



Date: July 14, 2025

To: Mayor and Council

Author: Colin Kelly, Planner

RE: Proposed Telus Communications Tower – 1834 Talbot Road

RECOMMENDED ACTION

That Council **confirms** that there are no further comments or concerns on behalf of the Municipality related to the telecommunications proposal, and;

That Administration **be directed** to forward a copy of the 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 Inc., on behalf of Telus Communications Inc. (Telus), has submitted an application with the authorization of the registered owner of the subject lands to construct a new 45m Lattice Tripole Telecommunications Facility. The proposed location is on a portion of land located at 1834 Talbot Road, as shown on Appendix A.

In accordance with federal regulations and the Town's "Policy for the Development and/or Redevelopment of Communication and Broadcasting Facilities" guidelines (Appendix B), public consultation is required for the construction of telecommunications towers. A public information session was held at the Kingsville Arena Complex on April 16th, 2025 from 5-7pm. Public notices were mailed to the 38 registered property owners and within 120m of the subject property on March 12, 2025. Included in the notices were a copy of the site plan and the specifications for the proposed telecommunications tower.

DISCUSSION

Infrastructure exists within any municipality to support the community (e.g. hydro poles, transformer stations, transformers, fibre optics, telephone boxes, etc.). Efforts are made to minimize the impact or choose a location of least impact, but to be useful, services must 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. Telecommunications facilities, for example, are exempt from approvals under the Planning Act as they are a required

service. This is, in part, because service infrastructure must be located in the area most in need of services. The Town has developed a procedure for reviewing applications for telecommunications that does provide guidance for siting of facilities and encourage high design standards, and provides an opportunity for public consultation and input for the review and consideration of telecommunications facilities within Kingsville. However, the final approval authority lies with Industry Canada.

Within this context, the request submitted to the Town is not for approval of the proposed tower, but rather to determine if appropriate public consultation has been undertaken, and that the provisions of the Town's policy have been addressed. If Council agrees that this has been completed, then Council issues a statement of concurrence to the applicant. If Council does that believe that all provisions of the policy have been address, this will be required to be communicated to the applicant.

Design

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 45m Lattice Tripole Telecommunications Tower within a lease facility. An 8' x 12' Prefabricated Equipment shelter to house equipment necessary for the operation of the telecommunications facility is also proposed.
- 2. Location:** The Tower is proposed on the north side of Talbot Road, on a property known municipally as 1834 Talbot Road.

The tower is proposed to be situated in a fenced enclosure approximately 150m from the Talbot Road and would not require a new access.

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

- 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 report from Telus notes that there are no suitable co-locate opportunities within 1km of the proposed location. The proposed tower is located on lands zoned Agriculture (A1), and is set back on the property from adjacent residential uses. In response to comments received at the PIC, Administration did ask the proponent to consider locating the

telecommunications tower on a Water Tower approximately 1 km to the east on County Road 31, but were advised that the change in location would negatively impact reception and coverage (see Appendix C).

The applicant assessed the alternative location, and determined that locating the tower at the proposed location would significantly improve connectivity for approximately 74% of affected customers; whereas locating the tower at the water tower would improve connectivity for approximately 11% of affected customers because the water tower is too far from the core area experiencing coverage problems.

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 proposed tower is located on private property through a lease agreement.

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

Comment: The tower is proposed on a new structure in an Agricultural Zone.

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

Comment: Site is not co-located and is outside of the settlement area (see Item 1 above).

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

Comment: This is a new structure on private land (see Item 4 above).

- 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 design is a 45m (48m to top of lightning rod) lattice tri-pole tower facility and an equipment shelter within a fenced compound on the premises. Twelve (12) initial panel-style antennas measuring approximately 2.6m x 0.5m, will be installed at the top of the tower.

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. There are no natural environment areas near the proposed location.

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

Comment: The applicant is encouraged to provide additional landscaping for screening and to enhance the surround landscape.

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

Comment: There are no concerns in this regard.

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

Comment: There are no concerns with the existing access. 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. Telecommunication facilities are exempt from approval under the *Planning Act* as they are a required service. From a land use standpoint, the provision of all infrastructure is supported in Provincial Policy and the Town's Official Plan.

The location of telecommunications 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 this area of Kingsville. 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. The applicant noted that the equipment operates at least 10 times lower than Health Canada's Safety Code 6 limits.

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.

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

1. Public Information Centre

Notice of the Public Information Session held on April 16th 2025 were mailed by the applicant on March 12th, 2025 to 38 property owners and neighbouring residents within 120m of the proposed location of the telecommunications tower.

A Public Information Centre was held on April 16, 2025. The PIC was attended by 17 community members. The applicants received 8 completed questionnaires. All stakeholders received a formal response from the applicant. Comments provided by residents are provided in the Municipal Concurrence Request Package (Appendix C).

A petition was provided to the applicant during the public information centre, as shown in Appendix D.

2. Technical Advisory Committee

The Technical Advisory Committee had no technical objections to the proposed tower.

3. County of Essex (see Appendix E)

Please be advised that the County has reviewed the aforementioned application, and the comments provide engineering-related related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 34. The Applicant will be required to comply with the following County Road regulations:

This road was formerly King's Highway 3 until it was downloaded to the County of Essex. MTO procedures will be applied.

Based on the location of the proposed tower, the County would be supportive of the proposal. Permits are necessary for any changes to existing structures and entrances or the construction of new structures and entrances.

Any other works within the County right-of-way will require permits and approvals and are to be obtained from the County of Essex.

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