



PRIVATE UNASSUMED ROADS WORKING GROUP AGENDA

Monday, August 22nd, 2022 – 6:00 p.m.
Municipal Office – Council Chambers – 217 Harper Road

Chair, Councillor Gene Richardson

1. **CALL TO ORDER**
2. **AMENDMENTS/APPROVAL OF AGENDA**
3. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF**
4. **APPROVAL OF MINUTES**

- i) **Minutes – May 4th, 2022 – *attached, page 4.***

Suggested Recommendation:

“THAT, the minutes of the Private Unassumed Roads Working Group Meeting held on May 4th, 2022 be approved as circulated.”

5. **BUSINESS**

- i) **Discussion of Draft Report to Council – *distributed separately to Working Group Members.***

6. **NEW/OTHER BUSINESS**

None.

7. **NEXT MEETING DATE AND PROPOSED AGENDA ITEMS**

Next Meeting: To be determined.

8. **DEFERRED ITEMS**

**The following items will be discussed at the next and/or future meeting:*

- *None at this time*

9. ADJOURNMENT

MINUTES

PRIVATE UNASSUMED ROADS WORKING GROUP MINUTES

Wednesday, May 4th, 2022

5:00 p.m.

Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario

Council Chambers

ATTENDANCE:

Members Present: Chair, Councillor Gene Richardson
Councillor RoxAnne Darling
Fred Barrett
Gordon Hill
Frank Johnson

Staff Present: Amanda Mabo, Acting CAO/Clerk
Noelle Reeve, Planner
Sean Ervin, Public Works Manager
Janie Laidlaw, Deputy Clerk

Members Absent: None.

1. CALL TO ORDER

The meeting was called to order at 5:03 p.m.
A quorum was present.

2. AMENDMENTS/APPROVAL OF AGENDA

- i) Under New/Other Business: Definitions
- ii) Under New/Other Business: Registration of Correspondence
- iii) Under New/Other Business: Alternate Road Access Agreement

The agenda was approved as amended.

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

4. APPROVAL OF MINUTES

i) Minutes – April 5th, 2022.

G. Hill mentioned that the discussion part about Section 3.2.5.6 of the Ontario Building Code which does not authorize the minimum standard for private roads was not included in the minutes. The Acting CAO/Clerk explained that the minutes are not to be verbatim of the discussion during the meeting. The Working Group had decided that staff would develop options for each road for discussion at this meeting, but the minutes can be amended to mention that discussion.

The minutes of the Private Unassumed Roads Working Group Meeting held on April 5th, 2022 were approved as amended.

5. BUSINESS

i) Options Discussion.

The Acting CAO/Clerk explained the spreadsheet that was attached to the agenda. It was created based on the Consultant's report and staff from a legal perspective. The options were based on the road characteristics while keeping in mind the Township and the property owners as a whole, and the individuals on each road. It was put together for discussion purposes. It was explained that for the Township to bring a road up to a public road standard there are different minimum standards for construction and maintenance as compared to if it is a private road.

The emails received from the public, showed the public did not understand that the road standards and maintenance for a private road versus a Township road are different. Citizens on a private road do not need to bring the roads up to the same standard as a Township road.

The Acting CAO/Clerk explained that after amalgamation when Road Access Agreements came in the Council of the day put in a policy and that if the Township was to assume a private road this is to be the standard, they need to bring it up to. The standard for a private road maintained by residents is different.

The Public Works Manager explained that road standards come from engineering; the standards in the Building Code are for Fire Access and are a minimum. The minimum width for Private Road Standards is for emergency access, is too narrow for the Township equipment to maintain it. The public road standards that were attached to the agenda refer to the American Association of State Highways and Transportation Officials (AASHTO) specifications. The standards for a public road are not legislated, but require an engineering stamp

G. Hill indicated that no existing private road will meet the private road standard and confirmed that any new roads being developed need to meet those standards including any new Condominium Roads.

The Planner explained that with certain developments that the Township needs to ensure safe access. The province allows second units to be created for affordable housing and they are meant that the person lives there year round and requires safe access so that an unsafe situation is not being created. The Township asks the Fire Chief to go and determine that a Fire Truck can get down that road.

A member asked about the transfer of the unassumed private road to private ownership option and what standard does that road need to meet? As outlined in the Options Report, if the road cannot be brought up to the Township standard and if the Township is okay with the substandard road, that would need to be outlined in the transfer agreement, the agreement would acknowledge that the road is substandard and what the risks are.

The Working Group reviewed the Options that were attached to the agenda.

Option 1:

Old Mine Road is not an old subdivision road, it is an unopened road allowance that is being used as a road even though it has not been opened as a road or assumed as a road into the Township's road network. The Township owns the land and the property owner maintains it. Staff looked at what the developability of the property to the north is and could they get a severance, the lot to the north can have severance off McVeigh Road. If the unopened road allowance was stopped up and closed it would be a lot addition and the unopened road allowance becomes part of their property. The Township can pay the costs and run the process, the benefit to the property owner is that their property is larger, they do not have to pay for it and they would now have legal access to their property.

Killarney Lane it is simpler to transfer this road to private ownership. Staff would put together a presentation for the owners that would explain the situation from start to finish, an education piece. What the proposal means and what the Township can do to assist. The Township can assist with the process, can be a liaison with FOCA to help develop the road association and get the insurance, set up the documents and bylaws and to set up a maintenance and payment plan.

The Working Group discussed how a road could be transferred, as a condominium road, where all owners have ownership or if the farthest property on the road owns it. It would depend on the situation. In this option the Township is not creating a new private road as the road already exists, just the legal status of the road is changing.

G. Hill asked what is the benefit to them to have the road transferred to them? The Acting CAO/Clerk explained that is what would be explained to them, the current situation and what that means, the liability for them owning or not owning the road. If there is a road association with insurance that insurance would cover a situation if they were sued, if no road association, then each person on the road could be sued and personally liable, that is why the Township has road access agreements. They do not have to have a road association with insurance but will have the information to encourage them to think about it. It is that education piece.

Councillor Daring would like to work on a list of recommendations to Council and that an educational document be prepared and sent to all owners. The Acting CAO/Clerk explained that would have to be done on a road-by-road basis, there are a lot of properties, the Township does not have the staff to manage that. Would start with the small one with not a lot of properties.

The Working Group discussed how to have all owners on the road join a roads association. The Planner explained that if they do not join then they are on their own and assume their own liability.

The report to Council would outline the education piece and the options and would outline the benefits and the costs for the association.

Sherbrooke Drive – the location of the road was moved without permission; it needs to be surveyed and legalized through the consent process. This road needs to be legalized before moving forward with the options. The owners do not have legal access or road frontage, that is required in order to get a building permit or a planning application.

G. Hill feels the problem with private unassumed roads is that the developer and the Township did not do their jobs right and the Township should pay to bring them up to standard.

Councillor Darling felt the Working Group should look at the different Options and vote on them.

Homestead Lane the Acting CAO/Clerk explained what is on the ground, there is a cliff on one side and rock cliff on the other, there is no way to widen other than to blast through rock. The area to turn around is a low lying area which would take a lot to fill. The white strip that goes down to the lake was meant for pedestrian access to lake, not vehicles and it is very wet and narrow, maybe 3 metres. Not sure Township would develop that path as public access as there are better locations on Black Lake. Staff would be in favour of closing it as there is an alternate access to the lake further up the road. The recommendation would be to approach the adjacent landowner and have that strip of land attached to one of the lots and registered in their name. There is one owner that owns three lots and that owner would be approached to take over ownership of the road.

Option 2:

Maple Lane and Maberly Pines Subdivision are the only roads with the proper width, and the base is good. It is overgrown and needs more gravel. The cost benefit is done on the viability of developing the subdivision. There would be a specific area development charge for just this subdivision. The Township would pay the costs upfront and then be paid back through the development charges. This one is a higher priority as the holding zone lapses in October, would need a decision in June to move forward with giving the information to the public. G. Hill feels asking the landowners to pay for a Township mistake is morally wrong and cannot support it.

The Working Group asked about the costs to bring these roads up to standard and when they were determined. The Public Works Manager has upgraded the costs since they were originally done. After lengthy discussions, the Working Group did not support Development Charges for upgrading Maple Lane and Maberly Pines roads. The Working Group discussed moving them into Option 3 which is status quo and to establish a private road association and having FOCA assist with the process. The difference between Option 1 and 3 is that Option 3 the Township still owns the road and would need a road access agreement. With Maberly Pines in Option 3 this would be a priority to be worked on before July. A member asked if the water issue would be resolved by then, the Planer explained the process for the water testing and answers the Township needs. There are 30 lots that drain into the lakes, and they would have different restrictions.

The Working Group outlined, discussed and voted on the following recommendations to be brought forward to Council in a staff report:

Recommendation # 1

That the Township assumes all roads and brings them up to the minimum standards.

OR

Recommendation # 2

That the Township assume all roads except the roads under Option 1 minus Sherbrooke Drive, at no cost to the property owners.

OR

Recommendation # 3

Option # 1 minus Sherbrooke Drive and Option # 3 including Maple Lane and Maberly Pines Subdivision.

OR

Recommendation # 4

Option # 1 minus Sherbrooke Drive and Option # 3 keeping the road access agreement with the liability and indemnity sections revised (preferred that they be taken out completely).

All recommendations will include that public consultation be undertaken. The Acting CAO/Clerk notified the Working Group of Sleepy Hollow Road and that has not been dealt with by staff, it could potentially be put in with Option 1 but staff do not know enough about it yet.

The staff report would report on all the implications for the recommendations including maintenance, timelines, staffing requirements, equipment requirements and costs.

The Acting CAO/Clerk notified the Working Group that if Recommendation #1 was to be approved by Council, by assuming that many roads would mean that the Township would need to retain additional staff and trucks plus the cost to maintain and some will never be able to be upgraded to Township standards.

A report of this magnitude would mostly likely not be ready for the June meeting of the Committee of the Whole so that goal will be to have it prepared for the August meeting.

ii) **Next Steps.**

Staff will circulate the report to the members before it goes forward to Council.

6. NEW/OTHER BUSINESS

i) **Definitions.**

The Working Group discussed the term and definition of Private Unassumed Roads and if the word Private should be removed. After discussion and understanding that without the word Private, the term Unassumed Roads includes additional types of Roads such as unopened and unmaintained road allowances, shore road allowances, quarter session roads, etc. so if a new term is chosen it will have to be thought through. The term is essentially an internal term that is not widely used by the public so it was decided to leave the term Private Unassumed Roads as is, otherwise a number of policies and documentation would need to be updated, electronic and printed mapping systems would need to be updated and it was felt that the cost to do so and the reasoning to change the term was not sufficient to change it.

Staff recommended that signs can be installed that the Roads are not assumed or maintained by the Township to make it clearer to the public.

ii) **Registration of Correspondence.**

Staff explained that when a member of Council or a Working Group or staff receives an email from the public, they take those comments or concerns into their decision. On any given topic an individual could receive hundreds of emails. As a result the emails do not typically get put on the agenda or attached to the minutes. The Chair of the Working Group can respond to any emails that have been received on behalf of the group.

iii) **Alternate Road Access Agreement.**

The Working Group dealt with this under the Options Discussion.

7. NEXT MEETING DATE AND PROPOSED AGENDA ITEMS

Next Meeting: TBD

8. DEFERRED ITEMS

**The following items will be discussed at the next and/or future meeting:*

- *None at this time*

9. ADJOURNMENT

The Working Group adjourned at 7:31 p.m.