

Updated from February 2024

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Table 1.0: – Summary of Proposed Changes

Item and Justification	Proposed Revision to Protocol
<p>1.1 Section 1 - Purpose</p> <p>The purpose has been updated to reflect ISED’s direction, which is to ensure land use consultation is undertaken and to issue a letter of concurrence</p>	<p>The purpose of this protocol is to outline the local land-use consultation process and guidelines to be followed in evaluating communication tower and communication antenna site siting proposals within the County of Brant for the purposes of issuing a letter stating concurrence on behalf of the local land-use authority</p>
<p>1.2 Section 1 – Objectives</p> <p>The objectives have been updated to provide clarity with action-driven outcomes.</p>	<ol style="list-style-type: none"> 1. Establish a local consultation framework that provides a clear process for collaboration among the County of Brant, the public, and proponents to review non-exempt communication tower and antenna proposals, ensuring local land use authority consultation is completed and a letter stating concurrence or nonconcurrence is issued to ISED Canada 2. Define evaluation criteria by setting clear guidelines to: <ul style="list-style-type: none"> • Prioritize existing and shared infrastructure to minimize new tower sites. • Avoid siting near sensitive land uses. • Encourage and support development in preferred locations identified by this protocol. 3. Facilitate meaningful consultation by ensuring opportunities for public input, Indigenous Community engagement with Six Nations of the Grand River and Mississaugas of the Credit First Nation, and coordination with applicable public agencies within ISED’s 120-day timeline. 4. Address land-use and design concerns and enable early identification and resolution of land use, siting, or design issues by ISED Canada, the communications industry and the County of Brant. 5. Streamline the application review to deliver an efficient application and review process that aligns with County land-use priorities, fosters community involvement, and delivers tangible benefits.
<p>1.3 Section 2 – Definitions</p> <p>The formatting has been updated with the definitions now being in alphabetical order and organized within a table for easy updating in the future.</p>	

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<p>1.4 Section 2 – Designated Official</p> <p>To streamline processes, it is proposed that staff are granted delegated authority for the review, and issuance of concurrence letters for tower applications that meet the Protocol.</p>	<p>Designated Official - For the purpose of issuing a letter stating concurrence or non-concurrence for a communication tower or communication antennas, the designated official shall be the Council of the County of Brant, or their delegate, as may be authorized under the County of Brant Delegation of Authority By-Law.</p>
<p>1.5 Section 2 – Height</p> <p>The height definition has been updated to reflect the current definition used on ISED’s website.</p>	<p>Height – for notification purposes in Section 11B, the height of a Tower or Antenna is defined as the distance measured in accordance with ISED Canada’s illustrative guidelines for measurement.</p> <p>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.</p>

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<p>1.6 Section 2 – Natural Heritage System vs Natural Hazards</p> <p>Clarification has been provided to further distinguish Natural Heritage Systems from Natural Hazards</p>	<p>Natural Heritage System - Means all lands that meet the criteria for and/or that have been identified as being included in the Natural Heritage System in the County Official Plan and Zoning By-Law. The Natural Heritage System includes but is not limited to the following natural heritage features and areas:</p> <ul style="list-style-type: none"> a) significant habitat of endangered species and threatened species; b) wetlands, seepage areas and springs, fish habitat, and watercourses; c) areas of natural and scientific interest; d) significant woodlands; e) significant valleylands; f) significant wildlife habitat; g) natural areas having significant environmental, cultural, economic, or historical value to indigenous Communities consisting of Six Nations of the Grand River and Mississaugas of the Credit First Nation. <p>Natural Hazards - Means lands regulated by Grand River Conservation Authority or Long Point Region Conservation Authority pursuant to the Conservation Authorities Act. Natural hazards may include but may not be limited to wetlands, erosion hazards, and flooding hazards.</p>
<p>1.7 Section 3 – Preliminary Consultation with the Land-Use Authority</p> <p>The formatting has been updated with specific points being rewritten to provide clarification and direction to applicants regarding the preliminary consultation process and submission requirements.</p>	
<p>1.8 Section 4 – Preferred Location and Design Requirements</p> <p>The formatting has been updated with specific points being rewritten to provide clarification and direction to applicants regarding the preferred location and design requirements.</p>	
<p>1.9 Section 4.c</p> <p>In the situation where a properties land use designation and zoning are inconsistent, the Official Plan designation will supersede the zoning.</p>	<p><u>Where a sensitive land use exists on a property whose designation or zoning does not indicate as such, or where the land use designation and zoning are inconsistently applied, the criteria of this protocol are intended to be applied based on the designation of the property in the County of Brant’s Official Plan. The Official Plan designation is representative of the future direction and intended land use of a property.</u></p>

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<p>1.10 Section 4.i</p> <p>Setback requirements have been updated from 3 times the height of the proposed tower, to a minimum of 120m to 1.5 times the height of the tower from sensitive land uses. This will allow for some flexibility for setbacks to be proportionate to the height of each tower and ensures that if a tower were to fall or slide it remains within the setback.</p>	<p>(i) New communication tower and communication antenna sites will located at a setback distance equal to or further than 1.5 times the tower height from residential uses and from the Natural Heritage System.</p>
<p>1.11 Section 4.j</p> <p>Setback requirements have been updated from 3 times the height of the proposed tower, to a minimum of 120m to 1.5 times the height of the tower from sensitive land uses. Clarification has been provided regarding when an application may be subject to additional criteria requirements as set out by the applicable commenting agencies.</p>	<p>(j) The construction and development of a new communication tower and communication antenna site will have due regard for the height restrictions in <u>In instances where site selection involves the following considerations, additional criteria apply as follows:</u></p> <ul style="list-style-type: none"> i. Location in or within 1.5 times the tower height from Natural Hazards: <u>such a proposal shall be reviewed and authorized by the applicable conservation authority;</u> ii. Location on a listed and/or designated heritage properties or districts under <u>the Ontario Heritage Act: the proposal will be reviewed and authorized by the County of Brant Municipal Heritage Committee; and/or</u> (e)iii. <u>Location within vicinity of Brantford Airport: as may be required may require consultation and/or approval by Transport Canada and Nav Canada. The proponent of a new communication tower and communication antenna site will provide detailed documentary evidence to this effect to the County as part of the submission of their Communication Tower Application.</u>

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<p>1.12 Section 4.l</p> <p>Setback requirements have been updated from 3 times the height of the proposed tower, to a minimum of 120m to 1.5 times the height of the tower from sensitive land uses. To mitigate the impacts of new towers that may be required near sensitive land uses, disguised installation is the preferred option.</p>	<p>(l) Disguised, monopole installation will be used where a new communication tower and communication antenna site is proposed to a setback distance less than 1.5 times the height of the tower from a residential use, the Natural Heritage System, and other sensitive land uses</p>
<p>1.13 Section 4.n</p> <p>The parking provisions have been amended to address safety concerns, ensuring access from the right of way and parking for maintenance, and returns the focus of the protocol to land use controls.</p>	<p>i. One parking space will be provided at each new communication tower and communication antenna site with access from a public right-of-way at a location acceptable to the County. Where parking is provided for another use on the site and this parking is within 90 metres of the communication tower and communication antenna site, the parking space for the site is not required (parking spaces need not be exclusively devoted to communication tower and communication antenna site usage). This policy may be waived when the site is located on land owned by the County or its agencies, boards and/or commissions. <u>New communication tower and communication antenna sites require safe access to a public right-of-way for the purposes of emergency access and regular maintenance.</u></p>
<p>1.14 Section 4.f</p> <p>The lighting provision was removed as a redundancy. Transport Canada will review and provide comments regarding painting and/or lighting when a tower is within their jurisdiction.</p>	<p>(f) Lighting of communication towers and communication antennas is prohibited unless required by Nav Canada. Lighting of a communication tower and communication antenna site is prohibited at grade unless for the health and safety of the Proponent's employees and contractors. In this regard, lighting of the site at grade shall adversely affect surrounding land uses. Details to this effect should be provided by the proponent at the time of submission of the Communication Tower Application.</p>

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<p>1.15 Section 5 – Application Submission Required</p> <p>Circulation radius was increased to 500 metres to be consistent with the public circulation requirements.</p>	<p>(c) The Notice of the complete application will be circulated to affected County Divisions, <u>Six Nations of the Grand River, Mississaugas of the Credit First Nation, and to public agencies, and abutting municipalities whose jurisdiction falls</u> within a 120 metre radius of <u>500 metres</u> of the subject property as well as a radius of the leased area boundaries that is equal to or greater than three (3) times of the proposed communication tower of the proposed installation measured from the base for review and comment. .</p>
<p>1.16 Section 6.a – Exemptions to Application Submission</p> <p>This section has been updated to reflect that ISED has specific exemptions listed on their webpage. These exemptions are federally controlled and outside the jurisdiction of the municipality.</p>	<p>(a) Communication towers and communication antennas, which are exempted from the requirement to consult with the County and provide public notice under the provision of ISED’s CPC-2-0-03 are not required to submit a Telecommunication Tower Application review.</p>
<p>1.17 Section 6.b</p> <p>The formatting has been updated with specific points being rewritten to provide clarification and direction on exemptions to an application submission.</p> <p>In the event of a life safety or health and safety issue, height and setback requirements will not apply. To help add a level of control in these situations, these towers are expected to be put up by the municipality and not by a service provider.</p>	<p>(b) Further to these standard exemptions, for the following types of installations, proponents are also excluded from the requirement for a Telecommunication Tower Application Review:</p> <ul style="list-style-type: none"> a. installation, for a limited duration (typically not more than 3 months), of an antenna system that is used for a special event, or one that is used to support local, provincial, territorial or national emergency operations during the emergency, and is removed within 3 months after the emergency or special event; b. New antenna systems, including masts, towers, or other antenna-supporting structures, erected by the County of Brant, whose primary function is to address life safety or health and safety issues by improving emergency services communication and emergency operations on an ongoing basis.

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<p>1.18 Section 7 – Application Submission</p> <p>The formatting has been updated with specific points being rewritten to provide clarification and direction to applicants regarding the application submission requirements.</p>	
<p>1.19 Section 7.i</p> <p>Business Case Requirements point a-c were incorporated into the Site Selection/Justification Report to remove redundancies.</p>	<p>Identify any problems or situations to be addressed, the <u>features and scope of the proposal, options considered and rationale for choosing the solution proposed.</u></p>
<p>1.20 Section 7.a.ii</p> <p>To provide opportunity for meaningful consultation with Indigenous Communities the minimum submission requirements include an Archaeological Assessment of any area to be disturbed by the new site construction. This direction is provided by the County’s Official Plan.</p>	<p>(ii) Archeological Assessment of any area that may be disturbed by the <u>construction of a new site.</u></p>
<p>1.21 Section 7.a.vi</p> <p>For consistency with the public circulation requirements, the map radius has been updated to 500 metres.</p>	<p>(v)<u>(vi)</u> for Communication tower and communication antenna sites requiring public consultation, a<u>A</u> map showing all municipally assessed properties within a 120 metre-radius of the subject property as well as a radius of the leased area boundaries that is equal to or greater than three (3) times of 500 metres the proposed communication tower and a mailing list of all affected property owners s provided towers height from the County’s current tax roll. <u>subject property for the purposes of public consultation; and (vii) The required fee(s).</u></p>

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<p>1.22 Section 7.b Section 7. Application Fees has been merged with the Application Submission section to provide further clarity on the application submission requirements. Application fees themselves will be defined by the County’s Fees and Charges By-Law.</p>	<p><u>7. APPLICATION FEES</u></p> <p>(a) The proponent must <u>will</u> pay an <u>the required</u> application fee to <u>as outlined in the County. of Brant Fees and Charges By-Law.</u></p> <p>(b) <u>(c)</u> Other fees may apply if applications for other matters (e.g. such as entrance permits, curb cuts, tree removal etc.) from other. <u>and are required to be paid to the applicable County divisions and agencies are</u> <u>/or agency as may be</u> required.</p>
<p>1.23 Section 8 – Public Consultation The formatting has been updated with specific points being rewritten to provide clarification and direction to applicants regarding the public consultation requirements.</p>	
<p>1.24 Section 8.g Based on comments received through the Public Information Session, the mail notice radius will not be reduced as originally proposed. The 500m notification radius will provide additional transparency in the public interest.</p>	<p>(c) <u>(g)</u> Mail-Notice of a proposed communication tower and communication antenna site is to be provided to all municipally assessed <u>property owners</u> and tenants located within a 500 metre radius of the subject property, with such Notice <u>notice</u> to be prepared and sent by the County Clerk’s Office as pre-paid first-class mail, with all costs to be borne by the proponent.</p>
<p>1.25 Section 9 – Development Agreement Title was updated from “Letter of Undertaking” to “Development Agreement” to be consistent with the County’s approach to land use related agreements under the <i>Planning Act</i>. Minor wording and formatting adjustments have been made to provide further clarity and improve readability.</p>	
<p>1.26 Section 9.a If the proposal will significantly change the usability of the site, then a Development Agreement may be required. This requirement is applied in line with the Official Plan and the County’s Site Plan Control By-Law.</p>	<p><u>(a) Regardless of the requirement or exemption for a) The telecommunication tower application review, in instances where the proposal results in a development of a property that is expected to significantly change the usability of a site in accordance with the County of Brant’s Site Plan Control By-Law, and at the sole discretion of the County of Brant, the proponent shall</u> may <u>be required, if requested to enter into a development agreement pursuant to Section 41(7) of the Planning Act.</u></p>

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<p>1.27 Section 9.b Points have been added to provide clarification on the purpose of the Development Agreement.</p>	<p>(a) <u>Such an agreement may be created for the purposes of:</u></p> <ol style="list-style-type: none"> 1. <u>implementing the design criteria and objectives of this protocol;</u> 2. <u>extending the validity of consultations beyond the three year window outlined by the County, to sign a Letter of Undertaking, which ISED Canada.</u>
<p>1.28 Section 9.c.i.d If the proponent is proposing changes to the site, then the Agreement will need to be amended.</p>	<p>d) Where changes to the site are to be made in accordance with clause c), <u>the proponent is expected to notify the County of Brant and will make application to amend the site plan agreement to address the proposed changes.</u></p>
<p>1.29 Section 9.iii In the case where a tower is proposed on County lands or in private ownership, a lease agreement will be required to be provided to the County as part of the file.</p>	<p>(ii) <u>(iii) Conditions</u></p> <p>a.) <u>Subject to the Site Plans paragraph 8 (a) (i) above, municipality’s authority to apply site plan control, conditions may be applied to the development and the proponent will take steps to satisfy the conditions such as, which may include the posting of a required security to ensure the provision of any or all of the facilities, works, or matters are provided to the satisfaction of the County of Brant.</u></p> <p>b.) As part of a development agreement or as a stand alone agreement, require the proponent to enter into a lease agreement and provide proof of such an agreement to the satisfaction of the County of Brant.</p>

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<p>1.30 Section 9.d</p> <p>This section has been updated to clarify that an agreement is not required prior to the letter of concurrence being issued, however it will be required in advance of the building permit. This is being done to provide flexibility to the proponent and ensure the County can meet ISED’s 120-day timeline for processing the file.</p>	<p>a)<u>(d) Such an agreement may not be required before a letter stating concurrence is issued but may be required as a condition for the construction of any proposed fencing, screening and landscaping. validity of the concurrence that has been provided by the County of Brant and will be required in advance of a Building Permit being issued.</u></p>
<p>1.31 Section 11 – Resolving Concerns</p> <p>Minor wording and formatting adjustments have been made to provide further clarity and improve readability.</p>	
<p>1.32 Section 11.C</p> <p>As it is proposed, staff will only have delegated authority for applications which meet the proposed tower protocol. If the proponent is unable to meet the protocol requirements, the application will then be presented to the County of Brant Council. This streamlined process is intended to provide a benefit to those proponents who conform with the protocol.</p>	<p><u>(c) For proposals that do not meet the preferred location and site design guidelines of Section 4 of this protocol, the proponent may request that a decision be made by County of Brant Council. In these circumstances, the following will apply:</u></p> <ul style="list-style-type: none"> a. <u>the proponent will be responsible for presenting the merits of the communication tower and antenna facility proposal at a formal Public Meeting before the Council of the County of Brant, and</u> b. <u>in addition to the public consultation requirements of Section 9, notice will also be required to be sent out in the same manner as described and be synchronized with the distribution of the public notification package for the formal public meeting to council.</u>
<p>1.33 Section 12 - Confirmation of Local Land-Use Authority Consultation</p> <p>Minor wording and formatting adjustments have been made to provide further clarity and improve readability.</p>	

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<p>1.34 Section 13 – Process Timeframe – Communication Tower Application Review</p> <p>The consultation timeframe for local land-use authorities is 120 days, this section has been updated to reflect this timeline.</p>	<p><u>14. 13. PROCESS TIMEFRAME - COMMUNICATION TOWER APPLICATION REVIEW</u></p> <p>(a) <u>The</u> Provided adequate consultation is undertaken, the County will endeavor to expedite the local land-use authority consultation within 60-90 20 days.</p> <p>(b) For proposals that require public consultation, a time period of up to 120 days may be required.</p>
<p>1.35 Section 14 – Commencement and Modification</p> <p>This section has been amended to advise any modification to the protocol requires Council’s approval unless delegated.</p>	<p><u>15. 14. COMMENCEMENT AND MODIFICATION</u></p> <p>(a) (a) This protocol, as amended, will come into effect the day after the date of its adoption by County of Brant Council.</p> <p>(b) <u>Except where there may be changes for spelling, grammar, or clarity purposes, modifications to this protocol require a decision by Council, unless otherwise delegated.</u></p>
<p><i>Given the extent of the formatting changes, this summary provides a clearer comparison of the technical changes vs. functional changes to the protocol.</i></p> <p><i>If further clarification on the proposed changes and the 2024 Protocol update is required, staff can provide a full black-line document displaying the exact formatting and wording updates in each specific section of the protocol. Please reach out to planning@brant.ca for assistance.</i></p>	

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