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# HALDIMAND COUNTY

## Report PDD-35-2019 Information Report for Telecommunication Tower Installation at 294 Concession 5 Road

For Consideration by Council in Committee on August 27, 2019

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### OBJECTIVE:

To consider a request under Industry Canada's Radiocommunication and Broadcasting Antenna System Protocol for a proposed Communications Tower location.

### RECOMMENDATIONS:

1. THAT Report PDD-35-2019 Information Report for Telecommunication Tower Installation at 294 Concession 5 Road be received;
2. AND THAT the proposed location request for a Communications Antenna Facility by Xplornet Communications at the property of, RNH CON 4 PT LOT 4 RP 18R6499 PART 1 Irregular, Haldimand County, be approved for reasons outlined in Report PDD-35-2019;
3. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement 2014, and other matters of National and Provincial interest, including Industry Canada – Procedure for Radiocommunication and Broadcasting Antenna Systems.

**Prepared by:** Benjamin Kissner, Planner

**Respectfully submitted:** Mike Evers, MCIP, RPP, BES, Acting General Manager, Community & Development Services

**Approved:** Craig Manley, MCIP, RPP, Chief Administrative Officer

### EXECUTIVE SUMMARY:

This report has been brought forward to notify Council of a request to construct a new telecommunications tower on the lands at 294 Concession 5 Road. The proponents are following the process as provided by Industry Canada with respect to the construction of new telecommunications towers. This report represents one of the requirements of this industry Canada process, and would be used to satisfy the requirement that the local Council be made aware of the proposed tower construction.

### BACKGROUND:

A request for the installation of a new telecommunications tower for private communications services for a property within Haldimand County, has been submitted by Xplornet Communications, via Forbes Bros. Ltd., acting as agent for the proponents.

The tower is to be constructed at a height of 45 metres (147.64 feet), with a base having an area of approximately 9m<sup>2</sup> (96.9sq. feet) on a 2.63 hectare (6.5 acre) parcel which currently contains a dwelling and accessory structure. The telecommunication tower is needed to improve the service and coverage

for Xplornet Communications in this area of Haldimand County. The subject lands and proposed tower location are identified on Attachment 1.

Radio communication and broadcasting towers and services are regulated by the *Radiocommunications Act* to ensure the orderly development and efficient operation of said systems within Canada. Through that, Industry Canada has established procedures for installation or modification of antenna systems; the systems include masts, towers and other supporting structures. The procedures include the requirement for land-use authority and public consultation and subsequent final concurrence for the proposal by the land-use approval authority, either by letter or report. Approval from the land-use authority can occur by one of two means, either:

1. Through a report and approved minutes by the local land use authority (i.e. Council); or
2. Where a land-use authority has established and approved Antenna Siting Protocols/Telecommunication Tower Policies - a letter signed from a delegated authority.

As Haldimand County currently does not have approved Antenna Siting Protocols/Telecommunication Tower Policies, Industry Canada must receive concurrence from Council regarding the proposal and tower location.

### **LAND LOCATION AND DESCRIPTION**

The subject lands are legally described as RNH CON 4 PT LOT 4 RP 18R6499 PART 1 Irregular, Haldimand County, and located on the south side of Concession 5 Road. The tower location will be accessed by way of Concession 5 via an existing entrance. A preliminary site plan which shows the tower location is included as Attachment 2.

### **ANALYSIS:**

As set out in the Background section of this report, Industry Canada requires that the developer completes formal consultation with both the local land-use authority (municipality) and the members of the public prior to issuing formal approval for an antenna system. In terms of the municipal consultation, Industry Canada requires the following to be satisfied (staff comments in response also included):

1. Discussing site options.

**Comments:** The site location was based on the proximity and coordination of services and the proponent's requirement to address coverage deficiency for their service area. The property is zoned Agricultural, contains a dwelling and accessory structure, and is of sufficient size to accommodate this sort of structure.

2. Ensuring that the local processes related to antenna systems are respected.

**Comments:** In terms of local process, staff completed the following:

- i. **Site Plan Circulation:** The plan was circulated to the Emergency Services Division, and Planning and Development – Development & Design Technologist, wherein no objections were raised regarding the proposal.
- ii. **Review of Official Plan Criteria:** The Haldimand County Official Plan includes policies for locating Transmission Corridors and Communications/Telecommunications Facilities, and recognizes that certain Federal and/or Provincially regulated energy and communications/telecommunications facilities are not within the direct authority of the municipality. The subject facility falls within such category and is not regulated by the County. However, as described in the Background section of Report PDD-35-2019, Council must provide a formal endorsement of the said facility as prescribed under the Industry Canada protocols. To assist in the formation of a recommendation to Council, staff has referred to the

policies within the Official Plan which set out the general location criteria for consideration when locating facilities. A detailed analysis is as follows:

a) Compatibility with adjacent uses.

**Comment:** The proposed tower location is well removed from any residential or other sensitive land, and is located approximately 180 metres from the nearest dwelling. The property selected is designated "Agriculture", which is consistent with the area. The proposed tower is not considered to have a negative impact on the surrounding uses and is sufficiently separated from any sensitive land uses.

b) Impacts on agriculture.

**Comment:** The tower location has been sited in a location that has already been removed from agricultural production given the property's size and the location of the greenhouses and pond that have been constructed on the site.

c) Impacts on Natural Environment Areas.

**Comment:** These lands are designated 'Agriculture' and there are no Natural Environment Areas on the subject lands or in the immediate vicinity. There is no impact.

d) Access for maintenance purposes.

**Comment:** An entrance and road access will be maintained from Concession 5 Road, as this is also the primary access for the dwelling and associated agricultural operation located on the premises.

3. Addressing reasonable and relevant concerns from both the land-use authority and the community that they represent.

**Comments:** The circulation radius prescribed as being three times the height of the tower, and extended from the location of the tower's base. In this case, the radius did not cross to another property, and as such no circulation was required in the process administered by Industry Canada.

The Haldimand County Official Plan directs proponents to follow the approval process as administered by Industry Canada. The purpose of this information report is to advise Council of the proponents' intent to construct a tower on the subject site. To date, no concerns have been raised and staff are satisfied that the Industry Canada process has been followed with regard to the review process for the installation. The Zoning By-law 1-H 86 permits uses of this nature through Section 6.1: Uses Permitted in All Zones.

4. Obtaining land-use authority concurrence in writing.

**Comments:** A copy of Report PDD-35-2019 has been provided to the proponent, and subsequently a copy of the Council resolution will be provided for acceptance by Industry Canada.

Planning staff has reviewed the proposal relative to the Provincial and County policy frameworks, and the principle of land use is compatible and considered appropriate development for the area. The proposal is consistent with the Provincial Policy Statement 2014, and conforms to the policies of the Haldimand County Official Plan. Planning staff is of the opinion that issues regarding compatibility with surrounding uses and federal requirements have been satisfied. Based on the foregoing, staff recommend approval of this proposal.

## FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

## **STAKEHOLDER IMPACTS:**

Not applicable.

## **REPORT IMPACTS:**

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

## **ATTACHMENTS:**

1. Location Map.
2. Preliminary Site Plan.