



CORPORATE POLICY AND PROCEDURES MANUAL

Policy No:

C

178

PLAN

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Policy Name: **Telecommunications and Antenna System Siting Policy**

DEVELOPED BY: **Ron Taylor**

DATE: **Developed at
Request of
Council**

DEPARTMENT: **Development Services – Planning Division**

ADOPTED BY: **Council**

DATE: **May 22, 2012**

RESOLUTION
NUMBER: **CR2012-559**

EFFECTIVE: **May 22, 2012**

CROSS-REFERENCE:

REVISIONS:

DEFINITIONS:

Alternative tower structures: shall mean man-made support structures that camouflage or conceal the presence of antennas or towers such as flagpoles, clock towers, church steeples, street lights, artificial trees and other everyday features. This definition shall not include towers supported by guyed wires.

Antenna: shall mean a device for transmitting and receiving electromagnetic waves, wireless communications signals or other communication signals.

Antenna System: shall mean an antenna and some sort of supporting structure, normally a tower.

City: shall mean the various Departments of the Corporation of the City of Kawartha Lakes.

Co-location: shall mean the placement of one or more antenna on the same telecommunications tower or alternative tower structures.

Equipment Shelter: shall mean a structure containing equipment necessary to transmit and receive signals.

Land-use Authority (LUA): shall mean representatives of the Corporation of the City of Kawartha Lakes, including City Council and staff.

Proponent: shall mean the land owner and/or company that is proposing the construction of an antenna or telecommunications system.

Telecommunications Carrier: shall mean a person who owns or operates a transmission facility used by that person or another person to provide telecommunications services to the public for compensation.

Telecommunications Facilities: shall mean the physical antenna and tower (antenna system), and including the base; all mechanical and support components of the tower; and any associated equipment shelters.

Telecommunications Towers: shall mean structures designed and constructed to support one or more antennas, including lattice towers, monopoles and guyed towers.

POLICY, PROCEDURE, AND IMPLEMENTATION:

1.0 GOALS & OBJECTIVES

1.01 The purpose of the Telecommunication System Protocol is to provide proponents with policies and procedures for the installation of new telecommunications towers within the City of Kawartha Lakes. The goals and objectives of the policies are designed to:

- a) promote a wireless telecommunications system within the City that provides appropriate service and capacity levels to business, emergency services, and residents;
- b) encourage site selection that minimizes the number of tower locations and their visual impact on the surrounding landscape;
- c) discourage site selection within or adjacent to sensitive environmental features;
- d) provide for public input to the approvals process for area residents as prescribed by Industry Canada and/or when a proposal does not meet the requirements established by this policy; and,
- e) provide development and locational criteria and requirements for new telecommunications towers.

2.0 JURISDICTION

- 2.01 Telecommunication systems are regulated and approved by the federal government under the jurisdiction of Industry Canada, and as such, are not subject to municipal official plan policies and zoning regulations established under the Planning Act. Notwithstanding, Industry Canada still requires proponents to contact the local Land-use Authority as a part of the consultation process, and to schedule a public information session for area residents. Proponents are encouraged to present their proposals for preconsultation and review to ensure that requirements of both the City and relevant external agencies are addressed. Industry Canada requires proponents to receive concurrence from the local Land-use Authority prior to commencing construction of any new telecommunications facility which is not exempted from the consultation process.

Accordingly, proponents of telecommunication systems within the City of Kawartha Lakes (the “City”) are required to submit a formal telecommunications tower review application with the necessary review fees for approval. Planning staff will then circulate the application for review in accordance with Section 5.04 of this policy, and will present a report and recommendation to City Council for consideration. Should the City and the proponent not be able to reach consensus on a proposal, Industry Canada may intervene in an attempt to settle the impasse.

3.0 SITE SELECTION CRITERIA

- 3.01 The installation of new telecommunications facilities is generally discouraged unless all other options for co-location within the carrier’s search area have been explored and are not considered to be technically viable. The preferred methods of achieving additional capacity are:
- a) co-location of antennas on existing towers or structures within the City or within adjacent municipalities;
 - b) location of new telecommunications facilities on publicly owned lands and/or buildings;
 - c) use of alternative tower structures that are less obtrusive;
 - d) clustering of new towers adjacent to existing telecommunications facilities; and,
 - e) location of new telecommunications facilities on hydro transmission towers or within or adjacent to existing hydro transmission corridors.
- 3.02 Telecommunications facilities should be located in a manner which minimizes their overall impact on the community. The following site selection criteria will be applied to the proposed location of any new telecommunication facility.

- a) New telecommunications towers should be encouraged in more sparsely populated areas within the City's limits;
- b) The distance between new telecommunications towers and existing and future residential areas; community and institutional uses; historical downtown areas; and waterfront areas should be maximized;
- c) New telecommunications towers should generally be set back a minimum of 120 metres, or three times the tower height, whichever is greater, from any lands designated or zoned for residential uses and/or schools;
- d) Alternative tower structures are recommended to be implemented for new tower locations within and/or surrounding a settlement area, as identified in the City of Kawartha Lakes land use planning documents, and shall be designed to achieve the City's urban design objectives;
- e) There shall be no negative impact on significant natural features or hazard land areas. New telecommunications tower installations will not be permitted areas which are designated and/or zoned as environmentally sensitive areas, and shall be setback a minimum of 30 metres from a waterbody or watercourse;
- f) New telecommunications towers should be set back a minimum of 50 metres from Provincial Highways; 30 metres from local roads; and 15 metres from property lines. The setback shall be measured from the base of the telecommunication facility (the tower or the guyed wires, whichever is greater);
- g) Terminal vistas from existing and future roads and areas of topographical prominence will be avoided. Where a telecommunications tower in these areas is necessary, alternative tower structures in conjunction with the lowest possible height shall be used by the proponent;
- h) Locations and heights where Transport Canada will require lighting on the tower should be avoided;
- i) Telecommunication facilities shall not be permitted on lands without direct access from an open and maintained road or within an unopened road allowance; and
- j) Advertising shall not be permitted on any telecommunications facility.

4.0 SITE DEVELOPMENT CRITERIA

4.01 New Telecommunications Facilities

The following site development criteria shall be considered in the design and layout of new telecommunications facilities:

- a) Trees and shrubs shall be planted around the perimeter fencing and the guy wire bases to mitigate the visual impact of the tower and equipment shelter;
- b) Identification signage of the carrier(s), measuring 0.5 square metres or less may be permitted on the equipment shelter or perimeter fencing;
- c) Where alternative tower structures are not feasible, telecommunication towers and equipment shelters shall blend in with the predominant colour of the surrounding area subject to Transport Canada requirements;
- d) Security lighting required for the shelter or base area as well as the driveway shall meet the Illuminating Engineering Society of North America (IESNA) lighting guidelines and utilize full cut-off lighting fixtures.

4.02 Roof top Antennas or Existing Structures

When locating telecommunications facilities on roof tops or existing structures, and notwithstanding Industry Canada exemptions from local Land-use Authority review of telecommunications towers less than 15 metres in height, the City requests compliance by carriers to minimize the visual impacts of such facilities by considering the following design techniques:

- a) Alternative tower structures should be utilized where possible;
- b) The City encourages these types of installations on commercial and industrial buildings with larger roof areas to minimize the aesthetic views of these facilities;
- c) The overall height of new roof top antennae should be minimized and should not project beyond the vertical projection of the building;
- d) Equipment shelters on roof tops should be set back a minimum of 3 metres from the edge of the roof;
- e) The colour and architectural style of the antenna and equipment shelter shall blend in with the building or structure; and
- f) The City will encourage residential buildings greater than 6 storeys in height to be pre-designed to accommodate telecommunication facilities.

- 4.03 Telecommunication carriers shall be encouraged to remove facilities that have not been in use for six months or more, within 90 days of the end of the six month period.

5.0 CONSULTATION PROCESS

5.01 Municipal Preconsultation Process

Proponents proposing a new telecommunications tower shall submit an application to the City's Preconsultation Committee for agency circulation and review. This process will provide information and guidance from all necessary review agencies on site selection, land use compatibility, environmental constraints, visual concerns, and compliance with the requirements of this policy. Abutting upper-tier and lower-tier municipalities will be circulated where a proposal is within 200 metres of the abutting municipality, or three times the tower height, whichever is greater.

5.02 Application Process

A proponent proposing a new telecommunications tower, roof top structure, or change to an existing telecommunications facility is required to submit a telecommunications facility application for approval by the Development Services Department – Planning Division. These applications will not be processed in accordance with Section 41 of the Planning Act. Application fees are payable with submission of an application as prescribed in the City's approved Planning Application Fees.

Applications for New Telecommunications Facilities

An application for a new telecommunications facility will require the following information to be submitted to the Planning Division:

- a) A completed application form;
- b) A justification report from the proponent detailing a thorough investigation relating to the sharing (co-location) of infrastructure and the use of existing structures for the proposed infrastructure. Should the proposal not be able to co-locate or utilize existing structures, a detailed reasoning for the location of a new antenna is required. Alternatives shall be explored in the justification report as well. Justification for the proposed height shall be required;
- c) A detailed site plan prepared by an Ontario Land Surveyor (OLS) or Professional Engineer (P.Eng.) illustrating the proposed installation shall be provided. The site plan shall include: a key map, the location of the proposed tower, property lines, existing and proposed site grading, existing structures, proposed structures, landscaping, entrance details, access and driveways, parking, and setbacks from all nearby property lines, including confirmation of compliance with setbacks required under Section 3.02 of this protocol;
- d) Information on security lighting where proposed;
- e) A map of the surrounding area illustrating all setbacks from adjacent property lines, setbacks to the nearest residential, community facility

and/or institutional uses, and setbacks to areas with residential, community facility and/or institutional zoning;

- f) Stamped engineered drawings of the proposed telecommunications facility;
- g) Pictures of the proposed site; and
- h) Authorization from the owner of the land.

Applications for Roof Top or Existing Structures

An application for new telecommunication facilities on roof tops or existing structures, requiring consultation with the City by Industry Canada, will include the following information to be submitted to the Planning Division;

- a) A statement from the proponent on the need for any increase in proposed tower height if applicable;
- b) A plan showing the location of the proposed antenna and associated facilities on the roof top or structure;
- c) Two sets of stamped engineered drawings that identify the antenna and associated facilities to be constructed on the building roof top or structure and any other information required by the Building Division;
- d) Upon review of the site plan, the Planning Division may require the carriers to submit pictures of the building or structure with the proposed antenna and equipment shelter superimposed on the picture from four directions; north, south, east and west; and
- e) Demonstrated conformity with Section 4.02 of this policy.

Applications to Alter Existing Facilities

Where modifications to the site are proposed to non-exempt classes of telecommunications facilities, which may include, but not be limited to, an increase in the height of the tower in excess of 25%, additional equipment shelters or entrances, an amendment to an agreement may be required. Submission requirements to the Planning Division will be determined in consultation with the proponent.

5.03 Public Consultation Process

Industry Canada provides Land-use Authorities with two (2) options for undertaking a public consultation process as part of a proposal to construct new telecommunications facilities:

- The City can include a public consultation process as part of this protocol, whereby it determines its level of participation in the process; or
- Alternatively, the proponent is required to adhere to Industry Canada's default public consultation process contained in Section 4.2 of the

Radiocommunication and Broadcasting Antenna Systems (CPC-2-0-03, as amended from time to time) should the City not adopt a separate process in this protocol.

While Industry Canada permits the Land-use Authority (City) to develop its own public consultation process, the City has opted for a proponent-lead public consultation process in accordance with Industry Canada's policies. The City will require the proponent to provide a record of the public consultation process, including comments provided by the public as well as the carrier's response to those public comments, as part of their application for approval with the City. Notwithstanding the Industry Canada notification requirements to adjacent properties, the City will request that all property owners within 120 metres, or three times the tower height as measured from the base of the tower, whichever is greater, are notified of the proposal. All residents that required notification will also be notified when a recommendation will be forwarded to Council for consideration.

5.04 Endorsement Process

Telecommunications Facility Agreement

A telecommunications facility agreement will be required for the construction of a new telecommunications facility as well as a new roof top equipment shelter or a new equipment shelter necessary to accommodate co-location of the antenna not exempted by Industry Canada. The agreement shall be signed by the landowner and telecommunications carrier but will not be registered on title. The agreement will contain provisions relating to the following matters:

- a) Site and grading plan drawings;
- b) Lighting information;
- c) Building and entrance permits as required;
- d) Security deposits for site works and mechanisms for their release;
- e) Road widenings and easements as required;
- f) A commitment to remove all structures upon expiration of the lease or use of tower;
- g) A commitment to accommodate other carriers on site where feasible; and
- h) Other conditions as required by the City.

Once the Planning Division has reviewed the application and is ready to provide a recommendation to Council in support the proposal, a draft telecommunications facility agreement and conditions of approval will be prepared.

Council Endorsement

Once the Planning Division has reviewed the application and is ready to provide a recommendation on the proposal, a report will be forwarded to Council with a rationale and recommendations for expressing either support or opposition to the proposal. The report will also contain conditions of endorsement and a draft telecommunications facility agreement. Council will make a decision on the proposal and a formal resolution will be forwarded to the proponent; Industry Canada; and the Member of Parliament once the telecommunications facility agreement is completed, where applicable.

The City will endeavor to provide a decision on projects within the 120 day approvals timeframe established by Industry Canada. The approval timeframe will be based upon the submission of a complete application, in accordance with Industry Canada's guidelines, as amended from time to time.

6.0 INDUSTRY CANADA EXCLUSIONS

- 6.01 Industry Canada has listed certain types of installations for which the proponent is exempted from consulting with the City of Kawartha Lakes and/or the public. For all installations, the General Requirements contained in Section 7 of the *Radiocommunication and Broadcasting Antenna Systems* (CPC-2-0-03) must still be fulfilled.

Section 6 of the *Radiocommunication and Broadcasting Antenna Systems*, as amended from time to time, outlines the following exclusions:

- **New Antenna Systems:** including masts, towers or other antenna-supporting structure, where the height is less than 15 metres above ground level. This exclusion does not apply to antenna systems proposed by telecommunications carriers, broadcasting undertakings, or third party tower owners;
- **Existing Antenna Systems:** where modifications are made, antennas added or the tower replaced (where the replacement is similar to the original design and location), including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial antenna system installation that existed prior to the initial date of this policy. No increase in height may occur within one year of completion of the initial construction. This exclusion does not apply to antenna systems using purpose built antenna supporting structures with a height of less than 15 metres above ground level operated by telecommunications carriers, broadcasting undertakings, or third party tower owners;
- **Non-Tower Structure:** antennas on buildings, water towers, lamp posts, etc. provided that the height above ground of the non-tower

structure, exclusive of appurtenances, is not increased by more than 25%;

- **Temporary Antenna Systems:** used for special events or emergency operations and must be removed within three (3) months after the start of the emergency or special event;
- **Maintenance:** of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure; and
- **Maintenance:** of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;

Height is measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. This may include an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the antenna system.

Individual circumstances vary with each antenna system installation and modification, and the exclusion criteria above should be applied in consideration of local circumstances. Consequently, it may be prudent for the proponents to consult the local Land-use Authority and the public even though the proposal meets an exclusion noted above. Therefore, when applying the criteria for exclusion, proponents should consider such things as:

- the antenna system's physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;
- the location of the proposed antenna system on the property and its proximity to neighbouring residents;
- the likelihood of an area being a community-sensitive location; and
- Transport Canada's marking and lighting requirements for the proposed structure.

Proponents who are not certain if their proposed structure is excluded, or whether consultation may still be prudent, are advised to contact Industry Canada for guidance.