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PROPOSED AMENDED COUNCIL POLICY

Policy Title: Telecommunication Antenna Structures on Municipal Property
Policy Number: CS012
Report Number: IGA2014-0037
Approved by: Council
Effective Date: 2014 January 27
Business Unit: Corporate Properties & Buildings

BACKGROUND

The City receives requests to place Telecommunication Antenna Structures on Municipal Property from cellular service providers, therefore a policy is required to guide decisions on these requests and to ensure that the needs of The City, community, citizens and cellular service providers are considered.

1.0 PURPOSE

This policy aims to clarify the options and criteria for the siting of Telecommunication Antenna Structures on Municipal Property.

2.0 DEFINITIONS

- 2.1 “JUCC” means the Joint Use Coordinating Committee.
- 2.2 “Municipal Property” means any lands and buildings owned or controlled by The City.
- 2.3 “Parks and Open Space” means any Municipal Property which is under the stewardship of The City’s Parks business unit.
- 2.4 “Proponent” means any cellular service provider requesting that a Telecommunication Antenna Structure be located on Municipal Property.
- 2.5 “Public Use Policy” means the public use policy approved by Council on September 2, 1986, as may be replaced, revised or amended from time to time.

- 2.6 “Reserve Lands” means lands which are designated as reserve, community reserve, municipal reserve, school reserve or municipal and school reserve, but shall exclude environmental reserve and community service reserve.
- 2.7 “School Board” means a school district or regional division.
- 2.8 “Telecommunication Antenna Structure” means any cell phone tower, antenna and related infrastructure used for cellular service transmission.
- 2.9 “The City” means The City of Calgary.

3.0 POLICY

- 3.1 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.
- 3.2 Existing agreements and/or arrangements The City has with other parties may limit The City’s ability to allow a Telecommunication Antenna Structure on Municipal Property.
- 3.3 The City will consider allowing a Telecommunication Antenna Structure on Municipal Property where the Proponent can demonstrate that:
- 3.3.1 there are 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;
 - 3.3.2 there would be minimal public opposition to installing a Telecommunication Antenna Structure on the Municipal Property proposed by the Proponent; and
 - 3.3.3 prior to selecting a specific Municipal Property for its Telecommunication Antenna Structure, the Proponent has diligently evaluated other Municipal Property as a location for such Telecommunication Antenna Structure in accordance to the City’s preferences set out in Section 3.1 above.
- 3.4 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.

- 3.5 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.
- 3.6 The City will only determine whether to allow the Municipal Property requested by the Proponent to be used for a Telecommunication Antenna Structure. The City is not responsible to search for a suitable Municipal Property for the Proponent.
- 3.7 If The City determines that the Telecommunication Antenna Structure will have an adverse or negative impact on The City's operations or use of the Municipal Property requested by the Proponent or on any other property, the City shall not allow such Municipal Property to be used as a site for a Telecommunication Antenna Structure.
- 3.8 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.
- 3.9 Any Telecommunication Antenna Structure on Municipal Property must meet all the conditions outlined in The City's *Telecommunication Antenna Structures Siting Protocols*.
- 3.10 Proponents are encouraged to use screening and/or tower design to minimize the visual impact on the surrounding community.
- 3.11 Subject to Sections 3.4 and 3.5, a non-profit society may, upon obtaining The City's prior written consent, sub-license a portion of the Municipal Property it licensed from The City to cellular service providers for a Telecommunication Antenna Structure.
- 3.12 Any license fees collected in relation to a Telecommunication Antenna Structure on Municipal Property shall be dealt with as follows:
 - 3.12.1 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 receive the license fee from the cellular service provider;

3.12.2 if the Telecommunication Antenna Structure is located on Reserve Land and if such Reserve Land 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

3.12.3 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.

4.0 APPLICATION

4.1 If this policy conflicts with the Public Use Policy, this policy will prevail.

4.2 This policy applies to all Telecommunication Antenna Structures proposed to be built on Municipal Property after the effective date of this policy.

5.0 PROCEDURE

5.1 Corporate Properties & Buildings will circulate a Proponent's request to the appropriate business units for their review of the proposed Municipal Property's suitability for a Telecommunication Antenna Structure.

5.2 If pursuant to this policy The City allows the Proponent to use the proposed Municipal Property, The City will require the Proponent to enter into a license agreement which contains terms required by The City. If:

5.2.1 the Proponent agrees to the terms of the required license agreement, Administration will issue a letter of authorization allowing the Proponent to make a formal submission to Development & Building Approvals to install the Telecommunication Antenna Structure on the proposed Municipal Property following The City's *Telecommunication Antenna Structures Siting Protocols*; or

5.2.2 the Proponent is not prepared to accept the terms of the required license agreement, The City will not license the proposed Municipal Property to the Proponent. Corporate Properties & Buildings will also notify the Ward Councillor.

5.3 If pursuant to this policy The City does not allow the Proponent to use the proposed Municipal Property, Corporate Properties & Buildings will notify the Proponent, Ward Councillor and Development & Building Approvals with the rationale supporting such decision. The Proponent may then propose an alternative Municipal Property for the Telecommunication Antenna Structure for The City's consideration.

AMENDMENTS

2013 December 5

Inclusion of a priority order when considering City land as a location for telecommunication antenna structures, inclusion of Reserve Land as a potential location for telecommunication antenna structures, and the allocation of the licence of occupation proceeds that are received for telecommunication antenna structures.