

The Corporation of the City of Kawartha Lakes
Council Report

Report Number PLAN2020-013

Meeting Date: **May 26, 2020**

Title: Telecommunications Facility Endorsement Application –
 Xplornet Communications

Description: An application to endorse a proposed 45.0 metre self-
 supported Telecommunication Facility by Forbes Bros. Ltd.
 on behalf of Xplornet Communications at 1641 Glenarm
 Road, Fenelon (Donald and Sylvia Holliday)

Ward Number: **Ward 3 – Fenelon**

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

Recommendations:

That Report PLAN2020-013, **Part of Lot 21, Concession 2, Geographic Township of Fenelon, Donald and Sylvia Holliday – Application D44-2019-001**, be received;

That the 45.0 metre self-supported telecommunication facility proposed by Forbes Bros. Ltd. on behalf of Xplornet Communications, to be sited on property at 1641 Glenarm Road and generally outlined in Appendices A to E to Report PLAN2020-013, be endorsed by Council, conditional upon the applicant entering into a Telecommunication Facility Development Agreement with the City;

That Innovation, Science and Economic Development (ISED) 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:

Forbes Bros Ltd. has submitted an application on behalf of Xplornet Communications to permit a self-supported telecommunication facility with a height of 45.0 metres (148 feet) on a rural property located at 1641 Glenarm Road, near Glenarm. See Appendix 'A'. A site compound with an area of 9 square metres will house all electrical components. For access to the compound, Xplornet Communications will utilize the existing gravel driveway and farm laneway. See Appendix 'B'.

Owner:	Donald and Sylvia Holliday
Agent:	Forbes Bros. Ltd. on behalf of Xplornet Communications
Legal Description:	Part of Lot 21, Concession 2, geographic Township of Fenelon
Official Plan:	'Prime Agricultural' in the City of Kawartha Lakes Official Plan
Zoning:	'Agricultural (A1) Zone' in the Township of Fenelon Zoning By-law 12-95
Site Size:	9.0 square metres consisting of a 9.0 square metre compound and an existing site access lane
Site Servicing:	A dedicated electrical connection is required to service the telecommunication facility.
Existing Uses:	Portions of the property are used for agriculture.
Adjacent Uses:	North: Forest, Agricultural East: Birch Point Road, Agricultural South: Glenarm Road, Agricultural West: Forest, Agricultural

Rationale:

The telecommunications industry is regulated by the federal government through the Radiocommunication Act, which is primarily administered by Innovation, Science and Economic Development (ISED) Canada (formerly 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, ISED 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 ISED will issue an approval for the facility.

In 2012, Council adopted a Telecommunications Policy for the installation of new telecommunication towers within the City of Kawartha Lakes. In 2018, the Telecommunications Policy (CP2018-014 Telecommunications and Antenna System Siting Policy) was updated in accordance with the current recommended ISED Canada standards, last updated in 2014. 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 and subject to any necessary conditions, for the applicant to receive an approval from ISED Canada.

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. Planning Justification Report, prepared by Forbes Bros. Ltd., dated October 10, 2019. The report discusses and assesses the proposed telecommunication tower in context of the federal legislation and the City's Telecommunications Policy.
2. Site Plan Showing Proposed Xplornet Compound Location, prepared by Xplornet.
3. 45.72m (150') Tower Profile, prepared by Wesbell Technologies.
4. Compound Layout & Grounding 45.72m (150') Tower, prepared by Wesbell Technologies.
5. Photo renderings of the proposed telecommunications tower.
6. Public Consultation Summary letter dated January 2, 2020.

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, 2020 (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (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, Section 28.10 of the Official Plan supports the erection of new telecommunication towers, as long as they are located outside of natural features and their respective buffers, and 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 (A1) Zone in the Township of Fenelon Zoning By-law 12-95. While telecommunication systems are not subject to the requirements of the Zoning By-law, the A1 zone provides that this use is permitted, 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 2020-2023 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Priorities:

- Priority 1 – A Vibrant and Growing Economy
- Priority 2 – An Exceptional Quality of Life
- Priority 3 – A Healthy Environment
- Priority 4 – Good Government

This application aligns with the Good Government priority by increasing internet services available throughout Kawartha Lakes. It may also align with the Exceptional Quality of Life priority by enhancing accessibility to a range of 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 ISED 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 (135 metres).

Based on the above, the mailout radius is 135 metres from the base of the proposed tower. No mailout was required for this application, as the 135 metre radius was contained entirely within the subject property. A notice was placed in the local newspapers as follows: Kawartha Lakes This Week and Fenelon Town Crier on November 20, 2019; and Kawartha Promotor on November 28, 2019, with commenting up to December 30, 2019.

The applicant provided a letter dated January 2, 2020 for the City's review, noting that no public comments were received. A copy of the consultation summary is contained in Appendix 'C' to this report.

Agency Review Comments

The proposal was first assessed and circulated to all relevant agencies and City Departments through the City's Preconsultation process, to identify a full list of submission requirements and initial comments for consideration. As a result, the application was circulated to only the relevant agencies and City Departments which may have an interest in the application. The following comments have been received to date:

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| March 2, 2020 | The Fire and Rescue Division advised they have no comments. |
| March 4, 2020 | The Engineering and Corporate Assets Department advised they have no comments. |

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:

- ISED 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, Xplornet Communications requires a tower height of 45 metres in order to provide its services in accordance with the ISED 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, and no other towers within a 1.0 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 allow other carriers to co-locate 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 local roads, property lines, residential areas, and environmentally sensitive areas.
- While the tower will be visible in the skyline, the self-supported 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 Planning Justification Report and photo renderings. See Appendix 'D' and 'E' respectively.

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

Tower Lighting

With regard to the lighting, this tower may require painted striping or lighting. Final details of the lighting requirements are not available at this time however Xplornet Communications have indicated that they do not anticipate any painting or lighting will be required. Any painting and/or lighting requirements will be provided by Transport Canada, for navigation and/or safety purposes. Staff 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 (when necessary), 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.

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



PLAN2020-013
Appendix A.pdf

Appendix B – Proposed Site Plan and Tower Drawings



PLAN2020-013
Appendix B.pdf

Appendix C – Summary of Public Consultation



PLAN2020-013
Appendix C.pdf

Appendix D – Planning Justification Report



PLAN2020-013
Appendix D.pdf

Appendix E – Photo Rendering



PLAN2020-013
Appendix E.pdf

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Department Head: Chris Marshall, Director, Development Services

Department File: D44-2019-001