

Title: Spectrum Group

Date: August 4, 2020

STAFF REPORT

Proponent:

Spectrum Group

Agent:

Wayne Lynch (Spectrum Group)

Location:

PIN 73522-0032, Parcel 30903, Part 1, Plan SR-531, Part of Lot 7 & 7A, Plan M-207, Lots 5 & 6, Concession 1, Township of Wisner (3100 Joe Lake Road, Hanmer)

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 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 36.58 m (120 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 Joe 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.

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 Joe Lake Road and to the south of Dixon Lake Road in the community of Hanmer. The lands have a total lot area of approximately 2,202 m² (23,706 ft²) and approximately 33 m (108 ft) of lot frontage on Joe Lake Road. The lands also have water frontage on Joe Lake and Dixon Lake is situated to the north-east. The lands contain an existing single-detached dwelling and detached garage with both sharing a driveway access onto Joe Lake Road. The proposed antenna system would be located to the south of both the residential dwelling and detached garage and would also be accessed from the driveway access onto Joe Lake Road.

Surrounding uses are predominantly rural residential in nature along the west side of Joe Lake Road with the predominant built-form being that of single-detached dwellings along with accessory buildings and structures. There are also a number of larger vacant rural and mining industrial properties to the south and to the east of the subject lands. The immediately surrounding area and land uses are well buffered with mature vegetation.

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 not located within an area regulated by [Ontario Regulation 156/06](#); and,
3. Development Engineering has advised that the subject lands are not serviced with municipal water or sanitary sewer infrastructure;
4. Environmental Planning Initiatives have advised that no significant environmental concerns would arise from the antenna system proposal;
5. Roads, Traffic and Transportation have noted that the subject lands have frontage on a privately owned portion of Joe Lake Road.

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

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Public Consultation:

Pre-Consultation

Pre-consultation for the proposed antenna system was commenced by Spectrum Group with City staff on January 13, 2020. The City's Development Approvals Section confirmed to the proponent on January 15, 2020, 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 January 15, 2020, 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.

"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 and are required to hold a Public Information Session in the local community and 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 then 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 public consultation process on June 10, 2020, and distributed notification letters by letter mail to all properties located within the prescribed distance as defined under Section 3.0 of the City's Protocol. The prescribed notification distance for this particular antenna system was established at 146.3 m (479.99 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 Spectrum Group. Staff understands that Spectrum Group operates a tracking system that logs and assigns ticket numbers to each comment received in order to ensure each is responded to accordingly and within those timeframes set out in the City's Protocol.

The proponent submitted a summary report of their public consultation efforts on July 27, 2020, which outlined that during the commenting period a total of 26 emails were received. No phone calls or facsimiles were received. Staff were provided with copies of the comments received and advise that in general each email expressed support for the proposed antenna system with many landowners also welcoming the opportunity to have improved access to the internet at more affordable prices in this particular rural residential cluster in the City. The proponent did not respond directly to each email they received as there were no questions posed requiring their direct response. The proponent has advised staff however that many residents in the area have inquired about the timing for construction of the antenna system and when improved internet services would become available for use. The proponent has also advised that these inquiries in particular intensified with the emergence of the global pandemic (ie. Covid-19 virus) as more people living in the area began to work from home with some having children requiring internet access for virtual education learning.

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Further Exemption Provided

Staff notes that the DMO provided an exemption from the requirement to hold a Public Information Session on June 3, 2020 due to the emergence of the global pandemic as permitted under Section 4.3 of the City's Protocol and determined that only a notification letter, commenting and response period, along with an internal staff review and a position of concurrence or non-concurrence being provided by Council to ISEDC would be required. The exemption was provided for on the basis that the emerging nature of the global pandemic had created an unexpected, immediate and urgent need for improving access to radio-communication and broadcasting technologies within existing rural residential clusters where more people were now working from home along with children living in these areas that require access the internet for online educational purposes. The DMO was satisfied with this approach given that the proponent had already commenced public notification and commenting in the local community and feedback at that time had been entirely positive. The DMO requested that this further exemption was provided on the basis that the proponent would complete the public commenting period and submit a summary report outlining the process they undertook and the feedback that they received on the proposed antenna system. The proponent submitted their summary report to the DMO's attention of July 27, 2020.

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.

Land Use Planning Analysis:

Proposed Antenna System

The proposed self-supporting antenna system would have a maximum height of 36.58 m (120 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 Joe Lake Road. The antenna system is intended to provide high-speed internet access and related services to nearby residents and businesses. The proponent has advised that there is an identified gap in wireless internet coverage in the immediate vicinity of the proposed antenna system and a lower profile antenna system is proposed in order to minimize the visual impact on the local landscape. The proposed antenna system would also have a ground-level equipment shelter and anti-climb shields will be installed to prevent unwanted access the tower structure. The proposed antenna system will also require minimal removal of vegetation as the proposed antenna system base would measure 121.92 cm (48 inches) at its base tapering to 45.72 cm (18 inches) at its peak.

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, elevation plan and the digital renderings are attached to this report for reference purposes.

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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 subject lands are within an existing rural residential cluster and therefore the antenna system would be situated entirely within a Residential Area as defined in the City's Protocol. Staff has reviewed the information submitted by the proponent and would agree that the proposed antenna system would be located within an existing Residential Area as defined 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. 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 wireless internet services. Co-location was considered by the proponent and they have advised that they would be open to and consider co-location opportunities on this installation in the future provided that any co-located equipment does not interfere with the internet services being provided by Spectrum Group. Further to this, any additional antennae proposed to co-locate on the antenna system would require a comprehensive structural analysis completed by a competent engineering professional. The proponent has further advised that they are often approached by utilities, municipalities and cellular service providers to facilitate co-location and that they are certainly open to exploring these 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 to explore locating on the proposed antenna system in order to avoid additional towers being constructed within the rural residential cluster in the future;
2. With respect to locating antenna systems at maximum distance from a residential area, staff acknowledge the targeted service area for the proposed antenna system is a rural residential cluster along Joe Lake Road and therefore it is not reasonably possible to increase the distances to residences for which the proposed antenna system is intended to service. Staff are satisfied that the antenna system is not excessive in terms of its design and the "dull" grey colour that will be utilized will have minimal visual impact on the surrounding area and it is not expected to draw attention to the antenna system given the amount of mature vegetation that is present in the area; and,

3. 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 indicated that it is their understanding that the proposed antenna system will not require any aeronautical lighting. 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 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 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 Designated Municipal Officer 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 Designated Municipal Officer 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 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.

Summary:

Staff advises that Spectrum Group 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 Designated Municipal Officer.

This report has noted that the City's DMO did grant an exemption to the proponent from having to hold a Public Information Session on the basis that the emerging nature of the global pandemic has created an unexpected, immediate and urgent need for improving access to radio-communication and broadcasting technologies within existing rural residential clusters where more people were now working from home along with children living in these areas that require access the internet for online educational purposes. The DMO was satisfied with this approach given that the proponent had already commenced public notification in the local community and commenting from nearby landowners has been entirely positive.

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 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.