

AMENDMENT TO POLICY #CS012 TELECOMMUNICATION ANTENNA STRUCTURES ON MUNICIPAL PROPERTY

EXECUTIVE SUMMARY

Council has requested amendments to Policy #CS012 Telecommunication Antenna Structures on Municipal Property. The amendments relate to introducing a priority order when considering City land as a location, the inclusion of Reserve Land as a potential location, and the allocation of the licence of occupation proceeds that are received for such structures. This report identifies proposed amendments to the policy based on Council direction and Administration's discussions with the Joint Use Coordinating Committee (JUCC).

ADMINISTRATION RECOMMENDATION

That the Intergovernmental Affairs Committee recommends that Council approve the amendments to Policy #CS012 Telecommunication Antenna Structures on Municipal Property, as outlined in Attachment 1.

RECOMMENDATION OF THE INTERGOVERNMENTAL AFFAIRS COMMITTEE, DATED 2014 JANUARY 09:

That Council approve the amendments to Policy #CS012 Telecommunication Antenna Structures on Municipal Property, as outlined, **after amendment in Attachment 1**, as follows:

On page 2 of 5 under Section 3.0, Policy, by deleting Section 3.3.1 in its entirety, as follows:

“3.3.1 there is no available private properties that meet the technical service requirements of the Proponent or if any private property is available, there is significant public opposition to installing a Telecommunication Antenna Structure on all such private property;”.

And further, that the remainder of the Section be renumbered accordingly.

PREVIOUS COUNCIL DIRECTION / POLICY

On 2011 June 20, Council approved Policy #CS012 Telecommunication Antenna Structures on Municipal Property. This policy was intended to clarify the options and criteria for siting telecommunication antenna structures on City land.

On 2011 September 19, Council referred Report IGA2011-34 to the Administration and requested that the Telecommunication Antenna Structures on Municipal Property policy be amended by including the following features:

- a) A priority order for considering City land as a location for cell towers
- b) The potential use of Reserve Land for cell towers
- c) The allocation of cell tower licence of occupation proceeds, including the dispensation of proceeds to the non-profit society occupying the City land.

On 2012 June 07, the Intergovernmental Affairs Committee referred Report IGA2012-0148 to the Office of the Mayor, pending the results of a meeting between Members of Council and the

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Board of Education, to return to the Intergovernmental Affairs Committee no later than 2012 September.

On 2012 October 15, Council adopted the Intergovernmental Affairs Committee recommendation in Report IGA2012-0497 that deferred consideration of amendments to the Telecommunication Antenna Structures on Municipal Property policy, pending the results of a meeting with the Calgary Board of Education.

BACKGROUND

The City receives requests from the telecommunications industry to locate antenna structures on City land. In the past, The City did not have policy to provide guidance or established consistency in the review of such requests. However, in 2011 Policy #CS012 was approved to guide decision-making and ensure that City, community, citizen and industry needs are considered.

Following the adoption of Policy #CS012 Council directed Administration to amend the policy by including a priority sequence when considering City land, including the potential use of Reserve Lands, and allocating licence proceeds to qualifying non-profit societies, such as community associations.

Administration prepared these amendments and presented them to the Intergovernmental Affairs Committee. The committee supported all the amendments except one related to school board objections to antenna structure location. The committee referred the matter to Mayor Nenshi, for further discussion at a meeting with the Calgary Board of Education.

The amendment related to school board objections has been reworded, reviewed by stakeholders, and incorporated into the complete policy amendment package. This full package is now ready for Committee and Council review.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Administration has prepared draft amendments to Policy #CS012 based on consultations with JUCC and discussions amongst Corporate Properties & Buildings, Recreation, Parks, and Development & Building Approvals. The key amendments are outlined below.

Priority Sequence

Amendment 1

Municipal Property may, in certain circumstances, be used as a location for a Telecommunication Antenna Structure. The list below shows The City's order of preference for allowing a Telecommunication Antenna Structure on Municipal Property:

- (i) first, public utility lot;
- (ii) second, road right of way;
- (iii) third, any Municipal Property not referred to in Sections 3.1 (i), (ii), and (iv); and then
- (iv) fourth, Parks and Open Space or Reserve Lands.

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(proposed policy section 3.1)

This amendment outlines the priority order of City-owned land to be used for Telecommunication Antenna Structures, as previously identified by Council.

Locating on Reserve Land

Amendment 2 If the Proponent requests locating a Telecommunication Antenna Structure either on Parks and Open Space or on Reserve Lands that include, or are adjacent to, an existing or a proposed school property, The City will refer the request to the applicable School Board through the JUCC for comment. *(proposed policy section 3.4)*

Amendment 3 Pursuant to Section 3.4, the applicable School Board will evaluate the impact of the Proponent's request and if the School Board objects to the Proponent's request, The City will not allow the Proponent to use such proposed location. *(proposed policy section 3.5)*

These amendments provide an opportunity for the School Boards to be engaged in the decision-making process on a case-by-case basis.

Rates and Proceeds

Amendment 4 If The City allows a Proponent to use Municipal Property for a Telecommunication Antenna Structure, The City will license such Municipal Property to the Proponent at market rates. License rates will be set to cover all associated costs to ensure City taxpayers do not subsidize cellular service providers. Such license agreement will contain terms required by The City including terms to ensure co-location opportunities are available for other cellular service providers. *(proposed policy section 3.8)*

This amendment ensures market rates are charged and provides flexibility in determining an appropriate licence rate, based on the location and the type of municipal land under consideration.

Amendment 5 Any license fees collected in relation to a Telecommunication Antenna Structure on Municipal Property shall be dealt with as follows:

- if the Telecommunication Antenna Structure is located on any portion of a Municipal Property and such portion is licensed or leased to a non-profit society, such non-profit society shall received the license fee from the cellular service provider;

(proposed policy section 3.12.1)

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- if the Telecommunication Antenna Structure is located on Reserve Lands and if such Reserve Lands is not occupied by a non-profit society, The City shall receive the license fee from the cellular service provider and then direct such funds to the Joint Use Reserve Fund; and *(proposed policy section 3.12.2)*
- if the Telecommunication Antenna Structure is located on any Municipal Property not referred to in Sections 3.12.1 and 3.12.2 above, the City business unit identified as the steward of the property shall receive the license fee from the cellular service provider. *(proposed policy section 3.12.3)*

This final amendment identifies that a non profit society occupying City-owned land will receive the proceeds from a telecommunication antenna structure sub-licence. If the City-owned land in question is not occupied by a non-profit society, then proceeds would either directed to the Joint Use Reserve Fund or the City business unit identified as the steward of the land.

Additional proposed amendments to Policy #CS012 include rewording, numbering and formatting to ensure consistency and readability throughout the policy document.

Stakeholder Engagement, Research and Communication

The Calgary Board of Education and the Calgary Separate School District provided input on the proposed policy amendments.

Consultation for the placement of telecommunication antenna structures on specific sites will continue to require the proponent to undergo public consultation as part of Development and Building Approvals concurrence process as set out in *Telecommunication Antenna Structures Siting Protocols* prepared by Development and Building Approvals.

Strategic Alignment

In keeping with *Council's Fiscal Plan for Calgary*, the proposed amendments may enable non-profit societies, including Community Associations, to maintain existing community infrastructure, while facilitating business success for telecommunication proponents.

Social, Environmental, Economic (External)

Social

The proposed policy amendments identify that the proceeds of a licence of occupation for a telecommunication antenna structure are to be directed to the non-profit society occupying City land, the Joint Use Reserve Fund, or The City, depending on the location of the structure. Non-profit societies would have a direct financial benefit that would assist with operations and programming.

Environmental

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Providing clear direction on where telecommunication antenna structures can be located on City land, including a priority ranking of different types of land, will help manage potential future land use and building conflicts caused by placement of telecommunication antenna structures.

Economic (External)

Locating antenna structures on City land will assist telecommunication proponents in the provision of dependable service to city businesses and citizens.

Financial Capacity

Current and Future Operating Budget:

None.

Current and Future Capital Budget:

None.

Risk Assessment

The location of telecommunication antenna structures can be a divisive issue in communities. If these structures are proposed to be located on a non-profit society's (including community associations) licence area, the issue could be compounded by a JUCC position to not support such a use in some locations. Also, community members in favour of a telecommunication antenna structure could be set against those opposed to the structure.

Additionally, since only certain sites can accommodate a telecommunication antenna structure, there could be perceived inequities associated with this approach because not all non-profit societies would have the similar revenue potential.

REASON(S) FOR RECOMMENDATION(S):

The proposed amendments to Policy #CS012 Telecommunication Antenna Structures on Municipal Property are consistent with the direction Council has provided on this issue. The amendments establish a priority order of City-owned land to be used for telecommunication antenna structures and clearly direct how the proceeds of a licence of occupation for telecommunication antenna structures should be allocated.

ATTACHMENT

Proposed Amended Council Policy