



County of Brant Council Report

To: The Mayor and Members of County of Brant Council
From: Lauren Graham, Planner
Date: February 11th, 2025
Report #: RPT-0057-25
Subject: Telecommunication Tower Protocol Update
Purpose: For Approval

Recommendation

Whereas the County of Brant initiated an update to its Telecommunication Tower Protocol in July 2024 and, following public consultation, has prepared a final draft for Council's consideration;

Therefore, be it resolved that Report RPT-0057-25 – Telecommunication Tower Protocol Update be received as information;

That any previous version of the County's Telecommunication Tower Protocol be rescinded, and the updated protocol forming Attachment 1 to this report be adopted as Policy No. DVS-2025-001 in the County's Corporate Policy Manual;

And that staff be directed to update the County's Delegation of Authority By-Law to grant authority to issue a letter of concurrence for proposals that align with the 2024 Telecommunication Tower Protocol, as drafted in Attachment 2 to this report.

Executive Summary

The purpose of this report is to provide the Council with information pertaining to proposed updates to the County's Telecommunication Tower Protocol, which are intended to streamline the process when an application meets the County's strategic and land use directives. The County's role in the Federal approvals process is to act as a commenting body on land use matters. The County's mandate is to provide comments to the Federal agency (ISED Canada) based on the criteria set out in the County's Telecommunication Tower Protocol. Key updates to the protocol include:

1. **Setback Requirements** – changing to approximately 1.5 times the height of the tower from sensitive land uses.
2. **Site Selection/ Justification Report** - removing the Business Case Requirements outside of the purview of the County's review.
3. **Emergency Access and Maintenance** - revising the parking provisions and ensuring safe access for maintenance
4. **Lighting** – removing lighting requirements, which are deferred to ISED Canada.

5. **Notification Radius** – maintaining the 500m radius as opposed the previously proposed 120m radius.
6. **Environmental and Natural Hazard Considerations** – refinements to distinguish Natural Heritage Systems from Natural Hazards and defer to conservation authorities where applicable.
7. **Indigenous Engagement** – Addition of requirements for archaeological assessments and formal consultation with Six Nations of the Grand River and Mississaugas of the Credit First Nation.
8. **Strategic Telecommunication Planning** – revisions to align with long-term connectivity goals of the County of Brant
9. **Delegation of Authority** – to improve efficiency and prioritize compliance applications

Strategic Plan Priority

Strategic Priority 2 - Focused Growth and Infrastructure

Report

Background

The purpose of a Telecommunication Tower Protocol is to define the local land use authority's consultation process and provide guidelines for evaluating communication tower and antenna site proposals within the municipality to determine if concurrence with the proposal should be provided. The protocol is a tool for providing guidance to the telecommunications industry, County Staff, Council, and members of the public. In 2020, the County of Brant adopted the latest version of the Communication Tower and Communication Antenna Preferred Location Protocol which is proposed to be rescinded and replaced with the newly proposed protocol.

The County's protocol is developed in accordance with the guidelines of Innovation, Science, and Economic Development Canada (ISED Canada) document CPC-2-0-03 *Radiocommunication and Broadcasting Antenna Systems*. ISED Canada encourages land use authorities to develop local protocol that provide clear direction within their area of responsibility (land use), while not creating more burdens for proponents than the processes and responsibilities set out in the ISED Canada antenna siting procedures. Further, ISED Canada has published the *Guide to Assist Land-Use Authorities in Developing Antenna System Siting Protocols* (Issue 2, August 2014). The guideline gives context for the municipality's role in influencing antenna siting through the Federal approvals process. This document also provides guidance for the scope and principles to be applied when developing municipal tower siting protocols.

County Staff have reviewed the protocol to ensure it is consistent with the documents published by ISED Canada, as well ensuring that the public feedback received through recent consultation for telecommunication tower applications within the County is addressed.

Provincial and Municipal land use planning policies speak to communication infrastructure on a broad level. For example, under Section 3.1 of the *Provincial Planning Statement 2024* (PPS) municipalities are required to ensure that necessary infrastructure and public service facilities are provided in an efficient manner while accommodating projected needs. The policy specifically notes that "infrastructure and public service facilities should be strategically

located to support the effective and efficient delivery of emergency management services, and to ensure the protection of public health and safety.”

At the municipal level, Part 5, Section 5.10 of the County of Brant Official Plan (2023) contains policies regarding public utilities and telecommunications. Section 5.10.2 advises where County protocols have been adopted by Council for public utilities and telecommunication facilities, the applicant shall demonstrate as part of a complete application that the planned project is in accordance with protocols adopted by Council. Section 5.10.3 advises when planning for the expansion of existing and planned public utilities, telecommunication facilities and/or other infrastructure, the County shall encourage the co-location of linear utilities and facilities. Section 5.10.7 states the County shall support the provision of electronic communications technology involving high-capacity fibre optics to enhance telecommunications services throughout the County, where appropriate. The newly proposed protocol is included as Attachment 2 to this report.

Analysis

Planning staff are recommending updates to the existing Telecommunication Tower Protocol based on industry feedback, technological advancements, and community needs. Attachment 3 provides a detailed table outlining each proposed technical change and summarizing the overall formatting changes. Below is an analysis of the major proposed changes:

Setback Requirements

The setback requirements from a tower to a sensitive land use is proposed to be changed from the current provision requiring 3 times the height of the proposed tower (or a minimum of 120m) to a provision requiring 1.5 times the height of the tower. This change will allow for some flexibility for setbacks to be proportionate to the height of each tower. In addition, the 1.5x height setback of the tower ensures that if a tower were to fall or slide, it remains within the property limits.

Sensitive land uses have been more broadly defined and include existing and proposed residential uses, natural heritage areas, and various other community land uses. While some municipalities rely on ISED Canada’s default 120m notification radius, others rely on setbacks related to the tower’s height. The proposed changes balance safety considerations in the event of tower failure while also mitigating potential visual impacts by tailoring setbacks to varying tower heights.

Site Selection/Justification Report

Staff are proposing the removal of the Business Case requirements and will solely require a Site Selection/Justification Report. Since business-related factors fall outside the County’s land use authority, this change ensures that proponents still provide relevant business context without requiring unnecessary documentation. The justification report will focus on:

- Identifying potential land use concerns,
- The features and scope of the proposal,
- Alternative locations and options considered, and
- The rationale for choosing the proposed site and tower.

This revision reflects the County’s focus is on land use capability at a local level.

Emergency Access and Maintenance

The existing requirement for one dedicated parking space will be replaced with a broader provision requiring safe access to a public right-of-way for emergencies or servicing. This change prioritizes safety and accessibility while keeping focus on land use considerations.

Lighting Provisions

Lighting provisions for communication towers is proposed to be removed. This requirement was not included at the Public Open House; however, staff feel it is appropriate to remove the requirement as it is within the jurisdiction of ISED Canada to regulate these components. Transport Canada and NAV CANADA also review and provide comments regarding painting and/or lighting requirements when a proposal falls within their jurisdiction.

Notification Radius

Following feedback from the Public Information Session, staff propose to maintain the existing 500m mail notification radius instead of reducing it to 120m as initially suggested. For consistency, the notification radius for abutting municipalities will also be increased to 500m.

Natural Heritage and Hazard Areas

The definition of Natural Heritage Systems has been refined to distinguish natural heritage systems features (e.g. woodlands, wildlife, wetlands) from natural hazards (e.g. flooding and erosion hazards) in an approach that is consistent with the County's Official Plan. In consultation with the relevant Conservation Authority, telecommunication towers may be supported within or near flood-prone areas where no significant natural features exist. These proposals will be assessed on a case-by-case basis, maintaining environmental protections while allowing flexibility. The primary intent of environmental setbacks is to protect wildlife, particularly birds and insects, from the impacts of radio frequency and electromagnetic field emissions. The primary intent of setbacks in areas with natural hazards is to ensure life-safety measures are in place to reduce potential risks.

Indigenous Engagement and Archaeological Assessments

Recognizing the County's commitment to Indigenous engagement and reconciliation, the protocol proposed to formally includes consultation with Six Nations of the Grand River and Mississaugas of the Credit First Nation.

Additionally, archeological assessment will be required for any projects involving ground disturbance, aligning with the direction of the County's Official Plan and addressing common requests from Indigenous communities.

Strategic Telecommunication Planning

Minor amendments have been incorporated following consultation with the County's Manager of Strategic Technology Projects to ensure a coordinated, County-first approach to telecommunications infrastructure and maximize benefits to the community.

Delegation of Authority for Issuing Concurrence

Planning staff have also recommended the delegation of authority for applications that conform with the protocol to provide a more streamlined process for those that submit applications that align with the County's objectives. The following approaches to delegated authority were considered through this process:

1. **(Recommended)** That staff are granted delegated authority for the review, and issuance of concurrence letters for tower applications that meet the Protocol, and that

Council continues to provide direction on any applications which do not meet the Protocol.

2. That staff are granted delegated authority for the review, and issuance of concurrence or non-concurrence letters for all tower applications.
3. That all tower applications continue to follow the current process to Council for their direction.

The recommended approach allows staff to quickly process compliant applications, while still enabling proponents of non-compliance proposals to seek Council approval on a case-by-case basis. This approach incentivizes applications that align with the County's objectives, while preserving opportunities for public feedback and Council decision-making.

Public Comments

A Public Information Session was held July 25, 2024, with additional public engagement taking place through Engage Brant between the timeframe of July 10, 2024, to July 25, 2024.

Through this engagement, specific questions were raised regarding typical tower heights and the potential impact on existing structures. County of Brant staff responded publicly to these concerns, providing detailed information about tower height regulations. Feedback was also received regarding the reduction of mail notice requirements for tower installations, and inquiries were made about the timeline for anticipated internet service enhancements resulting from the new towers. Concerns were also raised that were beyond the scope and jurisdiction of a municipality's input in tower proposals. These concerns were noted by staff and residents were encouraged to reach out to ISED Canada to discuss them further. The comments received at the public information session are included as Attachment 4 to this report.

Summary and Recommendations

Federal regulations provide a framework for municipalities to conduct public consultations and provide input on the land use implications of telecommunication tower projects. The Provincial Planning Statement emphasizes the need for municipalities to be strategic in providing infrastructure that supports community development. Given the expansion of 5G networks and increasing infrastructure demands, the County's review of its Telecommunication Tower Protocol is both timely and necessary.

Staff have completed a comprehensive review of the County's Telecommunication Tower Protocol and are proposing updates to streamline the review process and improve clarity. Key changes include reformatting the document, aligning it with corporate priorities, and ensuring that proposals adhere to the updated protocol.

To enhance efficiency, staff are also recommending delegating authority to issue concurrence for telecommunication tower projects that comply with the revised protocol. This approach will incentivize proponents to align with the County's requirements, reducing the likelihood of requests that would not receive staff concurrence.

Attachments

1. 2024 Telecommunication Tower Protocol
2. Delegation of Authority By-law
3. Table of Proposed Changes to the Telecommunication Tower Protocol

4. Public Information Session Comments

Reviewed By

Jeremy Vink, Director of Planning

Michael Hobin, Manager, Strategic Technology Projects

Brandon Kortleve, Manager of Policy Planning

Copied To

Senior Management Team

By-law and/or Agreement

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