

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 17, 2016**

Item 10, Report No. 21, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on May 17, 2016, as follows:

***By approving the following:***

***That the recommendation in the report of the Deputy City Manager, Planning & Growth Management, Director of Development Planning and Senior Manager of Development Planning, dated May 3, 2016, be approved; and***

***That the following be approved in accordance with Communication C6, memorandum from the Deputy City Manager, Planning & Growth Management, dated May 16, 2016:***

- 1. That the building elevations shown on Attachment #5 to this Communication, be approved and replace the building elevations shown as Attachment #5 in the staff report dated May 3, 2016.***

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**SITE DEVELOPMENT FILE DA.15.053  
POWERSTREAM INC.  
WARD 1 - VICINITY OF KIRBY ROAD AND KIPLING AVENUE**

**The Committee of the Whole recommends:**

- 1) That consideration of this matter be deferred to the Council meeting of May 17, 2016; and**
- 2) That a meeting be held with the local Ward Councillor, PowerStream and appropriate staff in an effort to improve the design of the transformer station within the footprint of the building.**

**Recommendation**

The Deputy City Manager, Planning & Growth Management, Director of Development Planning and Senior Manager of Development Planning recommend:

- 1. THAT Site Development File DA.15.053 (PowerStream Inc.) BE APPROVED, to permit the installation of a 150 MW transformer station on the subject lands shown on Attachments #1 and #2, which consists of a switchyard with high voltage disconnect switches, overhead bus-work and power transformers, and a switchgear/control building, all to be located adjacent to a Hydro One transmission tower and corridor to the west, as shown on Attachments #3 to #6 inclusive, subject to the following conditions:**
  - a) that prior to the execution of the Site Plan Letter of Undertaking:**
    - i) the Vaughan Development Planning Department shall approve the final site plan, building elevations, landscaping plans, restoration plan, landscape cost estimate, and signage and lighting plans;**
    - ii) the Vaughan Development Engineering and Infrastructure Planning Department shall approve the final site servicing and grading plans, erosion and sediment control plans, lighting plans, and stormwater management, environmental impact study, and noise and vibration reports; and,**
    - iii) the Owner shall satisfy all requirements of the Toronto and Region Conservation Authority;**

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- b) that the Site Plan Letter of Undertaking include the following provisions:
- i) that prior to the issuance of a Building Permit:
1. The Owner shall pay City, Region, and Board of Education Development Charges in accordance with the City of Vaughan Development Charge By-law in effect at the time of payment.
  2. The Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands, in accordance with Section 51 of the *Planning Act* and City of Vaughan Policy. The Owner shall submit an appraisal of the subject lands prepared by an accredited appraiser for approval by the Vaughan Office of the City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment.
  3. The Owner shall convey an 18 m road dedication to the City of Vaughan from the centreline of the right-of-way (ROW) of Kirby Road in order to accommodate a 36 m ROW.
  4. The Owner shall ensure that any development in conjunction with the proposed site plan must not block vehicular access to any Hydro One facilities located on the hydro right-of-way. During construction, there will be no storage of materials or mounding of earth, snow or other debris on the right-of-way.
  5. Prior to final approval, the Owner shall submit a copy of the lot grading and drainage plan, showing existing and final grades, which must be submitted to Hydro One Networks Inc. for review and approval.
  6. The Owner shall pay the costs of any relocations or revisions to Hydro One facilities which are necessary to accommodate this site plan.
  7. The Owner shall ensure that the easement rights of Hydro One and its legal predecessors are to be protected and maintained at all times.
  8. For properties in close proximity to a Transmission or Distribution station, the following clause applies:

Some noise from the existing Transformer/Distribution Station, which is in close proximity, may interfere with the proposed development/site. An acoustic assessment should be undertaken at the Owner's expense. If noise abatement (e.g. walls, berms, etc.) are required to meet applicable Ministry of the Environment or Municipal criteria, the costs involved will be the sole responsibility of the Owner. Hydro One Networks Inc. will not be responsible for any costs involved.
  9. Should any gas mains need to be relocated or any gas pipe installed on a temporary basis all costs shall be the responsibility of the Owner, and not Enbridge Gas.

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10. Should any easement be required to service the proposed development, the Owner shall provide the easement to Enbridge Gas at no cost;
- ii) that prior to the completion of the transformer station:
11. The Owner shall satisfy all requirements of the Vaughan Policy Planning and Environmental Sustainability Department and the Toronto and Region Conservation Authority with respect to the ecological restoration of the northern parts of the parcel on both the east and west sides of the hydro corridor (being also the Hydro One easement).

#### **Contribution to Sustainability**

The application implements the following Goal and Objective of Green Directions Vaughan:

Goal 2: To ensure sustainable development and redevelopment

- Objective 2.2: To develop Vaughan as a City with maximum greenspace and an urban form that supports our expected population growth

In accordance with the goal and objective identified above, the Owner has advised that the following, but not limited to, sustainable site and building features will be included in the proposed development:

- Facilitates hydro distribution to the City of Vaughan
- Facilitates the ecological restoration of the northern parts of the subject lands on both the east and west sides of the hydro corridor

#### **Economic Impact**

There are no requirements for new funding associated with this report.

#### **Communications Plan**

N/A

#### **Purpose**

The purpose of this report is to seek approval from the Committee of the Whole for Site Development File DA.15.053 for the subject lands shown on Attachments #1 and #2, to permit the installation of a 150 MW transformer station. This transformer station will be located next to the existing Hydro One transmission tower and hydro corridor, and will consist of a switchyard with high voltage disconnect switches, overhead bus-work and power transformers, and a switchgear/control building, as shown on Attachments #3 and #6 inclusive. This project is required to provide additional capacity in the City of Vaughan by the Spring of 2017.

#### **Background - Analysis and Options**

*Synopsis:*

*PowerStream Inc. is proposing to develop the subject lands with a 150 MW transformer station (Transformer Station No. 4 or TS4), next to the existing Hydro One transmission tower, consisting of a switchyard with high voltage disconnect switches, overhead bus-works and power*

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*transformers and a switchgear/control building. The Vaughan Development Planning Department supports the proposed development, as the proposal conforms to the Official Plan and is compatible and appropriate with the existing and planned land uses, and will serve Vaughan with additional hydro capacity.*

#### Location

The subject lands shown on Attachments #1 and #2, are located on the north side of Kirby Road, west of Kipling Avenue, City of Vaughan. The subject lands have a total lot area of 9.06 ha, however, the area of the site plan application is limited to 1.37 ha. The surrounding land uses are shown on Attachment #2.

#### Official Plan and Zoning

The subject lands are designated “Natural Areas”, “Agricultural”, and “Infrastructure and Utilities” by Vaughan Official Plan 2010 (VOP 2010). VOP 2010 permits public utilities in all of these land use designations with the exception of the Core Features of the Natural Heritage Network and any hazard areas where public utilities may not be considered appropriate. The proposed transformer station is located outside of the Core Features of the Natural Heritage Network and any hazard areas.

The subject lands are also designated “Natural Heritage System within the Protected Countryside” in the Greenbelt Plan. The Greenbelt policies of VOP 2010 permit all existing, expanded or new infrastructure subject to and approved under the *Canadian Environmental Assessment Act*, the *Environmental Assessment Act*, the *Planning Act*, the *Aggregate Resources Act*, the *Telecommunications Act* or by the National or Ontario Energy Boards, or which receives a similar environmental approval, within the Protected Countryside of the Greenbelt Plan, subject to conformity with the VOP 2010 policies for infrastructure in the Greenbelt, and provided it meets one of the following two objectives:

- It supports agriculture, recreation and tourism, rural settlement areas, resource use or the rural economic activity that exists and is permitted within the Greenbelt; or
- It serves the significant growth and economic development expected in southern Ontario beyond the Greenbelt by providing for the appropriate infrastructure connections among urban growth centres and between these centres and Ontario’s borders.

The proposed transformer station meets both objectives.

Conformity with the Greenbelt Plan is discussed later in this report.

The subject lands are zoned “A” Agricultural Zone by Zoning By-law 1-88, which permits buildings or structures (i.e. transformer stations) on the subject lands for the purposes of a public service.

#### Site Plan Review

The Vaughan Development Planning Department is generally satisfied with the proposed site plan, building elevations, and landscape plan as shown on Attachments #3 to #6, subject to the Owner demonstrating how the proposal advances and protects future opportunities to provide for a trail in the hydro corridor and how/if sustainability measures such as a solar powered building can be incorporated on site. Although the City’s Parks Development Department currently does not have any plans to place a trail system through the hydro corridor on the subject lands, they

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have indicated that this could be explored in the future, and the Owner has advised that they are open to discussion about this with the City in collaboration with Hydro One. The Owner has also advised that solar panels have not been incorporated into the station design at this time due to technical issues within the fenced area. Future solar installations outside the fenced area may be considered once the development has been constructed.

#### Class Environmental Assessment (Class EA) for Vaughan Transformer Station #4

PowerStream initiated a Class Environmental Assessment (Class EA) study to determine the preferred location for the proposed Transformer Station #4 (TS4) in the City of Vaughan. The Class EA Study has been completed in accordance with the requirements of the *Class Environmental Assessment for Minor Transmission Facilities* (last revision April 6, 1992). The Class EA process included public and review agency consultation, an evaluation of alternative sites for the transformer station, an assessment of the technical, environmental, social and economic impacts of the proposed works, and identification of measures to mitigate or avoid any adverse impacts.

The Class EA identified the subject lands as the preferred site for the proposed TS4. Mitigation measures have been identified and recommended to reduce or eliminate potential impact to the environment and community as a result of the proposed TS4. These mitigation measures include the protection of the existing environment and opportunities for enhancement or rehabilitation of impacted areas (i.e. ecological restoration).

An Environmental Study Report (ESR) was prepared documenting the planning and decision making process followed during the Class EA study. The ESR was made available for public viewing between December 22, 2014 and January 31, 2015 (45-day review period) at the PowerStream Head Office.

#### Greenbelt Plan Conformity

The subject lands are located in the “Natural Heritage System within the Protected Countryside Area” in the Greenbelt Plan, and therefore, the Owner submitted a Greenbelt Conformity Letter in support of the application. The subject lands generally consist of agricultural lands, with hedgerows, a wetland community and forest area that form part of the East Humber River Provincially Significant Wetland (PSW) in the northwest portion of the property. A stream corridor exists along the eastern boundary of the property and a small tributary of this stream, Purpleville Creek, traverses the property at the north end.

The Owner advises that the proposed TS4 is set back from Kirby Road as far as practically and technically possible, to reduce visibility from the road while accommodating the need to protect the neighbouring wetlands and other existing natural environmental features. The Owner also intends, as a minimum, to maintain the remaining lands to the north of the subject property in situ, to protect the natural heritage features. The site layout is designed to protect the existing natural features by having the proposed infrastructure well outside of the setbacks of these natural features.

The Vaughan Policy Planning and Environmental Sustainability Department reviewed the conformity letter provided by the Proponent and it captures the relevant policies of the Greenbelt Plan.

The footprint of the transformer station complex is limited to the southeast corner of the site and there is an opportunity to maintain or improve the habitat condition of the lands directly north of the transformer station. The Owner is consulting with the City and Toronto and Region

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Conservation Authority (TRCA) to ensure ecological restoration of the northern parts of the parcel on both the east and west sides of the power line (being also the Hydro One easement). Two options are being considered to allow access to the northern parts of the parcel for the Toronto and Region Conservation Authority to undertake ecological restoration works:

- 1) a Conservation Easement Agreement; or
- 2) dedicating the lands into public ownership to the TRCA.

Either land securement option for conservation and ecological restoration purposes will provide access to the TRCA staff and/or contractors to undertake the appropriate ecological restoration works.

The following is a brief summary of Conservation Easement Agreements (Option 1):

In 1994, the provincial government passed Bill 175 amending the Statutes of Ontario including the Conservation Land Act. This amendment allows landowners to grant easements for the protection and conservation of land. A landowner may grant an easement or enter into a covenant with a "conservation body" (such as the crown, conservation authority, municipality, band, or registered charity), which are registered on title and bind all future landowners. A further amendment to the Conservation Land Act was passed in 2006 called Bill 16, which introduced the following new requirements:

- The Owner of the land shall not amend an easement or covenant without the written consent of the Minister of Natural Resources and Forestry;
- The conservation body cannot release the easement or covenant without the written consent of the Minister of Natural Resources and Forestry; and
- No person shall commence legal proceedings to amend or release an easement or covenant without giving notice to the Minister.

The City will continue to work with the Owner for a solution to promote restoration and stewardship of the lands, given the opportunity for woodland restoration in the vicinity of a Provincially Significant Wetland. The City will seek input from relevant agencies, such as the TRCA and the Region on these matters. The Owner has advised they will continue to explore ecological restoration options with the City and TRCA for the northern portion of the property, which must be finalized prior to the completion of the transformer station. A condition to this effect has been included in the recommendation of this report.

#### Vaughan Development Planning Department, Urban Design and Cultural Heritage Division

The Vaughan Development Planning Department, Urban Design and Cultural Heritage Division has reviewed the proposal and advises that the subject lands lies in an area of high archaeological potential according to the City of Vaughan's mapping of areas of high archaeological potential. A Stage 1 and Stage 2 Archaeological Assessment was conducted on a portion of the subject lands as part of the Class EA. The assessment is limited to the area of development and not the entire property.

The Urban Design and Cultural Heritage Division is in receipt of a letter of acceptance from the Ministry of Tourism, Culture and Sport titled "Entry into the Ontario Public Register of Archaeological Reports: Archaeological Assessment Report Entitled, "Stage 2 Archaeological Assessment (Property Assessment) PowerStream Vaughan Transformer Station 4 Class Environmental Assessment 5400 Kirby Road, Lot 31, Concession 8, Former Township of Vaughan, York County City of Vaughan, Ontario", Dated Jul 14, 2014, Filed with MTCS Toronto

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Office on Aug 6, 2014, MTCS Project Information Form Number P392-0079-2014. The report recommends that the study area does not require further archaeological assessment and that it is free of further archaeological concerns. Cultural Heritage staff concur with the findings of the report and have no further concerns.

It is recommended, in areas that have been cleared of concern for archaeological resources, the following standard clauses be applied to this application:

- a) *Should archaeological resources be found on the property during construction activities, all work must cease and both the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan's Development Planning Department, Urban Design and Cultural Heritage Division shall be notified immediately.*
- b) *In the event that human remains are encountered during construction activities, the proponent must immediately cease all construction activities. The proponent shall contact York Regional Police, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services.*

#### Vaughan Development Engineering and Infrastructure Planning Department

The Vaughan Development Engineering and Infrastructure Planning Department (DEIP) is generally satisfied with the proposal, subject to approval of the final site grading and servicing plan, and stormwater management report, submitted in support of the Site Development Application. A condition to this effect is included in the recommendation of this report.

The Transportation Planning Division has also advised that pursuant to the City's Official Plan and Transportation Master Plan, Kirby Road is classified as a Minor Arterial road with a 36 m right-of-way (ROW) adjacent to the subject site at 5400 Kirby Road. The DEIP Department requires an 18 m road dedication to be conveyed to the City from the centreline of the ROW. A condition to this effect is included in the recommendation of this report.

#### Vaughan Financial Planning and Development Finance Department

The Vaughan Financial Planning and Development Finance Department advises that City, York Region, and Boards of Education Development Charges are applicable. A standard clause will be included in the Site Plan Letter of Undertaking to this effect.

#### Vaughan Environmental Services Department - Solid Waste Management Division

The Vaughan Environmental Services Department - Solid Waste Management Division has reviewed the subject proposal and has no comments.

#### Vaughan Real Estate Department

The Vaughan Real Estate Department has advised that the Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands, in accordance with Section 51 of the *Planning Act* and City of Vaughan Policy. The Owner shall submit an appraisal of the subject lands prepared by an accredited appraiser for approval by the Vaughan Office of the City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment. A condition to this effect is included in the recommendation of this report.

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Ministry of Transportation

The Ministry of Transportation Route Planning and Transit Initiatives Office has reviewed the proposal. In correspondence dated January 13, 2016, the Ministry of Transportation has advised that although a portion of the site is within the GTA West Study limits, it is outside of the Focused Analysis Area (FAA), and therefore the site plan application may proceed forward.

Toronto and Region Conservation Authority (TRCA)

The TRCA has acknowledged that the Owner has completed a Class Environmental Assessment (Class EA) study in accordance with the requirements of the Hydro One Class EA process for Minor Transmission Facilities and the site was selected as the preferred site for the proposed transformer station. Furthermore, the TRCA advised that portions of the subject lands are located within a TRCA Regulated Area of the Humber River Watershed under Ontario Regulation 166/06. TRCA has confirmed that the Proponent has submitted a permit application to the TRCA for review under Ontario Regulation 166/06.

The TRCA has no objection to the approval of the Site Development Application, subject to the following conditions:

- the Owner successfully obtains a permit under Ontario Regulation 166/06 from the TRCA for the proposed work;
- the Owner submit a revised Stormwater Management (SWM) Report to satisfy TRCA's requirements;
- the Owner submit revised Erosion and Sediment Control measures to satisfy TRCA's requirements;
- the Owner submit a revised landscaping plan with appropriate (native) planting to satisfy the TRCA's requirements;
- the Owner implement Low Impact Development (LID) measures to satisfy TRCA's requirements.

The Owner must satisfy all TRCA conditions prior to the execution of the Site Plan Letter of Undertaking, and prior to the completion of the transformer station. A condition to this effect has been included in the recommendation of this report.

Hydro One Networks Inc.

Hydro One Networks Inc. has reviewed the proposal. As the proposed facility is encroaching on a Hydro One high voltage transmission easement, the Owner is required to contact the Senior Real Estate Coordinator at Hydro One Networks Inc. to begin the process of acquiring an encroachment agreement.

As a precaution, Hydro One Networks Inc. advises the Owner that the transmission lines abutting this development operate at either 500,000, 230,000, or 115.00 volts. Section 188 – Proximity – of the Regulations for Construction Projects in the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20 feet) to the energized 500 kV conductor. The distance for a 230 kV conductor is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.

Hydro One Networks Inc. has also advised that the Owner is subject to conditions of approval. A condition to this effect will be included in the Site Plan Letter of Undertaking, should this application be approved.



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#### **Enbridge Gas Distribution**

Enbridge Gas Distribution has reviewed the proposal and has no objections to the application. The Owner is required to contact the Enbridge Gas Distribution's Customer Connections Department to discuss the installation and clearance requirements for service and metering facilities. Should any gas mains need to be relocated or any gas pipe installed on a temporary basis all costs shall be the responsibility of the Owner. Should any easement be required to service the proposed development, the Owner shall provide the easement to Enbridge Gas at no cost. A condition to this effect will be included in the Site Plan Letter of Undertaking, should this application be approved.

#### **Relationship to Term of Council Service Excellence Strategy Map (2014-2018)**

This report supports the following priority set forth in Term of Council Service Excellence Strategy Map (2014-2018):

- Invest, renew, and manage infrastructure and assets
- Continue to cultivate an environmentally sustainable city

#### **Regional Implications**

The York Region Community Planning and Development Services Department has reviewed the proposal and has no comments or objections.

#### **Conclusion**

Site Development File DA.15.053 has been reviewed in accordance with the policies of VOP 2010, the requirements of Zoning By-law 1-88, comments received from City Departments and external public agencies, and the surrounding area context. The Vaughan Development Planning Department is satisfied that the proposed development as shown in Attachments #3 to #6 inclusive conforms to the Provincial Greenbelt Plan and the City's VOP 2010, complies with Zoning By-law 1-88, and is appropriate and compatible with the existing and planned uses in the surrounding area. The proposed transformer station development will supply additional hydro capacity to the City of Vaughan and will also facilitate the ecological restoration of the northern parts of the property within the Greenbelt to the satisfaction of the City and TRCA. Accordingly, the Vaughan Development Planning Department can support the approval of Site Development File DA.15.053, subject to the conditions in this report.

#### **Attachments**

1. Context Location Map
2. Location Map
3. Partial Site Plan
4. Overall Site Plan
5. Elevation Plan
6. Landscape Plan

#### **Report prepared by:**

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)