

The Corporation of the City of Kawartha Lakes

Council Report

Report Number PLAN2020-048

Meeting Date: **October 20, 2020**

Title: Telecommunications Facility Endorsement Application –
Rogers Communications Inc.

Description: An application to endorse a proposed 75.0 metre self-
supported Telecommunication Facility by SpectraSite Inc. on
behalf of Rogers Communications Inc. at 1988 Heights
Road, Verulam (Shannon and Anne Connelly)

Ward Number: **Ward 6 – Verulam (Dunsford)**

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

Recommendations:

That Report PLAN2020-048, **Part of Lots 6 & 7, Concession 1, Geographic Township of Verulam, Shannon and Anne Connelly – Application D44-2020-003**, be received;

That the 75.0 metre self-supported telecommunication facility proposed by SpectraSite Inc. on behalf of Rogers Communications Inc., to be sited on property at 1988 Heights Road and generally outlined in Appendices A to D to Report PLAN2020-048, 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:

SpectraSite Inc. has submitted an application on behalf of Rogers Communications Inc. (Rogers) to permit a self-supported telecommunication facility with a height of 75.0 metres (246 feet) on a rural property located at 1988 Heights Road, near Dunsford. See Appendix 'A'. A site compound with an area of 225 square metres will house all electrical components. For access to the compound, Rogers will utilize a new entrance and gravel driveway. See Appendix 'B'.

Owner:	Shannon and Anne Connelly
Agent:	SpectraSite Inc. on behalf of Rogers Communications Inc.
Legal Description:	Part of Lots 6 & 7, Concession 1, Geographic Township of Verulam
Official Plan:	'Rural' in the City of Kawartha Lakes Official Plan
Zoning:	'General Rural (A1) Zone' in the Township of Verulam Zoning By-law 6-87
Site Size:	596.0 square metres consisting of a 225.0 square metre compound and 371.0 square metre driveway
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: Agricultural
	East: Gil Mar Road; Agricultural; Wetland; Rural Residential
	South: Agricultural; Wetland
	West: Agricultural; Heights Road

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, which were 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. Site Selection Report, prepared by Rogers Communications Inc., stamp dated July 7, 2020. 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 Rogers Compound Location, prepared by Alex Marton Limited, Ontario Land Surveyors, dated June 4, 2019.
3. Site Grading and Stormwater Management Plan, prepared by Alex Marton Limited, Ontario Land Surveyors, dated February 13, 2020.
4. Elevation Plan and Proposed Compound Layout Plan, prepared by Alex Marton Limited, Ontario Land Surveyors, not dated.
5. Copy of Entrance Permit #ENT-2019-092, dated December 13, 2019.
6. Copy of Kawartha Conservation Permit 2020-018, valid from January 31, 2020 to January 31, 2022.
7. Cost Estimates form, outlining the required securities for the landscaping and entrance permit works.
8. Public Consultation Summary letter, dated February 25, 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 'Rural' and 'Environmental Protection' in the City of Kawartha Lakes Official Plan. The 'Environmental Protection' designation follows watercourses which traverse the property. The proposed tower is located within the 'Rural' designation.

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 'General Rural (A1) Zone in the Township of Verulam Zoning By-law 6-87. While telecommunication systems are not subject to the requirements of the Zoning By-law, the By-law does not regulate telecommunication systems.

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 supporting community infrastructure which increases access to high speed broadband and cellular 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 (225 metres).

Based on the above, the mailout radius is 225 metres from the base of the proposed tower. A notice was placed in the Kawartha Lakes This Week newspaper on October 17, 2019, with commenting up to November 16, 2019.

The applicant provided a letter dated February 25, 2020 for the City's review, noting that one inquiry was received from Councillor Ron Ashmore – Ward 6 with several general questions on behalf of a resident whom had contacted him with questions and concerns about the tower. SpectraSite Inc. had a telephone conversation with Councillor Ashmore to provide information to him about the proposal. 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 of the Preconsultation circulation, the telecommunications 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:

August 7, 2020	The Engineering and Corporate Assets Department advised they have no comments.
August 14, 2020	The Building Division advised they have no concerns.
August 18, 2020	The Fire and Rescue Division advised they have no issues.

August 28, 2020 The Economic Development Division advised they have no concerns from an agricultural perspective.

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, Rogers requires a tower height of 75 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, all of the existing towers were either beyond the distance or below the height required to address coverage for Rogers, and co-location is not an option. Therefore, 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 Site Selection Report and photo renderings. See Appendix 'D'.

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. 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



PLAN2020-048
Appendix A.pdf

Appendix B – Proposed Site Plan and Tower Drawings



PLAN2020-048
Appendix B.pdf

Appendix C – Summary of Public Consultation



PLAN2020-048
Appendix C.pdf

Appendix D – Site Selection Report with Photo Renderings



PLAN2020-048
Appendix D.pdf

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Department Head: Chris Marshall, Director, Development Services

Department File: D44-2020-003