

339 Harrison Drive, Sudbury – Antenna System

Presented To:	Planning Committee
Meeting Date:	August 16, 2021
Type:	Routine Management Reports
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	705/19-5

Report Summary

This report provides a recommendation regarding the City's Designated Municipal Officer providing a position of concurrence to Innovation, Science and Economic Development Canada with respect to the proposed radio-communication and broadcasting antenna system at 339 Harrison Drive, Sudbury.

Resolution

THAT the City of Greater Sudbury direct the City's Designated Municipal Officer to indicate a position of concurrence to Innovation, Science and Economic Development Canada with respect to the proposed radio-communication and broadcasting antenna system that is to be located on those lands known and described as PIN 73475-0205, Parcel 46039, Part 1, Plan 53R-9523, Lot 6, Concession 6, Township of Broder, as outlined in the report entitled "339 Harrison Drive, Sudbury – Antenna System", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on August 16, 2021, subject to the following conditions:

1. That the proponent submit a lot grading and drainage plan for the area in and around the proposed antenna system to the satisfaction of the Director of Planning Services; and,
2. That the Designated Municipal Officer inform Innovation, Science and Economic Development Canada in writing once Condition #1 above has been satisfied.

Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

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, the proponent has advised that there is an identified gap in their wireless service coverage and that they seek to improve said wireless service coverage for residential neighbourhoods that are located between Highway #17 and the Four Corners

intersection. In particular, the proponent has identified that the proposed antenna system would yield wireless service coverage improvements to the west of Long Lake Road along Gateway Drive and to east of Long Lake Road along Countryside Drive.

This application for public consultation on a proposed radio-communication and broadcasting antenna system is otherwise an operational matter under the federal Radio-communication Act to which the City is responding.

Financial Implications

This report has no financial implications

Report Overview:

This report reviews an application for public consultation for a proposed antenna system to be located at 339 Harrison Drive in the community of Sudbury. The proposed antenna system would have a maximum height of 75 m (246.06 ft) and would be located on a south-westerly portion of the subject lands. At the base of the antenna system, a 3.95 m² (42.52 ft²) pre-fabricated, walk-in equipment shelter will be enclosed by a chain-link fence having a height of 1.8 m (5.91 ft) and thereby forming a 15 m (49.21 ft) by 15 m (49.21 ft) compound that will act to prevent any form of public access to the antenna system. The antenna system would be accessed via the existing driveway entrance onto Harrison Drive.

The proponent did initiate their own written public consultation process on July 8, 2019, and at this time distributed notification letters by regular mail to all properties located within the prescribed distance of the proposed antenna system. The proponent later submitted a summary report of their public consultation efforts on June 16, 2021, which outlined that during the commenting period there was one submission received by the proponent in response to the mailed notification letter. The application for public consultation was also circulated for review and comment to relevant agencies and departments, as well as to the local councilor and no major areas of concern were provided to the Planning Services Division.

Staff is satisfied that in general the proposed antenna system meets the City's development guidelines requirements and there are no areas of concern with respect to the proposed antenna system from a good land use planning perspective. Staff are however recommending that a lot grading plan for the area in and around the proposed antenna system be prepared to the satisfaction of the Director of Planning Services in order to ensure that existing drainage patterns for the both the subject lands and surrounding areas are maintained once the proposed antenna system is constructed.

The Planning Services Division is therefore recommending that the City's Designated Municipal Officer indicate a position of concurrence with conditions to Innovation, Science and Economic Development Canada with respect to the proposed radio-communication and broadcasting antenna system that is described in this report.

STAFF REPORT

Proponent:

Rogers Communications Inc.

Agent:

Forbes Bros. Ltd. (c/o Jay Lewis)

Location:

PIN 73475-0205, Parcel 46039, Part 1, Plan 53R-9523, Lot 6, Concession 6, Township of Broder (339 Harrison Drive, Sudbury)

Application:

To engage in public consultation and obtain a position of concurrence or non-concurrence from the City of Greater Sudbury that is to be provided to Innovation, Science and Economic Development Canada (ISED) with respect to a proposed ground-based and self-supporting antenna system.

Proposal:

The proposed self-support antenna system would have a maximum height of 75 m (246.06 ft) and would be located on a south-westerly portion of the subject lands. The antenna system would be accessed via the existing driveway entrance onto Harrison Drive.

Jurisdiction and Roles:

Under the [Radiocommunication Act](#), the Minister of ISED has sole jurisdiction over inter-provincial and international communication facilities. The final decision to approve and license the location of an antenna system is made only by ISED.

The role of the City of Greater Sudbury is to issue a statement of concurrence or non-concurrence to ISED. This statement is to consider only the land use compatibility of the proposed antenna system, the responses of affected residents and adherence by the proponent to public consultation protocol requirements.

Proponents themselves are tasked with strategically locating antenna systems to satisfy technical criteria and operational requirements in response to public demand. Throughout the siting process, proponents are expected to adhere to the antenna siting guidelines set out by both ISED and the City of Greater Sudbury. It is also noted that a proponent must additionally comply with all related federal legislation and regulations such as Health Canada's [Safety Code 6](#), the [Canadian Environmental Assessment Act](#) and any [NAV Canada](#) and [Transport Canada](#) painting and lighting requirements for aeronautical safety.

Site Description & Surrounding Uses:

The subject lands are located on the south side of Harrison Drive and to the west of Long Lake Road in the community of Sudbury. The lands have a total lot area of approximately 0.81 ha (2.00 acres) and approximately 21 m (68.90 ft) of lot frontage on Harrison Drive. There is a legal non-conforming taxi-stand land use situated on the lands. The proposed antenna system would be located generally on a south-westerly portion of the lands and would be accessed via the existing driveway entrance onto Harrison Drive. There are two existing buildings on the lands and the proposed antenna system would be situated to the immediate south of an existing maintenance garage.

Surrounding uses are generally mixed with urban residential development existing to the north on Harrison Drive and Gateway Drive along with a north-south oriented mixed use commercial corridor along Long Lake

Road. There is also an existing automotive use to the immediate east of the subject lands at the corner of Harrison Drive and Long Lake Road. There is a several large tracts of vacant land that is zoned for future development situated in close proximity to the subject lands.

Departmental/Agency Circulation:

The application for public consultation was circulated to all relevant agencies and departments. Comments received at the time of writing this report are as follows:

1. Building Services has advised that ground-based antenna systems are permitted in all zones as per Section 4.40.1 b) of the City's Zoning By-law and further that such antenna systems are not subject to [Ontario Building Code](#) requirements. It is however noted by Building Services that any accessory building having a floor area greater than 10.03 m² (108 ft²) are subject to the Ontario Building Code and would require a building permit;
2. Conservation Sudbury has advised that the proposed antenna system is located within an area regulated by [Ontario Regulation 156/06](#) and that an application under Section 28 of the [Conservation Authorities Act, R.S.O. 1990, c. C.27](#) is required; and,
3. Development Engineering has advised that the subject lands are serviced with municipal water and sanitary sewer infrastructure. It was further noted that based on the sketch provided, it appears that there are ditches in the vicinity of the proposed antenna system. As such, a lot grading plan for the area in and around the proposed antenna system will be required to ensure that existing drainage for the both the subject lands and surrounding areas are maintained

Staff advises the proponent of the above comments and would encourage that communication where necessary take place between the proponent and the agencies and departments that have provided comment. Staff would further note at this time that none of the comments received have direct impact or raise concern with respect to the viability of the proposed antenna system from a good land use planning perspective.

Public Consultation:

Pre-Consultation

Pre-consultation for the proposed antenna system was commenced by Forbes Bros. Ltd. with City staff on April 15, 2019. The City's Development Approvals Section confirmed to the proponent on May 6, 2019, that the proposed antenna system was subject to "Area B" under the City's [Radio-communication and Broadcasting Antenna Systems Public Consultation Protocol](#). The letter of confirmation dated May 6, 2019, to the proponent also included an information package confirming the City's preferences and requirements for an application for public consultation should the proponent choose to proceed. The owner of the subject lands was also copied on this correspondence for information purposes.

The proponent has advised staff that the proposed antenna system is anticipated to improve wireless services to nearby urban residents and businesses. In the general area, the proponent currently has a rooftop installation at the Four Corners (ie. Regent Street and Paris Street/Long Lake Road), a ground-based antenna system to the east generally at the interchange of Regent Street and Highway #17, and a "mono-pine" antenna system approximately 2 km (1.24 miles) to the south of the Long Lake Road and Highway #17 interchange. The proponent has advised that there is an identified gap in their wireless

service coverage and they seek to improve said wireless service coverage for residential neighbourhoods that are located between Highway #17 and the Four Corners intersection. In particular, the proponent has identified that the proposed antenna system would yield wireless service coverage improvements to the west of Long Lake Road along Gateway Drive and to east of Long Lake Road along Countryside Drive.

“Area B” – Public Consultation Requirements

Those antenna systems which are subject to the City’s Protocol and located within “Area B” as identified in Schedule “A” – Modified Review Process to Encourage Locations Away From Residential Areas do not meet any of the modified review process parameters set out in Section 4.2 of the City’s Protocol. The proponent must provide written public notice of the proposed antenna system, initiate and guide their own written public consultation process, and the proponent may be required to hold a Public Information Session in the local community. The proponent is required to then report back to staff prior to proceeding to the City’s Planning Committee and Council to obtain a position of concurrence or non-concurrence that is in turn forwarded to ISEDC. Staff also completes an internal review of the proposed antenna system from a land use perspective and circulates the application for public consultation to relevant agencies and departments for their review and comment. Antenna systems located within “Area B” are greater than 15 m (50 ft) in height and located between 0 m (0 ft) and 150 m (492.13 ft) from the closest Residential Area.

Comments Received

The proponent did initiate their own written public consultation process on July 8, 2019, and at this time distributed notification letters by regular mail to all properties located within the prescribed distance as defined under Section 3.0 of the City’s Protocol. For information purposes, the proponent also provided a copy of the letter to the local councilor, the City’s Designated Municipal Official (DMO) and ISEDC. The prescribed notification distance for this particular antenna system was established at 225 m (738.19 ft), which represents a distance of four times the antenna system tower height as measured from the antenna system’s base.

The notification letter invited landowners to submit comments, concerns or questions directly to Forbes Bros Ltd with a deadline on August 2, 2019. The notification letter also noted that in keeping with the City’s Protocol, “The proponent must acknowledge the receipt of all public comments and provide a written response to all reasonable and relevant concerns within 60 days of receiving comments. The party has an additional 21 days to reply to the proponent’s response.” At the conclusion of the proponent-led public consultation process, the proponent may submit a request to the City’s DMO for a letter of concurrence or non-concurrence if they intend on proceeding with the installation of a proposed antenna system. This request is typically made if the proponent is satisfied that all relevant questions and comments that were received have been addressed and all correspondence sent and received during the proponent-led public consultation is also then to be provided to the City’s DMO.

The proponent submitted a summary report of their public consultation efforts on June 16, 2021, which outlined that during the commenting period there was one submission received by the proponent in response to the mailed notification letter. No phone calls or facsimiles were received. Staff were provided with copies of the above noted correspondence and note that in general the interested party wanted additional information to bring clarity to their understanding of the proposed antenna system, including whether or not alternative sites had been considered, any required yard setbacks, impact on view corridors, drainage, excavation of materials, along with securing assurances that no damage to an existing perimeter fence delineating lot lines would occur should the proposed antenna system proceed.

Staff understands that the proponent did respond to the interested party on September 26, 2019. The proponent advised that antenna systems are an area of federal jurisdiction and as such zoning-related setbacks are not applicable. The proponent also confirmed that the proposed antenna system would certainly be visible along the mixed-use commercial corridor being that of Long Lake Road. It was noted that existing drainage patterns would remain untouched and any soil disposed off-site would be done so in compliance with applicable federal and provincial regulations. The proponent further explained to the interested party that in order to ensure no impacts would be generated with respect to any nearby and existing fences that the new fence that would enclose the proposed antenna system would be relocated 0.5 m (1.64 ft) from the existing side lot lines. The proponent’s response also noted that other alternative sites had been considered but were not viable due to the presence of a Ministry of Transportation (MTO) highway corridor, inadequate soil conditions and the nearby commercial retail development would be in closer proximity to nearby residential areas.

The proponent's response noted that any further comments from the interested party would need to be received by October 18, 2019, which is in keeping with the City's Protocol insofar as affording said interested party a timeframe of 21 days to respond. The proponent has advised the DMO that no further response was received after the proponent's initial response was sent to the interested party on September 26, 2019.

Internal Review

Staff has completed an internal circulation and review of the application for public consultation from a land use planning perspective and is now bringing forward this report for Planning Committee's consideration. The City's Protocol in this instance requires that Planning Committee and Council provide a position of concurrence or non-concurrence with respect to the proposed antenna system to ISEDC.

Extension to Public Consultation Timeframe

As per Section 10.4 of the City's Protocol, it is required that the public consultation process for a proposed antenna system be completed within 270 days and should additional time be required it is the responsibility of the proponent to request an extension from the City's DMO.

In accordance with Section 10.4 of the City's Protocol, the proponent did make a request on June 17, 2021, to extend the public consultation process timeframe for a period of one year. It should be noted that the proponent's public consultation application was initially deemed to be a complete application by the City on June 28, 2019.

The DMO granted the extension for a period of one year until June 28, 2022, on the basis that the ongoing global pandemic had created economic uncertainties with respect to investments in wireless infrastructure and it was determined that no substantial change in land use planning circumstances within the vicinity of the proposed antenna system has occurred since the public consultation process was originally initiated.

Land Use Planning Analysis:

Proposed Antenna System

The proposed self-supporting antenna system would have a maximum height of 75 m (246.06 ft) and would be located on a south-westerly portion of the subject lands. The antenna system will have two levels of antennas with six being at a height of 69 m (226.38 ft) and another three being at 66 m (216.54 ft). The self-supporting tower will be made of galvanized steel. At the base of the antenna system, a 3.95 m² (42.52 ft²) pre-fabricated, walk-in equipment shelter will be enclosed by a chain-link fence having a height of 1.8 m (5.91 ft) and thereby forming a 15 m (49.21 ft) by 15 m (49.21 ft) compound that will act to prevent any form of public access to the antenna system. The antenna system would be accessed via the existing driveway entrance onto Harrison Drive.

The proponent has submitted a site plan and elevation plan along with aerial photography and digital renderings which together depict the location and design of the proposed self-supporting antenna system. The site plan which includes the elevation plan, aerial photography and the digital renderings are attached to this report for reference purposes.

In particular, it should be noted that the proponent became aware during their own public consultation process for the proposed antenna system that the lands were recently the subject of an approved rezoning application (File # 751-6/18-18) which requires the owner to provide a planting strip having a minimum width of 5 m (16.40 ft) along the southerly lot line. The proponent has responded to this rezoning approval by revising their site plan to shift the antenna system's compound northward by approximately 5 m (16.40 ft), which would allow for the proposed antenna system to be located outside of the above noted and required planting strip along the southerly lot line.

Closest Residential Area

The City's Protocol defines a Residential Area as, "... 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." The proponent has indicated in their application that the closest residential area is located approximately 9.63 m (31.59 ft) from the proposed antenna system. Staff has reviewed this measurement and would agree that the abutting lands to the west are in closest vicinity to the proposed antenna system and are satisfied that the measurement is correct. These vacant lands to the immediate west are designated Living Area 1 in the City's Official Plan and therefore meet the definition of a Residential Area in the City's Protocol.

This calculation was utilized by the DMO to determine the extent of public consultation necessary for the proposed antenna system installation, but is also important in terms of assessing the proposed antenna system from a development guidelines perspective as reviewed in the next section of this report.

Development Guidelines

Section 6.0 of the City's Protocol outlines development guidelines for proponents to consider with respect to location and design preferences for a proposed antenna system. Section 6.0 is intended to encourage designs that integrate with surrounding land uses and the public realm. Through public consultation on a proposed antenna system, it is acknowledged by ISEDC that a local municipality is well situated to contribute local knowledge to a proponent that is helpful in terms of influencing the appropriateness of a siting-location, as well as the development and design (including aesthetics) of a proposed antenna system.

With respect to the City's location and design preferences, staff has the following comments:

1. With respect to Section 6.1 a) of the City's Protocol, co-location was considered by the proponent and they have advised that no existing antenna system locations (ie. ground or roof top) are located within the targeted service area of the proposed new antenna system that could accommodate the physical infrastructure required to provide the intended access to improved wireless services. In this regard, the closest antenna system structure having sufficient height that could accommodate more antenna is approximately 1.5 km (0.93 miles) to the south, which would shift the anticipated coverage footprint outside of the area that the proponent is targeting in terms of improving wireless service. The proponent has further advised that they are certainly open to exploring co-location requests and opportunities should they arise in the future with respect to this particular antenna system. Staff is satisfied that co-location has been sufficiently explored and have noted that in the future other proponents may be advised by the City to explore locating on the proposed antenna system in order to avoid additional towers being unnecessarily constructed within this urban area in the future;
2. With respect to preferred locations for antenna systems under Section 6.1 b) of the City's Protocol, staff notes that the proposed antenna system would be situated on lands within an identified mixed use commercial corridor. The subject lands also contain two non-residential building related to an existing taxi-stand business. The lands are zoned to permit business industrial land uses. The proposed antenna system would also be located on a south-westerly portion of the subject lands and therefore as far away as possible from existing urban residential land uses fronting Harrison Drive. Staff does acknowledge that the nearest Residential Area is immediately to the west on vacant lands zoned for future development, however, it is anticipated that these vacant lands can be developed in a manner that is complimentary to and sensitive to the presence of an antenna system. Staff would advise in any event that it is important to balance the desire to achieve the greatest possible distance between a proposed antenna system and nearby residences, while at the same time keeping in mind the residents and businesses for which a proposed antenna system is intended to service;
3. With respect to discouraged locations under Section 6.1 c) of the City's Protocol, staff are satisfied that the proposed antenna system is not proposed to be located directly in front of any doors, windows, balconies or residential frontages. The proposed antenna system is also not proposed to be situated on any ecologically significant natural land nor would it be located inappropriately within a park or open space area. There are no concerns with respect to any negative impacts on any nearby

heritage or designated structures. The proposed antenna system is ground-based and therefore would not be situated atop a pitched roof of any kind; and,

4. With respect to Section 6.2 of the City's Protocol, staff is generally satisfied with the style and structure, colour, availability of adequate buffering and screening, appropriateness of proposed yards and access areas and equipment shelters that would be associated with the proposed antenna system. Staff advises the proponent that signage and lighting on the proposed antenna system are to be provided only if required by Transport Canada and/or NAV Canada. It is noted in this regard that the proponent has indicated in their submission package to the City that they anticipate that the proposed antenna system installation will require marking or lighting. Staff would advise that marking and lighting requirements are areas of federal jurisdiction and the proponent will be responsible for obtaining all necessary approvals for such. The proponent has included the following web-link from Transport Canada's website in their submission package for information purposes: <https://www.tc.gc.ca/eng/civilaviation/regserv/cars/part6-standard-standard621-3868.htm>. The proponent has not indicated that any security lighting is required however staff would advise and strongly recommend to the proponent that any such ground level lighting be kept to a minimum. Advertising signage has also not been proposed.

Staff is therefore satisfied that in general the proposed antenna system meets the City's development guidelines requirements and there are no areas of concern with respect to the proposed antenna system from a good land use planning perspective.

Position of Concurrence or Non-Concurrence

Staff advises that no areas of concern have been identified with respect to the development guidelines set out in the City's Protocol. The application was also circulated to relevant agencies and departments and no concerns with respect to the proposed antenna system were identified. With respect to those comments provided by Development Engineering, staff are of the opinion that it would be prudent from a good land use planning perspective to require that a lot grading plan for the area in and around the proposed antenna system be prepared in order to ensure that existing drainage for both the subject lands and surrounding areas are properly maintained. With respect to those comments provided by Conservation Sudbury, staff are not recommending that a condition of concurrence be included in that regard, but would encourage the proponent to communicate directly with Conservation Sudbury in order to confirm whether or not an application under Section 28 of the Conservation Authorities Act is required.

It is therefore recommended that the DMO be directed to provide ISEDC with a position of concurrence on the proposed antenna system subject to a condition that a lot grading plan for the area in and around the proposed antenna system be prepared to the satisfaction of the Director of Planning Services in order to ensure that existing drainage patterns for the both the subject lands and surrounding areas are maintained once the proposed antenna system is constructed.

Staff notes that any position of concurrence may be rescinded if following said issuance it is determined that a misrepresentation or a failure to disclose all pertinent information has occurred. The duration of concurrence is a maximum of three years from the date that the City's DMO notifies ISEDC of said concurrence.

The City's Protocol also allows for a one-time extension to a position of concurrence for a period not exceeding one year in length provided the proponent demonstrates to the City's DMO that no substantial change in land use planning circumstances within the vicinity of the proposed antenna system has occurred since initial concurrence was given.

Summary:

Staff advises that Rogers Communications Inc. has completed the public consultation requirements as set out in the City's *Radio-communication and Broadcasting Antenna Systems Public Consultation Protocol* to the satisfaction of the City's DMO.

The proponent did initiate their own written public consultation process on July 8, 2019, and at this time distributed notification letters by regular mail to all properties located within the prescribed distance of the proposed antenna system. The proponent later submitted a summary report of their public consultation efforts on June 16, 2021, which outlined that during the commenting period there was one submission received by the proponent in response to the mailed notification letter. The application for public consultation was also circulated for review and comment to relevant agencies and departments, as well as to the local councilor and no major areas of concern were provided to the Planning Services Division.

Staff has also completed an internal review of the proposed antenna system from a land use planning perspective and has no concerns. Staff is also satisfied that the proposed antenna system raises no areas of concern with respect to those development guidelines that are identified in the City's Protocol. Staff are however recommending that a lot grading plan for the area in and around the proposed antenna system be prepared to the satisfaction of the Director of Planning Services in order to ensure that existing drainage patterns for the both the subject lands and surrounding areas are maintained once the proposed antenna system is constructed.

Staff would therefore recommend that ISEDC be advised by the DMO of a position of concurrence with conditions from the City as it pertains to the subject lands referenced in this report and specifically the antenna system that was considered during this particular public consultation process.