

Council Policy No.:	CP2018-014
Council Policy Name:	Telecommunications and Antenna System Siting Policy
Date Approved by Council:	May 22, 2012
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Related SOP, Management Directive, Council Policy, Forms	

### Policy Statement and Rationale:

The purpose of the Telecommunications and Antenna System Siting Policy is to provide Proponents with a clear set of policies and procedures for the installation of new Telecommunications Facilities and Towers within the City of Kawartha Lakes (the "City"). 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 Innovation, Science, and Economic Development (ISED) Canada (formerly 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.

### Scope:

Telecommunication systems are regulated and approved by the federal government under the jurisdiction of ISED Canada, and as such, are not subject to municipal official

plan policies and zoning regulations established under the Planning Act. Notwithstanding, ISED Canada still requires Proponents to contact the local Land-use Authority (LUA) as a part of the consultation process, and to complete a public consultation 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. ISED Canada requires Proponents to receive concurrence from the local LUA prior to commencing construction of any new Telecommunications Facility which is not exempted from the consultation process.

Accordingly, Proponents of Telecommunication Facilities within the City are required to submit two **consecutive** applications for consideration:

- a) A Preconsultation Application with the necessary review fee and materials for internal circulation and review (in accordance with the requirements of Section 4.01); and
- b) A formal Telecommunications Facility review application with the necessary review fees and supplementary materials identified through the Preconsultation for the purposes of receiving municipal concurrence with the proposal (in accordance with the requirements of Section 4.02).

Planning staff will circulate the Preconsultation Application to the Preconsultation Committee in accordance with Section 4.01 of this Policy, and provide to the Proponent a list of submission requirements along with any preliminary comments to be addressed as part of a formal Telecommunications Facility review application. The Proponent may prepare and submit the formal Telecommunications Facility review application package upon receipt of the identified submission requirements (typically this will consist of a final Preconsultation Report with attached checklist).

Planning staff will circulate the Telecommunications Facility review application to City departments and external agencies in accordance with Section 4.02 of this Policy. Upon completion of the review process (Sections 4.02 and 4.03 together), the City will provide a letter to ISED Canada and the Proponent identifying either concurrence of the proposal (with a list of conditions), or alternatively, non-concurrence with the proposal. Should the City and the proponent not be able to reach consensus on a proposal (non-concurrence), ISED Canada may intervene in an attempt to settle the impasse.

## **Policy:**

### **1. 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 an exterior transmitting device – or group of devices – used to receive and/or to transmit radio-frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other Antennas.

**Antenna System:** shall mean an Antenna, and may include a supporting tower, mast or other supporting structure, and an Equipment Shelter. There are two most common types of Antenna Systems:

- a) Freestanding Antenna System: a structure (e.g. tower or mast) built from the ground for the expressed purpose of hosting an Antenna System or Antenna Systems;
- b) Building/Structure-Mounted Antenna System: an Antenna System mounted on an existing non-tower structure, which could include a building wall or rooftop, a light standard, water tower, utility pole or other similar device.

**Application, Contested:** shall mean a Telecommunications Facility concurrence application where one or more outstanding issues have been identified and not resolved.

**Application, Uncontested:** shall mean a Telecommunications Facility concurrence application where there are no agency, department or public concerns outstanding.

**City:** shall mean The Corporation of the City of Kawartha Lakes, and including the various Departments and Divisions thereof.

**Co-location:** shall mean the placement of Antennas and equipment operated by one or more Proponents on a telecommunication Antenna System operated by a different Proponent, thereby creating a shared facility.

**Community Sensitive Locations:** shall mean land on which the siting of new Antenna Systems is discouraged, or requested to be subject to greater consultation than otherwise dictated by the standard Policy, and includes lands designated or zoned for environmental protection or a Residential Area.

**Director:** shall mean the Director of Development Services, or an alternate.

**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 a company or organization proposing to site an Antenna System (including contractors undertaking work for Telecommunications Carriers and third-party tower owners) for the purposes of providing commercial or private telecommunications services, exclusive of personal or household users.

**Residential Area:** shall mean lands used or zoned to permit residential uses, and including mixed uses (i.e. where commercial uses are permitted at-grade with residential apartments above)

**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 same as an Antenna System as defined above.

**Telecommunications Towers:** shall mean structures designed and constructed to support one or more antennas, including but not limited to lattice towers, monopoles and guyed towers.

## **2. Site Selection Criteria**

### **2.01 Preferred Methods for Additional Capacity**

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.

## 2.02 Site Selection Criteria

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's 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 in areas which are designated and/or zoned as environmentally sensitive areas; shall be outside of natural heritage features as identified by the Province; 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 14 metres plus the height of the tower from a property line fronting Provincial Highways; 30 metres from a property line fronting arterial, collector or local municipal roads; and 15 metres from all other 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 should 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, unless it is necessary for technical reasons, or to facilitate future Co-location opportunities. When lighting is required by Transport Canada, the City requests that any required night lighting shall not consist of any white flashing strobe lights;
- i) Telecommunication Facilities shall not be permitted on lands which do not front on and/or have direct access from an open and maintained municipal road. Telecommunication Facilities shall not be permitted on or within an unimproved, unmaintained road allowance; and
- j) Advertising shall not be permitted on any Telecommunications Facility.

### **3. Site Development Criteria**

#### **3.01 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, where they are visible from the municipal road. Where vegetation planting is not possible (such as on paved sites in urban areas), consideration will be given to alternative methods of screening;
- 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 any 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.

#### **3.02 Roof top Antennas or Existing Structures**

When locating Telecommunications Facilities on roof tops or existing structures, and notwithstanding ISED Canada exemptions from local LUA 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.

### 3.03 Decommissioning or End of Lease

Telecommunication Carriers shall be required 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. The Telecommunication Carriers shall advise the City in writing of the termination of a lease agreement between the Carrier and a property owner.

Alternatively, another Telecommunication Carrier can enter into a new lease agreement with the landowner to take over carriage of the Telecommunications Facility. The new Carrier shall enter into an amending Development Agreement with the City.

## 4. Consultation Process

### 4.01 Municipal Preconsultation Process

Proponents proposing a new Telecommunications Tower shall submit an application to the City's Preconsultation Committee for department and 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 on a property that is located within 200 metres of the abutting municipality, or three times the tower height taken from the base of the tower or guyed wires, whichever is greater.

#### 4.02 Telecommunications Facility Review Application Process for Concurrence

Upon completion of the Preconsultation with the City, if the Proponent wishes to pursue concurrence of the proposed tower, the Proponent proposing a new Telecommunications Tower, roof top structure, or change to an existing Telecommunications Facility is required to submit a Telecommunications Facility review application to the Development Services Department – Planning Division for review and concurrence. 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.

Once the Planning Division has reviewed the application and has deemed it complete, it will be circulated to only the relevant City departments and external agencies identified as interested parties through the final Preconsultation comments. This process can be completed concurrent with the Public Consultation process identified in Section 4.03. Upon completion of the Public Consultation process, the Proponent is required to submit a Public Consultation Summary Report, outlining how they have fulfilled the mandated ISED Canada circulation, and identifying any comments received and any issues not resolved.

Upon completion of the internal circulation and the submission of the Public Consultation Summary Report, the application will either be processed as an Uncontested Application or a Contested Application.

##### **Uncontested Applications**

The Director is the delegated authority to process applications which are not contested (i.e. supported by all relevant departments and external agencies, and with no public concerns outstanding). In this instance, a draft Telecommunications Facility Development Agreement will be prepared for review and execution by the Proponent, the Owner, and the City. Once the Development Agreement has been executed (signed by the Owner, Facility Provider and the City), the Director will prepare a letter of concurrence to be sent to ISED Canada and copied to the Proponent.



## **Contested Applications**

Once the Planning Division has reviewed the application and is ready to provide a recommendation to Council on the proposal, a report will be forwarded to Council with a rationale and recommendations for expressing either support for or opposition to the request for concurrence. The report will also contain any relevant conditions of concurrence, and a draft Telecommunications Facility Development Agreement. Council will make a decision on the proposal, and the Director will prepare a letter of concurrence or non-concurrence to be sent to ISED Canada and copied to the Proponent. The letter will contain a formal resolution by Council, a copy of the Council Report, and any other relevant information.

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

### **4.03 Public Consultation Process**

ISED Canada provides LUAs 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 Policy, whereby it determines its level of participation in the process; or
- Alternatively, the Proponent is required to adhere to ISED Canada's default public consultation process contained in Section 4.2 of the Radiocommunication and Broadcasting Antenna Systems 'Client Procedures Circular' (CPC-2-0-03, as amended from time to time) should the City not adopt a separate process in this Policy.

While ISED Canada permits the LUA to develop its own public consultation process, the City has opted for the alternate option: a Proponent-lead public consultation process in accordance with ISED 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 concurrence with the City. Notwithstanding the ISED Canada notification requirements to adjacent

properties, the City will request that all property owners within 60 metres in Urban areas and 120 metres elsewhere, or three times the tower height as measured from the base of the tower or guyed wires, whichever is greater, are notified of the proposal.

### **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 and covering letter. In the absence of a Telecommunications Facility application form, the Proponent may use a copy of the City's Site Plan application form as an alternate, and provide only the relevant information to be considered;
- b) A Tower Justification Report from the proponent detailing a thorough investigation relating to the sharing (Co-location) of infrastructure and the use of existing structures in proximity of the proposed Telecommunications Facility. 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 Tower Justification Report as well. Justification for the proposed height shall be required, and any lighting requirements should be identified. The proposed tower should explore the ability to allow for future Co-location opportunities and be designed to accommodate additional future Carriers, where practical;
- c) A detailed site plan prepared by an Ontario Land Surveyor (OLS) or Professional Engineer (P.Eng.) illustrating the proposed installation. The site plan shall include:
  - a key map;
  - the location of the proposed tower;
  - property lines;
  - existing and proposed site grading details;
  - existing and proposed structures;
  - landscaping (if required for screening);

- entrance details, access, driveways and parking; and
  - setbacks from all nearby environmental features and property lines, including confirmation of compliance with any setbacks required under Section 2.02 of this Policy;
- 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) A cost estimate of the required securities for the proposed works, identifying the value for landscaping;
  - h) Pictures of the proposed site, including photo renderings showing what the proposed tower will look like taken from various vantage points; and
  - i) 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 ISED 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 3.02 of this policy.

### **Applications to Alter Existing Facilities**

Where modifications to the site are proposed to non-exempt classes of Telecommunications Facilities, an amendment to a Development Agreement may be required. Non-exempt classes may include but not be limited to; an increase in the height of the Tower in excess of 25%, or the addition of new Equipment Shelters or entrances. Submission requirements to the Planning Division will be determined in consultation with the proponent.

#### **4.04 Telecommunications Facility Development Agreement**

A Telecommunications Facility Development Agreement (Development 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 ISED Canada. The Development 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.

## 5. ISED Canada Exclusions

- 5.01 ISED Canada has listed certain types of installations for which the proponent is exempted from consulting with the City 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 LUA 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 ISED Canada for guidance.

## Revision History:

Proposed Date of Review:

Revision	Date	Description of Changes	Requested By
0.0	01/20/2021	Updated Policy Template	