

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 25, 2013**

Item 25, Report No. 32, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 25, 2013.

**25**

**SITE DEVELOPMENT FILE DA.13.027  
REGIONAL MUNICIPALITY OF YORK  
WARD 1 – VICINITY OF TESTON ROAD AND BATHURST STREET**

**The Committee of the Whole recommends:**

- 1) That the recommendation contained in the following report of the Commissioner of Planning and the Director of Development Planning, dated June 18, 2013, be approved;**
- 2) That York Region be requested to change the facility name to reflect the community that is housing it;**
- 3) That the Mayor and Regional Councillors take up this matter directly with Regional Council and staff;**
- 4) That the deputation of Mr. Antony Niro, Laurentian Boulevard, Maple, be received; and**
- 5) That the coloured elevation drawings submitted by the applicant be received.**

**Recommendation**

The Commissioner of Planning and the Director of Development Planning recommend:

1. THAT Site Development File DA.13.027 (Regional Municipality of York) BE APPROVED, to facilitate the development of a 907.33 m<sup>2</sup> pumping station building, a 136 m<sup>2</sup> chemical disinfection building, and a radio communication tower (approximately 31 m in height) as shown on Attachments #3 to #8 inclusive, subject to the following conditions:
  - a) that prior to the execution of the Site Plan Letter of Approval by the Vaughan Development Planning Department that may be approved in phases to allow the development of the site and two buildings to be constructed ahead of the radio communication tower that is subject to public consultation with the community in accordance with Federal regulation affecting telecommunication tower/antenna facilities:
    - i. the final site plan, building elevations, landscape plan and cost estimate, Arborist Survey and Report, and Tree Preservation Protection, Replacement and Enhancement Plan shall be approved by the Vaughan Development Planning Department;
    - ii. the final Oak Ridges Moraine conformity report shall be approved by the Vaughan Policy Planning Department, Environmental Section;
    - iii. the final site servicing and grading plan, erosion and sediment control plan, stormwater management report, and acoustic and vibration assessment report shall be approved by the Vaughan Development / Transportation Engineering Department;
    - iv. a Minor Variance Application for a reduction to the minimum interior side yard setback (east) from 15 m to 10.48 m shall be approved by the Vaughan Committee of Adjustment and the Committee's decision shall be final and binding; and,

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- v. the Region of York shall notify all owners/ratepayer associations within a distance of 250 m, and all neighbouring local municipalities within a distance of 500 m measured from the tower base and follow the public consultation process required by Industry Canada's Protocol (CPC-2-0-03) for regulating telecommunication facilities as adopted by the Region of York on April 23, 2009 and the City of Vaughan's Protocol for establishing telecommunication tower/antenna facilities that was adopted on June 23, 2003; and, such public consultation shall provide input into the final location of the radio communication tower.

#### **Contribution to Sustainability**

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

Goal 2: To ensure sustainable development and redevelopment.

- Objective 2.3: To create a City with sustainable infrastructure.

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

- i) all windows will have low-e double glazing;
- ii) heating for the pumping station and disinfection buildings will be provided by high efficiency natural gas and electric unit heaters; and,
- iii) all pumping station motors will be high efficiency motors.

#### **Economic Impact**

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

#### **Communications Plan**

The Region as the proponent of the radio communication tower will be required to undertake public notification and consultation with area residents and abutting municipalities (250 m and 500 m from the property, respectively) over the next few months in accordance with Industry Canada's Protocol (CPC-2-0-03) for regulating telecommunication facilities as adopted by the Region of York on April 23, 2009 and the City of Vaughan's Protocol for establishing telecommunication tower/antenna facilities that was adopted on June 23, 2003. The public consultation will provide input into the final location of the radio communication tower.

#### **Purpose**

The Regional Municipality of York has submitted Site Development File DA.13.027 for the subject lands (South Richmond Hill Reservoir) shown on Attachments #1 and #2, to facilitate the development of a 907.33 m<sup>2</sup> pumping station building, a 136 m<sup>2</sup> chemical disinfection building, and a SCADA (Supervisory Control and Data Acquisition) Radio Communication Tower (approximately 31 m in height) as shown on Attachments #3 to #8 inclusive.

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

##### **Location**

The subject lands shown on Attachments #1 and #2 are located on the north side of Teston Road, west of Bathurst Street, municipally known as 900 Teston Road, City of Vaughan.

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##### Official Plan and Zoning

The subject lands are designated "Estate Residential" by OPA #600, and further designated "Countryside" by OPA #604 (Oak Ridges Moraine Conservation Plan). The subject lands are designated "Oak Ridges Moraine Countryside" by the new Vaughan Official Plan 2010 (VOP 2010) that was adopted by Vaughan Council on September 7, 2010 (as modified on September 7, 2011, March 20, 2012, and April 17, 2012) and is pending approval from the Ontario Municipal Board. The proposed pumping station facility conforms to the Official Plans, specifically Section 10.15 of OPA #604, which provides for water service systems.

The subject lands are zoned A Agricultural Zone by Zoning By-law 1-88, subject to Exception 9(1176A). The Public Uses Section (3.10) of Zoning By-law 1-88, permits the use of any land in any Zone for a public use by the City, the Regional Municipality of York or other Government Authorities. The proposed pumping station and chemical disinfection building are deemed to be public uses and comply with Zoning By-law 1-88. Zoning By-law 1-88 requires that any building or structure used for a public use must comply with the minimum yard requirements set out in the By-law.

The proposal complies with the above requirements of Zoning By-law 1-88, save and except for the minimum easterly interior side yard setback. A minor variance application must be submitted by the Region and approved by the Vaughan Committee of Adjustment for a reduction to the east side yard setback from 15 m to 10.48 m for a portion for the pumping station building as shown on Attachment #3. The reduced side yard is considered appropriate given the one-storey height of the proposed pumping station building and the existing and proposed planting and hedgerow located along either side of the east property line, and will not impact the adjacent properties. Prior to final approval, the Committee of Adjustment decision must be final and binding.

The Radio Communication Act designates Industry Canada as the approval authority for all matters respecting telecommunication towers and antenna facilities. Federal regulations are not subject to Provincial policies, which include the Planning Act and Building Code Act. As such, telecommunication towers and antenna facilities are exempt from municipal official plans and zoning by-law requirements and site plan control (ie. no implementing Site Plan Agreement or Letter of Undertaking).

##### Site Plan Review

The Region of York is proposing to develop the South Richmond Hill Reservoir lands with a 907.33 m<sup>2</sup> pumping station building, a 136 m<sup>2</sup> chemical disinfection building, and a SCADA Radio Communication Tower that is approximately 31 m in height and will be used to communicate with the Region's three other towers located at the North Richmond Hill Reservoir, Jefferson Reservoir and Bayview Pumping Station.

The building elevations shown on Attachments #5 to #8 inclusive, consists of red brick veneer, grey / brown manufactured building stone, and grey split faced ledgeblock masonry units. The proposed roof is a prefinished green metal. The main entrance of the pumping station building is located on the east elevation and is an aluminum door with glass insets framed by manufactured stone. All remaining doors are made of galvanized steel with brushed stainless steel hardware. All windows will have thermally broken aluminum frames with low-e double glazing. All exhaust louvers will be prefinished aluminum and storm-proof. The ground floor of the pumping station, including the office, washroom, and main entry has been designed for barrier-free access. A total of 11 parking spaces are provided on site and situated on the north side of the pumping station building.

The landscape plan consists of a variety of deciduous trees and sodded areas, as shown on Attachment #4. Deciduous trees are proposed along the Teston Road frontage, on the east and

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west sides of the driveway, and south of the proposed chemical disinfection building. The Region is also proposing an approximate 6 m wide landscaped strip along the north, east and west sides of the parking area. The Development Planning Department has advised the Region that additional coniferous trees (White and Red Pines) need to be provided at the site entrance.

The Vaughan Development Planning Department will continue to work with the Region to finalize the details of the proposed development. The final site plan, building elevations, landscape plan and cost estimate, Arborist Survey and Report, and Tree Preservation Protection, Replacement and Enhancement Plan must be approved to the satisfaction of the Vaughan Development Planning Department. A condition to this effect is included in the recommendation of this report.

#### Industry Canada Protocol CPC-2-0-03/City of Vaughan's Telecommunication Tower/Antenna Protocol

The Region of York Planning Department undertook a review of its Telecommunication Facility Siting Protocol in light of Industry Canada's revised procedures for installing radio communication and broadcasting systems, which has been in effect since January 1, 2008. In 2008 and early 2009, the Region of York Planning Department met with area municipalities (including Vaughan) and industry stakeholders to update its Protocol. As a result, on April 23, 2009, the Region of York adopted Industry Canada's Protocol (CPC-2-0-03) outright to reduce redundancies and permit a more efficient and consistent approach for regulating telecommunication facilities, while providing an opportunity for local municipalities to determine individual procedures and protocols.

On June 23, 2003, the City of Vaughan adopted a protocol for establishing telecommunication tower/antenna facilities. In accordance with the City's Protocol, all new tower/antenna systems greater than 16.6 m in height (now 15 m as superseded by Industry Canada's Protocol, January 2008) require consideration by City of Vaughan Council. The proposed 31 m high SCADA communication tower exceeds the 15 m maximum height, and therefore, is subject to the Region's and the City's respective Protocols and site plan approval.

The City of Vaughan Protocol states that for telecommunication tower/antenna facilities proposed in rural areas the proponent must notify all owners/ratepayer associations within a distance of 250 m measured from the tower base. In addition, the Protocol also states that notification shall be given to the City of Vaughan Members of Council, the Commissioner of Planning, the City Clerk and to the Clerk and the Commissioner/Director of Planning of the Town of Richmond Hill, as this municipality is within 500m of the proposed facility. As the proposed SCADA tower is located within a distance of 250 m from existing residential uses as shown on Attachment #2, this application is subject to the Region of York and the City of Vaughan's respective public consultation process. The Region must satisfy the City of Vaughan and their own protocol for establishing telecommunication tower/antenna facilities with regard to Public Notification/Consultation requirements, as government bodies are not exempt under the Industry Canada Protocol.

The proposed location for the SCADA radio tower is near the northwest corner of the proposed pumping station building. The proposed tower is approximately 31 m high to the SCADA antenna and does not include the lightning rod and aircraft obstruction light that extends slightly higher. Given the residential properties to the north, east and south, as well as to the west, Development Planning Staff have asked the Region if the radio tower could be relocated further south of its current location to the mid-point of the property so that it is further away from the lots to the north. The Region responded that this should be determined through the public consultation process. Any relocation of the tower would require additional range/distance analysis to be undertaken as this tower needs to communicate with three other towers, which could delay the project and increase costs.

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In 2009, York Region updated the water supply master plan for the Region's water distribution system. The master plan update identified that improvements are necessary for Pressure Distribution Zones PD7, PD8 and PD9 and that a new pumping station would be required to deliver water to the Jefferson Reservoir. In order to complete the proposed West Richmond Hill Pumping Station and provide these necessary improvements to the water distribution system, the Region requires that this project go to tender in July 2013 with construction to commence a few months later. The Vaughan Development Planning Department will continue to work with the Region to finalize the details of the proposed site development and two buildings, which will be undertaken in two phases to allow the proposed buildings to proceed ahead of the radio communication tower. The location of the SCADA tower will be determined through the required public consultation process during the next few months and final approval will be given separately at a later date by the Vaughan Development Planning Department.

#### **Vaughan Policy Planning Department**

The Vaughan Policy Planning Department (Environmental Section) has advised that the subject lands are within 120 m of a natural heritage feature and a natural hydrological feature of the Oak Ridges Moraine. The Region is required to submit an Oak Ridges Moraine conformity report / statement to demonstrate consistency with all relevant Oak Ridges Moraine Conservation policies in OPA #604. A condition to this effect is included in the recommendation of this report.

#### **Vaughan Development/Transportation Engineering Department**

The Region has submitted a site grading and servicing plan, an acoustic and vibration assessment report, and a stormwater management report, which must be approved to the satisfaction of the Vaughan Development / Transportation Engineering Department. A condition to this effect is included in the recommendation of this report.

#### **Vaughan Real Estate Division**

The Vaughan Real Estate Division has confirmed that cash-in-lieu of parkland dedication is not required for this development as Region of York public use facilities are exempt from the City's Cash-in-Lieu Policy.

#### **Relationship to Vaughan Vision 2020/Strategic Plan**

##### **i) Lead and Promote Environmental Sustainability**

The Region will be incorporating the sustainable site and building features identified in this report.

##### **ii) Manage Growth and Economic Well Being**

The proposed public infrastructure facility implements the City's Growth Management Strategy as it complies with the in-effect Official Plan and Vaughan Official Plan 2010.

#### **Regional Implications**

The Region of York water supply master plan (2009) identified the requirement for a new pumping station to deliver water to the Jefferson Reservoir. The Region completed a Schedule B Class Environmental Assessment, which identified the subject lands (the South Richmond Hill Reservoir) as the preferred location for the new pumping station. The Region will be responsible for undertaking the required public notification and consultation for the radio communication tower as required by Federal regulation, and discussed earlier in this report.

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**Conclusion**

The Site Development Application has been reviewed in accordance with OPA #600 and OPA #604, Zoning By-law 1-88, comments from City Departments and external public agencies, and the area context. The Vaughan Development Planning Department is satisfied that the proposed pumping station building and chemical disinfection building are appropriate and compatible with the existing and permitted uses in the surrounding area. However, both the Region of York and City of Vaughan have adopted respective Protocol's for establishing telecommunication tower/antenna facilities with regard to Public Notification and Consultation, which must be completed prior to final approval of the location of the proposed SCADA radio communication tower. An Oak Ridges Moraine Conformity report must also be submitted for review, prior to final approval. The Development Planning Department can support the approval of Site Development File DA.13.027, subject to the conditions contained in this report.

**Attachments**

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. Elevations - Pumping Station
6. Elevations - Disinfection Building
7. Elevations - Radio Tower
8. Signage

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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.)