

Township of Southgate

Administration Office

185667 Grey Road 9, RR 1
Dundalk, ON N0C 1B0

Phone: 519-923-2110

Toll Free: 1-888-560-6607

Fax: 519-923-9262

Web: www.southgate.ca

Staff Report CAO2021-040

Title of Report: Draft Southgate Communication Tower and Antenna
Municipal Approval By-law Report

Department: Administration

Council Date: May 19, 2021

Council Recommendation:

Be it resolved that Council receive staff report CAO2021-040 as information; and

That Council approve the Draft Southgate Communications Tower and Antenna Municipal Approval By-law as a policy and guidance document for businesses and contractors to locate communications towers in the Township; and

That Council direct staff to proceed with consulting with local area tower contractors by written correspondence to seek feedback and comments on the Draft Southgate Communications Tower and Antenna Municipal Approval By-law as a policy and guidance document.

Background:

The Township of Southgate has found over the recent years a wide range of participation and interest in planning compliance from contractors and service providers when locating communications towers in the municipality. Our main goal is to establish a Southgate Communications Tower and Antenna Municipal Approval process and policies for siting towers and antennas to ensure contractors comply with the following process:

1. Tower Sharing Investigation: Reporting on other existing tower use options and area mapping to justify a new tower is necessary.
2. Proposal: Company submits a new tower proposal, project plan and site plan for pre-consultation and municipal review, comment and approval.
3. Notifications: The Township will notify and consult with local residents, agencies and resident associations when an application is received and hold a public open house to gather comments and feedback from stakeholders.
4. Consultation: The company shall consider community and municipal feedback received during consultation to report on the concerns and issues they hear. The contractor must respond in writing to the Township by providing the resolution of issues raised and mitigation measures to be implemented to address those the municipal and public concerns.

5. Supports Public Safety: The project plan should address setbacks from property lines and roadways, setbacks from building types, an approved road entrance, requirement of a 911 emergency address, evidence of risk liability coverage and a requirement to address neighbour interferences resulting from the tower installation.
6. Project Approvals and Construction: The company must submit applications and gain all approvals from federal, provincial and municipal governments and acquire all necessary permits such as building approval for the engineered tower footings, as well as engineering certification for freestanding or guy-wire cable supported tower structures.

Note: Once an application is approved the applicant has 3 years to construct under that tower approval.

Staff Comments:

Municipal Authority

Southgate has in place at the present time an approval process through our Official Plan and Zoning By-law to manage as a Municipal Land-use Authority issue in the Township. We also have the powers to ensure contractors installing new communication tower and antennas process that must be followed and those requirements as spelled out in the Government of Canada Policy, CPC 2-0-03 Radiocommunications and Broadcasting Antenna Systems, dated July 15, 2014. Industry Canada has provided direction in this Federal policy that communications towers and antenna systems shall be deployed in a manner that considers local surroundings based on the size of the tower.

Proponent Obligations & Requirements

Before proposing a new structure, a proponent must consider sharing an existing tower system, modifying, or replacing one. They must locate, analyse and attempt to use any feasible existing infrastructure options, including roof-tops and water towers. A proponent is expected to not build new infrastructure where reasonable options exist and demonstrate proof of that investigation to the municipality, unless a new structure is preferred by the Municipal Land-use Authority.

The Federal Government requires the proponent to consult with the Land-use Authority. Municipal consultation and Public consultation ensure that the Land-use Authority and the impacted community can provide input on the tower proposal. Based on the Land-use Authorities local knowledge they have the opportunity to identify amenities, cultural or environmental sensitivities, planning priorities, and other relevant characteristics of the area.

Exemptions from Consultation

Industry Canada considers some installations to have minimal impact and excludes them from Land-use Authority and public consultation. Land-use Authorities are

free to establish their own exclusion criteria to exempt more installations in addition to the ones under Industry Canada criteria. The Industry Canada exclusions from Land-use Authority review and public consultation are:

- New Antenna Towers under 15 meters in height.
- Existing Antenna Systems where height increase is less than 25% of the initial tower system.
- Non-Tower Structures where the antenna on a building, water tower, poles, etc. height increase is less than 25% of the original antenna system.
- Temporary Antenna Systems that are installed for less than 3 months for emergency or special event uses.

Consultation Process

The Land-use Authority and public consultation process should deal with reasonable and relevant concerns that are generally those related to the requirements identified in the CPC-2-0-03 Industry Canada policy document. The particular amenities or important characteristics of the area surrounding the proposed antenna system should be part of the municipal and public consultation discussions.

The municipal Council and public consultation discussion would be related to, but not limited to the following issues:

- Aesthetic issues or landscaping recommendations;
- Conflicting land uses;
- Environmental concerns;
- Health concerns if any;
- Historic or cultural concerns;
- Nuisance issues like stray lighting; and
- Public safety.

General examples of what the Government of Canada see as NOT being relevant concerns in the Public consultation process are:

- Disputes with the public relating to the proponent's service, but unrelated to the antenna installations;
- Potential effects that a proposed antenna system will have on property values or municipal taxes; and
- Questions whether the Radiocommunication Act, the CPC, Safety Code 6, locally established by-laws, or any other legislation, procedures or processes are valid or should be reformed in some manner.

Municipal Approval Process

The types of local issues related the Land-use Authority application approval process and policy compliance to be followed by the proponent could be related to, but not limited to the following list:

- Contractor submits to the Municipal Planner the following:

- i. New/Upgrade Communications Tower and Antenna application form;
 - ii. Site plan drawings;
 - iii. Engineered tower footings drawings for Building department review;
 - iv. Tower & Antenna Design & Installation Plan; and
 - v. Submit all documents to the Southgate Planning Department with applicable fees.
- The Township provides notice and location for the holding of a public open house to provide public notice to area residents, public meeting date options, 30 day deadline for response back to members of the public concerns and the municipality;
 - Property line setbacks equal to the height of the tower or written acceptance & approval by the impacted adjacent landowner;
 - Tower setback distance from all buildings structures and roadways shall be equal to 10 meter plus the present as constructed height or future height of the communications tower;
 - Acquire a legal roadway entrance approved by the local road authority to allow an entrance on the property to which the tower is installed;
 - The installation of 911 emergency number prior to the issuance of a letter of concurrence in order to identify the property for emergency incident responses;
 - Engineered drawings of the tower structure; and
 - Engineered drawings of the tower foundation system.

The start of the consultation period would be triggered by the Planning Department declaring the applicants application complete. The applicant would then be required to follow the timelines as set out in the Township policy , attend a public meeting(s), respond to municipal and public concerns with mitigation and reasonable alternatives within the policy timelines. Once approved by Council the final step in the process would be the issuing of a letter of concurrence once a 911# has been installed to the site.

Financial Impact or Long Term Implications

There is no financial impact to the municipality as a result of this report other than the address and manage the concerns of public safety and liability of contractors that do not follow good tower installation practices and community compliance.

Communications & Community Action Plan Impact:

This report has been written and presented to Council to communicate accurate information to the public.

Goal 1 - Attracting New and Supporting Existing Businesses and Farms

Action 1: The residents and businesses of Southgate envision a growing and diverse local economy, which respects our agricultural background while also attracting new businesses and new employment opportunities in keeping with the renewed growth of our population.

The Township should continue to find ways to expand fibre high speed cable installation in the rural area and support improvements to existing wireless broadband communications service as a priority in Southgate.

Concluding Comments:

1. That Council receive this staff report CAO2021-040 as information.
2. That Council approve the Draft Southgate Communication Tower and Antenna Municipal Approval By-law as presented for public and contractor feedback.
3. That Council direct staff to post the Draft Southgate Communication Tower and Antenna Municipal Approval By-law on our website for public comment and that we also distribute the document to the 2 local internet service providers Eh!tel Networks Inc. and Rural Net Communications for comment.

Respectfully Submitted,

CAO approval: Original Signed By

Dave Milliner – CAO
dmilliner@southgate.ca
519-923-2110 x210

Planners approval: Original Signed By

Clint Stredwick - Planner
cstredwick@southgate.ca
519-923-2110 x235

- Attachment #1 – Industry Canada Guide to Assist Land-use Authorities in Developing Antenna System Siting Protocols
- Attachment #2 – Southgate Draft Communication Tower and Antenna By-law