



Staff Report

Infrastructure & Public Works

Report To: Committee of the Whole
Meeting Date: September 11, 2017
Report Number: CSPW.17.085
Subject: Scandia Lane and Hamlet Road - Status of Road Allowance
Prepared by: Reg Russwurm, Director of Infrastructure and Public Works

A. Recommendations

THAT Council receive Staff Report CSPW.17.085 entitled “Scandia Lane and Hamlet Road - Status of Road Allowance”;

AND THAT Council direct Staff to initiate a public process to consider: i) confirmation of Scandia Lane west of Hamlet Road as a seasonal road; and, ii) stop-up and close Hamlet Road southerly from 22m south of Scandia Lane; and iii) confirm 22m of Hamlet Road south of Scandia Lane as an assumed and maintained municipal road.

B. Overview

Over the past few years there has not been clarity over the status of Scandia Lane and Hamlet Road south-west of their intersection. Staff therefore recommend that Council direct Staff to initiate a public process to achieve that clarity. Scandia Lane west of Hamlet Road is currently maintained as a seasonal road while Hamlet Road south of Scandia Lane functions primarily as a gated access to the Swiss Meadows Water Tower.

C. Background

All of the roads in the Swiss Meadows Subdivision (Reg. Plan 807) along with all of the roads in 18 other subdivisions referenced were assumed for public use by By-law 75-14 passed May 5, 1975 by the Township of Collingwood. According to this By-Law all of the roads referred to in the By-Law were approved by the Ontario Department of Transportation and Communications to be eligible for subsidy on future maintenance or construction. The By-Law is silent on the status of the assumption with respect to seasonality and maintenance standards.

When the By-Law was passed neither Scandia Lane west of Hamlet Road or Hamlet Road south of Scandia Lane were functionally open or maintained as travelled roadways (attachment #1). Staff have reviewed the Town’s Road Need Studies going back to 1979 which is shortly after the passage of By-Law 75-14. Neither Scandia Lane nor Hamlet Road south-west of their intersection appear as roads maintained by the Town - seasonally or otherwise.

Hamlet Road – south of Scandia Lane

The portion of Hamlet Road south of Scandia Lane has never been an improved road for the purpose of public traffic. When the Swiss Meadows water system was installed in 2004, a lane was constructed over the road allowance to access the water tower.

A previous owner of 166 Scandia Lane had requested that Hamlet Road be improved by the Town for the purposes of sub-dividing his property into several building lots. He had discussions with the Planning and Development Services Department. He was informed that, provided various planning-related challenges could be overcome to enable the development, the road would have to be improved by himself. The current owner of 166 Scandia Lane has stated they have no such intentions.

Scandia Lane – west of Hamlet Road

Since the 1975 by-law, two homes have been constructed at the west end of Scandia Lane. The subject portion of Scandia Lane was treated much like a private road over a Town road allowance with maintenance by the Owner of 167 Scandia Lane. It has only been in the past few years that Staff have undertaken regular summer maintenance on Scandia Lane. Prior to that, summer maintenance was ad hoc as time and convenience permitted.

The Town has been approached several times in the past to assume year-round maintenance of the subject portion of Scandia Lane. Road operations Staff and the Fire Department feel that the road steepness precludes the Town undertaking year-round maintenance because the Town is unable to assure access for emergency vehicles. Winter maintenance is currently done by the Owner of 167 Scandia Lane using a hired tractor and blower. In the event the Town became responsible for winter maintenance, municipal snow plough equipment would not be able to provide winter maintenance and the Town would need to hire a tractor-blower as well. The provision of sanding and traction control would have to be contracted at additional cost and challenge.

The house at 167 Scandia Lane (north side) was constructed when it was permissible to build on a seasonal road. The house at 166 Scandia Lane (south side) was constructed when it was no longer permissible to do so. As a condition of gaining a building permit at 166 Scandia Lane, an Agreement dated August 16, 1993 required that 22m of Hamlet Road be built to Township of Collingwood standards to facilitate the access. The Agreement is silent on whether a driveway would actually have to be constructed from Hamlet Road to the house. The purpose of the Agreement was to ensure the property fronted on a municipally assumed and maintained road allowance.

In the Agreement recitals, it was acknowledged that prior to the issuance of a building permit a property must front on a municipally assumed and maintained public highway. From this recital and the required work on Hamlet Road, the parties recognized that the subject portions of Scandia Lane and Hamlet Road were not municipally assumed and/or maintained. As noted above, a driveway was not constructed from Hamlet Road. The entrance from Scandia Lane is looked upon by Staff as a construction entrance.

D. Analysis

Scandia Lane – west of Hamlet Road

When the subdivision was assumed in 1975, the house at 167 Scandia Lane did not exist nor was this portion of Scandia Lane maintained. When the house was constructed, it became understood that the Owner of the lot would become responsible for winter maintenance. A search of files has not resulted in an agreement being found that outlines responsibilities. To date, the owner of 167 Scandia Lane has undertaken winter maintenance while the Town does summer grading and adds gravel as needed. In essence, this portion of Scandia Lane has functioned as a seasonal road. Staff therefore recommend that the subject roadway be confirmed as a seasonal road to clarify its status.

For the time being, the Owner of 167 Scandia Lane will have grandfathered rights to undertake winter maintenance. In the event that there is a need for another property to access over this portion of road, Staff will recommend that a formal winter maintenance agreement be sought.

Hamlet Road – south of Scandia Lane

This portion of Hamlet Road has never provided access to private residences and has not been improved for public traffic. Its primary purpose is to provide access to the Swiss Meadow Water Tower. Hamlet Road is gated near Scandia Lane and only the Water Operations Group have keys. There is a vacant landlocked property that fronts on the southern end of Hamlet Road that is farmed. Those lands however are not accessed via Hamlet Road and appear to access from GR119 through another vacant farm. It must though be noted that Hamlet Road for a distance of 22m south from Scandia Lane must remain available to 166 Scandia Lane and maintained by the Town for the purpose of access to the property.

Since this portion serves only as an access to the Swiss Meadows Water Tower, Staff recommend that consideration be given to stopping-up and closing the road allowance beyond that necessary for access to 166 Scandia Lane (22m). In the event access is required to the landlocked parcel of property south of Hamlet Road, a land use agreement will be provided to the property owner of the lands to clear trees and continue the access.

Recommendation

An internal review has been completed by the Town's solicitor and concurs with Staff's proposal to recommend Council direct Staff to initiate a public process to consider: i) confirmation of Scandia Lane west of Hamlet Road as a seasonal road; and, ii) stop-up and close Hamlet Road southerly from 22m south of Scandia Lane; and iii) confirm 22m of Hamlet Road south of Scandia Lane as an assumed and maintained municipal road.

E. The Blue Mountains Strategic Plan

Goal #5: Ensure Our Infrastructure is Sustainable

F. Environmental Impacts

None

G. Financial Impact

None

H. In consultation with

John Metras, Town solicitor

I. Attached

1. Location Map

Respectfully submitted,

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Location Map

