

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 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 minimizing the 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 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~~telecommunications facilities.

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 the local public. Proponents are required to present their proposals to the City for Preconsultation (Precon) review, to ensure compliance with the City's and relevant external agencies' requirements. ISED Canada requires Proponents to receive concurrence from the local LUA 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 ~~4.016~~; and
- b) A formal **Telecommunications Facility Concurrence Application** (Application) with the necessary review fees and supplementary materials identified through Precon for the purposes of receiving municipal concurrence in accordance with the requirements of Section ~~4.026~~.

Planning staff will circulate the Precon submission materials to the Precon Committee in accordance with Section ~~4.014~~ of this Policy. 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 Application. This report will identify if the proposal has or has not addressed all the locational criteria based on Section ~~2.022~~ below. Upon receiving the final report, the Proponent may ~~prepare-proceed to the Public Consultation process, followed by and submit~~ submission of the formal Application package.

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 ~~2.022~~ below, and/or to provide additional

rationale for consideration. Should Planning staff deem it necessary, the revised Application will then be circulated ~~the Application~~ to City Departments and relevant external agencies in accordance with Section 4.026 of this Policy to ensure any identified issues have been addressed. Upon completion of the review process (Sections 4.025 and 4.036 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. The Proponent shall inform the City when construction of the Telecommunications Facility is completed.

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. 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.
- 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 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; ~~and~~

- Public Reply Comments – where the Proponent provides an opportunity for the public and the land-use authority to formally respond in writing to the proponent regarding measures taken to address reasonable and relevant concerns.

Residential Area: shall mean lands used or zoned to permit residential uses or residential uses in conjunction with other ground floor uses.

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 Telecommunications 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~~ Freestanding Antenna Systems or structures within the City or within adjacent municipalities;
- b) Location of new Telecommunications Facilities on publicly owned lands and/or buildings, where technically feasible, and acceptable to the City;
- c) Use of Alternative Tower Structures that are less obtrusive, where appropriate;
- d) Clustering of new ~~towers~~ Telecommunications Facilities 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 Preferred Site Selection Criteria Locations

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 Freestanding Antenna Systems and existing and future Residential Areas; community and institutional uses; historical downtown areas; listed and designated heritage buildings and sites; and waterfront areas should be maximized;
- c) New Freestanding Antenna Systems 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 an urban or hamlet - 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 Freestanding Antenna System 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. There shall be no negative impact on adjacent significant natural heritage features or hazard land areas;
- 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 Freestanding Antenna System (the tower or the guyed wires, whichever is greater);

- g) Terminal vistas from existing and future roads and areas of topographical prominence that would obscure public views and vistas should be avoided. Where Freestanding Antenna Systems in these areas are 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~~Telecommunications Facilities 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 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. Any proposed 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 within a City owned unimproved, unmaintained road allowance;
- j) On undeveloped sites, locate the Telecommunications Facilities so as not to preclude future development opportunities for the property;
- j)k) Advertising shall not be permitted on any Telecommunications Facilities; and
- k)l) The host property and building(s) shall not have tax arrears at the time of execution of the Development Agreement.

3. Site Development Criteria

2.043.01 New Telecommunications Facilities Freestanding Antenna System

The following site development criteria shall be used in the design and layout of new Telecommunications Facilities Freestanding Antenna Systems:

- a) Make best effort to preserve existing vegetation and/or trees and shrubs

shall be planted around the perimeter fencing and the guy wire bases to mitigate the visual impact of the ~~tower-Telecommunications 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 to minimize objectionable light glare from affecting adjacent properties; and-
- e) Freestanding antenna systems should have no adverse effects on natural heritage features, hydrologically sensitive features, or areas prone to natural hazards, and proponents must follow City's Official Plan policies that pertain to protection of the natural environment.

2.053.02 ~~Roof-Top Building/Structure-Mounted Antenna System~~ ~~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~~ new Antenna Systems less than 15 metres in height, the City requests compliance by ~~carriers-Telecommunications Carriers~~ to minimize the visual impacts of such Telecommunications 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 Building/Structure-Mounted Antenna System ~~roof top Antennae~~ should be minimized and should not 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 with respect to form, materials, and colour; and
- f) The City will encourage residential buildings greater than 6 storeys in height to be pre-designed to accommodate Building/Telecommunication-Facilities Structure-Mounted Antenna Systems.

~~3. — Decommissioning or End of Lease~~

~~4.00 — Telecommunication Carriers shall be required to remove Facilities that have not been in use for one year or more. 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.~~

~~6. Consultation Process~~

~~7.4. Municipal Preconsultation Process~~

Proponents requesting a new Telecommunications ~~Tower Facility~~ shall submit a Precon application to the City's Preconsultation Committee for Department and agency circulation and review, where consultation is required by ISED Canada with the City (see Section 8). This process will provide information and guidance from all necessary review agencies regarding 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 the host site, or any part thereof, is located within 200 metres of the abutting municipality; or where the tower location is less than three times the tower height (measured from the base of the tower or guyed wires); whichever is greater.

4.01 Precon Submission Requirements

TFor the Precon, the following information must be provided to the Planning Division at the time of submitting the Precon application:

- A complete Telecommunication Preconsultation application form with associated fee;
- A cover letter detailing the rationale for the proposed location and details on the proposed antenna system;
- Draft site plan or survey for the subject property showing the proposed antenna systems location and relation to the other structures on the property as well as coverage of the antenna system;
- Elevation drawings of the proposed antenna system which include the proposed height and colour; and
- Photo renderings of the building or structure with the proposed Telecommunications Tower, Antenna(s), Equipment Shelter and other associated Facilities superimposed on the picture from four directions: north, south, east and west.

4.02 Precon Process

Once a complete Precon Application has been provided to the Planning Division,

an initial Precon report will be prepared to circulate to the Precon Committee for comments. Following the closure of the commenting period, the staff member assigned the file will prepare the final Precon report. Once prepared, the Final Telecommunication Precon report will be provided to the Proponent. 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 Application. This report will identify if the proposal has or has not addressed all the locational criteria based on Section 2.

A mailing notification list for the local public will also be prepared for the Proponent to assist with the Public Consultation process.

5. Public Consultation Process

Where a Public Consultation is required per this Policy and ISED Canada CPC 2-0-03, the Proponent must follow the public consultation process in this Policy.

Public consultation must not be initiated until the Proponent has received the final Precon report. The Proponent must synchronize the distribution of the public notice, newspaper advertisement circulation, Kawartha Lakes News and Notices webpage, and public notice sign. Nothing in these requirements are meant to exempt any other ISED notification requirements.

~~P~~The public comments shall be directed to the Planning Administration (planningadmin@kawarthalakes.ca). The Planning Staff shall review comments and direct them to the Proponent to address.

The Proponent shall be responsible for all costs associated with public notification and consultation.

5.01 Public Consultation Requirements

Proponents must ensure the local public, land-use authority(ies), and ISED Canada are notified of the proposed Antenna System. Notwithstanding the ISED Canada minimum notification requirements to the local public, in addition to the circulation to all properties within three times the tower height (measured from the base of the tower or guyed wires, whichever is greater), the City will also request that:

- In Urban and Hamlet areas, all local public within 60 metres of the host property are notified
- In all other areas, all local public within 120 metres of the host property are to be notified of the proposal.

5.02 Public Notification Package Requirements

The proponent must ensure that at least 30 days are provided for public comment. Notification must provide all information on how to submit comments to the proponent in writing. Notices must be clearly marked, making reference to the proposed antenna system, so that it is not misinterpreted as junk mail. The notice must be sent by the Proponent either by mail or be hand delivered. The face of the package must clearly indicate that the recipient is within the prescribed notification radius of the proposed antenna system. The Proponent must also provide a copy of the notification package to the land-use authority and the local ISED office at the same time as the package is provided to the public. Notification must include, but need not be limited to:

- a) The proposed antenna system's purpose, the reasons why existing antenna systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable and future sharing possibilities for the proposal;
- b) The proposed location within the community, the geographic coordinates and the specific property or rooftop, including a letter size (21 cm x 28 cm (8 1/2" x 11")) copy of the site plan submitted with the application;
- c) Photo renderings showing what the proposed Antenna System will look like taken from various vantage points;
- d) Identification of areas accessible to the general public and the access/demarcation measures to control public access;
- e) Information on the environmental status of the project, including any requirements under the Impact Assessment Act;
- f) A description of the proposed Antenna System including its height and dimensions, a description of any antenna that may be mounted on the supporting structure and simulated images of the proposal;
- g) Transport Canada's aeronautical obstruction marking/lighting requirements (whether painting, lighting or both) if available; if not available, the proponent's expectation of Transport Canada's requirements together with an undertaking to provide Transport Canada's requirements once they become available;
- h) An attestation that the installation will respect good engineering practices including structural adequacy;
- i) Reference to any applicable local land-use requirements such as local

processes, protocols, etc.;

- j) Notice that general information relating to Antenna Systems is available on ISED's Spectrum Management and Telecommunications website;
- k) Contact information including phone number and email for the Proponent, Kawartha Lakes Planning Division, and the local ISED office;
- l) Information on how to submit written comments to the Proponent, through the Planning Administration (planningadmin@kawarthalakes.ca), and the closing date for submission of written public comments (not less than 30 days from receipt of notification); and
- m) An attestation that the general public will be protected in compliance with Health Canada's Safety Code 6, including combined effects within the local radio environment at all times; for example:

I, (name of individual or representative of company) attest that the radio installation described in this notification package will be installed and operated on an ongoing basis so as to comply with Health Canada's Safety Code 6, as may be amended from time to time, for the protection of the general public, including any combined effects of nearby installations within the local radio environment.

5.03 Responding to the Public

Comments related to applications from the public shall be directed to Planning Administration (planningadmin@kawarthalakes.ca) where a staff member will forward the comments to the applicable Proponent and save the comment to the file. Proponents are to address all reasonable and relevant concerns, make all reasonable efforts to resolve them in a mutually acceptable manner and must keep a record of all associated communications, including comments provided by the public as well as the Proponent's response to those public comments, as part of their Application with the City. The Proponent shall copy the Planning Administration (planningadmin@kawarthalakes.ca) on all responses provided so that staff can save the response to file. If the local public or land-use authority raises a question, comment or concern relating to the antenna system as a result of the public notification process, then the proponent is required to:

- a) Respond to the party in writing within fourteen (14) days acknowledging receipt of the question, comment or concern, and keep a record of the communication;
- b) Address in writing all reasonable and relevant concerns within sixty (60)

days of receipt or explain why the question, comment or concern is not, in the view of the proponent, reasonable or relevant, and clearly indicate that the party has twenty-one (21) days from the date of the correspondence to reply to the Proponent's response; and

- c) In the case where the party responds within twenty-one (21) days, the Proponent shall address all applicable concerns within twenty-one (21) days either by responding in writing or by contacting the party by telephone.

5.04 Notice Publication in Local Newspaper

In addition to the public notification requirements noted above, proponents of an antenna system proposed to be 30 metres or more in height must place a notice in a local community newspaper circulating in the proposed area. Height is measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the particular installation, the tallest point may be 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.

The notice must be synchronized with the distribution of the public notification package. It must be legible and placed in the public notice section of the newspaper. The notice must include:

- a description of the proposed installation
- its location and street address
- proponent contact information and mailing address
- an invitation to provide public comments to the proponent within 30 days of the notice

In areas without a local newspaper, other effective means of public notification must be implemented. Proponents may contact the local ISED office for guidance.

5.05 Notice on City of Kawartha Lakes webpage

The Proponent shall work with Communications, Advertising, and Marketing to submit an online public notice to be posted on the City of Kawartha Lakes News and Notices webpage. The online public notice shall contain the information provided in the public notification package. The online public notice shall be synchronized with the time that the other public notification occur and shall

remain on the webpage for the duration of the public consultation process.

5.06 Public Notice Sign

For the public consultation process, Proponents shall erect a sign on the subject property to notify the public of antenna system proposals. The sign shall contain the information provided in the public notification package. A sign shall be erected on each of the frontages for the property in a clear, visible, and legible manner. The sign should be placed as near the street line(s) as possible so the public can see the sign and make note of the contact information should they wish to make enquiries.

The sign shall be prepared by a professional at the expense of the Proponent. For the sign dimensions, the sign shall be a minimum of 1.2 by 1.2 metres and be at least 1 metre off the ground to a maximum height of 2.5 metres above the ground. The sign(s) shall not be attached or nailed to trees.

Photos showing the sign posted and the date on which it was erected on the subject property shall be submitted to the Planning Administration within ten (10) days after the sign has been erected. The erection of the sign(s) should be synchronized with the time that the other public notification occur.

The sign(s) shall remain on the subject property for the duration of the public consultation process. The Proponent shall be responsible for removing the sign no later than twenty-one (21) days after the completion of the consultation process.

5.07 Public Consultation Summary Report

Upon completion of the Public Consultation process, the Proponent is required to submit a Public Consultation Summary Report which:

- a) Outlines how they have fulfilled the Public Consultation process;
- b) Identifying any comments received, how the comments were addressed, and any unresolved issues. If concerns were not addressed, clearly indicate why such concerns are not applicable;
- c) Details of any modifications to the proposal, including revised plans and drawings, if applicable.

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 Contested Application. The Proponent shall make the required revisions to submit with the Application.

A recirculation of the public notification packages will be required if the proposed Antenna System has been relocated as a result of the public consultation process.

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 which regards 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 system into the local surroundings?
- What options are available to satisfy aeronautical obstruction marking requirements at this site?
- What are the steps the Proponent took to ensure compliance with the general requirements of this document, including the *Canadian Environmental Assessment Act* (CEAA), the *Impact Assessment Act* (IAA), Safety Code 6, etc.?

Concerns that are not reasonable or relevant include:

- Disputes with members of the public relating to the Proponent's service, but unrelated to antenna installations;
- Potential effects that the proposed antenna system will have 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, Safety Code 6.

5.08 Exclusions from Public Consultation Requirements

- a) Where a proposed Freestanding Antenna System is located at least 500

metres from all neighbouring properties or if the properties are located outside the City of Kawartha Lakes; and

- b) All Telecommunications Facilities exempt from the LUA process per Section 8, are also to be exempted from public consultation.

6. Telecommunications Facility Concurrence Application

~~7.01 Telecommunications Facility Concurrence Application (Application) Review Process~~

In order to pursue concurrence of the following, the proponent must submit a Telecommunications Facility Concurrence Application (Application) to the Development Services Department – Planning Division, for review:

- i) a new ~~Freestanding Antenna System~~Telecommunications Tower;
- ii) a ~~roof top Telecommunications structure~~new Building/Structure-Mounted Antenna System; or
- iii) change(s) to an existing Telecommunications Facility.

These applications are **not** processed under Section 41 of the Planning Act. Application fees are payable upon Application submission, as prescribed in the City's approved [By-law 2018-234 Consolidated Fee Schedule](#), as amended.

6.01 Applications for New Freestanding Antenna System

An application for a new Freestanding Antenna System will require the following information to be submitted to the Planning Division:

- a) A completed Telecommunications Facility Concurrence Application form and covering letter;
- 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 Freestanding Antenna System. Should the proposal not be able to Co-locate or utilize existing structures, a detailed reasoning for the location of a new Freestanding Antenna System 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 Freestanding Antenna System should explore the ability to allow for future Co-location opportunities and

- be designed to accommodate additional future Telecommunications 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 Telecommunications Tower, Antenna(s), and Equipment Shelter, including guyed wire anchors geographic coordinates (if applicable);
 - 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; setbacks from airports; 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 Freestanding Antenna System;
- g) A cost estimate of the required 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 Freestanding Antenna System will look like taken from various vantage points;
- i) Authorization from the 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;
- k) Any additional relevant information as identified through the Precon process which may be necessary to fully assess the proposal; and
- l) Confirmation of construction completion through submission of colour photo(s) depicting installed Telecommunications Facilities and as-built drawings of the Telecommunications Facilities including its location.

6.02 Applications for New Building/Structure-Mounted Antenna System

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 completed Telecommunications Facility Concurrence Application form and covering letter;
- b) A statement from the Proponent on the need for any increase in proposed Antenna System height if applicable;
- c) A plan showing the location of the proposed Telecommunications Tower, Antenna(s), Equipment Shelter and other associated Facilities on the roof top or structure;
- d) Two sets of stamped engineered drawings that identify the Telecommunications Tower, Antenna(s), Equipment Shelter and other associated Facilities to be constructed on the building roof top or structure and any other information required by the Building Division;
- e) Upon review of the site plan, the Planning Division may require the Telecommunications Carriers to submit photo renderings of the building or structure with the proposed Telecommunications Tower, Antenna(s), Equipment Shelter and other associated Facilities superimposed on the picture from four directions: north, south, east and west;

- f) Authorization from the Owner of the land;
- g) Demonstrated conformity with Section 3.02 of this policy; and
- h) Confirmation of construction completion through submission of colour photo(s) depicting installed Telecommunications Facilities and as-built drawings of the Telecommunications Facilities including its location. (s)

6.03 Applications to Alter Existing Telecommunications 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. See Section 8 for ISED Canada Exclusions. Submission requirements to the Planning Division will be determined in consultation with the Proponent.

6.04 Processing Concurrence Applications

Once the Planning Division has reviewed and deemed the application complete, it will be processed as follows:

- **Uncontested Application** – no unresolved issues.
- **Contested Application**– Either staff or relevant public concerns per CPC 2-0-03.

This process will be completed subsequent to the Public Consultation process identified in Section 5.

~~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, and identifying any comments received and any 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)~~ application review 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). Should Planning staff deem it necessary, a revised Contested Application will be circulated to City Departments and relevant external agencies before proceeding to Council.

6.05 Uncontested Applications

The Director is the delegated authority to process ~~Applications which are not contested~~ Uncontested Applications (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 for execution by the Proponent, the Owner, and the City. Once the Development Agreement has been executed (signed by the Owner, 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 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).

6.06 Contested Applications

Should the Director of Development Services determine an application is a Contested Application, Once the Planning Division has reviewed the 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, including a draft 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 the Proponent. The letter will contain a formal resolution by Council, a copy of the Council report, and any other relevant information.

6.07 Decision Timelines

For all formal ~~A~~ 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 ~~AA~~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 ~~Application~~Application.

7.01—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 CPC 2-0-03, as amended should the City not adopt a separate process in this Policy.~~

~~7. 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 response to those public comments, as part of their application for concurrence with the City. In cases where the Proponent determines a public comment to not be reasonable or relevant, the Proponent will explain why the question, comment, or concern is not, in the view of the Proponent, reasonable or relevant. Notwithstanding the ISED Canada minimum notification requirements to adjacent property owners, in addition to the circulation to all properties within three times the tower height (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. Telecommunications Sign Guide (see Appendix A) In public consultation notices, the City's planningadmin@kawarthalakes.ca will be used for the City's contact information. Nothing in this additional circulation requirement is meant to exempt any other ISED notification requirements (such as newspaper advertisements, where required).which regards Telecommunications Facility Development Agreement~~



~~10.01~~ — ~~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. 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.

5.8. **ISED Canada Exclusions**

8.01 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 CPC-2-0-03 as amended must still be fulfilled.

Individual circumstances vary with each Antenna System installation and modification, and the exclusion criteria below 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 if 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.



Section 6 of CPC-2-0-03, as amended from time to time, outlines the following exclusions from land-use authority and public consultation requirements:

- 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. Initial antenna system installation refers to the system as it was first consulted on, or installed. No increase in height may occur within one (1) 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:** including aAntennas 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%. Telecommunications Carriers, operators of broadcasting undertakings, and third party tower owners may benefit from local knowledge by contacting the land-use authority when planning an antenna system that meets this exclusion criteria;
- 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.

Notification for Exempt Telecommunications Facilities

Notwithstanding ISED Canada's exemption criteria for certain Antenna Systems, the City should be informed of all new Telecommunication Facility installations so the City can:

- Respond to public enquiries on new Telecommunications Facilities construction;
- Be aware of co-location opportunities in the City;
- Be knowledgeable of when Telecommunications Facilities that received concurrence completed construction to ensure concurrence requests have not expired.
- Maintain data for reference in event of future modifications and additions to Telecommunications Facilities; and
- Ensure Proponents regard the Policy guidance on proposed Telecommunications Facilities before completion of final design.

At a minimum, for our records, the City requests that the Proponent shall provide an Exemption Letter via email to telecomapplications@kawarthalakes.ca (c/o the Planning Division) outlining the proposal and how it complies with the exemption criteria. For all Telecommunications Facilities constructed in the City, please provide confirmation of construction completion through submission of colour photo depicting installed Telecommunications Facilities and as built drawings of construction.

9. Additional Provisions for Antenna Systems

9.01 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 of three (3) years prescribed by ISED Canada in accordance with Section 4.5 of CPC-2-0-03, as amended, concurrences 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. The Request for Re-Concurrence shall be submitted before construction begins.

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, expansion of community sensitive locations, 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.

9.02 Rescinding a Concurrence

The City may rescind its concurrence if following the issuance of the concurrence, the City determines that the proposed Telecommunications Facility contains a misrepresentation or a failure to disclose all pertinent information regarding the proposal, or the plans and Development Agreement have not been complied with, and a resolution cannot be reached to resolve the matter.

In such cases, the City will notify the Proponent and ISED Canada in writing,

including the reason(s) for why the concurrence was rescinded.

9.03 Decommissioning

Telecommunication Carriers shall be required to remove Telecommunications Facilities that have not been in use for one year or more. The Telecommunication Carriers shall advise the City in writing of the termination of a lease agreement between the Telecommunications Carrier and a property owner.

9.04 Transfer of Lease

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.

9.05 Redundant Antenna Systems

The City can issue a request to Telecommunications Carriers to clarify that a specific Telecommunications Facility is required to support the telecommunications network. The Telecommunications Carrier will respond within 30 days of a request receipt, and provide any available information on the future status or planned decommissioning of the Telecommunications Facility.

When the Telecommunications Carrier concurs that a Telecommunications Facility is redundant, the Telecommunications Carrier and City will mutually agree on a timeframe for removing the Telecommunications Facility and all associated structures and equipment from the applicable site. Once a Telecommunications Facility is deemed redundant, removal will occur no later than two (2) years following this issuance.

~~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 if 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. At a minimum, for our records, the City requests that the Proponent provide an Exemption Letter via email to 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
2.0	09/27/2022	Updated Content	CR2022-348
<u>3.0</u>	<u>11/18/2025</u>	<u>Updated Content</u>	<u>CR2025-XXX</u>