



Corporate Report

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DATE: February 23, 2012

TO: Chair and Members of Planning and Development Committee
Meeting Date: February 27, 2012

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **City of Mississauga Telecommunication Tower/Antenna
Facilities Protocol**

- RECOMMENDATION:**
1. That the Report dated February 23, 2012, from the Commissioner of Planning and Building entitled "City of Mississauga Telecommunication Tower/Antenna Facilities Protocol", be received for information.
 2. That the "City of Mississauga Telecommunication Tower/Antenna Facilities Protocol" attached as Appendix 4 in the Report dated February 23, 2012, from the Commissioner of Planning and Building entitled "City of Mississauga Telecommunication Tower/Antenna Facilities Protocol" be adopted as an interim protocol.
 3. That the Report dated February 23, 2012, from the Commissioner of Planning and Building entitled "City of Mississauga Telecommunication Tower/Antenna Facilities Protocol" and the resolution of Planning and Development Committee be circulated to all Mississauga wireless service providers, local Members of Parliament and Ratepayer Associations in Mississauga.
 3. That a fee of \$2,500.00 be approved for the processing and consultation required for Telecommunication Tower/Antenna

Facilities Request Forms and that the necessary amendment to the City's Fees and Charges By-law be brought forward to Council for consideration.

4. That a fee of up to \$4,000.00 plus a 15% administration fee be approved for the purposes of retaining a consultant, when and if required, to assist with the processing and consultation required for Telecommunication Tower/Antenna Facilities requests and that the necessary amendment to the City's Fees and Charges By-law be brought forward to Council for consideration.
5. That the Commissioner of Planning and Building report back on the effectiveness of the new process by December 31, 2012.

BACKGROUND:

In the last year, a number of telecommunications towers have been constructed in the City that have raised serious concerns amongst residents. Chief among these concerns is the inadequacy of the current public consultation protocol noted in the report to Council dated June 15, 2011. Both residents and Council are dissatisfied with this protocol, which consists of Industry Canada's default public consultation process.

On January 9, 2012, the Mayor sent a letter to the Hon. Christian Paradis, Minister of Industry and Minister of State (Agriculture), to express the City's concerns about the process followed by the telecommunication industry for locating towers. The Mayor's letter is attached as Appendix 1.

The City passed a resolution on January 18, 2012 requesting that Industry Canada impose a six-month moratorium on the approval of telecommunications tower/antenna facilities (hereinafter referred to as "towers") to allow time to improve the public consultation process. The resolution is attached as Appendix 2.

The resolution outlines a number of changes to the current public consultation process as follows:

- Notification to citizens who live within 120 m (393.7 ft.) of the proposed location regardless of the height of the tower;

- Notification to citizens by registered mail;
- The local federal Member of Parliament (MP) to be notified immediately upon application and following this notification, the MP to hold a public meeting; and
- Public comments from the MP meetings are to be submitted to Industry Canada and taken into account in every application.

COMMENTS:**Jurisdiction**

On November 23, 2011, the City Solicitor provided General Committee with a report titled "Legal Authority to Regulate Telecom Towers". This report clearly indicates that towers 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, do not apply. It is important to note that Industry Canada, while requiring telecommunication applicants to follow a Council adopted consultation protocol, makes the final decision on whether or not a tower can be constructed.

Official Plan Policies

The new Mississauga Official Plan has policies regarding the location and design of towers whereas the previous plan did not. The new Plan states that towers are not permitted on greenbelt lands or in residential areas if they are of a magnitude, function or character incompatible with the surrounding residential environment. Towers should be designed and located to minimize visual impact in high profile and sensitive areas.

Comparison with other Municipalities

Staff reviewed and compared the City's current protocol with that of Brampton, Burlington, Oakville and Milton. Other municipalities have public notification requirements that go beyond Industry Canada's notification requirements, except for Brampton, which uses the minimum requirements outlined in the Industry Canada document. Other municipalities also have some form of

location and design guidelines in their established protocols, as shown in Appendix 3.

It should be noted that Oakville’s telecommunication protocol is an interim protocol, which is currently under review by Oakville staff in consultation with the wireless service providers and Industry Canada. The chart below illustrates where the City's proposed protocol meets and exceeds Oakville’s interim protocol:

Meets	Exceeds
Preliminary consultation	Public open house
Request form and fees	Peer Review Consultant
Public notice delivery	
Public Notice Circulation Area	
Newspaper Notice	
Public Notice Sign	

Revised City of Mississauga Telecommunication Tower/Antenna Facilities Protocol

In revising the City's protocol the focus is on improving the public consultation process. The revised protocol will provide a clear outline of the City's role in the public consultation process for telecommunication applicants intending to modify or install a tower.

To address concerns regarding residents not receiving public notification packages, the proposed protocol requires the applicant to give notice by mail, similar to *Planning Act* applications. Registered mail could be considered, however it may affect notification due to the inability to meet with the addressee to obtain a signature.

In addition, proposed preliminary consultation and request form submission processes, as well as location and design guidelines, are based on the policy framework in the new Mississauga Official Plan, Zoning By-law and the existing City protocol for the review of towers. The revised Protocol is attached as Appendix 4.

Request Form and Fees

Under the current process Mississauga does not require a formal application submission or fee for the erection of a tower. It is recommended that a Tower Request form and a fee be required. A review of planning application and building permit fees was recently undertaken by Watson & Associates Economists Ltd. (Watson) to determine the full cost of processing applications and permits. The recommended fee to recover costs for the existing "default" process for reviewing tower proposals was \$1,100.00. In the proposed protocol, it is suggested that the fee be increased to \$2,500.00. It will be necessary to amend the Fees and Charges By-law to incorporate this fee. Staff will monitor the costs and implications on staff resources of the new process and report back to Committee by December 31, 2012.

Peer Review

Situations may arise where the City may want a peer review by a specialist or consultant, such as a radio frequency engineer, to verify and comment on the site selection and justification report submitted by the telecommunication applicant. Should this situation arise, it is recommended that the City retain a consultant to undertake the peer review and that the applicant be required to pay the cost of the consultant plus a 15% administration fee. Depending on the scope of the review, the cost could be up to \$4,000.00. It will be necessary to amend the Fees and Charges By-law to incorporate this fee.

FINANCIAL IMPACT: During the past year, approximately 25 tower requests have been reviewed by Planning and Building staff. Until technology changes, it is estimated that 20 to 30 tower requests will be submitted every year. The estimated yearly cost recovery revenue would be approximately \$50,000.00 to \$75,000.00

The cost of any peer review will be charged back to the applicant plus a 15% administration fee.

CONCLUSION: The revised protocol would improve public notification and consultation when a tower is proposed within or near a residential community. The revised proposed protocol would provide a clear and concise outline of the City's role in the consultation process, and location and design guidelines for telecommunication applicants who intend to modify or install a tower within the City of Mississauga.

ATTACHMENTS:

- Appendix 1: Letter dated January 9, 2012, to the Minister of Industry and Minister of State (Agriculture)
- Appendix 2: Council Resolution 0005-2012 adopted January 18, 2012
- Appendix 3: Municipal Protocol Comparison Table
- Appendix 4: City of Mississauga Telecommunication Tower/Antenna Facilities Protocol (Interim) February 23, 2012

Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Timothy Lee, Planner, Planning Services Centre



OFFICE OF THE MAYOR

January 9, 2012

The Honourable Christian Paradis
Minister of Industry and Minister of State (Agriculture)
C. D. Howe Building
235 Queen Street
Ottawa, Ontario
K1A 0H5

Dear Mr. Minister:

Re: Telecommunication Towers

The establishment of telecommunication towers is becoming extremely active and is causing a crisis situation in residential areas in our city because of the inadequate process which the applications go through.

We are well aware of the fact that the municipality does not have jurisdiction in regard to the establishment of telecommunication towers. We disagree with this policy because it causes a major interference with the extensive planning process we go through in establishing a residential area in our city and telecommunications towers were never considered.

The telecommunication towers are having a major impact on our well planned residential areas and the citizens are very upset about this invasion into their community.

The telecommunication tower applicant enters into negotiations with the landowner and the City is only advised when the official application is made to your ministry for approval. Our only involvement is to be advised by the applicant that they have followed the procedure outlined by your ministry, a procedure which needs to be revised.

The distribution of the notification that the applicant is required to implement is not satisfactory. The distance covered is unacceptable as is evident from the concerns that have been raised by the citizens to date. The notice distributed to the citizens should be done by registered mail to ensure the receipt of such notification and we would highly recommend that the distance the City uses when advising the community of development applications, which is 400 feet, should also be adopted for telecommunication tower applicants.



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Unfortunately, when MPs are contacted by the citizens they often respond advising that it is the responsibility of the City to decide whether or not the application is approved which is contrary to the legislation.

It is important that any application that is received by your ministry for the establishment of a telecommunication tower should be immediately sent to the MP so that the federal representative is aware of the application and they should be calling a public meeting of the citizens affected in order to hear their concerns and to report back to your ministry. This is not being done at the present time and I strongly recommend that this process be implemented immediately.

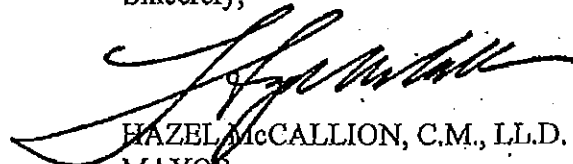
The above-noted recommendations do not require legislative changes but changes to the process currently followed.

I request your immediate attention to this issue and by copy of this letter to the MPs representing Mississauga, I am requesting that they follow up with your ministry to ensure that these changes are implemented.

Unfortunately, the telecommunication companies are concentrating on religious sites in which to locate their towers and are causing controversy between the community and various religious organizations as a result.

I look forward to your response.

Sincerely,



HAZEL McCALLION, C.M., LL.D.
MAYOR

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cc: Eye Adams, MP, Mississauga Brampton South
Brad Butt, MP, Mississauga Streetsville
Wladyslaw Lizon, MP, Mississauga East-Cooksville
Stella Ambler, MP, Mississauga South
Balgit Gosal, MP, Bramalea-Gore-Malton
Bob Dechert, MP, Mississauga Erindale
Members of Council



RESOLUTION 0005-2012
adopted by the Council of
The Corporation of the City of Mississauga
at its meeting on January 18, 2012

0005-2012 Moved by: Pat Mullin

Seconded by: Katie Mahoney

Whereas the approval of telecommunication towers ("cell towers") is under the jurisdiction of the Federal Government through Industry Canada;

And Whereas the local planning authority is provided with an opportunity to comment on certain cell tower applications but the local planning authority cannot regulate or control the location of such towers through Zoning By-laws or any other planning instruments;

And Whereas the establishment of cell towers is becoming extremely active and is causing a crisis situation in residential areas of the City of Mississauga due to the inadequate process established by Industry Canada;

And Whereas the Minister of Industry and Minister of State (Agriculture), The Honourable Christian Paradis, is aware of the City's concerns and to that end is in receipt of Mayor Hazel McCallion's letter dated January 9, 2012;

And Whereas the current process requires that in some cases the cell tower proponent seek a letter of concurrence from the City of Mississauga for submission to Industry Canada yet the content of that letter is restricted by the fact that Industry Canada will not consider comments about health issues, property values or zoning;

And Whereas the proponent enters into negotiations with the potential host of a cell tower often long before it comes to the City's or citizens' attention which is in part due to the fact that the current notification requirements are not satisfactory and there is no notification required for certain types of applications;

And Whereas the process established by Industry Canada needs to be amended to include, at a minimum: that notification be given to citizens within an specified distance of the proposed cell tower, regardless of the height of the tower; that the notice be given to citizens by registered mail; that the area for notification should be at least 400 feet from the property of the proposed cell tower, which distance is consistent with the City's practice for development applications; that the local Member of Parliament must be notified immediately of any application to establish a cell tower; that the local MP be required to call a public meeting of the citizens who may be or will be affected by the application in order to hear their concern and the results of the public meeting shall be reported back to Industry Canada to take into account in every application;

And Whereas these recommended changes can be made without legislative amendment and are needed immediately given that the current process is flawed and unsatisfactory as it does not allow the City, nor its residents to raise any real concerns about the location, size or design of a cell tower;

Now Therefore the City of Mississauga requests that Industry Canada impose a minimum six month moratorium on the approval of cell towers until such time as Industry Canada improves its process for consultation and shall implement, at a minimum, the changes to its process noted above. A review of the process must take into account the concerns of the community and that as part of the change to the process that Industry Canada encourage proponents to investigate and employ better and less invasive technology and that Industry Canada work with the industry to develop less invasive technology that can be used on existing structures;

Further that the City of Mississauga requests that the local Members of Parliament support this request for a moratorium and work with Industry Canada to have the moratorium implemented and effect immediate and real change in the Industry Canada process.

Municipal Protocol Comparison Table

Question/Issue	Brampton	Burlington	Milton	Oakville (Interim)	Mississauga (Current)	Mississauga (Proposed)
Are there telecom proposals that are excluded from public consultation?	YES, the minimum exclusion criteria established by Industry Canada*.	YES, the minimum exclusion criteria established by Industry Canada*.	YES, the minimum exclusion criteria established by Industry Canada* and the following exclusions: locations licensed for mineral resource extraction; within 120 m (393.7 ft) of Hwy 401 or 300 m (984.3 ft) of Hwy 407; and industrial and commercial zoned areas situated 6 times tower height - minimum 300 m (984.3 ft).	YES, the minimum exclusion criteria established by Industry Canada* and the following exclusions: setback at least 200 m (656.2 ft) way from a community sensitive location; additional equipment shelters associated with a facility.	YES, the minimum exclusion criteria established by Industry Canada*.	YES, the minimum exclusion criteria established by Industry Canada*.
Is the Telecom Applicant required to have a preliminary consultation?	YES	YES	YES	YES, and requires the Telecom Applicant to submit a letter including drawings and maps, demonstrating compliance with exclusion criteria.	NO	YES, and requires the Telecom Applicant to consult with the City even if the proposal meets the exclusion criteria for new towers with a height less than 15 m (49.2 ft).
What is the public notice circulation requirement for a Telecom Applicant?	The radius of three times the tower height.	The radius of 120 m (393.7 ft) or 6 times the height of the tower in a Urban Area, whichever is greater; and 300 m (984.3 ft) or 6 times the height of the tower in a Rural Area, whichever is greater.	The radius of 120 m (393.7 ft) of the proposed structure within the urban area and 300 m (984.3 ft) within the rural area.	The greater of 120 m (393.7 ft) or three times the tower height measured from the furthest point of the telecommunication tower/antenna facility.	The radius of three times the tower height.	The greater of 120 m (393.7 ft) or three times the tower height measured from the furthest point of the telecommunication tower/antenna facility.

Municipal Protocol Comparison Table

Question/Issue	Brampton	Burlington	Milton	Oakville (Interim)	Mississauga (Current)	Mississauga (Proposed)
Is the Telecom Applicant responsible for the distribution of the Public Notification Packages within the public notice circulation area?	YES (Not specified how)	YES, by mail.	YES (Not specified how)	YES, by mail including the applicable Member of Parliament.	YES (Not specified how)	YES, by mail, including the applicable Member of Parliament, applicable Resident Association.
Is there a requirement for a newspaper notice (in a community newspaper) for towers greater than 30 m in height?	NO	NO	NO	YES, and specifies the community newspaper (i.e. Oakville Beaver).	YES	YES, and specifies the community newspaper (i.e. Mississauga News, Wednesday's edition).
If there a requirement for a public open house meeting and who is responsible for convening the meeting?	NO requirement.	YES, the Ward Councillor determines if public open house meeting is required and the Telecom Applicant is responsible for convening a public open house meeting.	YES, required for all proposals and the Telecom Applicant is responsible for convening a public open house meeting.	YES, required for all proposals and the Telecom Applicant is responsible for convening a public open house meeting.	NO requirement.	YES, if the proposal is located in a residential area; or within the greater of either, three times the tower height or 120 m (393.7 ft) from a residential area. The applicable Member of Parliament in consultation with the Applicant is responsible for convening a public open house meeting.
Any additional public notice measures required by the Telecom Applicant?	NO	NO	YES, the erection of a public notice sign on the subject property and requires photographic proof of installation.	YES, the erection of a public notice sign on the subject property and requires photographic proof of installation.	NO	YES, the erection of a public notice sign on the subject property and requires photographic proof of installation.
Any municipal location and design guidelines for telecom facilities?	YES, based on local Official Plan and design criteria.	YES, based on local Official Plan and design criteria.	YES, based on local Official Plan and design criteria.	YES, based on local Official Plan and design criteria.	YES, based on Mississauga Plan and design criteria.	YES, based on the new Mississauga Official Plan and design criteria.

Municipal Protocol Comparison Table

Question/Issue	Brampton	Burlington	Milton	Oakville (Interim)	Mississauga (Current)	Mississauga (Proposed)
Does the municipality have a formal application submission?	YES, Site Plan application, but not subject to Planning Act Regulations.	YES, Site Plan application, but not subject to Planning Act Regulations.	YES, Telecommunication Towers, Antennas & Facilities Application.	YES, Application for Letter of Concurrence.	NO	YES, Telecommunication Tower/Antenna Facilities Form Request.
Does the municipality have a fee associated with the application?	YES, \$3430.00	YES, \$595.00 - \$1770.00 depending on proposal.	YES, \$1552.19 or \$6411.73 on Town owned property.	YES, \$3825.00	NO	YES, \$2500.00
Does the municipality retain a Peer Review Consultant (e.g. radio frequency engineer) to verify and comment on the site selection/justification report provided by the Telecom Applicant?	NO	NO	NO	NO	NO	YES, the Designated Municipal Official will determine whether a Peer Review Consultant will be required.
Does the municipality provide a response to concurrence or non concurrence?	YES	YES, specifically the Director of Planning and Building; however it can be undelegated to the Community Development Committee.	YES, specifically the Director of Planning and Development or his or her designate.	YES, specifically the Director of Planning Services or his or her designate.	YES	YES, specifically the Director of Development and Design, Planning and Building Department, or his or her designate.

NOTES: * The minimum exclusion criteria established by Industry Canada are as follows:

- Maintenance of existing telecommunication tower/antenna facilities including painting or lighting in order to comply with Transport Canada's requirements;
- Addition or modification of a telecommunication tower/antenna facility provided the addition or modification does not result in an overall height increase above the existing building or structure of 25% of the original building or structure's height;
- Installation, for a limited duration (typically not more than 3 months), of a telecommunication tower/antenna facility 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
- New telecommunication tower/antenna facilities with a height of less than 15 metres (49.2 feet) above ground level.



APPENDIX 4

City of Mississauga Telecommunication Tower/Antenna Facilities Protocol (Interim)

February 23, 2012

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Appendix A - Consultation Flow Chart

1 Objectives

1.1 The objectives of this protocol are to:

- Encourage proponents of telecommunication tower/antenna 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).

2 Jurisdiction and Application of the Protocol

2.1 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.

2.2 Application of the Protocol

For those tower facilities 15 metres (49.2 feet) in height or greater, the process set out in this Protocol applies. In the case of tower facilities of less than 15 metres (49.2 feet), the proponent shall consult with the City and the proponent will be subject to the City's internal process. The nature and extent of the internal process will be defined in the Preliminary Consultation stage (Section 5.1 of this Protocol).

3 Location and Design Guidelines

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

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

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

- a) Lands designated as Greenbelt under the 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.

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

- a) Maximize distance from residential areas;
- b) Locate facilities in utility, industrial and business employment areas;
- c) Allow for future co-location of facilities;
- d) Locate facilities away from street line to minimize visual impact of the tower from the streetscape;
- e) 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.);
- f) Associated equipment shelter(s) should be screened using landscape treatment, decorative fencing, etc., except in lands designated as Industrial under the Mississauga Official Plan;

- g) 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;
 - h) Lattice style towers are strongly discouraged;
 - i) Monopole towers with antennas flush mounted are preferred;
 - j) Towers/antennas attached to an existing building, including rooftop installations, should be screened or concealed and complement the architecture of the building with respect to form, materials and colour in order to minimize the visual impact from the streetscape;
 - k) 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
 - l) Third party advertising or promotion of the owner/operator is strongly discouraged.
- 3.5 When new tower facilities are 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 3.3 and 3.4 of this protocol, the following guidelines should also be met:
- a) Camouflage 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.

4 Land Use Authority's Designated Official

- 4.1 For the purpose of this protocol, the designated official for the City of Mississauga is the Director of the Development and Design Division, Planning and Building Department or his or her designate. All correspondence and materials submitted as part of this consultation process shall be directed to the attention of the Director or his or her designate.

5 Preliminary Consultation

- 5.1 Proponents are required to have a preliminary consultation with the Director (or designate) prior to submitting a formal request to install or modify a tower facility. This initial contact will allow the proponent to meet with the Director (or designate) to discuss the proposal, including the rationalization behind the site selection and in the case of a tower facility of less than 15 metres (49.2 feet) in height, the City's internal process that must be followed.

During this meeting, the Director (or designate) 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.

5.2 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 certified engineer or land use planner. 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.

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

6 Exclusions

6.1 For the following types of tower facility installations or modifications, Industry Canada has established a list which excludes proponents from the requirement to consult with the Land Use Authority and the public:

- 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., provided the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height;

- 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 which are subject to the City's internal process as set out in Sections 2.2 and 5.1 of this Protocol.

6.2 It is suggested that proponents consult with the Director (or designate) even though a proposal meets exclusion b) in Section 6.1 of this Protocol and in the case of exclusion e) of Section 6.1 there shall be a preliminary consultation as set out in Sections 2.2 and 5.1 to determine the City's internal process that is to be followed.

7 Land Use Authority and Public Consultation

7.1 Land Use Authority and Public Consultation Requirements

7.1.1 Land Use Authority and public consultation will be required when a proposed tower facility does not meet the exclusion list in Section 6.1 of this protocol.

7.2 Formal Submission Requirements

7.2.1 All proposals for a tower facility or modifications to an existing tower facility will require the submission of 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 Fees and Charges By-law, as amended;
- b) A Site Selection/Justification Report, prepared by a certified engineer or land use planner. 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; and
- f) A copy of the draft notice sign.

7.2.2 If the required materials listed above are not complete or provided to the satisfaction of the Director (or designate), the request will be considered incomplete and will not mark the official commencement of the 120 day consultation process.

7.2.4 When the request is deemed complete by the Director (or designate), the Director (or designate) will notify the Ward Councillor of the formal submission.

7.3 Public Notification Package Requirements

7.3.1 The public notification package must include the following information:

- a) A location map (key plan) of the proposed site including the address;
- b) A site plan or survey plan of the subject property showing the exact location of the proposed tower facility, including a compound layout plan (area to be leased) and elevation plan;
- c) 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;
- 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) Reference to the City of Mississauga Telecommunication Tower/Antenna Facilities Protocol and where it can be viewed;

- j) 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.”;
 - k) Notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website;
 - l) Contact information for the Applicant, the City of Mississauga, the local Industry Canada office and the applicable Member of Parliament;
 - m) Address, location and timing of public open house (if applicable); and
 - n) The closing date for submission of written public comments.
- 7.3.2 The closing date for submission of written public comments shall not be less than:
- a) 7 days after the public open house, where a public open house is required; or
 - b) 30 days where a public open house is not required.

7.4 Public Notification

7.4.1 The Applicant shall be responsible for:

- a) Distribution of the public notification packages;
- b) Erection of a notice sign on the subject property; and
- c) Placement of a newspaper notice, if applicable.

7.4.2 The applicable Member of Parliament in consultation with the Applicant shall be responsible for convening a public open house, if applicable.

7.5 Circulation Area and Delivery of Public Notification Packages

7.5.1 The Director (or designate) will provide the Applicant with a list of property owners 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 list shall also include the applicable resident association.

7.5.2 When a public open house is required:

The Applicant is to send the public notification packages, at least 30 days prior to the date of the public open house, to the applicable property owners and applicable Member of Parliament by mail. The Applicant is to ensure that the notification provides at least 7 days for written comment (see Subsection 7.3.2 of this protocol).

7.5.3 When a public open house is not required:

The Applicant is to send the public notification packages to the applicable property owners and applicable Member of Parliament by mail. The Applicant is to ensure that the notification provides at least 30 days for written comment (see Subsection 7.3.2 of this protocol).

7.6 Notice Sign

7.6.1 The Applicant 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.

7.6.2 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).

7.6.3 Where a public open house is required, the notice sign shall contain the following wording:

<p><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>An open house is scheduled on [date of meeting] from [start time] to [end time] at [location of meeting].</p> <p>Public comment is invited.</p> <p>The closing date for submission of written comments is [applicable closing date].</p> <p>For further information, contact [Applicant's name, phone number and e-mail address].</p> <p>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>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>[Municipal and Industry Canada contact information]</p>
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- 7.6.4 Where a public open house is not required, the notice sign shall contain the following wording:

<p><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>Public comment is invited.</p> <p>The closing date for submission of written comments is [applicable closing date].</p> <p>For further information, contact [Applicant's name, phone number and e-mail address].</p> <p>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>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>[Municipal and Industry Canada contact information]</p>

- 7.6.5 The erection of the notice sign should be coordinated with the distribution of the public notification packages.
- 7.6.6 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.
- 7.6.7 The sign shall remain on the subject property for the duration of the consultation process.
- 7.6.8 The Applicant shall be responsible for removing the sign no later than 21 days after the completion of the consultation process.

7.7 Newspaper Notice

- 7.7.1 Where a tower facility is greater than 30 metres (98.4 feet) in height, the Applicant 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.

- 7.7.2 The newspaper notice shall be a minimum size of 10 centimetres x 10 centimetres (3.9 inches x 3.9 inches).
- 7.7.3 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.
- 7.7.4 Where a public open house is required:
- 7.7.4.1 The newspaper notice shall be published at least 21 days before the date of the public open house.
- 7.7.4.2 The date on which the newspaper notice is published should be coordinated with the distribution of the public notification packages.
- 7.7.4.3 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) Invitation to the public open house, location and time of open house;
 - 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 and Industry Canada contact information.
- 7.7.5 Where a public open house is not required:
- 7.7.5.1 The date on which the newspaper notice is being published should be coordinated with the distribution of the public notification packages.
- 7.7.5.2 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) Applicant's contact information;
- f) Inclusion of the following "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. 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
- g) Municipal and Industry Canada contact information.

7.8 Public Open House

- 7.8.1 The applicable Member of Parliament, in consultation with the Applicant, shall convene a public open house if 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.
- 7.8.2 The applicable Member of Parliament, in consultation with the Applicant, shall adhere to the following requirements when convening a public open house:
- a) Open house shall be open and accessible to all members of the public and local stakeholders;
 - b) Open house 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 open house 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 open house;
 - e) Public notification packages including a public comment sheet shall be made available for attendees;
 - f) Closing date for written public comments (at least 7 days after the open house) shall be clearly announced at the open house;

- g) 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; and
- h) A clear statement shall be made at the open house 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.

8 Response to the Public

8.1 The Applicant 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 Applicant 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 Applicant, reasonable or relevant and clearly indicate that the party has 21 days from the date of the correspondence to reply to the Applicant's response; and
- c) In the case where the party responds within the 21 day reply period, the Applicant 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.

9 Concluding Consultation

9.1 The Applicant 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 open house (if applicable);
- b) All public comments and/or concerns received regarding the proposal;
- c) Applicant'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 a revised survey plan.

- 9.2 The Director (or designate) will review the request and prepare comments to the Applicant with a copy to Industry Canada. The focus of the comments will be on how the Applicant complied with the consultation requirements and process and how the proposal met the location and design objectives of this protocol.

10 Timeframes

- 10.1 The Land Use Authority and public consultation processes should be completed within 120 days from the date of a complete submission to the date where the Director (or designate) responds to the Applicant with or without objections regarding the proposal.
- 10.2 Where the Land Use Authority consultation process has not been concluded and 270 days have elapsed from the time of the public notification packages being sent, the Applicant shall be responsible for a supplementary public notification and consultation process, if the Applicant decides to proceed with the tower facility proposal on the subject property.
- 10.3 Appendix A of this protocol contains a flow chart of the Land Use Authority and public consultation processes.

11 Definitions

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.

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

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.

