

The Corporation of the City of Kawartha Lakes

Council Report

Report Number PLAN2018-048

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

Ward Community Identifier: Ward 9 – Lindsay

Title: Telecommunication Facility Endorsement Application, Shared Network Canada

Description: An application to endorse a proposed 65.0 metre Self-Supported Telecommunication Facility by Shared Network Canada on behalf of 2324784 Ontario Limited

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

Recommendations:

That Report PLAN2018-048, **Telecommunication Facility Application, Shared Network Canada – D44-17-002**, be received;

That the proposed 65.0 metre self-supported telecommunication facility proposed by Shared Network Canada on behalf of 2324784 Ontario Limited, to be sited on lands fronting at 388 Angeline Street North and as generally outlined in Appendices A to D to Report PLAN2018-048, 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:

Shared Network Canada has submitted an application to permit a self-supporting telecommunication facility with a height of 65.0 metres (213.3 feet) on a rural property located at 388 Angeline Street North near Lindsay. See Appendix A. A site compound with an area of 400 square metres will house all electrical components and would be enclosed by a fence with electronic monitoring. All equipment will be housed in three separate 9.0 square metre equipment cabinets. The total leased area includes 1,078.1 square metres of the 57.9 hectare property. The access will utilize a new gravel driveway from Thunder Bridge Road to the compound. See Appendix B.

Owner:	2324784 Ontario Limited
Agent:	Shared Network Canada
Legal Description:	Part of Lot 26, Concession 5, geographic Township of Ops
Official Plan:	Prime Agricultural in the City of Kawartha Lakes Official Plan
Zoning:	Agricultural (A) Zone in the Township of Ops Zoning By-law 93-30
Site Size:	1,078.1 square metres consisting of a 400 square metre compound and 678.1 square metre site access lane
Site Servicing:	A dedicated electrical connection and new driveway are required to service the telecommunication facility.
Existing Uses:	The property is agricultural in nature.
Adjacent Uses:	North: Agricultural East: Rural Residential South: Thunder Bridge Road, Agricultural West: Angeline Street North, Rural Residential, Agricultural

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 Report, prepared by Shared Network Canada, dated December 18, 2017. 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 September 13, 2017.
3. Photo renderings of the proposed telecommunications tower.
4. Public Consultation Summary report dated April 6, 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) and Growth Plan for the Greater Golden Horseshoe (Growth Plan). The proposed telecommunications facility fulfills the objectives of these policies.

Official Plan Conformity:

The property is designated Prime Agricultural in the City of Kawartha Lakes 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 Agricultural (A) Zone in the Township of Ops Zoning By-law 93-30. While telecommunication systems are not subject to the requirements of the zoning by-law, the zoning by-law provides that telecommunication towers shall only be permitted in the Agricultural (A) Zone,

and outside of any environmentally protected zones, which is 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 195 metres of the proposed tower with commenting timeframe for 30 days commencing March 6, 2018. A notice was placed in the local Kawartha Lakes This Week newspaper on March 12, 2018 with a commenting timeframe of 30 days.

The applicant provided a copy of the Public Consultation Summary for the City's review. Two neighbours provided comments to the Ward Councillor by email, indicating they have no concerns with the application. 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 6, 2018	The Building Division advised they have no concerns.
March 7, 2018	The Engineering and Corporate Assets Department advised that while the proponent has indicated they are exempt from municipal by-laws, the property is in private ownership, therefore the new entrance is subject to By-law 2017-151, to Regulate Access to Municipal Right of Ways.
April 25, 2018	Hydro One advised they have no concerns with the outlined work. Please comply with the OH&SA limits of approach for energized overhead electrical conductors as outlined in section 186, Construction Regs. The customer/contractor understands and accepts that it is the customer/contractors sole responsibility to ensure that its workers are aware of the dangers of working in the proximity of overhead conductors and that its workers are adequately trained and qualified. In the event you are doing any digging or trenching near our overhead low transmission line please be sure to contact HONI immediately if you are undermining the stability of the pole in anyway. Underground locates for the entire work area will be required prior to any work commencing. To request a locate call Ontario One Call at 1-800-400-2255 or you can submit an e-ticket at www.on1call.com .

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, Shared Network Canada requires a tower height of 65 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 no other towers within a 3 kilometre radius, co-location is not an option and a new tower is necessary for technical reasons. The proposed tower structure has been designed to service an existing national carrier, and designed to co-locate all 4 current national carriers, 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 local roads, property lines, residential areas, and environmentally sensitive areas. Shared Network Canada is not proposing to landscape the enclosure, as it is within the existing agricultural field and a significant distance from any residential uses.
- 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 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



PLAN2018-048
Appendix A.pdf

Appendix B – Proposed Site Plan



PLAN2018-048
Appendix B.pdf

Appendix C – Summary of Public Consultation



PLAN2018-048
Appendix C.pdf

Appendix D – Site Selection Report and Photo Renderings



PLAN2018-048
Appendix D.pdf

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Department Head: Chris Marshall, Director, Development Services

Department File: D44-17-002