



## Planning and Development Committee Report

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**To:** The Mayor and Members of County of Brant Council  
**From:** Haylee Hallema, Junior Planner  
**Date:** March 12, 2024  
**Report #:** RPT- 0113 - 24  
**Subject:** CT3-23-HH – Telecommunication Tower Application  
**Purpose:** For Information and Direction

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### Recommendation

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That Telecommunication Tower Application **CT3-23-HH** from Forbes Bros Ltd. c/o Jacqueline Johnston Agent, on behalf of owners John Dyk, of Concession 3, Part Lot 23, geographic Township of Burford, municipally known as 162 Fourth Concession Road, County of Brant, proposing the installation of a 45-metre (147.63 ft) tall, self-support telecommunication structure, situated within a 3m x 3m area, be received.

And that the Clerk be directed to inform Forbes Bros Ltd. (FBL):

- a) That Forbes Bros Ltd. (FBL) has completed consultation with the County of Brant and the public; and
- b) That the Telecommunication Tower as proposed at 162 Fourth Concession Road is in accordance with Section 4.iii – ‘Preferred Location Guidelines’ of the ‘Communication Tower and Communication Antenna Preferred Location Protocol (2020)’.

### Executive Summary

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The purpose of this report is to provide the County of Brant Council with information regarding details of a new Telecommunication Tower Application proposed within the County of Brant. The proposal seeks to improve wireless services in the surrounding area.

Telecommunication Tower Application **CT3-23-HH** proposes to establish a 45-metre (147.63 ft) tall, self-support telecommunication structure, situated within a 3m x 3m area.

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

<i><b>Surrounding Land Use</b></i>	<i><b>Preferred Setback (3x tower height)</b></i>	<i><b>Provided Setback</b></i>
<i><b>Residential Use</b></i>	<i><b>135 metres (442 feet)</b></i>	<i><b>500 metres (1640 feet)</b></i>
<i><b>Natural Heritage Feature</b></i>	<i><b>135 metres (442 feet)</b></i>	<i><b>220 metres (721 feet)</b></i>

\*The Natural Heritage Zone is primarily associated with a watercourse (stream). It is the opinion of Planning staff that the intent of environmental provisions is to protect natural heritage features, from the impacts associated with communication towers. Staff have no concerns with impact to the watercourse.

This application has completed the following circulation and consultation process:

- December 7<sup>th</sup>, 2023 – Internal / External Departmental Circulation
- November 20<sup>th</sup>, 2023 – Neighbourhood Meeting (Hosted by the Applicant)
  - A public meeting was not held as there were no registrants.
- January 9<sup>th</sup>, 2024 – 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 'Communication Tower and Communication Antenna Preferred Location Protocol (2020)'.

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

- a) That Forbes Bros Ltd. (FBL) has completed consultation with the County of Brant and the public; and
- b) That the Telecommunication Tower as proposed at 162 Fourth Concession Road is 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 north of Fourth Concession Road, and lying between Muir Road North and West Quarter Townline Road. The subject lands have a frontage of approximately 533.04 metres (1748.81 feet) and a lot area of approximately 40 hectares (100 acres). The subject lands are located within an agricultural zone which contains an active farming operation.

The surrounding land uses consist of agriculture and agricultural employment land uses.

## **Strategic Plan Priority**

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Strategic Priority 4 - Reliable Infrastructure

## **Report**

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### Background

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

### Analysis

#### *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)'.

**'Communication Tower and Communication Antenna Preferred Location Protocol (2020)'.**

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

**a) That Forbes Bros Ltd. (FBL) has completed consultation with the County of Brant and the public; and**

**b) That the Telecommunication Tower as proposed at 162 Fourth Concession Road is in accordance with Section 4.iii – 'Preferred Location Guidelines' of the 'Communication Tower and Communication Antenna Preferred Location Protocol (2020)'.**

Provincial Policy Statement (PPS) – 2020

The *Provincial Policy Statement* (PPS) provides policy direction on matters of Provincial interest regarding land use planning and development and sets the policy foundation for regulating land use and development of land. All decisions affecting planning matters shall be 'consistent with' policy statements issued under the *Planning Act*.

*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.

***The application is consistent within the Provincial Policy Statement (2020) as it proposes to improve wireless voice and data services for current and future wireless users.***

Growth Plan for the Greater Golden Horseshoe (2020)

The *Growth Plan* is a framework that provides policy direction to implement strong and prosperous communities and how to manage growth in Ontario to 2051. The *Planning Act* requires that all decisions that affect a planning matter shall 'conform with' Provincial plans, including but not limited to the *Growth Plan*.

*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.

***It is my professional opinion that the request conforms to the policies of the Growth Plan.***

County of Brant Official Plan 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 Municipal Policies, including but not limited to the *County of Brant Official Plan*.

- ***The subject lands are designated Agriculture as outlined in Schedule 'A' of the County of Brant Official Plan.***
- ***Section 3.16.2(f) of the Official Plan advises communication towers shall not be located within the Natural Heritage System Designation. The proposed tower is not located within Natural Heritage Features.***

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

- ***The Site Selection Justification Report submitted with the application demonstrates the need for the proposed telecommunication tower expansion.***
- ***The proposed telecommunication tower location has been reviewed against the 'Communication Tower and Communication Antenna Preferred Location Protocol (2020)'.***

***It is my professional opinion that the request conforms to the policies of the County of Brant Official Plan.***

#### **Infrastructure/Serviceing**

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

#### **Source Water Protection**

*Source water protection plans contain a series of locally developed policies that, as they are implemented, protect existing and future sources of municipal drinking water. Municipalities, source protection authorities, local health boards, the Province and others, are responsible for implementing source protection plan policies.*

***Staff have reviewed Source Water Protection Area mapping, and the subject lands are not within a Source Water Protection zone.***

#### **County of Brant Zoning By-Law 61-16**

The subject lands are zoned Agriculture (A) in the Zoning By-Law 61-16.

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.*

***It is my professional opinion that the proposal complies with the applicable policies of the Zoning By-Law 61-16.***

## Interdepartmental Considerations

The following comments were received from departments/agencies as part of the circulation of this application:

### Development Engineering:

- Lands are subject to the Grand River Conservation Authority Regulation Limits. A GRCA permit may be required.
- The Subject Lands are assessed to the Rose Municipal Drain.
- Sight lines at the existing entrance were checked and found to be sufficient.
- The County of Brant Official Plan, Schedule B, section 5.3.2.1.9 identifies 162 Fourth Concession Road as a Rural Local Road. Rural Local Roads should have a road allowance width between 20 metres to 24 metres. No additional road widening is required.
- All works and related fees are the responsibility of the applicant and must be to the satisfaction of the County of Brant.

### GRCA:

- The applicant is proposing to construct a telecommunication tower and an associated compound. All of the proposed works are outside of GRCA's regulated area and we do not anticipate any impacts on the adjacent natural hazard features as a result of the proposed development. As such, the GRCA has no objection to the approval of the communication tower application. We note that the telecommunication tower and related infrastructure proposed in the circulated plan will not require a GRCA permit under Ontario Regulation 150/06.

Fire: No issues with this application to install a communications tower at 162 Fourth Concession Road.

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

- |   |                           |
|---|---------------------------|
| · Environmental Planning                    | · Hydro One               |
| · Building                                  | · Parks and Forestry      |
| · Finance – Tax Department                  | · Source Water Protection |
| · Mississauga's of the Credit First Nations | · Bell Canada             |
| · Six Nations                               | · Rogers                  |
|   | · Canada Post             |
|   | · Union Gas               |

## Public Considerations

Public circulation of notices, by mail 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 sign was posted on the subject lands 30 days prior to the meeting date.

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

- November 20<sup>th</sup>, 2023 – Neighbourhood Meeting (Hosted by the Applicant)
  - A public meeting was not held as there were no registrants.
- January 9<sup>th</sup>, 2024 – Information Meeting (Planning and Development Committee)

Notice of the January 9th public meeting for this application including, contact information and Public Hearing Date was circulated by mail on December 8th, 2023, 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 8th, 2023.

There were no public comments received from neighbouring property owners as a result of the circulation and public consultation process.

## Summary and Recommendations

Telecommunication Tower Application **CT3-23-HH** proposes the installation of a 45-metre (147.63 ft) tall, self-support telecommunication structure, situated within a 3m x 3m area.

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:

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- b) That the Telecommunication Tower as proposed at 162 Fourth Concession Road is in accordance with Section 4.iii – ‘Preferred Location Guidelines’ of the ‘Communication Tower and Communication Antenna Preferred Location Protocol (2020)’.

**Prepared By:**



**Haylee Hallema**

Junior Planner

## **Attachments**

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1. Zoning Map
2. Official Plan Map
3. Aerial Map
4. Location Map

## **Reviewed By**

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**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

## **Copied To**

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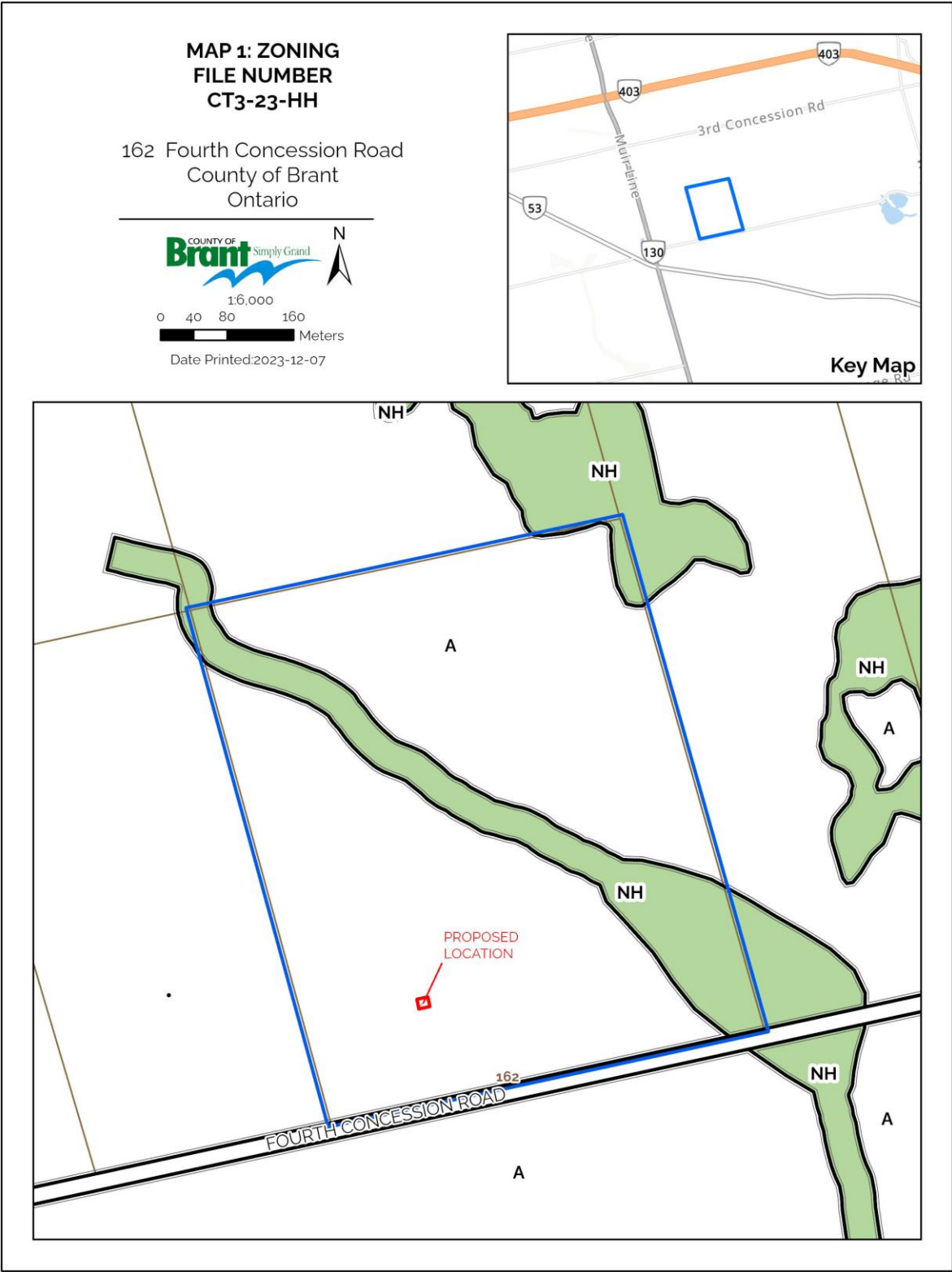
1. Pam Duesling, General Manager of Development Services
2. Mat Vaughan, Director of Development Planning
3. Alysha Dyjach, Clerk/Manager of Council Committee Services
4. Alyssa Seitz, Planning Administrative Assistant
5. Applicant/Agent/ Owner

## **By-law and/or Agreement**

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By-law Required	No
Agreement(s) or other documents to be signed by Mayor and /or Clerk	No

Attachment 1 – Zoning Map






Attachment 2 – Official Plan Map

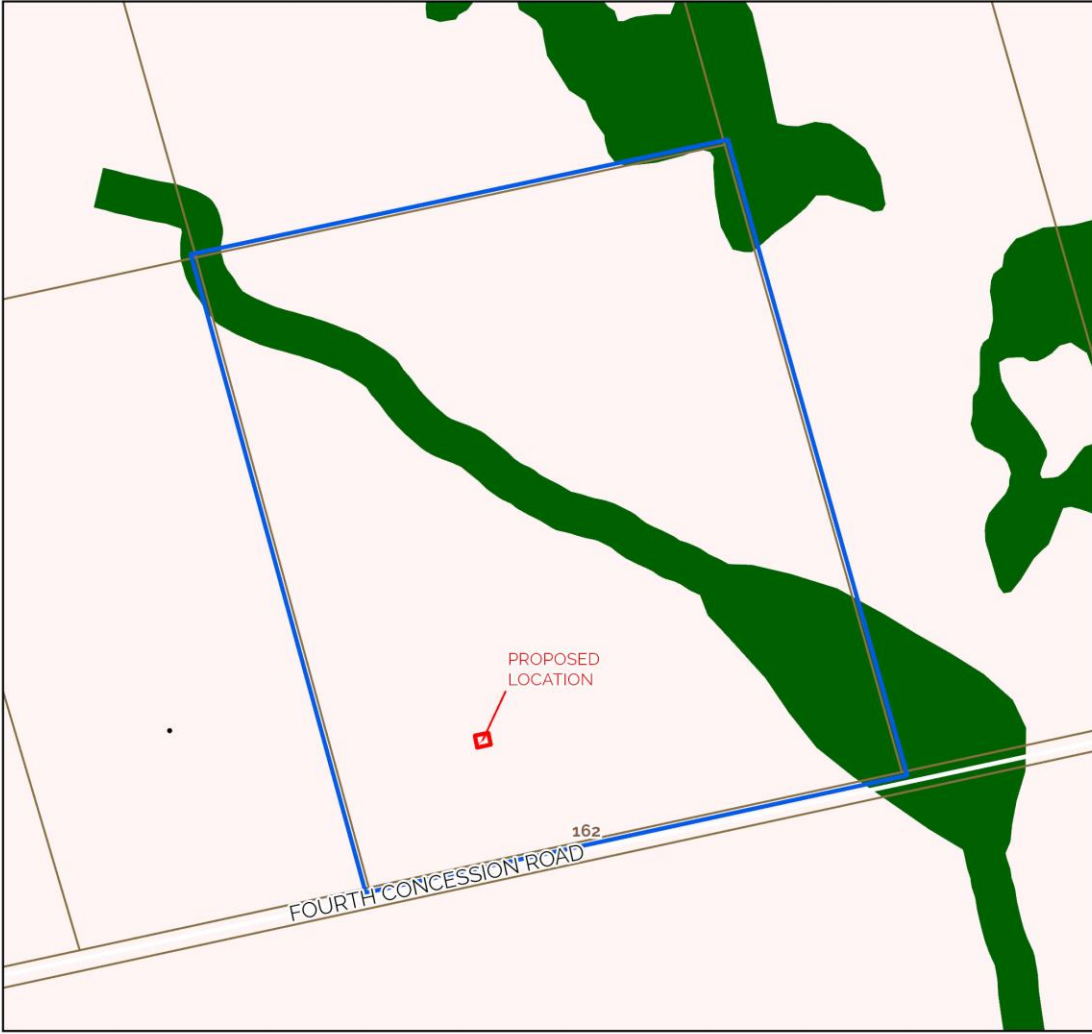
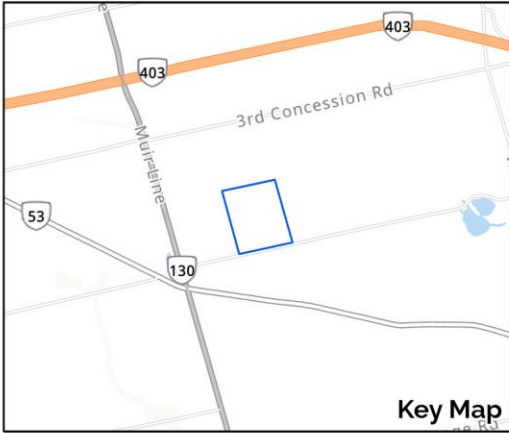
MAP 2: Official Plan  
FILE NUMBER  
CT3-23-HH

162 Fourth Concession Road  
County of Brant  
Ontario

COUNTY OF  
**Brant** Simply Grand



1:6,000  
0 35 70 140 Meters  
Date Printed: 2023-12-07



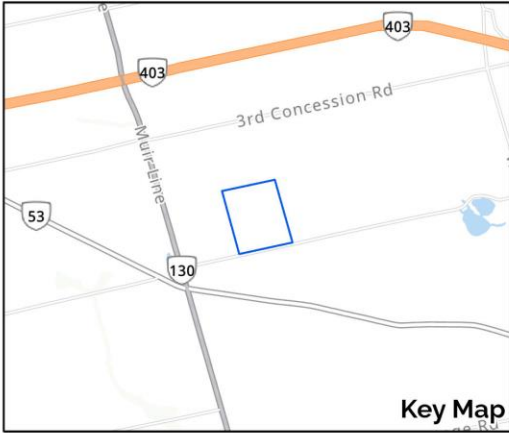
Attachment 3 – Aerial Map

MAP 3: AERIAL IMAGERY 2022  
FILE NUMBER  
CT3-23-HH

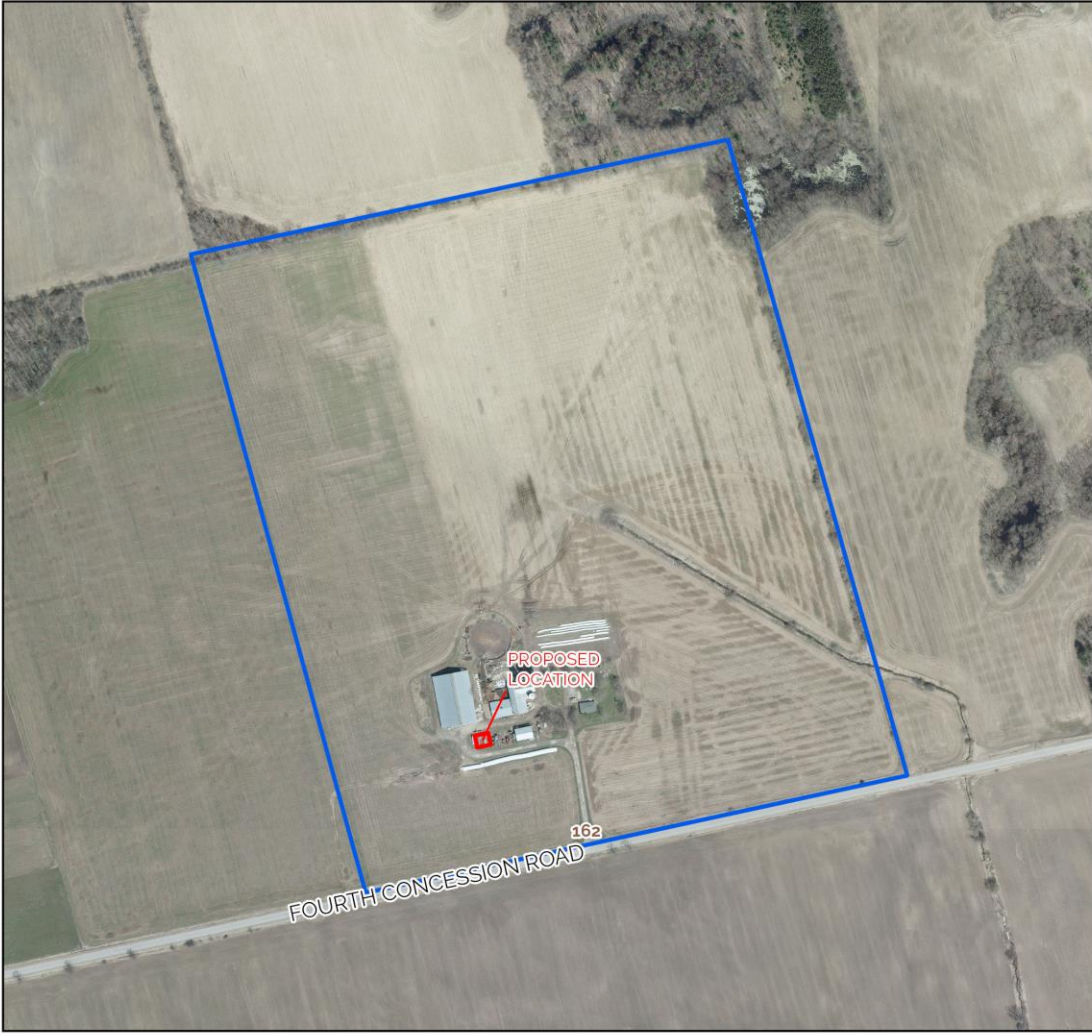
162 Fourth Concession Road  
County of Brant  
Ontario



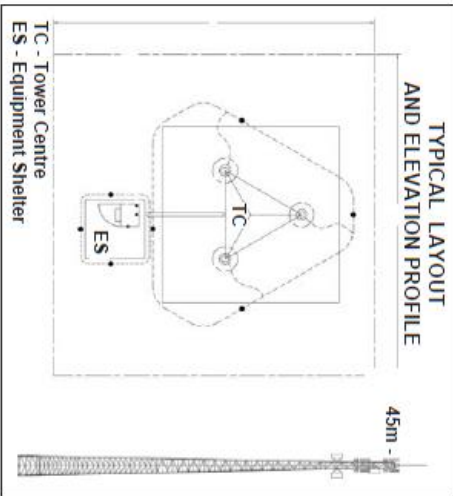
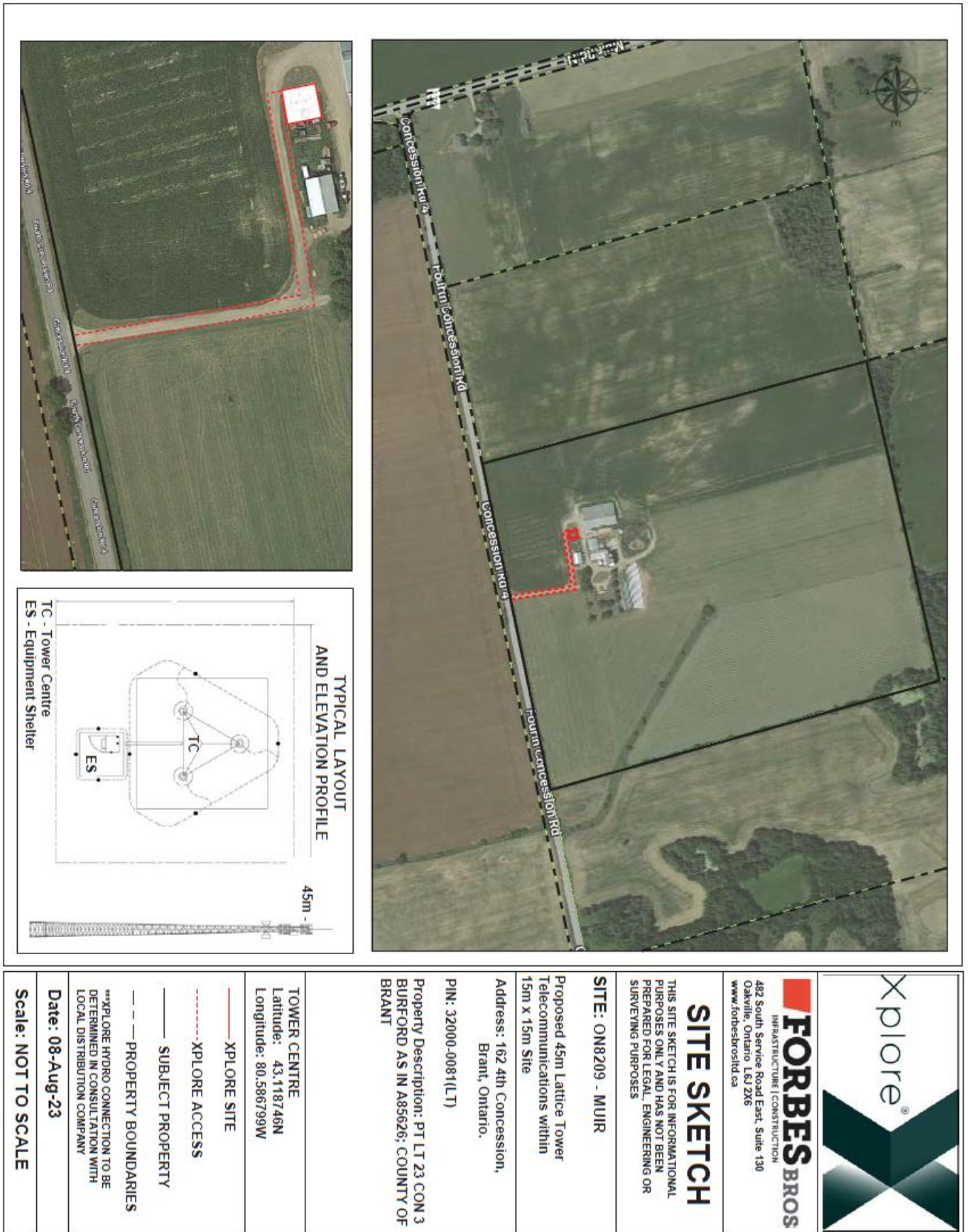
Date Printed: 2023-12-07



Key Map



# Attachment 4 – Location Map



**FORBES BROS**  
 INFRASTRUCTURE CONSTRUCTION  
 482 South Service Road East, Suite 130  
 Oakville, Ontario L6J 2X6  
 www.forbestrosid.ca

## SITE SKETCH

THIS SITE SKETCH IS FOR INFORMATIONAL PURPOSES ONLY AND HAS NOT BEEN PREPARED FOR LEGAL, ENGINEERING OR SURVEYING PURPOSES

**SITE: ON8209 - MUIR**

Proposed 45m Lattice Tower  
 Telecommunications within  
 15m x 15m Site

Address: 162 4th Concession,  
 Brant, Ontario.

PIN: 32000-0081(LT)

Property Description: PT LT 23 CON 3  
 BURFORD AS IN A85626; COUNTY OF  
 BRANT

**TOWER CENTRE**  
 Latitude: 43.118746N  
 Longitude: 80.586799W

- XPLORE SITE
  - - - XPLORE ACCESS
  - SUBJECT PROPERTY
  - - - PROPERTY BOUNDARIES
- \*\*\*XPLORE HYDRO CONNECTION TO BE DETERMINED IN CONSULTATION WITH LOCAL DISTRIBUTION COMPANY

Date: 08-Aug-23

Scale: NOT TO SCALE