

Title: ReachCast

Date: August 6, 2020

STAFF REPORT

Proponent:

ReachCast

Agent:

Eric Chaudry (ReachCast)

Locations:

PIN 73472-0207, Parcel 9840, Lot 9, Concession 1, Township of Broder (6490 Tilton Lake Road, Sudbury)

PIN 73474-0030, Parcel 43846, Part 1, Plan 53R-7253, Lot 10, Concession 5, Township of Broder (1485 Hanna Lake Road, Sudbury)

PIN 73374-0078, Parcel 27543, Part 9, Plan 53R-8942, Lot 4, Concession 2, Township of Waters (635 Kantola Road, Lively)

PIN 73373-0147, Parcel 23598, Lot 12, Concession 3, Township of Waters (2417 Melin's Road, Lively)

Applications:

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 four proposed ground-based and self-supporting antenna systems.

Proposal:

The proposed self-supported antenna systems would each have a maximum height of 29.26 m (96 ft). The antenna system would each be accessed from existing driveway entrances onto Tilton Lake Road, Hanna Lake Road, Kantola Road and Melin's Road respectively. The respective locations on each of the subject lands noted above are depicted on site plans submitted by the owner and included within "Appendix A – Site Plans" of this report.

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.

Title: ReachCast

Date: August 6, 2020

Site Descriptions & Surrounding Uses:

Firstly, the subject lands known municipally as 6490 Tilton Lake Road are located to the south-east of the traveled portion of Tilton Lake Road and to the east of Clearwater Lake in the community of Sudbury. The lands have a total lot area of approximately 30.06 ha (74.29 acres) and are accessed via a private road and driveway entrance from Tilton Lake Road to the north. The lands also have water frontage on Clearwater Lake. The lands contain an existing private camp with numerous buildings and structures being located on the property. The proposed antenna system would be located to the east of the buildings and structures located currently on the lands and would require the removal of a small area of mature vegetation in order to accommodate the proposed antenna system.

Secondly, the subject lands known municipally as 1485 Hanna Lake Road are located to the east of Jarvi Road and to the south-west of Highway #17 in the community of Sudbury. The lands have a total lot area of 2.03 ha (5.01 acres) and approximately 192.02 m (630 ft) of lot frontage onto Hanna Lake Road. The lands contain an existing single-detached dwelling. The proposed antenna system would be located on a middle and higher, northerly portion of the lands and would utilize the existing driveway from Hanna Lake Road.

Thirdly, the subject lands known municipally as 635 Kantola Road are located to the east of Makada Road and Makada Lake in the community of Lively. The lands have a total lot area of approximately 2 ha (5 acres) and approximately 450 m (1,476.38 ft) of lot frontage on Kantola Road. The lands contain an existing single-detached dwelling. The proposed antenna system would be located to the north of the existing residential dwelling on a middle portion of the lands and would utilize the existing driveway from Kantola Road.

Fourthly, the subject lands known municipally as 2417 Melin's Road are located to the west of Lammi's Road and to the east of Moxam Landing Road in the community of Lively. The lands have a total lot area of approximately 1.93 ha (4.77 acres) with approximately 300 m (984.25 ft) of lot frontage on Melin's Road. The lands contain an existing single-detached dwelling. The proposed antenna system would be located on a north-westerly portion of the lands and to the north-west of the existing residential dwelling. The existing driveway entrance onto Melin's Road would be utilized.

Surrounding uses in each of the above noted cases are predominantly rural residential in nature with the predominant built-form being that of single-detached dwellings. The proposed antenna systems in each case are intended to directly service nearby clusters of residential uses. There are also some rural industrial and commercial uses that would benefit from the proposed antenna systems. There are also in each case a number of larger and vacant rural parcels of land in close vicinity to the lands. The lands subject to the applications are also generally well-vegetated and have varying topography.

Departmental/Agency Circulation:

The applications 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; and,

Title: ReachCast

Date: August 6, 2020

2. Environmental Planning Initiatives have advised that for each of the four proposed antenna systems that no significant environmental concerns would arise.

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 comments. 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 systems from a land use planning perspective.

Public Consultation:

Pre-Consultation

Pre-consultation for the proposed antenna systems was commenced by ReachCast with City staff on June 29, 2020. The City's Development Approvals Section confirmed during a virtual meeting with the proponent on July 7, 2020, that the proposed antenna systems would each be subject to "Area B" under the City's [Radio-communication and Broadcasting Antenna Systems Public Consultation Protocol](#).

"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.

Further Exemption Provided

Staff notes that the DMO provided an exemption under Section 4.3 of the City's Protocol from the requirement to hold a Public Information Session for each of the four antenna systems on July 9, 2020 due to the emergence of the global pandemic. The proponent was also not required to provide a notification letter to local residents or facilitate a commenting and response period, as it was sufficiently demonstrated by the proponent that they had already completed some public consultation in each of the local communities prior to engaging in pre-consultation with the City. The DMO did however determine that an internal staff review and a position of concurrence or non-concurrence being provided by Council to ISEDC would still be required. The exemption was provided for 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 communities and feedback has been entirely positive. The DMO advised that this further exemption was provided on the basis that the proponent would provide summary reports on the feedback received prior to filing the applications for public consultation for each of the four proposed antenna systems. The proponent submitted their summary reports to the DMO's attention by email on July 20, 2020 and July 21, 2020.

Title: ReachCast

Date: August 6, 2020

Comments Received

The proponent did advise staff that prior to filing the applications for public consultation that they had already initiated their own public consultation processes in each of the local communities where the proposed four antenna systems would be located. Specifically, the following feedback has been described in the summary reports that the proponent submitted at the time of filing their formal public consultation applications with the City:

1. 6490 Tilton Lake Road, Sudbury

The proponent commenced site selection in this particular area in October 2019 and individually approached residents living in the area with respect to hosting the proposed antenna system, as well as asking said residents if they would like to be notified of the progress made with respect to the site selection and construction of the proposed antenna system. The proponent has noted that some residents requested notification once the improved services were available. The proponent reports that they have experienced an increase in demand beginning in March 2020 due to the emergence of the global pandemic (i.e. Covid-19) as more and more residents were beginning to work from home along with their children having online educational needs and demands. The proponent further reports that they continue to receive positive messages on a weekly basis from nearby residents;

2. 1485 Hanna Lake Road, Sudbury

The proponent commenced site selection in this particular area on April 2, 2020, after a local resident was referred to ReachCast regarding poor rural internet service levels. The proponent held an outdoor and socially distanced information session at the subject lands shortly after this date. The information session was well attended by nearby residents and the proponent has advised that questions were asked and answers provided accordingly. The proponent noted further that the feedback was entirely positive and that many residents have prepared for the improved service by upgrading existing wiring in their homes;

3. 635 Kantola Road, Lively

The proponent commenced site selection in this particular area in February 2019. ReachCast was initially contacted by a local resident who was inquiring about the possibility of improving rural internet service levels in the general area. ReachCast in co-operation with the local resident distributed information to the local community and no negative impact has been received. The majority of feedback has revolved around the need for improved rural internet services area along Kantola Road and nearby residential streets; and,

4. 2417 Melin's Road, Lively

The proponent recently commenced site selection in this particular area following a local resident having private internet service installed by ReachCast on the roof of their residential dwelling. Neighbours then began to contact ReachCast regarding access to better rural internet service levels. The proponent held a conference call by telephone that was attended by approximately 15 local residents and the question and answer format lasted approximately 90 minutes. The proponent reports that all feedback has been positive and recently an increased number of inquiries has been received with respect to timing for construction due to the global pandemic.

Title: ReachCast

Date: August 6, 2020

Internal Review

Staff has completed an internal circulation and review of the applications 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 each of the four proposed antenna systems to ISEDC.

Land Use Planning Analysis:

Proposed Antenna System

The proposed self-supporting antenna systems each would have a maximum height of 29.26 m (96 ft) and would be accessed via existing driveway entrances. The antenna systems are intended to provide improved high-speed internet access to nearby residents and businesses. Each of the proposed antenna system would also have a small equipment cabinet attached to the towers. The proposed antenna systems will also require minimal removal of vegetation on each of the properties as the proposed antenna system base on each of the properties would measure 114.3 cm (45 inches) at its base tapering to 22.86 cm (9 inches) at its peak.

The proponent has submitted a site plan along with aerial photography and digital renderings which together depict the location and design for each of the four proposed self-supporting antenna systems. The site plans, aerial photography and the digital renderings 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 proponent has indicated in their applications each of the properties selected are within an existing rural residential cluster and therefore the antenna systems 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 systems would each 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 installations, but is also important in terms of assessing the proposed antenna systems 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 four new antenna systems that could accommodate the physical infrastructure required to provide the intended access to wireless internet services. Staff would note and acknowledge that in general service gaps within rural residential clusters presents difficulties around co-location. Staff is therefore 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 systems in order to avoid additional towers being constructed within these particular rural residential clusters in the future;
2. With respect to locating antenna systems at maximum distance from a residential area, staff acknowledge the targeted service areas for each of the four proposed antenna systems are existing rural residential clusters in Sudbury and Lively and therefore it is not reasonably possible to increase the distances to residences for which the proposed antenna systems are intended to service. Staff are satisfied that the antenna system is not excessive in terms of its design and the grey steel colour that will be utilized will have minimal visual impact on the surrounding area and each antenna system 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 four 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. Staff understands that each of the four proposed antenna systems 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 would each meet the City's development guidelines requirements and there are no areas of concern with respect to the four proposed antenna systems from a land use planning perspective.

Position of Concurrence or Non-Concurrence

Staff advises that no areas of concern relating to any of the four proposed antenna systems have been identified with respect to the development guidelines set out in the City' Protocol. The applications were also circulated to relevant agencies and departments and no concerns were identified. It is recommended that the Designated Municipal Officer (DMO) be directed to provide ISEDC with a position of concurrence on each of the four proposed antenna systems.

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 these four particular antenna systems that are being proposed. The duration of concurrence for each of the four antenna systems 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 a proposed antenna system has occurred since initial concurrence was given.

Title: ReachCast

Date: August 6, 2020

Summary:

Staff advises that ReachCast 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.

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 also did not require any mailed notification or any commenting periods on the proposed antenna systems as the proponent had already approached a significant number of local residents in each of the four rural residential clusters prior to filing the subject public consultation applications with the City. The DMO was satisfied with this approach given that the proponent had already commenced public notification in each of the local communities and feedback from nearby landowners in each case has been entirely positive.

Staff has also completed an internal review of the proposed antenna systems from a land use planning perspective and has no concerns. Staff is also satisfied that the proposed antenna systems in each case 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 each of the subject lands referenced in this report and specifically the antenna systems that were considered during this particular public consultation process.