, if the

Development Planning Department does not receive correspondence from the affected Ratepayer Association(s)

In consideration of the added notification procedures outlined in this report, affected Ratepayer Associations are appropriately notified of proposed telecommunications facilities and the Development Planning Department does not recommend any amendments to the Protocol.

Financial Impact

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

Broader Regional Impacts/Considerations

Not Applicable.

Conclusion

Vaughan Council on October 19, 2016, approved the City of Vaughan Telecommunications Protocol including notification criteria to Ratepayer Associations registered with the Office of the City Clerk. The Development Planning Department circulates and provides notification of all applications for telecommunication facilities to affected registered Ratepayer Associations. Improved notification and circulation procedures include the electronic notification tracking and follow-up to affected Ratepayers Associations notified by email as discussed in this report. Accordingly, the Development Planning Department recommends no amendments to the city's Telecommunication Protocol are required and this report be received for information.

For more information, please contact Mark Antoine, Senior Planner, Development Planning Department, ext. 8212

Attachment

1. Section 4.3 of the Telecommunications Protocol - Specific Exemptions from the Requirements to Consult with the City and/or the Public

Prepared by

Mark Antoine, Senior Planner, ext. 8212

Carmela Marrelli, Senior Manager of Development Planning, ext. 8791

Mauro Peverini, Director of Development Planning, ext. 8407