



## Planning and Development Committee Report

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**To:** To the Chair and Members of the Planning and Development Committee  
**From:** Dan Namisniak, Planner  
**Date:** June 7, 2022  
**Report:** RPT-22-158  
**Subject:** CT5-21-DN - Telecommunication Tower Application  
**Purpose:** Review of 'Communication Tower and Communication Antenna Preferred Location Protocol (2020)'

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### Recommendation

That Telecommunication Tower Application **CT5-21-DN** from Shared Tower Inc c/o LandSquared Agent, on behalf of Adrian Van Ewijk, Applicant/ Owner of Concession 2 East of Fairchilds Creek Part Lot 23 Registered Plan 2R-1367 Part 1, County of Brant, in the geographic township of Onondaga, known as 447 Baptist Church Road proposing a steel self-supported tower with lightning protection system, situated within a compound area. The compound area is proposed to be 15 m x 15 m in area and will have a 1.8 m high chain link security fence be received; and

THAT the Clerk be directed to inform Shared Tower Inc. (STC):

- a) That LandSquared on behalf of Shared Tower Inc. (STC) has completed consultation with the County of Brant and the public; and
- b) That the Telecommunication Tower as proposed at 447 Baptist Church Rd is not in accordance with Section 4.iii – 'Preferred Location Guidelines' of the 'Communication Tower and Communication Antenna Preferred Location Protocol (2020)'.

### Key Strategic Priority

1. Sustainable and Managed Growth

### Financial Considerations

Not applicable.

### Proposal / Executive Summary

The purpose of the report is to provide the Committee with information regarding the details of a new Telecommunication Tower Application proposed within the County of Brant. The proposal aims to support enhanced wireless voice & data coverage and capacity for the surrounding area.

Telecommunication Tower Application **CT5-21-DN** proposes to establish a 65 metre (213 feet) tall, steel, self-supported, lightening protected telecommunication structure, situated within a 15m x 15m compound area surrounded by a 1.8m chain link security fence.

Section 4.iii of the 'Communication Tower and Communication Antenna Preferred Location Protocol (2020)' outlines 'Preferred Location Guidelines' for new Telecommunication Towers.

Surrounding Land Use	Preferred Setback ( <i>3x tower height</i> )	Provided Setback
Residential Use	195 metres (640 feet)	110 metres (361 feet)
Natural Heritage Feature	195 metres (640 feet)	30 metres (98 feet)
*The Natural Heritage Zone is primarily associated with a floodplain. It is the opinion of Environmental Planning staff that the intent of environmental provisions is to protect natural heritage features, such as wildlife and insects from the impacts associated with communication towers. Staff have no concerns with impacts to the flood plain.		

This application has completed the following circulation and consultation process:

- November 3, 2021 – Internal / External Departmental Circulation
- December 2, 2021 – Neighbourhood Meeting (Hosted by the Applicant)
- December 7, 2021 – Information Meeting (Planning and Development Committee)
- February 1, 2022 – Recommendation Meeting (deferred).

The application was deferred by the Committee at the February 1, 2022 Planning and Development Committee to allow the Applicant/ Agent to consider alternative locations. The Applicants have proposed to install landscaping around the enclosed compound to help screen the base of the infrastructure. The proposed location of the tower remains unchanged.

The review of this application focuses on literature reviews of applicable planning policy (i.e. *Planning Act*, *Provincial Policy Statement*, *Official Plan*), and public consultation and location preferences as outlined in the County of Brant 'Communication Tower and Communication Antenna Preferred Location Protocol (2020)'.

Review of the 'Communication Tower and Communication Antenna Preferred Location Protocol (2020)' concludes that:

- a) That LandSquared on behalf of Shared Tower Inc. (STC) has completed consultation with the County of Brant and the public;
- b) That the Telecommunication Tower as proposed at 447 Baptist Church Rd is **not** in accordance with Section 4. iii – 'Preferred Location Guidelines' of the 'Communication Tower and Communication Antenna Preferred Location Protocol (2020)'.

## Location

The subject lands are located west of Brant County Road #22 along the south side of Baptist Church Road. The subject lands have a total frontage of 112 metres (367 feet), depth of 194 metres (636 feet) and total area of 2.1 hectares (5.3 acres). The subject lands are located within an Agricultural area and current contain an existing residential dwelling and quonset hut accessory structure. The surrounding area consists of Agricultural related uses and accessory dwellings, the closest being located 110 metres (361 feet) to the west of the proposed tower site. There is a Hydro One - high voltage transition facility located immediately west of the subject site.

## Report

The purpose of the report is to provide the Committee with information regarding the details of a new Telecommunication Tower Application proposed within the County of Brant.

### Industrial Canada's Client Procedures Circular 2-0-03:

Industry Canada's Client Procedures Circular 2-0-03, Issue 4, entitled Radio communication and Broadcasting Antenna Systems (CPC-2-0-03) requires proponents of new communication towers to follow the land-use consultation process for the siting of antenna systems, established by the land-use authority, where one exists.

The County established a municipal land-use consultation process and protocol for the siting of communication towers which came into effect on July 4, 2011, revised in 2020 as the 'Communication Tower and Communication Antenna Preferred Location Protocol (2020)'.

- ***Review of the 'Communication Tower and Communication Antenna Preferred Location Protocol (2020)' concludes that:***
  - a. That LandSquared on behalf of Shared Tower Inc. (STC) has completed consultation with the County of Brant and the public;***
  - b. That the Telecommunication Tower as proposed at 447 Baptist Church Rd is not in accordance with Section 4. iii – 'Preferred Location Guidelines' of the 'Communication Tower and Communication Antenna Preferred Location Protocol (2020)'.***

### Provincial Policy Statement (2020):

Policy 1.1.1 (g) requires municipalities to ensure that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.

***This application is consistent with the Provincial Policy Statement (2020) as it proposes to increase the mobile base station infrastructure to fill coverage gaps and increase capacity for current and future wireless users.***

### Growth Plan for the Greater Golden Horseshoe (2020)

Section 3.2.1 of the Growth Plan speaks to providing for integrated infrastructure planning through the implementation of the Growth Plan. Staff note that in Section 7: Definitions, "Infrastructure" is defined to include, among other things, communications and telecommunications facilities.

***This application conforms to the policies of the Growth Plan infrastructure such as telecommunication towers are essential services to integrate into growing communities.***

### County of Brant Official Plan (CBOP) (2012)

The County of Brant Official Plan sets out the goals, objectives and policies to guide development within the municipality. The *Planning Act* requires that all decisions that affect a planning matter shall 'conform to' the local Municipal Policies, including but not limited to the County of Brant Official Plan.

- ***The lands subject to this application contain both Agricultural and Natural Heritage designation as outlined in Schedule 'A' of the County of Brant Official Plan.***

- ***The proposed tower will be located on the lands designated as Agriculture.***
- ***Section 3.16.2(f) of the Official Plan states that communications towers shall not be located within the Natural Heritage System Designation. The applicants have located the tower outside of the Natural Features.***

Section 5.5 outlines policies related to the advancement of utilities within the County of Brant.

- ***Through the submission of the Site Selection justification report, the application has demonstrated the need for the proposed telecommunication tower expansion.***
- ***Consultation with the County of Brant and members of the public has been completed to review concerns related to the proposed telecommunication tower expansion.***
- ***The location of the proposed tower has been reviewed against the 'Communication Tower and Communication Antenna Preferred Location Protocol (2020)'.***

***The application is in conformity with the policies of County of Brant Official Plan.***

### Infrastructure/Serviceing

The proposed telecommunication tower will not require any modification to the existing systems currently in place.

### Zoning By-Law 61-16

The subject lands are zoned Agricultural (A) and Natural Heritage (NH) in the Zoning By-Law 61-16. The following regulations will apply:

Section 4.40(d) (Uses Permitted In All Zones) states that the following uses shall be permitted in all Zones, including those Zones subject to special provisions, unless such use is specifically identified as not being permitted otherwise: *Services and utilities of public agency such as water lines, wastewater lines, gas distribution mains, telecommunications and other cabled services, district energy facilities without cogeneration, pumping stations, and local electric power lines or other communication lines not including electricity generation facilities. However, no goods, material or equipment shall be stored or processed in the open, unless such outside storage or outside processing is specifically permitted in the Zone.*

***The application complies with applicable standards of Zoning By-Law 61-16.***

### **Interdepartmental Considerations**

The following Comments were received through technical circulation of this application:

#### Environmental Planning:

Environmental Planning staff have reviewed the proposed tower site in the context of the County Communication Tower Protocol.

- The Protocol recommends the greater distance of 120 m or three times the height of a tower (195 m for the proposed), from Natural Heritage System Features. The definition includes natural features and natural hazards.
- The tower appears to be proposed within about 30 metre of the Natural Heritage Zone. The Natural Heritage Zone is primarily associated with a floodplain. It is the opinion of Environmental Planning staff that the intent of environmental provisions is to protect natural heritage features, such as wildlife and insects from the impacts associated with communication towers. Staff have no concerns with impacts to the flood plain.

- There is a watercourse on the east side of the property which is about 90 m from the proposed tower site location.
- To protect the watercourse, Environmental Planning staff recommend:
  - That a sediment and erosion control plan be prepared that incorporates the location of fencing, stock piles, and where construction vehicles/equipment may be located.
  - Provided that a sediment and erosion control plan is prepared and implemented Environmental Planning have no concerns.

#### Grand River Conservation Authority (GRCA):

- No formal comments from the GRCA regarding this file as the proposed communication tower and driveway extension are outside of identified natural hazard lands as well as lands regulated under Ontario Regulation 150/06, as administered by the GRCA.

#### Building Division:

- This communications tower does not require a building permit.

#### Hydro One

- No objections to the proposal, provided its easement and/or ownership rights are protected and maintained.

#### Six Nations

- As we are aware there is no requirement for an Archaeological Assessment but we always take into account that unknown factor in any ground impactions.
- If any archaeological materials do arise please reach out and we can discuss next steps.

No objections were provided by the following departments:

- Fire
- Development Engineering
- Operations
- Parks and Facilities

### **Public Considerations**

Public circulation of notices, by mail and newspaper, was undertaken in accordance with *Section 11(B) – Procedure for Public Consultation* as outlined in the County of Brant 'Communication Tower and Communication Antenna Preferred Location Protocol (2020)'.

- Notices were sent to all neighbouring residences within 500 metres of the subject lands, 30 days prior to the meeting;
- A notice was published in the Brantford Expositor, 30 days prior to the meeting; and
- A notice sign was posted on the subject lands 20 days prior to the meeting date.

This application has completed the following public circulation and consultation process:

- December 2, 2021 – Neighbourhood Meeting (Hosted by the Applicant)
- December 7, 2021 – Information Meeting (Planning and Development Committee)
- February 1, 2022 – Recommendation Meeting (deferred).

The following comments have been received as result of the circulation and public consultation process and are attached to this report for Committee review:

- R. Nabb – 225 Brant County Road #22
- C. Kelly – 431 Baptist Church Road
- D. Ford – 508 Baptist Church Rd

A summary of the themes identified in the public submission letters include:

- Visual impact of the tower
- Proposed location justification
- Proposed lighting
- Health and safety concerns
- Impact on cell and internet service

## **Conclusions and Recommendations**

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## **Attachments**

1. Site Location Map
2. Formal Site Selection Justification Report

## **Copy to:**

1. Heather Boyd, Clerk Council Committee Services
2. Mat Vaughan, Director of Development Planning
3. Alyssa Seitz, Planning Administrative Assistant
4. Applicant/Agent

## **File CT5/21/DN**

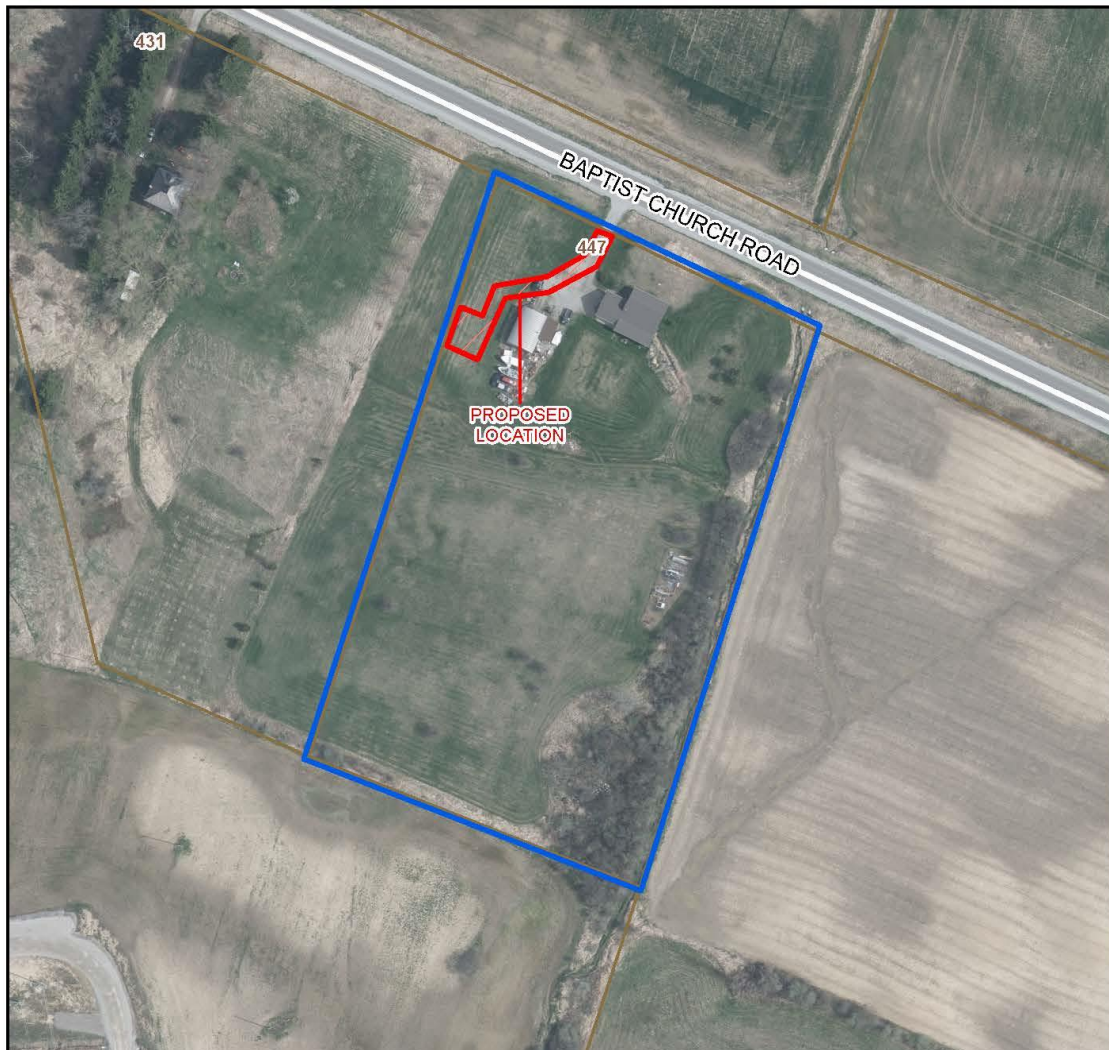
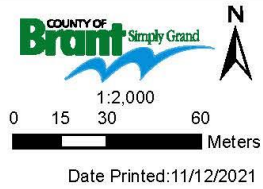
**In adopting this report, is a By-Law or agreement required?**

By-Law required	(No)
Agreement(s) or other documents to be signed by Mayor and /or Clerk	(No)
Is the necessary By-Law or agreement being sent concurrently to Council?	(No)

# Attachment 1 – Site Location Map

## MAP 3: Aerial Map FILE NUMBER: CT5-21-DN

447 BAPTIST CHURCH ROAD  
Former Township of  
**Brant**





## Attachment 2 – Surrounding Land Uses

