

Council Report

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| Report Number: | PLAN2021-036 |
| Meeting Date: | June 15, 2021 |
| Title: | Updates to the Telecommunications and Antenna System Siting Policy |
| Description: | Proposed changes to the Telecommunications and Antenna System Siting Policy together with a request to delegate authority for uncontested applications to the Director of Development Services |
| Author and Title: | Ian Walker, Planning Officer – Large Developments |

Recommendations:

That Report PLAN2021-036, **Updates to the Telecommunications and Antenna System Siting Policy**, be received;

That the Council Policy CP2018-014 be updated, substantially in the form attached as Appendix 'C';

That Section 4.00 of By-law 2016-009 be amended, as outlined in Appendix 'E' to Report PLAN2021-036;

That the necessary amending By-law for By-law 2016-009 be brought forward for adoption;

That Uncontested Applications are supported by Council, conditional upon the applicant entering into a Telecommunication Facility Development Agreement with the City;

That the Director of Development Services be delegated authority to issue a letter of concurrence to Innovation, Science and Economic Development (ISED) Canada for Uncontested Applications;

(Acting) Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

That the Delegation of Council Powers and Duties Policy Number C 149 CAO 036 be amended to include this delegation of authority; and

That the Mayor and Clerk be authorized to execute any Agreements required by the concurrence of any Uncontested Applications.

Background:

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. As telecommunications systems are regulated by the federal government, they are therefore not subject to the requirements of Planning Act documents such as official plans or zoning by-laws. ISED Canada considers the local 'Land-use Authorities' (LUAs) to have the best knowledge of land uses in an area. Therefore, ISED Canada encourages the development of protocols by the local municipalities (LUAs) 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 a concurrence from the municipality that the proposal complies with their policy, before ISED Canada will issue an approval for the facility.

At the May 22, 2012 Council meeting, Council adopted Policy C 178 PLAN 001, the first 'Telecommunications System Protocol', relating to the installation of new telecommunication towers within the City of Kawartha Lakes. For the first five years since implementing the 2012 'Protocol', only a small number of Telecommunications Applications were submitted on an annual basis to the City for review.

In 2014, the federal government undertook consultation on updated standards for the telecommunications industry. As a result of their consultations, on July 15, 2014, the current ISED Canada document 'Client Procedures Circular CPC-2-0-03, Issue 5' came into effect. This document outlines the requirements that apply to anyone (considered a 'Proponent') who is planning to install or modify an antenna installation of any type anywhere in Canada (typically, a tower).

At the May 22, 2018 Council meeting, Council adopted Policy CP2018-014, the 'Telecommunications and Antenna System Siting Policy' to replace the 2012 'Telecommunications System Protocol', in accordance with these 2014 ISED Canada standards. See Appendix 'A'. The intent of the Council policy is to establish a process and provide a clear set of criteria for the consideration of new telecommunications facilities within the City. In accordance with CP2018-014, before a proponent can seek an approval from ISED Canada, currently **all** applications must first receive a

concurrence from Council, subject to any necessary conditions. One of the conditions recommended for every concurrence request is that the Proponent and the landowner enter into a Telecommunication Facility Development Agreement with the City, to protect the City's interests, and ensure that once the tower is no longer in use, it is properly decommissioned and removed from the property.

Rationale:

Process Streamlining

Since March of 2020 and due to COVID-19, a significant number of people in the Province of Ontario have shifted the use of their mobile devices and internet access in order to work remotely. As such, the City has seen a dramatic rise in the number of inquiries for the installation of new telecommunications towers in the City. It is expected that interest from other carriers will also follow this year:

| File Type: | 2020 | 2021* (to May 31) |
|--|-----------------------------------|-----------------------------------|
| Preconsultation Applications related to new towers | 3 total | 13 total (4 processed, 9 pending) |
| Telecommunication Applications for new towers | 2 total (1 new, 1 re-concurrence) | 4 total (3 processed, 1 pending) |

Currently, every application requesting concurrence must be referred to Council for support and a Council Resolution. This involves the preparation of a staff report for each request. To date, a significant number of the requests for concurrence have been supported by staff, where there have been no outstanding issues identified by the public, an agency, or the staff (uncontested applications). With a significant number of applications coming forward currently and in the near future, staff have noted that this is an opportunity to streamline the process and reduce staff time and involvement, without compromising the quality of the final product (concurrence of an application).

On this basis, staff recommend that the Director of Development Services be delegated authority to process any 'uncontested' applications, subject to the Proponent entering into a Telecommunication Facility Development Agreement with the City based on the attached template. See Appendix 'D'. The Agreement would ensure that once the tower is no longer in use, it is properly decommissioned and removed from the property. Appendix 'E' contains the proposed amendments to By-law 2016-009, A By-law to Provide Authority for the Execution of Certain Documents and Affix the Corporate Seal on Behalf of The City of Kawartha Lakes. Section 4.01 (3.) has been added to grant the Director of Development Services authority to sign Letters of Concurrence for uncontested telecommunications facilities approvals.

Any future applications which are contested will continue to be directed to Council for a decision on concurrence (including applications where there is no staff support; where an external agency has identified issues; or where there are outstanding public concerns). Staff will prepare a report identifying the relevant information to be considered, and provide a staff recommendation for Council's consideration.

Staff have also implemented changes to the preconsultation process for telecommunications applications based on meetings with Industry representatives. There is a great deal of similarity between these types of applications. As a result, these applications are now sent through a separate review stream and review timelines have been shortened. This will allow carriers to submit applications more quickly and also receive approvals in a shortened timeframe.

Telecommunications Policy Update

Staff are also using this opportunity to update the 'Telecommunications and Antenna System Siting Policy' to include legislation updates and some practice improvements, which are based on recent working experience with the policy. Appendix 'B' is a Track Changes version of the current Council Policy and the changes are summarized below.

- All references to Industry Canada as being the Federal approval authority have been changes to Innovation, Science, and Economic Development (ISED) Canada;
- Many of the changes include wording and policy clarifications;
- Many of the definitions have been clarified, reworded, or new ones added;
- Policies relating to process have been reworked to provide greater clarity for submission expectations, approval process, and approval timelines;
- The expectations for complete applications has been clarified;
- The policy includes a larger area for public notification. We now measure notification requirements using the greater of three times tower height or 60 metre urban notification or 120 metre rural notification radii from the property boundary. This eliminates the possibility where abutting property owners risk not getting notified if the host site is large;
- The policy includes references to uncontested and contested applications.

Staff feel that these changes will lead to improved processing times for new applications by providing greater clarity in the process.

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, 2020 (Growth Plan). The proposed updates to Policy CP2018-014 continues to fulfill the objectives of these policies.

Alignment to Strategic Priorities

The Council Adopted Strategic Plan identifies these Strategic Priorities:

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

The proposed updates align with the Good Government priority by increasing the efficiency and effectiveness of service delivery by streamlining the process of concurrence for new telecommunication towers in the City.

Financial/Operation Impacts:

There are no direct financial considerations for the City, however by delegating authority to the Director, there will be a cost and time saving by reallocation of staff time and efforts to other matters.

Servicing Implications:

There are no servicing considerations for the City.

Consultations:

The Public Works Department, Engineering and Corporate Assets Department, Conservation Authorities, and Ministry of Transportation Ontario (MTO) have been consulted on this proposal.

Development Services – Planning Division Comments:

The proposed Policy updates continue to follow the ISED Canada standards, while streamlining the processing of applications. The relevant Departments and external

agencies have been consulted on the proposed updates. Staff respectfully recommend that Council **approve** the proposed changes to the Policy.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please contact Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368 or iwalker@kawarthalakes.ca.

Appendix A – Council Policy CP2018-014, dated May 22, 2018



PLAN2021-036
Appendix A.pdf

Appendix B – Proposed Changes to CP2018-014 – Track Changes Version



PLAN2021-036
Appendix B.pdf

Appendix C – CP2018-014 as Amended – Proposed Draft



PLAN2021-036
Appendix C.pdf

Appendix D – Telecommunications Facility Development Agreement Template



PLAN2021-036
Appendix D.pdf

Appendix E – Proposed Amendments to By-law 2016-009, A By-law to Provide Authority for the Execution of Certain Documents and Affix the Corporate Seal on Behalf of The City of Kawartha Lakes



2016-009
Consolidated Provid

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