



CITY OF MISSISSAUGA TELECOMMUNICATION TOWER/ANTENNA FACILITIES PROTOCOL

Industry Canada Local Land Use Authority Consultation

**ADOPTED BY COUNCIL
May 8, 2013**

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1 Definitions

The following definitions are to provide clarity in the protocol.

Co-location means the placement of an antenna system on an existing telecommunication tower/antenna facility.

Equipment shelter means a structure used to house the required equipment for the operation of a telecommunication tower/antenna facility.

Land Use Authority (LUA) means the City of Mississauga, Planning and Building Department, Development and Design Division which is responsible for land use planning and development within the geographic boundaries of the City of Mississauga.

Proponent/Applicant means any company, organization or person who puts forward a proposal to install or modify a telecommunication tower/antenna facility.

Radiocommunication Antenna System means an antenna required on site for amateur radio communication and may include a supporting structure such as a tower.

Residential Area means lands used or zoned to permit residential uses, including mixed uses (i.e. commercial use at-grade with a residential dwelling unit(s) above).

Telecommunication Tower/Antenna Facility ("tower facility(ies)") means all components and equipment required on site for the operation of a wireless telecommunication network or broadcasting equipment and may include an associated equipment shelter and compound area.

2 Objectives

The objectives of this protocol are to:

- Encourage proponents of telecommunication facilities (hereinafter referred to as "tower facility(ies)") to use existing tower facilities, structures and infrastructure, such as utility poles, street light poles, etc., to minimize the proliferation of new towers within the City of Mississauga;
- Provide a clear and concise outline of the Land Use Authority and public consultation processes when proponents intend to modify or install a tower facility within the City of Mississauga;
- Ensure effective local public notification and consultation when a tower facility is proposed within a community;
- Strongly discourage proponents from locating tower facilities on lands designated as Greenbelt which are generally associated with natural hazards lands and/or natural area systems in accordance with Mississauga Official Plan;
- Strongly discourage proponents from locating tower facilities on heritage listed or designated properties under the authority of Part IV or Part V of the *Ontario Heritage Act*;

- Encourage proponents to locate and design tower facilities which minimize visual impact in high profile and sensitive areas and to ensure land use compatibility with the surrounding area;
- Encourage proponents to respect the applicable zoning regulations when proposing a new tower facility; and
- Encourage proponents to locate tower facilities in areas which minimize the adverse impact on the community (e.g. utility, industrial and business employment areas).

3 Jurisdiction and Roles

3.1 Federal Jurisdiction

Tower facilities are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Industry Canada. Therefore, Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these facilities. It is important to understand that Industry Canada, while requiring proponents to follow this consultation protocol, makes the final decision on whether or not a tower facility can be constructed. The City of Mississauga can only provide comments to Industry Canada and does not have the authority to stop the construction of a tower facility.

3.2 Other Federal Legislation

As a Federal undertaking, tower facilities must adhere to all applicable Federal regulations and guidelines, including but not limited to:

- Industry Canada's Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03);
- Industry Canada's Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements (CPC-2-0-17);
- Health Canada's Safety Code 6 - Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 KHZ to 300 GHZ;
- National Building Code of Canada;
- *Canadian Environmental Assessment Act*; and
- Transport Canada's painting and lighting requirements for aeronautical safety.

3.3 Role of the Land Use Authority

The ultimate role of the Land Use Authority (LUA) is to provide input and comments to the proponent and Industry Canada with respect to land use compatibility of a tower facility proposal and indicate how the proponent has complied with the public consultation requirements outlined in this protocol, where applicable. The LUA also communicates to proponents the particular amenities, sensitivities, planning priorities and other relevant characteristics of the area.

3.4 Land Use Authority's Designated Official

For the purpose of this protocol, the designated official for the City of Mississauga having the authority to administer this protocol is the Director, Development and Design Division, Planning and Building Department ("Director") or designate. All correspondence and materials submitted as part of this consultation process shall be directed to the attention of the Director or designate.

4 Exclusions

4.1 Excluded Structures

For the following types of tower facility installations or modifications, Industry Canada excludes proponents from the requirement to consult with the public and the requirement to submit a formal tower facility proposal to the LUA for review:

- a) Maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
- b) Addition or modification of an antenna system (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna-supporting structure or other radio apparatus, to existing infrastructure, a building, water tower, etc., including additions to rooftops or support pillars, provided the:
 - i. addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height;
 - ii. existing antenna system is 15 metres (49.2 feet) or greater in height¹; and
 - iii. existing antenna system has not previously been modified to increase its original height by 25%²;
- c) Maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;
- d) Installation, for a limited duration (typically not more than 3 months), of an antenna system that is used for a special event, or one that is used to support local, provincial, territorial or national emergency operations during the emergency, and is removed within 3 months after the emergency or special event; and
- e) New antenna systems, including masts, towers or other antenna-supporting structure, with a height of less than 15 metres (49.2 feet) above ground level.

¹ Any modifications or additions to existing Antenna Systems 15 metres (49.2 feet) or less in height that would extend the height of the existing antenna above 15 metres (49.2 feet) will be subject to the consultation process as applicable.

² The exemption for modifications or additions that increase the height of the existing system by 25% or less applies only once. Subsequent modifications or additions to the same structure will be subject to the consultation process as applicable.

4.2 Confirmation of Exclusion

Individual circumstances vary with each tower facility installation and modification, and the exclusion criteria in Section 4.1 of this protocol should be applied in consideration of local circumstances. Consequently, it may be prudent for proponents to consult with the LUA even though the proposal meets an exclusion noted in Section 4.1 of this protocol. Therefore, when applying the criteria for exclusion, proponents should consider circumstances/factors such as:

- The tower facility's physical dimensions, including the antenna, mast and tower, compared to the local surroundings;
- The location of the proposed tower facility on the property and its proximity to neighbouring residents;
- The likelihood of an area being a community sensitive location; and
- Transport Canada marking and light requirements for the proposed structure.

4.2.1 Notwithstanding Industry Canada's exemption criteria for certain tower facilities, proponents should consult with the LUA to confirm that their proposed tower facility meets exclusion b) or e) identified in Section 4.1 of this protocol.

In cases where a proponent believes that a proposal meets exclusion b) or e) in Section 4.1 of this protocol, the proponent will provide the following materials to the attention of the Director (or designate):

- a) Applicable fees in accordance with the City's General Fees and Charges By-law, as amended;
- b) Cover letter describing the proposed tower facility including the location (i.e. address and/or legal description), height and dimensions and any antenna that may be mounted on the supporting structure. The letter should also identify all existing facilities within the vicinity of the proposed location and why co-location on an existing tower facility is not a viable alternative to the construction of a new tower facility;
- c) Description of how the proposal meets exclusion b) or e) identified in Section 4.1 of this protocol;
- d) Site plan or survey plan of the subject property showing the location of the proposed tower facility in relation to the site and/or building on the property; and
- e) Elevation plan and simulated images of the proposed tower facility.

Proponents are encouraged to consider and incorporate the Location and Design Guidelines identified in Section 6 of this Protocol.

4.2.2 Following receipt and review of the required materials and the proposal is deemed to meet the applicable exclusion criteria and the Location and Design Guidelines identified in Section 6 of this Protocol, the LUA will issue a Notice of Telecommunication Tower/Antenna Facility Exclusion to the proponent with a copy to the Ward Councillor and Industry Canada.

In the event that the proposed tower facility does not comply with the Location and Design Guidelines identified in Section 6 of this Protocol, the LUA will indicate the outstanding issues/concerns. In such cases, the proponent and LUA will then work toward a mutually agreeable alternative/solution, which may include the LUA requesting the proposal be subject to all or part of the preliminary consultation, formal submission and public consultation process outlined in this protocol, as applicable.

Proponents should anticipate that the LUA will request that all proposals for freestanding tower facilities and additions to existing freestanding tower facilities that are proposed in a residential area or within 120 metres (393.7 feet) from the nearest residential area will be subject to all or part of the preliminary consultation, formal submission and public consultation process outlined in this protocol, as applicable. For this reason, proponents are strongly encouraged to initiate this process before investing in a final design or site.

5 Siting on City Owned Properties

Any request to install a tower facility on lands owned by the City shall be made to the Director (or designate).

Proponents must still submit a formal request to the LUA in accordance with Section 8 of this protocol and follow the public consultation process in accordance with Section 9 of this protocol, unless the proposal meets the exclusion criteria under Section 4 of this protocol.

Notwithstanding the public consultation requirements outlined in Section 9 of this protocol, the Director (or designate) may identify the need to amend the content of the public notification requirements accordingly.

6 Location and Design Guidelines

6.1 Co-location

Co-location on an existing tower facility is the preferred option instead of constructing new tower facilities within the City.

Where co-location on existing facilities is not possible, proponents should investigate locating facilities on existing structures, such as, utility poles, street light poles, water towers, etc.

6.2 Preferred Locations

Where a new tower facility must be constructed, the following locations are preferred:

- a) Areas that maximize the distance from residential areas; and
- b) Business employment, industrial and utility areas;

6.3 Discouraged Locations

Where a new tower facility must be constructed, the new facility should not be located on:

- a) Lands designated as Greenbelt under Mississauga Official Plan which are generally associated with natural hazards lands and/or natural area systems;
- b) Heritage listed or designated properties under the authority of Part IV or Part V of the *Ontario Heritage Act*; and
- c) Downtown area.

6.4 Siting on a Property

Where a new tower facility must be constructed, the following location guidelines should be followed:

- a) Locate facilities away from street line to minimize visual impact of the tower from the streetscape;
- b) Associated equipment shelter(s) measuring greater than 5.0 square metres (53.8 square feet) should comply with the applicable zoning by-law regulations (e.g. minimum setbacks, minimum landscaped buffers, etc.); and
- c) Avoid locating facilities on parking and/or loading spaces as it may cause a non-compliance situation for a property with the zoning by-law and/or impact future development for the site.

6.5 Design

Where a new tower facility must be constructed, the following design guidelines should be followed:

- a) Allow for future co-location capacity;
- b) Associated equipment shelter(s) should be screened using landscape treatment, decorative fencing, etc., except in lands designated as Industrial under Mississauga Official Plan;
- c) Lattice style towers are strongly discouraged;
- d) Monopole towers with antennas shrouded or flush mounted are preferred; and
- e) Towers/antennas attached to an existing building, including rooftop installations, should not be visible from any public street abutting the subject property, as demonstrated in a visual plane analysis, or should be screened and complement the architecture of the building with respect to form, materials and colour in order to minimize the visual impact from the streetscape;

6.6 Design in High Profile and/or Sensitive Areas

When new tower facilities must be located in a high profile and/or sensitive area, such as, but not limited to, major nodes and community nodes, the facility should be designed and sited to minimize visual impact within the context of the surrounding area.

In addition to the guidelines in Sections 6.1 to 6.5 of this protocol, the following design guidelines should also be met:

- a) Stealth techniques, such as flagpoles, clock towers, trees, light poles, etc., should be used and reflect the context of the surrounding area; and
- b) Associated equipment shelter(s) greater than 5.0 square metres (53.8 square feet) should be constructed to reflect the context of the surrounding area. Particular attention should be focused on compatibility of roof slopes, materials, colours and architectural details.

6.7 Colour, Lighting, Signage and Other Graphics

Where a new tower facility must be constructed, the following design guidelines should be followed:

- a) Use non-reflective surfaces and neutral colours that blend with the surrounding landscape and public realm, unless Transport Canada has identified painting requirements for aeronautical safety for a tower facility;
- b) No illumination is permitted on a tower facility, except where Transport Canada requirements for illumination of a tower facility are identified;
- c) Identify the owner/operator, including the contact information, of a facility by providing a small sign with a maximum size of 0.5 square metres (5.4 square feet) placed at the base of the structure; and
- d) No third party advertising or promotion of the owner/operator is permitted on a tower facility.

6.8 Amateur Radio Operators in Residential Areas

Where amateur radio operators plan to install a radiocommunication antenna system in a residential area, the antenna system should be designed and sited to minimize visual impact from the surrounding properties. The following location and design criteria shall apply for amateur radio operators planning to install a radiocommunication antenna system in a residential area.

6.8.1 New radiocommunication antenna systems should not be located within:

- a) Lands designated Greenbelt under Mississauga Official Plan which are generally associated with natural hazards lands and/or natural area systems;
- b) Lands heritage listed or designated properties under the authority of Part IV or Part V of the *Ontario Heritage Act*; and

- c) Front or exterior side yard of the property, as defined in the City's zoning by-law.

6.8.2 The following location and design guidelines should be followed:

- a) Height of the radiocommunication antenna system should not exceed 15 metres (49.2 feet) above ground level, whether located on the ground or attached to a building or structure;
- b) Width of the radiocommunication antenna system should not exceed 3 metres (9.8 feet) at any point;
- c) Location of the radiocommunication antenna system should be in the rear yard of the property, but excluding the extension of the exterior side yard into the rear yard, as defined in the City's zoning by-law;
- d) No part of the radiocommunication antenna system should be located within 1.2 metres (3.9 feet) of any lot line;
- e) When located on a roof of a building or structure, the radiocommunication antenna system should only be located on that half of the roof closest to the rear yard;
- f) Non-reflective surfaces and neutral colours that blend with the surrounding area should be used; and
- g) Graphics, signage, flags or lighting on a radiocommunication antenna system is not permitted.

6.8.3 Where amateur radio operators plan to install a radiocommunication antenna system in areas other than a residential area, Sections 6.2 to 6.7 of this protocol shall apply.

7 Preliminary Land Use Authority Consultation

7.1 Preliminary Meeting

Proponents are required to have a preliminary consultation with the LUA prior to submitting a formal request to install or modify a tower facility. This initial contact will allow the proponent to meet with the LUA to discuss the proposal, including the rationalization behind the site selection.

During this meeting, the LUA 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, other agencies to be consulted, and whether a peer review by a consultant will be required. This meeting will also provide an opportunity to inform the proponent of the consultation process outlined herein.

7.2 Preliminary Meeting Requirements

The following information must be provided to the Development and Design Division of the Planning and Building Department to the attention of the Director (or designate) in order to schedule a preliminary consultation meeting:

- a) Cover letter describing the proposed tower facility including its height and dimensions and any antenna that may be mounted on the supporting structure;
- b) Site Selection/Justification Report prepared by a qualified professional, such as a land use planner or engineer. The report should identify all tower facilities within the vicinity of the proposed location. It should also include details with respect to the coverage and capacity of the existing tower facilities in the surrounding area and provide detailed documentary evidence as to why co-location on an existing tower facility is not a viable alternative to the construction of a new tower facility;
- c) Draft site plan or survey plan of the subject property showing the location of the proposed tower facility in relation to the site and/or building on the property; and
- d) Elevation plan or simulated images of the proposed tower facility.

7.3 Notification of Preliminary Meeting

After the preliminary consultation meeting, the Director (or designate) will notify the Ward Councillor of the meeting.

7.4 Confirmation of Land Use Authority Preferences and Requirements

During or after the preliminary consultation meeting, the Director (or designate) will provide the proponent with an information package that includes:

- a) Formal submission requirements;
- b) A list of plans and studies that may be required;
- c) A list of municipal departments and other agencies to be consulted; and
- d) An indication of the LUA's preferences regarding co-location for the site(s) under discussion.

To expedite the review of the proposal, the proponent is encouraged to consult with the applicable municipal departments and agencies, and obtain applicable written comments/clearances before making a formal submission.

8 Formal Land Use Authority Consultation

8.1 Land Use Authority Consultation Requirements

Where a proposed tower facility does not meet the exclusion criteria identified in Section 4.1 of this protocol, the proponent must submit a formal tower facility proposal to the LUA for review.

8.2 Formal Submission Requirements

The proponent must submit the following materials to the Development and Design Division of the Planning and Building Department to the attention of the Director (or designate):

- a) A tower facility request form and fees in accordance with the City's General Fees and Charges By-law, as amended;
- b) A Site Selection/Justification Report prepared by a qualified professional, such as a land use planner or engineer. The report should identify all tower facilities within the vicinity of the proposed location. It should also include details with respect to the coverage and capacity of the existing tower facilities in the surrounding area and provide detailed documentary evidence as to why co-location on an existing tower facility is not a viable alternative to the construction of a new tower facility;
- c) A public notification package;
- d) A site plan or survey plan which shall include a compound layout, an elevation and parking/loading statistics if the proposal is located on parking/loading areas;
- e) A copy of the draft newspaper notice and the proposed date on which it will be published (no sooner than 14 days from the date of request being submitted), if applicable;
- f) A copy of the draft notice sign; and
- g) Any other required information listed in the information package provided to the proponent during or after the preliminary meeting.

8.3 Determination of Complete or Incomplete Request

The Director (or designate) will determine whether the tower facility request is deemed complete or incomplete within five working days of receipt of the request.

If the required materials listed in Section 8.2 of this protocol are not complete or provided to the satisfaction of the Director (or designate), the request will be deemed incomplete and will not mark the official commencement of the 120 day consultation process. The Director (or designate) will notify the proponent of the outstanding items to be addressed.

When the request is deemed complete by the Director (or designate), the Director (or designate) will notify the proponent and Ward Councillor of the complete request, and circulate the proposal to the applicable municipal departments for review and comment.

9 Public Consultation

9.1 Public Consultation Requirements

Where a proposed tower facility does not meet the exclusion criteria identified in Section 4.1 of this protocol, the proponent must carry out public consultation in accordance with this protocol.

The proponent must not initiate public notification or consultation for a tower facility proposal until a formal submission has been made to the LUA 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 consultation.

9.2 Notification

The proponent is to distribute the public notification packages by mail to the following recipients:

- a) All property owners and resident associations within a radius of the greater of 120 metres (393.7 feet) or three times the tower height measured from the furthest point of the tower facility;
- b) Applicable Ward Councillor and applicable Member of Parliament in which the proposed tower facility is located; and
- c) Adjacent municipalities within 120 metres (393.7 feet) of the proposed tower facility.

Proponents are also required to mail a copy of the public notification package to the Director (or designate).

- 9.2.1 The LUA will provide the proponent with a mailing list of all addresses of property owners and resident associations within a radius of the greater of 120 metres (393.7 feet) or three times the tower height measured from the furthest point of the tower facility. The LUA may charge a fee for this service in accordance with the City's General Fees and Charges By-law, as amended.

The envelope for the public notification package should have the following statement in red ink: **"IMPORTANT NOTICE REGARDING PROPOSED CELL TOWER IN YOUR NEIGHBOURHOOD"**.

When a public information session is required, the proponent is to distribute the public notification packages by mail at least 30 days prior to the date of the public information session.

9.3 Public Notification Package Requirements

The public notification package must include the following information:

- a) A location map, including the address, clearly indicating the exact location of the proposed tower facility in relation to the surrounding properties and streets;
- b) A physical description of the proposed tower facility 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 tower facility'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) Notice that general information relating to health concerns and Safety Code 6 is available on Health Canada's website;
- h) An attestation that the installation will respect good engineering practices including structural adequacy;
- i) Address, location (including a map) and timing of public information session (if applicable);
- j) Information on how to submit written public comments to the Applicant and the closing date for submission of written public comments;
- k) Applicant's contact information;
- l) Reference to the City of Mississauga Telecommunication Tower/Antenna Facilities Protocol and where it can be viewed;
- m) The following sentences regarding jurisdiction: "Telecommunication tower/antenna facilities are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Industry Canada. Therefore, Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these facilities. It is important to understand that Industry Canada, while requiring proponents to follow the City of Mississauga's Telecommunication Tower/Antenna Facilities Protocol, makes the final decision on whether or not a tower facility can be constructed. The City of Mississauga can only provide comments to Industry Canada and does not have the authority to stop the construction of a telecommunication tower/antenna facility.";
- n) Notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website; and
- o) Municipal, MP and Industry Canada contact information.

9.4 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 session, where a public information session is required; or
- b) 30 days where a public information session is not required.

9.5 Notice Sign

The proponent shall erect a sign on the property notifying the public of the proposal to establish a tower facility on the subject property. The sign shall be erected on the property so that it is clearly visible and legible from the street.

The sign shall be professionally prepared and its size shall be a minimum of 1.2 metres x 1.2 metres (3.9 feet x 3.9 feet) (width x height) and located a minimum of 0.61 metres (2.0 feet) and a maximum of 1.2 metres (3.9 feet) from the ground. However, the size of the sign shall not exceed 2.4 metres x 1.2 metres (7.9 feet x 3.9 feet) (width x height).

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 10 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.

9.5.1 The notice sign shall contain the following wording:

<p style="text-align: center;"><u>PUBLIC NOTICE</u></p> <p>[Name of Proponent] is proposing to locate a telecommunication tower/antenna facility, being [#] metres ([#] feet) in height, on this property.</p> <p><i>(If applicable)</i> A public information session is scheduled on [date of meeting] from [start time] to [end time] at [location of meeting].</p> <p style="text-align: center;">Public comment is invited.</p> <p style="text-align: center;">The closing date for submission of written comments is [applicable closing date].</p> <p style="text-align: center;">For further information, contact [Applicant's name, phone number and e-mail address].</p> <p style="text-align: center;">Telecommunication tower/antenna facilities are exclusively regulated by Federal legislation under the <i>Radiocommunication Act</i> and administered by Industry Canada. Therefore, Provincial legislation such as the <i>Planning Act</i>, including zoning by-laws, does not apply to these facilities.</p> <p style="text-align: center;">The City of Mississauga can only provide comments to Industry Canada and does not have the authority to stop the construction of a telecommunication tower/antenna facility.</p> <p style="text-align: center;">[Municipal, MP and Industry Canada contact information]</p>
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9.6 Newspaper Notice

Where a tower facility is 30 metres (98.4 feet) or greater in height, the proponent shall place a newspaper notice in the Mississauga News (i.e. the community's newspaper). The notice shall be placed in a Wednesday's edition.

The newspaper notice shall be a minimum size of 10 centimetres x 10 centimetres (3.9 inches x 3.9 inches).

A copy of the actual newspaper notice appearing in the Mississauga News, including the newspaper date, shall be forwarded to the Director (or designate) within 10 days of the newspaper notice being published.

- 9.6.1 Where a public information session is required, the newspaper notice shall be published at least 21 days before the date of the public information session.

The date on which the newspaper notice is published should be coordinated with the distribution of the public notification packages.

- 9.6.2 Where a public information session is not required, the date on which the newspaper notice is being published should be coordinated with the distribution of the public notification packages.

- 9.6.3 The newspaper notice shall contain the following information:

- a) Description of the proposed tower facility, including the height;
- b) Address of the proposed tower facility;
- c) Location map (key plan) of the proposed site;
- d) Invitation for public comment and the closing date for submission of written comments;
- e) *(If applicable)* Invitation to the public information session, and location and time of the session;
- f) Applicant's contact information;
- g) Inclusion of the following "Telecommunication tower/antenna facilities are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Industry Canada. Therefore, Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these facilities. The City of Mississauga can only provide comments to Industry Canada and does not have the authority to stop the construction of a telecommunication tower/antenna facility."; and
- h) Municipal, MP and Industry Canada contact information.

9.7 Public Information Session

A public information session is required where the proposed tower facility is located:

- a) In a residential area; or
- b) Within the greater of either, three times the tower height or 120 metres (393.7 feet) from a residential area.

- 9.7.1 The applicable Member of Parliament, in consultation with the proponent, shall be responsible for convening a public information session, if applicable, at the proponent's cost.

Should the applicable Member of Parliament not convene a public information session, the proponent shall be responsible for convening a public information session, if applicable, at the proponent's cost.

9.7.2 The applicable Member of Parliament and/or proponent, as the case may be, shall adhere to the following requirements when organizing and convening a public information session:

- a) Public information session shall be open and accessible to all members of the public and local stakeholders;
- b) Public information session shall occur on a weekday evening, no sooner than 21 days and no later than 28 days, from the date that the public notification packages are mailed and the sign posted;
- c) Duration of the public information session 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 tower facility shall be displayed at the public information session;
- e) The proponent shall conduct a presentation regarding the tower proposal, including the purpose of the tower, general information relating to health concerns and Safety Code 6 and clear statement indicating that telecommunication tower/antenna facilities are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Industry Canada. Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these facilities and the City of Mississauga can only provide comments to Industry Canada as the City does not have the authority to stop the construction of a telecommunication tower/antenna facility;
- f) Public notification packages including a public comment sheet shall be made available for attendees;
- g) Closing date for written public comments shall be clearly announced at the public information session; and
- h) Obtain a record of all names, addresses, email addresses and phone numbers of the attendees, subject to applicable privacy laws in respect of personal information.

9.8 Responding to the Public

The proponent is to address all reasonable and relevant 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, then 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 reasonable and relevant concerns within 30 days of receipt or explain why the question, comment or concern is not, in the view of the proponent, reasonable or relevant and clearly indicate that the party has 21 days from the date of the correspondence to reply to the proponent's response; and

- c) In the case where the party responds within the 21 day reply period, the proponent shall address all reasonable and relevant concerns within 21 days, either in writing, by contacting the party by telephone or engaging the party in an informal meeting.

10 Concluding Consultation

10.1 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 session (if applicable);
- b) All written public comments and/or concerns received regarding the proposal;
- c) 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 reasonable or relevant; and
- d) If any modifications to the proposal are agreed to, then further details will be required, including revised plans.

10.2 Public Conclusion Package

The proponent may be required, if requested by the Director (or designate), to provide a public conclusion package.

Where a public conclusion package is required, the proponent shall provide to the Director (or designate) a draft public conclusion package summarizing the conclusion of the public consultation process.

10.2.1 The public conclusion package must include the following information:

- a) Notice that the public consultation process is concluded;
- b) The following sentences regarding jurisdiction: "Telecommunication tower/antenna facilities are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Industry Canada. Therefore, Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these facilities. It is important to understand that Industry Canada, while requiring proponents to follow the City of Mississauga's Telecommunication Tower/Antenna Facilities Protocol, makes the final decision on whether or not a tower facility can be constructed. The City of Mississauga can only provide comments to Industry Canada and does not have the authority to stop the construction of a telecommunication tower/antenna facility."; and
- c) Contact information for the proponent, local Industry Canada office and applicable Member of Parliament.

10.2.2 Upon written confirmation from the Director (or designate) to proceed, the proponent shall be responsible for distributing the public conclusion packages by mail to the following recipients:

- a) Attendees of the public information session, as indicated on the attendance list from the public information session, if applicable;
- b) Public that provided written comments regarding the proposal;
- c) List of property owners and applicable resident association provided by the Director (or designate);
- d) Applicable Ward Councillor and applicable Member of Parliament in which the proposed tower facility is located; and
- e) Adjacent municipalities within 120 metres (393.7 feet) of the proposed tower facility.

Proponents are also required to mail a copy of the public conclusion package to the Director (or designate).

10.3 Letter of Undertaking

The proponent may be required, if requested by the Director (or designate), to provide a letter of undertaking, which may include the following requirements:

- a) Posting of a security for the construction of any proposed fencing, screening and landscaping;
- b) A commitment to accommodate other telecommunication providers on a tower facility, where feasible, subject to the usual commercial terms and Industry Canada Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements (CPC-2-0-17); and
- c) Other conditions identified in the Letter of Comment.

10.4 Letter of Comment

The LUA will review all pertinent information regarding the proposal and prepare comments to the proponent with a copy to Industry Canada. The focus of the comments will be on how the proponent complied with the consultation requirements of this protocol, how the proposal met the location and design objectives of this protocol, whether the proposal has any adverse impact on the community, and communicate any particular amenities, sensitivities, planning priorities and other relevant characteristics of the area.

The LUA will also indicate that the consultation process has been concluded (with or without conditions), where appropriate. If the proposal is deemed inappropriate by the LUA, the LUA will indicate objections to the proposal and may include outstanding concerns/issues.

11 Timeframes

11.1 Consultation Timeframes

The LUA and public consultation processes should be completed within 120 days from the date of a complete submission to the date where the LUA responds to the proponent with or without objections regarding the proposal.

Appendix A of this protocol contains a flow chart of the LUA and public consultation processes.

11.2 Supplementary Public Consultation

Where the LUA consultation process has not been concluded and 270 days have elapsed from the time of the public notification packages being sent, the proponent may be required to carry out a supplementary public consultation process, if requested by the Director (or designate).

12 Post Construction Requirements

12.1 Notice of Non Conformity

Where the consultation process has been concluded and the LUA has determined that the as-built tower facility is not in accordance with the plan or condition(s) set out in the Letter of Comments, the LUA will provide notification in writing to the owner/operator advising of the situation.

In the event the owner/operator does not respond to the matter within 30 days of receiving the notification, or a resolution between the owner/operator and LUA cannot be reached to correct the issue, the LUA will advise Industry Canada of the situation and request assistance.

12.2 Verifying Height

Where necessary, the LUA may request that measurements be provided to demonstrate the tower facility's overall height. This may include the owner/operator engaging the services of a qualified third party to verify that the tower facility's height is less than 15 metres (49.2 feet) or 30 metres (98.4 feet) above ground level, as appropriate.

13 Redundant Facilities

The LUA can issue a request to the owner/operator to clarify that a specific tower facility is still required to support telecommunication network activity. The owner/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 tower facility.

Where the owner/operator concur that a tower facility is redundant, the owner/operator and LUA will mutually agree on a timeframe to remove the facility including all associated equipment and remediate the site to its original condition. However, the removal shall occur no later than 2 years from when the tower facility was deemed redundant.

Appendix A – Consultation Flow Chart

