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**Date:** September 13, 2017

**To:** Mayor and Council

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Manager, Planning Services

**RE:** Telecommunication Tower – 690 County Road 50 (Heritage Road)

**Report No.:** PDS-2017-040

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## **AIM**

To provide information to the Mayor and Council regarding a proposed telecommunication tower and request for a Statement of Concurrence that sufficient public consultation has occurred taking into consideration input from the local land use authority and surrounding land owners.

## **BACKGROUND**

Signum Wireless Corporation has applied on behalf of the Town of Kingsville, the registered owners of the subject property, to construct a 50m (164 ft.) self-supporting telecommunications tower (See Appendix B & C). Signum Wireless Corp. is the contractor responsible for owning, building and maintaining the cell phone communication tower.

In accordance with federal regulations and the Town's "Policy for the Development and/or Redevelopment of Communication and Broadcasting Facilities" (See Appendix D) guidelines, public consultation is required to be obtained for the construction of telecommunications towers. Public notice was given to registered property owners within 120 m of the proposed location by the applicant. (See Appendix E)

Included with this report is a copy of the site plan and specifications for the telecommunication tower proposed.

## **DISCUSSION**

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

- i) **Description of Proposed Installation:** 50m tall steel lattice tri-pole tower; allowing for future loading of other TBD technologies; enclosed in a 15 m X 15 m (fenced) secured Compound. (Appendix B & C)
- ii) **Location and Street Address:** 690 County Road 50 (Heritage Road), Pt. Lot 10 & 11, Concession 1, WD, Pt. Lt 12 & 13, Concession Front, Pt. 1 RP 12R 1708 Exc. RP 12R 2238 S/T R924847, Kingsville. The total exclusive/non-exclusive leasehold area is approximately 1,005 m<sup>2</sup> and the demised leasehold premises are identified on the surveyed Site Plan.

The tower will be situated to the southeast corner of the fenced area (See Appendix A) for the Town of Kingsville Sewage Treatment plant also located on the property. Access to the facility is provided along the existing north-south laneway from Heritage Road.

This property was determined, by the Proponent, to be located in the best area to accommodate the current service gap in 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 any residential properties and 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 a Town owned site.
  5. sites co-located on existing structures in non-agricultural areas;

Comment: This is a new tower in a non-agricultural area.

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 Town property currently used for the Sewage Treatment Plant. The tower itself would generally be a galvanized or painted steel type surrounded by a fenced compound similar to the treatment plant and dog park. The proposed design is also of a narrow lattice type versus the wider base style. Additional design elements that minimize the visual impact of the tower itself can be undertaken with the applicant.

2. the protection of the existing natural environment;

Comment: No natural environment is impacted.

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 centres, 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 existing treatment plant access will be used.

- 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. To-date two property owners have provided written feedback to the applicant and Town. The applicant has provided follow-up comment which is attached as Appendix F. Municipal Services confirmed that it continues to

support the proposed location as moving the tower on the property would do little to mitigate the property owners concerns and is complicated by the presence of existing or planned infrastructure on the site.

From a planning 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 is becoming more predominant as the cost of wired service becomes greater. With the expansion of this area of Kingsville a service gaps has been identified and is the rationale for the requested tower. Placing the tower further from the area to be serviced tends to be counterproductive. The applicant has acknowledged the concern of the neighbouring property owners and suggested that additional landscaping at the grow level can minimize the impact at the ground level but also acknowledges that complete screening is not possible.

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

Comment: In consultation with Industry Canada (IC) staff it was clarified that IC does 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 IC 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 reasonably addressed.

## **LINK TO STRATEGIC PLAN**

Not applicable

## **FINANCIAL CONSIDERATIONS**

Not applicable

## **CONSULTATIONS**

The applicant and Municipal Services staff have had discussion on the use of the proposed site and location of the proposed tower however there has not been any final determination made or presentation to Council until such time as the applicant undertakes the necessary public consultation under the Town's Policy for the Development and/or Redevelopment of Communication and Broadcasting Facilities.

Notice of the Public Open House on July 18<sup>th</sup> (PAC) was given by the applicant on June 13, 2017 by first class mail to all land owners within 120 m (400 ft.) of the proposed location of the cell tower. However, the public meeting was rescheduled and held August

15<sup>th</sup>. Town administration further circulated agencies prescribed by Town guidelines and Federal Regulation by e-mail on May 18<sup>th</sup>, 2017.

### **Public Comment (Planning Advisory Committee)**

As a result of the applicant's circulation two property owners attended the PAC meeting and expressed a number of issues related to the proposed tower location as follows:

- i. interference with existing tv, radio or cell phone signals;

Comment: the applicant's agent indicated that the equipment on the tower is regulated by Industry Canada and is required to meet specifications that do not create interference. Should this occur Industry Canada is the investigating authority.

- ii. specific location of the tower in relation to nearby dwellings;

Comment: The neighbouring property owners requested a better prospective on the location of the proposed tower looking from the resident area to the east. The applicant was directed to provide this additional information.

- iii. what the tower would look like;

Comment: The applicant indicated that towers can be a variety of designs but the one in question is a narrow based, self-supporting, lattice design which has a reduced visual impact.

- iv. what ground structures would be built;

Comment: a 4 m x 4 m structure will be located at the base of the tower in a fenced compound.

- v. why the tower could not be moved further north;

Comment: The location was chosen as one that would conflict the least with existing or planned underground infrastructure on the treatment facility property.

- vi. need for the tower in this location;

Comment: The applicant indicated that the provider is new to the area and there is limited coverage but also a limited capacity issue in this area based on existing infrastructure.

- vii. impact to pending lot sales;

Comment: One of the property owners recently created two new residential lots as a result of the extension of Conservation Blvd. He indicated that there are pending offers on both lots subject to the proposed tower not being located in this area.

- viii. safety related to the proposed fencing, and

Comment: Fencing for this type of use often includes a barbed wire top or razor wire as a means of security. Due to the proximity of the compound to the dog park and subdivision park the safety of users of both parks was questioned. The subdivision park is located approx. 700 ft. to the north of the proposed location and one would question why someone would be near the proposed site. The dog park is located closer but is itself fenced. The security of the compound is the rationale for the fencing and if someone is injured they were potentially doing something they should not be.

ix. Health effects;

Comment: One of the neighbours indicated that it was concluded in studies done around cell towers that cancer rates were higher. The applicant indicated knowledge of the studies and also noted that the studies had not been peer reviewed nor completed using accepted scientific based methods.

x. suitability of the site related to ground conditions.

Comment: The subject property has seen considerable earthworks in the based and the soil conditions were called into question. The applicant indicated that geo-technical work would need to be completed to insure the site was suitable.

The direction provided by the Planning Advisory Committee was as follows:

That the Planning Advisory Committee receive the report and refer the matter to Town Council for final approval of the requested Statement of Concurrence that sufficient public consultation has occurred and public comments considered, subject to the following:

That the applicant provide landscaped screening around the fenced compound to the satisfaction of the Town;

## **RECOMMENDATION**

It is recommended that Council authorize Administration to provide the applicant (Signum Wireless) with a Statement of Concurrence that sufficient public consultation has occurred and public comments considered, subject to the following:

That the applicant provide landscaped screening around the fenced compound to the satisfaction of the Town.

*Robert Brown*

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Manager, Planning Services

*Peggy Van Mierlo-West*

Peggy Van Mierlo-West, C.E.T.  
Chief Administrative Officer