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Authorized commenting Agency for



November 15, 2023

City of Hamilton
71 Main Street West
Hamilton, ON
L8P 4Y5

Via email: residentialzoning@hamilton.ca; aduteam@hamilton.ca

Dear Residential Zones Project Team:

**RE: Comprehensive Zoning By-law Review
Residential Zones Project
City of Hamilton
MHBC File: PAR 4322**

MacNaughton Hermsen Britton Clarkson (MHBC) are the planning consultants for TransCanada PipeLines Limited (TCPL). This letter is in response to notification of the Residential Zones Project for the City of Hamilton's Comprehensive Zoning By-law 05-200.

TCPL has two (2) high-pressure natural gas pipelines and associated facilities contained within rights-of-way ("easements") crossing the City of Hamilton. TCPL also has two Compressor Station facilities located in the City of Hamilton.

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 permanent and accessory structures 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. Where possible, TCPL also seeks to implement zoning regulations that implement its guidelines.

Comprehensive Zoning By-law 05-200 Text

Currently, setbacks that apply to TCPL's right-of-way are included in Section 4.23, Special Setbacks. To ensure conformity with TCPL's current standards and regulations, we request the text be amended as follows:

- a. A minimum setback of 7.0 m shall be required from any part of a building or structure from the edge of the TransCanada pipeline right-of-way.*
- b. A minimum setback of 3.0 m shall be required from any part of an accessory structure from the edge of the TransCanada pipeline right-of-way.*
- c. A minimum setback of 7.0 m from the nearest portion of a TransCanada pipeline right-of-way shall also apply to any parking area or loading area, including any parking spaces, loading spaces, stacking spaces, bicycle parking spaces, and any associated aisle or driveway.*

We request the Zoning By-law schedules show TCPL's pipelines and facilities. We can provide GIS shapefiles to the municipality; however, a confidentiality agreement will need to be entered into prior to releasing the files. Please let us know if you are interested in this option.

Incorporating TCPL's regulatory and development setback requirements into the City of Hamilton's Zoning By-law will improve awareness about the requirements for developing in proximity to TCPL's right-of-way. In addition, incorporating such setbacks will help to avoid situations where the City approves development in proximity to the right-of-way that cannot be approved by TCPL through its permitting process. A recent example of this is the Minor Variance application for 44 Hopkins Court (City File DN/A-23:209), where a reduced setback from a rear lot line was proposed to facilitate the development of a shed building. While TCPL requested that the shed be setback a minimum of 7 metres from the right-of-way, the Committee of Adjustment approved the variance with a condition that the landowner receive written consent approval from TCPL. Written consent cannot be provided by TCPL, as they cannot permit this shed within 7 metres of the right-of-way.

Thank you for the opportunity to comment. We look forward to reviewing the updated By-law. If you have any questions, please do not hesitate to contact our office.

Sincerely,

MHBC



Kaitlin Webber, MA
Planner | MHBC Planning

on behalf of TransCanada PipeLines Limited

February 16, 2024

Alana Fulford, Senior Planner
Zoning By-law Reform
Planning & Economic Development

City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5

Via email: alana.fulford@hamilton.ca

Dear Alana Fulford:

**RE: Comprehensive Zoning By-law Review – Low-Density Residential
City of Hamilton**
MHBC File: PAR 4322

MacNaughton Hermsen Britton Clarkson (MHBC) are the planning consultants for TransCanada PipeLines Limited (TCPL). This letter is in response to the Notice of Public Meeting for Amendments to the Urban Hamilton Official Plan and Zoning By-law 05-200 to implement changes to Low Density Residential Zones in the City of Hamilton. TCPL has two (2) high-pressure natural gas pipelines and associated facilities contained within rights-of-way ("easements") crossing the City of Hamilton. TCPL also has two Compressor Station facilities located in the City of Hamilton.

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.

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Appropriate setbacks of permanent and accessory structures 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 zoning regulations that implement its guidelines.

Further to our letter dated November 15, 2023 (attached), we have reviewed the proposed Zoning By-law Amendment and supporting materials. Of note, the Consultation Summary Report dated February 9, 2024 acknowledges our previous comments provided, and references the following provision in the Zoning By-law:

"4.23 SPECIAL SETBACKS

c) Setback from a TransCanada Pipeline Right-of-Way

All buildings or structures located on a property shall be setback a minimum of 10.0 metres from a TransCanada Pipeline Right-of-Way."

The above provision does not reflect TCPL's current setback requirements. As such, we request that provision 4.23 c) be revised as follows:

"4.23 SPECIAL SETBACKS

c) Setback from a TransCanada PipeLine Limited (TCPL) Right-of-Way

A minimum setback of 7.0 m shall be required from any part of a permanent building or structure from the edge of the TCPL pipeline right-of-way.

A minimum setback of 3.0 m shall be required from any part of an accessory structure from the edge of the TCPL pipeline right-of-way.

A minimum setback of 7.0 m from the nearest portion of a TCPL pipeline right-of-way shall apply to any parking area or loading area, including any parking spaces, loading spaces, stacking spaces, bicycle parking spaces, and any associated aisle or driveway."

Thank you for the opportunity to comment. Please forward the Notice of Decision and future study updates to TCEnergy@mhbcplan.com. If you have any questions, please do not hesitate to contact our office.

Sincerely,

MHBC



Kaitlin Webber, MA
Planner | MHBC Planning

on behalf of TransCanada PipeLines Limited