

The Corporation of the City of Kawartha Lakes

Agenda

Committee of the Whole Meeting

COW2021-10

Tuesday, November 2, 2021

Commencing at 10:00 a.m. - Electronic Participation

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Mayor Andy Letham

Deputy Mayor Patrick O'Reilly

Councillor Ron Ashmore

Councillor Pat Dunn

Councillor Doug Elmslie

Councillor Tracy Richardson

Councillor Kathleen Seymour-Fagan

Councillor Andrew Veale

Councillor Emmett Yeo

Note: This will be an electronic participation meeting and public access to Council Chambers will not be available. Please visit the City of Kawartha Lakes YouTube Channel at <https://www.youtube.com/c/CityofKawarthaLakes> to view the proceedings.

Accessible formats and communication supports are available upon request. The City of Kawartha Lakes is committed to accessibility for persons with disabilities. Please contact AgendaItems@kawarthalakes.ca if you have an accessible accommodation request.

1.	Call to Order	
2.	Adoption of Agenda	
3.	Disclosure of Pecuniary Interest	
4.	Presentations	
4.1.	Deputations Relating to Items 4.3 to 4.5	
4.1.1.	COW2021-10.4.1.1	10 - 17
	Deputation Regarding Fenelon Falls Second Crossing (Items 4.3 and 4.3.1 on the Agenda) Chris Appleton	
4.1.2.	COW2021-10.4.1.2	18 - 20
	Deputation Regarding the Fenelon Second Crossing (Items 4.3 and 4.3.1 on the Agenda) Christopher Handley	
4.2.	Correspondence Relating to Items 4.3 to 4.5	
4.2.1.	COW2021-10.4.2.1	21 - 21
	Correspondence Regarding the Fenelon Falls Second Crossing (Items 4.3 and 4.3.1 on the Agenda) Ian Forster, Chair, Coboconk, Norland and Area Chamber of Commerce	
4.3.	COW2021-10.4.3	
	Fenelon Falls Second Crossing Update Presentation Corby Purdy, Manager Infrastructure Design and Construction Rory Baksh, Dillon Consulting Ian Borsuk, Dillon Consulting	
4.3.1.	Report ENG2021-029	22 - 155
	Fenelon Falls Second Crossing Update Corby Purdy, Manager Infrastructure Design and Construction	

That Report ENG2021-029, **Fenelon Falls Second Crossing Update**, be received;

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

4.4. COW2021-10.4.4

Customer Service Program - Case Management Enhancement Presentation

Craig Shanks, Director of Community Services
Brenda Stonehouse, Strategy and Performance Specialist
Chris Moncrief, Application Supervisor
LeAnn Donnelly, Executive Assistant, Community Services

4.5. COW2021-10.4.5

Million Dollar Makeover Program Update

Carlie Arbour, Economic Development Officer - Community

4.5.1. Report ED2021-032

156 - 164

Million Dollar Makeover Program Update

Carlie Arbour, Economic Development Officer - Community

That Report ED2021-032, **Million Dollar Makeover Program Update**, be received; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

5. **Meeting Break**

6. **Statutory Public Meeting - Timed Appointment 1:00 p.m.**

Review and Replacement of By-Law 2012-019, Being a By-Law to Provide for the Administration and Enforcement of the Building Code Act, 1992, within The City of Kawartha Lakes Presentation

Susanne Murchison, Chief Building Official

6.1. Public Comments and Correspondence Regarding the Review and Replacement of By-Law 2021-019

6.2. Business Arising from Public Meeting

6.2.1. Report BLDG2021-002 165 - 247

Review and Replacement of By-Law 2012-019, Being a By-Law to Provide for the Administration and Enforcement of the Building Code Act, 1992 within the City of Kawartha Lakes

Susanne Murchison, Chief Building Official

That Report BLDG2021-002, **Review and Replacement of By-Law 2012-019**, be received;

That a By-Law substantially in the form attached as Appendix A to this Report be forwarded to Council for adoption; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

7. Deputations

7.1. COW2021-10.7.1 248 - 250

Telecommunications Facility Concurrence Application - Xplornet Communications

(Item 10.3 on the Agenda)

Cyrus Ghassabeh, FB Connect

Sarah Duncan, FB Connect

8. Correspondence

9. Presentations

9.1. COW2021-10.9.1

People for Climate Protection Milestone Presentation by Federation of Canadian Municipalities

Councillor Richardson

Angelina Giordano, Capacity Building Officer, Municipalities for Climate Innovation Program

Anahi Gomez, Capacity Building Coordinator, Partners for Climate Protection Program

9.2. COW2021-10.9.2 251 - 265

Kawartha Lakes Healthy Environment Plan - Update

Councillor Richardson

Richard Holy, Acting Director of Development Services

9.3. COW2021-10.9.3

**Request for Support of a Minister's Zoning Order (MZO), Bromont
Homes Inc. and Melody Gardens, Inc.**

Nicholas Macos

Michael Bissett

10. Reports

10.1. ED2021-027

266 - 275

**Amendment of Designating By-Law, 1201 Salem Road, Geographic
Township of Mariposa**

Emily Turner, Economic Development Officer - Heritage Planning

That Report ED2021-027, **Amendment of Designating By-Law - 1201
Salem Road, Geographic Township of Mariposa**, be received;

That the Municipal Heritage Committee's recommendation to amend By-
Law 2018-177 be endorsed;

That Staff be authorized to proceed with the process to amend the
designating By-Law as prescribed by the Ontario Heritage Act and the
issuance of a Notice of Intention to Amend;

That an amending By-Law be brought forward to Council at the next
Regular Council Meeting following the end of the notice period; and

That this recommendation be brought forward to Council for
consideration at the next Regular Council Meeting.

10.2. RS2021-036

276 - 286

**Proposed Surplus Declaration, Closure and Sale of Road Allowances
Adjacent to 122 Miller Road and 471 Rohallion Road, Brechin**

Laura Carnochan, Law Clerk- Realty Services

That Report RS2021-036, **Proposed Surplus Declaration, Closure, and
Sale of Road Allowances adjacent to 122 Miller Road, Brechin**, be
received;

That the subject property, being a portion of road allowance adjacent to
122 Miller Road, Brechin, and legally described as Part of the Road
Allowance between Lot 5 and Lot 6, Concession 2, in the Geographic
Township of Carden, City of Kawartha Lakes (Part of PIN: 63109-0101
(LT)) and Part of the Road Allowance between Concession 2 and
Concession 3 abutting Lots 1 to 9, in the Geographic Township of

Carden, City of Kawartha Lakes (Part of PIN: 63109-0098 (LT)) be declared surplus to municipal needs;

That the sale of a portion of the road allowance to the adjoining landowner (122 Miller Road, Brechin) be supported, in principle, in accordance with the provisions of By-Law 2018-020, as amended, and the Municipal Act, 2001, and subject to the parties entering into a conditional Agreement of Purchase and Sale;

That Council require a geotechnical report, at the cost of the purchaser, to determine the amount of aggregate located within the portion of road allowance to be sold to the owner of 122 Miller Road and the value of the land be set at the higher of \$2.00 per tonne of aggregate or the minimum set price of \$15.00 per linear foot of road allowance;

That the donation of a portion of the road allowance to the adjoining landowner (471 Rohallion Road, Brechin) be supported, in principle, in accordance with the provisions of By-Law 2018-020, as amended, and the Municipal Act, 2001, and subject to the parties entering into a conditional Agreement of Purchase and Sale;

That, notwithstanding Section 4.04 of By-Law 2018-020, the portion of road allowance adjacent to 471 Rohallion Road be conveyed for nominal consideration, as the property owner is a nature conservancy and therefore does not acquire a financial advantage as a result of the conveyance;

That Staff be directed to commence the process to stop up and close the said portion of road allowance;

That a By-Law (with any amendments deemed necessary) to close the road and authorize its disposition shall be passed if appropriate;

That the Mayor and Clerk be authorized to sign all documents to facilitate the road closing and conveyance of the lands; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

10.3.

PLAN2021-059

287 - 324

Telecommunications Facility Concurrence Application - Xplornet Communications

Ian Walker, Planning Officer - Large Developments

That Report PLAN2021-059, Part of Lot 18, Concession 2, Geographic Township of Manvers, William and Anita Durant – Application D44-2021-005, be received;

That the 45.0 metre self-supported telecommunication facility proposed by FB Connect on behalf of Xplornet Communications, to be sited on property at 1060 Sandy Hook Road and generally outlined in Appendices A to F to Report PLAN2021-059, not be supported by Council;

That the Director of Development Services be authorized to advise Innovation, Science and Economic Development (ISED) Canada, the applicant, and all interested parties of Council's decision; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

10.4. WM2021-014 325 - 332

Feasibility of Requiring Downtown Owners to Provide Private Waste Collection Services

David Kerr, Manager of Environmental Services

That Report WM2021-014, Feasibility of Requiring Downtown Owners to Provide Private Waste Collection Services, be received; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

10.5. WM2021-015 333 - 364

Waste Management By-Law 2016-144 Amendment

David Kerr, Manager of Environmental Services

That Report WM2021-015, Waste Management By-Law 2016-144 Amendment, be received;

That the proposed amendments to By-Law 2016-144, attached as Appendix A to Report WM2021-015, be approved; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

10.6. RD2021-005 365 - 376

Update - Street Sweeping Level of Service Policy

David Lembke, Manager, Roads Operations

Chris Porter, Manager, Roads Operations

That Report RD2021-005, **Update - Street Sweeping Level of Service Policy**, be received;

That Council approve the proposed amendments to Policy CP2021-005 attached as Appendix A;

That Staff be directed to increase the Level of Service for city wide street sweeping by increasing the amount of contracted resources by four (4) additional street sweepers for a total of eight (8) units, and four (4) additional water trucks;

That Council approve an additional \$81,000.00 in the 2022 Budget resulting from the increased level of service; and

That this recommendation be brought forward for consideration at the next Regular Council Meeting.

10.7.

RD2021-006

377 - 432

Winter Level of Service Review and Update

Oliver Vigelius, Manager of Roads Operations

That Report RD2021-006, **Winter Level of Service Review and Update**, be received;

That the amended draft By-Law for Lindsay Business Improvement Area Sidewalk Clearing attached as Appendix B be approved and forwarded to Council for adoption;

That the amended Council Level of Service Policy C 124 EPW 010 Roadway Level of Service Policy Winter Maintenance attached as Appendix C be renumbered and approved;

That the amended Council Level of Service Policy C 125 EPW 011 Sidewalk Level of Service Policy Winter Maintenance attached as Appendix D be renumbered and approved; and

That these recommendations be brought forward to Council for consideration at the next regular Council Meeting.

10.8.

RD2021-007

433 - 448

Policy Review - Assumption of Private and Unassumed Roads

Bryan Robinson, Director of Public Works

That Report RD2021-007, **Policy Review - Assumption of Private and Unassumed Roads**, be received;

That the proposed amendments to Council Policy CP2017-001 attached to this report as Appendix A be approved; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

11. Memorandums

11.1. COW2021-10.11.1 449 - 450

Memorandum Regarding Commercial Truck Traffic Councillor Richardson

That the Memorandum from Councillor Richardson, **regarding the restriction of Commercial Truck Traffic**, be received;

That Staff review the By-Law that restricts commercial truck traffic on rural roads and consider Yelverton Road, Ballyduff Road, Waite Road, and Drum Road for inclusion by the end of Q1, 2022; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

12. Adjournment



Request to Speak before Council

Request to Make a Deputation/Presentation to
Council/Committee
City of Kawartha Lakes
City Clerk's Office
26 Francis Street, PO Box 9000
Lindsay, ON K9V 5R8
705-324-9411

Name: *

Chris Appleton

Address: *

[Redacted Address]

City/Town/Village:

Fenelon Falls

Province: *

Ontario

Postal Code:

K0M 1N0

Telephone: *

[Redacted Telephone]

Email: *

[Redacted Email]

There can be a maximum of two speakers for each deputation. Please list the name(s) of the individual(s) who will be speaking. The names that are listed here will be included on the Council Meeting Agenda.

Deputant One:

Chris Appleton

Deputant Two:

First Name, Last Name

Please provide details of the matter to which you wish to speak: *

I wish to speak at the Committee of the Whole Council Meeting on Nov.. 2, 2021, regarding the 2d Crossing Report.

Please attach any additional supporting documents you wish to provide and submit with this completed form.

Have you discussed this matter with City Staff?

☒ Yes

☐ No

If yes, Which department and staff member(s) have you spoken to?

What action are you hoping will result from your presentation/deputation? *

Council support to proceed with the next level EA for the bridge over the Burnt River to facilitate the 3d Concession bypass, within the 2022 budget.

By signing this form you are acknowledging that all of the information you are providing on this form is true, and giving the City permission to collect your personal information for the principal purpose of a request to make a deputation to Committee or Council as outlined below.

Signature:

Chris Appleton

Date:

10/25/2021



The personal information is being collected by the City of Kawartha Lakes for the principal purpose of a request to make a deputation to Committee or Council pursuant to the City's procedural by-law. This information, including all attachments submitted may be circulated to members of Council, staff, the general public and posted on the City website. Questions about the collection of this information should be directed to the City Clerk or Deputy Clerk at 705 324-9411 ext. 1295 or 1322.

Do you agree to the publication of your contact information (including your address, telephone number and email) on the City's website as part of a meeting agenda? *

☐ Yes

☒ No

Please complete this form and return to the City Clerk's Office by submitting it online or:
Fax: 705-324-8110 Email: agendaitems@kawarthalakes.ca

SUBMISSION RE. FENELON FALLS SECOND CROSSING STUDY

September 3, 2020

To: Dillon Consulting, Att: Merrilees Willemse
C.c. Mayor Andy Letham, CKL
Councillor Doug Elmslie, CKL
C.A.O. Ron Taylor, CKL
Juan Rojas, CKL
Martin Sadowski, CKL

From: Fenelon Falls Stakeholders

Thank you for taking the time to present your draft summary findings and recommendations by way of a power point presentation at the stakeholders meeting at the Fenelon Falls Community Centre on August 5, 2020. Please accept these comments as our submission in response to your recommendations. We will address the major issues in order:

Intersection Improvements, Lindsay and Helen Streets

You have presented four alternatives to realign the traffic flow at this busy intersection in order to address traffic congestion, now and in the future. All of the realignments involve a material and fundamental change in the access to Sobeys and Tim Hortons, and the addition of another traffic light at Elliot Street. In our view none of these alternatives are to be recommended for the following reasons:

- 1) No matter what changes are made, the pedestrian crossing on the north side of the intersection should be eliminated. Presently there is serious risk to pedestrians from the advanced left turn from Helen Street and a poor-visibility right turn from Sobeys.
- 2) Another traffic light within mere meters of the existing light will impede traffic efficiency and add to confusion and congestion.
- 3) Elliot Street already experiences Tim Hortons traffic backing up all the way to Lindsay Street, even backing up southbound on Lindsay Street trying to turn left, so adding significant traffic volume to that street is a very bad idea. We are very concerned that there has been insufficient data analysis to understand the risks in overloading Elliot Street, as we have not seen such data in your presentations. It is common knowledge in the community that Elliot Street is already very busy. Your recommended realignment of traffic flows should not proceed until there is a diligent study of the potential impact on Elliot Street.
- 4) If a high volume of Sobeys in-bound traffic is routed down Elliot Street, which is only a side road, the road will need to be significantly improved, and widened to three lanes from Lindsay Street to the Tim's entrance, and in the immediate vicinity of the proposed Sobeys main entrance further east. There is little recognition of this problem and no

substantive analysis of such additional costs in your report. The viability and cost of the improvements that will be necessary if this planned realignment is to proceed should be diligently analyzed and articulated in your report.

- 5) All the rerouting plans make it much more complicated to ingress and egress from Sobeys and Tim's. This is not an improvement for community residents or businesses, and will not be well received.
- 6) Elliot Street, already seriously congested at times, is the main route to the public school. Additional traffic volume will be in conflict with school children, walking, being transported in private vehicles, and in multiple school buses.
- 7) A new traffic light closer to the high school, and the resulting additional traffic on Elliot Street, could create conflict with the pedestrian crossing being proposed for the high school.
- 8) Other measures should be considered first. For example, coordinating the current two traffic lights in town to make a more efficient flow at peak times, or adding an advance left turn signal coming out of Sobeys to accommodate southbound traffic concurrently with the existing advance left signal from Helen Street that accommodates northbound traffic. Consideration should also be given to having police directing traffic at busy times; this simple idea may provide relief without major structural changes or capital investment.
- 9) The premise for making any change at this intersection is that traffic volume creates congestion. This assumes that there will not be a reduction in traffic volume due to other traffic rerouting, such as the Baddow Bypass, or a second in-town crossing. As discussed below, we support both of these alternatives, which, if built, will reduce the need for any realignment of this intersection.

Summary – We are very concerned that your recommendations for realignment of this intersection will not improve the situation, and may very well create collateral complications. We suggest that you revisit your recommendations with our concerns in mind.

Baddow Bypass:

Your report recommends further study of this option. We support that recommendation wholeheartedly. This proposed bypass should be pursued and constructed as soon as possible for the following reasons:

- 1) It is technically feasible.
- 2) It will facilitate east/west traffic north of Fenelon. For example, it will greatly improve transportation between Coboconk and Bobcaygeon, so this is a benefit to a greater population of the City than just Fenelon.
- 3) It will divert heavy haulage away from Fenelon and Bobcaygeon. This will be a relief to the downtown core of Fenelon and facilitate the development of a more quaint and pedestrian-friendly downtown, one of the objectives of the Downtown Revitalization Plan adopted by Council. It will also be a benefit to Bobcaygeon by diverting heavy

haulage away from town. Furthermore, it will also alleviate road maintenance costs if heavy trucks are diverted to Highway #35.

- 4) It will divert heavy weekend through-traffic from both Fenelon and Bobcaygeon. As above, this will contribute to downtown revitalization and alleviate road wear.

Summary – Proceed as expeditiously as possible.

In-town Second Crossing:

This option is dismissed in your report in summary fashion with little analysis presented, when it is the only option that can substantively mitigate the basic problems that your study is intended to address. Your report appears to not evaluate the viability and importance of this option, and it reaches conclusions based on assumptions without analysis. By dismissing this option you do not solve the problem that you were mandated to address and fundamentally fail to present to Council fully analyzed and costed options for their consideration. We strongly urge you to reconsider your recommendation.

A second in-town crossing is urgent and essential for the following reasons:

- 1) It is the only option that can reroute a substantial volume of traffic from the single bridge crossing. As your report indicates, the single bridge is headed for gridlock, so dismissing a second in-town crossing now only dooms Fenelon to a dismal future.
- 2) It is technically feasible today, but will be more difficult in the future as further development proceeds and land is harder to acquire. It must not be dismissed just because it is technically challenging, since anything is possible with appropriate engineering.
- 3) It should have no impact on boating.
- 4) It should have minimal impact on the environment.
- 5) It will support current traffic demands as well as future development. It has been called for in numerous studies, including the Business Retention and Expansion Study, the Corridor Study and the Downtown Revitalization Plan. The community supports this option, and expects it to be taken seriously.
- 6) Delay will only add cost and complications. Kicking the can down the road is not acceptable.
- 7) A second crossing will add considerable value to emergency services in the event that crossing the single bridge is ever compromised by congestion or repair issues.
- 8) Cost considerations are for Council to consider, not the consultant. You owe a duty to the City to include a proper analysis and costing of this option without preemptively concluding that it is too expensive or complicated for consideration.
- 9) The significant benefits of a second crossing are not addressed in your report. This is not just about rerouting vehicular traffic, it is about pursuing the once-in-a-lifetime opportunity to finally solve one of Fenelon's biggest problems. Benefits accruing from making this investment will include: greater business investment by the private sector, housing development, an increase in real estate values and the City's tax base, and a

revitalization of the whole town. Your report should account for these potential benefits in a cost/benefit analysis. All of these potential benefits will be stifled by failure to pursue this option.

- 10) This option should be explored concurrently with the Baddow Bypass option, since there is no guarantee that the Baddow Bypass option will proceed.
- 11) Failure to pursue this option in a current time frame will likely mean that it will never be built. Current problems will worsen. This will amount to relegation of the Fenelon community, citizens and businesses to second-tier status in CKL, possibly forever. This would be a very disappointing and discouraging outcome for the Fenelon community, especially in view of the tremendous business and volunteer efforts that have been undertaken in the past many years to make Fenelon a more vibrant and successful community. The community will likely feel abandoned if no effort is made to invest in Fenelon's future. We implore government officials and their advisors to properly address the needs of the citizens and taxpayers of Fenelon Falls by pursuing this option, and to have the courage and foresight to invest in the community's future while the opportunity is at hand. This would be for the great benefit of Fenelon, and the City as a whole.

Summary – We suggest that you revisit your recommendation regarding a second in-town crossing and find a way to make it work, not reasons for it not to work. We would appreciate it if your analysis would include data, and diligent cost and benefit analysis. This is the only option that supports the future economic health and vitality of Fenelon Falls. Council must be given the opportunity to consider the merits of this investment without a preemptive dismissal from the consultant.

Widening the Bridge

There was little discussion of this option in your presentation, it being summarily concluded that this option was no longer being considered. That preemptive judgement is of concern, since there could be significant benefit from adding a third lane to the bridge, thereby adding storage capacity to the southbound left turn into Sobeys and the northbound left turn on to Water Street. This option should be diligently analyzed, and options presented to Council for decision. In any event, the pedestrian sidewalk on the bridge should be widened and relocated to the east side.

All of the above is respectfully submitted for your consideration by the following signatories, who have approved this submission.

Sincerely,

Fenelon Falls Chamber of Commerce
Fenelon Forward
Downtown Revitalization Committee
Chris Handley
Chris Appleton
Lynne Manning
Jim Armstrong
Tim Wisener
Mike Barkwell
Alan Englestad
Sandra Barrett
Mark Knoester, Sobeys
Chris Bays, Tim Hortons



Request to Speak before Council

Request to Make a Deputation/Presentation to
Council/Committee
City of Kawartha Lakes
City Clerk's Office
26 Francis Street, PO Box 9000
Lindsay, ON K9V 5R8
705-324-9411

Name: *

Christopher Handley

Address: *

46 Oak St, Box 71

City/Town/Village:

Fenelon Falls

Province: *

ON

Postal Code:

K0M1N0

Telephone: *

7058792119

Email: *

chris@handleylumber.ca

There can be a maximum of two speakers for each deputation. Please list the name(s) of the individual(s) who will be speaking. The names that are listed here will be included on the Council Meeting Agenda.

Deputant One:

Christopher Handley

Deputant Two:

First Name, Last Name

Please provide details of the matter to which you wish to speak: *

To speak in support of the second crossing EA and specifically to encourage the commencement of the required EA on 3rd concession in addition to continued effort at long-term planning for an intown bypass in Fenelon Falls. I am hopeful that the consultants suggestions will have consequential improvement on traffic. However, given the timelines to implement that suggestion, it would be tragic to try to begin the process anew if the improvements should prove insufficient for accommodating future traffic. I suspect that regardless of these improvments, much needed growth and development in the area and overall increased traffic in the province will necessitate an in-town solution to alleviate growing year round congestion.

Please attach any additional supporting documents you wish to provide and submit with this completed form.

Have you discussed this matter with City Staff?

☒ Yes

☐ No

If yes, Which department and staff member(s) have you spoken to?

What action are you hoping will result from your presentation/deputation? *

1. Commencement of the next level EA required for the crossing on 3rd Con. Somerville
2. Confirmation of the best route for an in-town bypass in order to keep the current EA green and gird against eventual gridlock if expectations don't prove instrumental at decreasing traffic with the 'Baddow Bypass' option. This would also be informative for planning future growth and development

By signing this form you are acknowledging that all of the information you are providing on this form is true, and giving the City permission to collect your personal information for the principal purpose of a request to make a deputation to Committee or Council as outlined below.

Signature:

Christopher Handley

Date:

10/27/2021



The personal information is being collected by the City of Kawartha Lakes for the principal purpose of a request to make a deputation to Committee or Council pursuant to the City's procedural by-law. This information, including all attachments submitted may be circulated to members of Council, staff, the general public and posted on the City website. Questions about the collection of this information should be directed to the City Clerk or Deputy Clerk at 705 324-9411 ext. 1295 or 1322.

Do you agree to the publication of your contact information (including your address, telephone number and email) on the City's website as part of a meeting agenda? *

☒ Yes

☐ No

Please complete this form and return to the City Clerk's Office by submitting it online or:
Fax: 705-324-8110 Email: agendaitems@kawarthalakes.ca



October 26, 2021

Mr. Ron Taylor
CAO
Kawartha Lakes

Dear Mr. Taylor,

The Coboconk, Norland & Area Chamber of Commerce supports the Fenelon Falls Second Crossing initiative.

Coboconk, Norland, and the surrounding area is comprised of several rural villages along the Trent-Severn Waterway that are struggling from an economic development perspective. We are an organization committed to the growth of business and enhancement of our communities by facilitating opportunities for knowledge sharing, networking, the promotion of local businesses and tourism sites to residents and visitors, as well as business development in the area.

We are focused on attracting resources to our area to help address these issues at a foundational level to assist our communities with their long term growth, while also working to address present short-term issues and initiatives. Business owners and residents in Coboconk, Norland and surrounding areas are frequent visitors and shoppers to Fenelon Falls. A second crossing will help alleviate extreme congestion entering Fenelon Falls and is vital to ensure continued prosperity and growth for the area. Growth for any part of our area, in Northern Kawartha Lakes is good for us all.

In our opinion, this is not just a 'Fenelon Falls issue' – this is a Kawartha Lakes issue that currently hurts us all, and a second crossing and improvement to infrastructure in Fenelon Falls will benefit us all.

We wish this to be included as a formal submission in the consultation process.

Please don't hesitate to reach out to us regarding this issue at chamber@coboconknorland.ca or by phone at 705-454-1110.

Thank you.

Sincerely,

Ian Forster, P.Eng.
Chair

Committee of the Whole Report

Report Number: ENG2021-029

Meeting Date: November 2, 2021

Title: Fenelon Falls Second Crossing Update

Description:

Author and Title: Corby Purdy, Manager Infrastructure, Design and Construction

Recommendation(s):

That Report ENG2021-029, **Fenelon Falls Second Crossing Update**, be received;

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Council Meeting of November 17, 2020, Council adopted the following resolution:

CW2020-169

That Report ENG2020-023, **Fenelon Falls Second Crossing EA Presentation**, be received.

Carried

CW2020-170

That Staff, in coordination with Dillon Consulting, hold a Public Information Centre in Fenelon Falls to update residents on the proposed recommendations for the Fenelon Falls Second Crossing before the recommendations are presented to Council for consideration by the end of Q2, 2021; and

That Staff, in coordination with Dillon Consulting, explore the option of creating a by-pass using the existing Mitchell's Bridge over the Burnt River and analyze stop sign configuration along that route to improve the flow of traffic.

Carried

This report addresses that direction.

Rationale:

City of Kawartha Lakes Staff retained Dillon Consulting to conduct an independent 3rd party Schedule B project as recommended in the Fenelon Falls Corridor Study. Dillon Consulting identified all reasonable alternatives and analyzed as per the Municipal Class EA Planning and Design Process.

Over the course of the study three (3) public meetings were held on May 27, 2019, November 6, 2019 and May 29, 2021. Two (2) stakeholder meetings were held on September 30, 2019 and August 5, 2020. One (1) Committee of the Whole presentation has been delivered on November 3, 2020.

Next steps include finalizing the EA report to align with discussions during the Committee of the Whole Meeting.

Other Alternatives Considered:

To be presented.

Alignment to Strategic Priorities

This project relates to Goal 2 and Goal 3 by maintaining and improving efficiency of the City's existing infrastructure:

2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy

Financial/Operation Impacts:

Preferred alternative to be budgeted in alignment with the City of Kawartha Lakes capital budget forecast.

Consultations:

N/A

Attachments:

Appendix A – Fenelon Falls Second Crossing Presentation



Fenelon EA
Committee of the Whole

Appendix B – Fenelon Falls Second Crossing Study Report – October 2021



Fenelon Falls Second
Crossing Study - Report

Appendix C – ENG2020-023 – Fenelon Falls Second Crossing Environmental Assessment
Presentation – November 2020



ENG2020-023
Fenelon Falls Second Crossing

Department Head email: jrojas@kawarthalakes.ca

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Fenelon Falls Second Crossing:

Municipal Class Environmental Assessment



Committee of the Whole – November 2, 2021

Presentation

Item

1. Recap of Solutions Studied

2. Update since last November 2020 Committee Meeting

3. Summary of Recommendations

4. Q&A

We will link the recording of this presentation to the project webpage.



1. Recap of Solutions Studied

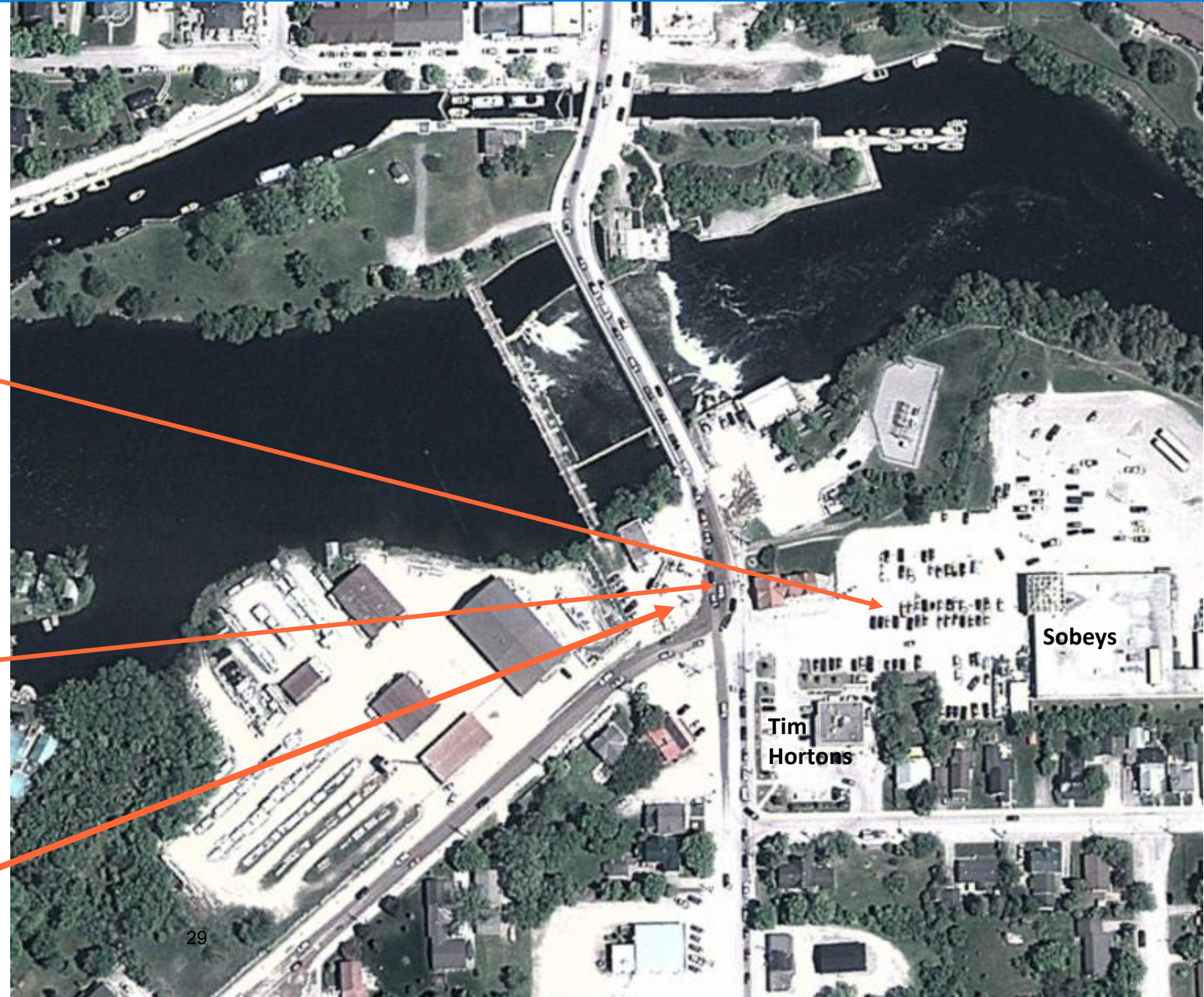
Reminder of Traffic Issues at Helen St and Lindsay St

At capacity: Downtown Corridor Study shows Helen/Lindsay St intersection will be 'at capacity' by 2031.

Land use: Tim Hortons and Sobeys cause traffic flow issues at the intersection. Largest contributor to traffic issues is the southbound left turn into the Sobeys and Tim Hortons lots. Tim Hortons drive thru queue does not have the storage needed.

Queues: not enough storage for vehicles waiting to turn = significant queues. Particularly southbound left turn which affects bridge.

Access Control: Gas station access on the west side of Lindsay St causes additional delays from northbound left turns.



Options Considered

1. **Do Nothing**
2. **Improve local traffic operations**
3. **Expand existing bridge**
4. **Build second in-town crossing**
5. **Build a bypass: 3rd Concession Baddow**
 - Note: Other bypass options reviewed including existing bridges Northline/Poulsom and Concession 6/Burnt River Road

In-Town Area



Bypass Area



Bridge Widening – Not Recommended

Expanding the existing bridge **will not solve** the traffic issues:

- Adding more southbound left queuing space would provide some relief but at peak periods it does not improve traffic flow enough, **the queues continue to grow.**
- Complications for design of Colborne Street and tie-ins with Colborne and Lindsay:
 - Colborne is 2 lanes so **would shift bottleneck**
 - Road **alignment skewed**, affects roads north and south of bridge



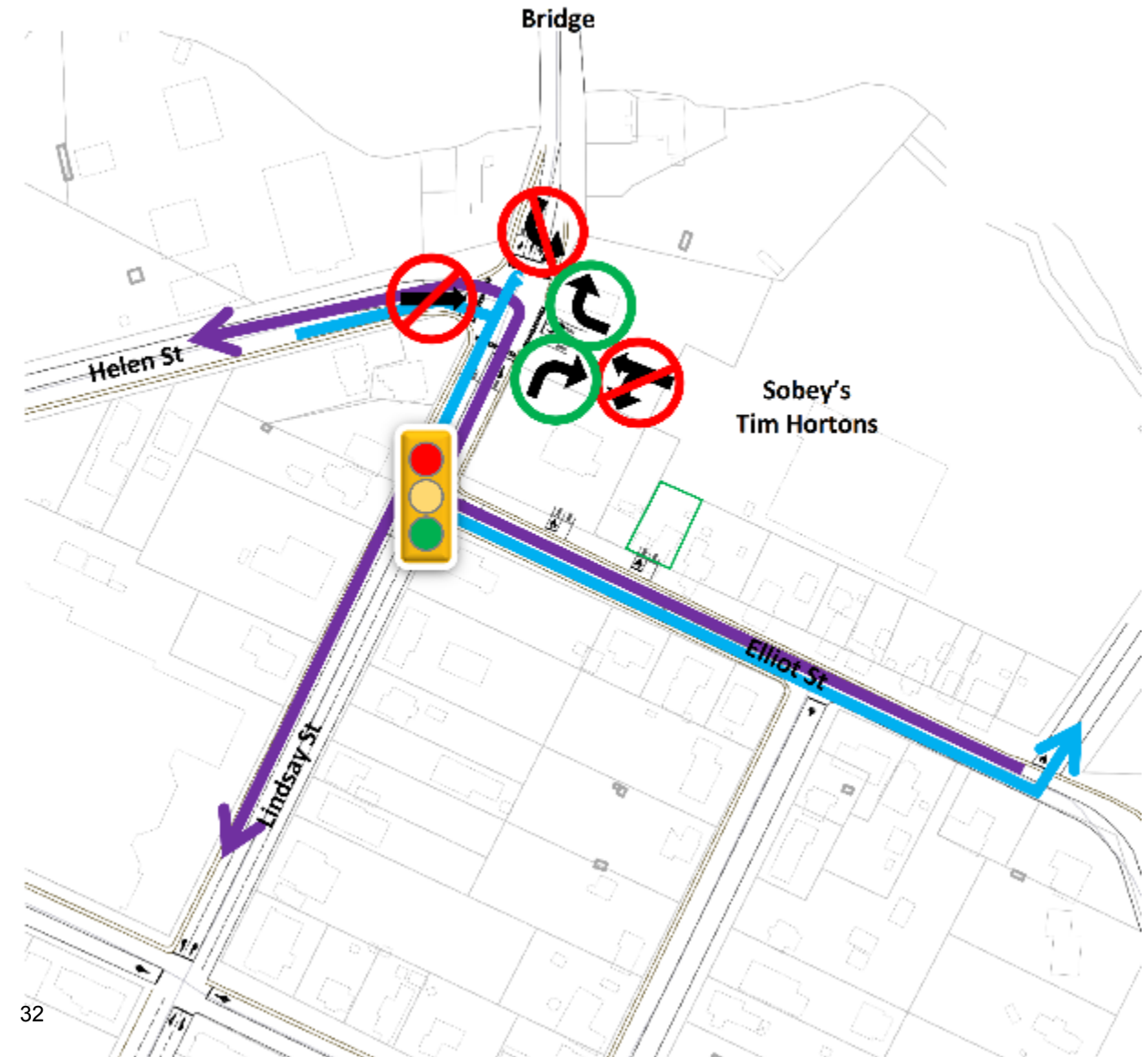
Improve Local Traffic Operations - Recommended

Studied 25+ options for local improvements to existing network.

Recommendation: Make the Sobeys/Tims entrance on Lindsay Street a right-in/right-out + add a traffic light at Elliot Street + improve site access off of Elliot Street.

Results:

- At Helen and Lindsay St intersection, more southbound through traffic will be able to pass through intersection with less green-time. Allows for more green-time for the eastbound left turns from Helen Street north onto the bridge.
- Southbound left turns are better accommodated at Elliot Street with fewer conflicts (T-intersection) and less impact on other turning movements at Helen Street and Lindsay Street.
- Requires improvements to Elliot Street and Clifton for back entrance to Sobeys. Increases traffic for Elliot St.
- Additional improvement options: Tim Hortons and/or Sobeys to acquire additional adjacent property for a new entrance on Elliot Street.



In-Town Bridge Crossing – Consider in Future

A new in-town bridge crossing would:

- Require new road connections on both sides of the waterway
- Likely needs two bridges/overpass due to grades and elevation of Francis
- Multiple impacts to properties, environment and existing communities
- Highest cost of all options
- Provide greatest relief to existing traffic concerns

Not recommended as an immediate solution. Need does not justify scale of solution. Recommend ongoing **review as growth is confirmed.**

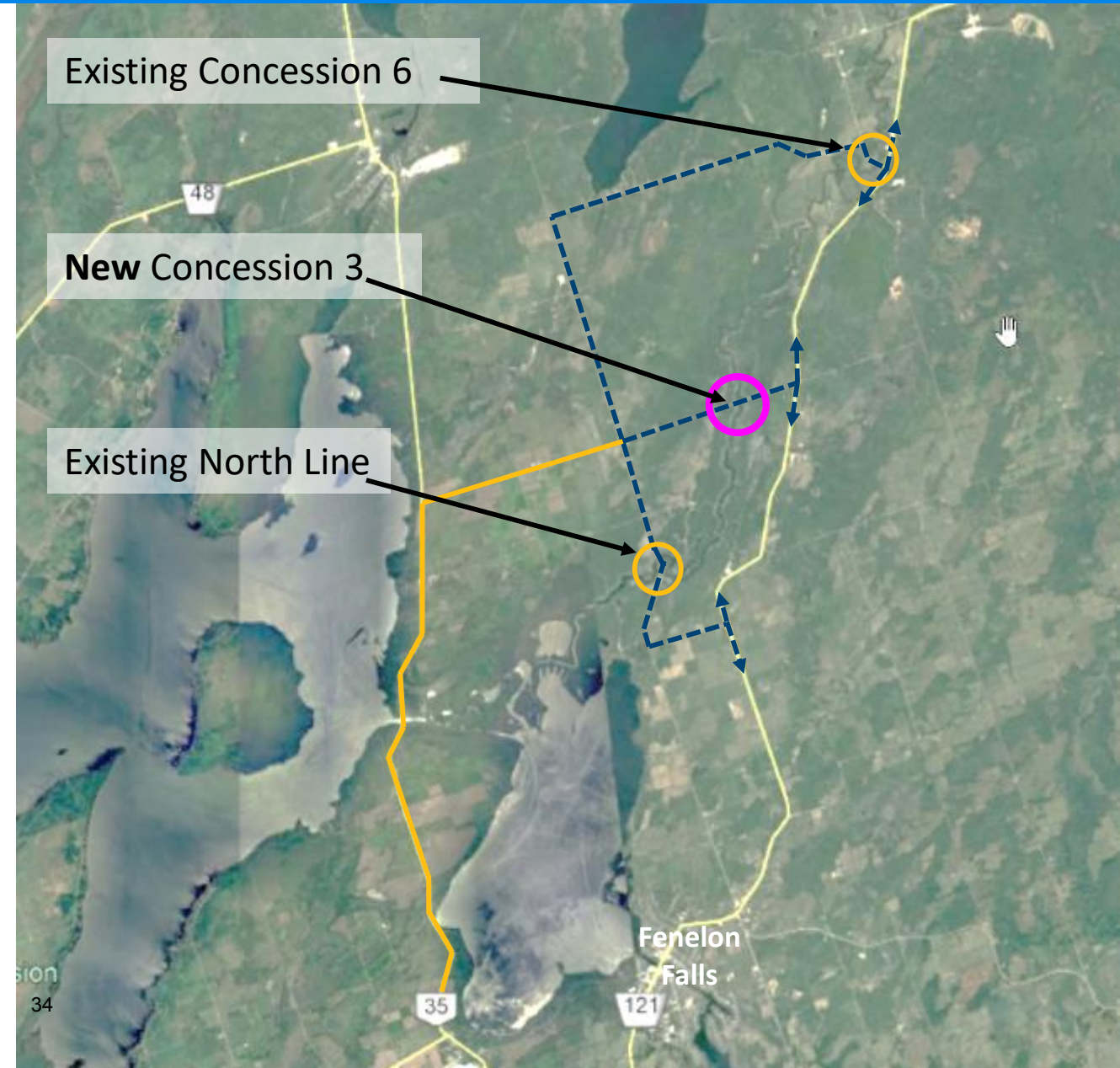


Not Recommended – impacts and cost outweigh benefits. If a large new development in town were to be approved in future (e.g. Fenelon Trails), this option could be reconsidered.

Bypass Crossing – Recommend Further Study

Considerations:

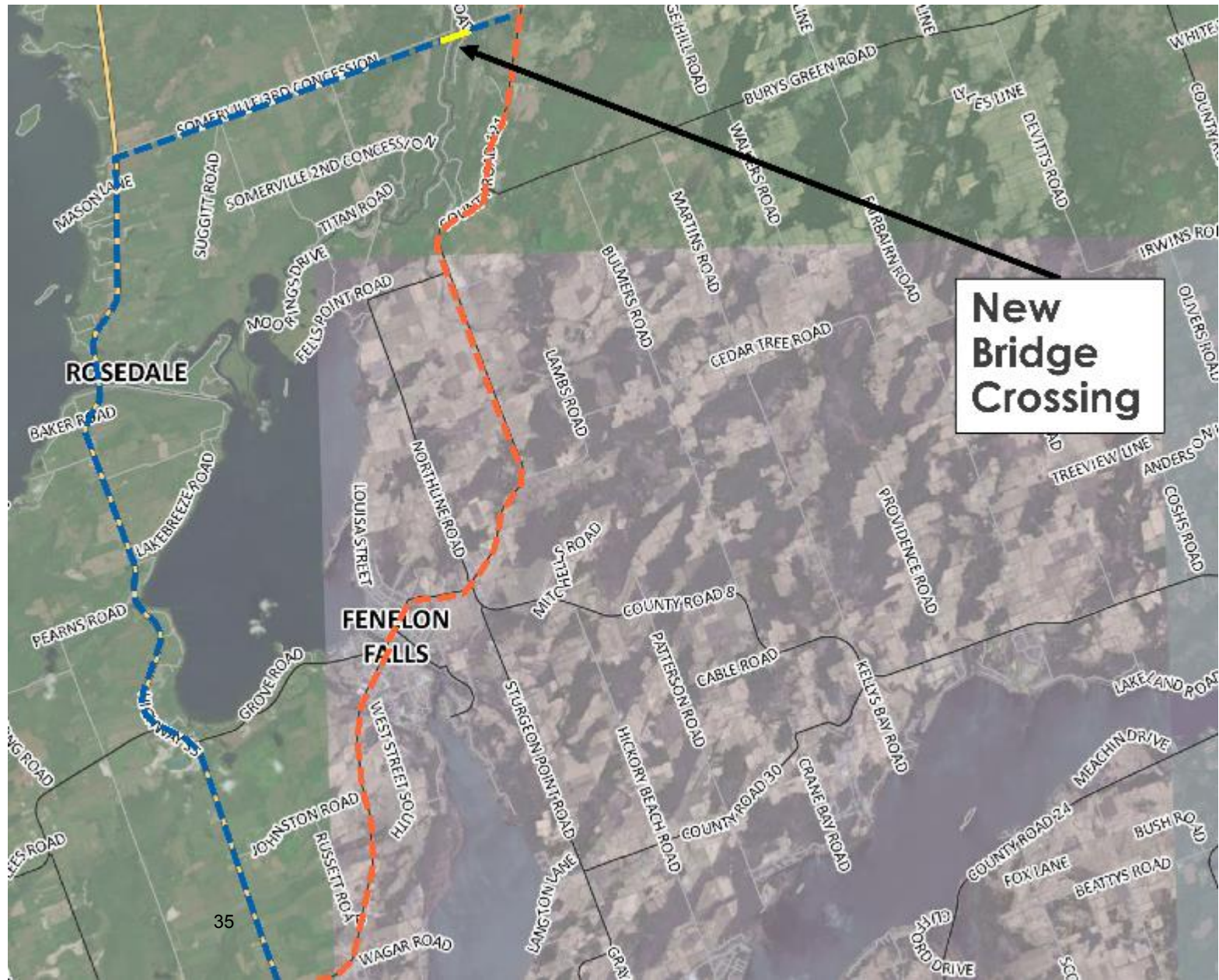
- Connecting Hwy 35 to 121 north of Rosedale
- Existing connections are not direct and are not currently suitable as haul routes
- **Haul Route identification:**
 - 3rd Concession with new bridge previously identified in Aggregate Haul Route Study (2006)
 - Looked at existing and new routes
- There are options to increase signage to direct bypass traffic to existing routes
 - **Interim recommendation includes improving signage to access Mitchells Bridge on Northline**



Bypass Crossing – Recommend Further Study

Further Study Recommended, including:

- Identify and assess **impacts to properties, natural environment and existing communities** (including noise and air quality impacts)
- **Identify upgrades needed** for existing roads, property requirements, maintaining ATV/recreational connections, and boat launch
- Requires further **examination of bridge design** considerations – elevations, floodplain, sightlines, and local road connections





2. Update since last November 2020 Committee Meeting

Since November 2020

- At direction of Committee: Hosted a **third public meeting on May 29, 2021.**
- Prepared a **Frequently Asked Questions** document after the May 29 meeting – posted on website, emailed to contact list (stakeholders, landowners, anyone from public who has shown interest), mailed to requested land owners.
- **Spoke directly with and emailed over 50+ residents** on the issues and concerns people have with the options.
- **Sent letters by registered mail** to property owners surrounding Helen and Lindsay Street intersection and along Elliot Street to inform them of the in-town traffic improvements being recommended.

Consultation Summary

Over course of the study:

- Three Public Information Centres: May 27, 2019, November 6, 2019 and **May 29, 2021**
- Two Stakeholder Meetings: September 30, 2019, August 5, 2020
- Two Committee of the Whole Presentations: November 3, 2020 and **November 2, 2021**

This is not the end of consultation. For either a new bypass or a second in-town bridge, further study and consultation would be required. **The work to date is not sufficient to recommend implementation of either a new bypass or second in-town bridge.**

Summary of What We've Heard

- Mixed support for solutions – **wide range of opinions**
- Concerns with **impacts to residents and environment** for a new bridge in-town or a bypass
- **Significant bypass concerns** related to moving the traffic issues and impacting the people and the environment along the bypass: noise, air quality, wildlife, woodlands, wetlands, flooding, road safety and sightlines, recreation, property values, etc.
- Concerns with **changes to Helen Street and Lindsay Street intersection** and increased **use of Elliot Street**
- Concerns with **Tim Hortons traffic and drive-thru queueing**
- Desire to see the **existing bridge improved**
- Interest to see options that **better utilize existing Burnt River bridges**
- Concern for **EMS response issues** – these have not been identified by the providers themselves, more a community perspective and concern
- Interest to see **more study/progress on a second crossing in-town**, be ready for growth and protect a future right-of-way
- Concern that nothing will get done



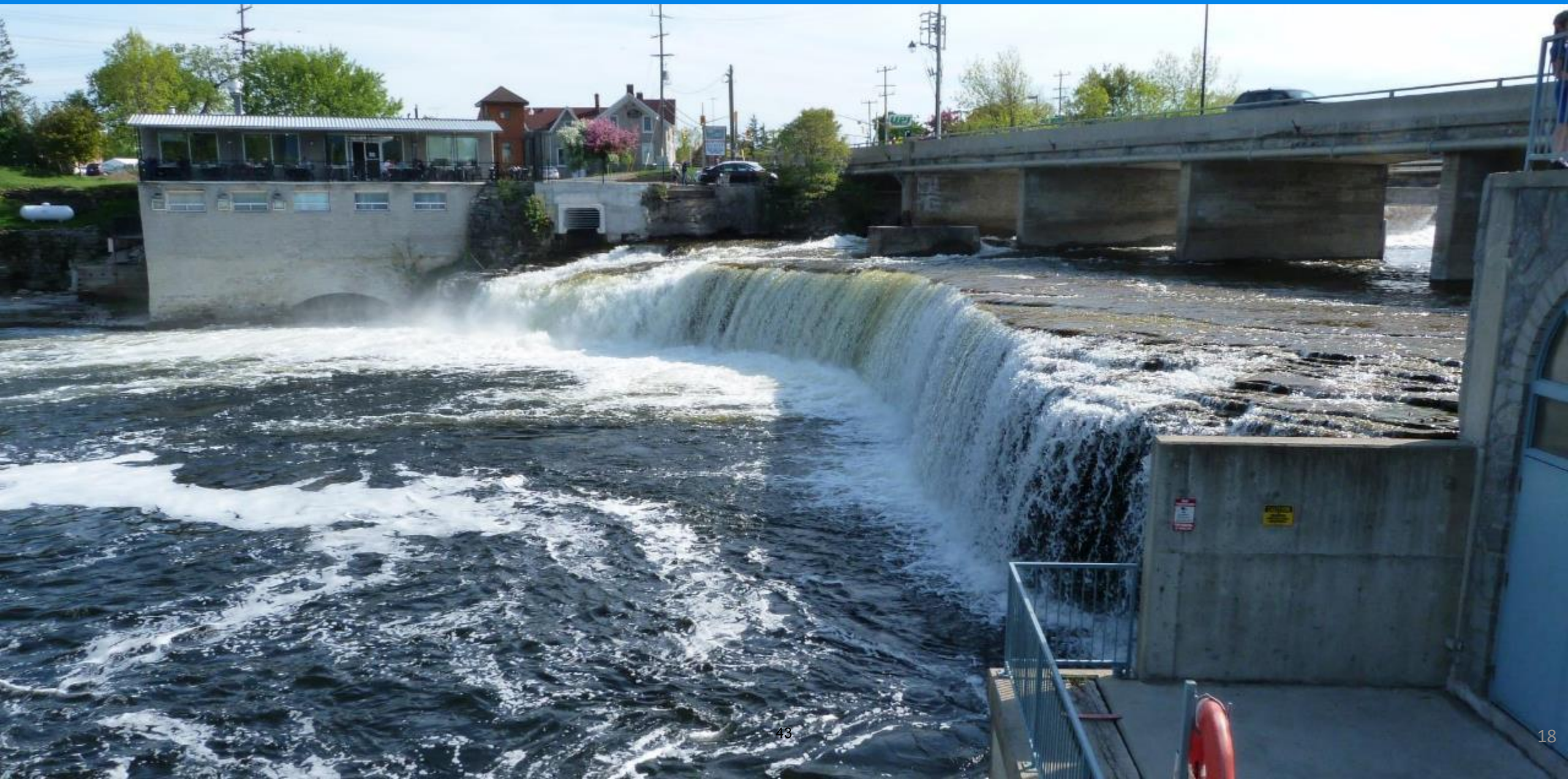
3. Summary of Recommendations

Recommendations

- Implement traffic improvements for **Helen Street, Lindsay Street and Elliot Street**
 - Monitor traffic once these improvements are made before deciding on implementation of other solutions.
- Further study of the **Bypass Solution** to assess impacts and bridge design requirements
 - Schedule 'C' MCEA work is needed for the bypass to assess impacts in more detail and consider design requirements. EA requirements for a bridge have recently changed by the Province. **Currently no recommendation to build the bypass; further work is required.**
- Complete existing bridge rehabilitation and improve the pedestrian connections.
- **Work with Tim Hortons** on drive-thru traffic issues and potential options for on-site improvements, access improvements or overall relocation.
- Continue to **monitor growth in Fenelon Falls** that would support the need for a second bridge in-town.
- Improve **signage for Mitchells Bridge** (Northline) route.



Thank You





City of Kawartha Lakes

Fenelon Falls Second Crossing Study Report

October 2021



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Executive Summary

This report summarizes the transportation planning, engineering, environmental and consultation work completed between 2019 and 2021 to identify solutions to existing and future traffic issues in the town of Fenelon Falls. The work completed and documented in this Study Report fulfills Phases 1 and 2 of the Municipal Class Environmental Assessment (MCEA) process. The report includes a problem and opportunity statement, documentation of existing conditions, consultation record and the identification and assessment of alternative solutions to address the traffic problems. Alternative solutions examined include improvements to in-town traffic operations and intersection design, expansion of the existing bridge crossing in Fenelon Falls, construction of a second in-town bridge crossing and construction of a new bypass connection.

The traffic congestion issues in Fenelon Falls are a concern of many residents and businesses in Fenelon Falls. There are issues related to the existing and future transportation network capacity, existing road and intersection design and challenges related to transportation and land use planning. There are also opportunities to improve the design and experience of downtown Fenelon Falls by addressing traffic congestion. Chapter 2 details the problems and opportunities to be addressed.

Consultation for the project was completed through a series of meetings and communications with stakeholders, the public and City Councillors. Outreach to Indigenous communities was also undertaken as per the MCEA process. Consultation activities are documented in Chapter 3. Information on how input from consultation informed the work is documented throughout the report.

Two primary study areas were identified in order to assess locations and impacts of the alternative solutions. Existing conditions were studied for the in-town and bypass study areas and are documented in Chapter 4.

Chapter 5 describes the alternative solutions and Chapter 6 documents the impact assessment and summarizes the trade-offs between the solutions. Chapter 7 provides the summary of recommendations and next steps.

Based on the work completed, including consultation with stakeholders and the public, the recommendations are:

1. Progress the intersection design improvements at the intersection of Helen Street and Lindsay Street and at the intersection of Elliot Street and Lindsay Street. This includes completing upgrades to Elliot Street and preparing detailed designs to address site access and turning movement permissions for the Sobeys and Tim Hortons. This does not require further EA study and can proceed to design at the City's direction. Additional consultation with businesses and surrounding property owners should be completed as the designs progress.
2. Proceed with further study of the Burnt River bypass solution following a Schedule C process which includes Phases 3 and 4 of the MCEA process. This should involve examination of design

options, required road improvements, assessment of impacts and further consultation with potentially impacted property owners and surrounding residents.

3. Proceed to monitor traffic conditions in Fenelon Falls following the implementation of recommendation #1 and complete the Growth Management Study for the City of Kawartha Lakes to inform future decisions on the need and justification for a second in-town bridge crossing. This should be completed before the implementation of a bypass is pursued. The findings of the Growth Management Study, including transportation planning, should inform a decision on implementation of a bypass.

This is not a complete environmental assessment (EA) report. Based on the findings documented in this report, either a second in-town bridge or a bypass solution would require further analysis, including the completion of Phases 3 and 4 of the MCEA process as required for a Schedule C transportation project.

This study commenced in 2019 and was delayed when the COVID-19 pandemic began to impact Ontario in March 2020. The study went on hold in March 2020 and restarted in April 2021. During the period of study from 2019 through to October 2021, the MCEA process was amended to include clarification regarding project assessment requirements. In the transportation project schedules of the MCEA manual, new water crossings (bridges, causeways, etc.) were identified as requiring Schedule C MCEA process completion. The scope of work for this study followed the Schedule B process (which is a less detailed study); as such additional work is required to complete a Schedule C study if the proponent would like to pursue a new water crossing either via a bypass or a new in-town crossing.

1.0 Introduction

The community of Fenelon Falls is located in the City of Kawartha Lakes and is centred on the Trent-Severn Waterway between Cameron Lake and Sturgeon Lake. There is currently one bridge crossing of the Trent-Severn Waterway in Fenelon Falls. This bridge crossing serves as the primary north-south travel route through Fenelon Falls and connects the surrounding region. The City of Kawartha Lakes Transportation Master Plan and, more recently, the Fenelon Falls Corridor Study identified the need for additional roadway capacity across the Trent-Severn Waterway. There are existing and growing traffic delays related to the existing Fenelon Falls bridge crossing that are particularly acute during peak demand times, which are typically weekends from May through September. During summer weekends, traffic congestion along Lindsay Street and Colborne Street can result in extended traffic queues through town. The summer period is particularly busy given the cottage population in the region. Although summer peak periods see the most extensive traffic delays, there are also community concerns that overall traffic through the community has grown increasingly worse and that a solution that improves traffic at all times of the year and throughout the week is desired. Furthermore, a group of residents have identified a desire for a second bridge crossing to provide a reliable alternative route when the existing bridge is not accessible or blocked.

Given the traffic issues identified by the community and through previous studies, in 2019 the City of Kawartha Lakes (the City) retained Dillon Consulting (Dillon) to complete the Fenelon Falls Second Crossing Study. The City is the project proponent. This report documents the findings of the study, which was completed between 2019 and 2021. The focus of the study was to identify and assess options to address the Fenelon Falls traffic issues. A second bridge crossing has the potential to address the traffic issues in Fenelon Falls and could be located either in-town or could be part of a bypass outside of Fenelon Falls. Although the project is referred to as the Second Crossing Study, this study also examined the design and configuration of existing transportation routes and intersections in the community and includes recommendations for improvements to existing facilities in town.

The study process followed Phases 1 and 2 of the Municipal Class Environmental Assessment (MCEA) process. This report documents the problems and opportunities related to transportation and traffic in Fenelon Falls, identifies potential solutions to the problems, evaluates the impacts of the potential solutions and makes recommendations based on the evaluation of solutions. The work completed aligns with Phases 1 and 2 of the MCEA process but does not include all components needed for a complete environmental assessment (EA) of solutions. Some of the recommendations found in Chapter 7 require additional study, including completion of Phases 3 and 4 of the EA process for a Schedule C project.

1.1 Study Area

The project study area is separated into two parts: an in-town study area and a bypass study area. The in-town study area is shown in **Figure 1.1**. The study area covers the community of Fenelon Falls along the Trent-Severn Waterway from Cameron Lake to south of Wychwood Crescent. The northern boundary is

where County Road 121 intersects with County Road 8. The eastern boundary is Sturgeon Point Road and the western boundary is Cameron Lake.

The bypass study area is shown in **Figure 1.2**. This area is along Highway 35 from Long Beach Road in the south to the area north of Somerville Concession Road 3, north of Baddow, and from Bobcaygeon in the east to Balsam Lake in the west.



Figure 1.1: In-Town Study Area



Figure 1.2: Bypass Study Area

1.2 Study Process

This study followed Phases 1 and 2 of the MCEA process. **Figure 1.3** outlines the phases of the MCEA process and highlights the work completed in the study and documented in this report. The MCEA document, dated October 2000, as amended in 2007, 2011, 2015 and most recently in 2021, outlines the overall EA process and requirements for municipal infrastructure projects, including roads and water crossings. The MCEA provides information on the different undertakings that each project needs to follow to meet the requirements of the Environmental Assessment Act. The MCEA recognizes that different projects will vary in the impact they have on the environment and will require different degrees of assessment. The MCEA provides a list of different ‘schedules’ so that these varying degrees of projects (from low impact to high impact) can be assessed accordingly.

A solution for a second crossing either as an in-town bridge or a bypass would require a Schedule C EA. This is based on the most recent amendments to the MCEA. At the commencement of this study the requirements for a Schedule C EA for a new water crossing were tied to the scale of the project. In the recent MCEA amendments the scale of a new water crossing is no longer relevant. All new water crossings regardless of size and cost require a Schedule C EA. As such, changes to the requirements mean that further work is required to complete Phases 3 and 4 of the MCEA process if the City would like to progress plans for either the bypass solution or the second in-town crossing solution, because both include new water crossings.

For other solutions examined that do not require a new bridge crossing, such as altering existing intersection configurations, additional EA study would not be required beyond this report. If the City chooses to proceed with a solution that is focused on design alterations to existing intersections (referred to as in-town traffic improvements), those solutions fall within a Schedule A / A+ level of study and no further EA work is required before progressing to design. More information regarding recommendations and next steps of study and design is included in Chapter 7 of this report.

NOTE: This flow chart is to be read in conjunction with Part A of the Municipal Class EA

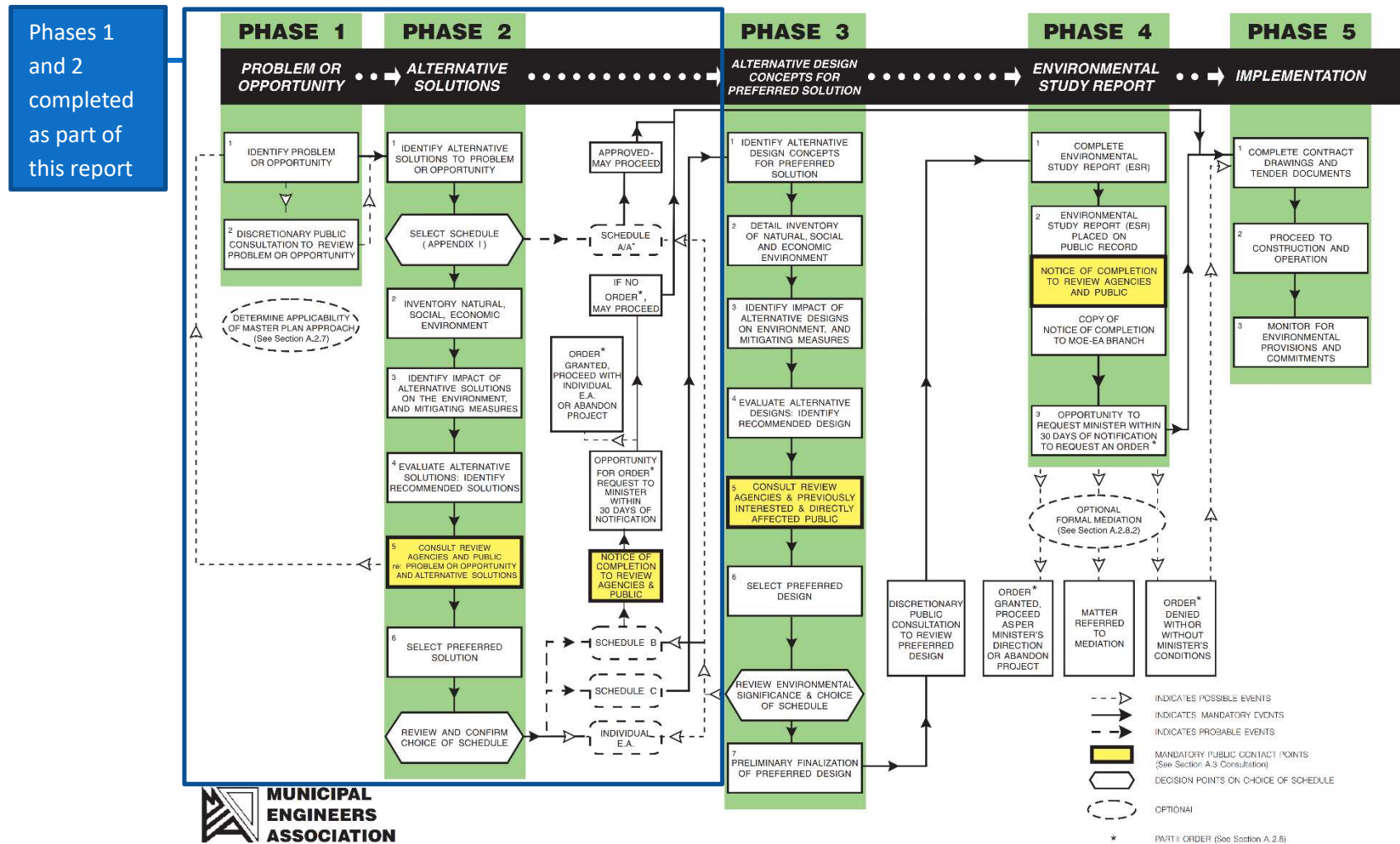


Figure 1.3: MCEA Process and Completed Work

2.0 Problem and Opportunity Statement

This project is based on the results of the City's Transportation Master Plan and the Fenelon Falls Corridor Study that both identified the need for additional roadway capacity across the Trent-Severn Waterway within a 2031 planning horizon. In addition, the City's Aggregate Haul Route Study completed in 2006 identified the need for a new designated truck route to provide added capacity for aggregate transport trucks across the City.

From approximately mid-May through September, Fenelon Falls experiences an increase in vehicular traffic along Lindsay Street and Colborne Street. This is in part due to seasonal driving conditions during these months that see more auto trips in the area by local residents and due to the seasonal population increase associated with cottages. As there is only one bridge crossing in Fenelon Falls, all of the traffic moving through the community needs to travel over this key crossing. Issues with intersection design and increased traffic volumes related to popular businesses in the area of the bridge leads to congestion, with extended traffic queues. Tim Hortons and Sobeys, located on Lindsay Street, are anchor destinations in Fenelon Falls that generate traffic from a broad geography. Increased foot traffic also results from the additional visitors that arrive by boat via the Trent-Severn Waterway. The key problems and subsequent opportunities related to traffic issues in Fenelon Falls and potential solutions are presented in Sections 2.1.1 and 2.1.2.

The problems and opportunities were consulted on with the community and stakeholders at the first Stakeholder meeting and the first Public Information Centre (PIC) held in May 2019. The problems and opportunities reflect the input heard through consultation. There are a wide range of concerns related to traffic in the community that extend beyond the issues of inconvenience associated with longer travel times. Residents are also concerned with issues such as safety, main street experience and business operations.

The problems and opportunities identified do not account for changes in traffic patterns due to the COVID-19 pandemic. COVID-19 has affected travel patterns; however, any permanent changes to traffic are not yet understood. Every 5 years the City does a roads review to update the 5 year plan for transportation network improvements. The next roads review will commence in 2022 at which time the City will look at current traffic patterns including the traffic patterns that have resulted from the pandemic. Given the timing of this study and the lack of data regarding permanent changes in travel patterns due to COVID-19, this report focuses on the conditions documented and understood in 2019 prior to the pandemic. Once the 2022 roads review study is complete, results of that work should be considered in relation to the findings in this report.

Key Problems

Current traffic related problems identified in 2019 in Fenelon Falls include:

- Congestion and traffic delays on Lindsay Street and Colborne Street:
 - Colborne Street and Lindsay Street are the main streets in Fenelon Falls connecting either side of the bridge across the Trent-Severn Waterway. These streets experience higher traffic volumes than normal during May-September periods and an increase in larger

vehicles such as commercial trucks and cars with trailers/boats. Congestion is a problem throughout the week and is even more pronounced on the weekends. The congestion creates delays for through traffic, idling vehicles, challenges with left-turns, challenges with on-street parking, an increase in travel times for residents and visitors and concerns related to an increase in potential conflicts and safety risks;

- The existing bridge crossing is 2 lanes, one in each direction with a pedestrian sidewalk on the west side of the bridge. The south end of the bridge connects to the intersection of Helen Street and Lindsay Street. This is where traffic splits south along County Road 121 (Lindsay Street) and west along County Road 8 (Helen Street). On the east side of the intersection is the access driveway to Sobeys and Tim Hortons. All turning movements are permitted at this intersection, with dedicated signalized left turn lanes. The combination of traffic movements being made at this intersection and the volume of traffic moving across the bridge and through the intersection from May through September results in multiple conflicts. The demand for the southbound left turn into Sobeys and Tim Hortons results in long queues backing up north on the bridge. The queue then blocks the southbound through lane on the bridge. This results in southbound congestion backing up on Colborne Street. This issue is exasperated by the other turning movements at the Helen and Lindsay intersection including the northbound left turn from Lindsay Street onto Helen Street, the eastbound left turn from Helen Street onto the bridge and the westbound left turn from the Sobeys/Tim Hortons onto Lindsay Street. The demand for these movements can result in queues that extend into the through lanes on Lindsay Street and prevent traffic from flowing through the intersection;
- The location of the Sobeys and the Tim Hortons at the south end of the bridge on the east side of Lindsay Street at the intersection with Helen Street is a key reason for the traffic congestion. These land uses are regional anchors that draw traffic from the broader area around Fenelon Falls. The combination of land use, the volume of vehicles travelling to and through the area during peak periods, and the existing transportation network and intersection design results in the traffic congestion noted;
- The Tim Hortons drive-through entrance on Elliott Street just east of Lindsay Street adds to the traffic challenges. There can be long queues for the drive-through that extend onto Elliot Street and at times even further south onto Lindsay Street. The queue can block northbound through traffic on Lindsay Street and southbound left turning traffic from Lindsay onto Elliot Street;
- Traffic congestion through the main corridors of Lindsay Street and Colborne Street, as well as on Helen Street, can also impact traffic on the connecting local road network. Particularly at Elliot Street, Water Street and Francis Street; and,
- North of the bridge on Colborne Street, the intersections at Water Street and at Francis Street also pose operational challenges with competing turning movements that further delay through movements during peak periods.

- Poor main street experience and business impacts:
 - Colborne Street is a vibrant retail and commercial main street. When this main street is heavily congested, it creates a poor experience for residents and visitors. This experience may be felt by people in vehicles who are stuck in traffic or by pedestrians who experience noise from idling vehicles. Business owners have expressed concerns that idling traffic creates a poor main street experience and fewer people may spend time walking along the main street if it is unpleasant being a pedestrian;
 - Additional traffic may bring more potential shoppers to the downtown businesses of Fenelon Falls, but the increase traffic may also impact local businesses and discourage local visitors to stop. As Colborne Street is the main downtown street of Fenelon Falls, it experiences an increase in vehicle parking over the weekend period. Combined with the traffic commuting through Fenelon Falls, there is a significant increase in parking demand during this time. As such, local residents have reported avoiding travelling into the area at these times as they can have trouble parking and get caught up in congestion. This may have a knock-on effect to local businesses who are unable to attract more shoppers if parking is a challenge. There is a larger parking lot located off the main corridor but this requires shoppers to walk to the main corridor which is not ideal for seniors, people with disabilities or people purchasing larger items;
 - Local businesses have expressed concerns about the impacts that traffic can have on attracting patrons; and,
 - Commercial truck traffic is a contributor to traffic congestion and impacts the overall experience of downtown, especially during periods of congestion when trucks are idling in long traffic queues.
- Other associated problems:
 - On the west side of Lindsay Street and north of Green Street is Fenelon Falls Secondary School. During May, June and September, when school is still in session and the seasonal cottage population starts to grow, southbound travel on Lindsay Street becomes a challenge. Buses for the high school park on Lindsay Street which impacts road traffic. The bridge is also an important pedestrian connection for students from the high school to access the main street of Colborne. Safety and operational concerns have been raised regarding pedestrian and vehicle circulation at the intersection of Helen and Lindsay Streets.
 - There are concerns in the community that emergency services may have impacted response times due to traffic congestion and limitations with only one bridge crossing in town.
 - There are concerns that if the existing bridge needs to be closed for any reason, there is no alternative route.

Key Opportunities

By providing a solution to the above problems, the project has the following opportunities:

- Reduce delays and traffic congestion:
 - Addressing the issues of traffic congestion along Lindsay Street and Colborne Street could relieve commute times and facilitate a better flow of traffic moving through the downtown; and,
 - Addressing congestion could also support improved access to local businesses.
- More traditional main street experience:
 - The main street experience could be improved by removing instances where vehicles are backed up along the main street. There would be less idling, less noise and improved opportunities for people to experience the main street as a community asset, rather than a congested thoroughfare; and,
 - Reduced traffic congestion could help make parking on the main street easier to access.
- Improved connectivity:
 - This project presents an opportunity to create better connectivity through Fenelon Falls and around the entire main street area by addressing traffic operations. A solution to the problem will allow for people to have better success travelling through the area to reach their destination and also for people who are trying to travel around Town.
- Alignment with Downtown Revitalization Plan:
 - There is an opportunity to align the solution to this problem with the Downtown Revitalization Plan. The solution to this problem could result in additional support for the work proposed to beautify and improve the experience of downtown Fenelon Falls, specifically for Colborne Street.
- Rethinking land use and transportation systems:
 - Important destination points within Fenelon Falls are contributors to some of the traffic problems identified, with commuters, visitors and residents all attempting to access key areas along the congested route. Rethinking how land uses interact with the transportation network presents opportunities to improve the overall experience of the community.
- Addressing impacts of truck traffic:
 - Providing a solution that includes alternative routes may help reduce truck traffic travelling through the downtown, which would improve the overall experience of the downtown, especially for pedestrians.

Many of the problems and opportunities identified have been concerns in the community for years. During consultation, community members were vocal about wanting the City to taken action quickly. Concerns

were raised about additional study being required given that traffic in Fenelon Falls has been studied previously. Taking action to address the problems identified is a primary interest in the community.

3.0 Consultation Program

The consultation program for this project was extensive and went beyond the requirements outlined in Phases 1 and 2 of the MCEA process. The consultation with the public, stakeholders, agencies (municipal, provincial and federal), and Indigenous communities included a total of 3 stakeholder meetings, 3 PICs, 1 Committee of the Whole presentation, email and telephone correspondence with community members upon request, mail out letters, public notices and posting of consultation materials on the project website, including video recordings of presentations and a detailed Frequently Asked Questions (FAQ) document. Many meetings in 2020 and 2021 were conducted virtually as a result of the pandemic.

The objectives of the consultation activities were to:

- Identify and understand the traffic issues in Fenelon Falls;
- Build awareness of the MCEA process and meet the consultation requirements of a Schedule B MCEA process;
- Provide clear, concise information about the project that is easy for the public to access and understand;
- Identify issues and opportunities that the project can address that are important to the public and stakeholders;
- Provide opportunities for people to meaningfully participate in the study;
- Gather input on the solutions and criteria for evaluation, evaluation results and recommendations;
- Maintain transparency and openness on the projects progression and goals; and
- Review input received to inform the outcome of the project.

This chapter provides a summary of the consultation completed for this study. Input received that informed various components and outcomes of the study is outlined in subsequent chapters of this report.

3.1 Agency Consultation

As required for an MCEA, Federal and Provincial agencies were consulted as a part of this study. A summary of consultation with the key agencies is provided below.

- Parks Canada – Parks Canada was consulted given that the Trent-Severn Waterway is a National Historic Site and is therefore under the jurisdiction of Parks Canada. Any proposed work that crosses or would have impacts on the Trent-Severn Waterway would require approval and permitting from Parks Canada. Key areas of interest relate to cultural heritage status, protected viewpoints, navigational waterbody clearances, restrictions for in-water works, designing infrastructure based on high and normal water levels, protection of environmental features and habitat including aquatic species and habitat. Through

consultation, Parks Canada confirmed that expanding the existing bridge or constructing a new bridge over the Trent-Severn would be deemed as a new Physical Work and its construction would be considered a Physical Activity and therefore the project would be subject to Section 82 to 89 of the *Impact Assessment Act*. As such, a work permit would be required and subject to the Parks Canada Impact Assessment review process. This input was used to inform the assessment of potential solutions and to identify assessment processes to be followed.

- Ministry of Environment, Conservation and Parks (MECP) – MECP requires consultation for a Municipal Class EA in the province. MECP was provided with a copy of the Notice of Commencement and project information form. MECP provided input on the Indigenous Communities to be consulted as part of the project. MECP would like to be kept informed of project decisions and progress.
- Ministry of Natural Resources and Forestry (MNRF) – MNRF was consulted regarding existing terrestrial and aquatic environment conditions. Input was provided related to natural heritage systems, wetlands, Areas of Natural and Scientific Interest (ANSI's), fish and fish habitat, Species at Risk (SAR), significant woodlands, significant wildlife habitat (SWH), deer yarding areas and deer winter congregation areas and raptor nests. Input also provided details on potential wells and oil, gas and salt resources and other general information related to MNRF approvals, including items related to the *Lakes and Rivers Improvement Act*, the *Public Lands Act* and the *Fish and Wildlife Conservation Act*.
- Kawartha Conservation Authority (KCA) – KCA was consulted as their jurisdiction covers the study area. KCA is interested in the potential impacts of an undertaking on floodplains and wetlands. In particular, KCA is interested in the Burnt River area where a by-pass solution could be located given existing flooding issues. KCA provided updated flood plain mapping information to the team.
- Ministry of Transportation (MTO) – MTO was consulted given that a bypass solution could divert traffic along Highway 35, a Provincial road. MTO affirmed their interest in the project only if the bypass option is pursued as the preliminary preferred solution. Preliminary discussions with MTO indicated that the traffic volumes being considered for the bypass would not significantly impact existing Highway 35 operations but this would need to be confirmed if the bypass solution were to proceed.

3.2 Public Consultation

Notices

The project Notice of Commencement (NOC), was sent out on May 13, 2019. The NOC served as a means of introducing the public to the project and included an invitation to the first PIC, held on May 27, 2019. The notice was shared on the City's website, on social media and printed in the local newspaper, the *Kawartha Lakes This Week*. The Notice was also mailed directly to those properties in the study areas.

The notification for the second PIC, held on November 6, 2019, was posted on the City's website, advertised in the *Kawartha Lakes This Week* newspaper and shared on the City's social media on October 23, 2019.

Notice for PIC #2 was also sent via email to stakeholders and people who signed up for the project contact list either at the first PIC or by emailing the project team.

On November 3, 2020, a presentation was given by the project team to the City of Kawartha Lakes Committee of the Whole. Notification for this was included in the City Clerk's Agenda update and was emailed to the stakeholders and project contact list. Notice was also included on the project website along with a link to a recording of the meeting after the event.

The notification for the third PIC, held on May 29, 2021, was posted on the City's website, advertised in the *Kawartha Lakes This Week* newspaper and shared through the City's social media account on May 13, 2021. Notice for PIC #3 was also sent via email to stakeholders and people on the project contact list. The Notice was also mailed directly to those properties in potential impact areas of the alternative solutions. In addition, electronic notice was placed on a road sign on Lindsay Street to advertise the event.

On November 2, 2021 the Study Report was presented to Committee of the Whole. Notification for this was included in the City Clerk's Agenda update, posted on the City social media account and was emailed to the stakeholders and project contact list. Electronic copies of reports associated with the Committee Meeting were made available via the Clerk's Office. Notice of the meeting was also included on the project website.

Project Website

The City's website (<https://www.kawarthalakes.ca/en/municipal-services/major-projects.aspx>) has been used throughout the project to keep members of the public and interested stakeholders updated on opportunities for consultation and to share project materials. The website has been used to post notifications of upcoming PICs, and to provide copies of presentations and meeting documents. An online comment form was available on the project website for members of the public to provide comments and project team contact information was posted.

Summary of Public Consultation, Input and Responses

Public Information Centre #1

The first PIC took place on May 27, 2019 in person at the Fenelon Falls arena. This meeting provided an opportunity to introduce members of the public and key stakeholders to the project and to provide them with an opportunity to give feedback on the problems and opportunities and potential solutions for consideration. Approximately 86 people attended the event.

The PIC was designed as an interactive event. Participants were encouraged to provide feedback to the project team through a series of activity stations and facilitated question and answer discussion. The topics covered included:

- Problems and opportunities;
- Identification of important transportation routes used by community members;

- Criteria and considerations for developing and evaluating solutions; and,
- Identification of preliminary locations and recommendations for solutions.

Issues were raised regarding the Helen and Lindsay Street intersection, the condition of the existing bridge crossing, the congestion around the Tim Hortons and Sobeys and the impacts that traffic congestion has on the overall community. Attendees stated that while it is important to find a solution that addresses the traffic issues in town, it is also important to consider the potential impacts to local businesses. Interest was expressed in finding solutions that can improve business opportunities and the attractiveness of visiting the downtown area.

Input received was used to prepare the problem and opportunity statement, develop alternative solutions and refine work plans for baseline study and impact analysis.

Public Information Centre #2

The second PIC took place on November 6, 2019 in person at the Fenelon Falls arena. The PIC focused on providing an update on work completed to date. Content included:

- Baseline conditions assessment information, including information on the traffic studies, natural environment studies, archaeological studies, and cultural heritage studies completed;
- Alternative solutions considered;
- Preliminary evaluation results; and,
- Identification of preliminary recommendations.

Approximately 45 people attended the event. The meeting format consisted of a presentation, followed by facilitated table discussions and an open question and answer session. Feedback varied regarding the preliminary recommendations. Attendees raised concerns regarding the existing condition of the current bridge, discussed the need for another bridge in the community and highlighted issues related to emergency response. Concerns and questions were also raised regarding the effectiveness and impacts of traffic improvement options. Attendees reiterated the need to move quickly to address traffic issues. A bypass was supported as a potential solution that could be progressed more quickly, and with fewer impacts than a second in-town bridge. Concerns about whether a bypass would do enough to relieve the traffic issues in the community were raised. There was also acknowledgement that a second crossing over the Trent-Severn would require a federal assessment process in accordance with Parks Canada regulation associated with the National Historic Site designation.

Preliminary recommendations regarding improvements to the existing intersection design of the Helen and Lindsay Street intersection were a focus of conversation. Attendees wanted to see more information on what the intersection improvements would be and the resulting traffic analysis. Input received was used to refine the evaluation and preliminary recommendations. This included direction for the study team to complete additional transportation planning work to model and assess the in-town intersection improvements. Based on input for the bypass solutions, the study team also completed additional review of the potential environmental impacts of the bypass.

Public Information Centre #3

The third PIC was held on May 29, 2021. It was a virtual public meeting using Zoom events. The PIC focused on providing a project update and was centred on answering key questions that the team received from the public over the course of the study. This PIC was held as an additional opportunity for community consultation based on direction from the Committee of the Whole. In November 2020 the Committee directed the study team to further consult the community in spring 2021 in order to gather more input from property owners and residents in the vicinity of the bypass. Properties along the Burnt River were mailed the public meeting notice to encourage engagement. Over 130 participants registered for the event and logged in for the presentation. Prior to PIC #3, many residents and business owners reached out to the study team via email and telephone with questions and comments regarding the study. The presentation material for PIC #3 focused on providing a comprehensive overview of the study and answering the questions and comments that the team received. The presentation material included:

- Overview of study objectives, problem and opportunities;
- Update on studies completed including information on the traffic studies, environment and heritage studies completed;
- Description of the alternative solutions and rationale for consideration;
- Preliminary evaluation results;
- Identification of preliminary recommendations; and,
- Requirements for next steps, including information on future MCEA work required for a bypass.

There was a wide range of input and questions received. Residents along the Burnt River do not want the bypass to proceed and residents in the community located along Juniper, Ellice, Wychwood and Elliott Streets do not want the in-town bridge crossing or the intersection modifications to proceed. We also heard from businesses in the community who are concerned about the impacts of the intersection modifications on their operations. All of the options result in some degree of impact on residents and property owners which is why there were concerns raised for every solution. Concerns regarding the impacts of the bypass included issues related to property impacts, wildlife, wetlands, woodlands, recreational features, noise and impacts to overall quality of life for people living in the vicinity of the bypass. Concerns and questions were also raised regarding the effectiveness of the bypass and whether it would address the traffic issues identified. Concerns regarding the in-town second crossing also included concerns related to property impacts environment, noise and impacts to schools and seniors. Attendees stated that since COVID, traffic congestion has increased during the week as more seasonal residents remain at cottages for longer periods of time. There were concerns with land use planning in the community and the location of the Tim Hortons drive-thru. Some residents feel that the road network is not the issue but that where Tim Hortons is situated is the biggest issue. Suggestions included either relocating the Tim Hortons or altering the site design so that traffic is better managed on site. Residents also raised concerns with the impacts to Elliot Street that would arise by redirecting traffic from Lindsay Street onto Elliot Street in order to access the Sobeys. More information regarding the redesign of Elliott Street was requested. Comments also included concerns with the consultation process. If the City proceeds with one of the bridge options or a bypass, people would like to see more consultation before any decisions are made.

Following PIC #3 the study team released a Frequently Asked Questions (FAQ) document that identified the questions submitted to the project team and provided responses. The FAQ includes a comprehensive list of the questions and concerns raised throughout consultation over the duration of the study. The FAQ was posted on the project website, emailed to the project contact list and mailed to property owners who requested a printed copy. A copy of the FAQ is included in **Appendix A**.

3.3 Stakeholder Consultation

Stakeholder consultation mirrored the public consultation. Following the first PIC, a stakeholder contact list was established with input from City staff. The stakeholder contact list included:

- Fenelon Forward;
- Chamber of Commerce;
- Downtown Revitalization Committee;
- Local Councillor for Fenelon Falls;
- Ministry of Transportation;
- Kawartha Conservation Authority;
- Parks Canada; and,
- Local area businesses at Helen Street and Lindsay Street.

The first stakeholder workshop took place on September 30, 2019 at the Fenelon Falls arena. Presentation materials included an update on study progress since PIC #1, findings from baseline conditions studies and identification of preliminary solutions. Content included draft materials for public presentation at PIC #2. During the meeting, the stakeholders were split over whether the bypass or an in-town solution would be the most effective. Concerns were raised over whether the amount of vehicles a bypass would remove would be enough (20-30% vehicles removed), while concern was also raised over the number of properties impacted by an in-town solution. Others commented that as the City grows there would need to be an in-town solution in the future regardless of the outcome of this study. Stakeholders also suggested that further clarification of the Streetlight traffic study analysis was needed for PIC #2. Input from stakeholders was used to refine presentation materials for PIC #2 in November 2019.

The second stakeholder meeting was split into three smaller meetings, all held over the course of one day on August 5, 2020. The meetings focused on the findings and preliminary recommendations of the study. The first meeting of the day was with the business owners of Sobeys, Tim Hortons, and RWH Construction. The second stakeholder meeting was with the business owners of the Texas Burger and the UPI Gas Station. The third meeting included all of the key businesses at the Helen and Lindsay Street intersection that were invited to the first two meetings as well as the broader list of stakeholders.

Input from stakeholders focus on the operational issues of the Helen and Lindsay Street intersection. This included discussions related to the turning movements at the intersection as well as the traffic volumes generated by the Tim Hortons and Sobeys. Discussions of road design improvements centred on the potential impacts to business operations. Discussion of potential solutions included adding turning lanes and

adjusting signal timing at the intersection. Stakeholders also raised concerns regarding the time it would take to complete the necessary Phase 3 and 4 MCEA work for the bypass.

3.4 Indigenous Community Outreach

The Ministry of Environment, Conservation and Parks (MECP) provided a short list of Indigenous Communities that the project team should consult with as part of the EA. This included the following:

- Alderville First Nation;
- Curve Lake First Nation;
- Hiawatha First Nation;
- Mississaugas of Scugog Island First Nation;
- Kawartha Nishnawbe First Nation; and,
- MNO Peterborough and District Wapiti Métis Council.

The project team also engaged with the Chippewas of Rama First Nation, Moon River Métis Council, and the Métis Consultation Unit. Initial notifications were sent on May 22, 2019. The notice of commencement provided background on the project and offered to set up a meeting to discuss the project. On May 22, 2019, Curve Lake First Nation provided a response to the notice of commencement. The response confirmed receipt of the notification and stated that a file fee was required for the project and requested that they be kept updated on the project's status. Curve Lake First Nation also asked that the archaeological studies be shared when complete. No other responses were received.

Further notifications were sent out on October 9, 2019, inviting Indigenous Communities to the upcoming second PIC. No responses were received. If either the bypass or second in-town bridge option is progressed to Phases 3 and 4 of the MCEA process, additional effort to consult with Indigenous communities is needed. This includes consultation on and involvement in the monitoring for the archaeological studies.

4.0 Overview of Existing and Planned Conditions

This section of the report summarizes the existing and planned conditions in the in-town and bypass study areas. Identification and documentation of baseline conditions included desktop analysis and field studies completed in 2019 and 2020. The information was used to inform the development and assessment of alternative solutions.

4.1 Trent-Severn Waterway and Burnt River

Physiographic and Geomorphologic Description

When considering new roads and bridges it is important to understand the physiographic and geomorphic conditions in the study area. The in-town and bypass study areas both lie over geology from the Paleozoic Era with Middle Ordovician bedrock from the Ottawa group, Simcoe group and Shadow Lake formation bedrock, consisting of limestone, dolostone, shale, arkose and sandstone (Ontario Geologic Survey, 1991).

Two Paleozoic bedrock units occur within the in-town study area; the Bobcaygeon unit and the Verulam unit. The Bobcaygeon unit forms a corridor generally associated with Cameron Lake and Fenelon River that forms a general corridor through the surrounding Verulam unit. These bedrock typologies consist of limestone and shale (Verulam) and limestone with minor shales (Bobcaygeon). The entirety of the in-town study area lies within the Peterborough Drumlin Field physiographic region (Chapman and Putnam, 2007). Physiographic mapping reveals that the study area lies within drumlinized till plain area with a drumlin feature that partially transects the center of the study area in a southwest to northeast orientation (Chapman and Putnam, 2007). In addition, Surficial Geology of Southern Ontario mapping from the Ontario Geologic Survey (2003) indicates that Paleozoic bedrock dominates the western half of the study area while drumlinoid ridges, a centralized esker (with an unknown direction of flow) and two types of till dominate the eastern half of the study area. Till types within the eastern half include stone-poor as well as stony sandy silt to silty sand-textured till.

Two Paleozoic bedrock units occur within the bypass study area; the Gull River unit and the Bobcaygeon unit. The Gull River unit forms a north-south oriented corridor with Burnt River within the larger surrounding Bobcaygeon unit. These bedrock typologies consist of limestone and dolostone (towards base) (Gull River) and limestone with minor shales in upper part (Bobcaygeon). The bypass study area occurs within the Carden Plain physiographic region within the western half and the Drummer Moraines physiographic region within the eastern half of the bypass study area (Chapman and Putnam, 2007). Physiographic mapping reveals that a central spillways landform forms a corridor associated with Burnt River surrounded by limestone plains. Further, Surficial Geology of Southern Ontario mapping from the Ontario Geologic Survey (2003) indicates that modern alluvial deposits containing clay, silt, gravel, with a potential for organic remains occurs in association with Burnt River, while stony, sandy silt to silty sand-texture till on Paleozoic

terrain covers most of the remaining study area with the exception to minor occurrences of coarse-textured glaciolucustrine deposits and organic deposits.

Watershed and Surface Water

The in-town study area is located within the jurisdiction of the Kawartha Conservation Authority (KCA) and is located in the Kawartha Conservation watershed. The overall watershed covers 2,563 square kilometres and has a unique landscape that holds wetlands, and long meandering rivers that flow to and from lakes along the Trent-Severn Waterway. The Trent-Severn Waterway is managed by Parks Canada as a National Historic Site and is a predominant feature of the study area. The Kawartha Conservation watershed is made up of 27 smaller drainage areas called subwatersheds, which are areas drained by a stream or group of streams also referred to as tributaries. The majority of Fenelon Falls is located in the Sturgeon Lake watershed. The western side of Fenelon Falls, adjacent to Cameron Lake, is in the Cameron Lake watershed.

There are two primary tributaries located within the in-town study area: one north of the Fenelon River and one south. The southern tributary drains rural and urban lands to Sturgeon Lake. There is potential that the southern tributary has the same upstream drainage area as the northern watercourse which drains north of the Fenelon River, although it is unclear. A flood plain study has yet to be finalized for this tributary.

The northern tributary drains the rural and urban areas to the Fenelon River upstream of the falls. This watercourse consists of a large enclosed section from Francis Street to the river outlet. A Fenelon Falls North Tributary Flood Plain Mapping Study was prepared by the KCA. The report states that the northern watercourse has flooded in the past, likely as a result of undersized culverts and channels or blocked culvert inlets.

Based on data from the KCA, the Cameron Lake watershed surface water quality is in excellent condition whereas the Sturgeon Lake watershed surface water quality ranges from good to fairly poor condition depending on levels of precipitation. This is based on monitoring of total phosphorous (TP) and/or benthic macroinvertebrates (aquatic insects) family biotic index (FBI) in the subwatersheds. The surface water watershed conditions are a reflection of the drainage area, conditions of wetlands and woodland areas, surface water runoff and development in the watershed. Conditions vary based on seasonal precipitation.

The bypass study area is located within the Goose Lake and Burnt River watershed. The Ministry of Natural Resources and Forestry (MNRF) oversees the watershed along with the City of Kawartha Lakes as there is no designated Conservation Authority for the area. The Burnt River drains an area of 1,300 square kilometres from its headwaters near Canning Lake south into Cameron Lake. Given the topography, stream gradient, water volume and resulting current of the Burnt River, suspended solids affect water quality which can range from good to very poor depending on seasonal precipitation and overall water levels in the watershed.

Floodplain mapping of the Burnt River was provided by the KCA. The Burnt River drains a large area of land north of Cameron Lake that extends beyond Kinmount to the area just south of Haliburton. Flooding is a common occurrence along the Burnt River. The study area for this project includes the portion of Burnt River

that floods most frequently, between the community of Burnt River and Cameron Lake. The riverbanks are low and the flood plain is wide in this area. Development along the riverbank is at risk of flood damages during rain events and spring thaw. The largest recorded flood of the Burnt River occurred in 2019 with water levels 20 centimetres higher than the previous record in 2013. Floodplain conditions and constraints are important considerations for the design of a bypass in the area of the Burnt River.

Soils and Groundwater

The quaternary soil deposits associated with the study area are mapped as diverse deposits ranging from Coarse-textured glaciolacustrine deposits and stone-poor and stony till to minor areas with modern alluvial and organic deposits (Chapman & Putnam, 1984).

The in-town and bypass study areas are dominated by loamy soils from the Otonabee Loam and Drummer Loam group with a minor occurrence of a sandy area from the Wendigo Sand group encapsulating the Burnt River corridor (Agmaps, 2019).

No Provincial Groundwater Monitoring Network (PGMN) wells were identified within or within the immediate vicinity of the study areas. A review of the water well records from the MECP for the area indicates that there has been a large number of water wells drilled within the study areas to service private properties. The wells vary in drill depth due to the varying topography. The nearest PGMN well (Well ID: W0000433-1) occurs on private land approximately 6 km southwest of the in-town study area boundary and contains limited data. From the available data from Well - W0000433-1 the lithology contains sand and gravel and daily water level records from the years 2005 and 2006 indicate water levels remain fairly stable ranging from 248.2 masl to 249.2 masl.

Given the need for bridges to have secure footings, groundwater conditions in the area of impact of a new bridge, either in the community or as part of a bypass, would require further study based on more refined bridge designs.

Source Water Protection

The in-town and bypass study areas are located in the Kawartha-Haliburton Source Protection Area (KHSPA) of the larger Trent Conservation Coalition Source Protection Region (TCCSPR). The Source Protection Area (SPA) and Source Protection Region (SPR) are guided by the *Clean Water Act, 2006*. The *Clean Water Act, 2006* is part of the multi-barrier approach to ensure clean, safe and sustainable drinking water for Ontarians, by protecting sources of municipal drinking water such as lakes, rivers and well water (Conservation Ontario).

The Kawartha-Haliburton Source Protection Authority Board is comprised of Kawartha Conservation Board Members, who represent the municipalities within the Kawartha Conservation watershed, and representatives of the municipalities comprising Haliburton County. The Kawartha-Haliburton Source Protection Authority Board identifies the area between Cameron Lake and the Fenelon River (north of the falls) as an Intake Protection Zone #1. All other waterbodies (including the Fenelon River and Burnt River) in the area are listed as being an Intake Protection Zone #3. As identified in the TCCSPR Trent Assessment

Report Map 6-2 (2011) and the online MECP Land Information Ontario (LIO) database's Source Protection Information Atlas (2019), both the in-town and bypass study areas are located within Highly Vulnerable Aquifer areas (vulnerability score of 6). Highly vulnerable aquifers are defined as subsurface, geologic formations that are sources of drinking water, which could relatively easily be impacted by the release of pollutants on the ground surface. Further, based on a review of MNRF LIO Ministry of Agriculture, Food and Rural Affairs (AgMaps) (2019) database, a corridor of Significant Groundwater Recharge Area occurs along west side of the Burnt River within the bypass study area. Residences in the bypass area are serviced by private well. Due to these factors and established regulatory requirements, new development needs to minimize impacts on drinking source water.

4.2 Natural Environment

Designated Natural Areas

Natural features that occur within the in-town study area include Wooded Areas, one Unevaluated Wetland, Watercourses and one Waterbody (Fenelon River). Along the east and west sides of the Fenelon River from approximately between Colborne Street to the north and Janlisda Drive to the south, there is an Environmental Constraint Area identified (Schedule A; Village of Fenelon Falls, 2012). A portion of Fenelon River is identified as an Environmentally Sensitive Area from approximately Colborne Street to the north and the fork in the river to the south (Schedule C; Village of Fenelon Falls, 2012). The study area does not overlap with KCA Regulated Areas (KCA, 2019).

Natural features that occur within the bypass study area include Wooded Areas, Provincially Significant Wetlands (PSW) (Balsam Lake 15 and Ellery Bay), Unevaluated Wetlands, Locally Significant Wetlands (Sturgeon Lake No. 14), Watercourses, Waterbodies and one Area of Natural and Scientific Interest (ANSI) – Life Science (Burnt River Mouth Wetlands). The study area does not overlap with KCA Regulated Areas (KCA, 2019).

The study areas are known for their natural features and wildlife. Detailed mapping of the natural areas and documented wildlife for the alternative solutions is provided in **Appendix B: Natural Environment Baseline Study, Part A: Desktop Study and Part B: Field Investigations**.

Ecological Land Classification (ELC)

ELC mapping was used to identify and assess potential natural heritage features in the study areas. High-level ELC reconnaissance was completed to classify and map ecological communities. Ecological community boundaries were determined through aerial photography, background mapping and a review of on-site conditions. Due to much of the study areas being located on private land, windshield surveys made up the majority of on-site surveys.

The in-town study area has a total of 17 separate ELC communities, 10 of which are considered natural and the remaining cultural. The natural communities have all been disturbed due to adjacent anthropogenic uses (i.e., roads, parks, agricultural lands, recreational activities, development, etc.) and contain a number of

invasive species, such as Common Dandelion (*Taraxacum officinale*), Reed Canary Grass (*Phalaris arundinacea*), Common Buckthorn (*Rhamnus Cathartica*), and White Sweet-clover (*Melilotus albus*). Much of the lands within the Study Area are influenced by anthropogenic activities and consist of urban residential and active agricultural lands. Natural communities also found in the area included woodlands, thicket, swamp, and meadows.

For the bypass study area, the full extents of the broad area where a potential bypass could be located were not examined through ELC mapping. The ELC mapping was focused along the potential bypass route identified in the City's previous Haul Route Study completed in 2006. The bypass route identified in the 2006 Haul Route study recommended implementing a new bypass around Fenelon Falls that would utilize Highway 35, Concession Road 3, include a new bridge over the Burnt River at Concession Road 3, and connect to Highway 121 on the west side of the Burnt River. Given that the Haul Route study identified the route as a future bypass, the ELC mapping was examined in detail for the segment of the route along Concession Road 3 where potential construction disruption would occur. In this study area of the bypass a total of 17 separate ELC communities, 11 of which are considered natural and the remaining cultural. The natural communities within the study area are preserved in many areas with intermittent disruptions from existing anthropogenic uses, particularly roads, recreational trails, agricultural lands and residential properties. There are large well preserved natural features in the bypass study area including large contiguous wetlands. Detailed ELC mapping for the alternative can be found in **Appendix B**.

Vegetation and Botanical Survey

The botanical survey was conducted in unison with the ELC assessment and covered the same study area extents noted for ELC. A total of 34 plant species were documented in the bypass study area that would utilize Concession Road 3 as per the 2006 Haul Route Study. A total of 44 plant species were documented in the in-town area. A combined total of 55 species were documented. Of the 55 species, 64% are listed as native species and are considered to be common (SRank of S4) to very common (SRank of S5) in the province of Ontario. Conversely, 36% of the species observed are listed as introduced species; therefore, a status ranking is not applicable as the species are not a suitable target for conservation activities (SRank of SE or SNA). No SAR species were identified during vegetation survey for either the in-town study area or the bypass study area that would utilize Concession Road 3.

The Co-efficient of Conservatism (CC) provides additional information on the nature of the vegetation communities within the study areas. The CC values range from 0 to 10 and represent an estimated probability that a plant is likely to occur in a landscape that is relatively unaltered or is in a pre-settlement condition. Of the 54 species identified within the study areas, three have a CC value of 7 or greater; American Larch (*Larix laricina*), Eastern Hemlock (*Tsuga canadensis*), and Black Spruce (*Picea mariana*). Once the location of the preferred solution is identified, potential impacts to plant species would have to be examined in more detail. Full details of the vegetation and botanical survey can be found in **Appendix B**.

Aquatic Habitat

A detailed in-water aquatic assessment was not completed for the in-town study area as part of this report. There are various potential alignments for a second bridge crossing in town. Given that the team did not have access to private residential and commercial properties and due to the steep cliff faces along the Fenelon River, in-water aquatic assessment was not included in the scope. Instead, a desktop study of the area was completed. The following watercourses are located within in-town study area:

- Fenelon River; and,
- 1 unnamed watercourse.

Based on the presence of these watercourses, there is fish habitat present within the in-town study area. A review of Ontario Aquatic Resources Area (ARA) polygon segment database for Sturgeon Lake immediately downstream of the in-town study area identified a fish community consisting primarily of spring and fall spawning minnows and baitfish, coarse fish, and sport fish species, including top predators (Muskellunge (*Esox masquinongy*), Northern Pike (*Esox lucius*), Largemouth Bass (*Micropterus salmoides*, Smallmouth Bass (*Micropterus dolomieu*). None of the fish species identified are Species of Conservation Concern (SCC) (S1-S3 ranked and Special Concern species). Review of DFO's aquatic species at risk mapping (August 2019) did not identify any aquatic SAR within the in-town study area. Lake Sturgeon (*Aciper fulvescens*) was identified in Sturgeon Lake which is directly connected to the Fenelon River immediately downstream of the in-town study area, however, Lake Sturgeon was not identified on DFO's aquatic SAR map (August 2019).

The following watercourses are located within the broader Bypass study area:

- Cameron Lake;
- Sturgeon Lake;
- Martin Creek;
- Rosedale River;
- Balsam Lake;
- Goose Lake;
- Burnt River; and,
- several unnamed watercourses.

Based on the presence of the aforementioned watercourses and waterbodies, there is fish habitat present within the bypass study area. A review of Ontario Aquatic Resources Area (ARA) point, line and polygon segments database within the Study Area identified fish communities consisting primarily of spring and fall spawning minnows and baitfish, coarse fish, and sport fish species, including top predators such as Muskellunge (*Esox masquinongy*), Northern Pike (*Esox lucius*), Largemouth Bass (*Micropterus salmoides*). None of the fish species identified are Species of Conservation Concern (SCC) (S1-S3 ranked and Special Concern species). Review of DFO aquatic species at risk mapping (August 2019) did not identify any aquatic SAR within the bypass study area. Lake Sturgeon (*Aciper fulvescens*), listed as provincially Endangered (Great

Lakes – Upper St. Lawrence populations), was identified in Sturgeon Lake within the bypass study area, however, Lake Sturgeon was not identified on the DFO aquatic SAR map (August 2019).

For the bypass study area, the Burnt River at the location of Concession Road 3, was the focus of a more detailed aquatic assessment given that the location had been previously identified for a future bypass and new bridge. Due to safety concerns of wading in the Burnt River during the time of field work, the aquatic assessment was completed from the shoreline. As such, channel dimensions are approximate. The Burnt River has a wetted width of 37m while the mean bankfull width is approximately 40m and the depth greater than 2m. The dominant substrate along the west bank consists of sand with minor amounts of gravel and detritus. In-stream cover observations consisted of vascular macrophytes, woody debris and organic debris. Some portions of the banks where residential properties are maintained have been hardened by concrete, steel sheet piling and railroad ties. Where the bank isn't hardened, the riparian area is vegetated with mixed coniferous and deciduous trees and shrubs. Both banks are considered to be stable.

If either the bypass or second in-town bridge crossing options are progressed further, in-water work would be needed to confirm aquatic habitat and species and to inform impact mitigation and monitoring plans.

Species at Risk (SAR) and Significant Wildlife Habitat

The area surrounding Fenelon Falls is known to support common wildlife for the geography. The contiguous natural areas in the bypass study area support a wide range of wildlife habitat and species. The focus of analysis for this study was on the potential for alternative solutions to impact species at risk (SAR) or significant wildlife habitat. The following SAR were identified as having potential habitat within both Study Areas based on the result of background reviews and the field investigations. The species provincial status under the *Endangered Species Act, 2007* (ESA) follows the scientific name (i.e., 'THR' means threatened and 'END' means endangered):

- Chimney Swift (*Chaetura pelagica*; THR);
- Barn Swallow (*Hirundo rustica*; THR);
- Bobolink (*Dolichonyx oryzivorus*; THR);
- Eastern Meadowlark (*Sturnella magna*; THR);
- Blanding's Turtle (*Emydoidea blandingii*; THR);
- Eastern Small-footed Myotis (*Myotis leibii*; END);
- Little Brown Myotis (*Myotis lucifugus*; END);
- Northern Myotis (*Myotis septentrionalis*; END); and
- Tri-colored Bat (*Pipistrellus subflavus*; END)

No SAR were observed within the study areas during field investigations; however, targeted species-surveys were not included as part of the field investigation scope. If a new in-town bridge crossing or bypass is progressed further, additional targeted species-surveys would be required during Phase 3 and 4 MCEA work.

The Significant Wildlife Habitat Technical Guide (MNRF 2000) defines Species of Conservation Concern (SCC) as globally, nationally, provincially, regionally, or locally rare (SRank of S1 to S3) and federally Endangered, Threatened and Special Concern species, but do not include SAR (listed as Endangered or Threatened under the ESA).

A total of 16 SCC were identified as potentially occurring within the vicinity of the in-town study area. Of the 16 species identified, 11 have been identified as having potential habitat within the in-town study area based on field investigation results; ESA designations follow the species scientific names (i.e., 'SC' means special concern; 'S1B' means breeding population is critically imperiled; 'S3' means vulnerable; 'S4N' means non-breeding population is apparently secure):

- Canada Warbler (*Cardellina Canadensis*; SC)
- Rough-legged Hawk (*Buteo lagopus*; S1B, S4N)
- Evening Grosbeak (*Coccothraustes vespertinus*; SC);
- Eastern Wood-Pewee (*Contopus virens*; SC);
- Bald Eagle (*Haliaeetus leucocephalus*; SC);
- Red-headed Woodpecker (*Melanerpes erythrocephalus*; SC);
- Western Chorus Frog (*Pseudacris triseriata*; S3)
- Snapping Turtle (*Chelydra serpentina*; SC);
- Northern Map Turtle (*Graptemys geographica*; SC);
- Eastern Musk Turtle (*Sternotherus odoratus*; SC);
- Monarch (*Danaus plexippus*; SC)

A total of 16 SCC were identified as potentially occurring within the vicinity of the bypass study area. Of the 16 species identified, 13 have been identified as having potential habitat within the bypass study area based on field investigation results.

- Canada Warbler (*Cardellina Canadensis*; SC);
- Common Nighthawk (*Chordeiles minor*; SC);
- Rough-legged Hawk (*Buteo lagopus*; S1B, S4N)
- Western Chorus Frog (*Pseudacris triseriata*; S3)
- Snapping Turtle (*Chelydra serpentina*; SC);
- Northern Map Turtle (*Graptemys geographica*; SC);
- Eastern Musk Turtle (*Sternotherus odoratus*; SC);
- Monarch (*Danaus plexippus*; SC)

Details of the studies completed can be found in the Natural Environment baseline report in **Appendix B**.

4.3 Infrastructure and Transportation

Existing Roadways

The City of Kawartha Lakes Transportation Master Plan (2012) provides details on the existing road network in and around Fenelon Falls. **Figure 4.1** illustrates the road network for the study area as classified in the plan.

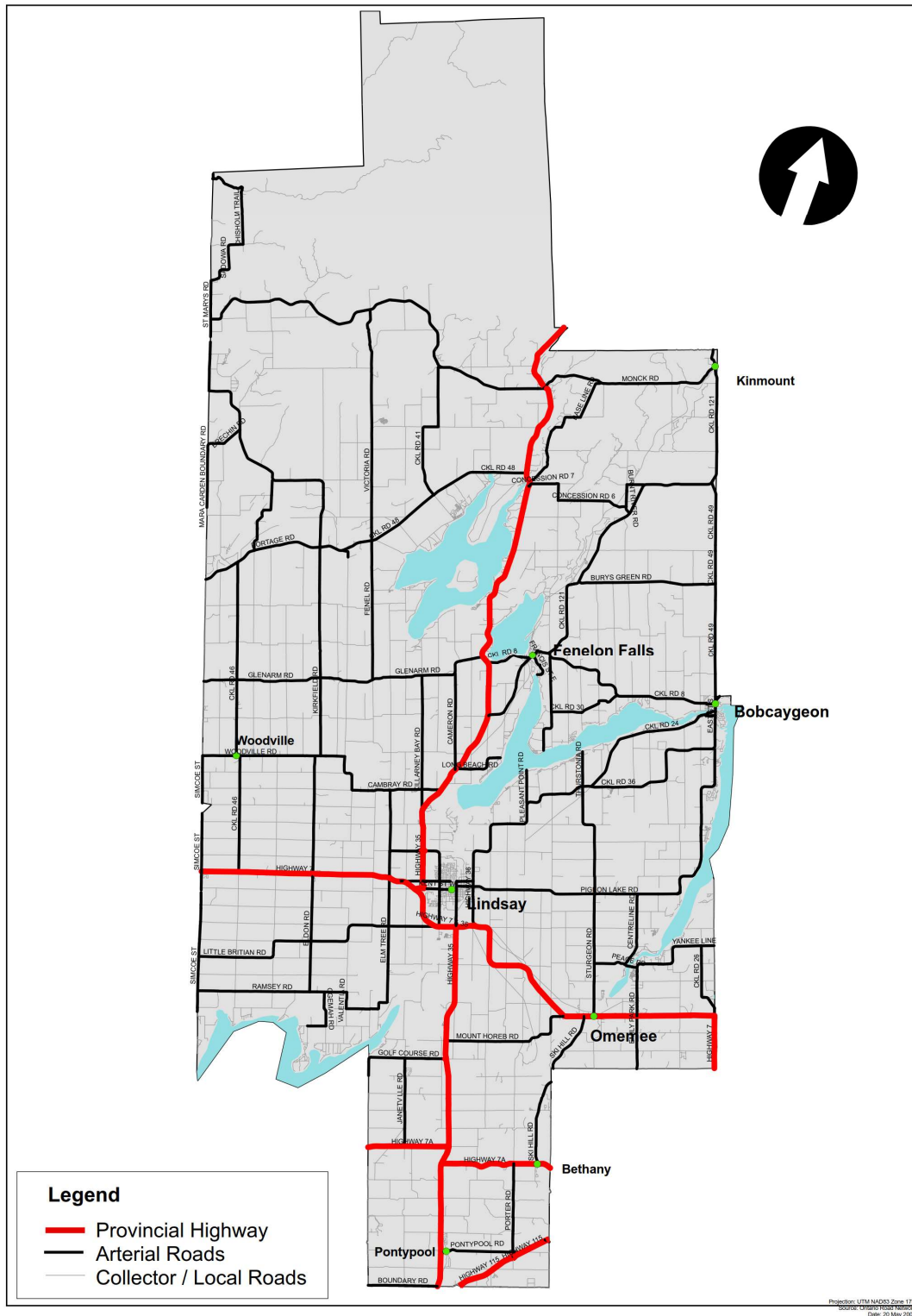


Figure 4.1: City Roadway Functional Classification, Transportation Master Plan 2012

There are a number of different road classifications located in or adjacent to the study area. These are described below. There are four main access routes in and out of town. These are Route 121 from the North and South, connecting to Route 8, East and West.

The primary routes to connect for a bypass would be Highway 35 and County Road 121.

PROVINCIAL HIGHWAYS

Major Highways surrounding Fenelon Falls include Highways 35, 36, 48 and 49. MTO has jurisdiction over Highway 35 but all other roads are owned and maintained by the City of Kawartha Lakes.

Highway 35 runs north to south and is located to the west of Fenelon Falls. The bypass study area includes a portion of Highway 35. The right-of-way widths for Provincial Highways are determined by the MTO.

MAJOR ROADS (ARTERIAL)

Arterial roads are identified as serving a “mobility function with limited degrees of access to adjacent land use.” County Road 121, County Road 8 and Sturgeon Point Road are identified in the Transportation Master Plan as major arterial roads. The right-of-way for arterial roads are stated as being between 26 and 45m, according to the Transportation Master Plan. This range reflects the minimum 26m required as per the Official Plan, and adds additional allowance for the provision of on and off-street cycling and pedestrian facilities, as well as urban and rural drainage and utility requirements.

In the in-town study area, County Road 121 runs through the community and consists of Lindsay Street and Colborne Street. Through town, these streets are made up of a mixture of two and four lane roads, which alternate between 7m and 14m wide. The speed limit along these streets in the community is 50 km/h. The existing bridge, which connects the two streets is made up of two sections: the southern span crosses the Fenelon River and the norther segment spans the Trent-Severn Waterway Lock (Lock number 34). Travelling northbound on Route 121 there is a choke point in the road network through the community on Lindsay Street where two-lane traffic meets one lane of traffic on Route 8 (Helen Street) to become a one-lane per direction on the bridge across the river. The segment of Route 121 north of the bridge (Colborne Street) is two lanes with on-street parking on either side.

The intersection of Helen Street and Lindsay Street is a major bottleneck south of the Fenelon Falls crossing. The intersection is signalized with the east leg being a controlled access for the Sobeys and Tim Hortons parking area. The northwest corner is occupied by a gas station with multiple depressed curbs providing access from all directions. There is also a driveway located on the east side of the Lindsay Street between Helen Street and the crossing providing access to a power transformer station, and a local restaurant/bar.

There are several driveways on Colborne Street north of the bridge crossing providing access to off-street parking areas. The City is undertaking improvements to the intersection of Colborne and Water Street and Colborne and Francis Street which will improve traffic operations north of the bridge. This includes restricting left turns from northbound Colborne Street onto Water Street.

The current condition of the existing bridge in the community is poor and requires rehabilitation. The City is undertaking bridge rehabilitation as part of a separate project. In February 2021 the City initiated emergency repairs for the bridge.

MINOR ROADS (COLLECTOR/LOCAL)

Minor roads are often broken down into collector and local roads. Collector roads provide a more balanced mobility and land access function while local roads serve a more predominant land access function. For the in-town study area all roads in Fenelon Falls, other than those listed above, are considered to be minor roads. The right-of-way for local roads is stated as being 20m to 23m wide according to the Transportation Master Plan.

In the bypass study area, concession roads are identified as collector roads except for Concession Road 6 which is an arterial road. Concession Road 3, which is being considered for a bypass route, is a collector road. The minimum right-of-way width for a collector road is 26m where possible. The width of Concession Road 3 is 26m. The primary function for Concession Road 3 is to provide land access.

Historically Concession Road 3 had a bridge crossing over the Burnt River. The right-of-way over the Burnt River at Concession Road 3 still remains as a City owned right-of-way even-though no bridge exists now.

Running north and south along both sides of the Burnt River are minor local roads providing access to properties along the Burnt River. These connections provide the only access options to these properties.

Future Roadways and Network Improvements

While there are no proposed new roadways outlined in the Transportation Master Plan that affect the study area, there are some recommended improvements listed for the in-town road network. This included the provision of traffic signals at Colborne Street and Bond Street due to the high volumes of traffic. The Transportation Master Plan also recommends the addition of a westbound right turn lane at Lindsay Street and Helen Street.

Beyond the Transportation Master Plan, the City also has more recent plans to improve the local road network in town. Improvements include the urbanization of Elliot Street, Ellice Street, Murray Street and Wychwood Crescent. Improvements include the addition of sidewalks and improvements to drainage.

In addition to the planned road network improvements, a multi-unit subdivision development is proposed in the northeast area of Fenelon Falls at Sturgeon Point Road and County Road 121. This could result in the development of property that is currently rural. If the development proceeds then the area will require the creation of new roads as part of the future subdivision and these will need to tie in to the existing road network.

Pedestrian and Cycling Connections

The City of Kawartha Lakes Official Plan contains policies that encourage active transportation and improving connectivity for pedestrians and cyclists. This also includes the promotion and use of trails. In

town, there is an overall need to improve pedestrian connections, and improvements are being made for sidewalks on local roads.

On the existing Fenelon Falls bridge, pedestrians must use the west side of the bridge because there is no sidewalk on the east side. The existing sidewalk is in poor condition and needs to be improved as part of the bridge rehabilitation project. The City has confirmed that the bridge rehabilitation project will include improving sidewalks and adding a sidewalk on both sides of the bridge to improve the pedestrian connections.

The Trails Master Plan for the City of Kawartha Lakes identifies the Victoria Rail Trail Corridor as a primary City-owned recreational trail. This trail is located in both the in-town and bypass study areas. In the in-town study area, the Victoria Rail Trail crosses Wychwood Crescent. In the bypass study area, the Victoria Rail Trail crosses Concession Road 3 on the eastern side of the Burnt River.

Traffic Conditions

The crux of this study is related to traffic conditions in Fenelon Falls. In order to understand the issues, the study team from Dillon reviewed previous traffic studies and also completed additional studies to better understand the existing and future traffic issues.

PREVIOUS REPORTS

The Transportation Master Plan provides a summary of the existing traffic conditions in the City of Kawartha Lakes and presents the Level of Service (LOS), and the volume-to-capacity ratio (V/C) of different roadways. In Fenelon Falls, these intersections were shown to operate as Level of Service A or B, meaning there is little delay:

- Helen Street and Lindsay Street;
- Francis Street and Colborne Street;
- Bond Street and Colborne Street;
- Princess Street and Colborne Street; and,
- County Road 8 and County Road 121.

As for volume-to-capacity, the two intersections studied were found to operate at below 60%.

The anticipated LOS for Fenelon Falls in 2031 determined that the intersections would remain as LOS A or B for three of the intersections, while the Helen and Lindsay Street intersection could likely be a LOS C or D, and the Bond Street and Colborne Street intersection would likely be an E or F.

As for the V/C, the Fenelon River crossing was stated in 2012 to be operating at 0.61 V/C in fall and 0.76 in summer, and it was anticipated to increase to 1.10 in fall and 1.37 in summer. The Transportation Master Plan identified a need to provide additional through capacity either through a bridge widening or the provision of a second crossing of the Fenelon River.

In 2016, the City prepared a Corridor Study of Lindsay Street and Colborne Street to identify any existing issues and to provide a series of recommendations to address them. The key deficiencies along the corridor were identified as being limited pedestrian sidewalks and crosswalks and intersection issues related to turning lanes and traffic signals.

ADDITIONAL TRAFFIC STUDY OF 2031 CONDITIONS

For this study additional traffic analysis was completed to understand future traffic conditions in Fenelon Falls and potential concerns. Traffic volumes were obtained from the Corridor Study that was previously completed by The Ainley Group in 2015 (referred to as the Corridor Study 2015). The project study team from Dillon also collected weekend traffic data at Lindsay Street and Helen Street from May 24, 2019 to May 28, 2019 to help with confirming the future 2031 volume from the corridor study. The scope of the study included analysis of the 2031 PM peak and 2031 Saturday peak periods. The 2031 Saturday peak hour volumes were used for the primary analysis since they had the largest volume at the intersection of Lindsay Street and Helen Street.

Traffic data at the intersection of Lindsay Street at Elliot Street was unavailable for the weekend periods, therefore it was assumed that the PM weekday volumes would be the most representative of the Saturday peak. At the intersections of Lindsay Street at Elliot Street and Lindsay Street at Green Street the PM peak hour volumes were balanced to align with the Saturday peak hour at Lindsay Street and Helen Street.

Figure 4.2 shows the anticipated 2031 PM and Saturday peak hour traffic volumes. Note that all analyses were performed using 2031 volumes, with no reduction for a potential bypass route.

Figure 4.3 illustrates the existing lane traffic control and intersection lane arrangements, assumed to be present in 2031.

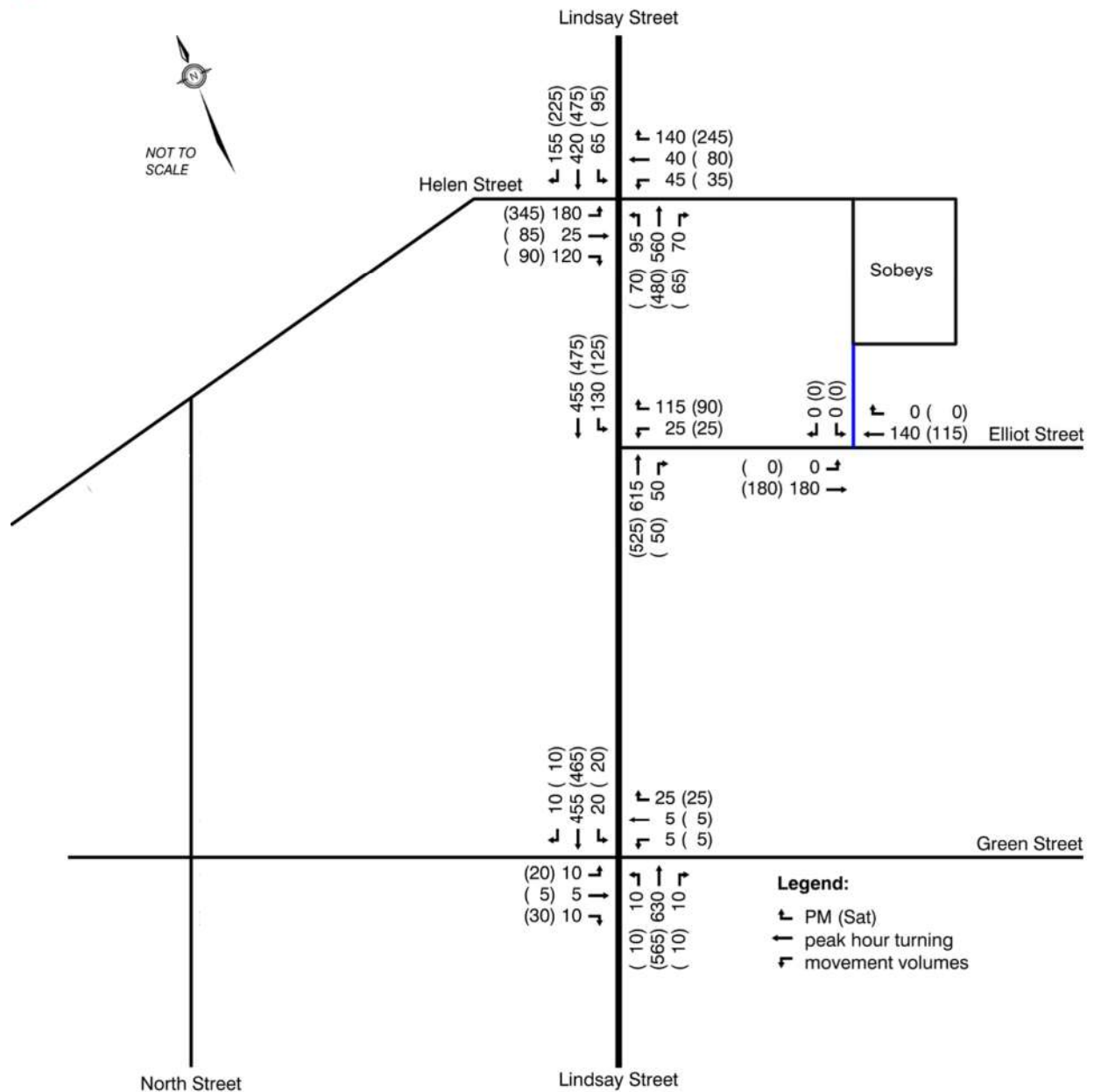


Figure 4.2: 2031 Traffic Volumes

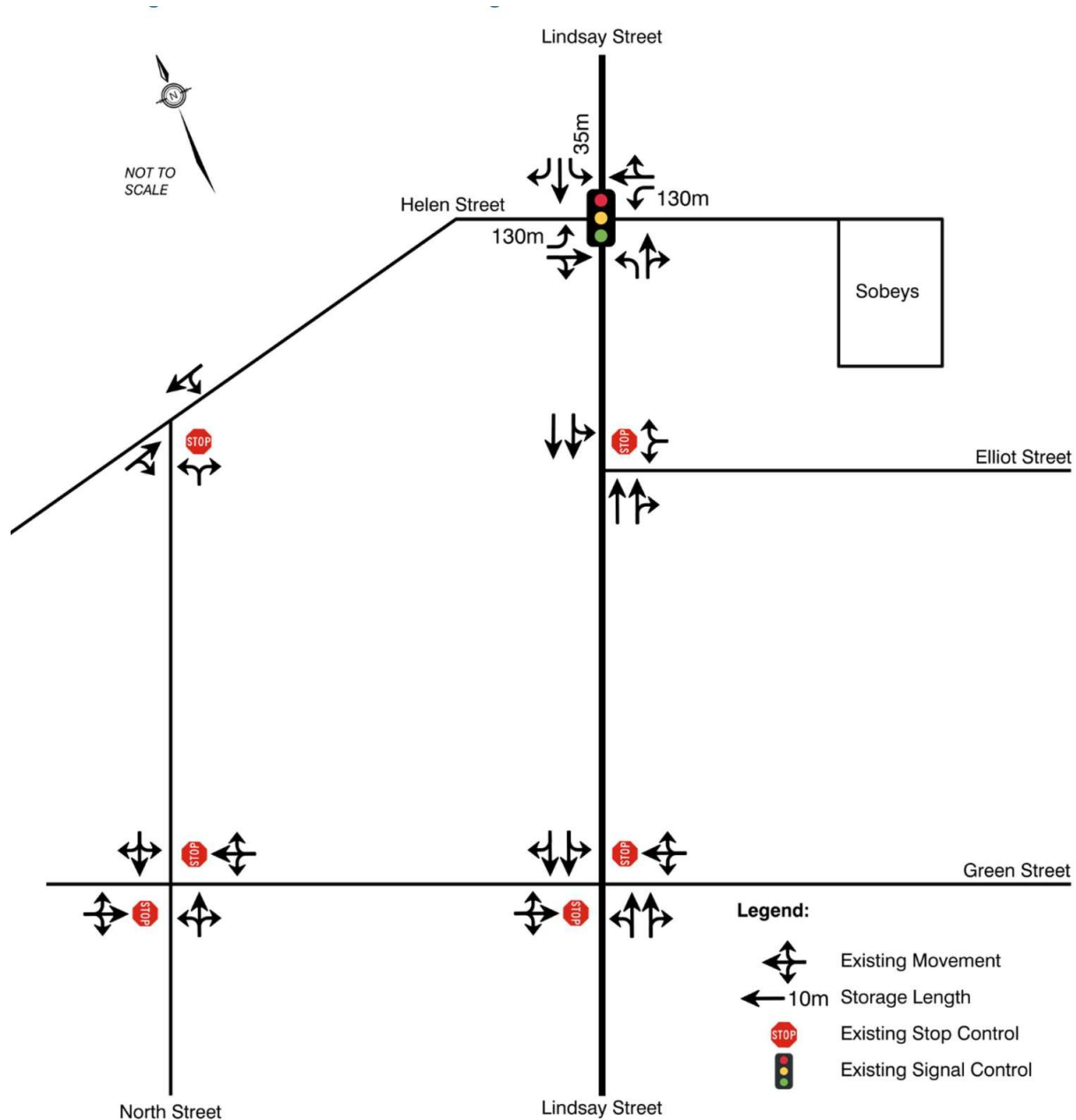


Figure 4.3: Existing Traffic Control and Lane Arrangements

Using the same assumptions as for the Corridor Study 2015, analysis indicates that the intersection of Lindsay Street and Helen Street will operate poorly since the southbound left-turn movement is anticipated to queue past the existing storage length resulting in queues backing up and blocking the through movement. As a result, Lindsay Street at Helen Street is not anticipated to operate at an acceptable level of service with the existing signal timing and lane geometry. As well, the eastbound left-turn movement is anticipated to have a V/C that is higher than desired for ideal operations. The other intersections within the study area are anticipated to operate acceptably. Through the review of existing and future conditions it is

clear that the intersection of Helen Street and Lindsay Street is a choke point in the system that results in broader traffic impacts due to queueing and the resulting impacts to through traffic.

Parking

Fenelon Falls has on-street parking within the downtown area and also along a majority of streets that intersect with the downtown. Public and private parking lots are also located close to the downtown corridor, off of Colborne Street. These are located between May Street and Colborne Street and also at the Fenelon Falls Curling Club, on Bond Street W. The Transportation Master Plan identifies that Fenelon Falls will require an additional 210 parking spaces by 2031 to meet projected demand. Through consultation the community identified that parking is an important feature required to support the vitality and prosperity of town.

Haul Routes

There are a number of quarries and pits surrounding Fenelon Falls. Aggregate from these areas is transported around the region via designated haul routes. As part of the Official Plan review for the City of Kawartha Lakes, an Aggregate Haul Route Study was conducted in 2006 to identify a City-wide haul route network. The Haul Route Study does not identify any of the existing roads that run through Fenelon Falls as recommended designated haul routes. Highway 35 is listed as a recommended major haul route, and Concession Road 3 is also recommended as a minor haul route, with a future connection recommended on Concession Road 3 over the Burnt River with a new bridge to connect to County Road 121. County Road 121, north of Bury's Green Road is also identified as a future recommended haul route.

At the time of the Haul Route Study, Mitchells Bridge, which crosses the Burnt River connecting North Line Road was in poor condition, could not handle the load requirements of aggregate trucks and was not recommended to be used as a haul route. Mitchells Bridge was upgraded in 2014/2015. A potential bypass route connecting Hwy 35 and County Road 121 could be considered that uses Concession Road 3, North Line Road, and Poulson Road. All of these roads are two lanes, generally used for residential property access and would require upgrades and expansion if trucks were to use the route.

4.4 Servicing and Utilities

The in-town study area is on full municipal servicing while the bypass study area is on private well and septic.

In town there is servicing infrastructure present on the existing in-town bridge. Along the east side of the bridge is a 200mm schedule 40 welded steel sanitary forcemain, which is suspended from the deck of the bridge. There is no heat tracing present. Along the western side, there is a 200mm schedule 40 welded steel watermain which is suspended from the deck of the bridge. This pipe is insulated and heat traced.

If a new bridge crossing was provided either in town or as a bypass, no new watermains, sanitary pipes or stormwater pipes would need to be provided. If the existing bridge were to be widened however, then the

existing servicing suspended from the bridge would be impacted, as it would need to be moved to make way for a widening.

There is a stormwater outfall pipe located to the east of the existing bridge (North Street Re-construction and Storm Sewer Outfall Drawings, 2010).

4.5 Land Ownership and Existing Land Uses

The majority of land within the in-town project study areas is privately owned. As noted earlier in this report, the area along the Trent-Severn Waterway is federally owned and is operated by Parks Canada.

The bypass study area includes land owned by the MTO along Highway 35. Concession Road 3 consists of privately owned land along the length of the road, with a municipally owned parcel where Concession Road 3 meets the Burnt River on the western side. This provides a boat launch for public access to the Burnt River.

The in-town study area has a mix of land uses. The main street area has commercial/retail uses while the connecting local streets are predominantly low density residential. Lindsay Street and Colbourne Street contain a number of commercial uses. The only grocery store in the community is located on Lindsay Street, just south of the existing crossing and is directly next to the community's Tim Hortons. There are some other small commercial uses along the street between the bridge and Wychwood Crescent. The main downtown commercial area is located along Colborne Street between the existing bridge crossing and Louisa Street. This stretch of road contains retail stores, services such as banks and hair salons, and restaurants. There are a number of other commercial uses in the area surrounding Colborne Street, mainly along Water Street and Francis Street.

There are several institutional uses located throughout the study area. The Fenelon Falls Secondary School is located on Lindsay Street and the primary school, Langton Public School, is located on Wychwood Crescent. The local Recreation Centre and Arena is located on Veterans Way and there is a long term care home located along Wychwood Crescent. There are also some churches located in the area.

Fenelon Falls also has a number of light industrial uses within the study area. These are primarily located along Wychwood Crescent, between West Street South and Ellice Street.

The bypass study area is rural. There are large residential and farm lots located along Concession Road 3 as well as large natural features. Along the Burnt River are cottage residential properties lining the river north and south. Some of the residences are all season. Highway 35 has a number of residential properties located along it, as well as some traditional rural commercial uses such as storage and farm equipment.

4.6 Community and Economic Setting

Fenelon Falls is a typical rural Ontario community with a main street and local businesses that serve both the immediate and surrounding rural areas. The population of Fenelon Falls at the time of the 2016 Census was 2,464 persons. 35% of the population is over the age of 65. The population of Kawartha Lakes in 2016 was 75,423 persons. These populations do not account for seasonal increases associated with cottagers. Both

the community of Fenelon Falls and the bypass area experience seasonal increases in population that contribute to local activity.

Fenelon Falls has a full range of businesses and services located within the community. The majority of businesses are located along the Lindsay Street and Colborne Street corridor.

On the southern side of the falls there is the only grocery store in town, a Sobeys, located on Elliot Street, immediately south of the existing bridge. Next to the Sobeys is a Tim Hortons restaurant. Other businesses on the southern side of the Fenelon River include a Canadian Tire, a Home Hardware, a Salvation Army thrift store, some car repair shops, a liquor store, some restaurants, a gas station and a car wash. These businesses attract visitors from a wide area.

The majority of businesses are located on the northern side of the Fenelon River. There are a number of restaurants and bars located along Colborne Street and also on the adjacent side streets. There is also a small market, banks, a pharmacy, retail shops, hair salons and barbers, a liquor store, and a brewery.

In addition to the restaurants and local shops, there are a number of tourist attractions and features in Fenelon Falls. One tourist feature in the community is the Trent-Severn Waterway, a National Historic Site. Fenelon Falls is part of the canal system along the Trent-Severn and lock 34 is located next to the existing bridge crossing in town. In summer, boaters travel through Fenelon Falls via this lock and often stop in town. The area is connected to trails and natural systems that attract a wide range of visitors.

There are a number of community facilities in Fenelon Falls. On the southern side of the Fenelon River, there is the Fenelon Falls Recreation Centre located on Veterans Way that includes spaces for community gatherings, social clubs, indoor sports and an arena for hockey and skating as well as outdoor space. The schools also provide recreation facilities for students as well as community members. There is also a Senior Citizens Club located on Murray Street.

On the north side of the Fenelon River, there is the Fenelon Falls Curling Club, which is located on Bond Street West. There are also six churches: the St. James Anglican Church and Immanuel Baptist Church on Bond Street East, the Trentside Baptist Church and St. Andrew's Presbyterian Church on Colborne Street, the Salvation Army Citadel Church on Bond Street West, and the Fenelon Falls United Church on Queen Street.

The Burnt River area is an area of recreation for local cottagers and residents. Boating, fishing, trail walks/running, cycling and cross country skiing and skidooing in the winter are all activities that are popular in the area, particularly along the Victoria Rail Trail. The area is known for the natural areas to explore and enjoy.

4.7 Cultural Environment

Archaeology

ASI Heritage Consultants (ASI) were retained to conduct a Stage 1 Archaeological Assessment of the in-town and bypass study areas. This consisted of preliminary background research and a property inspection. Historical background research was completed including review of Indigenous land use and settlement. Three sources of information were consulted to identify what previous archaeological work has been conducted within the study areas. This included:

- Site record forms for registered sites from the MTCS “Ontario’s Past Portal” website
- Published and unpublished documentary sources
- Internal files and documents

Reviews of historical maps and aerial imagery was also consulted. A review of satellite imagery found that the study areas have remained relatively unchanged since 2007. In addition, a field survey was conducted, as the state of the natural environment is often an indicator of archaeological potential.

The Stage 1 assessment identified six previously registered archaeological sites within 1 km of the study areas. These sites were identified from a study of the Ontario Archaeological Sites Database (OASD). Only one of the six sites is located directly within the in-town study area boundaries. Site BdGq-19 Fenelon Trails is located near Sturgeon Point Road in Fenelon Falls. Documentation identifies a scatter of 31 artifacts dating to the mid- to late-nineteenth-century Euro-Canadian artifacts within 11 positive test pits. Based on previous documentation, this site has further cultural heritage value or interest and requires Stage 3 archaeological assessment. It is ASI’s preliminary determination with the current information that the BdGq-19 site does not show a sufficient amount of cultural heritage value or interest to require Stage 4 mitigation of development impacts.

Another site of interest within the in-town study area is the Fenelon Falls Cemetery. ASI recommends that this should be avoided by project designs. Any proposed impacts within 10 m of the cemetery property should be subject to Stage 3 Cemetery Investigation to confirm the presence or absence of unmarked graves.

Beyond the Fenelon Falls Cemetery and the six previously registered archaeological sites, the property inspection determined that some areas within the two study areas exhibit archaeological potential and therefore require a Stage 2 assessment.

Overall, the study areas have been determined to meet certain criteria which is indicative of archaeological potential. This includes:

- Previously identified archaeological sites;
- Water sources (Cameron Lake, Balsam Lake, Sturgeon Lake, Fenelon River and Burnt River);
- Early historic transportation routes (Concession Rd 3);
- Proximity to early settlements (Baddow, Fenelon Falls); and,

- Well-drained soils.

Once a preliminary preferred option has been determined, a Stage 2 invitation will need to take place as the lands have archaeological potential. Areas that exhibit signs of deep and extensive land disturbance, low and wet conditions, slopes in excess of 20 degrees or areas that have undergone previous assessment will not require additional review.

A copy of the draft Stage 1 Archaeological Assessment is included in **Appendix C**.

Cultural Heritage Landscapes and Built Heritage Resources

ASI was retained to conduct an assessment of the cultural heritage and built heritage resources (collectively referred to as cultural heritage resources) located within the in-town and bypass study area. The review was conducted using background historical research, secondary source material, including historical mapping, as well as on site field work to confirm the presence of cultural heritage features. To assess the existing conditions, the following resources were reviewed:

- Kawartha Lakes Heritage Property Register;
- Inventory of Ontario Heritage Trust Easements;
- Ontario Heritage Trust's *Ontario Heritage Plaque Guide*;
- *Ontario Historical Plaques* website;
- Ontario Genealogical Society's online database for known cemeteries/burial sites;
- Parks Canada's *Canada's Historic Places* website;
- Parks Canada's *Directory of Federal Heritage Designations*;
- Canadian Heritage River System; and,
- United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Sites.

The assessment was for above ground resources only, that are over 40 years old, which is a guiding principle used by the Ministry of Heritage, Sport, Tourism and Culture, for the preliminary identification of cultural heritage resources. It should be noted that resources older than 40 years are not necessarily considered to have cultural heritage value, and conversely, resources which are younger than 40 years old, may still hold cultural heritage significance.

The area has a mixed land use history in the main settlement area and predominantly agricultural uses surrounding it, which date back to the early nineteenth century. Based on a review of federal registers and municipal and provincial inventories, one identified feature with cultural heritage value was identified within the study area. Following the field review, a further 16 resources were identified as having value.

The 17 identified cultural heritage resources were identified within or adjacent to the two study areas. Of these, eight of the resources are built heritage resources (BHR) and nine are cultural heritage landscapes (CHL). Of these, four CHLs and five BHR's are located in the In-town study area and six CHL's and three BHR's are in the Bypass study area. One of the CHL's (the Victoria rail trail) appears in both study areas.

The sites are made up of a variety of different cultural heritage resources that are historically, architecturally, and contextually associated with land use patterns in the City of Kawartha Lakes and more specifically representative of the early settlement of the communities of Baddow and Fenelon Falls.

Table 4.1 includes a list of the identified cultural heritage resources within and/or adjacent to the two study areas. Cultural heritage landscapes are identified as CHL and built heritage resources are identified as BHR.

Table 4.1: Identified Cultural Heritage Resources

Feature ID	Location	Resource Type	Heritage Recognition	Description/ Comments
CHL 1	19 Somerville 3 rd Concession	Farmstead	Identified during field review	Nineteenth century farmstead
CHL 2	Trent-Severn Waterway	Waterway and Locks	National Historic Site	Trent-Severn Waterway National Historic Site; Fenelon Falls Lock 34
CHL 3	165 Somerville 3 rd Concession	Farmstead	Identified during the field review	Nineteenth or early-twentieth century farmstead
CHL 4	211 Somerville 3 rd Concession	Farmstead	Identified during the field review	Nineteenth or early-twentieth century farmstead
CHL 5	903 Northline Road	Farmstead	Identified during the field review	Nineteenth century farmstead
CHL 6	902 Northline Road	Farmstead	Identified during the field review	Nineteenth century farmstead
CHL 7	Victoria Rail Trail	Former Rail Corridor	Identified during the field review	Currently in use as a recreational trail; the alignment follows the path of the historical Victoria Railway
CHL 8	589 and 595 County Road 8	Farmstead	Identified during the field review	Nineteenth or early-twentieth century farmstead
CHL 9	84 Concession Road	Cemetery	Identified during the field review	Fenelon Falls Cemetery
BHR 1	72	School	Identified during the field review	Former school house currently used as a community centre
BHR 2	208	Church	Identified during the field review	Baddow Baptist Church
BHR 3	269	Church	Identified during the field review	Nineteenth century church
BHR 4	94 Sturgeon Point Road	Farmstead residence	Identified during the field review	Nineteenth century farmstead
BHR 5	29 Elgin Street	Residential	Identified during the field review	Vernacular residence
BHR 6	69 Concession Road	Residential	Identified during the field review	Vernacular residence
BHR 7	34 Concession Road	Residential	Identified during the field review	Vernacular residence
BHR 8	207 Francis Street East	Residential	Identified during the field review	Vernacular residence

The most significant cultural heritage landscapes are the Trent-Severn Waterway (which is a National Historic Site) and the Victoria Rail Trail. The others consist of farmsteads, a cemetery, a school, churches and residential buildings. Once a technically preferred detailed design for an undertaking is identified, the cultural heritage resources within and adjacent to the study area will be evaluated to determine impacts, significant and mitigation. Various works associated with infrastructure improvements have the potential to affect cultural heritage resources in a variety of ways, and as such, appropriate mitigation measures for the undertaking will need to be considered depending on the potential for impacts.

The preliminary Cultural Heritage Resource Assessment Existing Conditions report completed by ASI can be found in **Appendix D**.

4.8 Planning Policy and Land use

Provincial Policy Statement

The Provincial Policy Statement (PPS) (2014) provides policy direction related to land use planning in Ontario. The PPS is to be referred to for all planning matters according to Section 3 of the Planning Act. Relevant policies from the PPS that have been considered in this study include the following:

- 1.6.1** *Infrastructure*, electricity generation facilities and transmission and distribution systems, and *public service facilities* shall be provided in a coordinated, efficient and cost-effective manner that considers impacts from climate change while accommodating projected needs;
- 1.6.4** *Infrastructure* and *public service facilities* should be strategically located to support the effective and efficient delivery of emergency management services;
- 1.6.7.1** *Transportation systems* should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs;
- 1.6.7.2** Efficient use shall be made of existing and planned *infrastructure*, including through the use of *transportation demand management* strategies, where feasible;
- 1.6.7.5** Transportation and land use considerations shall be integrated at all stages of the planning process;
- 1.6.8.1** Planning authorities shall plan for and protect corridors and rights-of-way for *infrastructure*, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs;
- 2.1.1** Natural features and areas shall be protected for the long term;
- 2.2.1** Planning authorities shall protect, improve or restore the *quality and quantity of water* by: d) maintaining linkages and related functions among *groundwater features, hydrologic functions, natural heritage features and areas*, and *surface water features* including shoreline areas;

2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved;*

2.6.2 *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*

City of Kawartha Lakes Official Plan

The City of Kawartha Lakes Official Plan (2012), as amended, is the overarching policy document for the entirety of Fenelon Falls¹. The Official Plan (OP) contains some key goals and policy direction related to the provision of infrastructure to enhance the transportation system. Some of the key objectives outlined in Part D of the OP state that the City will “maintain and enhance the level of service consistent with the social integrity, economic costs, demand and growth projections while ensuring environmental integrity.” This speaks to providing new infrastructure to ensure the continuity of an acceptable level of service in Fenelon Falls and the surrounding area, without compromising other policy objectives related to the environment, economy and social policies. Other related policy objectives include providing and improving hard services such as sidewalks and roads, develop a transportation system strategy which emphasizes safety, convenience and efficiency, and ensure the road network is in coordination with the Provincial Highway System, ensure the continual maintenance, improvement and development of roads which minimizes the disruption to residential neighbourhoods and results in a derived benefit for all residents.

The transportation policies in the Official Plan also state that where feasible, “pedestrian and bicycle networks will be integrated into transportation planning to ... provide safe, comfortable travel (and) provide linkages between intensification areas.”

With regards to Provincial Highways, the OP states that “all development proposals located adjacent to or within the permit control area of the MTO must obtain MTO approval prior to any construction being undertaken.” Given that one of the potential solutions involves a bypass which directs traffic onto Highway 35, consideration must be given to the OP’s provincial highway policies.

Fenelon Falls Secondary Plan

The Fenelon Falls Secondary Plan (2015) was incorporated into the City of Kawartha Lakes Official Plan following direction in 2011 to create area specific plans for the City’s five settlement areas. The Secondary Plan provides policies on “growth management, intensification and housing, economic development, community facilities, parks and open spaces and trail systems, downtown development, sustainable

¹ It is acknowledged that portions of the Official Plan are under appeal to the Ontario Land Tribunal, including the General Amendment no. 13, and the Fenelon Falls Secondary Plan – but the documents have been adopted by Council and represent Council’s intent, so the discussion of the Official Plan is on this premise. As a result of the appeals, the Official Plan of the former Village of Fenelon Falls remains in effect.

development, urban design, natural heritage, cultural heritage, transportation and parking, servicing and land use.”

The Secondary Plan’s vision for Fenelon Falls is for it to “grow as an inclusive community, preserve existing recreation areas, provide affordable housing for its residents and become a healthy and sustainable destination for people to live, work and play.” To achieve this vision, the Secondary Plan has identified a number of key issues and opportunities to be addressed. The Secondary Plan identifies that Fenelon Falls experiences a significant increase in its population during the summer months due to tourism and cottagers. The plan further states that this makes the downtown area quite busy. The Secondary Plan specifically states that this “places strains on infrastructure, in particular the local roads. These seasonal pressures need to be factored into the infrastructure planning in Fenelon Falls.”

In regards to transportation, the Secondary Plan states that the existing trails and cycling network should be improved and expanded to meet projected demands. It also specifically states in 31.4.2.7.4 that a “future crossing of the Fenelon River ... shall be determined through a Class Environmental Assessment.”

Fenelon Falls Downtown Revitalization Plan

The Downtown Revitalization Plan covers the area along Lindsay Street and Colborne Street between Bond Street in the north and West Street in the south, extending outwards to include Water Street, May Street, Market Street and Francis Street. The Revitalization Plan covers the existing bridge crossing and also the Helen and Lindsay Street intersection.

The Downtown Revitalization Plan does not make any specific reference to providing a new bridge crossing, nor to provide upgrades to the existing bridge crossing. It does however provide a series of overarching goals that the plan wants to achieve. This includes creating a livable barrier-free community, developing a robust business community, increasing the volume of consumers, and ensuring that the community remains a tourism destination to name a few.

Improving the existing traffic conditions in Fenelon Falls can help achieve these goals.

Fenelon Falls Corridor Study

The Fenelon Falls Corridor Study (2016) covers the area along Lindsay Street and Colborne Street, from 500m south of Lindsay and West Street to where County Road 121 intersects with Northline Road and County Road 8. The Corridor Study was developed to address current operating and development pressures to determine where there is potential to improve the corridors operations. The Corridor Study was a Schedule B Class EA. The Study identified traffic capacity as one of the key problems in the City. The Study aimed to “identify deficiencies and provide improvements to the roadway cross-section, sidewalks, signage, intersections and road geometry.”

5.0 Second Crossing Alternative Solutions

The alternative solutions to address the problems and opportunities were developed following Phase 2 of the Municipal Class EA process. The process involved identifying a long list of potential solutions and consulting on those with stakeholders, agencies and the public to generate a refined list of solutions for evaluation. The alternative solutions assessed represent a list of reasonable and feasible options.

5.1 Do Nothing (Option 1)

“Do Nothing” is the baseline option against which the other alternative solutions are assessed. Do nothing would maintain the existing road network as it is today. Traffic congestion issues would continue and network capacity constraints would remain unaddressed. Do nothing includes the rehabilitation of the existing bridge in Fenelon Falls, including improvements to pedestrian crossings; however, bridge expansion is not included. This alternative would provide no improvements or relief to the traffic issues, yet remains an option should none of the other identified alternatives be appropriate.

5.2 Bridge Expansion (Option 2)

Option 2 presents the potential to expand the existing bridge to address traffic issues. Expanding the existing bridge would provide an opportunity to determine whether modifications to the existing lanes on the bridge would sufficiently address the traffic issues.

Regarding southbound movement, it has been noted that congestion and vehicles are observed southbound over the bridge approaching the Helen Street intersection. While there are three southbound lanes on the bridge approaching the intersection, the storage lanes for southbound right-turn and southbound left-turns are short and queues spill over into the southbound through lane choking off all southbound movement. The longest queue is generated by the southbound left-turn demand. The southbound left-turn storage lane can only be extended by widening the bridge. This would allow southbound through traffic to proceed past the left turn queue. Consideration of this option would only be supported if it provides better traffic flow through the Helen Street and Lindsay Street intersection.

Regarding northbound movement, northbound on Lindsay Street there are two northbound lanes south of the bridge, with a single lane continuing over the bridge. North of the bridge the road (Colborne Street) includes one northbound lane and one on-street parking lane. Widening the bridge specifically for two northbound lanes is not recommended as it would not provide additional corridor capacity since only one downstream travel lane is provided on Colborne Street; a widened bridge would create a northbound bottleneck where the two lanes converge on Colborne Street into the single travel lane. Northbound improvements can be potentially achieved by better coordinating the traffic signals on Colborne Street at Francis Street.

Expanding the existing bridge would require the removal of the Jersey barrier and physical changes to the actual bridge structure to accommodate lane expansion or an additional lane. Expansion of the existing bridge would require shifting and improving the pedestrian crossing as well. This option requires engaging Parks Canada to determine the appropriate process for Federal oversight and environmental approval.

5.3 In-Town Second Bridge Crossing (Option 3)

A second bridge crossing in town was identified as an alternative in the scope of work for this study and through consultation with the community. There are various locations where a second crossing could be located. Through consultation, a series of potential locations were identified. Options were narrowed down to four preliminary alignments based on community input and environmental constraints. These are illustrated in **Figure 5.1**. The alignments are conceptual and are not intended to show exact location or geometry. Refinements to the preferred alignment would be required if one of the options is recommended. The alignments illustrated are for initial assessment to determine if a second in-town bridge crossing is reasonable and feasible.

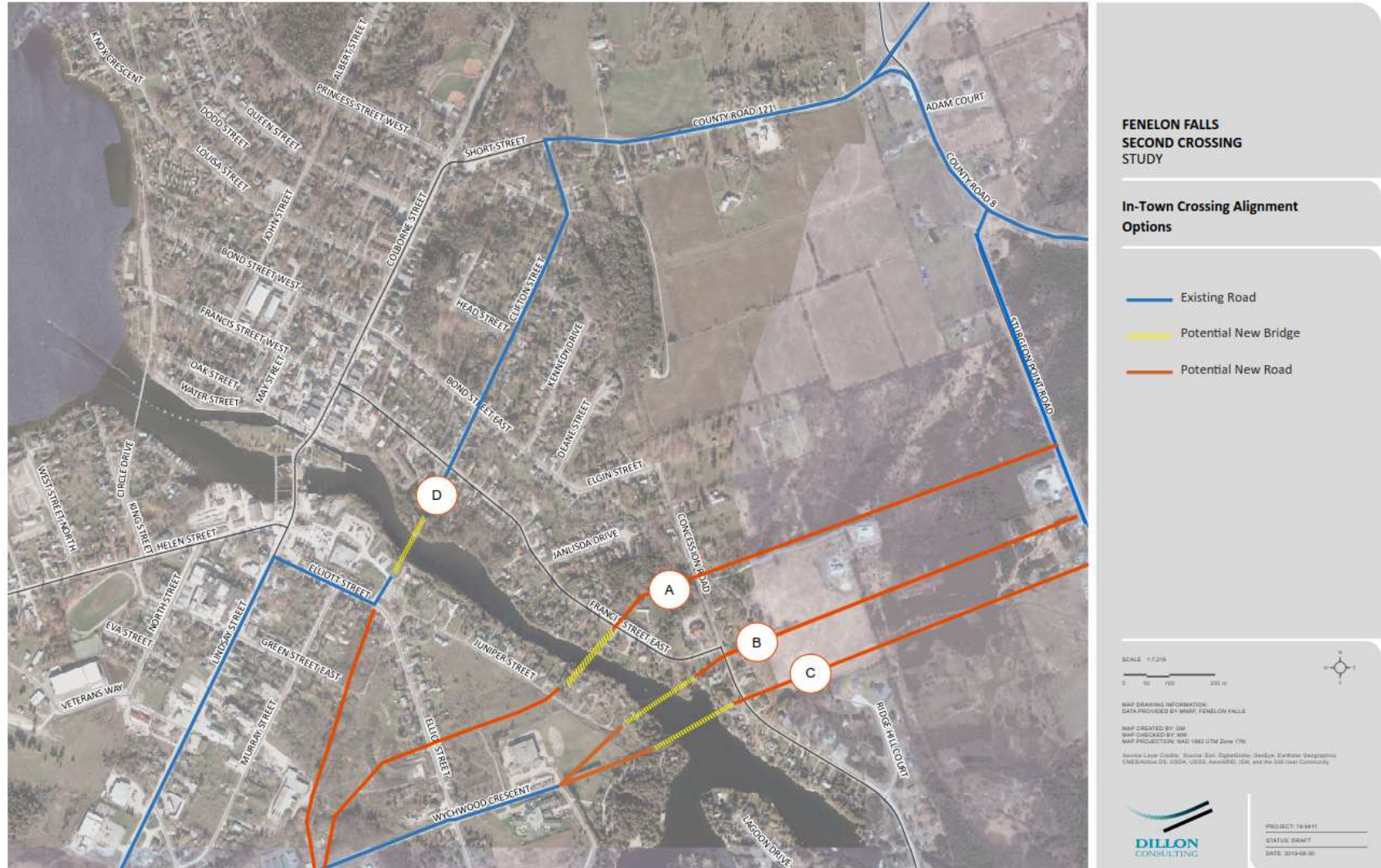


Figure 5.1: In-Town Second Bridge Crossing, Preliminary Alignment Options

Wychwood Crescent (Option 3 – A, B, C)

Three alternative in-town crossing options were identified using Wychwood Crescent as the main route to connect a new crossing of Fenelon River. The three routes provide options that consider bridge design requirements, as well as the need to minimize impacts to the Trent Severn Waterway and to existing land uses.

The bridge locations for each option attempt to facilitate a connection to existing roads on either side of the crossing. The location of the potential crossings (A, B, C) were initially identified based on transportation and structural engineering considerations. Bridge locations were informed by the MTO Structural Planning Guideline (2003) to determine the bridge length, height and depth, as well as the required spans. The crossing locations were also influenced by the topography of the land and the width of the river crossing.

In conjunction with this, the road layouts for the connecting roads to and from the crossings were considered based on design standards for Ontario roads and highways. A review of road curvatures was completed to identify if curvatures were capable of supporting anticipated traffic volumes and speeds. A radius of 300m was used to determine the road curvatures as this is typical for similar designs. While there was an opportunity to reduce this radius as the speed limit around the school and residential areas would be lower, the team selected the maximum curvature size to determine the extents of potential impacts.

In all options for a Wychwood Crescent connection – at the west end of Wychwood Crescent, where it intersects with West Street South – Wychwood Crescent would need to be extended through private property to connect with County Road 121. Property acquisition would be required for this connection.

Each of the Wychwood Crescent options is presented below.

OPTION A

Option A travels along Wychwood Crescent to Industrial Park Drive and then diverts north passing through private property and natural areas, crossing Ellice Street and travelling behind Langton Public School. The route then crosses Juniper Street to connect to a new bridge crossing over the Fenelon River/Trent-Severn Waterway. The bridge would consist of a three-span bridge with no pillars in the water or on the banks of the waterway. A three-span bridge is required due to the topographical changes on either side of the crossing since the northern side of the crossing has a higher elevation than the southern side. Once across the water, Option A continues across Francis Street, and then continues east, across Concession Road, before connecting with Sturgeon Point Road and travelling north to reconnect with County Road 121. Option A would require property acquisition, clear cutting of natural areas, new intersections at local road crossings and the provision of new roads.

OPTION B

Option B travels along Wychwood Crescent, passing Langton Public School and the Revera Fenelon Court Long Term Care Home. Option B continues straight to the edge of the water before turning northeast and crossing the Trent-Severn at an angle where the crossing length is shorter. This bridge would require a three-span bridge. Pillars would need to be placed at the water's edge due to the crossing width. Once

across the water, Option B crosses Concession Road and continues east to meet with Sturgeon Point Road before travelling north to reconnect with County Road 121. Option B would require property acquisition, clear cutting of natural areas, new intersections at local road crossings, and the construction of new roads.

OPTION C

Option C travels the entire length of Wychwood Crescent and continues straight across the Trent-Severn. Option C is the longest water crossing option of Options A, B, and C. It would require a three-span bridge with pillars at the water's edge. Once across the Trent-Severn, Option C travels east to connect with Sturgeon Point Road before turning north to reconnect with County Road 121. Option C would require property acquisition, clear cutting of natural areas, new intersections at local road crossings and the construction of new roads.

Clifton Street (Option 3 – D)

The Clifton Street option would include a new bridge connecting Clifton Street on either side of the Fenelon River by creating a single span bridge that connects Elliot Street to Francis Street following the existing right of way that is protected for the local hydro corridor. No new roads would be required for this option; however, the existing right of way on Clifton Street is not wide enough and road expansion would be needed. This would require easements from existing properties along the length of Clifton Street and would impact the hydro substation at Clifton and Elliot Street. Some full property acquisition would also be necessary at the bridge location. On the south side of the crossing, there are multiple options for how traffic could connect to the new bridge. Traffic could use the existing road network to connect with County Road 121. Some road widening of Elliot Street and Ellice Street would likely be required in the areas connecting directly to the new bridge. This would require property easements. Another option would be to construct a new road connecting north-south between Elliot Street and Wychwood Crescent. If this new connection was built, Wychwood would need to be extended west through private property to connect with County Road 121. Property acquisition would be required for this connection.

5.4 Bypass Crossing (Option 4)

An alternative to the in-town crossings is bypassing Fenelon Falls entirely. For those travelling to and from areas that are outside of Fenelon Falls who have no other choice but to travel through the community, this option provides them with an alternative route. The bypass route assessed in this study was previously identified in the City's 2006 Haul Route Study. **Figure 5.2** presents the bypass route for assessment. Traveling from south to north, the new bypass route is north along Highway 35 (west side of Cameron Lake), then continues through Rosedale, and then turns right along Concession Road 3; it then continues east along Concession 3 and would need a new three-span bridge across the Burnt River, connecting Concession Road 3 to County Road 121 on the east side of the Burnt River.



Figure 5.2: Bypass Route (Option 3)

Highway 35 would not require any changes or modifications. Concession Road 3 would need to be stripped and repaved with appropriate shoulders and intersections and improvements to culverts and drainage.

Similar to the in-town second crossing options, the bridge length, depth and span were determined based on the MTO Structural Planning Guideline (2003). In this case, the bridge would not require piers in the water but does require added spans to address slopes and connections to the existing grading of Concession Road 3. As a result, a three-span bridge would be needed due to the topography and the floodplain, and it would have the following implications:

- There is an existing right of way over the Burnt River at Concession 3 but this right of way is not wide enough for a full three-span bridge, so the right of way would require expansion;
- The local access roads that run north-south along the Burnt River to provide access to private properties would need to be reconfigured at the intersections with Concession Road 3. These roads include Brook Road, River Road, Riverbank Road and Cedarplank Road. The reconfiguration of these roads at Concession Road 3 would need to be designed based on sight lines and bridge design requirements;
- The existing public access boat launch on the west side of the Burnt River would need to be relocated; and,
- There would be impacts to private property along the Burnt River where the bridge would be located.

Consideration would also need to be given to the Burnt River. Unlike the Trent-Severn, this is not a historic waterway, but it does have a significant floodplain. Any new crossing would need to consider floodplain impacts.

5.5 Traffic Improvements (Option 5)

Option 5 included a review of the existing traffic operations to identify options that would address the immediate issues at the Helen Street and Lindsay Street intersection. Five local operational improvements were explored:

- Traffic light signal changes;
- Access control;
- Additional capacity;
- Network reconfiguration; and
- Roundabout.

For each of the above operational improvements, a series of variations were also assessed as well as combinations of the potential improvements. Over 25 various sub-options were considered. Additional analysis was undertaken considering the applicability of roundabouts in the corridor as well as school bus operations given the high school bus service required in the area.

Under the MCEA manual, some modifications to existing roads or intersections do not require detailed environmental assessment. An adjustment to an existing intersection or road that is focused on improving

traffic flow and does not change the use or capacity of a road falls under the Schedule A or A+ project list in the MCEA manual. Of the options explored under traffic improvements, modifications to intersection turning lanes, access control, some network reconfiguration and traffic light signal changes would be Schedule A or A+. For Schedule A and A+ projects the municipality is responsible for advancing these projects to meet applicable road design standards and regulations. For Schedule A+ projects the municipality is also responsible for informing property owners and community members in the study area of the work.

Appendix E: Traffic Improvements Analysis provides detailed documentation of existing traffic operations and the analysis of the long list of traffic improvement options that were considered (analysis of traffic light signal changes, access control changes, added capacity options and network reconfigurations was completed). Through the analysis, an optimal traffic improvements option was identified which constitutes Option 5 of the alternative solutions. A summary of the components of Option 5 is presented below.

Option 5 is illustrated in **Figure 5.3** and includes the improvement of vehicle circulation at the intersection of Lindsay Street and Helen Street by:

1. Restricting select movements at the Helen Street and Lindsay Street intersection, including;
 - a. Making the Tim Hortons / Sobeys access on Lindsay Street a right-in and right-out access only. This includes: removing the southbound left turn from the bridge; removing the eastbound straight through from Helen Street; removing the westbound straight through; and, making it impossible to complete the westbound left turn from the access driveway. All other movements at the intersection would remain.
2. Adding a new signalized intersection at Elliot Street and Lindsay Street to accommodate the diverted traffic that results from the changes in item #1. This would include a southbound left turn lane on Lindsay Street to access Elliot Street. More traffic would need to use Elliot Street to access either the Tim Hortons or the Sobeys;
3. Coordinating signal timing between intersections to manage flow;
4. Adding a westbound left turn lane on Elliot Street at the Lindsay Street intersection (as shown in **Figure 5.4**). This would be coordinated with the current plans that the City has for upgrading Elliot Street. The City's current plans for Elliot Street include adding a left turn queue lane for the Tim Hortons drive thru; and,
5. Resurfacing and improving the leg of Clifton Street north of Elliot Street that currently provides the back access route to the Sobeys site. This includes adding a stop sign on Clifton Street. Improvements are required in order to allow more traffic to use that access location off of Elliot Street.

As documented in **Appendix E**, the consideration of a roundabout at the intersection of Helen Street and Lindsay Street was assessed. A roundabout would need to be a two-lane roundabout to ensure that traffic could continue to flow. This option would require substantial land acquisition from properties surrounding the intersection as the current dimensions of the intersection are not sufficient to accommodate a two-lane roundabout. As such this was not carried forward as a reasonable and feasible alternative solution.

Traffic Analysis Results

- At the intersection of Helen Street and Lindsay Street there will now be two southbound through lanes that will get vehicles through the intersection with less green-time which allows for more green-time to be given for the eastbound left turns from Helen Street north onto the bridge.
- Southbound left turns are better accommodated at Elliot Street with fewer conflicts (T-intersection) and less impact on other turning movements at Helen Street and Lindsay Street.
- Requires improvements to Elliot Street
- Additional improvements to this would be for Tim Hortons and/or Sobeys to acquire additional adjacent property for a new entrance on Elliot Street.

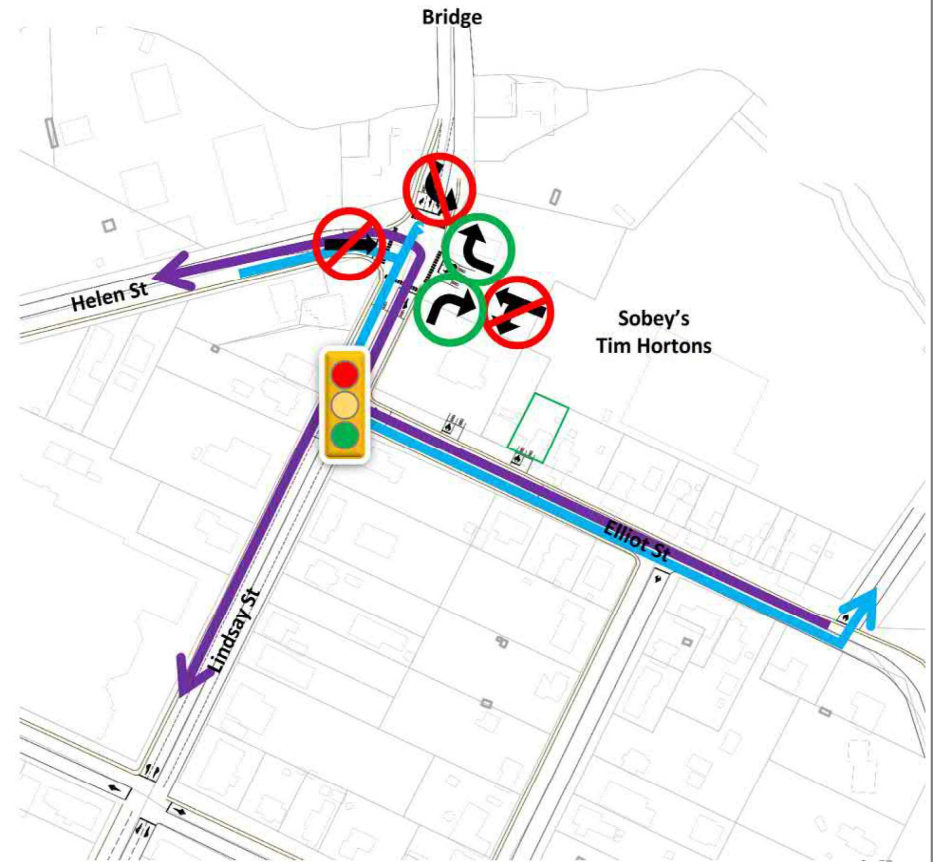


Figure 5.3: Traffic Improvements (Option 5)

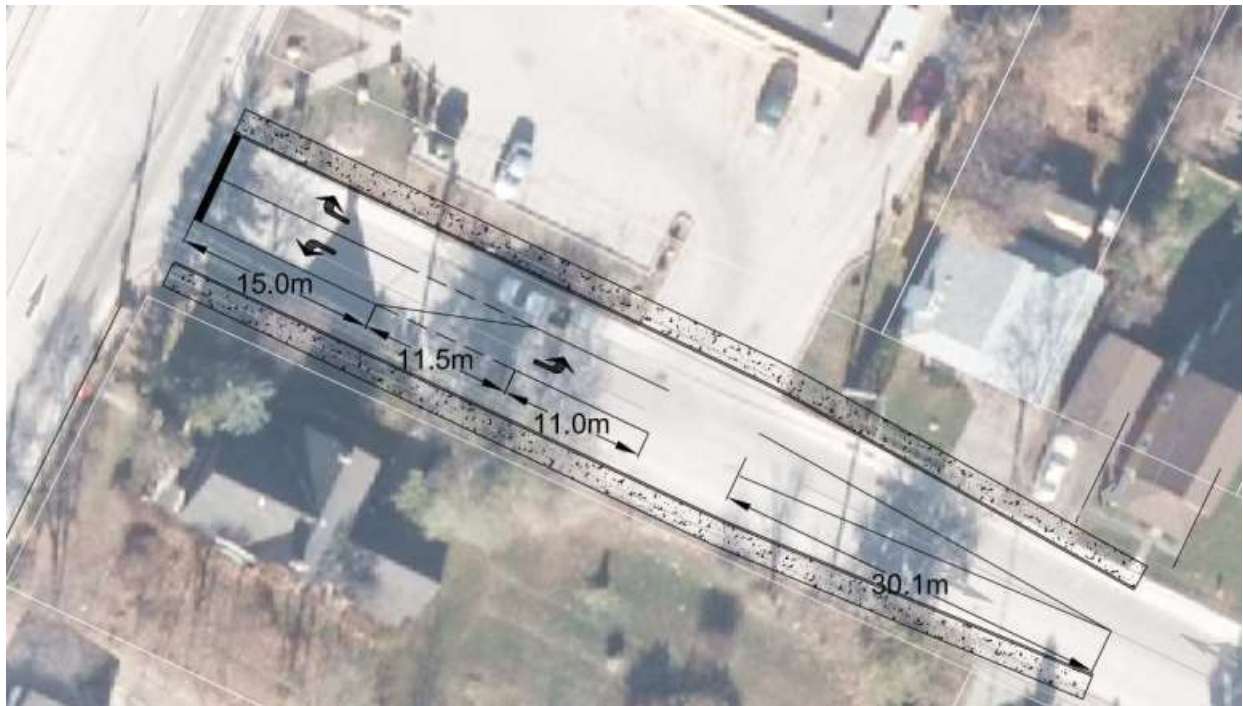


Figure 5.4: Elliot Street modifications at Lindsay Street

5.6 Consultation Input on Solutions Development

A component of identifying and assessing the potential solutions to the traffic issues in Fenelon Falls, was factoring in the feedback received during consultation with the public and stakeholders. The feedback received was helpful in identifying and refining the potential solutions. The following sections provide a high level summary of how input was considered in the solutions development and refinement. **Appendix A: Frequently Asked Questions** provides a more thorough record of the questions and comments received on the options and how they have been considered or addressed.

Existing Bridge Expansion

A bridge expansion was one of the first options raised through consultation. Comments identified the need for bridge repairs and highlighted this as an opportunity to expand the bridge as part of rehabilitation work. It was noted that expansion should be considered as a way to accommodate a larger storage lane for southbound left turning vehicles. This could potentially open up space for through traffic travelling southbound to continue unimpeded. Feedback included the need to improve the pedestrian crossing on the bridge and recommendations that the bridge also be expanded to provide pedestrian crossings on both sides of the bridge.

The suggestion to explore adding additional storage on the bridge to address the issues created by this intersection was incorporated into the analysis. The suggestion to improve the pedestrian connections on

both sides of the bridge was provided to the City for consideration in the bridge rehabilitation project. That suggestion was carried forward. The City is currently undertaking the bridge rehabilitation and this will now include adding pedestrian connections on both sides of the bridge.

Second In-Town Crossing

WYCHWOOD CRESCENT (OPTIONS A, B AND C)

During the first PIC, one of the activity stations required attendees to identify on a map the potential places where a second crossing could be located. The information gathered at this station helped the project team in identifying in-town crossing options. Of all those considered, crossings at Clifton Street and along Wychwood were the most popular. The project team then used this information to create some preliminary options for considerations.

The next meeting the project team had was at the stakeholder workshop. At this meeting, the project team presented the results of the StreetLight data analysis completed for the traffic study, which identified where traffic that crossed the existing bridge was travelling to and from. Prior to the stakeholder workshop, the bypass was identified as one of the preferred options. However, the feedback received during the stakeholder workshop stated that more consideration should be given to the in-town options as the bypass would only remove 20-30% of traffic. It was stated that Clifton Street would not likely be a viable option due to property impacts and the extent of residential properties impacted. It was suggested that more options be considered along Wychwood Crescent connecting to Sturgeon Point Road.

Prior to the second PIC, three options were prepared for potential crossing locations at Wychwood Crescent. These were based on the suggestions during the stakeholder workshop and also the drawings provided during the first PIC. The project team also factored in other considerations, such as sensitive land uses, water crossing widths, topographical concerns and property impacts.

Feedback received during the second PIC raised concerns with Wychwood Crescent, due to the impacts it would likely have on the school and the long term care facility. There were also concerns raised about property impacts and cost. However, there was still a large portion of attendees who felt that an in-town option would be necessary to improve the conditions in Fenelon Falls for the long term. All three options were therefore shortlisted for evaluation.

Bypass

Throughout consultation there has been mixed support for a bypass option, the location of which has been controversial. For many, a bypass is seen as an opportunity to reduce some of the traffic congestion in town and provide an alternative route around the community for those who do not wish to stop in Fenelon Falls. Some community members also supported a bypass as an option to be implemented more quickly than a second in-town bridge crossing with fewer residential property impacts. Interest in expediting the bypass to provide a near term improvement to traffic issues was expressed. Further, stakeholders and community members in town identified a preference to have trucks use the bypass as a haul route in accordance with the 2006 Haul Route Study rather than driving through Fenelon Falls. However, community members

located in the vicinity of the bypass have expressed opposing opinions – a new bypass would impact the property owners who reside along the bypass route and would have environmental impacts to natural areas and the floodplain along the Burnt River. These concerns were raised by Burnt River and Baddow community members. Residents in the vicinity of the bypass identified alternative existing routes that are less well known, such as Mitchells Bridge and North Line Road, as options to support for a bypass rather than constructing a new bridge over the Burnt River at Concession Road 3. Given the wide range of input received for the bypass, further study was recommended.

Traffic Improvements

During the stakeholder and public meetings, several traffic improvements were suggested as ways to alleviate the traffic problems in town. This included evaluating ways to control access to Tim Hortons and Sobeys and looking at the traffic light timing at Helen and Lindsay Street to add longer left-turn green times. There were also issues raised with the Tim Hortons drive thru queueing which can spill onto Elliot Street and onto Lindsay Street.

When the traffic improvement Option 5 was presented, stakeholders and the public expressed a desire to better understand the impacts of the traffic improvements. As a result, the project team undertook a Synchro model analysis of potential traffic improvements. This included exploring the identified traffic improvements from the stakeholder workshops as well as assessing turning restrictions for intersections, access control for the gas station and expanding storage lanes for turning movements. This effort further refined the recommendations.

6.0 Evaluation of Alternative Solutions

Once the alternative solutions were confirmed, the team completed an evaluation to identify the potential impacts of the solutions. A comparative assessment was completed in order to make recommendations for next steps. As a first step in the evaluation process, a screening was completed to identify if any of the alternative solutions could be removed from the list as either: (i) not effective at addressing the problems and opportunities; or, (ii) not supported by the City and community to pursue due to the extent of impacts.

6.1 Initial Screening of Alternatives

Table 6.1 provides details on two of the alternative solutions that were screened out and not carried forward for evaluation.

Table 6.1: Alternative Solutions Screening

Alternative Solution	Rationale for Screening Out
Do Nothing (Option 1)	This option was screened out as the southbound left-turn at the Helen and Lindsay Street intersection is forecasted to be 'at capacity' by 2031 and has been identified by the City and the community as an issue that needs to be addressed. In the do nothing solution, the roadway will not be operating at an acceptable level of efficiency or level of service by 2031. While it would not be over capacity, any roadway that is at capacity is determined to require some sort of improvement to allow it to continue to operate efficiently. As such, the Do Nothing option is not considered an appropriate option as retaining the status quo will result in the existing issues increasing in the future.
Second In-town Crossing via Clifton Street (Option 3-D)	Based on consultation with the community and discussion with City staff, Option 3-D (in-town crossing, Clifton Street) was screened out due to the significant property impacts to all of the residents along Clifton Street. On the northern side of Fenelon River, a total of 79 properties would be impacted since the road would need to be widened and easements placed on the properties. Of these 79 properties, 21 would require a full acquisition as the physical structure (house) would be impacted by the road widening. The bridge would also transform the full length of the road from a minor local residential street to a collector level road with conflicting residential uses, including safety issues related to the number and location of driveways. Parks Canada also identified concerns with this location given the proximity to the existing Lock to the west. Protected view lines were raised as an issue by Parks Canada which could result in needing to raise the bridge and increase its footprint.

Following the screening of alternatives, it was determined that the in-town traffic improvements solution (Option 5) does not need further evaluation beyond the Synchro modelling assessment completed in **Appendix E: Traffic Improvements Analysis**. The modelling found that the traffic improvements identified as Option 5 would result in improved traffic flow through the Helen and Lindsay Intersection and would allow the road to function below capacity, reducing the capacity constraints identified for 2031. Given that the traffic improvements qualify as Schedule A and Schedule A+ MCEA projects, additional assessment is not needed in this study.

Implementation of the traffic improvements would not preclude implementation of a second in-town crossing, bypass or expansion of the existing bridge. The in-town traffic improvements could be completed in combination with one of the other solutions which would fully address the 2031 capacity concerns and further growth beyond that timeframe.

Based on the screening of the alternative solutions, three alternative solutions are carried forward for evaluation:

1. Bridge Expansion (Option 2);
2. Second In-Town Crossing (Option 3, Wychwood alignments A, B, C); and,
3. Bypass (Option 4).

6.2 Alternative Solutions Evaluation Approach

Each of the alternative solutions were evaluated against a series of criteria in order to understand the potential impacts and opportunities of each solution. The evaluation criteria were organized under six criteria groups that include:

- Transportation;
- Social environment;
- Natural environment;
- Cultural environment;
- Technical; and,
- Cost.

Table 6.2 presents the results of the comparative evaluation. For the second in-town crossing, the Wychwood alignments were evaluated as a whole rather than each one individually. This is because future study can confirm the exact alignment of a second crossing at Wychwood. The impacts between the alignments are all relatively similar when considered as a comparison with a bypass or an existing bridge expansion. If a Wychwood crossing is preferred, further study and refinement of the exact alignment would be needed.

In conducting a comparative evaluation, the evaluation criteria were considered of equal importance. Options were compared to one another, identifying preferences for options with the least impact or the

greatest benefit for each criterion. Where impacts are identified, the ability to mitigate the impacts was noted. Following the comparative evaluation, input on the evaluation considered through consultation is presented in **Section 6.4**. The trade-offs between the options are subsequently summarized in **Section 6.5**.

6.3 Alternative Solutions Evaluation Table

Table 6.2 presents the results of the comparative evaluation.

Table 6.2: Evaluation Table

Evaluation Criteria	Period of Effect	Option 2: Bridge Expansion	Option 3: Second In-town Crossing, Wychwood	Option 4: Bypass	Conclusions / Preferences
Transportation					
1 Potential to alleviate traffic congestion by addressing traffic volumes travelling through downtown (change in # of vehicles)	Operation	Expanding the existing bridge will not result in any reduction in traffic volume travelling through town.	The addition of a second in-town crossing will provide an alternative option for local and through traffic to travel through the town. The in-town option will not remove traffic volume from the overall town but instead it will split traffic between Lindsay Street and Wychwood Crescent. Traffic volume along Lindsay Street is anticipated to be reduced by approximately 40-50%.	The bypass will provide an opportunity for vehicles to travel around Fenelon Falls for those not intending to use the services in town. Based on the traffic analysis, this will likely result in a reduction of up to 20% of vehicle traffic in town. The Bypass will also serve as a haul route for trucks, which will reduce up to an additional 10% of traffic from the town. The Bypass will alleviate congestion along Lindsay Street, but will not remove as much traffic as a second in-town crossing.	Options 3 and 4 will reduce the number of vehicles travelling through downtown (Lindsay Street and Colborne Street). Both options are suitable as they would result in enough reduction of traffic to improve traffic congestion issues for the foreseeable future. The second in-town crossing at Wychwood would be slightly better as it would divert more traffic than a bypass but the capacity issues do not need that level of network duplication. As such the bypass is considered just as good. Similarly Preferred: Second In-town Crossing and Bypass
2 Potential to alleviate traffic congestion by addressing traffic flow (change in how vehicles move through area)	Operation	A bridge expansion will have a minimal impact on traffic flow. The traffic analysis showed that the southbound left-turn queue continues to grow beyond any length of storage lane on the bridge. This will eventually block the through traffic. As a result, there would only be marginal improvements to traffic flow and very little during peak periods for the southbound left-turn.	The second in-town crossing will reduce the amount of traffic travelling along Lindsay Street. This reduction in vehicles will improve the traffic flow as there will be fewer cars trying to travel through the centre of town. Having an additional crossing in town will split the flow of traffic.	The bypass will result in 20-30% of traffic being removed from the existing crossing, as per the findings in the Streetlight traffic analysis. This reduction in traffic will result in an improvement to traffic flow as there will be fewer vehicles trying to navigate through the centre of town.	Options 3 and 4 will both reduce the volume of traffic travelling through the downtown area (Colborne Street) of Fenelon Falls enough to allow for a better flow of traffic over the existing bridge. The In-town crossing will improve the flow the most, although the Bypass will improve the flow enough to reduce congestion. Similarly Preferred: Second In-town Crossing and Bypass

Evaluation Criteria	Period of Effect	Option 2: Bridge Expansion	Option 3: Second In-town Crossing, Wychwood	Option 4: Bypass	Conclusions / Preferences
3 Potential to impact local and surrounding road network	Construction, Operation	<p>Once completed, the bridge expansion would have no impacts on the surrounding road network as the function would not change.</p> <p>During construction, the bridge expansion will require extensive works to the existing bridge for it to be widened. This would involve reducing the bridge to one lane during construction, which may span a number of years. This restriction would have impacts to the surrounding area as the traffic issues would be exacerbated due to the restrictions on the bridge. With no other crossing option, this would cause significant traffic volumes and congestion during construction. This impact would be temporary.</p>	<p>A second in-town crossing that utilizes Wychwood would result in significant impacts to the local road network in Fenelon Falls. New intersections would need to be created where Wychwood Crescent meets County Road 121 and also where the new road network on the eastern side of the crossing would meet Sturgeon Point Road. Further, there would be numerous new intersections created depending on the connecting roads used for the bridge. The In-town crossing will also impact the local network as it will create additional traffic volume along the streets it is on and the streets it will intersect.</p> <p>During construction there will be significant impacts to the local and surrounding road network. Access to local residences along Juniper, Francis Street, Concession Road and Sturgeon Point Road will need to be maintained. In some cases, a temporary bypass route may need to be developed where construction blocks access to residences that don't have a secondary route they can use to ensure access is maintained.</p>	<p>The bypass will impact the local and surrounding road network as it will add additional traffic volume along Highway 35 and Concession Road 3.</p> <p>The creation of a new crossing over the Burnt River will also impact the roads running along the Burnt River (Cedarplank Road, Riverbank Road, River Road and Brook Road) as these will need to tie in to Concession Road 3 where the new bridge will be located. This can be done and would be completed as part of construction.</p> <p>During construction, there will be impacts to these roads along the Burnt River, particularly River Road and Riverbank Road as their access may be restricted. A temporary bypass route may need to be built.</p>	<p>All of the options present significant construction impacts that would affect the local roads and surrounding road network. During operation, traffic volumes would increase on local roads for Option 3. Option 3 would see the greatest impact to the local street network with road widenings and new intersections. Option 4 would result in fewer impacts to the local road network as it would primarily be Concession Road 3 that would have permanent operational impacts to traffic.</p> <p>Preliminary Preferred: Bypass</p>
4 Potential to address future traffic growth	Operation	The bridge expansion has limited potential to address future traffic growth as the option would primarily address the left-turn congestion on the bridge and would not add to the overall network capacity.	Option 3 would provide added network capacity in Fenelon Falls to serve future traffic growth in the area over a long period of time.	Option 4 will provide added network connectivity for the region surrounding Fenelon Falls. Diverting traffic to the bypass will provide room for future growth in the system within Fenelon Falls and provide a new link for the surrounding area.	<p>Options 3 and 4 both have the potential to address future traffic growth; however, Option 3 provides the greatest advantage as growth is directed to the town and less so to the surrounding region.</p> <p>Preliminary Preferred: Second In-town Crossing</p>
5 Potential to alleviate commercial and heavy vehicles travelling through downtown Fenelon Falls	Construction, Operation	The bridge expansion will not remove any heavy or commercial vehicles from the downtown area. It also doesn't provide any heavy vehicles with an alternative route.	<p>A new In-town crossing will create a new route for commercial and heavy vehicles to travel along, which will result in fewer trucks travelling through the main downtown area along Colborne Street.</p> <p>Commercial and heavy vehicles would be alleviated from downtown Fenelon Falls, unless they need to make a delivery in town that requires they pass through downtown.</p>	The Bypass route will act as a new haul route, as identified in the 2006 Haul Route Study. Long haul trucks would be directed to the haul route. Commercial and heavy vehicles would be alleviated from downtown Fenelon Falls, unless they need to make a delivery in town that requires they pass through downtown. (Note: Truck traffic would impact the residents along the bypass which is identified under Social Environment criterion.)	<p>Only Options 3 and 4 will provide a viable alternative to the current route for heavy vehicle and commercial traffic. The Wychwood crossing will still continue to direct heavy vehicles through Fenelon Falls, but it will remove them from the downtown Fenelon Falls area. The Bypass completely removes heavy vehicle traffic from the downtown area.</p> <p>Preliminary Preferred: Bypass</p>

Evaluation Criteria	Period of Effect	Option 2: Bridge Expansion	Option 3: Second In-town Crossing, Wychwood	Option 4: Bypass	Conclusions / Preferences
6 Potential to impact or enhance pedestrian and cycling network	Operation, Construction	Expanding the existing bridge will involve creating a new pedestrian crossing. The existing pedestrian crossing is narrow and prone to flooding, so a new pedestrian crossing would enhance the existing pedestrian and cycling network in Fenelon Falls.	The creation of a new crossing In-town will create more opportunities for cyclists and pedestrians. The new crossing and connecting roads would be designed to correspond with the City's urban road cross-section, meaning it will have a multi-use pathway along one side of the road.	The Bypass route will create a new connection across the Burnt River which cyclists and pedestrians can use and which could be connected to the Victoria Rail Trail just east of the Burnt River. However, the bypass may also pose a crossing challenge for the Victoria Rail Trail at Concession Road 3. Design work would be required to identify a safe pedestrian/cycling crossing of Concession Road 3 which could possibly include an underpass. This would have impacts to the area.	Option 3 provides the greatest potential to improve the pedestrian and cycling network. While the existing bridge expansion would improve the existing pedestrian and cycling infrastructure, it does not enhance the overall network. Preliminary Preferred: Second In-town Crossing
7 Potential to impact or improve EMS connections (i.e. ingress and egress into and out of town)	Operation, Construction	The additional storage capacity will result in a better flow of traffic across the bridge during non-peak periods and could assist in improving some EMS connections, but the volume of traffic will not be reduced. Additionally, during construction, EMS services will only have a single lane bridge and so potential impacts to EMS connections could arise.	A second in-town crossing will provide an alternative route for EMS vehicles to take to respond to emergencies. The new in-town crossing will also reduce the amount of traffic on the main route through town and with less volume, EMS connections will be improved.	The Bypass will reduce the volume of traffic travelling through the downtown area. This reduction in traffic volume will create better opportunities for EMS connections. There will still only be one in-town crossing but the reduction in volume in-town from the bypass will improve EMS connections.	All three options will improve connections for EMS. The new in-town crossing will result in the greatest improvement to address EMS connections by provided a nearby added route. However, through consultation with EMS, the City has been clear that there have been no issues raised with EMS service in Fenelon Falls. As such, there are no preferences related to EMS. No Preference.
8 Potential to improve pedestrian safety	Operation, Construction	A bridge expansion will provide an opportunity to improve the existing pedestrian crossing. The current bridge rehabilitation program is improving the pedestrian crossings both for connectivity, safety and experience. As such, the bridge expansion would result in no added improvement during operation. During construction, identifying a safe pedestrian crossing will be important to maintain connectivity.	A new in-town crossing that connects to Wychwood Crescent has the potential to negatively impact pedestrians on all the local connecting roads. Currently the local streets only receive local traffic. Traffic along Wychwood also serves the local elementary school and long term care home. Increasing traffic on these routes could increase the risk to pedestrians and vulnerable road users (children and seniors).	The bypass route has the potential to negatively impact pedestrians in the bypass area as people use the local connecting roads along the Burnt River to walk, jog, cycle and dog walk. However, the pedestrian volumes are low as this is only for recreational used. On the other hand, a bypass has the potential to improve the pedestrian safety in Fenelon Falls. The bypass will reduce the number of heavy vehicles that travel through the downtown, thereby reducing the chance of pedestrian/vehicle conflicts and improving both real and perceived pedestrian safety overall.	The Bypass will not improve safety for pedestrians/recreational users in the bypass area, but it will reduce the number of vehicles in town. This would support a safer pedestrian environment in town with a reduction in conflict potential in an area where there are more vulnerable road users. Preliminary Preferred: Bypass

Evaluation Criteria	Period of Effect	Option 2: Bridge Expansion	Option 3: Second In-town Crossing, Wychwood	Option 4: Bypass	Conclusions / Preferences
Social Environment					
9 Potential to impact existing and planned residential uses	Operation, Construction	<p>A bridge expansion would not result in any impacts to existing or planned residential properties.</p> <p>During construction, there may be additional impact to residential properties as there will be an increase in traffic trying to cross the bridge due to lane closures. This could create additional traffic and noise on side streets.</p>	<p>Option 3 will result in significant impacts to existing and planned residential uses. Property easements would be required to accommodate widenings of connecting roads. Property acquisition/expropriation would be required to accommodate the bridge crossing. In total, there would be between 26 and 29 properties where easements are required and between 9 and 10 properties that would need to be acquired/expropriated out right to make way for the crossing.</p> <p>Depending on the route selected for local road connections to/from the bridge crossing, there may be additional property acquisition of easements.</p> <p>During construction, there would be further impacts to residential properties. Access to some properties may be restricted during construction. Temporary detour routes would need to be constructed to allow for continued access to properties in various circumstances.</p>	<p>The bypass will require the acquisition/expropriation of between 4 and 5 properties in the area of the new Burnt River bridge. It is anticipated that the bypass will not require much in the way of easements on Concession Road 3 as the existing right-of-way is wide enough. Concession 3 would need to be resurfaced. There is the potential that additional properties may be impacted adjacent to the bridge where the local roads need to reconnect with Concession Road 3. If this option is progressed further, local road connection would need further consideration and design.</p> <p>During construction, there will be impacts to existing properties. Access to some of the properties along the Burnt River may be restricted and a temporary detour may be needed to allow for continued access to properties.</p> <p>No impacts are anticipated for future proposed residential uses.</p>	<p>Expanding the existing bridge will impact the least number of residential properties. The bypass will impact fewer properties and residential uses than the second in-town crossing.</p> <p>Preliminary Preferred: Bridge Expansion</p>

Evaluation Criteria	Period of Effect	Option 2: Bridge Expansion	Option 3: Second In-town Crossing, Wychwood	Option 4: Bypass	Conclusions / Preferences
10 Potential to impact land values	Operation	<p>The expansion of the existing bridge does not align with any of the features identified in the Municipal Property Assessment Corporation (MPAC) valuation model. This is not to say there won't be impacts, as a bridge expansion could lead to access improvements for businesses, but this is difficult to model.</p>	<p>The potential for to private property and land values were determined with help from the MPAC valuation model. Certain features are considered to impact property values and are listed on their website. It is not possible to understand the actual dollar-value impacts to property value based on the options without a full property assessment and, therefore, only the presence of potential variables has been included to determine whether there is a potential to impact values.</p> <p>Increase in traffic patterns as well as the presence of easements can have property value impacts according to MPAC. Option 3 will result in easements (between 26 and 29 properties). Additionally, the option will likely increase traffic volume along Wychwood Crescent by 40-50%. This will affect property values on increased traffic routes.</p>	<p>The same MPAC valuation model for Option 3 is applied for Option 4. Increase in traffic patterns as well as the presence of easements can have property value impacts according to MPAC. Option 4 could result in some easements. Additionally, the option will likely increase traffic volume Concession Road 3. This will affect property values on increased traffic routes.</p> <p>As the Burnt River is a relatively quiet cottage/rural area, the presence of a new traffic connection may also impact property values for those located in close proximity to the new connection. This would need to be further assessed to identify specific dollar-value impacts.</p>	<p>While it is not possible calculate a full property value impact assessment at this time given the level of detail available for the options, it is possible to determine whether any of the options have any of the characteristics that MPAC has determined to be influential in impacting property values.</p> <p>Of the three options, the second in-town crossing has the highest potential for impact, as it requires the most easements and will change the volume of traffic along the most local roads. The Bypass option has the second highest potential as the volume of traffic along Concession Road 3 will increase and there may some easements required for local road connections. The existing bridge expansion perhaps has the least potential impact.</p> <p>Preliminary Preferred: Bridge Expansion</p>
11 Potential to impact existing and planned local businesses	Operation, Construction	<p>A bridge expansion would likely have significant impacts to local businesses during construction. With construction likely taking a couple of years, the traffic issues in Fenelon Falls would deteriorate further, meaning fewer people would be travelling through Fenelon Falls during this time period.</p> <p>Long term, the bridge expansion would likely result in some improved traffic flow through town, although the traffic volume would continue to increase with time, meaning local businesses may continue to experience the same challenges in the future.</p>	<p>A second in-town crossing would keep traffic travelling to the Fenelon Falls area, meaning the Town and local businesses would still benefit from visitors travelling through the area.</p> <p>There would be no major impacts to local business during construction either, as construction would not be occurring along the main street.</p>	<p>The bypass will divert traffic around Fenelon Falls. There would likely be fewer visitors travelling through the Town. As such, there is the possibility that local businesses would get fewer customers. However, the experience in downtown Fenelon Falls would likely improve, meaning there is also the likelihood that people visiting will spend more time in Fenelon Falls and more people will make trips to local shops as there wouldn't be as many traffic issues. No impacts would be anticipated during construction.</p>	<p>Option 3 will keep traffic travelling into the downtown area, while also addressing the traffic issues. This will result in the best outcome for local businesses.</p> <p>Preliminary Preferred: Second In-town Crossing</p>

Evaluation Criteria	Period of Effect	Option 2: Bridge Expansion	Option 3: Second In-town Crossing, Wychwood	Option 4: Bypass	Conclusions / Preferences
12 Potential to impact institutional and recreational uses (i.e. schools, healthcare, parks, boating)	Operation, Construction	<p>No impacts are anticipated during operation.</p> <p>During construction, a bridge expansion would not have any direct impact on institutional uses, however it will result in an increase in traffic which will affect the operations of the high school on Lindsay Street and any other institutional uses (such as the community centre). This is because travel times will increase due to the closure of lanes on the bridge during construction.</p>	<p>Option 3 would result in impacts to some institutional uses along Wychwood Crescent. The existing school and long-term care home will experience disruption during construction. During operation, the school and long-term care home will experience traffic impacts.</p> <p>There are no anticipated impacts to recreational uses except for the elementary school yard during construction or operation and the waterway will remain open.</p>	<p>The Bypass will result in no impacts to institutional uses during operation or construction.</p> <p>Recreational uses will be impacted included the Burnt River for boating traffic and the cottage experience for those cottages near the new bridge. In addition, the Victoria Rail Trail and the snowmobile trail on Concession Road 3 would be impacted during construction. During operation the Victoria Rail Trail may require some adjustments but generally all of these uses will be able to continue similar to the current condition.</p>	<p>Option 2 would have construction impacts to institutional and recreational uses but these would be temporary in nature. Options 3 has construction and operation impacts to recreational and institutional uses. Option 4 has construction and operation impacts to recreational uses.</p> <p>Preliminary Preferred: Bridge Expansion</p>
13 Compatibility with City planning policies and projects (e.g. Downtown Revitalization Plan)	Operation	A bridge expansion would potentially align with the City's proposed Downtown Revitalization Plan, as it may work in conjunction with the proposed improvements to Colborne Street as well as with the proposed traffic improvements to Helen and Lindsay Street.	The second in-town crossing aligns with the vision of the Fenelon Falls Secondary Plan (under appeal) as it provides an opportunity for the community to grow and assists in creating a healthy and sustainable destination for people. It helps to create a more pleasant downtown experience while also addressing future growth issues within the community. The Secondary Plan also recommends enhancing active transportation opportunities and recommends the creation of a second crossing, which this option provides.	The Bypass aligns with the direction of the Fenelon Falls Secondary Plan (under appeal). It preserves the existing In-town area and promotes a healthy and sustainable community as it removes heavy vehicles from town and reduces the overall volume of traffic, while continuing to allow the town to grow. It also aligns with the City's strategic directions as well as the City's 2006 Haul Route Study.	<p>All options align with the City's planning policies.</p> <p>No preference.</p>
14 Potential for economic benefits	Operation, Construction	The bridge expansion will result in minimal changes to the local economy during operation but may improve the overall experience for those using the main downtown area. During construction, businesses may experience economic impacts due to the closure of lanes on the bridge.	An additional crossing located In-town will still direct traffic to travel into the Fenelon Falls area. The second crossing would allow for some traffic to continue around the town rather than travel through it which will reduce the amount of congestion travelling through the main downtown area. This has the potential to improve the experience in the main downtown area as there will be a reduction in the volume of vehicles in the main downtown area, but it also keeps any visiting business in-town.	<p>The bypass will reduce the amount of traffic travelling through Fenelon Falls. This has the potential to improve the downtown experience as it will be easier to access the businesses in Fenelon Falls.</p> <p>There is however the possibility that Fenelon Falls will experience less traffic and as a result less business than with the other options as some traffic will be diverted around Fenelon Falls entirely.</p>	<p>All three options have the potential to provide economic benefits to the town. A second crossing in-town provides the greatest opportunity for economic benefits.</p> <p>Preliminary Preferred: Second In-town Crossing</p>
15 Potential to impact views and vistas	Operation	The existing bridge expansion would result in no impacts to views.	Option 3 will all result in impacts to the views along the Fenelon River and Trent-Severn Waterway, a National Historic Site.	The Bypass crossing would impact views along a small portion of the Burnt River.	<p>The creation of a new In-town crossing or a Bypass crossing would result in impacts to the views looking up and down the two waterways that they cross.</p> <p>Preliminary Preferred: Bridge expansion</p>

Evaluation Criteria	Period of Effect	Option 2: Bridge Expansion	Option 3: Second In-town Crossing, Wychwood	Option 4: Bypass	Conclusions / Preferences
16 Potential for air emissions to impact local air quality	Operation, Construction	<p>During construction local air quality will be impacted by dust, odour and construction vehicle fumes that will result from the work. There will be specific Parks Canada requirements for controlling dust and runoff around the Trent Severn during construction to minimize impacts. Local air quality will also be affected by traffic congestion during construction. Potential receptors include commercial receptors on the north and south sides of the bridge as well as residential receptors on the north and south sides of Fenelon River, adjacent to Lindsay Street and Colborne Street. The impacts will be localized and temporary. A dust and odour management plan will be required prior to construction.</p> <p>During operations there will be little change to air quality as a result of the bridge expansion.</p>	<p>During construction local air quality will be impacted by dust, odour and construction vehicle fumes that will result from the work. A dust and odour management plan will be required for construction to minimize impacts. There will be specific Parks Canada requirements for controlling dust and runoff around the Trent Severn during construction of the bridge itself to minimize impacts. In addition to typical road construction dust, air emissions impacts would arise from demolition of existing buildings and from soil excavation prior to construction of the bridge. Soil excavation impacts would need to be confirmed through the completion of a sub-surface geo-environmental report that would include borehole investigations to identify soil conditions and contaminants. Materials in the existing buildings would require assessment prior to demolition to identify if there is the presence of asbestos or other monitored materials. Construction management plans will need to address any building materials that may be contaminated or contain asbestos.</p> <p>Potential receptors include residential receptors on the north and south sides of Fenelon River and on local roads adjacent to the alignment. The impacts will be localized and temporary.</p> <p>During operations, local air quality along the new crossing route would be impacted by the increased traffic and associated dust. The air quality in Fenelon Falls and the broader surrounding airshed for the region is not anticipated to measurably change. This project is intended to address existing traffic flow through the area and is not being planned as a new opportunity to add more traffic to the region that would change the conditions in the regional airshed.</p>	<p>During construction local air quality will be impacted by dust, odour and construction vehicle fumes that will result from the work. A dust and odour management plan will be required for construction to minimize impacts. In addition to typical road construction dust, air emissions impacts would arise from demolition of existing buildings and from soil excavation prior to construction of the bridge across the Burnt River. Soil excavation impacts would need to be confirmed through the completion of a sub-surface geo-environmental report that would include borehole investigations to identify soil conditions and contaminants. Materials in the existing buildings would require assessment prior to demolition to identify if there is the presence of asbestos or other monitored materials. Construction management plans will need to address any building materials that may be contaminated or contain asbestos.</p> <p>Potential receptors include residential receptors on the east and west sides of the Burnt River and along Concession Road 3. The impacts will be localized and temporary. Air quality impacts would be less significant for the bypass than those for a second in-town crossing.</p> <p>During operations, local air quality along the bypass route would be impacted by the increased traffic and associated dust. The air quality in the broader airshed for the region is not anticipated to measurably change. This project is intended to address existing traffic flow through the area and is not being planned as a new opportunity to add more traffic to the region that would measurably change the conditions in the regional airshed.</p>	<p>The bridge expansion option is preferred given that it would result in less excavation, less impacts to existing buildings that would require demolition and a smaller overall construction footprint that Options 3 and 4.</p> <p>Preliminary Preferred: Bridge expansion</p>

Evaluation Criteria	Period of Effect	Option 2: Bridge Expansion	Option 3: Second In-town Crossing, Wychwood	Option 4: Bypass	Conclusions / Preferences
17 Potential for noise impacts	Operation, Construction	<p>Construction noise, including ground vibration, will result from the expansion work. Potential receptors include commercial receptors on the north and south sides of the bridge as well as residential receptors on the north and south sides of Fenelon River, adjacent to Lindsay Street and Colborne Street. Noise bylaws will need to be adhered to in order to limit impacts.</p> <p>Once operational, the noise levels should not change in a measurable way as there will be little change in the overall traffic.</p>	<p>Construction noise, including ground vibration, will result from the expansion work. Potential receptors include residential receptors on the north and south sides of Fenelon River and on local roads adjacent to the alignment. Noise bylaws will need to be adhered to in order to limit impacts. Vibration from the construction of the bridge piers and footings will impact adjacent residents. Advanced warning of this construction will be necessary to inform potential receptors of the work. This will be temporary and localized.</p> <p>A second in-town crossing will add traffic to Wychwood Crescent and the local roads connecting to the bridge. This will result in an increase in local noise levels from additional vehicles along the route. This includes noise impacts to the elementary school and the long-term care facility on Wychwood Crescent. In addition, heavy vehicles might be more likely to use the second crossing in order to avoid downtown. As such, there will be additional noise produced from trucks.</p> <p>The noise from traffic traveling through downtown (Colborne Street) will be reduced as there will be fewer heavy trucks and more consistent movement of vehicles during peak periods.</p>	<p>Construction noise, including ground vibration, will result from the expansion work. Potential receptors include residential receptors on either side of the Burnt River and along Concession Road 3. Noise bylaws will need to be adhered to in order to limit impacts. Vibration from the construction of the bridge piers and footings will impact adjacent residents. Advanced warning of this construction will be necessary to inform potential receptors of the work. This will be temporary and localized. The impacts will be less than those for Option 3.</p> <p>A bypass will address traffic to Concession Road 3. This will result in an increase in local noise levels from additional vehicles along the route. This includes impacts from heavy vehicles as the bypass would function as a haul route. As such, there will be additional noise produced from trucks.</p> <p>The noise from traffic traveling through downtown (Colborne Street) will be reduced as there will be fewer heavy trucks and more consistent movement of vehicles during peak periods.</p>	<p>Construction noise will increase for all options. During operations, increased noise will be experienced at sensitive receptors for both Options 3 and 4. Option 2 would not improve local noise levels in downtown Fenelon Falls.</p> <p>Preliminary Preferred: Bridge expansion</p>

Evaluation Criteria	Period of Effect	Option 2: Bridge Expansion	Option 3: Second In-town Crossing, Wychwood	Option 4: Bypass	Conclusions / Preferences
Natural Environment					
18 Potential to impact surface water and groundwater	Operation, Construction	<p>During construction there is potential for the bridge expansion to impact surface water and surface water runoff. This will require a runoff management plan and review with Parks Canada to limit impacts to the Trent Severn. All alternatives will alter the existing storm drainage pattern locally given the change in permeable surface area. The options all require improvements to the storm system along the impacted roadways. However, the bridge expansion has the least impact potential.</p> <p>There is limited potential for the bridge expansion to impact groundwater compared to the other options. Groundwater management during construction is required to ensure Source Water Protection is maintained. There will be no operational impacts to groundwater.</p>	<p>During construction, Option 3 will impact surface water and surface water runoff. This will require a runoff management plan and review with Parks Canada to limit impacts to the Trent Severn. All alternatives will alter the existing storm drainage pattern locally given the change in permeable surface area. The options all require improvements to the storm system along the impacted roadways. Option 3 will result in the greatest impacts to surface water quality and quantity given the extent of roadworks.</p> <p>During construction, Option 3 has the potential to impact groundwater, particularly during bridge construction. There is the potential that dewatering will be needed but this cannot be confirmed without a geo-environmental study. Groundwater management during construction is required to ensure Source Water Protection is maintained. Water crossings of small tributaries will need to be managed on the north side of Fenelon River to ensure that there are no groundwater impacts. Design work would need to confirm that there will be no operational impacts to groundwater.</p>	<p>During construction, Option 2 will impact surface water and surface water runoff. This will require a runoff management plan. All alternatives will alter the existing storm drainage pattern locally given the change in permeable surface area. The options all require improvements to the storm system along the impacted roadways. Runoff from the Burnt River bridge will need to be controlled to limit impacts to the Burnt River. This includes reducing the potential impacts of salting during winter seasons.</p> <p>During construction, Option 2 has the potential to impact groundwater, particularly during bridge construction as it is anticipated that dewatering will be needed given the water table and flood plain in the area. The extent of dewatering will need to be confirmed through a geo-environmental study. Groundwater management during construction is required to ensure Source Water Protection is maintained, particularly given that local properties are serviced by well water. Water crossings of small tributaries will also need to be managed on the length of Concession Road 3. Design work would need to confirm that there will be no operational impacts to groundwater.</p>	<p>All options have the potential to impact surface water and groundwater. The bridge expansion would have the lowest degree of impact.</p> <p>Preliminary Preferred: Bridge expansion</p>

Evaluation Criteria	Period of Effect	Option 2: Bridge Expansion	Option 3: Second In-town Crossing, Wychwood	Option 4: Bypass	Conclusions / Preferences
19 Potential to impact soils, including contaminated sites	Operation, Construction	<p>There is the potential for soils to be impacted through erosion or contamination if any additional works are done to expand the bridge. The existing bridge is in close proximity to a gas station and multiple historic commercial uses which have the potential for contamination. Geo-environmental investigation would be required along the footprint of the expansion to identify the presence of contamination and the extent of potential effects. Mitigation would be required to deal with contaminated soils and minimize impacts.</p> <p>There is the potential for contamination through fuel spills from construction vehicles. A construction management plan would need to include approaches to minimize this potential and address potential spill cleanup.</p>	<p>There is the potential for soils to be impacted through erosion or contamination from construction vehicles in the development of any bridge. However, it is unlikely that the area of the bridge crossing would have contaminated soils given the historic uses in the area that have been associated with residential activity. The area of the second crossing alignment has been previously disturbed so a geo-environmental investigation would be required along the footprint of the alignment to identify the presence of historic contamination.</p> <p>Soil excavation and removal for the bridge piers and footings would need to ensure that there would be no impacts to the stability of the Fenelon River banks. Option 3 presents the greatest potential for complication related to river bank stability given the topography of the area and the length of spans required for the crossing. Potential impacts would need to be addressed through design.</p> <p>There is the potential for contamination through fuel spills from construction vehicles. A construction management plan would need to include approaches to minimize this potential and address potential spill cleanup.</p>	<p>There is the potential for soils to be impacted through erosion or contamination from construction vehicles in the development of any bridge. However, it is unlikely that the area of the bypass would have contaminated soils given the passive historic uses in the area.</p> <p>Soil excavation and removal for the Burnt River bridge piers and footings would need to ensure that there would be no impacts to the stability of the Burnt River banks. Although Option 4 presents a less complicated bridge design than Option 3, there is still challenging topography in the area and the presence of a significant floodplain. The bridge spans would need to be confirmed through further design work to limit bridge impacts to the river banks and soils.</p> <p>There is the potential for contamination through fuel spills from construction vehicles. A construction management plan would need to include approaches to minimize this potential and address potential spill cleanup.</p>	<p>All options have the potential to impact soils. However, the bypass has the least potential for existing contaminated soils given historic uses in the various study areas.</p> <p>Preliminary Preferred: Bypass</p>
20 Potential to impact watercourse crossings and water quality	Operation, Construction	<p>All options have the potential to impact watercourses and water quality. Options 2 and 3 have the greatest potential given the length of the bridge crossings and likely need for in-water works. The Burnt River crossing will be smaller in scale with no piers placed in the water. As such there would be less potential for impacts to water quality or watercourse crossings. There is potential for run off however and as such mitigation would be required. Along the length of Concession Road 3 there are smaller tributaries that the existing road crosses. Through resurfacing, improvements to culverts would be possible to improve existing watercourse crossing conditions along Concession Road 3.</p>			<p>All options have the potential to impact watercourses as they all require bridges, and therefore there is the potential to impact watercourses and water quality. The bypass however has the least potential for impacts.</p> <p>Preliminary Preferred: Bypass</p>
21 Potential to impact floodplain	Operation, Construction	<p>The banks of the Trent-Severn are all considered part of the Fenelon River flood plain. Any bridge expansion or new bridge over the Fenelon River has the potential to impact the floodplain; however, Kawartha Conservation and Parks Canada did not identify concerns with the existing flood plain that could not be mitigated through design work.</p>	<p>The Burnt River flood plain is extensive and floods regularly. Significant flooding has been experienced in the last five years. The bridge design will need to limit impacts to the flood plain and runoff to adjacent properties. Specific approaches to address the flood plain would need to be identified in the next steps should a bypass be identified as preferred.</p>	<p>All options have the potential to impact a flood plain but the Option 4 is certainly more challenging. Impacts would need to be assessed further for all options through design work.</p> <p>Preliminary Preferred: Bridge expansion and Second In-town Crossing</p>	

Evaluation Criteria	Period of Effect	Option 2: Bridge Expansion	Option 3: Second In-town Crossing, Wychwood	Option 4: Bypass	Conclusions / Preferences
22 Potential to impact terrestrial habitat, woodlands and wildlife	Operation, Construction	Option 2 has the least potential to impact wildlife and terrestrial habitat. There would be no impacts to woodlands. Wildlife associated with the Trent-Severn Waterway would be impacted during construction. This would be temporary and localized. Given the presence of the existing bridge, there will be minimal changes to wildlife conditions through an expansion.	<p>Appendix B: Ecological Land Classification and Candidate Significant Wildlife Habitat Mapping identifies the potential areas of impact for the second crossing that could impact woodlands and wildlife. There are a total of 17 separate Ecological Land Classification (ELC) communities in the In-town study area, 10 being natural and 7 cultural. ELC was based on aerial imagery only however as a majority of the land is privately owned. Additionally, 44 species of plant were identified in the in-town study area.</p> <p>16 Species of Conservation Concern were identified as potentially occurring in the in-town study area. Of these, 11 have been identified as having potential habitat. The in-town study area has certain habitat types that have the potential for wildlife to reside. The only wildlife sighted during the field work are considered common and secure in Ontario. Impacts to woodlands and wildlife would be greatest in Option 3 given that new clearing and interruption of natural corridors would be required for the connecting roads to the new bridge. Given disturbance in the surrounding area of Fenelon Falls, these features provide important natural corridors for wildlife where alternatives are limited. Compensation and mitigation would be necessary to reduce impacts and offset impacts that cannot be avoided.</p>	<p>Appendix B: Ecological Land Classification and Candidate Significant Wildlife Habitat Mapping identifies the potential areas of impact for the bypass that could impact woodlots and wildlife. There are 17 identified ELC communities in the bypass Study area, 11 of which are natural and 6 being cultural. In addition there are 34 plant species which were also identified in the bypass study area, including American Larch, Eastern Hemlock and Black Spruce.</p> <p>16 Species of Conservation Concern were identified as potentially occurring in the bypass area. Of these, 13 have been identified as having potential habitat. The bypass study area has certain habitat types that have the potential for wildlife to reside. The only wildlife sighted during the field work are considered common and secure in Ontario.</p> <p>Although there are greater woodlands and natural areas in the bypass study area, the bypass would not result in new roads cutting through woodlands as the route would utilize the existing right of way for Concession Road 3.</p>	<p>Option 2 has the least potential to disrupt woodlands and wildlife given existing conditions.</p> <p>Preliminary Preferred: Bridge expansion</p>
23 Potential to impact Species at Risk (SAR)	Operation, Construction	No SAR were identified during the desktop research and the field investigations. The area has the potential for SAR to be present based on the results of the background review, but through the field studies no species were identified. Targeted species surveys were not conducted and would be needed if this option is preferred.			No preference given the information available.
24 Potential to impact aquatic habitat and wildlife	Operation, Construction	Expanding the existing bridge has the potential to impact aquatic habitat and wildlife should there be any alterations to the existing structures / pillars or the addition of any new structures in the water. Given the falls and lock system, in-water work is likely required. Species and habitat that could be impacted include turtles and turtle wintering areas. This would need to be confirmed in design and appropriate mitigation plans prepared.	Any work across or within the Fenelon River has the potential to impact aquatic habitat and wildlife. Species and habitat that could be impacted include turtles and turtle wintering areas. There is potential that Option 3 would have the greatest impact aquatic habitat and wildlife due to the length of the water crossing and potential requirements for in-water work. This would need to be confirmed in design and appropriate mitigation plans prepared.	Any work across or within the Burnt River has the potential to impact aquatic habitat and wildlife. Species and habitat that could be impacted include turtles and turtle wintering areas. The bridge design would not include in-water work and as such this option has fewer potential impacts to aquatic habitat and wildlife than Option 3.	<p>Options 2 and 3 crossing the Trent-Severn have the greatest potential to impact aquatic habitat and wildlife. Option 4 does not propose in water works and would have the least potential for impacts to aquatic habitat and wildlife.</p> <p>Preliminary Preferred: Bypass</p>

Evaluation Criteria		Period of Effect	Option 2: Bridge Expansion	Option 3: Second In-town Crossing, Wychwood	Option 4: Bypass	Conclusions / Preferences
25	Potential to impact Provincially significant wetlands	Operation, Construction	There are no identified Provincially significant wetlands located in the in-town study area.	There are no Provincially significant wetlands located near the Burnt River or along Concession Road 3. However, there is an unevaluated wetland identified along the Burnt River that would require additional study and may be impacted by the bridge crossing. Based on a wetlands evaluation and field study, mitigation plans would be required if Option 4 proceeds.		No options impact any Provincially significant wetlands; however there is wetland potential along the Burnt River that requires further assessment. Preliminary Preferred: Bridge expansion and Second In-town Crossing
Cultural Environment						
26	Potential for effect on current and traditional uses of land by Indigenous people	Operation, Construction	The study areas have been documented as historically important waterways for Indigenous people. Indigenous relationships with the land and watercourses span many generations in the study area. This is particularly true for the Trent-Severn Waterway which acted as an important travel, trade, hunting and settlement route. There are limited current traditional uses in the study area but Indigenous stewardship on lands and waterbodies in the region is an important element of Indigenous reconciliation and self-determination. As such, no preference for an option can be identified without further input from Indigenous communities. Efforts were made during the study to connect with Indigenous communities but no specific interests were identified beyond keeping Indigenous communities informed of archaeological work if a new crossing is pursued.			No preference given current information.
27	Potential to impact the Trent Severn National Heritage Site	Operation, Construction	The existing bridge is connected to Lock 34 of the Trent Seven Waterway that is a designated National Historic Site protected by Parks Canada. A bridge expansion will require work to be carried out directly adjacent to the Lock. In-water work will be required to expand the bridge. Impacts to the Lock will need to be avoided and mitigation and approvals would need to be determined in consultation with Parks Canada. Mitigation would include construction monitoring.	A second in-town crossing will have an impact on the Trent Severn Waterway. A second bridge will likely require work along the banks of the Trent Severn and may even include in-water works. Impacts would include visual impacts to the cultural heritage landscape. Impacts to the Trent Severn will need to be avoided and mitigation and approvals would need to be determined in consultation with Parks Canada. Mitigation would include construction monitoring.	There will be no impacts on the Trent-Severn National Historic Site.	Only the Bypass route poses no potential for impacts to the Trent Severn National Historic Site. Preliminary Preferred: Bypass
28	Potential for effect on cultural heritage features and landscapes outside of the Trent-Severn National Historic Site	Operation, Construction	Beyond the impacts identified under criterion #27, there is one identified cultural heritage feature near the existing bridge at 13 Lindsay Street, which is located on the east side of the Lindsay Street at the south end of the bridge. The building is currently used as the office space for RWH Home and Cottage Design and Construction. This is not a designated heritage building. While impacts are not anticipated for this structure, it is in close proximity to where construction would be operating. Identification of impacts would need to be examined based on a more refined design. Mitigation would be required and may include construction monitoring.	There are 5 identified built heritage resources within the In-town study area for the Wychwood crossing options. These include 4 historical residential buildings and 2 historical farmsteads. These are all located on the northeastern side of the Trent-Severn where the future crossing would connect. Refinement of the design and alignment for a second in-town crossing would be needed to confirm potential heritage impacts and approaches for mitigation. There is also an historical cemetery near Concession Road that would need to be avoided. The second crossing would not directly impact the historical Victoria Rail Trail which is nearby.	There are 5 identified historical farmsteads along the bypass route. There is also an historical school and two historical churches. None of these properties are located close to the Burnt River. Given that there is no road widening proposed to accommodate the new route, none of these properties will be physically impacted. The Victoria Rail Trail crosses Concession Road 3 on the eastern side of the Burnt River. The trail connection needs to be preserved. Concession Road 3 has already disrupted the heritage feature. As such, there would be minimal additional disruption. Refinement of the design for the bypass would be needed to confirm potential heritage impacts and required mitigation approaches.	The Bypass option has the least potential for impacts to the identified cultural heritage features. Preliminary Preferred: Bypass

Evaluation Criteria	Period of Effect	Option 2: Bridge Expansion	Option 3: Second In-town Crossing, Wychwood	Option 4: Bypass	Conclusions / Preferences
29 Potential for effect on archaeological features	Operation, Construction	<p>There are no identified archaeological features within the footprint of the expansion due to previous disruption in the area. Also, as the existing bridge occurs on disturbed land and across a low/wet area, the footprint of the expansion is unlikely to require a Stage 2 assessment. This depends on the extents of the expansion.</p> <p>For the adjacent study area to the bridge, a property inspection has determined that the in-town study area exhibits archeological potential. These lands would require a Stage 2 archeological assessment if the bridge expansion extends onto previously undisturbed land, including along the banks of the Trent Severn Waterway where historical settlements were present. Parts of the study area that have experienced deep and extensive land disturbance, low and wet conditions and slopes in excess of 20 degrees, do not require further archeological assessments. Given the National Heritage Status, it is possible that Parks Canada may require a Stage 2 assessment for review.</p>	<p>There is an archeological site, identified by NEAA (2011) within the study area, which has an outstanding requirement for a Stage 3 archeological assessment. This site is referred to as BdGq-19 in the Stage 1 archeological report by ASI. The site is located close to Sturgeon Point Road. Road alignments could be directed to avoid this site if necessary.</p> <p>The Fenelon Falls cemetery on Concession Road was also identified as a feature that should be avoided. Any work within 10m of the cemetery would require a Stage 3 cemetery investigation.</p> <p>There are a further 5 registered archeological sites within 1km of the in-town study area but not within the potential alignment. However, a property inspection has determined that the in-town study area exhibits archeological potential. These lands would require a Stage 2 archeological assessment if Option 3 proceeds. Parts of the study area that have experienced deep and extensive land disturbance, low and wet conditions and slopes in excess of 20 degrees, do not require further archeological assessments.</p>	<p>The portion of the bypass route that follows Concession Road 3 is previously disturbed and would not require further archeological assessment. However, the area along the Burnt River would require a Stage 2 survey as the land has not previously been assessed, and is not disturbed.</p> <p>There are no identified archeological sites within the area.</p>	<p>The bypass has the least potential to impact archaeological features and would require the least Stage 2 work.</p> <p>Preliminary Preferred: Bypass</p>
Technical					
30 Potential to impact existing and planned utilities and servicing	Operation, Construction	<p>Expansion of the existing bridge has the greatest potential to impact utilities and servicing that currently runs along the bridge. This includes water/wastewater and hydro. The falls includes a power generating station on the south side of the bridge. This has the potential to be impacted during construction. Additional design work would be required to identify potential impacts to the power generating station and potential mitigation measures. This requires added approvals, consultation with Hydro One and construction monitoring.</p>	<p>Option 3 would have moderate impacts to existing servicing and utilities given that the local roads would need to be upgraded which would impacts existing infrastructure in the rights of way. Design work would be required to better understand potential impacts and advance mitigation plans. There is a hydro corridor crossing of the Fenelon River at the foot of Juniper Street that would need to be avoided and/or integrated into the crossing design. This requires consultation with Hydro One.</p>	<p>There would be minimal impacts to utilities and services along the bypass. There are local hydro power lines along Concession Road 3 that would need to be integrated/considered in the road resurfacing and design. Local properties are serviced by onsite wells and septic that would not be impacted along the route except where expropriation/acquisition of sites would occur at the Burnt River.</p>	<p>Option 4 has the least potential for impacts given the minimal existing utilities and servicing in the study area.</p> <p>Preliminary Preferred: Bypass</p>

Evaluation Criteria	Period of Effect	Option 2: Bridge Expansion	Option 3: Second In-town Crossing, Wychwood	Option 4: Bypass	Conclusions / Preferences
31 Ease/complexity of implementation and maintenance	Operation, Construction	<p>Expanding the existing bridge would be difficult to implement. Expansion would require that the piers supporting the bridge be widened to accommodate the additional lanes required. It is possible that this can be avoided by cantilevering supports off the side of the bridge, however this would require inserting supports into the side of the existing structure to support the weight. This would require significant in-water work that is complex and has safety challenges to be managed. Constructing an expansion adjacent to the falls, the power generating station and the lock would result in long and slow construction timelines in order to safely complete work. Evening closures of the entire bridge may be needed at certain times. Given the nature of the surrounding built up area, there would also be more constraints for construction staging areas that would require coordination. The construction complexity would add to the cost.</p> <p>The complexity of maintenance would be more challenging for Option 2 given the built up area and the fact that there would not be an alternative crossing option in town if the bridge needed to be closed. This would mean that maintenance work would likely take longer in order to keep some bridge capacity available for through traffic.</p>	<p>A second in-town bridge crossing would be technically challenging to construct regardless of the precise alignment for a variety of factors. The most significant challenge for construction is the change in land elevation between the southern side of the Trent-Severn and the northern side. The construction of the bridge and road connections would therefore require cutting into the land on the northern side so that the elevation of the crossing and road is not too steep. This would require bank stabilization and retaining walls. Several new intersections would need to be either built or reconfigured to accommodate the roads connecting to the bridge. Alignments of existing roads would need to be reviewed to ensure the road geometry is sufficient to accommodate the necessary speeds and the turning radius of long haul trucks. There may also be the need for piers to be erected in the Trent Severn waterway to accommodate the new bridge. The piers would likely be erected close to the water's edge, but this still creates technical difficulties for construction and in-water works. Given the nature of the surrounding built up area, there would also be more constraints for construction staging areas that would require coordination, although this would not be as challenging as the construction staging for Option 2. Limiting noise (including vibration) and dust impacts to adjacent residents would be challenging and would require consistent monitoring.</p> <p>The complexity of maintenance for Option 3 would be more challenging than Option 4 but less challenging than Option 2. The improvement from Option 2 is that there would now be an alternative crossing option in town if the bridge needed to be closed for maintenance. This would be true for both the existing bridge maintenance and the second in-town crossing. This would mean that maintenance work could be completed more quickly.</p>	<p>The Bypass would be relatively easy to construct compared to Options 2 and 3. There are some topographical challenges present along Concession Road 3 leading to the Burnt River but these are not unique to the area. One advantage is that Concession Road 3 is straight and does not pose geometric challenges for alignment. The biggest challenge would be construction in the flood plain along the Burnt River but this will not cause any difficulties in constructing a new bridge, so long as the bridge itself is above the high water mark and construction avoids flood seasons.</p> <p>There will be some design challenges for integrating the local access road intersections with Concession Road 3 but these would be resolved in design and are unlikely to be construction challenges. Limiting noise (including vibration) and dust impacts to adjacent residents would be challenging and would require consistent monitoring.</p> <p>There would be less complexity for maintenance as the facility would be smaller than Options 2 or 3 and can be closed during maintenance periods. It would be necessary to avoid seasonal flooding in the area in order to complete maintenance.</p>	<p>The in-town bridge options are technically more challenging to construct and maintain than the bypass.</p> <p>Preliminary Preferred: Bypass</p>

Evaluation Criteria	Period of Effect	Option 2: Bridge Expansion	Option 3: Second In-town Crossing, Wychwood	Option 4: Bypass	Conclusions / Preferences
Cost					
32 Capital cost to implement and maintenance costs	Operation, Construction	<p>Expanding the bridge would be costly. Although it does not require any property acquisition, or the creation of any new roads, it would require other associated costs. This includes creating new piers, potential cantilever design, traffic management plans, and permits from Parks Canada for the Trent Severn crossing and from Hydro One for the proximity to the generating station. Construction around the Lock would increase costs to limit impacts. Challenges related to safety also increase costs as contractors charge a premium for this work. Given the fact that the bridge would need to maintain some level of service for through traffic, the construction would also take longer than Option 4 which would contribute to costs. The costs of constructing Option 2 have the potential to be similar to the costs of constructing the bypass Option. Although there would be minimal property easements for Option 2, the complex construction approach and duration of construction would increase costs.</p> <p>The construction cost risk profile for Option 2 is higher than that for Option 4. This is because there are more potential elements that could go wrong when working on the existing structure. The potential for construction costs to escalate is high. This would require a significant contingency to make sure that cost escalations can be addressed.</p> <p>Maintenance costs would require an increase to the existing maintenance budget for the existing crossing. Given that the City already has maintenance dollars earmarked for the bridge, the increase in maintenance costs would be lower than maintenance costs for Options 3. The City's budget for facilities maintenance would increase by a similar amount in Options 2 and 4.</p>	<p>The cost of a new in-town crossing would vary based on the alignment identified, but the in-town crossing is expected to be the most expensive option. This would be because of property acquisition, easements, road widening, road upgrades, creating new intersections, road cutting, constructing a new bridge and permits for work across the Trent-Severn. Option 3 has the potential to be tens of millions in cost and would likely be 1.5 to 2 times more expensive than Options 2 or 4.</p> <p>Maintenance costs would be the highest for Option 3 given that new roads would be constructed that would add to the City's maintenance requirements beyond just the bridge maintenance. The extent of new facilities for maintenance would be the greatest for Option 3.</p>	<p>The bypass option is anticipated to be similar in cost to Option 2. The costs associated with property acquisition and impacts to property values would be less than those for Option 3. The cost to construct the bridge would be less than Option 3 and the associated road upgrades required on Concession Road 3 would be significantly less than building new local road connections as required in Option 3.</p> <p>Given the study area conditions, the construction cost risk profile for Option 4 is less than Option 2 or 3. This is because once the design is confirmed and the necessary studies are complete, including geotechnical work, there would be fewer opportunities for construction issues to arise. The study area has fewer unknown constraints. As such the risk associated with the potential for escalating costs is lower.</p> <p>Maintenance costs for the bypass would be less than Option 3 and similar to or slightly more than Option 2. The actual maintenance of the bypass bridge would be less costly than maintenance associated with Option 2; however, a bypass would be adding a new facility to the City's budget for structure maintenance. The existing in-town crossing would continue to require maintenance as well. The maintenance costs would not be as extensive as those for Option 3.</p>	<p>Option 3 would be the most expensive to implement and maintain and would be the least preferred. Option 4 would have a similar construction cost range to Option 2 but would have fewer risks for cost escalation during construction. Maintenance costs would be slightly higher for Option 4 than Option 2 but would not be as challenging as maintenance for Option 2.</p> <p>Preliminary Preferred: Bypass</p>

6.4 Consideration of Public and Stakeholder Input related to Preliminary Evaluation Results

Input on the evaluation criteria and results was provided to the study team from the public, stakeholders and agencies throughout the study. Support was fairly split between alternative solutions given the various impacts of each option.

Some stakeholders and members of the public supported the implementation of a new bypass route to address the issues in Fenelon Falls. This was largely due to the fact that a bypass route would not result in negative impacts to the town of Fenelon Falls and it would remove traffic from the in-town area, particularly truck traffic. However, this input came from people who were not impacted by the bypass themselves and not residing in or property owners of land that would be impacted by the bypass. There were concerns raised by Fenelon Falls' residents that the bypass would not divert enough traffic from town. Input from residents and property owners in the area of the bypass was focused on not supporting a bypass to proceed. Impacts to residents, properties, natural environment, wildlife, recreation, floodplain and quality of life for those living or cottaging in the Burnt River or Baddow areas were all concerns raised regarding the bypass. The relocation of traffic, and in particular, truck traffic from town to Burnt River was a concern raised multiple times.

A new in-town crossing was supported by some stakeholders and residents during the consultation process. The creation of a new In-town crossing was seen to be the most effective way to address all of the traffic related concerns now and related to future growth. Support for a second in-town crossing included the potential for the solution to support the ongoing growth and development of Fenelon Falls. Input was received that a future second crossing in town would be needed at some point and that if it is not built now it will just need to be revisited years from now. However, some residents also identified concerns with the impacts of a second in-town crossing. These impacts included the increase in traffic that would result along local residential roads and near vulnerable populations including children at the elementary school and seniors at the long term care home. There were concerns raised regarding the preliminary locations of a second bridge. Issues were raised regarding property impacts, impacts to the Trent-Severn and impacts to sensitive woodlands and natural areas. Based on the feedback received during the second PIC, Wychwood Crescent Option A was the option most supported as it had the least impacts to the Trent-Severn and directed traffic away from the entrance to the school. Some residents and stakeholders suggested that if a second bridge is not built in town in the near term, the City should take steps to protect a future right of way for a second crossing in the future so that the space is available to build a second crossing and the impacts don't increase.

The proposal to expand the existing bridge was also supported by members of the public and key stakeholders (including the Revitalization Committee). There was some level of concern raised over the existing condition of the bridge and suggestions were provided for the bridge to be widened as part of its rehabilitation. It was stated by some stakeholders that a bridge expansion would be the most effective way of dealing with the traffic issues while keeping business in town. However, once the stakeholders and public

saw the results of the traffic study which demonstrated that expanding the existing bridge would only move the congestion onto Colborne Street, the support subsided for the expansion solution.

Traffic improvements were also presented to the public and stakeholders as something that would be included regardless or even in the absence of some implementation of one of the short list alternative solutions. It was generally agreed that the Helen Street and Lindsay Street intersection has a number of challenges, and there was agreement that measures should be implemented to improve the traffic conditions at this intersection regardless of a second bridge crossing or bypass being implemented. Improvements to the timing of traffic signals was the most preferred traffic improvement option, with support also being given to changing the access points to Sobeys and Tim Hortons. The greatest concern raised by the community and stakeholders regarding the existing traffic was related to the Tim Hortons. There was significant commentary on why the Tim Hortons site is designed the way it is and the issues associated with the drive thru. Many suggestions were received to redesign or relocate the Tim Hortons to address traffic impacts. Concerns were also raised related to business impacts to the gas station if modifications to the Helen Street and Lindsay Street intersection are made. This included concerns regarding changing turning movement permissions.

Overall, consultation input was divided across all of the options. It was agreed by all that Fenelon Falls requires a solution to traffic congestion, yet it remains unclear what the preferred public and stakeholder option is in relation to the most effective solution. Implementing a second in-town crossing was generally seen as the best long-term solution, but with the most up-front costs and impacts. It was also acknowledged that the project would require capital dollars and could not be funded by development charges unless significant added growth comes to Fenelon Falls.

During the later stages of consultation for the study in 2020 and 2021, community members in the Baddow and Burnt River areas identified that there is an existing bridge over the Burnt River called Mitchells Bridge, located south of Concession Road 3 connecting Northline Road across the Burnt River. Residents suggested that this could be used as a bypass more frequently and that improved signage would be needed to direct people to the route as it is relatively unknown. This was added to recommendations for consideration for the City.

The range of issues raised through consultation can be examined in **Appendix A: Frequently Asked Questions**.

6.5 Summary of Evaluation Results

The three options present different impacts and benefits to the Town of Fenelon Falls. Although there are many criteria that are assessed in the full evaluation table, there are some key differentiators between the three options. These are summarized in **Table 6.3: Evaluation Summary Table**. As a reminder, Option 1 was Do Nothing and removed from consideration as it does not address the problem and opportunities. It is important to note that to benefits and impacts identified in the analysis are preliminary and would need refinement based on additional study and design work to confirm exact impacts, mitigation and opportunities for improvement.

Table 6.3: Evaluation Summary Results

Evaluation Summary Results			
	Option 2: Existing Bridge Widening	Option 3: Second Bridge Crossing via Wychwood Crescent	Option 4: Bypass via Baddow
Summary of Benefits	<ul style="list-style-type: none"> • Little to no impacts to private property • Maintains the existing transportation network • Maintains visitors travelling through town • Encourages use of existing infrastructure which would have fewer maintenance costs in the long term 	<ul style="list-style-type: none"> • Fully addresses the traffic issue by providing an additional crossing in-town • Supports local businesses by keeping traffic in town but reduces congestion on the main street which supports Downtown Revitalization • Greatest opportunity to create a long-term solution to Fenelon Falls • Provides new opportunities to enhance pedestrian and cycling connections • Creates better connections for EMS vehicles 	<ul style="list-style-type: none"> • Has fewer property impacts than Option 3 • Diverts enough traffic to address the traffic volume issues in town • Does not impact any cultural heritage features or National Historic Sites • Removes heavy truck traffic from downtown • Is the least technically complex option to implement and has the lowest risk for cost escalation during construction
Summary of Impacts	<ul style="list-style-type: none"> • Do not address the traffic problem during peak periods, would provide some minimal relief • Technically challenging to construct with impacts to existing traffic • Will require a federal EA permit • Impacts a National Historic Site • Will result in the least overall traffic improvements to the area 	<ul style="list-style-type: none"> • Significant impacts to private property through easements and acquisition/expropriation • Impacts to adjacent land uses, including sensitive residential uses along the new route • Impacts a National Historic Site • Technically challenging to construct due to topographical issues, land use constraints and a wide water crossing • Highest cost • Has the potential to impact cultural heritage sites • Has the potential to impact natural environment features 	<ul style="list-style-type: none"> • Impacts to private property through property acquisition/expropriation will be required • Impacts to adjacent land uses, including sensitive residential uses along the new route • Does not improve network connectivity within Fenelon Falls • Has the potential to impact natural environment features

6.6 Overall Alternative Solutions Recommendations

Based on the evaluation of the options and the input from the public and stakeholders, the bypass option has been identified as the solution to be carried forward for further study. It is **recommended that further study of the bypass be completed** in addition to **implementing the in-town traffic improvements** described in Section 5.5. Although the extent of impacts needs to be confirmed through further work, the bypass: has fewer potential impacts than a second in-town bridge crossing; will divert a sufficient amount of traffic to reduce congestion in Fenelon Falls; will improve the experience of downtown Fenelon Falls; provides an alternative route for heavy vehicles to travel around the town; and, is less expensive than Option 3 with fewer construction cost risks than Option 2. While an expansion of the existing bridge would have fewer overall impacts and would slightly improve traffic flow during regular weekday hours, it would not reduce the volume of traffic travelling along Lindsay Street and Colborne Street, particularly during peak summer weekend periods. A bridge expansion would likely only shift the existing traffic problem during peak periods to another point in town further north on Colborne Street.

Further work will be required to demonstrate the effectiveness of a bypass option and to confirm the potential impacts and mitigation options. This would be done by completing a Schedule C MCEA process that includes phases 3 and 4 of EA study. Through this process additional studies will need to be undertaken including geotechnical study, floodplain analysis, bridge design options, Stage 2 archeological study, further cultural heritage screening, and detailed environmental field work.

7.0 Conclusions and Recommendations

Based on the work completed for this study from 2019 through 2021, the following recommendations are being made to the City:

1. The City should progress designs for traffic improvements at the Helen Street and Lindsay Street intersection and at the Elliot Street and Lindsay Street intersection. This includes upgrading Elliot Street and Clifton Street to improve the rear access to the Sobeys from Clifton Street. This does not require further environmental assessment but should include ongoing consultation and communication with local property owners and businesses. In August 2021, notification via letter was mailed to all property owners in the vicinity of the traffic improvements to inform them of the recommendations.
2. The City should monitor traffic in Fenelon Falls once the improvements under item #1 are made before progressing to implement other solutions.
3. While the City advances item #1 above, the City should further study the Bypass Solution to assess impacts, identify mitigation requirements and identify bridge design options to minimize impacts. Schedule C MCEA work is needed for the bypass to assess impacts in more detail before a recommendation on whether or not to proceed to implementation is made.

4. The City should complete existing bridge rehabilitation and improve the pedestrian connections on the existing bridge. This work is underway.
5. The City should identify ways to work with Tim Hortons on the current drive-thru traffic issues. This includes identifying potential options for on-site circulation improvements, access improvements or overall relocation.
6. The City should continue to monitor growth in Fenelon Falls that would support the need for a second in-town bridge crossing. The City needs to advance the work of the Growth Strategy to understand the long term growth potential for Fenelon Falls, including Transportation Management Plan. This work should consider the long term impacts of COVID on population growth and travel patterns in the area and identify if a second in-town bridge will be needed in the long term to service future growth.
 - a. If the City identifies a long term need for a second crossing, the right of way location for such a crossing should be identified and protected for future implementation.
7. The City should review signage and wayfinding for the Mitchells Bridge (Northline) Route that current exists. This is an underutilized opportunity for an existing bypass. It is unlikely that the Mitchells Bridge route would provide an adequate haul route for trucks in its current state, but it could provide some relief to peak period through traffic.

This report does not include a recommendation to build either a bypass or a second in-town crossing. Further work is required before a final recommendation on those solutions can be made.

This study focuses on what can be done through improvements to the transportation network. Land use changes could be reviewed by the City separately to consider how modifications to land use may address some of the traffic issues. The Helen and Lindsay Street intersection includes a number of land uses which act as destinations for residents and visitors. As a result, these land uses attract a lot of traffic and as such, contribute to the traffic volume and traffic flow issues in Fenelon Falls.

Committee of the Whole Report

Report Number ENG2020-023

Meeting Date: November 3, 2020

Title: Fenelon Falls Second Crossing EA Presentation

Author and Title: Martin Sadowski, Senior Engineering Technician

Corby Purdy, Supervisor Infrastructure, Design and Construction

Recommendation(s):

That Report ENG2020-023, **Fenelon Falls Second Crossing EA Presentation**, be received; and

That this recommendation be brought forward to Council at a future Council Meeting.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the Council Meeting of January 15, 2019 Council adopted the following resolution:

14.1.6 PUR2019-001

2018-98-CP Environmental Assessment for Second Fenelon Falls Area Crossing Linda Lee, Buyer Martin Sadowski, Senior Engineering Technician

CR2019-018

That Report PUR2019-001, **2018-98-CP – Environmental Assessment for Second Fenelon Falls Area Crossing**, be received;

That Dillion Consulting be selected for the award of 2018-98-CP Environmental Assessment for Second Fenelon Falls Area Crossing for the total quoted amount of \$228,369.00 plus HST;

That subject to receipt of the required documents, the Mayor and Clerk be authorized to execute the agreements to award the contract; and Regular Council Meeting January 15, 2019 Page 10 of 21

That the Procurement Division be authorized to issue a Purchase Order.
Carried

Since award Dillon Consulting has been actively working on the Schedule B EA including consultation with local residents and stakeholders.

PIC #1 was held May 27, 2019 at the FF Community Centre

First Stakeholder meeting was held September 30, 2019 at the FF Community Centre

Pic #2 was held November 6, 2019 at the FF Community Centre

Second Stakeholder meeting was held August 8, 2020.

The following presentation will be led by the Dillon Consulting team working on the EA.

Rationale:

CKL Staff retained Dillon Consulting to conduct an independent 3rd party Schedule B project as recommended in the Fenelon Falls Corridor Study. Dillon Consulting identified all reasonable alternatives and analyzed as per the Municipal Class EA Planning and Design Process.

Next steps include finalizing the EA report to align with discussions during Committee of the Whole Meeting. Staff will bring a report to a future council meeting formally requesting endorsement of the preferred solution.

Other Alternatives Considered:

To be presented

Alignment to Strategic Priorities

This Project relates to Goal 2 and Goal 3 by maintaining and improving efficiency of the City's existing infrastructure:

2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy

[Kawartha Lakes Strategic Plan 2020-2023](#)

Financial/Operation Impacts:

Preferred Alternative to be budgeted in alignment with CKL capital budget forecast

Servicing Implications:

N/A

Consultations:

N/A

Attachments:

Appendix A – Fenelon Falls Second Crossing – Final AODA



Fenelon Second
Crossing EA Commit

Department Head E-Mail: jrojas@kawarthalakes.ca

Department Head: Juan Rojas



Fenelon Falls Second Crossing:

Municipal Class Environmental Assessment



Committee of the Whole

November 3, 2020

Agenda

Item

Presentation Part I: EA Findings

Presentation Part II: In-Town Traffic Improvements

Summary of Recommendations

Purpose Meeting

- Present information on work completed
- Present input from stakeholders and community
- Present preliminary recommendations for discussion
- Address questions

Based on feedback and recommendations from the Committee of the Whole we will bring forward a Council report at a later date.

Problems and Opportunities

Key Problems

- Congestion and traffic delays
- Bridge back-up
- Helen and Lindsay Street intersection at capacity by 2031
- Main street experience
- Business impacts and parking
- Traffic and land use, e.g., Tim Hortons, Sobeys

Key Opportunities

- Reduce delays and traffic congestion
- Improve main street experience
- Improve connectivity
- Support Downtown Revitalization Plan
- Improve relationship between land use and transportation

Core Issues



- **Traffic volume** during peak periods
 - Increase in vehicles during summer peak periods contributes to congestion along the main corridor
- **Traffic flow** at Helen Street and Lindsay Street intersection
 - Existing configuration and travel demands of intersection creates a bottleneck
- **Limited alternative routes** in the area

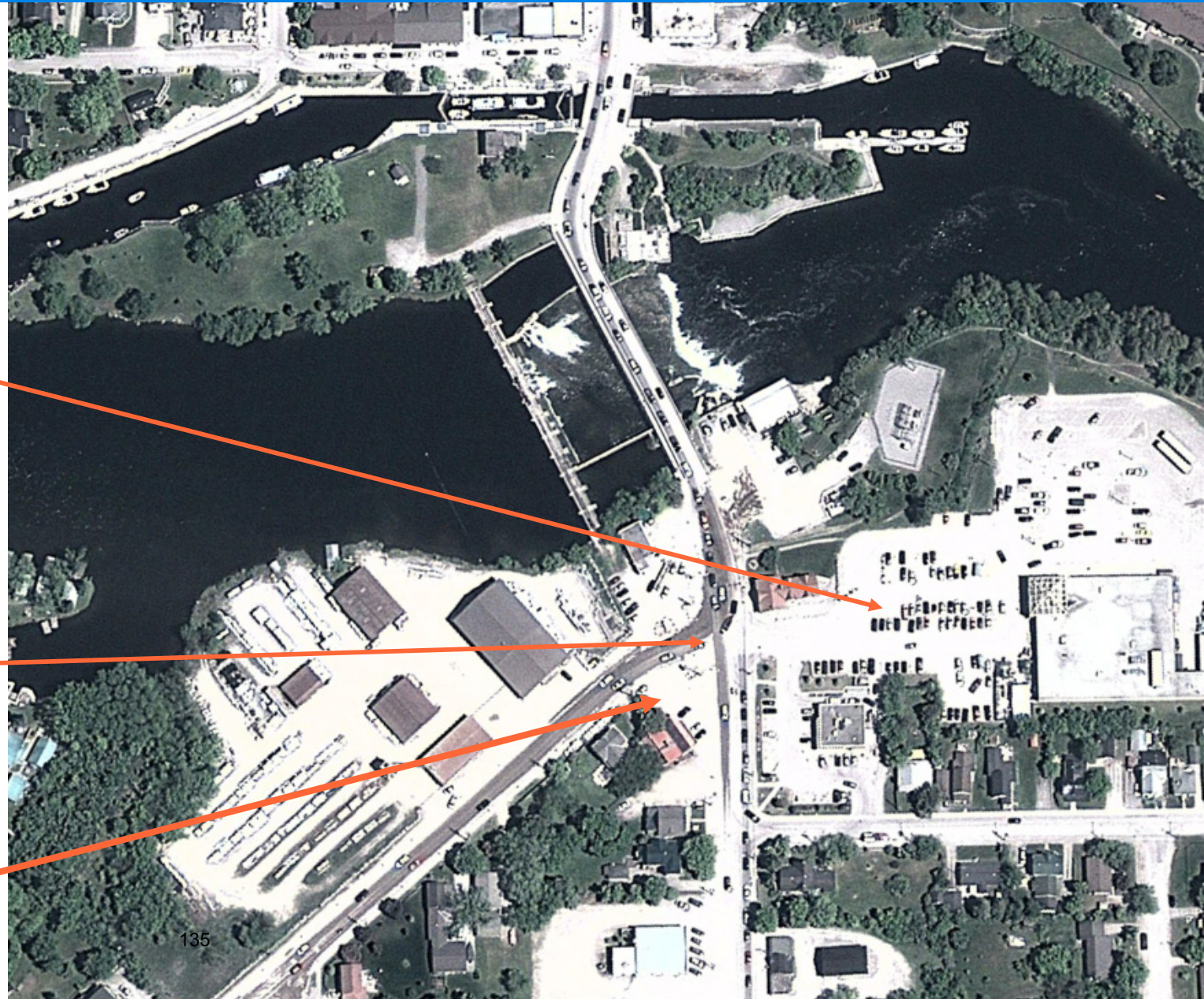
Intersection Issues

At capacity: Downtown Corridor Study shows Helen/Lindsay St intersection will be 'at capacity' by 2031.

Land use: the Tim Hortons and Sobeys, and the gas station cause traffic flow issues at the intersection. Largest contributor to traffic issues is the southbound left turn into the Sobeys and Tim's lots.

Queues: not enough storage for vehicles waiting to turn = significant queues. Particularly southbound left turn which affects bridge.

Access Control: Gas station access on the west side of Lindsay St causes additional delays from northbound left turns.



What We Have Studied

- **Transportation and Traffic Studies**
 - Updated traffic data analysis – local and regional (Streetlight)
- **Environmental Conditions**
 - Aquatic and terrestrial
- **Socio-Economic Conditions**
 - Properties, people and businesses
- **Cultural Heritage and Archaeology**
- **Technical Design Considerations**
 - Topography, property, utilities, technical constraints

Options Considered

- Do Nothing
- Improve local traffic operations
- Expand existing bridge
- Build second in-town crossing
- Build a bypass (3rd Concession Baddow)

In-Town Area



Bypass Area



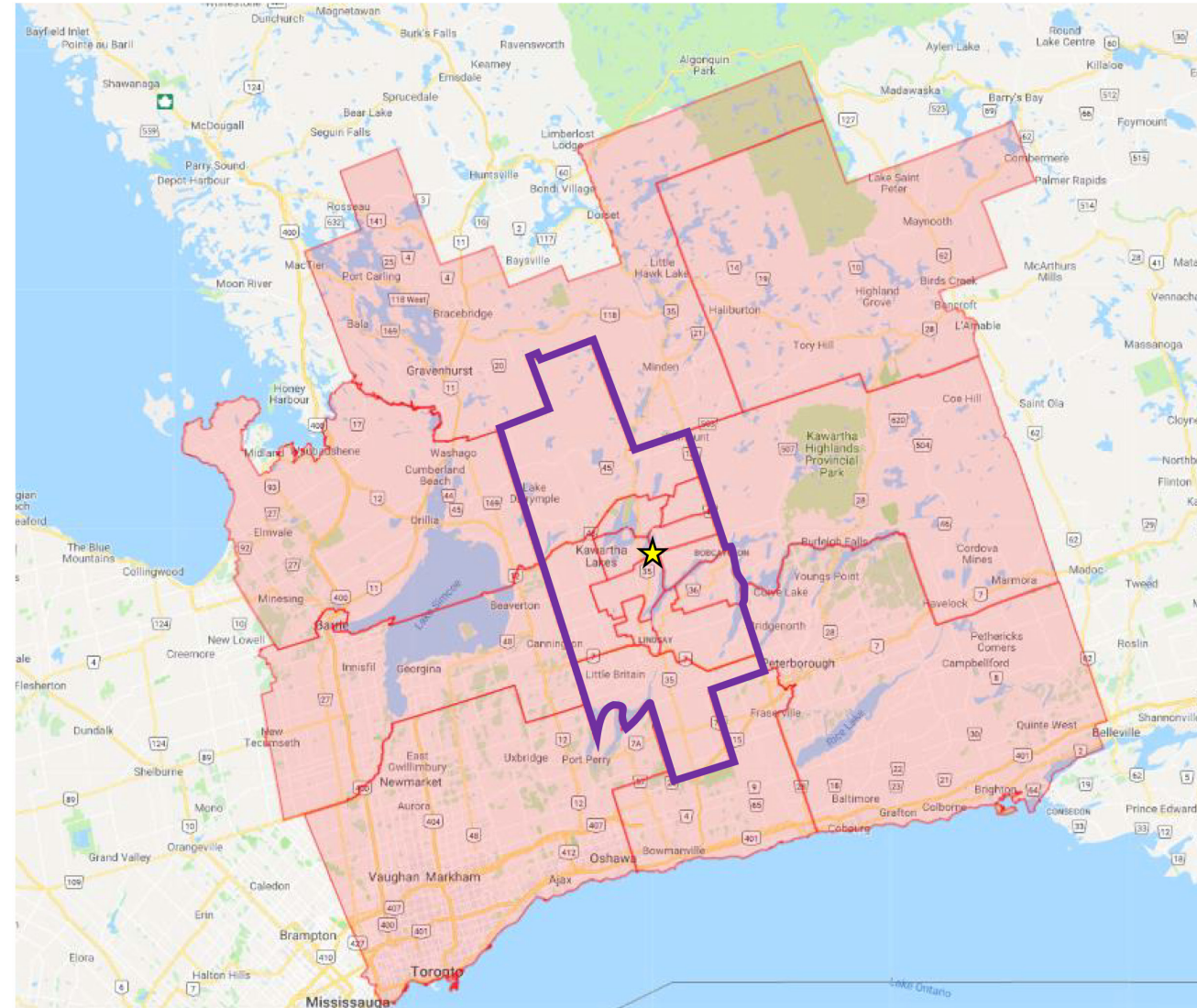
Updated Traffic Study – Streetlight Data

- We did a traffic study of current traffic in Fenelon Falls using Streetlight Data
 - Looked at traffic all days of the week and during summer peak seasons
- Found that **most vehicle trips that use the bridge originate from within a relatively local area. Around Sturgeon Lake and Cameron Lake.**

Traffic Data Analysis

For vehicles crossing the bridge:

- **Majority** of trips (>70%) are within the City of Kawartha Lakes
- **Up to 20%** of trips are between Kawartha Lakes and External Areas
- **35% - 39%** of trips travel from north to south and south to north
- **47% - 51%** of trips are between areas south of the bridge



Traffic Study Summary

1. Need to address some of the traffic operation issues in-town
2. Support for some in-town improvements with traffic diversion:
 - Approximately **20-30%** of traffic could be diverted around town
 - Approximately **40-50%** of traffic could be diverted on a second bridge crossing.

Traffic Operation Improvements

The traffic improvement options for the Helen Street and Lindsay Street intersection examined were:

- **Signal Changes**
 - Optimising Signals
 - Provide new left turn signals
- **Access Control**
 - Tim Hortons / Sobeys / Gas Station
- **Additional Capacity**
 - Extend Storage Lanes
- **Restrict Movements**
 - Limit turning movements
- **Potential to explore relocating some land uses** to improve traffic flow and access

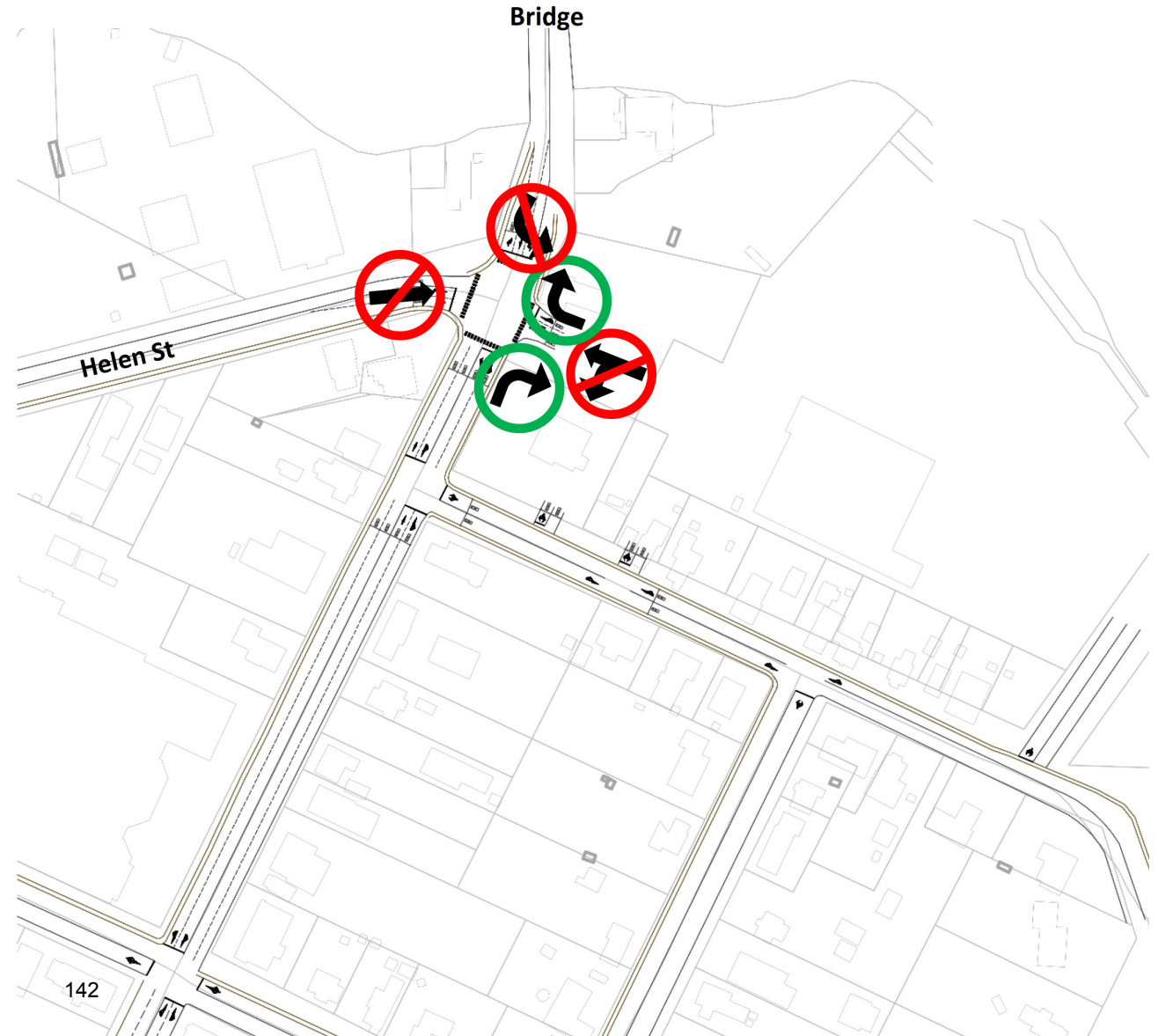
The Consulting Team studied more than 25 options.



Recommended In-Town Improvement Option – Step 1

Step 1:

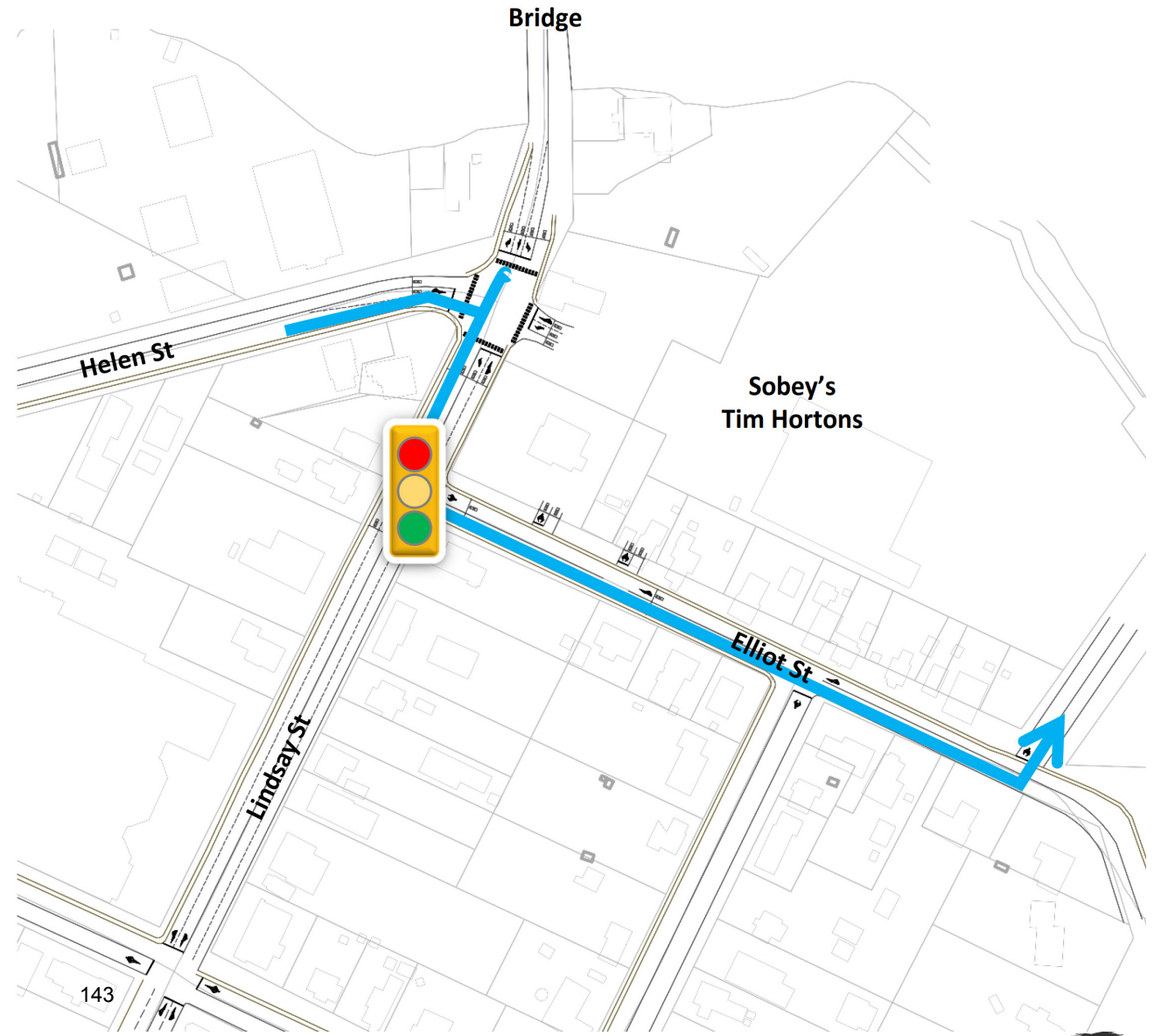
- Change the Sobeys / Tim Hortons access via Lindsay Street to become northbound Right-in and Right-out only.
- Remove the ability for southbound traffic on the bridge to turn left into the Sobeys / Tim Hortons access on Lindsay Street.
- Remove the ability for vehicles to access the Sobeys / Tim Hortons by driving straight through the intersection from Helen Street.
- Remove the ability for traffic to drive straight out of the Sobeys / Tim Hortons access onto Helen Street.
- Remove the ability for traffic to turn left out of the Sobeys / Tim Hortons access onto Lindsay Street.



Recommended In-Town Improvement Option – Step 2

Step 2:

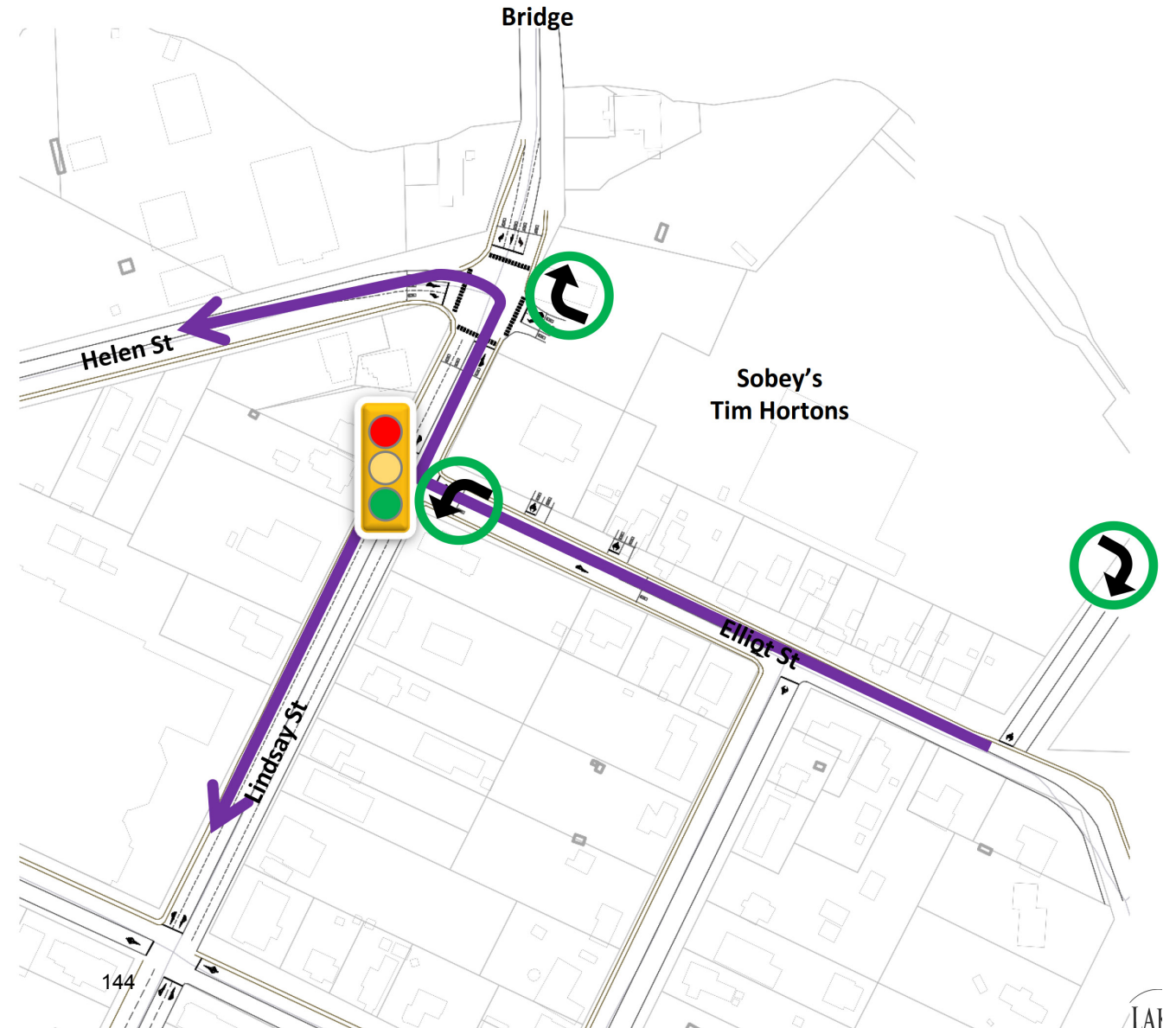
- Put in a new light at Elliot Street.
- Traffic from Helen Street and southbound on the bridge will now use Elliot Street to access the Sobeys / Tim Hortons.
- Lights at Elliot Street and at Helen Street will need to be coordinated for optimal traffic flow



Recommended In-Town Improvement Option – Step 3

Step 3:

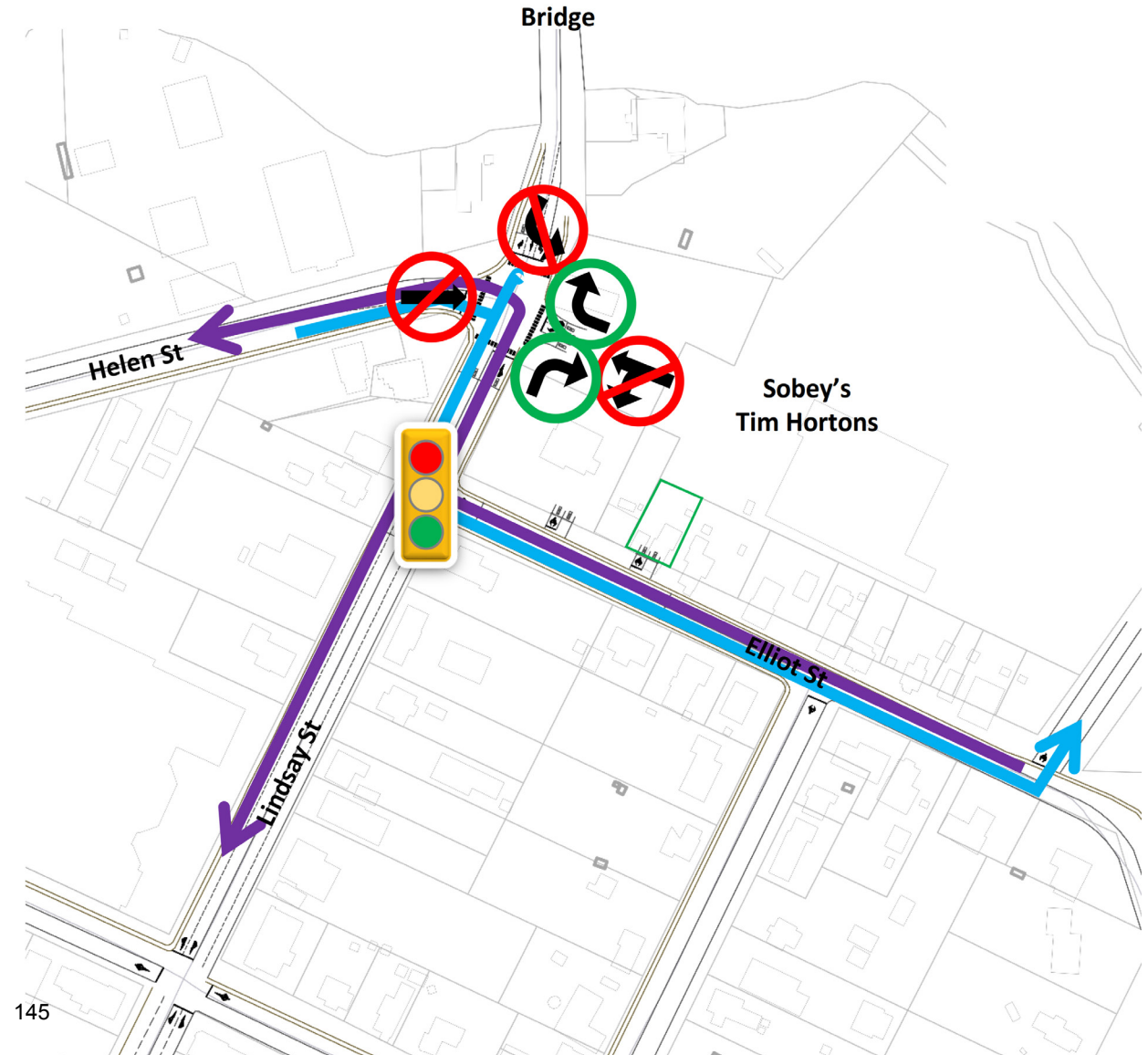
- To exist the Sobeys / Tim Hortons vehicles use:
 - the Lindsay Street exit to go north over the bridge
 - Elliot Street to go west on Helen Street or south on Lindsay Street



Recommended In-Town Improvement Option

Traffic Analysis Results

- At the intersection of Helen Street and Lindsay Street there will now be two southbound through lanes that will get vehicles through the intersection with less green-time which allows for more green-time to be given for the eastbound left turns from Helen Street north onto the bridge.
- Southbound left turns are better accommodated at Elliot Street with fewer conflicts (T-intersection) and less impact on other turning movements at Helen Street and Lindsay Street.
- Requires improvements to Elliot Street
- Additional improvements to this would be for Tim Hortons and/or Sobeys to acquire additional adjacent property for a new entrance on Elliot Street.



Improvements to Elliot Street

- Elliot is already being planned for reconstruction
- Includes improving design to allow more through traffic past the Tim Hortons entrance
- Recommend improving the design to allow for a centre turn lane
- Could use the majority of the centre lane (approximately 30m length) for a left queue lane to Tim Hortons. Or split with the left turn to Lindsay Street. To be confirmed in next steps.



Bridge Widening

Expanding existing bridge will not solve the traffic issues:

- Adding more southbound left queuing space **does not** improve traffic flow, the queue continues to grow.
- Complications for design of Colborne Street and tie-ins with Colborne and Lindsay
- Expanding the bridge for auto traffic is not recommended
- The existing pedestrian connection does require improvement and could be relocated to the east side of the bridge

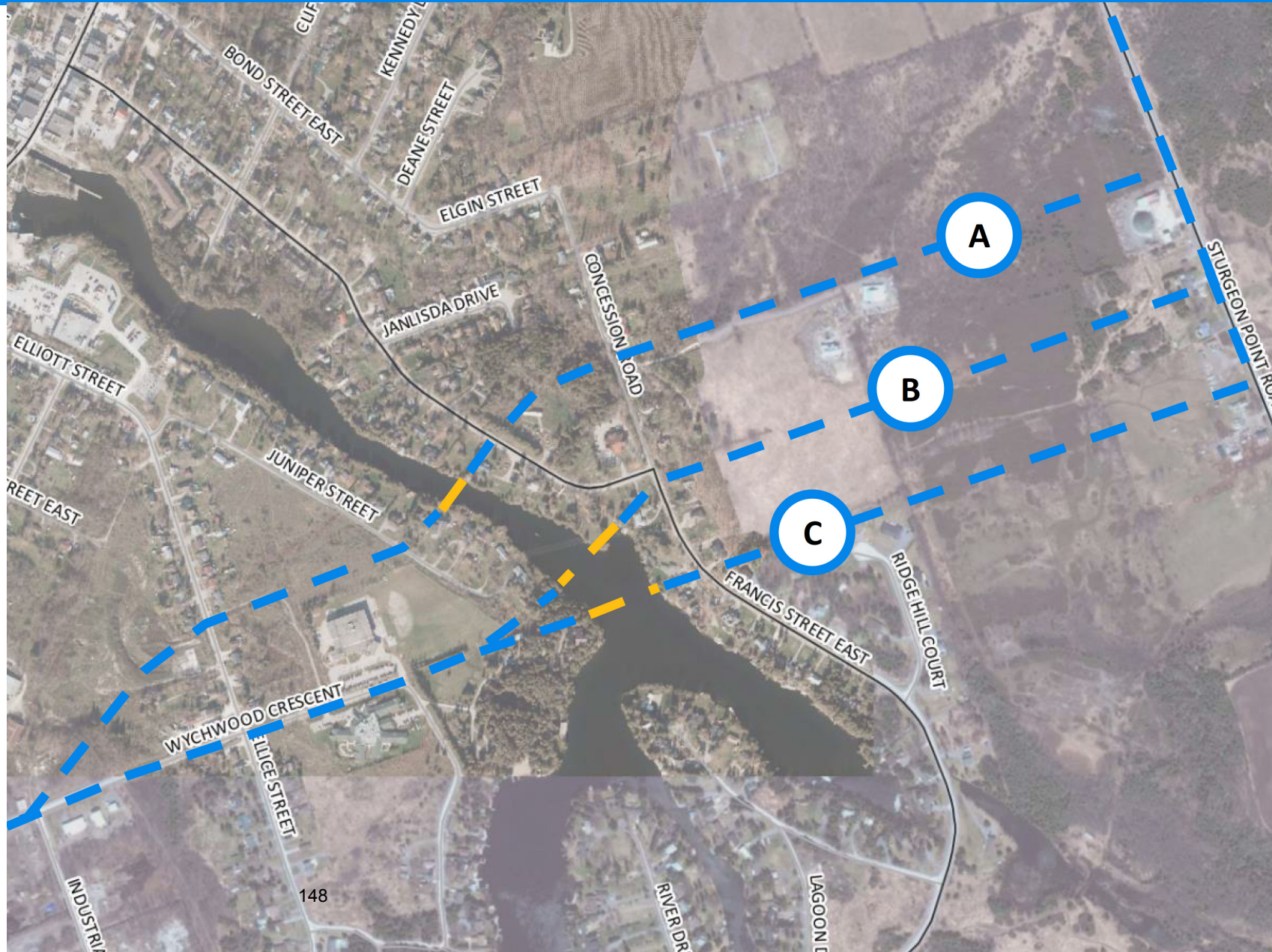


In-Town Bridge Crossing

A new in-town bridge crossing would:

- Require new road connections on both sides of the waterway
- Have significant impacts to properties, environment and existing communities
- Be the highest cost of all the options (\$15-\$20M estimate)
- Provide the greatest relief to existing traffic concerns

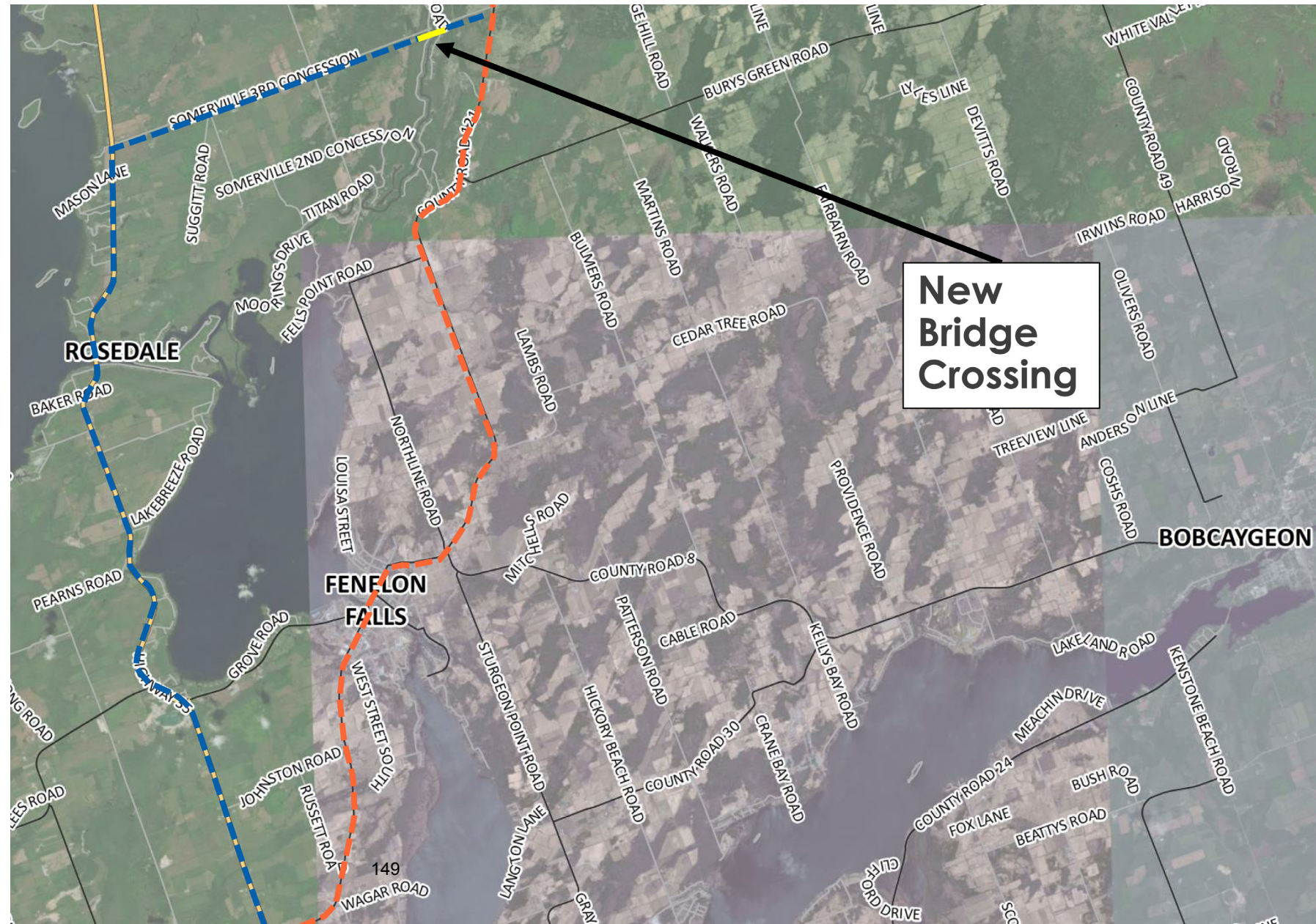
Not recommended as the need does not justify the scale of the solution.



Bypass Crossing

Summary:

- Less impacts to properties, environment and existing communities
- Upgrade existing roads
- Design within flood plain
- Moderate cost (\$6-9M estimate)
- Reasonable relief to existing traffic concerns
- Redirect 20% of traffic through town



Issues to Address with Bypass

There is no low impact option. The bypass has the least impact but still has issues to address, including:

Property Impacts: private property, boat launch

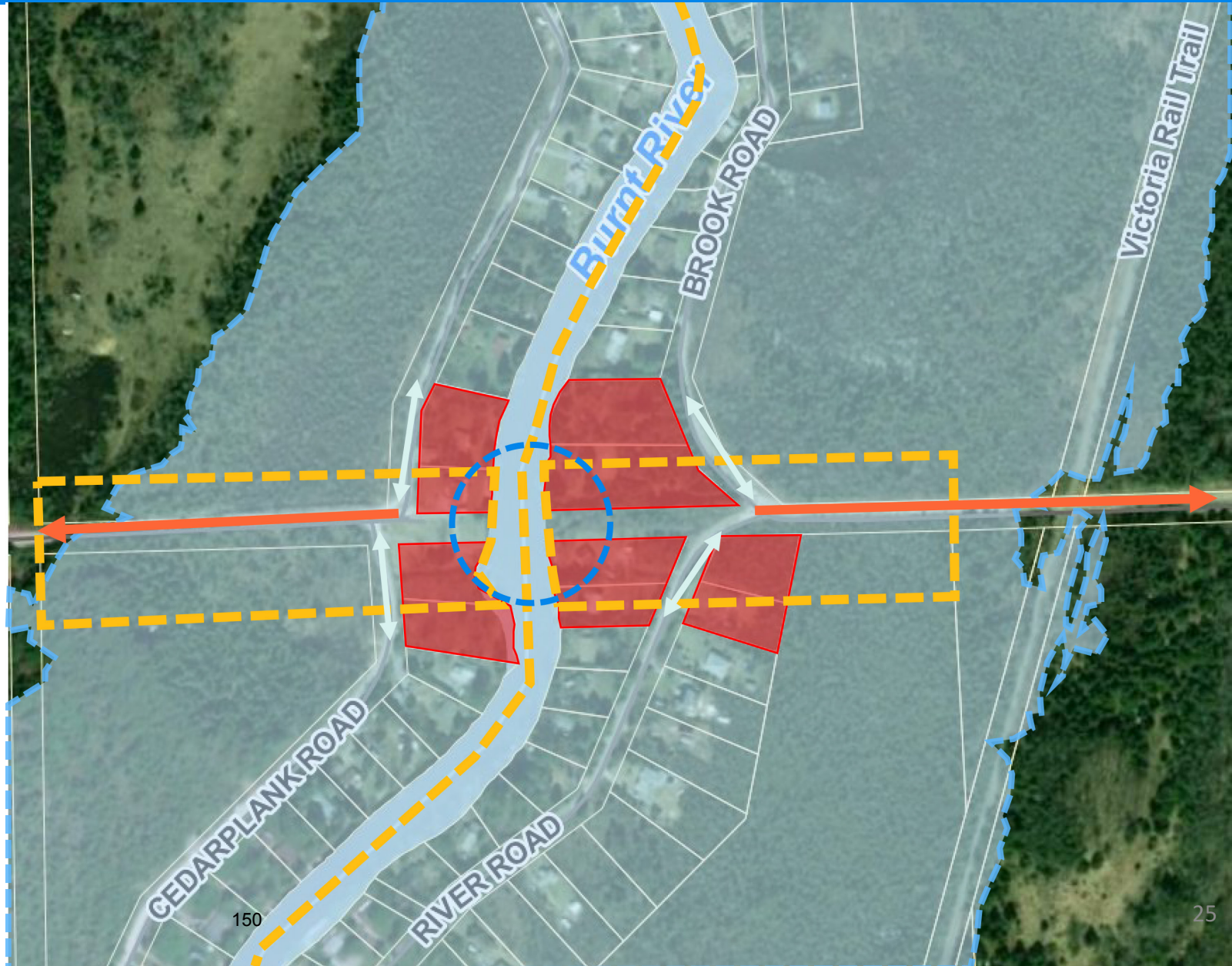
Natural Environment: Burnt River, wildlife habitat (terrestrial, aquatic)

Noise / Air Quality: Entirety of 3rd Concession

Boating: Navigable water clearances

Road Connections: Maintaining access and connecting routes

Flood Plain: Minimizing impact



High Level Cost Comparison

- **In-Town: Most Expensive option** (1.5 – 2 times more expensive than by-pass. Tens of millions.)
 - Road reconstruction, bridge construction, property easements (25-30) and property acquisition (9-10).
 - Significant property costs.
- **Bypass: Less Expensive than In-Town crossings**
 - Road reconstruction, bridge construction, property easements (30-35) and property acquisition (4-6)
- **Traffic Improvements: Least Expensive option** (range of relatively low cost improvements)

What We've Heard

Consultation included:

- Two Public Information Centres (May 27, 2019 & November 6, 2019)
- Two Stakeholder Meetings (September 30, 2019, August 5, 2020)

Through consultation we heard:

- Mixed support for solutions
- Concerns with impacts and moving traffic elsewhere
- Concerns with changes to Helen Street and Lindsay Street intersection and increased use of Elliot Street
- Concerns with Tim Hortons traffic
- Desire to see the existing bridge improved

Additional Work following Consultation

- Traffic improvements
 - Detailed background on improvements to Helen Street and Lindsay Street
- Progress Bypass design considerations

Concerns from Stakeholders

Some critical items of concern from stakeholders and community have been:

- Putting turning movement restrictions in at the Helen and Lindsay Street intersection
 - This is a big ask of people with established patterns traveling in town and there is concern that this could impact local businesses at the intersection
- Tim Hortons drive-through traffic causes issues today that cannot be eliminated with these options
 - Improvements are being made to Elliot Street to allow for a proper turning lane at Tim Hortons and to improve through traffic on Elliot Street
- Concerns with more traffic on Elliot Street
- Economic benefits of a second in-town bridge crossing should be examined – economic opportunities are a reflection of more than traffic and would require more study
- EMS response issues – these have not identified by the providers themselves, more a community perspective and concern
- Move quickly with the design for the bypass solution

Recommendations

- Progress the **Bypass Solution** and implement as quickly as possible.
- Implement traffic improvements for **Helen Street, Lindsay Street and Elliot Street**.
- Future bridge rehabilitation should consider moving the sidewalk to the other side of the bridge and improving the condition.
- Schedule C work needs to be completed for the bypass to address the key issues
- Work with Tim Hortons regarding drive-through traffic issues and potential options for on-site improvements or relocation.
- Continue to monitor growth in Fenelon Falls that would support the need for a second crossing in-town.

Thank You



Committee of the Whole Report

Report Number:	ED2021-032
Meeting Date:	November 2, 2021
Title:	Million Dollar Makeover Program Update
Description:	Update on program and funding allocation for 2020 and 2021
Author and Title:	Carlie Arbour, Economic Development Officer - Community

Recommendations:

That Report ED2021-032, **Million Dollar Makeover Program Update**, be received; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

(Acting) Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The Million Dollar Makeover program is a funding program designed to encourage and support economic development in Kawartha Lakes and simultaneously works to assist with implementing the Kawartha Lakes Strategic Community Improvement Plan (CIP). The funding, both grant and loan, supports property and business owners that make improvements to their commercial, mixed-use commercial/residential or heritage designated residential buildings.

At the August 14, 2018 Council meeting, the Kawartha Lakes Strategic CIP was adopted.

Moved By Councillor O'Reilly

Seconded By Councillor Elmslie

That Report PLAN2018-069, **Community Improvement Plan – Final**, be received;

That the By-law to adopt the Community Improvement Project Area and CIP, attached as Appendices A and B to Report PLAN2018-069, be approved by Council;

That the Mayor and Clerk be authorized to execute any documents and agreements required by this approval; and

That a \$100,000.00 contribution for Community Improvement Plan funding, with funding source options including the Economic Development Reserve, be included in the 2019 budget as a decision unit.

Carried CR2018-514

Since launching in 2019, the Million Dollar Makeover program has held two funding intakes annually.

Applicants for the first two intakes were presented to Council in April 2019 and November 2019.

At the July 28, 2020, Regular Council Meeting, Council received the following memorandum from the Economic Recovery Task Force:

CC2020-07.10.2.1.

Memorandum Regarding Feedback from the Economic Recovery Task Force

Mayor Letham

CR2020-203

Moved By Councillor Dunn

Seconded By Deputy Mayor O'Reilly

THAT the Memorandum from Mayor Letham, **regarding feedback from the Economic Recovery Task Force**, be received;

THAT Council turn on all of the Kawartha Lakes Strategic Community Improvement Plan (CIP) programs so that staff can promote the priority programs that align with recovery initiatives as needed; and

THAT Staff work towards re-structuring the program for a fall intake, and report back to Council on the program uptake.

Carried

As part of Economic Recovery initiatives recommended by the Economic Recovery Task Force, additional funding programs identified in the CIP were made available to encourage economic recovery through private sector investment.

This report summarizes the Million Dollar Makeover application approvals made in 2020 and 2021.

Rationale:

The Million Dollar Makeover held two funding intakes in each 2020 and 2021. The grant and loan programs are available City-wide, with a priority on our Downtowns.

Staff from departments that have a direct connection to the CIP sit on a Technical Team that reviews, and provides comments on each application. This includes staff from the following Divisions:

- Building
- Planning
- Economic Development

- Realty Services
- Municipal By-Law
- Revenue and Taxation
- Accessibility
- Fire Prevention

The Steering Committee, comprised of the CAO, Directors of Development Services and Corporate Services and the Manager of Economic Development, is responsible for evaluating and approving the submitted applications. Applications are evaluated based on the information provided in each application and the eligibility criteria and conditions defined in the CIP.

The below is a summary of the intakes and approved funding.

2020

Intakes were held in February and December of 2020.

Grants were available in the following programs:

- Signage Improvement
- Façade Improvement
- Building Repair and Renovation
- Heritage Conservation
- Accessibility Improvement
- Outdoor Art
- Outdoor Patio
- Trent-Severn Façade Improvement

Loans were available in the following programs:

- Façade Improvement
- Building Repair and Renovation
- Heritage Conservation
- Design Studies
- Heritage Conservation

Full applications, which require background and supporting documentation, were received in February and December in 2020. Twelve (12) full applications were submitted representing four communities, with a total potential investment of both public and private funds of \$146,277.54. All twelve (12) applications met the program criteria and were approved.

Address Business	Community	Funding Program	Grant or Loan	Amount Approved
February 2020				
90 Bolton Street	Bobcaygeon	Building Repair and Renovation	Grant	\$4,000
6644 Hwy 35	Coboconk	Façade Improvement Accessibility Improvement	Grant	\$5,557.16
4 Lindsay Street	Fenelon Falls	Façade Improvement Signage Improvement	Grant Loan	\$7,000 \$50,000
93 Kent Street W	Lindsay	Signage Improvement Building Repair and Renovation	Grant	\$3,320
103 Queen Street	Lindsay	Façade Improvement Signage Improvement	Grant	\$7,000
15-17 William Street	Lindsay	Façade Improvement Heritage Conservation	Grant Loan	\$8,135 \$53,250
December 2020				
28 Boyd Street	Bobcaygeon	Heritage Conservation	Grant	\$4,000
61 Colborne Street*	Fenelon Falls	Façade Improvement Building Repair and Renovation Outdoor Patio	Grant	\$9,000
38 Colborne Street	Fenelon Falls	Façade Improvement Building Repair and Renovation	Grant	\$10,000
38 Kent Street W	Lindsay	Building Repair and Renovation Façade Improvement	Grant Loan	\$4,000 \$13,277.54
118 Kent Street W*	Lindsay	Building Repair and Renovation Accessibility Improvement	Grant	\$6,000
121 Queen Street	Lindsay	Façade Improvement Building Repair and Renovation Accessibility Improvement	Grant Loan	\$10,000 \$35,000

*Agreement pending signature.

2021

Intakes were held in February and May of 2021.

At the direction of Council, following the recommendations of the Economic Recovery Task Force, grants and loans were available in the following expanded programs:

- Signage Improvement
- Façade Improvement
- Building Repair and Renovation
- Heritage Conservation
- Accessibility Improvement
- Outdoor Art
- Outdoor Patio
- Start-up Entrepreneur Building Improvement
- Trent-Severn Façade Improvements
- Design Studies

The deadlines for full applications were at the end of February and May. Seventeen (17) applications were submitted representing four (4) communities, with a total potential investment of both public and private funds of \$240,196.35. Fifteen (15) applications met the criteria and were approved.

Address Business	Community	Funding Program	Grant or Loan	Amount Approved
February 2021				
1 Main Street	Bobcaygeon	Signage Improvement Façade Improvement Building Repair and Renovation	Grant	\$10,000
38 Bolton Street*	Bobcaygeon	Façade Improvement	Grant	\$5,000
98 Kent St W	Lindsay	Façade Improvement	Grant	\$5,000
William Street* (Applicant withdrew their project due to COVID funding constraints)	Lindsay	Signage Improvement Façade Improvement Accessibility Improvement	Grant	\$10,000
82 King Street	Woodville	Façade Improvement	Grant	\$5,000
May 2021				
3 King Street*	Bobcaygeon	Accessibility Improvement	Grant	\$4,000
28 Boyd Street	Bobcaygeon	Heritage Conservation	Grant	\$4,000
42 Peel Street	Lindsay	Façade Improvement	Grant	\$5,000
87 Adelaide Street*	Lindsay	Signage Improvement	Grant	\$2,000
334 Hwy 36*	Lindsay	Façade Improvement	Grant	\$10,000
73 William Street S	Lindsay	Heritage Conservation	Grant	\$4,000
31-41 Kent Street W*	Lindsay	Heritage Conservation Signage Improvement	Grant Loan	\$6,000 \$10,300
110 Kent Street W*	Lindsay	Signage Improvement	Grant	\$805
272 Kent Street W*	Lindsay	Signage Improvement	Grant	\$2,000
282 Kent Street W	Lindsay	Signage Improvement	Grant	\$2,000

*Agreement pending signature.

Each Applicant has been notified of the status of their application and has accepted the funding by signing funding agreements, unless noted with an asterisk (*). Many projects have begun construction, with a project end for December 2022.

Future Application Intake

The program will host two intakes in 2022, the first in February, and a second, for any remaining funds, in May. The funding will continue to be available City-wide in keeping with the identified priority areas.

Other Alternatives Considered:

The financial incentive programs have been established to best encourage and support program uptake for the benefit of economic development and revitalization in alignment with the City's strategic priorities and support economic recovery from COVID-19.

The CIP is a 10-year program, approved in 2018, through which there are opportunities to activate or deactivate programs to meet the economic development needs of the community at that time.

Alignment to Strategic Priorities

The Million Dollar Makeover program directly aligns with Council's goal to establish a Vibrant and Growing Economy. The Strategic Plan recommends to "continue the Million Dollar Makeover program and Community Improvement Programs to support business growth and expansion through grants and loans."

Financial/Operation Impacts:

Loan

Initial Loan Funding Available	\$1,000,000.00
Loan Funding Disbursed to date	\$208,485.00
Outstanding Loans Awarded	\$474,533.66

Grant

In 2019, the City of Kawartha Lakes was granted funding from the Association of Municipalities Ontario (AMO) for the Million Dollar Makeover initiative, which concluded August 31, 2021. Financial information for the funding is as follows:

Funding awarded	\$96,311.62
Grants disbursed under the program	<u>\$91,276.36</u>
Surplus funding to be returned to AMO	\$5,035.26

Following conclusion of the AMO program, all Million Dollar Makeover grants will be funded by the Economic Development Reserve. To date, we have approximately \$128,000 in grants approved but not yet disbursed.

Annually, we have committed funds from the Economic Development Reserve to the Million Dollar Makeover but as a result of the AMO program being extended to August 31, 2021 we have not yet had to utilize any reserve funding.

The 2022 Operational Budget includes a request for \$80,000 from the Economic Development Reserve to fund the 2022 Million Dollar Makeover intakes, based on the previous funding allocations.

Consultations:

Consultations for the allocation of the funding have been held with the CAO, Director of Development Services, Director of Corporate Services, Manager of Economic Development, Manager of Revenue and Taxation, Manager of Municipal Law Enforcement, Chief Building Official, Fire Prevention Inspector and staff in Economic Development, Planning, Realty Services and Accessibility divisions.

The requests for funding came from local business and property owners with their application forms.

The Senior Accountant, Treasury and Manager of Revenue and Taxation were consulted in the development of this report.

Attachments:

None.

(Acting) Department Head: Richard Holy

(Acting) Department Head email: rholy@kawarthalakes.ca

Committee of the Whole Report

Report Number: BLDG2021-002
Meeting Date: November 2, 2021
Title: Review and Replacement of By-law 2012-019
Description: Building By-law Replacement By-law
Author and Title: Susanne Murchison, Chief Building Official

Recommendations:

That Report BLDG2021-002, **Review and Replacement of By-law 2012-019**, be received;

That a by-law substantially in the form attached as Appendix A to this report be forwarded to Council for adoption; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

(Acting) Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The existing Building By-law 2012-019 has previously been amended on six occasions since its inception in February 2012, resulting in the need for a comprehensive review and restructuring of the by-law.

The fee schedule of the existing by-law was established with five year indexed tables that will expire at the end of 2022; however the current fee structure does not sustain the Building and Septic Division operational budget and requires fee increases to address the rising costs associated with staff positions that have been added since 2016.

The Building Code Act reads as follows with respect to a change in fees:

“7 (6) If a principal authority proposes to change any fee imposed under clause (1) (c), the principal authority shall,
(a) give notice of the proposed changes in fees to such persons as may be prescribed; and
(b) hold a public meeting concerning the proposed changes. 2002, c. 9, s. 11 (2); 2006, c. 22, s. 112 (6)”.

This report addresses a replacement by-law.

Rationale:

The existing fee schedule in the Building By-law is not sufficient to cover the operating budget of the Building and Septic Division at this time. It is necessary to increase the fees relating to building and septic permits to address the additional operating costs resulting from additional staff positions, as well as to rebuild the Building and Septic Division reserve account. The additional staff positions added over the last few years result from legislated activity such as the Mandatory Septic System Inspection Program, recommendations from the Planning Advisory Task Force and increased development activity. The additional five staff positions will result in an operating budget increase in excess of \$400,000 per year. The reserve account has moved into a deficit position in 2021 and the Finance Department has suggested rebuilding of the account over the lifespan of the fee schedule, in five equal annual contributions.

Aside from staff position increases and increased development activity, other factors that affect the fee structure include providing a fee waiver for City related permits,

Municipal Housing Project Facilities permits and the Mandatory Maintenance Sewage System Inspection Program, all of which Council has previously determined should be provided at no cost to the applicants involved.

A review of fees in neighbouring municipalities was undertaken as part of the analysis of the fee rates and is attached as Appendix D.

Proposed By-law Amendments

Fee Schedule Changes

Since the by-law amendment in 2017 that initiated the current five-year fee schedule, the Building and Septic Division has added an additional four staff positions and a fifth position is added in 2022 in the form of a dedicated Administrative Assistant.

Overall, the additional staff positions include the following:

2017 addition of a second Part 8 Inspector;
2017 addition of a Building & Zoning Intake Clerk;
2019 addition of a second Administrative Assistant;
2021 addition of a Building Inspector; and
2022 addition of a third Administrative Assistant.

Over time, the salary budget has increased while the fee structure has remained unchanged, resulting in a drain of the reserve account. Without an increase to the current fee structure, the Building and Septic Division will become a burden on the tax base and will no longer represent a cost recovery model.

Projections for the proposed new fee schedules were done based on those fee types that are constant revenue sources and make up the majority of revenue in each category. See Appendix C.

Reserve Account

In 2005, the Building Code Act was amended to implement a legislated cost recovery system for municipal building departments to restrict the use of monies collected for building permits to only those required for operating costs relating to running the building department. In other words, excess revenues generated by building departments could no longer be used for other municipal purposes.

Building Code Act section 7(2) reads “The total amount of the fees authorized under clause (1) (c) must not exceed the anticipated reasonable costs of the principal authority to administer and enforce this Act in its area of jurisdiction. 2002, c. 9, s. 11 (2)”.

The legislation allows for a building department to create a reserve account funded by building permit fees to prepare for an economic downturn, in order to retain staff until the economy bounces back. The legislation does not outline the parameters around the limit to which a reserve account is capped, but a survey of larger Ontario municipalities indicated that the most common approach was a cap of two years’ department salary values. With the recent shortage of qualified building inspectors in the province, recruitment is proving to be very challenging and it is crucial that the reserve account be maintained to allow for retention of staff in future years when revenue does not fully cover the operating budget.

Reserve Account Rebuilding

Due to a few recent years of low permit activity, the Building and Septic Division budget required use of the reserve account funds to balance each of the last few years, culminating in a complete draining of the reserve account at the 2021 year-end. The proposal is to incorporate a reserve percentage into the fee structure to allow for a rebuilding of the reserve account over the next five years.

Reserve Account Cap

The account cap is being proposed at equal to two years’ total salaries – $2 \times \$1,837,136$ for 2022 = \$3,674,272. In consultation with the Treasurer and the Treasurer’s 2021 Building and Septic Division revenue actual to-date and projected values to the remainder of the year, it is proposed to rebuild the reserve over the course of the fee schedule (five years). The Treasurer has suggested that a figure of \$750,000, or possibly higher, will be transferred to the reserve account at the end of 2021. The figure used to calculate the remaining required contributions added to the fee rates is based on \$3,674,272 minus \$750,000 and divided by five to determine the total annual contribution each year. This results in an annual contribution of \$584,854.40 to the Building and Septic Division reserve, each year, over the next 5 years.

Once the predetermined cap is achieved in the reserve account, the fee schedule can be changed to the alternate schedule without the reserve contributions until such time as the reserve account is drawn upon.

Waived Fee Categories

The City related permits, Municipal Housing Project Facilities permits and the Mandatory Maintenance Sewage System Inspection Program are currently funded through fees collected from all other permit applications. To quantify the amount being waived annually:

CKL permits: \$192,005 total 2017-2020, average \$48,001 per year
Municipal Housing Project Facilities permits: \$38,176 total 2017-2020, average \$9,544 per year
Mandatory Maintenance Sewage System Inspection Program: \$112,500 total 2017-2020, \$28,125 per year, doing an average 375 site inspections per year.

This results in an average annual waived fee amount of \$85,670, which is covered by other building permit fees.

Proposed Housekeeping Changes

The following changes are proposed to be added to provide clarification on various matters in the by-law.

- Section 3.016(d) is added to clarify necessity to transfer a sewage system permit relating to a building permit where ownership of permit application is being transferred to new ownership.
- Section 4.04 is added to clarify that flipped/reversed plans are not acceptable for submission. The submission needs to include the actual drawings being constructed in the field to avoid the need for additional planning approvals later.
- Sections 4.07 to 4.09 are re-organized and clarified by topic to better lay out the required forms and processes relating to site plans and lot grading and drainage plans. No changes have been made to the previous intent of the sections but the new language is simply being added to clearly define the process steps.
- Section 6.02 language clarification – previously spoke only to fees relating to a permit; however the fee tables include other related administrative fees not associated with permits, such as compliance letters.

- Section 6.05 language clarification – clarifying that fee deduction applies to any type of sewage system application, where previously only spoke to a full system replacement or holding tank.
- Section 6.06 tidies up language but doesn't change the previous intent.
- Section 6.07 fee refund section has been updated to clarify the language at each benchmark and reduces the number of benchmarks.
- Section 6.010(b) is clarified to indicate that the sewage system test-hole inspection will not prevent a permit fee refund.
- Section 6.010(c) language is substituted to reference the minimum fee which has now been moved to Schedule A to allow for indexing.
- Section 6.010(e) language clarification – addition of words "in writing" to clarify that the trigger is based on written activity in an abandoned file.
- Renumbering of various sentences to accommodate the above-mentioned updates.
- Re-ordering of the Tables to put items in alphabetical order to make them more logical to read.
- Schedule A Table 1 – updating of fees to required 2022 values; clarification of language to simplify descriptions; clarification of Search of Records fees to correct fee to full cost recovery; and deletion of fee categories relating to inspections for files greater than two years old and permits for restricted access lots.
- Schedule A Table 2 - updating of fees to required 2022 values; clarification of demolition categories; and relocation of CKL and Municipal Housing Project Facilities from Table 3, as this is a more appropriate location for the waiver categories.
- Schedule A Table 3 - updating of fees to required 2022 values; clarification of language to simplify descriptions; addition of new fee categories for ARUs and Non-residential Accessory buildings as by-law formerly silent on both fee types; minimum fee category added to Table 3 to allow for yearly indexing; and updating of Notes below table to simplify. The intent remains unchanged.
- Schedule A Table 4 - updating of fees to required 2022 values.
- Schedule B Table 1 – addition of Energy Efficiency Design Summary form.
- The draft by-law, with proposed five-year fee schedule, is attached as Appendix A with all changes highlighted for ease of reference. The existing Building By-law 2012-019 is also attached as Appendix B for comparison purposes.

Other Alternatives Considered:

One option for Council would be to set the fee schedule rates to provide for full cost recovery **without** allowance for contributions to the Building and Septic Division reserve account. In the event of an economic downturn, this option would potentially result in more immediate staff lay offs before the economy bounces back.

A second option for Council would be to leave the existing by-law in force until the lifespan of the current fee schedule expires at the end of 2022. This option may potentially require the Building and Septic Division budget to be subsidised by the general tax base, should the revenues not meet those projected as a result of development activity not moving forward.

Alignment to Strategic Priorities

This report speaks to the strategic priority of Good Government, in that the Building and Septic Division budget is permitted through legislation to be a full cost recovery model. As a result, if the fee rates are correctly set, the Division will not burden the remainder of the tax base, thus putting the onus on development to fund development.

Financial/Operation Impacts:

This report has a positive impact on the operating budget of the Building and Septic Division, in that it is based on a cost recovery model. Increasing the fee rates to reflect the necessary revenue to maintain the operating budget without drawing from the general tax base will ensure that development pays for development. Additionally, incorporating a fee schedule that includes an additional amount in each fee for the rebuilding of the Building and Septic Division reserve fund will allow the Division to weather economic downturns without the necessity for staff lay-offs.

Consultations:

Treasurer

Supervisor Part 8 Sewage Systems

Acting Director of Development Services

Attachments:

Appendix A – Proposed Building By-law with changes highlighted



Draft Building
By-law 2021 for shar

Appendix B – Current Building By-law for reference



2012-019
Consolidated Buildi

Appendix C – Fee Analysis Exercise Worksheet



Fee analysis
exercise worksheet.›

Appendix D – Fee Comparison to Neighbouring Municipalities



2021 Fee
Comparisons to Nei

(Acting) Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, (Acting) Director Development Services

The Corporation of The City of Kawartha Lakes

By-Law 2021-XXXX

A By-Law to Provide for the Administration and Enforcement of the Building Code Act, 1992 within The City of Kawartha Lakes

Recitals:

1. Whereas Subsection 3(1) of the Building Code Act, 1992, S.O. 1992, chapter 23, provides that the Council of The Corporation of the City of Kawartha Lakes is responsible for the enforcement of the Building Code Act, 1992 within the City of Kawartha Lakes; and
2. Whereas Section 7 of the Building Code Act, 1992 authorizes the Council of a municipality to pass certain By-laws prescribing classes of permits, permit application documents, fees, inspections and other related matters.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2021-XXXX.

Section 1.00: Definitions and Interpretation

1.01 This By-law may be cited as the Building By-law.

1.02 **Definitions:** In this By-law

- (a) **“act”** means the Building Code Act, 1992, S.O. 1992, chapter 23 as amended;
- (b) **“alternative solution”** means a substitute for an acceptable solution, proposed by an applicant pursuant to Division A, article 1.2.1.1. of the Ontario Building Code;
- (c) **“as constructed plans”** means as constructed plans as defined in the building code
- (d) **“applicant”** means a person who applies for a permit and includes any person authorized by an owner to apply for a permit on the owner's behalf;
- (e) **“architect”** means a holder of a licence, a certificate of practice, or a temporary licence under the Architect's Act as defined in the building code;
- (f) **“building”** means a building as defined in Subsection 1(1) of the Act;
- (g) **“building code”** means the regulations made under Section 34 of the Act;
- (h) **“Chief Building Official”** means the person appointed by the Council as the Chief Building Official for the purpose of enforcement of the Act or the Deputy Chief Building Official acting in the capacity of the Chief Building Official from time-to-time in respect to Section 1.1.(6)(c) of the Act;
- (i) **“construction value”** means the value prescribed by the Chief Building Official to represent the total value of all work, services and material associated with the construction for which a permit is applied;

- (j) **“Council”** means the Council of the Corporation of the City of Kawartha Lakes
- (k) **“deficient permit”** means a permit in respect of which,
 - (i) an inspection notice or order to comply has been issued by an inspector, or
 - (ii) an inspection required under the building code of this By-law that has not been arrangedand six months or more have elapsed after the date the notice was issued or the inspection was required;
- (l) **“Deputy Chief Building Official”** means the person appointed by the Council as the Deputy Chief Building Official for the purpose of enforcement of the Act;
- (m) **“holiday”** means days when the offices of the City of Kawartha Lakes are not open for transaction of business with the public;
- (n) **“inspector”** means an inspector appointed by by-law by the Corporation of the City of Kawartha Lakes for the purposes of enforcement of the Act;
- (o) **“municipal housing project facilities”** means the municipal housing project facilities class of municipal capital facilities, as set out in Ontario Regulation 46/94, as amended.
- (p) **“owner”** means the registered owner of the land upon which is located, or will be located, the building or part thereof for which an application for a permit is, or has been made;
- (q) **“permit”** means permission or authorization given, in writing, by the Chief Building Official;
 - (i) to perform work regulated by the Act or the building code or both;
 - (ii) to change the use of a building or part of a building as regulated by the Act or the building code or both, or
 - (iii) to occupy a building or part thereof;
- (r) **“permit holder”** means an owner to whom a permit has been issued, or where a permit has been transferred, the transferee;
- (s) **“professional engineer”** means a person who holds a licence or a temporary licence under the Professional Engineer’s Act;
- (t) **“registered code agency”** means a person or an entity that has the qualifications and meets the requirements set out in the Act; and
- (u) **“restricted access lot”** means a parcel of land that does not have a municipally maintained road to any of its property lines and requires specialized transportation for inspection purposes.

1.03 Any word or term not defined in this By-law shall have the meaning ascribed to it in the Act or the building code.

1.04 The schedules attached to this by-law shall form part of this by-law and shall be enforceable as such.

- 1.05 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, which are applicable within the Province of Ontario.
- 1.06 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.
- 1.07 **Code of Conduct for Building Officials:** Chief Building Official, Deputy Chief Building Officials and inspectors appointed by Council under subsection 3(2) of the Building Code Act, 1992, shall be governed by the Code of Conduct set out in Schedule “C” to this By-law, with respect to exercising powers and performing duties under the Building Code Act.

Section 2.00: Classes of Permits

- 2.01 **Building Permit:** A Building Permit is a Permit respecting the complete construction of a building or part of a building.
- 2.02 **Partial Building Permit:** A Partial Building Permit is a Permit respecting the partial construction of a building or part of a building.
- 2.03 **Conditional Building Permit:** A Conditional Building Permit is a Permit respecting the construction of a building subject to conditions imposed pursuant to subsection 8(3) of the Act.
- 2.04 **Demolition Permit:** A Demolition Permit is a Permit respecting the demolition of a building or part of a building.
- 2.05 **Change of Use Permit:** A Change of Use Permit is a Permit respecting a change in use of a building or part of a building which results in an increase in hazard as determined by the Chief Building Official in accordance with the building code.
- 2.06 **Site Servicing Permit:** A Site Servicing Permit is a Permit respecting the exterior underground services (i.e. water, sanitary, drainage mains and appurtenances) on a property servicing one or more buildings.
- 2.07 **Occupancy Permit:** An Occupancy Permit is a permit respecting the authorization to occupy an unfinished building under Division C, article 1.3.3.1. of the building code.
- 2.08 **Sewage System Permits:** A Sewage System Permit is a Permit respecting the installation or repair of on-site sewage systems (with daily design flows less than ten thousand (10,000) litres).”

Section 3.00: Permit Applications and Issuance

- 3.01 An Applicant shall file a complete application on the form prescribed by the Act and available from the Chief Building Official or from the Province of Ontario, together with the applicable requirements set out in 3.02 to 3.08.
- 3.02 **Building Permits:** Every application for a building permit under Subsection 8(1) of the Act shall,
- a) identify and describe in detail the work to be done and the existing and proposed use and occupancy of the building, or part thereof, for which the application for a permit is made;
 - b) be accompanied by the plans, specifications, documents and other information prescribed in Section 4.00 and Schedule B;

- c) be accompanied by the appropriate fee calculated in accordance with Schedule A.

3.03 Sewage System Permits: Every application for a sewage system permit under Subsection 8(1) of the Act shall,

- a) Identify and describe in detail the work to be done and the existing and proposed use and occupancy of the building, or part thereof, for which the application for a sewage system permit is made;
- b) Be accompanied by the plans, specifications, documents and other information prescribed in Section 4.00 and Schedule B; and
- c) Be accompanied by the appropriate fee calculated in accordance with Schedule A.

3.04 Demolition Permits: Every application for a demolition permit under Subsection 8(1) of the Act shall,

- a) identify and describe in detail the work to be done and the existing use and occupancy of the building, or part thereof, for which the application for a permit is made, and the proposed use and occupancy of that part of the building, if any, that will remain upon completion of the demolition;
- b) be accompanied by the plans, specifications, documents and other information prescribed in Section 4.00 and Schedule B;
- c) be accompanied by the appropriate fee calculated in accordance with Schedule A; and
- d) be accompanied by confirmation that arrangements have been made with the proper authorities for the safe and complete disconnection of all existing municipal water and sewer, natural gas, electrical service, telephone and other utilities.

3.05 Partial Building Permits: Every application for a partial building permit shall,

- a) Include an application for the entire project;
- b) Include plans and specifications covering the part of the work for which more expeditious approval is desired, together with such information, plans and specifications pertaining to the remainder of the work as may be required by the Chief Building Official; and
- c) be accompanied by the appropriate fee calculated in accordance with Schedule A.

3.06 Conditional Building Permits: Every application for a conditional building permit under Subsection 8(3) of the Act shall,

- a) comply with the requirements set out in Section 3.02 in this By-law; and
- b) be accompanied by,
 - (i) a written statement from the applicant explaining why the applicant believes that unreasonable delays in construction would occur if a conditional building permit is not issued;
 - (ii) a written acknowledgement from the applicant of the necessary approvals which must be obtained in respect of the proposed

construction and the time period in which such approvals shall be obtained by the applicant;

(iii) a written agreement, in a form provided by the Chief Building Official, executed by the applicant, the owner and such other necessary persons the Chief Building Official determines for the purposes set out in clause 8(3)(c) of the Act; and

(iv) the conditional permit fee in accordance with Schedule A.

3.07 The Chief Building Official is hereby authorized to execute on behalf of The Corporation of the City of Kawartha Lakes the written agreement referred to in clause 3.04(b)(iii) as part of the conditional building permit application.

3.08 **Change of Use Permits:** Every application for a change of use permit under Subsection 10(1) of the Act shall,

- a) identify and describe in detail the existing and proposed use and occupancy of the building, or part thereof, for which the application for a permit is made;
- b) be accompanied by plans and specifications which show the current and proposed occupancy of all parts of the building and which contain sufficient information to establish compliance with the building code, including, but not necessarily limited to, floor plans and details of wall, ceiling and roof assemblies identifying existing fire resistance ratings and load bearing capacities;
- c) be accompanied by the appropriate fee in accordance with Schedule A; and
- d) be accompanied by the completed documents prescribed in Schedule B.

3.09 **Occupancy Permits for Unfinished Buildings:** Every request for authorization to occupy an unfinished building under Division C, Article 1.3.3.1. of the building code shall,

- a) identify and describe in detail the occupancy, the date of such occupancy, and the building or part thereof for which the request for a permit is made;
- b) be accompanied by plans which show the areas of the proposed occupancy; and
- c) if request is made after occupancy occurs, be accompanied by the administration fee in accordance with Schedule A.

3.010 Every request for authorization to occupy an unfinished building under Division C, article 1.3.3.4. of the building code shall,

- a) identify the building or part thereof for which the request for a permit is made; and
- b) if request is made after occupancy occurs, be accompanied by the administration fee in accordance with Schedule A.

3.011 **No Implied Future Permits:** The Chief Building Official shall not, by reason of the issuance of a Conditional Permit or a Partial Permit, be under any obligation to grant any further Permits.

- 3.012 **Revision to Issued Permit:** Should a permit holder wish to make any material change to any plan, specification, document or other information on the basis of which the permit was issued, the permit holder shall file an application for a revision to the permit which describes the material changes, and shall pay the fee set out in Schedule A.
- 3.013 **Incomplete Permit Applications:** An application shall be deemed not to be complete according to Division C, Sentence 1.3.1.3.(5) of the building code, where any of the applicable requirements of Sections 3.01 to 3.07 have not been complied with.
- 3.014 **Abandoned Permit Applications:** An application for a permit shall be deemed to have been abandoned by the applicant where the application is incomplete according to Section 3.12 and remains incomplete twelve months after it was submitted.
- 3.015 Where an application is deemed abandoned, one copy of all submitted plans, specifications and documents shall be retained by the municipality. Subsequent copies shall be disposed of, or upon written request from the applicant, returned to the applicant at their own expense.
- 3.016 **Transfer of Permits:** If the owner of the land changes after a permit has been issued, the permit may be transferred to the new owner (the “transferee”) of the lands where an application is filed with the City in writing, in accordance with this section and shall include,
- a) proof of ownership of the lands by the transferee satisfactory to the Chief Building Official;
 - b) confirmation that the work to be done and the existing and proposed use and occupancy of the building or part thereof, for which the application for the transfer of the permit is made, is the same as that identified and described on the application of the permit;
 - c) the name, address, telephone number, facsimile number and email address of the proposed designer, architect and/or professional engineer, and their building code qualifications, where they are different from those identified in the application for the permit, or a written confirmation from the designer, architect and/or professional engineer(s), that they have been retained to continue to provide design services in respect to the project;
 - d) where an active sewage system permit relates to the subject project, the sewage system permit must also be transferred or replaced, following Section 3.03 or 3.15, whichever is applicable, based on a review by the Supervisor of Part 8 Sewage Systems;
 - e) where the proposed transferee is a builder as defined in the Ontario New Home Warranties Plan Act, the proposed transferee’s registration number under that Act; and
 - f) the appropriate fee in accordance with Schedule A.
- 3.017 Upon the issuance of transfer of a permit to the transferee, the transferee shall be deemed to be the permit holder and the original permit holder shall have no further rights or obligations under the permit save and except for any obligations set out in any agreements entered into for the purposes of clause 8(3)(c) of the Act.

- 3.018 **Permit Application Using a Registered Code Agency:** Every application for a building permit under 8(1) which proposed to use a Registered Code Agency, as outlined in Section 4.2 of the Act shall,
- a) Be accompanied by such information as may be prescribed by the regulation, as well as such information required elsewhere in Section 3.00 of this by-law;
 - b) Be accompanied by the notice required in Subsection 15.14(1) of the Act;
 - c) Clearly outline which functions, as listed in Section 15.15 of the Act, the Registered Code Agency is appointed to perform with respect to the application; and
 - d) Be accompanied by the appropriate fee calculated in accordance with Schedule A.

Section 4.00: Plans and Specifications

- 4.01 Every applicant shall submit sufficient plans, specifications, documents and other information to enable the Chief Building Official to determine whether the proposed building, construction, sewage system, demolition or change of use will contravene the Act, the building code or any other applicable law.
- 4.02 The Chief Building Official shall determine the plans, specifications, documents and other information required to be submitted with an application in order to deem it complete according to Division C, Section 1.3. of the building code, having regard for:
- (a) the scope of the proposed work;
 - (b) the requirements of the building code, the Act and other applicable law, and
 - (c) the requirements of this Section and Schedule B to this by-law.
- 4.03 Plans, specifications, documents and other information shall be submitted in a permanent medium upon paper or other suitable and durable material and shall contain text that is legible and drawings that are legible, complete, fully dimensioned and to scale.
- 4.04 Plans, specifications, documents and other information shall be submitted in a format that reflects the intended orientation of the structure. Flipped/reversed plans will not be accepted.
- 4.05 On the completion of the construction of a building, or part of a building, the Chief Building Official may require submission of a set of plans of the building or part of a building, as constructed, together with a plan of the survey prepared and certified by an Ontario Land Surveyor showing the location of the building.
- 4.06 Where an applicant elects to use a Registered Code Agency under Section 4.2 of the Act, the Registered Code Agency shall submit to the Chief Building Official all required documentation, reports, notices, orders, certificates, etc., as required by Section 4.2 of the Act, including but not limited to plans review certificates, change certificates, inspection reports and final certificates.
- 4.07 **Site plans:** Shall:
- (a) for all applications relating to a new or replacement detached, semi-detached, triplex, fourplex or townhouse dwelling, or new or replacement foundations relating to one of the foregoing, or detached ARU:
 - (i) Take the format of a Lot Grading and Drainage Plan;

- (ii) Be referenced to a current plan of survey prepared and certified by an Ontario Land Surveyor, and a copy of the survey shall accompany the site plan submission; and
- (iii) Include the information outlined in Schedule B of this by-law;

(b) For all other minor residential applications:

- (i) May be prepared by the applicant; and
- (ii) Include the information outlined in Schedule B of this by-law.

(c) For all non-residential construction and other residential not provided for in 4.07 a. or b.:

- (i) Be referenced to a current plan of survey prepared and certified by an Ontario Land Surveyor, and a copy of the survey shall accompany the site plan submission; and
- (ii) Include the information outlined in Schedule B of this by-law.

4.08 **Lot Grading and Drainage Plan Exemption:** Where an application to construct a residential dwelling type, as listed in 4.07 a., relates to a property with an area greater than 0.4 hectare (1 Acre), the requirement to submit a Lot Grading and Drainage Plan prepared by an Ontario Land Surveyor is waived provided the dwelling is located such that the minimum setbacks are equal to five times the required setback, as regulated by the applicable zoning by-law, save and except an exterior/flankage side yard is a minimum two times the required setback. Further, where the above factors result in a setback requirement greater than 30m, this will be deemed sufficient.

4.09 **Lot Grading and Drainage Plan process:**

- (a) Initial Lot Grading and Drainage Plan, as described in 4.07 a. shall be submitted at time of permit application;
- (b) Upon the completion of a foundation referenced in 4.07 a., the applicant shall submit to the Chief Building Official a Foundation Control Certificate prepared by an Ontario Land Surveyor certifying the location and elevation of the top of the foundation wall and confirming general conformity with the approved site grading plan, prior to a framing inspection being undertaken; and
- (c) At time of occupancy inspection, if site grading is not in general compliance with the approved Lot Grading and Drainage Plan, the Chief Building Official may require submission of an As-constructed Lot Grading and Drainage Plan.

Section 5.00: Authorization of Alternative Solutions

5.01 Where the prescriptive requirements or acceptable solutions of Division B of the building code are not met, the Chief Building Official may approve an alternative solution under Division C, Part 2 of the building code. An alternative solution proposal may be requested for a system or building design at the time of permit application, or if a material change is necessary to a plan, specification, document or other information on the basis of which a permit is issued. The applicant shall submit,

- a) A completed "Application for an Alternative Solution" on the form available from the Chief Building Official;
- b) A description of the applicable objectives, functional statements and acceptable solutions;

- c) A description of the proposed material, system or building design for which authorization is sought;
 - d) Supporting documentation demonstrating that the proposed material system or building design will provide the level of performance required by the building code; and
 - e) Payment of the required fee as set out in Schedule A.
- 5.02 The Chief Building Official or registered code agency may accept or reject any proposed alternative solutions and may impose conditions or limitations on their use.
- 5.03 Alternative solutions that are accepted under this section shall be applicable only to the location described in the application, and are not transferable to any other permit.

Section 6.00: Fees and Refunds

- 6.01 The Chief Building Official, or designate, shall determine the fee to be paid with every permit application, calculated in accordance with Schedule A and the fee shall be due and payable, in full, upon the submission of the application for a permit.
- 6.02 Administrative fees, including those imposed after issuance of a permit and those not specifically relating to a permit, are due at the time the service is requested or required, in accordance with Schedule A.
- 6.03 A minimum permit fee, as listed in Schedule A, shall be charged for all work unless otherwise stated in this by-law.
- 6.04 Where an application for a permit is subject to additional fees prescribed by the City, the fees so prescribed shall be paid in addition to the fees set out in Schedule A.
- 6.05 Should it be deemed necessary upon the completion of an Existing Sewage System Review application that the Sewage System requires upgrading, the fees paid in relation to the Existing System Review application will be deducted from fees applicable to the corresponding file associated with the required upgrades.
- 6.06 Rounding of Fees:** All fees contained in Schedule A are rounded as follows:
- (a) All flat fees shall be rounded up to the next whole dollar; and
 - (b) All other fees shall be rounded up to the next quarter dollar (0.25 cents).
- 6.07 **Fee Refunds:** Where an application for a permit is withdrawn, in writing, abandoned or where a permit is denied or revoked by the Chief Building Official, upon written request of the applicant the Chief Building Official shall determine what proportion of the permit fees, if any, may be refunded in accordance with this Section, based upon the functions undertaken by the City, as follows:
- a) **Eighty (80%)** percent of the permit fee paid if the application is withdrawn or abandoned after administrative functions have been performed, specifically review for completeness and application entered into electronic tracking software;
 - b) **Seventy (70%)** percent of the permit fee paid if the application is withdrawn or abandoned after administrative functions, zoning review and lot grading and drainage plan review has been performed;

- c) Fifty (50%) percent of the permit fee paid if the application is withdrawn or abandoned after administrative functions, zoning review, lot grading and drainage plan review and plans review has been completed; and
 - d) Twenty-five (25%) percent of the permit fee paid if the application is withdrawn or abandoned after the permit has been issued.
- 6.08 Administrative fees are non-refundable.
- 6.09 Any amount authorized by the Chief Building Official to be refunded shall be paid to the person named on the fee receipt issued by the City upon original payment of the fee, unless that person directs, in writing, that it be refunded to another person.
- 6.010 **Where Refunds Not Available:** No refund of any portion of the permit fee paid shall be made in the following circumstances:
- a) Where any construction or demolition has commenced;
 - b) Where at least one (1) field inspection has been made, except in the case of a sewage system permit whereby a test hole inspection only will not prevent a refund being available;
 - c) Where the calculation in accordance with Section 6.07 yields a payment of less than the minimum permit fee listed in Schedule A;
 - d) Where a permit was revoked (except where the revocation is due to an error by the City); and
 - e) In circumstances where the application has been deemed to have been abandoned in accordance with Section 3.13 of this by-law, and the applicant has not contacted the city in writing for a period exceeding twelve (12) months.

Section 7.00: Inspection Notices

- 7.01 A notice required to be given by a permit holder to the Chief Building Official or registered code agency pursuant to Division C, Subsection 1.3.5. of the building code shall be given to the Chief Building Official or registered code agency at least two days in advance of the construction stage in which notice is being given. For the purpose of inspection notices, the term day means any Monday, Tuesday, Wednesday, Thursday or Friday other than a holiday.
- 7.02 A notice required to be given by a sewage system permit holder to the Chief Building Official or registered code agency pursuant to Division C, Subsection 1.3.5. of the building code shall be given to the Chief Building Official or registered code agency at least five days in advance of the construction stage in which notice is being given. For the purpose of inspection notices, the term day means any Monday, Tuesday, Wednesday, Thursday or Friday other than a holiday.
- 7.03 A notice given to the Chief Building Official, inspector, or registered code agency pursuant to Division C, Subsection 1.3.5 of the building code and this Section shall not be effective until actually received by the Chief Building Official, inspector or registered code agency as the case may be.
- 7.04 In addition to the notices prescribed by the building code, the permit holder shall also give notice to the Chief Building Official or registered code agency of the following stages of construction:
- a) commencement of construction of,

- (i) masonry fireplaces and masonry chimneys;
- (ii) factory-built fireplaces and allied chimneys; or
- (iii) stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys.

Section 8.00: Enforcement and Penalties

- 8.01 Any person who contravenes any provision of this By-law is guilty of an offence and, upon conviction, is liable to the provisions and penalties prescribed in the Act.
- 8.02 In addition to any penalties imposed through prosecution of an offence pursuant to this By-law, the City is entitled to use all legal means at its disposal to collect the fees applicable pursuant to this By-law. Any and all collection methods lawfully applicable may be relied upon, including placement of unpaid fees on the tax collector's roll for the property in question.

Section 9.00: Administration and Effective Date

- 9.01 **Administration of the By-law:** The Chief Building Official is responsible for the administration of this by-law.
- 9.02 **Review of By-law:** The Chief Building Official shall review the by-law both annually and coinciding with the building code cycle to ensure compliance with legislation.
- 9.03 **Effective Date:** This By-law shall come into force and take effect on January 1, 2022.

By-law read a first, second and third time, and finally passed, this Xth day of November, 2021.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

Schedule A – By-law 2012-019

By-law 2014-114, effective April 8, 2014
By-law 2017-122, effective June 6, 2017 or January 1, 2018

Table 1 - Administration Fees

Item	Type of Fee	Fee Payable
1	Building and Septic Compliance Letter	\$175.00
2	Conditional Building Permit	10% of applicable fee from Schedule A Table 2, with a minimum of \$100.00 and a maximum of \$1000.00
3	Construction commenced without building permit	Applicable fee from Schedule A Table 2 plus an increase of 100%
4	Construction commenced without building permit and where a Planning Application is required to comply with applicable law section of OBC	Fee calculated as per Schedule A Table 1 Item 1 plus an additional increase of 100%
5	Liquor License Approval	\$50.00
6	Major Revision/Full Design Replacement to Plans which have already been examined by the City	50% of original fee paid, with a minimum of \$150.00 and a maximum of \$500.00
7	Minor Revision to Plans which have already been examined by the City – constitutes less than 25% of the design	\$150.00
8	Partial Building Permit	10% of applicable fee from Schedule A Table 2, with a minimum of \$100.00 and a maximum of \$500.00
9	Records Archival Fee	\$15.00 per file
10	Re-inspection to correct identified deficiencies	\$150.00/inspection
11	Search of Records – includes scanning and copying up to 10 pages large format drawings and 15 pages small format documents	\$50.00 plus additional \$25 for each additional large format drawings or 15 pages small format documents
12	Site inspection to determine Occupant Load	\$50.00
13	Transfer of Permit	\$150.00

Schedule A – By-law 2018-026

Schedule A – By-law 2012-019

Table 2 - Fees Payable for Building and Sewage System Permits

Item	Class of Permit	Fee Payable
1	Building Permit	See Schedule A Table 3
2	Sewage System Permit – under 10,000 litres/day	See Schedule A Table 4
3	Alternative Solution Application/Evaluation	\$1,000.00
4	Change of Use Permit	\$275.00
5	Conditional Building Permit	Applicable fee from Schedule A Table 3 plus administration fee from Schedule A Table 1
6	Demolition Permit - Residential	\$200.00
7	Demolition Permit – All Other	\$300.00
8	Lands owned by and used for the purposes of the City of Kawartha Lakes	Otherwise applicable fee pursuant to this By-law – waived
9	Mandatory Maintenance Inspection Program Inspections, where the inspection does not occur during the annual scheduled time slot for the property	\$125.00
10	Municipal Housing Project Facilities that have entered into agreements with the City of Kawartha Lakes under the authority of by-law enacted pursuant to Paragraph 18, Section 2 of O. Reg. 46/94, as amended	Fees for those portions of a building meeting this criteria – waived All other floor areas falling outside of the scope of the MHP agreement – applicable fee in Schedule A
11	Occupancy Permit, where occupancy has occurred without an occupancy permit	\$150.00
12	Partial Building Permit	Applicable fee from Schedule A Table 3 plus administration fee from Schedule A Table 1
13	RCA - Applicant Appointed Permit for which an RCA is appointed for plans review stage only	65% of applicable fee from Schedule A Table 2
14	RCA - Applicant Appointed Permit for which an RCA is appointed for inspection stage only	35% of applicable fee from Schedule A Table 2
15	RCA - Applicant Appointed Permit for which an RCA is appointed for both plans review stage and inspection stage	25% of applicable fee from Schedule A Table 2
16	Site Servicing Permit where application is filed separately from remainder of construction permit – no additional fee if included with construction permit it serves	3.5% of Construction Value

Schedule A – By-law 2017-122

Schedule A – By-law 2012-019

Table 3 - Fees Payable for Building Permits

Item	Type of Permit	For each square meter of floor area or part thereof				
		2022	2023	2024	2025	2026
1	Residential Occupancies – New and Additions	17.75	18.25	18.5	19	19.25
2	Additional Residential Units (ARUs)	10	10.25	10.5	10.75	11
3	Residential Garages, boathouses, foundations, unenclosed porches and sheds not included in Item 5	10	10.25	10.5	10.75	11
4	Residential Occupancies - Relocation of Existing Structures – pier or slab foundation	600	612	625	637	650
5	Minor residential projects - plumbing, decks, gazebos, partitioning of a basement, wood stove, tents on residential properties, storage shed (up to 20m2 & not including door >1.8m), water and sewer connection and other similar minor projects associated with residential use	200	204	209	213	217
6	Institutional Occupancies	24.5	25	25.5	26	26.75

7	Commercial Occupancies - Shell	21.5	22	22.5	23	23.5
8	Commercial Occupancies - Interior partitioning and finishing	7	7.25	7.5	7.5	7.75
9	Industrial Occupancies	14.25	14.75	15	15.25	15.5
10	Non-residential accessory buildings, foundations and unenclosed porches	10	10.25	10.5	10.75	11
11	Minor non-residential projects – plumbing, school portables (each) temporary prefabricated trailers (each), tent (each) and other similar minor structures associated with non-residential use	550	561	573	584	596
12	Agricultural Buildings	4.25	4.5	4.5	4.75	4.75
13	Designated structures as defined by the Ontario Building Code – including signs, roof mounted solar per roof face	600	612	625	637	650
14	Wind turbine facilities regulated by Environmental Protection Act, per thousand dollars of construction value, or part thereof	19.5	20	20.5	20.75	21.25
15	Alterations to existing buildings (not provided for	27.25	28	28.5	29	29.5

	in Items 1 to 14), per thousand dollars of construction value, or part thereof					
16	Minimum Permit fee	225	230	235	239	244

For the proper interpretation and application of this Schedule, see Notes following.

Notes:

1. The occupancy classifications used in this by-law shall be based on the building code major occupancy classifications.
2. For floor areas with mixed occupancies, the fee shall be calculated based on each major occupancy within the building, except as stated in note 3.
3. Industrial Occupancies rate includes incidental finished office space to a maximum of 10% of the total floor area.
4. Floor area shall be measured to the outer face of exterior walls and to the centerline of party walls or demising walls. No deductions shall be made for openings within the floor area (eg. stairs and stair openings, ducts, elevators, escalators). Floor area shall include all habitable areas, including mezzanines, finished attics and enclosed balconies.
5. For detached, semi-detached and townhouse dwellings, the floor areas of the unfinished basements, plumbing and decks shall not be included in the area calculations, but the fee is inclusive of these areas if proposed and constructed at the same time as the dwelling they serve.
6. No additional fee applies for sprinklers, fire alarms, electromagnetic locks, site servicing or other mechanical systems or equipment proposed and installed at the same time as the construction they serve.
7. Construction Value, as used in Item No. 14 and 15 of Schedule A Table 3, means the value of the proposed construction as determined by the Chief Building Official or a professional appraiser.

Schedule A – By-law 2017-122

Schedule A – By-law 2012-019

Table 4 - Fees Payable for Sewage System Permits and Reviews

Item	Type of Permit	Fee Payable				
		2022	2023	2024	2025	2026
1	Class 4 - up to 4,500L design daily sewage flows	750	765	781	796	812
2	Class 4 - 4,501L - 10,000L design daily sewage flows	975	995	1015	1036	1057
3	Class 4 - tank replacement or bed repair	375	383	391	398	406
4	Class 5 - holding tank	500	510	521	531	542
5	Class 2 - greywater system	375	383	391	398	406
6	Class 3 - cesspool	290	296	302	308	314
7	Existing System review for Addition/Renovation/ Change of Use permit	215	220	224	229	233
8	Major Change to Permit Design Submission	215	220	224	229	233
9	Zoning/Official Plan Amendment/Site Plan Approval/Consent per lot (including lot line adjustment)/Minor Variance Application	275	281	287	292	298
10	Subdivision Application - per lot	275.00 per lot for first 5 + \$60.00 per lot after 5	281.00 per lot for first 5 + \$62.00 per lot after 5	287.00 per lot for first 5 + \$63.00 per lot after 5	292.00 per lot for first 5 + \$64.00 per lot after 5	298.00 per lot for first 5 + \$65.00 per lot after 5

ALTERNATE WITH CONTRIBUTIONS TO RESERVE ACCOUNT

Schedule A – By-law 2012-019

By-law 2014-114, effective April 8, 2014
By-law 2017-122, effective June 6, 2017 or January 1, 2018

Table 1 - Administration Fees

Item	Type of Fee	Fee Payable
1	Building and Septic Compliance Letter	\$225.00
2	Conditional Building Permit	10% of applicable fee from Schedule A Table 2, with a minimum of \$100.00 and a maximum of \$1000.00
3	Construction commenced without building permit	Applicable fee from Schedule A Table 2 plus an increase of 100%
4	Construction commenced without building permit and where a Planning Application is required to comply with applicable law section of OBC	Fee calculated as per Schedule A Table 1 Item 1 plus an additional increase of 100%
5	Liquor License Approval	\$50.00
6	Major Revision/Full Design Replacement to Plans which have already been examined by the City	50% of original fee paid, with a minimum of \$150.00 and a maximum of \$500.00
7	Minor Revision to Plans which have already been examined by the City – constitutes less than 25% of the design	\$150.00
8	Partial Building Permit	10% of applicable fee from Schedule A Table 2, with a minimum of \$100.00 and a maximum of \$500.00
9	Records Archival Fee	\$15.00 per file
10	Re-inspection to correct identified deficiencies	\$150.00/inspection
11	Search of Records – includes scanning and copying up to 10 pages large format drawings and 15 pages small format documents	\$50.00 plus additional \$25 for each additional large format drawings or 15 pages small format documents
12	Site inspection to determine Occupant Load	\$50.00
13	Transfer of Permit	\$150.00

Schedule A – By-law 2018-026

ALTERNATE WITH CONTRIBUTIONS TO RESERVE ACCOUNT

Schedule A – By-law 2012-019

Table 2 - Fees Payable for Building and Sewage System Permits

Item	Class of Permit	Fee Payable
1	Building Permit	See Schedule A Table 3
2	Sewage System Permit – under 10,000 litres/day	See Schedule A Table 4
3	Alternative Solution Application/Evaluation	\$1,000.00
4	Change of Use Permit	\$325.00
5	Conditional Building Permit	Applicable fee from Schedule A Table 3 plus administration fee from Schedule A Table 1
6	Demolition Permit - Residential	\$250.00
7	Demolition Permit – All Other	\$350.00
8	Lands owned by and used for the purposes of the City of Kawartha Lakes	Otherwise applicable fee pursuant to this By-law – waived
9	Mandatory Maintenance Inspection Program Inspections, where the inspection does not occur during the annual scheduled time slot for the property	\$125.00
10	Municipal Housing Project Facilities that have entered into agreements with the City of Kawartha Lakes under the authority of by-law enacted pursuant to Paragraph 18, Section 2 of O. Reg. 46/94, as amended	Fees for those portions of a building meeting this criteria – waived All other floor areas falling outside of the scope of the MHP agreement – applicable fee in Schedule A
11	Occupancy Permit, where occupancy has occurred without an occupancy permit	\$150.00
12	Partial Building Permit	Applicable fee from Schedule A Table 3 plus administration fee from Schedule A Table 1
13	RCA - Applicant Appointed Permit for which an RCA is appointed for plans review stage only	65% of applicable fee from Schedule A Table 2
14	RCA - Applicant Appointed Permit for which an RCA is appointed for inspection stage only	35% of applicable fee from Schedule A Table 2
15	RCA - Applicant Appointed Permit for which an RCA is appointed for both plans review stage and inspection stage	25% of applicable fee from Schedule A Table 2
16	Site Servicing Permit where application is filed separately from remainder of construction permit – no additional fee if included with construction permit it serves	4.5% of Construction Value

Schedule A – By-law 2017-122

ALTERNATE WITH CONTRIBUTIONS TO RESERVE ACCOUNT

Schedule A – By-law 2012-019

Table 3 - Fees Payable for Building Permits

Item	Type of Permit	For each square meter of floor area or part thereof				
		2022	2023	2024	2025	2026
1	Residential Occupancies – New and Additions	21.25	21.75	22.25	22.75	23.25
2	Additional Residential Units (ARUs)	11.75	12	12.25	12.5	12.75
3	Residential Garages, boathouses, foundations, unenclosed porches and sheds not included in Item 5	11.75	12	12.25	12.5	12.75
4	Residential Occupancies - Relocation of Existing Structures – pier or slab foundation	700	714	729	743	758
5	Minor residential projects - plumbing, decks, gazebos, partitioning of a basement, wood stove, tents on residential properties, storage shed (up to 20m2 & not including door >1.8m), water and sewer connection and other similar minor projects associated with residential use	250	255	261	266	271
6	Institutional Occupancies	30	30.75	31.25	32	32.5

7	Commercial Occupancies - Shell	26	26.75	27.25	27.75	28.25
8	Commercial Occupancies - Interior partitioning and finishing	8.5	8.75	9	9.25	9.25
9	Industrial Occupancies	17.25	17.75	18	18.5	18.75
10	Non-residential accessory buildings, foundations and unenclosed porches	11.75	12	12.25	12.5	12.75
11	Minor non-residential projects – plumbing, school portables (each) temporary prefabricated trailers (each), tent (each) and other similar minor structures associated with non-residential use	650	663	677	690	704
12	Agricultural Buildings	4.5	4.75	4.75	5	5
13	Designated structures as defined by the Ontario Building Code – including signs, roof mounted solar per roof face	725	740	755	770	785
14	Wind turbine facilities regulated by Environmental Protection Act, per thousand dollars of construction value, or part thereof	19.5	20	20.5	20.75	21.25
15	Alterations to existing buildings (not provided for	33	33.75	34.5	35.25	35.75

	in Items 1 to 14), per thousand dollars of construction value, or part thereof					
16	Minimum Permit fee	250	255	261	266	271

For the proper interpretation and application of this Schedule, see Notes following.

Notes:

8. The occupancy classifications used in this by-law shall be based on the building code major occupancy classifications.
9. For floor areas with mixed occupancies, the fee shall be calculated based on each major occupancy within the building, except as stated in note 3.
10. Industrial Occupancies rate includes incidental finished office space to a maximum of 10% of the total floor area.
11. Floor area shall be measured to the outer face of exterior walls and to the centerline of party walls or demising walls. No deductions shall be made for openings within the floor area (eg. stairs and stair openings, ducts, elevators, escalators). Floor area shall include all habitable areas, including mezzanines, finished attics and enclosed balconies.
12. For detached, semi-detached and townhouse dwellings, the floor areas of the unfinished basements, plumbing and decks shall not be included in the area calculations, but the fee is inclusive of these areas if proposed and constructed at the same time as the dwelling they serve.
13. No additional fee applies for sprinklers, fire alarms, electromagnetic locks, site servicing or other mechanical systems or equipment proposed and installed at the same time as the construction they serve.
14. Construction Value, as used in Item No. 14 and 15 of Schedule A Table 3, means the value of the proposed construction as determined by the Chief Building Official or a professional appraiser.

Schedule A – By-law 2017-122

ALTERNATE WITH CONTRIBUTIONS TO RESERVE ACCOUNT

Schedule A – By-law 2012-019

Table 4 - Fees Payable for Sewage System Permits and Reviews

Item	Type of Permit	Fee Payable				
		2022	2023	2024	2025	2026
1	Class 4 - up to 4,500L design daily sewage flows	900	918	937	956	975
2	Class 4 - 4,501L - 10,000L design daily sewage flows	1100	1122	1145	1168	1191
3	Class 4 - tank replacement or bed repair	425	434	443	452	461
4	Class 5 - holding tank	500	510	521	531	542
5	Class 2 - greywater system	400	408	417	425	433
6	Class 3 - cesspool	300	306	313	319	325
7	Existing System review for Addition/Renovation/Change of Use permit	225	230	235	239	244
8	Major Change to Permit Design Submission	275	281	287	292	298
9	Zoning/Official Plan Amendment/Site Plan Approval/Consent per lot (including lot line adjustment)/Minor Variance Application	300	306	313	319	325
10	Subdivision Application - per lot	300.00 per lot for first 5 + \$60.00 per lot after 5	306.00 per lot for first 5 + \$62.00 per lot after 5	313.00 per lot for first 5 + \$63.00 per lot after 5	319.00 per lot for first 5 + \$64.00 per lot after 5	325.00 per lot for first 5 + \$65.00 per lot after 5

Schedule B – By-law 2012-019

Table 1 - Documents & Drawings required for Permit Applications

Item	Class of Permit	Documents and Drawings Required
1(a)	Building Permit – Residential – New Buildings - Detached houses - Semi-detached houses - Triplexes - Fourplexes - Townhouses	Documents a. Applicable Law Checklist b. Mechanical Ventilation Design Summary c. Energy Efficiency Design Summary d. Application for Sewage System* e. Municipal Service Connection Form* f. Entrance Permit Application Drawings ² a. Approved Grading Plan b. Architectural Drawings c. Structural Drawings
1(b)	Building Permit – Residential Related to Existing as in 1(a) - Alterations - Additions - Accessory Buildings	Documents a. Applicable Law Checklist b. Energy Efficiency Design Summary* c. Application for Sewage System* d. Municipal Service Connection Form* Drawings ² a. Site Plan b. Approved Grading Plan (as required) c. Architectural Drawings – existing and proposed conditions d. Structural Drawings
2(a)	Building Permit - Non-residential and other residential not provided for in Row No 1(a) or 1(b). - New Buildings -Additions	Documents a. Applicable Law Checklist b. Energy Efficiency Design Summary c. Application for Sewage System* d. Municipal Service Connection Form* e. Commitment to General Reviews by Architect & Engineers f. Ontario Building code Data Matrix Drawings ² a. Approved Site Plan b. Approved Grading Plan (as required) c. Architectural Drawings– existing and proposed conditions d. Structural Drawings e. HVAC Drawings f. Plumbing Drawings g. Electrical Drawings h. Fire Protection Drawings i. Site Specific Reports j. Specifications
2(b)	Building Permit - Non-residential and other residential as in 2(a) - Alterations - Renovations -Tenant Occupancies	Documents a. Applicable Law Checklist b. Energy Efficiency Design Summary* c. Application for Sewage System* d. Municipal Service Connection Form * e. Commitment to General Reviews by Architect & Engineers f. Ontario Building Code Data Matrix

		<p>Drawings ²</p> <ul style="list-style-type: none"> a. Location Plan b. Architectural Drawings– existing and proposed conditions c. Structural Drawings d. HVAC Drawings e. Plumbing Drawings f. Electrical Drawings g. Fire Protection Drawings
3.	<p>Building Permits -Other than Items 1(a) to 2(b) above</p>	<p>Documents</p> <ul style="list-style-type: none"> a. Applicable Law Checklist b. Documents from Items 1(a) to 2(b), or other documents which are applicable to the scope of work proposed <p>Drawings ²</p> <ul style="list-style-type: none"> a. Drawings from Items 1(a) to 2(b) which are applicable to the scope of work proposed
4.	<p>Change of use Permit</p>	<p>Documents</p> <ul style="list-style-type: none"> a. Applicable Law Checklist b. Documents from Items 1(a) to 2(b), or other documents which are applicable to the scope of work proposed <p>Drawings</p> <ul style="list-style-type: none"> a. Location Plan b. Existing and Proposed Floor Plan c. Architectural Drawings d. HVAC Drawings
5.	<p>Demolition Permit</p>	<p>Documents</p> <ul style="list-style-type: none"> a. Applicable Law Checklist b. Demolition Plan Prepared by Professional Engineer * c. Commitment to General Reviews by Architect & Engineers * d. Completed Demolition Sign Off Sheet <p>Drawings</p> <ul style="list-style-type: none"> a. Site Plan
6.	<p>Sewage System Permit – under 10,000 litres/day</p>	<p>Documents</p> <ul style="list-style-type: none"> a. Applicable Law Checklist b. Sewage System Form Package <p>Drawings</p> <ul style="list-style-type: none"> a. Site Plan/Approved Grading Plan b. Floor Plans for all floors of structures served by the proposed system

*where applicable

Notes:

- The documents described in this schedule are available at any City of Kawartha Lakes Service Centre or on the website.

2. All drawings to be submitted in duplicate
3. The Chief Building Official may waive the requirements for any specified documents or drawings where the scope of the work, applicable law or building code requirements does not necessitate its submission.

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Schedule B – By-law 2012-019

Table 2 - Information Required on Drawings

Item	Drawing Type	Information Required	Class of Permit – Schedule B Table 1 Item					
			1(a)	1(b)	2(a)	2(b)	3	4
1.	Site Plan	a. Legal description, survey property lines, property dimensions, compass orientation, location and name of adjacent roads	X	X	X	X	X	
		b. Outline of all existing and proposed buildings and structures, building dimensions and their distance to property lines.	X	X	X			
		c. Dimensions and location of parking and vehicle access, fire routes, rights of way and easements	X	X	X	X	X	
		d. Location of well, septic, municipal services, hydro service	X	X	X			
2.	Grading Plan	a. Prepared by Ontario Land Surveyor	X		X			
		b. Include all items listed in Item 1 (a) – (d)	X		X			
		c. Location of catch basins, curb cuts, retaining walls, sidewalks	X		X			
		d. Existing and proposed elevations within the site and property lines, retaining wall elevation, slopes of driveways, drainage flow and swales	X		X			
3.	Structural	a. Foundation, floor and roof framing plans, footing, column and beam schedules, details and material specifications	X	X	X	X		
		b. Design specifications, live and dead loading, wind and snow loading, earthquake loading			X	X		
		c. Structural drawings sealed by a professional engineer for all structural elements not within the scope of Part 9 of the building code	X	X	X	X		
		d. Roof and floor truss drawings sealed by a professional engineer	X	X	X	X		
4.	Architectural	a. Existing plans showing construction and room and space identification of all floors		X	X	X		X
		b. Plans of all floors including basements complete with all rooms and room names	X	X	X	X		X
		c. Roof plan showing roof slope, drainage, roof and roofing construction details	X	X	X	X		

		d. Building elevations showing grade, floor and ceiling heights, overall building height, exterior finish materials, window heights and sizes and spatial separation requirements	X	X	X	X		
		e. Construction details including proposed wall section from footing to roof, specifications of all wall, floor and roof assemblies and all building materials and construction specifications	X	X	X	X		
		f. Stairs, guards and handrail dimensions and details, window sizes and height above floor level; location and fuel type of all fireplaces	X	X	X	X		
		g. Mezzanine plan showing construction, guardrails, egress			X	X		
		h. Location and details of barrier free entrances and barrier free washrooms			X	X		
		i. Reflected ceiling plans, bulkhead details, horizontal service shaft details			X	X		
		j. Roof equipment screening anchorage for window washing, roof access			X			
		k. Building cross sections showing grade, floor and ceiling heights, horizontal and vertical fire separations	X	X	X	X		
		l. Enlarged sections and detailed plans of washrooms and exit stairs			X	X		
		m. Wall sections, plan and section construction details			X	X		
		n. Exit stair enclosure, wall construction details, fire separations and listed design numbers, door numbers referenced to a door schedule			X	X		
		o. Door and hardware schedule, door and frame details, window schedule, room finish schedule			X	X		
5.	HVAC	a. Heating, ventilating and air conditioning plans, service shafts, equipment layout and schedules			X	X		
		b. Ventilation design summary	X					
		c. Fire damper locations, kitchen exhaust equipment			X	X		X
6.	Plumbing	a. Plumbing and drainage plans, location and sizing of under and above ground storm, sanitary and water supply piping and appurtenances			X	X		

		b. Location of fire stopping, specifications of plumbing and fire stopping materials	X	X	X	X		
7.	Electrical	a. Electrical supply and distribution plans, location of power and lighting outlets, equipment schedules, transformer locations			X	X		
		b. Location and specification of emergency lighting, emergency generators and exit signage			X	X		
8.	Fire Protection	a. Fire hydrant locations, sprinkler and standpipe distribution plans and schedules; sprinkler head layout, fire hose cabinet locations			X	X		
		b. Location and specification of emergency lighting, emergency generators and exit signage, fire alarm system annunciator, diagrams and specifications			X	X		
		c. Location of smoke alarms and carbon monoxide detectors	X	X	X	X		

Notes:

- Where indicated by an **X**, the information described is required to be included on the drawings for the class of permit specified.
- Required information may be located or consolidated on other drawings rather than the drawing specified in the schedule.
- The Chief Building Official may waive the requirement for any required information specified in this schedule due to limited scope of work, applicable law or building code requirements.

Schedule C – By-law 2012-019

Code of Conduct for Building Officials

Purpose

The purposes of this code of conduct are:

- To promote appropriate standards of behaviour by building officials in the exercise of their powers and performance of their duties.
- To prevent practices which may constitute an abuse of power, and
- To promote appropriate standards of honesty and integrity.

Standards of Conduct and Professionalism

Building Officials undertake at all times to:

1. Act in the public interest, particularly with regard to the safety of buildings and designated structures;
2. Maintain their knowledge and understanding of the best current building practice, the building laws and regulations relevant to their building certifying functions;
3. Commit themselves to a process of continuous education so as to constantly be aware of developments in building design, practice and the law relevant to their duties;
4. Comply with the provisions of the Building Code Act, the Building Code and any other Act or applicable Law that regulates or governs Building Officials of their functions;
5. Avoid situations where there may be, or where there may reasonably appear to be, a conflict between their duties to their clients, their profession, their peers and the public at large and their personal interests;
6. Not act beyond their level of competence or outside their area of expertise;
7. Apply all relevant building laws, regulations and standards strictly and without favour and independent of the influence of interested parties or members of municipal council;
8. Perform their inspections and certifying duties impartially and in accordance with the highest professional standards;
9. Not divulge any confidential or sensitive information or material, that they became privy to in the performance of their duties, except in accordance with laws governing freedom of information and protection of privacy;
10. Extend professional courtesy to all;
11. Not act officiously or permit personal feelings, prejudices, animosities or friendships to influence decisions;
12. Recognize the appointment under the Building Code Act as a symbol of public faith;
13. Maintain current accreditation to perform the functions assigned to them;
14. Take all reasonable steps to ascertain and document all available facts relevant to the performance of their duties; and,
15. Demonstrate compliance with all regulations and standards that govern building construction, health & safety or other matters related to their status as a building official.

Guideline for responding to misconduct allegations

The Building Code Act provides that the performance of Building Officials will be measured against this code of conduct. In response to any allegation of a breach of this code, the Chief Building Official shall direct an investigation and where appropriate, recommend disciplinary action against any Building Official who fails to comply with this code of conduct. Where the allegation is against the chief building official, the Director of Development Services and/or the Chief Administrative Officer will direct the investigation and make such recommendations as are reasonable.

In determining the appropriate discipline, the Chief Building Official or the Director of Development Services and/or the Chief Administrative Officer will have regard to the relevance of the conduct to the official's powers and responsibilities as well as the severity of any misconduct.

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The Corporation of The City of Kawartha Lakes

Office Consolidation of By-Law 2012-019

Consolidated on January 4, 2021

Passed by Council on February 7, 2012

Amendments:

- | | | |
|--------------------|-------------------|---|
| 1) By-law 2014-114 | April 8, 2014 | Sections 2.08, 3.01, 3.03, 4.01, 4.02, 5.01, 6.03, 7.02, 10.00, & Schedules A & B |
| 2) By-law 2016-132 | June 28, 2016 | Section 10.02 |
| 3) By-law 2017-122 | June 6, 2017 | Section 3.04, 3.13, 3.14, 4.05, 4.06, 6.09, 6.10 & Schedules A & B |
| 4) By-law 2018-026 | March 5, 2018 | Section 3.17, 4.08, Schedule A |
| 5) By-law 2019-075 | April 23, 2019 | Section 1.07 and Schedule C |
| 6) By-law 2020-153 | December 15, 2020 | Section Schedule A |

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

The Corporation of The City of Kawartha Lakes

By-Law 2012-019

**A By-Law to Provide for the Administration and Enforcement
of the Building Code Act, 1992 within The City of Kawartha
Lakes**

Recitals:

1. Whereas Subsection 3(1) of the Building Code Act, 1992, S.O. 1992, chapter 23, provides that the Council of The Corporation of the City of Kawartha Lakes is responsible for the enforcement of the Building Code Act, 1992 within the City of Kawartha Lakes; and
2. Whereas Section 7 of the Building Code Act, 1992 authorizes the Council of a municipality to pass certain By-laws prescribing classes of permits, permit application documents, fees, inspections and other related matters.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2012-019.

Section 1.00: Definitions and Interpretation

1.01 This By-law may be cited as the Building By-law.

1.02 **Definitions:** In this By-law

- (a) **“act”** means the Building Code Act, 1992, S.O. 1992, chapter 23 as amended;
- (b) **“alternative solution”** means a substitute for an acceptable solution, proposed by an applicant pursuant to Division A, article 1.2.1.1. of the Ontario Building Code;
- (c) **“as constructed plans”** means as constructed plans as defined in the building code
- (d) **“applicant”** means a person who applies for a permit and includes any person authorized by an owner to apply for a permit on the owner’s behalf;
- (e) **“architect”** means a holder of a licence, a certificate of practice, or a temporary licence under the Architect’s Act as defined in the building code;
- (f) **“building”** means a building as defined in Subsection 1(1) of the Act;
- (g) **“building code”** means the regulations made under Section 34 of the Act;
- (h) **“Chief Building Official”** means the person appointed by the Council as the Chief Building Official for the purpose of enforcement of the Act or the Deputy Chief Building Official acting in the capacity of the Chief Building Official from time-to-time in respect to Section 1.1.(6)(c) of the Act;
- (i) **“construction value”** means the value prescribed by the Chief Building Official to represent the total value of all work, services and material associated with the construction for which a permit is applied;
- (j) **“Council”** means the Council of the Corporation of the City of Kawartha Lakes

- (k) **“deficient permit”** means a permit in respect of which,
- (i) an inspection notice or order to comply has been issued by an inspector, or
 - (ii) an inspection required under the building code of this By-law that has not been arranged
- and six months or more have elapsed after the date the notice was issued or the inspection was required;
- (l) **“Deputy Chief Building Official”** means the person appointed by the Council as the Deputy Chief Building Official for the purpose of enforcement of the Act;
- (m) **“holiday”** means days when the offices of the City of Kawartha Lakes are not open for transaction of business with the public;
- (n) **“inspector”** means an inspector appointed by by-law by the Corporation of the City of Kawartha Lakes for the purposes of enforcement of the Act;
- (o) **“municipal housing project facilities”** means the municipal housing project facilities class of municipal capital facilities, as set out in Ontario Regulation 46/94, as amended.
- (p) **“owner”** means the registered owner of the land upon which is located, or will be located, the building or part thereof for which an application for a permit is, or has been made;
- (q) **“permit”** means permission or authorization given, in writing, by the Chief Building Official;
- (i) to perform work regulated by the Act or the building code or both;
 - (ii) to change the use of a building or part of a building as regulated by the Act or the building code or both, or
 - (iii) to occupy a building or part thereof;
- (r) **“permit holder”** means an owner to whom a permit has been issued, or where a permit has been transferred, the transferee;
- (s) **“professional engineer”** means a person who holds a licence or a temporary licence under the Professional Engineer’s Act;

- (t) **“registered code agency”** means a person or an entity that has the qualifications and meets the requirements set out in the Act; and
 - (u) **“restricted access lot”** means a parcel of land that does not have a municipally maintained road to any of its property lines and requires specialized transportation for inspection purposes.
- 1.03 Any word or term not defined in this By-law shall have the meaning ascribed to it in the Act or the building code.
- 1.04 The schedules attached to this by-law shall form part of this by-law and shall be enforceable as such.
- 1.05 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, which are applicable within the Province of Ontario.
- 1.06 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.
- 1.07 **Code of Conduct for Building Officials:** Chief Building Official, Deputy Chief Building Officials and inspectors appointed by Council under subsection 3(2) of the Building Code Act, 1992, shall be governed by the Code of Conduct set out in Schedule “C” to this By-law, with respect to exercising powers and performing duties under the Building Code Act.

2019-075 effective April 23, 2019

Section 2.00: Classes of Permits

- 2.01 **Building Permit:** A Building Permit is a Permit respecting the complete construction of a building or part of a building.
- 2.02 **Partial Building Permit:** A Partial Building Permit is a Permit respecting the partial construction of a building or part of a building.
- 2.03 **Conditional Building Permit:** A Conditional Building Permit is a Permit respecting the construction of a building subject to conditions imposed pursuant to subsection 8(3) of the Act.
- 2.04 **Demolition Permit:** A Demolition Permit is a Permit respecting the demolition of a building or part of a building.
- 2.05 **Change of Use Permit:** A Change of Use Permit is a Permit respecting a change in use of a building or part of a building which results in an increase

in hazard as determined by the Chief Building Official in accordance with the building code.

- 2.06 **Site Servicing Permit:** A Site Servicing Permit is a Permit respecting the exterior underground services (i.e. water, sanitary, drainage mains and appurtenances) on a property servicing one or more buildings.
- 2.07 **Occupancy Permit:** An Occupancy Permit is a permit respecting the authorization to occupy an unfinished building under Division C, article 1.3.3.1. of the building code.
- 2.08 **Sewage System Permits:** A Sewage System Permit is a Permit respecting the installation or repair of on-site sewage systems (with daily design flows less than ten thousand (10,000) litres).”

2014-114, effective April 8, 2014

Section 3.00: Permit Applications and Issuance

- 3.01 An Applicant shall file a complete application on the form prescribed by the Act and available from the Chief Building Official or from the Province of Ontario, together with the applicable requirements set out in 3.02 to 3.08.
2014-114, effective April 8, 2014
- 3.02 **Building Permits:** Every application for a building permit under Subsection 8(1) of the Act shall,
- (a) identify and describe in detail the work to be done and the existing and proposed use and occupancy of the building, or part thereof, for which the application for a permit is made;
 - (b) be accompanied by the plans, specifications, documents and other information prescribed in Section 4.00 and Schedule B;
 - (c) be accompanied by the appropriate fee calculated in accordance with Schedule A.
- 3.03 **Sewage System Permits:** Every application for a sewage system permit under Subsection 8(1) of the Act shall,
- (a) Identify and describe in detail the work to be done and the existing and proposed use and occupancy of the building, or part thereof, for which the application for a sewage system permit is made;
 - (b) Be accompanied by the plans, specifications, documents and other information prescribed in Section 4.00 and Schedule B; and
 - (c) Be accompanied by the appropriate fee calculated in accordance with Schedule A.

3.04 **Demolition Permits:** Every application for a demolition permit under Subsection 8(1) of the Act shall,

- (a) identify and describe in detail the work to be done and the existing use and occupancy of the building, or part thereof, for which the application for a permit is made, and the proposed use and occupancy of that part of the building, if any, that will remain upon completion of the demolition;
- (b) be accompanied by the plans, specifications, documents and other information prescribed in Section 4.00 and Schedule B;
- (c) be accompanied by the appropriate fee calculated in accordance with Schedule A Table 2; and
- (d) be accompanied by confirmation that arrangements have been made with the proper authorities for the safe and complete disconnection of all existing municipal water and sewer, natural gas, electrical service, telephone and other utilities.

By-law 2017-122, effective June 6, 2017 or January 1, 2018

3.05 **Partial Building Permits:** Every application for a partial building permit shall,

- (a) Include an application for the entire project;
- (b) Include plans and specifications covering the part of the work for which more expeditious approval is desired, together with such information, plans and specifications pertaining to the remainder of the work as may be required by the Chief Building Official; and
- (c) be accompanied by the appropriate fee calculated in accordance with Schedule A.

3.05 **Conditional Building Permits:** Every application for a conditional building permit under Subsection 8(3) of the Act shall,

- (a) comply with the requirements set out in Section 3.02 in this By-law; and
- (b) be accompanied by,
 - (i) a written statement from the applicant explaining why the applicant believes that unreasonable delays in construction would occur if a conditional building permit is not issued;

- (ii) a written acknowledgement from the applicant of the necessary approvals which must be obtained in respect of the proposed construction and the time period in which such approvals shall be obtained by the applicant;
 - (iii) a written agreement, in a form provided by the Chief Building Official, executed by the applicant, the owner and such other necessary persons the Chief Building Official determines for the purposes set out in clause 8(3)(c) of the Act; and
 - (iv) the conditional permit fee in accordance with Schedule A.
- 3.06 The Chief Building Official is hereby authorized to execute on behalf of The Corporation of the City of Kawartha Lakes the written agreement referred to in clause 3.04(b)(iii) as part of the conditional building permit application.
- 3.07 **Change of Use Permits:** Every application for a change of use permit under Subsection 10(1) of the Act shall,
 - (a) identify and describe in detail the existing and proposed use and occupancy of the building, or part thereof, for which the application for a permit is made;
 - (b) be accompanied by plans and specifications which show the current and proposed occupancy of all parts of the building and which contain sufficient information to establish compliance with the building code, including, but not necessarily limited to, floor plans and details of wall, ceiling and roof assemblies identifying existing fire resistance ratings and load bearing capacities;
 - (c) be accompanied by the appropriate fee in accordance with Schedule A Table 2; and
 - (d) be accompanied by the completed documents prescribed in Schedule B.
- 3.08 **Occupancy Permits for Unfinished Buildings:** Every request for authorization to occupy an unfinished building under Division C, Article 1.3.3.1. of the building code shall,
 - (a) identify and describe in detail the occupancy, the date of such occupancy, and the building or part thereof for which the request for a permit is made;
 - (b) be accompanied by plans which show the areas of the proposed occupancy; and

- (c) if request is made after occupancy occurs, be accompanied by the administration fee in accordance with Schedule A Table 2.
- 3.09 Every request for authorization to occupy an unfinished building under Division C, article 1.3.3.4. of the building code shall,
 - (a) identify the building or part thereof for which the request for a permit is made; and
 - (b) if request is made after occupancy occurs, be accompanied by the administration fee in accordance with Schedule A Table 2.
- 3.10 **No Implied Future Permits:** The Chief Building Official shall not, by reason of the issuance of a Conditional Permit or a Partial Permit, be under any obligation to grant any further Permits.
- 3.11 **Revision to Issued Permit:** Should a permit holder wish to make any material change to any plan, specification, document or other information on the basis of which the permit was issued, the permit holder shall file an application for a revision to the permit which describes the material changes, and shall pay the fee set out in Schedule A.
- 3.12 **Incomplete Permit Applications:** An application shall be deemed not to be complete according to Division C, Sentence 1.3.1.3.(5) of the building code, where any of the applicable requirements of Sections 3.01 to 3.07 have not been complied with.
- 3.13 **Abandoned Permit Applications:** An application for a permit shall be deemed to have been abandoned by the applicant where the application is incomplete according to Section 3.12 and remains incomplete twelve months after it was submitted.

By-law 2017-122, effective June 6, 2017 or January 1, 2018
- 3.14 Where an application is deemed abandoned, one copy of all submitted plans, specifications and documents shall be retained by the municipality. Subsequent copies shall be disposed of, or upon written request from the applicant, returned to the applicant at their own expense.

By-law 2017-122, effective June 6, 2017 or January 1, 2018
- 3.15 **Transfer of Permits:** If the owner of the land changes after a permit has been issued, the permit may be transferred to the new owner (the “transferee”) of the lands where an application is filed with the City in writing, in accordance with this section and shall include,
 - (a) proof of ownership of the lands by the transferee satisfactory to the Chief Building Official;

- (b) confirmation that the work to be done and the existing and proposed use and occupancy of the building or part thereof, for which the application for the transfer of the permit is made, is the same as that identified and described on the application of the permit;
 - (c) the name, address, telephone number, facsimile number and email address of the proposed designer, architect and/or professional engineer, and their building code qualifications, where they are different from those identified in the application for the permit, or a written confirmation from the designer, architect and/or professional engineer(s), that they have been retained to continue to provide design services in respect to the project;
 - (d) where the proposed transferee is a builder as defined in the Ontario New Home Warranties Plan Act, the proposed transferee's registration number under that Act; and
 - (e) the appropriate fee in accordance with Schedule A Table 1.
- 3.16 Upon the issuance of transfer of a permit to the transferee, the transferee shall be deemed to be the permit holder and the original permit holder shall have no further rights or obligations under the permit save and except for any obligations set out in any agreements entered into for the purposes of clause 8(3)(c) of the Act.
- 3.17 Every application for a building permit under 8(1) which proposed to use a Registered Code Agency, as outlined in Section 4.2 of the Act shall,
- (a) Be accompanied by such information as may be prescribed by the regulation, as well as such information required elsewhere in Section 3.00 of this by-law;
 - (b) Be accompanied by the notice required in Subsection 15.14(1) of the Act;
 - (c) Clearly outline which functions, as listed in Section 15.15 of the Act, the Registered Code Agency is appointed to perform with respect to the application; and
 - (d) Be accompanied by the appropriate fee calculated in accordance with Schedule A.

Section 4.00: Plans and Specifications

- 4.01 Every applicant shall submit sufficient plans, specifications, documents and other information to enable the Chief Building Official to determine whether the proposed building, construction, sewage system, demolition or change of use will contravene the Act, the building code or any other applicable law.

By-law 2014-114, effective April 8, 2014

- 4.02 The Chief Building Official shall determine the plans, specifications, documents and other information required to be submitted with an application in order to deem it complete according to Division C, Sentence 1.3.1.3.(5) of the building code, having regard for the scope of the proposed work and the requirements of the building code, the Act and other applicable law, the requirements of this Section and Schedule B.

By-law 2014-114, effective April 8, 2014

- 4.03 Plans, specifications, documents and other information shall be submitted in a permanent medium upon paper or other suitable and durable material and shall contain text that is legible and drawings that are legible, complete, fully dimensioned and to scale.

- 4.04 Site plans submitted by an applicant shall be referenced to a current plan of survey prepared and certified by an Ontario Land Surveyor, and a copy of the survey shall accompany the site plan submission, except where the Chief Building Official waives the requirement to do so.

- 4.05 On the completion of the foundation for a detached, semi-detached, triplex, fourplex or townhouse dwelling, the applicant shall submit to the Chief Building Official confirmation from an Ontario Land Surveyor certifying the location and elevation of the top of the foundation wall and confirming general conformity with the approved site grading plan, prior to a framing inspection being undertaken.

By-law 2017-122, effective June 6, 2017 or January 1, 2018

- 4.06 On the completion of the construction of a building, or part of a building, the Chief Building Official may require submission of a set of plans of the building or part of a building, as constructed, together with a plan of the survey prepared and certified by an Ontario Land Surveyor showing the location of the building.

- 4.07 Where an application to construct a residential dwelling type, as listed in 4.05, relates to a property with an area greater than 0.4 hectare (1 Acre), the requirement to submit a lot grading and drainage plan prepared by an Ontario Land Surveyor is waived provided the dwelling is located such that the minimum setbacks are equal to five times the required setback, as regulated by the applicable zoning by-law, save and except an exterior/flankage side yard is a minimum two times the required setback.

Further, where the above factors result in a setback requirement greater than 30m, this will be deemed sufficient.

By-law 2017-122, effective June 6, 2017 or January 1, 2018

- 4.08 Where an applicant elects to use a Registered Code Agency under Section 4.2 of the Act, the Registered Code Agency shall submit to the Chief Building Official all required documentation, reports, notices, orders, certificates, etc., as required by Section 4.2 of the Act, including but not limited to plans review certificates, change certificates, inspection reports and final certificates.

By-law 2018-026, effective March 6, 2018

Section 5.00: Authorization of Alternative Solutions

- 5.01 Where the prescriptive requirements or acceptable solutions of Division B of the building code are not met, the Chief Building Official may approve an alternative solution under Division C, Part 2 of the building code. An alternative solution proposal may be requested for a system or building design at the time of permit application, or if a material change is necessary to a plan, specification, document or other information on the basis of which a permit is issued. The applicant shall submit,

- (a) A completed "Application for an Alternative Solution" on the form available from the Chief Building Official;
- (b) A description of the applicable objectives, functional statements and acceptable solutions;
- (c) a description of the proposed material, system or building design for which authorization is sought;
- (d) Supporting documentation demonstrating that the proposed material system or building design will provide the level of performance required by the building code; and
- (e) Payment of the required fee as set out in Schedule A Table 1.

By-law 2014-114, effective April 8, 2014

- 5.02 The Chief Building Official or registered code agency may accept or reject any proposed alternative solutions and may impose conditions or limitations on their use.
- 5.03 Alternative solutions that are accepted under this section shall be applicable only to the location described in the application, and are not transferable to any other permit.

Section 6.00: Fees and Refunds

- 6.01 The Chief Building Official, or designate, shall determine the fee to be paid with every permit application, calculated in accordance with Schedule A and the fee shall be due and payable, in full, upon the submission of the application for a permit.
- 6.02 Administrative fees imposed after issuance of a permit are due at the time the service is requested or required, in accordance with Schedule A.
- 6.03 A minimum permit fee of \$150.00 shall be charged for all work unless otherwise stated in this by-law.

By-law 2014-114, effective April 8, 2014

- 6.04 Where an application for a permit is subject to additional fees prescribed by the City, the fees so prescribed shall be paid in addition to the fees set out in Schedule A.
- 6.05 **Fee Refunds:** Where an application for a permit is withdrawn, in writing, abandoned or where a permit is denied or revoked by the Chief Building Official, upon written request of the applicant the Chief Building Official shall determine what proportion of the permit fees, if any, may be refunded in accordance with this Section, based upon the functions undertaken by the City, as follows:
- (a) Eighty-five (85%) percent of the permit fee paid if the application is withdrawn or abandoned after the permit is entered on the City's permit control system;
 - (b) Seventy-five (75%) percent of the permit fee paid if the application is withdrawn or abandoned after internal departmental circulation (i.e. zoning, site plan control, grading, etc.);
 - (c) Sixty-five (65%) percent of the permit fee paid if the application is withdrawn or abandoned after preliminary plans review has been performed;
 - (d) Fifty-five (55%) percent of the permit fee paid if the application is withdrawn or abandoned after final plans review has been completed; and
 - (e) Forty-five (45%) percent of the permit fee paid if the application is withdrawn or abandoned after the permit has been issued.
- 6.06 Administrative fees are non-refundable.

- 6.07 Any amount authorized by the Chief Building Official to be refunded shall be paid to the person named on the fee receipt issued by the City upon original payment of the fee, unless that person directs, in writing, that it be refunded to another person.
- 6.08 **Where Refunds Not Available:** No refund of any portion of the permit fee paid shall be made in the following circumstances:
- (a) Where any construction or demolition has commenced;
 - (b) Where at least one (1) field inspection has been made;
 - (c) Where the calculation in accordance with Section 6.05 yields a payment of less than one hundred (\$100.00) dollars;
 - (d) Where a permit was revoked (except where the revocation is due to an error by the City); and
 - (e) In circumstances where the application has been deemed to have been abandoned in accordance with Section 3.12 of this by-law, and the applicant has not contacted the city for a period of longer than twelve (12) months.
- 6.09 Should it be deemed necessary upon the completion of an Existing Sewage System Review application that the Sewage System requires upgrading, the fees paid in relation to the Existing System Review application will be deducted from fees applicable to Full System Replacement or Holding Tank.
By-law 2017-122, effective June 6, 2017 or January 1, 2018
- 6.10 All flat fees shall be rounded up to the next whole dollar. All other fees shall be rounded up to the next quarter dollar (0.25 cents).
By-law 2017-122, effective June 6, 2017 or January 1, 2018

Section 7.00: Inspection Notices

- 7.01 A notice required to be given by a permit holder to the Chief Building Official or registered code agency pursuant to Division C, Subsection 1.3.5. of the building code shall be given to the Chief Building Official or registered code agency at least two days in advance of the construction stage in which notice is being given. For the purpose of inspection notices, the term day means any Monday, Tuesday, Wednesday, Thursday or Friday other than a holiday.
- 7.02 A notice required to be given by a sewage system permit holder to the Chief Building Official or registered code agency pursuant to Division C, Subsection 1.3.5. of the building code shall be given to the Chief Building Official or registered code agency at least five days in advance of the

construction stage in which notice is being given. For the purpose of inspection notices, the term day means any Monday, Tuesday, Wednesday, Thursday or Friday other than a holiday

By-law 2014-114, effective April 8, 2014

- 7.03 A notice given to the Chief Building Official, inspector, or registered code agency pursuant to Division C, Subsection 1.3.5 of the building code and this Section shall not be effective until actually received by the Chief Building Official, inspector or registered code agency as the case may be.
- 7.04 In addition to the notices prescribed by the building code, the permit holder shall also give notice to the Chief Building Official or registered code agency of the following stages of construction:
- (a) commencement of construction of,
 - (i) masonry fireplaces and masonry chimneys;
 - (ii) factory-built fireplaces and allied chimneys; or
 - (iii) stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys.

Section 8.00: Enforcement and Penalties

- 8.01 Any person who contravenes any provision of this By-law is guilty of an offence and, upon conviction, is liable to the provisions and penalties prescribed in the Act.
- 8.02 In addition to any penalties imposed through prosecution of an offence pursuant to this By-law, the City is entitled to use all legal means at its disposal to collect the fees applicable pursuant to this By-law. Any and all collection methods lawfully applicable may be relied upon, including placement of unpaid fees on the tax collector's roll for the property in question.

Section 9.00: Administration and Effective Date

- 9.01 **Administration of the By-law:** The Chief Building Official is responsible for the administration of this by-law.
- 9.02 **Review of By-law:** The Chief Building Official shall review the by-law both annually and coinciding with the building code cycle to ensure compliance with legislation.
- 9.03 **Effective Date:** This By-law shall come into force on the date it is finally passed.

Section 10.00: Exemptions

10.01 Despite sections 3.02 (c), for the lands known as Plan 93 Lots 3 & 4 & Pt Lot 5 & Plan 8P Pt Pk Lot E, RP57R2331, that the building permit fees applicable to the proposed construction of the five single and/or semi-detached dwellings to be constructed by Habitat for Humanity Peterborough & District on the Hamilton Street, Lindsay, property as outlined in Council Report SH2014-002, be waived.

By-law 2014-114, effective April 8, 2014

10.02 Despite sections 3.02 (c), that the building permit fees applicable to the private servicing for the properties located within the mandatory connect pilot project being undertaken in Fenelon Falls commencing in 2016 as outlined in July 2014 Council presentation titled "WWW Mandatory Connects and Stormwater Disconnect Correct Program", be waived."

By-law 2016-132, effective June 28, 2016

By-law read a first, second and third time, and finally passed, this 7th day of February, 2012.

Ric McGee, Mayor

Judy Currins, City Clerk

Schedule A – By-law 2012-019

By-law 2014-114, effective April 8, 2014
By-law 2017-122, effective June 6, 2017 or January 1, 2018

Table 1 - **Administration Fees**

Item	Type of Fee	Fee Payable
1	Where work has commenced prior to issuance of a permit	Applicable fee from Schedule A Table 2 plus an increase of 100%
2	Where Schedule A Table 1 Item 1 applies and where a minor variance from the applicable zoning by-law would be required	Fee calculated as per Schedule A Table 1 Item 1 plus an additional increase of 100%
3	Partial Building Permit	10% of applicable fee from Schedule A Table 2, with a minimum of \$100.00 and a maximum of \$500.00
4	Conditional Building Permit	10% of applicable fee from Schedule A Table 2, with a minimum of \$100.00 and a maximum of \$1000.00
5	Transfer of Permit	\$150.00
6	Minor Revision to Plans which have already been examined by the City – constitutes less than 25% of the design	\$150.00
7	Major Revision/Full Design Replacement to Plans which have already been examined by the City	50% of original fee paid, with a minimum of \$100 and a maximum of \$500
8	Re-inspection to correct identified deficiencies	1 free inspection per category then \$150.00/inspection
9	Alternative Solution Application/Evaluation	\$1,000.00

10	Retrieval of building or sewage permit records from archives – request must be in writing	\$25.00 plus additional \$50.00 if request results in an inspection being required
11	Liquor License Approval requests which result in an on-site inspection	\$50.00
12	Site inspection to determine Occupant Load	\$50.00
13	Building and Septic Compliance Letter	\$150.00
14	Inspection resulting from file greater than 2 years old	\$50.00 per inspection
15	Records Archival Fee	\$10.00 per file

Schedule A – By-law 2018-026

Schedule A – By-law 2012-019

Table 2 - Fees Payable for Building Permits

Item	Class of Permit	Fee Payable
1	Building Permit	See Schedule A Table 3
2	Sewage System Permit – under 10,000 litres/day	See Schedule A Table 4
3	Demolition Permit	
	Requiring a Professional Engineer's review as required by OBC	\$300.00
	All others	\$150.00
4	Conditional Building Permit	Applicable fee from Schedule A Table 3 plus administration fee from Schedule A Table 1
5	Change of Use Permit	\$200.00
6	Partial Building Permit	Applicable fee from Schedule A Table 3 plus administration fee from Schedule A Table 1
7	Site Servicing Permit where application is filed separately from remainder of construction permit – no additional fee if included with construction permit it serves	2.5% of Construction Value
8	Occupancy Permit for Unfinished Building, where occupancy has occurred without an occupancy permit	\$150.00
9	Mandatory Maintenance Inspection Program Inspections , where the inspection does not occur during the annual scheduled time slot for the property	\$125.00
10	Permits for Restricted Access Lots	Twice the otherwise applicable fee pursuant to this By-law
11	Applicant Appointed RCA Permit for which an RCA is appointed for plans review stage only	65% of applicable fee from Schedule A Table 2

12	Applicant Appointed RCA Permit for which an RCA is appointed for inspection stage only	35% of applicable fee from Schedule A Table 2
13	Applicant Appointed RCA Permit for which an RCA is appointed for both plans review stage and inspection stage	25% of applicable fee from Schedule A Table 2

Schedule A – By-law 2017-122

Schedule A – By-law 2012-019

Table 3 - Fees Payable for Building Permits

Item	New Buildings and Additions					
		2018	2019	2020	2021	2022
1	Residential Occupancies					
	for each square meter of floor area or part thereof	\$12.00	\$12.25	\$12.50	\$12.75	\$13.25
	Municipal Housing Project Facilities that have entered into agreements with the City of Kawartha Lakes under the authority of by-law enacted pursuant to Paragraph 18, Section 2 of O. Reg. 46/94, as amended	Fees for those portions of a building meeting this criteria – waived All other floor areas falling outside of the scope of the MHP agreement – applicable fee in Schedule A				
2	Garages, boathouses, foundations, unenclosed porches and sheds not included in Item 4					
	for each square meter of floor area or part thereof	\$6.50	\$6.75	\$7.00	\$7.25	\$7.50
3	Relocation of Existing Structures - including factory-built houses					

	(CAN/CSA-A277), mobile homes (CAN/CSA-Z240), park model trailers (CAN/CSA-Z241)					
	full basement or crawl space - for each square meter of floor area or part thereof	\$6.50	\$6.75	\$7.00	\$7.25	\$7.50
	all other foundation types	\$402.00	\$411.00	\$420.00	\$429.00	\$438.00
4	Minor residential structures and plumbing only, including decks, gazebos, partitioning of a basement, wood stove, tents on residential properties, storage shed (up to 20m ² & not including door >1.8m), water and sewer connection and other similar minor projects associated with residential use	\$150.00	\$153.00	\$157.00	\$161.00	\$165.00
5	Institutional Occupancies					
	for each square meter of floor area or part thereof	\$16.00	\$16.50	\$17.00	\$17.50	\$18.00
6	Commercial Occupancies					
	Shell - for each square meter of floor area or part thereof	\$14.50	\$15.00	\$15.50	\$16.00	\$16.50

	Interior partitioning and finishing - for each square meter of floor area or part thereof	\$5.00	\$5.25	\$5.50	\$5.75	\$6.00
7	Industrial Occupancies					
	for each square meter of floor area or part thereof	\$10.00	\$10.25	\$10.50	\$10.75	\$11.00
8	Minor non-residential structures and plumbing only, including school portables (each) temporary prefabricated trailers (each), temporary tent (each) and other similar minor structures associated with non-residential use	\$365.00	\$373.00	\$381.00	\$389.00	\$397.00
	Agricultural Buildings					
9	for each square meter of floor area or part thereof	\$3.00	\$3.25	\$3.50	\$3.75	\$4.00
10	Sign relating to Ontario Building Code requirements	\$150.00	\$153.00	\$157.00	\$161.00	\$165.00
11	Designated structures as defined by the Ontario Building Code					

	wind turbine facilities regulated by Environmental Protection Act, per thousand dollars of construction value, or part thereof	\$17.50	\$18.00	\$18.50	\$19.00	\$19.50
	all other designated structures (building mounted solar per roof face), per structure	\$402.00	\$411.00	\$420.00	\$429.00	\$438.00
12	Lands owned by and used for the purposes of the City of Kawartha Lakes	Otherwise applicable fee pursuant to this By-law – waived				
13	Alterations to existing buildings (not provided for in Items 1 to 12), per thousand dollars of construction value, or part thereof	\$18.50	\$19.00	\$19.50	\$20.00	\$20.50

For the proper interpretation and application of this Schedule, see Notes following.

Notes:

1. In order to determine the applicable occupancy, recourse shall be had to the building code and its appendices.
2. Floor area shall be measured to the outer face of exterior walls and to the centerline of party walls or demising walls. No deductions shall be made for openings within the floor area (eg. stairs and stair openings, ducts, elevators, escalators). Floor area shall include all habitable areas, including mezzanines, finished attics and enclosed balconies. The following shall apply to Schedule A Table 3:
 - (a) **Institutional Occupancies:** The “Institutional Occupancies” rate shall apply to the floor areas of floors, which are principally

of institutional use. Other rates shall be applied to other floors based on the principal use of the total floor area.

- (b) **Residential Occupancies:** The “Residential Occupancies” shall apply to the floor areas of the floors, which are principally of residential use. Other rates shall be applied to other floors based on the principal use of the total floor area. For detached, semi-detached and townhouse dwellings, the floor areas of the unfinished basements and decks shall not be included in the area calculations, but the fee is inclusive of these areas if proposed and constructed at the same time as the dwelling they serve.

By-law 2020-153 Effective December 15, 2020

- (c) **Commercial Occupancies:** The “Commercial Occupancies” rate shall apply to the floor areas of floors, which are principally of business and personal service or mercantile use. Other rates shall be applied to other floors based on the principal use of the total floor area.

- (d) **Industrial Occupancies:** Each “Industrial Occupancies” rate includes incidental finished office space to a maximum of 10% of the total floor area. The “Interior Partitioning and Finishing” rate shall be applied where additional finished space is provided. Other rates shall be applied to other floors based on the principal use of the total floor area.

3. “Construction Value”, as used in Item No. 11 and 13 of Schedule A Table 3, means the value of the proposed construction as determined by the Chief Building Official or a professional appraiser.
4. No additional fee applies for sprinklers, fire alarms, electromagnetic locks, or other mechanical systems or equipment proposed and installed at the same time as the construction they serve.
5. A minimum permit fee of \$150.00 shall be charged for all work as referenced in clause 6.03.

Schedule A – By-law 2017-122

Schedule A – By-law 2012-019

Table 4 - Fees Payable for Sewage System Permits and Reviews

Item	New Buildings and Additions	Fee Payable				
		2018	2019	2020	2021	2022
1	Class 4 - up to 6,000L design daily sewage flows	\$704.00	\$719.00	\$734.00	\$749.00	\$764.00
2	Class 4 - 6,000L - 10,000L design daily sewage flows	\$904.00	\$923.00	\$942.00	\$961.00	\$981.00
3	Class 4 - tank replacement or bed repair	\$350.00	\$357.00	\$365.00	\$373.00	\$381.00
4	Class 5 - holding tank	\$450.00	\$459.00	\$469.00	\$479.00	\$489.00
5	Class 2 - greywater system	\$350.00	\$357.00	\$365.00	\$373.00	\$381.00
6	Class 3 - cesspool	\$271.00	\$277.00	\$283.00	\$289.00	\$295.00
7	Existing System review for Addition/Renovation/Change of Use permit	\$200.00	\$204.00	\$209.00	\$214.00	\$219.00
8	Major Change to Permit Design Submission	\$200.00	\$204.00	\$209.00	\$214.00	\$219.00
9	Zoning/Official Plan Amendment/Site Plan Approval/Consent per lot (including lot line adjustment)/Minor Variance Application	\$250.00	\$255.00	\$261.00	\$267.00	\$273.00

10	Subdivision Application - per lot	\$250 per lot for first 5 + \$50 per lot after 5	\$255 per lot for first 5 + \$51 per lot after 5	\$261 per lot for first 5 + \$53 per lot after 5	\$267 per lot for first 5 + \$55 per lot after 5	\$273 per lot for first 5 + \$57 per lot after 5
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Schedule B – By-law 2012-019

By-law 2014-114, effective April 8, 2014
By-law 2017-122, effective June 6, 2017 or January 1, 2018

Table 1 - Documents & Drawings required for Permit Applications

Item	Class of Permit	Documents and Drawings Required
1(a)	Building Permit – Residential – New Buildings - Detached houses - Semi-detached houses - Triplexes - Fourplexes - Townhouses	Documents a. Applicable Law Checklist b. Mechanical Ventilation Design Summary c. Application for Sewage System* d. Municipal Water and Wastewater Request for Information Form* e. Entrance Permit Application Drawings ² a. Approved Grading Plan b. Architectural Drawings c. Structural Drawings
1(b)	Building Permit – Residential Related to Existing as in 1(a) - Alterations - Additions - Accessory Buildings	Documents a. Applicable Law Checklist b. Application for Sewage System* c. Municipal Water and Wastewater Request for Information Form* Drawings ² a. Site Plan b. Approved Grading Plan (as required) c. Architectural Drawings – existing and proposed conditions d. Structural Drawings
2(a)	Building Permit - Non-residential and other residential not provided for in Row No 1(a) or 1(b). - New Buildings -Additions	Documents a. Applicable Law Checklist b. Application for Sewage System* c. Municipal Water and Wastewater Request for Information Form* d. Commitment to General Reviews by Architect & Engineers e. Ontario Building code Data Matrix Drawings ² a. Approved Site Plan b. Approved Grading Plan (as required)

		<ul style="list-style-type: none"> c. Architectural Drawings– existing and proposed conditions d. Structural Drawings e. HVAC Drawings f. Plumbing Drawings g. Electrical Drawings h. Fire Protection Drawings i. Site Specific Reports j. Specifications
2(b)	Building Permit - Non-residential and other residential as in 2(a) <ul style="list-style-type: none"> - Alterations - Renovations -Tenant Occupancies 	Documents <ul style="list-style-type: none"> a. Applicable Law Checklist b. Application for Sewage System* c. Municipal Water and Wastewater Request for Information Form * d. Commitment to General Reviews by Architect & Engineers e. Ontario Building Code Data Matrix Drawings ² <ul style="list-style-type: none"> a. Location Plan b. Architectural Drawings– existing and proposed conditions c. Structural Drawings d. HVAC Drawings e. Plumbing Drawings f. Electrical Drawings g. Fire Protection Drawings
3.	Building Permits <ul style="list-style-type: none"> -Other than Items 1(a) to 2(b) above 	Documents <ul style="list-style-type: none"> a. Applicable Law Checklist b. Documents from Items 1(a) to 2(b), or other documents which are applicable to the scope of work proposed Drawings ² <ul style="list-style-type: none"> a. Drawings from Items 1(a) to 2(b) which are applicable to the scope of work proposed
4.	Change of use Permit	Documents <ul style="list-style-type: none"> a. Applicable Law Checklist b. Documents from Items 1(a) to 2(b), or other documents which are

		<p>applicable to the scope of work proposed</p> <p>Drawings</p> <ul style="list-style-type: none"> a. Location Plan b. Existing and Proposed Floor Plan c. Architectural Drawings d. HVAC Drawings
5.	Demolition Permit	<p>Documents</p> <ul style="list-style-type: none"> a. Applicable Law Checklist b. Demolition Plan Prepared by Professional Engineer * c. Commitment to General Reviews by Architect & Engineers * d. Completed Demolition Sign Off Sheet <p>Drawings</p> <ul style="list-style-type: none"> a. Site Plan
6.	Sewage System Permit – under 10,000 litres/day	<p>Documents</p> <ul style="list-style-type: none"> a. Applicable Law Checklist b. Sewage System Form Package <p>Drawings</p> <ul style="list-style-type: none"> a. Site Plan/Approved Grading Plan b. Floor Plans for all floors of structures served by the proposed system

*where applicable

Notes:

1. The documents described in this schedule are available at any City of Kawartha Lakes Service Centre or on the website.
2. All drawings to be submitted in duplicate
3. A description of the information required on drawings is contained in Schedule B Table 2.
4. The Chief Building Official may waive the requirements for any specified documents or drawings where the scope of the work, applicable law or building code requirements does not necessitate its submission.

Schedule B – By-law 2012-019

Table 2 - Information Required on Drawings

Item	Drawing Type	Information Required	Class of Permit – Schedule B Table 1 Item					
			1(a)	1(b)	2(a)	2(b)	3	4
1.	Site Plan	a. Legal description, survey property lines, property dimensions, compass orientation, location and name of adjacent roads	X	X	X	X	X	
		b. Outline of all existing and proposed buildings and structures, building dimensions and their distance to property lines.	X	X	X			
		c. Dimensions and location of parking and vehicle access, fire routes, rights of way and easements	X	X	X	X	X	
		d. Location of well, septic, municipal services, hydro service	X	X	X			
2.	Grading Plan	a. Prepared by Ontario Land Surveyor	X		X			
		b. Include all items listed in Item 1 (a) – (d)	X		X			
		c. Location of catch basins, curb cuts, retaining walls, sidewalks	X		X			
		d. Existing and proposed elevations within the site and property lines, retaining wall elevation, slopes of driveways, drainage flow and swales	X		X			
3.	Structural	a. Foundation, floor and roof framing plans, footing, column and beam schedules, details and material specifications	X	X	X	X		
		b. Design specifications, live and dead loading, wind and snow loading, earthquake loading			X	X		

		c. Structural drawings sealed by a professional engineer for all structural elements not within the scope of Part 9 of the building code	X	X	X	X		
		d. Roof and floor truss drawings sealed by a professional engineer	X	X	X	X		
4.	Architectural	a. Existing plans showing construction and room and space identification of all floors		X	X	X		X
		b. Plans of all floors including basements complete with all rooms and room names	X	X	X	X		X
		c. Roof plan showing roof slope, drainage, roof and roofing construction details	X	X	X	X		
		d. Building elevations showing grade, floor and ceiling heights, overall building height, exterior finish materials, window heights and sizes and spatial separation requirements	X	X	X	X		
		e. Construction details including proposed wall section from footing to roof, specifications of all wall, floor and roof assemblies and all building materials and construction specifications	X	X	X	X		
		f. Stairs, guards and handrail dimensions and details, window sizes and height above floor level; location and fuel type of all fireplaces	X	X	X	X		
		g. Mezzanine plan showing construction, guardrails, egress			X	X		
		h. Location and details of barrier free entrances and barrier free washrooms			X	X		
		i. Reflected ceiling plans, bulkhead details, horizontal service shaft details			X	X		
		j. Roof equipment screening anchorage for window washing, roof access			X			

		k. Building cross sections showing grade, floor and ceiling heights, horizontal and vertical fire separations	X	X	X	X		
		l. Enlarged sections and detailed plans of washrooms and exit stairs			X	X		
		m. Wall sections, plan and section construction details			X	X		
		n. Exit stair enclosure, wall construction details, fire separations and listed design numbers, door numbers referenced to a door schedule			X	X		
		o. Door and hardware schedule, door and frame details, window schedule, room finish schedule			X	X		
5.	HVAC	a. Heating, ventilating and air conditioning plans, service shafts, equipment layout and schedules			X	X		
		b. Ventilation design summary	X					
		c. Fire damper locations, kitchen exhaust equipment			X	X		X
6.	Plumbing	a. Plumbing and drainage plans, location and sizing of under and above ground storm, sanitary and water supply piping and appurtenances			X	X		
		b. Location of fire stopping, specifications of plumbing and fire stopping materials	X	X	X	X		
7.	Electrical	a. Electrical supply and distribution plans, location of power and lighting outlets, equipment schedules, transformer locations			X	X		
		b. Location and specification of emergency lighting, emergency generators and exit signage			X	X		

8.	Fire Protection	a. Fire hydrant locations, sprinkler and standpipe distribution plans and schedules; sprinkler head layout, fire hose cabinet locations			X	X		
		b. Location and specification of emergency lighting, emergency generators and exit signage, fire alarm system annunciator, diagrams and specifications			X	X		
		c. Location of smoke alarms and carbon monoxide detectors	X	X	X	X		

Notes:

1. Where indicated by an **X**, the information described is required to be included on the drawings for the class of permit specified.
2. Required information may be located or consolidated on other drawings rather than the drawing specified in the schedule.
3. The Chief Building Official may waive the requirement for any required information specified in this schedule due to limited scope of work, applicable law or building code requirements.

Schedule C – By-law 2012-019

Code of Conduct for Building Officials

Purpose

The purposes of this code of conduct are:

- To promote appropriate standards of behaviour by building officials in the exercise of their powers and performance of their duties.
- To prevent practices which may constitute an abuse of power, and
- To promote appropriate standards of honesty and integrity.

Standards of Conduct and Professionalism

Building Officials undertake at all times to:

1. Act in the public interest, particularly with regard to the safety of buildings and designated structures;
2. Maintain their knowledge and understanding of the best current building practice, the building laws and regulations relevant to their building certifying functions;
3. Commit themselves to a process of continuous education so as to constantly be aware of developments in building design, practice and the law relevant to their duties;
4. Comply with the provisions of the Building Code Act, the Building Code and any other Act or applicable Law that regulates or governs Building Officials of their functions;
5. Avoid situations where there may be, or where there may reasonably appear to be, a conflict between their duties to their clients, their profession, their peers and the public at large and their personal interests;
6. Not act beyond their level of competence or outside their area of expertise;
7. Apply all relevant building laws, regulations and standards strictly and without favour and independent of the influence of interested parties or members of municipal council;
8. Perform their inspections and certifying duties impartially and in accordance with the highest professional standards;
9. Not divulge any confidential or sensitive information or material, that they became privy to in the performance of their duties, except in accordance with laws governing freedom of information and protection of privacy;
10. Extend professional courtesy to all;
11. Not act officiously or permit personal feelings, prejudices, animosities or friendships to influence decisions;
12. Recognize the appointment under the Building Code Act as a symbol of public faith;
13. Maintain current accreditation to perform the functions assigned to them;

14. Take all reasonable steps to ascertain and document all available facts relevant to the performance of their duties; and,
15. Demonstrate compliance with all regulations and standards that govern building construction, health & safety or other matters related to their status as a building official.

Guideline for responding to misconduct allegations

The Building Code Act provides that the performance of Building Officials will be measured against this code of conduct. In response to any allegation of a breach of this code, the Chief Building Official shall direct an investigation and where appropriate, recommend disciplinary action against any Building Official who fails to comply with this code of conduct. Where the allegation is against the chief building official, the Director of Development Services and/or the Chief Administrative Officer will direct the investigation and make such recommendations as are reasonable.

In determining the appropriate discipline, the Chief Building Official or the Director of Development Services and/or the Chief Administrative Officer will have regard to the relevance of the conduct to the official's powers and responsibilities as well as the severity of any misconduct.

2019-075 effective April 23, 2019

permit type	rate type	17-20 average #/m2/\$	17-20 average rates	17-20 revenue based on average	% of yearly revenue	2022 required revenue with reserve	2022 fees w/ reserve based on averages	2022 required revenue without reserve	2022 fees w/out reserve based on averages	2021 rates	2022 proposed rates w/ reserve	2022 projected revenue w/ reserve
Change of Use	flat	3.50	181.25	634.375	0.04964	1,115.24	318.64	922.56	263.59	200	325.00	1,137.50
Demo	flat	113.25	131.25	14864.0625	1.16312	26,131.27	230.74	21,616.64	190.88	150.00	250.00	28,312.50
Residential	variable sqm	51667.343	12.0875	624529.0025	48.86981	1,097,932.51	21.25	908,245.45	17.58	17.25	21.25	1,097,931.03
Garage/found/porch	variable sqm	29364.39	6.625	194539.0838	15.22281	342,002.99	11.65	282,915.98	9.63	7.25	11.75	345,031.58
Res reloc full	variable sqm	230.8725	6.625	1529.530313	0.11969	2,688.94	11.65	2,224.38	9.63	7.25	11.75	2,712.75
Res reloc pad	flat	6	406.7875	2440.725	0.19099	4,290.84	715.14	3,549.52	591.59	429.00	700.00	4,200.00
Minor Res	flat	164.75	137.3575	22629.64813	1.77079	39,783.30	241.48	32,910.04	199.76	161.00	250.00	41,187.50
Institutional	variable sqm	322.6025	16.85	5435.852125	0.42536	9,556.32	29.62	7,905.30	24.50	17.50	30.00	9,678.08
Commercial	variable sqm	1661.3025	14.8275	24632.96282	1.92755	43,305.16	26.07	35,823.44	21.56	16.00	26.00	43,193.87
Comm tenant fit up	variable sqm	1249.3575	4.8125	6012.532969	0.47048	10,570.13	8.46	8,743.96	7.00	5.75	8.50	10,619.54
Industrial	variable sqm	2534.9	9.815	24880.0435	1.94688	43,739.54	17.25	36,182.77	14.27	10.75	17.25	43,727.03
Non-res minor	flat	40.75	369.1725	15043.77938	1.17719	26,447.22	649.01	21,878.00	536.88	389.00	650.00	26,487.50
Agricultural	variable sqm	34529.378	2.9075	100394.1651	7.85591	176,494.63	5.11	146,002.10	4.23	3.75	5.00	172,646.89
Designated structure	flat	48.25	406.7875	19627.49688	1.53586	34,505.47	715.14	28,544.05	591.59	429.00	725.00	34,981.25
Alteration	variable /\$1000	9724551.5	18.75	182335.3402	14.26786	320,548.60	32.96	265,168.22	27.27	20.00	33.00	320,910.20
Minimum fee	flat	96.25	150	14437.5	1.12974	25,381.37	263.70	20,996.29	218.14	150.00	250.00	24,062.50
Site servicing	variable \$*2.5%	1288564.1	2.5	32214.10125	2.52077	56,632.93	4.40	46,848.60	3.64	2.50	4.50	57,985.38
				1,286,180.20								
17-20 average revenue		1277944.4										
percent of revenue		0										
								2,800,354.00	2022 total budget revenue w/ reserve			
								2,215,500.00	2022 total budget revenue w/out reserve			
								584,854.00	annual reserve contribution			
								2,196,500.00	2022 Admin/SS/BP budget revenue w/out reserve			
<u>BP Actual Revenues</u>												
2020 actual	1,251,632.79											0.66 % BP revenue contribution of total budget
2019 actual	1,149,644.20											
2018 actual	1,197,914.55											388,147.71 BP portion of reserve
2017 actual	1,512,585.91											1,858,500.00 2022 BP revenue budget
												2,246,647.71 2022 BP revenue w/ reserve
2017-2020 average	1,277,944.36											

2022 proposed rates w/out reserve	2022 projected revenue w/out reserve
275.00	962.50
200.00	22,650.00
17.75	917,095.33
10.00	293,643.90
10.00	2,308.73
600.00	3,600.00
200.00	32,950.00
24.50	7,903.76
21.50	35,718.00
7.00	8,745.50
14.25	36,122.33
550.00	22,412.50
4.25	146,749.85
600.00	28,950.00
27.25	264,994.03
225.00	21,656.25
3.50	45,099.74
	1,891,562.42

permit type	17-20 average # permits	17-20 average rates	17-20 revenue based on averages	% of yearly revenue	2022 required revenue with reserve	2022 fees w/ reserve based on averages	2022 required revenue without reserve	2022 fees w/out reserve based on averages	2021 rates	2022 proposed rates w/ reserve	2022 projected revenue w/ reserve	2022 proposed rates w/out reserve	2022 projected revenue w/out reserve
Class 4 Full <6,000L	288	711.6975	204968.9	80.09614	253100.2	878.8202	200240.3	695.279	749	900	259200	750	216000
Class 4 Full >6,000L	2	864.6975	1729.395	0.675799	2135.496	1067.748	1689.499	844.7494	961	1100	2200	975	1950
Class 4 Tank Replacement	19	334.325	6352.175	2.482253	7843.809	412.8321	6205.633	326.6123	373	425	8075	375	7125
Class 5 Holding Tank	29	410.825	11913.93	4.655631	14711.58	507.296	11639.08	401.3475	479	500	14500	500	14500
Class 2 Greywater System	2	334.325	668.65	0.26129	825.6641	412.8321	653.2246	326.6123	373	400	800	375	750
Class 3 Cesspool	0	274.075	0	0	0	#DIV/0!	0	#DIV/0!	289	300	0	289	0
Sewage System Review	140	184.5	25830	10.09365	31895.47	227.8248	25234.11	180.2437	214	225	31500	215	30100
Major Change	43	219.575	9441.725	3.689564	11658.86	271.1362	9223.909	214.5095	214	275	11825	215	9245
ZBA/OP/SPA/Consent	30	254	7620	2.977684	9409.348	313.6449	7444.21	248.1403	267	300	9000	275	8250
Subdivision	12	254	3048	1.191074	3763.739	313.6449	2977.684	248.1403	267	300	3600	275	3300
											340700		291220

BP Actual Revenues

2020 actual	284,594.92
2019 actual	248,430.10
2018 actual	234,656.21
2017 actual	255,933.03
2017-2020 average	255,903.57

2,800,354.00	2022 total budget revenue w/ res
2,215,500.00	2022 total budget revenue w/out
584,854.00	annual reserve contribution
2,196,500.00	2022 Admin/SS/BP budget rever
11.28	% SS revenue contribution of tot:
65,995.51	SS portion of reserve
250,000.00	2022 SS revenue budget
315,995.51	2022 SS revenue w/ reserve

erve
reserve

ue w/out reserve

al budget

based on fee reports

fee type	flat rate fees # of permits per year					variable rate fees sqm per year or value of construction per year					flat rate averages		variable rate averages	
	2017	2018	2019	2020	2021	2017	2018	2019	2020	2021	average 17-21	average 17-20	average 17-21	average 17-20
Change of Use	5	1	5	3	2						3.20	3.50		
Demo	111	108	137	97	99						110.40	113.25		
Res new/add						67,337.45	46,399.05	41,922.44	51,010.43	77,953.83			56,924.64	51,667.34
Res gar/fnd						29,130.68	29,824.69	27,244.60	31,257.59	30,179.99			29,527.51	29,364.39
Res reloc full						635.98	0.00	128.71	158.80	1,027.75			390.25	230.87
Res reloc pad	8	5	4	7	0						4.80	6.00		
Res minor	206	119	195	139	191						170.00	164.75		
Instit						309.81	0.00	890.40	90.20	1,020.86			462.25	322.60
Comm shell						4,182.62	1,430.89	158.35	873.35	252.73			1,379.59	1,661.30
Comm fit up						1,932.60	862.98	1,385.86	815.99	29.73			1,005.43	1,249.36
Indus						1,133.84	3,771.35	3,878.91	1,355.50	10,686.83			4,165.29	2,534.90
Non-res minor	38	48	53	24	41						40.80	40.75		
Ag						44,048.50	34,244.18	34,185.93	25,638.90	16,957.30			31,014.96	34,529.38
Desig Struct	89	99	1	4	14						41.40	48.25		
Alterations						14,825,150.00	8,681,549.90	9,662,659.00	5,728,847.00	16,011,488.00			10,981,938.78	9,724,551.48
Min fee	123	150	69	43	54						87.80	96.25		
site servicing						3,868,341.20	1,201,385.00	84,530.00	0.00	1,023,017.00			1,235,454.64	1,288,564.05
CKL permits						63,133.66	38,158.17	35,598.27	96,788.58	10,712.42			48,878.22	58,419.67
archive (BP only)		967	986	879	866						924.50	944.00		

fee type	fee rates				rate average
	2017	2018	2019	2020	
Change of Use	125.00	200.00	200.00	200.00	181.25
Demo	75.00	150.00	150.00	150.00	131.25
Res new/add	11.60	12.00	12.25	12.50	12.09
Res gar/fnd	6.25	6.50	6.75	7.00	6.63
Res reloc full	6.25	6.50	6.75	7.00	6.63
Res reloc pad	394.15	402.00	411.00	420.00	406.79
Res minor	89.43	150.00	153.00	157.00	137.36
Instit	17.90	16.00	16.50	17.00	16.85
Comm shell	14.31	14.50	15.00	15.50	14.83
Comm fit up	3.50	5.00	5.25	5.50	4.81
Indus	8.51	10.00	10.25	10.50	9.82
Non-res minor	357.69	365.00	373.00	381.00	369.17
Ag	1.88	3.00	3.25	3.50	2.91
Desig Struct	394.15	402.00	411.00	420.00	406.79
Alterations	18.00	18.50	19.00	19.50	18.75
Min fee	150.00	150.00	150.00	150.00	150.00
site servicing	2.50	2.50	2.50	2.50	2.50

Table 1		CKL	Peterborough	Clarington	Scugog Twp	Brock Twp	Trent Lakes
1	Where work has commenced prior to issuance of a permit	Applicable fee from Schedule A Table 2 plus an increase of 100%	\$215.00	25% if application has been filed; 50% if no application filed	applicable fee plus \$260.00 or 50% of applicable fee	double fee, min \$150.00	\$157.15-\$1309.60
2	1 Item 1 applies and where a Planning Application is required to	Schedule A Table 1 Item 1 plus an additional increase of 100%	as above	as above	as above	as above	as above
3	Partial Building Permit	10% of applicable fee from Schedule A Table 2, with a minimum of \$100.00 and a maximum of \$500.00	not listed	applicable fee plus \$323.08 per stage	applicable fee plus 10% to min. \$120.00 max. \$500.00	applicable fee plus \$200.00/phase requested	not listed
4	Conditional Building Permit	10% of applicable fee from Schedule A Table 2, with a minimum of \$100.00 and a maximum of \$1000.00	full applicable fee	10% of applicable fee, with a minimum of \$215.44 and a maximum of \$1077.21	applicable fee plus 10% to max. \$2500.00	applicable fee plus 10%, min. \$100.00	not listed
5	Transfer of Permit	\$150.00		\$163.00	\$191.00	\$150.00	\$164.47
6	Minor Revision to Plans which have already been examined by the City – constitutes less than 25% of the design	\$150.00	not listed	\$144.07/hour, (min. 1 hour for house or 4 hours for all other)		10% of applicable fee, min. \$50.00, max. \$1000.00	\$164.47/hour
7	Major Revision/Full Design Replacement to Plans which have already been examined by the City	50% of original fee paid, with a minimum of \$100 and a maximum of \$500	not listed	10% of applicable fee to max. \$1321.73; replacement house model \$650.78 plus applicable fee resulting from any additional building area	\$123.00/hour	as above	\$164.47/hour
8	Re-inspection to correct identified deficiencies	1 free inspection per category then \$150.00/inspection	\$176.00	\$163.00	\$98.00	\$100.00	1 free inspection per category then \$164.47/inspection
9	Alternative Solution Application/Evaluation	\$1,000.00	not listed	\$144.07/hour, in addition to applicable fee (min. 1 hour for house or 4 hours for all other)	\$118.00/hour	\$100.00/hour, in addition to applicable fee (min. 1 hour for house or 3 hours for all other)	\$164.47/hour
10	Search of Records	\$25.00 plus additional \$25 for scanning or copying large format drawings (for each 10 pages) or small format documents > 15 pages	not listed	not listed	not listed	not listed	\$40.00

11	Liquor License Approval	\$50.00	not listed	not listed	not listed	\$150.00	not listed
12	Site inspection to determine Occupant Load	\$50.00	not listed	not listed	not listed	not listed	not listed
13	Building and Septic Compliance Letter	\$150.00	\$70.00	\$180.00 + Durham HU - \$275.00	\$116.00 + Durham HU - \$275.00	\$158.20 + Durham HU - \$275.00	\$40.00
14	Inspection resulting from file greater than 2 years old	\$50.00 per inspection	not listed	\$219.00	not listed	not listed	\$209.54
15	Records Archival Fee	\$10.00 per file	not listed	not listed	not listed	not listed	not listed
Table 2							
1	Building Permit	See Schedule A Table 3	see below	see below	see below	see below	see below
2	Sewage System Permit – under 10,000 litres/day	See Schedule A Table 4	see below	see below	see below	see below	see below
3	Demolition Permit - Requiring a Professional Engineer's review as required by OBC	\$300.00	\$445.00	\$109.00 flat fee house and res accessory \$0.27/sqm all others;	\$103.00 res/\$154.00 non-res	\$0.25/sqm	\$4.20/sqm
	Demolition Permit - All others	\$150.00	\$238.00	\$0.27/sqm	\$103.00 res/\$154.00 non-res	\$100.00 flat fee res; \$0.25/sqm all others; min. \$100.00	\$4.20/sqm
4	Conditional Building Permit	Applicable fee from Schedule A Table 3 plus administration fee from Schedule A Table 1	as listed above	as listed above	as listed above	as listed above	as listed above
5	Change of Use Permit - where no construction	\$200.00	\$218.00	\$107.69/100 sqm	\$128.00	\$50.00/100sqm, min. \$250.00	not listed
	Change of Use Permit - requiring construction	applicable Table 3 fee	as above	as above	as above	as above	not listed
6	Partial Building Permit	Applicable fee from Schedule A Table 3 plus administration fee from Schedule A Table 1	as listed above	as listed above	as listed above	as listed above	as listed above
7	Site Servicing Permit where application is filed separately from remainder of construction permit – no additional fee if included with construction permit it serves	2.5% of Construction Value	\$22.07/\$1000 const value	\$30.77/catchbasin plus \$3.55/linear metre	3.05% of construction value	\$25.00/catchbasin plus \$100.00 per service installation	not listed

8	Occupancy Permit, where occupancy has occurred without an occupancy permit		\$150.00	not listed	not listed	not listed	\$100.00	not listed
	Occupancy Permit for Unfinished Building	new		\$414.00	\$217.00 flat fee	not listed	\$100.00	not listed
9	Mandatory Maintenance Inspection Program Inspections, where the inspection does not occur during the annual		\$125.00	\$335.00 Peterborough HU	not listed	\$170.00	\$150.00	\$335.00 Peterborough HU
10	Permits for Restricted Access Lots	Twice the otherwise applicable fee pursuant to this By-law		not listed	not listed	not listed	not listed	not listed
11	Applicant Appointed RCA Permit for which an RCA is appointed for plans review stage only	65% of applicable fee from Schedule A Table 2		not listed	not listed	applicable fee reduced by 20%	not listed	not listed
12	Applicant Appointed RCA Permit for which an RCA is appointed for inspection stage only	35% of applicable fee from Schedule A Table 2		not listed	not listed	applicable fee reduced by 20%	not listed	not listed
13	Applicant Appointed RCA Permit for which an RCA is appointed for both plans review stage and inspection stage	25% of applicable fee from Schedule A Table 2		not listed	not listed	applicable fee reduced by 20%	not listed	not listed



Request to Speak before Council

Request to Make a Deputation/Presentation to
Council/Committee
City of Kawartha Lakes
City Clerk's Office
26 Francis Street, PO Box 9000
Lindsay, ON K9V 5R8
705-324-9411

Name: *

Sarah Duncan

Address: *

Suite 130, 482 South Service Road East

City/Town/Village:

Oakville

Province: *

Ontario

Postal Code:

L6J 2X6

Telephone: *

587.894.0773

Email: *

sduncan@forbesbrosltd.ca

There can be a maximum of two speakers for each deputation. Please list the name(s) of the individual(s) who will be speaking. The names that are listed here will be included on the Council Meeting Agenda.

Deputant One:

Cyrus Ghassabeh - FB Connect

Deputant Two:

Sarah Duncan - FB Connect (if Cyrus is unavailable)

Please provide details of the matter to which you wish to speak: *

November 2 COW

Xplornet Communications tower located at 1060 Sandy Hook Road, Pontypool

Your file number: D44-2021-005

Please attach any additional supporting documents you wish to provide and submit with this completed form.

Have you discussed this matter with City Staff?

☐ Yes

☐ No

If yes, Which department and staff member(s) have you spoken to?

Planning Department - Ian Walker/Richard Holy

What action are you hoping will result from your presentation/deputation? *

We will be present to answer any questions that Council may have after city staff present the report.

By signing this form you are acknowledging that all of the information you are providing on this form is true, and giving the City permission to collect your personal information for the principal purpose of a request to make a deputation to Committee or Council as outlined below.

Signature:

Sarah Duncan

Date:

October 25, 2021

The personal information is being collected by the City of Kawartha Lakes for the principal purpose of a request to make a deputation to Committee or Council pursuant to the City's procedural by-law. This information, including all attachments submitted may be circulated to members of Council, staff, the general public and posted on the City website. Questions about the collection of this information should be directed to the City Clerk or Deputy Clerk at 705 324-9411 ext. 1295 or 1322.

Do you agree to the publication of your name and contact information on the City's website and the City Council agenda? *

☒ Yes

☐ No

Please complete this form and return to the City Clerk's Office by submitting it online or:
Fax: 705-324-8110 Email: agendaitems@kawarthalakes.ca

Kawartha Lakes Healthy Environment Plan

Committee of the Whole

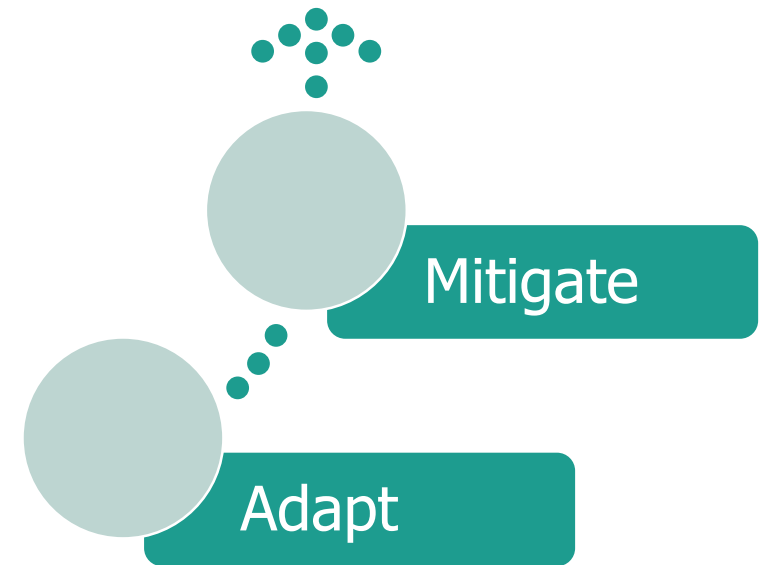
November 2, 2021

Presentation Overview

- What is the Healthy Environment Plan?
 - Development of Plan
 - Pillars, Strategies, Targets
- Impact of Pandemic
- Accomplishments
- Next steps: Implementation of actions

KL Healthy Environment Plan

- City's response to **Climate Change** and **Energy Spending**
- HEP result of ICSP (2014), Strategic Plan (2016) and Corporate Energy Management Plan (2016-2021)
- Comprehensive community strategy to address climate change in our community
- Developed collaboratively, using established frameworks
- Reduces GHG emissions and assists the City to prepare, respond and adapt



KL Healthy Environment Plan: Vision

“We will be leaders in addressing our changing climate to ensure a healthy environment and a prosperous community.”



KL Strategic Plan

- **Vision:** Thriving and growing communities within a healthy and natural environment
- **Strategic Priorities:**



A Healthy
Environment



An Exceptional
Quality of Life



A Vibrant and
Growing Economy



Good
Government

KL Strategic Plan: A Healthy Environment

- Increase waste reduction and diversion
- **Implement the Healthy Environment Plan**
- Protect and enhance water quality
- Develop and execute a Green City Charter, our corporate commitment to leadership in environmentally friendly business practices
- Protect and preserve natural areas and prime agricultural land

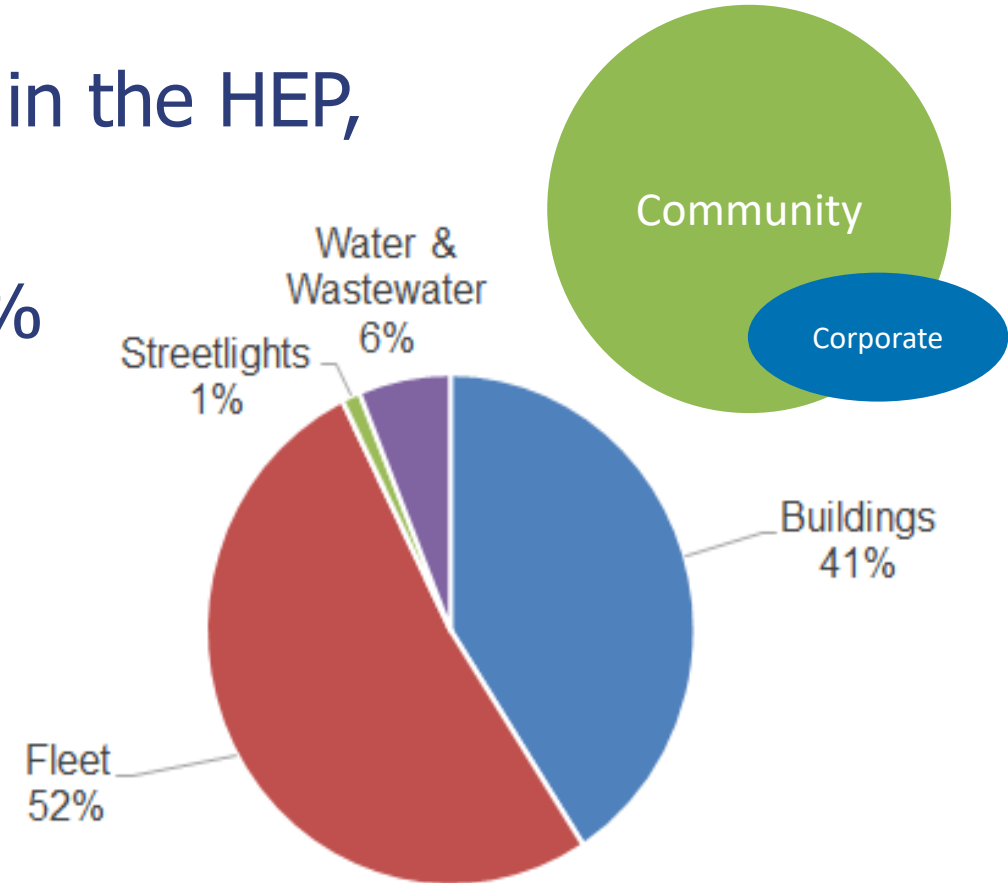


**A Healthy
Environment**

Emissions Reduction Targets & Outcomes

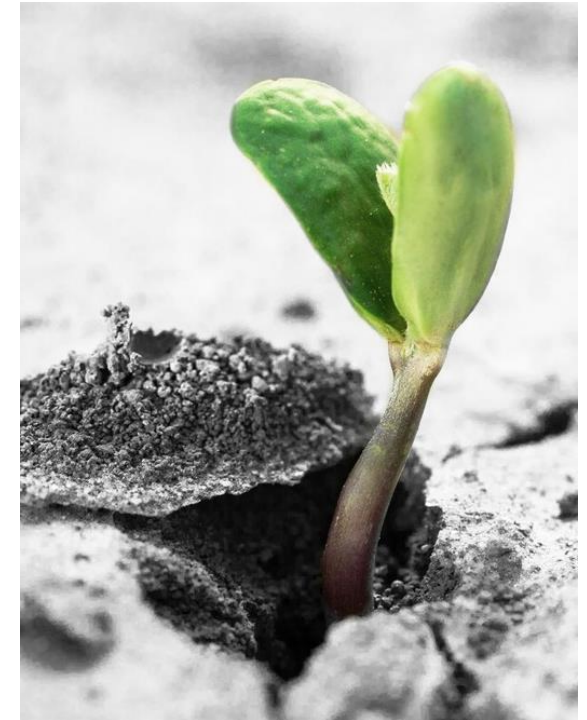
Through the implementation of actions in the HEP, Kawartha Lakes will:

- Reduce community emissions by 20%
- Reduce corporate emissions by 20%
- Avoid \$142 million in energy costs
- Increase resiliency
- Be on track to meet the federal and provincial government targets by 2030



Resiliency Outcomes

- Flooding impacts to infrastructure
- Heat stress on people, native species, crops and livestock
- Groundwater recharge
- Damage to infrastructure, power systems, tree canopy
- Isolation of rural and vulnerable populations
- Physical injuries and mental health stress
- Spread of pests
- Runoff that impacts rivers and lakes



24 Strategies

Cross-Cutting

Agriculture

Buildings

Energy Systems

Land Use

Natural Environment

People and Health

Transportation

Waste

Water, Wastewater
and Stormwater

Summary of Mitigation Strategies

Community Sector	Total tCO ₂ e	Est. Total Savings (\$)	Corporate Sector	Total tCO ₂ e	Est. Total Savings (\$)
Agriculture	12,520	N/A			
New Residential & Commercial Buildings	8,640	33M	New Municipal Buildings	120	0.4M
Existing Residential Buildings	21,320	70M	Existing Municipal Buildings	360	1.3M
Existing Commercial Buildings	5,170	27M			
Industry	320	0.8M			
Trans: Alternative Fuel Adoption	10,640	5M	Transportation	310	0.14M
Trans: Mode Shift	8,500	6M			
Waste Reduction	20,110	N/A			
			Water, Wastewater, Stormwater	90	0.76M
Total	87,220	141.8M		880	2.6M

Implementation



KL Strategic Plan: Progress Indicators

- Waste diversion rate
- Energy consumption for municipal operations
- Greenhouse gas emissions
- Progress reports on municipal drinking water systems
- Compliance with the municipal Salt Management Plan
- **Progress on program milestones in the Healthy Environment Plan**



**A Healthy
Environment**

Actions in Progress: Community

- Environmental Advisory Committee **KLEAC**
- Environmental Round Table Summit
- Environmental Hero Program
- Environmental Action Bobcaygeon
- Bee City Status
- KL Trails Alliance

Actions in Progress: Corporate

- Green City Charter
- Green City Procurement Policy
- **Initiatives to reduce GHG**
 - Waste Diversion strategies
 - Building Retrofit Program, Million Dollar Makeover
 - Fleet / Transit, Transportation Demand Management
 - Stormwater Management strategies
 - Active Transportation Master Plan, Lake Management Plan, Tree Preservation By-law
- **Initiatives to adapt**
 - Emergency Planning and flood preparation
 - Cooling stations
 - Farming practices and forest management
 - Construction and infrastructure



www.kawarthalakes.ca/en/living-here/environment.aspx

Committee of the Whole Report

Report Number:	ED2021-027
Meeting Date:	November 2, 2021
Title:	Amendment of Designating By-law – 1201 Salem Road, Geographic Township of Mariposa
Description:	Amendment of By-law 2018-177 which designated 1201 Salem Road under Part IV of the Ontario Heritage Act
Author and Title:	Emily Turner, Economic Development Officer – Heritage Planning

Recommendations:

That Report ED2021-027, **Amendment of Designating By-law – 1201 Salem Road, Geographic Township of Mariposa**, be received;

That the Municipal Heritage Committee's recommendation to amend By-law 2018-177 be endorsed;

That staff be authorized to proceed with the process to amend the designating by-law as prescribed by the Ontario Heritage Act and the issuance of a Notice of Intention to Amend;

That an amending by-law be brought forward to Council at the next Regular Council Meeting following the end of the notice period; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

(Acting) Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

1201 Salem Road was designated under Part IV of the Ontario Heritage Act by the former Township of Mariposa in 1995 by by-law 1995-26. The property contains a late nineteenth century Queen Anne style farmhouse which is its primary heritage feature.

In 2018, the City undertook a comprehensive review of its older designation by-laws as many of them were not in compliance with the requirements for designation under the Ontario Heritage Act. Many were missing a list of heritage attributes or a statement of significance which are important to the overall protection of the property and provide clarity to the owner and the City as to what aspects of the property are important from a heritage perspective. By-law 1995-26 was repealed and replaced at that time with a new by-law, By-law 2018-177, which provided a statement of significance and a list of heritage attributes for the subject property. A significant number of other designation by-laws were repealed and replaced as part of the same process.

In 2021, the owner of 1201 Salem Road came forward to staff and the Municipal Heritage Committee to voice concerns regarding the new by-law for the property. The owner had noticed that there were factual errors in the statement of significance and was concerned that the list of heritage attributes was not adequate to describe and protect the property. In addition, the owner was concerned that the by-law was not adequate to be used should a development be proposed on an adjacent property. Under the Provincial Policy Statement (2020), development adjacent to protected heritage properties must be evaluated with regard to its impact on the heritage property and must ensure that it does not impact its heritage attributes. However, without a well-formed by-law and clear heritage attributes, the evaluation of proposed development is extremely challenging as there is nothing concrete to evaluate the proposed development in relation to.

Staff and the Municipal Heritage Committee reviewed the designation by-law in light of the owner's request and concluded that the by-law was insufficient and required amendment. It was decided that the most appropriate method of addressing this issue was the deletion and replacement of Schedule A to By-law 2018-177, which includes the statement of significance and heritage attributes of the property. Staff undertook a site visit and drafted a revised Schedule A in consultation with the owner of the property. The owner of the property has reviewed the draft and is satisfied with the

statement of heritage value and the heritage attributes identified for the property. The draft amending by-law is attached as Appendix A of this report.

The amendment of a designating by-law is regulated by Section 30.1 of the Ontario Heritage Act. Amendments to designation by-laws may be made for a variety of reasons, including the correction to a statement of cultural heritage value and the clarification of the heritage attributes of a property, as is the case with this by-law. As part of the process, Council must consult with its municipal heritage committee. At its meeting of October 7, 2021, the Kawartha Lakes Municipal Heritage Committee reviewed the amended by-law and passed the following motion:

KLMHC2021-106

Moved By W. Peel

Seconded By W. Bateman

That Report KLMHC2021-40, **Amendment of Designating By-law – 1201 Salem Road**, be received;

That the amendment to Schedule A of By-law 2018-177 be endorsed; and

That this recommendation be forwarded to Council for approval.

Carried

This report addresses that direction.

Rationale:

The designating by-law for 1201 Salem Road is not sufficient to protect the heritage value or attributes of the property. There are a number of errors in the by-law, including the misidentification of the style of the house. Similarly, the list of heritage attributes is not specific or comprehensive enough to clearly identify which parts of the property contribute to its heritage value. The proposed amendment includes a more in-depth statement of significance and an expanded list of heritage attributes.

The proposed amendment also brings the by-law into alignment with Ontario Regulation 385/21 which came into effect on July 1, 2021 to support amendments to the Ontario Heritage Act made through the More Homes, More Choice Act (2019). The new regulation provides mandatory content requirements for heritage designation by-

laws to ensure consistency across Ontario municipalities. The new schedule conforms to these requirements.

The amendment of the by-law will enhance the protection of the property and offer clarity to the owner and any future owners as to the heritage value of the property. Similarly, an updated by-law will also provide additional clarity when a Planning Act application is received for the subject property or an adjacent property to ensure that the requirements under the PPS are fulfilled. For the City, a clear, specific, and up-to-date by-law ensures that any decision making with regard to the property is based on a comprehensive by-law with appropriate and accurate information.

The proposed amendment aligns with that heritage protection policies contained in the 2020 Provincial Policy Statement, 2019 Growth Plan for the Greater Golden Horseshoe, and the 2012 City of Kawartha Lakes Official Plan and will assist the City in applying these policies to the property, as required.

Other Alternatives Considered:

There are no recommended alternatives.

Alignment to Strategic Priorities

The designation of property under Part IV of the Ontario Heritage Act supports the following goals from the Council adopted Strategic Plan:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life

The identification and protection of heritage assets in the community through designation promotes an exceptional quality of life by supporting and promoting arts, culture and heritage within the municipality. Designation provides long term protection and management for key heritage resources in the municipality and recognizes their importance to the community. The amendment of the by-law ensures that the property is appropriately protected.

The protection of heritage resources in the municipality also assists in the growth of the local economy in general by identifying, protecting, and celebrating places where people want to live, work and visit. It encourages investment in local communities by ensuring and promoting attractive places for residents and businesses to be. It also has

a direct impact on developing local tourism through the preservation of sites and landscapes that people want to visit.

Financial/Operation Impacts:

There will be advertising costs and costs for the registration of the designation by-law associated with this application which are covered by the existing Heritage Planning budget.

It is not anticipated that there will be any additional legal fees as it is unlikely that the owner will appeal the amendment since this process is being undertaken at the owner's request.

Consultations:

Municipal Heritage Committee

Attachments:

Appendix A – Draft Amending By-law – 1201 Salem Road



2021-XXX Amend
By-law 2018-177 Desi

(Acting) Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, (Acting) Director of Development Services

The Corporation of the City of Kawartha Lakes

By-Law 2021-XXX

A By-law to Amend By-Law 2018-177, being a By-law Repeal and Replace By-Law 1995-26 Being a By-Law to Designate 1201 Salem Road, Little Britain in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 30.1 of the Ontario Heritage Act, R.S.O. 1990, provides that a Council of a municipality may amend a by-law designating a property within the bounds of a municipality to correct a legal description of a property, clarify the statement of a property's cultural heritage value, or to make it consistent with the requirements of the Act.
2. A notice of the proposed amendment has been served on the owner of the property in accordance with subsection 30.1(4) of the Act.
3. No objection to the proposed amendment has been served on the Clerk of the Municipality.
4. An amendment is required to clarify the statement of cultural heritage value for the property located at 1201 Salem Road in the Geographic Township of Mariposa and make the by-law consistent with the requirements of the Act.
5. These changes require an amendment to the original by-law.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2021-XXX.

Section 1.00: Definitions and Interpretation

1.01 Definitions: All defined terms in the amending By-law take their meaning from By-law 2018-177 of the City of Kawartha Lakes.

1.02 Interpretation Rules:

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

- 1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.
- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Amendments

- 2.01 **Amendments to Schedule A:** Schedule A of By-law 2018-177 shall be deleted and substituted for Schedule A attached to this By-law.

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Director of Development Services is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this XXX day of XXX, 2021.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

Schedule 'A' to By-law 2021-XXX
Being a By-law to Amend By-law 2018-177 Being a By-law to Designate 1201
Salem Road

Section 1: Description of Property

1201 Salem Road, Geographic Township of Mariposa

Section 2: Location of Property

Located on the north side of Salem Road to the west of the intersection of Salem Road and Bush Road.

Section 3: Legal Description and PIN

CON 6 S PT LOT 20

PIN: 63191-0120

Section 4: Location of Heritage Features

The primary heritage feature of the property, the farmhouse, is located on the southern portion of the parcel facing Salem Road.

Section 5: Statement of Reasons for Designation

Design and Physical Value

1201 Salem Road has design and physical value as a representative example of late nineteenth century Queen Anne style farmhouse in Mariposa Township. Built in 1890, the house is of two-and-a-half storey construction with its primary decorative elements on the front façade. These include two-and-a-half storey bays with elaborate woodwork which is typical of the Queen Anne style that developed in the later decades of the nineteenth century and was characterized by ornate and eclectic decorative elements. The house demonstrates a high degree of craftsmanship in its front façade. While the house as a whole is built on a fairly basic and standard plan for this period, the front of the house was highly elaborate to express the Queen Anne style. The craftsmanship in the bay and gable features, including the bargeboard, brackets, fish scale shingles, and gable windows with surrounds is exemplary for a farmhouse from this period.

Historical and Associative Value

1201 Salem Road has historical and associative value in its associations with the Davidson family and the settlement of Mariposa Township in the mid-nineteenth century. The property was owned by the Davidson family, an early settler family in the township in 1846 when Samuel Davidson purchased 1000 acres of land in the township from the Canada Company. The house was built by his grandson James Davidson in 1890 and the property remained in the Davidson family until the 1960s. The property yields information on a longstanding local farm family and provides information on the growth in prosperity in Mariposa's agricultural

community throughout the second half of the nineteenth century as reflected in the large new home constructed during this period in a fashionable style.

Contextual Value

1201 Salem Road has contextual value as part of the rural agricultural landscape of Mariposa Township. The house is located in a primarily rural area of the township that is characterized by agricultural properties, many of which date to the second half of the nineteenth century and share similar characteristics including red brick construction, decorative details from the Victorian period, and siting on large agricultural lots with significant setbacks. Through its architecture, age, location, use, and physical context, it supports and maintains the historic rural character of Mariposa Township. The property is well known in the area for its unique architecture and picturesque setting, and considered to be a local landmark.

Section 6: Heritage Attributes

The Reasons for Designation include the following heritage attributes and apply to all elevations, unless otherwise specified, and the roof including: all façades, entrances, windows, chimneys, and trim, together with construction materials of wood, brick, stone, stucco, concrete, plaster parging, metal, glazing, their related building techniques and landscape features.

Design and Physical Features

The architectural features of this property all exemplify this property as a representative example of Queen Anne residential architecture as executed in rural Ontario farmsteads in the late nineteenth century. The front façade and its associated elements demonstrate a high degree of craftsmanship in their execution.

- Two-and-a-half storey red triple brick construction
- Gable roof
- Symmetrical front façade
- Two-and-a-half storey bays including:
 - Gables
 - Fish scale shingles
 - Stained glass windows
 - Window surrounds with sunburst hoods
 - Brackets
 - Decorative bargeboard
- Central entrance including:
 - Original front doors
 - Buff brick hood
- Fenestration including:
 - Buff brick window hoods
- Symmetrically placed brick chimneys

- Interior ornamental plasterwork including:
 - Four ceiling medallions in the front hall, dining room, living room and primary bedroom

Historical and Associative Features

The historical features of this property yield information on the settlement and nineteenth century agricultural development of Mariposa Township, as well as the Davidson family who owned the property.

- Relationship of the house to the Davidson family
- Relationship of the house to the wider agricultural landscape

Contextual Features

The contextual features of this property maintain and support the rural agricultural character of the surrounding landscape and link the property to its surroundings, visually, functionally and historically.

- Views from the house to Salem Road and surrounding agricultural properties
- Views of the house from Salem Road and surrounding properties
- Location of the property in rural Mariposa Township
- Orientation of the house towards Salem Road

Committee of the Whole Report

Report Number:	RS2021-036
Meeting Date:	November 2, 2021
Title:	Proposed Surplus Declaration, Closure, and Sale of Road Allowances adjacent to 122 Miller Road and 471 Rohallion Road, Brechin
Description:	Proposed Sale of a Portion of Road Allowance to the Owner of 122 Miller Road, Brechin, and Proposed Donation of a Portion of Road Allowance to the Owner of 471 Rohallion Road, Brechin
Author and Title:	Laura Carnochan, Law Clerk – Realty Services

Recommendations:

That Report RS2021-036, **Proposed Surplus Declaration, Closure, and Sale of Road Allowances adjacent to 122 Miller Road, Brechin**, be received;

That the subject property, being a portion of road allowance adjacent to 122 Miller Road, Brechin, and legally described as Part of the Road Allowance between Lot 5 and Lot 6, Concession 2, in the Geographic Township of Carden, City of Kawartha Lakes (Part of PIN: 63109-0101 (LT)) and Part of the Road Allowance between Concession 2 and Concession 3 abutting Lots 1 to 9, in the Geographic Township of Carden, City of Kawartha Lakes (Part of PIN: 63109-0098 (LT)) be declared surplus to municipal needs;

That the sale of a portion of the road allowance to the adjoining landowner (122 Miller Road, Brechin) be supported, in principle, in accordance with the provisions of By-Law 2018-020, as amended, and the Municipal Act, 2001, and subject to the parties entering into a conditional Agreement of Purchase and Sale;

That Council require a geotechnical report, at the cost of the purchaser, to determine the amount of aggregate located within the portion of road allowance to be sold to the owner of 122 Miller Road and the value of the land be set at the higher of \$2.00 per

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

tonne of aggregate or the minimum set price of \$15.00 per linear foot of road allowance;

That the donation of a portion of the road allowance to the adjoining landowner (471 Rohallion Road, Brechin) be supported, in principle, in accordance with the provisions of By-Law 2018-020, as amended, and the Municipal Act, 2001, and subject to the parties entering into a conditional Agreement of Purchase and Sale;

That, notwithstanding Section 4.04 of By-Law 2018-020, the portion of road allowance adjacent to 471 Rohallion Road be conveyed for nominal consideration, as the property owner is a nature conservancy and therefore does not acquire a financial advantage as a result of the conveyance;

That staff be directed to commence the process to stop up and close the said portion of road allowance;

That a by-law (with any amendments deemed necessary) to close the road and authorize its disposition shall be passed if appropriate;

That the Mayor and Clerk be authorized to sign all documents to facilitate the road closing and conveyance of the lands; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Background:

The Land Management Team received a request from the owner of the property located at 122 Miller Road, Brechin (R.W. Tomlinson) to purchase the road allowance that is adjacent to their property.

The Land Management Team first reviewed this request at its meeting on September 14, 2020. At the time, the Team was not supportive of a sale of the road allowance due to the road allowance being unbroken.

The request was re-reviewed at the Land Management Team meeting of November 10, 2020 and, while its position regarding a sale of the lands remained unchanged, they were agreeable to offering a License Agreement for R.W. Tomlinson to extract aggregate from the road allowance.

At the request of Planning, the matter was again re-reviewed at the Land Management Team meeting of January 11, 2021. Planning advised that R.W. Tomlinson would prefer to purchase the road allowance as opposed to enter into a License Agreement, and further advised that the Ministry of Northern Development, Mines, Natural Resources and Forestry prefers not to have a road allowance intersecting two licensed quarry areas. Accordingly, the Land Management Team agreed to support a sale of the road allowance. The preference of the Team was to dispose of the entirety of the road allowance running between Lots 5 and 6, Concession 2, in the Geographic Township of Carden. This is not a requirement, as the City would not be left with a landlocked portion of road allowance that it could not access, however, as the remaining allowance continues to run East with several access points from the North and South. As per the City's standard practice, this would involve reaching out to any other adjacent landowners to determine if they were interested in purchasing a portion of the road allowance.

In this case The Couchiching Conservancy was the only other landowner adjacent to the road allowance requested for purchase by R.W. Tomlinson. The Land Management Team noted that they were agreeable to recommending a donation of the portion of road allowance adjacent to its property, if The Couchiching Conservancy was interested in acquiring same. Realty Services contacted The Couchiching Conservancy and they confirmed that they were interested in acquiring a portion of the road allowance. They further inquired as to whether the City would be interested in donating a further portion of road allowance legally described as Part of the Road Allowance between Concession 2 and Concession 3 abutting Lots 1 to 9, in the Geographic Township of Carden, City of Kawartha Lakes (Part of PIN: 63109-0098 (LT)).

The Land Management Team reviewed this additional request at its meeting of July 12, 2021 and had no concerns with the request.

Public Notice advertising the potential surplus declaration and sale of the subject shoreline road allowance was completed by newspaper circulation in the Kawartha Lakes This week on the 9th, 16th, and 23rd days of September, 2021. During this three-week advertising period, notice was also posted on the City's website. Realty Services did not receive any public comments or concerns with regards to the proposed closure and sale of the subject road allowance.

The purpose of this report is to advise Council that the Land Management Team recommends that the subject property be declared surplus to municipal needs and that approval be given, in principle, for the closure and conveyance of the requested portions of the road allowance to the adjoining landowners.

Appendix A is a general location map, Appendix B is an aerial map, Appendix C is a map, and Appendix D is a map which shows the resultant road allowance network following the disposition of the subject portions of road allowance. The portion of road allowance to be sold to R.W. Tomlinson is shown in red and the portion to be conveyed to Couchiching Conservancy is shown in purple on Appendices B-D.

Rationale:

The Land Management Team has determined that this portion of road allowance is not required for municipal purposes, as there are a number of swampy areas which would make development of a road unlikely.

The subject road allowance does not lead to water, it borders private property, and therefore, the stop up, closure, and sale would not contravene Section 8.01 of By-Law 2018-020, as amended, which reads:

Council has declared, by Resolution CR2001-1025, that unopened road allowances leading to water shall be retained by the municipality. Upon receipt of a request to purchase an unopened road allowance leading to water the applicant shall be advised that Council is not prepared to consider declaring any unopened road allowances that lead to water as surplus to municipal needs. Exceptions may be considered where alternate access to water in the immediate vicinity can be provided.

Both interested parties own property which borders the subject portion of road allowance. As a result, pursuant to the City's By-Law to Regulate the Disposition of

Municipal Real Property (By-Law 2018-020, as amended) that portion of the road allowance can be conveyed to the adjoining landowners.

As per Section 4.03 of By-Law 2018-020, as amended, Council may set a price for the land to be disposed of. By-Law 2018-020, as amended, further states that Council may set a price without requiring an appraisal, as long as the minimum price set out in Schedule C of By-Law 2018-020, in this case being \$15.00 per linear foot of interior road allowance, is recovered. As R.W. Tomlinson is intending to merge the portion of road allowance with their adjacent property and extract any aggregate located within the road allowance, the Land Management Team recommends determining how much aggregate is located within the road allowance and valuing the land accordingly, in order to take into the profit that the purchaser will receive from extracting and selling the aggregate.

While Section 4.04 sets out that minimum prices must be achieved in order to forgo obtaining an appraisal, as Couchiching Conservancy is a nature conservancy group which does not stand to obtain a financial advantage from acquiring the portion of road allowance adjacent to its property, the Land Management Team felt that a donation (or conveyance for nominal consideration) would be most appropriate.

Other Alternatives Considered:

Council may decide not to sell the road allowance and derive no financial benefit whatsoever. That would be inconsistent with past practice and is not recommended in this circumstance.

Council could decide not to require geotechnical report for the portion to be sold to 122 Miller Road, Brechin and dispose of the subject portion of road allowance for the minimum price of \$15.00 per linear foot of road allowance. Should Council decide to proceed to dispose of the property using the price of \$15.00 per linear foot, consideration for the subject portion of road allowance is calculated as approximately \$49,500.00. This is not recommended in this circumstance, given that the purchaser stands to gain financial benefit by adding the subject portion of road allowance to their adjacent property and extracting any available aggregate. Requiring a geotechnical report to determine the approximate amount of aggregate within the road allowance and valuing the land accordingly creates a transaction that, while still advantageous to the purchaser, is more beneficial to the general taxpayer.

Alignment to Strategic Priorities:

The recommendations set out in this Report align with the following strategic priority:

- Good Government
 - Effective management of the municipal building and land portfolio

Financial/Operation Impacts:

Both parties will be asked to enter into a conditional Agreement of Purchase and Sale with a non-refundable \$1,000.00 deposit to cover initial road closing costs. All costs of the transaction, plus a \$1,500.00 fee to cover the City's staff time expenses will be paid for by the purchaser (R.W. Tomlinson) and Couchiching Conservancy. Some costs, such as the advertising and Reference Plan, will be split between the two parties. The City's legal fees and the legal fees of each party will be borne by each party as a closing cost.

If Council sets the price of land at the higher of the appraised value or the minimum set price of \$15.00 per linear foot of road allowance adjacent to a lake, the City will receive a minimum net revenue of approximately \$49,500.00, which will be placed in the Property Development Reserve.

Consultations:

Land Management Team

Attachments:

Appendix A – General Location Map



Appendix A -
General Location Map

Appendix B – Aerial Map



Appendix B - Aerial
Map.pdf

Appendix C – Map



Appendix C -
Map.pdf

Appendix D – Map (Resultant Road Allowance Network)

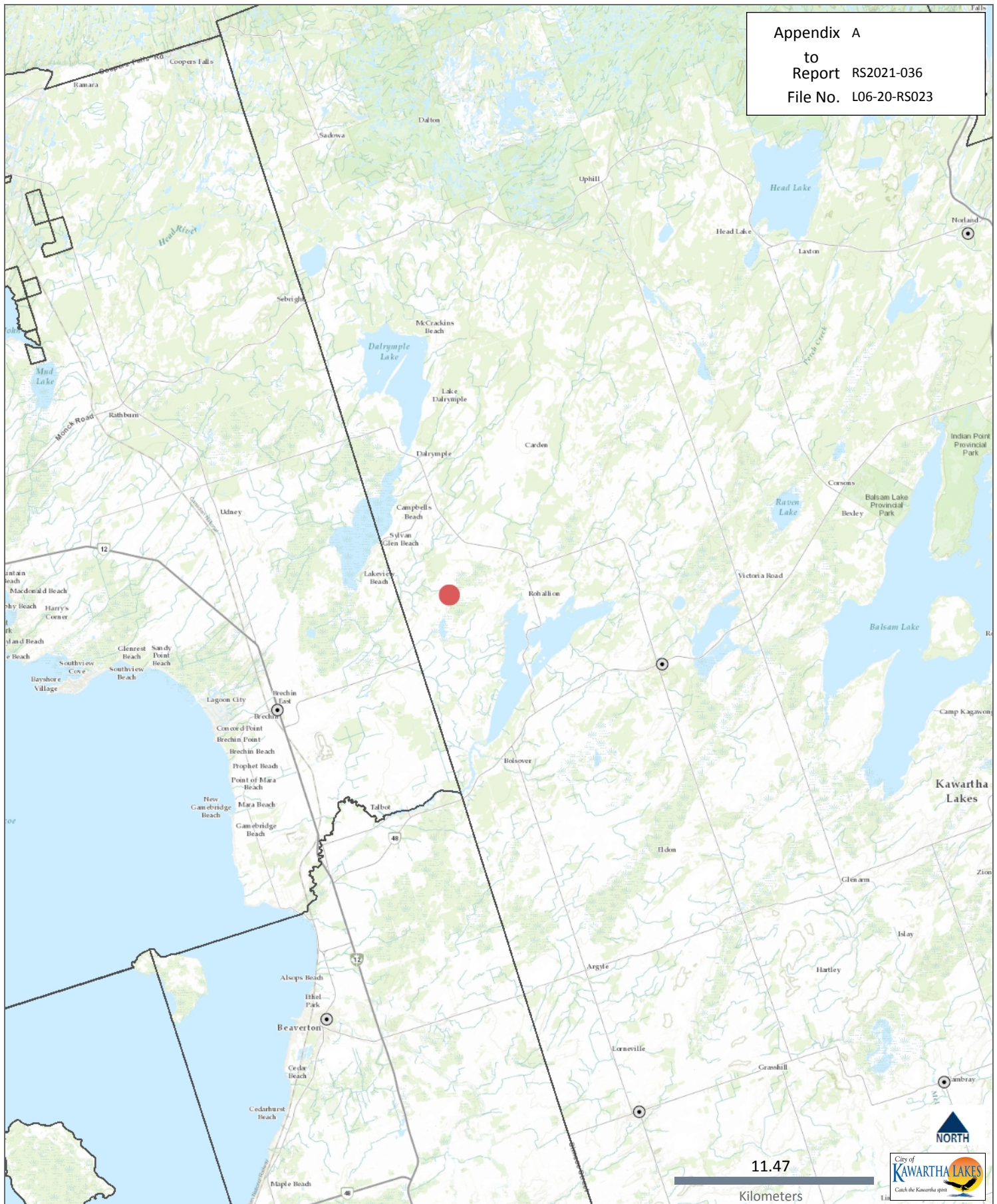


Appendix D - Map
(Resultant Road Allc

Department Head E-mail: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson

Department File: L06-20-RS023



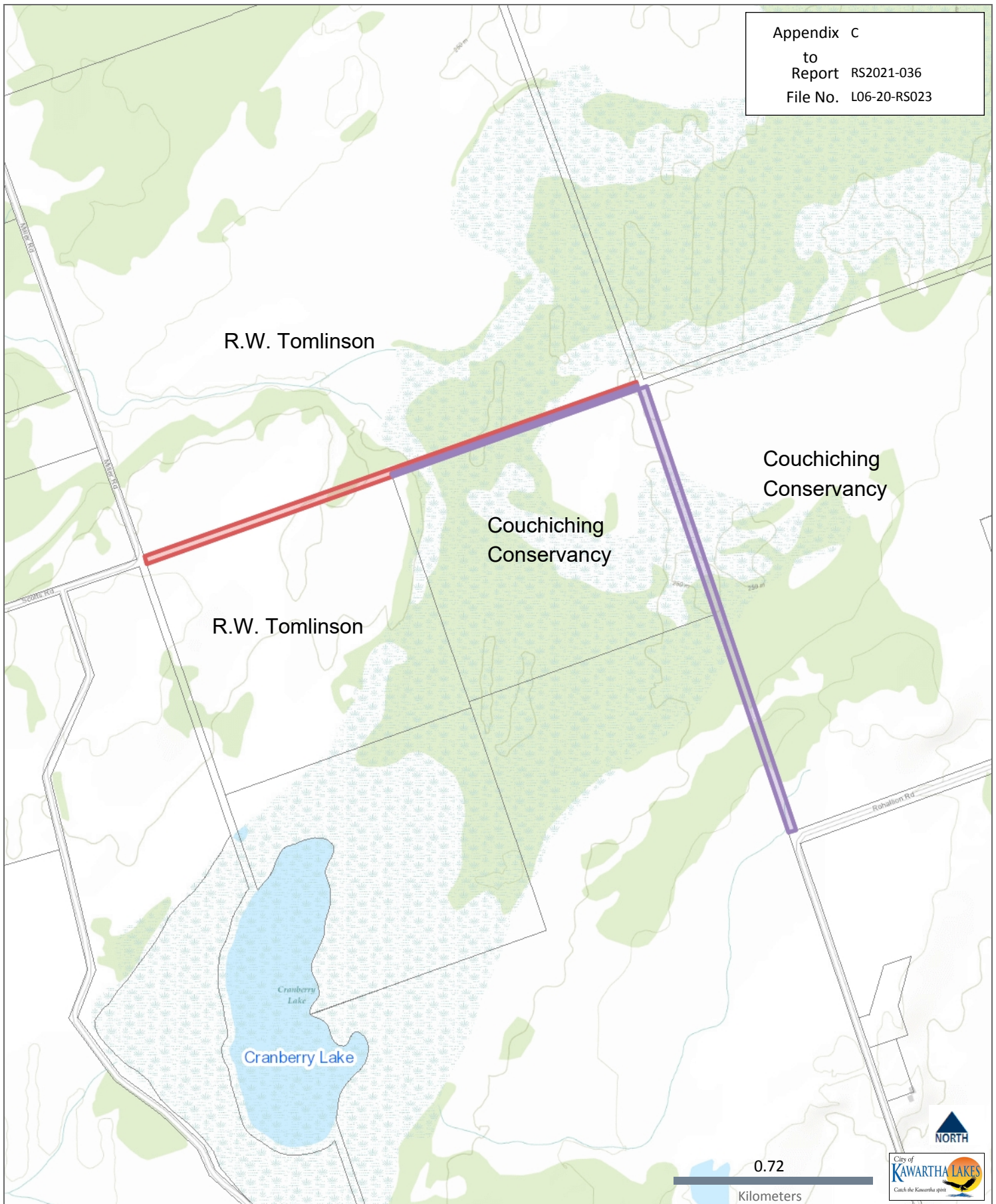
Appendix A
to
Report RS2021-036
File No. L06-20-RS023

THIS MAP IS NOT TO BE USED FOR NAVIGATION
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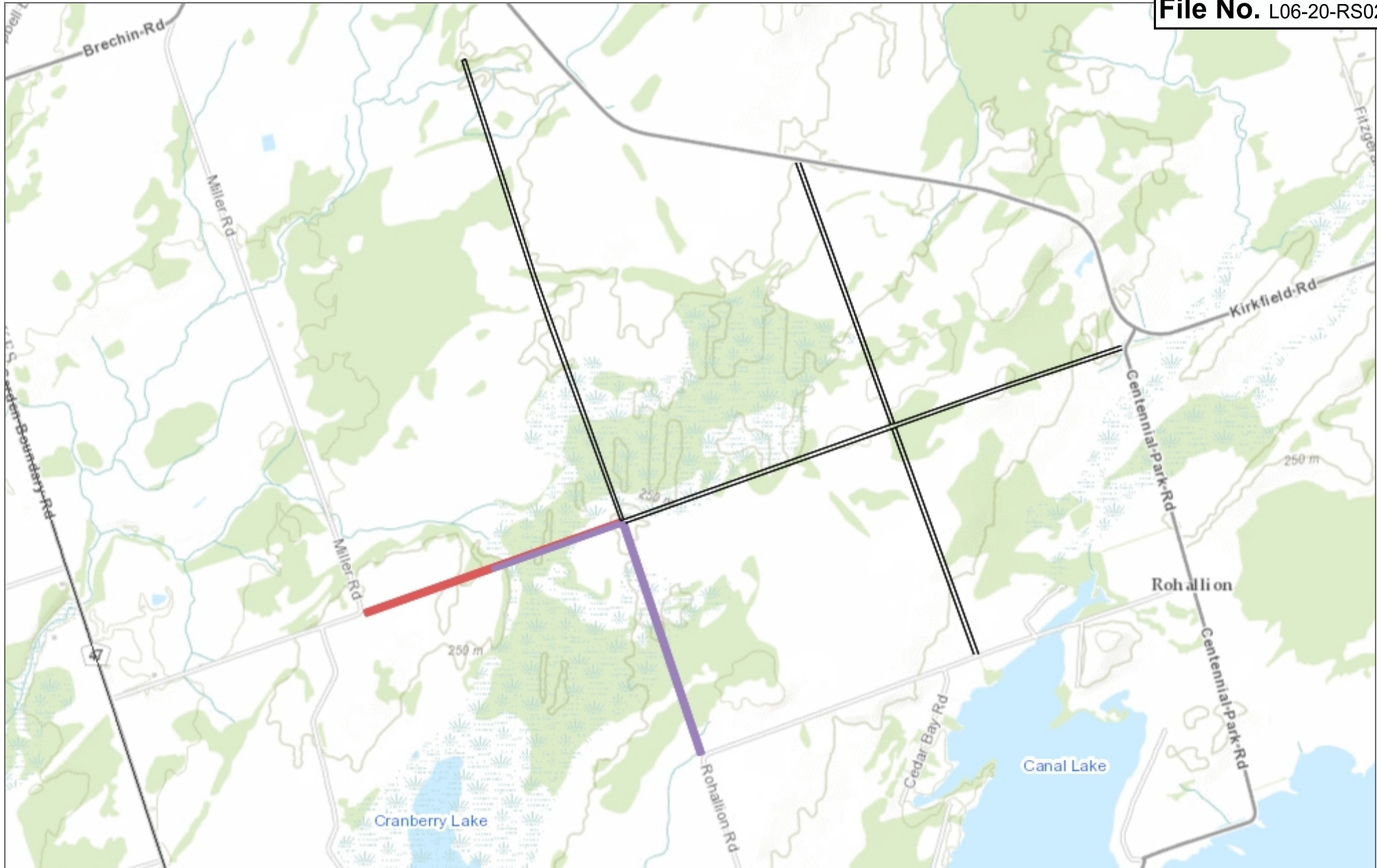
Date:





Resultant Road Network

Appendix D
to
Report RS2021-036
File No. L06-20-RS023



1.83

Kilometers

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Notes

Committee of the Whole Report

Report Number:	PLAN2021-059
Meeting Date:	November 2, 2021
Title:	Telecommunications Facility Concurrence Application – Xplornet Communications
Description:	An application to issue a concurrence for a proposed 45.0 metre self-supported Telecommunications Facility by FB Connect on behalf of Xplornet Communications at 1060 Sandy Hook Road, Manvers (William and Anita Durant)
Author and Title:	Ian Walker, Planning Officer – Large Developments

Recommendations:

That Report PLAN2021-059, **Part of Lot 18, Concession 2, Geographic Township of Manvers, William and Anita Durant – Application D44-2021-005**, be received;

That the 45.0 metre self-supported telecommunication facility proposed by FB Connect on behalf of Xplornet Communications, to be sited on property at 1060 Sandy Hook Road and generally outlined in Appendices A to F to Report PLAN2021-059, not be supported by Council;

That the Director of Development Services be authorized to advise Innovation, Science and Economic Development (ISED) Canada, the applicant, and all interested parties of Council's decision; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

(Acting) Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

FB Connect has submitted an application on behalf of Xplornet Communications to permit a self-supported telecommunication facility with a height of 45.0 metres (148 feet) on a rural property located at 1060 Sandy Hook Road, to the east of Pontypool. See Appendix 'A'. A site compound with an area of 225 square metres (15 metres by 15 metres) will house all electrical components. For access to the compound, Xplornet Communications will utilize the existing second driveway from Sandy Hook Road. See Appendices 'B' and 'C'.

Owner:	William and Anita Durant
Agent:	FB Connect on behalf of Xplornet Communications
Legal Description:	Part of Lot 18, Concession 2, geographic Township of Manvers
Official Plan:	'Natural Core Area' on Schedule '2' of the Oak Ridges Moraine Official Plan
Zoning:	'Oak Ridges Moraine Core Area (ORMCA) Zone' and 'Oak Ridges Moraine Environmental Protection (ORMEP) Zone' on Schedule 'A' of the Oak Ridges Moraine Zoning By-law 2005-133
Site Size:	225.0 square metres consisting of a 15.0 metre by 15.0 metre compound, and an existing site access lane
Site Servicing:	A dedicated electrical connection is required to service the telecommunication facility
Existing Uses:	Portions of the property are used for residential uses, and a portion includes environmental (natural) features
Adjacent Uses:	North: Forest with Agricultural East: Managed Forest; Highway 115; Rural Residential South: Highway 115; Sandaraska Road; Campground (Sandaraska Park) West: Sandy Hook Road; Forest with Agricultural

Rationale:

The telecommunications industry is regulated by the federal government through the Radiocommunication Act, which is primarily administered by Innovation, Science and

Economic Development (ISED) Canada (formerly Industry Canada) and Health Canada. As telecommunications systems are regulated by the federal government, they are therefore not subject to the requirements of Planning Act documents such as official plans or zoning by-laws. ISED Canada considers the local 'Land Use Authorities' (LUAs) to have the best knowledge of land uses in an area. Therefore, ISED Canada encourages the development of protocols by the local municipalities (LUAs) to ensure that a clear process is established for the consideration of new telecommunications facilities within the community. Where a municipality has adopted a telecommunications policy, the applicant must receive a concurrence from the municipality that the proposal complies with their policy, before ISED Canada will issue an approval for the facility.

On June 15, 2021, Council adopted updates to the current telecommunications policy (CP2018-014 Telecommunications and Antenna System Siting Policy) relating to the installation of new telecommunication towers within the City of Kawartha Lakes. The intent of CP2018-014 is to establish a process and provide a clear set of criteria for the consideration of new telecommunications facilities within the community. In accordance with CP2018-014, all applications must first receive a concurrence from Council (subject to any necessary conditions) before a proponent can seek an approval from ISED Canada. The recent amendments to policy CP2018-014 included a number of enhancements meant to support increased public notification (by requiring a larger circulation radius), and streamlined processing of non-complex applications. As a condition of the concurrence for all uncontested applications, the proponent and the landowner must enter into a Telecommunication Facility Development Agreement with the City. The Agreement ensures that a tower will be properly decommissioned and removed from the property when it is no longer required.

Council also approved an update that grants authority to the Director of Development Services to sign letters of concurrence where applications are not contested by the public or an agency and they meet all of our policy objectives. Where this test is not met, staff are required to bring a report forward to Council for consideration. Since this application does not meet the City's telecommunications policy objectives, staff are bringing this report to Council for consideration.

Through the processing of a Preconsultation application, staff advised the proponent that the proposed tower did not comply with the locational criteria required by the Council policy (See Appendix F). Staff provided the following recommendation:

- The proposed tower location is currently placed in the natural heritage feature (Significant Woodlands). In accordance with the Oak Ridges Moraine Conservation Plan (ORMCP), new infrastructure would not be supported within the natural heritage feature. As there is an existing development footprint and clearing on this property, the proposed tower should be moved to the already disturbed portion of this property, with access to be provided by the existing

entrance. Staff could then be in a position to support a proposed tower on this property.

Where an application is contested (including where it does not comply with the locational criteria previously established by Council), Council must provide direction to staff on processing of the application through a Council Resolution. As such, staff have prepared this report with the staff recommendation to not support the application. Two alternatives are presented for Council's consideration, based on the following:

- Option 1 – Council provides direction for the proponent to seek an alternative location on the same property, in a location which can be supported by the locational criteria outlined in CP2018-014; or
- Option 2 – Council supports the concurrence request, subject to entering into a Telecommunications Facility Development Agreement with the City.

The applicant has submitted the following reports and information in support of the application, which have been circulated to various City Departments and commenting agencies for review:

1. Planning Justification Report, prepared by FB Connect, dated July 12, 2021. The report discusses and assesses the proposed telecommunication tower in context of the federal legislation and the City's Telecommunications Policy, including photo renderings of the proposed tower;
2. Site Plan, prepared by Alex Marton Limited Ontario Land Surveyors, dated March 3, 2021;
3. Grade Control and Drainage Plan, prepared by Alex Marton Limited Ontario Land Surveyors, dated July 20, 2021;
4. 45.72m (150') Tower Profile, prepared by Trylon, dated August 2, 2020;
5. Entrance Permit Review Confirmation Letter, prepared by City of Kawartha Lakes – Public Works Department, dated September 17, 2021;
6. Public Consultation Summary letter dated August 27, 2021.

Applicable Provincial Policies:

While telecommunication systems are a federally-led initiative, the Province also recognizes the importance of telecommunications infrastructure and encourages further systems development to meet current and projected service demands in its policy documents, including the Provincial Policy Statement, 2020 (PPS); A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 and including Amendment 1, 2020 (Growth Plan); and the Oak Ridges Moraine Conservation Plan, 2017 (ORMCP).

Where there is a conflict between the policies of the ORMCP and the PPS and/or Growth Plan, the policies of the ORMCP prevail. The ORMCP provides for telecommunications infrastructure, but directs that new infrastructure be considered subject to Section 41.(3) as follows: 'An application for the development of infrastructure in or on land in a Natural Core Area shall not be approved unless the applicant demonstrates that' 41.(2)(a) the need for the project has been demonstrated and there is no reasonable alternative.

Staff agree that the proponent has demonstrated the a need for a facility in this area; however, the proposed tower and associated site works are not located outside of all natural features and their respective buffers, and the applicant has not demonstrated that there is no reasonable alternative in accordance with Section 41.(2)(a) of the ORMCP.

Official Plan Conformity:

The property is designated 'Oak Ridges Moraine OPA Schedule G' on Schedule 'A-1' of the City of Kawartha Lakes Official Plan; and is designated 'Natural Core Area' on Schedule '2' of the Oak Ridges Moraine Official Plan (ORM OP), which is considered a subset of the City's Official Plan. While telecommunication systems are not subject to the requirements of the Official Plan, Section 28.10 of the Official Plan supports the erection of new telecommunication towers, as long as they are located outside of natural features and their respective buffers, and provided that there is a demonstrated need. The designation permits 'transportation, infrastructure, and utilities as described in Section 41 of the ORMCP, but only if the need for the project has been demonstrated and there is no reasonable alternative'.

Again, Staff agree that the proponent has demonstrated the need for a facility in this area; however, the proposed tower and associated site works are not located outside of all natural features and their respective buffers, and the applicant has not demonstrated that there is no reasonable alternative in accordance with Section 41.(2)(a) of the ORMCP.

Zoning By-law Compliance:

The subject land is zoned 'Oak Ridges Moraine Core Area (ORMCA) Zone' and 'Oak Ridges Moraine Environmental Protection (ORMEP) Zone' in the Oak Ridges Moraine Zoning By-law 2005-133 (the 'By-law'). The proposed tower is in the 'ORMCA' zone. While telecommunication systems are not subject to the requirements of the Zoning By-law, Section 6.6 a) vi) of the By-law prohibits telecommunications lines and facilities, including broadcasting towers in the 'ORMCA' zone.

Other Alternatives Considered:

Option 1: Support moving the tower to a different location on the subject property which complies with all of the tower siting criteria. In this instance, the concurrence process may be completed as an uncontested application and require no further direction from Council. The draft Council Resolution reads as follows:

That Report PLAN2021-059, **Part of Lot 18, Concession 2, Geographic Township of Manvers, William and Anita Durant – Application D44-2021-005**, be received; and

That PLAN2021-059 respecting Application D44-2021-005 be referred back to staff to address the outstanding locational issues and for further review and processing until such time that all comments and concerns have been addressed.

Option 2: Support the tower in the existing location, subject to a Telecommunications Facility Development Agreement (the 'Agreement'). In this instance, staff would be directed to prepare the Agreement for signatures by the Proponent, the Owner, and the Mayor and Clerk. The draft Council Resolution reads as follows:

That Report PLAN2021-059, **Part of Lot 18, Concession 2, Geographic Township of Manvers, William and Anita Durant – Application D44-2021-005**, be received;

That the 45.0 metre self-supported telecommunication facility proposed by FB Connect on behalf of Xplornet Communications, to be sited on property at 1060 Sandy Hook Road and generally outlined in Appendices A to F to Report PLAN2021-059, be supported by Council, conditional upon the applicant entering into a Telecommunication Facility Development Agreement with the City;

That the Director of Development Services be authorized to advise Innovation, Science and Economic Development (ISED) Canada, the applicant, and all interested parties of Council's decision;

That the Mayor and Clerk be authorized to execute any documents and agreements required by the concurrence of this application; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Alignment to Strategic Priorities

The Council Adopted Strategic Plan identifies these Strategic Priorities:

1. Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
4. Good Government

This application aligns with the Good Government priority by increasing internet services available throughout Kawartha Lakes. It may have a negative impact on the Healthy Environment priority by supporting further encroachments into an existing natural heritage feature.

Financial/Operation Impacts:

There are no financial considerations for the City.

Servicing Implications:

There are no servicing considerations for the City.

Consultations:

Public Comments

The City's Telecommunications Policy requires that the applicant conduct the public consultation and information process as prescribed by ISED Canada. The ISED Canada standards require notification through a local newspaper (when the tower is 30.0 metres or greater in height), and a mailout to all landowners within a minimum notification radius which is the greater of:

- a) 120 metres from the property boundary; or
- b) Three times the height of the tower (45 metres), taken from the base of the tower or guyed wires (135 metres).

Based on the above criteria, the minimum mailout radius for this proposal is to all landowners within 120 metres of the host property boundary. In accordance with the ISED Canada requirements, a notice was also placed in the local newspapers as follows:

Kawartha Lakes This Week and the Kawartha Promotor on July 15, 2021, with commenting up to August 16, 2021.

The applicant provided a letter dated August 27, 2021 for the City's review, noting that no comments or concerns were received. A copy of the consultation summary is contained in Appendix 'E' to this report.

Agency Review Comments

The proposal was first assessed and circulated to all relevant agencies and City Departments through the City's Preconsultation process, to identify a full list of submission requirements and initial comments for consideration. As a result, the application was circulated to only the relevant agencies and City Departments, which may have an interest in the application. The following comments have been received to date:

October 14, 2021	The Part 8 Sewage System Program (Building and Septic Division) advised they have no concerns.
October 14, 2021	The Economic Development Division advised they have no comments further to those provided through Preconsultation as follows: 'No concerns with this application outside those already noted by Planning preliminary comments, except to request that the tower be located such that a minimal amount of forested land is removed from production'.
October 15, 2021	The Engineering and Corporate Assets Department advised they have no comments. In addition, they note all utility work within the City right of way requires Municipal Consent from Engineering & Corporate Assets and a Road Occupancy Permit Application from the Public Works Department.
October 20, 2021	The Chief Building Official (Building and Septic Division) advised they have no concerns.
October 20, 2021	Otonabee Conservation advised they have no comment.

Development Services – Planning Division Comments:

Compliance with Telecommunication Tower Siting Criteria

Staff have reviewed the telecommunication facility application and concludes that the proposal **does not comply** with the siting criteria in the following manner:

- The proposed tower is located within a 'Significant Woodland', as mapped in the Oak Ridges Moraine Conservation Plan (ORMCP) features mapping. The

proposed tower does not comply with the necessary setbacks to all environmental features.

Staff concludes that the proposal complies with the siting criteria in the following manner:

- The applicant has investigated the possibility of co-locating other existing telecommunication towers. Since there are few towers in the area, and no other towers within a 500 metre radius, co-location is not an option and a new tower is necessary for technical reasons. The proposed tower structure is designed to allow other carriers to co-locate in the future, should the need arise. Staff is satisfied that an additional tower is necessary to provide service for the area.
- The proposed tower fulfills all of the necessary setbacks from local roads, property lines and residential areas.
- While the tower will be visible in the skyline, the self-supported design should not make the tower obtrusive to the view of the area. Appendices 'B' and 'C' contain a proposed tower and compound plan. The views of the tower are expected to be similar to those contained in Figure 3 in the Planning Justification Report. See Appendix 'D'.

From Staff's perspective, the proposed telecommunication facility fulfills some of the locational requirements of the City's Telecommunications Policy, but does not fulfill the policy's environmental siting criteria.

Tower Lighting

With regard to the lighting, this tower may require painted striping or lighting; however, it is not anticipated that either item will be required by Transport Canada. Transport Canada provides any painting and/or lighting requirements for navigation and/or safety purposes. Staff advise that should any night lighting be required; it should not include white flashing strobe lights.

Site Development Agreement

Staff would require that, should Council support concurrence with this proposal or any modified proposal on this property, the telecommunications facility should be subject to a limited Telecommunications Facility Development Agreement with the City. This Agreement would secure an approved site plan, lot grading and drainage plan, securities for entrance works and landscaping (when necessary), and landscaping details as required. The agreement would also include provisions for the removal of the telecommunication facility once it is no longer required or being used. Staff views this agreement as serving more of an administrative function, and therefore does not recommend registering the agreement against title.

Other Considerations

The plans received, circulated and reviewed by the City (Site Plan dated March 3, 2021; Grade Control and Drainage Plan dated July 20, 2021) do not match the Site Plan version supported by the Ministry of Transportation Ontario (MTO) for the issuance of their Building and Land Use Permit (Revision 1, dated September 17, 2021) which was received by email on October 21, 2021. The location of the proposed tower compound has been relocated based on the MTO's request to comply with their setback to Highway 115.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend that the proposed Telecommunications Facility Concurrence Application be referred to Council for **Refusal**.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

Appendix A – Location Map



PLAN2021-059
Appendix A.pdf

Appendix B – Proposed Site Plan with Tower Drawings – dated March 3, 2021



PLAN2021-059
Appendix B.pdf

Appendix C – Proposed Site Plan with Tower Drawings – revised September 17, 2021



PLAN2021-059
Appendix C.pdf

Appendix D – Planning Justification Report



PLAN2021-059
Appendix D.pdf

Appendix E – Summary of Public Consultation



PLAN2021-059
Appendix E.pdf

Appendix F – Final Preconsultation Report

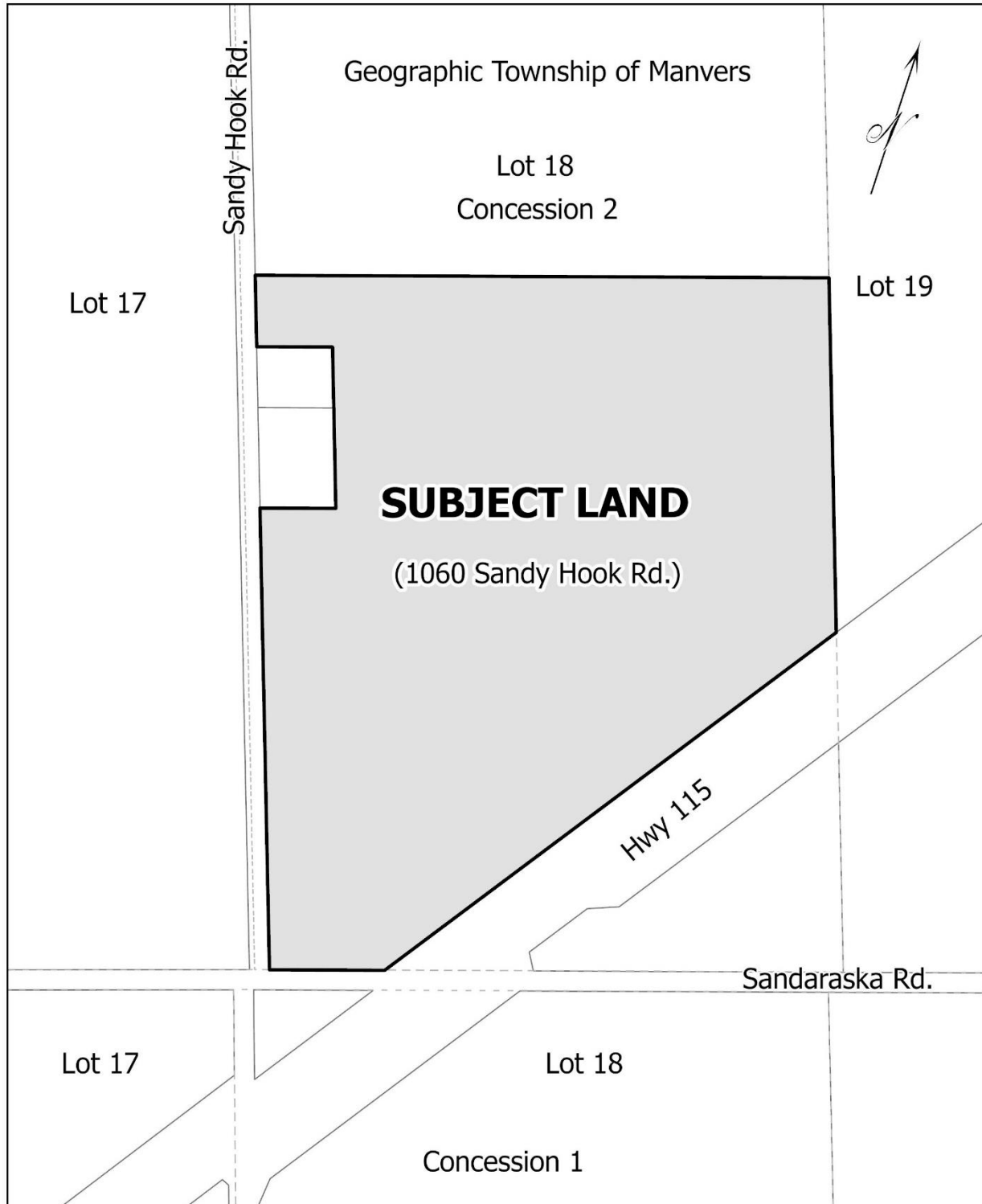


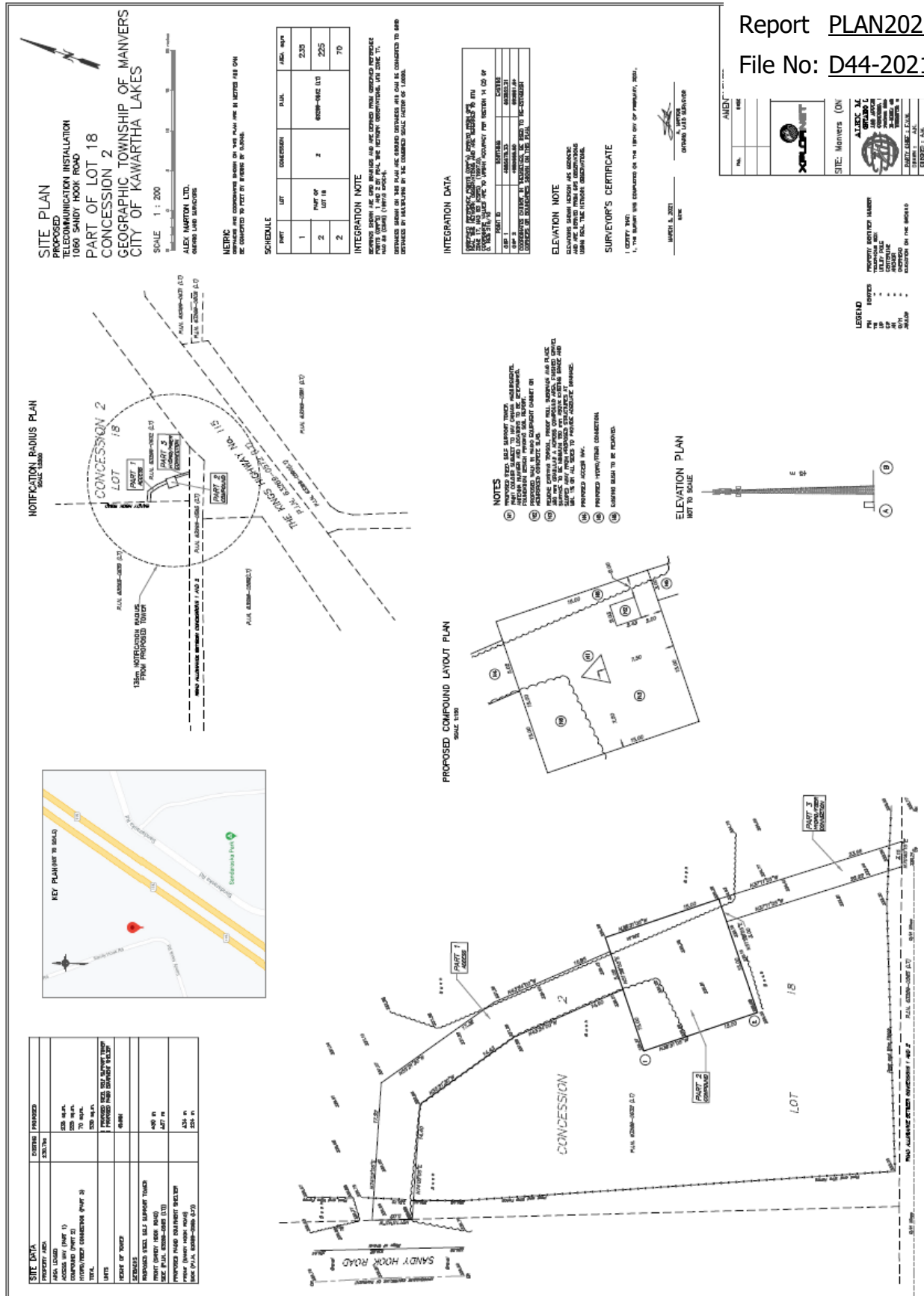
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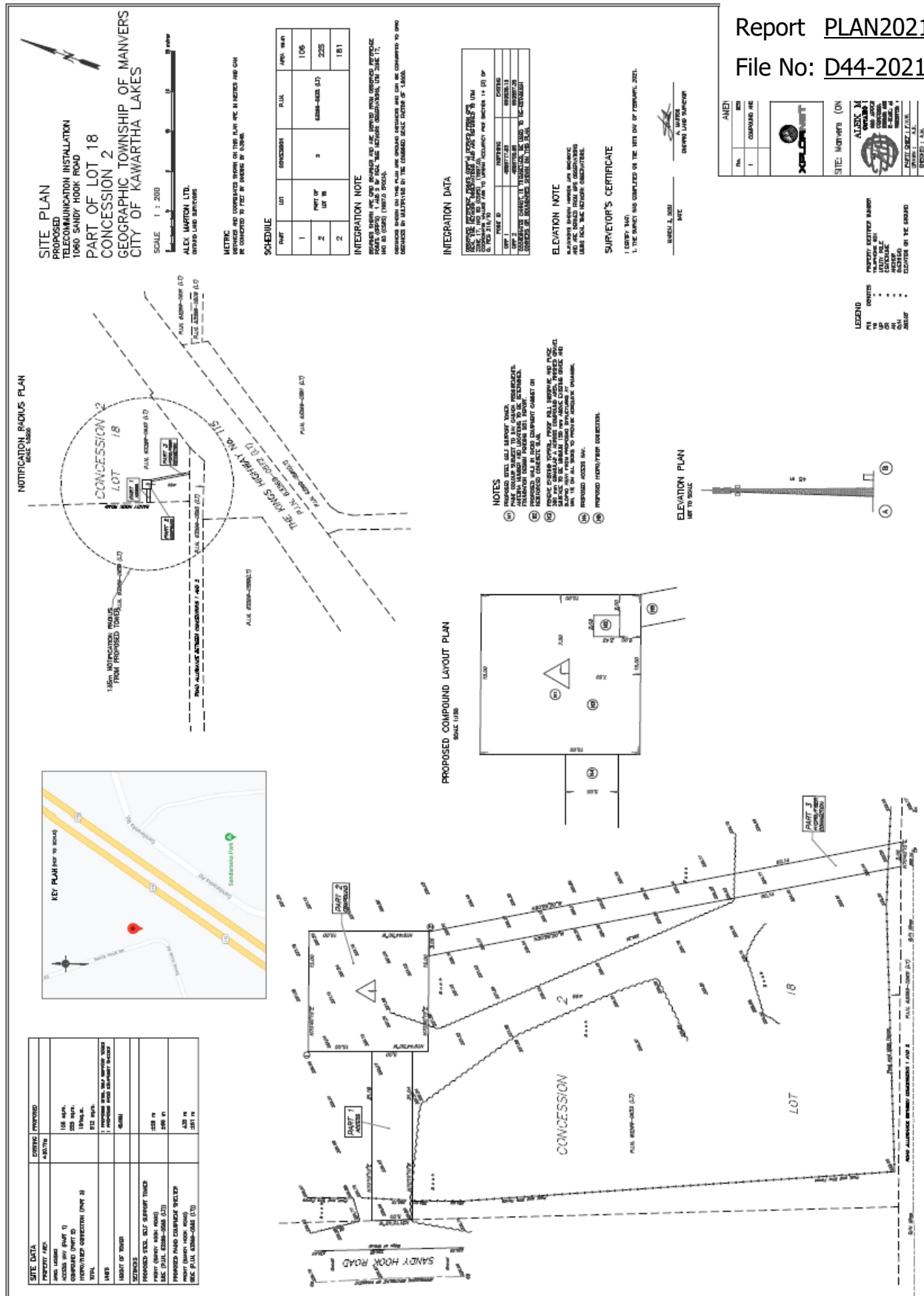
(Acting) Department Head email: rholy@kawarthalakes.ca

(Acting) Department Head: Richard Holy

Department File: D44-2021-005









Planning Justification Report

Xplornet Communications –
Telecommunication Site: Manvers(ON 7994)

Cyrus Ghassabeh, Director
7/12/2021

Xplornet Communications justification for a proposal to erect a 45.0m tall self support style
communications structure and related equipment at 1060 Sandy Hook Rd, Pontypool, ON L0A 1K0

1.0 Introduction

Forbes Bros Ltd Telecommunications Services has been retained by Xplornet Communications ("Xplornet") with respect to a proposal to build a new freestanding communications base station facility on the lands at 1060 Sandy Hook Rd, Pontypool, ON. The purpose of this report is to provide analysis and justification in support of the proposed facility and to assist the land-use authority in providing comments on the proposed development.

2.0 Background

A continual growth in demand for wireless products and their associated services has created a need for increased wireless network infrastructure. Mobile phones and other wireless devices cannot operate without the necessary infrastructure, which is made up of transmitting and receiving antenna sites located on support structures, commonly referred to as "cell towers".

New infrastructure requirements are determined by monitoring the wireless network and identifying areas with weak or insufficient coverage. Xplornet network planners isolate the areas requiring improvements and conduct coverage studies to determine the ideal co-ordinates for a new antenna base station. Real estate investigations determine feasible locations for new sites. New locations include existing towers (colocation), tall buildings or other feasible structures and of course new free-standing support structures.

3.0 Proposal

Xplornet has proposed a new free standing 45.0m tall self support type communication facility (Manvers – ON7994). The proposal supports enhanced wireless voice & data coverage and capacity for the surrounding areas.

3.1 Location

Xplornet's proposed location is on property described as PT LT 18 CON 2 MANVERS AS IN R433016; KAWARTHA LAKES and has the municipal address 1060 Sandy Hook Road, Pontypool. The proposed facility would be located approximately 1.3km south/southeast from the Sandyhook Rd and Pontypool Rd intersection (Figure 1).

The tower is proposed to be located on the western edge of the subject property and has the geographic coordinates:

Latitude (NAD83) N 44° 05' 54.9"
Longitude (NAD83) W 78° 34' 40.6"

Figure 1 – Location Map (not to scale)



3.2 Design

Xplornet has proposed a 45.0m tall self support style structure within a 15m x 15m leased area, transmitting and receiving antennas, and radio equipment (see Figure 2 and 3).

The tower height allows the antenna equipment to propagate wireless signals over top of obstacles (trees, buildings, varying topography) and maintain line of sight connections to other Xplornet facilities in the network.

The proposed installation provides an opportunity to accommodate future technologies as well as potential co-location with other licensed carriers, thus limiting the number of new tower structures required in the area.

Figure 3 –Tower Elevation / Photosim (Looking South from HWY 7A)



4.0 Rationale

The selection of a wireless communications site works similarly to fitting a piece into a puzzle. In this case, the puzzle is a complex radio network. Client demand, radio frequency engineering principles, local



topography and land use opportunities working in concert with one another direct the geography of Xplornet sites.

In identifying a potential tower location and design, Xplornet examined the local area, assessed the visibility of the structure and considered possible tower designs. Xplornet evaluated the best location for a new facility using the following criteria:

4.1 Technical Requirements

The performance of a wireless network is dependent on the geographical location of its equipment, height of its antennas, line of sight requirements, the demand customers place on the network, as well as proximity to the network users. In expanding its wireless network, Xplornet is seeking to improve service for the surrounding areas.

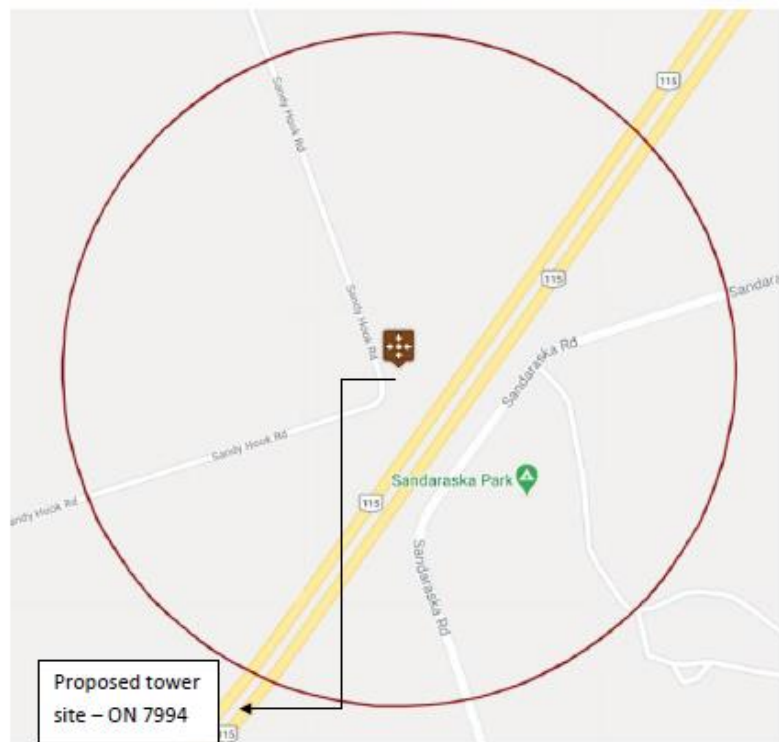
Xplornet can achieve enhanced coverage and capacity with the proposed facility ON 7994–Manvers at 1060 Sandyhook Rd, Pontypool, ON.

4.2 Evaluation of Existing Structures

Co-location and rooftop deployment are the first locations considered in achieving new coverage objectives. For site sharing to be considered technically feasible, existing telecommunication sites and other tall structures must be located within the search area prescribed by Xplornet network planners and engineers. These locations must also provide adequate deployment height and structural capacity to hold additional equipment.

Site sharing investigations revealed that there are no existing tower facilities within 0.5km of Xplornet proposed location that are feasible locations.

Figure 4 – 500m search radius for co-location (approximate)



4.3 Land-use Consideration

The site is located on property designated Oak Ridges Moraine and the subject property is abutted by further Oak Ridges Moraine designated properties.

Given the coverage objectives of this site we feel it is the best possible location. The proposed facility will enhance coverage for surrounding area as well as to travellers along the roadways while maintaining a significant setback to any residential uses.

4.4 Other Considerations

Telecommunications and its associated infrastructure (e.g., new tower sites) fall under the exclusive jurisdiction of the Federal Government of Canada. Matters that affect the establishment of federally authorized radio stations are governed by the *Radiocommunication Act* and the policies thereunder.



A FORBES BROS COMPANY

As a federally regulated undertaking telecommunications are not subject to provincial or municipal regulations of any kind including, *the Planning Act*, official plans, and zoning bylaws.

Provincial and municipal governments do not have lawful jurisdiction to create enforceable rules which relate directly to radiocommunication. A by-law or regulation relating incidentally to radiocommunications may co-exist with federal legislation provided such by-laws and regulations do not prohibit or unduly restrict the conduct of radio services or the operation of federally regulated radiocommunications facilities.

Local ordinances (e.g., ORMCP, zoning) are ineffectual to the extent that they propose to prohibit the siting of a radiocommunications facility. In this instance the OMRCNP Natural Heritage Zone should not be taken as a designation that would prohibit the proposed Xplornet radiocommunications facility.

While the proposed site is not subject to the ORMCP regulations, and telecommunications and utilities are permitted uses in the ORMCP Natural Heritage zone, Xplornet adheres to best practices when constructing a site near or in a sensitive land-use including (but not limited to):

- Minimizing wetland encroachment as much as possible
- Avoid fragmenting wetland habitat and corridors
- Awareness of how the project may affect ground or surface waters and drainage
- Soil erosion and sediment controls
- Avoid outdoor illumination / use motion-sensor lighting
- Avoid tree and vegetation removal to the extent possible
- Consider snow removal locations and procedures.
- Use silt fencing
- Awareness of potential for species at risk at the site

We are happy to further consult with ORM/City staff for recommendations on construction practices that will minimize impact on the Natural Heritage zone.

5.0 Review of Development Plan

5.1 Municipal Consultation Process

Xplornet is regulated and licensed by Industry Canada to provide inter-provincial wireless voice and data services. As a federal undertaking, Xplornet is required by Industry Canada to consult with land-use authorities in siting new mobile base station locations.

The consultation process established under Industry Canada's authority is intended to provide the local land-use authorities an opportunity to address land-use concerns while respecting the federal government's exclusive jurisdiction in the siting and operation of wireless voice and data systems.

As the provisions of the Ontario Planning Act and other municipal by-laws and regulations do not apply to federal undertakings, wireless communication facilities are not required to obtain municipal permits of any kind. Xplornet is required to follow established and documented telecommunication protocols or processes set forth by land-use authorities.

5.2 Public Consultation

In accordance with Industry Canada procedures, public consultation is required for most new telecommunication facility proposals. Per Industry Canada's guidelines default public consultation is conducted via written notification to property owners within three times (3x) the height of the tower measured from the base or outer most point of the tower. Depending on the height of the proposed facility a public notice in a locally circulated newspaper may also be warranted.

Both forms of notice must contain basic information about the proposal (location, design etc.) as well as contact information for the proponent and a thirty (30) day window to submit comments or questions to the proponent.

Public consultation requirements may vary where an established local policy or protocol is in effect.

5.3 Federal Requirements

In addition to the requirements for consultation with municipal authorities and the public, Xplornet must also fulfill other important obligations including the following:

Impact Assessment Act (IAA) formerly Canadian Environmental Assessment Act

Innovation, Science and Economic Development Canada ("ISED" formerly Industry Canada) requires that the installation and modification of antenna systems be done in a manner that complies with appropriate environmental legislation. This includes the Impact Assessment Act, 2019 (IAA), where the antenna system is incidental to a physical activity or project designated under IAA, or is located on federal lands.

Xplornet attests that the radio antenna system as proposed for this site is not located within federal lands or forms part of or incidental to projects that are designated by the Regulations Designating Physical Activities or otherwise designated by the Minister of the Environment as requiring an environmental assessment. In accordance with the Impact Assessment Act, this installation is excluded from assessment.

For additional detailed information, please consult the Impact Assessment Act at: <https://laws-lois.justice.gc.ca/eng/acts/I-2.75/>

Transport Canada's Aeronautical Obstruction Marking Requirements

Aerodrome safety is under the exclusive jurisdiction of NAV Canada and Transport Canada. An important obligation of wireless proponents is to comply with Transport Canada / NAV Canada aeronautical safety requirements. Transport Canada performs an assessment of the proposal with respect to the potential hazard to air navigation and notifies Xplornet of any painting and/or lighting requirements for the antenna system. Xplornet has submitted the necessary documents for assessment by NAV Canada and Transport Canada.



For additional information, please see the Transport Canada website at:
<http://www.tc.gc.ca/eng/civilaviation/regserv/cars/part6-standards-standards621-3808.htm>

Health Canada's Safety Code 6 Compliance

Health Canada is responsible for research and investigation to determine and promulgate health protection limits for exposure to radio-frequency (RF) electromagnetic energy. Accordingly, Health Canada has developed a guideline entitled "Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3KHz to 300Ghz – Safety Code 6". The exposure limits specified in Safety Code 6 are established by reviewing all peer-reviewed scientific research in the area of human health and RF exposure. Included in this review are hundreds of studies conducted over the past 50 years.

Radiocommunication, including technical aspects related to broadcasting, is under the responsibility of the Ministry of Industry (Industry Canada) which has the power to establish standards, rules, policies and procedures. Industry Canada, under this authority has adopted Safety Code 6 for the protection of the general public. With this adoption, Industry Canada requires all proponents and operators to ensure that their installations comply with Safety Code 6 at all times, including any changes to the code and including any combined effects from other installations in the nearby radio environment.

Xplornet attests that the radio antenna system described will comply with Health Canada's Safety Code 6 limits, as may be amended from time to time, for the protection of the general public including any combined effects of additional carrier co-locations and nearby installations within the local radio environment.

Engineering Practices

Xplornet attests that the radio antenna system as proposed for this site will be constructed in compliance with the National Building Code and the Canadian Standards Association and comply with good engineering practices including structural adequacy.

6.0 Summary and Conclusion

As communities continue to grow to depend on wireless products and their services, it will be necessary to improve network coverage and quality. Improving network coverage and quality is achieved by increasing mobile base station infrastructure to fill coverage gaps and increase capacity for current and future wireless users.

In response to the demand for high quality wireless services in Ontario and specifically in the City of Kawartha Lakes, Xplornet has proposed a communications site that achieves the technical requirements of the network while maintaining a significant setback to any residential land uses.

I look forward to working with the Municipality in providing enhanced wireless services to the community. Should you require any further information please do not hesitate to contact me at 905.808.0073 or by email at cghassabeh@forbesbrositd.ca

Sincerely,

Cyrus Ghassabeh



Cyrus Ghassabeh
Forbes Bros Ltd. Telecommunication Services
482 South Service Road East, Unit 130
Oakville, ON L6J 2X6



City of Kawartha Lakes
26 Francis Street
Lindsay, Ontario K9V 5R8
Attn: Ian Walker, B.Sc. Planning Officer, Large Developments
P: (705) 324-9411
E: iwalker@kawarthalakes.ca

August 27th, 2021

To whom it may concern,

On behalf of Xplornet Communications, I would like to submit a request for a Statement of Concurrence for the proposed communication installation located at 1060 Sandy Hook Rd, Pontypool, ON.

The document will provide a summary of the municipal and public consultation process.

MUNICIPAL & PUBLIC CONSULTATION SUMMARY:

PROTOCOL

We have confirmed that the City of Kawartha Lakes has a locally enacted land use protocol for towers, and we were therefore required to comply with the procedures as described in CP2-18-014

PUBLIC CONSULTATION

Under the City of Kawartha Lakes Telecommunications and Antenna System Siting Policy, we provided formal notice allowing 30 days for comments to any property owners within three times the tower height (45m X 3 = 135m). We asked that you assist with contact/mailling addresses for the property PINs identified in the notification radius, and there were eleven (11) unique addresses provided. Under CPC Section 4.2.4, synchronized notice was placed in Kawartha Lakes This Week and The Promoter on May 6th, 2021 in accordance with the criteria established therein.

PUBLIC RESPONSE

Under Section 4.2.2 of CPC 2-0-03, we are to respond to all reasonable and relevant concerns raised during the 30-day notification period of Section 4.2. What is considered reasonable or relevant (or not) is specifically defined under the CPC section entitled "Public Reply Comments". The 30-day notice period concluded August 16th, 2021.

- The Municipality has not advised us that they have received any comments or concerns which we were to address.
- Xplornet did not receive any comments or concerns.

MUNICIPAL CONSULTATION

Consultation with the municipality included the following:

- Submission of a pre-consultation application for internal review r
- Follow-up consultation by email

- Submission of a full application for review
- Discussion about the proposed property and installation
- Request for assistance with properties in the Public Notification Radius
- Request for the City's choice of newspaper
- Submission of the final Public Consultation Package (for your records)
- Request to identify any other municipal requirements
- Request for Municipal Concurrence

OTHER MUNICIPAL CONSIDERATIONS:

As we are regulated under federal policy, provincial legislation such as the Ontario Building Code Act and the Planning Act including zoning by-laws and site plan control do not apply to these facilities. Our installation is not required to submit application for a building permit. We also asked you to outline formally any other local requirements, and there were none

CONCLUDING LAND USE AUTHORITY CONSULTATION

Under CPC Section 4.3, we have satisfactorily met the consultation requirements. Xplornet feels that the proposed site is well situated to provide and improve internet and data services in the targeted area. The proposed site has been situated and designed to have minimal impact on surrounding land uses.

At this time, we respectfully request the formal Statement of Concurrence by the City of Kawartha Lakes' Council. A copy of your concurrence will be sent to ISED Canada as they require this to confirm our compliance with the ISED Canada's default protocol CPC-2-0-03 Issue 5 (July 2014) "Radiocommunication and Broadcasting Antenna Systems" prior to moving forward with the installation of the proposed communication facility.

On behalf of Xplornet, we look forward to providing better internet and data service to this area. We thank you for your attention to this request and should you have any questions or need further information, please do not hesitate to contact me at 905.808.0073 or by email at cghassabeh@forbesbrosLtd.ca

Sincerely,

Cyrus Ghassabeh

Cyrus Ghassabeh,

FB Connect.

482 South Service Road East, Unit 130

Oakville, ON L6J 2X6



City of Kawartha Lakes
File: D38-2021-027

Final Preconsultation Con
Circulation Date: March 26, 2021

Appendix " F "
 to
 Report PLAN2021-059
 File No: D44-2021-005

Final preconsultation comments are typically current for six (6) months from the date of the preconsultation circulation. Preconsultation does not imply or suggest any decision whatsoever on behalf of City staff or the Corporation of the City of Kawartha Lakes to support or refuse the application. Comments are considered confidential until such time as a Planning Act application is filed with the City.

Preconsultation Circulation Date:	Circulated By Email – Friday, March 26, 2021 Comments Due By – Friday, April 9, 2021
File Number:	D38-2021-027
City Departments and Agencies who may have an interest:	Development Services Department Planning Division Building and Septic Division Economic Development Division Engineering and Corporate Assets Department Public Works Department Otonabee Region Conservation Authority Ministry of Transportation
Applicant and Consultants Present for Meeting:	Circulation by email only
Owner:	William and Anita Durant Tel:
Applicant:	Tango Networks Inc. c/o Jacqueline Johnston Tel: 780.885.9380 Email: jjohnston@tangonetWORKSinc.ca
Project Description:	The applicant proposes to use approximately 225 square metres (2,422 square feet) of the property to install a 45 metre in height lite duty self-supported lattice radiocommunications tower, with access via a new entrance from Sandy Hook Road, driveway and path.
Site Address / Location:	1060 Sandy Hook Road; Part of Lot 18 Concession 2, Geographic Township of Manvers
Roll Number:	165100801024800
Property Identification No.:	632690632
Lot Area:	30.4 ha. (75.1 ac.) of which 225 sq. m. (2,422 sq. ft.) are proposed for the development

Method of Servicing:	Other: Electrical services only
Housing Affordability:	Not Applicable
Entrance/Road Access & Other Road Frontages:	Municipal – Local (Sandy Hook Road) Provincial – Abutting Highway 115 (No access)
Widening, Easement, Etc.:	Not Anticipated
Municipal Drain:	Not Applicable
Heritage Designation:	Not Applicable
Source Water Protection:	Not Applicable
Conservation Authority Regulatory Jurisdiction:	Otonabee Region Conservation Authority (Otonabee Conservation) – Ontario Regulation 167/06
Agencies Who May Have Interest/Jurisdiction & Reason:	Otonabee Conservation – Memorandum Of Understanding (MOU) for Natural Heritage and/or Hazards Ministry of Transportation (MTO) – Within 1 km of Hwy 115
Applicable Provincial Policy and Plan(s):	Provincial Policy Statement, 2020 (PPS, 2020) A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (2020 Growth Plan) Oak Ridges Moraine Conservation Plan, 2017 (ORMCP)
Provincial Policy and Plan Comments:	In accordance with the ORMCP, an application for the development of infrastructure in or on land in a Natural Core Area shall not be approved unless the applicant demonstrates that the requirements of Section 41.(3) have been met.
Growth Management Strategy (GMS):	The proposal is not within the Settlement Boundary Area identified in the City's 2011 Growth Management Strategy
Official Plan Designation:	'Natural Core Area' (Schedule '2') with 'Significant Woodlands' (Schedule '6'), 'Hydrologically Sensitive Area' (Schedule '7'), 'High and Low Aquifer Vulnerability' (Schedule '8') and 'Landform Conservation Area Category 2' (Schedule 9) in the Oak Ridges Moraine Official Plan (ORMOP)
Official Plan Comments:	The development is within the 'Natural Core Area' designation, which permits transportation, infrastructure, and utilities as described in Section 41 of the ORMCP, but only if the need for the project has been technically demonstrated and there is no reasonable alternative, subject to Part III and IV of the ORMCP.

Zoning:	Oak Ridges Moraine Core Area (ORMCA) Zone' and 'Oak Ridges Moraine Environmental Protection (EP) Zone' (Schedule 'A') with 'Heritage Features (Wetlands/ANSIs)', 'Area of High Aquifer Vulnerability', 'Landform Conservation Category 2' and 'Significant Woodlands' (Schedules 'C', 'D', 'E' and 'F') in the Oak Ridges Moraine Zoning By-law 2005-133, as amended
Zoning Comments:	The erection of telecommunication towers shall be outside of any areas delineated as Environmentally Protected in the applicable zoning, and in accordance with the provisions of the ORMOP and ORMCP.
Applications required for the proposal to proceed:	While the erection of cellular and telecommunications towers are exempted from Planning Act approvals, the applicant must consult with the City on locational issues and seek municipal concurrence for the proposal, before Innovation, Science and Economic Development Canada (ISED) – formerly Industry Canada (IC) can issue an approval for the proposal. The applicant will be required to submit to the City a Telecommunications Application pursuant to Council Policy CP2018-014, the City's Telecommunications and Antenna System Siting Policy.

Background:

The applicant proposes to erect a lite duty self-supported lattice radiocommunications tower with a height of 45 metres. Access would be from Sandy hook Road utilizing a new entrance, driveway, and path.

Comments:

Planning Division

Further to the Preconsultation circulation and our review, staff provide the following comments for consideration:

Please note: The proposed tower location is currently placed in the natural heritage feature (Significant Woodlands). In accordance with the Oak Ridges Moraine Conservation Plan (ORMCP), new infrastructure would not be supported within the natural heritage feature. As there is an existing development footprint and clearing on this property, the proposed tower should be moved to the already disturbed portion of this property, with access to be provided by the existing entrance. Staff could then be in a position to support a proposed tower on this property. On this basis, the following information would be applicable:

The applicant should review the City's approved Telecommunications and Antenna Siting Policy (CP2018-014), as revised (attached), and ensure that the proposal meets all of the Policy's siting requirements. All agency technical comments should be incorporated into the proposal. The City encourages co-location of cellular infrastructure

where possible. The application will be subject to a concurrence by Council, and the Council Resolution will be forwarded to Innovation, Science and Economic Development Canada (ISED) – formerly Industry Canada (IC), for their consideration in approval of an application. **As a condition of the concurrence, the applicant will be required to enter into a Development Agreement with the City. A template copy of the current Telecommunications Facility Development Agreement is attached. This template will form the basis for the Development Agreement prepared by staff through the review of the application.**

The subject land is within the Oak Ridges Moraine Conservation Plan, 2017 (ORMCP) area and is subject to the policies of the ORMCP. Review and comment of the application, in accordance with these policies, is through the Otonabee Region Conservation Authority (Otonabee Conservation).

Based on the proposal, we advise that there is a requirement for the proponent to **confirm any existing entrance(s) and/or proposed entrance(s)** comply with the City's By-law 2017-151: A By-law to Regulate Access to Municipal Right of Ways. A copy of the By-law can be obtained from the City's website. The purpose of this request is to ensure that if the Telecommunications Concurrence application is successful, that the appropriate Access Permit(s) can be granted for any new entrance or if any upgrades are required to an existing entrance, based on the appropriate (largest) entrance standard for all uses on the property (i.e. Residential, Agricultural, Commercial, Industrial, etc.). The City will review any potential new or revised access to the property to ensure compliance with the By-law.

In order to fulfill this request, a completed '**Application for the Review and Authorization of a Road Entrance**' along with the associated application fee shall be submitted to the Building Division or at any Municipal Service Centre. On Page 2 of the application, check off the '**For Review Purposes Only**' checkbox. The application form is available in person at any Service Centre (subject to availability), or can be found on the City's website under the 'Building Permits' section, within the 'Forms, applications and information sheets' heading:

<https://www.kawarthalakes.ca/en/living-here/my-property.aspx>

In addition to the applicable **application form(s)** and associated **processing fee(s)** required, the following studies and/or plans are also required in support of the proposed development. All studies/plans/reports/etc. listed below will also be included in a checklist at the end of this document, indicating the required number of copies. **A copy of this checklist must be submitted with the application(s).** Where multiple requirements are captured in one report, please note that on the submitted checklist. **All reports and studies must be current:**

- **A Tower Justification Report (TJR)** outlining how the proposal fulfills the City's Telecommunications and Antenna Siting Policy (CP2018-014). The report will need to confirm that **co-location options have been analyzed**; rationalize how setbacks in the Policy are being met; identify the **type of lighting** to be installed on the tower, and provide **photo renderings** (pre and post-development) of the tower from various vantage points;

- A **Site Plan Layout** is required to illustrate existing and new buildings (for electrical, etc.), entrance(s), and landscaping, including **Planting Plan** for visual screening of the facility/compound;
 - A **Constraints Map** is recommended to confirm the overall constraints (including environmental hazards, natural heritage features, etc.) on or around the property, in proximity to the proposed tower and any components (access, compound, etc.). These constraints can be shown on the Site Plan Layout above;
- **Tower Elevations** showing the details of the proposed tower (type, height, etc.) and including dimensions. These details can be shown on the Site Plan Layout above;
- A **Lot Grading/Drainage Plan** consisting of a topographical survey with elevations and/or directional arrows indicating direction of existing and proposed stormwater flow. These details can be shown on the Site Plan Layout above;
- An **Entrance Permit Review Confirmation Letter** is required, to verify the existing or proposed entrance(s) comply with By-law 2017-151 for all proposed uses. If any works are required to upgrade or install an entrance, a full **Entrance Permit** would be required at a later stage (i.e. upon completion of the required Telecommunications Concurrence application);
- A **Cost Estimate** for all required securities, including deposits for landscaping (100%). If an entrance permit is required, the value of the securities for these works will be determined by Public Works – Roads, and may be collected separately or as part of the Telecommunications Concurrence application.

These comments reflect the understanding of the requirements based on the submission materials. The Planning Division reserves the right to provide additional comments should any updated information become available through processing of an application. Should the proponent have additional detail or information to provide for review prior to the formal submission of any application, we recommend a follow-up meeting to confirm the requirements.

Engineering and Corporate Assets Department

Further to our review of the pre-consultation summary for the proposed construction of a light duty self-supported lattice radio communications tower with a height of 45 metres, at 1060 Sandy Hook Road, Manvers Twp. we confirm that there are no comments from an engineering perspective.

These comments reflect our understanding of the application request. Engineering may provide additional comments if the application varies from the summary.

Economic Development Division

The Economic Development Division's Economic Development Officer – Agriculture advises the following:

- I have no concerns with this application outside those already noted by Planning preliminary comments, except to request that the tower be located such that a minimal amount of forested land is removed from production.

Otonabee Region Conservation Authority (Otonabee Conservation)

Full comments may be circulated under separate cover, as an addendum to this report.

Building and Septic Division

The Plans Examiner advised the following:

- The Building Division has no concerns with the proposal provided that all necessary building permits are obtained for all new construction, if applicable. If a building is proposed, permits may be required under the Ontario Building Code.

The Part 8 Sewage System Supervisor advised the following:

- The proposal to establish a tower on the property will ensure that the minimum clearance distances to the existing sewage system are maintained. As such, I have no concerns.

Ministry of Transportation (MTO)

The Ministry of Transportation's Planning Intern provides the following:

- MTO understands that the proposal is to construct a radiocommunication cell tower on the property with access via a new entrance from Sandy Hook Road. MTO has reviewed the submission and is providing the following comments as the property falls within the MTO permit control area and an MTO permit is required prior to any construction occurring on site;
- MTO has no concerns in principle with the proposed radiocommunications tower development but **additional information is required**. Please note that the proposed concept plan does not show the setback distance of the tower from the property line that fronts Highway 115. MTO requires that radio towers meet the standard 14m setback plus the height of the tower, meaning a 59 metre setback is required for this development from the property limit (the setback is taken from property limit);
- MTO will require the proponent submit a **site plan drawing that includes the 59 metre setback** to ensure that the tower is placed at a required distance to ensure that any collapse of the tower will not infringe on the highway right of way. The site plan will need to include all anchor lines. The site plan will also need to depict the proposed **entrance location** and a **letter from the property owner** acknowledging they are supportive of the tower on their property;

- There appears to be a power line proposed that comes into the site via Sandy Hook Road and then appears to run along the Highway 115 corridor. It is unclear where this power line is proposed, and additional information will be required. MTO does not permit any utility to run parallel into a highway right of way and additional information is required on where the utilities connecting. An **engineering site plan with cross-sections** for any buried plant that is proposed is required.

A full copy of their comments is attached to this report.

Follow-up:

If the applicant wishes to pursue this proposal, the applicant shall submit a Telecommunications Concurrence Application and the review fee (currently \$2,286.00 for 2021, subject to change by Council direction) for consideration. Should Council support the Telecommunication Concurrence Application to receive approval by Innovation, Science and Economic Development Canada (ISED), the applicant will be required to enter into a Development Agreement with the City as a condition of the concurrence.

Application Fees:

The application forms, process guides, and application fees are available upon request via email from the Planning Division, or on the City website at:

<https://www.kawarthalakes.ca/en/business-growth/development-applications.aspx>

The Conservation Authority fees are found at the end of the Planning Application fee document.

Please note, upon submission of the application(s) to the City, an electronic copy of the complete submission is required to accompany the paper reports / studies / plans noted below in the checklist. Electronic submissions will not be accepted through the City's email or online file sharing programs (they must accompany the hard copy submission).

Applications which are not accompanied by the required materials and/or the electronic copy will be deemed incomplete, and will be returned to the applicant for resubmission.

A copy of the attached checklist is required to accompany your submission. A cover letter should also be attached, indicating where multiple reports have been consolidated into one report.

Additional Notes:

1. The above noted comments and attached checklist are based on the proposal as reviewed by the Preconsultation Committee. If significant changes are proposed, the comments and/or reports may require amending, or require a new Preconsultation circulation to review the revised proposal.

2. During the review of the application, it may be determined that additional studies and/or information will be required to be submitted as a result of issues arising during the processing of the application, or subsequent revisions that have been made to an application.
3. The purpose of the above comments and attached checklist are to identify all the relevant information required to be submitted in order to deem these application(s) complete.
4. The comments are based on the current Provincial Legislation, Regulations, Policies and Plans that are in effect, and the City's official plans and zoning by-laws that existed at the time the Committee considered this matter. While the City has an official plan which came into effect in 2012, there are portions of the plan which remain under appeal. The City has adopted secondary plans which are also under appeal. If decisions are made by the appeal body (Local Planning Appeal Tribunal) regarding these appeals, the documents could change the contents of this report as it relates to the proposal.
5. The City is currently in the process of consolidating the existing zoning by-laws. If passed by Council, these documents could also change the comments above as they relate to this proposal. If passage of these documents is imminent, then this will be noted in the comments.
6. The final preconsultation comments are typically **current for six (6) months** from the date of the preconsultation circulation. Prior to submitting your application(s), you may wish to contact the Development Services – Planning Division office and confirm if any of these above noted documents have been passed by Council, or have come into effect.
7. **If the final preconsultation comments have expired**, please contact the Development Services – Planning Division office to determine if these comments and checklist are still valid, or if a new preconsultation application will be required, prior to filing the required applications.
8. An application submitted without the required information identified in this Preconsultation Report may be recommended for refusal based on insufficient information to properly evaluate the application.
9. Please note that even if a study is mentioned more than once or similar studies are mentioned by various agencies (i.e. Geotechnical Report and Geotechnical Analysis), the studies may be consolidated into one comprehensive report which addresses multiple agency issues, where applicable.

Contacts:

<p>Mr. Ian Walker Planning Officer – Large Developments Planning Division, Development Services Department City of Kawartha Lakes 180 Kent Street West Lindsay, ON K9V 2Y6 Tel: (705) 324-9411 x1368 Fax: (705) 324-4027 iwalker@kawarthalakes.ca</p>	<p>Ms. Sherry Rea Development Planning Supervisor Planning Division, Development Services Department City of Kawartha Lakes 180 Kent Street West Lindsay, ON K9V 2Y6 Tel: (705) 324-9411 x1331 Fax: (705) 324-4027 srea@kawarthalakes.ca</p>
<p>Ms. Christina Sisson Supervisor, Development Engineering Engineering and Corporate Assets Department City of Kawartha Lakes 322 Kent Street West Lindsay, ON K9V 5R8 Tel: (705) 324-9411 x1152 Fax: (705) 324-2982 cssisson@kawarthalakes.ca</p>	<p>Ms. Susanne Murchison Chief Building Official Building and Septic Division, Development Services Department City of Kawartha Lakes 180 Kent Street West Lindsay, ON K9V 2Y6 Tel: (705) 324-9411 x1200 Fax: (705) 324-5514 smurchison@kawarthalakes.ca</p>
<p>Ms. Anne Elmhirst Part 8 Sewage Systems Coordinator Building and Septic Division, Development Services Department City of Kawartha Lakes 180 Kent Street West Lindsay, ON K9V 2Y6 Tel: (705) 324-9411 x1882 Fax: (705) 324-5514 aelmhirst@kawarthalakes.ca</p>	<p>Ms. Kelly Maloney Economic Development Officer – Agriculture Economic Development Division, Development Services Department City of Kawartha Lakes 180 Kent Street West Lindsay, ON K9V 2Y6 Tel: (705) 324-9411 x1208 Fax: (705) 324-4965 kmaloney@kawarthalakes.ca</p>
<p>Mr. Chris Porter Manager, East Area Public Works Department City of Kawartha Lakes 123 East Street Bobcaygeon, ON K0M 1A0 Tel: (705) 324-9411 x3587 cporter@kawarthalakes.ca</p>	<p>Mr. Calvin Northover Supervisor, Manvers East Area Public Works Department City of Kawartha Lakes 123 East Street Bobcaygeon, ON K0M 1A0 Tel: (705) 324-9411 x3582 cnorthover@kawarthalakes.ca</p>

<p>Mr. Matt Wilkinson Planner Otonabee Conservation 250 Milroy Drive Peterborough, ON K9H 7M9 Tel: (705) 745-5791 x213 Fax: (705) 745-7488 mwilkinson@otonabeeconservation.com</p>	<p>Ms. Cheryl Tolles Senior Project Manager Ministry of Transportation Highway Corridor Management Section 1355 John Counter Blvd. PO Bag 4000 Kingston, ON K7L 5A3 Tel: (613) 545-4744 Cheryl.Tolles@ontario.ca</p>
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Proposed Plan

SITE ID: Manvers – ON7994
PIN:
Legal Description: 1060 Sandy Hook Rd., Pontypool, Ontario L0A 1K0
Owner Name: DURANT, ANITA JOAN; DURANT, WILLIAM JOHN
LAT: 44.098590°
LONG: -78.577942°

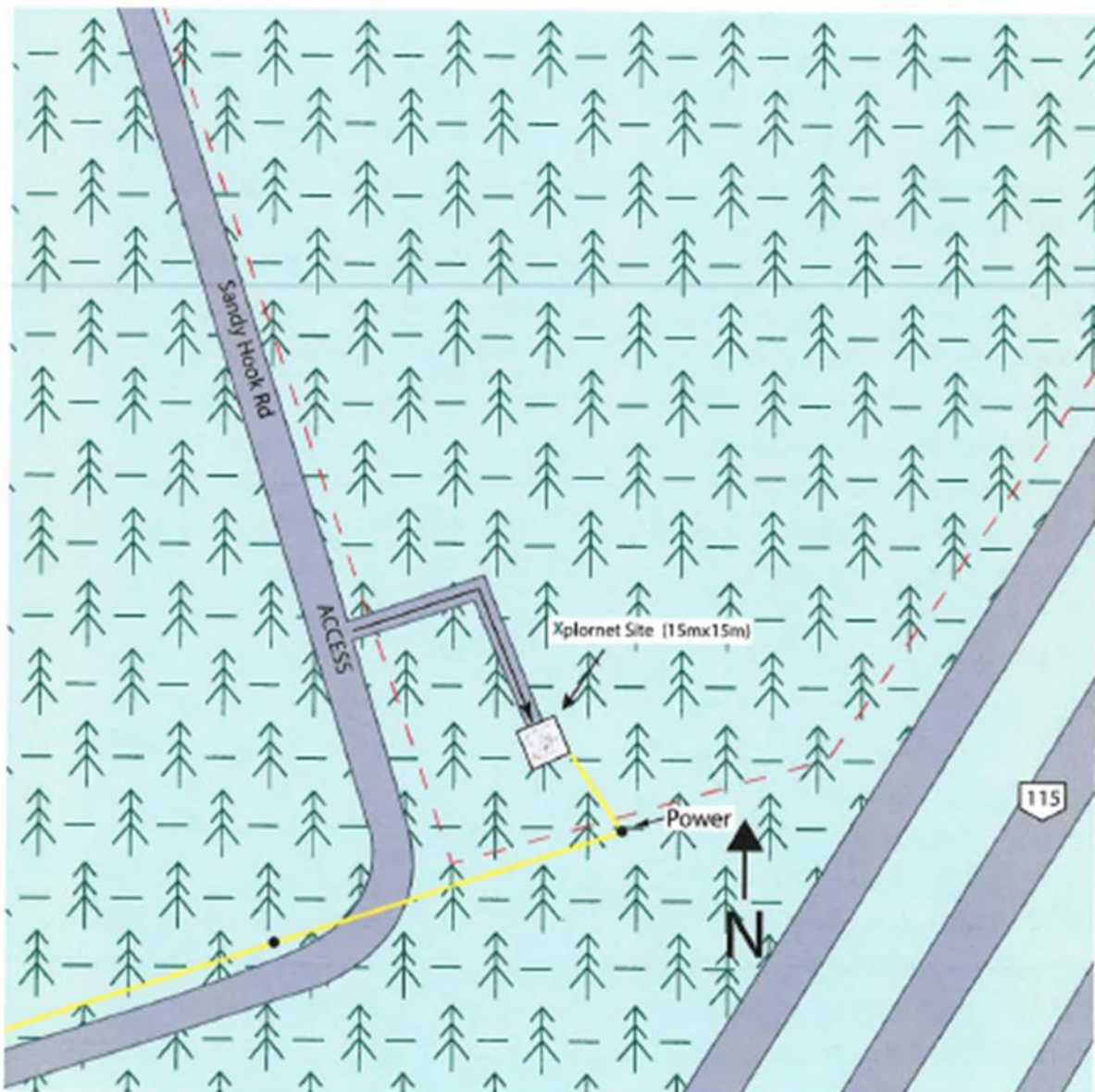
FORBES BROS
INFRASTRUCTURE CONSTRUCTION

XPLORNET

RECEIVED

JAN 26 2021

City of Kawartha Lakes
Development Services
Planning Division



Supporting Reports/Studies/Plans Required to Process and Evaluate the Proposal. Should you wish to further discuss these requirements, kindly contact Ian Walker, Planning Officer – Large Developments, iwalker@kawarthalakes.ca or 705-324-9411 extension 1368.

Required Reports, Studies, Plans & Number of Copies	OPA	ZBA	Subdivision	Condominium	Site Plan	Consent	Telecom	Copies
Study Requirements for Proposal – Lite duty self-supported lattice radiocommunications tower with a height of 45 metres								
Application Form(s) with Associated Processing Fee(s)							√	1 Telecom
Tower Justification Report (TJR) **Including photo renderings**							√	6
Site Plan Layout **Including Planting Plan**							√	6 Large 6 Small
Constraints Map **May be included on Site Plan Layout above**							√	6
Tower Elevations **May be included on Site Plan Layout above**							√	6
Lot Grading/Drainage Plan **May be included on Site Plan Layout above**							√	6
Entrance Permit Review Confirmation Letter							√	2
Cost Estimate							√	2
Additional Information requested by MTO							√	5
Electronic copy of all the above on Thumb Drive or CD (When multiple applications submitted concurrently, all documents can be compiled in one electronic package)								1
<p>Other Development Permits, Approvals and/or Processes that may potentially be required along with or after the Telecommunications Concurrence process (please note, this is not an exhaustive list – for information purposes only):</p> <ul style="list-style-type: none"> • MTO Building / Land Use Permit, Entrance Permit and/or Sign Permit • Conservation Authority Permit (if works in regulated area) • Building Permit (for any structures which meet the definition of a building) 								

Committee of the Whole Report

Report Number: WM2021-014

Meeting Date: November 2, 2021

Title: **Feasibility of Requiring Downtown Owners to Provide Private Waste Collection Services**

Description: A review of the feasibility of enforcing property owners/landlords in downtown areas to provide private garbage bins or alternate for their tenants use

Author and Title: David Kerr, Manager of Environmental Services

Recommendation(s):

That Report WM2021-014, **Feasibility of Requiring Downtown Owners to Provide Private Waste Collection Services**, be received; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Council Meeting of May 20, 2021, Council adopted the following resolution:

CW2021-090

That Staff prepare a report on the feasibility of regulations requiring property owners within Downtowns to provide a garbage bin for use by the tenants of their properties.

This report addresses that direction.

As further background, this resolution was adopted after the Lindsay downtown Business Improvement Area's (BIA's) Board of Directors brought a letter to council dated March 31st, 2021 outlining the ongoing issues they have encountered in Lindsay. In their letter addressed to the Mayor and members of Council (Attachment A), they made a specific request to the City to make the property owners/landlords who own and operate buildings within downtown Lindsay to provide a garbage bin or have alternate measures in place for their tenants to dispose of their refuse. The purpose of this recommendation was to resolve the litter and overflowing garbage issues in the downtown and make the area more attractive to customers.

The BIA further outlined in their letter that the "Lindsay Downtown BIA is responsible for the maintenance, beautification and general upkeep" within their geographic area. But they are finding that garbage containers are constantly overflowing with additional residential garbage between regularly scheduled pickups.

Any requirement for downtown property owners to coordinate their own waste collection services directly correlates with the concerns of public cans being misused and overflowing with waste. Therefore, it was important in this feasibility review that staff also review the results of the recent initiatives the City has taken to address litter and overflowing public bins in our downtown cores.

Recently, both Lindsay and Fenelon downtown cores have undergone major downtown reconstruction. As a result, the locations of public cans and/or areas for public disposal have been changed. As these projects come to a close, the full inventory of waste bins is gradually being reinstated on the streets and this action should partly address the litter issue. Also, recycling has been integrated into a number of the bins reinstalled in the Lindsay downtown, which provides greater volume for waste and recycling disposal.

In efforts to provide more services to the downtowns throughout the City, on February 16, 2021 Council adopted the following resolution:

CR2021-095

That the Enhanced Services in Downtowns Project (including increased garbage cans, waste pick up, portable washrooms and directional signage) be included in the 2021 Tax Supported Operating Budget in the amount of \$200,000 funded by the Contingency Reserve – Pandemic Related.

The enhanced downtown waste collection services took place as a pilot during the summer of 2021, and were successful in mitigating the amount of waste accumulated in and around public waste receptacles. There were very few complaints to the city regarding litter issues in the downtown areas. As yet, there is no direction to continue the pilot into 2022. Doing so may help address the BIA's concerns.

Rationale:

After a full review of the feasibility and merit of mandating all property owners within downtowns to provide a garbage bin or suitable alternative for use by their tenants, it is our recommendation to not mandate this action with the following for consideration:

1. Waste Collection Services

As downtown reconstruction projects come to a close, more public waste bins will be placed and regular waste operations will resume. Council may want to consider allocating funds to continue with the enhanced waste collection service levels performed in 2021.

2. Taxation of Downtown Properties

Waste services are included in the general taxation rate, therefore, downtown property owners would be paying for a service that they are not receiving, as their waste collection would be through private bin service as opposed to municipal curbside collection.

As municipal curbside waste collection services are paid by all taxpayers it may be deemed unfair by building/property owners to pay for private collection when they are already paying for municipal waste collection.

Staff looked into the feasibility of changing the taxation of downtown areas, to remove the portion of property owner's taxes that cover municipal waste management services. This change would be precedent setting as we are not aware of any other municipalities where this has occurred. This change would add complications to both taxation and curbside collection of materials. For instance, this would set a precedent within the municipality where others within and outside of the downtown areas may want to seek compensation and/or reduction in taxes for declining curbside waste collection services or possible other municipal services. This could also change the scope of the municipal curbside collection contract that may have negative implications. It is important to note that there is an economic benefit to grouping waste management services together under one contract. If a smaller number of property owners were required to opt out and have to privately procure waste collection services, they would likely have to pay higher costs.

3. Limited Space Availability

Not all downtown properties have land in which they can place private waste collection bins for their tenants and Staff did not observe viable alternatives for this. As well, the City does not permit encroachments of private bins on municipal parking lots. Therefore, it would be deemed unreasonable for building/property owners in the downtown areas to be forced to provide private bins for waste collection.

4. Increased Public Knowledge and Advertising of Public Space Receptacles

Staff have been working to increase both the public awareness of waste and recycling practices, as noted in the Integrated Waste Management Strategy initiatives. As well, staff have been working to improve the signage on public space receptacles across the City. This includes wording such as "No household garbage". This is expected to assist in reducing illegal dumping and litter in downtown areas. With additional staffing resources for public education being allocated to waste management in 2022 and beyond, there will be more focus placed on public awareness and education in the proper disposal methods in downtowns. These efforts will help reduce illegal dumping throughout the municipality.

5. Other Ontario Municipalities

Staff have reached out to other municipalities and had the BIA reach out to their network to see if there are others requiring downtown property owners to organize their own private waste collection services. There were no other municipalities that indicated their downtown areas successfully migrated to private waste collection.

6. Downtown residents are not the only concern

Another concern is that further regulating property owners would not solve issues created from people driving through the downtown cores who are just looking to or dump their accumulated waste in public waste bins. The best approach to deal with this would be to promote better knowledge throughout the community with an enhanced communications plan, By-law enforcement and better signage on public waste bins. These actions are planned to be rolled out in 2022 and beyond.

In summary, Staff want the same results as the BIA's and through the rollout of ongoing efforts to re-establish bins in areas previously under construction, increasing recycling and enhancing service as required litter and overflowing waste bins will be addressed. Therefore, it is Staff's recommendation to not make any regulatory changes to business owners in the downtown cores. There are many improvements that have been made to the waste collection system of downtowns in the past year, and it is Staff's expectation that these improvements will help to mitigate many of the concerns raised by the Business Improvement Area.

Other Alternatives Considered:

As noted based on the discussion in the rationale section, Staff do not believe it is practical for property owners in the BIA to be legislated to perform private waste collection. Although this may help to mitigate some issues, it is not practical to mandate to all property owners/landlords in the downtown areas who own and operate buildings and would likely be judged as unfair by the owners. It is possible to achieve the desired results through operational practices. Hence, additional legislation and restrictions would be deemed onerous and redundant.

Council could opt to continue the enhanced waste collection services in the City's core centres performed in 2021 that likely contributed to the lower complaint volume. This would involve increasing the 2022 operational budget by \$28,000 to accommodate the hiring of additional student resources and required equipment.

Should Council wish to maintain increased service levels piloted in 2021, then a recommendation needs to come forward in the form of one of the following:

- Decision Unit for \$28,000 or
- Include an increase of \$28K in the 2022 base budget

Alignment to Strategic Priorities

This report aligns with A Vibrant and Growing Economy of the Council Adopted Strategic Plan, namely supporting downtown revitalization to ensure our communities have a strong core. It also aligns with Good Government and ensuring that we are providing efficient and effective services.

Also, in working to reduce illegal dumping and increase signage of downtown public waste bins, this will also contribute to A Healthy Environment, and increasing waste reduction and diversion.

Financial/Operation Impacts:

There are no fiscal implications from the recommended resolutions in this report.

Should Council wish to continue to provide the enhanced level of waste collection services performed in 2021, Council would need to direct increase of the 2022 operational budget by \$28,000.

Consultations:

Manager, Municipal Law Enforcement and Licensing
Manager, Revenue and Taxation
Economic Development Officer – Community
Lindsay BIA

Attachments:

Appendix A – Lindsay BIA Letter to Council



Lindsay BIA Letter
to Council.pdf

Department Head email: brobinson@kawarthalakes.ca

Department Head: Bryan Robinson, Director of Public Works



March 31st, 2021

Mayor Andy Letham
and Members of Council
City of Kawartha Lakes

On behalf of the Lindsay Downtown BIA Board of Directors, we wanted to bring to your attention an ongoing issue facing our downtown, and a request that a new by-law be investigated and developed by City Staff.

We would like to request that City Council and the Municipal Law Enforcement department mandate that property owners/landlords who own and operate buildings within Downtown Lindsay must provide a private garbage bin, or have alternate measures in place for their tenants to dispose of their refuse.

While we understand there is already a by-law in place to stop residential tenants from using public waste containers for their household garbage (#2016-144 / 2.01 / a / vi) it is very difficult to enforce and penalize those who violate the current by-law.

The rationale behind this request is as follows:

The Lindsay Downtown BIA is responsible for the maintenance, beautification and general upkeep within our geographic area. Although there is a City contract in place for garbage removal of the public waste containers in our downtown, the public garbage containers are constantly overflowing with additional residential garbage between regular scheduled pickups in the City contract. This causes excessive garbage in front of our businesses, it causes garbage to be strewn all over the streets when there is a wind event, and further causes unsightly and odorous garbage cans which is not very inviting to residents or tourists who patronize our downtown.

While the BIA does have some resources to deal with general garbage cleanup downtown, we cannot under our current budget structure afford to constantly clean up the excessive garbage in and around the public cans. Further, even when we are able to pick up some of the additional garbage, we don't have a place to dispose of the garbage free of charge, causing additional strain on our current budget.

We're aware of the proposed initiative to provide additional services, such as waste pickups throughout the area downtowns this summer, and are optimistic about the improvement to the waste issue as a result. We also appreciate the property owners who already provide bins to their tenants, and would like to see this be the standard throughout the downtown.

Thank you for your consideration.

Sincerely,

Steve Podolsky
Vice-Chair - LDBIA Board of Directors

Melissa McFarland
Executive Director

Committee of the Whole Report

Report Number: WM2021-015
Meeting Date: November 2, 2021
Title: Waste Management By-law 2016-144 Amendment
Description: An update to the Waste Management By-law
Author and Title: David Kerr, Manager of Environmental Services

Recommendation(s):

That Report WM2021-015, Waste Management By-law 2016-144 Amendment, be received;

That the proposed amendments to By-law 2016-144, attached as Appendix A to Report WM2021-015, be approved; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

Staff have reviewed By-law 2016-144 A By-law for Collection and Management of Waste and Recyclables Within the City of Kawartha Lakes, and recommend amending the By-law to update it. These changes will ensure operations are more clear and efficient. All changes are visible through tracked changes in the amended By-law, attached as Appendix A of this report.

Rationale:

In summary, staff are recommending the following By-law changes:

- Updating wording throughout the By-law to ensure consistency with current programs, regulations and wording used on the City's website.
- Clarifying that two bags of waste are permitted 'per unit' for each curbside collection. This is not a change in current service levels.
- Clarifying the waste/recycling containment sizes to be consistent with containers used throughout the municipality.
- Updating the wording for residential waste storage bins, to ensure consistency with other department requirements.
- Outlining the specifications for fibres (i.e. paper and cardboard) set out, as posted on the City's website and waste/recycling calendar.
- Adding risk management wording to address users/owners who enter landfill sites to do so at their own risk in order to minimize claims and reduce insurance premiums.
- Adding wording to address requirements for private waste collection bins, to reduce illegal dumping concerns that have been encountered surrounding some of these bins.
- Adding wording to address the replacement of damaged bins/carts. Currently, there are many types of alternative bins residents utilize for waste/recycling set out, as is permitted in the By-law. This additional wording will just clarify that only recycling bins/carts will be replaced if damaged, to avoid concerns raised about replacing homemade bins/bins of varying costs.

Other Alternatives Considered:

Council could decide to not proceed with these any/all of these changes, however it is not recommended as these will help to clarify outdated and missing information.

Alignment to Strategic Priorities

This report follows the Strategic Priority of Good Government, more specifically increasing the efficiency and effectiveness of service delivery.

Financial/Operation Impacts:

The recommended changes will not have any financial impact to the municipality.

Consultations:

Manager, Municipal Law Enforcement and Licensing

Manager, Roads Operations

Insurance Risk Management Officer

City Solicitor

Attachments:

Appendix A – By-law 2016-144 Amendments



Appendix A By-law
2016-144 Amendment

Department Head email: brobinson@kawarthalakes.ca

Department Head: Bryan Robinson, Director of Public Works

The Corporation of the City of Kawartha Lakes

Office Consolidation of By-Law 2016-144

Consolidated on February 24, 2020

Passed by Council on August 9, 2016

Amendments:

- | | | |
|--------------------|-------------------|--|
| 1) By-law 2016-209 | November 22, 2016 | Section 1 (Definitions) |
| 2) By-law 2017-132 | June 27, 2017 | Sections 3.04, 3.05 & 4.08 |
| 3) By-law 2017-204 | October 10, 2017 | Section 5.02 |
| 4) By-law 2020-019 | February 18, 2020 | Sections 1.02, 1.06, 3.02, 3.03, 3.04, 3.05, 3.06, 4.02, 4.07, 5.01 and 5.02 |

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

The Corporation of the City of Kawartha Lakes

By-Law 2016-144

A By-Law for Collection and Management of Waste and Recyclables Within The City of Kawartha Lakes

Recitals

1. Section 10(1), paragraph 7 of subsection 10(2) of the Municipal Act, 2001, S.O.2001, c.25 authorizes a municipality to pass By-laws dealing with Waste Management.
2. Section 391 of the Municipal Act, 2001, S.O.2001, c.25 authorizes municipalities to impose fees or charges for services rendered.
3. Council considers it advisable to collect, remove and dispose of waste generated within the City of Kawartha Lakes.
4. This By-law replaces By-law 2007-024.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2016-144.

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Section 1.00: Definitions and Interpretation

1.01 **Short Title:** This By-law may be referred to as the City of Kawartha Lakes Waste Management By-law.

1.02 **Definitions:** In this By-law,

“**Asbestos Waste**” means solid or liquid waste that results from the removal of asbestos-containing construction or insulation materials or the manufacture of asbestos-containing products and contains asbestos.

“**Ashes**” includes the solid residue of any household fuel after such fuel has been consumed by fire and includes soot, but shall not include ashes which accumulate as a result of building construction or demolition.

“**Bag Tag**” includes single use tags affixed to a waste container bearing the City of Kawartha Lakes identification issued by the City pursuant to this By-law.

“**Bulky Items**~~Large Items~~” includes but is not limited to refrigerator, oven, stove, washer, dryer, dishwasher, freezer, air conditioning unit, microwave oven, barbeque, patio furniture, oil tank, furnace, TV, monitor, vacuum cleaner, hot water heater, wood burning stove, child's swing set, humidifier, toilet, sink, furniture and any other items so designated by the Director of Public works and his or her designate from time to time that are discarded by a user or owner but do not fit into an approved container such as a 61 cm ~~(24 inches)~~ X 91 cm ~~(36 inches)~~ clear waste bag or normal waste container.

By-law 2020-019 effective February 18, 2020

“**By-law**” except where indicated otherwise, includes this By-law and any amendments thereto, as enacted by the Council from time to time.

“Certificate of Approval”, “Provisional Certificate of Approval”, or “Environmental Compliance Approval” for the purposes of this By-law means a Certificate issued by the appropriate Provincial or Federal agency permitting the Municipality to operate a waste management system or waste disposal site and related activities.

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

~~“Clean Wood Waste” includes untreated lumber and wood products such as pallets and raw lumber, but does not include painted wood, treated wood, paneling, pressboard or similar products.~~

“Collection Location” includes the location, as designated by the Director of Public Works and his or her designate, where waste, recyclable materials, leaf and yard materials, mattresses and bulky large items are to be placed out for collection at the curb by users or owners entitled to curbside collection services.

~~“Comingle Recycling” currently includes but is not limited to glass, metal cans, plastics containers and polycoat containers and any other material designated by the Director of Public works and his or her designate to be recyclable material.~~

~~“Industrial, Commercial or Institutional Building” includes any individual business or other establishment industrial, commercial or institutional building within the City of Kawartha Lakes as determined by the property code and taxes paid.~~

“Commerical Carts” or “Carts” includes containers of more than 22 gallons (83 litres) in size. Most commercial carts are sold in 65 gallon (277 litre) and 95 gallon (390) sizes. For curbside recycling collection, carts must be affixed with a lift bar approved by the City, and this collection will only be permitted for locations approved as per this By-Law.

“Consolidated Fees By-law” means City of Kawartha Lakes By-law 2016-2062018-234 or if it has been repealed any subsequent City of Kawartha Lakes By-law known as the Consolidated Fees By-law.”

2016-209, effective Nov 22 2016

“Construction and Demolition Waste” includes waste which results from the erection, alteration, or demolition of any building or part thereof, ~~including earth or stone from excavations.~~

“Container Recycling” currently includes but is not limited to glass, metal cans, plastics containers and polycoat containers and any other material designated by the Director of Public Wworks and his or his/her designate to be recyclable material.

~~“Council” or “City Council”~~ means the municipal council for the City.

“Director of Public Works” means the person who holds that position and his or her delegate or, in the event of organizational changes, another person designated by Council.

“Downtown Cores” includes Bolton Street, Canal Street, Front Street, Joseph Street and Main Street in Bobcaygeon; From West Street at Lindsay Street, north to the corner of Bond Street and Colborne and Francis Street, west and the commercial section of Francis Street, east and Oak Street, May Street, Water Street and Market Street in Fenelon Falls; The area bounded by Lindsay Street south in the east and Sussex Street in the west to include Peel Street in the north and Russell Street in the South and all of Kent Street in Lindsay; and King Street in Omeme.

“Electrical and Electronic Equipment” or “EEE” material that is designed for use with an electrical current and is further defined in Ontario Regulation 522/20.

“Fibre Recycling” currently includes paper, boxboard and cardboard and any other material designated by the Director of Public works and his or her designate to be recyclable material.

“Hauled Sewage” means wastewater or septage removed from a wastewater system, septic tank system, a cesspool, a privy vault or privy pit, a chemical toilet, a portable toilet or a sewage holding tank that is transported to a sewer works for disposal.

“Freon-Containing Items” include appliances containing Freon gas such as refrigerators, freezers, air conditioners and dehumidifiers, unless the unit has already been tagged by a licensed technician certifying the gas has been recovered. Freon-containing items require two tags for curbside collection (1 large item tag and 1 freon tag).

“High Density Multi-Residential Building” includes ~~lands zoned to permit an~~property classes such as apartment buildings, condominium complexes, townhouse complexes, group homes, co-operative housing complexes, accessory dwelling units, or other similar residential complexes -containing three (3) or more residential dwelling units, that pay the respective property taxes.-

“Household Hazardous Waste” includes materials used or stored in the home that can be potentially hazardous to human health and the natural environment and includes but is not limited to paint, oil, batteries, pesticides and insecticides that must be brought to a City Household Hazardous Waste Depot for recycling.

“Industrial, Commercial or Institutional Building” includes any industrial, commercial or institutional building within the City of Kawartha Lakes as determined by the property code and taxes paid.

“Landfill Site” includes any area of land designated as such by the City to be used for the disposal of waste as approved by the Ministry of the Environment, Conservation and Parks.

By-law 2020-019 effective February 18, 2020

“Leaf and Yard Material” includes but is not limited to leaves ,trees (excluding root balls), garden roots and cuttings, hedge and shrub trimmings, brush cuttings, twigs and branches, other plant material and any other item determined by the Director of Public Works and his or her designate from time to time to be leaf and yard material.

“Low Density Residential Building” includes ~~lands zoned to permit a propertiesy classes such as~~ single detached dwellings, semi-detached dwellings, ~~a~~ duplexes, accessory dwelling units or other similar residential developments containing fewer than three (3) residential dwelling units, including farms.

By-law 2020-019 effective February 18, 2020

“Mattresses” includes all mattresses and box springs regardless of size.

“Medical Waste” means tubing, intravenous bags etc. used as part of home care but does not include diapers or solid/liquid bio-medical waste.

“Mobile Home Park” includes an establishment comprising land or premises under single ownership designed and zoned to permit year round residential use where residence is exclusively for two (2) or more mobile homes, but does not include a Trailer Park.

“Municipal Law Enforcement Officer” means a person appointed by Council under Section 15 of the Police Services Act, R.S.O. 1990, c.P.15 to enforce the By-laws of the City of Kawartha Lakes.

“Non-Hazardous Contaminated Soil” contains one or more contaminants found on, in or under a property at a concentration that exceeds the applicable site condition standards and must be classified as ‘non-hazardous’ as per Ontario Regulation 347 to be accepted at designated City landfill sites with prior approval based onef lab results.

“Owner” includes any registered owner, occupant, resident, lessee, tenant of any low density residential building, high density multi-residential building or industrial, commercial or institutional building, or any person managing any high density multi-residential building, low density residential building, industrial, commercial or institutional building or owner of a new development.

“Paper Recycling” currently includes paper, boxboard and cardboard and any other material designated by the Director of Public works and his or her designate to be recyclable material.

“Prohibited Waste” includes but is not limited to, hazardous and liquid industrial wastes as per Regulation 347 of the Environmental Protection Act, manure originating from agricultural activity, and any other item or thing designated as prohibited waste by the Director of Public Works ~~and~~ or his or her designate.

“Recyclable Materials” Currently includes but is not limited to glass, metal cans, plastics containers, polycoat containers, paper, and cardboard ~~and~~ any other material designated by the Director of Public works and-or

his or her designate to be recyclable material. This includes both containermingle and fibrepaper recycling.

By-law 2020-019 effective February 18, 2020

“Resort” includes lands zoned to permit a tourist establishment that operates throughout all or part of the year, that has facilities for serving meals and furnishes equipment, supplies or services to persons in connection with angling, golfing, hunting, camping, vacationing or other similar recreational activity but shall not include any establishment otherwise defined herein.

“Scavenge” includes sorting through and collecting materials from recyclable materials, leaf and yard materials, household hazardous waste, bulky items, waste electrical and electronic equipment, construction and demolition waste, bulky plastic waste or waste that has been placed out for collection or deposited at a landfill site.

“Scrap Metal” includes any discarded material comprised of metal.

“Trailer Parks” includes a parcel of land zoned to permit members of the travelling and vacationing public containing sites upon which to locate Trailers, Tents or Recreational Vehicles and includes a campground. This definition shall not include any portion of the property used to lawfully sell or wholesale Trailers, Tents or Recreational Vehicles.

“Tipping Fee” shall mean the charge per tonne or unit item levied by the City at the landfill site for disposable as waste under the terms of this By-law.

“User” includes a person, persons or industrial, commercial or institutional building utilizing any curbside collection service or City landfill site.

“Waste” includes any material discarded that is not recyclable materials, leaf and yard materials, scrap metal, waste electrical and electronic equipment, household hazardous waste, any prohibited waste or other designated recyclable.

~~**“Waste Electrical and Electronic Equipment”** is material that requires an electric current to operate and is further defined in Ontario Regulation 393/04, Waste Electrical and Electronic Equipment (WEEE).~~

1.03 Interpretation Rules:

- a) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
- b) Wherever this By-law refers to a user, owner or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
- c) References to items in the plural include the singular, as applicable.

1.04 **Statutes:** References to laws in this By-law are meant to refer to the statutes, as amended from time to time, which are applicable within the Province of Ontario.

1.05 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.

1.06 **Duties and Powers of the Director of Public Works:**

The Director of Public Works Work's powers and or his or her designate shall, subject to any limitations contained in this By-law, include but are not limited to:

a) determine collection schedules specifying the time, day and frequency of collection services and when landfills are open or closed and to give notice to the public of such collection schedules or temporary closure of landfills;

By-law 2020-019 effective February 18, 2020

b) determine the classification or designation of specific items to be collected at the curb or received at a City landfill site;

c) determine the designated collection locations for approved waste and recycling containers, bulky-large, Freon and mattress items, leaf and yard waste or any other items that are designated for receiving curbside collection services and give notice to the public of same;

d) determine whether a building, collection location, or property is safe for entry by an employee or agent of the City having regard to the physical conditions, layout, loading facilities, method of handling collectible waste at the building, or collection location of the property, the presence of a troublesome or nuisance animal or any other factor;

e) impose limits to the level of collection services including the quantities and classes of waste to be collected;

f) determine whether an approved curbside container or any other container or storage unit is suitable and safe for collection;

g) determine the method, manner or other requirements for the collection and disposal of waste for which there are collection services;

h) designate private, seasonal and -unassumed roads and associated restrictions pertaining to municipal collection services;

i) establish and enforce guidelines and policies governing the inclusion, restriction, suspension or termination of curbside collection services and/or landfill site disposal privileges to any

user, owner or business for failure to comply with the provisions of this By-law or in the event of inclement weather;

- j) establish and ensure enforcement of the terms and conditions on which curbside collection services which have been included, restricted, suspended or terminated under this By-law may be resumed in whole or in part;
- k) establish procedures for the handling and disposal of waste and other materials as defined in this By-law;
- l) establish the terms of an agreement with any user or owner for the acceptance of waste at the landfill site;
- m) establish the terms of an agreement with any user or owner for the acceptance of recyclable materials, leaf and yard waste, scrap metal, household hazardous waste or other designated material for recycling at the landfill site;
- n) determine the guidelines for the disposal of asbestos waste in accordance with Regulation 347, R.R.O. 1990, as amended; and
- o) deal with any other matter assigned by this By-law or necessary for the curbside collection, removal and disposal of waste and administration of this By-law.
- p) Set and alter temporary pilot scale projects related to waste and recycling.

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Section 2.00: General Provision and Prohibitions

2.01 Prohibitions

- a) No user or owner shall:
 - i) Unless authorized by the Director of Public Works ~~and or~~ his or her designate, scavenge, salvage, pick over, interfere with, remove or scatter or any like or similar activity in relation to any waste, recyclable materials, ~~or bulky large, Freon, or mattress~~ items set out for curbside collection;
 - ii) Cover waste, recyclable materials, leaf and yard material, ~~or large, Freon or mattress bulky~~ items with animal deterrents such as bleach or cayenne pepper;
 - iii) Permit any animal owned by him or her or under his or her control to pick over, interfere with collection, remove or scatter any waste, leaf and yard material, recyclable materials, ~~or bulky large, Freon or mattress~~ items placed out for curbside collection;
 - iv) Cast or otherwise deposit or permit any contractor, agent or employee of such user or owner to throw, cast or otherwise

deposit any waste, recyclable materials, leaf and yard material, ~~or bulky large, Freon or mattress~~ items whatsoever on or in any street, public property or private property without the prior consent of the owner, except as expressly authorized by this By-Law;

- v) Place waste recyclable materials, leaf and yard material, ~~or bulky large, Freon or mattress~~ items on public property for collection by a private collection agency;
- vi) Deposit waste recyclable materials, leaf and yard material, ~~or bulky large, Freon or mattress~~ items generated on private property into public waste receptacles located on public streets;
- vii) Except where permitted in this By-law, no user or owner shall dispose or cause to dispose any waste recyclable materials, ~~or bulky large, Freon or mattress~~ items within the City limits other than in authorized landfill sites.

Section 3.00: Curbside Collection Services (General)

3.01 General Provisions for Curbside Collection:

- a) The City shall provide curbside collection within the boundaries of the City of Kawartha Lakes to the following locations in accordance with this By-law,
 - i) Low density residential buildings, residential institutions and mobile home parks for:
 - (1) waste;
 - (2) recyclable materials;
 - (3) leaf and yard material; and
 - (4) bulky large items, Freon items and mattresses
 - ii) High density multi-residential buildings, industrial, commercial or institutional building and seasonal trailer parks and resorts for:
 - (1) waste; and
 - (2) recyclable materials
 - iii) For new development the City shall provide curbside collection from occupied dwelling units, in accordance with this By-law only after the issuance of the first final occupancy permit;

- iv) Despite any other provision of this By-law, curbside collection services ~~shall not be provided~~, except by agreement, to any land or building owned or leased by the Crown in Canada, the Crown in right of Ontario, a university, a community college, a hospital, or to any property for which no taxes are paid and for which no grants in lieu are received or any vacant or for any unoccupied structure or property that does not contain a structure.

3.02 Curbside Collection for Private, ~~Seasonal~~ and Unassumed Roads:

- a) Residents residing on a private, ~~seasonal~~ or unassumed road will receive curbside collection provided that the road is accessible to a curbside collection vehicle and maintained to the following standards:

- i) Snow ploughed to a minimum of 34.0 metres (~~103 feet~~) width.
- ii) Sand and/or salt applied during icy conditions
- iii) Vegetation cut back to five5.0 metres (~~15 feet~~) height and 4.0 ~~four~~ metres (~~13 feet~~) width

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- iv) All potholes, cracks and grading shall be repaired as directed and to a standard to the satisfaction of the Director of Public Works and his or her designate
- v) Must have an appropriate location for a truck to turn around. Turn arounds can be situated on private lands with permission from the land owner.

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- b) Residents living on private, ~~seasonal~~ and unassumed roads shall be responsible for arranging their own road maintenance as set herein;
- c) Every user or owner of a premises not entitled to City collection services or who generates waste of a type for which curbside collection is not provided, shall ensure the provision of a storage enclosure which is adequate to contain all of the waste to be disposed of and such waste shall be conveyed to the point of disposal by and at the expense of the user or owner of such waste. Every user or owner not entitled to curbside collection, pursuant to the provisions of this By-law, shall not place waste for curbside collection;
- d) Where private collection services are utilized, the owner shall ensure waste is stored until collected in properly constructed and maintained containers which are emptied as necessary in order to prevent development of odours or nuisances and which are not allowed to overflow;

Privately contracted waste collection bins shall be located at least 2.013 metres away from the road's edge (i.e. from the start of the grass/ditch and off the soft shoulder), and the placement of the private bin shall not interfere with any City maintenance operations or be placed in such a manner that poses an increased safety risk for users of the roadway including pedestrian or vehicular traffic. It is the responsibility of the property owner to keep the area clear of waste, recyclable materials, leaf and yard material and/or large items. Any materials accumulated within the vicinity of the private bin is the responsibility of the property owner.

- e) The owner shall ensure all containers, structures or buildings provided for the storage of waste shall at all times be maintained in a secure, clean, dry and sanitary condition so as to prevent entry of rodents, insects or other vector and vermin.

3.03 Curbside Collection Frequency and Time:

- a) Where the City provides curbside collection for waste such collection services shall be provided at collection locations once a week, except when a normal collection day falls on a holiday as provided herein;
- b) Where the City provides curbside collection for recyclable materials such collection services shall be provided at collection locations once a week – alternating weekly collection between ~~green and blue box~~ containing mangle (blue box) and fibre paper (green box), except when a normal collection day falls on a holiday as provided herein;
- c) Where the City provides curbside collection for ~~bulky large, Freon and mattress~~ items such collection shall be provided on a schedule determined by the Director of Public Works and his or her designate;
- d) Where the City provides curbside collection for leaf and yard waste such collection services shall be provided on a schedule determined by the Director of Public Works and his or her designate;
- e) No curbside collection shall occur on the following designated holidays:

New Year's Day	Labour Day
Good Friday	Thanksgiving Day
Victoria Day	Christmas Day
Canada Day	Civic Holiday
Family Day	

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- f) On weeks with a holiday, curbside collection will take place on the day following the holiday and all subsequent days will receive curbside collection one (1) day later than their regular curbside collection day. The only exception shall be where Christmas Day and Boxing Day are both on curbside collection days and then collection for Christmas Day will occur on Boxing Day and all subsequent days shall receive curbside collection one (1) day later than their regular curbside collection day;
- g) During normal daytime curbside collection, the approved user or owner shall put out all items to be collected at the collection location prior to the time scheduled for collection. No earlier than 5:00 PM on the previous evening and no later than 7:00 AM on the day of curbside collection. The ~~only~~ exception to this schedule is in areas identified as "Downtown cores" where all buildings and then the industrial, commercial or institutional building shall put out all items to be collected at the collection location prior to the time scheduled for curbside collection. No earlier than 5:00 PM on the previous evening or no later than 6:00 AM on the day of curbside collection;
- h) After curbside collection, users or owners shall ensure that all approved containers and any uncollected or refused waste, recyclable materials, leaf and yard materials, ~~and/or large items,~~ Freon items and/or mattresses are returned to the users or owners property by no later than 7:00 PM on the day of curbside collection.

3.04 Curbside Waste Limits & Approved Containers:

- a) Every user or owner who puts waste out for curbside collection shall maintain the area around the curbside collection location including containers and storage boxes in a clean, not visually obstructed, accessible for collection, sanitary condition and free of vermin;
- b) Every user or owner who sets out waste for curbside collection shall ensure the waste meets the following requirements:

Effective June 27, 2017, 2017-132

- i) Low Density Residential Buildings and High Density Multi-Residential Buildings Waste:
 - (1) Allowed to place two (2) untagged clear bags of waste per unit for each curbside collection. ~~If more than the allowed amount of two (2) clear bags of waste~~ is are placed out for curbside collection in any one (1) curbside collection period the additional waste must have a ~~bag~~ bag tag affixed to each additional bag at the users or owners cost;

- (2) Use of standard size clear waste bag with dimensions of approximately 61 cm ~~(24 inches)~~ X 91 cm ~~(36 inches)~~;
- (3) Large non transparent opaque bags are not permitted for waste set out and must be replaced with clear bags;
- (4) Containers ~~of approximately less than 57-124~~ litres ~~(15-32 gallons)~~ can be used to store ~~each up to two~~ (2) clear bags of waste;
- (5) The use of one (1) small coloured opaque bag 30 cm ~~(12 inches)~~ X 35 cm ~~(14 inches)~~ is permitted to conceal personal items within each clear bag;
- (6) Each waste container shall not weigh more than 18 kilograms (40 pounds);
- (7) Over-sized bags shall count as two (2) bags of waste;
- (8) Waste storage bins for the temporary storage of weekly household waste may be permitted for end of laneway use in rural (non-urban settlement areas/non-hamlet settlement areas) areas, as long as they are placed at 2.0-3 metres from the road's edge (i.e. from the start of the grass/ditch and off the soft shoulder). The placement of the waste storage bin shall not interfere with any City maintenance operations or be placed in such a manner that poses an increased safety risk for users of the roadway including pedestrian or vehicular traffic. Waste storage bins shall be constructed of light grade material (i.e. no steel) to allow for breaking upon impact if struck by a vehicle. Waste storage bins shall be no more than 1.02 m high in the front of the box, and if the box has a lid, the lid shall be hinged and of a weight and construction to allow collection staff to open the lid with ease. Waste storage bins shall also have a flagging device (similar to mailbox) to alert collection staff when there are materials inside to be collected. The Owner is responsible to ensure the area surrounding the waste storage bin is clear of snow, ice and debris to ensure safe access. Waste storage bins are placed at the Owner's risk and are the sole responsibility of the Owner. The City, including its contractors, agents and employees, shall not be liable for any damages to the waste storage bin or any materials or structures forming part of or attached to the waste storage bin. The Owner shall hold the City, including its contractors, agents and

employees harmless from and against any and all manner of claims, loss, damage or injury to any person or property directly or indirectly arising from the Owner's placement of the waste storage bin. The City reserves the right to reject the placement of any waste storage bins, even if such waste storage bins meet all of the above specifications, as per the City Lands Encroachment By-Law.

~~Waste storage boxes may~~ shall be permitted for end-of-laneway use, to be placed within 2 meters (7 feet) from traveled portion of the roadway, provided same ~~it~~ is no more than 102 cm (40 inches) high at the front of the box. If the box has a hinged lid, the lid shall be of a weight and so constructed that the collector can easily open the lid for removal of the waste;

- (9) The waste disposal does not contain more than 10% of recyclables by volume per bag.

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ii) Industrial, Commercial or Institutional Building, Seasonal Trailer Park and Resort Waste:

- (1) Allowed to place four (4) untagged clear bags of waste for each curbside collection at the collection locations designated by the Director of Public Works and his or her designate.- If more than four (4) clear bags of waste are placed out for curbside collection in any one (1) curbside collection period the additional waste must have a user pay bag tag affixed to each additional bag at the users or owners cost. -Waste placed in- commercial carts/~~caddies~~ will not be collected;
- (2) Use of standard size clear waste bag with dimensions of approximately 61 cm ~~(24 inches)~~ X 91 ~~cm (36 inches)~~;
- (3) Large non transparent opaque bags are not permitted for waste set out and must be replaced with clear bags;
- (4) Containers ~~of approximately less than 571244~~ litres (15-32 gallons) can be used to store up to two (2) each clear bags of waste;
- (5) The use of one (1) small coloured opaque bag 30 cm ~~(12 inches)~~ X 35 cm ~~(14 inches)~~ is permitted to conceal personal items within each waste container;

- (6) Each waste container shall not weigh more than 18 kilograms (40 pounds);
- (7) Over-sized bags shall count as two (2) bags of waste;
- (8) The waste disposal does not contain more than 10% of recyclables by volume per bag

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3.05 Curbside Recycling Limits & Approved Containers:

- a) Every user or owner who puts recyclable materials out for curbside collection shall maintain the area around the curbside collection location including containers and storage boxes in a clean, sanitary condition and free of vermin;
- b) Every user or owner who sets out recyclable materials for curbside collection shall ensure the recyclable materials meet the following requirements;

2017-132 Effective June 27, 2017

i) Low Density Residential Building Recyclable Material:

- (1) Allowed to place unlimited recyclable materials for each curbside collection at the collection locations designated by the Director of Public Works and his or her designate;
- (2) Recyclable materials shall be placed at the curb in ~~either 53 to 61 litres (14 to 22 gallon (83 litre) 22-gallons) (61 litres) or less~~ green or blue recycling box or similar sized box or container. Large barrels, commercial carts, waste receptacles and plastic bags including clear plastic bags are prohibited;

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- (3) In the event the City or it's contractor is directly responsible for damage caused to a standard blue/green recycling bin or cart consideration will be given to replacement of the damaged item with a standard recycling container of similar size. The City or it's contractor is not responsible for the replacement of any non-standard box or container that is used to house waste or recycling. The resident is responsible to replace such damaged item at his or her own expense;-

- (34) Separate approved recycling containers for Fibre Paper (Green Recycle Box) Recycling and Container Comingle (Blue Recycle Box) Recycling shall be used;

(54) Each recycling container shall not weigh more than 18 kilograms (40 pounds);

(65) The recyclable material for recycling does not contain more than 10% of waste by volume per box.

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(76) Cardboard set out for recycling on designated weeks placed out for collection separately from the approved recycling container must be flattened and bundled with string in bundles no larger than 60cm X 60cm X 60cm

ii) Industrial, Commercial or Institutional Building and Resort Recyclable Material:

(1) Allowed to place a maximum of four (4) 65 gallon (277 litre) 246 litre or 95 gallon (390 360 litre) ~~(65 gallon or 95 gallon) caddies/commercial~~ carts for each curbside collection at the collection locations designated by the Director of Public Works and his or her designate;

(2) Large barrels, waste receptacles and plastic bags including clear plastic bags are prohibited;

(3) Separate approved recycling containers for Fibre Paper (Green Recycle Cart) Recycling and Container Comingled Plastic and Cans (Blue Recycle Cart) Recycling shall be used;

(4) The recyclable material for recycling does not contain more than 10% of waste by volume per ~~caddy~~/cart.

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(5) Cardboard set out for recycling on designated weeks placed out for collection separately from the approved recycling container must be flattened and bundled with string in bundles no larger than 60cm X 60cm X 60cm

iii) High Density Multi-Residential Buildings and Seasonal Trailer Park Recyclable Material:

(1) Allowed to place unlimited recyclable materials for each curbside collection at the collection locations designated by the Director of Public Works and his or her designate;

(2) Allowed to place recyclable material in 65 gallon (277 litre) 246 litre or 95 gallon (3960 litre) ~~(65 gallon or 95 gallon) commercial addies/~~ carts for each curbside collection at the collection locations designated by the Director of Public Works and his or her designate;

- (3) Large barrels, waste receptacles and plastic bags including clear plastic bags are prohibited;
- (4) Separate approved recycling containers for Fibre Paper (Green Recycle Cart) Recycling and Container mingle (Blue Recycle Cart) Recycling shall be used;
- (5) The recyclable material for recycling does not contain more than 10% of waste by volume per ~~eaddy~~/cart.
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- (6) Cardboard set out for recycling on designated weeks placed out for collection separately from the approved recycling container must be flattened and bundled with string in bundles no larger than 60cm X 60cm X 60cm

3.06 Special Curbside Collections:

a) Bulky Large Items, Freon Items -and Mattresses:

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- i) Curbside collection ~~for off~~bulky large items shall be provided to low density residential buildings, high density residential buildings and mobile home parks only;
- ii) Where the City provides curbside collection for bulky large items, Freon items -and mattresses, such curbside collection shall be provided at collection locations and in accordance with the following procedures. The user must:

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- (1) Contact the City's service provider;
- (2) Advise of the particulars of the bulky large items, freon items and mattresses to be collected;
- (3) Confirm that the item falls into the category of bulky large items, Freon items or mattress(es);
- (4) Prepare the item in accordance with the directions provided by the City's service provider;
- (5) Purchase a large tag or mattress tag from the City or one (1) of its registered vendors and affixed the tag to each ~~bulky item and or~~ large item(s) or mattress(es);
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- (6) Confirm no single item exceeds 100 kilograms (~~25~~20 lbs) in weight;
- (7) Purchase a paid Freon removal tag from the City or one (1) of its registered vendors for each large bulky item which contains Freon.

- iii) For curbside collection of Freon items the user or owner must:
 - (1) Ensure all of the doors thereon have either been first removed or latches have been removed such that the unit can in no way be closed;
 - (2) ~~E~~Ensure either a tag or notice is displayed thereon signed by a certified pursuant to regulations indicating that the unit is empty of fluorocarbon refrigerants; or the “paid Freon removal” tag has been affixed ~~on~~next to the paid large item tag.

b) Leaf and Yard Waste:

- a) Where the City provides curbside collection for leaf and yard waste, such curbside collection shall be provided at collection locations and in accordance with the following guidelines.
- b) Curbside collection for leaf and yard waste shall be provided to low density residential buildings and mobile home parks only. The user or owner must ensure leaf and yard waste set out for collection meets the following:
 - (1) Leaf and yard material shall be in dry, compostable paper bags. Plastic bags will not be accepted.
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 - (2) Branches must be less than 8 cm (~~3 inches~~) in diameter and can be bundled with string or jute to a maximum of 91 cm (~~3 feet~~) in length;
 - (3) None of these containers or bundles shall exceed 18 kgs (40 lbs) in weight;
 - (4) Christmas trees, grass clippings, sod, soil, root balls, stumps and branches over 8 cm (~~3 inches~~) in diameter or 91 cm (~~36 inches~~) in length will not be accepted for curbside collection. These items must be brought to a City landfill site.

3.07 Curbside Collection Set Out Requirements:

- a) No user or owner shall place waste, recyclable materials or leaf and yard materials for curbside collection if:
 - i) The recyclable material is not packed in accordance with the requirements established by the Director of Public Works and his or her designate from time to time and in accordance with this By-law;
 - ii) The leaf and yard material is not bundled or packed in accordance with the requirements established by the Director of Public Works and his or her designate from time to time;

- iii) The waste or recyclable material is frozen to the approved container and cannot be dislodged by shaking.
- b) Every user or owner who puts waste, recyclable materials, leaf and yard materials and ~~bulky-large~~ items, Freon items or mattresses out for curbside collection shall ensure that:
- i) All waste that is wet is drained where possible; ~~wrapped in absorbent materials such as dry paper and placed in a leak-proof approved waste container or bag~~
 - ii) Ashes which are put out for curbside collection are to be:
 - (1) Cold;
 - (2) Separated from flammable waste;
 - (3) Are considered waste and part of the weekly two bag waste limit.
 - iii) Feces of ~~pets dogs or cats which cannot be flushed in a sanitary manner are~~ should be first wrapped in absorbent paper and placed in a sealed leak-proof bag, mixed in with waste and ~~represent not more than ten percent by volume of the approved waste container; the bag does not weigh more than 18 kilograms (40 pounds);~~
 - iv) All sharp objects or broken glass are securely wrapped and labelled so that the sharp object or broken glass cannot pierce the waste container;
 - v) The user or owner forthwith cleans up any mess or debris created if all or any of the waste spills from, or for any reason is no longer contained in the approved container;
 - vi) The user or owner places the approved container at the collection locations designated by the Director of Public Works and or his or her designate for curbside collection but not so as to impede or obstruct pedestrian or vehicular traffic or maintenance operations;
 - vii) Waste, recyclable materials, leaf and yard materials and large bulky items, Freon items and mattresses are not more than 2.013 m (7 feet) from the edge of the traveled portion of the road to be visible to the collection staff from the road;
 - viii) Waste, recyclables, leaf and yard materials and large bulky items Freon items and mattresses shall be the responsibility of the user or owner until it is collected by the City. If animals tear into and strew waste about the roadside, it is the user's or owner's responsibility to clean it up;
 - ix) Waste, recyclables, leaf and yard materials and large bulky items shall not be placed atop or behind a snow bank or other visual obstruction and out of the path of the snow plough or other maintenance equipment;
 - x) In areas where access to materials set out for curbside collection is prevented due to construction, it is the responsibility of the contractor to bring material out to the nearest public collection point for access by the collection contractor.

3.08 Prohibitions for Curbside Collection:

- a) No user or owner shall:
 - i) Place waste for municipal curbside collection that includes or contains hazardous or liquid industrial waste, biohazardous waste including blood, construction and demolition waste, flares, ammunition, needles and syringes, and/or dead animals;
 - ii) Place waste electrical and electronic equipment for curbside collection unless it is placed and collected as a largebulky item.

3.09 Removal of Uncollected Waste:

- a) Any user or owner who fails or delays to remove uncollected waste from public property or the collection location shall be notified in writing by the Director of Public Works and-or his or her designate that the City may remove the waste at the user's or owner's expense;
- b) All costs incurred, including the expenses of the City for the removal and disposal of the waste shall be paid by the user or owner forthwith after mailing of a written invoice setting out the costs incurred by the City;
- c) If payment is not made by the user or owner within thirty (30) days of mailing of the invoice, the City is entitled to use all legal means at its disposal to collect the fees applicable, including placement of unpaid fees on the tax collector's roll for the property in question, which unpaid fees shall be collected in the same manner as municipal taxes pursuant to the Municipal Act 2001, c. 25, s. 398 (2);
- d) In the event that the Director of Public Works and his or her designate suspends, revokes or discontinues collection services, the user or owner shall arrange for private collection services in accordance with the By-law.

3.10 Medical Waste Register:

- a) A user or owner who requires an increase to the-untaggedthe two (2) bag waste limit because of the requirement to dispose of medical waste while such is being administered through home care may register with the City to become exempt from the two (2) bag waste limit by receiving bag tags to affix to each additional bag set out;
- b) The Director of Public Works and-or his or her designate is responsible to maintain the medical waste register in accordance with the requirements relating to storage of personal information

Section 4.00: Disposal and Recycling at Landfill Sites

4.01 General Landfill Site Provisions:

- a) All waste deposited at any City landfill site with the exception of load refusals, shall become the property of the City and may be salvaged, reclaimed, recycled, composted, disposed of or otherwise dealt with by the City as the City may deem fit;
- b) All privately-owned waste disposal operations shall comply with and be operated in accordance with all relevant City By-laws, landfill compliance approvals and all Provincial legislation and Federal legislation and standards and with the approval, when required, of the Medical Officer of Health;
- c) Users or owners of landfill sites shall operate a motor vehicle on designated roadways or highways outside of the site and within the sites, with due care courtesy and attention at the posted rate of speed;
- d) Scavenging, salvaging, picking over, interfering with, removing or scattering or like or similar any waste at any landfill site is not permitted unless specifically authorized by the Director of Public Works and or his or her designate;
- e) Transportation of waste to or at any landfill site must be done so in properly covered containers or in carts, wagons, or vehicles, totally enclosed or covered in canvas, tarpaulins or nets, so fastened down around the edges so as to prevent any of the contents from falling upon the ground or being airborne during transport;
- f) Transportation of waste to or at any landfill site ~~except~~ must be done in such a manner so as to protect the same from insects, vector and vermin, and to control the escape of any offensive odours there from;
- g) Any user or owner of the landfill site must comply in a courteous and respectful manner to any direction of onsite City staff including but not limited to landfill attendant, equipment operator, crew leader or supervisor;
- h) If any user or owner of the landfill site does not comply in a courteous and respectful manner to any direction of onsite City staff including but not limited to landfill attendant, equipment operator, crew leader or supervisor then they may be requested to leave the premises immediately.
- i) Any user or owner entering upon a landfill site does so at their own risk. The City makes every effort to ensure landfill sites are safe. The City, including its contractors, agents and employees, shall not

be liable for any injury to persons or damage to vehicles or property caused by the use of the landfill site.

4.02 Landfill Site Hours of Operation:

- a) Public access to a City landfill site shall be limited to hours permitted in the Certificate of Approval/Environmental Compliance Approval and/or determined by the Director of Public Works and or his or her designate ~~and posted at the site~~. Temporary closure of landfills may occur at the discretion of the Director or designate;

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- b) No user or owner shall deposit waste at any landfill site outside the hours of operation ~~as determined~~ unless otherwise determined by the Director of Public Works and his or her designate ~~and posted at the site;~~
- c) Waste shall not be deposited outside the gate or entrance to a landfill site or at any place other than the place designated for its receipt thereof.

4.03 Acceptance of Contaminated Soil:

- a) Users or owners may deposit contaminated soil, at designated landfill sites provided the soil is pre-approved by the Director of Public Works and or his or her designate and it is not classified as “hazardous” and/or “liquid industrial” as per Ontario Regulation 347;
- b) The Director of Public Works and or his or her designate shall establish procedures for the acceptance of contaminated soil at designated landfill sites including whether it is suitable as cover or not and that it is in compliance with the Certificate of Approval/Environmental Compliance Approval and Provincial legislation for the designated landfill site prior to acceptance;
- c) Any user or owner depositing contaminated soil at any designated landfill site shall be charged a fee in accordance with a fee established in the Consolidated Fees By-law. The contaminated soil shall be delivered to the appropriate site as determined and directed by the City at the users or owners expense;
- d) The Ccity reserves the right to reject any pre-approved contaminated soil delivered to the site upon inspection at the site and the user or owner depositing the contaminated soil is wholly responsible for removal and any subsequent remediation at their cost;
- e) Any user or owner who fails or delays to remove rejected contaminated soil from the landfill shall be notified in writing by the Director of Public Works and his or her designate that the City may remove the waste at the users or owners expense;

- f) All costs incurred, including the expenses of the City for the removal and disposal of the contaminated soil shall be paid by the user or owner forthwith after mailing of a written invoice setting out the costs incurred by the City;
- g) If payment is not made by the user or owner within thirty (30) days of mailing of the invoice, the City is entitled to use all legal means at its disposal to collect the fees applicable, including placement of unpaid fees on the tax collector's roll for the property in question, which unpaid fees shall be collected in the same manner as municipal taxes pursuant to the Municipal Act 2001, c. 25, s. 398 (2).

4.04 **Acceptance of Asbestos:**

- a) Any waste that is considered asbestos waste shall be handled and delivered for disposal to any landfill site in accordance with Ontario Regulation 347;
- b) The Director of Public Works ~~and or~~ his or her designate shall establish procedures for the acceptance of asbestos at City landfill sites that is in compliance with the Certificate of Approval/ Environmental Compliance Approval and Provincial legislation for the landfill site.

4.05 **Acceptance of Household Hazardous Waste:**

- a) The Director of Public Works and his or her designate shall establish procedures for the acceptance of household hazardous waste at City landfill sites that is in compliance with the Certificate of Approval/ Environmental Compliance Approval and Provincial legislation for the landfill site;
- b) Any waste that is considered household hazardous waste may be accepted at City Household Hazardous Waste Depots located at the Lindsay Ops landfill, Fenelon landfill sites or any specially designated collection event locale;
- c) Hazardous or Liquid industrial waste that is generated from an industrial, commercial or institutional building will not be accepted and must be managed at the users or owners expense.

4.06 **Acceptance of Other Materials for Diversion:**

- a) The Director of Public Works ~~and or~~ his or her designate, shall establish procedures for the acceptance of leaf and yard materials, boat wrap, bale wrap, ~~waste~~ electrical and electronic equipment, ~~and~~ scrap metal, ~~and tires~~ at City landfill sites and any other material that is in compliance with the Certificate of Approval/ Environmental Compliance Approval and Provincial legislation for the landfill site;

- b) The Director of Public Works ~~and or~~ his or her designate may establish procedures for the acceptance of other materials that may be designated under provision 1.06.b in this by law including but not limited to mattress and construction demolition programs.

4.07 Load Compliance:

- a) Loads delivered or deposited at any landfill site loads for disposal shall not be contaminated with more than 10% by volume per load of recyclable materials, leaf and yard waste materials, ~~opaque bags, scrap tires, waste~~ electrical and electronic equipment, scrap metal or other material for recycling as designated by the Director of Public Works and his or her designate from time to time;

By-law 2020-019 effective February 18, 2020

- b) Non-compliant loads will be charged at the mixed loads tipping fee established in the Consolidated Fees By-law.

4.08 Prohibited and Rejected Waste at Landfill Sites:

- a) No user or owner shall deposit any Hazardous or liquid industrial waste as per O. Reg. 347 at any landfill site;

2017-132 Effective June 27, 2017

- b) ~~Recyclable materials, scrap tires, household hazardous waste, scrap metal, waste electrical and electronic equipment, leaf and yard materials or other~~ Divertible materials including tires and mattresses (acceptable at Lindsay ops only for recycling) -as designated by the Director of Public Works ~~and or~~ his or her designate which are banned from landfill sites in the City for the purpose of disposal;
- c) Users or owners shall deposit in the designated area of the landfill site refrigerators, freezers, air conditioning units and other appliances that may contain or have contained chlorofluorocarbon refrigerants (Freon items). The user or owner is subject to fees for the drop off of these items which are dependent on whether or not the chlorofluorocarbons have been appropriately removed;
- d) No user or owner shall deposit hauled sewage at any location in a landfill site other than the location designated by the Director of Public Works and his or her designate for that purpose;
- e) No user or owner shall deliver or deposit at any landfill site any waste not generated within the City of Kawartha Lakes, or waste which does not comply with this By-law or unload such waste at a landfill site, and, whether unloaded or not, all such waste shall be removed by the expense of the user or owner seeking to or who did dispose of it;
- f) Any user or owner can be rejected from depositing waste at any landfill site if it cannot be proven that the waste has been generated

within the City of Kawartha Lakes to the satisfaction of the landfill attendant;

- g) Users or owners shall not deposit waste at any waste disposal site when such deposit has been forbidden by the Director of Public Works and his or her designate or the user or owner for the time being in charge at the waste disposal site on the ground that the deposit would be contrary to this By-law or on the ground that the origin of the waste has not been satisfactorily determined in the sole discretion of the Director of Public Works and his or her designate.

Section 5.00: Landfill Tipping Fees, Accounts and Exemptions

5.01 Landfill Site Tipping Fees

- a) The City may from time to time prescribe rates or charges for the use of landfill sites and provide for terms of payment thereof. All fees shall be in accordance with the Consolidated Fees By-law;
- b) No user or owner shall deposit or deliver waste to any City landfill site operated without paying the appropriate fee(s) as set forth in Consolidated Fees By-law;
- c) Tipping Fees may be subject to change temporarily from the approved Consolidated Fees By-law at the discretion of the Director as a result of a pilot study or incentive programs. Pilot studies under this by-law can be set by the Director.

By-law 2020-019 effective February 18, 2020

5.02 Fee Exemption:

- a) Notwithstanding section 5.01, no fees shall be payable with respect to:
 - (i) Residential recyclable materials, ~~scrap tires~~, scrap metal, ~~waste~~ electrical and electronic equipment, ashes and household hazardous waste or other material designated for recycling by the Director of Public Works ~~and or~~ his or her designate that is source-separated to the satisfaction of the Director of Public Works ~~and or~~ his or her designate and deposited in the appropriate container or area specified for such use by the Director of Public Works;
 - (ii) Granular materials such as street sweepings or catch basin cleanouts determined by the Director of Public Works ~~and~~ his or her designate in sole discretion to be suitable as cover material at the landfill site, and source-separated to the satisfaction of the Director of Public Works ~~and or~~ his or her designate and deposited in the appropriate container or area specified for such use by the Director of Public Works ~~and~~ his or her designate;
 - (iii) Waste collected from low density residential buildings, high density multi-residential buildings and industrial, commercial

or institutional building delivered by waste collection vehicles of the City;

- (iv) Materials determined by the Director of Public Works and or his or her designate or designated as damaged materials resulting from an extreme weather event within the City; received for disposal at designated City landfills during designated periods of time associated with said weather event.

- ~~(v) Compliant clear bag residential waste and compliant leaf and yard residential waste received for disposal at designated City landfills for a designated Pilot Project period of 2 weeks in the spring (May 14-May 27) and 2 weeks in the fall (Oct 1-Oct 14) of 2018.~~

~~2017-2019 Effective October 10, 2017
2020-019 effective February 18, 2020~~

5.03 Landfill Accounts

- a) Landfill site users or owners can apply to the City for an account to charge waste disposal fees to;
- b) Accounts holders in arrears at any City landfill site for more than 60 days shall be denied access until all accounts are paid in full or paid according to an agreed repayment schedule approved by the Director of Public Works and his or her designate in writing.

Section 6.00: Enforcement and Penalties

6.01 Enforcement:

- a) This By-law may be enforced by every municipal law enforcement officer or the Director of Public Works and or his or her designate;
- b) No user or owner shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-law.

6.02 Sanctions:

- a) Where ~~an~~ user or owner contravenes any of the provisions of this By-law, the Director of Public Works and or his or her designate may in his or her sole discretion give notice in writing to the owner, at the property address, that unless the owner remedies the default within a specified time, and complies thereafter with the By-law, the Director of Public Works and or his or her designate may suspend, revoke or discontinue curbside collection services and/or disposal privileges to the user or owner;
- b) Where, in the opinion of the Director of Public Works and or his or her designate, there has been a failure to comply with the Notice provisions in subsection (a), or there is a subsequent contravention of the By-Law, the Director of Public Works and or his or her designate may issue an Order to suspend, discontinue or revoke

curbside collection services and/or disposal privileges to the user or owner for a fixed period of time;

- c) Notice of the Order of the Director of Public Works ~~and or~~ his or her designate shall be given in writing to the owner, at the property address, delivered by prepaid regular mail and shall be deemed to be delivered five (5) days after being posted by the City;
- d) Any user or owner may apply to the Director of Public Works ~~and or~~ his or her designate in writing for termination of the Order, and upon the owner demonstrating to the Director of Public Works ~~and or~~ his or her designate that he or she is in compliance with the By-law and undertaking in the future to comply with the By-law, the Director of Public Works ~~and or~~ his or her designate may:
 - i) Terminate the Order, in whole or in part;
 - ii) Impose such conditions or terms as he or she considers appropriate to reinstate full or partial collection services and/or disposal privileges;
 - iii) Make a new Order, on different terms and conditions;
- e) In the event that the address of the user or owner changes, then the Director of Public Works ~~and or~~ his or her designate may continue the Order with respect to the new address of the user or owner as shown on the most recent tax roll.

6.03 Offence and Penalty:

- a) It is an offence for a user or owner to contravene any provision of this By-law, and every user or owner who contravenes this By-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the Provincial Offences Act R.S.O. 1990, c.P.33 and to any other applicable penalty;
- b) Every user or owner who is convicted of an offence under any provision of this By-law is liable to a penalty as set out in Municipal Act, 2001, S.O. 2001,c.25, as amended from time to time, or any successor thereof.

6.04 Illegal Activity:

- a) _____ The Director of Public Works, or the employees of the City who are designated by the Director of Public Works as being in charge of any City landfill site may at any time order any user or owner found scavenging or conducting any activity contrary to the terms of this By-law other illegal activity on a landfill site or having no lawful reason to be there to leave forthwith, and if any such user or owner fails to or refuses to leave, may call for police assistance and cause trespass charges to be laid;

- b) In addition to any penalties imposed through prosecution of an offence pursuant to this By-law, the City is entitled to use all legal means at its disposal to collect the fees applicable pursuant to this By-law. Any and all collection methods lawfully applicable may be relied upon, including placement of unpaid fees on the tax collectors roll for the property in question;
- c) The conviction of a user or owner for the contravention of any provision of this By-law shall not operate as a bar to a prosecution against the same user or owner for any subsequent or continued contravention of this By-law;
- d) If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to a penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the user or owner convicted.

Section 7.00: Administration and Effective Date

- 7.01 **Administration of the By-law:** The Director of Public Works is responsible for the administration of this By-law.
- 7.02 **Conflict:** Where provisions of this By-law conflict with the provisions of any other City By-law, the most restrictive provisions shall apply.
- 7.03 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 9th day of August, 2016.

Andy Letham, Mayor

Judy Currins, City Clerk



2017-144 Set
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Committee of the Whole Report

Report Number:	RD2021-005
Meeting Date:	November 2, 2021
Title:	Update - Street Sweeping Level of Service Policy
Description:	As per Council resolution CR2021-380, staff were directed to provide a report to Council that indicates an increased level of service, and associated budget implications, for sweeping operations as well as alternatives to sweeping, in addition to modified schedules, for these activities.
Author and Title:	David Lembke, Manager, Roads Operations West A Chris Porter, Manager, Roads Operations East

Recommendation(s):

That Report **RD2021-005, Update - Street Sweeping Level of Service Policy**, be received;

That Council approve the proposed amendments to Policy CP2021-005 attached as Appendix A;

That Staff be directed to increase the Level of Service for city wide street sweeping by increasing the amount of contracted resources by four (4) additional street sweepers for a total of eight (8) units, and four (4) additional water trucks;

That Council approve an additional \$81,000 in the 2022 Budget resulting from the increased level of service; and

That this recommendation be brought forward at the next available Council meeting.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The City's Public Works Roads Division (Roads) currently completes sweeping operations at various times of the year, predominantly following the end of winter operations in the spring. The primary reasons for sweeping services in the spring are to prevent winter control materials from entering the storm sewer infrastructure, to improve motoring safety and reduce nuisance dust. Sweeping operations may also be carried out prior to holiday weekends or special events within Central Business Districts (CBD) or in the fall to remove leaves and other debris from curb, gutter and the road surface in order to prevent it from entering storm infrastructure or obstruct drainage.

A list of roads that receive spring street sweeping annually can be found in Schedule A of Council Policy CP2021-005, which Staff have proposed amendments to. Sweeping operations on roads that are not identified on Schedule A are generally limited to the sweeping of hard surface intersections, bridge decks, and areas where curb and gutter or other storm infrastructure exists.

The internal sweeping resources of the City of Kawartha Lakes (City) consist of a variety of equipment including but not limited to:

- Trackless sidewalk units equipped with rotating broom attachments
- Elgin Pelican 3 wheel sweeper(s)
- Elgin Eagle 4 wheel sweeper(s)
- Tractor backhoes and loaders with front rotating broom attachment(s).

Roads also contracts street sweeping services on an annual basis. Contracted sweeping services run simultaneously with sweeping operations completed by City equipment and Staff. In order to ensure that these resources are utilized as efficiently and effectively as possible, the City has adopted a Policy of having the resources deployed when the needs are the greatest as weather allows.

At the Council Meeting of August 10th 2021, Council adopted the following resolution:

CR2021-380

That the Memorandum from Councillor Elmslie, Councillor Richardson and, Councillor Veale, **regarding Spring Street Sweeping**, be received;

That staff be instructed to come back with a report in Q4, 2021, indicating an increased level of service, and associated budget implications, for sweeping; and

That staff include alternatives to sweeping, in addition to modified schedules, for these activities.

This report addresses that direction.

Rationale:

Typically, spring street sweeping commences in mid-April pending current weather and a favorable extended forecast. Street sweeping operations currently start in the City's Southern Operating Areas and work North. The City's internal resources focus on completing sweeping operations in the various CBD's across the City while the contracted resources complement other internal resources to sweep the other roads outside of the CBD's listed in Appendix A of CP2021-005.

The contractor complemented operation typically includes two crews, one starting in the East Maintenance Area and one in the West A Maintenance Area. On average, each Operating Area completes sweeping in approximately 1.5 – 2.5 weeks (950 total contracted hours). Therefore, it has historically taken approximately nine (9) to eleven (11) weeks, pending weather and unforeseen maintenance needs, to complete all sweeping operations City Wide.

Currently, City Wide contractor complemented sweeping operations consists of the following:

- Four (4) contracted street sweepers working in tandem in two (2) separate Operating Areas,
- Two (2) existing City owned Tandem Axle Dump Trucks equipped with water tank, in two (2) separate Operating Areas,
- Four (4) existing City owned Tandem Axle Dump Trucks to haul material, working in two (2) separate Operating Areas.

The above noted operation allows for two (2) contractor complemented sweeping operations to be undertaken at a time in two (2) Operating Areas, therefore allowing staff to undertake other spring maintenance operations that are required at this time of year such as pot hole patching, spring grading, dust control etc.

In order to enhance this level of service, Staff recommend that the budget be increased from \$170,000 to \$251,000 (estimated - for an increase of \$81,000) to allow for the use of four (4) additional contracted street sweepers for a total of eight (8), and four

(4) additional contracted water trucks. This increase to the procurement agreement will allow the Roads Division to improve the level of service for sweeping by enabling sweeping operations simultaneously in four (4) Operating Areas at a time. It is anticipated that, if proceeding with this recommendation, City Wide Sweeping Operations could be completed in four (4) to five (5) weeks City Wide. Additionally, this would allow the City owned water truck(s), to remain with spring grading and dust control operations, or allow an increase to staff completing other spring maintenance operations during one of the Divisions peak periods for general road maintenance.

The proposed sweeping operation at four (4) Operating Areas would consist of the following:

- Eight (8) contracted sweepers, working in tandem in four (4) Operating Areas,
- Four (4) contracted water trucks, working in four (4) Operating Areas
- Eight (8) existing City owned Tandem Axle Dump Trucks hauling material in four (4) Operating Areas

The total cost of contracting additional street sweepers and water trucks and complete street sweeping operations simultaneously in four (4) Operating Areas is \$251,000, with an estimated timeline of 4 weeks until completion. It should be noted that the increase in cost is a contractual increase only, internal operational costs would be minimally impacted by the proposed recommendation.

Other Alternatives Considered:

Option 2:

Increasing contracted services for street sweeping operations and purchasing additional water tanks for internal fleet. This option would include an increased number of contracted sweeping units from four (4) to eight (8), and the purchase of four (4) Poly Water Tanks. Option 2 includes the following:

- Eight (8) contracted sweepers, working in tandem in four (4) Operating Areas,
- Four (4) existing City owned Tandem Axle Dump Trucks equipped with newly purchased Poly water tanks, working in four (4) Operating Areas,
- Eight (8) existing City owned Tandem Axle Dump Trucks hauling material in four (4) Operating Areas.

The total cost to amend the current procurement agreement and purchase four (4) Poly Water tanks is \$284,000 and includes an estimated timeline of 4 weeks to complete. It should be noted that the increase in cost to procure poly water tanks is not an annual

cost. Replacement thereof would then fall within the Fleet program. Operation of the additional water trucks would also require re-allocation of approximately \$29,000 within the operational budget for wage and equipment costs to sweeping operations. This budget would need to be pulled from other maintenance operations such as hot/cold mix patching, gravel patching, brushing, ditching, etc. Future operational costs related to installation of the poly tanks and routine maintenance are unknown at this time.

Staff do not recommend this option as internal operators would be required to operate the additional water trucks. This would limit resources available for other road maintenance operations that are regulated under Ontario Regulation 239/02 (Minimum Maintenance Standards), which may increase the City's exposure to liability claims. The poly water tanks would also need to be procured through a competitive process and may have a long lag time before the City receives them, which may make this option unachievable for spring 2022 sweeping operations.

Option 3:

Amending the current procurement agreement #2020-3042 to complete street sweeping operations with an earlier start date. This option would include an increased number of contracted sweeping units from four (4) to eight (8), the addition of four (4) contracted water trucks, a budget increase of \$81,000, and an early start date of April 1 or before, pending winter operations, current forecast at the time, and the extended forecast at the time. Option 3 includes the following:

- Eight (8) contracted sweepers, working in tandem in four (4) Operating Areas,
- Four (4) contracted water trucks, working in four (4) Operating Areas
- Eight (8) existing City owned Tandem Axle Dump Trucks hauling material in four (4) Operating Areas

The total cost to amend the current procurement agreement by contracting additional street sweepers and water trucks and complete street sweeping operations simultaneously at four (4) Operating Areas is \$251,000, with an estimated timeline of four (4) weeks until completion. It should be noted that, similar to the recommendation, the increase in cost is a contractual increase only, internal operational costs would be minimally impacted by the proposed changes unless re-sweeping is required.

Staff do not recommend this option. While it is similar to the report recommendation, it includes a provision for an early start. It should be noted that in the event of an early spring with a late season winter storm at the end of April, there is a risk that the Roads Division would have to re-sweep some or all rural and urban areas where sweeping

operations have been completed previously. Additionally, this would also add increased strain to other maintenance operations, as internal operators would be required to operate the required equipment and therefore would limit resources available for other road maintenance operations that are regulated under Ontario Regulation 239/02 (Minimum Maintenance Standards), which may increase the City's exposure to liability claims. The estimated incremental, unbudgeted, cost to do so is as follows:

- Re-sweep 25% of all roads = \$63,000
- Re-sweep 50% of all roads = \$126,000
- Re-sweep 75% of all roads = \$188,000
- Re-sweep 100% of all roads = \$251,000

Furthermore, it would be very difficult to secure the contractor after we have released them as the contractor completes street sweeping in other municipalities across the province. Not only would there be additional cost implications, but the sweeping operation could potentially be on hold until early summer.

Other Considerations:

Staff have reviewed an option to increase internal fleet and resources, but given the initial capital cost and the limited seasonal operation times, Staff believe that contracted services is still the best service delivery model.

Staff have continued to investigate additional sweeping improvement options and have found alternative sweeping technologies which may improve the end result of the operation. This alternative would include adding a dustless regenerative air street sweeper to work with the traditional mechanical sweepers in select areas to assess its capabilities within the City's Road Network. If Council wishes to explore this option and as with any new technology, Staff recommend proceeding with a pilot program to ensure it is successful within the City's road network.

Mechanical street sweepers use a combination of brooms and conveyors to pickup material whereas dustless regenerative air street sweepers use brooms to move debris into the path of the sweeper head. The regenerative air process blows air into one end of the sweeper head and onto the road surface which removes loose material, and the other end has a suction hose that vacuums up the material. The air is then recycled by re-circulating back through the system to the sweeper head.

Dustless regenerative air sweepers are reported to have additional positive environmental effects compared to traditional mechanical sweepers. One of the main effects is reducing the amount of materials entering storm sewers or ditches; these materials may otherwise end up contaminating surface water or entering watercourses.

Additionally, the removal of fines from street surface can help reduce airborne particulate which is a common concern following sweeping operations, particularly on windy days. A study in the City of Toronto found that these types of sweepers can reduce airborne fine particulate matter, at street level, by at least 27 per cent.

The cost to purchase a dustless regenerative air sweeper is approximately \$400,000.00, 35% higher than mechanical sweepers. The cost to hire contractors with these types of sweepers is approximately \$180 per hour, 16% higher than the current contracted mechanical sweeper rate.

If Council wishes to add a one (1) week pilot program to sweeping operations in the spring of 2022 at an estimated cost of \$10,000.00 the following resolution would need to be added in addition to the aforementioned recommendation:

"That a Pilot Project be put in place for spring sweeping operations for the spring of 2022 trialing a dustless regenerative air sweeper in various locations within the City's Road Network;"

Alignment to Strategic Priorities

This report aligns with the 2020-2023 Strategic Plan as follows:

A Healthy Environment

- Protect and enhance water quality by keeping winter control materials out of the City's storm system
- Commitment to leadership in environmentally friendly business practices

An Exceptional Quality of Life

- Improve the health and wellbeing of residents

A Vibrant and Growing Economy

- Create an environment to attract business to Kawartha Lakes

Good Government

- Increase efficiency and effectiveness of service delivery

Financial/Operation Impacts:

The annual budgetary impact to increase contracted services for the recommended option as outlined in this report is \$81,000. Staff propose that the Roads Operational City Wide Budget for sweeping be increased from \$170,000 to \$251,000. This will allow Roads to provide an increased level of service and an increased operational efficiency.

Additionally, if Council elects to add the Pilot Program to trial a dustless regenerative air sweeper for one week in the spring of 2022, an additional budget of \$10,000 would be required to the Roads Operational City Wide Budget for sweeping.

Consultations:

Director of Public Works
Manager Road Operations (West B)
Manager of Fleet and Transit

Attachments:

Appendix A – Draft Amendment to CP2021-005 Street Sweeping Level of Service Policy



Draft Amendments
to CP2021-005 Stree

Department Head email: brobinson@kawarthalakes.ca

Department Head: Bryan Robinson

Council Policy No.:	CP2021-005
Council Policy Name:	Street Sweeping Level of Service Policy
Date Approved by Council:	March 26, 2019
Date revision approved by Council:	April 20, 2021 CW2021-095/CR2021-195
Related SOP, Management Directive, Council Policy, Forms	

Policy Statement and Rationale:

It is the objective of the City of Kawartha Lakes Public Works Department to undertake operational activities in an efficient and effective manner. The aim is to provide a clean and safe environment consistent with a small town or village setting during those times of year outside of the winter maintenance season. The goal is to achieve the levels of service as defined herein 75% or more of the time.

Scope:

This policy shall apply to all hard surface, travelled portions and sidewalks within road allowances assumed and maintained by the City of Kawartha Lakes. Notwithstanding the foregoing, neither the Corporation of the City of Kawartha Lakes nor its officials or employees make any assurance or guarantee that the services provided by the Public Works Department will be in excess of the minimum as detailed herein.

Definitions:

Ambient Conditions are conditions that are commonly found in a stabilized environment for that time year. Storm, excess traffic or construction effects can impact ambient conditions.

As Soon As Practicable shall mean without undue delay.

Central Business District “CBD” means the central business district of an urban area (unless covered by By-Law). It is the location where the majority of the commercial activity of the urban area is undertaken.

Day is a calendar day.

Hard Surface means the surface of the roadway that is of a material other than loose gravel and sidewalks made of concrete.

Operations means those activities the Public Works Department performs to improve a condition. Operations are normally defined by Regulations, Policy, or standard practice with the discretion of the Supervisor to choose various methods to achieve results cost-effectively.

Policy(ies) or Policies are guidance documents of a formal nature adopted by Council to enable, qualify and govern the activities of the road authority.

Roadway means all hard surface, travelled portions of the municipal public road allowance and sidewalks within road allowances assumed and maintained by the City of Kawartha Lakes.

Roadway Authority indicates the public agency accountable for the status and condition of the roadway. This refers to the Corporation of the City of Kawartha Lakes and its designated officials or agents.

Service Levels are a range of values that quantify a particular service standard, by one or more parameters. Service levels typically reflect a minimum and maximum condition.

Sidewalk means a hard surfaced, typically concrete pathway within the municipal public road allowance intended for the use of pedestrians.

Policy:

Spring Sweeping

This Level of Service policy covers those activities that are required to produce a safe environment for pedestrians and vehicular traffic during those times of year in which winter operations do not occur.

The internal hard surface cleaning resources of the City of Kawartha Lakes consist of a variety of equipment including but not limited to:

- Trackless sidewalk units equipped with rotating broom attachments
- Elgin Pelican 3 wheel sweeper(s)

- Elgin Eagle 4 wheel sweeper(s)
- Tractor backhoes [and loaders](#) with front rotating broom attachment(s).

Fleet utilized by Staff to manage sweeping commitments is managed under the City's Fleet Policy. Equipment may be added or removed in accordance with the policy and management directive.

The City also contracts street sweeping services on an as needed basis. Contracted sweeping services runs simultaneously with sweeping operations completed by City equipment and Staff. In order to ensure that these resources are utilized as efficiently and effectively as possible, the City of Kawartha Lakes adopts a policy of having the resources deployed generally when the needs are the greatest.

The sweeping activities covered by this [standard Policy](#) include activity during the spring, within the Central Business District (CBD), on holiday weekends during special events, and during the fall.

Timing of sweeping activities will vary from year to year based on current and forecasted weather, resource availability and planned / emergency workload. It is the objective of the Public Works Department to deploy resources as soon as practicable when conditions are such that work completed will not require additional rework.

Spring Sweeping Level of Service

City Staff shall coordinate and deploy resources to sweep hard surfaces in the spring of each year as soon as practicable once the winter season has ended. Sweeping service will be provided to roadways as defined in Appendix A of this Policy. Staff are to coordinate sweeping activities to occur within the CBD's [and areas where storm water systems exist](#) first.

Sweeping operations outside of the roadways defined in Appendix A of this Policy are to consist of sweeping hard surface intersections, [and](#) bridge decks.

Holiday Weekend and Special Event Sweeping

Resources will be deployed for holiday weekend and special event sweeping in CBD's where authorized by the Director of Public Works and/or their designate.

Fall Cleanup Sweeping

The objective of fall cleanup sweeping will be to remove leaves and debris from curbs and gutters so that storm water will flow freely and prevent ponding on the travelled portion of the roadway. Fall cleanup sweeping will be completed only at the discretion of the Supervisor of Roads Operations responsible for the infrastructure, and for the purpose outlined above.



Appendix A - Street Sweeping L.O.S..xlsx



Appendix A - Sweet Sweeping Level of S

Field Code Changed

Revision History:

Proposed Date of Review:

Revision	Date	Description of Changes	Requested By
1.0	April 20, 2021	Updated Policy Number	Council
2.0	November 16, 2021	Revised Appendix A and other Policy Updates	Council

Committee of the Whole Report

Report Number:	RD2021-006
Meeting Date:	November 2, 2021
Title:	Winter Level of Service Review and Update
Description:	Review of Level of Service Council Policies pertaining to winter maintenance of roads and sidewalks including enhanced downtown winter service updates
Author and Title:	Oliver Vigelius, Manager of Roads Operations

Recommendation(s):

That Report RD2021-006, **Winter Level of Service Review and Update**, be received;

That the amended draft By-Law for Lindsay Business Improvement Area Sidewalk Clearing attached as Appendix B be approved;

That the amended Council Level of Service Policy C 124 EPW 010 Roadway Level of Service Policy Winter Maintenance attached as Appendix C be renumbered and approved;

That the amended Council Level of Service Policy C 125 EPW 011 Sidewalk Level of Service Policy Winter Maintenance attached as Appendix D be renumbered and approved; and

That these recommendations be brought forward to Council for consideration at the next regular Council meeting.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

Council continues to review policy to ensure efficient, effective use of municipal resources. This report reflects recent changes directed by Council as well as staff recommended changes based on internal review.

The proposed changes to snow removal levels of service and to the sidewalk winter maintenance performed in the Town of Lindsay's business improvement association area are the result of a pilot project initiated by Council in response to a memo to Council presented at the November 17, 2020 Regular Council Meeting as follows:

CR2020-363

That the October 29, 2020 correspondence from Steve Podolsky, Vice-Chair, Lindsay Downtown Business Improvement Association, regarding snow removal in Downtown Lindsay, be received.

Carried

At the same November 17, 2020 Regular Council Meeting, Council adopted the following resolutions:

CR2020-364

That a Pilot Project be put in place for Downtown Area's for the 2020/2021 winter season, waiving the current policy(cies) and By-Law one year;

That Downtown Lindsay receive the same level of sidewalk service as other Downtown Areas in the City;

That the level of service be adjusted so that the snowbank removal in all Downtown Areas be triggered at .5 meters instead of .9 meters;

That Staff be directed to apply a heightened level of service in back municipal parking lots during the winter months; and

That Staff report back to Council on the service level adjustments by the end of Q2, 2021.

Carried

Staff reported back to Council at the June 15, Regular Council meeting with report RD2021-004 Enhanced Downtown Winter Level of Service (LOS) which is appended to this report as Appendix A. At that meeting, Council adopted the following resolutions:

CW2021-173

That the Pilot Project put in place for Lindsay's Downtown BIA District for the 2020/2021 winter season, waiving the current policy(cies) and By-Law one year and allowing Lindsay's Downtown BIA District to receive the same level of sidewalk winter maintenance as other downtown areas in the City be made permanent; and

That By-Law 95-04, Clearing and Removing Snow and Ice from Sidewalks Downtown in Lindsay, be amended to reflect the maintenance responsibilities of the City of Kawartha lakes and adjacent property owners.

Carried

CW2021-174

That the trigger height detailed in Table 4 - Snow Removal Level of Service, Urban/Built Up Areas, Roadside of Council Policy C 124 EPW 010 Roadway Level of Service Policy Winter Maintenance be adjusted for all instances detailed in the table to read 0.5m in place of the existing 0.9m.

Carried

At the Council Meeting of April 20, 2021 Council adopted the following resolutions:

CW2021-095

That Report **CAO2021-003, Proposed Council Policy Review Program**, be received;

That the Council policies listed in Appendix B to report CAO2021-003, and substantially in their current form, be confirmed, renumbered and approved;

That the Council policies listed in Appendix C to report CAO2021-003, be rescinded; and

That the Council policies listed in Appendix D to report CAO2021-003, be referred to staff for review, with recommended changes brought back to Council for consideration and policy approval before end of Q4 2021.

Carried

Excerpt from Appendix D to Report CAO2021-003:

Department	Policy Name	Policy Number	Action Required
Public Works	Roadway Level of Service Policy Winter Maintenance	C 124 EPW 010	Review - Update Required
Public Works	Sidewalk Level of Service Policy Winter Maintenance	C 125 EPW 011	Review - Update Required

This report addresses the above noted direction from Council.

Rationale:

As directed by Council resolution CW2021-095, the Public Works Roads Operations Division has reviewed and updated C124EPW010 Roadway Level of Service Policy Winter Maintenance (attached as Appendix C) and C125EPW011 Sidewalk Level of Service Policy Winter Maintenance (attached as Appendix D). The revisions contained in these two Levels of Service (LOS) are primarily concerned with mitigation of liability to protect the City of Kawartha Lakes (City) from unnecessary exposure to legal action. The revisions proposed to these two LOS's are recommended as they mirror the requirements of O. Reg. 239/02 'Minimum Maintenance Standards' (MMS) of the Municipal Act, which is a municipality's primary defense against legal actions related to road and sidewalk issues. Alignment with the MMS provides a clear and unified standard which will better enable the City to protect its property taxpaying residents from legal expenses related to lawsuits against the City.

As the LOS currently stands, if a circumstance presents itself that for reasons of staffing shortages, equipment malfunction, or an extreme winter event (or any combination of these three), the City is unable to meet its LOS, but it did meet its MMS obligations, the City could still be legally held to the higher LOS standard, which places the City in an unnecessary position of liability. It should be noted that the Public Works Department has no intention of changing the level of service delivery that currently exists.

In addition to the liability control amendments being proposed the amendments contained in Council Resolutions CW2021-173 and CW2021-174 have been included for approval.

As directed by Council resolution CW2021-173, By-Law 95-04 Clearing and Removing Snow and Ice from Sidewalks Downtown in Lindsay has been amended (attached as Appendix B) to reflect the maintenance responsibilities of the City of Kawartha lakes and adjacent property owners.

Other Alternatives Considered:

If Council disagrees with the amendments proposed to the two LOS documents staff recommends the following substitution resolutions for the Roadway Level of Service Policy:

That the amended Council Level of Service Policy C 124 EPW 010 Roadway Level of Service Policy Winter Maintenance be referred back to staff to be reverted back to its previous form, save and except for amendments to snowbank removal heights as directed in Council Resolution **CW2021-174**;

And the following substitution resolution for the Sidewalk Level of Service Policy:

That the amended Council Level of Service Policy C 125 EPW 011 Sidewalk Level of Service Policy Winter Maintenance be referred back to staff to be reverted back to its previous form, save and except for amendments to sidewalk winter maintenance in the Town of Lindsay's Downtown area as directed in Council Resolution **CW2021-173**.

Alignment to Strategic Priorities

The proposed amendments to the roadway and sidewalk winter maintenance levels of service align with the strategic goal of "Good Government" by reducing the exposure to liability and risk that the Municipality and its residents face on an ongoing basis which will result in cost avoidances.

Financial/Operation Impacts:

Managing exposure to liability is an ongoing process with many components. Any component in this process may be critical depending on the lawsuit brought against the City. It is because of this that all aspects are treated as equally important. Depending on the details of a lawsuit costs can range from thousands of dollars to millions of

dollars, but all lawsuits are assessed by insurance providers when considering the premiums that the City will pay. Therefore, the better the City can do in managing its liability and reducing or avoiding the number and payouts of lawsuits the better it will be for the municipality and its residents. It is also important to consider the City's deductible amount in this process as any payouts below the deductible amount are paid out by the City (i.e., the City is self insured below the deductible amount).

Consultations:

Manager, Roads Operations (West A)
Manager, Roads Operations (East)
Insurance and Risk Management Coordinator
Manager, Municipal Law Enforcement

Attachments:

Appendix A – Report RD2021-004 Enhanced Downtown Winter Level of Service



RD2021-004
Enhanced Downtow

Appendix B – Draft By-Law 2021-xxx Lindsay Business Improvement Area Sidewalk Clearing



2021- Winter
Sidewalk Maintenar

Appendix C – Proposed CP2021-xxx Level of Service Policy – Road Winter Maintenance



DRAFT CP2021-xxx
Level of Service Polic

Appendix D – Proposed CP2021-xxx Level of Service Policy – Sidewalk Winter Maintenance



DRAFT CP2021-xxx
Level of Service Polic

Department Head email: brobinson@kawarthalakes.ca

Department Head: Bryan Robinson, Director of Public Works

Committee of the Whole Report

Report Number:	RD2021-004
Meeting Date:	June 1, 2021
Title:	Enhanced Downtown Winter Level of Service
Description:	Inclusion of winter sidewalk plowing to Lindsay BIA and more frequent downtown snow removal
Author and Title:	Oliver Vigelius – Manager – Roads Operations (West B)

Recommendation(s):

That Report RD2021-004, **Enhanced Downtown Winter Level of Service**, be received.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

By-Law 95-04 allocates maintenance responsibilities for sidewalks in the winter (clearing and application of melting agents/abrasives) within the Lindsay Business Improvement Association (BIA) area to local building owners.

There are two Council Policies that identify Level of Service (LOS) for winter maintenance services offered by Public Works:

- 1) C 124 EPW 010 – Roadway Level of Service Policy for Winter Maintenance
- 2) C 125 EPS 001 – Sidewalk Level of Service Policy for Winter Maintenance

These policies clearly identify service level expectations and commitments from the City including what triggers response and removals.

Currently parking lot maintenance in Lindsay is coordinated by Municipal Law Enforcement (MLE) for both plowing and snow removal. Both of these services are completed under separate corporate contracts. Snow clearing is a self start contract when snow accumulation triggers service and snow removal (loading and removing snow) requires MLE staff to call to initiate service.

At the Council Meeting of November 17, 2020, Council adopted the following resolution:

CR2020-364

Moved By Councillor Dunn

Seconded By Deputy Mayor O'Reilly

That a Pilot Project be put in place for Downtown Area's for the 2020/2021 winter season, waiving the current policy(cies) and By-Law one year;

That Downtown Lindsay receive the same level of sidewalk service as other Downtown Areas in the City;

That the level of service be adjusted so that the snowbank removal in all Downtown Areas be triggered at .5 meters instead of .9 meters;

That Staff be directed to apply a heightened level of service in back municipal parking lots during the winter months; and

That Staff report back to Council on the service level adjustments by the end of Q2, 2021.

Carried

This report addresses these instructions.

Council has also received and referred a memo from the Lindsay BIA to Staff at the March 23, 2021 Council Meeting:

CC2021-07.8.1

Correspondence Regarding Winter Parking Lot Maintenance in Downtown Lindsay

Melissa McFarland, Executive Director, Lindsay Downtown BIA
Stephen Podolsky, Vice-Chair, Lindsay Downtown BIA

CR2021-154

Moved By Deputy Mayor O'Reilly

Seconded By Councillor Elmslie

That the correspondence from Melissa McFarland, Executive Director, Lindsay Downtown BIA, and Stephen Podolsky, Vice-Chair, Lindsay Downtown BIA, **regarding Winter Parking Lot Maintenance in Downtown Lindsay**, be received and referred to Staff for inclusion in the report back to Council on Downtown Service Enhancements by the end of Q3, 2021.

Carried

This memo discusses shifting responsibility of the service to PW from MLE. It is the opinion of Staff that the primary concern here is defining, adhering to and cost of service levels as opposed to divisional oversight. MLE, PW and Purchasing Staff will review alternatives and report back to Council on this resolution at a later date in Q3.

Rationale:

Other downtown communities in the City of Kawartha Lakes receive winter sidewalk maintenance which consists of, when sidewalk winter maintenance is required, a single pass of a sidewalk plow and spreading of either salt or sand as required. Council directed that this LOS be implemented, on a trial basis, in the downtown core of Lindsay (the BIA district). Council also directed that all the downtown areas of the City of Kawartha Lakes receive an 'enhanced' level of snow removal where the trigger height for removal of the snow banks be reduced from 0.9 m to 0.5 m which includes enhanced service in the Municipal parking lots. These directions were accomplished during the winter of 2020/2021.

The winter sidewalk maintenance for the BIA district of Lindsay received a single pass of a sidewalk unit in response to winter maintenance events and the overall results of this trial appear to be positively accepted. It should be noted that the boulevards in Lindsay's BIA district are wide and adjacent property owners were still required to perform winter maintenance on the remaining boulevard area, create paths to their doorways and create access points through snowbank accumulations to the on-street angled parking where desired. Snow removal was triggered at the lower level and results of the trial period also appear positively accepted.

Greater detail will be provided in the Financial/Operation Impacts section of this report but it should be noted that two independent circumstances had a profound affect on the data collected in the Lindsay BIA district this past winter. The first being the ongoing downtown revitalization construction project which removed a large section of the downtown core from the winter maintenance responsibility of Public Works as it was included in the responsibilities of the general contractor. The second was the winter itself; this past winter was, by comparison, mild – with a lesser call for winter maintenance activities.

Other Alternatives Considered:

Sidewalk Plowing

Operationally the inclusion of a single pass of a sidewalk plow, when winter maintenance was required, did not have a significant impact on operations as a whole. It should be noted that the increase to areas covered for winter maintenance will accelerate the need for another sidewalk plow and staff to operate it will be required. This is especially noteworthy considering the increased subdivision development activity in the area. The BIA area, as described in By-Law 95-04 (Appendix A), consists of approximately 2.7km of sidewalk (being all areas where the City is not the adjacent property owner). For the purposes of scale, all three phases of the Cloverlea Subdivision in Lindsay (all of the streets connected to Broad St. between Angeline St. S. and Wallace Drive) contain approximately 2.9km of sidewalk and require one to two hours to service for winter maintenance depending on the type of winter event – longer for a *heavy* snow event.

Council could opt to maintain the added winter sidewalk maintenance permanently. This would require "By-Law 95-04 Clearing and removing snow and Ice from sidewalks downtown in Lindsay" (Appendix A) be amended to reflect the modified maintenance

responsibilities of The City of Kawartha Lakes and adjacent property owners within the Lindsay BIA district with the following resolutions:

“That the Pilot Project put in place for Lindsay’s Downtown BIA district for the 2020/2021 winter season, waiving the current policy(cies) and By-Law one year and allowing Lindsay’s Downtown BIA district to receive the same level of sidewalk winter maintenance as other downtown areas in the City be made permanent; and

That By-Law 95-04 “Clearing and removing snow and Ice from sidewalks downtown in Lindsay” be amended to reflect the maintenance responsibilities of the City of Kawartha Lakes and adjacent property owners.”

Should Council opt not to make these changes no further action is required as the pilot project has concluded.

Snow Removal

Altering the LOS for snow removal will have a more immediate impact on operations, more specifically the operating budget. A reduction of 0.4m to the trigger height for snow removal activities is a reduction of 45%. This year’s data is inconclusive as to the budget impact for the reasons previously stated, but it is reasonable to assume that an increase is to be expected under more seasonable winter conditions (and in the absence of construction activities in the subject area) and it is also reasonable to assume the increase will be in the order of 45%.

Council could opt to increase the LOS and adjust trigger height for snowbank removal at 0.5m for downtown areas within the City of Kawartha Lakes. This would require amendment of Council Policy C 124 EPW 010 Roadway Level of Service Policy Winter Maintenance (Appendix B) to reflect the changes with resolutions being:

That the trigger height detailed in “Table 4 – Snow Removal Level of Service, Urban/ Built Up Areas, Roadside” of Council Policy C 124 EPW 010 Roadway Level of Service Policy Winter Maintenance be adjusted for all instances detailed in the table to read 0.5m in place of the existing 0.9m.

Should Council opt not to make these changes no further action is required as the pilot project has concluded.

Municipal Parking Lots:

Operationally and as directed by the resolution of Council, the municipal parking lots within the Lindsay downtown core area received an increased level of service for the 2020-2021 winter season. Service levels regarding pile removal are controlled and adjusted around snow events and by encouraged communication between City staff, the Lindsay Downtown Business Improvement Association and the Community Liaison Officer. Piles, during the study period were removed when significant impact was observed to the travel pathways, lanes, parking areas and generally within 48 hours of a snow event.

Alignment to Strategic Priorities

The pilot project potentially aligns with the strategic priority of “A Vibrant and Growing Economy” as it supports local business owners in the City’s downtown cores by enabling greater accessibility for visitors to the business areas. However, this must also be balanced against the strategic priority of “Good Government”; part of good government is fiscal responsibility and part of this pilot project will negatively impact future budgets.

Financial/Operation Impacts:

Sidewalk Plowing

Operational costs to include the BIA district would amount to approximately \$3,700 in staff time including \$1,000 allowance for material (Salt). The real impact of this addition is in time; when more infrastructure is added the departments ability to achieve levels of service is impacted it will accelerate the need for additional labour and equipment to maintain Council’s desired LOS.

Snow Removal

In 2018, 2019, and 2020 The City of Kawartha Lakes spent an average of \$85,871 on contracted snow removal services to various downtown areas and parking lots managed by Municipal Law Enforcement. Should this snow removal LOS be extended to other locations (such as community centers and arenas) further budget impacts will be realized. It is reasonable to assume that a 45% reduction in the trigger height for snow bank removal will result to an equal increase in snow removal costs due to the increased frequency of the service being provided. 45% of \$85,871 is \$38,642 which would bring the average annual cost up to \$124,513. Potential future capital and operating pressures are discussed in the “Other Alternatives – Sidewalk Plowing” section of this report.

Consultations:

Supervisor, Roads Operations – Lindsay

Manager, Municipal Law Enforcement

Attachments:

Appendix A - By-Law 95-04 Clearing and removing snow and Ice from sidewalks downtown in Lindsay



Appendix A By-Law
95-04.pdf

Appendix B - C 124 EPW 010 Roadway Level of Service Policy Winter Maintenance



Appendix B
C124EPW010.pdf

Department Head email: brobinson@kawarthalakes.ca

Department Head: Bryan Robinson

Appendix A

THE CORPORATION OF THE TOWN OF LINDSAY BY-LAW 95-04

A by-law for clearing away and removing snow and ice from sidewalks downtown in the Town of Lindsay.

WHEREAS the Municipal Act, Chapter M45, Section 210(60-63), R.S.O. 1990 authorizes Council to pass by-laws for clearing away and removing snow and ice from sidewalks of occupied, and unoccupied premises and on any highway or part of a highway or any class thereof in front of, alongside or at the rear of such buildings or vacant lands, at the expense of the owners;

AND WHEREAS the Municipal Act, Chapter M45, Section 314(1), R.S.O. 1990 authorizes Council to pass by-law for prohibiting or regulating the obstructing, encumbering, injuring or fouling of highways or bridges;

NOW THEREFORE the Council of the Corporation of the Town of Lindsay enacts as follows:

1. DEFINITIONS:

1.1. For the purposes of this By-law:

1.1.1. Corporate Boundaries shall mean those boundaries of the Town of Lindsay.

1.1.2. Highway shall mean a common and public highway, street, or a bridge forming part of a highway or on, over, or across which a highway passes, the portion used for vehicular traffic, sidewalks and boulevards thereof.

1.1.3. Person shall mean the owner or person who rents, leases or otherwise occupies property in the Town of Lindsay.

1.1.4. Sidewalk shall mean any sidewalk, pathway, footpath or area forming part of any highway or bridge or boulevard, or other means of public communication used by or set apart for the use of pedestrians.

1.1.5. Town shall mean the Town of Lindsay.

2. LOCATION:

2.1. The locations of the sidewalks discussed in this by-law shall be as follows:

2.1.1. Kent St. W. between Lindsay St. and Sussex St.

2.1.2. William St. between Peel St. and Russell St.

2.1.3. York St. between Peel St. and Russell St.

2.1.4. Cambridge St. between Peel St. and Russell St.

2.1.5. Victoria Ave. between Peel St. and Russell St.

3. REQUIREMENTS:

3.1. No person shall fail to remove snow and/or ice from the sidewalks, within the locations noted in section 2 of this by-law, abutting the property of any occupied or unoccupied building or vacant lot which they own, within a twenty-four (24) hour period from the cessation of a storm.

3.2. No person shall move or place any snow and/or ice onto any sidewalk, indicated in section 2 of this by-law, so as to impede pedestrian traffic thereon.

- 3.3. Snow and/or ice, which is cleared in the locations indicated in Section 2, shall be placed completely off the sidewalk, on the "roadside" of the curb, a distance no greater than one metre from the curb, in order to facilitate removal by the Town.

4. **CONTRAVENTION:**

- 4.1. In the event that any person contravenes the provisions of this by-law, the Town of Lindsay shall procure the clearing and removal of the snow and ice at the expense of the property owner.
- 4.2. The expenses incurred by the Town of Lindsay under Section 3 of this By-law shall be collected and recovered from the property owner in like manner as municipal taxes.
- 4.3. Any person who contravenes any section of this by-law is guilty of an offence and is liable to a fine as allowed under the Provincial Offences Act, R.S.O. 1990, Chapter P. 33, Section 61 or as amended.

5. **FORCE AND EFFECT:**

- 5.1. This By-law comes into force and takes effect on the final day of passing thereof.

Read a first time on:

Read a second time on:

Read a third time and

finally passed on:

Mayor

Clerk

Council Policy

Council Policy No.:	C 124 EPW 010
Council Policy Name:	Roadway Level of Service Policy Winter Maintenance
Date Approved by Council:	November 29, 2005
Date revision approved by Council:	December 10, 2011, October 27, 2015
Related SOP, Management Directive, Council Policy, Forms	n/a

Policy Statement and Rationale:

It is the objective of the City of Kawartha Lakes, Public Works Department to apply its operational activities in an efficient and effective way, so as to provide safe driving conditions consistent with a low volume in a predominantly rural road system during those times of the year when winter conditions can be expected. The purpose will be to achieve the Levels of Service as defined herein, and in no case shall the Levels of Service provided be allowed to fall below the Minimum Maintenance Standards provided for in the Municipal Act SO 2001 c. 25 and the Minimum Maintenance Standards O. Reg. 239/02 as amended by O. Reg.47/13made thereunder.

Scope:

This policy shall apply to all roads assumed and maintained as public roads by the City of Kawartha Lakes. Notwithstanding the foregoing, neither the Corporation of the City of Kawartha Lakes nor its officials or employees make any promise, assurance or guarantee that the services provided by the Public Works Department will be in excess of the minimum standard, as required by regulation and detailed herein.

Inherent within the standard is the expectation that drivers will act responsibly and will operate their vehicles, at all times, reasonably with due regard for the prevailing weather and roadway conditions.

Definitions:

“AADT” Average Annual Daily Traffic is a technical measurement of traffic volume on a road, in both directions. Conversion factors, which vary depending on time of year and week, extrapolate daily traffic counts into AADT. (See seasonal.)

“Ambient Conditions” are conditions that are commonly found in a stabilized environment. Normally in ambient conditions there are no negative effects actively reducing the existing conditions. i.e. Storm, excess traffic or construction effects are not in evidence. (See storm conditions.)



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“Aspects” in the context of these standards refer to specific elements of roadway service, which are defined by these standards.

“As Soon As Practicable” shall mean without undue delay.

“Bare” conditions refer to winter road conditions where all traveled lanes are effectively clear of snow build-up or general ice conditions that might impair the safe travel on the road below the travel speed under ambient conditions.

“Centre Bare” conditions refer to winter road conditions where one wheel track of each of the traveled lanes is substantially clear of snow and ice conditions allowing the user to negotiate safer travel than if snow packed or general ice conditions prevail.

“Class” in the context of these standards refers to the criteria for classifying roadways as set out in O. Reg. 239/02 Minimum Maintenance Standards.

“Conditions” define the state in which the subject matter is found. The standard indicates the condition being measured.

“Cycle” is that time interval between Winter Maintenance conducted for a specific purpose on any identified road segment. Consideration can still be made for inspection cycle time adjustments at the discretion of the city's Supervisor or designate for mitigating circumstances, which are of an uncommon, or unpredictable, nature.

“Day” is a calendar day.

“Desirable” describes that level of service standard the roadway authority has established as an objective for road department operations.

“Effect” is the acting of an external influence on the condition of any aspect of the roadway.

“Hardtop” refers to a road surface, which is relatively hard in nature, by treatment with either a bonding agent or cement, which effectively prevents reshaping by conventional motor grader.

“Improved” condition refers to the condition being better than it was before, from the perspective of a typical user, all other effects being equal.

“Inspection” is the activity performed by a qualified person, authorized and directed by the Director of Public Works or designates, to investigate and report on the relevant conditions of the roadway. General inspection has regard for road surface and roadside standards. Winter inspection has regard for winter road surface standards.

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“Lane” is that portion of the road designated for a single file of vehicles to travel over, in one direction. For roads where two-way traffic is permitted, the lane width is half the road width unless otherwise delineated by pavement marking.

“Localized” conditions, for the purpose of these standards, that occur on short lengths of roadway specifically on bridges, intersections, curves and hills.

“Loosetop” refers to a road surface that is of a granular manufactured product, which can reasonably be shaped by a motor grader, and includes road surfaces under reconstruction.

“Maintenance Priority Classes” means the priority for roadway maintenance services as defined by Table 1 of the level of service policy; roadway maintenance classification.

“Notice” of an effect or condition is considered given when received by an appropriate employee of the road authority.

“Operations” means those activities the Public Works Department performs to improve a condition or sustain a roadway standard. Operations are normally defined by guidelines (not policy), with discretion of the supervisor to choose various methods to achieve results cost-effectively.

“Policies” decisions of a formal nature made by the road authority to enable, qualify and govern the mission of the road authority as directed by-law.

“Priority” an order of the Class of roads to be maintained during a winter event.

“Response” describes that action taken by the roadway authority when informed of an effect or condition. Monitoring an effect or condition may constitute a response. A reasonable response takes into account the relevant standards.

“Right Of Way” (R.O.W.) describes the corridor of land reserved for roadway improvements and under the jurisdiction of the roadway authority. Certain rights of way infer a right of passage to the public. However, in the context of these standards, only rights of way with assumed public roadways are considered. Rights of way solely for non-vehicular traffic are not addressed in these standards (e.g. Pedestrian, equestrian, bicycle.).

“Road” refers specifically to the traveled road surface on a roadway assumed by a roadway authority, but not including on-street parking or stopping zones.

“Roadside” refers to all features that make up the roadway within the jurisdiction of the roadway authority, except for the road surface itself.

“Roadway” in the context of these standards means any public assumed road right of way, intended for vehicular traffic. It refers not only to the traveled road surface, but to



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all services relevant to the road, within the right of way. In the context of an urban road this includes the traveled portion plus the ancillary lanes. In the case of rural roads this includes the ancillary lanes and the shoulders.

“Roadway Authority” indicates the public agency accountable for the status and condition of the roadway. This refers to the Corporation of the City of Kawartha Lakes and its designated officials or agents.

“Section” refers to a portion of roadway with a distinct classification, and homogeneous character. A roadway section is commonly used for construction costing, inventory control in Maintenance Management Systems, Road Needs Studies, Pavement Management Studies, and Priority Planning and Budgeting.

“Seasonal” refers to the limited time of the year where certain roadway service standards apply to the subject roadway. (eg. Summer roads, Winter roads). In the context of these standards seasonal roads are classified as those not receiving winter services, unless otherwise defined.

“Service” can be defined in two contexts. In the larger context any government activity is a service. A roadway network is a service, as is a library, potable water supply, etc. When used in the context of these standards, “service” refers more specifically to aspects of a roadway and their condition. Services are seen from the perspective of the user.

“Service Level Matrix” the Table(s) established within this policy that specifically defines the service level according to Class of roadway.

“Service Levels” a range of values that quantify a particular service standard, by one or more parameters, across a range of roadway classifications. Service levels typically reflect a maximum or minimum condition.

“Shoulder” that maintained surface immediately adjacent to the traveled surface of the road. The shoulder may be partially or fully hardtop, loosetop, grassed, or earth. It is not considered a part of the road for these standards.

“Snow Accumulation” means the natural accumulation of any of the following, alone or together:

1. New fallen snow.
2. Wind-blown snow
3. Slush

“Snow Packed” conditions refer to winter road conditions where the traveled surface of the road is covered with a buildup of snow and/or ice.



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“Speed” refers to the average speed at which an average automobile can safely travel on a road without the effects of traffic. This does not refer to design speed or legal speed unless specifically qualified. Posted speed is either legal or advisory.

“Standards” quantified statements, defining the nature of a product or activity. Usually such standards are minimum or desirable, and in this context refer specifically to the roadway service standards adopted as policy, by a roadway authority.

“Storm” conditions or effects are when natural or external effects are acting upon the roadway to reduce the condition as defined by one or more roadway service standards. It does not refer to weather conditions that do not impact on the infrastructure. Storm conditions could include wind, rising and/or moving water, precipitation, cold temperatures (below -15C), snowfall, freezing rain, hail, blowing snow, etc.

“Substandard” refers to a condition that is outside the defined standard. Normally a substandard condition requires a response, unless otherwise considered in the standard.

“Supervisor” refers to a person in the Public Works Department who is accountable for the deployment of operations that impact on the condition or roadway services.

“Surface” the exposed top of the traveled road and includes adjacent surfaces for turning or stopping, but not parking or shoulders.

“System” refers to a collection of roadways, typically of various classifications, owned by a single road authority.

“User” refers to any person traveling on or over the roadway, including vehicle operators, passengers and pedestrians.

“Winter” the season when cold weather effects on road conditions can be reasonably expected and as specified herein.

Policy:

Winter Response

This level of service policy covers these activities which are required to produce safe driving conditions for a driver acting responsibly, during those times of the year in which winter conditions can be anticipated.

An analysis of winter operational records for the period of 2001 to 2010 inclusive indicates that on average the first occasion for which a winter response is required will occur on or about November 15 and the commencement of continuous winter operations will typically occur beyond December 15 of each year. The need for an ongoing response will on average continue to approximately March 15 of each winter



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season and the last date for which a response is required will be about April 8 of each season. Acknowledging that winter conditions can occur before and after these periods, the City of Kawartha Lakes will prepare the conversion of its resources from summer to winter maintenance mode to meet the following state of readiness

Beginning of Winter	50% Operational	October 31
	100% Operational	November 15
	Initiate Night Patrol	November 15
End of Winter	100% Operational	March 31
	End of Night Patrol	March 31
	50% Operational	April 15

The winter control resources of the City of Kawartha Lakes consists of single axle, tandem axle combination plow/spreader trucks and graders equipped to plow (if required), with sufficient operators for the current number of plow routes, organized in a one day shift. In order to ensure that these resources are employed as efficiently and effectively as possible, the City of Kawartha Lakes adopts a policy of having the resources deployed generally when the needs are required as per the adopted Levels of Service.

An analysis of the variation of traffic over time, based on traffic engineering principles, demonstrates that 85 to 90% of the average daily traffic can be anticipated between the hours of 5 a.m. and 9 p.m. Therefore, the City of Kawartha Lakes will focus its efforts to meet this demand. Outside this period, the City employs a small number of additional operators to act during the evening and night time hours. The function of this partial second shift will be to maintain the main arterial roads in a safe and passable condition for emergency response purpose and to address localized substandard conditions that may be observed in the course of their rounds.

A full call out of winter maintenance resources between the hours of 9:00 pm and 4:00 am will not as a general rule be made except where weather and road conditions deteriorate to the state where the travelled road network has compromised the road users' safety. Otherwise, the City of Kawartha Lakes will strive to achieve the objectives of this policy through the use of the evening and night time hours as specified above.

Winter maintenance activities covered by this policy include snow fencing, continuous plowing, spot plowing, continuous sanding/salting, spot sanding/salting, ice blading, winging back banks, snow removal, the provision of winter drainage outlets, and road patrolling during normal ambient and storm conditions.

Snow Clearing Level of Service:

Council Policy

The policy for snow clearing is to deploy resources as soon as practicable to clear snow accumulations after becoming aware of the fact that the snow accumulation is greater than the depth set out in Table 1 below and to ensure that the accumulation of snow is maintained at a level less than or equal to the maximum depth indicated within the time allowed for in the policy for the duration of the storm. During the storm the objective will be to maintain only the through lanes but not less than 3.0 metres in width per lane and left hand turn lanes in each direction. Ancillary lanes such as right turn lanes, intersection ramps, acceleration/deceleration lanes, shoulders and parking lanes will only be treated after all roads have been addressed.

Once the snow accumulation has ended, and within the time specified after the end of the storm, the objective shall be to return the road to at least the minimum surface condition as shown in Table 1. Class 1, 2, 3 and 4 roadways, clearing operations will clear the snow from the edge of roadway and all ancillary lanes and ramps etc. Class 5 roads with two lanes, if after the snow accumulation has ended, the snow accumulation is greater than the depth set out in Table 1, the objective will be to clear the snow accumulation to a depth less than or equal to the depth set out in Table 1 and to a width of at least the width of the 3.0 metre lane and shall be maintained and open for the public's use within the time period, after the end of the storm. Once the snow pack has been adequately established on the roads, the objective will be to remove all new fallen snow and reinstate the hard pack surface with winter abrasives within the time frames indicated. Ice blading of snow packed surfaces will be undertaken as necessary to provide additional traction as determined by the Area Manager or designate (Supervisor, Acting Supervisor or Lead Hand under the direction of the Area Manager).

The maximum allowable accumulation provision of this policy does not apply to that portion of the road designated for parking. Snow removal from parking areas will only be completed after all other areas have been cleared.

Table 1 – Snow Accumulation Level of Service:

Minimum Maintenance Standards Classification	Response to Snow Accumulation		
Road Class	CKL Road Priority	Maximum Depth	Time Cycle
1	N/A	N/A	N/A
2	1-Arterial	2.5 cm	4 hours
3	1-Arterial	2.5 cm	4 hours
4	2 - Collector	8 cm	12 hours
5	3 - Residential	8 cm	12 hours

Sanding and Salting:

The objective will be to deploy resources as soon as practicable, after becoming aware of the fact that the road surface is in a snow or ice covered condition and the safe

Council Policy

operation has dropped below the threshold indicated in Table 2. The response will be to treat the road way or sections thereof with deicing chemicals and/or abrasives as appropriate to remove the ice or provide traction within the timeframes indicated in Table 2 for such response.

It is the objective of the actions taken to improve the surface conditions of the road within the time shown in Table 1, such that the safe operation on the road will meet or exceed levels as shown in the Table 2.

Table 2 – Icy Roads Response Level of Service:

CKL Road Priority	Response Time	Cycle Time
1 – Arterial	4 hours	6 hours
2 – Collector	8 hours	12 hours
3 – Residential	8 hours	12 hours

Winging Back Of Snow Banks:

At various times during a winter season it may be necessary to wing back snow banks in order to reduce the height of the banks so that driver visibility is not impaired and/or provide space to store additional snow. Typically this work will be undertaken in rural and urban residential areas.

The objective will be to deploy resources on roadways within the response time frames after becoming aware that the snow banks exceed the height specified and to reduce the height of the banks to at or below the height indicated in Table 3 within the time frames specified for each classification of roadway.

Table 3 – Snow Bank Winging Back Level of Service:

	Objective to Address Snow Banks	Snow Bank Height	
CKL Road Priority	Response Time	Maximum Height (Metres)	Cycle Time
1 – Arterial	24 hours	0.9	24 hours
2 – Collector	48 hours	0.9	48 hours
3 – Residential	48 hours	0.9	48 hours

No objective is established for the necessity to wing back banks for purposes of creating additional snow storage. Such work will be undertaken as and when it is deemed necessary to do so by the Supervisor and time is available to undertake such work between winter events and other priority work.

Snow Removal:



Council Policy

Removal and disposal of snow in an approved snow disposal facility is carried out in those areas where inadequate physical space exists to store the snow and/or the presence of snow banks interferes with the movement of pedestrian traffic. Snow will be removed from the central business districts of the City of Kawartha Lakes and other designated built up areas within the City.

The objective will be to deploy resources on roadways within the response time frames after becoming aware that the snow banks parallel to the roadway and away from the legal cross walk areas exceed the height specified and to reduce the height of the banks to at or below the height indicated in Table 4 within the time frames specified for each classification of roadway.

Table 4 – Snow Removal Level of Service, Urban/ Built Up Areas, Roadside:

	Objective to Address Snow Banks	Snow Bank Height	
CKL Road Priority	Response Time	Maximum Height (Metres)	Cycle Time
1 – Arterial	48 hours	0.9	12 hours
2 – Collector	48 hours	0.9	24 hours
3 – Residential	48 hours	0.9	24 hours

At all cross walks and intersections the objective will be to deploy resources within the response time frames after becoming aware that the snow banks parallel to the roadway and away from the legal cross walk areas exceed the height specified and to reduce the height of the banks to at or below the height indicated in Table 5 within the time frames specified for each classification of roadway.

Table 5 – Snow Removal Level of Service, Cross Walks:

	Objective to Address Snow Banks	Snow Bank Height	
CKL Road Priority	Response Time	Maximum Height (Metres)	Cycle Time
1 – Arterial	24 hours	0.6	12 hours
2 – Collector	48 hours	0.6	24 hours
3 – Residential	48 hours	0.6	24 hours

Winter Patrolling Level of Service –Winter Season Conditions:

Winter patrolling during the occurrence of winter events, conditions shall be in accordance with Table 7. Patrolling shall be carried out by driving or monitoring of weather service providers and other Value Added Meteorological Services (VAMS) to



Council Policy

ascertain conditions and the need for a response. Patrolling of a representative sample of the road system shall be deemed to be sufficient to identify problem areas.

Table 6 – Winter Representative Patrolling – Winter Season Levels of Service:

CKL Road Priority	Cycle
1 – Arterial	1 x per day
2 – Collector	Once every 3 days
3 - Residential	Once every 7 days

Winter Patrolling – Night, Evening and Weekend Conditions:

During the season when a municipality performs winter highway maintenance, the minimum standard for patrolling highways is, in addition to that set out to that noted above, to patrol highways that the municipality selects as representative of its highways, as necessary, to check for conditions requiring winter control maintenance. The City of Kawartha Lakes shall provide a winter night patrol between the hours of 3:30 p.m. and 7:00 a.m. for the period of the year when continuous winter operations can be anticipated. The purpose of the night patrol will be to monitor weather and roadway conditions during the night time hours and to assist in addressing localized substandard conditions found in the course of its patrolling. The objective will be to maintain the roads in passable condition until the regular shift comes on duty at 7:00am or commence full or partial maintenance operations at 4:00 a.m.

Snow Fencing:

The City may erect snow fencing in rural areas where experience has identified a frequent localized build up of wind blown snow. Maintenance staff will monitor conditions over the course of the winter and identify potential sites where the erecting of snow fence has the potential to reduce the number of responses. The potential sites for installation of snow fence will be reviewed by area maintenance staff in the fall of each year and those locations having the greatest potential to reduce the number of site specific responses approved for the installation of snow fence. Snow fencing if deemed appropriate will be erected by November 15th of the year and will be removed not later than April 15th so as to not interfere with agricultural operations.

Revision History:

Proposed Date of Review:

Revision	Date	Description of changes	Requested By

The Corporation of the City of Kawartha Lakes

By-Law 2021-

A By-law to Repeal and Replace Town of Lindsay By-law 95-04, Being a By-law to Regulate Winter Sidewalk Maintenance in the Lindsay Downtown Area in the City of Kawartha Lakes

Recitals

1. The Municipal Act, 2001, c. 25, s. 27 (1) enables the municipality to pass by-laws in respect of a highway.
2. The Municipal Act 2001, c. 25, s. 44 (1) states the municipality that has jurisdiction over a highway or bridge shall keep it in a state of repair that is reasonable in the circumstances, including the character and location of the highway or bridge.
3. The Municipal Act 2001, c. 25, s. 44 (9) states except in case of gross negligence, a municipality is not liable for a personal injury caused by snow or ice on a sidewalk.
4. The Town of Lindsay Council adopted By-law 95-04 on January 23, 1995 to regulate the clearing away and removing snow and ice from sidewalks downtown in the Town of Lindsay and this by-law repeals the original by-law as it has been replaced.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2021- .

Section 1.00: Definitions and Interpretation

1.01 Definitions: In this by-law,

"BIA" means the Lindsay Downtown Business Improvement Association as established under By-law 2008-212, as amended and its successor by-laws.

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the City employee appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the Municipal Council for the City;

"Director of Public Works" means the City employee who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

“Highway” means a common and public highway, and includes a street and a bridge forming part of a highway or on, over or across which a highway passes as defined by the Municipal Act 2001, c. 25, s. 26.

“Manager of Municipal Law Enforcement” means the City employee who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

“Municipal Law Enforcement Officer” means a person within the administration of the City who has been appointed as an officer for the purposes of the enforcement of any or all of the City’s By-Laws.

“Person” means the owner or person who rents, leases or otherwise occupies property in within the location identified in Section 2.00, including all those under jurisdiction of the BIA. This includes any person authorized by the registered owner to act on his or her behalf; and manager or trustee in bankruptcy with possession and control of the property.

“Sidewalk” means any sidewalk, pathway, footpath or area forming part of any Highway or bridge or boulevard or other means of public transportation used by or set apart for the use of pedestrians.

1.02 **Interpretation Rules:**

(a) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Location

2.01 The areas included within the scope of this By-Law include:

- Kent Street West between Lindsay Street South and Sussex Street
- Lindsay Street South between Kent Street West and Kent Street East
- Lindsay Street North between Kent Street East and the Scugog River
- York Street between Peel Street and Russell Street West
- William Street South between Kent Street West and Russell Street West
- William Street North between Kent Street West and Peel Street
- Cambridge Street South between Kent Street West and Russell Street West
- Cambridge Street North between Kent Street West and Peel Street
- Victoria Avenue South between Kent Street West and Russell Street West
- Victoria Avenue North between Kent Street West and Peel Street

Section 3.00: Requirements

- 3.01 The City shall provide winter maintenance response within the area identified within Section 2.01 in accordance with Council's policy on winter sidewalk level of service, as amended, and its successor policies.
- 3.02 No Person shall fail to remove snow and/or ice from sidewalks from the area identified in Section 2.01 of this By-law, abutting the property of any occupied or unoccupied building or vacant lot which they own, within a twenty-four (24) period from the cessation of a storm.
- 3.03 No Person shall move or place any snow and/or ice onto any sidewalk, indicated in Section 2.01 of this By-Law, so as to impede pedestrian traffic thereon.
- 3.04 Any Person clearing snow and/or ice from the locations identified in Section 2.01 of this By-law, shall place the snow on the edge of the sidewalk immediately adjacent to the road's edge in a manner so as not to impede pedestrian movement from the adjacent parking spaces or in a manner so as not to impede or reduce the parking space(s).

Section 4.00: Enforcement, Offence and Penalties

- 4.01 In the event that any Person contravenes the provisions of this By-law, the City shall procure the clearing and removal of the snow and/or ice at the expense of the nearest or adjacent property owner.
- 4.02 The expenses incurred by the City under Sections 3.00 and 4.00 of this By-law shall be collected and recovered from the property owner in like manner as municipal taxes.
- 4.03 Where a Person has received a second, third and subsequent offence for the same location, an inspection administration fee shall apply as set out in the Consolidated Fees By-law and if not paid, the fee shall be added to the tax roll of the property and shall be collected in a like manner as municipal taxes.
- 4.04 Any Person who contravenes any section of the By-law is guilty of an offence and is liable to a fine allowed under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, Section 61 or as amended.
- 4.05 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-Law.
- 4.06 Enforcement: This By-Law may be enforced by every Municipal Law Enforcement Officer or Police Officer.

Section 5.00: Administration and Effective Date

- 5.01 **Administration of the By-law:** The Director of Public Works and the Manager of Municipal Law Enforcement are responsible for the administration of this by-law.
- 5.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

Section 6.00: Repeals

6.01 **Repeal:** Town of Lindsay By-law 95-04 is repealed.

By-law read a first, second and third time, and finally passed, this ____ day of _____, 2021.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

Council Policy No.:	C-124-EPW-010 <u>CP2021-xxx</u>
Council Policy Name:	Roadway Level of Service Policy - <u>Road</u> Winter Maintenance
Date Approved by Council:	November 29, 2005 <u>November 16, 2021</u>
Date revision approved by Council:	December 10, 2011, October 27, 2015
Related SOP, Management Directive, Council Policy, Forms	C125EPW011-CP2021-xxx <u>Sidewalk</u> Level of Service Policy – <u>Sidewalk</u> Winter Maintenance <u>CP2018-012 Roadway Classification System Policy</u>

Policy Statement and Rationale:

It is the objective of the City of Kawartha Lakes, Public Works Department to apply its operational activities in an efficient and effective way, ~~so as to~~ provide safe driving conditions consistent with ~~a low volume traffic in a~~ the traffic volume in a predominantly rural road system during those times of the year when winter conditions can be expected. The purpose will be to achieve the Levels of Service as defined herein, and in no case shall the Levels of Service provided be allowed to fall below the Minimum Maintenance Standards provided for in the Municipal Act SO 2001 c. 25, specifically identified within ~~and~~ the Minimum Maintenance Standards O. Reg. 239/02, as amended ~~by O. Reg. 47/13 made thereunder.~~

Scope:

This policy shall apply to all roads assumed and maintained as public roads by the City of Kawartha Lakes. ~~Notwithstanding~~Notwithstanding the foregoing, neither the Corporation of the City of Kawartha Lakes nor its officials or employees make any promise, assurance or guarantee that the services provided by the Public Works Department will be in excess of the minimum standard, as required by regulation and detailed herein.

Inherent within the standard is the expectation that drivers will act responsibly and will operate their vehicles, at all times, reasonably with due regard for the prevailing weather and roadway conditions.

Definitions:

“AADT” Average ~~Annual~~ Daily Traffic is a technical measurement of traffic volume on a road, in both directions. Conversion factors, which vary depending on time of year and week, extrapolate daily traffic counts into AADT. O. Reg. 239/02 s. 1 (3) (See seasonal.)

“Ambient Conditions” are conditions that are commonly found in a stabilized environment. Normally in ambient conditions there are no negative effects actively reducing the existing conditions. i.e. Storm, excess traffic or construction effects are not in evidence. (See storm conditions.)

“Aspects” in the context of these standards refer to specific elements of roadway service, which are defined by these standards.

“As Soon As Practicable” shall mean without undue delay.

~~“Bare” conditions refer to winter road conditions where all traveled lanes are effectively clear of snow build-up or general ice conditions that might impair the safe travel on the road below the travel speed under ambient conditions.~~

~~“Centre Bare” conditions refer to winter road conditions where one wheel track of each of the traveled lanes is substantially clear of snow and ice conditions allowing the user to negotiate safer travel than if snow packed or general ice conditions prevail.~~

“Class” in the context of these standards refers to the criteria for classifying roadways as set out in CP2018-012 Roadway Classification System Policy~~O. Reg. 239/02 Minimum Maintenance Standards.~~

“Conditions” define the state in which the subject matter is found. The standard indicates the condition being measured.

~~“Cycle” is that time interval between Winter Maintenance conducted for a specific purpose on any identified road segment. Consideration can still be made for inspection cycle time adjustments at the discretion of the city's Supervisor or designate for mitigating circumstances, which are of an uncommon, or unpredictable, nature.~~

“Day” is a calendar day.

~~“Desirable” describes that level of service standard the roadway authority has established as an objective for road department operations.~~

“Effect” is the acting of an external influence on the condition of any aspect of the roadway.

“Hardtop” refers to a road surface, which is relatively hard in nature, by treatment with ~~either~~ a bonding agent ~~or cement~~, which effectively prevents reshaping by conventional motor grader.

“Ice” means all kinds of ice, however formed;

~~“Improved” condition refers to the condition being better than it was before, from the perspective of a typical user, all other effects being equal.~~

“InspectionPatrol” is the activity performed by a qualified person, authorized and directed by the Director of Public Works or designates, to investigate and report on the relevant conditions of the roadway. General inspection has regard for road surface and roadside standards. Winter inspection has regard for winter road surface standards.

“Lane” is that portion of the road designated for a single file of vehicles to travel over, in one direction. For roads where two-way traffic is permitted, the lane width is half the road width unless otherwise delineated by pavement marking.

“Localized” conditions, for the purpose of these standards, that occur on short lengths of roadway specifically on bridges, intersections, curves and hills.

“Loosetop” refers to a road surface that is of a granular manufactured product, which can reasonably be shaped by a motor grader, and includes road surfaces under reconstruction.

~~“Maintenance Priority Classes” means the priority for roadway maintenance services as defined by Table 1 of the level of service policy; roadway maintenance classification.~~

~~“Notice” of an effect or condition is considered given when received by an appropriate employee of the road authority.~~

“Operations” means those activities the Public Works Department performs to improve a condition or sustain a roadway standard. Operations are normally defined by guidelines (not policy), with discretion of the supervisor Public Works Department to choose various methods to achieve results cost-effectively.

“Policy(ies)” decisions of a formal nature made by the road authority to enable, qualify and govern the mission of the road authority as directed by-law.

“Priority” an order of the Class of roads to be maintained during a winter event.

“Response” describes the eat reasonable action taken by the roadway authority when informed or reasonably aware of an effect or condition. ~~Monitoring an effect or condition may constitute a response.~~ A reasonable response ~~takes into account~~ considers the relevant standards.

“Right Of Way” (R.O.W.) describes the corridor of land reserved for roadway improvements and under the jurisdiction of the roadway authority. Certain rights of way infer a right of passage to the public. However, in the context of these standards, only rights of way with assumed public roadways are considered. Rights of way solely for non-vehicular traffic are not addressed in these standards (e.g. Pedestrian, equestrian, bicycle.).

“Road” refers specifically to the traveled road surface on a roadway assumed by a roadway authority, but not including on-street parking or stopping zones.

“Roadside” refers to all features that make up the roadway within the jurisdiction of the roadway authority, except for the road surface itself.

“Roadway” in the context of these standards means any public assumed road right of way, intended for vehicular traffic. It refers not only to the traveled road surface, but to all services relevant to the road, within the right of way. In the context of an urban road this includes the traveled portion plus the ancillary lanes. In the case of rural roads this includes the ancillary lanes and the shoulders.

“Roadway Authority” indicates the public agency accountable for the status and condition of the roadway. This refers to the Corporation of the City of Kawartha Lakes and its designated officials or agents.

“Section” refers to a portion of roadway with a distinct classification, and homogeneous character. A roadway section is commonly used for construction costing, inventory control in Maintenance Management Systems, Road Needs Studies, Pavement Management Studies, and Priority Planning and Budgeting.

~~“Seasonal” refers to the limited time of the year where certain roadway service standards apply to the subject roadway. (eg. e.g. Summer roads, Winter roads). In the context of these standards seasonal roads are classified as those not receiving winter services, unless otherwise defined.~~

“Service” can be defined in two contexts. In the larger context any government activity is a service. A roadway network is a service, as is a library, potable water supply, etc. When used in the context of these standards, “service” refers more specifically to aspects of a roadway and their condition. Services are seen from the perspective of the user.

~~“Service Level Matrix” the Table(s) established within this policy that specifically defines the service level according to Class of roadway.~~

~~“Service Levels” a range of values that quantify a particular service standard, by one or more parameters, across a range of roadway classifications. Service levels typically reflect a maximum or minimum condition.~~

“Shoulder” that maintained surface immediately adjacent to the traveled surface of the road. The shoulder may be partially or fully hardtop, loose top, grassed, or earth. It is not considered a part of the road for these standards.

“Significant Weather Event” means an approaching or occurring weather hazard with the potential to pose a significant danger to users of the highways within a municipality;

~~“Snow Accumulation” means the natural accumulation of any of the following, alone or together” means the natural accumulation of any of the following that, alone or together, covers more than half a lane width of a roadway:~~

1. Newly--fallen snow.
2. Wind-blown snow
3. Slush

“Snow Packed” conditions refer to winter road conditions where the traveled surface of the road is covered with a buildup of snow and/or ice.

~~“Speed” refers to the average speed at which an average automobile can safely travel on a road without the effects of traffic. This does not refer to design speed or legal speed unless specifically qualified. Posted speed is either legal or advisory.~~

“Standards” quantified statements, defining the nature of a product or activity. Usually such standards are minimum or desirable, and in this context refer specifically to the roadway service standards adopted as policy, by a roadway authority.

“Storm” conditions or effects are when natural or external effects are acting upon the roadway to reduce the condition as defined by one or more roadway service standards. It does not refer to weather conditions that do not impact on the infrastructure. Storm

conditions could include wind, rising and/or moving water, precipitation, cold temperatures (below -15C), snowfall, freezing rain, hail, blowing snow, etc.

“Substandard” refers to a condition that is outside the defined standard. Normally a substandard condition requires a response, unless otherwise considered in the standard.

“Supervisor” refers to a person in the Public Works Department who is accountable for the deployment of operations that impact on the condition or roadway services.

“Surface” the exposed top of the traveled road and includes adjacent surfaces for turning or stopping, but not parking or shoulders.

“System” refers to a collection of roadways, typically of various classifications, owned by a single road authority.

“User” refers to any person traveling on or over the roadway, including vehicle operators, passengers and pedestrians.

“Winter” the season when cold weather effects on road conditions can be reasonably expected and as specified herein.

Policy:

Winter Response

This level of service policy covers these activities which are required to produce safe driving conditions for a driver acting responsibly and operating their vehicle, at all times, reasonably with due regard for the prevailing weather and roadway conditions, acting responsibly, during those times of the year in which winter conditions can be anticipated.

An analysis of historical winter operations, ns, nal records for the period of 2001 to 2010 inclusive indicates that on average the first occasion for which a winter response is required will occur on or about November 15 and the commencement of continuous winter operations will typically occur beyond December 15 of each year. The need for an ongoing response will on average continue to approximately March 15 of each winter season and the last date for which a response is required will be about April 8 of each season. Acknowledging that winter conditions can occur before and after these periods, the City of Kawartha Lakes will prepare the conversion of its resources from summer to winter maintenance mode to meet the following state of readiness

Beginning of Winter 50% Operational October 31

Level of Service Policy - Roadway Winter Maintenance(Policy Name Here)

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	Initiate Winter Patrol	November 1
	100% Operational	November 15
	Initiate Night Patrol	November 15
End of Winter	100% Operational	March 31
	End of Winter Night Patrol	April March 1531
	50% Operational	April 15

The winter control resources of the City of Kawartha Lakes consists of single axle and, tandem axle combination plow/spreader trucks, and graders equipped to plow (if required), and pick-up trucks equipped with plows, with sufficient operators for the current number of plow routes, organized in a one day one day shift. In order to ensure that these resources are employed as efficiently and effectively as possible, the City of Kawartha Lakes adopts a policy of having the resources deployed generally when the needs are required as per the adopted Levels of Service.

An analysis of the variation of traffic over time, based on traffic engineering principles, demonstrates that 85 to 90% of the average daily traffic can be anticipated between the hours of 5 a.m. and 9 p.m. Therefore, the City of Kawartha Lakes will focus its efforts to meet this demand. Outside this period, the City allocates employs a small amountsmall number of additional operators of resources to act during the evening and night time hours. The function of this partial second shift will be to maintain the high volumemain arterial roads in a safe and passable condition for emergency response purpose and to address localized substandard conditions that may be observed in the course ofduring their rounds.

A full call out of winter maintenance resources between the hours of 9:00 pm and 4:00 am will not as a general rulegenerally be made except where weather and road conditions deteriorate to the state where the travelled road network has compromised the road users' safety. Otherwise, the City of Kawartha Lakes will strive to achieve the objectives of this policy through the use of the evening and night timenighttime hours as specified above.

Winter maintenance activities covered by this policy include snow fencing, continuous plowing, spot plowing, continuous sanding/salting, spot sanding/salting, ice blading, winging back banks, snow removal, the provision of winter drainage outlets, and road patrolling during normal ambient and storm conditions.

Snow Clearing Level of Service:

Level of Service Policy - Roadway Winter Maintenance(Policy Name Here)

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The policy for snow clearing is, after becoming aware that snow accumulation on a roadway is greater than the depth set out in Table 1, to deploy resources as soon as practicable to clear address the snow accumulation. After the storm has ended, response will reduce the snow accumulation to a depth and at a time less than or equal to the values identified in Table 1. In addition, response will establish a minimum lane width of the lesser of three meters for each lane or the actual lane width, or on a Class 4 or Class 5 highway with two lanes, to provide a total width of at least five meters,s after becoming aware of the fact that the snow accumulation is greater than the depth set out in Table 1 below and to ensure that the accumulation of snow is maintained at a level less than or equal to the maximum depth indicated within the time allowed for in the policy for the duration of the storm. During the storm conditions the objective will be to maintain only the through lanes but not less than 3.0 metres in width per lane, as described above, and left hand turn lanes in each direction. Ancillary areaslanes such as right turn lanes, intersection ramps, acceleration/deceleration lanes, shoulders and parking lanes will only be treated after all roads have been addressed.

Once the snow accumulation has ended, and within the time specified after the end of the storm, the objective shall be to return the road to at least the minimum surface condition as shown in Table 1. For Class 1, 2, 3 and 4 roadways, after the storm has ended, clearing operations will clear the snow from the edge of roadway and all ancillary areaslanes and ramps etc. For Class 5 roads with two lanes, if after the snow accumulation has ended, the snow accumulation is greater than the depth set out in Table 1, the objective will be to clear the snow accumulation to a depth less than or equal to the depth set out in Table 1 and to a width of at least the width of the 3.0 metre lane and shall be maintained and open for the public's use within the time period, after the end of the storm to provide a total width of at least five metresmeters.

On gravel roads and surface treated (high float) roads, Once the a snow pack has been adequately established on the roads, the objective will be to remove all new fallen snow and reinstate the hard pack surface with winter abrasives within the time frames indicated. Ice blading of snow packed surfaces will be undertaken as necessary to provide additional traction as determined by the Area Manager or designate (Supervisor, Acting Supervisor or Lead Hand under the direction of the Area Manager). Surface treated (high float) roads may also be plowed bare when/if conditions allow as determined by the Area Manager or designate.

The maximum allowable accumulation provision of this policy does not apply to that portion of the road designated for parking. Snow removal from parking areas will only be completed after all other areas have been cleared.

Snow clearing is provided for the safe operation of vehicles. Road surfaces and shoulders are not cleared with the intent of accommodating pedestrian movement.

Refer to the Level of Service Policy – Sidewalk Winter Maintenance for details on pedestrian infrastructure.

For the purpose of this level of service policy addressing snow accumulation includes:

- a) Plowing the roadway
- b) Salting the roadway
- c) applying abrasive materials to the roadway
- d) applying other chemical or organic agents to the roadway
- a)e) any combination of the methods described in items (a) to (d)

Table 1 – Snow Accumulation Level of Service:

Minimum Maintenance Standards Classification	Response to Snow Accumulation	
Road Class	Maximum Depth	Response Time Cycle
1	N/A	N/A
2	<u>52.5</u> cm	<u>64</u> hours
3	<u>82.5</u> cm	<u>124</u> hours
4	8 cm	<u>162</u> hours
5	<u>108</u> cm	<u>124</u> hours

Ice Blading

Ice blading is completed to reduce ice build-up, increase tire friction as well as aid with abrasive retention. These operations will be completed by the City at the discretion of the Area Supervisor and as time permits once a roadway has significant ice build-up or when snow packed roads ice over.

Sanding and Salting Roads:

The objective will be to deploy resources as soon as practicable, after becoming aware of the fact that ~~the road surface is in a snow or ice covered condition~~ ice may be forming on roadways and the safe operation has dropped below the threshold in accordance with the response times indicated in Table 2. The response will be to treat the road-way or sections thereof with deicing chemicals and/or abrasives as appropriate to remove the ice or provide traction within the timeframes indicated in Table 2 for such response.

~~It is the objective of the actions taken to improve the surface conditions of the road within the time shown in Table 1, such that the safe operation on the road will meet or exceed levels as shown in the Table 2.~~

Table 2 – Icy Roads Response Level of Service:

CKL Road PriorityClass	Response Time
1—Arterial	4 hoursN/A
2—Collector	48 hours
3—Residential	8 hours
4	12 hours
5	16 hours

Winging Back Of ~~Snow Banks~~Snowbanks:

At various times during a winter ~~season~~season, it may be necessary to wing back snow banks in order to reduce the height of the banks so that driver visibility is not impaired and/or provide space to store additional snow. TypicallyTypically, this work will be undertaken in rural and urban residential areas.

~~The objective will be to deploy resources on roadways within the response time frames after becoming aware that the snow banks exceed the height specified and to reduce the height of the banks to at or below the height indicated in Table 3 within the time frames specified for each classification of roadway.~~

Table 3—~~Snow Bank Winging Back~~ Level of Service:

	Objective to Address Snow Banks	Snow Bank Height	
CKL Road Priority	Response Time	Maximum Height (Metres)	Cycle Time
1—Arterial	24 hours	0.9	24 hours
2—Collector	48 hours	0.9	48 hours
3— Residential	48 hours	0.9	48 hours

No objective is established for the necessity to wing back banks for purposes of creating additional snow storage. Such work will be undertaken as and when it is deemed necessary to do so by the Area-Supervisor and time is available to undertake such work between winter events and other priority work.

Snow Removal:

Removal and disposal of snow in an approved snow disposal facility is carried out in those areas where inadequate physical space exists to store the snow and/or the

presence of snow banks interferes with the movement of pedestrian traffic. Snow will be removed from the central business districts of the City of Kawartha Lakes, at cross walks and other designated built up areas within the City.

The objective will be to deploy resources on roadways within the response time frames after becoming aware that the snow banks parallel to the roadway and away from the legal cross walk areas exceed the heights specified in Table 3 and Table 4. Respond includes reducing the height of the banks to at or below the heights indicated and within the time frames specified for each classification of roadway, and to reduce the height of the banks to at or below the height indicated in Table 34 within the time frames specified for each classification of roadway.

Table 34 – Snow Removal Level of Service, Urban/ Built Up Areas, Roadside Central Business Districts and Legal eCross- wWalks and other esignated Areas:

	Objective to Address Snow Banks	Snow Bank Height
<u>CKL</u> Road PriorityClass	Response Time	Maximum Height (Metres <u>meters</u>)
<u>1 – Arterial</u>	<u>48 hours</u> <u>N/A</u>	<u>0.59</u> <u>N/A</u>
<u>2-5</u>	<u>48 hours</u>	<u>0.5</u>

At all cross walks and intersectionsintersections, the objective will be to deploy resources within the response time frames after becoming aware that the snow banks parallel to the roadway and away from the legal cross walk areas exceed the height specified and to reduce the height of the banks to at or below the height indicated in Table 45 within the time frames specified for each classification of roadway.

Table 45 – Snow Removal Level of Service, Intersections and Roadside for O other bBuilt uUp aAreas Cross Walks:

	Objective to Address Snow Banks	<u>Snow Bank Height</u>
<u>CKL</u> Road PriorityClass	Response Time	Maximum Height (Metres <u>meters</u>)
<u>1 – Arterial</u>	<u>24 hours</u> <u>N/A</u>	<u>0.6</u> <u>N/A</u>
<u>2 – Collector</u> <u>53</u>	<u>48 hours</u>	<u>0.69</u>

43— 5Residential	48 hours	0.6
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~~Winter Patrolling Level of Service – Winter Season Conditions:~~

~~Winter patrolling during the occurrence of winter events, conditions shall be in accordance with Table 7. Patrolling shall be carried out by driving or monitoring of weather service providers and other Value Added Meteorological Services (VAMS) to ascertain conditions and the need for a response. Patrolling of a representative sample of the road system shall be deemed to be sufficient to identify problem areas.~~

~~Table 6 – Winter Representative Patrolling – Winter Season Levels of Service:~~

GKL Road Priority	Cycle
1 – Arterial	1 x per day
2 – Collector	Once every 3 days
3 – Residential	Once every 7 days

~~Winter Patrolling – Night, Evening and Weekend Conditions:~~

During the season when a municipality performs winter highway maintenance, the minimum standard for patrolling highways is, ~~in addition to that set out to that noted above,~~ to patrol highways, that the municipality selects as representative of its highways, as necessary, to check for conditions requiring winter control maintenance. The City of Kawartha Lakes shall provide a winter ~~night~~-patrol ~~between the hours of 3:30 p.m. and 7:00 a.m. for~~ during the period of the year when continuous winter operations can be anticipated. The purpose of ~~the night~~winter patrol will be to monitor weather and roadway conditions ~~during the night time hours and~~ to assist in addressing ~~localized~~-substandard conditions found ~~during~~ in the course of its patrolling. The objective will be to maintain the roads in passable condition until the regular shift comes on duty at 7:00am or ~~to~~ commence full or partial maintenance operations at 4:00 a.m.

Declaration of a Significant Weather Event

As per Regulation 239/02 of the Municipal Act 2001, an Ontario municipality may declare a significant weather event when a weather hazard is approaching or occurring and has the potential to pose a significant danger to users of the highways in which they have authority over. This declaration suspends the standard timelines required for municipalities to meet their winter maintenance objectives until the municipality declares the significant weather event has ended. In each case, during the course of a declared significant weather event, the standard for addressing winter maintenance is to monitor the weather and to deploy resources to address the issue starting from the time that the

municipality deems it appropriate to do so. When the municipality has declared the event has ended, the standard timelines for winter maintenance activities will begin.

The City of Kawartha Lakes may declare a significant weather event when the weather forecast or actual weather condition includes one or more of the following conditions:

- Significant snow accumulation during a 24-hour period,
- Ice formation that occurs with no warning from the weather forecast,
- High winds leading to large snow drifts,
- Cold temperature when de-icing operations will not be effective.

The Director of Public Works or designate has the authority to declare a significant weather event. In the event the City of Kawartha Lakes declares a significant weather event the City will notify the public in one or more of the following ways:

- 1) By posting a notice on the municipality's website.
- 2) By making an announcement on a social media platform, such as Facebook or Twitter.
- 3) By sending a press release or similar communication to internet, newspaper, radio or television media.
- 4) By notification through the municipality's police service.
- 5) By any other notification method required in a by-law of the municipality. O. Reg. 366/18, s. 15.

Snow Fencing:

~~The City may erect snow fencing in rural areas where experience has identified a frequent localized build up/buildup of wind blown/windblown snow. Maintenance staff will monitor conditions over the course of the winter and identify potential sites where the erecting of snow fence has the potential to reduce the number of responses. The potential sites for installation of snow fence will be reviewed by area maintenance staff in the fall of each year and those locations having the greatest potential to reduce the number of site specific responses approved for the installation of snow fence. Snow fencing if deemed appropriate will be erected by November 15th of the year and will be removed not later than April 15th so as to not interfere with agricultural operations.~~

Winter Drainage:

Throughout the winter season it is common for culverts and/or ditches to freeze and/or become obstructed and hold back upstream water which can then flood the roadway

and freeze causing an ice covered surface. The City will deploy resources as soon as practicable after becoming aware of the fact to address winter drainage issues and prevent water from freezing on the roadway.

Windrows Left by Winter Maintenance Operations:

Municipal winter road clearing operations can cause windrows to form at the end of entrances. Municipal operators do not intentionally block driveways. Operators, but they have limited control over the amount and direction of snow that comes off the plow. The Municipality does not clear entrances/driveways and will not alter plow operations to remove windrows under any circumstances.

Sanding Roads for Walking:

Roads are maintained for drivers, not walkers. Sanders are designed with the applicator in the centre of the truck to apply sand to the centre of the road.

The Municipality understands the desire for fresh air and exercise but during the winter months it may not always be safe to walk on the side of the road. Icy conditions, poor visibility and snow clearing operations may create dangerous conditions for people and vehicles to share the roadway. At these times, residents are encouraged to stay off the roads and find an alternate source of exercise.

Revision History:

Proposed Date of Review:

Revision	Date	Description of Changes	Requested By
0.0	<u>November 29, 2005</u> [Date]	Initial Release	
<u>1</u>	<u>December 10, 2011</u>	<u>Refinement to MMS Standards</u>	
<u>2</u>	<u>October 27, 2015</u>	<u>Refinement to reflect service delivery in the field</u>	

Level of Service Policy - Roadway Winter Maintenance~~(Policy Name Here)~~

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<u>3</u>	<u>November 16, 2021</u>	<u>Amended to meet MMS and Council directed Level of Service</u>	
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Council Policy No.:	C-125-EPW-011 <u>CP2021-xxx</u>
Council Policy Name:	Sidewalk Level of Service Policy - <u>Sidewalk</u> Winter Maintenance
Date Approved by Council:	November 29, 2005
Date revision approved by Council:	November, 2013 December, 2015 November 16, 2021
Related SOP, Management Directive, Council Policy, Forms	<u>CP2021-xxx Level of Service Policy – Road Winter Maintenance</u>

Policy Statement and Rationale:

-It is the objective of the City of Kawartha Lakes, Public Works Department to apply its operational activities in an efficient and effective way, ~~so as~~ to provide safe walking conditions consistent with a small town or village setting during those times of the year when winter conditions can be expected. ~~The goal will be to achieve the levels of service as defined herein 75% or more of the time. The purpose will be to achieve the Levels of Service as defined herein, and in no case shall the Levels of Service provided be allowed to fall below the Minimum Maintenance Standards provided for in the Municipal Act SO 2001 c. 25 as identified in and the Minimum Maintenance Standards O. Reg. 239/02 as amended by O. Reg.47/13 made thereunder.~~

Scope:

This policy shall apply to all sidewalks within road allowances assumed and maintained by the City of Kawartha Lakes. Notwithstanding the foregoing, neither the Corporation of the City of Kawartha Lakes nor its officials or employees make any promise, assurance or guarantee that the services provided by the Public Works Department will be in excess of the minimum as detailed herein.

Inherent within the standard is the expectation that users will act responsibly and will act, at all times, reasonably with due regard for the prevailing weather and sidewalk conditions.

Definitions:

Ambient Conditions are conditions that are commonly found in a stabilized environment. Normally in ambient conditions there are no negative effects actively reducing the existing conditions. i.e. Storm, excess traffic or construction effects are not in evidence. (See **Storm** conditions.)

Aspects the context of these standards refers to specific elements of sidewalk service, which are defined by these standards.

“As Soon As Practicable” shall mean without undue delay.

~~Bare conditions refer to winter sidewalk conditions where all traveled portions are effectively clear of snow build-up or general ice conditions that might impair safe pedestrian sidewalk travel under ambient conditions.~~

Central Business District “CBD” means the central business district of an urban area ~~(unless covered by By-Law)~~. It is the location where ~~the majority of much of~~ the commercial activity of the urban area is undertaken or as defined by the boundaries of a Business Improvement Area (BIA).

Conditions define the state in which the subject matter is found. The policy indicates the condition being measured.

~~Cycle is that time interval between inspections conducted for a specific purpose. Consideration can still be made for inspection cycle time adjustments at the discretion of the Supervisor for mitigating circumstances, which are of an uncommon, or unpredictable, nature.~~

Day is a calendar day. (See also working day.)

Effect is the acting of an external influence on the condition of any aspect of the sidewalk.

Improved condition refers to the condition being better than it was before, from the perspective of a typical user, all other effects being equal.

Inspection is the activity performed by a qualified person, authorized and directed by the Director of Public Works or designate(s) to investigate and report on the relevant conditions of the sidewalks.

~~**Localized** conditions, for the purpose of these standards, that occur on short lengths of sidewalk specifically on bridges, intersections, curves and hills.~~

~~**Notice** of an effect or condition is considered given when received by an appropriate employee of the road authority.~~

Policy(ies) decisions of a formal nature made by the road authority and/or municipal council to enable, qualify and govern the activitiesmission of the road authority as requireddirected by law.

Operations means those activities the Public Works Department performs to improve a condition or maintainsustain the sidewalk standard. ~~Operations are normally defined by guidelines (not policy), with discretion of the Supervisor to choose various methods to achieve results cost-effectively.~~

Response describes the eatreasonable action taken by the roadway authority when informed or reasonably aware of an effect or condition. Monitoring an effect or condition may constitute a response. A reasonable response ~~takes into account~~ considers the relevant standards.

~~**Roadside** refers to all features that make up the roadway within the jurisdiction of the roadway authority, except for the road surface itself.~~

Roadway Authority indicates the public agency accountable for the status and condition of the roadway. This refers to the Corporation of the City of Kawartha Lakes and its designated officials or agents.

Section refers to a portion of a sidewalk. A sidewalk section is commonly used for construction costing, inventory control in Maintenance Management Systems, Road Needs Studies, Pavement Management Studies, and Priority Planning and Budgeting.

Service can be defined in two contexts. In the larger context any municipal activity is a service. A roadway network is a service, as is a library, potable water supply, etc. When used in the context of these standards, “service” refers more specifically to aspects of a pedestrian walkway and their condition. Services are seen from the perspective of the user.

~~**Service Levels** a range of values that quantify a particular service standard, by one or more parameters. Service levels typically reflect a maximum or minimum condition.~~

Shoulder that maintained surface immediately adjacent to the traveled surface of the road. The shoulder may be partially or fully hardtop, loasetop, grassed, or earth. It is not considered a part of the road for these standards.

Sidewalk a hard surfaced, typically concrete or asphalt pathway within the public road allowance intended for the use of pedestrians.

Snow Accumulation ~~means the natural accumulation of any of the following, alone or in combination~~ means the natural accumulation of any of the following that, alone or together, covers more than half a lane width of a roadway:

- Newly fallen snow
- Wind-blown snow
- Slush

~~**Snowpacked** conditions refer to winter sidewalk conditions where the traveled surface of the sidewalk is covered with a buildup of snow and/or ice and allows the user to manage safe travel.~~

Storm conditions or effects are when natural or external effects are acting upon the sidewalk surface condition. It does not refer to weather conditions that do not impact on the infrastructure. Storm conditions could include wind, rising and/or moving water, precipitation, cold temperatures (below -15°C) snowfall, freezing rain, hail, blowing snow, etc.

~~**Substandard** refers to a condition that is outside the defined standard. Normally a substandard condition requires a response, unless otherwise considered in the standard.~~

Supervisor refers to a person in the Public Works Department who is accountable for the deployment of operations that impact on the condition of sidewalk services.

User refers to any person travelling on or over the sidewalk.

Winter that season when cold weather effects on sidewalk conditions can be reasonably expected and as specified herein.

Policy: Winter Response

This Level of Service policy covers those activities that are required to produce safe walking conditions for a pedestrian acting responsibly and exercising due caution, during those times of the year in which winter conditions can be anticipated.

The internal sidewalk winter control resources of the City of Kawartha Lakes consist of ~~Trackless S~~sidewalk snow clearing units complete with plow and blower attachments and wintertag along de-icing and/or abrasive spreading capabilitiesunits. The City employs sufficient operators to operate each unit to meet the levels of service detailed in this policy. These in house resources are supplemented with contracted resources, as needed, to meet the Cities overall obligations. In order to ensure that these resources are employed as efficiently and effectively as possible, the City of Kawartha Lakes adopts a policy of having the resources deployed generally when, and where, the needs are required as per the adopted Levels of Service.

~~In order to ensure that these resources are employed as efficiently and effectively as possible, the City of Kawartha Lakes adopts a policy of having the resources deployed generally when the needs are greatest.~~

The activities covered by this standard include continuous plowing, spot plowing, continuous sanding/salting, spot sanding/salting and inspection during normal ambient and storm conditions.

Snow Clearing Level of Service

The policy for snow clearing is to deploy resources as soon as practicable to clear snow accumulations after becoming aware that the snow accumulation is greater than the depth set out in Table 1 below and to ensure that the accumulation of snow is maintained at a level less than or equal to the maximum depth indicated within the time allowed for in the policy for the duration of the storm. For the purposes of this policy addressing snow accumulation on a sidewalk includes,

- (a) plowing the sidewalk;
- (b) salting the sidewalk;
- (c) applying abrasive materials to the sidewalk;
- (d) applying other chemical or organic agents to the sidewalk; or
- (e) any combination of the methods described in clauses (a) to (d).

The following sections of sidewalk are not maintained by the City in the winter:

- Little Bobcaygeon Bridge (east side), Bobcaygeon
- Big Bobcaygeon Bridge (east side), Bobcaygeon
- Rock Street, between Elizabeth Street and Baseline Road (north side), Coboconk
- Asphalt extension of sidewalk from #42 Maguire St. to the Victoria Rail Trail (north side), Lindsay
- Concrete sidewalk adjacent to #47 Deacon Cres (north side) from Deacon Cres heading east to the Victoria Rail Trail, Lindsay

- Footbridge known as “The Rainbow Bridge” connecting Rainbow Bridge Park to the Scugog River Trail, Lindsay
- Concrete sidewalk adjacent to #25 Barron Blvd (south side) from Barron Blvd heading west to City of Kawartha Lakes property, Lindsay
- Concrete sidewalk adjacent to #19 Albert St N (south side), #86 Peel St (south side), and #88 Peel St. (south side), Lindsay
- Gravel walkway adjacent to #107 Lindsay St S (north side) from Trailway Lane (adjacent to #14 Trailway Lane) heading east to #93 and #118 Lindsay St. S., Lindsay
- Asphalt walkway on the south side of Dobson St from the intersection of Logie St and Dobson St heading East to the Trans-Canada Trail, Lindsay

Icy Sidewalks - Sanding and Salting

The objective will be to deploy resources as soon as practicable, after becoming aware that ice has formed on a sidewalk, or part thereof. ~~the sidewalk is snow or ice covered.~~ The response will be to treat the sidewalk or sections thereof with deicing chemicals and/or abrasives (as appropriate) to treat the ice or snow and provide improved traction within the timeframes indicated in Table 1 and 2 for such response.

Table 1 – Snow and Ice Accumulation and Surface Condition Sidewalk Level of Service

Response to Snow Accumulation		
Area/ Road Class	Maximum Depth	Response Time
CBD (unless covered by By-Law) 1 - 5	≥ 5 cm	48 hours
Arterial	5 cm	12 hours
Collector	10 cm	24 hours
Local Residential	10 cm	48 hours

Sanding and Salting

~~The objective will be to deploy resources as soon as practicable, after becoming aware that the sidewalk is snow or ice covered. The response will be to treat the sidewalk or sections thereof with deicing chemicals and/or abrasives (as appropriate) to treat the ice or snow and provide improved traction within the timeframes indicated in Table 1 and 2 for such response.~~

Table 2 – Ice Covered Sidewalk Response Level of Service

Area/Class	Response Time
CBD (unless covered by By-Law)	6 hours
Arterial	6 hours
Collector	8 hours
Local Residential	12 hours

Winter Sidewalk Inspection Level of Service – Routine Conditions

~~Winter sidewalk inspection during daylight hours of the winter season shall be as specified in Table 5 of this Policy. Inspection is that activity which the road authority undertakes in an effort to~~ inform itself of, and document the condition of, its sidewalks. The City of Kawartha Lakes shall inspect its sidewalks via a representative route and shall be performed to achieve the requirements outlined in Ontario Regulation O. Reg. 366/18, s. 16.7(1) and O. Reg. 366/18, s. 16.7(2), as amended. once per day or once per shift (whichever is greater) during the period of winter control. Patrolling a sidewalk consists of visually observing the sidewalk, either by driving by the sidewalk on the adjacent roadway or by driving or walking on the sidewalk or by electronically monitoring the sidewalk, and may be performed by persons responsible for patrolling

roadways or sidewalks or by persons responsible for or performing roadway or sidewalk maintenance activities, so that the maximum cycle length as specified in Table 5 is not exceeded. Winter inspection may be achieved by making observations while driving on the adjacent roadways or walking representative sections of the walks. Winter inspection will take place during normal operating hours. Winter inspection will not occur between sunset and sunrise. Winter inspection may be achieved by patrol of representative roads/sidewalks as determined by the Municipality.

Central Business District (CBD) – Roles and Responsibilities

In the CBD areas of the City of Kawartha Lakes (City) sidewalk winter maintenance shall be performed as stated in this policy; the City will provide a single pass of a sidewalk unit providing a minimum one-meter-wide pathway for pedestrian travel. Adjacent property owners are responsible for the clearing of snow in-front of their properties in all areas not serviced by the City, and providing access points to designated on-street parking. No snow is to be placed onto the roadway or designated on-street parking areas. Snow is to be placed, by adjacent property owners, on the paved boulevards at or near the curb line. Snow removal activities, performed by the City, shall be carried out as defined in Council Policy C124EPW010 Roadway Level of Service Policy Winter Maintenance

Declaration of a Significant Weather Event

As per Regulation 239/02 of the Municipal Act 2001, an Ontario municipality may declare a significant weather event when a weather hazard is approaching or occurring and has the potential to pose a significant danger to users of the highways in which they have authority over. This declaration suspends the standard timelines required for municipalities to meet their winter maintenance objectives until the municipality declares the significant weather event has ended. In each case, during the course of a declared significant weather event, the standard for addressing winter maintenance is to monitor the weather and to deploy resources to address the issue starting from the time that the municipality deems it appropriate to do so. When the municipality has declared the event has ended, the standard timelines for winter maintenance activities will begin.

The City of Kawartha Lakes may declare a significant weather event when the weather forecast or actual weather condition includes one or more of the following conditions:

- Significant snow accumulation during a 24-hour period,
- Ice formation that occurs with no warning from the weather forecast,
- High winds leading to large snow drifts,
- Cold temperature when de-icing operations will not be effective.

The Director of Public Works or designate has the authority to declare a significant weather event. In the event the City of Kawartha Lakes declares a significant weather event the City will notify the public in one or more of the following ways:

- 1) By posting a notice on the municipality's website.
- 2) By making an announcement on a social media platform, such as Facebook or Twitter.
- 3) By sending a press release or similar communication to internet, newspaper, radio or television media.
- 4) By notification through the municipality's police service.
- 5) By any other notification method required in a by-law of the municipality. O. Reg. 366/18, s. 15.

Table 5 – Winter Inspection Level of Service

Ambient Condition Minimum Standard	
Glass	Cycle
Central Business District “CBD” (unless covered by By-Law)	1 x every 7 days
Arterials	1 x every 7 days
Collectors	Once every 7 days
Locals	Once every 14 days

Revision History:

Proposed Date of Review:

Revision	Date	Description of Changes	Requested By
3	November 16, 2021	Alignment to MMS	Bryan Robinson

Committee of the Whole Report

Report Number: RD2021-007
Meeting Date: November 2, 2021
Title: Policy Review - Assumption of Private and Unassumed Roads
Description: Review of CP2017-001 Assumption of Private and Unassumed Roads Policy
Author and Title: Bryan Robinson, Director of Public Works

Recommendation(s):

That Report RD2021-007, Policy Review - Assumption of Private and Unassumed Roads, be received;

That the proposed amendments to Council Policy CP2017-001 attached to this report as Appendix A be approved; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Council Meeting of April 20, 2021 Council adopted the following resolutions:

CW2021-095

That Report **CAO2021-003, Proposed Council Policy Review Program**, be received;

That the Council policies listed in Appendix B to report CAO2021-003, and substantially in their current form, be confirmed, renumbered and approved;

That the Council policies listed in Appendix C to report CAO2021-003, be rescinded; and

That the Council policies listed in Appendix D to report CAO2021-003, be referred to staff for review, with recommended changes brought back to Council for consideration and policy approval before end of Q4 2021.

Carried

An excerpt from Appendix D to Report CAO2021-003 is provided in Table 1.

Table 1

Department	Policy Name	Policy Number	Action Required
Public Works	Assumption of Private and Unassumed Roads Policy	CP2017-010	Review - Update Required

This report addresses the above noted direction from Council.

Rationale:

Council Policy CP2017-001 was emplaced by Council in 2017 to address assumption of legacy private and unassumed roads where there is desire by local residents and/or Council to assume the road into municipal inventory for full operational maintenance and capital improvement.

Proposed amendments to the Council Policy include definition clarification, clarification of qualifying roads and minimum assumption criteria. Of note, the Policy now clearly states that it only applies to existing roads that were in existence prior to 2017. Any

roads constructed subsequent to this date would be considered in conjunction with planning approvals.

The Policy is not intended to facilitate the construction of new roads, nor assumption of roads under existing planning/development processes.

Other Alternatives Considered:

No alternatives are being considered at this time. Council could opt to request additional or modified amendments to the Policy.

Alignment to Strategic Priorities

This report aligns with the 2020-2023 Kawartha Lakes Strategic Plan as follows:

1. An Exceptional Quality of Life

By enabling a process for residents to improve and request assumption of roads, Council is providing opportunity to address ongoing maintenance requirements and improve overall quality of life while living in a rural environment.

2. Good Government

By establishing and maintaining this Policy, Council is ensuring that roads assume for maintenance meet minimum criteria and will not place an undue burden on the tax base.

Financial/Operation Impacts:

There are no direct fiscal or operation impacts by implementing the amendments proposed within this Policy. However, with the assumption of private and/or unassumed roads, it will generate additional operational maintenance and capital costs related to ongoing maintenance and improvement. As additional roads are assumed, it places additional pressure on existing resources for grading and winter maintenance and will trigger need for more resources (labour, materials and equipment).

Consultations:

City Solicitor

PW Roads Operation Managers

Supervisor, Development Engineering

Attachments:

Appendix A – Draft proposed amendments to CP2017-001



Proposed
Amendments to CP20

Department Head email: brobinson@kawarthalakes.ca

Department Head: Bryan Robinson

Council Policy

Council Policy No.:	CP2017-010
Council Policy Name:	Assumption of Private and Unassumed Roads
Date Approved by Council:	March 21, 2017
Date revision approved by Council:	November 16, 2021
Related SOP, Management Directive, Council Policy, Forms	

Policy Statement and Rationale:

This policy establishes guidelines ~~and minimum standards~~ for un~~assumed~~~~maintained~~ ~~municipal~~ roads, ~~seasonal roads~~ and private ~~lanes~~ ~~roads in existence prior to January 1, 2017,~~ within the City of Kawartha Lakes ~~proposed~~~~required~~ for assumption consideration. This Policy does not include road(s) that are included within active subdivision agreements being administered by Development Engineering. The goal of this policy is:

- To ensure consistency in the upgrading of existing ~~private and unassumed, and unimproved and construction of new municipal~~ roads considered for assumption;
- To ensure adherence to the relevant Official Plan policies;
- To ensure that ~~the City is assuming proponents build new existing municipal roads that meet~~ a minimum requirements~~municipal standard~~;
- To ~~prevent~~~~avoid~~ passing any ~~new road construction or improvement development related~~ costs to general ratepayers of the municipality;
- To ensure that proponents upgrading existing ~~unassumed seasonal~~ or private roads ~~to municipal roads~~ abide by a defined minimum requirements~~criteria~~~~municipal standard~~; and

- f) To control the means by which the City of Kawartha Lakes may assume private and/or seasonally maintained unassumed municipal roads to provide fairness and consistency; ~~and~~

~~g) To control the use and development of unopened road allowances.~~

Scope:

The City shall only consider through this policy the assumption of existing unassumed roads, roads created through Planning Act easement, or existing private roads where the road existed prior to January 1, 2017. ~~The policy may also consider roads within an existing plan of subdivision that were not previously assumed by the City.~~ The policy shall not be used to consider the assumption of new roads constructed after January 1, 2017 or where ~~where~~ assumption is governed by the Subdivision Agreement and By-Law 2016-059, as amended. ~~If the Subdivision Agreement has been frustrated so that assumption can no longer be effected through that agreement, this policy applies.~~ The policy shall not be used to consider the assumption of any roadways subject to a Plan of Condominium or where roads were intended to remain private as part of a development agreement.

Definitions

- a) "City" shall mean the Corporation of the City of Kawartha Lakes.
- b) "Council" shall mean the municipal Council of ~~t~~The Corporation of the City of Kawartha Lakes.
- c) "Director" shall mean either the Director of Public Works or Director of ~~f~~ Engineering and Corporate Assets or his/her designates.
- ~~d)~~ "Assumed Municipal Roads" shall mean roads and highways in municipal ownership and that have been assumed by the municipality for year-round maintenance and capital improvement by the municipality.
- ~~d)e)~~ "Petition" shall mean an official petition meeting the requirements outlined in the City of Kawartha Lakes Procedural By-law, as amended.
- ~~e)f)~~ "Private Roads" shall mean roads in existence prior to January 1, 2017 and lanes on property held in private ownership that have not been assumed by the municipality, which provide access by means of a registered right-of-way to private property; the use and maintenance of which is the responsibility of the abutting land owners.
- ~~f)g)~~ "Proponents" shall mean developers, residents, or ratepayers or other associations who are requesting the municipality assume for maintenance and capital improvement purposes an existing unassumed road and/seasonal or private road so that it becomes an assumed municipal road or seasonal road.

Specifically, proponents include property owners that have frontage on the road and/or receive direct benefit from assumption of the road.

g) ~~“Seasonal Roads” shall mean roads that are owned by the City, but on which no winter maintenance is performed on a seasonal basis. Seasonal maintenance could include winter plowing and/or road grading during the period from November 15 through to April 15.~~

h) “Unassumed Road” for the purpose of this By-law shall mean a road(s) in existence prior to January 1, 2017 that are on property owned by the City/municipality that are not maintained or are not maintained on a year round basis. This shall include unopened road allowances. Seasonally maintained Roads are also Unassumed Roads.

Policy:

When submitting a proposal to the City, all documentation and information must satisfy Council that ~~the~~ assumption of the ~~assumed~~ road is in the public interest, ~~and that t~~ The proponent must acknowledge and accept that any and all costs associated with such assumption are to be borne by the proponent(s), and the following criteria must be satisfied/procedures applied.

Assumption: Criteria for Consideration~~Assumption~~

Without being ~~necessarily~~ limited to the following, the following criteria should be considered in determining if it is in the public interest to assume the ~~unopened and~~ unassumed, or private road:

- a) Does the road serve, or will it serve, five (5) or more separate and distinct private parcels of land which are being used, or are capable of being used for the purposes permitted within that zone, on a year-round basis?
- b) Does the road provide access to a City-maintained boat launch, beach or other facility or attraction promoted by the City for public use and tourism?
- c) Would the assumption of the road over-extend existing assumed/municipal roads maintenance programs, operations and resources?
- d) ~~Was the road constructed to the criteria/standards as stated herein, thus avoiding costly future upgrades and/or repair costs to the City?~~
- e) ~~Will the assumption of the road promote further desired development?~~
- f) ~~d) Would further development require the road to be extended?~~
- g) ~~e) Would further development on this road over-extend existing municipal services?~~

- ~~h)~~f) Would the road facilitate the safe and efficient movement of vehiclesgoods and people?
- ~~i)~~g) At least two-thirds (66.6%) of all property owners representing at least one-half (50%) of the value of the lots who will receive direct benefit from the assumption of the road agree to the undertaking of the study and the assumption of the unassumed road by the City. For private roads, 100% of all property owners who will receive direct benefit must agree to the undertaking of the study and the assumption of the private road by the City.
- ~~j)~~h) All property owners required to give up ownership of legal title to the road itself, required road widening or necessary turnarounds have consented to the City's acquisition of their lands.
- ~~k)~~i) Have the Conservation Authorities or the Ministry of Natural Resources and Forestry, whichever has jurisdiction, been notified and are regulations followed where there could be any interference with wetlands or any alterations to shorelines and watercourses?
- ~~l)~~j) The Ministry of Transportation, as applicable required, supports the proposed assumption by the City.
- ~~m)~~k) The proposal conforms to the land use policies of the relevant Official Plan and Zoning By-law if lot creation would occur as a result of the assumption process.
- ~~n)~~l) There is a reference plan prepared by an Ontario Land Surveyor documenting the lands affected by the proposed assumption.
- ~~o)~~m) The Proponent has provided original deeds and certification of title for the lands in question, prepared by the proponent's Solicitor.
- ~~p)~~n) The City has received a legal opinion on the ownership status of the subject road and a risk assessment of assuming or not assuming the road.

Proponent Responsibilities

- a) Initiate and obtain required signatures on a petition requesting assumption of the road and submit the complete petition to the City Clerk's office.
- ~~a)~~b) The cost and associated process of bringing the road up to meet minimum requirementsmunicipal standard will be the responsibility of the proponents. Options will be provided to the proponents for immediate payment or the option to pay over a period of time as permitted under O. Reg 586/06 Local Improvement Charges – Priority Lien Status.

- b)c) Where the proposed right-of-way has a deficient width, all benefitting owners will be required to provide the necessary road widening to the City free and clear of all encumbrances and at no cost to the City.
- e)d) Where the proposed right-of-way dead-ends and a turnaround is thus required, title to the land required for the turnaround must be transferred to the City at no cost to the City.
- e) Prior to the commencement of an independent third party engineering review, performed by a qualified professional, the proponent shall submit to the City a refundable deposit of one thousand dollars (\$1,000.00). Receipt of the deposit will trigger Staff to initiate a third party engineering review of the road. The deposit will be used to cover the third party engineering review costs. Once the estimated full costs for the review are established, the Director of Public Works and/or Director of Engineering and Corporate Assets or their designates will provide the proponent with the estimate and the Proponent will be required to provide additional funds prior to the commencement of the review. The Director of Public Works and Director of Engineering and Corporate Assets or their designates will provide the proponent with an estimate and additional deposit may be required prior to proceeding. This deposit will be used to cover the third party engineering review costs and the amount may be increased as needed if the review is more complex. Any amount of the deposit not needed to cover the third party independent engineering review will be returned to the Proponent.
- d)f) If assumption of a privately-owned road is requested, compliance with By-law to Regulate the Acquisition and Disposition of Municipal Real Property in and for the Corporation of the City of Kawartha Lakes 2010-118 (as amended or replaced) is required. The Proponent(s) Application must make application be made to Realty Services for consideration by the Land Management Team Committee for acquisition of the property and acknowledge that such acquisition will be at full cost recovery to the City. if acquisition of title and assumption is supported by the Committee, the Committee will recommend by Realty Services Staff Report to Council for resolution to acquire title to the road at full cost recovery to the City.

Staff Responsibilities

- a) Upon receipt of a petition requesting assumption of a roadway, City staff will verify the sufficiency of the petition (i.e. Criteria Part g above, petitions not supported by two-thirds of the property owners adjacent to the roadway will not be considered, petitions not supported by all owners giving up title rights will not

be considered, and assumption of portions of a road less than 500 meters will not be considered unless the road links existing maintained City roads).

- b) Upon confirming the petition is complete, City shall administrate an independent third party engineering analysis of the subject road performed by a qualified professional. All costs for the analysis will be borne by the Proponents. This review will include a report on the as-built condition of the existing road by a professional engineer and a cost-benefit analysis to determine the operational costs of maintaining the road and the impact on City resources. In addition, the consultant will prepare, as part of the engineering report, an estimate of all costs relating to the construction or reconstruction of the road proposed for assumption to the standards as stated herein, including road widening required. Commencement of the review will be contingent on receipt of the total funds required to complete the review.
- b) Upon receipt of the engineering report obtained in Part b, City staff will prepare a Council Report and if Council agrees "in principle" with the possible assumption of the road then the works ~~can~~will proceed following confirmation of financing methodology.
- c) ~~Prior to assuming the road section, the City shall request an independent third party engineering review of the subject road, at the Proponent's expense. This review will include a report on the as-built condition of the existing road by a professional engineer and a cost-benefit analysis to determine the operational costs of maintaining the road and the impact on City resources. In addition, the consultant will prepare, as part of the engineering report, an estimate of all costs relating to the construction or reconstruction of the unassumed road to the standards as stated herein. The cost of the independent third party engineering review and cost-benefit analysis will be borne by the Proponents.~~
- d) Full municipal Year round road services will not be provided on ~~unassumed~~seasonal roads or private roads until the subject road is upgraded to the road requirementsstandards as detailed in Appendix "A" to this policy, at the expense of the benefitting property owners; and until Council passes a By-law to formally assume the road ~~and until the subject road is upgraded to the road standards as detailed in Appendix "A" to this policy, at the expense of the benefitting property owners.~~
- e) ~~If assumption of a privately owned road is requested, compliance with By law to Regulate the Acquisition and Disposition of Municipal Real Property in and for the Corporation of the City of Kawartha Lakes 2010-118 (as amended or replaced) is required. Application must be made to Realty Services for consideration by the Land Management Committee and, if acquisition of title and~~

~~assumption is supported by the Committee, the Committee will recommend by Realty Services Staff Report to Council for resolution to acquire title to the road at full cost recovery to the City.~~ Following the transfer of land to the municipality, the Director of Engineering and Corporate Assets and/or the Director of Public Works will advance a [By-law](#) for assumption of the road, pursuant to the provisions of By-law to Delegate to Staff Authority to Approve the Release of City Property Interests in Certain Circumstances 2016-059, as amended.

e)f) [If acquisition of title and assumption is supported by the Land Management Team, the team will recommend via Realty Services Staff Report to Council for resolution to acquire title to the road at full cost recovery to the City.](#)

f)g) If assumption of a privately-owned road is requested, and where acquisition by the City will result in severance(s), the Planning Department will be invited to comment to the Land Management ~~Team~~[Committee](#) that convenes to consider the acquisition and assumption. The Planning Department will consider the implications of the road assumption to ensure that any natural severances conform to the Official Plan policies and Zoning By-law regulations.

g)h) Any formal requests and petitions for road assumption received after August 31st will not be considered until the following year to avoid unreasonable demands on the City's winter control operations.

h)i) The assumption of roads may be implemented through a Development Agreement to the satisfaction of the Directors of Development Services, Engineering and Corporate Assets, and Public Works. The Agreement will include the approved drawings, cost estimates, and securities for the proposed road works.

City Road [Requirements Under this Policy](#)~~Standards~~

Appendix "A" to this policy provide specifics for the Minimum Road Construction ~~requirements~~[Standards](#) that must be met prior to the assumption of any ~~unassumed road unmaintained municipal road~~, or private road. [These road requirements shall only apply to this Policy and shall not be read in relation to other road construction standards.](#)

Road improvement and work necessary to bring a road up to the ~~requirements~~[standards](#) listed in Appendix "A" may include: property acquisition for road allowance widening and/or turnarounds, tree removal, road base and/or surface improvement, drainage improvement, horizontal and vertical alignment improvements, removal of encroachments and signage installation.

Revision History:

Proposed Date of Review:

Revision	Date	Description of changes	Requested By
1.0	March 21, 2017	Initial Release	Council
2.0	November 16, 2021	Replaces 143 EPW 014 Update for clarity and process	Council

Appendix 'A'

Road Construction Requirements Standards for Consideration of Road Assumption Adoption of Urban Roads

Design Criteria	Minimum Standard
Right of Way Width	18.5 <u>20 m</u>
Design Speed	50 kph
Horizontal Radius	80.0 m
Maximum Grade	6.00%
Kcrest	8
Ksag	12
Min Stopping Sight Distance	65.0 m
Min Number of Lanes	2
Lane Width	4.25 <u>3.25 m</u>
Shoulder Width	<u>1.0 m each side</u>
Curbs <u>(Urban only)</u>	Desirable, Concrete, Barrier Type
Sidewalks <u>(Urban only)</u>	Desirable, One side concrete, 1.5 m
Horizontal Clearance	3.0 m
Vertical Clearance	5.25 m
Turn Arounds	OPSD 500.01 or equivalent
Pavement Structure (GBE)	550 mm <u>(Hot Mix Asphalt Surface)</u> <u>450 mm (Gravel Road)</u>
Surface Type	Double Surface Treatment
<u>Surface Type Rural</u> <u>(ADT < 400 vpd)</u>	<u>Gravel</u>
<u>Surface Type Rural</u> <u>(ADT > 400 vpd)</u>	<u>Double Surface Treatment</u>
<u>Surface Type Urban</u> <u>(ADT > 400 vpd)</u>	<u>Hot Mix (per CKL design criteria)</u>
<u>(ADT < 400 vpd)</u>	<u>Hot Mix (per CKL design criteria)</u>
Street lighting	HydroOne and CKL criteria

Signage	As specified in the Ontario Traffic Manual
Drainage	Ditching or storm sewers <u>must</u> outletting to a Municipal Drain, <u>municipal property, approved easement registered on title in favour of the City</u> or <u>approved</u> watercourse.

Notes

- 1 Deviations from the requirements standard may be approved by the Director of Public Works and the Director of Engineering and Corporate Assets where the minimum standards cannot be achieved. The deviation must not result in any significant loss of safety or increased maintenance costs to the municipality.
- 2 The requirements standards detailed above apply only to the assumption of private or unassumed roads and are not the standards applicable to new construction after the date of the adoption of the standard by City Council.
- 3 GBE means granular base equivalent. GBE standard specified is equivalent to 50 mm hot mix over 150 mm granular A over 300 mm of Granular B for asphalt roads and is equivalent to 150 mm granular A over 300 mm of granular B for gravel roads.

Definitions

Kcrest – Road design factor for a vertical curve which when viewed from the side is convex upwards. i.e. A hill

Ksag – Road design factor for a vertical curve which when viewed from the side is concave upwards. i.e. A valley

ADT – Average Daily Traffic

Vpd – vehicles per day

Road Construction Requirements for Consideration of Assumption of Standards for Adoption of Rural Roads

Design Criteria	Minimum Standard
Right of Way Width	20.0
Design Speed	50 kph
Horizontal Radius	80.0 m
Maximum Grade	6.00%
Kerest	8
Ksag	12
Min Stopping Sight Dist	65.0 m
Min Number of Lanes	2
Lane Width	4.25 m
Shoulder Width	1.0 m
Horizontal Clearance	3.0 m
Vertical Clearance	5.25 m
Turn Arouds	OPSD 500.01 or equivalent
Pavement Structure (GBE)	450 mm
Surface Type (ADT < 400 vpd)	Gravel
Surface Type (ADT > 400 vpd)	Double Surface Treatment
Signage	As specified in the Ontario Traffic Manual
Drainage	Ditches outletting to and adequate receiving watercourse or Municipal Drain

Notes

- 1 — Deviations from the minimum standard may be approved by the Director of Public Works and Director of Engineering and Corporate Assets where the minimum standards cannot be achieved. The deviation must not result in any significant loss of safety or increased maintenance costs to the municipality.
- 2 — The standards detailed above apply only to the assumption of private roads or roads constructed on unopened road allowances and are not the standards applicable to new construction after the date of the adoption of the standard by City Council.

3 — ~~GBE means granular base equivalent. GBE standard specified is equivalent to 150 mm granular A over 300 mm of granular B.~~

Definitions

~~Kcrest — Road design factor for a vertical curve which when viewed from the side is convex upwards. i.e. A hill~~

~~Ksag — Road design factor for a vertical curve which when viewed from the side is concave upwards. i.e. A valley~~

~~ADT — Average Daily Traffic~~

~~Vpd — vehicles per day~~

Council Memorandum

Date:	November 2, 2021
To:	Council
From:	Councillor Richardson
Re:	Commercial Truck Traffic

Recommendation

That the Memorandum from Councillor Richardson, **regarding the restriction of Commercial Truck Traffic**, be received;

That staff review the by-law that restricts commercial truck traffic on rural roads and consider Yelverton Road, Ballyduff Road, Waite Road, and Drum Road for inclusion by the end of Q1, 2022; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Rationale

Not all roads are built to the same standard. It is important that our transportation systems facilitate the movement of people and goods and are appropriate for the projected needs.

The current configurations of Yelverton, Ballyduff, Waite and Drum are not sufficient to support the growing number of commercial vehicles that traverse them. These are not major/ arterial roads but rather, minor- rural roads. According to the City's Master Transportation Plan, large commercial trucks are not typically permitted on these types of roadways. The result, is arguably, an accelerated deterioration of these roads- in



2021 we saw the pulverization of Waite and Yelverton Road and their last minute addition to the 5 Year Roads Plan for resurfacing. To that end, I ask that staff review the by-law that currently restricts commercial vehicles in order to ensure the safety, and the longevity, of our transportation network.