



# PLANNING COMMITTEE AGENDA

---

Planning Committee Meeting  
**Monday, November 4, 2019**  
Tom Davies Square - Council Chamber

---

**COUNCILLOR FERN CORMIER, CHAIR**

---

**Robert Kirwan, Vice-Chair**

## **\*REVISED**

1:00 P.M. OPEN SESSION, COUNCIL CHAMBER

City of Greater Sudbury Council and Committee Meetings are accessible and are broadcast publicly online and on television in real time and will also be saved for public viewing on the City's website at:  
<https://agendasonline.greatersudbury.ca>.

Please be advised that if you make a presentation, speak or appear at the meeting venue during a meeting, you, your comments and/or your presentation may be recorded and broadcast.

By submitting information, including print or electronic information, for presentation to City Council or Committee you are indicating that you have obtained the consent of persons whose personal information is included in the information to be disclosed to the public.

Your information is collected for the purpose of informed decision-making and transparency of City Council decision-making under various municipal statutes and by-laws and in accordance with the *Municipal Act, 2001, Planning Act, Municipal Freedom of Information and Protection of Privacy Act* and the City of Greater Sudbury's *Procedure By-law*.

For more information regarding accessibility, recording your personal information or live-streaming, please contact Clerk's Services by calling 3-1-1 or emailing [clerks@greatersudbury.ca](mailto:clerks@greatersudbury.ca).

## **DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

## **PUBLIC HEARINGS**

1. Report dated October 15, 2019 from the General Manager of Growth and Infrastructure regarding J. Corsi Developments Inc. – Application to amend and revise a Draft Approved Plan of Subdivision, Corsi Hill Subdivision, Sudbury. **7 - 39**  
(RESOLUTION PREPARED)  
• Glen Ferguson, Senior Planner

## **CONSENT AGENDA**

(For the purpose of convenience and for expediting meetings, matters of business of repetitive or routine nature are included in the Consent Agenda, and all such matters of business contained in the Consent Agenda are voted on collectively.

A particular matter of business may be singled out from the Consent Agenda for debate or for a separate vote upon the request of any Councillor. In the case of a separate vote, the excluded matter of business is severed from the Consent Agenda, and only the remaining matters of business contained in the Consent Agenda are voted on collectively.

Each and every matter of business contained in the Consent Agenda is recorded separately in the minutes of the meeting.)

## **ADOPTING, APPROVING OR RECEIVING ITEMS IN THE CONSENT AGENDA**

(RESOLUTION PREPARED FOR ITEMS C-1 to C-3)

## **ROUTINE MANAGEMENT REPORTS**

- C-1. Report dated October 9, 2019 from the General Manager of Growth and Infrastructure regarding Sitiri Investments Ltd. - Application to Extend Draft Plan of Subdivision Approval, Part of PIN 73478-0809, Part of Parcel 11257 S.E.S., Parts 1-3, Plan 53R-19865 in Lot 3, Concession 5, Township of Broder, Algonquin Road, Sudbury. **40 - 51**  
(RESOLUTION PREPARED)  
(This report provides information regarding the Sitiri Investments Ltd. extension to the draft plan of subdivision approval, Algonquin Road, Sudbury.)
- C-2. Report dated October 9, 2019 from the General Manager of Growth and Infrastructure regarding Huneault Subdivision Extension Vytis Lands (Kagawong) Ltd. - Application to Extend Draft Plan of Subdivision and Rezoning Approval (Huneault Subdivision, Chelmsford). **52 - 63**  
(RESOLUTION PREPARED)  
(This report provides information regarding the Vytis Lands (Kagawong) Ltd. extension to the draft plan of subdivision approval, Huneault Subdivision, Chelmsford.)
- C-3. Report dated October 11, 2019 from the General Manager of Growth and Infrastructure regarding A. Scott & Son Distributors Sudbury Ltd. – Application for Zoning By-law Amendment in order to remove a Holding Provision, 5715 Nickel Offset Road, Chelmsford. **64 - 74**  
(RESOLUTION PREPARED)

(This report provides information regarding the application made by A. Scott & Son Distributors Sudbury Ltd. for a Zoning By-law Amendment in order to remove a Holding Provision at 5715 Nickel Offset Road, Chelmsford.)

## **MEMBERS' MOTIONS**

## **CORRESPONDENCE FOR INFORMATION ONLY**

- I-1. Report dated October 11, 2019 from the General Manager of Growth and Infrastructure regarding Review of Location & Design Preferences for Antenna Systems – City of Greater Sudbury Radio-communication and Broadcasting Antenna System Public Consultation Protocol.

**75 - 145**

### **(FOR INFORMATION ONLY)**

(This report provides information regarding the review of location and design preferences for Antenna Systems described in the City of Greater Sudbury Radio-communication and Broadcasting Antenna System Pre-Consultation Protocol.)

## **ADDENDUM**

## **CIVIC PETITIONS**

## **QUESTION PERIOD**

## **ADJOURNMENT**

# COMITÉ DE PLANIFICATION ORDRE DU JOUR

---

Réunion du Comité de planification  
**4 novembre 2019**  
Place Tom Davies - Salle du Conseil

---

**COUNCILOR FERN CORMIER, PRÉSIDENT(E)**

---

**Robert Kirwan, Vice-président(e)**

## **\*REVISER**

13H 00 SÉANCE PUBLIQUE, SALLE DU CONSEIL

Les réunions du Conseil de la Ville du Grand Sudbury et de ses comités sont accessibles et sont diffusés publiquement en ligne et à la télévision en temps réel et elles sont enregistrées pour que le public puisse les regarder sur le site Web de la Ville à l'adresse <https://agendasonline.greatersudbury.ca>.

Sachez que si vous faites une présentation, si vous prenez la parole ou si vous vous présentez sur les lieux d'une réunion pendant qu'elle a lieu, vous, vos commentaires ou votre présentation pourriez être enregistrés et diffusés.

En présentant des renseignements, y compris des renseignements imprimés ou électroniques, au Conseil municipal ou à un de ses comités, vous indiquez que vous avez obtenu le consentement des personnes dont les renseignements personnels sont inclus aux renseignements à communiquer au public

Vos renseignements sont recueillis aux fins de prise de décisions éclairées et de transparence du Conseil municipal en vertu de diverses lois municipales et divers règlements municipaux, et conformément à la *Loi de 2001 sur les municipalités*, à la *Loi sur l'aménagement du territoire*, à la *Loi sur l'accès à l'information municipale et la protection de la vie privée* et au *Règlement de procédure* de la Ville du Grand Sudbury.

Pour obtenir plus de renseignements au sujet de l'accessibilité, de la consignation de vos renseignements personnels ou de la diffusion en continu en direct, veuillez communiquer avec le Bureau de la greffière municipale en composant le 3-1-1 ou en envoyant un courriel à l'adresse [clerks@grandsudbury.ca](mailto:clerks@grandsudbury.ca).

## **DÉCLARATION D'INTÉRÊTS PÉCUNIAIRES ET LEUR NATURE GÉNÉRALES**



## **AUDIENCES PUBLIQUES**

1. Rapport directeur général, Croissance et Infrastructure , daté du 15 octobre 2019 portant sur J. Corsi Developments Inc. – Demande de modification et de révision d'un plan de lotissement provisoire approuvé, lotissement Corsi Hill, Sudbury. **7 - 39**  
(RÉSOLUTION PRÉPARÉE)

- Glen Ferguson, planificateur principal

## **Ordre du jour des résolutions**

(Par souci de commodité et pour accélérer le déroulement des réunions, les questions d'affaires répétitives ou routinières sont incluses à l'ordre du jour des résolutions, et on vote collectivement pour toutes les questions de ce genre. À la demande d'une conseillère ou d'un conseiller, on pourra traiter isolément d'une question d'affaires de l'ordre du jour des résolutions par voie de débat ou par vote séparé. Dans le cas d'un vote séparé, la question d'affaires isolée est retirée de l'ordre du jour des résolutions ; on ne vote collectivement qu'au sujet des questions à l'ordre du jour des résolutions. Toutes les questions d'affaires à l'ordre du jour des résolutions sont inscrites séparément au procès-verbal de la réunion)

## **ADOPTION, APPROBATION OU RÉCEPTION D'ARTICLES DANS L'ORDRE DU JOUR DES CONSENTEMENTS**

(RÉSOLUTION PRÉPARÉE POUR L'ARTICLES DE L'ORDRE DU JOUR DES  
RÉSOLUTIONS C-1 À C-3)

## **RAPPORTS DE GESTION COURANTS**

- C-1. Rapport directeur général, Croissance et Infrastructure , daté du 09 octobre 2019 portant sur Sitiri Investments Ltd. – Demande de prorogation de l'approbation de l'ébauche du plan de lotissement, partie du NIP 73478-0809, partie de la parcelle 11257 S.-E.-S., parties 1-3, plan 53R-19865 du lot 3, concession 5, canton de Broder, chemin Algonquin, Sudbury. **40 - 51**  
(RÉSOLUTION PRÉPARÉE)  
(Dans ce rapport, on fournit des renseignements sur la prorogation de l'approbation de l'ébauche du plan de lotissement, chemin Algonquin, Sudbury.)
- C-2. Rapport directeur général, Croissance et Infrastructure , daté du 09 octobre 2019 portant sur Prorogation du lotissement Huneault de Vytis Lands (Kagawong) Ltd. – Demande de prorogation de l'approbation de l'ébauche du plan de lotissement et du rezonage (lotissement Huneault, Chelmsford). **52 - 63**  
(RÉSOLUTION PRÉPARÉE)  
(Dans ce rapport, on fournit des renseignements sur la prorogation de l'approbation de l'ébauche du plan de lotissement de Vytis Lands [Kagawong] Ltd. (lotissement Huneault, Chelmsford).)
- C-3. Rapport directeur général, Croissance et Infrastructure , daté du 11 octobre 2019 portant sur A. Scott & Son Distributors Sudbury Ltd. – Demande de modification d'un règlement municipal de zonage afin de supprimer un symbole d'utilisation différée, 5715, chemin Nickel Offset, Chelmsford. **64 - 74**  
(RÉSOLUTION PRÉPARÉE)

(Dans ce rapport, on fournit des renseignements sur la demande de modification d'un règlement municipal faite par A. Scott & Son Distributors Sudbury Ltd. afin de supprimer un symbole d'utilisation différée, 5715, chemin Nickel Offset, Chelmsford.)

## **MOTIONS DES MEMBRES**

## **CORRESPONDANCE À TITRE D'INFORMATION**

- I-1. Rapport directeur général, Croissance et Infrastructure , daté du 11 octobre 2019 portant sur Révision des préférences concernant l'emplacement et la conception des systèmes d'antennes – protocole de consultation publique de la Ville du Grand Sudbury sur le système d'antennes de radiocommunication et de radiodiffusion.

**75 - 145**

### **(A TITRE D'INFORMATION)**

(Dans ce rapport, on fournit des renseignements sur la révision des préférences concernant l'emplacement et la conception des systèmes d'antennes décrits dans le protocole préalable à la consultation de la Ville du Grand Sudbury sur le système d'antennes de radiocommunication et de radiodiffusion.)

## **ADDENDA**

## **PÉTITIONS CIVIQUES**

## **PÉRIODE DE QUESTIONS**

## **LEVÉE DE LA SÉANCE**

Presented To:	Planning Committee
Presented:	Monday, Nov 04, 2019
Report Date	Tuesday, Oct 15, 2019
Type:	Public Hearings
File Number:	780-6/16002

## Request for Decision

### J. Corsi Developments Inc. – Application to amend and revise a Draft Approved Plan of Subdivision, Corsi Hill Subdivision, Sudbury

#### Resolution

THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft approval for a plan of subdivision on those lands described as PIN 73588-0987, Part 1, Plan 53R-14036, Except Part 1, Plan 53R-17900 & Plan 53M-1356, Lot 8, Concession 2, Township of McKim, File 780-6/16002, as outlined in the report entitled "J. Corsi Developments Inc." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on November 4, 2019, as follows:

1. By deleting Condition #1 entirely and replacing it with the following:

"1. That this draft approval applies to the draft plan of subdivision of PIN 73588-0987, Part 1, Plan 53R-14036, Except Part 1, Plan 53R-17900 & Plan 53M-1356, Lot 8, Concession 2, Township of McKim, as shown on a plan of subdivision prepared by Tulloch Geomatics Inc. and dated June 3, 2019.", and;

2. By deleting the words "Block 10" in Condition #31 and replacing it with the words "Block 11".

#### Relationship to the Strategic Plan / Health Impact Assessment

The application to amend and revise an existing draft approved plan of subdivision is an operational matter under the Planning Act to which the City is responding.

#### Report Summary

This report reviews a request to amend and revise an existing draft approved plan of subdivision, known as the Corsi Hill Subdivision in the community of Sudbury. The existing draft approved plan of subdivision at present was originally approved by Council on January 15, 2018 and includes a total of nine urban

#### Signed By

##### **Report Prepared By**

Glen Ferguson  
Senior Planner  
*Digitally Signed Oct 15, 19*

##### **Manager Review**

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Oct 15, 19*

##### **Recommended by the Division**

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Oct 15, 19*

##### **Financial Implications**

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Oct 15, 19*

##### **Recommended by the Department**

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Oct 21, 19*

##### **Recommended by the C.A.O.**

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Oct 23, 19*

residential lots on a cul-de-sac along with a parkland block in the rear having an area of 5.55 ha (13.71 acres). The owner is requesting to reduce the parkland block to 1.42 ha (3.51 acres). Staff is satisfied that the proposal will continue to ensure the preservation of the side slopes, natural landscape and natural vegetation that is present along the westerly portion of the subject lands that transitions toward Copper Street. The parkland to be dedicated to the City would be approximately 19.45% of the subject lands, whereas typically only a minimum parkland dedication of 5% can be required by a municipality under the Planning Act. Staff also notes that no concerns or issues were raised by circulated agencies and departments in their review of the request to amend the draft approved plan of subdivision by reducing the size of the parkland block to be dedicated to the municipality. The Planning Services Division is recommending that the application be approved and that the draft plan approval be updated to reflect those changes noted in the resolution section of this report.

### **Financial Implications**

If approved, staff estimates approximately \$59,000 in taxation revenue, based on the assumption of 9 single family detached dwelling units at an estimated assessed value of \$500,000 per dwelling unit at the 2019 property tax rates.

In addition, this development would result in total development charges of approximately \$160,000 based on assumption of 9 single family detached dwelling units and based on the rates in effect as of this report.

Once development has occurred and the subdivision infrastructure has been transferred to the City, there will be additional on-going costs for future annual maintenance and capital replacement of the related infrastructure (ie. roads, water/wastewater linear pipes, etc).

## **STAFF REPORT**

### **PROPOSAL:**

The application to amend the existing draft approved plan of subdivision proposes to reduce a parkland block area that is to be dedicated to the municipality from 5.55 ha (13.71 acres) to 1.42 ha (3.51 acres). The draft approved plan of subdivision will continue to include nine urban residential lots and the number of lots is not proposed to be increased. The draft plan of subdivision was initially approved by Council on January 15, 2018. The draft approved plan was previously supported by staff and approved by Council through concurrent rezoning and draft plan of subdivision applications (Files # 751-6/16-21 & 780-6/16002), which relied upon those policies found under Section 20.7.1 – Comprehensive Planned Unit Developments of the Official Plan for the City of Greater Sudbury. The previous [report](#) addressing the former rezoning and draft plan of subdivision applications is attached to this report for reference purposes.

The agent for the owner has submitted a revised draft plan of subdivision sketch and a covering letter providing a land use planning rationale for reducing the parkland block area to 1.42 ha (3.51 acres).

### **Existing Zoning:** “OSP”, Open Space – Private

The only permitted use within the currently applicable “OSP” Zone is a park.

### **Conditionally Approved Zoning:** “R1-5”, Low Density Residential One (on a portion of the lands)

The conditionally approved rezoning would implement the draft approved plan of subdivision and allow for the development of nine single-detached dwelling lots on the subject lands. The “R1-5” Zone permits a bed and breakfast establishment within a single-detached dwelling and having a maximum of two guest rooms, a group home type 1 within a single-detached dwelling and having a maximum of ten beds, a private home daycare and a single-detached dwelling. The “R1-5” Zone may also permit the establishment of a secondary dwelling unit and/or a home occupation. The balance of the lands would retain the current “OSP” zone classification.

### **Location and Site Description:**

The subject lands are generally bounded by Copper Street to the north and to the west, Gino Street to the east, and Palladium Place and Corsi Hill to the south. Lorne Street is located further to the north. The draft approved plan of subdivision is to be accessed from Corsi Hill to the south of the lands. The lands have a total lot area of approximately 14.44 ha (35.67 acres) and have lot frontage onto both Corsi Hill and Gino Street. The lands are at present vacant.

### **Surrounding Land Uses:**

North:	Low density urban residential, light and general industrial land uses.
East:	Light industrial land use (ie. Wholesale and manufacturing and offices) and low density urban residential land uses and a large block of privately owned open space in a naturally vegetated state.
South:	Low density urban residential land uses and parkland (ie. Tot Lot).
West:	Low density urban residential land use and several open space block of privately owned and conservation lands.

**Title: J. Corsi Developments Inc.**

**Date: October 9, 2019**

The existing zoning and location map attached to this report indicates the location of the subject lands to be rezoned, as well as the applicable zoning in the immediate area.

### **Public Consultation:**

Section 51(45) of the [Planning Act, R.S.O. 1990, c. P.13](#) permits a municipality to change the conditions of draft approval for a plan of subdivision. Written notice of any changes are to be provided to the owner, any person or body that made a written request to be notified of changes to the conditions and to any other prescribed persons or public body.

The municipality is also required to give public notice where the changes to the draft approved conditions are not minor in nature. In this particular circumstance the changes were not considered to be minor in nature and therefore a Notice of Public Hearing dated October 19, 2019 was provided in the newspaper to the public outlining the proposed changes to the draft approved plan of subdivision.

The owner and agent were also advised of the City's policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the applications prior to the public hearing. Staff notes that the owner and/or agent has indicated on the application form that given the nature of the application they were not going to be conducting any public consultation in the community ahead of the public hearing.

At the time of writing this report, no phone calls, emails or letter submissions have been received by the Planning Services Division.

### **POLICY AND REGULATORY FRAMEWORK:**

The property is subject to the following policy and regulatory framework:

- [2014 Provincial Policy Statement \(PPS\)](#);
- [2011 Growth Plan for Northern Ontario](#);
- [Official Plan for the City of Greater Sudbury](#); and,
- [Zoning By-law 2010-100Z](#).

The PPS and the Growth Plan for Northern Ontario, along with the City's Official Plan, provide a policy framework for land use planning and development in the City of Greater Sudbury. This framework is implemented through a range of land use planning controls such as, but not limited to, zoning by-laws, plans of subdivision and site plans.

### **2014 Provincial Policy Statement:**

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the 2014 Provincial Policy Statement (PPS). Staff has reviewed the PPS and is satisfied that no matters of provincial interest are impacted should the amended and revised draft plan of subdivision be approved. Staff would further note that the previous staff report which initially approved the rezoning and currently draft approved plan of subdivision indicated that both were consistent with the PPS.

**Growth Plan for Northern Ontario:**

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform with the Growth Plan for Northern Ontario. Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and are satisfied that the application to revise and amend the existing draft approved plan of subdivision applicable to the lands conforms to and does not conflict with the Growth Plan for Northern Ontario.

**Official Plan for the City of Greater Sudbury:**

The subject lands are designated Parks & Open Space in the Official Plan for the City of Greater Sudbury.

Certain lands within the Parks & Open Space designation are however identified as Comprehensive Planned Unit Development (CPUD) areas under Schedule 2c – Site Specific Policies of the City's Official Plan. These lands may be considered for residential CPUD subject to the policies contained under Section 20.7 of the City's Official Plan.

Section 19.7 – Comprehensive Planned Unit Developments outlines that in order to take advantage of the development potential of difficult sites, encourage infilling, and promote innovative development that might not be otherwise permitted under the Zoning By-law, a CPUD provision has been established in the City's Official Plan. CPUD not only allows flexibility in the development of lands with physical constraints, but may also be extended to conventional sites in order to enhance the economic viability of development, particularly major projects to be phased in over time. Site plan control is also applied to CPUD areas as a condition of development approvals.

Prior to the approval of any CPUD proposal, the owner is to demonstrate how a development proposal meets the intent and criteria established under Section 19.7.1 of the City's Official Plan. These criteria are as follows:

1. CPUD will be permitted only through an amendment to the City's Zoning By-law based on the submission of a detailed Concept Plan. Once final approval under the City's Zoning By-law is obtained, the owner must enter into a site plan control agreement pursuant to Section 41 of The Planning Act. The site plan control agreement will be consistent with the initial Concept Plan and subject to the site plan standards in Section 20.6 of the City's Official Plan. In considering an application under the CPUD provision, the City will have regard to the following factors beyond the normal rezoning criteria:
  - i) The use of the CPUD approach enables the preservation of unique environmental features, natural landscape, natural vegetation and topography on the site;
  - ii) The CPUD approach complements the natural character and built form of the surrounding area; and,
  - iii) The CPUD approach will provide the opportunity for dedicating a significant public parks and open space allotment beyond the required minimum. This is a voluntary process at the option of the owner.

The onus will be on the owner to provide a report that will accompany the application indicating why the CPUD approach is appropriate and how it satisfies the criteria stipulated in this section;

2. Through rezoning, the City may impose conditions or permit exemptions deemed appropriate in accordance with detailed development plans that do not necessarily conform to the provisions of a standard zoning district of the Zoning By-law;
3. Where an applicant also wishes to create a condominium development, an application for CPUD will be accompanied by an application for condominium approval;
4. CPUD may be applied to any parcel of vacant land having a minimum area of 3 ha (7.41 acres);
5. CPUD can be utilized to develop difficult sites with physical constraints such as hilltops, as well as conventional sites where a more flexible, multi-phase approach to land development is desirable;
6. The density standards of Section 3.2.1 will also apply. However, all housing types that meet the criteria of this section may be permitted. The City may also pass a by-law under the Planning Act authorizing increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and,
7. The general rezoning criteria outlined in Section 2.3.2 of the City's Official Plan will also apply.

Under Section 19.7.2 of the City's Official Plan the following urban design criteria are to be considered for CPUD:

1. The built form will complement and blend with the natural topography. The design of the built form and its associated open space should be sensitive to the terrain and micro-ecology of the area such that natural drainage courses, natural vegetation, natural features such as unique rock formations, and wildlife habitats are preserved;
2. Significant viewpoints and the visual quality of higher elevations of the area are to be preserved and enhanced;
3. The design and construction techniques used for development on slopes and higher elevations will have regard for the natural terrain by minimizing the need for blasting and rock removal or the use of rock walls to stabilize the slope of a site. Site designs that respect natural slope contours and existing natural features, and utilize landform modifications that blend with the natural topography are encouraged;
4. The public and private open space elements will be linked and integrated such that pedestrian walkway and bicycle trail systems linking streets, activity centres and open space systems could be easily developed; and,
5. Where incompatible land uses are found on abutting properties, the landscape plan shall illustrate how vegetation, berms or natural features will be used to buffer abutting sites.

Staff notes here that the previous applications for rezoning and draft plan of subdivision indicated that the proposed development was in conformity with the above CPUD policies. This report examines the requested change to reduce the size of the parkland block in the now draft approved plan of subdivision. The impacts that such a change would have on the above policies is discussed in detail later in this report.



**Title: J. Corsi Developments Inc.**

**Date: October 9, 2019**

**Zoning By-law 2010-100Z:**

The owner is not requesting any further changes to the zoning classification that is currently applicable to the subject lands. The lands at present remain zoned “OSP”, Open Space –Private. The owner is also not requesting any changes to the related and conditionally approved rezoning application, which on the clearance of conditions would rezone a portion of the lands to “R1-5”, Low Density Residential One.

**Existing Draft Plan of Subdivision Approval:**

The existing draft approved plan of subdivision was initially approved by Council on January 15, 2018 with a lapsing date of January 18, 2021, unless an extension is otherwise granted by Council.

The existing draft approved plan of subdivision at present includes a total of nine urban residential lots on a cul-de-sac along with a parkland block in the rear having an area of 5.55 ha (13.71 acres).

**Department/Agency Review:**

The application including relevant accompanying materials has been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the application and to formulate necessary documents for a revised and amended draft approved plan of subdivision should the application be approved.

During the review of the proposal, comments provided by circulated agencies and departments included the following:

Active Transportation, Building Services, Conservation Sudbury, Development Engineering, the City’s Drainage Section, Operations, and Roads, Traffic and Transportation have each advised that they have no concerns from their respective areas of interest.

Leisure Services has provided comment that the Green Space Advisory Panel did not identify any shortages of natural parkland in the area of the subject lands. The revised proposal will provide for natural parkland that is acceptable for their purposes and it is noted that the area is already serviced by natural parkland off Kelly Lake Road and Robinsion Drive, both of which are approximately 1 km (0.62 miles) away.

**PLANNING ANALYSIS:**

The 2014 PPS, the 2011 Growth Plan, and the City of Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the application in respect of the applicable policies, including issues raised through agency and department circulation.

With respect to the PPS, the proposed changes to the draft approved plan of subdivision do not impact or change the position of staff with respect to consistency with the PPS. It is the opinion then of staff that the amended and revised draft approved plan of subdivision would continue to be consistent with the PPS.

Staff in general has no concerns with respect to the proposed amended and revised draft plan of subdivision conforming to the applicable policies in the Official Plan for the City of Greater Sudbury. Those policies relevant to the development proposal to reduce the size of the open space block to be conveyed to the City from 5.55 ha (13.71 acres) to 1.42 ha (3.51 acres) on the subject lands are discussed in detail below.

**Date: October 9, 2019**

With respect to those CPUD policies contained within Section 19.7.1 of the City's Official Plan, staff has the following comments:

1. Staff is satisfied that CPUD approach would not be compromised as the proposal will continue to enable preservation of the side slopes, natural landscape and natural vegetation that is present along the westerly portion of the subject lands that transitions toward Copper Street;
2. The side slope and a good portion of the hill top would continue to be preserved and no changes are proposed to existing lotting pattern and the termination of Corsi Hill in a cul-de-sac design;
3. Previously it was noted by staff that more than 75% of the lands would be dedicated parkland purposes, which well exceeded the minimum required 5% parkland dedication that could normally be achieved under the Planning Act. Staff note that the dedication would now amount to approximately 19.45% of the subject lands, which again exceeds the minimum required 5% parkland dedication that could normally be achieved under the Planning Act.

Staff is satisfied that no other policies found under Section 19.7.1 in this case are impacted by the request to amend and revise the draft approved plan of subdivision by reducing the size of the parkland block to be dedicated from 5.55 ha (13.71 acres) to 1.42 ha (3.51 acres).

Staff is of the opinion that none of the other CPUD policies are impacted at this time. The urban design criteria with respect to CPUD as outlined in Section 19.7.2 will continue to be appropriately addressed through the clearing of draft approval conditions and the previous approval and imposition of site plan control on the lands.

Staff is therefore of the opinion that the proposed revision to the existing draft plan of subdivision by reducing the size of the open space block to be conveyed to the City from 5.55 ha (13.71 acres) to 1.42 ha (3.51 acres) conforms to the Official Plan for the City of Greater Sudbury.

### **CONCLUSION:**

Staff has reviewed the development proposal to amend and revise the existing draft approved plan of subdivision by reducing the size of the parkland block to be dedicated to the municipality and is satisfied that no issues would result with respect to conformity with the Official Plan for the City of Greater Sudbury. The development proposal continues to also be generally consistent with the land use planning policy directions identified in the PPS. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario. Staff would again note that no concerns were raised by any agencies or departments with respect to the requested change to the draft approved plan of subdivision.

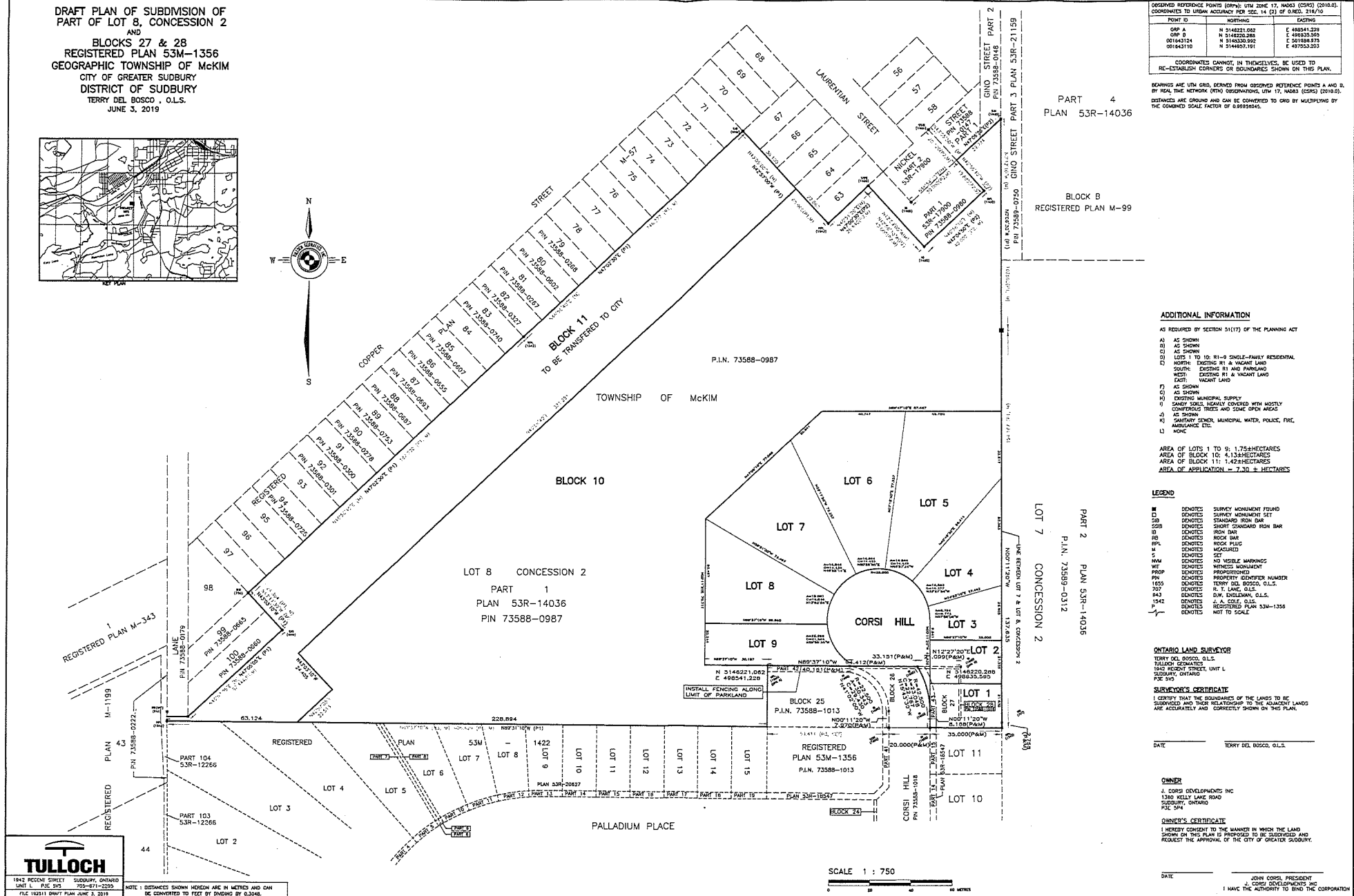
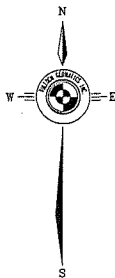
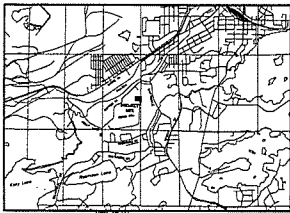
The following are the principles of the requested changes to the existing draft approved plan of subdivision:

- That Condition #1 in the existing draft plan approval document be amended to reference the revised plan as being the plan of subdivision prepared by Tulloch Geomatics Inc. and dated June 3, 2019; and,
- That Condition #31 be amended to reference Block 11 as being transferred to the City.

The Planning Services Division therefore recommends that the application to revise the existing draft plan approved subdivision by reducing the size of the open space block to be conveyed to the City from 5.55 ha (13.71 acres) to 1.42 ha (3.51 acres) be approved in accordance with the resolution section of this report.



BLOCKS 27 & 28  
REGISTERED PLAN 53M-1356  
GEOGRAPHIC TOWNSHIP OF McKIM  
CITY OF GREATER SUDBURY  
DISTRICT OF SUDBURY  
TERRY DEL BOSCO , O.L.S.  
JUNE 3, 2019



OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD83 (CSRS) (2010.0). COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF R.O. 2016/10			
POINT ID	NORTHING	EASTING	
ORP A	N 3148221.082	E 488541.228	
ORP B	N 3148220.268	E 490335.500	
001643124	N 3148230.992	E 501086.975	
001643110	N 3144697.191	E 497553.203	

COORDINATES CANNOT, IN THEMSELVES, BE USED TO  
RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND  
BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM 17, NAD83 (CSRS) (2010.0).  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY  
THE COMBINED SCALE FACTOR OF 0.99995545.

### ADDITIONAL INFORMATION

AS REQUIRED BY SECTION 51(17) OF THE PLANNING ACT

- A) AS SHOWN
- B) AS SHOWN
- C) AS SHOWN
- D) LOTS 1 TO 10: R1-0 SINGLE-FAMILY RESIDENTIAL
- E) NORTH: EXISTING R1 & VACANT LAND  
SOUTH: EXISTING BT AND PARKLAND  
WEST: EXISTING R1 & VACANT LAND  
EAST: VACANT LAND
- F) AS SHOWN
- G) AS SHOWN
- H) EXISTING MUNICIPAL SUPPLY
- I) SANDY SOILS, HEAVILY COVERED WITH MOSTLY CONIFEROUS TREES AND SOME OPEN AREAS
- J) AS SHOWN
- K) SANITARY SEWER, MUNICIPAL WATER, POLICE, FIRE, AMBULANCE ETC.
- L) NONE

AREA OF LOTS 1 TO 9: 1.75±HECTARES  
AREA OF BLOCK 10: 4.13±HECTARES  
AREA OF BLOCK 11: 1.42±HECTARES  
AREA OF APPLICATION = 7.30 ± HECTARES

**LEGEND**

#	DNOTES	SURVEY MONUMENT FOUND
Q	DNOTES	SURVEY MONUMENT SET
51B	DNOTES	STANDARD IRON BAR
52B	DNOTES	SURVEY MONUMENT IRON BAR
IB	DNOTES	IRON BAR
RB	DNOTES	ROCK BAR
RPL	DNOTES	ROCK PLUG
W	DNOTES	MEASURED
S	DNOTES	SET
MM	DNOTES	NO VISIBLE MARKINGS
WGP	DNOTES	WITNESS MONUMENT
PROG	DNOTES	PROPORTIONED
54	DNOTES	PROPORTIONED NUMBER
1655	DNOTES	TERRY DEL BOSCO, OLS.
707	DNOTES	R. F. LANE, OLS.
843	DNOTES	D.W. ENDELMAN, OLS.
1542	DNOTES	J. A. COLE, OLS.
1543	DNOTES	RECORDED PLAN 334-1356
1544	DNOTES	NOT TO SCALE

ONTARIO LAND SURVEYOR

TERRY DEL BOSCO, O.L.S.  
TULLOCH GEOMATICS  
1042 REGENT STREET, UNIT  
220B, ONTARIO  
P3E 2Y2

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE  
SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS  
ARE ACCURATELY AND CORRECTLY SHOWN ON THIS PLAN.

DATE \_\_\_\_\_ TERRY DEL BOSCO, O.L.S.

OWNER

J. CORSI DEVELOPMENTS INC  
1380 KELLY LAKE ROAD  
SUDBURY, ONTARIO  
P3E 5P4

OWNER'S CERTIFICATE

I HEREBY CONSENT TO THE MANNER IN WHICH THE LAND SHOWN ON THIS PLAN IS PROPOSED TO BE SUBDIVIDED AND REQUEST THE APPROVAL OF THE CITY OF GREATER SUDBURY.

DATE \_\_\_\_\_  
JOHN CORSI, PRESIDENT  
J. CORSI DEVELOPMENTS INC  
I HAVE THE AUTHORITY TO BIND THE CORPORATION

## Request for Decision

### J. Corsi Developments Inc. - Application for Rezoning and Plan of Subdivision, Corsi Hill, Sudbury

Presented To: Planning Committee

Presented: Monday, Dec 11, 2017

Report Date Thursday, Nov 16, 2017

Type: Public Hearings

File Number: 751-6/16-21 &  
780-6/16002

### Resolution

Resolution regarding Rezoning Application:

THAT the City of Greater Sudbury approves the application by J. Corsi Developments Inc. to amend Zoning By-law 2010-100Z to change the zoning classification from "OSP", Open Space Private to "R1-5", Low Density Residential One in order to permit the development of a nine lot residential subdivision on those lands described as PIN 73588-0987, Part 1, Plan 53R-14036 Except Pt. 1, Plan 53R-17900 & Plan 53M 1356, Lot 8, Concession 2, Township of McKim, as outlined in the report entitled "J. Corsi Developments Inc." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of December 11, 2017, subject to the following conditions:

1. That the owner provide the Development Approvals Section with a registered survey plan outlining the lands to be rezoned to enable the preparation of an amending by-law.
2. That the lands on the draft plan of subdivision be rezoned as follows:
  - i) That Lots 1 to 9 be zoned "R1-5(S)", Low Density Residential One Special; and
  - ii) That the balance of the lands be zoned "OSC", Open Space Conservation.
3. That the amending by-law for the lands to be zoned R1-5 Special include the following site-specific provision:
  - i) That all lots are designated as an area of "Site Plan Control" pursuant to Section 41 of the Planning Act, RSO 1990, Chapter P.13.
4. Conditional approval shall lapse on December 12, 2019 unless condition #1 above has been met or an extension has been granted by Council.

#### Signed By

**Report Prepared By**

Alex Singbush  
Senior Planner  
*Digitally Signed Nov 16, 17*

**Manager Review**

Eric Taylor  
Manager of Development Approvals  
*Digitally Signed Nov 16, 17*

**Recommended by the Division**

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Nov 16, 17*

**Financial Implications**

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Nov 22, 17*

**Recommended by the Department**

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Nov 23, 17*

**Recommended by the C.A.O.**

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Nov 29, 17*



Resolution regarding the Draft Plan of Subdivision:

THAT the City of Greater Sudbury Council's delegated official be directed to issue the draft approval for the subject plan of subdivision not sooner than 14 days following the date of the public meeting in accordance with the requirements of Section 51 (20) of the Planning Act, as outlined in the report entitled "J. Corsi Developments Inc." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of December 11, 2017, subject to the following conditions:

1. That this draft approval applies to the draft plan of subdivision of PIN 73588-0987, Part 1, Plan 53R-14036 Except Pt. 1, Plan 53R-17900 & Plan 53M-1356, Lot 8, Concession 2, Township of McKim as shown on a plan of subdivision prepared by Tulloch Geomatics Inc. and dated February 27, 2016.
2. Final approval for registration may be issued in phases to the satisfaction of the Director of Planning, provided that:
  - i. phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure and other essential services; and
  - ii. all agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
3. That the owner shall have completed all major outstanding infrastructure deficiencies that are critical to the overall function of the subdivision in previous phases of the plan that have been registered, or have made arrangements for their completion, prior to registering a new phase of the plan, to the satisfaction of the General Manager of Infrastructure Services.
4. That the street(s) shall be named to the satisfaction of the Municipality.
5. That any dead-ends or open sides of road allowances created by this plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the Municipality and held in trust by the Municipality until required for future road allowances or the development of adjacent land.
6. That prior to the signing of the final plan, the Planning Services Division shall be advised by the Ontario Land Surveyor responsible for preparation of the final plan, that the lot areas, frontages and depths appearing on the final plan do not violate the requirements of the Restricted Area By-laws of the Municipality in effect at the time such plan is presented for approval.
7. That the subdivision agreement be registered by the Municipality against the land to which it applies, prior to any encumbrances.
8. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
9. That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City of Greater Sudbury, concerning the provision of roads, walkways, street lighting, sanitary sewers, watermains, storm sewers and surface drainage facilities.
10. That the subdivision agreement contain provisions whereby the owner agrees that all the requirements of the subdivision agreement including installation of required services be completed within 3 years after registration.
11. That this draft approval shall lapse 3 years from date of draft plan approval.
12. The final plan shall be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Surveying and Mapping Services. The survey shall be referenced to NAD83(CSRS)

with grid coordinates expressed in UTM Zone 17 projection and connected to two (2) nearby City of Greater Sudbury Control Network monuments. The survey plan must be submitted in an AutoCAD compatible digital format. The submission shall be the final plan in content, form and format and properly geo-referenced.

13. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the Director of Planning Services, provide an updated geotechnical report prepared, signed, sealed, and dated by a geotechnical engineer licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the soils and groundwater conditions within the proposed development. Also, the report should include design information and recommend construction procedures for any proposed storm and sanitary sewers, stormwater management facilities, watermains, roads to a 20 year design life, the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations. Included in this report must be details regarding the removal of substandard soils (if any) and placement of engineered fill (if required) for the construction of homes. Also, the report must include an analysis illustrating how the groundwater table will be lowered to a level that will not cause problems to adjacent boundary housing and will, in conjunction with the subdivision grading plan, show that basements of new homes will not require extensive foundation drainage pumping. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services. A soils caution agreement, if required, shall be registered on title, to the satisfaction of the Chief Building Official and City Solicitor.

14. That the developer prepare a sediment control plan for the construction phase of the project to the satisfaction of the Nickel District Conservation Authority and the Director of Planning Services.

15. The owner shall provide a detailed lot grading plan prepared, signed, sealed, and dated by a professional civil engineer with a valid certificate of authorization for the proposed lots as part of the submission of servicing plans. This plan must show finished grades around building envelopes, retaining walls, swales, slopes and lot corners. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties and show the overland flow path. A lot grading agreement shall be registered on title, if required, to the satisfaction of the Director of Planning Services and the City Solicitor.

16. Prior to the submission of servicing plans, the owner shall have a Stormwater Management Report and plan prepared, signed, sealed, and dated by a professional engineer with a valid certificate of authorization. Said report shall establish how the quantity and quality of stormwater will be managed for the subdivision development and assess the impact of stormwater runoff from this developed Subdivision on abutting lands, on the downstream storm sewer outlet systems and on downstream water courses. The report shall deal with the control of both the 1:5 year and Regional Storm events, so as to limit the volume of flow generated on the site to pre-development levels. The Regional Storm flow path is to be set out on the plan(s). The report shall set out any necessary improvements to downstream storm sewers and water courses. The civil engineering consultant shall meet with the Development Approvals Section prior to commencing the Stormwater Management Report.

17. The owner shall be required to have all stormwater management facilities constructed and approved by the City prior to initial acceptance of roads and sewers or at such time as the Director of Planning Services may direct. The owner shall provide lands for said facilities as required by the City.

18. Streetlights for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner.

19. That the developer provide a utilities servicing plan showing the location of all utilities including City services, Greater Sudbury Hydro Plus or Hydro One, Bell, Union Gas, and Persona. This plan must be to the satisfaction of the Director of Planning Services and must be provided prior to construction for any individual

phase.

20. As part of the submission of servicing plans, the owner shall have rear yard slope treatments designed by a geotechnical engineer licensed in the Province of Ontario incorporated into the plans at locations required by the General Manager of Public Works. Suitable provisions shall be incorporated in the Subdivision Agreement to ensure that the treatment is undertaken to the satisfaction of the General Manager of Growth and Infrastructure.

21. The proposed internal subdivision roadways are to be built to urban standards, including curbs, gutters, storm sewers and related appurtenances.

22. The owner provides proof of sufficient fire flow in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing distribution system to service this subdivision will be born totally by the owner.

23. The owner provides proof of sufficient sanitary sewer capacity in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing collection system and/or sewage lift stations to service this subdivision will be born totally by the owner.

24. Draft approval does not guarantee an allocation for water or sewer capacity. Prior to the signing of the construction drawings for each phase, the Director of Planning Services is to be advised by the General Manager of Infrastructure Services that sufficient sewage treatment capacity and water capacity exist to service the development.

25. The applicant/owner shall provide to the City, as part of the submission of servicing plans a Siltation Control Plan detailing the location and types of sediment and erosion control measures to be implemented during the construction of each phase of the project. Said plan shall be to the satisfaction of the General Manager of Growth and Infrastructure and the Nickel District Conservation Authority. The siltation control shall remain in place until all disturbed areas have been stabilized. All sediment and erosion control measures shall be inspected daily to ensure that they are functioning properly and are maintained and/or updated as required. If the sediment and erosion control measures are not functioning properly, no further work shall occur until the sediment and/or erosion problem is addressed.

26. The owner agrees to provide the required geotechnical report, water, sanitary sewer and lot grading master planning reports and plans to the Director of Planning Services prior to the submission of servicing plans for any phase of the subdivision.

27. The proposed subdivision roadways are to be built to urban standards, including curb and gutter, storm sewers, maximum 8% road grades and related appurtenances to the City of Greater Sudbury Engineering Standards at the time of submission.

28. The owner shall provide a utilities servicing plan showing the location of all utilities including City services, Canada Post, Greater Sudbury Hydro Inc. or Hydro One, Bell, Union Gas, and Eastlink (as applicable). This plan must be to the satisfaction of the Director of Planning Services and must be provided prior to construction for any individual phase.

29. The property will require a subdivision agreement and during that process, based on anticipated quantities of removal of rock through blasting, the following conditions will be imposed:

- a) The developer will be required to provide a geotechnical report on how the work related to blasting shall be undertaken safely to protect adjoining structures and other infrastructure. The geotechnical report shall be undertaken by a blasting consultant defined as a professional engineer licensed in the Province of Ontario with a minimum of five (5) years experience related to blasting.
- b) The blasting consultant shall be retained by the developer and shall be independent of the contractor and



any subcontractor doing blasting work. The blasting consultant shall be required to complete specified monitoring recommended in his report of vibration levels and provide a report detailing those recorded vibration levels. Copies of the recorded ground vibration documents shall be provided to the contractor and contract administration weekly or upon request for this specific project.

c) The geotechnical report will provide recommendations and specifications on the following activity as a minimum but not limited to:

i) Pre-blast survey of surface structures and infrastructure within affected area

ii) Trial blast activities

iii) Procedures during blasting

iv) Procedures for addressing blasting damage complaints

v) Blast notification mechanism to adjoining residences

vi) Structural stability of exposed rock faces

d) The above report shall be submitted for review to the satisfaction of the Chief Building Official prior to the commencement of any removal of rock by blasting.

e) Should the developer's schedule require to commence blasting and rock removal prior to the subdivision agreement having been signed, a site alteration permit shall be required under the City of Greater Sudbury's By-law #2009-170 and shall require a similar geotechnical report as a minimum prior to its issuance.

30. The owner shall complete to the satisfaction of the Director of Planning Services of the City of Greater Sudbury and Canada Post:

a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:

i) That the home/business mail delivered will be from a designated Community Mail Box.

ii) That the developers/owners be responsible for officially notifying the purchasers of the Community Mail Box locations prior to the closing on any home sales.

b) The owner further agrees to:

i) Install concrete pads in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of Community Mail Boxes. Canada Post will need to be informed when the pads are in place.

ii) Identify the pads above on the engineering servicing drawings. The pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision. Provide curb depressions at the community mailbox site location(s). These are to be 2 meters in width and no higher than 25 mm.

iii) Determine the location of all centralized mail facilities in cooperation with Canada Post and to post the location of these sites on appropriate maps, information boards and plans.

31. Block 10 shall be transferred to the City for the purposes of stormwater management and open space conservation.

32. That the owner shall make a \$600.00 cash contribution to the City, to the satisfaction of the Director of Planning Services, to plant tree and shrub seedlings, as required by policy 9.4.2 of the City's Official Plan, to replace plantings previously made on the subject lands by the City's Regreening Program in 1983 and 1987.

33. That in accordance with Section 59(4) of the Development Charges Act, a notice agreement shall be registered on title to ensure that persons who first purchase the subdivided land after registration of the plan of subdivision are informed, at the time the land is transferred of all development charges related to development.

### **Relationship to the Strategic Plan / Health Impact Assessment**

The applications for Draft Plan of Subdivision Approval and to amend the Zoning By-law are operational matters under the Planning Act to which the City is responding.

### **Report Summary**

The owner has requested a plan of subdivision on the subject property, located on Corsi Hill in Sudbury, for nine (9) lots for residential use and 1 block for open space use and to rezone a portion of the subject lands from "OSP", Open Space Private to "R1-5", Low Density Residential One. Planning Staff are recommending that the applications be approved subject to the conditions noted.

### **Financial Implications**

If approved, staff estimates approximately \$56,000 in taxation revenue, based on the assumption of 9 single family detached dwelling units at an estimated assessed value of \$500,000 per dwelling unit at the 2017 property tax rates.

In addition, this development would result in total development charges of approximately \$145,000 based on assumption of 9 single family detached dwelling units and based on the rates in effect as of this report.

Once development has occurred and the subdivision infrastructure has been transferred to the City, there will be additional on-going costs for future annual maintenance and capital replacement of the related infrastructure (ie. roads, water/wastewater linear pipes, etc).

**Title:** J. Corsi Developments Inc.

**Date:** November 9, 2017

## **STAFF REPORT**

### **Applicant:**

J. Corsi Developments Inc.

### **Location:**

PIN 73588-0987, Part 1, Plan 53R-14036 Except Pt. 1, Plan 53R-17900 & Plan 53M-1356, Lot 8, Concession 2, Township of McKim, Corsi Hill, Sudbury

### **Site Description & Surrounding Land Uses:**

The subject lands are located at the north end of Corsi Hill in Sudbury, as indicated on the attached location sketch and air photo. The property is currently zoned "OSP", Open Space Private. The lands have a total area of approximately 7.38 ha (18.23 acres) with 20 m (35 ft.) of frontage on Corsi Hill. The irregularly sized parcel also has frontage on Laurentian Street and Gino Street to the north. The lands are mostly bedrock with some regrowth from past greening efforts. The topography of the site varies widely and includes hilltop table lands, rocky hills and steep slopes.

Developed lands to the north with frontage on Copper Street, Laurentian Street and Gino Street are zoned "R2-2", Low Density Residential Two. Previous phases of the Corsi Hill subdivision to the south of the subject lands, with frontage on Palladium Place and Corsi Hill are zoned "R1-5", Low Density Residential One. A city park, developed with a tot lot, also abuts to the south. A large parcel of private property zone "OSP", Open Space Private abuts to the east.

### **Official Plan Conformity and Zoning By-law:**

#### Official Plan

The subject property is designated as Parks and Open Space in the [Official Plan](#). Schedule 2c, Site Specific Policies indicates that the subject lands also have a CPUD designation, referring to Official Plan Section 7.2.2, Policy 4 which indicates:

Certain lands designated *Parks and Open Space* and identified as Comprehensive Planned Unit Development areas in former Official Plans are indicated on *Schedule 2c, Site Specific Policies*. The subject lands may be considered for residential Comprehensive Planned Unit Development subject to the policies of Section 20.7.

Section 20.7.1 a) indicates that in considering an application under the CPUD provision, Council shall have regard to the following factors beyond the normal rezoning criteria:

- i) the use of the CPUD approach enables the preservation of unique environmental features, natural landscape, natural vegetation and topography on the site;
- ii) the CPUD approach complements the natural character and built form of the surrounding area; and,
- iv) the CPUD approach shall provide the opportunity for dedicating a significant public parks and open space allotment beyond the required minimum. This is a voluntary process at the option of the proponent.

**Title: J. Corsi Developments Inc.**

**Date: November 9, 2017**

The Official Plan also indicates that CPUD can be utilized to develop difficult sites with physical constraints such as hilltops where a more flexible, multi-phase approach to land development is desirable, that the density standards of Section 3.2.1 apply, and that the general rezoning criteria outlined in Policy 6 of Section 3.2.1 shall also apply.

Section 3.2.1 of the Official Plan outlines policies for considering applications to rezone lands situated within the Living Area 1 designation. These policies and considerations include the following:

1. Low density development permits single detached dwellings, semi-detached dwellings and duplexes to a maximum net density of 36 units per hectare;
2. The site is suitable in terms of size and shape to accommodate the proposed density and building form;
3. The proposed development is compatible with the surrounding neighbourhood in terms of scale, massing, height, siting, setbacks, and the location of parking and amenity areas;
4. Adequate on-site parking, lighting, landscaping and amenity areas are provided; and,
5. The impact of traffic on local streets is minimal.

Section 3.2.2 of the Official Plan also outlines phasing policies in order to promote efficient use of land and achieve desirable land use patterns. Specifically, new development is to occur adjacent to existing built-up urban areas with emphasis being placed on densities that facilitate efficient use of land, infrastructure and public service facilities.

Section 9.2.2 of the Official Plan contains policies respecting endangered and threatened species which include that:

1. Development and site alteration are not permitted in significant habitat of endangered species and threatened species.
2. Development and site alteration are not permitted on lands adjacent to significant habitat of endangered species and threatened species unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural feature or their ecological functions. Adjacent lands are considered to be within at least 50 metres of significant habitat of endangered species and threatened species. This area can be modified if justified by a study.

The applications conform to the Official Plan as reviewed in the Planning Considerations section of this report.

#### Zoning By-law

The subject lands are currently zoned "OSP", Open Space Private which only permits public park uses; as such, the applicant has requested a rezoning to permit the low density residential use proposed.

**Title: J. Corsi Developments Inc.**

**Date: November 9, 2017**

**Application:**

1. To amend [By-law 2010-100Z](#) being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification from "OSP", Open Space Private to "R1-5", Low Density Residential One in order to permit the development of a nine (9) lot residential subdivision.
2. To subdivide the subject property into nine (9) lots for residential use and 1 block for open space use.

**Proposal:**

The applicant is proposing to subdivide the subject property into nine (9) lots for single family residential use and one block for open space use.

**Departmental & Agency Comments:**

No comments were received from the following agencies and departments: Canada Post, Conseil Scolaire Catholique de Nouvel-Ontario, Sudbury Catholic District School Board, Conseil Scolaire District du Grand Nord de l'Ontario, Eastlink, Rainbow District School Board, Rainbow Routes, Sudbury Student Services Consortium, Union Gas Limited, Environmental Services/Solid Waste, Leisure Services and Legal Services.

Environmental Planning Initiatives, Nickel District Conservation Authority and Fire Services advised that they had no concerns with the application.

Detailed comments with conditions that do not express concerns with the applications were received from Bell Canada, Greater Sudbury Hydro Inc., Building Services, Development Engineering, and Transit Services. These comments are attached to this report as Appendix 1 and have been incorporated into the proposed conditions of draft plan of subdivision approval.

Roads and Transportation Services have indicated, in the attached comments, that this development is a cul-de-sac which exceeds the recommended maximum number of dwelling units and recommended maximum length that should be permitted for a cul-de-sac development. Expressing concern with respect to access and egress during emergency situations, Roads and Transportation Services have concluded that no further development of this subdivision should occur until such time as a secondary access is constructed. However, Sudbury Fire Services have expressed that the completion of the subdivision with the final 9 lots is not expected to significantly alter the risk profile for the subdivision.

**Public Consultation:**

The statutory notice of the public hearing was provided by newspaper along with a courtesy mail out to property owners and tenants within a minimum of 120 metres of the property. The owner was advised of the City's policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application prior to the public hearing.

The applicant advised that given the relatively small scale of this subdivision that no public consultation was proposed.

As of the date of this report no written submissions with respect to the plan of subdivision have been received by the Planning Services Division. Three telephone inquiries expressing concerns with respect to traffic, stormwater, and blasting have been received by the Planning Services Division.



**Title: J. Corsi Developments Inc.**

**Date: November 9, 2017**

## **Planning Considerations:**

### **Background**

The Corsi Hill subdivision was developed in a number of phases over several decades. The most recent draft plan approval, granted in February 1990, included 227 lots on lands immediately south of the lands subject to this application extending south and west to the intersection of Corsi Hill and Gold Street. That plan provided for future development on the lands subject to the current application and provided a street stub (located six lots south of the current proposed phase of development on the east side of Corsi Hill) to provide access to undeveloped lands under separate ownership located to the east.

### **Overview**

This project consists of nine (9) lots for single family residential use and one block for open space use on 7.38 hectares (18.23 acres), configured as follows:

- nine lots for single detached dwellings on approximately 1.8 ha, proposed to be rezoned to "R1-5", Low Density Residential One on an extension of Corsi Hill; and
- the balance of the lands, approximately 5.58 ha or 75.61% of the property, are proposed to be dedicated to the City for parks purposes.

The plan proposes to terminate the existing public street network with a cul-de-sac at the north end of Corsi Hill.

The applicant has submitted a Comprehensive Planned Unit Development Report, a Traffic Study, Road Connection Alternative Analyses, a Conceptual Lot Grading Plan, a Conceptual Stormwater Management Plan and an Eastern Whip-poor-will Survey in support of the proposed development.

### **Provincial Policy Statement**

Municipalities in the Province of Ontario are required under Section 3 of the [Planning Act](#) to ensure that decisions affecting planning matters are consistent with the [Provincial Policy Statement](#) (PPS). The proposed draft plan and rezoning is consistent with the PPS for the following reason:

New development is to be directed toward existing settlement areas. The subject development proposal seeks to accommodate new dwelling units within the community of Sudbury. Official Plan Section 7.2.2, Policy 4 indicates that the subject lands may be considered for residential Comprehensive Planned Unit Development subject to the policies of Section 20.7. of the plan.

Section 2.0 of the PPS, Wise Use and Management of Resources, addresses protecting the Province's natural resources for their economic, environmental and social benefits. Section 2.1.7 provides that: "Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements."

The Eastern Whip-poor-will Survey conducted by Golder Associates concludes "it is unlikely that the whip-poor-will have established territories in the study area." No negative impacts are expected as it relates to endangered and threatened species, consistent with the Natural Heritage Section 2.1 of the PPS.

**Title: J. Corsi Developments Inc.**

**Date: November 9, 2017**

## **Growth Plan for Northern Ontario**

The Growth Plan for Northern Ontario took effect on March 4, 2011 and is intended to guide decision making and planning in Northern Ontario. The proposed Zoning By-law Amendment and Subdivision applications conform to the general policies and guiding land use planning principles of the Growth Plan for Northern Ontario.

## **Official Plan**

The development application is supported from the perspective of relevant Official Plan policy for the following reasons:

### **Comprehensive Planned Unit Development Policies**

1. The use of the CPUD approach enables the preservation of the majority of the side slopes, natural landscape, and natural vegetation of this site;
2. The CPUD approach complements the natural character of the surrounding area by preserving the side slope of the hilltop by limiting the development to nine (9) lots on a cul-de-sac terminating Corsi Hill; and
3. The CPUD approach provides the opportunity for the dedication of more than 75% of the lands for public parks and open space use well beyond the required 5% minimum parkland dedication.

### **Living Area 1 Policies**

1. The application, consisting of low density housing, conforms with and is below the low density development density maximum of 36 units/ha in the Living Area 1 with a density of approximately 1.22 units/ha.
2. The property is suitable in terms of size and shape to accommodate the proposed density and building form.
3. The development proposal is compatible with the surrounding neighbourhood in terms of scale, massing, height, siting, and setbacks. The proposed cul-de-sac with single detached dwellings are compatible with the development to the south and the dedication of the balance of the lands for parks and open space purposes will provide a significant buffer to the existing development to the north.
4. Staff is satisfied that appropriate on-site parking, lighting, landscaping and amenity areas can be provided on each lot.
5. The impact on traffic on local streets from the low density residential development is expected to be minimal. Roads and Transportation Services have indicated that no further development of the subdivision should occur until a secondary access is constructed. However, Sudbury Fire Services have expressed that the completion of the subdivision with the final 9 lots is not expected to significantly alter the risk profile for the subdivision. Planning Staff note that there is an existing street stub that provides for access to the lands to the east which may provide access to either Martindale Road or Southview Drive in the future. The proposal for a final nine lots and cul-de-sac at the top of Corsi Hill serves to complete the development with limited impact to local streets.

**Title: J. Corsi Developments Inc.**

**Date: November 9, 2017**

#### Natural Environment Policies

Consistent with the policies contained in Section 9.2 of the Official Plan, the applicant undertook an environmental impact study to demonstrate that the proposed development would not negatively impact the ecological functions present on or adjacent to a proposed development site. The findings of the Eastern Whip-poor-will Survey and the comments provided by Environmental Planning Initiatives indicate that no negative impacts on the on the ecological functions of the habitats are expected as it relates to endangered and threatened species.

#### Zoning By-law Conformity

The applicant has requested that the subject lands be rezoned to "R1-5", Low Density Residential One. The proposal appears to be able to comply with the lot area, lot frontage and lot depth requirements of By-law 2010-100Z.

#### Summary

Staff has reviewed the development proposal and is satisfied that it conforms to the Official Plan for the City of Greater Sudbury, is consistent with the Provincial Policy Statement and conforms to the Growth Plan for Northern Ontario. The development proposal represents good land use planning and will contribute to the completion of the local community from a development standpoint. Site-specific development matters have been incorporated into the draft conditions of approval contained with this report.

The Planning Services Division therefore recommends that the application to amend By-law 2010-100Z being the City of Greater Sudbury Zoning By-law be approved as recommended. It is further recommended that Council's delegated official be directed to issue the draft approval for the subject subdivision not sooner than 14 days following the date of the public meeting in accordance with the requirements of Section 51 (20) of the Planning Act.



## **Appendix 1**

### **Departmental & Agency Comments**

**Files: 751-6/16-21 & 780-6/16002**

**RE: Application for Rezoning and Plan of Subdivision – J. Corsi Developments Inc.  
PIN 73588-0987, Part 1, Plan 53R-14036 Except Pt. 1, Plan 53R-17900 & Plan 53M-1356, Lot 8, Concession 2, Township of McKim, Corsi Hill, Sudbury**

---

**No comments were received from the following agencies and departments:**

Canada Post, Conseil Scolaire Catholique de Nouvel-Ontario, Sudbury Catholic District School Board, Conseil Scolaire District du Grand Nord de l'Ontario, Eastlink, Rainbow District School Board, Rainbow Routes, Sudbury Student Services Consortium, Union Gas Limited, Environmental Services/Solid Waste, Leisure Services and Legal Services.

#### **Bell Canada**

It has been identified that Bell Canada will require a 3m wide easement over the frontage of lots 1 to 9 inclusive. Since the easement is required as a condition of approval and in order to provide service to this development all costs associated with the transaction will be the responsibility of the owner.

#### **Greater Sudbury Hydro Inc.**

No objections. Please note that in the future during the development stage the Owner/Applicant will be responsible for meeting our easement requirements. The Owner/Applicant will also be responsible for all legal and survey costs, along with all costs associated with distribution installation.

#### **Nickel District Conservation Authority**

No concerns.

#### **Rainbow Routes Association**

No concerns. We are happy to see a large amount of green space being added to the City's assets. In the future the Rainbow Routes Association may wish to advance trails and connectors in the area.

#### **Building Services**

Building Services has the following comments regarding conditions for the draft plan of subdivision:

1. The property will require, based on the anticipated quantities of removal of rock through blasting, the following conditions will be imposed:

- a. The developer will be required to provide a geotechnical report on how the work related to blasting shall be undertaken safely to protect adjoining structures and other infrastructure. The geotechnical report shall be undertaken by a blasting consultant defined as a professional engineer licensed in the Province of Ontario with a minimum of five (5) years experience related to blasting.
  - b. The blasting consultant shall be retained by the developer and shall be independent of the contractor and any subcontractor doing blasting work. The blasting consultant shall be required to complete specified monitoring recommended in his report of vibration levels and provide a report detailing those recorded vibration levels. Copies of the recorded ground vibration documents shall be provided to the contractor and contract administration weekly or upon request for this specific project.
  - c. The geotechnical report will provide recommendations and specifications on the following activity as a minimum but not limited to:
    - i. Pre-blast survey of surface structures and infrastructure within affected area
    - ii. Trial blast activities
    - iii. Procedures during blasting
    - iv. Procedures for addressing blasting damage complaints
    - v. Blast notification mechanism to adjoining residences
    - vi. Structural stability of exposed rock faces
  - d. The above report shall be submitted for review to the satisfaction of the Chief Building Official prior to the commencement of any removal of rock by blasting.
  - e. Should the developer's schedule require to commence blasting and rock removal prior to the site plan agreement having been signed, a site alteration permit shall be required under the City of Greater Sudbury's By-law #2009-170 and shall require a similar geotechnical report as a minimum prior to its issuance.
2. A geotechnical report will be required that is prepared, signed, sealed and dated by a geotechnical engineer, licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the soils and groundwater conditions including an elevation of the water table within the proposed development. Also, the report should include design information and recommend construction procedures for the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations to the satisfaction of the Chief Building Official. A soils caution agreement, if required, shall be registered on title, to the satisfaction of the Chief Building Official and the City Solicitor.

### **Development Engineering**

A watermain connection to the 300mm diameter water distribution main, located within the Corsi Hill right-of-way, will be made to service this development. A fire flow analysis indicates that the subdivision lands meet the required pressures and fire flow requirements for this development.

The proposed municipal gravity sanitary system for this subdivision will discharge to the existing 200mm sanitary sewer on Corsi Hill. The owner's engineer must submit a report calculating the amount of sewage that will be generated from this development and to be discharged into the existing system.

As a condition of approval, the owner shall be responsible to have a Storm Water Management Report prepared to assess how the quality and quantity of storm water will be managed for the subdivision development. The report shall establish how the quantity of storm water generated within the subdivision will be controlled to pre-development levels for both the 1:5, 1:100 and regional storm events. The owner shall be required to submit a comprehensive drainage plan of the subject property.

The following draft plan conditions apply:

1. That the street(s) shall be named to the satisfaction of the Municipality.
2. That any dead-ends or open sides of road allowances created by this plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the Municipality and held in trust by the Municipality until required for future road allowances or the development of adjacent land.
3. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
4. That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City of Greater Sudbury, concerning the provision of roads, walkways, street lighting, sanitary sewers, watermain, storm sewers and surface drainage facilities.
5. That the Subdivision Agreement contain provisions whereby the owner agrees that all the requirements of the Subdivision Agreement including installation of required services be completed within 3 years after registration.
6. Draft approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Director of Planning Services is to be advised by the General Manager of Growth and Infrastructure, that sufficient sewage treatment capacity and water capacity exists to service the development.

Final approval for registration may be issued in phases to the satisfaction of the Director of Planning Services, provided that:

- a. phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure and other essential services; and
  - b. all agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
7. That the owner shall have completed all major outstanding infrastructure deficiencies that are critical to the overall function of the subdivision in previous phases of the plan that have been registered, or have made arrangements for their completion, prior to registering a new phase of the plan, to the satisfaction of the General Manager of Growth and Infrastructure.

8. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the Director of Planning Services, provide an updated geotechnical report prepared, signed, sealed, and dated by a geotechnical engineer licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the soils and groundwater conditions within the proposed development. Also, the report should include design information and recommend construction procedures for storm and sanitary sewers, stormwater management facilities, watermains, roads to a 20 year design life, the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services.
9. That the developer prepare a sediment control plan for the construction phase of the project to the satisfaction of the Nickel District Conservation Authority and the Director of Planning Services.
10. The owner shall provide a detailed lot grading plan prepared, signed, sealed, and dated by a professional civil engineer with a valid certificate of authorization for the proposed lots as part of the submission of servicing plans. This plan must show finished grades around new houses, retaining walls, side yards, swales, slopes and lot corners. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties. A lot grading agreement shall be registered on title, if required, to the satisfaction of the Director of Planning Services and the City Solicitor.
11. Prior to the submission of servicing plans, the owner shall have a Stormwater Management Report and plan prepared, signed, sealed, and dated by a professional engineer with a valid certificate of authorization. Said report shall establish how the quantity and quality of stormwater will be managed for the subdivision development and assess the impact of stormwater runoff from this developed Subdivision on abutting lands, on the downstream storm sewer outlet systems and on downstream water courses. The report shall deal with the control of both the 1:5 year and Regional Storm events, so as to limit the volume of flow generated on the site to pre-development levels. The Regional Storm flow path is to be set out on the plan(s). The report shall set out any necessary improvements to downstream storm sewers and water courses. The civil engineering consultant shall meet with the Development Approvals Section prior to commencing the Stormwater Management Report.
12. The owner shall be required to have all stormwater management facilities constructed and approved by the City prior to initial acceptance of roads and sewers or at such time as the Director of Planning Services may direct. The owner shall provide lands for said facilities as required by the City.
13. Streetlights for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner.
14. That the developer provide a utilities servicing plan showing the location of all utilities including City services, Greater Sudbury Hydro Plus or Hydro One, Bell, Union Gas, and Persona. This plan must be to the satisfaction of the Director of Planning Services and must be provided prior to construction for any individual phase.
15. As part of the submission of servicing plans, the owner shall have rear yard slope treatments designed by a geotechnical engineer licensed in the Province of Ontario incorporated into the plans at locations required by the General Manager of Public Works. Suitable provisions shall be incorporated in the Subdivision Agreement to ensure that the treatment is undertaken to the satisfaction of the General Manager of Growth and Infrastructure.

16. The proposed internal subdivision roadways are to be built to urban standards, including curbs, gutters, storm sewers and related appurtenances.
17. The owner provides proof of sufficient fire flow in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing distribution system to service this subdivision will be born totally by the owner.
18. The owner provides proof of sufficient sanitary sewer capacity in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing collection system and/or sewage lift stations to service this subdivision will be born totally by the owner.
19. The applicant/owner shall provide to the City, as part of the submission of servicing plans a Siltation Control Plan detailing the location and types of sediment and erosion control measures to be implemented during the construction of each phase of the project. Said plan shall be to the satisfaction of the General Manager of Growth and Infrastructure and the Nickel District Conservation Authority. The siltation control shall remain in place until all disturbed areas have been stabilized. All sediment and erosion control measures shall be inspected daily to ensure that they are functioning properly and are maintained and/or updated as required. If the sediment and erosion control measures are not functioning properly, no further work shall occur until the sediment and/or erosion problem is addressed.

### **Environmental Planning Initiatives**

I have reviewed this application and the accompanying whip-poor-will report prepared by Golder Associates and I offer the following recommendation:

- 1) Regreening activities were undertaken on the entire hill by the Regional Municipality of Sudbury in the early 1980's, including the application of crushed limestone, fertilizer and a grass/legume seed mixture in 1980 and 1982. Thousands of tree seedlings were also planted in 1983 and 1987.

Official Plan Policy 9.4.2 states: *"New development, redevelopment, and municipal infrastructure works on previously restored land will be required to mitigate any impacts to existing soil and vegetation. Where mitigation through avoidance is not possible, onsite soil erosion shall be prevented and all vegetation removed shall be replaced through appropriate and adequate site landscaping and/or land reclamation measures."* Assuming the disturbance of less than 1 hectare of previously remediated land, I recommend that \$600 be provided to the City of Greater Sudbury to enable the Regreening Program to plant replacement tree and shrub seedlings within the residual area that will become parkland.

The whip-poor-will surveys adhered to the draft survey protocol developed by the Ministry of Natural Resources and Forestry (MNRF). The report's conclusion that the subject lands do not offer suitable habitat for this bird species is supported by the MNRF in recent communication to the City.

## **Fire Services**

The primary concerns for Fire Services are water flow, followed by access and egress. The completion of the subdivision with the final 9 lots is not expected to significantly alter our risk profile for the subdivision overall. Please ensure that adequate water supply is available for fire protection.

## **Roads and Transportation Services**

### Roads and Traffic & Transportation

The Transportation and Land Development manual by the Institute of Transportation Engineers (ITE) states that for a Local Street with a cul-de-sac, the maximum number of single family residential dwelling units should be limited to 24 and the length should be limited to 230 metres. A review of North American best practices shows that a Local Street with a cul-de-sac should not exceed more than 150 to 300 metres and not more than 10 to 20 single family residential dwelling units. This development already well exceeds both of these.

While there are other areas within the City that have only a single access that exceeds these recommendations, these areas pose a greater risk to the City in terms of access and egress during emergency situations. These areas would not be permitted to be developed in this manner in accordance with today's policies and practices.

In keeping with industry best practices and in order to minimize risk to the area residents, staff recommends that no further development of this subdivision occur until such a time a secondary access is constructed.

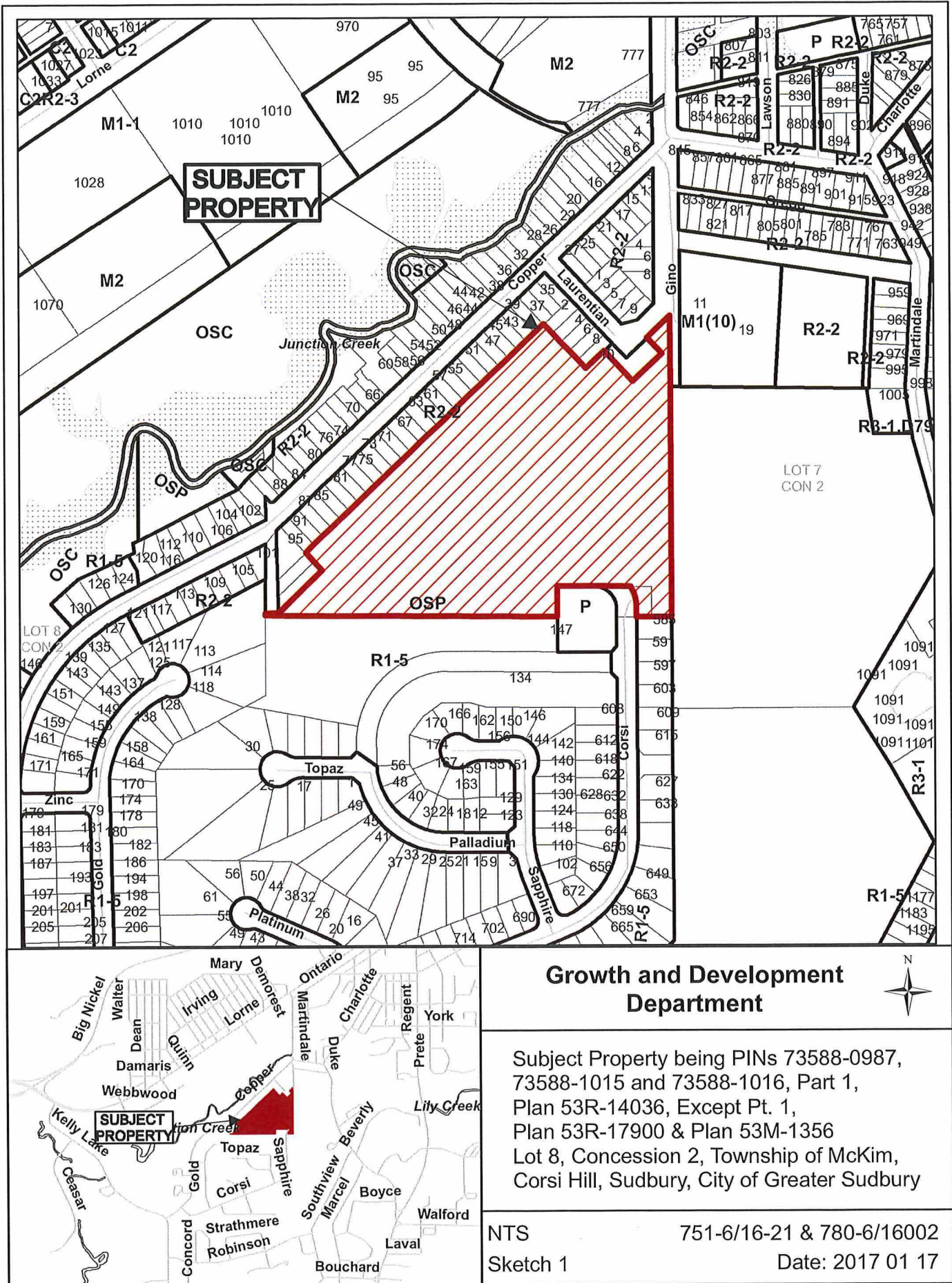
### Active Transportation, Operations and Drainage

No concerns.

## **Transit Services**

The site at the end of Corsi Hill where the applicant is proposing to subdivide is located approximately 1 km from the closest transit bus stop. As per the Transit Service Design standards, population served by transit is determined by a 400 m walking distance to a bus route. These dwellings would therefore not be considered to be serviced by Greater Sudbury Transit.







BLOCK B  
REGISTERED PLAN M-99

REMAINDER OF PIN TO BE TRANSFERRED TO CITY FOR PARKS  
P.I.N. 73588-0987

TOWNSHIP OF McKIN

BLOCK 10

LOT 8 CONCESSION 2  
PART 1  
PLAN 53R-14036  
PIN 73588-0987

PART 2      PLAN 53R-14036  
P.L.N. 73589-0312

REGISTERED PLAN

**TULLOCH**

1342 PEGENT STREET / BUCKLEY, OHIO 43004 UNIT 1 P# 395 725-671-2295	NOTE: DIMENSIONS SHOWN HEREIN ARE IN METRICS AND CAN BE CONVERTED TO FEET BY DIVING BY 0.3048.
FILE 135404 / 155227 DWG PLAN DEC 1 2018	

NOTE : DISTANCES SHOWN HEREON ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SCALE 1 : 750



**Growth and Development  
Department**

Subject Property being PINs 73588-0987,  
73588-1015 and 73588-1016, Part 1,  
Plan 53R-14036, Except Pt. 1,  
Plan 53R-17900 & Plan 53M-1356  
Lot 8, Concession 2, Township of McKim,  
Corsi Hill, Sudbury, City of Greater Sudbury

NTS  
Sketch 1

751-6/16-21 & 780-6/16002

Date: 2017 01 17





PHOTO 1 SUBJECT LANDS, VIEWED LOOKING NORTH FROM  
TERMINUS OF CORSI HILL



PHOTO 2 585 CORSI HILL, SOUTH OF THE SUBJECT LANDS,  
VIEWED LOOKING EAST FROM CORSI HILL

780-6/16002 & 751-6/16-21  
PHOTOGRAPHY SEPTEMBER 11, 2017



PHOTO 3 CITY PARK, SOUTH OF THE SUBJECT LANDS,  
VIEWED LOOKING WEST FROM CORSI HILL

780-6/16002 & 751-6/16-21  
PHOTOGRAPHY SEPTEMBER 11, 2017



File: 751-6/16-21  
Corsi Hill,  
Sudbury  
2017 Orthophotography

**Subject Property**

Copper Street

Laurentian Street

Cino Street

Martindale Road

Gregg Lane

Palladium Place

Topaz Court

Sapphire Court

Corsi Hill





## Request for Decision

**Sitiri Investments Ltd. - Application to Extend Draft Plan of Subdivision Approval, Part of PIN 73478-0809, Part of Parcel 11257 S.E.S., Parts 1-3, Plan 53R-19865 in Lot 3, Concession 5, Township of Broder, Algonquin Road, Sudbury**

Presented To:	Planning Committee
Presented:	Monday, Nov 04, 2019
Report Date	Wednesday, Oct 09, 2019
Type:	Routine Management Reports
File Number:	780-6/12004

### Resolution

THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft approval for the draft plan of subdivision on lands described as Part of PIN 73478-0809, Part of Parcel 11257 S.E.S., Parts 1-3, Plan 53R-19865 in Lot 3, Concession 5, Township of Broder City of Greater Sudbury, File 780-6/12004, as outlined in the report entitled "Sitiri Investments Ltd." from the General Manager of Growth and Infrastructure, as presented at the Planning Committee meeting on November 4, 2019 as follows:

- a) By deleting Condition #9;
- b) By amending the draft plan lapsing date in Condition #10 to December 23, 2020.

### Relationship to the Strategic Plan / Health Impact Assessment

The request to extend the approval for a draft plan of subdivision is an operational matter under the Planning Act to which the City is responding.

### Report Summary

The owner of the subject land has requested a one-year extension for the draft plan of subdivision located on the south side of Algonquin Road, which was originally approved on December 23, 2013. The draft plan was amended in 2017 in order to reconfigure the road layout and permit 10 lots for single residential use and 44 lots for double residential use.

There are no concerns related to extending the draft plan approval for a one-year period.

#### Signed By

##### **Report Prepared By**

Mauro Manzon  
Senior Planner  
*Digitally Signed Oct 9, 19*

##### **Manager Review**

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Oct 9, 19*

##### **Recommended by the Division**

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Oct 10, 19*

##### **Financial Implications**

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Oct 16, 19*

##### **Recommended by the Department**

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Oct 21, 19*

##### **Recommended by the C.A.O.**

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Oct 23, 19*

## **Financial Implications**

If approved, staff estimates approximately \$408,000 in taxation revenue, based on the assumption of the total 10 single detached units at an estimated assessed value of \$500,000 per unit and 88 semi-detached dwelling units at an estimated assessed value of \$300,000 per dwelling unit at the 2019 property tax rates.

In addition, this would result in total development charges of approximately \$1.4 million based on assumption of 10 single detached units and 88 semi-detached dwelling units and based on the rates in effect as of the date of this meeting.

Once development has occurred and the subdivision infrastructure has been transferred to the City, there will be additional on-going costs for future annual maintenance and capital replacement of the related infrastructure (ie. roads, water/wastewater linear pipes, etc).

## **STAFF REPORT**

### **Background:**

The owner of the subject land has requested a one-year extension for the above noted draft plan of subdivision, which was originally approved on December 23, 2013. If approved, the new lapsing date will be December 23, 2020.

The draft plan was amended in 2017 in order to reconfigure the road layout and permit 10 lots for single residential use and 44 lots for double residential use. Lots 9 and 10 were subsequently rezoned in 2018 to permit semi-detached dwellings (File 751-6/18-3).

### **Departmental & Agency Comments:**

#### Development Engineering

Please remove Condition #9 as it is covered by Condition #32.

#### Drainage Section

No concerns.

#### Roads and Transportation

No concerns.

#### Building Services

No objection.

#### Nickel District Conservation Authority

Conditions #23 and #25 of Council's Conditions satisfy the concerns of Conservation Sudbury.

### **Summary:**

#### Proposed amendments

Other than one minor housekeeping amendment, there are no major changes to the draft plan conditions.

Conservation Sudbury has no updates related to their conditions of approval. The remaining departments have expressed no concerns.

#### [Official Plan](#)

Section 20.4.2 of the Official Plan outlines that Council will not extend or recommend the extension of a draft plan approval, beyond the statutory limitation of three years, unless the owner has demonstrated to the satisfaction of Council that they are making a reasonable effort to proceed in meeting the conditions of draft approval. At the time of an extension request, Council is to review the draft plan conditions and may make appropriate modifications.

Staff notes that this particular draft plan approval was originally approved by Council on December 23, 2013.

In this case, the draft plan was amended in 2017 to accommodate a relocated subdivision entrance in order to provide better sight lines on Algonquin Road. The internal road network was revised accordingly. The owner provided a final plan of survey allowing enactment of the amending by-law in October 2017 and the property is now rezoned in final form.

The first submission of engineering drawings for Phase 1 of the subdivision was received by Development Engineering on July 5, 2016. A second submission was received by Development Engineering on July 19, 2017 with comments sent back to the developer's engineer on September 29, 2017.

Substantial work has been completed on this file to date and a one-year extension is therefore recommended.

[2014 Provincial Policy Statement \(PPS\)](#) and [2011 Growth Plan for Northern Ontario \(GPNO\)](#)

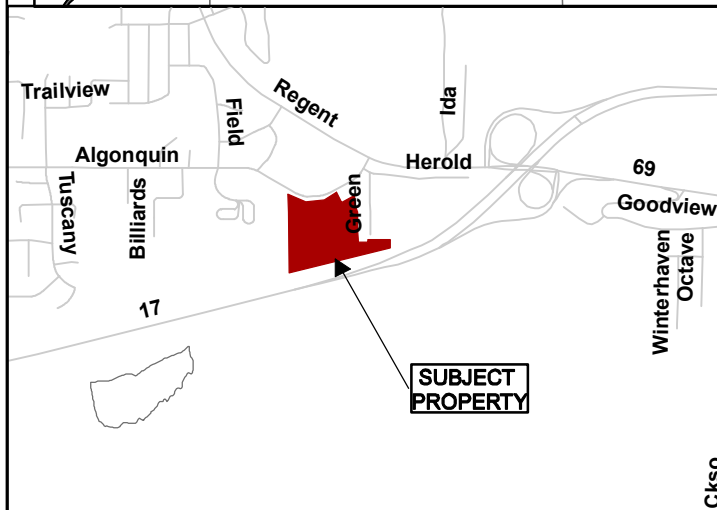
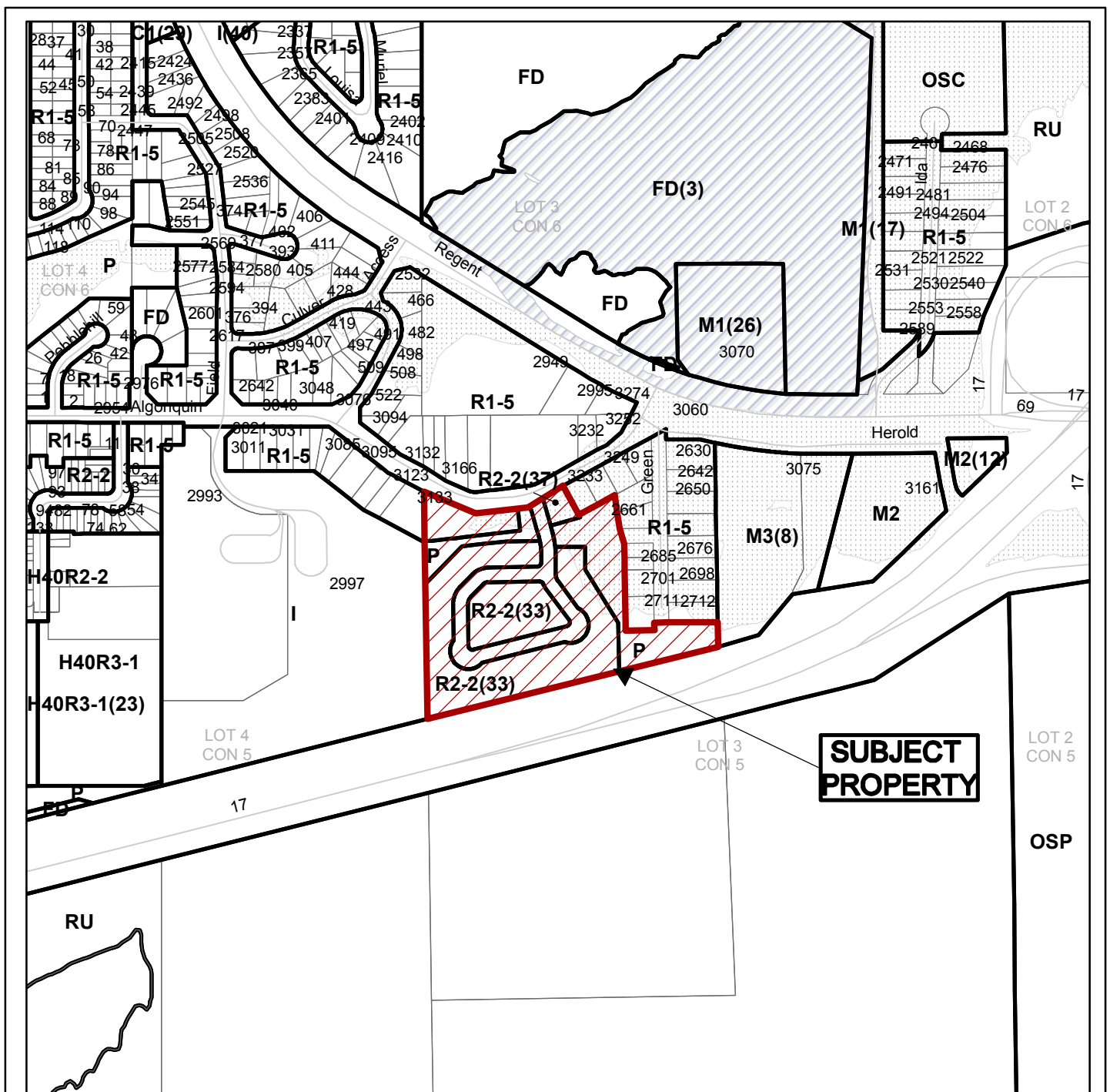
Under Section 1.1.3.6 of the PPS, new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

In this case, the subject lands are designated Living Area 1 and form part of a designated growth area. The draft plan represents a logical extension of services to accommodate future residential development and is consistent with the phasing policies of the PPS. Furthermore, the proposal presents a mix of low density housing types, which will diversify the supply of new housing.

Along with other major urban centres in Northern Ontario, Greater Sudbury is identified as an Economic and Service Hub. Policy 4.3.2 of the GPNO states that these identified municipalities should be designed to accommodate a significant portion of future population and employment growth in Northern Ontario.

The application is consistent with the relevant policies of the 2014 PPS and conforms to the 2011 GPNO.

Planning Services recommends that the request to extend draft plan approval for a period of one (1) year be approved subject to the conditions outlined in the Resolution section of this report.



## Growth and Infrastructure Department



Subject Property being PIN 73478-1121,  
Parcel 11257 SES, Parts 1 to 3,  
Plan 53R-19865, Lot 3, Concession 5,  
Township of Broder, Algonquin Road,  
Sudbury, City of Greater Sudbury

NTS

Sketch 1

751-6/12-33 & 780-6/12004

Date: 2019 07 19





KEY PLAN

1:10000

DRAFT PLAN  
OF PROPOSED SUBDIVISION OF  
CONCESSION 5  
P.I.N. 73478-0809  
PART OF LOT 3 CONCESSION 5  
GEOGRAPHIC TOWNSHIP OF BRODER  
CITY OF GREATER SUDBURY

SCALE 1 : 1000

OWNER  
DALRON CONSTRUCTION LIMITED  
RON ARNOLD, PRESIDENT  
130 ELM STREET  
SUDBURY, ONTARIO  
P3C 1T6

PREPARED BY  
R.V. ANDERSON ASSOCIATES LIMITED  
436 WESTMOUNT AVENUE  
SUDBURY, ONTARIO  
P3A 5Z8

ONTARIO LAND SURVEYOR  
TULLOCH GEOMATICS INC.  
1942 REGENT STREET A  
SUDBURY, ONTARIO  
P3E 5V5

SURVEYOR'S CERTIFICATE  
I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND  
THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND  
CORRECTLY SHOWN ON THIS PLAN.

ADDITIONAL INFORMATION

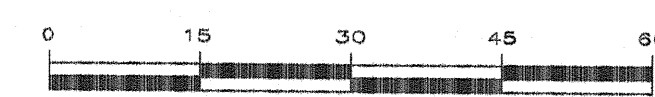
AS REQUIRED BY SECTN 51(17) OF THE PLANNING ACT

- A) AS SHOWN  
B) AS SHOWN  
C) AS SHOWN  
D) LOTS 1-10: R1  
LOTS 11-54: R2-2  
BLOCK 56 & 58: FIK/CONSERVATION/DRAINAGE (AREA 1.36ha)  
BLOCK 57: 0.3m RERVE  
E) NORTH - R1-5  
SOUTH - RURAL  
EAST - R1-5, M(HEAVY INDUSTRIAL)  
WEST - R1-5, INTUTIONAL  
F) DIMENSIONS OF PROPOSED PROPERTIES AS SHOWN  
G) ARTIFICIAL FEATURE AS SHOWN  
H) MATERIALS USED TO CONSTRUCT OVER BEDROCK/RECENT FILL PLACEMENT  
I) CONTOURS AS SHOWN, THE LOW LYING NORTH AREA HAS BEEN FILLED  
J) MUNICIPAL SERVICE TO BE AVAILABLE, INCLUDES WATER, SEWER, HYORO, BELL, GAS,  
K) GARBAGE COLLECTON, POLICE, FIRE, AMBULANCE  
L) AS SHOWN  
NOTE: RADIAL DISTANS AT 6m SETBACK ARE CHORD DISTANCES, UNLESS OTHERWISE NOTED.

AREA OF APPLICATION: 7.70 ha.

LEGEND

- DENOTES SURVEY MONUMENT FOUND  
□ DENOTES SURVEY MONUMENT SET  
SIB DENOTES STANDARD IRON BAR  
SSIB DENOTES SHORT STANDARD IRON BAR  
IB DENOTES IRON BAR  
RB DENOTES ROCK BAR  
RPL DENOTES ROCK PLUG  
CC DENOTES CUT CROSS  
M DENOTES MEASURED  
S DENOTES SET  
WIT DENOTES WITNESS MONUMENT  
P.I.N. DENOTES PROPERTY IDENTIFICATION NUMBER  
707 DENOTES LANE & LANE, O.L.S.  
943 DENOTES D. W. ENDELMAN, O.L.S.  
981 DENOTES R. G. HOLDER, O.L.S.  
1230 DENOTES D. R. BRUCE, O.L.S.  
1400 DENOTES D. S. DORLAND, O.L.S.  
1542 DENOTES J. ANNE COLE, O.L.S.  
1655 DENOTES TERRY DEL BOSCO, O.L.S.  
P DENOTES REGISTERED PLAN 34-S  
P2 DENOTES PLAN OF SURVEY BY ENDELMAN HOLDER GOSSLING, O.L.S.  
DATED FEBRUARY 9, 1989  
P3 DENOTES REGISTERED PLAN M-131  
P4 DENOTES PLAN SR-11140  
P5 DENOTES PLAN SR-954  
CGS DENOTES CITY OF GREATER SUDBURY CONTROL MONUMENT



METRIC  
DISTANCES SHOWN ON THIS PLAN  
ARE IN METRES AND CAN BE  
CONVERTED TO FEET  
BY DIVIDING BY  
0.3048

OWNER'S CERTIFICATE  
I HEREBY APPROVE OF THE MANNER IN WHICH THE LAND SHOWN ON THIS  
PLAN IS PROPOSED TO BE SUBDIVIDED AND REQUEST THE APPROVAL OF  
THE CITY OF GREATER SUDBURY.

DATE \_\_\_\_\_ RON ARNOLD - DALRON CONSTRUCTION LIMITED

DATE \_\_\_\_\_ TERRY DEL BOSCO O.L.S.

**TULLOCH**  
1942 REGENT STREET SUDBURY, ONTARIO  
UNIT L P3E 5V5 705-671-2295  
PREPARED BY TDB

**R.V. Anderson Associates Limited**  
engineering • environment • infrastructure

RVA PROJECT # 142905 DATE: JANUARY 11, 2017



**CITY COUNCIL'S CONDITIONS APPLYING TO THE APPROVAL OF THE FINAL PLAN FOR REGISTRATION OF THE SUBJECT SUBDIVISION ARE AS FOLLOWS:**

1. That this draft approval applies to the draft plan of subdivision of Part of PIN 73478-0809, Part of Parcel 11257 S.E.S., Parts 1-3, 53R-19865 in Lot 3, Concession 5, Township of Broder as shown on a plan of subdivision prepared by Terry Del Bosco, O.L.S., and dated August 16, 2012, as amended by a plan prepared by Terry Del Bosco, O.L.S., and dated January 11, 2017.
2. That the street(s) shall be named to the satisfaction of the Municipality.
3. That any dead-ends or open sides of road allowances created by this plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the Municipality and held in trust by the Municipality until required for future road allowances or the development of adjacent land.
4. That prior to the signing of the final plan, the Planning Services Division shall be advised by the Ontario Land Surveyor responsible for preparation of the final plan, that the lot areas, frontages and depths appearing on the final plan do not violate the requirements of the Restricted Area By-laws of the Municipality in effect at the time such plan is presented for approval.
5. That the subdivision agreement be registered by the Municipality against the land to which it applies, prior to any encumbrances.
6. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
7. That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City of Greater Sudbury, concerning the provision of roads, walkways, street lighting, storm sewers and surface drainage facilities.
8. That the subdivision agreement contain provisions whereby the owner agrees that all the requirements of the subdivision agreement including installation of required services be completed within 3 years after registration.
9. Draft approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Director of Planning Services is to be advised by the General Manager of Growth and Infrastructure that sufficient sewage treatment capacity and water capacity exist to service the development.
10. That this draft approval shall lapse on December 23, 2019.
11. That the registered Plan be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Geographic Information, Surveys and Mapping Section; provision of the final plan coordinate listings and an AutoCAD file of the resultant parcel fabric shall formulate part of this requirement.

12. That 5% of the land included in the plan of subdivision be dedicated to the City for parks purposes to the satisfaction of the City Solicitor in accordance with Section 51.1 (1) of the Planning Act.
13. That Blocks 55 and 56 be transferred to the City for public purposes.
14. That Block 57 be transferred to the Ministry of Transportation as a 0.3 metre reserve.
15. Deleted.
16. Deleted.
17. That the owner provide a landscape plan that identifies stands of trees that will be maintained and the measures that will be taken to ensure survival of these trees during the site alteration and construction phases, to the satisfaction of the Director of Planning Services.
18. That the owner shall update the Traffic Impact Study for any units beyond the initial 30 units and agree to participate in the cost of any upgrades or improvements identified in the study to the satisfaction of the General Manager of Growth and Infrastructure.
19. That the owner construct a sidewalk along the south side of Algonquin Road from the east limit of the subject property to Field Street. As per the City's Cost Sharing Policy, the owner is responsible for 100 percent of the cost across the frontage of the property and for the first 100 metres of sidewalk external to the development. The City will be responsible for 100 percent of the cost for the remaining portion, approximately 187 metres.
20. The development shall require a subdivision agreement and during that process, based on anticipated quantities of removal of rock through blasting, the following conditions will be imposed:
  - a. The owner/developer will be required to provide a geotechnical report on how the work related to blasting shall be undertaken safely to protect adjoining structures and other infrastructure. The geotechnical report shall be undertaken by a blasting consultant defined as a professional engineer licensed in the Province of Ontario with a minimum of five (5) years experience related to blasting.
  - b. The blasting consultant shall be retained by the developer and shall be independent of the contractor and any subcontractor doing blasting work. The blasting consultant shall be required to complete specified monitoring recommended in the report of vibration levels and provide a report detailing those recorded vibration levels. Copies of the recorded ground vibration documents shall be provided to the contractor and contract administration weekly or upon request for this specific project.

- c. The geotechnical report will provide recommendations and specifications on the following activity as a minimum but not limited to:
- Pre-blast survey of surface structures and infrastructure within affected area;
  - Trial blast activities;
  - Procedures during blasting;
  - Procedures for addressing blasting damage complaints;
  - Blast notification mechanism to adjoining residences; and,
  - Structural stability of exposed rock faces.
- d. The above report shall be submitted for review to the satisfaction of the Chief Building Official prior to the commencement of any removal of rock by blasting.
- e. Should the owner/developer's schedule require to commence blasting and rock removal prior to the subdivision agreement having been signed, a site alteration permit shall be required under the City of Greater Sudbury's By-law #2009-170 and shall require a similar geotechnical report as a minimum prior to its issuance.
21. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the Director of Planning Services, provide an updated geotechnical report prepared, signed, sealed, and dated by a geotechnical engineer licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the soils and groundwater conditions within the proposed development. Also, the report should include design information and recommend construction procedures for any proposed storm and sanitary sewers, stormwater management facilities, watermain, roads to a 20-year design life, the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations. Included in this report must be details regarding the removal of substandard soils (if any) and placement of engineered fill (if required) for the construction of homes. Also, the report must include an analysis illustrating how the groundwater table will be lowered to a level that will not cause problems to adjacent boundary housing and will, in conjunction with the subdivision grading plan, show that basements of new homes will not require extensive foundation drainage pumping. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services. A soils caution agreement shall be registered on title, if required, to the satisfaction of the Chief Building Official and City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the agreement.
22. All streets will be constructed to an urban standard, including the required curbs, gutters and sidewalks.

23. The owner shall provide a detailed lot grading plan prepared, signed, sealed, and dated by a professional civil engineer with a valid certificate of authorization for the proposed lots as part of the submission of servicing plans. This plan must show finished grades around new houses, retaining walls, side yards, swales, slopes and lot corners. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties and show the stormwater overland flow path. The plan shall be prepared to the satisfaction of Conservation Sudbury (Nickel District Conservation Authority). A lot grading agreement shall be registered on title, if required, to the satisfaction of the Director of Planning Services and the City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the agreement.
24. The owner agrees to provide the required soils report, traffic report, water, sanitary sewer and lot grading master planning reports and plans to the Director of Planning Services prior to the submission of servicing plans for any phase of the subdivision.
25. The owner shall develop a siltation control plan for the subdivision construction period to the satisfaction of the Director of Planning Services and Conservation Sudbury (Nickel District Conservation Authority).
26. Any streetlights required for this subdivision will be designed and constructed by Greater Sudbury Hydro Inc. at the cost of the owner.
27. As part of the submission of servicing plans, the owner shall have rear yard slope treatments designed by a geotechnical engineer licensed in the Province of Ontario incorporated into the lot grading plans if noted as required at locations required by the Director of Planning Services. Suitable provisions shall be incorporated into the Subdivision Agreement to ensure that the treatment is undertaken to the satisfaction of the Director of Planning Services.
28. Prior to the signing of the final plan, the owner shall undertake a noise assessment to determine what control measures are required to meet the Ontario Ministry of the Environment noise assessment criteria. If necessary, provisions for implementing noise control measures must be included in the subdivision agreement to the satisfaction of the General Manager of Growth and Infrastructure and the Director of Planning Services. A sound attenuation caution agreement shall be registered on title, if required, to the satisfaction of the Chief Building Official and City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the agreement.
29. The owner shall provide a utilities servicing plan showing the location of all utilities including City services, Greater Sudbury Hydro Inc., Canada Post, Bell, Union Gas, and Eastlink. This plan must be to the satisfaction of the Director of Planning Services and must be provided prior to construction for any individual phase.

30. The owner shall provide proof of sufficient fire flow in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing distribution system to service this subdivision will be borne totally by the owner.
31. The owner shall provide proof of sufficient sanitary sewer capacity in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrades to the downstream works required to service this subdivision will be borne totally by the owner.
32. Draft approval does not guarantee an allocation for water or sewer capacity. Prior to the signing of the construction drawings for each phase, the Director of Planning Services is to be advised by the General Manager of Growth and Infrastructure that sufficient sewage treatment capacity and water capacity exist to service the development.
33. Deleted.
34. Deleted.
35. The owner shall complete a watermain loop connecting to the existing 150mm diameter watermain at the Algonquin Road/Street A intersection and a second location westerly to the satisfaction of the General Manager of Growth and Infrastructure.
36. Development on Lots 9, 10, 36–41 must be reviewed and approved by Conservation Sudbury (Nickel District Conservation Authority). The plans must show that there is sufficient storage capacity to compensate for the fill placed on the affected lots for floodproofing purposes.
37. That prior to the signing of the final plan, the owner shall satisfy Canada Post with respect to mail delivery facilities for the site.
38. That prior to the signing of the final plan the Planning Services Division is to be advised by the City Solicitor that conditions 2, 3, 5, 6, 7, 8 & 13 have been complied with to his/her satisfaction.
39. Final approval for registration may be issued in phases to the satisfaction of the Director of Planning Services, provided that:
  - i) Phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure and other essential services; and,
  - ii) All agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.

40. That the owner shall have completed all major outstanding infrastructure deficiencies that are critical to the overall function of the subdivision in previous phases of the plan that have been registered, or have made arrangements for their completion, prior to registering a new phase of the plan, to the satisfaction of the General Manager of Growth and Infrastructure.
41. Based upon the recommendations of the Algonquin Watershed Study, a quantity control pond is not required at this location. The owner shall enter into an agreement to cost share with the City for downstream stormwater conveyance improvements. The owner is to provide stormwater quality control to an enhanced level protection for the stormwater generated by the development.
42. That in accordance with Section 59(4) of the *Development Charges Act*, a notice of agreement shall be registered on title to ensure that persons who first purchase the subdivided land after registration of the plan of subdivision are informed, at the time the land is transferred, of all development charges related to development.



## Request for Decision

### Huneault Subdivision Extension Vytis Lands (Kagawong) Ltd. - Application to Extend Draft Plan of Subdivision and Rezoning Approval (Huneault Subdivision, Chelmsford)

Presented To:	Planning Committee
Presented:	Monday, Nov 04, 2019
Report Date	Wednesday, Oct 09, 2019
Type:	Routine Management Reports
File Number:	780-5/12005

## Resolution

Resolution 1 regarding Draft Plan of Subdivision Extension:

THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft approval for the plan of subdivision on lands described as Part of PINs 73348-0005 & 73348-0734 in Lots 2 & 3, Concession 2, Township of Balfour, City of Greater Sudbury, File 780 5/12005, as outlined in the report entitled "Huneault Subdivision Extension Vytis Lands (Kagawong) Ltd." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on November 4, 2019 as follows:

a) By amending the draft plan lapsing date in Condition #10 to December 12, 2022

Resolution 2 regarding Rezoning Extension:

THAT the City of Greater Sudbury approves the extension of rezoning application File # 751-5/12-17 by Vytis Lands (Kagawong) Ltd. on lands described as PINs 73348-0005 & 73348-0734 in Lots 2 & 3, Concession 2, Township of Balfour, City of Greater Sudbury, as outlined in the report entitled "Huneault Subdivision Extension Vytis Lands (Kagawong) Ltd.", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on November 4, 2019, for a period of one (1) year to December 12, 2020.

### Signed By

#### Report Prepared By

Mauro Manzon  
Senior Planner  
*Digitally Signed Oct 9, 19*

#### Manager Review

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Oct 9, 19*

#### Recommended by the Division

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Oct 10, 19*

#### Financial Implications

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Oct 16, 19*

#### Recommended by the Department

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Oct 21, 19*

#### Recommended by the C.A.O.

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Oct 23, 19*

## Relationship to the Strategic Plan / Health Impact Assessment

The request to extend the approval for a draft plan of subdivision is an operational matter under the Planning Act to which the City is responding.

## **Report Summary**

The owner of the subject land has submitted a request to extend the draft plan of subdivision and rezoning approvals for the proposed Huneault subdivision in the community of Chelmsford (File 780-5/12005). The current draft plan comprises 283 lots for single residential use, one (1) block for R3-1 medium density use (Block A), two (2) park blocks (Blocks B & C), and two (2) blocks allocated for stormwater management (Blocks D & E).

Planning Services recommends that the request to amend the draft plan of subdivision be approved.

## **Financial Implications**

This subdivision was presented at the February 11, 2019 Planning Committee and the financial implications are similar to that report and are included below.

If approved, staff estimates approximately \$1.28 million in taxation revenue, based on the assumption of the 283 single detached dwelling units at an estimated assessed value of \$400,000 per dwelling unit at the 2019 property tax rates.

In addition, this would result in total development charges of approximately \$5 million based on assumption of 283 single detached dwelling units and based on the rates in effect as of the date of this meeting.

The financial implications for the one block of medium density use development are unable to be quantified as estimated number of units planned in this section of development are unknown at this time.

Once development has occurred and the subdivision infrastructure has been transferred to the City, there will be additional on-going costs for future annual maintenance and capital replacement of the related infrastructure (ie. roads, water/wastewater linear pipes, etc).

**Title: Vytis Lands (Kagawong) Ltd.**

**Date: October 8, 2019**

## **STAFF REPORT**

### **Background:**

The Huneault draft plan of subdivision received initial approval on December 12, 2013 (Recommendation PL2013-193). In May 2014, the draft plan was amended through a minor boundary adjustment that resulted in 11 fewer lots. The amended plan comprised 359 lots for single residential use and one (1) block for R3-1 medium density use, with the remaining blocks allocated for parkland and stormwater management.

In September 2018, the owner submitted a revised draft plan which further reduced the number of lots. The major changes to the draft plan include the following:

- Reduction in the number of R1 lots from 359 to 283;
- Revisions to the internal road network;
- Provision of public road frontage for the proposed parkland dedication (Block C).

Updated conditions were issued in March 2019 following the above noted draft plan amendment (attached for review). To date, no phases have been registered and the rezoning has not been finalized (survey required).

### **Departmental & Agency Comments:**

#### Development Engineering

Development Engineering has no objection to the three-year extension.

A partial submission of construction drawings was submitted for review in August 2015. A full submission for Phase 1 construction drawings was submitted in July 2016. No new submission has been received since the March 2019 amendment.

#### Traffic and Transportation

No concerns.

#### Building Services

No objections.

#### Conservation Sudbury (Nickel District Conservation Authority)

Conditions #17, 19, 25, 26 and 27 satisfy the requirements of Conservation Sudbury.

**Title: Vytis Lands (Kagawong) Ltd.**

**Date: October 8, 2019**

## **Summary:**

### Proposed amendments

There are no major revisions required to the conditions, as the draft plan was recently amended to accommodate a redesign of the subdivision, as described in the Background section of this report. The draft plan conditions were updated accordingly in March 2019. Commenting departments have no concerns related to the proposed extensions.

The zoning amendment can be brought forward once the final plan of survey is submitted.

### Official Plan

Section 20.4.2 of the Official Plan outlines that Council will not extend or recommend the extension of a draft plan approval, beyond the statutory limitation of three years, unless the owner has demonstrated to the satisfaction of Council that they are making a reasonable effort to proceed in meeting the conditions of draft approval. At the time of an extension request, Council is to review the draft plan conditions and may make appropriate modifications.

In this case, the owner just completed a major redesign of the subdivision plan, which required deferring the zoning amendment until the revised layout was approved. It is therefore recommended that the necessary extensions be granted in order for this development to proceed as planned.

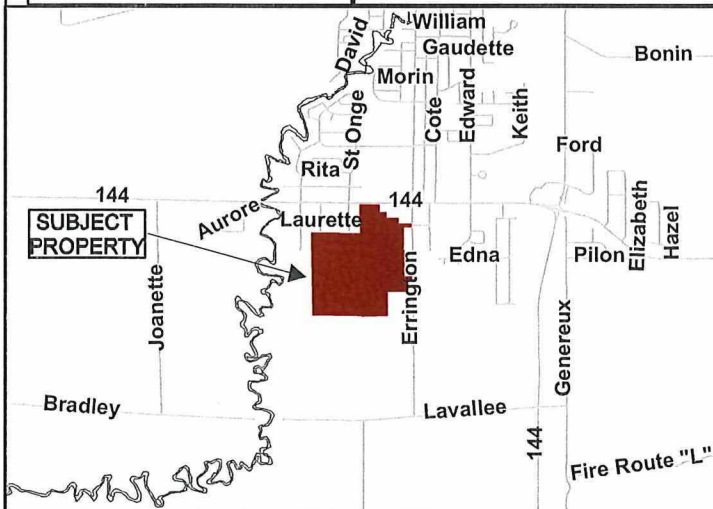
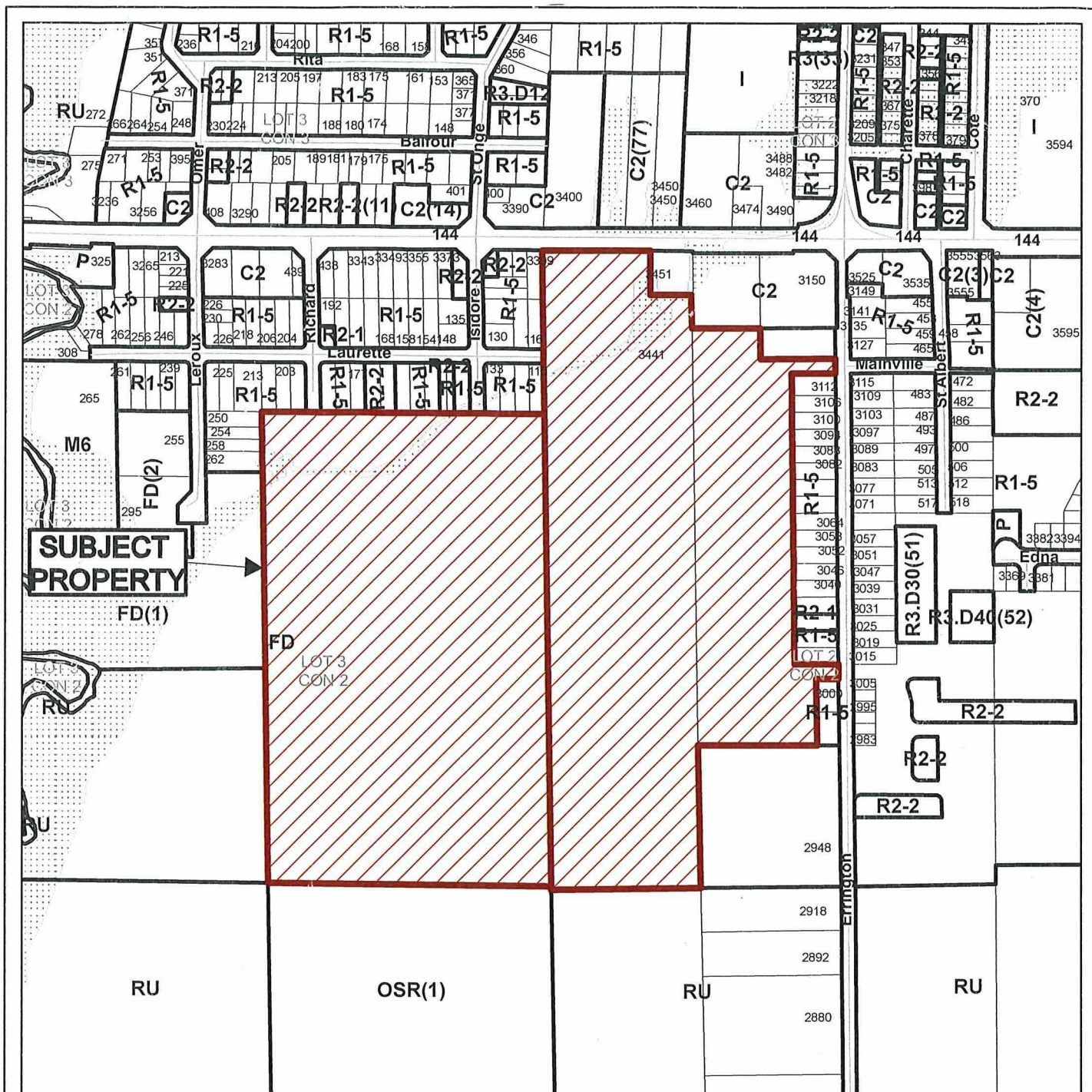
### 2014 Provincial Policy Statement (PPS) and 2011 Growth Plan for Northern Ontario (GPNO)

Under Section 1.1.3.6 of the PPS, new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. In this case, the subject lands form part of a designated growth area. The draft plan represents a logical extension of services to accommodate future residential development and is consistent with the phasing policies of the PPS. The plan also proposes a block zoned for medium density residential use, which is appropriately sited on the Primary Arterial Road.

Along with other major urban centres in Northern Ontario, Greater Sudbury is identified as an Economic and Service Hub. Policy 4.3.2 of the GPNO states that these identified municipalities should be designed to accommodate a significant portion of future population and employment growth in Northern Ontario.

The application is consistent with the relevant policies of the 2014 PPS and conforms to the 2011 GPNO.

Planning Services recommends that the request to extend draft plan of subdivision and rezoning approvals be approved subject to the conditions outlined in the Resolution section of this report.



## Growth and Development Department



Subject Property being Part of PINs 73348-0005 & 73348-0734, Lots 2 & 3, Concession 2, Township of Balfour, Highway 144, Chelmsford, City of Greater Sudbury

NTS  
Sketch 1

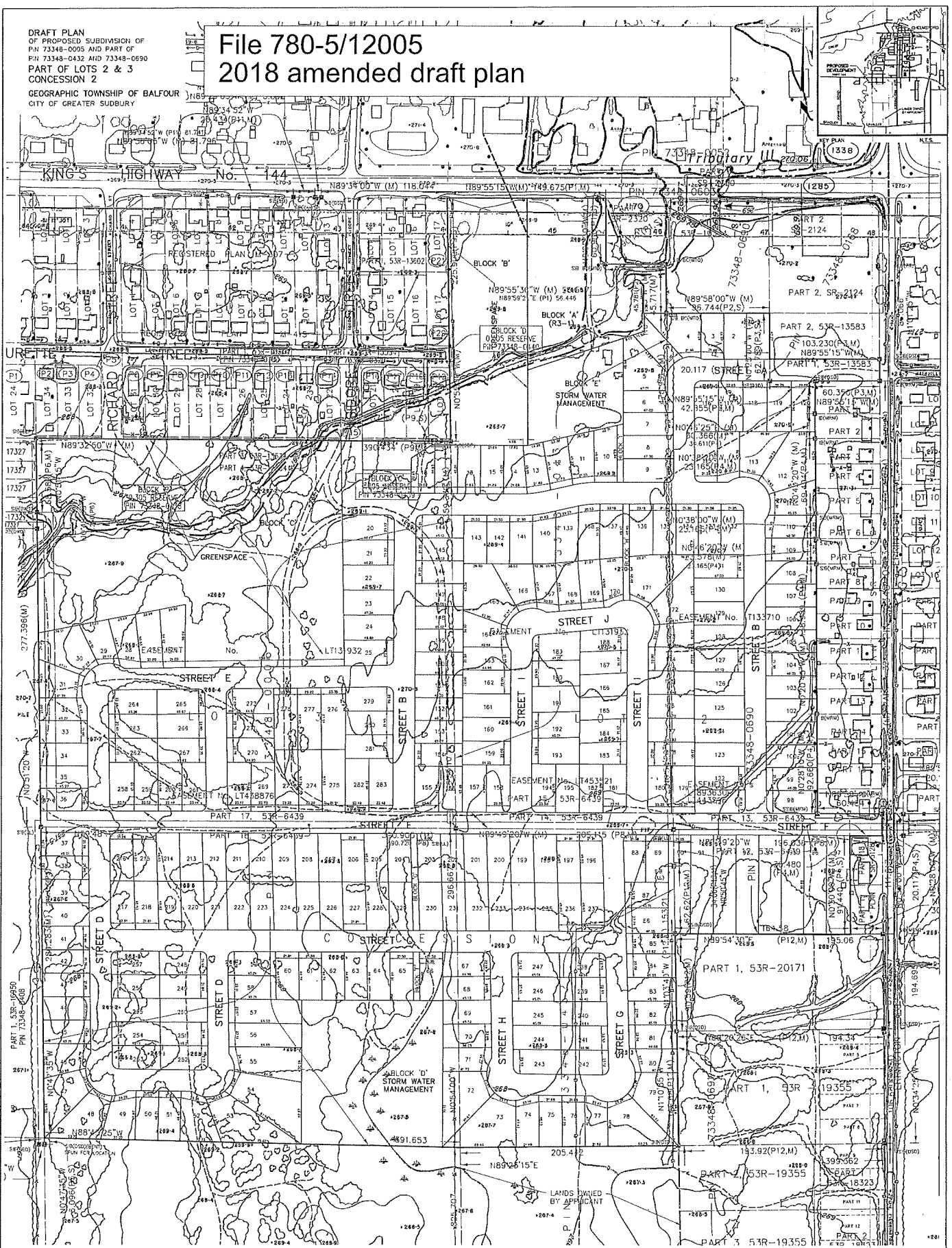
751-5/12-17 & 780-5/12005  
Date: 2016 07 22



DRAFT PLAN  
OF PROPOSED SUBDIVISION OF  
PIN 73348-0005 AND PART OF  
PIN 73348-0432 AND 73348-0690  
PART OF LOTS 2 & 3  
CONCESSION 2

GEOGRAPHIC TOWNSHIP OF BALFOUR  
CITY OF GREATER SUDBURY

# File 780-5/12005 2018 amended draft plan



**PREPARED BY:**  
TULLOCH & ASSOCIATES LTD.  
1000 SHEPPARD AVENUE EAST  
SUITE 100  
SCARBOROUGH, ONTARIO M1B 2Y1  
TEL: (416) 291-1111  
FAX: (416) 291-1112  
WWW.TULLOCH.COM

**DATE:**  
JANUARY 1, 2018

**PROJECT:**  
SUBDIVISION OF PIN 73348-0005 AND PART OF PIN 73348-0432 AND 73348-0690

**SCALE:**  
1" = 100'

**LEGEND:**  
B: BOUNDARY  
C: CONVEYANCE  
D: DRAINAGE  
E: EASEMENT  
F: FLOOD ZONE  
G: GREENSPACE  
H: HIGHWAY  
I: INFRASTRUCTURE  
J: JUNCTION  
K: KUTTING  
L: LOT  
M: MOUND  
N: NATURE  
O: OCEAN  
P: POND  
Q: QUARRY  
R: ROAD  
S: STREAM  
T: TOWN  
U: URBAN  
V: VILLAGE  
W: WOODLAND  
X: X-ROAD  
Y: Y-ROAD  
Z: Z-ROAD

**NOTES:**  
1. THIS PLAN IS A DRAFT AND IS NOT TO BE USED FOR CONSTRUCTION OR RECORDING.  
2. THE PLAN IS SUBJECT TO THE APPROVAL OF THE TOWNSHIP OF BALFOUR AND THE CITY OF GREATER SUDBURY.  
3. THE PLAN IS SUBJECT TO THE APPROVAL OF THE TOWNSHIP OF BALFOUR AND THE CITY OF GREATER SUDBURY.

**APPROVED BY:**  
TULLOCH & ASSOCIATES LTD.  
1000 SHEPPARD AVENUE EAST  
SUITE 100  
SCARBOROUGH, ONTARIO M1B 2Y1  
TEL: (416) 291-1111  
FAX: (416) 291-1112  
WWW.TULLOCH.COM

**DATE:**  
JANUARY 1, 2018

**PROJECT:**  
SUBDIVISION OF PIN 73348-0005 AND PART OF PIN 73348-0432 AND 73348-0690

**SCALE:**  
1" = 100'

**LEGEND:**  
B: BOUNDARY  
C: CONVEYANCE  
D: DRAINAGE  
E: EASEMENT  
F: FLOOD ZONE  
G: GREENSPACE  
H: HIGHWAY  
I: INFRASTRUCTURE  
J: JUNCTION  
K: KUTTING  
L: LOT  
M: MOUND  
N: NATURE  
O: OCEAN  
P: POND  
Q: QUARRY  
R: ROAD  
S: STREAM  
T: TOWN  
U: URBAN  
V: VILLAGE  
W: WOODLAND  
X: X-ROAD  
Y: Y-ROAD  
Z: Z-ROAD

**NOTES:**  
1. THIS PLAN IS A DRAFT AND IS NOT TO BE USED FOR CONSTRUCTION OR RECORDING.  
2. THE PLAN IS SUBJECT TO THE APPROVAL OF THE TOWNSHIP OF BALFOUR AND THE CITY OF GREATER SUDBURY.  
3. THE PLAN IS SUBJECT TO THE APPROVAL OF THE TOWNSHIP OF BALFOUR AND THE CITY OF GREATER SUDBURY.

**APPROVED BY:**  
TULLOCH & ASSOCIATES LTD.  
1000 SHEPPARD AVENUE EAST  
SUITE 100  
SCARBOROUGH, ONTARIO M1B 2Y1  
TEL: (416) 291-1111  
FAX: (416) 291-1112  
WWW.TULLOCH.COM

**DATE:**  
JANUARY 1, 2018

**PROJECT:**  
SUBDIVISION OF PIN 73348-0005 AND PART OF PIN 73348-0432 AND 73348-0690

**SCALE:**  
1" = 100'

**LEGEND:**  
B: BOUNDARY  
C: CONVEYANCE  
D: DRAINAGE  
E: EASEMENT  
F: FLOOD ZONE  
G: GREENSPACE  
H: HIGHWAY  
I: INFRASTRUCTURE  
J: JUNCTION  
K: KUTTING  
L: LOT  
M: MOUND  
N: NATURE  
O: OCEAN  
P: POND  
Q: QUARRY  
R: ROAD  
S: STREAM  
T: TOWN  
U: URBAN  
V: VILLAGE  
W: WOODLAND  
X: X-ROAD  
Y: Y-ROAD  
Z: Z-ROAD

**NOTES:**  
1. THIS PLAN IS A DRAFT AND IS NOT TO BE USED FOR CONSTRUCTION OR RECORDING.  
2. THE PLAN IS SUBJECT TO THE APPROVAL OF THE TOWNSHIP OF BALFOUR AND THE CITY OF GREATER SUDBURY.  
3. THE PLAN IS SUBJECT TO THE APPROVAL OF THE TOWNSHIP OF BALFOUR AND THE CITY OF GREATER SUDBURY.

**CITY COUNCIL'S CONDITIONS APPLYING TO THE APPROVAL OF THE FINAL PLAN FOR REGISTRATION OF THE SUBJECT SUBDIVISION ARE AS FOLLOWS:**

1. That this draft approval applies to the draft plan of subdivision of Part of PINs 73348-0005, 73348-0432 & 73348-0579 in Lots 2 & 3, Concession 2, Township of Balfour as shown on a plan of subdivision prepared by Terry Del Bosco, O.L.S., and dated November 28, 2012, as amended by a plan prepared by Terry Del Bosco, O.L.S., and dated August 15, 2018.
2. That the street(s) shall be named to the satisfaction of the Municipality.
3. That any dead-ends or open sides of road allowances created by this plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the Municipality and held in trust by the Municipality until required for future road allowances or the development of adjacent land.
4. That prior to the signing of the final plan, the Planning Services Division shall be advised by the Ontario Land Surveyor responsible for preparation of the final plan, that the lot areas, frontages and depths appearing on the final plan do not violate the requirements of the Restricted Area By-laws of the Municipality in effect at the time such plan is presented for approval.
5. That the subdivision agreement be registered by the Municipality against the land to which it applies, prior to any encumbrances.
6. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
7. That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City of Greater Sudbury, concerning the provision of roads, walkways, street lighting, sanitary sewers, watermains, storm sewers and surface drainage facilities.
8. That the subdivision agreement contain provisions whereby the owner agrees that all the requirements of the subdivision agreement including installation of required services be completed within 3 years after registration.
9. Draft approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Director of Planning Services is to be advised by the General Manager of Growth and Infrastructure that sufficient sewage treatment capacity and water capacity exist to service the development.
10. That this draft approval shall lapse on December 12, 2019.
11. The final plan shall be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Surveying and Mapping Services. The survey shall be referenced to NAD83(CSRS) with grid coordinates expressed in UTM Zone 17 projection and connected to two (2) nearby City of Greater Sudbury Control Network monuments. The survey plan must be



submitted in an AutoCAD compatible digital format. The submission shall be the final plan in content, form and format and properly geo-referenced

12. The owner shall be required to upgrade Errington Avenue from Street 'F' to Mainville Street, to an urban collector standard complete with a sidewalk along the west side. The owner shall contribute towards the improvement on a per lot basis, with the total amount paid prior to half of the subdivision (142 lots) being completed. The contribution per lot will be determined at the time of registration and it will be adjusted annually based on the CanaData Construction Cost Index.
13. The owner shall be required to contribute towards the cost of constructing a sidewalk along the west side of Errington Avenue north of Mainville Street to connect to Highway 144. As per the City's Cost Sharing Policy, the owner is responsible for 100 percent of the cost for the first 100 metres of sidewalk. The City will be responsible for 100 percent of the cost for the remaining 55 metres.
14. That the following conditions be addressed to the satisfaction of the Ministry of Transportation:
  - a) A Traffic Impact Study (TIS) prepared by a Registry, Appraisal and Qualification System (RAQS) qualified traffic consultant shall be submitted for Ministry review. The TIS must determine if the proposed subdivision will have any impacts in respect to the operational viability of the intersections of Errington Avenue, Isidore Street, Richard Street and Leroux Street with Highway 144;
  - b) A stormwater management report shall be submitted for the Ministry's review;
  - c) A 0.3 metre reserve shall be created in front of Blocks A & B and transferred to the Ministry; and,
  - d) The existing highway entrance located along Block A must be removed and the Ministry ROW re-instated to the Ministry's satisfaction.
15. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the Director of Planning Services and Conservation Sudbury, provide an updated geotechnical report prepared, signed, sealed, and dated by a geotechnical engineer licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the soils and groundwater conditions within the proposed development. Also, the report should include design information and recommend construction procedures for any proposed storm and sanitary sewers, stormwater management facilities, watermain, roads to a 20-year design life, the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations. Included in this report must be details regarding the removal of substandard soils (if any) and placement of engineered fill (if required) for the construction of homes. Also, the report must include an analysis illustrating how the groundwater table will be lowered to a level that will not cause problems to adjacent boundary housing and will, in conjunction with the subdivision grading plan, show that basements of new homes will not require extensive foundation drainage pumping. The geotechnical information on building foundations shall be to the satisfaction of the Chief

Building Official and Director of Planning Services. A soils caution agreement shall be registered on title, if required, to the satisfaction of the Chief Building Official and City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the agreement.

16. All streets will be constructed to an urban standard, including the required curbs and gutters.
17. The owner shall provide a detailed lot grading plan prepared, signed, sealed, and dated by a professional civil engineer with a valid certificate of authorization for the proposed lots as part of the submission of servicing plans. This plan must show finished grades around new houses, retaining walls, side yards, swales, slopes and lot corners. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties and show the stormwater overland flow path. The plan shall be submitted to the satisfaction of the Director of Planning Services and Conservation Sudbury. A lot grading agreement shall be registered on title, if required, to the satisfaction of the Director of Planning Services and the City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the agreement.
18. The owner agrees to provide the required soils report, water, sanitary sewer and lot grading master planning reports and plans to the Director of Planning Services prior to the submission of servicing plans for any phase of the subdivision.
19. The owner shall develop a siltation control plan for the subdivision construction period to the satisfaction of the Director of Planning Services and Conservation Sudbury.
20. Any streetlights required for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner.
21. As part of the submission of servicing plans, the owner shall have rear yard slope treatments designed by a geotechnical engineer licensed in the Province of Ontario incorporated into the lot grading plans if noted as required at locations required by the Director of Planning Services. Suitable provisions shall be incorporated into the Subdivision Agreement to ensure that the treatment is undertaken to the satisfaction of the Director of Planning Services.
22. The owner shall provide a utilities servicing plan showing the location of all utilities including City services, Greater Sudbury Hydro Plus or Hydro One, Bell, Union Gas, and Eastlink. This plan must be to the satisfaction of the Director of Planning Services and must be provided prior to construction for any individual phase.
23. The owner shall provide proof of sufficient fire flow in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing distribution system to service this subdivision will be borne totally by the owner.

24. The owner shall provide proof of sufficient sanitary sewer capacity in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing collection system to service this subdivision will be borne totally by the owner.
25. The owner shall be responsible to have a stormwater management report prepared to assess how the quality and quantity of stormwater will be managed for the subdivision development, in addition to the flows generated from upstream lands. The report shall establish how the quantity of stormwater generated within the subdivision will be controlled to pre-development levels for the 1:5, 1:100 and Regional Storm events. The owner shall be required to submit a comprehensive drainage plan of the subject property, and any upstream areas draining through the subdivision. The quality of the stormwater must meet an "enhanced" level of protection as defined by the Ontario Ministry of Environment. The plan shall be submitted to the satisfaction of the Director of Planning Services, Conservation Sudbury and the Ministry of Transportation. The Whitson River subwatershed study has commenced. The owner agrees to implement recommendations from the Whitson River subwatershed study into their subdivision design.
26. Development adjacent to natural watercourses located on Lots 66, 67 and 68, Lots 76 to 89, Lots 91 and 92, Lots 99 to 105, Lots 150 to 156, Lot 231, Lots 236 to 242, must be reviewed and approved to the satisfaction of the Conservation Sudbury. This requirement also applies to any other associated lots with this development which may not be listed above.
27. Development on Lots 1 to 19, Block A and Block B, adjacent to the realigned Whitson River - Tributary III, must be reviewed and approved by Conservation Sudbury. A Flood Plain Study will be required to the satisfaction of Conservation Sudbury in order to assess the impact of the realigned watercourse on the proposed lots, which may include adjusting the rear lot lines of Lots 1 to 19, Block A and Block B and to any properties upstream or downstream of this draft plan of subdivision to the satisfaction of Conservation Sudbury and the Director of Planning Services. Furthermore, the owner is required to design and construct a realigned channel through Block B to the satisfaction of Conservation Sudbury and the Director of Planning Services and in agreement with the findings of the Flood Plain Study.
28. That 5% of the land included in the plan of subdivision be dedicated to the City for parks purposes to the satisfaction of the City Solicitor in accordance with Section 51.1 (1) of the Planning Act. The final configuration of Block C shall be to the satisfaction of the Director of Leisure Services.
29. That Block B be transferred to the City for open space purposes.
30. That prior to the signing of the final plan for Lots 40-65, 298-301, 331-334 and 352-355, the owner shall undertake a Noise Study in relation to the sawmill operation located on abutting lands to the west (Parcel 2204 S.W.S.). The subdivision agreement, where warranted, shall contain provisions whereby the recommendations of the Noise Study relating to effected lots will be implemented to the satisfaction of the Director of Planning Services.

31. That prior to the signing of the final plan, the owner shall satisfy Canada Post with respect to mail delivery facilities for the site.
32. That prior to the signing of the final plan the Planning Services Division is to be advised by the City Solicitor that conditions 2, 3, 5, 6, 7, 8 & 29 have been complied with to his/her satisfaction.
33. Final approval for registration may be issued in phases to the satisfaction of the Director of Planning Services, provided that:
  - i) Phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure and other essential services; and,
  - ii) All agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
34. That the owner shall have completed all major outstanding infrastructure deficiencies that are critical to the overall function of the subdivision in previous phases of the plan that have been registered, or have made arrangements for their completion, prior to registering a new phase of the plan, to the satisfaction of the General Manager of Growth and Infrastructure.
35. The Castonguay Municipal Drains "A" and "C" are located on the subdivision lands. Drain "A" crosses through Lots 78 to lot 82. Drain "C" crosses through Lots 91, 92, 121, 122 and Lot 99 to Lot 105. The owner is responsible for the abandonment of the drains under Section 84 of the Drainage Act including notifications and engagement of an engineer pursuant to Section 84(3) to prepare a report on the condition of the municipal drain and recommendations thereof. The municipality would accept the abandoned municipal drain as a storm sewer thereby becoming a part of the Municipality's infrastructure.
36. That the road layout be revised as follows:
  - i) The offset intersections of Street I at Street F and Street G at Street F must be realigned to create one intersection; and,
  - ii) Street B must be realigned to provide a direct connection to Isidore Street."
37. That Street B, Street F and the extension of Isidore Street are to be designed to a Collector standard.

38. That Street F shall be required to include bicycle lanes to ultimately connect to the planned cycling route on Errington Avenue and with FD lands to the west of the proposed development. On-street parking shall be restricted on both sides of Street F. As part of the design of Street F, the owner shall be required to include traffic calming features.
39. That in accordance with Section 59(4) of the *Development Charges Act*, a notice of agreement shall be registered on title to ensure that persons who first purchase the subdivided land after registration of the plan of subdivision are informed, at the time the land is transferred, of all development charges related to development.

## Request for Decision

**A. Scott & Son Distributors Sudbury Ltd. –  
Application for Zoning By-law Amendment in  
order to remove a Holding Provision, 5715 Nickel  
Offset Road, Chelmsford**

Presented To:	Planning Committee
Presented:	Monday, Nov 04, 2019
Report Date	Friday, Oct 11, 2019
Type:	Routine Management Reports
File Number:	751-5/19-5

### Resolution

THAT the City of Greater Sudbury approves the application by A. Scott & Son Distributors Sudbury Ltd. to amend Zoning By-law 2010-100Z by changing the zoning classification on a portion of the subject lands from “H3RU”, Holding – Rural to “RU”, Rural on a portion of those lands described as PIN 73343-0274, Lot 5, Concession 2, Township of Morgan, as outlined in the report entitled “A. Scott & Son Distributors Sudbury Ltd.” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on November 4, 2019.

### Relationship to the Strategic Plan / Health Impact Assessment

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding.

### Report Summary

This report reviews an application for Zoning By-law Amendment intended to remove a holding provision related to lands adjacent to Provincially Significant Wetlands from a portion of the subject lands in order to facilitate the reconstruction of an indoor riding arena. The former indoor riding arena collapsed on March 15, 2019 and the owner has proposed to rebuild the new indoor riding arena in a different location on the lands. Staff has circulated the application to Building Services, Conservation Sudbury and the City’s Environmental Planning Initiatives Section and no concerns with respect to lifting the holding provision in order to accommodate the reconstruction of the indoor riding arena were identified. It is on this basis that the Planning Services Division is recommending that the application be approved.

### Financial Implications

#### Signed By

##### **Report Prepared By**

Glen Ferguson  
Senior Planner  
*Digitally Signed Oct 11, 19*

##### **Manager Review**

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Oct 11, 19*

##### **Recommended by the Division**

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Oct 11, 19*

##### **Financial Implications**

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Oct 16, 19*

##### **Recommended by the Department**

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Oct 21, 19*

##### **Recommended by the C.A.O.**

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Oct 23, 19*

This report has no financial implications as it relates to a reconstruction of an existing building that collapsed earlier this year.



**Date: October 8, 2019**

## **STAFF REPORT**

### **PROPOSAL:**

The application for the Zoning By-law Amendment seeks to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification on a south-easterly portion of the subject lands from “H3RU”, Holding – Rural to “RU”, Rural.

The application is intended to remove a holding provision related to lands adjacent to a Provincially Significant Wetland in order to facilitate the reconstruction of an indoor riding arena in a different location on a south-easterly portion of the subject lands. The former indoor riding arena collapsed and the owner is proposing to rebuild. The owner has not indicated to staff that any other new buildings or structures are being proposed at this time.

The owner has submitted a Concept Plan and Elevation Plans in support of the proposed rezoning that would removing the “H3” holding provision from the lands in order to facilitate the development of a new indoor riding arena in a different location and configuration on the subject lands.

### **Existing Zoning:** “H3RU”, Holding – Rural

The “RU” Zone generally permits a single-detached dwelling, mobile home dwelling, bed and breakfast establishment, group home type 1, seasonal dwelling, private cabin and private home daycare. Permitted non-residential uses generally include an agricultural use, animal shelter, forestry use, hunting or fishing camp, garden nursery, kennel, public utility and veterinary clinic. The minimum lot area for lands zoned “RU” is 2 ha (5 acres) along with a minimum lot frontage requirement of 90 m (300 ft).

The “H3” holding provision under Part 13 – Holding Provisions of the Zoning By-law applies to lands adjacent to Provincially Significant Wetlands (PSW) and until such time as an “H3” holding provision has been removed only the replacement, alteration, and reconstruction of legal existing non-conforming buildings and structures are permitted. Expansions to legal existing buildings and structures are also permitted where an “H3” is in place provided that any addition does not comprise more than 50% of the gross floor area of the building or structure that existed on the date that the “H3” holding provision came into effect. In addition, new buildings and structures having a maximum gross floor area of 38 m<sup>2</sup> (409.03 ft<sup>2</sup>) may be constructed that are accessory to a legally existing permitted use, but this shall not include a garden suite.

The “H3” holding provision may be removed from lands if a development permit or exemption from Conservation Sudbury has been obtained, an approval has been obtained from the Sudbury District Health Unit (SDHU) and provided that it has been demonstrated that the proposed development will not have a negative impact on the PSW and its associated ecological functions.

### **Requested Zoning:** “RU”, Rural

The application is intended to remove a holding provision (ie. H3) from the lands in order to facilitate the reconstruction of an indoor riding arena in a different location on a south-easterly portion of the subject lands. The former indoor riding arena collapsed and the owner is proposing to rebuild. No other new buildings or structures are proposed.

**Location and Site Description:**

The subject lands are located on the north side of Nickel Offset Road and to the north of Morgan Road in the community of Chelmsford. The lands have a total lot area of approximately 83 ha (289 acres) with approximately 740 m (2,427.82 ft) of lot frontage onto Nickel Offset Road. The indoor riding arena which collapsed was located on a south-easterly portion of the lands where Nickel Offset Road turns north toward Fire Route “B” and Watson’s Lake, which is depicted on the location and zoning map attached to this report. The lands also contain a number of other buildings accessory to the indoor riding arena, such as equipment and storage sheds, stables, a camp kitchen and washrooms. There are also a number of cleared areas used for paddocks and riding rings. The Vermilion River is located to the south-east of the subject lands and is an identified PSW.

Surrounding uses are agricultural and rural residential in nature with the predominant residential built-form being that of single-detached dwellings. There are also a number of large and vacant rural lots in the area on both sides of Nickel Offset Road. The vacant lots in the area are generally well vegetated.

**Surrounding Land Uses:**

- |        |  |
|--------|--|
| North: | Large vacant and well vegetated rural lands zoned for mining industrial purposes.                        |
| East:  | Large vacant rural lots along with limited rural residential uses located along the Vermilion River PSW. |
| South: | Rural residential, agricultural uses, vacant rural and agricultural lands, and the Vermilion River PSW.  |
| West:  | Rural residential and agricultural uses.   |

The existing zoning and location map attached to this report indicates the location of the subject lands to be rezoned through the removal of the holding provision, as well as the applicable zoning in the immediate area.

**Public Consultation:**

There is no statutory public notice requirement for the removal of a holding provision under Section 36 of the [Planning Act, R.S.O. 1990, c.P.13](#). There is also no statutory requirement to hold a public hearing with respect to the removal of a holding provision.

The owner was advised of the City’s policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the applications prior to the public hearing. Staff understands that the owner intended to consult with their most immediate neighbours to inform them that they would be applying to remove the “H3” holding provision in order to facilitate the reconstruction of the indoor riding arena in a different location and configuration on the lands. At the time of writing this report, no phone calls, emails or letter submissions with respect to the removal of the “H3” holding provision on the lands have been received by the Planning Services Division.

**Title: A. Scott & Son Distributors Sudbury Ltd.**

**Date: October 8, 2019**

## **POLICY AND REGULATORY FRAMEWORK:**

The property is subject to the following policy and regulatory framework:

- [2014 Provincial Policy Statement \(PPS\)](#);
- [2011 Growth Plan for Northern Ontario](#);
- [Official Plan for the City of Greater Sudbury](#); and,
- [Zoning By-law 2010-100Z](#).

The PPS and the Growth Plan for Northern Ontario, along with the City's Official Plan, provide a policy framework for land use planning and development in the City of Greater Sudbury. This framework is implemented through a range of land use planning controls such as, but not limited to, zoning by-laws, plans of subdivision and site plans. Holding provisions are a form of land use planning control permitted under Section 37 of the Planning Act, which permits a municipality to restrict the use of lands, buildings and/or structures until such time as certain conditions are met for the further development of a property.

### **2014 Provincial Policy Statement**

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the 2014 Provincial Policy Statement (PPS). The following PPS policies are applicable to this application for rezoning:

1. Section 2.1.5 states that development and site alteration is not permitted within a significant wetland unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions;
2. Section 2.1.7 states that development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements; and,
3. Section 2.1.8 states that development and site alteration shall not be permitted on adjacent lands to a natural heritage feature or area identified under Section 2.1.5 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural heritage feature or their ecological function.

### **Growth Plan for Northern Ontario**

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform with the Growth Plan for Northern Ontario. Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and are satisfied that the application to rezone the lands by removing a holding provision related to a PSW conforms to and does not conflict with the Growth Plan for Northern Ontario.

### **Official Plan for the City of Greater Sudbury**

The subject lands are designated both Rural and Parks & Open Space in the Official Plan for the City of Greater Sudbury.

Rural Areas contain a variety of land uses, such as farms, woodlots and forests, small industry, and clusters of rural residential development. Permitted uses within the Rural designation include residential uses, agricultural uses, conservation, open space and natural resource management activities, mineral exploration, rural industrial/commercial uses, resort and shoreline commercial uses, and public uses including hydroelectric generation and associated facilities.

**Title: A. Scott & Son Distributors Sudbury Ltd.**

**Date: October 8, 2019**

Parks and Open Spaces Areas held in private ownership form an integral part of the open space network in the City of Greater Sudbury. The protection of privately owned Parks and Open Space lands are encouraged. Private lands designated Parks and Open Space primarily consist of lands with natural hazards that are not suitable for development, lands which are difficult and uneconomical to develop and service, lands intended be left undeveloped to serve as buffers between mining and heavy industrial areas and built-up areas, hydro corridors and lands occupied by private outdoor recreational facilities (eg. golf courses). Permitted uses within the Parks and Open Space designation include conservation, passive and active recreational uses, agriculture, forestry or other activities where buildings are incidental to these uses. It is not the intent of the City to purchase privately owned Parks and Open Space lands unless said lands could be integrated into the public open space network.

The City's Official Plan also includes policies under Section 19.5.4 with respect to the use of holding provisions. Specifically, the City may utilize holding provisions to specify the use to which lands, buildings, or structures may be put to in the future provided that, in this case, the holding provision is used where environmental conditions or constraints temporarily preclude development or redevelopment and where studies have not yet been approved by the City. Holding provisions may specify the interim land uses to be permitted, the conditions for removing a holding provision and any regulations or restrictions applying to the lands during the time in which the holding provision is in place. When a holding provision is to be removed from lands an amending zoning by-law is to be adopted by Council when all conditions set out in the holding provision have been satisfied.

#### **Zoning By-law 2010-100Z:**

The owner is requesting that the "H3" holding provision applicable on a south-easterly portion of the subject lands be removed in order to allow for the construction of an indoor riding arena in the same general location, but differently configured in comparison to a former indoor riding area which recently collapsed on the lands. The owner is not proposing any further site-specific relief beyond the removal of the holding provision. The owner is also not intending to change those uses permitted and/or alter any of the development standards in the parent "RU" Zone. The development standards for the "RU" Zone with respect to minimum lot area, minimum lot frontage and minimum yard setbacks, would otherwise continue to be applicable.

#### **Department/Agency Review:**

The application including relevant accompanying materials has been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the application and to formulate appropriate development standards (if required) in an amending zoning by-law should the application to remove the holding provision on a portion of the lands be approved.

During the review of the proposal, comments provided by circulated agencies and departments included the following:

Building Services has no concerns with the application to remove the holding provision on a portion of the subject lands.

**Date: October 8, 2019**

Conservation Sudbury has noted that a portion of the subject lands are within a regulated area. Conservation Sudbury has no objections to the removal of the holding provision as the new indoor riding arena is to be constructed in the same general location as the former indoor riding arena which recently collapsed. The lifting of the holding provision should be for the reconstruction of the new indoor riding arena only. Any development within regulated areas located on the subject lands will require approval from Conservation Sudbury prior to commencing any works.

Development Engineering has indicated that the lands are not presently serviced with municipal water or sanitary sewer infrastructure.

Environmental Planning Initiatives has provided comments that based on their review of the application that they have no environmental concerns with respect to the application.

### **PLANNING ANALYSIS:**

The 2014 PPS, the 2011 Growth Plan, and the City of Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the application in respect of the applicable policies, including issues raised through agency and department circulation.

The proposed rezoning to remove the “H3” holding provision is consistent with the PPS for the following reasons:

1. The application was circulated to Conservation Sudbury and the City’s Environmental Planning Initiatives Section and no concerns with respect to any negative impacts on the Vermilion River PSW and its ecological functions were identified should the indoor riding arena be permitted to be constructed in generally the same location as the former indoor riding arena which collapsed in March 2019;
2. No issues with respect to development and site alteration that would negatively impact any endangered or threatened species within the Vermilion River PSW were identified in the circulation of the application. Staff notes that the proposed new indoor riding arena is physically separated and buffered from the PSW by a yard setback to the lot line and the Nickel Offset Road right-of-way and across the paved road surface and opposite from the Vermilion River itself. The proposed new indoor riding arena would also be replacing an existing indoor riding arena building which collapsed in March 2019; and,
3. The lands are adjacent to an identified PSW and staff is satisfied that given the site context that no negative impacts on the ecological functioning of the natural heritage feature being that of the Vermilion River PSW would result should the holding provision be lifted in order to facilitate the development of an indoor riding arena in place of a former indoor riding arena which collapsed in March 2019.

Staff in general has no concerns with respect to the proposed removal of the “H3” holding provision conforming to the applicable policies in the Official Plan for the City of Greater Sudbury. Staff is satisfied that the owner has demonstrated that those policies relevant to the removal of the “H3” holding provision in order to facilitate the reconstruction of an indoor riding arena in a different location on a south-easterly portion of the subject lands have been satisfied. The application was circulated to Conservation Sudbury, the SDHU and the City’s Environmental Planning Initiatives Section. In each case, no concerns were raised by these relevant agencies and departments. The intended use of the lands as an indoor riding arena is also considered to be a permitted use within the Rural land use designation. The location of the indoor riding arena is physically separated and buffered by Nickel Offset Road and it is on the opposite

**Date: October 8, 2019**

side of said road where the applicable Parks & Open Space portions of the current land holding is located. Staff is satisfied that no areas of non-conformity with respect to the development proposal would be introduced should the “H3” holding provision be removed from the subject lands. Staff is therefore of the opinion that the application to remove the “H3” holding provision from the subject lands conforms to the Official Plan for the City of Greater Sudbury.

The owner is requesting that the “H3” holding provision applicable to the lands be removed entirely. This would result in an amending zoning by-law changing the zoning classification of the subject lands from “H3RU”, Holding – Rural to “RU”, Rural. Staff has no concerns with the requested zone category. Staff would however note and caution the owner that in order to ensure the continued and longer term protection of the Vermilion PSW that the “H3” holding provision may be placed back on the lands in the future. The removal of the holding provision therefore can be viewed as temporary in nature and said removal is intended only to facilitate the construction of the indoor riding arena that is depicted on the submitted sketches.

### **CONCLUSION:**

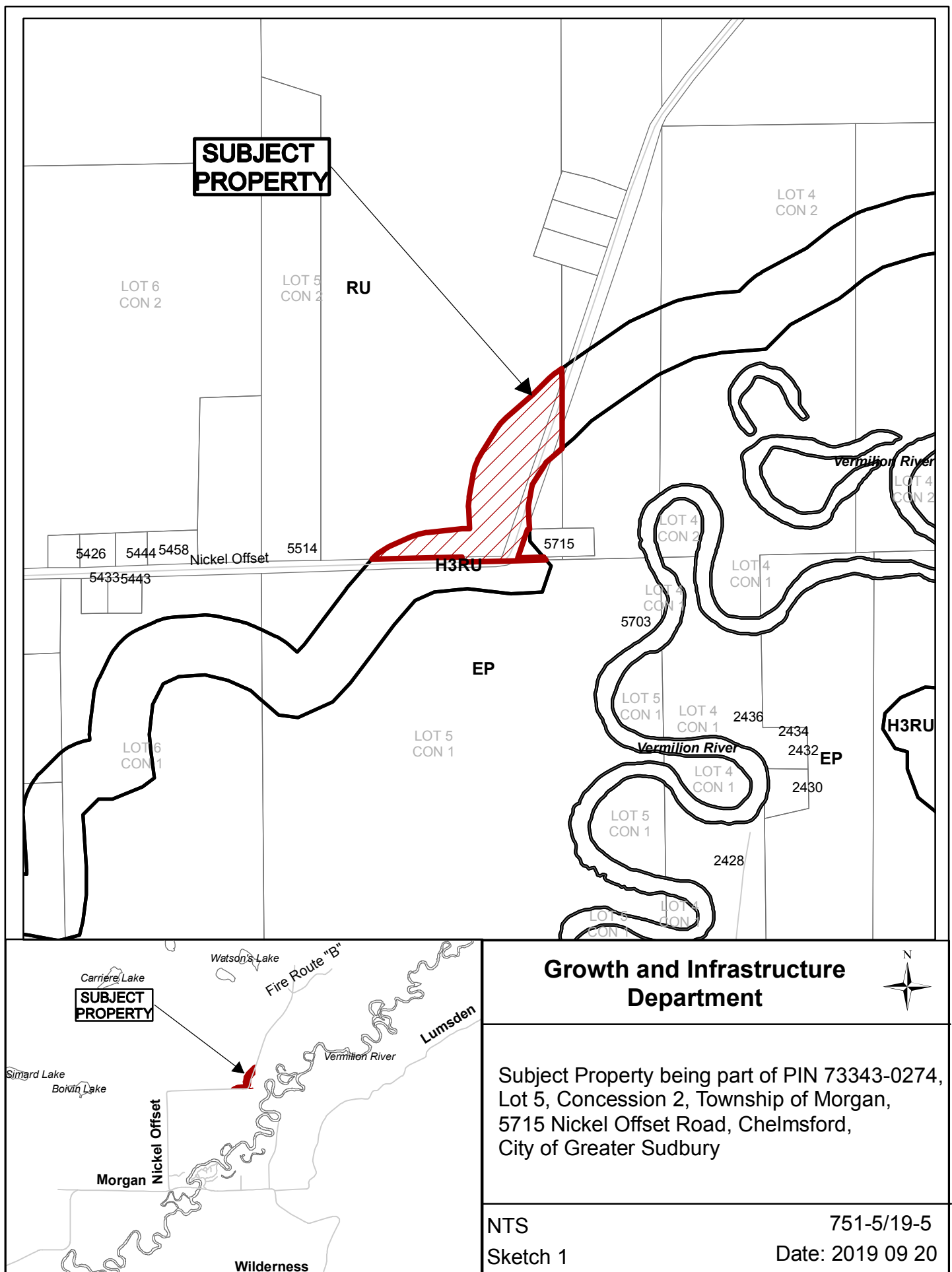
The removal of the “H3” holding provision is intended to facilitate the reconstruction of an indoor riding arena in a different location on a south-easterly portion of the subject lands. The former indoor riding arena collapsed and the owner is proposing to rebuild. No other new buildings or structures are proposed. Staff has reviewed the development proposal to remove the “H3” holding provision on a portion of the lands and is satisfied that it conforms with the Official Plan for the City of Greater Sudbury. The development proposal is also generally consistent with the land use planning policy directions identified in the PPS. The application was circulated to appropriate agencies and departments in order to determine that no negative impacts on the Vermilion River PSW would occur should the reconstruction of the indoor riding arena be permitted and no concerns were identified. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario.

The following are the principles of the proposed site-specific amending zoning by-law:

- That the “H3” holding provision is to be removed from the lands in order to facilitate development of an indoor riding arena on a south-easterly portion of the subject lands; and,
- That Part 13 – Section 13.3, Table 13.1 be amended accordingly to remove the “H3” holding provision from the subject lands as identified in this report.

The Planning Services Division therefore recommends that the application to remove the “H3” holding provision from the subject lands in order to facilitate construction of an indoor riding arena be approved in accordance with the resolution section of this report.

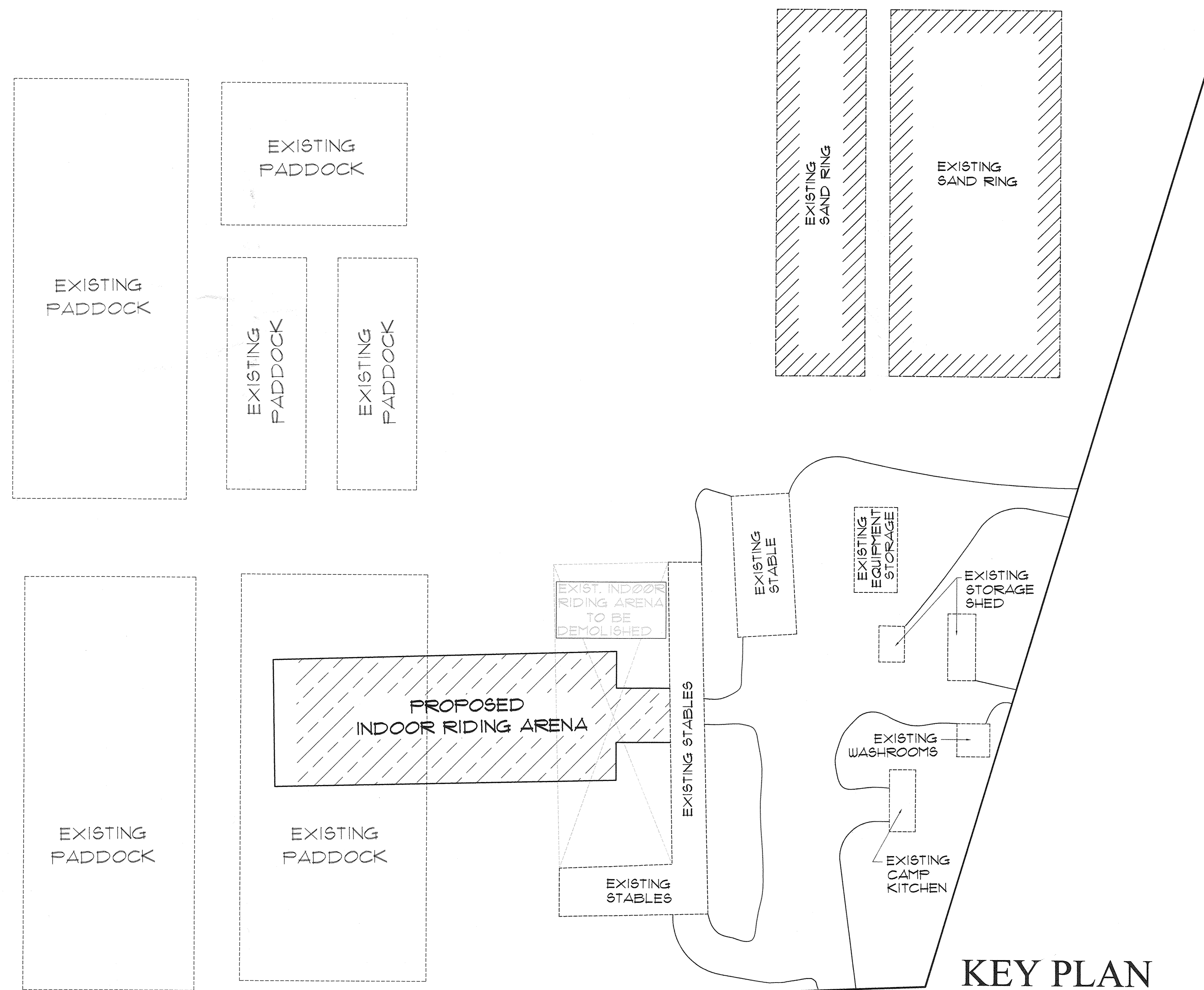
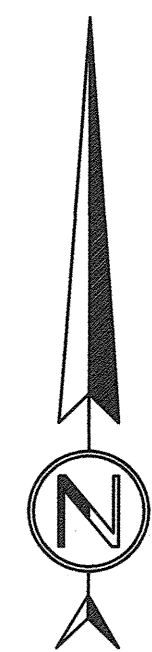




# FOOTHILLS FARM

## PROPOSED INDOOR RIDING RING

### 5715 NICKEL OFFSET RD., CHELMSFORD , ONTARIO



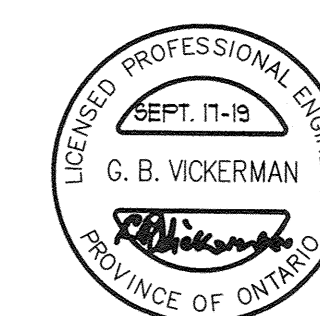
KEY PLAN

#### LIST OF DRAWINGS:

C-100	PROJECT INFORMATION KEY PLAN
D6-100	FOUNDATION PLAN & DETAILS
D6-101	FLOOR PLAN
D6-102	ROOF FRAMING PLAN
D6-103	ELEVATIONS
D6-104	SECTIONAL ELEVATIONS & TYPICAL DETAILS
N-100	SPECIFICATION & NOTES

#### BUILDING INFORMATION:

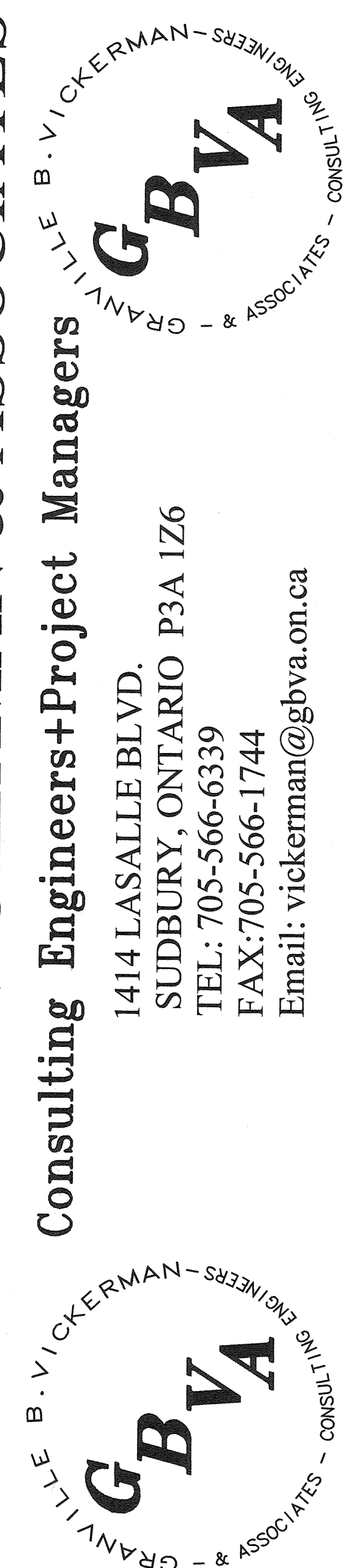
GROSS FLOOR AREAS (SQ. FT.)	
RIDING RING	17,653.6
SUPPORT AREA	2,405.0
TOTAL	20,058.6



**GRANVILLE B. VICKERMAN & ASSOCIATES**

Consulting Engineers+Project Managers

1414 LASALLE BLVD.  
SUDBURY, ONTARIO P3A 1Z6  
TEL: 705-566-6339  
FAX: 705-566-1744  
Email: vickerman@gbva.on.ca



SCALE  
As shown  
DATED  
SEPT. 2019  
DRAWN BY:  
TE/GBV

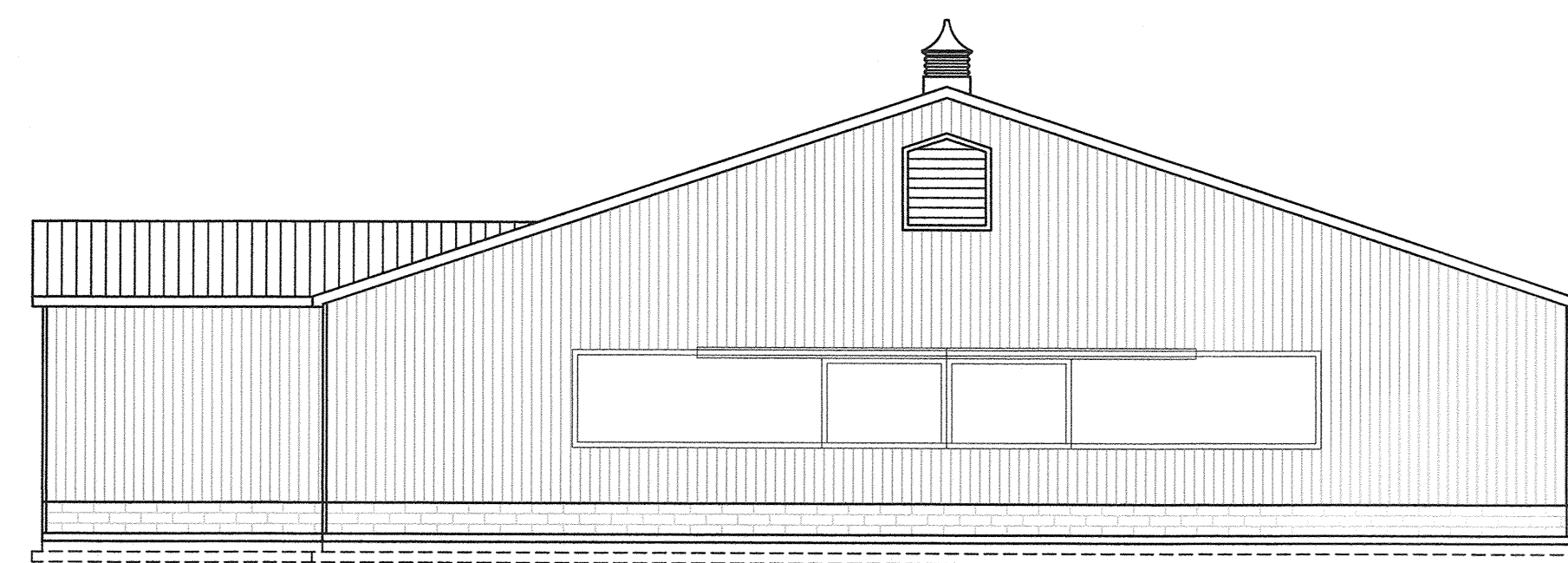
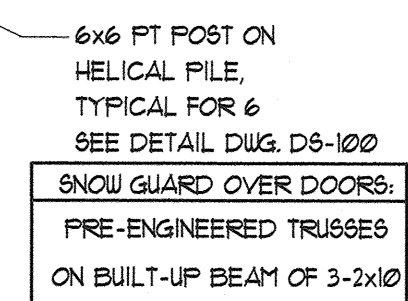
DWG. No.  
**C-100**

RECEIVED

SEP 19 2019

BUILDING SERVICES





A line drawing of a house with a gabled roof. On the left side of the roof, there is a chimney. The front facade features a small gabled porch in the center, flanked by two windows on the left and a dashed rectangular outline in the center. To the right of the main house, there is an attached section with vertical siding and a horizontal line indicating a different level or feature.

A circular professional seal for a Licensed Professional Engineer in the Province of Ontario. The seal contains the text "LICENSED PROFESSIONAL ENGINEER" at the top and "PROVINCE OF ONTARIO" at the bottom. In the center, the name "G. S. Y. GHERMAN" is printed. Overlaid on the seal is a handwritten signature and the license number "17119".

of 145

## For Information Only

### Review of Location & Design Preferences for Antenna Systems – City of Greater Sudbury Radio-communication and Broadcasting Antenna System Public Consultation Protocol

Presented To:	Planning Committee
Presented:	Monday, Nov 04, 2019
Report Date	Friday, Oct 11, 2019
Type:	Correspondence for Information Only

## Resolution

For Information Only

## Relationship to the Strategic Plan / Health Impact Assessment

The City's Strategic Plan under Section 4 states Council's desire to "prepare the ground" for economic growth throughout the community. This is to be achieved in part through investment in resources and collaboration with other public sector agencies and senior levels of government. This enables the City to advance initiatives and sustain a great quality of life and increase capacities to respond to new opportunities. Section 4.4 specifically notes that the City intends to invest in transformative facilities, spaces and infrastructure initiatives that support economic activity. In particular, with the anticipated launch of the 5G network infrastructure across North America there are a number of Proponents taking action now to not only continue to provide a high quality wireless infrastructure network which exists now, but also to ensure that this 5G wireless technology will be readily available in the City of Greater Sudbury.

## Report Summary

This report responds to the Planning Committee's direction and provides further information on the location and design preferences included within the City's Radio-communication and Broadcasting Antenna System Public Consultation Protocol. Subject to any feedback that the Planning Committee may have, staff recommends that the two previously deferred applications for public consultation be brought forward to the next available meeting of the Planning Committee in order to issue a position of concurrence or non-concurrence to ISED, the federal government agency responsible for issuing licenses to Proponents for Antenna System installations.

### Signed By

#### Report Prepared By

Glen Ferguson  
Senior Planner  
*Digitally Signed Oct 11, 19*

#### Manager Review

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Oct 11, 19*

#### Recommended by the Division

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Oct 15, 19*

#### Financial Implications

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Oct 16, 19*

#### Recommended by the Department

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Oct 21, 19*

#### Recommended by the C.A.O.

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Oct 23, 19*

## **Financial Implications**

This report has no financial implications.



Date October 4, 2019

## **STAFF REPORT**

### **Background:**

The adopted and in-force City Protocol for consulting the public on proposed Antenna Systems came into effect on June 28, 2016, when Council ratified the resolutions of the May 30, 2016, meeting of the Planning Committee which recommended approval of the updated [City of Greater Sudbury Radio-communication and Broadcasting Antenna System Public Consultation Protocol](#). The City's public consultation Protocol for proposed Antenna Systems is modeled upon the [Joint Antenna System Siting Protocol \(JASSP\)](#) that was released and endorsed on February 20, 2013, by the Federation of Canadian Municipalities (FCM) and the Canadian Wireless Telecommunication Association (CWTA). The approved City Protocol is also generally keeping with Innovation, Science and Economic Development Canada's (ISED) [Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular \(CPC-2-0-03\)](#) along with ISED's [Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols](#). The City's Protocol was also circulated to ISED prior to adoption by Council and no concerns were expressed with respect to how the Protocol was structured in order to balance the need for wireless infrastructure against the need to achieve good land use planning outcomes.

Staff also brought forward the first housekeeping amendment report to the Planning Committee on March 4, 2019 and Council ratified the updates to the City's Protocol on April 9, 2019. The first housekeeping amendments to the Protocol clarified the definition of "Height" and how it is to be measured, that pre-consultation be required on all private residential Antenna System installations to determine if public consultation is required (and to what degree), and to clarify in Section 4.3 that the Designated Municipal Officer (DMO) has the flexibility to determine when site-specific circumstances warrant further exemptions from the City's Protocol. Staff remains committed to monitoring the radio-communication and broadcasting industry and responding to changes in a timely manner where necessary.

Staff has most recently prepared two reports for Planning Committee's consideration (Files # 705/19-8 & 705/19-11) and both were deferred pending a review of location and design preferences and opportunities that may exist to improve on Antenna System land use planning outcomes. Planning Committee directed staff at their meeting on September 9, 2019, to complete a review of location and design preferences that are at present included under Section 6 – Development Guidelines of the City's Protocol. Staff has since completed a review of the existing Protocol's location and design preferences and are bringing forward this report for Planning Committee's consideration.

Attached to this report for reference purposes is a copy of the most recent housekeeping update to the City's Protocol and a copy of both the existing and in-force City Protocol and the FCM/CWTA JASSP on which the City's Protocol was modeled.

### **Location & Design Preferences:**

Ground-based Antenna Systems are a necessary physical infrastructure that is required to deliver wireless services to residents living in all parts of the City and as such, there is no "one size fits all" approach to the shape or the size or the general appearance of any one proposed Antenna System. The City's Protocol acknowledges this and has established location and design preferences under Section 6.0 of the Protocol that provide Proponents and staff with a general set of preferences that are looked at on a site-specific basis and balanced against the City's desire to achieve the best possible land use planning outcome whenever an Antenna System is proposed in any one particular local setting.



Date October 4, 2019

Proponents are also required to hold a pre-consultation with the City prior to making an application for public consultation and in each case an information package is provided to a Proponent ahead of a formal application. Each information package identifies any site-specific location and design preferences that may impact the best possible land use planning outcome for a proposed Antenna System installation. These location and design preferences are general in nature and provide staff and Proponents with guidance in ensuring that each ground-based Antenna System is reviewed within its local context with the goal being to assure said Antenna System is integrated into the local setting as best as possible from a land use planning perspective.

In summary, the City's Protocol has identified the following location and design preferences and considers each on their own merits at both the pre-consultation and formal public consultation application stages:

1. Co-Location

The City's Protocol encourages co-location and the sharing of physical infrastructure in order to minimize the number of ground-based Antenna Systems that are required in order to deliver wireless services to residents. During pre-consultation, a Proponent is required to provide staff with radio-frequency coverage mapping and to provide information with respect to nearby Antenna Systems and whether or not the proposed new Antenna System is capable of accommodating additional radio-communication and broadcasting infrastructure in the future. At the same time, given that no two sites are the same, the Protocol acknowledges that co-location may sometimes not be desirable if it is more appropriate and important from a land use planning perspective to minimize the visual impact of an Antenna System (eg. utilizing a painted white mono-pole design in urban areas such as a commercial mall site, as opposed to larger and taller tower designs that would be able to accommodate more physical infrastructure).

2. Preferred Locations

- a) Areas which maximize the distance from a Residential Area;
- b) Agricultural, Commercial Areas, Industrial and Rural Areas;
- c) Mounted on buildings or existing structures within areas designated Downtown, Mixed Use Commercial and Regional Centre in the Official Plan for the City of Greater Sudbury;
- d) Areas that respect public views and vistas of important natural and/or man-made features;
- e) Transportation and utility corridors;
- f) As near as possible to similarly-scaled structures;
- g) Institutional uses where appropriate, including but not limited to those institutions which require radio communication and/or broadcasting technology;
- h) Adjacent to parks, green spaces and golf courses;
- i) Located in a manner that does not adversely impact view corridors; and,
- j) Other non-residential areas where appropriate.

Date October 4, 2019

### 3. Discouraged Locations

- a) Locations directly in front of doors, windows, balconies or residential frontages;
- b) Ecologically significant natural lands;
- c) Inappropriate sites located within Parks and Open Space Areas with the exception of sites zoned to permit utilities and/or unless designed to interact with the area's character;
- d) Designated structures or heritage conservation districts under the Heritage Act, R.S.O. 1990 unless visibly unobtrusive or the design of the Antenna System forms an integrated part of the structure's overall design; and,
- e) Pitched roofs.

### 4. Design Preferences

The City's Protocol includes a statement that Antenna Systems should be designed in terms of appearance and aesthetics to respect their immediate surroundings, including being unobtrusive and inconspicuous, minimizing visual impact, avoiding disturbance to natural features and reduce the need for future facilities in the same area, where appropriate. Each site again is reviewed specifically in relation to the stated general design preferences that are included in the City's Protocol.

### 5. Style and Colour

- a) The architectural style of the Antenna System should be compatible with the surrounding neighbourhood and adjacent uses;
- b) An Antenna System may be designed or combined as a landmark feature to resemble features found in the area, such as a flag-pole or clock-tower, where appropriate subject to any zoning approvals required for the landmark feature;
- c) In the Downtown and Regional Centre designations, the design of Antenna Systems should generally be unobtrusive and consistent with any applicable urban design policy guidelines;
- d) Towers and communication equipment should have a non-reflective surface;
- e) Cable trays should generally not be located on the exterior faces of buildings; and,
- f) Antenna Systems that extend above the top of a supporting utility pole or light standard should appear to be a natural extension of the pole.

### 6. Buffering and Screening

- a) Antenna Systems and associated equipment shelters should be attractively designed or screened and concealed from ground level or other public views to mitigate visual impacts; and,
- b) Where adjacent to a principal building, equipment shelters should be constructed of a material or colour similar in appearance to the facades of the principal building.

Date October 4, 2019

## 7. Structure

- a) Single operator loaded towers (ie. Mono-poles) are generally unobtrusive and of low impact and may therefore be located near living areas;
- b) Individual wall-mounted antennas should be fixed as close to the wall as possible and should not project above the Height of the wall face they are mounted on, in order to avoid visual clutter and should be painted to match the colour for stealth design purposes;
- c) Facilities located on roof-tops should not be visible to the extent possible from directly abutting streets;
- d) The appropriate type of antenna structure for each situation should be selected based upon the goal of making best efforts to blend with the nearby surroundings and minimize the visual aesthetic impacts of the antenna structure on the community;
- e) Pinwheel antennas are generally discouraged; and,
- f) The use of guy wires and cables to steady, support or reinforce a tower is generally discouraged.

## 8. Yards, Parking and Access

- a) Adequate yards to be determined on a site-by-site basis should separate Antenna Systems from adjacent development without unduly affecting the development potential of the lot; and,
- b) Parking spaces where provided at each new Antenna System site should have direct access to a public right-of-way at a private driveway that does not unduly interfere with traffic flow or create safety hazards.

## 9. Equipment Cabinets in Public Spaces

- a) Cabinets shall be designed in a manner which integrates them into their surroundings, including use of decorative wraps that are graffiti-resistant;
- b) Cabinet dimensions shall be as minimal as possible; and,
- c) Cables and wires must be concealed or covered.

## 10. Signage and Lighting

- a) Small owner/operator identification signs up to a maximum of 0.19 square metres may be posted on Antenna Systems and associated equipment shelters or perimeter fencing;
- b) No advertising signage is permitted;
- c) Unless specifically required by Transport Canada and/or NAV Canada, the display of any lighting is discouraged; and,

Date October 4, 2019

- d) The lighting of Antenna Systems and associated equipment shelters for security purposes is supportable provided it is shielded from adjacent residential properties, is kept to a minimum number of lights and illumination intensity, and where possible, is provided by a motion detector or similar system.

## 11. Roof-top Equipment

Equipment shelters located on the roof of a building should be set back from the roof edge to the greatest extent possible and painted to match the penthouse/building.

The City's existing location and design preferences are consistent with the Federation of Canadian Municipalities (FCM) and the Canadian Wireless Telecommunication Association's (CWTA) Joint Antenna System Siting Protocol (JASSP). Further to this, the City's now in-force Protocol was circulated prior to adoption by Council to ISEDC and no concerns with respect to the City's location and design preferences were identified. Many municipalities have either now adopted or are in the process of moving toward adopting the JASSP. The JASSP acknowledges that local settings across Canada will vary and that in each case a municipality may adjust the JASSP accordingly to fit local needs, settings and preferences.

For example, the City of Vaughan strongly encourages a Proponent to explore opportunities to locate and design an Antenna System on the roof of existing or proposed high-rise buildings in order to reduce the land use planning impacts on abutting properties. The City of Greater Sudbury in general does not have buildings high enough to provide sufficient and comprehensive radio-frequency coverage to residents. There are however roof-top Antenna System installations located already on buildings in the City's Downtown and in New Sudbury along the Lasalle Boulevard and Notre Dame Avenue corridors. The City of Vaughan's Protocol notes that regardless, "The architectural style of (a radio-communication and broadcasting) tower will be chosen based upon what is most compatible with the surrounding physical context. Mono-pole design with antennae shrouded or flush mounted are preferred architectural styles."

Other municipalities have utilized local geography to integrate Antenna Systems, such as the use of "mono-pines" in Western Canada or a "mono-cactus" in Arizona. Some municipalities have opted to minimize visual attraction to Antenna Systems by not allowing flags to be affixed to white mono-poles, whereas other municipalities have sought to affix flags to white mono-poles but only in open space or park-like settings.

Staff would advise that the City's approach is consistent with other municipal approaches to conducting public consultation on proposed Antenna Systems and note that in each case the municipality must balance location and design preferences against what would be considered to be the best and most reasonable land use planning outcome for any one particular Antenna System. There is no "one-size-fits-all" approach to siting Antenna Systems and each application for public consultation should be considered on its own merits and in its own unique setting and circumstances. Staff has completed a review of the existing City Protocol and examined other municipal protocols around the country and are of the opinion that no changes at this time are necessary.

Date October 4, 2019

### **Deferred Applications for Public Consultation:**

The first deferred application was before Planning Committee on September 9, 2019, and proposes a 30 m (100 ft) mono-pole Antenna System on lands known municipally as 1887 Bancroft Drive in Sudbury. Staff undertook pre-consultation as required under the Protocol with the Proponent and advised that based on proximity to the closest Residential Area that a position of concurrence or non-concurrence would be required from Planning Committee and Council. Upon receipt of the application, staff circulated the application to the local Ward Councillor, as well as relevant agencies and departments. The Proponent also conducted public consultation in the local community prior to filing the formal application for public consultation with the City. No concerns with providing concurrence to ISEDC were identified through this process. The staff report is available [online](#) for reference purposes.

The second deferred application was before Planning Committee on September 23, 2019, and proposes a 50 m (164 ft) mono-pole Antenna System on lands known municipally as 960 Notre Dame Avenue in Sudbury. Staff undertook pre-consultation as required under the Protocol with the Proponent and advised that based on proximity to the closest Residential Area that a position of concurrence or non-concurrence would be required from Planning Committee and Council. Upon receipt of the application, staff circulated the application to the local Ward Councillor, as well as relevant agencies and departments. Staff also understood at the time of application that the Proponent had approached the City to secure a lease on the lands and that extensive consultation had taken place with Pioneer Manner staff and that agreement on the final location and enclosure design of the Antenna System was in place. No concerns with providing concurrence to ISEDC were identified through this process. The staff report is available [online](#) for reference purposes.

### **Summary:**

It is not recommended by staff that any changes be undertaken at this time to those identified location and design preferences found under Section 6.0 – Development Guidelines of the City's in-force Radio-communication and Broadcasting Antenna System Public Consultation Protocol. The location and design preferences included in the City's Protocol are based upon the FCM/CWTA JASSP and many municipalities across Canada have moved toward adapting them to local settings and adopting them as guiding preference accordingly. Staff will continue to monitor emerging trends and technologies and respond accordingly with recommendations in future housekeeping amendment reports when necessary.

Staff would also recommend that the deferred applications be brought forward to the next available meeting of Planning Committee in order to issue a position of concurrence or non-concurrence from the ISEDC.

## Request for Decision

### Housekeeping - Radiocomm & Broadcasting

Presented To: Planning Committee

Presented: Monday, Mar 04, 2019

Report Date Monday, Feb 11, 2019

Type: Routine Management  
Reports

### Resolution

THAT the City of Greater Sudbury directs the City's Designated Municipal Officer to amend the City of Greater Sudbury Radio-communication and Broadcasting Antenna System Public Consultation Protocol, as outlined in the report entitled "Housekeeping - Radiocomm & Broadcasting" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on March 4, 2019, as follows:

1. That Section 3.0 be amended by adding the following definition:

"9)Height: The measurement of a Freestanding Antenna System is calculated from the lowest ground level at the base of a Freestanding Antenna System, including any foundation, to the tallest point of the Antenna System which shall include any antennae, lightning rods, aviation obstruction lighting fixtures and any other attached appurtenances. Any attempt to artificially reduce the Height of an Antenna System (eg. addition of soil or aggregate) will not be included in the calculation or measurement of said Antenna System Height."

2. That throughout the Protocol the defined word "height" now be capitalized and bolded as "Height".

3. That Section 4.3 be deleted entirely and replaced with the following:

"4.3Further Exemption From Public Consultation Only

In addition to ISSED's basic exemption listed in Section 4.1 and the City's modified review process outlined in Section 4.2, the Designated Municipal Officer may on a case-by-case basis, exempt a Proponent from all or part of the consultation requirements under Section 5.0 and Section 8.0 of this protocol."

4. That Section 4.0 be amended by adding the following:

"4.5 Siting Within a Residential Area

#### Signed By

##### Report Prepared By

Glen Ferguson  
Senior Planner  
*Digitally Signed Feb 11, 19*

##### Manager Review

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Feb 11, 19*

##### Recommended by the Division

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Feb 11, 19*

##### Financial Implications

Jim Lister  
Manager of Financial Planning and  
Budgeting  
*Digitally Signed Feb 14, 19*

##### Recommended by the Department

Tony Cecutti  
General Manager of Growth and  
Infrastructure  
*Digitally Signed Feb 14, 19*

##### Recommended by the C.A.O.

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Feb 20, 19*



Any proposal by a Proponent to install any Antenna System at any Height located within a Residential Area is required to pre-consult with the Designated Municipal Officer in order to determine if the installation shall be considered to be excluded from public consultation as provided for in Section 6 of the Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03). The Designated Municipal Officer shall in each case determine whether or not the exclusion provided for by ISED shall continue to apply, or alternatively if all or part of the public consultation requirements as outlined in this protocol is applicable to the proposed Antenna System that is to be located within a Residential Area. The Designated Municipal Officer will provide the Proponent with a written response outlining their decision with respect to any public consultation requirements that may be required within ten working days of having received a request from a Proponent."

### **Relationship to the Strategic Plan / Health Impact Assessment**

This housekeeping amendment and update to the City's Radio-communication and Broadcasting Antenna Systems Public Consultation Protocol is an operational matter under the *Radiocommunication Act* whereby municipalities are permitted by Innovation, Science and Economic Development Canada to conduct and engage in public consultation on certain types and forms of Antenna System installations.

### **Report Summary**

This report provides a general update on the City's recently adopted Radio-communication and Broadcasting Antenna Systems Public Consultation Protocol and summarizes a series of recommended housekeeping amendments to the Protocol. The report also summarizes emerging trends and anticipated future changes within the radio-communication and broadcasting industry as subsequent housekeeping amendments may be required to the City's Protocol.

### **Financial Implications**

There are no financial implications associated with this report.

**Title:** Housekeeping Amendments & Updates Report #1 –  
City of Greater Sudbury Radio-communication and Broadcasting  
Antenna System Public Consultation Protocol  
**Date:** February 5, 2019

## **STAFF REPORT**

### **Background:**

The adopted and in-force City Protocol for consulting the public on proposed Antenna Systems came into effect on June 28, 2016, when Council ratified the resolutions of the May 30, 2016, meeting of the Planning Committee which recommended approval of the updated [City of Greater Sudbury Radio-communication and Broadcasting Antenna System Public Consultation Protocol](#). The City's public consultation Protocol for proposed Antenna Systems is modeled upon the [Joint Antenna System Siting Protocol \(JASSP\)](#) that was released and endorsed on February 20, 2013, by the Federation of Canadian Municipalities (FCM) and the Canadian Wireless Telecommunication Association (CWTA). The approved City Protocol is also in general keeping with Innovation, Science and Economic Development Canada's (ISED) [Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular \(CPC-2-0-03\)](#) along with ISED's [Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols](#).

Staff has committed to continually monitoring emerging trends in the radio-communication and broadcasting antenna system industry in an effort to always respond and adapt quickly to a fast growing and often changing industry. Staff also monitors and continually reviews the effectiveness of the City's Protocol for consulting with the public when a non-excluded Antenna System is proposed by a Proponent. This report outlines a number of housekeeping amendments and provides a general status update as they pertain to the in-force Protocol for conducting public consultation on proposed Antenna Systems in the City of Greater Sudbury. Emerging trends and expected future amendments to the City's Protocol are also discussed.

### **General Updates:**

Staff has received six new requests from Proponent's seeking formal pre-consultation with the City since the new Protocol was adopted by Council on May 30, 2016. Staff also estimates that between 15-20 phone calls were received by the Planning Services Division with respect to potential future Antenna System installations. With respect to those inquiries that did proceed to formal pre-consultation with the City, one proceeded to a public consultation application, but was in excess of 300 m (984 ft) from the nearest Residential Area which only required an internal staff review and a letter from the DMO to ISED giving concurrence on the proposed Antenna System installation (File # 705/18-1). Two pre-consultation and site investigation meetings resulted in the DMO utilizing Section 4.3 of the Protocol to fully exempt the Proponents from public consultation requirements as both proposed Antenna Systems in these cases were to be located in excess of 1.9 km (1.18 miles) from the nearest Residential Area (Files # 705/18-2 & 705/18-3). These exemptions were provided to the Creighton Mine Site and to an Ontario Power Generation station located to the south-east of the Coniston settlement area. The remaining three pre-consultations have not proceeded beyond initial discussions with the Proponent.

As a result, staff remains satisfied at this time that the "incentive-based" and "path of least resistance" approach through the modified review process to encourage locations away from Residential Areas has been successful in terms of ensuring that locations are chosen which maximize the distances between an Antenna System and the nearest Residential Area.

## **Housekeeping Amendments:**

### 1. Freestanding Antenna System Height

The JASSP document did not include a formal definition with respect to identifying or calculating the height of a Freestanding Antenna System. There is however a reference to Freestanding Antenna System height in Section 8.2 of the JASSP which addresses how notice is to be given when a public information session is required. Specifically, the JASSP outlines at the end of Section 8.2 that, "Height is measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the particular installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (eg. addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the antenna system." Staff did not include this part of the JASSP in the City's Protocol because its exclusion was not at the time considered to be detrimental to Section 8.2 when drafted as a collective whole.

Since the Protocol was adopted by Council, the City did process an application for public consultation (File # 705/16-1) under the current in-force Protocol whereby the Proponent afterward informed staff that the maximum height of the Freestanding Antenna System tower would be slightly higher after it was discovered that the foundation required to support the Freestanding Antenna System in relation to the existing grade of the lands would result in the height exceeding 30 m (100 ft) by approximately 1 m (3.28 ft). The Designated Municipal Officer in this case provided an amended positive statement of concurrence to ISEDC clarifying the small change to the maximum height of the Freestanding Antenna System and further that the amended concurrence did not alter any other plans and supporting documentation which formed the original position of concurrence from the City. The definition as proposed is consistent with ISEDC's explanation of height as outlined in the CPC-2-0-03.

Staff is therefore recommending for clarity purposes that a defined term for height, including the calculation for the height of a Freestanding Antenna System, be added to Section 3.0 – Definitions of the City's Protocol. Any occurrence of the word "height" in the Protocol should also be updated to "**Height**" as a result. The proposed definition would be as follows:

- "9) **Height:** The measurement of a **Freestanding Antenna System** is calculated from the lowest ground level at the base of a **Freestanding Antenna System**, including any foundation, to the tallest point of the **Antenna System** which shall include any antennae, lightning rods, aviation obstruction lighting fixtures and any other attached appurtenances. Any attempt to artificially reduce the height of an **Antenna System** (eg. addition of soil or aggregate) will not be included in the calculation or measurement of said **Antenna System** height."

### 2. Addressing the Emergence of Residential Antenna Systems

Staff has received several recent inquiries from the public relating to the installation of privately operated residential Antenna Systems that would be less than 15 m (49.21 ft) in height above ground level. Staff would note here that ISEDC in their "Exclusions" outlined in Section 6 of *CPC-2-0-03* provides for a general exclusion from municipal public consultation requirements for new Antenna Systems, including masts, towers or other antenna-supporting structures with a height of less than 15 m (49.21 ft) above ground level. The residential installations are intended to utilize low power and license-exempt radio-communication devices that are then affixed to the Antenna System tower that in principle would meet the exclusion criteria that ISEDC has set out in *CPC-2-0-03*. Section 4.0 of the City's Protocol does outline that depending on the type of Antenna System being proposed and the system's proximity to discouraged locations, structures typically excluded by ISEDC may be required to follow all or part of the pre-consultation, proposal submission and public consultation requirements outlined in the City's Protocol.

Having reviewed the emerging and potential ease of access and lowering costs of installing and operating an Antenna System having a height above ground level of less than 15 m (49.21 ft) within a Residential Area, staff is recommending that the Protocol be amended to make it clear that such installations in a Residential Area would be considered subject to some degree of public consultation at the local municipal level. Staff would note that the expected volume of residential antenna systems is low at this point in time and that should a residential antenna system proceed to an application for public consultation, the City would collect the fee which is presently in place for antenna system public consultation applications.. Staff would recommend that the following be added to Section 4.0 of the City's Protocol:

#### **"4.5 Siting Within a Residential Area**

Any proposal by a **Proponent** to install any **Antenna System** at any **Height** located within a **Residential Area** is required to pre-consult with the **Designated Municipal Officer** in order to determine if the installation shall be considered to be excluded from public consultation as provided for in Section 6 of the *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)*. The **Designated Municipal Officer** shall in each case determine whether or not the exclusion provided for by ISEDC shall continue to apply, or alternatively if all or part of the public consultation requirements as outlined in this protocol is applicable to the proposed **Antenna System** that is to be located within a **Residential Area**. The **Designated Municipal Officer** will provide the **Proponent** with a written response outlining their decision with respect to any public consultation requirements that may be required within ten working days of having received a request from a **Proponent**."

#### **3. Further Exemptions From Public Consultation**

The intent of Section 4.3 of the Protocol is to allow the Designated Municipal Officer flexibility to exempt a proposed antenna system entirely from the City's Protocol where the situation warrants from a land use planning perspective. A recent example of this flexibility would be where a ground-based antenna system was proposed at a distance in excess of 2.5 km (1.55 miles) from the nearest Residential Area. In this particular case, an internal staff review was conducted and a letter of exemption was provided to ISEDC and copied to the Proponent. A position of concurrence or non-concurrence was not in this case required to be provided by the DMO to ISEDC as the installation was deemed to be entirely exempt from the City's Protocol. It should be noted however that where such an exemption is provided by the DMO, the City still engages in pre-consultation with the Proponent in order to determine and confirm that no land use planning matters are present, which would compel the City to require and specify expectations around what public consultation is considered to be appropriate.

For clarity purposes, Section 4.3 should be amended to include clearer language and direct reference to both Section 5.0 (ie. Pre-Consultation) and Section 8.0 (ie. Public Consultation), as the DMO will often conduct and complete pre-consultation and a site investigation meeting with a Proponent before deeming the proposed antenna system to be fully exempt from the City's Protocol. The following unnecessary words would also be deleted from Section 4.3: "For example, the City of Greater Sudbury may decide to exclude certain proposals from the requirement to hold a public meeting, but not from issuing a public notification to affected property owners within the **Prescribed Distance**." Many municipalities have opted to remove sentences referencing examples in their Protocols in order to prevent confusion or assumptions on what may or may not be exempt from occurring.



The new and amended Section 4.3 would read as follows:

#### **“4.3 Further Exemption From Public Consultation Only**

In addition to ISED’s basic exemption listed in Section 4.1 and the City’s modified review process outlined in Section 4.2, the **Designated Municipal Officer** may on a case-by-case basis, exempt a **Proponent** from all or part of the consultation requirements under Section 5.0 and Section 8.0 of this protocol.”

#### **Next Steps & Emerging Trends:**

##### **1. Deployment of “5G Network” Infrastructure**

The next generation “5G Network” (ie. 5G) is considered by CWTA to be critical for Canada and something that all stakeholders including the industry itself, regulators, policy-makers and the public will need to work together in order to ensure the successful deployment of 5G for the benefit of all Canadians. In short, 5G will deliver more capacity, faster speeds, enhanced reliability, lower latency and enabling a massive number of devices to connect to each other at the same time. The benefits extend to mission-critical services such as those related to public safety (eg. ambulance, fire, hospitals, police, military, etc.). Non-critical services, such as smart sensors used in agricultural and/or mining and mineral operations, also stand to benefit greatly from 5G. These networks may be capable of connecting 1 million devices per 1 km (0.62 miles). This deployment is expected to result in the industry investing approximately \$26 billion over a seven year period along with adding approximately 250,000 permanent jobs in Canada by the year 2026. The construction of the physical infrastructure necessary to deploy 5G across Canada will at some point impact how municipalities conduct public consultation on proposed Antenna Systems in their local communities as there will be an increase in the number of Antenna System installation requests to ISED in almost every local community across Canada. More detailed information on the 5G deployment is available through Accenture Strategy’s report [“Fuel For Innovation: Canada’s Path in the Race to 5G”](#) which was published in June of 2018.

##### **2. “Small Cells” Technology**

The deployment of 5G will also lead to smaller antenna systems referred to as “smart cells.” To provide context, smart cells are often referred to in terms of their size as being “pizza boxes” or “backpacks” and it is estimated that up to 273,000 smart cells will be deployed across Canada in the next 5-7 years, whereas 33,000 antenna system towers were deployed in Canada across the previous 20 years. CWTA has outlined that the existing regulatory environment and local municipal Protocols may need to adapt quickly to facilitate the timely deployment of 5G in our local communities. More precise positioning is going to be required by Proponents along with a larger number of siting approvals. Providing fair and reasonable access to sites is expected to become a theme in the industry and in the regulatory environment as a result. For the information of Planning Committee and Council, the City has already been approached by a Proponent to explore the possibility of a master agreement with the City that would reduce the timeline to regulatory approvals from ISED on sites within municipal rights-of-way or where locations on municipal properties are considered to be of an optimal location for installing a smart cell to provide 5G service (eg. arenas, parks, bus-shelters, hydro poles, etc.).

**Date:** February 5, 2019

### 3. Master Agreements for Municipalities

Staff expects that requests for master (or “blanket”) agreements between Proponents and the City to allow for the installation of small cells within City rights-of-way and on City-owned properties and other physical City-owned infrastructure will increase due to the pressures expected to come along with the 5G deployment. These master agreements are expected to establish parameters around which a Proponent can notify the City of an impending and needed small cell installation without requiring site-by-site pre-consultation and site-by-site agreements with the City to mount a small cell Antenna System. As previously mentioned, staff from the Development Approvals Section and the City's Real Estate Section did meet with a Proponent to better understand their specific request and the parameters and preferences that they would be looking for to be included in a master agreement scenario. The Proponent did provide a draft example to staff but at the time of writing this report the Proponent has not further pursued the matter with the City. Staff will continue to review this issue and if needed will bring forward any housekeeping amendment to the City's Protocol and related business processes. Staff would advise

however that at present Section 4.4 of the City's Protocol addresses siting on municipally-owned property whereby any proposal to do so would require a Proponent to meet any and all of the City's needs and requirements. This part of the Protocol may however require an update for clarity purposes with respect to small cell technology and the desire for Proponents to obtain master agreements with the City to install said Antenna Systems.

### 4. Review of the City's Development Guidelines for Antenna Systems

The next housekeeping amendment to the City's Protocol will examine the incoming 5G technology in light of the location and design preferences identified within Section 6.0 of the City's Protocol. While staff do not anticipate major changes being necessary, by the end of 2019 it is expected that both ISEDC and CWTA will have a clearer picture as to how local municipalities can assist in ensuring that the 5G network deployment balances both land use planning matters and concerns with the fast-paced timeframes that an industry Proponent is expected to face when seeking out locations for the physical infrastructure that will be necessary for 5G. This will also represent an appropriate point in time to review the results with respect to Antenna Systems installed in the City since on May 30, 2016 and to determine if any changes to the City's identified preferences would be desirable.

### Summary:

Staff is satisfied with the effectiveness of the City's new Protocol for conducting public consultation on proposed Antenna Systems. The results to date have had the effect of locating several new Antenna Systems at increased distances from Residential Areas and general inquiries from Proponents with staff have been positive in nature whereby site locations and design preferences that best address land use planning concerns associated with Antenna Systems are being considered actively by Proponents.

At this time, staff is proposing three amendments to the City's in-force Protocol for conducting public consultation on proposed Antenna Systems. The three amendments are intended to provide clarity to how the height of an Antenna System is to be measured, to clarify when and how the DMO may fully exempt a Proponent from all Protocol requirements and to require that all residential Antenna Systems proceed through the City's pre-consultation requirements as set out in the Protocol.

There are also a number of emerging trends at present within the radio-communication and broadcasting industry that staff will continue to monitor and if required a further housekeeping amendment report will be brought forward to Planning Committee for consideration. It is on this basis that the Planning Services Division therefore recommends that the City's Radio-communication and Broadcasting Antenna Systems Public Consultation Protocol be amended as outlined in the recommendation section of this report.



# **City of Greater Sudbury Radio-communication and Broadcasting Antenna Systems Public Consultation Protocol**

**Date of Enactment: June 28, 2016**

**Date of Last Update: March 26, 2019**

## 1.0 OBJECTIVES

The objectives of this protocol are as follows:

- 1) To establish a siting and consultation process for the City of Greater Sudbury that is in keeping with Innovation, Science and Economic Development Canada's (ISED) *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)* and *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* for reviewing land use planning issues associated with **Antenna System** siting proposals;
- 2) To establish an objective process, criteria and guidelines that are transparent, consistent and predictable for the evaluation of **Antenna System** siting proposals that:
  - a) Minimize the number of new antenna sites by encouraging **Co-Location**;
  - b) Encourage designs that integrate with surrounding land uses and the public realm;
  - c) Establish when local public consultation is required; and,
  - d) Allow ISED and the communications industry to identify and resolve any potential land use, siting or design concerns with the City of Greater Sudbury at an early stage in the process.
- 3) To provide an expeditious review process for **Antenna System** siting proposals;
- 4) To establish a local land use consultation framework that ensures the municipality and members of the public contribute local knowledge that facilitates and influences the siting-location, development and design (including aesthetics) of **Antenna Systems** within the City of Greater Sudbury;
- 5) To contribute to the orderly development and efficient operation of a reliable and strong radiocommunication network in the City of Greater Sudbury; and,
- 6) To provide the City of Greater Sudbury with the information required to satisfy the requirements of ISED regarding local land use consultation, resulting in an informed statement of concurrence, concurrence with conditions, or non-concurrence from the City of Greater Sudbury to ISED at the end of the process.

## 2.0 JURISDICTION AND ROLES

### 2.1 Innovation, Science and Economic Development Canada

Under the *Radiocommunication Act*, the Minister of Industry has sole jurisdiction over inter-provincial and international communication facilities. The final decision to approve and licence the location of **Antenna Systems** is made only by ISED. In June 2007, ISED issued an update to its *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)* which outlines the process that must be followed by

**Proponents** seeking to install or modify **Antenna Systems**, effective January 1, 2008. ISEDC also requires that **Proponents** intending to install or modify an **Antenna System** notify and consult with the appropriate land use authority, and the local community within a **Prescribed Distance** from the proposed structure. ISEDC also published a *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* in January 2008, stating that it, "... considers that the Municipality's and local residents' questions, comments and concerns are important elements to be considered by a proponent seeking to install, or make modifications to, an antenna system." The CPC also establishes a dispute resolution process to be used where the **Proponent** and municipality have reached an impasse.

## 2.2 City of Greater Sudbury

The role of the City of Greater Sudbury is to issue a statement of concurrence or non-concurrence to the **Proponent** and to ISEDC. The statement considers the land use compatibility of the **Antenna System**, the responses of the affected residents and the **Proponent's** adherence to this protocol. The City of Greater Sudbury also guides and facilitates the siting process by:

- a) Communicating to **Proponents** the particular amenities, sensitivities, planning priorities and other relevant characteristics of the area;
- b) Developing the design guidelines for **Antenna Systems** contained in Section 6 of this protocol; and,
- c) Establishing a community consultation process, where warranted.

## 2.3 Proponent

**Proponents** need to strategically locate **Antenna Systems** to satisfy technical criteria and operational requirements in response to public demand. Throughout the siting process, **Proponents** must adhere to the antenna siting guidelines in the CPC, including:

- a) Investigating sharing or using existing infrastructure before proposing new antenna-supporting structures (consistent with CPC-2-0-17 *Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*);
- b) Contacting the City of Greater Sudbury to determine local requirements regarding **Antenna Systems**; and,
- c) Undertaking public notification and addressing relevant concerns as is required and appropriate.

## 2.4 Other Federal Legislation

**Proponents** additionally must comply with the following federal legislation and/or regulations, where warranted:

- a) Health Canada's Safety Code 6 – Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 KHZ to 300 GHZ - Safety Code 6 (2009);
- b) The *Canadian Environmental Assessment Act*; and,
- c) NAV Canada and Transport Canada's painting and lighting requirements for aeronautical safety.

## 3.0 DEFINITIONS

The following definitions applicable to this protocol are as follows:

- 1) **Antenna System:** an exterior transmitting device, or group of devices, used to receive and/or to transmit radio-frequency signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas. **Antenna Systems** include the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter. This protocol most commonly refers to the following two types of **Antenna Systems**:
  - a) **Freestanding Antenna System:** a structure (e.g. tower or mast) built from the ground for the expressed purpose of hosting an **Antenna System** or **Antenna Systems**; and,
  - b) **Building/Structure-Mounted Antenna System:** an **Antenna System** mounted on an existing structure, which could include a building wall or rooftop, a light standard, water tower, utility pole or other.
- 2) **Co-Location:** the placement of antennas and equipment operated by one or more **Proponents** on an **Antenna System** operated by a different **Proponent** thereby creating a shared facility.
- 3) **Designated Municipal Officer (And His or Her Designate):** the municipal staff member tasked with receiving, evaluating and processing submissions for **Antenna Systems**.
- 4) **Height:** The measurement of a **Freestanding Antenna System** is calculated from the lowest ground level at the base of a **Freestanding Antenna System**, including any foundation, to the tallest point of the **Antenna System** which shall include any antennae, lightning rods, aviation obstruction lighting fixtures and any other attached appurtenances. Any attempt to artificially reduce the **Height** of an **Antenna System** (eg.

addition of soil or aggregate) will not be included in the calculation or measurement of said **Antenna System Height**.

- 5) **Municipal Departments:** branches of municipal government that administer public services and are operated by City of Greater Sudbury staff.
- 6) **Other Agencies:** bodies (e.g. boards or commissions) that administer public services but are not operated or staffed by the City of Greater Sudbury.
- 7) **Prescribed Distance:** three times the **Height** of a proposed **Antenna System**, measured horizontally from the base of the proposed **Freestanding Antenna System** or **Building/Structure-Mounted Antenna System**.
- 8) **Proponent:** a company, organization or amateur radio operator proposing to site an **Antenna System** (including contractors undertaking work for a **Proponent**) for the purpose of providing commercial or private radiocommunication and/or broadcasting services.
- 9) **Residential Area:** the location on a lot occupied by an existing residential dwelling or lands within a Residential Zone or lands designated Living Area 1 or 2 in the Official Plan for the City of Greater Sudbury.

#### 4.0 EXCLUDED STRUCTURES

This section outlines the criteria for identifying **Antenna Systems** excluded from the consultation process by ISEDC, the need to consider local circumstances for all exempt structures and the process for **Proponents** to notify and discuss exempt structures with the City of Greater Sudbury. Depending on the type of **Antenna System** proposed and the proposed system's proximity to discouraged locations, structures typically excluded by ISEDC may be required to follow all or part of the pre-consultation, proposal submission and public consultation as identified in this protocol.

##### 4.1 Exemptions From Antenna System Siting Proposal Review and Public Consultation

For the following types of installations, **Proponents** are generally excluded by ISEDC from the requirement to consult with the City of Greater Sudbury and the public, but must still fulfill the "General Requirements" outlined in Section 7 of the ISEDC CPC:

- a) New **Antenna Systems**, including masts, towers or other antenna-supporting structure with a **Height** of less than 15 metres above ground level (ie. Area "A" on Schedule "A" – Modified Review Process to Encourage Locations Away From Residential Areas);
- b) Maintenance of existing radio apparatus including the **Antenna System**, transmission line, mast, tower or other antenna-supporting structure;

- c) Addition or modification of an **Antenna System**, including improving the structural integrity of its integral mast to facilitate sharing, the transmission line, antenna-supporting structure or other radio apparatus to existing infrastructure, a building, water tower and so on, including additions to rooftops or support pillars, provided:
  - i. The addition or modification does not result in an overall **Height** increase above the existing structure of 25% of the original structure **Height**;
  - ii. The existing **Antenna System** is at least 15 metres in **Height**; and,
  - iii. The existing **Antenna System** has not previously been modified to increase its original **Height** by 25%.
- d) Maintenance of an **Antenna System's** painting or lighting in order to comply with Transport Canada's requirements;
- e) Installation for a limited duration of not more than 3 months of an **Antenna System** that is used for a special event or one that is used to support local, provincial, territorial or national emergency operations during an emergency, and is removed within 3 months after the emergency or special event. Upon request, the City of Greater Sudbury may grant **Proponent** additional time for the removal of **Antenna Systems** used for a special event or emergency operation.

#### 4.2 Modified Review Process to Encourage Locations Away From Residential Areas

Notwithstanding the exemptions provided for in Section 4.1, the City of Greater Sudbury provides for a modified review process in order to encourage a **Proponent** to select locations which are located at increased distances from **Residential Areas**. The modified review process is as follows:

- a) New **Antenna Systems**, including masts, towers or other antenna-supporting structure with a **Height** of more than 15 metres but less than 30 metres above ground level and located between 150 metres and 300 metres from the nearest **Residential Area** shall only require a statement of concurrence or non-concurrence in writing from the **Designated Municipal Officer** if the proposed **Antenna System** is co-located, otherwise Area "D" on Schedule "A" applies (see Area "C" & "D" on Schedule "A" – Modified Review Process to Encourage Locations Away From Residential Areas);
- b) New **Antenna Systems**, including masts, towers or other antenna-supporting structure with a **Height** of more than 30 metres above ground level and located between 150 metres and 300 metres from the nearest **Residential Area** shall be exempt from Section 8.0 – Public Consultation of this protocol and only require



staff review and a statement of concurrence or non-concurrence from Council (see Area “D” on Schedule “A” – Modified Review Process to Encourage Locations Away From Residential Areas); and,

- c) New **Antenna Systems**, including masts, towers or other antenna-supporting structure with a **Height** of more than 15 metres above ground level and located more than 300 metres from the nearest **Residential Area** shall only require staff review and a statement of concurrence or non-concurrence from the **Designated Municipal Officer** (see Area “E” on Schedule “A” – Modified Review Process to Encourage Locations Away From Residential Areas).

#### 4.3 Further Exemptions From Public Consultation Only

In addition to ISED’s basic exemption listed in Section 4.1 and the City’s modified review process outlined in Section 4.2, the **Designated Municipal Officer** may on a case-by-case basis, exempt a **Proponent** from all or part of the consultation requirements under Section 5.0 and Section 8.0 of this protocol.

#### 4.4 Siting on Municipal-Owned Properties

Any request to install an **Antenna System** on lands owned by the City of Greater Sudbury shall be made to the appropriate official dealing with municipal properties, in accordance with City of Greater Sudbury policies.

#### 4.5 Siting Within a Residential Area

Any proposal by a **Proponent** to install any **Antenna System** at any **Height** located within a **Residential Area** is required to pre-consult with the **Designated Municipal Officer** in order to determine if the installation shall be considered to be excluded from public consultation as provided for in Section 6 of the *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)*. The **Designated Municipal Officer** shall in each case determine whether or not the exclusion provided for by ISEDC shall continue to apply, or alternatively if all or part of the public consultation requirements as outlined in this protocol is applicable to the proposed **Antenna System** that is to be located within a **Residential Area**. The **Designated Municipal Officer** will provide the **Proponent** with a written response outlining their decision with respect to any public consultation requirements that may be required within ten working days of having received a request from a **Proponent**.

### 5.0 PRE-CONSULTATION WITH THE CITY

Pre-consultation is one of the most important elements in the antenna siting process as it generally occurs at a point before the **Proponent** is committed to a site or a design. As a result it represents the best opportunity to influence the siting decision since the **Proponent** is more likely to become committed to a site once the detailed engineering has been completed. While a

discussion of submission requirements is appropriate the proposal will benefit most from early direction on matters of siting and design. **Proponents** are strongly encouraged to initiate a pre-consultation as early as possible in the antenna siting process.

Prior to submitting an **Antenna System** proposal, the **Proponent** will undertake the following preliminary consultations with the City of Greater Sudbury.

### 5.1 Notification

**Proponents** will notify the **Designated Municipal Officer** in writing that locations in the community are being physically assessed for potential **Antenna System** siting.

### 5.2 Site Investigation Meeting

Prior to submitting an **Antenna System** siting proposal, the **Proponent** will initiate a site investigation meeting with the City of Greater Sudbury. The purpose of the site investigation meeting is to:

- a) Identify preliminary issues of concern;
- b) Identify requirements for public consultation, including the need for additional forms of notice and a public information session;
- c) Guide the content of the proposal submission; and,
- d) Identify the need for discussions with any other **Municipal Departments** and **Other Agencies** as deemed necessary by the **Designated Municipal Officer**.

Where the City of Greater Sudbury has an initial concern with the proposed siting of the proposal the City will make known to the **Proponent** alternative locations within the **Proponent's** search area for consideration.

The **Proponent** will provide the following information for the site investigation meeting:

- a) The proposed location;
- b) Potential alternative locations;
- c) The type and **Height** of the proposed **Antenna System**;
- d) Preliminary drawings or visuals renderings of the proposed **Antenna System** superimposed to scale; and,
- e) Documentation regarding the investigation of **Co-Location** potentials on existing or proposed **Antenna Systems** within 500 metres of the subject proposal.

If desired by both the **Proponent** and the City of Greater Sudbury, multiple **Antenna System** siting proposals may be reviewed at a site investigation meeting.

### 5.3 Confirmation of Preferences and Requirements

Following the site investigation meeting, City of Greater Sudbury staff will provide the **Proponent** with an information package that includes:

- a) This protocol, which outlines the approval process, excluded structures, requirements for public consultation and guidelines regarding site selection, **Co-Location**, installation, design and landscaping;
- b) Proposal submission requirements;
- c) A list of plans and studies that may be required;
- d) A list of **Municipal Departments** and **Other Agencies** to be consulted;
- e) An indication of the Municipality's preferences regarding **Co-Location** for the site(s) under discussion.

To expedite the review of the proposal, the **Proponent** will review this information package before the proposal is submitted so that the interests of **Municipal Departments** and **Other Agencies** are taken into account. The **Proponent** is encouraged to consult with affected **Municipal Departments** and **Other Agencies**, as well as the local Ward councillor and the **Designated Municipal Officer** before submitting the proposal.

## 6.0 DEVELOPMENT GUIDELINES

### 6.1 Location

- a) Co-Location

Before submitting a proposal for an **Antenna System** on a new site, the **Proponent** must explore the following options:

- i. Consider sharing an existing **Antenna System**, modifying or replacing a structure if necessary; and,
- ii. Locate, analyze and attempt to use any feasible existing infrastructure, including but not limited to roof-tops, water towers, utility poles or light standards.

Where **Co-Location** on an existing **Antenna System** or structure is not possible, a new **Antenna System** should be designed with **Co-Location** capacity, including in **Residential Areas** when identified as the City of Greater Sudbury's preference.

The City of Greater Sudbury recognizes that the objective of promoting **Co-Location** and the objective of making **Antenna Systems** less noticeable may sometimes conflict. Nevertheless, the City of Greater Sudbury intends to review each submission on its merits with a view to promoting both objectives and, where necessary, it will determine the appropriate balance between them. The **Proponent** should, in all cases, verify the City of Greater Sudbury's site-specific design preferences during the pre-submission consultation process before investing in a final design or site.

b) Preferred Locations

When new **Antenna Systems** must be constructed, where technically feasible, the following locations are preferred:

- i. Areas which maximize the distance from a **Residential Area**;
- ii. Agricultural, Commercial Areas, Industrial and Rural Areas;
- iii. Mounted on buildings or existing structures within areas designated Downtown, Mixed Use Commercial and Regional Centre in the Official Plan for the City of Greater Sudbury;
- iv. Areas that respect public views and vistas of important natural and/or man-made features;
- v. Transportation and utility corridors;
- vi. As near as possible to similarly-scaled structures;
- vii. Institutional uses where appropriate, including but not limited to those institutions which require radiocommunication and/or broadcasting technology;
- viii. Adjacent to parks, green spaces and golf courses;
- ix. Located in a manner that does not adversely impact view corridors; and,
- x. Other non-residential areas where appropriate.

c) Discouraged Locations

New **Antenna Systems** should avoid the following areas:

- i. Locations directly in front of doors, windows, balconies or residential frontages;
- ii. Ecologically significant natural lands;

- iii. Inappropriate sites located within Parks and Open Space Areas with the exception of sites zoned to permit utilities and/or unless designed to interact with the area's character;
- iv. Designated structures or heritage conservation districts under the Heritage Act, R.S.O. 1990 unless visibly unobtrusive or the design of the **Antenna System** forms an integrated part of the structure's overall design; and,
- v. Pitched roofs.

## 6.2 Development and Design Preferences

**Antenna Systems** should be designed in terms of appearance and aesthetics to respect their immediate surroundings, including being unobtrusive and inconspicuous, minimizing visual impact, avoiding disturbance to natural features and reduce the need for future facilities in the same area, where appropriate. The City of Greater Sudbury's preferred design and development preferences are described below. The City of Greater Sudbury will identify to the **Proponent** which of the following development and design preferences are encouraged in any given proposed location.

### a) Style and Colour

- i. The architectural style of the **Antenna System** should be compatible with the surrounding neighbourhood and adjacent uses;
- ii. An **Antenna System** may be designed or combined as a landmark feature to resemble features found in the area, such as a flag-pole or clock-tower, where appropriate subject to any zoning approvals required for the landmark feature;
- iii. In the Downtown and Regional Centre designations, the design of **Antenna Systems** should generally be unobtrusive and consistent with any applicable urban design policy guidelines;
- iv. Towers and communication equipment should have a non-reflective surface;
- v. Cable trays should generally not be located on the exterior faces of buildings; and,
- vi. **Antenna Systems** that extend above the top of a supporting utility pole or light standard should appear to be a natural extension of the pole.

### b) Buffering and Screening

- i. **Antenna Systems** and associated equipment shelters should be attractively designed or screened and concealed from ground level or other public views to mitigate visual impacts; and,
  - ii. Where adjacent to a principal building, equipment shelters should be constructed of a material or colour similar in appearance to the facades of the principal building.
- c) Structure
- i. Single operator loaded towers (ie. Mono-poles) are generally unobtrusive and of low impact and may therefore be located near living areas;
  - ii. Individual wall-mounted antennas should be fixed as close to the wall as possible and should not project above the **Height** of the wall face they are mounted on, in order to avoid visual clutter and should be painted to match the colour for stealth design purposes;
  - iii. Facilities located on roof-tops should not be visible to the extent possible from directly abutting streets;
  - iv. The appropriate type of antenna structure for each situation should be selected based upon the goal of making best efforts to blend with the nearby surroundings and minimize the visual aesthetic impacts of the antenna structure on the community;
  - v. Pinwheel antennas are generally discouraged; and,
  - vi. The use of guy wires and cables to steady, support or reinforce a tower is generally discouraged.
- d) Yards, Parking and Access
- i. Adequate yards to be determined on a site-by-site basis should separate **Antenna Systems** from adjacent development without unduly affecting the development potential of the lot; and,
  - ii. Parking spaces where provided at each new **Antenna System** site should have direct access to a public right-of-way at a private driveway that does not unduly interfere with traffic flow or create safety hazards.
- e) Equipment Cabinets in Public Spaces
- i. Cabinets shall be designed in a manner which integrates them into their surroundings, including use of decorative wraps that are graffiti-resistant;
  - ii. Cabinet dimensions shall be as minimal as possible; and,



- iii. Cables and wires must be concealed or covered.
- f) Signage and Lighting
  - i. Small owner/operator identification signs up to a maximum of 0.19 square metres may be posted on **Antenna Systems** and associated equipment shelters or perimeter fencing;
  - ii. No advertising signage is permitted;
  - iii. Unless specifically required by Transport Canada and/or NAV Canada, the display of any lighting is discouraged; and,
  - iv. The lighting of **Antenna Systems** and associated equipment shelters for security purposes is supportable provided it is shielded from adjacent residential properties, is kept to a minimum number of lights and illumination intensity, and where possible, is provided by a motion detector or similar system.
- g) Roof-top Equipment
  - i. Equipment shelters located on the roof of a building should be set back from the roof edge to the greatest extent possible and painted to match the penthouse/building.

## 7.0 PROPOSAL SUBMISSION

### 7.1 Applicability of Proposal Submission

For a proposed **Antenna System**, the **Proponent** will submit to the **Designated Municipal Officer** an **Antenna System** siting proposal and the applicable fee, except for cases in which consultation is not required.

### 7.2 Proposal Submission Requirements

The **Proponent** must include the following information when submitting an **Antenna System** siting proposal:

- a) A letter or report from the **Proponent** indicating the need for the proposal, the proposed site, the rationale for site selection, coverage and capacity of existing **Antenna Systems** in the general area and a summary of opportunities for **Co-Location** potentials on existing or proposed **Antenna Systems** within 500 metres of the subject proposal;
- b) Visual rendering(s) of the proposed **Antenna System** superimposed to scale;
- c) A site plan showing the proposed development situated on the site;

- d) A map showing the horizontal distance between the property boundary of the proposed site and the nearest **Residential Area**;
- e) For **Antenna Systems** requiring public consultation, a map showing all properties located within the **Prescribed Distance** from the proposed **Antenna System**;
- f) Confirmation of legal ownership of the lands subject to the proposal, or a signed letter of authorization from the registered property owner of the land, their agent, or other person(s) having legal or equitable interest in the land;
- g) An attestation that the **Antenna System** will respect Health Canada's Safety Code 6 which sets safe radiofrequency emission levels for these devices;
- h) Application fees; and,
- i) Any other documentation as identified by the City of Greater Sudbury following the site investigation meeting.

### 7.3 Completeness of Proposal Submission

A determination on the completeness of an application or request for additional information will be provided within five working days of receipt of the proposal. Upon receipt of a complete proposal submission, the City of Greater Sudbury will circulate the proposal for review and comment to:

- a) Affected **Municipal Departments**;
- b) Affected **Other Agencies**;
- c) Any adjacent Municipalities within the **Prescribed Distance**; and,
- d) The local Ward councillor.

### 7.4 Fees

The **Proponent** must pay the applicable application fee to the City of Greater Sudbury. The **Proponent** is responsible for securing applicable applications or permissions from all relevant **Municipal Departments** and paying any applicable application fees or charges as required.

## 8.0 PUBLIC CONSULTATION PROCESS

If the proposed **Antenna System** is not exempt from the public consultation process as per the requirements of Section 4 of this protocol, the **Proponent** will initiate the following public consultation process, including the issuance of notice, undertaking written consultation, hosting

a public information session and where required review the consultation results with the City of Greater Sudbury.

### 8.1 Notice Recipients

After the **Proponent** has submitted an **Antenna Systems** siting proposal, the **Proponent** will give notice to:

- a) All affected properties within the **Prescribed Distance**;
- b) Any adjacent municipalities within the **Prescribed Distance**;
- c) The ward councillor;
- d) The **Designated Municipal Officer**; and,
- e) The ISEDC regional office.

The City of Greater Sudbury will assist the **Proponent** in compiling a mailing list of addresses of the affected properties within the **Prescribed Distance** from the proposed **Antenna System**. Notices may be delivered to a condominium corporation instead of each unit owner.

### 8.2 Notice Requirements

The notice will be sent by regular mail or hand-delivered, a minimum of 30 days before the public information session where a public information session is required and shall include:

- a) Information on the location, **Height**, type, design and colour of the proposed **Antenna System**, including a 21 cm x 28 cm (8.5" x 11") size copy of the site plan submitted with the application;
- b) The rationale, including **Height** and location requirements, of the proposed **Antenna System**;
- c) The name and contact information of a contact person for the **Proponent**;
- d) The name and contact information of the **Designated Municipal Officer**;
- e) An attestation that the **Antenna System** will respect Health Canada's Safety Code 6 which sets safe radio-frequency emission levels for these devices;
- f) The date, time and location of the public information session where required;
- g) A deadline date for receipt by the **Proponent** of public responses to the proposal:

- i. Where a public information session is required, the deadline date must be no more than five days before the date of the session; or,
  - ii. Where a public information session is not required, the deadline date must be at least 30 days after the notices are mailed;
- h) The notification shall be enclosed in an envelope addressed to the "Occupant" and shall clearly show in bold type on the face of the envelope the following statement:
 

"NOTICE FOR RESIDENTS WITHIN [INSERT PRESCRIBED DISTANCE] OF A NEW PROPOSED ANTENNA SYSTEM. INFORMATION IS ENCLOSED."
- i) The City of Greater Sudbury may also require the **Proponent** based on local conditions such as a high proportion of rental accommodation in the vicinity of the site, to provide such additional forms of notice as deemed necessary; and,
- j) Any additional notification requirements will be identified by the City of Greater Sudbury during or following the site investigation meeting. Other forms of notification may include, but are not limited to:
  - i. Publication of the notice in a local newspaper; and/or,
  - ii. Hand delivery of notices to specified buildings.

### 8.3 Written Consultation Process

Following the delivery of the notification, the **Proponent** will allow the public to submit written comments or concerns about the proposal. Specifically, the **Proponent** will:

- a) Provide the public with at least 30 days to submit questions, comments or concerns about the proposal;
- b) Respond to all questions, comments and concerns in a timely manner of no more than 60 days from date of receipt;
- c) Allow the party to reply to the **Proponent's** response and provide at least 21 days for public reply comments;
- d) Keep a record of all correspondence that occurred during the written consultation process. This includes records of any agreements that may have been reached and/or any concerns that remain outstanding; and,
- e) Provide a copy of all written correspondence to the City of Greater Sudbury and the regional ISEDC office.

#### 8.4 Public Information Session

The City of Greater Sudbury may request that the **Proponent** conduct a public information session in cases where there is significant public interest in the proposed **Antenna System**. Where a public information session is required the **Proponent** shall:

- a) Determine an appropriate date, time and location for the public information session in consultation with the **Designated Municipal Officer**;
- b) Make available at the public information session an appropriate visual display of the proposal, including a copy of the site plan submitted with the application and an aerial photograph of the proposed site; and,
- c) Provide the City of Greater Sudbury with a package summarizing the results of the public information session containing at a minimum the following:
  - i. List of attendees, including names, addresses, email addresses and phone numbers (where provided voluntarily);
  - ii. Copies of all letters and other written communications received; and,
  - iii. A letter of response from the **Proponent** outlining how all the concerns and issues raised by the public were addressed.

#### 8.5 Post Consultation Review

The **Proponent** will contact the **Designated Municipal Officer** following completion of the public consultation process in order to discuss the results and next steps in the process.

### 9.0 STATEMENT OF CONCURRENCE OR NON-CONCURRENCE

#### 9.1 Concurrence and Concurrence With Conditions

The City of Greater Sudbury will provide a letter of concurrence to ISEDC and the **Proponent** where the proposal addresses, to the satisfaction of the City of Greater Sudbury, the requirements as set out within this protocol and the City of Greater Sudbury's technical requirements and will include conditions of concurrence, if required.

#### 9.2 Non-Concurrence

The City of Greater Sudbury will provide a letter of non-concurrence to ISEDC and the **Proponent** if the proposal does not conform to City of Greater Sudbury requirements as set out within this protocol. The City of Greater Sudbury will also forward to ISEDC any comments on outstanding issues, including those raised during the public consultation

process. The City of Greater Sudbury will issue the letter of non-concurrence within the timeframe established in Section 10 of this protocol.

### 9.3 Rescinding a Concurrence

The City of Greater Sudbury may rescind its concurrence if following the issuance of a concurrence, it is determined by the City of Greater Sudbury that the proposal contains a misrepresentation or a failure to disclose all pertinent information regarding the proposal, or the plans and conditions upon which the concurrence was issued in writing have not been complied with, and a resolution cannot be reached to correct the issue. In such cases, the City of Greater Sudbury will provide notification in writing to ISEDC and to the **Proponent** and will include the reason(s) for the rescinding of its concurrence.

### 9.4 Duration of Concurrence

A concurrence remains in effect for a maximum period of three years from the date it was issued by the City of Greater Sudbury. If construction has not commenced within this time period the concurrence expires and a new submission and review process, including public consultation as applicable is necessary prior to any construction occurring. Notwithstanding the above, the **Proponent** may request in writing to the **Designated Municipal Officer** a one-time extension not exceeding one year in length provided that it is demonstrated to the satisfaction of the **Designated Municipal Officer** that no substantial change in land use planning circumstances within the vicinity of the proposal has occurred since concurrence was initially given.

### 9.5 Transfer of Concurrence

Once concurrence has been issued, that concurrence may be transferred from the original **Proponent** to another **Proponent** without the need for further consultation provided that:

- a) All information gathered by the original **Proponent** in support of obtaining the concurrence from the City of Greater Sudbury is transferred to the new **Proponent**;
- b) The structure for which concurrence was issued to the original **Proponent** is what the new **Proponent** builds; and,
- c) Construction of the structure is commenced within the duration of concurrence period outlined in Section 9.4 of this protocol.



## 10.0 CONSULTATION PROCESS TIMEFRAME

### 10.1 Completion of Preliminary Review

Consultation with the City of Greater Sudbury is to be completed within 60 days of the proposal being accepted as complete by the City of Greater Sudbury as outlined in Section 7.0 of this protocol.

### 10.2 Completion of Public Consultation

Where public consultation is required, consultation with the City of Greater Sudbury and public consultation are both to be completed within 120 days of the proposal being accepted as complete by the City of Greater Sudbury.

### 10.3 Consultation Extensions

The City of Greater Sudbury or the **Proponent** may request an extension to the consultation process timeline. Extension requests are to be submitted to the **Designated Municipal Officer**. This extension is to be mutually agreed upon by both parties.

### 10.4 Incomplete Consultation

In the event that the consultation process is not completed within 270 days, the **Proponent** will be responsible for receiving an extension from the City of Greater of Sudbury or reinitiating the consultation process to the extent requested by the City of Greater Sudbury.

## 11.0 LETTER OF UNDERTAKING

The **Proponent** may be required, if requested by the City of Greater Sudbury, to provide a letter of undertaking, which may include the following requirements:

- a) The posting of a security for the construction of any proposed fencing, screening and landscaping;
- b) A commitment to accommodate other communication providers on the **Antenna System**, where feasible, subject to the usual commercial terms and ISED Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements (CPC-2-0-17); and,
- c) All conditions identified in the letter of concurrence.

## 12.0 REDUNDANT ANTENNA SYSTEMS

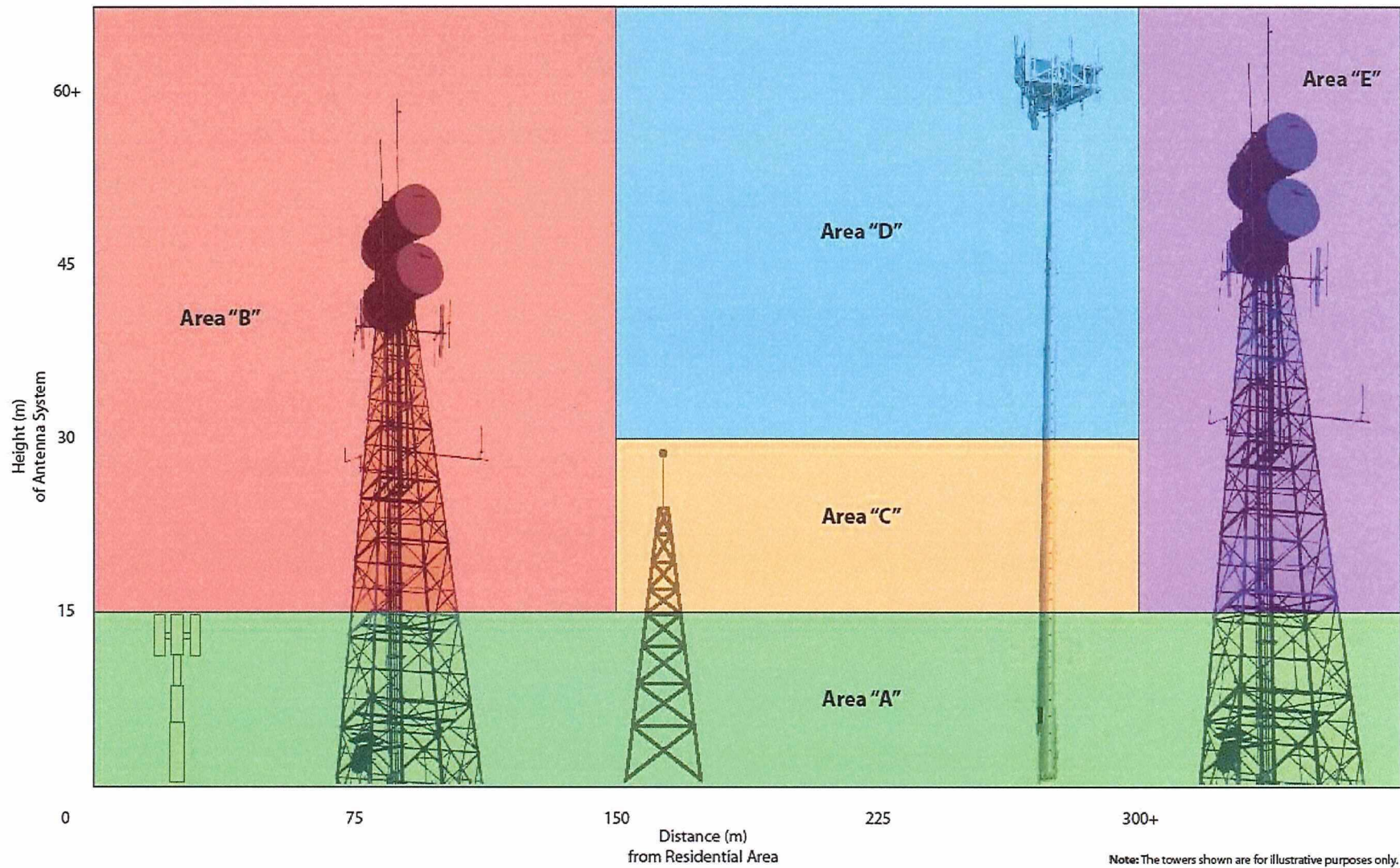
### 12.1 Redundant Antenna System Clarification Request

The City of Greater Sudbury can issue a request to network operators to clarify that a specific **Antenna System** is still required to support communication network activity. The network operator will respond within 30 days of receiving such a request, and will provide any available information on the future status or planned decommissioning of the **Antenna System**.

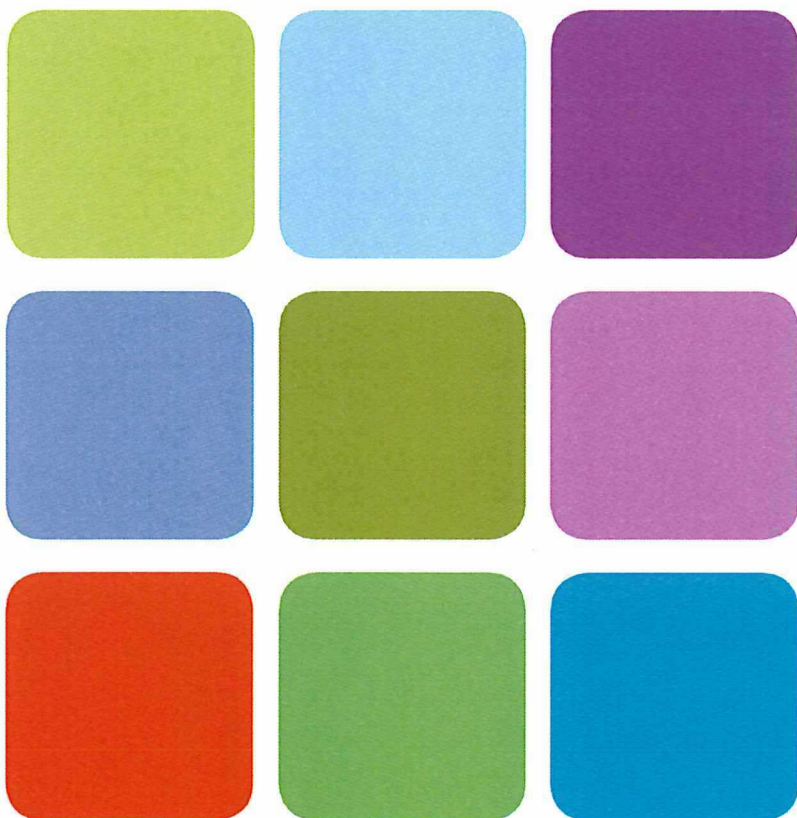
### 12.2 Removal of Antenna System

Where the network operators concur that an **Antenna System** is redundant, the network operator and the City of Greater Sudbury will mutually agree on a timeframe to remove the system and all associated buildings and equipment from the site. Removal will occur no later than 2 years from when the **Antenna System** was deemed redundant.

# **SCHEDULE "A" - Modified Review Process to Encourage Locations Away From Residential Areas**



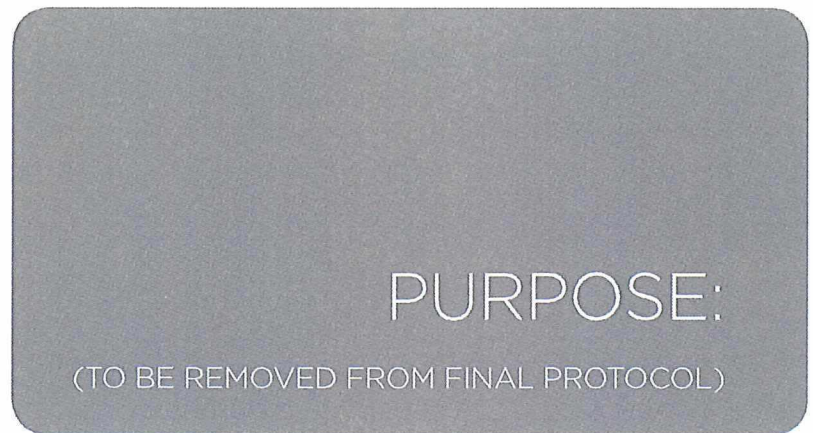
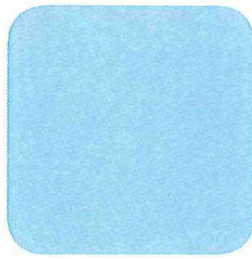
# ANTENNA SYSTEM SITING PROTOCOL TEMPLATE



[www.fcm.ca](http://www.fcm.ca)

[www.cwta.ca](http://www.cwta.ca)





The purpose of this protocol template is to provide Municipalities with a tool to develop customized protocols for the siting of Antenna Systems within their Municipality.

As the template was developed jointly by the FCM and the CWTA, and is consistent with Industry Canada rules on Antenna System consultations, its use should result in consistent and predictable Antenna System siting protocols. This template encourages the development of local protocol guidelines that fully express the Municipality's location and design preferences. It is desirable for protocols to highlight local knowledge and expertise by suggesting preferred sites in all zoning designations and community development plans, including in Residential Areas, as well as design and screening preferences.

Additionally, all examples of local customization provided in the Appendix are endorsed by the wireless industry as being reasonable and practical components of an antenna siting protocol. Some of these examples are better suited to urban, suburban or rural Municipalities, depending on the Municipality from which they derive, but they serve as 'best practices' and should be considered by Municipalities as they examine options for developing their own local protocols. Municipalities should remove all items from this template that are not relevant considering its municipal policies and preferences before finalizing its protocol.

The following sections set out recommended language that may be adopted or adapted by Municipalities wishing to develop a customized protocol in a manner that reflects local circumstances.

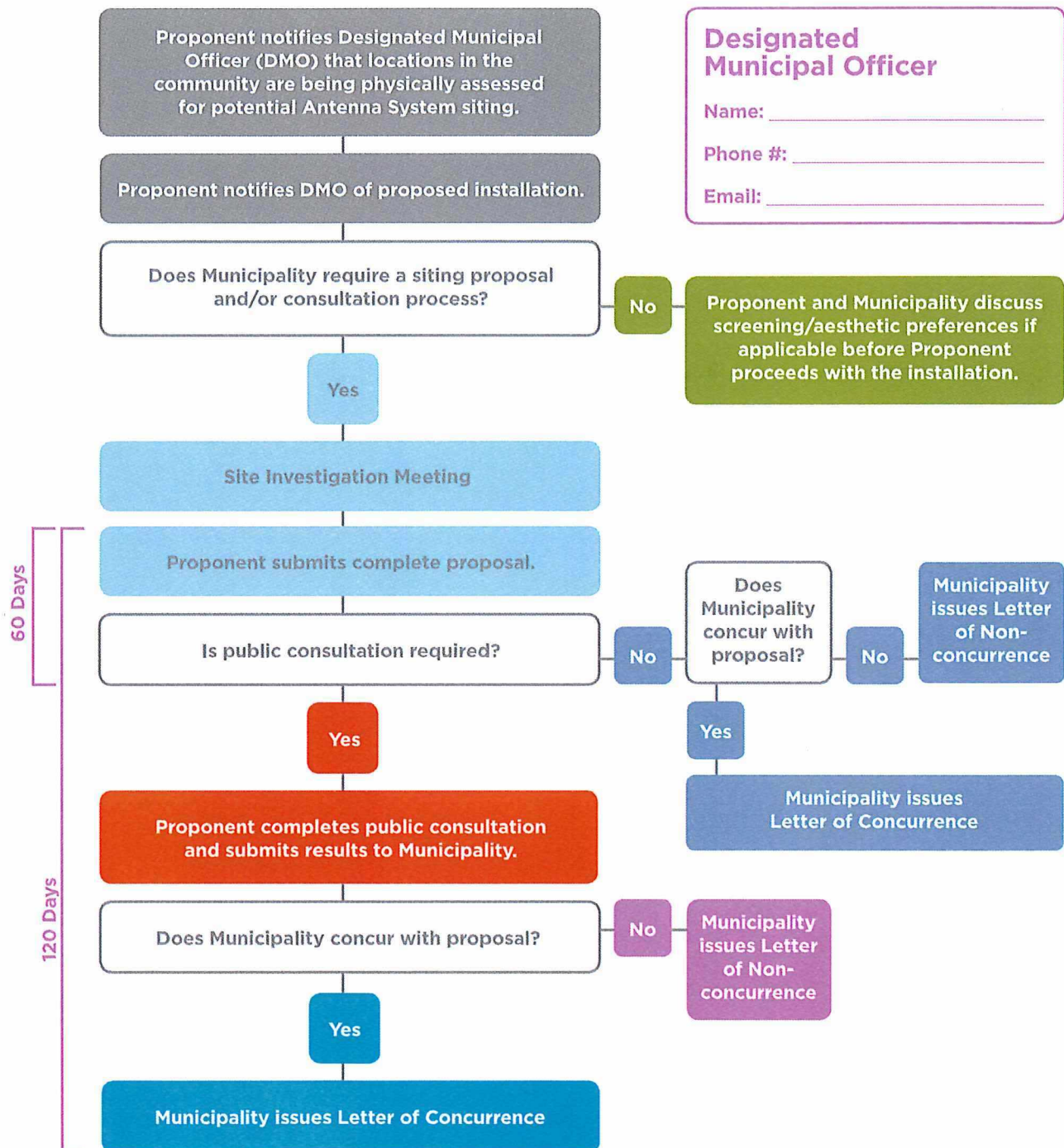


# TABLE OF CONTENTS

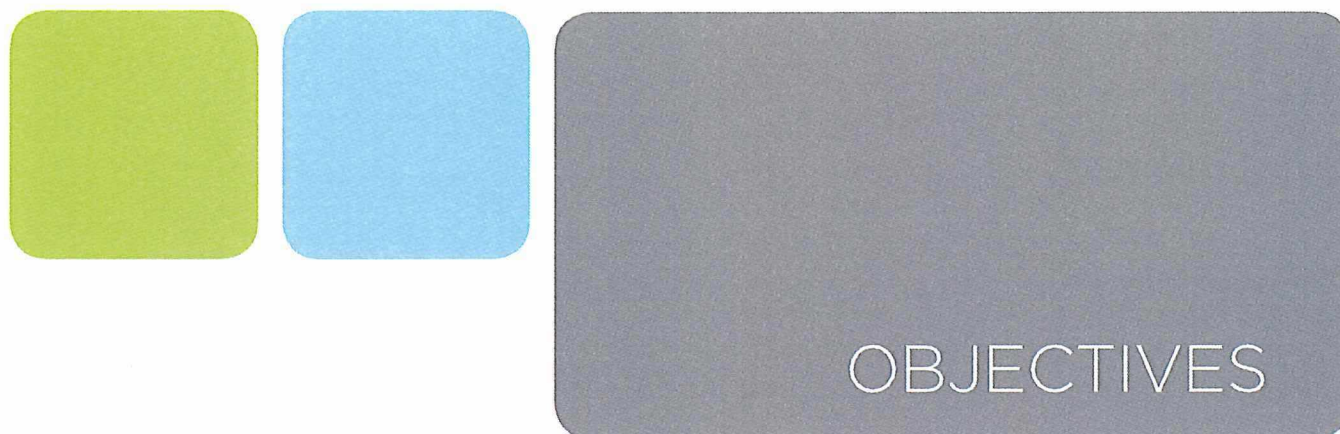
<b>1. OBJECTIVES</b>	<b>3</b>
<b>2. JURISDICTION AND ROLES</b>	<b>4</b>
<b>3. DEFINITIONS</b>	<b>6</b>
<b>4. EXCLUDED STRUCTURES</b>	<b>8</b>
4.1 Exemptions from Antenna System Siting Proposal Review and Public Consultation	8
4.2 Notification and Municipal Review of Exempt Antenna Systems	9
4.3 Exemptions from Public Consultation Only	11
4.4 Siting on Municipal-Owned Properties	11
<b>5. PRE-CONSULTATION WITH THE MUNICIPALITY</b>	<b>12</b>
5.1 Notification	12
5.2 Site Investigation Meeting with Municipality	12
5.3 Confirmation of Municipal Preferences and Requirements	13
<b>6. DEVELOPMENT GUIDELINES</b>	<b>14</b>
6.1 Location	14
6.2 Development and Design Preferences	15
<b>7. PROPOSAL SUBMISSION</b>	<b>17</b>
7.1 Proposal Submission Requirements	17
7.2 Fees	18
<b>8. PUBLIC CONSULTATION PROCESS</b>	<b>19</b>
8.1 Notice Recipients	19
8.2 Notice Requirements	19
8.3 Written Consultation Process	20
8.4 Public Information Session	21
8.5 Post Consultation Review	21
<b>9. STATEMENT OF CONCURRENCE OR NON-CONCURRENCE</b>	<b>23</b>
9.1 Concurrence and Concurrence with Conditions	23
9.2 Non-concurrence	23
9.3 Rescinding a Concurrence	23
9.4 Duration of Concurrence	24
9.5 Transfer of Concurrence	24
<b>10. CONSULTATION PROCESS TIMEFRAME</b>	<b>25</b>
<b>11. LETTER OF UNDERTAKING</b>	<b>26</b>
<b>12. REDUNDANT ANTENNA SYSTEM</b>	<b>27</b>
<b>APPENDIX A</b>	<b>28</b>
Location	29
Development and Design Preferences	30



## Antenna System Siting Process Flowchart



## Section 1

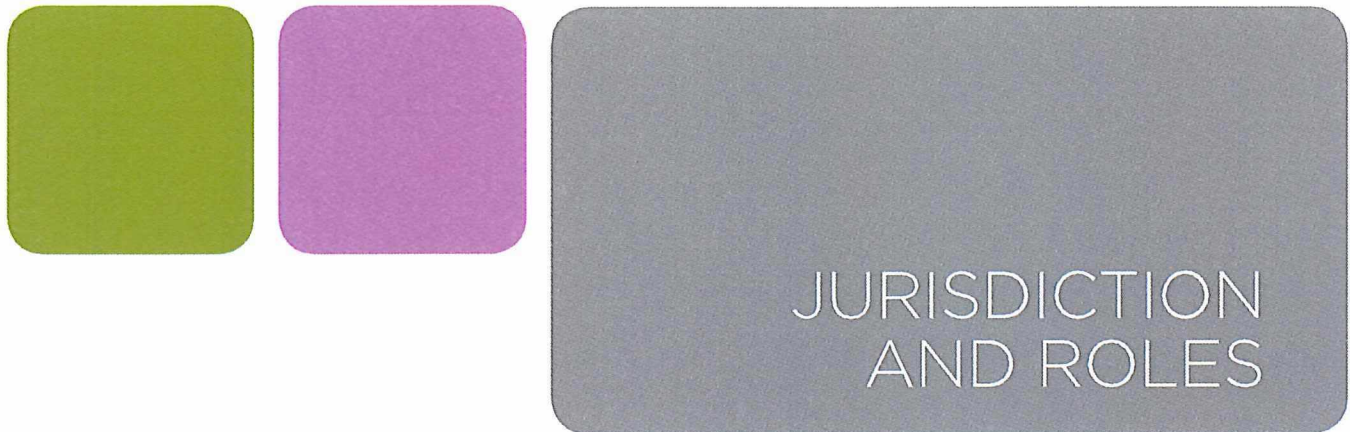


The objectives of this Protocol are:

- (1) To establish a siting and consultation process that is harmonized with Industry Canada's *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-O-03)* and *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* for reviewing land use issues associated with Antenna System siting proposals;
- (2) To set out an objective process, criteria and guidelines that are transparent, consistent and predictable for the evaluation of Antenna System siting proposals that:
  - a. Minimize the number of new antenna sites by encouraging co-location;
  - b. Encourage designs that integrate with the surrounding land use and public realm;
  - c. Establish when local public consultation is required; and
  - d. Allow Industry Canada and the communications industry to identify and resolve any potential land use, siting or design concerns with the Municipality at an early stage in the process.
- (3) To provide an expeditious review process for Antenna System siting proposals;
- (4) To establish a local land use consultation framework that ensures the Municipality and members of the public contribute local knowledge that facilitates and influences the siting – location, development and design (including aesthetics) – of Antenna Systems within municipal boundaries;
- (5) To contribute to the orderly development and efficient operation of a reliable, strong radiocommunication network in the Municipality; and
- (6) To provide the Municipality with the information required to satisfy the requirements of Industry Canada regarding local land use consultation, resulting in an informed statement of concurrence, concurrence with conditions, or non-concurrence from the Municipality to Industry Canada at the end of the process.



## Section 2



**INDUSTRY CANADA:** Under the *Radiocommunication Act*, the Minister of Industry has sole jurisdiction over inter-provincial and international communication facilities. The final decision to approve and licence the location of Antenna Systems is made only by Industry Canada. In June 2007, Industry Canada issued an update to its *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular* (CPC-2-0-03) which outlines the process that must be followed by Proponents seeking to install or modify Antenna Systems, effective January 1, 2008.<sup>1</sup>

Industry Canada also requires that Proponents intending to install or modify an Antenna System notify and consult with Municipality (Land Use Authority), and the local community within a Prescribed Distance from the proposed structure. Industry Canada also published a *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* in January 2008, stating that it "considers that the Municipality's and local residents' questions, comments and concerns are important elements to be considered by a Proponent seeking to install, or make modifications to, an antenna system." The CPC also establishes a dispute resolution process to be used where the Proponent and Municipality have reached an impasse.

**ROLE OF THE MUNICIPALITY:** The ultimate role of the Municipality is to issue a statement of concurrence or non-concurrence to the Proponent and to Industry Canada. The statement considers the land use compatibility of the Antenna System, the responses of the affected residents and the Proponent's adherence to this Protocol. The Municipality also guides and facilitates the siting process by:

- **Communicating** to Proponents the particular amenities, sensitivities, planning priorities and other relevant characteristics of the area;
- **Developing the design guidelines** for Antenna Systems contained in Section 6 of this Protocol; and
- **Establishing** a community consultation process, where warranted.

<sup>1</sup> For additional information regarding Industry Canada's mandate and the application of its authority in the wireless telecommunications process, please consult Industry Canada's Spectrum Management and Telecommunications Sector at <http://ic.gc.ca/spectrum>.



By working with Proponents throughout the siting process, beginning with preliminary notification and the site investigation meeting, the Municipality seeks to facilitate Antenna System installations that are sensitive to the needs of the local community.

**ROLE OF THE PROPONENT:** Proponents need to strategically locate Antenna Systems to satisfy technical criteria and operational requirements in response to public demand. Throughout the siting process, Proponents must adhere to the antenna siting guidelines in the CPC, including:

- Investigating sharing or using existing infrastructure before proposing new antenna-supporting structures (consistent with CPC-2-0-17 *Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*) ;
- Contacting the Municipality to determine local requirements regarding Antenna Systems; and
- Undertaking public notification and addressing relevant concerns as is required and appropriate.

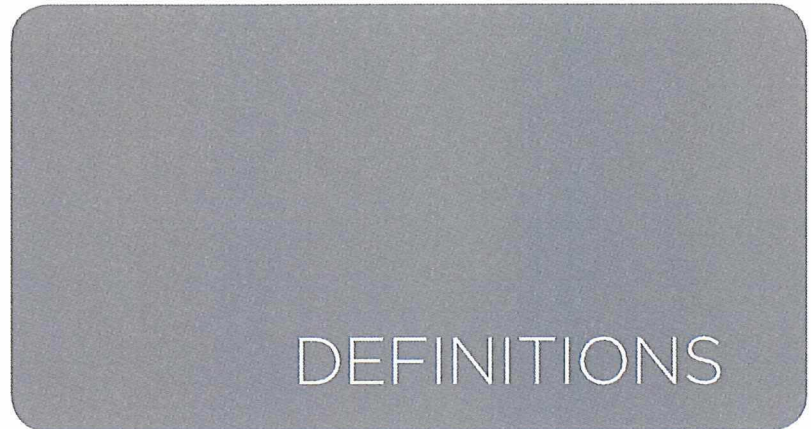
**OTHER FEDERAL LEGISLATION:** Proponents additionally must comply with the following federal legislation and/or regulations, where warranted:

- Health Canada's Safety Code 6 – Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 KHZ to 300 GHZ - Safety Code 6 (2009);<sup>2</sup>
- The *Canadian Environmental Assessment Act*; and
- NAV Canada and Transport Canada's painting and lighting requirements for aeronautical safety.

<sup>2</sup> The Municipality does not assess any submission for an Antenna System with respect to health and radiofrequency exposure issues or any other non-placement or non-design related issues. Any questions or comments the public may wish to make regarding health issues related to cell phones, cell towers and radiofrequency exposure guidelines (Safety Code 6) should be directed to Health Canada on-line at [healthcanada.gc.ca](http://healthcanada.gc.ca) and to the Proponent's representative.



## Section 3



**ANTENNA SYSTEM:** an exterior transmitting device – or group of devices – used to receive and/or to transmit radio-frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas. Antenna Systems include the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter. This protocol most commonly refers to the following two types of Antenna Systems:

1. **Freestanding Antenna System:** a structure (e.g. tower or mast) built from the ground for the expressed purpose of hosting an Antenna System or Antenna Systems;
2. **Building/Structure-Mounted Antenna System:** an Antenna System mounted on an existing structure, which could include a building wall or rooftop, a light standard, water tower, utility pole or other.

**CO-LOCATION:** the placement of antennas and equipment operated by one or more Proponents on a telecommunication Antenna System operated by a different Proponent, thereby creating a shared facility.

**COMMUNITY SENSITIVE LOCATIONS:** land on which the siting of new Antenna Systems is discouraged, or requested to be subject to greater consultation than otherwise dictated by the standard protocol. Such locations may be defined in local zoning bylaws, community plans, or statutory plans.

**DESIGNATED COMMUNITY ASSOCIATION:** area- or neighbourhood-specific group that is recognized by the Municipality.

**DESIGNATED MUNICIPAL OFFICER (AND HIS OR HER DESIGNATE):** the municipal staff member(s) tasked with receiving, evaluating and processing submissions for telecommunication Antenna Systems. The Designated Municipal Officer's name and contact information is provided in the Antenna System Siting Flowchart provided in this protocol.



**ELECTED MUNICIPAL OFFICIAL:** the political leader of the demarcated area of the Municipality (e.g. ward) in which the Antenna System is proposed.

**HERITAGE STRUCTURES/AREAS:** buildings and structures (e.g. monuments) or areas/ neighbourhoods receiving a heritage designation by the Municipality.

**MUNICIPAL DEPARTMENTS:** branches of municipal government that administer public services and are operated by city staff.

**OTHER AGENCIES:** bodies (e.g. boards or commissions) that administer public services but are not operated or staffed by the Municipality.

**PRESCRIBED DISTANCE:** [TO BE DETERMINED BY THE MUNICIPALITY<sup>3</sup>], measured horizontally from the base of the proposed Freestanding or Building/Structure-Mounted Antenna System.

**PROPONENT:** a company or organization proposing to site an Antenna System (including contractors undertaking work for telecommunications carriers) for the purpose of providing commercial or private telecommunications services, exclusive of personal or household users.<sup>4</sup>

**RESIDENTIAL AREA:** lands used or zoned to permit residential uses, including mixed uses (i.e. where commercial use is permitted at-grade with residential apartments/ condominiums above).

---

<sup>3</sup> Industry Canada recommends in the CPC a distance of three times the height of the proposed tower. Other existing municipal protocols have adopted a range of prescribed distances, e.g. six times the height of the proposed tower, a minimum of 100 metres, a minimum of 120 metres.

<sup>4</sup> The Municipality may wish to apply this Protocol to amateur radio operators or, alternatively, introduce a separate review process for amateur radio installations.



## Section 4



This section outlines the criteria for identifying Antenna Systems excluded from the consultation process by Industry Canada, the need to consider local circumstances for all exempt structures, and the process for Proponents to notify and discuss proposed exempt structures with the Municipality. Depending on the type of Antenna System proposed and the proposed system's proximity to discouraged locations (i.e. within the Prescribed Distance from the nearest Residential Area), structures typically excluded by Industry Canada may be required to follow all or part of the pre-consultation, proposal submission and public consultation identified in this protocol.<sup>5</sup>

#### 4.1 EXEMPTIONS FROM ANTENNA SYSTEM SITING PROPOSAL REVIEW AND PUBLIC CONSULTATION

For the following types of installations, Proponents are generally excluded by Industry Canada from the requirement to consult with the Municipality and the public, but must still fulfill the General Requirements outlined in Section 7 of the CPC:

- (1) New Antenna Systems, including masts, towers or other antenna-supporting structure, with a height of less than **15 metres** above ground level **except where required by the Municipality as per Section 4.2.2;**
- (2) Maintenance of existing radio apparatus including the Antenna System, transmission line, mast, tower or other antenna-supporting structure;
- (3) Addition or modification of an Antenna System (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna-supporting structure or other radio apparatus to existing infrastructure, a building, water tower, etc., including additions to rooftops or support pillars, provided:
  - a) the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height;
  - b) the existing Antenna System is at least 15 metres in height<sup>6</sup>; and
  - c) the existing Antenna System has not previously been modified to increase its original height by 25%;<sup>7</sup>

<sup>5</sup> In developing this Joint Antenna System Siting Protocol with the Federation of Canadian Municipalities (FCM), the Canadian Wireless Telecommunications Association (CWTA) has agreed that Proponents will follow all or part of the pre-consultation, proposal submission and public consultation requirements for typically exempt Freestanding Antenna Systems and additions to Freestanding Antenna Systems, as long as these requirements are reasonable and consistent with the process identified in this protocol.

<sup>6</sup> Any modifications or additions to existing Antenna Systems 15 metres or less in height that would extend the height of the existing antenna above 15 metres will be subject to the consultation process as applicable.

<sup>7</sup> The exemption for modifications or additions that increase the height of the existing system by 25% or less applies only once. Subsequent modifications or additions to the same structure will be subject to the consultation process as applicable.



- (4) Maintenance of an Antenna System's painting or lighting in order to comply with Transport Canada's requirements; and
- (5) Installation, for a limited duration (typically not more than 3 months), of an Antenna System that is used for a special event, or one that is used to support local, provincial, territorial or national emergency operations during an emergency, and is removed within 3 months after the emergency or special event.<sup>8</sup>

The CPC also states that: Individual circumstances vary with each Antenna System installation and modification, and the exclusion criteria above should be applied in consideration of local circumstances. Consequently, it may be prudent for the Proponents to consult the Municipality and the public even though the proposal meets an exclusion noted above. Therefore, when applying the criteria for exclusion, Proponents should consider such things as:

- the Antenna System's physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;
- the location of the proposed Antenna System on the property and its proximity to neighbouring residents;
- the likelihood of an area being a Community-Sensitive Location; and
- Transport Canada marking and lighting requirements for the proposed structure.

#### **4.2 NOTIFICATION AND MUNICIPAL REVIEW OF EXEMPT ANTENNA SYSTEMS**

Notwithstanding Industry Canada's exemption criteria for certain Antenna Systems, Municipalities should be informed of all new Antenna System installations within their boundaries so they can:

- Be prepared to respond to public inquiries once construction/installation has begun;
- Be aware of site Co-location within the Municipality;
- Maintain records to refer to in the event of future modifications and additions; and
- Engage in meaningful dialogue with the Proponent with respect to the appearance of the Antenna System and structure prior to the Proponent investing in full design.

Therefore, Proponents are required to undertake the following steps for **all exempt Antenna System installations before commencing construction**.

<sup>8</sup> The Municipality may grant, upon request, additional time for the removal of Antenna Systems used for a special event or emergency operation.





#### **4.2.1 Building/Structure-Mounted Antenna System:**

The Proponent will in all cases provide the following information for all new Antenna Systems or modifications to existing Antenna Systems that are mounted to an existing structure, including (but not limited to) a building/rooftop, water tower, utility pole or light standard:

- (1) The location of the Antenna System (address, name of building, rooftop or wall mounted, etc.);
- (2) Description of proposed screening or stealth design measures with respect to the measures used by existing systems on that site and/or the preferences expressed in Section 6;
- (3) The height of the Antenna System;
- (4) The height of any modifications to existing systems.

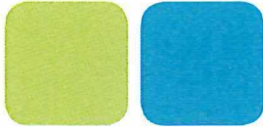
The Municipality may notify the Proponent of any inconsistency with the preferences and sensitivities expressed in Section 6 and the parties will work towards a mutually agreeable solution.

#### **4.2.2 Freestanding Antenna Systems and additions to Freestanding Antenna Systems:**

The Proponent will confirm to the Municipality that the Freestanding Antenna System to be erected, or an addition to an existing Freestanding Antenna System as defined in Section 4.1(3), meets the exclusion criteria in Section 4.1 by providing the following:

- (1) The proposed location, including its address and location on the lot or structure;
- (2) A short summary of the proposed Antenna System including a preliminary set of drawings or visual rendering of the proposed system; and
- (3) A description of how the proposal meets one of the Section 4.1 exclusion criteria.

The Municipality will review the documentation and will contact the Proponent where there is a site-specific basis for modifying the exemption criteria based on the preferences and sensitivities expressed in Section 6 of this Protocol. In such cases, the Municipality and the Proponent will work toward a mutually agreeable solution, which may include the Municipality requesting the proposal be subject to all or part of the pre-consultation, proposal submission and public consultation process defined in Sections 5, 7 and 8 of this protocol, as applicable, concluding with a letter of concurrence or non-concurrence.



**Proponents should anticipate that the Municipality will request that all proposals for new Freestanding Antenna Systems and additions to existing Freestanding Antenna Systems that are proposed within the Prescribed Distance from the nearest Residential Area be subject to the pre-consultation, proposal submission and public consultation process. For this reason, Proponents are strongly encouraged to initiate this process before investing in a final design or site.**

#### **4.3 EXEMPTIONS FROM PUBLIC CONSULTATION ONLY**

In addition to Industry Canada's basic exemptions listed in subsection 4.1, the following types of Antenna Systems are exempt from the public consultation requirement by the Municipality:

- (1) New Antenna Systems which will be located outside the Prescribed Distance (as identified in Section 3) from the nearest Residential Area.
- (2) Notwithstanding subsection (1) above, the Municipality may, on a case-by-case basis, exempt a Proponent from all or part of the consultation requirements under Section 8 of this Protocol.<sup>9</sup> For example, exemptions may be granted where the proposed location is separated from a Residential or Heritage area or structure by an arterial roadway, and/or is buffered by substantial tree cover, topography, or buildings.

#### **4.4 SITING ON MUNICIPAL-OWNED PROPERTIES**

Any request to install an Antenna System on lands owned by the Municipality shall be made to the appropriate official dealing with municipal properties, in accordance with Municipal policy.<sup>10</sup>

<sup>9</sup> For example, a Municipality may decide to exclude certain proposals from the requirement to hold a public meeting, but not from issuing a public notification to affected property owners/tenants within the Prescribed Distance.

<sup>10</sup> Existing municipal procedures related to the leasing/selling of municipal-owned land to third parties may necessitate a consultation process irrespective of whether an exemption is provided under this Protocol.

## Section 5



Pre-consultation is one of the most important elements in the antenna siting process as it generally occurs at a point before the Proponent is committed to a site or design. As a result it represents the best opportunity to influence the siting decision since the Proponent will more likely become committed to a site once the detailed engineering has been completed. While a discussion of submission requirements is appropriate the proposal will benefit most from early direction on matters of siting and design. Proponents are strongly encouraged to initiate pre-consultation as early as possible in the antenna siting process for exempt and non-exempt structures.

Prior to submitting an Antenna System proposal, including for Freestanding Antenna Systems or additions to Freestanding Antenna Systems as may be required under Section 4.2.2, the Proponent will undertake the following preliminary consultations with the Municipality.

### **5.1 NOTIFICATION**

Proponents will notify the Designated Municipal Officer that locations in the community are being physically assessed for potential Antenna System siting.

### **5.2 SITE INVESTIGATION MEETING WITH MUNICIPALITY**

Prior to submitting an Antenna System siting proposal, the Proponent will initiate a site investigation meeting with the Municipality.

The purpose of the site investigation meeting is to:

- Identify preliminary issues of concern;
- Identify requirements for public consultation (including the need for additional forms of notice and a public information session);
- Guide the content of the proposal submission; and
- Identify the need for discussions with any Municipal Departments and Other Agencies as deemed necessary by the Designated Municipal Officer.





Where the Municipality has an initial concern with the proposed siting of the proposal they will make known to the Proponent alternative locations within the Proponent's search area for consideration.

The Proponent will bring the following information to the site investigation meeting<sup>11</sup>:

- (1) The proposed location;
- (2) Potential alternative locations;
- (3) The type and height of the proposed Antenna System; and
- (4) Preliminary drawings or visual renderings of the proposed Antenna System superimposed to scale; and
- (5) Documentation regarding the investigation of co-location potentials on existing or proposed Antenna Systems within 500 metres of the subject proposal.

If desired by both the Proponent and the Municipality, multiple Antenna System siting proposals may be reviewed at a site investigation meeting.

### **5.3 CONFIRMATION OF MUNICIPAL PREFERENCES AND REQUIREMENTS**

Following the site investigation meeting, municipal staff will provide the Proponent with an information package that includes:

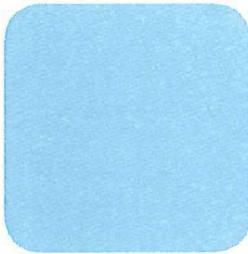
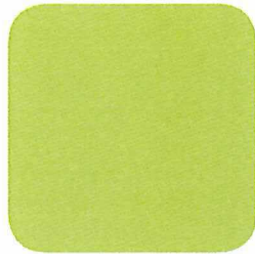
- (1) This Protocol, which outlines the approval process, excluded structures, requirements for public consultation and guidelines regarding site selection, co-location, installation, design and landscaping;
- (2) Proposal submission requirements;
- (3) A list of plans and studies that may be required (i.e. environmental impact statements);
- (4) A list of Municipal Departments and Other Agencies to be consulted; and
- (5) An indication of the Municipality's preferences regarding Co-location for the site(s) under discussion.

To expedite the review of the proposal, the Proponent will review this information package before the proposal is submitted so that the interests of Municipal Departments are taken into account. The Proponent is encouraged to consult with affected Departments as well as the local Elected Municipal Official and/or Designated Municipal Officer before submitting the proposal.

<sup>11</sup> Proponents may prefer to attend the site investigation meeting without some of the required documents – particularly preliminary drawings – if it is waiting on Municipality feedback before settling on a final location, structure height or design. This should be confirmed with the Municipality. Such documents will be required to be provided following the meeting and prior to the Municipality providing the Proponent with the information package.



## Section 6



## DEVELOPMENT GUIDELINES

### **BACKGROUND (TO BE REMOVED FROM FINAL PROTOCOL):**

Municipalities are advised to provide as much detail as possible in this section in order to guide the development of Antenna Systems in their community in a manner that respects local sensitivities and land-use compatibility while providing transparency and predictability to Proponents. Various common criteria for development guidelines are included below. Suggestions for specific guidelines that have been identified as best practices from other Municipal protocols are provided in the Appendix as a reference point. Municipalities are encouraged to populate this guidelines section (or remove any inapplicable categories) as is appropriate to identify their local sensitivities.

Municipalities should ensure that all relevant Zoning By-law regulations are cited in this section as deemed necessary.

Antenna Systems should be sited and designed to respect local sensitivities and preferences as identified by the Municipality.

The Municipality has set out a number of guidelines under the following criteria for the selection of sites and/or construction of new Antenna Systems:

- **Location, including Co-location; and**
- **Development and Design Preferences**

The Proponent should review the guidelines identified below as early as possible, and should attempt to resolve any outstanding issues prior to submitting its Antenna System siting proposal and undertaking the public consultation, where required by the Municipality. Because expressed preferences may be location- or site-specific, the Proponent is encouraged to discuss the guidelines fully with the Municipality at the site investigation meeting.

Proponents are also required to obtain all applicable building permits for additions and/or modifications to existing buildings.



## 6.1 LOCATION

### Co-location:

Before submitting a proposal for an Antenna System on a new site, the Proponent must explore the following options:

- Consider sharing an existing Antenna System, modifying or replacing a structure if necessary;
- Locate, analyze and attempt to use any feasible existing infrastructure, including (but not limited to) rooftops, water towers, utility poles or light standards.

Where Co-location on an existing Antenna System or structure is not possible, a new Antenna System should be designed with Co-location capacity, including in Residential Areas when identified as the Municipality's preference.

The Municipality recognizes that the objective of promoting Co-location and the objective of making Antenna Systems less noticeable may sometimes come into conflict. Nevertheless, the Municipality intends to review each submission on its merits with a view to promoting both objectives and, where necessary, will determine the appropriate balance between them. The Proponent should, in all cases, verify the Municipality's site-specific design preferences during the pre-submission consultation process before investing in a final design or site.

### Preferred Locations:

When new Antenna Systems must be constructed, **where technically feasible**, the following locations are preferred:

- 

### Discouraged Locations

New Antenna Systems should avoid the following areas:

-



## **6.2 DEVELOPMENT AND DESIGN PREFERENCES**

Antenna Systems should be designed in terms of appearance and aesthetics to respect their immediate surroundings (e.g. Residential, parkland, Heritage district, etc.), including being unobtrusive and inconspicuous, minimizing visual impact, avoiding disturbance to natural features, and reduce the need for future facilities in the same area, where appropriate. The Municipality's preferred design and development preferences are described below.

The Municipality will identify to the Proponent which of the following development and design preferences are encouraged in the proposed location.

### **Style and Colour:**

- 

### **Buffering and Screening:**

- 

### **Structure:**

- 

### **Height:**

- 

### **Yards, Parking and Access:**

- 

### **Equipment Cabinets in Public Spaces:**

- 

### **Signage and Lighting:**

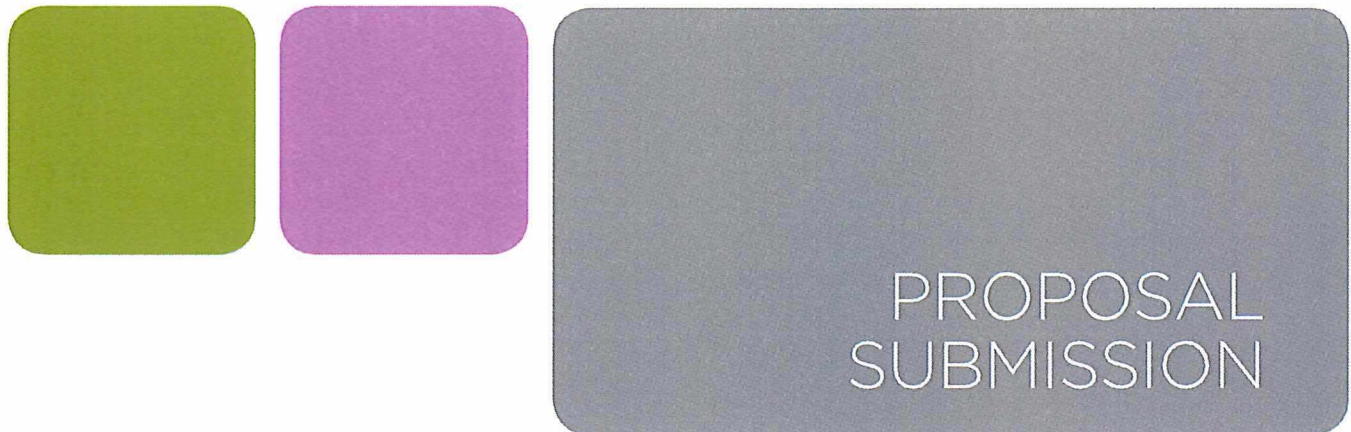
- 

### **Rooftop Equipment:**

-



## Section 7



For a proposed Antenna System, except for cases in which consultation is not required as per Section 4.2.1 or the Municipality has not requested consultation as per Section 4.2.2, the Proponent will submit to the Municipality an Antenna System siting proposal and the applicable fee.

### 7.1 PROPOSAL SUBMISSION REQUIREMENTS

The Proponent must include the following information when submitting an Antenna System siting proposal:

- (1) A letter or report from the Proponent indicating the need for the proposal, the proposed site, the rationale for site selection, coverage and capacity of existing Antenna Systems in the general area and a summary of opportunities for Co-location potentials on existing or proposed Antenna Systems within 500 metres of the subject proposal;
- (2) Visual rendering(s) of the proposed Antenna System superimposed to scale;
- (3) A site plan showing the proposed development situated on the site;
- (4) A map showing the horizontal distance between the property boundary of the proposed site and the nearest property in residential use;
- (5) For Antenna Systems requiring public consultation, a map showing all properties located within the Prescribed Distance from the proposed Antenna System;<sup>12</sup>
- (6) Confirmation of legal ownership of the lands subject to the proposal, or a signed letter of authorization from the registered property owner of the land, their agent, or other person(s) having legal or equitable interest in the land;
- (7) An attestation that the Antenna System will respect Health Canada's Safety Code 6 which sets safe radiofrequency emission levels for these devices; and
- (8) Any other documentation as identified by the Municipality following the site investigation meeting.<sup>13</sup>

<sup>12</sup> The Proponent may request to use the Municipality's mapping system.

<sup>13</sup> For example, in cases where the Proponent commits to a design that includes Co-location capacity, the Municipality may require the Proponent to verify that other Proponents in the area have been notified of the potential Co-location opportunities.



A determination on the completeness of an application or request for additional information will be provided within **five working days** of receipt of the proposal.

Upon receipt of a complete proposal submission, the Municipality will circulate the proposal for review and comment to:

- (1) Affected Municipal Departments;
- (2) Any adjacent Municipalities within the Prescribed Distance;<sup>14</sup> and
- (3) The local Elected Municipal Official.

## 7.2 FEES

***Remove reference to fees if not applicable to your Municipality.***

The Proponent must pay any applicable application fee to the Municipality.

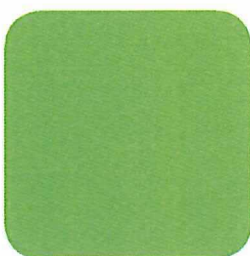
The Proponent is responsible for securing applicable applications or permissions from all relevant municipal departments and paying any applicable application fees or charges as required to the Municipality.

---

<sup>14</sup> As part of inter-municipal processes, the Municipality may also request that the Proponent notify adjacent Municipalities at greater distances, subject to review by the Municipality or at the request of the adjacent Municipality.



## Section 8



# PUBLIC CONSULTATION PROCESS

## **BACKGROUND (TO BE REMOVED FROM FINAL PROTOCOL):**

Industry Canada believes that nearby residents should be consulted regarding non-excluded antenna proposals. Consultation allows the community to be involved and ultimately influences the proposal's siting. Discussions allow stakeholders to work towards a consensus.

While Industry Canada provides a default public consultation process in the CPC, Municipalities are free to structure their public consultation process to meet their needs. Most often, Municipalities customize their public consultation process in two ways:

- By prescribing which information must be included in the public notification; and
- Requiring that either a face-to-face public consultation (i.e. open-house, drop-in or public meeting) process or a written (or other) consultation process take place.

If the proposed Antenna System is not exempt from the public consultation process as per the requirements in Section 4, the Proponent will initiate the following public consultation process, including issuing notice, undertaking written consultation, hosting a public information session where required and reviewing the consultation results with the Municipality.

### **8.1 NOTICE RECIPIENTS**

After the Proponent has submitted an Antenna Systems siting proposal, the Proponent will give notice to:

- (1) All affected residential properties within the Prescribed Distance;
- (2) All Designated Community Associations within the Prescribed Distance.
- (3) Any adjacent municipalities within the Prescribed Distance;
- (4) The local Elected Municipal Official;
- (5) The Designated Municipal Officer; and
- (6) The Industry Canada regional office.



The Municipality will assist the Proponent in compiling a mailing list of addresses of the affected residences within the Prescribed Distance from the proposed Antenna System.<sup>15</sup> The Municipality may charge a fee for this service.

## **8.2 NOTICE REQUIREMENTS**

The notice will be sent by regular mail or hand delivered, a minimum of 30 days before the public information session (where a public information session is required), and include:

- (1) Information on the location, height, type, design and colour of the proposed Antenna System; including a 21 cm x 28 cm (8 1/2" x 11") size copy of the site plan submitted with the application;
- (2) The rationale, including height and location requirements, of the proposed Antenna System;
- (3) The name and contact information of a contact person for the Proponent;
- (4) The name and contact information of the Designated Municipal Officer;
- (5) An attestation that the Antenna System will respect Health Canada's Safety Code 6 which sets safe radiofrequency emission levels for these devices;
- (6) The date, time and location of the public information session where required; and
- (7) A deadline date for receipt by the Proponent of public responses to the proposal.
  - a. Where a public information session is required, the deadline date must be no more than five days before the date of the session.
  - b. Where a public information session is not required, the deadline date must be at least 30 days after the notices are mailed.

The notification shall be sent out in an envelope addressed to the "Occupant" and shall clearly show in bold type on the face of the envelope the statement:

**"NOTICE FOR RESIDENTS WITHIN [INSERT PRESCRIBED DISTANCE] OF A NEW PROPOSED CELL TOWER. INFORMATION IS ENCLOSED."**

<sup>15</sup> Notices may be delivered to a condo/strata corporation instead of to each unit owner.



The Municipality may also require the Proponent, based on local conditions such as a high proportion of rental accommodation in the vicinity of the site, to provide such additional forms of notice as deemed necessary. Additional notification requirements will be identified by the Municipality during or following the site investigation meeting. Other forms of notification may include, but are not limited to:

- A large format notice board sign or signs, posted on the site of the proposed Antenna System, that is clearly visible from any roadway abutting the site;
- Publication of the notice in a local newspaper(s); and/or,
- Hand delivery of notices to specified buildings.

### **8.3 WRITTEN CONSULTATION PROCESS**

Following the delivery of the notification, the Proponent will allow the public to submit written comments or concerns about the proposal.

The Proponent will:

- (1) Provide the public at least 30 days to submit questions, comments or concerns about the proposal;
- (2) Respond to all questions, comments and concerns in a timely manner (no more than 60 days from the date of receipt); and
- (3) Allow the party to reply to the Proponent's response (providing at least 21 days for public reply comments).
- (4) Keep a record of all correspondence that occurred during the written consultation process. This includes records of any agreements that may have been reached and/or any concerns that remain outstanding.
- (5) Provide a copy of all written correspondence to the Municipality and the regional Industry Canada office.





#### **8.4 PUBLIC INFORMATION SESSION**

The municipality may request the Proponent chair a public information session in cases where there is significant public interest in the proposed Antenna System. The type of public meeting to be conducted (open house, drop-in or town hall format) is up to the discretion of the Proponent, however:

- An appropriate date, time and location for the public information session will be determined in consultation with the Designated Municipal Officer.
- The Proponent will make available at the public information session an appropriate visual display of the proposal, including a copy of the site plan submitted with the application and an aerial photograph of the proposed site.

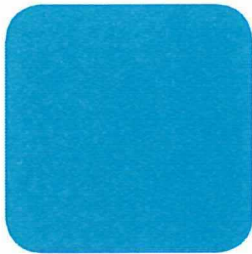
The Proponent will provide the Municipality with a package summarizing the results of the public information session containing at a minimum, the following:

- (1) List of attendees, including names, addresses and phone numbers (where provided voluntarily);
- (2) Copies of all letters and other written communications received; and
- (3) A letter of response from the Proponent outlining how all the concerns and issues raised by the public were addressed.

#### **8.5 POST CONSULTATION REVIEW**

The Municipality and the Proponent will communicate following completion of the public consultation process (and arrange a meeting at the Municipality's request) to discuss the results and next steps in the process.

## Section 9



# STATEMENT OF CONCURRENCE OR NON-CONCURRENCE

### 9.1 CONCURRENCE AND CONCURRENCE WITH CONDITIONS

The Municipality will provide a letter of concurrence to Industry Canada (copying the Proponent) where the proposal addresses, to the satisfaction of the Municipality, the requirements as set out within this Protocol and the Municipality's technical requirements, and will include conditions of concurrence, if required.<sup>16</sup>

The Municipality will issue the letter of concurrence within the timeframe established in Section 10.

### 9.2 NON-CONCURRENCE

The Municipality will provide a letter of non-concurrence to Industry Canada (copying the Proponent) if the proposal does not conform to Municipality requirements as set out within this Protocol. The Municipality will also forward to Industry Canada any comments on outstanding issues, including those raised during the public consultation process.

The Municipality will issue the letter of non-concurrence within the timeframe established in Section 10.

### 9.3 RESCINDING A CONCURRENCE

The Municipality may rescind its concurrence if following the issuance of a concurrence, it is determined by the Municipality that the proposal contains a misrepresentation or a failure to disclose all the pertinent information regarding the proposal, or the plans and conditions upon which the concurrence was issued in writing have not been complied with, and a resolution cannot be reached to correct the issue.

In such cases, the Municipality will provide notification in writing to the Proponent and to Industry Canada and will include the reason(s) for the rescinding of its concurrence.

---

<sup>16</sup> The Municipality may, on case-by-case basis, include in writing specific conditions of concurrence such as design, screening or Co-location commitments.





#### **9.4 DURATION OF CONCURRENCE**

A concurrence remains in effect for a maximum period of three years from the date it was issued by the Municipality. If construction has not commenced within this time period the concurrence expires and a new submission and review process, including public consultation as applicable, is necessary prior to any construction occurring.<sup>17</sup>

In addition, if construction has not commenced after two years from the date the concurrence was issued, the Municipality requests that the Proponent send a written notification of an intent to construct to the Designated Municipal Officer, the Elected Municipal Official and any Designated Community Association once the work to erect the structure is about to start. This notification should be sent 60 days prior to any construction commencing. No further consultation or notification by the Proponent is required.

#### **9.5 TRANSFER OF CONCURRENCE**

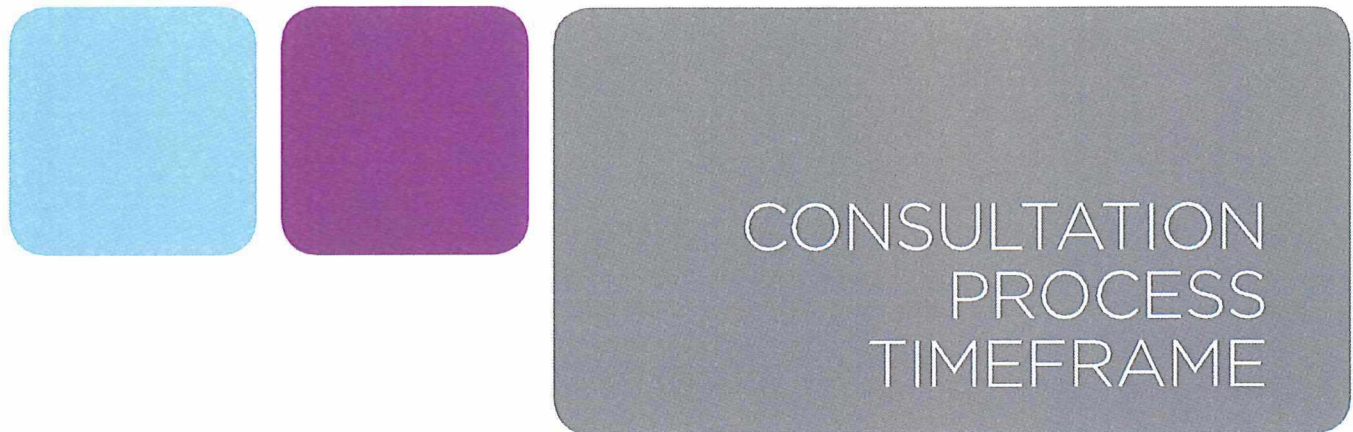
Once concurrence has been issued, that concurrence may be transferred from the original Proponent to another Proponent (the current Proponent) without the need for further consultation provided that:

- (1) All information gathered by the original Proponent in support of obtaining the concurrence from the Municipality is transferred to the current Proponent;
- (2) The structure for which concurrence was issued to the original Proponent is what the current Proponent builds; and
- (3) Construction of the structure is commenced within the Duration of Concurrence period.

---

<sup>17</sup> For the purpose of this Protocol, construction will be deemed by the Municipality to have commenced when the preparation of a base for an antenna structure has been physically initiated or an existing structure is about to be altered in any way in preparation of an increase in height to that structure.

## Section 10



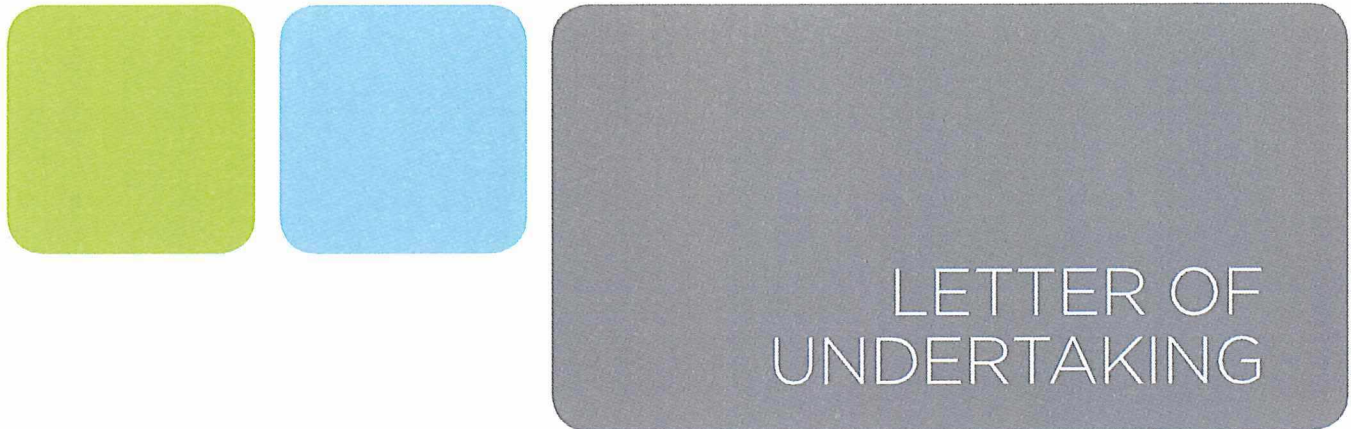
Consultation with the Municipality is to be completed within 60 days of the proposal being accepted as complete by the Municipality as explained in Section 7 of this Protocol.

Where public consultation is required, consultation with the Municipality and public consultation are both to be completed within 120 days of the proposal being accepted as complete by the Municipality.

The Municipality or Proponent may request an extension to the consultation process timeline. This extension must be mutually agreed on by both parties.

In the event that the consultation process is not completed in 270 days, the Proponent will be responsible for receiving an extension from the Municipality or reinitiating the consultation process to the extent requested by the Municipality.

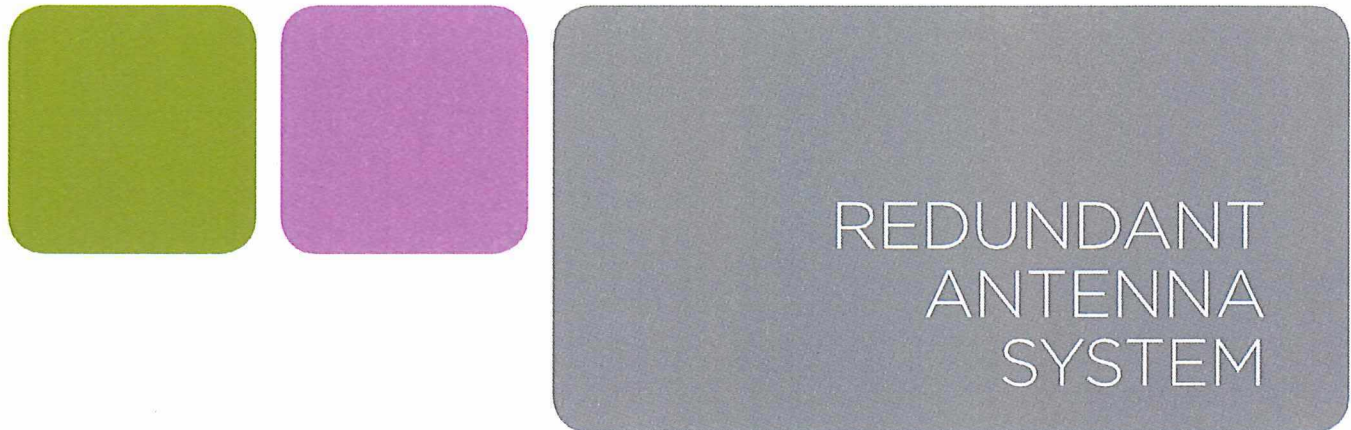
## Section 11



The Proponent may be required, if requested by the Municipality, to provide a Letter of Undertaking, which may include the following requirements:

- (1) The posting of a security for the construction of any proposed fencing, screening and landscaping;
- (2) A commitment to accommodate other communication providers on the Antenna System, where feasible, subject to the usual commercial terms and Industry Canada Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements (CPC-2-O-17); and
- (3) All conditions identified in the letter of concurrence.

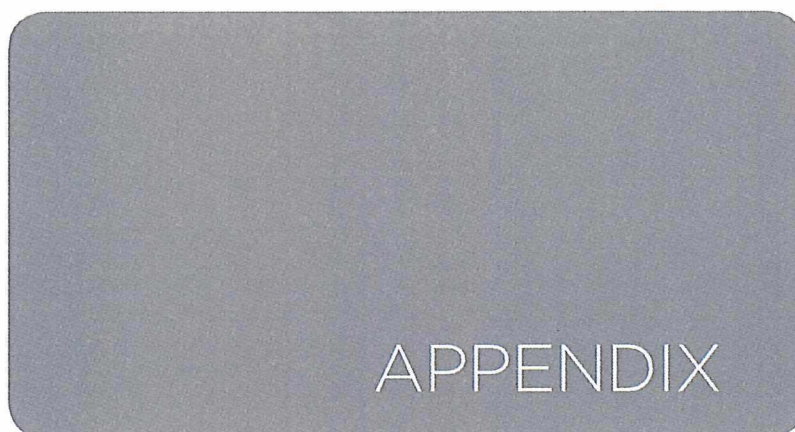
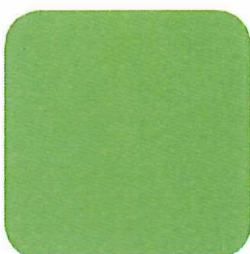
## Section 12



Municipalities can issue a request to network operators to clarify that a specific Antenna System is still required to support communication network activity. The network operator will respond within 30 days of receiving the request, and will provide any available information on the future status or planned decommissioning of the Antenna System.

Where the network operators concur that an Antenna System is redundant, the network operator and Municipality will mutually agree on a timeframe to remove the system and all associated buildings and equipment from the site. Removal will occur no later than 2 years from when the Antenna System was deemed redundant.





## APPENDIX

Industry Canada's *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* suggests that protocols can include promoting the placement of antennas in optimal locations from a land-use point of view,<sup>18</sup> or excluding certain lands and rooftops from protocol requirements.

The protocol should identify areas of historic, cultural or environmental importance to the community and the need to minimize the impact of the proposal on these areas, and identify local preferences for antenna siting. **In particular, the Municipality should define Community Sensitive Areas in which the siting of new Antenna Systems is discouraged, as may be defined in local zoning bylaws or community plans.** Industry Canada also requires Proponents to use existing antenna towers or infrastructure (such as rooftops, water towers, etc.) where possible, and the Municipality may wish to provide guidance as to its own preferences regarding Co-location.

Suggestions for specific location and design guidelines that have been identified as best practices from other Municipality protocols, and can be used to customize Section 6 of your protocol, are provided below as a reference point.

---

<sup>18</sup> The land-use compatibility of Antenna Systems may be guided by municipal plans, design bylaws, relevant planning work (i.e. neighbourhood plans and antenna site pre-selection studies) and/or any other municipal guiding document or policy.





## **LOCATION**

### **Preferred Locations:**

- Areas that maximize the distance from Residential Areas.
- Industrial and commercial areas.
- Mounted on buildings or existing structures within the downtown area.
- Areas that respect public views and vistas of important natural or manmade features.
- Agricultural areas.
- Transportation and utility corridors.
- As near as possible to similarly-scaled structures.
- Institutional uses where appropriate, including, but not limited to, those institutions that require telecommunications technology: emergency services, hospitals, colleges and universities.
- Adjacent to parks, green spaces and golf courses.
- Located in a manner that does not adversely impact view corridors.
- Other non-Residential Areas where appropriate.

### **Discouraged Locations**

- Locations directly in front of doors, windows, balconies or residential frontages.
- Ecologically significant natural lands.
- Riverbank lands.
- Inappropriate sites located within Parks and Open Space Areas (with the exception of sites zoned to permit utilities and/or unless designed to interact with the area's character).
- Sites of topographical prominence.
- Heritage areas (unless visibly unobtrusive) or on heritage structures unless it forms an integrated part of the structure's overall design (i.e. through the use of stealth structures).
- Pitched roofs.
- Community Sensitive Locations (as may be defined by the Municipality prior to being included in this Protocol).



## **DEVELOPMENT AND DESIGN PREFERENCES**

### **Style and Colour:**

- The architectural style of the Antenna System should be compatible with the surrounding neighbourhood and adjacent uses (Example: monopole near Residential Area or lattice-style in industrial areas).
- In all instances the Proponent should mitigate negative visual impacts through the use of appropriate landscaping, screening, stealth design techniques, etc.
- An Antenna System may be designed or combined as a landmark feature to resemble features found in the area, such as a flagpole or clock tower, where appropriate, subject to any zoning approvals required for the landmark feature.
- In the downtown area, the design of Antenna Systems should generally be unobtrusive and consistent with Downtown Design Guidelines.
- Towers and communication equipment should have a non-reflective surface.
- Special design treatments should be applied to Antenna Systems proposed to be located within parks and open space areas or on listed Heritage buildings and/or sites to make the system unobtrusive.
- Cable trays should generally not be run up the exterior faces of buildings.
- Antennas that extend above the top of a supporting utility pole or light standard should appear (e.g. in colour, shape and size) to be a natural extension of the pole.

### **Buffering and Screening:**

- Antenna Systems and associated equipment shelters should be attractively designed or screened and concealed from ground level or other public views to mitigate visual impacts. Screening could include using existing vegetation, landscaping, fencing, or other means in order to blend with the built and natural environments.
- A mix of deciduous and coniferous trees is preferred to provide year-round coverage.
- Where adjacent to a principal building, equipment shelters should be constructed of a material similar in appearance to at least one of the materials used in the facades of the principal building and one of the same colours used in the principal building.



### Structure:

- Single operator loaded towers (i.e., monopoles) are generally unobtrusive and of low impact and may therefore be located near living areas.
- New structures in residential or high-traffic areas should consider multi-use design (street lighting, electric vehicle charging, parking payment terminals, signage, Wi-Fi etc.).
- Individual wall-mounted antennas should be fixed as close to the wall as possible and should not project above the height of the wall face they are mounted on, in order to avoid visual clutter, and should be painted to match the wall colour for stealth.
- Facilities located on rooftops should be not be visible (to the extent possible) from the street.
- The appropriate type of telecommunication antenna structure for each situation should be selected based upon the goal of making best efforts to blend with the nearby surroundings and minimize the visual aesthetic impacts of the telecommunication antenna structure on the community.
- Pinwheel telecommunication antennas are discouraged (or encouraged).
- The use of guy wires and cables to steady, support or reinforce a tower is discouraged (or encouraged).

### Height:

- The Municipality prefers that Freestanding Antenna Systems be a maximum of [TO BE DETERMINED BY THE Municipality] in height, except in industrial areas.<sup>19</sup>
- Height for a Freestanding Antenna System must be measured from grade to the highest point on the structure, including lighting and supporting structures.
- Where Building/Structure-Mounted Antenna Systems will exceed 25% of the height of the existing building, the Municipality prefers that the height not exceed [TO BE DETERMINED BY THE Municipality] measured from the top of the roof or [TO BE DETERMINED BY THE Municipality] above the highest point of the elevator penthouse, whichever is higher.

### Yards, Parking and Access:

- Adequate yards, to be determined on a site-by-site basis, should separate Antenna Systems from adjacent development without unduly affecting the development potential of the lot over the lease period.

<sup>19</sup> The Municipality may require Proponents to take out a newspaper notice for Freestanding Antenna Systems that are more than 30 metres in height, in addition to the public notification requirements listed in Section 8.





- Parking spaces, where provided at each new Antenna System site, should have direct access to a public right-of-way at a private approach that does not unduly interfere with traffic flow or create safety hazards.

#### **Equipment Cabinets in Public Spaces<sup>20</sup>:**

- Cabinets shall be designed in a manner which integrates them into their surroundings, including use of decorative wraps that are graffiti-resistant.
- Cabinet dimensions shall be as minimal as possible.
- Cables and wires must be concealed or covered.

#### **Signage and Lighting:**

- Small owner identification signs up to a maximum of 0.19 square metres may be posted on Antenna Systems and associated equipment shelters or perimeter fencing.
- No advertising sign or logo is permitted.
- Appropriate signage may also be used as part of screening or disguise.<sup>21</sup>
- Unless specifically required by Transport Canada and/or NAV Canada, the display of any lighting is discouraged.
- Where Transport Canada and/or NAV Canada requires a structure to be lit, the lighting should be limited to the minimum number of lights and the lowest illumination allowable, and any required strobe lightning should be set to the maximum strobe interval allowed by Transport Canada.
- The lighting of Antenna Systems and associated equipment shelters for security purposes is supportable provided it is shielded from adjacent residential properties, is kept to a minimum number of lights and illumination intensity, where possible, is provided by a motion detector or similar system.

#### **Rooftop Equipment:**

- Equipment shelters located on the roof of a building should be set back from the roof edge to the greatest extent possible, and painted to match the penthouse/building.

<sup>20</sup> This section is intended to apply to mechanical equipment cabinets that are located in public spaces (e.g. at the bottom of a utility pole) and do not apply to cabinets that are located inside fenced in areas (e.g. in industrial areas or on rooftops).

<sup>21</sup> Municipality concurrence under this protocol does not include approval for associated signage. Proponents are required to obtain any necessary approvals for signage through the Municipality's development process or sign by-law as applicable.

