

STAFF REPORT: Planning, Building & By-law Services Department



REPORT TO: Council
MEETING DATE: November 3, 2014
REPORT NO.: PL.14.109
SUBJECT: Scandia Lane and Hamlet Road Assumption Options, Swiss Meadows Subdivision
PREPARED BY: Michael Benner, MCIP RPP
Director of Planning, Building and Bylaw Services

A. Recommendations

THAT Council receive staff report PL.14.109 "Scandia Lane and Hamlet Road Assumption Options, Swiss Meadows Subdivision" and,

THAT Council direct staff to review options 2, 3 and 4, as detailed in report PL.14.109 and report back to the Committee of the Whole in this regard.

B. Background

At its October 20, 2014 meeting of the Committee of the Whole, Council received a delegation from Mr. Jim Reid regarding the status of Scandia Lane and Hamlet Road in the Swiss Meadows subdivision. The purpose of the delegation was to provide Council with background information on the assumption status of these roads and request that Council consider assuming the subject portions of these roads as "open" municipal roads. This report addresses that request.

The portions of the roads in question are the section of Scandia Lane north of Hamlet Road and Hamlet Road itself west of Scandia Lane as noted in "Appendix A – Location Plan".

These roadways were originally created through the 1964 Swiss Meadows Subdivision but were not brought up to municipal standards during the subsequent development of that subdivision. The northern portion of Scandia lane is fronted by Lots 1 and 2 and Block B of the Swiss Meadows Plan of Subdivision. The eastern portion of Hamlet Road also serves as the access to the municipal Water Stand Pipe. Although Lot 1 and Block B have been developed for residential purposes, Lot 2 remains vacant. The subject roadways are presently considered to be unassumed by the municipality and as such are not regularly maintained.

As unassumed roadways, the abutting lot 1 and 2 and Block B cannot be fully developed as per Section 5.8 of the Township of Collingwood Zoning Bylaw as follows:

*"no person shall use any land for any permitted use, nor shall any building or structure be erected, altered, extended or enlarged except upon a lot which fronts upon and had direct access to an improved "public Street". *It should be noted that there are exceptions for existing non-conforming and non-complying uses."*

As noted in the delegation, the “unassumed” status of the subject roads has created considerable expense and hardship for the owners of Lots 1, 2 and Block B as they have personally undertaken road maintenance.

Options to be Considered

In June of 2012 planning staff discussed the matter with the landowners and other municipal departments and the Town’s Development Review Committee arriving at the following 4 options:

Option One: Do nothing

This option would continue the present situation where the roadways continue to be unassumed and further development or improvements to the subject lots is limited.

Option Two: Upgrade the subject roads to municipal standards

This option would require significant grading works along Scandia Lane and a proper turnaround at the end of the road. Future road maintenance would be assumed by the municipality. Although this would entail significant municipal costs, the subject lands would then have direct frontage and access off of an improved and could be developed without the need for a zoning bylaw amendment addressed Section 5.8 noted above.

Option Three: Road Agreement

This option was identified as the preferred option by the landowners in 2012. This would entail the developing an agreement between the municipality and the landowners identifying roles and responsibilities of all parties including recognition that the Town would not assume the road allowance as a public road. A zoning bylaw amendment would also be required to permit the development and improvement of the subject lands.

Option Four: Stop up and Close the roadways.

This option was identified as the preferred option of the Development Review Committee. This would require the Town to determine that the subject roads were surplus to its needs. If it was determined that the roads were surplus the lands could be conveyed to the 3 subject parcels. Similar to Option 3, a zoning bylaw amendment would be required to remove the requirements of Section 5.8 of the zoning bylaw from the subject lands.

Next Steps

Given that some time has passed since this matter was reviewed by staff, it is recommended that Council direct staff to undertake a thorough review of options 2, 3 and 4 and provide the Committee of the Whole with a detailed analysis of all options and preferred solution to this matter. This review would include input from the subject landowners.

C. The Blue Mountains' Strategic Plan

This report is consistent with the Strategic Goal of providing a strong well managed municipal government.

D. Environmental Impacts

This matter may have environmental impacts resulting from potential road works.

E. Financial Impact

This matter has the potential of impacting municipal infrastructure budgets.

F. In Consultation With

G. Attached

"Appendix One" Location Plan

"Appendix Two" June 29, 2012 staff memorandum

Respectfully submitted,

Michael Benner, MCIP RPP, Director Planning, Building and Bylaw Services

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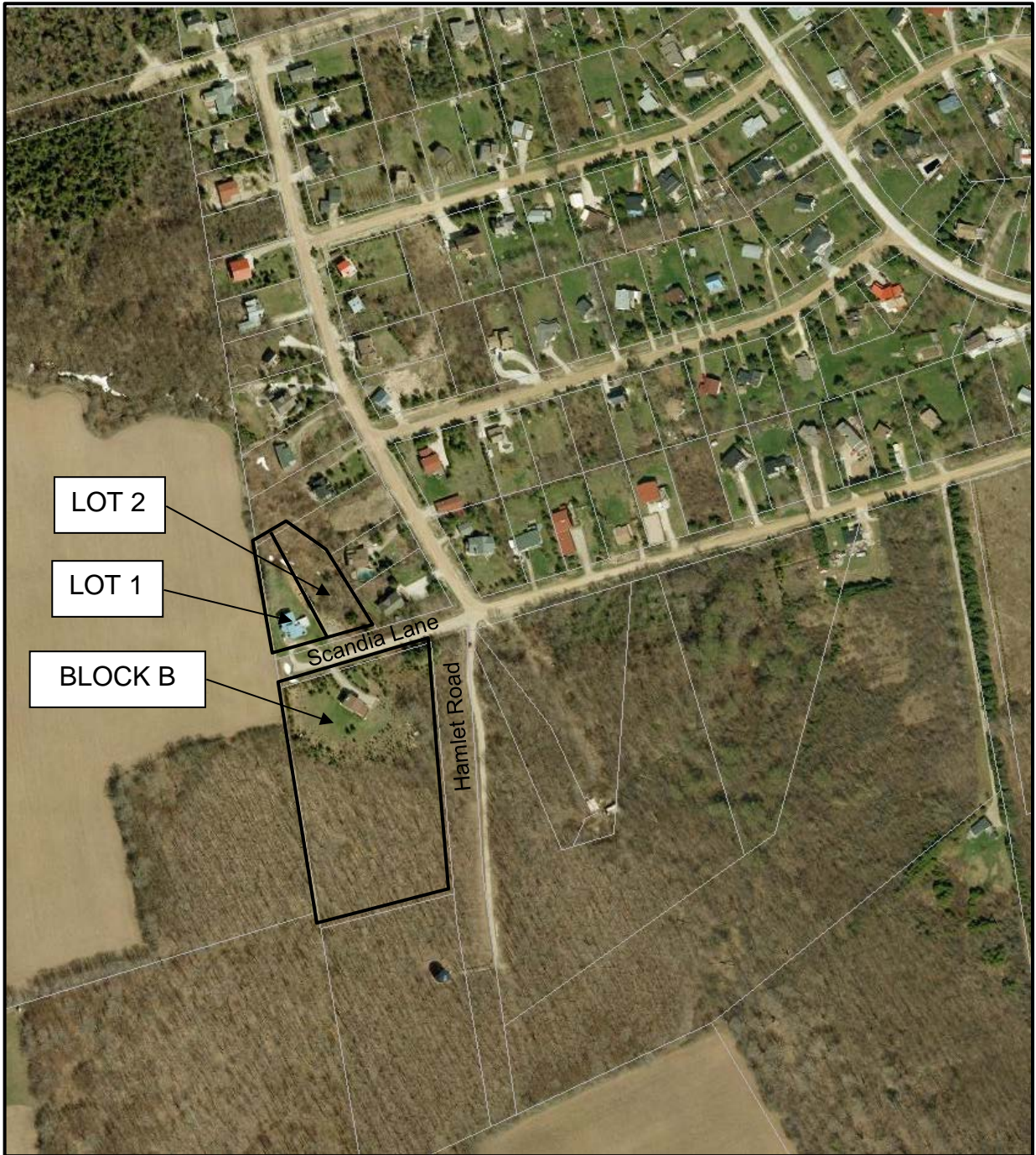
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“Appendix A” Location Plan



“Appendix Two” June 29, 2012 staff memorandum

EXHIBIT "E"

FW: Scandia Lane @ Swiss Meadows

From: [REDACTED]
Sent: June-29-12 1:06:30 PM
To: [REDACTED]

From: spostma@thebluemountains.ca
[REDACTED]
Date: Fri, 29 Jun 2012 11:24:39 -0400
Subject: Scandia Lane @ Swiss Meadows

Katarina and Terry,

I have had a number of general discussions with Town Staff regarding the existing situation for the portion of Scandia Lane west of Hamlet Road. It is my understanding that this section of Scandia Lane is an unassumed road that provides access to Lots 1 and 2 and Block 'B' of Registered Subdivision Plan 807 (Swiss Meadows).

The road is maintained in the winter in cooperation by the three lot owners. The Municipality has, in the past, completed some in kind summer road maintenance such as road grading at the same time as other roads in the subdivision are being maintained. The Town has always taken the position that this periodic road maintenance does not constitute an 'open and maintained public street' as defined in the Township of Collingwood Zoning By-law 83-40, or as an indication that the Municipality will take over this section of road as an assumed road.

Based on my discussions with yourselves and Town Staff, I brought this matter forward to the Development Review Committee (Committee) on Monday June 18, 2012. At that meeting I presented 4 options that could be considered for this section of road allowance as follows:

1. Do Nothing.
2. Upgrade the Road to Municipal Standards.
3. Enter into a Road Agreement for the use of the Municipal Road Allowance.
4. Stop-up-and-close the Municipal Road Allowance with 1/3 interest going to each lot owner.

Below is a summary of each option.

Option 1: Do Nothing

- New development on the three lots would not be permitted.
- Any re-development of the existing uses (homes) on the two built lots is limited.
- The requirements of Section 5.8(a) to the Township of Collingwood Zoning By-law 83-40 states:

*"No person shall use any land for any permitted use, nor shall any building or structure be erected, altered, extended or enlarged except upon a lot which fronts upon and has direct access to an improved public street." *it should be noted that there are exceptions for existing non-conforming and non-complying uses.*

- Should any development be considered on the three lots, a Zoning By-law Amendment would be required in order to remove the requirement for direct frontage and access onto an open and maintained street. It should be noted that a By-law Amendment cannot be supported without assurances that a suitable access can be provided to each of the lots.

Option 2: Upgrade the Road

- Road can be upgraded to Municipal Standards which include significant grading works at the hill, and the installation of a proper turnaround at the end of Scandia Lane.
- Future road maintenance and snow removal would become the responsibility of the Town.
- A Zoning By-law Amendment would not be required as direct frontage and access will be available to the three lots.
- The proposed works would appear to be cost prohibitive.

Option 3: Road Agreement

- This option was identified as the preferred option by the lot owners to the Development Review Committee.
- A Road Agreement would be entered into between the Town and the three lot owners to identify roles and responsibilities for the use of the Municipal Road Allowance. Items to be agreed to include (but are not limited to) the 3 lot owners use of the road allowance, the public's use of the road allowance, recognition that the Town will not assume the road allowance, the 3 lot owners responsibility to maintain the road allowance, plus any other clauses as deemed necessary.
- A Zoning By-law Amendment will be required to remove the requirements of Section 5.8 (a) of the By-law from the three lots, and to recognize the completed Road Agreement in-lieu of providing direct access and frontage onto a public street.
- The Committee discussed this option and concluded that although there are a number of similar agreements in the Municipality, other agreements have failed in the past and enforcement has been cumbersome on Staff time and resources. Although every precaution is taken when entering into these agreements, the unforeseeable future has proven to create problems in these instances.

Option 4: Stop up and close

- This option was identified as the preferred option by the Committee.
- It would appear that this section of road allowance may be surplus to the needs of the municipality. The Committee discussed future interests in opening this section of road allowance into a public street, and there does not appear to be any future benefit of providing road access in the area or to the adjacent agricultural parcel to the west.
- The Road Allowance could be sold for fair market value, based on an appraisal, to each of the lot owners as private lands with each owner having a one-third interest in the former road allowance lands.
- Future road maintenance and snow removal would become the responsibility of the three lot owners.
- The stop up and close of the road allowance must go through proper process. First Council must make a determination that this section of road is indeed surplus to the needs of the municipality, then Council must hold a public meeting to seek input on the potential stop up and close.
- A Zoning By-law Amendment will also be required to remove the requirements of Section 5.8(a) of the By-law from the three lots, and to recognize the shared ownership of the former road allowance lands as providing direct access and frontage onto a public street.
- The Stop up and close process and By-law Amendment process can happen concurrently.

Based on the four options above, the Committee has provided direction that they wish to proceed with Option 4. This email should not be interpreted as full support of Option 4, or to predetermine Councils final decision on this matter.

Should you have any additional information that may be helpful and that has not already been considered, I can bring that information forward.

It should be noted that there are costs associated with the above options including application fees, legal fees, cost of appraisals, potential construction costs, etc. All of these costs are typically the full responsibility of the lot owners.

It should also be noted that with any of the options identified above, that underground and above ground utilities such as water lines, Hydro, telephone, etc. have not been considered in great detail, and further review may be required.

I am providing this email for information purposes only, and the Town will not follow through on options 2 to 4 without the agreement from all lot owners. Should you require any additional information or clarification on any of the items in this letter, or should you wish to discuss this further as a group, please email me back. I am also available at the Town Hall during normal business hours and can reserve a room for us all to meet in person.

Please review these notes and let me know how you wish to proceed.

Shawn

Shawn Postma, Planner II

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