



## City of North Bay Report to Council

Report No: CSBU-2022-017

Date: March 10, 2022

Originator: Peter Carello – Senior Planner, Current Operations

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Redline Amendment Request – McLean Road Subdivision

Closed Session: yes  no

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### Recommendation

1. That Council approve the request by Miller & Urso Surveying Inc. on behalf of the property owner, 2029562 Ontario Limited, to revise the Draft Plan of Subdivision (Subdivision File No. 48T-90102 (formerly 48T-87108)) as legally described in Appendix A to Report to Council No. CSBU 2022-017 be approved, as shown on the revised Draft Plan of Subdivision submitted by Rick Miller, OLS, attached hereto as Schedule C to Report to Council No. CSBU 2022-017.
2. That the new Condition of Approval requested by TransCanada Pipeline attached hereto as Appendix B be added to the existing list of Conditions of Approval.

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### Background

The subject property is located at the end of McLean Road, which is a short road that serves as the southerly extension of Sage Road. A previous owner received approval from City Council for a twenty-three (23) lot plan of subdivision in 1990.

Subdivision approvals from that time period did not have expiration dates. This approval from 1990 remains in place.

Miller & Urso Surveying Inc. on behalf of the current property owner, 2029562 Ontario Limited, has requested an amendment to the Draft Plan of Subdivision to reconfigure the manner the lots are laid out. The net effect of the requested changes would reduce the total number of lots in the subdivision from 23 lots down to 22 lots. This will be accomplished by merging 4 lots into 2 larger lots

and adding 1 new lot where there is currently a road allowance that is no longer necessary. The redlined draft plan is attached as Schedule B and C attached hereto.

Staff have reviewed the requested redline amendment and have no objections to the proposed change to the Draft Plan of Subdivision. The road allowance that is being removed leads to a property that is unlikely to develop at any point in the future, due to environmental constraints (Provincially Significant Wetlands surrounding Depensiers Lake).

The request was circulated to all internal municipal departments and external agencies that comment on subdivisions. No concerns were received, though TransCanada PipeLines Ltd. has requested that the City amend the Conditions of Approval to modernize the wording of their easement requirements. Staff has no concerns with TransCanada PipeLines revised wording, which is attached to this report as Appendix B.

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### **Financial/Legal Implications**

None at this time. The Owners will be required to enter into further agreements with the City of North Bay for pre-servicing of this subdivision and a subdivision agreement at the time of the request for final approval.

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### **Corporate Strategic Plan**

- |                                                                |                                                         |
|----------------------------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> Natural North and Near                | <input checked="" type="checkbox"/> Economic Prosperity |
| <input checked="" type="checkbox"/> Affordable Balanced Growth | <input type="checkbox"/> Spirited Safe Community        |
| <input type="checkbox"/> Responsible and Responsive Government |                                                         |

### **Specific Objectives**

- Facilitate the development of housing options to service the entire community, with consideration to socio-economic characteristics of the community.
- Facilitate the development of housing options to service the needs of the community.

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### **Options Analysis**

Option 1: Approve the request to amend the Draft Approved Plan of Subdivision, with the addendum to the Conditions of Approval as established in Appendix B to this report.

Option 2: To deny the requested redline amendment request

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### **Recommended Option**

Option 1 is the Recommended Option.

1. That Council approve the request by Miller & Urso Surveying Inc. on behalf of the property owner, 2029562 Ontario Limited, to revise the

Draft Plan of Subdivision (Subdivision File No. 48T-90102 (formerly 48T-87108)) as legally described in Appendix A to Report to Council No. CSBU 2022-017 be approved, as shown on the revised Draft Plan of Subdivision submitted by Rick Miller, OLS, attached hereto as Schedule C to Report to Council No. CSBU 2022-017.

2. That the new Condition of Approval requested by TransCanada Pipeline attached hereto as Appendix B be added to the existing list of Conditions of Approval.

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Respectfully submitted,

Name: Peter Carello, MCIP, RPP

Title: Senior Planner, Current Operations

**I concur with this report and recommendation**

Name Beverley Hillier, MCIP, RPP

Title: Manager, Planning & Building Services

Name Ian Kilgour, MCIP, RPP

Title: Director, Community Development and Growth

Name David Euler, P.Eng., PMP

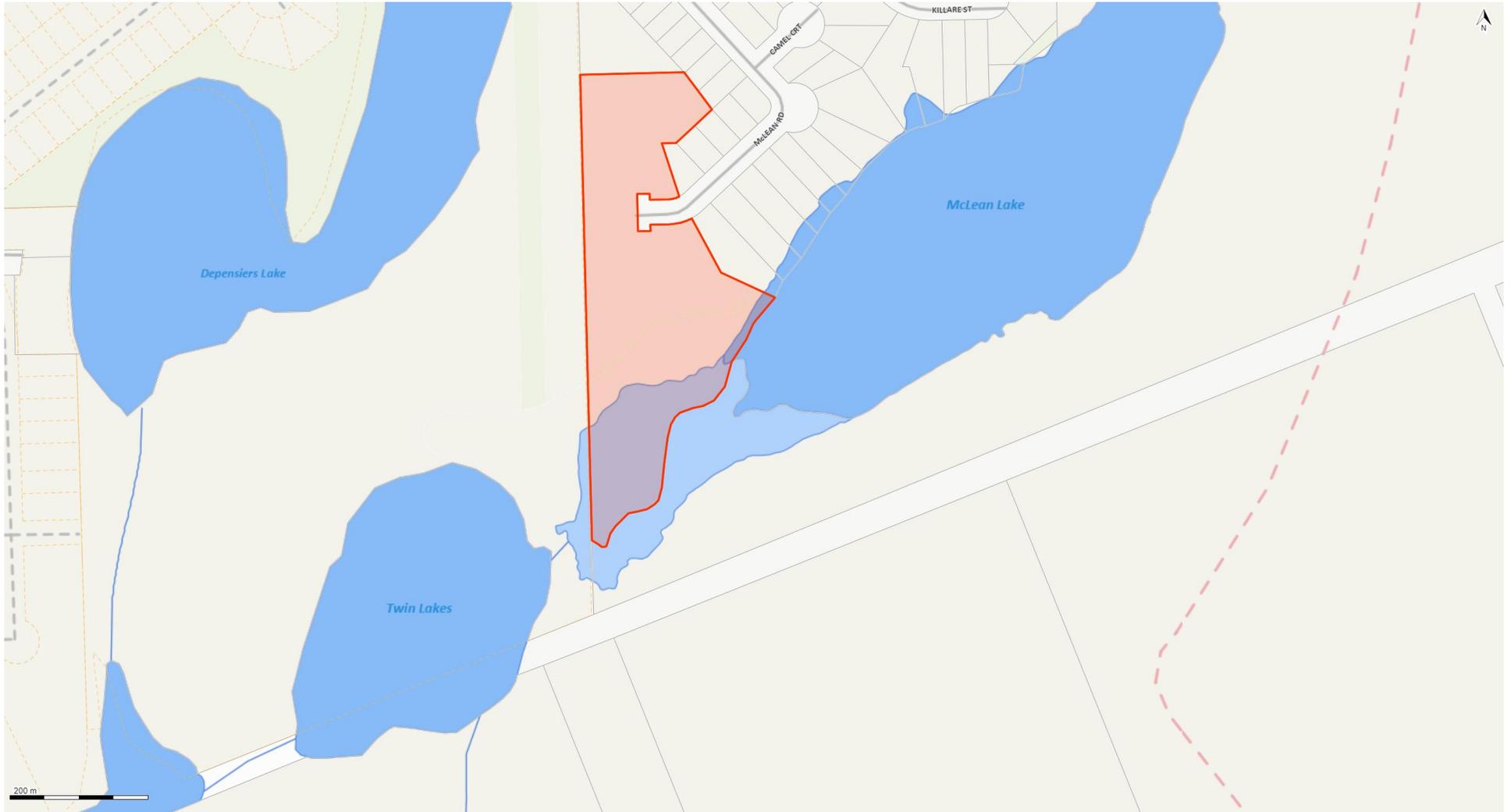
Title: Chief Administrative Officer

Personnel designated for continuance:

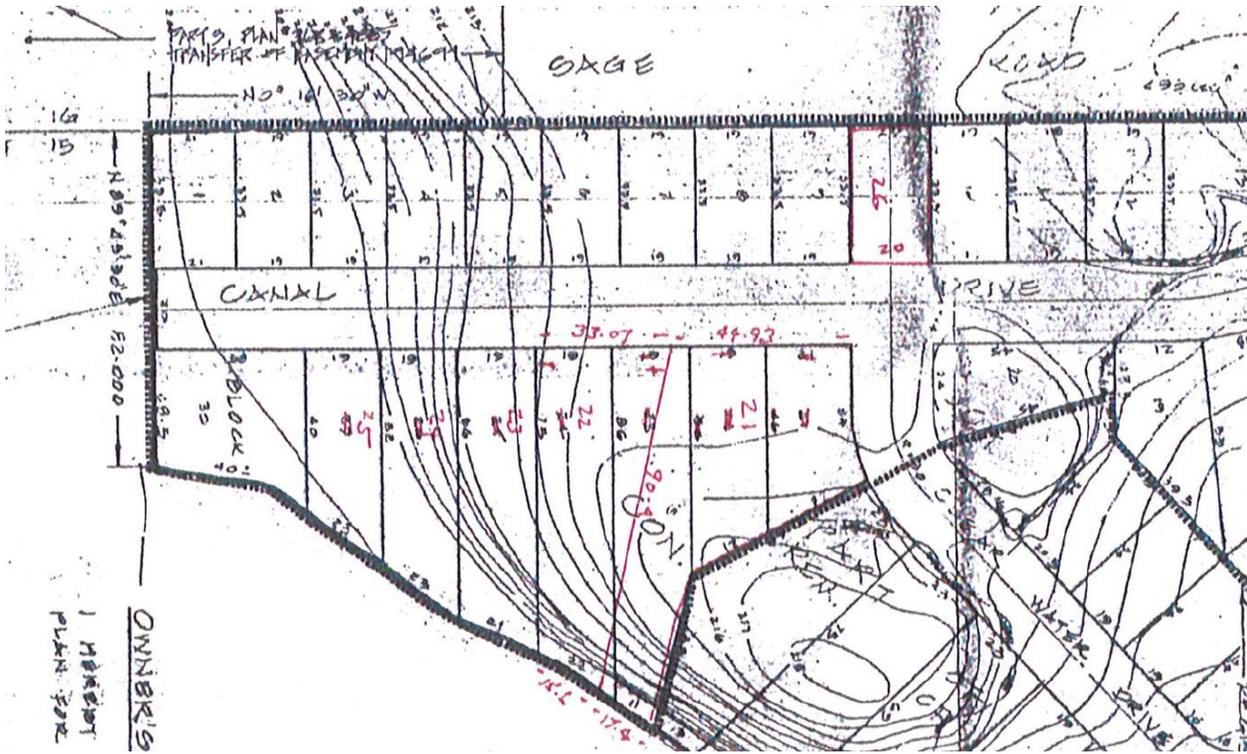
Peter Carello, MCIP, RPP

Senior Planner, Current Operations

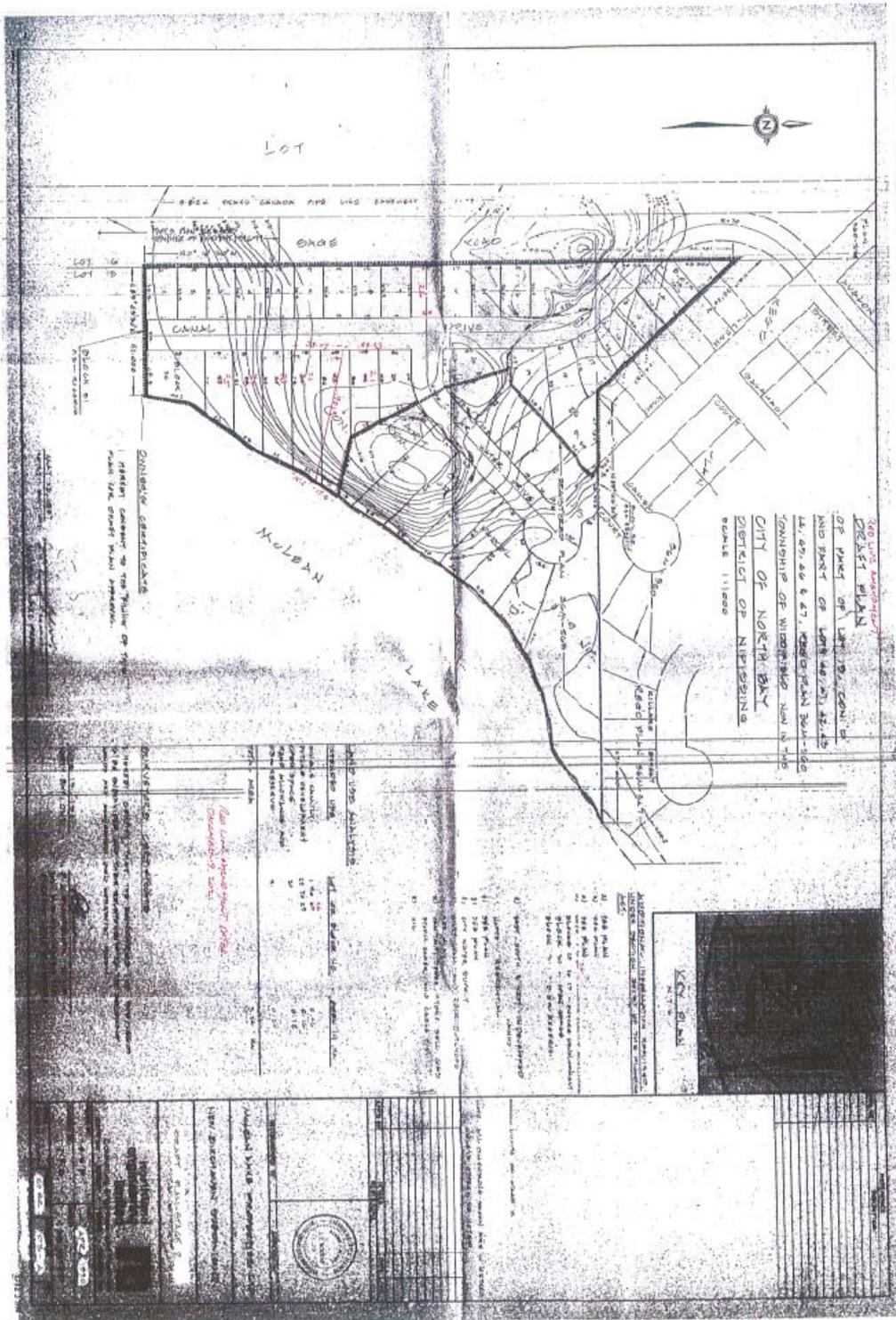
## Schedule A



Schedule B



# Schedule C



## **Appendix A**

**PIN 49141-0378(LT)**

PCL 17400 SEC WF; PT LT 15 CON D Widdifield PT 1, 36R7763 Except 36M560 & PT 9, 36R7768;  
North Bay; District of Nipissing

## Appendix B



Authorized commenting Agency for



KITCHENER  
WOODBRIDGE  
LONDON  
KINGSTON  
BARRIE  
BURLINGTON

February 4, 2022

Pietro Carello, MCIP, RPP  
Senior Planner, Current Operations

City of North Bay  
2<sup>nd</sup> Floor, Planning Department  
200 McIntyre St E  
North Bay, ON  
P1B 8V6

Via email: [peter.carello@northbay.ca](mailto:peter.carello@northbay.ca)

Dear Mr. Carello:

**RE: Redline Amendment for Historic Plan of Subdivision Approval  
New Birchaven Subdivision  
Part of Lot 15, Concession D and Part of Lots 40-47, Registered Plan 36M-560, Township of  
Widdifield, Now in the City of North Bay, District of Nipissing  
Applicant: McLean Lake Properties Ltd. & Milford Developments Limited  
Your File: 48T-87108  
Our File: PAR SD152**

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MacNaughton Hermsen Britton Clarkson (MHBC) are the planning consultants for TransCanada PipeLines Limited (TCPL), an affiliate of TC Energy Corporation (TC Energy). This letter is in response to a notification and request for comments for the above-noted Redline Amendment for the Historic Plan of Subdivision Approval for the lands known as the New Birchaven Subdivision (the "Subject Lands"). TCPL has two high pressure natural gas pipelines located about 30 metres west of the Subject Lands.

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 the National Energy Board Damage Prevention Regulations (Regulations). The Act and the Regulations noted can be accessed from the CER's website at [www.cer-rec.gc.ca](http://www.cer-rec.gc.ca).

While we understand that Conditions of Draft Approval are not usually reviewed through the Redline process, as this is a Historic Plan of Subdivision (approved on January 8, 1990) without a lapse date, TCPL would like to request additional requirements be incorporated into the Subdivision Agreement for the development.

TCPL's main concern is the proximity of "Canal Drive" to the pipeline right-of-way as it appears on the Redlined Draft Plan. A minimum setback of 7 metres from the edge of TCPL's right-of-way is required for all

roads and related infrastructure. The proposed road must comply with the Canadian Standards Association's (CSA) Z662 Standard and will require written consent from TCPL. The noted considerations below should be incorporated into a Subdivision Agreement as it relates to works within 30 metres of the right-of-way.

**Additional Considerations:**

1. Written consent must be obtained from TCPL prior to undertaking the following activities:
  - Constructing or installing a facility across, on, along or under a TCPL right-of-way. A facility may include, but is not limited to: driveways, roads, access ramps, trails, pathways, utilities, berms, fences/fence posts;
  - Conducting a ground disturbance (excavation or digging) on TCPL's right-of-way or within 30 metres of the centreline of TCPL's pipeline (the "Prescribed Area");
  - Driving a vehicle, mobile equipment or machinery across a TCPL right-of-way outside the travelled portion of a highway or public road;
  - Using any explosives within 300 metres of TCPL's right-of-way; and
  - Use of TCPL's Prescribed Area for storage purposes.
2. During construction of the site, temporary fencing must be erected and maintained along the limits of the right-of-way by the Owner(s) to prevent unauthorized access by heavy machinery. The fence erected must meet TCPL's specifications concerning type, height and location. The Owner is responsible for ensuring proper maintenance of the temporary fencing for the duration of construction.
3. Permanent fencing may be required along the limits of TCPL's right-of-way. The fence erected must meet TCPL's and the municipality's specifications concerning type, location, and height. Any excavations for fence posts on, or within 30 metres of the pipeline must be done by hand or hydro vac. There shall be no augers operated on the right-of-way. The Owner shall notify TCPL 3 business days prior to any excavation for fence posts located on or within 30 metres of the pipeline. All fences made of metallic materials must be approved by TCPL prior to being erected on or within 30 metres of the pipeline.
4. No buildings or structures, shall be installed anywhere on the right-of-way. Permanent buildings and structures as well as driveways, parking or loading areas, shall be located a minimum of 7 metres from the edge of the right-of-way. Temporary or accessory buildings are to be located a minimum of 3 metres from the edge of the right-of-way.
5. A minimum setback of 7 metres from the nearest portion of a TCPL pipeline right-of-way shall also apply to any road rights-of-way.
6. Storage of materials and/or equipment on TCPL's right-of-way is not permitted.
7. Facilities shall be constructed to ensure drainage is directed away from the right-of-way so that erosion that would adversely affect the depth of cover over the pipelines does not occur. Catchment basins, drainage swales or berms are not permitted within TCPL's right-of-way.
8. Should pooling of water or erosion occur on the right-of-way as a result of any facility installation or landscaping, the Owner will be responsible for the remediation to TCPL's satisfaction.

9. Any large scale excavation adjacent to the right-of-way, which is deeper than the bottom of the pipe, must maintain a slope of 3:1 away from the edge of the right-of-way.
10. Mechanical excavation within 1.5 metres of the edge of TCPL's pipeline is prohibited. Hand or hydrovac excavation must be utilized within this distance.
11. In no event shall TCPL be held liable to the Owner respecting any loss of or damage to the Owner's Facility which the Owner may suffer or incur as a result of the operations of TCPL. The Owner shall be responsible for all costs involved in replacing the Owner's Facility damaged or removed during TCPL's operations and shall indemnify and save harmless TCPL from all actions, proceedings, claims, demands and costs brought against or incurred by TCPL as a result of the presence of or damage to the Owner's Facility on the TCPL right-of-way.
12. Vehicle barriers, of a design acceptable to TCPL or as may be required by law, shall be installed across the width of the right-of-way, where public roads cross the right-of-way. The location of these barriers must be approved by TCPL.
13. All display plans in the lot/home sales office shall identify the TCPL pipeline right-of-way corridor.
14. The Owner shall include notice of the following in all offers of purchase and sale:
  - Notice of the easement agreement registered against the property which may affect development activities on the property;
  - Notice of the 30 metre Prescribed Area as regulated by the CER Act;
  - The number of high pressure natural gas pipelines within the easement and the location of the easement in relation to the development;
  - The setback for all permanent structures and excavations from the limits of the right-of-way; and,
  - The local One Call number 1-800-400-2255 or [www.clickbeforeyoudig.com](http://www.clickbeforeyoudig.com).
15. In the event that TCPL's pipelines experience contact damage or other damage as a result of construction, stop work immediately and notify TCPL at once.

All associated work, signage or any other engineering protection measures must be completed by TCPL or its qualified contractors at the sole expense of the Owner. The complete scope of work that may be required is subject to other conditions that may be necessary related to a finalized design that is approved by TCPL. Additionally, prior to TCPL or its contractors conducting any associated work, TCPL and the Owner must execute a reimbursement agreement, including financial assurances, which provides that the entire cost of conducting this associated work is 100% reimbursable to TCPL.

The owner shall ensure through all contracts entered into, that all contractors and subcontractors are aware of and observe the foregoing terms and conditions.

Thank you for the opportunity to provide comments. Kindly forward a copy of the updated Draft Conditions and/or the Subdivision Agreement for our review prior to any decision by email ([TCEnergy@mhbcpplan.com](mailto:TCEnergy@mhbcpplan.com)). If you have any questions, please do not hesitate to contact our office.

Sincerely,



Kaitlin Webber, Planner  
on behalf of TransCanada PipeLines Limited