



Authorized commenting Agency for



February 15, 2024

Erica Alligood
Election & Committee Coordinator - Legislative Services

City of Markham
101 Town Centre Boulevard
Markham, ON, L3R 9W3

Via email: clerkspublic@markham.ca

Dear Erica Alligood:

**RE: Proposed Official Plan Review Work Plan
City of Markham**
MHBC File: PAR 50306

MacNaughton Hermesen Britton Clarkson (MHBC) are the planning consultants for TransCanada PipeLines Limited (TCPL). This letter is in response to the proposed work plan for the City of Markham's Official Plan Review. TCPL has two (2) high-pressure natural gas pipelines contained within a right-of-way ("easement") crossing the City of Markham.

TCPL's pipelines and related facilities are subject to the jurisdiction of the Canada Energy Regulator (CER) – formerly the National Energy Board (NEB). As such, certain activities must comply with the Canadian Energy Regulator Act ("Act") and associated Regulations. The Act and the Regulations noted can be accessed from the CER's website at www.cer-rec.gc.ca.

Policy Context

TCPL's pipelines are defined as Infrastructure in the Provincial Policy Statement (PPS). Section 1.6.8.1 of the PPS states that *'planning authorities shall plan for and protect corridors and rights-of-way for infrastructure, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.'* The Growth Plan (2020) also references the importance of protecting and maintaining planned infrastructure to support growth in Ontario.

Appropriate setbacks of buildings, structures and dwellings to the rights-of-way are needed to manage the safety and integrity of the pipelines, as well as ensuring adequate access for emergencies, operations and maintenance. Where possible, TCPL also seeks to implement official plan policies and zoning regulations that implement its guidelines.

In the York Region Official Plan (2022), TCPL's right-of-way travels through portions of the Urban Area and Agricultural System (Map 1 – Regional Structure). Section 6.73 of the York Region Official Plan includes the following TCPL policies:

"6.7.3 That local municipalities identify and include policies to protect existing and planned TransCanada Pipelines and facilities in accordance with the following:

- a. Early consultation with the utility provider;*
- b. That development within 200 metres of its pipelines and within 750 metres of a compressor station should be undertaken to ensure TransCanada Pipelines can assess potential impacts and provide recommendations to avoid adverse impacts; and,*
- c. That notwithstanding policy 6.7.7, use of rights-of-way should be limited to municipal open space uses."*

In the current City of Markham Official Plan (2014), TCPL's right-of-way is identified in Appendix E – Transportation Services and Utilities. Section 7.2.3.7 of the Markham Official Plan includes the following TCPL policies:

"To require the proponents of any development, redevelopment and site alteration adjacent to the TransCanada pipeline shown in Appendix E – Transportation, Services and Utilities, or a natural gas compressor station to:

- a) Obtain approval by TransCanada Pipelines where development, redevelopment or site alteration is located within the mandatory setback distance;*
- b) Locate buildings and structures as minimum setback from the pipeline right-of-way, as determined by TransCanada Pipelines and the National Energy Board;*
- c) Locate any accessory and temporary structures, landscaping and parking within the setback boundaries, subject to the approval of TransCanada Pipelines; and*
- d) Consult with TransCanada Pipelines where development, redevelopment and site alteration is located within 200 metres of the pipeline right-of-way or natural gas compressor station."*

To ensure conformity to the York Regional Official Plan and TCPL's current regulatory requirements, we request the following policies be included in the City of Markham's new Official Plan:

TRANSCANADA PIPELINE

- 1. TransCanada Pipelines Limited ("TCPL") operates high pressure natural gas pipelines within its rights-of-way which cross through the City, as identified on Appendix E to this Plan.*
- 2. TCPL is regulated by the Canada Energy Regulator ("CER"), which has a number of requirements regulating development in proximity to the pipelines, including approval for activities within 30 metres of the pipeline centreline (the "Prescribed Area").*
- 3. New development can result in increasing the population density in the area, and may result in TCPL being required to replace its pipeline to comply with CSA Code Z662. Therefore, the City shall require early consultation with TransCanada for any development proposals within 200 metres of its facilities (the "Class Assessment Area").*
- 4. A setback of 7 metres shall be maintained from the limits of the right-of-way for all permanent buildings and structures. Accessory structures shall have a minimum setback of at least 3 metres from the limit of the right-of-way.*

5. *A minimum setback of 7 metres shall be maintained from the limits of the right-of-way for any parking area or loading area, including parking, loading, stacking and bicycle parking spaces, and any associated aisle or driveway.*
6. *In the Urban Area, the City will encourage the use of TCPL's right-of-way for passive parkland or open space subject to TCPL's easement rights.*

We should also be notified of the following that may impact TCPL's facilities:

- Land use changes within 200m of the pipelines;
- Changes to transportation policies or road crossings of the right-of-way; and,
- Recreational open space uses, parks and trails in proximity to the pipeline right-of-way.

Thank you for the opportunity to comment. We look forward to participating in the City's Official Plan Review process. If you have any questions, please do not hesitate to contact our office

Sincerely,

MHBC

A handwritten signature in black ink, appearing to read "K. Webber".

Kaitlin Webber, MA
Planner | MHBC Planning

on behalf of TransCanada PipeLines Limited