



## MUNICIPALITY OF **West Elgin**

### Staff Report

---

**Report To:** Council Meeting

**From:** Heather James, Planner

**Date:** 2021-02-25

**Subject:** Request for Letter of Concurrence 22131 Clachan Road

---

#### **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 a new telecommunications tower located at 22131 Clachan Road;

That West Elgin Council approves of the proposed telecommunications tower located at 22131 Clachan 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 1, Concession 1 Western Division, former Township of Aldborough and municipally known as 22131 Clachan Road (as shown on the attached Key Map). The tower will be a 45.0 m (147.64 ft.) tall light duty, self-support lattice tower with transmitting and receiving antennas and radio equipment. The tower site will be within a 3.0 m (9.84 ft.) by 3.0 m (9.84 ft.) area and located among existing trees on the property. The tower site will use an existing entrance off of Clachan Road. The proposed telecommunications tower will provide wireless voice and data coverage and capacity for the areas southeast of Bothwell Ontario.

The tower height will allow the antenna equipment to propagate wireless signals over top of obstacles (trees, buildings, varying topography) and maintain line of sight connections to other Xplornet facilities in the network. The proposed installation design provides an opportunity to accommodate future technologies as well as potential co-location with other licensed carriers, thus limiting the number of new tower structures required in the area.

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 January 18 and 20, 2021 to affected property owners within the Municipality of West Elgin as well as the Municipality of Chatham Kent. A public notice was published in the West Elgin Chronicle on January 21, 2021. 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 February 22, 2021 and no submissions were received. Attached is the justification report 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 is aware they are required to apply for a new 911 number from the municipality for the tower site.

Public agencies were circulated the proposed development. Lower Thames Valley Conservation Authority has provided comments indicating they have no concerns as the proposed tower is greater than 15.0 m (49.21 ft.) from the top-of-bank of the Carson Municipal Drain and a formal permit from their office will 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.

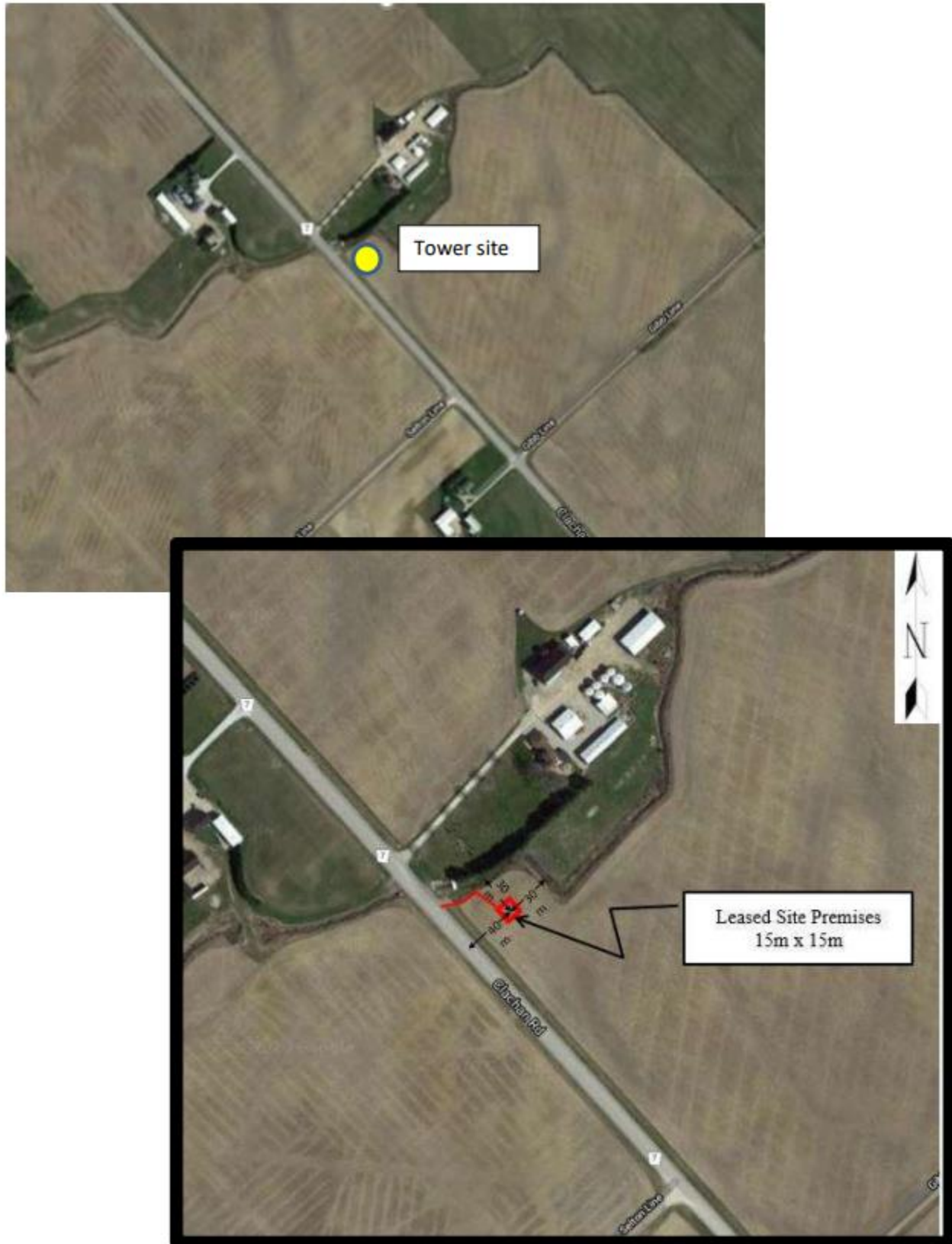
I am of the opinion this proposal meets the zoning provisions of Section 4.20 and the definition of Public Authority.

A letter of concurrence has been attached to this report.

**Related Documents:**

Justification report – prepared by Forbes Bros Ltd.; and,  
Letter of Concurrence

## Key Map





**Report Approval Details**

Document Title:	Request for Letter of Concurrence 22131 Clachan Road - 2021-08-Planning.docx
Attachments:	<ul style="list-style-type: none"><li>- ON7987 Clachan Justification Report - FINAL.pdf</li><li>- Letter of Concurrence 22131 Clachan Road.docx</li></ul>
Final Approval Date:	Feb 22, 2021

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

Jana Nethercott