
HALDIMAND COUNTY

Report PDD-48-2022 Information Report for Telecommunications Tower Application at 2583 North Shore Drive, Lowbanks

For Consideration by Council in Committee on December 6, 2022



OBJECTIVE:

To consider a request under Industry Canada's Radiocommunication and Broadcasting Antenna System Protocol for a telecommunications tower location.

RECOMMENDATIONS:

1. THAT Report PDD-48-2022 Information Report for Telecommunications Tower Application at 2583 North Shore Drive, Lowbanks be received;
2. AND THAT the proposed location request for a Telecommunications Tower structure by Niagara Wireless Internet Co. (NWIC) at 2583 North Shore Drive, be approved for reasons outlines in Report PDD-48-2022;
3. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement (2020), and other matters of national and provincial interest, including Industry Canada – Procedure for Radiocommunication and Broadcasting Antenna Systems.

Prepared by: Ashley Crosbie, MCIP, RPP, M.PI, Senior Planner

Reviewed by: Shannon VanDalen, MCIP, RPP, CMMI, Manager of Planning & Development

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

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

EXECUTIVE SUMMARY:

The purpose of this report is to notify Council of a request received from Niagara Wireless Internet Co. (NWIC) to construct a new 36.58 metres (120 foot) telecommunications tower at 2583 North Shore Drive, Lowbanks. The proponent is following Industry Canada's process with respect to the construction of a new telecommunications tower. This report serves to fulfill one of Industry Canada's processes, and will be used to satisfy the requirement that the local Council be made aware of and supports the proposed tower construction. It is Planning staff's opinion that this proposal is consistent and conforms to Federal, Provincial, and County policy frameworks and requirements, and is considered compatible with the surrounding area. As such, Planning staff recommends approval of this proposal.

BACKGROUND:

Niagara Wireless Internet Co. (NWIC) submitted a request to install a new telecommunications tower at 2583 North Shore Drive, Lowbanks to provide next generation wireless internet speeds to the residents of Lowbanks and surrounding area. The subject lands (Attachment 1) contain a concrete products manufacturing operation known as WD Moody Concrete. NWIC currently occupies a concrete

silo on the subject lands to service nearby residents; however, NWIC has determined that in order to provide internet target speeds required by the Canadian Radio-television and Telecommunications Commission (CRTC), they require additional height and stronger wind-loading capabilities that cannot be accommodated via their existing antenna on the concrete silo. As such, NWIC is proposing to construct a new telecommunications tower behind the existing buildings on the subject lands (Attachments 1 and 2), which will replace the use of the existing antenna on the concrete silo.

Radiocommunication 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 the *Act*, Industry Canada has established procedures for installation or modification of antenna systems; the systems include masts, towers, and other surrounding structures. The procedures include requirements for land-use authority (i.e. Council) approval 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 or 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/Telecommunications Tower Policies, a letter signed from a delegated authority.

Currently, Haldimand County staff does not have delegated authority to sign the concurrence letter required by Industry Canada; therefore, Industry Canada must receive concurrence from Council regarding the proposal and tower location. This report serves to address this requirement.

Land Location and Description

The subject lands are described as Part of Lot 9 Concession 1 from Lake Erie former Geographic Township of Moulton, now in Haldimand County, and are municipally known as 2583 North Shore Drive, Lowbanks. The subject lands front onto the north side of North Shore Drive and are located within the Lakeshore Node of Mohawk North. The property is 1.93 hectares (4.78 acres) in size and contains WD Moody Concrete. Surrounding lands uses include agriculture to the north, residential to the east, residential and Lake Erie to the south, and agriculture and residential to the west.

The telecommunications tower is proposed to be 36.58 metres (120 feet) in height; occupy a footprint of 4 metres (13 feet) by 4 metres (13 feet) or 16 square metres (172 square feet); made of galvanized steel, self-supported (no guy wires), and unfenced (tower constructed to be anti-climb) (Attachment 3). The telecommunications tower is proposed to be located approximately 110 metres (360 feet) from North Shore Drive. The telecommunications tower is proposed to be located 15.64 metres (51.31 feet) from the west property line (which contains an agricultural field with the dwelling and outbuildings located much further south along North Shore Drive) and well removed from all other property lines. The telecommunications tower is located approximately 90 metres (295 feet) to the nearest dwelling on adjacent properties. The telecommunications tower is proposed to be located 43.34 metres (142 feet) from the principle building and approximately 10 metres (33 feet) from an accessory building on the subject lands. WD Moody Concrete has agreed to the location of the proposed telecommunications tower on the subject lands.

ANALYSIS:

As set out in the Background section of this report, Industry Canada requires the proponent to complete formal consultation with both the land-use authority (i.e. Council) and members of the public prior to issuing formal approval for an antenna system. In terms of municipal consultation, Industry Canada requires the following to be satisfied (staff comments in response are included):

1. Discuss site options;

Planning Comment: NWIC has an existing antenna on the subject lands that is proposed to be replaced with the new telecommunications tower to provide next generation wireless internet speeds to the residents of Lowbanks and the surrounding area. Without the proposed telecommunications tower, NWIC will not be able to provide internet target speeds required by the CRTC to area residents. According to NWIC, there are no telecommunications towers within 1 kilometre of the subject lands. Staff have no concerns with the location of the proposed telecommunications tower on the subject lands. The subject lands are industrial in nature, and the proposed telecommunications tower will be substantially setback from Northshore Drive (including behind the principle building on the subject lands) such that the tower will not affect the streetscape along North Shore Drive.

2. Ensure that the local processes related to antenna system are respected;

Planning Comment: In terms of local (County) process, staff have completed the following:

i. **Site Plan Circulation:** The site plan was circulated to the Building & Municipal Enforcement Services, Development Technologist, Emergency Services, Bell Canada, Enbridge, Hydro One (Corridor and High Voltage), Hydro One (Local), Metro Loop, and Rogers. Staff and agencies are satisfied with the proposed location (Attachment 1) and site plan (Attachment 2).

ii. **Review of Haldimand County Official Plan (OP) Criteria:** The OP creates the long-term framework for guiding land use changes in the County.

a. **Current Haldimand County OP:** The County's current OP (Council approved June 26, 2006 and Ministry approved June 8, 2009) includes policies for locating communications/telecommunications facilities, and recognizes that certain Federal and/or Provincially regulated communications/telecommunications facilities are not within the direct authority of the municipality. The proposed telecommunications tower falls within such category and is not regulated by the County. However, as described in the Background section of this report, Council must provide a formal endorsement of said telecommunications tower as prescribed under Industry Canada protocols. To assist in the formation of a recommendation to Council, staff have referred to the policies within the OP which set out the general location criteria for consideration when locating facilities, as follows:

a) Compatibility with adjacent uses;

Planning Comment: The subject lands are fully built-out and utilized as a concrete products manufacturing operation. The proposed telecommunications tower will be located behind the existing buildings (which are large, tall, and industrial in nature) on the subject lands and will be setback a substantial distance from North Shore Drive and adjacent dwellings. There are no structures on the adjacent lands to the west within the fall zone of the tower. There are no hydro poles or lines on the subject lands or adjacent lands within the fall zone of the tower. The owners of the subject lands have agreed to the location of the proposed telecommunications tower on the subject lands. The proposal conforms.

b) Impacts on agriculture;

Planning Comment: The subject lands are zoned 'Rural Industrial (MR)' Zone and are subject to special provision 37.88 which permits a concrete products manufacturing operation. The subject lands are fully built-out and utilized for such use. The proposal has no impact on agriculture. The proposal conforms.

- c) Impacts on Natural Environment Areas; and

Planning Comment: The subject lands are not located within a Natural Environment Area in the current OP or updated OP and are permitted and fully built-out as a concrete products manufacturing operation. The proposal has no impact on any Natural Environment Area. The proposal conforms.

- d) Access for maintenance purposes.

Planning Comment: NWIC can utilize the existing entrance to the subject lands. The proposal conforms.

- b. Council Adopted Haldimand County OP:** Council adopted By-law 1320-HC/22 on August 29, 2022 to amend the OP through a comprehensive review in accordance with the *Planning Act*, which requires that an OP be updated ten (10) years after it comes into effect and every five (5) years thereafter. At the time of writing this report, the Province had yet to approve the updated OP. Notwithstanding, the updated OP provides Council direction on the goals, objectives, and policies to manage and direct physical change within the County over the next thirty (30) years that should be reviewed in the meantime.

In addition to the general location criteria listed in the current OP above, the updated OP recognizes that telecommunications towers are exempt from municipal zoning by-laws and Section 41 “Site Plan Control area” of the *Planning Act*. In lieu, the County has developed the following siting protocols intended to guide and regulate the construction of this type of infrastructure. The County will:

- a) Direct new telecommunications towers to Industrial and Rural lands wherever possible;

Planning Comment: The subject lands are zoned ‘Rural Industrial (MR)’ Zone and are subject to special provision 37.88 which permits a concrete products manufacturing operation. The subject lands are fully built-out and utilized for such use. The proposal conforms.

- b) Ensure that tower placement does not have a negative impact any natural environment area, built heritage, or cultural heritage landscape, and minimizes the amount of land taken out of agricultural production;

Planning Comment: The subject lands are not located within a Natural Environment Area in the current OP or updated OP and are permitted and fully built-out as a concrete products manufacturing operation. The proposal conforms.

- c) Encourage co-location of multiple service providers’ equipment on a single tower and strongly discourage new towers where there is an existing tower within two kilometres;

Planning Comment: The current antenna on the subject lands does not provide target internet speeds to area residents. Therefore, replacement with a new tower is proposed on the subject lands.

- d) Prefer monopod or monopole towers over latticed and/or guyed towers, encourage attachment of facilities to existing buildings, where appropriate, and encourage blending facilities into surroundings through landscaping, buffering, or design;

Planning Comment: The proposed telecommunication tower will be a latticed design but will not have guy wires. The proposed telecommunications tower will be located behind the existing buildings (which are large, tall, and industrial in

nature) on the subject lands. The proposed tower will be setback a substantial distance from North Shore Drive; the distance of the proposed telecommunications tower to North Shore Drive will be three (3) times the height of the tower. Planning staff have no concerns with the visual aesthetics of the proposed telecommunication tower.

- e) Prefer that a minimum setback be applied from all residential zones and dwellings wherever possible, unless necessary to provide adequate service to such areas and it is supported by justification by the proponent;

Planning Comment: No setback standard has been established to date. The proposed telecommunications tower will be located approximately 100 metres (328 feet) from the dwelling located on the adjacent property to the east at 2587 North Shore Drive, 90 metres (295 feet) from the dwelling located to the south at 2577 North Shore Drive, 170 metres (558 feet) from the dwelling located to the south at 2559 North Shore Drive, and 230 metres (755 feet) from the dwelling located to the west at 2543 North Shore Drive. All dwellings are located closer to the buildings, structures, and outdoor storage associated with the concrete products manufacturing operation. Planning staff have no concerns with the location or height of the proposed telecommunications tower in relation to the adjacent dwellings.

- f) Require proponents to have a pre-consultation meeting with County staff and if required, arrange further meetings with County staff to address any issues arising through any public notification or consultation process. If necessary, the proponent may be required to host an Open House in addition to the public consultation efforts described below;

Planning Comment: This is addressed by item 3 below.

- g) Will, unless the facility is building mounted and does not exceed 25% of the building's height, require proponents to provide notice and undertake public engagement where a facility is located closer than 250 metres (820 feet) or six (6) times tower height to a dwelling or residential designation, whichever is more restrictive; and

Planning Comment: This is addressed by item 3 below.

- h) Will establish notification policies and procedures for proponents to follow to ensure appropriate public engagement in the siting and development of such facilities.

Planning Comment: This is addressed by item 3 below.

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

Planning Comment: Staff and agencies are satisfied with the proposed location (Attachment 1) and site plan (Attachment 2).

In terms of community consultation, the County has not established notification policies and procedures for public engagement to date. Therefore, NWIC must follow the approval process as administered by Industry Canada (while recognizing that the County's notification radius is six (6) times the tower height or 250 metres, whichever is greater, extended from the location of the tower's base rather than Industry Canada's notification radius of three (3) times the height of the tower). In this case, the radius included fourteen (14) adjacent properties, and they received a mail out from NWIC. The mail out was circulated on October 25, 2022 with the

commenting period ending on December 02, 2022. The agent also placed a newspaper advertisement in The Haldimand Press and The Sachem. The electronic version was distributed on October 28, 2022 and the hardcopy was distributed on November 3, 2022. The one (1) month commenting period ended on December 02, 2022. NWIC will confirm with staff ahead of the Council in Committee any responses received from the public. The newspaper advertisement also included Planning staff contact; no comments or concerns have been raised to Planning staff as of November 30, 2022 when the report was finalized. Planning staff have received one (1) email of full support from an area resident within the circulation radius.

4. Obtain land-use authority concurrence in writing.

Planning Comment: A copy of this report has been provided to the proponent, and subsequently a copy of the Council resolution will be provided for Industry Canada's acceptance. A letter of concurrence will also be provided, should it be requested. Planning staff have reviewed the proposal relative to 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 (2020) and conforms to the policies of the Haldimand County Official Plan (including the updated OP). Planning staff are of the opinion that issues regarding compatibility with surrounding uses and federal requirements have been satisfied. Based on the foregoing, Planning staff recommend approval of this proposal.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Staff and agencies are satisfied with the proposed location (Attachment 1) and site plan (Attachment 2). No comments or concerns were raised by adjacent property owners as of November 30, 2022 (the date the report was finalized). Any outstanding comments received until December 02, 2022 (the circulation period) will be provided to Council at the December 06, 2022 Council in Committee meeting. Planning staff received one email of full support from a property owner at 2605 North Shore Drive.

REPORT IMPACTS:

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map.
2. Site Plan.
3. Tower Design.