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Authorized commenting Agency for



May 29, 2023

City of Vaughan  
Office of the City Clerk  
2141 Major Mackenzie Drive  
Vaughan, ON, L6A 1T1

**C2**  
**COMMUNICATION**  
**COUNCIL – June 20, 2023**  
**CW (PM) - Report No. 26, Item 2**

Via email: [clerks@vaughan.ca](mailto:clerks@vaughan.ca)

**RE: Notice of Public Meeting, Committee of the Whole**  
**Official Plan Amendment File 26.18: Major Transit Station Areas**  
Our File: PAR 50194

MacNaughton Hermsen Britton Clarkson (MHBC) are the planning consultants for TransCanada Pipelines Limited (TCPL). This letter is in response to a notification and request for comments for the proposed Vaughan initiated Official Plan Amendment to delineate the Major Transit Station Areas (MTSAs) and identify minimum density requirements. TCPL has three (3) high-pressure natural gas pipelines contained within a right-of-way ("easement") within the Kirby MTSA.

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](http://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. TCPL also utilizes guidelines to reflect changes to standards, codes, regulatory and legal requirements, to protect its pipelines.

The City of Vaughan's Official Plan contains the following policies related to TCPL:

**"8.4.3.1.** *That, for development proposals within 200 metres of the pipeline right-of-way or compressor station, the City shall require the applicant to pre-consult early in the process with TransCanada or its designated representative. The pipeline right-of-way is shown on Schedule C.*

- 8.4.3.2 *That no permanent building or structure may be located within 7 metres of the pipeline right-of-way. A reduction in the 7 metres setback will only 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.*
- 8.4.3.3 *That no building or structure is permitted within 3 metres of the right-of-way. Accessory structures shall have a minimum setback of at least 3 metres from the limit of the right-of-way.*
- 8.4.3.4 *That regard shall be given to noise levels where development is proposed in close proximity to the TransCanada compressor station. A noise and vibration study, to be carried out by the proponent, may be required for development proposals within 750 metres of the compressor station. The study will determine if provincial guidelines can be achieved, and if necessary recommend appropriate mitigation measures.*
- 8.4.3.5 *That, where appropriate, the City will encourage the use of TransCanada's right-of-way for open space and trail purposes including an east-west open space link, subject to TransCanada's easement rights."*

In addition, the City of Vaughan's Zoning By-law 001-2021 contains the following provisions:

#### **"4.23 TransCanada Pipeline and Facilities**

1. *Notwithstanding any other requirements of this By-law, where any TransCanada pipeline is shown on Schedule B-5, the following requirements shall apply:*
  - a) *A minimum setback of 7.0 m shall be required from any part of a principle building or structure from the edge of the TransCanada pipeline easement.*
  - b) *A minimum setback of 3.0 m shall be required from any part of an accessory building or accessory structure from the edge of the TransCanada pipeline easement.*
  - c) *A minimum setback of 7.0 m from the nearest portion of a TransCanada pipeline easement shall also apply to any minimum required parking area or loading area, including any minimum required parking space, loading space, stacking space, bicycle parking space, and any associated aisle or driveway.*
  - d) *A minimum setback of 7.0 m shall apply to any minimum required amenity area.*
  - e) *A permitted encroachment of a structure or feature in accordance with Section 4.13 of this By-law shall not be permitted."*

#### **Kirby MTSA**

Due to the location of the Kirby MTSA, TCPL provides the following comments:

1. Increased population density associated with new development may require TCPL to upgrade its pipeline to comply with CSA Code Z662. This "Class Assessment Area" includes lands within 200 metres of the pipeline.
2. TCPL encourages early consultation regarding development plans to ensure compatible land use and conformity with TCPL's development guidelines and CER regulations.

3. Written consent from TCPL must be obtained before any of the following:
  - a) Constructing or installing a facility across, on, along or under a TCPL pipeline right-of-way. A facility may include, but is not limited to: driveways, roads, access ramps, trails, pathways, utilities, berms, fences/fence posts;
  - b) Conducting ground disturbance (excavation or digging) on TCPL's right-of-way or within 30 metres of the centreline of TCPL's pipeline (the "Prescribed Area");
  - c) Driving a vehicle, mobile equipment or machinery across a TCPL pipeline right-of-way outside the travelled portion of a highway or public road;
  - d) Using any explosives within 300 metres TCPL's right-of-way; and
  - e) Use of TCPL's Prescribed Area for storage purposes.

Thank you for the opportunity to comment. We look forward to reviewing the MTSA Official Plan Amendment. If you have any questions, please do not hesitate to contact our office at [TCEnergy@mhbcplan.com](mailto:TCEnergy@mhbcplan.com).

Sincerely,

**MHBC**



Kaitlin Webber, MA  
Planner | MHBC Planning

*on behalf of TransCanada PipeLines Limited*