
HALDIMAND COUNTY

Report CDS-02-2020 Delegated Authority for Cell Tower Approval – Rural Broadband



For Consideration by Council in Committee on November 17, 2020

OBJECTIVE:

To delegate authority to staff to approve site location and layout details for tower infrastructure related to the County's rural broadband project.

RECOMMENDATIONS:

1. THAT Report CDS-02-2020 Delegated Authority for Cell Tower Approval – Rural Broadband be received;
2. AND THAT the by-law, included as Attachment 1 to Report CDS-02-2020, to delegate authority related to the location and site layouts of tower infrastructure associated with the Haldimand County Rural Broadband Project, to the General Manager of Community and Development Services or his designate, be presented for enactment;
3. AND THAT the Mayor and Clerk be authorized to execute all the necessary documents relating to matters approved through the delegated authority.

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

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

EXECUTIVE SUMMARY:

A series of technical reviews relating to tower infrastructure are required as part of the County's rural broadband project. As currently constituted, formal Council approval is required for technical matters such as tower positioning, driveway approaches and drainage alterations. A more streamlined approach is required to ensure key milestones can be met for the County's rural broadband project. This is proposed to be accomplished, in part, through the delegation of approval authority for these technical matters to the General Manager of Community & Development Services. This would be similar to existing approval authorities such as site plans and plans of subdivision which are also technical review exercises.

BACKGROUND:

Council reviewed the Negotiated Request for Proposal results related to the County's rural broadband internet project on Tuesday, June 30 2020, which announced KWIC Internet as the successful proponent of the competitive bid process. Since that time, the Project Agreement with KWIC Internet has been finalized and executed. As part of the on-going work with KWIC, it has been agreed to by the parties that a streamlined tower infrastructure approval process is necessary to support the committed to timelines of the project. The purpose of this report is to lay out a delegated approval authority proposal that will serve to balance technical review requirements with the need for expedient approvals.

ANALYSIS:

Radiocommunication and broadcasting towers and services are regulated by the *Radiocommunications Act* to ensure for the orderly development and efficient operation of said systems within Canada. Through that, Industry Canada—which is the final approval authority—has established procedures for installation or modification of antenna systems – in particular, the systems include masts, towers and other supporting structures. The procedures include the requirement for public consultation and indication of whether or not there is concurrence for the proposal by the land-use approval authority, 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. This is typically done in the form of a staff report that is prepared for Council consideration. Staff is recommending a streamlined alternative to that process as detailed below:

- Through the subject report, approval authority for tower locations and site layout would be delegated to the General Manager of Community and Development Services (GM CDS);
- Upon satisfactory technical review of tower location and site layout details, the GM CDS would provide an approval letter to the Mayor and Clerk for their signatures. Through this report, the Mayor and Clerk would be authorized to sign said letter on behalf of Council; and
- A copy of this report (which delegates authority), the associated meeting minutes, and the aforementioned letter signed by the Mayor and Clerk would be issued to Industry Canada to serve as the record of municipal consultation and concurrence of construction by the land use authority.

The approach recommended in this report would provide a number of benefits:

- Would align this review process - which is largely a technical exercise that examines elements such as tower positioning on site, driveway approach, impacts to drainage/grading - with other delegated technical review processes such as site plan and subdivision;
- Would streamline the approval and permitting process, thus expediting key aspects of this County priority project, and in turn, benefitting the community; and
- Would eliminate the need for a large number of individual reports (typically one per tower) to be prepared by staff and presented to Council.

With Council's delegation of authority, it would allow staff to provide the sign off regarding municipal consultation, which would satisfy the Industry Canada requirement.

Of note, the requirement for public consultation, under the Industry Canada standards, would not change and KWIC would still need to circulate to all landowners within a radius of 3x the height of the tower. The results of that consultation would still be provided to staff and any issues would be addressed with KWIC and concerned landowners prior to staff signing off on the plan layout and municipal consultation documentation. County staff would provide the necessary supports as it relates to public circulations. Staff recommend that for situations where issues with area property owners cannot be resolved, the matter will be brought forward to Council for its consideration and decision.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Not applicable.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Delegated Authority By-law.