



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: October 11, 2011

**SUBJECT: Report PLPD11-072
Update on City Telecommunication Structures Policy**

PURPOSE

A report to recommend revisions to the Corporate Procedure for a municipal consultation process with respect to the siting and design of telecommunication structures within the City of Peterborough.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD11-072 dated October 11, 2011, of the Manager, Planning Division, as follows:

- a) That the Telecommunication Structure Procedure be amended to provide clarity and to facilitate structures on large parcels of land, providing appropriate buffering from residential lands and/or schools, in accordance with the following:
 - i) Require public consultation for structures located within 120m or three times the tower height, whichever is greater, of land zoned to permit residential use or from lands where an elementary or secondary school is located, to be measured from the base of the tower or the outside perimeter of the supporting structure, whichever is greater; and
 - ii) Strongly discourage new telecommunication structures within 120m or three times the tower height, whichever is greater, of land zoned to permit residential use or from lands where an elementary or secondary school is located, to be measured from the base of the tower or the outside

perimeter of the supporting structure, whichever is greater. A detailed rationale for the necessity of this location must be provided in the Site Selection and Justification Report; and

- iii) Exempt proposals for new telecommunication structures from public consultation process, in instances where the new structure is located a minimum of 120m or three times the tower height from lands zoned to permit residential or from lands where an elementary or secondary school is located, to be measured from the base of the tower or the outside perimeter of the supporting structure, whichever is greater; and
- iv) Clarify exclusions from the requirements for public consultation to facilitate co-location on an existing tower or existing structure when the site is located on lands or is within 120m of land zoned to permit a residential use.

BUDGET AND FINANCIAL IMPLICATIONS

There are no budget or financial implications for the City arising from the recommendations of the report.

BACKGROUND INFORMATION

The existing Telecommunication Structures Policy and Procedure was approved on June 6, 2011 (Report PLPD11-016). The Procedure was prepared in response to Council's request for a local protocol to provide a public consultation process that is managed at a local level.

The current procedure includes Principles for Site Selection. The City recommends that these are to be adhered to in determining an appropriate site for a telecommunication structure. The third principle states the following:

"Additionally, where the City owns lands within the proponent's search area that is suitable for the proposed telecommunication structure and meets the proponent's technical requirements, the City prefers to be the landlord of first choice, and the City agrees that any such sites will be according to the usual commercial terms, and will not be unduly delayed."

Since the approval of the Telecommunication Structures Policy and Procedure in June, 2011, the City has provided telecommunication companies interested in erecting new facilities within the City, with the approved document. Despite interest in commercial leases with the City for City property, large sites providing large separation distances between potential tower locations and residential lands, are not being considered due to the site selection guidelines, based solely on the requirement to measure from the perimeter of the property. Furthermore, there is mixed message between the objective to co-locate on an existing tower or structure and the need to stay away from residential zoned lands and schools where the existing towers or structures are currently located. For example, although the installation of an antenna on an existing structure like a water tower, would be exempt from consultation by Industry Canada, the City's objective to stay 120m away from residential areas has made Peterborough Utilities Corporation reluctant to enter into further lease arrangements with providers. This is also true for social housing providers like Peterborough Housing Corporation who own apartment buildings and could easily support a modest antenna.

The procedure as currently approved, does not provide any benefit for a provider to negotiate with owners of large properties that would accommodate buffering from proposed installations on site. Despite the size of the antenna, larger properties require a substantially larger buffer area from residential lands, and as a result, it is very difficult to secure a site that meets the direction of the current procedure.

The issues related to new cell tower installations have been heightened in the community as a result of recent proposals. What has been clearly conveyed by City residents, is that the installation of new towers greater than 30m in height, are not welcomed in areas that are predominately residential and close to school properties.

The intent of the procedure was to influence the location of new structures (greater than 15m in height) so that they are removed from residential neighbourhoods. In an effort to express that intent, Council discussed alternative requirements for public notice and the distance between towers and residential neighbourhoods. It was agreed that the notification distance for a new tower expand from a 120m radius to a 400m radius for a tower that was subject to a public consultation process to ensure that more residents are informed directly by mail of such a proposal. There is no change proposed to the 400m radius for notification as a result of the recommendations of this report. There was also discussion about the City's preferences and Site Selection Guidelines. Where a tower is proposed on a site, and the *perimeter* of the site is located within 120m of lands zoned to permit residential uses and/or a school site, Council agreed to require the public consultation process. Council further stated its preference for this separation in the procedure. This is subject to change as a result of the recommendations of this report to a minimum of 120m or three times the tower height, from the base of the tower, whichever is greater, still maintaining the intent of the procedure.

Implementation of the recently approved procedure for both formal proposals and preconsultation with providers for new sites has highlighted the differences between the City of Peterborough procedure and the procedures of other municipalities, including the Industry Canada Default Protocol.

Several municipal procedures for communities within Ontario, require notification to be provided to landowners within three times the tower height. In addition, new structures are encouraged to locate outside of residential areas, also a minimum of three times the tower height, measured from the base of the tower. Given that the average height of new tower structures in Peterborough is between 40m and 50m in height, a change to the procedure to implement such a requirement, would encourage distances of 120m to 150m from residential and schools, measured from the base. This requirement could have the impact of increasing the distance between towers and residential and school lands, by encouraging providers to consider alternative locations.

SUMMARY

Revising the procedure to facilitate new tower structures on larger parcels, by requiring a minimum distance of three times the tower height, measured from the base of the tower, will potentially, encourage locations outside of residential areas. Based on the current procedure, there are very few locations within the City that would meet the Site Selection Guidelines and/or exemption criteria for public consultation. As such, the City is unable to effectively direct or encourage new installations away from residential areas. With a minor change in the separation distance measurement to be from the base versus the property line, large commercial or industrial sized properties, including lands such as the City's sewage treatment facility lands at Kennedy Road and the Highway 115 By-Pass can be considered as viable options for new structures, removed from residential areas.

It is anticipated that proponents will be encouraged to seek properties that meet the City's preferences if large parcels can be considered and limited consultation required. Maintaining a procedure that requires large industrial or commercial lands as potential sites to follow a more stringent consultation requirement, discourages locating structures outside of residential areas by restricting the potential lands.

In addition, clarity regarding the City's preference for co-location where an existing tower or structure is situated in a residential area, will assist to facilitate antenna

systems and co-location, avoiding the potential requirement to continually erect new towers to facilitate demand.

Submitted by,

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