

Telecommunications Tower Protocol Policy	Section:
Policy: Telecommunications	Effective:
Application:	Approved:
Exclusion(s): N/A	By-law: N/A
Supersedes: Any previously adopted telecommunications protocol / policy	Resolution: tbd

1. Purpose

To maintain policies and procedures that are reflective of the ISED Canada procedures and protocols for the installation of new telecommunication antennas systems which will achieve the following:

- Outline the Municipality’s site selection, design guidelines and consultation process for the installation and modification of cell towers and other antenna installations covered by this protocol for telecommunications facilities;
- Encourage designs that integrate with existing and planned surrounding land use and public realm and minimize visual impacts;
- Outline a municipal consultation process for the installation and modification of cell towers and other antenna installations covered by this protocol for telecommunications facilities; and,
- Provide a straight-forward, objective process for the installation of antenna systems for wireline telecommunications service within the Municipality of Port Hope to ensure all residents are connected.
- To assist in ensuring that the process and ultimate decision-making protects the interests of the Port Hope community.

2. Scope

This Protocol applies to anyone (referred to in this document as “the proponent”) who is planning to install or modify an antenna system, regardless of the type of antennae and the type of installation. This includes telecommunication carriers, businesses, governments, Crown agencies, and the public. Anyone who proposes to use or own an antenna system must follow this Protocol. The requirements also apply to those who install towers or antenna systems on behalf of others or for leasing purposes (“third party tower owners”).

3. Definitions

Amateur radio operator is someone who uses equipment at an amateur radio station to engage in two-way personal communications with other amateur operators on radio frequencies assigned to the amateur radio service.

Antenna System shall mean an exterior transmitting device – or group of devices – used to receive and/or to transmit radio frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas. Antenna Systems include the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter. This protocol most commonly refers to the following two types of Antenna Systems:

Freestanding Antenna System: a structure (e.g., tower or mast) built from the ground for the expressed purpose of hosting an Antenna System or Antenna Systems;

Building/Structure-Mounted Antenna System: an Antenna System mounted on an existing structure, which could include a building wall or rooftop, a light standard, water tower, utility pole or other.

Non-Tower Structures shall mean structures that camouflage or conceal the presence of antennas or towers such as flagpoles, water towers, church steeples, streetlights, artificial trees and other everyday features.

Co-location shall mean the placement of antennas and equipment operated by one or more proponents on a telecommunications Antenna System operated by a different proponent, thereby creating a shared facility.

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

Freestanding Antenna System shall mean a structure (tower, mast, etc.) built from the ground for the expressed purpose of hosting an Antenna System(s).

Height shall mean the height of an antenna 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.

Tower Facility shall mean the support structure, antenna systems foundations, and fenced compound enclosing the antenna system.

4. Exclusions

4.1 Excluded Structures

The following types of antenna system installations or modifications are excluded by ISED Canada from the requirement to consult with the public and the requirement to submit a formal antenna system proposal to the Municipality for review:

- a) **New Antenna Systems where the height is less than 15 metres above ground level:** This exclusion does not apply to antenna systems to be used by broadcasting undertakings, telecommunications carriers or third-party tower owners;
- b) **Existing Towers:** modifications may be made, or the tower may be replaced, to facilitate sharing or the addition of antennas, provided that the total height increase is no greater than 25% of the height of the initial antenna system installation. Any modifications resulting in the maximum tower height exceeding 15m will no longer be considered exempt under Section 4.1. No increase in height may occur within one year of completion of the initial construction;
- c) **Non-Tower Structures:** antennas on buildings, water towers, lamp posts, etc. may be installed provided that the height of the structure is not increased by more than 25%; and,
- d) **Temporary Antenna Systems:** used for special events or emergency operations and must be removed three months after the start of the emergency or special event.
- e) **Maintenance:** No consultation is required prior to performing maintenance on an existing antenna system.

Proponents who are not certain if their proposals are excluded, or whether consultation may still be prudent, are advised to contact Development Services.

5. Siting on Municipally Owned Properties

- a) Any request to install an antenna system on lands owned by the Municipality shall be made to the Director of Development Services (or designate). If the proposed location is acceptable in principle, the Director (or designate) will ask the requestor to continue with the process in accordance with this Protocol.
- b) Proponents must still submit a formal request to the Municipality of Port Hope in accordance with this Protocol and follow the public consultation process in accordance with Section 8 of this Protocol, unless the proposal meets the exclusion criteria under Section 4 of this protocol.

6. Site Selection for New Antenna Systems

The location and design guidelines outlined in this section are established to encourage proponents to select sites that minimize the number of tower and antenna facilities erected in the Municipality and to ensure that selected sites minimize visual impacts on the surrounding area.

6.1 Preferred Locations

Where co-location on an existing Antenna System or structure is not possible, proponents are encouraged to:

- a) Consider the use of Municipally-owned lands and/or facilities, where technically feasible, and acceptable to the Municipality.
- b) Select sites for new towers that are within industrial, commercial, or non-residential areas, and/or that maximize the distance from residential areas, listed and designated heritage buildings and sites, and sensitive uses, and that do not interfere with traffic flows.
- c) Provide new towers with co-location capabilities. Proponents should make all reasonable efforts to consider co-location in their proposal.
- d) On undeveloped sites, locate the structure and equipment shelter so as not to preclude future development opportunities for the site.

6.2 Discouraged Locations

The Municipality discourages the installation of new antenna systems in the following locations:

- a) Residential areas except where located on tall buildings or if needed for emergency service or municipal operations;
- b) sites of topographical prominence or located in such a manner that would obscure public views and vistas;
- c) Within or adjacent to environmentally sensitive features;
- d) Within the Oak Ridges Moraine;
- e) Within or adjacent to natural hazards (eg. Floodplains, steep slopes);
- f) On, or immediately adjacent to, Heritage Properties or within Heritage Conservation Districts;
- g) Lands are that are inappropriately set-back from right-of-ways; and,
- h) Where the future land use has not been determined or in locations that would preclude the development or redevelopment of the area.

6.3 Site Design and Layout

The following Sections outline the site design and layout considerations for new freestanding antenna systems and antenna systems mounted on structures/buildings (structure/building mounted antenna systems).

6.3.1 Freestanding Antenna Systems

Where a new antenna system must be constructed, proponents shall use the following design guidelines to ensure the facility is appropriately designed and sited to minimize visual impacts on the surrounding area.

- a) The design must accommodate for future co-location of additional carriers, where appropriate;
- b) Stealth techniques, such as flagpoles, clock towers, trees, light poles, etc., should be considered and used where appropriate and in harmony with the context of the surrounding area;
- c) Monopole towers with antennas shrouded or flush mounted are preferred, particularly when the tower is proposed in or near residential areas;
- d) Equipment shelters should be designed and landscaped in a manner that is compatible and sensitive to the character of the surrounding area in order to mitigate the visual impact;

- e) Make best effort to preserve existing vegetation and/or provide planting of trees and shrubs around the perimeter fencing to mitigate the visual impact of the antenna system and equipment shelter;
- f) Towers should have non-reflective surfaces and be painted with neutral colours that blend with the surrounding landscape, unless Transport Canada requires the use of other materials or colours (e.g., for aeronautical safety purposes);
- g) Towers should not be illuminated, unless required by Transport Canada;
- h) In the event of illumination being required by Transport Canada, shielding of emitting light should be considered;
- i) Towers and their related components should have no adverse effects on natural heritage features, hydrologically sensitive features or areas prone to natural hazards, and proponents must adhere to the policies within the Municipality's Official Plan that pertain to the protection of the natural environment;
- j) Only signage directly related to an antenna system as required by ISED Canada shall be permitted. No third-party advertising or promotion is permitted on a tower facility, unless approved by the Municipality; and,
- k) Towers and antennas that are attached or adjacent to existing buildings, including rooftop installations, should be screened and/or designed to complement the architecture of the building with respect to form, materials and colour.

6.3.2 Structure/Building-mounted Antenna Systems

Where a new antenna system must be constructed, proponents shall use the following design guidelines to ensure the facility is appropriately designed and sited to minimize visual impacts on the surrounding area.

- a) 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;
- b) Utilizing alternative tower structures;
- c) 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;
- d) Equipment shelters on roof tops should be setback from the roof edge as appropriate with appropriate consideration of the structural design of the roof;
- e) The colour and architectural style of the antenna and equipment shelter shall blend in with the building or structure; and,

- f) 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).

7. Pre-Consultation with Municipality

Proponents are required to have a preliminary consultation (known as a “Stage 1” pre-consultation) with the Development Services Department prior to submitting a formal request to install an antenna system unless it is an excluded structure in Section 4. This initial contact will allow the proponent to meet with staff to discuss the proposal, including the rationalization behind the site selection.

During this meeting, Municipal staff will provide preliminary input and comments regarding the proposal such as, but not limited to, land use compatibility, potential impacts on high profile and sensitive areas, alternative sites, aesthetic or landscaping preferences and other agencies to be consulted.

This meeting will also provide an opportunity for Municipal staff to inform the proponent of the formal consultation process outlined herein and to advise on the notification process for this proposal.

The proponent is required to consult with adjacent municipalities that are located within 500 metres, measured from the tower base, or the outside perimeter of the supporting structure, whichever is greater. The proponent shall provide written confirmation of this consultation to the Director of Development Services.

7.1 Pre-Consultation Meeting Requirements

The following information must be provided to the Development Services Department, to the attention of the Director (or designate) prior to scheduling a pre-consultation meeting.

- a) Cover letter describing the rationale for the proposed location and other potential sites;
- b) Aerial photos of the potential sites for the antenna system;
- c) Draft site plan or survey plan of the subject property showing the location of the proposed antenna system in relation to the site and/or buildings on the property;
- d) Elevation drawings of the proposed antenna system, height and colour;
- e) Photo Simulations showing the proposed antenna system structure in four different directions, and,

- f) Anticipated coverage and capacity (as a result of installation).

7.2 Pre-Consultation Summary

Following the pre-consultation meeting, the Director (or designate) will provide the proponent with a letter outlining the Municipality's requirements and summarizing the results of the pre-consultation meeting. The summary letter will generally provide:

- a) The Municipality's formal submission requirements as set out in Section 7.3.1 and 7.3.2;
- b) A list of plans and studies that may be required;
- c) A list of municipal departments and agencies to be consulted; and,
- d) An indication of the Municipality's preferences regarding location and design guidelines for the site(s) under discussion.

7.3 Formal Submission Requirements

For the purposes of administration and processing, proponents will be required to complete an application for site plan approval. The proponent must submit the materials outlined in Sections 7.3.1 and 7.3.2 to the Development Services Department to the attention of the Director (or designate) with the appropriate fees in addition to the materials outlined at the pre-consultation meeting and outlined in the summary notes. Such applications are not processed under Section 41 of the Planning Act.

7.3.1 New Freestanding Antenna Systems

All proposals for new Freestanding Antenna Systems, where consultation with the Municipality is required by ISED, will include the following information:

- a) A completed site plan application form and applicable fees;
- b) A Site Selection/Justification Report prepared by a qualified professional, such as a land use planner or engineer, which contains the following:
 - A list of identified antenna systems within the vicinity of the proposed location.
 - Details on the coverage and capacity of the existing antenna systems in the surrounding area with detailed discussion as to why co-location on an existing antenna system is not a viable alternative to the construction of a new tower facility.

- Discussion on compliance with Health Canada's Safety Code 6 shall be addressed in the justification;
- c) 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, emergency vehicle 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;
- d) Pictures of the location and the proposed Freestanding Antenna System and associated facilities superimposed on the picture from four directions; north, south, east and west;
- e) Two sets of stamped engineered drawings to identify the Freestanding Antenna System design, this will be required to submit at time of entering into a Letter of Undertaking with the Municipality.
- f) A map showing the horizontal distance between the Freestanding Antenna System installation and the nearest residential zone and/or residential dwelling;
- g) A public notification package (as per Section 8);
- h) A copy of the draft notice and the proposed date on which it will be distributed (no sooner than 14 days from the date of request being submitted), if applicable;
- i) A copy of the draft notice sign to be posted on the subject property, if applicable;
- j) Photo Simulations show the proposed antenna system structure in four different directions; and,
- k) Any required technical reports, background information and other supporting materials provided to the proponent during or after the pre-consultation meeting.

7.3.2 Structure / Building-Mounted Antenna Systems

All proposals for Antenna Systems on structures and buildings, where consultation with the Municipality is required by ISED, will include the following information:

- a) A plan showing the location proposed Antenna System and associated facilities on the structure or building;
- b) Building permits to be submitted in accordance with the Ontario Building Code, and any relevant information that may be required by the Port Hope Chief Building Official (or Designate) if necessary; and,
- c) Pictures of the structure or building with the proposed Antenna System and associated facilities superimposed on the picture from four directions; north, south, east and west.

Where modifications to an existing Antenna System are proposed that are not excluded from municipal consultation, amendment to the approved plans may be required and the corresponding fee must be remitted.

7.4 Determination of Complete or Incomplete Applications

Within ten (10) working days of the submission, a staff member will be assigned to the application and confirm receipt. The Director (or designate) will determine whether the required antenna system documentation is deemed complete or incomplete.

If the required materials listed in Section 7 of this Protocol are not complete or provided to the satisfaction of the Director (or designate), the application will be deemed incomplete and the official commencement of the 120 day consultation process will not commence. The Director (or designate) will notify the proponent of the outstanding items to be addressed.

8. Public Consultation

8.1 Public Consultation Requirements

Where an Antenna System Review Process is required, the proponent must carry out public consultation in accordance with this Protocol.

The proponent must not initiate public notification or consultation for an antenna system proposal until a formal submission has been made to the Municipality and written confirmation from the Director (or designate) to proceed with public notification and consultation has been provided.

The proponent shall be responsible for all costs associated with public notification and consultation.

8.2 Public Consultation Requirements

- a) The proponent must notify all property owners and resident associations within a radius of the following:
 - i Within an Urban Boundary: The greater of 150 metres or three times the tower height, measured from the tower base or 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, such as the outermost guy line, building edge, face of the self-supporting tower, etc.
- ii Outside an Urban Boundary: 500 metres. For the purpose of this requirement, the outside perimeter begins at the furthest point of the supporting mechanism, such as the outermost guy line, building edge, face of the self-supporting tower, etc.;

8.3 Public Notification Package Requirements

- a) A location map, including the address, clearly indicating the exact location of the proposed antenna system in relation to the surrounding properties and streets; including a letter size (8.5" x 11") copy of the site plan submitted with the application;
- b) A physical description of the proposed antenna system including the height, dimensions, tower type/design, any antenna(s) that may be mounted on the tower, colour and lighting;
- c) An elevation plan of the proposed tower facility;
- d) Colour simulated images of the proposed tower facility;
- e) The proposed antenna system's purpose, the reasons why existing towers or other infrastructure cannot be used, a list of other structures that were considered unsuitable, and future sharing possibilities for the proposal;
- f) An attestation 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;
- g) Address, location (including a map) and timing of the public information centre, if applicable;
- h) Information on how to submit written public comments to the Applicant and the closing date for submission of written public comments;
- i) The following sentences regarding jurisdiction:

“Telecommunication tower/antenna systems are regulated exclusively by Federal Legislation under the Federal Radiocommunication Act and administered by Innovation, Science and Economic Development Canada. Provincial legislation such as the Planning Act, including zoning by-laws, does not apply to these facilities. The Municipality of Port Hope is participating in land-use consultation pursuant to Issue 5 of Innovation, Science and Economic Development Canada’s CPC 2-0-03. In the case of a dispute between the proponent and the Municipality, a final decision will be made by ISED”;

- j) Notice that general information relating to antenna systems is available on Innovation, Science and Economic Development Canada's Spectrum Management and Telecommunications website (www.ised-isde.canada.ca/);
- k) The name and telephone number of a contact person employed by the proponent and the municipal contact person; and,
- l) Closing date for submission of written public comments.

8.4 Public Notice Sign

Unless otherwise determined through pre-consultation, the proponent shall erect a sign on the property notifying the public of the proposal to establish an antenna system on the subject property. The sign shall be erected on the property so that it is clearly visible and legible from the street(s) - on all frontages.

The sign shall be professionally prepared and its size shall be a minimum of 1.2 metres by 1.2 metres and located a minimum of 1.0 metre and a maximum of 1.8 metres from the ground. However, the size of the sign shall not exceed 2.4 metres in height by 1.2 metres in width unless otherwise specified through pre-consultation. The erection of the notice sign should be coordinated with the distribution of the public notification packages.

Photographs showing the sign posted and the date on which it was erected on the subject property shall be submitted to the Director (or designate) within ten days after the sign has been erected.

The sign shall remain on the subject property for the duration of the public consultation process. The proponent shall be responsible for removing the sign no later than 21 days after the completion of the consultation process.

8.5 Public Information Centre

The Public Information Centre (PIC) shall be held no sooner than 30 days and no later than 45 days of the notice being mailed, or hand delivered. The format of the PIC may be determined by the proponent however the date, time and location for the PIC shall be agreed upon by the Municipality and the proponent. All proposals that are not excluded under Section 4 will require a PIC.

Staff from the Development Services Department shall attend the Public Information Centre for observation purposes only.

The type of public meeting to be conducted (open house, drop-in, town hall or virtual format) is up to the discretion of the Proponent, however, the proponent shall adhere to the following requirements when organizing and convening a Public Information Centre:

- a) The Public Information Centre shall be open and accessible to all members of the public and local stakeholders.
- b) An appropriate date, time and location for the Public Information Centre will be determined in consultation with the Municipality and the Proponent.
- c) The duration of the Public Information Centre shall be a minimum of 2 hours.
- d) Two display panels, at a minimum, containing a site plan drawing and colour photographs of the subject property with superimposed images of the proposed antenna system shall be displayed at the Public Information Centre.
- e) Closing date for written public comment Industry shall be clearly announced at the Public Information Centre.
- f) A record of all names, addresses, email addresses and phone numbers of the attendees shall be retained, subject to applicable privacy laws in respect of personal information.

8.6 Responding to the Public

The proponent is to address all applicable concerns, make all efforts to resolve them in a mutually acceptable manner and must keep a record of all associated communications. If the public or Director (or designate) raises a question, comment or concern relating to the tower facility, as a result of the public consultation process, the proponent is required to:

- a) Respond to the party in writing within 14 days by acknowledging receipt of the question, comment or concern and keep a record of the communication.
- b) Address, in writing, all applicable concerns within 60 days of receipt or explain why the question, comment or concern is not, in the view of the proponent, applicable and clearly indicate that the party has 21 days from the date of the correspondence to reply to the proponent's response.
- c) In the case where the party responds within 21 days, the proponent shall address all applicable concerns within 21 days, either in writing, by contacting the party by telephone or engaging the party in an informal meeting.

8.7 Closing Date for Written Public Comments

The closing date for submission of written public comments shall not be less than:

- a) 14 days after the Public Information Centre, where a public information session is required.

9. Post Consultation

9.1 Consultation Summary Package

The proponent shall provide to the Director (or designate) a package summarizing the results of the public consultation process which shall include the following information:

- a) Attendance list and contact information from the Public Information Centre (if applicable)
- b) All written public comments and/or concerns received regarding the proposal.
- c) The proponent's responses to the public comments and/or concerns, outlining how the concerns were or will be addressed, or alternatively, by clearly indicating why such concerns are not applicable.
- d) Details of any modifications to the proposal, including revised plans and drawings, if applicable.

A recirculation of the public notification packages will be required if the proposed antenna system has been relocated as a result of the initial public consultation process.

9.2 Municipal Comment Letter on Proposal

Through a request from the proponent, the Director of Development Services will issue to ISED, and the proponent a letter outlining one of the following:

- a) Concurrence;
- b) Concurrence with conditions; or,
- c) Non-concurrence.

The conditions for granting concurrence, concurrence with conditions, and non concurrence are as follows:

Concurrence: The applicant has satisfactorily addressed the Protocol and there is no additional requirements or material required by the applicant.

Concurrence with Conditions: The applicant has satisfactorily addressed the Protocol; however, additional requirements are to be satisfied (i.e. drawing revisions and agreements).

Non-Concurrence: The applicant has not satisfactorily addressed the Protocol.

9.3 Post-Consultation Construction Time Limit

The construction of an antenna system must be completed within three years of the conclusion of consultation. After three years, previous consultations will no longer be valid.

9.4 Letter of Undertaking

Letter of Undertaking is required in situations where:

- a) a new, non-excluded Antenna System is constructed;
- b) a new equipment shelter is to be constructed on a roof-top; and,
- c) a new equipment shelter is to be constructed to accommodate co-location on an existing Antenna System.

When the Municipality is satisfied with the site location, layout and design, the proponent will provide a Letter of Undertaking, in the Municipality's prescribed format, to address the following issues as they are applicable:

- a) Site Plan and Landscaping drawings;
- b) Building Permits;
- c) Entrance Permits from the road authority;
- d) Sign Permits from the Municipality of Port Hope;
- e) Security deposits for site works;
- f) Road widenings and easements;
- g) A commitment to remove an Antenna System within two years of it no longer being in use;
- h) A commitment to accommodate other future antennas on site where feasible;
- i) Provide two sets of stamped engineering drawings to identify the Antenna System and associated facilities on the structure or building and anything required by the Chief Building Official; and
- j) Other conditions as required

10. Timeframes

10.1 Consultation Timeframes

The consultation process and the decision from the Municipality of Port Hope should be completed within 120 days from the date the municipality deems the application complete.

Appendix 1 of this Protocol contains a flow chart which outlines the consultation process.

10.2 Supplementary Public Consultation

The Director (or designate) may issue a request to a network operator to clarify that a specific Antenna System is still required to support communication network activity. The network operator will respond within 30 days of receiving the request and will provide any available information on the future status or planned decommissioning of the Antenna System.

Where the network operator concurs that an Antenna System is redundant, the network operator and the Municipality will mutually agree on a timeframe to remove the system and all associated buildings and equipment from the site. Removal will occur no later than 2 years from when the Antenna System was deemed redundant.

11. Roles and Responsibilities:

11.1 Role of the Municipality of Port Hope

The role of the Municipality of Port Hope as the Land Use Authority is to communicate to proponents the planning priorities and other characteristics of the Municipality that are relevant to the antenna system proposal. In addition, the Municipality advises the proponent on the public consultation requirements outlined in this protocol. A formal decision on a proposal shall be provided by the Director of Development Services (or designate) through a Letter of Concurrence or Letter of Non-Concurrence.

11.2 Designated Official for Processing Antenna System Proposals

For the purpose of this Protocol, the designated official for the Municipality of Port Hope having to administer this Protocol is the Director of Development Services (or designate). All correspondence and materials submitted as part of the consultation process shall be addressed to the attention of the Director (or designate).

12. Inquiries

All inquiries regarding the Municipality's Telecommunication Tower Protocol should be sent to planning@porthope.ca.

Appendix 1- Telecommunications Tower Protocol Flowchart

If this information is required in an alternate format, please contact the Development Services Department at (905) 885-2431

