

Title: Spectrum Telecom Group Ltd.

Date: November 1, 2019

STAFF REPORT

Proponent:

Netspectrum

Agent:

Spectrum Telecom Group Ltd.

Location:

PIN 73470-0571, Part 1, Plan 53R-18249, Part 1, Plan 53R-20712, Parcel 49642, Part of Lots 5 & 6, Concession 2, Township of Dill (210 Horseshoe Lake Road, Wanup)

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 antenna system.

Proposal:

The proposed self-support ground-based antenna system would have a maximum height of 36.58 m (120 ft) and would be located on a centrally located portion and to the west of the existing residential dwelling located on the subject lands. The antenna system would be accessed via the existing driveway entrance onto Horseshoe Lake Road.

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. By-law 2017-5, as amended, referred to as the Delegation By-law for the City of Greater Sudbury has identified the Manager of Development Approvals as being the City's Designated Municipal Officer (DMO) for the purposes of implementing the City's [Radio-communication and Broadcasting Antenna Systems Public Consultation Protocol](#).

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.

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Site Description & Surrounding Uses:

The subject lands are located on the west side of Horseshoe Lake Road and to the west of Highway #69 and Estaire Road in the community of Wanup. The lands have a total lot area of approximately 11.68 ha (28.87 acres) with approximately 92 m (301.84 ft) of lot frontage onto Horseshoe Lake Road. The lands presently contain a single-detached dwelling, a detached garage and a number of other accessory buildings and structures in the rear yard. The proposed antenna system would be located on a centrally located portion of the lands and to the west of the existing residential dwelling located on the subject lands.

Surrounding uses are mainly rural residential in nature with the predominant built-form being single-detached dwellings. The lots in the area vary in size given the rural residential cluster that exists along this portion of Horseshoe Lake Road and to the north along Dubroys Road. There are also several large and vacant rural lots in the area. The area is generally well vegetated. There are some commercial and industrial land uses located to the east having frontage on Estaire Road. Highway #69 is situated further to the east.

Departmental/Agency Circulation:

The application for public consultation was circulated to all relevant agencies and departments.

Active Transportation, the City's Drainage Section, Conservation Sudbury, and Operations have each advised that they have no concerns from their respective areas of interest.

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.

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

Staff advised 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 notes that none of the comments received have direct impact or raise concern with respect to the proposed antenna system from a land use planning perspective.

Public Consultation:

Pre-Consultation

Pre-consultation for the proposed antenna system was commenced by Spectrum Telecom Group Ltd. on behalf of Netspectrum with City staff on May 27, 2019. The City's Development Approvals Section confirmed to the proponent on May 28, 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 28, 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.

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Further Exemption Provided

Staff notes that the DMO provided an exemption following the completion of pre-consultation under Section 4.3 of the City's Protocol and determined that while a Public Information Session held by the proponent would not be necessary, that a mail notification to nearby properties would be appropriate along with an internal staff review and a position of concurrence or non-concurrence being provided by Council to ISEDC. The exemption was provided for on the basis that the public notification area required under the Protocol based on the proposed antenna system height (ie. three times the tower height measured from the lowest ground level at the base to the tallest point) captured only five nearby properties and staff understood that significant demand exists in the area for broadband service. Further to this, preliminary consultation with nearby residents had taken place prior to the proponent approaching the City for a pre-consultation on an application for public consultation on this proposed antenna system installation. The proponent at the pre-consultation stage provided service demand request data for the area and noted that both local residents and local businesses have made requests for improved wireless broadband internet service in the immediate area. It is recognized that the proposed antenna system represents an opportunity to quickly improve wireless internet broadband service to an underserved rural area with a documented demand for said improved services.

Comments Received

As noted above, the proponent was not required to hold a Public Information Session under the City's Protocol. The proponent was however required to provide notification to those properties located within the prescribed distance of the proposed antenna system and provide for a minimum period of commenting on the proposed antenna system and a minimum period of time that the proponent would have to respond to any concerns before approaching the City for a position of concurrence or non-concurrence.

The proponent did submit a Public Consultation Report (PCR) to the City on September 11, 2019 outlining the public consultation process that was completed as per the requirements of the City's Protocol. The PCR states that no phone calls, emails or letters were received during the period of time allocated for public comment on the proposed antenna system. Staff also did not receive any phone calls, emails or letters related to the proposed antenna system installation. The PCR also states that the local Ward Councilor was provided with a copy of the public notification package and no concerns have been raised with respect to the proposed antenna system.

The PCR concludes with a request to the City for a position of concurrence or non-concurrence that will be forwarded to ISEDC. Staff did advise the proponent that Planning Committee and Council had recently directed staff to review location and design preferences within the City's Protocol and that the proposed antenna system would be brought forward to establish a position of concurrence or non-concurrence from the City once the review had been completed and provided that existing applications in the queue would be permitted to proceed.

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 also requires that Planning Committee and Council provide a position of concurrence or non-concurrence with respect to the proposed antenna system to ISEDC.

Land Use Planning Analysis:

Proposed Antenna System

The proposed self-support ground-based antenna system would have a maximum height of 36.58 m (120 ft) and would be located on a centrally located portion and to the west of the existing residential dwelling located on the subject lands. The antenna system would be accessed via the existing driveway entrance onto Horseshoe Lake Road. The proponent has advised that the proposed antenna system would form part of and improve the networking infrastructure that is necessary to distribute wireless broadband internet services to both private residences and businesses operating in the area. There would also be an equipment shelter on the ground. The equipment shelter will not be fenced due to the rural location of the proposed self-support ground-based antenna system and further it is well removed from and setback from Horseshoe Lake Road. The proposed location of the self-support ground-based antenna system requires minimal removal of vegetation as it will be accessed by an existing cleared trail and located on an already cleared portion of the subject lands.

The proponent has submitted two site plan sketches along with aerial photography, digital renderings, and service request mapping, which together depict the location and design of the proposed self-support ground-based antenna system. The site plans, aerial photography, digital renderings, and service request mapping are attached to this report for reference purposes.

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 lands intended to host the proposed self-support ground based antenna system presently contains an existing single-detached dwelling and immediately abutting lots also contain residential dwellings. The proponent there did not indicate in their application for public consultation that any buffer to a closest residential area exists in this particular set of circumstances. Staff has reviewed this and would agree that the proposed self-support ground based antenna system would be located within a residential area as defined in the City's Protocol.

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. Co-location was considered by the proponent and they have advised that no existing antenna locations are available that could accommodate the rural demand they are responding to due to the terrain present in the area and the limited number of other ground-based antenna system in the rural area. The proponent has indicated in their application that it may be possible in the future to provide for co-location opportunities on the proposed antenna system and that they will consider any request to do so and that their facilities are most typically shared with utilities, municipalities and cellular service providers. Given the rural location of the proposed antenna system, staff are supportive of the tower design and would note that future opportunities for co-location would potentially be available should the installation receive concurrence from the City. Staff notes that

2. the proponent has indicated that this would be subject to a comprehensive structural analysis by a qualified engineer should a co-location proponent emerge and want to consider locating on this particular self-support ground-based antenna system;
3. Staff is supportive of the proposed self-support ground-based antenna system being located within a Residential Area as defined in the Protocol on the basis that the installation is responding to an identified need for providing and improving access to wireless broadband internet to nearby rural residences and businesses. Staff understands that in order to achieve the coverage and signal strength goals stated by the proponent in their application that a location within a Residential Area is required in this instance;
4. Staff would also further advise that rural areas are identified as being preferred locations for antenna systems;
5. The proposed self-support ground-based antenna system is viewed as being appropriate given the rural setting and open space setting. Staff also investigated if a mono-pole design might improve the selected location and can advise that a mono-pole design is generally co-location preventative. Further to this, in this rural setting and given the context of the surrounding terrain and vegetation, staff is of the opinion that the installation would not be visually obtrusive. The scale of the proposed self-support ground-based antenna system in relation to surrounding uses is not excessive and would not appear out of place or negatively impact the character of the area;
6. The proposed self-support ground-based antenna system will not obstruct or detract from any identified public views and vistas and no negative impacts on these matters are anticipated;
7. The proposed antenna system would not be located in any discouraged locations as identified in Section 6.1 c) of the City's Protocol; and,
8. 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. Signage and lighting on the proposed antenna system are to be provided only if required by Transport Canada and/or NAV Canada. The proponent has not indicated any security lighting is required however staff would advise that any such ground level lighting be kept to a minimum. Advertising signage has also not been proposed.

Staff is satisfied that 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 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 were identified. It is recommended that the DMO be directed to provide ISEDC with a position of concurrence on the proposed antenna system.

Staff notes that a 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. It should be further noted that there are no recommended conditions of concurrence with respect to this particular antenna system that is being proposed. 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 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 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.

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Summary:

Staff advises that Spectrum Telecom Group Ltd. on-behalf of Netspectrum 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. Staff has 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 and design preferences that are identified in the City's Protocol. Staff would therefore recommend that ISEDC be advised by the DMO of a position of concurrence 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.