

3080 Old Highway 69 N, Val Caron

Presented To:	Planning Committee
Meeting Date:	January 20, 2025
Type:	Managers' Reports
Prepared by:	Stephanie Poirier Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	705/24-2

Report Summary

This report provides a recommendation regarding an application for a 35 m tall monopole-style antenna system to be located at 3080 Old Highway 69 N in Val Caron.

Resolution

THAT the City of Greater Sudbury directs 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 as described in this report that is to be located on those lands known and described as Parcels 12378 & 31241, Reference Plan 53R-17555, Parts 2-6, Plan 53R-19736, Part of Lot 6, Concession 6, Township of Blezard, as outlined in the report entitled "3080 Old Highway 69 N, Val Caron", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of January 20, 2025.

Relationship to the Strategic Plan, Health Impact Assessment and Climate Action Plans

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

Financial Implications

There are no financial implications associated with this report.

Staff Report

Report Overview:

This report reviews an application for a proposed antenna system to be located at 3080 Old Highway 69 N in Val Caron.

Staff is satisfied that in general the proposed freestanding 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.

The Planning Services Division is therefore recommending that the City's Designated Municipal Officer 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 described in this report.

Proponent:

Shared Tower Inc.

Agent:

Sandra Hallig, Planning Coordinator, Shared Tower Inc.

Location:

Parcels 12378 & 31241, Reference Plan 53R-17555, Parts 2-6, Plan 53R-19736, Part of Lot 6, Concession 6, Township of Blezard (3080 Municipal Road 80, Val Caron)

Application:

To 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 monopole style antenna system would have a maximum height of 35 m (115 ft) and would be located on a north-easterly portion of the subject lands. The antenna system would be accessed via the existing driveway entrance onto Old Highway 69 N (Municipal Road 80).

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 ISEDC 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 east side of Old Highway 69 N (Municipal Road 80) and to the north of Main Street in the community of Val Caron. The lands have a total lot area of approximately 1.01 ha (2.51 acres) and approximately 94 m (308 ft) of lot frontage along Old Highway 69 N (Municipal Road 80). The lands contain a commercial plaza with various tenants (A&W, Toppers Pizza, Rexall, Scotia Bank). The proposed antenna system would be located on a north-easterly portion of the subject lands and would be accessed from the existing driveway entrance onto Old Highway 69 N (Municipal Road 80). Shared Tower Inc.'s proposed leased area on the subject lands for the antenna is 64 m². The proposed tower will include a locked and electronically monitored machinal equipment shelter. Fencing will be stalled around the base of the tower and the equipment shelter will include one locked gated access point.

Surrounding uses are predominantly commercial in nature along Old Highway 69 N (Municipal Road 80).

Pre-Consultation:

Pre-consultation for the proposed antenna system was commenced by the agent with City staff on August 1, 2024. The City's Development Approvals Section confirmed to the proponent on September 6, 2024, 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 September 6, 2024, 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 proponent has advised staff that the proposed antenna system is intended for co-location, is designed to accommodate multiple cellular service providers, and is anticipated to improve wireless services to nearby businesses and residents situated along or in close proximity to Old Highway 69 N (Municipal Road 80). The proponent has advised that there is an identified gap in wireless service coverage and they seek to improve said wireless service coverage for businesses and residents in the coverage area.

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 host a public information session. 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. 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.

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 80 m (262 ft) to the east from the proposed antenna system. These lands to the east are designated Living Area 1 in the City's Official Plan, zoned residentially, and are subject to the Valley Meadows Plan of Subdivision, which is draft plan approved. The draft plan comprises 149 lots for single residential use. No phases have been registered to date.

This calculation was utilized by the Designated Municipal Officer to determine the extent of public consultation necessary for the proposed antenna system installation.

Further Exemption Provided

Staff notes that Section 4.3 of the City's Guidelines allows the Designated Municipal Officer to provide an exemption from certain public consultation requirements (ie. the holding of a Public Information Session). The Designated Municipal Officer determined that only a written public consultation period and a position of concurrence or non-concurrence being provided by Council to ISEDC would be required. The exemption for holding a public information session was provided on the basis that no public comments were received within the 30-day written commenting period.

Summary of Public Consultation

The City's Guideline defines the prescribed notification distance as being four times the antenna system height as measured horizontally from the base of the proposed antenna system. The applicant provided notice to landowners within a 140 m radius of the subject lands, the ward Councillor, and the Nickel District Conservation Authority (NDCA) on October 24 2024. The applicant advised that no comments were received from landowners within the 30 day commenting period. The Nickel District Conservation Authority had no concerns with the proposed tower being located on the existing paved area.

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 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. Staff would also note that the proposed tower is designed for co-location opportunities itself, thereby limiting the need for additional infrastructure to service the area in the future.

Staff is satisfied that co-location has been sufficiently explored and are of the opinion that the use of a co-location antenna system in this location would represent a good approach to improving wireless coverage from a good land use planning perspective.

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. Staff also note that immediately surrounding properties are zoned to permit general commercial land uses. The location is consistent with preferred location criteria being in a commercial area that does not impact the view of the corridor.

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.

4. With respect to Section 6.2 of the City's Protocol, staff is generally satisfied with the style and structure, colour, appropriateness of proposed yards and access areas and equipment shelters that would be associated with the proposed antenna system.

Staff would advise that marking and lighting requirements are areas of federal jurisdiction, and the proponent will be responsible for obtaining any and all necessary approvals for such.

Staff is therefore satisfied that in general the proposed freestanding 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.

Conclusion:

Staff advises that no areas of concern have been identified with respect to the development guidelines set out in the City's Protocol. It is therefore recommended that the Designated Municipal Officer be directed to provide ISEDC with a position of concurrence on the proposed antenna system as outlined in the resolution.

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 Designated Municipal Officer 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 Designated Municipal Officer that no substantial change in land use planning circumstances within the vicinity of the proposed antenna system has occurred since initial concurrence was given.