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Report To: Planning and Development Committee

Date of Meeting: October 21, 2024 **Report Number:** CAO-006-24

Authored by: Amy Burke, Project Manager – Strategic Initiatives

Submitted By: Mary-Anne Dempster, CAO

By-law Number:

Resolution Number:

File Number:

Report Subject: Clarington Cellular Service Enhancement Project

Recommendations:

1. That Report CAO-006-24, and any related delegations or communication items, be received;
2. That Staff be directed to negotiate a agreements with Shared Tower Inc. for the construction and operation of telecommunication towers at Fire Station 1, Fire Station 3, and South Courtice Arena as identified in Report CAO-006-24;
3. That Staff be directed to negotiate a agreements with Shared Tower Inc. for the construction and operation of a telecommunications antenna / tower system to support addressing cellular coverage gaps in north Bowmanville, subject to identifying an appropriate Municipally owned property location;
4. That the CAO be delegated authority to execute the agreements or any other required documents, in a form satisfactory to the Deputy CAO, Legislative Services / Solicitor;
5. That Staff be directed to support Shared Tower Inc. in seeking the necessary carrier agreements to advance licensing and construction of the antenna systems as quickly as possible;
6. That Staff report back to Council on the results of engagement with the Boards of the Solina Community Hall and Tyrone Community Centre as identified in Report CAO-006-24; and
7. That all interested parties listed in Report CAO-006-24, and any delegations be advised of Council's decision.

Report Overview

Staff have solicited interest from the telecommunications industry to identify potential opportunities for collaboration to address gaps in cellular coverage throughout Clarington using municipally owned property. In response, Shared Tower Inc. has requested to lease portions of several municipal properties for the development and operation of new telecommunication antenna / tower systems. Staff are recommending entering into lease negotiations for Fire Station 1, Fire Station 3, South Courtice Arena, and north Bowmanville (subject to site finalization), and undertaking additional work to advance opportunities in Solina and Tyrone.

1. Background

- 1.1 The pace of telecommunication network expansion across Clarington has not kept up with growth. Further, advancements in technology have provided faster speeds for data transmission but have reduced distances of transmission from antenna / tower systems. The result is unreliable service and significant gaps in coverage across Clarington.
- 1.2 Telecommunications is a federal government responsibility. The approval of the location of new telecommunications antenna / tower systems is the responsibility of Innovation, Science and Economic Development (ISED) Canada. Legislation such as the Planning Act, including zoning by-laws, do not apply to these antenna systems.
- 1.3 Under some circumstances when new telecommunications antenna / tower systems are proposed, ISED requires proponents to consult with the Municipality and carry out public consultation. A consistent and transparent consultation process is set out in the Municipality's [Radiocommunication and Broadcasting Antenna Systems Protocol](#). The Protocol also provides siting and design guidelines to minimize potential adverse effects, including visual impacts.
- 1.4 Since 2020, nine Radiocommunication and Broadcasting system applications have been received by the Municipality. Of these:
 - Eight have completed the consultation process and have been issued a Letter of Concurrence confirming the Municipality is satisfied with the site location, layout and design; and
 - One is in the process of the required public consultation process.
- 1.5 Council has prioritized through its 2024-27 Strategic Plan taking action using tools available to the Municipality to enhance the level of cellular connectivity across Clarington.

- 1.6 In December 2023, the Municipality updated the Radiocommunication and Broadcasting Antenna Systems Protocol to further enable the development of a high-calibre wireless telecommunications environment throughout Clarington. The updates aimed to streamline and more clearly articulate the municipal public consultation process and to showcase the Municipality's willingness to consider the use of municipal property to enhance local connectivity. The updated Protocol came into effect on December 18, 2023.

2. Leasing of Municipal Property

- 2.1 The leasing of Municipal property to support enhancement of the telecommunication network across Clarington may take several forms, including:
- Co-location of a wireless service provider's antenna system on an existing municipally owned tower;
 - Construction and operation of a privately owned telecommunications tower on municipally owned land;
 - Attachment of a telecommunications antenna / tower system to a municipally owned structure (e.g. building, flagpole); or
 - Attachment of a telecommunications antenna / tower system to a municipally owned asset(s) within a municipal road right-of-way (e.g. streetlights).
- 2.2 On April 4, 2024, the Municipality released a non-binding Request for Information (RFI) to identify companies interested to collaborate with the Municipality to enhance the local cellular network using municipal property. The RFI broadly invited respondents to recommend solutions that would contribute to addressing network gaps and deficiencies. Preferred leasing arrangements, locations, or technologies were not specified, allowing respondents to propose solutions that support the Municipality's goal and align with the private sector's interests. The RFI included a list of municipally owned buildings and towers for initial consideration.
- 2.3 The RFI closed on May 10, 2024. Five responses were received. Three respondents were offering professional consulting services to the Municipality and were not providers of telecommunication antenna / tower systems. Preliminary discussions were initiated with two respondents who expressed interest to invest in telecommunication antenna / tower systems on municipal property, including Shared Tower Inc. and Bell Mobility Inc., both of whom have existing telecommunications towers in Clarington.
- 2.4 The following section describes the outcomes of discussions with Shared Tower Inc. Discussions with Bell Mobility Inc. are on-going and will be shared with Council at the appropriate time.

3. Lease Agreement with Shared Tower

- 3.1 Shared Tower Inc. is a developer and owner of carrier neutral telecommunications infrastructure. As a “neutral host,” Shared Tower develops, owns and maintains telecommunication antenna / tower systems and leases its infrastructure to wireless service providers for the attachment of their antennas to scale up their networks.

Proposed Locations for Siting on Municipally Owned Properties

- 3.2 Following close of the RFI, staff met with Shared Tower to discuss their proposed solution in more detail and potential locations for the development of telecommunications antennas / towers on municipal property. An analysis of municipally owned buildings and towers completed by Shared Tower resulted in the development of a short list of five locations proposed to be leveraged to fill in gaps and deficiencies in coverage. In addition, Shared Tower proposed one municipal park location to address an existing coverage gap where municipal buildings were not present.
- 3.3 The proposed municipal building locations and telecommunication infrastructure are outlined in Table 1. Proposed site location maps, before and after renderings, and cellular coverage analysis maps prepared by Shared Tower for each of the locations is provided in Attachment 1.
- 3.4 The development and ownership of a new telecommunications tower is proposed at each of the locations listed in Table 1. The leased premises would include ground space, enclosed by fencing, for the tower foundation and ancillary facilities, along with easement rights for access to the leased premises by vehicle or foot from the nearest public way and for the installation of necessary utility connections.
- 3.5 The short list of proposed sites (Table 1) was circulated to Departments for comment. Based on this review and discussions with Shared Tower, the towers proposed at Fire Station 1, Fire Station 3 and South Courtice Arena are considered by staff as acceptable in principle. It is recommended that staff be authorized to negotiate a lease agreement with Shared Tower for these sites.
- 3.6 Based on staff review and discussions with Shared Tower, the towers proposed at the Solina Community Hall and Tyrone Community Centre are also acceptable in principle. The Solina Community Hall and Tyrone Community Centre are operated by a Municipal Service Board in accordance with municipal by-laws. Prior to advancing a lease agreement for these sites, it is recommended that staff engage with each Board on the proposal and report back to Council.

Table 1 – Short-listed Municipal facilities proposed for telecommunication tower development and operation

Municipal Property	Address	Approximate Location within the Site	Equipment Type	Approximate Compound Footprint (sq. m)	Height (m)
Fire Station 1	2430 Highway 2, Bowmanville	Northwest corner – former fire training area	Monopole	100	25-30
Fire Station 3	5708 Main Street, Orono	Southwest corner	Tripole – replacement of existing, municipally owned tower	144	45
South Courtice Arena	1595 Prestonvale Road	South of existing building	Monopole	100	25-30
Solina Community Hall	1964 Concession Road 6	West of existing building or north of playground	Monopole	100	20-30
Tyrone Community Hall	2716 Concession Road 7	Southeast corner	Monopole	100	20-30

- 3.7 To address a significant coverage gap in north Bowmanville, Shared Tower has proposed siting of a new telecommunications tower in Middle Park. Development of this new neighbourhood park is underway. The limited land area potentially available within Middle Park for telecommunications infrastructure is immediately adjacent to environmentally sensitive lands, a discouraged location within the Municipality's Radiocommunication and Broadcasting Antenna Systems Protocol.
- 3.8 Staff have identified a potential alternative location in north Bowmanville, adjacent to the municipal stormwater pond at Concession Road 3 and Regional Road 57. Preliminary analysis of this proposed alternative location by Shared Tower has deemed it potentially feasible. Further site analysis is necessary.
- 3.9 With a significant coverage gap in north Bowmanville, staff is seeking Council's endorsement to proceed with negotiation of an agreement with Shared Tower for the construction and operation of a telecommunication antenna / tower system in north Bowmanville, subject to identifying an appropriate Municipally owned property location.

Next Steps

- 3.10 As directed by Council, staff will undertake the negotiation of an agreement(s) with Shared Tower for the siting, operation and maintenance of telecommunication towers on municipal property. The agreement will take into account industry best practices and municipal operations and services needs, such as the attachment of municipal equipment. The Municipality has retained consulting expertise and external legal counsel with specialized knowledge in the telecommunications sector to support the preparation of an agreement(s).
- 3.11 In addition to a lease agreement(s), Shared Tower will need to fulfill all Federal approval requirements, including ISED's required municipal consultation process, comply with the siting and design requirements set out in the Radiocommunication and Broadcasting Antenna Systems Protocol.

4. Financial Considerations

- 4.1 All construction and restoration would be undertaken by Shared Tower at their costs, in accordance with any applicable requirements set out in an agreement. There would be no cost to the Municipality. The leasing of each municipal property will be subject to a negotiated lease rate taking into account fair market value.

5. Strategic Plan

- C.1.1: Enhance internet and cellular connectivity across the community.

6. Climate Change

Not Applicable.

7. Concurrence

This report has been reviewed by the Deputy CAO Planning & Infrastructure who concurs with the recommendations.

8. Conclusion

It is respectfully recommended that Council endorse the proposal to lease portions of Fire Station 1, Fire Station 3, South Courtice Arena, and an appropriate municipally owned property in north Bowmanville for the purposes of enhancing the cellular network in Clarington. It is also recommended that staff engage with the Boards of the Solina Community Hall and Tyrone Community Centre on similar proposed leasing at these rural locations and report back to Council.

Staff Contact: Amy Burke, Project Manager – Strategic Initiatives, 905-623-3379 ext. 2423 or aburke@clarington.net.

Attachments:

Attachment 1 – Shared Tower Inc. – Proposed Locations Details

Interested Parties:

List of Interested Parties available from Department.