

**THE CORPORATION OF THE CITY OF WINDSOR
CORPORATE SERVICES – COUNCIL SERVICES**



MISSION STATEMENT:

“The City of Windsor, with the involvement of its citizens, will deliver effective and responsive municipal services, and will mobilize innovative community partnerships”

BASIS Report Number: 13654	Report Date: June 27, 2008
Author’s Name: Gary Cian & Thom Hunt	Date to Council: September 2, 2008
Author’s Phone: 519 255-6100 ext. 6329	Classification #:
Author’s E-mail: gcian@city.windsor.on.ca	

To: Mayor and Members of City Council

Subject: Consultation Process for Wireless Telecommunications Facilities

1. RECOMMENDATION: City Wide: _____ Ward(s): _____

That Council **APPROVE** the Wireless Telecommunications Facilities – Consultation Process attached hereto as Schedule “A” and further, that the City Planner (or designate) **BE APPOINTED** as the municipal contact/official responsible to facilitate the consultation process.

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

The City received a letter dated April 30, 2008, from Thomson Rogers, solicitors for Bell Mobility, Rogers Wireless and TELUS Mobility with respect to the approval of their wireless telecommunications facilities. These companies or proponents are likely to consider improving the quality of their wireless service in this area within the next twelve (12) months.

Accordingly, the solicitors are writing to the municipality to ensure there has been disclosure of the Federal Regulatory System governing their clients, and to suggest a process for consultation in order to ensure that municipal concerns are addressed at the earliest stage of their client’s planning process. In addition, they are also asking Council to designate a city official to meet with their clients in order to facilitate consultation.

3. DISCUSSION:

It is our understanding that the above-noted companies (Bell Mobility, Rogers’s Wireless, and TELUS Mobility) operate an inter-provincial wireless telecommunications business, which is exclusively regulated by the Federal Government. Consequently, these organization’s facilities do not require

permitting and are exempt, from the Ontario's Building Code, and Planning Act. However, Industry Canada does require that proponents of telecommunication facilities consult with local land use authorities as part of their licensing process. The requirement to consult can be found in Industry Canada's "Client Procedure Circular CPC-2-0-03."

Regardless of the above, these companies/proponents have expressed their desire to establish a consultation process with the City to provide an opportunity to address concerns, exchange information etc. As such, their solicitors have provided the City with a template of a suggested consultation process for consideration. Administration has revised the template to conform to the City and is attached hereto as Schedule "A".

Consultation Process

In this regard, the solicitors of these companies/proponents are asking Council to pass a resolution adopting a consultation process in order to facilitate consultation with their clients concerning these federally regulated structures and that a city official be appointed as the municipal contact for consultation and exchange of information.

In consultation with various administrative departmental staff it was determined that the City Planner (or designate) would be the most appropriate administrative staff person with respect to this function since the Planning Department would have direct input pertaining to such matters.

Based on discussion recently held with the Solicitor acting on behalf of the 3 major carriers, and staff from the various wireless companies, we understand that we can expect approximately 12 tower applications will come forward in the near future. The desire of Industry Canada and the companies is to locate where existing facilities exist (co-locate) or seek out new sites in industrial and commercial areas. However in some instances, residential areas may need to be considered depending on gaps or holes in the existing tower servicing areas. Tower heights can be as high as 45 metres, however over time the trend calls for towers to get smaller at around 15-20 metres, depending density of wireless use (the more dense the use, the lower the tower height). The industry also prefers to locate on lands held by the municipality and coordinate with other utility locates.

Although exempt from any Planning Act approvals, the carriers have agreed to follow our Site Plan Control approval process as a way of dealing with siting concerns associated with any of the proposed tower locations. They will typically notify persons/property owners located within a radius equivalent to three times the proposed tower height. It was noted that concerns related to health and/or safety, and issues regarding impacts on neighbouring property values while common concerns, are not subject to the Federal regulation and therefore are not considered by the Industry Canada as part of their consultation. Their consultation generally focuses on issues of physical land use compatibility.

As part of complying with our Site Plan Control Process, the industry will supply a justification report documenting the proposed tower configuration and location. The City will in turn circulate the application to departments and seek input on matters that need to be addressed by the client, as typically occurs in our Site Plan Approval process

4. FINANCIAL MATTERS:

The Industry has agreed to pay the fee for making application to our Site Plan Control process.

5. CONSULTATIONS:

This matter has been discussed in co-operation with Corporate Projects staff, Acting Executive Director of Building/Manager of Development, Executive Director of Information Technology.

6. CONCLUSION:

Recognizing that these matters are regulated by the Federal Government the recommended consultation process will facilitate and provide the City an opportunity to address any concerns with respect to matters pertaining to wireless telecommunication facilities early in the planning stage. Further, it is also suggested that the City Planner or designate be appointed as the municipal contact/official to facilitate consultation and/or exchange information with the proponents of these facilities.

**Valerie Critchley,
City Clerk**

**Helga Reidel,
General Manager of Corporate Services**

**Thom Hunt,
City Planner**

**Lee Anne Doyle
Acting Executive Director of
Building/Manager of Development**

**Gary Cian, Deputy Clerk
Manager of Council/Community Services**

**APPENDICES:
Schedule A – City of Windsor – Wireless Telecommunication Facilities – Consultation Process.**

**DEPARTMENTS/OTHERS CONSULTED:
Name:
Phone #: 519 ext.**

NOTIFICATION:

Name	Address	Email Address	Telephone	FAX

**The Corporation of the
City of Windsor**

Wireless Telecommunication Facilities – Consultation Process

1. The municipal contact and official responsible for the Wireless Telecommunication Facilities consultation function is the City Planner or designate.
2. Prior to finalizing their plans the proponents will consult with the City Planner in order to identify local concerns in the search area, opportunities to co-utilize existing structures, and to identify land owned by the municipality which may be a suitable site for a lease.
3. The proponents agree, that where reasonably possible, having regard to matters of engineering and economics, that their proposed sites will be considered in the following order:
 - I) sites co-located on existing structures;
 - II) land outside of zoned residential areas where possible;
 - III) land owned by the municipality; and
 - IV) new structures on land owned by private land owners.
4. Recognizing that the municipality has no jurisdiction to regulate this facility under the *Planning Act*, the proponents will voluntarily provide drawings and information for the municipality's review at a site plan level of detail together with a justification report in which the proponents will document their site selection process together with an explanation for the height and built form of the new facility.

5. It is our expectation that the municipality will have suggestions on how to make the facility better. Often there are opportunities to identify options for tower types and colour, equipment shelter design, landscaping and the placement of the tower on the leased site. These of course will be the subject of discussion with the proponents. If agreement is reached between the City Planner and the proponents then the proponents will voluntarily provide the municipality with a legally binding undertaking to construct the facility in accordance with the information package subject to agreed upon modification. This undertaking will document concurrence between the parties without requiring the municipality to take any further action.
6. In order to ensure that the affected public are also consulted, when facilities are located close to residential zones (3 times the antenna height measured from the base of the support structure to the edge of a residential zone), the proponents agree to abide by Industry Canada's detailed public written notification process.
7. Where towers are proposed to be constructed in excess of 50 metres in height, notice will be published in the local newspaper in accordance with Industry Canada's requirements.
8. If the proposed new facility is located within three times the antenna height, measured from the base of the facility, from a neighbouring municipality, the proponents will also notify that municipality.
9. All of the foregoing will respect Industry Canada's expectation that consultation will be concluded within 120 days.