



## MUNICIPALITY OF **West Elgin**

### Staff Report

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**Report To:** Council Meeting  
**From:** Heather James, Planner  
**Date:** 2020-06-25  
**Report:** 2020-20  
**Subject:** Xplornet Communications Inc. Request for Letter of Concurrence

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#### **Recommendation:**

That West Elgin Council hereby receives the report from Heather James regarding a request from Xplornet Communications Inc. c/o Forbes Bros Ltd. to permit new telecommunications tower located at 13990 Colley Road;

That West Elgin Council approves of the proposed telecommunications tower located at 13990 Colley Road; and,

That West Elgin Council directs the CAO/Treasurer to sign the attached letter of concurrence.

#### **Purpose:**

The purpose of this report is to provide information on a proposed telecommunications tower and request for council to direct the CAO/Treasurer to sign a required letter of concurrence.

#### **Background:**

Xplornet Communications Inc. is proposing to construct a new telecommunications tower. The proposed telecommunications tower will be located at a property legally described as Part of Lot 17, Concession 2 Eastern Division, former Township of Aldborough and municipally known as 13990 Colley Road (as shown on the attached Key Map). The tower will have a new site entrance off of Stalker Line. The tower will be a 45 m (147.64 ft.) light duty, self-support lattice tower. The tower has a face width of 2.75 m (9.0 ft.) at the base and tapers to 1.0 m (3.28 ft.) at the top. The tower includes an anti-climb mechanism. Radio equipment will be installed on the upper portion of the tower that will provide wireless internet services to Xplornet customers in the community. An equipment cabinet will be installed at the base of the tower to process the radio equipment.

Xplornet is currently co-located on the existing Hydro One tower at 24384 Stalker Line (adjacent to the proposed new tower location). Xplornet requires additional equipment to improve their wireless services in the area and the existing tower is structurally and commercially impractical. A new site is required near the existing tower to maintain current coverage to existing Xplornet customers. There are no other structures that can be considered for co-location and a new tower is required.

As a federal undertaking, telecommunications in Canada and specifically for the approval of new infrastructure falls under the exclusive jurisdiction of the Federal Government of Canada through the Department of Innovation, Science and Economic Development Canada (ISED,

formerly Industry Canada). Pursuant to Innovation, Science and Economic Development, *Radiocommunication and Broadcasting Antenna Systems - CPC-2-0-03, Issue 5*, establishes the process the proponent is to follow. In addition to this federal policy, land use authorities are encouraged to develop their own consultation process for telecommunication sites. The municipality does not have their own consultation process and in the past has used the requirements of ISED. ISED's *Radiocommunication and Broadcasting Antenna Systems – CPC-2-0-03, Issue 5*, can be retrieved at: [https://www.ic.gc.ca/eic/site/smt-gst.nsf/vwapj/cpc-2-0-03-i5.pdf/\\$file/cpc-2-0-03-i5.pdf](https://www.ic.gc.ca/eic/site/smt-gst.nsf/vwapj/cpc-2-0-03-i5.pdf/$file/cpc-2-0-03-i5.pdf).

The ISED public consultation process requires a mail notification to be sent to adjacent land owners and neighbouring land use authorities within three times the height of the tower, measured from the base of the tower. A mail notification was sent on May 4, 2020 to two property owners using the mailing provided by the municipal planner. A public notice was published in the West Elgin Chronicle on May 7, 2020. The notifications provided a minimum of 30 days to residents to make a written submission or request additional information. Last day to receive submissions was June 8, 2020 and no submissions were received. Attached is the information package and request for letter of concurrence for this proposal.

The proposal was circulated to staff. Staff indicated they have no concerns. No building permit is required due to federal jurisdiction for approvals. The proponent has applied for a Road Occupancy permit from the County of Elgin for a new entrance and will be applying for a new 911 number for the entrance from the municipality.

Public agencies were circulated the proposed development. Lower Thames Valley Conservation Authority provided comments as the proposed tower will be located within the Authority's Regulated Area. Upon further review, the Authority concluded a permit would not be required.

### **Financial Implications:**

None.

### **Policies/Legislation:**

#### **Provincial Policy Statement**

Section 1.71 Long-Term Economic Prosperity states long-term economic prosperity should be supported by encouraging efficient and coordinated communications and telecommunications infrastructure.

#### **County of Elgin Official Plan**

Section A4.4 Infrastructure encourages the construction of all infrastructure (which includes telecommunication towers) to occur in a manner that is compatible with adjacent land uses and with a minimum of social and environmental impact and encourage the efficient use of land to make the best use of infrastructure and services.

#### **Municipality of West Elgin Official Plan**

Section 8.1 Infrastructure – Where Permitted states the use of land for the provision and maintenance of public utilities and infrastructure (e.g. water supply, sanitary sewage disposal, roads, electricity, natural gas, telecommunications) and any buildings, structures or appurtenances thereto shall be permitted in all land use designations in accordance with any and all environmental requirements and approvals and without an amendment to this Plan.

Municipality of West Elgin Comprehensive Zoning By-law 2015-36

Section 4.20 Public Uses states the provisions of this By-law shall not apply to the use of any land or to the erection, alteration or use of any building or structure, or portion thereof, by a public authority provided:

- a) the lot coverage, setback, and yard requirements of the zone in which such land, building, or structure is located are complied with;
- b) no outside storage shall be permitted in a residential zone; in a yard on a lot adjacent to a residential zone; or in a yard on a lot lying opposite a residential zone.

The provisions of a) shall not apply to any use, building or structure erected or used by Hydro One required for the transmission or distribution of electricity.

Public authority shall mean:

- a) the Municipality;
- b) the County;
- c) the Government of Canada;
- d) the Province of Ontario;
- e) the Conservation Authority.

and any other agency, board, commission, committee or other body established or exercising any power or authority under any general or special statute of Ontario or the Government of Canada with respect to any of the affairs or purposes of the Municipality or a portion thereof, and includes any committee or local authority established by by-law of the Municipality.

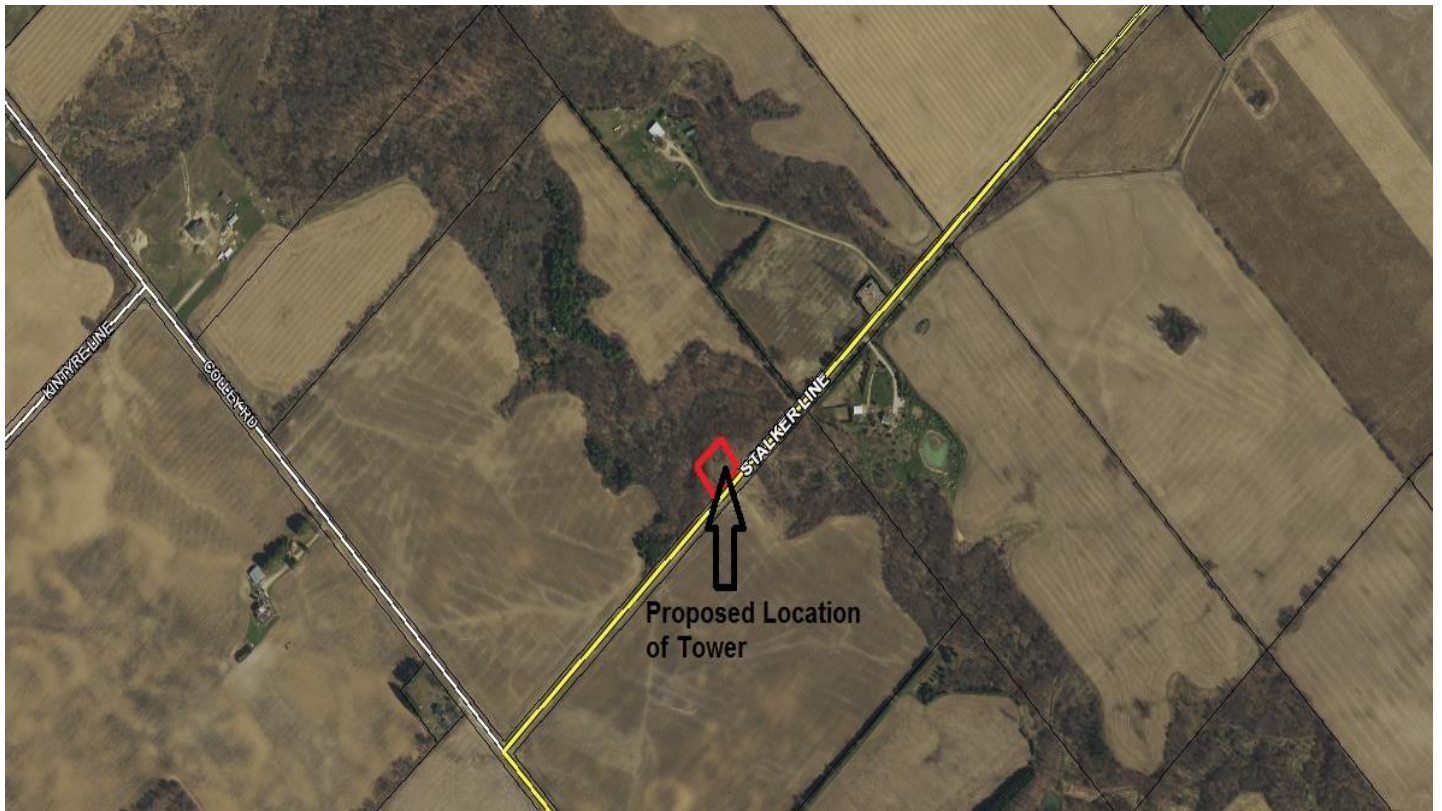
I am of the opinion this proposal would fit the definition of Public Authority.

A letter of concurrence has been attached to this report.

**Related Documents:**

Information package – prepared by Forbes Bros Ltd.;  
Request for Concurrence – prepared by Forbes Bros Ltd.; and,  
Letter of Concurrence

## Key Map



**Report Approval Details**

Document Title:	Xplornet Request for Letter of Concurrence.docx
Attachments:	<ul style="list-style-type: none"><li>- FERNDALÉ - Information Package 01-May-20.pdf</li><li>- FERNDALÉ - Request for Concurrence 09-Jun-20.pdf</li><li>- Letter of Concurrence.docx</li></ul>
Final Approval Date:	Jun 23, 2020

This report and all of its attachments were approved and signed as outlined below:

Jana Nethercott