



**Date:** October 10, 2023

**To:** Mayor and Council

**Author:** Vitra Chodha, Planner  
George Robinson, MCIP, RPP  
Manager of Planning

**RE:** Proposed Telecommunications Tower – Part of Lot 281, Concession STR, V/L ES of County Rd 23.

**Roll No.:** 3711-580-000-01006

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## **RECOMMENDED ACTION**

1. That Council **CONFIRMS** that there are no further comments or concerns on behalf of the Municipality related to the telecommunications proposal, and;
2. That Administration **BE DIRECTED** to forward a copy of this support resolution to the applicant for the purposes of their federal application as part of the standard Letter of Undertaking with the municipality.

## **BACKGROUND**

Land Solutions LP, on behalf of Telus Communications Inc. has submitted a revised application with the authorization of the registered owner of the subject lands, to construct a 35 m (114.8 ft.) lattice self-supporting tower (see Appendix A – Revised Location Map). The revised location is based in part on the public feedback and comment provided by the former Committee of the Whole in 2021 (attached as Appendix B).

In accordance with federal regulations and the Town’s “Policy for the Development and/or Redevelopment of Communication and Broadcasting Facilities” guidelines (see Appendix C), public consultation is required for the construction of telecommunications towers. A public information session was held at the Essex Centre Sports Complex on August 22<sup>nd</sup> 2023, a notice package was sent to registered property owners within 150 m of the proposed location by the applicant (attached as Appendix D). Included with this package is a copy of the site plan and specifications for the telecommunication tower proposed.

## DISCUSSION

Infrastructure of all types is located within a municipality. Hydro poles, transformer stations, storm water ponds, telephone boxes, transformers, cable, fibre optics, pump stations, sewage treatment plants, fire hydrants, street lights, stop signs, sidewalks the list is rather extensive when you consider everything that is needed to support the community. Efforts are made to minimize the impact or choose a location of least impact but at the end of the day services have to be located where they are needed and used. From a planning perspective it is why both the Zoning By-law and Official Plan outline that public utilities and services can be located in all areas regardless of zoning or designation.

The request that is submitted to the Town is not for approval of the proposed tower rather to determine if appropriate public consultation has been undertaken, and have the provisions of the Town's policy been addressed. If Council agrees that this has been completed, then Council issues a statement to concurrence to the applicant. If the Council is of the opinion that some specific provision or provisions to the policy have not be addressed then this needs to be communicated to the applicant.

The following was provided by the applicant in an information package submitted at the time of application, and provided in the public notice:

- 1. Description of Proposed Installation:** The design is a 35 m lattice self-supporting tower within a lease premise. Telus proposed to install an equipment shelter with the fenced portion of the premises. The shelter will house equipment necessary for the operation of the telecommunications facility.
- 2. Location and Street Address:** Vacant Land on the east side of County Road 23 (Arner Town Line) Pt. Lot 281, Concession STR, Kingsville. The total area of the tower and equipment is approximately 100 m<sup>2</sup>, exclusive of the access road and shown on the Site Plan.

The tower will be situated on subject vacant woodlot in a fenced enclosure on the east side of Gosfield Townline W (County Rd 23) and 460m south of south Gosfield Townline & Talbot St. south intersection, setback approximately 37 m to the east of Gosfield Townline W (County Rd 23). It will be accessed by a new laneway from County Rd 23.

This property was determined, by the Proponent, to be located in the best alternative area to accommodate the current service needs for wireless telecommunications infrastructure in the area.

The Town of Kingsville "Policy for the Development and/or Redevelopment of Communication and Broadcasting Facilities outlines the following:

- To facilitate cooperation between the proponent and the Town of Kingsville in effort to allow for the siting of facilities which balance the demand for service and the impact on the community.

- To provide guidance and direction for the appropriate siting of facilities to locations which meet the following criteria in order of priority of land use:

1. *sites co-located on existing structures in non-residential areas;*

Comment: The proposed tower is new and is located on a non-residential property.

2. *sites outside of the sight lines of Lake Erie and Jack Miner Bird Sanctuary;*

Comment: The proposed tower is not near Jack Miner and is not within the site line of Lake Erie.

3. *sites outside of planned settlement areas;*

Comment: The property is located outside the edge of the current settlement area.

4. *sites owned by the municipality;*

Comment: This is located on private property through a lease agreement.

5. *sites co-located on existing structures in non-agricultural areas;*

Comment: The new tower is proposed to be located on a vacant land.

6. *sites co-located on existing structures in settlement and residential areas;*

Comment: Refer to item 1.

7. *new structures on land owned by private land owners.*

Comment: Refer to item 4.

- To provide high design standards which recognize local considerations for natural heritage features and local aesthetics including:

1. *the placement, style and colour of all elements of the facility which blend with the surrounding environment;*

Comment: The structure will be located on private property. The tower itself would generally be a galvanized or painted steel type surrounded by

a fenced compound. Additional design elements that minimize the visual impact of the tower itself can be considered in consultation with the applicant.

2. *the protection of the existing natural environment;*

Comment: Telecommunication Towers are regulated by Federal Regulations and the protection of the natural environment will be coordinated by the federal process.

3. *the enhancement of the natural landscape with plantings and visual screens;*

Comment: The applicant has indicated that additional planting around the fenced area can be undertaken.

4. *maintaining appropriate setbacks from property lines and adjacent public uses (schools, community centers, day cares, etc.)*

Comment: There are no issues with the proposed location in this regard.

5. *maintaining safe vehicular access and site lines onto public roads.*

Comment: The location proposes to include an access laneway into the vacant land. Traffic volume to and from the site are not significant enough to create an impact.

- To provide an opportunity for public consultation and input through the approved procedure for the review and consideration of telecommunication and broadcasting facilities within the Town of Kingsville.

Comment: The applicant has provided information to the surrounding public based on the prescribed requirements. We have not received any written comments or request to speak at the council at the time of writing of this report.

Telecommunication facilities are exempt from approval under the *Planning Act* as they are a required service. From a purely land use standpoint the provision of all infrastructure is supported in Provincial Policy and the Town's Official Plan. The location of this infrastructure is not always ideal as it is difficult to provide a service to an area of need without actually being in that area. Wireless communication has become the predominant form of personal communication as the cost of wired service becomes greater. The proposed tower will provide improved service to both this area of Kingsville and Essex. Placing the tower further from the area to be serviced tends to be counterproductive. The applicant has provided rationale for the preferred location.

- To recognize the final approval authority of Industry Canada for the consideration of radio-communication, telecommunication and broadcasting facilities.

Comment: The approval authority for telecommunication towers is Innovation, Science and Economic Development Canada (ISED) formerly Industry Canada. In past consultation with (ISED) staff it was clarified that they do place a high level of consideration on public feedback and consultation with the local land use authority in establishing a co-operative approach to the siting of proposed towers. Requirements of either the Town or public which are considered reasonable requests are typically supported and incorporated into a proposed development. In cases where a statement of non-concurrence is issued the applicant can look at alternatives to a given proposal or request (ISED) to participate in dispute resolution.

Upon Council's direction, a letter would be provided to the applicant which will include a Statement of Concurrence provided Council is satisfied that adequate public consultation was conducted and that land use impacts and public comments have been addressed.

## **FINANCIAL CONSIDERATIONS**

There are no major financial considerations to the Town. Infrastructure updates benefit the community.

## **ENVIRONMENTAL CONSIDERATIONS**

Telecommunication Towers are regulated by Federal Regulations and the protection of the natural environment will be coordinated by the federal process.

## **CONSULTATIONS**

Notice of the Public Information Session on August 22<sup>nd</sup> 2023 was given by the applicant on July 28<sup>th</sup>, 2023 by first class mail to all land owners within 150 m (492 ft.) of the proposed location of the cell tower.

In accordance with standard practice for review of telecommunication tower requests applicable external agencies and internal departments have been circulated. The following comment has been provided.

### **1) Technical Advisory Committee**

Building Services: A building permit is not required for this structure. If there are any supporting structures or buildings, the applicant should apply for permit from the building department.

The Technical Advisory Committee has no technical objections to the proposed tower. The new access proposed for the site will require crossing a municipal

drain. Application will be required to the Town to appoint a drainage engineer to design the necessary culvert.

**2) County of Essex (see Appendix E)**

The subject lands have frontage on County Road No. 23. The Applicant will be required to comply with the following County Road regulations:

- County By-Law Number 2481 – A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.
- County By-Law Number 2480 – A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

The minimum setback for any proposed structures on this property must be 14 meters from the property limit. The proposed setback for the tower is appropriate at this time but will be required to be designed to collapse away from the roadway and neighboring residents. Access will also require the Town of Kingsville's approval as the access will cross a municipal drain.

Permits are necessary for any changes to existing entrances or structures, or the construction of new entrances and structures.

**PREPARED BY:**

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**REVIEWED BY:**

*[Signature]*

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