![York Region logo]

Clause 5 in Report No. 9 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on May 19, 2016.

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Proposed Broadband-Enabling Planning Policy Language

Committee of the Whole recommends adoption of the following recommendations contained in the report dated April 29, 2016 from the Commissioner of Corporate Services and the Chief Planner:

1. Council support the addition of:

   a. Policy language (outlined in Attachment 1) in local municipal official plans and the York Region Official Plan to mandate, to the extent possible, broadband infrastructure in new development areas.

   b. Language in local municipal subdivision agreements that ensures all Canadian Radio-television and Telecommunications Commission (CRTC) registered telecommunications service providers are given an opportunity to locate their infrastructure within proposed municipal rights-of-way, as appropriate.

2. The Regional Clerk circulate this report to local municipalities, the Ontario Ministry of Economic Development, Employment and Infrastructure and the Federal Department of Innovation, Science and Economic Development for consideration.

Report dated April 29, 2016 from the Commissioner of Corporate Services and Chief Planner now follows:

1.   Recommendations

It is recommended that:

1. Council support the addition of:

   a. Policy language (outlined in Attachment 1) in local municipal official plans and the York Region Official Plan to mandate, to the extent possible, broadband infrastructure in new development areas.

    b. Language in local municipal subdivision agreements that ensures all Canadian Radio-television and Telecommunications Commission (CRTC) registered telecommunications service providers are given an opportunity to locate their infrastructure within proposed municipal rights-of-way, as appropriate.

2. The Regional Clerk circulate this report to local municipalities, the Ontario Ministry of Economic Development, Employment and Infrastructure and the Federal Department of Innovation, Science and Economic Development for consideration.

2.   Purpose

At the recommendation of the York Region Broadband Strategy Advisory Task Force, this report provides an overview of the work undertaken to gather and share municipal planning policy language that enables the deployment of Broadband infrastructure. It also provides recommended wording that can be used to harmonize broadband oriented planning policy language across York Region. (Attachment 1)

3.   Background

The York Region Broadband Strategy provides recommendations for improving connectivity in the Region

On May 15, 2014 Regional Council adopted the York Region Broadband Strategy report, which provided recommendations for improving access to high-speed internet connectivity for residents, businesses and institutions throughout York Region.

The objectives of the Broadband Strategy are as follows:

- Encourage investments that will provide higher connectivity speeds within York Region

- Create an environment that facilitates open, competitive and innovative services and applications

- Maximize efficient investment of public and private sector funding to improve connectivity throughout York Region

The recommended initiatives proposed by the Broadband Strategy are organized under the following Implementation Priority Areas: Education & Advocacy; Municipal Processes; and Infrastructure Investment.

Developing broadband enabling municipal planning policy language supports the Broadband Strategy

The development and adoption of broadband enabling municipal planning policy language supports many aspects of the Broadband Strategy.

This initiative strengthens the ability of municipalities to engage developers and telecommunication companies to increase the proliferation of broadband infrastructure and services. Therefore, it supports the Broadband Strategy Vision to develop York Region as a Gigabit Region, as well as the objectives to encourage broadband investment and competition.

More specifically, this initiative falls within the Municipal Process Priorities of the Broadband Strategy, which focuses on developing processes that can be leveraged to improve broadband access for businesses, institutions and residents.

The York Region Broadband Strategy Advisory Task Force passed a motion to share proposed planning policy language with Council

Proposed municipal planning policy language was shared with the Broadband Strategy Advisory Task Force during the March 30, 2016 meeting. As a result, the Task Force adopted the following motion:

"The Task Force recommends that staff bring forward a report to Committee of the Whole on best practice planning language to promote broadband connectivity."

4. Analysis and Options

Broadband enabling municipal planning policy language is a key factor in encouraging broadband infrastructure investment

Internet speed availability and pricing are primarily determined by market forces. To ensure telecommunications companies deploy their infrastructure and offer their services to as many communities as possible, municipalities need to have policies in place that encourage and enable this to happen.

Municipal planning policy that enables telecommunication companies to deploy infrastructure throughout a given area support increased competition and improved consumer choice.

Proposed Broadband-Enabling Planning Policy Language

Despite best efforts by developers and telecommunication companies, there is a risk that some underserved areas within York Region will not receive the infrastructure required to deliver broadband internet services without policies that support, or mandate (to the extent possible), broadband infrastructure investment in new community developments or during capital projects such as road construction.

At the 2015 International City Managers Association (ICMA) conference in Seattle Washington, the role of government in enabling broadband was discussed. The message presented by multiple jurisdictions indicated that a key government role is to develop policy that enables broadband connectivity. This sets the stage for the private sector to deliver the appropriate technologies and to collaborate with community partners.

Harmonized Region wide municipal planning policy and access agreement language also supports broadband infrastructure investment by telecommunication companies

Consultations with telecommunication companies and deputations to the York Region Broadband Strategy Advisory Task Force meetings have revealed that a harmonized set of municipal planning policies and access agreements across York Region would assist the deployment of infrastructure required to deliver high-speed broadband services. Doing so would also support initiatives under the Municipal Process Priorities category of the York Region Broadband Strategy.

Proposed municipal planning policy language recommendations were developed

A Working Group comprised of Planning and Economic Development staff from each of the nine local municipalities identified the following opportunities to improve broadband enabling municipal planning policy language:

1. Add language in local municipal official plans to mandate, to the extent possible, broadband infrastructure in new development areas. This includes appropriate language in the York Region Official Plan through the Municipal Comprehensive Review, which is currently underway. This would result in the adoption of similar language in Local Municipal Official Plans and Secondary Plans as they are updated to conform with the Regional Official Plan.

2. Add language in local municipal subdivision agreements that ensures all Canadian Radio-television and Telecommunications Commission (CRTC) registered telecommunications service providers are given an opportunity to locate their infrastructure within proposed municipal rights-of-way, as appropriate.

Proposed Broadband-Enabling Planning Policy Language

Attachment 1: Proposed Broadband Planning Policy Language captures the proposed policy direction.

York Region staff recommends that local municipalities adopt the proposed language into their Official and Secondary plans to encourage broadband infrastructure investment by telecommunication companies. Doing so would harmonize the policies that guide the deployment of broadband infrastructure across York Region and support the efforts of telecommunication companies.

The York Region Chapter of the Building Industry and Land Development Association also contributed to the process

In the spring of 2015, York Region staff shared a draft version of the proposed policy language with the York Region Chapter of the Building Industry and Land Development (BILD) Association for consideration and feedback. As a result, several meetings and communications took place between BILD board members and York Region staff throughout the summer and fall of 2015 to discuss and refine the proposed language.

In December 2015, BILD stated that they were satisfied with the wording captured in Attachment 1: Proposed Broadband Planning Policy Language.

Link to key Council-approved plans

Regional Council has approved a number of strategic documents that provide direction, within the current term of Council and beyond, regarding the significant role that broadband access plays in supporting Economic Development:

- Vision 2051; Fostering an Innovation Economy - to be supported by "Infrastructure and Resources Supporting a Knowledge Economy"

- York Region Official Plan, 2010; Economic Vitality (Chapter 4) - states that broadband related initiatives support the York Region Official Plan objective "To encourage and accommodate economic activities that diversify and strengthen the Region's economic base, employment opportunities for residents and competitive advantage for its businesses."

- 2015 to 2019 Strategic Plan; Strengthen the Region's Economy - Objective 3: "focusing on networks and systems that connect people, goods and services"

- The Economic Development Action Plan 2016 to 2019 Section C - "Innovation and Entrepreneur Development" – is grounded in the fact that high-speed connectivity promotes economic growth

5.   Financial Implications

There are no Regional financial implications associated with this initiative.

6.   Local Municipal Impact

The opportunity to adopt broadband enabling planning policy language has the potential to impact all local municipalities. Planning and economic development staff from each of the nine local municipalities participated on the Working Group for this initiative.

Telecommunications companies deliver services to customers in every community across York Region. Ensuring broadband enabling planning policy language is in place at the local level will help the proliferation of broadband infrastructure and services throughout the Region.

Subdivision agreements are the responsibility of local municipalities. Updates to those documents will be implemented by local municipal Councils.

7.   Conclusion

Broadband enabling municipal planning policy language is important to facilitate private sector investment. There is an opportunity for York Region and the local municipalities to improve its current planning policy language in this regard.

York Region staff recommends that local municipalities adopt the proposed language into their Official and Secondary Plans to encourage broadband infrastructure investment by telecommunication companies. Doing so will recognize the importance of broadband connectivity in the documents that guide development and facilitate improved availability of high-speed Internet access for businesses, institutions and residents across York Region.

This is in keeping with the objectives and priority areas in the Region's Broadband Strategy.

Proposed Broadband-Enabling Planning Policy Language

For more information on this report, please contact Doug Lindeblom, Director of Economic Strategy at ext. 71503.

The Senior Management Group has reviewed this report.

April 29, 2016

Attachments (1)

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Accessible formats or communication supports are available upon request

Proposed Broadband-Enabling Planning Language

One of the action items of York Region's Broadband Strategy is to identify ways to leverage land-use planning policy and the development process to promote connectivity for York Region residents and businesses.

A Working Group for Broadband Planning was formed with Regional and Local Municipal Economic Development and Planning staff. After a review of policies for fibre and wireless infrastructure in local and other jurisdictions, the Working Group identified the following recommendations that municipalities and the Region could adopt, if they choose to do so.

These recommendations were shared with the York Chapter of the Building Industry and Land Development Association (BILD) in May 2015 for their review and comment. A revised version of the language was then sent to them in July 2015, which was followed by another meeting/discussion in August.

Further research and discussions amongst senior planning staff to polish the proposed wording took place over subsequent months and what follows is recommended template language for consideration by local municipalities to ensure broadband connectivity is enabled when developments are being planned and built.

Opportunity #1:
Current York Region Official Plan language does not include language that explicitly supports the inclusion of broadband infrastructure in developments. There is a need to ensure that current and future residential, commercial, industrial and institutional developments are designed to accommodate the inclusion of broadband infrastructure.

Recommendation #1: Add language to mandate (to the extent possible) broadband infrastructure in new development areas. The following policy language direction should be considered through the 2014 Municipal Comprehensive Review and Official Plan Update, including:

- working with leading-edge communication technologies as a means of enhancing the Region's capacity to attract and maintain a vibrant economy.

- providing direction that local official plans include policies that require/encourage development to accommodate the capability to implement leading edge communication technologies, including those required to deliver broadband services.

- encouraging the construction of hydro, telephone, and other communication services to be located in the road right-of-way, where possible.

Local Official Plans would then adopt policy language consistent with the above, as appropriate for each local Official Plan.

<u>In the Local Municipal Official Plan Review:</u>

Add a new objective:
Servicing

Implement leading-edge communication technologies as a means of enhancing the Municipality's capacity to attract and maintain a vibrant economy.

Revise the Energy and Communication policy section to provide policy direction for the implementation of leading edge communication technology:

- Development within the built boundary shall be encouraged to accommodate the capability to implement leading-edge communication technologies, including those required to deliver broadband services, in order to attract and maintain investment, facilitate research and development and knowledge-based initiatives, and support health services.

- Construction of hydro, telephone, and other communication services shall be encouraged to locate in the road right-of-way, where possible.

- All development will be designed to accommodate the implementation of leading-edge communication technologies, including but not limited to broadband fibre optics.

<u>In the Local Municipal Secondary Plan:</u>

Urban design within (a new development area) will:

Ensure that new development accommodates the capability to implement leading edge communication technologies, including those required to deliver broadband services, in order to attract and maintain investment, facilitate research and development and knowledge based initiatives, and support health services.

Communication Technology

i.   Development in new community areas shall accommodate the capability to implement leading-edge communication technologies, including those required to deliver broadband services, in order to attract and maintain investment, facilitate research and development and knowledge based initiatives, and support health services.

ii.   All commercial, office, institutional, mixed use, and multiple unit residential buildings will be designed to accommodate infrastructure for the delivery of leading edge communication technologies to facilitate future advanced telecommunication capabilities.

iii.   A dedicated optical fibre conduit, including appropriately sized wiring or appurtenances, shall be installed from the municipal right of way to each development block or building(s) as well as distributed internally to each unit within the building(s) to accommodate access to the most advanced communication technology available.

iv.   Applications for development will be required to provide a Communication Implementation Plan that demonstrates how communication infrastructure will be designed and implemented.

Opportunity #2:
There are instances whereby Telecommunications Service Providers who wish to install their broadband infrastructure within a development are not being given an opportunity to participate.

Recommendation #2:
In order to ensure that all registered telecommunications service providers are given an opportunity to locate their infrastructure within a proposed municipal right-of-way, it is recommended that the following wording be inserted into local municipal plan of subdivision agreements:

The Developer shall covenant and agree in the Subdivision Agreement to grant access, on reasonable terms and conditions as agreed by the *City/Town(ship) of XXX*, to any Canadian Radio-television and Telecommunications Commission (CRTC) registered telecommunications service providers indicating an interest to locate infrastructure within a municipal right-of-way. The Developer shall further agree to advise any telecommunications service provider intending to locate within a municipal right-of-way, of the requirement to enter into a Municipal Access Agreement with the *City/Town(ship) of XXX*, and to satisfy all conditions, financial and otherwise of the Municipality.

Other considerations:

The following summarizes how some municipalities are requiring the installation and/or use of municipally-owned conduit and/or fibre within rights-of-way to increase broadband connectivity.

1) The **City of Calgary** is building its own fibre network to increase broadband connectivity, to address crowding within its rights-of-way, and to prevent over-digging. The City was facing many requests from ISPs to install more fibre and increasingly, the rights-of-way were becoming overcrowded.

   By creating a municipal fibre network, it created an incentive for ISPs to use municipal fibre, as it is 10-30% costlier for ISPs to dig to install their own fibre versus leasing fibre from the City. It also addressed the crowding issue in the rights-of-way.

   Calgary developed its network largely by paying an ISP to put in a second alignment when installing its own fibre. The City now has 450 km of fibre and it can mandate certain levels of speed if an ISP is to lease city-owned fibre. Currently, Calgary leases space to ISPs including: Rogers, Shaw and Allstream.

   The City is mindful of leasing agreements, as space can be used up quickly. They lease a quantified number of strands to an ISP on their high count cable. The City is also mindful to ensure that there is city owned fibre on pinch points (e.g. bridges, intersections).

2) On June 23, 2015, the **Town of East Gwillimbury** Municipal Council passed a resolution that empty optical fibre conduit be included in engineering design standards and that conduit installation be required in collector road rights-of-way in all subdivisions. When enacted, developers will be required to install conduit as per the municipality's specifications, just as they would for water and sewer infrastructure.

3) In early 2014, **Town of Whitchurch Stouffville** Council approved the inclusion of Fibre-to-the-Address (FTTA) as an additional incentive offered to landowners in Downtown Stouffville as part of the Community Improvement Plan. This incentive allows landowners to offset the cost of investing in FTTA infrastructure, in turn, enabling the attraction of businesses that require access to quality, high-speed broadband. This is a competitive advantage that enables knowledge-based businesses to create jobs in Downtown Stouffville and allows retailers and merchants to leverage e-commerce and web-based applications to optimize their business operations.