



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: October 29, 2012

SUBJECT: Report PLPD12-062
485 Parkhill Road East
Proposed Telecommunication Structure

PURPOSE

A report to inform Council of the conclusion of the consultation process for a proposed telecommunications structure under the City's Telecommunications Structures Policy and Procedure, for a proposed structure at 485 Parkhill Road East.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD12-062 dated October 29, 2012, of the Manager, Planning Division, as follows:

- a) That Industry Canada be advised that the proposal for a telecommunication structure by SBA Canada, ULC, at 485 Parkhill Road East, has been processed in accordance with the City of Peterborough's Telecommunications Structures Policy and Procedure.
- b) That Industry Canada be further advised that the proposal for a telecommunications structure at 485 Parkhill Road East has generated concern from the public as documented by The Biglieri Group and summarized in Exhibit E of Report PLPD12-062.

BUDGET AND FINANCIAL IMPLICATIONS

There are no direct budget or financial implications arising from the recommendations of this report. The City's Policy and Procedure related to proposed Telecommunication Structures requires all costs associated with notice and information to the public and agencies/departments, are borne by the applicant.

BACKGROUND

SBA Canada, ULC proposes to erect a new communications tower by way of a monopole with a height of 40m (131 ft.) on the property known as 485 Parkhill Road East. The Biglieri Group is acting as the agent for SBA Canada, ULC with regard to this proposal.

The proposal is subject to the City's Policy and Procedure for the proposed Telecommunications Structure. The City's Procedure details consultation requirements for proposed communications towers, as part of the Land Use Authority consultation process anticipated by Industry Canada prior to federal approval. The Policy and Procedure was formally adopted by Council on June 6, 2011 and amended by Council on October 24, 2011.

The property was subject of a proposal for a 45.7m high tower in 2010 that was considered under an earlier version of the City's protocol and opposed by Council by way of a motion dated April 4, 2011. Industry Canada requested SBA Canada to exhaust all possible alternatives to have this application further reviewed by the municipality. This included lowering the height of the tower from 45.7m to 40m, flush mounting the antennas and moving the tower within the subject site and landscaping around the base of the tower.

A new application for a revised tower height and location has been circulated to all owners of land within a 120m radius of the subject property, and subject to full public consultation, due to its proximity being within 120 metres of lands zoned to permit residential use. The property is adjacent to lands zoned A1 – Restricted Agricultural Zone in the Township of Otonabee Comprehensive Zoning By-Law, which permits residential uses. Although the lands have been annexed into the City of Peterborough, the City inherits the Township Zoning until such time as it is amended by the City.

Under the revised Procedure, which was amended by Council in October 2011, the 120 metre distance criteria for requiring public notice is now measured from the tower location and not the property line. In this instance, the tower is located 7.5 metres (24.6 feet) from the property at 551 Parkhill Road East, which has an area of 7.88 ha. (19.47 ac.), and which is used for a single unit dwelling. The dwelling unit itself is located approximately 180 m (590 ft.) away from the proposed tower. Since the proposed tower

is still within 120 metres or 3 times the tower height of *lands* zoned to permit residential use, the Telecommunication Structure Procedure also requires full public consultation.

The applicant held a Public Open House on Thursday, May 17, 2012 at Baker's Hill Banquet Centre. In total, 12 residents attended the meeting. The applicant's received questions, concerns and objections to the proposal at the Information Session. Concerns regarding the location, height and appearance of the proposed tower were expressed at the session, as well as health and safety and property value impacts.

A summary of the session and written comments received within the commenting period immediately following the session, is included in the Summary Letter, dated June 7, 2012 (attached as Exhibit 'E' to this report (PLPD-12-062).

The proposed location of the tower on the subject lands was amended by the applicant from the 2010 proposal in an attempt to increase the distance between the tower and residential lands on the north side of Parkhill Road East. The Concept Plan attached as Exhibit 'B' to this report (Report PLPD12-062) illustrates the revised location of the proposed tower at the southwest corner of the site. During the public open house session, neighbours indicated that the revised location for the tower was very close to an existing stormwater management pond on the site. Planning Staff followed up with the Township and confirmed that a stormwater management pond is situated on the property, in accordance with a Site Plan Agreement between the owner and the Township, registered on title to the lands.

As a result the applicant was required to submit an amendment to the Site Plan Agreement, authorized by the owner of the property, to reflect the proposed tower and compound, and to confirm its location outside of the required stormwater facilities. A revised site plan was received by the City on August 23, 2012.

The proposal was also circulated to agencies and departments for comment. As a result of the circulation Planning Staff has received no concerns/comments from the circulated agencies and departments. A copy of a report to validate compliance with Safety Code 6 has been submitted, concluding that the expected radio frequency emission level at 2m above ground was found to be 1% (100 times lower) of the Safety Code 6 limits for the general public and is therefore, in full compliance with the limits.

As a requirement of the City's Procedure, the applicants have submitted a Site Selection and Justification Report with the submission, attached as Exhibit 'D' to this report (PLPD12-062). The report reviews the City's Site Selection Guidelines as included in the Draft Procedure and provides a response in Figure 6, Page 11 of the Site Selection and Justification Report, dated February, 2012 (Exhibit 'D'). The summary comments on how the proposed location addresses each site selection guideline, providing rationale for how each is met. SBA confirms that there are no appropriate tall structures within the identified search area appropriate for an alternative tower structure, and that the site maximizes the distance from residential dwellings. The summary confirms that the proposed site meets with all other guidelines.

The City's procedure strongly discourages placement of new towers within 120 metres of residential lands and within 120 metres of lands supporting elementary or secondary schools, to be measured from the base of the tower or outside perimeter of the supporting structure, whichever is greater, unless required for reasons of engineering or network objectives. This site is located on lands zoned CH-6-H – Highway Commercial Zone in the Otonabee Comprehensive Zoning By-Law permitting highway commercial uses including a commercial garage. The site currently supports a public garage (CAA Car Care) and related parking.

SUMMARY

The applicant has complied with the City's Policy and Procedure for the proposed telecommunication structure, including Public Consultation. The proposed tower is located on a site adjacent to lands zoned to permit residential use. The principles for site selection, as identified in the approved procedure, strongly discourages new telecommunication structures within 120 metres of any lands that permit a residential use, unless required for engineering or network objectives.

Submitted by,

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Attachments:

Exhibit A - Land Use Map

Exhibit B – Concept Plan

Exhibit C – Superimposed Photo of Tower at 485 Parkhill Rd. E.

Exhibit D – Site Selection and Justification Report, February, 2012

Exhibit E – Summary Letter from Applicant, dated June 7, 2012