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### **PROVINCIAL HYDRO ELECTRIC TRANSMISSION CORRIDORS SECONDARY USES**

**The Transportation and Works Committee recommends the adoption of the recommendations contained in the following report, April 21, 2005, from the Commissioner of Transportation and Works and the Commissioner of Planning and Development Services:**

#### **1. RECOMMENDATIONS**

It is recommended that:

1. Regional Council support the use of electrical transmission corridors for secondary land uses on the basis of the public first principles established by Provincial Cabinet in 2002.
2. Regional Council continue to support the principle that these corridor lands not be sold, or if declared surplus for electrical transmission purposes, that the local and Regional municipalities be notified and given first opportunity to acquire the property.
3. Regional and local municipal interests in these corridors, as outlined in this report, be forwarded to the Ministry of Municipal Affairs and Housing for their information.
4. Leases to private firms or individuals for any remaining portions of these public rights-of-way be for a maximum period of ten years, unless specifically endorsed by the Region and local municipalities, and that the Region and local municipalities be notified on applications for renewal.
5. Notwithstanding, the present June 1, 2005, Provincial deadline for municipal declarations of interest, that municipalities be allowed to continue to declare their interests from time to time as community plans are prepared.
6. Copies of this report be forwarded by the Regional Clerk to the Minister of Municipal Affairs and Housing, the Minister of Transportation, the Ontario Realty Corporation and to the Clerks of the local municipalities in York Region, the City of Toronto, AMO, and other GTA Regions.

## **2. PURPOSE**

The purpose of this report is to declare to the Province, the range and extent of local and Regional municipal secondary land use interests for each of the electrical transmission corridors in York.

## **3. BACKGROUND**

Regional Council at its meeting of March 28, 2002, passed a resolution to the Province to recommend that hydro corridors remain in public ownership and ensure that public interests in the secondary use of hydro corridors have priority over private interests. These linear routes are priceless public assets and must remain in public ownership.

In June 2002, the “Reliable Energy and Consumer Protection Act, 2002” (Bill 58) received Royal assent. This act transferred ownership of approximately 50,000 acres of electrical transmission corridors from Hydro One to the Province effective December 31, 2002.

In December 2002, Cabinet established a framework (Public Use Principles) to guide decisions for secondary land use development. These rights-of-way are considered a valuable public asset and the principles established by Cabinet are based on a “Public First” hierarchy of priorities for secondary uses:

- That all corridors in public ownership remain in public ownership.
- Prime purpose shall be for electrical transmission.
- Public uses will have precedent over private uses.
- Continuous linear facilities will have priority over single site uses.
- Provincial interests will have priority over Regional interests, and Regional over local municipal interests.
- That there be cooperation at the municipal levels over all secondary uses.

Regional Council at its meeting of February 20, 2003, adopted Clause 3 of Report 2 of the Rapid Transit Public/Private Partnership Steering Committee which elaborated Regional interest for selected areas of the Hydro rights-of-way and directed staff to examine the broader uses of the remaining corridors for shared community land use development.

The Ministry of Municipal Affairs and Housing has been designated to coordinate the review of municipal interests on behalf of the Ontario Realty Corporation and Hydro One. This Ministry has required that each region in the GTA coordinate a single response outlining the detailed public interest that both the Region and all of the local municipalities under its jurisdiction have. They have specified a June 1, 2005, deadline for declarations of public interest after which time they intend to consider leases to private sector firms and individuals.

#### **4. ANALYSIS AND OPTIONS**

Provincial policy statements of 1996 (Section 1.3.3) and 2005 (Sections 1.6.3 and 1.6.6) make it clear that corridors and rights of way for public infrastructure will be protected. Furthermore, it should also be noted that the proposals for secondary uses contained in this report also conform to policy statement 4.2 that the actions of Councils be consistent with Provincial policy. The policies of Cabinet noted above are consistent with Regional and local municipal interests.

Notice was given by the Province in 2003 to all local and Regional municipalities for a two year review period to examine and prepare plans for long range public uses of each of the electrical transmission corridors. This two year review period ends on June 1, 2005. Notwithstanding this deadline, it is recognized that community needs and plans will continue to evolve and that from time to time further submissions for public uses will be submitted to the Province. These plan updates may then be used to determine the potential for further private sector leases and easements.

Private sector leases are largely related to surface parking and storage associated with adjacent property owners. There are also a number of instances of utilities easements for such installations as gas pipelines. It is believed that leases for private uses such as parking lots should only be for a limited time period to ensure that changing community needs may be considered over the long term time frame. A 10 year period for such leases would allow lessees a reasonable period to recoup any investment they may make for secondary use without precluding the public's ability to future use of the lands.

Public interests in the Parkway Belt corridor (between Highway 50 and Highway 48) is protected under the Parkway Belt Planning and Development Act and therefore the Province has declared that this corridor is outside the framework of this review.

There are four remaining major electrical transmission corridors through York Region (*Attachment 1*). For the most part each of these corridors run through rural areas which are currently protected under either the Greenbelt or the Oak Ridges Moraine Act legislation and are easements over private lands zoned for agriculture or open space.

##### **4.1 Regional Land Use Interests**

From a capital infrastructure standpoint, the Regional road system (*Attachment 2*), Regional water system (*Attachment 3*) and Regional wastewater system (*Attachment 4*) show where each facility uses or crosses each electrical transmission corridor. A more detailed description of the 146 local and Regional road sections that cross the hydro corridors is shown in *Attachment 5*. Notwithstanding this list, continuing development in the Region, as shown on the map of new communities (*Attachment 6*), will require new road, water, sewer, parks and other public infrastructure which need to be developed as a secondary use within or crossing each transmission corridor in these new subdivision

areas and use of emerging and future technologies such as fibre optics may also find an application within these corridors.

#### **4.1.1 Parkway Belt**

The transmission line along this corridor is not included in the review because it is protected for public purposes through the Parkway Belt legislation. The transmission line however does leave the parkway belt in two areas – for 2 km. north of Steeles Avenue between Jane Street and Keele Street and for approximately 2 km. in the rural area east of Highway 48 paralleling the CN rail line into Pickering.

The Region and the City of Vaughan both have an interest in the surface development of the corridor north of Steeles Avenue opposite York University for future subway station uses including commuter parking and for local roadways. In addition, a subsurface easement will also be required for the future subway extension to the Vaughan Corporate Centre.

The Region, City of Vaughan and City of Toronto through the TTC are currently undertaking the environmental assessment update for the Spadina Subway extension. As a result, there is a need to designate and protect the public interest in the entire transmission corridor between Jane Street and Keele Street. Further, there are a couple of alternative route alignments for the subway that may cross the transmission corridor either east or west of Jane Street. The final recommended alignment will not be determined until the end of 2005.

Elsewhere along this transmission corridor, the York Durham Sewage System and the Southeast Collector which twins this line are both built in this transmission corridor as permanent easements.

Finally, an environmental assessment study is currently underway for an extension of the new Markham By-pass which will cross this corridor at a point yet to be determined.

#### **4.1.2 Other Regional Interests**

Most of the remaining significant Regional interests are within the Parkway Belt corridor – particularly for parking to serve the YRTP and potential Yonge Street subway extension, the Highway 7 rapid transit plans and the proposed Highway 407 Transitway.

The other broad Regional and local municipal interest, which is more specifically a Provincial interest, is the possible use of portions of the Claireville to Essa Line right of way northwest of Woodbridge for the extension of Highway 427. No route for this extension has been determined yet.

## **4.2 Local Municipal Interests**

### **4.2.1 Markham to Armitage Line:**

This line runs approximately 35 km from Steeles Avenue to the Holland Marsh.

#### The Town of Markham

The Town has proposed two off-road trails:

- Approximately 5m wide from Steeles Avenue north 1km to Denison Street.
- Approximately 5m wide from north of Apple Creek Boulevard to Personna Boulevard.

#### Town of Richmond Hill

- No declared interest.

#### Town of Whitchurch-Stouffville

- No declared interest.

#### Township of King

- No declared interest.

#### Town of Aurora

- Entire corridor width north from Wellington Street to the Town boundary is currently under lease by the Town.

#### Town of Newmarket

- Has developed a bicycle and trail system plan which would require a 6m corridor throughout the usable portion of this corridor from the Town of Aurora boundary to north of Davis Drive and the spur line south of Mulock Drive. Several sections are currently leased to the Glenway and St. Andrew's golf clubs, to adjacent land owners north and south of Mulock Drive and to the Town itself as part of the Ray Twinney Recreation Complex.

The Town has already forwarded a report to the Province dated January 4, 2005 identifying their interests in the secondary use of this hydro corridor.

It should also be noted that both the Town of Aurora and the Town of Markham have expressed concerns about a Hydro One proposal to upgrade this line. Hydro One has since withdrawn the proposal in order to more fully investigate alternatives.

### **4.2.2 Claireville to Essa Line**

This line runs approximately 28km from Steeles Avenue to Highway 9 through the western part of Woodbridge parallel to Huntington Road/10<sup>th</sup> Concession.

City of Vaughan

- A long term plan for a trail system with variable corridor widths up to 8m has been proposed along virtually all of the electrical transmission corridors in the City (*Attachment 2*). In addition, the City has a number of existing municipal leases for stormwater ponds, active recreational area such as soccer fields and areas for natural heritage conservation.

Township of King

- No declared interest.

**4.2.3 Claireville-Pefferlaw Line**

This line – over 60km, runs diagonally through the Region from southwest to northeast. Most of this corridor is an easement from farms and is zoned agricultural or open space and protected under either the Moraine or Greenbelt Acts.

City of Vaughan

- *Attachment 2* identifies the proposed long term uses throughout the corridor.

Township of King

- No declared interest.

Town of East Gwillimbury

- No declared interest.

Town of Georgina

- No declared interest.

**4.3 Other Public Interests**

From a Regional perspective, the remaining public interest in the three hydro corridors will be to encourage use by GO Transit to either extend new facilities (ie. Havelock rail line to Seaton/Pickering Airport) or to provide additional parking facilities to complement the rail and bus network.

**5. RELATIONSHIP TO VISION 2026 AND THE REGIONAL OFFICIAL PLAN**

Section 6.5.6 of the Regional Official Plan supports “the multiple use of corridors for utility and transportation uses including trails and transit uses.” The Region’s Vision 2026 goal # 7 relates to ensuring an adequate infrastructure for a growing Region. The prime monitoring measures for this objective relate primarily to transit, road, water and wastewater systems provided by the Region directly. However, the secondary uses of the electrical transmissions corridors throughout the Region have always been considered an

effective opportunity to deliver support to rapid transit and the development of alternative travel modes to car use – such as bicycle and trail systems.

## **6. FINANCIAL IMPLICATIONS**

There are no immediate financial implications in declaring an interest in these corridor lands. This report is simply to serve notice and describe to the Province the range and extent of municipal interest identified at this point in time.

## **7. LOCAL MUNICIPAL IMPACT**

Several local municipalities have not responded concerning their possible long term use of these transmission corridors. Part of the problem lies with uncertain ownership of some parcels. Furthermore, although this review has been conducted from the broadest public framework, there may be future interests in other public sector areas such as school boards, libraries or hospitals which may be identified in the future. The general and specific uses therefore which have been identified in this report may, from time to time, be updated as community needs evolve.

## **8. CONCLUSION**

The public rights of way represented by these transmission corridors are considered critical public assets that must be retained in public ownership. The Public Use Principles and the “Public First” hierarchy of priorities adopted by Cabinet are fully supported and represent the best planning principles from the Region’s standpoint.

Although this report identifies specific proposals for public use as shown through the series of attachments, it does not represent an application for public use. Applications for use by the local municipalities and the Region will still need to be made on a case by case basis. The terms of leases and easements would be determined at that time based upon the proposed secondary uses and their revenue producing potential.

The Region and local municipalities presently have a number of permanent easements and limited time period leases. Each of these existing leases/ easements should be considered permanent long term public uses regardless of their current length of term. Detailed negotiations for further leases and/or public transfer of lands in these corridors would be based upon the priority for public uses identified earlier and the revenue producing potential of these lands as noted above.

The uses outlined in this report represent the current plans for Regional and local municipal secondary land uses. There is no conflict between Regional and local interests.

These interests have been identified to the best of current ability, but it should be emphasized that there is a general public interest in all rights-of-way.

The Senior Management Group has reviewed this report.

*(The attachments referred to in this clause are attached to this report.)*