



Staff Report

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Report To:	Planning and Development Committee	
Date of Meeting:	May 17, 2021	Report Number: PDS-031-21
Submitted By:	Ryan Windle, Director of Planning and Development Services	
Reviewed By:	Andrew C. Allison, CAO	By-law Number:
File Number:	PLN18.7	Resolution#:
Report Subject:	Telecommunication Towers	

Recommendations:

1. That Report PDS-031-21 be received for information; and
2. That the Interested Parties be provided a copy of PDS-031-21 and Council's recommendation.

Report Overview

This report outlines Council's approved policies and procedures for the installation of telecommunications antenna and towers in Clarington.

1. Background

- 1.1 On April 26, 2021 Planning and Development Committee, requested that staff provide clarification on the Municipality's role in the approval of telecommunications antenna and towers and to advise whether Council can write to the Canadian Radio-television and Telecommunication Commission expressing opposition on behalf of the residents.
- 1.2 The request followed a Public Information Centre hosted by LandSquared (Freedom Mobile) where some area residents and the local Councillor expressed some concerns with the location of a new telecommunications tower proposed at 3216 Trulls Road in Courtice.
- 1.3 Staff note that interested parties of the Trulls Road application and the representatives of LandSquared (Freedom Mobile) will receive a copy of the Telecommunications Tower Policy (PSD-DG008) which was approved by Council in Report [PSD-041-13](#), through the circulation of this Staff Report.

2. Telecommunication Approvals Process

Federal Jurisdiction

- 2.1 Telecommunications installations are exclusively regulated by Innovation, Science and Economic Development Canada (ISED), formerly Industry Canada. Local municipalities **do not** have constitutional authority to regulate or prohibit telecommunications facilities through the *Planning Act*.

Council Approved Policies and Procedures

- 2.2 Council adopted telecommunications policies in 2002. The policies were updated in 2013, following collaboration between the Federation of Canadian Municipalities and Canadian Wireless Telecommunication Association on policies to make the installation of telecommunications antenna and towers consistent across the country (**Attachment 1**).

In summary, the policy:

- provided direction for selecting appropriate locations for towers and antenna systems;

- attempted to minimize the number of such facilities and their visual impact through co-location (more than one provider on one tower);
 - required public consultation; and
 - provided a straight-forward process for the provider to install telecommunication antenna and towers.
- 2.3 The policy ensures that the installations of telecommunication systems are treated and processed in a consistent manner. The policy acknowledges that the federal government through Innovation, Science and Economic Development Canada is the approval authority. The responsibility for review of applications and providing a municipal response is delegated to the Director of Planning and Development Services through the policy.
- 2.4 The procedure for a new tower installation generally follows the same process as a site plan application, however it is **not** an application under the *Planning Act*.
- 2.5 The procedure requires the following:
- A Pre-consultation meeting;
 - A Complete site plan application;
 - The circulation of the site plan to internal departments and relevant outside agencies;
 - A public consultation process, which requires the telecommunications provider to provide notice of a Public Information Centre (PIC) to all landowners within 120 metres of the subject site in urban areas or 500 metres for a site outside the urban areas. The provider is required to host the Public Information Centre where they present the proposal, answer questions and summarize the discussion in the minutes of the meeting. Municipal staff attend the meeting for information purposes.
 - Following the review of the site plan, and in consideration of public comments, the Director of Planning and Development will issue either a Letter of Concurrence or a Letter of Non-Concurrence to ISEDC.
 - When a Letter of Concurrence is issued, the telecom provider will enter into a Letter of Undertaking with the Municipality for the tower installation including driveway location, fencing and landscaping around the compound.
 - In the instance where the Director issues a letter of Non-Concurrence, the provider can appeal the decision to the ISEDC, who can decide whether the project can move forward or not, regardless of resident concerns and requests.

3. Landsquared (Freedom Mobile) on Trulls Road, Courtice

- 3.1 In October 2020, Landsquared/Freedom Mobile submitted an application for a 50 metre telecommunication tower (monopole) at 3612 Trulls Road in Courtice. See Figure 1. The applicant provided a justification brief noting there are few towers in the area; therefore, co-location is not an option.
- 3.2 The complete application was circulated to the Public Works Department for comment. The site is located away from any environmentally protected lands, thus, the conservation authority was not circulated.

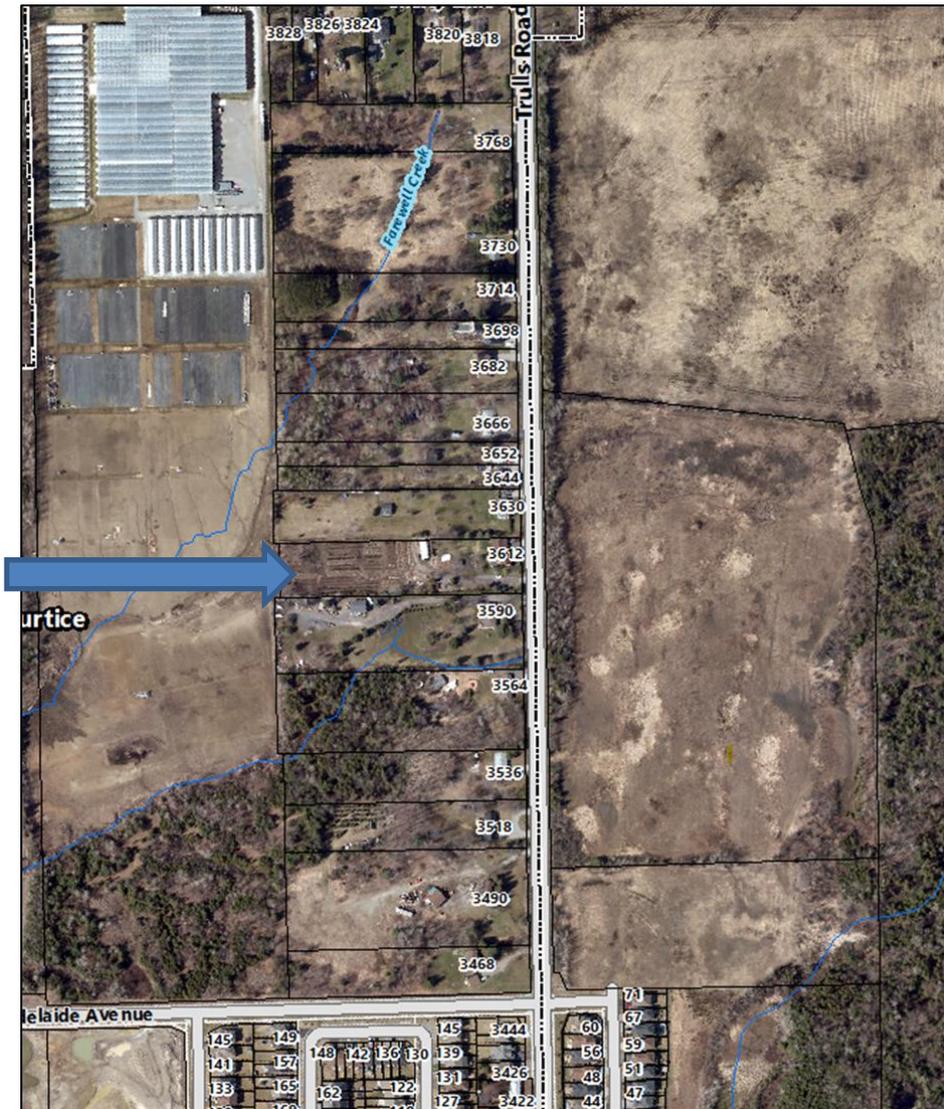


Figure 1 - 3612 Trulls Road in Courtice

- 3.3 On March 31, 2021, Landsquared hosted a virtual Public Information Centre (PIC). Four members of the public attended the meeting, as well as Councillor Jones and a staff member from the Planning and Development Services Department.
- 3.4 Staff received written comments in opposition from three area residents and a petition with 41 area residents noting concerns.

The concerns are summarized below:

- Effects on health;
 - Visual impacts;
 - Negative impacts to property value;
 - Impact on agricultural operations
 - Were other locations explored away from residential properties.
- 3.5 The representative from Landsquared provided answers to all the questions which are included in the minutes of the meeting in **Attachment 2**.

4. Discussion

- 4.1 In order to keep pace with the demand for telecommunications service, there has been an increase in the number of telecommunications towers erected in Clarington and more are anticipated, particularly with people working from home.
- 4.2 ISEDC Industry Canada is the approval authority for regulated antenna systems. Clarington Council's adopted policy and procedures are co-ordinated with federal procedures and protocols. The role of the Municipality of Clarington is to provide comments with respect to land use compatibility and, where required, issue a letter of concurrence or non-concurrence regarding a specific proposal. The Municipality has no constitutional authority or regulate or prohibit telecommunications facilities.
- 4.3 With respect to the proposal by Landsquared, the site is designated Urban Residential within the Urban Area of Courtice. The area is largely undeveloped at this time but owned by development interests. There are no cell towers in this area of Courtice.
- 4.4 From a technical perspective, the tower will be located at the rear of the property, which abuts open space lands to the west. There will be no new access point as the existing driveway would be used. In this case, based on these land use considerations, there is no compelling reason to issue a Letter of Non-Concurrence from Staff's perspective.

5. Conclusion

- 5.1 The Council approved policy and procedure harmonizes with the federal policies and regulations. Providers of telecommunications installations are required to consult with local land use authorities and consult with the public. The telecommunication industry is regulated by the federal government which ultimately approves the location and installation of telecommunication towers.
- 5.2 In response to Resolution #PD-146-21, Staff can confirm that individual Council members can write to Innovation, Science and Economic Development Canada, the approval authority on behalf of their constituents in opposition to the proposed cell tower at 3612 Trulls Road in Courtice.
- 5.3 Alternatively, Council could direct Staff to either issue a Letter of Concurrence or a Letter of Non-Concurrence. However, Staff note that this would be unique in that the municipal response to telecommunication tower proposals is delegated to the Director of Planning and Development Services as per the Council adopted Policy PSD-DG008. In the absence of any specific Council direction Staff would issue a Letter of Concurrence in this case as the proposal satisfies the aforementioned policy.

Staff Contact: Cynthia Strike, Manager of Development Review, 905-623-3379 ext. 2410 or cstrike@clarington.net .

Attachments:

Attachment 1 – Council approved Antenna System Policy

Attachment 2 – Minutes of Meeting for 3612 Trulls Road Telecommunication Tower

Interested Parties:

List of Interested Parties available from Department.