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Staff Report

Infrastructure & Public Works

Report To: Committee of the Whole
Meeting Date: March 12, 2018
Report Number: CSPW.18.017
Subject: Changes to Portions of Scandia Lane and Hamlet Road
Prepared by: Reg Russwurm, Director of Infrastructure and Public Works

A. Recommendations

THAT Council receive Staff Report CSPW.18.017 entitled “Changes to Portions of Scandia Lane and Hamlet Road”

AND THAT Council enact a bylaw in a form approved by the Director of Infrastructure and Public Works and the Town Solicitor to:

- i) Change Scandia Lane west of Hamlet Road as a seasonal road;
- ii) Stop-up and close Hamlet Road southerly from 22m south of Scandia Lane;
- iii) Confirm 22m of Hamlet Road south of Scandia Lane as an assumed and maintained municipal road.

AND THAT Council approve a \$4,800 budget to fund the survey with funding coming from the Infrastructure and Public Works Asset Replacement Reserve Fund.

B. Overview

This Report outlines the comments from the Public Meeting which was held on December 4, 2017 at 5:00pm regarding the proposal to change a portion of Scandia Lane and Hamlet Road.

C. Background

At the September 11, 2017 Committee of the Whole Meeting, Staff presented Report CSPW.17.085 entitled Scandia Lane and Hamlet Road – Status of Road Allowance. This Report is provided as Attachment #1.

Council directed Staff to initiate a public process regarding the recommended changes to Scandia Lane and Hamlet Road. Staff held a public meeting on December 4, 2017.

The Town received no written comments prior to the Public Meeting, three verbal comments from residents at the Public Meeting and questions and concerns from Town Council at the Public Meeting. Below is summary of the comments received from the public and Council.

D. Analysis

Written Comments

The Clerk noted that notice of the public meeting was given in accordance with the Town's Provision of Notice and Manner of Giving Notice Policy and confirmed that no comments were received in response.

Verbal Comments

The following is a list of comments received from the public at the Public Meeting:

R.B. Waind, resident at 102 Tyrol Avenue, Swiss Meadows

R.B. Waind spoke noting that a building permit was issued for 167 Scandia Lane in the 1970s on an unopened road allowance. Mr. Waind noted that a building permit was issued for Block B, 166 Scandia Lane, in 1994/1995, and that Hamlet Road would provide the frontage for Block B. Mr. Waind noted that 166 Scandia Lane has changed ownership. Mr. Waind questioned if Scandia Lane is confirmed as a seasonal road, if it will preclude the municipality from issuing a Building Permit for Lot 2? Reg spoke in response noting that the Town has, in the past, entered in to Municipal Land Use Agreements for similar properties. Mr. Waind noted that if Hamlet Road is closed, that Block C, Plan 807 is the Parkland Dedication lands and questioned if the Town has the ability to stop up and close access to Parkland Dedicated lands, further noting that people walk on Block C.

Catherine Freer, owner of 166 Scandia Lane

Catherine Freer spoke questioning if they are required to enter in to an agreement with the Town for the winter maintenance. Reg spoke in response noting an agreement is only required if the owner of 166 Scandia Lane wishes to do the winter maintenance on Scandia Lane, further noting that if the owner of 166 Scandia Lane wishes to park at the bottom of the hill and walk up, that an agreement is not required.

Nick and Dan Karlos, owners of 167 Scandia Lane

Nick and Dan Karlos spoke noting that they have no issue with Scandia Lane designated as a seasonal road, and questioned if they could be reimbursed for their capital costs and road maintenance costs moving forward, as these costs are significant. Council provided no direction on this matter.

The following is a list of questions and concerns from Town Council and Staff's response taken from the Minutes of the December 4, 2017 Public Meeting:

Councillor McGee spoke questioning if a condition of the construction of 166 Scandia Lane was to develop an access from Hamlet Road, Reg spoke in response, noting that yes, there was a condition that Hamlet Road would be used as the access.

Councillor Martin questioned if the Swiss Meadows Standpipe is still required, Reg spoke in response noting that yes the Standpipe is still required, and that the Hamlet Road allowance will allow municipal staff to access the Standpipe.

Staff recommend Council proceed with the proposed changes as presented in this Report. A by-law will be presented for Council's consideration at a later date in a form approved by the Director of Infrastructure and Public Works and Town Solicitor.

E. The Blue Mountains Strategic Plan

Goal #5: Ensure Our Infrastructure is Sustainable

F. Environmental Impacts

None.

G. Financial Impact

In order to enact a by-law a survey needs to be completed. Staff are estimating this to cost \$4,800 and recommend the expenses be funded from the Infrastructure and Public Works Asset Replacement Reserve Fund.

H. In consultation with

John Metras, Town solicitor
Sam Dinsmore, Deputy Treasurer / Manager of Accounting and Budgets
Jim McCannell, Manager of Roads and Drainage

I. Attached

1. Staff Report CSPW.17.085, Scandia Lane and Hamlet Road – Status of Road Allowance

Respectfully submitted,

Reg Russwurm, MBA, P.Eng
Director of Infrastructure and Public Works

For more information, please contact:
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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,

Reg Russwurm, MBA, P.Eng
Director of Infrastructure and Public Works

For more information, please contact:

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Location Map

