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Authorized commenting Agency for



June 6, 2023

Official Plan Update Team

City of Richmond Hill
225 East Beaver Creek Road
Richmond Hill, ON
L4B 3P4

Via email: OPUpdate@richmondhill.ca

Dear Official Plan Update Team:

**RE: Official Plan Update Project
City of Richmond Hill
Our File: PAR 50196**

MacNaughton Hermsen Britton Clarkson (MHBC) are the planning consultants for TransCanada PipeLines Limited (TCPL). This letter is in response to the City of Richmond Hill's Official Plan Update Project. TCPL has three (3) high-pressure natural gas pipelines and associated facilities contained within a right-of-way ("easement") crossing the City of Richmond Hill.

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), the following policies apply to TCPL:

"It is the policy of Council:

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

- a. Early consultation with the utility provider;*
- b. That development within 200 metres of its pipelines and 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."*

Official Plan Update

Upon review of the City of Richmond Hill's Official Plan (Office Consolidation to January 2023), TCPL requests that the following policies be included in Section 3.1.9.7 Utilities:

- 1. TransCanada Pipelines Limited ("TCPL") operates high-pressure natural gas pipelines within its rights-of-way as identified on Schedule 1 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 Settlement Area for urban development, the City will encourage the use of TCPL's right-of-way for passive parkland or open space subject to TCPL's easement rights.*

It also appears that the TCPL policies in the North Leslie Secondary Plan are out-of-date. As such, we request the following amendments:

(~~red strikethrough~~ = deletion, green = addition)

9.7.2.5. Utilities and Telecommunications

- d. A TransCanada Pipelines Limited right-of-way crosses the North Leslie Secondary Plan Area. The *Canada Energy Regulator (CER) (formerly the National Energy Board)* has a number of requirements regulating development in proximity to the pipelines within the right-of-way. This includes approval requirements for certain activities within 30 metres of the right-of-way for such matters as excavation, blasting and movement of heavy equipment. The City shall require early consultation with TransCanada, or its designated representative, for any development proposals within 200 metres of its right-of-way.

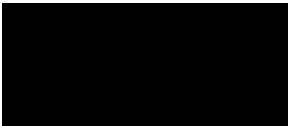
- e. A setback of 7 metres shall be required from the limits of the TransCanada Pipeline right-of-way for all permanent structures, ~~and~~ excavations and paved surfaces. A reduction in the 7 metre setback will be considered if it can be demonstrated, to TransCanada's satisfaction, that it will not compromise the safety and integrity of the pipeline and if all necessary municipal approvals are obtained.

Please note that TCPL has also recently submitted a letter in response to the City's Comprehensive Zoning By-law Project (attached) requesting the above-listed setbacks.

Thank you for the opportunity to comment. We look forward to reviewing the updated Plan. If you have any questions, please do not hesitate to contact our office at [REDACTED]

Sincerely,

MHBC



Kaitlin Webber, MA
Planner | MHBC Planning

on behalf of TransCanada PipeLines Limited

attach. Comprehensive Zoning By-law Project response letter, May 9, 2023