



TO:	GENERAL COMMITTEE
SUBJECT:	TELECOMMUNICATION FACILITIES ON CITY OWNED PROPERTY POLICY
WARD:	ALL
PREPARED BY AND KEY CONTACT:	M. BANFIELD, MANAGER – GROWTH AND DEVELOPMENT, # 5466 R. NOLAN, DIRECTOR OF INFORMATION TECHNOLOGY, #4373
NOTED:	R. BUNN, EXECUTIVE DIRECTOR INNOVATE BARRIE
SUBMITTED BY:	A. BOURRIE, DIRECTOR OF PLANNING AND BUILDING SERVICES
GENERAL MANAGER APPROVAL:	A. BOURRIE, GENERAL MANAGER OF INFRASTRUCTURE AND GROWN MANAGEMENT (ACTING)
CHIEF ADMINISTRATIVE OFFICER APPROVAL:	M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That Section 5 of the City of Barrie Protocol for Consideration of Telecommunication Facilities Applications be updated to read as follows:

Any request to install a facility on lands owned by the City shall be made to the City **Planning and Building Services**, in accordance with the **3rd Party Cell Towers/Antennas on City Owned Property** policy. A formal application for approval shall be required in accordance with Section 4.0 of this protocol.
2. That the Commercial Cell Towers / Antennas on City Owned Property Policy (Appendix "A") be approved.
3. That the Director of Planning and Building Services, Director of Corporate Facilities and Director of Information Technology, in consultation with the Director of Legal Services be given:
 - a) authority to conclude negotiations, execute and deliver, master agreements with 3rd Party communications companies incorporating the general terms and conditions outlined in this report and such other terms and conditions satisfactory to the Director of Legal Services as well as, when applicable, the Director of Corporate Facilities; and
 - b) standing authority to negotiate, execute and deliver, agreements for specific installations covered by the general terms in the master agreements and incorporating specific terms and conditions satisfactory to the Director of Legal Services as well as, when applicable, the Director of Corporate Facilities.

PURPOSE & BACKGROUND

Report Overview

4. The purpose of this staff report is to provide more clarity to 3rd Party communication companies on how to engage with the City regarding installation of telecommunication facilities on land, buildings and structures owned by the City of Barrie.
5. Keeping Barrie well connected requires continuous improvement, investment and growth of the infrastructure that connects Barrie's residents, businesses and visitors. By working with 3rd Party communication companies to allow use of City land, buildings and structures, the City can ensure the locations of these facilities align with land use planning strategies, such as the intensification zones and the Official Plan.
6. 3rd Party communication companies have approached the City of Barrie requesting installation of facilities on land, buildings and structures owned by the City. This staff report provides information and outlines the approach to make formal requests and agreements.

Background

7. On August 27, 2012, City Council adopted motion 12-G-214 regarding the Protocol for Consideration of Telecommunications Facilities Applications as follows:
 1. That the protocol for the review of applications and submission of comments to Industry Canada for telecommunication facilities in the City of Barrie as set out in Appendix "D" of Staff Report PLN038-12 be adopted.
 2. That the General Provisions of the Zoning By-law be amended by replacing Section 4.2.1.1. (c) with the following:

"(c) Private utility, save and except for (i) incinerators, sanitary landfill projects, waste collection and recycling facilities, and any function involving open storage of materials, (ii) free standing transmission"

ANALYSIS

8. Telecommunications towers and antennas fall under the authority of the Federal Minister of Industry under the Radio-Communications Act. Municipal government's role in siting telecommunication facilities is limited to assisting with public consultation process and providing comment of potential application for cell towers and antennas with regards to land use planning.
9. By having the facilities on City owned land, buildings or structures, the City has more influence on the potential placement and aesthetics of the installations.
10. The City's current protocol is not clear regarding the process of a 3rd Party wishing to place facilities on City owned land, buildings or structures. The policies within the Protocol for Consideration of Telecommunications Facilities Applications apply in all situations.
11. The following municipalities have 3rd Party cell towers or antennas on municipal property and are generating revenues from these agreements: Aurora, Hamilton, Markham, Mississauga, Ottawa, Vaughan and York Region.

ENVIRONMENTAL MATTERS

12. The Protocol for Consideration of Telecommunications Facilities Applications already takes Health Canada's public radio frequency exposure guidelines (Safety Code 6) into consideration. Therefore relevant environmental matters have been considered in the development of the recommendations and the policy.

ALTERNATIVES

13. The following alternatives are available for consideration by General Committee:

Alternative #1

General Committee could maintain the existing Telecommunications Facilities Protocol with respect to using City land, buildings or structures.

This alternative is not recommended as it leaves ambiguity in the process of using City land, buildings or structures. In the absence of clear policy directions, 3rd Party communications companies may seek to use private lands for their facilities, leaving the City with less influence on land use, aesthetics and realizing any potential leasing revenues.

Alternative #2

General Committee could alter the proposed recommendation by updating the Protocol for Consideration of Telecommunications Facilities Applications to clearly state that City land, buildings or structures cannot be used by 3rd Party communication companies.

This alternative is not recommended as limiting telecommunications facilities may impact availability of telecommunication services to Barrie's residents, businesses and visitors.

FINANCIAL

14. There are no financial implications for the Corporation resulting from the recommendations and policy. There is a possibility for the City to obtain revenues through leasing arrangements with 3rd Party communications companies. There may be additional associated application fees for any proposed telecommunication facilities.

LINKAGE TO 2014-2018 STRATEGIC PLAN

15. The recommendation(s) included in this Staff Report support the following goals identified in the 2014-2018 Strategic Plan:
- ☒ Vibrant Business Environment
16. *Eliminate obstacles to business growth and investment* by providing more clarity in the City's willingness to accept applications for the consideration of using City land, buildings or structures. The policy will provide clear direction to 3rd Party communications companies wishing to pursue City owned properties as locations for their facilities.

APPENDIX "A"

3rd Party Cell Towers / Antennas on City Owned Property Policy

POLICY STATEMENT

In determining whether or not communication equipment (cell towers / antennas) should be placed on City land, buildings or structures, the following principles should be considered:

- the location should respect the land use planning strategies of the City to ensure compatibility with existing and proposed land uses;
- the location should result in a high level (or increased level) of telecommunication service for the City of Barrie;
- the location should allow for the ability to co-locate with other providers wherever possible;
- the location should not impact the provision of any City of Barrie services in any way; and,
- the public consultation process set out in the Protocol for Consideration of Telecommunications Facilities Applications must be followed to ensure the feedback of the public on applications are known and considered.

If it is determined that the proposal to use City land, buildings or structures for a 3rd Party communications facility does not meet the principles of this policy, the City will not permit the submission of an application under the Protocol for Consideration of Telecommunications Facilities Applications.

SCOPE

This policy applies to all 3rd Party communications companies seeking to install communications equipment on or in any City of Barrie land, buildings or structures.

PURPOSE

To set out the City of Barrie's policy for the review of applications by 3rd Party telecommunications companies to place communications equipment on or in City land, buildings or structures. This Policy is to be followed in advance of any application proceeding through the City's Protocol for Consideration of Telecommunications Facilities Applications, as amended from time to time.

POLICY

The City of Barrie may receive requests from 3rd Party communication companies to place communications equipment on or in City land, buildings or structures. These applications will be reviewed to ensure the needs of the City and community are met.

Any 3rd Party communication companies requesting to place communications equipment on or in City land, buildings or structures must complete a Telecommunication Facility Application Form and attend a pre-consultation meeting with the Planning and Building Services Department to ensure all required supporting materials have been provided. Upon the submission of a complete application, Planning and Building Services staff will then provide the application to the Director of Planning and Building Services who will review the application to determine:

- if the proposed location is in keeping with the Policy Principles identified in this Policy;
- the impact the proposed location would have on the City's ability to provide services today and in the future;

- the conditions and terms may be required if the City were agreeable to locating communication equipment on City land, buildings or structures that would be included in a draft licensing agreement; and
- the application, once reviewed by the Director of Planning and Building Services, proceeds through the City's Telecommunication Facilities Protocol before any agreement is completed.

As part of this process, the Director of Planning and Building Services will consult with all relevant Departments at the City and any other related agencies to obtain feedback on a request. Full details on the process to be followed are set out in the Communication Equipment on City Land or Structures Procedure.

The Director of Information Technology will provide the 3rd Party communications company with a master agreement which the 3rd Party communications company will be required to enter into with the City if it is agreed that the proposed location is suitable. The master agreement will set out the responsibilities of the 3rd Party communications company and all required fees and conditions. For clarity, only one master agreement per company is required. Each site requested will be added as a schedule to the master agreement and include any site-specific provisions. It should be noted that all building permits, other approvals, costs and liabilities related to the location of such equipment on or in City land, buildings or structures are the responsibility of the 3rd Party communications company.

If after completing the review, the Director of Planning and Building Services feels that the proposed location of 3rd Party communications equipment on a specific City owned land, building or structure is acceptable, and the 3rd Party communications company agrees with the terms set out in the master agreement, the City of Barrie will be named on the application as the Name of Registered Owner(s) under the Telecommunications Facility Application Form. The application form can then be submitted to the Designated Municipal Contact for review under the Protocol. This step does not constitute an approval. This allows the application to proceed through the Protocol for Consideration of Telecommunications Facilities Applications with the authorization of the property owner which in this case is the City of Barrie.

After completing the public consultation required under the Protocol for Consideration of Telecommunications Facilities Applications, the CRTC will be notified of the City's position as the property owner. Once the City is notified that the CRTC has approved the application, the master agreement will be finalized and signed off by all appropriate parties. The Director of Information Technology is responsible for the review and potential renewal of any licensing agreements.

Construction of any cell tower/antenna system must be completed within three years of the completion of the public consultation undertaken with respect to the application. If construction is not complete at that time, the 3rd Party communications company is required to reapply for further consideration of the request.

It is recognized that the final decision for the approval of locating cell towers / antennas rests with Industry Canada under the Radio-Communication Act.

ROLES AND RESPONSIBILITIES

Planning and Building Services Department

- Pre-consultation meeting with a proponent and where the application relates to City land, buildings or structures
- Refer the application to the Director of Planning and Building Services for consideration
- Process applications in accordance with the Protocol for Consideration of Telecommunications Facilities Applications
- Maintain and update this Policy

Director of Planning and Building Services

- Receive and review all requests for the placement of 3rd Party Communications equipment on City land, buildings or structures
- Consult with all relevant City Departments and other agencies in the review of 3rd Party requests

Director of Information Technology

- Development and maintenance of master agreements entered into by the City and 3rd Parties for the location of communications equipment on City land, buildings or structures

Director of Corporate Facilities

- Review and provide comments on the land, buildings or structures use, potential market value or marketability impacts of communications facilities being sited on the land, buildings or structure
- Assist in any site specific provisions to add to the master agreement schedule

Town Departments

- Review and provide comments on the placement of 3rd Party communications equipment on City land, buildings or structures
- Review and provide feedback on the this Policy as required

EMT

- Review and approve this Policy
- Ensure appropriate staff are aware of this Policy and support it

Legal Services

- Provide support in the development and maintenance of any master agreements related to this Policy