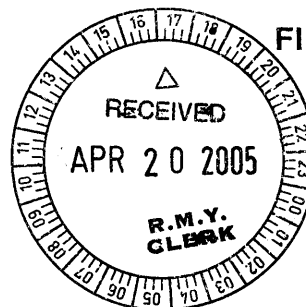


April 14, 2005

Mr. Denis Kelly
Regional Clerk
The Regional Municipality of York
17250 Yonge Street
Newmarket, ON L3Y 6Z1



REGION OF YORK
CLERK'S OFFICE

FILE No. -

1027

RE: **THE PROVINCIAL SECONDARY LAND USE PROGRAM
FOR HYDRO CORRIDORS (MI 475) (13.8)**

Dear Mr. Kelly:

This will confirm that at the meeting of Council on April 12, 2005, Clause 2 of Report No. 13, was approved as follows:

“That the staff report entitled “The Provincial Secondary Land Use Program for Hydro Corridors” dated April 5, 2005, be received;

And that the Province and Ontario Realty Corporation continue to support and prioritize transportation and infrastructure uses through and along the corridors to support planned growth and improvements;

And that the Province and Ontario Realty Corporation work in partnership with the Town and Rouge Park Alliance to protect Rouge River valley lands and associated buffers and promote ecological enhancements in the Hydro Corridors;

And that the Town review further opportunities for pedestrian linkages and bicycle trails through the proposed Town of Markham Pathways Master Plan and proposed Cycling and Pedestrian Advisory Committee and advise the Province and Ontario Realty Corporation accordingly;

And that the Town negotiate with Ontario Realty Corporation the long term protection and conveyance of the portion of the eastern remnant parcel identified in the draft Greenbelt Plan and identified as a potential Rouge Park linkage in the Eastern Markham Strategic Review (2003);

.....2/

And that staff be directed to review and incorporate appropriate secondary use policies for hydro corridor lands in the Official Plan, within the context of the next comprehensive Official Plan review;

And that prior to the Town formalizing any new arrangements for public uses within hydro corridors, further discussion take place with authorized public agencies, and in particular the York Region Medical Officer of Health, regarding issues of land use compatibility and possible impacts of hydro transmission corridors, and any appropriate conditions for use or notices to users;

And further that Ontario Realty Corporation, Ministry of Municipal Affairs and Housing, Rouge Park Alliance, Hydro One and the Region of York be forwarded a copy of the report.”

Sincerely yours,

A handwritten signature in cursive script, appearing to read "S. Birrell".

Sheila Birrell
Town Clerk

Sb:m



REPORT TO DEVELOPMENT SERVICES COMMITTEE

TO: Mayor and Members of Council

FROM: Jim Baird, Commissioner of Development Services
Valerie Shuttleworth, Director of Planning & Urban Design

PREPARED BY: Lilli Duoba, Senior Project Coordinator, Environmental Planning & Rouge Park

DTE OF MEETING: April 5, 2005

SUBJECT: The Provincial Secondary Land Use Program for Hydro Corridors (MI 475)

RECOMMENDATION

THAT the staff report entitled "The Provincial Secondary Land Use Program for Hydro Corridors" dated April 5, 2005, be received;

THAT the Province and Ontario Realty Corporation continue to support and prioritize transportation and infrastructure uses through and along the corridors to support planned growth and improvements;

THAT the Province and Ontario Realty Corporation work in partnership with the Town and Rouge Park Alliance to protect Rouge River valley lands and associated buffers and promote ecological enhancements in the Hydro Corridors;

THAT the Town review further opportunities for pedestrian linkages and bicycle trails through the proposed Town of Markham Pathways Master Plan and proposed Cycling and Pedestrian Advisory Committee and advise the Province and Ontario Realty Corporation accordingly;

THAT the Town negotiate with Ontario Realty Corporation the long term protection and conveyance of the portion of the eastern remnant parcel identified in the draft Greenbelt Plan and identified as a potential Rouge Park linkage in the Eastern Markham Strategic Review (2003);

THAT staff be directed to review and incorporate appropriate secondary use policies for hydro corridor lands in the Official Plan, within the context of the next comprehensive Official Plan review;

AND THAT prior to the Town formalizing any new arrangements for public uses within hydro corridors, further discussion take place with authorized public agencies, and in particular the York Region Medical Officer of Health, regarding issues of land use compatibility and possible impacts of hydro transmission corridors, and any appropriate conditions for use or notices to users;

AND FURTHER THAT Ontario Realty Corporation, Ministry of Municipal Affairs and Housing, Rouge Park Alliance, Hydro One and the Region of York be forwarded a copy of the report.

PURPOSE

The purpose of this report is to provide the Ministry of Municipal Affairs and Housing and Ontario Realty Corporation with Town comments regarding potential secondary municipal uses within the Ontario Hydro corridors identified through the Provincial Secondary Land Use Program (PSLUP) and to confirm actions related to the implementation of Secondary Use objectives.

BACKGROUND

Province establishes Provincial Secondary Use Program for Hydro One corridor lands

In June 2002, Bill 158, the Reliable Energy and Consumer Protection Act, which transferred the ownership of the Hydro One transmission corridor lands to the Province, received Royal Assent. In recognition of the new legislation and importance of corridors, the government established the Provincial Secondary Land Use Program (PSLUP). The Program is designed to identify municipal uses for the subject corridor lands once the requirements for the transmission of electricity have been satisfied (Figure 1). The new program differs from the past program by establishing a priority of public uses and formalizing the process. The PSLUP is the responsibility of the ORC.

The PSLUP prescribes a two year planning program. Extensions have been provided by the Province with the applicable deadline date now identified as May 31, 2005.

Potential Secondary Uses Identified and Prioritized

The PSLUP establishes principles to define the hierarchy of public land use principles. These include the following:

1. New public uses requiring contiguous integrity of the corridor (linear uses) have priority over other uses. Uses may include roadways, bus ways, light rail, recreational trails, pipelines and other utilities.
2. New public linear uses that serve provincial or inter regional purposes (transportation) have priority over local uses.
3. New non-linear public infrastructure uses (road crossings, commuter parking lots, parks and playing fields) have priority over private uses.
4. Multiple uses will be promoted whenever possible.
5. Interim uses (soccer fields and parking lots) will be allowed on contiguous corridors that may be required for future uses.
6. Non-linear public recreational uses will have priority over private uses where consistent with local practice.

Program Administration with Ontario Realty Corporation

Secondary uses within the hydro corridors will now be negotiated with ORC rather than Hydro One. Existing leases will continue until they expire at which time they will come under the government's Provincial Secondary Land Use Program. The Province will consult with municipalities before extending lease arrangements beyond five years or before considering any new ones.

Lease of Hydro One lands for secondary uses would be based on revenue producing potential of the potential public use. For non parkland uses, the proposed financial formula would be based on a formula of a percentage of market value (50% - 100%) multiplies by a fixed economic return plus property tax and maintenance of the lands by lessor. Wherever there is no ability to recover costs from the public a nominal rate is proposed to be charged. Easements would be available for public utilities. It is intended that pathway parks will continue to cost \$1 per year, with the municipality assuming the cost of maintenance and property tax of the park.

Environmental Assessment Process to Increase Power Supply Withdrawn, But Compatibility Issues Raised

The north-south corridor was subject to a Hydro One Class Environmental Assessment (EA) proposal initiated in 2004 to expand power transmission capacity to northern York Region. In June 2004, Council reviewed the Hydro One proposal and advised Hydro One that they oppose the routing option under consideration and that Hydro One explore alternatives. The Province announced in March 2005 that Hydro One is withdrawing its Class EA proposal in Markham – Aurora, and that the Ontario Power Authority is to undertake an integrated assessment of energy needs in York Region, and to include consideration of conservation, generation and transmission options to meet supply-demand requirements.

The opposition by the Town and local stakeholder groups to the Hydro One Class EA proposal has raised issues of land use compatibility and possible impacts of hydro transmission corridors on adjacent residential and public uses, including the possible health effects of exposure to EMFs (Electric and Magnetic Fields). Prior to the Town formalizing any new arrangements for possible public uses within hydro corridors, these compatibility and impact issues need to be further considered in consultation with authorized public agencies.

Not all Markham Corridor Lands subject to PSLUP

The PSLUP applies only to those lands previously owned by Hydro One and used for the transmission of electricity. The program does not apply to other provincially owned lands, surplus non-corridor lands or private lands over which Hydro One has an easement to run transmission lines. Any present or future interest that the Town may have in lands not subject to the PSLUP will need to be dealt with separately. The PSLUP lands in Markham are identified on Figure 1. For the purpose of our analysis and discussion the PSLUP lands have been identified into four sites:

- Site 1: North corridor from Whitchurch-Stouffville boundary to Markham Centre and Transformer Site to Steeles Avenue
- Site 2: Markham Centre
- Site 3: Transformer Site

Site 4: Highway 48 to east of Ninth Line at Steeles Avenue

Figure 2 identifies the four site locations.

DISCUSSION AND RECOMMENDATIONS TO THE PROVINCE

Official Plan recognizes potential secondary uses subject to Official Plan Amendment

The Official Plan designates the hydro corridors as Transportation and Utilities and Parkway Belt West. The Transportation and Utilities policies in the Official Plan identify consideration of secondary uses satisfactory to Ontario Hydro and compatible with adjacent land uses and subject to approval of an amendment to the Official Plan and an amendment to the Parkway Belt West Plan if necessary [policy 6.2k)]. The Parkway Belt West policies defer development policies to the Parkway Belt West Plan (July 1978). The Town's Official Plan also identifies opportunities to use the hydro corridor as a component of the Greenway System for passive recreational use and environmental enhancements.

The Official Plan policies also support the development of a linked Greenway System to support ecological functions, provide access to natural areas and to provide continuous trails across the municipality linking to Regional systems. The policies specifically encourage a cooperative program with Ontario Hydro to gradually establish trail sections of the hydro rights of way. The Town's policies are generally consistent with the secondary use priorities established by the Province with respect to public linear open space uses.

Given the formalized program now underway by the Province, it would be appropriate to introduce specific policies in the Official Plan to permit and guide appropriate secondary uses without the need for lengthy Official Plan Amendment process. It is recommended that staff should be directed to review the transmission corridor policies, within the context of the next comprehensive Official Plan review.

Existing Uses, Policies and Programs Affecting the PSLUP lands

The following discussion includes existing uses and existing policy and programs which affect the corridor lands.

Site 1: North corridor from Whitchurch-Stouffville boundary to Steeles Avenue excluding Markham Centre and Transformer Site

The north south hydro corridor lands are relatively narrow measuring approximately 42 metres in width. The corridor includes a private easement forming a portion of the corridor west of Woodbine Avenue. Within the corridor a few parking lots have been established through leases in the Apple Creek location (serving industrial uses and place of worship) and Steeles Avenue location (industrial and commercial uses).

In addition to the Hydro One Class EA process discussion on page 3, the southern portion of the north-south corridor south of Markham Centre is also subject to an Environmental Assessment process by the Region of York for the North South Rapid Transit Link. This EA process has not selected the hydro corridor as one of the preferred routes.

The Natural Features Study (1993) identified the entire north-south corridor as providing an opportunity to enhance the Town's Greenway System by providing pedestrian linkages. The Town is now embarking on a Pathway Master Plan which will also review opportunities within the hydro corridor for pathways and pathway linkages. The study is intended to commence in 2005. The Town's Town-Wide Bicycle System Study (1998) also proposes use of this corridor for pathways from Sixteenth Avenue to Personna Boulevard and from Steeles Avenue to Steelcase Road/Ferrier. It is intended that the recently formed Cycling and Pedestrian Advisory Committee will have the mandate to explore opportunities for possible enhanced use of the hydro corridor for bicycle paths, if deemed appropriate and supported by Council. Given that the corridor extends through rural lands in northern Markham it is particularly important that the Secondary Use Program not permit any uses that would preclude the future need of the corridor to support urbanizing uses such as transportation, utilities and recreational trails. It is recommended that the Town coordinate with the Province and ORC with respect to emerging recommendations affecting the corridor lands through the Pathways Master Plan and any recommendation, as may be endorsed by Council, through the Cycling and Pedestrian Advisory Committee.

It is expected that should urban expansion be contemplated in the future, road crossings and municipal utilities may be required to utilize or cross the hydro corridor. Potential road crossings are being identified in the work to prepare a Secondary Plan for the 404 North Planning District. The PSLUP priorities acknowledge and support public infrastructure needs. It is recommended that land and easements required for planned roads, transportation and infrastructure needs continue to be permitted and negotiated as a priority when required to service growth related needs in all corridors.

Site 2: Markham Centre

The hydro corridor running through Markham Centre currently contains some parking in the vicinity of Apple Creek to support existing industrial uses and overflow parking for a place of worship. The Markham Centre Greenlands Plan identified the Hydro corridor lands as a potential partnership area for natural area/restoration (between East Beaver Creek and Rouge River at the IBM site location) as well as the opportunity to provide public access. The hydro corridor provides a direct opportunity to connect East Beaver Creek and the Rouge River west of the IBM development. The Tridel development on the north side of Highway 7 has been approved to accommodate a pathway through the hydro corridor connecting the Rouge valley to the approved interior linear park and existing Millennium Park.

Official Plan Amendment No. 21 does not provide specific direction on the ultimate use of the corridor lands, but does outline design and open space principles which focus on continuous and connected pedestrian and bicycling routes. Markham Centre is in the implementation stage and the hydro corridor lands within the high density core will likely become an integral connecting linkage and should be protected from surface parking and other private uses. Given the significant population and employment targets for Markham Centre, the hydro corridors provide an opportunity for non-street pedestrian movement. It is recommended that the hydro corridor lands in the Markham Centre area be protected from non-public uses to allow for further consideration of pedestrian and linkage uses.

Site 3: Parkway Transformer Site

The Parkway Transformer Site has been approved for construction of a transformer facility which includes various easements to accommodate stormwater management ponds, drainage systems and arrangements for pathways and conveyance of any required lands needed for the future Miller Avenue extension. The transformer station integrates the corridor lands into the site plan. The corridor itself is predominantly stream enhancements, landscaping and pathways. Future encroachments into the Transformer site for busway and rapid transit purposes may be required and have been identified in various Provincial and Regional planning transportation planning documents. An easement for the future Miller Avenue extension has been secured through the site plan approval process.

Site 4: Highway 48 to east of Ninth Line at Steeles Avenue

The hydro corridor lands in eastern Markham measure approximately 210 metres in width. The main branch of the Little Rouge Creek crosses through the corridor. The lands immediately south of the corridor and west of Ninth Line have been recently purchased in partnership with the Town for Rouge Park purposes. The lands in the eastern portion of the corridor are currently being leased by Parkview Golf course. The Bicycle System Study identified a connection through the corridor to the Legacy Community on the north side of the corridor.

The Region is currently undertaking an Environmental Assessment process for the Markham By-pass, which may require the crossing of the corridor.

In addition to the corridor lands, two separate parcels of land previously owned by Hydro One are located abutting the corridor on the north side. The westerly parcel is being used by Parkview Golf Course. The easterly portion is located within the lands identified by the Province as Greenbelt area and subject to the Provincial Greenbelt Plan. A portion of this parcel was also identified as a 'Linkage Area' in the Eastern Markham Strategic Review and recommended to be conveyed and/or protected for open space purposes. The remainder of the parcel is part of a larger Provincial holding which was identified as lands that have potential for trade for a strategic corridor parcel located at Steeles Avenue. The property is identified on Figure 3. Although the parcel is outside of the PSLUP program, it is recommended that the Town explore opportunities with the Province and ORC to implement the objectives of the Eastern Markham Strategic Review as it applies to the surplus Hydro One parcel.

FINANCIAL CONSIDERATIONS

Lease of transmission corridor lands for secondary uses would be based on revenue producing potential of the potential public use. Wherever there is no ability to recover costs from the public a nominal rate is proposed to be charged. Easements would be available for public utilities. It is intended that municipal pathway or park use will be available at a nominal rate. Any maintenance costs would become the responsibility of the municipality. Any possible property tax implications would also need to be considered prior to formalizing any new arrangements. Town of Markham Finance staff advise that hydro corridors are subject to Provincial regulations that require payment of property tax based on acreage rather than assessed value.

ENVIRONMENTAL CONSIDERATIONS

The hydro corridors have been identified in previous planning documents as providing an opportunity to support ecological enhancements and passive recreational uses. Notwithstanding that ecological restoration and enhancements is not always seen as a compatible and complementary use given the potential conflict with transmission wires, careful design and selection of planning species can minimize the potential conflicts. Ecological restoration efforts must be carefully designed to ensure that vegetation planting do not conflict with transmission wires over time. The Regional Medical Officer of Health should be requested to comment on the appropriateness of pathways and public uses on hydro transmission consider lands, and any appropriate conditions for use or notices to users.

BUSINESS UNITS CONSULTED AND AFFECTED

Staff in the Community and Corporate Services Developments have been consulted on the Provincial Secondary Land Use Program.

CONCLUSION

The PSLUP program for hydro corridors represents a more formalized Provincial framework for dealing with proposals for public uses which are secondary to the transmission of electricity. The report recommends that land and easements required for planned roads, transportation and infrastructure needs continue to be permitted and negotiated as a priority when required to service growth needs. The PSLUP also supports the possible use of the hydro corridors for pedestrian and cycling pathways which is also identified as a potential use in the Town's Bicycle System Study (1998) and Natural Features Study (1993). Staff recommend that the hydro corridor lands in the Markham Centre be subject to further staff review regarding potential Town Centre uses consistent with high intensity use principles established for Markham Centre. The potential effects of EMFs (Electric and Magnetic Fields) on human health has been raised by the public and various stakeholders in response to the recent Hydro One Electric Power Supply EA process. The potential to expand public uses in hydro corridors should be considered in the context of input from the Regional Medical Officer of Health.

ATTACHMENTS: Figure 1: PSLUP Lands in Markham
Figure 2: PSLUP Site Areas
Figure 3: Surplus corridor lands for Protection/Conveyance

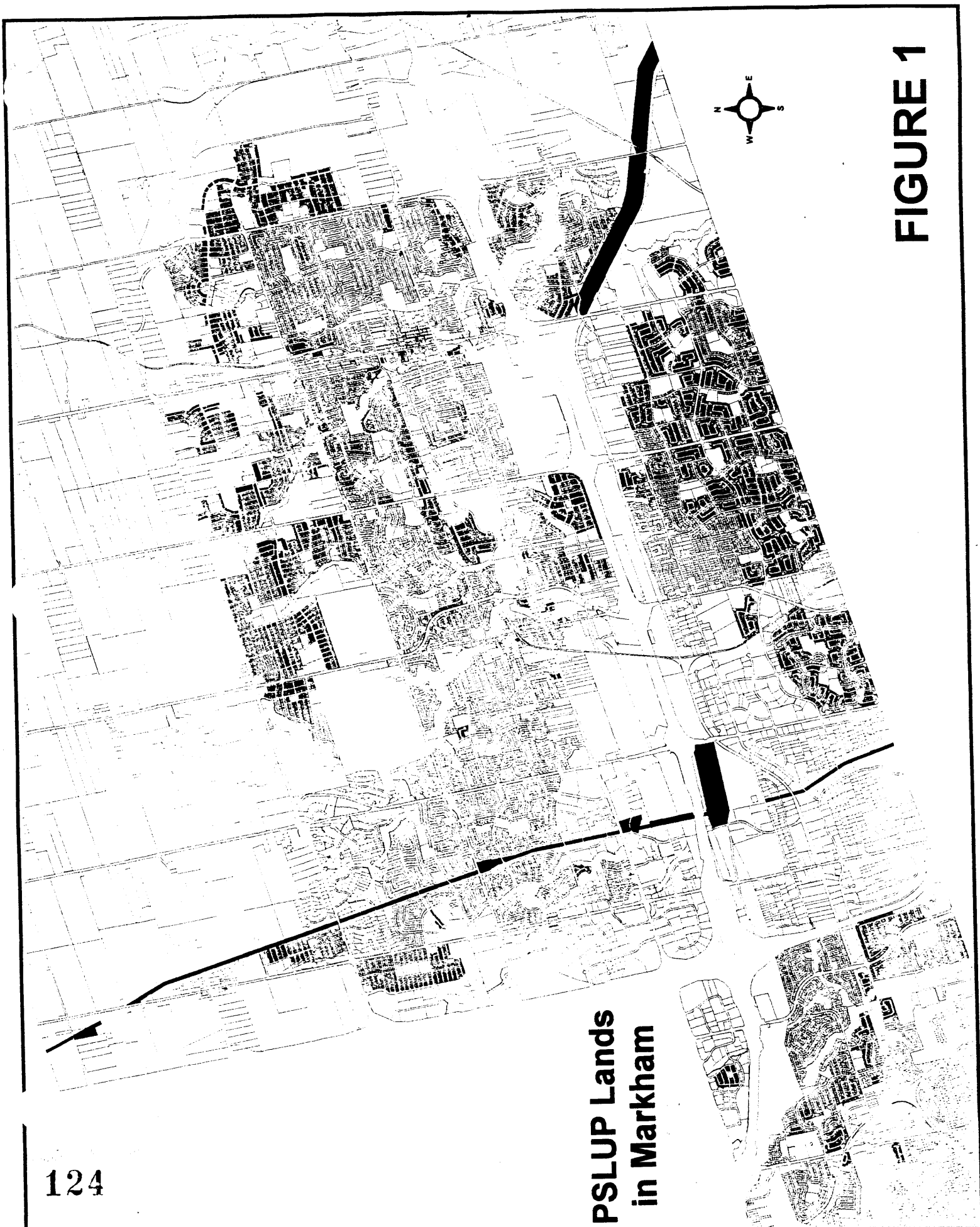
FILE PATH: Q:\Development\Planning\MISC\MI475 Hydro Corridor Lands\Hydro
Secondary Use DSC April 5.doc



Valerie Shuttleworth, M.C.I.P., R.P.P.
Director of Planning and Urban Design



Jim Baird, M.C.I.P., R.P.P.
Commissioner of Development Services



PSLUP Site Areas

- 1 - North Corridor
- 2 - Markham Centre
- 3 - Transformer Site
- 4 - Highway 48 / Ninth Line

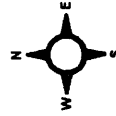


FIGURE 2

FIGURE 3

Surplus Hydro Lands for Protection Conveyance

