

Council Policy No.:	CP2018-014
Council Policy Name:	Telecommunications and Antenna System Siting Policy
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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 comprehensive ~~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 promotes compatible land uses by ~~minimiz~~ing the ~~number of tower locations and their~~ visual impact of towers 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) even, 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 ~~required~~encouraged to present their proposals to the City for pPreconsultation (Precon) ~~and~~ review, to ensure ~~that compliance with the City's and relevant external agencies' requirements-of both the City and relevant external agencies are addressed.~~ ISED Canada requires Proponents to receive concurrence from the local LUA ~~prior to~~before commencing construction of any new Telecommunications Facility which is not exempted from the consultation process. Staff also highly recommend that the Proponent reach out to City staff at the initial site selection stage, prior to securing a lease with a property Owner, to ensure this Policy's site selection criteria are considered prior to the Precon process.

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

- a) A **Telecommunications Preconsultation Application (Precon)** 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 reviewConcurrence aApplication (Application)** with the necessary review fees and supplementary materials identified through ~~the PreconsultationPrecon~~ for the purposes of receiving municipal concurrence ~~with the proposal (in accordance with the requirements of Section 4.02).~~

Planning staff will circulate the Precon~~sultation Application~~ submission materials to the Precon~~sultation~~ Committee in accordance with Section 4.01 of this Policy, ~~and Upon completion of the review, staff will~~ provide to the Proponent a list of submission requirements (typically this will consist of a final Precon report with attached checklist), along with any preliminary comments to be addressed as part of a formal ~~Telecommunications Facility review aApplication.~~ This report will identify if the proposal has or has not addressed all the locational criteria based on Section 2.02 below. Upon receiving the final report, tThe Proponent may prepare and submit the formal ~~Telecommunications Facility review aApplication package upon receipt of the identified submission requirements (typically this will consist of a final Preconsultation Report with attached checklist).~~

If no locational issues are identified in the final Precon report, no further internal or external agency circulation will be required. However, if the report identifies any non-

compliant locational issues, the Proponent will need to provide an updated proposal addressing the locational criteria under Section 2.02 below, and/or to provide additional rationale for consideration. Planning staff will then circulate the ~~Telecommunications Facility review a~~Application to City ~~d~~Departments and relevant external agencies in accordance with Section 4.02 of this Policy to ensure any identified issues have been addressed.

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 ~~p~~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-~~licenced~~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 ~~e~~Concurrence ~~a~~Application where one or more outstanding issues have been identified and not resolved. There are two types of Contested Applications:

- a) **Contested, Staff:** shall mean an application where there are outstanding issues identified by staff and/or external agencies.

a)b) **Contested, Public:** shall mean an application where the proposal complies with all locational criteria, and there are only outstanding concerns identified by members of the public.

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

**Application, Contentious:** shall mean a Telecommunications Facility Concurrence Application where one or more locational issues have been identified through Precon, or where modifications are required to resolve issues identified through the Public Consultation process.

**Application, Non-Contentious:** shall mean a Telecommunications Facility Concurrence Application where no locational issues have been identified through Precon.

**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.

**CPC-2-0-03:** shall mean ISED Canada's publication 'Client Procedures Circular CPC-2-0-03, Radiocommunication and Broadcasting Antenna Systems, Issue 6' dated July 2022.

**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.

**Precon:** shall mean a Telecommunications Preconsultation Application.

**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.

**Public Consultation:** shall mean ISED Canada's process, consisting of two distinct components:

- Public Notification – where the Proponent informs the public of the proposed antenna system installation or modification, providing the information needed for a complete understanding of the proposal; and
- Public Engagement – where the Proponent engages the public and responds to all questions and comments, addressing all reasonable and relevant concerns. Public engagement may take various forms, from answering letters to hosting a public meeting or drop-in, depending on the community's level of interest.

**Residential Area:** shall mean lands used or zoned to permit residential uses or residential uses in conjunction with other ground floor 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, where appropriate;
- 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. For greater clarity, all rural zoning by-laws treat agriculturally zoned lots of 1 hectare or less (and this may be up to 2 hectares in some by-laws) as 'residentially zoned lots'. This criteria is subject to the local in-effect zoning by-law;
- 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 heritage 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 floodplain areas; shall be outside of significant 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~~refrain from using 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, a Provincial Highway, or a Private Road. For direct access from a municipal road, the access shall be obtained from the improved public street, in accordance with the City's Entrance By-law 2017-151, as amended. ~~and a~~Any proposed access for direct access to a Provincial Highway will only be considered when no municipal road access options are available. No access is permitted onto freeways or staged freeways and all Ministry of Transportation Ontario (MTO) access management policies will apply. Access from private roads is discouraged, but may be necessary in some rural parts of the City. Telecommunication Facilities shall not be permitted on or ~~or~~ within an City owned unimproved, unmaintained road allowance;~~and~~
- j) Advertising shall not be permitted on any Telecommunications Facility;and
- k) The host property and building(s) shall not have tax arrears at the time of execution of the Development Agreement.

### 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 and/or from neighbouring properties, where applicable. 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-extend 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~~one year 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 Owner and new Carrier shall enter into an amending Development Agreement with the City.

#### 4. Consultation Process

##### 4.01 Municipal Preconsultation Process

Proponents ~~propose~~requesting a new Telecommunications Tower shall submit an Precon application to the City's Preconsultation Committee for ~~d~~Department and agency circulation and review. This process will provide information and guidance from all necessary review agencies ~~on~~regarding site selection, land use compatibility, environmental constraints, visual concerns, and compliance with the requirements of this ~~p~~Policy. Abutting upper-tier and lower-tier municipalities will be circulated where the host site, or any part thereof, a proposal is on a property that is located within 200 metres of the abutting municipality, ~~;~~ or where the tower location is less than three times the tower height (measured taken from the base of the tower or guyed wires)~~;~~, whichever is greater.

##### 4.02 Telecommunications Facility Concurrence~~Review~~ Application (Application) Review 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 an Application to the Development Services Department – Planning Division for review and concurrence. In order to pursue concurrence of the following, the proponent must submit an Application to the Development Services Department – Planning Division, for review:~~

- i) a new Telecommunications Tower;
- ii) a roof top Telecommunications structure; or
- iii) change(s) to an existing Telecommunications Facility.

These applications ~~will~~are ~~not be~~ processed ~~in accordance with~~under Section 41 of the Planning Act. Application fees are payable ~~with submission of an~~

~~application upon~~ Application submission, as prescribed in the City's approved Planning Application Fees.

Once the Planning Division has reviewed, and deemed the ~~a~~Application ~~and has deemed it~~ complete, it will be circulated to ~~only~~ the relevant City ~~d~~Departments and external agencies as follows:

- **Non-contentious** – No additional circulation required.
- **Contentious** – Circulated to the ~~identified as~~ interested parties identified in ~~through~~ the final Preconsultation report comments.

This process can be completed subsequent to, or concurrently 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 Public Consultation~~circulation~~, and identifying any comments received and any ~~issues not resolved~~ unresolved issues. If the Proponent requires any changes, either to comply with the locational requirements of this Policy or as a result of the Public Consultation process, the Application will be treated as a Contentious Application.

The factors that will determine whether a concern is reasonable or relevant according to this process will vary; however, requests will generally be considered against the requirements of CPC-2-0-03 Issue 6 and to the amenities or important characteristics of the area surrounding the host site.

Examples of concerns that Proponents are to address may include:

- Why is the use of an existing antenna system or structure not possible?
- Why is an alternate site not possible?
- What is the Proponent doing to ensure that the antenna system is not accessible to the general public?
- How is the Proponent trying to integrate the antenna into the local surroundings?
- What options are available to satisfy aeronautical obstruction marking requirements at this site?

- What steps did the Proponent take to ensure compliance with the general requirements of this document, including the *Canadian Environmental Assessment Act* (CEAA), Safety Code 6, etc.?

Concerns that are not relevant include:

- Disputes with members of the public relating to the Proponent's service, but unrelated to antenna installations;
- The proposed antenna system's potential effects on property values or municipal taxes;
- Questions pertaining to the validity, or the reform of locally established by-laws, procedures or processes, and relevant legislation such as the *Radiocommunication Act*, CPC-2-0-03 Issue 6, Safety Code 6.

Upon completion of the internal circulation (as necessary for contentious applications) and the submission of the Public Consultation Summary Report, the application will either be processed as an Uncontested Application (if no unresolved issues) or as a Contested Application (either Staff or Public contested).

## **Uncontested Applications**

The Director is the delegated authority to process aApplications 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 (Development Agreement) will be prepared for review by the Proponent and Owner. Once reviewed, the final Development Agreement will be prepared forand execution by the Proponent, the Owner, and the City. Once the Development Agreement has been executed (signed by the Owner, Facility Proponent and the City), the Development Agreement will be registered on title, and the Director will prepare a letter of concurrence to be sent to ISED Canada and copied to the Proponent. Where the Owner is the City, the Province or the Federal Government, a Development Agreement will not be required (e.g. treated as a 'plans only' concurrence).

## **Contested Applications**

Once the Planning Division has reviewed the aApplication 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, includingand 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 ~~R~~report, and any other relevant information.

For all ~~formal Telecommunications Facility review a~~pplications, 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 a~~pplication, 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 a~~pplication.

#### 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 (second) 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 Proponent's Carrier's response to those public comments, as part of their application for concurrence with the City. Notwithstanding the ISED Canada minimum notification requirements to adjacent property ownersies, in addition to the circulation to all properties within 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), the City will also request that in Urban areas, all property owners within 60 metres of the host property are notified. In all non-urban areas, all property owners within 120 metres of the host property are to be notified of the proposal. This requirement will not apply if the tower is located at least 500 metres from all

neighbouring properties or if the properties are located outside the City of Kawartha Lakes. Nothing in this additional circulation requirement is meant to exempt any other ISED notification requirements (such as newspaper advertisements, where required).

## **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 ~~p~~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 (including identification of Transport Canada lighting and marking requirements). 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; ~~i~~ setbacks to the nearest residential, community facility and/or institutional uses; ~~j~~ and setbacks to areas with residential, community facility and/or institutional zoning, if applicable (including rural residential lots);
- f) Stamped engineered drawings of the proposed telecommunications facility;
- g) A cost estimate of the required ~~securities for the proposed landscaping~~ works, identifying the number and value of plantings for landscaping ~~and securities for the landscaping. Where an Entrance Permit is not required for access to the site, an additional \$2,500.00 security will be required to cover the cost of clean up of roads during construction and demolition periods. These securities are 100% refundable;~~
- 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 ~~e~~Owner of the land;
- j) Confirmation of any changes made to any drawings, reports, etc. since the previous version was supplied to the City. Where changes have been made, a summary of the changes (matrix or table) is to be included; and
- ~~j~~k) Any additional relevant information as identified through the Precon process which may be necessary to fully assess the proposal.

### **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 ~~p~~P~~r~~oponent 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~~**photo renderings** 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 ~~p~~**P**roponent.

### **Applications to Reconsider An Expired Concurrence Request**

Where the Proponent has received Concurrence for a Telecommunications Facility in the City, but has not constructed the Facility within the allotted time prescribed by ISED Canada in accordance with Section 4.4 of CPC-2-0-03, as amended, consultations will no longer be deemed valid except in the case where a Proponent secures a written extension agreement with the relevant LUA for a specified time period. In these instances, a Request for Re-Concurrence will be required. The Proponent shall submit a request in writing to the City, identifying the requested extension to the Concurrence, with copy to the local ISED Canada office.

Submission requirements to the Planning Division will be determined in consultation with the Proponent, and considered based on the relevant site-specific factors, such as:

- Amount of time lapsed since the original Concurrence request was received and completed;
- The relevant Council Policy in place at the time of the original consideration for Concurrence;
- Any relevant changes in Provincial or local policy which may affect the Concurrence;



- Changes in adjacent land uses which may affect the Concurrence (e.g. lot creation, zoning amendments, etc.).

Based on the above noted factors, the Planning Division may determine that a new Public Consultation is required to confirm support for Re-Concurrence, prior to issuance of a new letter to ISED Canada.

#### 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 Development 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 ~~p~~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 as amended)~~ must still be fulfilled.

Section 6 of ~~the Radiocommunication and Broadcasting Antenna Systems~~CPC-2-0-03, 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 ~~p~~Proponents to consult the local LUA and the public even ~~though-if~~ the proposal meets an exclusion noted above. Therefore, when applying the criteria for exclusion, ~~p~~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. At a minimum, for our records, the City requests that the Proponent provide an Exemption Letter via email to [telecomapplications@kawarthalakes.ca](mailto:telecomapplications@kawarthalakes.ca) (c/o the Planning Division) outlining the proposal and how it complies with the exemption criteria.

## Revision History:

Proposed Date of Review:

Revision	Date	Description of Changes	Requested By
0.0	01/20/2021	Updated Policy Template	
1.0	06/15/2021	Updated Content	CR2021-309
<a href="#">2.0</a>	<a href="#">09/27/2022</a>	<a href="#">Updated Content</a>	