

To: Economic and Development Services Committee

From: Warren Munro, HBA, RPP, Commissioner,
Economic and Development Services Department

Report Number: ED-23-13

Date of Report: January 4, 2023

Date of Meeting: January 9, 2023

Subject: Proposed New Telecommunication Tower and Related
Equipment, 171 Harmony Road South, Fontur International
Inc., on behalf of Rogers Communications Inc.

Ward: Ward 3

File: SPA-2022-13

1.0 Purpose

The purpose of this Report is to provide a recommendation on a proposed telecommunication tower by Fontur International Inc. ("Fontur") as agent on behalf of Rogers Communications Inc. ("Rogers") as applicant at 171 Harmony Road South (the "Subject Site").

Rogers proposes to erect a 30 metre (98.4 ft.) high telecommunication monopole tower with related at-grade equipment and fencing on the Subject Site.

The Subject Site is owned by the City of Oshawa and contains the Donevan Recreation Complex. Rogers proposes to lease from the City a 10 metre (32.8 ft.) by 10 metre (32.8 ft.) area for the telecommunication tower and related equipment, which will be fenced. In the event that City Council approves the proposed telecommunication tower location and Rogers seeks a lease term (including renewals) exceeding 21 years, a separate report regarding the proposed lease terms will be provided to the Economic and Development Services Committee for consideration at a later date.

On January 24, 2022, City Council approved the telecommunication tower proposal in principle for the purpose of holding a public meeting and obtaining public input as required by the City's Telecommunication Policy.

Attachment 1 is a map showing the location of the Subject Site, the location of the proposed telecommunication tower within the Subject Site and the existing zoning in the area.

Attachment 2 is an air photo showing the location of the proposed telecommunication tower within the context of the Donevan Recreation Complex.

Attachment 3 is a copy of the Site Selection Report submitted by Fontur on behalf of Rogers.

Attachment 4 is a copy of the City's Telecommunication Policy as approved by Council.

A public meeting was held on June 6, 2022 in accordance with Council's Telecommunication Policy. At the conclusion of the public meeting, the then Development Services Committee (now the Economic and Development Services Committee) directed staff to further review and prepare a subsequent report and recommendation back to the then Development Services Committee. The minutes of the public meeting form Attachment 5 to this Report.

2.0 Recommendation

That the Economic and Development Services Committee recommend to City Council that, pursuant to Report ED-23-13 dated January 4, 2023, the Commissioner of Economic and Development Services be authorized to advise Innovation, Science and Economic Development Canada that the City has no objection to the proposal by Fontur International Inc. on behalf of Rogers Communications Inc. to install a 30 metre (98.4 ft.) high monopole telecommunication tower with related at-grade equipment and fencing at 171 Harmony Road South, subject to Rogers Communications Inc. entering into an appropriate lease agreement with the City and addressing such matters as siting and tower design to the satisfaction of the Commissioner of Economic and Development Services (File: SPA-2022-13).

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

4.1 Other Departments and Agencies

No department or agency that provided comments on the telecommunication tower proposal has any objection.

The Airport Manager has no objections. However, an application to NAV CANADA is required to ensure that the proposed tower will not impact any current flight procedures and will be listed and identified in all aviation publications and maps.

4.2 Public Comments

The minutes of the June 6, 2022 public meeting form Attachment 5 to this Report.

Planning Services received two pieces of written correspondence from members of the public regarding the proposed telecommunication tower (Correspondence Item DS-22-150).

The key concerns raised at the public meeting and through the above noted correspondence are set out below together with a staff response.

4.2.1 Impacts of Tower Lighting on Area Residents

Comment:

Comments were made questioning the potential impacts of light pollution from the proposed telecommunication tower on area residents, noting that some dwellings in the area are located at a higher elevation and lights from the tower may shine into homes after dark.

Staff Response:

Fontur has provided a copy of the completed Transport Canada Aeronautical Assessment Form for Obstacle Notice and Assessment which indicates that no lighting is required for the proposed telecommunication tower. The Airport Manager has reviewed the document and advised that it is acceptable. Therefore, no lighting is required for the proposed telecommunication tower.

4.2.2 Impacts on Donevan Recreation Centre

Comment:

Comments were made questioning the proximity of the proposed tower to the Donevan Recreation Complex and potential impacts on the operations of the recreation centre.

Staff Response:

The telecommunication tower is proposed to be located in an area that is currently used for parking and will not impact the facilities or the programming of the recreation centre. While the proposed tower and associated equipment will impact three (3) existing parking spaces, the loss of the parking spaces will not affect the operations of the recreation complex as sufficient parking will be maintained on the site to accommodate the users of the facility.

The City has experience with telecommunication towers on other City-owned properties, such as the Delpark Homes Centre. The two telecommunication towers at the Delpark Homes Centre have not created any operational issues since their installation and have generated additional revenues for the City by leveraging an otherwise unused portion of the site.

4.2.3 Need for New Telecommunication Facilities in the Area

Comment:

Comments were made questioning the need for additional telecommunications facilities in the area given that the surrounding neighbourhood is predominantly comprised of older single detached dwellings.

Staff Response:

Information provided by Rogers indicates that they have identified a service deficiency along Harmony Road South, generally between King Street East and Bloor Street East. While the area is comprised predominantly of single detached dwellings there are new residential developments occurring in the area, such as the redevelopment of the former Donevan High School at 250 Harmony Road South which is being redeveloped for 212 townhouse dwellings. Additional users from new developments and increased usage of personal mobile devices (e.g. mobile phones, tablets, etc.) is creating more demand on existing telecommunications facilities and driving the need for increased capacity in the network.

5.0 Analysis

5.1 General

5.1.1 Oshawa Official Plan and Zoning Provisions for Telecommunication Facilities

Telecommunication facilities are permitted in any land use designation in the Oshawa Official Plan subject to any regulatory requirements. Telecommunication facilities are also permitted in any zone in Zoning By-law 60-94 under the Public Use section provided the proposal conforms to the Oshawa Official Plan.

5.1.2 Innovation, Science and Economic Development Canada

Innovation, Science and Economic Development Canada ("I.S.E.D.C.") approves licences for radio and telecommunication companies to operate and ultimately authorizes and approves the locations of telecommunication antennas and towers.

A goal of I.S.E.D.C. is to find mutually acceptable locations for new antennas or towers. As such, it has defined roles for the City, the telecommunication company and I.S.E.D.C.

For telecommunication tower proposals on private property, the City has an opportunity to influence the location of new antennas and towers, not only from a land use compatibility perspective but from the community's perspective.

However, the City cannot prohibit the installation of a tower or an antenna on private property. It is I.S.E.D.C.'s position that telecommunication facilities licensed by the authority of the Federal Government are not subject to municipal planning regulations such as the Oshawa Official Plan, Zoning By-law 60-94 or site plan control.

The City has the authority to approve or deny the use of City-owned lands for a telecommunication tower.

Telecommunication companies wishing to establish new towers or antennas must do the following:

- For certain proposed installations, telecommunication providers are required to consult with the City and follow any reasonable land use consultation process established by the City, including public consultation.
- Consult with Transport Canada where applicable to ensure antennas and tower structures comply with painting and lighting requirements for aeronautical safety.
- Ensure that telecommunications facilities operate in a manner that complies with Health Canada's limits of exposure to radio-frequency field emissions.
- If necessary, undertake an environmental assessment to comply with the Canadian Environmental Assessment Act.

Consultation between the City and telecommunication providers is intended to:

- (a) Discuss site options;
- (b) Ensure that local processes related to telecommunication systems are respected;
- (c) Address reasonable and relevant concerns; and,
- (d) Obtain City concurrence in writing.

A telecommunication provider is prohibited from starting the installation of a telecommunication system until any required consultation process with the City has been completed or I.S.E.D.C. confirms concurrence with the consultation process undertaken. Consultation responsibilities will normally be considered complete when a telecommunication provider has:

- (a) Concluded consultation requirements with the City;
- (b) Carried out public consultation through the process established by the City; and,
- (c) Addressed all reasonable and relevant concerns.

All consultation is to be completed within 120 days of a telecommunication provider's initial formal contact with the City. Where unavoidable delays are encountered, the City is expected to indicate to the telecommunication provider when a response can be expected to the proposal. If the City is not responsive, the telecommunication provider may contact I.S.E.D.C. Depending on the individual circumstances, I.S.E.D.C. may support additional time or consider the City's consultation process complete.

In the event a telecommunication provider and the City cannot reach an agreement on the location of the telecommunication facility then I.S.E.D.C. can make a decision as to what is appropriate.

5.1.3 Council Policy for New Telecommunication Facilities

The City's policy for new telecommunication facilities was adopted by Council in June 2007 and amended in June 2008 and September 2014. A copy of the current Council policy forms Attachment 4 to this Report. Fontur on behalf of Rogers has submitted a site plan application pursuant to the Council Policy.

5.2 171 Harmony Road South

Rogers is proposing to construct a 30 metre (98.4 ft.) monopole style telecommunication tower with related at-grade equipment and fencing generally adjacent to the southwest corner of the south parking lot at 171 Harmony Road South. The property is the site of the Donevan Recreation Complex and is owned by the City of Oshawa.

To the north of the Subject Site is the former Harmony Public School which is currently unoccupied. To the east of the proposed tower location on the Subject Site are valleylands containing a tributary of Harmony Creek, beyond which are single detached dwellings and two-unit dwellings fronting onto Lorindale Drive. To the west of the Subject Site is Harmony Road South, beyond which is Knights of Columbus Park, single detached dwellings fronting onto Harmony Road South and the Harmony Road Baptist Church. To the south of the proposed tower location on the Subject Site is the main valley of Harmony Creek, beyond which are a single detached dwelling and a two-unit dwelling fronting onto Old Harmony Court, single detached dwellings fronting onto Walnut Court, and Harmony Village Park.

Rogers has advised that the proposed telecommunication facility is required to improve coverage for the area surrounding the Subject Site. The installation would also provide an opportunity to accommodate future technology services (i.e. 5G) as well as potential co-location with other licensed carriers, helping to reduce the number of future structures in the area. This principle is encouraged by both the City and I.S.E.D.C.

Rogers advises that it investigated the potential to use other sites including other service providers' sites in the area but was unable to find any that met its locational needs in this area.

In accordance with City Council policy, Rogers has submitted a Site Selection Report including a site plan for the proposed telecommunication facility (see Attachment 3).

6.0 Financial Implications

There are no financial implications associated with the recommendation in this Report.

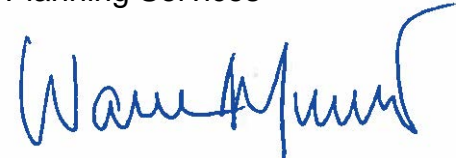
If the proposed telecommunication tower is approved by City Council and Rogers seeks a lease term (including renewals) exceeding 21 years, a future report will be provided to the Economic and Development Services Committee concerning proposed key lease terms for the telecommunication tower on City-owned lands.

7.0 Relationship to the Oshawa Strategic Plan

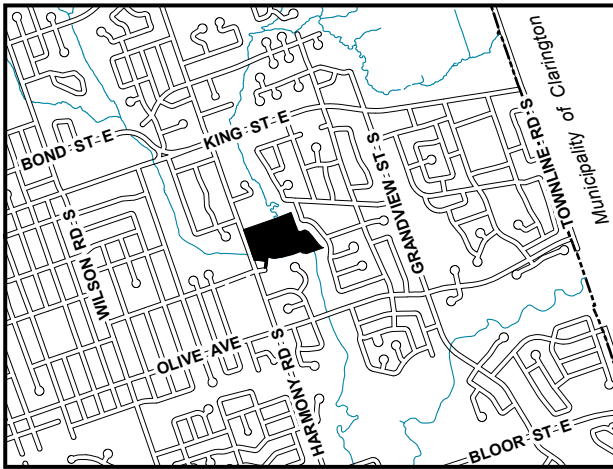
The Recommendation advances the Accountable Leadership goal of the Oshawa Strategic Plan.

A handwritten signature in blue ink, appearing to read "Tom Goodeve".

Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,
Planning Services

A handwritten signature in blue ink, appearing to read "Warren Munro".

Warren Munro, HBA, RPP, Commissioner,
Economic and Development Services Department

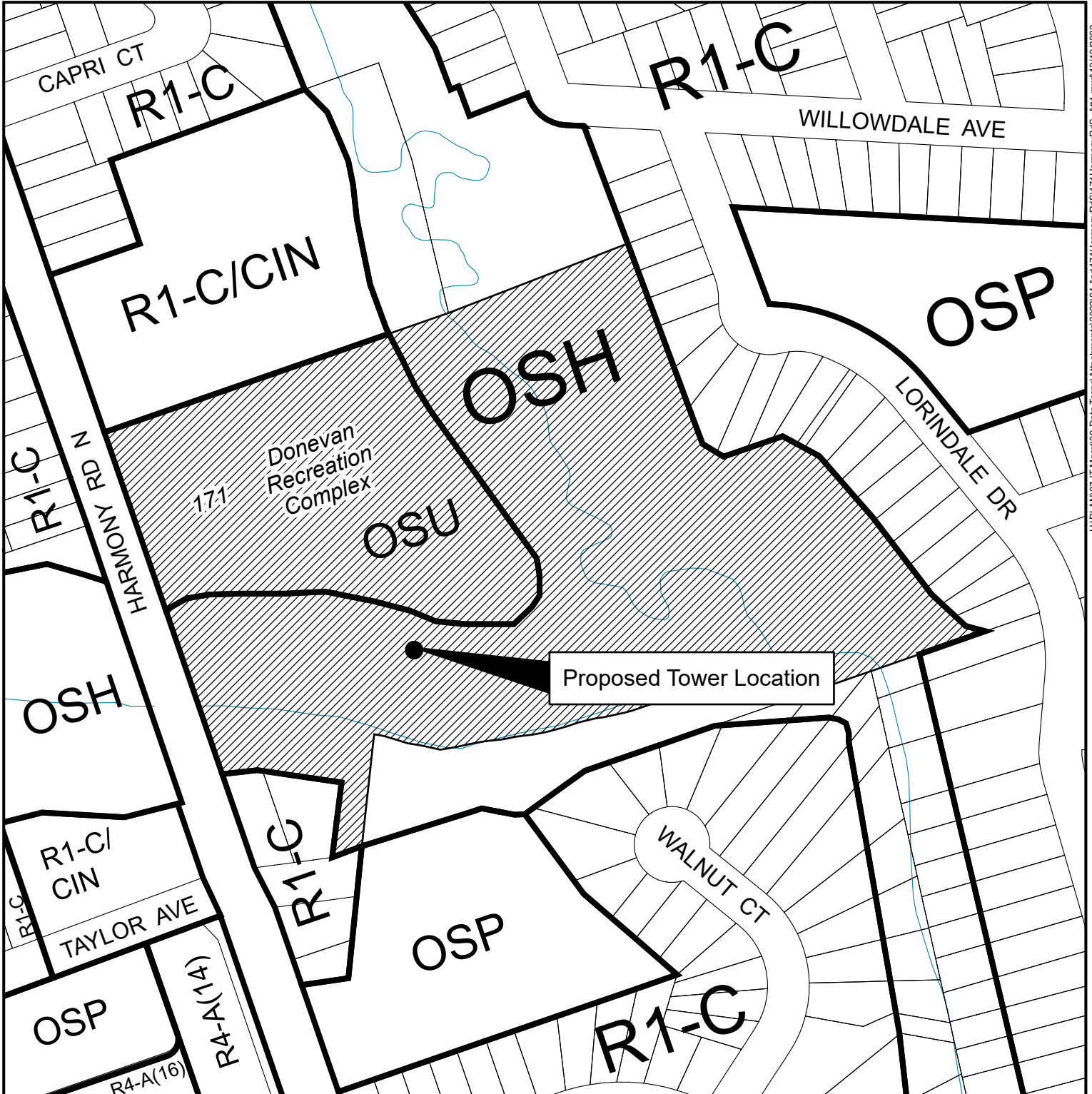


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Subject Site



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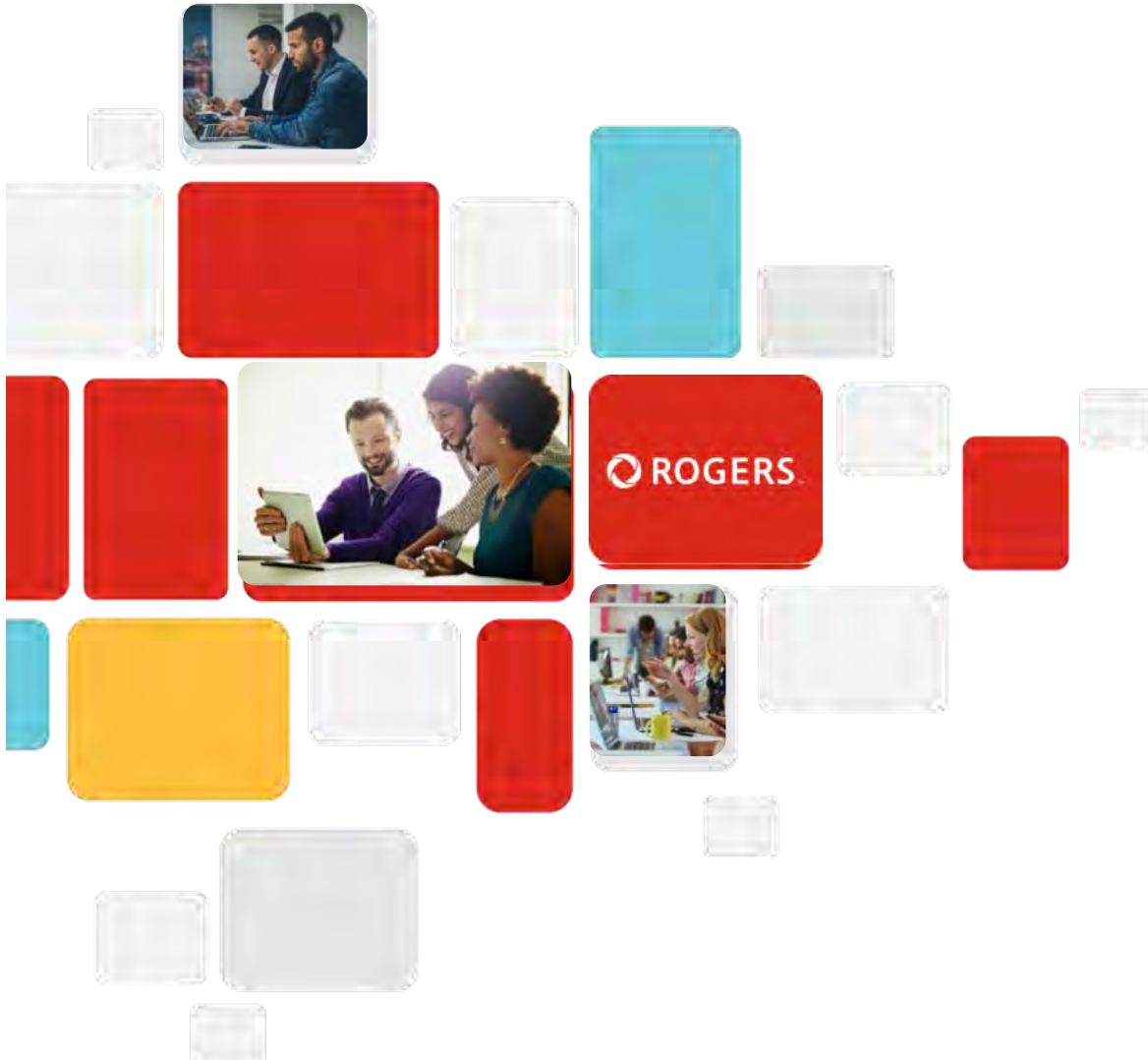
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 Subject Site

City of Oshawa
Economic and Development Services 





Site Selection/Justification Report – Wireless Communications Site

Prepared for: City of Oshawa

Rogers Site: C8094 (King Street East & Harmony Road South)
171 Harmony Road South, ON

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Introduction

Like many areas of the province, your community is experiencing a growing demand for wireless services. As people rely more on wireless devices such as smartphones, tablets and laptops for business and personal use, network improvements are required to ensure high quality voice and data services are available.

This document outlines the site selection process in accordance with the requirements of Innovation, Science and Economic Development Canada's Spectrum Management and Telecommunications Policy, CPC-2-0-03, Issue 5 (Jul.15, 2014) and provides a description of the system associated with the wireless communications installation on a property located at 171 Harmony Road South, ON.

Telecommunications is a powerful economic enabler that promotes home occupations, teleworking, telecommuting and improved community networking and information dissemination.

Background and Coverage Requirements

A wireless telecommunications facility is a puzzle piece in a very complex radio network, whether that site is situated in an urban, suburban or rural setting. Customer demand and sound engineering principles direct where sites are required to be located. As people rely more on wireless devices such as smartphones, tablets and laptops for business and personal use, network improvements are required to ensure high quality voice and data services are available. In order for a wireless network to be reliable, an operator must provide "seamless" coverage so that gaps in the network are avoided. Gaps create dropped calls and overall poor service to customers. Rogers is committed and mandated by its license to ensure the best coverage and service to the public and private sectors.

The proposed site location at 171 Harmony Road South will achieve the necessary engineering coverage objectives for our network. The location will provide much relied upon communication services in the area such as EMS Response, Police and Fire; improved wireless signal quality for the local residents, those traveling along the major roads, as well provide local subscribers with Rogers' 3.5G wireless network coverage and capacity for products and services such as iPhones, Smartphones, Tablets and wireless internet through the Rogers Rocket Stick technology in the surrounding area.

Rationale for New Telecommunication Infrastructure

In identifying a potential site location and design, Rogers examined the surrounding area, assessed the visibility of the structure and considered a possible structure design. Rogers evaluated the best location for a new facility using the following criteria:

a) Technical Requirements

The performance of a wireless network is dependent on the geographical location of its equipment, height of its antennas, line-of-sight requirement, the demand customers place on the network, as well as proximity to the users. In expanding its wireless network, Rogers is seeking to improve service in the City of Oshawa. The main objective of this installation is to provide coverage for the residential neighbourhood surrounding Donevan Recreation Complex as well as provide coverage for the commuters driving north and south along Harmony Road South.

b) Coverage Objectives

Rogers' Network Planning and Engineering departments have generated coverage plots to provide an illustration of the "Existing" and "Future" coverage scenarios and how it will be met with our proposed site.

The coverage maps below are generated and based on the current level of coverage and the proposed coverage - (Figure 3, 4).

The colour scale of the plot indicates levels of coverage as follows:

- Blue reflecting excellent coverage
- Light blue reflecting good street and in-building level coverage
- Green reflecting overall poor and unreliable in-building coverage
- Yellow & Red reflecting unreliable to minimal coverage

Figure 3

This map illustrates "Existing" Coverage and the lack of contiguous, reliable coverage in the area.

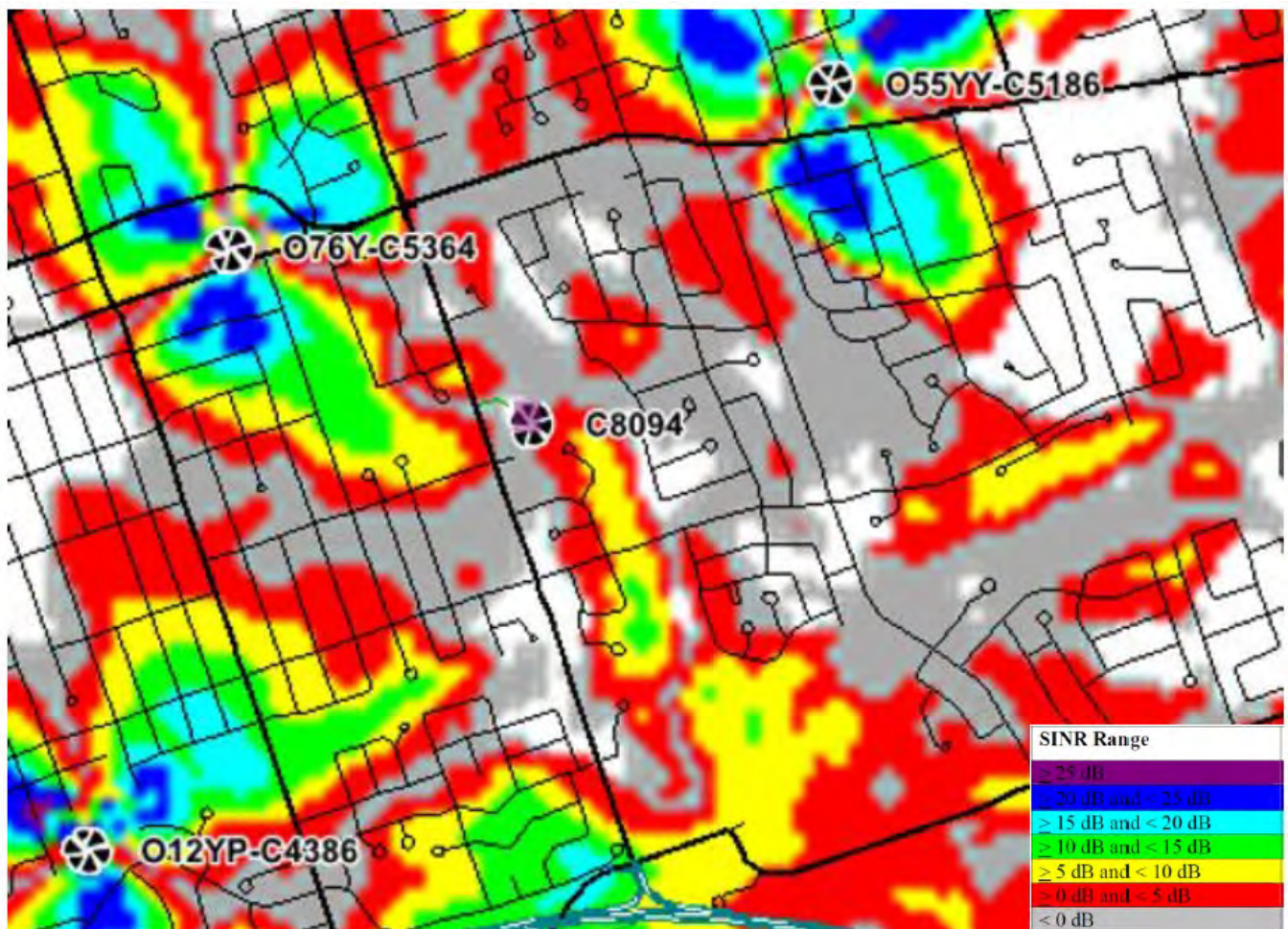
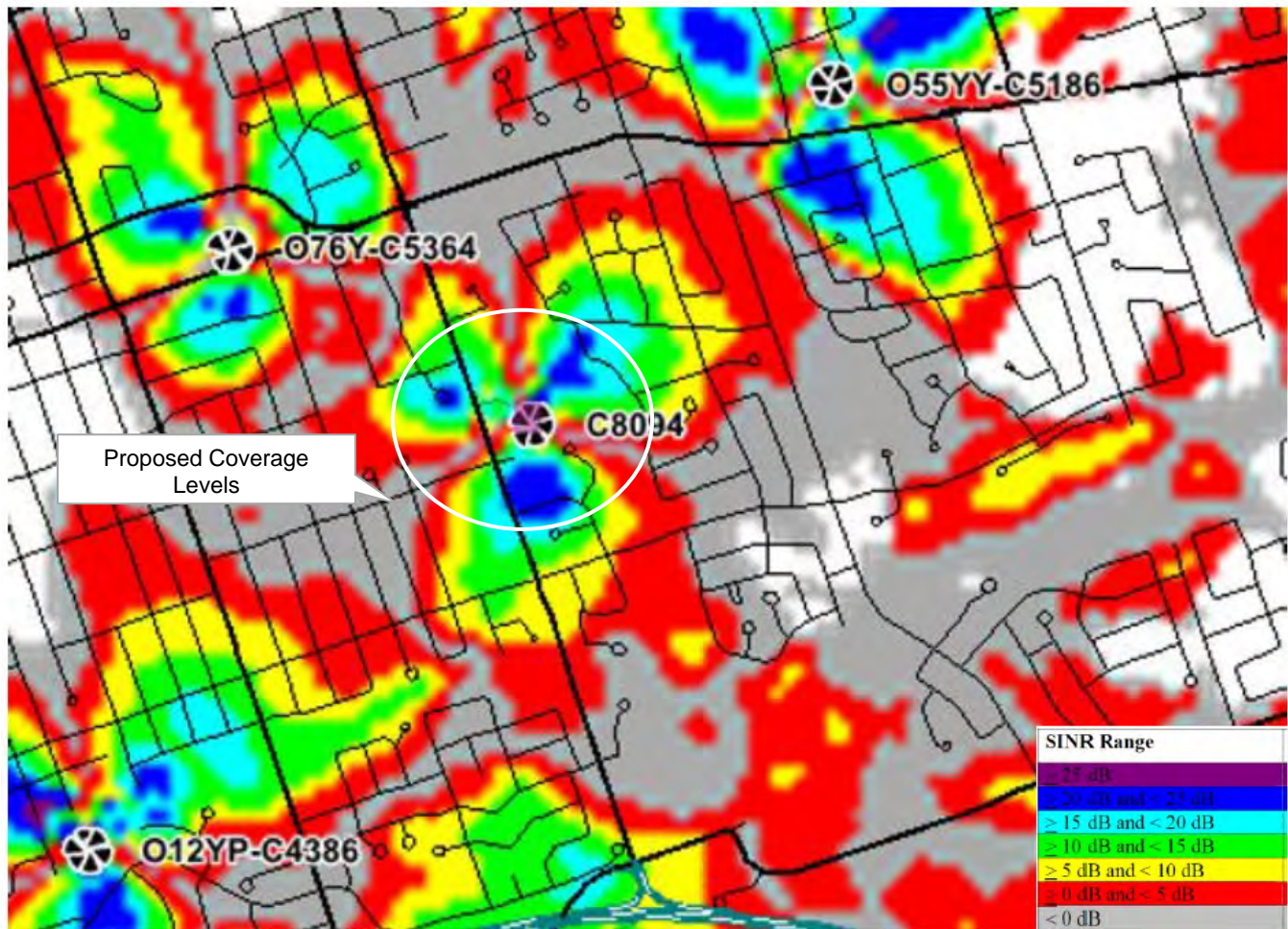


Figure 4

This map illustrates “Future” Coverage with contiguous, reliable coverage in the area utilizing the proposed site.



c) Evaluation of Existing Structures

When a part of a network requires improvement, the first step is to evaluate existing structures that are located within the specific geographical area offering the required height and that may be available to support new equipment or to use for co-location.

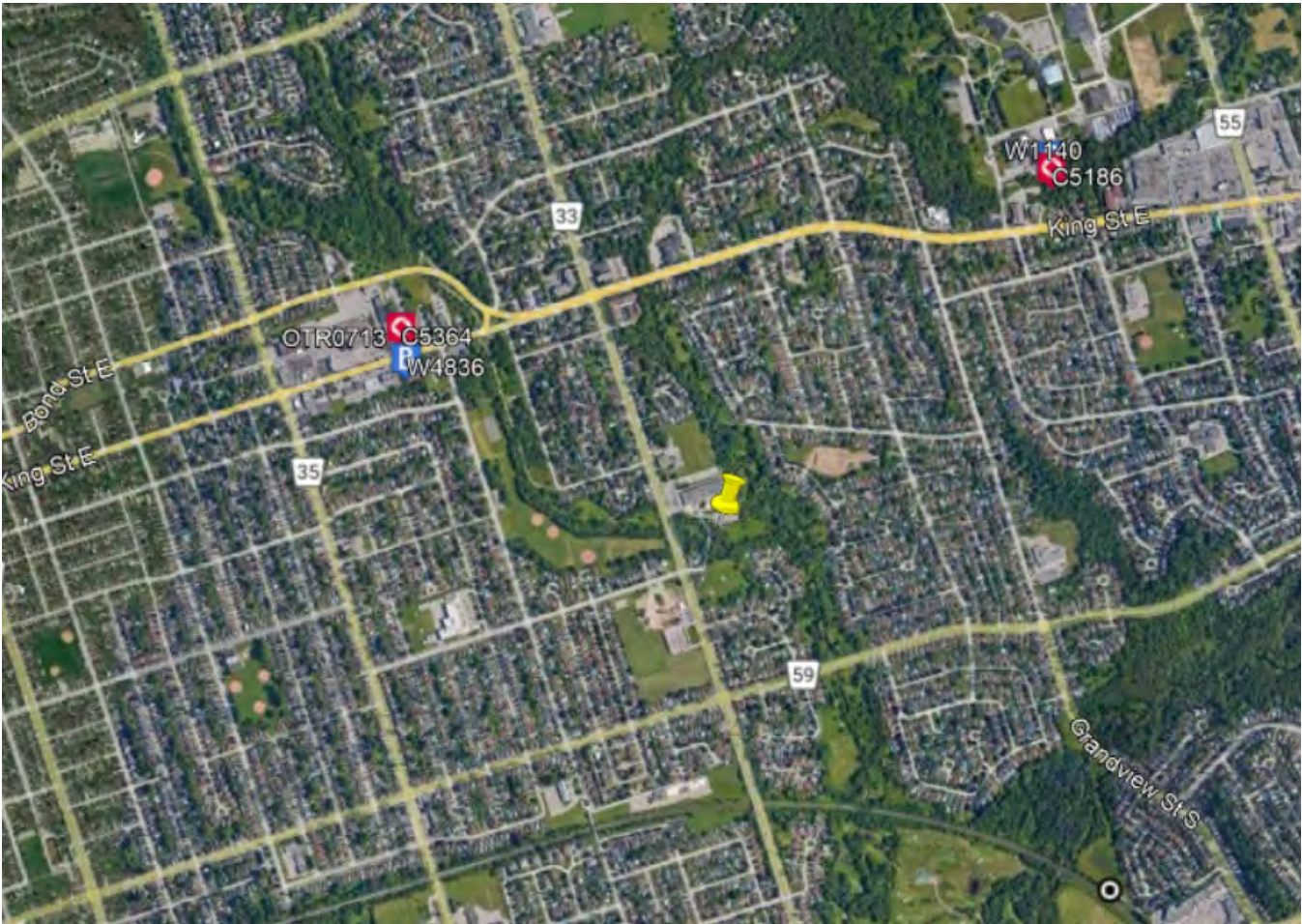
There are no other wireless communication structures in the surrounding area that could be utilized in order to address the coverage needs in the area.

The map below illustrates the proposed location in relation to other existing structures - (Figure 5A). Please also refer to the table provided below for site locations and associated heights – (Figure 5).

Figure 5 – Existing structures table

	Address	Approximate Height	Details
C5364 OTR0713	666 King Street East	32 metres 29 metres	Rogers and Freedom Mobile rooftop antenna installation approximately 934m from the proposed site. As Rogers is already here, it does not provide enough coverage to the Donevan community area.
W4836	649 King Street	23 metres	Bell rooftop antenna installation approximately 885m from the proposed site. This is out of the coverage radius search ring.
C5186 W1140	1148 King Street East	47 metres 37 metres	Bell and Rogers monopole tower installation approximately 1.2km from the proposed site. This is out of the coverage radius search ring. As seen from figure 4, the coverage of this tower does not reach the Donevan community area.

Figure 5A – Aerial of Existing sites in reference to our proposed location.



d) Land Use Considerations

Rogers's site selection process is a balanced exercise that must meet Rogers's network coverage objectives, respect local land-use constraints, listen to community concerns, while at the same time reflecting Rogers obligation to its customers to provide a high quality of service.

In consideration of Rogers's technical requirements and securing a land agreement with a willing property owner, Rogers considers the proposed location appropriate. The nearest residential dwelling is approximately 878 metres away from the proposed installation. Preliminary discussions have occurred with the City of Oshawa Planning and no concerns were identified on the proposed location. Rogers will access the site from the existing parking lot entrance along Harmony Road South.

Rogers' site will provide for future co-location opportunities and assist in minimizing tower proliferation in the City, while providing the expected coverage levels to our customers and the accessibility to emergency services.

Proposed Facility Location

The structure is proposed to be located on a property known as 171 Harmony Road South, in a predominately residential area.

The subject property has a land area of 5.58 hectares and is legally known as LT 14 SHEET 4B PL 357 EAST WHITBY; LT 15 SHEET 4B PL 357 EAST WHITBY; PT LT 16 SHEET 4B PL 357 EAST WHITBY PT 1 TO 3 EXPRO PL 244; S/T OS83665, S/T OS209444; S/T OS100136, OS185379; OSHAWA.

The geographic coordinates for the site are as follows:

Latitude (NAD83) N 43° 53' 57.1" Longitude (NAD 83) W 78° 49' 48.6"

The site will be located approximately 106 metres east of Harmony Road South and 642 metres south of King Street East.

A copy of Rogers' surveyed site plan has been attached for your reference and information. Please refer to an aerial provided below for the site's location – (Figure 6).

Description of Proposed System

This particular site will be 30 metres monopole tower with a 10 metre by 10 metre fenced compound.

Please also refer to page 9 for a sample of the installation for your reference (Figure 8). An additional package of photo simulations is provided with this report. The viewsapes simulate the view of the proposed installation from major visible intersections. The process of simulating the proposed facility into the existing conditions of the viewsapes was done by superimposing an image of the proposed structure on the photographs taken for those viewsapes.

Figure 6 – Aerial of proposed location.



The site is located within the Residential designation in the City of Oshawa Official Plan and Zoned as OSU;OSH in the City's Zoning By-law.

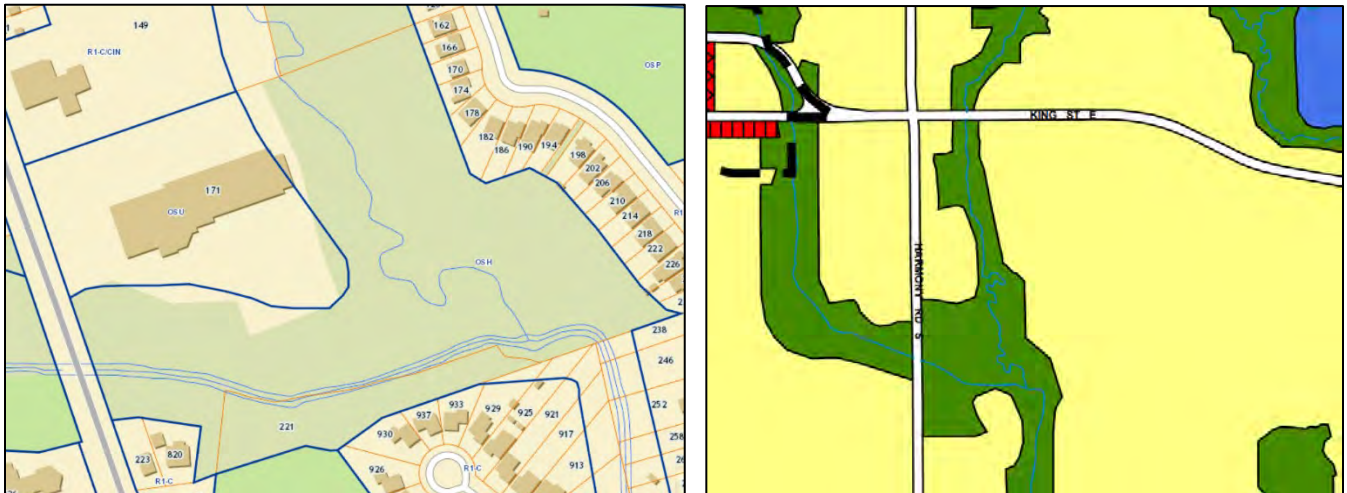


Figure 7 – Land Use Official Plan and Zoning By-law Maps

Site Selection

Rogers strives to be sympathetic to the surrounding land use features and takes all reasonable steps required by local land use authority to mitigate concerns with respect to planning and environmental matters. In reflection of area setting and the surrounding community, the site is set back from the road and the surrounding land uses.

It is important to note that the selection of a site for a telecommunication antenna support structure does not occur randomly. Among the factors considered are:

1. expected usage patterns of service and proximity to users
2. local topography and building types
3. interaction with existing and future sites
4. line of sight requirements for high quality communications
5. opportunities to use existing structures
6. availability of a willing Landlord
7. the industry's commitment to high service standards and customer satisfaction

The following are some of the considerations used by Rogers in development criteria of the proposal:

- The proposed site location has been set back from the main roads on the subject property to maximize the property setting, assisting in mitigating potential visual impacts of the installation on the community.
- Design selected will provide for future co-location opportunities of municipal services and other wireless service providers in an attempt to reduce the number of structures in the area.
- The installation will have no impact on the water shed or the wells, water quality or any water systems. No chemicals, pesticides or herbicides that could potentially have an adverse effect on the water systems will be contained on our structure or the associated walk-in radio equipment cabinet.
- During construction precautions will be taken to minimize any disruption to the current operation on the site and to the surrounding residents. Once the proposed site is in service, there will be no noise associated with the daily operation of the installation.

The proposed monopole tower site will occupy a compound area, of approximately 769 square metres. The structure and cabinet will be surrounded by 2.4 metre high chain link security fence with barbed wire surrounding the compound. The compound also contains a walk-in equipment cabinet (WIC) containing radio equipment, backup battery power, maintenance tools, manuals and a first aid kit. The installation is equipped with a silent alarm system.

Please refer to the following page for a picture of the installation for your reference (Figure 8).

Rogers feels that the location and design chosen provides a significant buffer between residential uses; utilizes existing property's setting in mitigating the visual impact on the immediate land uses; and will provided expected coverage levels to Rogers' customers and for accessibility and enhancement of emergency communication services.

Figure 8 – Sample image of proposed installation



All efforts have been made to minimize the number of cellular base station locations required throughout the targeted area and yet allow for a network design which can adequately provide wireless voice and data service to our existing and new customer base.

Municipal and Public Notification

Rogers has a strong history of consultation with municipalities and understands the importance of land-use protocols and transparency in consultation.

As the provisions of the *Ontario Planning Act* and other municipal by-laws and regulations do not apply to federal undertakings, wireless communication facilities are not required to obtain municipal permits of any kind. However, Innovation, Science and Economic Development Canada (formerly Industry Canada) requires that consultation be undertaken with the appropriate land-use authorities to ensure those authorities are aware of significant structures within their boundaries and so that local land-use issues can be raised, while respecting the federal government's jurisdiction in the siting and operation of wireless voice and data systems.

Rogers' proposed site ensures that the site is set back with a considerable buffer from the residential uses surrounding the subject property and with sufficient distance from the road in order to minimize the visual aspects of the installation. Following the *City of Oshawa Council Policy for New Telecommunication Facilities*, Rogers will notify the public of this installation and seek a letter of concurrence. The policy requires proponents to provide a notification package to the local public (including nearby residences, community gathering areas, public institutions, schools, etc.), neighbouring land-use authorities, businesses, and property owners, etc. located within a radius of 120 metres or 4 times the height of the tower whichever is greater measured from the outside perimeter of the supporting structure. It is also Rogers' responsibility to ensure that the notification provides at least 30 days for written public comment. Copy of this information package will be provided to the City's planning staff and Innovation, Science and Economic Development Canada as part of the municipal consultation process.

Rogers is committed to effective public consultation. The public will be invited to provide comments to Rogers about this proposal by mail, electronic mail, phone or fax.

Innovation, Science and Economic Development Canada's policy contains requirements for timely response to all questions, comments or concerns. Rogers will acknowledge receipt of all communication within **14 days** and will provide a formal response to the Municipality and those members of the public who communicate to Rogers, within **30 days**. The members of the public who communicated with Rogers will then have **21 days** to review and reply to Rogers a final response. Rogers will keep record of all correspondence during the consultation process, which will be included in the summary report to the Township and the regional Innovation, Science and Economic Development Canada office.

Proponent's Contact Information - Rogers Communications Inc.

Vallari Patel, Municipal Planner

FONTUR International Inc.

70 East Beaver Creek Road Unit 22, Richmond Hill, ON, L4B 3B2

Phone: (647) 522-5781

Vallari.patel@fonturinternational.com

Federal Requirements

In addition to the requirements for consultation with municipal authorities and the public, Rogers must also fulfill other important obligations including the following:

Canadian Environmental Assessment Act

Industry Canada requires that the installation and modification of antenna systems be done in a manner that complies with appropriate environmental legislation. This includes the Canadian Environmental Assessment Act, 2012 (CEAA 2012), where the antenna system is incidental to a physical activity or project designated under CEAA 2012, or is located on federal lands.

Rogers attests that the radio antenna system as proposed for this site is not located within federal lands or forms part of or incidental to projects that are designated by the Regulations Designating Physical Activities or otherwise designated by the Minister of the Environment as requiring an environmental assessment. In accordance with the Canadian Environmental Assessment Act, 2012, this installation is excluded from assessment. For additional detailed information, please consult the Canadian Environmental Assessment Act at: <http://laws-lois.justice.gc.ca/eng/acts/C-15.21/>.

Transport Canada's Aeronautical Obstruction Marking Requirements

Aerodrome safety is under the exclusive jurisdiction of NAV Canada and Transport Canada. An important obligation of Rogers' installations is to comply with Transport Canada / NAV CANADA aeronautical safety requirements. Transport Canada perform an assessment of the proposal with respect to the potential hazard to air navigation and notify Rogers of any painting and/or lighting requirements for the antenna system. Rogers has submitted the appropriate applications and is pending approval from NAV Canada/Transport Canada if the proposed tower will require markings and/or lighting. For additional detailed information, please consult Transport Canada at:

Rogers attests that the radio antenna system described in this notification package will comply with Transport Canada / NAV Canada aeronautical safety requirements. For additional detailed information, please consult Transport Canada at:

<http://www.tc.gc.ca/eng/civilaviation/regserv/cars/part6-standards-standard621-3808.htm>

Health Canada's Safety Code 6 Compliance

Health Canada is responsible for research and investigation to determine and promulgate the health protection limits for Exposure to the RF electromagnetic energy. Accordingly, Health Canada has developed a guideline entitled "Limits of Human Exposure to Radiofrequency Electromagnetic Field in the Frequency Range from 3kHz to 300 GHz – Safety Code 6".

The exposure limits specified in Safety Code 6 were established from the results of hundreds of studies over the past several decades where the effects of RF energy on biological organisms were examined. Radiocommunication, including technical aspects related to broadcasting, is under responsibility of the Ministry of Industry (Industry Canada), which has the power to establish standards, rules, policies and procedures. Industry Canada, under this authority, has adopted Safety Code 6 for the protection of the general public. As such, Industry Canada requires all proponents and operators to ensure that their installations and apparatus comply with the Safety Code 6 at all times.

Rogers Communications Inc. attests that the radio antenna system described in this notification package will at all times comply with Health Canada's Safety Code 6 limits, as may be amended from time to time, for the protection of the general public including any combined effects of additional carrier co-locations and nearby installations within the local radio environment.

Furthermore, Rogers's engineers have taken an extra step by undertaking a further analysis on the proposed antenna system in relation to the ground surrounding the site. The emission levels of Rogers wireless communication antenna will be well within the limits outlined in the Safety Code 6 standards set out by Health Canada. In fact, the calculations of emission levels at the ground surrounding our Site will be a 100 times below the allowable Safety Code limit. Our site meets and exceeds the applicable Safety Code 6 guideline value by a significant margin.

More information in the area of RF exposure and health is available at the following web site: *Safety Code 6*: <http://www.hc-sc.gc.ca/ewh-semt/radiation/cons/radiofreq/index-eng.php>

Engineering Practices

Rogers attests that the radio antenna system as proposed for this site will be constructed in compliance with the National Building Code and The Canadian Standard Association and comply with good engineering practices including structural adequacy.

Innovation, Science and Economic Development Canada's Spectrum Management

Please be advised that the approval of this site and its design is under the exclusive jurisdiction of the Government of Canada through Industry Canada. For more information on Industry Canada's public consultation guidelines including CPC-2-0-03 contact (<http://www.ic.gc.ca/epic/site/smt-gst.nsf/en/sf08777e.html>) or the local Innovation, Science and Economic Development Canada office at: spectrum.toronto@ic.gc.ca:

Industry Canada Toronto District Office

Room 9
55 St. Clair Avenue East
Toronto, ON M4T 1M2
Tel.: 416-973-8215, Fax: 416-954-3553
Email: spectrum.toronto@ic.gc.ca

General information relating to antenna systems is available on Innovation, Science and Economic Development Canada's Spectrum Management and Telecommunications website (<http://www.ic.gc.ca/epic/site/smt-gst.nsf/en/home>)

Conclusion

Reliable wireless communication services are a key element of economic development across Canada. It facilitates the growth of local economies by providing easy access to information, and connectivity for residents and business alike.

The infrastructure proposed is suitable for the development over the long term and protects public health and safety, and is a powerful economic enabler that promotes home occupations, teleworking, telecommuting and improved community networking.

In response to this growing demand for wireless services, Rogers Communications Inc. has worked to find the most suitable location for a telecommunications structure in efforts to provide improved wireless services to the community.

In addition to meeting consumer needs, technological upgrades are also critical to ensuring the accessibility of emergency services such as fire, police and ambulance. Wireless communications products and services, used daily by police, EMS, firefighters and other first responders, are an integral part of Canada's safety infrastructure.

Rogers feels that the proposed site is well located to provide improved wireless voice and data services in the targeted area. The proposed location is also situated and designed to have minimal impact on surrounding land uses.

Rogers looks forward to working with the City of Oshawa in providing improved wireless services to the community.

Should you have any further questions or comments, please feel free to contact me via email at vallari.patel@fonturinternational.com, or via phone at (647) 522 - 5781.

Sincerely,



Vallari Patel, Municipal Planner
FONTUR International Inc.
On contract to Rogers Communications Inc.

Council Policy for New Telecommunication Facilities

1. Purpose

To establish policies and procedures for the installation of new telecommunication antennas, towers and related structures which emphasize the following:

- Selecting locations for telecommunication facilities which ultimately minimize the number of such facilities and their visual impact;
- Allowing input from the public; and
- Providing a clear process for the installation of new telecommunications facilities.

Innovation, Science and Economic Development Canada, the approval authority for regulating telecommunications facilities, ensures that municipalities are consulted prior to the construction of towers and antenna structures. The role of the City is to provide comments with respect to land use compatibility and community input. Innovation, Science and Economic Development Canada advises that the City has no constitutional authority to regulate or prohibit telecommunications facilities.

2. Source

City Council approval on June 11, 2007, as amended on June 2, 2008 and September 22, 2014.

3. Policy

3.1 Definitions

Antenna shall mean a device for transmitting and receiving electromagnetic waves, wireless communication signals or other communication signals.

Alternative tower structures shall mean man-made support structures that camouflage or conceal the presence of antennas or towers such as flagpoles, clock towers, church steeples, street lights, artificial trees and other everyday features.

Co-location shall mean the placement of one or more antenna on the same telecommunication tower or alternative tower structures.

Equipment Shelter shall mean a structure containing equipment necessary to transmit and receive signals.

Height shall mean the height of an antenna system measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the particular installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the antenna system.

Telecommunications Facilities shall mean telecommunication tower and/or antenna and an equipment shelter.

Telecommunications Towers shall mean structures designed and constructed to support one or more antennas, including lattice towers, monopoles and guyed towers.

3.2 Site Selection for New Telecommunication Towers

- (a) The installation of new telecommunications towers is discouraged unless all other options within the telecommunication company search area have been explored and are considered inappropriate. The preferred methods of achieving additional capacity are:
 - (i) Co-location on existing towers;
 - (ii) Location on hydro transmission towers;
 - (iii) Location of towers within or adjacent to hydro transmission corridors;
 - (iv) Use of alternative tower structures; and
 - (v) Clustering adjacent to existing telecommunication towers.
- (b) A telecommunication tower shall be located in a manner which minimizes its visual impact. When locating a new telecommunication tower the following shall be considered:
 - (i) Avoidance of natural features, significant vegetation, hazard lands (e.g. floodplains, steep slopes) and environmentally sensitive areas;
 - (ii) Locations shall be sensitive to residential areas, historic sites, environmentally sensitive areas and hazard lands;
 - (iii) Alternative tower structures are encouraged within the Major Urban Area and Hamlet boundaries as identified in the Oshawa Official Plan;
 - (iv) An appropriate setback shall be maintained from road right-of-ways;
 - (v) Avoiding areas of topographical prominence, where possible, to minimize long/short range views; and
 - (vi) Locations and heights that are in compliance with Transport Canada's requirements relative to the Oshawa Municipal Airport.

3.3 Site Design and Layout

(a) New Telecommunication Towers

The following shall be considered in the site design and layout of new telecommunications towers:

- (i) Planting of trees and shrubs around the perimeter fencing to mitigate the visual impact of the tower and equipment shelter,

- (ii) Small identification sign(s) of the telecommunication company may be permitted on the equipment shelter or perimeter fencing subject to the issuance of a sign permit as necessary; and
- (iii) Where alternative tower structures are not feasible, telecommunication towers and equipment shelters should blend in with the context (e.g. colour, etc.) of its surroundings. The architecture of an equipment shelter should reflect the area within which it is located (e.g. pitched roof, or brick if in a residential area).

(b) Installations on Roof Tops or Existing Structures

When locating a telecommunication antenna or equipment shelter on rooftops or existing structures, telecommunication companies shall endeavour to minimize the visual impacts of such uses by considering the following:

- (i) Wall mounted antenna on the side of a building are discouraged below the roof but may be permitted subject to appropriate design. Wall mounted antenna on penthouses and stairwells above the roof are preferred;
- (ii) Utilizing alternative tower structures;
- (iii) New antennas should have a maximum height of 6 metres above the highest point of the building or existing structure and it should be setback a minimum of 3 metres from the roof edge on a building;
- (iv) Equipment shelters on roof tops should be setback from the roof edge as appropriate with appropriate consideration of the structural design of the roof;
- (v) The colour and architectural style of the antenna and equipment shelter shall blend in with the building or structure;
- (vi) If an equipment shelter is aboveground and related to a roof-top antenna then the architecture of the equipment shelter must reflect appropriate urban design considerations related to the area within which it is located (e.g. pitched roof, brick if in a residential area); and
- (vii) Locations and heights that are in compliance with Transport Canada's requirements relative to the Oshawa Municipal Airport.

3.4 Other

- (a) The City will encourage buildings greater than 6 storeys to be pre-designed to accommodate antenna and equipment shelters.
- (b) Telecommunication companies shall be encouraged to remove facilities after their lease has expired.

4. Procedure

4.1 Pre-consultation

Prior to the installation of telecommunications facilities, telecommunication companies are encouraged to consult with the City's Planning Services Branch in the Development Services Department to discuss the site search area, site selection, including land use compatibility, sensitive visual areas and vistas, existing and proposed land uses and other potential impacts. Consultation with the Chief Building Official may also be required.

Telecommunications companies are requested to consult with the City on proposals that involve above ground equipment shelters even though they may be exempt according to Innovation, Science and Economic Development Canada's procedures to ensure the shelters are appropriately located, designed (e.g. architecture) and landscaped given the site context (e.g. in a residential area).

4.2 Submission Requirements

For the purposes of administration and processing, telecommunication companies will be required to complete an application for site plan approval. The application shall be submitted to the Planning Services Branch in the Development Services Department with the appropriate fee. Such applications are not processed under the Planning Act.

(a) New Telecommunication Towers

All proposals for new telecommunication towers, where consultation with the City is required by Innovation, Science and Economic Development Canada, will generally include the following information:

- (i) Written justification from the telecommunication company, as to the need for the telecommunication tower and that the proposed location for the new tower is the preferred alternative. Non-tower, co-location and alternative tower structures shall be addressed in the justification;
- (ii) A site plan showing such items as the subject property, including the existing property lines and the leased area (if applicable), existing and proposed buildings, fences, buffering, building elevations, access, parking and the type and height of the proposed tower structure. Additional plans such as a landscape plan, a site servicing/grading plan and erosion and sediment control plan may also be required later in the review process;
- (iii) Pictures of the location and the proposed tower and associated facilities superimposed on the picture from four directions, north, south, east and west;
- (iv) A plan showing the horizontal distance between the tower installation and the nearest residential zone and/or residential dwelling; and
- (v) A public notification package containing the information required by Appendix 1 – Innovation, Science and Economic Development Canada's Default Public Consultation Process – Public Notification Package in Innovation, Science

(b) Installations on Roof Top or Existing Structures

All proposals for telecommunication antenna or equipment shelters on roof tops or existing structures, where consultation with the City is required by Innovation, Science and Economic Development Canada, will generally include the following information:

- (i) A statement from the telecommunication company on the need for any increase in proposed tower height if the increased height is greater than 25% of the originally approved height;
- (ii) A plan showing the location and setbacks for the proposed antenna and associated facilities on the roof top or existing structure;
- (iii) A plan showing such items as building elevations and the location, type and height of the proposed antenna. A site plan showing such items as the subject property, the leased area, existing and proposed buildings, fences, buffers, access and parking is required for any aboveground equipment shelter. Additional plans such as a landscape plan, a site servicing/grading plan and erosion and sedimentation control plan may also be required at a later date for any aboveground equipment shelter/uses related to the antenna;
- (iv) Any relevant information as may be required by the Chief Building Official at a later date during the review process; and
- (v) Upon review of the site plan, the Development Services Department may require the telecommunication company to submit pictures of the building or structure with the proposed antenna and equipment shelter superimposed on the picture from four directions; north, south, east and west.

(c) Alterations to Existing Facilities

Where a modification to an existing site is proposed, which may include, but not be limited to, an increase in the height of the tower, additional equipment shelters or entrances, an amendment to an approved Site Plan may be required.

4.3 Public Consultation Process

(a) Exemptions from Public Consultation

Public consultation is not required in the following situations:

- (i) For installations of roof-top antenna, roof-top equipment shelters and wall mounted antenna that do not project more than 2 metres from the face of the building provided they are designed and are in a location on the roof acceptable to the Development Services Department; and

- (ii) Co-location of an antenna on an existing telecommunication tower or hydro tower.

City Council may also exempt other proposals from public consultation as appropriate. For example, City Council may consider exempting proposals from the public process where towers are proposed adjacent to 250 kv or 500 kv hydro towers or adjacent to other telecommunication towers or where equipment shelters related to a roof top antenna are located on sites which are occupied by non-residential uses or that about non-residential uses.

Notwithstanding any provisions of this policy to the contrary the City's policy does not apply to the following types of installations, based on Innovation, Science and Economic Development Canada's exemption criteria:

- (i) New Antenna Systems: where the height is less than 15 metres above ground level. This exclusion does not apply to antenna systems proposed by telecommunications carriers, broadcasting undertakings or third party tower owners;
- (ii) Existing Antenna Systems: where modifications are made, antennas added or the tower replaced, including to facilitate sharing, provided that the total cumulative height increase is not greater than 25% of the height of the initial antenna system installation. No increase in height may occur within one year of completion of the initial construction. This exclusion does not apply to antenna systems using purpose built antenna supporting structures with a height of less than 15 metres above ground level operated by telecommunications carriers, broadcasting undertakings or third party tower owners;
- (iii) Non-Tower Structures: antennas on buildings, water towers, lamp posts, etc. may be excluded from consultation provided that the height above ground of the non-tower structure, exclusive of appurtenances, is not increased by more than 25%;
- (iv) Temporary Antenna Systems: used for special events or emergency operations and must be removed within three months of the start of the emergency or special event; and
- (v) No consultation is required prior to performing maintenance on an existing antenna system.

(b) Required Public Consultation

- (i) Subject to the exemptions set out above, a public meeting is required for any new tower or any new aboveground equipment shelter.
- (ii) The Development Services Department shall give written notice, by regular mail, of the public meeting to the owners and tenants of the lands within the circulation area around the subject property, to all Members of City Council and to adjacent municipalities if the new tower is within 500 metres of the municipal boundary. The notice shall be sent at least 30 days before the public meeting date. A newspaper advertisement notifying the public of any

tower proposed to be 30 metres or more in height is required as part of the public consultation process. The newspaper advertisement will be paid for by the telecommunication company.

The circulation area for the notice is as follows:

- Within the Major Urban Area boundary - 120 metres or 4 times the height of the tower which ever is greater measured from the outside perimeter of the supporting structure. For the purpose of this requirement, the outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc.;
- In all other areas – 250 metres measured from the outside perimeter of the supporting structure. For the purpose of this requirement, the outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc.;

The notice shall include, at a minimum, the following information:

- The location of the proposed site;
- Date, time and location of Public Meeting; and
- The name and telephone number of a contact person employed by the telecommunication company, as well as a municipal contact person.

An information package provided by the telecommunication company will be included with the mailed notice.

The notice shall be clearly marked, making reference to the proposed antenna system, so that it is not misinterpreted as junk mail and that the face of the package must clearly reference that the recipient is within the prescribed notification radius of the proposed antenna system.

- (iii) The Public Meeting shall be held by the Development Services Committee.

At the Public Meeting, the telecommunication company shall be responsible for displaying all the necessary drawings and pictures and making a presentation. Subsequent to the Public Meeting, the telecommunication company shall provide to the Development Services Department a letter indicating how the telecommunication company will address the concerns raised at the public meeting.

4.4 Approvals

(a) Letter of Recommendation with a Public Meeting

- (i) After the public meeting, the Development Services Department will prepare a report for the consideration by the Development Services Committee. The telecommunication company and any person that attended the public meeting and left their names will be invited to the Development Services

Committee meeting to make any comments on the staff report, as appropriate. The Development Services Committee will then make a recommendation to Council. The telecommunication company or any person can request to speak to Council if they do not agree with the Development Services Committee recommendation. Council will then take a position on the proposal.

- (ii) The Development Services Department will issue to the telecommunication company (with a copy to Innovation, Science and Economic Development Canada) a Letter of Recommendation (Yes; No; Yes with conditions) stating that the company has consulted with the City and advising of Council's position on the proposal. Such letter will be provided within two weeks from the date of Council's decision or, in the case where a Letter of Undertaking is required, when a Letter of Undertaking has been completed to the City's satisfaction.

(b) **Letter of Recommendation without a Public Meeting**

- (i) City Council delegates the responsibility to provide the City's position on any proposal that does not require a public meeting to the Commissioner of Development Services;
- (ii) The Development Services Department will issue to the telecommunication company (with a copy to Innovation, Science and Economic Development Canada) a Letter of Recommendation (Yes; No; Yes with conditions) stating that the company has consulted with the City and advising of the City's position on the proposal. Such letter will be provided within two weeks of site plan approval including the execution of a Letter of Undertaking if required.

(c) **Letter of Undertaking**

- (i) A Letter of Undertaking is required only in situations where:
 - A new telecommunication tower is proposed;
 - A new aboveground equipment shelter is proposed; and
 - An upgrade to an existing facility is required by the City to improve the aesthetics or address grading issues.
- (ii) When the Development Services Department is satisfied with the site location, layout and design, the telecommunication company shall provide a Letter of Undertaking in the City's prescribed format. The Letter of Undertaking may address such matters as:
 - Site design, landscaping, grading and servicing and building elevations;
 - Approval for any new driveway entrances;
 - Signage;
 - Security deposits for site improvements;
 - The removal of all structures upon expiration of the lease;
 - A commitment to accommodate other telecommunication companies on site where feasible; and
 - Other conditions as required.

(d) **Proposals on City Land**

- (i) Any proposal from a telecommunication company to acquire or lease land from the City for a telecommunication facility shall be placed on the Development Services Committee agenda;
- (ii) If the proposal has merit then it should be referred to the Council for approval in principle to acquire or lease City land;
- (iii) In the event Council approves in principle the sale or lease of City land, the process for considering the merits of the proposed tower or proposed aboveground equipment shelter shall be coordinated by Planning Services including the scheduling of a public meeting in accordance with this policy;
- (iv) Once Council takes a formal position on a proposal on City land, after any required public meeting, then Development Services will report on the proposed terms of the lease; and
- (v) The process for any proposal that does not require a public meeting shall be coordinated by Development Services.

4.5 Time Limit for Construction

Any antenna system that has followed a consultation process with the City shall be constructed within three (3) years of the conclusion of the consultation process. Extensions to the time limit are permitted for a specified time period if a proponent secures the agreement of the City in writing and provides a copy of the agreement to the local Innovation, Science and Economic Development Canada office.

Note: Minor changes to or deviations from this policy and procedure may be made by the Commissioner of Development Services. Any significant changes must be approved by City Council.

Appendix 1 – Industry Canada’s Default Public Consultation Process - Public Notification Package

The proponent must ensure that at least **30 days** are provided for public comment. Notification must provide all information on how to submit comments to the proponent in writing. Notices must be clearly marked, making reference to the proposed antenna system, so that it is not misinterpreted as junk mail. The notice must be sent by mail or be hand delivered. The face of the package must clearly indicate that the recipient is within the prescribed notification radius of the proposed antenna system. The proponent must also provide a copy of the notification package to the land-use authority and the local Industry Canada office at the same time as the package is provided to the public.

Notification must include, but need not be limited to:

- 1) the proposed antenna system’s purpose, the reasons why existing antenna systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable and future sharing possibilities for the proposal;
- 2) the proposed location within the community, the geographic coordinates and the specific property or rooftop;
- 3) an attestation¹⁹ that the general public will be protected in compliance with Health Canada’s Safety Code 6 including combined effects within the local radio environment at all times;
- 4) identification of areas accessible to the general public and the access/demarcation measures to control public access;
- 5) information on the environmental status of the project, including any requirements under the *Canadian Environmental Assessment Act, 2012*;
- 6) a description of the proposed antenna system including its height and dimensions, a description of any antenna that may be mounted on the supporting structure and simulated images of the proposal;
- 7) Transport Canada’s aeronautical obstruction marking requirements (whether painting, lighting or both) if available; if not available, the proponent’s expectation of Transport Canada’s requirements together with an undertaking to provide Transport Canada’s requirements once they become available;
- 8) an attestation that the installation will respect good engineering practices including structural adequacy;
- 9) reference to any applicable local land-use requirements such as local processes, protocols, etc.;

¹⁹ Example: I, (*name of individual or representative of company*) attest that the radio installation described in this notification package will be installed and operated on an ongoing basis so as to comply with Health Canada’s Safety Code 6, as may be amended from time to time, for the protection of the general public, including any combined effects of nearby installations within the local radio environment.

- 10) notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website (<http://www.ic.gc.ca/towers>);
- 11) contact information for the proponent, land-use authorities and the local Industry Canada office; and
- 12) closing date for submission of written public comments (not less than **30 days** from receipt of notification).

Excerpts from the Minutes of the Development Services Committee Meeting held on June 6, 2022

Application - DS-22-119 - Pursuant to Council Policy for New Telecommunication Facilities

Presentation

Fontur International Inc. - Proposed New Telecommunication Tower and Related Equipment, 171 Harmony Road South, Fontur International Inc. on behalf of Rogers Communications Inc.

Vallari Patel, Planner, Fontur International Inc., provided a presentation concerning the proposed new telecommunication tower and related equipment, 171 Harmony Road South.

Delegations

Rosalie H. Krem - Proposed New Telecommunication Tower and Related Equipment, 171 Harmony Road South, Fontur International Inc. on behalf of Rogers Communications Inc.

Rosalie Krem addressed the members of the Development Services Committee concerning the proposed telecommunication tower at 171 Harmony Road South. Ms. Krem is not opposed to a telecommunication tower but would like it in a different location, she is concerned about the light pollution disturbing her and her neighbours, obstructing her view because she sees above the trees, the tower is still going to be in her sightline, and feels it is not appropriate for her and her neighbours.

Correspondence

DS-22-150 - Various Residents submitting comments in opposition to DS-22-119 regarding the Proposed New Telecommunication Tower and Related Equipment, 171 Harmony Road South, Fontur International Inc. on behalf of Rogers Communications Inc. (Ward 3)

Moved by Councillor Chapman

That Correspondence DS-22-150 from Various Residents submitting comments concerning DS-22-119 regarding the Proposed New Telecommunication Tower and Related Equipment, 171 Harmony Road South, Fontur International Inc. on behalf of Rogers Communications Inc. be referred to Report DS-22-119.

Motion Carried

Reports

DS-22-119 - Proposed New Telecommunication Tower and Related Equipment, 171 Harmony Road South, Fontur International Inc. on behalf of Rogers Communications Inc. (Ward 3)

Moved by Councillor Chapman

That, pursuant to Report DS-22-119 dated June 1, 2022, staff be directed to further review and prepare a subsequent report and recommendation back to the Development Services Committee concerning the telecommunication tower and related equipment proposed by Fontur International Inc. on behalf of Rogers Communications Inc. at 171 Harmony Road South (File: SPA-2022-13). This direction does not constitute or imply any form or degree of approval.

Motion Carried