



Planning and Development Committee Report

To: To the Chair and Members of the Planning and Development Committee
From: Arwa Almaflahi, Junior Planner
Date: January 10, 2023
Report: RPT-0341-22
Subject: CT1-22-AA - Telecommunication Tower Application
Purpose: Review of 'Communication Tower and Communication Antenna Preferred Location Protocol (2020)'

Recommendation

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

- That LandSquared on behalf of Shared Tower Inc. (STC) has completed consultation with the County of Brant and the public; and
- That the Telecommunication Tower as proposed at 510 Brant Waterloo Road 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

Undertaking actions that elevate customer service to those we serve.

Financial Considerations

None.

Executive Summary / Background

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 **CT1-22-AA** proposes to establish a 65 metre (213 ft) tall, steel, self-supported, lightening protected telecommunication structure, situated within a

15m x 15m (49.2 ft) compound area surrounded by a 1.8m (5.9 ft) 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 (3x tower height)	Provided Setback
Residential Use	195 metres (640 ft)	317.6 metres (1043 ft)
Natural Heritage Feature	195 metres (640 ft)	105 metres (344.5 ft)
*The rear portion of the property is zoned and designated Natural Heritage due to the woodland, valley slopes and proximity to the Glen Morris Valley Wetland Complex. GRCA and Environmental Planning Staff have no concerns with impacts to the Natural Heritage.		

This application has completed the following circulation and consultation process:

- October 26, 2022 – Internal / External Departmental Circulation
- December 5, 2022 – Neighbourhood Meeting (Hosted by the Applicant)
- December 6, 2022 – Information Meeting (Planning and Development Committee)

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 and the County of Brant ‘**Communication Tower and Communication Antenna Preferred Location Protocol (2020)**’.

The Telecommunication Tower Application submission consists of the following, attached to this report for Committees consideration:

- Proposed Tower location Plan
- Survey
- Site Selection Justification Report
- Public Consultation Summary Report

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. The Telecommunication Tower as proposed at 510 Brant-Waterloo Road 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 east of Pinehurst Road along the south side of Brant-Waterloo Road. The subject lands have a total frontage of 528 metres (1732.3 ft), depth of 112 metres (367.5 ft) and total area of 87 hectares (215 acres).

The subject lands are located within an agricultural area and currently contain an existing residential dwelling and accessory structures associated with a farming operation.

Report

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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. The Telecommunication Tower as proposed at 510 Brant-Waterloo Road 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 is in conformity to the Growth Plan as it proposes to integrate expanding infrastructure.***

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 Heritage 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.

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 from departments/agencies as part of the circulation of this application:

Environmental Planning:

- The rear portion of the property is zoned and designated Natural Heritage due to the Grand River and its associated floodplain and valley system. The proposed tower location is about 240 metres from the top of slope associated with the Grand River and about 65 metres from a minor valley located on the property to the west. Given this distance, Environmental Planning does not have any concerns.

Grand River Conservation Authority (GRCA):

- The Grand River Conservation Authority (GRCA) has no objection to the proposed application.
- GRCA has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 150/06. GRCA has also provided comments as per our Memorandum of Agreement with The County of Brant and as a public body under the Planning Act as per our CA Board approved policies.
- Information currently available at this office indicates that the subject property contains valley slopes and the regulated allowance adjacent to the valley slopes. The property also contains the regulated allowance adjacent to the provincially significant Glen Morris Valley Wetland Complex. Due to the presence of these features, a portion of the property is regulated by the GRCA under Ontario Regulation 150/06 - Development, Interference with

Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06. The proposed telecommunication tower and associated compound is located outside of the GRCA's regulation limit. As such, the GRCA has no objection to the proposed compound and we note that a GRCA permit under Ontario Regulation 150/06 will not be required for the proposed development.

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Development Engineering

- Staff has reviewed the application for the Communications Tower to be located at 510 Brant Waterloo Road and provide the following comments:
- The east property line of the Subject Lands, adjacent to the Unopened Road Allowance Between Lots 18 & 19, is required to be verified to ensure that the Access & Compound and any fencing is contained within the Subject Lands. The verification of the east property line will be required to be surveyed by a qualified Ontario Land Surveyor.
- The Subject Lands are subject to the Grand River Conservation Authority Regulation Limit.
- All works and related fees are the responsibility of the applicant and must be to the satisfaction of the County of Brant.
- Overhead Hydro wires are present across the proposed entrance.
- An approved Public Works Entrance Permit is required prior to commencing any works within the Municipal Road Allowance.
- The County of Brant Official Plan, Schedule B, section 5.3.2.1.9 identifies Brant Waterloo Road as a Rural Local Road. Rural Local Roads should have a road allowance width between 20 metres to 24 metres. No road widening is required.
- Sight lines were checked at the proposed entrance location and were found to be sufficient.

Mississauga's of the Credit First Nation (MCFN)

- Thank you for sending this RFC our way. I have looked over the package and reviewed it now. In this case, I feel that the proposed are to be impacted by construction (15x15m) is probably too small to warrant an archaeological assessment, from MCFN's perspective. If an archaeological assessment is triggered by any other legislation or body, then MCFN would have an interest in participating.
- MCFN Department of Consultation and Accommodation must be in receipt of all Environmental Assessment reports and must be engaged for all Archaeological Assessments. This engagement includes in-field participation by having MCFN community members present when any archaeological assessments are being conducted and a review of all reports prior to submission to the ministry for clearance. This engagement is at the cost of the proponent.

Technology Services

- No issues with this. Should provide much needed service in the area.

Hydro One

- We are in receipt of your Communication Tower Application, CT1-22-AA dated October 26, 2022. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only. For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier. To confirm if Hydro One is your local distributor please follow the following link: Stormcentre (hydroone.com)

The following departments/agencies did not provide any comments/ concerns as part of the circulation of this application:

- | | |
|------------------------|----------------------------------|
| · Field Services | · Canada Post |
| · Fire | · GIS Mapping / Civic Addressing |
| · Operations | · Parks & Facilities |
| · Building | · Energy Plus: |
| · Economic Development | · Union Gas |
| · Energy Plus | · Imperial Oil |

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 circulation and public consultation process:

- December 5, 2022 – Neighbourhood Meeting (Hosted by the Applicant)
- December 6, 2022 – Information Meeting (Planning and Development Committee)

Notice of the January 10th public meeting for this application including, contact information and Public Hearing Date was circulated by mail on December 20th, 2022, to all property owners within 500 metres of the subject lands in accordance with the *Planning Act*. A site visit along with the posting of the Public Notice sign was completed on December 20th, 2022.

One public comment was received from a neighbouring resident during the Information Meeting on December 5th. The resident raised concerns regarding the tower's location impacting the agricultural land and an Osprey's nest near the proposed location. The applicant advised that the location of the tower was placed with the intent of preserving as much agricultural lands and ensure distance from natural heritage features. Additionally, the osprey is a migratory bird. The applicant has been advised to construct during the winter months when the bird is not present.

At the time of writing this report, no additional public comments or correspondence have been

received.

Conclusions and Recommendations

Telecommunication Tower Application CT1-22-AA proposes to establish a 65 metre (213.3 ft) self-supported tower with lightning protection system, situated within a compound area. The compound area is proposed to be 15 m x 15 m (49.2 ft) in area and will have a 1.8 m (5.8 ft) high chain link security fence.

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)'.

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Prepared By:



Arwa Almaflahi
Junior Planner

Reviewed by: Mat Vaughan, BES, MPLAN, MCIP, RPP, CMM3 Director of Planning
Submitted By: Pamela Duesling, PhD, MCIP, RPP, Ec.D., CMM3, General Manager of Development Services

Attachments

1. Zoning Map
2. Official Plan Map
3. Aerial Map
4. Surrounding Land Uses Map
5. Formal Site Selection Justification Report
6. Public Consultation Summary Report

Copy to

7. Pam Duesling, General Manager of Development Services

8. Mat Vaughan, Director of Development Planning
9. Alysha Dyjach, Director of Council Services/ Clerk
10. Alyssa Seitz, Planning Administrative Assistant/ Secretary Treasurer to the Committee of Adjustment
11. Applicant/Agent/ Owner

File # CT1-22-AA

In adopting this report, is a bylaw or agreement required?

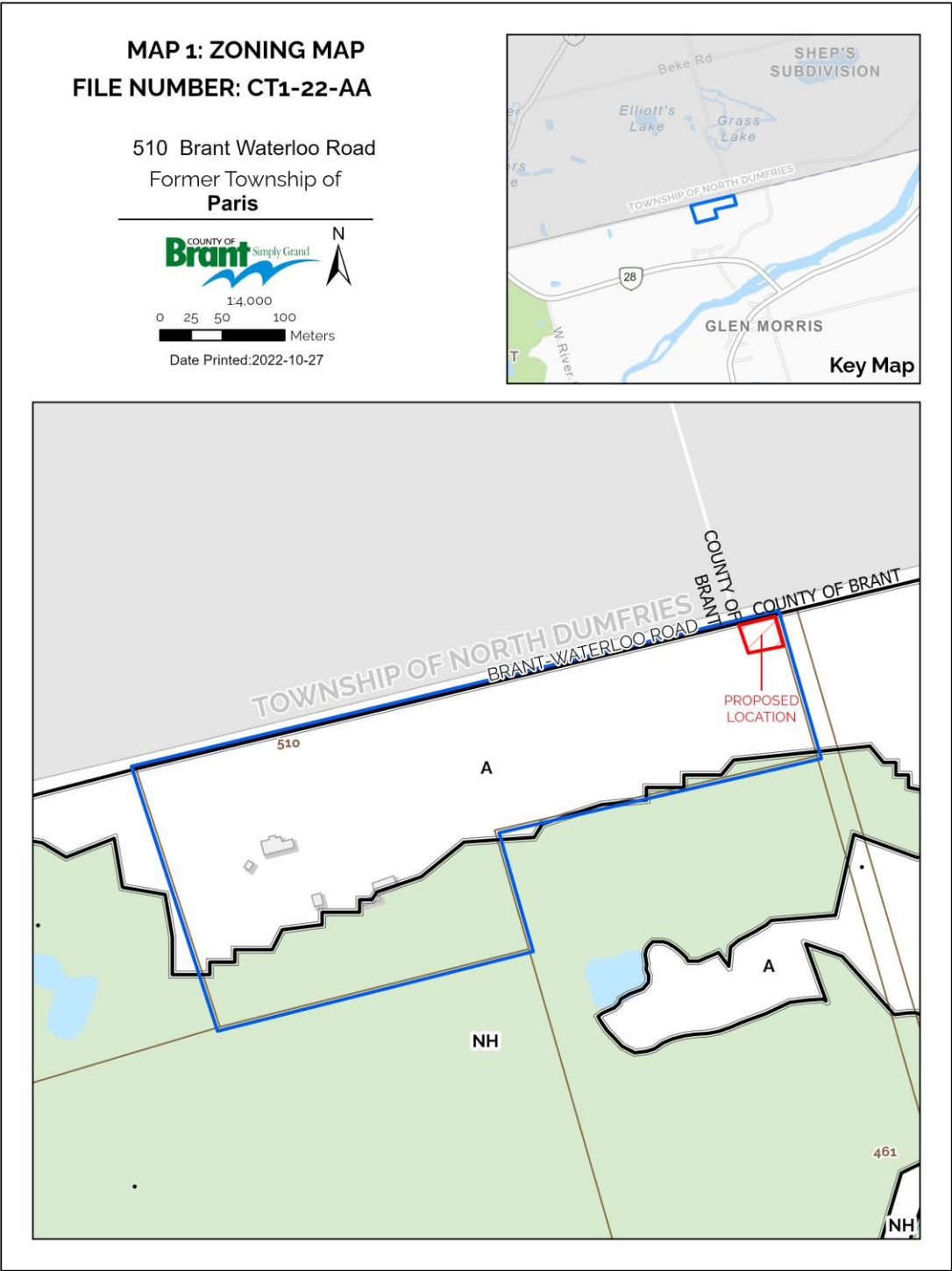
If so, it should be referenced in the recommendation section.

By-Law required? (No)

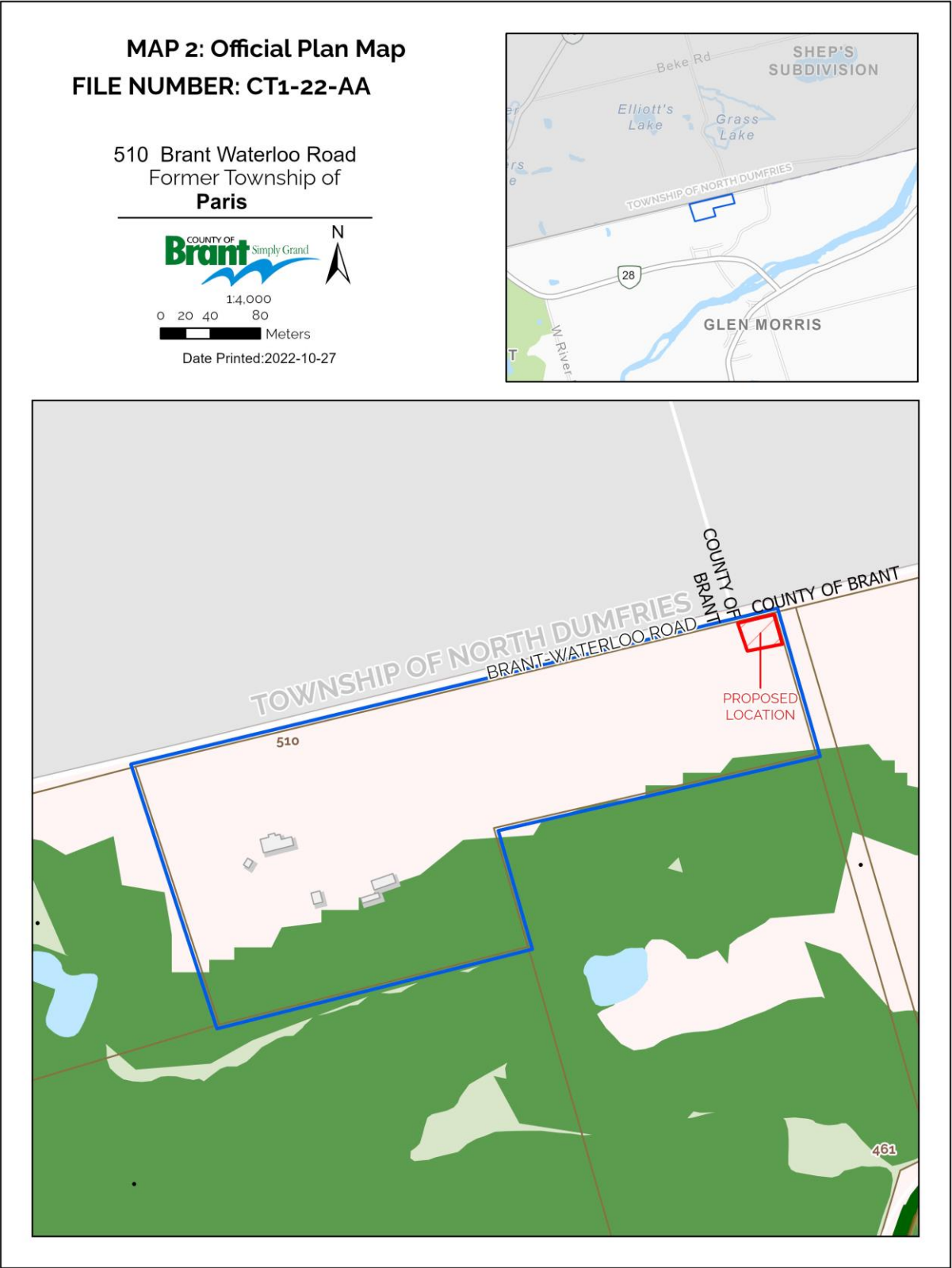
Agreement(s) or other documents to be signed by Mayor and /or Clerk? (No)

Is the necessary by-law or agreement being sent concurrently to Council? (No)

Attachment 1 - Zoning Map



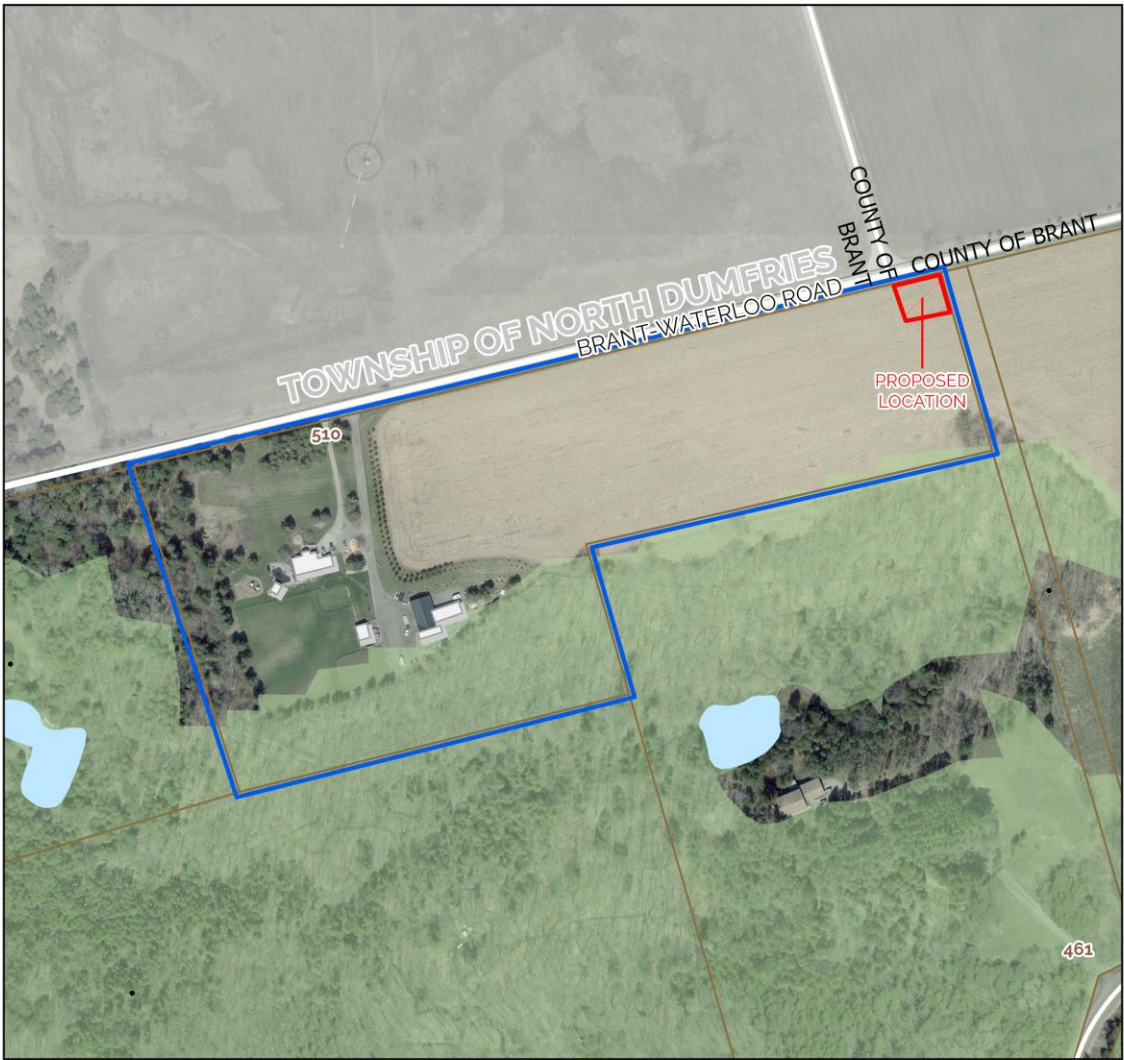
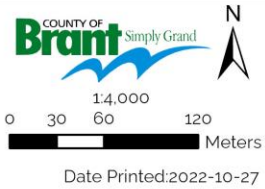
Attachment 2 - Official Plan Map



Attachment 3 - Aerial Map

MAP 3: Aerial Map 2022
FILE NUMBER: CT1-22-AA

510 Brant Waterloo Road
Former Township of
Brant



Attachment 4 – Surrounding Land Uses

