

To:	Warden Halliday and Members of Grey County Council
Committee Date:	June 14, 2018
Subject / Report No:	Agreement to Permit a Transmission Line to Cross the CP Rail Trail / Report PDR-CW-24-18
Title:	Solar Transmission Line Agreement on the CP Rail Trail
Prepared by:	Scott Taylor
Reviewed by:	Randy Scherzer
Lower Tier(s) Affected:	City of Owen Sound
Status:	Recommendation adopted by Committee of the Whole as presented as per Resolution CW156-18; Endorsed by County Council on June 28, 2018.

Recommendation

1. That Report PDR-CW-24-18 be supported to consider an agreement with Biidaaske Inc. for the purposes of allowing a portion of the County's CP Rail Trail to be utilized for a power transmission line crossing along with three (3) associated hydro poles, to support the neighbouring solar power facility; and
2. That Biidaaske Inc. be permitted to proceed with the works following the June 14th, 2018 Committee of the Whole meeting, prior to Council's consideration of the by-law; and
3. That a by-law to adopt the Agreement be prepared for consideration by County Council.

Executive Summary

The County has received a request from Grasshopper Solar Corporation on behalf of Biidaaske Inc. to permit a transmission line across the CP Rail Trail in Owen Sound. Three hydro poles are proposed on the County's lands, for a twenty-year timeframe, in order to facilitate a hydro transmission line crossing the trail, to support a nearby solar development on City of Owen Sound lands. County staff have had an agreement drawn up by our County solicitor, and the proponent has agreed in principle to the terms. County staff are recommending approval of the agreement.

Background and Discussion

County staff received a request from Grasshopper Solar Corporation to install hydro poles on the County's CP Rail lands, off the travelled portion of the trail. At the time when the County received this request, the County discovered that the proponent had already installed the poles on County lands, and had been using the trail as access without our permission. One of the three poles will need to be relocated slightly in order to ensure the future safety of trail users. The proponent has since ceased further work on this project pending an agreement with the County. The proposed agreement will span a twenty-year timeframe. The hydro poles, and overhead crossing of the trail by the transmission line, are required to permit a solar development on nearby City of Owen Sound lands by Biidaaske Inc.

The subject lands are in the northeast end of Owen Sound, near the Kiwanis Soccer Complex and 9th Avenue east. Aside from the sports fields, the surrounding lands include a mixture of vacant and occupied residential and industrial lands. Map 1 below shows the subject lands and surrounding area, while Map 2 shows the poles and the proposed transmission lines.



Map 1: Airphoto of the Subject Property and Surrounding Lands



Map 2: Proposed Transmission Line

The draft agreement attached to this report would protect the County from a liability perspective, while still allowing for the multi-use CP Rail Trail to continue. The proponent will also have the ability to access and maintain their transmission line and poles. There are clauses in the agreement, and securities in place to allow for the County to rehabilitate the lands, should the proponent abandon the project in the future.

The Planning department has worked closely with staff from the Grey Sauble Conservation Authority (GSCA), who are contracted to maintain the County's trails. Advice has also been sought from Clerks and Transportation Services staff who have more technical knowledge on infrastructure crossings in this regard. County Planning staff have also been in contact with City staff, as the neighbouring Owen Sound lands will house the solar panels. The solar panels have already been installed, and the last step in this process is to connect the transmission line to start producing and transmitting electricity.

The County has maintained the CP Rail Trail, both as a multi-use trail, but also as an infrastructure corridor throughout the County. Other agreements are in place that permit sewers, gas lines, and broadband fibre crossing or running along the trail. Allowing for this transmission line across the trail would be consistent with the County's objectives for the trail in this regard. Subject to the relocation of pole number two, the transmission line and poles would not appear to have any negative impact on the trail.

The proponent is eager to move forward with this project, and has requested that the Committee of the Whole consider granting them the ability to continue works on the County lands, in advance of the by-law going to County Council. The recommendation in this report has been drafted to consider either approving or refusing this option.

Legal and Legislated Requirements

The agreement was drafted by the County's solicitor, and reviewed by the Clerks and Transportation Services departments. The draft agreement contains the requisite indemnity and insurance clauses needed to adequately protect the County's interests, including minimizing any risk, while allowing for the continuation of the trail use.

Financial and Resource Implications

There are no anticipated financial or staffing considerations associated with the proposed agreement. The legal fees associated with this agreement are to be paid by the proponent, and securities will be collected to ensure the lands are rehabilitated properly following the cessation of the agreement.

Relevant Consultation

- Internal: Clerks Department, Transportation Services, Grey Sauble Conservation Authority contract staff
- External: County Solicitor and City of Owen Sound

Appendices and Attachments

[Draft Transmission Line Agreement](#)

[Draft Agreement Schedule A](#)

Respectfully submitted by,

Scott Taylor, Senior Planner