



## **STAFF REPORT**

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**Meeting Date: September 12, 2022**

**Title: Unaddressed Lands West of Boozhoo, Declare Surplus**

**Prepared By: Benito Russo**

**Department:** Building and Planning

**Report Number: Building & Planning-2022-015**

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### **Recommendation:**

THAT a portion of vacant City owned lands, currently unaddressed, located West of Boozhoo Avenue, partially described as, CON 6 PT LOT 3 RP23R9946 PTS 1 2 4 TO 8 PCL 41708 & 42615 DKF NORTH be declared surplus; and,

THAT the property be placed for sale in accordance with the City's Land Acquisition and Disposition Policy.

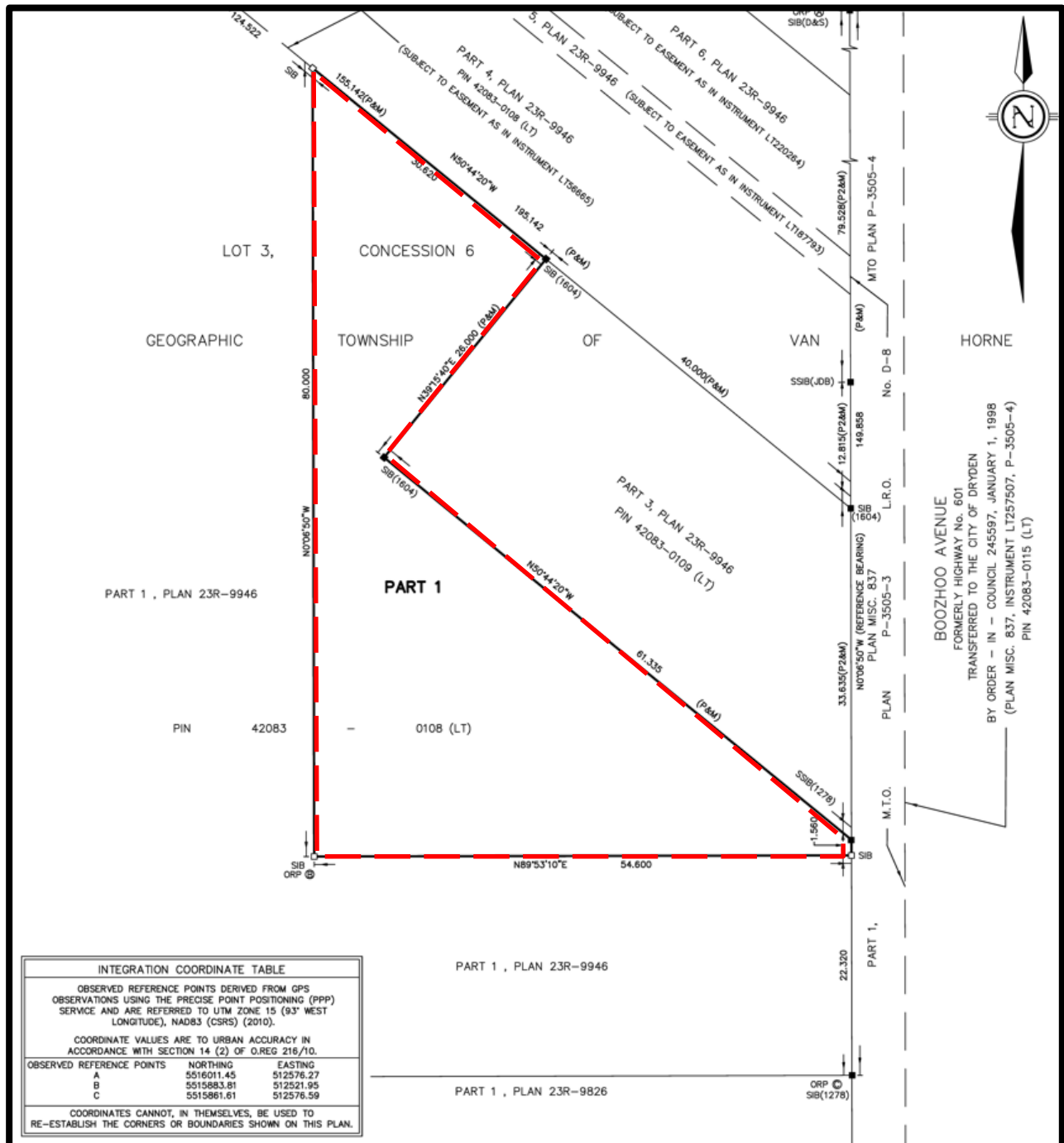
### **Background:**

The subject lands are approximately 0.183 hectares (1,830 square meters) in size, currently vacant and have been in the possession of the City of Dryden at least since 1998. There are no municipal services currently servicing the subject lands and no future installations are currently planned. Located immediately adjacent to the subject lands is the TransCanada natural gas pipeline, which has a required non-development setback of 20 meters to protect the integrity of the pipeline infrastructure. As such, substantial development of the subject lands in their current state is both limited and restrictive.

City staff have been approached by a natural gas company, that currently distributes gas to the residents of the city, to secure the subject lands to facilitate needed improvements of the public utility pipeline service station.

The service station is located on the immediately adjacent lands to the East, allowing for a natural expansion of the service station lands.

**Figure 1.** Unaddressed Lands West of Boozhoo Avenue (Part 1)



## Official Plan

The lands are currently designated as Rural in the City of Dryden Official Plan. Rural areas include a variety of agricultural, residential, industrial, and open space uses.

Section 5.10 of the Official Plan details considerations for Land Use Compatibility. As much as possible, land use conflicts should be avoided. The encroachment of sensitive land uses (such as residential uses, educational and health facilities, and day care centres) and major facilities (including industries, transportation/transit/rail infrastructure and corridors, sewage treatment facilities, waste management systems resource extraction activities and gas pipelines) on one another is discouraged.

No sensitive land uses are located in the immediate surrounding area that would be impacted as a result of the intended surplus declaration and future consolidation of lands.

Section 5.19 of the Official Plan contains policies relating to TransCanada Pipelines. This includes:

- National Energy Board approval requirements within 30 meters of the pipeline for any activities related to excavations, blasting, or movement of heavy machinery.
- Early consultation requirements for any development proposals within 200 meters of the pipeline.
- Non-development setback of 20 meters from the pipeline right-of-way for all permanent structures and excavations.
- New development can result in increasing the population density in the area which may result in TransCanada being required to replace its pipeline to comply with CSA Code Z662.

Based on the applicable policy in the Official Plan substantial development of the subject lands, outside of TransCanada pipeline installations, presents limited development opportunities. Further, that over the lifetime of the pipeline future works would be needed to support development expansion in the City of Dryden. As such, declaring the subject lands surplus would assist in supporting the overall future development of the City of Dryden.

## Zoning By-law:

The subject lands are currently zoned Rural (RU) in The City of Dryden Zoning By-law. Under section 3.18.1 detailing Public Services the City of Dryden Zoning By-law states that:

*"The provisions of this By-law shall not apply to prohibit the use of any lot or the erection or use of any building or structure for the purposes of public uses provided by the City, or any Public Authority including any Department or*

*Ministry of the Government of Canada or Ontario or any Conservation Authority established by the Government of Ontario and, for the purposes of this Section, shall include, among others, any natural gas distribution system operated by a Company*

*distributing gas to the residents of the City, which company possesses all the necessary powers, rights, licenses and franchises."*

As such, the Zoning of the subject lands is a non-issue if the City were to declare the subject lands surplus and undergo disposition of the lands for the purpose of supporting the natural gas distribution system. This provision in the Zoning By-law as public services may transverse a large geographical area and placement is generally not based on Zoning but preferred location in relation to populations and natural features.

### **Discussion:**

As per the City of Dryden's Acquisition and Disposition of Land Policy Section 183-10 B (Exceptions), land located in areas lacking municipal services is to be retained by the City, unless the declaration and potential sale of the subject lands is identified as a special circumstance. For the purposes of improving a public utility service, in which no impacts are anticipated, and no municipal servicing is required to facilitate the development, can constitute as a special circumstance.

The Land Development Committee is recommending that the subject lands be declared surplus in accordance with the City's Acquisition and Disposition of Land Policy to continue to pursue the identified potential land sale opportunity. Staff will be undertaking a market valuation (sale) for the property once it is declared surplus.

### **Notice Provisions:**

There are notice requirements pursuant to the City's Public Notice Policy and the Land Acquisition and Disposition of Land Policy to advise that the City intends to declare surplus a portion of the property located West of Boozhoo Avenue. The City will be issuing a public notice on the City's website indicating Council's intention to declare this surplus at the September 26th regular Council meeting if Council provides that direction.

### **Financial Implications: TBD**

**Current Budget Allocation: N/A**

**Account #: N/A**

### **Attachments (Reference Material):**

- Draft Reference Plan – Submitted by Enbridge Inc. – Prepared by Tulloch Geomatics Inc – Dated August 05, 2022
- Draft Public Notice to Declare Lands Surplus – Prepared by Benito Russo on behalf of the Land Sale and Development Committee of the City of Dryden – Dated September 13, 2022