

The Corporation of the City of Kawartha Lakes
Council Report

Report Number PLAN2018-047

Date: June 19, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: Ward 16 – Manvers

Title: Telecommunication Facility Endorsement Application, Metrolinx

Description: An application to endorse a proposed 80.0 metre Self-supporting Telecommunication Facility by Metrolinx on behalf of the Ministry of Transportation of Ontario

Author and Title: Ian Walker, Planning Officer – Large Developments

Recommendations:

That Report PLAN2018-047, **Telecommunication Facility Application, Metrolinx – D44-17-001**, be received;

That the proposed 80.0 metre self-supporting telecommunication facility proposed by Metrolinx on behalf of the Ministry of Transportation of Ontario, to be sited on lands fronting at 3818 Boundary Road and as generally outlined in Appendices A to D to Report PLAN2018-047, be endorsed by Council, conditional upon the applicant entering into a telecommunication facility development agreement with the City;

That Industry Canada, the applicant, and all interested parties be advised of Council's decision; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the endorsement of this application.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

Metrolinx has submitted an application on behalf of the Ministry of Transportation of Ontario to permit a self-supporting telecommunication facility with a height of 80.0 metres (262 feet) on a rural property located at 3818 Boundary Road near Pontypool. See Appendix A. A site compound with an area of 225 square metres will house all electrical components and would be enclosed by a 2.1 metre high chainlink fence with a locked gate. All equipment will be housed in a 15.6 square metre equipment cabinet. The total leased area includes 1,625.1 square metres of the 4.75 hectare property. The access will utilize the existing paved driveway to the compound. See Appendix B.

Owner:	Ministry of Transportation of Ontario
Agent:	Metrolinx
Legal Description:	Part of Lot 10 and Part of Road Allowance between Lots 10 and 11, Concession 1, geographic Township of Manvers
Official Plan:	Countryside Area in the City of Kawartha Lakes Official Plan (Oak Ridges Moraine Official Plan)
Zoning:	Oak Ridges Moraine Country Side Area (ORMCS) Zone in the Oak Ridges Moraine Zoning By-law 2005-133
Site Size:	1,625.1 square metres consisting of a 225 square metre compound and 1,400.1 square metre site access lane
Site Servicing:	A dedicated electrical connection and driveway extension are required to service the telecommunication facility
Existing Uses:	The property is used for an MTO works yard.
Adjacent Uses:	North: Rural Residential East: Aggregate Extraction South: Boundary Road, Agricultural West: Gas Station, Highway 35, Aggregate Extraction

Rationale:

The telecommunications industry is regulated by the federal government through the Radiocommunication Act, which is primarily administered by Industry Canada and Health Canada. Telecommunications systems are regulated by the federal government, and are therefore not subject to the requirements of Planning Act documents such as official plans or zoning by-laws. However, Industry Canada encourages the development of protocols by Local Land-Use Authorities (the municipality) to ensure that a clear process is established for the consideration of new telecommunications facilities within the community. Where a municipality has adopted a telecommunications policy, the applicant must receive confirmation from the municipality that the proposal complies with their policy, before Industry Canada will issue an approval for the facility.

Council has adopted a telecommunications policy (Telecommunications System Protocol) following the recommended Industry Canada standards for the installation of new telecommunication towers within the City of Kawartha Lakes. The policy provides a set of criteria to ensure that a clear process is established for the consideration of new telecommunications facilities within the community. All applications must be endorsed by Council subject to any necessary conditions, for the applicant to receive an approval.

The applicant has submitted the following reports and information in support of the application, which have been circulated to various City Departments and commenting agencies for review:

1. Site Selection and Justification of Preferred Location Report, prepared by Metrolinx, not dated. The report discusses and assesses the proposed telecommunication tower in context of the federal legislation and the City's Telecommunications System Protocol.
2. Topographic and Site Layout Design, prepared by J.D. Barnes Limited, dated June 7, 2017, last revised October 12, 2017.
3. Photo renderings of the proposed telecommunications tower.
4. Public Consultation Summary email dated April 26, 2018.

Applicable Provincial Policies:

While telecommunication systems are a federally-led initiative, the province also recognizes the importance of telecommunications infrastructure and encourages further systems development to meet current and projected service demands in its policy documents, including the Provincial Policy Statement (PPS), Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan), and Oak Ridges Moraine Conservation Plan, 2017 (ORMCP). The proposed telecommunications facility fulfills the objectives of these policies.

Official Plan Conformity:

The property is designated Countryside Area in the City of Kawartha Lakes Official Plan (Oak Ridges Moraine Official Plan). While telecommunication systems are not subject to the requirements of the official plan, the land use policies in this designation permit telecommunications facilities, provided that there is a demonstrated need. Since the applicant has demonstrated that there is a need for this facility, the proposal fulfills the provisions of the land use policies, in accordance with the City's telecommunications policy.

Zoning By-law Compliance:

The subject land is zoned Oak Ridges Moraine Country Side Area (ORMCS) Zone in the Oak Ridges Moraine Zoning By-law 2005-133. While telecommunication systems are not subject to the requirements of the zoning by-

law, the ORMCS zone provides that infrastructure and utilities are permitted uses, in accordance with the City's telecommunications policy.

Other Alternatives Considered:

No other alternatives have been taken into consideration.

Financial/Operation Impacts:

There are no financial considerations for the City.

Relationship of Recommendations to the 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Goals:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An Exceptional Quality of Life
- Goal 3 – A Healthy Environment

This application aligns with the exceptional quality of life strategic goal in that it provides opportunity to improve the range of telecommunications infrastructure and services provided within the City.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility considerations for the City.

Servicing Implications:

There are no servicing considerations for the City.

Consultations:

Public Comments

The City's Telecommunications Policy requires that the applicant conduct the public consultation and information process as prescribed by Industry Canada. The City's policy requires notification through a local newspaper, and a mailout to all landowners within a minimum notification radius which is the greater of:

- a) 120 metres; or
- b) three times the height of the tower.

Information was mailed to all property owners within 240 metres of the proposed tower with commenting timeframe from March 19, 2018 until April 19, 2018. A notice was placed in the local Kawartha Lakes This Week newspaper on March 22, 2018 with a commenting timeframe until April 19, 2018.

The applicant provided a copy of the Public Consultation Summary email for the City's review. Two neighbours provided comments to the applicant by email, indicating their concerns related to: interference with internet and television services; effects of radio frequencies on human and animal health; loss of property value; future additions to the tower; the potential to use an eco-emulated tower; and co-location. A full copy of the consultation summary is contained in Appendix C to this report.

Agency Review Comments

The application was circulated to all relevant agencies and City Departments which may have an interest in the application. The following comments have been received to date:

March 5, 2018	The Building Division advised that a permit is required for the equipment building, and that development charges are applicable.
March 7, 2018	The Engineering and Corporate Assets Department advised they have no comments on this application.
March 23, 2018	The Ministry of Transportation of Ontario advised they have no concerns, and are in the process of finalizing an agreement for the tower to be located on their lands. MTO will issue their Building and Land Use permit once the City advises that all municipal issues have been addressed.
April 9, 2018	The Municipality of Clarington advised they have no objection to this application.

Development Services – Planning Division Comments:

Compliance with Telecommunication Tower Siting Criteria

Staff has reviewed the telecommunication facility application and concludes that the proposal complies with the siting criteria in following manner:

- Industry Canada has mandated that communications providers cannot have any dropped calls, given that the system is now being used for 911 or other emergency purposes in addition to personal communications. Given the topography of the area, Metrolinx requires a tower height of 80 metres in order to provide its services in accordance with the Industry Canada standards. The addition of this tower should provide improved service in this area.
- The applicant has investigated the possibility of co-locating other existing telecommunication towers. Since there are few towers in the area, co-location is not an option and a new tower is necessary for technical reasons. The proposed tower structure should be able to accommodate other carriers in the future, should the need arise. Staff is satisfied that an additional tower is necessary to provide service for the area.

- The proposed tower fulfills all of the necessary setbacks from provincial highways, local roads, property lines, residential areas, and environmentally sensitive areas. Metrolinx is not proposing to landscape the enclosure, as it is within the existing disturbed area of the site. The compound will be screened with special fencing.
- While the tower will be visible in the skyline, the tri-pole lattice design should not make the tower obtrusive to the view of the area. Appendix B contains a proposed tower and compound plan. The views of the tower are expected to be similar to those contained in the Site Selection and Justification of Preferred Location Report. See Appendix D.

From Staff's perspective, the proposed telecommunication facility fulfills the locational requirements of the City's Telecommunications System Protocol.

Tower Lighting

With regard to the lighting, this tower may require painted striping or lighting. Final details of the lighting requirement are not available at this time. Staff would advise that any night lighting should not include white flashing strobe lights.

Site Development Agreement

Staff would require that this telecommunications facility be subject to a limited telecommunications facility development agreement with the City. This agreement would secure an approved site plan, lot grading and drainage plan, securities for entrance works and landscaping, and landscaping details as required. The agreement would also include provisions for the removal of the telecommunication facility once it is no longer being used. Staff views this agreement as serving more of an administrative function and therefore would not recommend that this agreement be registered against title.

Conclusions:

In consideration of the comments contained in this report, Staff respectfully recommends that the proposed telecommunications facility application be endorsed by Council, and that the Council Resolution endorsing the proposal be forwarded to Industry Canada.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

Appendix A – Location Map



PLAN2018-047
Appendix A.pdf

Appendix B – Proposed Site Plan



PLAN2018-047
Appendix B.pdf

Appendix C – Summary of Public Consultation



PLAN2018-047
Appendix C.pdf

Appendix D – Site Selection Report



PLAN2018-047
Appendix D.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director, Development Services

Department File: D44-17-001