

TOWN OF MARKHAM

Policy for Establishing Telecommunication Tower/Antenna Facilities

June 25, 2002

INTRODUCTION

Wireless telecommunications have become an important component of the way business, and society in general, operates today. Accordingly, municipalities are experiencing an increasing demand to accommodate telecommunications facilities. In considering proposals to locate telecommunications facilities, there is a need to balance the location and design requirements of the Proponent with the desire to minimize the impact on the community.

The purpose of this policy is to provide guidance to the Town, Proponents, and the general public in considering proposals to locate telecommunications facilities. It is anticipated that the telecommunications industry will continue to pursue innovative technology that will reduce the visual impact on communities.

Industry Canada, which is the approval authority for telecommunications facilities, encourages the establishment of policies, recognizing that land use authorities are best positioned to contribute to optimum siting of facilities. Although Industry Canada does not play a direct role in the land use consultation process, it is expected that land use authority consultation has taken place prior to the erection of individual antenna structures.

It is intended that by outlining the procedures to be followed in considering proposals, a framework for identifying and resolving any land use conflicts at an early stage in the process will be established. The approval process for telecommunication facilities will be in accordance with site plan control approval by the Town, as outlined in this document, however the actual final approval for telecommunication facilities is with Industry Canada.

OBJECTIVES

The intent of this policy is:

- to balance demands for facilities with a desire to preserve the natural and cultural landscape and minimize community impacts;
- to outline a general process to be followed by the Town for reviewing and commenting on telecommunication facility proposals which are not exempt by this policy, and to provide an opportunity for public consultation;
- to provide for high caliber wireless telecommunications facilities, in order to promote economic development, and meet the business and safety needs of the traveling public.

PRELIMINARY CONSULTATION

Preliminary consultation shall be required between Proponents and Town staff. At the preliminary consultation meeting, municipal staff shall provide the Proponent with an information package detailing:

- the process to be followed, including requirements for public consultation;
- documents, drawings and fees required;
- list of agencies to be consulted.

The Proponent will be requested to consult adjacent municipalities within 500 metres of the proposed facility site by circulating proposals to the Clerk and Planning Director/Commissioner of the adjacent municipality. The Proponent shall provide confirmation of this consultation to the Town.

SITE SELECTION CRITERIA

The Proponent shall choose a site located to minimize the total number of sites required, as much as possible. The Proponent shall be encouraged to use existing structures or towers wherever possible. Given that the Proponent has a limited search area to site a new antenna to meet capacity needs, when selecting a site for a new tower, the following shall be considered:

- maximizing distance from residential areas;
- distance from public and institutional facilities such as schools, hospitals, community centres, day care facilities, and senior's residences;
- avoidance of natural features, significant vegetation, hazard lands (floodplains, steep slopes);
- avoiding areas of topographical prominence, where possible, to minimize long/short range views; and
- access.

DESIGN

Where co-location is not possible, structures shall be designed to minimize visual impact and to avoid disturbance of significant natural features. The type and colour of structures shall be selected to blend in with the surroundings. Landscaping will be provided where appropriate. Towers, and any accessory base stations should be designed to fit into the context of the surrounding area. Tower designs that mimic other features customarily found in an area context, such as flagpoles, are encouraged where appropriate. Towers shall accommodate only telecommunications facilities. No signs or other material not directly related to this equipment, or other on-site land uses shall be permitted on the tower. Any signs erected must comply with the Town's sign by-law.

The Proponent will demonstrate that the lease includes provision for the removal of the tower at the end of the lease period, unless the carrier or owner of the property on which the tower is located, can demonstrate the tower is required for other purposes. The Proponent will be encouraged to remove the tower, if other, more suitable locations to relocate telecommunications equipment become available. A small plaque shall be placed at the base of the tower, identifying the owner/operator of the tower and a contact number.

INFORMATION REQUIRED

All proposals for new telecommunications towers, and modifications to existing towers that are not exempt from this policy shall be supported by an information package including the information required as outlined in the checklist attached as part of this policy.

SITE PLAN FEES

The Proponent shall be subject to the Town's existing site plan application fee. Other fees may apply if additional applications from other approval authorities, e.g. Regional Municipality of York and TRCA, are required.

AGREEMENT

The Proponent may be required to enter into an agreement, undertaking a letter of commitment, with and acceptable to the Town, registered on title, which may include such requirements as:

- the removal of all structures upon expiration of the lease;
- the posting of securities for the construction of the facilities;
- a commitment to accommodate other providers on site where feasible.

EXEMPTIONS TO MUNICIPAL REVIEW

Proposals to co-locate telecommunications facilities on existing telecommunication structures shall be exempt from municipal review. If additional shelters are constructed as part of this co-location, the Proponent shall notify the Town of this installation prior to construction.

Replacements of, and modifications to, existing towers shall be exempt from municipal review if they meet all of the following criteria:

- the proposed height does not exceed the originally approved height by more than 10%;
- tower replacement within the identified development envelope/leased area.

In the case of proposed towers that are constructed on buildings, the following exemption applies:

- towers located on any building where the tower height does not exceed 25% of the height of the building or 16.6 metres above grade, whichever is the greater, and a municipal building permit is not required.

PUBLIC CONSULTATION

The Proponent is responsible for organizing and holding a community information session. For proposed towers or alterations to existing towers that do not meet the above-noted exemption criteria, as a minimum, the Proponent shall give notice by regular mail to all owners of properties within a radius of 120 metres or within a distance of 3 times the height of the proposed tower, whichever is greater, measured from the tower base, within the urban area and within 250 metres measured from the tower base in the rural area and to area ratepayer associations.

If a condominium development is located within the required circulation radius, notice may be given to the condominium corporation, instead of all owners assessed in respect of the condominium development. Notice is also to be provided to the Chairman of Development Services Committee, the Ward Councillor, Director of Planning and the Town Clerk. The Director of Planning, in consultation with the Ward Councillor, may waive the requirement for a community information session, using discretion.

The notification shall include the following information:

- the proposed location of the tower of the subject site;
- physical details of the tower including its height, colour, type and design;
- the time and location of the community information session;
- the name and telephone number of a contact person employed by the Proponent, as well as a Town contact person;
- information package.

The Proponent shall prepare a record of attendees, minutes, and response to concerns raised at the information session including the following:

- provide a follow-up letter addressed to the Director of Planning, copied to the Chairman of Development Services Committee, the Ward Councillor, the Town Clerk and all attendees to the community information meeting and those who made written submissions, to indicate the Proponent's formal response to any concerns or issues raised during the community information meeting. Should any modification of the proposed structure be agreed to, then further details e.g. revised plans or drawings must be submitted to the Town as soon as possible;
- the Proponent shall also include a request to provide a presentation to the Development Services Committee.

EXEMPTIONS TO PUBLIC CONSULTATION

For ground supported towers, which meet the following criteria, public consultation is not required.

- towers less than 16.6 metres in height above ground level;
- replacement of, or modifications to, existing towers where the proposed height does not exceed the existing height by more than 25%;
- all proposals exempt from municipal approval.

In the case of proposed towers to be constructed on buildings, the following exemption applies:

- towers located on any building where the tower height does not exceed 25% of the height of the building or 16.6 metres above grade, whichever is the greater.

Proposed towers within industrial and commercial zoned areas, where the tower base is located a minimum of 120 metres or a distance of 3 times the height of the proposed tower, whichever is greater, away from residential, shall be exempt from public consultation.

In cases where no public consultation is required, the Town shall apply its best efforts to finalize the site plan application within 2 weeks of receiving a written request from the Proponent.

APPROVALS REQUIRED

In addition to the Town's site plan approval the following approvals may be required, as determined at the preliminary consultation meeting:

- access approval from Ministry of Transportation/Regional Municipality of York/Town;
- Conservation Authority fill, construction and alterations to waterways approval;
- Transport Canada approval.

For applications that do not require public consultation as identified in this policy, the Director of Planning has authority to approve the site plan application.

For applications requiring public consultation, the Proponent will provide a deputation to the Development Services Committee to seek approval of the site plan application from the Committee. The Development Services Committee will either approve the application or deny the application. After the Proponent has received direction from the Committee, the processing of the application for site plan approval will be completed. The Council Resolution will be forwarded to Industry Canada and to the Regional Municipality of York for mapping purposes. If endorsed the Proponent will be required to submit 15 copies of the site plan and elevations for final approval by the Director of Planning. Final approval of telecommunication facilities rests with Industry Canada.

TOWN ACTION

The Town, when it receives a site plan application for Telecommunications Tower/Antenna Facilities shall:

- provide guidance to the Proponent regarding the public consultation process;
- provide direction to the Proponent regarding the format to be used for the notice for the community information session and a mailing list of parties to be notified;
- provide direction to the Proponent to determine an appropriate location for the community information session;
- contact the Regional Municipality of York if there are any cross-boundary issues;
- make recommendations to be received by Development Services Committee when the Proponent presents the proposal, based on the public consultation process and discussions with the Proponent;
- endeavour to complete circulation of the proposal and make its views known to the applicant within 60 days and complete the review and approval process within 120 days;
- advise the Regional Municipality of York when a proposal has been endorsed, by way of circulation of the Council Resolution, so the Region can maintain a database of approved facilities.

The Development Services Branch of the Regional Municipality of York Planning and Development Services Department shall co-ordinate a one-year review of their protocol

with the area municipalities, with subsequent reviews being undertaken every two years. These reviews shall include consultation with the telecommunications industry and Industry Canada, and a request that the industry advises the municipalities of their future needs and expansion plans.

CHECKLIST FOR TELECOMMUNICATION FACILITIES

1. Site Plan Approval Application (including all standard submission requirements)
2. A site selection/justification report outlining the location of non-tower and co-location options which have been considered, and why the Proponent's proposal is the preferred option. This report shall include details with respect to the coverage and capacity of the existing facilities in the surrounding area, and confirm the need for a new tower at the proposed location with this context.

☐ Yes
☐ No
3. Map/inventory of all towers within the Proponent's search area.

☐ Yes
☐ No
4. PIN printout/survey

☐ Yes
☐ No
5. Colour photograph(s) with support structure superimposed.

☐ Yes
☐ No
6. Information required as per municipal building permit process (if required)

☐ Yes
☐ No
7. Information required as per Conservation Authority permit process (if required)

☐ Yes
☐ No
8. Environmental impact statement, if required under the existing land use designation.

☐ Yes
☐ No
9. Confirmation of appropriate utility locates, such as gas companies and hydro providers, have been consulted.

☐ Yes
☐ No
10. Confirmation that Transport Canada has been consulted.

☐ Yes
☐ No