

Committee of the Whole (1) Report

DATE: Tuesday, February 04, 2020

WARD: 1

**TITLE: SITE DEVELOPMENT FILE DA.19.057
ALECTRA UTILITIES
VICINITY OF KIRBY ROAD AND KIPLING AVENUE**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To obtain municipal concurrence from the Committee of the Whole for Site Development File DA.19.057 for the Subject Lands shown on Attachment 2, for an existing 38.1 metre telecommunication tower, accessory shelter, and a proposed 7.52 metre extension to the existing tower, as shown on Attachments 3 to 6.

Report Highlights

- A 38.1 metre telecommunication tower and accessory shelter was constructed on the Subject Lands without municipal concurrence.
- The Proponent seeks municipal concurrence for a 7.52 metre extension to the existing 38.1 metre telecommunication tower (45.72 metres total height).
- The Development Planning Department supports municipal concurrence for the existing 38.1 metre telecommunication tower and accessory shelter, and the proposed 7.52 metre extension to the tower, as it conforms to Vaughan Official Plan 2010 and meets the requirements of the City of Vaughan Telecommunication Facility Siting Protocol.

Recommendations

1. THAT municipal concurrence be granted for Site Development File DA.19.057 (Alectra Utilities), to permit the existing 38.1 metre telecommunication tower and accessory shelter, with a proposed 7.52 metre extension to the tower, resulting in an overall height of 45.72 metres on the Subject Lands, as shown on Attachments 3 to 6, subject to the conditions in Attachment 1.

Background

The 1.36 ha Subject Lands ('the Subject Lands') as shown on Attachment 2, are municipally known as 5380 Kirby Road which is located on the north side of Kirby Road, west of Kipling Avenue. The Subject Lands are situated entirely within the Greenbelt Plan area, and portions of the Subject Lands are regulated by the Toronto and Region Conservation Authority (the 'TRCA'). The Subject Lands abut a Hydro Corridor to the west, the TransCanada Pipeline is located to the north and the east, and agricultural lands with one single detached home per lot, exists to the west of the Hydro Corridor, as shown on Attachment 2.

Vaughan Council approved Site Development File DA.15.053 on May 17, 2016, to permit the installation of a 150 MW transformer station on the Subject Lands which consists of a switchyard with high voltage disconnect switches, over-head bus-work, power transformers and a switchgear/control building, located adjacent to a Hydro One transmission tower and corridor to the west.

A 38.1-metre-high telecommunication tower and accessory shelter exists on the Subject Lands, which was constructed on August 15, 2017, and did not proceed through a municipal concurrence process.

A Site Development application has been submitted to permit the Development Alectra Utilities Ltd., formerly known as Powerstream Inc. (the 'Proponent') submitted Site Development File DA.19.057 (the 'Application') to seek municipal concurrence for a telecommunication tower with an overall height of 45.72 metres (38.1 metre existing telecommunication tower and 7.52 metre proposed extension), and an accessory shelter, as shown on Attachments 3 to 6. The Proponent is proposing to use the existing 38.1 metre telecommunication tower and proposes a 7.52 metre extension to support Alectra's WiMax Licensed point-to-multipoint communications network and their existing Smart Meter point-to-multipoint monitoring network for the electrical users within the geographical area. The telecommunication tower is located at the north end of the driveway on the Subject Lands. A full moves access to the Subject Lands is provided via Kirby Road with a total of 2 parking spaces to service the telecommunication tower and accessory shelter, as shown on Attachment 3.

Previous Reports/Authority

[Preceding Site Development File DA.15.053](#)

Analysis and Options

The proposed telecommunication tower and accessory shelter conforms to Vaughan's Telecommunication Facility Siting Protocol

Vaughan Council adopted the Vaughan Telecommunication Facility Siting Protocol on October 19, 2016, for establishing telecommunication tower/antenna facilities in the City. In accordance with the City's Protocol, new tower/antenna systems proposed by telecommunications carriers (as superseded by Innovation Science and Economic Development Canada ("ISED"), formerly Industry Canada's Protocol (June 2014), may require consideration by Vaughan Council prior to the City of Vaughan issuing a Statement of Concurrence or Non-Concurrence to the Proponent and to ISED.

In accordance with the Protocol, the Proponent attended a Pre-Application Consultation ('PAC') meeting with the Development Planning Department prior to submitting the Application. The Proponent has advised that the proposed telecommunication tower is required to address network gaps in the area and to support additional carriers in the future.

Public Notice was provided in accordance with Vaughan's Telecommunication Facility Siting Protocol

The City's in-effect Protocol (Section 4.2) states that applications for antenna systems (telecommunication towers) that are higher than 30 metres in height and located within 200 m from any residential zone, require full public consultation, City review and approval by Vaughan Council.

The proposed height of the telecommunication tower is 45.72 metres. Although the closest residential zone (RD4 Residential Detached Zone) is approximately 170 metres south of the Subject Lands, as shown on Attachment 2, the closest residential dwelling (in an "A Agricultural Zone") is located west of the Subject Lands, approximately 150 m southwest of the proposed telecommunication tower, which meets the above-noted criteria.

As set out in the Protocol, the Proponent is required to give notice to the following:

- a) All affected residential properties within the prescribed distance detailed below;
- b) All affected Ratepayer Groups within the prescribed distance;
- c) The Mayor, Regional Councillors and Local Councillor for the area; and
- d) ISED (Innovation, Science and Economic Development Canada) regional office.

The Protocol requires the Proponent to provide notice of a Public Information Session by mail to lands within a radius of 250 metres or three times the height of the proposed Antenna System, or whichever is greater. As the telecommunication tower is proposed to be 45.72 metres in height, a radius of 250 metres was used to establish the notification area, as shown on Attachment 2.

The Proponent also erected a notice sign along the south lot line abutting Kirby Road, in accordance with the Protocol. The Proponent placed a Public Notice in the local print media (i.e. Metroland Newspaper) on September 19, 2019.

The Proponent held a Public Information Session on October 16, 2019, at the Kleinburg Library from 6:00 pm to 7:00 pm to receive information from the public for the proposed telecommunication tower and accessory shelter. In accordance with the City's Protocol, notice for this meeting was provided by regular mail within a 250 m radius to all notified residents, a minimum of 30 days in advance of the Public Information Session. No residents attended the Public Information Session and therefore, there no specific concerns were raised for the proposed telecommunication tower, or the accessory shelter.

The telecommunication tower conforms to Vaughan Official Plan ('VOP 2010'), Zoning By-law 1-88 and the Greenbelt Plan.

The Subject Lands are designated "Natural Areas", "Agricultural" and "Infrastructure and Utilities" by Vaughan Official Plan 2010 ('VOP 2010').

Section 8.4.4 of VOP 2010 encourages the development of comprehensive high-speed telecommunications and data networks throughout Vaughan to contribute to economic competitiveness and support widespread access to such services. Section 8.4.4.2 encourages the co-location of telecommunication infrastructure to minimize the visual impact of telecommunications towers. The proposed telecommunication tower conforms to the telecommunication policies of VOP 2010.

The Subject Lands are zoned "A Agricultural Zone" by Zoning By-law 1-88. The *Radiocommunication Act* designates ISEDC 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*. Therefore, telecommunication towers and antenna facilities are exempt from municipal official plan policies, zoning by-law requirements and site plan control approval (i.e. no implementing Site Plan Agreement or Letter of Undertaking). However, the City of Vaughan in accordance with the Protocol, can grant municipal concurrence for the telecommunication tower.

The Subject Lands are located within the Greenbelt Plan Area. Infrastructure, specifically telecommunications infrastructure, is permitted in the Greenbelt Plan Area in accordance with Sections 3.5.6.1. and 3.5.6.2 of VOP 2010. The Proponent submitted a Greenbelt Conformity Report to demonstrate conformity with Infrastructure policies of the Greenbelt Plan. The proposed telecommunication tower will not impact the City's Natural Heritage Network "Core Features".

The Application has been reviewed and municipal concurrence can be supported, subject to the comments in this report

Site Plan Review

The existing 38.1 metre tower is located approximately 165 m north of Kirby Road, in the rear yard of the Subject Lands, as shown on Attachments 2 and 3. The Proponent is proposing to extend the height of the existing tower by 7.52 metres to achieve an overall height of 45.72 metres.

A 10 metre setback from the stable top of bank exists on the northeast portion of the Subject Lands (established through Site Development File DA.15.053) to protect environmental features within the TRCA's Regulated Area.

A full moves access to the Subject Lands is provided from Kirby Road. Two parking spaces are provided on the Subject Lands, including one space located adjacent to the proposed telecommunication shelter, to service the tower. Access to the telecommunication tower is provided via an internal driveway that connects to an existing shared driveway access from Kirby Road, as shown on Attachment 3. The western portion of the internal driveway is shared and located within Hydro One's right-of-way to service the hydro corridor.

The telecommunication tower is a tri-pole design, with each pole located 3.96 metres apart and sitting atop circular 76mm concrete foundations, as shown on Attachment 4. The tower material is CSA grade and is a non-reflective surface made of galvanized steel, in accordance with Section 6.0 of the Protocol. Shrouding was not considered in the design of the tower by the Proponent, as it would increase the tower's wind load and make the small antennas mounted on the tower appear larger.

The accessory shelter is 1.8 m by 2.4 metres and is located 7.62 metres away from the base of the telecommunication tower. The accessory shelter is 2.7 metres in height and 1.8 metres in width. The accessory shelter sits atop a cement foundation and is made of steel. A 2.44 metre chain link fence with barbed wire is also located along the perimeter of the Subject Lands to ensure public safety.

The Development Planning Department can support municipal concurrence for the telecommunication tower and accessory shelter, as it conforms to the Greenbelt Plan, VOP 2010 and the Protocol.

Cultural Heritage has no concerns with the telecommunication tower

Cultural Heritage staff have advised there are no built heritage concerns respecting the Subject Lands. However, the Subject Lands are in an area that has been identified as having high archaeological potential, and as such, recommends that 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 the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan Development Planning Department shall be notified immediately.

- b) In the event that human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.

The Development Engineering (“DE”) Department has no objection to the telecommunication tower

The DE Department has no objection to the telecommunication tower or accessory shelter being proposed for the Subject Lands.

The Ministry of Transportation has not provided comment on the telecommunication tower

The Application was circulated to the Ministry of Transportation Ontario (‘MTO’) in relation to the Northwest GTA Corridor Identification Study Area (‘Study Area’). A portion of the Subject Lands are located within the limits of the GTA West Corridor Study Area. To date, the Development Planning Department has not received comments from MTO confirming their interest in the telecommunication tower and accessory shelter on the Subject Lands.

Hydro One has no objection to the telecommunication tower, subject to requirements

A hydro corridor abuts the Subject Lands to the west. Hydro One has no objection to the proposed telecommunication tower and accessory shelter, provided that the easement that currently exists for the hydro corridor abutting the Subject Lands, is protected and maintained. The Proponent is also advised of the following: “the transmission lines abutting the Subject Lands operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the *Occupation Health and Safety Act*, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors 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”.

The Building Standards Department advised that the telecommunication tower is not required to obtain a Building Permit

The Building Standards Department identifies that telecommunication towers are not designated structures as set out in Article 1.3.1.1, Division A, Part 1 of the 2012 Ontario Building Code; and as such, a building permit is not required.

The Toronto and Region Conservation Authority (‘TRCA’) has no objection to the telecommunication tower

The Subject Lands are partially located within a TRCA Regulated Area. Development activities within regulated areas for radio communication and broadcasting antenna system providers are exempt from the regulatory approval process under Section 28 of the *Conservation Authorities Act*. The TRCA has no objection to the telecommunication tower or accessory shelter being proposed on the Subject Lands.

TransCanada Pipeline has no concerns with the telecommunication tower

The Application was circulated to TransCanada for review and comment as there is a high-pressure natural gas pipeline located in proximity to the Subject Lands, to the east and north. TransCanada has no concerns with the Application.

Financial Impact

Not applicable.

Broader Regional Impacts/Considerations

The Regional Municipality of York on April 23, 2009, adopted Industry Canada's Protocol (CPC-2-0-03) 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. The telecommunication tower and accessory shelter conforms to York Region's adopted Protocol. The York Region Community Planning and Development Services Department has no comments.

Conclusion

Site Development File DA.19.057 has been reviewed in consideration of the policies of The Greenbelt Plan, VOP 2010, the requirements of Zoning By-law 1-88, the City of Vaughan Telecommunication Facility Siting Protocol, ISEDC's Protocol for Radiocommunication and Broadcasting Antenna Systems, the requirements of City Departments and external public agencies, and the surrounding area context. The telecommunication tower and accessory shelter is in conformity with the Greenbelt Plan, the policies of VOP 2010, and the Protocol and is considered appropriate in terms of location, layout and design. Accordingly, the Development Planning Department can support the municipal concurrence for Site Development File DA.19.057.

For more information, please contact: Rebecca Roach, Planner, at extension 8626.

Attachments

1. City of Vaughan Conditions of Municipal Concurrence
2. Context and Location Map
3. Overall Site Plan
4. Partial Site Plan
5. Elevations - Existing Transformer Station
6. Elevations - Tower and Accessory Shelter

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